START

TITLE: FEDERAL REGISTER.

VOLUME: 58 ISSUES: 26 - 37
PAGES: 7861 - 11782

DATE: FEBRUARY 10 - FEBRUARY 26, 1993

PUBLICATION NO: 2575.00 REEL NO: 3 of 10

NOTES:

THIS PERIODICAL MIGHT BE COPYRIGHTED. IN WHICH CASE THE CONTENTS REMAIN THE PROPERTY OF THE COPYRIGHT OWNER. THE MICROFORM EDITION IS REPRODUCED BY AGREEMENT WITH THE PUBLISHER. DUPLICATION OR RESALE WITHOUT PERMISSION IS PROHIBITED.

UNIVERSITY MICROFILMS INTERNATIONAL. ANN ARBOR. MICHIGAN

VOL
58

ISS
26

FE
10

1993

UMI

U·M·I

THE PAPER AND INK USED IN THE ORIGINAL MATERIAL AFFECT THE QUALITY OF THE MICRO-EDITION. THIS REPRODUCTION IS MADE FROM THE BEST COPY AVAILABLE.

2–10–93
Vol. 58

United S
Governm
Printing
SUPERINTEN
OF DOCUME
Washington,

OFFICIAL BU
Penalty for p

2–10–93
Vol. 58 No. 26

federal register

Wednesday
February 10, 1993

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 93 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
58

ISS
26

FE
10

1993

UMI

2-10-93
Vol. 58
Pages 7861

2–10–93
Vol. 58 No. 26
Pages 7861–7952

federal register

Wednesday
February 10, 1993

Briefing on How To Use the Federal Register
For information on a briefing in Washington, DC, see announcement on the inside cover of this issue.

VOL
58
ISS
26
FE
10
1993
UMI

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche format and magnetic tape. The annual subscription price for the **Federal Register** paper edition is $375, or $415 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $353; and magnetic tape is $37,500. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $4.50 for each issue, or $4.50 for each group of pages as actually bound; or $1.50 for each issue in microfiche form; or $175.00 per magnetic tape. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 58 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	202–783–3238
Magnetic tapes	512–1530
Problems with public subscriptions	512–2303
Single copies/back copies:	
Paper or fiche	783–3238
Magnetic tapes	512–1530
Problems with public single copies	512–2457
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	523–5243
Magnetic tapes	512–1530
Problems with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: March 5 at 9:00 a.m.
WHERE: Office of the Federal Register, 7th Floor Conference Room, 800 North Capitol Street NW, Washington, DC
RESERVATIONS: 202–523–4538

Printed on recycled paper containing 100% post consumer waste

Contents

Federal Register
Vol. 58, No. 26
Wednesday, February 10, 1993

Administrative Conference of the United States
NOTICES
Meetings.
Adjudication and Administration Committees, 7878

Agriculture Department
NOTICES
Agency information collection activities under OMB review, 7878

Commerce Department
See National Oceanic and Atmospheric Administration
See National Telecommunications and Information Administration

Consumer Product Safety Commission
NOTICES
Agency information collection activities under OMB review, 7881

Defense Department
RULES
Sale of military equipment to law enforcement and firefighting agencies, etc.; CFR parts removed, 7865

Delaware River Basin Commission
NOTICES
Hearings, 7882

Education Department
PROPOSED RULES
Special education and rehabilitative services:
Individuals with Disabilities Education Act; implementation—
Serious emotional disturbance definition, 7938

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Natural gas exportation and importation:
Western Natural Gas & Transmission Corp., 7889
Recommendations by Defense Nuclear Facilities Safety Board:
Discipline of operations in changing defense nuclear facilities complex, 7883

Environmental Protection Agency
RULES
Hazardous waste program authorizations:
South Carolina, 7865
PROPOSED RULES
Air programs:
Clean Air Act—
Citizen suits brought on their own behalf, 7870
Radiation protection programs:
Spent nuclear fuel, high-level and transuranic radioactive wastes management and disposal; environmental protection standards, 7924
NOTICES
Meetings.
Lawn Care Pesticide Advisory Committee, 7890
Water pollution control:
National pollutant discharge elimination system: State programs—
Ohio, 7889

Executive Office of the President
See Trade Representative, Office of United States

Federal Aviation Administration
RULES
Airworthiness directives:
Cessna, 7862
de Havilland, 7861
PROPOSED RULES
Air traffic operating and flight rules:
Niagara Falls, NY; flight rules in vicinity, 7950

Federal Communications Commission
RULES
Common carrier services:
800 service access, 7867
Radio stations; table of assignments:
Iowa, 7869
PROPOSED RULES
Radio stations; table of assignments:
New Mexico, 7874
Tennessee, 7874
Washington, 7875
Wisconsin, 7875
Television broadcasting:
Cable television systems—
Cable Television Consumer Protection and Competition Act of 1992 (Section 8); home shopping broadcast stations, 7875
NOTICES
Rulemaking proceedings; petitions filed, granted, denied, etc., 7890
Applications, hearings, determinations, etc.:
Rivertown Communications Co., Inc., et al., 7890

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 7920

Federal Energy Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Niagara Mohawk Power Co., 7884
Memorandums of understanding:
Natural gas transportation facilities, 7884
Natural Gas Policy Act:
State jurisdictional agencies tight formation recommendations; preliminary findings—
Texas Railroad Commission, 7885, 7886
Applications, hearings, determinations, etc.:
El Paso Natural Gas. Co., 7886
High Island Offshore System, 7887
Louisiana-Nevada Transit Co., 7887
Mojave Pipeline Co., 7887
Northern Natural Gas Co., 7888
Southern Natural Gas Co., 7888
Texas Eastern Transmission Corp., 7888

Western Gas Interstate Co., 7889

Federal Maritime Commission
NOTICES
Agreements filed, etc., 7891

Federal Reserve System
NOTICES
Meetings; Sunshine Act, 7920
Applications, hearings, determinations, etc.:
Merle Coile; correction, 7891
Michigan National Corp., 7891
Oostburg Bancorp, Inc., et al., 7891
Stuart, Jon R., et al., 7892

Fish and Wildlife Service
NOTICES
Endangered and threatened species permit applications, 7895
Marine mammal permit applications, 7895

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
Droncit (Praziquantel) feline cestode tablets, 7864
NOTICES
Animal drugs, feeds, and related products:
Anti-infective bovine mastitis products; target animal and human food safety, drug efficacy, environmental and manufacturing studies; guideline availability, 7892
Human drugs:
Clinical evaluation of analgesic drugs; guideline availability, 7894
New drug applications—
Adria Laboratories, 7893
Patent extension; regulatory review period determinations—
NORVASC; correction, 7893
Target animal and human food safety, drug efficacy, environmental and manufacturing studies for teat antiseptic products; draft guidelines; availability, 7893

Foreign Claims Settlement Commission
NOTICES
Meetings; Sunshine Act, 7920

Health and Human Services Department
See Food and Drug Administration

Immigration and Naturalization Service
NOTICES
Temporary protected status program designations:
Liberia, 7898

Indian Affairs Bureau
NOTICES
Grants and cooperative agreements; availability, etc.:
Traffic safety projects on Indian reservations, 7946
Irrigation projects; operation and maintenance charges:
Blackfeet Irrigation Project, MT, 7944
San Carlos Indian Irrigation Project, AZ, 7942
Wind River Irrigation Project, WY, 7940

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See National Park Service

Internal Revenue Service
RULES
Income taxes:
Settlement funds, etc.; tax treatment; correction, 7865

Interstate Commerce Commission
NOTICES
Railroad operation, acquisition, construction, etc.:
Carey Short Line Corp., 7896
Consolidated Rail Corp., 7896

Justice Department
See Foreign Claims Settlement Commission
See Immigration and Naturalization Service
NOTICES
Pollution control; consent judgments:
Board of Education, NY, et al., 7897
Danto Environmental Corp. et al., 7897
Smuggler-Durant Mining Corp. et al., 7897

Land Management Bureau
RULES
Public land orders:
Utah, 7867
NOTICES
Meetings:
Shoshone District Grazing Advisory Board, 7895

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
Kewet Industri, 7905

National Oceanic and Atmospheric Administration
NOTICES
Fishery management councils; hearings:
New England and Mid-Atlantic—
Goosefish, 7879
Western Pacific—
Bottomfish, 7881

National Park Service
NOTICES
Meetings:
Gauley River National Recreation Area Advisory Committee, 7896

National Telecommunications and Information Administration
NOTICES
Meetings:
Spectrum Planning Advisory Committee, 7881

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Pacific Gas & Electric Co., 7899
Meetings:
Nuclear Waste Advisory Committee, 7899
Applications, hearings, determinations, etc.:
Capital Materials Testing, Inc., 7903
Carolina Power & Light Co., 7904

Office of United States Trade Representative
See Trade Representative, Office of United States

VOL 58 ISS 26 FE 10 1993 UMI

Pension Benefit Guaranty Corporation
PROPOSED RULES
Single employer plans:
Valuation of plan benefits—
Valuation following mass withdrawal; correction, 7321

Public Health Service
See Food and Drug Administration

Research and Special Programs Administration
NOTICES
Hazardous materials:
Applications; exemptions, renewals, etc., 7906
Memorandums of understanding:
Natural gas transportation facilities, 7884

Securities and Exchange Commission
NOTICES
Meetings; Sunshine Act, 7920
Applications, hearings, determinations, etc.:
Enrotek Properties Inc., 7905

Trade Representative, Office of United States
NOTICES
Generalized System of Preferences:
Annual review (1992); withdrawal of petitions, 7905

Transportation Department
See Federal Aviation Administration
See National Highway Traffic Safety Administration
See Research and Special Programs Administration

Treasury Department
See Internal Revenue Service

Separate Parts In This Issue

Part II
Environmental Protection Agency, 7924

Part III
Education Department, 7938

Part IV
Interior Department, Bureau of Indian Affairs, 7940

Part V
Interior Department, Bureau of Indian Affairs, 7942

Part VI
Interior Department, Bureau of Indian Affairs, 7944

Part VII
Interior Department, Bureau of Indian Affairs, 7946

Part VIII
Transportation Department, Federal Aviation Administration, 7950

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free **Electronic Bulletin Board** service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

VOL
58
ISS
26
FE
10
1993
UMI

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

14 CFR
39 (2 documents) 7861, 7862

Proposed Rules:
93 7950

21 CFR
520 7864

26 CFR
1 7865

29 CFR
Proposed Rules:
2619 7921
2676 7921

32 CFR
201 7865
236 7865
246 7865

34 CFR
Proposed Rules:
300 7938

40 CFR
271 7865

Proposed Rules:
144 7924
191 7924
54 7870

43 CFR
Public Land Order:
6957 7867

47 CFR
61 7867
69 7867
73 7869

Proposed Rules:
73 (5 documents) 7874, 7875
76 7875

Rules

This section
contains regu
applicability
are keyed to
Federal Regi
50 titles purs

The Code of
the Superint
new books a
REGISTER i

DEPARTM

Federal Av

14 CFR Pa

[Docket No.
8486; AD 93

Airworthin
DHC–6 Se

AGENCY: Fe
Administra
ACTION: Fi

SUMMARY:
Airworthin
which requ
the alloy re
elevator co
pump mou
certain de
airplanes,
part. The F
Administra
commuter-
certain rep
inspection
modificati
requires m
control an
support as
repetitive i
by AD 77–
by this AD
failure of t
which cou
the airplan

DATES: Effe
The inco
certain pu
regulation
of the Fede
1993.

ADDRESSES
applies to
de Havilla
Boulevard
Canada, M
may also b
Aviation A

Rules and Regulations

Federal Register
Vol. 58, No. 26
Wednesday, February 10, 1993

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91–CE–48–AD; Amendment 39–8486; AD 93–02–04]

Airworthiness Directives; de Havilland DHC–6 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 77–03–07, which requires repetitively inspecting the alloy reinforcing channels of the elevator control circuit and the hand pump mounting support for cracks on certain de Havilland DHC–6 series airplanes, and replacing any cracked part. The Federal Aviation Administration's policy on aging commuter-class aircraft is to eliminate certain repetitive short-interval inspections when improved parts or modifications are available. This action requires modifying the elevator circuit control and hand pump mounting support as terminating action for the repetitive inspections currently required by AD 77–03–07. The actions specified by this AD are intended to prevent failure of the elevator support assembly, which could result in loss of control of the airplane.

DATES: Effective March 19, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 19, 1993.

ADDRESSES: Service information that applies to this AD may be obtained from de Havilland, Inc., 123 Garratt Boulevard, Downsview, Ontario, Canada, M3K 1Y5. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jon Hjelm, Aerospace Engineer, FAA, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York 11581; Telephone (516) 791–6220.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD that would apply to certain de Havilland DHC–6 series airplanes was published in the **Federal Register** on July 20, 1992 (57 FR 31990). The action proposed to supersede AD 77–03–07, Amendment 39–3100, with a new AD that would (1) initially retain the requirement of repetitively inspecting the elevator support assembly for cracks and replacing any cracked part as required by AD 77–03–07; and (2) eventually require modifying the elevator support assembly as terminating action for the repetitive inspections. The proposed actions would be accomplished in accordance with de Havilland Service Bulletin No. 6/348, which incorporates the following pages:

Pages	Revision level	Date
5–8, 13–16, and 23–25.	Original	July 16, 1976.
9–12, and 17–22.	Revision A	Aug. 30, 1976.
1–4	Revision C	July 15, 1977.

This action is a result of the FAA's aging aircraft program.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received in favor of the proposed rule and no comments were received on the FAA's determination of the cost to the public.

After careful review, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 144 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 35 workhours per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Parts cost approximately $400 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $334,800.

The intent of the FAA's aging commuter airplane program is to ensure safe operation of commuter-class airplanes that are in commercial service without adversely impacting private operators. Of the approximately 144 airplanes in the U.S. registry that will be affected by the required AD, the FAA has determined that approximately 50 percent are operated in scheduled passenger service by 14 different operators. A significant number of the remaining 50 percent are operated in other forms of air transportation such as air cargo and air taxi.

The required AD allows 2,400 hours time-in-service (TIS) before mandatory accomplishment of the design modification. The average utilization of the fleet for those airplanes in commercial commuter service is approximately 25 to 50 hours TIS per week. Based on these figures, operators of commuter-class airplanes involved in commercial operation will have to accomplish the required modification within 12 to 24 calendar months after this AD becomes effective. For private owners, who typically operate between 100 to 200 hours TIS per year, this will allow 12 to 24 years before the required modification becomes mandatory.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory

Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 77–03–07, Amendment 39–3100, and adding the following new AD:

93–02–04 De Havilland: Amendment 39–8486; Docket No. 91–CE–48–AD. Supersedes AD 77–03–07, Amendment 39–3100.

Applicability: Model DHC–6–1/100/200/300 airplanes (serial numbers 2 through 494, 497 through 503, 505, and 507), certificated in any category, that have not incorporated Modification 6/1594 in accordance with Part C of the Accomplishment Instructions section of de Havilland Service Bulletin (SB) 6/348, which incorporates the following pages:

Pages	Revision level	Date
5–8, 13–16, and 23–25.	Original	July 16, 1976.
9–12, and 17–22.	Revision A	Aug. 30, 1976.
1–4	Revision C	July 15, 1977.

Compliance: Required as indicated after the effective date of this AD, unless already accomplished.

To prevent failure of the elevator support assembly, which could result in loss of control of the airplane, accomplish the following:

(a) Within the next 25 hours time-in-service (TIS), unless already accomplished within the last 175 hours TIS, and thereafter at intervals not to exceed 200 hours TIS until Modification No. 6/1594 is incorporated as specified in paragraph (b) of this AD, accomplish the following:

(1) Visually inspect the floor structure channel members, part numbers C6FS1229–37 and C6FS1229–31, for cracks in the area around the lower pivot bearing housing in accordance with the instructions in Part A of de Havilland SB No. 6/348. If cracks are found, prior to further flight, repair or replace any cracked components in accordance with Part B or C of the Accomplishment Instructions section of de Havilland SB No. 6/348.

(2) Visually inspect the top and bottom flanges of the hydraulic hand pump fitting, part number C6FSM1293–27, for cracks immediately behind the front bolt boss in accordance with Part A of the Accomplishment Instructions section of de Havilland SB No. 6/348. If cracks are found, prior to further flight, repair or replace in accordance with Part B or C of the instructions in de Havilland SB No. 6/348.

(3) If the replacement requirements of paragraphs (a)(1) and (a)(2) of this AD are accomplished in accordance with Part C of the Accomplishment Instructions section of de Havilland SB No. 6/348, then the inspection requirements of this AD are no longer required.

(b) Within the next 2,400 hours TIS, unless already accomplished as specified in paragraph (a)(3) of this AD, incorporate Modification 6/1594 in accordance with Part C of the Accomplishment Instructions section of de Havilland SB 6/348. This modification is considered terminating action for the inspection requirements of this AD.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, New York Aircraft Certification Office, FAA, 181 South Franklin Avenue, room 202, Valley Stream, New York 11581. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, New York Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York Aircraft Certification Office.

(e) The inspections and modification required by this AD shall be done in accordance with de Havilland Service Bulletin 6/348, which consists of the following effective pages:

Pages	Revision level	Date
5–8, 13–16, and 23–25.	Original	July 16, 1976.
9–12, and 17–22.	Revision A	Aug. 30, 1976.
1–4	Revision C	July 15, 1977.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from de Havilland, Inc., 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5 Canada. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment (39–8486) supersedes AD 77–03–07, Amendment 39–3100.

(g) This amendment (39–8486) becomes effective on March 19, 1993.

Issued in Kansas City, Missouri, on January 21, 1993.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–3170 Filed 2–9–93; 8:45 am]

BILLING CODE 4910–13–U

---

14 CFR Part 39

[Docket No. 92–CE–65–AD; Amendment 39–8497; AD 92–27–20]

Airworthiness Directives; Cessna Aircraft Company Model 402C Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the Federal Register an amendment adopting Airworthiness Directive (AD) 92–27–20, which was sent previously to all known U.S. owners and operators of certain Cessna Aircraft Company (Cessna) Model 402C airplanes. This AD requires fabricating and installing placards that specify higher unusable fuel levels and higher minimum fuel levels for takeoff per each main tank, and one that specifies that rolling and turning takeoffs are prohibited. This action also requires incorporating the AD into the Limitations Section of the Pilots Operating Handbook (POH) and FAA-approved Airplane Flight Manual (AFM). This action was prompted by a fatal accident involving one of the affected airplanes where a fuel inlet float valve may have failed while the valve was in the open position. The actions specified by this AD are intended to prevent engine power loss caused by failure of a fuel inlet float valve.

DATES: Effective February 19, 1993, to all persons except those to whom it was made immediately effective by priority letter AD 92–27–20, issued December 31, 1992, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before April 30, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region,

Office of the Assistant Chief Counsel, Attention: Rules Docket 92–CE–65–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Information that is discussed in this AD may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Charles D. Riddle, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946–4144; Facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION: On December 24, 1992, the FAA issued priority letter Airworthiness Directive (AD) 92–26–10, which required fabricating and installing placards that specify higher unusable fuel limitations on certain Cessna Model 402C airplanes. This action was prompted by a fatal accident involving a Cessna Model 402C airplane. The FAA's continuing investigation of this accident revealed that a fuel inlet float valve, located in the right wing fuel tank on the affected airplane, may have failed while the valve was in the open position. This may have permitted air to enter the fuel system, which could have caused the power loss resulting in the accident.

The actions required by AD 92–26–10 establish a 300-pound (46-gallon) unusable fuel level and a 430-pound (66-gallon) fuel level at takeoff per each main tank. These levels were established based upon the FAA's continuing investigation utilizing Cessna Engineering's preliminary geometrical analysis. Although this analysis was preliminary and conservative, the FAA determined that AD action could not wait until further analysis based on the urgency of the situation. In reality, the amount of usable fuel was reduced by the actions of AD 92–26–10 from 103 gallons to 57 gallons. This action heavily impacted many operators because they have had to increase the number of stops required to refuel, and thus increase the number of landings and takeoffs.

As part of the ongoing investigation, the FAA and Cessna Engineering continued the geometrical analysis and testing. This revealed that the unusable fuel level necessary to prevent air from entering the fuel system is no more than 90 pounds (15 gallons) of indicated fuel. This is in addition to the previously determined unusable fuel of 3.7 gallons, which is not indicated on the fuel quantity gage.

Based upon updated results from the ongoing investigation, the FAA then determined that an equivalent level of safety to the actions of AD 92–26–10 could be established if the requirements of the 300-pound (46-gallon) unusable fuel level and the 430-pound (66-gallon) fuel level at takeoff were reduced to 90 pounds (15 gallons) and 210 pounds (35 gallons) respectively. This would actually increase the available fuel from 57 gallons to 88 gallons, which would reduce the amount of stops necessary for the airplane operators to refuel. The FAA believes that aviation safety is enhanced if the number of landings and takeoffs are reduced while an equivalent level of safety is maintained. In addition, the FAA determined that rolling and turning takeoffs should be prohibited.

Since an unsafe condition has been identified that is likely to exist or develop on other Cessna Model 402C airplanes of this same type design, the FAA superseded priority letter AD 92–26–10 with priority letter 92–27–20 to continue to prevent engine power loss caused by failure of a fuel inlet float valve. This AD requires (1) fabricating and installing new placards that specify lower unusable fuel levels and lower fuel levels at takeoff; (2) fabricating and installing a new placard that specifies that rolling and turning takeoffs are prohibited; and (3) incorporating this AD into the Limitations Section of the Pilot's Operating Handbook (POH) and FAA-approved Airplane Flight Manual (AFM).

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on December 31, 1992, to all known U.S. operators of certain Cessna Model 402C airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of part 39 of the Federal Aviation Regulations (FAR) to make it effective as to all persons.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 92–CE–65–AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES**".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

VOL 58 ISS 26 FE 10 1993 UMI

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-27-20 Cessna Aircraft Company: Amendment 39-8497; Docket No. 92-CE-65-AD. Supersedes priority letter AD 92-26-10.

Applicability: Model 402C airplanes (serial numbers 402C0001 through 402C1020), certificated in any category.

Compliance: Prior to further flight after the effective date of this AD, unless already accomplished.

To prevent engine power loss caused by failure of a fuel inlet float valve, accomplish the following:

(a) Fabricate placards with the following words in letters at least 0.10-inch in height and install these placards within the pilot's clear view on the instrument panel in close proximity to the fuel quantity gage:

(1) "Unusable Fuel-Indicated Fuel Quantity Below 90 Pounds (15 Gallons) in Each Main Tank is Unusable".

(2) "Fuel Quantity-Minimum Indicated Fuel Quantity for Takeoff is 210 Pounds (35 Gallons) in Each Main Tank".

(b) Fabricate a placard with the following words in letters at least 0.10-inch in height and install this placard within the pilot's clear view on the instrument panel: "Rolling, Turning Takeoffs Are Prohibited."

(c) Fabricate four placards with the words "88 GAL". Install these placards covering the four existing "57 GAL" markings on the existing placard around the engine fuel selector handles.

Note 1: The four existing "57 GAL" markings on the existing placard around the engine fuel selector handles were "103 GAL" before AD 92-26-10 was issued.

(d) Insert a copy of this AD into the Limitations Section of the Pilots Operating Handbook (POH) and FAA-approved Airplane Flight Manual (AFM).

Note 2: The above limitations take precedence over any other POH/AFM Limitations that could contradict this action.

(e) The actions required by this AD may be performed by the owner/operator holding at least a private pilot certificate as authorized by FAR 43.7, and must be entered into the aircraft records showing compliance with this AD in accordance with FAR 43.11.

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(g) An alternative method of compliance that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may concur or comment and then send it to the Manager, Wichita Aircraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita Aircraft Certification Office.

(h) This amendment (39-8497) supersedes priority letter AD 92-26-10.

(i) This amendment (39-8497) becomes effective on February 19, 1993, to all persons except those persons to whom it was made immediately effective by priority letter AD 92-27-20, issued December 31, 1992, which contained the requirements of this amendment.

Issued in Kansas City, Missouri, on February 4, 1993.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-3171 Filed 2-9-93; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Droncit® (Praziquantel) Feline Cestode Tablets

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Miles, Inc., Agriculture Division, Animal Health Products. The supplement provides for oral use of an 11.5 milligram (mg) spherical Droncit® (praziquantel) feline cestode tablet.

EFFECTIVE DATE: February 10, 1993.

FOR FURTHER INFORMATION CONTACT: Marcia K. Larkins, Center for Veterinary Medicine (HFV-112), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8614.

SUPPLEMENTARY INFORMATION: Miles, Inc., Agriculture Division, Animal Health Products, P.O. Box 390, Shawnee Mission, KS 66201, filed supplemental NADA 111-798, which provides for oral use of an 11.5 mg spherical Droncit® (praziquantel) feline cestode tablet in addition to the approved 23 mg feline tablet and the 34 mg canine tablet. The supplement was approved April 11, 1991. Inadvertently, the regulations were not amended at that time to reflect that approval. The regulations are amended at this time in § 520.1870 to reflect approval of this supplement.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this supplemental approval did not qualify for marketing exclusivity because no new clinical or field investigations (other than bioequivalence studies) essential to the approval were conducted or sponsored by the applicant.

The agency determined under 21 CFR 25.24(d)(1)(i) that this action was of a type that did not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement was required.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. Section 520.1870 is amended by revising paragraphs (a) and (c)(2)(ii) to read as follows:

§ 520.1870 Praziquantel tablets.

(a) *Specifications.* Each dog tablet contains 34 milligrams (mg) of

praziquantel; each cat tablet contains 11.5 or 23 mg of praziquantel.

* * * * *

(c) * * *

(2) * * *

(ii) *Dosage.* Cats 4 pounds and under, 11.5 mg; 5 to 11 pounds, 23 mg; over 11 pounds, 34.5 mg.

* * * * *

Dated: February 1, 1993.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 93–3103 Filed 2–9–93; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8459]

RIN 1545–AO99

Settlement Funds; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to Treasury Decision 8459, which was published in the **Federal Register** for Wednesday, December 23, 1992 (57 FR 60983). The final regulations relate to the tax treatment of transfers to funds, accounts, and trusts used in the settlement of certain controversies, the taxation of income earned by these funds, and the tax treatment of distributions made by these funds.

EFFECTIVE DATE: January 1, 1993.

FOR FURTHER INFORMATION CONTACT: Linda M. Kroening of the Office of Assistant Chief Counsel (Income Tax & Accounting) (202) 622–4910 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections provide rules under section 468B of the Internal Revenue Code.

Need for Correction

As published, T.D. 8459 contains errors which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of final regulations (T.D. 8459), which was the subject of FR Doc. 92–31054, is corrected as follows:

1. On page 60990, column 2, § 1.468B–1(j)(2)(ii), sixth line from the bottom of the introductory paragraph, the language "§ 1.468B–4, of each transferor for the" is corrected to read "1.468B–4, of each transferor for the".

2. On page 60990, column 3, § 1.468B–1(k), *Example 3,* fifth line from the bottom of the paragraph, the language "$10 million dollars, and is taxable on any" is corrected to read "$10 million, and is taxable on any".

3. On page 60992, column 1, § 1.468B–2(k), line 3, the language "otherwise provided in §§ 1.468B–5(b)" is corrected to read "otherwise provided in § 1.468B–5(b)".

Cynthia E. Grigsby,

Alternate Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 93–3092 Filed 2–9–93; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Parts 201, 236, and 246

[DoD Instruction 4160.23; DoD Directive 4000.8; and DoD Directive 1225.5]

Cancellation of DoD Issuances

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Final rule.

SUMMARY: The Department of Defense hereby removes regulations on the sale of surplus military equipment to state and local law enforcement and firefighting agencies; basic regulations in the military supply system; and regulations on guard/reserve forces facilities projects (DoD Instruction 4160.23; DoD Directive 4000.8; DoD Directive 1225.5). These regulations have served the purpose for which they were issued and are no longer valid.

EFFECTIVE DATE: January 4, 1993.

FOR FURTHER INFORMATION CONTACT: L.M. Bynum, Correspondence and Directives Directorate, 1155 Defense Pentagon, Washington, DC 20301–1155.

SUPPLEMENTARY INFORMATION:

List of Subjects in

32 CFR Part 201

Arms and munitions, Fire prevention, Intergovernmental relations, Law enforcement, Surplus Government property.

32 CFR Part 236

Armed forces, Government procurement.

32 CFR Part 246

Armed forces reserves, Federal buildings and facilities.

PART 201—[REMOVED]

Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 201 is removed.

PART 236—[REMOVED]

Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 236 is removed.

PART 246—[REMOVED]

Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 246 is removed.

Dated: February 5, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–3138 Filed 2–9–93; 8:45 am]

BILLING CODE 3810–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–4593–3]

South Carolina; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: South Carolina has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). South Carolina revisions consists of the Toxicity Characteristic provisions of HSWA Cluster II promulgated March 29, 1990, and June 29, 1990. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed South Carolina's application and has made a decision, subject to public review and comment, that the South Carolina hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve South Carolina's hazardous waste program revisions. South Carolina's application for program revisions are available for public review and comment.

DATES: Final authorization for South Carolina's program revision shall be effective April 12, 1993, unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on South Carolina's

program revision application must be received by the close of business, March 12, 1993.

ADDRESSES: Copies of South Carolina's program revision application is available during normal business hours at the following addresses for inspection and copying: Bureau of Solid and Hazardous Waste Management, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201; U.S. EPA Region IV, Library, 345 Courtland Street NE., Atlanta, Georgia 30365; (404) 347–4216. Written comments should be sent to Narindar Kumar at the address listed below.

FOR FURTHER INFORMATION CONTACT: Narindar Kumar, Chief, Staff Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365; (404) 347–2234.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6296(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–268 and 124 and 270.

B. South Carolina

South Carolina initially received final authorization for its base, RCRA program effective on November 22, 1985. South Carolina has received authorization for revisions to its program on September 13, 1987 (52 FR 26476) and November 7, 1988 (53 FR 34759). On May 21, 1992, South Carolina submitted a program revision application for additional program approvals. Today, South Carolina is seeking approval of its program revisions in accordance with 40 CFR 271/21(b)(3).

EPA has reviewed South Carolina's application and has made an immediate final decision that South Carolina's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modification to South Carolina. The public may submit written comments on EPA's immediate final decision up until March 12, 1993.

Copies of South Carolina's application for this program revision is available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of South Carolina's program revision shall become effective April 12, 1993, unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period.

If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

South Carolina is today seeking authority to administer the Toxicity Characteristic Revisions, promulgated on March 29, 1990, and June 29, 1990.

Federal requirements	HSWA or FR notice	Promulgation	State authority
Toxicity	55 FR 11798	3/29/90	261.4(b)(6)(i).
Characteristic requirements	55 FR 26986	6/29/90	261.4(b)(9), 261.4(b)(10), 261.8, 261.24(a), 261.24(b), 261.30(b), Appendix II, 261.301(e)(1), 261.221(d)(1), 261.273(a), Appendix I.

C. Decision

I conclude that South Carolina's application for these program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, South Carolina is granted final authorization to operate its hazardous waste program as revised.

South Carolina now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision application and previously approved authorities. South Carolina also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12291: The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act: Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of South Carolina's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006, and

7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926, 6974(b)).

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 93-3156 Filed 2-9-93; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6957

[UT-940-4210-06; UTU 42939]

Partial Revocation of Bureau of Land Management Order Dated January 30, 1956; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Bureau of Land Management Order insofar as it affects 9.06 acres of National Forest System land withdrawn for use by the Bureau of Reclamation for the Central Utah Project. The land is no longer needed for the purpose of the withdrawal, and the revocation is needed to permit disposal of the land through a land exchange under the General Exchange Act of 1922. This action will open the land to such forms of disposition as may by law be made of National Forest System land. The land is temporarily closed to mining by a Forest Service exchange proposal. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: March 12, 1993.

FOR FURTHER INFORMATION CONTACT: Randy Massey, BLM Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, 801-539-4119.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Bureau of Land Management Order dated January 30, 1956, which withdrew National Forest System land for use by the Bureau of Reclamation for the Central Utah Project, is hereby revoked insofar as it affects the following described land:

Uintah Special Meridian

Ashley National Forest

T. 1 N., R. 9 W.,
Sec. 1, lot 5.

The area described contains 9.06 acres in Duchesne County.

2. At 9 a.m. on March 12, 1993, the land shall be opened to such forms of disposition as may by law be made of National Forest System land, subject to valid existing rights, the provision of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: January 15, 1993.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 93-3141 Filed 2-9-93; 8:45 am]

BILLING CODE 4310-DQ-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 61, 69

[CC Docket No. 86-10, FCC 93-53]

Provision of Access for 800 Service

AGENCY: Federal Communications Commission (FCC).

ACTION: Final rule.

SUMMARY: This order adopts rate structure and pricing rules for 800 data base access services. It requires basic 800 data base access service to be priced on a per query basis and to be treated as a restructured service under Price Cap rules, although it permits local telephone companies to recover specific direct costs of providing the basic service. It also requires optional 800 data base "vertical" features to be treated as new services and priced to reflect the nature of their underlying costs. These rules will permit local telephone companies to file tariffs to provide 800 data base access services. The introduction of 800 data base access services will permit 800 service customers to switch from one 800 service provider to another without changing their 800 telephone numbers. It will also facilitate competition among 800 service providers.

EFFECTIVE DATE: March 1, 1993.

FOR FURTHER INFORMATION CONTACT: Mark S. Nadel, Common Carrier Bureau, (202) 632-1301.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. 3507. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, telephone (202) 395-4814. For further information contact Judy Boley, Federal Communications Commission, telephone (202) 632-7513.

Please note: The Commission has requested emergency review of this item by February 22, 1993 under the provisions of 5 CFR 1320.18.

Title: Provision of Access for 800 Service
Action: New Collection
Respondents: Businesses or other for-profit
Frequency of Response: One-time collection
Estimated Annual Burden: 57 responses; 60.7 hours average burden
Needs and Uses: Local telephone companies are required to file tariffs to provide 800 data base access services. Tariffs must be filed by carriers so that both the Commission and the public can evaluate whether the prices that carriers seek to charge for the services are reasonable and are not unreasonably discriminatory.

Background

In 1989, the Commission adopted Provision of Access for 800 Service, CC Docket No. 86-10, Report and Order, 4 FCC Rcd 2824, 54 FR 18654 (May 2, 1989), permitting local exchange carriers (LECs) to replace "NXX" 800 access with the 800 data base system when they had collectively achieved a specified level of signaling system 7 (SS7) deployment. That order also required LECs to offer 800 data base access through separate subelements for carrier identification and various optional "vertical" features so that only those customers who actually use each service—those who generate the costs—pay for it. The Commission also held that SS7 represents a general network upgrade, the core costs of which should be borne by all network users.

In 1991, in Provision of Access for 800 Service, CC Docket No. 86-10, Memorandum Opinion and Order on Reconsideration and Second Supplemental Notice of Proposed Rulemaking, 6 FCC Rcd 5421, 56 FR 51666 (Oct. 15, 1991), the Commission Order affirmed both its latter decisions, and the Supplemental Notice asked for comments on the appropriate rate structure and pricing rules for 800 data base access services, including both basic and vertical 800 data base services. It also asked for comments on how the new rate subelements should be treated under the price cap rules.

Summary of Second Report and Order

This is a summary of the Commission's Second Report and Order in Provision of Access for 800 Service CC Docket No. 86-10; FCC 93-53, Adopted: January 29, 1993 and

Released: January 29, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M St., NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, (202)–857–3800, 2100 M St., NW., suite 140, Washington, DC 20037.

The Commission has adopted rate structure and pricing rules for 800 data base access services to permit LECs to tariff these services and thereby facilitate competition among those providing 800 service to customers. The new rules are necessary to permit separate charges to be assessed for 800 data base access services.

Under the new rules, LECs will establish a per query charge for basic 800 data base service. This charge will enable LECs to recover the cost of making the 800 data base queries that they will need to make to determine to which carrier to send an 800 call. The Commission and virtually all commenters found that a per query charge best reflects the cost of providing the service.

The Commission also held that basic 800 data base service should be treated as a restructured service under the Commission's price cap rules. The Commission found that basic 800 data base service will replace the existing "NXX" 800 service and therefore does not add to the range of options already available to customers. The Commission also concluded that it is a change in the "provisioning" of 800 access service.

The Commission also found that there is good cause to permit LECs to recover the reasonable costs of implementing and operating the basic 800 data base service required by the Commission. Therefore, it concluded that these costs could be treated as exogenous costs under price cap rules. The Commission based this decision on the set of highly unusual circumstances involved in this proceeding. These included the Commission's decision to require that all LECs offering NXX 800 access also provide 800 data base access and the Commission's imposition of stricter access time standards and an aggressive accelerated implementation schedule for the service.

The Commission also required LECs to price optional "vertical" 800 data base services to reasonably reflect their underlying costs, and recognized those services as new services. Finally, the Commission required LECs subject to price cap regulation to place all 800 data base service subelements in a new, separate "data base" service category within the traffic sensitive switched access basket under price caps. These LECs must also employ a sub-index for vertical features. Both the service category and sub-index must have five percent upper and lower bounds.

List of Subjects in 47 CFR Parts 61 and 69

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Amendments to the Code of Federal Regulations

Title 47 of the CFR, parts 61 and 69 are amended as follows:

PART 61—TARIFFS

1. The authority citation for part 61 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 203, 48 Stat. 1070; 47 U.S.C. 203.

2. Section 61.42(e)(1)(vi) is added to read as follows:

§ 61.42 Price cap baskets and service categories.

* * * * *

(e)(1) * * *

(vi) Data base access, including basic 800 data base access, call validation, POTS translation, alternate POTS translation, multiple carrier routing, and traffic routing services, as described in Provision of Access for 800 Service, Second Report and Order, 8 FCC Rcd _____, CC Docket No. 86–10, FCC 93–53 (1933) and other such services as the Commission shall permit or require.

* * * * *

3. Section 61.47(i) is added to read as follows:

§ 61.47 Adjustments to the SBI; pricing bands.

* * * * *

(i) Local exchange carriers subject to price cap regulation as that term is defined in § 61.3(v) shall use the methodology set forth in paragraphs (a) through (d) of this section to calculate a separate subindex for the 800 data base vertical features offered by such carriers. Notwithstanding paragraph (e) of this section, the annual pricing flexibility for this subindex shall be limited to an annual increase or decrease of five percent, relative to the percentage change in the PCI for the traffic sensitive basket, measured from the last day of the preceding tariff year.

PART 69—ACCESS CHARGES

1. The authority citation for part 69 continues to read as follows:

Authority: Secs. 4, 201, 202, 203, 205, 213, 403, 48 Stat. 1066, 1070, 1072, 1077, 1094, as amended, 47 U.S.C. 154, 201, 202, 203, 205, 218, 403.

2. Section 69.118 is revised to read as follows:

§ 69.118 Traffic sensitive switched services.

Notwithstanding §§ 69.4(b), 69.106, 69.109, 69.110, 69.111, 69.112, and 69.124, telephone companies subject to the BOC ONA Order, 4 FCC Rcd 1 (1988) shall, and other telephone companies may, establish approved Basic Service Elements as provided in Amendments of part 69 of the Commission's rules relating to the Creation of Access Charge Subelements for Open Network Architecture, Report and Order, 6 FCC Rcd 4524 (1991) and 800 data base subelements, as provided in Provision of Access for 800 Service, 8 FCC Rcd _____, CC Docket 86–10, FCC 93–53 (1993). Moreover, all customers that use basic 800 database service shall be assessed a charge that is expressed in dollars and cents per query. Telephone companies shall take into account revenues from the relevant Basic Service Element or Elements and 800 Database Service Elements in computing rates for the Local Switching, Entrance Facilities, Tandem-Switched Transport, Direct-Trunked Transport, Interconnection Charge, and/or Information elements.

Public reporting burden for this collection of information is estimated to average 60.7 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Records Management Division, room 416, Paperwork Reduction Project, Washington, DC 20554 and to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503.

[FR Doc. 93–3129 Filed 2–9–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 92-177; RM-8043]

Radio Broadcasting Services; Lamoni, IA.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Dwaine F. Meyer, substitutes Channel 250C3 for Channel 249A at Lamoni, Iowa, and modifies Station KLAL's license to specify operation on the higher class channel. See 57 FR 39383, August 31, 1992. Channel 250C3 can be allotted to Lamoni in compliance with the Commission's minimum distance separation requirements at Station KLAL's presently licensed transmitter site, at coordinates North Latitude 40-37-00 and West Longitude 93-56-20. With this action, this proceeding is terminated.

EFFECTIVE DATE: March 22, 1993.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92-177, adopted January 21, 1993, and released February 4, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Iowa, is amended by removing Channel 249A and adding Channel 250C3 at Lamoni.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93-3128 Filed 2-9-93; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 58, No. 26
Wednesday, February 10, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 54

[FRL–4555–9]
RIN 2060–AD17

Regulations Governing Prior Notice of Citizen Suits Brought Under Section 304 of the Clean Air Act

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of Proposed Rule.

SUMMARY: This document proposes changes to the procedures, codified at 40 CFR part 54, that currently govern the service of notice for citizen suits brought under section 304 of the Clean Air Act ("CAA" or "the Act"), as amended by the CAA Amendments of 1990. Section 304 authorizes citizens to commence certain suits on their own behalf, including suits against an alleged violator of an emission standard or limitation (or order respecting such standard or limitation), or against the Administrator for an alleged failure to perform a nondiscretionary duty or act, or against the Administrator for agency action alleged to be unreasonably delayed. Sections 304(a) and (b) require that citizens give prior notice to various specified entities as a prerequisite for filing these suits.

The Environmental Protection Agency ("EPA" or "the Agency") is proposing this revised rule in order to: Reflect changes made to Section 304 in the 1990 CAA Amendments; clarify, for each type of citizen action requiring notice, the precise entities that must be served notice, and the method, contents, and timing of such notice; and conform CAA notice practice more closely to the practice under other, more recent federal environmental citizen suit notice regulations pursuant to which the majority of citizen suits have been brought to date.

DATES: Written comments on the proposed rule must be received on or before April 12, 1993.

ADDRESSES: Comments should be submitted (in duplicate if possible) to Air Docket (LE–131), Public Docket No. A–92–63, U.S. Environmental Protection Agency, room M–1511, 1st Floor, Waterside Mall, 401 M Street SW., Washington, DC 20460. The docket is available for public inspection and copying between 8.30 a.m. and 12 noon, and between 1:30 and 3 p.m., Monday through Friday, at EPA's Air Docket, which is located in Room M–1500, 1st floor, Waterside Mall, 401 M Street SW., Washington, DC, 20460. As provided by 40 CFR part 2, a reasonable fee may be charged for photocopying docket materials.

FOR FURTHER INFORMATION CONTACT: Clara Poffenberger, Office of Air and Radiation, Stationary Source Compliance Division (EN–341W), United States Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; telephone (703) 308–8709 or Steven J. Viggiani, Office of Enforcement, Air Enforcement Division (LE–134A), United States Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; telephone (202) 260–2842.

SUPPLEMENTARY INFORMATION: This proposed rule would replace 40 CFR part 54, promulgated by EPA in 1971. Until this rulemaking is final, the current part 54 will continue to govern the timing, manner, contents and recipients of notice for CAA citizen suits.

I. Statutory Requirements

Section 304(a) of the CAA, as amended, authorizes any person to commence a civil action on his own behalf, as follows: (1) Against any person (including the United States, and any other governmental instrumentality or agency to the extent permitted by the Eleventh Amendment to the Constitution) who is alleged to be in violation of (A) an emission standard or limitation as defined by subsection 304(f) of the Act, or (B) an order issued by the Administrator or a State with respect to such a standard or limitation (moreover, after November 15, 1992, an action may be brought against any person who is alleged to have violated such standard or limitation, or order respecting such standard or limitation, if there is evidence that the alleged violation has been repeated); (2) against the Administrator where there is alleged a failure to perform any act or duty under the Act which is not discretionary for the Administrator; (3) against the Administrator where there is alleged that an Agency action has been unreasonably delayed; or (4) against any person who proposes to construct or constructs any new or modified major emitting facility without a permit required under Part C or Part D of Title I of the Act (relating to significant deterioration of air quality or to nonattainment, respectively) or who is alleged to be in violation of any condition of such permit (moreover, after November 15, 1992, an action may be brought against any person who is alleged to have violated any condition of such permit, if there is evidence that the alleged violation has been repeated).

Subsections 304(a), (b)(1)(A) and (b)(2) require that prior notice must be given to certain entities before a citizen can commence a civil suit against an alleged violator of an emission standard or limitation (or order respecting such standard or limitation), or against the Administrator for an alleged failure to perform a nondiscretionary act or for Agency action allegedly unreasonably delayed. The purpose of this proposed rule is to prescribe procedures governing these various notice requirements.

EPA proposes this rule pursuant to sections 301 and 304 of the CAA, 42 U.S.C. 7601 and 7604. Section 304(b) of the CAA specifically authorizes the Administrator to promulgate these regulations.

II. The Proposal

A. Introduction

The proposed rule prescribes the notice requirements applicable to citizen suits brought under section 304 of the CAA, 42 U.S.C. 7604, as amended by the CAA Amendments of 1990. Section 304 requires that citizen plaintiffs give prior notice to various entities as a prerequisite to filing most types of citizen actions under section 304. The proposed rule describes who must be served with notice, the manner of service (either personal service or certified mail), the contents of the notice, and the timing of the notice. In accordance with the 1990 CAA Amendments, the rule also requires that if a civil action is filed under section 304, the citizen plaintiff must serve a copy of the complaint on the

Administrator of EPA ("Administrator") and on the Attorney General of the United States. In addition, the proposal sets forth the requirements for administrative petitions that are a prerequisite to unreasonable delay actions.

Through this proposed rule, EPA not only implements changes in citizen notice practice made by the 1990 CAA Amendments, but also takes the opportunity to update 40 CFR part 54 by clarifying the notice requirements for the various types of citizen suits and by conforming CAA citizen notice practice more closely to the practice under other, more recent EPA citizen suit notice regulations, most notably the Clean Water Act (CWA) notice regulation,[1] pursuant to which most federal environmental citizen suits for civil penalties have been brought to date.

B. Suits Against the Administrator for Agency Action Unreasonably Delayed

Prior to the 1990 Amendments, section 304 specifically enumerated three types of citizen suits: First, suits against any person alleged to have violated an emission standard or limitation, or order respecting such standard or limitation (section 304(a)(1)); second, suits against the Administrator for an alleged failure to perform a nondiscretionary duty or act (section 304(a)(2)); and third, suits against persons who construct or propose to construct new or modified major emitting facilities allegedly without certain required permits, or who are in alleged violation of their permits (section 304(a)(3)). With certain exceptions, section 304(b) required that potential citizen plaintiffs give sixty (60) days notice to various different entities before commencing the first two types of suits listed above.

Pursuant to the 1990 CAA Amendments, section 304(a) now specifically enumerates another type of citizen suit against the Administrator: A suit alleging that an Agency action has been unreasonably delayed. Accordingly, the proposed rule revises 40 CFR part 54 to include notice requirements for these unreasonable delay suits.

Under amended section 304(a), a person must serve notice on the Agency at least 180 days before filing a citizen suit alleging unreasonable delay in Agency action. A necessary prerequisite to any citizen suit against the Administrator under section 304(a) is an underlying duty to act. Absent such a duty, EPA is not bound to act at all, and thus there can be no failure to perform a nondiscretionary duty or unlawful delay.

The EPA's duties to act under the CAA may be divided into nondiscretionary duties and discretionary duties. In this proposed rule, EPA has tailored the requirements for notices of intent to sue to the characteristics of the corresponding underlying duty to act in the first instance. In cases involving an alleged failure to perform a nondiscretionary duty, the CAA has already specified both the duty in question and the date by which it must be performed. In such cases the proposed rule, in language identical to the current rule at 40 CFR 54.3(a), requires that the notice of intent merely refer back to the statutory provisions in question.

By definition, with respect to discretionary duties the CAA does not specify a clear-cut duty that must be performed by a date certain. Consequently, this proposal provides that a person must first petition the Administrator and give the Agency an opportunity to respond. If no dispositive action is forthcoming after a reasonable time has passed, that person may then file a 180-day notice alleging unreasonable delay. In a subsequent citizen suit based on this notice, the suit will be limited by its nature to addressing agency action or inaction on plaintiff's original petition.

EPA believes that a valid unreasonable delay claim must be based on a discretionary duty and does not arise unless a person first files a petition with the Administrator. This reasoning flows from the logic and structure of both the Clean Air Act and the Administrative Procedure Act (APA). See 5 U.S.C. 553(e) (under the APA, interested persons have the right to petition for the issuance, amendment, or repeal of a rule); 5 U.S.C. 555(b) (under the APA, an agency must proceed to conclude a matter presented to it within a reasonable time). Most major categories of EPA rulemaking are, by statute, exempt from the APA. See CAA section 307(d)(1). However, the APA still applies to other rulemakings and to adjudications, and in general provides a framework for administrative procedures that EPA often follows even in exempted rulemakings except where its terms conflict with applicable provisions of CAA section 307(d).

In keeping with EPA's view of the underlying legal principles, this proposal effectively calls for the filing of an administrative petition as a prerequisite to a proper 180-day notice. Accordingly, the proposed rule provides with respect to these classes of claims that the 180-day notice must be accompanied by a copy of the previously filed petition to the Administrator requesting Agency action.

This requirement is designed to ensure that the Agency is presented with a clear request for relief, along with materials supporting such a request, before EPA can be charged with unreasonable delay. This will ensure that EPA is given a clear opportunity to formally consider all such requests to act, and will avoid confusion concerning whether EPA was ever requested to take a particular action, and what information was provided in support of such a request. This should expedite Agency action on such requests, and should help to establish a clear record for purposes of judicial review. The requirement to file an administrative petition is implicit in the Agency's view that unreasonable delay claims are based on a discretionary duty to act. It is also consistent with well-recognized principles of exhaustion of administrative remedies, and the case law concerning judicial review under section 307(b) of the CAA. See *Oljato Chapter of Navajo Tribe* v. *Train*, 515 F.2d 654, 665–6 (D.C. Cir. 1975). EPA anticipates that in many circumstances the written request for agency action could both perfect a discretionary duty to act, and satisfy this proposed requirement regarding the filing of an administrative petition.

C. Entities To Be Served

The existing CAA citizen suit notice rule, promulgated in 1971, sets out the manner in which notice is to be served on various entities but, unlike more recent EPA citizen notice rules, does not identify the specific entities which must be served notice in the different types of citizen suits. The proposed rule, in § 54.2, identifies the recipients of notice, and their manner of service, in each type of citizen suit under section 304 for which notice is required. At several points, proposed § 54.2 conforms CAA citizen notice practice more closely to that of more recent citizen notice regulations promulgated under other federal environmental statutes such as the Clean Water Act (CWA) and the Resource Conservation and Recovery Act (RCRA).[2] For example, in instances where notice must be served on a State, the proposed § 54.2(a)(2) requires that notice be served on the chief administrative officer of the State's air

[1] The CWA citizen notice regulations, 40 CFR part 135 subpart A, prescribe procedures governing notice under CWA section 505(b) (33 U.S.C. 1365).

[2] The RCRA citizen notice regulations, 40 CFR part 254, prescribe procedures governing notice under Section 7002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6972).

pollution control agency rather than on an "authorized representative" of such agency (the current rule's language), and eliminates the requirement that the State Governor also be served. Moreover, where the alleged violator is a State or local governmental agency, proposed § 54.2(a)(1)(ii) requires that notice also be served on the head of that agency.

The requirements in citizen notice regulations promulgated subsequent to the CAA's notice regulation, particularly those found in the Clean Water Act and RCRA regulations, have served as the procedural framework for the majority of citizen suits brought to date against alleged source violators and consequently are quite familiar to citizen litigants. By mirroring these regulations, the three proposed amendments described above (and other similar conforming amendments such as certified mail service, described immediately below) are intended to make CAA citizen notice practice more straightforward for citizens and for EPA.

D. Timing and Manner of Service

Regarding timing and manner of service of notice, the proposed rule in § 54.4(d) requires that all notice must be served by either personal service or by certified mail, return receipt requested. The date of any such mail service will be deemed the date on the return receipt card. In contrast, § 54.2(d) of the existing rule provides that notice served by mail shall be deemed given on the postmark date. Proposed § 54.4(d) also provides that where notice must be served on more than one entity, the date from which the statutory notice period is deemed to run will be the date of receipt for the last entity served. In contrast, the existing rule does not specify a date of service for this situation.

Finally, for the convenience of practitioners, the proposed rule provides a list of addresses that will be used frequently in providing notice of citizen suits. By providing the addresses, this proposal contributes to efficiency within EPA because notices may be more consistently sent to the appropriate persons within EPA. Note, however, that these addresses are subject to change. It is the responsibility of the parties to verify these addresses before using them for service.

IV. Administrative Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This rulemaking would not result in any of the adverse economic effects set forth in section 1 of the Order as grounds for finding a regulation to be a "major rule." It will not have an annual effect on the economy of $100 million or more, nor will it result in a major increase in costs or prices. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprise in domestic or export markets. Therefore, I have determined that this proposal does not constitute a "major rule", and accordingly no Regulatory Impact Analysis has been prepared. This proposed rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

B. Regulatory Flexibility Act Compliance

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this proposed rule, if promulgated, will not have an economic impact on small entities because no additional costs will be incurred.

C. Reporting and Recordkeeping Requirements

Since this proposed rule does not create any new information requirements or contain any new information collection activities, no clearance is necessary from the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et. seq.*

List of Subjects in 40 CFR Part 54

Administrative practice and procedure, Air pollution control.

Dated: January 14, 1993.

William K. Reilly,

Administrator.

For the reasons set out in the preamble, 40 CFR part 54 is proposed to be revised as follows:

PART 54—PRIOR NOTICE OF CITIZEN SUITS

Sec.

54.1 Purpose.
54.2 Recipients and manner of service.
54.3 Contents of notice.
54.4 Timing of notice.
54.5 Copy of complaint.
54.6 Addresses.

Authority: 42 U.S.C. 7601 and 7604.

§ 54.1 Purpose.

Section 304(a) of the Clean Air Act ("CAA" or "the Act"), 42 U.S.C. 7604(a), as amended by the CAA Amendments of 1990, Public Law No. 101–549, authorizes citizens to commence certain suits on their own behalf, including suits against an alleged violator of an emission standard or limitation (or order respecting such standard or limitation), or against the Administrator for an alleged failure to perform a nondiscretionary duty or act, or against the Administrator for agency action alleged to be unreasonably delayed. Sections 304 (a) and (b) require that citizens give prior notice to various specified entities as a prerequisite for filing these suits. This part prescribes the procedures governing these notice requirements.

§ 54.2 Recipients and manner of service.

(a) *Violation of emission standard or limitation under the Act, or order issued by the Administrator or a State with respect to such a standard or limitation.* (1) Notice of intent to file suit under subsection 304(a)(1) of the Act shall be served by personal service or by certified mail, return receipt requested, upon the alleged violator of any emission standard or limitation (or order respecting such standard or limitation) in the following manner:

(i) If the alleged violator is an individual or corporation, notice shall be served upon the owner or managing agent of the building, plant, vessel, installation, facility, site, operation, or activity alleged to be in violation. If the alleged violator is a corporation, a copy of the notice shall also be served by personal service or by certified mail, return receipt requested, upon the registered agent, if any, of such corporation in the State in which the violation is alleged to have occurred.

(ii) If the alleged violator is a State or local governmental agency, notice shall be served by personal service or by certified mail, return receipt requested, upon the head of such agency.

(iii) If the alleged violator is a Federal agency, notice shall be served by personal service or by certified mail, return receipt requested, upon the head of such agency. (2) A copy of the notice provided in § 54.2(a)(1) shall also be served by personal service or by certified mail, return receipt requested, upon the chief administrative officer of the air pollution control agency for the State in which the violation is alleged to have occurred, the Administrator of the Environmental Protection Agency, and the Regional Administrator of the Environmental Protection Agency for the Region in which the violation is alleged to have occurred.

(b) *Failure to perform a nondiscretionary act or duty.* Notice of intent to file suit under subsection 304(a)(2) for an alleged failure of the

Administrator to perform a nondiscretionary act or duty under the Act shall be served by personal service, or by certified mail, return receipt requested, upon the Administrator of the Environmental Protection Agency.

(c) *Agency action unreasonably delayed.* Service of notice of intent to file suit under subsection 304(a) for an Agency action that allegedly has been unreasonably delayed shall be accomplished in the manner described in § 54.2(b).

§ 54.3 Contents of notice.

(a) *Violation of emission standard or limitation under the Act, or order issued by the Administrator or a State with respect to such emission standard or limitation.* Notice regarding an alleged violation of an emission standard or limitation, or order respecting such standard or limitation, shall include:

(1) Sufficient information to allow the recipient to identify the specific emission standard or limitation, or order respecting such standard or limitation, which has allegedly been violated;

(2) The activity alleged to constitute a violation;

(3) The location of the alleged violation, including the name and address of the building, plant, vessel, installation, facility, site, operation, or activity allegedly in violation;

(4) the person or persons responsible for the alleged violation, if known;

(5) The date or dates of the alleged violation; and

(6) The full name, address, and telephone number of the person giving notice.

(b) *Failure to perform a nondiscretionary act or duty.* Notice regarding an alleged failure of the Administrator to perform an act or duty under the Act which is not discretionary shall:

(1) Identify the provisions of the Act which require such act or create such duty;

(2) Describe with reasonable specificity the action not taken by the Administrator that is claimed to constitute a failure to perform the nondiscretionary act or duty;

(3) Specify the date by which the Administrator was required to have performed such act or duty;

(4) Identify the name and title of the officers failing to perform the nondiscretionary act or duty, if known; and

(5) State the full name, address, and telephone number of the person giving notice.

(c) *Agency Action Unreasonably Delayed.* Notice regarding Agency action that allegedly has been unreasonably delayed shall: (1) Identify the Agency action that is alleged to have been unreasonably delayed;

(2) Identify the provisions of the Act under which the Agency allegedly should take such action;

(3) Describe with reasonable specificity the unreasonable delay;

(4) Attach a copy of the petition by which the person giving notice has previously requested the Agency to act;

(5) Identify the name and title of Agency officers creating the alleged unreasonable delay, if known; and

(6) State the full name, address and telephone number of the person giving notice.

(d) Identification of counsel. All notices shall state the name, address, and telephone number of the legal counsel, if any, representing the person giving notice.

§ 54.4 Timing of notice.

(a) *Violation of an emission standard or limitation, or order issued by the Administrator or a State with respect to such emission standard or limitation.* No action may be commenced under subsection 304(a)(1) of the Act prior to sixty (60) days after the plaintiff has served notice of the violation as specified in this Part.

(b) *Failure to perform a nondiscretionary act or duty.* No action may be commenced under section 304(a)(2) of the Act prior to sixty (60) days after the plaintiff has served notice of the failure to perform as specified in this part.

(c) *Exception.* In the case of an action under section 304(a)(1) or (a)(2) of the Act respecting a violation of section 112(i)(3)(A) or (f)(4) of the Act, or an order issued by the Administrator pursuant to section 113(a) of the Act, such action may be brought immediately after plaintiff has served notice as specified in this part.

(d) *Agency Action Unreasonably Delayed.* No action under section 304(a) alleging that an Agency action has been unreasonably delayed may be commenced prior to 180 days after the plaintiff has served notice as specified in this part. Such notice shall not be valid unless the person giving notice has previously submitted a petition to the Administrator requesting such Agency action, along with supporting materials or references to supporting materials.

(e) *Date of service.* The date of service for a notice or copy of notice required under this Part whether served personally or by certified mail, shall be the date of receipt. If service was accomplished by certified mail, the date of receipt shall be deemed the date noted on the return receipt card. If notice or copy of notice is required to be served on more than one entity, then the date of service shall be the date of receipt for the last entity to receive notice.

§ 54.5 Copy of complaint.

At the time of filing any action under section 304, the plaintiff shall serve a copy of the complaint on the Attorney General of the United States and on the Administrator of the Environmental Protection Agency.

§ 54.6 Addresses.

The following addresses are provided for the convenience of the public. They are current as of [Insert Date of Publication of Final Rule], but are subject to change and should be verified before being used for service.

Administrator, U.S. Environmental Protection Agency, 401 M Street, SW. (A–100), Washington, DC 20460

Attorney General, U.S. Department of Justice, Constitution Avenue & Tenth Street, NW., Washington, DC 20530

Regional Administrator, Region I, U.S. Environmental Protection Agency, John F. Kennedy Building, Room 2203, Boston, MA 02203

Regional Administrator, Region II, U.S. Environmental Protection Agency, 26 Federal Plaza, Room 930, New York, NY 10278

Regional Administrator, Region III, U.S. Environmental Protection Agency, 841 Chestnut Street, Philadelphia, PA 19107

Regional Administrator, Region IV, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, GA 30365

Regional Administrator, Region V, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, IL 60604

Regional Administrator, Region VI, U.S. Environmental Protection Agency, 1445 Ross Avenue, 12th Floor, Suite 1200, Dallas, TX 75202–2733

Regional Administrator, Region VII, U.S. Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, KS 66101

Regional Administrator, Region VIII, U.S. Environmental Protection Agency, 999 18th Street, Suite 500, Denver, CO 80202–2405

Regional Administrator, Region IX, U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105

Regional Administrator, Region X, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc. 93–3064 Filed 2–9–93; 8:45 am]

BILLING CODE [illegible]

VOL 58 ISS 26 FE 10 1993 UMI

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93–9, RM–8152]

Radio Broadcasting Services; Silver City, NM

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Avila Beach, Ltd., seeking the substitution of Channel 225C2 for Channel 233A at Silver City, New Mexico, and the modification of Station KSCQ's license to specify operation on the higher class channel. In accordance with § 1.420(g) of the Commission's Rules, Station KSCQ's license may not be modified to specify non-adjacent Channel 225C2 if a competing expression of interest is received unless an additional equivalent class channel is available for allotment. Therefore, petitioner suggests that Channel 281C2 be allotted to Silver City to accommodate any additional expression of interest which may be received. Channel 225C2 can be allotted to Silver City in compliance with the Commission's minimum distance separation requirements at Station KSCQ's licensed transmitter site, at coordinates North Latitude 32–50–40 and West Longitude 108–14–18. Channel 281C2 can be allotted to Silver City without the imposition of a site restriction, at coordinates North Latitude 32–46–23 and West Longitude 108–16–48. Mexican concurrence in these allotments is required since Silver City is located within 320 kilometers (199 miles) of the U.S.-Mexican border.

EFFECTIVE DATES: Comments must be filed on or before March 29, 1993, and reply comments on or before April 13, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: J. Dominic Monahan, Esq., Dow, Lohnes & Albertson, 1255 23rd Street, NW., suite 500, Washington, DC 20037 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rulemaking, MM Docket No. 93–9, adopted January 21, 1993, and released February 4, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rulemaking is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–3127 Filed 2–9–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 93–10, RM–8150]

Radio Broadcasting Services; Paris, TN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Benton-Weatherford Broadcasting, Inc. of Tennessee, permittee of Station WMUF–FM, Channel 231A, Paris, Tennessee, proposing the substitution of Channel 231C3 for Channel 231A at Paris and modification of Station WMUF–FM's construction permit to specify operation on the higher powered channel. Channel 231C3 can be allotted to Paris in compliance with the Commission's minimum distance separation requirements with a site restriction of 17.2 kilometers (10.7 miles) northeast to accommodate Benton-Weatherford's desired site. The coordinates for Channel 231C3 are 36–22–40 and 88–09–20. This proposal is contingent upon Station WIST–FM at Lobelville, Tennessee, receiving a license to operate on Channel 233C2 in accordance with its outstanding construction permit (BMPH–920325IC). In accordance with § 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest for use of Channel 231C3 at Paris or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before March 29, 1993, and reply comments on or before April 13, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Gary D. Benton, Benton-Weatherford Broadcasting Inc. of Tennessee, P.O. Box 1239, Paris, Tennessee 38242 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Pamela Bluementhal, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–10, adopted January 21, 1993, and released February 4, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–3098 Filed 2–9–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 93-11; RM-8164]

Radio Broadcasting Services; Spokane, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Melinda Boucher Read seeking the substitution of Channel 245C3 for Channel 245A at Spokane, Washington, and the modification of her construction permit for Station KSPO(FM) accordingly. Channel 245C3 can be allotted to Spokane in compliance with the Commission's minimum distance separation requirements for all domestic allotments at petitioner's specified site. The coordinates for Channel 245C3 at Spokane are North Latitude 47-41-39 and West Longitude 117-20-03. Since Spokane is located within 320 kilometers (200 miles) of the U.S.-Canadian border and the proposed allotment is short-spaced to a vacant Canadian allotment, we have sought Canadian concurrence in the allotment of Channel 245C3 at Spokane as a specially negotiated allotment. See SUPPLEMENTARY INFORMATION, infra.

DATES: Comments must be filed on or before March 29, 1993, and reply comments on or before April 13, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Ellen S. Mandell, Pepper & Corazzini, 1776 K Street, NW., suite 200, Washington, DC 20006 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93-11, adopted January 21, 1993, and released February 4, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

In accordance with § 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest in the use of Channel 245C3 at Spokane or require the petitioner to demonstrate the availability of an additional equivalent class channel.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93-3099 Filed 2-9-93; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91-318, RM-7853, RM-7889, RM-7890]

Radio Broadcasting Services; Three Lakes, Newbold, Nakoosa, and Port Edwards, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document is a Request for Supplemental Information from Pacer Radio of Oneida regarding its counterproposal to allot an FM channel to Newbold, Wisconsin. Pacer Radio of Oneida is instructed to provide information that demonstrates that Newbold has recognizable factors to qualify it as a community for allotment purposes. See 56 FR 57608, November 13, 1991. Pacer Radio of Oneida is requested to provide information to show that Newbold has the social, economic, or cultural indicia to qualify it as a community for allotment purposes. No additional counterproposals may be submitted since an opportunity for filing counterproposals has been provided.

DATES: Comments must be filed on or before March 29, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lyle R. Evans, Pacer Radio of Oneida, 1296 Marian Lane, Green Bay, Wisconsin 54304; Susan Rester Miles, Hessian, McKasy & Soderberg Professional Association, 4700 IDS Center, Minneapolis, Minnesota 55402 (counsel to Three Lakes Broadcasting); and Julie Ann Albrecht, Berry Radio Company, 725 South Irwin Avenue, Green Bay, Wisconsin 54301.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Request for Supplemental Information, MM Docket No. 91-318, adopted January 19, 1993, and released February 4, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037. Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93-3100 Filed 2-9-93; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 73 and 76

[MM Docket No. 93-8, FCC 93-35]

Television Broadcasting; Cable Television; Cable Carriage of Home Shopping Broadcast Stations

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

VOL 58 ISS 26 FE 10 1993 UMI

SUMMARY: This Notice of Proposed Rulemaking seeks comment on the adoption of implementing regulations relating to stations that are predominantly utilized for the transmission of sales presentations or program length commercials ("home shopping stations") and issues regarding the carriage of such stations on cable systems. The Notice seeks information on how to define home shopping stations, how to determine whether such stations are serving the public interest, and what the Commission should do if it finds that they are not serving the public interest. The Notice responds to the enactment of the Cable Television Consumer Protection and Competition Act of 1992 by Congress.

DATES: Comments are due by March 29, 1993, and reply comments are due by April 13, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Paul R. Gordon, Mass Media Bureau, Video Services Division, (202) 632–6357.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rulemaking in MM Docket No. 93–8, adopted January 14, 1993, and released January 28, 1993.

The complete text of this Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Reference Center, room 239, at the Federal Communications Commission, 1919 M Street, NW., Washington, DC, 20554, and may also be purchased from the Commission's copy contractor, International Transcription Service, at (202) 857–3800, 1919 M Street, NW., Washington, DC, 20554.

Synopsis of Notice of Proposed Rulemaking

1. This Notice of Proposed Rulemaking seeks comment on implementing section 4(g) of the Cable Television Consumer Protection and Competition Act of 1992 ("Cable Act of 1992" or "1992 Cable Act"). Specifically, we seek comment on the adoption of implementing regulations relating to stations that are predominantly utilized for the transmission of sales presentations or program length commercials ("home shopping stations") and issues regarding the carriage of such stations on cable systems.

2. Section 4 of the Cable Act of 1992 added a new section 614(g) to the Communications Act of 1934, as amended, 47 U.S.C. 533(g), which requires the Commission to determine, regardless of prior conclusions, whether home shopping stations are serving the public interest, convenience, and necessity. The 1992 Cable Act requires that if the Commission finds that these stations do serve the public interest, then it shall qualify them as local commercial television stations for the purposes of cable carriage. If the Commission finds that one or more such stations do not serve the public interest, then the Act requires that the Commission provide them with reasonable time to provide different programming.

3. The initial issue that we address and on which we seek comment is how to identify within the intent of Congress those stations that are predominantly utilized for the transmission of sales presentations or program length commercials. Among the possible definitions are stations that devote more than a specific number of hours per day, eight hours between 6 a.m. and midnight, or more than 50% of their programming week to a home shopping format.

4. The Notice next asks how to determine whether home shopping stations are serving the public interest. The 1992 Cable Act directs us to consider three specific factors: (1) The viewing of home shopping stations by the public; (2) the level of competing demands for the spectrum allocated to such stations; and (3) the role of such stations in providing competition to nonbroadcast services offering similar programming. In addition to seeking comment on other matters, the Notice addresses each of these factors in turn.

5. First, we seek comment on the viewing of home shopping broadcast stations. Because we have never before used a station's ratings as a factor to determine whether the licensee has met its public interest obligations, we request comments addressing the means and standards of weighing ratings to ascertain whether the public interest is being served. We note that basing the choice of formats on ratings, which reflect the popularity of a program or format, could implicate difficult First Amendment concerns. Thus, we seek comment on the extent of the First Amendment and other public interest concerns raised by using viewership information, as well as approaches to that problem that may minimize those concerns.

6. Second, we seek comment on the level of competing demands for the spectrum allocated to home shopping stations. In this regard, we seek comment on whether the statute directs us to consider the demands only of other television broadcasters or, more generally, those of applicants, permittees, and licensees in other services (such as land mobile and advanced television). We therefore ask commenters to discuss how we can use the competition for scarce spectrum to determine the utility of home shopping stations.

7. Third, we seek comment on the role of home shopping stations in providing competition to nonbroadcast services offering similar programming. We seek comment on two aspects of the competitive relationships. First, We ask whether a broadcast licensee's various public interest obligations create a commercial disadvantage in comparison with nonbroadcast home shopping program providers. If so, we seek comment on whether a conclusion that broadcast home shopping stations are operating in the public interest and thus entitling them to local cable carriage is an appropriate response to any competitive disparity that may exist.

8. The second aspect of the competitive relationship that we address engages the question of the public interest in providing cable subscribers with home shopping competitive options. The Notice states that a cable operator may have either an ownership or a contractual interest in a nonbroadcast provider of home shopping programming. A contractual interest is created when a nonbroadcast home shopping programmer has its presentation carried by a local cable company and pays the cable operator a percentage of those sales that originate from certain addresses or zip codes. Under such an agreement, the cable operator has a direct financial stake in the success of the nonbroadcast home shopping programmer, and vertical integration is created by contract. We seek comment on whether cable operators with either ownership or contractual interests in nonbroadcast providers of home shopping programming have elected not to carry home shopping broadcast stations or have treated such stations less favorably than the nonbroadcast home shopping services with which they are affiliated. If so, we also seek comment on whether these decisions have resulted in stifling competition and reducing the viewing choices of the public. Moreover, we ask commenters how we can best promote programming diversity and market competition in the context of the carriage of home shopping stations, requesting commenters to address whether we should distinguish between ownership and contractual relationships in our analysis.

9. Having discussed the three factors mandated by the 1992 Cable Act, we

state our tentative view that our decision should broadly apply to all home shopping stations. However, section 4(g)(2) of the 1992 Cable Act suggests the possibility that "one or more" home shopping stations may not be found to be operating in the public interest. This indicates that, in certain circumstances, individual judgments as to specific stations may be warranted, rather than a general rulemaking judgment as to this class of stations as a whole. Thus, for example, the issue of alternative demands on the spectrum or the existence of alternative, nonbroadcast suppliers of home shopping programming may vary according to the region or market involved. We seek comment on whether such individualized reviews are contemplated or mandated by the Act, and by what process they might be reached, if warranted.

10. The Notice states that the 1992 Cable Act seems to contemplate two possible public interest determinations: (1) Home shopping stations are found to be operating in the public interest, and they become eligible for mandatory cable carriage; or (2) they are found not to operate in the public interest, and their operations are terminated or modified. A third possibility might be that such stations or some subset of them, although operating in the public interest in such a manner as to warrant continued authorization and renewal, would not warrant mandatory cable carriage. It appears that the language of the 1992 Cable Act may preclude such a conclusion. Accordingly, we seek comment on whether this latter possibility is permissible under the 1992 Cable Act and, if so, what criteria we might use to distinguish those home shopping stations entitled to carriage.

11. Finally, the Notice recognizes the need for transitional rules, depending on the public interest determination that we make. If we afford home shopping stations carriage rights, we will have to ensure that the process whereby those rights are activated are coordinated with the rules adopted in the general mandatory carriage and retransmission consent proceeding now in progress. Should we find that all or some home shopping broadcast stations do not serve the public interest, the 1992 Cable Act directs the Commission to allow such stations a reasonable period within which to provide different programming. We tentatively find that 18 months from the adoption date of such a Report and Order would be reasonable, and seek comment on this proposal

Administrative Matters

Initial Regulatory Flexibility Analysis Statement

Pursuant to the Regulatory Flexibility Act of 1980, the Commission finds:

12. *Reason for the Action:* The purpose of this Notice is to establish rules and regulations in accordance with the Cable Television Consumer Protection and Competition Act of 1992 relating to the development of carriage requirements for home shopping stations.

13. *Objective of this Action:* The Commission's goal is to provide notice and opportunity to comment to members of the public regarding the carriage of local home shopping broadcast stations by cable system operators, as required by section 4(g) of the 1992 Act.

14. *Legal Basis:* Authority for the action proposed in this Notice may be found in sections 4, 303, and 614(g) of the Communications Act of 1934, as amended, 47 U.S.C. 154, 303, and 533(g).

15. *Description, Potential Impact, and Number of Small Entities Involved:* Approximately 11,000 existing cable systems of all sizes and approximately 100 home shopping broadcast stations may be affected by the proposal contained in this Notice.

16. *Reporting, Recordkeeping, and Other Compliance Requirements Inherent in the Proposed Rule:* None.

17. *Federal Rules which Overlap, Duplicate, or Conflict with the Proposed Rule:* None.

18. *Any Significant Alternative Minimizing Impact on Small Entities and Consistent with the Stated Objective of the Action:* The purpose of this Notice is to seek comment on issues, including alternatives that would minimize the impact on small entities.

19. As required by section 603 of the Regulatory Flexibility Act, the Commission has prepared an initial regulatory flexibility analysis (IRFA) of the expected impact of these proposed policies and rules on small entities. The IRFA is set forth in the appendix. Written public comments are requested on the IRFA These comments must be filed in accordance with the same deadlines as comments on the other sections of this Notice of Proposed Rulemaking. However, such comments must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis The Secretary shall cause a copy of this Notice of Proposed Rulemaking and regulatory flexibility analysis to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act, Public Law 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

Ex Parte

20. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's Rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).

Comments

21. Pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before March 29, 1993, and reply comments on or before April 13, 1993. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, room 239, at the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

Ordering Clauses

22. Accordingly, *it is ordered* that pursuant to sections 4 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154 and 303, this Notice of Proposed Rulemaking is adopted.

List of Subjects

47 CFR Part 73

Television broadcasting.

47 CFR Part 76

Cable television.

Federal Communications Commission.

Donna R. Searcy,

Secretary

[FR Doc. 93–3130 Filed 2–9–93; 8:45 am]

BILLING CODE 6712–01–M

VOL 58 ISS 26 FE 10 1993 UMI

Notices

Federal Register
Vol. 58, No. 26
Wednesday, February 10, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Adjudication and Committee on Administration; Meetings

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of three meetings of the Committee on Regulation of the Administrative Conference of the United States. Attendance at the committee meetings is open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least one day in advance of the meeting. The committee chairman may permit members of the public to present oral statements at meetings. Any member of the public may file a written statement with a committee before, during, or after a meeting. Minutes of the meetings will be available on request to the contact person. The contact person's mailing address is: Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037.

Committee on Adjudication

Date: Friday, March, 5, 1993.
Time: 1:30 p.m.
Location: Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037.
Agenda: The Committee will discuss Professor William Funk's report on the use of informal adjudicatory procedure in civil money penalty proceedings, with a focus on the EPA.
Contact: Nancy G. Miller, 202–254–7020.

Committee on Administration

First Meeting

Date: Friday, February 26, 1993.
Time: 12:30 p.m.
Location: Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037.
Agenda: The Committee will discuss Professor Thomas McGarity's report on peer review in award Federal grants in the arts and sciences.
Contact: Charles Pou, Jr., 202–254–7020.

Second Meeting

Date: Friday, March 12, 1993.
Time: 10 a.m.
Location: Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037.
Agenda: The Committee will continue to discuss Professor Thomas McGarity's report on peer review in awarding Federal grants in the arts and sciences.
Contact: Charles Pou, Jr., 202–254–7020.

Dated: February 5, 1993.

Michael W. Bowers,
Deputy Research Director.

[FR Doc. 93–3194 Filed 2–9–93; 8:45 am]
BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

February 5, 1993.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s); if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) an estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404–W, Admin. Bldg., Washington, DC 20250, (202) 690–2118.

Revision

• Agricultural Stabilization and Conservation Service.

7 CFR 1421 and 1434—General Regulations Governing Price Support for 1993—1996 Crop Years
CC–64, 156, 601, 614, 638, 665, 666, 666 (Honey), 662, 677, 678, 678–2, 679, 681–1, 685, 686, 687–1, 691, 699, 806, 807, 906, KC–350, UCC–1 & 3
On occasion; Annually
Farms; 2,103,360 responses; 458,127 hours
Alex King (202) 720–9886

• Farmers Home Administration.

7 CFR 1944–N, Housing Preservation Grant Program
Recordkeeping; On occasion; Quarterly
Individuals or households; State or local governments; Businesses or other for-profit; Non-profit institutions; 12,055 responses; 11,614 hours
Jack Holston (202) 720–9736

• National Agricultural Statistics Service.

Milk and Milk Products
Weekly; Monthly; Quarterly; Annually
Farms; Businesses or other for-profit; 167,236 responses; 19,500 hours
Larry Gambrell (202) 720–5778

• National Agricultural Statistics Service.

Eggs, Chickens, and Turkey Survey
Weekly; Monthly; Quarterly; Annually
Farms; Businesses or other for-profit; 37,876 responses; 6,311 hours
Larry Gambrell (202) 720–5778

Extension

• Forest Service.

36 CFR Part 272—Commercial Use of "Woodsy Owl" Symbol
Recordkeeping; Quarterly
Businesses or other for-profit; 40 responses; 60 hours
Doris Nance (202) 205–1785

• Agricultural Marketing Service.

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida—Marketing Order No. 905
Semi-annually; Annually; Once every six years
Farms; Businesses or other for-profit; 580 responses; 84 hours
Gary D. Rasmussen (202) 720–5331

• Agricultural Marketing Service.

7 CFR Part 56, Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs
PY–100 and PY–157
On occasion; Monthly; Semi-annually; Annually; Daily
State or local governments; Businesses or other for-profit; Federal agencies or employees; Small businesses or

organizations; 21,486 responses; 3,093 hours
Martin Szekeresh (202) 720–3506

- Agricultural Marketing Service.

Potatoes Grown in Colorado, Marketing Order No. 948
On occasion; Semi-annually; Annually
Farms; Businesses or other for-profit; 154 responses; 25 hours
Bob Matthews (202) 690–0464

New Collection

- Extension Service.

Rural Technology and Cooperative Development Grants Program; Fiscal Year 1993; Request for Proposal(s); Application Guidelines
Semi-annually; Annually
Non-profit institutions; 100 responses; 400 hours
Gene P. Spory (202) 720–6223

Reinstatement

- Farmers Home Administration.

Form FmHA 440–32, Request for Statement of Debts and Collateral
FmHA 440–32
On occasion
Individuals or households; Businesses or other for-profit; Small businesses or organizations; 60,000 responses; 15,000 hours
Jack Holston (202) 720–9736

- Rural Electrification Administration.

Report of Progress of Construction and Engineering Services and Engineer's Monthly Report of Substation Progress
REA Forms 178 and 457
On occasion
Small businesses or organizations; 1,100 responses; 803 hours
Fred Gatchell (202) 720–1398

Larry K. Roberson,

Deputy Department Clearance Officer.

[FR Doc. 93–3158 Filed 2–9–93; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Mid-Atlantic Fishery Management Council

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of public hearing and scoping process; request for comments.

SUMMARY: The New England Fishery Management Council and the Mid-Atlantic Fishery Management Council (Councils), established by section 302 of the Magnuson Fishery Conservation and Management Act, announce their intention to hold a series of public hearings on management of the goosefish (*Lophius americanus*) resource within the U.S. Exclusive Economic Zone in the North Atlantic. The Councils announce a public process and hearings to determine the scope of issues to be addressed while developing a fishery management plan (FMP) for goosefish. Scoping sessions will be held at the public meetings on the dates and locations listed below.

This notice is to alert the interested public of commencement of the scoping process and to provide for public participation in compliance with environmental documentation requirements.

DATES: Written scoping comments will be accepted by the Councils through March 9, 1993. Testimony may be presented at public hearings, which are scheduled as follows:

February 11, 1993—10 a.m., Holiday Inn at The Crossings, 800 Greenwich Ave., Warwick, RI, Telephone (401) 732–6000.

March 2, 1993—7 p.m., Holiday Inn Center City, 1800 Market St., Philadelphia, PA, Telephone (215) 561–7500.

ADDRESSES: Send written comments and requests for copies of the scoping document to Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906, Telephone (617) 231–0422, or John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901, (Telephone 302/674–2331).

FOR FURTHER INFORMATION CONTACT: Mr. Douglas G. Marshall, (Telephone 617/231–0422) or Mr. John C. Bryson (Telephone 302/674–2331).

SUPPLEMENTARY INFORMATION:

Background

Until recently, goosefish had a limited market in the United States and were caught largely as bycatch in the groundfish and scallop dredge fisheries. Goosefish have traditionally been landed with the head removed, and only the tails were landed and marketed as "monkfish." The market for goosefish tails and other body parts, however, has improved steadily over the past decade. There is a growing and lucrative export market (primarily in Japan) for goosefish livers. The result has been a rapid increase in the reported landings of the species. Less than 5 million pounds (2.27 million kg) of monkfish (whole fish weight) were landed in 1981. By 1991, landings increased to 26.5 million pounds (12.02 million kg) with an ex-vessel value of $19.2 million.

Fishermen and fish dealers related their concerns about the goosefish fishery to the Councils during 1991 and early 1992. They cited the increasing amount of "small" and "peewee" category tails being landed, the more frequent gear conflicts between goosefish boats and other fishermen, and the expanding directed trawl fishery as problems.

The Councils convened a joint committee to evaluate prospects for managing this fishery. It found that there were sufficient reasons for concern and recommended the Councils develop an FMP. Those reasons included the recent declines in survey indices, the declining size of tails being landed, the potential for shifts in effect due to management restrictions on other species, evidence of an expanding directed fishery, and a rapidly growing market for goosefish tails and livers.

Most lands occur as a result of bycatch from groundfish and scallop fishing. This bycatch accounted for over 80 percent of the catch. Most recently, increases in directed effort helped reduce that bycatch proportion to 70 percent. The remaining 30 percent was the result of directed effort. This increase in directed effort has been observed in the 1990 data for both trawl and scallop dredges. The geographical range of directed effort by fishermen using these two gear types is different, but generally occurs in deeper waters. The directed fishing activity continued during the 1991–92 fishing season, abated during 1992 when prices fell, but has since renewed as price increases resumed.

Landings from all gear types have risen to record high levels. These high levels occurred because of increasing directed fishing effort and increasing fishing effort for groundfish and scallops that occurred throughout the mid to late 1980's.

Purpose and Need for Management

Few data exist to conduct an age or length-based analytical stock assessment of this species. An initial assessment of the goosefish resource has been made by examining fall and spring groundfish survey data. Northern area autumn biomass indices (abundance in weight) indicate a significant decrease since the late 1970s; biomass apparently decreased to less than one-third of the late 1970s level by 1991. Spring indices show a similar pattern. Autumn cruise data show that biomass fell by half from 1984 to 1991. Decreasing biomass

indices concomitant with landings of small fish suggest that the resource is at least fully-exploited and might be over-exploited. The increased targeting of goosefish and displacement of fishing effort from other fisheries into the unregulated goosefish fishery is problematic. Preliminary yield-per-recruit analyses indicate that substantial gains can be realized by increasing the current size of recruitment to age 4 (30.5-cm/12-inch tail length).

Recent U.S. landings of goosefish have increased dramatically in response to an increase in the market value of the species in combination with the decline in abundance of traditional species. The majority of goosefish are taken as bycatch in the Northwest Atlantic groundfish and scallop fisheries, although directed effort is increasing. Directed effort is occurring in both deepwater (100–150 fathoms 182.9–274.3 m) by otter trawls and in shoal waters by gill nets and scallop dredges.

The Councils initially identified several management goals for a goosefish FMP. The size of goosefish being caught by the various fisheries is of concern and management should be developed that improves yield per recruit and allows an opportunity for goosefish to spawn. Another goal is to control the expansion of the directed fishery if the goosefish resource is fully utilized. Rapid expansion of directed fishing for goosefish is expected under various proposed management alternatives for groundfish and scallops. The development of other goals and objectives is expected during future deliberations of the Monkfish Committee and from industry advisors.

Management Plan Options

Goosefish management problems include conservation issues and gear conflicts. Essentially there are three alternatives for managing goosefish under the Council process. These include the development of amendments to existing FMP's, the development of a separate goosefish FMP, and no action.

A. Amendments to Existing FMPs

There are several user groups covered by FMPs utilizing areas that have concentrations of goosefish. As such, a number of amendments would need to be developed to address this issue. The most likely FMP candidates are the groundfish, scallop, lobster, summer flounder, and swordfish FMPs. Three are managed by the New England Council, one by the Mid-Atlantic Council, and one by the Secretary of Commerce. Coordinated implementation will be difficult and might be confounded by other management changes within each of those plans.

On the other hand, goosefish landings primarily occur through bycatch or semi-directed effort in association with other fisheries. About 70 to 80 percent of landings are associated with groundfish or scallop trips. It would be consistent to develop monkfish management through amendments while addressing conservation issues within an existing FMP. Because monkfish are a demersal species, an amendment to the Northeast Multispecies and Atlantic Sea Scallop FMPs would appear to be most appropriate. Amendments to other plans designed to alter gear deployment and use in critical areas could be developed concurrently, but thorough examination and comments on fishery impact, economic changes, and habitat concerns would be required.

B. Goosefish FMP

The development of a new FMP is likely to require significantly more time. The effects of an FMP would need to be analyzed and considered consistent with applicable laws, with the potential for extensive public hearings. Justifying a separate FMP for a species that is primarily caught in association with fisheries directed at other species would be difficult. Developing an FMP that manages only a portion of the stock subject to directed effort in deep waters may not be possible, unless that population is considered to be a separate stock. It is unlikely that determination will be made.

Conversely, a separate FMP would avoid some confounding issues associated with amending existing plans. Plan development would be less encumbered by relationships to other species and additions designed to manage other species. Coordination of implementation of separate amendments for each impacted fishery would not be a problem with a new FMP.

Definition of Overfishing

All Federal FMPs must have a definition of overfishing for each species or stock in the management unit. Most approaches used for other species are problematic for goosefish because of insufficient data and poor industry understanding and acceptance.

There are two basic ways to define overfishing: Methods based on stock abundance ("minimum level of stock biomass") and methods based on threshold mortality rates ("maximum level of fishing mortality"). The minimum stock abundance approach suggests that when a stock falls below a threshold, the risk is unacceptably high that recruitment would be depressed. The threshold mortality rate is based on allowing a sufficient proportion of spawners to survive to the following year.

The only data available to support a definition, based on a minimum stock level, are from fishery-independent surveys. A few state-supported surveys exist, but the most comprehensive are the bottom surveys conducted by NMFS. There are problems because the surveys do not encompass the entire range of the goosefish resource. No samples are taken offshore of the Continental Shelf edge where goosefish are known to occur. These surveys do, however, provide a reasonable estimate of stock abundance for that portion of the population occurring in coastal and shelf areas.

There are sufficient data to develop a definition based on a threshold mortality rate. Several measures of mortality might be appropriate; however, the stock assessments for goosefish do not give estimates of current fishing mortality. Therefore, given the current state of knowledge, this method is probably not practical at this time.

Possible Management Measures

The following measures have been used or contemplated in the management of marine fishery resources in the United States: (1) Minimum fish size (tail size); (2) gear restrictions for directed fisheries; (3) closed seasons; (5) quotas; (6) trip limits; (7) moratorium on vessels; (8) effort restrictions; (9) market based strategies; (10) special management zones; (11) dealer and vessel permits; and (12) operator permits. Another potential alternative is to list goosefish as a regulated species under the Northeast Multispecies FMP subject to some or all of its provisions.

These measures are presented to indicate the range of alternatives and their advantages and disadvantages, and not to advocate one or another. Some may be inappropriate for the management of the U.S. goosefish resource at the present time, but are presented to stimulate public comment.

Scoping Process

All persons affected by or otherwise interested in a program to manage goosefish are invited to participate in determining the scope and significant issues to be analyzed by submitting written comments (see **ADDRESSES**). Scope consists of the range of actions, alternatives, and impacts to be considered. Actions include those

which may be closely related, cumulative or similar. Alternatives include not developing a management plan, developing amendments to existing plans, developing a separate FMP, or other reasonable courses of action. Impacts may be direct, indirect, individual or cumulative. The scoping process also will identify and eliminate from detailed study issues that are not significant. Once a management plan and an Environmental Impact Statement or Environmental Assessment is developed, the Councils intend to hold a second round of public hearings to receive additional comments.

Dated: February 4, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93-3152 Filed 2-5-93; 2:22 pm]

BILLING CODE 3510-22-M

Western Pacific Regional Fishery Management Council; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of public hearings.

SUMMARY: The Western Pacific Regional Fishery Management Council (Council) will hold public hearings, in conjunction with the State of Hawaii. The Council wishes to hear the public's views on (1) a Federal minimum size for possession of opakapaka, and (2) limiting entry into certain areas of the pelagic handline fishery.

Regarding bottomfish, the Council intends to establish a minimum size for the possession of opakapaka, which is in danger of being overfished in Hawaii. For the discussion, alternatives to the minimum size for possession include closed areas and seasons, bag limits, and a minimum size for sale only, as well as restrictions for other species such as onaga and ulua.

Regarding the handline fishery, there is concern in the fishery conducted around offshore weather buoys and seamounts over the rapid increase in the harvest and the landing of small bigeye tuna. This concern has resulted in a Federal control date and discussions of limited entry.

For the discussion, alternatives to limited entry include minimum sizes and bag limits, as well as the potential impact on other small boat fisheries in the state.

The meeting schedule is as follows:

Oahu—16 Feb. 1993, 6–9 p.m.
Pacific Room, Hawaii, Maritime Center, Pier 7, Honolulu Harbor, Honolulu, HI 96813

Maui—17 Feb. 1993, 6–9 p.m.
Hearing Room, Maui County, Planning Department, 250 High St., Wailuku, HI 96793

Hilo—19 Feb. 1993, 9 a.m.–12 noon
Pavilion 3, Wailoa River, State Park, Hilo, HI 96720

Kona—19 Feb. 1993, 6–9 p.m.
Cafeteria, Kealakehe, Elementary School, 74–5118 Kealakaa St., Kailua-Kona HI 96740

Kauai—22 Feb. 1993, 6–9 p.m.
Dining Room, Kauai, Community College, 3–9101 Kaumualii Hwy., Puhi, HI 96766

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Western Pacific Fishery Management Council, 1164 Bishop St. #1405, Honolulu, HI 96813; telephone (808) 541–1974.

Dated: February 4, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management National Marine Fisheries Service.

[FR Doc. 93-3152 Filed 2-9-93; 8:45 am]

BILLING CODE 3510-22-M

National Telecommunications and Information Administration

Spectrum Planning Advisory Committee, CITEL Subcommittee; Meeting

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice of meeting, CITEL Subcommittee, Spectrum Planning Advisory Committee.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. appendix 2, notice is hereby given that the CITEL Subcommittee of the Spectrum Planning Advisory Committee (SPAC) will meet on February 19, 1993, March 12, 1993, March 31, 1993 and April 22, 1993 at 9:30 a.m. in room 1605 at the United States Department of Commerce, Herbert C. Hoover Building, 14th Street and Constitution Ave., NW., Washington, DC. Entrance to the building is at 14th Street and Pennsylvania Ave., NW.

The agenda for the CITEL Subcommittee meetings includes discussion of the change of status of the CITEL, preparation for CITEL Permanent Technical Committee (PTC–1) and discussion of follow-up actions from the Acapulco, Mexico Conference. The meeting is open for public observation. A period will be set aside for oral comments or questions by the public which do not exceed 10 minutes each per member of the public. More extensive questions or comments should be submitted in writing before February 16, 1993. Other public statements regarding Subcommittee affairs may be submitted at any time before or after the meeting. Approximately 20 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Inquires may be addressed to the Convener SPAC/CITEL Subcommittee, Mr. William M. Moran, National Telecommunications and Information Administration, room 4716, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230 telephone 202–482–1866.

Dated: February 3, 1993.

Richard Lancaster,

Executive Secretary, Spectrum Planning Advisory Committee, National Telecommunications and Information Administration.

[FR Doc. 93-3113 Filed 2-9-93; 8:45 am]

BILLING CODE 3510-60-M

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Request for Extension of Approval of Information Collection Requirements—Children's Sleepwear Flammability Standards

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval through January 31, 1996, of information collection requirements in the flammability standards for children's sleepwear and enforcement rules, codified at 16 CFR parts 1615 and 1616. These standards and enforcement rules are applicable to children's sleepwear garments in sizes 0 through 14, and to fabrics used in the production of such garments. The standards and enforcement rules require manufacturers and importers of children's sleepwear garments and fabrics to perform periodic testing of representative samples to assure that children's sleepwear items meet the performance requirements of the standards. The enforcement rules also require manufacturers and importers to compile and maintain records of the testing required by the standards, and to

make those records available to Commission investigators upon request.

Additional Details About the Request for Extension of Approval of Information Collection Requirements

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: Standards for the Flammability of Children's Sleepwear, Sizes 0 Through 6X (16 CFR 1615) and Sizes 7 Through 14 (16 CFR 1616).

Type of request: Extension of approval.

General description of respondents: Manufacturers and importers of children's sleepwear garments and fabrics used in the production of children's sleepwear.

Frequency of collection: Varies depending upon the number of styles of items produced or imported and by the number of items of each style produced or imported each year.

Estimated number of respondents: 63.

Estimated average number of hours per respondent: 1,650 per year.

Estimated number of hours for all respondents: 103,950 per year.

Comments: Comments on this request for extension of approval of information collection requirements should be addressed to Donald Arbuckle, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington DC 20503; telephone (202) 395-7340. Copies of the request for extension of information collection requirements are available from Francine Shacter, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504-0416.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 93–3095 Filed 2–9–93; 8:45 am]

BILLING CODE 6355–01–F

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, February 17, 1993.The hearing will be part of the Commission's business meeting which is open to the public and scheduled to begin at 1 p.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey.

An informal conference session among the Commissioners and staff will be open for public observation at 9:30 a.m. at the same location and will include discussions on proposed Special Protection Waters nonpoint source regulations; the upper Delaware ice jam project; Neshaminy Basin Pilot Watershed Study; proposed revisions to the Commission's ground and surface water withdrawal renewal procedures; and support for EPA's Region III Volunteer Monitoring Conference.

The subjects of the hearing will be as follows:

Amendment of Ground and Surface Water Withdrawal Renewal Procedures. Under current Commission policy, ground water docket approvals are subject to Commission renewal on a five-year basis while surface water docket approvals are presently not renewed. Continued ground water project renewal on a five-year basis would greatly increase the total number of project reviews conducted by Commission staff at the same time staff workload has recently increased due to additional regulatory activity. In recognition of the fact that surface and ground water are interrelated and withdrawals from both can significantly affect water budgets, the Commission's Ground Water Advisory Committee is now recommending the ground water docket approvals be renewed on a ten-year basis and that surface water withdrawals be subject to similar renewal procedures. The proposal would set renewal periods for both at ten years with the ability to extend surface water docket approvals to a maximum of 25 years if the applicant can demonstrate a compelling need for such an extension. In addition, ground and surface water docket approvals would be coordinated with the permitting requirements of the individual Basin states.

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact

1. *Holdover Project: Upper Merion Municipal Utility Authority D–92–51 CP.* A sewage treatment plant (STP) expansion project that will increase the existing 5.0 million gallons per day (mgd) capacity STP to treat an average of 6.0 mgd of wastewater generated in the applicant's Upper Merion Township service area. The STP will provide secondary treatment with a trickling filter/solids contact process. The STP is located near the confluence of Trout Creek with the Schuylkill River and will continue to discharge to Trout Creek via the existing outfall structure all within Upper Merion Township, Montgomery County, Pennsylvania. This hearing continues that of January 20, 1993.

2. *Star Enterprise D–87–91 RENEWAL.* An application for the renewal of a ground water withdrawal of up to 3.0 million gallons (mg) of water from an interceptor trench as part of the applicant's oil recovery/ground water decontamination project. Commission approval on January 13, 1988 was limited to five years. The applicant requests that the total withdrawal from the interceptor trench be reduced from 17.28 mg/30 days to 3.0 mg/30 days. The project is located in New Castle County, Delaware.

3. *Wilmington Suburban Water Corporation D–91–72 CP.* A surface water supply project that entails an increase withdrawal at the applicant's existing White Clay Creek intake adjacent to its Stanton water treatment plant. The applicant provides water to portions of northern New Castle County and requests an increase in its water withdrawal from 16 mgd to 30 mgd. The project is located just off First State Boulevard in Stanton, New Castle County, Delaware.

4. *Heidelburg Country Club D–92–27.* An application for approval of a surface water withdrawal project for purposes of golf course irrigation and snowmaking. The applicant will withdraw up to a combined total of 6.75 mg/30 days (0.225 mgd) from the Tulpehoken Creek and a spring-fed pond in the Tulpehoken Creek watershed. The water will be used for irrigation of the golf course during the summer months and snowmaking for the Blue Marsh ski trails in winter months. The Tulpehoken Creek intake is located approximately 2000 feet upstream of the Little Northkill Creek confluence and is on the north bank of Tulpehoken Creek. The golf course, pond is situated just north of the Tulpehoken Creek on the county club property. The project is located in Jefferson Township, Berks County, Pennsylvania.

5. *Pedricktown Cogeneration Limited Partnership D–92–37.* An application for approval of a ground water withdrawal project to supply up to 26.14 mg/30 days of water to the applicant's cogeneration facility from new Well No. PW–3, and to increase the existing withdrawal limit of 14.26 mg/30 days from all wells to 24.55 mg/30 days. The project is located in Oldmans Township, Salem County, New Jersey.

6. *Schwenksville Borough Authority D–92–39 CP.* An application for the renewal of a ground water withdrawal

project to supply up to 14.58 mg/30 days of water to the applicant's distribution system from Well Nos. 3, 4, 5, 6 and 7 and to incorporate all wells into one comprehensive docket. Commission approval of dockets D–87–71 CP and D–78–33 CP Renewal expired on September 22, 1992. The applicant requests that the total withdrawal from all wells remain limited to 14.58 mg/30 days. The project is located in Schwenksville Borough, Montgomery County, in the Southeastern Pennsylvania Ground Water Protected Area.

7. *NcNeil Consumer Products Company D–92–70.* An application to upgrade and modify the existing 0.092 mgd McNeil Consumer Products industrial wastewater treatment plant (IWTP) to treat 0.113 mgd. The IWTP serves a pharmaceutical production plant located in Whitemarsh Township, Montgomery County, Pennsylvania. The IWTP will continue to provide advanced secondary treatment prior to discharge to Sandy Run.

8. *Hamburg Municipal Authority D–92–73 CP.* An application for approval of modifications to the Hamburg Municipal Authority's existing 1.0 mgd secondary sewage treatment plant (STP). The STP will continue to serve the Borough of Hamburg plus a small portion of Windsor Township, and discharge to the Schuylkill River. The STP is locate in the Borough of Hamburg, Berks County, Pennsylvania.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact George C. Elias concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Dated: February 2, 1993.

Susan M. Weisman,

Secretary.

[FR Doc. 93–3109 Filed 2–9–93; 8:45 am]

BILLING CODE 6560–01–M

DEPARTMENT OF ENERGY

DOE Response to Recommendation 92–5 of the Defense Nuclear Facilities Safety Board Concerning Discipline of Operations Throughout the Defense Nuclear Facilities Complex

AGENCY: Department of Energy.

ACTION: Notice and request for public comment; republication.

SUMMARY: Pursuant to section 315(b) of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2286d(b), the Department of Energy (DOE) hereby publishes notice of a response of the Secretary of Energy (Secretary) to Recommendation 92–5 of the Defense Nuclear Facilities Safety Board, published in the **Federal Register** on August 28, 1992, (57 FR 39191) concerning discipline of operations in a changing defense nuclear facilities complex. Today's notice replaces the previously published notice of January 8, 1993 (58 FR 3266).

DATES: Comments, data, views, or arguments concerning the Secretary's response are due on or before March 12, 1993.

ADDRESSES: Send comments, data, views, or arguments concerning the Secretary's response to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Mr. Donald F. Knuth, Deputy Assistant Secretary for Operations, Defense Programs, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

Issued in Washington, DC on February 4, 1993.

Mark B. Whitaker,

Acting Departmental Representative to the Defense Nuclear Facilities Safety Board.

December 16, 1992.

The Honorable John T. Conway,

Chairman, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, suite 700, Washington, DC 20004

Dear Mr. Conway: On August 17, 1992, the Defense Nuclear Facilities Safety Board issued Recommendation 92–5, Discipline of Operations in a Changing Defense Nuclear Facilities Complex, to the Department of Energy. I have reviewed the three parts of Recommendation 92–5 and accept these recommendations as addressed in the enclosed Implementation Plan for Recommendation 92–5.

Sincerely,

James D. Watkins,

Admiral, U.S. Navy (Retired).

Enclosure

Implementation Plan for Board Recommendation 92–5, Discipline of Operations in a Changing Defense Nuclear Facilities Complex

There have been major mission changes in the defense nuclear complex, and further changes will continue to take place as international commitments and agreements affecting the nuclear defense activities of the Department of Energy (DOE) further evolve. A period of transition will take place. Some facilities will be put in a standby condition. Others will be permanently shut down and dismantled after appropriate attention to cleanup. These changes will bring new challenges and a need for continued improvement in discipline of operations to ensure safety of the public including the workers. The Department has made significant progress through inaugurating the cultural changes initiated by the Secretary and, in many cases, has instituted safety requirements exceeding those currently demanded of the civilian nuclear industry.

In issuing his safety policy in SEN–35–91, the Secretary stated safety goals applicable to all defense nuclear facilities of the DOE. As such, the Department will not abandon any facility without having conducted the necessary activities to ensure public and worker safety. At the same time, DOE intends to ensure that those facilities to be placed in standby for possible reactivation and return to service can be reactivated, if needed, in a cost-effective and safe manner.

The first recommendation of 92–5 relates to "defense nuclear facilities scheduled for long-term continued programmatic defense operations or for other long term uses, such as in cleanup of radioactive contamination or in storage of nuclear waste or other nuclear material from programmatic defense operations." DOE Order 5480.19 on conduct of operations provides the guidelines to achieve the formality and discipline associated with excellence in operations. The Department intends to implement this order in a graded manner commensurate with the health and safety risks associated with the particular facility. All activities will be conducted in a formal and disciplined manner which is consistent with the guidelines for conduct of operations and which takes into account the actual activities at that facility. However, under the graded approach, the conduct of operations program for long term storage of special nuclear material or low level waste would differ from the intensive program required at a defense production reactor. The concept of a graded approach has been discussed previously with the Board in connection with DOE Recommendation 90–2 Standards Compliance Implementation Plan and is being used at facilities such as Rocky Flats Building 559, the Waste Isolation Pilot Plant, Savannah River Site's K-Reactor and Replacement Tritium Facility, and Los Alamos TA–55.

The second recommendation of 92–5 relates to Operational Readiness Reviews (ORRs). This section of Recommendation 92–5 is superseded and subsumed in Defense Nuclear Facilities Safety Board Recommendation 92–6, "Operational Readiness Reviews."

The "graded approach" with respect to ORRs will be defined in the Implementation Plan for Recommendation 92–6.

The third recommendation of 92–5 discusses facilities designated for various other future modes of use such as standby. The intent is to place those facilities that may later resume some degree of production in an appropriate state of readiness to include a conduct of operations program pertinent to facility aspects and programs needed to support future activities. Specific attributes of such a program include the following items:

• Decontamination will be pursued to the point where a future operating staff can enter the facility and make use of it without unnecessary exposure to radiological hazards. Radiological hazardous and toxic contaminated areas will be stabilized, recorded, and posted. Facility stabilization and custodial control will be sufficiently complete that events such as fires, electrical power losses, and anticipated natural phenomena (earthquakes, wind, storms, and floods) would not lead to undue risk to the public.

• In the case of waste storage tanks, the ultimate disposition (disassembly or reuse) of tanks will be the determining factor for actions to be completed. As a minimum, periodic tank inspections will be conducted to ensure all tanks are placed and maintained in proper condition (e.g., inert blanket, vented, drained, purged) and the status of the tanks identified in a master log.

• Configuration and process descriptions will be maintained consistent with future mission potential. For example, for facilities for which future operation is very likely, configuration drawings, system design descriptions, process descriptions, and safety analyses will be updated so that a future operating staff will have the ability to initiate facility activation operations with adequate freedom from the possibility of accidents caused by incomplete or inaccurate understanding of the state of the facility and its proper use.

In cases where the potential exists for facility resumption in the near term (2–5 years), training programs and manuals will also be prepared as part of this process of preparation for standby status with sufficient depth to permit indoctrination and qualification of new operating and maintenance personnel to take over their assigned functions. These will also instruct the personnel in the radiological and other safety aspects of the functions they are to assume.

Accomplishment of these activities and objectives will be confirmed by DOE line management and, where applicable, by other Departmental organizations such as the Office of Nuclear Safety and the Office of Environment, Safety and Health.

As part of the Department's budgetary process, each Program Secretarial Officer (PSO) continuously reviews plans for future use of the facilities under his jurisdiction. As changes take place in mission objectives and as the reconfiguration plan for the new defense nuclear complex matures, one can reasonably expect changes in plans for usage of existing facilities. Periodically, and at least annually, the PSOs will inform the Board in writing on the revised status of defense nuclear facilities and on plans for their future use, including a discussion on the ways which the objectives of this implementation plan are being accomplished.

This recommendation, by its general nature and broad purpose, does not allow for development of a detailed and scheduled implementation plan that could be accomplished on a one-time basis in a specified time period. By accepting the principles of Recommendation 92–5 and by its commitment to periodically inform the Board of ongoing efforts at specific facilities, the Department meets the spirit and intent of Recommendations 92–5.

[FR Doc. 93–3173 Filed 2–9–93; 8:45 am]
BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project No. 2713–014 New York]

Niagara Mohawk Power Corp.; Notice of Availability of Environmental Assessment

February 4, 1993.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47910), the Office of Hydropower Licensing (OHL) has reviewed the application for amendment of license to install a minimum flow unit at the South Edwards Development of the Oswegatchie River Project on the east branch of the Oswegatchie River, St. Lawrence County, New York. The staff of OHL's Division of Project Compliance and Administration prepared an Environmental Assessment (EA) for the proposed action. In the EA, the staff concludes that construction and operation of the minimum flow unit would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Reference and Information Center, room 3308, of the Commission's Offices at 941 North Capitol Street, NE., Washington, DC 20426.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–3160 Filed 2–9–93; 8:45 am]
BILLING CODE 6717–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Memorandum of Understanding on Natural Gas Transportation Facilities

To promote interagency cooperation and collaboration in the area of natural gas transportation, the Department of Transportation and the Federal Energy Regulatory Commission have signed a Memorandum of Understanding (MOU). The MOU addresses respective agency statutory responsibilities to assure the safe and environmentally sound siting, design, construction, operation, and maintenance of natural gas transportation facilities. The text of the MOU appears below.

George W. Tenley, Jr.,

Associate Administrator for Pipeline Safety, Research and Special Programs Administration, Department of Transportation.

Kevin P. Madden,

Director, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission.

Purpose

The purpose of this Memorandum of Understanding (MOU) between the Department of Transportation (Department) and the Federal Energy Regulatory Commission (Commission) is to provide guidance and set policy for their respective technical staffs and the regulated natural gas pipeline industry regarding the execution of the agencies' respective statutory responsibilities to ensure the safe and environmentally sound siting, design, construction, operation, and maintenance of natural gas transportation facilities.

Background

The Department, through the Research and Special Programs Administration (RSPA), exercises the authority to promulgate and enforce safety regulations and standards for the transportation of natural gas in or affecting interstate or foreign commerce. RSPA exercises its authority over

natural gas facilities under the Natural Gas Pipeline Safety Act of 1968 as amended (NGPSA) (49 App. U.S.C. 1671 *et seq.*) and the Hazardous Materials Transportation Act (HMTA) (49 App. U.S.C. 1801 *et seq.*).

The regulations and standards promulgated under these authorities extend, *inter alia*, to the design, installation, construction, initial inspection, initial testing, operation, and maintenance of facilities used in the transportation of natural gas by pipeline. The Department enforces compliance with these regulations and standards through an inspection program and, when appropriate, the imposition of civil, criminal, or administrative remedies. Under criteria established by NGPSA, states are eligible to assume these regulatory and enforcement functions as they apply to intrastate pipeline transportation. Although intrastate facilities are not subject to this MOU, the regulations and standards governing pipeline transportation promulgated by the Department generally apply to both interstate and intrastate facilities.

The Commission, under section 7 of the Natural Gas Act (15 U.S.C. 717 *et seq.*), issues certificates of public convenience and necessity with terms and conditions for facilities proposed for use in the sale for resale or transportation of natural gas in interstate commerce. As required by the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), the Commission prepares environmental impact statements or environmental assessments for proposed natural gas transmission facilities in conjunction with the issuance of certificates.

Natural gas pipeline companies may also construct certain natural gas transmission facilities under Section 311 of the Natural Gas Policy Act (15 U.S.C. 3301 *et seq.*). Facilities constructed under this section must comply with the environmental requirements of 18 CFR 157.206(d).

In addition, the Secretary of Energy under Section 3 of the Natural Gas Act (15 U.S.C. 717 *et seq.*) has approval authority for the import and export of natural gas. The Secretary of Energy has delegated and assigned section 3 authority to the Commission to approve gas import and export facilities and their siting.

This MOU acknowledges the Department's exclusive authority to promulgate Federal safety standards for facilities used in the transportation of natural gas. However, under the Natural Gas Act, the Commission exercises the authority over the siting of interstate natural gas transmission facilities and may impose conditions to mitigate the impact of construction or operation on the environment.

Responsibilities

The Department and the Commission agree to the following program:

1. The Department shall:

a. Promptly alert the Commission when the Department's safety activities may impact the responsibilities of the Commission.

b. Establish a means to notify the Commission of major accidents (i.e., fatalities, multiple injuries requiring hospitalization, or property damage exceeding $50,000) involving pipeline facilities under the jurisdiction of the Commission.

c. Establish a means to notify the Commission of significant enforcement actions involving pipeline facilities under the jurisdiction of the Commission.

d. Refer to the Commission, after screening, complaints and inquiries made by state and local governments and the general public involving environmental or certificate matters related to pipelines under the Department's jurisdiction.

e. When requested by the Commission, review draft mitigation conditions considered by the Commission for potential conflicts with the Department's regulations.

2. The Commission shall:

a. Promptly alert the Department when the Commission becomes aware of an existing or potential safety problem involving natural gas transmission facilities.

b. Establish means to notify the Department of future pipeline construction, such as providing Notices of Applications for construction certification or certificate orders issued to companies that propose pipeline construction.

c. Periodically provide the Department with updates to the environmental compliance inspection schedule, and coordinate site inspections, upon request, with Department headquarters or regional offices.

d. Establish a means to notify the Department when significant safety issues have been raised during the preparation of environmental assessments or environmental impact statements.

e. Refer to the Department, after screening, complaints and inquiries made by state and local governments and the general public involving safety matters related to pipelines under the Commission's jurisdiction.

Administration

The Department and the Commission will designate appropriate staff representatives and will establish joint working arrangements from time to time to administer this MOU.

Effective Date

This MOU shall take effect upon signing by authorized representatives of the Department and the Commission.

Limitations

1. Nothing in this MOU is intended to restrict the statutory authority of the Department or the Commission.

2. Nothing in this MOU is intended to replace, supersede, or modify the existing MOU between the Department and the Commission regarding liquefied natural gas facilities published in the **Federal Register** on May 15, 1985 (50 FR 20275).

Modification and Termination

The Department and the Commission each reserves the right to suspend, modify, or terminate its respective commitments contained in this MOU upon written notice to the other party at least 30 days prior to exercising this right.

Dated: December 3, 1992.

U.S. Department of Transportation.

Andrew H. Card, Jr.,

Secretary.

Dated: January 15, 1993.

Federal Energy Regulatory Commission.

Martin L. Allday,

Chairman.

[FR Doc. 93-3106 Filed 2-9-93; 8:45 am]

BILLING CODE 6810-60-M

[Docket No. JD93-04012T Texas-104]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

February 4, 1993.

Take notice that on February 1, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to section 271.703(c)(3) of the Commission's regulations, that the Strawn-Detrital Formation underlying portions of Crockett County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area contains approximately 7,941 acres and is more fully described on the attached appendix.

The notice of determination also contains Texas' findings that the referenced portions of the Strawn-

Detrital Formation meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Linwood A. Watson, Jr.,

Acting Secretary.

Appendix

The designated area lies within Railroad Commission District No. 7C and consists of all or part of the following surveys:

W/2 of Section 41, Block ST, T.C. RR. Co. Survey, A–4388

E/2 of Section 36, Block ST, J.W. Henderson Survey (Original Grantee), A–4845

All of Section 35, Block ST, T.C. RR. Co. Survey, A–4010

All of Section 24, Block ST, J.R. Talley Survey (Original Grantee), A–5202

All of Section 23, Block ST, G.C. & S.F. RR. Co. Survey, A–3295

All of Section 19, Block ST, T.C. RR. Co. Survey, A–3479

All of Section 34, Save and Except the West 75 Acres, Block ST, J.W. Henderson Survey (Original Grantee), A–5123

All of Section 33, Block ST, T.C. RR. Co. Survey, A–4594

All of Section 30, Block ST, J.R. Talley (Original Grantee), A–5276

All of Section 27, Block ST, H.E. & W.T. RR. Co. Survey, A–4301

All of Section 9, Block SL, T. & ST.L. RR. Co. Survey, A–4189

North 100 Acres of Section 3, Block Z, J.W. Henderson Survey (Original Grantee), A–5524

All of Section 31, Block ST, M.K. & T.R. RR. Co. Survey, A–5589

All of Section 32, Block ST, P.L. Childress (Original Grantee), A–5474

N/2 of Section 1, Block M, G.C. & S.F. RR. Co. Survey, A–2411

All of Section 24, Block M, J.W. Henderson Survey (Original Grantee), A–4496

N/2 of Section 13, Block M, G.C. & S.F. RR. Co. Survey, A–2126.

[FR Doc. 93–3161 Filed 2–9–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–04013T Texas–105]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

February 4, 1993.

Take notice that on February 1, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to section 271.703(c)(3) of the Commission's regulations, that the Travis Peak Formation underlying portions of Nacogdoches County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area is in the Appleby, N. (Travis Peak) Field, within Railroad Commission District 6. The area is described as the portions of the lands in the OXY USA Inc. Deloney B Unit, the OXY USA Inc. Jackson E Unit and OXY USA Inc. Lee E Unit. These units lie in the Jno. A. Harris A–279, Jno. A. Harris A–278, J.F.F. Dohert A–184, W.A. Bishop A–107, Wm. Hays A–292 and Maria D. Castro A–133 surveys. Specifically the requested area lies in all or part of the Maria D. Castro A–133, W.A. Bishop A–107, J.F.F. Dohert A–184 and Wm. Hays A–292 surveys.

The notice of determination also contains Texas' findings that the referenced portions of the Travis Peak Formation meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–3162 Filed 2–9–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–214–005]

El Paso Natural Gas Co., Notice of Motion To Place Tariff Sheets Into Effect

February 4, 1993.

Take notice that on February 1, 1993, El Paso Natural Gas Company ("El Paso"), tendered for filing pursuant to section 4(e) of the Natural Gas Act and section 154.67(a) of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act, a motion to place into effect on February 1, 1993, certain tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1–A, Second Revised Volume No. 1 and Third Revised Volume No. 2, and the rates and modifications set forth therein.

El Paso states that on July 31, 1992 at Docket No. RP92–214–000, it filed with the Commission a notice of change in rates for natural gas service rendered to its transportation and sales customers to become effective September 1, 1992. El Paso states that by order issued August 31, 1992 at Docket Nos. RP92–214–000 and RS92–60–000 ("Suspension Order"), the Commission conditionally accepted the tariff sheets, suspended their effectiveness for five months (5) to become effective February 1, 1993, subject to refund, and established hearing procedures. Further, such acceptance was conditioned on El Paso making a showing, thirty (30) days prior to the end of the suspension period, that it has satisfied the at-risk condition with respect to its expansion facilities authorized at Docket No. CP90–2214–000. El Paso states that in addition, ordering paragraph (B) directed El Paso to refile its cost mitigation study, within thirty (30) days of the date of the order, that addresses cost shifts by rate schedule, by zone, using the throughput and cost of service underlying the currently effective rates found in Docket No. RP92–214–000. The Commission stated that El Paso's motion rates must reflect any change in the rates necessitated by the new mitigation study, subject to the Commission's review.

El Paso states that on September 30, 1992, it filed in compliance with ordering paragraph (B) of the Suspension Order and requested that its cost mitigation study and proposed mitigation measures be accepted as originally filed. El Paso states that on December 2, 1992, it refiled its mitigation studies in response to the Commission's November 2, 1992 order at Docket Nos. RP92–214–002 and RS92–60–005 and on December 31, 1992, it filed its Order No. 636, *et seq.*, compliance filing at Docket No. RS92–60–000 which also included mitigation studies. El Paso states that on January 19, 1993, in response to a January 14, 1993 letter order form OPPR, it requested that the Commission utilize the data filed on December 31, 1992 at Docket No. RS92–60–000 or to the extent possible, postpone such analysis until receipt of El Paso's proposed settlement proposal at Docket Nos. RP91–188–000 and RP92–214–000. El Paso states that since it included mitigation measures in its original

filing, the rates set forth on the tendered tariff sheets reflect such rates.

El Paso states that on December 31, 1992 it filed in compliance with the Suspension Order showing that it had satisfied the at-risk condition for its expansion facilities authorized at Docket No. CP90–2214–000.

El Paso states that ordering paragraph (C) of the Suspension Order required El Paso to file not later than January 31, 1993, rates and related workpapers to reflect the actual plant in service on January 31, 1993. El Paso states that it submitted a schedule reflecting the actual gas plant in service as of January 31, 1993 which exceeds the actual gas plant projected to be in service January 31, 1993. El Paso states that since the actual plant in service is in excess of the plant projected to be in service, no rate adjustment has been made.

El Paso states that copies of the document were served upon all interstate pipeline system transportation and sales customers of El Paso and all interested state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 11, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–3163 Filed 2–9–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–50–003]

High Island Offshore System; Notice of Compliance Filing

February 4, 1993.

Take notice that on January 28, 1993, High Island Offshore System ("HIOS") filed 1st Revised Eighth Revised Sheet No. 8 to HIOS' FERC Gas Tariff, First Revised Volume No. 1 in compliance with the Commission's December 28, 1992, letter order approving an uncontested Stipulation and Agreement ("S&A") herein. HIOS states that in accordance with article I of the S&A such tariff sheet reflects an effective date of March 1, 1993.

HIOS also states that such tariff sheet reflects the settlement rates set forth in appendix A to the S&A, as adjusted pursuant to article III of the S&A to reflect certain reductions in its costs related to measurement, dehydration, and separation at the Grand Chenier facilities of ANR Pipeline Company.

Any person desiring to protest said filing should file a protest with the Federal Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 11, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–3167 Filed 2–9–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT93–3–000]

Louisiana-Nevada Transit Co.; Notice of Proposed Changes in FERC Gas Tariff

February 4, 1993.

Take notice that Louisiana-Nevada Transit Company ("LNT"), on January 21, 1993, tendered for filing with the Federal Energy Regulatory Commission ("Commission") the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1:

Original Sheet No. 23N
Original Sheet No. 230

Such tariff sheets are filed pursuant to section 250.16 of the Commission's regulations. LNT requests that the Commission permit such tariff sheets to become effective November 12, 1992 which is the date that LNT's stock was purchased by EnMark Gas Corp.

Pursuant to section 154.51 of the Commission's regulations, LNT requests that the Commission grant any waiver of notice or any other waiver of its regulations or policies that may be required.

LNT states that a copy of its filing has been served upon its customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with section 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.311 and 385.214) on February 22, 1993. All such motions or protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–3166 Filed 2–9–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM93–1–92–000]

Mojave Pipeline Co.; Notice of GRI Charge Filing

February 4, 1993.

Take notice that on December 15, 1992, Mojave Pipeline Company (Mojave) submitted Second Revised Sheet No. 11 to be part of its FERC Gas Tariff Original Volume No. 1 pursuant to Commission Order issued August 28, 1992, in Docket No RP92–133–000 (Phase I), reflecting an $0.08 per MMBtu Gas Research Institute (GRI) reservation charge, and a continuation of the existing $0.0147 per MMBtu GRI volumetric charge to be effective as of January 1, 1993. Mojave's filing fee was inadvertently omitted from its submittal and not sent until December 17, 1992 (a re-issued check was received on February 1, 1993, when it was determined that the original check was missing). Mojave requests that its check and filing be considered as if received on December 18, 1992.

Mojave states that it served copies of this filing on all of Mojave customers, and requests that the Commission grant any waivers the Commission deems necessary to permit the tariff sheet to become effective January 1, 1993.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214. All such protests should be filed on or before February 17, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the

Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93-3165 Filed 2-9-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-259-063]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

February 4, 1993.

Take notice that on January 29, 1993, Northern Natural Gas Company (Northern) tendered for filing to become part of Northern's FERC Gas Tariff, the following tariff sheets:

Fourth Revised Volume No. 1

First Revised Original Sheet No. 50
First Revised Substitute Original Sheet No. 51
First Revised Original Sheet No. 52
First Revised Original Sheet No. 53
Substitute Original Sheet No. 55
Substitute Original Sheet No. 56
First Revised Original Sheet No. 57
First Revised Original Sheet No. 58
Substitute Original Sheet No. 59
First Revised Original Sheet No. 60

Original Volume No. 2

Substitute 120 Revised Sheet No. 1C
1 Rev Fourteenth Revised Sheet No. 1C.a

Northern states that the tariff sheets are being filed in compliance with the Commission's January 19, 1993 Order Accepting Tariff Sheets Subject to Condition. The tariff sheets reflect Northern's rates utilizing Clifton as the demarcation point between Northern's Field and Market Areas.

Northern further states that copies of the filing have been mailed to each of its customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before February 11, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93-3164 Filed 2-9-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA93-1-7-000]

Southern Natural Gas Co.; Notice of Proposed Changes in FERC Gas Tariff

February 4, 1993.

Take notice that on February 1, 1993, Southern Natural Gas Company (Southern) tendered for filing the following revised sheets to its FERC Gas Tariff, Sixth Revised Volume No. 1:

Fourth Revised One-Hundred Twenty-Fourth Revised Sheet No. 4A
Fourth Revised Thirty-Seventh Revised Sheet No. 4B
Fourth Revised Forty-Third Revised Sheet No. 4J

Southern states that the proposed tariff sheets and supporting information are being filed with a proposed effective date of April 1, 1993, pursuant to the Purchased Gas Adjustment clause of its FERC Gas Tariff and section 154.305 of the Commission's Regulations.

The proposed tariff sheets reflect the following revisions to the Current Adjustment and Surcharge Adjustment components of Southern's rates:

Current Adjustment

1. A decrease of $.316 per Mcf at 1,000 Btu in the commodity component.
2. A decrease of $.016 per Mcf at 1,000 Btu in the demand component for all zones.

Surcharge Adjustment

1. A positive adjustment of $.046 per Mcf at 1,000 Btu in the commodity component.
2. A positive adjustment of $.044 per Mcf at 1,000 Btu in the demand component.

Copies of Southern's filing were served upon all of Southern's jurisdictional purchasers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commissions's Rules of Practice and Procedure (section 385.214, 385.211). All such petitions and protests should be filed on or before February 22, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93-3169 Filed 2-9-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-177-102]

Texas Eastern Transmission Corp.; Notice of Reconciliation Report

Feburary 4, 1993.

Take notice that on December 1, 1992, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing its report on its gas supply inventory (GSI) reservation charge, in compliance with ordering paragraph (D) of the Commission's August 31, 1992 order setting a termination date for its gas inventory charge.

Texas Eastern states that consistent with the requirements of Section 28, GSI reservation charge, of its FERC Gas Tariff, Fifth Revised Volume No. 1 as in effect prior to November 1, 1992, its report reflects (i) the amount GSI charges collected from buyers and applicable interest thereon by contract year, (ii) the current amounts refunded to buyers, (iii) the current amounts paid by seller for GSI costs, and (iv) the remaining balance by contract year of GSI reservation charges and applicable interest thereon as of October 31, 1992, applicable to the contract years November 1, 1989 through October 31, 1990, November 1, 1990 through October 31, 1991, and November 1, 1991 through October 31, 1992.

Texas Eastern states that copies of the filing have been sent to Texas Eastern's jurisdictional sales customers and applicable state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 11, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93-3168 Filed 2-9-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket RP93-40-001]

Western Gas Interstate Co.; Filing

February 4, 1993.

Take notice that on February 1, 1993, Western Gas Interstate Company ("Western"), pursuant to the Commission's Order of December 31, 1992 tendered for filing proposed changes to its FERC Gas Tariff to be effective no later than May 1, 1993.

Western states that it filed these tariff sheets in compliance with the Commission's Order that only currently effective services be included, while services and costs which are associated with its restructuring proceeding be excluded.

Western has filed tariff sheets revising its currently effective tariff, new rates reflecting a cost of service that excludes restructuring costs, and a revised Statement N. Western has also included a cost study demonstrating the impact on each customer of the switch to SFV.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 11, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93-3159 Filed 2-9-93; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 93-02-NG]

Western Natural Gas and Transmission Corp.; Order Granting Blanket Authorization to Import and Export Natural Gas from and to Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of an order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Western Natural Gas and Transmission Corporation blanket authorization to import from Canada up to a maximum of 40 Bcf of natural gas and to export to Canada up to a maximum of 20 Bcf of natural gas over a two-year term beginning on the data of first import or export.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 4, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93-3172 Filed 2-9-93; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4593-5]

Revision of the Ohio National Pollutant Discharge Elimination System Program To Authorize the Issuance of General Permits

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of approval of the National Pollutant Discharge Elimination System General Permit Program of the State of Ohio.

SUMMARY: On August 17, 1992, the Regional Administrator for the Environmental Protection Agency (U.S. EPA), Region 5, approved the State of Ohio's National Pollutant Discharge Elimination System (NPDES) General Permit Program. On July 2, 1992, the Ohio Environmental Protection Agency (Ohio EPA) submitted a formal request for approval to revise its NPDES Permit Program to authorize the issuance of general NPDES permits. This action authorizes the State of Ohio to issue general permits in lieu of individual NPDES permits. Based on its review of Ohio's legal authority, U.S. EPA determined that no statutory or regulatory changes were necessary for the State to administer a general permit program. U.S. EPA has thus determined Ohio's program modification to be non-substantial.

FOR FURTHER INFORMATION CONTACT: Matt Gluckman, U.S. Environmental Protection Agency, Region 5 (WQP-16J), 77 West Jackson Boulevard, Chicago, Illinois 60604-3507, (312) 886-6089.

SUPPLEMENTARY INFORMATION:

I. Background

U.S. EPA regulations at 40 CFR 122.28 provide for the issuance of general permits to regulate the discharge of wastewater which results from substantially similar operations, are of the same type wastes, require the same effluent limitations or operating conditions, require similar monitoring and are more appropriately controlled under a general permit rather than by individual permits.

Ohio was authorized to administer the NPDES program on March 11, 1974. As previously approved, the State's program did not include provisions for the issuance of general permits. A number of categories of discharges can be appropriately regulated by general permits. For these reasons, the Ohio EPA requested a revision of the State's NPDES program to provide for the issuance of general permits. Storm water discharges are currently under consideration for the general permit program, though additional categories could be considered in the future.

Each general permit will be subject to U.S. EPA review and approval as provided by 40 CFR 123.44. Public notice and opportunity to request a hearing is also provided for each general permit.

II. Discussion

The State of Ohio submitted in support of its request, copies of the relevant statutes and regulations for implementing the program. The State has also submitted a statement dated July 22, 1992, by the Attorney General certifying, with appropriate citations to the statutes and regulations that the State will have adequate legal authority to administer the general permit program as required by 40 CFR 123.23(c). In addition, the State submitted a program description supplementing the original application for the NPDES program authority to administer the general permit program, including the authority to perform each of the activities set forth in 40 CFR 123.44. The State has also submitted an Amendment to the Memorandum of Agreement between the State of Ohio EPA and U.S. EPA, Region 5 specifying the procedures through which general permits will be issued and administered by the State. Based upon Ohio's program description and upon its experience in administering an approved NPDES program, U.S. EPA has concluded that the State will have the necessary procedures and resources to administer the general permit program.

III. Federal Register Notice of Approval of State NPDES Programs or Modifications

Today's **Federal Register** notice announces the approval of Ohio's authority to issue general permits.

IV. Review Under Executive Order 12291 and the Regulatory Flexibility Act

The Office of Management and Budget has exempted this rule from the review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Under the Regulatory Flexibility Act, U.S. EPA is required to prepare a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. Pursuant to section 605(d) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), I certify that this State General Permit Program will not have a significant impact on a substantial number of small entities. Approval of the Ohio NPDES State general Permit Program establishes no new substantive requirements, nor does it alter the regulatory control over any industrial category. Approval of the Ohio NPDES State General Permits Program merely provides a simplified administrative process.

Dated: January 25, 1993.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 93–3155 Filed 2–9–93; 8:45 am]

BILLING CODE 6560–50–P

[OPP–00351; FRL–4189–8]

Lawn Care Pesticide Advisory Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Under Public Law 94–409, notice is hereby given that the Office of Prevention, Pesticides, and Toxic Substances will be holding a second Lawn Care Pesticide Advisory Committee meeting on February 25–26, 1993. The purpose of this meeting, a follow-up to one held on May 12–13, 1992, is to help EPA gain further insight on lawn care pesticide issues. Topics for discussion are slated to include: Posting, notification and registries; EPA's advertising guidance; state inspections during FY–92; results from recent EPA workshops on residential post-application exposure and lawn care benefits; current congressional activity; and the need for future Advisory Committee meetings. The Advisory Committee is composed of a balanced group of participants from the lawn and garden care service industry, pesticide manufacturers and formulators, environmental and consumer advocates, congressional staff, and public sector representatives including State health and pesticide regulatory officials, and other Federal Government officials. The emphasis will be on both sharing information and experience, as well as exploring for possible Advisory Committee recommendations.

DATES: The meeting will be held on February 25, 1993 from 8:30 a.m. to 5 p.m., and on February 26, 1993 from 8:30 a.m. to 1 p.m.

ADDRESSES: The meeting will be held at Embassy Suites Hotel, 1900 Diagonal Road, Alexandria, VA (703) 684–5900.

FOR FURTHER INFORMATION CONTACT: Dr. Michael Firestone, Office of Prevention, Pesticides, and Toxic Substances, 401 M Street, SW., Washington, DC 20460, (202) 260–2897. Since space is limited, those wishing to attend as observers should contact Mrs. Marjorie Fehrenbach at (703) 305–5017.

Dated: February 3, 1993.

Victor J. Kimm,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 93–3062 Filed 2–9–93; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Field Testing of the Proposed EBS Technology

February 3, 1993.

The Commission will be field testing proposed Emergency Broadcast System (EBS) technical (universal and optional) parameters over the next several months. The proposed standards are outlined in the FCC Notice of Proposed Rule Making/Further Notice of Proposed Rule Making, FO Docket 91–301 and 91–171, paragraphs 42 through 71. The NPRM/FNPRM was adopted by the Commission on September 17, 1992 and released on October 8, 1992.

The tests are being conducted to assure that the proposed new standards will be compatible with all technologies that deliver emergency alert information. We are recommending that several tests be conducted with at least one test in the east and one in the west of the U.S.

In order to assure representation from all sectors of the telecommunications industry, we invite equipment manufacturers, cable, broadcast stations and other interested parties to participate in these tests.

The results of the field tests will be made a part of the official docket record in the rule making proceeding. We envision that the final equipment standards would be reflective of the entire Commission record developed. Those who are interested in participating in the tests should contact the EBS Staff at (202) 632–3906.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–3097 Filed 2–9–93; 8:45 am]

BILLING CODE 6712–01–M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for new FM stations:

Applicant, city and state	File No.	MM docket No.
I.		
A. Rivertown Communications Company, Inc.; Eldon, IA.	BPH–911008ME	92–316
B. Sample Broadcasting Company, L.P.; Eldon, IA.	BPH–911010MA	
Issue heading and applicants 1. Comparative, A&B 2. Ultimate, A&B		
II.		
A. Milford Broadcasting Co.; Milford, IA.	BPH–911003MI	92–317
B. Sharon A. Mayer; Milford, IA.	BPH–911004MG	
Issue heading and applicants 1. Comparative, A, B 2. Ultimate, A,B		

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth above. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding heading at 51 FR 19,347, May 29, 1986. The letter shown before each applicant's name, above, is used above to signify whether the issue in question applies to that particular applicant.

3. If there are any non-standardized issues in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractors, Downtown Copy Center, 1114 21st

Street, NW., Washington, DC 20036 (telephone 202–452–1422).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 93–3126 Filed 2–9–93; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

The Port Authority of New York and New Jersey, et al.; Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC, Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200661–001.

Title: New York and New Jersey/ Maersk Container Terminal Agreement.

Parties:

The Port Authority of New York and New Jersey; Maersk Container Service Company, Inc.

Synopsis: The amendment extends the term of the Agreement between the parties until April 30, 1993.

Agreement No.: 224–200630–005.

Title: Port of New York and New Jersey/Maher Terminals, Inc., Marine Terminal Agreement

Parties:

The Port of New York and New Jersey, Maher Terminals, Inc.

Synopsis: The modification increases the space at Berth 76 at the Maher's Tripoli Street Terminal to 8.28 acres of open area. The monthly fee will be $43,570.40.

Agreement No.: 224–200630–006.

Title: Port of New York and New Jersey/Maher Terminals, Inc., Marine Terminal Agreement

Parties:

The Port of New York and New Jersey, Maher Terminals, Inc.

Synopsis: The modification increases the space at the Maher's Tripoli Street Terminal to 8 acres of open area. Maher will pay at one-time fee in the amount of $26,758.20.

Dated: February 4, 1993.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 93–3115 Filed 2–9–93; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Merle Coile; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Correction

This notice corrects a previous notice (FR Doc. 93-1667) published at page 5990 of the issue for Monday, January 25, 1993.

Under the Federal Reserve Bank of Chicago heading, the entry for ABC Employee Stock Ownership Plan is revised to read as follows:

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Merle Coile; Chester Eyer Employees Profit Sharing Plan; Harris Hammer; Kay Hammer; Gayle Simpsen; Jeffrey Coile; James Eckert; and Sharon Eckert, to acquire 24.19 percent of the voting shares of Anchor Bancorporation, Farmers City, Illinois, and thereby indirectly acquire Anchor State Bank, Anchor, Illinois.

Comments on this application must be received by February 24, 1993.

Board of Governors of the Federal Reserve System, February 4, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–3123 Filed 2–9–93; 8:45 am]

BILLING CODE 6210–01–F

Michigan National Corporation; Notice of Application to Engage De Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 2, 1993.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Michigan National Corporation, Farmington Hills, Michigan; to engage *de novo* through its subsidiary, Independence One Financial Institutions Consulting, Inc., Farmington, Hills, Michigan, in furnishing management consulting advice on an explicit fee basis to nonaffiliated banks and depository institutions pursuant to § 225.25(b)(11) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 4, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–3120 Filed 2–9–93; 8:45 am]

BILLING CODE 6210–01–F

Oostburg Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are

considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 5, 1993.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Oostburg Bancorp, Inc., Oostburg, Wisconsin; to become a bank holding company by acquiring 80 percent of the voting shares of Oostburg State Bank, Oostburg, Wisconsin, a *de novo* bank.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Community Bank Group, Inc., Eden Prairie, Minnesota; to merge with Cleveland Bancshares, Inc., Cleveland, Minnesota, and thereby indirectly acquire Peoples State Bank of Cleveland, Cleveland, Minnesota.

2. Oliver Bancorporation, Inc., Center, North Dakota; to acquire 100 percent of the voting shares of Security State Bank of New Salem, New Salem, North Dakota.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Clear Creek Bank Corp., Idaho Springs, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of First State Bank, Idaho Springs, Colorado.

2. Northwest Sooner Bancshares, Inc., Okarche, Oklahoma; to become a bank holding company by acquiring at least 97.75 percent of the voting shares of Community National Bank of Okarche, Okarche, Oklahoma.

Board of Governors of the Federal Reserve System, February 4, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-3121 Filed 2-9-93; 8:45 am]

BILLING CODE 6210-01-F

Jon R. Stuart, et al. Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 2, 1993.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Jon R. Stuart, Tulsa, Oklahoma, to acquire an additional 7.63 percent for a total 31.31 percent; and E.R. Albert, Jr., Living Trust, Tulsa, Oklahoma, to acquire an additional 6.79 percent for a total of 26.05 percent of the voting shares of Tulbancorp, Inc., Tulsa, Oklahoma, and thereby indirectly acquire Bank of Tulsa, Tulsa, Oklahoma.

Board of Governors of the Federal Reserve System, February 4, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-3122 Filed 2-9-93; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 91D-0425]

Guideline for the Clinical Evaluation of Analgesic Drugs; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guideline entitled "Guideline for the Clinical Evaluation of Analgesic Drugs." The purpose of the guideline is to present recommended approaches to the clinical study of drugs intended to treat pain. It revises a guideline for the clinical evaluation of analgesic drugs that was issued in November 1979.

ADDRESSES: Submit written requests for single copies of the "Guideline for the Clinical Evaluation of Analgesic Drugs" to the CDER Executive Secretariat Staff (HFD-8), Center for Drug Evaluation and Research, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855. Send two self-addressed adhesive labels to assist that office in processing your requests. Submit written comments on the guideline to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857. Requests and comments should be identified with the docket number found in brackets in the heading of this document. "Guideline for the Clinical Evaluation of Analgesic Drugs" and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Rudolph Widmark, Center for Drug Evaluation and Research (HFD-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4250.

SUPPLEMENTARY INFORMATION: FDA is making available a revised guideline entitled "Guideline for the Clinical Evaluation of Analgesic Drugs." The revision represents an update of the guideline for studying these drug products that was originally issued in November 1979. The earlier guideline was issued under identification number HEW (FDA) 80-3093. The original guideline is hereby revoked.

The Analgesic Guideline Committee of the American Society for Clinical Pharmacology and Therapeutics suggested revisions to the agency's analgesic guideline. This guideline, as revised by FDA, was discussed with approval by FDA's Arthritis Advisory Committee in a meeting held in June 1991. FDA's guideline "General Considerations for the Clinical Evaluation of Drugs" is an important companion guideline and should be reviewed before reading the revised analgesic guideline. Both guidelines are available from the CDER Executive Secretariat Staff (address above).

The revised guideline contains recommendations for the clinical study

of analgesic drugs. A person may follow the guideline or may choose to use alternate procedures even though they are not provided for in the guideline. If a person chooses to use alternate procedures, that person may wish to discuss the matter further with the agency to prevent expenditure of money and effort on activities that may later be determined to be unacceptable by FDA. This guideline does not bind the agency, and it does not create or confer any rights, privileges, or benefits for or on any person.

Interested persons may submit written comments on the guideline to the Dockets Management Branch (address above). FDA will consider these comments in determining whether further amendments to, or revisions of, the guideline are warranted. Two copies of any comments should be submitted, except that individuals may submit one copy. Comments should be identified with the docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 16, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–3102 Filed 2–9–93; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 76N–0110; Desl 11802]

Adria Laboratories; Rescission of a Notice of Opportunity for Hearing Proposing to Withdraw Approval of the New Drug Application for Kaon Coated Tablets

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is rescinding a notice of opportunity for hearing proposing to withdraw approval of the new drug application (NDA) for Kaon Coated Tablets (NDA 16–287). The agency has determined that Kaon Coated Tablets have been shown to be safe for their intended use.

EFFECTIVE DATE: February 10, 1993.

FOR FURTHER INFORMATION CONTACT: Megan Foster, Center for Drug Evaluation and Research (HFD–366), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8041.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of April 6, 1976 (41 FR 14568), FDA offered an opportunity for hearing, proposing to withdraw approval of certain NDA's for oral potassium salt drug products intended for prophylaxis or treatment of potassium depletion. This action was taken on the basis of new reports of small-bowel lesions associated with the use of these products and because of the availability of alternative methods for prophylaxis or treatment of potassium depletion. Kaon Coated Tablets, manufactured by Warren-Teed Pharmaceuticals, Inc. (now known as Adria Laboratories), was included in this notice.

In response to this notice, Warren-Teed requested a hearing, arguing that Kaon Coated Tablets were not enteric-coated, and that adverse drug experience (ADE) reports showed a rate of small-bowel ulceration that was far lower than the ulceration rates of the enteric-coated potassium chloride products, and that animal studies show that it was less ulcerogenic than enteric-coated potassium chloride. FDA has reviewed the material submitted in Warren-Teed's hearing request, additional submissions by the firm, and all ADE reports concerning Kaon Coated Tablets, and concludes that Kaon Coated Tablets have been shown to be safe for their intended use. Accordingly, the April 6, 1976, notice of opportunity for hearing proposing to withdraw approval of Kaon Coated Tablets is rescinded. Approval of all of the other products covered by the 1976 notice of opportunity for hearing has previously been withdrawn.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505 (21 U.S.C. 352, 355)) and under the authority delegated to the Director, Center for Drug Evaluation and Research (21 CFR 5.82).

Dated: January 23, 1993.

Carl C. Peck,

Director, Center for Drug Evaluation and Research.

[FR Doc. 93–3136 Filed 2–9–93; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 92E–0375]

Determination of Regulatory Review Period for Purposes of Patent Extension; NORVASC®; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the notice of its determination of the regulatory review period for purposes of patent extension for NORVASC® (amlodipine besylate) that appeared in the **Federal Register** of November 19, 1992 (57 FR 54600). The document was published with some inadvertent errors. The document stated, "Of this time, 1,630 days occurred during the testing phase of the regulatory review period, while 1,683 days occurred during the approval phase." It should have stated, "Of this time, 1,629 days occurred during the testing phase of the regulatory review period, while 1,684 days occurred during the approval phase." In addition, the document stated, "NDA 19–787 was submitted on December 23, 1987." It should have stated, "NDA 19–787 was submitted on December 22, 1987." This document corrects those errors.

FOR FURTHER INFORMATION CONTACT: Nicholas P. Reuter, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

In FR Doc. 92–28013, appearing on page 54600 in the **Federal Register** of November 19, 1992, the following corrections are made:

1. On page 54601, in the 1st column, in the 2d complete paragraph, in line 4, "1,630" is corrected to read "1,629"; and in line 6, "1,683" is corrected to read 1,684".

2. On page 54601, in the 1st column, in the 4th complete paragraph, in lines 5 and 11, "December 23, 1987" is corrected to read "December 22, 1987."

The total regulatory review period determination of 3,313 days that was announced in the November 19, 1992, notice remains unchanged by this correction.

Dated: February 3, 1993.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 93–3135 Filed 2–9–93; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 93D–0025]

Target Animal and Human Food Safety, Drug Efficacy, Environmental and Manufacturing Studies for Anti-Infective Bovine Mastitis Products; Draft Guideline; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guideline entitled "Guideline for Target Animal and Human Food Safety, Drug Efficacy, Environmental and Manufacturing Studies for Anti-infective Bovine Mastitis Products." The guideline

provides sponsors with general procedures for collecting the aforementioned data and information. FDA invites interested persons to submit written comments on this draft guideline.

DATES: Written comments by April 12, 1993.

ADDRESSES: Submit written requests for single copies of the draft guideline to the Communications and Education Branch (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855. Send two self-addressed adhesive labels to assist that office in processing your requests. Submit written comments on the draft guideline to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857. Requests and comments should be identified with the docket number found in brackets in the heading of this document. A copy of the draft guideline and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William J. Baker, Center for Veterinary Medicine (HFV–133), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8652.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of a draft guideline entitled "Guideline for Target Animal and Human Food Safety, Drug Efficacy, Environmental and Manufacturing Studies for Anti-infective Bovine Mastitis Products." Sponsors of new animal drug applications (NADA's) including applications for drug products containing anti-infective bovine mastitis substances are required to furnish FDA with target animal and human food safety, drug effectiveness, and manufacturing and control data and information necessary to support their submissions. This information is required by section 512(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(b)), and is generally described in 21 CFR 514.1 for NADA's, 21 CFR 514.8 for supplements to approved NADA's, and 21 CFR parts 210 and 211 for the manufacturing process to meet current good manufacturing practice requirements for pharmaceutical dosage forms. The regulations at 21 CFR part 25 describe the environmental data that is required for applications to comply with the National Environmental Policy Act. The draft guideline provides sponsors with general procedures that may be followed to collect the required data and information. When the draft guideline is finalized, it will supersede the existing "Guideline for Anti-infective Bovine Mastitis Product Development" whose availability was announced in the **Federal Register** of July 18, 1985 (50 FR 29269).

Guidelines state procedures or practices that may be useful to the persons to whom they are directed, but are not legal requirements. Guidelines represent the agency's position on a procedure or a practice at the time of their issuance. A person may follow a guideline or may choose to follow alternate procedures or practices. If a person chooses to use alternate procedures or practices, that person may wish to discuss the matter further with the agency to prevent an expenditure of money and effort on activities that may later be determined to be unacceptable to FDA. A guideline does not bind the agency, and it does not create or confer any rights, privileges, or benefits for or on any person. When a guideline states a requirement imposed by statute or regulation, however, the requirement is law and its force and effect are not changed in any way by virtue of its inclusion in the guideline.

Interested persons may, on or before April 12, 1993, submit to the Dockets Management Branch (address above) written comments on the draft guideline. Additional comments will be considered in determining whether future amendments to, or revisions of, the guideline are warranted. Comments should be submitted in duplicate (except that individuals may submit one copy), identified with the docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 4, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–3133 Filed 2–9–93; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 93D–0026]

Target Animal and Human Food Safety, Drug Efficacy, Environmental and Manufacturing Studies for Teat Antiseptic Products; Draft Guideline; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guideline entitled "Guideline for Target Animal and Human Food Safety, Drug Efficacy, Environmental and Manufacturing Studies for Teat Antiseptic Products." The guideline provides sponsors with general procedures for collecting the aforementioned data and information. FDA invites interested persons to submit written comments on this draft guideline.

DATES: Written comments by April 12, 1993.

ADDRESSES: Submit written requests for single copies of the draft guideline to the Communications and Education Branch (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855. Send two self-addressed adhesive labels to assist that office in processing your requests. Submit written comments on the draft guideline to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857. Requests and comments should be identified with the docket number found in brackets in the heading of this document. A copy of the draft guideline and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Thomas J. Jacobs, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8648.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of a draft guideline entitled "Guideline for Target Animal and Human Food Safety, Drug Efficacy, Environmental and Manufacturing Studies for Teat Antiseptic Products." Sponsors of new animal drug applications (NADA's) including applications for drug products containing teat antiseptic substances are required to furnish FDA with target animal and human food safety, drug effectiveness, and manufacturing and control data and information necessary to support their submissions. This information is required by section 512(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(b)), and is generally described in 21 CFR 514.1 for NADA's, 21 CFR 514.8 for supplements to approved NADA's, and 21 CFR parts 210 and 211 for the manufacturing process to meet current good manufacturing practice requirements for pharmaceutical dosage forms. Part 25 (21 CFR part 25) describes the environmental data that is required for applications to comply with the National Environmental Policy Act. The

draft guideline provides sponsors with general procedures that may be followed to collect the required data and information.

Guidelines state procedures or practices that may be useful to the persons to whom they are directed, but are not legal requirements. Guidelines represent the agency's position on a procedure or a practice at the time of their issuance. A person may follow a guideline or may choose to follow alternate procedures or practices. If a person chooses to use alternate procedures or practices, that person may wish to discuss the matter further with the agency to prevent an expenditure of money and effort on activities that may later be determined to be unacceptable to FDA. A guideline does not bind the agency, and it does not create or confer any rights, privileges, or benefits for or on any person. When a guideline states a requirement imposed by statute or regulation, however, the requirement is law and its force and effect are not changed in any way by virtue of its inclusion in the guideline.

Interested persons may, on or before April 12, 1993, submit to the Dockets Management Branch (address above) written comments on the draft guideline. Additional comments will be considered in determining whether future amendments to, or revisions of, the guideline are warranted. Comments should be submitted in duplicate (except that individuals may submit one copy), identified with the docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 4, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–3134 Filed 2–9–93; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–050–4320–03]

Shoshone District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Shoshone District Grazing Advisory Board.

EFFECTIVE DATES: Wednesday, March 24, 1993, at 9 a.m.

ADDRESSES: BLM Shoshone District Office, 400 West F Street, Shoshone, ID 83352.

FOR FURTHER INFORMATION CONTACT: Mary C. Gaylord, District Manager, Shoshone District Office, P.O. Box 2–B, Shoshone, ID 83352. Telephone (208) 886–2206.

SUPPLEMENTARY INFORMATION: The proposed agenda for the meeting includes (1) drought discussion, (2) Animal Damage Control program, (3) Bennett Hills RMP update, (4) fire rehabilitation progress, (5) grazing schedules for 1992 fire areas, (6) sheep bedground policy, and (7) disbursement of Advisory Board funds.

Operation and administration of the Board will be in accordance with the Federal Advisory Committee Act of 1972 (Pub. L. 92–463; 5 U.S.C. appendix 1) and Department of the Interior regulations, including 43 CFR part 1784.

The meeting will be open to the public. Anyone may present an oral statement between 11 a.m. and 12 noon, or may file a written statement regarding matters on the agenda. Oral statements will be limited to ten minutes. Anyone wishing to make an oral statement should notify the District Manager by Monday, March 22, 1993. Records of the meeting will be available in the Shoshone District Office of public inspection or copying within 30 days after the meeting.

Dated: February 2, 1993.

Janis L. VanWyhe,

Associate District Manager.

[FR Doc. 93–3144 Filed 2–9–93; 8:45 am]

BILLING CODE 4310–GG–M

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT–775332.

Applicant: White Oak Conservation Center, Yulee, FL.

The applicant requests a permit to import one captive-bred female maned wolf (*Chrysocyon brachyurus*) from Norden's Ark, Sweden for enhancement of propagation and survival of the species.

PRT–775687.

Applicant: Roy Hess, Pensacola, FL.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*), culled from the captive-herd maintained by the Ciskei Government, Tsolwana Game Reserve, Tarkastad, Republic of South Africa, for the purpose of enhancement of survival.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: February 5, 1993.

Susan Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 93–3124 Filed 2–9–93; 8:45 am]

BILLING CODE 4310–55–M

Receipt of Application for Permit

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*, the Endangered Species Act of 1973, as amended (U.S.C. 1531, *et seq.*) and the regulations governing marine mammals and endangered species (50 CFR parts 17 and 18).

PRT–775336.

Applicant: U.S. Fish and Wildlife Service Ecological Services—Region 1, Portland, OR.

Type of Permit: Scientific Research and Enhancement of Survival and Recovery.

Name and Number of Animals: Southern Sea Otter (*Enhydra lutris nereis*).

Up to 150 individuals of both sexes will be captured. No pregnant females, pups, or sea otters less than 18 pounds will be captured except in emergency situations.

Summary of Activity to be Authorized: The applicant requests a permit to take (capture, tag, implant transponder chip, collect blood, drug, extract pre-molar) to monitor movement, natality, mortality, health parameters and diseases for purposes of injury assessment in case of an oil spill or other potentially harming event or emergency and to aid in the recovery of

the species. Up to 75 sea otters may be recaptured for retagging or health checks.

Source of Marine Mammals for Research: Wild sea otters located between Pillar Point south to Point Conception off the coast of California.

Period of Activity: From 1993 to December 1977.

Concurrent with the publication of this notice in the **Federal Register**, the Office of Management Authority is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments, requests for copies of the complete application, or requests for a public hearing on this application should be submitted to the Director, Office of Management Authority (OMA), 4401 N. Fairfax Dr., room 432, Arlington, VA 22203 and must be received by the Director within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such hearing is at the discretion of the Director.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, OMA, 4401 North Fairfax Drive, Room 432, Arlington, VA 22203. Phone: (1–800–358–2104); Fax: (703/358–2281).

Dated: February 5, 1993.

Susan Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 93–3125 Filed 2–9–93; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Gauley River National Recreation Area Advisory Committee; Meeting

AGENCY: National Park Service; Gauley River National Recreation Area Advisory Committee.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Gauley River National Recreation Area Advisory Committee. Notice of this meeting is required under the Federal Advisory Committee Act.

DATES: March 15, 1993—7 p.m.

ADDRESSES: Nicholas County Veterans Memorial Park—dining hall. (North of Summersville on U.S. Rt. 19, adjacent to/just south of Nicholas County High School property)

FOR FURTHER INFORMATION CONTACT: Joe L. Kennedy, Superintendent, New River Gorge National River, P.O. Box 246, Glen Jean, WV 25846; (304) 465–0508.

SUPPLEMENTARY INFORMATION: The Advisory Committee was established under section 206(a) of the "WV National Interest Act of 1987," Public Law 100–534, to consult with the Secretary of the Interior, or his designee, "* * * on matters relating to development of a management plan for the recreation area and on implementation of such plan."

The agenda for this meeting will focus on the presentation of a written report from the Advisory Committee to the NPS on recommendations for the Draft General Management Plan (GMP) for the NRA. The final report will be included in the draft and final versions of the GMP, which is scheduled to go on public review in June, 1993. Copies of the committee's report will be available to the public at this meeting. Copies of the draft GMP will not be available to the public until the formal public review process begins in June, 1993.

The meeting will be open to the public. Any member of the public may file with the Committee a written statement concerning agenda items. The statement should be addressed to the Gauley River National Recreation Area Advisory Committee, P.O. Box 57, Glen Jean, WV 25846–0057. Minutes of the meeting will be available for inspection four weeks after the meeting, at the permanent headquarters of the New River Gorge National River, 104 Main Street, P.O. Box 246, Glen Jean, WV 25846–0246.

John J. Reynolds,

Regional Director, Mid-Atlantic Region

[FR Doc. 93–3148 Filed 2–9–93; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32236]

Carey Short Line Corp.—Acquisition and Operation Exemption—Consolidated Rail Corp.; Exemption

Carey Short Line Corporation (CSLC), a noncarrier, has filed a notice of exemption to acquire and operate approximately 1 mile of rail line owned by the Consolidated Rail Corporation (Conrail). The line, known as the Carey Industrial Track, extends from milepost ±49.50 to milepost ±48.50 in Crawford and Carey Townships, Wyandot County, OH.[1] The parties intended to consummate the transaction after January 26, 1993, the effective date of the notice.

Any comments must be filed with the Commission and served on Clark Evans Downs, Jones, Day, Reavis & Pogue, 1450 G Street, NW., Washington, DC 20005.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: February 4, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–3150 Filed 2–9–93; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 32235]

Consolidated Rail Corp.—Trackage Rights Exemption—Carey Short Line Corp.; Exemption

Carey Short Line Corporation (CSLC) has agreed to grant local trackage rights to Consolidated Rail Corporation (Conrail) over the approximately 1.0-mile Carey Industrial Track, including sidings and industrial sidetracks, between the connection between CSLC and CSX Transportation, Inc. at milepost #49.50 and the end of the segment at milepost #48.50, at Carey, in Wyandot County, OH.[1] The trackage rights were to become effective on January 29, 1993.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Charles E. Mechem, Two Commerce Square—16A, 2001 Market Street, Philadelphia, PA 19101–1416.

[1] CSLC has agreed to grant local trackage rights to Conrail over the subject line. See Finance Docket No. 32235, Consolidated Rail Corp.—Trackage Rights Exemption—Carey Short Line Corp. The trackage rights were to become effective on January 29, 1993.

[1] On January 19, 1993, CSLC filed a notice of exemption under 49 CFR 1150.31 for its acquisition of the Carey Industrial Track from Conrail. See Finance Docket No. 32236, Carey Short Line Corp.—Acquisition and Operation Exemption—Consolidated Rail Corp. Line in Wyandot County, OH. The parties intended to consummate the acquisition transaction after January 26, 1993, the effective date of that notice.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected pursuant to Norfolk and Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980).

Decided: February 4, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–3149 Filed 2–9–93; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with 28 CFR 50.7, notice is hereby given that a proposed partial consent decree in *United States* v. *Board of Education, et al.*, Civil Action No. 89–0856 was lodged on January 14, 1993 with the United States District Court for the Eastern District of New York. Defendant, Board of Education, owns or leases and operates schools in the City of New York. Defendant, Jack's Insulation Contracting Corp. (Jack's), is a corporation which performed renovation activities within the meaning of 40 CFR 61.141 on numerous of the school facilities owned, leased, or operated by the Board of Education. By virtue of performing these renovation activities, Jack's is also an owner or operator of these school facilities within the meaning of 40 CFR 61.02. Both the Board of Education and Jack's violated 40 CFR and the Clean Air Act by undertaking renovation activities at school facilities without notifying the Environmental Protection Agency (EPA) that they were going to do so. Jack's also violated sections 113 and 114 of the Clean Air Act by failing to respond in a timely manner to EPA's section 114 information request and by failing to comply with an Administrative Order issued by EPA.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Board of Education, et al.*, D.J. reference #90–5–2–1–1–1300.

The proposed consent decree may be examined at the Office of the United States Attorney for the Eastern District of New York, 1 Pierrepont Plaza, 11th Floor, Brooklyn, New York 11201; the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278; and at the Consent Decree Library, 601 Pennsylvania Avenue NW., Washington, DC 20024, (202) 347–7829. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $2.75 (25 cents per page reproduction costs) payable to Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93–3143 Filed 2–9–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Danto Environmental Corporation, et al.*, Civil Action No. C87–1752, was lodged on December 29, 1992, with the United States District Court for the Northern District of Ohio. The decree resolves claims against Danto Environmental Corporation (the "Company") and Harold N. Danto, the Company's president and principal owner, for violations of section 112(c) of the Clean Air Act, 42 U.S.C. 7412(c), and the National Emission Standards for Hazardous Air Pollutants for asbestos, 40 CFR 61, Subpart M (the "asbestos NESHAP"), during asbestos removal projects at facilities in Cleveland and Canton, Ohio. The decree requires that Danto and the Company comply with the notification and work-practice requirements of the asbestos NESHAP and implement an asbestos-management program.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Chief, Environmental Enforcement Section, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Danto Environmental Corporation*, D.J. reference #90–5–2–1–1046.

The proposed consent decree may be examined at the Office of the United States Attorney for the Northern District of Ohio, Suite 500, 1404 Ninth Street, Cleveland, Ohio 44114; the Region V Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC (20005) 202–624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC (20005). In requesting a copy, please enclose a check in the amount of $5.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93–3139 Filed 2–9–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Partial Consent Decree for Claims Under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on January 4, 1993, a proposed Partial Consent Decree in *United States* v. *Smuggler-Durant Mining Corporation, et al.*, Civil Action No. 89–C–1802, was lodged with the United States District Court for the District of Colorado. This action was brought under section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9601 *et seq.*, against Smuggler Durant Mining Corporation of New York, Inc., Hunter Creek Management, Inc., Smuggler Racquet Club, Inc., Smuggler Limited, Inc., Centennial-Aspen, Centennial-Aspen 2, World Class Housing, Inc., Atlantic Richfield Company, MAXXAM, Inc., Top of Aspen, Inc. and Pitkin County, alleged current and former owners or operators of facilities at which there has been a release or threat of release of hazardous substances into the environment at the Smuggler Mountain Superfund Site in and adjacent to Aspen, Colorado ("the Site"). The United States seeks recovery of response costs incurred and to be incurred by the United States in connection with the clean up of the Site.

The proposed Partial Consent Decree resolves the claims of the United States against Smuggler Racquet Club, Inc., ("SRC"). Under the proposed decree, SRC agrees to pay the United States $8,000 for past and future response costs, provide property at the Site to be used as a soil repository, provide for maintenance and inspection of the soil repository, and provide a covenant not to sue the United States for any activities conducted at the Site by any instrumentality of the United States.

The proposed decree provides SRC a covenant not to sue for past and future response costs or response actions under sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), and section 7003 of RCRA, 42 U.S.C. 6973.

The Department of Justice will receive comments relating to the proposed Partial Consent Decree for a period of thirty days from the date of this publication. Comments should be addressed to the Acting Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *United States v. Smuggler-Durant Mining Corporation, et al.*, DOJ Ref. No. 90–11–2–174.

The proposed Partial Consent Decree may be examined at the Environment and Natural Resources Division, Department of Justice Filed Office, Suite 945, 999 18th Street—North Tower, Denver, Colorado 80202 and at the Region VIII Office of the Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado 80202. Copies of the proposed Partial Consent Decree may also be examined at or obtained by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005 (202–624–0892). When requesting a copy of the consent decree by mail, please enclose a check in the amount of $25 for the decree (additional charges may apply if attachments are requested) (twenty-five cents per page reproduction costs) payable to the "Consent Decree Library."

John C. Cruden,

Chief, Environmental Enforcement Section.

[FR Doc. 93–3140 Filed 2–9–93; 8:45 am]

BILLING CODE 4410–01–M

Immigration and Naturalization Service

[AG Order No. 1692–93]

Extension of Designation of Liberia Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice extends, until March 28, 1994, the Attorney General's designation of Liberia under the Temporary Protected Status program provided for in section 244A of the Immigration and Nationality Act (Act). Accordingly, eligible aliens who are nationals of Liberia, or who have no nationality and who last habitually resided in Liberia, may apply for Temporary Protected Status and authorization to engage in employment.

EFFECTIVE DATES: This designation is effective on March 28, 1993, and will remain in effect until March 28, 1994.

FOR FURTHER INFORMATION CONTACT: Kathryn A. Kazalonis, Senior Immigration Examiner, Immigration and Naturalization Service, room 7223, 425 I Street, NW., Washington, DC 20536, telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION: Under section 244A of the Act, as amended by section 302(a) of Pub. L. 101–649 and section 304(b) of Pub. L. 102–232, (8 U.S.C. 1254a), the Attorney General is authorized to grant Temporary Protected Status in the United States to eligible aliens who are nationals of a foreign state designated by the Attorney General, or who have no nationality and last habitually resided in that state. The Attorney General so designates a state, or a part thereof, upon finding that the state is experiencing ongoing armed civil strife, environmental disaster, or certain other extraordinary and temporary conditions.

On March 21, 1991, the Attorney General designated Liberia for Temporary Protected Status for a period of 12 months. 56 FR 12746. On January 20, 1992, the Attorney General extended the designation of Liberia under the Temporary Protected Status program for an additional 12 months until March 28, 1993. 57 FR 2932.

This notice extends the designation of Liberia under the Temporary Protected Status program for an additional 12 months, in accordance with sections 244A(b)(3) (A) and (C) of the Act. This notice also gives notice of procedures with which eligible aliens who are nationals of Liberia, or who have no nationality and last habitually resided in Liberia, must comply in applying for Temporary Protected Status or continuation of that status.

Notice of Extension of Designation of Liberia Under Temporary Protected Status Program

By the authority vested in me as Attorney General under section 244A of the Immigration and Nationality Act, and pursuant to sections 244A(b)(3) (A) and (C) of the Act, I find that there still exist extraordinary and temporary conditions in Liberia that prevent aliens who are nationals of Liberia, and aliens having no nationality who last habitually resided in Liberia, from returning to Liberia in safety, as a result of the continued armed conflict in that nation. I further find that permitting nationals of Liberia, and aliens having no nationality who last habitually resided in Liberia, to remain temporarily in the United States is not contrary to the national interest of the United States. Accordingly, it is ordered as follows:

(1) The designation of Liberia under section 244A(b) of the Act is extended for an additional 12-month period from March 28, 1993, to March 28, 1994.

(2) I estimate that there are no more than 5000 Liberian nationals (and aliens having no nationality who last habitually resided in Liberia), currently in nonimmigrant or unlawful status, who are eligible for Temporary Protected Status.

(3) An application for Temporary Protected Status during the extended period of designation provided by this notice must be filed pursuant to the provisions of 8 CFR part 240.

(4) A national of Liberia, or an alien having no nationality who last habitually resided in Liberia, who received a grant or extension of Temporary Protected Status during the extended period of designation from March 28, 1992, to March 28, 1993, must comply with the requirements of 8 CFR 240.17, which are described in relevant part in paragraphs (5) through (7) of this notice.

(5) A national of Liberia, or an alien having no nationality who last habitually resided in Liberia, who previously has been granted Temporary Protected Status must file a new Application for Temporary Protected Status, Form I–821, together with an Application for Employment Authorization, Form I–765, within the 30-day period prior to March 28, 1993, in order to be eligible for Temporary Protected Status during the period between March 28, 1993, and March 28, 1994.

(6) An Application for Temporary Protected Status, Form I–821, filed during the period of extended designation by a national of Liberia or an alien having no nationality who last habitually resided in Liberia, who previously has been granted Temporary Protected Status, will be without fee.

(7) The fee prescribed in 8 CFR 103.7(b)(1) will be charged for each Application for Employment Authorization, Form I–765, filed by an alien requesting employment authorization pursuant to the provisions of paragraph (5) of this notice. An alien who does not request employment authorization must file Form I–765 together with Form I–821 for information purposes, but in such cases Form I–765 will be without fee.

(8) Pursuant to section 244A(b)(3)(A) of the Act, the Attorney General shall review, at least 60 days before March 28,

1994, the designation of Liberia under the Temporary Protected Status program to determine whether the conditions for designation continue to exist. Notice of that determination, including the basis for the determination, shall be published in the **Federal Register**.

(9) Information concerning Temporary Protected Status for nationals of Liberia, and aliens who last habitually resided in Liberia, will be available at local Immigration and Naturalization Service offices upon publication of this notice.

Dated: January 27, 1993.

Stuart M. Gerson,

Acting Attorney General.

[FR Doc. 93-3142 Filed 2-9-93; 8:45 am]

BILLING CODE 4410-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 51st meeting on Wednesday, Thursday and Friday, February 24, 25 and 26, 1993, 8:30 a.m. until 6 p.m., room P-110, 7920 Norfolk Avenue, Bethesda, MD. Notice of this meeting was published in the **Federal Register** on Thursday, January 21, 1993 (58 FR 5426).

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

A. Meet with the Commission to discuss items of mutual interest.

B. Briefing on Standards of Ethical Conduct for Employees of the Executive Branch.

C. Discuss computer models for conducting performance assessments of low-level radioactive waste disposal facilities.

D. Discuss an assessment of the flammability and explosion potential of transuranic waste.

E. Discuss the acceptance of scientific evidence based primarily on expert judgment in an adjudicatory review.

F. Explore the creation of a performance indicator or event reporting system that would monitor the current status and trends in the management and disposal of low-level radioactive waste.

G. Review with the NRC staff possible impacts the Energy Policy Act of 1992 might have on ongoing agency initiatives in the high-level waste arena (tentative).

H. Discuss anticipated and proposed Committee activities, future meeting agenda, administrative, and organizational matters, as appropriate. Also, discuss matters and specific issues that were not completed during previous meetings as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on June 6, 1988 (53 FR 20699). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and staff. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the ACNW Chairman. The office of the ACRS is providing staff support for the ACNW. Persons desiring to make oral statements should notify the Executive Director of the Office of the ACNW/ACRS as far in advance as practical so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the Executive Director of the Office of the ACNW/ACRS (telephone 301/492-4516), prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACNW/ACRS Executive Director or call the recording (301/492-4600) for the current schedule if such rescheduling would result in major inconvenience.

Dated: February 4, 1993.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 93-3119 Filed 2-9-93; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-275 and 50-323]

Pacific Gas and Electric Co.; Diablo Canyon Nuclear Power Plant, Units 1 and 2; Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission or the NRC) is considering issuance of an amendment to Facility Operating License Nos. DPR-80 and DPR-82, issued to Pacific Gas and Electric Company (PG&E, the licensee), for operation of the Diablo Canyon Power Plant (DCPP), Units 1 and 2, located in San Luis Obispo County, California.

Environmental Assessment

Identification of Proposed Action

Diablo Canyon Power Plant, Units, Units 1 and 2 are currently licensed for operation for 40 years commencing with the issuance of the construction permits. The operating licenses expire on April 23, 2008, for Unit 1 and on December 9, 2010, for Unit 2. By letter dated July 9, 1992, the licensee requested that the DCPP operating license expiration dates be extended to September 22, 2021, for Unit 1, and to April 26, 2025, for Unit 2 or 40 years after the date of the issuance of the "low-power" operating licenses.

The Need for the Proposed Action

The proposed change to the license would allow the licensee to operate DCPP, Units 1 and 2, for 40 years from the date of the issuance of the operating licenses, thus recapturing the construction period. This extension would also permit the plant to operate for the full 40-year design basis lifetime, consistent with previously stated Commission policy (Memorandum dated August 16, 1982, from William J. Dircks, Executive Director for Operations, to the Commissioners) and as evidenced by the issuance for over 50 similar extensions to other licensees.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision and concludes that the extension of Diablo Canyon's Operating License Nos. DPR-80 and DPR-82 will not create any new or unreviewed environmental impacts. This change does not involve any physical modifications, and there are no new or unreviewed environmental impacts that were not considered as part of the Final Environmental Statement (FES) dated May 1973, relating to operation of the DCPP, Units 1 and 2. Evaluations for the FES considered a 40-year operating life.

The considerations involved in completing the Commission's evaluation for the proposed amendment are discussed below.

1. Radiological Impacts of the Hypothetical Design Basis Accident

The offsite exposure from releases during postulated accidents has been previously evaluated in the DCPP Final Safety Analysis Report (FSAR) Update. The results are acceptable when compared with the criteria defined in 10 CFR Part 100. This type of evaluation is a function of four parameters: (1) The

types of accidents postulated, (2) the radioactivity release calculated for each accident, (3) the assumed meteorological conditions, and (4) the population distribution versus distance from the plant. The staff has concluded that neither the types of accidents nor the calculated radioactivity releases will change through the proposed 40-year operating license terms. Furthermore, the site meteorology as defined in the FSAR Update is essentially constant and consideration herein is therefore unwarranted. Thus, population size and distribution is the only time-dependent parameter. The population size and distribution in the vicinity of the plant have been reviewed several times since the construction permit was issued. The California Department of Finance projections indicated that a compound average growth rate of 2.15 percent is expected for the 50-mile radius around Diablo Canyon through the year 2025. There is no expected change in land usage during the license terms that would affect offsite dose calculations. The population projections are presented in Figure 1, "Summary of Population Projections for the Diablo Canyon Vicinity," taken from the licensee's July 9, 1992 letter.

The changes projected for the population distribution through 2025 will not significantly impact any accident analysis previously calculated. Furthermore, the current exclusion area boundary, Low Population Zone (LPZ), and nearest population center distance will continue to meet the requires of 10 CFR 100.11(a) for the proposed 40-year license terms. Accordingly, we conclude that the proposed license amendment will not significantly change previous conclusions on the potential environmental effects of offsite releases from postulated accidents.

The Commission stated in its proposed no significant hazards consideration (57 FR 32575) dated July 22, 1992, that the request change in expiration dates is consistent with current NRC policy and the originally engineered design life of the plant, i.e., 40 years of operation. Due to design conservatism, maintenance and surveillance programs, inspection programs and the Plant Technical Specifications, the proposed additional thirteen and fifteen years of operation for DCPP Units 1 and 2 will have no significant impact on safety. That is, regardless of the age of the facility, the above mentioned programs and Technical Specifications ensure that components, systems and structures will be refurbished or replaced to maintain their requisite safety function over 40 years of operation.

2. Radiological Impacts of Annual Releases

a. Onsite Doses

The DCPP occupational (onsite) exposure trend and magnitude as compared with the industry's average pressurized water reactor (PWR) site, based on 3-year average annual exposures in terms of person-rem per reactor unit, is shown in Figure 2, "Diablo Canyon vs. INPO Industry Goal Average Annual Occupational Exposure," taken from the licensee's July 9, 1992 letter. The data in Figure 2 indicate that the licensee has implemented a successful program under 10 CFR part 50, appendix I "As Low as Reasonably Achievable" (ALARA) guidelines. Figure 2 also shows the projected occupational exposure averages per unit through the year 2000. Given the licensee's continued implementation of its ALARA program and DCPP's historical occupational exposure, we conclude that the occupational exposures used in Figure 2 serve as a realistic estimate through the proposed 40-year period of operation. These projected exposures are significantly less than the 450 person-rem per year per unit values estimated in the FES Addendum for Diablo Canyon. Occupational exposures resulting from the proposed 40-year operating license terms will remain well within the limits of 10 CFR part 20.

b. Offsite Doses

Appendix I guidelines on ALARA were briefly discussed above in regard to onsite doses; these guidelines also apply to releases that could cause offsite doses. In addition, routine releases to the environment are governed by 10 CFR 20.1(c), which states that such releases should be as low as reasonably achievable. Appendix I is more explicit in that it establishes radioactive design/dose objectives for liquid and gaseous offsite releases including iodine/particulate radionuclides. Figure 3, "Comparison of Offsite Appendix I Radiation Exposure Limits and Actual Data," provides a comparison of appendix I limits with consolidated plant operating data. This figure is derived from the licensee's letter of July 9, 1992. A review of the values in Figure 3 indicates that the actual performance of the plant to control and limit liquid and gaseous radioactive releases has been well within the appendix I limits.

Based on the continued operation of the plant's existing Waste Processing System, we conclude that the anticipated offsite doses during the period covered by the proposed license amendment would remain a fraction of 10 CFR part 50, appendix I limits. The projected exposures are also well within the offsite exposures estimated by the NRC in the Diablo Canyon's FES. Furthermore, the plant's contribution to the local population dose within a 50-mile radius is expected to remain insignificant in comparison to that from background radiation.

The DCPP Radiological Environmental Monitoring Program was established prior to the start of plant operation to determine preoperational background levels. The Radiological Environmental Monitoring Program is designed to validate the adequacy of safeguards inherent in plant design and the effectiveness of dose calculations, based on plant emission data and appropriate meterological and aquatic dispersion models. Emphasis is placed on control at the source, with follow-up and confirmation by environmental surveillance. This is accomplished by continuously measuring radiation levels and airborne radioactivity levels and periodically measuring amounts of radioactivity in samples at various locations surrounding the plant. To ensure that the program continues to include environmental sample locations most likely to detect plant-related radioactivity, a land-use census is conducted annually. Changes in milk sampling locations may be required following the census based on relative potential doses or dose commitments and the availability of samples. Continued environmental monitoring and surveillance under this program ensures early detection of any increase in exposures over the proposed 40-year operating license terms.

The volume of solid low level radioactive waste generated at DCPP has historically been among the lowest in the nuclear power industry. In addition, the licensee has committed to further reduce the amount generated in future years.

We conclude that the releases from DCPP, both onsite and offsite, have remained within the bounds of the FES and have complied with the applicable portions of 10 CFR parts 20 and 50, as discussed above. As a consequence, we would expect releases during the proposed license extension period to remain within these bounds.

3. Environmental Impact of the Uranium Fuel Cycle

Each Diablo Canyon reactor contains 193 fuel assemblies. The assemblies consist of fuel rods in a 17×17 array. About 39 to 46 percent of the fuel assemblies are replaced every refueling. Since issuance of the operating licenses PG&E has adopted several fuel design

changes and improved fuel management schemes. These changes have significantly improved uranium utilization.

The fuel parameters meet 10 CFR 51.52(a)(2), except for fuel enrichment, which may be as much as 0.5 weight percent higher in the DCPP fuel rods. The environmental effects of extended fuel burnup and higher initial enrichment are addressed by the NRC in a "Notice of Environmental Assessment and Finding of No Significant Impact" published in the Federal Register on February 29, 1988 (53 FR 6040). This notice stated that the NRC's environmental assessment of extended fuel burnup and higher enrichment fuel is complete, and that the environmental impacts summarized in Tables S–3 of 10 CFR 51.51 and S–4 of 10 CFR 51.52 bound the corresponding impacts for burnup levels up to 60 gigawatt-days/metric ton uranium and enrichments up to 5 weight percent U–235.

In the Diablo Canyon FES, it was assumed for purposes of estimating the amount of uranium required that the plant would operate for 40 years with an 80 percent capacity factor. It was further assumed that the units would be refueled on approximately an annual basis. Since the Diablo Canyon units are refueled approximately every 18 months and improvements in uranium utilization have been made, the total amount of uranium required for the proposed 40-year operating license terms is expected to be less than the amount projected in the FES.

The environmental impacts, both radiological and nonradiological, attributable to the transportation of fuel and waste to and from plant sites, with respect to normal conditions of transport and possible accidents in transport, have been assessed in several generic environmental impact statements. The assessments represent the contribution of such transportation to annual environmental costs including dose per reactor year to exposed transportation workers and to the general public. These annual environmental costs, which are displayed in Table S–4 of 10 CFR 51.52, would not be changed by the extended period of operation.

Based on the above, we conclude that there are no significant changes in the environmental impact related to the uranium fuel cycle due to the proposed extended operation of DCPP.

4. Nonradiological Impacts

The major nonradiological impact of the plant on the environment is the operation of the plant's cooling water system. The DCPP cooling water system is a once-through system discharging directly into Diablo Cove of the Pacific Ocean. The potential ecological effects of the cooling water system are: (1) Those resulting from elevated water temperatures in portions of Diablo Cove, (2) entrainment of organisms in the cooling water system, (3) impingement of organisms on the intake traveling screens, and (4) scouring effects of the discharge in the intertidal zone at the point of discharge.

These effects have been extensively studied and the study results were considered in issuance of the National Pollution Discharge Elimination System (NPDES) Permit and renewals. The NPDES Permit is conditional upon the discharge complying with provisions of Division 7 of the California Water Code and of the Clean Water Act (as amended or as supplemented by implementing guidelines and regulations) and with any more stringent effluent limitations necessary to implement water quality control plans, to protect beneficial uses, and to prevent nuisance.

An April 28, 1988 study of the cooling water intake structure was submitted to the California Regional Water Quality Control Board, which concluded the facilities at DCPP reflect the best technology available (BTA). Further, the Monitoring and Reporting Program requires PG&E to continue ecological studies as approved by the Executive Officer to evaluate changes in distribution and abundance of marine plants and animals within the vicinity of the discharge. These operational studies have indicated that the effects of the discharge are consistent with the preoperational studies and modelling predictions; i.e., that the discharge would not significantly affect the marine ecology in the vicinity of DCPP. The Board and Department of Fish and Game have found the observed changes (mainly in relative abundance of species) to be acceptable.

Additional discharge and thermal effects are not anticipated based on operational data collected since 1984. Accordingly, the basis for the Board's order is expected to remain valid when the NPDES Permit is renewed in 1995 and thereafter.

Other nonradiological impacts of the proposed license extension involve the following factors:

a. Short-Term Use Versus Long-Term Productivity

The lifetime capacity factor for DCPP through its first 7 years of commercial operation is about 77 percent. The plant has maintained an excellent safety record during this period and recent NRC Systematic Assessment of Licensee Performance (SALP) reports have found the performance of licensed activities to be very good and in some cases to be superior. The licensee has achieved a high level of safety performance and recently met NRC criteria for recognition of its good performance. The staff expects that a good level of performance will continue during the remaining license period and during the requested extension period.

b. Irreversible and Irretrievable Commitment of Resources

The FES stated in its discussion of this factor, in regard to the initial plant construction as well as 40 years of projected operation, that the resource consumption is justified in view of the electrical energy to be produced by the plant. The NRC has not determined the need for any significant resource commitments necessary as a result of the proposed license extension.

c. Historic Preservation

PG&E continues to manage and protect the historic properties at DCPP in consultation with the California State Historic Preservation Office and the local Native American communities. As a result of this aggressive management, the Commission concludes, as it did in a letter to PG&E dated June 25, 1984, that operation of DCPP throughout the 40-year operating license terms will not adversely affect any known historic sites.

5. Plant Modifications

Several environmental-related plant modifications have been made since issuance of the FES and Addendum. Those that involve an unreviewed safety question or require a change to the Technical Specifications are submitted to the NRC for prior review and approval. This review includes a determination of the environmental effects of the proposed change. As provided by our regulations, other changes may be implemented without prior NRC approval. The licensee must first perform a safety evaluation for any such change, subject to NRC inspection and audit. The licensee also submits on a refueling outage basis, a summary of such changes to the NRC for its review. The update of the FSAR also includes a description of such changes and a summary of the safety evaluation. The staff reviews the FSAR updates to verify that the changes did not require prior NRC review and approval. In general, these changes further reduce the environmental impacts associated with DCPP operation. Some of the modifications include: Wastewater holding and treatment system,

hazardous waste storage, oil spill prevention, expanded sewage treatment, chlorination system modifications and makeup water treatment. Most of these plant design modifications and changes have had a direct positive impact on the environment; for example, chemical discharges have decreased and spill prevention has improved. Additional plant modifications and changes may be implemented during the proposed 40-year operating license terms. Based on past experience, future changes are not expected to have any adverse impact on the environment.

6. Conclusion on Environmental Impacts

In summary, the effects of changing the expiration date for the Unit 1 Operating License from April 23, 2008, to September 22, 2021, and the expiration date for the Unit 2 Operating License from December 9, 2010, to April 26, 2025, are bounded by the assessment in the original FES. In addition, based on the above, the Commission concludes that there are no significant environmental impacts associated with the proposed amendment.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated. However, the principal alternative would be to deny the requested amendment. If the plant is not operated beyond 2008, it is likely that it would be necessary to construct new baseload capacity. Even considering significant changes in the economics of the alternatives for producing an equivalent electrical power capacity, operation of DCPP during the requested extension period would only require incremental yearly costs. These costs would be substantially less than the installation of new electrical generating capacity. Moreover, the overall cost per year of the facility would decrease since the large initial capital outlay would be averaged over a greater number of years. In summary, the cost-benefit advantage of DCPP compared to alternative electrical power generating capacity improves with the extended plant lifetime.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in the Final Environmental Statement related to operation of Diablo Canyon, dated May 1973.

Agencies and Persons Consulted

The Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on July 22, 1992 (57 FR 32575). In accordance with 10 CFR 2.714(b), the San Luis Obispo Mothers for Peace, on August 21, 1992, filed a petition for leave to intervene and requested a hearing; the action has resulted in contacts between the staff and the Mothers for Peace.

Finding of No Significant Impact

The conclusions of the May 1973 Final Environmental Statement (FES) remain valid and operation of the plant has demonstrated that its impact on the environment has been within the bounds predicted by the FES for 40 years of operation. Based on its review of the proposed license amendment relative to the requirements set forth in 10 CFR part 51, the Commission concludes that there are no significant radiological or nonradiological impacts associated with the proposed action and that the issuance of the proposed license amendment will not have a significant effect on the quality of the human environment. Therefore, pursuant to 10 CFR 51.31, an environmental impact statement need not be prepared for the proposed license amendment.

For further details with respect to this action, see the licensee's application for amendment dated July 9, 1992, which is available for public inspection at the Commission's Public Document Room, Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room at California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Rockville, Maryland this 3rd day of February 1993.

For the Nuclear Regulatory Commission.

Theodore R. Quay,

Project Directorate V, Division of Reactor Project III/IV/V, Office of Nuclear Reactor Regulation.

FIGURE 1.—SUMMARY OF POPULATION PROJECTIONS FOR THE DIABLO CANYON VICINITY

Area (miles)	Original FSAR (1974) 2010	Revised FSAR (1985) 2010	Current 2010	Current 2025
0–6*	29	26	100	100
6–10	18,992	36,126	36,403	46,480
0–10	19,021	36,152	36,503	46,580
10–50	508,130	438,035	555,108	730,566
0–50	527,151	474,187	591,611	777,146

*Reflects Low Population Zone

FIGURE 2.—DIABLO CANYON VS. INPO INDUSTRY GOAL AVERAGE ANNUAL OCCUPATIONAL EXPOSURE

Year	Refueling outages	Total dose (person-rem per reactor unit)	
		DCPP 3-yr average	INPO 3 yr average goal
1986	1	151	288
1987	1	168	288
1988	2	253	288
1989	1	275	288
1990	1	269	288
1991	2	214	288
1992*	1	199	288
1993*	1	195	288
1994*	2	218	288
1995*	1	202	185
1996*	1	188	185

FIGURE 2.—DIABLO CANYON VS. INPO INDUSTRY GOAL AVERAGE ANNUAL OCCUPATIONAL EXPOSURE—Continued

Year	Refueling outages	Total dose (person-rem per reactor unit)	
		DCPP 3-yr average	INPO 3 yr average goal
1997*	2	150	185
1998*	1	150	185
1999*	1	150	185
2000*	2	150	185

*Projected, based on:
- 16-month fuel cycle operation
- 3.5 person-rem per non-outage month
- 1993 based on 80% of 1992 due to dose rate differences between units
- 50 person-rem savings per outage due to RTD bypass elimination in 1994

FIGURE 3.—COMPARISON OF OFFSITE APPENDIX I RADIATION EXPOSURE LIMITS AND ACTUAL DATA

Parameter	Appendix I dose limits (mrem)	DCPP 5-year maximum individual dose (mrem)	Percent of appendix I dose limit
Liquids	≤3	0.031	1.04
Gases	≤10	0.212	2.16
Iodines and particulates	≤15	0.027	0.18

[FR Doc. 93–3117 Filed 2–9–93; 8:45 am]
BILLING CODE 7590–01–M

[Docket No. 9999–0001; License No. 2467–3128; EA 92–203]

Order Imposing Civil Monetary Penalty

In the Matter of Capital Materials Testing, Inc., Ballston Spa, New York 12020.

I

Capital Materials Testing, Inc. (Licensee) is the holder of a Byproduct Material License issued by the State of New York which authorizes the License issued by the State of New York which authorizes the Licensee to use byproduct materials in industrial radiography and replacement of sources in accordance with the conditions specified therein. On October 6–7, 1992, the New York State Licensee was working at a field site in Pittsfield, Massachusetts under NRC jurisdiction subject to the reciprocity requirements set forth in 10 CFR 150.20 and 10 CFR part 34, subpart B.

II

An inspection of the Licensee's activities was conducted on October 6–7, 1992. The results of the inspection indicated that CMT had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated November 20, 1992. The Notice stated the nature of the violations, the provisions of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violations. The Licensee responded to the Notice in a letter, dated December 9, 1992. In its response, the Licensee did not deny the violations, but requested remission of the civil penalty.

III

After consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined, as set forth in the Appendix to this Order, that the violations occurred as stated and that the penalty proposed for Violation I designated in the Notice should be imposed.

IV

In view of the foregoing, and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *it is hereby ordered that:*

The Licensee pay a civil penalty in the amount of $7,500 within 30 days of the date of this Order, by check, draft, money order, or electronic transfer, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555.

The Licensee may request a hearing within 30 days of the date of this Order. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address and to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issue to be considered at such hearing shall be whether, on the basis of Violation I set forth in the Notice, this Order should be sustained.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 3rd day of February 1993.

Hugh L. Thompson,

Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support.

Appendix

Evaluations and Conclusion

On November 20, 1992, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued to Capital Materials Testing (CMT), Inc. for five violations identified during an NRC inspection on October 6–7, 1992, at a field site in Pittsfield, Massachusetts. CMT responded to the Notice on December 9, 1992. CMT did not deny

the violations, but requested full mitigation of the civil penalty. The NRC's evaluations and conclusions regarding CMT's requests are as follows:

1. Restatement of Violation Assessed a Civil Penalty

10 CFR 34.43(b) requires, in part, the licensee to ensure that a survey with a calibrated and operable radiation survey instrument is made after each radiographic exposure to determine that the sealed source has been returned to its shielded position. The survey must include the entire circumference of the radiographic exposure device and any source guide tube.

Contrary to the above, on October 6, 1992, at a temporary job site at a gas pipeline installation for Berkshire Gas of Pittsfield, Massachusetts, a licensee radiographer's assistant did not perform an adequate survey after each radiographic exposure to determine that the sealed source has been returned to its shielded position, in that although the radiographer's assistant walked toward the exposure device with the survey instrument, the survey did not include the entire circumference of the radiographic exposure device and the source guide tube.

This violation is classified at Severity Level III (Supplement VI).

Civil Penalty—$7,500

2. Summary of Licensee Response

CMT, in its response, does not deny the violation, but does request remission of the penalty on the basis that CMT, a State of New York (Agreement State) licensee, had never been cited for failure to survey; the magnitude of the fine would be detrimental, financially, to CMT; CMT took corrective actions which included voluntary initiation of an audit; and the violation was an inconsistent and isolated infraction of radiation safety procedures.

3. NRC Evaluation of Licensee Response

The NRC has evaluated CMT's response, and based upon that evaluation, the NRC has concluded that CMT did not provide an adequate basis for mitigation of the civil penalty.

With respect to CMT's contentions that it had never been cited for the failure to survey, and the violation was an inconsistent and isolated infraction of a radiation safety procedure, the NRC notes that these considerations, in themselves, do not provide a basis for mitigation of the penalty. CMT is responsible for the acts of its employees. Performing proper surveys after use of a radiography device is fundamental to radiation safety; the failure by other NRC licensee personnel to do so has resulted, at times, in significant radiological exposures to radiography personnel. While CMT may not have been cited for such a violation in the past by the NRC, this was the first NRC inspection conducted of CMT. Therefore, these licensee contentions do not provide a basis for mitigation of the civil penalty.

With respect to CMT's contention that the civil penalty would be financially detrimental, CMT provided no details to support that contention, and therefore mitigation is not warranted.

With respect to CMT's corrective action, the NRC notes that while those actions were acceptable, they were not of a prompt and comprehensive nature because while the licensee was aware of the findings of the NRC inspection on October 7, 1992, it did not issue a memorandum to its employees describing the violation and corrective action until November 6, 1992. Therefore, those actions do not provide a basis for any mitigation of the penalty.

4. NRC Conclusion

The NRC has concluded that CMT has not provided an adequate basis for mitigation of the civil penalty. Consequently, the proposed civil penalty in the amount of $7,500 should be imposed.

[FR Doc. 93-3116 Filed 2-9-93; 8:45 am]

BILLING CODE 7590-01-M

Caroline Power & Light Co.; Notice of Issuance of Amendment to Facility Operating License

[Docket Nos. 50-325 and 50-324]

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 160 to Facility Operating License No. DPR-71 and Amendment No. 191 Facility Operating License No. DPR-62 issued to Carolina Power & Light Company (the licensee), which revised the Technical Specification (TS) for operation of the Brunswick Steam Electric Plant, Units 1 and 2, located in Brunswick County, North Carolina. The amendment is effective as of the date of issuance and shall be implemented within 30 days of issuance.

The amendments allow a one-time only revision to the requirements of TS 3/4.3.3., Emergency Core Cooling System Actuation Instrumentation, when in Operational Condition 4 (Cold Shutdown) to support modifications to upgrade the seismic qualification of instrument racks H21-P009 (Unit 2 only) and H21-P010 (Unit 1 and Unit 2). The amendments allow the minimum number of operable channels for one reactor steam dome pressure—low instrumentation trip system to be temporarily reduced from two (2) channels to one (1) channel.

The application for the amendments, dated November 16, 1992, as supplemented January 25, 1993, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on December 18, 1992 (57 FR 60250). The January 25, 1993, letter provided updated TS pages and did not change the initial submittal notice in the **Federal Register**. No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment (58 FR 6813).

For further details with respect to the action see (1) the application for amendment dated November 16, 1992, as supplemented January 25, 1993, (2) Amendment No. 160 to license No DPR-71 and Amendment No. 191 to License No. DPR-62, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Document Control Desk.

Dated at Rockville, Maryland this 3rd day of February 1993.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Director, Project Directorate II–I, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–3118 Filed 2–9–93; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences (GSP); Withdrawal of Petition

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of the withdrawal of a petition accepted as part of 1992 GSP Annual Review.

ADDRESS: 600 17th Street, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: GSP Subcommittee, Office of the United States Trade Representative. The telephone number is (202) 395–6971.

SUPPLEMENTARY INFORMATION:

Withdrawal of Petition

The Motion Picture Export Association of America (MPEAA) has withdrawn its petition seeking the revocation of Malta's benefits under the Generalized System of Preferences (GSP) program for failure to protect U.S. copyright interests. The petition was withdrawn because the Government of Malta has taken specific steps to resolve the petition's key issues. Accordingly, the GSP Subcommittee has determined that the review of Malta's intellectual property rights practices during the 1992 Annual Review is no longer warranted, and has terminated such review.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 93–3179 Filed 2–9–93; 8:45 am]

BILLING CODE 3901–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Order of Suspension of Securities Trading

February 4, 1993.

In the Matter of Trading in the Securities of Enrotek Properties Inc., a/k/a Enrotek Ltd

It appears to the Securities and Exchange Commission (Commission) that there is a lack of current and accurate information concerning Enrotek Properties Inc., a/k/a Enrotek Ltd., with respect to, among other things, the company's financial statements in a Form 10 registration statement, which became effective February 4, 1993, by operation of law under the provisions of the section 12(g) of the Securities Exchange Act of 1934.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the aforementioned company.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of Enrotek Properties Inc., a/k/a Enrotek Ltd. be suspended for the period from 5:15 p.m. (EDT), February 4, 1993 through 12 p.m., midnight (EDT), February 18, 1993.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–3145 Filed 2–9–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 92–58; Notice 2]

Kewet Industri; Grant of Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208

This notice grants the petition by Kewet Industri of Hadsund, Denmark, for a temporary exemption from the automatic restraint requirements of Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection*. The basis of the petition was that an exemption would facilitate the development and field evaluation of a low-emission motor vehicle.

Notice of receipt of the petition was published on December 3, 1992, and an opportunity afforded for comment (57 FR 57274).

Kewet manufactures a passenger car called the El-Jet. The vehicle is powered by on-board rechargeable batteries which drive an electric traction motor. The El-Jet, which produces no emissions, is therefore a "low-emission motor vehicle" within the meaning of NHTSA's authority to provide temporary exemptions.

Petitioner argued that the granting of a temporary exemption would facilitate the development of an electric vehicle industry in the Untied States. The vehicle is so small that it could serve as a replacement for the 3-wheel Cushman type meter reader vehicle in municipal fleets. It provides greater safety for the operator at a substantially lower price. Further, an exemption would promote learning and exchange of information between the Danish electric vehicle industry and the U.S. one. Finally, the El-Jet will demonstrate the commercial viability of a "neighborhood electric vehicle."

Petitioner also argued that an exemption would not unreasonably degrade the safety of the vehicle. The El-Jet is equipped with a 3-point restraint system, and will otherwise comply with all applicable Federal motor vehicle safety standards. It complies with all current European motor safety standards and has passed a crash test at 50 kph. Its top speed is only 45 mph, reducing the risk of injury. Although Kewet has requested a 2-year exemption, it is developing a driver's side air bag, and expects to be able to provide one in all cars manufactured after September 1993. Kewet projects sales of 30 to 50 vehicles through 1993.

In Kewet's opinion, a temporary exemption would be in the public interest and consistent with traffic safety objectives because it will contribute towards improving air quality and will "very shortly" fully comply with the Federal motor vehicle safety standards.

No comments were received on the petition.

Under 15 U.S.C. 1410(a)(1)(C) and (a)(2), the Administrator may grant a petition for temporary exemption upon finding "that such temporary exemption would facilitate the development or field evaluation of a low-emission motor vehicle and would not unreasonably degrade the safety of such vehicle," and "that such temporary exemption would be consistent with the public interest and the objectives of the [National Traffic and Motor Vehicle Safety] Act."

The importation of the E1-Jet into the United States will allow its Danish manufacturer to judge its suitability for use on the public roads of the United States, and afford the opportunity for its further development. Its introduction into the growing fleet of electric vehicles in this country will provide consumers with an additional choice of an alternative low-emission motor vehicle. The petitioner has affirmed that the E1-Jet will conform with all Federal motor vehicle safety standards that apply to passenger cars with the exception of the automatic restraint requirements of Standard No. 208. It is likely that the vehicle will be equipped with a driver's side air bag long before the expiration of the exemption requested.

In consideration of the foregoing, it is hereby found that the temporary exemption which Kewet has requested

would facilitate the development or field evaluation of a low-emission motor vehicle, that such exemption would not unduly degrade the safety of the motor vehicle, and that such exemption would be consistent with the public interest and the objectives of the Vehicle Safety Act. Accordingly, Kewet Industri is hereby granted NHTSA Temporary Exemption No. 93–1 from S4.1.4.1 and S4.1.2.1 of 49 CFR 571.208 Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection*, expiring January 1, 1995.

Authority: 15 U.S.C. 1410; delegation of authority at 49 CFR 1.50 and 501.4.

Issued on February 3, 1993.

Howard M. Smolkin,

Executive Director.

[FR Doc. 93–3039 Filed 2–9–93; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Grants and Denials of Applicants for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given of the exemptions granted in April through September 1992. The modes of transportation involved are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

MODIFICATION AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2000–P	DOT–E 2000	Praxair, Inc., Danbury, CT	49 CFR 172.101, 173.304(a), 173.316(a)(2).	To become a party to exemption 2000. (mode 1)
2582–P	DOT–E 2582	Praxair, Inc., Danbury, CT	49 CFR 175.3, Part 173, Subparts D, E, F, G.	To become a party to exemption 2582. (modes 1, 2, 3, 4)
3004–P	DOT–E 3004	Bitec Southeast, Inc., Tampa, FL	49 CFR 173.302, 175.3	To become a party to exemption 3004. (modes 1, 2)
3004–P	DOT–E 3004	Praxair, Inc., Danbury, CT	49 CFR 173.302, 175.3	To become a party to exemption 3004. (modes 1, 2)
3941–P	DOT–E 3941	Western Electrochemical Company, Cedar City, UT.	49 CFR 173.239a(a)(2)	To become a party to exemption 3941. (modes 1, 2)
4453–P	DOT–E 4453	Sandex, Inc., Las Vegas, NV	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To become a party to exemption 4453. (modes 1, 3)
4453–P	DOT–E 4453	Slurry Explosive Corporation, Columbus, KS.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To become a party to exemption 4453. (modes 1, 3)
4453–P	DOT–E 4453	ICI Explosives USA Inc., Dallas, TX.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To become a party to exemption 4453. (modes 1, 3)
4453–P	DOT–E 4453	Gibson-IRECO, Inc., Duffield, VA	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To become a party to exemption 4453. (modes 1, 3)
4575–P	DOT–E 4575	Praxair, Inc., Danbury, CT	49 CFR 173.314(c), 173.315(a)	To become a party to exemption 4575. (modes 1, 2)
4884–P	DOT–E 4884	Bitec Southeast, Inc., Tampa, FL	49 CFR 173.119(m), 173.136, 173.247, 173.251, 173.3(a), 173.302(a)(1), 173.304, 175.3, 178.61.	To become a party to exemption 4884. (modes 1, 2, 3)
5206–P	DOT–E 5206	Sandex, Inc., Las Vegas, NV	49 CFR 173.114a	To become a party to exemption 5206. (mode 1)
5206–P	DOT–E 5206	ICI Explosives USA Inc., Dallas, TX.	49 CFR 173.114a	To become a party to exemption 5206. (mode 1)
5403–P	DOT–E 5403	Brown & Root Industrial Services, Inc., Houston, TX.	49 CFR 173.245(a)(31), 173.248(a)(6), 173.249(a)(6), 173.263(a)(10), 173.264(a)(14), 173.268(b)(3), 173.272(i)(21), 173.289(a)(4), 178.343–2(b), 178.343–5(b)(1)(i), 178.343–5(b)(2)(i).	To become a party to exemption 5403. (modes 1, 3)
5643–P	DOT–E 5643	Praxair, Inc., Danbury, CT	49 CFR 172.203, 173.318, 173.320, 176.76(h), 178.338.	To become a party to exemption 5643. (modes 1, 3)
5704–P	DOT–E 5704	United Technologies Corp./Chemical Systems Div., San Jose, CA.	49 CFR 173.62, 173.93(e)	To become a party to exemption 5704. (modes 1, 2, 3)
5704–P	DOT–E 5704	Rockwell International Corporation, Canoga Park, CA.	49 CFR 173.62, 173.93(e)	To become a party to exemption 5704. (modes 1, 2, 3)
5923–P	DOT–E 5923	Praxair, Inc., Danbury, CT	49 CFR 173.148(a)(4), 173.31(d)(9), 173.314.	To become a party to exemption 5923. (modes 1, 2, 3)
6325–P	DOT–E 6325	Sandex, Inc., Las Vegas, NV	49 CFR 173.154(a)	To become a party to exemption 6325. (mode 1)
6325–P	DOT–E 6325	ICI Explosives USA Inc., Dallas, TX.	49 CFR 173.154(a)	To become a party to exemption 6325. (mode 1)
6349–X	DOT–E 6349	Union Carbide Corporation, Danbury, CT	49 CFR 172.203(a), 173.32, 173.318, 176.30(a), 176.76(h), 177.840, 178.338.	To amend exemption to change proper shipping name, to eliminate the requirement for weighing the tank, to revise the retest period from 2–5 years and to delete the OWTT requirement for liquid helium. (modes 1, 2, 3)
6349–P	DOT–E 6349	Praxair, Inc., Danbury, CT	49 CFR 172.203(a), 173.32, 173.318, 176.30(a), 176.76(h), 177. 840, 178.338.	To become a party to exemption 6349. (modes 1, 2, 3)
6418–P	DOT–E 6418	Southern States Cooperative, Inc., Richmond, VA.	49 CFR 173.357(b)	To become a party to exemption 6418. (mode 1)
6530–P	DOT–E 6530	Praxair, Inc., Danbury, CT	49 CFR 173.302(c)	To become a party to exemption 6530. (modes 1, 2)

VOL 58 ISS 26 FE 10 1993 UMI

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6530–P	DOT–E 6530	Valley Welding Supply Company, Wheeling, WV.	49 CFR 173.302(c)	To become a party to exemption 6530. (modes 1, 2)
6543–P	DOT–E 6543	Praxair, Inc., Danbury, CT	49 CFR 173.119, 173.135(a)(6), 173.136(a)(5), 173.245, 173.247, 173.271, 175.3.	To become a party to exemption 6543. (modes 1, 2, 3, 4)
6563–P	DOT–E 6563	Bitec Southeast, Inc., Tampa, FL	49 CFR 173.302(a)(1), 175.3, 1738.42–2.	To become a party to exemption 6563. (modes 1, 2, 3, 4)
6611–X	DOT–E 6611	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.318(a)	To modify the exception to decrease design pressure on non-DOT specification portable tanks from 1-½ to 1-14 for shipment of helium, refrigerated liquid. (modes 1, 3)
6614–P	DOT–E 6614	Miami Products and Chemical Co., Dayton, OH.	49 CFR 173.263(a)(28), 173.277(a)(6).	To become a party to exemption 6614. (mode 1)
6614–P	DOT–E 6614	Allied Universal Corporation, Miami, FL.	49 CFR 173.263(a)(28), 173.277(a)(6).	To become a party to exemption 6614. (mode 1)
6686–X	DOT–E 6686	Chilton Metal Products Div., Western Industries, Chilton, WI.	49 CFR 173.304, 176.65	To modify the exemption to include cargo vessel as an additional mode of transportation. (modes 1, 2)
6691–P	DOT–E 6691	Albany Welding Supply Company, Inc., Albany, NY.	49 CFR 173.34(e)(15)(i), Part 107, Subpart B, Appendix B.	To become a party to exemption 6691. (modes 1, 2, 3,4 5)
6691–P	DOE–E 6691	JWS Technologies, Inc., Oakland, NJ.	49 CFR 173.34(e)(15)(i), Part 107, Subpart B, Appendix B.	To become a party to exemption 6691. (modes 1, 2, 3, 4, 5)
6891–P	DOT–E 6691	The Red Oak Machine Company, Inc., Red Oak, IA.	49 CFR 173.34(e)(15)(i), Part 107, Subpart B, Appendix B.	To become a party to exemption 6691. (modes 1, 2, 3, 4, 5)
6691–P	DOE–E 6691	ABCO Welding & Industrial Supply Waterford, CT.	49 CFR 173.34(e)(15)(i), Part 107, Subpart B, Appendix B.	To become a party to exemption 6691. (modes 1, 2, 3, 4, 5)
6691–P	DOT–E 6691	T.W. Smith Corporation, Brooklyn, NY.	49 CFR 173.34(e)(15)(i), Part 107, Subpart B, Appendix B.	To become a party to exemption 6691. (modes 1, 2, 3, 4, 5)
6691–P	DOT–E 6691	N.H. Bragg & Sons, Bangor, ME	49 CFR 173.34(e)(15)(i), Part 107, Subpart B, Appendix B.	To become a party to exemption 6691. (modes 1, 2, 3, 4, 5)
6691–P	DOT–E 6691	Bitec Southeast, Inc., Tampa, FL	49 CFR 173.34(e)(15)(i), Part 107, Subpart B, Appendix B.	To become a party to exemption 6691. (modes 1, 2, 3, 4, 5)
6691–P	DOT–E 6691	Praxair, Inc., Danbury, CT	49 CFR 173.34(e)(15)(i), Part 107, Subpart B, Appendix B.	To become a party to exemption 6691. (modes 1, 2, 3, 4, 5)
6759–P	DOT–E 6759	ICI Explosives USA Inc., Dallas, TX.	49 CFR 173.87, 177.835(g)(2)	To become a party to exemption 6759. (mode 1)
6765–P	DOT–E 6765	Praxair, Inc., Danbury, CT	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h), 177.840, 178.338.	To become a party to exemption 6765. (modes 1, 3)
6805–P	DOT–E 6805	Bitec Southeast, Inc., Tampa, FL	49 CFR 173.301(d), 173.302(a)(3)	to become a party to exemption 6805. (mode 1)
6805–P	DOT–E 6805	Praxair, Inc., Danbury, CT	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 6805. (mode 1)
6810–P	DOT–E 6810	U.S. Department of Energy, Washington, DC.	49 CFR 173.302(a)(1), 173.314(c)	To become a party to exemption 6810. (mode 1)
6874–P	DOT–E 6874	ICI Canada Inc., North York, Ontario, CN.	49 CFR 172.101, 173.370(a)(13)	To become a party to exemption 6874. (modes 1, 2, 3)
6971–P	DOT–E 6971	Chromatography Research Supplies, Inc., Addison, IL.	49 CFR Parts 100–199	To become a party to exemption 6971. (modes 1, 2, 3, 4)
7052–P	DOT–E 7052	Stuart Cody Inc. d/b/a Automated Media Systems, Allston, MA.	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052. (modes 1, 2, 3, 4, 5)
7052–P	DOT–E 7052	SMTEK, Inc., Newbury Park, CA	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052. (modes 1, 2, 3, 4, 5)
7052–P	DOT–E 7052	Magellan Systems Corporation, San Dimas, CA.	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052. (modes 1, 2, 3, 4, 5)
7060–P	DOT–E 7060	Corporate Air, Inc., Hartford, CT	49 CFR 175.702(b), 175.75(a)(3)(ii).	To become a party to exemption 7060. (mode 4)
7259–X	DOT–E 7259	Monsanto Chemical Company, St. Louis, MO.	49 CFR 176.76(g)(5)	To authorize shipment of phosphorus pentasulfide in DOT Specification 58 portable tank having a gross weight up to 8200 pounds. (mode 3)
7268–P	DOT–E 7268	Valley Welding Supply Company, Wheeling, WV.	49 CFR 173.304(a)(1)	To become a party to exemption 7268 (modes 1, 2, 3)
7268–P	DOT–E 7268	Praxair, Inc., Danbury, CT	49 CFR 173.304(a)(1)	To become a party to exemption 7268. (modes 1, 2, 3)
7268–P	DOT–E 7268	Valley Welding Supply Company, Wheeling, WV.	49 CFR 173.304(a)(1)	To become a party to exemption 7268. (modes 1, 2, 3)
7274–P	DOT–E 7274	Praxair, Inc., Danbury, CT	49 CFR 172.101, 173.318, 173.320, 176.30, 176.76(h).	To become a party to exemption 7274. (mode 3)
7451–P	DOT–E 7451	Praxair, Inc., Danbury, CT	49 CFR 173.304, 173.315	To become a party to exemption 7451. (modes 1, 3)
7616–P	DOT–E 7616	Paducah & Louisville Railway, Inc., Paducah, KY.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To become a party to exemption 7616. (mode 2)
7616–P	DOT–E 7616	Chicago Central & Pacific Railroad Company, Waterloo, IA.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To become a party to exemption 7616. (mode 2)
7628–P	DOT–E 7628	LCI, Ltd., Jacksonville Beach, FL	49 CFR 173.264(a)(11), 173.266 (b)(3).	To become a party to exemption 7628. (mode 2)
7716–P	DOT–E 7716	Slurry Explosive Corporation, Columbus, KS.	49 CFR 173.153(b)(1)	To become a party to exemption 7716. (modes 1, 2, 3)
7716–P	DOT–E 7716	ICI Explosives USA Inc., Dallas, TX.	49 CFR 173.153(b)(1)	To become a party to exemption 7716. (modes 1, 2, 3)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7834–P	DOT–E 7834	American Industrial X-Ray Service, Inc., Antioch, IL.	49 CFR 173.306(b)(4), 175.3	To become a party to exemption 7834. (modes 1, 2, 3, 4, 5)
7835–P	DOT–E 7835	Arizona Welding Equipment Company, Phoenix, AZ.	49 CFR 177.848, Part 107, Appendix (B)(1).	To become a party to exemption 7835. (mode 1)
7835–P	DOT–E 7835	Bitec Southeast, Inc., Tampa, FL	49 CFR 177.848, Part 107, Appendix (B)(1).	To become a party to exemption 7835. (mode 1)
7835–P	DOT–E 7835	Praxair, Inc., Danbury, CT	49 CFR 177.848, Part 107, Appendix (B)(1).	To become a party to exemption 7835. (mode 1)
7846–P	DOT–E 7846	Praxair, Inc., Danbury, CT	49 CFR 173.314(c)	To become a party to exemption 7846. (modes 1, 3)
7943–P	DOT–E 7943	AB Chem Industries, El Cajon, CA	49 CFR 173.263(a)(15), 173.272(c), 173.272(i)(12), 173.277(a)(1).	To become a party to exemption 7943. (mode 1)
7945–P	DOT–E 7945	Northrop Corporation, Hawthorne, CA.	49 CFR 172.101, 173.301(d)(2), 173.302(a)(3).	To become a party to exemption 7945. (modes 1, 2, 4, 5)
7951–P	DOT–E 7951	Ready Food Products, Inc., Philadelphia, PA.	49 CFR 173.306(b)(1), 175.3, 178.33.	To become a party to exemption 7951. (modes 1, 2, 3, 4, 5)
7951–P	DOT–E 7951	Rod's Food Products, City of Industry, CA.	49 CFR 173.306(b)(1), 175.3, 178.33.	To become a party to exemption 7951. (modes 1, 2, 3, 4, 5)
8006–P	DOT–E 8006	Celebration Fireworks, Indianapolis, IN.	49 CFR 172.400(a), 172.504 Table 2.	To become a party to exemption 8006. (mode 1)
8013–P	DOT–E 8013	Bitec Southeast, Inc., Tampa, FL	49 CFR 173.302, 173.304, 175.3	To become a party to exemption 8013. (modes 1, 4)
8013–P	DOT–E 8013	Praxair, Inc., Danbury, CT	49 CFR 173.302, 173.304, 175.3	To become a party to exemption 8013. (modes 1, 4)
8156–P	DOT–E 8156	Valley Welding Supply Company, Wheeling, WV.	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	To become a party to exemption 8156. (modes 1, 2)
8156–P	DOT–E 8156	Bitec Southeast, Inc., Tampa, FL.	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	To become a party to exemption 8156. (modes 1, 2)
8156–P	DOT–E 8156	Praxair, Inc., Danbury, CT	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	To become a party to exemption 8156. (modes 1, 2)
8214–P	DOT–E 8214	Mazda (North America), Inc., Irvine, CA.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8214. (modes 1, 2, 3, 4)
8214–P	DOT–E 8214	Automotive Systems Laboratory, Inc., Farmington Hills, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8214. (modes 1, 2, 3, 4)
8236–P	DOT–E 8236	Automotive Systems Laboratory, Inc., Farmington Hills, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8236. (modes 1, 2, 3)
8273–P	DOT–E 8273	Automotive Systems Laboratory, Inc., Farmington Hills, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8273. (modes 1, 2, 3, 4)
8426–P	DOT–E 8426	Northwest EnviroService, Inc., Seattle, WA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340–7, 178.342–5, 178.343–5.	To become a party to exemption 8426. (mode 1)
8451–P	DOT–E 8451	Western Atlas International, Inc., Houston, TX.	49 CFR 173.65, 173.86(e), 175.3	To become a party to exemption 8451. (modes 1, 2, 4)
8453–P	DOT–E 8453	Sandex, Inc., Las Vegas, NV	49 CFR 173.114a	To become a party to exemption 8453. (modes 1, 3)
8453–P	DOT–E 8453	ICI Explosives USA Inc., Dallas, TX.	49 CFR 173.114a	To become a party to exemption 8453. (modes 1, 3)
8526–P	DOT–E 8526	Rockwell International Corporation, Los Angeles, CA.	49 CFR 177.834(L)(2)(i)	To become a party to exemption 8526. (mode 1)
8538–P	DOT–E 8538	ICI Explosives USA Inc., Dallas TX.	49 CFR 173.62, 178.77	To become a party to exemption 8538. (mode 1)
8554–P	DOT–E 8554	Sandex, Inc., Las Vegas, NV	49 CFR 173.114a, 173.154, 173.93.	To become a party to exemption 8554. (modes 1, 3)
8554–P	DOT–E 8554	OEI Incorporated, Whitesburg, GA	49 CFR 173.114a, 173.154, 173.93.	To become a party to exemption 8554. (modes 1, 3)
8554–P	DOT–E 8554	Slurry Explosive Corporation, Columbus, KS.	49 CFR 173.114a, 173.154, 173.93.	To become a party to exemption 8554. (modes 1, 3)
8554–P	DOT–E 8554	ICI Explosives USA Inc., Dallas, TX.	49 CFR 173.114a, 173.154, 173.93.	To become a party to exemption 8554. (modes 1, 3)
8556–P	DOT–E 8556	Praxair, Inc., Danbury, CT	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h), 177.840, 178.338.	To become a party to exemption 8556. (modes 1, 3)
8582–P	DOT–E 8582	Cedar River Railroad, Waterloo, IA.	49 CFR Parts 100–177	To become a party to exemption 8582. (mode 1)
8582–P	DOT–E 8582	Chicago Central and Pacific Railroad Company, Waterloo, IA.	49 CFR Parts 100–177	To become a party to exemption 8582. (mode 1)
8582–P	DOT–E 8582	R.L. Taylor, Keokuk, IA	49 CFR Parts 100–177	To become a party to exemption 8582. (mode 1)
8582–P	DOT–E 8582	Seagraves, Whiteface & Lubbock Railroad, Brownfield, TX.	49 CFR Parts 100–177	To become a party to exemption 8582. (mode 1)
8627–P	DOT–E 8627	Pronto Chemical & Pressure Testing, Corporation Hennessey, OK.	49 CFR 173.119, 173.245, 178.253.	To become a party to exemption 8627. (mode 1)
8645–P	DOT–E 8645	Sandex, Inc., Las Vegas, NV	49 CFR 173.154(a)(18)	To become a party to exemption 8645. (mode 1)
8645–P	DOT–E 8645	C&K Coal, Clarion, PA	49 CFR 173.154(a)(18)	To become a party to exemption 8645. (mode 1)
8723–P	DOT–E 8723	ICI Explosives USA Inc., Dallas, TX.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To become a party to exemption 8723. (modes 1, 3)
8725–P	DOT–E 8725	Natural Gas Vehicle Systems, Inc., Long Beach, CA.	49 CFR 173.302(a)	To become a party to exemption 8725. (mode 1)
8815–P	DOT–E 8815	Austin Powder Company, Cleveland, OH.	49 CFR 173.114a(b)	To become a party to exemption 8815. (mode 1)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8815–P	DOT–E 8815	ICI Explosives USA Inc., Dallas, TX.	49 CFR 173.114a(b)	To become a party to exemption 8815. (mode 1)
8845–P	DOT–E 8845	Owen Oil Tools, Inc., Fort Worth, TX.	49 CFR 173.110(c)(1), 173.80(b), 173.80(c).	To become a party to exemption 8845. (modes 1, 2)
8862–P	DOT–E 8862	Bitec Southeast, Inc., Tampa, FL	49 CFR 173.119, 173.124(a)(4), 173.305.	To become a party to exemption 8862. (mode 1)
8862–P	DOT–E 8862	Praxair, Inc., Danbury, CT	49 CFR 173.119, 173.124(a)(4), 173.305.	To become a party to exemption 8862. (mode 1)
8877–P	DOT–E 8877	Ashland Chemical, Inc., Columbus, OH.	49 CFR 173.119, 173.245	To become a party to exemption 8877. (modes 1, 2, 3)
8901–X	DOT–E 8901	Douglas Chemical Company, Liberty, MO.	49 CFR 173.357	To modify the exemption to provide for cargo vessel as an additional mode of transportation for use in transporting Class B poisons contained in polyethylene bottles overpacked in fiberboard boxes. (mode 1)
8915–P	DOT–E 8915	Praxair, Inc., Danbury, CT	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 8915. (modes 1, 3)
8923–P	DOT–E 8923	Bitec Southeast, Inc., Tampa, FL	49 CFR 173.119(m), 173.3(a)	To become a party to exemption 8923. (mode 1)
8923–P	DOT–E 8923	Praxair, Inc., Danbury, CT	49 CFR 173.119(m), 173.3(a)	To become a party to exemption 8923. (mode 1)
8943–P	DOT–E 8943	Ross Transportation Services, Inc., Grafton, OH.	49 CFR 173.154	To become a party to exemption 8943. (mode 1)
8944–X	DOT–E 8944	Union Carbide Corporation, Danbury, CT.	49 CFR 173.302(c)(2), 173.302(c)(3), 173.302(c)(4), 173.34(e) the introductory paragraph, the Table, Part 107, Appendix B.	To authorize certain modifications for acoustic emission testing of cylinders for shipment of nonflammable gases and to modify reporting criteria. (modes 1, 3)
8944–P	DOT–E 8944	Bitec Southeast, Inc., Tampa, FL	49 CFR 173.302(c)(2), 173.302(c)(3), 173.302(c)(4), 173.34(e) the introductory paragraph, the Table, Part 107, Appendix B.	To become a party to exemption 8944. (modes 1, 3)
8944–P	DOT–E 8944	Praxair, Inc., Danbury, CT	49 CFR 173.302(c)(2), 173.302(c)(3), 173.302(c)(4), 173.34(e) the introductory paragraph, the Table, Part 107, Appendix B.	To become a party to exemption 8944. (modes 1, 3)
8958–P	DOT–E 8958	Double F Productions, Tucson, AZ	49 CFR 172.101, 173.60	To become a party to exemption 8958. (modes 1, 2)
8958–P	DOT–E 8958	Petro-Explo, Inc., Arlington, TX	49 CFR 172.101, 173.60	To become a party to exemption 8958. (modes 1, 2)
8966–P	DOT–E 8966	AB-Chem Industries, El Cajon, CA	49 CFR 173.263(a)(15), 173.277(a)(1), 178.205.	To become a party to exemption 8966. (mode 1)
8967–X	DOT–E 8967	Hercules, Inc., Wilmington, DE	49 CFR 173.93(a)(11)	To renew and modify the exemption to authorize the transportation of an additional Class B explosive. (mode 1)
9034–P	DOT–E 9034	Praxair, Inc., Danbury, CT	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To become a party to exemption 9034. (modes 1, 2, 3, 4)
9047–P	DOT–E 9047	Bitec Southeast, Inc., Tampa, FL.	49 CFR 173.124(a)(2), 173.124(a)(4), 175.3.	To become a party to exemption 9047. (modes 1, 2, 3, 4)
9047–P	DOT–E 9047	Praxair, Inc., Danbury, CT	49 CFR 173.124(a)(2), 173.124(a)(4), 175.3.	To become a party to exemption 9047. (modes 1, 2, 3, 4)
9047–P	DOT–E 9047	Valley Welding Supply Company, Wheeling, WV.	49 CFR 173.124(a)(2), 173.124(a)(4), 175.3.	To become a party to exemption 9047. (modes 1, 2, 3, 4)
9108–P	DOT–E 9108	ICI Explosives USA Inc., Dallas, TX.	49 CFR 173.77	To become a party to exemption 9108. (modes 1, 3)
9108–X	DOT–E 9108	Trojan Corporation, Spanish Fork, UT.	49 CFR 173.77	To authorize use of contract carriers for shipment of initiating explosive, Class A in composite type packaging. (modes 1, 3)
9150–X	DOT–E 9150	Hoover Group, Inc., Beatrice, NE	49 CFR 173.119, 173.256, 173.286, 178.19, 178.253, Part 173, Subpart F.	To delete cross-link tests and clarify certain marking requirements for polyethylene portable tanks for shipment of certain corrosive liquids, flammable liquids and hydrogen peroxide solutions. (modes 1, 2, 3)
9275–P	DOT–E 9275	Calvin Klein Cosmetics Company, Mount Olive, NJ.	49 CFR Parts 100–199	To become a party to exemption 9275. (modes 1, 2, 3, 4)
9282–X	DOT–E 9282	Halocarbon Products Corporation, North Augusta, SC.	49 CFR 173.314(c)	To modify the exemption to provide for additional commodities classed as non-flammable gases to be shipped in multi-unit car tanks. (modes 1, 2, 3)
9346–P	DOT–E 9346	Marsulex Inc., North York, Ontario, Canada.	49 CFR 174.67(a)(2)	To become a party to exemption 9346. (mode 2)
9346–P	DOT–E 9346	Niagara Mohawk Power Corporation, Syracuse, NY.	49 CFR 174.67(a)(2)	To become a party to exemption 9346. (mode 2)
9348–P	DOT–E 9348	DC Battery Products, St. Paul, MN	49 CFR 173.206, 175.3, 175.85, Part 107, Appendix B.	To become a party to exemption 9348. (modes 1, 2, 4, 5)
9355–P	DOT–E 9355	Added Value Technology, Inc. (AVT), Littleton, CO.	49 CFR Parts 100–177	To become a party to exemption 9355. (modes 1, 2, 3, 4, 5)
9357–P	DOT–E 9357	Tiphook Tank Rental, Limited, Kent, England.	49 CFR 173.315, 178.245	To become a party to exemption 9357. (modes 1, 2, 3)
9377–P	DOT–E 9377	ICI Explosives USA Inc., Dallas, TX.	49 CFR 173.65(a)(5)	To become a party to exemption 9377. (modes 1, 2, 3)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9414–P	DOT–E 9414	Bitec Southeast, Inc., Tampa, FL	49 CFR 173.302(a)(5)	To become a party to exemption 9414. (modes 1, 3)
9414–P	DOT–E 9414	Praxair, Inc., Danbury, CT	49 CFR 173.302(a)(5)	To become a party to exemption 9414. (modes 1, 3)
9419–P	DOT–E 9419	Bitec Southeast, Inc., Tampa, FL	49 CFR 173.302(c)(2), 173.302(c)(3), 173.302(c)(4), 173.34(e), Part 107, Appendix B.	To become a party to exemption 9419. (modes 1, 3)
9421–X	DOT–E 9421	Taylor-Wharton, Division of Harsco Corporation, Harrisburg, PA.	49 CFR 173.301(h), 173.302, 173.304, 173.34(a)(1), 175.3, 178.37.	To authorize deletion of the provision that requires fraction toughness testing. (modes 1, 2, 3, 4)
9436–P	DOT–E 9436	Praxair, Inc., Danbury, CT	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h).	To become a party to exemption 9436. (modes 1, 3)
9481–P	DOT–E 9481	ICI Explosives USA Inc., Dallas, TX.	49 CFR 173.77	To become a party to exemption 9481. (mode 1)
9485–P	DOT–E 9485	Southeastern Fumigants, Inc., Dawson, GA.	49 CFR 173.305	To become a party to exemption 9485. (modes 1, 2, 3)
9491–P	DOT–E 9491	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.302, 173.304	To become a party to exemption 9491. (modes 1, 2, 3, 4, 5)
9507–P	DOT–E 9507	GenEx, Roseville, MN	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To become a party to exemption 9507. (mode 1)
9507–P	DOT–E 9507	Bitec Southeast, Inc., Tampa FL	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To become a party to exemption 9507. (mode 1)
9507–P	DOT–E 9507	Presto Technologies, Inc., West Hartford, CT.	49 CFR 173.119, 173.302, 173,304, 173.328, 173.34, 173.346.	To become a party to exemption 9507. (mode 1)
9507–P	DOT–E 9507	Praxair, Inc., Danbury, CT	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To become a party to exemption 9507. (mode 1)
9519–X	DOT–E 9519	Transchem I, Inc., Kearny, NJ	49 CFR 173.119, 173.256, 173.266, 178.19, 178.253, Part 173, Subpart F.	To modify the exemption to provide for an additional tank configuration consisting of two (2) 110 gallon bottles mounted in a metal support structure (cage) for shipment of certain corrosive and flammable liquids and an oxidizer. (modes 1, 2)
9579–P	DOT–E 9579	Ireco of Florida, Inc., Miramar, FL	49 CFR 173.154(a)(18)	To become a party to exemption 9579. (mode 1)
9579–P	DOT–E 9579	OEI, Incorporated, Whitesburg, GA.	49 CFR 173.154(a)(18)	To become a party to exemption 9579. (mode 1)
9606–X	DOT–E 9606	Ensign-Bickford Company, Simsbury, CT	49 CFR 173.66(b)	To modify exemption to provide for modification of packaging method for shipment of detonators, Class A explosive. (modes 1, 3)
9623–P	DOT–E 9623	Sandex, Inc., Las Vegas, NV	49 CFR 177.835(c)(3)	To become a party to exemption 9623. (mode 1)
9710–P	DOT–E 9710	Praxair, Inc., Danbury, CT	49 CFR 173.318, 177.840	To become a party to exemption 9710. (modes 1, 2, 3)
9723–P	DOT–E 9723	Advanced Environmental Technology Corp. (AETC), Flanders, NJ.	49 CFR 177.848(b)	To become a party to exemption 9723. (mode 1)
9723–P	DOT–E 9723	Division Transport, El Dorado, AR	49 CFR 177.848(b)	To become a party to exemption 9723. (mode 1)
9723–P	DOT–E 9723	California Advanced Environmental Technology Corp., Hayward, CA.	49 CFR 177.848(b)	To become a party to exemption 9723. (mode 1)
9723–P	DOT–E 9723	Tri-State Motor Transit Company, Joplin, MO.	49 CFR 177.848(b)	To become a party to exemption 9723. (mode 1)
9723–P	DOT–E 9723	Greenfield Environmental, Carlsbad, CA.	49 CFR 177.848(b)	To become a party to exemption 9723. (mode 1)
9723–P	DOT–E 9723	FCI Transport, Inc., Freehold, NJ	49 CFR 177.848(b)	To become a party to exemption 9723. (mode 1)
9750–P	DOT–E 9750	ICI Explosives USA Inc., Dallas, TX.	49 CFR 173.154(a)(18)	To become a party to exemption 9750. (mode 1)
9769–P	DOT–E 9769	S&W Waste Inc., South Kearny, NJ.	49 CFR 176.83, 177.848	To become a party to exemption 9769. (modes 1, 2, 3)
9817–X	DOT–E 9817	Hoover Group, Inc., Beatrice, NE	49 CFR 173.118a, 173.119, 173.125, 173.266, Part 173, Subpart F.	To authorize cargo vessel as an additional mode of transportation for shipment of certain corrosive and flammable liquids or an oxidizer in non-DOT specification polyethylene portable tanks. (modes 1, 3)
9847–P	DOT–E 9847	Praxair, Inc., Danbury, CT	49 CFR 173.302(c), (2), (3), (4), 173.34(e), Part 107, Appendix B.	To become a party to exemption 9847. (modes 1, 3)
9877–X	DOT–E 9877	Systron Donner Corporation—Safety Systems Div., Concord, CA.	49 CFR 173.304(a)(2), 173.304(b)	To renew and increase maximum volume of cylinder from 10 cubic inches to 80. (mode 1)
9888–X	DOT–E 9888	ABB Advanced Battery Systems Inc., Mississauga, Ontario, CN.	49 CFR Parts 100–199	To increase sodium content per cell from 50 to 60 increase cells per enclosure m 360 to 480 and to add rail, water and cargo aircraft as additional modes of transportation. (mode 1)
9888–X	DOT–E 9888	ABB Advanced Battery Systems Inc., Mississauga, Ontario, CN.	49 CFR Parts 100–199	To provide for rail as an additional mode of transportation. (mode 1)
9946–P	DOT–E 9946	Praxair, Inc., Danbury, CT	49 CFR 173.327(a)	To become a party to exemption 9946. (modes 1 2, 3)
9953–P	DOT–E 9953	CMI Transportation, Inc., White Pigeon, MI.	49 CFR 177.834(i)(2)(i)	To become a party to exemption 9953. (mode 1)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9991–P	DOT–E 9991	TRW Vehicle Safety Systems Inc., Washington, MI.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To become a party to exemption 9991. (mode 1)
9997–P	DOT–E 9997	Traditional Sporting Goods, d/b/a Traditions, Inc., Deep River, CT.	49 CFR 173.107, 173.87	To become a party to exemption 9997. (mode 1)
9998–P	DOT–E 9998	Morrell Incorporated, Auburn Hills, MI.	49 CFR 173.302(a)(1), 175.3	To become a party to exemption 9998. (modes 1, 2, 3, 4)
10001–P	DOT–E 10001	Huber Supply Co., Inc., Mason City, IA.	49 CFR 173.316, 173.320	To become a party to exemption 10001. (mode 1)
10001–P	DOT–E 10001	Bitec Southeast, Inc., Tampa, FL .	49 CFR 173.316, 173.320	To become a party to exemption 10001. (mode 1)
10001–P	DOT–E 10001	Praxair, Inc., Danbury, CT	49 CFR 173.316, 173.320	To become a party to exemption 10001. (mode 1)
10001–P	DOT–E 10001	Valley Welding Supply Company, Wheeling, WV.	49 CFR 173.316, 173.320	To become a party to exemption 10001. (mode 1)
10022–P	DOT–E 10022	Bitec Southeast, Inc., Tampa, FL .	49 CFR 173.119, 173.245, 173.246, 173.247, 173.251, 173.264, 173.273, 173.3(c), 173.302, 173.304, 173.328, 173.34, 173.346.	To become a party to exemption 10022. (mode 1)
10022–P	DOT–E 10022	Praxair, Inc., Danbury, CT	49 CFR 173.119, 173.245, 173.246, 173.247, 173.251, 173.264, 173.273, 173.3(c), 173.302, 173.304, 173.328, 173.34, 173.346.	To become a party to exemption 10022. (mode 1)
10062–X	DOT–E 10062	Callery Chemical Company, Pittsburgh, PA.	49 CFR 173.206	To modify the exemption of change the heater well on a welded steel cylinder from a schedule 80 stainless steel pipe to a "schedule 40" stainless steel pipe for shipment of potassium metal, classed as a flammable solid. (modes 1, 2, 3)
10114–P	DOT–E 10114	Continental Airlines and Continental Express, Denver, Co.	49 CFR 173.200, 175.10, 175.3	To become a party to exemption 10114. (mode 5)
10138–P	DOT–E 10138	Nalco Chemical Company, Naperville, IL.	49 CFR 172.326(d), 173.334(b)	To become a party to exemption 10138. (mode 1)
10172–X	DOT–E 10172	Hoover Group, Inc., Beatrice, NE .	49 CFR 178.19, 178.253, Part 173, Subparts D and F, Section 173.266.	To modify the exemption to provide for cargo vessel as an additional mode of transportation for use in transporting oxidizers in portable tanks. (modes 1, 2)
10184–P	DOT–E 10184	Bitec Southeast, Inc., Tampa, FL .	49 CFR 173.34(e)(10), 173.34(e)(9).	To become a party to exemption 10184. (modes 1, 2, 3)
10184–P	DOT–E 10184	Praxair, Inc., Danbury, CT	49 CFR 173.34(e)(10), 173.34(e)(9).	To become a party to exemption 10184. (modes 1, 2, 3)
10184–P	DOT–E 10184	Valley Welding Supply Company, Wheeling, WV.	49 CFR 173.34(e)(10), 173.34(e)(9).	To become a party to exemption 10184. (modes 1, 2, 3)
10193–X	DOT–E 10193	Anderson Company, Gainesville, TX.	49 CFR 173.119, 173.315 and 178.245.	To modify the exemption to provide for various modifications to the non-DOT specification portable tank and to authorize the transportation of various additional commodities. (modes 1, 2, 3)
10238–P	DOT–E 10238	Poly Cal Plastics, Inc., French Camp, CA.	49 CFR Part 173 Subpart D, E, and F.	To become a party to exemption 10238. (modes 1, 2, 3)
10239–P	DOT–E 10239	BASF Corporation, Parsippany, NH.	49 CFR 173.263, 179.200–18(b)(1).	To become a party to exemption 10239. (mode 2)
10239–P	DOT–E 10239	Jones-Hamilton Company, Newark, CA.	49 CFR 173.263, 179.200–18(b)(1).	To become a party to exemption 10239. (mode 2)
10247–P	DOT–E 10247	Kin-Tek Laboratories, Inc., Texas City, TX.	49 CFR 173.4	To become a party to exemption 10247. (modes 1, 2, 4)
10247–P	DOT–E 10247	Thermedics Inc., Woburn, MA	49 CFR 173.4	To become a party to exemption 10247. (modes 1, 2, 4)
10307–X	DOT–E 10307	Olin Chemicals, Stanford, CT	49 CFR 179.200–18, 179.201–1	To modify exemption to authorize additional commodities classed as corrosive material. (mode 2)
10307–X	DOT–E 10307	Olin Chemicals, Stanford, CT	49 CFR 179.200–18, 179–201–1 .	To authorize sodium hydroxide and potassium hydroxide solutions, classed as corrosive materials as additional commodities. (mode 2)
10307–X	DOT–E 10307	Vulcan Chemicals, Birmingham, AL.	49 CFR 179.200–18, 179.201–1	To authorize the addition of caustic soda and caustic potash in DOT specification 111A100W1/W3 tank cars equipped with a safety vent rupture disc rated at 135 psig. (mode 2)
10307–P	DOT–E 10307	ICI Americas Inc., Wilmington, DE	49 CFR 179.200–18, 179.201–1	To become a party to exemption 10307. (mode 2)
10361–X	DOT–E 10361	American Cyanamid Company, Wayne, NJ.	49 CFR 173.377(a, 175.3, 178.19, 178.251, 178.252.	To authorize decrease in size of top opening in polyethylene portable tanks from 12"–6" and to identify certain cosmetic change to support legs and covers used for shipment of organic phosphate. (modes 1, 2)
10441–P	DOT–E 10441	Findly Chemical Disposal, Inc., Fontana, CA.	49 CFR 177.848	To become a party to exemption 10441. (mode 1)
10442–P	DOT–E 10442	Quantic Industries, Inc., Milpitas, CA.	49 CFR 172.101, 173.154, 173.65, 173.95.	To become a party to exemption 10442.
10480–P	DOT–E 10480	Praxair, Inc., Danbury, CT	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h), 178.338.	To become a party to exemption 10480. (modes 1, 3)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10541–X	DOT–E 10541	Aerojet Propulsion Division, Sacramento, CA.	49 CFR 173.92	To authorize use of different rubber inhibitors as filler in the void between the propellant and dome assembly of a rocket motor configuration. (mode 1)
10594–X	DOT–E 10594	U.S. Department of Energy, Washington, DC.	49 CFR 171.15, 171.16, 172.202, 172.203(c)(1)(i), 172.203(d)(1), 172.310, 172.316(a)(7), 172.331(b)(2), 172.332, 173.403(c), 173.425(c)(1)(iii), 173.425(c)(5), 173.443(a), 174.24, 174.25, 174.45, 174.59, 174.700, 174.715, 177.807, 177.843(a), Part 172, Subparts E and F.	To modify the exemption to clarify the reporting requirements relating to an incident occuring during transportation. (modes 1, 2)
10614–X	DOT–E 10614	Tri-Gas Inc., Irving, TX	49 CFR 173.318, 176.76(h), 178.338.	To reissue an exemption original / issued on emergency basis to authorized shipment of liquid oxygen or liquid nitrogen, nonflammable gases in non-DOT specification portable tanks. (modes 1, 3)
10670–P	DOT–E 10660	DuPont Merck Pharmaceutical Company, Billerica, MA.	49 CFR 172.402(a)(1), 172.403(e), 173.4(a)(1)(i–iii), 173.4(a)(1)(iv).	To become a party to exemption 10660. (modes 1, 4, 5)
10670–P	DOT–E 10660	E.I. du Pont de Nemours & Company, Inc., Boston, MA.	49 CFR 172.402(a)(1), 172.403(e), 173.4(a)(1)(i–iii), 173.4(a)(1)(iv).	To become a party to exemption 10660. (modes 1, 4, 5)
10670–P	DOT–E 10660	Mallinckrodt Medical, Inc., Maryland Heights, MO.	49 CFR 172.402(a)(1), 172.403(e), 173.4(a)(1)(i–iii), 173.4(a)(1)(iv).	To become a party to exemption 10660. (modes 1, 4, 5)
10670–P	DOT–E 10660	Eli Lilly Company, Indianapolis, IN	49 CFR 172.402(a)(1), 172.403(e), 173.4(a)(1)(i–iii), 173.4(a)(1)(iv).	To become a party to exemption 10660. (modes 1, 4, 5)
10670–P	DOT–E 10660	Amersham Corporation/ Mediphysics, Arlington Heights, IL.	49 CFR 172.402(a)(1), 172.403(e), 173.4(a)(1)(i–iii), 173.4(a)(1)(iv).	To become a party to exemption 10660. (modes 1, 4, 5)
10670–P	DOT–E 10660	Bristol Myers Squibb Company, Cranbury, NJ.	49 CFR 172.402(a)(1), 172.403(e), 173.4(a)(1)(i–iii), 173.4(a)(1)(iv).	To become a party to exemption 10660. (modes 1, 4, 5)
10660–P	DOT–E 10660	Chemsyn Science Laboratories, Lenexa, KS.	49 CFR 172.402(a)(1), 172.403(e), 173.4(a)(1)(i–iii), 173.4(a)(1)(iv).	To become a party to exemption 10660. (modes 1, 4, 5)
10785–X	DOT–E 10785	Kay-Ray/Sensall, Inc., a subsidiary of Rosemount, Mt. Prospect, IL.	49 CFR 173.302, 175.3	To reissue an exemption originally issued on an emergency basis to authorize manufacture, marking and sale of radiation detectors containing cylinders of compressed nonflammable or poisonous gas. (modes 1, 2, 3, 4, 5)
10789–P	DOT–E 10789	DXI Industries, Inc., Houston, TX	49 CFR 173.304(a)(2), 173.34 (d) and (e).	To become a party to exemption 10789. (mode 1)
10789–P	DOT–E 10789	DX Systems Company, Houston, TX.	49 CFR 173.304(a)(2), 173.34 (d) and (e).	To become a party to exemption 10789. (mode 1)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulations(s) affected	Nature of exemption thereof
9740–N	DOT–E 9740	National Aeronautics & Space Administration (NASA) Kennedy Space Center, FL.	49 CFR 173.34(e) the introductory paragraph and the Table, 178.37.	To permit NASA to hydrostatically retest DOT (ICC) 3AA and 3AAX cylinders and certain non-DOT specification cylinders which and in conformance with DOT (ICC) 3AA and 3AAX specifications with exceptions every ten years rather than every five years as specified in 49 CFR 173.34(e). (mode 1)
10204–N	DOT–E 10204	KECO R. & D., Inc., Houston, TX	49 CFR 173.304, 175.3	To authorize the shipment of small quantities of carbonyl sulfide and hydrogen sulfide in diffusion tubes sealed in a capped pipe and packed in a fiberboard box. (modes 1, 4)
10351–N	DOT–E 10351	Warren Petroleum Company/Division of Chevron USA, Tulsa, OK.	49 CFR 173.318 and 178.337	To authorize the use of insulated MC–331 cargo tanks for shipment of ethylene, refrigerated liquid (cryogenic liquid). (mode 1)
10370–N	DOT–E 10370	Welker Engineering Company, Sugar Land, TX.	49 CFR 173.119, 173.304, 175.3 and 178.42.	To authorize the manufacture, marking and sale of non-DOT specification cylinders for gas and oil well sampling of certain flammable liquids, certain liquefied petroleum (LP) gases, certain hydrocarbon gases and certain nonflammable gases. (modes 1, 4)
10433–N	DOT–E 10433	Allied-Signal Aerospace Company, Tempe, AZ.	49 CFR 173.302(a)(2), 178.44	To authorize the manufacture, marking and sale of non-DOT specification welded pressure vessel similar to a DOT–3HT cylinder with certain exceptions, for shipment of helium. (mode 1)

Application No.
10441–N
10501–N
10510–N
10554–N
10555–N
10631–N
10643–N
10660–N
10661–N
10666–N
10679–N
10684–N
10688–N
10695–N
10714–N
10725–N
10727–N
10732–N

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulations(s) affected	Nature of exemption thereof
10441–N	DOT–E 10441	Rollins Chempak, Inc., Wilmington, DE.	49 CFR 177.848	To authorize shipment of lab pack quantities of cyanides on the same motor vehicle with various amounts of non-lab packed acidic material not to exceed 55 gallons per container. (mode 1)
10501–N	DOT–E 10501	Semi-Bulk Systems, Inc., St. Louis, MO.	49 CFR 172.331, 173.114a, 173.154, 173.164, 173.178, 173.182, 173.204, 173.217, 173.234, 173.245b, 173.366, 173.367.	To authorize the manufacture, marking and sale of large, reusable, palletized collapsible, lined bulk bags constructed of high strength synthetic fabric having a capacity of approximately 4100 pounds each, equipped with a rigid plastic manhole at the top and a plastic base at the bottom with an air inlet opening for shipment of hazardous materials. (modes 1, 2, 3)
10510–N	DOT–E 10510	CMB Enterprises, Inc., Verona, NJ	49 CFR 173.304, 173.305(c), 173.306(a), (b), (c), 178.33a and 173.1200(a)(8).	To authorize the manufacture, marking and sale of container conforming with DOT Specification 2Q except for size, for the transportation of certain hazardous materials. (modes 1, 2, 3, 4)
10554–N	DOT–E 10554	Cryotech Systems, Inc., Breinigsville, PA.	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h), 177.840, 178.338.	To authorize the manufacture, marking and sale of non-DOT specification, insulated portable tanks, for the transportation of nonflammable and flammable gases. (modes 1, 2, 3)
10555–N	DOT–E 10555	HTL/Kin-Tech Division of Pacific Scientific, Duarte, CA.	49 CFR 178.50–9	To authorize the use of a non-DOT approved mounting configuration in the construction of a cylinder patterned after a DOT 4B specification cylinder for shipment of compressed gas. (modes 1, 2, 4, 5)
10631–N	DOT–E 10631	NASA, Washington, DC	49 CFR 173.243, 173.244	To authorize the transportation of various classes of material in specifically designed MC–338 cargo tanks. (mode 1)
10643–N	DOT–E 10643	Thiokol Corporation, Brigham City, UT.	49 CFR 173.92	To authorize the transportation of rocket motors (Class C explosives) in a specifically designed shipping configuration between Thiokol's main plant and testing facility. (mode 1)
10660–N	DOT–E 10660	American Radiolabeled Chemicals, Inc., St. Louis, MO.	49 CFR 172.402(a)(1), 172.403(e), 173.4(a)(1)(i–iii), 173.4(a)(1)(iv).	To exempt from labeling shipments of radioactive materials with secondary hazard classification for transportation by passenger carrying aircraft. (modes 1, 4, 5)
10661–N	DOT–E 10661	Southern Petroleum Laboratories, Inc., Carthage, TX.	49 CFR 178.37	To authorize shipment of residual amounts of flammable liquids and gases contained in test separator vessels, mounted to a trailer, used in measuring oil well productions. (mode 1)
10666–N	DOT–E 10666	Guiberson Division, Dresser Industries, Inc., Dallas, TX.	49 CFR 172.101, 173.62	To authorize the transportation of charged oil well jet perforating guns with initiation devices attached. (modes 1, 3)
10679–N	DOT–E 10679	Assmann Corporation of America, Garrett, IN.	49 CFR 173.119, 173.125, 178.19, 178.253, Part 173, Subpart F.	To authorize the manufacture, marking and sale of non-DOT specification rotationally molded, linear medium density polyethylene portable tank enclosed within a protective steel cage for the shipment of corrosive liquids, flammable liquids, or an oxidizer. (modes 1, 2, 3)
10684–N	DOT–E 10684	Minnesota Valley Engineering, Inc., New Prague, MN.	49 CFR 172.318, 173.320, 176.30, 176.76(h) and 178.338.	To authorize the manufacture, marking and sale of a non-DOT specification insulated portable tank for the shipment of nitrogen, refrigerated liquid. (modes 1, 3)
10688–N	DOT–E 10688	Peninsula Airways Inc., Kodiak, AK.	49 CFR 175.310(c)	To authorize the transportation of fuel in five gallon polyethylene containers overpacked in wooden boxes for carriage in small passenger carrying aircraft within the state of Alaska. (mode 5)
10695–N	DOT–E 10695	3M, Surgical Division, St. Paul, MN.	49 CFR 172.101, 172.400(b), 172.504(e).	To authorize the transportation of ethylene oxide, in metal cars, without poison B labels and placards. (modes 1, 2)
10714–N	DOT–E 10714	FIBA Compressed Gas Equipment, Westboro, MA.	49 CFR 173.304(a)(2)	To authorize the use of DOT Specification 3A, 3AAX and 3T cylinders forming part of a tube trailer or tube skids, for transportation of fluorocarbon trifluoromethane, classed as a non-flammable liquefied gas. (modes 1, 3)
10725–N	DOT–E 10725	Coresa S.A., Santiago, Chile	49 CFR 172.331, 173.154, 173.164, 173.178, 173.182, 173.204, 173.217, 173.234, 173.245(b), 173.366.	To authorize the shipment of certain hazardous materials in polyethylene-lined polypropylene flexible intermediate nonreusable bulk bags. (modes 1, 2, 3)
10727–N	DOT–E 10727	United States Environmental Protection Agency, Denver, CO.	49 CFR 173.403	To authorize the bulk shipment of soils and debris contaminated with a radioactive material (Radium) from Superfund cleanup site to a disposal facility. (mode 2)
10732–N	DOT–E 10732	Burke Transport, dba, LPF/Griffin-Payne Equipment, Hutchinson, KS.	49 CFR 173.304, 173.315	To authorize the use of a non-DOT specification container described as a mechanical displacement meter prover tank for the shipment of certain flammable gases. (mode 1)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulations(s) affected	Nature of exemption thereof
10738–N	DOT–E 10738	R.M.I. Division of Koala Technologies, Gardena, CA.	49 CFR 173.118a, 173.119, 173.256, 173.266, 176.340, 178.19, 178.253.	To manufacture, mark and sell a 300 gallon non-DOT specification, rotationally molded, polyethylene tank equipped with bottom outlet designed to be stackable for use in transporting various classes of hazardous material. (modes 1, 2)
10757–N	DOT–E 10757	BWI® International, Inc., Van Nuys, CA.	49 CFR 173.302(a)94), 175.3, 178.65.	To authorize the manufacture, mark and sell of non-DOT specification cylinder for a one-time shipment of helium, classed as nonflammable gas. (modes 1, 2, 4)
10764–N	DOT–E 10764	Snyder Industries, Inc., Lincoln, NE.	49 CFR 173, 173.119, 173.125, 173.245, 173.249, 173.249(a), 173.250(a), 173.257, 173.262, 173.263, 173.264, 173.265, 173.266, 173.269, 173.272, 173.276, 173.277, 173.283, 173.287, 173.288, 173.289, 173.292, 173.297, 173.299(a).	To authorize the manufacture, mark and sell of rotationally molded polyethylene portable tank for the shipment of certain hazardous materials. (modes 1, 2)
10765–N	DOT–E 10765	Calibron Systems, Inc., Scottsdale, AZ.	49 CFR 173.119, 173.304, 173.315.	To authorize the manufacture, mark and sell of meter proving units to be affixed to a truck or trailer used to calibrate meters containing liquid hydrocarbon products. (mode 1)
10772–N	DOT–E 10772	Gardner Cryogenics, Bethlehem, PA.	49 CFR 178.338–18(a)(1), 178.338–4(c).	To authorize the transportation of hydrogen, refrigerated liquid, classed as a flammable gas, in non-DOT specification cargo tanks constructed of 304N stainless steel with intersecting welds and nozzles. (mode 1)
10775–N	DOT–E 10775	Elkhart Plastics, Incorporated, Middlebury, IN.	49 CFR 173, 173.119, 173.125, 173.245, 173.249, 173.249(a), 173.250(a), 173.256, 173.257, 173.262, 173.263, 173.264, 173.265, 173.266, 173.269, 173.272, 173.276, 173.277, 173.283, 173.287, 173.288, 173.289, 173.292, 173.297, 173.299(a).	To authorize the manufacture, mark and sell of composite intermediate bulk container with a capacity up to 330-gallons, consisting of a rotationally molded polyethylene inner receptacle within a wire frame outer casing, for the shipment of certain hazardous materials. (modes 1, 2)
10776–N	DOT–E 10776	P.S.I. Plus, Inc., Middletown, CT	49 CFR 173.302(a)(1), 173.304, 175.3, 178.42.	To authorize the manufacture, mark and sell of non-DOT specification steel cylinders comparable to a DOT specification 3E for use in transporting certain hazardous materials. (modes 1, 2, 3, 4, 5)
10777–N	DOT–E 10777	SIGRI Corporation, Bedminster, NJ.	49 CFR 173.119, 173.302, 173.304, 173.327, 173.328, 173.34, 173.346.	To authorize the manufacture, mark and sell of non-DOT specification salvage cylinder constructed of carbon steel for overpacking damaged or leaking packages of hazardous materials. (mode 1)
10787–N	DOT–E 10787	Emery Worldwide Airlines, Vandalia, OH.	49 CFR 172.101, 172.204(c)(3), 173.27, 173.54(j), 175.30(a)(1), 175.320(b), 175.75, Part 107, Appendix B.	To authorize the transportation of Class A, B and C explosives that are not permitted for shipment by air, or are in quantities greater than those prescribed for shipment by air. (mode 4)
10789–N	DOT–E 10789	DPC Industries, Inc., Houston, TX	49 CFR 173.304(a)(2), 173.34 (d) and (e).	To authorize the use of a non-DOT specification full open head, steel salvage cylinder for overpacking damaged or leaking chlorine cylinders. (mode 1)
10795–N	DOT–E 10795	Mobil Oil Corporation, Fairfax, VA	49 CFR 173.31(b)(1), 174.67(a)(7)	To authorize an alternative method of blocking wheels of each car of unit train during loading and unloading and to require the opening of bottom discharge outlet caps of each car during loading of gasoline and fuel oil. (mode 2)
10796–N	DOT–E 10796	GE Aerospace, King of Prussia, PA.	49 CFR 173.416(c), Part 107, Appendix B to Subpart B, Paragraph 1.	To authorize a one-time domestic shipment of two packages of radioactive materials which are certified for import and export shipment only. (mode 1)
10809–N	DOT–E 10809	Enviro Pax, Inc., W. Caldwell, NJ	49 CFR 173.245b, 173.365	To authorize the manufacture, marking and sell of a non-DOT specification bulk fiberboard box for shipment of certain corrosive and poison B solids, n.o.s. (modes 1, 2)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 4453–X	DOT–E 4453	Gibson Explosives Products, Inc., Duffield, VA.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize the use of a non-DOT specification bulk, hopper-type tank for transportation of blasting agent, n.o.s. or ammonium nitrate-fuel oil mixtures. (modes 1, 3)
EE 6614–X	DOT–E 6614	B's Pool Supplies, Ontario, CA	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize the use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corrosive liquids. (mode 1)

VOL 58 ISS 26 FE 10 1993 UMI

EMERGENCY EXEMPTIONS—Continued

Application No	Exemption No	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 7891–X	DOT–E 7891	Farchan Laboratories, Inc., Gainesville, FL.	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3), 172.504 Table 1, 172.504(a), 173.126, 173.138, 173.237, 173.246, 173.25(a), 175.3.	To authorize the transport of packages bearing the DANGEROUS WHEN WET label, in motor vehicles which are not placarded FLAMMABLE SOLID W. (modes 1, 2, 3)
EE 8582–X	DOT–E 8582	Iowa Interstate Railroad, Ltd., Iowa City, IA.	49 CFR Parts 100–177	To authorize the transport of railway track torpedoes and fusees packed in metal lids in motor vehicles by railroad maintenance crew as nonregulated rail carrier equipment. (mode 1)
EE 8723–X	DOT–E 8728	Alaska-Pacific Powder Company, Anchorage, AK.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize the use of non-DOT specification motor vehicles for bulk shipment of certain blasting agents. (modes 1, 3)
EE 9275–X	DOT–E 9275	Upjohn Company, Kalamazoo, MI	49 CFR Parts 100–199	To authorize further exceptions to specification packaging, marking and labeling requirements for certain ethyl alcohol formulations. (modes 1, 2, 3, 4)
EE 9332–X	DOT–E 9332	Johnson Matthey Company, West Chester, PA.	49 CFR 172.101, 173.150, 175.3	To authorize the transport of a solid explosive dissolved in an ammonia solution as a flammable solid in DOT Specification 34 polyethylene containers or DOT Specification 3E polyethylene bottles, packed in DOT Specification 15A wooden boxes. (modes 1, 2, 3)
EE 10227–X	DOT–E 10227	Minnesota Valley Engineering, Inc., New Prague, MN.	49 CFR 173.316, 175.3, 178.57(8)(b), 178.57–2, 178.57–8(c).	To authorize the manufacture, marking and sale of insulated non-DOT specification cylinders for shipment of liquid oxygen. (mode 1)
EE 10614–X	DOT–E 10614	TRI-GAS Inc., Irving, TX	49 CFR 173.318, 176.76(h), 178.338.	To authorize the use of vacuum insulated portable the transportation of liquid oxygen and liquid nitrogen. (modes 1, 3)
EE 10652–P	DOT–E 10652	Battelle, Pacific Northwest Laboratories, Richland, WA.	49 CFR 173.328	To become a party to exemption 10652. (mode 1)
EE 10748–X	DOT–E 10748	McGil Specialized Carriers, Inc., Marrietta, GA.	49 CFR 177.825(b) and Part 107, Appendix B(1).	To authorize the transport of radioactive material; using an alternative route which is not a state designated route, or an interstate. (mode 1)
EE 10761–N	DOT–E 10761	Air New Zealand Limited, Auckland, New Zealand.	49 CFR 173.21, 173.118, 175.30, 17D.85, Part 107, Appendix B; Part 172.	To authorize the carriage of small quantities of a flammable liquid in safety lamps in the cabin compartment of a passenger carrying aircraft. (mode 5)
EE 10768–N	DOT–E 10768	Sun Refining and Marketing Company, Philadelphia, PA.	49 CFR 173.29(c)(1) and 174.64(k).	To authorize the transportation of two DOT Specification 111A100W1. tank cars which have defective interior heating coils. (mode 2)
EE 10769–N	DOT–E 10769	PPG Industries, Incorporated, Pittsburgh, PA.	49 CFR 173.29(c)(2)	To authorize the transportation of a DOT Specification 105A500W tank car which is overdue for tank and safety valve tests. (mode 2)
EE 10779–N	DOT–E 10779	Hughes Aircraft Company, Los Angeles, CA.	49 CFR 173.416(c), Part 207, Appendix B 5o Subpart B, Paragraph (1).	To authorize the one-time domestic shipment of three packages of radioactive materials which are certified for import and export shipment only. (mode 1)
EE 10780–N	DOT–E 10780	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.346(a)(10)	To authorize a one-time shipment of seven Association of American Railroads proposed DOT Specification 120A400W tank cars. (mode 2)
EE 10781–N	DOT–E 10781	Mobil Chemical Company, Princeton, NJ.	49 CFR 173.187	To authorize a one-time shipment of certain pyrophoric solid material, UN 2846, with a nitrogen gas pad, in DOT specification cylinders. (mode 1)
EE 10783–N	DOT–E 10783	Sun Refining and Marketing Company.	49 CFR 173.29(c)(1) and 174.67(k).	To authorize the transportation of a DOT Specification 111A100W1 tank car which has defective interior heating coils for shipment of petroleum naphtha. (mode 2)
EE 10783–X	DOT–E 10783	Sun Refining and Marketing Company.	49 CFR 173.29(c)(1) and 174.67(k).	To authorize the transportation of a DOT Specification 111A100W1 tank car which has defective interior heating coils for shipment of petroleum naphtha. (mode 2)
EE 10784–N	DOT–E 10784	U.S. Department of the Treasury, Washington, DC.	49 CFR 173.25, 175.85, Part 107, Appendix B to Subpart B, Part 172, Subpart C.	To authorize the shipment of oxygen in DOT Specification 3AA2015 cylinders in the passenger compartment of commercial aircraft. (mode 5)
EE 10785–N	DOT–E 10785	Kay-Ray/Sensall, Inc., a subsidiary of Rosemount, Mt. Prospect, IL.	49 CFR 173.302, 175.3	To authorize the manufacture, marking and sale of non-DOT specification containers (radiation detection chamber) in certain non-contacting measurement systems. (modes 1, 2, 3, 4, 5)
EE 10793–N	DOT–E 10793	Olin Corporation, Stamford, CT	49 CFR 173.29(a)	To authorize the transportation of a DOT Specification 105J500W tank car which is overdue for tank and safety valve tests for shipment of chlorine. (mode 2)
EE 10808–N	DOT–E 10808	The U.S. Department of Justice, FBI, Seattle, WA.	49 CFR 172.101 table, column (9B), 173.56 and 173.62.	To authorize the shipment of PETN, a Class A explosives which isidden for shipment by cargo aircraft and safety fuse, a Class C explosive. (mode 4)
EE 10811–N	DOT–E 10811	Metamine France S.A., Cedex, France.	49 CFR 173.241	To authorize a one-time shipment of 15 polypropylene bulk bags containing calcium silicon enclosed in a freight container. (mode 1)

VOL 58 ISS 26 FE 10 1993 UMI

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 10813–N	DOT–E 10813	Intertrans Services Incorporated, Monmouth, NJ.	49 CFR 173.29(c)(2)	To authorize the transportation of DOT Specification 105A500W tank car with a defective liquid angle valve, equipped with a safety "C" kit. (mode 2)
EE 10814–N	DOT–E 10814	Lorad Corporation, Danbury, CT	49 CFR 173.302, 175.3	To authorize the manufacture, marking and sale of an industrial X-ray instrumentation for the transportation of nonliquefied sulfur hexafluoride. (modes 1, 2, 3, 4, 5)
EE 10815–N	DOT–E 10815	Fomo Products Inc., Norton, OH	49 CFR 173.34(d), 178.65–10, Part 107, Appendix B, Paragraph (1).	To authorize the shipment of certain DOT Specification 39 cylinders which may be fitted with pressure relief devices not in conformance with the specification requirements. (modes 1, 2, 3)
EE 10815–P	DOT–E 10815	Insta-Foam Products, Inc., Joliet, IL.	49 CFR 173.34(d), 178.65–10, Part 107, Appendix B, Paragraph (1).	To become a party to exemption 10815. (modes 1, 2, 3)
EE 10815–P	DOT–E 10815	Clayton Corporation, Fenton, MO	49 CFR 173.34(d), 178.65–10, Part 107, Appendix B, Paragraph (1).	To become a party to exemption 10815. (modes 1, 2, 3)
EE 10815–P	DOT–E 10815	Macklanburg Duncan, Polycel, Fort Worth, TX.	49 CFR 173.34(d), 178.65–10, Part 107, Appendix B, Paragraph (1).	To become a party to exemption 10815. (modes 1, 2, 3)
EE 10830–N	DOT–E 10830	Allied-Signal Inc., Morristown, NJ	49 CFR 173.34(d), 178.65–10, Part 107, Appendix B, Paragraph 1.	To authorize the one-time shipment of certain DOT Specification 39 cylinders which may have pressure relief devices not in conformance with the specification requirements. (mode 1)
EE 10842–N	DOT–E 10842	High Point Chemical Corporation, High Point, NC.	49 CFR 173.29(a), 173.31(c) Retest Table 1.	To authorize the transportation of DOT specification 105A500W tank car, for the shipment of chlorine. (mode 2)
EE 10849–N	DOT–E 10849	ELF Atochem North America, Inc., Philadelphia, PA.	49 CFR 173.29(c)(2)	To authorize the transportation of a DOT Specification 105A500W tankar, containing chlorine, with a defective liquid angle valve, equipped with a chlorine "C" kit. (mode 2)
EE 10852–N	DOT–E 10852	Hoechst Celanese Corporation, Charlotte, NC.	49 CFR 173.242	To authorize the shipment of chloroacetic acid solid, contained in collapsible, nonreusable woven plastic bags having a capacity of approximately 2102 pounds each. (modes 1, 3)
EE 10853–N	DOT–E 10853	Korean Air Lines Company Limited, Los Angeles, CA.	49 CFR 172.10 table, column (6)(b).	To authorize the shipment of explosives which are forbidden or exceed quantity limitations authorized for transportation by cargo aircraft. (mode 2)
EE 10862–N	DOT–E 10862	Chemical Waste Management, Inc., Benecia, CA.	49 CFR 173.240, 173.242	To authorize the highway transportation of 3000 tons of corrosive solid waste sludge in semi-trailer end-dump vehicles lined with a double layer of polyethylene, covered with custom fitted canvas. (mode 1)
EE 10863–N	DOT–E 10863	ICI Americas, Incorporated, Wilmington, DE	49 CFR 173.29(c)	To authorize the transportation of a DOT Specification 110A500W tank car, containing a refrigerant gas (1, 1, 1, 2—Tetrafluoroethane), with a defective valve, equipped with an emergency "B" Kit. (mode 1)
EE 10864–N	DOT–E 10864	Samwey Industria DE Continer, Ltda., San Paulo, Brazil.	49 CFR 172.331, 173.114a, 173.154, 173.164, 173.178, 173.182, 173.204, 173.217, 173.234, 173.245b, 173.366, 173.367.	To authorize the manufacture, marking and sale of large, collapsible nonreusable polyethylene-lined woven polypropylene bulk bags having a capacity not to exceed 2208 pounds for 6.5 oz. polypropylene material and 2583 pounds for 8 oz. polypropylene material and top and bottom outlets, for shipment of certain hazardous materials. (modes 1, 2, 3)
EE 10870–N	DOT–E 10870	Anderson Products, Inc., Chapel Hill, SC.	49 CFR 172.101, 172.400, 172.504, 173.323, 174.81 and 177.848.	To authorize domestic transportation by rail and highway of ethylene oxide packaged in glass ampoules within a fiberboard box with a flammable gas (Division 2.1) label instead of both poison gas (Division 2.3) and flammable gas labels. (modes 1, 2)
EE 10881–N	DOT–E 10881	The TACC International Corporation, Rockland, MA.	49 CFR 173.32	To authorize the shipment of an adhesive, with a flash point of less than 0 degrees Fahrenheit, classed as a flammable liquid, contained in DOT Specification 37C drums of 5 gallons capacity. (mode 1)
EE 10890–N	DOT–E 10890	Elf Atochem North America, Inc., Philadelphia, PA.	49 CFR 173.315(i)	To authorize one-time transportation of a DOT Specification MC–331 cargo tank with a defective safety relief valve for the transportation of residual amounts of chlorine. (mode 1)

Application
4453–X
6785–X
6824–X
7477–X
7909–P
7909–P
8059–X
8063–P
8162–P
8249–X
8287–P
8554–X
8815–X
8977–X
8990–P
9256–X
9265–X
9419–P
9623–X
9692–X
9692–X
9723–X
9866–N
9943–N
9988–N

WITHDRAWAL EXEMPTIONS

Application	Applicant	Regulation(s) affected	Nature of exemption thereof
4453–X	Thermex Energy Corporation, Dallas TX.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize the use of non-DOT specification bulk, hopper-type tank for transportation of blasting agent, n.o.s. or ammonium nitrate-fuel oil mixtures. (modes 1, 3)
5765–X	Air Products Chemicals Inc., Gardner Cryogenic Dl Lehigh Valley, PA.	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76 (h), 177.840, 178.338.	To authorize the use of non-DOT specification portable tanks for transportation of a flammable and a nonflammable gases. (modes 1, 3)
6824–X	Bio-Lab, Incorporated, Decatur, GA	49 CFR 173.154, 173.217(a)	To authorize packagings not provided for in the Hazardous Materials Regulations, for shipment of certain oxidizing materials. (modes 1, 2, and 3)
7477–X	Systron Donner/Safety Systems, Division, Concord, CA.	49 CFR 173.302(a)(1), 173.304(a)(1), 175.3.	To authorize the use of non-DOT specification seamless aluminum cylinders, for transportation of certain nonflammable compressed gases. (modes 1, 3, and 4)
7909–P	DowBrands, Inc., Indianapolis, IN	49 CFR 172.203, 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a), 173.345(a), 173.359(c), 173.364(a), 173.370(b), 173.370(d), 173.377(f), 175.3, 175.30, 175.33.	To become a party to exemption 7909. (modes 1, 2)
7909–P	Marion Merrell Dow, Inc., Cincinnati, OH.	49 CFR 172.203, 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a), 173.345(a), 173.359(c), 173.364(a), 173.370(b), 173.370(d), 173.377(f), 175.3, 175.30, 175.33.	To become a party to exemption 7909. (modes 1, 2)
8059–X	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.302(a)(1), 173.304(a), 173.304(d), 175.3.	To authorize the manufacturer, marking and sale of non-DOT specification fiber reinforced plastic full composite cylinders for transportation of certain flammable and nonflammable compressed gases. (modes 1, 2, 3, 4, and 5)
8063–P	Akron Welding and Spring Co., d/b/a Parry Corp., North Royalton, OH.	49 CFR 173.304(a)	To become a party to exemption 8063. (mode 1)
8162–P	Northrop Corporation, Pico Rivera, CA .	49 CFR 173.302(a)(1), 173.304(a)(1), 175.3.	To become a party to exemption 8162. (modes 1, 2, 3, 4, and 5)
8249–X	LPS Industrial, Inc., Newark, NJ	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a) and Table 1, 173.126, 173.138, 173.237, 173.246, 173.25(a), 173.3, 175.3.	To authorize transport of packages bearing the DANGEROUS WHEN WET label in motor vehicles which are not placarded FLAMMABLE SOLID W. (modes 1, 2, and 4)
8287–P	Nalco Chemico Company, Naperville, IL	49 CFR 173.245(a)(16), 173.245(a)(26), 178.19–4(c), 178.35e–2(b).	To become a party to exemption 8287. (modes 1, 2, and 3)
8554–X	Olson Explosives, Inc., Decorah, IA	49 CFR 173.114a, 173.154, 173.93	To authorize the transport of propellant explosives and blasting agents in DOT Specification MC–306, MC–307, and MC–312 cargo tanks. (modes 1, 3)
8815–X	ICI Explosives USA, Inc. Dallas, TX	49 CFR 173.114a(b)	To authorize the transport of certain blasting agents in a cement mixer motor vehicle. (mode 1)
8977–X	Eurotainer, USA, Somerset, NJ	49 CFR 173.315, 178.245	To authorize use of a non-DOT specification IMO-Type 5 portable tank, for transportation of liquefied compressed gases. (modes 1, 2, and 3)
8990–P	Akron Welding and Spring Co. d/b/a Parry Corp., North Royalton, OH.	49 CFR 173.302(a)(1), 175.3, 178.65–2, 178.65–5(a)(4).	To become a party to exemption. (modes 1, 2, 3, 4, and 5)
9256–X	U.S. Department of Energy, Washington, DC.	49 CFR 173.86, 175.30, 48 CFR 146.20–13, Part 107, Appendix B., Subpart B(1).	To authorize the shipment of new explosives, under a tentative hazard classification, to test facilities without marking them as laboratory samples and without being accompanied by a qualified explosives handler. (modes 1, 2, 3, and 4)
9265–X	Guinn Flying Service, Houston, TX	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To modify the exemption to authorize one pilot aboard a multi-engine aircraft carrying explosives. (mode 4)
9419–P	Akron Welding and Spring Co., d/b/a Parry Corp., North Royalton, OH.	49 CFR 173.302(c)(2), 173.302(c)(3), 173.302(c)(4), 173.34(e), Part 107, Appendix B.	To become a party to exemption 9419. (modes 1, 3)
9623–X	IRECO, Incorporated, Salt Lake City, UT.	49 CFR 177.835(c)(3)	To authorize transport of a blasting agent or an oxidizer in a DOT Specification MC–306 or MC–307 cargo tank with a storage box containing Class A explosives Mounted directly behind the tractor cab. (mode 1)
9692–X	Halliburton Company, Duncan, OK	49 CFR 173.119(m)	To authorize use of DOT Specification 57 portable tanks for shipment of a dual hazard (flammable liquid/corrosive to skin only) material. (mode 1)
9692–X	Halliburton Company, Duncan, OK	49 CFR 173.119(m)	To authorize transport of limited quantities of liquid sodium potassium alloy packaging bearing the DANGEROUS WHEN WET label in motor vehicles and rail cars which are not placarded FLAMMABLE SOLID W. (mode 1)
9723–X	Aqua-Tech, Inc., Port Washington, WI ..	49 CFR 177.848(b)	To authorize shipment of "lab-packs" containing cyanides and cyanide mixtures with "lab-packs" containing acids and corrosive liquids in the same transport vehicle. (mode 1)
9868–N	Akzo Coatings America, Inc., Troy, MI ..	49 CFR 173.128	To authorize shipments of paint, classed as a flammable liquid, in non-DOT specification packagings, described as pressure fluid and paint spray tanks. (mode 1)
9943–N	Nalco Chemical Company, Naperville, IL.	49 CFR 173.32, Part 107, Subpart B, Appendix B.	To authorize the loading and unloading of materials classed flammable liquid, combustible liquid and corrosive material in portable tanks secured to a motor vehicle. (mode 1)
9986–N	PSC Environmental Management, Pecatonica, IL.	49 CFR 173.154, 173.245b, 173.365, 173.510.	To authorize transport of various solid or semi-solid waste hazardous materials, classed as Flammable solid, Organic peroxide, Oxidizer, Corrosive material, Poison B and ORM, in non-DOT Specification fiber drums. (mode 1)

WITHDRAWAL EXEMPTIONS—Continued

Application	Applicant	Regulation(s) affected	Nature of exemption thereof
10020–P	Clean Earth Manufacturing, Inc., Birmingham, AL.	49 CFR 173.245b	To become a party to exemption 10020. (mode 1)
10071–N	S.A.F.E. Systems, Inc., Decatur, GA	49 CFR 173.306, 175.3, 178.33a–9	To authorize the shipment of a charged fire extinguisher constructed similarly to the DOT Specification 2Q cylinder except it has not been properly marked. (modes 1, 3, 4, and 5)
10072–N	Nupro Company Willoughby, OH	49 CFR 173.327(a)	To authorize use of a bellows valve in cylinders containing a Class A poison. (mode 1)
10313–N	Atochem, Inc. Glen Rock NJ	49 CFR 178.115–10(a)	To authorize shipment of dimethylethylamine, classed as flammable and corrosive liquid n.o.s. in 17C drum with stenciled markings. (mode 1)
10342N	Container Products Newnan, GA	49 CFR 178.16–19(a)(3)	To authorize use of wheel style month and year of manufacture date clock with characters less than the required ¼ inch minimum size for marking DOT-specification 35 containers. (mode 1)
10418–N	Olin Chemical Stanford, CT	49 CFR 173.245(a), 173.249(a)(5), 173.263(a)(9), 173.272(i)(22), 179.200–18(b).	To authorize the transportations of corrosive material in tank cars with a ½" opening in the approach channels to the safety vents. (mode 2)
10437–N	Williams International, Walled Lake, MI	49 CFR 173.106(a), 173.306	To authorize transportation of an igniter class C explosive and oxygen bottle assembly, oxidizer, non-flammable gas installed on a gas turbine engine overpacked in a polyethylene type container. (modes 1, 2, and 4)
10451–N	Hoechst Celanese Corporation, Dallas, TX.	49 CFR 173.119(a)(3)	To authorize the one time shipment of triethylamine, classed as flammable liquid, in DOT Specification 17E 20/18 gauge steel drums. (mode 1)
10470–N	Buckeye International, Inc., Maryland Heights, MO.	49 CFR 178.21, 178.24, 178.27, 178.35, 178.35(a).	To authorize the shipment of compound, cleaning, liquid, classed as corrosive material, in an inner ply double-wall polyethylene bag with a wall thickness of 2 mils overpacked in a non-DOT specification fiberboard box. (mode 1)
10490–N	Goex International, Inc., Cleburne, TX	49 CFR 173.100(v)	To authorize transportation of tubing cutters containing more than 23 grams, but not more than 39 grams of high explosives to be classes as a class C explosive. (modes 1, 2, 3, 4, and 5)
10559–N	Nalco Chemical Company, Naperville, IL.	49 CFR 173 Subpart D, E, and F	To authorize the manufacture, marking and sell of non-DOT specification polyethylene portable tanks enclosed in a steel frame in 200 gallon and 400 gallon sizes for shipment of hazardous materials classed as oxidizers, corrosives and flammable liquids. (modes 1, 2, and 3)
10774–N	Applied Data Technology, Inc., Elmendoft AFT, AK.	49 CFR 172.101 table, Column 6	To authorize the shipment of liquefied petroleum gas, classed as a flammable gas in 6,000 gallon capacity DOT Specification 51 skid mounted portable tanks by cargo aircraft to remote areas in Alaska. (mode 4)

DENIALS

8723–X Request by Atlas Powder Company Dallas, TX to authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents denied April 9, 1992.

9052–X Request by Chemical Handling Equipment Company, Inc. Toledo, OH to authorize use of a non-DOT specification rotationally molded, cross-linked or linear polyethylene portable tank enclosed in a steel cage or hardwood overpack for the shipment of corrosive liquids, flammable liquids or an oxidizer denied April 30, 1992.

9164–X Request by Fabricated Metals, Inc. San Leandro, CA to authorize resin solution, classed as flammable liquid, as an additional commodity denied July 7, 1992.

10115–N Request by Atlas Powder Company Dallas, TX to authorize shipment of a liquid propellant explosive, classed as a Class B explosive in DOT Specification 6D or 6J drums with a DOT Specification 2S PE liner denied April 9, 1992.

10130–X Request by UF Strainrite Lewiston, ME to authorize manufacture, marking and sale of collapsible, disposable polyethylene-lined woven polypropylene bulk bags for shipment of flammable solids, corrosive solids, oxidizers, and poison B solids denied May 22, 1992.

10208–N Request by Sensidyne, Inc. Clearwater, FL to auth. shipment of limited quantities of Class B poisons & Class A poisons in 10m1 glass ampules, flame sealed, with 5 ampules sealed in heat-sealed wrap with 2 of these packets in an intermediate cont., encapsulated in a heat-sealed bag overpacked in a 600lb test double-wall fiberboard box denied April 9, 1992.

10212–N Request by Puerto Rico Marine Management, Inc. Sam Juan, PR to authorize use of IM101 and 102 and IMO designation types 1 and 2 without marking the name of the hazardous material on them denied May 4, 1992.

10213–N Request by Occidental Chemical Corporation Dallas, TX to authorize shipment of various hazardous materials in quantities not to exceed 5 gallons without complying with the packaging, marking, and labeling requirements when being shipped between sections of a plant separated by a public road and between operations 2.9 miles apart denied April 30, 1992.

10217–N Request by Moli Energy, Limited Burnaby, B.C., Canada to authorize transportation of four cell series—paralled connected lithium batteries without diodes denied April 9, 1992.

10270–N Request by High Island Offshore System Sabine Pass, TX to authorize shipping certification for methane and helium gas sample cylinders to be executed from a main production platform rather than from each of 95 offshore platforms denied August 24, 1992.

10464–N Request by Liquid Air Corporation Walnut Creek, CA to authorize an alternative method for periodic retesting and reinspection of certain DOT Specification cylinders used for shipment of compressed gas denied September 11, 1992.

10673–N Request by Southern Air Transport Miami, FL to authorize the transportation of dimethylhydrazine, classed as flammable liquid and nitrogen tetroxide classed as Poison A in 55 gallon DOT Specification containers aboard cargo only aircraft denied September 11, 1992.

10699–N Request by Union Pacific Railroad Company Omaha, NE to authorize the transport of gasoline in non-DOT specification 5 gallon containers in company owned and operated maintenance vehicles denied June 29, 1992.

10699–P Request by Missouri Pacific Railroad Company Omaha, NE to authorize the transport of gasoline in non-DOT specification 5 gallon containers in company owned and operated maintenance vehicles denied June 29, 1992.

10703–N Request by Advanced Delivery & Chemical Systems, Inc. Austin, TX to authorize the shipment of 1.3 ounce stainless steel container inside a carbon steel can overpacked in a 19B wooden box for shipment of a corrosive material denied May 18, 1992.

10737–N Request by Foam-Tech, Inc. N. Thetford, VT to exempt from placarding privately owned vehicles containing various amounts of non-flammable refrigerant gases denied April 22, 1992.

10763–N Request by Reliant Airlines Ypsilanti, MI to authorize the transportation of Class A and B explosives which are forbidden or exceed the quantity limitations authorized for shipment by air denied August 1, 1992.

DENIALS—Continued

10805–N ..... Request by Landers Propane Higgins, TX to authorize the transport of propane, classed as a flammable gas in non-DOT specification cargo tanks denied September 28, 1992.

Issued in Washington, DC, on January 25, 1993.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 93–3105 Filed 2–9–93; 8:45 am]

BILLING CODE 4910–60–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 26
Wednesday, February 10, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 11:05 a.m. on Friday, February 5, 1993, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider a request for a waiver of the cross-guaranty provisions of the Federal Deposit Insurance Act.

In calling the meeting, the Board determined, on motion of Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), seconded by Director Stephen R. Steinbrink (Acting Comptroller of the Currency), and concurred in by Acting Chairman Andrew C. Hove, Jr., that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street, NW., Washington, DC.

Dated: February 5, 1993.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 93–3204 Filed 2–5–93; 4:23 pm]

BILLING CODE 6714–0–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Tuesday, February 16, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 5, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–3208 Filed 2–5–93; 5:04 pm]

BILLING CODE 6210–01–M

FOREIGN CLAIMS SETTLEMENT COMMISSION

F.C.S.C. Meeting Notice No. 6–93

Announcement in Regard to Commission Meetings and Hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Wed., February 24, 1993 at 10:30 a.m.—Consideration of Proposed Decisions on claims against Iran.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 601 D Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 601 D Street, NW., Room 10000, Washington, DC 20579. Telephone: (202) 208–7727.

Dated at Washington, D.C. on February 8, 1993.

Judith H. Lock,

Administrative Officer.

[FR Doc. 93–3318 Filed 2–8–93; 2:17 pm]

BILLING CODE 4410–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of February 8, 1993.

A closed meeting will be held on Tuesday, February 9, 1993, at 2:30. p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Schapiro, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, February 9, 1993, at 2:30 p.m., will be:

Institution of injunctive actions.

Institution of administrative proceedings of an enforcement nature.

Settlement of injunctive actions.

Settlement of administrative proceeding of an enforcement nature.

Subpoena enforcement action.

Opinions.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Holly Smith at (202) 272–2100.

Dated: February 5, 1993.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–3256 Filed 2–8–93; 11:29 am]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 58, No. 26
Wednesday, February 10, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2619 and 2676

RIN 1212–AA61

Valuation of Plan Benefits in Single-Employer Plans; Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal

Correction

In proposed rule document 93–1114 beginning on page 5128 in the issue of Tuesday, January 19, 1993, make the following corrections:

§ 2619.43 [Corrected]

1. On page 5133, in the third column, in § 2619.43(b)(1), in the first line below the equation, "$v^{0:0}=1$" should read "$_{v}{}^{0:0=1}$".

Appendix B to Part 2619 [Corrected]

2. On page 5141, in the third column, under the heading "Lump Sum Valuations", in the paragraph designated (2), in the second and third lines, the expression "$o < y \leq n_1$" should read "$0 < y \leq n_1$".

3. On the same page, under the heading "Annuity Valuations", in the first paragraph, in the fourth line "§ 2619.43(b)(i)", should read "§ 2619.43 (b) through (i) and in the third column, in the fourth line, "* * *" should read ". . .".

4. On page 5142, Table II should read as set forth below.

TABLE II (Sample Rates)

Annuity Valuations

For valuation dates occurring in the month --	The values of i_t are:					
	i_t for t =		i_t for t =		i_t for t =	
January 1995	.0850	1-20	.0575	>20	N/A	N/A
February 1995	.0825	1-15	.0600	16-25	.0550	>25

5. On page 5142, in the first column, under Part 2676, amendatory instruction 11. appearing immediately after the authority citation should be paragraphed.

Appendix B to Part 2676 [Corrected]

6. On page 5146, in the second column, under "Lump Sum Valuations", in the first paragraph, in the second line, the expression "$v^{o:n}$" should read "$v^{0:n}$".

7. On the same page, under the heading "Annuity Valuations", in the first paragraph, in the second line, the expression "$v^{o:n}$" should read "$v^{0:n}$".

8. On the same page, Table II should read as set forth below.

TABLE II (Sample Rates)

Annuity Valuations

For valuation dates occurring in the month --	The values of i_t are:					
	i_t for t =		i_t for t =		i_t for t =	
January 1995	.0850	1-20	.0575	>20	N/A	N/A
February 1995	.0825	1-15	.0600	16-25	.0550	>25

BILLING CODE 1505-01-D

VOL 58 ISS 26 FE 10 1993 UMI

federal register

Wednesday
February 10, 1993

Part II

Environmental Protection Agency

40 CFR Parts 144 and 191
Environmental Radiation Protection Standards; Proposed Rule

VOL 58 ISS 26 FE 10 1993 UMI

ENVIRONMENTAL PROTECTION AGENCY

CFR Parts 144 and 191

[FRL–4560–8]

RIN 2060–AC30

Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency is proposing certain environmental standards for the disposal of spent nuclear fuel, high-level and transuranic radioactive wastes (40 CFR 191.15 and subpart C). EPA is also proposing an additional provision to the Agency's Underground Injection Control Programs regulations in order to make clear that compliance with 40 CFR part 191, subparts B and C, will constitute compliance with regulations under the Federal Safe Drinking Water Act (SDWA) (40 CFR 144.31(a)).

EPA originally promulgated these standards in 1985 pursuant to the Agency's authorities and responsibilities under the Nuclear Waste Policy Act, as amended (42 U.S.C. 10101 *et seq.*), the Atomic Energy Act, as amended (42 U.S.C. 2021(h) and 2201), and section 2(a)(6) of Reorganization Plan No. 3 of 1970 (5 U.S.C. Appendix at 1343). In 1987, following a legal challenge, the U.S. Court of Appeals for the First Circuit (hereinafter referred to as "the First Circuit" or "the court") remanded subpart B of the 1985 standards to the Agency for further consideration. Recently enacted legislation known as the Waste Isolation Pilot Plant Land Withdrawal Act (WIPP LWA), however, reinstates the 1985 disposal standards except "the three aspects of §§ 191.15 and 191.16 of such [standards] that were the subject of the remand ordered in *Natural Resources Defense Council, Inc.* versus *United States Environmental Protection Agency*, 824 F.2d 1258 (1st Dir. 1987). The new law directs EPA to issue final disposal regulations by April 30, 1993, and specifies that such regulations shall not be applicable to the characterization, licensing, construction, operation or closure of any site required to be characterized under section 113(a) of Public Law 97–425, the Nuclear Waste Policy Act of 1982.

Today's proposal represents the Agency's response to this legislation and to the issues raised by the court pertaining to individual and ground-water protection requirements. In so doing, EPA is not revisiting any of the regulations reinstated by the WIPP LWA. After the Agency considers comments received on today's proposal, it will take final action in the form of amendments to part 191 of title 40 of the Code of Federal Regulations.

DATES: Public hearings on this proposed rule will be held in New Mexico and will be announced in a separate notice. Comments on the proposed rule should be received on or before March 22, 1993. As discussed below, the scope of today's proposal is strictly limited to proposed 40 CFR 191.15 and subpart C and does not extend to other portions of 40 CFR part 191. Accordingly, comments should be similarly limited in scope.

ADDRESSES: Comments should be submitted, in duplicate, to: Docket No. R–89–01, Air Docket, room M–1500 (LE–131), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Materials relevant to this rulemaking are contained in Docket No. R–89–01, located in room 1500 (first floor in Waterside Mall near the Washington Information Center), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460. The docket may be inspected between 8:30 a.m. and 12 noon and between 1:30 p.m. and 3:30 p.m. on weekdays. As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying docket materials.

Single copies of the Draft Background Information Document and the Economic Impact Analysis for this action may be obtained by writing to: Waste Standards and Risk Assessment Branch, Criteria and Standards Division, Mail Code 6602J, Office of Radiation and Indoor Air, U.S. Environmental Protection Agency, Washington, DC, 20460 or calling (202) 233–9310.

FOR FURTHER INFORMATION CONTACT: Ray Clark or Caroline Petti; telephone number (202) 233–9310; address Criteria and Standards Division, Mail Code 6602J, Office of Radiation and Indoor Air, U.S. Environmental Protection Agency, Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

Radioactive wastes are the result of governmental and commercial uses of nuclear fuel and other radioactive material. Today's action addresses standards which pertain to the disposal of spent nuclear fuel, high-level, and transuranic radioactive wastes, referred to hereinafter as simply "waste" which is also defined in 40 CFR 191.12(b), unless specifically noted otherwise. (The Agency has issued, under these and separate authorities, standards to cover uranium mill tailings (40 CFR part 192 and 40 CFR part 61) and plans to issue standards to cover low-level radioactive wastes, to be codified at 40 CFR part 193.)

Fissioning of nuclear fuel in nuclear reactors creates what is known as "spent" or irradiated nuclear fuel. Sources of spent nuclear fuel include: (1) Fuel discharged from commercial nuclear power plants; (2) Fuel elements generated by government-sponsored R&D programs, universities and industry; (3) Fuels from experimental reactors (e.g., liquid metal fast breeder reactors and high-temperature gas-cooled reactors); (4) U.S. Government-controlled nuclear weapons production reactors; and (5) Naval reactor fuels and other U.S. Department of Defense reactor fuels. Most spent fuel is currently being stored in water pools at reactor sites where it is produced.

Spent nuclear fuel from defense reactors is routinely reprocessed to recover unfissioned uranium and plutonium for use in weapons programs. Most of the radioactivity goes into acidic liquid wastes that will later be converted into various types of solid materials. These highly radioactive liquid or solid wastes from reprocessing spent nuclear fuel have traditionally been called "high-level" wastes. If it is not to be reprocessed, the spent fuel itself becomes a waste. Only one commercial spent fuel reprocessing facility—the Nuclear Fuel Services Plant in West Valley, New York—ever operated in the United States and it was closed in 1972. No commercial spent fuel is being reprocessed in the United States at this time. High-level wastes derived from reprocessing activities are presently stored on Federal reservations in South Carolina, Idaho, and Washington and at the Nuclear Fuel Services Plant in New York.

Transuranic wastes, as defined in this rule, are materials containing elements having atomic numbers greater than 92 in concentrations greater than 100 nanocuries of alpha-emitting isotopes, with half-lives greater than twenty years, per gram of waste. Most transuranic wastes are items that have become contaminated as a result of activities associated with the production of nuclear weapons (e.g., rags, equipment, tools, and contaminated organic and inorganic sludges). These wastes are currently being stored on Federal reservations in Colorado, Idaho, Nevada, New Mexico, Ohio, South Carolina, Tennessee, and Washington.

History of Proposed Action

Under authority derived from the Atomic Energy Act of 1954, as amended (AEA) (42 U.S.C. 2021(h) and 2201(b) et seq.), and Reorganization Plan No. 3 of 1970 (5 U.S.C. Appendix at 1343), EPA is responsible for developing generally applicable environmental standards for protection of the general environment from radioactive material.

In December 1976, the Agency announced its intent to develop Federal guidance for the management and disposal of radioactive wastes. Among EPA's first activities in developing this guidance was a series of public workshops, conducted in 1977 and 1978, in order to gain a better understanding of public concerns and issues associated with radioactive waste disposal. EPA proposed "Criteria for Radioactive Wastes" in 1978 but withdrew the proposed criteria in 1981 because the many different types of radioactive wastes made the issuance of generic disposal guidance impractical.

Nevertheless, regulatory development efforts continued and on December 29, 1982, EPA published a proposed rule titled, "40 CFR part 191, Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes" (47 FR 58196). Shortly thereafter the Nuclear Waste Policy Act of 1982 was enacted which directed that EPA utilize its existing authority to promptly promulgate waste standards pursuant to the AEA. EPA responded and on September 19, 1985, EPA issued final "Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes" at 40 CFR part 191 (50 FR 38066).

In March 1986, a number of States and environmental groups filed petitions for review of the rule. The petitions for review were consolidated in the First Circuit.

The court issued its ruling on July 17, 1987. *NRDC* v. *EPA*, 824 F. 2nd 1258 (1st Cir. 1987). The court vacated and remanded:

(1) The Individual and Ground-Water Protection Requirements (§§ 191.15 and 16) for further consideration of their inter-relationship with part C of the SDWA and for further explanation of the 1,000-year time frame for the requirements;

(2) The Ground-Water Protection Requirements (§ 191.16) for insufficient notice and comment; and

(3) The rest of 40 CFR part 191 even though all but the two sections listed above were either unchallenged or upheld.

On rehearing, the government requested reinstatement of all sections except the two sections specifically identified as problematic by the court; i.e., §§ 191.15 and 191.16. In September 1987, the court reinstated the management and storage standards (subpart A) but left the entirety of the disposal standards (subpart B, which includes §§ 191.15 and 191.16) in remand. (*NRDC* v. *EPA*, Nos. 85–1915, 86–1096, 86–1097, 86–1098 (1st Cir.), order dated September 23, 1987.)

On October 30, 1992, the WIPP LWA was enacted, Public Law 102–579, S.1671, Conf. Rep. 102–1037. Besides setting the terms and conditions for the Department of Energy's (DOE) activities at the WIPP, the new law contains numerous provisions pertinent to EPA's role in overseeing DOE's activities at the WIPP, including implementation of the 40 CFR part 191 disposal standards. Specifically, the new law reinstates all of the disposal standards issued by the Agency in 1985 except the individual and ground-water protection requirements which were the basis of the above-described remand in *NRDC* v. *EPA*. WIPP LWA, section 8. Further, the WIPP LWA requires the Agency to issue final disposal standards within six months of its enactment, April 30, 1993. The new law also provides an extensive role for EPA in reviewing and approving various DOE activities at the WIPP including a requirement that EPA certify whether the performance of the WIPP repository will meet the final 40 CFR part 191 standards (once completed).

Accordingly, the next step in the evolution of 40 CFR part 191 is occurring today. As contemplated by the WIPP LWA, EPA is addressing the court remand of the 1985 version of 40 CFR 191.15 and 191.16 and proposing a new § 191.15 and a new subpart C. This proposal represents the Agency's response to the WIPP LWA and to the issues raised in the court remand.

One final point is important. Under the WIPP LWA and a separate statute also enacted in October 1992, the "Energy Policy Act of 1992" (Pub. L. 102–486), these reinstated and proposed standards (40 CFR part 191, subparts B and C) will not apply to any disposal site characterized under the section 113(a) of the Nuclear Waste Policy Act of 1982 (NWPA) (Pub.L. 97–425, 42 U.S.C. 10101 et seq.). Those sites, which at this time is only Yucca Mountain, Nevada, will be subject to separate EPA standards which are yet to be promulgated.

Objective and Implementation of Today's Proposed Action

Under authorities established by the AEA, Reorganization Plan No. 3 of 1970, and the WIPP LWA, the Agency is proposing certain generally applicable environmental standards for spent nuclear fuel, high-level and transuranic radioactive wastes. As noted above, the WIPP LWA reinstates the effectiveness of the provisions of 40 CFR part 191, as issued in 1985, not specifically found problematic by the First Circuit. Accordingly, the scope of today's proposed rulemaking is strictly limited to the provisions of the 1985 standards specifically found problematic by the court—the individual and ground-water protection requirements in §§ 191.15 and 191.16. Today's proposal does not address the balance of the 1985 standards, which remain unchanged. The Agency is proposing to replace §§ 191.15 and 191.16 of the 1985 standards with revised individual and groundwater protection requirements, as described below.

When the revisions in today's proposal are finalized and promulgated as amendments to 40 CFR part 191, the Nuclear Regulatory Commission (NRC) and the DOE will be responsible for implementing and enforcing these standards through appropriate regulations or procedures. EPA, under the authority of the WIPP LWA, will be responsible for certifying compliance at the WIPP and will be promulgating criteria for this certification of compliance under a separate rulemaking.

Today's proposed rule applies to disposal of spent nuclear fuel, high-level and transuranic radioactive wastes. In accordance with the WIPP LWA, the proposed rule does not apply to the characterization, licensing, construction, operation, or closure of any site required to be characterized under section 113(a) of the NWPA. The NWPA established a process for selecting and developing potential repositories for disposal of spent nuclear fuel and high-level radioactive waste.

Although developed primarily through consideration of mined geologic repositories, today's proposed rule applies to disposal of waste by any method, with one exception. The standards do not apply to ocean disposal or disposal in ocean sediments. Disposal of high-level waste in this manner is prohibited by the Marine Protection, Research and Sanctuaries Act of 1972, as amended (33 U.S.C.A. 1401 to 1445). If the law is ever changed to allow such disposal, the Agency

would need to develop appropriate regulations.

Also today's proposed disposal standards do not apply to waste disposal which occurred before the effective date of the 1985 standards. The provisions of the disposal standards are intended to be met through a combination of steps involving site selection, disposal system design, and operational techniques, e.g., engineered barriers. Therefore, it is appropriate that these disposal standards apply to only disposal occurring since the standards were originally promulgated in 1985 so that they can be taken into consideration in devising the proper selection of controls.

As a related action, the Agency is also proposing an addition to the SDWA underground injection control (UIC) program provisions found in 40 CFR 144.31(a). This revision is intended to define the relationship between part 191 and the UIC program by establishing that compliance with subpart C of 40 CFR part 191 constitutes compliance with the SDWA requirements, and the UIC program requirements, not to endanger underground sources of drinking water consistent with this part to the extent that such a requirement may apply to a given waste disposal system.

It is important to emphasize that today's proposal does not address subpart A or the portions of 40 CFR part 191 which were reinstated by the WIPP LWA; it is strictly limited to the above-described individual and ground-water protection requirements (40 CFR 191.15 and subpart C) and associated definitions. Thus, EPA will not respond to comments on subpart A or the reinstated portions of 40 CFR part 191.

Description of the Proposed Actions

The Agency's proposed actions are described in this section.

Definitions

The Agency is proposing to add several terms, delete several terms, and make changes to several others including:

(1) The addition of a new term, "radioactive material," which means materials with half-lives greater than twenty years and that are subject to the Atomic Energy Act. There may arise circumstances where radioactive materials not presently classified as spent nuclear fuel, high-level, or transuranic wastes are managed or disposed of with these wastes. For instance, NRC recently issued a final rule requiring disposal of "greater-than-Class C" low-level radioactive wastes in a deep geologic repository unless disposal elsewhere has been approved by the Commission (See 54 FR 22578 codified at 10 CFR part 61). "Greater-than-Class C" wastes are wastes which exceed certain radionuclide concentrations specified by the NRC (10 CFR part 61). The Agency's proposed definition of radioactive material is intended to ensure that contributions to the radiation dose received by individual members of the public and impacts on ground water from "greater-than-Class C" or any other radioactive materials managed or disposed with spent nuclear fuel, high-level and/or transuranic radioactive wastes are covered by the rules proposed today.

(2) Changes to the definition of the term "implementing agency" to reflect EPA's role under the recently enacted and above-described WIPP LWA.

(3) The addition of several new terms which pertain to the radiation dosimetry used throughout today's proposed individual and ground-water protection requirements;

(4) The addition of several new terms pertaining to the ground-water protection requirements in subpart C of today's proposed rule; and

(5) The deletion of several terms from the 1985 individual and ground-water protection requirements which are no longer pertinent.

Individual Protection Requirements (Section 191.15)

The Agency is proposing to replace the Individual Protection Requirements found at § 191.15 in the 1985 standards with a new set of requirements. A brief history of the development of these requirements follows.

The proposed 40 CFR part 191 standards, issued in 1982 and which preceded the 1985 standards, did not contain any numerical restrictions on individual doses after disposal. Rather, they relied on the qualitative assurance requirements to reduce the likelihood of such exposures. For instance, the assurance requirement calling for extensive permanent markers and records was intended to transmit information to future generations about the dangers of intruding into the vicinity of a repository. Also, another assurance requirement which called for careful evaluation of sites with significant resources was intended to reduce the likelihood of human intrusion even if the information transmitted about the existence of a disposal system was ignored or misunderstood. Another assurance requirement called for employment of multiple barriers, both engineered and natural, and was intended to reduce the risks if one type of barrier performs more poorly than current knowledge indicates.

This approach to limiting potential individual exposures was highlighted for comment when the standards were proposed in 1982. Comments received persuaded the Agency that quantitative regulatory limits for protection of individuals were also necessary. The Agency was persuaded that reliance on containment requirements, even if supplemented with assurance requirements, could, nevertheless, still result in an unacceptably high risk to individuals in the vicinity of disposal systems. Thus, the Agency decided the best approach would be to supplement (rather than replace) the proposed protection for populations with additional protection for individuals.

Having made the decision to include individual protection requirements, the Agency then had to determine (1) the length of time over which the requirements should apply, and (2) the appropriate dose level for the requirements.

Time Frame of the Individual Protection Requirements

The final disposal regulations promulgated in 1985 included individual protection requirements which limited annual radiation doses to individuals for 1,000 years after disposal. In selecting the 1,000-year time period for the 1985 requirements, the Agency examined the effects of choosing different time periods. Just as 10,000 years was chosen for the containment requirements because EPA believed it was long enough to encourage use of disposal sites with natural characteristics that enhance long-term isolation, 1,000 years was chosen for the individual protection provisions because the Agency's assessments indicated it is long enough to ensure that good engineered barriers would be used at disposal sites where some ground water would be expected to flow through a mined geologic repository. Time frames shorter than 1,000 years would not require appropriate engineered barriers even at disposal sites with large ground-water flows.

At the same time, demonstrating compliance with individual exposure limits over time frames longer than 1,000 years appeared to be difficult because of the analytical uncertainties involved. Furthermore, there was a concern that at some disposal sites the only certain way to comply might involve very expensive engineered barriers. Based on these considerations, the Agency decided, in the 1985 rule, that a 1,000-year period was adequate

for the quantitative limits on individual doses after disposal.

As explained above, in 1986, the Natural Resources Defense Council (NRDC) and others challenged EPA's decision to limit the period of the individual protection requirements to 1,000 years as arbitrary and capricious. Petitioners argued that the Agency erred in:

(1) Setting a 1,000-year period which ensures that the numerical standards expire at the precise moment in time when significant releases to the accessible environment are expected to begin to occur, i.e., as engineered barriers begin to degrade;

(2) Inappropriately considering population risk in setting the time limit for standards designed to protect individuals; and

(3) Considering the likelihood of delay in the construction of a disposal system and in concluding, without record support, that a duration longer than 1,000 years would lead to prohibitive costs and difficulties in demonstrating compliance with the standards.

In 1987, the court held that the Agency's choice of a 1,000-year period was arbitrary and capricious, finding little record evidence that the Agency considered individual risk in addition to population risk in selecting that time frame (a consideration EPA itself had determined must be considered). Thus, the court remanded that portion of the regulations to the Agency for reconsideration or, "at the very least," a more thorough explanation of the reasons underlying the choice of 1,000 years. After re-evaluating the implications of various time frames, the Agency is now proposing to adopt a 10,000-year time frame for the individual protection requirements.

The Agency is proposing 10,000 years as the regulatory period for the individual protection requirements for four primary reasons:

(i) Wastes emplaced into disposal systems will remain radioactive for many thousands of years. Therefore, the Agency believes significant public health and environmental benefits can be gained by selecting a longer time frame for the requirements because a longer time frame can encourage the selection of good disposal sites and the design of robust engineered barriers. The Agency examined potential doses to individuals, for various times in the future, from waste disposal systems. In most of the cases studied, radionuclide releases resulting in exposures to individuals did not occur until more than 1,000 years after disposal due to the containment capabilities of the engineered barrier systems. Beyond 1,000 years, but prior to 10,000 years, as the engineered barriers begin to degrade, releases resulting in doses on the order of a few rems per year appeared for some of the geologic media studied. (The risk, or chance, of causing a premature fatal cancer associated with exposure to one rem/year of low-LET radiation is approximately four in ten thousand per year (4×10^{-4}/year) or three in one hundred over a 70-year lifetime (3×10^{-2}/lifetime). Hereinafter, as used in this document, the term "risk" refers to the chance of developing a premature fatal cancer.) For other, better, geologic media, the Agency's generic analyses estimate no releases for 10,000 years. The Agency believes selecting a 10,000-year time for the requirements will encourage the selection of good sites and the design of robust engineered barrier systems capable of significantly impeding radionuclide releases. These actions, in turn, will serve to reduce the individual risks associated with the disposal of radioactive waste.

(ii) The Agency believes improvements in modeling capability since 1985 have facilitated demonstrating compliance with individual dose limits over time frames longer than 1,000 years. Out of necessity, analyses performed prior to 1985 relied on data derived primarily from generic geological data available in the open literature. Since that time, additional data have been collected, during characterization of potential disposal sites, which provide an improved basis on which to assign values to the various parameters in analyses performed now.

As indicated in the documentation supporting the promulgation of 40 CFR part 191 in 1985 (EPA 520/1–85–023), the NWFT/DVM computer code was used to estimate risks to individuals from disposal systems. This computer code has undergone considerable improvement since 1985. It has evolved into the NEFTRAN–S computer code and is used to perform EPA's updated analyses of individual risk which are found in the draft Background Information Document (BID) supporting today's rulemaking which may be found in the docket supporting this rulemaking. In particular, NEFTRAN–S incorporates improved capabilities for modeling the transport of radionuclides through a geologic medium, including use of the distributed velocity method for modeling dispersive or diffusive transport through porous media. NEFTRAN–S also incorporates added capability to perform statistical analyses required in sensitivity and uncertainty analyses. (See Sandia Report SAND90–1987, UC–502.) Both NRC and DOE also use the improved NEFTRAN methodology.

(iii) In contrast to earlier estimates, EPA now believes that the financial cost of providing additional protection for individuals and ground water by imposing a 10,000-year regulatory time frame will be reasonable. EPA's analyses of the performance of well-sited and well-designed disposal systems indicate that there will be zero releases for either a 1,000- or 10,000-year time frame. In fact, EPA's analyses show that, under conditions of normal ground-water flow, time frames much longer than 10,000 years are achievable for geologic repositories in some settings. (See Chapter 7 of the draft BID.) As such, there should be no additional compliance costs associated with a 10,000-year time frame at well-selected disposal sites. There may, however, be costs associated with the procedures used to demonstrate compliance although EPA believes that for well-selected and well-designed systems these costs will also be minimal.

If compliance assessment indicates that a disposal system fails to meet the 10,000-year individual dose standard, more robust engineered barriers to contain releases of radionuclides may be required. EPA acknowledges that the costs of more robust engineered barriers could be high (one preliminary estimate by DOE is $3.2 billion for 10,000-year containers for commercial spent fuel and high-level waste) but notes that these costs only ensue if a poor site is selected to host the disposal system. EPA's standards are designed, in part, to encourage the selection of good sites for disposal systems.

It is possible that extending the time frame for individual dose calculations could increase the costs by making additional modeling necessary. While it is difficult for EPA to estimate the costs of additional modeling, EPA believes the costs will be insignificant when compared to the multibillion dollar costs to develop disposal facilities. Furthermore, many of these costs will have to be incurred, in any case, under the provisions reinstated by the WIPP LWA. In particular, under the containment requirements now in effect under 40 CFR part 191, compliance must be demonstrated over a period of 10,000 years. That demonstration requires an analysis of the movement of radionuclides out of the repository and into the environment. Because this analysis is at the heart of the proposed 10,000-year individual protection requirements, it can also be used for assessing compliance therewith.

Finally, EPA notes that disposal sites have differing costs of development, i.e., mining and construction, associated with them. Coincidentally, the geologic media which are least expensive to develop—salt and unsaturated tuff—are also the media which appear most capable of limiting releases of radionuclides, beyond 10,000 years, in a manner that keeps expected doses to individuals low. On the other hand, other media, e.g., basalt, which, EPA's analyses show, will not contain radionuclides for 10,000 years, cost more to develop than either salt or unsaturated tuff. (See the Economic Impact Analysis accompanying this proposal.) These costs could dwarf any increase in cost that may be associated with selecting a 10,000-year, rather than a 1,000-year, time frame. This reinforces EPA's view that extending the time frame for the individual and ground-water protection requirements will not add significantly to the costs of disposal system development.

(iv) Incorporating a 10,000-year time frame in these requirements is consistent with the time frame adopted for the containment requirements in § 191.13 and with 10,000-year modeling guidance and requirements in other EPA regulatory programs such as "no-migration" determinations for the underground injection of untreated hazardous waste (40 CFR 148.20) and "no-migration" determinations issued under the Resource Conservation and Recovery Act (42 U.S.C. 6905, 6912(a), 6921, and 6924) at 40 CFR 268.6.

For the reasons stated above, EPA believes that the individual protection requirements should apply for 10,000 years. (These reasons also support EPA's decision to apply the ground-water protection requirements in subpart C of today's proposal for 10,000 years.) EPA also believes that, to be responsive to the issues raised by the court remand of 40 CFR part 191, it must choose 10,000 years as the standard. When the court ruled on the subject of the time frame associated with the 1985 individual and ground-water protection requirements, it made note of the fact that EPA used a 10,000-year standard for the containment requirements in the rule. The court stated that if EPA was going to be less protective for individuals than for populations it would have to explain why factors peculiar to the protection of individuals, calculated over time, justify a different time period than for protection of the overall population. EPA has concluded that there is no significant difference between these calculations in terms of the time frame involved and, hence, there is no convincing reason why the two types of standards should be different. Accordingly, EPA believes it is necessary to make the time periods for the containment, individual and ground-water protection requirements the same.

Dose Limits in the Individual Protection Requirements

The individual protection requirements in § 191.15 of the 1985 standards limited annual doses to members of the public in the accessible environment to 25 millirems to the whole body or 75 millirems to any organ from all pathways of exposure. Today, the Agency is proposing to replace § 191.15 of the 1985 standards with individual protection requirements which adopt a different methodology for calculating doses to individuals.

In the 1985 standards, EPA's dose standards were specified in terms of limits on specific organ doses and the "whole body dose." This methodology is no longer in keeping with current practices of radiation protection; a different methodology for calculating dose has come into widespread use, the committed effective dose (CED). In 1987, EPA, in recommending to the President new standards for all workers exposed to radiation, accepted this methodology for the regulation of doses from radiation. (52 FR 2822) The methodology was originally developed by the International Commission on Radiological Protection (ICRP) and is now used by EPA and other Federal agencies.

The CED is the risk-weighted sum of the doses to the individual organs of the body. The dose to each organ is weighted according to (i.e., multiplied by) the risk to that organ as a result of that dose. These weighted organ doses are then added together and that total is the CED. In this manner, the risk of radiation exposure to various parts of the body can be regulated through use of a single numerical standard.

The weighting factors for the individual organs and procedures for calculating annual CEDs are specified in Appendix B of today's proposal. A discussion of the basis for the EPA factors is included in the BID prepared in support of this proposal.

The CED is simple to implement, is more closely related to risk than the system of limiting doses to the whole body and to specific organs, and is recommended by the leading national and international advisory bodies. By changing to this new methodology, EPA will be conforming this rule to the internationally accepted method for calculating dose and estimating risk.

As noted above, Section 8 of the WIPP LWA reinstates those aspects of the 1985 version of 40 CFR part 191, Subpart B, not specifically found problematic by the First Circuit in *NRDC* v. *EPA*. The First Circuit had only one concern pertaining to the existing individual protection requirements: EPA failed to adequately explain its decision to limit the duration of the individual protection requirements to 1,000 years given the arguments of petitioners and the 10,000-year period in the containment requirements. The court neither addressed nor commented upon the numerical standard itself, which the 1985 standards set at 25 millirems per year to the whole body and 75 millirems per year to any critical organ. See 40 CFR 191.15. Thus, the WIPP LWA arguably represents an endorsement by Congress of the policy decisions that underlie these numerical standards, including the risk levels they represent. As discussed below, EPA is today proposing to reformulate those numerical limits to reflect current practices in measuring and assessing radiation exposure. EPA is proposing an annual 15-millirems effective dose requirement which reflects an equivalent level of risk identified by the Agency in selecting the 1985 limits. In so doing, EPA sees no reason to alter its basic 1985 decision regarding risk to individuals and the appropriate level of protection. Rather, as discussed further below, EPA is only reconsidering the durational component.

The Agency is proposing to limit the annual committed effective dose from the intake of all radionuclides, plus the effective dose from any external exposure, to 15 millirems. EPA chose a 15-millirem dose limit because it is most consistent with the level of risk associated with the individual protection requirements of the 1985 standards (about 5×10^{-4}) and because, as in 1985, it believes that this level is sufficiently protective for situations where no more than a few individuals are likely to receive the maximum dose.

In addition, the Agency believes it is reasonable to adopt a standard that allows a slightly higher level of risk when the dose is being received through all exposure pathways, e.g., direct exposure, food ingestion, water ingestion, and inhalation, and all environmental media, e.g., air and water, than when regulating doses received through a single environmental medium, e.g., a 10-millirem committed-effective-dose per year standard for air emissions (40 CFR part 61).

The individual protection requirements in today's proposal apply to the undisturbed performance of the

disposal system, including consideration of the uncertainties in that performance. Undisturbed performance means that the disposal system is not disturbed by human intrusion or the occurrence of unlikely disruptive natural events. This assumption is made because, if human intrusion occurs, the individuals intruding may be exposed to high radiation doses which regulations cannot prevent.

In assessing the performance of a disposal system with regard to individual exposures, all pathways and routes through which radioactive material or radiation can travel from the disposal system to people must be considered. Ground water use within the controlled area need not be assumed, however, because geologic media within the controlled area are an integral part of the disposal system's capability to provide long-term isolation. The potential loss of ground-water resources is very small because of the small number of such disposal facilities contemplated.

Standards for Ground-Water Protection (Subpart C)

EPA is also proposing separate regulatory provisions designed to further protect public health by protecting ground-water resources. In general, EPA is proposing that disposal systems be designed so that levels of contamination in off-site underground sources of drinking water will not, for 10,000 years, exceed the applicable maximum contaminant level (MCL) established in 40 CFR part 141 under the SDWA, 42 U.S.C. 300g-1. These provisions are proposed for inclusion as a new subpart C in 40 CFR part 191 and will apply only to disposal (not management and storage). The disposal-related aspects of 40 CFR part 191 are to be implemented in the design phase of a disposal system. For long periods of time, such as 10,000 years, the Agency believes that active surveillance cannot be relied upon for prevention or remediation of releases or to enforce levels of radiation in the environment. Discussed below are the statutory and regulatory backgrounds, interpretive caselaw in the First Circuit, and the legal rationale for these proposed provisions. Further detail and explanation as to the particulars of the proposal follows, including a discussion of the technical and policy rationale underlying inclusion of subpart C. The reader is also referred to the draft BID which discusses the analyses underlying subpart C in greater detail.

Statutory and Regulatory Background

The WIPP Land Withdrawal and the Nuclear Waste Policy Acts

As noted above, today's proposal responds to the directive in section 8 of the WIPP LWA that EPA conduct a rulemaking to issue certain radioactive waste disposal regulations at 40 CFR part 191, subpart B. Under section 8(b)(1) of the WIPP LWA, EPA is to issue the required regulations within six months of enactment pursuant to rulemaking under 5 U.S.C. 553, i.e., informal rulemaking under the Administrative Procedures Act. EPA initially promulgated subpart B in 1985 (50 FR 38,084 (Sept. 19, 1985)), but those regulations were subsequently vacated in whole as part of a remand order issued by the First Circuit in 1987 (discussed further above and below). *See NRDC, Inc.* v. *EPA*, 824 F.2d 1258 (1st Cir. 1987).

Section 8(a)(1) of the WIPP LWA reinstates those portions of subpart B except §§ 191.15 and 191.16 which were remanded by the First Circuit. Accordingly, section 8(a)(2)(A) of the WIPP LWA exempts the requirements at 40 CFR 191.15 (individual protection) and 191.16 (ground-water protection) from the statutory reinstatement. Section 8(b)(2) addresses these non-reinstated provisions by directing that EPA promulgate final regulations within six months. This proposal responds to that directive by proposing revised individual protection requirements in 40 CFR 191.15, discussed above, and by proposing new ground-water protection requirements as 40 CFR part 191, subpart C (discussed below).

The WIPP LWA also limits the applicability of the reinstated standards and the revisions being made today so that they will not apply to sites characterized under section 113(a) of the NWPA. The only section 113(a) site currently under consideration is Yucca Mountain, Nevada. The radioactive waste disposal standards that will apply there are to be developed by EPA pursuant to specific provisions in the Energy Policy Act of 1992, Public Law 102–486, which, among other things, requires EPA to formally consult with the National Academy of Sciences before proposing standards.

Notwithstanding this severing of EPA's subpart B regulations from NWPA section 113(a) and, therefore, Yucca Mountain, the genesis of EPA's 1985 subpart B standards and, thus, today's proposal, resides in significant part in the NWPA.

As noted above, the NWPA was enacted in 1982, amended in 1987, and is amended again by the Energy Policy Act of 1992. In general, the NWPA directs DOE and NRC to endeavor to establish repositories for spent nuclear fuel and HLW and directs EPA to "promulgate generally applicable standards for protection of the general environment from offsite releases from radioactive material in [such] repositories." 42 U.S.C. 10141(a). The NWPA does not independently authorize these rules, but instructs EPA to act pursuant to its "authority under other provisions of law." Id.

The Atomic Energy Act and Reorganization Plan No. 3

EPA's regulatory authority is provided by the AEA and Reorganization Plan No. 3 of 1970. The AEA authorized the Atomic Energy Commission (the predecessor of the NRC to "establish by rule, regulation, or order, such standards * * * to govern the possession and use of special nuclear material, source material, and byproduct material as the Commission may deem necessary or desirable * * * to protect public health or to minimize danger to life or property." When EPA was created in 1970 by Reorganization Plan No. 3, President Nixon transferred to EPA's jurisdiction:

> "[t]he functions of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, * * * to the extent that such functions of the Commission consist of establishing generally applicable environmental standards for the protection of the general environment from radioactive material. As used herein, standards mean limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material." Reorganization Plan No. 3 at section 2(a)(6).

Thus, EPA is authorized to promulgate the generally applicable environmental standards called for by the NWPA [through reference to the AEA, including section 2201(b)].

Under the NWPA and the WIPP LWA, the contemplated disposal systems are to be built and operated by DOE. NRC has a licensing role under the NWPA, which, as discussed above, currently is focused exclusively upon Yucca Mountain. Under the AEA, Reorganization Plan No. 3, and the NWPA, EPA's rulemaking role is limited to the promulgation of generally applicable environmental standards. Today's proposal is designed to complete the radioactive waste disposal standards that will apply to DOE's WIPP and any other non-NWPA disposal systems that may be selected in the future. Under the WIPP LWA, EPA must

VOL 58 ISS 26 FE 10 1993 UMI

also promulgate regulations setting forth criteria for certifying DOE's compliance with these regulations. See WIPP LWA sections 8(c), 8(d) and 9. These criteria are being developed by EPA through a separate rulemaking.

The Safe Drinking Water Act

As noted previously, in today's action EPA is proposing that disposal systems be designed so that contamination in off-site underground sources of drinking water will not exceed the applicable maximum contaminant level for radionuclides (MCL) under the SDWA. The SDWA was enacted to assure safe drinking water supplies and to protect against endangerment of underground sources of drinking water. SDWA section 1421 and 42 U.S.C. 300 (h) and (b)(1). "Endangerment" occurs if an underground injection "may result in the presence of underground water which supplies or can reasonably be expected to supply any public water system of any contaminant, and if the presence of such contaminant may result in such system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons." 42 U.S.C. 300h(d)(2).

Pursuant to section 1412 of the SDWA, EPA has promulgated National Primary Drinking Water Regulations (NPDWRs) for contaminants in drinking water which may cause an adverse effect on the health of persons and which are known or anticipated to occur in public water systems. Pursuant to SDWA section 1401, these regulations include MCLs and "criteria and procedures to assure a supply of drinking water which dependably complies" with such MCLs. MCLs are the enforceable standards under the SDWA and represent the level of water quality that EPA believes is acceptable for consumption from public drinking water supplies. EPA is today proposing to adopt the MCLs for radionuclides as contained in 40 CFR part 141.

Subpart B as Promulgated in 1985

As noted above, today's proposal modifies the rulemaking that resulted in the 1985 version of 40 CFR part 191, subpart B (a large portion of which is reinstated by the WIPP LWA). The authority for this proposal and the 1985 standards exists in the AEA and Reorganization Plan No. 3, as EPA had commenced developing those rules even before the NWPA was enacted in 1982. See 50 FR 38,066, 38,067 (Sept. 19, 1985) (Preamble to 1985 standards). However, the NWPA certainly informed and played a vital role in EPA's 1985 rulemaking and, thus, deserves reference here.

From the outset, EPA determined that its part 191 standards would apply to spent nuclear fuel, high-level and transuranic radioactive waste. Spent nuclear fuel is mainly produced by commercial nuclear power plants which are licensed by the NRC. Id. at 38,066. HLW is mostly produced as a result of reprocessing of spent nuclear fuel from the nuclear weapons program. Transuranic waste, on the other hand, consists of equipment, clothing and other items contaminated by radionuclides heavier than uranium and is also generated primarily within the nuclear weapons program. The nuclear weapons program is under the direction of the DOE. Id. at 38,066–077. As EPA developed its rules prior to passage of the NWPA, the Agency was aware that DOE was developing plans for disposing its transuranic waste at the WIPP. After enactment of the NWPA, which is directed at NRC-regulated wastes, EPA continued to develop rules that would also apply to the DOE's transuranic waste including that targeted for disposal at the WIPP. (Even though NWPA facilities are now excluded from today's rules, the scope of subpart B, as reinstated and proposed today, continues to include the full range of waste.)

EPA concluded its rulemaking effort, in part in response to the directive in the NWPA and related litigation, by promulgating final standards on September 19, 1985. See 50 FR 38,084. Subpart A of those rules established standards for the management and storage of radioactive wastes, and subpart B, limited portions of which are modified by today's proposal, established standards governing disposal.

As promulgated in 1985, subpart B consisted of four categories of requirements: containment (40 CFR 191.13), assurance (40 CFR 191.14); individual protection (40 CFR 191.15), and ground-water protection (40 CFR 191.16). The containment requirements called for disposal systems to "be designed to provide a reasonable expectation" that releases of radionuclides be controlled to specified levels for 10,000 years. The assurance requirements supported the containment requirements by calling for a period of active maintenance and monitoring, permanent markers, record-keeping, redundant barriers against the movement of water and radionuclides toward the environment, and other measures. The individual protection requirements limited individual doses for 1,000 years, and the ground-water protection requirements also called for 1,000 years of protection but for only a small category of ground water ("special sources").

The WIPP LWA reinstates the containment and assurance requirements of subpart B. Thus, those provisions are not being re-opened or revisited by today's proposal, the scope of which is strictly limited to the individual and ground-water protection requirements.

The First Circuit Opinion

Several petitions to review the 1985 standards were filed by environmental groups and states; the cases were consolidated in the First Circuit. For reasons peculiar to the individual and ground-water protection provisions of subpart B (40 CFR 191.15 and 191.16), the court granted the petitions on July 17, 1987, initially remanding all of part 191 to EPA for further consideration. See generally *NRDC, Inc.* v. *EPA*, 824 F.2d 1258 (1st Cir. 1987). As discussed above, the WIPP LWA reinstates all of Subpart B except those provisions for which EPA is to address the court's ruling through today's rulemaking. EPA's proposed response regarding individual protection is set forth above, while ground water is addressed below, beginning with a brief description of the court's ruling in this regard.

In granting the petition, the court emphasized the parallel environmental goals that exist in the SDWA, the NWPA, and the AEA and found that EPA had not adequately explained why the part 191 standards were less stringent than those under the SDWA. The court reasoned that because the contemplated repositories will "likely" constitute underground injection under the SDWA, and because the SDWA calls for assurances that underground injection not "endanger" underground sources of drinking water, i.e., ground water, EPA's standards were arbitrary and capricious because EPA did not adequately explain its choice of a level of protection less stringent than the SDWA for ground water outside the controlled area of the repository. The court stated:

> [T]he SDWA is no mere incidental provision. It reflects a national policy and standard relative to the country's water supplies. Safeguarding such resources and their users is likewise implicit in the EPA's duty under the NWPA to promulgate HLW standards for the protection of the general environment from offsite releases from radioactive material in repositories.' 42 U.S.C. 10141(a). Id. at 1260.

Thus, the rules were remanded to EPA for further consideration and explanation: To be rational, the HLW regulations either should have been consistent with the SDWA

standards—or else should have explained that a different standard was adopted and justify such adoption. As matters now stand, the DOE may be encouraged to expend large sums on site selection, design and construction only to discover itself embroiled in a dispute as to whether the EPA's HLW standards excuse it from securing a state underground injection permit *based on the EPA's different, more [or, in some circumstances, less] stringent standards* [emphasis added]. These are matters the EPA, relying on its expertise, should face and clarify in the HLW regulations; otherwise the HLW regulations will be on a collision course with the SDWA regulations. Id. at 1281.

Legal Rationale for Today's Proposal

In the manner and for the reasons discussed further below, today, EPA is proposing to conform the part 191 ground-water protection requirements, through a new subpart C, to the SDWA for underground sources of drinking water outside the controlled area of a disposal system subject to part 191. Under this proposal, compliance with the new subpart C will provide an equivalent level of protection as would compliance with the SDWA regulations. Thus, as also provided in today's proposal to revise regulations under the SDWA, compliance with subpart C will constitute compliance with the SDWA to the extent—if at all—such compliance would otherwise be required for a particular disposal system.

In support, EPA notes that it does not believe there are persuasive scientific or policy reasons for going forward with a level of protection for these sites less stringent than would apply under the SDWA. However, in issuing today's proposal, EPA emphasizes that it is not revisiting the issue, litigated before the First Circuit, of whether disposal at a covered repository, either at the WIPP or elsewhere, constitutes underground injection under the SDWA. By conforming the two sets of standards, EPA does not believe that it is necessary to reach or resolve the question of whether disposal constitutes underground injection. EPA notes that the First Circuit itself did not resolve that issue, stating only in dicta that disposal in geologic repositories would "likely" constitute underground injection. What the court held was that, in any event, EPA could not rely on a narrow legal conclusion that disposal of radioactive waste was not covered under the SDWA, even if that conclusion were correct. Instead, because the part 191 and the SDWA programs called for essentially similar protective standards, EPA's duty was to either conform the substantive regulatory requirements of the two programs or explain any inconsistency. Today's proposal fully satisfies the First Circuit remand by proposing disposal standards that are consistent with the SDWA standards.

The Nature of the Proposal

As proposed, subpart C will require that a prospective disposal system demonstrate that it will comply for 10,000 years with the primary SDWA regulations for radionuclides—the MCLs, currently codified at 40 CFR 141.15 and 141.16, in effect at the time the implementing agency determines compliance with subpart C. Subpart C provides an additional measure of public health protection by limiting the sites or methods for disposal so that no degradation of off-site underground sources of drinking water in excess of the MCLs will occur. Implementation of subpart C will occur before any waste is actually disposed and, thus, these resources will not be "endangered" within the meaning of the SDWA.

These requirements will apply whether or not any particular disposal system constitutes underground injection. Thus, it is not necessary in this rulemaking to analyze the composition or method of disposal for any particular disposal system, such as the WIPP, to determine whether it is the sort of activity covered by the underground injection provisions in the SDWA.

Authority for Proposal

As authority for this proposal, EPA relies upon the AEA, Reorganization Plan No. 3, the WIPP LWA, and the SDWA. Although, as described above, EPA's specific authority for part 191 derives from the AEA and Reorganization Plan No. 3, that authority is also informed by the NWPA which provided the impetus for the 1985 standards, portions of which were reinstated by the WIPP LWA. The SDWA provides additional reason for EPA's proposal as it reflects Congressional policies and purposes, regardless of whether they apply as a matter of law, that are consistent with those in the authorities for part 191. In other words, in exercising its rulemaking authority under the AEA and the WIPP LWA (as further informed by the NWPA), EPA is reconciling that action with Congressional purposes in the SDWA.

As noted above, at its inception, EPA's jurisdiction was defined to include the "establishment of generally applicable environmental standards for the protection of the general environment from radioactive material." Reorganization Plan No. 3 at section 2(a)(6). These standards are directed to radiation levels, concentrations, and exposures "in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material." Id. The express statutory authority for taking this action is provided by AEA. Included therein is the authority to establish by rule such standards as the Commission [now EPA] may deem necessary or desirable to protect public health or to minimize danger to life or property. [42 U.S.C. 2201(b)]. And the NWPA, which played an integral role in the development of part 191, directed that EPA promulgate standards for protection of the general environment from offsite releases from radioactive material in repositories. [42 U.S.C. 10141(a)]. In so doing, EPA is to act pursuant to its "authority under other provisions of law." *Id.* (e.g., the AEA). In other words, EPA is to promulgate those standards it deems necessary or desirable to protect the general environment, including public health, life, and property, from dangers presented by radioactive material at locations outside the boundaries of the sites where such materials were originally located.

Whether or not the SDWA applies as a matter of law for a particular repository, the Congressional purposes it advances are consistent with those underlying national radioactive waste disposal programs. Under the SDWA, EPA is to publish regulations (that the states will then, ordinarily, implement) to prevent underground injection which endangers drinking water sources. [42 U.S.C. 300h(b)(1)]. Endangerment is broadly defined to occur whenever such injection may result in the presence in underground water [i.e., groundwater] which supplies or can reasonably be expected to supply any public water system of any contaminant, and if the presence of such contaminant may result in such system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons. [42 U.S.C. 300h(d)(2)]. In pertinent part, the national primary drinking water regulations include MCLs, 42 U.S.C. 300g–1, which are defined as the maximum permissible level of a contaminant in water which is delivered to any user of a public water system.

The purposes advanced by this statutory scheme—protection of the nation's drinking water resources so as not to adversely affect public health—is in substantial accord with the purposes underlying EPA's authority for radioactive waste disposal regulations. See *NRDC*, 824 F.2d at 1280 ("[The

SDWA] reflects a national policy and standard relative to the country's water supplies. Safeguarding such resources and their uses is likewise implicit in the EPA's duty under the NWPA to promulgate standards."). Thus, the proposed rules at subpart C respond well to the entire range of statutory mandates. They are directed to ground water in the general environment, outside the "controlled" area of the repository, and are intended to protect a valuable resource in the environment, and, in that way, protect public health, life, and property from radioactive materials. They do this by conditioning disposal in a particular repository upon a determination that such use will not "endanger" groundwater for 10,000 years, as measured by the MCL then in effect.

Compliance With Proposed Subpart C Constitutes Compliance With the SDWA

Given the confluence of purpose between the authorities for regulating HLW disposal and the SDWA, as well as EPA's assessment that there is no scientific or policy reason not to require conformance, subpart C is designed to provide an equivalent level of protection as would occur if the SDWA regulations applied directly to a particular disposal system. The underlying substantive requirement in the SDWA is that ground water not be endangered through degradation above the levels of the applicable MCLs. This is accomplished by the proposed requirement in subpart C that before disposal may occur, a determination must be made that ground water will not be degraded to radionuclide levels above the MCLs for 10,000 years. For this reason, EPA is today proposing an amendment to its SDWA regulations for the UIC program (40 CFR 144.31(a)) stating that compliance with the part 191 standards, including subpart C, will constitute compliance with the SDWA, to the extent that that statute would otherwise apply at a particular disposal system.

In issuing today's proposals, EPA acknowledges that not only is the substantive protection in subpart C equivalent, but also that the significant procedural components of the SDWA are likewise assured. EPA has reviewed the procedures available under the SDWA and compared them to the extraordinarily elaborate process that exists for the only disposal systems currently being considered for use, such as, the WIPP. This review reveals extensive procedural requirements for these disposal sites, including the preparation of detailed engineering plans and site assessments, long-term projections of performance, oversight by independent scientific boards and committees, historically high Congressional interest, and review by the public and several federal agencies, over the course of many years, before disposal may occur. Based thereon, it is EPA's belief that any decision to dispose of radioactive wastes in these, or any other, disposal systems will be subject to intensive and thorough public scrutiny under the national disposal program that is at least equivalent to that which might otherwise occur through direct application of the SDWA. In other words, EPA has identified no shortfall in the process that might jeopardize or interfere with the benefits and purposes underlying the SDWA.

As noted above, EPA has no need to address, and is not addressing, whether disposal at some or all of the facilities potentially covered by these rules constitute underground injection under the SDWA. Instead, EPA has determined for policy reasons to propose provisions that provide an equivalent level of protection as would be provided by regulation under the SDWA. In promulgating the AEA, the NWPA, and the WIPP LWA, Congress has articulated a comprehensive scheme for regulating radioactive waste disposal. The Congressional purposes underlying the pre-existing SDWA are consistent with those authorities. Thus, today's proposal advances both purposes—it comprehensively regulates radioactive waste disposal in a manner that protects groundwater resources as effectively as the SDWA.

Nevertheless, as part of this rulemaking, EPA seeks public comment on how, if at all, implementation of subpart C, in lieu of direct compliance with the SDWA regulations, to the extent that that statute applies for a particular disposal system, if at all, would not be equivalent to direct application of the SDWA. These comments may address procedural and substantive concerns.

Policy and Technical Rationale for Proposed Subpart C

EPA Approach to Ground-Water Protection

Since the time of the court's decision in *NRDC v. EPA*, the Agency has been developing an overall ground-water protection strategy. Ground-water contamination is of particular concern to the Agency because of its potential impact on sources of drinking water. Over 50 percent of the U.S. population draws upon ground water for its potable water supply. Approximately 117 million people in the U.S. get their drinking water from ground water supplied by 48,000 community public water systems and approximately 12 million individual wells. The remaining people get their drinking water from 11,000 public water systems drawing from surface-water sources. About 95 percent of rural households depend on ground water, as does a still larger proportion (97 percent) of the 165,000 non-community public water supplies (such as those for camps or restaurants serving a transient population). Finally, 34 of the 100 largest U.S. cities rely completely or partially on ground water.

In January 1990, EPA completed development of a strategy to guide future EPA and State activities in ground-water protection and cleanup. Two papers were developed by an Agency-wide Ground Water Task Force and were issued for public review: An EPA Statement of Ground-Water Principles and an options paper covering the issues involved in defining the Federal/State relationship in ground-water protection. These papers and other Task Force documents have been combined into an EPA Ground-Water Task Force Report: "Protecting The Nation's Ground Water: EPA's Strategy for the 1990's" (EPA 21Z–1020 July 1991.)

This report is intended to set forth an effective approach for protecting the Nation's ground-water resources. It will be reflected in EPA policies, programs, and resource allocations and is intended to guide EPA, States and local governments, and other parties in carrying out ground-water protection programs.

A key element of EPA's strategy for ground-water protection and cleanup is the overall goal to prevent adverse effects on human health and the environment and protect the environmental integrity of the nation's ground-water resources. Ground water needs to be protected to ensure that the nation's currently used and potential sources of drinking water, both public and private, are preserved for present and future generations.

In carrying out its programs, the Agency uses maximum contaminant levels (MCLs) under the SDWA as "reference points" for water-resource protection efforts when the ground water in question is a potential source of drinking water. Best technologies and management practices are relied upon to protect ground water to the maximum extent practicable. Detection of a percentage of the MCL at an appropriate monitoring location is used to trigger consideration of additional action, e.g., additional monitoring, or restricting or banning the use of the potential

contaminant. Breaching the MCL would be considered a failure of prevention.

For all these reasons, protection of ground water is a critical factor in devising a regulatory approach for waste management and disposal. EPA is, therefore, proposing to add a new Subpart to the 40 CFR part 191 standards—subpart C, "Environmental Standards for Ground-Water Protection." These proposed requirements apply to radioactive waste disposal facilities and parallel the MCL dose-limit requirements under 40 CFR part 141.

As discussed herein, EPA is today proposing separate ground-water protection requirements because, as discussed below, ground water is unique and deserving of pollution controls separate from other environmental media. (Although, § 191.15 of today's proposal limits the total risk to individuals from radiation doses received through all environmental media.)

For instance, Agency analyses indicate that, of all the potential environmental pathways, travel through ground water is the most likely to the accessible environment at most disposal sites. Moreover, because ground water is not directly accessible, its contamination is far more difficult to monitor and/or clean-up than is contamination in other environmental media.

In addition, ground water generally moves slowly; velocities are usually in the range of 5 to 50 feet per year. Large amounts of a contaminant can enter an aquifer and remain undetected until a water well or surface water body is affected. Moreover, contaminants in ground water—unlike those in other environmental media like air or surface water—generally move in a plume with relatively little mixing or dispersion, so concentrations can remain high. These plumes of relatively concentrated contaminants move slowly through aquifers and may be present for many years—sometimes for decades or longer—potentially making the resource unusable for extended periods of time. Because an individual plume may underlie only a very small part of the land surface, it can be difficult to detect by aquifer-wide or regional monitoring. Of course, over thousands of years, monitoring is unlikely, avoidance will be difficult, and the area affected may be large. All of which argues in favor of effective ground-water protection so that the pollution may be avoided in the first instance.

The Agency believes that it is prudent to protect ground-water resources from contamination rather than rely upon clean-up. Stringent controls can help prevent releases from radioactive waste disposal facilities from causing present or future community water suppliers to have to implement expensive clean-up or treatment procedures and protects individual users, as well. Moreover, absent protection, the disposal system could find itself subject to the clean-up requirements under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund).

Today's proposal limits radioactive contamination in both public and private underground sources of drinking water to the MCLs found in the Agency's NPDWRs for radionuclides (40 CFR 141.15 and 141.16). Consistent with the 1987 First Circuit ruling, the proposed standard pertains to underground drinking water sources located outside the controlled area surrounding radioactive waste disposal facilities.

In proposing this approach, the Agency notes that, at most sites, releases of radionuclides into, and subsequent transport through, ground water is the most likely pathway to the accessible environment and to people. Once contaminated, an aquifer remains polluted for a relatively long time and it may be extremely difficult to restore the quality of the water in the aquifer.

This proposed approach is consistent with the Agency's overall approach to ground-water protection, that is, to prevent the contamination of current and potential sources of drinking water. This approach is reflected in Agency regulations pertaining to hazardous waste disposal (40 CFR part 264), municipal waste disposal (40 CFR part 257 and 258), underground injection (40 CFR parts 144, 146, and 148), and uranium mill tailings disposal (40 CFR part 192). The Agency's analyses demonstrate that these objectives are scientifically and technically achievable assuming well-selected and well-designed disposal sites and systems, respectively.

Proposed subpart C protects what is known as an "underground source of drinking water" (USDW). The definition of "underground source of drinking water", and indeed all of the definitions pertinent to proposed subpart C, are taken directly from the Agency's underground injection control regulations found in 40 CFR parts 144–146. These definitions are designed to be consistent with the SDWA requirements. The definition of "underground source of drinking water" received extensive discussion in the legislative history of the SDWA. The Committee Report to the Act instructed EPA to construe the term liberally: Both currently used and potential underground sources of drinking water warrant inclusion in the definition. This reflects a policy to protect ground water that is to be used in the future by today's proposal.

As a guide to the Agency, the Committee Report suggested that aquifers with fewer than 10,000 parts per million (or milligrams per liter) of total dissolved solids (TDS) be included [H.R. No. 93–1185, p. 32]. The Agency has reviewed the current information on the drinking water use of aquifers containing high levels of total dissolved solids. This review found that the use of water containing up to 3,000 milligrams per liter TDS is fairly widespread. The Agency has also found that ground water containing as much as 9,000 milligrams per liter TDS is currently supplying public water systems. EPA believes that technology for treating water containing high levels of TDS is advancing. Therefore, based on this review and the legislative history of the SDWA, the Agency believes that it is reasonable to protect aquifers containing water with fewer than 10,000 milligrams per liter TDS as potential sources of drinking water.

The ground-water protections found in today's proposal apply to all aquifers or their portions, with fewer than 10,000 milligrams per liter TDS, which currently or potentially could supply a public water system.

Proposed subpart C protects USDWs in the vicinity of waste disposal systems by requiring that the disposal systems be designed so as to assure that ground water will not be contaminated above the MCLs. In other words, before disposal may occur, the implementing agency must determine that the undisturbed performance of the disposal system, over a 10,000-year period, will not result in releases which exceed the MCLs.

For consistency among today's proposed individual protection requirements, the reinstated containment requirements, and the SDWA underground injection requirements, the Agency is proposing a 10,000-year time frame for the duration of the ground-water protection requirements pertaining to disposal facilities. The disposal standards in subpart C are design standards. Implementing agencies will determine compliance by evaluating 10,000-year projections of the disposal system performance. The implementing agency must determine that the natural and engineered features of a disposal facility, not disrupted by human intrusion or the occurrence of unlikely

VOL 58 ISS 26 FE 10 1993 UMI

natural events, will prevent degradation of any underground source of drinking water outside the controlled area beyond the radionuclide MCLs. The Agency is not soliciting comment on the UIC program requirements. Most of these requirements were promulgated in the 1970s and 1980s and were subject to extensive notice and comment procedures at that time. However, the Agency is soliciting comment on the broader issues of the appropriateness and desirability of making the ground-water protection provisions found in 40 CFR part 191 consistent with the UIC program protection requirements.

As noted earlier, it is important to emphasize that today's proposal does not address subpart A or the portions of 40 CFR part 191 which were reinstated by the WIPP LWA; it is strictly limited to the abovedescribed individual and ground-watar protection proposals (40 CFR 191.15 and subpart C) and associated definitions. Thus, EPA will not respond to comments on subpart A or the reinstated portions of 40 CFR part 191.

Questions for Comment

The Agency is requesting comment on the proposed amendments to 40 CFR part 191 found in today's proposal. As noted previously, however, the scope of today's rulemaking does not extend to other provisions of part 191. With that stipulation, EPA invites comment on whether today's proposal adequately protects public health and the environment from releases of radioactive material to the general environment. In addition, there are several specific issues on which the Agency would like commentors to focus.

(1) Are there reasons for adopting a different regulatory time frame for the individual and ground-water protection requirements than the 10,000-year period of analysis associated with the containment requirements of 40 CFR 191.13?

(2) In subpart C, the Agency proposes to prevent radioactive contamination of "underground sources of drinking water" beyond the limits found in 40 CFR part 141—the National Primary Drinking Water Regulations. The Agency is aware, however, that there could be some types of ground water that warrant additional protection either because they are of unusually high value or are more susceptible to contamination. Should the Agency adopt non-degradation requirements for especially valuable ground water? If so, what types of ground water warrant this extra level of protection?

Regulatory Analyses

Regulatory Impact Analysis

Under Executive Order No. 12291, the Agency must judge whether a regulation is "major" and thus subject to the requirements of a Regulatory Impact Analysis. The notice published today is not major because the rule will not result in an effect on the economy of $100 million per year or more, will not result in increased costs or prices, will not have significant adverse effects on competition, employment, investment, productivity, and innovation, and will not significantly disrupt domestic or export markets. Therefore, the Agency has not prepared a Regulatory Impact Analysis under the Executive Order. The Agency has, however, prepared an Economic Impact Analysis which assesses the costs of today's proposed standards.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires each Federal agency to consider the effects of their regulations on small entities and to examine alternatives that may reduce these effects. The nature of this proposal is to limit releases from the disposal of radioactive waste. Since the disposal will only be carried out by the DOE and the waste is being stored and managed by DOE and electric utilities that own and operate nuclear power plants, the Agency certifies that this regulation will not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

There are no information reporting or recordkeeping requirements associated with this rule.

List of Subjects

40 CFR Part 144

Administrative practice and procedure, Hazardous waste, Water supply.

40 CFR Part 191

Environmental protection, Nuclear energy, Radiation protection, Uranium, Waste treatment and disposal.

Dated: January 20, 1993.

William K. Reilly,

Administrator.

The Environmental Protection Agency is hereby proposing to amend parts 144 and 191 of title 40, Code of Federal Regulations, as follows:

PART 144—UNDERGROUND INJECTION CONTROL PROGRAM

1. The authority citation for part 144 is revised to read as follows:

Authority: Safe Drinking Water Act, 42 U.S.C. 300f et seq.; Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.; Atomic Energy Act of 1954, as amended, 42 U.S.C. 2021(h) and 2201; Waste Isolation Pilot Plant Land Withdrawal Act, Pub. L. 102–579.

2. Section 144.31(a) is amended by adding the following sentence at the end of the paragraph to read as follows:

§ 144.31 Application for a permit; authorization by permit.

(a) * * * A license, a permit, a certification, or an approval otherwise of a waste disposal system, as defined in 40 CFR part 191, subpart B, which complies with 40 CFR part 191, subpart C, shall constitute compliance with the SDWA statutory requirements, and the UIC program requirements, not to endanger underground sources of drinking water consistent with this part, to the extent that such a requirement would otherwise apply to a particular disposal system.

* * * * *

PART 191—ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR THE MANAGEMENT AND DISPOSAL OF SPENT NUCLEAR FUEL, HIGH-LEVEL AND TRANSURANIC RADIOACTIVE WASTES

3. The authority citation for part 191 is revised to read as follows:

Authority: The Atomic Energy Act of 1954, as amended; Reorganization Plan No. 3 of 1970; the Nuclear Waste Policy Act of 1982, as amended; and the Waste Isolation Pilot Plant Land Withdrawal Act.

4. Section 191.11(b) is revised to read as follows:

§ 191.11 Applicability.

* * * * *

(b) This subpart does not apply to:

(1) Disposal directly into the oceans or ocean sediments;

(2) Wastes disposed of before November 18, 1985; and

(3) The characterization, licensing, construction, operation, or closure of any site required to be characterized under section 113(a) of Public Law 97–425.

5. Section 191.12 is amended by removing the paragraph designations for all definitions and placing them in alphabetical order; by removing the definitions *community water system, significant source of ground water, special source of ground water,* and transmissivity; revising the definition of the term *implementing agency;* and adding the following definitions, in alphabetical order, to read as follows:

§ 191.12 Definitions.

* * * * *

Annual committed effective dose means the committed effective dose resulting from a one-year intake of radionuclides released plus the annual effective dose caused by direct radiation from facilities or activities subject to subparts B and C.

* * * * *

Dose equivalent means the product of absorbed dose and appropriate factors to account for differences in biological effectiveness due to the quality of radiation and its spatial distribution in the body; the unit of dose equivalent is the "rem" ("sievert" in SI units).

Effective dose means the sum over specified tissues of the products of the dose equivalent received following an exposure of, or an intake of radionuclides into, specified tissues of the body, multiplied by appropriate weighting factors. This allows the various tissue-specific health risks to be summed into an overall health risk. The method used to calculate effective dose is described in appendix B of this part.

* * * * *

Implementing agency means the Commission for facilities licensed by the Commission, the Agency for those implementation responsibilities given to the Agency by the WIPP Land Withdrawal Act, and the Department of Energy for any other disposal facility and for implementation responsibilities for the Waste Isolation Pilot Plant not given to the Agency.

International System of Units is the version of the metric system which has been established by the International Bureau of Weights and Measures and is administered in the United States by the National Institute of Standards and Technology. The abbreviation for this system is "SI."

* * * * *

Radioactive material means matter composed of or containing radionuclides, with radiological half-lives greater than 20 years, subject to the Atomic Energy Act of 1954, as amended.

Sievert is the SI unit of effective dose and is equal to 100 rem or one joule per kilogram. The abbreviation is "Sv."

SI unit means a unit of measure in the International System of Units.

* * * * *

6. Section 191.15 is revised to read as follows:

§ 191.15 Individual protection requirements.

(a) Disposal systems for waste and any associated radioactive material shall be designed so that, for 10,000 years after disposal, undisturbed performance of the disposal system shall not cause the annual committed effective dose, received through all potential pathways from the disposal system, to any member of the public in the accessible environment, to exceed 15 millirems (150 microsieverts).

(b) Annual committed effective doses shall be calculated in accordance with appendix B of this part.

(c) Compliance assessments need not provide complete assurance that the requirements of § 191.15(a) of this subpart will be met. Because of the long time period involved and the nature of the processes and events of interest, there will inevitably be substantial uncertainties in projecting disposal system performance. Proof of the future performance of a disposal system is not to be had in the ordinary sense of the word in situations that deal with much shorter time frames.

(d) Compliance with the provisions in this section does not negate the necessity to comply with any other applicable Federal regulations or requirements.

(e) The standards in this section shall be effective on [the effective date of the final rule].

§ 191.16 [Removed]

7. Section 191.16 is removed.

§ 191.17 [Redesignated as § 191.16]

8. Section 191.17 is redesignated § 191.16.

9. Subpart C is added to read as follows:

Subpart C—Environmental Standards for Ground-Water Protection

Sec.
191.21 Applicability.
191.22 Definitions.
191.23 General provisions.
191.24 Disposal standards.
191.25 Compliance with other Federal regulations.
191.26 Effective date.

Subpart C—Environmental Standards for Ground-Water Protection

§ 191.21 Applicability.

(a) This subpart applies to:

(1) Radiation doses received by members of the public as a result of activities subject to subpart B of this part; and

(2) Radioactive contamination of underground sources of drinking water in the accessible environment as a result of such activities.

(b) This subpart does not apply to:

(1) Disposal directly into the oceans or ocean sediments;

(2) Wastes disposed of before November 18, 1985; and

(3) The characterization, licensing, construction, operation, or closure of any site required to be characterized under section 113(a) of Public Law 97–425.

§ 191.22 Definitions.

Unless otherwise indicated in this subpart, all terms have the same meaning as in subparts A and B of this part.

Public water system means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals. Such term includes:

(1) Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and

(2) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Total dissolved solids means the total dissolved solids in water as determined by use of the method specified in 40 CFR part 136.

Underground source of drinking water means an aquifer or its portion which:

(1) Supplies any public water system; or

(2) Contains a sufficient quantity of ground water to supply a public water system; and

(i) Currently supplies drinking water for human consumption; or

(ii) Contains fewer than 10,000 milligrams of total dissolved solids per liter.

§ 191.23 General provisions.

(a) Determination of compliance with this subpart shall be based upon underground sources of drinking water which have been identified on the date the implementing agency determines compliance with subpart C of this part.

(b) The analytical methods in 40 CFR part 141 shall be used to determine the levels for comparison with the limits in 40 CFR part 141.

§ 191.24 Disposal standards.

(a) Disposal systems for waste and any associated radioactive material shall be designed so that 10,000 years of undisturbed performance after disposal shall not cause the levels of radioactivity in any underground source of drinking water, in the accessible environment, to exceed the limits specified in 40 CFR part 141 as they exist on the date the implementing agency determines compliance with subpart C of this part.

VOL 58 ISS 26 FE 10 1993 UMI

(b) Compliance assessments need not provide complete assurance that the requirements of § 191.24(a) of this subpart will be met. Because of the long time period involved and the nature of the processes and events of interest, there will inevitably be substantial uncertainties in projecting disposal system performance. Proof of the future performance of a disposal system is not to be had in the ordinary sense of the word in situations that deal with much shorter time frames.

§ 191.25 Compliance with other Federal regulations.

Compliance with the provisions in this subpart does not negate the necessity to comply with any other applicable Federal regulations or requirements.

§ 191.26 Effective date.

The standards in this subpart shall be effective on [the effective date of the final rule].

Appendix B—[Redesignated as Appendix C]

10. Appendix B is redesignated Appendix C.

11. A new Appendix B is added to read as follows:

Appendix B—Calculation of Annual Committed Effective Dose

Equivalent dose. The calculation of the *committed effective dose* (CED) begins with the determination of the equivalent dose, H^T, to the tissues, T, listed in Table B.2 below by using the equation:

$$H_T = \sum D_{T,R} \bullet w_R$$

where $D_{T,R}$ is the absorbed dose in rads (one gray, an SI unit, equals 100 rads) averaged over the tissue or organ, T, due to radiation type, R, and w_R is the radiation weighting factor which is given in Table B.1 below. The unit of equivalent dose is the rem (sievert, in SI units).

TABLE B.1—RADIATION WEIGHTING FACTORS, w_R [1]

Radiation type and energy range [2]	w_R value
Photons, all energies	1
Electrons and muons, all energies	1
Neutrons, energy:	
< 10 keV	5
10 keV to 100 keV	10
> 100 keV to 2 MeV	20
>2 MeV to 20 MeV	10
> 20 MeV	5
Protons, other than recoil protons, > 2 MeV	5
Alpha particles, fission fragments, heavy nuclei	20

[1] All values relate to the radiation incident on the body or, for internal sources, emitted from the source.

[2] See paragraph A14 in ICRP Publication 60 for the choice of values for other radiation types and energies not in the table.

Effective dose. The next step is the calculation of the *effective dose, E.* The probability of occurrence of a stochastic effect in an organ or tissue is assumed to be proportional to the equivalent dose in the organ or tissue. The constant of proportionality differs for the various tissues of the body, but in assessing health detriment the total risk is required. This is taken into account using the tissue weighting factors, w_T in Table B.2, which represent the proportion of the stochastic risk resulting from irradiation of tissue T to the total risk when the whole body is irradiated uniformly and H_T is the equivalent dose in tissue T, in the equation:

$$E = \sum W_T \bullet H_T$$

TABLE B.2—TISSUE WEIGHTING FACTORS, w_T [1]

Organ or tissue	w_T value
Gonads	0.20
Red bone marrow	0.12
Colon	0.12
Lung	0.12
Stomach	0.12
Bladder	0.05
Breast	0.05
Liver	0.05
Oesophagus	0.05
Thyroid	0.05
Skin	0.01
Bone surfaces	0.01
Remainder	[2,3] 0.05

[1] The values have been developed from a reference population of equal numbers of both sexes and a wide range of ages. In the definition of effective dose, they apply to individuals and populations and to both sexes.

[2] For purposes of calculation, the remainder is comprised of the following additional tissues and organs: adrenals, brain, upper large intestine, small intestine, kidney, muscle, pancreas, spleen thymus, and uterus. The list includes organs which are likely to be selectively irradiated. Some organs in the list are known to be susceptible to cancer induction. If other tissues and organs subsequently become identified as having a significant risk of induced cancer, they will then be included either with a specific w_T or in this additional list constituting the remainder. The latter may also include other tissues or organs selectively irradiated.

[3] In those exceptional cases in which a single one of the remainder tissues or organs receives an equivalent dose in excess of the highest dose in any of the twelve organs for which a weighting factor is specified, a weighting factor of 0.025 should be applied to that tissue or organ and a weighting factor of 0.025 to the average dose in the rest of the remainder as defined above.

Annual committed tissue or organ equivalent dose. For internal irradiation from incorporated radionuclides, the total absorbed dose will be spread out in time, being gradually delivered as the radionuclide decays. The time distribution of the absorbed dose rate will vary with the radionuclide, its form, the mode of intake and the tissue within which it is incorporated. To take account of this distribution the quantity *committed equivalent dose,* $H_T(\tau)$ where τ is the integration time in years following an intake over any particular year, is used and is the integral over time of the equivalent dose rate in a particular tissue or organ that will be received by an individual following an intake of radioactive material into the body. The time period, τ, is taken as 50 years as an average time of exposure following intake:

$$H_T(\tau) = \int_{t_0}^{t_0 + 50} H_T(t)\, dt$$

for a single intake of activity at time t_0 where $H_T(t)$ is the relevant equivalent-dose rate in an organ or tissue at time t. For the purposes of this rule, the previously mentioned single intake may be considered to be an annual intake.

Annual committed effective dose. If the committed equivalent doses to the individual tissues or organs resulting from an annual intake are multiplied by the appropriate weighting factors, w_T, and then summed, the result will be the *annual committed effective dose,* $E(\tau)$:

$$E(\tau) = \sum w_T \bullet H_T(\tau).$$

[FR Doc. 93–2778 Filed 02–09–93; 8:45 am]

BILLING CODE 6560–50–P

federal register

Wednesday
February 10, 1993

Part III

Department of Education

Office of Special Education and Rehabilitative Services

34 CFR Part 300

Invitation to Comment on the Regulatory Definition of "Serious Emotional Disturbance"; Proposed Rule

VOL
58
ISS
26
FE
10
1993
UMI

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

34 CFR Part 300

Invitation to Comment on the Regulatory Definition of "Serious Emotional Disturbance" and the Use of This Term in the Individuals With Disabilities Education Act

AGENCY: Department of Education.

ACTION: Notice of inquiry.

SUMMARY: In accordance with Section 912(b) of the Rehabilitation Act Amendments of 1992, Public Law 102–569 (Oct. 29, 1992) (1992 Amendments), the Secretary of Education publishes this Notice of Inquiry. The notice solicits from all interested parties written comments on whether there is a need to revise the current regulatory definition of "children with serious emotional disturbance" by replacing it with a definition such as the one set forth in this notice, and whether the term "serious emotional disturbance" or some other term should be used in the Individuals With Disabilities Education Act (IDEA).

DATES: All comments must be received on or before May 11, 1993.

ADDRESSES: Written comments should be addressed to Ms. Martha Coutinho, U.S. Department of Education, 400 Maryland Avenue SW., Switzer Building, room 3522, Washington, DC 20202–2641.

FOR FURTHER INFORMATION CONTACT: Rhonda Weiss, U.S. Department of Education, 400 Maryland Avenue SW., Switzer Building, room 3626, Washington, DC 20202–2720. Telephone: (202) 205–9021. Deaf and hearing-impaired individuals may call (202) 205–9090 for TDD services.

SUPPLEMENTARY INFORMATION: The Secretary solicits public comment on whether the regulatory definition of "children with serious emotional disturbance" should be changed and whether the IDEA should be amended to substitute another term for the term "serious emotional disturbance." The Secretary specifically requests public comment on the following questions:

(a) Is there a need to revise the definition of the term "children with serious emotional disturbance," contained in the regulations implementing Part B of IDEA (Part B), at § 300.7(b)(9) published in the **Federal Register** on September 29, 1992 (57 FR 44794–44802)?

(b) Should the term "serious emotional disturbance" continue to be used in IDEA or should the term "emotional and behavioral disorders" or some other term be substituted?

(c) Should the Secretary propose to replace the definition of the term "children with serious emotional disturbance" in the regulations implementing part B with the following definition, as used in section 602(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)):

(1) The term "serious emotional disturbance" means a disability that is characterized by behavioral or emotional response in school programs so different from appropriate age, cultural, or ethnic norms that the responses adversely affect educational performance, including academic, social, vocational or personal skills; more than a temporary, expected response to stressful events in the environment; consistently exhibited in two different settings, at least one of which is school-related; and unresponsive to direct intervention applied in general education, or the condition of a child is such that general education interventions would be insufficient.

The term includes such a disability that co-exists with other disabilities.

The term includes a schizophrenic disorder, affective disorder, anxiety disorder, of other sustained disorder of conduct or adjustment, affecting a child, if the disorder affects educational performance as described in paragraph (1).

(2) The term "seriously emotionally disturbed" means, with respect to a child, that the child has a serious emotional disturbance.

ADDITIONAL INFORMATION: Section 912(b)(4) of the 1992 Amendments requires the Secretary, not later than 10 months after October 29, 1992, the date of enactment of the 1992 Amendments, to prepare and transmit a report to the appropriate committees of Congress, including the Subcommittee on Select Education of the Committee on Education and Labor of the House of Representatives and the Subcommittee on Disability Policy of the Committee on Labor and Human Resources of the Senate. This report will include a summary of the public comments received in response to question (2) of this notice and recommendations concerning whether the IDEA, should be amended.

Dated: February 3, 1993.

Richard W. Riley,

Secretary of Education.

[FR Doc. 93–3024 Filed 2–9–93; 8:45 am]

BILLING CODE 4000–01–M

Federal Register

Wednesday
February 10, 1993

Part IV

Department of the Interior

Bureau of Indian Affairs

Wind River Irrigation Project O&M Rate Increase; Notice

VOL 58 ISS 26 FE 10 1993 UMI

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Wind River Irrigation Project O&M Rate Increase

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs is proposing a $1.10 per acre increase to the Wind River Irrigation Project's current operation and maintenance assessment rate of $10.90 per assessable acre. The new rate would be $12.00 per acre per year. The $1.10 increase would help offset costs increases for personnel, supplies, materials and services, and permit needed maintenance on equipment. The project's annual operation and maintenance charges are based on the estimated normal operating cost of the project for one fiscal year. The Wind River Irrigation Project manager held meetings with the Crow Heart, Ray, Coolidge, and Arapahoe Water User Committees on December 31, 1991, and January 7 and 8, 1992, respectively on this proposed operation and maintenance rate increase.

DATES: The due date for all operation and maintenance charges will be May 1 of each calendar year. Comments must be received at the address below within 30 days after this notice is published in the **Federal Register**.

ADDRESSES: This notice will be published and posted at the following locations:

U.S. Post Offices

Fort Washakie, Wyoming 82514,
Lander, Wyoming 82520,
Riverton, Wyoming 82501

Newspaper

Wyoming State Journal, Lander, Wyoming 82520

Bureau of Indian Affairs

Wind River Agency, Fort Washakie, Wyoming 82514

Nespaper

Riverton Ranger, Riverton, Wyoming 82501.

All comments concerning the proposed 1993 operation and maintenance assessment rate for the Wind River Irrigation Project must be in writing and addressed to the Superintendent, Wind River Agency, Bureau of Indian Affairs, Fort Washakie, Wyoming 82514. Comments must be received within 30 days after this notice is published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Area Director, Billings Area Office, Bureau of Indian Affairs, 316 North 26th Street, Billings, Montana 59101–1397, telephone number (406) 657–6315.

SUPPLEMENTARY INFORMATION: The authority to issue this document is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 15, 1914 (38 Stat. 583, 25 U.S.C. 385). This notice of operation and maintenance rates and related information is published under the authority delegated to the Assistant Secretary of Indian Affairs by the Secretary of the Interior in 209 DM 8, and is issued pursuant to the Code of Federal Regulations, chapter 25, part 171

Dated: February 2, 1993.

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

[FR Doc. 93–3174 Filed 2–9–93; 8:45 am]

BILLING CODE 4310–02–M

federal register

Wednesday
February 10, 1993

Part V

Department of the Interior

Bureau of Indian Affairs

San Carlos Indian Irrigation Project-Indian Works, Arizona; Notice

VOL
58
ISS
26
FE
10
1993
UMI

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

San Carlos Indian Irrigation Project—Indian Works, Arizona

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final notice.

SUMMARY: The purpose of this notice is to establish the assessment rate for the San Carlos Indian Irrigation Project—Indian Works (SCIIP-Indian Works) for 1993. The assessment rate is based on a prepared estimate of the normal costs of operations and maintenance of the irrigation project. Normal operations and maintenance is defined as the average cost per acre of all activities associated with delivery of irrigation waters, including maintaining pumps and other facilities.

DATES: This public notice shall become effective on the date of publication in the **Federal Register** and will remain effective until further notice.

FOR FURTHER INFORMATION CONTACT: Paul Smith, Superintendent, Pima Agency, Post Office Box 8, Sacaton, Arizona 85247–0008, telephone number (602) 562–3326.

SUPPLEMENTARY INFORMATION: The authorization to issue this document is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 14, 1914 (38 Stat. 583, 25 U.S.C. 385). On November 27, 1992, the Bureau published notice of proposed operation and maintenance rate for 1993, 57 FR 56428. The notice provided opportunity for interested persons to submit written comments, views or arguments with respect to the proposed rate to the Superintendent within 30 days of publication. The initial rate for 1993 shall be $54 per acre. The proposed rate was based on a budget prepared under the direction of the Superintendent, Pima Agency. The opportunity to review and comment was provided to the Gila River Indian Tribes, Tribal Water Conservation Committee and the general public. This opportunity was provided before the final rate was set. No comments were received during the comment period. This notice sets forth the 1993 operation and maintenance charge and related information applicable to the San Carlos Indian Irrigation Project-Indian Works, Arizona. Pursuant to Secretarial Order #3150, Section 7b, "The Commissioner of Indian Affairs and the Deputy Commissioner of Indian Affairs may sign regulations and **Federal Register** notices necessary to fix operation and maintenance assessment rates at irrigation projects and electric power rates at electric power projects."

BASIC ASSESSMENT: Operation and maintenance charges shall be assessable against 50,546 acres of tribal lands and trust patent lands of the SCIIP-Indian Works within the boundaries of the Gila River Indian Reservation, Arizona. For the calendar year 1993 and subsequent years, unless changed by future publication, the basic rate assessed on Indian-owned lands leased and operated by non-Indians is hereby fixed at $56 per acre.

PAYMENT: The basic charge shall become due January 1, 1993 and must be paid within 30 days after January 1 of each year thereafter. No irrigation water shall be delivered to lands leased to non-Indian prior to payment of the basic charge. Payment for excess water, if available, shall be made prior to delivery. Interest and penalty fees are assessed, where required by law, on all delinquent assessment charges as prescribed in the CFR, title 4, part 102, Federal Claims Collection Standards and 42 BIAM Supplemental 3, part 3.8, Debt Collection Procedures. Payment of all assessment shall be made at the office of the Superintendent, Sacaton, Arizona.

DELIVERY: Lease approval by the Superintendent shall be required prior to the first delivery of irrigation water. For all deliveries of water, the water user shall notify the Branch of Land Operations (by water ticket) as to the desired location, quantity and desired delivery time. Notification by the water user shall be no less than 72 hours prior to the requested delivery time.

DISTRIBUTION AND APPORTIONMENT: The stored and pumped irrigation waters of the SCIIP-Indian Works are a common water supply in which all project lands are entitled to share equitably. Water users will be notified of the available apportionment (stored and pumped waters) at the beginning of each irrigation season and at later dates as additional apportionments are made. When natural flow or other free waters are available, the Branch of Land Operations shall ensure these waters are distributed equitably on a monthly basis. Such water shall not be counted as a part of the apportioned share of the lands on which it is used. The diversion right of 6 acre-feet per acre, less system losses, establishes the duty of water to the land.

Dated: January 29, 1993.

Stan Speaks,

Deputy Commissioner of Indian Affairs.

[FR Doc. 93–3175 Filed 2–9–93; 8:45 am]

BILLING CODE 4310-02-M

Federal Register

Wednesday
February 10, 1993

Part VI

Department of the Interior

Bureau of Indian Affairs

Blackfeet Irrigation Project O&M Rate Increase; Notice

VOL 58 ISS 26 FE 10 1993 UMI

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Blackfeet Irrigation Project O&M Rate Increase

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs is proposing a $2 per acre increase to the Blackfeet Irrigation Project's current operation and maintenance assessment rate of $8 per assessable acre. The $2 increase would help offset cost increases for personnel, supplies, materials and services, and allow progress on maintenance deferred during previous years. The project's annual operation and maintenance charges are based on the estimated normal operating cost of the project for one fiscal year.

DATES: The due date for all operation and maintenance charges will be May 1 of each calendar year. Comments must be received at the address below within 30 days after this notice is published in the **Federal Register.**

ADDRESSES: This notice will be published and posted at the following locations:

U.S. Post Offices

Browning, Montana 59417
Cut Bank, Montana 59427
Valier, Montana 59486

Newspapers

Glacier Reporter, Browning, Montana 59417
Pioneer Press, Cut Bank, Montana 59427

Bureau of Indiana Affairs

Blackfeet Agency, Browning, Montana 59417

All comments concerning the proposed 1993 operation and maintenance assessment rate for the Blackfeet Irrigation Project must be in writing and addressed to the Superintendent of the Blackfeet Agency, Blackfeet Agency, Browning, Montana 59417. Comments must be received within 30 days after this notice is published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Area Director, Billings Area Office, Bureau of Indian Affairs, 316 North 26th Street, Billings, Montana 59101–1397, telephone number (406) 657–6315.

SUPPLEMENTARY INFORMATION: The authority to issue this document is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 15, 1914 (38 Stat. 583, 25 U.S.C. 385). This notice of operation and maintenance rates and related information is published under the authority delegated to the Assistant Secretary of Indian Affairs by the Secretary of the Interior in 209 DM 8, and is issued pursuant to the Code of Federal Regulations, chapter 25, part 171.

Dated: February 2, 1993.

Eddie F. Brown,

Assistant Secretary-Indian Affairs.

[FR Doc. 93–3176 Filed 2–9–93; 8:45 am]

BILLING CODE 4310–2–M

federal register

Wednesday
February 10, 1993

Part VII

Department of the Interior

Bureau of Indian Affairs

Grant Availability for Projects Implementing Traffic Safety on Indian Reservations; Notice

VOL 58 ISS 26 FE 10 1993 UMI

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Grant Availability to Federally-Recognized Indian Tribes for Projects Implementing Traffic Safety on Indian Reservations

December 14, 1992.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs intends to make funds available to Federally-Recognized Indian Tribes on an annual basis for the purpose of implementing traffic safety projects which are designed to reduce the number of traffic accidents and their resulting fatalities, injuries, and property damage within Indian reservations. Due to the limited funding available for this program, all projects will be reviewed and selected on a competitive basis. This notice is intended to inform Indian tribes on the availability of funds and the process in which the projects are selected.

DATES: Requests for funds must be received by June 1 of each program year by the Division of Safety Management in Albuquerque, New Mexico 87102.

ADDRESSES: Each tribe must submit its request to the Division of Safety Management, P.O. Box 2006, Albuquerque, New Mexico, attention "Indian Highway Safety Program Coordinator". Information packets will be distributed on March 1 of each program year. Information packets will be sent to the tribal address as shown on the latest Tribal Leaders List which is compiled by the Bureau of Indian Affairs' Tribal Government Services, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tribes should direct questions concerning the grant program to the Bureau's Indian Highway Safety Program Coordinator or to Charles L. Jaynes, Program Administrator, Bureau of Indian Affairs, P.O. Box 2006, Albuquerque, New Mexico 87102. Telephone: (505) 766–2181.

SUPPLEMENTARY INFORMATION:

Background

The Federal-Aid Highway Act of 1973 (Pub. L. 93–87) provides for U.S. Department of Transportation funding to assist Indian tribes in implementing highway safety projects. These projects are designed to reduce the number of traffic crashes and their resulting fatalities, injuries, and property damage within Indian reservations. All Federally-recognized Indian tribes on Indian reservations are eligible to receive this assistance, and at such as highway safety projects are approved, the tribal governing bodies will carry out and administer the programs. All tribes which avail themselves of this assistance are reimbursed for cost incurred under the terms of a Federal/Reservation agreement.

Responsibilities

For purposes of application of the Act, Indian reservations are collectively considered a "State" and the Secretary, U.S. Department of the Interior (DOI), is considered the "Governor of a State". The Secretary, DOI, delegated the authority to administer the programs throughout all the Indian reservations in the United States to the Assistant Secretary—Indian Affairs. The Assistant Secretary—Indian Affairs further delegated the responsibility for primary administration of the Indian Highway Safety Program to the Central Office Division of Safety Management (DSM), located in Albuquerque, New Mexico. The Chief, DSM, as Program Administrator of the Indian Highway Safety Program, has one full-time staff member to assist in program matters and provide technical assistance to the Indian tribes. It is at this level that contacts with the U.S. Department of Transportation are made with respect to program approval, funding of projects and technical assistance. The U.S. Department of Transportation, through the National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration (FHWA), is responsible for assuring that the Indian Highway Safety Program is carried out in accordance with 23 U.S.C. 402 and other applicable Federal regulations.

The National Highway Traffic Safety Administration is responsible for the apportionment of funds to the Secretary of the Interior, review and approval of the Highway Safety Plan involving NHTSA highway program areas and technical guidance and assistance to BIA.

The Federal Highway Administration is responsible for review and approval of Highway Safety Plan involving FHWA highway safety program areas and technical guidance and assistance to BIA.

Program Areas

The Surface Transportation and Uniform Relocation Assistance Act of 1987, 23 U.S.C. 402(j), required the Department of Transportation to conduct a rulemaking process to determine those programs most effective in reducing traffic crashes, injuries and fatalities. Those program areas were determined to be national priority program areas, and include NHTSA Program areas: (1) Alcohol and Other Drug Countermeasures; (2) Police Traffic Services; (3) Occupant Protection; (4) Traffic Records, and; (5) Emergency Medical Services. FHWA Program Area: Roadway Safety. NHTSA and FHWA Program Areas: Pedestrian and Bicycle Safety.

Funding Criteria

The Bureau of Indian Affairs will reimburse for eligible costs associated with the following:

(1) Alcohol and Other Drug Countermeasures—Salary (Driving While Intoxicated (DWI) enforcement/education; Standardized Field Sobriety Training (SFST); Approved breath-testing equipment (must be included on most recent Conforming Product List); community/school alcohol traffic safety education; DWI offender education; prosecution; adjudication; and vehicle expenses.

(2) Police Traffic Services—Salary (traffic enforcement/education); traffic law enforcement/radar training; speed enforcement equipment (must be listed on Consumer Products List); community/school education; and vehicle expenses.

(3) Occupant Protection—(A) Child Passenger Safety—child car seat loaner program; car seat transportation/storage, and; public information/education. (B) Community Seat Belt Program—Salary; educational/promotional materials; office expenses; training law enforcement, and; Occupant Protection Usage and Enforcement (OPUE) Training.

(4) Traffic Records--Salary; computerized equipment.

(5) Emergency Medical Services—Training; public information education.

(6) Roadway Safety—Traffic signs (warning, regulatory, work zone); hardware and sign posts.

(7) Community Traffic Safety Projects (CTSP)—project management; Public Information and Education Training; law enforcement; prosecution; adjudication; data management.

Project Guidelines

Information packets will be forwarded to the tribes on March 1 of each program year. Upon receipt of the information packet, each tribe should prepare a proposed project based upon the following guidelines:

A. *Program Planning.* Program planning shall be based upon the highway safety problems identified and countermeasures selected by the tribe

for the purpose of reducing traffic crash factors.

B. *Problem Identification.* Highway traffic safety problems shall be identified from the best data available. This data may be found in tribal enforcement records on traffic crashes. Other sources of data include ambulance records, court and police arrest records. The problem identification process may be aided by using professional opinions of personnel in law enforcement, Indian Health Service, driver education, road engineers, etc. These data should accompany the funding request. Impact problems should be indicated during the identification process. An impact problem is a highway safety problem that contributes to car crashes, fatalities and/or injuries, and one which may be corrected by the application of countermeasures. Impact problems can be identified from analysis of statewide and/or tribal traffic records. The analyses should consider, as a minimum: pedestrian, motorcycle, pedalcycle, passenger car, school bus, and truck accidents; records on problem drivers, roadside and roadway hazards, alcohol involvement, youth involvement, defective vehicle involvement, suspended or revoked driver involvement, speed involvement and child safety seat usage. Data should accompany the funding request.

C. *Countermeasure Selection.* When tribal highway traffic safety problems are identified, appropriate countermeasures shall be developed by the tribe to solve or reduce the problems. The development of these countermeasures should take into account the overall cost of the countermeasure versus its possible effects on the problem.

D. *Objective/Performance Indicators.* After countermeasure selection, the objective(s) of the project must be expressed in clearly defined, time-framed and measurable terms.

E. *Budget Format.* The activities to be funded shall be outlined according to BIA object groups, i.e., personal services, travel, supplies and materials, equipment, contracts, training, etc. Each object group shall be quantified, i.e., personal activities should show number to be employed, hours to be employed, hourly rate of pay, etc. Each object group shall have sufficient detail to show what is to be procured, unit cost, quarter in which the procurement is to be made and the total cost, including any tribal contribution to the project.

F. *Evaluation Plan.* Evaluation is the process of determining whether a highway safety activity should be undertaken, if it is being properly conducted and if it has accomplished its objectives. A plan explaining how the evaluation will be accomplished and identifying the criteria to be used in measuring performance shall be included in the funding request.

G. *Technical Assistance.* Department of Transportation, State, and Bureau personnel will be available to tribes for technical assistance in the development of tribal projects.

H. *Section 402 Project Length.* Section 402 funds shall not be used to fund the same project at one location or jurisdiction for more than three years.

I. *Certification Regarding Drug-Free Workplace Requirement.* Indian tribes receiving highway safety grants through the Indian Highway Safety Program must certify that they will maintain a drug-free workplace. The certification must be signed by an individual authorized to sign for the tribe or reservation. The certification must be received by the U.S. Department of Transportation prior to the release of grant funds for that tribe or reservation. The certification will be submitted with the tribal highway safety project.

Submission Deadline

Each tribe must submit its funding request to the attention of: Indian Highway Safety Program Coordinator. The request must be received by June 1 of each program year by the Division of Safety Management, Albuquerque, New Mexico. Requests for extension to this deadline will not be granted. Modifications of the funding request received after the close of the funding period will not be considered in the review and action.

Selection Criteria

Each project funding request will be reviewed and evaluated by the Indian Highway Safety Program Office and requests will be ranked by assigning points to four areas of consideration. Those areas of consideration and their respective point values are listed below:

Magnitude of Problem—50 Points

1. Does a highway safety problem exist?
2. Is the problem significant?
3. Does the project contribute to the solution of the problem identified?

Standards for Financial Management System

Tribal financial management systems must provide for:

1. Accurate, current, and complete disclosure of financial results of the highway safety project.
2. Adequate recordkeeping.
3. Control over and accountability for all funds and assets.
4. Comparison of actual with budgeted amounts.
5. Documentation of accounting records.
6. Appropriate auditing. Highway safety projects will be included in the tribal A–128 Single Audit.

Tribes will provide a quarterly financial and program status reports to the BIA Area Office. This report of expenditures will be submitted to the Contracting/Grants Officer no later than fifteen (15) days beyond the reporting month.

Project Monitoring

During the program year, it is the responsibility of the BIA to maintain a degree of project oversight, provide technical assistance as needed to assist the project in fulfilling its objectives, and assure that grant provisions are complied with.

Project Evaluation

A performance evaluation will be conducted for each highway safety project by the Bureau of Indian Affairs. The evaluation will measure the actual accomplishments to the planned activity.

Eddie F. Brown,

Assistance Secretary—Indian Affairs.

[FR Doc. 93–3177 Filed 2–9–93; 8:45 am]

BILLING CODE 4310-02-M

VOL
58

ISS
26

FE
10

1993

UMI

federal register

Wednesday
February 10, 1993

Part VIII

Department of Transportation

Federal Aviation Administration

14 CFR Part 93

Special Flight Rules in the Vicinity of Niagara Falls, New York; Proposed Rule

VOL 58 ISS 26 FEB 10 1993 UMI

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. 27145]

Special Flight Rules in the Vicinity of Niagara Falls, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FAA is considering the initiation of rulemaking to implement special flight rules in the vicinity of Niagara Falls, NY. An informal meeting will be held to provide the opportunity to gather facts relevant to the aeronautical effects of adopting special flight rules for the various classes of airspace users and to provide interested persons an opportunity to present their views. All comments received will be considered prior to the issuance of a Notice of Proposed Rulemaking (NPRM).

DATES: The public meeting will be held on March 9, 1993, starting at 7:00 p.m. Written comments are also invited and must be received on or before April 5, 1993.

ADDRESSES: The public meeting will be held at Niagara Falls City Hall, 745 Main Street, Niagara Falls, New York. Persons unable to attend the meeting may mail their comments in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Rules Docket (AGC–10), Docket No. 27145, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Requests to present a statement at the meeting or questions regarding the logistics of the meeting should be directed to Florence Hamn, Office of Rulemaking, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–9822; telefax (202) 267–5075.

Questions concerning the subject matter of the meeting should be directed to Melodie DeMarr, Federal Aviation Administration, Air Traffic Rules Branch, ATP–230, 800 Independence Avenue, SW., Washington DC 20591; telephone (202) 267–9247; telefax (202) 267–5809.

SUPPLEMENTARY INFORMATION:

Participation at the Meeting

Requests from persons who wish to present oral statements at the public meetings should be received by the FAA no later than February 26, 1993. Such requests should be submitted to Florence Hamn, as listed above in the section titled "**FOR FURTHER INFORMATION CONTACT**" and should include a written summary of oral remarks to be presented, and an estimate of time needed for the presentation. Requests received after the dates specified above will be scheduled if there is time available during the meeting; however, the names of those individuals may not appear on the written agenda. The FAA will prepare an agenda of speakers that will be available at the meeting. In order to accommodate as many speakers as possible, the amount of time allocated to each speaker may be less than the amount of time requested.

Background

The scenic Niagara Falls attract millions of sightseers annually. The small airspace surrounding the scenic falls is frequently congested with air traffic.

On September 29, 1992, a fatal accident occurred when two sightseeing helicopters collided over the falls. To ensure safety, Transport Canada restricted operations within a 3-mile radius of the scenic falls in Canadian airspace, and the FAA issued a coordinating Temporary Flight Restriction (TFR) covering U.S. airspace. After soliciting public comment and carefully evaluating the needs of operators and the public interest, Transport Canada has designated the area within a 2-mile radius of the scenic falls (CYR–518), excluding U.S. airspace, as restricted uncontrolled airspace from the surface to, but not including, 3500 feet mean sea level (MSL). Thus, the Canadian restriction prohibits aircraft operations within the region except for medical and police operations and those operations specifically authorized by the Regional Director for Air Carrier Operations, Ontario Region, Transport Canada. The FAA has reissued a TFR covering the affected U.S. airspace that corresponds to the Canadian restriction.

The FAA intends to propose rulemaking to establish permanent special flight rules in the vicinity of Niagara Falls, NY. This process will involve careful consideration of the needs of the various users of the airspace, including fixed wing and rotorcraft sightseeing operators, aircraft transiting the area, and airship and balloon operators, as well as the potential impact on high-speed military jet operations out of Niagara Airport and the communities in the scenic falls area. Because of the number of aeronautical operations and the complexity of air traffic in such a small volume of airspace, the FAA is seeking comments from the public before proposing rulemaking.

The purpose of the meeting is to gather information and solicit views for determining the most appropriate special flight rules over U.S. airspace in the vicinity of the falls. Any special flight rules will need to supplement and correspond to the restrictions pertaining to the adjacent Canadian airspace (CYR–518). (A copy of the Canadian airspace requirement can be obtained from the Office of the Director, Air Carrier Operations, Transport Canada, 4900 Yonge Street, suite 300, Willowdale, Ontario M2N 6A5.) Reconsideration or possible modification of the restrictions pertaining to Canadian airspace will not be discussed at this meeting.

Meeting Procedures

The following procedures are established to facilitate the meeting:

(a) There will be no admission fee or other charge to attend or to participate in the meeting.

(b) The meeting will be informal and conducted by a representative of the FAA. Representatives of the FAA will preside over the meeting and present a formal briefing on the current restrictions and any proposals that have been received from the public. All participants will be given an opportunity to make a presentation as time allows.

(c) Any person wishing to make a presentation at the meeting must notify the FAA prior to the meeting and provide an estimate of the time needed for the presentation. This procedure will permit allocation of an appropriate amount of time for each presenter. The FAA may allocate the time available for each presentation to accommodate all speakers. Everyone who has provided advance notice will have the opportunity to address the panel. Time will also be set aside for brief, unscheduled comments. The meeting will be adjourned at any time if all persons present have had the opportunity to speak.

(d) Any person who wishes to present a position paper to the FAA, pertinent to special flight rules in the U.S. airspace near the scenic falls, may do so. Persons wishing to distribute pertinent position papers to the attendees should represent 10 copies of all materials to the panel members. Additional copies of each handout should be available for other attendees.

(e) Materials relating to possible special flight rules in the vicinity of Niagara Falls, NY, will be accepted at the meeting. Every reasonable effort will be made to hear every request for presentation consistent with a

reasonable closing time for the meeting. Persons may submit written comments whether they attend the meeting or not by April 5, 1993.

(f) The meeting will be recorded by a court reporter. A transcript of the meeting and any materials accepted by the panel during the meeting will be included in the public docket. Any person who is interested in purchasing a copy of the transcript should contact the court reporter directly. This information will be available at the meeting.

(g) Statements made by members of the meeting panel are intended to facilitate discussion of the issues or to clarify issues. Any statement made during the meeting by a member of the panel is not intended to be, and should not be construed, as a position of the FAA.

(h) The meeting is designed to solicit public views and more complete information on the possible promulgation of special flight rules in the U.S. airspace near the scenic falls. Therefore, the meeting will be conducted in an informal and nonadversarial manner. No individual will be subject to cross-examination by any other participant; however, panel members may ask questions to clarify a statement and to ensure a complete and accurate record.

(Authority: 49 U.S.C. App. 1302, 1303, 1348, 1354(a), 1421(a), 1424, 2451 *et. seq.*; 49 U.S.C. 106(g)).

Issued in Washington, DC, on February 5, 1993.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 93–3292 Filed 2–8–93; 12:43 pm]

BILLING CODE 4910–13–M

VOL
58
ISS
26
FE
10
1993
UMI

Reader

INFORMATIO

Federal Regist
Index, finding
Public inspecti
Corrections to
Document draf
Machine readal

Code of Federa
Index, finding
Printing schedu

Laws
Public Laws Up
Additional info

Presidential Do
Executive orde
Public Papers o
Weekly Compil

The United Sta
General inform

Other Services
Data base and
Guide to Recor
Legal staff
Privacy Act Co
Public Laws Up
TDD for the he

FEDERAL RE

6601–6678
6679–6874
6875–7046
7047–7184
7185–7476
7476–7714
7715–7860
7861–7952

Reader Aids

Federal Register

Vol. 58, No. 26

Wednesday, February 10, 1993

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection desk	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

6601–6678.....1
6679–6874.....2
6875–7046.....3
7047–7184.....4
7185–7476.....5
7476–7714.....8
7715–7860.....9
7861–7952.....10

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive orders:
12800 (Revoked by EO 12836).....7045
12818 (Revoked by EO 12836).....7045
12836.....7045
Administrative Orders:
Memorandums:
January 22, 1993.....7455
January 22, 1993.....7455
January 22, 1993.....7455
Proclamations:
6527.....7477

5 CFR

Proposed Rules:
970.....7052

7 CFR

1097.....6679
1099.....6679
52.....7607
Proposed Rules:
52.....7298
275.....7296
283.....7296

10 CFR

19.....7715
20.....7715
30.....7715
36.....7715
40.....7715
51.....7715
70.....7715
170.....7715
Proposed Rules:
30.....6730
40.....6730
50.....6730, 7757
70.....6730
72.....6730

11 CFR

201.....6875

12 CFR

203.....6601
207.....6602
220.....6502
221.....6502
224.....6502
611.....6504
612.....6605
796.....6605

13 CFR

121.....7479

14 CFR

33.....6875
39.....6703–6707, 6877–6881, 7185, 7479–7482, 7737, 7861, 7862
71.....6708, 6884–6886, 7179, 7484, 7738
73.....6884
95.....6887
97.....6709, 6712, 7485, 7746
Proposed Rules:
39.....6740–6746, 6906, 7196, 7494, 7495, 7759
61.....7197
63.....7197
65.....7197
71.....6911
93.....7950
121.....7197
135.....7197
300.....7040
399.....7053

16 CFR

4.....7047
Proposed Rules:
305.....7852

17 CFR

140.....6877
145.....7040
150.....6854
Proposed Rules:
1.....6748, 7056
3.....6748
10.....6748
145.....6748

18 CFR

3c.....7486
157.....6893
381.....7488

19 CFR

Proposed Rules:
10.....6677

21 CFR

520.....7864
1308.....7186

23 CFR

140.....6713
Proposed Rules:
625.....6914

26 CFR

1.....6678, 7041, 7296, 7747, 7865
602.....6678
Proposed Rules:
1.....6854, 6922, 6923, 7179,

7497, 7845
26.....6854, 7497
301.....6854, 7497, 7761

29 CFR

2616.....6605
2617.....6605
Proposed Rules:
103.....7149
2619.....7921
2676.....7921

30 CFR

254.....7489
Proposed Rules:
870.....7761

31 CFR

103.....7047

32 CFR

201.....7865
592.....6715
606.....6715
608.....6715
612.....6715
616.....6715

33 CFR

3.....6716
100.....7492
117.....6717
150.....7330
154.....7330
155.....7376
334.....6718
Proposed Rules:
117.....6766, 6767, 7497, 7498
165.....7500
334.....6768

34 CFR

8.....7860
Proposed Rules:
300.....7938

36 CFR

Proposed Rules:
1191.....6924

37 CFR

304.....7051

38 CFR

1.....7296

39 CFR

Proposed Rules:
3001.....6769

40 CFR

2.....7187
52.....6606
60.....7189
180.....6893
261.....6854
266.....6607
271.....6854, 7865
281.....6894
300.....7189, 7492
305.....7704
721.....7190
Proposed Rules:
Ch. I.....6609, 7501
52.....7762
54.....7870
81.....7762
144.....7924
191.....7924
261.....6925
372.....6609
700.....7646
720.....7661
721.....7676
723.....7646, 7679

42 CFR

59.....7462
Proposed Rules:
59.....7464

43 CFR

Public Land Order:
6956.....6719
6957.....7867

45 CFR

303.....7040
1626.....6608
Proposed Rules:
1607.....6611
1609.....6612

46 CFR

571.....7190

Proposed Rules:
502.....7199
505.....7199
510.....7199
514.....7501
540.....7199

47 CFR

1.....6895
61.....7867
69.....7867
73.....7869
73.....7194, 7195
Proposed Rules:
Ch. 1.....6937, 7062
2.....6769
15.....6769, 7205
43.....7764
73.....6677, 7874, 7875
76.....7205, 7875

48 CFR

Proposed Rules:
Ch. 53.....6771

49 CFR

1.....6896–6898
229.....6899
9.....6719
171.....6864
172.....6864
173.....6864
174.....6864
176.....6864
390.....6726
394.....6726
1002.....7748
1017.....7748
1018.....7748
1312.....7748
1313.....7748
1314.....7748
Proposed Rules:
40.....7197, 7506
199.....7197
217.....7197
219.....7197
350.....7197
382.....7197
383.....7197
391.....7197
392.....6937, 7197
395.....6937, 7197
531.....6939
571.....7206, 7506
572.....7506
611.....6948
653.....7197
654.....7197
1180.....6612

50 CFR

650.....7040
675.....7040
Proposed Rules:
226.....7206
663.....7525
672.....6677

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–2470).

H.R. 1/P.L. 103-3

Family and Medical Leave Act of 1993 (Feb. 5, 1993; 107 Stat. 6; 24 pages)

Last List January 25, 1993

ELECTRONIC BULLETIN BOARD

Free Electronic Bulletin Board Service for Public Law Numbers is available on 202–275–1538 or 275–0920.

.....6939
...7206, 7506
.....7506
.....6948
.....7197
.....7197
.....6612

.....7040
.....7040

.....7206
.....7525
.....6677

IC LAWS

ng list of
he current
ess which
deral laws. It
conjunction
ublic Laws
on 202–523–
laws is not
Federal
y be ordered
phlet form
slip laws")
tendent of
Government
Washington,
e, 202–512–

3
cal Leave Act
1993; 107
s)
y 25, 1993

ULLETIN

Bulletin
or Public Law
lable on 202–
5–0920.

Public Laws

103d Congress, 1st Session, 1993

Pamphlet prints of public laws, often referred to as slip laws, are the initial publication of Federal laws upon enactment and are printed as soon as possible after approval by the President. Legislative history references appear on each law. Subscription service includes all public laws, issued irregularly upon enactment, for the 103d Congress, 1st Session, 1993.

(Individual laws also may be purchased from the Superintendent of Documents, Washington, DC 20402-9328. Prices vary. See Reader Aids Section of the Federal Register for announcements of newly enacted laws and prices).

Superintendent of Documents **Subscriptions** Order Form

rder Processing Code:
6216

YES, enter my subscription(s) as follows:

Charge your order.
It's Easy!
MasterCard VISA
To fax your orders (202) 512-2233

___ subscriptions to **PUBLIC LAWS** for the 103d Congress, 1st Session, 1993 for $156 per subscription.

he total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

ompany or Personal Name) (Please type or print)

dditional address/attention line)

reet address)

ty, State, ZIP Code)

aytime phone including area code)

rchase Order No.)

y we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date)

Thank you for your order!

(Authorizing Signature) (1/93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

New Publication

VOL
58
ISS
26
FE
10
1993
UMI

The authentic text behind the news . . .

The Weekly Compilation of **Presidential Documents**

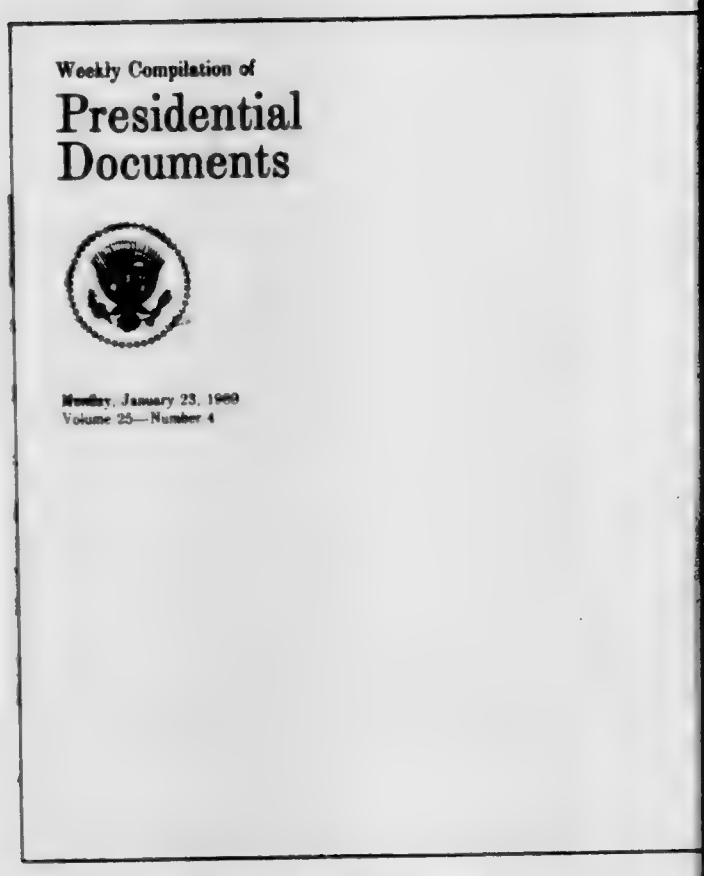

This unique service provides up-to-date information on Presidential policies and announcements. It contains the full text of the President's public speeches, statements, messages to Congress, news conferences, personnel appointments and nominations, and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. Each issue contains an Index of Contents and a Cumulative Index to Prior Issues.

Separate indexes are published periodically. Other features include lists of acts approved by the President, nominations submitted to the Senate, a checklist of White House press releases, and a digest of other Presidential activities and White House announcements.

Published by the Office of the Federal Register, National Archives and Records Administration.

Superintendent of Documents Subscriptions Order Form

Order Processing Code:
*6466

Charge your order. It's easy! MasterCard VISA

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please enter my subscription for one year to the **WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS (PD)** so I can keep up to date on Presidential activities.

☐ $96.00 First Class ☐ $58.00 Regular Mail

1. The total cost of my order is $ _____ All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____)
(Daytime phone including area code)

3. **Please choose method of payment:**
☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____ ***Thank you for your order!***
(Credit card expiration date)

_____
(Signature) (Rev 1/93)

4. **Mail To: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954**

Order Processing Code:
*6962
Please Type or P
Prices include re
Information Desk

Qty.	Stoc
1	021-602-0

Company or perso
Additional address/
Street address)
City, State, ZIP Co
)
Daytime phone inc
Mail order to:
New Orders, Super
P.O. Box 371954, P

Announcing the Latest Edition

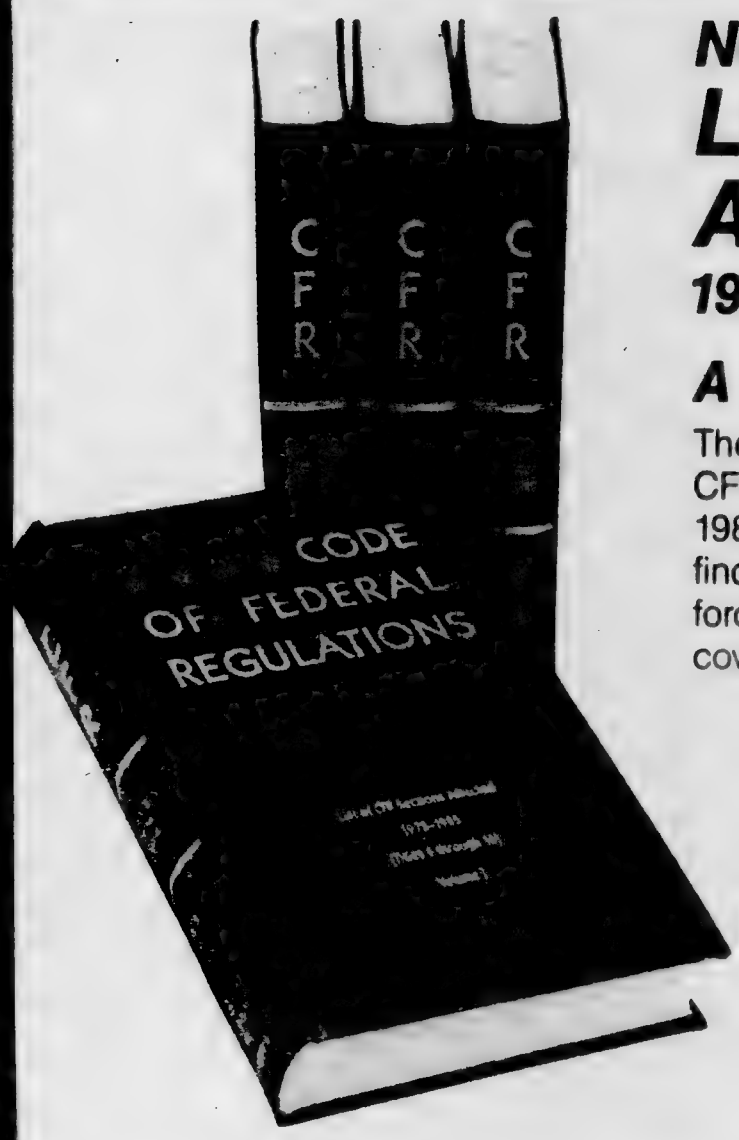

New Publication

List of CFR Sections Affected

1973-1985

A Research Guide

These four volumes contain a compilation of the "List of CFR Sections Affected (LSA)" for the years 1973 through 1985. Reference to these tables will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Volume I (Titles 1 thru 16) $27.00
Stock Number 069-000-00029-1

Volume II (Titles 17 thru 27) $25.00
Stock Number 069-000-00030-4

Volume III (Titles 28 thru 41) $28.00
Stock Number 069-000-00031-2

Volume IV (Titles 42 thru 50) $25.00
Stock Number 069-000-00032-1

Superintendent of Documents **Publications** Order Form

Order Processing Code:
*6962

Charge your order. It's easy!

MasterCard VISA

To fax your orders and inquiries–(202) 512-2250

Please Type or Print (Form is aligned for typewriter use.)

Prices include regular domestic postage and handling and are good through 12/92. After this date, please call Order and Information Desk at 202-783-3238 to verify prices. International customers please add 25%.

Qty.	Stock Number	Title	Price Each	Total Price
1	021-602-00001-9	Catalog–Bestselling Government Books	FREE	FREE
			Total for Publications	

(Company or personal name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

( )
(Daytime phone including area code)

Mail order to:
New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

Please Choose Method of Payment:

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐☐–☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

(Credit card expiration date) ***Thank you for your order!***

(Signature)

Rev 6-92

4. Mail To: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954

VOL
58
ISS
26
FE
10
1993
UMI

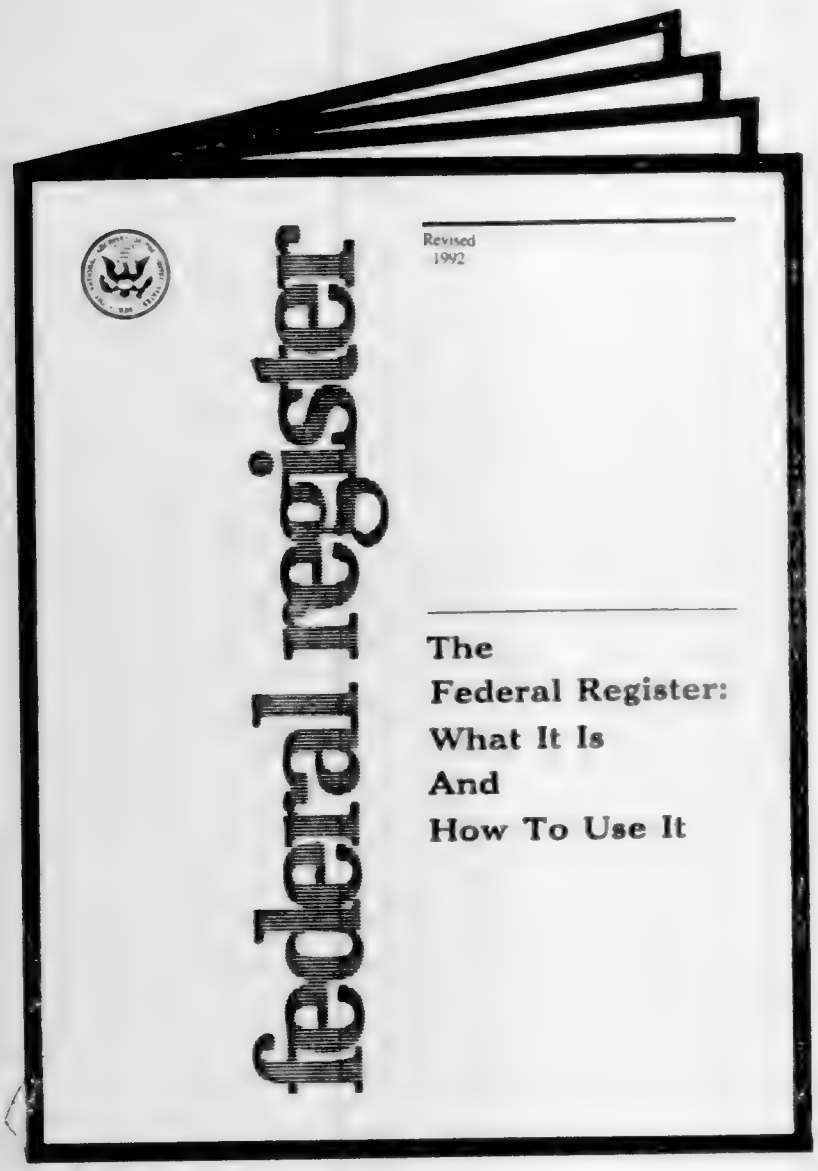

Announcing the Latest Edition

The Federal Register: What It Is and How to Use It

A Guide for the User of the Federal Register—Code of Federal Regulations System

This handbook is used for the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide guidelines for using the *Federal Register* and related publications, as well as an explanation of how to solve a sample research problem.

Price $7.00

Superintendent of Documents **Publications** Order Form

P3

Order processing code:
*6173

Charge your order. It's Easy!
To fax your orders (202)-512-2250

☐ **YES**, please send me the following:

_____ copies of **The Federal Register - What it is and How To Use it**, at $7.00 per copy. Stock No. 069-000-00044-4

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐–☐☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐ (Credit card expiration date)

Thank you for your order!

(Company or Personal Name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(Daytime phone including area code)

(Purchase Order No.)

(Authorizing Signature) (Rev. 1-93)

May we make your name/address available to other mailers? YES ☐ NO ☐

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

54

O. Box 371954, Pittsburgh, PA 15250-7954

Edition

l

e It

Register—

tional
of the
nable to
vill provide
ster and
xplanation
roblem.

P3

MasterCard VISA

(202)-512-2250

lomestic

t of Documents

Thank you fo
your order

(Rev. 1-9

of Documents
PA 15250-7954

VOL
58

ISS
26

FE
10

1993

UMI

Printed on recycled paper

VOL
58

ISS
27

FE
11

1993

UMI

U·M·I

THE PAPER AND INK USED IN THE ORIGINAL MATERIAL AFFECT THE QUALITY OF THE MICRO-EDITION. THIS REPRODUCTION IS MADE FROM THE BEST COPY AVAILABLE.

2–11–93
Vol. 58

United St
Governm
Printing C
SUPERINTENDE
OF DOCUMENT
Washington, DC

OFFICIAL BUSIN
Penalty for priva

2–11–93
Vol. 58 No. 27

federal register

Thursday
February 11, 1993

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 93 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
58
ISS
27
FE
11
1993
UMI

2-11-93
Vol. 58
Pages 79

2-11-93
Vol. 58 No. 27
Pages 7953-8200

Thursday
February 11, 1993

Federal Register

VOL
58
ISS
27
FE
11
1993
UMI

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche format and magnetic tape. The annual subscription price for the **Federal Register** paper edition is $375, or $415 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $353; and magnetic tape is $37,500. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $4.50 for each issue, or $4.50 for each group of pages as actually bound; or $1.50 for each issue in microfiche form; or $175.00 per magnetic tape. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 58 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	202–783–3238
Magnetic tapes	512–1530
Problems with public subscriptions	512–2303
Single copies/back copies:	
Paper or fiche	783–3238
Magnetic tapes	512–1530
Problems with public single copies	512–2457
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	523–5243
Magnetic tapes	512–1530
Problems with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

Printed on recycled paper containing 100% post consumer waste

Cont

Agricultu
RULES
Avocados
Mushroo
order
Oranges (
Califo
PROPOSED
Milk mar
Great B

Agricultu
See Agric
See Anim
See Fores
NOTICES
Meetings:
Agricul
Cor

Alcohol, T
NOTICES
Organizati
Complia

Animal an
RULES
Plant-relat
Fruits a

Antitrust
NOTICES
National c
Petrotec

Army Dep
NOTICES
Environme
Base rea
Rock
Meetings:
Science

Bonneville
NOTICES
Billing cre
Intent to

Centers fo
NOTICES
Aerosol sa
8054

Children a
NOTICES
Meetings:
Presiden

Committee
NOTICES
Cotton, wo
Dominic

Contents

Federal Register

Vol. 58, No. 27

Thursday, February 11, 1993

Agricultural Marketing Service
RULES
Avocados grown in Florida, 7972
Mushroom promotion, research, and consumer information order, 8194
Oranges (navel and Valencia) grown in Arizona and California, 7964
PROPOSED RULES
Milk marketing orders:
Great Basin, 7996

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Forest Service
NOTICES
Meetings:
Agricultural Biotechnology Research Advisory Committee, 8034

Alcohol, Tobacco and Firearms Bureau
NOTICES
Organization, functions, and authority delegations:
Compliance Operations, Associate Director, 8090

Animal and Plant Health Inspection Service
RULES
Plant-related quarantine, domestic:
Fruits and vegetables from Hawaii et al., 7953

Antitrust Division
NOTICES
National cooperative research notifications:
Petrotechnical Open Software Corp., 8062

Army Department
NOTICES
Environmental statements; availability, etc.:
Base realignments and closures—
Rock Island Arsenal, IL, 8045
Meetings:
Science Board, 8045

Bonneville Power Administration
NOTICES
Billing credits contracts:
Intent to sign, 8048

Centers for Disease Control and Prevention
NOTICES
Aerosol samplers sampling efficiency; NIOSH meeting, 8054

Children and Families Administration
NOTICES
Meetings:
President's Committee on Mental Retardation, 8053

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Dominican Republic, 8036
Laos, 8037

Consumer Product Safety Commission
PROPOSED RULES
Hazardous substances:
Balloons; choking hazards; withdrawn, 8023
Marbles; choking hazards; withdrawn, 8020
Small balls; choking hazards; withdrawn, 8016
Toys and other articles for children over 3 years; small parts presenting choking, aspiration, or ingestion hazards; withdrawn, 8013

Defense Department
See Army Department
NOTICES
Agency information collection activities under OMB review, 8038
Federal Acquisition Regulation (FAR):
Agency information collection activities under OMB review, 8045, 8046

Education Department
NOTICES
Administrative Law Judges Office hearings:
Claim compromises—
Arizona Department of Library, Archives and Public Records, 8047

Employment and Training Administration
NOTICES
Adjustment assistance:
American Optical Corp., 8062
Bird Products Corp. et al., 8063
Tubeco Steel Manufacturing, Inc., et al., 8063
UNOCAL Corp., 8064
Wayne H. Mullin Shoe Patterns, 8064

Energy Department
See Bonneville Power Administration
See Energy Research Office
See Federal Energy Regulatory Commission
NOTICES
Grants and cooperative agreements; availability, etc.:
Pittsburgh Energy Technology Center, 8047
Natural gas exportation and importation:
Enron Gas Marketing, Inc., 8051
Indeck-Yerkes Limited Partnership, 8051

Energy Research Office
NOTICES
Meetings:
Fusion Energy Advisory Committee, 8051

Environmental Protection Agency
RULES
Air programs:
Stratospheric ozone protection—
Labeling requirements, 8136
Water pollution control:
Clean Water Act—
Indian tribes; qualification for treatment as States under Section 404 State program regulations, 8172

PROPOSED RULES
Environmental radiation protection standards; spent nuclear fuel, high-level and transuranic radioactive wastes, management and disposal; hearings and dockets, 8028
Hazardous waste:
Hazardous waste management system; recycling regulatory program, 8102
Radiation protection programs:
Spent nuclear fuel, high-level and transuranic and radioactive wastes; management and disposal, 8029

Federal Aviation Administration
RULES
Airworthiness directives:
Fokker, 7982
Short Brothers, 7983
NOTICES
Advisory circulars; availability, etc.:
Aircraft—
Portable electronic devices aboard aircraft, 8088

Federal Communications Commission
RULES
Television broadcasting:
Cable television systems—
Cable Consumer and Protection and Competition Act; implementation; indecent programming, etc., on cable access channels, 7990

Federal Election Commission
NOTICES
Special elections; filing dates:
Mississippi, 8052

Federal Emergency Management Agency
NOTICES
Meetings:
Emergency Management Institute Board of Visitors, 8053

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act:
Natural gas data collection system—
Electronic media; expansion of listing, 7985
NOTICES
Hydroelectric applications, 8050
Applications, hearings, determinations, etc.:
Algonquin Gas Transmission Co., 8050
JMC Ocean State Corp., 8050
NW Energy (Williams Lake) Limited partnership, 8051

Federal Housing Finance Board
NOTICES
Meetings; Sunshine Act, 8097

Federal Maritime Commission
RULES
Maritime carriers in foreign commerce:
Conditions unfavorable to shipping, actions to adjust or meet—
United States/Korea trade, 7988
NOTICES
Freight forwarder licenses:
Zerda Forwarding et al., 8053

Federal Reserve System
RULES
Membership of State banking institutions (Regulations H and Y):
Capital adequacy guidelines, 7973
PROPOSED RULES
Bank holding companies and change in bank control, and membership of State banking institutions (Regulations H and Y):
Capital adequacy guidelines, 8007

Financial Management Service
See Fiscal Service

Fiscal Service
NOTICES
Surety companies acceptable on Federal bonds:
Century Surety Co., 8092
Star Insurance Co., 8092

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
Coastal California gnatcatcher, 8032

Food and Drug Administration
NOTICES
Animal drugs, feeds, and related products:
Dairy and beef cattle; uniform labeling of drugs; guideline availability, 8054
Grant and cooperative agreement awards:
Shellfish and seafood safety assistance project, 8054

Forest Service
NOTICES
Appeal exemptions; timber sales:
Sequoia National Forest, CA, 8034
Environmental statements; availability, etc.:
Gallatin National Forest, MT, 8035

General Services Administration
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities under OMB review, 8045, 8046

Harry S. Truman Scholarship Foundation
NOTICES
Meetings; Sunshine Act, 8097

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See Public Health Service

Health Resources and Services Administration
See Public Health Service

Housing and Urban Development Department
RULES
Low income housing:
Housing assistance payments (Section 8)—
Poverty-level population; undue concentration areas determination; withdrawn, 8186

PROPOSED RULES
Low income housing:
Housing assistance payments (Section 8)—
Poverty-level population; undue concentration areas determination, 8187
NOTICES
Agency information collection activities under OMB review, 8057
Organization, functions, and authority delegations:
Agency ethics officials; designation, 8057

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
NOTICES
Air pollution; adverse impact determinations:
Denali National Park and Preserve, AK, 8058

Internal Revenue Service
RULES
Income taxes:
Enhanced oil recovery credit; correction, 7987
Nuclear decommissioning fund qualification requirements; correction, 7988
Policy acquisition expenses; capitalization; correction, 7987
Real estate mortgage investment conduits; correction, 8098
Related foreign persons; owed amounts deductions Correction, 8098
PROPOSED RULES
Excise taxes:
Ozone layer depleting chemicals; exports Correction, 8098
Income taxes:
Consolidated return regulations—
Alternative minimum tax; correction, 8027
Debt instruments with original issue discount; imputed interest on deferred payment sales or exchanges of property; correction, 8098
Partnerships; treatment as qualified tax exempt organization; correction, 8027
Points paid on residential mortgages; recipient reporting requirements; correction, 8027
Qualified retirement plans—
Cash or deferred arrangements; correction, 8098

International Trade Commission
NOTICES
Import investigations:
Bulk bags and process for making same, 8061

Interstate Commerce Commission
PROPOSED RULES
Contracts and exemptions:
Rail transportation of commodity groups, 8030
NOTICES
Railroad operation, acquisition, construction, etc.:
Ozark Mountain Railroad, 8061

Justice Department
See Antitrust Division
NOTICES
Pollution control; consent judgments:
Dana Corp., Perfect Circle Division, 8062

Labor Department
See Employment and Training Administration
See Mine Safety and Health Administration

Land Management Bureau
NOTICES
Meetings:
Burley District Grazing Advisory Board, 8058
Cedar City District Grazing Advisory Board, 8058
Northern Alaska Advisory Council, 8058
Realty actions; sales, leases, etc.:
California, 8058
California; correction, 8060
Survey plat filings:
Colorado, 8060
Withdrawal and reservation of lands:
Colorado, 8060

Mine Safety and Health Administration
PROPOSED RULES
Coal mine safety and health:
Flame-resistant conveyor belts; requirements for approval, 8028
NOTICES
Safety standard petitions:
Headache Coal Co., Inc., et al., 8065

National Aeronautics and Space Administration
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities under OMB review, 8045, 8046

National Archives and Records Administration
NOTICES
Agency records schedules; availability, 8065

National Science Foundation
NOTICES
Meetings:
Biological Instrumentation and Resources Special Emphasis Panel, 8066
Human Resource Development Special Emphasis Panel, 8066
Information, Robotics, and Intelligent Systems Special Emphasis Panel, 8067
Integrative Biology and Neuroscience Special Emphasis Panel, 8067
Science Resources Studies Special Emphasis Panel, 8067

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Toledo Edison Co. et al., 8068
Applications, hearings, determinations, etc.:
Carolina Power & Light Co. et al., 8068

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration
NOTICES
Agency information collection activities under OMB review, 8056

Railroad Retirement Board
NOTICES
Agency information collection activities under OMB review, 8072

VOL
58
ISS
27
FE
11
1993
UMI

Securities and Exchange Commission
RULES
Investment companies:
Financial statements; safe harbor rule, 7984
NOTICES
Self-regulatory organizations; proposed rule changes:
Government Securities Clearing Corp., 8072
New York Stock Exchange, Inc., 8075
Options Clearing Corp., 8077
Pacific Stock Exchange, Inc., 8078
Self-regulatory organizations; unlisted trading privileges:
Philadelphia Stock Exchange, Inc., 8080
Applications, hearings, determinations, etc.:
Bull & Bear Capital Growth Fund, Inc., 8083
Bull & Bear Equity-Income Fund, Inc., 8084
Canada Life Insurance Co. of America et al., 8081
Gintel Capital Appreciation Fund, 8084
North American Security Life Insurance Co. et al., 8085
Travelers Growth and Income Stock Account for Variable Annuities et al., 8087

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Transportation Department
See Federal Aviation Administration
RULES
Ethical conduct standards; executive branch employees, 7993

Treasury Department
See Alcohol, Tobacco and Firearms Bureau
See Fiscal Service
See Internal Revenue Service
NOTICES
Agency information collection activities under OMB review, 8089
Organization, functions, and authority delegations:
Secret Service, Director, 8090

Truman, Harry S., Scholarship Foundation
See Harry S. Truman Scholarship Foundation

United States Information Agency
NOTICES
Grants and cooperative agreements; availability, etc.:
Public and private non-profit organizations in support of international educational and cultural activities, 8092
Summer institute for English-as-foreign language educators from Albania et al., 8094

Veterans Affairs Department
NOTICES
Agency information collection activities under OMB review, 8096

Separate Parts In This Issue

Part II
Environmental Protection Agency, 8102

Part III
Environmental Protection Agency, 8136

Part IV
Environmental Protection Agency, 8172

Part V
Housing and Urban Development Department, 8186

Part VI
Agriculture Department, Agricultural Marketing Service, 8194

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

CFR PAR
A cumulativ
Reader Aid
7 CFR
318
907
908
915
1209
Proposed R
1139
12 CFR
208
225
Proposed R
208
225
14 CFR
39 (2 docur
16 CFR
Proposed R
Ch. II (4 do
17 CFR
270
18 CFR
154
385
24 CFR
770
882
889
890
941
Proposed R
770
882
889
890
941
26 CFR
1 (5 docum
602 (2 docu
Proposed R
1 (5 docum
52
30 CFR
Proposed R
14
18
75
40 CFR
82
232
233
Proposed R
144
191
194
260
261
262
264
265
268
270
273
46 CFR
586
47 CFR
76

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
318....7953
907....7964
908....7964
915....7972
1209....8194
Proposed Rules:
1139....7996
12 CFR
208....7973
225....7973
Proposed Rules:
208....8007
225....8007
14 CFR
39 (2 documents)....7982, 7983
16 CFR
Proposed Rules:
Ch. II (4 documents)....8013–8023
17 CFR
270....7984
18 CFR
154....7985
385....7985
24 CFR
770....8186
882....8186
889....8186
890....8186
941....8186
Proposed Rules:
770....8187
882....8187
889....8187
890....8187
941....8187
26 CFR
1 (5 documents)....7987, 7988, 8098
602 (2 documents)....7987, 7988
Proposed Rules:
1 (5 documents)....8027, 8096
52....8099
30 CFR
Proposed Rules:
14....8028
18....8028
75....8028
40 CFR
82....8136
232....8172
233....8172
Proposed Rules:
144....8028
191....8028
194....8029
260....8102
261....8102
262....8102
264....8102
265....8102
268....8102
270....8102
273....8102
46 CFR
586....7988
47 CFR
76....7990
49 CFR
99....7993
Proposed Rules:
1039....8030
50 CFR
Proposed Rules:
17....8032

VOL
58
ISS
27
FE
11
1993
UMI

Rules

This section
contains reg
applicability
are keyed to
Federal Reg
50 titles purs

The Code o
the Superint
new books a
REGISTER

DEPARTM

Animal an
Service

7 CFR Part

[Docket No.

Fruits and
Puerto Ric

AGENCY: A
Inspection

ACTION: Fi

SUMMARY:
vegetables
and the Vi
States that
movement
continenta
certain co
United Sta
destination
This amen
shippers in
Virgin Isla
foreign des
significantl
introducin
into the co

EFFECTIVE D

FOR FURTHE
Mr. Peter G
Officer, Per
PPQ, APHI
Building, 6
Hyattsville

SUPPLEMEN

Backgroun

The regu
among othe
Puerto Ric
the United
the Virgin I
of dangerou
infestations
prevalent o
throughout

Rules and Regulations

Federal Register
Vol. 58, No. 27
Thursday, February 11, 1993

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 318

[Docket No. 91-094-2]

Fruits and Vegetables From Hawaii, Puerto Rico, and the Virgin Islands

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are allowing fruits and vegetables from Hawaii, Puerto Rico, and the Virgin Islands of the United States that are otherwise prohibited movement into or through the continental United States to transit a certain corridor of the continental United States en route to a foreign destination if certain safeguards are met. This amendment provides growers and shippers in Hawaii, Puerto Rico, and the Virgin Islands additional cargo routes to foreign destinations, without significantly increasing the risk of introducing plant diseases and pests into the continental United States.

EFFECTIVE DATE: February 5, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Grosser, Senior Operations Officer, Permit Unit, Port Operations, PPQ, APHIS, USDA, room 632, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8645.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR part 318, among other things, quarantine Hawaii, Puerto Rico, and the Virgin Islands of the United States (referred to below as the Virgin Islands) to prevent the spread of dangerous plant diseases and insects infestations that are not widely prevalent or distributed within and throughout the United States. The two subparts we are amending are "Hawaiian Fruits and Vegetables" (7 CFR 318.13 *et seq.*) and "Fruits and Vegetables from Puerto Rico or Virgin Islands" (7 CFR 318.58 *et seq.*) We refer to these regulations, respectively, as the Hawaii regulations and the Puerto Rico-Virgin Islands regulations.

The Hawaii regulations govern the movement of raw and unprocessed fruits and vegetables, cut flowers, rice straw, mango seeds, and cactus plants and cactus parts, from Hawaii into or through the continental United States, Guam, Puerto Rico, and the Virgin Islands. The Puerto Rico-Virgin Islands regulations govern the movement of raw and unprocessed fruits and vegetables from Puerto Rico and the Virgin Islands into or through Guam, Hawaii, and the continental United States. The Puerto Rico-Virgin Islands regulations also govern the movement of cactus plants and parts of cactus plants from the Virgin Islands into or through Guam, Puerto Rico, and the continental United States.

Of the articles governed by the Hawaii regulations and the Puerto Rico-Virgin Islands regulations, some are absolutely prohibited movement into the continental United States. Others are prohibited such movement if they fail to meet certain qualifying criteria. Before the effective date of this final rule, the prohibition on movement into the continental United States included a ban on movement through the continental United States in transit to another country.

On July 14, 1992, we published in the **Federal Register** (57 FR 31130-31142, Docket No. 91-094) a proposal to allow fruits and vegetables from Hawaii, Puerto Rico, and the Virgin Islands that are otherwise prohibited movement into or through the continental United States to transit a certain corridor of the continental United States en route to a foreign destination if certain safeguards are met.

Comments Received

Comments on the proposed rule were required to be received by the Animal and Plant Health Inspection Service (APHIS) on or before August 13, 1992. We received 11 comments by that date. The comments were from State departments of agriculture, agricultural associations, local governments, and other members of the public.

Four of the commenters supported the proposal as written. One commenter opposed the proposal, based on specified concerns. The remainder of the commenters supported the proposal but recommended certain changes. We discuss below each of the issues raised by the commenters.

One commenter expressed concern about whether APHIS would have sufficient personnel to carry out both the supervision required under the proposed rule and other essential duties. We are making no changes based on this comment. The proposal as written clearly provides that issuance of a transit permit for shipments through the continental United States under the proposed provisions is contingent on the availability of APHIS personnel at the port of arrival, port of export, any locations at which transloading of the cargo will take place, and, in the case of air shipments, any interim stop in the continental United States.

One commenter expressed concern that the safeguards in the proposal against unauthorized diversion of shipments that are transiting the United States might not be adequate to prevent such diversion. We disagree that the safeguards included in the proposal would be inadequate to prevent diversion. We consider the requirements (1) That the shipment move to APHIS-staffed ports within a designated corridor; (2) that APHIS be notified of the estimated time necessary to accomplish exportation; (3) that copies of the limited permit accompanying the shipment be presented at the port of entry, transloading port (if any), and port of exit; and (4) that the movement of the shipment be by the most direct route to its final destination to be adequate to guard against diversion.

The proposed rule stated that transportation of articles through the continental United States under the proposed provisions would have to be by the most direct route to the final destination of the shipment in the country to which it is exported, as determined by APHIS based on commercial shipping routes and timetables and set forth in the transit permit. In our background information to the proposed rule, we explained that the most direct route to the final destination might not include the shortest route through the United States. As an example, we stated that it would

VOL
58
ISS
27
FE
11
1993
UMI

be possible that a shipment that enters the United States at an east coast port for ultimate shipment to western Canada could move to that destination more directly across the United States to its west coast, then to western Canada, than it could by moving from the east coast port to eastern Canada, then across Canada.

One commenter expressed concern with our interpretation that the most direct route to the final destination of the shipment in the country to which it is exported might not always include the shortest route through the United States. The commenter stated that this policy was more liberal than that for shipments transiting the continental United States from foreign sources, which requires movement from the United States in the "shortest practicable interval of time." We are making no changes based on this comment. We consider requiring movement by the most direct route and requiring movement in the shortest practicable time to be equivalent with regard to what is achieved. While we acknowledge that there would sometimes be less risk involved in requiring shipments to take the shortest route out of the United States than in allowing them to move by the shortest practicable route to their final destination, the difference in the risks involved is minimal. We consider the provision as proposed, combined with the other safeguards in the proposal—particularly the restriction of movement to a specified corridor—to be sufficient to minimize pest risk.

One commenter stated that the proposed provisions would place the United States in what the commenter called "double jeopardy" by allowing prohibited material that transited the continental United States under the proposed regulations, and that was rejected by the destination foreign country, to transit the United States again under 7 CFR part 352, which allows articles otherwise prohibited importation from foreign countries to transit the United States for export under certain conditions. We are making no changes based on this comment. Shipments that are returned from the destination country and that are shipped through the United States under 7 CFR part 352 will be handled as foreign cargo, and as such will be subject to the safeguards set forth in 7 CFR part 352. APHIS is under no obligation to accept returned cargo that does not meet the requirements of 7 CFR part 352.

The provisions in the proposal regarding shipments by sea state that such shipments must remain in the original sealed container during the transiting, except under extenuating circumstances and when authorized by an inspector. The definition is the proposal of "sealed container" read, in part; "A completely enclosed container designed for the storage and/or transportation of commercial air, sea, rail, or truck cargo, and constructed of metal or fiberglass, or other similarly sturdy and impenetrable material, providing an enclosure accessed through doors that are closed and secured with a lock or seal."

One commenter stated that this definition, combined with the requirement that shipments by sea remain in their original container while transiting, would create problems for certain shipments by sea. The commenter stated that the major ocean transportation companies use their own containers on their ships and do not release their containers when they reach their ports of destination. According to the commenter, the normal operating practice is to open the containers and transfer the cargo to trucks or other modes of transportation.

We are making no changes based on this comment. The proposed regulation was developed in response to numerous requests for industry representatives, who indicated that closed-container shipping throughout the transit process would be acceptable. While we acknowledge it might be more convenient for certain shipping companies to transload from containers, our research indicates that the bulk of containerized sea cargo can remain within the original container until it reaches its foreign destination.

One commenter stated that the proposal failed to define whether a sealable container would be permitted to have airholes for ventilation. The definition of "sealed (sealable) container" states that the container must be "completely enclosed" and be made of an "impenetrable material." We believe this wording makes it clear that the container may not have airholes.

One commenter asked whether the smaller packages in air shipments would be required to be completely enclosed to qualify for transloading. One commenter recommended that it be required that these containers be taped shut. We did not intend that the smallest units used for shipment would have to be completely enclosed to qualify for transloading. Such tight packing is often detrimental to the quality of fruits and vegetables. Because of the relatively short time normally taken to transload air shipments, and because of the other safeguards regarding transloading of such shipments in this rule, we do not consider it necessary to require that the smallest units in air shipments be completely enclosed.

Several commenters suggested that the definition of "sealed container" be revised to include a sealed shipping carton or box. We are not making the change recommended by the commenters. In recent years, we have reviewed a variety of possible shipping boxes. While many of these appear to offer an attractive alternative to sealed containers as set forth in the proposal–which essentially are relatively large shipping containers containing smaller containers—they have not yet been proven to offer the security of the sealed containers described in the proposal. However, we will continue to review this issue and will take whatever action is appropriate in the future.

One commenter expressed concern that some shippers might not be deterred by existing penalties from violating the new transiting provisions. We are making no changes based on this comment. In addition to being subject to the assessment of civil penalties, or being subject to criminal prosecution, persons violating the regulations may have their transit permit and limited permits withdrawn. Further, transit permits, which are required for shipments under the new transiting provision, will not be issued if, during the 12 months prior to receipt by APHIS of the application for the transit permit, the applicant has had such a permit withdrawn, unless it was reinstated on appeal. We consider these additional deterrents to potential violators.

One commenter expressed concern that the proposed regulations contained no requirement that each of the smallest units containing fruits and vegetables for transit through the continental United States be marked in such a way that they could be traced if they were smuggled back into the United States or illegally diverted. We disagree with this interpretation of the proposed regulations. Among other information, each of the smallest units must have a printed label that is marked with the transit permit number.

The proposal included the requirement that each of the smallest containers used for in-transit shipments be marked to read "Distribution in the United States is Prohibited." One commenter recommended that, because the shipments will have originated in the United States, the marking should read instead "Distribution in the Continental United States is Prohibited." Marking the containers as the commenter suggested would not address the need to keep certain articles

from being moved from one "non-continental" United States locality to another. Certain plant pests exist in some of these localities but not others. Therefore, we are making no changes based on the comment.

One commenter stated that the air cargo containers he has used are neither sealable nor lockable in the sense that they generally don't have hinged metal doors that can be locked and sealed securely. Because of this, the commenter recommended that shipments by air container be prohibited. We are making no changes based on this comment. Our experience enforcing the current Hawaii and Puerto Rico-Virgin Islands regulations indicates that the type of sealed containers required by this rule are commonly used for air shipments.

One commenter stated that transloading of fruits and vegetables in the United States from an air container would create an unacceptable pest risk, and that, therefore, air container shipments should be prohibited. We do not agree that transloading of air shipments in accordance with the proposed regulations will create an unacceptable pest risk. The provisions in this rule contain a number of safeguards, including the restriction of movement through a specified corridor and specific transloading requirements for air shipments, that we consider adequate to minimize pest risk.

Several commenters inquired whether provision would be made for removal from the continental United States of ruined and abandoned shipments. We are making no changes based on these comments. In such cases, the Secretary of Agriculture has statutory authority to take action to prevent the spread of plant pests from the shipments.

The proposed rule included a requirement that the person in charge of or in possession of any means of conveyance or container returned to the United States without being reloaded after being used to export fruits and vegetables from the United States under the proposed provisions would have to ensure that the means of conveyance or container is free of materials prohibited importation into the United States under any of the regulations in 7 CFR chapter III. One commenter recommended that the regulations require instead that empty air containers be cleaned before being returned to the United States.

We are making no changes based on this comment. Our intent in wording the proposed provision as we did was to guard against the importation into the United States of materials that could lead to the spread of plant pests. We consider the wording as proposed adequate to meet that end. For the purposes of this rule, we are concerned that the means of conveyance and container be free of materials prohibited importation into the United States under the regulations in 7 CFR chapter III. If the means of conveyance or container contains material other than that prohibited by such regulations, it will not present a plant pest risk. We recognize, however, that in some cases cleaning the means of conveyance or container will be necessary to remove all prohibited materials.

One commenter was concerned about maintaining the quality of fruits and vegetables that would be shipped under the proposed provisions. The commenter expressed concern that shipping fruits and vegetables together in an enclosed container could concentrated ethylene gas generated by the commodity and cause some vegetables to change to an unmarketable color. The commenter also recommended that a minimum transit temperature be established for bananas, to ensure their quality.

We are making no changes based on this comment. The proposed regulation includes no provisions that would prohibit shippers from using standard industry practices to ensure shipment quality in these situations. Shippers may segregate articles as appropriate. Additionally, controlled atmosphere shipping is available for those wishing to minimize ripening due to ethylene gas release in transit. With regard to a minimum transit temperature for bananas, the industry is free to establish its own minimum, as long as the shipping temperature is 60° F. or lower. This maximum temperature is well within the acceptable range for bananas.

One commenter stated that, because the proposed regulations deal with perishable commodities, APHIS should adhere to a 7-day maximum time period for approving transit permits and, on weekdays, a 1-day maximum time period for approving limited permits. We are making no changes based on this comment. We consider the rule as written to be acccomodating to potential shippers. It does not require that applications for permits be submitted a specified minimum number of days prior to shipment. We make every effort to expedite all permit requests. In normal practice, the highest priority is given to perishable commodities.

One commenter stated that the potential of pest risk introduction has been demonstrated to be linked to volume and to frequency of movement, and noted that the proposed rule included no data or analysis regarding potential frequency of use of the new provisions, or potential total volume of commodities that might transit under the proposed regulations during any given period. We do not agree that the efficacy of the provisions in this rule will be contingent upon the volume and frequency of shipments made. We consider the safeguards included to be adequate to minimize pest risk in each situation. With regard to data on the total volume of potential shipments, we published in the proposal the data available to us. During the comment period on the proposal, we received no additional data from the public regarding these projections.

Notification in Case of Emergency

One commenter expressed concern that the proposed rule did not contain provisions requiring contingency plans for adequately handling potential accidents. It is impossible to anticipate and describe every contingency. However, APHIS personnel are trained to address the contingencies most often encountered in enforcement of the regulations. We agree, however, that the regulations should contain some provision for notification of APHIS personnel in case of an accident or other type of emergency. We are therefore adding at § 318.13–17(g) and § 318.58–12(g) the requirement that, in the case of an emergency such as an accident, a mechanical breakdown of the means of conveyance, or an unavoidable deviation from the prescribed route, the person in charge of the means of conveyance must, as soon as practicable, notify the APHIS office at the port where the cargo arrived in the continental United States. APHIS will then notify its office nearest the shipment.

Storage and Transloading of Cargo

Several commenters expressed concern that the regulations contained no requirement that cargo shipped by air under the proposed provisions be separated from other air cargo during transloading or storage. Although the proposal did contain the requirements that air shipments be transloaded only in the secure area of the airport, that transloading be done into sealable containers, and that air shipments stored while awaiting transloading be kept in a permanent building, and be completely surrounded by a fence or wall that is closed and either locked or guarded, the proposal contained no specific prohibition for isolation of such cargo during storage or transloading. (In contrast, the proposed rule required that, except for extenuating circumstances, sea shipments remain in

VOL
58
ISS
27
FE
11
1993
UMI

the originally sealed containers during storage and transloading. This requirement is retained in this final rule.)

We agree that, in certain storage situations, the lack of isolation of air shipments could create an unacceptable increase in the risk of plant pest spread. Therefore, we are providing in § 318.13–17(j) and § 318.58–12(j) of this final rule that, while in storage, all shipments, including air shipments, must remain in a sealed container. Keeping the cargo in a sealed container will minimize pest risk.

Because the air shipments will have to remain in sealed containers while in storage, it will no longer be necessary or practicable to require, as was set forth in the proposed rule, that air cargo held for storage be kept in a permanent building and be completely surrounded by a fence or wall that is closed and either locked or guarded. In many cases, buildings at airports are not configured to accommodate the types of sealed containers that will be used under this rule. However, keeping the air cargo in sealed containers while in storage will ensure that the cargo is not commingled with other cargo, in light of the requirement in §§ 318.13–17(d) and 318.58–12(d) that fruits and vegetables shipped into or through the continental United States in accordance with §§ 318.13–17 and 318.58–12 not be commingled in the same sealed container with articles that are intended for entry and distribution in the continental United States. We are therefore removing the requirement set forth in paragraph (h)(1)(iii) of both § 318.13–17 and § 318.58–12 of the proposal that the area used for any storage of air shipments be within a permanent building and that the cargo be completely surrounded by a fence or wall that is closed and locked or guarded.

We are retaining, however, the requirement proposed in paragraph (i) of both § 318.13–17 and § 318.58–12 (redesignated as paragraph (j) in this final rule) that areas in the continental United States where fruits and vegetables moved under this rule are stored be either locked or guarded at all times the fruits and vegetables are present. This requirement is necessary to keep unauthorized members of the public from tampering with the cargo. Now that we are not requiring that air cargo be stored within a building, the most effective practicable means of guarding against unauthorized handling of the cargo at an airport during storage is to require that it be stored within the secure area of the airport. We are therefore revising paragraph (h)(1)(iii) of both § 318.13–17 and § 318.58–12 (redesignated as paragraph (i)(1)(iii) in this final rule) to include this requirement.

We are not adding specific provisions prohibiting the commingling of air cargo shipped under this rule with other cargo during the transloading process. Based on our experience enforcing the current Hawaii and Puerto Rico-Virgin Islands regulations, standard industry practice will be to keep cargo from different shipments separate. In those cases where the cargo is placed in the same area as other cargo, the relatively short time necessary for transloading, along with the other safeguards prescribed in this rule, will minimize the risk of pest transfer.

Sections 318.13–17(j) and 318.58–12(j) of the proposal (redesignated as §§ 318.13–17(k) and 318.58–12(k), respectively, in this final rule) provided that, except for time spent on aircraft, and except for up to 24 hours for transloading, fruits and vegetables moved into or through the continental United States under the proposed provisions would, from the time they leave Hawaii, Puerto Rico, or the Virgin Islands, have to be kept in sealed containers, or the sealed containers be kept in facilities, in which the temperature is 60° F or lower. We explained in the proposed rule that the risk of any plant pests that might be present in the shipment maturing or propagating is reduced by chilling the cargo. Additionally, we explained that chilling the cargo generally retards the ripening of fruits and vegetables, and that ripened fruits and vegetables are more attractive to pests and more conducive to propagation of pests.

However, the requirement that we are adding in this final rule that shipments remain in sealed containers while being stored, discussed above, will make it impracticable in many cases for cooling to be carried out during storage. In most cases, air shipment containers are not self-cooled, and, as indicated above, airports generally do not have the capability to house air containers in cooled buildings. However, unchilled air shipments, which by their nature are of much shorter duration than sea shipments, do not present the same risk of pest propagation or ripening of cargo that unchilled sea shipments do. Additionally, now that we are requiring storage in sealed containers, the risk of pest spread during storage of air shipments is minimized. Therefore, we are providing in §§ 318.13–17(k) and 318.58–12(k) of this rule that refrigeration is not required during transloading and storage of air shipments.

One commenter expressed concern regarding the proposed provision allowing even up to 24 hours without refrigeration for transloading of air shipments in the continental United States. The commenter stated that such a 24-hour period, in addition to time spent without refrigeration on an aircraft, would create an unacceptable risk of third instar fruit fly larvae exiting infested fruit and beginning to pupate. The commenter also expressed concern that the proposed provisions contained no minimum pulp temperature for produce at origin prior to shipping by air.

As discussed above, we are eliminating the requirement for refrigeration during the storage and transloading of air shipments. As noted above, we agree that refrigeration helps retard the ripening process, and that ripened fruits and vegetables are more attractive to pests and more conducive to the reproduction of pests. However, also as noted above, shipments by air, including time spent in storage, are generally of a relatively short duration, and refrigeration during these shipments will not significantly reduce plant pest risk. Additionally, this rule includes safeguards—i.e., transloading only under APHIS supervision, transloading and shipment only in a specified corridor, storage in sealed containers—to minimize the risk of pest introduction or spread from air shipments. Also, as a matter of standard industry practice, commercial shipments of produce are normally harvested and packed for maximum shelf-life, so that premature ripening is further minimized.

We intended the 24-hour limitation in proposed §§ 318.13–17(j) and 318.58–12(j) to be the maximum amount of time allowed for transloading of air shipments without refrigeration. However, the proposed regulations inadvertently made it appear that non-refrigeration for 24 hours for transloading applied to shipments other than by air. This was not our intent and we are now clarifying this in the final regulation. Based on our experience enforcing the regulations, however, standard industry practice is to transload air shipments in a relatively short period of time. Therefore, in clarifying the 24-hour limitation on non-refrigeration, we are not altering the intent of the proposal with regard to the amount of time permitted for transloading.

Comments Outside the Scope of the Proposal

Several commenters addressed issues outside the scope of the proposal.

Although we are taking no action based on these comments at this time, we have reviewed each of them and will consider them in determining what action, if any, is appropriate in the future.

Language To Be Used

We are also making several changes to the regulations as proposed to clarify our intent as to the language to be used for certain information. In § 318.13–17(a)(1)(i) and § 318.58–12(a)(1)(i) of the proposed rule, we stated that an application for a transit permit would have to include the specific types of fruits and vegetables to be shipped. In order to facilitate processing of the application, it was our intent that the applicant use either the English names or the scientific names for the fruits and vegetables. We are therefore including language in this rule to clarify this intent.

We are making the same type of change in §§ 318.13–17(b) and 318.58–12(b) regarding the listing of fruits and vegetables on manifests, waybills, or bills of lading, and also in §§ 318.13–17(c) and 318.58–12(c) regarding the listing of fruits and vegetables on labels to be placed on the smallest units of the shipments. Additionally, we are requiring that the statement of the origin of the shipment that is required to be included on the labels be in English, as well as the required statement of prohibition against distribution of the shipment in the United States.

Sealed Containers

The definition of "sealed (sealable) container" as proposed in both the Hawaii and the Puerto Rico and Virgin Islands regulations contained an apparent contradiction. The definition included the following statement: "Sealed (sealable) containers used for air shipments are distinct and separable from the means of conveyance carrying them when arriving in and in transit through the continental United States. Sealed (sealable) containers used for air shipments after transloading in the continental United States or for overland shipments in the continental United States may either be distinct and separable from the means of conveyance carrying them, or be the means of conveyance itself."

The wording in the two sentences cited makes it unclear whether containers used for air shipments that transit the United States must be distinct and separable from the means of conveyance carrying them, or whether they can be the means of conveyance itself. Our intent in the definition of "sealed (sealable) containers" was that, *before* any transloading, including any time before such transloading that the container spends transiting the continental United States, sealed containers used for air shipments must be distinct and separable from the means of conveyance carrying them, but that after transloading, the containers could either be distinct and separable from the means of conveyance or be the means of conveyance itself. As we stated in the proposed rule, shipping air cargo arriving in the continental United States under this rule in containers distinct and separable from the aircraft would be necessary for the cargo to be segregated from other cargo that might be offloaded in the continental United States. Therefore, in this rule we are wording the definition of "sealed (sealable) container" to reflect our intent.

Miscellaneous

Sections 318.13–1 and 318.58–1 contain definitions of terms used in the Hawaii regulations, and in the Puerto Rico/Virgin Islands regulations, respectively. In § 318.13–1 of the proposed rule, the definition of "sealed (sealable) container" stated that such a container provides an enclosure that is "accessed through doors that are closed and secured with a lock or seal." The definition of sealed container in § 318.58–1 was identical to that in § 318.13–1, except that it stated that the container provides an enclosure that is "accessed through doors that can be closed and secured with a lock or seal." This difference between the two definitions was inadvertent. It was our intent that both definitions state that the doors *are* closed and secured with a lock or seal. Therefore, we are wording § 318.58–1 accordingly.

Based on the reasons set forth in the proposal and in this document, we are adopting the provisions of the proposed rule as a final rule, with the changes discussed in this document and with nonsubstantive changes to amend paragraph designations and to set forth consistent cross-references within the rule.

Effective Date

Mr. Robert Melland, Administrator of the Animal and Plant Health Inspection Service, has determined that this rulemaking proceeding should be expedited by making this rule effective upon signature. This rule removes a prohibition on the importation into the continental United States of certain fruits and vegetables from Hawaii, Puerto Rico, and the Virgin Islands, provided the articles transit the continental United States on their way to a foreign destination, and provided certain safeguards are met. This rule will open up additional trade routes for certain products currently not eligible to transit the continental United States. It will benefit growers in Hawaii, Puerto Rico, and the Virgin Islands, as well as shipping lines, airlines, and transport companies.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In accordance with 5 U.S.C. 604, we have performed a Final Regulatory Flexibility Analysis, set forth in the following paragraphs, regarding the impact of this rule on small entities.

In accordance with 7 U.S.C. 162, the Secretary of Agriculture is authorized to promulgate regulations governing the interstate movement of plants and plant products from a State or territory of the United States that is quarantined to prevent the spread of a dangerous plant disease or insect infestation new to or not widely prevalent or distributed within or throughout the United States. We are allowing the movement into and through the continental United States of fruits and vegetables from Hawaii, Puerto Rico, and the Virgin Islands that would otherwise be prohibited such movement. This movement will have to be carried out under restrictions that are necessary to prevent the spread of dangerous plant diseases and insect infestations. This amendment to the regulations provides additional cargo routes to shippers in Hawaii, Puerto Rico, and the Virgin Islands, without significantly increasing the introduction of plant diseases and pests into the continental United States.

This rule primarily benefits growers and shipping businesses in Hawaii, Puerto Rico, and the Virgin Islands. Current regulations allow prohibited fruits and vegetables from foreign sources to be shipped, under certain conditions, through the United States in

transit to a third country. However, prior to the effective date of this rule, these same types of routes were closed to fruits and vegetables from Hawaii, Puerto Rico, and the Virgin Islands prohibited movement into the continental United States. Currently, cargo connections are such that very limited direct flights or shipping routes exist between the locations in question and Europe and Canada. The provisions in this rule provide growers and shippers in Hawaii, Puerto Rico, and the Virgin Island access to cargo routes similar to those available to foreign growers and shippers.

Puerto Rican growers/shippers have indicated that Canada represents a significant potential market for their vegetable crops. Similarly, both Canada and Europe are potential markets for Hawaiian produce, particularly fruits. However, the current lack of economical shipping routes outside the continental United States makes shipment of certain fruits and vegetables to these destinations cost-prohibitive. The amount of produce that might transit the continental United States under these regulations is unknown. Most of the requests to APHIS have been from growers/shippers of major crops such as pineapples and papayas from Hawaii. It is anticipated that a market for other nontraditional and exotic crops will develop as regulations are relaxed.

We considered two alternatives to this rule. The first was to defer any regulatory action in anticipation of the development of more direct shipping and air cargo routes between the locations in question and Canada and Europe that would bypass the continental United States. If and when these routes were established, we would reexamine the need to allow otherwise prohibited materials to transit the continental United States. This alternative was ruled out because we believe the low risk of pest introduction from the proposed regulations does not warrant the length of time that is likely to be involved before more accessible cargo routes could be in operation. We also considered proposing no changes at any time to the regulations. In light of the low risk of pest and disease introduction under the proposed regulations, this option was deemed unduly restrictive.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This rule allows fruits and vegetables from Hawaii, Puerto Rico, and the Virgin Islands of the United States that are otherwise prohibited movement into or through the continental United States to transit a certain corridor of the continental United States en route to a foreign destination if certain safeguards are met. All State and local laws regarding such fruits and vegetables are preempted. No retroactive effect is to be given to this rule. This rule requires administrative proceedings before parties may file suit in court with regard to the withdrawal of transit permits and limited permits as provided in §§ 318.13–16 and 318.58–16. Thus, the administrative remedies set forth in §§ 318.13–16 and 318.58–16 must be exhausted before parties may file suit in court.

Paperwork Reduction Act

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the information collection provisions that are included in this rule have been submitted for approval to the Office of Management and Budget.

List of Subjects in 7 CFR Part 318

Cotton, Cottonseeds, Fruits, Guam, Hawaii, Plant diseases and pests, Puerto Rico, Quarantine, Transportation, Vegetables, Virgin Islands.

Accordingly, 7 CFR part 318 is amended as follows:

PART 318—HAWAIIAN AND TERRITORIAL QUARANTINE NOTICES

1. The authority citation for Part 318 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, 164a, 167; 7 CFR 2.17, 2.51, and 371.2(c).

2. Section 318.13–1 is amended by revising the definitions of *Inspector, Limited permit* and *Person*, and by adding the following definitions in alphabetical order to read as follows:

§ 318.13–1 Definitions.

* * * * *

Continental United States. The 48 contiguous States, Alaska, and the District of Columbia.

* * * * *

Inspector. An inspector of the Plant Protection and Quarantine Programs, United States Department of Agriculture.

Interstate. From any State into or through any other State.

Limited permit. A document issued by an inspector for the interstate movement of regulated articles to a specified destination for:

(1) Consumption, limited utilization or processing, or treatment, in conformity with a compliance agreement; or

(2) Movement into or through the continental United States in conformity with a transit permit.

* * * * *

Means of conveyance. For the purposes of § 318.13–17 of this subpart, "means of conveyance" shall mean a ship, truck, aircraft, or railcar.

* * * * *

Person. Any individual, corporation, company, society, association, or other organized group.

* * * * *

Sealed (sealable) container. A completely enclosed container designed for the storage and/or transportation of commercial air, sea, rail, or truck cargo, and constructed of metal or fiberglass, or other similarly sturdy and impenetrable material, providing an enclosure accessed through doors that are closed and secured with a lock or seal. Sealed (sealable) containers used for sea shipments are distinct and separable from the means of conveyance carrying them when arriving in and in transit through the continental United States. Sealed (sealable) containers used for air shipments are distinct and separable from the means of conveyance carrying them before any transloading in the continental United States. Sealed (sealable) containers used for air shipments after transloading in the continental United States or for overland shipments in the continental United States may either be distinct and separable from the means of conveyance carrying them, or be the means of conveyance itself.

State. Each of the 50 States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States, and all other territories and possessions of the United States.

Transit permit. A written authorization issued by the Administrator for the movement of fruits and vegetables en route to a foreign destination that are otherwise prohibited movement by this subpart into or through the continental United States. Transit permits authorize one or more shipments over a designated period of time.

Transloading. The transfer of cargo from one sealable container to another, from one means of conveyance to

VOL 58 ISS 27 FE 11 1993 UMI

another, or from a sealable container directly into a means of conveyance.

* * * * *

3. Section 318.13–3 is amended by redesignating paragraphs (c) and (d) as paragraphs (d) and (e), respectively, and by adding a new paragraph (c) to read as follows:

§ 318.13–3 Conditions of movement.

* * * * *

(c) *To a foreign destination after transiting the continental United States.* Fruits and vegetables from Hawaii otherwise prohibited movement from the State of Hawaii into or through the continental United States by this subpart may transit the continental United States en route to a foreign destination when moved in accordance with § 318.13–17 of this subpart.

* * * * *

4. Section 318.13–4 is amended by revising paragraph (c) to read as follows:

§ 318.13–4 Conditions governing the issuance of certificates or limited permits.

* * * * *

(c) *Limited permits.* (1) Limited permits may be issued by an inspector for the movement of noncertified regulated articles designated in § 318.13–3(b) of this subpart.

(2) Limited permits may be issued by an inspector for the movement of fruits and vegetables otherwise prohibited movement under this subpart, if the articles are to be moved in accordance with § 318.13–17 of this subpart.

* * * * *

5. Section 318.13–6 is revised to read as follows:

§ 318.13–6 Container marking and identity.

Except as provided in § 318.13–17(c) of this subpart, shipments of regulated articles moved in accordance with this subpart must have the following information clearly marked on each container, or, for shipments of multiple containers or bulk products, on the waybill, manifest, or bill of lading accompanying the articles: Nature and quantity of contents; name and address of shipper, owner, or person shipping or forwarding the articles; name and address of consignee; shipper's identifying mark and number; and, the number of the certificate or limited permit authorizing movement, if one was issued.

§ 318.13–8 [Amended]

6. In § 318.13–8, in the first sentence, the words "the port of departure and/or the port of arrival." are removed, and the words "the port of departure, the port of arrival, and/or any other authorized port." are added in their place.

§ 318.13–10 [Amended]

7. In § 318.13–10, at the end of paragraph (f)(1), the reference "§ 318.13–3(d)" is removed and "§ 318.13–3(e)" is added in its place; and paragraph (f)(2) introductory text is revised and a new paragraph (f)(3) is added to read as follows:

§ 318.13–10 Inspection of baggage, other personal effects, and cargo.

* * * * *

(f) * * *

(2) Cargo designated in paragraph (f)(1) of this section may be loaded without a USDA stamp or USDA inspection sticker, and without a certificate attached to the cargo or a limited permit attached to the cargo if the cargo is moved:

* * * * *

(3) Cargo moved in accordance with § 318.13–17 of this subpart that does not have a limited permit attached to the cargo must have a limited permit attached to the waybill, manifest, or bill of lading accompanying the shipment.

* * * * *

§ 318.13–16 [Amended]

8. In § 318.13–16, the heading is amended by adding "transit permits," immediately after "certificates,".

9. Section 318.13–16 is amended by adding "transmit permit," immediately after "certificate;" in the first sentence and in the third sentence.

10. In § 318.13–16, the fourth sentence is amended by removing the words "certificate or limited permit" and adding in their place the words "certificate, transit permit, or limited permit".

11. A new § 318.13–17 is added to read as follows:

§ 318.13–17 Transit of fruits and vegetables from Hawaii into or through the continental United States.

Fruits and vegetables from Hawaii otherwise prohibited movement from the State of Hawaii into or through the continental United States by this subpart may transit the continental United States en route to a foreign destination when moved in accordance with this section and any other applicable provisions of this subpart. Any additional restrictions on such movement that would otherwise be imposed by part 301 of this chapter and §§ 318.30 and 318.30a of this part shall not apply.

(a) *Transit permit.* (1) A transit permit is required for the arrival, unloading, and movement into or through the continental United States of fruits and vegetables otherwise prohibited by this subpart from being moved into or through the continental United States from Hawaii. Application for a transit permit must be made in writing.[*] The transit permit application must include the following information:

(i) The specific types of fruits and vegetables to be shipped (only scientific or English names are acceptable);

(ii) The means of conveyance to be used to transport the fruits and vegetables into or through the continental United States;

(iii) The port of arrival in the continental United States, and the location of any subsequent stop;

(iv) The location of, and the time needed for, any storage in the continental United States;

(v) Any location in the continental United States where the fruits and vegetables are to be transloaded;

(vi) The means of conveyance to be used for transporting the fruits and vegetables from the port of arrival in the continental United States to the port of export;

(vii) The estimated time necessary to accomplish exportation, from arrival at the port of arrival in the continental United States to exit at the port of export;

(viii) The port of export; and

(ix) The name and address of the applicant and, if the applicant's address is not within the territorial limits of the United States, the name and address in the United States of an agent whom the applicant names for acceptance of service of process.

(2) A transit permit will be issued only if the following conditions are met:

(i) APHIS inspectors are available at the port of arrival, port of export, and any locations at which transloading of cargo will take place, and, in the case of air shipments, at any interim stop in the continental United States, as indicated on the application for the transit permit;

(ii) The application indicates that the proposed movement would comply with the provisions in this section applicable to the transit permit; and

(iii) During the 12 months prior to receipt of the application by APHIS, the applicant has not had a transit permit withdrawn under § 318.13–16 of this subpart, unless the transit permit has been reinstated upon appeal.

(b) *Limited permit.* Fruits and vegetables shipped from Hawaii into or

[*] Applications for transit permits should be submitted to the Administrator, c/o Permit Unit, Port Operations, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

through the continental United States under this section must be accompanied by a limited permit, a copy of which must be presented to an inspector at the port of arrival and the port of export in the continental United States, and at any other location in the continental United States where an air shipment is authorized to stop or where overland shipments change means of conveyance. An inspector will issue a limited permit if the following conditions are met:

(1) The inspector determines that the specific type and quantity of the fruits and vegetables being shipped are accurately described by accompanying documentation, such as the accompanying manifest, waybill, and bill of lading. (Only scientific or English names are acceptable.) The fruits and vegetables shall be assembled at whatever point and in whatever manner the inspector designates as necessary to comply with the requirements of this section; and

(2) The inspector establishes that the shipment of fruits and vegetables has been prepared in compliance with the provisions of this section.

(c) *Making requirements.* Each of the smallest units, including each of the smallest bags, crates, or cartons, containing fruits and vegetables for transit into or through the continental United States under this section must be conspicuously marked, prior to the locking and sealing of the container in Hawaii, with a printed label that includes a description of the specific type and quantity of the fruits and vegetables (only scientific or English names are acceptable), the transit permit number under which the fruits and vegetables are to be shipped, and, in English, the fact that they were grown in Hawaii and the statement "Distribution in the United States is Prohibited."

(d) *Handling of fruits and vegetables.* Fruits and vegetables shipped into or through the continental United States from Hawaii in accordance with this section may not be commingled in the same sealed container with articles that are intended for entry and distribution in the continental United States. The fruits and vegetables must be kept in sealed containers from the time the limited permit required by paragraph (b) of this section is issued, until the fruits and vegetables exit the continental United States, except as otherwise provided in the regulations in this section. Transloading must be carried out in accordance with the requirements of paragraphs (a), (h), and (i) of this section.

(e) *Area of movement.* The port of arrival, the port of export, ports for air stops, and overland movement within the continental United States of fruits and vegetables shipped under this section is limited to a corridor that includes all States of the continental United States except Alabama, Arizona, California, Florida, Georgia, Kentucky, Louisiana, Mississippi, Nevada, New Mexico, North Carolina, South Carolina, Tennessee, Texas, and Virginia, except that movement is allowed through Dallas/Fort Worth, Texas, as an authorized stop for air cargo, or as a transloading location for shipments that arrive by air but that are subsequently transloaded into trucks for overland movement from Dallas/Fort Worth into the designated corridor by the shortest route. Movement through the continental United States must begin and end at locations staffed by APHIS inspectors.[10]

(f) *Movement of fruits and vegetables.* Transportation through the continental United States shall be by the most direct route to the final destination of the shipment in the country to which it is exported, as determined by APHIS based on commercial shipping routes and timetables and set forth in the transit permit. No change in the quantity of the original shipment from that described in the limited permit is allowed. No remaking is allowed. No diversion or delay of the shipment from the itinerary described in the transit permit and limited permit is allowed unless authorized by an APHIS inspector upon determination by the inspector that the change will not significantly increase the risk of plant pests or diseases in the United States, and unless each port to which the shipment is diverted is staffed by APHIS inspectors.

(g) *Notification in case of emergency.* In the case of an emergency such as an accident, a mechanical breakdown of the means of conveyance, or an unavoidable deviation from the prescribed route, the person in charge of the means of conveyance must, as soon as practicable, notify the APHIS office at the port where the cargo arrived in the continental United States.

(h) *Shipments by sea.* Except as authorized by this paragraph, shipments arriving in the continental United States by sea from Hawaii may be transloaded once from a ship to another ship or, alternatively, once to a truck or railcar at the port of arrival and once from a truck or railcar to a ship at the port of export, and must remain in the origine' sealed container, except under extenuating circumstances and when authorized by an inspector upon determination by the inspector that the transloading would not significantly increase the risk of the introduction of plant pests or diseases into the continental United States, and provided that APHIS inspectors are available to provide supervision. No other transloading of the shipment is allowed, except under extenuating circumstances (e.g., equipment breakdown) and when authorized by an inspector upon determination by the inspector that the transloading would not significantly increase the risk of the introduction of plant pests or diseases into the continental United States, and provided that APHIS inspectors are available to provide supervision.

(i) *Shipments by air.* (1) Shipments arriving in the continental United States by air from Hawaii may be transloaded only once in the continental United States. Transloading of air shipments must be carried out in the presence of an APHIS inspector. Shipments arriving by air that are transloaded may be transloaded either into another aircraft or into a truck trailer for export by the most direct route to the final destination of the shipment through the designated corridor set forth in paragraph (e) of this section. This may be done at either the port of arrival in the United States or at the second air stop within the designated corridor, as authorized in the transmit permit and as provided in paragraph (i)(2) of this section. No other transloading of the shipment is allowed, except under extenuating circumstances (e.g., equipment breakdown) and when authorized by an APHIS inspector upon determination by the inspector that the transloading would not significantly increase the risk of the introduction of plant pests or diseases into the continental United States, and provided that APHIS inspectors are available to provide supervision. Transloading of air shipments will be authorized only if the following conditions are met:

(i) The transloading is done into sealable containers;

(ii) The transloading is carried out within the secure area of the airport—*i.e.*, that area of the airport that is open only to personnel authorized by the airport security authorities;

(iii) The area used for any storage is within the secure area of the airport; and

(iv) APHIS inspectors are available to provide the supervision required by paragraph (i)(1) of this section.

(2) Except as authorized by paragraph (f) of this section, shipments that

[10] For a list of ports staffed by APHIS inspectors, contact the Administrator, c/o Permit Unit, Port Operations, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

continue by air from the port of arrival in the continental United States may be authorized by APHIS for only one additional stop in the continental United States, provided the second stop is within the designated corridor set forth in paragraph (e) of this section and is staffed by APHIS inspectors. As an alternative to transloading a shipment arriving in the United States into another aircraft, shipments that arrive by air may be transloaded into a truck trailer for export by the most direct route to the final destination of the shipment through the designated corridor set forth in paragraph (e) of this section. This may be done at either the port of arrival in the United States or at the second authorized air stop within the designated corridor. No other transloading of the shipment is allowed, except under extenuating circumstances (e.g., equipment breakdown) and when authorized by an APHIS inspector upon determination by the inspector that the transloading would not significantly increase the risk of the introduction of plant pests or diseases into the continental United States, and provided that APHIS inspectors are available to provide supervision.

(j) *Duration and location of storage.* Any storage in the continental United States of fruits and vegetables shipped under this section must be for a duration and in a location authorized in the transit permit required by paragraph (a) of this section. Areas where such fruits and vegetables are stored must be either locked or guarded at all times the fruits and vegetables are present. Cargo shipped under this section must be kept in a sealed container while stored in the continental United States.

(k) *Temperature requirement.* Except for time spent on aircraft and except during storage and transloading of air shipments, the temperature in the sealed containers containing fruits and vegetables moved under this section must be 60° F or lower from the time the fruits and vegetables leave Hawaii until they exit the continental United States.

(l) *Prohibited materials.* (1) The person in charge of or in possession of a sealed container used for movement into or through the continental United States under this section must ensure that the sealed container is carrying only those fruits and vegetables authorized by the transit permit required under paragraph (a) of this section; and

(2) The person in charge of or in possession of any means of conveyance or container returned to the United States without being reloaded after being used to export fruits and vegetables from the United States under this section must ensure that the means of conveyance or container is free of materials prohibited importation into the United States under this chapter.

(m) Authorization by APHIS of the movement of fruits and vegetables into or through the continental United States under this section does not imply that the fruits and vegetables are enterable into the destination country. Shipments returned to the United States from the destination country shall be subject to all applicable regulations, including "Subpart—Fruits and Vegetables" of part 319 of this chapter, and part 352 of this chapter.

(n) Any restrictions and requirements with respect to the arrival, temporary stay, unloading, transloading, transiting, exportation, or other movement or possession in the United States of any fruits or vegetables under this section shall apply to any person who, respectively, brings into, maintains, unloads, transloads, transports, exports, or otherwise moves or possesses in the United States such fruits or vegetables, whether or not that person is the one who was required to have a transit permit or limited permit for the fruits or vegetables or is a subsequent custodian of the fruits or vegetables. Failure to comply with all applicable restrictions and requirements under this section by such a person shall be deemed to be a violation of this section.

§ 318.58 [Amended]

12. Section 318.58–1 is amended by removing the paragraph designations, placing the definitions in alphabetical order, and adding new definitions in alphabetical order to read as follows:

§ 318.58–1 Definitions.

Administrator. The Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture, or any other employee of the Animal and Plant Health Inspection Service authorized to act in the Administrator's stead.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS).

* * * * *

Continental United States. The 48 contiguous States, Alaska, and the District of Columbia.

* * * * *

Interstate. From any State into or through any other State.

Limited permit. A document issued by an inspector for the interstate movement of regulated articles to a specified destination for:

(1) Consumption, limited utilization or processing, or treatment, in conformity with a compliance agreement; or

(2) Movement into or through the continental United States in conformity with a transit permit.

Means of conveyance. For the purposes of § 318.58–12 of this subpart, "means of conveyance" shall mean a ship, truck, aircraft, or railcar.

* * * * *

Person. Any individual, corporation, company, society, association, or other organized group.

* * * * *

Sealed (sealable) container. A completely enclosed container designed for the storage and/or transportation of commercial air, sea, rail, or truck cargo, and constructed of metal or fiberglass, or other similarly sturdy and impenetrable material, providing an enclosure accessed through doors that are closed and secured with a lock or seal. Sealed (sealable) containers used for sea shipments are distinct and separable from the means of conveyance carrying them when arriving in and in transit through the continental United States. Sealed (sealable) containers used for air shipments are distinct and separable from the means of conveyance carrying them before any transloading in the continental United States. Sealed (sealable) containers used for air shipments after transloading in the continental United States or for overland shipments in the continental United States may either be distinct and separable from the means of conveyance carrying them, or be the means of conveyance itself.

State. Each of the 50 States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States, and all other territories and possessions of the United States.

Transit permit. A written authorization issued by the Administrator for the movement of fruits and vegetables en route to a foreign destination that are otherwise prohibited movement by this subpart into or through the continental United States. Transit permits authorize one or more shipments over a designated period of time.

Transloading. The transfer of cargo from one sealable container to another, from one means of conveyance to another, or from a sealable container directly into a means of conveyance.

13. Section 318.58–3 is amended by redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively, and adding a new paragraph (b) to read as follows:

§ 318.58–3 Conditions of movement.

* * * * *

(b) *To a foreign destination after transiting the continental United States.* Fruits and vegetables from Puerto Rico and the Virgin Islands of the United States that are otherwise prohibited movement from those territories into or through the continental United States by this subpart may transit the continental United States en route to a foreign destination when moved in accordance with § 318.58–12 of this subpart.

* * * * *

14. Section 318.58–4 is amended by revising the heading and the introductory text, and by adding a new paragraph (c) to read as follows:

§ 318.58–4 Issuance of certificates or limited permits.

Under the following conditions, an inspector may issue a certificate or limited permit for the movement of regulated articles to be moved in accordance with this subpart:

* * * * *

(c) An inspector may issue a limited permit for the movement of fruits and vegetables otherwise prohibited movement under this subpart, if the articles are to be moved in accordance with § 318.58–12 of this subpart.

§ 318.58–7 [Amended]

15. In § 318.58–7, the reference "§§ 318.58–8 and 318.58–12," is removed and a reference "§ 318.58–8," is added in its place; and the designations "(a)", "(b)", and "(c)" are removed, and the word "and" is added in place of the designation "(c)".

§ 318.58–8 [Amended]

16. In § 318.58–8, in the first sentence, the words "the port of departure and/or the port of arrival." are removed, and the words "the port of departure, the port of arrival, and/or any other authorized port." are added in their place.

§ 318.58–10 [Amended]

17. In § 318.58–10, at the end of paragraph (f)(1), the reference "§ 318.58–3(c)" is removed and "§ 318.58–3(d)" is added in its place.

18. In § 318.58–10, paragraph (f)(2) introductory text is revised and a new paragraph (f)(3) is added to read as follows:

§ 318.58–10 Inspection of baggage, other personal effects, and cargo.

* * * * *

(f) * * *

(2) Cargo designated in paragraph (f)(1) of this section may be loaded without a USDA stamp or USDA inspection sticker, and without a certificate attached to the cargo or a limited permit attached to the cargo, if the cargo is moved:

* * * * *

(3) Cargo moved in accordance with § 318.58–12 of this subpart that does not have a limited permit attached to the cargo must have a limited permit attached to the waybill, manifest, or bill of lading accompanying the shipment.

* * * * *

19. Section 318.58–12 is revised to read as follows:

§ 318.58–1 Transit of fruits and vegetables from Puerto Rico and the Virgin Islands of the United States into or through the continental United States.

Fruits and vegetables from Puerto Rico and the Virgin Islands of the United States that are otherwise prohibited movement from those territories into or through the continental United States by this subpart may transit the continental United States en route to a foreign destination when moved in accordance with this section and any other applicable provisions of this subpart. Any additional restrictions on such movement that would otherwise be imposed by part 301 of this chapter and §§ 318.30 and 318.30a of this part shall not apply.

(a) *Transit permit.* (1) A transit permit is required for the arrival, unloading, and movement into or through the continental United States of fruits and vegetables otherwise prohibited by this subpart from being moved into or through the continental United States from Puerto Rico or the Virgin Islands of the United States. Application for a transit permit must be made in writing.[2] The transit permit application must include the following information:

(i) The specific types of fruits and vegetables to be shipped (only scientific or English names are acceptable);

(ii) The means of conveyance to be used to transport the fruits and vegetables into or through the continental United States;

(iii) The port of arrival in the continental United States, and the location of any subsequent stop;

(iv) The location of, and the time needed for, any storage in the continental United States;

(v) Any location in the continental United States where the fruits and vegetables are to be transloaded;

(vi) The means of conveyance to be used for transporting the fruits and vegetables from the port of arrival in the continental United States to the port of export;

(vii) The estimated time necessary to accomplish exportation, from arrival at the port of arrival in the continental United States to exit at the port of export;

(viii) The port of export; and

(ix) The name and address of the applicant and, if the applicant's address is not within the territorial limits of the United States, the name and address in the United States of an agent whom the applicant names for acceptance of service of process.

(2) A transit permit will be issued only if the following conditions are met:

(i) APHIS inspectors are available at the port of arrival, port of export, and any locations at which transloading of cargo will take place, and, in the case of air shipments, at any interim stop in the continental United States, as indicated on the application for the transit permit;

(ii) The application indicates that the proposed movement would comply with the provisions in this section applicable to the transit permit; and

(iii) During the 12 months prior to receipt of the application by APHIS, the applicant has not had a transit permit withdrawn under § 318.58–16 of this subpart, unless the transit permit has been reinstated upon appeal.

(b) *Limited Permit.* Fruits and vegetables shipped from Puerto Rico or the Virgin Islands of the United States into or through the continental United States under this section must be accompanied by a limited permit, a copy of which must be presented to an inspector at the port of arrival and the port of export in the continental United States, and at any other location in the continental United States where an air shipment is authorized to stop or where overland shipments change means of conveyance. An inspector will issue a limited permit if the following conditions are met:

(1) The inspector determines that the specific type and quantity of the fruits and vegetables being shipped are accurately described by accompanying documentation, such as the accompanying manifest, waybill, and bill of lading. (Only scientific or English names are acceptable.) The fruits and vegetables shall be assembled at whatever point and in whatever manner the inspector designates as necessary to comply with the requirements of this section; and

(2) The inspector establishes that the shipment of fruits and vegetables has

[2] Applications for transit permits should be submitted to the Administrator, c/o Permit Unit, Port Operations, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

been prepared in compliance with the provisions of this section.

(c) *Marking requirements.* Each of the smallest units, including each of the smallest bags, crates, or cartons, containing fruits and vegetables for transit into or through the continental United States under this section must be conspicuously marked, prior to the locking and sealing of the container in Puerto Rico or the Virgin Islands of the United States, with a printed label that includes, a description of the specific type and quantity of the fruits and vegetables (only scientific or English names are acceptable), the transit permit number under which the fruits and vegetables are to be shipped, and, in English, the fact that they were grown in Puerto Rico or the Virgin Islands of the United States and the statement "Distribution in the United States is Prohibited."

(d) *Handling of fruits and vegetables.* Fruits and vegetables shipped into or through the continental United States from Puerto Rico or the Virgin Islands of the United States in accordance with this section may not be commingled in the same sealed container with articles that are intended for entry and distribution in the continental United States. The fruits and vegetables must be kept in sealed containers from the time the limited permit required by paragraph (b) of this section is issued, until the fruits and vegetables exit the continental United States, except as otherwise provided in the regulations in this section. Transloading must be carried out in accordance with the requirements of paragraphs (a), (h), and (i) of this section.

(e) *Area of movement.* The port of arrival, the port of export, ports for air stops, and overland movement within the continental United States of fruits and vegetables shipped under this section is limited to a corridor that includes all States of the continental United States except Alabama, Arizona, California, Florida, Georgia, Kentucky, Louisiana, Mississippi, Nevada, New Mexico, North Carolina, South Carolina, Tennessee, Texas, and Virginia, except that movement is allowed through Dallas/Fort Worth, Texas, as an authorized stop for air cargo, or as a transloading location for shipments that arrive by air but that are subsequently transloaded into trucks for overland movement from Dallas/Fort Worth into the designated corridor by the shortest route. Movement through the continental United States must begin and end at locations staffed by APHIS inspectors.[3]

(f) *Movement of fruits and vegetables.* Transportation through the continental United States shall be by the most direct route to the final destination of the shipment in the country to which it is exported, as determined by APHIS based on commercial shipping routes and timetables and set forth in the transit permit. No change in the quantity of the original shipment from that described in the limited permit is allowed. No remarking is allowed. No diversion or delay of the shipment from the itinerary described in the transit permit and limited permit is allowed unless authorized by an APHIS inspector upon determination by the inspector that the change will not significantly increase the risk of plant pests or diseases in the United States, and unless each port to which the shipment is diverted is staffed by APHIS inspectors.

(g) *Notification in case of emergency.* In the case of an emergency such as an accident, a mechanical breakdown of the means of conveyance, or an unavoidable deviation from the prescribed route, the person in charge of the means of conveyance must, as soon as practicable, notify the APHIS office at the port where the cargo arrived in the continental United States.

(h) *Shipments by sea.* Except as authorized by this paragraph, shipments arriving in the continental United States by sea from Puerto Rico or the Virgin Islands of the United States may be transloaded once from a ship to another ship or, alternatively, once to a truck or railcar at the port of arrival and once from a truck or railcar to a ship at the port of export, and must remain in the original sealed container, except under extenuating circumstances and when authorized by an inspector upon determination by the inspector that the transloading would not significantly increase the risk of the introduction of plant pests or diseases into the continental United States, and provided that APHIS inspectors are available to provide supervision. No other transloading of the shipment is allowed, except under extenuating circumstances (e.g., equipment breakdown) and when authorized by an inspector upon determination by the inspector that the transloading would not significantly increase the risk of the introduction of plant pests or diseases into the continental United States, and provided that APHIS inspectors are available to provide supervision.

(i) *Shipments by air.* (1) Shipments arriving in the continental United States by air from Puerto Rico or the Virgin Islands of the United States may be transloaded only once in the continental United States. Transloading of air shipments must be carried out in the presence of an APHIS inspector. Shipments arriving by air that are transloaded may be transloaded either into another aircraft or into a truck trailer for export by the most direct route to the final destination of the shipment through the designated corridor set forth in paragraph (e) of this section. This may be done at either the port of arrival in the United States or at the second air stop within the designated corridor, as authorized in the transit permit and as provided in paragraph (i)(2) of this section. No other transloading of the shipment is allowed, except under extenuating circumstances (e.g., equipment breakdown) and when authorized by an APHIS inspector upon determination by the inspector that the transloading would not significantly increase the risk of the introduction of plant pests or diseases into the continental United States, and provided that APHIS inspectors are available to provide supervision. Transloading of air shipments will be authorized only if the following conditions are met:

(i) The transloading is done into sealable containers;

(ii) The transloading is carried out within the secure area of the airport—*i.e.*, that area of the airport that is open only to personnel authorized by the airport security authorities;

(iii) The area used for any storage is within the secure area of the airport; and

(iv) APHIS inspectors are available to provide the supervision required by paragraph (i)(1) of this section.

(2) Except as authorized by paragraph (f) of this section, shipments that continue by air from the port of arrival in the continental United States may be authorized by APHIS for only one additional stop in the continental United States, provided the second stop is within the designated corridor set forth in paragraph (e) of this section and is staffed by APHIS inspectors. As an alternative to transloading a shipment arriving in the United States into another aircraft, shipments that arrive by air may be transloaded into a truck trailer for export by the most direct route to the final destination of the shipment through the designated corridor set forth in paragraph (e) of this section. This may be done at either the

[3] For a list of ports staffed by APHIS inspectors, contact the Administrator, c/o Permit Unit, Port Operations, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

VOL 58 ISS 27 FE 11 1993 UMI

port of arrival in the United States or at the second authorized air stop within the designated corridor. No other transloading of the shipment is allowed, except under extenuating circumstances (e.g., equipment breakdown) and when authorized by an APHIS inspector upon determination by the inspector that the transloading would not significantly increase the risk of the introduction of plant pests or diseases into the continental United States, and provided that APHIS inspectors are available to provide supervision.

(j) *Duration and location of storage.* Any storage in the continental United States of fruits and vegetables shipped under this section must be for a duration and in a location authorized in the transit permit required by paragraph (a) of this section. Areas where such fruits and vegetables are stored must be either locked or guarded at all times the fruits and vegetables are present. Cargo shipped under this section must be kept in a sealed container while stored in the continental United States.

(k) *Temperature requirement.* Except for time spent on aircraft and except during storage and transloading of air shipments, the temperature in the sealed containers containing fruits and vegetables moved under this section must be 60° F or lower from the time the fruits and vegetables leave Puerto Rico or the Virgin Islands of the United States until they exit the continental United States.

(l) *Prohibited materials.* (1) The person in charge of or in possession of a sealed container used for movement into or through the continental United States under this section must ensure that the sealed container is carrying only those fruits and vegetables authorized by the transit permit required under paragraph (a) of this section; and

(2) The person in charge of or in possession of any means of conveyance or container returned to the United States without being reloaded after being used to export fruits and vegetables from the United States under this section must ensure that the means of conveyance or container is free of materials prohibited importation into the United States under this chapter.

(m) Authorization by APHIS of the movement of fruits and vegetables into or through the continental United States under this section does not imply that the fruits and vegetables are enterable into the destination country. Shipments returned to the United States from the destination country shall be subject to all applicable regulations, including "Subpart—Fruits and Vegetables" of part 319 of this chapter, and part 352 of this chapter.

(n) Any restrictions and requirements with respect to the arrival, temporary stay, unloading, transloading, transiting, exportation, or other movement or possession in the United States of any fruits or vegetables under this section shall apply to any person who, respectively, brings into, maintains, unloads, transloads, transports, exports, or otherwise moves or possesses in the United States such fruits or vegetables, whether or not that person is the one who was required to have a transit permit or limited permit for the fruits or vegetables or is a subsequent custodian of the fruits or vegetables. Failure to comply with all applicable restrictions and requirements under this section by such a person shall be deemed to be a violation of this section.

§ 318.58–16 [Amended]

20. In § 318.58–16, the heading is revised to read "Cancellation of certificates, transit permits, or limited permits."

21. In § 318.58–16, a comma and the words "transit permit, or limited permit" are added immediately following the word "certificate" in the following places:

a. The first sentence;
b. The third sentence; and
c. The fourth sentence.

Done in Washington, DC, this 5th day of February 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–3282 Filed 2–10–93; 8:45 am]

BILLING CODE 3410–34–M

Agricultural Marketing Service

7 CFR Parts 907 and 908

[Docket No. FV92–907–4]

Navel and Valencia Oranges Grown in Arizona and Designated Parts of California; Clarifying Regulations To Remove 1985 Amendments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action clarifies the Federal marketing orders regulating navel and Valencia oranges grown in Arizona and designated parts of California by removing the 1985 amendments to the orders and the administrative rules issued to implement those amendments. This action is taken in response to an August 21 decision by the U.S. Court of Appeals for the Ninth Circuit in San Francisco, California (Ninth Circuit) invalidating the 1985 amendments to the Valencia orange marketing order. The decision also relates to the navel orange marketing order because that order was amended concurrently with the Valencia orange order. Accordingly, this action removes the 1985 amendments to the navel and Valencia orange marketing orders.

EFFECTIVE DATE: February 11, 1993.

FOR FURTHER INFORMATION CONTACT: Maureen T. Pello, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2522–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–5127.

SUPPLEMENTARY INFORMATION: This correction clarifies the navel and Valencia orange marketing orders by removing the amendments contained in the Order Amending the Orders issued on January 8, 1985, and published in the **Federal Register** on January 11, 1985 (50 FR 1429), and the administrative rules issued to implement those amendments. This action is taken in response to a decision issued by the Ninth Circuit invalidating 1985 amendments to the Valencia orange marketing order. In its decision, the Ninth Circuit ruled that the amendments were not properly enacted under the Administrative Procedure Act. The decision also is related to the navel orange marketing order because that order was amended concurrently with the Valencia orange order using the same enactment procedures. The Department has announced that it is terminating that 1985 rulemaking proceeding. However, a clarifying action is necessary to remove these 1985 amendments as required by the court decision. Accordingly, the 1985 amendments to the navel and Valencia orange marketing orders are hereby removed. Minor, nonsubstantive changes in terminology are made to properly reflect the 1988 amendments to the orders.

List of Subjects in 7 CFR Parts 907 and 908

Marketing agreements, Oranges, Reporting and recordkeeping requirements.

Accordingly, 7 CFR parts 907 and 908 are amended as follows:

1. The authority citation for 7 CFR parts 907 and 908 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

2. In § 907.10, the first sentence is revised to read as follows:

§ 907.10 Handle.

Handle means to buy, sell, consign, transport, or ship oranges (except as a common or contract carrier of oranges owned by another person), or in any other way to place oranges in the current of commerce, between the State of California and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of California, or between the State of Arizona and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of Arizona. * * *

3. Section 907.17 is revised to read as follows:

§ 907.17 Carload.

Carload means a quantity of oranges equivalent to 924 cartons of oranges, or such other quantity of oranges, as may be established by the committee with the approval of the Secretary.

4. Section 907.18 is revised to read as follows:

§ 907.18 Export.

Export means shipments of oranges to points outside the continental United States, Canada, and Alaska.

5. In § 907.20, paragraph (a) is revised to read as follows:

§ 907.20 Establishment and membership.

(a) There is hereby established a Navel Orange Administrative Committee which, as soon as nominations are made pursuant to § 907.22 and selections are made pursuant to § 907.23, shall consist of 11 members, for each of whom there shall be one alternate and for each grower member there shall be one additional alternate. Ten of the members and their respective alternates and, for grower members, additional alternates, shall be growers, employees of growers, handlers, employees of handlers, or employees of cooperative marketing organizations. One member and alternate shall be non-industry members, which persons shall not be growers, handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler) or cooperative marketing organization. A grower member, alternate grower member, or additional alternate grower member shall be a grower or an employee of a grower and shall be disqualified if such person ceases to be affiliated with the entity that nominated such person. A handler member or alternate handler member shall be a handler, employee of a handler, or employee of a cooperative marketing organization and shall be disqualified if such person ceases to be affiliated with the group that nominated such person.

* * * * *

6. Section 907.21 is revised to read as follows:

§ 907.21 Term of office.

The term of office of each member, alternate member, and additional alternate grower member of the committee shall be for a period of two years, and such terms shall begin October 1 of each even-numbered year: *Provided,* That such members, alternate members, and additional alternate grower members shall serve in such capacities for the portion of the term of office for which they are selected and qualified and until their respective successors are selected and have qualified.

7. In § 907.22, paragraphs (a) introductory text, (c), (d), (e), and (i) are revised to read as follows:

§ 907.22 Nominations.

(a) Nominations for member, alternate member, and additional alternate grower member positions, except for the non-industry member and alternate non-industry member, shall be made by the following entities, based on the percentage of the total volume of navel oranges disposed of by all handlers in all outlets during the fiscal year in which nominations are made:

* * * * *

(c) The number of nominations which any nominating entity specified in either paragraph (a)(1) or (a)(2) of this section may make shall be determined by its volume percentage of the total volume of navel oranges disposed of in all outlets as follows:

Nominating entity's percentage of total volume of navel oranges disposed of by all handlers in all outlets during the fiscal year in which nominations are made	Number of members which may be nominated (an alternate member shall be nominated for each member and an additional alternate shall be nominated for each grower member)
00.00 to 9.99	0
10.00 to 19.99	1
20.00 to 29.99	2
30.00 to 39.99	3
40.00 to 49.99	4
50.00 and above	5

Provided, That if any nominating entity specified in either paragraph (a)(1) or (a)(2) of this section has a percentage of the total dispositions which exceed 50 percent, the percentage figures in the preceding table applicable to the other nominating entities shall change according to the following formula:

$$\frac{50\%-(\text{excess over } 50\%)}{5} = \text{Percentage required to nominate one member, one alternate, and, for grower members, one additional alternate member.}$$

(d) The number of nominations which the nominating entity specified in paragraph (a)(3) of this section may make shall be determined by its volume percentage of the total volume of navel oranges disposed of in all outlets as follows:

Nominating entity's percentage of total volume of navel oranges disposed of by all handlers in all outlets during the fiscal year in which nominations are made	Number of members which may be nominated (an alternate member shall be nominated for each member and an additional alternate shall be nominated for each grower member)
00.00 to 9.99	0
10.00 to 19.99	1
20.00 to 29.99	2
30.00 to 39.99	3
40.00 to 49.99	4
50.00 to 59.99	5
60.00 to 69.99	6
70.00 to 79.99	7
80.00 to 89.99	8
90.00 to 99.00	9
100.00	10

Provided, That if any nominating entity specified in either paragraph (a)(1) or (a)(2) of this section has a percentage of the total dispositions which exceeds 50 percent, the percentage figures in the preceding table shall change according to the following formula:

$$\frac{50\%-(\text{excess over } 50\%)}{5} = \text{Percentage required to nominate one member, one alternate, and, for grower members, one additional alternate member.}$$

(e) If nominations for member positions pursuant to paragraphs (c) and (d) of this section total less than 10, eligibility to make the remaining nominations shall be determined as follows: If one additional member, plus alternate, and additional alternate grower, is to be nominated, the right to make such nomination shall belong to the nominating entity which has the greatest volume percentage that has not been used to earn nominating rights pursuant to paragraphs (c) and (d) of this section; if a second member, plus

alternate, and additional alternate grower, is to be nominated, the right to make such nomination shall belong to that nominating entity which has the second greatest volume percentage that has not been used to earn nominating rights pursuant to paragraphs (c) and (d) of this section; and so forth: *Provided*, That no nominating entity specified in either paragraph (a) (1) or (a)(2) of this section shall be eligible to nominate more than a total of five members, plus alternates and additional alternate growers, pursuant to this paragraph and paragraph (c) of this section.

* * * * *

(i) The time and manner of nominating members, alternate members, and additional alternate grower members of the committee shall be prescribed by the Secretary: *Provided*, That the committee may recommend and the Secretary may establish procedural rules and regulations to implement this section.

8. Section 907.23 is revised to read as follows:

§ 907.23 Selection.

From the nominations made pursuant to § 907.22 or from other qualified growers and handlers, the Secretary shall select 10 members of the committee and an alternate for each member and an additional alternate for each grower member. From the nominations made pursuant to § 907.22(h) or from other qualified persons, the Secretary shall select one member of the committee and an alternate to such member.

9. Section 907.24 is revised to read as follows:

§ 907.24 Failure to nominate.

If nominations are not made within the time and in the manner specified pursuant to § 907.22, the Secretary may, without regard to nominations, select the members, alternate members, and additional alternate grower members of the committee on the basis of the representation provided for in § 907.22.

10. Section 907.26 is revised to read as follows:

§ 907.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member, alternate member, or additional alternate grower member of the committee to qualify or in the event of the death, removal, resignation, or disqualification of any member, alternate member, or additional alternate grower member of the committee, a successor to the unexpired term of such member, alternate member, or additional alternate grower member of the committee shall be selected by the Secretary from nominations made in the manner specified in § 907.22 by the same nominating entity which nominated such person for the term or from other qualified persons.

11. Section 907.27 is revised to read as follows:

§ 907.27 Alternate members.

During the absence of or at the request of a committee member, that member's alternate shall act in the place of such member and, in the absence of such alternate grower member, the additional alternate grower member shall so act: *Provided*, That a grower member may designate any alternate grower member or additional alternate grower member to act in that member's place if the alternate grower member or additional alternate grower member so designated was selected from the same entity which was authorized to nominate the member, and that a handler member may designate any alternate handler member to act in that member's place if the alternate handler member so designated was selected from the same entity which was authorized to nominate the member. In the event of the death, removal, resignation, or disqualification of a member, that member's alternate shall act for such member until a successor for such member is selected and has qualified.

12. Section 907.31 is revised to read as follows:

§ 907.31 Expenses and compensation.

The members of the committee and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $25 per day or portion thereof spent in performing such duties. Whenever specifically authorized or approved by the committee, an alternate member shall be reimbursed for reasonable expenses necessarily incurred by him in attending committee meetings and shall receive compensation at the rate provided in this section, notwithstanding that the committee member for whom he serves as alternate also attends such meetings.

§ 907.34 [Removed]

13. Section 907.34 is removed.

§ 907.41 [Amended]

14. Paragraph (d) of § 907.41 is removed.

§ 907.50 [Amended]

15. In paragraph (a) of § 907.50, the third sentence, "In formulating its marketing policy, the committee should give due consideration to the onset and duration of prorate and size regulation", is removed.

16. In § 907.51, paragraphs (a) and (c) are revised as follows:

§ 907.51 Recommendations for volume regulation.

(a) The committee may recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week in each prorate district. If, for any reason, the committee recommends the issuance of volume regulation but fails to recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week in each prorate district, reports representing the respective views of the committee members with respect to its failure to act shall be submitted to the Secretary.

* * * * *

(c) At any time during a week for which the Secretary, pursuant to § 907.52, has fixed the quantity of oranges which may be handled, the committee may, if such action is deemed advisable, recommend to the Secretary that such quantity be increased for such week. Any such recommendation, together with the committee's reasons for such recommendation, shall be submitted promptly to the Secretary.

* * * * *

§ 907.52 [Amended]

17. In the last sentence of § 907.52, the words "prior to or" are removed.

18. In § 907.53, paragraph (i) is removed and paragraphs (b), (c), (f), (g), and (h) are revised to read as follows:

§ 907.53 Prorate bases.

* * * * *

(b) Such application shall be substantiated in such manner and shall be supported by such evidence as the committee may require, and shall include at least:

(1) The name and address of the producer or duly authorized agent, if any, for each grove or portion thereof, the fruit of which is included in the quantity of oranges available for current shipment by the applicant;

(2) An accurate description of the location of each such grove or portion thereof, including the number of acres contained therein; and

(3) An estimate of the total quantity of oranges available for current shipment

by the applicant in terms of a unit of measure designated by the committee.

(c) Such application shall include a certification by the handler that he has control, for all purposes relating to this part, of the oranges described in the application.

* * * * *

(f) When any person having a prorate base has moved all his oranges or has remaining a quantity smaller than his allotment, he shall be removed from the prorate base or his prorate base shall be reduced so that his allotment based thereon shall not exceed the quantity of oranges remaining under his control; except that he shall receive his allotments on his full prorate base to the extent necessary to pay back loans for which he is obligated in any week that repayment of loans may be due.

(g) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission or inaccuracy in any such information, it shall correct the same and shall give the person who submitted such report a reasonable opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission or inaccuracy has resulted in the establishment of a smaller or a larger quantity of oranges available for current shipment than that to which a person was entitled under this part, such quantity shall be increased or decreased, over such period as may be determined by the committee, by an amount necessary to correct the error, omission or inaccuracy.

(h) Each week during the marketing season when volume regulation is likely to be recommended, the committee shall compute, with respect to each prorate district, the total quantity of oranges available for current shipment by each person who has applied for a prorate base and for allotments. On the basis of such computation, the committee shall fix a prorate base for each person who is entitled thereto. Such prorate base shall represent the ratio between the total quantity of oranges available for current shipment in the particular prorate district by each applicant and the total quantity of oranges available for current shipment in such district by all such applicants. The committee shall notify the Secretary of the prorate base fixed for each person and shall notify each such person of the prorate base fixed for him.

19. Section 907.54 is revised to read as follows:

§ 907.54 Allotments.

Whenever the Secretary has fixed the quantity of oranges which may be handled during any week in a prorate district, the committee shall calculate the quantity of oranges which may be handled by each such person during such week. The said quantity shall be the allotment of such person and shall be in an amount equivalent to the product of the prorate base of such person and the total quantity of oranges grown in such prorate district and fixed by the Secretary as the total quantity of oranges which mat be handled during such week. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this part.

20. Section 907.55 is revised to read as follows:

§ 907.55 Overshipments.

During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment for such week, and whose total allotment is not loaned, or is not required for the repayment of an allotment loan or as a deduction for a prior overshipment, may handle in addition to his allotment an amount of such oranges equivalent to 20 percent of his allotment, or one carload, whichever is the greater: *Provided, however,* That the committee may, with the approval of the Secretary, reduce such 20 percent to a percentage not less than 10 percent: *And provided further,* That if, subsequent to the determination of general maturity, allotment (other than short life allotment) is forfeited in any prorate district during any prorate period, such forfeiture shall be used to reduce the amount of maximum permissible overshipments made during such prorate period, unless the forfeiting handler shall have made a bona fide and timely offer to the committee to lend his undershipment. Such forfeiture shall be first applied to handlers within such district in which the forfeiture occurred and second to qualified handlers in other districts. Allocation of forfeitures to handlers who have overshipped shall be made in proportion to, but not in excess of, the quantity overshipped by each such handler. In the case of short life allotments, any forfeiture thereof shall be credited as above provided only against overshipment of allotments issued pursuant to § 907.54. However, no handler who has overshipped more than the maximum permissible under this section shall participate in the credits allowed by this provision. The quantity of oranges so handled in excess of each such person's allotment (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from each such person's allotment for the next week: *Provided,* That no such deduction shall apply when such quantity is handled pursuant to early maturity allotment issued under § 907.60, or is entirely reduced by application of forfeited allotment. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, as reduced by the application of forfeited allotment, the remaining quantity shall be deducted from succeeding weekly allotment issued to each such person until such excess has been entirely offset: *Provided,* That no overshipment incurred during one season shall be deducted from allotments issued during the following season. The provisions of this section shall not apply to any person who, during any week, has not received an allotment under this subpart for such week. The committee, with the approval of the Secretary, shall adopt procedural rules and regulations to effectuate the provisions of this § 907.55.

21. Section § 907.56 is revised to read as follows:

§ 907.56 Undershipments.

If any person handles during any week a quantity of oranges, covered by a regulation issued pursuant to § 907.52, in an amount less than his allotment of oranges for such week, he may handle, in addition to his allotment for the next week only, a quantity of such oranges equivalent to such undershipment except that the undershipment of early maturity allotment shall not entitle a handler to so handle an additional quantity of oranges.

§ 907.59 [Amended]

22. In the first sentence of § 907.59, the words "pursuant to § 908.54," after the first comma in the first sentence, are removed.

§ 907.60 [Amended]

23. In the first sentence of § 907.60, the words "§ 907.54(a)" are removed and, in their place, the words "§ 907.54" are added.

§ 907.61 [Amended]

24. In the first sentence of § 907.61, the words "§ 907.54(a)" are removed and, in their place, the words "§ 907.54" are added.

§ 907.61a [Amended]

25. In the first sentence of § 907.61a, the words "§ 907.54(a)" are removed

and, in their place, the words "§ 907.54" are added.

26. Section 907.64 is revised to read as follows:

§ 907.64 Issuance of size regulation.

Whenever the Secretary shall find, from the findings, recommendations, and information submitted by the committee, or from other available information, that to limit the handling of oranges by sizes would tend to effectuate the declared policy of the act, he shall fix the sizes of oranges grown in each such prorate district which may be handled during the specified period. When any such size regulation restricts the handling of a portion of a specified size, the quantity of such size that may be handled by a handler during a particular week shall be established as a percentage of the weekly allotment issued to such handler when volume regulation is in effect, and the total weekly volume handled by such handler when volume regulations is not in effect. Any such regulation may provide that the handling of oranges shipped to Canada shall be subject to size regulation different from the size regulation applicable to the handling of other shipments of oranges. The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give adequate notice thereof to all handlers.

§ 907.67 [Amended]

27. In the last sentence of section 907.67, the words "periodically review and" are removed.

§ 907.70 [Amended]

28. In the introductory text of § 907.70, the words "person who first handles oranges" are removed and, in their place, the word "handler" is added.

29. Section 907.71 is revised to read as follows:

§ 907.71 Manifest report.

Each handler shall furnish to the committee information regarding the size of oranges in each standard packed carton or its equivalent handled by such handler whether such shipments were destined to points in the United States and Alaska or to Canada and shall mail or deliver such information to said committee or its duly authorized representative within 24 hours after shipment is made in such manner as the committee shall prescribe and upon forms prepared by it.

§ 907.73 [Removed]

30. Section 907.73 and the undesignated heading preceding it are removed.

31. In § 907.83, paragraph (c)(1) is revised, paragraphs (d) and (e) are removed, a new paragraph (c)(3) is added, and paragraph (f) is redesignated as paragraph (d) as follows:

§ 907.83 Termination.

* * * * *

(c) (1) The Secretary shall terminate the provisions of this part at the end of any fiscal year, whenever he finds that continuance is not favored by producers; but such termination shall be effective only if announced on or before October 15 of the then current fiscal year.

(2) * * *

(3) Upon recommendation of the committee, received not later than January 15 of an odd numbered year, the Secretary shall conduct a referendum prior to March 15 of such year to ascertain whether continuance of this part is favored by producers.

* * * * *

§ 907.103 [Removed]

32. Section 907.103 is removed.

§ 907.106 [Removed]

33. Section 907.106 and the undesignated heading preceding it are removed.

§ 907.109 [Removed]

34. Section 907.109 is removed.

§ 907.118 [Removed]

35. Section 907.118 is removed.

§ 907.173 [Removed]

36. Section 907.173 and the undesignated heading preceding it are removed.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PARTS OF CALIFORNIA

37. In § 908.11, the first sentence is revised to read as follows:

§ 908.11 Handle.

Handle means to buy, sell, consign, transport, or ship oranges (except as a common or contract carrier of oranges owned by another person), or in any other way to place oranges in the current of commerce, between the State of California and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of California, or between the State of Arizona and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of Arizona. * * *

38. Section 908.18 is revised to read as follows:

§ 908.18 Carload.

Carload means a quantity of oranges equivalent to 924 cartons of oranges, or such other quantity of oranges, as may be established by the committee with the approval of the Secretary.

39. Section 908.19, is revised to read as follows:

§ 908.19 Export.

Export means to ship oranges to points outside the continental United States, Canada, and Alaska.

40. In § 908.20, paragraph (a) is revised to read as follows:

§ 908.20 Establishment and membership.

(a) There is hereby established a Valencia Orange Administrative Committee which, as soon as nominations are made pursuant to § 908.22 and selections are made pursuant to § 908.23, shall consist of 11 members, for each of whom there shall be one alternate and for each grower member there shall be one additional alternate. Ten of the members and their respective alternatives and, for grower members, additional alternates, shall be growers, employees of growers, handlers, employees of handlers, or employees of cooperative marketing organizations. One member and alternate shall be non-industry members, which persons shall not be growers, handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler) or cooperative marketing organization. A grower member, alternate grower member, or additional alternate grower member shall be a grower or an employee of a grower and shall be disqualified if such person ceases to be affiliated with the entity that nominated such person. A handler member or alternate handler member shall be a handler, employee of a handler, or employee of a cooperative marketing organization and shall be disqualified if such person ceases to be affiliated with the group that nominated such person.

* * * * *

41. Section 908.21 is revised to read as follows:

§ 908.21 Term of office.

The term of office of each member, alternate member, and additional alternate grower member of the committee shall be for a period of two years, and such terms shall begin on February 1 of each even-numbered year: *Provided*, That such members, alternate members, and additional alternate

grower members shall serve in such capacities for the portion of the term of office for which they are selected and qualified and until their respective successors are selected and have qualified. The consecutive terms of office members, not including alternate members or additional alternate grower members, shall be limited to three terms. No person having served three consecutive terms as a member of the committee shall serve as a member, alternate member, or additional alternate grower member for the next succeeding term of office.

42. In § 908.22, paragraphs (a) introductory text, (c), (d), (e), and (i) are revised to read as follows:

§ 908.22 Nominations.

(a) Nominations for member, alternate member, and additional alternate grower member positions, except for the non-industry member and alternate non-industry member, shall be made by the following entities, based on the percentage of the total volume of Valencia oranges disposed of by all handlers in all outlets during the marketing year in which nominations are made:

* * * * *

(c) The number of nominations which any nominating entity specified in either paragraph (a)(1) or (a)(2) of this section may make shall be determined by its volume percentage of the total volume of Valencia oranges disposed of in all outlets as follows:

Nominating entity's percentage of total volume of Valencia oranges disposed of by all handlers in all outlets during the marketing year in which nominations are made	Number of members which may be nominated (an alternate member shall be nominated for each member and an additional alternate shall be nominated for each grower member)
00.00 to 9.99	0
10.00 to 19.99	1
20.00 to 29.99	2
30.00 to 39.99	3
40.00 to 49.99	4
50.00 and above	5

Provided, That if any nominating entity specified in either paragraph (a)(1) or (a)(2) of this section has a percentage of the total dispositions which exceeds 50 percent, the percentage figures in the preceding table applicable to the other nominating entities shall change according to the following formula:

$$\frac{50\%-(\text{excess over } 50\%)}{5} = \text{Percentage required to nominate one member, one alternate, and, for grower members, one additional alternate member.}$$

(d) The number of nominations which the nominating entity specified in paragraph (a)(3) of this section may make shall be determined by its volume percentage of the total volume of Valencia oranges disposed of in all outlets as follows:

Nominating entity's percentage of total volume of Valencia oranges disposed of by all handlers in all outlets during the marketing year in which nominations are made	Number of members which may be nominated (an alternate member shall be nominated for each member and an additional alternate shall be nominated for each grower member)
00.00 to 9.99	0
10.00 to 19.99	1
20.00 to 29.99	2
30.00 to 39.99	3
40.00 to 49.99	4
50.00 to 59.99	5
60.00 to 69.99	6
70.00 to 79.99	7
80.00 to 89.99	8
90.00 to 99.00	9
100.00	10

Provided, That if any nominating entity specified in either paragraph (a)(1) or (a)(2) of this section has a percentage of the total dispositions which exceeds 50 percent, the percentage figures in the preceding table shall change according to the following formula:

$$\frac{50\%-(\text{excess over } 50\%)}{5} = \text{Percentage required to nominate one member, one alternate, and, for grower members, one additional alternate member.}$$

(e) If nominations for member positions pursuant to paragraphs (c) and (d) of this section total less than 10, eligibility to make the remaining nominations shall be determined as follows: If one additional member, plus alternate, and additional grower, is to be nominated, the right to make such nomination shall belong to the nominating entity which has the greatest volume percentage that has not been used to earn nominating rights pursuant to paragraphs (c) and (d) of this section; if a second member, plus alternate, and additional alternate grower, is to be nominated, the right to make such nomination shall belong to that nominating entity which has the second greatest volume percentage that has not been used to earn nominating rights pursuant to paragraphs (c) and (d) of this section; and so forth: *Provided*, That no nominating entity specified in either paragraph (a)(1) or (a)(2) of this section shall be eligible to nominate more than a total of five members, plus alternates and additional alternate growers, pursuant to this paragraph and paragraph (c) of this section.

* * * * *

(i) The time and manner of nominating members, alternate members, and additional alternate grower members of the committee shall be prescribed by the Secretary: *Provided*, That the committee may recommend and the Secretary may establish procedural rules and regulations to implement this section.

43. Section 908.23 is revised to read as follows:

§ 908.23 Selection.

From the nominations made pursuant to § 908.22 or from other qualified growers and handlers, the Secretary shall select 10 members of the committee and an alternate for each member and an additional alternate for each grower member. From the nominations made pursuant to § 908.22(h) or from other qualified persons, the Secretary shall select one member of the committee and an alternate to such member.

44. Section 908.24 is revised to read as follows:

§ 908.24 Failure to nominate.

If nominations are not made within the time and in the manner specified pursuant to § 908.22, the Secretary may, without regard to nominations, select the members, alternate members, and additional alternate grower members of the committee on the basis of the representation provided for in § 908.22.

45. Section 908.26 is revised to read as follows:

§ 908.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member, alternate member, or additional alternate grower member of the committee to qualify or in the event of the death, removal, resignation, or disqualification of any member, alternate member, or additional alternate grower member of the committee, a successor to the unexpired term of such member, alternate member, or additional alternate grower member of the committee shall be selected by the Secretary from nominations made in the manner specified in § 908.22 by the same nominating entity which

nominated such person for the term or from other qualified persons.

46. Section 908.27 is revised to read as follows:

§ 908.27 Alternate members.

During the absence of or at the request of a committee member, that member's alternate shall act in the place of such member and, in the absence of such alternate grower member, the additional alternate grower member shall so act: *Provided*, That a grower member may designate any alternate grower member or additional alternate grower member to act in that member's place if the alternate grower member or additional alternate grower member so designated was selected from the same entity which was authorized to nominate the member, and that a handler member may designate any alternate handler member to act in that member's place if the alternate handler member so designated was selected from the same entity which was authorized to nominate the member. In the event of the death, removal, resignation, or disqualification of a member, that member's alternate shall act for such member until a successor for such member is selected and has qualified.

47. Section 908.31 is revised to read as follows:

§ 908.31 Expenses and compensation.

The members of the committee, and their respective alternates when acting as members, shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties under this part and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $25 per day or portion thereof spent in performing such duties. Whenever specifically authorized or approved by the committee, an alternate member shall be reimbursed for reasonable expenses necessarily incurred by him in attending committee meetings and shall receive compensation at the rate provided in this section, notwithstanding that the committee member for whom he serves as alternate also attends such meetings.

§ 908.34 [Removed]

48. Section 908.34 is removed.

§ 908.41 [Amended]

49. Paragraph (d) of § 908.41 is removed.

§ 908.50 [Amended]

50. In paragraph (a) of § 908.50, the third sentence, "In formulating its marketing policy, the committee should give due consideration to the onset and duration of prorate and size regulation." is removed.

51. In § 908.51, paragraphs (a) and (c) are revised as follows:

§ 908.51 Recommendations for volume regulation.

(a) The committee may recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week in each prorate district. If, for any reason, the committee recommends the issuance of volume regulation but fails to recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week in each prorate district, reports representing the respective views of the committee members with respect to its failure to act shall be submitted to the Secretary.

* * * * *

(c) At any time during a week for which the Secretary, pursuant to § 908.52, has fixed the quantity of oranges which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reasons for such recommendation, shall be submitted promptly to the Secretary.

* * * * *

§ 908.52 [Amended]

52. In the last sentence of § 908.52, the words "prior to or" are removed.

53. In § 908.53, paragraph (i) is removed and paragraphs (b), (c), (f), (g), and (h) are revised to read as follows:

§ 908.53 Prorate bases.

* * * * *

(b) Such application shall be substantiated in such manner and shall be supported by such evidence as the committee may require, and shall include at least:

(1) The name and address of the producer or duly authorized agent, if any, for each grove or portion thereof, the fruit of which is included in the quantity of oranges available for current shipment by the applicant;

(2) An accurate description of the location of each such grove or portion thereof, including the number of acres contained therein; and

(3) An estimate of the total quantity of oranges available for current shipment by the applicant in terms of the unit of measure designated by the committee.

(c) Such application shall include a certification by the handler that he has control, for all purposes relating to this marketing order, of the oranges described in the application.

* * * * *

(f) When any person having a prorate base has moved all his oranges or has remaining a quantity smaller than his allotment, he shall be removed from the prorate base or his prorate base shall be reduced so that his allotment based thereon shall not exceed the quantity of oranges remaining under his control; except that he shall receive his allotments on his full prorate base to the extent necessary to pay back loans for which he is obligated in any week that repayment of loans may be due.

(g) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission or inaccuracy has resulted in the establishment of a smaller or a larger quantity of oranges available for current shipment than that to which a person was entitled under this part, such quantity shall be increased or decreased, over such period as may be determined by the committee, by an amount necessary to correct the error, omission or inaccuracy.

(h) Each week during the marketing season when volume regulation is likely to be recommended the committee shall compute, with respect to each prorate district, the total quantity of oranges available for current shipment by each person who has applied for a prorate base and for allotments. On the basis of such computation, the committee shall fix a prorate base for each person who is entitled thereto. Such prorate base shall represent the ratio between the total quantity of oranges available for current shipment in the particular prorate district by each applicant and the total quantity of oranges available for current shipment in such district by all such applicants. The committee shall notify the Secretary of the prorate base fixed for each person and shall notify each such person of the prorate base fixed for him.

54. Section 908.54 is revised to read as follows:

§ 908.54 Allotments.

Whenever the Secretary has fixed the quantity of oranges which may be handled during any week in a prorate district, the committee shall calculate the quantity of oranges which may be

handled by each person during such week. The said quantity shall be the allotment of such person and shall be in an amount equivalent to the product of the prorate base of such person and the total quantity of oranges grown in such prorate district and fixed by the Secretary as the total quantity of oranges which may be handled during such week. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this part.

55. Section 908.55 is revised to read as follows:

§ 908.55 Overshipments.

During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment for such week, and whose total allotment is not loaned, or is not required for the repayment of an allotment loan or as a deduction for a prior overshipment, may handle in addition to his allotment an amount of such oranges equivalent to 20 percent of his allotment, or one carload, whichever is the greater: *Provided, however,* That the committee may, with the approval of the Secretary, reduce such 20 percent to a percentage not less than 10 percent: *And provided further,* That if, subsequent to the determination of general maturity, allotment (other than short life allotment) is forfeited in any prorate district during any prorate period, such forfeiture shall be used to reduce the amount of maximum permissible overshipments made during such prorate period, unless the forfeiting handler shall have made a bona fide and timely offer to the committee to lend his undershipment. Such forfeiture shall be first applied to handlers within such district in which the forfeiture occurred and second to qualified handlers in other districts. Allocation of forfeitures to handlers who have overshipped shall be made in proportion to, but not in excess of, the quantity overshipped by each such handler. In the case of short life allotments, any forfeiture thereof shall be credited as above provided only against overshipment of allotments issued pursuant to § 908.54. However, no handler who has overshipped more than the maximum permissible under this section shall participate in the credits allowed by this provision. The quantity of oranges so handled in excess of each such person's allotment (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from each such person's allotment for the next week: *Provided,* That no such deduction shall apply when such quantity is handled pursuant to early maturity allotment issued under § 908.60, or is entirely reduced by application of forfeited allotment. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, as reduced by the application of forfeited allotment, the remaining quantity shall be deducted from succeeding weekly allotment issued to each such person until such excess has been entirely offset: *Provided,* That no overshipment incurred during a marketing year shall be deducted from allotments issued during the following marketing year. The committee, with the approval of the Secretary, shall adopt procedural rules and regulations to effectuate the provisions of this § 908.55.

56. Section 908.56 is revised to read as follows:

§ 908.56 Undershipments.

If any person handles during any week a quantity of oranges, covered by a regulation issued pursuant to § 908.52, in an amount less than his allotment of oranges for such week, he may handle, in addition to his allotment for the next week only, a quantity of such oranges equivalent to such undershipment except that the undershipment of early maturity allotment shall not entitle a handler to so handle an additional quantity of oranges.

§ 908.59 [Amended]

57. In the first sentence of § 908.59, the words "pursuant to § 908.54," after the first comma in the first sentence, are removed.

§ 908.60 [Amended]

58. In the first sentence of § 908.60, the words "908.54(a)" are removed and, in their place, the words "§ 908.54" are added.

§ 908.61 [Amended]

59. In the first sentence of § 908.61, the words "908.54(a)" are removed and, in their place, the words "§ 908.54" are added.

§ 908.61a [Amended]

60. In the first sentence of § 908.61a, the words "§ 908.54(a)" are removed and, in their place, the words "section 908.54" are added.

61. Section 908.64 is revised to read as follows:

§ 908.64 Issuance of size regulation.

Whenever the Secretary shall find, from the findings, recommendations, and information submitted by the committee, or from other available information, that to limit the handling of oranges grown in any prorate district or districts by sizes would tend to effectuate the declared policy of the act, he shall fix the sizes of oranges grown in each such prorate district which may be handled during the specified period. When any such size regulation restricts the handling of a portion of a specified size, the quantity of such size that may be handled by a handler during a particular week shall be established as a percentage of the weekly allotment issued to such handler when volume regulation is in effect, and the total weekly volume handled by such handler when volume regulation is not in effect. The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give adequate notice thereof to all handlers.

§ 908.67 [Amended]

62. In the last sentence of § 908.67, the words "periodically review and " are removed.

§ 908.70 [Amended]

63. In the introductory text of § 908.70, the words "person who first handles oranges" are removed and, in their place the word "handler" is added.

64. Section 908.71 is revised to read as follows:

§ 908.71 Manifest report.

Each handler shall furnish to the committee information regarding the size of oranges in each carton handled by such handler and shall mail or deliver such information to said committee or its duly authorized representative within 24 hours after shipment is made in such manner as the committee shall prescribe and upon forms prepared by it.

§ 908.73 [Removed]

65. Section 908.73 and the undesignated heading preceding it are removed.

66. In § 908.83, paragraph (c)(1) is revised, paragraph (d) and (e) are removed, a new paragraph (c)(3) is added, and paragraph (f) is redesignated as paragraph (d) as follows:

§ 908.83 Termination.

* * * * *

(c)(1) The Secretary shall terminate the provisions of this part at the end of any marketing year, whenever he finds that continuance is not favored by producers; but such termination shall be effective only if announced on or before January 15 of the then current marketing year.

(2) * * *

(3) Upon recommendation of the committee, received not later than

VOL
58
ISS
27
FE
11
1993
UMI

August 15 of an even numbered year, the Secretary shall conduct a referendum prior to October 15 of such year to ascertain whether continuance of this part is favored by producers.

* * * * *

§ 908.103 [Removed]

67. Section 908.103 is removed.

§ 908.106 [Removed]

68. Section 908.106 and the undesignated heading preceding it are removed.

§ 908.109 [Removed]

69. Section 908.109 is removed.

§ 908.118 [Removed]

70. Section 908.118 is removed.

§ 908.173 [Removed]

71. Section 908.173 and the undesignated heading preceding it are removed.

Dated: February 5, 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93-3231 Filed 2-10-93; 8:45 am]

BILLING CODE 3410-02-M

---

7 CFR Part 915

[Docket No. FV92-915-1IR]

Avocados Grown in South Florida; Temporary Relaxation of Grade Requirements for Certain Florida Avocados (M.O. 915)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This action temporarily relaxes grade requirements for Florida avocados by suspending all grade requirements for fresh avocados shipped in certain containers to destinations within the production area in Florida. This suspension will end when more abundant supplies of fresh Florida avocados are expected to be available. Supplies of fresh Florida avocados are currently very limited due to extensive damage from Hurricane Andrew last August, and supplies next season are expected to be substantially below normal. This action will enable Florida growers and handlers to sell a larger portion of their avocado crop in the fresh market in the production area.

DATES: This interim final rule becomes effective February 11, 1993. Comments which are received by March 15, 1993 will be considered prior to finalization of this interim final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. All comments should reference the docket number, date, and page number of this issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT: Gary D. Rasmussen, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2523-S, Washington, DC 20090-6456; telephone: 202-702-5331; or William Pimental, Southeast Marketing Field Office, USDA/AMS, P.O. Box 2276, Winter Haven, Florida 33883; telephone: 813-299-4770.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Marketing Order No. 915 (7 CFR part 915) regulating the handling of avocados grown in South Florida. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This interim final rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This interim final rule is not intended to have retroactive effect. This interim final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their behalf. Thus, both statutes have small entity orientation and compatibility.

There are about 40 avocado handlers subject to regulation under the marketing order covering avocados grown in Florida, and about 300 avocado producers in Florida. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of the Florida avocado handlers and producers may be classified as small entities.

The Avocado Administrative Committee (committee) recommended the relaxation for avocados. This committee works with the Department in administering the marketing agreement and order. This committee meets prior to and during each season to consider recommendations for modification, suspension, or termination of the regulatory requirements for Florida avocados. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department reviews committee recommendations, information submitted by the committee and determines whether modification, suspension, or termination of the regulatory requirements would tend to effectuate the declared policy of the Act.

This action temporarily relaxes grade requirements for Florida avocados by suspending all grade requirements for fresh avocados shipped to destinations within the production area in Florida in containers other than those authorized under § 915.305. This suspension will end on April 1, 1994, when more abundant supplies of fresh Florida

avocados are expected to be available. Supplies of fresh Florida avocados are currently very limited due to extensive damage from Hurricane Andrew last August, and supplies next season are expected to be substantially below normal.

Currently, all fresh Florida avocados must grade at least U.S. No. 2, when shipped in any container. This relaxation will only apply to Florida avocados shipped to destinations within the production area. Thus, the U.S. No. 2 grade requirement will continue to apply unchanged to avocados shipped to destinations outside the production area, as well as to all avocados shipped to any destination in those containers specified in § 915.305. Also unchanged by this action are current maturity, container, pack, and inspection requirements for all fresh Florida avocado shipments under the avocado marketing order.

Currently, avocados imported into the United States must grade at least U.S. No. 2, as provided in § 944.28 (7 CFR 944.28). Since this action does not change the minimum grade requirements of U.S. No. 2 specified in § 915.306 for avocados handled to points outside the production area, there is no need to change the avocado import regulation. Section 8e of the Act (7 U.S.C. 608e–1) requires that whenever specified commodities, including avocados, are regulated under a Federal marketing order, imports of that commodity into the United States must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

This relaxation will provide Florida avocado growers and handlers with an opportunity to sell, in the production area, fresh avocados which would otherwise be culled out during the packing process, thus making additional avocados available to consumers. This action is expected to result in relatively small quantities of lower quality avocados being sold within the production area, and facilitate the movement of avocados to the fresh market.

This relaxation is being made on an interim final rule basis, since it needs to become effective promptly. This action relaxes requirements, and was unanimously recommended by the committee.

This action reflects the committee's and the Department's appraisal of the need to relax the grade requirements for certain avocados grown in Florida. The Department's view is that this action will have a beneficial impact on producers and handlers since it will permit avocado handlers to make additional supplies of fruit available to meet consumer needs consistent with crop and market conditions.

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, the information and recommendations submitted by the committee, and other information, it is found that the suspension set forth below will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined, upon good cause, that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) This action relaxes grade requirements currently in effect for avocados grown in Florida; (2) Florida avocado handlers are aware of this action which was unanimously recommended by the committee at a public meeting, and they will need no additional time to comply with the relaxed requirements; (3) Florida avocado shipments are currently in progress; (4) this action must be made effective as soon as possible to be of maximum benefit to the Florida avocado industry; and (5) the rule provides a 30-day comment period, and any comments received will be considered prior to any finalization of this interim final rule.

List of Subjects in 7 CFR Part 915

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 915 is amended as follows:

1. The authority citation for 7 CFR part 915 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

2. Section 915.306 [7 CFR 915.306] is amended by adding a new paragraph (a)(7) to read as follows:

Note: This section will appear in the annual Code of Federal Regulations.

§ 915.306 Florida avocado grade, pack, and container marking regulation.

(a) * * *

(7) Notwithstanding the provisions in this section, such avocados may be handled during the period February 11, 1993 through March 31, 1994, not subject to the grade requirements specified in paragraph (a)(1) of this section when they are shipped in containers other than those authorized under § 915.305 to destinations within the production area.

* * * * *

Dated: February 5, 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–3230 Filed 2–10–93; 8:45 am]

BILLING CODE 3410–02–M

FEDERAL RESERVE SYSTEM

12 CFR Parts 208 and 225

[Regulation H, Regulation Y; Docket No. R–0748]

Capital; Capital Adequacy Guidelines

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule to the Capital Adequancy Guidelines.

SUMMARY: The Board of Governors of the Federal Reserve System (Board or Federal Reserve) is revising its capital adequacy guidelines for bank holding companies and state member banks to provide explicit guidance on the types of intangible assets that may be included in (that is, not deducted from) the Tier 1 capital calculation for risk-based and leverage capital purposes. The revision also includes limits and discounts that are applicable to those intangible assets included in capital. The revision was formulated in conjunction with the staffs of the four federal financial institutions regulatory agencies (the Federal Reserve, Federal Deposit Insurance Corporation (FDIC), Office of the Comptroller of the Currency (OCC), and Office of Thrift Supervision (OTS)) and, when made final by the other agencies, will achieve greater consistency among the agencies with respect to the capital treatment of intangible assets. In addition, certain aspects of the final rule implement provisions of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA).

EFFECTIVE DATE: March 15, 1993.

FOR FURTHER INFORMATION CONTACT: Rhoger H Pugh, Assistant Director (202/728–5883), Norah M. Barger, Manager (202/452–2402), Thomas R. Boemio, Supervisory Financial Ar alyst (202/452–2982), Robert E. Motyka,

VOL 58 ISS 27 FE 11 1993 UMI

Supervisory Financial Analyst (202/452–3621), Division of Banking Supervision and Regulation. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), Dorothea Thompson (202/452–3544).

SUPPLEMENTARY INFORMATION:

I. Background

The international bank capital standards (Basle Accord) [1] require that banks deduct goodwill from their core capital elements in determining Tier 1 capital for risk-based capital purposes. [2] The Basle framework, which by its terms applies only to internationally active banks, was adopted by the Federal Reserve for all state member banks. The Board also chose to apply, generally on a consolidated basis, a risk-based capital framework similar to the Basle Accord to U.S. bank holding companies. [3] Under this framework, bank holding companies are also required to deduct goodwill from Tier 1 capital. Furthermore, the Board has adopted a leverage capital standard for state member banks and bank holding companies. [4] Since Tier 1 capital serves as the numerator of the leverage ratio, goodwill also is deducted from the core capital elements for purposes of the leverage standard.

A. Current Treatment of Identifiable Intangible Assets

The Basle Accord does not address the treatment of identifiable intangible assets, that is, intangible assets other than goodwill. Consequently, under the Basle framework, U.S. bank regulators have discretion in specifying the treatment of these other intangible assets. In evaluating the appropriateness of including particular intangible assets in an organization's capital, the Federal Reserve and the other federal banking agencies consider a number of factors, including the following criteria, sometimes referred to as the "three-part test":

1. The reliability and predictability of any cash flows associated with the asset and the degree of certainty that can be achieved in periodically determining the asset's useful life and value;

2. The marketability of the asset, that is, the existence of an active and liquid market; and

3. The salability of the asset, that is, the feasibility of selling the asset apart from the financial institution or from the bulk of its assets.

All the agencies have determined that purchased mortgage servicing rights (PMSRs) [5] generally meet these criteria and all allow such assets to be included in Tier 1 capital, subject to certain limits. The agencies currently differ on the extent to which other intangibles meet the criteria, and each follows somewhat different procedures regarding their treatment.

The FDIC and OCC fully deduct all intangibles other than PMSRs from Tier 1 capital. The Federal Reserve does not automatically deduct any identifiable intangible assets from Tier 1 capital, but determines the appropriateness of their inclusion in the calculation of an organization's capital position on a case-by-case basis. The Board has long considered the level and quality of identifiable intangible assets in assessing the capital adequacy and overall asset quality of banking institutions since even those intangible assets that meet the above criteria usually contain a relatively high degree of risk. The OTS has concluded that, at least in some cases, certain other identifiable intangible assets (for example, core deposit intangibles, or CDIs) [6] may meet the three criteria and, therefore, has not required the deduction of some of these other identifiable intangible assets in calculating capital ratios.

All the agencies specify limits on the amount of intangibles that institutions can include in capital. The Board's current risk-based capital guidelines indicate that while all intangible assets will be monitored, identifiable intangible assets in excess of 25 percent of Tier 1 capital are subject to particularly close scrutiny. The OCC permits PMSRs to account for up to 25 percent of Tier 1 capital. The OTS permits PMSRs to be included up to 50 percent of Tier 1 capital, and other qualifying intangibles (for example, CDIs) are limited to 25 percent of Tier 1 capital. The FDIC permits PMSRs up to 50 percent of Tier 1 capital. Both the OTS and the FDIC impose certain valuation and discounting requirements on PMSRs included in capital.

B. Proposal for the Treatment of Identifiable Intangible Assets

For some time, the agencies have been reviewing the capital treatment of identifiable intangible assets with the aim of developing greater uniformity among the agencies in the treatment of these assets for capital adequacy purposes. On the basis of this review, the Board, on February 19, 1992, proposed for public comment revisions to its capital adequacy guidelines to provide explicit guidance on certain types of intangible assets that may be included in capital, namely PMSRs and purchased credit card relationships (PCCRs), [7] as well as specifications for appropriate limits on the amount of such assets that may be included within capital. The proposed revisions represented a proposal jointly developed by the staffs of the four federal financial institutions regulatory

---

[1] The Basle Accord is a risk-based capital framework that was proposed by the Basle Committee on Banking Regulations and Supervisory Practices and endorsed by the central bank governors of the Group of Ten (G–10) countries in July 1988. The Committee is comprised of representatives of the central banks and supervisory authorities from the G–10 countries (Belgium, Canada, France, Germany, Italy, Japan, Netherlands, Sweden, Switzerland, the United Kingdom, and the United States) and Luxembourg.

[2] The risk-based capital guidelines utilize the ratio of a banking organization's Tier 1 capital and Tier 2 capital to the organization's total on-balance sheet assets and off-balance sheet credit arrangements, adjusted for their relative risks. Tier 1 capital is composed of core capital elements such as common equity and qualifying perpetual preferred stock, while Tier 2 capital is composed of supplementary capital elements such as the allowance for loan and lease losses and subordinated debt.

[3] For bank holding companies with consolidated assets of less than $150 million, the risk-based capital guidelines generally are applied on a bank-only basis.

[4] The leverage capital guidelines utilize a ratio of the banking organization's Tier 1 capital elements to its total average on-balance sheet assets.

[5] PMSRs are identifiable intangible assets associated with the right to service mortgage loans. PMSRs generally arise when an institution purchases such rights from another entity that originated the mortgage loans. An organization that acquires PMSRs has the obligation to collect principal and interest payments, and escrow amounts from the mortgagor, and to insure that all amounts collected are passed on to the appropriate parties. In return for performing these functions, the servicer receives a fee, which is generally based on the remaining principal amount due on the mortgages being serviced.

[6] CDIs are identifiable intangible assets associated with the value of the relatively low cost funding afforded by core depositor relationships (that is, certain nonbrokered retail deposits) acquired from another depository institution. CDIs generally arise when an organization purchases another depository institution or some of its branches and assumes the related deposit liabilities. The value of CDIs is based upon the assumption that the lower cost source of funds provided by core depositor relationships will continue to be available to the acquiring institution for a period of time after the acquisition.

[7] PCCRs are identifiable intangible assets associated with the right to provide future advances and other services to credit cardholders and to provide correspondent merchant processing under credit card arrangements that have been originated by, and purchased from, another entity. PCCRs generally arise when a credit card portfolio is bought and the purchaser acquires the current advances outstanding under the credit card arrangements, which are tangible assets, as well as the right to provide future services to the cardholders, which is an intangible asset. The value of PCCRs derives from the anticipated profit the purchaser will earn from interest on future advances, fees charged for other future credit card-related services, after covering expenses and other operating costs such as credit losses.

agencies with respect to the regulatory capital treatment of intangible assets.

The Federal Reserve also proposed that, to the extent that PMSRs are determined to be includable in Tier 1 capital, they should be subject to certain valuation requirements that are consistent with provisions of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA). In that regard, section 475 of the Act provides that the federal banking agencies determine the amount of PMSRs includable in the calculation of an institution's capital, if such servicing rights are valued at not more than 90 percent of their fair market value, and are reviewed on at least a quarterly basis. In addition, the Federal Reserve proposed that institutions determine the fair market value and book value of PMSRs includable in capital in accordance with criteria already set forth in the current FDIC and OTS rules regarding these intangible assets. Since the calculation of the fair market value for PCCRs is at least as subjective as it is for PMSRs, the Federal Reserve also proposed that PCCRs be subject to the same valuation requirements as PMSRs.

The changes in the capital treatment of intangible assets were proposed for incorporation into the capital ratios used for both examinations and applications purposes. The proposal stated, however, that, consistent with the existing capital guidelines, the Board may in certain cases continue to evaluate an organization's tangible capital ratios (after deducting all intangibles) in assessing its overall capital adequacy, if warranted in the judgment of the Board.

C. Proposal in Detail

The Board proposed the following treatment for identifiable intangible assets for purposes of the risk-based and leverage capital guidelines:

1. PMSRs and PCCRs would be considered qualifying intangible assets. As such, they would not have to be deducted from capital provided that, in the aggregate, they do not exceed 50 percent of Tier 1 capital and provided that PCCRs do not exceed a sublimit of 25 percent of Tier 1 capital. PMSRs and PCCRs in excess of these limits would be deducted from an organization's core capital elements in determining Tier 1 capital.[8]

2. The limits on PMSRs and PCCRs would be based on a percentage of Tier 1 capital before excess holdings of these assets are deducted, but after goodwill and all other nonqualifying identifiable intangible assets (for example, CDIs) are deducted.

3. Institutions would be required to determine the fair market value and to review the book value of their PMSRs and PCCRs at least quarterly. Banking organizations that wish to include these assets in capital would not be able to carry them for regulatory reporting purposes at a book value that exceeds the discounted value of their estimated future net cash flows. The discounted cash flow provision is a current requirement in the guidelines of the FDIC and the OTS. The discount rate used for this purpose should not be less than that derived at the time of acquisition, based upon the estimated cash flows and the price paid for the asset at the time of purchase.

4. For purposes of calculating Tier 1 capital, the amount of PMSRs and PCCRs an organization could include in capital could not exceed the lesser of 90 percent of the fair market value of the assets (this provision is consistent with section 475 of FDICIA), 90 percent of their original purchase price (as currently required by the FDIC and the OTS), or 100 percent of their book value.

5. CDIs and all other identifiable intangible assets would be deducted from the core capital elements for purposes of calculating an institution's Tier 1 capital, just as goodwill, in accordance with the Basle Accord, is deducted.[9]

II. Public Comments on the Proposal

The comment period for this proposal ended March 27, 1992. Of the forty-five public comment letters received that addressed the proposal, thirty-two indicated varying levels of support for the Board's effort to revise its capital adequacy guidelines with regard to the treatment of identifiable intangible assets. Most of the commenters offering support for the Board's effort, however, expressed concerns or very strong reservations with various aspects of the proposal. The thirteen respondents that explicitly opposed the proposal based their opposition on one or more of the following reasons: the proposed treatment of intangibles is too restrictive for capital adequacy purposes; the valuation methods are arbitrary and complex, and are not in accordance with GAAP; the treatment ignores the risk reduction properties of CDIs and other identifiable intangible assets; and the proposal, if implemented, would create a competitive disadvantage between U.S. banking organizations and nonfinancial institutions and between U.S. banking organizations and foreign banks.

A. Issues Raised by Commenters

Nine respondents indicated that the three-part test should be used to determine which intangible assets would be eligible for inclusion in capital. Fifteen respondents agreed that PMSRs and/or PCCRs meet the three criteria and, thus, should be included in Tier 1 capital. Of the eighteen commenters that addressed the issue of limitations on the amount of PMSRs and PCCRs that can be included in capital, seven specifically stated that they favored the proposed aggregate limit of 50 percent of Tier 1 capital.

Seven commenters opposed both the 50 percent aggregate limit and 25 percent sublimit for PCCRs on the grounds that these limits were arbitrary and unjustified in view of the proposal's other valuation requirements for these assets and were inconsistent with generally accepted accounting principles (GAAP), which does not impose any limitations on the inclusion of these assets within capital. Ten respondents specifically opposed the 25 percent sublimit for PCCRs, which they contended are inherently as valuable as PMSRs and, thus, should be treated in the same manner as PMSRs for capital purposes.

Thirteen commenters specifically addressed what they perceived as the proposal's ambiguity with regard to whether or not an institution's qualifying intangibles, that is, PMSRs and PCCRs, would be deducted from capital for applications purposes. These commenters maintained that banking organizations should be aware of the criteria they are being measured against when filing applications and that ambiguity on this matter indicated that the Board viewed these intangibles as worthless even though the proposal states that they have value.

All twenty-two commenters that addressed the proposed deduction of CDIs from Tier 1 opposed it and supported a full or partial inclusion of CDIs in Tier 1 capital. Commenters asserted that CDIs meet the criteria in the three-part test and have real

[8] PMSRs and PCCRs that are included in (that is, are not deducted from) capital would be included in the calculation of total risk-weighted assets at a risk weight of 100 percent for risk-based capital purposes and would be included in total average assets for leverage capital purposes. PMSRs and PCCRs that are not included in (that is, are deducted from) capital would not be included in the calculation of total risk-weighted assets for risk-based capital purposes and would be deducted from total average assets for leverage capital purposes.

[9] Like goodwill, CDIs and all other intangible assets not includable in capital would not be included in the calculation of total risk-weighted assets for risk-based capital purposes and would be deducted from average total assets for leverage capital purposes.

economic value. These commenters contended that the proposal, if implemented, could discourage institutions from purchasing deposits from those institutions that are experiencing financial difficulties or are failing, thereby depleting the deposit insurance funds and increasing the ultimate cost of closing an institution to the taxpayers.

Fifteen respondents expressed opposition to an automatic deduction of other identifiable intangible assets such as purchased trust servicing rights, purchased investment management relationships, purchased home equity rights, and merchant servicing rights. These commenters stated that although many of these assets are classified as intangible assets for accounting purposes, they are economically equivalent to tangible assets.

Three respondents discussed internally generated servicing rights, which the proposal did not address. It was noted that although the value of these off-balance sheet assets are often substantial, they are not included in the Board's consideration of an institution's capital adequacy. Commenters maintained that the discounted value of PMSRs and PCCRs should be offset by the value of internally generated servicing rights.

Twelve commenters urged the Board to consider some type of grandfathering for identifiable intangible assets subject to deduction from capital that were acquired prior to issuance of the proposal. While the proposal did not contemplate grandfathering, respondents contended that the deduction of preexisting intangible assets would be unfair to banking organizations that had purchased the assets at a price that reflected the existing rules and had established businesses based upon these rules. Others stated that some organizations that currently include CDIs in their capital calculations would experience substantial reductions in regulatory capital. Several commenters indicated that they could support a transitional period to provide for an orderly conversion to the new standard.

B. Responses to the Board's Questions

Question 1: Twenty-four commenters responded to the first question posed by the Board which inquired whether the approaches proposed for the valuation and discounting of PMSRs and PCCRs were appropriate.

Eleven commenters specifically addressed the issue of limiting the amount of PMSRs and PCCRs included in capital to 90 percent of fair market value. Four respondents supported the 10 percent discount, which is consistent with the provisions regarding evaluation of PMSRs in section 475 of FDICIA. Seven others opposed this discount requirement on the grounds that it is inconsistent with GAAP and is unnecessary in view of the active and liquid markets for these assets. Seven commenters also opposed the proposal that the amount of qualifying intangible assets includable in capital be limited to 90 percent of the original purchase price on the grounds that such a discount is not required by either GAAP or FDICIA and offers little supervisory benefit in view of the other valuation requirements.

Nine of the ten commenters addressing the proposal that the fair market value of PMSRs and PCCRs be determined by applying an appropriate market discount rate to the expected net future cash flows supported the proposed valuation approach. One commenter preferred use of the original discount rate. Six of the commenters indicated that while the use of an actual market sales price for PMSRs and PCCRs would be beneficial in the overall assessment of the fair market value of these assets, it would not be an adequate substitute for the proposed method. A seventh commenter indicated that use of recent sales prices for PCCRs would strengthen the validity of the fair market value determined by the proposed approach.

Fifteen commenters addressed the proposed approach to determine the book value of PMSRs and PCCRs included in capital. Fourteen respondents were against either the requirement that these assets be valued on their books using a discounted approach or the specification that the discount rate applied to the estimated future net cash flows be no lower than the rate used at the time of acquisition. The one commenter that supported both requirements stated that the use of the original discount rate would maintain consistency in measuring subsequent cash flows with the original projections.

Commenters opposing the discounted approach requirement stated that it was inconsistent with GAAP, which permits but does not require that an asset's expected cash flows be discounted to determine the asset's book value, and that it should be eliminated since it is neither required by GAAP nor mandated by FDICIA. The ten respondents objecting to the requirement for what they viewed as an artificial floor on the discount rate stated that it could result in a book value that not only was lower than amortized cost, but also was lower than fair market value. These organizations argued that banks need flexibility in applying an appropriate discount rate that would reflect current market and portfolio conditions.

Although the Board did not propose requiring an independent evaluation of identifiable intangible assets, six respondents commented on such evaluations, which the FDIC and the OTS currently require on an annual basis for intangibles included in capital. Four organizations agreed that an institution should be allowed to assess internally the value of its intangibles without incurring the cost of an independent third party evaluation and commended the Board for not proposing such a requirement. Two other organizations, however, supported the requirement of an annual independent evaluation on the grounds that it would promote a conservative approach to quarterly reviews and, thereby, help to prevent abuses.

Nine commenters addressed the proposal's requirement that banking organizations determine the book value and fair market value of PMSRs and PCCRs at least quarterly. Four organizations supported the requirement, while five opposed it. Four of these five institutions objected on the grounds of cost and favored annual instead of quarterly reviews. The fifth stated that valuations should be performed more frequently than quarterly.

Four commenters inquired whether the requirement limiting the amount of qualifying intangibles in capital to the lesser of 90 percent of fair market value, 90 percent of original purchase price, or 100 percent of book value, would be applied on a pool-by-pool or aggregate portfolio basis. The proposal did not address this issue. The four commenters favored application of the limitation on an aggregate portfolio basis, which they viewed as consistent with GAAP and with the way in which institutions dispose of these assets. They also expressed the view that applying limitations on a pool-by-pool basis would unjustly result in a reduction of a portfolio's value for purchases that had decreased in value, without permitting offsetting increases for purchases that had risen in value.

Question 2: Eight respondents addressed the second question posed by the Board which asked how the recent large level of mortgage refinancings had affected the market for, and values of, PMSRs and requested general market information on identifiable intangible assets.

The eight commenters all agreed that the value of PMSRs is inversely related to the speed of prepayments associated with mortgage refinancings. They noted

that the recent decrease in interest rates had prompted a surge of refinancings of loans with high interest rates, resulting in an increase in prepayments and, thus, a decrease in the value attached to existing PMSRs. Some respondents stated that the value of PMSRs related to new mortgage originations at lower interest rates and purchases of lower rate mortgages have maintained or increased their value since anticipated prepayments are expected to be low due to the reduced interest rates at which the mortgages were originated. As a result, the aggregate value of an institution's PMSRs may have either increased or decreased depending upon the institution's portfolio mix of PMSRs related to existing loans at higher interest rates and those related to new loans at lower interest rates.

Several commenters stated that although the recent refinancings have, in general, negatively affected the market for existing PMSRs, the income generated from new originations and the use of hedge instruments has had a positive impact on institutions' earnings. The majority of respondents to this question concurred that the market for new PMSRs remains competitive.

Question 3: Nine respondents addressed the Board's third question which inquired as to the reasons for which banking organizations buy PMSRs and whether it would be appropriate to limit an organization's involvement in PMSRs based on their ability to manage the associated prepayment risk.

Some respondents to this question indicated that PMSRs provide banks with a stable source of revenue and an attractive return on equity. Others maintained that their PMSRs portfolios were integral components of their overall mortgage lending business. A few commenters agreed that PMSRs were useful hedges against changing interest rates since their returns are negatively correlated to returns on other assets held by depository institutions. Most respondents stated that an organization's overall interest rate risk management system should include the evaluation of the prepayment risk associated with PMSRs.

Question 4: Nine respondents addressed the Board's fourth question which solicited views on the appropriate capital treatment for excess servicing rights, which GAAP currently classifies as tangible assets.

Most of these commenters agreed that excess servicing rights should not be deducted from capital, nor treated like PMSRs for capital purposes, even though these assets possess characteristics similar to those of PMSRs.

III. Final Amendments to the Capital Adequacy Guidelines With Regard to the Capital Treatment of Intangible Assets

After review of the comments received and further consideration of the issues involved, and following consultations with the other federal banking agencies, the Board is now issuing in final form amendments to its risk-based and leverage capital guidelines to provide explicit guidance on the types and amounts of intangible assets that state member banks and bank holding companies may include in capital. These final amendments have been developed in consultation with the other federal banking agencies and are consistent with international capital standards.

As proposed, the Board will allow banking organizations to include in capital PMSRs and PCCRs, but will require the deduction of CDIs and other identifiable intangible assets. While PMSRs and PCCRs clearly meet the three criteria set forth in the proposal as some of the factors considered in determining the appropriateness of including intangible assets in capital, CDIs and other identifiable intangible assets do not.

A review of the comments indicated that inclusion in the proposed rule of the three-part test as a means for determining which identifiable intangible assets could be included in regulatory capital led some respondents to conclude that the Board did not necessarily intend to require the deduction of all identifiable intangible assets other than PMSRs and PCCRs. Accordingly, to avoid any confusion with regard to the Board's views on which intangibles qualify for inclusion in capital, the three-part test will be eliminated from the final rule. These three criteria, however, will continue to be considered in the assessment of the quality of an institution's intangible assets for purposes of evaluating its overall capital position.

A number of the commenters that objected to the exclusion from capital of CDIs and other identifiable intangible assets argued that, at a minimum, such assets that institutions had previously acquired should be grandfathered into capital. After further consideration of this matter, the Board agrees that to the extent institutions were permitted to include such assets in capital prior to issuance of the proposal, they should not now be required to deduct those assets from capital. Accordingly, for supervisory purposes, the Board will permit institutions to incorporate into their capital ratios identifiable intangible assets other than PMSRs and PCCRs that were acquired prior to February 19, 1992. It should be noted, however, that the Federal Reserve's longstanding practice has been to deduct these assets from capital for purposes of evaluating an organization's capital position for applications purposes. Accordingly, the Board believes that it would be inappropriate to include in the calculation of capital ratios used for applications purposes any CDIs or identifiable intangible assets other than PMSRs or PCCRs, whether or not such assets were acquired prior to February 19, 1992.

As proposed, the final rule will permit PMSRs and PCCRs to be included in capital only to the extent that, in the aggregate, they do not exceed 50 percent of Tier 1 capital. PCCRs also will be subject to a sublimit of 25 percent of Tier 1 capital. While several commenters objected to the lower limitation on PCCRs includable in capital, the Board believes that this sublimit is appropriate since the market for PCCRs does not have the liquidity and maturity of the market for PMSRs and the assumptions used in the valuation of PCCRs generally are less objective and subject to less market discipline than those used in the valuation of PMSRs.

In the interest of simplicity, these limits on PMSRs and PCCRs will be based, as proposed, on a percentage of Tier 1 capital before excess holdings of these assets are deducted, that is, the sum of core capital elements (for example, common equity and qualifying perpetual preferred stock) less goodwill and other nonqualifying intangible assets. This method of calculation, however, could result in the inclusion in capital of PMSRs and PCCRs in an amount greater than 50 percent, and of PCCRs in an amount greater than 25 percent, of Tier 1 capital net of goodwill, other nonqualifying intangible assets, and deductible amounts of PMSRs and PCCRs. Thus, it would be possible for an institution to report a positive amount of Tier 1 capital even though its holdings of PMSRs and PCCRs exceed the sum of its core capital elements. Accordingly, as proposed, the final rule contains cautionary language that indicates that excessive holdings of PMSRs and PCCRs includable in capital may be viewed as an unsafe and unsound practice.

For purposes of calculating Tier 1 capital, the amount of PMSRs and PCCRs an organization may include in capital cannot exceed the lesser of 90 percent of the fair market value of these

VOL 58 ISS 27 FE 11 1993 UMI

assets or 100 percent of their book value. The proposal also would have limited the amount of these assets includable in capital to not more than 90 percent of the original purchase price of the asset. Several commenters opposed this requirement on the grounds that it would impose a recordkeeping burden but provide little supervisory benefit in light of the other proposed valuation requirements. In addition, respondents noted that FDICIA does not require this limitation. The Board believes these arguments have merit and, accordingly, is eliminating this limitation from the final rule.

Like the proposal, the final rule does not specify whether the limitation to the lesser of 90 percent of fair market value or 100 percent of book value should be applied on a pool-by-pool or aggregate basis. The use of an aggregate approach by some institutions in the past to avoid recording a writedown of individual assets by purchasing new assets does raise concerns with regard to the use of such an approach. However, the Board believes that these concerns are mitigated by the other valuation requirements that are being imposed on PMSRs and PCCRs. Accordingly, the rule does not specify either the pool-by-pool or aggregate approach.

As proposed, institutions will be required to determine the fair market value and to review the book value of their PMSRs and PCCRs at least quarterly. Unlike the FDIC and the OTS, the Federal Reserve did not propose that these assets be subject to an annual independent valuation, and the final rule does not contain such a valuation requirement. However, the rule does note that the Federal Reserve, on a case-by-case basis, may require an institution to obtain independent valuations of its intangible assets.

The proposal indicated that if an institution wished to allow PMSRs to be recognized for inclusion in regulatory capital, it would have to carry them at a book value equal to the discounted value of their future net servicing income. The discount rate used for this purpose could not be less than that derived at the time of acquisition, based upon the estimated cash flows and the price paid for the asset at the time of purchase. Many commenters expressed opposition to the use of the discounted approach to determining book value, as well as to a mandated floor on the discount rate. The Board, however, continues to support these requirements for the determination of the book value of PMSRs and PCCRs for several reasons. The use of a discounted approach, while not required by GAAP, is permitted by GAAP. Since this approach is more conservative than an undiscounted approach, the Board believes it is the most appropriate method to use for intangible assets included in the calculation of regulatory capital.

The Board also believes it is more appropriate for institutions to use the original discount rate, which is an objectively determinable rate, rather than a market-based rate as suggested by some commenters. The original discount rate is based on the original purchase price relative to the estimated future net cash flows at the time of purchase. Market-based discount rates are much less objective and are subject to greater manipulation and abuse. Moreover, the original discount rate reflects the economics of a transaction at its inception and, thus, its use is consistent with the historical cost accounting model.

In addition, determining the book value of PMSRs and PCCRs based on expected net cash flows discounted at the original discount rate makes the characteristics of these qualifying intangible assets similar to those of certain tangible assets (for example, excess servicing fees receivable) that currently have no specific capital limitations. This requirement, therefore, provides additional justification for the inclusion of these qualifying intangible assets in regulatory capital.

While a number of commenters disagreed with the proposed discounted approach for the valuation of PMSRs and PCCRs, the Board continues to support the proposed approach to the valuation of these assets. However, the Board believes that these valuation requirements are more appropriately framed in the context of regulatory reporting requirements rather than in the context of a regulatory capital rule. Accordingly, the Board is eliminating from the final rule the requirement that the book value of PMSRs and PCCRs included in capital be accounted for on a discounted basis, using a discount rate that is no less than that employed at the time of acquisition. These requirements, however, will be incorporated into instructions for the reporting of PMSRs and PCCRs in the Reports of Condition and Income for state member banks (Call Report) and the Consolidated Financial Statements for bank holding companies with total consolidated assets of $150 million or more (FR Y–9C Report).[10]

[10] For bank holding companies, these instructions will take the form of additional line items to Risk-Based Capital Schedule HC–I, which pertains to risk-weighted assets.

The Board is clarifying that the capital treatment of intangible assets set forth in the final rule will be incorporated into the capital ratios used for both examinations and applications purposes. The final rule, however, notes that in assessing an organization's capital position for applications purposes, the Board reserves the right as it deems appropriate to take into account the quality and composition of an organization's capital, together with the quality and value of its tangible and intangible assets. Nonetheless, as mentioned above, any previously acquired CDIs or other identifiable intangible assets apart from PMSRs or PCCRs that may be grandfathered into capital for supervisory purposes will not be included in the calculation of an institution's capital ratios for applications purposes.

IV. Regulatory Flexibility Act Analysis

The Federal Reserve Board does not believe adoption of this final rule would have a significant economic impact on a substantial number of small business entities (in this case, small banking organizations), in accord with the spirit and purposes of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). In this regard, the vast majority of small banking organizations have very limited amounts of identifiable intangible assets, which are the subject of this final rule, as a component of their capital structures. In addition, because the risk-based and leverage capital guidelines generally do not apply to bank holding companies with consolidated assets of less than $150 million, this final rule will not affect such companies.

List of Subjects

12 CFR Part 208

Accounting, Agricultural loan losses, Applications, Appraisals, Banks, banking, Branches, Capital adequacy, Confidential business information, Currency, Dividend payments, Federal Reserve System, Flood insurance, Publication of reports of condition, Reporting and recordkeeping requirements, Securities, State member banks.

12 CFR Part 225

Administrative practice and procedure, Appraisals, Banks, banking, Capital adequacy, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities, State member banks.

For the reasons set out in the preamble, and pursuant to the Board's

authority under section 5(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(b)), and section 910 of the International Lending Supervision Act of 1983 (12 U.S.C. 3909), the Board is amending 12 CFR parts 208 and 225 as follows:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

1. The authority citation for part 208 is revised to read as follows:

Authority: 12 U.S.C. 36, 248(a), 248(c), 321–338, 461, 481–486, 601, 611, 1814, 1823(j), 3105, 3310, 3331–3351, and 3906–3909; 15 U.S.C. 78b, 78*l*(b), 78*l*(g), 78*l*(i), 78o–4(c) (5), 78q, 78q–1, and 78w.

Appendix A—[Amended]

2. Appendix A to part 208 is amended by revising the first sentence and by removing the second sentence of the first undesignated paragraph of section II.A.1.; by revising the first undesignated paragraph of section II.A.2.; by revising the first sentence of section II.A.2.d.; by revising paragraph (i) of section II.B.; by revising section II.B.1.b.; and by revising footnote 16 of section II.B.2., to read as follows:

II. Definition of Qualifying Capital for the Risk-Based Capital Ratio

* * * * *

A. * * *

1. * * *

Tier 1 capital is generally defined as the sum of core capital elements[8] less goodwill and other intangible assets required to be deducted in accordance with section II.B.1.b. of this appendix.

* * * * *

2. * * *

The maximum amount of Tier 2 capital that may be included in a bank's qualifying total capital is limited to 100 percent of Tier 1 capital (net of goodwill and other intangible assets required to be deducted in accordance with section II.B.1.b. of this appendix).

* * * * *

d. * * * The aggregate amount of term subordinated debt (excluding mandatory convertible debt) and intermediate-term preferred stock that may be treated as supplementary capital is limited to 50 percent of Tier 1 capital (net of goodwill and other intangible assets required to be deducted in accordance with section II.B.1.b. of this appendix). * * *

* * * * *

B. * * *

(i)(a) Goodwill—deducted from the sum of core capital elements.

(b) Certain identifiable intangible assets, that is, intangible assets other than goodwill—deducted from the sum of core capital elements in accordance with section II.B.1.b. of this appendix.

* * * * *

1. * * *

a. * * *

b. *Other intangible assets.* The only types of identifiable intangible assets that may be included in, that is, not deducted from, a bank's capital are readily marketable purchased mortgage servicing rights and purchased credit card relationships, provided that, in the aggregate, the total amount of these assets included in capital does not exceed 50 percent of Tier 1 capital. Purchased credit card relationships are subject to a separate sublimit of 25 percent of Tier 1 capital.[14]

For purposes of calculating these limitations on purchased mortgage servicing rights and purchased credit card relationships, Tier 1 capital is defined as the sum of core capital elements, net of goodwill and all identifiable intangible assets other than purchased mortgage servicing rights and purchased credit card relationships, regardless of the date acquired. This method of calculation could result in purchased mortgage servicing rights and purchased credit card relationships being included in capital in an amount greater than 50 percent—or in purchased credit card relationships being included in an amount greater than 25 percent—of the amount of Tier 1 capital used to calculate an institution's capital ratios. In such instances, the Federal Reserve may determine that a bank is operating in an unsafe and unsound manner because of overreliance on intangible assets in Tier 1 capital.

Banks must review the book value of all intangible assets at least quarterly and make adjustments to these values as necessary. The fair market value of purchased mortgage servicing rights and purchased credit card relationships also must be determined at least quarterly. The fair market value generally shall be determined by applying an appropriate market discount rate to the expected future net cash flows. This determination shall include adjustments for any significant changes in original valuation assumptions, including changes in prepayment estimates or account attrition rates.

Examiners will review both the book value and the fair market value assigned to these assets, together with supporting documentation, during the examination process. In addition, the Federal Reserve may require, on a case-by-case basis, an independent valuation of a bank's intangible assets.

The amount of purchased mortgage servicing rights and purchased credit card relationships that a bank may include in capital shall be the lesser of 90 percent of their fair market value, as determined in accordance with this section, or 100 percent of their book value, as adjusted for capital purposes in accordance with the instructions in the commercial bank Consolidated Reports of Condition and Income (Call Report). If both the application of the limits on purchased mortgage servicing rights and purchased credit card relationships and the adjustment of the balance sheet amount for these intangibles would result in an amount being deducted from capital, the bank would deduct only the greater of the two amounts from its core capital elements in determining Tier 1 capital.

The treatment of identifiable intangible assets set forth in this section generally will be used in the calculation of a bank's capital ratios for supervisory and applications purposes. However, in making an overall assessment of a bank's capital adequacy for applications purposes, the Board may, if it deems appropriate, take into account the quality and composition of a bank's capital, together with the quality and value of its tangible and intangible assets.

Consistent with long-standing Board policy, banks experiencing substantial growth, whether internally or by acquisition, are expected to maintain strong capital positions substantially above minimum supervisory levels, without significant reliance on intangible assets.

2. * * *[16] * * *

3. Appendix A to part 208 is amended by revising the last undesignated paragraph of section III.C.4. to read as follows:

III. Procedures for Computing Weighted Risk Assets and Off-Balance Sheet Items

* * * * *

C. * * *

4. * * *

The following assets also are assigned a risk weight of 100 percent if they have not been deducted from capital: investments in unconsolidated companies, joint ventures, or associated companies; instruments that qualify as capital issued by other banking organizations; and any intangibles, including those that may have been grandfathered into capital.

* * * * *

4. Appendix A to part 208 is amended by revising the first, second, and third sentences of the first undesignated paragraph of section IV.A. to read as follows:

IV. Minimum Supervisory Ratios and Standards

* * * * *

A. * * *

---

[8] During the transition period and subject to certain limitations set forth in section IV below, Tier 1 capital may also include items defined as supplementary capital elements.

[14] Amounts of purchased mortgage servicing rights and purchased credit card relationships in excess of these limitations, as well as all other identifiable intangible assets, including core deposit intangibles and favorable leaseholds, are to be deducted from a bank's core capital elements in determining Tier 1 capital. However, identifiable intangible assets (other than purchased mortgage servicing rights and purchased credit card relationships) acquired on or before February 19, 1992, generally will not be deducted from capital for supervisory purposes, although they will continue to be deducted for applications purposes.

[16] An exception to this deduction would be made in the case of shares acquired in the regular course of securing or collecting a debt previously contracted in good faith. The requirements for consolidation are spelled out in the instructions to the Call Report.

As reflected in Attachment VI, by year-end 1992, all state member banks should meet a minimum ratio of qualifying total capital to weighted risk assets of 8 percent, of which at least 4.0 percentage points should be in the form of Tier 1 capital. For purposes of section IV.A., Tier 1 capital is defined as the sum of core capital elements less goodwill and other intangible assets required to be deducted in accordance with section II.B.1.b. of this appendix. The maximum amount of supplementary capital elements that qualifies as Tier 2 capital is limited to 100 percent of Tier 1 capital.* * *

* * * * *

5. In Appendix A to part 208, the table in Attachment II is amended by revising the fifth entry of the left column and by revising footnote 1 of the fifth entry of the left column to read as follows:

ATTACHMENT II—SUMMARY DEFINITION OF QUALIFYING CAPITAL FOR STATE MEMBER BANKS* USING THE YEAR-END 1992 STANDARDS

Components
. . . . .
Less: Goodwill and other intangible assets required to be deducted from capital.[1]
. . . . .

* See discussion in section II of the guidelines for a complete description of the requirements for, and the limitations on, the components of qualifying capital.

[1] Requirements for the deduction of other intangible assets are set forth in section II.B.1.b. of this appendix.

6. In Appendix A to part 208, the table in Attachment VI is amended by revising the second entry of the fourth column and by adding a new footnote number 3 to the second entry of the fourth column to read as follows:

ATTACHMENT VI—SUMMARY

Final Arrangement—Year-End 1992
. . . . .
Common equity, qualifying noncumulative perpetual preferred stock, and minority interest less goodwill and other intangible assets required to be deducted from capital.[3]
. . . . .

[3] Requirements for the deduction of other intangible assets are set forth in section II.B.1.b. of this appendix.

Appendix B—[Amended]

7. Appendix B to part 208 is amended by revising footnote 2 and by revising the last sentence of the second undesignated paragraph of section II to read as follows:

II. The Tier 1 Leverage Ratio

* * * * *

* * * * * As a general matter, average total consolidated assets are defined as the quarterly average total assets (defined net of the allowance for loan and lease losses) reported on the bank's Reports of Condition and Income (Call Report), less goodwill; amounts of purchased mortgage servicing rights and purchased credit card relationships that, in the aggregate, are in excess of 50 percent of Tier 1 capital; amounts of purchased credit card relationships in excess of 25 percent of Tier 1 capital; all other intangible assets; and any investments in subsidiaries or associated companies that the Federal Reserve determines should be deducted from Tier 1 capital.[3]

* * * * *

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

1. The authority citation for part 225 is revised to read as follows:

Authority: 12 U.S.C. 1817(j) (13), 1818, 1831i, 1843(c)(8), 1844(b), 3106, 3108, 3310, 3331–3351, 3907 and 3909.

Appendix A—[Amended]

2. Appendix A to part 225 is amended by revising the first sentence and by removing the second sentence of the first undesignated paragraph of section II.A.1.; by revising the first undesignated paragraph of section II.A.2.; by revising the first sentence of section II.A.2.d.; by revising paragraph (i) of section II.B.; by revising section II.B.1.b.; and by revising footnote 17 of section II.B.2. to read as follows:

II. Definition of Qualifying Capital for the Risk Based Capital Ratio

* * * * *

A. * * *

1. * * *

Tier 1 capital is generally defined as the sum of core capital elements[6] less goodwill and other intangible assets required to be deducted in accordance with section II.B.1.b. of this appendix.

* * * * *

[2] At the end of 1992, Tier 1 capital for state member banks includes common equity, minority interest in equity accounts of consolidated subsidiaries, and qualifying noncumulative perpetual preferred stock. In addition, as a general matter, Tier 1 capital excludes goodwill; amounts of purchased mortgage servicing rights and purchased credit card relationships that, in the aggregate, exceed 50 percent of Tier 1 capital; amounts of purchased credit card relationships that exceed 25 percent of Tier 1 capital; and all other intangible assets. The Federal Reserve may exclude certain investments in subsidiaries or associated companies as appropriate.

[3] Deductions from Tier 1 capital and other adjustments are discussed more fully in section II.B. of appendix A to this part.

[6] During the transition period and subject to certain limitations set forth in section IV below, Tier 1 capital may also include items defined as supplementary capital elements.

2. * * *

The maximum amount of Tier 2 capital that may be included in an organization's qualifying total capital is limited to 100 percent of Tier 1 capital (net of goodwill and other intangible assets required to be deducted in accordance with section II.B.1.b. of this appendix).

* * * * *

d. * * * The aggregate amount of term subordinated debt (excluding mandatory convertible debt) and intermediate-term preferred stock that may be treated as supplementary capital is limited to 50 percent of Tier 1 capital (net of goodwill and other intangible assets required to be deducted in accordance with section II.B.1.b. of this appendix). * * *

* * * * *

B. * * *

(i)(a) Goodwill—deducted from the sum of core capital elements.

(b) Certain identifiable intangible assets, that is, intangible assets other than goodwill—deducted from the sum of core capital elements in accordance with section II.B.1.b. of this appendix.

* * * * *

1. * * *

a. * * *

b. *Other intangible assets.* The only types of identifiable intangible assets that may be included in, that is, not deducted from, an organization's capital are readily marketable purchased mortgage servicing rights and purchased credit card relationships, provided that, in the aggregate, the total amount of these assets included in capital does not exceed 50 percent of Tier 1 capital. Purchased credit card relationships are subject to a separate sublimit of 25 percent of Tier 1 capital.[15]

For purposes of calculating these limitations on purchased mortgage servicing rights and purchased credit card relationships, Tier 1 capital is defined as the sum of core capital elements, net of goodwill and all identifiable intangible assets other than purchased mortgage servicing rights and purchased credit card relationships, regardless of the date acquired. This method of calculation could result in purchased mortgage servicing rights and purchased credit card relationships being included in capital in an amount greater than 50 percent—or in purchased credit card relationships being included in an amount greater than 25 percent—of the amount of Tier 1 capital used to calculate an institution's capital ratios. In such instances, the Federal Reserve may determine that an organization is operating in an unsafe and

[15] Amounts of purchased mortgage servicing rights and purchased credit card relationships in excess of these limitations, as well as all other identifiable intangible assets, including core deposit intangibles and favorable leaseholds, are to be deducted from an organization's core capital elements in determining Tier 1 capital. However, identifiable intangible assets (other than purchased mortgage servicing rights and purchased credit card relationships) acquired on or before February 19, 1992, generally will not be deducted from capital for supervisory purposes, although they will continue to be deducted for applications purposes

unsound manner because of overreliance on intangible assets in Tier 1 capital.

Bank holding companies must review the book value of all intangible assets at least quarterly and make adjustments to these values as necessary. The fair market value of purchased mortgage servicing rights and purchased credit card relationships also must be determined at least quarterly. The fair market value generally shall be determined by applying an appropriate market discount rate to the expected future net cash flows. This determination shall include adjustments for any significant changes in original valuation assumptions, including changes in prepayment estimates or account attrition rates.

Examiners will review both the book value and the fair market value assigned to these assets, together with supporting documentation, during the inspection process. In addition, the Federal Reserve may require, on a case-by-case basis, an independent valuation of an organization's intangible assets.

The amount of purchased mortgage servicing rights and purchased credit card relationships that a bank holding company may include in capital shall be the lesser of 90 percent of their fair market value, as determined in accordance with this section, or 100 percent of their book value, as adjusted for capital purposes in accordance with the instructions to the Consolidated Financial Statements for Bank Holding Companies (FR Y–9C Report). If both the application of the limits on purchased mortgage servicing rights and purchased credit card relationships and the adjustment of the balance sheet amount for these intangibles would result in an amount being deducted from capital, the bank holding company would deduct only the greater of the two amounts from its core capital elements in determining Tier 1 capital.

The treatment of identifiable intangible assets set forth in this section generally will be used in the calculation of a bank holding company's capital ratios for supervisory and applications purposes. However, in making an overall assessment of an organization's capital adequacy for applications purposes, the Board may, if it deems appropriate, take into account the quality and composition of an organization's capital, together with the quality and value of its tangible and intangible assets.

Consistent with long-standing Board policy, banking organizations experiencing substantial growth, whether internally or by acquisition, are expected to maintain strong capital positions substantially above minimum supervisory levels, without significant reliance on intangible assets.

2. * * * [17] * * *

* * * * *

3. Appendix A to part 225 is amended by revising the last undesignated paragraph of section III.C.4. to read as follows:

[17] An exception to this deduction would be made in the case of shares acquired in the regular course of securing or collecting a debt previously contracted in good faith. The requirements for consolidation are spelled out in the instructions to the FR Y–9C Report.

III. Procedures for Computing Weighted Risk Assets and Off-Balance Sheet Items

* * * * *

C. * * *

4. * * *

The following assets also are assigned a risk weight of 100 percent if they have not been deducted from capital: investments in unconsolidated companies, joint ventures, or associated companies; instruments that qualify as capital issued by other banking organizations; and any intangibles, including those that may have been grandfathered into capital.

* * * * *

4. Appendix A to part 225 is amended by revising the first, second, third, and fourth sentences of the first undesignated paragraph of section IV.A. to read as follows:

IV. Minimum Supervisory Ratios and Standards

* * * * *

A. * * *

As reflected in Attachment VI, by year-end 1992, all bank holding companies [36] should meet a minimum ratio of qualifying total capital to weighted risk assets of 8 percent, of which at least 4.0 percentage points should be in the form of Tier 1 capital. For purposes of section IV.A., Tier 1 capital is defined as the sum of core capital elements less goodwill and other intangible assets required to be deducted in accordance with section II.B.1.b. of this appendix. The maximum amount of supplementary capital elements that qualifies as Tier 2 capital is limited to 100 percent of Tier 1 capital. In addition, the combined maximum amount of subordinated debt and intermediate-term preferred stock that qualifies as Tier 2 capital is limited to 50 percent of Tier 1 capital.

* * *

* * * * *

5. In Appendix A to part 225, the table in Attachment II is amended by revising the fifth entry of the left column and by revising footnote 1 of the fifth entry of the left column to read as follows:

ATTACHMENT II—SUMMARY DEFINITION OF QUALIFYING CAPITAL FOR BANK HOLDING COMPANIES* (USING THE YEAR-END 1992 STANDARDS)

Components
. . . . .
Less: Goodwill and other intangible assets required to be deducted from capital.[1]
. . . . .

* See discussion in section II of the guidelines for a complete description of the requirements for, and the limitations on, the components of qualifying capital.

[36] As noted in section I above, bank holding companies with less than $150 million in consolidated assets would generally be exempt from the calculation and analysis of risk-based ratios on a consolidated holding company basis, subject to certain terms and conditions.

[1] Requirements for the deduction of other intangible assets are set forth in section II.B.1.b. of this appendix.

6. In Appendix A to part 225, the table in Attachment VI is amended by revising the second entry of the fourth column; by revising footnote 1; and by revising footnote 3, which is referenced in the second entries of the second, third, and fourth columns, to read as follows:

ATTACHMENT VI—SUMMARY

Final Arrangement—Year-End 1992
. . . . .
Common equity, qualifying noncumulative and cumulative perpetual preferred stock,[1] and minority interest less goodwill and other intangible assets required to be deducted from capital.[3]
. . . . .

[1] Cumulative perpetual preferred stock is limited within Tier 1 to 25% of the sum of common stockholders' equity, qualifying perpetual preferred stock, and minority interest.

[2] * * *

[3] Requirements for the deduction of other intangible assets are set forth in section II.B.1.b. of this appendix.

. . . . .

Appendix D—[Amended]

7. Appendix D to part 225 is amended by revising footnote 3 and by revising the last sentence of the second undesignated paragraph of section II to read as follows:

II. The Tier 1 Leverage Ratio

* * * * *

* * * [3] * * * As a general matter, average total consolidated assets are defined as the quarterly average total assets (defined net of the allowance for loan and lease losses) reported on the banking organization's Consolidated Financial Statements (FR Y–9C Report), less goodwill; amounts of purchased mortgage servicing rights and purchased credit card relationships that, in the aggregate, are in excess of 50 percent of Tier 1 capital; amounts of purchased credit card relationships in excess of 25 percent of Tier 1 capital; all other intangible assets; and any investments in subsidiaries or associated companies that the Federal Reserve

[3] At the end of 1992, Tier 1 capital for bank holding companies includes common equity, minority interest in equity accounts of consolidated subsidiaries, qualifying noncumulative perpetual preferred stock, and qualifying cumulative perpetual preferred stock. (Cumulative perpetual preferred stock is limited to 25 percent of Tier 1 capital.) In addition, as a general matter, Tier 1 capital excludes goodwill; amounts of purchased mortgage servicing rights and purchased credit card relationships that, in the aggregate, exceed 50 percent of Tier 1 capital; amounts of purchased credit card relationships that exceed 25 percent of Tier 1 capital; and all other intangible assets. The Federal Reserve may exclude certain investments in subsidiaries or associated companies as appropriate.

determines should be deducted from Tier 1 capital.[4]

* * * * *

Board of Governors of the Federal Reserve System, February 2, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93–2891 Filed 2–10–93; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–NM–190–AD; Amendment 39–8484; AD 93–02–02]

Airworthiness Directives; Fokker Model F27 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F27 series airplanes, that requires replacement of certain nuts in the wing spar attachment brackets and certain pins at the rear spar attachment bracket with improved parts. This amendment is prompted by reports of loose bolts and Hi-shear pins found on the front and rear spar. The actions specified by this AD are intended to prevent reduced structural capability of the wings.

DATES: Effective March 18, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 18, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2145; fax (206) 227–1320.

[4] Deductions from Tier 1 capital and other adjustments are discussed more fully in section II.B of Appendix A to this part.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Fokker Model F27 series airplanes was published in the **Federal Register** on October 29, 1992 (57 FR 49038). That action proposed to require replacement of certain nuts in the wing spar attachment brackets and certain pins at the rear spar attachment bracket with improved parts.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 31 airplanes of U.S. registry will be affected by this AD, that it will take approximately 18.5 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. The cost of required parts is expected to be negligible. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $31,543, or $1,018 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES**."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93–02–02. Fokker: Amendment 39–8484. Docket 92–NM–190–AD.

Applicability: Model F27 series airplanes; serial numbers 10102 through 10433, inclusive; 10435 through 10443, inclusive; and 10446 through 10450, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent reduced structural capability of the wings, accomplish the following:

(a) Within 8,000 flight hours after the effective date of this AD, or within 60 months after the effective date of this AD, whichever occurs first, accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD.

(1) Replace currently installed nuts having non-metallic locking inserts, installed at the wing spar attachment brackets at wing station 1040, with all-metal self-locking nuts, in accordance with Fokker Service Bulletin F27/57–23, Revision 6, dated August 13, 1991.

(2) Replace the lower 14 Hi-shear pins at the rear spar attachment bracket with Hi-lok fasteners, in accordance with Fokker Service Bulletin F27/57–23, Revision 6, dated August 13, 1991.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the

requirements of this AD can be accomplished.

(d) The replacements shall be done in accordance with Fokker Service Bulletin F27/57–23, Revision 6, dated August 13, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on March 18, 1993.

Issued in Renton, Washington, on January 25, 1993.

Ronald T. Wojnar,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–3237 Filed 2–10–93; 8:45 am]

BILLING CODE 4910–13–P

---

14 CFR Part 39

[Docket No. 92–NM–185–AD; Amendment 39–8485; AD 93–02–03]

Airworthiness Directives; Short Brothers Model SD3–60 and SD3–SHERPA Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Short Brothers Model SD3–60 and SD3–SHERPA series airplanes, that requires an inspection of the fork end of the rear pintle pin on each main landing gear (MLG) to verify that sealant is properly applied and is undamaged; removal of the bushings and an inspection to detect faults of the bores in the fork end, if necessary; and repair of the fork end of the pintle pin, if necessary. This amendment is prompted by a report that the fork end of the rear pintle pin on a MLG was found cracked due to stress corrosion that had developed as a result of the absence of sealant around the flange of the bushing. The actions specified by this AD are intended to prevent stress-corrosion cracking and subsequent failure of the MLG.

DATES: Effective March 18, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 18, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Short Brothers, PLC, 2011 Crystal Drive, suite 713, Arlington, Virginia 22202–3719. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Bud Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to all Short Brothers Model SD3–60 and SD3–SHERPA series airplanes was published in the Federal Register on October 30, 1992 (57 FR 49153). That action proposed to require an inspection of the fork end of the rear pintle pin on each main landing gear (MLG) to verify that sealant is properly applied and is undamaged; removal of the bushings and an inspection to detect faults of the bores in the fork end, if necessary; and repair of the fork end of the pintle pin, if necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 58 airplanes of U.S. registry will be affected by this AD, that it will take approximately 0.5 work hour per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,595, or $27.50 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES**."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows.

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93–02–03. Short Brothers, PLC: Amendment 39–8485. Docket 92–NM–185–AD

Applicability: All Model SD3–60 and SD3–SHERPA series airplanes, certificated in any category.

Compliance. Required as indicated, unless accomplished previously. To prevent stress-corrosion cracking and subsequent failure of the main landing gear (MLG), accomplish the following:

(a) Within 300 hours time-in-service or 30 days after the effective date of this AD whichever occurs first, perform a visual inspection of the fork end of the rear pintle pin on each MLG to verify that an undamaged fillet of sealant is properly applied around the flanges of the bronze bushings in accordance with Shorts SD3–60 Service Bulletin SD360–32–33, dated August 7, 1992.

(1) If an undamaged fillet of properly-applied sealant is found: No further action is required by this AD.

(2) If no fillet of sealant is found at the joint line, or if a damaged fillet of sealant is found: Prior to the accumulation of 1,200 hours

VOL
58
ISS
27
FE
11
1993
UMI

time-in-service or 120 days after accomplishing the inspection required by paragraph (a) of this AD, whichever occurs first, remove the bushings and perform a magnetic non-destructive testing (NDT) inspection to detect faults of the bores in the fork end, in accordance with the service bulletin. If faults are found as a result of the NDT inspection, prior to further flight, repair the fork end of the rear pintle pin in a manner approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The inspections and removal shall be done in accordance with Shorts SD3–60 Service Bulletin SD360–32–33, dated August 7, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Short Brothers, PLC, 2011 Crystal Drive, suite 713, Arlington, Virginia 22202–3719. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on March 18, 1993.

Issued in Renton, Washington, on January 25, 1993.

Ronald T. Wojnar,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–3238 Filed 2–10–93; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC–19255]

Rescission of Safe Harbor Rule for Certain Information No Longer Required in Financial Statements of Investment Companies

AGENCY: Securities and Exchange Commission.

ACTION: Rescission of rule.

SUMMARY: The Securities and Exchange Commission (the "Commission") is rescinding Rule 0–9 under the Investment Company Act of 1940 because the rule is obsolete.

EFFECTIVE DATE: The removal of the rule will be effective on February 11, 1993.

FOR FURTHER INFORMATION CONTACT: Kathleen K. Clarke, Special Counsel, (202) 272–2097, Office of Disclosure and Adviser Regulation, Division of Investment Management, 450 5th Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission is rescinding Rule 0–9 (17 CFR 270.0–9) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*), which relates to the presentation of inflation-related information in investment company reports. In September 1979, the Financial Accounting Standards Board ("FASB") adopted Statement of Financial Accounting Standards No. 33, "Financial Reporting and Changing Prices" ("SFAS 33"). SFAS 33 was intended to establish standards for reporting the effects of inflation on information presented in financial statements.[1] In response to the adoption of SFAS 33, the Commission adopted, in February 1981, rule amendments to require the SFAS 33 information in documents filed with the Commission.[2] Because the disclosure required by SFAS 33 was new and experimental, the Commission also adopted "safe harbor" rules to insulate SFAS 33 information contained in filings with the Commission from the antifraud provisions of the federal securities laws if prepared in good faith. The safe harbor rule adopted for investment companies was Rule 0–9 under the Investment Company Act of 1940.[3]

After further consideration, the FASB concluded that the SFAS 33 information was not necessary for investment companies. In January 1982, the FASB adopted Statement of Financial Accounting Standards No. 54, "Financial Reporting and Changing Prices: Investment Companies" ("SFAS 54") which exempted investment companies from the requirements of SFAS 33.[4]

As a result of SFAS 54, the safe harbor provided in Rule 0–9 is not necessary because funds no longer must include supplemental information on the effects of changing prices in their financial statements. Therefore, the Commission is rescinding Rule 0–9.[5]

The Commission for good cause finds, in accordance with the section 4(b)(B) of the Administrative Procedure Act ("APA") (15 U.S.C. 553(b)(B)), that, since Rule 0–9 no longer has any practical application or effect, notice and opportunity for public comment are unnecessary. In addition, pursuant to section 4(c) of the APA (5 U.S.C. 553(d)), the Commission has determined to make the rescission effective immediately because it affects an unnecessary rule.[6]

List of Subjects in 17 CFR Part 270

Investment companies, Reporting and recordkeeping requirements, Securities.

For the reasons set out in the preamble, title 17, chapter II of the Code of Federal Regulations is amended as follows:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

1. The authority citation for part 270 continues to read as follows:

Authority: 15 U.S.C. 80a–1 *et seq.*, 80a–37, 80a–39, unless otherwise noted.

§ 270.0–9 [Removed]

2. Section 270.0–9 is removed and reserved.

Dated: February 5, 1993.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3268 Filed 2–10–93; 8:45 am]

BILLING CODE 8010–01–M

---

[1] SFAS 33 applied to large publicly-held corporations with total assets amounting to more than $1 billion. It was effective for fiscal years ended on or after December 25, 1979.

[2] Investment Company Act Rel. No. 11622 (Feb 17, 1981) (46 FR 13988 (Feb. 25, 1981)) ("Release No. 11622")). The amendments were proposed in Investment Company Act Rel. No. 6201 (Mar. 27, 1980) (45 FR 23470 (Apr. 3, 1980)).

[3] The Commission also adopted in Release No. 11622 safe harbor rules for SFAS 33 disclosure in documents filed under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) (Rule 175 (17 CFR 230.175)) and the Securities Exchange Act of 1934 (15 U.S.C 78a *et seq.*) (Rule 3b–6 (17 CFR 240.3b–6)).

[4] SFAS 54 was effective on January 27, 1982, retroactive to fiscal years ending on or after December 25, 1979, which was the effective date of SFAS 33.

[5] The safe harbor would continue to apply to funds that included the SFAS 33 information in financial statements filed with the Commission while Rule 0–9 was in effect.

[6] The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply to this rescission of Rule 0–9 because the Act's requirements affect proposed actions subject to public notice and comment.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 154 and 385

[Docket No. RM87–17–004]

Natural Gas Data Collection System; Order No. 493–D

Issued February 3, 1993.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order amending final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is expanding the listing of acceptable electronic media to include electronic data interchange (EDI). Initial EDI implementation will be restricted to FERC Forms Nos. 8 and 11. The Commission is amending its regulations to reflect the use of EDI for electronic data submission. EDI will reduce the Commission's administrative costs and burdens by reducing time spent physically handling magnetic media and processing the data submitted into the appropriate databases.

EFFECTIVE DATE: This order is effective March 15, 1993.

FOR FURTHER INFORMATION CONTACT: Julia Lake White, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 208–0457.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in room 3308, at the Commission's Headquarters, 941 North Capitol Street NE., Washington, DC 20426. The Commission's Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208–1397. To access CIPS, set your communications software to use 300, 1200, or 2400 baud, full duplex, no parity, 8 data bits and 1 stop bit. The full text of the document will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in room 3308, 941 North Capitol Street NE., Washington, DC 20426.

Before Commissioners: Martin L. Allday, Chairman; Charles A. Trabandt, Elizabeth Anne Moler, Jerry J. Langdon and Branko Terzic.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is expanding the listing of acceptable electronic media in Order No. 493 [1] to include electronic data interchange (EDI). Order No. 493 authorized natural gas companies to submit certain forms and findings on electronic media unless a waiver was granted. Initial EDI implementation will be restricted to FERC Form Nos. 8 and 11. The Commission is amending its regulations in §§ 154.26 and 385.2011 to reflect the use of EDI for electronic data submission.

EDI will expand the list of acceptable methods of electronic date submission at the Commission. EDI also will reduce the Commission's administrative costs and burdens by reducing time spent physically handling magnetic media and processing the data submitted into the appropriate databases.

Although the Commission eventually will accept other forms and filings using EDI data transmission, currently the Commission has the capability to receive only FERC Form Nos. 8 and 11 via EDI. The Commission will notice EDI implementation for other Order No. 493 forms and filings in the **Federal Register** when the appropriate software programming is coded and the proper files are set up to receive the other filings.

II. Background and Discussion

Order No. 493 implemented Commission regulations requiring natural gas companies to submit rate filings, certificate and abandonment applications, blanket certificate applications, Volumes I and IA of tariffs, and Form Nos. 8, 11 and 16 on an electronic medium in addition to the traditional required number of paper copies. Order No. 493 identified the types of electronic media, including various forms of magnetic tapes and diskettes, suitable for electronic data submission and provided that the list would be expanded and updated as new electronic data submission capability is acquired.

The Commission recently conducted a successful pilot program where several volunteers submitted FERC Form Nos. 8 and 11 using EDI data transmission. A recent Ogden/ERC Government Systems analysis of the Commission's potential uses for EDI rated Form Nos. 8 and 11 as two of the top candidates for EDI and noted that the forms were ready for EDI implementation.[2]

EDI is an electronic data submission capability that allows computers to exchange data over telephone lines. EDI is a computer-to-computer transfer of information that minimizes the need for human participation. Data are loaded on the transmitting entity's computer and telecommunicated directly to the addressee's value added network or computer, thereby eliminating the need for the addressee's employees to manually load the data into the computer from magnetic media or by rekeying. EDI data transmission saves time and reduces errors and permits automatic validation and reconciliation of the data filed. EDI is the common "language" used to get information from one computer system to another. The user must translate this information to or from his own computer system, but this translation software has to be prepared only once.

The Commission will require that EDI-transmitted data be filed via a transaction set approved by the American National Standards Institute X12 Committee. Although data filed using EDI technology may be transmitted directly from computer to computer, the Commission will utilize a value added network (VAN) for receipt of EDI-transmitted data. The VAN is like an old-fashioned pigeon-hole mail rack. Each authorized user has a labelled pigeon-hole fitted with a security device to prevent unauthorized extraction of documents. The VAN will provide an intermediate delivery service, receiving and storing transactions from transmitters, and delivering messages or holding messages for pick-up by addressees. Without the VAN, natural gas companies would require direct access to the Commission's computer. The Commission believes that the VAN will enhance computer security by eliminating direct access to the Commission's computer.

[1] 53 FR 15023 (Apr. 27, 1988), FERC Stats. & Regs. ¶ 30,808 (Apr. 5, 1988); order granting reh'g, 53 FR 16058 (May 5, 1988), FERC Stats. & Regs. ¶ 30,813 (May 2, 1988); order providing new effective date, 53 FR 19283 (May 27, 1988), FERC Stats. & Regs. ¶ 30,817 (May 19, 1988); order on reh'g, 53 FR 30027 (Aug. 10, 1988), FERC Stats. & Regs. ¶ 30,826 (Aug. 1, 1988); order on reconsideration, 53 FR 49652 (Dec. 9, 1988), FERC Stats. & Regs. ¶ 30,840 (Nov. 30, 1988); final rule, 54 FR 21197 (May 17, 1989), FERC Stats. & Regs. ¶ 30,853 (May 11, 1989).

[2] Deliverable No. 1, "Current Environment Analysis" and Deliverable No. 3, "Identification/Feasibility Study", prepared by Ogden/ERC Government Systems for FERC through the General Services Administration, Task No. N2S201002, Contract No. GS00K90AJD0621 dated June 8, 1992 and September 22, 1992.

Natural gas companies using EDI for electronic data submission at the Commission will be responsible for their own VAN contract and for all service and maintenance charges, including, but not limited to, connect time on the VAN. EDI communications to the Commission must be sent to an Information Exchange mailbox on the VAN. Additional information regarding access to the Commission's VAN mailbox will be provided in the electronic filing instructions on the Commission's forms and filings.

Natural gas companies also will be required to provide and maintain the machines and programs needed to effectively and reliably transmit and receive transaction sets. Company representatives authorized to transmit information to and receive information from the Commission will be required to have an EDI sender/receiver number (User ID). An EDI transaction containing a valid User ID will be sufficient to verify the identity of the sender and the authenticity of the document.

Natural gas companies must successfully complete an EDI test period prior to using EDI for electronic data submission at the Commission. During the test period, companies will be required to submit the requisite number of paper copies and the previous form of electronic media (tape or diskette), while at the same time transmitting the information via EDI. This test period will ensure that EDI is operating as intended prior to terminating the previous form of electronic media. Upon successful completion of the test period, the natural gas company may discontinue the original tape or diskette electronic data submission in favor of EDI, but must continue to submit the requisite number of paper copies.

The Commission will not consider a document filed until the EDI portion of the submission is delivered to the Commission's VAN mailbox and the paper copies and any accompanying documents are received at the Commission. If delivery to the VAN mailbox occurs during non-business hours, weekends, or holidays, receipt will occur on the next business day. Upon proper receipt of an EDI transaction, the Commission will acknowledge receipt via EDI. The Commission will notify natural gas companies via EDI if the Commission is unable to accept the substance of the transaction.

III. Regulatory Flexibility Certification

The Regulatory Flexibility Act of 1980 (RFA)[3] generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities.[4] An agency is not required to make an RFA analysis if it certifies that a rule will not have "a significant economic impact on a substantial number of small entities."[5]

Most companies required to comply with this final rule are major natural gas pipelines and thus do not fall within the RFA's definition of small entity. In addition, the use of EDI is optional, so it has no significant economic impact. The Commission therefore certifies that this order will not have a significant economic impact on a substantial number of small entities.

IV. Environmental Statement

Commission regulations require that an environmental assessment or an environmental impact statement be prepared for a Commission action that may have a significant effect on the human environment.[6] The Commission has categorically excluded certain actions from these requirements as not having a significant effect on the human environment.[7] This order involves the review of natural gas rate filings and establishment of rates for transportation and sale of natural gas and is, therefore, categorically exempt.[8] Thus no environmental assessment or environmental impact statement is necessary for the requirements of this rule.

V. Information Collection Statement

The Office of Management and Budget's (OMB) regulations require that OMB approve certain information collection requirements imposed by agency rule.[9] Although this order does not increase or decrease information collection requirements, it does impact information collection. Therefore, the Commission is notifying OMB that the information collection requirements for FERC Form No. 8 (OMB Control No. 1902–0026), Underground Gas Storage Report, and FERC Form No. 11 (OMB Control No. 1902–0032), Natural Gas Pipeline Company Monthly Statement, are affected by this order.

VI. Administrative Findings and Effective Date

The Administrative Procedure Act (APA) exempts certain rules from notice and comment requirements.[10] Specifically, the APA exempts "rules of agency organization, procedure, or practice" from the requirements for notice and comment.[11] The addition of EDI as an acceptable form of electronic media qualifies for exemption as a procedural rule because it does not affect the substantive rights of a party. Permitting EDI electronic data submission merely adds an optional method of presenting information to the Commission.

This order is effective March 15, 1993.[12]

List of Subjects

18 CFR Part 154

Alaska, Natural gas, Pipelines, Reporting and recordkeeping requirements.

18 CFR Part 385

Administrative practice and procedure, Pipelines, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends parts 154 and 385, title 18, chapter I, Code of Federal Regulations, as set forth below.

By the Commission.

Lois D. Cashell,

Secretary.

PART 154—RATE SCHEDULES AND TARIFFS

1. The authority citation for part 154 is revised to read as follows:

Authority: 15 U.S.C. 717–717w; 31 U.S.C. 9701; 42 U.S.C. 7102–7352.

2. In § 154.26, paragraph (c) is revised to read as follows:

§ 154.26 Copies to be supplied.

* * * * *

(c) *Submittals.* All copies and electronic submissions other than EDI are to be included in one package together with a letter of transmittal and all other material and information required by these regulations, and addressed to the Federal Energy

---

[3] 5 U.S.C. 601–612.

[4] Section 601(c) of the RFA defines a "small entity" as a small business, a small not-for-profit enterprise, or a small governmental jurisdiction. A "Small Business" is defined by reference to section 3 of the Small Business Act, as an enterprise which is "independently owned and operated and which is not dominant in its field of operation." 15 U.S.C. 632(a).

[5] Section 601(c) of the RFA defines a "small entity" as a small business, a small not-for-profit enterprise, or a small governmental jurisdiction. A Small Business is defined by reference to section 3 of the Small Business Act, as an enterprise which is "independently owned and operated and which is not dominant in its field of operation." 15 U.S.C. 632(a) (1988).

[6] Order No. 486, 52 FR 47897 (Dec. 17, 1987). FERC Stats. & Regs. ¶30, 783 (Dec. 10, 1987) codified at 18 CFR part 380 (1992).

[7] 18 CFR 380.4.

[8] 18 CFR 380.4(a)(25).

[9] 5 CFR part 1320.

[10] 5 U.S.C. 553(b)(3).

[11] 5 U.S.C. 553(b)(3)(A).

[12] 5 CFR 553(d).

Regulatory Commission, Washington, DC 20426. If the electronic data submission is made via electronic data interchange (EDI), the paper copies, a letter of transmittal, and all other material and information required by these regulations should be addressed to the Federal Energy Regulatory Commission, Washington, DC 20426. The EDI submissions are to be made as indicated in the electronic filing instructions and formats for the particular form or filing. And EDI submission is not deemed to be filed until it is received in the Commission's VAN mailbox and the paper copies and accompanying documents are received at the Commission. An EDI transmission received outside of regular Commission business hours will be deemed filed the next regular business day.

PART 385—RULES OF PRACTICE AND PROCEDURE

3. The authority citation for part 385 is revised to read as follows:

Authority: 5 U.S.C. 551–557; 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 792–825r, 2601–2605; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; 49 U.S.C. 1–27.

4. In § 385.2011, paragraph (d)(1) designation is added after paragraph (d) heading and before the words "The electronic media", and paragraph (d)(2) is added to read as follows:

§ 385.2011 Procedures for filing on electronic media.

* * * * *

(d) *Where to file.*

(1) * * *

(2) EDI data submissions must be made as indicated in the electronic filing instructions and formats for the particular form or filing, and the paper copies and accompanying cover letter must be submitted to: Office of the Secretary, Federal Energy Regulatory Commission, room 3110, 825 North Capitol Street, NE, Washington, DC 20426.

* * * * *

[FR Doc. 93–3112 Filed 2–10–93; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8456]

RIN 1545–AQ14

Capitalization on Certain Policy Acquisition Expenses; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to Treasury Decision 8456, which was published in the **Federal Register** for Tuesday, December 29, 1992 (57 FR 61813). The final regulations relate to the requirement that insurance companies capitalize specified policy acquisition expenses for tax purposes.

EFFECTIVE DATE: December 29, 1992.

FOR FURTHER INFORMATION CONTACT: Gary Geisler (202)–622–3970 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction provide rules under section 848 of the Internal Revenue Code.

Need for Correction

As published, T.D. 8456 contains an error which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of final regulations (T.D. 8456), which was the subject of FR Doc. 92–30943, is corrected as follows:

On page 61829, column 1, § 1.848–2(k)(2)(ii), fourth line, the language "without regard to the date on the" is corrected to read "without regard to the date on which the".

Cynthia Grigsby,

Alternate Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 93–3183 Filed 2–10–93; 8:45 am]

BILLING CODE 4830–01–M

26 CFR Parts 1 and 602

[T.D. 8448]

RIN 1545–AP64

Enhanced Oil Recovery Credit; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations (T.D. 8448), which were published Monday, November 23, 1992 (57 FR 54919). The amendments to final regulations provide the public with guidance in determining the costs that are subject to the credit, the circumstances under which the credit is available, and the procedures whereby a project is certified as a qualified enhanced oil recovery project.

EFFECTIVE DATE: November 23, 1992.

FOR FURTHER INFORMATION CONTACT: Brenda M. Stewart, 202–622–3120 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections relate to section 43 of the Internal Revenue Code.

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of these final regulations (T.D. 8448), which was the subject of FR Doc. 92–27741, is corrected as follows:

Paragraph 1. On page 54921, column 3, in the preamble under the heading "V. *Qualified Tertiary Recovery Method*", first full paragraph, last to lines, the language "guidelines for obtaining advance determinations." is corrected to read "guidelines for obtaining private letter rulings.".

Par. 2. On page 54922, column 2, in the preamble under the heading "VII. *Qualified Costs—Tangible Property—Placed in Service*", first full paragraph, line 5, the language "These comments contend that the" is corrected to read "These commentators contend that the".

Par. 3. On page 54924, column 1, in § 1.43–1(a)(2), *Example 2*, fourth line from the bottom of the paragraph, the language "project, D may not claim a credit for the cost" is corrected to read "project, D may not claim a credit for the costs".

Par. 4. On page 54924, column 3, in § 1.43–1(g), *Example 1*, line 9, the language "development costs under section 263(c). The" is corrected to read "development costs. The".

Par. 5. On page 54930, column 2, § 1.43–4(e)(3), *Example 2*, line 6, the language "purchases a nitrogen plant to supply the" is corrected to read

VOL 58 ISS 27 FE 11 1993 UMI

"purchase a nitrogen plant to supply the".

Cynthia E. Grigsby,

Alternate Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 93–3187 Filed 2–10–93; 8:45 am]

BILLING CODE 4830–01–M

---

26 CFR Parts 1 and 602

[T.D. 8461]

RIN 1545–AO42

Nuclear Decommissioning Fund Qualification Requirements; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to Treasury Decision 8461, which was published in the **Federal Register** for Wednesday, December 30, 1992 (57 FR 62198). The final regulations relate to the qualification requirements of a nuclear decommissioning fund.

EFFECTIVE DATE: December 30, 1992.

FOR FURTHER INFORMATION CONTACT: Gary Geisler (202)–622–3970 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections provide rules under section 468A(e)(4)(C) of the Internal Revenue Code.

Need for Correction

As published, T.D. 8461 contains an error which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of final regulations (T.D. 8461), which was the subject of FR Doc. 92–31057, is corrected as follows:

On page 62198, column 1, in the preamble, immediately following the heading "**SUPPLEMENTARY INFORMATION**", new language is added to read as follows:

"Paperwork Reduction Act

The collection of information contained in this final regulation have been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3504(h)) under control number 1545–1269. The estimated annual burden per respondent varies from two to four hours, depending on individual circumstances, with an estimated average of three hours.

These estimates are an approximation of the average time expected to be necessary for a collection of information. They are based on such information as is available to the Internal Revenue Service. Individual respondents may require greater or less time, depending on their particular circumstances.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Internal Revenue Service, Attn: IRS Reports Clearance Officer T:FP, Washington, DC 20224, and to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.".

Cynthia Grigsby,

Alternate Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 93–3186 Filed 2–10–93; 8:45 am]

BILLING CODE 4830–01–M

FEDERAL MARITIME COMMISSION

46 CFR Part 586

[Docket No. 91–24]

Actions to Adjust or Meet Conditions Unfavorable to Shipping in the United States/Korea Trade

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission is adding Cho Yang Line to the list of Korean-flag carriers subjected to reporting requirements and potential fees. The effect of the amendment to the rule will be to adjust or meet unfavorable conditions created by restrictions imposed by the Government of Korea, by imposing countervailing burdens on all the Korean-flag carriers in the U.S./Korea oceanborne trade.

DATES: Sections 586.5(b) (2) and (4)(iii) effective June 1, 1994. Reports due May 1, 1993; November 1, 1993; and May 1, 1994.

ADDRESSES: Reports to be submitted to: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573, (202) 523–5740.

SUPPLEMENTARY INFORMATION:

Background

The Federal Maritime Commission ("Commission" or "FMC") on November 13, 1992, issued a final rule under section 19(1)(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b) ("Section 19"), imposing fees on vessels calling at United States ports and operated by Korean-flag carriers Hanjin Shipping Company, Ltd. ("Hanjin") and Hyundai Merchant Marine Co., Ltd. ("Hyundai"), in response to unfavorable conditions found to exist in the oceanborne trade between the United States and Korea ("Trade"). The unfavorable conditions were found to result from restrictions imposed by the Government of Korea ("ROK"), precluding U.S. carriers in the trade from engaging in trucking activities in Korea. The sanctions were suspended until June 1, 1994, during which time the Commission will review progress by the ROK in implementing commitments to ease those restrictions. The Commission also prescribed a schedule for periodic reporting by Hanjin, Hyundai, and certain U.S.-flag carriers, in order to apprise it of ongoing developments.

By separate order issued on November 13, 1992, the Commission required Cho Yang Line ("Cho Yang"), a Korean-flag carrier, to show cause why it should not also be subjected to the reporting requirements and sanctions ("Show Cause Order"). The Commission noted that Cho Yang, which began operating in the Trade following the initiation of this proceeding, was in 1991 the 22nd largest carrier of TEUs moving through U.S. ports, with a 136 percent increase in cargoes from the previous year. The Show Cause Order noted:

> As a major Korean-flag carrier, active in the U.S./Korea Trade, there would appear to be no reason why Cho Yang Line should not be subject to the same potential sanctions as Hanjin and Hyundai. These two carriers have been designated for sanctions, consistent with the intent of Section 19 on the basis of their status as carriers flying the flag of a country found to be imposing discriminatory restrictions on U.S. carriers in the Trade, and without facing similar obstacles in their operations in the United States.

Thirty days were provided for Cho Yang's response. Cho Yang requested and received a 30-day enlargement of time to respond to the Show Cause Order.

Cho Yang's Response

Cho Yang responded by letter dated January 12, 1993. It advises that it was not operating in the Trade at the time this proceeding began, and therefore did

not participate in the reporting to the Commission or in the "consultations which resulted in the FMC adopting the Final Rule * * *." Cho Yang argues that its smaller "size and influence" (vis-a-vis Hanjin and Hyundai) "may be a factor the Commission will wish to take into account." Cho Yang also asserts that as a member of a consortium, operating under an FMC-filed agreement, "any potential sanctions against Cho Yang could also adversely effect [sic] other Consortium partners and the other trades which are not related to this order covering the United States/Korea trade." Cho Yang therefore asks not to be subjected to the sanctions or the reporting requirements.

Discussion

Cho Yang has presented no compelling reason why it should not be subjected to the same potential sanctions and reporting requirements as the other Korean-flag carriers in the Trade. Although not required to participate in reports or otherwise apprise the Commission of its views, it had every opportunity to do so voluntarily, as did other interested entities, primarily port and shipper interests, who submitted their views for the record. Moreover, the Order to Show Cause presented Cho Yang with an additional opportunity to address the merits of the proceeding. It has chosen not to do so, while at the same time requesting that it not be required to participate in future reporting. While the Commission does not consider that Cho Yang has in any way been prejudiced by its lack of participation in this proceeding to date, it is evident that its nonparticipation was voluntary and continues to remain its preferred course of action. It is therefore not a valid basis for excluding Cho Yang from the sanctions and reporting requirements applied to Hanjin and Hyundai.

That Cho Yang was not a party to the consultations preceding the issuance of the final rule is of no consequence.[1] At no time could or did the Commission require any U.S. or Korean carrier to consult or negotiate with one another or a governmental entity. The consultations eventually proved to be fruitful, and resulted in commitments which prompted suspension of sanctions, and if implemented should obviate the need to impose those sanctions. The Commission's final rule was not based on the carriers' participation in those discussions, but rather on the continued existence of unfavorable conditions which Section 19 was enacted to address. Cho Yang's lack of participation in those consultations is irrelevant to the determination to subject it, as a major Korean-flag carrier, to measures designed to counteract the restrictions imposed by the ROK.

Cho Yang's relatively recent entry in the Trade and its size compared to Hanjin and Hyundai are also immaterial. Although considerably smaller than its Korean competitors, Cho Yang is hardly an insignificant or incidental presence in the Trade. Moreover, because the potential sanctions will be based on the number of vessels calling at U.S. ports, and will therefore be proportional to the size of the operations of the penalized carriers in the Trade, they cannot be said to be inequitable as applied to the smaller Cho Yang.[2]

Finally, the Commission is not unmindful of, and has indeed taken into account, the likely impact of Section 19 sanctions on the operations of others doing business with the penalized carriers. Those potentially adversely effected by such actions, which are imposed only absent a resolution of the matter by the responsible foreign government, include some U.S. as well as other foreign interests. Such effects are weighed against the likely benefits to be achieved upon elimination of the offending restrictions and the overall objectives of the Commission's statutory mandate. Cho Yang's business partners are not unique to the extent they stand to be affected by any failure on the part of the ROK to meet its commitments and thereby preclude the necessity for sanctions.

The Commission has therefore determined that Cho Yang has demonstrated no basis for excepting it from the reporting requirements and potential sanctions applicable to Hanjin and Hyundai. The Commission's rules at 46 CFR 586.5 are therefore amended to add Cho Yang Line as a named carrier, and its FMC-filed tariffs as tariffs subject to suspension in the event Cho Yang fails to pay any assessed fee or to file any required report. Also added are the tariffs of the Trans-Atlantic Agreement ("TAA"), which are subject to suspension to the extent they are applicable to Cho Yang Line. The reports required of Cho Yang and the procedures for their submission are described in the aforementioned final rule. Inasmuch as the December 15, 1992, reporting date applicable to the other U.S. and Korean carriers has passed, only the remaining reporting dates—May 1, 1993, November 1, 1993, and May 1, 1994—will be applicable to Cho Yang.

List of Subjects in 46 CFR Part 586

Cargo vessels; Exports, Foreign relations, Imports, Maritime carriers, Penalties, Rates and fares, Tariffs.

Therefore, pursuant to section 19(1)(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b), as amended, Reorganization Plan No. 7 of 1961, 75 Stat. 840, and 46 CFR part 585, part 586 of Title 46 of the Code of Federal Regulations is amended as follows:

PART 586—[AMENDED]

1. The authority citation for part 586 continues to read as follows:

Authority: 46 U.S.C. app. 876(1)(b), 46 U.S.C. app. 876(5) through (12); 46 CFR part 585; Reorganization Plan No. 7 of 1961, 26 FR 7315 (August 12, 1961).

2. Section 586.5 is amended by revising paragraph (b)(2) and by adding paragraph (b)(4)(iii) to read as follows:

§ 586.5 Conditions unfavorable to shipping in the United States/Korea trade ("Trade")—Intermodal Operations.

* * * * *

(b) * * *

(2) For each voyage completed after the effective date of this section, the following carriers shall pay to the Federal Maritime Commission a fee in the amount of $100,000: Hanjin Shipping Co., Ltd., Hyundai Merchant Marine Co., Ltd., and Cho Yang Line. * * *

* * * * *

(4) * * *

(iii) Cho Yang Line (Cho Yang Shipping Co., Ltd.)

FMC No. 1—Ocean and Intermodal Freight Tariff No. 1, Applicable from Ports and Points in Korea, Taiwan, Hong Kong, Macao, Thailand, Singapore, Malaysia, Philippines, Indonesia and People's Republic of China to Ports and Points in the United States

FMC No. 2—Ocean and Intermodal Freight Tariff No. 2, Applicable from Ports and Points in Japan to Ports and Points in the United States

FMC No. 3—Ocean and Intermodal Freight Tariff No. 3, Applicable from Ports and Points in the United States to Ports and Points in the Far East

[1] Cho Yang is, incidentally, incorrect in its assessment that the consultations resulted in the Commission's imposition of sanctions. Rather, the inter-governmental and commercial discussions resulted in concessions which prompted the Commission to *suspend* the sanctions ultimately imposed.

[2] The sanctions imposed and suspended in the final rule are a $100,000 per voyage fee on transportation of cargo aboard vessels of the named Korean-flag carriers.

FMC No. 4—Ocean and Intermodal Freight Tariff No. 4, Applicable Between Ports and Points in the United States and Ports and Points in Panama

FMC No. 5—Service Contract Tariff No. 1, Naming Essential Terms and Services as Provided in Service Contracts Filed with the Federal Maritime Commission

FMC No. 6—Ocean and Intermodal Freight Tariff No. 6, Applicable Between Ports and Points in the United States and Worldwide Ports and Points

FMC No. 11—Ocean and Intermodal Freight Tariff No. 11, Applicable Between Ports and Points in the United States and Middle East and Indian Subcontinent Ports and Points in Bahrain, Bangladesh, India, Iran, Iraq, Kuwait, Oman, Pakistan, Qatar, Saudi Arabia, Sri Lanka and the United Arab Emirates

FMC No. 12—Bill of Lading Tariff No. 12

FMC No. 13—Equipment Interchange Tariff No. 13

Trans-Atlantic Agreement (TAA) (FMC No. 202-011375) Service Contract Essential Terms, Publication FMC No. 1

Trans-Atlantic Agreement (TAA) (FMC No. 202–011375) Tariff of Inland Charges in the Continental United States, Tariff FMC No. 2

Trans-Atlantic Agreement (TAA) (FMC No. 202–011375) Tariff FMC No. 3 Between Ports and Points in Europe and Ports and Points in U.S.A.

Trans-Atlantic Agreement (TAA) (FMC No. 202–011375) Tariff of Inland Charges in Continental Europe, Tariff FMC No. 4

Trans-Atlantic Agreement (TAA) (FMC No. 202–011375) Tariff of Inland Charges in the Scandinavia/Baltic Range, Tariff FMC No. 5

Trans-Atlantic Agreement (TAA) (FMC No. 202–011375) Gazetteer Tariff, Tariff FMC No. 6

Trans-Atlantic Agreement (TAA) (FMC No. 202–011375) Tariff FMC No. 7, Applicable Between Points and Ports in United Kingdom and Ireland and Ports and Points in the United States.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 93–3151 Filed 2–10–93; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MM Docket No. 92–258, FCC 93–72]

Implementation of Section 10 of the Cable Consumer Protection and Competition Act of 1992: Indecent Programming and Other Types of Materials on Cable Access Channels

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This First Report and Order implements that part of section 10 of the Cable Consumer Protection and Competition Act of 1992, that directs the Commission to adopt rules that require cable operators to place on a single channel all indecent programming, as identified by program providers, intended for carriage on commercial leased access, and to restrict subscriber access to such channel unless access to it is requested in writing. It also clarifies other aspects of section 10 related thereto. The purpose of the new rule is to limit the access of children to indecent programming, as defined by Commission regulations, when cable operators do not voluntarily prohibit indecent programming under amended 47 U.S.C. 541(h).

EFFECTIVE DATE: June 11, 1993.

FOR FURTHER INFORMATION CONTACT: Stephen A. Bailey, Office of General Counsel, at 202–254–6530.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction

Public reporting burden for this collection of information is estimated to vary from 8 minutes to 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Public recordkeeping burden for this collection of information is estimated to average 13 hours per year. The public is invited to send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Information and Records Management Branch, room 416, Washington, DC 20554, and the Office of Management and Budget, Paperwork Reduction Project (3060–xxxx), Washington, DC 20503.

Initiating Document

Notice of Proposed Rule Making in MM Docket 92–258, 57 FR 54207 (November 17, 1992), 7 FCC Rcd 7709 (1992).

Summary of First Report and Order

1. This is a summary of the Commission's First Report and Order, FCC 93–72, adopted February 1, 1993, and released February 3, 1993. The full text of this document is available for inspection and copying, Monday through Friday, 9 a.m. to 4:30 p.m. in the FCC Reference Center (Room 239), 1919 M St., NW., Washington, DC 20554. Copies of this document also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857–3800.

2. The First Report and Order adopts rules and regulations that implement section 10(b) of the Cable Television Consumer Protection and Competition Act by requiring cable operators to place indecent leased access programming, as identified by program providers, on a "blocked" leased access channel, where such programming is not prohibited under a written and published policy of the cable operator adopted pursuant to section 10(a) of the Act. In addition, it clarifies other aspects of section 10 related thereto and states that regulations implementing section 10(c) of the Act, relating to cable-operator imposed restrictions on obscene and other types of materials on public, educational, and governmental access channels, will be adopted in a subsequent Report and Order.

3. In this First Report and Order, the Commission rejected constitutional challenges both to section 10 and the Commission's implementation thereof finding that, under the Supreme Court's decision in *Sable Communications* v. *FCC*, 492 U.S. 115 (1989), indecent matter is subject to government regulation if a compelling government interest exists and such regulation is carefully tailored. It found that a compelling interest underlies section 10 and the implementing regulations—to reduce children's exposure to indecent materials on cable leased access channels. It further found that the blocking approach enacted by Congress, rather than a voluntary "lockbox" approach, is the least restrictive but effective means of achieving that compelling interest. Thus, the Commission held that regulation of indecent programming on commercially leased access channels of cable systems is not constitutionally impermissible.

4. It also rejected other constitutional arguments that the statute and the proposed implementing rule were "underinclusiveness" in not addressing the "entirety" of the indecent problem. In addition, it refused to hold that the activities of cable operators in the provision of access channels constitute "state action," that access channels are "public fora" or that, therefore, cable operators impermissibly act as "government surrogates" when they prohibit indecent programming on commercial leased access under section 10(a) of the Act.

5. The Commission also rejected a challenge that it had failed to comply with the Administrative Procedure Act. It stated, *inter alia*, that it had in the Notice of Proposed Rule Making amply articulated the purposes intended to be served by the rule and provided the public with an adequate description of the subjects and issues involved.

6. As to section 10(a) of the new Cable Act, the Commission held that Congress appeared to give cable operators wide discretion to determine the manner in which they implement it. That section permits a cable operator to enforce a "written and published policy of prohibiting programming that the cable operator reasonably believes describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards." The Commission said that the legislative history of section 10 makes clear that cable operators are free to decide whether to prohibit indecent programming on these channels and, therefore, they do not act as government surrogates under section 10(a). The Commission stated that section 10(a) appears to permit cable operators to adopt any measures appropriate for implementation including, but not limited to, the requirements adopted under section 10(b), subject to the caveat in section 612(c)(2) relating to the exercise of editorial control. It saw no reason to dispute cable operators' interpretation that they have the discretion to prohibit some, but not necessarily all, indecent programming under section 10(a) as long as they block the rest under section 10(b). Because Congress appeared to omit any role for the Commission under section 10(a) and because programmers are otherwise allowed, under existing statutory provisions, to enforce their rights to commercial leased access in federal district courts, it concluded that the courts, rather than this agency, are the appropriate forums for resolution of any disputes concerning whether cable operators have properly denied access pursuant to section 10(a).

7. With respect to implementation of the blocking requirement under section 10(b), the Commission took several actions. It adopted its proposed definition of indecent programming as tailored to the cable medium. It stated that the standard would be based on the "average subscriber to cable television," rather than the average subscriber to a particular cable system or in a particular locality. This interpretation, according to the Commission, not confined to a specific geographical area or specific cable system, is reasonable and appropriate, given that the purpose of indecency regulation is to protect children from exposure to such materials. Although it disagreed that the standard requires the Commission to base its determination relating to indecency on the basis of the work as a whole, it did state that "context" is an important factor and would be considered.

8. The Commission also decided that under section 10(b), which requires the cable operator to block indecent programming "as identified by program providers," it is the program provider, not the cable operator, that is required to identify whether a program is indecent and, therefore, subject to the blocking requirement. It stated its belief that section 10(b) does not require cable operators to prescreen or review programs for this purpose. According to the Commission, cable operators will not be held liable under section 10 or Commission rules for their failure to block programming not identified as indecent by program providers. However, it stated that a cable operator's right to prescreen would not appear to be prohibited in light of the amendment to section 638 removing cable operator immunity for obscene programming on cable access channels. In addition, it stated that the language in section 638 should be construed to remove immunity only for the provision of programming that is unprotected by the first amendment. The Commission expressed the belief that cable operators that do not prescreen, and thus do not have actual knowledge of any obscene programming on leased access channels, would otherwise be immune from prosecution for violations of obscenity laws. It further stated that cable operators would be immunized from liability under section 10(b), even if they have a contrary belief that programming not identified by programmers is indecent. It noted, however, that programmers who fail to identify indecent programming will be subject to appropriate sanctions.

9. The Commission stated that cable operators should be able to use certification procedures as a means to enforce any policies prohibiting indecent programming that are established under section 10(a) and that requiring certification would also be permissible under section 10(b). It therefore said that cable operators would be permitted to require certification of program providers relating to whether programming is indecent and obscene. It added that certification would not remove a cable operator's independent right to prescreen. The Commission said that this approach strikes an appropriate balance between the cable operator's rights and obligations under section 10 (b) and (d) and the access provisions of section 612(c)(2).

10. The Commission also said that Congress, through enactment of section 10, clearly intended that its legislative scheme should prevail over any state or local laws that attempted to prohibit or otherwise regulate indecent programming on leased access channels and thus its clearly defined scheme in section 10(b) preempts any state laws that otherwise might govern indecent programming on access channels. It therefore interpreted section 10(b) as immunizing cable operator and programmers from liability for indecent programming where they have complied with section 10(b) requirements

11. Cable operators would, therefore, be allowed to require program providers to certify that their programming is not obscene programming or indecent programming required to be blocked. A program provider that does not provide a requested certification would not be entitled to access, according to the Commission. Program providers of live programming, the Commission stated, would be permitted to certify that they have exercised reasonable efforts to ensure that their programs are not obscene (or indecent if provided on a non-blocked channel).

12. The Commission stated that the certification must be made in writing by the program provider or other person or entity assuming responsibility for the program's content. It said that certification by an access organization or entity responsible for management of the commercial leased access channels would be sufficient if that organization or entity assumes responsibility for the content of the programs intended for commercial leased access. It further stated that the certification should include the full name, address, and telephone number of such person but that a separate certification for each program would not be required

VOL 58 ISS 27 FE 11 1993 UMI

13. The Commission stated that a maximum of thirty days advance notice prior to the access user's requested time for leased access should be adequate to enable cable operators to comply with the blocking requirement. It emphasized that its rule would not prohibit leased access users from providing earlier notification. It noted that a specific time slot requested might not be available and, therefore, alternative air dates or arrangements might have to be made. It stated that, in such circumstances, no further notification from the program provider should be required.

14. The Commission stated that it would require cable operators, consistent with other cable recordkeeping requirements, to retain copies of program provider identifications and/or certifications for eighteen months from the date of receipt to ensure the availability of such information should any disputes arise under section 10(b) or related leased access provisions. It added that program providers would be required to renew their certifications prior to the expiration of the eighteen month period for programming intended to be shown after that date.

15. As for the blocking requirement itself, the Commission stated that cable operators would be allowed to employ any blocking mechanism that they choose—scrambling, interdiction or any other method, as long as it is effective. It agreed that cable operators should not be required to block a leased access channel until they receive a request for carriage from a provider of indecent programming but emphasized that operators must have the capability to block such a channel within the implementation time frame specified in the rules. Similarly, it stated that cable operators should be allowed to use the channel for non-blocked leased access programming to the extent it is not being used for indecent programming. Thus, the channel would be required to be blocked only during those time periods that indecent leased access programming is being shown, according to the Commission. It added that the "blocked" channel should be counted as part of the cable operator's obligation to provide leased access capacity under section 612.

16. The Commission stated that under section 10(b), cable operators would not be permitted to "channel" indecent leased access programming on blocked channels by scheduling it only at late hours of the evening or other times when children are least likely to be viewing. However, it believed that cable operators with written and published policies issued pursuant to section 10(a) have authority under that section to block indecent programming and to schedule it as they please on blocked channels. It further stated that cable operators should be permitted, if they so choose, to provide an additional blocked leased access channel for indecent programming if the first channel becomes full. However, it declined to address whether operators that do not have a written and published policy under section 10(a) would be required to provide an additional blocked channel in the event a single channel is filled.

17. Although it declined to specify the form of notification that should be given subscribers about the availability of a blocked channel, the Commission stated that a subscriber's written request to receive the channel should contain a statement that the subscriber is at least eighteen years of age. Mere telephonic confirmation, according to the Commission, would be insufficient for the purpose of ascertaining whether the recipient is, in fact, at least eighteen years of age.

18. The Commission stated that cable operators would be required to have in place blocking implementation mechanisms and procedures within 120 days of the date of publication of the new regulations in the **Federal Register**. It said that the 120 day period should provide cable operators sufficient time within which to make technical arrangements, inform subscribers of the new leased access blocking requirement and afford subscribers adequate time to notify the cable operator in writing if they wish to receive any programming on the channel when, and if, it becomes available on the system. At the expiration of the 120 day period, cable operators subject to section 10(b) will be required to place indecent programming on a blocked channel, according to the Commission. This means, the Commission stated, that, no later than 30 days prior to the expiration of the 120 day period, programmers must identify any programming that is indecent and which is intended to be carried on the 121st day of the time period.

19. The Commission believed that, in view of the fact that Congress explicitly required us to adopt regulations implementing section 10(b), it was obligated to specify procedures for resolution of disputes relating to section 10(b)'s implementation. It stated that, where such disputes arise (e.g., there is an allegation that a program provider failed to comply with the new program identification rules), it would entertain special relief petitions under § 76.7 of the rules, 47 CFR 76.7, from cable operators in accordance with the existing procedures we have established. Similarly, the Commission would entertain complaints from subscribers in accordance with the existing complaint procedures. If the petition or complaint is meritorious, the Commission said, it would then take appropriate action, based upon the circumstances, e.g., issue a warning or a notice of apparent liability for violation of the statute and/or Commission rules, or denial of leased access to a program provider in the future.

Final Regulatory Flexibility Analysis

20. *The Need and Purpose of this Action.* The regulations in this First Report and Order are intended to implement that part of Section 10 of the Cable Consumer Protection and Competition Act of 1992 that directs the Commission to adopt regulations designed to limit children's access to indecent programming on commercial leased access channels. The regulations accomplish this by requiring cable operators (which do not voluntarily prohibit indecent programming) to place indecent programming, as identified by program providers, on a "blocked" leased access channel and restricting subscriber access to this channel unless specifically requested in writing by a subscriber.

21. *Summary of Issues Raised by the Public Comments in Response to the Initial Regulatory Flexibility Analysis.* Boston Community Access commented that far greater burdens would be imposed on nonprofit access organizations, institutional access producers, and individual access producers, than on cable operators. Although others pointed out that new burdens would be imposed on access administrators, access users, and others, under the new restrictions, their comments were specifically directed to the Initial Regulatory Flexibility Analysis.

22. *Significant Alternatives Considered and Rejected.* In this First Report and Order, we have considered the most efficacious manner to implement the section 10's provisions relating to indecent programming on leased access channels and in the least burdensome manner that is consistent with the statute's aims. To the extent that Boston Community Access' comments, noted above, are directed to adoption of restrictions relating to the public, educational, and governmental access channels, they will be addressed in a subsequent Report and Order. To the extent they are intended to address leased access channel restrictions, we

have attempted to minimize the burdens on leased access program providers by not requiring notification as to each individual program provided by them and by requiring such notifications only by those assuming responsibility for the content of the programming. No other significant alternatives consistent with the aims of the statute were presented.

Conclusion

23. Our purpose has been to implement the provisions of section 10(b) which, in accordance with the will of Congress, are intended to safeguard the well-being of children in our society, a compelling governmental interest, by reducing their exposure to indecent programming on commercial leased access channels. By the same token, we have sought to protect the constitutionally protected rights of others to distribute, and receive access to, such programming on cable television. We believe that the regulations we have adopted strike an appropriate balance between these aims.

Ordering Clauses

24. Accordingly, pursuant to section 10 of the Cable Consumer Protection and Competition Act of 1992, Public Law 102–385, and sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, part 76 of the Commission's Rules is amended, as set forth below, effective 120 days from date of publication in the **Federal Register**.

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Amendatory Text

PART 76—CABLE TELEVISION SERVICE

1. The authority citation for part 76 is revised to read as follows:

Authority: 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309; 47 U.S.C. 531, 532.

§ 76.305 [Amended]

2. Section 76.305(a) is amended by removing the word "and" before "§ 76.601(e)" and removing the period at the end of that paragraph and inserting "and § 76.701(h) (records for leased access)."

3. Part 76 is amended by adding a new subpart L, consisting of § 76.701, before the index to read as follows:

Subpart L—Cable Television Access

§ 76.701 Leased access channels.

(a) Notwithstanding 47 U.S.C. 532(b)(2) (Communications Act of 1934, as amended, section 612), a cable operator, in accordance with 47 U.S.C. 532(h) (Cable Consumer Protection and Competition Act of 1992, section 10(a)), may adopt and enforce prospectively a written and published policy of prohibiting programming which, it reasonably believes, describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards.

(b) A cable operator that does not prohibit the distribution of programming in accordance with paragraph (a) of this section shall place any leased access programming identified by program providers as indecent on one or more channels that are available to subscribers only with their prior written consent as provided in paragraph (c) of this section.

(c) A cable operator shall make such programming available to a subscriber within 30 days of receipt of a written request for access to the programming that includes a statement that the requesting subscriber is at least eighteen years old; a cable operator shall terminate a subscriber's access to such programming within 30 days from receipt of a subscriber's request.

(d) A program provider requesting access on a leased access channel shall identify for a cable operator any programming that is indecent as defined in paragraph (g) of this section. Such identification shall be in writing and include the full name, address, and telephone number of the program provider and a statement that the program provider is responsible for the content of the programming. A cable operator may require that such identification be provided up to 30 days to the requested date for carriage. A program provider requesting carriage of "live programming" on a leased access channel that is not identified as indecent must exercise reasonable efforts to insure that indecent programming will not be presented. A cable operator will not be in violation of paragraph (b) of this section if it fails to block indecent programming that is not identified by a program provider as required in paragraph (d) of this section.

(e) A cable operator may request a program provider to certify that the programming intended for leased access is not obscene programming or indecent programming subject to the requirement of paragraph (b) of this section. A cable operator may request a program provider of "live programming" to certify that reasonable efforts will be made to ensure that such programming is not obscene programming or indecent programming subject to the requirement of paragraph (b) of this section.

(f) A cable operator shall not be required to provide leased access to a program provider if—

(1) The program provider refuses to identify whether programming is indecent as required under paragraph (d) of this section; or

(2) The program provider refuses or fails to certify, if requested by the cable operator under paragraph (e) of this section, that the programming is not obscene programming or indecent programming subject to the requirement of paragraph (b) of this section; or

(3) The program provider refuses or fails to certify, if requested by the cable operator under paragraph (e) of this section, that reasonable efforts will be made to ensure that any "live programming" is not obscene programming or indecent programming subject to the requirement of paragraph (b) of this section; or

(4) The program provider has failed to provide up to thirty days' prior notice, if requested by the cable operator, that the programming is indecent.

(g) For purposes of paragraphs (b)–(f) of this section, "indecent programming" is any programming that describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards for the cable medium.

(h) Cable operators shall retain records sufficient to verify their compliance with paragraph (b) of this section and make such records available to the public. Such records must be retained for a period sufficient to cover the limitations period specified in 47 U.S.C. 503(b)(6)(B).

[FR Doc. 93–3313 Filed 2–10–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 99

[RIN 2105–AB98]

Employee Responsibilities and Conduct

AGENCY: Office Of The Secretary, Department of Transportation.

ACTION: Final rule.

SUMMARY: This final rule removes most of the Department's regulations on Employee Responsibilities and Conduct

from the Code of Federal Regulations. The Department's regulations are being replaced, as of February 3, 1993, by new Office of Government Ethics regulations which apply to employees throughout the executive branch. The Department's regulations on Employee Responsibilities and Conduct which relate to post employment matters and waivers of conflicts of interest are being retained in the Code of Federal Regulations pending subsequent issuance of Office of Government Ethics regulations on those topics.

EFFECTIVE DATE: This final rule takes effect on February 3, 1993.

FOR FURTHER INFORMATION CONTACT: William R. Register or Grace Reidy, Office of the General Counsel (C–10), Department of Transportation, 400 7th Street, S.W., room 10102, Washington, D.C. 20590, (202) 366–9161.

SUPPLEMENTARY INFORMATION: On August 7, 1992, the Office of Government Ethics (OGE) published revised Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR Part 2635; 57 FR 35006). These standards become effective on February 3, 1993. They supersede existing agency standards of ethical conduct. The Department's existing regulations on Employee Responsibilities and Conduct are in 49 CFR part 99.

The Department's regulations on Employee Responsibilities and Conduct also include provisions relating to the filing and review of financial disclosure reports. The regulations have been superseded by OGE's revised regulations on financial disclosure published on April 7, 1992 (5 CFR parts 2633 and 2634; 47 FR 11800).

Overview

Measures being taken within the Department of Transportation to implement OGE's revised standards of employee conduct and OGE's revised regulations on financial disclosure include:

1. Removing the Department's regulations on Employee Responsibilities and Conduct from 49 CFR part 99, except subpart F and appendix E which relate to post employment matters, and appendix A which relates to regulatory waivers of conflicts of interest. Subpart F and appendix E remain in effect pending issuance of OGE regulations on post employment matters. Appendix A remains in effect pending issuance of upcoming OGE regulations on regulatory waivers of conflict of interest.

2. Issuing regulations determined to be necessary to supplement OGE's revised standards of employee conduct These supplemental regulations would cover matters relating to outside employment, conflicts of interest, and receipt of gifts. Pursuant to 5 CFR 2635.105, OGE approval of the Department's supplemental regulations will be required. Proposed supplemental regulations are currently being prepared for issuance as a notice of proposed rulemaking in the near future.

3. Issuing a revised departmental order on employee responsibilities and conduct, and issuing implementing modal administration orders or procedures as necessary. The Department's existing order, DOT Order 3700.2, implements President Johnson's Executive Order (E.O.) 11222 ("Prescribing Standards of Ethical Conduct for Government Officers and Employees"), 3 CFR, 1964–1965 Comp., p. 306, and former OGE regulations on employee conduct. The revised departmental order will contain procedures for processing reviews, determinations, approvals, and other actions in accordance with OGE's revised standards. The revised departmental order will also include provisions implementing President Clinton's Executive Order 12834, "Ethics Commitments by Executive Branch Officials." Further, the revised departmental order will authorize deputy ethics officials to designate "agency designees" who are authorized pursuant to OGE's revised standards to issue certain ethics determinations under the revised standards. As mandated in OGE's regulations, in 5 CFR 2635.103, an upcoming Coast Guard Instruction on ethics will include standards of conduct applicable to military enlisted personnel.

4. Issuing departmental and operating administration orders or procedures on financial disclosure matters. These orders are required pursuant to 5 CFR 2634.103 of OGE's revised regulations on financial disclosure. These orders will address topics outlined in OGE's memorandum of September 3, 1992, relating, among the others, to the collection, filing, and review of financial disclosure reports. A copy of OGE's memorandum may be obtained from the address listed under FOR FURTHER INFORMATION CONTACT

Description of Final Rule

The Department's regulations in 49 CFR part 99 to be removed from 49 CFR part 99 include:

1 Subpart A

General regulations relating to the purpose and policies surrounding E.O. 11222.

2. Subpart B

Regulations relating to gifts, outside employment, conflicting financial interests, use of government property and title, misuse of information, indebtedness, and gambling. Each of these topics is addressed in OGE's revised standards of employee conduct and in regulations published by the Office of Personnel Management in the Federal Register of November 30, 1992 (57 FR 56433).

3. Subpart C

Statements of employment and financial interest. The regulations in this subpart have been superseded by OGE's revised regulations on financial disclosure. Pursuant to OGE's revised regulations on financial disclosure, implementing agency procedures concerning financial disclosure are required. The Department's order on financial disclosure will include procedures for the collection, filing, and review of financial disclosure reports.

4. Subpart D

Regulations relating to ethical conduct and responsibilities of special government employees. The regulations in this subpart are addressed in OGE's revised standards of employee conduct.

5. Subpart E

Procedures relating to the issuance of ethics advice, review of financial disclosure reports, remedial action, and appeal of determinations requiring remedial or disciplinary action. Procedures relating to the issuance of ethics advice are covered in OGE's revised standards of employee conduct. Procedures relating to the review of financial disclosure reports are addressed in OGE's revised regulations on financial disclosure and will be addressed in the Department's order on financial disclosure. The Department's revised order on employee responsibilities and conduct will include procedures relating to remedial and disciplinary action and appeals

6. Appendix B

List of statutory provisions relating to employee conduct. OGE's revised standards of employee conduct include a list of applicable statutory provisions.

7. Appendix C

List of employees required to submit financial disclosure reports. OGE's revised regulations on financial disclosure contain requirements concerning who is required to file a financial disclosure report. The Department's order on financial

disclosure will include a list of designated positions.

8. Appendix D

Extract from appendix C of the Civil Service Federal Personal Manual System on special government employees. The material in this appendix is covered in Chapter 304 of the Federal Personnel Manual.

The Department's regulations that are to be retained include:

1. Subpart F which contains regulations relating to post employment responsibilities. Pending issuance of upcoming OGE regulations on post employment matters, subpart F is being retained along with a note that its provisions apply only to employees who terminated service before January 1, 1991. Also, the regulations in 49 CFR part 98, which contain pre-1991 procedures for enforcing post employment restrictions, are being retained pending issuance of upcoming OGE regulations on post employment matters.

2. Appendix A which addresses regulatory waivers of conflict of interest. These regulations are being retained pending issuance of OGE regulations on regulatory waivers.

3. Appendix E which explains statutes relating to post employment responsibilities. This Appendix will be retained along with a note that the appendix applies only to employees who terminated government service prior to January 1, 1991.

The Department's existing regulation on outside employment, which is in 49 CFR 99.735–11 and which is being removed from the CFR in this rulemaking, will be subsequently reproposed as a supplemental regulation in the proposed Departmental regulations referenced in the "Overview" section. Those Departmental regulations would be published as a part of OGE's regulations title 5, CFR. Also, the Department's regulations in 49 CFR part 9 on employee testimony in legal proceedings are being retained and a cross reference to OGE's regulation on employee testimony, in 5 CFR 2635.805, will be added to 49 CFR part 9. The cross reference to OGE's regulation on employee testimony will be included in an upcoming revision to 49 CFR part 9 to be published in late January 1993.

Regulatory Analysis and Notices

In accordance with 5 U.S.C. 553 (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 383) of the Administrative Procedure Act, this final rule has not been preceded by a notice of proposed rulemaking and it is being made effective in less than thirty days after publication. The rule relates to matters of agency management and personnel, which matters are exempt from the rulemaking procedures in 5 U.S.C. 553. In addition, following those procedures would be both unnecessary and contrary to the public interest since the Department's regulations on employee responsibilities and conduct are automatically superseded by OGE's rules on February 3, 1993, and timely action in issuing this final rule is essential to give full effect to and avoid confusion concerning the effect of OGE's new rules.

This final rule is not a major or significant rule under DOT Regulatory Policy and Procedures, 44 FR 11040, and its economic impact will be minimal. For this reason, further regulatory evaluation is not necessary. Further, the rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12012, it has been determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This is because the rule has no effect on State and local governments, since it applies only to Federal employees or former employees. Furthermore, there are no reporting or record keeping requirements associated with this rulemaking. Lastly, I certify, under the criteria of the Regulatory Flexibility Act that this final rule will not have a significant economic impact on a substantial number of small entities. In fact, since it concerns only Federal employment, there is no impact on small entities involved.

In accordance with the foregoing, the Department of Transportation is amending part 99 of title 49 of the Code of Federal Regulations as set forth below.

List of Subjects in 49 CFR Part 99

Conflict of interest.

Issued in Washington, DC, on February 4, 1993.

Federico Peña,

Secretary of Transportation.

PART 99—[AMENDED]

1. The authority citation for part 99 is revised to read as follows:

Authority: 49 U.S.C. 322; E.O. 12674, 54 FR 15159, CFR, 1989 Comp., P 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., P. 306.

Subpart A—[Removed and Reserved]

2. Subpart A is removed and reserved.

Subpart B—[Removed and Reserved]

3. Subpart B is removed and reserved.

Subpart C—[Removed and Reserved]

4. Subpart C is removed and reserved.

Subpart D—[Removed and Reserved]

5. Subpart D is removed and reserved.

Subpart E—[Removed and Reserved]

6. Subpart E is removed and reserved.

Subpart F—Responsibilities of the Government Employee and Special Government Employee Following Departure From Government Service

7. In subpart F, a new § 99.735–80 is added to read as follows:

§ 99.735–80 Applicability.

The provisions of this subpart apply only to employees who terminated government service before January 1, 1991.

Appendix B—[Removed and Reserved]

8. Appendix B is removed and reserved.

Appendix C—[Removed and Reserved]

9. Appendix C is removed and reserved.

Appendix D—[Removed and Reserved]

10. Appendix D is removed and reserved.

Appendix E—Statutes Regulating Post-Employment Responsibilities of Government and Special Government Employees

11. By adding a note after the title to appendix E and before the discussion entitled "Section 207 Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners'" to read as follows:

Note: This appendix applies only to employees who terminated government service before January 1, 1991.

[FR Doc. 93–3220 Filed 2–10–93; 8:45 am]

BILLING CODE 4810–62–M

VOL
58
ISS
27
FE
11
1993
UMI

Proposed Rules

Federal Register
Vol. 58, No. 27
Thursday, February 11, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1139

[Docket No. AO–309–A31; DA–90–021]

Milk in the Great Basin Marketing Area; Final Decision on Proposed Amendments to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision would change several provisions of the Great Basin milk order. The decision would relax the diversion provisions and would relax the limit on the amount of milk that producer-handlers may receive from pool plants and other order plants. Other revisions would change the due date for payments to the producer-settlement fund, make several technical changes to component pricing provisions and change the application of location adjustments of diverted milk. The order changes were considered at a public hearing held on August 27–28, 1990, in Salt Lake City, Utah. The order changes were requested by two cooperative associations and are necessary to reflect current marketing conditions and to insure orderly marketing conditions in the Great Basin marketing area.

Cooperative associations will be polled to determine whether producers favor the issuance of the proposed amended order.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–9368.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. The amended order will promote more orderly marketing of milk by producers and regulated handlers.

These proposed amendments have been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have a retroactive effect. If adopted, this action proposed will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Prior documents in this proceeding:

Notice of Hearing: Issued August 14, 1990; published August 20, 1990 (55 FR 33915).

Recommended Decision: Issued August 24, 1992; published August 28, 1992 (57 FR 39146).

Order suspending rule: Issued October 26, 1992; published October 30, 1992 (57 FR 49132).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Great Basin marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice (7 CFR part 900), at Salt Lake City, Utah, on August 27–28, 1990. Notice of such hearing was issued on August 14, 1990 and published August 20, 1990 (55 FR 33915).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Administrator, on August 24, 1992, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under the heading "1. Pooling standards for a cooperative's reserve milk supply.", Five new paragraphs are added after paragraph 25.

2. Under the heading "2. Pooling standards for a cooperative manufacturing plant.", Paragraphs one and six are revised and one new paragraph is added after paragraph six.

3. Under the heading "3. Limits on producer-handler receipts from pool plants and other order plants.", Three new paragraphs are added after paragraph 24.

4. Under the heading "5. Application of location adjustments in paying producers for milk that is diverted.", One new paragraph is added after paragraph thirteen.

5. Under the heading "8. Technical changes in order provisions relative to component pricing:

(a) Handler protein price. ", Paragraph nine is revised and three new paragraphs are added after paragraph nine.

6. Under the heading "8(c). Protein accounting by plant operators.", one new paragraph is added after paragraph six.

The material issues on the record of the hearing relate to:

1. Pooling standards for a cooperative's reserve milk supply;

2. Pooling standards for a cooperative manufacturing plant;

3. Limits on producer-handler receipts from pool plants and other order plants;

4. Application of location adjustments in determining the obligation of a partially-regulated distributing plant;

5. Application of location adjustments in paying producers for milk that is diverted;

6. Due date for payment of handler obligations to the producer-settlement fund;

7. Handler payments to cooperative associations for plant milk and bulk tank receipts from producer-members; and

8. Technical changes in order provisions relative to component pricing:

(a) Handler protein price.

(b) Location and zone differentials.

(c) Protein accounting by plant operators.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Pooling Standards for a Cooperative's Reserve Milk Supply

The order should not be amended to provide an additional option for pooling a cooperative association's milk supply. This decision provides, as an alternative, that the order's diversion limitations for cooperatives be relaxed. The diversion limitations are increased from 60 percent for the period of April through August and 50 percent in all other months to 75 percent during all months of the year.

Western Dairymen Cooperative, Inc. (WDCI) proposed the "cooperative reserve supply unit" as an additional option in pooling a cooperative's milk supply. Their proposal, modified at the hearing, would have required a cooperative to meet the following requirements:

(1) The cooperative must file an application with the market administrator for a "cooperative reserve supply unit status" no less than 15 days prior to the first day of the month such status is requested;

(2) The cooperative must qualify as a handler of bulk tank milk or diverted milk of its member producers during the month and as a handler of producer milk during each of the 12 preceding months;

(3) Each member producer of the cooperative must deliver at least one day's production each month to a pool distributing plant;

(4) The cooperative must be qualified to receive payments for producer milk;

(5) The cooperative has producer members, the majority of whom are producing milk on farms located within 175 miles of a pool distributing plant located within the marketing area;

(6) The cooperative has not entered into an agreement with another cooperative association to have its allowable diversions computed on a combined basis;

(7) The cooperative would not be able to operate a pool plant located in the marketing area (initially WDCI proposed that a cooperative not operate a milk plant);

(8) The cooperative must ship milk to pool distributing plants during the month in an amount equal to not less than 25 percent of its producer milk (initially WDCI proposed a 35 percent requirement);

(9) The cooperative reserve supply unit supplies fluid milk products to a distributing plant located within 175 miles (initially 100 miles) of the majority of the cooperative's member producers in accordance with instructions from the market administrator calling for a minimum level of shipments to pool distributing plants; and

(10) The market administrator may require shipments of bulk fluid milk from the reserve supply unit whenever the market administrator determines, as the result of an investigation, that additional milk supplies are needed at any pool distributing plant(s) in order to serve the fluid needs of the market.

The WDCI proposal provided that an investigation may be undertaken either at the market administrator's own initiative or on the basis of a request from a pool distributing plant. If the market administrator finds after the investigation that it is necessary to issue an instruction requiring shipments of milk, the market administrator shall issue a notice stating that a shipping instruction is being considered and inviting data, views and arguments with respect thereto, which will be considered in making his determination.

A cooperative association, after qualifying as a reserve supply unit, shall continue to have that status until it fails to meet all of the previously described conditions, or until it applies for termination thereof, in which case such status shall be withdrawn on the first day of the month following the application.

If a cooperative association holding such reserve supply unit status fails to comply with any shipping requirements or takes any action which evades the intent of any shipping requirements, the market administrator shall report these facts to the Director of the Dairy Division who may suspend the cooperative from qualification. The suspension would cover a period of not more than 12 months during which the association has qualified as a handler of bulk tank milk or of diverted milk of its members.

The first witness for WDCI testified that the association is a marketing cooperative with members located in 10 states. He said that the association is operating four manufacturing plants and three fluid milk plants in the Great Basin marketing area.

The spokesman for WDCI said that milk production is increasing and commercial use remains flat. He said that because of the increase in milk production, cheese plants are interested in acquiring manufacturing plants. WDCI, he contended, will be committed more to manufacturing operations and utilizing these manufacturing facilities at optimum levels of production.

The WDCI witness said that the association has signed a letter of intent with another company which could result in a significant change in the status of WDCI's manufacturing plants and in the use of its member milk for manufacturing. He said the association wants to see that the fluid needs of the market are served from the closet possible supply source. The witness indicated the cooperative's proposal would accomplish that objective.

At the hearing the WDCI witness requested that the Department waive a recommended decision on this issue. In their post-hearing brief, however, they withdrew this request.

At the hearing WDCI made several modifications to its proposal. Under the first modification a cooperative would not be permitted to operate a pool plant located in the marketing area. Initially, WDCI had proposed that a cooperative may not operate a milk plant. Another modification provided for shipments to pool distributing plants of not less than 35 percent of the cooperative's member-producer monthly milk production instead of 25 percent. A third modification would require that a member producer deliver at least one days' production each month to a pool distributing plant.

The second witness for WDCI said the proposal is similar to a provision in the Pacific Northwest order. He said that the proposed standards assure that the association will not "ride" the pool but is there to serve the needs of the market.

At the hearing a witness for two cooperative associations, Magic Valley Milk Producers, Inc. (MVMP), and Quality Milk Producers, Inc. (QMP), and witnesses for Gossner Foods (Gossner), a proprietary handler, presented testimony in opposition to the WDCI proposal.

The witness for MVMP said that the WDCI proposal would not benefit MVMP. He said that for June and July 1990, MVMP was only able to ship about 21 percent of its Grade A milk to

pool distributing plants located in the Great Basin marketing area (monthly production of members for June and July 1990 approximately 21 million pounds).

The MVMP spokesman said that the proposed 75-mile limitation by WDCI would eliminate MVMP from qualifying under the proposed "cooperative reserve supply unit" even though about 30 percent of their members are located within the Great Basin marketing area. He testified that MVMP has been serving this market for about three years. MVMP, he said, delivers a substantial amount of milk to the Meadow Gold distributing plant at Pocatello, Idaho. If that plant were to close, the cooperative's members' farms would be located about 240 to 270 miles from a pool distributing plant in the marketing area.

The witness for MVMP proposed several modifications to the WDCI proposal. He said that a cooperative in order to qualify under this proposal should (1) not operate a pool distributing plant rather than a milk plant within the marketing area (2) have producers whose milk is currently pooled on the Great Basin order or are located within 175 miles of a pool distributing plant located within the marketing area and (3) ship to pool distributing plants 25 percent during the months of September through April and 20 percent during the months of May through August of the cooperative association members' monthly milk production. Also, the qualified cooperative association should not lose its status as a "cooperative reserve supply unit" because of the closing of the closest pool distributing plant to the majority of its producers.

Two witnesses for Gossner testified in opposition to the WDCI proposal. The second Gossner witness said his testimony was also presented on behalf of KDK Dairy, Banquet Foods and Chappel Cheese.

The first Gossner witness said that the present provisions are adequate for WDCI to pool its members' milk on the Great Basin order without operating a bottling plant or a cheese plant. He said that if WDCI is going out of the fluid milk business, then this proposal would encourage WDCI to sign on as many new producers as possible with the intent of controlling the entire milk supply.

This Gossner witness testified, that even though they have their own independent producers, they are concerned about the possibility of other sources of milk not being available because of the adverse effect that WDCI's proposal would have on the market. He said that Gossner operates an aseptic milk plant that engages substantially in supplying military contracts. The witness indicated that this type of business requires that milk always be at a reasonable price. Gossner, he said would have less objection to the WDCI proposal if the monthly shipping percentages were increased from 25 to 35 percent.

The second witness for Gossner and other handlers said that the WDCI proposal will further increase the dominance of WDCI as the principal buyer of milk in the Great Basin market. He said that Gossner and other handlers are all heavily dependent upon Grade B milk and that the WDCI 25 percent shipping standard will accelerate the conversion of Grade B milk to Grade A milk.

This spokesman for Gossner and other handlers said that the proprietary cheese plants are already operating at less than capacity and any further reduction in milk supplies would result in the closing of some cheese plants in the marketing area. He said that if the cheese plants were to close, this could result in the closure of bottling operators because of their dependence on the cheese plants to take their diverted milk.

A witness for QMP said that the association supports the modifications proposed by MVMP. He said that members of the association produce approximately 11 to 12 million pounds of milk per month and the milk pooled by the association goes to a distributing plant at Pocatello, Idaho. The members of the association, he said, are located within the southern Idaho counties of Twin Falls, Gooding, and Jerome and, therefore, the proposed mileage standards by WDCI would eliminate their organization from qualifying under the WDCI proposal.

As indicated previously, the "cooperative reserve supply unit" proposed as modified, should not be adopted. The relaxation of the diversion provisions as provided for in this decision will enable the proponent of the "cooperative reserve supply unit" proposal to efficiently provide for the fluid needs of the market and, at the same time, accommodate the movement of more milk for manufacturing in recognition of changes in supply and demand for milk in this market.

The 75 percent diversion limitation provision provided for in this decision will enable WDCI to move milk directly from the farm to manufacturing plants in amounts equal to WDCI's proposed 25 percent monthly shipping requirements contained in their proposal. The 75 percent diversion provision would require (reciprocal) shipments to pool plants of 25 percent.

The 75 percent diversion provision, coupled with the provision that authorizes the Director of the Dairy Division to increase or decrease these limitations by 10 percentage points, should provide flexibility in the event that market conditions substantially change.

As indicated previously, there was substantial opposition to the WDCI proposal even with the proposed modifications. The modified proposal leaves some doubt as to whether other cooperatives, besides WDCI, would be able to meet all the requirements of this provision. The relaxation of the diversion provisions should accommodate the changed marketing conditions that WDCI was concerned about and at the same time provide other cooperative associations with the ability to more efficiently move milk supplies where needed.

Exceptions were filed by WDCI and Gossner. WDCI stated that market conditions have substantially changed since the hearing in August 1990. They indicated that a permanent change in diversion limitations should not be made on the basis of obsolete facts. WDCI stated that the anticipated conditions that were the basis for their proposal never materialized.

Gossner in their exceptions indicated that they did not object to the proposed 75 percent provision provided it was available to proprietary handlers. Gossner stated that this provision gives a clear advantage to cooperative associations and limits the marketing options of other producers.

Both exceptions are denied. Regarding Gossner's position that the provision should be available to proprietary handlers, there is no record basis in this proceeding to so provide. The hearing evidence, and indeed the proposal for a bulk tank unit, were based on the needs of a cooperative association. Proprietary handlers did not offer any evidence that would support making the greater diversion allowance apply to proprietary handlers as well as to cooperatives.

WDCI's exception maintains that the facts in the record offered by WDCI in support of the proposal are obsolete, and thus any needed amendments should be based on evidence concerning conditions as they now exist. Although the conditions anticipated by WDCI in its testimony did not materialize, the record does indicate that another cooperative association may be able to benefit from a higher diversion limit. Thus, while WDCI's proposed changes may not be needed under more current

conditions, the diversion limit change adopted herein will accommodate the pooling of milk by Magic Valley Quality Milk Producers cooperative.

2. Pooling Standards for a Cooperative Manufacturing Plant

The order should continue to provide that a cooperative association must ship at least 35 percent of its member producer milk to a pool distributing plant to qualify its manufacturing plant for pool status. The order should also continue to provide that the Director of the Dairy Division may increase or decrease such percentage by 10 percentage points.

Currently, the order provides that a cooperative association must ship 35 percent of its member-producer milk to a pool distributing plant to qualify its manufacturing plant for pool status. However, when the Great Basin and Lake Mead orders were merged on April 1, 1988, the order provided for a 45 percent shipping requirement. The 45 percent standard was lowered to 40 percent effective May 1, 1989—official notice is taken of a **Federal Register** document, Revision of Cooperative Manufacturing Plant Shipping Requirements (54 FR 30881). The standard was further lowered to 35 percent effective June 1, 1989—official notice is taken of a **Federal Register** document, Revision of Cooperative Manufacturing Plant Shipping Requirements (54 FR 25446). Both of the reductions were made by the Director of the Dairy Division at the request of WDCI.

A witness for MVMP said that a decrease in the shipping requirements to 25 percent is necessary to reflect the fact that Class I milk movements on the Great Basin order have decreased about 14 percent when compared to the first 7 months of 1989. He said that if the shipping standard had been 25 percent rather than 35 percent the association would have saved about $132,000 for the period of March 1990 through July 1990.

The MVMP proposal was opposed by WDCI and Gossner. The witness for WDCI said that the association is delivering approximately 40 percent of its milk supply to pool distributing plants. The WDCI witness said the association does not want this shipping provision to be established any lower than 35 percent.

The witness for Gossner said that the company's opposition to this proposal is similar to their opposition to the WDCI proposal to establish a cooperative reserve supply unit. He said that the MVMP proposal could result in the elimination of proprietary manufacturing plants because this proposal would increase the conversion of Grade B milk to Grade A milk.

The change proposed by MVMP was adopted in the recommended decision. However, exceptions were filed by WDCI and Gossner. WDCI stated that at the present time marketing conditions are substantially different than at the time of the hearing. They indicated that they are now the only cooperative association operating a regulated manufacturing milk plant and that the present 35 percent provision is not excessive. WDCI also expressed a concern about the possibility of excess milk from neighboring markets being pooled on the Great Basin market if this provision were lowered to 25 percent. Gossner indicated that the adoption of the proposal might give WDCI an advantage and would encourage WDCI to take on new members with the intent of controlling the entire milk supply.

The concerns expressed by MVMP in support of their proposal are now moot because they are not now operating a manufacturing pool plant. Therefore, it is concluded that the change proposed in the Recommended Decision should not be adopted. There is no need at this time to lower the percentage of milk that a cooperative association must ship to a pool distributing plant in order to pool its manufacturing plant.

3. Limits on Producer-Handler Receipts From Pool Plants and Other Order Plants

The order should be amended to provide a producer-handler with more flexibility in acquiring fluid milk products from pool plants or other order plants in order to supplement the producer-handler's own production. The amended order would allow a producer-handler to acquire unlimited quantities of fluid milk products during the months of December through August provided the producer-handler met the following requirements during the months of September through November. During the period of September through November, the producer-handler's purchases of fluid milk products (excluding flavored and cultured fluid milk products) would be limited to 15,000 pounds (3 month total) or 5 percent of the producer-handler's disposition (3 month total), whichever is greater. The order would also provide that if the producer-handler exceeded this limitation during the months of September through November, the producer-handler's purchases of fluid milk products (excluding flavored or cultured milk products) could not exceed 5,000 pounds each month or 5 percent of the producer-handler's monthly disposition, whichever is greater.

The order presently provides that a producer-handler may purchase fluid milk products each month from pool plants or other order plants in an amount not in excess of the larger of 5,000 pounds or 5 percent of the producer-handler's Class I disposition.

At the hearing, WDCI, abandoned a proposal that would have permitted a producer-handler to purchase from a pool plant or other order plant during each of the months of May through August fluid milk products amounting to 10,000 pounds or 5 percent of its Class I disposition, whichever is larger, and during the months of September through April, the larger of 5,000 pounds a month or 5 percent of its monthly Class I disposition.

At the hearing, Mr. Glen Brown who is part owner and the manager of Brown Dairy, Inc. (Brown), located at Coalville, Utah, testified in support of the change in the producer-handler provision that is adopted herein.

Mr. Brown said that the present order provisions make it unreasonably difficult to manage his operation in an orderly manner. He said that anyone who has had any experience with cows knows that cow's production will vary more than 5 percent per day and per month with month-to-month variations of more than 5 percent. Therefore, he said, that the only logical way to provide a producer-handler a means to market his production is to remove the unreasonable restrictions contained in the order.

Mr. Brown said that a three-month qualifying period during the historically low production period should alleviate the market disruption concerns that producers and handlers may have. He said that his proposal would, for the most part, eliminate the need to dump onto the market surplus milk.

A producer-handler, according to Brown, does not know what his Class I sales will be until the month is over. As a consequence, the producer-handler does not know until the month is over, the volume of milk that can be purchased under the 5 percent allotted under the order. He said that his proposed three-month qualifying period should help solve this problem. In addition, the current provision, he says, makes it very difficult at times to provide fluid milk products to special groups such as the Boy Scouts in their own immediate area. He said that the fluid milk demands of the Boy Scouts and other youth groups, exceed the current 5 percent of Class I sales that producer-handlers are permitted to

obtain from pool plants or other order plants.

Mr. Brown said that the amount of milk attributable to producer-handlers in this market has declined from previous decades and has stayed very stable during the last few years. He said also that at least two-thirds of the Federal orders have no limitations on purchases of fluid milk products by producer-handlers.

Mr. Brown testified that the prices he obtains for his packaged fluid milk do not adversely affect the market. His prices, he says, when taking all products into consideration, are not the lowest or the highest in the market. He said, too, that he has to pay the Class I price for his purchases. For this reason he believed that no producer in the market would be adversely affected by his purchases of supplemental milk.

Mr. Brown said that his proposal would have a positive impact on small entities, especially in rural areas where the economy and employment are struggling. He said that a suspension of this provision for the period of December 1989 through August 1990, to the best of his knowledge, did not have an adverse effect on this market.

Mr. Brown also proposed that the limitation on the quantity of fluid milk products that a producer-handler may purchase should not include flavored and cultured fluid milk products. He said that today's high technology and capital-intensive machinery dictate that processors cooperate in order to accommodate the consumer.

At the hearing another producer-handler (Ideal Dairy) briefly testified in support of the Brown proposal. Winder Dairy, in a brief, stated that it also supports the Brown proposal.

The witness for Ideal Dairy said that in his operation he has to have a surplus averaging about 30 percent of the dairy farm's milk production. Some months it can vary from a low of 5 percent to a high of 40 percent. He said that his demand for milk is higher during the 8 or 9 months that the schools are operating rather than in the summer. He indicated that his own production and purchases from pool plants are higher than last year.

In its brief, Winder Dairy stated that the prior suspension of the limitations on purchases by producer-handlers has not been disruptive and that this greater flexibility in purchases can be useful to the market.

At the hearing a witness for WDCI testified in opposition to the Brown proposal. He said that before the merger of the Great Basin and Lake Mead orders the producer-handler limitation in the Great Basin order was the higher of 3,000 pounds or 5 percent of its Class I sales. He said that the cooperative proponent of the merger proposed the increase to 5,000 pounds per month in recognition of the general trend toward higher milk production.

The spokesman for WDCI said that the Department of Agriculture (Department) has always taken the position that producer-handlers are small volume farmers marketing their own milk and carrying the burden of their own reserve supply. Producer-handlers, he said, are allowed to market their own milk for Class I purposes without sharing it with the producers so long as they market their own reserve supply and do not transfer the burden of carrying the reserve supply to other producers.

The WDCI witness said that the Department has permitted producer-handlers to acquire limited quantities of milk from pool sources so that they could supplement their own farm production during the low production months and make other Class I products available to customers. He said that it is unfair to require regulated handlers to pay the Class I price for all fluid milk distribution while their competitors, the producer-handlers, can offer milk for sale without regard to the Class I price.

The WDCI spokesman said that during the suspension for the period of December 1989 through August 1990, substantial quantities of reserve milk were shifted from producer-handlers to other producers and that fully regulated handlers lost sales. He said that purchases of fluid milk products by producer-handlers increased from 67,000 pounds a year ago to 430,000 pounds and that these purchases displaced sales by fully regulated handlers.

A limit should apply on purchases of supplemental milk by producer-handlers during the months of September through November. A producer-handler should be permitted to purchase fluid milk products (excluding flavored and cultured fluid milk products) from pool plants and other order plants during the months of September through November in an amount not to exceed 15,000 pounds for the 3-month period or 5 percent of the producer-handler's Class I disposition during such 3-month period, whichever is greater.

A limit on supplemental milk purchases by producer-handlers is needed to preclude a producer-handler from shifting to pool producers the burden of carrying the producer-handler's reserve milk supply. Without any limit on purchases a producer-handler could be expected to obtain Class I sales accounts in an amount equal to the volume of milk produced in the seasonally high production months. During seasonally low production months, a producer-handler could supplement its lack of production with purchases from pool sources.

By limiting a producer-handler's purchases during the months of seasonally low production, September through November, other producers in the Great Basin market will have some assurance that a producer-handler is responsible for producing enough milk to supply 95 percent of the producer-handler's Class I sales during such 3-month period.

The producer-handler's request that flavored fluid milk products and cultured fluid milk products not be included in the purchase limits during the months of September through November should also be granted. This will enable a producer-handler to offer a more complete line of milk products to customers without the capital outlay that would otherwise be required to process and package such items.

The application of a limit on purchases of supplemental milk supplies by producer-handlers during the months of December-August tends to impose an unnecessary burden on certain producer-handler operations in the market. Some producer-handler plants are located within close proximity to summer camps and winter recreational facilities that have a short-duration demand for milk in the months of seasonally high production. The limit on supplemental purchases tends to either effectively preclude producer-handlers from serving such accounts or encourage producer-handlers to produce an unnecessary surplus of milk to serve such accounts.

Removal of the limit on purchases of supplemental milk by producer-handlers during the market's seasonally high production months would tend to provide an incentive for producer-handlers to shift their production pattern so that it would peak during the market's low production months of September through November in order to service their year-round sales accounts and retain producer-handler status.

Exceptions were filed by WDCI and a comment in support of the change was filed by Winder Dairy.

WDCI stated that the season for serving the Boy Scout camps, as discussed in the recommended decision, is not normally spread over the months specified in the recommended decision (December through August) for allowing unlimited purchases of pool milk by producer-handlers. WDCI, in their exceptions,

suggested instead that producer-handlers be allowed to purchase unlimited quantities of fluid milk products from pool plants and other order plants only during the months of April through August.

If WDCI's suggestion were adopted, the restriction on producer-handler receipts from pooled sources would be in effect from September through March. This would be contrary to the concept that the critical period during which a producer-handler must demonstrate self-sufficiency is in the short supply months of September through November. The record does not indicate that any problem of producer-handlers shifting the burden of carrying surplus milk to other producers during the months of December through March will develop. Accordingly, WDCI's exception is denied.

4. Application of Location Adjustments in Determining the Obligation of a Partially-Regulated Distributing Plant

No change should be made in computing the obligation of the operator of a partially-regulated distributing plant.

Under the present provisions of the Great Basin order, a partially-regulated distributing plant operator regulated under a State order has two options under which the operator's pool obligation may be determined:

(a) The plant operator incurs no payment obligation if the operator purchases from any Federal milk order source an amount of milk classified and priced as Class I milk that is equivalent to such operator's fluid milk sales in the marketing area. Such purchases, however, may not be used to offset any obligation under another order.

(b) The plant operator may choose to pay to the producer-settlement fund the value of the fluid milk products distributed in the marketing area determined by the difference between the appropriate class prices applicable at the location of the partially-regulated distributing plant (but not to be less than zero) as announced by the State order and the value of such milk as determined pursuant to the class prices and component prices established under the Great Basin milk order.

A witness for WDCI, who also represented the Borden Company, proposed that the obligations of a handler operating a partially-regulated distributing plant be revised to eliminate the location adjustment on packaged fluid milk products distributed in the Great Basin marketing area. In describing the proposal to eliminate location adjustments, proponent stated that the proposal retains all of the provisions of section 76 (obligation of a handler operating a partially-regulated distributing plant) with the exception that the location adjustment on packaged fluid milk products distributed in the Great Basin marketing area by partially-regulated distributing plants subject to State regulation would be eliminated. Proponent contended that elimination of the location adjustment from section 76 will place the partially-regulated distributing plants on an equal footing with plants subject to full regulation by the Great Basin order or any other Federal milk marketing order with respect to fluid milk product disposition in the Great Basin market.

The brief submitted on behalf of WDCI makes it clear that the cooperative association is proposing the elimination of the location adjustment in computing the obligation of a partially-regulated distributing plant that is regulated under a State order.

Proponent indicated that location adjustments in Federal milk marketing orders are designed to equalize the cost of transporting bulk milk from farms to fluid milk processing plants, whether shipped directly from farms or through supply plants. Location adjustments are not intended, according to proponents, to underwrite the cost of transporting packaged fluid milk products from one location to another.

Proponents contended that the purpose of the payment to the market administrator by the operator of the partially-regulated distributing plant is to equate the cost of packaged fluid milk products distributed in the Great Basin marketing area by such partially-regulated distributing plants with that of plants subject to full regulation by the Great Basin order. The witness for WDCI indicated that the price (cost) determined under the State program at the location of the partially-regulated distributing plant should be equated with the Great Basin zone price in which packaged fluid milk products are distributed, rather than such zone price minus the Great Basin location differential.

The WDCI witness said that the use of location adjustments to determine the obligation of a partially-regulated distributing plant was never intended by the Department and is inconsistent with the treatment afforded other plants regulated by other Federal marketing orders. He said that the proper basis for determining the obligation of a partially-regulated distributing plant is the cost difference established under the terms of the Great Basin order and the cost established by the State government at the plant location. This, he said, is consistent with the decision of the Supreme Court in the Lehigh Valley Farmers Cooperative vs. the Secretary court case.

The spokesman for WDCI on cross-examination indicated that there are times when the California Class I price at Los Angeles is lower than the Great Basin Class I price and this is when the partially-regulated California plants would be required to make a compensatory payment. He said that he could not conceive of any circumstances when there could be a pool plant in Los Angeles fully regulated under the Great Basin order with a location adjustment back to Los Angeles that could in any way compete with other plants regulated under the State program.

At the hearing there was no testimony in opposition to the WDCI proposal. Winder Dairy in its brief only indicated that they were opposed to the proposal and that the provision has worked well. In a brief, MVMP and Quality indicated that they supported the WDCI proposal.

The two options that are available to the operator of a partially-regulated distributing plant that is also regulated under a State order in payment of the plant's obligation to the Great Basin pool for sales of fluid milk products in the Great Basin marketing area attempt to equalize the costs of the raw milk utilized in such sales that are incurred by the unregulated handler with the costs incurred by the fully regulated handler. The option of purchasing from any Federal milk order source an amount of milk classified and priced as Class I milk that is equivalent to such operator's fluid milk sales in the marketing area assures that a partially-regulated distributing plant has no competitive advantage over a fully regulated handler.

Under the second option, the operator of the partially-regulated distributing plant is required to pay to the producer-settlement fund the difference in the value under the State order and the value under the Great Basin order of the raw milk f.o.b. the plant on the fluid milk products distributed in the Great Basin marketing area by the partially-regulated plant. This option also attempts to assure that the operator of the partially-regulated distributing plant pays as much for the plant's raw product as the operator of a distributing plant that is fully regulated by the Great Basin milk order and is located at the site of the partially-regulated distributing plant. To accomplish this, it is necessary that the operator of the partially-regulated distributing plant pay to the producer-settlement fund the amount by which the value of the raw product under the State order is less

than the value of the raw product under the Great Basin order at the location of the plant. In determining the value of the raw milk under the Great Basin order at the plant's location, it is necessary to look at the value of such milk under the Great Basin order at the central market location that is nearest to the partially-regulated distributing plant (Las Vegas or Salt Lake City) and then deduct the location adjustment applicable under the Great Basin order to establish the value of the raw milk at such plant's location.

The proponents who are advocating that a location adjustment not apply in computing the obligation of a partially-regulated distributing plant are, in effect, proposing that one ignore the location of the plant and determine the value of the raw milk at its point of sale in the marketing area.

Under proponent's assessment of what constitutes competitive equity, a handler fully regulated under a Federal milk order who is selling packaged fluid milk in a no-location adjustment zone but whose plant is located in a minus location adjustment zone should have to pay into the producer-settlement fund the difference in zone prices on the volume of milk that is sold in the higher-priced zone. Likewise, a handler fully regulated under a Federal milk order who is selling packaged fluid milk products in another Federal order marketing area in which handlers are required to pay a higher Class I differential on fluid milk sales should have to pay into the producer-settlement fund the difference in Class I differentials on the volume of milk that is sold in the higher-priced zone.

For the reasons previously set forth, the operator of a partially-regulated distributing plant should continue to pay to the producer-settlement fund on the plant's sales of fluid milk products in the Great Basin market the amount by which the value of raw milk under the Great Basin order f.o.b. the plant exceeds the value of the raw milk f.o.b. the plant under the State order. Accordingly, the proposal that location adjustments not be applicable in computing the obligation of a handler operating a partially-regulated distributing plant that is regulated by a State order which provides for marketwide pooling is hereby denied.

5. Application of Location Adjustments in Paying Producers for Milk That Is Diverted

The order should be amended to provide that the weighted average differential payable to a producer shall be adjusted based on the location of the plant to which the milk is delivered but should not be adjusted below the weighted average differential based on the location of the county seat or the county courthouse of the county in which the producer's farm is located.

The order currently provides that the weighted average differential payable to producers shall be adjusted based on the location of the plant to which the milk is diverted.

WDCI proposed that the order be amended to place a floor on the amount of location adjustment to be deducted from the weighted average differential payable to a producer. Under WDCI's proposal, the amount of the location adjustment would be floored by the location of the producer's farm even though a greater location adjustment applies at the location of the plant to which the milk is diverted.

A witness for WDCI said that the expected consolidation of WDCI manufacturing plants from many small and inefficient country plants to a few large volume plants will substantially change the operation of the cooperative in many ways. He said that the pressures of the market will increase transportation costs on some of the milk produced in the outlying areas. Producers, he said, may be forced at times to ship their milk to distant plants in order to minimize WDCI losses on the milk.

The spokesman for WDCI said that their proposal would place a maximum location adjustment based on the location of the dairy farm. This proposal, he said, should lessen the need to incur the extra costs of transferring milk through supply plants or transfer facilities. He said that many of WDCI members are located substantial distances from a market and the provision would apply mostly to "distress" milk.

In briefs, Winder Dairy, MVMP and QMP stated that they were opposed to the proposal. Winder Dairy stated only that the present provisions have worked well.

The joint brief filed by MVMP and QMP stated that the WDCI proposal would provide that any producer whose farm is located in a zero location zone could have his milk shipped to the most remote plant and incur no location differential. The brief stated that the proposal would require other cooperatives to subsidize the increased costs of transportation for the cooperative shipping milk in this manner.

Location adjustments are designed primarily to equalize the net return received by a producer who transports milk from the farm to a distributing plant located in the market center or to a distributing plant located between the producer's farm and the market center. Location adjustments, however, are an impediment to the movement of producer milk when it is necessary to transport such milk to a manufacturing plant that is located in the opposite direction of the market-center plants from the farm. In such instance, the producer or the producer's cooperative association incurs the cost of moving the milk from the farm location to the manufacturing plant but also receives a price that is reduced by the amount of the location differential applicable at the manufacturing plant's location.

What WDCI's proposal attempts to accomplish is to limit the costs incurred by the producer (or cooperative association) in shipping milk to a distant manufacturing plant. The producer (or cooperative association) will have to pay the cost of transporting the milk from the farm to the manufacturing plant. Under WDCI's proposal, the adjustment to the producer's pay price will be limited to the location adjustment applicable at the farm's location rather than the distant manufacturing plant.

The proposal by WDCI is designed to assist cooperative associations in marketing "distress" milk and is a marketing tool that should be adopted in the Great Basin market. For the most part, producers and cooperative associations will continue to ship milk to local plants whenever possible to obtain the higher pay prices. In the event that there is not a sufficient demand for milk locally, then those producers whose milk must be shipped to a more distant market outlet would be assured by the adoption of WDCI's proposal that their pay price will not be depressed below the pay price that would apply at a plant located in the same county as the individual producer's farm.

The location adjustment structure of the Great Basin order provides for three price zones within the marketing area. A zero location adjustment zone applies to the northern two-thirds of Utah. A minus 25 cent location adjustment is applicable in southern Idaho and northeastern Nevada. A minus 30 cents is applicable in the remainder of the marketing area. Outside the marketing area a location adjustment is applicable at a rate of minus 1.5 cents per hundredweight for each 10 miles of distance from the nearer of Salt Lake City, Utah or Las Vegas, Nevada.

The record reflects that, from time to time, WDCI has incurred losses in diverting milk from a producer located in the Meridian area of Idaho to a manufacturing plant in Chehalis, Washington. Also, milk is diverted from

producers in the area of Mesquite, Nevada and from a producer in the area of Kingman, Arizona to manufacturing plants in California. This milk is diverted away from the market centers where the milk is pooled and in the case of the Meridian producer, results in a minus location adjustment of approximately $1.50.

WDCI in diverting this milk, is providing an economic service of handling reserve milk supplies (balancing) for the market which benefits all producers associated with the Great Basin order. WDCI incurs significant hauling costs in diverting milk to distant manufacturing outlets for Class III use. No location adjustment applies to the Class III price. Producer milk diverted to nonpool plants should not receive an order pay price that is depressed below the order pay price that would apply at a plant located in the same county as the individual producer's farm.

Exceptions were filed by Magic Valley Quality Milk Producers, Inc., a new cooperative association that resulted from the merger of Magic Valley and Quality Milk Producers, Inc. subsequent to the hearing. Their position continues to be that the cost of transporting excess or distress milk should not have to be shared by all the producers associated with the market. This position previously has been fully considered. Therefore, there is no basis in the exceptions to consider this matter further.

6. Due Date for Payment of Handler Obligations to the Producer-Settlement Fund

The order should be amended to provide that a handler's payment to the producer-settlement fund must be received by the market administrator by the 14th day of the month. The order presently provides that if the payment by a handler is postmarked by the 14th day of the month, the payment date has been met. The order should also provide that if the 14th day of the month falls on a Saturday or Sunday or on any Monday that is a national holiday, the monthly payment would have to be received on the next day on which the market administrator's office is open for public business. A similar conforming change should be made in the section of the order dealing with the market administrator's payments to handlers from the producer-settlement fund.

The market administrator testified in support of WDCI's proposal that would require the monthly handler obligation to the producer-settlement fund to be received by the market administrator on or before the second day after the handler has been notified of the handler's obligation, but in any event no later than the 14th day of the month. The witness said that currently, handlers are required to pay the producer-settlement fund on or before the 14th day after the end of the month, but if the payment is in the mail on the 14th, the order requirement has been met. If the 14th falls on a holiday, or a Saturday or Sunday, then handlers may wait until the next business day to mail the payment.

The witness said that it takes at least two days for a payment mailed by a Utah or Idaho handler to reach his office in Phoenix, Arizona. In addition, Arizona Banks will not permit the withdrawal against any out-of-state check until a minimum of two-days' deposit has been met. For March 1990 milk, he said, the money paid by handlers to the producer-settlement fund was not available until April 20. However, the order requires his office to make payment on or before the 15th day after the end of the month to those handlers who are due payments out of the producer-settlement fund.

The witness said that the monthly handler obligations to producers and to the producer-settlement fund are computed by the 12th day of the month and that handlers are immediately informed of their obligations to the producer-settlement fund. He said that with the modern way of transmitting payments such as express mail and by wire, the WDCI proposal is not likely to cause any hardship to any handler.

The witness testified that at the present time some handlers are paying their obligation by wire transfer. He said that every month he cannot make timely payments out of the producer-settlement fund because not all the monies received are free to be withdrawn.

The witness said that handlers are notified of their producer-settlement fund obligation between the 9th and the 12th of the month. He testified that his office could compute the handler obligations and notify them by the 10th of the month 90 percent of the time.

There appears to be no other alternative to requiring that payment to the market administrator must be in the form of spendable funds and must be received by the market administrator by the 14th of the month. Under the current provisions, the market administrator is required to make payments to cooperatives and certain handlers the day after the payments are due to him from all handlers. Time will not permit the clearance of out-of-state checks through the Phoenix, Arizona, bank prior to the withdrawal of money from the producer-settlement fund on the 15th of the month if such checks are deposited on the 14th day of the month. If a handler insists on making payment by check, such check should be submitted enough in advance of the 14th of the month so that a withdrawal may be made against such check on the 15th of the month. Another alternative that handlers may want to consider is the use of wire transfers for payment of handler obligations.

7. Handler Payments to Cooperative Associations for Plant Milk and Bulk Tank Receipts from Producer-Members

The order should be amended to provide that each handler shall pay a cooperative association for milk received from a pool plant operated by such association or by transfer from such association based on the value of such milk at class prices under the order. The dates for making the partial payment and the final payment should be the 3rd day prior to the last day of the month and the 16th day after the end of the month, respectively.

The order should also provide that such handler shall pay a cooperative association for milk received from its member producers at the producer prices, i.e., the weighted average differential and the butterfat and producer protein prices.

Currently, the order provides that a handler who buys milk from a pool plant operated by a cooperative association or who buys bulk tank milk from member producers of a cooperative association shall make payment for such milk at the rate of payment specified for producer milk.

In paying for bulk tank receipts from a cooperative association, the order should continue to provide for payment at the Class III price (or basic formula price) times 1.2 for milk received from producers during the first 15 days of the month. However, payment for plant milk from a cooperative during the first 15 days of the month should be at the Class III price (or basic formula price). In most instances, transfers from the cooperative's pool plant appears to be made for Class III uses. Hence, payment at the Class III price times 1.2 would represent an overpayment in most instances for milk received during the first 15 days of the month.

The payment procedures adopted herein were proposed by WDCI. The principal change in the payment for milk received from a cooperative association deals with milk received from a pool plant operated by a cooperative association. Payment for such milk should be based on the value at class prices under the order to assure that the cooperative is neither overpaid or underpaid by the handler receiving

such milk. As previously noted, transfers from the cooperative's pool plant appear to be made primarily for Class III uses. Hence, payment for such milk at the prices due for producers milk would result in an over-payment to the cooperative association. The payment procedure adopted herein will also assure that cooperatives receive the full value for milk that is utilized in Class I uses.

The current dates for partial and final payment for milk received from a cooperative's pool plant should be advanced by one day in order for cooperatives to make payment to their member procedures on the same date that other producers are paid for their milk.

8. Technical Changes in Order Provisions Relative to Component Pricing

(a) Handler protein price. The order should be amended to provide for the computation of a "handler protein price" based upon the protein content of producer milk for the current month. The "handler protein price" would be announced by the 5th day after the end of the month.

The order presently provides for the computation of a "milk protein price" which is based upon the average percentage of protein in all producer milk for the preceding month. This price is announced by the 5th day after the end of each month.

The spokesman for WDCI said the proposed changes to the section of the order dealing with class prices and component prices of the order would fix the price charged handlers for protein in producer milk assigned to Class II and III in a manner that will cause it to be aligned more directly each month with skim milk values reflected in the Minnesota-Wisconsin (M–W) price. This change will mean that the price charged Great Basin handlers for protein will follow along with the costs incurred for the nonfat component of milk by handlers elsewhere throughout much of the nation. He said that the present provisions are deficient in this respect.

The WDCI witness said that at the time component pricing was adopted in this market, the market administrator had to use the average protein test for the prior month in lieu of the current month. He said that the one month lag was not expected to make a great deal of difference in most months. It was expected that the pluses and minuses would cancel out each other with a small degree of error.

The witness for WDCI said that this approach has not worked out as well as assumed. He said that variations in protein tests have averaged out quite well over the years, except for a possible trend upward, but the effect on handler costs for individual months has varied more from the revenue neutral figures than was expected. It is now obvious that the industry underestimated the problem associated with price distortions caused by using the previous month's protein tests. Also, the industry overestimated the need to announce the handler protein price concurrently with butterfat and skim milk prices.

The WDCI witness said that monthly differences in handler costs of plus $100,000 to minus $250,000 in using a protein price based upon the percent of protein content in the prior month's receipts versus the percent of protein content in the current month's receipts are the result of more than one factor. One factor is the seasonal variation and the other is the month-to-month variations in the average protein tests. He said that a second factor is the larger and more frequent fluctuations in the basic milk prices during the past two or three years in comparison to the prices the industry has been accustomed to receiving in the past decades. He said that the distortion in the cost to Great Basin handlers intends to be cumulative over a period of months because of the seasonal nature of the variation in the protein content of producer milk. Protein tests tend to increase in the fall and decrease in the spring and this means that the use of the previous month's protein tests may increase the handler protein price during the fall months of the year and decrease it in the spring.

The spokesman for WDCI said that the timing of the price announcement is not critical to handlers. He said that WDCI is the handler for a substantial majority of Class II and III milk pooled on the Great Basin order. WDCI will not be seriously inconvenienced if the announcement of the "handler protein price" is not announced until the weighted average differential price has been computed.

The witness for WDCI said that at a prior hearing involving Federal Orders 33, 36, and 49, proponents for component pricing said the Department should announce the protein content in the milk received in the Minnesota-Wisconsin plants that it used in computing the monthly basic formula price. He said that WDCI requests a similar amendment and that this would avoid the need to call a separate hearing in order to make such a procedure effective in the Great Basin order. He said that this would expedite the realization of equity in setting the level of protein prices here based directly on central market values. Also, the protein price could then be announced on the 5th day after the end of the month.

Proponent's arguments for computing the current month protein price and announcing such price on or before the 12th of the month are persuasive. As proponent points out, such procedure will cause the protein price to be more directly aligned with the skim milk values reflected in the Minnesota-Wisconsin price.

As requested by WDCI in their exceptions, the price for protein should be based on the Minnesota-Wisconsin price and the protein content of the milk included in the Minnesota-Wisconsin price series. The handler protein price should be computed by subtracting from the Minnesota-Wisconsin price for the month the butterfat price multiplied by 3.5, and dividing the result by the average protein content of the milk included in the determination of the Minnesota-Wisconsin price.

This revision is consistent with the recommended decision issued July 30, 1992, for the Ohio Valley, Eastern Ohio-Western Pennsylvania and Indiana marketing orders. Also, a similar provision was proposed at a recent hearing for the Pacific Northwest and the Southwestern Idaho-Eastern Oregon marketing orders.

The protein content of the milk used for the Minnesota-Wisconsin price has begun to be collected and reported for the month proceeding the month for which the M–W price is announced. This data can be adjusted for the current month using historical data collected by the market administrators of the Upper Midwest and Chicago Regional milk orders.

(b) Location and zone differentials. The section of the order dealing with location and zone differentials for producer and nonpool milk should be amended to provide that the weighted average differential at any location shall not be less than zero. Under the provision, as amended, the market administrator in adjusting the weighted average differential price by the amount of the plant location adjustment would not end up with a negative weighted averaged differential for producers.

WDCI proposed the change to assure that the price to be paid any producer would not be less than the basic formula price for the month.

The proposed change is appropriate and is adopted herein. The basic formula price represents the value of manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin. Grade A milk that is delivered to a pool plant under the Great Basin order and classified as Class III milk is priced to

the handler at the Class III price. Accordingly, any producer who delivers milk to a pool plant should not be required to receive any less than the basic formula price (or Class III price) for such milk.

(c) Protein accounting by plant operators. WDCI's proposal to require complete protein accounting in plants operated by fully regulated handlers should not be adopted.

The WDCI witness said that the cooperative's proposal would provide the market with needed additional assurance that the valuable ingredients in producer milk are being measured accurately and that the volume of milk disposed of in fluid milk products by handlers will be fully accounted for.

The spokesman for WDCI spoke at great length on the origin of the present system, the need for improvement in plant accounting and the importance of accounting for concentrated milk items. He said the additional testing necessary under this proposal is nothing more than any prudent plant operator should want to know in any case. He said that there will be no need under this proposal for any additional collection of samples in any plant for which a proper butterfat testing program is in place. In most cases the only additional testing activity will be nothing more than a simple matter of reading and recording protein contents of the samples which are being tested for butterfat content.

At the hearing, witnesses for KDK and Gossner Foods testified in opposition to the proposal. Winder Dairy filed a brief and stated that this proposal will be very detrimental to their ability to remain profitable.

Both witnesses in opposition to this proposal said that they object to the added cost that would occur in testing and accounting for the protein in all receipts and utilizations of milk and milk products.

The Gossner witness said that they cannot extract the protein from receipts of milk and that they assume that the percentage of protein in the bulk milk that they receive from the farm will remain relatively constant and be uniformly distributed throughout the milk receipts. He said that automated in-plant accounting of milk components, especially finished products, is still not economically available to small businesses.

Exceptions were filed by WDCI. The exceptions by WDCI were short and only indicated that the recommended decision failed to recognize the primary purpose of their proposal. The exceptions constitutes a reiteration of their position on the need for complete protein accounting in plants and is not persuasive.

The need for plant accounting for protein as a separate component was not sufficiently demonstrated on this record. As opponents pointed out, handlers have no means of separating protein from milk. As a consequence, the protein content of the finished products is not expected to differ from the protein content of the incoming milk supply.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth supplement those that were made when the Great Basin order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Great Basin marketing area, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision and the two documents annexed hereto be published in the **Federal Register**.

Determination of Producer Approval and Representative Period

August 1992 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Great Basin marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

List of Subjects in 7 CFR Part 1139

Milk marketing orders.

Dated: February 5, 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

Order [1] Amending the Order Regulating the Handling of Milk in the Great Basin Marketing Area

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

VOL 58 ISS 27 FE 11 1993 UMI

issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determination set forth herein.

(a) Findings

A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure (7 CFR part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area; and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order Relative to Handling

It is therefore ordered that on and after the effective date hereof, the handling of milk in the Great Basin marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Acting Administrator, Agricultural Marketing Service on August 24, 1992 and published in the **Federal Register** on August 28, 1992 (57 FR 39146), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein subject to modifications in §§ 1139.7(d), 1139.50(f), 1139.71(a), 1139.71(c)(2), 1139.72, 1139.74(e) and 1139.74(e)(2)(ii).

Accordingly, 7 CFR part 1139 is proposed to be amended as follows:

PART 1139—MILK IN THE GREAT BASIN MARKETING AREA

1. The authority citation for 7 CFR part 1139 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

(2) Revise § 1139.10(b)(1)(ii) to read as follows:

§ 1139.10 Producer-handler.

* * * * *

(b) * * *

(1) * * *

(ii) From pool plants by transfer or diversion, or from other order plants, excluding flavored and cultured fluid milk products, in an amount that is not in excess of the larger of 5,000 pounds or 5 percent of such person's Class I disposition during the month, except, such monthly limit shall not apply during the following months of December through August to a producer-handler who received an amount, excluding flavored and cultured fluid milk products, not in excess of the larger of 15,000 pounds or 5 percent of such person's Class I disposition during the previous period of September through November.

* * * * *

3. In § 1139.13, paragraphs (d) (1) and (2) are revised to read as follows:

§ 1139.13 Producer milk.

* * * * *

(d) * * *

(1) The weighted average differential applicable to such milk shall be adjusted based on the location of the plant to which delivered, but it shall not be adjusted to a lower figure than is applicable at the location determined pursuant to § 1139.52(a) or (b) based on the location of the county seat or the county courthouse of the county in which such producer's farm is located.

(2) A cooperative association or federation may divert for its account the milk of any of its producers from whom at least one day's milk production is received during the month at a pool plant. The total quantity of milk diverted by a cooperative association during any month may not exceed 75 percent of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month. Two or more cooperative associations may have their allowable diversions computed on the basis of their combined deliveries of the producer milk which the cooperative associations cause to be delivered to pool plants or diverted pursuant to this section if each association has filed a request in writing with the market administrator before the first day of the month the agreement is effective. This request shall specify the basis for assigning over-diverted milk to the producer deliveries of each cooperative association according to a method approved by the market administrator.

4. In § 1139.50, paragraphs (d), (e), and (f) are revised to read as follows:

§ 1139.50 Class prices and component prices.

* * * * *

(d) The skim milk price per hundredweight shall be the basic formula price for the month less an amount computed by multiplying the butterfat differential computed pursuant to § 1139.51(a) by 35.

(e) The butterfat price per pound shall be the total of: (1) The skim milk value per hundredweight for the month, computed pursuant to paragraph (d) of this section, divided by 100; and (2) the butterfat differential for the month, computed pursuant § 1139.51(a) multiplied by 10.

(f) Handler protein price. The price per pound for milk protein shall be computed by subtracting from the Class III price the butterfat price multiplied by 3.5, and dividing the result by the average protein content of the milk on which the basic formula price is based for the previous month as reported by the Department and adjusted for the current month by the Dairy Division, and rounding the result to the nearest whole cent.

5. Revise § 1139.53 to read as follows:

§ 1139.53 Announcement of class and component prices.

The market administrator shall announce publicly on or before:

(a) The 5th day of each month, the Class I price for the following month; and

(b) The 15th day of each month, the Class II price for the following month;

(c) The 5th day after the end of each month, the Class III price, and the prices for skim milk and butterfat computed pursuant to § 1139.50(d) and (e) respectively, and the handler protein price computed pursuant to § 1139.50 (f) for such month.

6. Amend § 1139.71 by revising paragraph (a) introductory text and adding a new paragraph (c) to read as follows;

§ 1139.71 Payments to the producer-settlement fund.

(a) Each handler whose obligation computed pursuant to paragraph (a)(1)

of this section exceeds such handler's credit computed pursuant to paragraph (a)(2) of this section shall pay to the market administrator no later than the 14th of the month, an amount equal thereto:

(1) * * *
(2) * * *
(b) * * *

(c) The following conditions shall apply with respect to the payment prescribed in paragraph (a) of this section:

(1) Payments due the market administrator shall be deemed not to have been made until the money owed has been received at the market administrator's office, or deposited into the market administrator's bank account; and

(2) If the date by which the payment must be received by the market administrator falls on a Saturday or Sunday or on any national holiday, payments shall not be due until the next day on which the market administrator's office is open for public business.

7. Revise § 1139.72 to read as follows:

§ 1139.72 Payments from the producer-settlement fund.

On or before the 15th day after the end of the month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1139.71(a)(2) exceeds the amount computed pursuant to § 1139.71(a)(1). If the date by which such payments are to be made falls on a Saturday or Sunday or a national holiday, such payments need not be made until the next day on which the market administrator's office is open for public business. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as funds are available.

8. In § 1139.74, revise paragraph (c) introductory text and paragraph (e) to read as follows:

§ 1139.74 Payments to producers and to cooperative associations.

* * * * *

(c) Payment shall be made in the manner set forth in paragraph (c) (1) and (2) of this section to a cooperative association for milk received from such association pursuant to § 1139.13(a)(2) or from its member producers pursuant to § 1139.13(a)(1) if the cooperative association is authorized by its members to collect payment for their milk and the cooperative association notifies the handler and the market administrator in writing of its desire to make such collection:

* * * * *

(e) Each handler shall pay a cooperative association for milk received from a pool plant operated by such association on the basis of the classification thereof assigned by the market administrator as follows:

(1) On or before the 3rd day prior to the last day of the month for milk received during the first 15 days of the month at the Class III price (or basic formula price) for the previous month; and

(2) On or before the 16th day after the end of the month for milk received during the month at the following rates:

(i) The butterfat price per pound for the butterfat contained in such milk, plus:

(ii) The milk protein price per pound for the pounds of protein contained in Class II and Class III use and the skim milk price per hundredweight for Class I use of such milk: plus

(iii) The difference between the Class I price adjusted pursuant to § 1139.52 and the Class III price multiplied by the hundredweight of such milk classified as Class I; plus

(iv) The difference between the Class II and Class III prices multiplied by the hundredweight of such milk classified as Class II; plus

(v) The amount assessed by the market administrator with respect to such milk pursuant to § 1139.85; less

(vi) Payments made pursuant to paragraph (e)(1) of this section.

9. Revise 1139.75(a) to read as follows:

§ 1139.75 Location and zone differentials for producers and nonpool milk.

(a) In making payments computed pursuant to § 1139.72 and in crediting handlers for payment due pursuant to § 1139.71(a)(2)(i) the market administrator shall adjust the weighted average differential price by an amount equal to the plant location adjustment specified in § 1139.52 applicable at the plant where the milk was first received from producers, except that the weighted average differential applicable at any location shall not be less than zero.

* * * * *

The following text will not appear in the Code of Federal Regulations:

Marketing Agreement Regulating the Handling of Milk in the Great Basin Marketing Area

The parties hereto, in order to effectuate the declared policy of the Act, and in accordance with the rules of practice and procedure effective thereunder (7 CFR part 900), desire to enter this marketing agreement and do hereby agree that the provisions referred to in paragraph I hereof as augmented by the provisions specified in paragraph II hereof, shall be and are the provisions of this marketing agreement as if set out in full herein.

I. The findings and determinations, order relative to handling, and the provisions of §§ 1139.1 to 1139.86, all inclusive, of the order regulating the handling of milk in the Great Basin marketing area (7 CFR part 1139) which is annexed hereto; and

II. The following provisions:

§ 1139.87 Record of milk handled and authorization to correct typographical errors.

(a) Record of milk handled. The undersigned certifies that he handled during the month of August 1992, hundredweight of milk covered by this marketing agreement.

(b) Authorization to correct typographical errors. The undersigned hereby authorizes the Director, or Acting Director, Diary Division, Agricultural Marketing Service, to correct any typographicel errors which may have been made in this marketing agreement.

§ 1139.88 Effective date.

This marketing agreement shall become effective upon the execution of a counterpart hereof by the Secretary in accordance with § 900.14(a) of the aforesaid rules of practice and procedure.

In Witness Whereof, The contracting handlers, acting under the provisions of the Act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

(Signature)
By _____
(Name)
_____
(Address)
(Seal)
(Title)
Attest _____
Date _____

[FR Doc. 93-3233 Filed 2-10-93; 8:45 am]
BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 208 and 225

[Regulation H, Regulation Y; Docket No. R-0795]

Capital; Capital Adequacy Guidelines

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed revisions to capital adequacy guidelines.

SUMMARY: The Board of Governors of the Federal Reserve System (Board, Federal Reserve or FRB) is proposing to amend its capital adequacy guidelines for state member banks and bank holding companies to establish a limitation on

the amount of certain deferred tax assets that may be included in (that is, not deducted from) the Tier 1 capital calculation for risk-based and leverage capital purposes. Under the proposal, deferred tax assets that can be realized through carrybacks to taxes paid on income earned in prior periods generally would not be subject to limitation for regulatory capital purposes. On the other hand, deferred tax assets that can only be realized if an institution earns taxable income in the future would be limited for regulatory capital purposes to the amount that the institution is projected to realize within one year of the quarter-end report date—based on the institution's projection of taxable income for that year—or 10 percent of Tier 1 capital, whichever is less. Deferred tax assets in excess of these limitations would be deducted from Tier 1 capital and from assets for purposes of calculating both the risk based and leverage capital ratios. The capital proposal was developed on a consistent basis by the Board, the Federal Deposit Insurance Corporation (FDIC), the Office of the Comptroller of the Currency (OCC), and the Office of Thrift Supervision (OTS) (hereafter, the "federal banking agencies" or the "agencies") in response to the Financial Accounting Standards Board's (FASB) issuance of Statement No. 109, "Accounting for Income Taxes" (FASB 109) in February 1992. This FASB accounting standard must be adopted by state member banks and bank holding companies for regulatory reporting and financial reporting purposes no later than the first quarter of 1993, or the beginning of their first fiscal year thereafter, if later.

DATES: Comments on the proposed revisions to the Federal Reserve Board's risk-based and leverage capital guidelines should be submitted on or before March 15, 1993.

ADDRESSES: Comments on the Federal Reserve Board's proposal, which should refer to Docket No. R–0795 may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenues, NW., Washington, DC 20551; or delivered to room B–2223, Eccles Building, between 8:45 a.m. and 5:15 p.m. weekdays. Comments may be inspected in Room B–1122 between 9 a.m. and 5 p.m. weekdays, except as provided in § 261.8 of the Board's Rules Regarding Availability of Information, 12 CFR 261.8.

FOR FURTHER INFORMATION CONTACT: Charles H. Holm, Project Manager, (202) 452–3502; John M. Frech, Supervisory Financial Analyst, (202) 452–2275; Nancy J. Rawlings, Senior Financial Analyst, (202) 452–3059, Regulatory Reporting and Accounting Issues Section; Barbara J. Bouchard, Senior Financial Analyst, (202) 452–3072, Policy Development Section, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), Dorothea Thompson (202/452–3544), Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

1. Background

Characteristics of Deferred Tax Assets

Deferred tax assets are assets that reflect, for financial reporting purposes, benefits of certain aspects of the tax laws. Deferred tax assets may arise because of specific limitations under tax laws of different tax jurisdictions that require that certain net operating losses (*i.e.*, when, for tax purposes, expenses exceed revenues) or tax credits be carried forward if they cannot be used to recover taxes previously paid. These "tax carryforwards" are realized only if the institution generates sufficient future taxable income during the carry forward period.

Deferred tax assets may also arise from the tax effects of certain events that have been recognized in one period for financial statement purposes but will result in deductible amounts in a future period for tax purposes, *i.e.*, the tax effects of "deductible temporary differences". For example, many depository institutions and bank holding companies may report higher income to taxing authorities than they reflect in their regulatory reports [1] because their loan loss provisions are expensed for reporting purposes but are not deducted for tax purposes until the loans are charged off.

Deferred tax assets arising from an organization's deductible temporary differences may or may not exceed the amount of taxes previously paid that the organization could recover if the differences fully reversed at the report date. Some of these deferred tax assets may theoretically be "carried back" and recovered from taxes previously paid. On the other hand, when such deferred tax assets exceed such previously paid tax amounts, they will be realized only if there is sufficient future taxable income during the carryforward period.[2]

FASB 109

In February 1992, the FASB issued Statement No. 109, which supersedes Accounting Principles Board Opinion No. 11 (APB 11) and FASB Statement No. 96. FASB 109 provides guidance on many aspects of accounting for income taxes, including the accounting for deferred tax assets. FASB 109 potentially allows some state member banks and bank holding companies to record significantly higher deferred tax assets than previously permitted under generally accepted accounting principles (GAAP) and the federal banking agencies' prior reporting policies. Unlike the general practice under previous standards, FASB 109 permits the reporting of deferred tax assets that are dependent upon future taxable income.[3] However, FASB 109 requires the establishment of a valuation allowance to reduce the net deferred tax asset to an amount that is more likely than not (*i.e.*, a greater than 50 percent likelihood) to be realized.

FASB 109 is effective for fiscal years beginning on or after December 15, 1992, but early adoption of this standard was encouraged by the FASB. The adoption of this standard could result in the reporting of additional deferred tax assets in Call Reports and FR Y–9C reports that would directly increase an institution's undivided profits (retained earnings) and thus its Tier 1 capital.

Concerns Regarding Deferred Tax Assets That Are Dependent Upon Future Taxable Income

Certain regulatory concerns exist with respect to including in capital deferred

[1] State member banks are required to file quarterly Consolidated Reports of Condition and Income (Call Reports) with the Federal Reserve. Bank holding companies with total consolidated assets of $150 million or more file Consolidated Financial Statements for Bank Holding Companies (FR Y–9C reports) on a quarterly basis with the Federal Reserve.

[2] Hereafter, such deferred tax assets and deferred tax assets arising from tax carryforwards are referred to as "deferred tax assets that are dependant upon future taxable income."

[3] Prior supervisory policies of the OCC and FDIC, as set forth in Banking Circular 202 and Bank letter BL–36–85, respectively, limited the reporting of deferred tax assets in the regulatory reports filed by national banks and insured state nonmember banks to the amount of taxes previously paid which are potentially available through carryback of net operating losses. As such, the OCC and FDIC did not permit the reporting of deferred tax assets that are dependent upon future taxable income in the Call Reports filed by national and insured state nonmember banks. The FRB and OTS did not issue policies explicitly addressing the recognition of deferred tax assets. Consequently, state member banks and savings institutions were able to report deferred tax assets in accordance with GAAP. Prior to FASB 109, GAAP, as set forth in APB 11 and FASB 96, also for the most part did not permit the reporting of deferred tax assets that are dependent upon future taxable income.

tax assets that are dependent upon future taxable income. Realization of such assets depends on whether a banking organization has sufficient future taxable income during the carryforward period. Since a banking organization that is in a net operating loss carryforward position is often experiencing financial difficulties, its prospects for generating sufficient taxable income in the future are uncertain. In addition, the condition of and future prospects for an organization often can and do change very rapidly in the banking environment. This raises concerns about the realizability of deferred tax assets that are dependent upon future taxable income, even when an organization appears on the surface to be sound and well-managed. Thus, for many organizations, such deferred tax assets may not be realized and, for other organizations, there will be a high degree of subjectivity in determining the realizability of this asset.

In addition, as an organization's condition deteriorates, it is less likely that deferred tax assets that are dependent upon future taxable income will be realized. Therefore, the organization would be expected under FASB 109 to reduce its deferred tax assets through increases to the asset's valuation allowance. Additions to this allowance would reduce the organization's regulatory capital at precisely the time it needs capital support the most. Thus, the reporting of deferred tax assets that are dependent upon future taxable income raises, for safety and soundness reasons, a supervisory concern.

Moreover, net operating loss carryforwards of an acquired banking organization can be severely limited to the acquirer when an acquisition or change in control occurs. If an acquisition is structured as a taxable asset purchase, the net operating loss carryforwards are generally extinguished. In addition, if an acquisition or change in control qualifies as a tax-free reorganization, a strict limitation (Section 382 of the Internal Revenue Code) on the use of the acquired institution's net operating loss carryforwards generally applies. This limitation is based on the value of the acquired institution at the time of its acquisition, and thus the potential value of a net operating loss carryforward to a prospective purchaser tends to decline as the institution's financial condition weakens.

Because of these concerns, in March 1992, the Federal Reserve and the other federal banking agencies issued separate letters to the banking organizations under their supervision expressing concerns about FASB 109 and stated that banking organizations should not adopt FASB 109 for regulatory reporting purposes until the agencies had determined the appropriate regulatory reporting and capital treatment.[4]

FFIEC Request for Comment

On August 3, 1992, the agencies, under the auspices of the Federal Financial Institutions Examination Council (FFIEC), requested public comment on various regulatory reporting and capital treatments for deferred tax assets of depository institutions (57 FR 34135). In the comment request, the agency staffs indicated that, while no final decision would be made until all comments were received, their preference would be to limit the amount of deferred tax assets that could be reported to the amount that could be recovered through the carryback of losses against taxes previously paid (hereafter referred to as the "carryback approach"). Under the carryback approach, depository institutions' deferred tax assets that are dependent upon future taxable income could not be reported as assets for regulatory reporting purposes and, thus, would be excluded from regulatory capital.

The FFIEC received 198 comment letters in response to its request for comment, primarily from banks, thrifts, and holding companies. The vast majority of the commenters indicated that they believe that strong reasons exist for adopting FASB 109 for both regulatory reporting and capital purposes. These commenters generally asserted that deferred tax assets that are dependent upon future taxable income are valuable assets for many institutions and that FASB 109 provides sufficient criteria for measuring these assets and for distinguishing those institutions that will be able to realize these assets from those that will not. Furthermore, the commenters indicated that, under the carryback approach, the agencies were effectively proposing a liquidation value approach to deferred tax assets and that such an approach is inconsistent with the going concern concept used for measuring other assets and liabilities.

Commenters also noted that tax laws have changed significantly in the last several years, and many banking organizations will have a longer carryforward period (*i.e.*, 15 years) than they now have to absorb all losses beginning in 1994. (For these organizations, the carryforward period for losses attributable to bad debts is now five years.) Thus, these commenters indicated there is a greater likelihood that in the future carryforwards will ultimately be realized. Moreover, commenters indicated that, as a result of changes in tax laws that require some banking organizations to deduct charge-offs, rather than provisions for loan losses, for tax purposes, even strong banking organizations may have large amounts of deferred tax assets that are dependent upon future taxable income.

Commenters also expressed concern that the carryback approach could create a difference between the deferred tax assets reported in GAAP financial statements and regulatory reports, thereby creating an additional reporting burden for institutions. Commenters also questioned whether banking organizations could compete equally with other financial services companies if the carryback approach were imposed.

Some commenters indicated that, if the agencies did limit deferred tax assets, they should permit the recognition of some deferred tax assets that are dependent upon future taxable income and should set the limitation for capital purposes rather than for reporting purposes.

II. Proposal

The Federal Reserve and the other agencies remain concerned about the realizability and characteristics of deferred tax assets that are dependent upon future taxable income. On the other hand, the agencies believe that many of the comments received in response to the FFIEC request for comment have merit. In this regard, some relatively strong organizations have large amounts of deferred tax assets that are dependent upon future taxable income. Such deferred tax assets could not be reported under the carryback approach. Yet there is a high likelihood in some cases that such assets will be realized. Thus, the agencies believe that the recognition of some amounts of deferred tax assets that are dependent upon future taxable income is appropriate. Furthermore, the agencies believe that their supervisory concerns regarding deferred tax assets can be adequately addressed by setting forth a limitation through the capital standards rather than through reporting instructions. Such an approach would not result in a difference between GAAP and regulatory reporting requirements.

Therefore, after careful consideration of the comments received, the FFIEC decided that banks and savings associations should adopt FASB 109 for

[4] OTS's letter indicated that savings associations could adopt the provisions of FASB 109, except that any deferred tax asset could not exceed what was allowed to be reported under APB 11 or FASB 96.

reporting purposes in Call Reports and Thrift Financial Reports (TFRs) beginning in the first quarter of 1993 (or the beginning of their first fiscal year thereafter, if later). Furthermore, the Board decided that bank holding companies should adopt FASB 109 in FR Y–9C Reports at the same time.

The FFIEC, in reaching its decision on regulatory reporting, also recommended that each of the federal banking and thrift regulatory agencies should amend its regulatory capital standards to limit the amount of deferred tax assets that are dependent upon future taxable income that can be included in regulatory capital to the lesser of:

(1) The amount of deferred tax assets that is expected to be realized within one year of the quarter-end date,[5] based on an organization's projections of future taxable income (exclusive of tax carryforwards and reversals of existing temporary differences) for that year. Such projections should include the estimated effect of tax planning strategies that the organization expects to implement to realize tax carryforwards that will otherwise expire during the year, or

(2) 10 percent of Tier 1 capital.

When the recorded amount of deferred tax assets that are dependent upon future taxable income, net of the valuation allowance for deferred tax assets, exceeds this limitation, the excess amount is to be deducted from Tier 1 capital and from assets in regulatory capital calculations.[6] Deferred tax assets which can be realized from taxes paid in prior carryback years and from future reversals of existing taxable temporary differences would generally not be limited.

The Board is proposing to adopt the recommendation of the FFIEC in full, as summarized immediately above.[7] Furthermore, consistent with the recommendations of the FFIEC, FASB 109, and longstanding policy of the Board and the other agencies, the Board is proposing that the capital limit should be determined on a separate entity basis for each state member bank.[8] However, in some cases, a state member bank's holding company may not have the financial capability to reimburse the institution for tax benefits derived from the institution's carryback of net operating losses or tax credits. In these cases, the amount of carryback potential the bank may consider in calculating the capital limit on deferred tax assets should be limited to the lesser amount which it could reasonably expect to have refunded by its parent. Bank holding companies generally would determine the limit on a consolidated basis.

Consistent with FASB 109, the limit would also be determined on a tax jurisdiction-by-jurisdiction basis. A limit for one jurisdiction (*e.g.*, the United States) in excess of the reported amount of deferred tax assets for that jurisdiction should not be used to effectively increase the limit for other jurisdictions (*e.g.*, the state in which the organization is chartered).

The agencies plan to issue additional regulatory reporting guidance on FASB 109 in the first quarter of 1993. The amount of deferred tax assets that organizations report in their regulatory reports and use to meet capital requirements will be subject to review by examiners.

The proposed capital limitation is intended to balance the Board's concerns about deferred tax assets that are dependent upon future taxable income against the fact that such assets will, in many cases, be realized. The proposed approach generally permits full inclusion of deferred tax assets potentially recoverable from carrybacks, since there is a high likelihood that such amounts will be realized. In addition, the proposed approach also includes those deferred tax assets that are dependent upon future taxable income, if any, that can be recovered from projected taxable income during the next year. The Board is proposing to limit projections of future taxable income to one year because, in general, the Board believes that many organizations are able to make reasonable projections of taxable income for the following twelve month period and then achieve their projected results. However, the reliability of these projections and the ability to actually achieve them tends to decrease significantly beyond that time period. Deferred tax assets that are dependent upon future taxable income are further limited to 10 percent of Tier 1 capital, since the Board believes such assets should not comprise a large portion of an organization's capital base given the uncertainty of realization associated with these assets and the difficulty in selling these assets apart from the organization.

Questions for Comment

While the Board is seeking public comment on all aspects of its proposal on the capital treatment of deferred tax assets, it seeks specific comment on the following questions.

(1) Under previous GAAP as set forth in Accounting Principles Board Opinion No. 16, "Business Combinations," (APB 16) the reported value of an asset (other than goodwill) acquired in a purchase business combination is adjusted for the tax effect of the difference between the market or appraised value of the asset and its tax basis. FASB 109 changes this treatment by requiring that this tax effect be recorded separately in a deferred tax account. This change in treatment could cause a large increase in the reported amount of certain identifiable intangible assets, such as core deposit intangibles, which are deducted for purposes of computing regulatory capital. Should these increases in such identifiable intangible assets be deducted for purposes of computing regulatory capital ratios? Are there any other provisions of FASB 109 which the agencies should consider for purposes of applying a different regulatory capital treatment than has been proposed above?

(2) The Board is interested in receiving comments on ways of reducing the potential burden associated with this proposal and requests comments on this matter. For example, is a limitation based on projections of future taxable income difficult to implement? Would it be simpler to base a capital limitation on deferred tax assets without

[5] For purposes of determining the limit in (1) above, the Board proposes that state member banks and bank holding companies should assume that all temporary differences fully reverse at the report date. Other than this provision, the one-year cutoff for projections of future taxable income, and the inclusion of an organization's tax planning strategies as part of those projections, state member banks and bank holding companies should adhere to FASB 109 when determining this limit. Consistent with FASB 109 and the separate entity method discussed later in this proposal, the Board proposes to permit the netting of deferred tax liabilities and assets for a particular tax-paying component of a state member bank or bank holding company and within a particular tax jurisdiction. Netting of deferred tax assets and liabilities attributable to different tax-paying components of a state member bank or bank holding company or to different tax jurisdictions would not be permitted.

[6] With respect to the regulatory capital limitation, a transition provision applies to deferred tax assets reported as of September 30, 1992, under APB 11 or FASB 96. For some state member banks and bank holding companies, such reported deferred tax assets may be in excess of the amount otherwise includable in regulatory capital under this proposal. The amount of this excess deferred tax asset would be includable in capital subject to the following phase-out provisions. For these purposes, the amount of this excess deferred tax asset must be amortized each period on a straight-line basis and must be fully amortized within two years. Furthermore, such excess deferred tax assets are subject to previously-existing rules and supervisory policy, including periodic evaluation as to realization and as to their contribution to the banking organization's ability to absorb losses.

[7] Under the Board's risk-based capital guidelines, all deferred tax assets included in capital would continue to be assigned a risk weight of 100 percent.

[8] Under the separate entity method, a bank (together with its consolidated subsidiaries) that is a subsidiary of a holding company is treated as a separate taxpayer rather than as part of the consolidated group of which it is a member.

consideration of future projections of taxable income, such as permitting only healthy organizations to include in capital deferred tax assets that are dependent upon future taxable income up to a specified percentage of Tier 1 capital (*e.g.*, 5 or 10 percent)? Would there be any other method that would be simpler to administer while recognizing the Board's concerns about deferred tax assets? Also, for example, the limitation, as proposed, would be based on the separate entity method. Would another method be more appropriate for determining the limitation on deferred tax assets and for tax-sharing agreements in general?

(3) The proposal would require tax planning strategies to be included as part of an institution's projections of taxable income for the next year. Furthermore, the proposal would require organizations to assume that all temporary differences fully reverse at the report date. In addition, the proposal would permit grandfathering of amounts previously reported if they were in excess of the proposed limitation, provided the excess amounts are amortized on a straight line basis over two years. Comment is specifically requested on the appropriateness of these provisions.

III. Regulatory Flexibility Act Analysis

The Board does not believe that the adoption of this proposal would have a significant economic impact on a substantial number of small business entities (in this case, small banking organizations), in accordance with the spirit and purposes of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). In this regard, the vast majority of small banking organizations currently have very limited amounts of net deferred tax assets, which are the subject of this proposal, as a component of their capital structures. Furthermore, adoption of this proposal, in combination with the recent adoption of FASB 109 for regulatory reporting purposes, will allow many organizations to increase the amount of deferred tax assets they include in regulatory capital. In addition, because the risk-based and leverage capital guidelines generally do not apply to bank holding companies with consolidated assets of less than $150 million, this proposal will not affect such companies.

IV. Paperwork Reduction Act

The following information about paperwork relates only to Federal Reserve (FR) reports, which are approved by the Federal Reserve Board under delegated authority from the Office of Management and Budget.

The proposed amendments to the Capital Adequacy Guidelines would require one additional line item to Schedule HC–I, Part I, of the Consolidated Financial Statements for Bank Holding Companies With Total Consolidated Assets of $150 Million or More or With More Than One Subsidiary Bank (FR Y–9C; OMB No. 7100–0128). The new item, Memorandum item 8, would be titled "Deferred tax assets disallowed for regulatory capital purposes." The proposed additional item will be reviewed by the Federal Reserve Board under delegated authority from the Office of Management and Budget after consideration of comments received during the public comment period. Comments on the proposed additional item should be submitted to the Federal Reserve under procedures described earlier in this notice.

Description of Affected Report

Report Title: Consolidated Financial Statements for Bank Holding Companies With Total Consolidated Assets of $150 Million or More, or With More Than One Subsidiary Bank.

This report is filed by all bank holding companies that have total consolidated assets of $150 million or more and by all multibank holding companies regardless of size. The following bank holding companies are exempt from filing the FR Y–9C, unless the Board specifically requires an exempt company to file the report: bank holding companies that are subsidiaries of another bank holding company *and* have total consolidated assets of less than $1 billion; bank holding companies that have been granted a hardship exemption by the Board under section 4(d) of the Bank Holding Company Act; and foreign banking organizations as defined by 211.23(b) of Regulation K.

Agency Form Number: FR Y 9–C.
OMB Docket Number: 7100–0128.
Frequency: Quarterly.
Reporters: Bank Holding Companies.
Annual Reporting Hours: 148,054.
Estimated Average Hours per Response: Range from 5 to 1,250.
Number of Respondents: 1,598.
Small businesses are affected.

List of Subjects

12 CFR Part 208

Accounting, Agriculture, Banks, banking, Confidential business information, Currency, Federal Reserve System, Reporting and recordkeeping requirements, Securities.

12 CFR Part 225

Administrative practice and procedure, Banks, banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

For the reasons set forth in the preamble, the Board is proposing to amend 12 CFR parts 208 and 225 as follows:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

1. The authority citation for part 208 is revised to read as follows:

Authority: 12 U.S.C. 36, 321–338, 248(a), 248(c), 461, 481–486, 601, 611, 1814, 1823(j), 3105, 3310, 3331–3351 and 3906–3909; 15 U.S.C. 78b, 78*l*(b), 78*l*(g), 78*l*(i), 78o–4(c)(5), 78q, 78q–1, and 78w.

Appendix A—[Amended]

2. Appendix A to part 208 is amended by adding paragraph II.B.(iv) to read as follows:

II. Definition of Qualifying Capital for the Risk-Based Capital Ratio

* * * * *

A. * * *
B. * * *
(i) * * *
(ii) * * *
(iii) * * *

(iv) Deferred tax assets—portions are deducted from the sum of core capital elements in accordance with section II.B.4. of this appendix.

* * * * *

3. Appendix A to part 208 is amended by revising footnote 19 in paragraph II.B.3.; by removing footnote designator 20 from the end of paragraph II.B.3.; by adding paragraph II.B.4.; and by adding footnote designator 20 in paragraph II.B.4. and revising footnote 20 to read as follows:

II. Definition of Qualifying Capital for the Risk-Based Capital Ratio

* * * * *

A. * * *
B. * * *
1. * * *
2. * * *
3. * * * [19]

4. *Deferred tax assets.* The amount of deferred tax assets that are dependent upon future taxable income, net of the valuation allowance for deferred tax assets, that may be

[19] Deductions of holdings of capital securities also would not be made in the case of interstate "stake out" investments that comply with the Board's Policy Statement on Nonvoting Equity Investments, 12 CFR 225.143 (Federal Reserve Regulatory Service 4–172.1; 68 Federal Reserve Bulletin 413 (1982)). In addition, holdings of capital instruments issued by other banking organizations but taken in satisfaction of debts previously contracted would be exempt from any deduction from capital. The Board intends to monitor nonreciprocal holdings of other banking organizations' capital instruments and to provide information on such holdings to the Basle Supervisors' Committee as called for under the Basle capital framework.

included in, that is, not deducted from, a bank's capital may not exceed the lesser of: (a) The amount of these deferred tax assets that the bank is expected to realize within one year of the quarter-end date, based on its projections of future taxable income for that year,[20] or (b) 10 percent of Tier 1 capital. For purposes of calculating this limitation, Tier 1 capital is defined as the sum of core capital elements, net of goodwill and all identifiable intangible assets other than purchased mortgage servicing rights and purchased credit card relationships. The recorded amount of such deferred tax assets, net of any valuation allowance for deferred tax assets, in excess of this limitation is to be deducted from a bank's core capital elements in determining Tier 1 capital. The amount of deferred tax assets that can be realized from taxes paid in prior carryback years and from future reversals of existing taxable temporary differences generally would not be deducted from capital. However, regardless of the above limitations, the amount of carryback potential a bank may consider in calculating the capital limit on deferred tax assets may not exceed the amount which it could reasonably expect to have refunded by its parent.

Appendix B—[Amended]

4. Appendix B to part 208 is amended by revising footnote 2 and by revising the last sentence of the second paragraph in section II., to read as follows:

II. The Tier 1 Leverage Ratio

* * * * *

* * *[2] * * * As a general matter, average total consolidated assets are defined as the quarterly average total assets (defined net of the allowance for loan and lease losses) reported on the bank's Reports of Condition and Income ("Call Report"), less goodwill; amounts of purchased mortgage servicing rights and purchased credit card relationships that, in the aggregate, are in excess of 50 percent of Tier 1 capital; amounts of purchased credit card relationships in excess of 25 percent of Tier 1 capital; all other intangible assets; any investments in subsidiaries or associated companies that the Federal Reserve determines should be deducted from Tier 1 capital; and deferred tax assets that are dependent upon future taxable income, net of their valuation allowance, in excess of the limitation set forth in section II.B.4.[3]

* * * * *

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

1. The authority citation for part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1831i, 1843(c) (8), 1844(b), 3106, 3108, 3310, 3331–3351, 3907, and 3909.

Appendix A—[Amended]

2. Appendix A to part 225 is amended by adding paragraph II.B.(iv) to read as follows:

II. Definition of Qualifying Capital for the Risk Based Capital Ratio

* * * * *

A. * * *
B. * * *
(i) * * *
(ii) * * *
(iii) * * *
(iv) Deferred tax assets—portions are deducted from the sum of core capital elements in accordance with section II.B.4. of this appendix.

* * * * *

3. Appendix A to part 225 is amended by revising footnote 22 in paragraph II.B.3.; by removing footnote designator 23 from the end of paragraph II.B.3.; by adding paragraph II.B.4.; and by adding footnote designator 23 in paragraph II.B.4. and revising footnote 23 to read as follows:

II. Definition of Qualifying Capital for the Risk-Based Capital Ratio

* * * * *

A. * * *
B. * * *
1. * * *
2. * * *
3. * * *[22]

4. *Deferred tax assets.* The amount of deferred tax assets that are dependent upon future taxable income, net of the valuation allowance for deferred tax assets, that may be included in, that is, not deducted from, a bank holding company's capital may not exceed the lesser of: (a) the amount of these deferred tax assets that the bank holding company is expected to realize within one year of the quarter-end date, based on its projections of future taxable income for that year,[23] or (b) 10 percent of Tier 1 capital. For purposes of calculating this limitation, Tier 1 capital is defined as the sum of core capital elements, net of goodwill and all identifiable intangible assets other than purchased mortgage servicing rights and purchased credit card relationships. The recorded amount of such deferred tax assets, net of any valuation allowance for deferred tax assets, in excess of this limitation is to be deducted from a bank holding company's core capital elements in determining Tier 1 capital. The amount of deferred tax assets that can be realized from taxes paid in prior carryback years and from future reversals of existing taxable temporary differences generally would not be deducted from capital.

Appendix D—[Amended]

4. Appendix D to part 225 is amended by revising footnote 3 and by revising the last sentence of the second paragraph in section II., to read as follows:

II. The Tier 1 Leverage Ratio

* * * * *

* * *[3] * * * As a general matter, average total consolidated assets are defined as the quarterly average total assets (defined net of the allowance for loan and lease losses) reported on the banking organization's Consolidated Financial Statement ("FR Y–9C Report"), less goodwill; amounts of purchased mortgage servicing rights and purchased credit card relationships that, in the aggregate, are in excess of 50 percent of Tier 1 capital; amounts of purchased credit card relationships in excess of 25 percent of Tier 1 capital; all other intangible assets; any investments in subsidiaries or associated companies that the Federal Reserve

---

[20] Projected future taxable income should not include net operating loss carryforwards to be used during that year or the amount of existing temporary differences a bank expects to reverse within the year. Such projections should include the estimated effect of tax planning strategies that the organization expects to implement to realize tax carryforwards that will otherwise expire during the year.

[2] At the end of 1992, Tier 1 capital for state member banks includes common equity, minority interest in the equity accounts of consolidated subsidiaries, and qualifying noncumulative perpetual preferred stock. In addition, as a general matter, Tier 1 capital excludes goodwill; amounts of purchased mortgage servicing rights and purchased credit card relationships that, in the aggregate, exceed 50 percent of Tier 1 capital; amounts of purchased credit card relationships that exceed 25 percent of Tier 1 capital; all other intangible assets; and deferred tax assets that are dependent upon future taxable income, net of their valuation allowance, in excess of certain limitations. The Federal Reserve may exclude certain investments in subsidiaries or associated companies as appropriate.

[3] Deductions from Tier 1 capital and other adjustments are discussed more fully in section II.B. of Appendix A of this part.

[22] Deductions of holdings of capital securities also would not be made in the case of interstate "stake out" investments that comply with the Board's Policy Statement on Nonvoting Equity Investments, 12 CFR 225.143 (Federal Reserve Regulatory Service 4–172.1; 68 Federal Reserve Bulletin 413 (1982)). In addition, holdings of capital instruments issued by other banking organizations but taken in satisfaction of debts previously contracted would be exempt from any deduction from capital. The Board intends to monitor nonreciprocal holdings of other banking organizations' capital instruments and to provide information on such holdings to the Basle Supervisors' Committee as called for under the Basle capital framework.

[23] Projected future taxable income should not include net operating loss carryforwards to be used during that year or the amount of existing temporary differences a bank holding company expects to reverse within the year. Such projections should include the estimated effect of tax planning strategies that the organization expects to implement to realize tax carryforwards that will otherwise expire during the year.

[3] At the end of 1992, Tier 1 capital for bank holding companies includes common equity, minority interest in the equity accounts of consolidated subsidiaries, and qualifying noncumulative perpetual preferred stock. In addition, as a general matter, Tier 1 capital excludes goodwill; amounts of purchased mortgage servicing rights and purchased credit card relationships that, in the aggregate, exceed 50 percent of Tier 1 capital; amounts of purchased credit card relationships that exceed 25 percent of Tier 1 capital; all other intangible assets; and deferred tax assets that are dependent upon future taxable income, net of their valuation allowance, in excess of certain limitations. The Federal Reserve may exclude certain investments in subsidiaries or associated companies as appropriate.

determines should be deducted from Tier 1 capital; and deferred tax assets that are dependent upon future taxable income, net of their valuation allowance, in excess of the limitation set forth in section II.B.4.[4]

* * * * *

Board of Governors of the Federal Reserve System, February 1, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93-2984 Filed 2-10-93; 8:45 am]

BILLING CODE 6210-01-P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Chapter II

Choking Hazards Associated With Toys and Articles Intended for Children Three Years of Age and Older; Withdrawal of Advance Notice of Proposed Rulemaking

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: The Consumer Product Safety Commission has decided to terminate a proceeding for the development of requirements to address risks of choking deaths and injuries to children younger than three years of age which are associated with toys and other articles intended for children three years old and older. The Commission began this proceeding by publication of an advance notice of proposed rulemaking (ANPR) on June 26, 1990.

On March 18, 1992, the Commission voted to terminate this proceeding and to withdraw the ANPR published on June 26, 1990. The Commission took this action after considering written comments received in response to the ANPR and other correspondence concerning the proceeding; information about choking deaths of children younger than three years of age which were associated with toys and games intended for children three years old and older during the years 1980 through 1991, annual sales of toys and games intended for children three and four years old, the number of children younger than three years of age, the effectiveness of requirements for labeling to address choking hazards to children younger than three years of age which may be associated with toys and games intended for children three and four years old, the potential costs of such labeling requirements to toy manufacturers, and other written materials prepared by the Commission staff; or oral briefing presented by the Commission staff; and other information.

The Commission has concluded that evidence is not available to demonstrate that toys and games which contain small parts and which are intended for children three and four years old present an unreasonable risk of choking death or injury to children younger than three. For that reason the Commission finds no reasonable necessity to issue mandatory requirements for those toys and games.

FOR FURTHER INFORMATION CONTACT: Marilyn Wind, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0477.

SUPPLEMENTARY INFORMATION:

A. Background

In 1979, the Commission issued regulations to ban certain toys and articles which are intended for children younger than three years of age and which present a choking, aspiration, or ingestion hazard because they contain small parts. These regulations are codified at 16 CFR 1500.18(a)(9) and part 1501.

In the **Federal Register** of June 7, 1988 (53 FR 20865), the Commission began a rulemaking proceeding to consider a possible amendment of the small parts regulations for toys and other articles intended for children younger than three years of age (1).[1] After considering comments submitted by interested parties and information developed by the Commission staff (2)-(10), the Commission concluded that the provisions of the small parts regulations have been effective to prevent choking deaths and injuries to children younger than three years of age. For this reason, the Commission published a notice in the **Federal Register** of June 26, 1990 (55 FR 26076), to terminate the proceeding initiated in 1988 (12).

In its review of the small parts regulations, the Commission considered an analysis of choking-related deaths and injuries to children younger than 10 years of age associated with children's products (4). The purpose of that analysis was to provide a comprehensive examination of the types of products involved in choking-related deaths of children that occurred after the small parts regulations were issued. That analysis examined reports of 146 choking-related deaths received by the Commission from January, 1980, through April, 1989, and indicated that some of the toys involved in these fatalities may have been developmentally appropriate for children three years of age and older. In the majority of cases, however, manufacturers' recommended ages for the toys involved in these fatalities were not available (4).

At the time the Commission decided to terminate the proceeding for the possible amendment of the small parts rules for toys and other articles intended for children younger than three years of age, the Commission also decided to begin a new rulemaking proceeding to consider risks of choking deaths and injuries to children younger than three years of age which may be associated with toys intended for children three years old and older. In the **Federal Register** of June 26, 1990 (55 FR 26082), the Commission published an ANPR under the authority of the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261 *et seq.*) to begin that proceeding (13).

B. Statutory Authority

Section 2(f)1(D) of the FHSA (15 U.S.C. 1261(f)1(D) defines the term "hazardous substance" to include "[a]ny toy or other article intended for use by children" which the Commission determines by regulation to present "an electrical, mechanical, or thermal hazard." Section 2(s) of the FHSA provides that an article may be determined to present a "mechanical hazard" if in normal use or reasonably foreseeable use or abuse it presents an "unreasonable risk of personal injury" because the article or any of its parts may be aspirated or ingested or because of any other aspect of its design or manufacture.

The Commission may make its determination that a toy or children's article presents a mechanical hazard by issuance of a regulation in accordance with provisions of sections 3(e) through (i) of the FHSA (15 U.S.C. 1262(e) through (i)). A toy or children's article which is subject to a rule issued under provisions of sections 3(e) through (i) of the FHSA is a "banned hazardous substance" as that term is defined by section 2(q)(1)(A) of the FHSA (15 U.S.C. 1261(q)(1)(A)). The introduction into interstate commerce of a banned hazardous substance is prohibited by section 4 of the FHSA (15 U.S.C. 1263).

As specified by section 3(f) of the FHSA (15 U.S.C. 1262(f)), the ANPR

[4] Deductions from Tier 1 capital and other adjustments are discussed more fully in section II.B. of Appendix A to this Part.

[1] Numbers in parentheses identify reference documents listed in Bibliography at the end of this notice. Requests for inspection of any of these documents should be made at the Commission's Public Reading Room, 5401 Westbard Avenue, room 420, Bethesda, Maryland, or by calling the Office of the Secretary at (301) 504-0800.

identified the products under consideration as toys and other articles which are intended for children three to about six years of age and which contain or consist of small parts that may present a choking hazard to children younger than three years of age. The ANPR described the regulatory alternatives under consideration by the Commission. These alternatives included issuance of a rule to require labeling of toys and other articles which are intended for use by children from three to approximately six years old and which have small parts to warn of choking hazards to children younger than three years of age.

In accordance with section 3(f) of the FHSA, the ANPR included information about existing standards relevant to the proceeding. The ANPR solicited comments from interested persons about the product and risk of injury identified in that notice; invited interested persons to submit an existing standard as the proposed regulation; and invited interested persons to submit a statement of intention to develop or modify a voluntary standard to address risks of choking deaths and injuries to children younger than three years of age associated toys and other articles intended for children three years old and older (13). In response to the ANPR, the Commission received comments from 14 individuals and organizations (18). The Commission also received 17 communications concerning this rulemaking proceeding after the close of the period for receipt of comments on the ANPR (20), (21), (23)–(37).

C. Information Considered by the Commission

On December 30, 1991, the Commission staff transmitted to the Commission a briefing package of information relevant to the proceeding concerned with choking hazards associated with toys and other items intended for children three years old and older (14)–(21).

The ANPR of June 26, 1990, announced that the Commission was considering development of a rule applicable to toys and "other articles" intended for children three years old and older (13). After considering comments received in response to the ANPR and other information, the staff recommended that the scope of any proposed rule should be limited to "toys and games" intended for children who are three and four years old. The staff also recommended that any proposed rule should be further limited to toys and games containing small parts when offered for sale to consumers; use and abuse testing should not be required (14), (16)–(19).

The briefing package provided information about reports received by the Commission of choking deaths to children associated with toys and other children's articles during the years 1980 through July, 1991. Eight of these reports contained information about children younger than three years of age who died after choking on a toy, game, or other article which appeared to be suitable for children three years old or older (15). (These reports did not include cases in which the accident victims choked on balloons, small balls, or marbles. The Commission initiated separate proceedings to consider choking hazards to children which may be associated with those products. See the **Federal Register** notices published on June 26, 1990, at 55 FR 26077, 26080, and 26084). Only two of the reported choking deaths of children younger than three years of age involved toys or games which would come within the scope of the proposed rule recommended by the Commission staff (15).

The staff estimated that the population of the United States younger than three years of age is about 11 million (38).

The briefing package also contained information about sales of toys and games intended for children three and four years old. The staff estimated that about 370 million toys and games intended for that age group are sold each year, and that about 185 million of those toys contain small parts. The staff estimated that about 150 million toys and games which are intended for children three and four years old and which have small parts are sold in packages (17).

The briefing package discussed studies of labeling effectiveness reported in technical literature, results of a survey of consumers concerning toy labeling, and work by the Commission staff to determine the effectiveness of labeling on packages of toys and games intended for children three and four years old containing small parts to warn adults of the choking hazard to children younger than three years of age (16). That work included developing prototypes of labels for packages of toys and games containing small parts to warn of choking hazards to children younger than three years of age. The prototype labels were presented to focus groups of parents with children ranging in age from 18 months to six years. The focus groups compared the prototype labels developed by the Commission staff with other labels on toy packages and commented on the effectiveness of the prototype and other labels to communicate the choking hazard to children younger than three years of age associated with toys containing small parts (16). However, neither the literature search nor the consideration of prototype labels by focus groups provided information about the numbers of deaths or injuries which could be avoided by issuance of mandatory requirements for labeling packages of toys which are intended for children three and four years old and which contain small parts to warn of choking hazards to children younger than three.

The Commission staff estimated that a rule to require a warning label on packages of toys and games which are intended for children three and four years old and which contain small parts would impose a total cost of about $220,000 each year on all manufacturers and packagers of those products (17). The staff estimated that a warning label for packages of toys and games containing small parts based on the prototype label could reasonably be expected to lead to a change in consumers' behavior at a rate of approximately six per cent (14), (16), (17). However, the staff was not able to estimate the number of choking deaths or injuries that would be avoided as a result of changes in behavior in response to those warning labels (14), (16), (17).

On February 7, 1992, the staff presented an oral briefing to the Commission concerning the proceeding to develop requirements for toys and other articles which are intended for children three years old or older and which have small parts.

D. Action by the Commission

On March 18, 1992, the Commission voted to terminate the rulemaking proceeding applicable to toys and other articles intended for children three years old and older and to withdraw the ANPR published on June 26, 1990.

The ANPR began a proceeding to consider whether certain toys and other articles which are intended for children three years old and older and which contain small parts present a "mechanical hazard." Section 2(s) of the FHSA provides that a toy or children's article may be determined to present a "mechanical hazard" if it presents "an unreasonable risk of personal injury" because it may be aspirated or ingested or because of any other aspect of its design or manufacture.

In order to make a determination that a product presents an "unreasonable risk of injury," relevant judicial

decisions state that the Commission must consider:

- The nature and severity of the risk of injury associated with the product;
- The potential of mandatory requirements for the product to reduce the frequency and severity of the injury; and
- The effect of mandatory requirements on the cost, utility, or availability of the product.

See *Southland Mower* v. *CPSC*, 619 F.2d 499, at 508–509 (5th Cir. 1980); *Aqua Slide 'n' Dive* v. *CPSC*, 569 F.2d 831, at 839–840 (5th Cir. 1978); and *Forester* v. *CPSC*, 559 F.2d 774, at 789 (D.C. Cir. 1977).

Additionally, section 3(i) of the FHSA provides that in order to issue a final rule expressing the Commission's determination that a toy presents a "mechanical hazard," the Commission must make a regulatory analysis which includes a description of the potential benefits and potential costs of the rule and identifies those parties likely to receive the benefits and to bear the costs. Section 3(i) provides further that the Commission may not issue a final rule unless it makes a finding that "the benefits expected from the regulation bear a reasonable relationship to its costs."

Applying the factors involved in the determination of an unreasonable risk of injury, as articulated in relevant judicial decisions, to the information developed during this proceeding, the Commission finds the following:

The Nature and Severity of the Risk of Injury

The nature of the risk of injury associated with toys and games which are intended for children three and four years old and which have small parts is that children younger than three years of age may choke on small parts of those products. Choking injuries may result in death, and therefore have the potential to be of the utmost severity.

However, the likelihood of a fatality in which a child younger than three years of age chokes on a small part from a toy or game intended for children three years old or older is relatively remote. Approximately 185 million toys and games which are intended for children three and four years old and which contain small parts are sold each year in the United States. The population of the United States younger than three years of age is approximately 11 million. The Commission has reports of only two incidents in which children younger than three years of age died after choking on a small part from a toy or game which may have been intended for children three years old or older during the period from 1980 through July, 1991.

The likelihood that children younger than three years of age may choke on small parts from toys or games intended for older children is also foreseeable by parents and other consumers. The risk of injury associated with small parts from such toys and games is not a "hidden hazard."

The Potential of Mandatory Requirements To Reduce the Frequency and Severity of the Risk of Injury

The Commission considered information about current labeling practices by manufacturers and packagers of toys and games and studies of labeling effectiveness. However, the Commission has no information to demonstrate that issuing mandatory labeling requirements for packages of toys and games which are intended for children three and four years old and which contain small parts would reduce either the frequency or severity of choking injuries associated with those products to children younger than three years of age.

The Effect of Mandatory Requirements on the Cost, Utility, and Availability of the Product

The annual cost to all manufacturers and packagers of a rule to require labeling of packages of toys and games which are intended for children three and four years old and which contain small parts is estimated to be about $220,000. Approximately 150 million toys and games sold each year may be subject to such a rule. Available information indicates that issuance of such a rule would impose a relatively low cost on toy manufacturers and packagers, and could be expected to have little effect on the utility or availability of toys and games subject its requirements. However, the relatively low cost of such a rule does not by itself justify issuance of mandatory requirements.

E. Conclusions by the Commission

From its consideration of all available information about risks of choking injuries to children younger than three years old associated with toys and games which are intended for children three and four years old and which have small parts, the Commission concludes that:

(1) To date, information has not been developed to establish that toys and games which are intended for children three and four years old and which have small parts present an unreasonable risk of injury to children younger than three years of age;

(2) Consequently, information has not been developed to establish that issuance of a mandatory rule to require labeling of toys and games which are intended for children three and four years old and which have small parts is reasonably necessary; and

(3) If this proceeding were continued, such information is not likely to be developed.

The Commission also concludes that information is not now available or likely to be developed to support the finding that the excepted benefits from a rule to require labeling of toys and games which are intended for children three and four years old and which have small parts to warn of choking hazards to children younger than three years of age would bear a reasonable relationship to its costs. Such a finding is required by section 3(i) of the FHSA to issue a rule to ban unlabeled packages of toys and games which are intended for children three and four years old and which have small parts.

Accordingly, the Commission hereby withdraws the ANPR published in the **Federal Register** of June 26, 1990 (55 FR 26082) to initiate a proceeding for development of requirements to address risks of choking deaths and injuries associated with toys and other articles which are intened for children three years old and older and which have small parts.

Dated: February 5, 1992.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Bibliography

1. **Federal Register** notice "Toys and Articles Intended for Children Under Three Years of Age Which Present Choking, Aspiration, or Ingestion Hazards Because of Small Parts; Request for Comments and Information," published by the Consumer Product Safety Commission, 5 pages, June 7, 1988 (53 FR 20865).

2. Memorandum to the Commission from David W. Thome, OPMB, concerning choking hazards, 16 pages, January 26, 1990.

3. Memorandum to the Commission from Elaine A. Tyrrell, OPMB, concerning comments received in response to advance notice of proposed rulemaking published on June 7, 1988, 10 pages, September 27, 1988.

4. "Analysis of Choking Related Hazards Associated with Children's Products" by Deborah Kale Tinsworth, Directorate for Epidemiology, 34 pages, September, 1989.

5. "A Physiological Review of Toys Causing Choking in Children" by Sharee Pepper, Ph.D., Directorate for Health Sciences, 19 pages, September, 1989.

6. **Federal Register** notice "Medical Advisory Committee on Asphyxiation; Establishment and Solicitation of Applications for Membership," published by the Consumer Product Safety Commission, 2 pages, January 19, 1989 (54 FR 2198).

7. Memorandum from Terrance R. Karels, ECPA, to David W. Thome, OPMB, concerning focus project on choking hazards, 4 pages, November 15, 1989.

8. Description of new test procedure to determine choking hazards presented by toys and articles intended for children younger than three years of age, 1 page.

9. Draft of Advance Notice of Proposed Rulemaking to address choking hazards associated with toys and children's articles.

10. Memorandum from Carol Pollack-Nelson, EPHF, to David W. Thome, OPMB, dated January 10, 1990, entitled "Rationale for Labeling Requirements for Toys and other Articles Intended for Use by Children Age 3 to 6 Years," 3 pages; memorandum from Carol Pollack-Nelson, EPHF, to David W. Thome, OPMB, dated January 24, 1990, entitled "Review of Balloon Package Labels," 3 pages.

11. Vote sheet, "Regulatory Options to Address Choking Hazards," dated January 26, 1990, 3 pages.

12. **Federal Register** notice, "Toys and Children's Articles Which Present Choking Hazards Because of Small Parts; Withdrawal of Advance Notice of Proposed Rulemaking," published by the Consumer Product Safety Commission, 2 pages, June 26, 1990 (55 FR 26076.

13. **Federal Register** notice, "Choking Hazards Associated With Toys and Articles Intended for Children Three Years of Age and Older; Request for Comments and Information," published by the Consumer Product Safety Commission, 3 pages, June 26, 1990 (55 FR 26082).

14. Memorandum to the Commission from Marilyn Wind, Directorate for Health Sciences, concerning options to address choking hazards, 23 pages, December 30, 1991.

15. Memorandum from Deborah K. Tinsworth and Suzanne Cassidy, EPHA, to Marilyn Wind, HSPS, concerning updated information on choking deaths, 5 pages, August 15, 1991.

16. Memorandum from Shelley Waters Deppa, EPHF, to Marilyn Wind, HSPS, concerning choking hazard labels for toys, 198 pages, August 23, 1991.

17. Memorandum from Terrance R. Karels, ECPA, to Marilyn Wind, Project Manager, concerning children's choking hazards, 38 pages, October 1, 1991.

18. Comments in response to ANPR of June 26, 1990, 113 pages.

19. Memorandum from Lori Saltzman, Directorate for Health Sciences, to Marilyn Wind, Project Manager, concerning staff analysis of comments on ANPR, 37 pages, August 23, 1991.

20. Letter from Michael R. Lemov to Marilyn L. Wind, Directorate for Health Sciences, concerning voluntary standard for labeling of vending machines adopted by National Bulk Vendors Association, with attachments, 5 pages, July 1, 1991; letter from Michael R. Lemov to Marilyn L. Wind, Directorate for Health Sciences, concerning voluntary standard for labeling of vending machines, with attachment, 2 pages, July 2, 1991.

21. Letter from Toy Manufacturers of America, Inc., to Shelley Deppa, concerning proposed labeling requirements for toys, 2 pages, July 24, 1991.

22. Log of meeting of Commission staff members with ASTM subcommittee on October 16, 1991, 3 pages.

23. Letter from Michael R. Lemov to Chairman Jones-Smith concerning labeling requirements for toys and articles intended for children three years old and older, with enclosures, 14 pages, February 19, 1992.

24. Letter from Consumer Federation of America to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosure, 6 pages, February 20, 1992.

25. Letter from Consumer Affairs Committee, Americans for Democratic Action to Chairman Jones-Smith concerning labeling and other requirements for toys, 2 pages, February 24, 1992.

26. Letter from Johns Hopkins University, Injury Prevention Center to Chairman Jones-Smith concerning labeling of toys, with enclosures, 9 pages, February 25, 1992.

27. Letter from National Association of State Public Interest Research Groups to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosures, 24 pages, February 25, 1992.

28. Letter from California Public Interest Research Group to Chairman Jones-Smith concerning labeling and other requirements for toys, 3 pages, February 27, 1992.

29. Letter from Oregon State Public Interest Research Group to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosures, 19 pages, February 27, 1992.

30. Letter from the Coalition for Consumer Health and Safety to Chairman Jones-Smith concerning labeling and other requirements for toys, 2 pages, March 5, 1992.

31. Letter from Consumers Union to Chairman Jones-Smith concerning labeling and other requirements for toys, 3 pages, March 5, 1992.

32. Letter from New Jersey Public Interest Research Group to Chairman Jones-Smith concerning labeling and other requirements for toys, 2 pages, March 5, 1992.

33. Letter from Public Citizen to Chairman Jones-Smith concerning labeling and other requirements for toys, 1 page, March 10, 1992.

34. Letter from Connecticut Public Interest Research Group to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosures, 3 pages, March 12, 1992.

35. Letter from Empire State Consumers Association to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosures, 3 pages, March 17, 1992.

36. Letter from Dan Morales and others to Chairman Jones-Smith concerning labeling and other requirements for toys, 4 pages, March 17, 1992.

37. Letter from Toy Manufacturers of America, Inc., to Chairman Jones-Smith concerning labeling and other requirements for toys, 3 pages, March 17, 1992.

38. Memorandum to the Commission from Marilyn L. Wind, Directorate for Health Sciences, concerning additional information about choking hazards associated with marbles and small balls, with attachments, 13 pages, February 26, 1992.

39. Vote sheet, "Regulatory options to address choking hazards associated with toys and children's articles," 7 pages, December 30, 1991.

40. News release, "Commission Decides Not to Propose Labeling of Marbles, Balloons, and Balls for Choking Hazard," with attachments, 8 pages, March 18, 1992.

41. Statement of Chairman Jones-Smith concerning children's choking hazards, 7 pages, March 18, 1992.

42. Statement of Commissioner Dawson concerning children's choking hazards, 9 pages, March 18, 1992.

43. Statement of Commissioner Gall concerning children's choking hazards, 5 pages, March 18, 1992.

[FR Doc. 93-3293 Filed 2-10-93; 8:45 am]

BILLING CODE 6355-01-M

---

16 CFR Chapter II

Choking Hazards Associated With Small Balls; Withdrawal of Advance Notice of Proposed Rulemaking

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: The Consumer Product Safety Commission has decided to terminate a proceeding for the development of requirements for small balls to address risks of choking deaths and injuries to children associated with those products The Commission began this proceeding by publication of an advance notice of proposed rulemaking (ANPR) on June 26, 1990.

On March 18, 1992, the Commission voted to terminate this proceeding and to withdraw the ANPR published on June 26, 1990. The Commission took this action after considering written comments received in response to the ANPR and other correspondence concerning the proceeding; information about choking deaths of children associated with small balls during the years 1980 through 1991, annual sales of small balls, effectiveness of warning labels and other requirements to address choking hazards associated with small balls, the number of children younger than 10 years old, the potential costs of warning labels and other requirements to manufacturers and packagers of small balls and toys and games containing accessible small balls, and other written materials prepared by the Commission staff; an oral briefing presented by the Commission staff; and other information.

The Commission has concluded that evidence is not available to demonstrate that small balls currently offered for sale

to consumers present an unreasonable risk of choking death or injury to children. For that reason the Commission finds no reasonable necessity to issue labeling or other requirements for small balls.

FOR FURTHER INFORMATION CONTACT: Marilyn Wind, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0477.

SUPPLEMENTARY INFORMATION:

A. Background

In 1979, the Commission issued regulations to ban certain toys and articles which are intended for children younger than three years of age and which present a choking, aspiration, or ingestion hazard because they contain small parts. These regulations are codified at 16 CFR 1500.18(a)(9) and part 1501.

In the **Federal Register** of June 7, 1988 (53 FR 20865), the Commission began a rulemaking proceeding to consider a possible amendment of the small parts regulations for toys and other articles intended for children younger than three years of age (1).[1] After considering comments submitted by interested parties and information developed by the Commission staff (2)–(10), the Commission concluded that the provisions of the small parts regulations have been effective to prevent choking deaths and injuries to children younger than three years of age. For this reason, the Commission published a notice in the **Federal Register** of June 26, 1990 (55 FR 26076), to terminate the proceeding initiated in 1988 (12).

In its review of the small parts regulations, the Commission considered an analysis of choking-related deaths and injuries to children younger than 10 years of age associated with children's products (4). The purpose of that analysis was to provide a comprehensive examination of the types of products involved in choking-related deaths of children that occurred after the small parts regulations were issued. That analysis examined reports of 146 choking-related deaths received by the Commission from January, 1980, through April, 1989, including 32 associated with small balls.

At the time the Commission decided to terminate the proceeding for the possible amendment of the small parts rules for toys and other articles intended for children younger than three years of age, the Commission also decided to begin four new rulemaking proceedings to consider risks of choking deaths and injuries to children which may be associated with specific categories of toys, including small balls. In the **Federal Register** of June 26, 1990 (55 FR 26080), the Commission published an ANPR under the authority of the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261 *et seq.*) to begin in a proceeding to consider development of requirements for small balls (13).

B. Statutory Authority

Section 2(f)1(D) of the FHSA (15 U.S.C. 1261(f)1(D) defines the term "hazardous substance" to include "[a]ny toy or other article intended for use by children" which the Commission determines by regulation to present "an electrical, mechanical, or thermal hazard." Section 2(s) of the FHSA provides that an article may be determined to present a "mechanical hazard" if in normal use or reasonably foreseeable use or abuse it presents an "unreasonable risk of personal injury" because the article or any of its parts may be aspirated or ingested or because of any other aspect of its design or manufacture.

The Commission may make its determination that a toy or children's article presents a mechanical hazard by issuance of a regulation in accordance with provisions of sections 3(e) through (i) of the FHSA (15 U.S.C. 1262(e) through (i)). A toy or children's article which is subject to a rule issued under provisions of sections 3(e) through (i) of the FHSA is a "banned hazardous substance" as that term is defined by section 2(q)(1)(A) of the FHSA (15 U.S.C. 1261(q)(1)(A)). The introduction into interstate commerce of a banned hazardous substance is prohibited by section 4 of the FHSA (15 U.S.C. 1263).

In accordance with section 3(f) of the FHSA (15 U.S.C. 1262(f)), the ANPR concerning small balls identified the products under consideration as balls which are intended for use by children and which have a diameter of less than approximately 1.75 inches. The ANPR also discussed regulatory alternatives under consideration by the Commission. These alternatives included issuance of a rule to require labeling on packages of games of skill which are intended for children three years of age and older and which contain or consist of small balls to warn of choking hazards to children associated with small balls. The ANPR also discussed the possibility of establishing a minimum diameter ranging from approximately 1.68 inches to approximately 1.75 inches for children's balls which are not part of a game or skill or which are part of a toy or other article intended for children younger than three years of age.

In accordance with section 3(f) of the FHSA, the ANPR included information about existing standards relevant to the proceeding. The ANPR solicited comments from interested persons about the product and risk of injury identified in that notice; invited interested persons to submit an existing standard as the proposed regulation; and invited interested persons to submit a statement of intention to develop or modify a voluntary standard to address risks of choking deaths and injuries to children associated with small balls (13). In response to the ANPR, the Commission received comments from 12 individuals and organizations (18). The Commission also received 17 communications concerning the rulemaking proceeding for small balls after the close of the period for receipt of comments on the ANPR (20), (22)–(37).

C. Information Considered by the Commission

On December 30, 1991, the Commission staff transmitted to the Commission a briefing package of information concerning the proceeding for development of requirements to address choking hazards to children associated with small balls (14)–(21).

The briefing package provided information about choking deaths associated with small balls during the years 1980 through July, 1991. During that period, 40 children choked to death on small balls; an average of fewer than four deaths per year. Of the children involved in those incidents, 26 were younger than three years of age; 14 children three years old and older died from choking on small balls (15).

Information was available about the size of the ball, the age of the intended user, and the age of the choking victim in only 13 of the incidents reported to the Commission (39). In eight of those incidents, the children were younger than three years of age (39). In three of those cases, the diameter of the ball was less than 1.25 inches, the minimum required by the small parts regulations.

In nine cases, the diameters of the balls ranged from slightly larger than 1.25 inches to about 1.75 inches.

In five cases involving children younger than three, the diameters of the balls ranged from slightly larger than 1.25 inches to 1.5 inches (39). In two of these cases, information in the case report indicated that the ball may have been intended for children younger than three (39).

[1] Numbers in parentheses identify reference documents listed in Bibliography at the end of this notice. Requests for inspection of any of these documents should be made at the Commission's Public Reading Room, 5401 Westbard Avenue, room 420, Bethesda, Maryland, or by calling the Office of the Secretary at (301) 504–0800.

VOL 58 ISS 27 FE 11 1993 UMI

Five children ranging in age from three to eight years old died after choking on balls with diameters ranging from less than 1.25 inches to 1.73 inches (39).

The staff estimated that the population of the United States younger than 10 years of age is approximately 37 million, and that the population younger than three years of age is about 11 million (39).

The briefing package also contained information about possible costs and effectiveness of two of the regulatory alternatives discussed in the ANPR: Establishing a minimum diameter for some children's balls, and requiring certain small balls intended for children to be labeled to warn of the choking hazard associated with those products.

The ANPR discussed the possibility of establishing a minimum diameter for those children's balls which are not part of a "game of skill," and requiring labeling on packages of all "games of skill" which are intended for children three years of age and older and which contain small balls to warn of the choking hazard associated with small balls (13). Several comments received in response to the ANPR stated that a definition of the term "game of skill" should be developed if the Commission issued either of those requirements (18). After consideration of those comments, the Commission concluded that the term "game of skill" would be difficult to define for regulatory purposes. (14), (19).

For this reason, the Commission considered the potential costs and benefits of: (a) Establishing a minimum diameter for all children's balls; (b) establishing a minimum diameter for accessible balls in toys and games intended for children younger than three years of age; and (c) requiring a label on all toys and games containing accessible small balls to warn of choking hazards to children associated with those balls.

The briefing package contained estimates that from 150 to 175 million children's balls with diameters less than 1.68 inches are sold each year. Additionally, about 60 to 70 million toys and games containing small balls are estimated to be sold each year (17).

A rule to establish a minimum diameter of 1.68 inches for all children's balls would increase costs to manufacturers for materials, packaging, and transportation. The aggregate increase in detail costs to consumers of a requirement for a minimum diameter of 1.68 inches for all children's balls is estimated to be about $48 million a year (17). Such a requirement would not prevent all choking deaths to children associated with small balls, but could be expected to avoid about 90 per cent of all children's choking deaths involving small balls. Information available to the Commission indicates that such a requirement could be expected to prevent about three deaths every two years at a cost of approximately $32 million for each life saved (17).

The Commission also considered the possibility of developing a rule to establish a minimum diameter greater than 1.25 inches (the size now required by the small parts regulations) for all accessible balls in toys and games intended for children younger than three years of age. However, information available to the Commission indicates that less than one per cent of all toys and games intended for that age group contains accessible small balls with diameters smaller than 1.7 inches (40).

Information about potential costs and benefits of a rule to require labeling of all toys and games containing accessible balls with a diameter less than 1.68 inches was also considered by the Commission. The cost of such a labeling requirement was estimated to range from about $60,000 to $140,000 a year. A mid-point average cost for a labeling rule was estimated to be about $100,000 a year (17).

The briefing package also discussed studies of labeling effectiveness reported in technical literature, results of a survey of consumers concerning toy labeling, and work by the Commission staff to determine the effectiveness of labeling toys and games containing small balls to warn adults of the choking hazard which they present to children (16). That work included developing prototypes of labels to warn of choking hazards to children associated with small balls. The prototype labels were presented to focus groups of parents with children ranging in age from 18 months to six years. The focus groups compared the prototype labels developed by the Commission staff with other labels on toy packages and commented on the effectiveness of the prototype and other labels to communicate the risk of death by choking associated with small balls (16).

The staff estimated that a warning label for toys and games containing small balls based on the prototype label could reasonably be expected to lead to a change in consumers' behavior at a rate of approximately three per cent (14), (16), I17). However, neither the literature search nor the consideration of prototype labels by focus groups provided information about the number of deaths or injuries which could be avoided by issuance of mandatory requirements for labeling of toys and games containing small balls to warn of choking hazards to children (14), (16), (17).

On January 29, 1992, the staff presented an oral briefing to the Commission concerning choking hazards associated with small balls.

D. Action by the Commission

On March 18, 1992, the Commission voted to terminate the rulemaking proceeding applicable to small balls and to withdraw the ANPR published on June 26, 1990.

The ANPR began a proceeding to consider whether some small balls intend for use by children present a "mechanical hazard." Section 2(s) of the FHSA provides that a toy or children's article may be determined to present a "mechanical hazard" if it presents "an unreasonable risk of personal injury" because it may be aspirated or ingested or because of any other aspect of its design or manufacture.

In order to make a determination that a product presents an "unreasonable risk of injury," relevant judicial decisions state that the Commission must consider:

- The nature and severity of the risk of injury associated with the product;
- The potential of mandatory requirements for the product to reduce the frequency and severity of the injury; and
- The effect of mandatory requirements on the cost, utility, or availability of the product.

See *Southland Mower* v. *CPSC, 619 F.2d 499, at 508–509 (5th Cir. 1980), Aqua Slide 'n' Dive* v. *CPSC,* 569 F.2d 831, at 839–840, (5th Cir. 1978); and *Forester* v. *CPSC,* 559 F.2d 774, at 789 (D.C. Cir. 1977).

Additionally, section 3(i) of the FHSA provides that in order to issue a final rule expressing the Commission's determination that a toy presents a "mechanical hazard," the Commission must make a regulatory analysis which includes a description of the potential benefits and potential costs of the rule and identifies those parties likely to receive the benefits and to bear the costs. Section 3(i) provides further that the Commission may not issue a final rule unless it makes a finding that "the benefits" expected from the regulation bear a reasonable relationship to its costs."

Applying the factors involved in the determination of an unreasonable risk of injury, as articulated in relevant judicial decisions, to the information developed during this proceeding, the Commission finds the following:

The Nature and Severity of the Risk of Injury

The nature of the risk of injury to children associated with small balls is that of choking if a small ball becomes lodged in a child's throat. Choking injuries may result in death, and therefore have the potential to be of the utmost severity.

However, the likelihood that a child may choke on a small ball is relatively remote. Information available to the Commission indicates the number of balls with diameters less than 1.68 inches sold for use by children ranges from 150 to 175 million units each year. An additional 60 to 70 million toys and games containing small balls are also sold each year. The population of the United States younger than 10 years of age is approximately 37 million. On average fewer than four children a year choked to death on small balls during the period from 1980 through July, 1991.

The likelihood that children may choke on small balls is also foreseeable by parents and other consumers. The risk that a child may choke on a small ball is not a "hidden hazard."

The Potential of Mandatory Requirements to Reduce the Frequency and Severity of the Risk of Injury

The Commission considered information about the effectiveness of three types of mandatory requirements to reduce risks of choking injuries to children associated with small balls.

(a) Establishing a minimum diameter for all children's balls. A rule to establish a minimum diameter of 1.68 inches for all children's balls could be expected to avoid approximately 90 per cent of all choking deaths associated with small balls: about three deaths every two years.

(b) Increasing the minimum diameter for all balls intended for children younger than three years of age. A rule to increase the minimum diameter of accessible balls in toys and games intended for children younger than three years of age from 1.25 inches to 1.68 inches would be expected to affect less than 1 per cent of all such products. Such a rule would have avoided only two of the choking deaths during a period of more than 11 years for which information was reported about the size of the ball, the age of the child for which it was intended, and the age of the choking victim.

(c) Requiring a label on all toys and games containing accessible small balls to warn of choking hazards. The Commission has no information to demonstrate that issuing mandatory requirements for labeling of toys and games to warn of choking hazards associated with small balls would reduce either the frequency or severity of choking injuries to children associated with small balls.

The Effect of Mandatory Requirements on the Cost, Utility, and Availability of the Product

The Commission also considered information about the anticipated costs of each of the three types of rules.

(a) Establishing a minimum diameter for all children's balls. The total increase in retail costs to consumers resulting from a rule to require a minimum diameter of 1.68 inches is estimated to be approximately $48 million a year. Although such a rule could be expected to avoid about three deaths every two years, the cost for each life saved would be approximately $32 million. On the basis of available evidence, the Commission is unable to find that the anticipated benefits of a rule to establish a minimum diameter of 1.68 inches for all children's balls could be expected to bear a reasonable relationship to the estimated costs of such a rule.

(b) Increasing the minimum diameter of all balls intended for children younger than three years of age. Information was not available about the dollar costs of a rule to increase the minimum diameter of accessible balls in toys and games intended for children younger than three years of age. However, the costs of such a rule would be low because less than one percent of all such toys are estimated to have accessible balls with diameters greater than 1.25 inches but smaller than 1.7 inches.

(c) Requiring a label on all toys and games containing accessible small balls. The cost of a rule to require labeling of toys and games containing accessible small balls is estimated to be approximately $100,000 a year. However, in view of the absence of any information to show that a labeling rule would be effective to reduce or eliminate choking deaths or injuries associated with small balls, the relatively low cost of such a rule does not by itself justify the issuance of such a rule.

E. Conclusions by the Commission

From its consideration of all available information about risks of choking injuries to children associated with small balls and mandatory requirements to reduce those risks, the Commission concludes that:

(1) To date, information has not been developed to establish that small balls present an unreasonable risk of injury to children;

(2) Consequently, information has not been developed to establish that issuance of a mandatory rule to establish a minimum diameter for some or all children's balls or to require labeling of toys and games containing accessible small balls is reasonably necessary; and

(3) If this proceeding were continued, such information is not likely to be developed.

The Commission also concludes that information is not now available or likely to be developed to support the finding that the expected benefits from a rule to establish a minimum diameter for some or all children's balls or to require labeling of toys and games containing accessible small balls would bear a reasonable relationship to its costs. Such a finding is required by section 3(i) of the FHSA to issue a rule to establish a minimum diameter for some or all children's balls or to require labeling of toys and games containing accessible small balls.

Accordingly, the Commission hereby withdraws the ANPR published in the **Federal Register** of June 26, 1990 (55 FR 26080) to initiate a proceeding for development of requirements to address risks of choking deaths and injuries associated with small balls.

Dated: February 5, 1993.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Bibliography

1. **Federal Register** notice "Toys and Articles Intended for Children Under Three Years of Age Which Present Choking, Aspiration, or Ingestion Hazards Because of Small Parts; Request for Comments and Information," published by the Consumer Product Safety Commission, 5 pages, June 7, 1988 (53 FR 20865).

2. Memorandum to the Commission from David W. Thome, OPMB, concerning choking hazards, 16 pages, January 26, 1990.

3. Memorandum to the Commission from Elaine A. Tyrrell, OPMB, concerning comments received in response to advance notice of proposed rulemaking published on June 7, 1988, 10 pages, September 27, 1988.

4. "Analysis of Choking Related Hazards Associated with Children's Products" by Deborah Kale Tinsworth, Directorate for Epidemiology, 34 pages, September, 1989.

5. "A Physiological Review of Toys Causing Choking in Children" by Sharee Pepper, Ph.D., Directorate for Health Sciences, 19 pages, September, 1989.

6. **Federal Register** notice "Medical Advisory Committee on Asphyxiation; Establishment and Solicitation of Applications for Membership," published by the Consumer Product Safety Commission, 2 pages, January 19, 1989 (54 FR 2198).

7. Memorandum from Terrance R. Karels, ECPA, to David W. Thome, OPMB, concerning focus project on choking hazards, 4 pages, November 15, 1989.

8. Description of new test procedure to determine choking hazards presented by toys and articles intended for children younger than three years of age, 1 page.

9. Draft of Advance Notice of Proposed Rulemaking to address choking hazards associated with toys and children's articles.

10. Memorandum from Carol Pollack-Nelson, EPHF, to David W. Thome, OPMB, dated January 10, 1990, entitled "Rationale for Labeling Requirements for Toys and other Articles Intended for Use by Children Age 3 to 6 years," 3 pages; memorandum from Carol Pollack-Nelson, EPHF, to David W. Thome, OPMB, dated January 24, 1990, entitled "Review of Balloon Package Labels," 3 pages.

11. Vote sheet, "Regulatory Options to Address Choking Hazards," dated January 26, 1990, 3 pages.

12. **Federal Register** notice, "Toys and Children's Articles Which Present Choking Hazards Because of Small Parts; Withdrawal of Advance Notice of Proposed Rulemaking," published by the Consumer Product Safety Commission, 2 pages, June 26, 1990 (55 FR 26076.

13. **Federal Register** notice, "Choking Hazards Associated With Small Balls; Request for Comments and Information," published by the Consumer Product Safety Commission, 3 pages, June 26, 1990 (55 FR 26080).

14. Memorandum to the Commission from Marilyn Wind, Directorate for Health Sciences, concerning options to address choking hazards, 23 pages, December 30, 1991.

15. Memorandum from Deborah K. Tinsworth and Suzanne Cassidy, EPHA, to Marilyn Wind, HSPS, concerning updated information on choking deaths, 5 pages, August 15, 1991.

16. Memorandum from Shelley Waters Deppa, EPHF, to Marilyn Wind, HSPS, concerning choking hazard labels for toys, 198 pages, August 23, 1991.

17. Memorandum from Terrance R. Karels, ECPA, to Marilyn Wind, Project Manager, concerning children's choking hazards, 38 pages, October 1, 1991.

18. Comments in response to ANPR of June 26, 1990, 113 pages.

19. Memorandum from Lori Saltzman, Directorate for Health Sciences, to Marilyn Wind, Project Manager, concerning staff analysis of comments on ANPR, 37 pages, August 23, 1991.

20. Letter from Toy Manufacturers of America, Inc., to Shelley Deppa, concerning proposed labeling requirements for toys, 2 pages, July 24, 1991.

21. Log of meeting of Commission staff members with ASTM subcommittee on October 16, 1991, 3 pages.

22. Letter from David J. Weaver to Chairman Jones-Smith concerning requirements for small balls, 1 page, February 19, 1992.

23. Letter from Consumer Federation of America to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosure, 6 pages, February 20, 1992.

24. Letter from Consumer Affairs Committee, Americans for Democratic Action to Chairman Jones-Smith concerning labeling and other requirements for toys, 2 pages, February 24, 1992.

25. Letter from John Hopkins University, Injury Prevention Center to Chairman Jones-Smith concerning labeling of toys, with enclosures, 9 pages; February 25, 1992.

26. Letter from National Association of State Public Interest Research Groups to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosures, 24 pages, February 25, 1992.

27. Letter from California Public Interest Research Group to Chairman Jones-Smith concerning labeling and other requirements for toys, 3 pages, February 27, 1992.

28. Letter from Oregon State Public Interest Research Group to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosures, 19 pages, February 27, 1992.

29. Letter from The Coalition for Consumer Health and Safety to Chairman Jones-Smith concerning labeling and other requirements for toys, 2 pages, March 5, 1992.

30. Letter from Consumers Union to Chairman Jones-Smith concerning labeling and other requirements for toys, 3 pages, March 5, 1992.

31. Letter from New Jersey Public Interest Research Group to Chairman Jones-Smith concerning labeling and other requirements for toys, 2 pages, March 5, 1992.

32. Letter from Public Citizen to Chairman Jones-Smith concerning labeling and other requirements for toys, 1 page, March 10, 1992.

33. Letter from Safe Kids Campaign to Chairman Jones-Smith concerning labeling and other requirements for toys, 2 pages, March 12, 1992.

34. Letter from Connecticut Public Interest Research Group to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosures, 3 pages, March 12, 1992.

35. Letter from Empire State Consumers Association to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosures, 3 pages, March 17, 1992.

36. Letter from Dan Morales and others to Chairman Jones-Smith concerning labeling and other requirements for toys, 4 pages, March 17, 1992.

37. Letter from Toy Manufacturers of America, Inc., to Chairman Jones-Smith concerning labeling and other requirements for toys, 3 pages, March 17, 1992.

38. Vote sheet, "Regulatory options to address choking hazards associated with toys and children's articles," 7 pages, December 30, 1991.

39. Memorandum to the Commission from Marilyn Wind, Directorate for Health Sciences, concerning additional information about choking hazards associated with marbles and small balls, with attachments, 13 pages, February 26, 1992.

40. Memorandum to the Commission from Marilyn Wind, Directorate for Health Science, concerning additional information about balls with diameters less than 1.75 inches, with attachment, 2 pages, March 10, 1992.

41. News release, "Commission Decides Not to Propose Labeling of Marbles, Balloons, and Balls for Choking Hazard," with attachments, 8 pages, March 18, 1992.

42. Statement of Chairman Jones-Smith concerning children's choking hazards, 7 pages, March 18, 1992.

43. Statement of Commissioner Dawson concerning children's choking hazards, 9 pages, March 18, 1992.

44. Statements of Commissioner Gall concerning children's choking hazards, 5 pages, March 18, 1992.

[FR Doc. 93–3291 Filed 2–10–93; 8:45 am]
BILLING CODE 6355–01–M

---

16 CFR Chapter II

Choking Hazards Associated With Marbles; Withdrawal of Advance Notice of Proposed Rulemaking

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: The Consumer Product Safety Commission has decided to terminate a proceeding for the development of labeling requirements for packages of marbles to address risks of choking deaths and injuries to children associated with those products. The Commission began this proceeding by publication of an advance notice of proposed rulemaking (ANPR) on June 26, 1990.

On March 18, 1992, the Commission voted to terminate this proceeding and to withdraw the ANPR published on June 26, 1990. The Commission took this action after considering written comments received in response to the ANPR and other correspondence concerning the proceeding; information about choking deaths of children associated with marbles during the years 1980 through 1991, annual sales of marbles, effectiveness of warning labels, the number of children younger than 10 years old, the potential costs of warning labels to packagers of marbles, and other written materials prepared by the Commission staff; an oral briefing presented by the Commission staff; and other information.

The Commission has concluded that evidence is not available to demonstrate that packages of marbles currently offered for sale to consumers present an unreasonable risk of choking death or injury to children. For that reason the Commission finds no reasonable necessity to issue labeling requirements for packages of marbles.

FOR FURTHER INFORMATION CONTACT: Marilyn Wind, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0477.

SUPPLEMENTARY INFORMATION:

A. Background

In 1979, the Commission issued regulations to ban certain toys and articles which are intended for children younger than three years of age and which present a choking, aspiration, or ingestion hazard because they contain small parts. These regulations are codified at 16 CFR 1500.18(a)(9) and part 1501.

In the **Federal Register** of June 7, 1988 (53 FR 20865), the Commission began a rulemaking proceeding to consider a possible amendment of the small parts regulations for toys and other articles intended for children younger than three years of age (1).[1] After considering comments submitted by interested parties and information developed by the Commission staff (2)–(10), the Commission concluded that the provisions of the small parts regulations have been effective to prevent choking deaths and injuries to children younger than three years of age. For this reason, the Commission published a notice in the **Federal Register** of June 26, 1990 (55 FR 26076), to terminate the proceeding initiated in 1988 (12).

In its review of the small parts regulations, the Commission considered an analysis of choking-related deaths and injuries to children younger than 10 years of age associated with children's products (4). The purpose of that analysis was to provide a comprehensive examination of the types of products involved in choking-related deaths of children that occurred after the small parts regulations were issued. That analysis examined reports of 146 choking-related deaths received by the Commission from January, 1980, through April, 1989, including eight associated with marbles.

At the time the Commission decided to terminate the proceeding for the possible amendment of the small parts rules for toys and other articles intended for children younger than three years of age, the Commission also decided to begin four new rulemaking proceedings to consider risks of choking deaths and injuries to children which may be associated with specific categories of toys, including marbles. In the **Federal Register** of June 26, 1990 (55 FR 26084), the Commission published an ANPR under the authority of the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261 *et seq.*) to begin a proceeding to consider development of requirements for marbles (13).

B. Statutory Authority

Section 2(f)1(D) of the FHSA (15 U.S.C. 1261(f)1(D)) defines the term "hazardous substance" to include "[a]ny toy or other article intended for use by children" which the Commission determines by regulation to present "an electrical, mechanical, or thermal hazard." Section 2(s) of the FHSA provides that an article may be determined to present a "mechanical hazard" if in normal use or reasonably foreseeable use or abuse it presents an "unreasonable risk of personal injury" because the article or any of its parts may be aspirated or ingested or because of any other aspect of its design or manufacture.

The Commission may make its determination that a toy or children's article presents a mechanical hazard by issuance of a regulation in accordance with provisions of sections 3 (e) through (i) of the FHSA (15 U.S.C. 1262 (e) through (i)). A toy or children's article which is subject to a rule issued under provisions of sections 3 (e) through (i) of the FHSA is a "banned hazardous substance" as that term is defined by section 2(q)(1)(A) of the FHSA (15 U.S.C. 1261(q)(1)(A)). The introduction into interstate commerce of a banned hazardous substance is prohibited by section 4 of the FHSA (15 U.S.C. 1263).

As specified by section 3(f) of the FHSA (15 U.S.C. 1262(f)), the ANPR concerning marbles discussed the regulatory alternatives under consideration by the Commission. These alternatives included issuance of a rule to require labeling of packages of marbles to warn of choking hazards to children.

In accordance with section 3(f) of the FHSA, the ANPR included information about existing standards relevant to the proceeding. The ANPR solicited comments from interested persons about the product and risk of injury identified in that notice; invited interested persons to submit an existing standard as the proposed regulation; and invited interested persons to submit a statement of intention to develop or modify a voluntary standard to address risks of choking deaths and injuries to children associated with marbles (13). In response to the ANPR, the Commission received comments from 10 individuals and organizations (18). The Commission also received 10 communications concerning the rulemaking proceeding for marbles after the close of the period for receipt of comments on the ANPR (20), (22)–(30).

C. Information Considered by the Commission

On December 30, 1991, the Commission staff transmitted to the Commission a briefing package of information concerning the proceeding for development of requirements to address choking hazards to children associated with marbles (14)–(21).

The briefing package provided information about choking deaths associated with marbles during the years 1980 through July 1991. During that period, 10 children choked to death on marbles; an average of less than one death per year. Of the children involved in those incidents, one was younger than four years of age; nine were younger than three (15). The staff estimated that the population of the United States younger than 10 years of age is approximately 37 million, and that the population younger than three years of age is about 11 million (32).

The briefing package also contained information about sales of marbles. The staff estimated that about 1.5 billion marbles are sold each year. Of that total, about 450 million marbles (approximately 30 percent) are estimated to be sold for games or play use. The remainder are sold for ornamental or industrial use. The staff estimated that about 11.3 million individual packages of marbles are sold each year (17).

The briefing package discussed studies of labeling effectiveness reported in technical literature, results of a survey of consumers concerning toy labeling, and work by the Commission staff to determine the effectiveness of labeling on packages of marbles to warn adults of the choking hazard to children associated with marbles (16). That work included developing prototypes of labels for packages of marbles to warn of choking hazards to children. The prototype labels were presented to focus groups of parents with children ranging in age from 18 months to six years. The focus groups compared the prototype labels developed by the Commission staff with other labels on toy packages and commented on the effectiveness of the prototype and other labels to communicate the risk of death by choking associated with marbles (16). However, neither the literature search nor the consideration of prototype labels by focus groups provided information about the numbers of deaths or injuries which could be avoided by issuance of mandatory requirements for labeling

[1] Numbers in parentheses identify reference documents listed in Bibliography at the end of this notice. Requests for inspection of any of these documents should be made at the Commission's Public Reading Room, 5401 Westbard Avenue, room 420, Bethesda, Maryland, or by calling the Office of the Secretary at (301) 504–0800.

packages of marbles to warn of choking hazards to children.

The Commission staff estimated that a rule to require a warning label on packages of marbles would impose a total cost of about $17,500 each year on all packagers (17). The staff estimated that a warning label for packages of marbles based on the prototype label could reasonably be expected to lead to a change in consumers' behavior at a rate of approximately one percent (14), (16), (17). However, the staff was not able to estimate the number of choking deaths or injuries associated with marbles that would be avoided as a result of changes in behavior in response to warning labels on packages of marbles (14), (16), (17).

On January 22, 1992, the staff presented an oral briefing to the Commission concerning the proceeding to develop requirements for marbles.

D. Action by the Commission

On March 18, 1992, the Commission voted to terminate the rulemaking proceeding applicable to marbles and to withdraw the ANPR published on June 26, 1990.

The ANPR began a proceeding to consider whether packages of marbles without labels to warn of choking hazards to children present a "mechanical hazard." Section 2(s) of the FHSA provides that a toy or children's article may be determined to present a "mechanical hazard" if it presents "an unreasonable risk of personal injury" because it may be aspirated or ingested or because of any other aspect of its design or manufacture.

In order to make a determination that a product presents an "unreasonable risk of injury," relevant judicial decisions state that the Commission must consider:

- The nature and severity of the risk of injury associated with the product;
- The potential of mandatory requirements for the product to reduce the frequency and severity of the injury; and
- The effect of mandatory requirements on the cost, utility, or availability of the product.

See *Southland Mower* v. *CPSC*, 619 F.2d 499, at 508–509 (5th Cir. 1980); *Aqua Slide 'n' Dive* v. *CPSC*, 569 F.2d 831, at 839–840 (5th Cir. 1978); and *Forester* v. *CPSC*, 559 F.2d 774, at 789 (D.C. Cir. 1977).

Additionally, section 3(i) of the FHSA provides that in order to issue a final rule expressing the Commission's determination that a toy presents a "mechanical hazard," the Commission must make a regulatory analysis which includes a description of the potential benefits and potential costs of the rule and identifies those parties likely to receive the benefits and to bear the costs. Section 3(i) provides further that the Commission may not issue a final rule unless it makes a finding that "the benefits expected from the regulation bear a reasonable relationship to its costs."

Applying the factors involved in the determination of an unreasonable risk of injury, as articulated in relevant judicial decisions, to the information developed during this proceeding, the Commission finds the following:

The Nature and Severity of the Risk of Injury

The nature of the risk of injury to children associated with marbles is that of choking on the product. Choking injuries may result in death, and therefore have the potential to be of the utmost severity.

However, the likelihood of a choking incident is relatively remote. Approximately 1.5 billion marbles are sold each year in the United States, of which approximately 450 million are sold to consumers in packages. The population of the United States younger than 10 years of age is approximately 37 million. On average about one child a year choked to death on a marble during the period from 1980 through July, 1991.

The likelihood that children may choke on marbles is also foreseeable by parents and other consumers. Information obtained from focus groups indicates that parents recognize that marbles pose a choking hazard and are not intended for young children. Consequently, the risk of injury associated with marbles is not a "hidden hazard."

The Potential of Mandatory Requirements to Reduce the Frequency and Severity of the Risk of Injury

The Commission considered information about current labeling practices by packagers of marbles and studies of labeling effectiveness. However, the Commission has no information to demonstrate that issuing mandatory labeling requirements for packages of marbles would reduce either the frequency or severity of choking injuries to children associated with marbles.

Additionally, the Commission considered information indicating that a rule to require labeling of marbles sold in packages would be applicable to only about 30 per cent of all marbles sold in the United States. Information concerning choking deaths of children associated with marbles does not indicate whether any of those marbles were sold in packages, or how any of the children obtained the marbles.

The Effect of Mandatory Requirements on the Cost, Utility, and Availability of the Product

The annual cost to all packagers of a rule to require labeling of packages of marbles is estimated to be about $17,500. Approximately 11.3 million packages of marbles are sold each year. Although available information indicates that issuance of mandatory labeling requirements would have little effect on the cost, utility, or availability of packages of marbles, that fact alone does not justify issuance of such requirements.

E. Conclusions by the Commission

From its consideration of all available information about risks of choking injuries to children associated with marbles and mandatory requirements for labeling of packages of marbles to reduce those risks, the Commission concludes that:

(1) To date, information has not been developed to establish that unlabeled packages of marbles present an unreasonable risk of injury to children;

(2) Consequently, information has not been developed to establish that issuance of a mandatory rule to require labeling of packages of marbles is reasonably necessary; and

(3) If this proceeding were continued, such information is not likely to be developed.

The Commission also concludes that information is not now available or likely to be developed to support the finding that the expected benefits from a rule to require labeling of packages of marbles would bear a reasonable relationship to its costs. Such a finding is required by section 3(i) of the FHSA to issue a rule to ban unlabeled packages of marbles.

Accordingly, the Commission hereby withdraws the ANPR published in the **Federal Register** of June 26, 1990 (55 FR 26084) to initiate a proceeding for development of requirements to address risks of choking deaths and injuries associated with marbles.

Dated: February 5, 1993.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Bibliography

1. **Federal Register** notice "Toys and Articles Intended for Children Under Three Years of Age Which Present Choking, Aspiration, or Ingestion Hazards Because of Small Parts; Request for Comments and Information," published by the Consumer

Product Safety Commission, 5 pages, June 7, 1988 (53 FR 20865).

2. Memorandum to the Commission from David W. Thome, OPMB, concerning choking hazards, 16 pages, January 26, 1990.

3. Memorandum to the Commission from Elaine A. Tyrrell, OPMB, concerning comments received in response to advance notice of proposed rulemaking published on June 7, 1988, 10 pages, September 27, 1988.

4. "Analysis of Choking Related Hazards Associated with Children's Products" by Deborah Kale Tinsworth, Directorate for Epidemiology, 34 pages, September, 1989.

5. "A Physiological Review of Toys Causing Choking in Children" by Sharee Pepper, Ph.D., Directorate for Health Sciences, 19 pages, September, 1989.

6. **Federal Register** notice "Medical Advisory Committee on Asphyxiation; Establishment and Solicitation of Applications for Membership," published by the Consumer Product Safety Commission, 2 pages, January 19, 1989 (54 FR 2198).

7. Memorandum from Terrance R. Karels, ECPA, to David W. Thome, OPMB, concerning focus project on choking hazards, 4 pages, November 15, 1989.

8. Description of new test procedure to determine choking hazards presented by toys and articles intended for children younger than three years of age, 1 page.

9. Draft of Advance Notice of Proposed Rulemaking to address choking hazards associated with toys and children's articles.

10. Memorandum from Carol Pollack-Nelson, EPHF, to David W. Thome, OPMB, dated January 10, 1990, entitled "Rationale for Labeling Requirements for Toys and other Articles Intended for Use by Children Age 3 to 6 Years," 3 pages; memorandum from Carol Pollack-Nelson, EPHF, to David W. Thome, OPMB, dated January 24, 1990, entitled "Review of Balloon Package Labels," 3 pages.

11. Vote sheet, "Regulatory Options to Address Choking Hazards," dated January 26, 1990, 3 pages.

12. **Federal Register** notice, "Toys and Children's Articles Which Present Choking Hazards Because of Small Parts; Withdrawal of Advance Notice of Proposed Rulemaking," published by the Consumer Product Safety Commission, 2 pages, June 26, 1990 (55 FR 26076.

13. **Federal Register** notice, "Choking Hazards Associated With Marbles; Request for Comments and Information," published by the Consumer Product Safety Commission, 3 pages, June 26, 1990 (55 FR 26084).

14. Memorandum to the Commission from Marilyn Wind, Directorate for Health Sciences, concerning options to address choking hazards, 23 pages, December 30, 1991.

15. Memorandum from Deborah K. Tinsworth and Suzanne Cassidy, EPHA, to Maryilyn Wind, HSPS, concerning updated information on choking deaths, 5 pages, August 15, 1991.

16. Memorandum from Shelley Waters Deppa, EPHF, to Marilyn Wind, HSPS, concerning choking hazard labels for toys, 198 pages, August 23, 1991.

17. Memorandum from Terrance R. Karels, ECPA, to Marilyn Wind, Project Manager, concerning children's choking hazards, 38 pages, October 1, 1991.

18. Comments in response to ANPR of June 26, 1990, 113 pages.

19. Memorandum from Lori Saltzman, Directorate for Health Sciences, to Marilyn Wind, Project Manager, concerning staff analysis of comments on ANPR, 37 pages, August 23, 1991.

20. Letter from Toy Manufacturers of America, Inc., to Shelley Deppa, concerning proposed labeling requirements for toys, 2 pages, July 24, 1991.

21. Log of meeting of Commission staff members with ASTM subcommittee on October 16, 1991, 3 pages.

22. Letter from National Association of State Public Interest Research Groups to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosures, 24 pages, February 25, 1992.

23. Letter from California Public Interest Research Group to Chairman Jones-Smith concerning labeling and other requirements for toys, 3 pages, February 27, 1992.

24. Letter from Oregon State Public Interest Research Group to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosures, 19 pages, February 27, 1992.

25. Letter from the Marble Collectors' Society of America to the Consumer Product Safety Commission concerning labeling of packages of marbles, 2 pages, March 2, 1992.

26. Letter from New Jersey Public Interest Research Group to Chairman Jones-Smith concerning labeling and other requirements for toys, 2 pages, March 5, 1992.

27. Letter from Public Citizen to Chairman Jones-Smith concerning labeling and other requirements for toys, 1 page, March 10, 1992.

28. Letter from Connecticut Public Interest Research Group to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosures, 3 pages, March 12, 1992.

29. Letter from Empire State Consumers Association to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosures, 3 pages, March 17, 1992.

30. Letter from Toy Manufacturers of America, Inc., to Chairman Jones-Smith concerning labeling and other requirements for toys, 3 pages, March 17, 1992.

31. Vote sheet, "Regulatory options to address choking hazards associated with toys and children's articles," 7 pages, December 30, 1991.

32. Memorandum to the Commission from Marilyn Wind, Directorate for Health Sciences, concerning additional information about choking hazards associated with marbles and small balls, with attachments, 13 pages, February 26, 1992.

33. News release, "Commission Decides Not to Propose Labeling of Marbles, Balloons, and Balls for Choking Hazards," with attachments, 8 pages, March 18, 1992.

34. Statement of Chairman Jones-Smith concerning children's choking hazards, 7 pages, March 18, 1992.

35. Statement of Commissioner Dawson concerning children's choking hazards, 9 pages, March 18, 1992.

36. Statement of Commissioner Gall concerning children's choking hazards, 5 pages, March 18, 1992.

[FR Doc. 93-3290 Filed 2-10-93; 8:45 am]
BILLING CODE 6355-01-M

16 CFR CHAPTER II

Choking Hazards Associated With Balloons; Withdrawal of Advance Notice of Proposed Rulemaking

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: The Consumer Product Safety Commission has decided to terminate a proceeding for the development of labeling or other requirements for balloons to address risks of choking deaths and injuries to children associated with those products. The Commission began this proceeding by publication of an advance notice of proposed rulemaking (ANPR) on June 26, 1990.

On March 18, 1992, the Commission voted to terminate this proceeding and to withdraw the ANPR published on June 26, 1990.[1] The Commission took this action after considering written comments received in response to the ANPR and other correspondence concerning the proceeding; information about choking deaths of children associated with balloons during the years 1980 through 1991, annual sales of balloons, effectiveness of warning labels, the number of children younger than 10 years old, the potential costs of warning labels to the balloon industry, and other written materials prepared by the Commission staff; an oral briefing presented by the Commission staff; and other information.

The Commission concluded that evidence is not available to demonstrate that balloons in packages currently offered for sale to consumers present an unreasonable risk of choking death or injury to children. For that reason the Commission finds no reasonable necessity to issue labeling requirements for packages of balloons.

FOR FURTHER INFORMATION CONTACT: Marilyn Wind, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0477.

[1] The Commission decided to terminate this proceeding and to withdraw the ANPR published on June 16, 1990, by a 2-1 vote with Chairman Jones-Smith dissenting. Copies of the Commissioners' separate statements are available upon request from the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0800.

VOL 58 ISS 27 FE 11 1993 UMI

SUPPLEMENTARY INFORMATION:

A. Background

In 1979, the Commission issued regulations to ban certain toys and articles which are intended for children younger than three years of age and which present a choking, aspiration, or ingestion hazard because they contain small parts. These regulations are codified at 16 CFR 1500.18(a)(9) and part 1501. Part 1501 exempts balloons and several other categories of products from its provisions. See 16 CFR 1501.3(a).

In the **Federal Register** of June 7, 1988 (53 FR 20865), the Commission began a rulemaking proceeding to consider a possible amendment of the small parts regulations for toys and other articles intended for children younger than three years of age (1).[2] After considering comments submitted by interested parties and information developed by the Commission staff (2)–(10), the Commission concluded that the provisions of the small parts regulations have been effective to prevent choking deaths and injuries to children younger than three years of age. For this reason, the Commission published a notice in the **Federal Register** of June 26, 1990 (55 FR 26076), to terminate the proceeding initiated in 1988 (12).

In its review of the small parts regulations, the Commission considered an analysis of choking-related deaths and injuries to children younger than 10 years of age associated with children's products (4). The purpose of that analysis was to provide a comprehensive examination of the types of products involved in choking-related deaths of children that occurred after the small parts regulations were issued. That analysis examined reports of 146 choking-related deaths received by the Commission from January, 1980, through April, 1989, including 63 associated with balloons.

At the time the Commission decided to terminate the proceeding for the possible amendment of the small parts rules for toys and other articles intended for children younger than three years of age, the Commission also decided to begin four new rulemaking proceedings to consider risks of choking deaths and injuries to children which may be associated with specific categories of toys, including balloons. In the **Federal Register** of June 26, 1990 (55 FR 26077), the Commission published an ANPR under the authority of the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261 *et seq.*) to begin a proceeding to consider development of requirements for balloons (14).

B. Statutory Authority

Section 2(f)1(D) of the FHSA (15 U.S.C. 1261(f)1(D)) defines the term "hazardous substance" to include "[a]ny toy or other article intended for use by children" which the Commission determines by regulation to present "an electrical, mechanical, or thermal hazard." Section 2(s) of the FHSA provides that an article may be determined to present a "mechanical hazard" if in normal use or reasonably foreseeable use or abuse it presents an "unreasonable risk of personal injury" because the article or any of its parts may be aspirated or ingested or because of any other aspect of its design or manufacture.

The Commission may make its determination that a toy or children's article presents a mechanical hazard by issuance of a regulation in accordance with provisions of sections 3(e) through (i) of the FHSA (15 U.S.C. 1262(e) through (i)). A toy or children's article which is subject to a rule issued under provisions of sections 3(e) through (i) of the FHSA is a "banned hazardous substance" as that term is defined by section 2(q)(1)(A) of the FHSA (15 U.S.C. 1261(q)(1)(A)). The introduction into interstate commerce of a banned hazardous substance is prohibited by section 4 of the FHSA (15 U.S.C. 1263).

As specified by section 3(f) of the FHSA (15 U.S.C. 1262(f)), the ANPR concerning balloons discussed the regulatory alternatives under consideration by the Commission. These alternatives included issuance of a rule to require labeling of balloon packages to warn of choking hazards to children. The ANPR also discussed the possibility that other technical requirements might be developed to eliminate or reduce choking hazards associated with balloons. One example given in the ANPR was the possibility of adding a bittering agent to the material used in the production of balloons. Addition of a bittering agent might make the taste of balloons sufficiently unpleasant to children that they would not want to keep balloons in their mouths.

In accordance with section 3(f) of the FHSA, the ANPR included information about existing standards relevant to the proceeding. The ANPR solicited comments from interested persons about the product and risk of injury identified in that notice; invited interested persons to submit an existing standard as the proposed regulation; and invited interested persons to submit a statement of intention to develop or modify a voluntary standard to address risks of choking deaths and injuries to children associated with balloons (14). In response to the ANPR, the Commission received comments from 11 individuals and organizations (19). The Commission also received 17 communications concerning the rulemaking proceeding for balloons after the close of the period for receipt of comments on the ANPR (21), (23)–(38).

C. Information Considered by the Commission

On December 30, 1991, the Commission staff transmitted to the Commission a briefing package of information concerning the proceeding for development of requirements to address choking hazards to children associated with balloons (15)–(22).

The briefing package provided information about choking deaths associated with balloons during the years 1980 through July, 1991. During that period, 76 children choked to death on balloons or balloon fragments; an average of about seven deaths per year. Of the children involved in those incidents, 34 were younger than three years of age; 42 were three years old or older (16). The staff estimated that the population of the United States younger than 10 years of age is approximately 37 million, and that the population younger than three years of age is about 11 million (40).

The briefing package also contained information about sales of balloons. The staff estimated that about 1.2 billion latex balloons are sold each year. Of that total, about 770 million latex balloons (64 percent) are estimated to be sold in packages to consumer each year. The number of individual packages of balloons sold each year is estimated to range from 75 to 130 million units. More than 400 million latex balloons (about 35 percent of the total) are sold to corporate accounts, primarily for promotional purposes. An additional 120 million balloons (about one per cent of the total) are sold as decorator balloons (18).

The briefing package discussed studies of labeling effectiveness reported in technical literature, results of a survey of consumers concerning toy labeling, and work by the Commission staff to determine the effectiveness of labeling on packages of balloons to warn adults of the choking hazard to children associated with balloons (17). That work included developing prototypes of labels for packages of balloons to warn of choking hazards to children. The

[2] Numbers in parentheses indentify reference documents listed in Bibliography at the end of this notice. Requests for inspection of any of these documents should be made at the Commission's Public Reading Room, 6501 Westward Avenue, room 420, Bethesda, Maryland, or by calling the Office of the Secretary at (301) 504–0800.

prototype labels were presented to focus groups of parents with children ranging in age from 18 months to six years. The focus groups compared the prototype labels developed by the Commission staff with labels currently used on balloon packages and commented on the effectiveness of the prototype and other labels to communicate the risk of death by choking associated with balloons (16). However, neither the literature search nor the consideration of prototype and existing labels by focus groups provided information about the numbers of deaths or injuries which could be avoided by issuance of mandatory requirements for labeling packages of balloons to warn of choking hazards to children.

The Commission staff estimated that a rule to require a warning label on balloon packages would impose a total cost on the regulated industry of about $167,000 each year (18). The staff estimated that a warning label on balloon packages based on the prototype label could reasonably be expected to lead to a change in consumers' behavior at a rate of approximately one per cent (15), (17), (18). However, the staff was not able to estimate the number of choking deaths or injuries associated with balloons that would be avoided as a result of changes in behavior in response to warning labels on packages of balloons (15), (17), (18).

The briefing package also contained information about provisions for labeling of balloon packages in a voluntary standard for toy safety. That information included the text of the labeling statement, provisions applicable to size of lettering, placement of the label, prominence and contrast of the label, and information about the extent of conformance with the labeling provisions of the voluntary standard by the balloon industry (15), (17), (20).

The briefing package also stated that no feasible technical requirements are known to the staff which could eliminate or adequately reduce risks of choking deaths to children associated with balloons (15), (19), (20).

On January 15, 1992, the staff presented an oral briefing to the Commission concerning the proceeding to develop requirements for balloons.

D. Action by the Commission

On March 18, 1992, the Commission voted to terminate the rulemaking proceeding applicable to balloons and to withdraw the ANPR published on June 26, 1990.

The ANPR began a proceeding to consider whether packages of balloons without labels to warn of choking hazards to children present a "mechanical hazard." Section 2(s) of the FHSA provides that a toy or children's article may be determined to present a "mechanical hazard" if it presents "an unreasonable risk of personal injury" because it may be aspirated or ingested or because of any other aspect of its design or manufacture.

In order to make a determination that a product presents an "unreasonable risk of injury," relevant judicial decisions state that the Commission must consider:

- The nature and severity of the risk of injury associated with the product;
- The potential of mandatory requirements for the product to reduce the frequency and severity of the injury; and
- The effect of mandatory requirements on the cost, utility, or availability of the product.

See Southland Mower v. *CPSC*, 619 F.2d 499, at 508–509 (5th Cir. 1980); *Aqua Slide 'n' Dive* v. *CPSC*, 569 F.2d 831, at 839–840 (5th Cir. 1978); and *Forester* v. *CPSC*, 559 F.2d 774, at 789 (D.C. Cir. 1977).

Additionally, section 3(i) of the FHSA provides that in order to issue a final rule expressing the Commission's determination that a toy presents a "mechanical hazard," the Commission must make a regulatory analysis which includes a description of the potential benefits and potential costs of the rule and identifies those parties likely to receive the benefits and to bear the costs. Section 3(i) provides further that the Commission may not issue a final rule unless it makes a finding that "the benefits expected from the regulation bear a reasonable relationship to its costs."

Applying the factors involved in the determination of an unreasonable risk of injury, as articulated in relevant judicial decisions, to the information developed during this proceeding, the Commission finds the following:

The Nature and Severity of the Risk of Injury

The nature of the risk of injury to children associated with balloons is that of choking when an uninflated balloon or fragment of a balloon becomes lodged in a child's airway. Choking injuries may result in death, and therefore have the potential to be of the utmost severity.

However, the likelihood of a choking incident is relatively remote. Approximately 1.2 billion balloons are sold each year in the United States, of which approximately 770 million are sold to consumers in packages. As many as 130 million packages of balloons may be sold each year. The population of the United States younger than 10 years of age is approximately 37 million. On average about seven children younger than ten years of age died in choking incidents associated with balloons each year during the period from 1980 through July, 1991.

The Potential of Mandatory Requirements To Reduce the Frequency and Severity of the Risk of Injury

The Commission considered information about provisions of a voluntary standard applicable to labeling of packages of balloons, current labeling practices by packagers of balloons, and studies of labeling effectiveness. However, the Commission has no information to demonstrate that issuing mandatory requirements for labeling of packages of balloons would reduce either the frequency or severity of choking injuries to children associated with balloons.

Additionally, the Commission considered information indicating that a rule to require labeling of balloons sold in packages would apply to about 64 per cent of all balloons sold in the United States. A rule to require labeling of all packages of balloons would not affect the more than 400 million balloons sold individually each year. Information concerning choking deaths of children associated with balloons does not indicate whether any of those balloons were sold in packages, or how any of the children obtained the balloons.

The Effect of Mandatory Requirements on the Cost, Utility, and Availability of the Product

The annual cost to all packagers of a rule to require labeling of packages of balloons is estimated to be about $167,000. As many as 130 million packages of balloons each year might be subject to such a rule. Although available information indicates that issuance of mandatory labeling requirements would have little effect on the cost, utility, or availability of packages of balloons, that fact alone does not justify issuance of such requirements.

E. Conclusions by the Commission

From its consideration of all available information about risks of choking injuries to children associated with balloons and mandatory requirements for labeling of packages of balloons to reduce those risks, the Commission concludes that:

(1) To date, information has not been developed to establish that unlabeled packages of balloons present an unreasonable risk of injury to children;

(2) Consequently, information has not been developed to establish that issuance of a mandatory rule to require labeling of balloon packages is reasonably necessary; and

(3) If this proceeding were continued, such information is not likely to be developed.

The Commission also concludes that information is not now available or likely to be developed to support the finding that the expected benefits from a rule to require labeling of balloon packages to warn of choking hazards to children would bear a reasonable relationship to its costs. Such a finding is required by section 3(i) of the FHSA to issue a rule to ban unlabeled packages of balloons.

Accordingly, the Commission hereby withdraws the ANPR published in the **Federal Register** of June 26, 1990 (55 FR 26077) to initiate a proceeding for development of requirements to address risks of choking deaths and injuries associated with balloons.

Dated: February 5, 1990.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Bibliography

1. **Federal Register** notice "Toys and Articles Intended for Children Under Three Years of Age Which Present Choking, Aspiration, or Ingestion Hazards Because of Small Parts; Request for Comments and Information," published by the Consumer Product Safety Commission, 5 pages, June 7, 1988 (53 FR 20865).

2. Memorandum to the Commission from David W. Thome, OPMB, concerning choking hazards, 16 pages, January 26, 1990.

3. Memorandum to the Commission from Elaine A. Tyrrell, OPMB, concerning comments received in response to advance notice of proposed rulemaking published on June 7, 1988, 10 pages, September 27, 1988.

4. "Analysis of Choking Related Hazards Associated with Children's Products" by Deborah Kale Tinsworth, Directorate for Epidemiology, 34 pages, September, 1989.

5. "A Physiological Review of Toys Causing Choking in Children" by Sharee Pepper, Ph.D., Directorate for Health Sciences, 19 pages, September, 1989.

6. **Federal Register** notice "Medical Advisory Committee on Asphyxiation: Establishment and Solicitation of Applications for Membership," published by the Consumer Product Safety Commission, 2 pages, January 19, 1989 (54 FR 2198).

7. Memorandum from Terrance R. Karels, ECPA, to David W. Thome, OPMB, concerning focus project on choking hazards, 4 pages, November 15, 1989.

8. Description of new test procedure to determine choking hazards presented by toys and articles intended for children younger than three years of age, 1 page.

9. Draft of Advance Notice of Proposed Rulemaking to address choking hazards associated with toys and children's articles.

10. Memorandum from Carol Pollack-Nelson, EPHF, to David W. Thome, OPMB, dated January 10, 1990, entitled "Rationale for Labeling Requirements for Toys and other Articles Intended for Use by Children Age 3 to 6 Years," 3 pages; memorandum from Carol Pollack-Nelson, EPHF, to David W. Thome, OPMB, dated January 24, 1990, entitled "Review of Balloon Package Labels," 3 pages.

11. Vote sheet, "Regulatory Options to Address Choking Hazards," dated January 26, 1990, 3 pages.

12. Letter from Elaine A. Tyrrell, Project Manager, to Ms. Rose Dougherty, F 15 Committee Staff Manager, ASTM Standards Coordination, dated April 30, 1990, concerning comments of the staff of the Consumer Product Safety Commission on revision of F 963–86, Consumer Safety Specification on Toy Safety, to include labeling of balloons.

13. **Federal Register** notice, "Toys and Children's Articles Which Present Choking Hazards Because of Small Parts; Withdrawal of Advance Notice of Proposed Rulemaking," published by the Consumer Product Safety Commission, 2 pages, June 26, 1990 (55 FR 26076).

14. **Federal Register** notice, "Choking Hazards Associated With Balloons; Request for Comments and Information," published by the Consumer Product Safety Commission, 3 pages, June 26, 1990 (55 FR 26077).

15. Memorandum to the Commission from Marilyn Wind, Directorate for Health Sciences, concerning options to address choking hazards, 23 pages, December 30, 1991.

16. Memorandum from Deborah K. Tinsworth and Suzanne Cassidy, EPHA, to Marilyn Wind, HSPS, concerning updated information on choking deaths, 5 pages, August 15, 1991.

17. Memorandum from Shelley Waters Deppa, EPHF, to Marilyn Wind, HSPS, concerning choking hazard labels for toys, 198 pages, August 23, 1991.

18. Memorandum from Terrance R. Karels, ECPA, to Marilyn Wind, Project Manager, concerning children's choking hazards, 38 pages, October 1, 1991.

19. Comments in response to ANPR of June 26, 1990, 113 pages.

20. Memorandum from Lori Saltzman, Directorate for Health Sciences, to Marilyn Wind, Project Manager, concerning staff analysis of comments on ANPR, 37 pages, August 23, 1991.

21. Letter from Toy Manufacturers of America, Inc., to Shelley Deppa, concerning proposed labeling requirements for toys, 2 pages, July 24, 1991.

22. Log of meeting of Commission staff members with ASTM subcommittee on October 16, 1991, 3 pages.

23. Letter from Consumer Federation of America to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosure, 6 pages, February 20, 1992.

24. Letter from Consumer Affairs Committee, Americans for Democratic Action, to Chairman Jones-Smith concerning labeling and other requirements for toys, 2 pages, February 24, 1992.

25. Letter from Johns Hopkins University, Injury Prevention Center, to Chairman Jones-Smith concerning labeling of toys, with enclosures, 9 pages, February 25, 1992.

26. Letter from National Association of State Public Interest Research Groups to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosures, 24 pages, February 25, 1992.

27. Letter from California Public Interest Research Group to Chairman Jones-Smith concerning labeling and other requirements for toys, 3 pages, February 27, 1992.

28. Letter from Oregon State Public Interest Research Group to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosures, 19 pages, February 27, 1992.

29. Letter from Coalition for Consumer Health and Safety to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosures, 19 pages, February 27, 1992.

30. Letter from Consumers Union to Chairman Jones-Smith concerning labeling of toys, 3 pages, March 5, 1992.

31. Letter from New Jersey Public Interest Research Group to Chairman Jones-Smith concerning labeling and other requirements for toys, 2 pages, March 5, 1992.

32. Letter from The Balloon Council to Chairman Jones-Smith concerning labeling of Balloon Packages, 2 pages, March 5, 1992.

33. Letter from Public Citizen to Chairman Jones-Smith concerning labeling and other requirements for toys, 1 page, March 10, 1992.

34. Letter from Safe Kids Campaign to Chairman Jones-Smith concerning labeling and other requirements for toys, 2 pages, March 12, 1992.

35. Letter from Connecticut Public Interest Research Group to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosures, 3 pages, March 12, 1992.

36. Letter from Empire State Consumers Association to Chairman Jones-Smith concerning labeling and other requirements for toys, with enclosures, 3 pages, March 17, 1992.

37. Letter from Dan Morales and others to Chairman Jones-Smith concerning labeling and other requirements for toys, 4 pages, March 17, 1992.

38. Letter from Toy Manufacturers of America, Inc., to Chairman Jones-Smith concerning labeling and other requirements for toys, 3 pages, March 17, 1992.

39. Memorandum to the Commission from Marilyn L. Wind, Directorate for Health Sciences, concerning additional information about choking hazards associated with balloons, with attachments, 13 pages, February 25, 1992.

40. Memorandum to the Commission from Marilyn L. Wind, Directorate for Health Sciences, concerning additional information about choking hazards associated with marbles and small balls, with attachments, 13 pages, February 26, 1992.

41. Vote sheet, "Regulatory options to address choking hazards associated with toys and children's articles," 7 pages, December 30, 1991.

42. News release, "Commission Decides Not to Propose Labeling of Marbles, Balloons,

and Balls for Choking Hazard," with attachments, 8 pages, March 16, 1992.

43. Statement of Chairman Jones-Smith concerning children's choking hazards, 7 pages, March 18, 1992.

44. Statement of Commissioner Dawson concerning children's choking hazards, 9 pages, March 18, 1992.

45. Statement of Commissioner Gall concerning children's choking hazards, 5 pages, March 18, 1992.

[FR Doc. 93-3289 Filed 2-10-93; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[IA-17-90]

RIN 1545-A057

Reporting Requirements for Recipients of Points Paid on Residential Mortgages; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains a correction to [IA-17-90], which was published in the **Federal Register** for Thursday, December 31, 1992 (57 FR 62526). The proposed regulations relate to the reporting of points paid on residential mortgages.

FOR FURTHER INFORMATION CONTACT: James L. Atkinson on (202) 622-4950 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The proposed regulations that are the subject of these corrections provide regulations under 6050H of the Internal Revenue Code.

Need for Correction

As published, the proposed regulation contains an error which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of proposed regulations IA-17-90 which was the subject of FR Doc. 92-31187, is corrected as follows:

§ 1.6050H-1 [Corrected]

On page 62529, third column, § 1.6050H-1(f)((2)(iii), fourth line of the paragraph, "paragraph (f)(5) of this section), even" is corrected to read "paragraph (f)(4) of this section), even".

Cynthia Grigsby,

Alternate Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 93-3182 Filed 2-10-93; 8:45 am]

BILLING CODE 4830-01-M

---

26 CFR Part 1

[PS-56-90]

RIN 1545-A078

Application of Section 514(c)(9)(E) of the Internal Revenue Code to Partnerships in Which One or More (but not all) of the Partners Are Qualified Organizations Within the Meaning of Section 514(c)(9)(C); Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains a correction to [PS-56-90], which was published in the **Federal Register** for Wednesday, December 30, 1992 (57 FR 62266). The proposed regulations relate to partnerships in which one or more (but not all) of the partners are qualified tax-exempt organizations.

FOR FURTHER INFORMATION CONTACT: Christopher G. Kehoe at (202)-622-3080 (not a toll free number).

SUPPLEMENTARY INFORMATION:

Background

The proposed regulations that are the subject of this correction provide regulations under section 514(c)(9)(E) of the Internal Revenue Code.

Need for Correction

As published, the proposed regulations contain an error which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of proposed regulations PS-56-90 which was the subject of FR Doc. 92-30430, is corrected as follows:

§ 1.514 [Corrected]

On page 62274, second column, § 1.514(c)-2(n)(3), first line in the column, the language "thought VI of Notice 90-41, 90-1 C.B." is corrected to read "through VI of Notice 90-41, 1990-1 C.B.".

Cynthia Grigsby,

Alternate Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 93-3184 Filed 2-10-93; 8:45 am]

BILLING CODE 4830-01-M

---

26 CFR Part 1

[IA-57-89]

RIN 1545-AN73

Consolidated Returns-Alternative Minimum Tax; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains corrections to a notice of proposed rulemaking (IA-57-89), which was published in the **Federal Register** for Wednesday, December 30, 1992 (57 FR 62251). The notice of proposed rulemaking relates to the computation of the alternative minimum tax by consolidated groups.

FOR FURTHER INFORMATION CONTACT: Martin Scully, Jr. (202)-622-4960 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The proposed regulations that are the subject of these corrections provide regulations under sections 53 through 59, 1502, and 1552 of the Internal Revenue Code.

Need for Correction

As published, the proposed regulation contains errors which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the proposed regulation (IA-57-89), which was the subject of FR Doc. 92-31086, is corrected as follows:

1. On page 62254, column 1, in the preamble under the heading "*B. Carryover of Consolidated MTC to Separate Return Years*", third full paragraph in the column, fifth line, the language, "method S would be allocated $10 of" is corrected to read "method S would be allocated".

§ 1.1502-55 [Corrected]

2. On page 62262, column 3, § 1.1502-55(h)(5)(ii), lines 6 through 8, the language "of the consolidated credits (other than the consolidated MTC) allowable under part IV of

subchapter A of chapter 1 of" is corrected to read "of the consolidated credits allowable under subparts A, B, D, E, and F of part III of subchapter A of chapter 1".

§ 1.1502–55 [Corrected]

3. On page 62264, column 1, § 1.1502–55(h)(6)(v), paragraph (ii)(c) of *Example 1*, lines 3 and 4 of the paragraph following the table, the language "computed with S2's items is more than that amount computed without S2's items, S2 has" is corrected to read "computed without S2's items more than that amount computed with S2's items, S2 has".

Cynthia Grigsby,

Alternate Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 93–3185 Filed 2–10–93; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 14, 18, and 75

RIN 1219–AA65

Requirements for Approval of Flame-Resistant Conveyor Belts

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Extension of comment period.

SUMMARY: The Mine Safety and Health Administration (MSHA) is extending the period for public comment regarding the Agency's proposed rulemaking on approval requirements for testing and approval of flame-resistant conveyor belts to be used in underground mines.

DATES: Written comments must be received on or before March 26, 1993.

ADDRESSES: Send comments to the Office of Standards, Regulations, and Variances, MSHA, room 631, Ballston Towers No. 3, 4015 Wilson Boulevard, Arlington, VA 22203.

SUPPLEMENTARY INFORMATION: On December 24, 1992, MSHA published a proposed rule (57 FR 61524) to implement new procedures and requirements for testing and approval of flame-resistant conveyor belts for use in underground mines. The proposed revisions would replace MSHA's existing test for the flame-resistance of conveyor belts and make conforming amendments to safety standards which require the use of such belts.

The comment period was scheduled to close on February 22, 1993. The Agency is extending the comment period to March 26, 1993 in response to requests from the mining community. All interested parties are encouraged to submit comments prior to that date.

Dated; February 3, 1993.

Edward C. Hugler,

Acting Assistant Secretary for Mine Safety and Health.

[FR Doc. 93–3216 Filed 2–10–93; 8:45 am]

BILLING CODE 4510–43–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 144 and 191

[FRL–4593–6]

Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes; Hearings and Dockets

AGENCY: Environmental Protection Agency.

ACTION: Notice of public hearings on proposed standards and establishment of dockets.

SUMMARY: This is a notice of public hearings on the proposed amendments to 40 CFR parts 144 and 191. These proposed amendments pertain to environmental radiation protection standards for the disposal of spent nuclear fuel, high-level and transuranic radioactive wastes.

This is also a notice of the establishment of dockets in three locations in New Mexico for the purpose of keeping the public informed on the 40 CFR parts 144 and 191 rulemaking and the Agency's rulemaking activities under the Waste Isolation Pilot Plant Land Withdrawal Act.

DATES: The public hearings will take place from noon to 9 p.m. (with a dinner break from 5:30 p.m. to 6:30 p.m.), Tuesday, February 23 through Thursday, February 25, 1993, at the locations given below. There will be provision for an extension to Friday, February 26, if the Agency finds it necessary. For speakers to receive scheduled times to testify, requests to speak must be received on or before February 18, 1993. Speakers not registered on or before February 18 may register at the door and will be scheduled if time permits.

Information related to 40 CFR parts 144 and 191 rulemaking will be available in the dockets at the locations listed below by February 12, 1993.

ADDRESSES: The hearings will be held at the Park Inn International, 3706 National Parks Highway, Carlsbad, NM, on February 23, 1993; at the Albuquerque Convention Center, 401 Second Street, NW., Albuquerque, NM, on February 24, 1993; and at the Ramada Inn, 2907 Cerillos Road, Santa Fe, NM, on February 25 (and February 26, if deemed necessary by the Agency), 1993. To testify, send registration requests and the following information: Name, Address, Organizational Affiliation (if any), Desired Hearing Date and Place, Times available to testify, and Daytime phone to Jim Toole, AST, 2121 Crystal Drive, Suite 514, Arlington, VA 22202, or call Mr. Toole directly at (703) 920–1864. Registrations must be received on or before February 18. AST will contact individuals by phone to confirm registration.

EPA currently has one official docket (for purposes of judicial review) for the parts 144 and 191 rulemaking: Docket No. R–89–01, located in room M–1500, Waterside Mall, 401 M St., SW., Washington, DC 20460. EPA has established separate, official dockets in Washington for other rulemaking activities under the Waste Isolation Pilot Plant Land Withdrawal Act. (Docket Nos. A–92–56, A–92–57, A–93–02) A.T.S.

The Agency is in the process of establishing dockets at three locations in New Mexico for the parts 144 and 191 rulemaking and other rulemaking activities under the Waste Isolation Pilot Plant Land Withdrawal Act. The dockets in New Mexico will be located at the Municipal Library, 101 S. Halegueno, Carlsbad, NM; the Meem Library, St. John's College, 1160 Camino Cruz Blanca, Santa Fe, NM; and the Government Publications Department, Zimmerman Library, University of New Mexico, Albuquerque, NM.

All three locations in New Mexico will contain informational dockets for the parts 144 and 191 rulemaking, i.e., they will only contain major items from the official docket plus all those documents added to the official docket since October 1992. The Carlsbad and Santa Fe locations will also be informational dockets for all these rulemakings and EPA will keep these dockets as up-to-date and complete as possible. The Albuquerque location will keep official dockets for other rulemaking activities under the Waste Isolation Pilot Plant Land Withdrawal Act.

FOR FURTHER INFORMATION CONTACT: Ray Clark, Office of Radiation and Indoor Air, 202–233–9310 or the 24-hour information line, 202–233–9716.

SUPPLEMENTARY INFORMATION: The subject of the public hearings is the

proposed amendments to 40 CFR parts 144 and 191.

Individual speakers will be allocated 5 minutes and individuals testifying on behalf of groups or organizations will be allocated 10 minutes for an oral presentation exclusive of the time consumed by questions from the government panel and answers to these questions.

Dated: February 5, 1993.

Michael H. Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 93–3196 Filed 2–10–93; 8:45 am]

BILLING CODE 6560–50–M

---

40 CFR Part 194

[FRL–4593–7]

Criteria for the Certification of Compliance with Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance Notice of Proposed Rulemaking (ANPR).

SUMMARY: The U.S. Environmental Protection Agency intends to develop criteria for certifying compliance with 40 CFR part 191, Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes. These criteria will be developed pursuant to the Agency's authority under the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act which requires the Agency to issue proposed criteria by October 30, 1993 and final criteria by October 30, 1994. These criteria will be used by the Agency in certifying whether or not the WIPP facility complies with the 40 CFR part 191 disposal standards.

DATES: To be of maximum value, comments on today's notice should be received within 30 days of the date of publication of this notice in the **Federal Register**. Comments received after that date will be considered to the extent possible.

ADDRESSES: Comments should be submitted, in duplicate, to Docket No. A–92–56, Air Docket, room M–1500 (LE–131), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Materials relevant to this rulemaking are contained in Docket No. A–92–56 located in room 1500 (first floor in Waterside Mall near the Washington Information Center), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The docket may be inspected between 8:30 a.m. and 12 noon and between 1:30 p.m. and 3:30 p.m. on weekdays. As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying docket materials.

FOR FURTHER INFORMATION CONTACT: Caroline Petti, Office of Radiation and Indoor Air (6602J), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; telephone (202) 233–9310.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy (DOE) is developing the Waste Isolation Pilot Plant (WIPP) near Carlsbad in southeastern New Mexico as a deep geologic repository for disposal of defense transuranic (TRU) radioactive waste. TRU wastes are materials containing elements having atomic numbers greater than 92 in concentrations greater than 100 nanocuries of alpha-emitting TRU isotopes, with half-lives greater than twenty years, per gram of waste. Most TRU wastes are items that have become contaminated as a result of activities associated with the production of nuclear weapons; e.g., rags, equipment, tools, and contaminated organic and inorganic sludges.

Congress authorized the development of the WIPP in 1979 for the express purpose of providing a research and development facility to demonstrate the safe disposal of radioactive wastes resulting from the defense activities and programs of the United States. (Pub. L. 96–164). Before beginning disposal of radioactive waste at the WIPP, DOE must demonstrate that the WIPP will comply with the Environmental Protection Agency's (EPA) radioactive waste disposal regulations at 40 CFR part 191 (Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes).

On October 30, 1992 the Waste Isolation Pilot Plant Land Withdrawal Act was enacted. (Pub. L. 102–579.) Among other things, the new law specifies the terms and conditions for the DOE's activities at the WIPP and the regulatory requirements which apply throughout various stages of the repository's development. The law provides an extensive role for EPA in reviewing the DOE's activities at the WIPP including the role of certifying whether or not the WIPP will comply with the Agency's radioactive waste disposal standards.

Under the new law, EPA is required to develop criteria for the Administrator's certification of compliance with 40 CFR part 191. EPA is required to issue proposed compliance criteria by October 30, 1993 and to issue final compliance criteria by October 30, 1994.

In promulgating compliance criteria pursuant to the WIPP Land Withdrawal Act, EPA intends to specify requirements for implementing the 40 CFR part 191 disposal standards and to clarify compliance-related ambiguities which may currently exist. The Agency is requesting information and comments pertinent to the development of 40 CFR part 191 compliance criteria. Listed below are specific questions or areas of inquiry on which the Agency is soliciting comment at this time; however, in developing proposed and final compliance criteria, the Agency may address other issues.

1. What is the appropriate analytical "degree of confidence" for determining compliance with the long-term numerical disposal standards (40 CFR part 191)? The question arises because of the uncertainties associated with the long-term assessments required by these standards; unequivocal numerical proof of compliance with the standards is neither necessary nor likely to be obtained. Therefore, it is incumbent upon the Agency to define an acceptable level of certainty for compliance with the standards. Should the Agency require a specific statistical test for determining compliance or specify a more general "level of confidence" necessary for compliance?

2. The accuracy of 40 CFR part 191 compliance assessments is based, in part, on the accuracy of the assumed composition of the expected waste inventory. What methods and quality assurance measures should be employed to assure and confirm the accuracy and/or adequacy of the radionuclide inventory estimates assumed for WIPP compliance assessment? The question arises because of the uncertainties associated with DOE's TRU waste characterization information and approach.

3. Compliance with the 40 CFR part 191 disposal standards involves modeling projections of disposal system performance. What types of models (e.g., geo-chemical, ground-water flow, transport, etc.) should be used to demonstrate compliance and how should EPA determine that those models are adequate?

4. What methods or procedures should be employed to assure the

quality and completeness of data used in determining WIPP's compliance with 40 CFR part 191?

5. Compliance with 40 CFR part 191 is determined by evaluating the degree to which various processes and events affecting the performance of a disposal system are likely to lead to radionuclide releases and radiation doses to members of the public. The Agency is interested in any suggestions for guidance or criteria (e.g., simplifying assumptions) aimed at reducing uncertainty or undue speculation which may be associated with these assessments.

6. EPA's 40 CFR part 191 disposal standards include a set of qualitative Assurance Requirements (See 40 CFR 191.14) designed to provide the confidence needed for long-term compliance with the quantitative requirements of the standards. The Assurance Requirements address such things as institutional controls at disposal sites, monitoring and the use of engineered barriers to isolate wastes from the environment. In what ways, or pursuant to what processes, should EPA specify criteria which addresses compliance with these requirements?

7. The U.S. Nuclear Regulatory Commission has issued regulations and guidance establishing procedures, criteria, terms and conditions for licensing low-level and high-level radioactive waste disposal facilities. (See 10 CFR part 61 and 10 CFR part 60.) To what extent should EPA consider adopting, with or without modification, these NRC requirements in our compliance criteria?

8. Are there other issues EPA should address in proposing compliance criteria?

List of Subjects in 40 CFR 194

Environmental protection, Radiation protection, Transuranic radioactive waste, Waste treatment and disposal.

Dated: February 1, 1993.

Michael H. Shapiro,

Acting Assistant Administrator, Air and Radiation.

[FR Doc. 93–3195 Filed 2–10–93; 8:45 am]

BILLING CODE 6560–50–P

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 29)]

Rail General Exemption Authority—Petition of AAR To Exempt Rail Transportation of Selected Commodity Groups[1]

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is seeking public comment on whether to exempt from its regulation rail transportation of the commodity groups set forth in appendix A to this document. If exempted, these commodities would be added to the list of exempt commodities, as set forth in the proposed revisions.[2]

DATES: Any person interested in participating in this proceeding as a party of record by filing and receiving written comments must file a notice of intent to do so by February 26, 1993. We will issue a service list of the parties of record shortly thereafter. Petitioner shall furnish each party on the list with a copy of its petition within 10 days after the service list is issued. Initial written comments must be filed within 30 days after service of the service list. All parties will have 50 days after service of the service list to reply. The exact filing dates will be specified in the notice accompanying the service list. Comments must be served upon all other parties of record.

ADDRESSES: Send notices of intent and an original and 10 copies of pleadings referring to Ex Parte No. 346 (Sub-No. 29) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Marc A. Lerner, (202) 927–6289 Richard B. Felder, (202) 927–5610. [TDD for hearing impaired: (202) 927–5721].

SUPPLEMENTARY INFORMATION: The Association of American Railroads (AAR) has petitioned for an exemption under 49 U.S.C. 10505 for the rail transportation of 31 selected commodity groups.[3] AAR seeks exemption from our regulation for all rail carriers nationwide. As discussed below, we are instituting this rulemaking.

Sectin 10505 requires us to grant an exemption when we find that: (1) Regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a (NRTP); and (2) either (a) The transaction or service is of limited scope, or (b) regulation is not needed to protect shippers from an abuse of market power. AAR contends that its proposal meets these criteria.

AAR states that the subject commodities are proposed for exemption for one or more of the following reasons: (1) The commodity is already predominantly handled in exempt service (generally boxcars), and an exemption would ensure that all rail movements of the commodity have the same regulatory status; (2) the rail market share is so small that railroads are not a competitive factor, and exemption would be an avenue toward promoting more effective rail competition against other modes; (3) the commodity is readily substituted for, and thus competes with, other products which are already exempt from regulation; and (4) much of the traffic presently moves under rail

[1] Originally entitled Rail General Exemption Authority—Petition of AAR to Exempt Rail Transportation of 31 Selected Commodity Groups. The specific number has been dropped because use of an exact number is unnecessary and may also be inaccurate in terms of the number of groups finally exempted—particularly since 3 groups have already been proposed for exemption elsewhere. (See n.3, infra.)

[2] Our proposed amendatory language consists of the chart in § 1039.11 in its entirely, as modified by AAR's proposal. We have also made updates to the section and corrections where necessary. In addition, we have deleted STCCs 37–11, 37–14, and 41–118 for the reasons stated below. Because exemption of the rail transportation of the specific commodity groups proposed for exemption in STCCs 13 and 33 would result in exemption of all of the commodities in STCCs 13 and 33, we have proposed exemption of those two STCCs in their entirety. Finally, we note that exemption of the rail transportation of the commodities described in STCC Nos. 24–1, 24–2, 24–3, and 24–9 would leave only STCC No. 24–4, wooden containers, in STCC 24. Consequently, on our own, we are proposing exemption of STCC No. 24–4 as well, which would result in exemption of STCC 24 in its entirety, subject, of course, to public comment.

[3] As noted, the Commission has already proposed exemption of two of the commodity groups included in this petition, *i.e.*, STCC Nos. 37–11 (motor vehicles) and 37–14 (motor vehicle parts or accessories). See Ex Parte No. 346 (Sub-No. 27), Rail General Exemption Authority—Transportation Equipment, unprinted decision served July 9, 1992 (57 FR 30709, July 10, 1992); and unprinted decision narrowing scope of proposed exemption served August 20, 1992 (57 FR 37763, August 20, 1992 (57 FR 37763, August 20, 1992). Consequently, consideration of those two groups will be excluded at the outset from this proposal. Moreover, certain comments in the Sub-No. 27 proceeding have asked the Commission to exempt also STCC 41–118 (used vehicles) as part of that proceeding. Consequently, we will also not consider that commodity here.

Accompaning the proposal are supporting verified statements from representatives of AAR and the following AAR member railroads: Union Pacific Railroad Company, Chicago and North Western Transportation Company, the Atchison, Topeka and Santa Fe Railway Company, Consolidated Rail Corporation, Norfolk Southern Corporation, CSX Transportation, Inc., and Burlington Northern Railroad Company. Various exhibits are also attached.

transportation contracts and, thus, is already barely regulated. AAR adds that, in all cases, transportation of the commodity is highly competitive, shipper opposition will be minimal, and support will be considerable.

AAR further argues that regulation of these commodities is not necessary to carry out the NRTP at 49 U.S.C. 10101a. According to AAR, while the transportation of the traffic is highly competitive, an exemption would further increase competition for this traffic and promote numerous NRTP goals.[4]

Moreover, AAR claims, the involved rail transportation is limited in scope, because, for most commodity groups, the rail market share is quite small. Also, according to AAR , the traffic is subject to effective intermodal, intramodal, and geographic competition, making regulation unnecessary to protect shippers from market power abuse.[5]

The traffic covered by this exemption proposal is varied in nature and substantial. We invite comment and data concerning the proposal. We hope that shipper responses will allow us to differentiate readily between those commodity groups that truly present no problem to those that do, and thus proceed expeditiously to exempt the former while holding the latter for further consideration in a second notice before final decision.[6]

Environmental and Energy Considerations

We preliminarily conclude that the proposed action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Act Certification

Pursuant to 5 U.S.C. 605(b), we conclude that our proposed action in this proceeding will not have a significant economic impact on a substantial number of small entities. No new regulatory requirements are imposed, directly or indirectly, on such entities. The purpose of our proposal is to reduce unnecessary regulation and associated burdens. The economic impact on small entities, if any, will be reduce their administrative costs and is not likely to be significantly within the meaning of the Regulatory Flexibility Act.

List of Subjects in 49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Manufactured commodities, Railroads.

Authority: 49 U.S.C. 10321, 10505, 10708, 10761, 10762, 11105, 11902, 11903, and 11904, and 5 U.S.C. 553.

Decided: January 26, 1993.

By the Commission, Chairman Philbin, Vice Chairman Simmons, Commissioners Phillips, McDonald, and Walden. Vice Chairman Simmons and Commissioner McDonald dissented with separate expressions.

Sidney L. Strickland, Jr.,

Secretary.

For the reasons set forth in the Preamble, title 49, chapter X, part 1039 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1039—EXEMPTIONS

1. The authority citation for part 1039 would continue to read as follows:

Authority: 49 U.S.C. 10321, 10505, 10708, 10761, 10762, 11105, 11902, 11903, and 11904, and 5 U.S.C. 553.

2. In § 1039.11, the chart in paragraph (a) is proposed to be revised to read as follows:

§ 1039.11 Miscellaneous commodities exemptions.

(a) * * *

STCC No.	STCC tariff	Commodity
13	6001–T, eff. 1–1–92	Crude petroleum, natural gas or gasoline.
14 1	do	Dimension stone, quarry.
14 2	do	Crushed or broken stone or riprap.
14 411	do	Sand (aggregate or ballast).
14 412	do	Gravel (aggregate or ballast).
14 715	do	Rock salt, crude, crushed, lump or screened.
20	do	Food or kindred products except
		20 32 Canned specialties.
		20 33 Canned fruits, jams, jellies, preserves or vegetables.
		20 4 Grain mill products.
		20 6 Sugar, beet or cane.
		20 8 Beverages or flavoring extracts.
		20 911 Cottonseed oil, crude or refined.
		20 914 Cottonseed cake or meal or by-products.
		20 92 Soybean oil or by-products.
		20 93 Nut or vegetable oils or by-products.
22	do	Textile mill products.
23	do	Apparel or other finished textile products or knit apparel.
24	do	Lumber or wood products.
25	do	Furniture or fixtures.
26	do	Pulp, paper or allied products except.
		26 1 Pulp or pulp mill products.
		26 211 Newsprint.
		26 212 Ground wood paper, uncoated.
		26 213 Printing paper, coated or uncoated, etc.

[4] According to AAR, these include vigorous competition, reasonable rates, improved service, increased efficiency, greater ratemaking flexibility, financially healthier railroads, and decreased regulation allowing railroads to respond more quickly to shipper demand for rate quotes than under the present tariff or contract systems.

[5] AAR acknowledges that the proposed exemptions would undoubtedly contain the same exceptions as in prior proceedings. For example, the exemptions would not reach car hire and car service (But see, Joint Petition for Rulemaking on Railroad Car Hire Compensation, 9 I.C.C.2d 80 (1992)). As such, the AAR proposal would exclude private tank car allowances from the exemption. We are somewhat concerned about the discrepancy this might cause between continuing antitrust immunity for joint consideration of tank car allowances while eliminating antitrust immunity with respect to freight rates of any of the commodities proposed for exemption here that are susceptible to movement in tank cars. Accordingly, comments on this particular question would be particularly welcome. Also, class III railroad protections identical to those in Rail Exemption—Lumber or Wood Products, 7 I.C.C.2d 673 (1991) would be retained.

[6] AAR states in its petition that, rather than filing any additional evidence or argument in initial response to the NPR, for reasons of expediency it will submit any further relevant evidence or argument in reply to any public comments that may be submitted in response to the NPR. However, we caution AAR that rebuttal must be confined to issues raised in the initial comments.

VOL
58
ISS
27
FE
11
1993
UMI

STCC No.	STCC tariff	Commodity
		26 214 Wrapping paper, wrappers or coarse paper.
		26 218 Sanitary tissue stock.
		26 471 Sanitary tissues or health products.
		26 6 Building paper or building board except 26 613 Wallboard.
27	do	Printed matter.
28 133	do	Carbon dioxide.
28 195 22–23	do	Iron chloride, liquid.
28 195 27–30	do	Iron sulphate.
28 195 68–89	do	Ferrous sulphate.
28 5	do	Paints, enamels, lacquers, shellacs or varnishes, or allied products.
28 991	do	Salt, common.
29 1	do	Products of petroleum refining.
29 913	do	Petroleum coke.
29 914	do	Coke produced from coal.
29 915	do	Distillate or residual fuel oil from coal refining.
29 919	do	Coal or petroleum products, nec.
30	do	Rubber or miscellaneous plastics products except
		30 111 Rubber pneumatic tires or parts.
31	do	Leather or leather products.
32	do	Clay, concrete, glass or stone products except
		32 95 Nonmetallic earths or minerals, ground or treated in any other manner except 32 952 15 Cinders, clay, shale (expanded shale), slate or volcanic (not pumice stone), or hydite.
33	do	Primary metal products, including galvanized.
34	do	Fabricated metal products except
		34 6 Metal stampings.
		34 919 40 Radioactive material shipping containers, etc.
35	do	Machinery except
		35 11 Steam engines, turbines, turbine generator sets, or parts.
		35 85 Refrigerators or refrigeration machinery or complete air conditioning units.
36	do	Electrical machinery, equipment or supplies except
		36 12 Power, distribution or specialty transformers.
		36 21 Motors or generators.
38	do	Instruments, photographic goods, optical goods, watches or clocks.
39	do	Miscellaneous products of manufacturing.

* * * * *

APPENDIX A—COMMODITIES PROPOSED BY AAR FOR EXEMPTION

STCC No.	Description
13–1	Crude Petroleum or Natural Gas.
13–2	Natural Gasoline.
14–1	Dimension Stone, Quarry.
14–2	Crushed or Broken Stone or Riprap.
14–411	Sand (aggregate or ballast).
14–412	Gravel (aggregate or ballast).
14–715	Rock Salt.
20–131	Lard.
20–139	Meat Products.
20–143	Grease or inedible Tallow.
24–1	Primary Forest or Wood Raw Materials.
26–613	Wallboard.
28–133	Carbon Dioxide.
28–5	Paints, Enamels, Lacquers, Shellacs.
28–991	Salt, Common.
29–1	Petroleum Products.
29–913	Petroleum Coke.
29–914	Coke Produced from Coal.
29–915	Distillate or Residual Fuel Oil from Coal.
29–919	Coal or Petroleum, nec.
32–4	Hydraulic Cement.
32–741	Lime or Lime Plaster.
32–952–15	Cinders, Clay, Shale, Slate.
33–11	Blast Furnace Products (pig iron, slag).
33–12	Primary Iron or Steel Products (plates, pipes, rods).
33–2	Iron or Steel Castings.
33–3	Nonferrous Metal Primary Smelter Products (ingots, pigs).
35–31	Construction Machinery or Equipment.
37–11	Motor Vehicles (cars, trucks).
37–14	Motor Vehicle Parts.
41–118	Used Vehicles.

[FR Doc. 93–3305 Filed 2–10–93; 8:45 am]
BILLING CODE 7035–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AB56

Endangered and Threatened Wildlife and Plants; Reopening of the Comment Period for the Proposed Listing of the Coastal California Gnatcatcher (Polioptila californica californica) as an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability of a report examining the taxonomic status of the California gnatcatcher. The report was prepared by a committee convened by the Service. The report concluded that the coastal California gnatcatcher (*Polioptila californica californica*) is a valid subspecies, and that the southern limit of its range is approximately 30 degrees north latitude in Baja California, Mexico. The Service invites further comment from the public on this taxonomic issue.

DATES: Comments from all interested parties must be received by March 3, 1993.

ADDRESSES: Comments concerning this notice or requests for available documents should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008 (619/431–9440).

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey D. Opdycke, Field Supervisor, at the above address (telephone 619/431–9440).

SUPPLEMENTARY INFORMATION: .

Background

In response to the September 17, 1991, proposed rule to list the coastal California gnatcatcher (*Polioptila californica californica*) as an endangered species (56 FR 47053), the Service received a number of comments that questioned the taxonomic validity of the subspecies, or that challenged some of the taxonomic information used by the Service (e.g., Atwood 1990, 1991). On November 19, 1992, the Building Industry Association and other

groups filed suit in the United States District Court in the District of Columbia seeking to delay a final decision on the proposed listing of the gnatcatcher. The suit specifically requested an opportunity to review the underlying primary data used by Atwood (1990, 1991).

To help clarify the taxonomic issue, the Service requested taxonomists to conduct a review of the available information on the taxonomy of the California gnatcatcher, and to reach a conclusion regarding the validity of the coastal California subspecies *Polioptila californica californica*. The review was conducted by Service taxonomists, Dr. Richard C. Banks, and Dr. Alfred L. Gardner of the National Museum of National History in Washington, D.C. Their review concluded that the coastal California gnatcatcher is a valid subspecies, and that its range extends to about 30 degrees north latitude in Baja California, Mexico.

The Service announces the availability of the report prepared by Banks and Gardner (1992). A letter prepared by Mr. Robert Thornton dated October 22, 1992, a detailed example of a comment questioning the taxonomic status of the California gnatcatcher, is an attachment to the report prepared by Banks and Gardner (1992). The public may submit further comments on this issue to the Service.

References Cited

Atwood, J.L. 1990. Status review of the California gnatcatcher (*Polioptila californica*). Unpublished technical report, Manomet Bird Observatory, Manomet, Massachusetts. 79 pp.

Atwood, J.L. 1991. Subspecies limits and geographic patterns of morphological variation in California gnatcatcher (*Polioptila californica*). Bull. So. Calif. Acad. Sci. 90:118–133.

Banks, R.C. and A.L. Gardner. 1992. Review of the Taxonomic Status of the California Gnatcatcher (*Polioptila californica californica*). Report Submitted to the U.S. Fish and Wildlife Service, Portland, Oregon.

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531–1544).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recording requirements, and Transportation.

Dated: February 4, 1993.

Richard N. Smith,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 93–3304 Filed 2–10–93; 8:45 am]

BILLING CODE 4310–55–M

VOL
58
ISS
27
FE
11
1993
UMI

Notices

Federal Register
Vol. 58, No. 27
Thursday, February 11, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Agricultural Biotechnology Research Advisory Committee Transgenic Animal Working Group Meeting

In accordance with the Federal Advisory Committee Act of October 1972 (Pub. L. No. 92–463, 86 Stat. 770–776), the U.S. Department of Agriculture (USDA), Science and Education, announces the following meeting of a working group of the Agricultural Biotechnology Research Advisory Committee (ABRAC):

The ABRAC Transgenic Animal Working Group will meet in room 3109, USDA South Building, 14th Street and Independence Avenue SW., Washington, DC 20250, on April 8, 1993, from 9 a.m. to approximately 3 p.m. The Working Group, at the request of the USDA Food Safety and Inspection Service, will review and discuss a draft decision tree and policy for transgenic food animals.

The meeting of the working group is open to the public. Persons may participate in the meeting as time and space permit.

Further information may be obtained from Dr. Daniel Jones, Deputy Director, Office of Agricultural Biotechnology, Room 1001, Rosslyn Plaza E, 14th Street and Independence Avenue SW., Washington, DC 20250. Telephone (703) 235–4419.

Done at Washington, DC, this 3rd day of February, 1993.

Bruce Stillings,

Acting Assistant Secretary, Science and Education.

[FR Doc. 93–3281 Filed 2–10–93; 8:45 am]

BILLING CODE 3410–22–M

Forest Service

[3410–11]

Appeal Exemption; Timber Sales; Sequoia National Forest, CA

AGENCY: Forest Service, USDA.

ACTION: Notice of exemption from appeal, Merry Mule, Sugar Run, and Spear Home Tract Insect Salvage Timber Sale Decisions, Hot Springs Ranger District, Sequoia National Forest.

SUMMARY: The Forest Service is exempting from appeal the decisions related to the harvest and restoration of lands affected by drought-induced timber mortality covered under the Merry Mule, Sugar Run, and Spear Home Tract Insect Salvage Timber Sales on the Hot Springs Ranger District. These salvage sales are being considered in response to the continuing timber mortality, which is resulting from six years of drought and related insect and disease infestations on the Hot Springs Ranger District.

The proposed timber sales include areas from the northern to southern portions of the District. All areas are within the General Forest Zone as delineated by the Sequoia National Forest Land and Resource Management Plan.

There are currently higher than normal levels of tree mortality occurring throughout the Sequoia National Forest as a result of six consecutive years of below normal precipitation. This drought condition has caused a high degree of stress within the trees that reduces their natural defense mechanisms and weakens them to the extent that they are now predisposed to attack by bark beetles. The Hot Springs District is experiencing drought-related mortality well above average for the District and the Forest.

Trees subject to insect attack act as hosts for producing new broods of insects. The commercial value of lumber recovered from infested trees declines rapidly as the wood deteriorates. Prompt removal of affected timber helps to reduce the growth rates of insect populations and minimize value and volume loss in salvaged timber. Excessive numbers of dead trees can lead to heavy fuel concentrations, making wildfire control difficult as witnessed three summers ago when the Stormy Complex fires burned approximately 24,000 acres on the Hot Springs and Greenhorn Districts.

The areas to be harvested consist of approximately 8,000 acres with an estimated volume of 750 MBF (thousand board feet) on the Merry Mule, 16,000 acres with an estimated volume of 1,000 MBF on the Sugar Run, and approximately two acres with an estimated volume of 55 MBF on the Spear Home Tract. The harvesting will be done by helicopter and ground-based logging systems. No new specified road construction will be proposed for this salvage operation. Existing roads and landings will be used. Approximately one mile of temporary road is being proposed for each the Merry Mule and Sugar Run timber sales.

Salvage logging, especially helicopter logging, is costly when compared to logging green timber sales because of the typically low volumes per acre removed and the scattered nature of the dead trees. To be economically feasible, timber value must be high enough to compensate for the higher logging costs. If dead timber is not removed promptly, the decline in value and volume caused by deterioration will prevent economical removal by both ground-based and helicopter logging systems. For this reason, it is necessary to remove dead and dying timber as soon as possible.

Exempting these decisions from appeal will enable salvage harvest operations to begin in the early spring of 1993, providing environmental analyses support the decisions to do so.

Pursuant to 36 CFR 217.4(a)(11), it is my decision to exempt from appeal the decisions relating to the harvest and restoration of lands following drought-induced timber mortality covered by the Merry Mule, Sugar Run, and Spear Home Tract environmental analyses on the Hot Springs Ranger District of the Sequoia National Forest.

EFFECTIVE DATE: This decision will be effective February 11, 1993.

FOR FURTHER INFORMATION CONTACT: Questions about this decision should be addressed to Ed Whitmore, Timber Management Staff Director, Pacific Southwest Region, USDA Forest Service, 630 Sansome Street, San Francisco, CA 94111, (415) 705–2648, or Sandra H. Key, Forest Supervisor, Sequoia National Forest, 900 W. Grand Avenue, Porterville, CA 93257, (209) 784–1500.

SUPPLEMENTARY INFORMATION: The environmental analyses for these proposals will be documented in decisions memos. Pursuant to 40 CFR 1501.7, scoping was initiated on November 10, 1992. The District is expected to complete the environmental documentation for all the proposed projects by the end of February, 1993. The environmental documents and related maps will be available for public review at the Hot Springs Ranger Station, Rt. 4, Box 548, California Hot Springs, CA. 93207 and at the Supervisor's Office, Sequoia National Forest, 900 W. Grand Avenue, Porterville, CA 93257.

The catastrophic damage presently occurring in the central portion of the Hot Springs District covers approximately 70,000 acres. Within this area approximately 24,000 acres and 1.8 million board feet (MMBF) is presently being proposed for salvage. The value to the Forest Service of 1.8 MMBF of salvage volume is estimated at $450,000. This does not include the many jobs and thousands of dollars in benefits that are realized in related service, supply and construction industries. Tulare County will share in 25% of the revenue collected from these timber sales. Normal contractual rehabilitation and restoration measures will be implemented for watershed protection, erosion prevention and fuels reduction.

Salvage projects are not expected to adversely affect snag dependent wildlife species. Snags will be left in numbers to meet or exceed the guidelines stated in the Sequoia National Forest Land and Resource Management Plan and Mediated Land Management Plan 1990 Settlement Agreement, and the Regional guidelines of three to four snags per acre in suitable spotted owl habitat. There will be no salvage harvesting in designated California Spotted Owl Habitat Areas (SOHAs). Harvest activities will not occur within 1,000 feet of any giant sequoia grove.

Any threatened or endangered plants or animals located within the project areas will be protected. The nesting and roosting areas for the California Condor (*Gymnogyps Californianus*) will be excluded from cutting. Four "sensitive" species, spotted owl (*Strix occidentalis occidentalis*), northern goshawk (*Accipiter gentilis*), fisher (*Martes pennanti*) and marten (*Martes americana*) have been found within the project area in the past. Any threatened or endangered wildlife species that is identified during salvage preparation or operations will be protected using current contract provisions. Reports for sensitive species and cultural resources will be completed prior to approval of the environmental document. All sensitive plants or cultural resources will be protected using current contract provisions. Sequoia National Forest Riparian Standards and Guidelines will be applied in the areas that will be harvested.

Delays for any reason could jeopardize chances of accomplishing recovery and rehabilitation of the damaged resources during the 1993 field season. These delays would result in volume and value losses, and increase the chances of wildfires occurring due to the large additional quantity of standing and down fuels.

Dated: February 4, 1993.

Philip H. Bayles,

Acting Regional Forester.

[FR Doc. 93-3212 Filed 2-10-93; 8:45 am]

BILLING CODE 3410-11-M

West Lake Timber Sale; Gallatin National Forest, Gallatin County, Montana

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare environmental impact statement.

SUMMARY: The USDA, Forest Service, will prepare an environmental impact statement (EIS) to disclose the environmental effects of timber harvest, reforestation, temporary road construction and motorized access restrictions on roads and trails west of Hebgen Lake, located in the Henry's Lake Mountains, Gallatin National Forest, Hebgen Lake Ranger District, Gallatin County, Montana. The proposed action involves revising the Forest Plan Travel Map to reflect resultant changes made to the area's transportation system. The purpose of the proposed action is to increase vegetable age class diversity, improve timber productivity, contribute to providing a continuous supply of wood products, provide elk habitat security and prevent road surface erosion and stream sedimentation.

The Gallatin National Forest Land and Resource Management Plan (Forest Plan) provides overall guidance for land management activities, including timber and road management, within the area. The proposed actions of timber harvest, reforestation, road construction, motorized access road and trail restrictions are being considered together because they represent either connected or cumulative actions as defined by the Council on Environmental Quality (40 CFR 1508.25). This EIS will tier to the Gallatin Forest Plan Final EIS (September, 1987).

DATES: Written comments and suggestions should be received within 45 days following publication of this notice.

ADDRESSES: Submit written comments and suggestions on the proposed management activities or a request to be placed on the project mailing list to Gary L. Benes, District Ranger, Hebgen Lake Ranger District, Gallatin National Forest, Box 520, West Yellowstone, Montana, 59758.

FOR FURTHER INFORMATION CONTACT: Alan Vandiver, EIS Team Leader, Hebgen Lake Ranger District, Gallatin National Forest, Phone (406) 646-7369.

SUPPLEMENTARY INFORMATION: Timber harvest and reforestation is proposed on approximately 2000 acres of forested land which has been designated as suitable for timber management by the Gallatin Forest Plan. The timber harvest operations and general administration of National Forest lands will require 0.2 miles of temporary road construction. Motorized access restrictions will involve 34 miles of roads and 6 miles of trails to wheeled vehicles.

The Gallatin Forest Plan provides the overall guidance for management activities in the potentially affected area through its goals, objectives, standards and guidelines, and management area direction. The purpose of timber harvest and reforestation in the West Hebgen area is to: (1) Increase vegetative age class diversity; (2) improve timber productivity by replacing slow-growing mature and overmature stands with younger, more vigorously growing trees; (3) contribute to the Gallatin National Forest Plan objective of providing a continuous supply of timber. The purpose of temporary road construction is to access stands of timber to be harvested.

The purpose of restricting motorized access is to: (1) provide for elk habitat security; (2) prevent road surface erosion and stream sedimentation.

The project area consists of approximately 2000 acres of National Forest land located in T11S, R3E, Sec 36; T12S, R3E, Sec 1, 12, 13, 24, 25 and 36; T13S, R3E, Sec 1; T12S, R4E, Sec 6, 18, 29, 30, 31 and 32; and T13S, R4E, Sec 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20 and 21.

The decision to make is what, if anything, should be done in the West Hebgen Project Area to: (a) Increase vegetative age class diversity and timber productivity (b) contribute to a continuous supply of wood products (c) increase elk habitat security and (d) decrease road surface erosion and stream sedimentation.

VOL
58
ISS
27
FE
11
1993
UMI

The areas of proposed timber harvest and reforestation would occur within Management Areas 13 and 5. Timber harvest would occur only on suitable timber land. Motorized access restrictions would occur in Management Areas 5, 7, 13 and 15. Below is a brief description of the applicable management direction.

Management Area 5—These areas are travel corridors that receive heavy recreation use. Timber harvest is appropriate as long as it maintains and improves the wildlife habitat values and does not limit opportunities for public enjoyment and safety.

Management Area 7—These areas are riparian zones or areas where vegetation is present that requires either free or unbounded water or soil moistures in excess of what is normally found in the area. Lands within this management area are suitable for timber harvest as long as soil, water, vegetation, fish, and dependent wildlife species are protected. These suitable lands must also be adjacent to other management areas suitable for timber management.

Management Area 13—These areas consist of forested, occupied grizzly bear habitat. The productive Forest lands are available for timber harvest provided grizzly bear habitat objectives are met.

Management Area 15—These areas consist of open grasslands or a mosaic of grasslands or steep rocky slopes interspersed with timber which are located in occupied grizzly bear habitat and provide for dispersed recreation and livestock use. These areas are classified as unsuitable for timber production.

The Forest Service will consider a range of alternatives. One of these will be the "no action" alternative, in which none of the proposed activities would be implemented. Additional alternatives will examine varying levels and locations for the proposed activities in response to issues and other resource values.

The EIS will analyze the direct, indirect, and cumulative environmental effects of the alternatives. Past, present, and projected activities on both private and National Forest lands will be considered. The EIS will disclose the analysis of site-specific mitigation measures and their effectiveness.

Public participation is an important part of the analysis, commencing with the initial scoping process (40 CFR 1501.7), which will occur January 1993 to February 1993. In addition to this initial scoping, the public may visit Forest Service officials at any time during the analysis and prior to the decision. The Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. No public meetings are scheduled at this time.

Comments from the public and other agencies will be used in preparation of the Draft EIS. The scoping process will be used to:

1. Identify potential issues.
2. Identify issues to be analyzed in depth.
3. Eliminate insignificant issues or those which have been covered by a relevant previous environmental analysis, such as the Gallatin Forest Plan EIS.
4. Identify alternatives to the proposed action.
5. Identify potential environmental effects of the proposed action and alternatives (i.e., direct, indrect, and cumulative effects).
6. Determine potential cooperating agencies and task assignments.

The following principle issues have been identified so far:

1. Timber harvest, temporary road construction, motorized access restrictions can have an effect on grizzly bear mortality/risk.
2. Timber harvest can effect the quality of habitat where grizzly bears forage and therefore effect the recovery of the bear.
3. Motorized access restrictions will affect access to public land for a number of recreation activities (hunting, site seeing, berry picking etc.).

Other issues commonly associated with timber harvesting and road construction include: effects on cultural resources, water quality, soils, old growth, and scenery in the area. This list will be verified, expanded, or modified based on public scoping for this proposal.

The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in June of 1993. At that time, the EPA will publish a Notice of Availability of the Draft EIS in the **Federal Register**. The comment period on the Draft EIS will be 45 days from the date the EPA's notice of availability appears in the **Federal Register**. It is very important that those interested in management of the West Hebgen area participate at that time. To be most helpful, comments on the Draft EIS should be as site-specific as possible. The final EIS is scheduled to be completed by February, 1994.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC, 435 U.S. 519, 553 (1978).* Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day scoping comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in developing issues and alternatives.

To assist the Forest Service in identifying and considering issues on the proposed action, comments should be as specific as possible. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

I am the responsible official for this environmental impact statement. My address is Gallatin National Forest, P.O. Box 130, Federal Building, Bozeman, MT 59771.

Dated: February 3, 1993.

David P. Garber,

Forest Supervisor.

[FR Doc. 93–3245 Filed 2–10–93; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

February 5, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: February 12, 1993.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for carryover and recrediting of unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23, 1992). Also see 57 FR 53882, published on November 13, 1992.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 5, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 6, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on January 1, 1993 and extends through December 31, 1993.

Effective on February 12, 1993, you are directed to amend the directive dated November 6, 1992 to increase the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the Dominican Republic:

Category	Adjusted twelve-month limit [1]
338/638	627,837 dozen.
339/639	759,606 dozen.
342/642	484,250 dozen.
347/348/647/648	1,647,240 dozen of which not more than 1,235,430 dozen shall be in Categories 347/348 and not more than 783,998 dozen shall be in Categories 647/648.
351/651	793,083 dozen.
448	39,631 dozen.
633	92,871 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1992.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–3214 Filed 2–10–93; 8:45 am]

BILLING CODE 3510–DR–F

Establishment of an Import Limit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Laos

February 5, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: February 16, 1993.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715. For information on categories on which consultations have been requested, call (202) 482–3740.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

Inasmuch as consultations have not yet been held on a mutually satisfactory solution on Categories 340/640, the United States Government has decided to control imports in these categories for the twelve-month period beginning on October 30, 1992 and extending through October 29, 1992 at a level of 57,171 dozen.

The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in consultations with the Government of the Lao People's Democratic Republic, further notice will be published in the **Federal Register**.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23, 1992). Also see 57 FR 54057, published on November 16, 1992.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 5, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on February 16, 1993, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 340/640, produced or manufactured in Laos and exported during the twelve-month period beginning on October 30, 1992 and extending through October 29, 1993, in excess of 57,171 dozen [1].

Textile products in Categories 340/640 which have been exported to the United States prior to October 30, 1992 shall not be subject to the limit established in this directive.

For the import period October 30, 1992 through November 23, 1992, you are directed to charge the following amounts to the limit established in this directive:

Category	Amount to be charged
340	2,350 dozen.
640	—0—.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

[1] The limit has not been adjusted to account for any imports exported after October 29, 1992.

Sincerely,
J. Hayden Boyd,
Acting Chairman, Committee for the Implementation of Textile Agreements.
[FR Doc. 93-3215 Filed 2-10-93; 8:45 am]
BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Record of Military Processing—Armed Forces of the United States; DD Form 1966; OMB Control Number 0704-0173

Type of Request: Expedited Submission—Approval Date Requested: 30 days after publication in the **Federal Register**

Average Burden Hours/Minutes Per Response: .333 hours

Response Per Respondent: 1

Number of Respondents: 750,000

Annual Burden Hours: 249,750

Annual Responses: 750,000

Needs and Uses: Per sections 504, 505, 508, 510, and 520a, title 10 U.S.C.; sections 351 and 632, title 14 U.S.C.; and section 451, title 50 U.S.C. appendix, applicants must meet minimum standards for enlistment into the Armed Forces. The information collection, which is used by the Military Services and the Coast Guard, gathers the necessary data for determining eligibility in the Armed Forces and for establishing personnel records on those enlisted.

Affected Public: Individuals or households

Frequency: On occasion

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Office: Mr. Edward C. Springer

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20305.

DOD Clearance Officer: Mr. William P. Pearce

Written request for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202-4302.

Dated: February 8, 1993.

L.M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.
BILLING CODE 3810-01-M

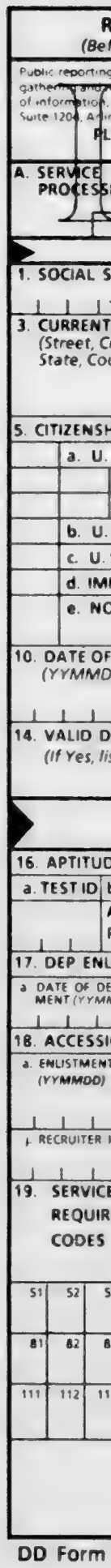

DD Form

RECORD OF MILITARY PROCESSING - ARMED FORCES OF THE UNITED STATES
(Before completing this form, read Privacy Act Statement, Warning, and Instructions on back of form.)

Form Approved OMB No. 0704-0173 Expires

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0173), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO EITHER OF THESE ADDRESSES. RETURN COMPLETED FORM TO

A. SERVICE PROCESSING FOR	B. PRIOR SERVICE	(1) DIEUS (YYMMDD)	C. SELECTIVE SERVICE CLASSIFICATION	D. SELECTIVE SERVICE REGISTRATION NO.
	YES NO	(2) DIERC (YYMMDD)		
	NUMBER OF DAYS			

SECTION I - PERSONAL DATA

1. SOCIAL SECURITY NUMBER	2. NAME (Last, First, Middle Name (and Maiden, if any), Jr, Sr, etc.)
3. CURRENT ADDRESS (Street, City, County, State, Country, ZIP Code)	4. HOME OF RECORD ADDRESS (Street, City, County, State, Country, ZIP Code)

5. CITIZENSHIP (X one)	6. SEX	7. a. RACIAL CATEGORY
a. U.S. AT BIRTH (If this box is marked, also X (1) or (2))	a. MALE	(1) AMERICAN INDIAN ALASKAN NATIVE
(1) NATIVE BORN	b. FEMALE	(2) BLACK/NEGRO/AFRICAN AMERICAN
(2) BORN ABROAD OF U.S PARENT(S)	8. MARITAL STATUS (Specify)	(3) ORIENTAL/ASIAN/PACIFIC ISLANDER
b. U.S NATURALIZED		(4) WHITE/CAUCASIAN
c. U.S. NON-CITIZEN NATIONAL		(5) OTHER (Specify)
d. IMMIGRANT ALIEN (Specify)	9. NUMBER OF DEPENDENTS	7. b. ETHNIC CATEGORY
e. NON-IMMIGRANT FOREIGN NATIONAL (Specify)		(1) SPANISH / HISPANIC YES NO
		(2) OTHER (Specify)

10. DATE OF BIRTH (YYMMDD)	11. RELIGIOUS PREFERENCE (Optional)	12. EDUCATION (Yrs / Highest Ed Gr Compl)	13. PROFICIENT IN FOREIGN LANGUAGE (If Yes, specify If No, enter NONE)	1st	2nd
			/		

14. VALID DRIVER'S LICENSE (X one) YES NO (If Yes, list State, number, and expiration date)	15. PLACE OF BIRTH (City, State and Country)

SECTION II - EXAMINATION AND ENTRANCE DATA PROCESSING CODES

FOR OFFICE USE ONLY - DO NOT WRITE IN THIS SECTION - GO ON TO PAGE 2, QUESTION 23

16. APTITUDE TEST RESULTS

a. TEST ID	b. TEST SCORES											
	AFQT PERCENTILE		GS	AR	WK	PC	NO	CS	AS	MK	MC	EI	VE

17. DEP ENLISTMENT DATA

a. DATE OF DEP ENLISTMENT (YYMMDD)	b. PROJ ACTIVE DUTY DATE (YYMMDD)	c. ES	d. RECRUITER IDENTIFICATION	e. PROGRAM ENLISTED FOR	f. T E MOS AFS	g. WAIVER	h. PAY GRADE

18. ACCESSION DATA

a. ENLISTMENT DATE (YYMMDD)	b. ACTIVE DUTY SERVICE DATE (YYMMDD)	c. PAY ENTRY DATE (YYMMDD)	d. TOE	e. WAIVER	f. PAY GRADE	g. DATE OF GRADE (YYMMDD)	h. ES	i. YRS HIGHEST ED GR COMPL

j. RECRUITER IDENTIFICATION	k. PROGRAM ENLISTED FOR	l. T E MOS AFS	m. PMOS AFS	n. YOUTH	o. OA	p. TRANSFER TO (UIC)

19. SERVICE REQUIRED CODES

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110
111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140

DD Form 1966/1, Draft PREVIOUS EDITION IS OBSOLETE

VOL 58 ISS 27 FE 11 1993 UMI

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10 USC Sections 504, 505, 508, 510, 520a, and EO 9397
PRINCIPAL PURPOSE(S):	DD Form 1966 is the basic form used by all the Military Services and the Coast Guard for obtaining data used in determining eligibility of applicants and for establishing records for those applicants who are accepted
ROUTINE USE(S):	None
DISCLOSURE:	Voluntary; however, failure to answer all items on this form, except questions labeled as "Optional," may result in denial of your enlistment application.

WARNING

Information provided by you on this form is FOR OFFICIAL USE ONLY and will be maintained and used in strict compliance with federal laws and regulations. The information provided by you becomes the property of the United States Government, and it may be consulted throughout your military service career, particularly whenever either favorable or adverse administrative or disciplinary actions related to you are involved

YOU CAN BE PUNISHED BY FINE, IMPRISONMENT OR BOTH IF YOU ARE FOUND GUILTY OF MAKING A KNOWING AND WILLFUL FALSE STATEMENT ON THIS DOCUMENT.

INSTRUCTIONS

(Read carefully BEFORE filling out this form.)

1. Read Privacy Act Statement above before completing form
2. Type or print LEGIBLY all answers; If the answer is "None" or "Not Applicable," so state. "OPTIONAL" questions may be left blank.
3. Unless otherwise specified, write all dates as 6 digits (with no spaces or marks) in YYMMDD fashion. February 13, 1988 is written 880213.

DD Form 1966/1, Draft (Back)

RECORD OF MILITARY PROCESSING - ARMED FORCES OF THE UNITED STATES

(Before completing this form, read Privacy Act Statement, Warning, and Instructions on back of form)

Form Approved OMB No 0704-0173 Expires

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0173), Washington, DC 20503

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO EITHER OF THESE ADDRESSES. RETURN COMPLETED FORM TO

A. SERVICE PROCESSING FOR	B. PRIOR SERVICE	(1) DIEUS *(YYMMDD)*	C. SELECTIVE SERVICE CLASSIFICATION	D. SELECTIVE SERVICE REGISTRATION NO.
	YES NO	(2) DIERC *(YYMMDD)*		
	NUMBER OF DAYS			

SECTION I - PERSONAL DATA

1. SOCIAL SECURITY NUMBER

2. NAME *(Last, First, Middle Name (and Maiden, if any), Jr., Sr., etc.)*

3. CURRENT ADDRESS *(Street, City, County, State, Country, ZIP Code)*

4. HOME OF RECORD ADDRESS *(Street, City, County, State, Country, ZIP Code)*

5. CITIZENSHIP *(X one)*
- a. U. S. AT BIRTH *(If this box is marked, also X (1) or (2)*
  - (1) NATIVE BORN
  - (2) BORN ABROAD OF U.S. PARENT(S)
- b. U. S. NATURALIZED
- c. U. S. NON-CITIZEN NATIONAL
- d. IMMIGRANT ALIEN *(Specify)*
- e. NON-IMMIGRANT FOREIGN NATIONAL (Specify)

6. SEX
- a. MALE
- b. FEMALE

8. MARITAL STATUS *(Specify)*

9. NUMBER OF DEPENDENTS

7. a. RACIAL CATEGORY
- (1) AMERICAN INDIAN/ALASKAN NATIVE
- (2) BLACK/NEGRO/AFRICAN AMERICAN
- (3) ORIENTAL/ASIAN/PACIFIC ISLANDER
- (4) WHITE/CAUCASIAN
- (5) OTHER *(Specify)*

7. b. ETHNIC CATEGORY
- (1) SPANISH / HISPANIC YES NO
- (2) OTHER *(Specify)*

10. DATE OF BIRTH *(YYMMDD)*

11. RELIGIOUS PREFERENCE *(Optional)*

12. EDUCATION *(Yrs / Highest Ed Gr Compl)*

13. PROFICIENT IN FOREIGN LANGUAGE *(If Yes, specify. If No, enter NONE)* 1st 2nd

14. VALID DRIVER'S LICENSE *(X one)* YES NO *(If Yes, list State, number, and expiration date)*

15. PLACE OF BIRTH *(City, State and Country)*

SECTION II - EXAMINATION AND ENTRANCE DATA PROCESSING CODES

FOR OFFICE USE ONLY - DO NOT WRITE IN THIS SECTION - GO ON TO PAGE 2, QUESTION 23

16. APTITUDE TEST RESULTS

a. TEST ID	b. TEST SCORES											
	AFQT PERCENTILE		GS	AR	WK	PC	NO	CS	AS	MK	MC	EI	VE

17. DEP ENLISTMENT DATA

a. DATE OF DEP ENLISTMENT *(YYMMDD)*	b. PROJ ACTIVE DUTY DATE *(YYMMDD)*	c. ES	d. RECRUITER IDENTIFICATION	e. PROGRAM ENLISTED FOR	f. T-E MOS AFS	g. WAIVER	h. PAY GRADE

18. ACCESSION DATA

a. ENLISTMENT DATE *(YYMMDD)*	b. ACTIVE DUTY SERVICE DATE *(YYMMDD)*	c. PAY ENTRY DATE *(YYMMDD)*	d. TOE	e. WAIVER	f. PAY GRADE	g. DATE OF GRADE *(YYMMDD)*	h. ES	i. YRS HIGHEST ED GR COMPL

j. RECRUITER IDENTIFICATION	k. PROGRAM ENLISTED FOR	l. T-E MOS/AFS	m. PMOS/AFS	n. YOUTH	o. OA	p. TRANSFER TO (UIC)

19. SERVICE REQUIRED CODES

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110
111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140

19a. DEP/ ACCESSION RECORD *(To be completed by MEPS personnel)*

	WRK AND STATUS CODE	DATE OF ACTION	O C	WRK AND STATUS CODE	DATE OF ACTION	O C

DD Form 1966/1 (ADP), Draft PREVIOUS EDITION IS OBSOLETE Page 1 (ADP)

VOL 58 ISS 27 FE 11 1993 UMI

20. NAME (Last, First, Middle Initial)	21. SOCIAL SECURITY NUMBER

SECTION III - OTHER PERSONAL DATA

22. EDUCATION

a. List all high schools and colleges attended. *(List dates in YYMM format.)*

(1) FROM	(2) TO	(3) NAME OF SCHOOL	(4) LOCATION	(5) GRADUATE YES	(5) GRADUATE NO

	YES	NO
b. Have you ever been enrolled in ROTC, Junior ROTC, Sea Cadet Program or Civil Air Patrol?		
23. MARITAL/DEPENDENCY STATUS AND FAMILY DATA *(If "Yes," explain in Section VI, "Remarks")*		
a. Is anyone dependent upon you for support?		
b. Is there any court order or judgment in effect that directs you to provide alimony or support for children?		
c. Do you have an immediate relative (father, mother, brother, or sister) who: (1) is now a prisoner of war or is missing in action (MIA); or (2) died or became 100% permanently disabled while serving in the Armed Services?		
d. Are you the only living child in your immediate family?		
24. PREVIOUS MILITARY SERVICE OR EMPLOYMENT WITH THE US GOVERNMENT *(If "Yes," explain in Section VI, "Remarks")*		
a. Are you now or have you ever been in any regular or reserve branch of the Armed Forces or in the Army National Guard or Air National Guard?		
b. Have you ever been rejected for enlistment, reenlistment, or induction by any branch of the Armed Forces of the United States?		
c. Are you now or have you ever been a deserter from any branch of the Armed Forces of the United States?		
d. Have you ever been employed by the United States Government?		
e. Are you now drawing, or do you have an application pending, or approval for: retired pay, disability allowance, severance pay, or a pension from any agency of the government of the United States?		
25. ABILITY TO PERFORM MILITARY DUTIES *(If "Yes," explain in Section VI, "Remarks.")*		
a. Are you now or have you ever been a conscientious objector? *(That is, do you have, or have you ever had, a firm, fixed, and sincere objection to participation in war in any form or to the bearing of arms because of religious belief or training?)*		
b. Have you ever been discharged by any branch of the Armed Forces of the United States for reasons pertaining to being a conscientious objector?		
c. Is there anything which would preclude you from performing military duties or participating in military activities whenever necessary *(i.e., do you have any personal restrictions of religious practices which would restrict your availability?)*		
26. SEXUAL ORIENTATION		
a. Are you a homosexual *(a) person(s) of one's o* DELETED *havior directed at both sexes)*		
b. Do you intend to engage in homosexual acts *(sexual relations with another person of the same sex)*?		
27. DRUG USE AND ABUSE *(If "Yes," explain in Section VI, "Remarks.")*		
Have you ever tried or used or possessed any narcotic (to include heroin or cocaine), depressant (to include quaaludes), stimulant, hallucinogen (to include LSD or PCP), or cannabis (to include marijuana or hashish), or any mind-altering substance (to include glue or paint), or anabolic steroid, except as prescribed by a licensed physician?		

SECTION IV - CERTIFICATION

28. CERTIFICATION OF APPLICANT *(Your signature in this block must be witnessed by your recruiter)*

a. I certify that the information given by me in this document is true, complete, and correct to the best of my knowledge and belief. I understand that I am being accepted for enlistment based on the information provided by me in this document: that if any of the information is knowingly false or incorrect, I could be tried in a civilian or military court and could receive a less than honorable discharge which could affect my future employment opportunities.

b. TYPED OR PRINTED NAME (Last, First, Middle Initial)	c. SIGNATURE	d. DATE SIGNED (YYMMDD)

29. DATA VERIFICATION BY RECRUITER *(Enter description of the actual documents used to verify the following items)*

a. NAME (X one)	b. AGE (X one)	c. CITIZENSHIP (X one)
(1) BIRTH CERTIFICATE	(1) BIRTH CERTIFICATE	(1) BIRTH CERTIFICATE
(2) OTHER *(Explain)*	(2) OTHER *(Explain)*	(2) OTHER *(Explain)*
d. SOCIAL SECURITY NUMBER (SSN) (X one)	**e. EDUCATION (X one)**	**f. OTHER DOCUMENTS USED**
(1) SSN CARD	(1) DIPLOMA	
(2) OTHER *(Explain)*	(2) OTHER *(Explain)*	

DD Form 1966/2, Draft

30. NAME *(Last, First, Middle Initial)*				31. SOCIAL SECURITY NUMBER
32. CERTIFICATION OF WITNESS				
a. I certify that I have witnessed the applicant's signature above and that I have verified the data in the documents required as prescribed by my directives. I further certify that I have not made any promises or guarantees other than those listed and signed by me. I understand my liability to trial by courts-martial under the Uniform Code of Military Justice should I effect or cause to be effected the enlistment of anyone known by me to be ineligible for enlistment.				
b. TYPED OR PRINTED NAME *(Last, First, Middle Initial)*	c. PAY GRADE	d. RECRUITER I. D.	e. SIGNATURE	f. DATE SIGNED *(YYMMDD)*
33. SPECIFIC OPTION / PROGRAM ENLISTED FOR, MILITARY SKILL, OR ASSIGNMENT TO A GEOGRAPHICAL AREA GUARANTEES				
a. SPECIFIC OPTION / PROGRAM ENLISTED FOR *(Completed by Guidance Counselor, MEPS Liaison NCO, etc., as specified by sponsoring service - use clear text English.)*				
b. I fully understand that I will not be guaranteed any specific military skill or assignment to a geographic area except as shown in Item 30.a. above and annexes attached to my Enlistment/ Reenlistment Document (DD Form 4).				c. APPLICANT'S INITIALS
34. CERTIFICATION OF RECRUITER OR ACCEPTOR				
a. I certify that I have reviewed all information contained in this document and, to the best of my judgment and belief, the applicant fulfills all legal policy requirements for enlistment. I accept him/her for enlistment on behalf of the United States *(Enter Branch of Service)* _____ and certify that I have not made any promises or guarantees other than those listed in Item 30 above. I further certify that service regulations governing such enlistments have been strictly complied with and any waivers required to effect applicant's enlistment have been secured and are attached to this document.				
b. TYPED OR PRINTED NAME *(Last, First, Middle Initial)*	c. PAY GRADE	d. RECRUITER I.D. OR ORGANIZATION	e. SIGNATURE	f. DATE SIGNED *(YYMMDD)*

SECTION V - RECERTIFICATION

35. RECERTIFICATION BY APPLICANT AND CORRECTION OF DATA AT THE TIME OF ACTIVE DUTY ENTRY					
a. I have reviewed all information contained in this document this date. That information is still correct and true to the best of my knowledge and belief. If changes were required, the original entry has been marked "See Item 31" and the correct information is provided below.					
b. ITEM NUMBER	c. CHANGE REQUIRED				
d. APPLICANT			e. WITNESS		
(1) SIGNATURE	(2) DATE SIGNED *(YYMMDD)*		(1) TYPED OR PRINTED NAME	(2) RANK / GRADE	(3) SIGNATURE

SECTION VI - REMARKS *(Specify item(s) being continued by item number. Continue on separate pages if necessary.)*

DD FORM 1966/4 ATTACHED *(X one)* YES [ ] NO [ ]

DD Form 1966/3, Draft

36. NAME (Last, First, Middle Initial)	37. SOCIAL SECURITY NUMBER

USE THIS DD FORM 1966 PAGE ONLY IF EITHER SECTION APPLIES TO THE APPLICANT'S RECORD OF MILITARY PROCESSING.

SECTION VII - PARENTAL / GUARDIAN CONSENT FOR ENLISTMENT

38. PARENT / GUARDIAN STATEMENT(S) *(Line out portions not applicable)*

a. I/we certify that *(Enter name of applicant)* _____ has no other legal guardian other than me / us and I / we consent to his / her enlistment in the United States *(Enter Branch of Service)* _____. I/we certify that no promises of any kind have been made to me/us concerning assignment to duty, training, or promotion during his/her enlistment as an inducement to me/us to sign this consent. I/we hereby authorize the Armed Forces representatives concerned to perform medical examinations, other examinations required, and to conduct records checks to determine his/her eligibility. I/we relinquish all claim to his/her service and to any wage or compensation for such service.

b. FOR ENLISTMENT IN A RESERVE COMPONENT.
I/we understand that, as a member of a reserve component, he/she must serve minimum periods of active duty for training unless excused by competent authority. In the event he/she fails to fulfill the obligations of his/her reserve enlistment, he/she may be recalled to active duty as prescribed by law. I/we further understand that while he/she is in the ready reserve, he/she may be ordered to extended active duty in time of war or national emergency declared by the Congress or the President or when otherwise authorized by law.

c. PARENT

(1) TYPED OR PRINTED NAME *(Last, First, Middle Initial)*	(2) SIGNATURE	(3) DATE SIGNED *(YYMMDD)*

d. WITNESS

(1) TYPED OR PRINTED NAME *(Last, First, Middle Initial)*	(2) SIGNATURE	(3) DATE SIGNED *(YYMMDD)*

e. PARENT

(1) TYPED OR PRINTED NAME *(Last, First, Middle Initial)*	(2) SIGNATURE	(3) DATE SIGNED *(YYMMDD)*

f. WITNESS

(1) TYPED OR PRINTED NAME *(Last, First, Middle Initial)*	(2) SIGNATURE	(3) DATE SIGNED *(YYMMDD)*

39 VERIFICATION OF SINGLE SIGNATURE CONSENT

SECTION VIII - STATEMENT OF NAME FOR OFFICIAL MILITARY RECORDS

40. NAME CHANGE. If the preferred enlistment name (name given in Item 2) is not the same as on your birth certificate, and it has not been changed by legal procedure prescribed by state law, and it is the same as on your social security number card, complete the following:

a. NAME AS SHOWN ON BIRTH CERTIFICATE	b. NAME AS SHOWN ON SOCIAL SECURITY NUMBER CARD

c. I hereby state that I have not changed my name through any court or other legal procedure; that I prefer to use the name of _____ by which I am known in the community as a matter of convenience and with no criminal intent. I further state that I am the same person as the person whose name is shown in Item 2.

d. APPLICANT		e. WITNESS	
(1) SIGNATURE	(2) DATE SIGNED *(YYMMDD)*	(1) TYPED OR PRINTED NAME	(2) PAY GRADE
		(3) SIGNATURE	

DD Form 1966/4, Draft

Page 1

[FR Doc. 93-3239 Filed 2-10-93; 8:45 am]

BILLING CODE 3810-01-C

Department of the Army

Environmental Assessment for Realignment Actions at Rock Island Arsenal, IL

AGENCY: Department of the Army, Department of Defense.

ACTION: Finding of no significant impact.

SUMMARY: The Proposed Action implements the Defense Base Closure Commission's decision to realign the Headquarters, U.S. Army Depot Systems Command (HQ, DESCOM) and the Systems Integration and Management Activity (SIMA–East) from Letterkenny Army Depot (LEAD), Chambersburg, Pennsylvania, to Rock Island Arsenal (RIA), Illinois. In addition, elements of the U.S. Army Armament, Munitions, and Chemical Command (AMCCOM), RIA will transfer to Redstone Arsenal, Huntsville, Alabama. The relocation of workloads to and from Rock Island Arsenal is expected to result in a decrease of 1,610 civilian and 30 military positions on the post.

The alternatives considered in the Environmental Assessment (EA) include the following: The Preferred Alternative, which would accommodate the SIMA–East requirements in Buildings 68 and 110; the Building Renovation Alternative, which would call for the renovation of Building 250 to accommodate the SIMA–East needs; the New Construction Alternative, which would accommodate the SIMA–East requirements in a newly constructed building at the northeast corner of Rodman Avenue and East Avenue; and the No Action Alternative, which provides the baseline at Rock Island Arsenal against which other alternatives can be compared.

There are no alternatives to timing and phasing for the following reasons:

- The preferred schedule minimizes overlap of space requirements for outgoing and incoming positions/ personnel.

- Ample space is available to accommodate up to and including complete overlap of space requirements for outgoing and incoming personnel.

No significant environmental effects were identified as a result of the realignment of Rock Island Arsenal, Illinois. Analysis of direct, indirect and cumulative impacts indicates that the proposed action will not significantly affect the quality of the environment. The primary effects are economic in nature. Although adverse in nature, these estimated impacts are considered not to be significant, and are within the range of historical variation for these parameters.

The decreased workforce will result in a subsequent decrease in the amount of resources consumed and wastestreams produced by the personnel at RIA. These resources include potable water, wastewater, and electricity and these decreases are considered insignificant.

Biological, physical, and cultural resources such as native vegetation, wildlife including threatened and endangered species, groundwater, floodplains, historic structures and archeological sites would not be affected by this action.

Based on the environmental impact analyses found in the EA, which is hereby incorporated into this Finding of No Significant Impact (FNSI), it has been determined that implementation of the proposed action would not have significant individual or cumulative impacts on the quality of the natural or the human environment. Because there would be no significant environmental impact resulting from implementation of the proposed action, an Environmental Impact Statement (EIS) is not required and will not be prepared.

SUPPLEMENTARY INFORMATION: There is a 30-day waiting period for the public prior to implementation.

ADDRESSES: Persons wishing to comment may obtain a copy of the EA or inquire into this FNSI by writing to the U.S. Army Corps of Engineers, Louisville District, ATTN: Mr. Jim Baker, P.O. Box 59, Louisville, KY 40201–0059.

FOR FURTHER INFORMATION CONTACT: Questions regarding this FNSI may be directed to Mr. Jim Baker by calling (502) 582–5774.

Dated: February 2, 1993.

Lewis D. Walker,

Deputy Assistant Secretary of the Army, (Environment, Safety & Occupational Health), OASA (IL&E).

[FR Doc. 93–3284 Filed 2–10–93; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 2–3 March 1993.

Time of Meeting: 0800–1700, each day.

Place: Pentagon.

Agenda: The Army Science Board's 1993 Summer Study Panel on "Innovative Acquisition Strategies for the 90's" will meet to receive briefings on current acquisition procedures and policies; and, features of current acquisition programs and problems. This meeting will be closed to the public in accordance with section 552b. (c) of title 5, U.S.C., specifically subparagraph (1) thereof and title 5, U.S.C. appendix 2, subsection 10(d). The classified and non-classified information to be discussed will be so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information (703) 695–0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 93–3246 Filed 2–10–93; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 8–9 March 1993.

Time of Meeting: 0800–1700, each day.

Place: Pentagon.

Agenda: The Army Science Board's 1993 Summer Study Panel on "Missile Programs" will meet to receive briefings on missile defense threats, missile defense Research and Development programs and current Missile defense programs. This meeting will be closed to the public in accordance with Section 552b. (c) of title 5, U.S.C., specifically subparagraph (1) thereof and title 5, U.S.C. appendix 2, subsection 10(d). The classified and unclassified information to be discussed will be so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information (703) 695–0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 93–3247 Filed 2–10–93; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0060]

Clearance Request for Accident Prevention Plans and Recordkeeping

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance (9000–0060).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Accident Prevention Plans and Recordkeeping.

FOR FURTHER INFORMATION CONTACT: Beverly Fayson, Office of Federal Acquisition Policy, GSA (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Purpose

The clause "Accident Prevention" (48 CFR 52.236–13) requires Federal construction contractors to keep records of accidents incident to work performed under the contract that result in death, traumatic injury, occupational disease or damage to property, materials, supplies or equipment. Records of personal inquiries are required by OSHA (OMB Control No. 1220–0029). The FAR requires records of damage to property, materials, supplies or equipment to provide background information when claims are brought against the Government.

If the contract involves work of a long duration, the contractor must submit a written proposal for implementation of the clause. The Accident Prevention Plan, for projects that are hazardous or of long duration, is analyzed by the Contracting Officer along with the agency safety representatives to determine if the proposed plan will meet the requirement of the safety regulations and applicable statutes. The records maintained by the contractor are used to evaluate compliance and may be used in workmen's compensation cases. The Accident Prevention Plan is placed in the contract file for reference.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows: Respondents, 2,106; responses per respondent, 2; total annual responses, 4,212; preparation hours per response, 2; and total response burden hours, 8,424.

C. Annual Recordkeeping Burden

The annual recordkeeping burden is estimated as follows: Recordkeepers, 8,424; hours per recordkeeper, .25; and total recordkeeping burden hours, 2,106.

OBTAINING COPIES OF PROPOSALS: Requester may obtain copies of OMB applications or justifications from the General Services Administration, FAR Secretariat (VRS), room 4037, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0060, Accident Prevention Plans and Recordkeeping, in all correspondence.

Dated: February 2, 1993.

Beverly Fayson,

FAR Secretariat.

[FR Doc. 93–3190 Filed 2–10–93; 8:45 am]

BILLING CODE 6820–34–M

[OMB Control No. 9000–0062]

Clearance Request for Material and Workmanship

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance (9000–0062).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Material and Workmanship.

FOR FURTHER INFORMATION CONTACT: Beverly Fayson, Office of Federal Acquisition Policy, GSA (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Purpose

Under Federal contracts requiring that equipment (e.g., pumps, fans, generators, chillers, etc.) be installed in a project, the Government must determine that the equipment meets the contract requirements. Therefore, the contractor must submit sufficient data on the particular equipment to allow the Government to analyze the item.

The Government uses the submitted data to determine whether or not the equipment meets the contract requirements in the categories of performance, construction, and durability. This data is placed in the contract file and used during the inspection of the equipment when it arrives on the project and when it is made operable.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows: Respondents, 3,160; responses per respondent, 1.5; total annual responses, 4,740; preparation hours per response, .25; and total response burden hours, 1,185.

OBTAINING COPIES OF PROPOSALS: Requester may obtain copies of OMB applications or justifications from the General Services Administration, FAR Secretariat (VRS), room 4037, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0062, Material and Workmanship, in all correspondence.

Dated: February 3, 1993.

Beverly Fayson,

FAR Secretariat.

[FR Doc. 93–3191 Filed 2–10–93; 8:45 am]

BILLING CODE 6820–34–M

[OMB Control No. 9000–0064]

Clearance Request for Organization and Direction of Work

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance (9000–0064).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Organization and Direction of Work.

FOR FURTHER INFORMATION CONTACT: Beverly Fayson, Office of Federal Acquisition Policy, GSA (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Purpose

When the Government awards a cost-reimbursement construction contract, the contractor must submit to the contracting officer and keep current a chart showing the general executive and administrative organization, the personnel to be employed in connection

with the work under the contract, and their respective duties. The chart is used in administration of the contract and as an aid in determining cost. The chart is used by contract administration personnel to assure the work is being properly accomplished at reasonable prices.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows: Respondents, 50; responses per respondent, 1; total annual responses, 50; preparation hours per response, 75; and total response burden hours, 38.

OBTAINING COPIES OF PROPOSALS: Requester may obtain copies of OMB applications or justifications from the General Services Administration, FAR Secretariat (VRS), room 4037, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0064, Organization and Direction of Work, in all correspondence.

Dated: February 3, 1993.

Beverly Fayson,

FAR Secretariat.

[FR Doc. 93–3192 Filed 2–10–93; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF EDUCATION

Office of the Secretary

Office of Administrative Law Judges: Designation of Jurisdiction; Arizona Department of Library, Archives and Public Records

AGENCY: Department of Education.

ACTION: Notice of designation of jurisdiction to Office of Administrative Law Judges.

SUMMARY: The Secretary designates the Office of Administrative Law Judges (OALJ) as the forum to hear the appeal of the Arizona Department of Library, Archives and Public Records (the Library) from a determination issued by the Assistant Secretary for Educational Pesearch and Improvement (Assistant Secretary). In a letter dated September 21, 1992, the Assistant Secretary determined that the Library was not in compliance with the statutory requirement, under section 7(a)(2)(A) of the Library Services and Construction Act (LSCA; 20 U.S.C. 351e(a)(2)(A)), to maintain fiscal effort and that the Library had not demonstrated circumstances which would justify a waiver by the Assistant Secretary of that maintenance-of-effort (MOE) requirement.

Compliance with the MOE requirement was necessary for the Library to receive its Title I LSCA grant for Fiscal Year 1992. For that reason, the Assistant Secretary, in the September 21, 1992 letter also gave notice that, if the Library did not satisfy the MOE requirements under Title I of the LSCA, the Secretary would disapprove the Library's State plan for that program for Fiscal Year 1992. The letter advised the Library of its opportunity for an administrative hearing before the Secretary makes a decision about the State plan (See 34 CFR 76.202). On October 16, 1992, the Library appealed the Assistant Secretary's determination and requested an administrative hearing on the matter.

FOR FURTHER INFORMATION CONTACT: Honorable John F. Cook, Chief Administrative Law Judge, Office of Administrative Law Judges, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202–3727, Telephone (202) 732–1830. Individuals who are hearing impaired may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: Section 451(a) of the General Education Provisions Act (GEPA), 20 U.S.C. 1234(a), and final regulations codified at 34 CFR Part 81, requires the Secretary to establish the OALJ and gives the OALJ jurisdiction to conduct recovery of funds hearings, withholding hearings, cease and desist hearings, and, under section 451(a)(4), "other proceedings designated by the Secretary." The Library's appeal of the determination described above is a proceeding that falls within the meaning of section 451(a)(4).

In 1990, Congress amended provisions of the LSCA that affected the basis used by the Library for calculating MOE. The Secretary granted the Library a waiver of the MOE requirement for Title I of the LSCA for Fiscal Year 1991 based, in general, on a finding that the Library had not been afforded adequate time to comply with the recently amended Federal law. As noted in the letter dated September 21, 1992, the 1991 waiver had no effect for subsequent years.

The Secretary has determined that designation of this appeal to the OALJ pursuant to section 451(a)(4) of GEPA would facilitate an orderly administrative review of the Assistant Secretary's determination according to procedures established by section 451 of GEPA and 34 CFR Part 81, Subpart A. This designation will afford the Library the same rights that are available to other grantees seeking review of similar types of determinations.

Therefore, under the authority of section 451(a)(4) of GEPA (20 U.S.C. 1234(a)(4)) and 34 CFR 81.3(b) of the regulations, the Secretary designates the OALJ as the forum to hear the Library's appeal of the determination issued by the Assistant Secretary on September 21, 1992. The OALJ is to review this appeal in accordance with the final regulations codified at 34 CFR part 81, subpart A.

(Catalog of Federal Domestic Assistance Number not applicable)

Dated: February 4, 1993.

Richard W. Riley,

Secretary of Education.

[FR Doc. 93–3210 Filed 2–10–93; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Pittsburgh Energy Technology Center; Notice of Financial Assistance Program Solicitation

AGENCY: U.S. Department of Energy, Pittsburgh Energy Technology Center, Department of Energy.

ACTION: Notice of Financial Assistance Program Solicitation.

SUMMARY: The Department of Energy (DOE), Pittsburgh Energy Technology Center (PETC) announces that pursuant to 10 CFR 600.9, it intends to issue a solicitation entitled "Research, Development and Demonstration for Coke Oven Emission Control."

ADDRESSES: U.S. Department of Energy, Pittsburgh Energy Technology Center, Acquisition and Assistance Division, P.O. Box 10940, MS 921–118, Pittsburgh PA 15236–0940.

FOR FURTHER INFORMATION CONTACT: John N. Augustine, Contract Specialist, (412) 892–4524.

SUPPLEMENTARY INFORMATION:

Solicitation No.
DE–PS22–92PC92638
Title of Research Effort:
"Research, Development and Demonstration for Coke Oven Emission Control"
Term of Assistance Effort:
Approximately one to four years (12 to 48 months)

The purpose of this assistance action is to solicit applications for cost-shared Cooperative Agreements that would develop and demonstrate technologies to reduce hazardous coke oven emissions. Proposed projects should be designed to enable the domestic coke industry to meet coke oven emission regulations that will be promulgated by

the EPA in accordance with the 1990 Clean Air Act Amendments. These regulations include proposed 1998 and 2010 LAER standards, proposed MACT standards for pushing, quenching, and stack emissions, and standards aimed at further reduction of health risks.

This Program Solicitation calls for applications in the following four areas: (1) Coking Emission Control, (2) Product Recovery Emission Control, (3) Combustion Stack Gas Treatment, and (4) Residual Risk Reduction. Projects in Coking Emission Control should provide technologies that would allow the industry to meet the 1998 and 2010 LAER standards by reducing charging emissions and leaks from oven doors, lids and offtakes. These projects may include charging emissions control, improved door designs or door sealing techniques, improved supplemental sealants or luting materials, improved work practices, pressure controls for individual ovens, leak detection and measurement systems, and other innovations. Projects in Product Recovery Emission Control should demonstrate work practices and technologies to reduce or eliminate pushing and quenching emissions in either recovery or non-recovery ovens. Such technologies may include enclosed systems to receive and cool the coke product, instruments to measure the maturity of coke inside the oven, instruments and methods to measure product recovery emissions, and others. Projects in Combustion Stack Gas Treatment should reduce the emissions that result from the combustion of gases produced in either recovery or non-recovery coke ovens. These projects may include characterization and monitoring of hazardous air pollutants in combustion stack emissions, and development of technologies and work practices for the reduction or treatment of combustion stack gases. Projects in Residual Risk Reduction should deal with the reduction of any health risks still remaining after the established MACT and LAER standards have been met. This includes reduction of fugitive and point source emissions anywhere in the coke producing facility. Projects in this area may focus on prevention of oven crack formation, including novel oven construction methods; reduction or elimination of leaks in the recovery-gas processing plant; more rigorous control of coking, product recovery, and stack gas emissions; accurate detection and measurement of various coke oven emissions; evaluation of the use of flares to control bypass or bleeder-stack emissions; and evaluation of alternative coke oven operations and battery designs.

Each proposed project must be cost-shared, with Federal funding not to exceed 50% of the cost of any project, as directed by the 1990 Clean Air Act Amendments. This Program Solicitation will be available on or about March 1, 1993. The closing date for submission of applications is one year after the solicitation becomes available, and applications may be submitted any time within this one year period. Individual applications received within this one year period shall be submitted for peer review and evaluated upon receipt. Awards will be made periodically on selected applications that have received a favorable evaluation.

This action was previously announced on August 10, 1992 (Volume 57, Number 154).

Dated: January 20, 1993.

Dale A. Siciliano,

Contracting Officer.

[FR Doc. 93-3296 Filed 2-10-93; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Notice of Intent To Sign Two Proposed Billing Credits Contracts

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of intent.

SUMMARY: BPA File No.: BCR-10. BPA announces its intention to sign two Billing Credit Contracts for two generation projects.

BPA has previously signed other billing credit generation contracts, in addition to the contracts described in this Notice. These prior contract signings were addressed in previous-released **Federal Register** Notices. (57 FR 33501; July 29, 1992 and 57 FR 48792; October 28, 1992)

The Cottrell Hydroelectric project is the reconstruction of an abandoned project located on McCloskey Creek in Western Skamania County, Washington. It includes a 1.8 square mile drainage area with 30 acre-feet of storage; a new 24-foot high, 218-foot long, earth filled diversion structure on McCloskey Creek; a 9,900-foot, 28-inch diameter pipeline with 1,350 feet of hydraulic head; a 3-jet Pelton turbine and 4,400-kilowatt sychronus generator located in a restored powerhouse near the Washougal River; a 5-MVA step-up transformer; and an upgrade of the 12.5-kilovolt distribution system from the powerhouse to the Bonneville Cape Horn Substation. The project expects to begin producing power in September 1994. The Cottrell Hydroelectric project is licensed to Trueman Price, Inc., under Federal Energy Regulatory Commission number 7174.

The South Fork Tolt Hydroelectric project, located in King County, Washington, includes mutual use of the existing South Fork Tolt earth dam, storage reservoir and regulating basin, all part of the City of Seattle's water supply facilities. The project will utilize approximately 1,000 feet of hydraulic head to generate hydroelectric energy. The project facilities will consist of a new 66 inch diameter 5 mile long buried steel pipeline and a powerhouse housing a 15 megawatt (MW) Pelton-type turbine and generator. A diversion outlet structure will channel the water from the powerhouse to an existing regulating basin. The South Fork Tolt Hydroelectric project is licensed to the City of Seattle, Washington, under Federal Energy Regulatory Commission number 2959.

BPA, pursuant to its Billing Credits Policy, as amended August 30, 1984 (49 FR 34395), and its Billing Credit Solicitation July 1990, has negotiated with one public utility district and one municipal body for two generation projects.

The Administrative Record, available for public review, contains background on BPA's Billing Credits Policy, the need for billing credit resources, a summary of the Billing Credit Solicitation, a summary of the evaluation process for proposals, and environmental considerations. The Administrative Record includes three Appendices: Appendix A—Billing Credit Solicitation, appendix B—Issue Resolution Log. Addendum One of the Draft Administrative Record—Customer System Efficiency Improvements (CSEI) Contract Development, and Amendment A to Addendum One provide specific information about CSEI projects and how billing credits are determined. These were previously released for public review (57 FR 1161; January 10, 1992 and 57 FR 9250; March 17, 1992).

Addendum Two of the Administrative Record-Contract Development Conservation Proposals, provides specific information about the conservation projects and how billing credits are determined for these projects. This addendum was previously released for public review (57 FR 9250).

Responsible Official

Paul Norman, Billing Credits Project Manager, is the official responsible for BPA's Billing Credit contracts, the Administrative Record, and Addenda.

DATES: BPA will receive comments on the proposed Billing Credit contracts for

30 days. Payment or credits will not be made or granted until 90 days after the date of a **Federal Register** Notice announcing that the contracts have been signed.

FOR FURTHER INFORMATION CONTACT: For a copy of a specific generation billing credit contract(s), or the Administrative Record, please contact the Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

Telephone numbers, voice/TTY, for the Public Involvement Office are 503–230–3478 in Portland, or toll-free 800–622–4519.

Information may also be obtained from:

Mr. George E. Bell, Lower Columbia Area Manager, 1500 NE. Irving Street, Room 243, Portland, Oregon 97208, 503–230–4551.

Mr. Robert Laffel, Eugene District Manager, Federal Building, Room 206, 211 East Seventh Street, Eugene, Oregon 97410, 503–465–6952.

Mr. Wayne R. Lee, Upper Columbia Area Manager, Room 561, U.S. Court House, 920 W. Riverside Avenue, Spokane, Washington 99201, 509–353–2518.

Ms. Carol S. Fleischman, Spokane District Manager, Room 112, U.S. Court House, 920 W. Riverside Avenue, Spokane, Washington 99201, 509–353–3279.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3060.

Mr. Ronald K. Rodewald, Wenatchee District Manager, 301 Yakima Street, Room 307, Wenatchee, Washington, 98807, 509–662–4377.

Mr. Terence G. Esvelt, Puget Sound Area Manager, 201 Queen Avenue North, Suite 400, Seattle, Washington 98109, 206–553–4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 508–522–6226.

Mr. Jim Normandeau, Boise District Manager, Federal Building, 304 North Eighth Street, Room 450, Boise, Idaho 83702, 208–334–9137.

Ms. C. Clark Leone, Idaho Falls District Manager, 1527 Hollipark Drive, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION:

I. Background

BPA is a self-financing power marketing agency with the United States Department of Energy. BPA was established by the Bonneville Project Act of 1937, 16 U.S.C. 832 et seq., to market wholesale power from Bonneville Dam and to construct power lines for the transmission of this power to load centers in the Northwest. BPA sells wholesale electric power and energy to 126 utilities, 13 direct service industrial customers (DSIs) and several government agencies.

The Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act) directs BPA to serve the net power requirements of any electric utility requesting service, and to serve existing DSIs in the Pacific Northwest. 16 U.S.C. 839c (b)(1) and (d). Although BPA cannot own or construct electric generating facilities, the Northwest Power Act directs BPA to acquire rights to the output or capability of electric power resources to serve increased customer requirements. See 16 U.S.C. 839a(1) and (d). The Northwest Power Act requires BPA to grant credits to BPA's customers on their power bills for electric power resources that reduce the Administrator's obligation to acquire resources to meet BPA's electric power requirements. 16 U.S.C. 839d(h). Billing credits may be adjustments to customers' power bills or equivalent cash payments. Resources eligible for billing credits include conservation and generation. Specific requirements for resources and the amount BPA can pay for these resources are outlined in the Northwest Power Act and BPA's Billing Credits Policy.

BPA's Billing Credits Policy interprets the billing credits provisions in the Northwest Power Act, prescribes criteria for customer and resource eligibility, and establishes procedures for granting billing credits.

BPA's 1990 Resource Program focused on choosing near-term resource actions for Fiscal Years 1992 and 1993. Subsequent to receiving comments from customers on the draft 1990 Resource Program that suggested BPA use billing credits, BPA developed a solicitation requesting proposals for billing credits resources. Billing credits provide a way to shift some of the risk for resource development to utilities and others, which was an objective of the chosen strategy in the 1990 Resource Program. In July 1990, BPA released the solicitation. It proposed to test the billing credit approach for acquiring energy resources by granting 50 average MW of billing credits to eligible resources. BPA's objective in the test was to ensure that the billing credit mechanism is workable for BPA customers.

II. Billing Credit Proposals

The proposals submitted in response to the Billing Credit Solicitation were divided into two groups, conservation and generation resources. Because CSEI projects reduce electric power consumption or losses by increasing efficiency of electric use, production, transmission, or distribution, they were considered a subset of conservation measures, but covered in separate contracts. Conservation and CSEI projects are not discussed, in detail, in this Notice.

III. Description of the Generation Proposals

Seventeen generation proposals representing 11 public bodies or cooperative utilities were submitted pursuant to the July 1990 Billing Credit Solicitation. Proposed generation projects included hydroelectric, biomass, and cogeneration projects to produce electricity. Five of the 17 proposals were withdrawn during the evaluation process and three proposals were rejected for not meeting the threshold criteria. BPA has released previous **Federal Register** Notices announcing the signing of generation projects.

BPA intends to sign two contracts with these public utilities for the following generation projects:

1. Skamania County Public Utility District—Cottrell Hydroelectric project—a hydroelectric project.
2. Seattle City Light—South Fork Tolt Hydroelectric project—a hydroelectric project.

These projects meet the qualifications for billing credits, and BPA has completed its obligations under NEPA. The customers will comply with all applicable environmental requirements in the construction of the project and during the operation phase.

IV. Methodology for Determining Generation Billing Credits

The payment for billing credits (BC) for these customers will be calculated and paid monthly as follows:

As Skamania County Public Utility District is a Metered Requirements Customer under its Power Sales Contract with BPA, the monthly BC will be the lesser of the Adjusted Alternative Cost or Net Cost multiplied by the monthly amounts of Estimated Firm Energy of the Billing Credit Resource, less the amount of Priority Firm Rate dollars the customer avoids paying as a result of the Billing Credit Resource. The Actual BC is determined annually and compared to the Estimated BC payments for the previous year and any over or under payment is corrected.

As Seattle City Light is a Computed Requirements Customer under its Power Sales Contract with BPA, the monthly BC will be the lesser of the Adjusted Alternative Cost or Net Cost multiplied by the monthly amounts of Assured Energy Capability of the BC Resource, less the amount of Priority Firm Rate dollars the customer avoids paying as a result of the BC Resource. There is no true-up; this is because the customer is required to maintain the Assured Energy

Capability for the BC Resource, as it must do for all its firm resources under the Power Sales Contract.

V. Materials Available

Copies of the Billing Credits Policy, the Administrative Record, its Appendices, Addendum One, Amendment A to Addendum One, Addendum Two, and Addendum Three are available from BPA's Public Involvement office. Refer to the "FOR FURTHER INFORMATION CONTACT" section of this notice.

Stephen Wright,

Assistant Administrator.

[FR Doc. 93–3090 Filed 2–10–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. CP89–2165–003]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

February 4, 1993.

Take notice that on January 29, 1993, Algonquin Gas Transmission Co., ("Algonquin") tendered for filing the followed revised tariff sheets to its FERC Gas Tariff:

Third Revised Volume No. 1

First Revised Sheet No. 371
1 Rev Original Sheet No. 372
First Revised Sheet No. 374
First Revised Sheet No. 861
First Revised Sheet Nos. 863–866

Algonquin requests a March 1, 1993 effective date. Algonquin states that the revised tariff sheets are submitted to comply with ordering paragraph (B) of the Commission's Order Granting Motion for Reconsideration issued on January 19, 1993, in Docket No. CP89–2165–002.

Algonquin states that copies of the filing have been sent to Algonquin's jurisdictional sales customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 11, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–3285 Filed 2–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EG93–16–000]

Notice of Filing

JMC Ocean State Corp.

February 4, 1993.

Take notice that on February 1, 1993, JMC Ocean State Corporation (JMC) filed an application under section 32(a)(1) of the Public Utility Holding Company Act of 1935, as amended, seeking a determination that JMC is an exempt wholesale generator. JMC states that it is a partner in Ocean State Power (OSP) and Ocean State Power II (OSP II). JMC states that OSP and OSP II are two separate Rhode Island general partnerships each of which owns and operates a combined-cycle, wholesale electric generating facility in Burrillville, Rhode Island.

Any person desiring to be heard or objecting to the application for exempt wholesale generator status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before March 1, 1993, and must be served on the applicant. Protests will be considered by the Commission in determing the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–3286 Filed 2–10–93; 8:45 am]

BILLING CODE 6717–01–M

Application Filed With the Commission

January 26, 1993.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

a. *Type of Application:* Request to Defer Filing for License Articles 401, 403, and 406

b. *Project No:* 7267–011
c. *Date Filed:* November 24, 1992
d. *Applicant:* Joseph M. Keating
e. *Name of Project:* Tungstar Project
f. *Location:* Morgan Creek/Upper Pine Creek in Inyo County, California
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r)
h. *Applicant Contact:* Joseph M. Keating 847 Pacific Street Placerville, CA 95667
i. *FERC Contact:* John Costello, (202) 219–2914
j. *Comment Date:* March 10, 1993
k. *Description of Project:* The licensee filed a request for interim waiver of license articles 401 (recreation plan), 403 (fish and wildlife mitigation plan), and 406 (construct a meandering channel). The licensee is requesting that the filing requirements for these articles be deferred until after commencement of Phase I construction, but before Phase II construction. This will enable commencement of project construction on two, five-acre parcels known as Mill Sites 2 and 3. The licensee states that the Phase I activities will not affect lands of the United States within the Inyo National Forest.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments failed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE," as applicable, and the project number of the particular application to which the filing is in response. Any of these documents must be filed by providing an original and eight copies to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, DC 20426. A motion to intervene must also be served upon the representative of Joseph M. Keating.

D2. Agency Comments—The Commission invites federal, state, and local agencies to file comments on the described application. Agencies may obtain a copy of the application directly

from the applicant. If an agency does not file comments within the time specified for filing comments, the Commission will presume that the agency has none. One copy of an agency's comments must be sent to the applicant's representatives.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3203 Filed 2–10–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EG93–15–000]

NW Energy (Williams Lake) Limited Partnership; Notice of Filing

February 4, 1993.

On January 29, 1993, NW Energy (Williams Lake) Limited Partnership (NW Energy LP), a limited partnership organized under the laws of British Columbia, Canada, submitted a request under section 32(a)(1) of the Public Utility Holding Company Act of 1935, as amended, seeking a determination that it is an exempt wholesale generator. NW Energy LP states that it is the owner of certain electric generating facilities currently under construction in Williams Lake, British Columbia, Canada (the Facility). NW Energy LP states that the Facility, when completed, will be a 60 MW (net output), wood waste fired electric generating facility in Williams Lake, British Columbia, Canada. NW Energy LP states that it will sell electricity generated at the Facility exclusively at wholesale.

Any person desiring to be heard or objecting to the application for exempt wholesale generator status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before February 26, 1993, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–3287 Filed 2–10–93; 8:45 am]

BILLING CODE 6717–01–M

Office of Energy Research

Fusion Energy Advisory Committee; Notice of Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Fusion Energy Advisory Committee (FEAC).

Date and Time: Thursday, March 4, 1993—8:30 a.m.–5:30 p.m. Friday, March 5, 1993—8:30 a.m.–4 p.m.

Place: U.S. Department of Energy, Germantown Auditorium, 19901 Germantown Road, Germantown, Maryland 20874.

Contact: Deborah Lonsdale, U.S. Department of Energy, GTN, Office of Fusion Energy (ER–50), Office of Energy Research, Washington, DC 20585, Telephone: 301–903–4941.

Purpose of the Committee: To provide advice on a continuing basis to the Department of Energy on the complex scientific and technical issues that arise in the planning, management, and implementation of its Fusion Energy Program.

Tentative Agenda Thursday, March 4, 1993

Status of the International Thermonuclear Experimental Reactor (ITER) Program
Status of Deuterium-Tritium (D–T) Program
Status of the Tokamak Physics Experiment Project
Report on Panel VI on Neutron Interactive Materials Program
Public Comment (10-Minute Rule)

Friday, March 5, 1993

Presentation by Electric Power Research Institute
Continuation of Report on Panel VI on Neutron Interactive Materials Program
FEAC Deliberations
Public Comment (10-minute Rule)

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact: Deborah Lonsdale at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: The transcript of the meeting will be available for public review and copying at the Freedom of Information Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on February 8, 1993.

Marcia L. Morris,

Deputy Advisory Committee, Management Officer.

[FR Doc. 93–3299 Filed 2–10–93; 8:45 am]

BILLING CODE 6450–01–M

Office of Fossil Energy

[FE Docket No. 92–153–NG]

Enron Gas Marketing, Inc.; Order Granting Long-Term Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Enron Gas Marketing, Inc. long-term authorization to import near Grand Island, New York up to 32,000 Mcf of natural gas per day and up to 10.6 Bcf per year from Canada for a period of ten years beginning on November 1, 1994, through October 31, 2004. This gas will be consumed at a 1,000-megawatt cogeneration facility to be built by Sithe/Independence Power Partners, L.P. in Scriba, New York.

This order is available for inspection and copying in the Office of Fuels Programs, Docket Room 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, January 29, 1993.

Clifford Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–3297Filed 2–10–93; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 92–158–NG]

Indeck-Yerkes Limited Partnership; Order Granting Long-Term Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice

that it has issued an order granting Indeck-Yerkes Limited Partnership (Indeck-Yerkes L.P.) authorization to import through existing pipeline facilities near Niagara Falls, New York, up to 1,200 Mcf per day of Canadian natural gas over a period of 4 years, beginning on January 22, 1993, and continuing through October 31, 1996. The gas will be purchased from Northstar Energy Corporation and used to fuel Indeck-Yerkes L.P.'s existing 53-megawatt cogeneration facility in the Town of Tonawanda, New York.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 4, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–3298 Filed 2–10–93; 8:45 am]

BILLING CODE 6450–01–M

FEDERAL ELECTION COMMISSION

[Notice 1993–6]

Filing Dates for the Mississippi Special Election

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special elections.

SUMMARY: Mississippi has scheduled a special election in the Second Congressional District to fill the U.S. House seat vacated by Representative Mike Espy. There are two possible elections, but only one may be necessary.

- Special General Election: March 30, 1993. If no candidate wins a majority of votes in the Special General Election, the two top vote-getters, regardless of party affiliation, will participate in a Special Runoff.
- Special Runoff Election: April 13, 1993.

FOR FURTHER INFORMATION CONTACT: Ms. Bobby Werfel, Public Information Office, 999 E Street, NW., Washington, DC 20463, Telephone: (202) 219–3420; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION: All principal campaign committees of candidates who participate in the Mississippi Special General Election and all other political committees not filing monthly which support candidates in this election shall file a 12-day Pre-General Report by March 18, 1993, with coverage dates from the close of the last report filed, or the date of the committee's first activity, whichever is later, through March 10, 1993. If there is a majority winner, committees must also file a Post-General Report by April 29, 1993, with coverage dates from March 11, 1993, through April 19, 1993, and a Mid-Year Report by July 31, 1993, with coverage dates from April 20, 1993, through June 30, 1993.

In the event that no candidate receives a majority of the votes in the Special General Election, a Special Runoff Election will be held on April 13, 1993. The following information only applies if a Special Runoff Election is held.

All principal campaign committees of candidates in the Special General Election only and all other political committees not filing monthly which support candidates in the Special General Election only shall file a 12-day Pre-General Report by March 18, 1993, with coverage dates from the close of the last report filed, or the date of the committee's first activity, whichever is later, through March 10, 1993, and a Mid-Year Report by July 31, 1993, with coverage dates from March 11, 1993, through June 30, 1993.

All principal campaign committees of candidates who participate in the Special Runoff Election and all other political committees not filing monthly which support candidates in the Special Runoff and in the preceding Special General Election shall file a Pre-General Report by March 18, 1993, with coverage dates from the close of the last report filed, or the committee's first activity, whichever is later, through March 10, 1993, a 12-day Pre-Runoff Report by April 1, 1993, with coverage dates from March 11, 1993, through March 24, 1993, and a Post-Runoff Report by May 13, 1993, with coverage dates from March 25, 1993 through May 3, 1993, and a Mid-Year Report by July 31, 1993, with coverage dates from May 4, 1993, through June 30, 1993.

All unauthorized political committees not filing monthly which support candidates in the Special Runoff only shall file a 12-day Pre-Runoff Report by April 1, 1993, with coverage dates from the close of the last report filed, or the date of the committee's first activity, whichever is later, through March 24, 1993, and a Post-Runoff Report by May 13, 1993, with coverage dates from March 25, 1993, through May 3, 1993, and a Mid-Year Report by July 31, 1993, with coverage dates from May 4, 1993, through June 30, 1993.

CALENDAR OF REPORTING DATES FOR MISSISSIPPI SPECIAL ELECTIONS

Report	Period covered	Reg./cert. mailing date [1]	Filing date
If only one election (03/30) is held, committees must file:			
Pre-General	[2] 01/01/93–03/10/93	03/15/93	03/18/93
Post-General	03/11/93–04/19/93	04/29/93	04/29/93
Mid-Year	04/20/93–06/30/93	07/31/93	07/31/93
If two elections are held, all committees involved in only the general election (03/30) must file:			
Pre-General	[2] 01/01/93–03/10/93	03/15/93	03/18/93
Mid-Year	03/11/93–06/30/93	07/31/93	07/31/93
If two elections are held, committees involved in the general election (03/30) and the runoff election (04/13) must file:			
Pre-General	[2] 01/01/93–03/10/93	03/15/93	03/18/93
Pre-Runoff	03/11/93–03/24/93	03/29/93	04/01/93
Post-Runoff	03/25/93–05/03/93	05/13/93	05/13/93
Mid-Year	05/04/93–06/30/93	07/31/93	07/31/93
If two elections are held, committees involved in only the runoff election (04/13) must file:			
Pre-Runoff	[2] 01/01/93–03/24/93	03/29/93	04/01/93
Post-Runoff	03/25/93–05/03/93	05/13/93	05/13/93
Mid-Year	05/04/93–06/30/93	07/31/93	07/31/93

[1] Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.
[2] The period begins with the close of books of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

Dated: February 5, 1993.
Scott E. Thomas,
Chairman, Federal Election Commission.
[FR Doc. 93–3198 Filed 2–10–93; 8:45 am]
BILLING CODE 6715–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Open Meeting, Board of Visitors for the Emergency Management Institute

AGENCY: Federal Emergency Management Agency (FEMA).
ACTION: Notice of open meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, FEMA announces the following committee meeting:
NAME: Board of Visitors for the Emergency Management Institute.
DATES OF MEETING: March 14–16, 1993.
PLACES: Federal Emergency Management Agency, National Emergency Training Center, Emergency Management Institute, Conference Room, Building N, Emmitsburg, MD 21727.
TIME: March 14, 1993, 10 a.m.–5 p.m., March 15, 1993, 8:30 a.m.–5 p.m., March 16, 1993, 8:30 a.m.–12 noon.
PROPOSED AGENDA: March 14: The board will welcome 5 newly appointed members, discuss its recently submitted 1993 Annual Report with the EMI Superintendent, and obtain feedback as necessary.

March 15: The board will be briefed on the status of various EMI/FEMA programs, discuss the future of emergency management, and receive a campus tour including EMI's Computer Lab.

March 16: The board will develop its 1993 Workplan and discuss the agenda for its joint session with the National Fire Academy Board of Visitors in June.
SUPPLEMENTARY INFORMATION: The meeting will be open to the public with approximately 10 seats available on a first-come, first-served basis. Members of the general public who plan to attend the meeting should contact the Office of the Superintendent, Emergency Management Institute, 16825 South Seton Avenue, Emmitsburg, MD 21727, (301) 447–1251, on or before March 1, 1993.

Minutes of the meeting will be prepared and will be available for public viewing in the Office of the Superintendent, Emergency Management Institute, Federal Emergency Management Agency, Building N, National Emergency Training Center, Emmitsburg, MD 21727. Copies of the minutes will be available upon request 30 days after the meeting.

Dated: February 3, 1993.
Richard W. Krimm,
Deputy Associate Director, State and Local Programs and Support.
[FR Doc. 93–3243 Filed 2–10–93; 8:45 am]
BILLING CODE 6718–01–M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR Part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Zerda Forwarding
519 Commercial Street, 4th Fl.
San Francisco, CA 94111
Sole Proprietor
Deborah Ann Zerda-Andrews

Sea Link Corporation
5460 N. State Road, #7
Ft. Lauderdale, FL 33319
Officers:
Terrence Swonk, President
Erick Castillo, Vice President

Midas Express, Inc.
120 S. Linden Ave.
So. San Francisco, CA 94080
Officers:
Jack Wu, President
Emily Wu, Secretary/Treasurer

Van Esch Trading and Shipping B.V.
6033 W. Century Blvd., #1222
Los Angeles, CA 90045
Officers:
H. van Esch, Sr., President
J. Groenendijk, Proxy Holder
W. van Esch, Managing Director

Amano U.S.C. Corporation
20437 So. Western Ave.
Torrance, CA 90501
Officers:
Kazuyoshi, Oi, President/Treasurer/Secr./Dir.
Hiroshi Yamanashi, Director
Kenichiro Nakamura, Director

Air Waves International Freight Services
1868 Abbottson Street
Carson, CA 90746
Mario Cervantes Bravo
Sole Proprietor

By the Federal Maritime Commission.
Dated: February 5, 1993.
Joseph C. Polking,
Secretary.
[FR Doc. 93–3199 Filed 2–10–93; 8:45 am]
BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

President's Committee on Mental Retardation; Notice of Meeting

AGENCY HOLDING THE MEETING: President's Committee on Mental Retardation.
TIME AND DATE: Executive Committee Meeting, Monday, March 29, 1993, 8 a.m.–9 a.m. Full Committee Meeting, March 29–March 30, 1993, 9:30 a.m.–5 p.m.
PLACE: Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, Virginia 22202.
STATUS: Meetings are open to the public. An interpreter for the deaf will be available upon advance request. All locations are barrier free.
MATTERS TO BE CONSIDERED: Reports by members of the Executive Committee of the President's Committee on Mental Retardation (PCMR) will be given. The Committee plans to discuss critical issues concerning prevention, family and community services, full citizenship, public awareness and other issues relevant to the PCMR's goals.

The PCMR: (1) Acts in an advisory capacity to the President and the Secretary of the Department of Health and Human Services on matters relating to programs and services for persons with mental retardation; and (2) is responsible for evaluating the adequacy of current practices in programs for the retarded, and reviewing legislative proposals that affect persons with mental retardation.
CONTACT PERSON FOR MORE INFORMATION: James J. Colarusso, Wilbur J. Cohen Building, room 5325, 330 Independence Avenue, SW., Washington, DC 20201–0001, (202) 619–0634.

Dated: February 1, 1993.
James J. Colarusso,
Acting Executive Director, PCMR.
[FR Doc. 93–3200 Filed 2–10–93; 8:45 am]
BILLING CODE 4130–01–M

VOL 58 ISS 27 FE 11 1993 UMI

Centers for Disease Control and Prevention

Sampling Efficiency of Aerosol Samplers; Meeting

The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) announces the following meeting:

NAME: Sampling Efficiency of Aerosol Samplers.

TIME AND DATE: 10 a.m.–4 p.m., March 3, 1993.

PLACE: Alice Hamilton Laboratory, Energy Activities Conference Room, NIOSH, CDC, 5555 Ridge Avenue, Cincinnati, Ohio 45213.

STATUS: Open to the public, limited only by the space available. Viewpoints and suggestions from industry, labor, academia, other government agencies, and the public are invited.

PURPOSE: To conduct an open review of a NIOSH research project in the Division of Physical Sciences and Engineering entitled "Sampling Efficiency of Aerosol Samplers." This project involves the development of a testing procedure for inhalable dust samplers and use of this procedure to test commercially available and newly developed inhalable dust samplers. The goal of the project is to identify samplers whose performance characteristics match the accepted definition of inhalable dust.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Jerome P. Smith, Ph.D., NIOSH, CDC, 4676 Columbia Parkway, Mailstop R7, Cincinnati, Ohio 45226, telephone 513/841–4222.

Dated: February 5, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–3211 Filed 2–10–93; 8:45 am]

BILLING CODE 4160–19–M

Food and Drug Administration

[Docket No. 93D–0012]

Uniform Labeling of Drugs for Dairy and Beef Cattle; Draft Guideline; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guideline entitled "Guideline for Uniform Labeling of Drugs for Dairy and Beef Cattle" prepared by the Center for Veterinary Medicine (CVM). This draft guideline was formulated to promote uniform labeling among all cattle drug products and to suggest geometric symbolic representation for categories of drug products. Following the comment period, CVM intends to finalize the guideline.

DATES: Written comments by April 12, 1993.

ADDRESSES: Submit written requests for single copies of the draft guideline to the Communications and Education Branch (HFV–12), Center For Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, or to the contact person (address below). Send two self-addressed adhesive labels to assist that office in processing your requests. Submit written comments on the draft guideline to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857. Requests and comments should be identified with the docket number found in brackets in the heading of this document. A copy of the draft guideline and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Thomas J. Jacobs, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8648.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of a draft guideline entitled "Guideline for Uniform Labeling of Drugs for Dairy and Beef Cattle." This draft guideline may be used by the animal drug industry to ensure uniform labeling of cattle products. Use of uniform labeling, including the suggested symbol representation, should result in better controlled drug usage and aid in the reduction of illegal drug residues in milk and meat.

The draft guideline summarizes the codified labeling requirements for over-the-counter (OTC) and prescription (Rx) drugs; in addition, it summarizes guidance issued by CVM in the past.

The draft guideline provides suggested symbolic representations for each category of drug use. The divided square immediately informs the user of its OTC or Rx approval status. The class(es) of cattle for which it is approved is provided in off-set triangles. The guideline also describes circular symbols to denote milk discard times and drug withdrawal times prior to slaughter. These circular symbols have been successfully used on bovine mastitis labels since 1984. The guideline also provides guidance as to the placement and minimum size of each symbol. If these symbolic representations are voluntarily adopted by all cattle drug manufacturers, unintentional misuse of approved drugs should be diminished.

Manufacturers who wish to incorporate these symbols on their label must supplement their existing new animal drug application for approval by CVM.

The guideline represents the agency's position on a procedure or practice at the time of its issuance. A guideline is not a legal requirement. A person may follow the guideline or may choose to follow alternate procedures or practices. If a person chooses to use alternate procedures or practices, that person may wish to discuss the matter further with FDA/CVM to prevent an expenditure of money and effort on activities that may later be determined to be unacceptable. The guideline does not bind the agency, and it does not create or confer any rights, privileges, immunities, or benefits for or on any person. When a guideline states a requirement imposed by statute or regulation, however, the requirement is law and its force and effect are not changed in any way by virtue of its inclusion in the guideline.

Interested persons may, on or before April 12, 1993, submit written comments on the draft guideline to the Dockets Management Branch (address above) or to the contact person (address above). FDA will consider these comments in determining whether further amendments to, or revisions of, the guideline are warranted. Comments should be submitted in duplicate (except that individuals may submit one copy), identified with the docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 4, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–3137 Filed 2–10–93; 8:45 am]

BILLING CODE 4160–01–F

Program Announcement Number FDA–CFSAN–93.1 Cooperative Agreement for Shellfish and Seafood Safety Assistance Project; Availability of Funds for Fiscal Year 1993

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA), Office of Seafood (OS), is announcing its intention to award without competition a cooperative agreement to the Interstate Shellfish Sanitation Conference (ISSC) in the amount of $165,000 for the first year. Subject to the availability of Federal funds and successful performance, 2 additional years of support without competition are available. This effort will enhance FDA's molluscan shellfish sanitation program and provide the public greater assurance of the quality and safety of these and other seafood products.

FOR FURTHER INFORMATION CONTACT: Robert L. Robins, Grants Management Officer, State Contracts and Assistance Agreements Branch (HFA–520), Food and Drug Administration, rm. 340, Park Bldg., 5600 Fishers Lane, Rockville, MD 20857, 301–443–6170.

Regarding the programmatic aspects of this project contact: Edward A. Steele, Director, Division of Special Programs, Office of Seafood, Center for Food Safety and Applied Nutrition, 200 C St. SW., Washington, DC 20204, 202–254–3888.

SUPPLEMENTARY INFORMATION: This project is authorized under section 301 of the Public Health Service Act (42 U.S.C. 241). This activity is generally described in the Catalog of Federal Domestic Assistance at 93.103. The Public Health Service (PHS) is committed to "Healthy People 2000." This application is not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs (45 CFR part 100).

This project will enhance both the effectiveness and uniformity of the molluscan shellfish program by: (1) Improving the flow of information between Federal and State regulatory agencies, industry, and the consumer; and (2) strengthening State activities by providing assistance in such areas as procedural and policy guidance, technical training, research, consumer education, and the assurance of conformity to the National Shellfish Sanitation Program (NSSP).

PHS is committed to achieving the health promotion and disease prevention objectives of "Healthy People 2000," a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority areas of Environmental Health, Surveillance, and Data Systems. To obtain a copy of "Healthy People 2000," order: (Full Report; Stock No. 017–001–00474–0) or (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, 202–783–3238.

I. Restricted Eligibility

The Commissioner of Food and Drugs, as authorized by PHS Grants Administration Manual, Part 144.3, has determined that this project should be awarded as a cooperative agreement without competition to the ISSC. Only the ISSC has the established relationships with the necessary State and local governments, the shellfish industry, other Federal agencies, and FDA to achieve the objectives of this project. Therefore, no other applications are solicited or will be accepted.

II. Availability of Funds

FDA will fund this cooperative agreement at a level of approximately $165,000 for total costs for the first year. An additional 2 years of support will be available depending upon fiscal year appropriations, continued support from other government agencies, and successful performance. It is anticipated that this cooperative agreement will commence on or before February 1, 1993. FDA will entertain requests for preaward costs.

III. Background

Molluscan shellfish have been identified as the source of a majority of seafood-borne illnesses and have become a subject of congressional, industry, and public concern. FDA has therefore given high priority to efforts to enhance the agency program and to provide the public greater assurance of the quality and safety of these products. Unique problems associated with the consumption of raw molluscan shellfish, i.e., oysters, clams, mussels, and scallops, led to the establishment of the NSSP in 1925. FDA administers the NSSP and the Manual of Operations, parts I and II, which serves as a guideline for State shellfish sanitation programs and State regulations.

In 1983, the ISSC was formed to provide a formal structure wherein State regulatory authorities can establish updated guidelines, and procedures for the uniform application of those guidelines, for sanitary control of the shellfish industry. The ISSC is a voluntary organization and is open to all persons interested in fostering controls that will assure sources of safe and sanitary shellfish. In 1984, FDA recognized the ISSC through a formal memorandum of understanding (MOU), and continues to recognize it as the primary voluntary national organization of State shellfish regulatory officials that will provide guidance and counsel to the States on matters of sanitary control of shellfish.

IV. Purpose

The ISSC was formed as a partnership of State shellfish control officials representing both environmental and public health agencies; Federal agencies including FDA, the Environmental Protection Agency, and the National Marine Fisheries Services of the Department of Commerce; and representatives from industry, academic, and foreign governments and industries. More than 25 States are members of the ISSC, including all 23 coastal shellfish-producing States.

The proposed cooperative agreement with ISSC is: (1) To address the need to improve information exchange and transfer among States, Federal agencies, industry, and the consumer; and (2) to strengthen State activities by providing them with procedural and policy guidance, technical training, research, and materials for consumer education.

FDA's Office of Seafood will appoint an individual in the Shellfish Sanitation Branch to serve as the agency's coordinator for this project.

V. Substantive Involvement by FDA

To achieve the purpose of this project, ISSC will be responsible for conducting activities under section V.A. of this document, and FDA will be responsible for conducting activities under section V.B. of this document.

A. ISSC Activities

The ISSC will be responsible for performing the following activities:

1. Interact with States in resolving problems between States or between a State and FDA regarding conformity to NSSP.
2. Communicate procedures and policy statements to guide States in executing program.
3. Interact with States in developing uniform and effective evaluation criteria proposals.
4. Provide program auxiliary support in facilitating State involvement in technical training, research, consumer education, maintaining the National Shellfish Register of Classified Estuarine Waters, and a digitized mapping network.

B. FDA/OS Activities

FDA will perform the following activities:

1. FDA intends to cooperate with the ISSC under the terms of its October 1984, MOU with the ISSC.
2. FDA will monitor and evaluate the ISSC's conduct under this agreement.

FDA will take any actions that may be necessary to ensure compliance with this agreement. Future support under this agreement will be contingent upon satisfactory performance of this project and the availability of Federal fiscal year appropriations.

VI. Review Procedure and Evaluation Criteria

A. Review Procedure

The application submitted by the ISSC has undergone dual peer review. The application has been reviewed for scientific and technical merit by a panel of experts based upon the applicable evaluation criteria. FDA has also presented the application to the National Advisory Council, and the Council has concurred in the decision to grant it.

B. Evaluation Criteria

Based on the review process, the agency has reached the following conclusions.

1. The application clearly states an understanding of the purpose and objectives of this cooperative agreement in the overall seafood safety program; the key role and responsibility of the ISSC; and the steps, with a proposed schedule for planning, implementing, and accomplishing the activities, to be carried out under this project.

2. The application describes the applicant's ability to perform the responsibilities under this project by providing qualified staff. The application also demonstrates that the ISSC has the financial and other resources required for this project.

3. The application specifies the intended approach that the ISSC will use to maintain and to continue working with both the States and industry to ensure the exchange of information among the States, industry, and consumers on seafood safety.

4. The application adequately describes how the ISSC will maintain and keep the National Shellfish Register for Classified Estuarine Waters up-to-date.

In addition, the agency has determined that the estimated cost of the project is reasonable. The application includes a detailed budget which indicates: (1) Anticipated costs for personnel, travel, communications and postage, equipment, and supplies; and (2) the sources of funds to meet those needs.

VII. Reporting Requirements

FDA requires an annual Financial Status Report (FSR) (SF-269). Under FDA procedures, the original and two copies of this report must be submitted to the agency's Grants Management Office within 90 days of the budget period expiration date. An annual project progress report is also required. The contents of this report will be suggested by the project officer at a later date.

A final project progress report, FSR, and Invention Statement must be submitted within 90 days from the expiration date of the project period as noted on the Notice of Grant Award.

Project monitoring will be conducted on an ongoing basis, and written reports will be done by the project officer. Monitoring may be in the form of telephone conversations between the project officer/grants management specialist and the principal investigator, and site visits may be made by either program or grants management staff. The results of the visits will be recorded in the official grant file and will be available to the grantee upon request.

VIII. Mechanism of Support

Support for this project will be in the form of a cooperative agreement. This agreement will be subject to all policies and requirements that govern the research grant programs of the Public Health Service, including provisions of 42 CFR part 52 and 45 CFR part 74.

Dated: February 4, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93-3219 Filed 2-10-93; 8:45 am]

BILLING CODE 4160-01-F

Public Health Service

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Public Health Service (PHS) publishes a list of information collection requests it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following requests have been submitted to OMB since the list was last published on Friday, January 29, 1993.

(Call PHS Reports Clearance Officer on 202-690-7100 for copies of requests)

1. Assessment of the Current Status of Screening and Treatment of Sickle Cell Disease—New—A survey of state health departments and 680 hospitals will be conducted to assess the current status of screening for and treatment of infants with sickle cell disease, to assess laboratory test selection, and to make recommendations for program improvement. Respondents: State or local governments; Businesses or other for-profits, Non-profit institutions; Small businesses or organizations.

Title	Number of respondents	Number of respondents per respondent	Average burden per response (hour)
State Health Departments	51	1	0.42
Hospitals	680	1	.25

Estimated total annual burden.....191 hours

2. Loans for Disadvantaged Students (LDS) and Scholarships for Disadvantaged Students (SDS)—0915-0149—Health professions and nursing schools applying to participate in the Loans for Disadvantaged Students (LDS) and/or Scholarships for Disadvantaged Students (SDS) programs provide information on the application about the schools' programs and the race/ethnicity of full-time students and minority faculty. This information is needed to determine program eligibility. Respondents: Non-profit institutions.

Title	Number of respondents	Number of responses per respondent	Average burden per response (hours)
SDS Application	1,350	1	5
LDS Applications	150	1	5

Estimated total annual burden.....7,500 hours

3. Pilot Study of New Questions and Data Collection Methods for the National Survey of Family Growth—New—This request is for clearance to conduct a pilot study of new questions and data collection methods for possible use in Cycle V of the National Survey of Family Growth (NSFG). The results will be used to evaluate response differentials to alternative sequences and variations in questionnaire design under a single mode of administration. *Respondents:* Individuals or households. *Number of Respondents:* 2,890; *Number of Responses per Respondent:* 1; Average *Burden Per Response:* .5509 hours; *Estimated Annual Burden:* 1,592 hours.

Desk Officer: Shannah Koss.

Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated above at the following address: Human Resources and Housing Branch, New Executive Office Building, room 3002, Washington, D.C. 20503.

Dated: February 8, 1993.

James Scanlon,

Director, Division of Data Policy, Office of Health Planning and Evaluation.

[FR Doc. 93-3263 Filed 2-10-93; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-93-1017; FR-3455-D-01]

Designation of Agency Ethics Officials

AGENCY: Office of the Secretary, HUD.

ACTION: Designation of agency ethics officials.

SUMMARY: The Secretary of Housing and Urban Development is designating the officials who will serve as agency ethics officials.

EFFECTIVE DATE: Feburary 4, 1993.

FOR FURTHER INFORMATION CONTACT: Carole W. Wilson, Associate General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708-2203.

SUPPLEMENTARY INFORMATION: The Secretary of Housing and Urban Development is designating the officials who will serve as agency ethics officials. "Agency ethics official" is defined at 5 CFR 2635.102 of the Standards of Ethical Conduct for Employees of the Executive Branch, published by the Office of Government Ethics in the **Federal Register** on August 7, 1992 at 57 FR 35006, as the designated agency ethics official or the alternate designated ethics official, referred to in 5 CFR 2638.202(b), and any deputy ethics official, described in 5 CFR 2638.204, who has been delegated the authority to assist in carrying out the responsibilities of the designated agency ethics official.

Accordingly, the following officials are designated to serve as the agency ethics officials for the Department of Housing and Urban Development:

Section A. Designation

(1) *General Counsel.* The General Counsel is the Department's Designated Agency Ethics Official. As the Designated Agency Ethics Official, the General Counsel has primary responsibility for the Department's Standards of Conduct program, and is vested with the duties and responsibilities of a designated agency ethics official as set forth in 5 CFR 2638.203 of the government-wide ethics regulations promulgated by the Office of Government Ethics.

(2) *Assistant Secretary for Administration.* The Assistant Secretary for Administration is the alternate Agency Ethics Official. The Assistant Secretary for Administration is responsible for the day-to-day coordination and management of the Standards of Conduct program. The Assistant Secretary for Administration shall carry out his or her responsibilities under the Standards of Conduct Program through the Department's Office of Ethics.

(3) *Director of the Office of Ethics.* Under the direction of the Assistant Secretary for Administration, the Director of the Office of Ethics will function as a Deputy Agency Ethics Official and will coordinate and manage the Department's Standards of Conduct program. The Director of the Office of Ethics will undertake the day-to-day operation of the Standards of Conduct program.

(4) *Regional Director of Administration.* The Regional Director of Administration, in each Regional Office, will function as a Deputy Agency Ethics Official and will be responsible for implementing the Standards of Conduct program in the Field, as directed by the Office of Ethics.

(5) *Regional Counsel.* The Regional Counsel, in each Regional Office, will serve as a Deputy Agency Ethics Official and is responsible for undertaking those Standards of Conduct program duties, as directed by the Office of General Counsel. The Regional Counsel may redelegate their duties upon approval by the General Counsel.

(6) *The Associate General Counsel for Equal Opportunity and Administrative Law* will serve as a Deputy Agency Ethics Official.

(7) *The Assistant General Counsel for Personnel and Ethics Law* will serve as a Deputy Agency Ethics Official.

(8) *The Inspector General.* The Inspector General will serve as a Deputy Agency Ethics Official with respect to the Office of Inspector General and shall perform all necessary duties involving the Standards of Conduct program for employees of the Office of Inspector General. These duties include the collection, review and maintenance of all Public and Confidential Financial Disclosure Forms submitted by employees of the Office of Inspector General. The Inspector General shall provide advice and guidance to all former, current and prospective employees of the Office of Inspector General regarding matters related to the Standards of Conduct. Legal advice to the Office of Inspector General regarding conflicts of interest and Standards of Conduct shall be provided by the Office of the Associate General Counsel for Program Enforcement.

Section B. Designations Superseded

This Designation supersedes the Designation effective August 19, 1981 (published in the **Federal Register** on August 27, 1981 at 46 FR 43312) and the Revocation of Delegation of Authority effective on August 19, 1991 (published in the **Federal Register** on August 26, 1991 at 56 FR 42084).

Authority: Sec. 7(d), Department of Housing and Urban Development (42 U.S.C. 3535(d)).

Dated: February 4, 1993.

Henry G. Cisneros,

Secretary of Housing and Urban Development.

[FR Doc. 93-3207 Filed 2-10-93; 8:45 am]

BILLING CODE 4210-32-M

Office of Administration

[Docket No. N-93-3575]

Notice of Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the subject proposals.

ADDRESSES: Interested persons are invited to submit comment regarding these proposals. Comments should refer to the proposal by name and should be sent to: Angela Antonelli, OMB Desk Officer, Office of Management and Budget, New Executive Office Building; Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals for the collections of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the

information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 3, 1993.

Kay Weaver,

Acting Director, IRM Policy and Management Division.

Proposal: Letter of Transmittal/ Servicing Agreement/Resolution of Board Director and Certificate of Authorized Signatures.

Office: Government National Mortgage Association.

Description of the Need for the Information and Its Proposed Use: Form HUD–11700, Letter of Transmittal, is used by issuers to transmit to GNMA required materials to request approval of all applications to become a mortgage-backed securities issuer. Form HUD–11702, Resolution of Board of Directors and Certificate of Authorized Signatures, is used to provide GNMA with the names and signatures of the Board of Directors of the issuer's organization. Form HUD–11707, Servicing Agreement, is used by the issuer to provide assurance to GNMA that servicing of the mortgages backing the securities will be performed at an acceptable standard.

Form Number: HUD–11700, 11702 and 11707.

Respondents: Businesses or other for-profit.

Frequency of Submission: On occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–11700	1,250		3.78		.25		1,180
HUD–11702	50		1		.50		25
HUD–11707	1,250		18.7		.25		5,845

Total Estimated Burden Hours: 7,050.

Status: Reinstatement.

Contact: Brenda Countee, HUD, (202) 708–2234; Charles Clark, HUD, (202) 708–2234; Angela Antonelli, OMB, (202) 395–6880.

Proposal: 24 CFR part 570 Community Development Block Grant Entitlement Program.

Office: Community Planning and Development.

Description of the Need for the Information and Its Proposed Use: The information is needed for the submission of the Final Statement and Grantee Performance Report. The report is required by section 104(d) of the House and Community Development Act and is necessary for HUD to perform an annual review of grantees' performance. The information is also used to prepare the Annual Report to Congress on the Community Development Block Grant program.

Form Number: SF–424, HUD–7091.1, 7091.2, HUD–4949.1 thru 4949.6.

Respondents: State or local governments.

Frequency of Submission: Annually and recordkeeping.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Report forms	885		2		105		185,850
Recordkeeping	885		1		120		106,200

Total Estimated Burden Hours: 292,050.

Status: Revision.

Contact: James R. Broughman, HUD, (202) 708–1577, Angela Antonelli, OMB, (202) 395–6880.

[FR Doc. 93–3206 Filed 2–10–93; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Notice of Availability of Department of the Interior Comments Finding That Emissions From the Proposed Healy Clean Coal Project Will Have an Adverse Impact on the Air Quality Related Values of Denali National Park and Preserve

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Notice of availability of Department of the Interior comments.

SUMMARY: This notice announces the availability of the Department of the Interior's comments concerning the Alaska Department of Environmental Conservation Draft Air Quality Control Permit and Technical Analysis Report for the existing Healy Generating Facility (Unit 1) and the proposed Healy Clean Coal Project (HCCP). HCCP would be located less than four miles from Denali National Park and Preserve (DNPP), home of Mt. McKinley. DNPP has some of the most pristine air quality in the United States, and is the only national park in the state of Alaska classified as a Class I area under the Clean Air Act (CAA). As the Federal Land Manager for DNPP, the Department of the Interior is required to protect visibility and other air quality related values as part of its stewardship responsibility. Based primarily on predicted visibility impacts, the Department of the Interior has determined that emissions from HCCP will have an adverse impact on the air

quality related values of DNPP. The Department of the Interior is also concerned about potential impacts on DNPP's terrestrial and aquatic resources. Therefore, in accordance with 42 U.S.C. 7475(d)(2)(C) of the CAA, the Department of the Interior recommends denial of the proposed air quality permit.

FOR FURTHER INFORMATION CONTACT: John Bunyak, Acting Chief, Policy, Planning and Permit Review Branch, Air Quality Division, National Park Service, P.O. Box 25287, Denver, Colorado 80225–0287; Telephone Number: (303) 969–2071; Facsimile Machine Number: (303) 969–2822.

The Department of the Interior's comments and supporting documents are available for review and copying at the following locations: (1) U.S. Department of the Interior, National Park Service, Air Quality Division, MS 3229, 1849 C St., NW., Washington, DC 20240; (2) National Park Service, Air Quality Division, Chief, Policy, Planning and Permit Review Branch, P.O. Box 25287, Denver, Colorado 80225–0287; (3) National Park Service, Alaska Region, 2525 Gambell Street, Anchorage, AK 99503; and (4) National Park Service, P.O. Box 9, Denali National Park and Preserve, AK 99755.

Dated: February 5, 1993.

Joseph E. Doddridge,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 93–3221 Filed 2–10–93; 8:45 am]

BILLING CODE 4310–10–M

Bureau of Land Management

[ID–020–4320–01]

Meeting and Agenda for Burley District Grazing Advisory Board

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting and agenda for Burley District Grazing Advisory Board.

SUMMARY: Notice is hereby given that the Burley District Grazing Advisory Board will meet on March 17, 1993. The meeting will convene at 9:30 a.m. in the conference room of the Bureau of Land Management Office at 200 South 15 East, Burley, Idaho.

Agenda items for the meeting will include: (1) Recognition and awards; (2) Advisory board fund expenditures/signatures; (3) Act on advisory board funded project applications; (4) Secretary/Treasurer's report; (5) Status of FY–93 Range Improvement projects; (6) Review of FY–94 and FY–95 Proposed Range Improvement projects; (7) District policy for well drilling and equipping; (8) Requirements for all new spring developments.

The public is invited to attend the meeting. Interested persons may make an oral statement to the Board beginning at 11:30 a.m. or they may file a written statement for the Board's consideration. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager. Anyone wishing to make an oral statement or file a written statement must contact the District Manager by March 16, 1993 for inclusion in the meeting schedule.

Detailed minutes of the Board meeting will be maintained in the District Office and will be available for public inspection during regular business hours, (7:45 a.m. to 4:30 p.m., Monday thru Friday) within 30 days following the meeting.

DATES: March 17, 1993.

ADDRESSES: Bureau of Land Management, Burley District Office, Route 3, Box 1, Burley, Idaho 83318.

FOR FURTHER INFORMATION CONTACT: Gerald L. Quinn, District Manager, (208) 678–5514.

Dated: February 3, 1993.

Gerald L. Quinn,

District Manager.

[FR Doc. 93–3248 Filed 2–10–93; 8:45 am]

BILLING CODE 4310–84–M

[UT–040–03–4320–01]

Cedar City District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Cedar City District Grazing Advisory Board.

SUMMARY: Notice is hereby given in accordance with Public Law 92–463 of a meeting of the Cedar City District Grazing Advisory Board. Agenda Items will include Kanab/Escalante Resource Management Plan and desert tortoise updates, incentive based grazing, elk management plans, BLM and Advisory Board projects.

DATES: March 25, 1993. The meeting will begin at 9 a.m. at the Cedar City District Office, 176 East D. L. Sargent Drive, Cedar City, Utah.

FOR FURTHER INFORMATION CONTACT: District Manager Gordon R. Staker, Cedar City District Office, 176 East D.L. Sargent Drive, Cedar City, Utah 84720. Telephone: 801–586–2401.

SUPPLEMENTARY INFORMATION: Grazing Advisory Board Meetings are open to the public. Interested persons may make oral statements or file written statements for the Board's consideration. Anyone wishing to make a statement should notify the District Manager by Friday, March 21, 1993. A time limit may be established by the District Manager.

Dated: February 3, 1993.

Gordon R. Staker,

District Manager.

[FR Doc. 93–3249 Filed 2–10–93; 8:45 am]

BILLING CODE 4310–DQ–M

[AK–910–03–4830–02–ADVB]

Northern Alaska Advisory Council Public Meeting

The Northern Alaska Advisory Council will hold a public meeting Friday, March 19, 1993, in Fairbanks. The public meeting will be from 8:30 a.m. to 5 p.m. in the training rooms of the Bureau of Land Management's Fairbanks Office Building, 1150 University Ave. Public comments will be taken from 2 to 3 p.m. Written comments may be submitted at the meeting.

The council will discuss:

(1) state land selections and their effect on BLM management in Alaska,
(2) coordinated planning/management, and
(3) enhancement of BLM's public participation process.

For information, contact the Public Affairs Office, Bureau of Land Management, 1150 University Avenue, Fairbanks, Alaska 99709–3844, telephone (907) 474–2231.

Dated: February 3, 1993.

Dee R. Ritchie,

Designated District Manager.

[FR Doc. 93–3213 Filed 2–10–93; 8:45 am]

BILLING CODE 4310–JA–M

[CA060–03–3110–10–B010, CACA–31306]

Realty Action; Exchange of Public and Private Lands, Kern County, CA

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of Realty Action, Exchange of Public and Private Lands in Kern County, California CACA–31306.

SUMMARY: The following public lands in Kern County have been examined and determined suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716). Selected lands:

Mount Diablo Meridian, California

T. 32 S., R. 38 E.,
Sec. 14: W½NE¼, SE¼, NE¼SW¼, E½ SE¼SW¼;
Sec. 22: SE¼SE¼;

San Bernardino Meridian, California

T. 11 N., R. 10 W,
Sec. 8: NW¼NW¼SE¼, E½SW¼.

In exchange for these lands, the United States will acquire private land within the designated Area of Critical Environmental Concern, called the Desert Tortoise Natural Area, in Kern County from landowners of record.

Supplementary Information: The purpose of the exchange is to acquire private land in the Area of Critical Environmental Concern. The designated area encompasses lands which have historically supported the highest and most stable population of tortoise within its range. The desert tortoise has been listed as a threatened species under the Endangered Species Act of 1973. Publication of this notice in the **Federal Register** segregates the public lands from the operation of the public land laws and the general mining laws, but not the mineral leasing laws. The segregative effect will end upon issuance of patent or two years from the date of publication, whichever occurs first.

The exchanges will be on an equal value basis. Full equalization of value will be achieved by acreage adjustment or by cash payment in an amount not to exceed 25 percent of the fair market value of the selected lands.

Lands transferred out of Federal ownership will be subject to the following reservations, terms and conditions.

1. A reservation of right-of-way to the United States of ditches and canals, pursuant to the Act of August 30, 1890 (43 U.S.C. 945).
2. Rights-of-way of record.
3. Public easements for ingress and egress.

For further information contact Becki Gonzales, California Desert District 6221 Box Springs Blvd., Riverside, CA 92507.

DATES: Until March 29, 1993, interested parties may submit comments to the District Manager, California Desert District, in care of the above address. Objections will be reviewed by the State Director, who may sustain, vacate, or modify this realty action.

Dated: February 3, 1993.

Alan Stein,

Acting District Manager.

[FR Doc. 93–3250 Filed 2–10–93; 8:45 am]

BILLING CODE 4310–40–M

[CA–010–4210–04; CACA 31259]

Realty Action; Exchange of Public Land in Amador, Calaveras and Sacramento Counties, CA; Correction

To notice document 93–736, page 4177, issue of Wednesday, January 13, 1993, in the first column, immediately below Calaveras County, make the following correction: R. 13N. is corrected to R.13E.

D.K. Swickard,

Area Manager.

[FR Doc. 93–3251 Filed 2–10–93; 8:45 am]

BILLING CODE 4310–40–M

[CO–942–93–4730–12]

Colorado: Filing of Plats of Survey

February 3, 1993.

The plats of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10 a.m., February 3, 1993.

The plat representing the dependent resurvey of portions of the east boundary, subdivisional lines and certain claim lines, and the subdivision of section 36, T. 3 N., R. 100 W., Sixth Principal Meridian, Colorado, Group No. 853, was accepted December 8, 1992.

The plat representing the dependent resurvey of certain claim lines and a metes-and-bounds survey of Parcel A in lot 1, section 17, T. 6 N., R. 94 W., Sixth Principal Meridian, Colorado, Group No. 1019, was accepted December 16, 1992.

These surveys were executed to meet certain administrative needs of this Bureau.

The plat representing the dependent resurvey of portions of the east and west boundaries and subdivisional lines, and the subdivision of certain sections, T. 33 N., R. 11 W., New Mexico Principal Meridian, Colorado, Group No. 856, was accepted December 11, 1992.

This survey was executed to meet certain administrative needs of the Bureau of Indian Affairs.

The plat (in two sheets) representing the dependent resurvey of portions of the rights-of-way boundaries in certain sections, T. 2 N., R. 76 W., Sixth Principal Meridian, Colorado, Group No. 884, was accepted December 11, 1992.

This survey was executed to meet certain administrative needs of the U.S. Forest Service.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado, 80215.

Jack A. Eaves,

Chief, Cadastral Surveyor for Colorado.

[FR Doc. 93–3252 Filed 2–10–93; 8:45 am]

BILLING CODE 4310–JB–M

[CO–930–4210–06; COC–54603]

Proposed Withdrawal; Opportunity for Public Meeting; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes to withdraw approximately 115 acres of National Forest System lands for 10 years. This withdrawal would allow the Forest Service to maintain administrative alternatives to management of the lands while completing the reports necessary for final determination on land use. This notice closes these lands to location and entry under the mining laws for up to two years. The lands remain open to mineral leasing and to Forest Service management.

DATES: Comments on this proposed withdrawal or requests for public meeting must be received on or before May 12, 1993.

ADDRESSES: Comments and requests for a meeting should be sent to the Colorado State Director, BLM, 2850 Youngfield Street, Lakewood, Colorado 80215–7076.

FOR FURTHER INFORMATION CONTACT: Bob Barbour, 303–239–3708.

SUPPLEMENTARY INFORMATION: On January 25, 1993, the Department of Agriculture, Forest Service, filed an application to withdraw the following described National Forest System lands from location and entry under the United States mining laws only (30 U.S.C. ch 2):

Sixth Principal Meridian

Arapaho National Forest

T. 2 S., R. 73 W.,
Sec. 16, 2½SW¼;
Sec. 21, N½NW¼, exclusive of patented (private) land.

The areas described aggregate approximately 115.00 acres of National Forest System lands in Gilpin County.

The purpose of this withdrawal is to allow the Forest Service to maintain administrative alternatives to management of the lands while completing various reports relative to the resources on the land.

For a period of 90 days from the date of publication of this notice, all persons

who wish to submit comments, suggestions, or objections in connection with this proposal, or to request a public meeting, may present their views in writing to the Colorado State Director. If the authorized officer determines that a meeting should be held, the meeting will be scheduled and conducted in accordance with the Bureau of Land Management Manual, Section 2351.16B.

This application will be processed in accordance with the regulations set forth in 43 CFR part 2310.

For a period of two years from the date of publication of this notice in the **Federal Register**, the lands will be segregated from the mining laws as specified above; unless the application is denied, or cancelled, or the withdrawal is approved prior to that date. During this period the Forest Service will continue to manage these lands.

Dated: February 3, 1993.

Robert S. Schmidt,

Chief, Branch of Realty Programs.

[FR Doc. 93-3253 Filed 2-10-93; 8:45 am]

BILLING CODE 4310-JB-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-338]

Certain Bulk Bags and Process for Making Same; Notice of Commission Determination Not To Review Two Initial Determinations Granting Joint Motions To Terminate the Investigation With Respect to Two Respondents

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's initial determinations (IDs) in the above-captioned investigation granting joint motions to terminate the investigation with respect to respondent Twinpak, Inc. ("Twinpak") on the basis of a settlement agreement and with respect to respondent Fib-Pak, Inc. ("Fib-Pak") on the basis of a license agreement.

ADDRESSES: Copies of the IDs and all other nonconfidential documents filed in connection with this investigation are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-205-2000.

FOR FURTHER INFORMATION CONTACT: Lyle B. Vander Schaaf, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-205-3107. Hearing-impaired individuals are advised that information about this matter can be obtained by contacting the Commission's TDD terminal, 202-205-1810.

SUPPLEMENTARY INFORMATION: On May 21, 1992, Better Agricultural Goals Corporation and Super Sack Manufacturing Corporation (collectively "complainants") filed a complaint with the Commission alleging unfair acts in violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). The unfair acts alleged in the complaint are the importation and sale of certain bulk bags that infringe claim 8 of U.S. Letters Patent 4,143,796 and claim 20 of U.S. Letters Patent 4,194,652. On June 5, 1992, complainants filed an amended complaint. On June 18, 1992, the Commission voted to institute an investigation of the complaint and publish notice of its investigation in the **Federal Register** (57 FR 28185 (June 24, 1992)).

On January 8, 1993, complainants and respondent Twinpak jointly moved for termination of this investigation as to Twinpak on the basis of a settlement agreement (Motion Docket No. 338-17). On the same date, complainants and respondent Fib-Pak jointly moved for termination of this investigation as to Fib-Pak on the basis of a license agreement (Motion Docket No. 338-18). The Commission investigative attorney filed papers supporting the joint motions. On January 15, 1993, the presiding administrative law judge issued IDs (Order Nos. 12 and 13) granting the motions. No petitions for review, or agency or public comments were received.

This action is taken pursuant to section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and Commission interim rule 210.53 (19 CFR 210.53, as amended).

Issued: February 5, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93-3300 Filed 2-10-93; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32204]

Ozark Mountain Railroad-Construction Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10901 the construction by Ozark Mountain Railroad of rail lines totalling approximately 75 miles from Oak Grove, AR, to Branson and Dogwood Canyon/Creek, MO, and Eureka Springs and Harrison, AR.

DATES: The exemption will become effective after the Commission completes its environmental review of the proposed construction. At that time, the Commission will issue a further decision addressing environmental matters and establishing an exemption effective date, if appropriate. Petitions to reopen must be filed by March 3, 1993.

ADDRESSES: Send pleadings referring to Finance Docket No. 32204 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Susan B. Bevill, 1710 Sixth Avenue North, Birmingham, AL 35203.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, (202) 927-5610. [TDD for hearing impaired: 927-5721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: February 4, 1993.

By the Commission, Chairman Philbin, Vice Chairman Simmons, Commissioners Phillips, McDonald, and Walden.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93-3303Filed 2-10-93; 8:45 am]

BILLING CODE 7035-01-M

VOL 58 ISS 27 FE 11 1993 UMI

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree in United States v. Dana Corporation, Under the Resource Conservation and Recovery Act

In accordance with the policy of the Department of Justice established in 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Dana Corporation, Perfect Circle Division*, Civil Action No. IP–91–847–C, was lodged with the United States District Court for the Southern District of Indiana, Indianapolis Division, on January 21, 1993. This action was brought on July 31, 1991, to address violations of the minimum technological standards for surface impoundments and landfills, and the land ban requirement established in the Hazardous and Solid Waste Amendments of 1984 to the Resource Conservation and Recovery Act, 42 U.S.C. 6901–6992K, that have occurred at Dana's Richmond, Indiana Sleeve Castings Plant. The Consent Decree requires Dana, *inter alia*, to cease land disposal of hazardous wastes at surface impoundments and a landfill at the Richmond Plant, and to close the surface impoundments and landfill in accordance with a closure and post-closure plan to be approved by the Indiana Department of Environmental Management. The Decree also requires Dana to pay a civil penalty of $1,300,000.

The Department of Justice will receive comments relating to the proposed consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Acting Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *United States* v. *Dana Corporation, Perfect Circle Division*, DJ Ref. # 90–7–1–639.

The proposed consent decree may be examined at the Office of the United States Attorney for the Southern District of Indiana, U.S. Courthouse, 5th Floor, 46 East Ohio Street, Indianapolis, Indiana 46204; the Region V Office of the U.S. Environmental Protection Agency, 77 West Jackson Street, Chicago, Illinois 60604; and the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Washington, DC 20004 (202–347–2072). A copy of the proposed consent decree may be obtained in person or by mail from the U.S. Department of Justice Consent Decree Library, 1120 G Street, NW., Fourth Floor Washington, DC 20005 (202 624–0892). In requesting a copy, please enclose a check in the amount of $6.00 (twenty-five cents per page reproduction costs) payable to the "Consent Decree Library."

John C. Cruden,

Chief, Environmental Enforcement Section; Environment and Natural Resources Division.

[FR Doc. 93–2880 Filed 2–10–93; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984—Petrotechnical Open Software Corp.

Notice is hereby given that, on January 26, 1993, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301, *et seq.* ("the Act"), Petrotechnical Open Software Corporation ("POSC") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the protections of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, the following additional parties have become new, non-voting members of POSC: Public Petroleum Data Model Association, Calgary, Alberta, Canada; Cambridge Arctic Self Programme, Victoria, B.C., Canada; Minerals Management Service, New Orleans, LA; Platte River Associates, Inc., Denver, CO; KVATRO A/S, Trondheim, Norway; Edinburgh Petroleum Service, Edinburgh, UK; Columbia University, Palisades, NY; Applied Terravision Systems, Inc., Calgary, Alberta, Canada.

No other changes have been made in either the membership or planned activity of POSC.

On January 14, 1991, POSC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 7, 1991, 56 FR 5021. The last notification was filed with the Department on October 19, 1992. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 28, 1992, 57 FR 61605.

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 93–3254 Filed 2–10–93; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–27,882]

American Optical Corp.; Southbridge, MA; Notice of Revised Determination on Reconsideration

On January 26, 1993, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the subject firm. This notice will soon be published in the **Federal Register**.

Former workers at the subject firm who produced CR–39 plastic lenses are currently certified under the current petition.

On reconsideration, new information was obtained showing that production of progressive glass lenses at Southbridge was transferred to a company facility in Mexico and all workers producing progressive glass lenses at Southbridge were separated from employment in 1992.

Other findings on reconsideration show increased imports of progressive glass lenses from Mexico in June 1992.

There are no company imports of executive glass lenses. Company officials indicated that executive glass lenses will continue to be produced at Southbridge, Massachusetts.

Conclusion

After careful consideration of the new facts obtained on reconsideration, it is concluded that workers and former workers producing progressive glass lenses at the American Optical Corporation in Southbridge, Massachusetts were adversely affected by increased imports of articles like or directly competitive with that production at American Optical Corporation in Southbridge, Massachusetts.

In accordance with the provisions of the Act, I make the following revised determinations for the American Optical Corporation's workers in Southbridge, Massachusetts.

All workers of the American Optical Corporation, Southbridge, Massachusetts engaged in employment related to the production of progressive glass lenses who became totally or partially separated from employment on or after April 1, 1992 and all workers engaged in the employment related to the production of CR–39 plastic lenses who became totally or partially separated from employment on or after September 21, 1991 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

I further determine that all workers at American Optical Corporation, Southbridge, Massachusetts engaged in the production of executive glass lenses are denied eligibility to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 2nd day of February 1993.

Stephen A. Wandner,

Deputy Director, Office of Legislation & Actuarial Service, Unemployment Insurance Service.

[FR Doc. 93–3272 Filed 2–10–93; 8:45 am]

BILLING CODE 4510–30–M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of January 1993.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–27,842; Bird products Corp., Palm Springs, CA

TA–W–28,019; Andre Fashions, Passaic, NJ

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA–W–28,092; Cyprus Thompson Creek Mining Co., Clayton, ID

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–28,109; Philips Consumer Electronics Co., Jefferson City, TN

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–27,827; Tyco Toys, Inc., Morristown, NJ

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,073 & TA–W–28,073A; Drill Site Security Systems, Evansville WY and DSS Medical Services, Evansville, WY

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,157; Ogleboy Norton Co., Columbia & Pringle Transportation Div., Cleveland, OH

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–27,886; Teledyne Merla (Now Operating as Otis Merla Systems), Garland Mfg Center, Garland, TX

U.S. imports of oilfield machinery are negligible.

TA–W–28,051; Parker Technology, Inc., Midland, TX

U.S. imports of oil and gas field machinery were negligible.

TA–W–28,035; Ryan Transportation Service, Inc., Livonia, MI

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–27,896; Guardian/Qualex, Harvey, IL

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,190; Middle Atlantic Warehouse Distributor, Inc. Tonawanda, NY

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,012; Komatsu Dresser Co., Broadview Parts Depot, Broadview, IL

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

Affirmative Determinations

TA–W–27,978; Thorn Autocall, Inc., Shelby, OH

A certification was issued covering all workers separated on or after October 28, 1991.

TA–W–28,002; Kabba Dress, Nutley, NJ

A certification was issued covering all workers separated on or after October 29, 1991.

TA–W–27,950 & TA–W–27,950A; Willamette Industries, Inc., Eugene, OR & Veneta, OR

A certification was issued covering all workers separated on or after October 20, 1991.

TA–W–27,847; South Texas Drilling & Exploration, Inc., San Antonio, TX

A certification was issued covering all workers separated on or after September 2, 1991.

TA–W–27,901; The Amphenol Corp., Bendix Connector Operations, Sidney, NY

A certification was issued covering all workers separated on or after September 5, 1992.

TA–W–27,986; ITT Marlow, Midland Park, NJ

A certification was issued covering all workers separated on or after October 28, 1991.

TA–W–28,110; Superior Technology, Inc., Paris, TX

A certification was issued covering all workers separated on or after December 3, 1991.

I hereby certify that the aforementioned determinations were issued during the month of January 1993. Copies of these determinations are available for inspection in room C–4318, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210 during normal business hours or will be mailed to persons to write to the above address.

Dated: February 2, 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93–3271 Filed 2–10–93; 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether

the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 22, 1993.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 22, 1993.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 1st day of February 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Tubeco Steel Mfg. Inc. (wkrs)	Crane, Texas	02/01/93	01/18/93	28,260	Oilfield Anchors and Bolts.
Phillips Petroleum Co. (wkrs)	Bartlesville, OK	02/01/93	01/22/93	28,261	Distribution/Marketing & Engineering.
Phillips 66 Company (wkrs)	Houston, TX	02/01/93	01/22/93	28,262	Distribution/Marketing & Engineering.
Phillips Chemical Company (wkrs)	Pasadena, TX	02/01/93	01/22/93	28,263	Distribution/Marketing & Engineering.
National Refractories & Minerals (IAM)	Moss Landing, CA	02/01/93	01/22/93	28,264	Magnesia.
Thomson Consumer Electronics (IBEW)	Bloomington, IN	02/01/93	01/15/93	28,265	Television Receivers.
Octagon Corporation (The) (wkrs)	Williamsville, NY	02/01/93	01/05/93	28,266	Metal Cutting Machinery.
Mecon Manufacturing (wkrs)	Caribou, ME	02/01/93	01/20/93	28,267	Circuit Breakers.
Pennsylvania Optical (POWA)	Reading, PA	02/01/93	10/26/93	28,268	VAM Reading Glasses.
General Motors Corp., NAO Willow Run (UAW).	Ypsilanti, MI	02/01/93	01/22/93	28,269	Passenger Automobiles.
General Motors Corp., Powertrain (UAW)	Flint, MI	02/01/93	01/22/93	28,270	V-8 Engines.
General Motors Corp., Inland Fisher (UAW)	Euclid, OH	02/01/93	01/22/93	28,271	Seat Cushion Trim Covers.
General Motors Corp., AC Rochester (UAW)	Sioux City, IA	02/01/93	01/22/93	28,272	Fuel Injection Assemblies.
General Motors Corp., NAO Van Nuys (UAW).	Van Nuys, CA	02/01/93	01/22/93	28,273	Passenger Automobiles.
AT&T Technologies (IBEW)	Westminster, CO	02/01/93	01/18/92	28,274	PBX Units.
A&A Materials (wkrs)	Brownsville, TX	02/01/93	01/21/93	28,275	Rags.
Ashland Rubber Products (URW)	Ashland, OH	02/01/93	01/20/93	28,276	Latex Balloons.
British Petroleum (URW)	Hackettstown, NJ	02/01/93	01/20/93	28,277	Coatings for Electrical Wires.
Exxon Prod. Research Co. (wkrs)	Houston, TX	02/01/93	01/08/93	28,278	Oil and Gas.
Barbee, Inc. (L&SW)	Renton, WA	02/01/93	01/25/93	28,279	Softwood Dimensional Lumber.
Bridal Originals (ILGWU)	Bowling Green, MO	02/01/93	01/18/93	28,280	Bridal Gowns & Formal Wear.
Ripley Manufacturing, Inc. (wkrs)	Ravenswood, WV	02/01/93	01/25/93	28,281	Ladies' Dresses, Skirts, Jackets.
Shannopin Mining Co. (UMW)	Pittsburgh, PA	02/01/93	12/08/93	28,282	Steam and Metallurgical Coal.
Poland Processing Co. (wkrs)	Pittsburgh, PA	02/01/93	12/08/93	28 283	Steam & Metallurgical Coal.
GIG Energy (wkrs)	Austin, TX	02/01/93	01/21/93	28,284	Crude Oil.
Gen Corp Automotive (URW)	Marion, IN	02/01/93	01/14/93	28,285	1700 Factory Avenue.
Cox Exploration, Inc. (wkrs)	Corpus Christi, TX	02/01/93	01/21/93	28,286	Oil, Gas Drilling & Exploration.
Shell Mining Co. (wkrs)	Houston, TX	02/01/93	01/20/93	28,287	Coal.
Schlumberger Well-Services (wkrs)	Anchorage, AK	02/01/93	01/19/92	28,288	Oil and Gas Logging Services.
Schlumberger Well-Services (wkrs)	Kenai, AK	02/01/93	01/19/93	28,289	Oil and Gas Services.
Conoco, Inc., Administration (Co)	Houston, TX	02/01/93	01/15/93	28,290	Administrative Offices.
Conoco, Inc. Marketing (Co)	Chattanooga, TN	02/01/93	01/15/93	28,291	Oil and Gas Refined.
Conoco, Inc., Refining (Co)	Lake Charles, LA	02/01/93	01/15/93	28,292	Refined Products.
Conoco, Inc. Calcining (Co)	Moundsville, WV	02/01/93	01/15/93	28,293	Petroleum Coke.
Conoco, Inc., Trading (Co)	Wichita Falls, TX	02/01/93	01/15/93	28,294	Oil and Gas & Refined Products.
Conoco, Inc., Terminals (Co)	Elk Grove, CA	02/01/93	01/15/93	28,295	Asphalt.
Conoco, Inc., Supply (Co)	Grapevine, TX	02/01/93	01/15/93	28,296	Oil and Gas.
Conoco, Inc., Transportation (Co)	Atlanta, GA	02/01/93	01/15/93	28,297	Oil and Gas and Refined Products.
Conoco, Inc., Pipeline (Co)	Billings, MT	02/01/93	01/15/93	28,298	Oil and Gas and Refined Products.

[FR Doc. 93-3273 Filed 2-10-93; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-27,705]

UNOCAL Corporation, Lafayette, LA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at UNOCAL Corporation, Lafayette, Louisiana. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-27, 705; UNOCAL Corporation, Lafayette, Louisiana (January 26, 1993)

Signed at Washington, DC this 2nd day of February, 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93-3269 Filed 2-10-93; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-27,895]

Wayne H. Mullin Shoe Patterns, Avon, MA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Wayne H. Mullin Shoe Patterns, Avon, Massachusetts. The review indicated that the application contained no new substantial information which would bear importantly on the Department's

determination. Therefore, dismissal of the application was issued.

TA–W–27,895; Wayne H. Mullin Shoe Patterns, Avon, Massachusetts (February 2, 1993)

Signed at Washington, DC, this 2nd day of February, 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93–3270 Filed 2–10–93; 8:45 am]

BILLING CODE 4510–30–M

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Headache Coal Company, Inc.

[Docket No. M–93–01–C]

Headache Coal Company, Inc., P.O. Box 188, Barbourville, Kentucky 40906 has filed a petition to modify the application of 30 CFR 75.342 (methane monitors) to its No. 4 Mine (I.D. No. 15–17315) located in Knox County, Kentucky. The petitioner proposes to use a hand-held continuous-duty methane and oxygen monitor instead of machine-mounted methane monitor on permissible three-wheel tractors with drag buckets.

2. Cyprus Shoshone Coal Corporation

[Docket No. M–93–02–C]

Cyprus Shoshone Coal Corporation, 9100 East Mineral Circle, Englewood, Colorado 80112 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Shoshone No. 1 Mine (I.D. No. 48–01186) located in Carbon County, Wyoming. The petitioner proposes to increase the maximum length of the dual longwall input cables from 1,000 feet to 1,250 feet to supply 2,400 volt alternating current from the load center to the longwall controller. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

3. Consolidation Coal Company

[Docket No. M–93–03–C]

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.360(b)(1) (preshift examinations) to its Dilworth Mine (I.D. No. 36–04281) located in Greene County, Pennsylvania. The petitioner proposes to have a certified person check for methane and oxygen and to determine whether the air is traveling in the right direction before allowing workmen in the area that has not been preshifted. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

4. Cyprus Mountain Coals Corporation

[Docket No. M–93–04–C]

Cyprus Mountain Coals Corporation, 9100 East Mineral Circle, Englewood, Colorado 80112 has filed a petition to modify the application of 30 CFR 77.1304(a) (blasting agents; special provisions) to its Star Fire Mine (I.D. No. 15–13936) located in Perry County, Kentucky. The petitioner proposes to use recycled waste oil and diesel fuel to form a blasting agent. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

5. Energy West Mining Company

[Docket No. M–93–05–C]

Energy West Mining Company, P.O. Box 310, Huntington, Utah 84528 has filed a petition to modify the application of 30 CFR 75.350 (aircourses and belt haulage entries) to its Trail Mountain Mine (I.D. No. 42–01211) located in Emery County, Utah. The petitioner proposes to use the belt entry as the return entry during two-entry longwall panel development, and use the belt haulage entry as an intake entry to provide additional face ventilation during longwall panel retreat mining. The petitioner states that application of the standard would result in a diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

6. Peabody Coal Company

[Docket No. M–93–06–C]

Peabody Coal Company, P.O. Box 1990, Henderson, Kentucky 42420 has filed a petition to modify the application of 30 CFR 75.364 (weekly examination) to its Camp No. 1 Mine (I.D. No. 15–02709) located in Union County, Kentucky. Due to hazardous roof conditions, the petitioner proposes to have a certified person monitor daily for methane and oxygen in the First Submain East, the First East Parallel, and the First Submain North off the First Submain East return aircourse entries and permanent seals outby the overcasts at station 70+40 in entries 6 & 7 of the First Submain North off the First Submain East inby 0+00 in entries 7, 8, and 9 of the First Submain East, in entry 9 of the First Submain North between stations 35+20 and 35+80, and inby the overcast at station 0+00 in entry 1 of the First East Parallel. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

7. McElroy Coal Company

[Docket No. M–93–07–C]

McElroy Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.364 (weekly examination) to its McElroy Mine (I.D. No. 46–01437) located in Marshall County, West Virginia. The petitioner proposes to establish monitoring stations at the North Return and the Left Return of 2-North before it enters the affected aircourses, and continue using monitoring stations at the 1-South entries of the affected return aircourse daily as described in petition for modification, docket number M–92–142–C. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 15, 1993. Copies of these petitions are available for inspection at that address.

Dated: February 3, 1993.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 93–3274 Filed 2–10–93; 8:45 am]

BILLING CODE 4510–43–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: Office of Records Administration, NARA.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATES: Request for copies must be received in writing on or before March 29, 1993. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of Agriculture, Federal Crop Insurance Corporation (N1–258–93–1). Appeals and Litigation Staff case files.

2. Department of Commerce, Bureau of the Census (N1–29–93–1). Decennial census pretest, planning, and management records.

3. Department of Commerce, National Oceanic and Atmospheric Administration, National Environmental Satellite, Data, and Information Service (N1–370–92–3). Defense Meteorological Satellite Program data and imagery.

4. Department of Justice (N1–60–93–2). Radiation Exposure Compensation act case files and administrative records.

5. Department of Justice, Civil Division (N1–60–93–3). National Childhood Vaccine Injury Act case files.

6. Department of State, Bureau of Educational and Cultural Affairs (N1–59–93–7). Records relating to the Facilitative East-West exchange program.

7. Court of Veterans Appeals (N1–CVA–93–1). Case files and related records.

8. Federal Communications Commission, Broadcast Bureau (N1–173–92–3). Drafts of questionnaires, form letters, and routine correspondence, 1956–59.

9. Federal Emergency Management Agency (N1–396–92–1). Unscheduled records of the defunct Office of Emergency Preparedness.

Dated: February 4, 1993.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 93–3288 Filed 2–10–93; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in the Division of Biological Instrumentation and Resources; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: Thursday, March 4, 1993 from 8:30 am–6 pm; Friday, March 5, 1993 from 8:30 am—6 pm.

Place: National Science Foundation, 1800 G Street, NW., Room #1242 Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Machi F. Dilworth, Program Director, Biological Instrumentation and Resources, room 312, National Science Foundation, Washington, DC 20550 Telephone: (202) 357–9880.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Postdoctoral Research Fellowships in Plant Biology proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–3225 Filed 2–10–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Human Resource Development; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: March 15–16, 1993; 8 a.m.–5 p.m.

Place: One Washington Circle Hotel, One Washington Circle, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Costello L. Brown, Program Director, Career Access, HRD room 1225, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7461.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Comprehensive Regional Centers for Minorities proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a

proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–3228 Filed 2–10–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Information, Robotics and Intelligent Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: March 8, 1993; 9 a.m. to 5:30 p.m.

Place: NSF, 1110 Vermont Avenue NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Laurence Rosenberg, Deputy Division Director, Robotics and Intelligent Systems, rm. 310, National Science Foundation, 1800 G Street NW., Washington, DC 20550. Telephone: (202) 357–9572.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Robotics and Machine Intelligence proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–3224 Filed 2–10–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Information, Robotics and Intelligent Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: March 12–13, 1993; 9 a.m. to 5:30 p.m.

Place: NSF, 1110 Vermont Avenue NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Laurence Rosenberg, Deputy Division Director, Division of Information, Robotics and Intelligent Systems, rm. 310, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–9592.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Robotics and Machine Intelligence proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–3223 Filed 2–10–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Integrative Biology and Neuroscience; Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meetings.

Date & Time: March 8 & 9, 1993, 8:30 a.m. to 5 p.m.

Place: Room 536, 1800 G Street NW., Washington, DC 20550.

Contact person: Carter Kimsey, Staff Associate, Division of Integrative Biology and Neuroscience, NSF, 1800 G Street NW., Washington, DC 20550. Telephone (202) 357–7905.

Date & Time: March 29 & 30, 1993 8:30 a.m. to 5:00 p.m.

Place: Room 1242–1243, 1800 G Street NW., Washington, DC 20550.

Contact person: Same as above.

Type of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning research proposals and nominations submitted to NSF for financial support.

Agenda: To review and evaluate research proposals for planning grants and career advancement awards for women and nominations for NSF young investigator awards as part of the selection process for awards.

Reason for closing: The proposals and nominations being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–3229 Filed 2–10–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Science Resources Studies; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: March 4, 1993; 9:30 a.m. to 5 p.m.; March 5, 1993; 9 a.m. to 1 p.m.

Place: Embassy Square Suites Hotel, 2000 N Street NW., Washington, DC

Type of Meeting: Open.

Working Lunch: Yes.

Contact Person: Ann T. Lanier, Ph.D., Project Director for the Survey of Scientific Engineering R&D Facilities at Colleges and Universities, Division of Science Resources Studies, Room 609L, National Science Foundation, Washington, DC 20550.

Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To provide advice and recommendations on design of the survey instrument Survey of Scientific and Engineering R&D Facilities at Colleges and Universities, and offer recommendation on the survey methods and procedures.

Agenda: To review and evaluate survey instruments and methods in view of government needs and respondent burden.

Dated: February 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–3226 Filed 2–10–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Science Resources Studies; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: March 2–3, 1993; 8:30 a.m. to 5 p.m.

Place: Embassy Square Hotel, 2000 N Street NW., Washington, DC.

Type of Meeting: Open.

Contact Person: Carolyn Arena, Project Director for the Survey of Academic Research Instruments and Instrumentation Needs, Division of Science Resources Studies, rm. L–609, National Science Foundation, 1800 G Street NW., Washington, DC 20550. Telephone: (202) 634–4673.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations on the design of survey instruments for the Survey of Academic Research Instruments and Instrumentation Needs and offer recommendations on survey methods and procedures.

Agenda: To review and evaluate the survey's instruments and collection methods in view of government needs and respondent burden.

Dated: February 8, 1993

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–3227 Filed 2–10–93; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–346]

Toledo Edison Co. et al., Davis-Besse Nuclear Power Station, Unit No. 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–3 in response to a request filed by the Toledo Edison Company, Centerior Service Company and the Cleveland Electric Illuminating Company (the licensee), for the Davis-Besse Nuclear Power Station, Unit No. 1, located in Ottawa County, Ohio.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would revise Technical Specification (TS) 3/4.1.3.1, "Group Height—Safety and Regulating Rod Groups," and TS 3/4.1.3.3, "Position Indicator Channels." The revision would make administrative changes to the TS 3/4.1.3.1 Action statement to clarify the proper progression of the Action statement. TS 3/4.1.3.3 would be revised to clarify the applicability of the Action statement, and to allow startup or power operation to continue provided the absolute position indicator channels are operable for the affected control rods.

The proposed action is in accordance with the licensee's application for amendment dated April 30, 1992.

The Need for the Proposed Action

The proposed amendment is needed because the current TS 3.1.3.3 prevents plant Mode changes with one or more relative position indicator channels inoperable, although alternate means of rod position indication remain operable. This can result in delays in starting up the plant.

Environmental Impacts of the Proposed Action

The NRC staff has reviewed the potential environmental impact of the proposed amendment. The NRC staff finds that a control rod position indication system subject to TS controls will still be available for each control rod. Accordingly, the NRC staff concludes that this proposed action would result in no significant radiological environmental impact.

With regard to potential nonradiological impacts, the proposed use of an alternate TS control rod position indication system will not cause significant increase in the nonradiological impacts and will not change any conclusions reached by the staff in the "Final Environmental Statement for the Davis-Besse Nuclear Power Station, Unit 1" dated March 1973 and its supplement dated October 1975. Therefore, the staff concludes that there are no significant nonradiological environmental impacts associated with the proposed amendment.

Alternative to the Proposed Action

Because the Commission's staff has concluded that there are no significant environmental impacts associated with the proposed action, any alternatives would have either no significantly different environmental impact or greater environmental impact.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts as a result of plant operations.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the final Environmental Statements for the Davis-Besse Nuclear Power Station, Unit 1, dated March 1973 and its supplement dated October 1975.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated April 30, 1992, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Dated at Rockville, Maryland, this 3rd day of February 1993.

For the Nuclear Regulatory Commission.

John N. Hannon,

Director, Project Directorate III–3, Division of Reactor Projects—III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 93–3218 Filed 2–10–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–325 and 50–324]

Carolina Power & Light Co., et al., Brunswick Steam Electric Plant, Units 1 and 2; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR–71 and DPR–62 issued to Carolina Power & Light Company (CP&L or the licensee) for operation of the Brunswick Steam Electric Plant, Units 1 and 2, located in Brunswick County, North Carolina.

The licensee is proposing five changes to the Technical Specifications (TS) for the Brunswick Steam Electric Plant (BSEP), Units 1 and 2.

Proposed Change 1 is to TS 3/4.3.5.5, Chlorine Detection System, revising the Limiting Condition for Operation (LCO), Applicability, Action and Surveillance Requirements sections. The new LCO section would reflect the addition of four chlorine detectors, a trip subsystem within a trip system, a 7-day LCO Action statement for one chlorine detector of either trip subsystem of either or both trip system(s) being inoperable, and a requirement for isolation of the Control Room envelope within one hour with both detectors in a trip subsystem of either trip system inoperable. The Applicability and Action sections would be revised to reference a new Table 3.3.5.5–1, Control Building Emergency Ventilation System Instrumentation. An Operational Conditions requirement is proposed to be added to the Applicability section whenever the chlorine tank car is within the exclusion area. Also proposed is a revision to the Surveillance Requirements section to increase the channel-calibration frequency from refueling to annual.

Proposed Change 2 is to TS 3/4.7.2, Control Room Emergency Filtration System, revising the LCO, Applicability and Action sections. The new LCO section would add operability requirements for radiation and smoke protection modes and for the chlorine protection mode as defined in TS 4.7.2.d.3 and in the Basis section of 3/

4.7.2. The Applicability section would be expanded to include Operational Conditions 4, 5, *, and **. The Action section would be replaced with statements applicable to each Operational Condition.

Proposed Change 3 adds radiation protection and external smoke protection instrumentation associated with the control building emergency ventilation system to the existing TS 3/4.3.5.5, reformats the section into a table format, and renames the section "Control Building Emergency Ventilation System." Also, it revises the LCO, Applicability and Action sections. The new LCO section would add operability requirements for the radiation protection and external smoke protection instrumentation and reformat the existing requirements into a table. The Applicability section would require operability of the chlorine detection instrumentation whenever the chlorine tank car is in the exclusion area and would require operability of the radiation protection and smoke detection instrumentation. Action statements are added to address inoperable chlorine, radiation or smoke detectors.

Proposed Change 4 amends the specific filtration efficiency of TS 4.7.2.b.1 to be consistent with Surveillance Requirements 4.7.2.e and f and the guidance of Generic Letter 83–13.

Proposed Change 5 is to the Surveillance Requirements of TS 4.7.2.d, decreasing the maximum allowable pressure drop across the combined HEPA filters and charcoal absorber banks. Also, various administrative word changes will be made to TS 3/4.3.5.5 and 3/4.7.2, and to their respective Bases sections, to reflect the changes proposed above.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Proposed Change 1

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The change does not affect any of the chlorination system piping system or tank car, which would be the initiating components of a chlorine release event; therefore the probability of a chlorine tank car rupture analyzed in UFSAR [Updated Final Safety Analysis Report] Section 6.4.4.2 will not be increased.

This proposed change maintains the existing OPERABILITY requirements for the Chlorine Isolation Instrumentation and the same ACTION statements for loss of redundancy and loss of function of the system. No additional assumptions in the chlorine tank car rupture analyzed in UFSAR section 6.4.4.2 are introduced or accepted by this change. Therefore there are no increases in the consequences of a chlorine tank car rupture or of any previously evaluated chapter 15 design basis accidents.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change is required to reflect Chlorine Detection System configuration changes so that previously unidentified single failures will be eliminated. The proposed change imposes the same OPERABILITY requirements as the existing configuration as well as the same ACTION statements for loss of function and loss of redundancy. Since the detection/isolation components will continue to operate as required and previously unidentified single failures are being eliminated, the proposed change does not create the possibility of an accident of a new or different kind than previously evaluated in the Safety Analysis Report.

3. The proposed amendment does not involve a significant reduction in the margin of safety. The proposed change to reflect the new configuration of the Chlorine Isolation Instrumentation trip systems and the addition of chlorine detectors does not change any safety settings. The assumptions of the chlorine tank car rupture analyzed in UFSAR 6.4.4.2 are unchanged; therefore, the results of the analysis remain within the NRC acceptance criteria. The change is surveillance to reflect the new type of sensor will not reduce the reliability of the detection system. Therefore, the proposed change does not involve any reduction in the margin of safety.

Proposed Change 2

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The present LCO requirement to maintain two independent Control Room Emergency Air Filtration Systems OPERABLE is not being affected by this change, therefore the probability of Chapter 15 accidents applicable to this license requirement (Main Steam Line Break (MSLB) and the Loss of Coolant Accident (LOCA) are the most limiting) will not be increased. The additional OPERABILITY requirements for the system during OPERATIONAL CONDITIONS 4 and 5 and during movement of irradiated fuel assemblies in the secondary containment will be the same as in OPERATIONAL CONDITIONS 1, 2, and 3. These requirements were added to ensure that the Control Room will remain habitable for operations personnel during and following all credible accident conditions (e.g., Fuel Handling Accidents) that are applicable during these operational conditions. Since the requirements to operate in the Radiation Protection Mode or to suspend such operations are consistent with the present license requirements, the probability of these accidents will not be increased by this change.

The present license requirement to maintain two independent Control Room Emergency Air Filtration Systems OPERABLE is the same for OPERATIONAL CONDITIONS 1, 2, and 3; therefore the consequences associated with a Main Steam Line Break (MSLB) or a Loss of Coolant Accident (LOCA) are not increased. The addition of the OPERABILITY requirements for the system during OPERATIONAL CONDITIONS 4 and 5 and during movement of irradiated fuel assemblies in the secondary containment ensures that the doses to the control room operators are reduced for accidents during which the total radiological releases are less than the design basis accidents consistent with the assumptions in the habitability analyses; therefore, the consequences of any previously evaluated accidents are not increased by this change.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. The additional OPERABILITY requirements to the Control Building Ventilation System are consistent with the OPERABILITY requirements during

VOL 58 ISS 27 FE 11 1993 UMI

OPERATIONAL CONDITIONS 1, 2, and 3. The proposed change does not introduce any new modes of plant operation or create any new credible single failure. The clarification of the Chlorine Protection Mode eliminates the need for Technical Specification Interpretation for Specification 3.7.2 and does not introduce any new modes of plant operation. Therefore, the proposed change does not create the possibility of an accident of a new or different kind than previously evaluated in the Safety Analysis Report.

3. The proposed amendment does not involve a significant reduction in the margin of safety. The additional OPERABILITY requirements to the Control Building Ventilation System are consistent with the OPERABILITY requirements during OPERATIONAL CONDITIONS 1, 2, and 3 and do not reduce any margin of safety or have any impact on 10 CFR part 50, Appendix A, General Design Criterion 19 limits. The clarification of the Chlorine Protection Mode eliminates the need for a Technical Specification Interpretation to Specification 3.7.2 and, therefore, does not reduce any margin of safety.

Proposed Change 3

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The change does not affect any of the chlorination system piping system or tank car, which would be the initiating components of a chlorine release event; therefore the probability of a chlorine tank car rupture analyzed in UFSAR Section 6.4.4.2 will not be increased. The current license requirement for Chlorine detection instrumentation is being expanded to include requirements for Radiation Protection and External Smoke Protection Instrumentation and is being renamed Control Building Emergency Ventilation System (CBEVS) Instrumentation. These instruments are only involved in the mitigation of CBEVS design basis events and are not involved in the initiation of any design basis event for the CBEVS System; therefore, the changes to these instruments will not increase the probability of the chapter 15 accidents discussed in Proposed Change 2 above that are applicable to this system.

The addition of Radiation and External Smoke Protection instrumentation requirements associated with the Control Building Emergency Ventilation System to the existing Chlorine Detection Specification does not change any OPERATIONAL requirements of any existing system, nor does it alter any assumptions used in the previously evaluated chapter 15 MSLB, LOCA, or Refueling accidents. The requirements for the instruments input function to the CBEAF already exist. Therefore, the consequences of any of these chapter 15 accidents are not increased by this proposed change.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. The addition of Radiation and External Smoke Protection instrumentation requirements associated with the Control Building Emergency Ventilation System to the existing Chlorine Detection Specification does not change any mode of operation of the Control Building Emergency Ventilation System or introduce any credible single failure to the plant system or instrumentation associated with this change. The change will eliminate the need for a Technical Specification Interpretation for Specification 3.3.5.5. Therefore, the proposed change does not create the possibility of an accident of a new or different kind than previously evaluated in the Safety Analysis Report.

The proposed amendment does not involve a significant reduction in the margin of safety. The addition of Radiation and External Smoke Protection instrumentation requirements associated with the Control Building Emergency Ventilation System to the existing Chlorine Detection Specification does not reduce any margin of safety. The instrumentation function inputs to the Control Building Emergency Ventilation System already exist in Technical Specification 3/4.7.2. The change will eliminate the need for a Technical Specification Interpretation for Specification 3.3.5.5. Therefore, the proposed change does not involve any reduction in the margin of safety.

Proposed Change 4

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The equipment impacted by this change is not involved in the initiation of any design basis event which requires a protective action response by the CBEVS System; therefore, the probability of occurrence of any accident previously evaluated [is] not increased by this change.

The efficiency requirements added to this Surveillance Requirement are consistent [with] the current requirements of 4.7.2.e and f and remain bounded by the maximum efficiency assumed in the habitability analyses which ensure that no General Design Criteria Limits will be exceeded. Therefore, the consequences of a chapter 15 analyzed radiation event will not be increased.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. The efficiency requirements added to this Surveillance Requirement are consistent with the current license requirements and do not impose any different or additional operating requirements on the system. No credible single failures are being introduced by this change. Therefore, the proposed change does not create the possibility of an accident of a new or different kind than previously evaluated in the Safety Analysis Report.

3. The proposed amendment does not involve a significant reduction in the margin of safety. A specific efficiency requirement is being added to SURVEILLANCE REQUIREMENT 4.7.2.b that is consistent with existing SURVEILLANCE REQUIREMENTS 4.7.2.e and f and meets the guidance of Generic Letter 83–13. The maximum efficiency assumed in the habitability analyses contained in the NRC staff Safety Evaluations for the Brunswick Plant CBEVS filtration units is 95 percent. The proposed change of greater than or equal to 99 percent efficiency ensures that the assumptions in the NRC staff evaluations remain bounded; therefore, the proposed change does not involve any reduction in the margin of safety.

Proposed Change 5

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The equipment impacted by this change is not involved in the initiation of any design basis event which requires a protective action response by the CBEVS System; therefore, the probability of occurrence of any accident previously evaluated [is] not increased by this change.

The current license requirement to ensure that the filtration train is capable of delivering the required flow rate with filter loading will not be impacted by this change. The revised maximum allowable pressure drop remains bounded by the existing requirement, as demonstrated by the pressure drop calculation. Therefore, the consequences of a chapter 15 analyzed radiation event will not be increased.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. The

revised maximum allowable pressure drop across the filtration system ensures that the system will deliver the required flow rate with margin for filter loading following an accident. The proposed change ensures that the system will perform its intended design function and poses no additional operating modes or new credible single failures. Therefore, the proposed change does not create the possibility of an accident of a new or different kind than previously evaluated in the Safety Analysis Report.

3. The proposed amendment does not involve a significant reduction in the margin of safety. The proposed change to revise the maximum allowable pressure drop across the filtration train to less than or equal to 5.25 inches of water, gauge, ensures that the required flow rate can be met with margin for filter loading following an accident. The revised maximum limit remains bounded by the existing requirement; therefore, the proposed change does not involve any reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 15, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403–3297. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final

determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Elinor G. Adensam: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to R.E. Jones, General Counsel, Carolina Power & Light Company, P.O. Box 1551, Raleigh, North Carolina 27602, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 12, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403–3297.

Dated at Rockville, Maryland, this 8th day of February 1993.

For the Nuclear Regulatory Commission.

Patrick D. Milano,

Senior Project Manager, Project Directorate II–1, Division of Reactor Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 93–3217 Filed 2–10–93; 8:45 am]

BILLING CODE 7590–01–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

(1) *Collection title:* Employee Noncovered Service Pension Questionnaire.

(2) *Form(s) submitted:* G–209.

(3) *OMB Number:* 3220–0154.

(4) *Expiration date of current OMB clearance:* Three years from date of OMB approval.

(5) *Type of requests:* Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(6) *Frequency of response:* On occasion.

(7) *Respondents:* Individuals or households.

(8) *Estimated annual number of respondents:* 500.

(9) *Total annual responses:* 500.

(10) *Average time per response:* .11 hours.

(11) *Total annual reporting hours:* 55.

(12) *Collection description:* Under section 3 of the Railroad Retirement Act, the Tier I portion of an employee annuity may be subjected to a reduction for benefits received based on work not covered under the Social Security Act or Railroad Retirement Act. The questionnaire obtains the information needed to determine if the reduction applies and the amount of such reduction.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the form and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312–751–4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Laura Oliven (202–395–7316, Office of Management and Budget, room 3002, New Executive Office Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

[FR Doc. 93–3189 Filed 2–10–93; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–31820; File No. SR–GSCC–92–14]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change Relating to Yield Trades Converted to Priced Trades at the Time of Comparison

February 4, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on November 6, 1992, the Government Securities Clearing Corporation ("GSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below. The Commission is publishing this notice to solicit comment from interested persons and to grant approval of the proposal on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will allow GSCC to continue to compare, convert, and net, prior to the U.S. Treasury Department ("Treasury") auction, trades between participating members in Treasury note and bond issues that have been executed on the basis of the current market yield. Such trades will be eligible for netting if they otherwise meet GSCC eligibility requirements.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. GSCC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1) (1988).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On September 24, 1991, the Commission approved a proposed rule change on a temporary basis that provided authority for GSCC to implement a yield-to-price conversion service and to net trades that have been compared on a yield basis.[2] In January 1992, the Commission approved a proposed rule change that extended GSCC's authority to implement a yield-to-price conversion service and to net trades that have been compared on a yield basis.[3]

On October 16, 1992, GSCC implemented the yield-to-price conversion service and began to net yield trades. Of note in this regard is the high rate of initial participation in the yield-to-price conversion process: 38 netting members, representing 80 percent of all netting members, were initial participants. In view of the successful implementation, and the significance of the yield-to-price conversion service, GSCC requests that the temporary approval of the proposal be made permanent.

Prior to implementing the yield-to-price conversion service, yield trades were compared and reported to members and the data was deleted from GSCC's processing system. Members, therefore, were required to resubmit yield trades after the Treasury auction for final comparison and netting on a final price basis. The proposed rule change allows GSCC to maintain yield trades in its system.

Under the proposal, members submit to GSCC trade data for yield trades by 10 p.m.[4] The member indicates the yield in the appropriate information field and leaves the price field blank.[5] GSCC compares the trade on the basis of the yield, and upon successful comparison, converts the yield trade to a priced trade. Successful comparison occurs only if the information submitted by both sides to the trade agree as to quantity, security identification, contraparty, and trade value.[6] If the trade data does not match, the trade will pend in GSCC's system until the trade is either compared or deleted by GSCC.[7] On each business day, GSCC reports to its members through the comparison system output, each of the member's yield trades that were successfully compared and converted to priced trades.

In some cases, clearing members do not submit the commission amount for the trade or submit conflicting commission amounts. In order to avoid generating uncompared trades because a clearing member has failed to submit the Commission, or the dealer has submitted a commission that does not agree with the commission submitted by the broker, if the trade compares in all other respects, GSCC will compare the trade based on the commission amount submitted by the broker. Once a yield trade is compared by GSCC, it constitutes a valid, binding, and enforceable contract between the parties to the trade to the same degree as if the commission amounts matched. However, it does not constitute a final, binding determination on those members as to the correct commission amount. Clearing members will have an ongoing obligation to resolve any commission discrepancies. To facilitate resolution of commission discrepancies, GSCC makes available to the contraparties of any trade with a commission difference daily reports reflecting previous trade data.

At the time of conversion, GSCC calculates the assumed coupon rate based on the par weighted average yield ("par weighted average") of trades compared by GSCC in each CUSIP[8] adjusted down to the nearest ⅛%. GSCC then uses the assumed coupon rate to convert yield trades to priced trades. During the when-issued period, GSCC uses the conversion price as the basis for calculating daily margin requirements. For example, assume a 30-year Treasury bond will be issued on September 15, 1993. The announcement date of the issue is September 1, 1993, and the auction date is September 8, 1993. If the par weighted average yield for trades compared by GSCC on September 1 is 8.30%, GSCC will adjust the par weighted average yield down to the nearest ⅛% (8.25%) and convert eligible yield trades (in the same CUSIP) that are submitted on September 1 to priced trades using 8.25% as the assumed coupon. If the par weighted average yield for yield trades compared on September 2 is 9%, meaning that the issue is trading at 9%, GSCC will convert eligible yield trades submitted on September 2 to priced trades using 9% as the assumed coupon. Each day GSCC will calculate the assumed prices for the current day's trades and recalculate the assumed prices for previous days' trades using the most recent assumed coupon.

GSCC uses the U.S. Treasury standard conversion formula[9] to convert yield trades.[10] The conversion process generates a price for each trade so that *A* (*i.e.*, the price of the note or bond multiplied by the sum of one, and the nominal rate of return received in semi-annual installments) equals *B* (*i.e.*, the present value of the note or bond plus the assumed coupon rate.)[11] For

---

[2] Securities Exchange Act Release No. 29732 (September 24, 1991), 56 FR 49837 (approving the proposal on a temporary basis until January 31, 1992).

[3] Securities Exchange Act Release No. 30170 (January 15, 1992), 57 FR 1774 (approving the proposal on a temporary basis until January 31, 1993).

[4] Consistent with GSCC's procedure for submitting trade data for priced trades, trade data may be submitted on trade day or a subsequent day; however, in order for GSCC to include the data in the automated processing cycle, the data must be submitted by 10 p.m. Any trade data received after automated processing begins will be processed on the following day.

[5] Upon submission of trade data, GSCC will validate and match the information to ensure that the details of each trade are in agreement. Securities Exchange Act Release No. 27902 (April 12, 1990), 55 FR 15066 at note 14.

[6] In the case of yield trades, the "trade value" is the market yield. In addition, GSCC may permit the member to submit additional identifying data. GSCC Procedure II(B)(1). For example, a member may submit an internal identification number for the contraparty rather than a GSCC identification number. Telephone conversation between Jeffrey F. Ingber, Associate General Counsel and Assistant Secretary, GSCC, and Sonia Burnett, Attorney, Commission (August 13, 1991).

[7] GSCC's Schedule for the Deletion of Uncompared Trade Data provides that uncompared trade data for yield trades will pend in GSCC's comparison system until the issue date or reissue date. GSCC Rule 7 § 4.

[8] The market yield of trades in each CUSIP that are submitted to GSCC on the day that comparison takes place is weighted based on the relative size of each trade.

[9] The formula GSCC uses to convert yield trades appears in a federal reserve bank publication. See Federal Reserve Bank of Richmond, *Buying Treasury Securities*, Part II, Section 8 and Appendix A (1990) (hereinafter referred to as "*Buying Treasury Securities*"). For internal control and surveillance purposes, Government securities dealers use the Treasury Department conversion formula to calculate an assumed coupon rate and an assumed price for their yield trades.

[10] Yield trades between a member who has elected not to participate in the conversion service and a participating member are compared by GSCC, but do not enter the net. Once the trade is compared, the trade data is usually deleted from GSCC's trade processing system. GSCC may retain the trade data submitted by the nonparticipating member to monitor the member's credit exposure. Letter from Jeffrey F. Ingber, Associate General Counsel and Assistant Secretary, GSCC, to Ester Saverson, Branch Chief, Commission (June 14, 1991).

[11] The U.S. Treasury formula for converting note and bond yields to equivalent prices is:

$P\{1+(r/s)(i/2)\}=\{C/2\}(r/s)+\{C/2\}a\bar{n}+100v^n$, where

P=price per $100, carried to three decimal places;

C=the annual stated interest rate;

i=nominal annual rate of return or yield, based on semi-annual interest payments;

n=number of full semi-annual periods from the issue date to maturity. If the issue date is a coupon frequency date, *n* will be one less than the number of full semi-annual periods remaining to maturity. Coupon frequency dates are the two semi-annual dates based on the maturity date of each note or bond issue;

Continued

example, assume a yield trade occurs on March 20 involving a two-year Treasury note that will be issued on March 31, 1993, with a coupon rate of 7.125%, due on March 31, 1995, with interest payments on September 30 and March 31, and having a yield of 7.19%. The assumed coupon as determined by GSCC would be 7.125,[12] and the converted price of the yield trade would be 99.881 per 100.[13] Each day until the coupon rate is set and publicly available, GSCC recalculates the assumed coupon rate for the issue, converts new yield trades to priced trades and adjusts the prices of previously converted, compared, and netted yield trades.

GSCC nets each participating clearing member's trades with other participating members. Trades involving nonparticipating members are not netted and are deleted from GSCC's system after the trades are reported to members as compared trades.

Consistent with GSCC's procedure for netting forward trades, GSCC calculates a member's forward net settlement position on each successive business day from the first day when the forward trade is successfully compared until the processing cycle immediately prior to the scheduled settlement date for such position ("forward period").

GSCC reports each forward net settlement position by CUSIP number in a report issued on the morning of each business day during the pre-auction period. At that time, the delivery or receive obligation is novated. GSCC, therefore, becomes the counterpart to the net delivery, receive, and related payment obligations between netting members that were created by the yield trades. The netted deliver or receive obligation in the when-issued security is carried on GSCC's books until the settlement date. The netted deliver or receive obligation on forward trades automatically converts into a net settlement position on its scheduled settlement day. At that time, for its own purposes and to lodge the necessary delivery and receive instructions with its clearing bank, GSCC allocates deliver and receive obligations on a random basis to netting members with corresponding receive and deliver obligations of like quantity of the security with the same CUSIP number.

During the pre-auction period, GSCC calculates the clearing fund contribution [14] and the forward mark allocation [15] for participating and nonparticipating members. Converted trades comprising part or all of a netting member's forward net settlement position are included in the calculation of the netting member's clearing fund contribution and forward mark allocation requirement if those trades involve two participating members. If a participating member trades with a nonparticipating member, the trade does not enter the net, so the participating member is not required to pay forward mark allocation or clearing fund contributions for that trade (to the extent the trade would have offset or reduced the participating member's forward mark allocation or clearing fund contribution, the participating member also gains no benefit).

GSCC does not routinely collect forward mark allocations or clearing fund contributions from nonparticipating members. Nevertheless, to monitor nonparticipating members' financial condition and credit exposure, GSCC calculates the nonparticipating members' forward mark allocations and clearing fund requirements based on the assumption that matched trades with participating members were included in the net. If at any time during the pre-auction period GSCC determines that a nonparticipating clearing member no longer satisfies GSCC's membership criteria for financial responsibility reasons,[16] GSCC will collect the forward mark allocation and clearing fund contribution on account of matched trades excluded from the net.[17]

Converted trades remain pendent in GSCC's system until final price data is submitted. Final price data is available, and should be submitted to GSCC on the day of the Treasury auction. At that time, the trades are compared and netted on a final price basis. If the actual price of the trade differs from the conversion price, GSCC will adjust the clearing member's forward mark allocation and clearing fund contribution accordingly. The excess is returned to, or the deficit collected from, the netting member.

GSCC believes the proposed rule change will facilitate the prompt and accurate clearance of securities transactions and the safeguarding of securities and funds consistent with Section 17A of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule change imposes any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments on the proposed rule change have not yet been solicited or received. Members will be notified of the rule change and comments will be

---

r=either: (1) the number of days from the issue date to the first interest payment (regular or short first payment period); or (2) the number of days in fractional portion of long first payment period;

s=either: (1) the number of days in the full semi-annual period ending on the first interest payment date (regular or short first payment period), or (2) the number of days in the full semi-annual period in which the fractional portion of a long first payment period falls, ending at the onset of the regular portion of the first interest payment;

$v=1/(1+i/2)$;

v^n=present value of *1* due at the end of *n* periods, which is $1/(1+i/2)^n$;

$a\bar{n}$=present value of *1* per period for *n* periods; and

A=accrued interest, if any.

[12] If the par weighted average for trades on March 20 was 7.130, GSCC would adjust the weighted average down to 7.125. In this example, the actual coupon rate of the note is equal to the assumed coupon rate. In reality, the actual coupon may be near, but not equal to, GSCC's assumed coupon rate.

[13] In the example, C=7.125, i=.0719, r=183, s=183, n=3 (There are 4 full semi-annual periods, but *n* is reduced by *1* because the issue date is a coupon frequency date.), $v^n=1/(1+.0719/2)^3$ or .899463648, and $a\bar{n}=(1-.899463648)/.03595$, or 2.796560556.

Resolution:

(1) P[1+.03595]=3.5625+9.962746981+89.9463648

(2) P[1.0395]=103.471661781

(3) P=103.471611781/1.03595

(4) P=99.880893654

(5) P=99.881.

[14] The required clearing fund deposit is based on the netting member's net settlement position. The total amount of the required clearing fund deposit equals: A + B, where, A=1.25(v), and $B=\{\Sigma[x(y)-x]\}\div 20$. For a detailed description of the calculation of the required clearing fund deposit, *see* Securities Exchange Act Release No. 27901 (April 12, 1990), 55 FR 15055.

[15] The forward mark allocation is the amount owed to GSCC based on the value of securities that GSCC anticipates that a netting member will be obligated to either receive from GSCC or deliver to GSCC on the scheduled settlement date for the position. *See* Securities Exchange Act Release No. 27902 (April 12, 1990), 55 FR 15066 for a detailed description of the calculation of the forward mark allocation.

GSCC will compute the required deposits based on the "system price" of the trade. The "system price" is a weighted average of the par values of trades compared by GSCC and closely approximates the closing interdealer price. *See* Securities Exchange Act Release No. 27901 (April 12, 1990), 55 FR 15055.

[16] GSCC's Rules require Government securities brokers and dealers to maintain a $50 million net worth and $10 million in excess net capital; interdealer brokers are required to maintain at least $4.2 million in net capital; and banks are required to maintain a minimum of $250 million in equity capital. GSCC Rule 15.

[17] The contraparty to the yield trade does not have access to deposits collected by GSCC. GSCC holds the forward mark allocation payments and required clearing fund deposits as collateral in the event a member fails to fulfill its deliver or receive obligations. Telephone conversation between Jeffrey F. Ingber, Associate General Counsel and Assistant Secretary, GSCC, and Sonia Burnett, Attorney, Commission (August 13, 1991). *See also*, GSCC Rule 4 § 6.

solicited by an Important Notice. GSCC will notify the Commission of any written comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission believes GSCC's proposal to convert, compare, and net, prior to the Treasury auction, yield trades between participating members in Treasury note and bond issues is consistent with the Act and particularly with section 17A of the Act.[18] Specifically, the Commission believes that extending GSCC's netting system to trades executed on a yield basis promotes the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds in GSCC's custody or under GSCC's control consistent with sections 17A(b)(3)(A)[19] and 17A(b)(3)(F).[20]

GSCC implemented the yield-to-price conversion service in October 1992 with 80% of the netting members participating in the service. During the last three months, GSCC members have used this service to process trades in more than twelve issues auctioned by the U.S. Treasury, and GSCC has compared, cleared, and settled, in the aggregate, more than $827.5 billion in trades under this service without incident.[21] Based on this favorable experience, the Commission is satisfied that the proposal is consistent with GSCC's obligation to safeguard funds and securities and to promote prompt and accurate clearance and settlement.

In its prior orders addressing this proposal, the Commission identified as a potential concern the interplay between voluntary submission of compared trades for GSCC netting and the potential financial exposure to GSCC and its members resulting from the exclusion of those trades from GSCC's netting operation. The Commission encouraged GSCC to reconsider whether it was appropriate for netting members to withhold from the netting operation yield trades that were compared.

GSCC has not completed its evaluation of this concern, in part because of the limited, albeit favorable, experience with the yield to price service. Indeed, GSCC indicated that some members may need to make further operational changes to accommodate mandatory netting of trades compared through the yield-to-price conversion system. Nevertheless, GSCC has represented that it will address this concern in a proposed rule change to be filed with the Commission by December 31, 1994.[22]

GSCC has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing in the **Federal Register**.[23] GSCC has requested accelerated effectiveness of the proposal so that GSCC may continue to offer the service without interruption. The Commission believes there is good cause for approving the proposed rule change on an accelerated basis. First, the Commission has thrice solicited comment on this proposed service, without public response. Second, accelerated approval will provide for continuation of the service without interruption.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of GSCC. All submissions should refer to file number SR–GSCC–92–14 and should be submitted by March 4, 1993.

V. Conclusion

On the basis of the foregoing, the Commission finds that GSCC's proposed rule change is consistent with the Act and, in particular, with section 17A, and the Commission finds good cause for approving the proposal on an accelerated basis.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[24] that the proposed rule change (File No. SR–GSCC–92–14) be, and hereby is, approved on an accelerated basis.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[25]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3261 Filed 2–10–93; 8:45 am]

BILLING CODE 8010-01-M

---

[18] 15 U.S.C. 78q-1 (1988).

[19] 15 U.S.C. 78q-1(b)(3)(A).

[20] 15 U.S.C. 78q-1(b)(3)(F). For a more detailed discussion, see Securities Exchange Act Release No. 29732, note 2 *supra*.

[21] Letter from Jeffrey F. Ingber, General Counsel and Secretary, GSCC, to Sonia Burnett, Attorney, Commission (January 28, 1993); and telephone conversation between Jeffrey F. Ingber and Sonia Burnett (February 1, 1993).

[22] Letter from Jeffrey F. Ingber, General Counsel and Secretary, GSCC, to Sonia Burnett, Attorney, Commission (December 14, 1992).

[23] Letter from Jeffrey F. Ingber, General Counsel and Secretary, GSCC, to Sonia Burnett, Attorney, Commission (January 15, 1993).

[24] 15 U.S.C. 78s(b)(2).

[25] 17 CFR 200.30–3(a)(12).

[Release No. 34–31826; File No. SR–NYSE–92–32]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to Electronic T+1 Overnight Comparison of Exchange Bond Transactions, the Comparison of Initial Trade Data in Listed Bonds by the Exchange Through Its Overnight Comparison System, and Security Position Movements Through the "Step-Out" Service in Listed Bonds

February 4, 1993.

On October 22, 1992, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed a proposed rule change (File No. SR–NYSE–92–32) with the Securities and Exchange Commission ("Commission") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] relating to the overnight comparison of Exchange bond transactions, the submission of initial trade data in listed bonds to the Exchange for comparison, and security position movements in listed bonds between clearing members. On December 1, 1992, notice of the proposed rule change was published in the **Federal Register** to solicit comment from interested persons.[2] No comments were received. As discussed below, the Commission is granting approval of the proposal.

I. Description

The proposed rule change consists of amendments to NYSE Rules 130, 133, 134.A, 135, 136, 137, and 142, and the rescission of NYSE Rule 134.B, to require NYSE members to submit data for transactions in listed bonds effected

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 31504 (November 23, 1992), 57 FR 56942.

VOL 58 ISS 27 FE 11 1993 UMI

on the Exchange for electronic overnight comparison on or after June 1, 1993 through the NYSE's Overnight Comparison System ("OCS").[3] An enhancement to the OCS also will permit members to reassign responsibility for clearing specific OCS trades through automated means.[4]

The proposal also enables NYSE members to resolve uncompared bond transactions through the OCS which is currently used to resolve uncompared trades in listed stocks[5] and options.[6] The Exchange will require the electronic resolution through its OCS for all uncompared transactions in listed bonds effected on the Exchange for "Regular Way," "Next Day" and "Seller's Option" settlement that are traded on an "issued," "when issued" and "when distributed" basis. Uncompared transactions that cannot be resolved on T+1 will be subject to mandatory "close out." Bonds traded in the Exchange's Automated Bond System ("ABS") will not be subject to these requirements.[7] The OCS for bonds will compare "Ex-Clearing House" transactions (*i.e.*, any transaction in which the buying and selling parties to the trade agree to physically settle the transaction between themselves) for "Cash," "Next-Day" and "Seller's Option" settlement.

In the OCS for bonds the Exchange will accept initial trade data submission in all listed bonds traded on the floor of the Exchange from its clearing member organizations and compare the data in the OCS.[8] The compared trades will then be transmitted to the National Securities Clearing Corporation ("NSCC") where they will be printed on clearing members' contract sheets. NSCC will then complete the clearance and settlement process. Any uncompared trade will remain in the Exchange's OCS for resolution or will be dropped from OCS if it remains uncompared at the end of T+1.

The Exchange intends to implement OCS for bonds using a phased approach, much as it did when implementing OCS for stocks and later the OCS for options. Assuming no unforeseen operational difficulties, the NYSE tentatively plans to eliminate paper Questioned Trade Forms and to correct uncompared trades in the OCS electronically on T+3 during the first quarter of 1993. By the end of the first quarter of 1993, the NYSE estimates that the time-frame for initial submission will be reduced from T+1 to the evening of trade date. Thereafter, initial submission of trade data for comparison will be shifted from NSCC to the Exchange.[9] The last two steps will be to reduce the correction cycle to T+1, as it is in stocks, and to drop any remaining uncompared trades from OCS at the end of T+1.

Participants also will be able to avail themselves of the Exchange's Step Out Service ("SOS") to effect securities position movements in listed bonds amongst themselves that were acquired on the Exchange.[10] SOS enables the Exchange's clearing members, by pressing keys on a computer terminal, to issue instructions to a qualified clearing agency for the transfer of open contractual commitments between the members' clearing accounts. Hence, SOS will allow all or part of an open bond transaction to be transferred electronically from one clearing firm's account to another firm's account prior to settlement of the trade.

II. Discussion

Section 6(b)(5) of the Act requires, among other things, that the rules of a national securities exchange be designed to foster coordination with persons engaged in regulating, clearing, settling, and processing information with respect to, and facilitating transactions in, securities and to protect investors and the public interest and to remove impediments to and perfect the mechanics of a national market system.[11] In enacting section 17A of the Act, Congress found that the prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership and the safeguarding of securities and funds related thereto, are necessary for the protection of investors and persons facilitating transactions by and acting on behalf of investors and mandated the establishment of a national system for the clearance and settlement of securities transactions.[12] The Commission believes that the NYSE's proposed rule change furthers these important goals.

Expanding the OCS to include bond transactions, the comparison of initial comparison data in bonds, and the expansion of the "Step Out" Service to bond transactions will automate the Exchange's trade resolution system. The proposal will shorten the comparison cycle from as long as T+5 to T+1, will reduce the risk exposure of investors and NYSE members and will contribute to the prompt and efficient clearance and settlement of securities transactions.

Like previous NYSE proposals regarding the trade comparison of equity securities and options, this proposal will reduce the risk of uncompared trades by shortening the comparison cycle.[13] The risk of uncompared trades came under intense scrutiny following the Market Break of October 1987. During the Market Break uncompared trades on the NYSE (as well as other markets) increased alarmingly and, for several reasons, became a major stress point in the clearance and settlement process. First, uncompared trades require special labor-intensive treatment ("exception processing") under working conditions already rendered chaotic by record trading volume. Second, the NYSE's rate of uncompared trades doubled as a percentage of total trades during the week of October 19, 1987. Third, the record market volatility (primarily downward) threatened to impose financial penalties on those firms that could not resolve trade comparison errors prior to settlement with their customers.[14]

The NYSE proposal is consistent with the Group of Thirty's recommendation that all trade comparisons be

[3] Trade comparison, or the matching of the two sides of a transaction, occurs after a trade has been executed. It is the process by which broker-dealers on either side of a trade confirm with each other the terms of a trade (*e.g.*, security, number of units, and price) and the existence of a contract. Comparison is the first of the three steps involved in processing a securities transaction (the other two are clearance and settlement). For more information about OCS, see Securities Exchange Act Release No. 26627 (March 14, 1989), 54 FR 11470 (SR–NYSE–88–36).

[4] Such transfers of open securities positions between NYSE clearing members are referred to as "step-outs." The Commission initially authorized "step-outs" for securities in Securities Exchange Act Release No. 29492 (August 1, 1991), 56 FR 36855 (SR–NYSE–91–09).

[5] See Securities Exchange Act Release No. 26627 (March 14, 1989), 54 FR 11470 (File No. SR–NYSE–88–36); Securities Exchange Act Release No. 28285 (August 6, 1990), 55 FR 31930 (File No. SR–NYSE–90–21).

[6] See Securities Exchange Act Release No. 30293 (February 4, 1992), 57 FR 4229 (File No. SR–NYSE–91–36).

[7] Transactions effected in the ABS are electronically "locked in" with respect to the identity of the buyer and seller for comparison purposes by the Exchange. On the evening of each trade date, these compared trades are transmitted to the appropriate Qualified Clearing Agency by the Exchange to be printed on clearing members' contract sheets. Thus, there are no uncompared trades in the ABS trading environment.

[8] NSCC filed a proposed rule change with the Commission on January 6, 1993 (File No. SR–NSCC–93–02), which, among other things, adds language to Procedure II(D)(2) allowing uncompared trades to be resolved through the facilities of another self-regulatory organization.

[9] *Id.*

[10] See Securities Exchange Act Release No. 29492 (August 1, 1991), 56 FR 36855 (File No. SR–NYSE–91–09).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78q–1(a)(1)(A).

[13] See *supra* notes 5, 6.

[14] See Division of Market Regulation, Securities and Exchange Commission, The October 1987 Market Break, Ch 10 at 5–13 (hereinafter Division Report).

accomplished by T+1, a necessary step in order to achieve the Group of Thirty's goal of T+3 settlement.[15] In addition, the Bachmann Task Force Report equates time with risk and advocates reducing comparison to T+1 in order to facilitate a shorter settlement cycle.[16]

The NYSE proposal (which will shorten the comparison cycle for NYSE traded bonds to T+1), while it does not constitute the final objective of same day comparison, is consistent with the Commission's efforts to shorten the comparison cycle.[17] Accordingly, the Commission believes that the proposal is consistent with the Act, particularly sections 6(b)(5) and 17A of the Act. The Commission further believes that the proposal will help protect investors and also will help protect brokers and other persons facilitating transactions by and acting on behalf of investors.

III. Conclusion

For the reasons discussed above, the Commission finds that the proposed rule change is consistent with the Act and in particular with sections 6 and 17A of the Act and the rules thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR–NYSE–92–32) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3260 Filed 2–10–93; 8:45 am]

BILLING CODE 8010–01–M

[15] See implementing the Group of Thirty Recommendations in the United States, U.S. Working Committee, Group of Thirty Clearance & Settlement Project (November 1990) at III–19 to III–25.

[16] Specifically, the Bachmann Task Force Report recommends that comparison of institutional trades be reduced to T+1. Report of the Bachmann Task Force on Clearance and Settlement Reform in U.S. Securities Markets, submitted to the Chairman of the U.S. Securities and Exchange Commission, May 1992. Securities Exchange Act Release No. 30802 (June 15, 1992), 57 FR 27812 (June 22, 1992). Commenting on the Bachmann report, the Securities Industry Association advocated T+1 comparison of bond transactions. Letter from Thomas A. James, Chairman and Edward I. O'Brien, President, Securities Industry Association, to Jonathan G. Katz, Secretary, Commission, dated September 15, 1992.

[17] See Division Report, Ch. 10 at 12. See also the Interim Report of the Working Group on Financial Markets (May 1988), Appendix D at 6.

[18] 17 CFR 200.30–3(a)(12) (1990).

[Release No. 34–31825; File No. SR–OCC–93–03]

February 4, 1993.

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change Relating to the Inclusion of the Russell 2000 Index in the Cross-Margining Program With the Chicago Mercantile Exchange

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on February 3, 1993, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR–OCC–93–03) as described in Items I and II below, which Items have been prepared primarily by OCC. The Commission is publishing this notice and order to solicit comments from interested persons and to grant accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would allow OCC to add the Russell 2000 Index ("Russell") as an Eligible Contract under the cross-margining program between OCC and the Chicago Mercantile Exchange ("CME").

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to allow OCC to add a new index to the List of Eligible Contracts[2] under the OCC/CME cross-margining program.[3] The additional Eligible Contracts will consist of put and call options on the Russell that are traded on the Chicago Board Options Exchange ("CBOE") and are cleared by OCC and futures contracts on the Russell and options on those futures contracts that have been approved for trading on the CME and will be cleared by the CME's Clearing House Division.

Options on the Russell, futures on the Russell, and options on the futures on the Russell will be in the same class group because the underlying is the same index. Accordingly, OCC and the CME have agreed to allow these contracts to be cross-margined with each other. OCC has represented, however, that the Russell class group will be in a product group by itself and, therefore, will not be included in the broad-based product group.[4]

The proposed rule change is consistent with the purposes and requirements of section 17A of the Act because it expands the List of Eligible Contracts for OCC/CME cross-margining thereby helping to make the national system for the clearance and settlement of securities transactions more efficient and cost-effective.

B. Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change will have an impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

OCC has not solicited comments with respect to the proposed rule change, and none have been received.

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] Contracts eligible for cross-margin treatment are set forth in the List of Eligible Contracts which is attached as Exhibit A to the Amended and Restated Cross-Margining Agreement between OCC and the CME. Currently, the List of Eligible Contracts includes put and call options cleared by OCC on: S&P 100 Index; S&P 500 Index; Major Market Index; New York Stock Exchange Composite Index; Financial News Composite Index; Institutional Index; MidCap 400 Index; and Financial Times 100 Index. Eligible Contracts traded and cleared at the CME are: S&P 500 Index futures; put and call options on S&P 500 Index futures; MidCap 400 Index futures; put and call options on MidCap 400 Index futures; Financial Times 100 Index futures; and put and call options on Financial Times 100 Index futures.

[3] For a description of the OCC/CME cross-margin program, refer to Securities Exchange Act Release Nos. 27296 (September 26, 1989), 54 FR 41195 (File No. SR–OCC–89–1) (order approving OCC/CME proprietary cross-margining program) and 29991 (November 26, 1991), 56 FR 61458 (File No. SR–OCC–90–01) (order approving OCC/CME non-proprietary, market professional cross-margining program).

[4] Both OCC and the CME will be reviewing their existing contracts to determine whether any of them can be placed in the same product group with the Russell. Should OCC decide to include the Russell class group in a broader product group or decide to include any existing contract in the Russell product group, OCC, prior to inclusion, will submit a Section 19(b) proposed rule change to the Commission for approval.

III. Date of Effectiveness of the Proposed Rule Change and Timing of Commission Action

OCC has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing in the **Federal Register**. Such accelerated approval would permit OCC to coordinate its operations with the exchanges involved in this proposal.

The Commission believes OCC's proposed rule change to permit cross-margining of the above-named products is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies and, in particular, with the requirements of Sections 17A(b)(3)(A) and (F).[5] Those sections require that a clearing agency be so organized and that its rules be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds in the custody or control of clearing agencies. Additionally, Section 17A(a)(1) of the Act[6] specifically encourages the use of efficient, effective, and safe procedures from securities clearance and settlement. The Commission in recent years has dealt in a comprehensive manner with numerous proposals involving OCC's cross-margining programs.[7] For the reasons discussed in those orders as well as the reasons discussed above, the Commission believes that this proposal warrants approval in that it helps to further the perfection of the national system for the clearance and settlement of securities transactions.

The Commission also finds good cause for approving the proposed rule change prior to the thirtieth day after the publication of notice of filing. Accelerated approval will allow OCC and the CME to coordinate the cross-margining of options on the Russell, which are currently being traded on the CBOE, with the start of trading of futures on the Russell and options on the futures on the Russell at the CME. This should, consistent with section 17A, help to make the national system for clearance and settlement safer and more efficient.

[5] 15 U.S.C. §§ 78q–1(b)(3)(A) and (F) (1988).

[6] 15 U.S.C. § 78q–1(a)(1) (1988).

[7] *E.g.*, Securities Exchange Act Release Nos. 29991 (November 26, 1991), 56 FR 61458 [File No. SR–OCC–90–01] (order approving OCC/CME non-proprietary, market professional cross-margining program) and 30041 (December 5, 1991), 56 FR 64824 [File No. SR–OCC–90–04] (order approving OCC/ICC non-proprietary, market professional cross-margining program).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC, 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to File No. SR–OCC–93–03 and should be submitted by March 2, 1993.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[8] that the proposed rule change (File No. SR–OCC–93–03) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3267 Filed 2–10–93; 8:45 am]

BILLING CODE 8010–01–M

[8] 15 U.S.C. § 78s(b)(2).

[9] 17 CFR § 200.30–3(a)(12).

[Release No. 34–31824; File No. SR–PSE–92–40]

Self-Regulatory Organizations; Pacific Stock Exchange, Inc.; Notice of Filing of and Order Granting Accelerated Approval on a Permanent Basis to the PSE's Ten-Up Pilot Program

February 4, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] the Pacific Stock Exchange, Inc. ("PSE" or "Exchange"), on October 12, 1992, filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. § 78s(b)(1) (1982).

[2] 17 CFR § 240.19b–4 (1991).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PSE hereby requests permanent approval of its Trading Crowd Firm Disseminated Market Quote ("Ten-Up Rule") pilot program.[3] The text of the proposed rule change is available at the Compliance Department of the PSE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In May 1990, the Commission approved the Exchange's ten-up Rule on a one-year pilot basis.[4] The Exchange subsequently obtained Commission approval to extend the ten-up pilot program through November 13, 1992.[5] The PSE is now requesting permanent approval of the Ten-Up pilot program based on its report of the Rule which concludes the pilot program has: (1) Resulted in an improvement in the quality of the Exchange's options markets and market maker performance, and (2) quicker executions of public customer orders. In addition, the Exchange's report also cited the viability and effectiveness of the Ten-Up Rule pilot program as a basis for permanent approval.

In the Ten-Up Approval Order, the Commission approved PSE Rule 6.86,

[3] The Exchange's ten-up Rule requires PSE trading crowds to provide a depth of ten contracts for all non-broker/dealer customer orders, at the disseminated market quote at the time such orders are announced or displayed at a trading post. *See* Securities Exchange Act Release No. 28021 (May 16, 1990), 55 FR 21131 ("Ten-Up Approval Order").

[4] *Id.*

[5] *See* Securities Exchange Act Release Nos. 29325 (June 17, 1991), 56 FR 29300 (First Extension); 29909 (November 6, 1991), 56 FR 57914 (Second Extension); 30418 (February 26, 1992), 57 FR 7832 (Third Extension); 30841 (June 19, 1992), 57 FR 29111 (Fourth Extension); and 31172 (September 10, 1992), 57 FR 43044 (Fifth Extension).

entitled "Guaranteed Markets, Trading Crowd Firm Disseminated Market Quotes." The Exchange has subsequently filed proposals that would modify the Ten-Up Rule in minor respects.[6] The PSE, however, expects that such modifications will not have any significant impact on the overall viability or effectiveness of the Rule.

The PSE believes the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(5), in particular, in that it facilitates transactions in securities and promotes just and equitable principles of trade.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated approval pursuant to section 19(b)(2) of the Act. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder, and, in particular, the requirements of sections 6, 11(b), and 11A thereunder, in that it will result in improved quality of PSE options markets and better market maker performance. The Ten-Up Rule provides public customers with the assurance of order execution to a minimum depth of ten contracts at the best disseminated bid or offer, resulting in better executions of small customer orders by ensuring greater depth to the PSE's options markets.[7]

The Commission in its prior orders extending the Ten-Up Rule has insisted that the Exchange before seeking permanent approval study the operation of the Ten-Up Rule and its effect, if any, on the PSE's options markets.[8] Specifically, the Commission directed the Exchange to study the effect of the Ten-Up Rule on the speed of execution of trades, its impact on average bid/ask spreads and any increase or decrease in market depth. The Commission also expected the Exchange to provide a report to the Commission on its findings on these matters, along with any violations of the Ten-Up Rule and any complaints about its operation, prior to filing for permanent approval.[9]

The Commission notes, that the Exchange submitted a report on the operation and effectiveness of the Ten-Up Rule in connection with its seeking permanent approval. Specifically, the Exchange conducted a floor-wide survey of options floor brokers, market makers and member firms to evaluate the effectiveness of the pilot program. Based on the responses to this survey, the Exchange found that the Ten-Up Rule has resulted in faster executions of public customer orders and an improvement in the quality of the Exchange's options markets and market maker performance. In addition, the report noted that the Ten-Up Rule places greater obligations on market makers since they must either keep their markets updated or run the risk of having to fill a customer order based on a stale quote that may or may not be competitive given present market conditions. Overall, the report concluded that the PSE's markets have improved due to the Rule and that substantial public benefits have resulted.

The Commission also notes that since the first operation of the Rule in May 1990, the PSE has prosecuted several disciplinary cases. The Exchange's Options Floor Trading Committee ("OFTC") adjudicated all of these cases, and as a result, has issued, among other things, fines, informal letters of caution and letters of information.[10] The Commission believes that the PSE's Ten-Up Rule works reasonably well and is not subject to significant difficulties, as indicated by the report submitted by the PSE.

For purposes of the PSE's proposal to permanently approve its Ten-Up Rule, the Commission reasserts its initial position regarding the benefits of a Ten-Up Rule on the PSE.[11] Specifically, the permanent approval of the PSE Ten-Up Rule is consistent with sections 6, 11(b) and 11A of the Act in that the Rule results in improved market quality and better market maker performance than would otherwise occur. The Rule further results in better executions of small customer orders by ensuring greater depth of PSE options markets.

The Commission further believes that the Ten-Up Rule encourages market makers to become more competitive in making markets, thereby, facilitating transactions in securities, contributing to a more free and open market, and improving the quality of the PSE's options markets. The Commission also notes that the PSE's Ten-Up Rule is designed to attract greater customer order flow to the exchange, which enhances market depth and liquidity resulting in tighter options pricing spreads.

Accordingly, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register** because of the importance of continuing uninterrupted the operation of the Ten-Up Rule. The Commission believes the PSE proposal will continue to benefit public customers by extending the Ten-Up requirement to all options series (except LEAPS) thereby assuring more customer orders will receive executions to a minimum depth of ten contracts at

---

[6] The PSE in File No. SR–PSE–92–02 submitted with the Commission a proposed rule change to incorporate various Ten-Up policies, such as the identification and types or orders subject to the Ten-Up Rule. On November 13, 1992, the Exchange withdrew this filing from Commission consideration. *See* letter from Michael D. Pierson, Senior Staff Attorney, PSE, to Thomas R. Gira, Branch Chief, Options Regulation, SEC, dated November 13, 1992. The PSE has now filed a revised proposal relating to the identification of orders that are eligible to receive the Ten-Up guarantee. *See* File No. SR–PSE–93–01. In addition, the PSE also filed a Minor Rule Plan Violation proposal with the Commission which would include violation of the Ten-Up Rule. *See* Securities Exchange Act Release No. 31226 (September 23, 1992), 57 FR 45105. These Exchange proposals are pending with the Commission.

[7] *See supra* note 3.

[8] *See supra* note 5.

[9] Specifically, the PSE was instructed by the Commission to submit by October 1, 1992, a pilot program report that addresses: (1) Whether there have been any complaints regarding the operation of the pilot; (2) whether the PSE has taken any disciplinary action against any member due to the operation of the pilot; (3) the extent to which the pilot has been used on the PSE; and (4) the impact of the pilot on bid/ask spreads, depth and liquidity of PSE options markets.

[10] There are two types of Ten-Up Rule cases that the OFTC has considered for disciplinary action. The first involves a situation where a market maker in a trading crowd refuses to buy or sell option contracts necessary to accommodate a public customer order (*i.e.*, refusing to honor a Ten-Up market). Only three disciplinary cases have been brought by the Exchange for such a violation. The second category of Ten-Up cases involves orders for broker-dealers that floor brokers misrepresent in the trading crowds as public customer orders, which are then entitled to a "fill" of at least ten contracts. On July 26, 1991, the OFTC issued a Regulatory Information Bulletin clarifying who is entitled to receive a minimum of ten contracts under the Rule. The Bulletin specified that registered broker-dealers, market makers, specialists, floor brokers and any other person or entity required to file a Form BD with the SEC, are not entitled to a minimum of ten contracts under the Ten-Up Rule.

[11] *See* Ten-Up Approval Order, *supra* note 1.

the best quoted bid or offer.[12] Moreover, the Ten-Up Rule, by encouraging options market makers to become more competitive, should facilitate options transactions and thereby contribute to a free, open and liquid market. The Commission has approved on a permanent basis the benefit of Ten-Up provisions by other options exchanges.[13] Therefore, the Commission believes that granting accelerated approval of the proposed rule change is appropriate and consistent with section 6 of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PSE. All submissions should refer to File No. SR–PSE–92–40 and should be submitted by March 2, 1993.

IT IS THEREFORE ORDERED, pursuant to Section 19(b)(2) of the Act,[14] that the proposed rule change (File No. SR–PSE–92–40) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3264 Filed 2–10–93; 8:45 am]

BILLING CODE 8010–01–M

[12] Pursuant to PSE Rule 6.86(e), the Exchange on August 24, 1992 expanded the scope of the Ten-Up Rule to cover *all series* on the Options floor (except for LEAPS). Rule 6.86(e) states:

"[t]he enforcement of this Rule, and the determination of the expiration months and strike prices subject to the provisions of this Rule shall be within the jurisdiction of the Options Floor Trading Committee. Two Options Floor Officials may grant exemptions to the provisions of this Rule for either a class or series within a class of options contracts if, in their determination, the individual situation warrants such action, or upon their determination that an error occurred in the dissemination of a market quote."

As first adopted, the Ten-Up Rule was applicable to just-in-the-money, at-the-money and just-out-of-the-money series for the *first* near-term expiration month. On August 20, 1990, the Rule was expanded to cover the same series in the first *two* near-term expiration months, and was further expanded on January 20, 1992 to cover *all series* in the first *three* near-term expiration months.

[13] *See e.g.*, Securities Exchange Act Release Nos. 28897 (February 19, 1991), 56 FR 7736 (New York Stock Exchange); 27235 (September 11, 1989), 54 FR 38580 (American Stock Exchange); 26924 (June 13, 1989), 54 FR 26284 (Chicago Board Options Exchange) and 24580 (June 11, 1987), 52 FR 23120 (Philadelphia Stock Exchange).

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges in Eight Over-the-Counter Issues

February 3, 1993.

On January 13, 1993, the Philadelphia Stock Exchange, Inc. ("PHLX") submitted an application for unlisted trading privileges ("UTP") pursuant to section 12(f)(1)(C) of the Securities Exchange Act of 1934 ("Act") in the following over-the-counter ("OTC") securities, *i.e.*, securities not registered under section 12(b) of the Act.

File No.	Issuer
7–10064	Adobe Systems, Inc., Common Stock, No Par Value.
7–10065	Adolph Coors Company, Class B Common Stock, No Par Value.
7–10066	Applied Bioscience Int'l, Common Stock, $0.01 Par Value.
7–10067	Novell, Inc., Common Stock, $0.05 Par Value.
7–10068	Oracle Systems, Corp., Common Stock, $0.01 Par Value.
7–10069	Seagate Technology, Inc., Common Stock, $0.01 Par Value.
7–10070	Shared Medical Systems Corp., Common Stock, $0.01 Par Value.
7–10071	Sun MicroSystems, Inc., Common Stock, $0.00067 Par Value.

The above-referenced issues are being applied for as an expansion of the Exchange's program in which OTC securities are being traded pursuant to the granting of UTP.

Comments

Interested persons are invited to submit, on or before February 24, 1993 written comments, data, views and arguments concerning this application. Persons desiring to make written comments should file three copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Commentators are asked to address whether they believe the requested grant of UTP would be consistent with section 12(f)(1), which requires that, in considering an application for extension of UTP in OTC securities, the Commission consider, among other matters, the public trading activity in such security, the character of such trading, the impact of such extension on the existing markets for such securities, and the desirability of removing impediments to and the progress that has been made toward the development of a National Market System.

[14] 15 U.S.C. § 78s(b)(2) (1982).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3265 Filed 2–10–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges in One Over-the-Counter Issue

February 3, 1993.

On January 21, 1993, the Philadelphia Stock Exchange, Inc. ("PHLX") submitted an application for unlisted trading privileges ("UTP") pursuant to section 12(f)(1)(C) of the Securities Exchange Act of 1934 ("Act") in the following over-the-counter ("OTC") security, *i.e.*, a security, not registered under section 12(b) of the Act.

File No.	Issuer
7–10080	Eagle Hardware & Garden Inc. Common Stock, No Par Value.

The above-referenced issue is being applied for as an expansion of the Exchange's program in which OTC securities are being traded pursuant to the granting of UTP.

Comments

Interested persons are invited to submit, on or before February 24, 1993 written comments, data, views and arguments concerning this application. Persons desiring to make written comments should file three copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Commentators are asked to address whether they believe the requested grant of UTP would be consistent with section 12(f)(1), which requires that, in considering an application for extension of UTP in OTC securities, the Commission consider, among other matters, the public trading activity in such security, the character of such trading, the impact of such extension on

the existing markets for such securities, and the desirability of removing impediments to and the progress that has been made toward the development of a National Market System.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. MacFarland,

Deputy Secretary.

[FR Doc. 93-3266 Filed 2-10-93; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-19253; File No. 812-8224]

Canada Life Insurance Company of America, et al.

February 4, 1993.

AGENCY: Securities and Exchange Commission (the "SEC" or the "Commission").

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: Canada Life Insurance Company of America ("Canada Life"), Canada Life Insurance Company of America Variable Annuity Account 2 (the "Variable Account"), and Canada Life of America Financial Services, Inc. ("CLAFS"). (Canada Life, the Variable Account, and CLAFS are referred to herein collectively as the "Applicants.")

RELEVANT ACT SECTIONS: Order requested under Section 6(c) of the 1940 Act for exemptions from Sections 26(a)(2) and 27(c)(2) thereof.

SUMMARY OF APPLICATION: Applicants seek an order permitting the deduction of a mortality and expense risk charge from the assets of the Variable Account established to support certain variable annuity contracts (the "Policies").

FILING DATE: The application was filed on December 18, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving the Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the SEC by 5:30 p.m. on March 1, 1993, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of the date of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, c/o David A. Hopkins, Esq., Canada Life Insurance Company of America, 6201 Powers Ferry Road, NW., Atlanta, Georgia 30339.

FOR FURTHER INFORMATION CONTACT: Patricia M. Pitts, Attorney, or Wendell M. Faria, Deputy Chief, on (202) 272-2060, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch.

Applicants' Representations

1. Canada Life, a stock life insurance company incorporated under the laws of the State of Michigan on April 12, 1988, is principally engaged in the sale and reinsurance of annuity policies. Canada Life is a wholly owned subsidiary of The Canada Life Assurance Company, a Canadian life insurance company.

2. The Variable Account was established by Canada Life as a separate account under the laws of the State of Michigan on October 30, 1992, to support the Policies. The Variable Account is a unit investment trust registered under the 1940 Act, and consists of six subaccounts (the "Subaccounts"): Capital Sub-Account; Cash Management Sub-Account; Common Stock Sub-Account; Fixed Income Sub-Account; Income Sub-Account; and International Sub-Account.

3. The Variable Account will invest in shares of one or more of the investment portfolios of Seligman Mutual Benefit Portfolios, Inc. (the "Fund"), which is registered as a diversified, open-end management investment company under the 1940 Act (File Nos. 33-15253; 811-5221). The Fund has six portfolios, or series: Capital Portfolio; Cash Management Portfolio; Common Stock Portfolio; Fixed Income Portfolio; Income Portfolio; and International Portfolio. Each Subaccount will invest solely in a specific corresponding portfolio of the Fund.

4. CLAFS will serve as the principal underwriter of the Policies. CLAFS is registered under the Securities Exchange Act of 1934 as a broker-dealer, and is a member of the National Association of Securities Dealers, Inc.

5. The Policies are individual flexible premium variable deferred annuity contracts. The Policies may be purchased on a non-tax qualified basis or they may be purchased and used in connection with qualified retirement plans or individual retirement account ("IRAs") that qualify for favorable federal income tax treatment. Currently, the Policies may be purchased with an initial premium payment of at least $5,000; under certain circumstances, the initial premium payment may be reduced to $2,000 or less if a Policy is being purchased and used in connection with an IRA. Under all circumstances, subsequent Premium Payments must be at least $1,000. A Policy owner may allocate net premium payments to one or more Subaccounts or to Canada Life's general account.

6. A Policy owner may fully or partially withdraw the cash surrender value of a Policy prior to the date when annuity payments commence (the "Annuity Date"). The amount payable upon full withdrawal is the cash surrender value, which is the Policy Value less any applicable contingent deferred sales charge ("CDSC") and the annual administration fee (described below).

7. A Policy owner also may transfer the accumulated value under the Policy (the "Policy Value") among the Subaccounts prior to the Annuity Date. Under Canada Life's current policy, which it reserves the right to change, Canada Life will impose no charge for the first fifteen transfers in each Policy year, and will impose a $25 charge for the sixteenth and each subsequent transfer request made by a Policy owner during a single Policy year. Canada Life guarantees that any future transfer policy will provide at least four free transfers under the Policies during each Policy year.

8. A death benefit is payable to the Policy beneficiary in the event that the Company receives due proof of death of the last surviving annuitant before the Annuity Date. The death benefit will be the greatest of: (1) Any premium payments, less (a) any partial withdrawals (including applicable CDSCs) and (b) any taxes incurred; (2) the Policy Value on the date Canada Life receives such due proof of death; or (3) if Canada Life receives due proof of death after the seventh Policy year, the Policy Value at the end of the seventh Policy year or multiple thereof (*i.e.*, 7 years, 14 years, 21 years, *etc.*, referred to herein as the "seven Policy year period") preceding the date Canada Life receives due proof of death, adjusted for (a) any partial withdrawals made (including applicable CDSCs), (b) any taxes incurred, and (c) any premium payments paid, in the period between Canada Life's receipt of due proof of death and the conclusion of the most recent seven Policy year period.

9. Canada Life will deduct an annual administration fee of $36. This fee will be deducted from the Policy Value on each Policy anniversary prior to the

Annuity Date (and, upon a full withdrawal, on any date other than a Policy anniversary) to compensate Canada Life for administrative services provided to Policy owners during that Policy year. The fee will be deducted in reliance on Rule 26a–1 under the 1940 Act, and represents reimbursement only for administration costs expected to be incurred over the life of the Policies. The annual administration fee is guaranteed not to increase for the duration of the Policy, and Canada Life neither expects nor intends to make a profit from this fee.

10. Canada Life also will deduct a daily administration fee each Valuation Period (*i.e.*, the period beginning at the close of business on the day on which the Variable Account assets are valued—the "Valuation Day," and ends at the close of business on the succeeding Valuation Day) equal to an effective annual rate of 0.35% of the value of the net assets in the Variable Account. The fee will be deducted in reliance on Rule 26a–1 under the 1940 Act, and represents reimbursement only for administrative costs expected to be incurred over the life of the Policies. This daily administration fee is guaranteed not to increase for the duration of the Policy, and Canada Life neither expects nor intends to make a profit from this fee.

11. No deduction of a sales charge is made when premiums are paid. However, within the first seven Policy years, a CDSC is imposed on any full or partial withdrawal of the Policy value. For purposes of determining whether the CDSC will be imposed and the amount of the charge, premium payments will be deemed to be withdrawn in the order in which they were received by Canada Life. The amount of the CDSC expressed as a percentage of the premium payment amount withdrawn is as follows:

Years since premium was paid	Surrender charge (percent)
Fewer than 2	6
At least 2, fewer than 4	5
At least 4, fewer than 5	4
At least 5, fewer than 6	3
At least 6, fewer than 7	2
At least 7	0

12. In addition, at the time of the first partial withdrawal during a Policy year, ten percent of premium payments that would otherwise be subject to a CDSC upon withdrawal may be withdrawn without imposition of any CDSC, provided that the systematic withdrawal privilege available under the Policy has not been elected. For purposes of determining the premium payments to which the ten percent free withdrawal applies, premium payments will be deemed to be withdrawn in the order in which they were received by Canada Life.

13. Canada Life does not anticipate that the CDSC will generate sufficient funds to pay the costs of distributing the Policies. If this charge is insufficient to cover the distribution expenses, the deficiency will be met from Canada Life's general account funds, including amounts derived from the charge for mortality and expense risks.

14. If Canada Life's taxing jurisdiction assesses premium taxes when premiums are paid, Canada Life will deduct any applicable tax from gross premium payments. Otherwise, Canada Life will deduct any applicable aggregate premium taxes paid on behalf of a particular Policy from the Policy Value on the Annuity Date (or upon full withdrawal). Although no charges for federal, state, or local taxes other than premium taxes currently are assessed, Canada Life may deduct such charges from the Variable Account in the future.

15. Canada Life will impose a daily charge to compensate it for bearing certain mortality and expense risks in connection with the Policies. This charge is equal to an effective annual rate of 1.25% of the value of the net assets in the Variable Account. Of that amount, Applicants anticipate that approximately 0.75% will be attributable to mortality risks, and approximately 0.50% will be attributable to expense risks. Canada Life guarantees that this charge never will increase.

16. The mortality risk borne by Canada Life arises from: (1) its contractual obligation to make annuity payments (determined in accordance with the annuity tables and other provisions contained in the Policy) regardless of how long all annuitants or any individual annuitant may live; and (2) its guarantee to pay the death benefit provided under the Policy if Canada Life receives due proof of death of the last surviving annuitant before the Annuity Date. The expense risk assumed by Canada Life is the risk that Canada Life's actual administrative costs will exceed the amounts recovered through the daily and annual administration fees.

17. If the mortality and expense risk charge is insufficient to cover actual costs and assumed risks, the loss will fall on Canada Life. Conversely, if the charge is more than sufficient to cover costs, any excess will be profit to Canada Life. Canada Life currently anticipates making a profit from this charge.

Applicants' Legal Analysis and Conclusions

18. Applicants request an exemption from sections 26(a)(2) and 27(c)(2) of the 1940 Act to the extent any relief is necessary to permit deduction from the assets of the Variable Account of a mortality and expense risk charge under the Policies.

19. Sections 26(a)(2)(C) and 27(c)(2), as herein pertinent, prohibit a registered unit investment trust and any depositor thereof or underwriter therefore from selling periodic payment plan certificates unless the proceeds of all payments (other than sales load) are deposited with a qualified bank as trustee or custodian and held under arrangements which prohibit any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amounts as the Commission may prescribe, for performing bookkeeping and other administrative services.

20. Applicants submit that Canada Life is entitled to reasonable compensation for its assumption of mortality and expense risks. Applicants represent that the charge of 1.25% under the Policies made for mortality and expense risks is consistent with the protection of investors because it is a reasonable and proper insurance charge. The mortality and expense risk charge is a reasonable charge to compensate Canada Life for the risk that: annuitants under the Policies will live longer as a group than has been anticipated in setting the annuity rates guaranteed in the Policies; the Policy Value will be less than the death benefit; and administrative expenses will be greater than amounts derived from the administration fees.

21. Canada Life further represents that the charge of 1.25% for mortality and expense risks assumed by Canada Life is within the range of industry practice with respect to comparable annuity products. This representation is based upon Canada Life's analysis of publicly available information about similar industry products, taking into consideration such factors as current charge levels, the existence of charge level guarantees, and guaranteed annuity rates. Canada Life will maintain at its administrative offices, and make available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, its comparative survey.

22. Applicants acknowledge that the surrender charge may be insufficient to

cover all costs relating to the distribution of the Policies. Applicants also acknowledge that if a profit is realized from the mortality and expense risk charge, all or a portion of such profit may be viewed by the Commission as being offset by distribution expenses not reimbursed by the CDSC. Canada Life has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements will benefit the Variable Account and Policy owners. The basis for such conclusion is set forth in a memorandum which will be maintained by Canada Life at its administrative offices and will be made available to the Commission.

23. Canada Life also represents that the Variable Account will invest only in management investment companies which undertake, in the event such companies adopt a plan under Rule 12b–1 to finance distribution expenses, to have a board of directors (or trustees), a majority of whom are not interested persons of the company, formulate and approve any such plan under Rule 12b–1.

Conclusion

Applicants assert that, for the reasons set forth above, the requested exemptions from sections 26(a)(2) and 27(c)(2) to deduct a mortality and expense risk charge under the Policies meet the standards in section 6(c) of the 1940 Act. Applicants assert that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3262 Filed 2–10–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19248; 811–899]

Bull & Bear Capital Growth Fund, Inc.; Notice of Application

February 3, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Bull & Bear Capital Growth Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on December 31, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 1, 1993, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 11 Hanover Square, New York, New York 10005.

FOR FURTHER INFORMATION CONTACT: Marc Duffy, Staff Attorney, (202) 272–2511, of C. David Messman, Branch Chief, (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a diversified open-end management company incorporated under the laws of Maryland. On December 27, 1965, applicant registered 3,000,000 shares of common stock under the Securities Act of 1933 (the "Securities Act"). Approximately concurrent with the filing of its registration statement under the Securities Act, applicant registered under the Act as an investment company. Applicant's Securities Act registration statement was declared effective on January 10, 1966.

2. On March 12, 1992, applicant's board of directors unanimously approved an Agreement and Plan of Reorganization (the "Plan") between applicant and Bull & Bear Special Equities Fund (the "Special Equities Fund").[1] On or about May 14, 1992, proxy materials relating to the Plan were distributed to applicant's shareholder, and were filed with the SEC. On June 18, 1992, holders of a majority of the outstanding shares of applicant approved the Plan.

3. On June 19, 1992 (the "Closing Date"), applicant transferred all of its assets to Special Equities Fund. Special Equities Fund assumed all of applicant's liabilities. In exchange for applicant's shares, Special Equities Fund issued to applicant a number of shares of Special Equities Fund determined by dividing the aggregate net asset value of applicant's shares by the net asset value of a share of Special Equities Fund, as of the Closing Date. Applicant then distributed *pro rata* to its shareholders the shares of Special Equities Fund it received.

4. On the Closing Date, applicant had 5,237,715.859 shares outstanding with a net asset value per share of $6.62, and an aggregate net asset value of $34,664,470.

5. The expenses incurred in connection with the Plan totaled approximately $72,435. These expenses consisted primarily of legal expenses, expenses of printing and mailing communications to shareholders, registration fees, and miscellaneous accounting and administrative expenses. Each fund was responsible for its own expenses, and common expenses were allocated in proportion to a fund's net assets.

6. At the time of filing of the application, applicant had no assets. Applicant has no shareholders and is not a party to any litigation or administrative proceedings. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs. On October 22, 1992, applicant filed Articles of Dissolution with the Maryland State Department of Assessments and Taxation.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3202 Filed 2–10–93; 8:45 am]

BILLING CODE 8010–01–M

---

[1] Applicant and Special Equities Fund have a common investment adviser. Rule 17a–8 provides an exemption from the affiliated transaction prohibitions of section 17(a) for a merger of registered investment companies, which may be affiliated persons, or affiliated persons of an affiliated person, solely by reason of having a common investment adviser. As described in the Proxy Statement/Prospectus relating to the Plan, to avail itself of the exemption, applicant's board of directors determined that the sale of applicant's assets to Special Equities Fund was in the best interest of applicant and its shareholders, and that the interests of the existing shareholders of applicant would not be diluted as a result of the reorganization.

VOL 58 ISS 27 FE 11 1993 UMI

[Rel. No. IC–19249; 811–1114]

Bull & Bear Equity-Income Fund, Inc.; Notice of Application

February 3, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Bull & Bear Equity-Income Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on December 31, 1992.

HEARING ON NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 1, 1993, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 11 Hanover Square, New York, New York 10005.

FOR FURTHER INFORMATION CONTACT: Marc Duffy, Staff Attorney, (202) 272–2511, or C. David Messman, Branch Chief, (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a diversified open-end management company incorporated under the laws of Delaware. On October 26, 1961, applicant registered 2,000,000 shares of common stock under the Securities Act of 1933 (the "Securities Act"). Approximately concurrent with the filing of its registration statement under the Securities Act, applicant registered under the Act as an investment company. Applicant's Securities Act registration statement was declared effective on June 20, 1962.

2. On December 12, 1991, applicant's board of directors approved an Agreement and Plan of Reorganization (the "Plan") between applicant and Bull & Bear U.S. and Overseas Fund Ltd. (the "Overseas Fund").[1] On or about January 21, 1992, proxy materials relating to the Plan were distributed to applicant's shareholder, and were filed with the SEC. On February 25, 1992, holders of a majority of the outstanding shares of applicant approved the Plan.

3. On February 26, 1992 (the "Closing Date"), applicant transferred all of its assets to Overseas Fund. Overseas Fund assumed all of applicant's liabilities. In exchange for applicant's shares, Overseas Fund issued to applicant a number of shares of Overseas Fund determined by dividing the aggregate net asset value of applicant's shares by the net asset value of a share of Overseas Fund, as of the Closing Date. Applicant then distributed *pro rata* to its shareholders the shares of Overseas Fund it received.

4. On the Closing Date, applicant had 817,578.476 shares outstanding with a net asset value per share of $11.93, and an aggregate net asset value of $9,751,816.10.

5. The expenses incurred in connection with the Plan totaled approximately $91,676. These expenses consisted primarily of legal expenses, expenses of printing and mailing communications to shareholders, registration fees, and miscellaneous accounting and administrative expenses. Each fund was responsible for its own expenses, and common expenses were allocated in proportion to a fund's net assets.

6. At the time of filing of the application, applicant had no assets. Applicant has no shareholders and is not a party to any litigation or administrative proceedings. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs. On June 1, 1992, applicant filed a certification of dissolution with the Secretary of State of the State of Delaware.

[1] Applicant and Overseas Fund have investment advisers that are under "common control" within the meaning of section 2(a)(9) of the Act. In addition, Overseas Fund is an "affiliated persons" of its investment adviser within the meaning of section 2(a)(3) of the Act because such adviser beneficially owns 5% or more of the shares of Overseas Fund. To permit the reorganization, applicant and Overseas Fund received an exemptive order from the SEC pursuant to sections 17(b) and 17(d) of the Act and rule 17d–1 thereunder. Investment Company Act Release Nos. 18491 (Jan. 17, 1992) (notice), and 18557 (Feb. 19, 1992) (order).

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3201 Filed 2–10–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19257; 811–4414]

Gintel Capital Appreciation Fund; Notice of Application

February 5, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Gintel Capital Appreciation Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company under the Act.

FILING DATE: The application on Form N–8F was filed on November 13, 1992, and amended on January 12, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 2, 1993, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 6 Greenwich Office Park, Greenwich, Connecticut 06831.

FOR FURTHER INFORMATION CONTACT: Robert A. Robertson, Staff Attorney, at (202) 504–2283; or C. David Messman, Branch Chief, at (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a business trust under the laws of the Commonwealth of Massachusetts and is registered as an open-end investment company under the Act. Applicant's investment adviser is Gintel Equity Management, Inc., and its principal underwriter is Gintel & Co., On September 24, 1985, applicant registered under the Act and filed a registration statement to register its shares under the Securities Act of 1993. The registration statement became effective on November 23, 1985, and the initial public offering of the shares commenced on that date.

2. On June 10, 1992, applicant's board of trustees unanimously adopted an Agreement for Transfer of Assets and Liabilities. Applicant's shareholders approved the Agreement at a shareholders meeting held on September 19, 1992. Under the Agreement, on September 25, 1992, applicant transferred all of its assets and liabilities to the Gintel Fund, a registered investment company. In exchange, applicant's shareholders received shares of the Gintel Fund having a net asset value equal to the net asset value of their shares of applicant.

3. The total expenses incurred in connection with the transfer of assets and liabilities, consisting of legal fees, accounting fees and printing and mailing costs for the proxy solicitation, were $70,975. These expenses were paid by applicant and the Gintel Fund based on the relative net assets of each fund. Accordingly, applicant paid $22,648, and the Gintel Fund paid $48,327.

4. Since applicant and the Gintel Fund are each an "affiliated person" of the other, as that term is defined in the Act, applicant relied on the rule 17a–8 exemption to comply with section 17(a) of the Act. To avail itself of this exemption, applicant's board determined that the merger was in the best interests of applicant and that the interests of the existing shareholders would not be diluted as a result of the merger.

5. Applicant has no shareholders and no assets. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs. Applicant intends to file a Certificate of Dissolution with the Commonwealth of Massachusetts. Accordingly, applicant seeks an order under section 8(f) of the Act declaring that it has ceased to be an investment company.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3257 Filed 2–10–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19258; 812–7947]

North American Security Life Insurance Company, et al.

February 5, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or the "Commission").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: North American Security Life Insurance Company ("Security Life"), NASL Variable Account ("Variable Account"), NASL Financial Services, Inc. ("NASL Financial") and Wood Logan Associates Inc. ("Wood Logan").

RELEVANT 1940 ACT SECTIONS: Exemption requested under section 6(c) from sections 26(a)(2)(C) and 27(c)(2).

SUMMARY OF APPLICATION: Applicants seek an order to the extent necessary to permit the deduction of a distribution fee and a mortality and expense risk charge from the assets of the Variable Account with respect to certain variable annuity contracts.

FILING DATE: The application was filed on June 23, 1992 and amended on December 14, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing on this application by writing to the Secretary of the SEC and serving Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m., on March 2, 1993 and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, by certificate. Hearing requests should state the nature of the interest, the reason for the request and the issues contested. Persons may request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington DC 20549. Applicants: John D. DesPrez, III, Esq., North American Security Life Insurance Company, 116 Huntington Avenue, Boston, Massachusetts 02116.

FOR FURTHER INFORMATION CONTACT: Cindy J. Rose, Staff Accountant or Wendell M. Faria, Deputy Chief, at (202) 272–2060, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. Security Life is a stock life insurance company organized under the laws of Delaware in 1979. Security Life is the depositor of the Variable Account. The Variable Account is registered under the Act as a unit investment trust and was established to offer certain variable annuity contracts, including the variable contracts described in the application (the "Contracts"). The Variable Account is divided into sub-accounts which invest in corresponding portfolios of NASL Series Trust (the "Trust").

2. NASL Financial is the principal underwriter of the Contracts. It is a broker-dealer registered under the Securities Exchange Act of 1934 ("1934 Act") and a member of the National Association of Securities Dealers, Inc. NASL Financial also serves as investment adviser to the Trust and is registered as an investment adviser under the Investment Advisers Act of 1940.

3. Wood Logan, a Connecticut corporation registered as a broker-dealer under the 1934 Act, serves as the exclusive promotional agent for the Contracts.

4. The Contracts are flexible purchase payment individual deferred variable annuity contracts.

5. As reimbursement for providing administrative services under the Contracts, Security Life reserves the right to charge an annual administration fee if the contract value of a Contract drops below $10,000 as the result of a partial withdrawal. In such event, Security Life may, on the last day of each contract year, deduct from the contract value of such Contract an annual administration fee of $30. This annual administration fee may also be deducted under such a Contract if the Contract is surrendered on any date other than a contract anniversary. In addition, Security Life will deduct from the sub-accounts each valuation period an administration charge equal to .25% of the sub-account assets on an annualized basis. These fees are intended to compensate Security Life for the cost of providing administrative services attributable to the Contracts and the operations of the Variable

Account and the Company in connection with the Contracts. Applicants represent that the fees are based upon Security Life's current estimates of the administrative costs for such services over the lifetime of the Contracts, are guaranteed never to be increased, and are not designed or expected to generate a profit. Applicants rely on Rule 26a–1 under the Act to assess such fees.

6. No sales charge will be deducted from purchase payments as they are made. Instead, Security Life will deduct from the sub-accounts each valuation period a distribution fee equal to .15% of the sub-account assets on an annualized basis, and a 3% withdrawal charge (contingent deferred sales charge) will be assessed in some circumstances when the contract value is completely or partially withdrawn prior to the maturity date of the Contract. Generally, the 3% withdrawal charge only applies to the withdrawal of purchase payments that have been in the Contract less than three complete contract years. Withdrawals are allocated first to earnings and then to purchase payments on a first-in-first-out basis. There is no withdrawal charge with respect to withdrawals of investment earnings and certain other free withdrawal amounts. Under no circumstances will the total of all withdrawal charges exceed 3% of total purchase payments. Applicants represent that the distribution fee and the withdrawal charge are intended to reimburse Security Life for compensation paid to cover selling concessions to broker-dealers, preparation of sales literature and other expenses relating to sales activity. Applicants rely on Rule 6c–8 under the Act to impose the withdrawal charge.

7. To compensate it for assuming mortality and expense risks under the Contracts, Security Life deducts from each sub-account a charge each valuation period at an effective annual rate of 1.25%, consisting of .80% for the mortality risks and .45% for the expense risks. The rate of the mortality and expense risk charge cannot be increased.

8. The mortality risk assumed by Security Life under the Contracts is the risk that annuitants may live for a longer period of time than estimated. Security Life assumes this mortality risk by virtue of annuity rates incorporated into the Contract which cannot be changed. This assures each annuitant that his longevity will not have an adverse effect on the amount of annuity payments. Also, Security Life guarantees that if the annuitant dies before the maturity date, it will pay a minimum death benefit. If the last surviving annuitant dies on or before the first of the month following his or her 85th birthday and had an attained age of less than 81 years on the contract date, the minimum death benefit will be equal to the greater of: (a) the contract value on the date due proof of death is received at the Company's Annuity Service Office, or (b) the excess of (i) the sum of each purchase payment accumulated daily at a rate equivalent to 5% per year starting on the date each purchase payment is allocated to the contract, subject to a maximum accumulation of two times each purchase payment, over (ii) the sum of each withdrawal, or annuitized amount, including any applicable withdrawal charges, accumulated daily at a rate equivalent to 5% per year starting as of the date of each such withdrawal or annuitization, with a maximum accumulation of two times each such withdrawal or annuitized amount. If the annuitant dies after the first of the month following his or her 85th birthday or had attained age 81 or greater on the contract date, the minimum death benefit will be the amount payable on the total withdrawal on the date due proof of death is received at the Company's Annuity Service Office.

9. The expense risk assumed by Security Life is the risk that the administration fees may be insufficient to cover actual expenses. The rate of the mortality and expense risk charge cannot be increased. If the charge is insufficient to cover the actual cost of the mortality and expense risk undertaking, Security Life will bear the loss. Conversely, if the charge proves more than sufficient, the excess will be profit to Security Life and will be available for any proper corporate purpose including, among other things, payment of distribution expenses.

Applicants' Legal Analysis and Conditions

1. Applicants request an exemption from sections 26(a)(2) and 27(c)(2) of the Act to the extent necessary to permit the deductions of the mortality and expense risk charge and a distribution expense charge from the assets of the Variable Account under the Contracts.

2. Applicants state that the proposed distribution fee is an appropriate method to help defray Security Life's costs associated with the sale of the Contracts. Applicants represent that Security Life will monitor the performance of the Variable Account to ensure that with respect to any contract owner the cumulative sum of the distribution fee and the withdrawal charge will not exceed 9% of the total premiums paid. Applicants state that assurance that the sum of such charges will never exceed 9% of premiums paid can be obtained by monitoring the performance of the Variable Account. Applicants represent that if the performance of the Variable Account should be so favorable so that it is possible that the 9% limit may be reached under any outstanding Contract, Security Life will promptly commence monitoring Contracts on an individual basis to make sure that the limit is not exceeded.

3. Applicants represent that the 1.25% mortality and expense risk charge is within the range of industry practice for comparable annuity products. Applicants state that this representation is based upon an analysis of publicly available information about selected similar industry products, taking into consideration such factors as the method used in charging sales loads, any contractual right to increase charges above current levels and the existence of charges against separate account assets for other than mortality and expense risks. Security Life will maintain at its principal office, available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, the comparative survey made.

4. Applicants acknowledge that the distribution fee and the withdrawal charge will be insufficient to cover all costs relating to the distribution of the Contracts and that if a profit is realized from the mortality and expense risk charge, all or a portion of such profit may be offset by distribution expenses not reimbursed by the distribution fee and the withdrawal charge. Security Life has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements made with respect to the Contracts will benefit the Variable Account and the contract owners. The basis for such conclusion is set forth in a memorandum which will be maintained by Security Life at its principal office and will be available to the Commission. Moreover, Security Life represents that the Variable Account will invest only in an underlying mutual fund which undertakes, in the event it should adopt any plan under Rule 12b–1 to finance distribution expenses, to have such plan formulated and approved by a board of directors, a majority of the members of which are not "interested persons" of such fund within the meaning of section 2(a)(19) of the Act.

Conclusion

1. Applicants assert that for the reasons and upon the facts set forth in

the application, the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3259 Filed 2–10–93; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Rel. No. 19254; 812–8210]

The Travelers Growth and Income Stock Account for Variable Annuities, et al.; Notice of Application, February 4, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("Act").

APPLICANTS: The Travelers Growth and Income Stock Account for Variable Annuities, The Travelers Quality Bond Account for Variable Annuities, The Travelers Fund B for Variable Contracts, The Travelers Fund B–1 for Variable Contracts, The Travelers Money Market Account for Variable Annuities, The Travelers Timed Growth and Income Stock Account for Variable Annuities, The Travelers Timed Money Market Account for Variable Annuities, The Travelers Timed Aggressive Stock Account for Variable Annuities, The Travelers Timed Bond Account for Variable Annuities, Aggressive Stock Trust, Cash Income Trust, High Yield Bond Trust, Managed Assets Trust, and The Travelers Series Trust (the "Funds"), and The Travelers Investment Management Company and Travelers Asset Management International Corporation (the "Advisers").

RELEVANT ACT SECTIONS: Order requested under section 6(c) for an exemption from section 15(a).

SUMMARY OF APPLICATION: Applicants seek a conditional order that would permit: (a) the implementation of investment advisory agreements, without shareholder approval, during a period of 150 days following the closing of a transaction between The Travelers Corporation ("Travelers") and Primerica Corporation ("Primerica") which caused the termination of applicants' existing investment advisory contracts by assignment; and (b) to permit the Advisers to receive from the Funds any and all fees earned under the new investment advisory agreements upon approval and ratification of such agreements by the Funds' shareholders.

FILING DATE: The application was filed on December 10, 1992 and amended on January 19, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 1, 1993, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request such notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, One Tower Square, Hartford, Connecticut 06183.

FOR FURTHER INFORMATION CONTACT: James E. Anderson, Staff Attorney, at (202) 272–7027, or C. David Messman, Branch Chief, at (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. The Funds are registered open-end management investment companies. They serve as the funding vehicles for variable annuity and variable life insurance contracts issued by The Travelers Insurance Company ("Travelers Insurance"). The Advisers are registered as investment advisers under the Investment Advisers Act of 1940 and provide investment advisory services to the Funds. The Advisers are wholly-owned subsidiaries of Travelers.

2. On September 20, 1992, Travelers and Primerica entered into a stock purchase agreement and certain other agreements among themselves and certain of their subsidiaries. On December 30, 1992, Primerica purchased for cash and other consideration approximately 38 million shares of Travelers common stock (the "Transaction"). As a result of the Transaction, Primerica and its subsidiaries acquired approximately 26.4% of the Travelers Common Stock then outstanding.

3. Upon closing of the Transaction, Primerica and its subsidiaries owned approximately 25.4% of the voting securities of Travelers, which in turn owned 100% of the outstanding voting securities of the Advisers. Consequently, the Transaction may be deemed to have caused the assignment of the investment advisory agreements of the Funds, thus terminating such agreements.

4. Applicants seek an exemption from section 15(a) to permit: (a) the implementation of new investment advisory agreements, without shareholder approval, during a period of 150 days following the closing of the Transaction (the "Interim Period"); and (b) to permit the Advisers to receive from the Funds any and all fees earned under the new investment advisory agreements if such agreements are approved and ratified by the Funds' shareholders.

5. The Funds will seek approval of the new investment advisory agreements at meetings scheduled for April 23, 1993. Such meetings coincide with the annual meetings held by certain of the Funds, and will consequently reduce the expense and disruption of soliciting proxies and holding a special meeting to approve the new advisory agreements. With respect to those Funds which do not hold annual meetings, it will be less disruptive and more cost effective to hold the special meetings on the same date as the annual meetings because the personnel involved in such meetings can take all necessary actions in preparing for and conducting them, including the preparation of proxy solicitation material, in a coordinated manner at one time.

6. In-person meetings of the respective boards of directors and boards of trustees of the Funds (the "Directors/Trustees") were held on October 30, 1992 and December 16, 1992, at which the Transaction and its implications for the Funds were discussed. At the meeting on December 16, 1992, the Directors/Trustees made a full evaluation of the new investment advisory agreements in accordance with section 15(c) with the advice and assistance of counsel. After having received from the Advisers such information as they requested as reasonably necessary to evaluate whether the terms of the new investment advisory agreements are in the best interests of the Funds and their shareholders, the Directors/Trustees, including the independent Directors/Trustees, unanimously voted to approve

the new investment advisory agreements.

7. The new investment advisory agreements have the same terms and conditions as the current advisory agreements. In addition, the Advisers assured the Directors/Trustees that the Funds will receive the same investment advisory services, provided in the same manner by essentially the same personnel, as they received under the prior investment advisory agreements.

8. The Directors/Trustees also considered that payment of the advisory fees earned during the Interim Period would be fair considering that, among other things, the nonpayment of such fees would be an unduly harsh result to the Advisers because the services provided to the Funds and the fees to be paid under the new investment advisory agreements are unchanged from the fees paid under the current agreement. Fees earned during the Interim Period will be placed in an escrow account and released only upon the approval of the new investment advisory agreements by the Funds' shareholders.

9. For a period of three years after the Transaction, at least 75% of the Directors/Trustees will not be interested persons of the Advisers. In addition, the Transaction will not impose an unfair burden on the Funds.

Applicants' Legal Conclusions

1. Section 15(a) prohibits an investment adviser from providing investment advisory services to an investment company except pursuant to a written contract which has been approved by a majority of the voting securities of such investment company. Section 15(a) further requires that such written contract provide for its automatic termination in the event of an assignment.

2. Under section 2(a)(4), an assignment includes any direct or indirect transfer of a contract by the assignor, or of a controlling block of the assignor's voting securities. Under section 2(a)(9), a beneficial owner of more than 25% of the voting securities of a company is presumed to control such company. Because Primerica acquired approximately 25.4% of the voting securities of the Advisers' parent, the Funds' investment advisory agreements may be deemed to have been assigned, and consequently terminated pursuant to their terms.

3. Rule 15a–4 provides, among other things, that if an investment adviser's investment advisory contract is terminated by assignment, the adviser may continue to act as such for 120 days at the previous compensation rate if a new contract is approved by the board of directors of the investment company, and if the investment adviser or a controlling person of the investment adviser does not directly or indirectly receive money or other benefit in connection with the assignment. Because Travelers received a benefit in connection with the assignment of the contracts, applicants may not rely on rule 15a–4.

4. Applicants believe that it is reasonable that the Interim Period extend for up to 150 days from the closing of the Transaction. The Transaction closed 110 days prior to the scheduled date of the meetings of the shareholders of the Funds. The additional number of days will allow for reasonable adjournments of the meetings if necessary to obtain sufficient shareholder response to the solicitations to obtain the required approval as set forth in section 2(a)(42). In any event, shareholder approval of the new investment advisory agreements must be obtained within 150 days of the closing of the Transaction.

5. Applicants believe that the requested relief is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes and policies fairly intended by the Act. The requested relief will allow the Funds to continue to operate on an orderly basis until the shareholders have the opportunity to consider new investment advisory agreements.

Applicants' Conditions

Applicants agree as conditions to the requested exemptive relief that:

1. The new investment advisory agreements to be implemented during the Interim Period will have the same terms and conditions as the current investment advisory agreements.

2. Fees earned by the Advisers and paid by the Funds during the Interim Period in accordance with the terms of the new investment advisory agreements will be maintained in an interest-bearing escrow account, and amounts in the account (including interest) will be paid to the Advisers only upon approval of the new investment advisory agreements by the shareholders of the Funds. If the fees are not paid to the Advisers, the fees will revert to the Funds.

3. The Funds will hold meetings of shareholders to vote on approval of the new investment advisory agreements on April 23, 1992, which meetings may be adjourned for a reasonable period for legitimate business purposes, upon the recommendation of the Directors/Trustees.

4. Travelers Insurance will pay the entire costs of preparing and filing this application and the costs of holding all meetings of the Funds' shareholders at which approval of the new investment advisory agreements will be sought, including the cost of proxy solicitations.

5. The Advisers will take all appropriate steps so that the scope and quality of advisory and other services provided to the Funds during the Interim Period will be at least equivalent, in the judgment of the Directors/Trustees of the Funds, including a majority of the independent Directors/Trustees, to the scope and quality of services previously provided. In the event of any material change in personnel providing services pursuant to the new investment advisory agreements, the Advisers will apprise and consult with the Directors/Trustees of the Funds in order to assure that they, including a majority of the independent Directors/Trustees, are satisfied that the services provided will not be diminished in scope or quantity.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3263 Filed 2–10–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC No. 91.21–]

Proposed Advisory Circular (AC) on Use of Portable Electronic Devices Aboard Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments on proposed AC on Use of Portable Electronic Devices Aboard Aircraft.

SUMMARY: The proposed AC is intended to provide aircraft operators with information and guidance to assist them in determining whether the operation of any portable electronic device will cause interference to communication and navigation systems aboard aircraft in which it is to be operated.

COMMENTS INVITED: Comments are invited on all aspects of the proposed AC. Commentators must identify file number AC 91.21–.

DATES: Comments must be received on or before March 15, 1993.

ADDRESSES: Send all comments and requests for copies of the proposed AC to: Federal Aviation Administration, Aircraft Maintenance Division

(Attention: AFS–350), 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Milton Hill, AFS–350, at the above address; telephone: (202) 267–3810 (8:30 a.m. to 5 p.m. EST).

Issued in Washington, DC, on February 2, 1993.

Thomas C. Accardi,

Director, Flight Standards Service.

[FR Doc. 93–3280 Filed 2–10–93; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

February 5, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512–0203.
Form Number: ATF REC 5110/06.
Type of Review: Extension.
Title: Distilled Spirits Plants—Excise Taxes.
Description: Data is necessary to account and verify taxable removals of distilled spirits. The data is used to audit tax payments.
Respondents: Businesses or other for-profit, Small businesses or other organizations.
Estimated Number of Recordkeepers: 133.
Estimated Burden Hours Per Recordkeeper: 26 hours.
Frequency of Response: On occasion.
Estimated Total Recordkeeping Burden: 3,458 hours.
Clearance Officer: Robert N. Hogarth (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 93–3205 Filed 2–10–93; 8:45 am]

BILLING CODE 4810–31–M

Public Information Collection Requirements Submitted to OMB for Review

February 5, 1993.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0016
Form Number: IRS Form 706–A
Type of Review: Extension
Title: United States Additional Estate Tax Return
Description: Form 706–A is used by individuals to compute and pay the additional estate taxes under Code section 2032A(c). IRS uses the information to determine that the taxes have been properly computed. The form is also used for the basis election of section 1016(c)(1).
Respondents: Individuals or households
Estimated Number of Respondents/Recordkeepers: 180
Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	3 hours, 17 minutes.
Learning about the law or the form.	2 hours, 13 minutes.
Preparing the form	1 hour, 46 minutes.
Copying, assembling, and sending the form to the IRS.	1 hour, 3 minutes.

Frequency of Response: On occasion
Estimated Total Reporting/Recordkeeping Burden: 1,499 hours
Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 93–3276 Filed 2–10–93; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

Date: February 3, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Financial Management Service

OMB Number: New.
Form Number: None.
Type of Review: New collection.
Title: Electronic Federal Tax Deposit Survey.
Description: This survey will collect information on attitudes towards Electronic Federal Tax Deposit (EFTD) system. This information will be used to select appropriate EFTD technologies and design marketing programs to encourage voluntary participation.
Respondents: Businesses or other for-profit, Small businesses or organizations.
Estimated Number of Respondents: 2,400.
Estimated Burden Hours Per Response:

Phone Survey	15 minutes.
Mail Survey	20 minutes.

Frequency of Response: Other (two times).
Estimated Total Reporting Burden: 1,400 hours.
Clearance Officer: Jacqueline R. Perry (301) 344–8577, Financial Management Service, 3361–L 75th Avenue, Landover, MD 20785.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 93–3277 Filed 2–10–93; 8:45 am]

BILLING CODE 4810–35–M

Departmental Offices; Delegation of Lease Acquisition Authority To Acquire Special Purpose Space

[Directive Number: 12–22]

February 4, 1993.

1. Delegation

a. This directive delegates authority to the Director, U.S. Secret Service, to perform all functions in connection with the leasing of space in amounts of 2,500 square feet, or less, as necessary to meet the statutory protective responsibilities of the U.S. Secret Service. This delegation shall extend to leasing space under the authority of 40 U.S.C. 490(h)(1), for firm terms not to exceed four years.

b. This authority shall be exercised in accordance with applicable limitations and requirements of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, the Treasury Acquisition/Procurement Regulation (TAPR), and other applicable statutes and regulations.

2. Redelegation

The Director, U.S. Secret Service, may redelegate this authority to an appropriate U.S. Secret Service contracting officer appointed under Subpart 1001.6 of the TAPR.

3. Cancellation

Treasury Directive 12–22, "Authority to Lease Space—United States Secret Service," dated January 29, 1987, is superseded.

4. Authorities

a. Delegation of authority from the Administrator of General Services to the Secretary of the Treasury, dated December 26, 1974, to lease space, within given limits, for the U.S. Secret Service, with the right to redelegate this authority to any official of the Department of the Treasury. (40 FR 842, January 3, 1975).

b. Treasury Order (TO) 101–05, "Reporting Relationships and Supervision of Officials, Offices and Bureaus, Delegation of Certain Authority, and Order of Succession in the Department of the Treasury."

c. TO 101–30, "Designation of "Head of Agency" for Procurement Matters," dated March 7, 1984.

5. Office of Primary Interest

Office of Management Support Systems, Management Programs Directorate, Office of the Deputy Assistant Secretary (Departmental Finance and Management), Office of the Assistant Secretary (Management).

William S. Jasien,

Acting Assistant Secretary (Management).

[FR Doc. 93–3278 Filed 2–10–93; 8:45 am]

BILLING CODE 4810–35–M

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 787 Ref: ATF O 1100.113C]

Delegation Order—Delegation of Certain Authorities of the Director in 27 CFR Parts 47, 178, and 179

1. *Purpose.* This order delegates certain authorities now vested in the Director by regulations in 27 CFR parts 47, 178, and 179 to the Associate Director (Compliance Operations). The order also permits the redelegation of certain authorities to lower organizational levels.

2. *Cancellation.* ATF O 1100.113B, Delegation Order—Delegation of Certain Authorities of the Director in 27 CFR parts 47, 178, 179, dated 3/27/87, is canceled.

3. *Background.* a. Under current regulations, the Director has authority to take final action on certain matters relating to:

(1) Commerce in Firearms and Ammunition, 27 CFR part 178.

(2) Machineguns, Destructive Devices, and Certain Other Firearms, 27 CFR part 179.

(3) Importation of Arms, Ammunition, and Implements of War, 27 CFR part 47.

b. Certain of these authorities were delegated by the Director to the Associate Director (Compliance Operations). Regulatory provisions promulgated under the amendments to the Federal firearms laws delegate additional authorities to the Director. These amendments necessitate that these authorities now be redelegated to the Associate Director (Compliance Operations).

c. In order to properly fulfill ATF responsibilities with respect to these delegated authorities, the Associate Director (Compliance Operations) will coordinate actions that may have an impact on law enforcement activities with the Associate Director (Law Enforcement). Authorities redelegated by the Associate Director (Compliance Operations) to lower organizational levels will be coordinated with the appropriate law enforcement office.

4. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 120–01, dated June 6, 1972, and by 26 CFR 301.7701–9, the authority to take final action on the following matters relating to 27 CFR parts 178, 179, and 47 is hereby delegated to the Associate Director (Compliance Operations).

a. *27 CFR Part 178.* (1) To prescribe all forms required by 27 CFR part 178, under 27 CFR 178.21.

(2) To approve written applications for alternate methods or procedures, under 27 CFR 178.22(a).

(3) To withdraw authority for any alternate method or procedure, under 27 CFR 178.22(a).

(4) To approve written applications for emergency variations, under 27 CFR 178.22(b).

(5) To withdraw authority for any emergency variations, under 27 CFR 178.22(b).

(6) To compile for publication in the **Federal Register**, annually revise, and furnish to Federal firearms licensees a list of State laws and published ordinances which are relevant to the enforcement of part 178, under 27 CFR 178.24.

(7) To determine whether a particular firearm is a curio or relic, under 27 CFR 178.26.

(8) To determine whether a device is excluded from the definition of a destructive device, under 27 CFR 178.27.

(9) To approve the transportation in interstate or foreign commerce of any destructive device, machinegun, short-barreled shotgun, or short-barreled rifle, under 27 CFR 178.28.

(10) To authorize alternate means of identification of a firearm or a destructive device by a licensed importer or licensed manufacturer, under 27 CFR 178.92.

(11) To approve applications for sale or delivery of destructive device or weapon, under 27 CFR 178.98.

(12) To furnish each licensed dealer information defining which projectiles are considered armor piercing, under 27 CFR 178.99(e).

(13) To approve applications to import firearms, firearms barrels, and ammunition, under subpart G of 27 CFR part 178, under 27 CFR 178.112, 178.113, 178.113a, 178.114, 178.116, and 178.118.

(14) To determine if certain shipments of firearms or ammunition to members of the Armed Forces would violate the Gun Control Act or other Federal law, or whether certain firearms or ammunition are considered to be generally recognized as particularly suitable for sporting purposes, under 27 CFR 178.141(c).

(15) To designate research organizations exempt from the provisions of 178.98, with respect to the

sale or delivery of destructive devices, machineguns, short-barreled shotguns, or short-barreled rifles to such research organizations, under 27 CFR 178.145.

(16) To exempt certain armor piercing ammunition from the requirements of this part, and to require that a sample of the ammunition be submitted for examination and evaluation, under 27 CFR 178.148.

(17) To authorize the manufacture, importation, sale, or delivery of armor piercing ammunition for the purpose of testing or experimentation, under 27 CFR 178.149.

b. *27 CFR Part 179,* (1) To prescribe all forms required by 27 CFR part 179, under 27 CFR 179.21.

(2) To determine whether a device is excluded from the definition of a destructive device, under 27 CFR 179.24.

(3) To determine whether a firearm or device, which, although originally designed as a weapon, is by reason of the date of its manufacture, value design, and other characteristics, primarily a collector's item and is not likely to be used as a weapon, under 27 CFR 179.25.

(4) To approve alternate methods or procedures, under 27 CFR 179.26(a).

(5) To withdraw approval of alternate methods or procedures, under 27 CFR 179.26(a).

(6) To approve emergency variations, under 27 CFR 179.26(b).

(7) To withdraw approval of emergency variations, under 27 CFR 179.26(b).

(8) To relieve qualified persons of the requirement to pay special (occupational) tax, under 27 CFR 33(a).

(9) To relieve qualified manufacturers from compliance with any provision of 27 CFR part 179, under 27 CFR 179.33(a).

(10) To maintain supply of stamps bearing the words "National Firearms Act," representing payment of tax on the making of a firearm, under 27 CFR 179.61.

(11) To affix National Firearms Act stamp to original application authorizing the making of a firearm, under 27 CFR 179.62.

(12) To approve applications to make a firearm, under 27 CFR 179.64.

(13) To approve applications to make a firearm for the United States, under 27 CFR 179.69.

(14) To approve applications to make a firearm by or on behalf of certain Government entities, under 27 CFR 179.70.

(15) To approve applications to transfer firearms and to affix NFA stamps, under 27 CFR 179.86.

(16) To approve applications to transfer firearms to special (occupational) taxpayers, under 27 CFR 179.88(b).

(17) To approve applications to transfer firearms to certain government entities, under 27 CFR 179.90(b).

(18) To approve applications to transfer unserviceable firearms as a curio or ornament, under 27 CFR 179.91.

(19) To maintain a central registry (the National Firearms Registration and Transfer Record) of all firearms in the United States which are not in the possession or under the control of the United States, under 27 CFR 179.101.

(20) To authorize other means of identification of firearms and destructive devices, under 27 CFR 179.102.

(21) To receive notice and effectuate registration of firearms manufactured, under 27 CFR 179.103.

(22) To approve registration of firearms acquired by certain government entities, under 27 CFR 179.104.

(23) To approve importations of firearms, under 27 CFR 179.111(a).

(24) To receive notice and effectuate registration of imported firearms, under 27 CFR 179.112(a).

(25) To approve importations of firearms by an importer or dealer qualified under 27 CFR part 179, for use as a sample in connection with sales of such firearms to Federal, State, or local government entities, under 27 CFR 179.112(d).

(26) To approve applications for the conditional importation of firearms and impose conditions upon such importation of firearms, under 27 CFR 179.113.

(27) To approve applications and execute permits for the exportation of firearms, under 27 CFR 179.115.

(28) To vary the requirements relating to permits and supporting documents for firearms exported to persons in the insular possessions of the United States, under 27 CFR 179.121.

(29) To issue duplicate documents evidencing possession of a firearm, under 27 CFR 179.142.

(30) To maintain supply of stamps bearing the words "National Firearms Act" representing payment of the transfer tax or tax on making a firearm, under 27 CFR 179.161.

(31) To affix the appropriate "National Firearms Act" stamp evidencing payment of the transfer tax or tax on making firearm, under 27 CFR 179.161.

c. *27 CFR Part 47.* (1) To approve applications for registration of persons to import articles enumerated on the U.S. Munitions Import List, under 27 CFR 47.32(a).

(2) To approve the refund of registration fee, under 27 CFR 47.32(c).

(3) To prescribe a longer or shorter period of records retention, under 27 CFR 47.34(b).

(4) To prescribe all forms required by 27 CFR part 47, under 27 CFR 47.35(a).

(5) To approve permit applications to import firearms, ammunition, and implements of war, under 27 CFR 47.42.

(6) To amend, alter, or certify permits to import firearms, ammunition, and implements of war, under 27 CFR 47.43(c).

(7) To deny, revoke, suspend, or revise permits to import firearms, ammunition, and implements of war, under 27 CFR 47.44 (a) and (b).

(8) To certify to the legality of importation of articles on the U.S. Munitions Import List, under 27 CFR 47.51.

5. *Redelegation.* a. The authorities in paragraphs 4a(7), 4a(8), 4a(10), 4a(12), 4a(14), 4a(16), 4b(2), 4b(3), and 4b(20), may be redelegated to Compliance Operations personnel in Bureau Headquarters, but not lower than the position of division chief.

b. The authorities in paragraph 4a(1), 4a(3), 4a(5), 4a(15), 4b(1), 4b(5), 4b(7), 4b(8), 4b(9), 4b(10), 4b(19), 4b(30), 4c(3), 4c(4), and 4c(7) may be redelegated to Compliance Operations personnel in Bureau Headquarters, but not lower than the position of branch chief.

c. The authorities in paragraphs 4a(9), 4a(11), 4a(13), 4b(11), 4b(12), 4b(13), 4b(14), 4b(15), 4b(16), 4b(17), 4b(18), 4b(21), 4b(22), 4b(23), 4b(24), 4b(25), 4b(26), 4b(27), 4b(28), 4b(29), 4b(31), 4c(1), 4c(2), 4c(5), 4c(6), 4c(8) may be redelegated to Compliance Operations personnel in Bureau Headquarters, but not lower than the position of application examiner.

d. The authorities in paragraph 4a(2), 4a(4), 4a(6), 4b(4), and 4b(6) may be redelegated to Compliance Operations personnel in Bureau Headquarters, but not lower than the position of specialist.

e. The authorities in paragraph 4a(2), 4a(4), 4b(4), and 4b(6) may be redelegated to the regional director (compliance) to approve, without submission to Bureau Headquarters, requests which are identical to those previously approved by Bureau Headquarters. Regional directors (compliance) may redelegate these authorities to a position not lower than chief, technical services, or area supervisor. The authorities in paragraphs 4a(3), 4a(5), 4b(5), and 4b(7) may be redelegated to the regional director (compliance) who may redelegate the authorities to a position not lower than chief, technical services, regarding alternate methods, procedures or emergency variations approved by regional offices only.

6. *For Information Contact.* Gail Hosey, Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8210.

7. *Effective Date.* This delegation order becomes effective on February 11, 1993.

Stephen E. Higgins,

Director.

[FR Doc. 93–3234 Filed 2–10–93; 8:45 am]

BILLING CODE 4810–31–M

Fiscal Service

[Dept. Circ. 570, 1992 Rev., Supp. No. 10]

Surety Companies Acceptable on Federal Bonds Century Surety Company

A Certificate of Authority as an acceptable surety on Federal Bonds is hereby issued to the following company under sections 9304 to 9308, title 31, of United States Code. Federal bond-approving officers should annotate their reference copies of Treasury Circular 570, 1992 Revision, on page 29365 to reflect this addition:

Century Surety Company. Business Address: P.O. Box 2689, Columbus, Ohio 43216–2689. Underwriting Limitation [b]: $504,000. Surety Licenses [c] AZ, IN, OH, WI, WV. Incorporated IN: Ohio. Federal Process Agents [e].

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information

Copies of the Circular may be obtained form the Surety Bond Branch, Funds Management Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (202) 874–6765.

Dated: January 28, 1993.

Charles F. Schwan III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 93–3235 Filed 2–10–93; 8:45 am]

BILLING CODE 4810–35–M

[Dept. Circ. 570, 1992 Rev., Supp. No. 13]

Surety Companies Acceptable on Federal Bonds, Star Insurance Company

A Certificate of Authority as an acceptable surety on Federal Bonds is hereby issued to the following company under Sections 9304 to 9308, Title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1992 Revision, on page 29392 to reflect this addition:

Star Insurance Company, Business Address: 26600 Telegraph Road, Southfield, Michigan 48034. Underwriting Limitation [b]: $1,084,000. Surety Licenses [c]: AK, AZ, AR, CA, CO, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, PA, SC, SD, TN, UT, VT, VA, WV, WI, WY. Incorporated in: Michigan.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Funds Management Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (202) 874–6850.

Dated: February 2, 1993.

Charles F. Schwan III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 93–3236 Filed 2–10–93; 8:45 am]

BILLING CODE 4810–35–M

UNITED STATES INFORMATION AGENCY

A Seven-Week Summer Institute for English Teacher Trainers From Eastern Europe

ACTION: Notice—request for proposals.

SUMMARY: The U.S. Information Agency (USIA) solicits interest from U.S. not-for-profit institutions/organizations in conducting a seven-week Summer Institute for up to sixteen teacher trainers from Albania, Poland, Hungary, The Czech Republic, the Slovak Republic, Romania, Bulgaria, Slovenia, Estonia, Latvia, and Lithuania. The purpose of the Summer Institute will be to prepare the participants to coordinate EFL teacher training activities in their respective countries upon their return. The Institute will, therefore, encompass curriculum design and management training as well as training in methodology.

DATES: Deadline for proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on Friday, March 26, 1993. Faxed documents will not be accepted, nor will documents postmarked on Friday, March 26, 1993 but received at a later date. It is the responsibility of each grant applicant to ensure that proposals are received by the above deadline. The grant should begin on or about April 30, 1993.

ADDRESSES: The original and 14 copies of the completed application, including required forms, should be submitted by the deadline to: U.S. Information Agency, Ref: EFL Educators from Eastern Europe (E–C–02), Office of Grant Management, E/XE, room 336, 301 4th St., SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested organizations/institutions should contact Richard A. Murphy, Office of Cultural Centers and Resources, English Language Programs Division, E/CE, room 304, U.S. Information Agency, 301 4th St., SW., Washington, DC 20547, telephone (202) 619–5869 to request detailed application packets, which include award criteria additional to this announcement, all necessary forms, and guidelines for preparing proposals, including specific budget preparation information.

SUPPLEMENTARY INFORMATION: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life.

Overview

The U.S. Information Agency (USIA) is soliciting proposals from U.S. not-for-profit educational institutions/organizations to organize and conduct a seven-week Summer Institute for up to sixteen teacher trainers for a special Eastern European exchange program. The program is meant to provide training in EFL methodology, curriculum design, and program management for a specially selected group of teacher trainers from Albania, Poland, Hungary, the Czech Republic, the Slovak Republic, Romania, Bulgaria, Slovenia, Estonia, Latvia, and Lithuania. Upon completion of the program and returning to their home countries,

graduates of the Institute will work together with USIA EFL Fellow coordinators who are already working in each country as part of the Eastern European EFL Fellow Program.

For the past three years the EFL Fellow program has placed up to fifty teacher trainers and ESP teachers in Eastern European countries. The purpose of the program, which was initiated in 1991, was to promote English teaching in Eastern Europe as a response to the dramatic increase in the demand for English caused by political changes. An American coordinator was assigned to oversee the pedagogical side of the program and to supervise in-country administration within the larger country programs and within the Baltic region. As one means of ensuring that a training program remains in place, USIA is supporting this Summer Institute to train a cadre of EFL professionals for each country or region to assume the responsibilities of EFL coordination once the EFL Fellow program is no longer funded.

Guidelines

Program Description: The grantee organization is expected to design a program with two major components.

1. The first component should consist of an academic program covering the following topics: a review of EFL teaching methodology and classroom techniques; evaluation of existing EFL materials and development of new materials with specific reference to the needs of Eastern Europe; refinement of teacher training skills; teacher observation and evaluation; designing and conducting workshops for EFL teachers; designing, developing and managing in-service teacher training programs; planning and developing curricula. As an integral part of the evaluation and development of EFL materials, participants should have the opportunity to design some of their own EFL materials to use when they return home. In conjunction with the teacher observation and evaluation component of the program they should visit on-going EFL or foreign language classes in local institutions to observe teachers as well as to have the opportunity to micro-teach portions of the classes themselves and be evaluated. Throughout the academic program emphasis should be on hands-on, interactive work rather than formal lectures.

2. The second component of the program should consist of an introduction to American culture and institutions. Since most of the participants will have had very little contact with the United States, the following experiences should be included: A brief introduction to American education, university life and society; an opportunity to become involved with American cultural life through home visits and participation in community activities and/or festivities; a one week educational and cultural tour of Washington, DC and environs. The introductory briefing should be held at the program site before the start of the academic program. Home visits and other activities should be scheduled during the course of the program. The tour of greater Washington, DC should be conducted at the conclusion of the academic program prior to the participants' return home.

Selection of Participants

Participants in the Summer Institute will be selected by the current country coordinators for the Eastern European EFL Fellow Program and/or EFL Fellows in consultation with USIS posts, local Ministries of Education, and USIA. Each participant will be chosen with the view to having him or her eventually assume the duties of managing a country- or area-wide EFL program currently being carried out by the USIA country coordinators. Therefore, each participant should have had some experience in teacher training as well as extensive classroom experience as a teacher. Excellent English is also a prerequisite. Upon completion of the Institute, the participants will return to their countries and work for at least one full year with the coordinator and/or EFL Fellows in conducting the EFL Fellow Program.

Program Administration

The grantee institution will be responsible for all Institute programming and administrative logistics, management of the academic program and the cultural tour, local travel, and on-site institution arrangements. USIA will be responsible for all communications to and from the U.S. Information Service posts in Eastern Europe which submit nominations to the English Language Programs Division and will also assume responsibility for all international travel. USIA will provide the grantee institution with participants' curriculum vitae and itineraries and will be available to offer any advice or guidance the institution may find useful.

The participants will arrive directly at the campus site from their home countries. Actual arrival dates may be spread out over a few days, depending upon airline flight schedules from each country. It is expected that the grantee institution program staff will make arrangements to have participants met upon arrival at the nearest airport. Plans for receiving and housing participants will need to take the variation in arrival dates into account. Departure will be from Washington, DC. The program staff will have to plan for transportation to airports and differing lengths of stay before departure.

The host institution is responsible for arranging lodging, food, and maintenance for participants during their stay at the host institution and while in Washington.

Time Frame

The Summer Institute should be programmed to start on or about Saturday, June 26 and end on or about Saturday, August 14, 1993, for a total of 50 days. If the grantee institution needs to vary this timeline in any way then it must justify such variation in terms of improved program quality or cost effectiveness in its proposal. Subject to the availability of funds, the successful grantee applicant may be awarded renewal grants for up to three years, depending on program performance and evaluations conducted by USIA.

Proposed Budget

A comprehensive line item budget must be submitted with the proposal by the application deadline. Specific guidelines for budget preparation are available in the application package (see instruction above to obtain package). Experience with similar Summer Institutes would suggest that the cost to USIA for the summer program should not exceed $125,000.

Application Requirements (Refer to Application Package):

Proposals must be submitted by the deadline and provide a detailed plan in accordance with the objectives and needs outlined above. Applicants should draw on the full range of resources offered by their institutions but may involve outstanding professionals from other institutions or organizations as well. The overall quality and effectiveness of the program depends upon administrative and organizational competence to manage interactions between Eastern European educators and Americans.

The proposal package must include one original and fourteen copies. Each proposal must be presented as follows:

1. A completed and signed cover sheet for grant application which will be provided in the application package.

2. An abstract of the proposed Summer Institute not to exceed one single-spaced page.

3. A narrative not to exceed twenty double-spaced pages.

The detailed narrative should outline the structure and organization of Institute courses and must include a day-by-day agenda for classes and supplementary activities. Plans for lodging and meals should be discussed in this section. Also, describe plans to identify appropriate books and readings to be distributed to participants on arrival or to be sent to them upon their return home as follow-up to Institute themes. A plan for evaluation of the project should also be included.

4. A budget in the prescribed format outlining specific expenditures. Refer to the application packet for format.

5. Appendices must contain the following information:

a. Academic/professional resumes of program director(s), instructor, consultants, and program staff (not to exceed two double-space pages for each).

b. Evidence of the institution's activities in substantive academic programs training train EFL teacher-trainers.

c. Demonstrations of the institution's experiences with similar international exchange projects.

d. Optional items for appendices are reading lists and examples of evaluation instruments.

6. Completed forms in support of the proposal. See application packet for the following forms: Bureau of Educational and Cultural Affairs Grant Application Cover Sheet; Assurance of Compliance; Certification Regarding Drug-Free Workplace Requirements; Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion; Lobbying Certification and Disclosure of Lobbying Activities.

Qualifications Required of the Responding Organization

To carry out the above tasks the institution/organization must be a not-for-profit organization. It must have four years of international experience and possess a proven ability to carry out an academic program in teacher training and program management described above.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the appropriate geographic area office, and the budget and contracts offices. Proposals may also be reviewed by the Agency's Office of General Counsel. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the following criteria:

1. *Quality of program idea*: Proposals should exhibit originality, substance, rigor, and relevance to Agency mission.

2. *Program planning*: Detailed agenda and relevant work plan should demonstrate substantive rigor and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.

3. *Ability to achieve program objectives:* Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

4. *Multiplier effect/impact:* Proposed program should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

5. *Institutional Capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program of project's goals. Proposal should present clear evidence of the ability to efficiently carry out the training program outlined here. The proposal should include evidence of strong academic, administrative and managerial capabilities and project management experience.

6. *Institution's Track Record/Ability:* Proposals should demonstrate a track record of successful programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts (M/KG). The Agency will consider the past performance of prior grantees and the demonstrated potential of new applicants.

7. *Follow-on Activities:* Proposal should provide a plan for continued follow-on activity (without USIA support) which insures that USIA supported programs are not isolated events.

8. *Evaluation Plan:* Proposals should provide for a quarterly formative evaluation by the grantee institution and a summative evaluation at the conclusion of the project.

9. *Cost-effectiveness:* The overhead and administrative components of grants, as well as salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Administrative costs exceeding 20% of USIA fund will not be accepted.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an awarded commitment on the part of the Government. Final award cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about April 30, 1993. Awarded grants will be subject to periodic reporting and evaluation requirements. The successful organization may be awarded renewal grants for up to three years, depending on program performance and evaluations conducted by USIA.

Dated: February 5, 1993.

Barry Fulton,

Acting Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 93–3180 Filed 2–10–93; 8:45 am]

BILLING CODE 8230–01–M

Public and Private Non-Profit Organizations in Support of International Educational and Cultural Activities; Academic Semester and Year Program—Secondary School Exchange Initiative With the Former Warsaw Pact Countries

ACTION: Notice—request for proposals.

SUMMARY: The United States Information Agency (USIA) invites applications from non-profit U.S. educational, cultural, and other institutions to conduct academic semester and year exchanges of youth between the ages of 15 and 18½ years of age with the former Warsaw Pact Countries (FWPC), specifically Poland, Hungary, the Czech and Slovak Republics, Bulgaria, Romania and the former German Democratic Republic (now the five new states of eastern Germany). This program was authorized by the State-USIA authorization act of 1992–93 (PL 102–138) Section 225 entitled Eastern Europe Student Exchange Endowment

Fund. A total of $1,022,000 is available for this competition.

ANNOUNCEMENT NUMBER: This Announcement number is FY–93–14. Please refer to this title and number in all correspondence or telephone calls to USIA.

DATES: Deadline for proposals: All copies of proposals for grants under this request must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on Friday, April 16, 1993. Faxed documents will not be accepted, nor will documents postmarked on April 16 but received at a later date. It is the responsibility of each grant applicant to ensure that its proposal is received by the above deadlines. Grant funding should be available after July 1, 1993, in support of projects that will require implementation beginning in the spring semester of 1994 and the academic year beginning in August of 1994.

ADDRESSES: The original and 14 copies of the completed application, including required forms, should be submitted in the format described in the Bureau's application package and mailed to: U.S. Information Agency, Ref: FY–93–14, F.S.A.-Former Warsaw Pact Youth Exchange, Office of Grants Management, E/XE, 301 4th Street SW., Rm 336, Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested organizations/institutions should contact Robert Persiko, European Programs Division, E/PE, room 357, (202) 619–6299; FAX (202) 619–5311, to request detailed application packets, which include award criteria additional to this announcement, all necessary forms, and guidelines for preparing proposals, including specific budget preparation information.

SUPPLEMENTARY INFORMATION: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life.

Overview—Grant funding is intended to promote the exchange of young people, from 15 to 18½ years of age between the U.S. and Hungary, Poland, Bulgaria, Romania, the Czech and Slovak Republics, and the former German Democratic Republic (GDR). The Agency's main objective is to foster interaction between American and foreign youth. Consequently, extensive interaction is a requirement.

Proposals should demonstrate how American and foreign youth will interact in a way that encourages the exchange of ideas, values and information.

Guidelines for Academic Program

Purpose: To enable organizations to recruit and select high school students from the above named countries and to place them in the U.S. to study and live for not less than one academic semester and not more than one academic year; to provide a reciprocal program for U.S. students to study and live in these countries; and to enable participants to develop a broad view of the society and culture of their host country.

It is desirable (but not required) for student placements to be grouped in "clusters" of 5–15 within a two-hour drive of each in order to facilitate supervision, ongoing orientation and cross-cultural coping skills, and enhancement programming. The organization should provide periodic (ideally on a monthly basis) get-togethers of the "cluster" for this programming. The organization should provide for arrival orientation and re-entry training prior to departure at the end of the program. A mid-year activity is also desirable.

Proposals must demonstrate the organization's ability to do the following in both the U.S. and the FWPC counterpart country:

—Recruit and select students using their own established criteria. All participants must be between the ages of 15 and 18 and ½ at the time the exchange begins. Participants should be chosen for their actual or potential leadership qualities. The proposal should describe in detail the selection process for both the U.S. and foreign participants.

—Arrange for placement in secondary schools. The proposal should describe the criteria and process for selecting schools for placement.

—Select and orient host families. Describe the criteria for selecting a host family. Host families must be identified in advance of participant arrival. Temporary family placements will not be allowed in this program. Describe the process for host family orientation.

—Make all travel, visa and logistical arrangements.

—Conduct orientation, schedule program enhancements, and re-entry and debriefing sessions. It is desirable for all inbound participants to have a program in Washington, DC. It is recommended that this not be scheduled at the beginning of the students' stay.

—Supervise students, solve problems and provide counseling as needed; develop a mechanism for the transfer of academic credit and/or the certification of school attendance.

—Evaluate the program's success.

Practices and procedures must meet the requirements of J-visa regulations for secondary school exchange visitor sponsors.

Both private not-for-profit organizations and public educational institutions (including secondary schools, school districts and state education agencies) are eligible.

Budget

The organization must submit a comprehensive line item budget. Details are available in the application packet. Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the appropriate geographic area office, and the budget and contract offices. Proposals may also be reviewed by the Agency's Office of the General Counsel. Funding decisions are at the discretion of the Associate Director of Educational and Cultural Affairs. Final technical authority for grant awards resides with the Agency's Office of Contracts.

Review Criteria: Technically eligible applications will be completely reviewed according to the following criteria:

1. *Quality of the program idea:* Proposals should exhibit originality, substance, rigor and adherence to the criteria and conditions described above.

2. *Reasonable, Feasible, and Flexible Objectives:* Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

3. *Multiplier Effect/Impact:* Proposed programs should provide contact with the community beyond the school and should contribute to the establishment of long-term institutional and individual linkages.

4. *Value to U.S.-Partner Country Relations:* Assessments by USIA's geographic area desk and overseas officers of the need, potential, impact and significance in the partner country(ies).

5. *Cost Effectiveness:* The ratio of indirect to direct costs should be reasonable. Cost-sharing through other private sector support as well as

VOL
58
ISS
27
FE
11
1993
UMI

institutional direct funding contributions is strongly encouraged.

6. *Institutional Capacity:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program's goals.

7. *Institution's Track Record/Ability:* The Agency will consider the past performance of prior grantees and the demonstrated potential new applicants.

8. *Follow-on Activities:* Preference will be given to projects that are part of a long-range program of exchanges with the partner country.

9. *Evaluation Plan:* Proposals should provide a plan for evaluation by the grantee institution of the participants' academic performance and adaptation to the host environment, as well as the success of the project in meeting the stated objectives.

10. *Selection Process:* Proposals should provide detailed criteria and procedures for selection of student participants and host families.

11. *Organizational Standing:* An organization submitting a proposal should be in good standing with USIA and the Council on Standards for International Educational Travel.

12. *Geographic Diversity:* The Agency will seek to achieve maximum geographic diversity in selection and placement of students through its award of grants.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. Final award cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about June 15, 1993. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: February 5, 1993.

Barry Fulton,

Acting Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 93-3181 Filed 2-10-93; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233-3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395-7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: February 4, 1993.

By direction of the Secretary:

B. Michael Berger,

Director, Records Management Service.

Revision

1. Veteran's Application for Compensation or Pension, VA Form 21-526
2. The form is used to gather the information needed to determine eligibility for disability benefits.
3. Individuals or households
4. 372,426 hours
5. 90 minutes
6. On occasion
7. 248,284 respondents

[FR Doc. 93-3310 Filed 2-10-93; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 27
Thursday, February 11, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL HOUSING FINANCE BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 58 FR 4202, January 13, 1993.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:00 a.m., Friday, January 22, 1993.

CHANGES IN THE MEETING: The following topic was added to the agenda during the closed meeting.

- FHLBank System Appointive Directors Confirmation

The above matter is exempt under one or more of sections 552b(c) (6) and (9)(B) of title 5 of the United States Code.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Executive Secretary of the Board, (202) 408-2837.

Philip L. Conover,
Managing Director.
[FR Doc. 93-3360 Filed 2-9-93; 10:25 am]
BILLING CODE 6725-01-M

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Trustees Meeting

United States Capitol Building, Room EF-100—March 2, 1993, 5:00-6:30 p.m.

1. Call to order and welcome, Chairman Staats
2. Approval of minutes of June 1, 1992 Trustees Meeting
3. Report on activities of the Foundation
   Overview: Chairman Staats
   Status of 1993 Truman Competition: Mr. Blair
   1993 Summer Institute: Dr. Wholey
   1993 Truman Scholars Leadership Week: Ms. Castañeda
4. Selection of Vice-Chairman
5. Recognition of Trustee Emeritus E. Tom Coleman
6. Introduction of new Trustees of the Foundation
7. Introduction of Former Truman Scholars and other guests
8. Old business
9. New business
10. Establishing date for next meeting
11. Adjournment

Elmer B. Staats,
Chairman.
[FR Doc. 93-3395 Filed 2-9-93; 12:54 pm]
BILLING CODE 8500-01-M

Corrections

Federal Register
Vol. 58, No. 27
Thursday, February 11, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8465]

RIN 1545-AN83

Deduction of Amounts Owed to Related Foreign Persons

Correction

In rule document 92-31618 beginning on page 235 in the issue of Tuesday, January 5, 1993, make the following correction:

§ 1.163-12 [Corrected]

On page 237, in the 1st column, in § 1.163-12(b)(1), in the 14th line, "includible" was misspelled.

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8458]

RIN 1545-AJ35

Real Estate Mortgage Investment Conduits

Correction

In rule document 92-30944 beginning on page 61293 in the issue of Thursday, December 24, 1992, make the following corrections:

§ 1.860A-1 [Corrected]

1. On page 61301, in the first column, in § 1.860A-1(b)(2)(ii), in the sixth line, insert a comma following "However".

2. On the same page, in the same column, in § 1.860A-1(b)(2)(iii), in the ninth line, "§ 1.860E-(a)(1)" should read "§ 1.860E-1(a)(1)".

§ 1.860E-1 [Corrected]

3. On page 61303, in the first column, in § 1.860E-1(a)(1), in the fifth line, "income—$90" should read "income − $90".

§ 1.860F-2 [Corrected]

4. On page 61306, in the first column, in § 1.860F-2(c), the second and third lines should read "860G(a)(10) and § 1.860G-1(d)) of all regular and residual interests in the REMIC".

§ 1.860F-4 [Corrected]

5. On page 61306, in the first colunm, in § 1.860-4(f), in the first line, "*person*" should read "*persons*"; in the third line, "§ 1.6041-(b)(2)" should read "§ 1.6041-1(b)(2).

§ 1.860G-1 [Corrected]

6. On page 61308, in the 1st column, in § 1.860G-1(b)(2), in the 14th line, "REMIC'S" should read "REMIC's".

7. On the same page, in the second column, in § 1.860G-1(b)(5), in the second line, "*Principal* " was misspelled.

§ 1.860G-2 [Corrected]

8. On page 61309, in the 2d column, in § 1.860G-2(a)(5), in the 22d line, "25(e)(10) without" should read "25(e)(10) (without".

9. On the same page, in the 3d column, in § 1.860G-2(a)(6), in the 10th line, "860G(a)(2) is" should read "860G(a)(2)) is".

10. On the same page, in the same column, in § 1.860G-2(a)(9), in the sixth line, "1286(e)(1) from" should read "1286(e)(1)) from".

11. On page 61310, in the 3d column, in § 1.806G-2(d)(1), in the 10th line, "relates" was misspelled.

12. On page 61311, in the third column, in § 1.806G-2(g)(1)(ii)(A), in the last line, "action;" should read "section;".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE-42-92]

RIN 1545-AQ77

Certain Cash or Deferred Arrangements Under Employee Plans

Correction

In proposed rule document 92-31188 beginning on page 43 in the issue of Monday, January 4, 1993, make the following corrections:

§ 1.401(k)-1 [Corrected]

1. On page 44, in the second column, § 1.401(k)-1(g)(11)(iii)(A) is correctly designated.

2. On the same page, in the same column, in the same section, in the 15th line, insert "collective" between "single" and "bargaining".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[FI-189-84]

RIN 1545-AH46

Debt Instruments With Original Issue Discount; Imputed Interest on Deferred Payment Sales or Exchanges of Property

Correction

In proposed rule document 92-30431 beginning on page 60750 in the issue of Tuesday, December 22, 1992, make the following correction:

§ 1.1275-5 [Corrected]

On page 60775, in the second column, in § 1.1275-5(c)(1), in the sixth line, "section 109(d)(1)" should read "section 1092(d)(1)."

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 52

[PS–89–91]

RIN 1545–AQ23

Exports of Chemicals That Deplete the Ozone Layer; Special Rules for Certain Medical Uses of Chemicals That Deplete the Ozone Layer

Correction

In proposed rule document 93–814, beginning on page 4625 in the issue of Friday, January 15, 1993, make the following correction:

On page 4625, in the third column, in the fifth full paragraph, in the fifth line, "52.4682–2(f)(3)" should read "52.4682–5(f)(3)".

BILLING CODE 1505–01–D

VOL
58

ISS
27

FE
11

1993

UMI

federal register

Thursday
February 11, 1993

Part II

Environmental Protection Agency

40 CFR Parts 260 et al.
Hazardous Waste Management System; Modification of the Hazardous Waste Recycling Regulatory Program; Proposed Rule

VOL 58 ISS 27 FE 11 1993 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 261, 262, 264, 265, 268, 270, and 273

[FRL–3982–3]

RIN 2050–AD19

Hazardous Waste Management System; Modification of the Hazardous Waste Recycling Regulatory Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking the first steps of an initiative designed to remove unneeded regulatory impediments to the safe and efficient management of hazardous wastes. These actions proposed are part of a long term effort to ensure that hazardous wastes are managed safely, without unnecessary regulation.

EPA is proposing a program under which certain widespread post-user items that are hazardous wastes (e.g., certain batteries and pesticides that are hazardous wastes) would be collected under greatly streamlined requirements, to facilitate separation of these materials from the municipal waste stream and to encourage proper treatment and/or recycling.

DATES: Comments on this proposed rule must be submitted on or before April 12, 1993.

ADDRESSES: Persons who wish to comment on this notice must provide an original and two copies of their comments, include the docket number (F–93–SCSP–FFFFF), and send them to EPA RCRA Docket (OS–305), U.S. EPA, 401 M Street SW., Washington, DC 20460. The RCRA Docket is located at room M2427, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The docket is open from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. To review docket materials, the public must make an appointment by calling (202) 260–9327. The public may copy a maximum of 100 pages from any regulatory docket at no cost. Additional copies cost $0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA/Superfund Hotline toll free at (800) 424–9346. In the Washington, DC metropolitan area, call (703) 412–9810. For information regarding specific aspects of this notice, contact Charlotte Mooney, Office of Solid Waste (OS–332), U.S. EPA, 401 M Street SW., Washington, DC 20460, telephone (202) 260–6926.

SUPPLEMENTARY INFORMATION:

Outline of Today's Notice

I. Background
- A. Changing Awareness of Product Life Cycles
- B. RCRA Subtitle C Hazardous Waste Program
- C. RCRA Implementation Study
- D. Hazardous Waste Recycling Forum Meetings
- E. Overview of Special Collection System
- F. Special Collection System Program Goals
  1. Encouraging Resource Conservation
  2. Improving Implementation of the Hazardous Waste Program
  3. Separation From the Municipal Waste Stream

II. Detailed Discussion of Proposed Special Collection System Regulations
- A. Overview of Proposed Regulations
- B. Scope
  1. Recycling versus Recycling or Disposal—Option 1: Recycling Only; Option 2: Recycling or Disposal; Option 3: Hybrid of Options 1 and 2
  2. Types of Wastes Subject to Special Collection System Regulations
  3. Conditionally Exempt Small Quantity Generator Waste
  4. Excluded Household Hazardous Waste
- C. Proposed Waste Management Requirements
  1. Applicability of Part 273 Regulations
  a. Subpart B—Batteries that are Hazardous Wastes
  b. Subpart C—Suspended and/or Canceled Pesticides that are Recalled
  2. Generator Requirements
  a. Waste Generation
  b. Condition of Wastes
  c. Storage
  d. Notification
  e. Prohibitions
  f. Waste Management
  g. Exports
  h. Other Generator Requirements Under Consideration
  3. Transporter Requirements
  4. Consolidation Point Requirements
  a. Specific Requirements for Consolidation Points
  b. Other Consolidation Point Requirements Under Consideration
  5. Destination Facility Requirements
  6. Exports
  7. Land Disposal Restrictions
  8. Release Response
  9. Related Regulatory Changes

III. State Authority
- A. Applicability of Rules in Authorized States
- B. Effect on State Authorization

IV. Executive Order No. 12291—Regulatory Impacts

V. Paperwork Reduction Act

VI. Regulatory Flexibility Act

I. Background

A. Changing Awareness of Product Life Cycles

In recent years, there has been a significant shift in public perceptions of waste management issues. Whereas in previous decades the most significant waste management problems were perceived to be associated with industrial and manufacturing processes, there is increasing awareness that many everyday activities may collectively cause significant environmental impacts. These impacts may be more diffuse and less easily traced to a single cause or source than impacts that are clearly the result of a single industrial source or group of industrial sources.

In some cases, public awareness is raised through direct economic impacts on individuals. One example is localized shortages of municipal landfill capacity, which translates directly into higher landfill disposal costs for citizens in those localities. As a result, municipalities are increasingly adopting waste management practices that minimize the quantity of waste that is landfilled. Some municipalities choose municipal waste combustion, which reduces the quantity of waste that must ultimately be landfilled; others rely in some measure on community recycling programs to divert materials from the disposal wastestream. Still others choose a combination of municipal waste combustion and recycling programs.

There is another reason for increasing public awareness, generally at the local government level, of the toxic constituents present in common items in the municipal wastestream. That reason is the large numbers of municipal landfills on the National Priorities List, targeted for cleanup under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also known as Superfund). The costs associated with CERCLA cleanups are a prime reason local officials are becoming increasingly concerned about toxic constituents present in the municipal wastestream.

Finally, articles in the print media and reports in the electronic media that describe the downstream impacts occurring after a consumer item's use have increased individual citizens' awareness of the link between their use of consumer goods and the presence of toxic constituents in the municipal wastestream. (It is useful to think about the product's "life cycle," i.e., the beginning of its life when it leaves the place of manufacturing, its distribution down through retailers (typically) to the

individual user, then its use phase, and finally the phase when it is present in the waste stream.)

This increased awareness of the possibility of toxic constituents leaching from municipal landfills into soil and groundwater aquifers has focussed attention on the toxic constituents present in everyday items that we dispose of in the municipal waste stream. There have been a wide variety of responses to this emerging issue, at a number of levels. Manufacturers, retailers, state legislatures, local governments, and individual citizens are all taking various actions to try to reduce the loading of toxic constituents in the nation's municipal waste stream.

One approach taken by manufacturers of certain items has been to try to reduce the amounts of toxic constituents present in the items themselves (a "source reduction" or "toxic use reduction" approach). In some cases, this approach is technically and economically feasible. However, while the items with lower toxic constituent content are moving into wide distribution and use, the older items with higher levels of toxic constituents are often still present in the waste stream.

Another approach, taken by municipalities, is to try to keep the wastes out of the regular municipal waste stream by putting on special collection programs, targeting hazardous wastes generated in households or small businesses. These municipalities generally try to recycle the collected material rather than dispose of it, to the extent possible. The remaining hazardous wastes are generally managed as if they were fully regulated hazardous wastes (i.e., sent to a special facility meeting the federal requirements for managing hazardous wastes).

There has also been an emerging trend on the part of state legislatures to enact state laws encouraging or requiring manufacturers and retailers of certain products to become involved during the "wastestream" phase of their products' life cycle. In some states, concerns over metals (such as lead and cadmium) in widely used goods (such as batteries) have resulted in state legislation placing the responsibility for disposal of these goods on the original manufacturers.

For those consumer products that are legally classified as "hazardous wastes" for the part of their life cycle when they are wastes, there is a federal law governing their management as hazardous wastes. This law, the Resource Conservation and Recovery Act (RCRA), regulates hazardous wastes when they are managed by the original producers of the waste ("generators,") and by those parties handling the wastes throughout the wastestream phase of the product's life cycle. The federal hazardous waste program that is authorized by RCRA's Subtitle C explicitly places the responsibility for initial management of hazardous wastes on the generator of those wastes, and places the responsibility for later management on those parties handling the waste at the later stages.

Thus, when state laws are enacted that shift the responsibility for managing hazardous wastes away from the individuals who generated the wastes, over toward manufacturers, wholesalers, or retailers, there are inherent conflicts between the federal RCRA hazardous waste program and those emerging state laws.[1] EPA has tentatively concluded that RCRA has an existing regulatory structure that may not be appropriate for some hazardous wastes. Today's proposal is an attempt to mesh the relatively recent trends in municipal solid waste (and pesticide waste) management practices with the statutory requirements imposed by RCRA subtitle C.

B. RCRA Subtitle C Hazardous Waste Program

Under Subtitle C of the Resource Conservation and Recovery Act, on May 19, 1980, EPA promulgated regulations setting forth the framework of the nation's hazardous waste management program (45 FR 33066). These regulations included requirements for hazardous waste generators, transporters, and owners and operators of treatment, storage, and disposal facilities (TSDs). Since 1980, a number of changes and additions have been made to these rules, resulting in the current RCRA subtitle C hazardous waste management regulatory program. The structure of the RCRA hazardous waste program places very similar responsibilities on all hazardous waste generators, regardless of the size or type of the business or organization generating the waste. This point is discussed further below.

In 1980, when promulgating the original set of RCRA hazardous waste management requirements, EPA had not yet listed or identified any wastes as hazardous. With the first listings, and the first characteristics that identified wastes as hazardous, EPA set the scope of the regulations at wastes generated primarily in manufacturing settings (or, to a certain extent, in commercial or agricultural settings). EPA recognized that the hazardous wastes listed and identified in 1980 were generated by an enormous number of parties in extremely diverse settings.

As described in 45 FR 33102, May 19, 1980, EPA estimated the total number of generators at 760,000, with a small fraction—just over 5 percent—responsible for the overwhelming majority of the hazardous waste. Most of these very large generators were in the manufacturing sector; the rest of the generators, who generated only tiny amounts, by comparison, were scattered across a diverse set of different activities. In the interest of using resources efficiently, and to concentrate on regulating the small number of generators who created the greatest proportion of the hazardous wastestream, EPA used the approach of regulating generators based on the quantities that they generated per month. For most hazardous wastes, the standard was set at 1000 kilograms or more generated per month.

However, in the 1984 amendments to RCRA, Congress directed EPA to lower the standard to 100 kilograms per month. In 1986 EPA promulgated the revised regulations that lowered the generation rate limits for most hazardous wastes to 100 kilograms per month. The result was that numerous hazardous waste generators from commercial, construction, educational, retailing, special trades, agricultural, governmental, and medical settings became regulated to a much greater extent than they had been previously. EPA modified the hazardous waste regulations slightly to accommodate some of the different circumstances these smaller generators encountered,[2] but left the requirements substantially the same.

Although this approach can be viewed as an equitable way to establish responsibility for managing all hazardous wastes, regardless of the amounts generated, in practice it is extremely difficult to implement. EPA and state agencies have conducted (and continue to conduct) extensive outreach and educational programs to try to explain and implement the complex hazardous waste regulatory requirements to this vast regulated community. Until 1986, EPA could target its explanations of the regulatory requirements to specific industry trade associations, and could tailor its explanations to address a number of typical manufacturing situations.

[1] Note that similar conflicts exist with respect to state laws on municipal or county-run "collection programs" that accept hazardous wastes from businesses, or that accept hazardous waste pesticides from farmers.

[2] For example, the requirements for accumulating hazardous waste in tanks, and the requirement to file a biennial report.

VOL 58 ISS 27 FE 11 1993 UMI

However, after 1986, there was a tremendous increase in the variety of settings in which regulated hazardous waste generators were found. There are very significant administrative efforts involved in learning about the specific circumstances of a waste's generation and initial management, in the enormous variety of settings in which hazardous wastes are generated.

EPA has tentatively concluded that it may be inappropriate to attempt to impose the original, 1980 requirements on generators and others who manage certain widely-dispersed hazardous wastes. EPA's experience with implementing the water pollution control program has been that it can be easier to target and control "point sources" with permits and other administrative means, while "non-point" sources can be far more difficult to control with the traditional "command and control" approach to regulating pollutant releases.

One way of looking at the diverse population of hazardous waste generators who generate common waste items is to consider them to be analogous to "non-point" sources of water pollution—except that the "pollutants" they release are contained in the used consumer products. It may be a far more realistic approach to educate users about the "downstream" impacts of their use of a particular product. Users might choose not to use the product, or could (in some cases) alter their use of it in order to reduce or eliminate the waste's generation. However, in some cases consumers do not have those options; structuring the regulatory requirements for maximum understanding and compliance by users is likely to achieve a more desireble result than leaving the regulations as they currently exist. Modifications to the current regulatory requirements, combined with a thoughtful outreach strategy, are likely to be a more effective means of accomplishing this result.

Finally, EPA notes that one of the objectives of RCRA is stated as a national policy regarding the recovery of materials, in preference to land disposal of hazardous wastes (RCRA Section 1003)(a)):

> The objectives of this Act are to promote the protection of health, [sic] and the environment and to conserve valuable material and energy resources by * * * minimizing the generation of hazardous waste and the land disposal of hazardous waste by encouraging process substitution, materials recovery, properly conducted recycling and reuse, and treatment * * *

Thus, to the extent that the approach suggested in today's proposal would support achieving the policy goals stated in RCRA, there is a sound basis for advancing the concept of special collection systems.

C. RCRA Implementation Study

In July 1990, EPA published the results of its RCRA Implementation Study (RIS) entitled "The Nation's Hazardous Waste Management Program at a Crossroads" (EPA Publication Number 20S–0001, available by calling the RCRA/Superfund Hotline listed above in the **FOR FURTHER INFORMATION** section of this Notice). The RIS evaluated the current RCRA program, gathering information from various EPA data bases, surveys, articles, and reports issued by Congress, the General Accounting Office, and the Office of Inspector General. During development of the RIS, input was solicited from environmental groups, industry, Congressional staff, and current and past State, EPA Regional and EPA Headquarters staff.

Much of the input received regarding the current hazardous waste program focused on the definition of solid waste and RCRA's impact on hazardous waste recycling. The modifications being proposed today are, in part, intended to address the concerns raised in the RIS and to respond to the input received from participants. The Agency expects to propose other, significant modifications to the current regulatory framework in the future.

D. Hazardous Waste Recycling Forum Meetings

As a follow-up to the RIS, the Agency held a series of three forum meetings to focus more specifically on the definition of solid waste, hazardous waste recycling, and changing the RCRA program so that it would better promote hazardous waste recycling while ensuring that human health and the environment are protected. The first meeting was held with representatives of the EPA Regional offices. The second meeting was held with representatives of many State regulatory agencies. The third meeting was held with representatives of various trade associations, industry groups, environmental groups, other Federal agencies, and Congressional staff.

The comments made at these meetings were also considered in developing this proposal. Although many of the comments focused on long-term changes necessary in the overall hazardous waste program, the discussions held at these forums also led to the concepts presented in today's proposal: a change that could be implemented in the short term and that would improve the overall regulation of environmentally protective hazardous waste recycling.

E. Overview of Special Collection System

The Agency is proposing a streamlined, reduced regulatory scheme for certain hazardous wastes currently subject to full subtitle C regulation, in an effort to facilitate their collection and proper management. Generators of the wastes addressed in today's proposal would be able to manage the wastes under these reduced requirements in lieu of the full subtitle C requirements.

The waste types that would be subject to this streamlined regulatory scheme are generated in a wide variety of settings, and are often post-consumer items (e.g., certain used batteries that exhibit a characteristic of hazardous waste). Another identifying characteristic of these waste types—disparity in applicability of RCRA subtitle C controls—is a result of the wide variety of types of sources that commonly generate the wastes, ranging from households to small businesses to major industrial operations. The portions of these waste streams generated by regulated hazardous waste generators are fully regulated as hazardous waste; whereas what are believed to be large portions of the same waste streams are generated by exempt households or conditionally exempt small quantity generators, and thus are not subject to RCRA subtitle C controls.

EPA believes that simplifying and streamlining the requirements associated with collection and handling of the regulated portions of these waste streams will encourage the development of more efficient and effective collection systems. Such collection systems will, in turn, facilitate collection of not only the regulated portion of the waste stream, but also the unregulated portion of the waste stream. The potential for recycling may be enhanced where it becomes economically efficient to do so.

Management standards for these "special collection system" wastes, which are included in today's proposal in new part 273, are proposed for two waste streams: hazardous waste batteries and certain recalled pesticides that are hazardous wastes.

For a number of reasons, these wastes are not readily amenable to full-scale cradle-to-grave regulation (i.e., the regulatory scheme set up under the original 1980 regulations). Today's proposal is designed to channel these wastes into proper recycling and management, without utilizing the full-scale regulatory scheme that, by comparison, may less successfully promote proper management.

Potentially, EPA could include other appropriate hazardous wastes in the final regulation.

The part 273 regulations, as proposed today, provide a conditional exemption from full subtitle C regulation for certain hazardous wastes that are currently fully regulated under subtitle C. The proposed conditions are designed to ensure that management of these wastes is conducted in a manner that is protective of human health and the environment, given the diffuse and diverse population of generators. There are new, special requirements that would apply to generators, transporters, and owners and operators of consolidation points, while owners and operators of treatment, storage, recycling and disposal facilities that receive these wastes would continue under the current requirements.

F. Special Collection System Program Goals

Hazardous wastes which may be affected by today's proposal (or may be included in the special collection system regulations in the future) are called "universal" wastes in today's notice. We have chosen this name merely as a descriptive term; it has no specific regulatory meaning. However, we believe it is an appropriate phrase to describe the nature of these wastes, which have a number of common characteristics:

- These wastes are frequently generated in a wide variety of settings other than the industrial settings usually associated with hazardous wastes;
- They are generated by a vast community, the size of which poses implementation difficulties for both those who are regulated and the regulatory agencies charged with implementing the hazardous waste program; and
- These wastes may be present in significant volumes in the municipal waste stream.

EPA is today proposing a set of special requirements for universal hazardous wastes, which are designed to accomplish three general goals. The first goal is to encourage resource conservation, while ensuring adequate protection of human health and the environment. The second broad goal is to improve implementation of the current subtitle C hazardous waste regulatory program. Third, by simplifying the requirements and encouraging collection of these hazardous wastes, EPA hopes to provide incentives for individuals and organizations to collect the unregulated portions of these universal waste streams (e.g., from households) and manage them using the s[illegible]ystems developed for the regulated portion, thereby removing these wastes from the municipal waste stream and minimizing their input of hazardous constituents to municipal landfills, combustors, and composting projects. Each of these goals is discussed below.

1. Encouraging Resource Conservation

The regulations proposed today are designed to encourage recycling of universal hazardous wastes. One of RCRA's objectives is to "conserve valuable material and energy resources" (RCRA section 1003(a)). Conservation of materials, for example, metals present in some of the universal hazardous wastes, is important not only in RCRA but to the U.S. economy in general. Frequently, it is more efficient to recover materials from wastes, rather than to extract them from raw materials. Regulation of wastes, however, can affect materials recovery rates, since the economics of materials recovery is influenced by costs incurred through complying with regulatory requirements. Setting the regulatory requirements for recyclable hazardous wastes at a level that is still protective of health and the environment, but that would reduce compliance cost and facilitate collection is one of the goals of today's proposal.

The regulations proposed today are designed to encourage appropriate management of hazardous wastes. For example, by relaxing subtitle C collection and transport regulations for these universal wastes, recycling may become more economically feasible, since the collection step is the initial and necessary step in any recycling program. The collection mechanisms established under these standards will enable regulated parties to physically separate these universal wastes from other materials. The potential for recycling may be enhanced where the relaxing of subtitle C regulations reduces the costs associated with managing universal wastes. Thus, for certain wastes, recycling may become economically efficient. Materials recovered from the wastes can be used in place of virgin materials, where it is economically efficient to do so, thereby providing both environmental and economic benefits to society. While a major impetus for this rule is that many states or private firms are requiring or encouraging recycling of some of these wastes, EPA is proposing to facilitate the collection of these wastes for either recycling or treatment and disposal. The Agency is not proposing to mandate recycling nor making a determination on the relative risks of recycling versus treatment and disposal.

These special collection system regulations should eliminate existing impediments to programs that many state and local agencies are currently developing to separate certain wastes from the municipal waste stream. For example, some states have passed legislation requiring battery manufacturers to provide systems for collection of used batteries, which has highlighted concerns about barriers in the current federal regulatory structure to implementation of such arrangements. The part 273 regulations proposed today will eliminate or minimize subtitle C obstacles to implementing these state and local programs, and will serve to supplement collection efforts already underway at the state and local level. In addition, today's proposed regulations will make the development of collection and recycling infrastructures more economically feasible.

2. Improving Implementation of the Hazardous Waste Program

The second goal of today's proposal is to improve implementation of the hazardous waste program. EPA believes that the regulations proposed today will have significant impacts on waste management practices nationwide.

One way implementation will be improved is by establishing a greatly simplified set of requirements, that will be more easily understood by handlers of these universal hazardous wastes. For example, from an administrative and resource standpoint, it is difficult and impractical for EPA and state regulatory authorities to explain and apply the complex RCRA hazardous waste regulations to the wide variety of people who generate universal hazardous wastes. It is also time consuming and costly for industry and commercial entities to determine what the regulatory requirements are for very small quantities of these universal hazardous wastes. Thus, EPA believes there is a need for hazardous waste management requirements targeted specifically toward this vast regulated community. The requirements must be protective of human health and the environment. The regulations must also be clear and easily understood, so that regulated parties from diverse situations can comply, without expending unreasonable amounts of time and effort to understand the applicable requirements. Today's proposal seeks to respond to these needs.

In some cases, for example, the current regulatory scheme imposes different requirements on hazardous wastes being sent for recycling than on those being sent for disposal.

Enforcement of these regulations is complicated by the fact that a waste handler may claim intent to conduct an activity (for example, recycling) that is exempt from regulation, but it may be difficult for the implementing agency to verify whether the individual's stated intent is the same as the actual management technique ultimately selected. The standards proposed today would regulate universal hazardous wastes uniformly, regardless of whether they are destined for recycling or disposal. For example, a battery that is a hazardous waste would be conditionally exempt from the subtitle C regulations and subject to the special collection system regulations regardless of whether it is being collected for recycling or disposal. In addition, this simplified system will allow EPA and state agencies to focus their resources on ensuring compliance, rather than on explaining the rules.

Finally, the regulations proposed today will greatly simplify the procedures a generator must use to determine his or her monthly hazardous waste generation rate (i.e., to determine whether the generator is a conditionally exempt small quantity generator, a generator of 100–1000 kilograms per month, or a large quantity hazardous waste generator). For example, for a waste such as a hazardous waste battery, the generator must currently count the battery toward the monthly quantity determination in some cases, and not in others. The variables that the generator must now consider are: (1) Whether the battery is being recycled or disposed; (2) if recycled, whether it is being regenerated or reprocessed; (3) if reprocessed, whether it is a lead-acid battery or other type of hazardous waste battery. The regulations proposed today would greatly simplify the generator's monthly quantity determination, since the generator would not be required to count those hazardous wastes managed under the part 273 requirements (regardless of the variables described above) toward the monthly quantity determination.

3. Separation From the Municipal Waste Stream

For various reasons, the Agency believes that many of these universal hazardous wastes are currently being managed in the municipal waste stream. For example, there is a "look alike" problem that limits the ability of municipalities to control the wastes that enter the municipal waste stream. Under the current federal regulatory scheme, the regulation of universal hazardous wastes such as used batteries differs based on the waste's generation source. Wastes generated by consumers in their homes are not regulated under RCRA subtitle C when discarded, because they are excluded from the definition of hazardous waste under 40 CFR 261.4(b)(1) (known as the "household waste exclusion"). Conversely, the same universal hazardous wastes are subject to RCRA subtitle C regulation when generated by commercial establishments, industries and other non-exempt generators. For example, a used car battery generated at an automobile maintenance shop may be a hazardous waste; if so, it must be managed in accordance with all applicable RCRA requirements. An automobile battery has the same appearance regardless of who generates it. This "look alike" problem causes difficulties for owners and operators of municipal solid waste landfills and combustors who are accepting waste shipments. Because regulation of hazardous wastes is not material-specific, automobile batteries generated by large industrial users (that should be managed at hazardous waste facilities) may be entering municipal solid waste landfills or combustors because they cannot be physically distinguished from batteries generated by households. Further, some generators (known as conditionally exempt small quantity generators) who produce only small amounts of these wastes per month are legally allowed to send such wastes to facilities that are not subject to full Subtitle C requirements. See 40 CFR 261.5.

EPA requests comment on whether there are other reasons why universal hazardous wastes are managed as municipal wastes. Commenters should provide specific examples of instances where they believe hazardous wastes are being managed in the municipal waste stream.

II. Detailed Discussion of Proposed Special Collection System Regulations

Today's proposal introduces a program which, if promulgated, would significantly reduce the regulatory burden for certain wastes currently subject to full subtitle C requirements. Environmental benefits could arise from implementation of the proposed collection system. These include removal of large quantities of hazardous wastes from the municipal waste stream (and thus from municipal landfills, combustors, and composting projects), and development of an environmentally protective infrastructure for collection of these wastes, such a system being a first and necessary step to encourage increased collection. These benefits will flow, in part, from the increased voluntary compliance likely to result from significant simplification of the current regulatory program.

Today's proposal includes two specific types of wastes within the special collection system: Hazardous waste batteries and cancelled or suspended and recalled pesticides that are hazardous wastes. The proposal also includes criteria to be used to consider extending the program to additional hazardous wastes in the future, and provides a mechanism to allow interested parties to petition EPA to include other wastes in such a scheme.

The current RCRA subtitle C hazardous waste regulatory structure was developed based on the assumption that most hazardous wastes are generated in an industrial setting. These regulations require generators to notify EPA of their activities, to use manifests when sending shipments off-site to treatment, storage or disposal facilities, and to notify those facilities that their hazardous wastes are restricted from land disposal.

Recent changes in the RCRA regulations have caused dramatic shifts in waste management practices over the past several years. For example, promulgation of the Toxicity Characteristic (see 40 CFR 261.24) has greatly increased the regulated community's awareness of the scope of hazardous waste requirements. In addition, the land disposal restrictions have caused shifts in hazardous waste treatment, recycling and disposal patterns.

Some of the same forces causing changes in waste management practices are also causing EPA to reevaluate some aspects of the existing hazardous waste regulatory program. For example, with implementation of the Toxicity Characteristic it has become clear that many wastes generated in non-industrial settings may be classified as hazardous. In addition, the complexity of the regulations concerning the definition of solid waste, hazardous waste recycling, and land disposal restrictions poses a considerable challenge to EPA and authorized state hazardous waste programs: to effectively communicate the regulatory requirements to the diverse parties who generate hazardous wastes. The application of the current hazardous waste regulatory scheme to commercial, agricultural, and community activity waste[3] generators may not be the most

[3] These general descriptors are taken from the definition of solid waste in RCRA § 1004(27). EPA interprets the term "community activities" in the statutory definition to include educational institutions, federal, state and local government operations, etc.

appropriate way to protect human health and the environment. For hazardous wastes generated by such generators, EPA believes that a different and less burdensome regulatory scheme, that continues to ensure protection of human health and the environment, is appropriate. Today's proposal sets forth elements of such a regulatory scheme.

In today's notice, EPA will use the term "universal hazardous wastes" to refer to the broad category of wastes that may be candidates for proposed part 273 regulations. EPA will use the term "special collection system hazardous wastes" to refer to those wastes that are determined to be eligible for part 273 regulation.

A. Overview of Proposed Regulations

The requirements proposed today would offer a conditional exemption from the current subtitle C hazardous waste requirements for specific universal wastes. Compliance with the reduced set of part 273 requirements would be an option that waste handlers may voluntarily choose. However, operating under the part 273 requirements would not be compulsory. If universal waste handlers wish, they may instead continue to manage their hazardous wastes under the full subtitle C regulations set forth in 40 CFR parts 262 through 270.[4] If they do elect to follow the reduced part 273 requirements, they would be subject to a number of conditions proposed today that are designed to provide adequate protection of human health and the environment.

EPA notes that parties claiming that they meet the terms of the special collection system conditional exemption bear the burden of proving that they are eligible for that exemption. See 40 CFR 261.2(f). Since the requirements currently in effect for many of these special collection system wastes are more strict than the requirements proposed today, parties claiming the benefits of an exception to the current regulatory scheme have the burden of proof to show that they meet the terms of the exception. Since parties claiming the exception have the knowledge of the facts supporting their claims, it is appropriate for them to bear the burden of proof of showing that they meet the terms of the exception. For example, the proposal would require a generator to send his or her waste to one of several specified kinds of facilities. The proposal does not include provisions requiring generators to use a manifest, which normally would accompany a hazardous waste shipment. Instead, the generator could simply keep a record of where the shipment was sent. For further discussion of this point, see 50 FR 642, January 4, 1985.

In today's proposal, generators, transporters, and owners or operators of "consolidation points" (places where smaller quantities of the hazardous waste are collected and held temporarily before being moved on to another consolidation point or to a permitted or interim status hazardous waste facility) are subject to a number of similar conditions. Facilities which ultimately recycle, treat, or dispose of the waste remain subject to the full hazardous waste regulatory program (i.e., the current subtitle C requirements).

Today's proposal includes a number of provisions that would apply to generators, transporters, and consolidation points. First, some packaging and physical condition requirements would be imposed on handlers to ensure that these wastes are not released to the environment as they pass through the special collection system. Second, there would be limitations placed on the types of locations to which these wastes may be forwarded by each participant in the collection system, and some shipments would be accompanied by a hazardous waste manifest. Third, storage time limits and treatment/dilution and disposal prohibitions would be imposed to ensure that substantive requirements associated with the land disposal restrictions program are met. Fourth, persons who export these wastes would comply with requirements for notification and consent from the receiving country. Fifth, when generators and consolidation points store certain quantities of special collection system hazardous wastes at one time, they would notify EPA of their activities (required by existing regulations as well), to ensure that regulatory agencies are able to provide proper oversight of their activities. Sixth, persons who manage hazardous wastes under the reduced scheme proposed today would be required to take immediate response action if releases of hazardous waste to the environment occur.

Destination facilities (generally, the permitted or interim status hazardous waste facility receiving the consolidated shipment) are required to comply with the full subtitle C regulations applicable to their operations.

B. Scope

Before discussing the proposed regulatory requirements in more detail, it is important to describe three broad issues that will be relevant to those wishing to comment on today's proposal. The direction that EPA chooses to take on these "scope" issues will affect both the implementation of any final part 273 regulations, and the changes in waste management practices that are likely to result should these regulations be finalized. EPA believes it is important for commenters to understand the broad implications of the regulations proposed today. For example, the program proposed today may be expanded in the future to cover a number of other wastes; thus, we are setting up general rules to define the program's scope. Readers of today's notice should consider and comment on whether the general direction being proposed for the program's scope is appropriate, and also on whether there are other wastes that deserve consideration for inclusion in part 273. A final point that commenters should understand is the impact of today's requirements on management of household wastes; these impacts are described briefly in section II.B.4. below.

There are three basic "scope" questions that EPA has identified in developing today's proposal. These questions are:

(1) Whether to limit the part 273 regulations' coverage, based on potential resource recovery or energy recovery from the hazardous waste (i.e., will it be recycled or merely disposed);

(2) Which hazardous wastes to include in the part 273 regulations, and the criteria EPA will use to select them; and

(3) Whether to include hazardous wastes generated by conditionally exempt small quantity generators (CESQGs) in the proposed part 273 special collection system rules.

Each of these questions is discussed below, along with the approach EPA has selected for proposal, and EPA's reasons for that selection.

1. Recycling Versus Recycling or Disposal

A fundamental question for the universal hazardous wastes regulated under the special collection system (part 273) regulations is whether to limit the scope of the regulations based on whether the wastes will be recycled or disposed. EPA believes that there are three potential options: (1) Limiting the

[4] Generally, these requirements include limited standards for accumulation by generators (without permits); manifests to track shipments from the waste's origin to its final disposal; permits or self-implementing "interim status" standards for treatment, storage, or disposal facilities; reports on hazardous wastes managed; and notifications of applicable restrictions on land disposal.

VOL 58 ISS 27 FE 11 1993 UMI

scope of the part 273 regulations to hazardous wastes being recycled only, (2) not limiting the scope of the regulations (i.e., applying the regulations to wastes destined either for recycling or disposal), or (3) applying the regulations uniformly to generators and transporters, while limiting the part 273 consolidation point requirements to those consolidation points managing universal wastes destined for recycling only. These options present different implementation and policy concerns, and are discussed more fully below. For the reasons discussed below, today's proposal adopts the position that the part 273 special collection system regulations should be applicable to wastes that are collected for either recycling or disposal (Option 2).

Option 1: Recycling only. Under the first option, the part 273 regulations would only be available for universal hazardous wastes that are being recycled (and not available for wastes sent for disposal). This approach would require that the initial generator determine whether the waste will be recycled or disposed, in order to know whether the part 273 regulations apply to the generator's management of the waste.

EPA considered this approach as a means to achieve one of the objectives of RCRA: "to conserve valuable material and energy resources * * * by encouraging * * * properly conducted recycling and reuse" [see RCRA section 1003(a)(6)]. If the part 273 regulations were limited to those universal hazardous wastes that will be recycled (while universal hazardous wastes that are to be disposed are subject to the usual subtitle C controls), waste managers may shift wastes towards recycling under the part 273 requirements (and away from disposal under the usual subtitle C controls). In addition, EPA believes that separation of these wastes from the industrial and/or municipal waste stream increases the likelihood that they will be recycled. Thus, a program that facilitates collection may increase the recycling rates for these wastes.

There are several potentially serious drawbacks to this approach, however. First, in order for managers of universal wastes to determine whether they would be subject to the part 273 regulations or the full hazardous waste management regulations (40 CFR parts 262 through 270), they would be required to know the final disposition of the wastes (i.e., recycling or disposal). Due to the volatility of many recycling markets, however, this determination may be cumbersome or impossible to make (particularly for persons participating in the early stages of the collection system).

Second, larger quantities of hazardous wastes collected for recycling (i.e., an increase of the supply of available secondary materials) may cause some recycling markets to become overwhelmed with available input materials. The increased supply to the recycling market may exceed the available recycling capacity, and may result in an overaccumulation of the waste (at least temporarily). The increased supply of secondary materials could also cause a depression in the price of the yet-to-be-recycled secondary materials; under certain market conditions the generator may have to pay the recycler to accept the waste. If the cost of recycling is greater than the cost of disposal, the waste probably will not be recycled. The waste may be either disposed or overaccumulated (and, potentially, as a result of overaccumulation, pose a threat to human health and the environment).

Third, implementing such a system would be complicated by the need for implementing agencies to identify the intent of generators or owners/operators of consolidation points regarding future waste management (i.e., recycling or disposal) in order to determine which regulations apply to that individual. Finally, limiting the scope of these rules to wastes that are recycled only may stifle innovation. Innovators with new treatment and disposal technologies which are equally protective of human health and the environment as recycling technologies would not have the option to manage the waste under the part 273 requirements. These distinctions, which are not based on the actual risks of the recycling or treatment/disposal processes used, may thus create artificial barriers to safe treatment of the waste.

Option 2: Recycling or disposal. Under the second option, the regulations in part 273 would be available for universal hazardous wastes, regardless of whether they are recycled or disposed. Thus, waste generators need not be concerned with the waste's ultimate disposition (i.e., whether the final waste handler will decide to recycle or dispose of the waste) since the same requirements would apply in either case.

There are two advantages to this approach. First, universal hazardous wastes that will be disposed rather than recycled[5] are likely to be directed away from subtitle D facilities (where they currently may be managed) toward subtitle C facilities that provide more environmentally protective controls.

Second, this approach does not introduce a significant complication for implementing agencies: having to distinguish between universal hazardous wastes that are intended for recycling and those intended for disposal, and having to verify a waste handler's intent (i.e., recycling versus disposal).

Option 3: Hybrid of Options 1 and 2. A third option would be to make the part 273 reduced requirements available for generators and transporters, but to condition availability of the part 273 requirements for consolidation points on whether the universal wastes are recycled. Under this approach, all generators and initial transporters would be subject to the reduced requirements of part 273, whether their wastes are to be recycled or disposed. Consolidation points that send the universal wastes on for recycling would comply with part 273 requirements in lieu of a permit, while those consolidation points sending the wastes on for disposal would comply with parts 264, 265, and 270, including the requirement to obtain a permit for hazardous waste storage.

By reducing the requirements for wastes that are recycled relative to the requirements for wastes that are disposed, this approach may provide significant incentives for recycling. In addition, generators would not be required to determine whether the wastes will be recycled or disposed. However, under this approach, owners and operators of consolidation points would need to know whether the wastes will be recycled or disposed in order to determine which requirements apply. This determination may be very difficult to make, given the nature of different actors in these markets. In addition, this hybrid approach poses implementation concerns similar to those described under Option 1. Specifically, the consolidation point owner/operators' intent regarding final waste management options must be identified while the waste is still in the collection system. Finally, reducing the requirements for recycled wastes relative to those that apply for disposed wastes increases incentives for sham recycling.

EPA is proposing option two (recycling and disposal) in today's notice, for several reasons.[6] First, the

[5] For example, in cases where recycling technologies have not been developed, or recycling is not economically feasible.

[6] It should be noted that under the land disposal restrictions program, recycling may be required for some universal wastes. For example: (1) Effective August 8, 1990, thermal recovery of metals in

part 273 regulations will be much easier to implement if no distinctions are made between universal hazardous wastes that are recycled and universal wastes that are disposed. Second, the regulated community, particularly generators, should find the part 273 regulations less complex in that the waste's final disposition would not affect the management requirements applicable during the collection phase. Third, Options 1 and 3, which would provide reduced requirements for recycled wastes relative to disposed wastes, also would increase incentives for sham recycling. Option 2 minimizes the incentives for sham recycling to occur. Fourth, the simplified special collection system regulatory approach should decrease the quantities of these hazardous wastes that are managed in subtitle D municipal waste landfills, combustors, and composting projects and therefore, regardless of whether these wastes are recycled or disposed, environmental benefits may be gained.

EPA requests comment on the possible adoption of Option 2, which applies the special collection system regulations to wastes that are either recycled or disposed. EPA also requests comment on the advantages and disadvantages of all three options, and on any additional options commenters identify. Commenters should provide specific examples of how they believe the requirements would or would not be as environmentally protective as the current subtitle C requirements, as well as information on the likelihood that the streamlined requirements will affect the development of recycling markets.

2. Types of Wastes Subject to Special Collection System Regulations

EPA recognizes that there may be a number of hazardous wastes for which special collection system regulations may be appropriate. EPA will use the criteria discussed below to identify hazardous wastes that are appropriately regulated under the part 273 requirements. The Agency developed the criteria proposed today to identify the general nature of hazardous wastes that are amenable to special collection systems.

In today's proposal, EPA is only providing specific regulatory language in part 273 for hazardous waste batteries and for suspended or canceled and recalled pesticides that are hazardous wastes. However, there are a number of other hazardous wastes for which these special requirements may be appropriate (for example, automobile antifreeze, or paint application wastes, or used commercial items containing mercury such as thermostats and thermometers).[7] Thus, EPA is proposing a set of criteria for evaluating potential candidate wastes for inclusion in the scope of the part 273 regulations. These proposed criteria are intended to aid commenters who wish to recommend additional wastes for similar consideration; EPA may use commenters' suggestions to include additional hazardous wastes (besides hazardous waste batteries and suspended or canceled and recalled pesticides) in the final rule. If the part 273 regulations are promulgated, the public would be able to petition the Agency to amend the part 273 regulations to include additional wastes that meet the final criteria.

A related issue is that the technical problems posed in managing different types of universal hazardous wastes may vary (e.g., liquids pose different storage problems than solids, while batteries contain heavy metals and/or substances that present different hazards, such as reactivity or corrosivity). Therefore, it is possible that EPA will promulgate different requirements for different types of universal hazardous wastes, but impose similar administrative requirements for tracking the movement of the wastes. When suggesting additional wastes for regulation under part 273, commenters should also note any specific management standards that they believe are necessary to protect human health and the environment.

As noted above, there are several waste types (in addition to batteries and pesticides) that the Agency believes may be appropriately regulated under the part 273 special collection system regulations. In particular, additional discussion is warranted for motor vehicle antifreeze, and used mercury-containing thermostats.

Used antifreeze is generated when radiator coolant is drained and flushed from automobiles and other vehicles. The Agency has limited data, available in the docket for this notice, indicating that some used antifreeze may exhibit the characteristic of toxicity due to the presence of lead, tetrachloroethylene, and/or benzene. The Agency believes that used antifreeze is generally managed by disposal in municipal sewer systems, although private and municipal programs have begun recycling used antifreeze. This material then may be a good candidate for regulation under part 273. In developing special collection system regulations for used antifreeze, EPA could develop technical standards tailored for antifreeze-water mixtures, such as tank and container storage requirements, and possibly tracking and recordkeeping requirements. The Agency requests comment on whether used automobile antifreeze fits the criteria for regulation under part 273 that are proposed in today's notice (discussed below), and on specific management requirements that would be appropriate.

Additional wastes for which regulation under part 273 may be appropriate are paint residues,[8] used thermometers, and used thermostats. These wastes are believed to be major contributors of mercury to the municipal waste stream.[9] The Agency is particularly interested in whether used mercury-containing thermostats could potentially be managed under a part 273-type special collection system.

The ambient temperature in homes, businesses, warehouses and other buildings is controlled using a thermostat that is part of the building's heating, ventilation, and cooling system. A thermostat usually consists of a metal structure that contains a crush-resistant vial of liquid mercury. Thermostats are specifically designed both to hold the mercury vial steady within the unit, and to prevent it from breaking. Based on experimental data, EPA estimates that each thermostat contains 2.82 grams of mercury.[10] A thermostat is usually disposed of when it ceases to operate properly and is replaced, when it is replaced with an upgraded thermostat (such as the programmable electronic type), or when the building in which the thermostat is located is torn down or demolished. The average life of a thermostat is estimated to be twenty years.[11]

Due to the mercury content, it is likely that used thermostats will exhibit the characteristic of toxicity, and thus will be regulated hazardous waste when

certain types of industrial furnaces is required for cadmium-containing hazardous waste batteries; (2) effective May 8, 1992, lead recovery in secondary smelters is required for lead-acid batteries; and (3) effective May 8, 1992, recovery of mercury by retorting or roasting in a thermal processing unit is required for high-mercury, inorganic wastes (§ 268.35(a), § 268.35(c), and Tables 1 and 2 of § 268.42).

[7] In separate rulemakings, EPA has addressed used oil [57 FR 21524, May 20, 1992; and 57 FR 41566, September 10, 1992].

[8] Mercury has not been used in paints since 1991 and thus the mercury contribution from paint residues is projected to decrease rapidly in the future. Note, however, that these estimates do not include interior and exterior surface paints.

[9] Characterization of Products Containing Mercury in Municipal Solid Waste in the United States, 1970 to 2000; U.S. EPA; OSW # EPA530–R–92–013; NTIS # PB92–162569; April 1992.

[10] Ibid.

[11] Ibid.

disposed of by businesses or other commercial entities. In the context of recent interest in removing mercury from the municipal waste stream, the Agency has received information that one thermostat manufacturer is currently developing a reverse distribution, or manufacturer "take back" system to collect used mercury-containing thermostats and to recover and reuse the mercury in the production of new thermostats. In addition, at least one state has specifically banned the disposal of mercury containing thermostats in the municipal waste stream and is working to implement a collection system for these items. Other states are also moving to reduce the mercury level in municipal waste through removal of mercury containing items.

Used thermostats appear to be a good candidate waste for the special collection system approach to regulations for waste collection. It is believed that although some thermostats are replaced by homeowners doing their own maintenance work, many are replaced by heating, ventilation, and cooling system repair services. This concentration of waste generation with a limited universe of people may offer an opportunity for achieving a relatively high return rate, with a minimum of effort, by allowing program implementers to direct education and outreach efforts to service companies and trade associations.

EPA could develop a special collection system under part 279 for used mercury-containing thermostats similar to those proposed today for hazardous waste batteries (discussed in detail below). Such a system could utilize the same recordkeeping and tracking procedures proposed today for hazardous waste batteries. Generators and consolidation points storing large quantities of thermostats could be required to notify and obtain EPA Identification Numbers. The quantity cut-off for such notification could be based on the size of a typical, final consolidated shipment to a recovery or disposal facility, thus requiring notification only of those storing the largest quantities of these items. Manifests could also be required for shipment from the last consolidation point to the final destination facility.

Persons could be limited to sending thermostats to other participants within the special collection system (consolidation points and destination facilities). Storage could be limited to one year, or to some other time period if more appropriate to allow collection of sufficient quantities of thermostats for proper management. Management requirements could include management in containers, a prohibition on removing the mercury containing vial from the thermostats, a prohibition on breaking the vials, and requirements for response to releases. As with batteries, requirements for the destination facility (treatment, recycling, or disposal facility) would remain the same as under the current subtitle C system.

The Agency requests comment on whether used mercury containing thermostats fit the criteria proposed today for regulation under part 273 (discussed below). The Agency also requests comment on whether the special collection system requirements discussed above would be appropriate for these wastes, and on any additional requirements necessary to ensure that thermostats are collected in a manner that is protective of human health and the environment. The Agency specifically requests comment on the quantity of thermostats in storage that should trigger a requirement that generators and consolidation points notify EPA and obtain an EPA Identification Number.

EPA is not including fluorescent light bulbs in today's rule. EPA is examining whether these light bulbs pose a risk when managed in landfills. EPA requests information on the risk of these wastes in landfills or municipal waste combustors. EPA also requests information on the risks of current or developing mercury recovery technology.

EPA is proposing two sets of criteria to evaluate whether other candidate wastes are appropriately included in the scheme advanced today for hazardous waste batteries and recalled pesticides. The two sets of criteria will be used to evaluate both the extent of the problem posed by a particular type of waste, and the suitability of the special collection program for contributing to improved management of the particular waste and to the realization of EPA's policy goals discussed above. For the convenience of the reader, both sets of criteria are listed below in summary form. A more detailed discussion of each of these points follows.

To determine the extent of the problem, EPA proposes to evaluate the following:

1. Whether the waste, as generated by a wide variety of generators, is hazardous under the subtitle C regulations;
2. The presence and amount of the waste in commercial, agricultural, or community activity waste streams;
3. Whether the waste is generated by a large number of sources;
4. Characteristics of generation sites;
5. Potential risk posed by the presence of the waste in the municipal solid waste stream; and
6. Other relevant information.

To determine suitability of the part 273 regulations as a method to improve management of the particular waste, EPA proposes to evaluate:

1. Whether the waste presents a relatively low level of risk during storage and transport;
2. Characteristics of the system that would be used to collect the waste;
3. Whether special collection system regulations would facilitate removing the waste from the municipal waste stream;
4. Whether the implementation of the hazardous waste program would be improved by special collection system regulations; and
5. Other relevant factors.

The first set of factors, found in proposed § 273.2(a), is a set of information requirements that the petitioner must provide when petitioning for wastes to be considered for regulation under part 273. To be eligible for regulation under part 273, the petitioner must demonstrate that the hazardous waste presents a problem to human health and the environment due to its presence in the municipal waste stream or due to other, widespread management practices. The Agency is proposing the following information items, to determine the extent of the problem and the appropriateness of regulating the hazardous waste under part 273.

First, since EPA has only limited resources to undertake special rulemakings of this type, EPA would generally focus such efforts on universal hazardous wastes that are listed hazardous wastes or exhibit a characteristic of hazardous waste. Some wastes (e.g., used automobile antifreeze) may exhibit a hazardous waste characteristic in certain cases. Therefore, petitioners should supply the Agency with any available data pertaining to whether or how often the wastes are hazardous. In addition, petitioners should also submit any available quality assurance and quality control documentation of the sampling procedures and test methods used.

Second, we would expect that the hazardous waste would be present in the municipal waste stream (for example, in commercial, agricultural, or community activity waste streams) in significant amounts. This criterion would serve to identify those wastes that typically or often are part of the municipal waste stream, as opposed to those that are exclusively or primarily industrial wastes. One of the Agency's three major goals for providing a conditional exemption for universal hazardous wastes and establishing the

part 273 regulations is to encourage separation of these wastes from the municipal waste stream. Thus, the Agency may limit its consideration of candidate waste streams to those universal hazardous wastes that are found in significant amounts in the municipal waste stream.

Third, EPA envisions that wastes regulated under the special collection system requirements would be generated by a large number of generators nationwide. A large number of generators, coupled with infrequent generation, results in an extremely large administrative burden on EPA and the states that implement the RCRA hazardous waste program. For example, keeping track of the identity and location of generators, and the amounts and types of hazardous wastes that they generate (as is currently required under the subtitle C program), may not be appropriate for universal hazardous wastes; therefore, such wastes may be attractive candidates for the proposed part 273 regulations. Also, EPA's experience in implementing the subtitle C program has shown that many in the regulated community are not aware of the specific requirements that apply to them, and therefore may not be complying with all applicable hazardous waste management requirements. Information on the number of generators and the quantity of universal hazardous wastes that they generate is necessary for EPA to determine whether the hazardous waste is generated by the types of individuals or organizations that the part 273 regulations are designed to address. Therefore, petitioners should submit this kind of information to the Agency when petitioning for additional hazardous wastes to be considered under part 273.

Fourth, EPA will also consider the characteristics of generation sites. Wastes generated in isolated locations where: (1) No other hazardous wastes are generated, (2) the universal hazardous waste is the only waste generated, (3) the waste is generated only sporadically, and/or (4) small quantities are generated per month, will be more favorably considered for regulation under part 273. In addition, wastes that are frequently generated by small businesses would be likely candidates for special collection system regulations.

Fifth, and closely related to the amount of the waste present in the municipal waste stream, is the risk posed by that waste's presence in the municipal waste stream. RCRA's primary objective, stated in section 1003, is protection of human health and the environment. When the risks posed by a hazardous waste are relatively high, even if the waste is generated in relatively small quantities, the total risk posed by the waste may be of special concern. Therefore, universal hazardous wastes that pose significant risks to human health and the environment, particularly in the municipal landfill and/or municipal combustor settings, will be considered for regulation under part 273. The Agency is particularly concerned about universal hazardous wastes that may pose significant risk potential; EPA is interested in focusing its resources on ensuring proper management of wastes that pose significant risks.

Finally, there may be other factors that are relevant, due to special characteristics of the universal hazardous waste and practices used to manage the waste. EPA would consider such other relevant information that is included in a petition.

The second set of criteria, proposed in § 273.2(b), will be used to evaluate petitions to determine if part 273 regulations would satisfactorily address the problem presented by the hazardous waste. EPA will determine whether regulations can be developed under part 273 for a particular waste that would achieve the Agency's goals for the special collection system regulatory program. The criteria that EPA proposes to use are discussed below.

First, EPA will consider wastes for inclusion in part 273 that pose a relatively low level of risk, or that are relatively easily contained and managed, during storage and transport. In general, EPA expects that special collection system regulations will be most appropriate for hazardous wastes that are or can be managed securely in containers. Many of the requirements proposed today for special collection system wastes are less stringent than the current subtitle C storage and transport requirements (e.g., consolidation points are not required to have permits for storage,[12] and there are no manifesting requirements for certain shipments). Therefore, the Agency is proposing to restrict the applicability of the part 273 requirements to carefully defined and managed wastes, where the regulations can be tailored to minimize risks to human health and the environment during storage and transport.

Second, EPA will consider the characteristics of the systems for collecting the wastes. If, for some wastes, the collection systems ensure close stewardship of the hazardous waste (as in a recall scenario), the wastes would be better candidates for a special collection system exemption than other wastes that are not managed as carefully. EPA may give preference to such carefully-managed wastes when evaluating whether to develop part 273 requirements for additional hazardous wastes.

To give such preference, one approach EPA is considering is to allow those hazardous wastes which are (or would be) managed in a "reverse distribution system" supervised by the original product manufacturers to be exempt under the proposed part 273 regulations. In the event the manufacturers, and possibly others in a product's distribution chain, desire to become involved in the "waste" part of their products' life cycle, information that those parties submit in support of a petition would be useful in determining the degree of stewardship that the special collection system hazardous wastes would be subject to.

This approach could work for either unused products returned from end-users and/or retailers, or for used products returned from end-users. For example, some manufacturers already encourage the return of their products that have gone beyond their "shelf life," and may have credit or refund arrangements with their customers to encourage the return of unsold products. Such credit or refund systems could be a significant incentive for the return of products that happen to be hazardous wastes, and thus it may be appropriate for EPA to consider for special collection system regulation those hazardous wastes that are likely to be returned to their original manufacturers. EPA believes that harnessing market forces in this way makes good sense from both an economic and an environmental standpoint. As discussed above, EPA has also received information indicating that manufacturers interested in product stewardship for other used products, such as mercury containing thermostats, may be developing similar reverse distribution systems to retrieve these items from users for recycling or proper disposal.

Third, EPA would consider whether the waste management practices currently in use (documented by the petitioner under § 273.2(a)) would be improved by implementing special collection system regulations for the waste. In other words, EPA would consider whether special collection system regulations can be designed to alter current waste management practices, and to facilitate the wastes'

[12] And thus, the corrective action requirements of RCRA sections 3004 (u) and (v) and 3008(h) generally would not apply.

VOL 58 ISS 27 FE 11 1993 UMI

removal from the municipal waste stream.

Fourth, EPA would consider whether viable recycling technologies are available for a petitioner's waste, or are likely to be developed, and whether the part 273 regulations could be used to facilitate recycling. EPA would still consider a petitioner's request even if no recycling technology exists for a particular waste and no technology is under development. The weight of evidence of the other criteria may be sufficient for EPA to determine that part 273 regulations are appropriate for the petitioner's waste. Therefore, it is not imperative that a petitioner demonstrate that increased recycling would result from regulation of the waste under part 273. However, if the petitioner is able to demonstrate that environmentally protective recycling may occur, EPA would consider that result in determining whether to develop part 273 regulations for the petitioner's waste.

Fifth, EPA will use data provided by the petitioner documenting problems posed by the waste's management, to determine whether the part 273 requirements could be tailored to improve implementation of the hazardous waste regulatory program. For example, EPA believes there may be substantial confusion in the regulated community regarding the applicable hazardous waste requirements for waste battery management. (See the letters in the docket for today's proposal in "Letters on Battery Management.") Today's proposal is designed to alleviate this confusion by setting up special requirements that are specific to hazardous waste batteries. The data provided by the petitioner would be used by EPA to determine whether part 273 requirements would change waste management practices and improve implementation of the hazardous waste program.

Sixth, EPA may consider other factors that are appropriate.

Finally, EPA will also take into consideration, as a way to set priorities among the many various waste streams that may be suggested for this program, the quantity and quality of the data submitted by the petitioner and available to support a petitioner's request. If a petitioner's request is complete and supporting data are adequate, EPA is likely to evaluate the request and determine whether to propose a regulatory amendment sooner than if a request has only minimal information.

Petitioners need not provide evidence on all of the factors and criteria discussed above. Rather, depending on the characteristics of the particular waste described in the petition, EPA would evaluate the candidate waste for each criterion as appropriate given the type and quality of the data submitted. However, EPA will consider the weight of evidence for all applicable criteria regarding whether the regulations are appropriate for the universal hazardous waste and whether the special collection system regulations will accomplish the desired results EPA has identified for the proposed part 273 regulations.

EPA requests comment on the appropriateness of the criteria listed above for selecting additional hazardous wastes to be regulated under part 273, and whether there are any other criteria that should be considered. Most importantly, EPA emphasizes that each additional waste considered for regulation under the part 273 special collection system regulations will be evaluated against each of the criteria to determine whether such regulation would further the Agency's waste management goals as discussed above. EPA plans to focus its attention on this kind of program, but of course only wastes that the Agency believes can successfully be managed under such a system would be included under part 273, based on the strength of the case rather then on the amount or quantity of information submitted.

As a final point on which hazardous wastes would be covered under today's proposal, EPA notes that we chose not to include in the part 273 requirements lead-acid batteries that are being reclaimed. Lead-acid batteries being reclaimed are already subject to special requirements under part 266, subpart G. Under those regulations, facilities that store lead acid batteries that are to be reclaimed need not obtain a permit for that storage (as long as they do not reclaim the batteries themselves). By leaving the part 266, subpart G requirements in place, no new requirements would be imposed on these lead acid battery "consolidation points." The proposed part 273 requirements would be more stringent than the current part 266, subpart G requirements (e.g., notification to EPA would be required if more than 20,000 kilograms of batteries were stored), and less stringent in some ways (e.g., no land disposal restrictions notification is required under proposed part 273, while it is required under the current regulations). EPA requests comment on whether lead acid batteries that are reclaimed should be regulated under part 273, rather than under part 266, subpart G.

2. Conditionally Exempt Small Quantity Generator Waste

Conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of non-acute hazardous waste per month (or, less than one kilogram per month of acute hazardous wastes). These CESQGs pose some challenging issues with respect to the scope and implementation of today's proposed rule. These issues stem from the fact that CESQG waste is the same as other hazardous waste (i.e., it looks the same and it poses similar risks) but is regulated differently based solely on the quantity generated by an individual generator; in fact, wastes generated from these sources may be legitimately disposed as part of the municipal waste stream under current regulations (see § 261.5).

Today's proposed regulations would not require CESQGs who generate universal hazardous wastes to manage these wastes under the part 273 special collection system regulations, but would allow CESQGs to manage their wastes under the special collection system if they choose to do so (see proposed changes to § 261.5 (f) and (g)). At this time, EPA is not proposing to require that CESQG universal hazardous wastes be managed under part 273 because the Agency believes that the existing CESQG requirements and the proposed part 273 requirements provide a similar level of environmental protection, and thus individual CESQGs should have the option of managing their waste under either system.

The Agency is also concerned that the proposed part 273 regulations might impose a greater regulatory burden on the large universe of CESQGs than the current regulations. Specifically, under the CESQG regulations, CESQGs must only: (1) Identify their hazardous wastes, (2) determine the quantity of hazardous waste generated, (3) limit on-site storage of hazardous wastes to 1,000 kg or less, and (4) take their wastes only to certain treatment, storage, or disposal facilities [13] (see § 261.5).

[13] CESQGS must either treat or dispose of their hazardous wastes in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the U.S., is: (1) Permitted to manage hazardous waste under part 270 of the federal hazardous waste regulations; (2) granted interim status to manage hazardous waste under parts 265 and 270 of the federal hazardous waste regulations; (3) authorized to manage hazardous waste by a state with a hazardous waste management program approved under part 271 of the federal hazardous waste regulations; (4) permitted, licensed, or registered by a state to manage municipal or industrial solid waste; or (5) a facility which beneficially uses or reuses, or legitimately recycles or reclaims its waste or treats its waste prior to beneficial reuse, or legitimate recycling or reclamation.

In comparison, under the generator requirements of part 273 (which are discussed in detail in section II.C.2), there would be certain requirements for the condition of special collection system wastes; storage of wastes would be limited to one year; specific actions would be required in response to releases;[14] and exports of universal wastes are subject to export notification. The Agency notes, however, that one of the current CESQG requirements may actually be more stringent than the analogous requirement imposed under part 273. Specifically, CESQGs may, at a minimum, send their waste to a facility (other than a recycling facility) that is permitted, licensed, or registered by the state to manage municipal or industrial wastes, while special collection system generators may, at a minimum, send their waste to a storage facility that meets the requirements of a consolidation point (see section II.C.4. of this notice). Although there are different requirements proposed for consolidation points (for example notification and recordkeeping), these storage facilities would not be required to obtain permits, licenses, or registration from states (although under state law states may require such authorization to manage these wastes). EPA requests comment on whether the burden posed by the Part 273 regulations would increase CESQGs' regulatory requirements.

In addition, the Agency solicits comment on whether, at some future time, management of CESQGs' universal hazardous wastes under the part 273 special collection system regulations should be required. EPA currently has no information on the proportion of these universal hazardous wastes that are generated by conditionally exempt generators (versus generators of more than 100 kilograms of hazardous waste per month). However, the Agency believes that CESQGs may account for a relatively large proportion of the generating universe and/or account for a large portion of the total quantity of universal hazardous wastes that are currently being managed in the municipal waste stream. EPA requests comment on what proportion of the wastes for which special regulations are proposed today are generated by CESQGs. Specific information on the generation rates of hazardous waste batteries and suspended/canceled and recalled pesticides would be most useful.

[14] Although CESQGs are in effect required to take similar actions to avoid on-site disposal of released material which would require, at a minimum, a state license, permit, or registration under § 261.5.

One reason EPA would consider regulating CESQG universal hazardous waste under the special collection system requirements is that, by regulating all universal hazardous wastes uniformly, and without regard to the monthly quantities of hazardous wastes generated, implementation and CESQG decision making would be simplified with a minimal (if any) increase in the regulatory burden imposed on this large universe of generators. If universal hazardous wastes generated by CESQGs were regulated under the special collection system regulations, confusion regarding which regulations apply to CESQGs (the conditional exemption of § 261.5, or the special collection system regulations of part 273) might be reduced. (This confusion is likely to result from the fact that the wastes look the same regardless of who generates them.) Therefore, the Agency will consider regulating universal hazardous wastes generated by CESQGs under part 273 based upon comment received in response to this notice. The Agency specifically requests comment on whether it would be simpler to require that all universal waste (other than household waste) be managed under the part 273 regulations regardless of whether it is generated by a CESQG or fully regulated generator. EPA currently does not plan to promulgate a final rule bringing CESQG waste under part 273 without first publishing a supplemental notice on the subject.

Under today's proposal, managers of hazardous waste batteries and returned pesticides that are generated by CESQGs have the option of managing those wastes under the part 273 requirements. If the universal wastes from CESQGs are commingled with universal wastes from larger hazardous waste generators, and the commingled waste is a hazardous waste under 40 CFR 261.3 (i.e., is listed or exhibits a characteristic), the commingled wastes must be managed under either the part 273 requirements or the full hazardous waste regulations (parts 260 through 272). In today's notice EPA is restating this result in the part 273 regulatory text to clarify the regulations' applicability for those parties managing these wastes generated by both CESQGs and larger hazardous waste generators.

4. Excluded Household Hazardous Waste

Hazardous wastes generated by households are currently excluded from the definition of hazardous waste (40 CFR 261.4(b)(1)). Therefore, universal hazardous wastes generated by individual citizens at their households are not subject to the proposed part 273 regulations, provided an establishment managing the household-generated universal hazardous wastes collects and stores them separately from other regulated hazardous wastes. However, EPA believes that by proposing today's simplified special collection system regulations, a person or establishment collecting universal hazardous wastes generated by households may be encouraged to manage all of these wastes in accordance with the proposed part 273 regulations (and thus avoid the need to manage household wastes separately from other regulated universal wastes in order to retain their exempt status).

Currently, persons or municipalities operating household hazardous waste collection programs must meet certain requirements if they also collect hazardous wastes from CESQGs (see 40 CFR 261.5(f)(3) and (g)(3)). Under the proposed part 273 regulations, operators of these programs would be able to manage household-generated universal hazardous wastes, CESQG-generated universal hazardous wastes, and special collection system hazardous wastes generated by fully regulated generators under the part 273 regulations. Operators of these programs would fall within the definition of a consolidation point. For example, if a municipality collects hazardous waste batteries from businesses as well as private citizens, the operators of the municipal collection program could elect to manage all of the batteries under the part 273 requirements, and therefore, need not limit their acceptance of batteries to those generated by CESQGs. Such provisions should greatly simplify requirements for household hazardous waste collection programs at the local and municipal levels of government.

C. Proposed Waste Management Requirements

1. Applicability of Part 273 Regulations

Today's proposed regulations would regulate a limited set of hazardous wastes, referred to as universal hazardous wastes, that pose different waste management issues than those posed by other hazardous wastes. EPA will determine the applicability of the part 273 requirements by the use of defined selection criteria, which are described in section II.B above. In addition to the specific types of wastes proposed today, individuals may petition the Agency to regulate other wastes under part 273 special collection system requirements in lieu of otherwise applicable subtitle C requirements. In the event that EPA

determines that additional hazardous wastes merit special collection system regulations, EPA would develop regulations for those wastes under part 273.

Today's proposal includes specific regulatory language for two of these universal hazardous wastes: Batteries and suspended or canceled and recalled pesticides that are hazardous wastes.

a. Subpart B—Batteries that are hazardous wastes. Today's proposal sets forth standards for the management of hazardous waste batteries in subpart B of part 273. Under this Subpart, regulation of the universe of hazardous waste batteries would be simplified and made more consistent.

As used in today's proposal, the term "battery" refers to a device designed to generate electric currents, that is comprised of positive and negative electrodes made of electrically conductive materials, and that may contain a medium that separates the electrodes. The term includes both "wet" and "dry" batteries (i.e., those that contain a liquid electrolyte and those from which the liquid electrolyte has been removed, or those which contain a solid or gelled electrolyte). Batteries are generally described by identification of the metals used in the electrode (and sometimes by the type of electrolyte). For example, lead-acid batteries are cells that contain lead electrodes and an acidic electrolyte, and nickel-cadmium batteries are cells that contain electrodes made of nickel and cadmium.

EPA requests comment on this definition of "battery." Commenters should state whether the definition is clear and will be understood by those in the regulated community, and whether the regulation should distinguish between "wet" and "dry" batteries. In addition, there may be other devices, such as electric current generators, which could meet the definition of "battery" proposed today. EPA does not intend to cover any electrical devices besides those included in the common understanding of "battery." Commenters should provide specific wording that would limit the regulation's coverage to those electrical devices commonly understood to be 'batteries," or state whether a separate regulatory definition is even needed.

The proposed part 273 regulations are applicable to all types of hazardous waste batteries except lead acid batteries, as discussed above. No distinctions are made based on the battery's size or the composition of the electrode or electrolyte materials. This result is intended to greatly simplify hazardous waste battery management, since there currently are a number of exemptions that may apply, and determining the regulatory status of a given battery can be a complex procedure.

First, waste batteries are hazardous if they exhibit one or more of the four hazardous waste characteristics identified in 40 CFR part 261, subpart C. Sometimes, batteries may exhibit one or more of the four characteristics, while in other cases they may not. EPA believes that batteries that do exhibit a characteristic of hazardous waste generally exhibit the characteristic of corrosivity (40 CFR 261.22), the characteristic of reactivity (40 CFR 261.23), or the Toxicity Characteristic (40 CFR 261.24). The Agency believes that lead-acid, nickel-cadmium, mercury, silver, and alkaline batteries may, at least in some instances, exhibit the Toxicity Characteristic. Lithium batteries may also exhibit the characteristic of reactivity. Batteries may also exhibit the characteristic of corrosivity if they contain corrosive electrolyte (see the discussion at 48 FR 14498, April 4, 1983).

Currently, all generators of waste batteries (even conditionally exempt small quantity generators) must determine whether these batteries exhibit any of the hazardous waste characteristics and manage any that do exhibit characteristics in accordance with the subtitle C hazardous waste regulations. The Agency believes, however, that waste battery management programs that may develop under the reduced requirements of the special collection system regulations proposed today may be so simplified that generators may choose to manage all of their waste batteries under such a system. In effect, a generator complying with the part 273 requirements would be managing all batteries as hazardous waste and thus could choose not to make a case-by-case determination for each battery. In contrast, a generator who chooses to manage batteries as nonhazardous waste would have to have a basis to conclude that they are not hazardous.[13]

EPA currently does not have information on the percentage of the battery types discussed above that exhibit hazardous waste characteristics, or on other types of batteries that may exhibit hazardous waste characteristics. The Agency may conduct a sampling and analysis project to obtain more information on the types and quantities of waste batteries that exhibit characteristics. EPA welcomes comments and data on what types of batteries are hazardous wastes and therefore, may be regulated under part 273.

Second, the part 273 regulations will apply to hazardous waste batteries of all sizes, ranging from button to small cylinder to industrial size. Again, the approach where all sizes of batteries are regulated under one regulatory scheme should greatly simplify waste battery management practices. EPA requests comments on this approach as well.

b. Subpart C—Suspended and/or canceled pesticides that are recalled. Subpart C of today's proposed rule creates a regulatory framework under RCRA for management of pesticides that are recalled. Specifically, it would establish requirements for pesticides that are suspended or canceled under section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and recalled, and that are collected for recycling or disposal.

To understand the basis for inclusion of recalled pesticides, it is important that readers of today's proposal understand the relationship between the authorities of RCRA subtitle C and FIFRA, also administered by EPA. Briefly stated, FIFRA regulates pesticides from initial distribution by producers to ultimate disposal; RCRA regulates hazardous wastes of all types, including pesticide wastes, from cradle to grave. The nexus of these two statutes is the point at which a pesticide under FIFRA becomes a hazardous waste under RCRA. At that point, both FIFRA and RCRA requirements may apply to the pesticide waste.

Prior to 1988, the overlapping authority of FIFRA and RCRA created few problems. The characteristics of pesticide use are such that pesticide wastes are ordinarily generated in small quantities by a large number of individual users such as farmers or householders, persons who are exempt or for whom special RCRA provisions have been created. Moreover, prior to 1988 EPA had no direct authority under FIFRA to regulate the storage, disposal or other disposition of a pesticide. (Indirectly, EPA could regulate through its labelling authority.) Recommended procedures for pesticide storage and disposal are contained in 40 CFR part 165. Thus, if a pesticide product became a hazardous waste, it was (and is) regulated primarily under the authority of RCRA.

[13] Unused or off-specification batteries that are reclaimed are not solid wastes; thus, they are not hazardous wastes, and are not subject either to the part 273 requirements or the full hazardous waste regulations (§ 261.2(c)(3), and 50 FR 14216, April 11, 1985). Most persons, however, could simply comply with part 273 without making any solid or hazardous waste determinations.

Although any pesticide when discarded becomes a waste (which may be hazardous), the suspension or cancellation of a pesticide by the Agency can generate large volumes of pesticide wastes. FIFRA section 6 allows the Agency to remove pesticide products from the marketplace for adverse health or environmental effects. Under that section, EPA may suspend or cancel the registration of the product (the registration is a license permitting marketing). Suspension is an immediate cessation of sale, distribution and use and is undertaken concurrently with cancellation, a lengthier administrative process generally resulting in a permanent removal of the product from the market. Cancellation may also take place without prior suspension. However, FIFRA section 19 contains specific authorities to address pesticides that are suspended and then canceled.

In 1988, amendments to FIFRA section 19 greatly expanded EPA's authority over the storage, transportation and disposal of pesticides, including requirements addressed expressly to suspended and canceled pesticides. Under that section, EPA is authorized to require, among other things, the recall of suspended and canceled pesticides. In situations where a section 19 recall is not authorized (because the pesticide has not been both suspended and canceled), the Agency may engage in a recall of a pesticide that has been suspended or canceled, or a product that is in violation of FIFRA because of product or labeling deficiencies. These latter recalls, requested or negotiated by the Agency, may have all the characteristics of a mandatory recall under FIFRA section 19, including recordkeeping and reporting, a high level of stewardship for the recalled pesticide, and requirements for proper storage and disposition. The special collection system rules proposed today would cover both types of recalls—those of suspended and canceled pesticides authorized by FIFRA section 19, and those undertaken by agreement between the Agency and a registrant for other reasons. It should be noted, however, that if the pesticide holder elects to participate in a recall, and the person conducting the recall has not yet made a decision to discard the pesticides that are subject to the recall, the pesticides are not solid wastes.

The Agency will shortly propose regulations under FIFRA governing suspended and canceled pesticides, including requirements for a recall program. Under those regulations, the Agency would establish requirements for voluntary and mandatory recall programs, including responsibilities of registrants, others in the distribution chain, and holders of suspended and canceled pesticides.

Today's RCRA proposal will be coordinated with the upcoming FIFRA recall regulations, with the goal of reducing inconsistencies and potentially overlapping requirements for suspended and/or canceled hazardous waste pesticides.

As used in today's proposed rule, references to pesticides that are "canceled" and/or "suspended" have the same meaning that is used in FIFRA. To meet the applicability criteria of part 273, the pesticides must be: (a) Part of a voluntary or mandatory recall under FIFRA section 19(b); or (b) owned by a registrant responsible for conducting a recall under FIFRA and part of a voluntary or mandatory recall under FIFRA section 19(b); or (c) part of a registrant-conducted recall of a canceled or suspended pesticide.

EPA wishes to clarify here that the existing regulatory exemption for farmers disposing of waste pesticides from their own use on their own farms would remain unaffected by the regulations proposed today. Under this exemption (40 CFR 262.70), farmers disposing of waste pesticides that are hazardous wastes are not required to comply with parts 262 through 268 or 270, provided they triple rinse each emptied pesticide container in accordance with § 261.7(b)(3) and dispose of the pesticide residues on their own farms in a manner consistent with the disposal instructions on the pesticide label. The requirements proposed today do not supersede this exemption.

2. Generator Requirements

In developing the part 273 regulations applicable to generators, the Agency considered a number of control options. Although the regulatory language proposed today includes only a limited number of specific provisions for generators of special collection system wastes, other options considered for regulation of generators are also discussed below. The general requirements proposed today for generators are analogous to those proposed for transporters and consolidation points. The following discussion refers to the generator requirements; however, the issues are similar for transporters and consolidation points. The Agency requests comment on the appropriateness and protectiveness of all the options discussed for generators and also for transporters and consolidation points.

Today's proposal includes a number of provisions that would be imposed directly on generators of hazardous waste batteries or recalled pesticides. Each of these provisions is discussed below.

a. Waste generation. Since the number of generators is so large, and the variety of activities the generators are involved in is so wide, EPA believes it is essential to explain in one place how a battery or recalled pesticide becomes a waste, and how to determine whether it is a hazardous waste. The "when is it a waste" concept, for batteries and pesticides, is explained below, and is also defined in the regulations that apply to each of these waste types.

As with any hazardous waste, the generator of these special collection system hazardous wastes is the person, by site, whose act or process first causes the material to become a solid waste (and thus, a hazardous waste) subject to RCRA regulation (see the definition of generator at 40 CFR 260.10).

The generator regulations proposed today include specific language clarifying when each item or material becomes a solid waste. This language is crafted to identify the point at which a particular material becomes a waste, but not to amend or revise that determination as it is currently set forth in 40 CFR 261.2. For batteries, a used battery generally becomes a solid waste when a generator permanently removes it from service (for example, by removing it from the appliance or equipment in which it has been used).[16] An unused battery becomes a solid waste when the generator decides to throw it away (for example, by disposing of the battery on the land or incinerating it). Unused batteries (which, under the regulations, are considered commercial chemical products) which are reclaimed are not solid wastes under § 261.2(c)(3). See also 50 FR 14216, April 11, 1985. Waste batteries are hazardous wastes if they exhibit any of the four characteristics of hazardous waste set forth in 40 CFR part 261, subpart C (ignitability, reactivity, corrosivity, or toxicity).

For suspended or canceled and recalled pesticides, the point at which the recalled pesticide becomes a waste depends on when a decision to discard it[17] is made. This decision might be

[16] In the case of appliances with built-in batteries that cannot be separated or removed from the appliance itself, the generator must determine the regulatory status of the entire appliance.

[17] However, if the unused pesticide is to be reclaimed, or used in a manner consistent with its normal use, under 40 CFR 261.2(c)(3) or 261.2(c)(1)(ii), respectively, it is not defined as a

Continued

made by either the pesticide holder or the pesticide's registrant, and in a recall situation determining "when is it a waste" can be somewhat complex.

A pesticide holder who has decided not to participate in a recall, but who wants to dispose of the pesticides in another manner, is the generator because the holder has decided to discard them. If the pesticide holder elects to participate in a recall in which the person conducting the recall has already decided to discard the collected pesticides, the point the holder decides to participate in that recall (and, for FIFRA section 19(b) recalls, notifies the registrant of his decision) is the point at which the pesticides become wastes. At that point, the pesticide holder becomes the generator.

However, if the pesticide holder elects to participate in a recall, and the person conducting the recall has not yet made a decision to discard the pesticides that are subject to the recall, the pesticides are not solid wastes.

Finally, if the pesticide holder elects to participate in a recall at a point where the person conducting the recall has not yet decided what to do with the collected pesticides, and later on, the person conducting the recall decides to dispose of them, the pesticides become wastes at that later point. If they are still in the holder's possession at that point, the holder is the generator (although the person conducting the recall could be viewed as a co-generator, who shares potential RCRA liability). If they have already been collected or are at some point in the collection chain, whoever is in possession of them at the point the decision to discard is made is the generator, along with the party who makes the decision.

Further, it should be noted that unused waste pesticides are hazardous wastes if they exhibit one or more of the hazardous waste characteristics set forth in 40 CFR part 261, subpart C, or if they are listed in 40 CFR part 261, subpart D.

b. Condition of wastes. Today's proposal includes packaging and physical condition requirements that recalled pesticides must meet to qualify for the conditional exemption of part 273. (However, hazardous wastes that do not meet these physical condition requirements may still be managed under the parts 260 through 272 full hazardous waste management requirements that currently apply.) There are no analogous packaging or physical condition requirements included in the proposal for batteries.

The same requirements for physical condition of pesticides are imposed on generators, transporters, and consolidation points; however, they are discussed in detail in the preamble only in this discussion of the generator requirements.

To limit the potential health and environmental hazards associated with recalled pesticides, the Agency is proposing that generators may manage under the part 273 regulations only suspended or canceled and recalled pesticides that are either: (1) Packaged in their original packaging, which may be either a portable container or a stationary tank, that is closed and not leaking; (2) packaged in their original packaging and overpacked in a larger container that is closed and non-leaking; (3) contained in a tank that meets the hazardous waste tank requirements; or (4) contained in a transport vehicle or vessel.

EPA is today proposing this range of containment options in order to allow flexibility in choice of packaging and tank storage. However, there is a significant issue associated with the pesticide containment provisions. The stationary tanks that were used to hold the pesticide when it came down the distribution chain as a product may not be available to hold the pesticide once it is a hazardous waste and is being recalled. When the pesticide is being distributed for sale, there are significant incentives to contain the pesticide carefully and use only tanks that are structurally sound and not leaking. Once the pesticide becomes a hazardous waste, however, the same incentives no longer exist. In a recall situation, the hazardous waste pesticides that are consolidated at dealers' and distributors' locations may need to be placed in tanks (although they could also be stored in portable containers such as 55-gallon drums, or in transport vehicles or vessels). The dealers' or distributors' tanks may already be filled with other pesticides, that are not subject to the recall, and there may be few available tanks in which to store the recalled pesticide. EPA is concerned that the available tanks may not be structurally sound, may not be compatible with the chemical composition of the recalled pesticide, or for other reasons would not be appropriate to use for storing the hazardous waste pesticide for a period of up to one year. EPA believes that storage in tanks that were used to contain that same pesticide when it was being distributed for sale would be adequate. (This option is found in the proposed regulations at § 273.21(b)(1)(i).) As noted above, the generator also has other storage options available, and thus EPA believes the proposed requirement in its entirety is practical. EPA requests comment specifically on this provision, and on whether there are other options that would also be environmentally protective. In addition, EPA requests comment on whether the second packaging option (packaged in original packaging and overpacked in a larger container) should be expanded to include any repackaging technique. In other words, should the regulations allow recalled pesticide handlers to repackage hazardous waste pesticides from original packaging into other, different containers (physically transferring the pesticide from its original packaging into a different container)? Would allowing this practice create potential pesticide spillage problems?

c. Storage. Another set of provisions proposed today for generators involves storage of special collection system wastes and is derived from the land disposal restrictions of RCRA section 3004. EPA is proposing that managers handling these wastes under the special collection system regulations comply with all of the substantive land disposal restrictions requirements, but not the administrative requirements of § 268.7 (notification and recordkeeping).[18] The current land disposal restrictions requirements are discussed below in section II.C.7. of this preamble, entitled land disposal restrictions.

The Agency has determined that the RCRA section 3004(j) prohibition on storage of land disposal restricted wastes must be included in the generator requirements (and also in the requirements for transporters and owners/operators of consolidation points). This requirement for generators is proposed as an explicit storage time limit (up to one year). For the special collection system regulations, EPA chose to simplify the existing regulatory language at 40 CFR 268.50 to accomplish the same result as the § 268.50 requirement (allowing the accumulation of hazardous wastes only for the purposes of facilitating proper recovery, treatment or disposal). The simplified language assumes that the generator's sole reason for storing the

solid waste. Under 40 CFR 261.3(a), materials that are not solid wastes are not hazardous wastes. Thus, unused pesticides that are reclaimed or used in a manner consistent with normal use are not hazardous wastes, and would not be subject to part 273 or any of the RCRA hazardous waste regulations.

[18] The reduced requirements of part 273 would be available only to hazardous waste handlers who comply with the part 273 requirements; if not in compliance with the part 273 requirements, the handler must manage the hazardous waste in accordance with the full parts 260–272 requirements.

VOL 58 ISS 27 FE 11 1993 UMI

special collection system hazardous wastes, for up to one year, is to accumulate the quantities necessary for proper recovery, treatment or disposal. However, EPA is not reopening the public comment period for the general question of the land disposal restrictions storage prohibition. EPA is only requesting comment on the specific question of how to address the statutory land ban storage prohibition for special collection system wastes.

In order to enforce the one-year storage limit, today's proposal includes a performance standard which would require generators to demonstrate that their special collection system wastes have not been stored for more than one year from the date they became wastes. Generators could use several options to make this demonstration. For example, EPA believes that generators of small quantities of batteries or a limited number of containers full of recalled pesticide, may choose to simply mark each waste item with the date it became a waste. However, for generators of larger quantities, a marking system may be impractical. Instead, such generators may choose to designate specific areas for storage of their special collection system hazardous wastes that became wastes at various times. The proposed regulation would also allow the use of an inventory system to achieve the same result. Are there other techniques that generators could use to demonstrate that their special collection system wastes have been stored for less than one year? EPA is interested in commenters' views on these or other specific techniques that would enable generators of these waste items to demonstrate that they are storing the wastes for less than one year.

d. Notification. EPA is proposing to require generators storing more than 20,000 kilograms of hazardous waste batteries at any time to notify EPA of their waste activities. This notification would consist of a letter to the EPA Regional Administrator, identifying the generator's facility,[19] EPA would then assign an EPA Identification Number to the generator.

Currently, generators of more than 100 kilograms of hazardous wastes per month are required to obtain an EPA Identification Number (a twelve-digit number that EPA or state agencies assign to hazardous waste handlers). Generally, generators and other hazardous waste handlers obtain the identification number by submitting a form which includes basic information about the facility and waste management activities. Thus, the notification requirement proposed today is similar to the existing requirement, but would apply to an extremely small fraction of the generators who are currently required to notify and obtain an EPA Identification Number.

EPA believes that, since there would be no cradle-to-grave tracking system for special collection system wastes under the proposal, notification is necessary to identify only those parties managing very large quantities of hazardous waste batteries. Without some form of notification, state agencies and/or EPA would have no knowledge of the identities and locations of facilities storing these large quantities of these wastes, and thus would not be able to inspect these facilities to ensure compliance. Through such inspections, facilities that are managing wastes improperly can be required to come into compliance to prevent incidents of environmental damage.

However, the population of generators of hazardous waste batteries is quite large; thus, for administrative reasons, EPA believes that it is necessary to limit the notification requirement to only those generators managing significant amounts of these wastes. To accomplish this, the proposal would require generators storing more than 20,000 kilograms of hazardous waste batteries to notify. EPA believes that generators of smaller quantities will send their wastes to a nearby location, through routine pickups, in order to consolidate many generators' wastes in quantities sufficient to allow economical shipments to more distant treatment, recycling or disposal sites. It is likely that only the largest generators will accumulate enough wastes on-site in order to make long-distance shipments economical. The 20,000 kilogram quantity proposed today for batteries (which is slightly more than 44,000 pounds) roughly corresponds to the weight of a typical fully loaded highway transport vehicle. This limit is designed to require notification from generators who would be accumulating extremely large quantities of hazardous waste batteries for long-distance transport.

EPA expects that the vast majority of the battery generator population will be in the commercial, agricultural, governmental, service, medical, and/or educational sectors of society. For administrative reasons, it is somewhat impractical to attempt to catalog all of the hazardous waste generators present throughout the country by requiring them to notify EPA or state agencies, and then assigning them Identification Numbers to keep track of their activities in databases. EPA requests comments on this approach and on any other approaches that may be appropriate.

Generators of hazardous waste pesticides would not be required to notify, under today's proposal, because EPA expects that the larger generators who are commercial applicators or distributors would already be notifying EPA and state agencies under the FIFRA section 6(g) policy (see the proposed policy at 56 FR 13042, March 28, 1991, discussed further in this preamble in section II.C.4).

Would different quantity limits for hazardous waste batteries be appropriate? For example, if EPA set the notification quantity limit at a level that would be slightly above the quantity held in a typical transport vehicle, then it is possible that no parties managing the special collection system batteries would ever notify EPA (except for the destination facilities that receive the wastes for treatment, recycling or disposal, who are already required to notify). On the other hand, if EPA sets the notification quantity limit significantly less than the quantity held in a typical transport vehicle, then a very large number of parties would be required to notify. EPA requests comments on the notification quantity limits being proposed today, and on the proposed approach not to require special collection system pesticide waste generators to notify.

e. Prohibitions. Generators would be prohibited from diluting or disposing of special collection system hazardous wastes on-site. Under the current land disposal restrictions regulations at 40 CFR part 268, dilution to meet the land disposal restrictions treatment standards is prohibited under § 268.3(a). See 55 FR 22656–57 (June 1, 1990). The prohibition in today's proposal is the mechanism to continue the existing dilution prohibition under the current land disposal restrictions regulations, and to continue the existing statutory prohibition on placing hazardous wastes on the land without treatment.

In addition, treatment of the wastes would be prohibited (except that treatment that is necessary to respond to releases, or treatment of battery electrolyte that is allowed under the current hazardous waste generator requirements). These requirements are designed to ensure that only storage, transportation, and consolidation are conducted at the locations in the special collection system that are subject to reduced requirements, and also ensures that generators (and similariy, transporters and consolidation points) do not manage these special collection system wastes in a way that would be

[19] Alternately, the generator could complete EPA Form 8700–12, "Notification of Regulated Waste Activity," by checking the box indicating that he or she is a hazardous waste generator.

out of compliance with the substantive requirements of the land disposal restrictions.

Generators are further prohibited from sending or taking special collection system wastes to any place other than a consolidation point (for storage and consolidation) or to a destination facility (for storage, treatment, recycling, or disposal). (These terms are defined in proposed § 273.3.) As discussed below in section II.C.4, under part 273, consolidation points would be subject to requirements similar to the part 273 generator requirements, and destination facilities are interim status or permitted treatment, storage, recycling, or disposal facilities, or recycling facilities that do not store the wastes prior to recycling.[20] The Agency is not proposing a tracking system to ensure delivery to such facilities because the recordkeeping burden of such tracking systems might discourage participation in part 273 collection programs. However, each party would have to keep appropriate documentation, such as business records, to show that they are staying within the terms of part 273.

This prohibition is imposed on all entities in the special collection system, including generators, transporters, and consolidation points. As each entity is only allowed to send the wastes to another entity within the system (who is similarly limited to sending the wastes to an entity within the system), this prohibition would ensure that the hazardous wastes are entered into the special collection system by the generator, and then continue through the system and eventually reach a treatment, storage, disposal or recycling facility that is subject to the full hazardous waste regulations, including the land disposal restrictions. Generators may transport the hazardous waste themselves (in which case they would also be subject to the part 273 transporter regulations proposed today), or may contract to have someone else transport the wastes.

The Agency requests comment on the protectiveness and practicality of the prohibitions described above.

f. Waste management. Today's proposal contains certain specific provisions for hazardous waste battery management, and general release response and employee training requirements that are common for generators of all special collection system hazardous wastes.

For hazardous waste batteries, instead of specific packaging requirements, or requirements that the batteries be in a specific physical condition (e.g., intact and not leaking), EPA is proposing a requirement that generators and other handlers manage the batteries in a way that minimizes releases of any battery components. Outdoor storage of batteries with plastic casings can allow the sun's ultraviolet radiation to cause deterioration of the casings, with the potential for a release of the battery's components. Thus, a general performance standard requiring management practices to minimize releases of battery components should prevent poor management practices that could lead to significant environmental damages.

For all of the special collection system wastes, there is a need for personnel training to make a generator's employees aware of potential safety hazards posed by the wastes. EPA is proposing a requirement for basic training on potential safety hazards posed by the special collection system wastes. This proposed requirement is adapted from the current small quantity generator personnel training requirements (at 40 CFR 262.34(d)(5)), and is a reduction of current requirements for large quantity generators (40 CFR 265.16, cross-referenced at 40 CFR 262.34(a)(4)). The Agency requests comment on whether these requirements should be further reduced or eliminated.

In addition, EPA is proposing a release response requirement for generators and other handlers. For example, in the event of a release of electrolyte at a waste battery generator's facility, the generator would be required to immediately contain all released wastes and appropriately manage the released waste and any contaminated environmental media or other materials resulting from the release. The generator would be considered the generator of any hazardous wastes produced during response activities and would be required to comply with 40 CFR part 262 for management of these wastes. These requirements proposed today are already imposed on generators of more than 100 kilograms of hazardous waste per month (see 40 CFR 262.34, which references part 265 subparts C and D). The above training and release response requirements are proposed in lieu of the otherwise applicable training and emergency preparedness and prevention requirements (40 CFR 265.16 and subparts C and D of part 265) because, given the circumstances where only universal wastes are handled, the Agency believes that this general performance standard is sufficient to protect human health and the environment.

It should also be noted that under 40 CFR 264.1(g)(8), 265.1(c)(11), and 270.1(c)(3) (see 48 FR 2509, January 19, 1983), a person conducting an immediate response to a release is not required to obtain a permit under 40 CFR part 270. However, any continued storage, treatment, or disposal of released materials and cleanup materials would not be exempted from the full subtitle C hazardous waste management regulations. The release response requirements proposed today would be consistent with the current regulations (40 CFR 264.56(g) and 265.56(g)).

EPA also notes that certain reporting requirements under CERCLA, codified in the regulations at 40 CFR 302.6, apply to releases of hazardous substances, including wastes that exhibit a hazardous waste characteristic. Reporting is required for releases of more than a "reportable quantity." 40 CFR 302.4 and 302.6 identify reportable quantities for hazardous substances. For example, the reportable quantity for a waste exhibiting the toxicity characteristic due to the presence of cadmium is one pound. Persons managing wastes under the special collection system continue to be subject to these CERCLA reporting requirements.

g. Exports. The final requirement for generators (which is also imposed on transporters and owner/operators of consolidation points) is compliance with the export notification and consent requirements mandated by RCRA section 3017. EPA expects that, typically, generators are unlikely to generate large enough quantities of special collection system hazardous wastes that they will be exporting the wastes themselves. However, in the event they do wish to export their special collection system hazardous wastes, they must comply with the export notification and consent procedures of 40 CFR part 262 subpart E (although they would not need to use a manifest for the shipment). These generators (except for generators of lead-acid batteries, and generators of used batteries being sent for regeneration, discussed below) are already currently regulated under the part 262, subpart E requirements (which do require use of a manifest with the shipment).

In cases where the registrant decides to export a suspended or canceled and recalled pesticide to a foreign country for use as a pesticide, the RCRA export

[20] Hazardous waste recycling facilities (other than those facilities that burn hazardous wastes for energy recovery) are currently only required to obtain a subtitle C permit if they store the hazardous wastes prior to recycling them. A permit is required for the storage units but not for the recycling activity.

regulations do not apply because the pesticide would not be a solid or hazardous waste. (Unused commercial chemical products that are used in a manner constituting disposal are not solid wastes under CFR 261.2(c)(1)(ii) if land application is their ordinary manner of use.) Instead, in such situations the requirements of FIFRA section 17(a) apply to the registrant. These requirements include providing a notice to the foreign purchaser that the product is not registered for use in the United States and cannot be sold in the United States. The foreign purchaser must sign a purchaser acknowledgement statement indicating that it is aware of that fact. A copy of the acknowledgement statement is to be submitted to EPA and thereafter is transmitted to an appropriate official of the importing country. The product to be exported must also be packaged according to the specifications of the foreign purchaser.

The Agency requests comment on the application of export requirements to generators of special collection system wastes.

h. Other generator requirements under consideration. Other options that the Agency is considering for regulating generators (and, similarly, transporters and owners/operators of consolidation points) are discussed below. The Agency points out that although the limited regulations proposed today may be appropriate for the specific types of wastes discussed here (hazardous waste batteries and recalled pesticides), different regulatory options may be appropriate for other types of wastes. The Agency requests comment on the specific regulations proposed for batteries and returned pesticides, as well as on requirements that would be suitable for additional wastes that commenters believe are appropriately regulated under part 273.

Under today's proposed regulations, generators of special collection system hazardous wastes are not subject to any recordkeeping requirements for knowing their wastes' destination. This is a significant reduction of the current recordkeeping burden placed on these generators. For instance, generators of all batteries that are hazardous wastes (except lead-acid batteries being reclaimed and used batteries sent for regeneration) are currently subject to the uniform hazardous waste manifest requirements. These generators would no longer be required to comply with the hazardous waste manifesting requirements if they are in compliance with the part 273 regulations. EPA is proposing this reduction in paperwork to encourage participation in part 273 collection programs. As collection programs are established and expanded, participation may come to include parties currently managing their waste in the municipal waste stream. Thus, the overall effect of the reduced requirements may lead to larger numbers of generators sending their waste into protective systems.

The Agency is aware that without some form of tracking system, generators have no assurance that shipments of special collection system wastes reach their intended destination. EPA is aware that generators may be concerned about potential Superfund[21] liability for shipments that do not reach their intended destination and instead are improperly managed. As an alternative to today's proposed approach, the Agency requests comment on the need for a tracking system or recordkeeping requirements for generators, and on the form any tracking systems should take.

Finally, EPA is considering a phased approach to imposing technical storage requirements, tailored to address the specific potential environmental problems that could be caused by special collection system wastes. After reviewing the current subtitle C technical storage requirements, and comparing those requirements to the specific hazards that may be posed by the practice of accumulating large quantities of special collection system wastes in one place, EPA is concerned that some of the current subtitle C requirements may be inappropriate for the specific problems posed by certain universal wastes. For example, the current subtitle C requirements require that containers holding hazardous wastes be closed except when adding or removing waste (see 40 CFR 265.173). However, for hazardous waste batteries that evolve hydrogen gas, a generator who chooses to store his or her used batteries in an enclosed container may in fact increase the potential for a fire or explosion.

Thus, EPA is not proposing technical storage standards today, but instead intends to wait until after promulgation of the final special collection system rules in order to allow collection systems to develop, and in order for waste handlers to develop common-sense, practical management techniques that would minimize potential safety and environmental hazards. At that point, EPA would review the need for imposing technical storage requirements, and, if requirements are necessary, would propose and then promulgate them. Since many universal wastes are not currently managed together in large amounts (and instead are dispersed throughout the municipal waste stream, or are managed in other ways, such as in public sewer systems), it is difficult to predict what specific technical management requirements would be necessary. EPA is considering awarding a grant to one of the first RCRA-authorized state agencies that adopt the final special collection system rules, in order for that agency to encourage the development of state-wide special collection systems, obtain practical implementation experience, and then make recommendations to EPA about the need for specific technical requirements for the various special collection system wastes. (In addition, it may be possible for the state to recommend modifications to the special collection system administrative requirements.)

As another specific example of how sudden changes to current waste management practices could potentially cause problems in managing universal hazardous wastes, consider the situation with lead-acid battery storage at collection points not reclaiming the batteries. (Although we are not today proposing any additional requirements for lead-acid battery storage, this example is useful because it illustrates the potential problems with imposing new technical requirements for specific wastes.) Lead-acid batteries are a source of hydrogen, a highly flammable gas that evolves as a result of the chemical reactions occurring during use of the battery. Current RCRA requirements do not specify any storage standards for facilities collecting used lead-acid batteries for reclamation (provided the batteries are not reclaimed at the storage facility). Typically, the used batteries may be stored outside, where any hydrogen present can easily dissipate. However, bills have been introduced in the U.S. Congress that would require lead-acid battery retailers to accept lead-acid batteries back from consumers. In a crowded urban area, there may be no available space for outdoor battery storage; as a result, the lead-acid batteries returned from consumers would be stored indoors, where the evolved hydrogen gas could accumulate in an enclosed, unventilated area, and present a significant fire hazard. Although there do not appear to be significant problems occurring under the current system, a radical change in used lead-acid battery management techniques could create potential safety hazards that are not present under the current system.

[21] Also known as the Comprehensive Emergency Response, Compensation and Liability Act.

The Agency requests comment on the phased approach for implementing technical storage standards discussed above, and also on whether there should be additional requirements included in the final part 273 rules for storage of particular special collection system wastes that pose special hazards.

3.Transporter Requirements

Today's proposed regulations for transporters of special collection system wastes include five provisions that are generally the same as five of the provisions proposed for generators of special collection system wastes (these include requirements for condition of wastes, storage, prohibitions, waste management, and exports). Each of these requirements is discussed in detail in the generator section above, as are other options considered by the Agency for regulation of these wastes. The Agency requests comment on the application of these provisions to transporters, and on the same issues and options that are discussed in the generator section.

The proposed requirements concerning condition of wastes are similar to those proposed for generators. There are no specific requirements proposed for the condition of batteries. However, pesticides would be required to be contained in original packaging, overpacks, or in transport vehicles or vessels.

The storage limitation for transporters is somewhat different than that imposed on generators. Transporters who hold the hazardous wastes temporarily during the course of transport may hold the wastes at a loading dock, parking area or other location (transfer facility) for no longer than ten days. The ten-day limit on temporary storage during the course of transport is analogous to the current ten-day limit imposed on hazardous waste shipments under the full part 263 hazardous waste transportation regulations (see 40 CFR 263.12) and under the land disposal restrictions regulations (see 40 CFR 268.50(a)(3)). Transporters who store wastes in the course of transport for longer than ten days would be regulated as consolidation points.

EPA requests comment on whether another time limit is appropriate, but notes that the consolidation point (discussed below) can act much like a transfer facility for shipment stops that last longer than ten days.

The prohibitions and waste management requirements proposed today are also the same as those proposed for generators. Transporters would be prohibited from diluting or disposing of special collection system wastes, in order to meet the substantive land disposal restrictions requirements. They would also be required to transport the wastes only to a consolidation point or destination facility. Treatment would be allowed only if it occurs in response to a release. In the event of a release of a special collection system hazardous waste, the transporter would be required to manage the waste under all requirements that currently apply. In addition, transporters of hazardous waste batteries would be required to minimize releases of battery components.

The provisions described above would apply to shipments between a special collection system waste generator and a consolidation point, between a generator and a destination facility, and between one consolidation point and another consolidation point. However, for shipments from a consolidation point to a destination facility, EPA is proposing today to have transporters comply with the full part 263 requirements, including use of the manifest. EPA believes it is necessary to know who these transporters are, and for them to use a uniform hazardous waste manifest that shows the party originating the shipment. The quantities involved in these shipments (from the "last" consolidation point to the destination facility) are likely to be fairly large, necessitating more strict controls on the shipment's movement.

To better illustrate the proposed manifest requirements, here are four examples:

- *From Generator to Consolidation Point A, to Consolidation Point B, to Destination Facility C.* The shipment from the generator to Consolidation Point A is not manifested; likewise, the shipment from Consolidation Point A to Consolidation Point B is not manifested. The shipment from Consolidation Point B to Destination Facility C is manifested.
- *From Generator to Destination Facility D.* This shipment is not manifested.
- *From Generator to Destination Facility E, to Destination Facility F.* The shipment from the generator to Destination Facility E is not manifested; the shipment from Destination Facility E to Destination Facility F is manifested.
- *From Generator to Consolidation Point G, to Destihation Facility H, to Destination Facility I.* The shipment from the generator to Consolidation Point G is not manifested. The shipment from Consolidation Point G to Destination Facility H is manifested, as is the shipment from Destination Facility H to Destination Facility I.

These examples illustrate that, for generators, manifesting is not required. Consolidation points shipping to one another would also not need to manifest the shipment. However, those consolidation points shipping to a destination facility would need to manifest, as would destination facilities shipping to each other.[22]

If transporters were involved in shipments of special collection system hazardous wastes being exported from the United States, today's proposal would specify that a transporter who knows that a shipment does not conform to the EPA Acknowledgement of Consent could not accept the shipment for export. However, in the event the receiving country had consented to the shipment, the transporter would be required to carry the EPA Acknowledgement of Consent with the shipment, and deliver the shipment to the facility designated by the person initiating the shipment.

EPA requests comments on the adequacy of the proposed transporter requirements, and on whether other requirements are necessary to prevent mismanagement of special collection system hazardous wastes. EPA also requests comment on the options discussed in section II.C.2., generator requirements.

The reader should note that the reduced requirements described above for transporters in the part 273 regulations would apply to shipments between the original generator of the special collection system hazardous waste and the consolidation point or destination facility. The part 273 transporter requirements would also apply to shipments between consolidation points. However, a special collection system hazardous waste shipment from a consolidation point to a destination facility, or from one destination facility to another destination facility, would remain subject to the full part 263 transporter regulations. In addition, shipments from one destination facility to another would be fully regulated; for example, the land disposal restrictions notifications would be required for all movements once the special collection system hazardous waste reaches a destination facility. (In other words, shipments from the "last" consolidation point on are manifested. Once a shipment has reached a destination facility, it is fully regulated; i.e., not only would hazardous waste manifest requirements be in place, but also the

[22] It would not be possible for a destination facility to ship to any facility other than another destination facility.

part 268 land disposal restrictions requirements (see 40 CFR 264.71(c) and 265.71(c), and proposed § 268.1(e)(4))).

It should also be noted that transporters must comply with all applicable Department of Transportation regulations governing the transport of these materials. Since the shipments from the original generator to a consolidation point or a destination facility, or between consolidation points, would not require a manifest, the U.S. Department of Transportation's (DOT) hazardous materials regulations may or may not apply to the shipment. EPA requests comment on whether any supplemental RCRA requirements might be necessary when DOT rules do not apply.

4. Consolidation Point Requirements

Today's proposed regulations for owners or operators of consolidation points managing special collection system wastes include provisions that are generally the same as those proposed for generators of special collection system wastes (condition of wastes, storage, prohibitions, waste management, notification, and exports). Each of these requirements is summarized below and discussed in detail in the generator requirements section above (section II.C.2.). In addition, shipments from a consolidation point to a destination facility must be manifested. Thus, consolidation points shipping to destination facilities would also need to notify EPA and receive an EPA Identification Number.

The Agency requests comment on the application of these provisions to consolidation points, and on the issues and options that are discussed in the generator requirements section.

a. Specific requirements for consolidation points. Today's proposal includes a number of provisions that are applicable to owners and operators of consolidation points managing special collection system wastes, and that are similar to the requirements proposed for generators of those wastes.

First, the proposed provision concerning condition of wastes is the same as that proposed for generators and transporters; hazardous waste pesticides must meet certain packaging requirements. There are no specific requirements for the condition of hazardous waste batteries.

Second, EPA is proposing that consolidation points that manage special collection system hazardous wastes may store these wastes for only one year. As with generators, EPA is proposing this requirement to meet the land disposal restrictions storage prohibition. A number of options (described in section II.C.2 above) would be available to the consolidation point owner or operator in order to demonstrate compliance with the one-year storage prohibition. EPA requests comment on the options in the proposed rule language or other options that might be used. EPA is not reopening the comment period on the general land disposal restrictions storage prohibition, but is asking for public comment on how to implement the statutory prohibition for special collection system wastes managed at consolidation points.

Third, EPA is proposing to require that owner/operators of consolidation points storing more than 20,000 kg of hazardous waste batteries notify EPA of their waste management activities. As with the special collection system generators of waste batteries, the notification would consist of only a letter to the EPA Regional Administrator, identifying the consolidation point owner or operator's facility and basic information about the special collection system wastes being managed there. EPA would then issue an EPA Identification Number to the consolidation point. In addition, those consolidation points that do not meet this quantity limit but do want to ship directly to a destination facility would be required to notify EPA and receive an Identification Number, which they would use when initiating a uniform hazardous waste manifest.

All off-site facilities storing hazardous waste batteries[23] are currently required to notify EPA and receive an EPA identification number. Thus, the notification requirement proposed today sets forth only a modified version of an existing requirement for off-site facilities storing large quantities of these wastes; the proposed quantity limit would mean that only a small fraction of the storage facilities currently required to notify would need to notify EPA. Under today's proposal, off-site facilities storing less than 20,000 kilograms of waste batteries (which are currently required to notify), would not be required to notify, unless they were shipping directly to a destination facility.

Although today's proposal would generally require notifications only from those consolidation points storing very large quantities of special collection system batteries, EPA nonetheless believes that this notification requirement is essential to identify parties storing large quantities of waste batteries, in order to ensure their compliance with the regulatory requirements proposed today. In addition, as the quantity of these wastes managed at any one location increases, the potential for releases may also increase, as may public concern about management practices.

In addition, EPA is proposing to place the notification requirement on any consolidation point which is the "last" consolidation point in the chain leading from the original generator to the treatment, storage, recycling or disposal facility (destination facility). Under this approach, EPA and state agencies would be able to locate these "last" consolidators, regardless of the quantities managed, and thus would be in a better position to monitor the facilities' compliance with the special collection system requirements. EPA hopes to prevent possible environmental problems with this approach.

This proposed notification requirement would apply only to consolidation points handling hazardous waste batteries and not to consolidation points handling only hazardous waste pesticides that are suspended and/or canceled and recalled. The Agency believes that requirements for identifying recall participants and recordkeeping that are authorized by FIFRA section 19(b) provide sufficient information concerning the identity and location of persons managing these pesticides. In addition, FIFRA section 6(g) requires notice to EPA and appropriate state and local officials of the location, quantities, and possession of pesticides that are suspended or canceled under FIFRA section 6. The notice is required of persons who distribute or sell canceled or suspended pesticides; thus, dealers and distributors who are acting as consolidation points in a recall typically will already have notified EPA (and state and local officials) of their possession of the pesticides. See the proposed policy published at 56 FR 13042, March 28, 1991, that clarifies the responsibilities of persons required to submit information under FIFRA section 6(g), establishes the procedures to be followed in order to comply with FIFRA section 6(g), and clarifies when FIFRA section 6(g) information must be submitted.

EPA requests comment on the proposed notification requirements for owners and operators of consolidation points, on the proposed 20,000 kilogram limit for applying the notification requirements, and on any other approaches that may be applicable.

Fifth, the prohibitions proposed for consolidation points are the same as

[23] Except for lead-acid batteries and used batteries sent for regeneration.

those proposed for generators and transporters. The owner or operator of the consolidation point would be prohibited from diluting or disposing of the special collection system wastes on-site, to comply with the land disposal restrictions dilution prohibition and to meet the statutory ban on land disposal. The consolidation point owner or operator may only treat the wastes in response to a release, or to manage battery electrolyte. Facility owners or operators who wish to conduct other kinds of treatment would be able to do so as a destination facility, discussed below. The consolidation point owner/operator would also be prohibited from sending the special collection system wastes to any place other than another consolidation point or a destination facility.

Sixth, the proposed provisions for waste management are the same as those proposed for generators and transporters. Owners/operators of consolidation points are required to immediately contain releases of special collection system wastes and to appropriately provide for treatment, storage, and/or disposal of released wastes, and contaminated media or other materials resulting from the release. As with other handlers of these special collection system wastes, the owner or operator of a consolidation point is not required to obtain a permit under 40 CFR part 270 (40 CFR 270.1(c)(3)) for immediate response activities. Hazardous waste batteries would be required to be managed in a way that would minimize releases of battery components. The consolidation point employees would have to be trained to know about the basic precautions necessary for safe waste handling and emergency procedures. The reader should note that today's proposed requirement is a very significant reduction from the current personnel training requirements, found at 40 CFR 264.16 and 265.16, but EPA believes it is adequate to allow safe consolidation point operations.

Finally, the owner or operator of the consolidation point must comply with the export notification and consent procedures of §§ 262.53, 262.56(a) (1)–(4), and (6), 262.56(b), and 262.57 for special collection system hazardous waste exports. (A consolidation point is more likely to be exporting than an original generator, since EPA expects larger quantities to be accumulated at consolidation points.) A consolidation point shipping to a destination facility is required to use a uniform hazardous waste manifest; for exports to destination facilities in other countries, the consolidation point would also use a hazardous waste manifest. Thus, the Acknowledgment of Consent, along with the manifest, would accompany the shipment.

Note that if the registrant for a suspended or canceled and recalled pesticide decides to export the pesticide to a foreign country for use as a pesticide, then the RCRA export regulations generally would not apply because the pesticide is not a solid waste (see 40 CFR 261.2(c)(1)(ii)). Instead, in such situations the requirements of FIFRA section 17(a) apply.

b. Other consolidation point requirements under consideration. In addition to the requirements proposed today, EPA solicits comment on whether there are any other requirements needed for special collection system hazardous waste management at consolidation points. EPA considered limiting the applicability of the part 273 regulations to situations where the special collection system hazardous wastes are contained in their original containers (or casings), or containment systems in which they were stored when they were products, and are not leaking, as one approach to ensuring containment. However, EPA recognizes that these limitations may not always be practical, and therefore could limit participation in part 273 programs. There may be other appropriate requirements that could achieve the same degree of protectiveness. In a later proposal, once the special collection system regulations have been implemented for a period of time, EPA would consider the need for specific technical management standards.

In addition, in developing this proposal, the Agency considered the appropriate party or parties on whom to place the burden of compliance with administrative requirements such as the use of the manifest, and notifying receiving facilities of land disposal restrictions. EPA has chosen to structure the regulation so that manifest requirements are only imposed on the final consolidation points, and on destination facilities. The land ban notifications would be imposed only on destination facilities. The Agency believes that the objectives of RCRA stated in section 1003 (protection of human health and the environment, and conservation of valuable material and energy resources) are fully met through this waste management scheme. The Agency requests comment on whether all consolidation points should be subject to manifesting and land disposal restrictions notification requirements, or whether, as proposed today, the final consolidation points should use manifests or other tracking mechanisms and/or the "full" subtitle C requirements should be applied only to the destination facility.

5. Destination Facility Requirements

The regulations proposed today for destination facilities merely retain the current parts 264, 265, and 270 and § 261.6(c)(2) requirements applicable to treatment, storage, disposal, or recycling facilities managing hazardous wastes. The special collection system regulations refer to the full subtitle C hazardous waste regulations that are currently applicable for permitted or interim status hazardous waste treatment, storage, recycling, and disposal (TSD) facilities, or for recycling facilities that do not store prior to recycling. Under these requirements, owners/operators of destination facilities managing special collection system hazardous wastes are subject to all applicable requirements of parts 264 and 265, which include notification requirements, general facility standards (e.g., contingency plans, personnel training, closure, corrective action, and financial assurance), and unit-specific management standards (e.g., subpart I for containers, and subpart J for tanks). Destination facilities (other than recycling facilities that do not store before recycling) are also required to obtain a RCRA permit or operate under interim status. In addition, the owner or operator of the destination facility must comply with all applicable land disposal restrictions as specified in 40 CFR part 268.

The export provision proposed for destination facilities specifies that exports initiated by the destination facility (e.g., a permitted storage facility that warehouses large quantities of batteries) are subject to the export notification and consent procedures. Since the destination facility is required to initiate a uniform hazardous waste manifest for the shipment from the facility, and the quantities managed in the export shipment are likely to be large, EPA believes it is appropriate to require the facility owner or operator to comply with the current requirements for primary exporters, specified in part 262, subpart E. EPA requests comments on this approach.

6. Exports

The hazardous wastes that are proposed to be regulated under part 273 are hazardous wastes that currently are subject to manifest and export requirements. Because the wastes in question may pose hazards if not properly managed, EPA has determined

that the hazardous wastes subject to special collection system requirements should remain subject to the requirements mandated by RCRA section 3017. Under this section of RCRA, the export of hazardous waste from the U.S. is prohibited unless certain conditions are met. The conditions include advance notification to the receiving country and prior consent of the receiving country before the shipment can occur.

The reduced requirements proposed today for tracking of waste shipments under part 273 apply to many of the domestic shipments of special collection system hazardous wastes. When these wastes are exported outside the United States, the primary exporter must comply with all applicable export requirements in part 262, subpart E. If a manifest would be required for the domestic shipment, it is required for an export shipment as well.

Thus, in today's proposal, any person (including the original generator, a broker, a transporter, a consolidation point, and any treatment, storage, disposal, or recycling facility) exporting hazardous wastes that are regulated under the proposed part 273 regulations, who is a primary exporter,[24] must comply with the applicable hazardous waste export requirements of 40 CFR part 262, subpart E. However, the specific requirements may vary, depending on the person who is initiating the export. For example, a generator who is exporting hazardous waste batteries or suspended or canceled and recalled pesticides which are hazardous wastes must comply with 40 CFR 262.53 (notification of intent to export), 262.56(a) (1)–(4), (6), and (b) (annual reports), and § 262.57 (recordkeeping); consolidation points must also comply with these requirements if they are shipping to a consolidation point in another country. However, if a consolidation point owner or operator is shipping to a destination facility in another country (or a facility that would be a destination facility if it was located in the U.S.), a manifest would be required for the shipment. Similarly, destination facilities must comply with 40 CFR 264.71(c) (initiating a manifest for the shipment) and part 262. Transporters may not accept shipments for export if they know that the shipment is not being sent in conformance with the hazardous waste export provisions.

While EPA is interested in encouraging collection systems, this is based on the premise that the waste will ultimately be managed at an appropriate facility. The export notification requirements help ensure that this is the case when wastes are shipped to foreign facilities, and EPA is aware of no information indicating an exemption from export notification would be appropriate for these wastes.

7. Land Disposal Restrictions

Pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA), all hazardous wastes listed or identified in accordance with RCRA section 3001 are prohibited, on specified timetables, from land disposal. The regulations for the Land Disposal Restrictions (LDR) program in 40 CFR part 268 apply to "persons who generate or transport hazardous waste and owners and operators of hazardous waste treatment, storage, and disposal facilities,"[25] unless they are specifically excluded from regulation in Parts 261 or 268.

Accordingly, generators, transporters, owners/operators of consolidation points, and owners/operators of treatment, storage, and disposal facilities (and facilities who do not store prior to recycling) managing special collection hazardous wastes under part 273 are currently subject to the full land disposal restrictions program. However, EPA believes that application of the full land disposal restrictions program to special collection system hazardous wastes at all steps in the collection sequence could result in overly burdensome regulation. This regulation could discourage generators, transporters, and consolidation points from entering the collection system, thereby discouraging both recycling and removal of the waste from the municipal waste stream, and ultimately leading to unsafe land disposal, contravening the ultimate aim of the land disposal restrictions provisions. To resolve this problem, the Agency is proposing to require that managers of special collection system hazardous wastes comply with all of the substantive land disposal restrictions requirements, but not the administrative requirements. These substantive requirements include: (1) A prohibition on storing prohibited wastes directly on the land (land disposal); (2) a requirement to treat wastes to meet treatment standards prior to land disposal; (3) a prohibition on dilution; and (4) a prohibition on waste storage except for purposes of accumulating quantities sufficient for proper recovery, treatment or disposal.

The prohibition on dilution is imposed on generators, transporters, and consolidation points throughout the proposed part 273 regulations, so that those handlers are not avoiding the land disposal restrictions by diluting their wastes. Destination facilities are subject to all of the part 268 land disposal restrictions regulations, including the dilution prohibition in 40 CFR 268.3.

The prohibition on storing wastes directly on the land (which is a form of land disposal; see RCRA section 3004(k)) is implemented by requiring that these wastes be managed in order to minimize releases, and through a prohibition on disposal. The requirement that pesticides remain in the original container or tank by definition precludes the possibility of storage directly on the land. At the destination facility, these wastes may be removed from the original containers (or the battery casing may be breached). These destination facilities, however, are subject to all of the part 268 land disposal restrictions regulations, including prohibitions on storage on the land.

The requirement that wastes are treated to meet treatment standards prior to disposal is implemented through two mechanisms. First, the part 273 regulations require that the final destination of special collection system hazardous wastes is a facility that is an interim status or permitted treatment, storage, recycling, or disposal facility, or a facility that recycles but does not store prior to recycling. This is imposed through the requirements that generators, transporters, and consolidation facilities must send the waste only to consolidation points or destination facilities. The final destination facility is subject to all of the part 268 land disposal restrictions regulations, including the requirement to treat these wastes to meet treatment standards prior to land disposal.

Finally, the statutory prohibition on waste storage except for purposes of accumulating quantities sufficient for proper recovery, treatment or disposal[26] would be imposed through a one-year time limit on storage at generator sites and consolidation points. This statutory requirement is imposed in the current regulations at 40 CFR 268.50. EPA is not today reopening the issue of the one-year storage prohibition for comment;

[24] A "primary exporter" is defined in 40 CFR 262.51 as the person required to originate a manifest for a shipment of hazardous waste to a designated facility in a receiving country, and any intermediary arranging for the export.

[25] The land disposal restrictions requirements do not yet apply to wastes that exhibit the toxicity characteristic (TC) in 40 CFR 261.24, unless the waste would have exhibited the Extraction Procedure (EP) Toxicity Characteristic (the characteristic that preceded the current TC).

[26] See RCRA section 3004(j).

EPA is merely requesting specific comments on the statutory storage prohibition and how to interpret it for special collection system hazardous wastes.

For the special collection system hazardous wastes, EPA is proposing to simplify the existing "burden-of-proof" regulatory language of 40 CFR 268.50; however, the one-year storage prohibition proposed today would accomplish the same result as existing § 268.50. The simplified language assumes that the generator's sole reason for storing the special collection system hazardous wastes, for up to one year, is to accumulate the quantities necessary for proper recovery, treatment or disposal. Storage beyond one year would be prohibited. EPA believes that this assumption is a reasonable one, since the generators are generators of more than 100 kilograms of hazardous waste per month; however, the special collection system wastes will in many instances comprise an extremely small fraction of their total hazardous waste stream. (For example, a generator who generates 500 kilograms per month of spent solvents, and one 10-kilogram nickel-cadmium battery per month, would need to collect enough batteries to make a shipment to a recycler feasible.) EPA requests comment on this proposed approach.

EPA is proposing, however, not to impose the administrative requirements of the land disposal restrictions program on generators, transporters, or consolidation points managing these special collection system hazardous wastes. The Agency believes that land disposal restriction notifications are not necessary because the requirements described above ensure that the substantive requirements are met, without each party specifically notifying subsequent waste managers of the restrictions. Consequently, the Agency is proposing to add a provision to § 268.1 excluding special collection system hazardous wastes from the administrative provisions of part 268 when they are being managed by generators, transporters, and consolidation points. The final treatment, storage, recycling, or disposal facility (or facility that recycles without prior storage) continues to be subject to all applicable part 268 requirements.

The Agency requests comment on whether the requirements described above ensure that special collection system hazardous wastes will be managed in compliance with the substantive requirements of the land disposal restrictions program. EPA also requests comment on alternative mechanisms that would achieve the same goal. Further, comment is requested on whether any or all parties of the special collection system should be subject to the full part 268 land disposal restrictions regulations.

8. Release Response

Under the proposed part 273 regulations, generators, transporters, and consolidation points must respond to releases immediately by containing releases and appropriately managing any contaminated soil, etc. resulting from the release. Permitted treatment, storage, disposal and recycling facilities would be subject to full facility-wide corrective action, as would any other permitted facility. The Agency is concerned about the need for corrective action at consolidation points, where potentially large amounts of hazardous wastes may be stored for periods extending up to one year. However, the Agency has the authority under the imminent hazard provisions of RCRA section 7003 to require the owner or operator of a facility (or consolidation point) to take immediate action in response to an on-site release of hazardous waste. EPA requests comment on the need for limited corrective action requirements (for example, corrective action that is limited to special collection system waste storage units) or the need for full subtitle C corrective action at consolidation points.

9. Related Regulatory Changes

Today's proposed regulatory text includes a number of minor changes to other parts of the current hazardous waste regulations that are necessary to integrate part 273 into the regulatory structure. These changes include conforming changes to 40 CFR 260.10, 260.20, 261.5(c), 261.5 (f) and (g), 262.11, 264.1(g), 265.1(c), 268.1(f), and 270.1(c), and the addition of §§ 260.34 and 261.9.

The changes made to 40 CFR 260.10 are the addition of regulatory definitions for the terms "battery," "consolidation point," and "destination facility." Sections 260.20, 262.11, 264.1, 265.1, 268.1, and 270.1 contain minor conforming changes. Section 260.34 is added to specify procedures for handling petitions for additional special collection system wastes, and § 261.9 is added to direct the regulated community to part 273 for certain wastes.

The changes made to 40 CFR 261.5(c), the provision governing generator counting of hazardous wastes (i.e., counting to determine whether the generator is a conditionally exempt small quantity generator, small quantity generator, or fully regulated generator), are made for three reasons. First, the revised text indicates that generators are not required to include wastes managed in compliance with part 273 in the quantity calculations used to determine their generator status. Second, the revision is crafted to accomplish the same results as the existing regulation (i.e., wastes that are not counted under the current regulations continue not to be counted, and wastes that are counted under the current regulations would continue to be counted). Third, the revision is intended to simplify the existing language so that it is clear which wastes are to be counted and which are not.

The options for conditionally exempt small quantity hazardous waste generators to manage their wastes are proposed to be revised to include special collection system handlers. See 40 CFR 261.5 (f)(3) and (g)(3). Today's proposal would allow conditionally exempt generators to manage their special collection system hazardous wastes at facilities that are regulated under part 273. This proposed change is expected to significantly simplify the regulatory requirements for managing certain common consumer items frequently collected in municipal programs that accept hazardous wastes from small businesses.

Finally, the Agency requests comment on whether any change should be made to 40 CFR 261.6(a)(3)(ii). This provision excludes from the hazardous waste regulations used batteries that are returned to a battery manufacturer for regeneration (e.g., replacement of electrolyte or rewiring).[27] As a result, generators of used batteries who are sending them off-site for regeneration need not obtain an EPA Identification Number (if the only hazardous wastes they generate are the used batteries) and need not fill out a manifest for the shipment. Similarly, transporters carrying the used batteries are not regulated under RCRA, and the regeneration facility's storage of the used batteries is not regulated under RCRA. EPA is concerned that having two special requirements for batteries (i.e., the proposed part 273 requirements and the regeneration exemption at 40 CFR 261.6(a)(3)(ii)) is potentially confusing to regulated parties and implementing agencies. One of the major findings of the RCRA Implementation Study (mentioned

[27] On the other hand, batteries that are recycled in other ways (e.g., resmelting to recover metal content) currently are either fully regulated or are partially exempt under another exemption at 40 CFR part 266, subpart G (depending on the battery's composition).

earlier) is that the recycling rules or exemptions are complex and should be consolidated.

EPA has identified three approaches to regulating the subset of used batteries that are sent for regeneration. First, EPA could leave the current exemption as is; second, EPA could regulate only the collection of used batteries being sent for regeneration under today's proposed part 273 requirements, while the regeneration facilities could remain unregulated; and third, collection of the batteries could be regulated under the part 273 requirements and a RCRA subtitle C permit could be required for storage at the regeneration facility prior to regeneration. Each of these approaches, and their advantages and disadvantages, is discussed below.

In today's proposed regulatory text, the Agency has not made any changes to the current 40 CFR 261.6(a)(3)(ii) exclusion. The exclusion for batteries that are regenerated was originally promulgated because the Agency believed that regeneration activities do not pose a threat to human health and the environment, since the battery casing remains intact. If this exclusion is retained, these batteries will continue to be exempt from all hazardous waste regulation, including the part 273 special collection system regulations. A drawback to this approach is that handlers of used batteries may have difficulty determining whether the batteries will be regenerated or otherwise recycled/disposed, and thus whether they are regulated or exempt. Generators (and subsequent handlers) may not know whether the batteries are regenerable (and exempt), or are impaired such that they can not be regenerated (and are regulated). This uncertainty about the batteries' ultimate fate may cause handlers to improperly manage regulated hazardous waste batteries (unregenerable batteries) as if they were exempt.

Under the second approach, used batteries that are hazardous wastes would be regulated in the same way throughout the collection phase, regardless of whether the batteries are being regenerated, recycled in a manner other than regeneration, or disposed. At the same time, EPA could retain the regulatory exclusion for regeneration facilities. Thus, used batteries stored at a regeneration facility prior to regeneration would be unregulated (as under the current requirements). A variation on this approach would be to require the regeneration facilities to comply with the proposed part 273 consolidation point requirements for storage prior to regeneration.

The most significant advantage of this second approach is that the generator's initial determination of the applicable regulations would remain greatly simplified. The generator would not be required to determine whether the battery was to be regenerated rather than otherwise recycled/disposed of; in all cases the battery would be subject to the same limited part 273 requirements. In addition, since EPA continues to believe that there are minimal risks posed by regeneration activities, little or no change would be made to the regulations currently applicable to regeneration facilities. However, EPA requests comment on the quantity and types of batteries that are regenerated, the number of facilities conducting battery regeneration, and on the health or environmental risks posed by storage of the used batteries prior to regeneration.

The third approach would be simply to regulate these batteries under the part 273 special collection regulations proposed today for other batteries. This approach has the same advantage of the second approach, in that handlers of the used batteries during the collection phase would be regulated alike, regardless of the batteries' intended recycling technique. However, regeneration facilities would be subject to the full subtitle C hazardous waste regulations, including the requirement to obtain a permit (or interim status) for storage of batteries prior to regeneration.

In today's proposal, the Agency has not proposed to make any changes to the current exemption, to avoid unnecessarily disrupting the regeneration of used batteries. This option was selected because the Agency currently does not have sufficient data to evaluate the effects of such a change on the regulated community. The Agency, however, requests comment on the approaches discussed above for regulating batteries that are regenerated.

III. State Authority

A. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program within the State. Following authorization, EPA retains enforcement authority under sections 3008, 3013, and 7003 of RCRA, although authorized States have primary enforcement responsibility. The standards and requirements for authorization are found at 40 CFR part 271.

Prior to the Hazardous and Solid Waste Amendments of 1984 (HSWA), a State with final RCRA authorization administered its hazardous waste program in lieu of EPA administering the Federal program in that State. The Federal requirements no longer applied in the authorized State, and EPA could no longer issue permits for any facilities that the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obliged to enact equivalent authorities within specified time frames. New Federal requirements did not take effect in an authorized State until the State adopted the Federal requirements as State law.

In contrast, under RCRA section 3006(g) (42 U.S.C. 6926(g)), new requirements and prohibitions imposed by HSWA take effect in authorized States at the same time that they take effect in unauthorized States. EPA is directed to carry out these requirements and prohibitions in authorized States, including the issuance of permits, until the State is granted authorization for the new requirements or prohibitions. While States must still adopt more stringent or broader in scope provisions as State law to retain final authorization, HSWA provisions apply in authorized States in the interim.

The amendments proposed today do not implement HSWA. When promulgated, these amendments, therefore, will become effective immediately only in those States without interim or final authorization, not in authorized States. The effect of the rule changes on State authorization is discussed next.

B. Effect on State Authorization

The amendments to the hazardous waste regulations being proposed today are not being promulgated pursuant to HSWA and thus are only immediately effective in States that do not have interim or final authorization. In authorized States, the requirements will not be applicable until the State revises its program to adopt equivalent requirements under State laws.

40 CFR 271.21(e)(2) requires that States that have final authorization must modify their programs to reflect Federal program changes and must subsequently submit the modifications to EPA for approval. However, it should be noted that authorized States are only required to modify their programs when EPA promulgates Federal standards that are more stringent or broader in scope than the existing Federal program. For those Federal program changes that are less stringent or reduce the scope of the Federal program, States are not required to modify their programs (see 40 CFR 271.1(k)).

VOL 58 ISS 27 FE 11 1993 UMI

The modifications to the regulatory framework that are proposed today are less stringent than the current regulations. An authorized state could, however, choose to adopt the less stringent requirements proposed today, if those less stringent requirements are promulgated as final federal regulations and if the state wished to adopt them.

Although today's proposal would be less stringent than current RCRA subtitle C regulations, EPA believes that this new approach will contribute to more efficient and effective State programs. The need for simplified hazardous waste regulations was expressed by many State participants in the meetings described in section I.D of this notice. For these reasons, as well as the other reasons discussed throughout the preamble, EPA strongly encourages States to adopt the special collection system regulations if they are promulgated in the future.

IV. Executive Order No. 12291—Regulatory Impacts

Under Executive Order No. 12291, EPA must determine whether a regulation is "major" and thus subject to the requirement to prepare a regulatory impact analysis. A rule is major if it will:

1. Have an annual effect on the economy of $100 million or more;
2. Significantly increase costs or prices to industry; or
3. Diminish the ability of the U.S.-based companies to compete in domestic or export markets.

The Administrator has determined that today's proposed amendments do not constitute a major rule because the amendments do not propose to significantly increase the regulatory burden such that there will be a significant effect on the economy. This proposed rule has been submitted to the Office of Management and Budget (OMB) for review under E.O. 12291.

EPA will analyze the costs of the current regulatory requirements for generators and collection facilities and of the requirements being proposed today. EPA will also analyze whether there are significant reduced environmental benefits from the modifications being proposed. It is EPA's current intent to complete this analysis and notice it for comment prior to promulgating a final rule.

V. Paperwork Reduction Act

The information collection requirements in today's proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An Information Collection Request (ICR) document has been prepared by EPA (ICR No. 1597.01) and a copy may be obtained from Sandy Farmer, Information Policy Branch, U.S. Environmental Protection Agency, 401 M Street, SW. (PM–223Y); Washington, DC 20460 or by calling (202) 260–2740.

The public reporting burden for this collection of information is estimated to average 4 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM–223Y, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

VI. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA must prepare a regulatory flexibility analysis for all proposed rules unless the administrator certifies that the rule will not have a significant impact on a substantial number of small entities. Accordingly, I hereby certify, pursuant to 5 U.S.C. 601(b), that this rule will not have a significant impact on a substantial number of small entities.

List of Subjects

40 CFR Part 260

Administrative practice and procedure, Confidential business information, Hazardous materials, Recycling, Reporting and recordkeeping, Waste treatment or disposal.

40 CFR Part 261

Hazardous materials, Recycling, Waste treatment and disposal.

40 CFR Part 262

Administrative practice and procedure, Hazardous materials, Reporting and recordkeeping.

40 CFR Parts 264 and 265

Hazardous materials, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Waste treatment and disposal.

40 CFR Part 268

Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 270

Hazardous materials, Packaging and containers, Reporting and recordkeeping requirements, Waste treatment and disposal.

40 CFR Part 273

Hazardous materials, Packaging and containers.

Dated: January 20, 1993.

William K. Reilly,

Administrator.

For the reasons set out in the preamble, it is proposed to amend title 40 of the Code of Federal Regulations as follows:

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

1. The authority citation for part 260 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921–6927, 6930, 6934, 6935, 6937, 6938, 6939, and 6974.

Subpart B—Definitions

2. Section 260.10 is amended by revising the introductory text and adding, in alphabetical order, definitions for "battery," "consolidation point," and "destination facility" to read as follows:

§ 260.10 Definitions.

When used in parts 260 through 266, 268, and 270 through 273 of this chapter, the following terms have the meanings given below:

* * * * *

Battery means a device designed to generate electric currents, comprised of positive and negative electrodes made of electrically conductive materials, and that may contain a separating medium. A battery may or may not contain a conductive medium or electrolyte.

* * * * *

Consolidation point means the area, including all contiguous property, used for storing wastes subject to 40 CFR part 273 requirements after receipt from generators or other consolidation points and prior to transport to another consolidation point or to a destination facility.

* * * * *

Destination facility means a hazardous waste treatment, storage, recycling, or disposal facility which: (1) Has received a permit (or interim status) in accordance with the requirements of parts 270 and 124 of this chapter; (2) Has received a permit (or interim status)

from a state authorized in accordance with part 271 of this chapter; or (3) Is a recycler regulated under 40 CFR 261.6(c)(2).

* * * * *

Subpart C—Rulemaking Petitions

3. Section 260.20 paragraph (a) is revised to read as follows:

§ 260.20 General.

(a) Any person may petition the Administrator to modify or revoke any provision in parts 260 through 266, 268 and 273 of this chapter. This section sets forth general requirements which apply to all such petitions. Section 260.21 sets forth additional requirements for petitions to add a testing or analytical method to part 261, 264 or 265. Sections 260.22 and 260.23 set forth additional requirements for petitions to exclude a waste or waste-derived material at a particular facility from § 261.3 of this chapter or the lists of hazardous wastes in subpart D of part 261.

* * * * *

4. Section 260.34 is added to read as follows:

§ 260.34 Petitions to amend part 273 to include additional hazardous wastes.

(a) Any person seeking to include additional hazardous wastes in the regulations under part 273 of this chapter may petition for a regulatory amendment under this section and 40 CFR 260.20.

(b) The petitioner must demonstrate to the satisfaction of the Administrator that the hazardous waste for which the petitioner is seeking a regulatory amendment merits the development of regulations under part 273. The petition must address all of the factors listed in 40 CFR 273.2(a) and the criteria listed in 40 CFR 273.2(b).

(c) The Administrator may request additional information needed to evaluate the merits of the petition.

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

5. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

Subpart A—General

6. Section 261.5 is amended by revising paragraphs (c), (f)(3), and (g)(3) to read as follows:

§ 261.5 Special requirements for hazardous waste generated by conditionally exempt small quantity generators.

* * * * *

(c) When making the quantity determinations of this part and 40 CFR part 262, the generator must include all hazardous waste that it generates, except hazardous waste that meets one or more of the following conditions:

(1) Is exempt from regulation under 40 CFR 261.4 (c) through (f), 261.6(a)(3), 261.7(a)(1), or 261.8;

(2) Is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in 40 CFR 260.10;

(3) Is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under 40 CFR 261.6(c)(2);

(4) Is used oil managed under the requirements of 40 CFR 261.6(a)(2)(iii) and 40 CFR part 266 subpart E; or

(5) Is managed under the requirements of 40 CFR 261.9 and 40 CFR part 273, or under the requirements of 40 CFR part 266, subpart G.

* * * * *

(f) * * *

(3) A conditionally exempt small quantity generator may either treat or dispose of his acute hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage or disposal facility, either of which, if located in the U.S., is:

(i) Permitted under part 270 of this chapter;

(ii) In interim status under parts 270 and 265 of this chapter;

(iii) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under part 271 of this chapter;

(iv) Permitted, licensed, or registered by a State to manage municipal or industrial solid waste;

(v) A facility which:

(A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or

(B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or

(vi) For special collection system wastes managed under part 273 of this chapter, a consolidation point or destination facility subject to the requirements of part 273 of this chapter.

(g) * * *

(3) A conditionally exempt small quantity generator may either treat or dispose of his hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage or disposal facility, either of which, if located in the U.S., is:

(i) Permitted under part 270 of this chapter;

(ii) In interim status under parts 270 and 265 of this chapter;

(iii) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under part 271 of this chapter;

(iv) Permitted, licensed, or registered by a State to manage municipal or industrial solid waste;

(v) A facility which:

(A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or

(B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or

(vi) For special collection system wastes managed under part 273 of this chapter, a consolidation point or destination facility subject to the requirements of part 273 of this chapter.

* * * * *

7. Section 261.9 is added to read as follows:

§ 261.9 Requirements for special collection system wastes.

When managed by generators, transporters, and owners or operators of consolidation points (as defined in 40 CFR 260.10) in compliance with the special collection system requirements of part 273 of this chapter, the wastes listed below are exempt from regulation under parts 262 through 270 of this Chapter:

(a) Batteries that are hazardous wastes; and

(b) Suspended and/or canceled hazardous waste pesticides that are recalled.

PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

8. The authority citation for part 262 continues to read as follows:

Authority: 42 U.S.C. 6906, 6912(a), 6922, 6923, 6924, 6925, 6937 and 6938.

Subpart A—General

9. Section 262.11 is amended by revising paragraph (d) to read as follows:

§ 262.11 Hazardous waste determination.

* * * * *

(d) If the waste is determined to be hazardous, the generator must refer to parts 264, 265, 266, 268, and 273 of this chapter for possible exclusions or restrictions pertaining to management of the specific waste.

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

*

10. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

Subpart A—General

11. Section 264.1 is amended by adding a new paragraph (g)(11) as follows:

§ 264.1 Purpose, scope and applicability.

* * * * *

(g) * * *

(11) Wastes listed below, when managed by generators, transporters, and owners or operators of consolidation points (as defined in 40 CFR 260.10) in compliance with the special collection system requirements of part 273 of this Chapter:

(i) Batteries that are hazardous wastes; and

(ii) Suspended and/or canceled hazardous waste pesticides that are recalled.

* * * * *

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

12. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, 6935 and 6936.

Subpart A—General

13. Section 265.1 is amended by adding a new paragraph (c)(14) to read as follows:

§ 265.1 Purpose, scope and applicability.

* * * * *

(c) * * *

(14) Wastes listed below, when managed by generators, transporters, and owners or operators of consolidation points (as defined in 40 CFR 260.10) in compliance with the special collection system requirements of part 273 of this Chapter:

(i) Batteries that are hazardous wastes; and

(ii) Suspended and/or canceled hazardous waste pesticides that are recalled.

* * * * *

PART 268—LAND DISPOSAL RESTRICTIONS

14. The authority citation for part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

Subpart A—General

15. Section 268.1 is amended by adding paragraph (f) to read as follows:

§ 268.1 Purpose, scope and applicability.

* * * * *

(f) Generators, transporters, and owners and operators of consolidation points are exempt from 40 CFR 268.7 and 268.50 for the hazardous wastes listed below provided they manage the wastes in compliance with 40 CFR part 273:

(1) Batteries that are hazardous wastes; and

(2) Suspended and/or canceled hazardous waste pesticides that are recalled.

PART 270—EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

16. The authority citation for part 270 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912, 6924, 6925, 6927, 6939, and 6974.

Subpart A—General Information

17. Section 270.1 is amended by adding a new paragraph (c)(2)(viii) to read as follows:

§ 270.1 Purpose and scope of these regulations.

* * * * *

(c) * * *

(2) * * *

(viii) Generators, transporters, and owners and operators of consolidation points managing the hazardous wastes listed below provided they manage the wastes in compliance with 40 CFR part 273:

(A) Batteries that are hazardous wastes;

(B) Suspended and/or canceled hazardous waste pesticides that are recalled.

* * * * *

18. Title 40 of the Code of Federal Regulations is amended by adding part 273 to read as follows:

PART 273—STANDARDS FOR SPECIAL COLLECTION SYSTEM WASTES

Subpart A—General

Sec.
273.1 Applicability and scope.
273.2 Criteria.
273.3 Definitions.

Subpart B—Batteries That Are Hazardous Wastes

273.10 Applicability.
273.11 Generator requirements.
273.12 Transporter requirements.
273.13 Consolidation point requirements.
273.14 Destination facility requirements.
273.15 Export requirements.

Subpart C—Suspended and/or Canceled Pesticides That Are Recalled

273.20 Applicability.
273.21 Generator requirements.
273.22 Transporter requirements.
273.23 Consolidation point requirements.
273.24 Destination facility requirements.
273.25 Export requirements.

Authority: 42 U.S.C. 6922, 6923, 6924, 6925, 6930, and 6937.

Subpart A—General

§ 273.1 Applicability and scope.

(a) This part sets forth requirements for managing the following:

(1) Batteries that are hazardous wastes; and

(2) Pesticides that are hazardous wastes and that meet the applicability criteria of 40 CFR 273.20(a).

(b) The regulations in this part are a conditional exemption from full regulation under parts 260 through 272 of this chapter. Hazardous wastes listed in paragraph (a) of this section that are not managed in compliance with the requirements of this part must be managed according to the hazardous waste regulations in 40 CFR parts 260 through 272 of this chapter.

§ 273.2 Criteria.

Any person seeking to add hazardous wastes to this part may petition for a regulatory amendment under this section and 40 CFR 260.20 and 260.34. To be successful, the petitioner must demonstrate that regulation under this part is appropriate and that the part 273 requirements will improve waste management practices. To do so, the petitioner must submit adequate information to support the factors listed in paragraphs (a) and (b) of this section.

(a) *Demonstration that special collection system regulations are appropriate.* (1) The waste is listed in subpart D of part 261 of this chapter, or (if not listed) the proportion of the waste stream that exhibits one or more of the characteristics identified in subpart C of part 261 of this chapter;

(2) The hazardous waste is present in significant amounts in the municipal waste stream (e.g., commercial, agricultural, or community activity waste streams);

(3) The number of generators, on a national basis, is greater than 1,000;

(4) Typical generation sites include:

(i) Isolated locations where no other hazardous wastes are generated;

(ii) Locations where the hazardous waste is typically the only hazardous waste generated;

(iii) Locations where the hazardous waste is generated only sporadically or infrequently; or

(iv) Locations where there are small quantities generated per month;

(5) The risk posed by management of the hazardous waste in the municipal waste stream (i.e., in municipal combustors or landfills) is relatively high; and/or

(6) Other appropriate information.

(b) *Demonstration that Special Collection System Regulations Improve Waste Management Practices.* (1) The risk posed by the hazardous waste during storage and transport is relatively low, and special collection system regulations can be developed that are protective of human health and the environment;

(2) Systems to be used for collection of the waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;

(3) A special collection system would facilitate removal of the waste from the municipal waste stream;

(4) If viable recycling technologies are available for the hazardous waste, a special collection system would facilitate recycling;

(5) A special collection system would improve implementation of the hazardous waste regulatory program; and/or

(6) Such other factors as may be appropriate.

§ 273.3 Definitions.

For the purposes of this part:

(a) *Battery* means a device designed to generate electric currents, comprised of positive and negative electrodes made of electrically conductive materials, and that may contain a separating medium. A battery may or may not contain a conductive medium or electrolyte.

(b) *Consolidation point* means the area, including all contiguous property, used for storing wastes subject to 40 CFR part 273 requirements after receipt from generators or other consolidation points and prior to transport to another consolidation point or to a destination facility.

(c) *Destination facility* means a hazardous waste treatment, storage, recycling, or disposal facility which: (1) Has received a permit (or interim status) in accordance with the requirements of parts 270 and 124 of this chapter, (2) Has received a permit (or interim status) from a state authorized in accordance with part 271 of this chapter, or (3) Is a recycler regulated under 40 CFR 261.6(c)(2). If a waste is destined to a facility in an authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

(d) *FIFRA* means the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136–136y).

(e) *Generator* means any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.

(f) *Transfer facility* means any transportation related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

(g) *Transporter* means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

Subpart B—Batteries That Are Hazardous Wastes

§ 273.10 Applicability.

(a) *Covered wastes.* (1) This subpart sets forth standards for managing hazardous waste batteries, except for spent lead-acid batteries that are sent for reclamation and that are managed under 40 CFR part 266, subpart G.

(2) Hazardous waste batteries that are not managed in compliance with the requirements of this part, or spent lead-acid batteries that are not managed in compliance with 40 CFR part 266, subpart G, are subject to the hazardous waste regulations in 40 CFR parts 260 through 272 of this chapter.

(b) *Household and Conditionally Exempt Small Quantity Generator Waste Batteries.* (1) Persons managing the wastes listed below may, at their option, manage them under the requirements of this subpart without changing the wastes' exempt status:

(i) Household hazardous waste batteries that are exempt under 40 CFR 261.4(b)(1); and/or

(ii) Conditionally exempt small quantity generator hazardous waste batteries that are exempt under 40 CFR 261.5.

(2) Persons who commingle household hazardous waste batteries and/or conditionally exempt small quantity generator hazardous waste batteries together with hazardous waste batteries regulated under this subpart must manage the commingled batteries under the requirements of this subpart.

§ 273.11 Generator requirements.

(a) *Generation of hazardous waste batteries.*

(1) The date a used battery becomes a waste is the date the generator permanently takes it out of service.

(2) The date an unused battery becomes a waste is the date the generator decides to throw it away.

(3) A waste battery is a hazardous waste if it exhibits one or more of the characteristics identified in 40 CFR part 261, subpart C.

(b) *Storage.* (1) A generator may store a hazardous waste battery for no longer than one year from the date the battery became a waste.

(2) A generator who stores hazardous waste batteries must be able to demonstrate that batteries are not stored for more than one year from the date they became wastes. A generator may make this demonstration by:

(i) Placing the batteries in a container and marking or labeling the container with the earliest date that any battery in the container became a waste;

(ii) Marking or labeling an individual battery with the date that it became a waste;

(iii) Maintaining an inventory system that identifies the date any battery in storage became a waste;

(iv) Maintaining an inventory system that identifies the earliest date that any battery in a group of batteries became a waste;

(v) Placing the batteries in a specific storage area and identifying the earliest date that any battery in the storage area became a waste; or

(vi) Any other method approved in advance by the Regional Administrator or the State Director.

(c) *Notification.* (1) A generator who stores more than 20,000 kilograms of hazardous waste batteries at any time must send written notification of hazardous waste battery storage to the Regional Administrator, and receive an EPA Identification Number, before exceeding the 20,000 kilogram quantity limit.

(2) This notification must include:

(i) The generator's name and mailing address;

(ii) The name and business telephone number of the person at the generator's site who should be contacted regarding the battery storage activity;

(iii) The address or physical location of the battery storage activity;

(iv) A statement indicating that the generator stores more than 20,000 kilograms of hazardous waste batteries.

(d) *Prohibitions.* A generator of hazardous waste batteries is:

(1) Prohibited from diluting or disposing of them;

(2) Prohibited from treating them, except by removing electrolyte or responding to releases as provided in paragraphs (e)(1) and (e)(3) of this section; and

(3) Prohibited from sending or taking the hazardous waste batteries to a place other than a consolidation point, destination facility, or foreign destination.

(e) *Battery Management.* (1) A generator who removes electrolyte from hazardous waste batteries must determine whether the electrolyte exhibits a characteristic of hazardous waste identified in 40 CFR part 261, subpart C. If the electrolyte exhibits a characteristic of hazardous waste, the generator must manage it under all applicable requirements of 40 CFR parts 260 through 272.

(2) A generator must manage hazardous waste batteries in a way that minimizes releases of any battery components, including electrolyte.

(3)(i) A generator must immediately contain all releases of electrolyte or other residues from hazardous waste batteries.

(ii) A generator must determine whether any materials resulting from the release are hazardous wastes, and if so, the generator must manage them in accordance with all applicable requirements of 40 CFR parts 260 through 272.

(4) A generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

§ 273.12 Transporter requirements.

(a) *Shipments from a generator to a consolidation point, from a generator to a destination facility, or from one consolidation point to another consolidation point.* (1) A transporter of hazardous waste batteries may only store them at a transfer facility for ten days or less.

(2) A transporter of hazardous waste batteries is:

(i) Prohibited from diluting or disposing of them;

(ii) Prohibited from treating them, except by responding to releases as provided in paragraph (a)(3)(ii) of this section;

(iii) Prohibited from removing the electrolyte from them; and

(iv) Prohibited from transporting them to a place other than a consolidation point, destination facility, or foreign destination.

(3)(i) A transporter must manage hazardous waste batteries in a way that minimizes releases of any battery components, including electrolyte.

(ii)(A) A transporter must immediately contain all releases of electrolyte or other residues from hazardous waste batteries.

(B) A transporter must determine whether any materials resulting from the release are hazardous wastes, and if so, the transporter must manage them in accordance with all applicable requirements of 40 CFR parts 260 through 272.

(b) *Shipments from a consolidation point to a destination facility.* A transporter who transports shipments from a consolidation point to a destination facility must comply with 40 CFR part 263.

§ 273.13 Consolidation point requirements.

(a) *Storage.* (1) The owner or operator of a consolidation point may store a hazardous waste battery for no longer than one year from the date that the owner or operator receives it.

(2) The owner or operator of a consolidation point who stores hazardous waste batteries must be able to demonstrate that batteries are not stored for more than one year from the date they were received. The owner or operator may make this demonstration by:

(i) Placing the batteries in a container and marking or labeling the container with the earliest date that any battery in the container was received;

(ii) Marking or labeling an individual battery with the date that it was received;

(iii) Maintaining an inventory system that identifies the date any battery in storage was received;

(iv) Maintaining an inventory system that identifies the earliest date that any battery in a group of batteries was received;

(v) Placing the batteries in a specific storage area and identifying the earliest date that any battery in the storage area was received; or

(vi) Any other method approved in advance by the Regional Administrator or the State Director.

(b) *Prohibitions.* The owner or operator of a consolidation point managing hazardous waste batteries is:

(1) Prohibited from diluting or disposing of them;

(2) Prohibited from treating them, except by removing electrolyte or responding to releases as provided in paragraphs (c)(1) and (c)(3) of this section; and

(3) Prohibited from sending or taking the hazardous waste batteries to a place other than another consolidation point, destination facility, or foreign destination.

(c) *Battery Management.* (1) The owner or operator of a consolidation point who removes electrolyte from hazardous waste batteries must determine whether the electrolyte exhibits a characteristic of hazardous waste identified in 40 CFR part 261, subpart C. If the electrolyte exhibits a characteristic of hazardous waste, the consolidation point owner/operator must manage it under all applicable requirements of 40 CFR parts 260 through 272.

(2) The owner or operator of a consolidation point must manage hazardous waste batteries in a way that minimizes releases of any battery components, including electrolyte.

(3)(i) The owner or operator of a consolidation point must immediately contain all releases of electrolyte or other residues from hazardous waste batteries.

(ii) The consolidation point owner/operator must determine whether any materials resulting from the release are hazardous wastes, and if so, the owner/operator must manage them in accordance with all applicable requirements of 40 CFR parts 260 through 272.

(4) The consolidation point owner or operator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

(d) *Notification.* (1)(i) A consolidation point owner or operator who stores more than 20,000 kilograms of hazardous waste batteries at any time must submit written notification to the Regional Administrator, and receive an EPA Identification Number, before exceeding the 20,000 kilogram limit.

(ii) This notification must include:

(A) The owner's or operator's name and mailing address;

(B) The name and business telephone number of the person who should be contacted regarding the battery storage activity;

(C) The address or physical location of the battery storage activity;

(D) A statement indicating that the owner or operator expects to store more than 20,000 kilograms of hazardous waste batteries.

(2)(i) A consolidation point owner or operator who sends a shipment of hazardous waste batteries directly from the consolidation point to a destination facility, who is not required to notify under paragraph (d)(1) of this section, must submit written notification to the

Regional Administrator, and receive an EPA Identification Number, before initiating the shipment.

(ii) This notification must include:

(A) The owner's or operator's name and mailing address;

(B) A statement that the owner or operator intends to ship hazardous waste batteries to a destination facility;

(C) The name and business telephone number of the person who should be contacted regarding the battery storage activity; and

(D) The address or physical location of the battery storage activity.

(e) *Uniform Hazardous Waste Manifests.* The owner or operator of a consolidation point who sends a shipment of hazardous waste batteries directly to a destination facility must comply with subpart B of 40 CFR part 262 and 40 CFR 262.30 through 262.33, 262.40(a), 262.40(d), and 262.42 of this chapter when initiating a shipment.

§ 273.14 Destination facility requirements.

(a) Owners or operators of destination facilities that recycle, treat, store, or dispose of hazardous waste batteries must comply with all applicable requirements of parts 264, 265, 266, 268, 270, and 124 of this chapter, and the notification requirement under Section 3010 of RCRA.

(b) Owners and operators of destination facilities that recycle hazardous waste batteries without storing them before they are recycled must comply with 40 CFR 261.6(c)(2).

§ 273.15 Export requirements.

(a) A generator who sends hazardous waste batteries to a foreign destination, without first sending them to a consolidation point or destination facility, must:

(1) Comply with the requirements applicable to a primary exporter in 40 CFR 262.53, 262.56(a)(1) through (4), (6), and (b) and 262.57;

(2) Export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in subpart E of part 262 of this chapter; and

(3) Provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.

(b) A transporter transporting a shipment of hazardous waste batteries to a foreign destination may not accept a shipment if the transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition the transporter must ensure that:

(1) A copy of the EPA Acknowledgment of Consent accompanies the shipment; and

(2) The shipment is delivered to the facility designated by the person initiating the shipment.

(c) An owner or operator of a consolidation point who sends hazardous waste batteries to a foreign destination, without first sending them to another consolidation point or destination facility, must:

(1) Comply with the requirements applicable to a primary exporter in 40 CFR 262.53, 262.56(a)(1) through (4), (6), and (b) and 262.57;

(2) Export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in subpart E of part 262 of this chapter; and

(3) Provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.

(d) A destination facility sending hazardous waste batteries to a foreign destination must also comply with the generator requirements of part 262 of this chapter, and with 40 CFR 264.71(c) or 265.71(c) pertaining to initiating the manifest.

Subpart C—Suspended and/or Canceled Pesticides That are Recalled

§ 273.20 Applicability.

(a) *Covered Wastes.* (1) This subpart sets forth standards for managing hazardous waste pesticides meeting the following conditions:

(i) The hazardous waste pesticides are stocks of a suspended and canceled pesticide, other than those owned by a registrant, that are part of a voluntary or mandatory recall under FIFRA Section 19(b); or

(ii) The hazardous waste pesticides are stocks of a suspended and canceled pesticide owned by a registrant responsible for conducting a recall under FIFRA section 19(b); or

(iii) The hazardous waste pesticides are part of a recall conducted voluntarily by a registrant of a pesticide that has been suspended or canceled under FIFRA section 6.

(2) Hazardous waste pesticides that are not managed in compliance with the requirements of this part must be managed under the hazardous waste regulations in 40 CFR parts 260 through 272 of this chapter.

(3) Hazardous waste pesticides managed by farmers in compliance with 40 CFR 262.70 are not subject to the requirements of this part. 40 CFR 262.70 addresses only pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with 40 CFR 261.7(b)(3).

(b) *Household and Conditionally Exempt Small Quantity Generator Waste Pesticides.* (1) Persons managing the wastes listed below may, at their option, manage them under the requirements of this subpart without changing the wastes' exempt status:

(i) Household hazardous waste pesticides that are exempt under 40 CFR 261.4(b)(1); and/or

(ii) Conditionally exempt small quantity generator hazardous waste pesticides that are exempt under 40 CFR 261.5.

(2) Persons who commingle household hazardous waste pesticides and/or conditionally exempt small quantity generator hazardous waste pesticides together with hazardous waste pesticides regulated under this subpart must manage the commingled pesticides under the requirements of this subpart.

§ 273.21 Generator requirements.

(a) *Generation of hazardous waste pesticides.* (1) A pesticide becomes a waste:

(i) On the date the generator decides to participate in a recall, if the person conducting the recall has already decided to dispose of the pesticide or burn the pesticide for energy recovery; or

(ii)(A) On the date the person conducting a FIFRA Section 19 recall decides to dispose of the pesticide or burn the pesticide for energy recovery, if the generator has already notified the recaller that he will participate in the recall; or

(B) On the date the person conducting a recall of a pesticide suspended or canceled under FIFRA section 6 decides to dispose of the pesticide or burn the pesticide for energy recovery, if the generator has already decided to participate in the recall.

(2) If the person conducting the recall has not yet made a decision on a management option, the pesticide is not yet defined as a "solid waste" under RCRA; thus, the pesticide is not yet a hazardous waste and is not subject to hazardous waste requirements. In addition, if the person conducting the recall selects a management option that, under 40 CFR 261.2, does not cause the pesticide to be a solid waste (i.e., the selected option is use or reuse—other than burning for energy recovery or use constituting disposal—or reclamation), the pesticide is not a hazardous waste and is not subject to hazardous waste

requirements. Although pesticides that are not solid wastes are not hazardous wastes and thus are not subject to the hazardous waste regulations, they remain subject to the requirements of FIFRA.

(3) A waste pesticide is a hazardous waste if it is listed in 40 CFR part 261, subpart D or if it exhibits one or more of the characteristics identified in 40 CFR part 261, subpart C.

(b) *Condition of pesticides.* A generator of hazardous waste pesticides may manage them under this subpart only if they are contained in one or more of the following:

(1) Packaging materials (either containers or tanks) that are:

(i) Original materials used to contain the pesticide when it was being distributed or sold; and

(ii) Kept closed and not leaking.

(2) Packaging materials that are original packaging that has been overpacked in a larger, non-leaking closed container.

(3) Tanks that meet the requirements of 40 CFR part 265 subpart J, except for 40 CFR 265.197(c), 265.200, and 265 201.

(4) Non-leaking transport vehicles or vessels.

(c) *Storage.* (1) A generator may store hazardous waste pesticides for no longer than one year from the date the pesticides became wastes.

(2) A generator who stores hazardous waste pesticides must be able to demonstrate that the pesticides are not stored for more than one year from the date they became a waste. A generator may make this demonstration by:

(i) Marking or labeling the container or tank in which the pesticide is stored with the date the pesticide became a waste;

(ii) Maintaining an inventory system that identifies the date the pesticides in storage became wastes;

(iii) Placing the pesticides in a specific storage area and identifying the earliest date that any pesticide in the storage area became a waste; or

(iv) Any other method approved in advance by the Regional Administrator or the State Director.

(d) *Prohibitions.* A generator of hazardous waste pesticides is:

(1) Prohibited from diluting or disposing of them except under 40 CFR 262.70;

(2) Prohibited from treating them, except by responding to releases as provided in paragraph (e) of this section; and

(3) Prohibited from sending or taking the pesticides to a place other than a foreign destination, or a consolidation point or destination facility designated by the person conducting the recall.

(e) *Pesticide Management.* (1) A generator must immediately contain all releases of hazardous waste pesticides.

(2) A generator must determine whether any materials resulting from the release are hazardous wastes, and if so, the generator must manage them in accordance with all applicable requirements of 40 CFR parts 260 through 272.

(3) A generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

§ 273.22 Transporter requirements.

(a) *Condition of pesticides.* A transporter of hazardous waste pesticides must contain them in one or more of the following:

(1) Packaging materials (either containers or tanks) that are:

(i) Original materials used to contain the pesticide when it was being distributed or sold; and

(ii) Kept closed and not leaking.

(2) Packaging materials that are original packaging that has been overpacked in a larger, non-leaking, closed container.

(3) Non-leaking transport vehicles or vessels.

(b) *Storage.* A transporter of hazardous waste pesticides may only store them at a transfer facility for ten days or less.

(c) *Prohibitions.* A transporter of hazardous waste pesticides is:

(1) Prohibited from diluting or disposing of them;

(2) Prohibited from treating them, except by responding to releases as provided in paragraph (d) of this section; and

(3) Prohibited from transporting them to a place other than a foreign destination, or a consolidation point or destination facility designated by the person conducting the recall.

(d) *Pesticide Management.* (1) A transporter must immediately contain all releases of hazardous waste pesticides.

(2) A transporter must determine whether any materials resulting from the release are hazardous wastes, and if so, the transporter must manage them in accordance with all applicable requirements of 40 CFR parts 260 through 272.

§ 273.23 Consolidation point requirements.

(a) *Condition of pesticides.* The owner or operator of a consolidation point managing hazardous waste pesticides must contain them in one or more of the following:

(1) Packaging materials (either containers or tanks) that are:

(i) Original materials used to contain the pesticide when it was being distributed or sold; and

(ii) Kept closed and not leaking.

(2) Packaging materials that are original packaging that has been overpacked in a larger, non-leaking closed container.

(3) Tanks that meet the requirements of 40 CFR part 265 subpart J, except for 40 CFR 265.197(c), 265.200, and 265.201.

(4) Non-leaking transport vehicles or vessels.

(b) *Storage.* (1) The owner or operator of a consolidation point may store hazardous waste pesticides for no longer than one year from the date the owner or operator receives them.

(2) The owner or operator of a consolidation point who stores hazardous waste pesticides must be able to demonstrate that the pesticides are not stored for more than one year from the date they were received. The owner or operator may make this demonstration by:

(i) Marking or labeling the containers or tanks in which the pesticides are stored with the date the pesticides were received;

(ii) Maintaining an inventory system that identifies the date the pesticides in storage were received;

(iii) Placing the pesticides in a specific storage area and identifying the earliest date that any of the pesticides in the storage area were received; or

(iv) Any other method approved in advance by the Regional Administrator or the State Director.

(c) *Prohibitions.* The owner or operator of a consolidation point managing hazardous waste pesticides is:

(1) Prohibited from diluting or disposing of them;

(2) Prohibited from treating them, except by responding to releases as provided in paragraph (d) of this section; and

(3) Prohibited from sending or taking them to a place other than a foreign destination, or a consolidation point or destination facility designated by the person conducting the recall.

(d) *Pesticide Management.* (1) The owner or operator of the consolidation point must immediately contain all releases of hazardous waste pesticides.

(2) The consolidation point owner/operator must determine whether any materials resulting from the release are hazardous wastes, and if so, the owner/operator must manage them in accordance with all applicable requirements of 40 CFR parts 260 through 272.

(3) The consolidation point owner or operator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

§ 273.24 Destination facility requirements.

(a) Owners or operators of destination facilities that recycle, treat, store, or dispose of hazardous waste pesticides must comply with all applicable requirements of parts 264, 265, 266, 268, 270, and 124 of this chapter, and the notification requirement under Section 3010 of RCRA.

(b) Owners and operators of destination facilities that recycle hazardous waste pesticides without storing them before they are recycled must comply with 40 CFR 261.6(c)(2).

§ 273.25 Export requirements.

(a) A generator who sends hazardous waste pesticides to a foreign destination, without first sending them to a consolidation point or destination facility, must:

(1) Comply with the requirements applicable to a primary exporter in 40 CFR 262.53, 262.56(a) (1) through (4), (6), and (b) and 262.57;

(2) Export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in 40 CFR part 262 subpart E; and

(3) Provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.

(b) A transporter transporting hazardous waste pesticides to a foreign destination may not accept a shipment if the transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition, the transporter must ensure that:

(1) A copy of the EPA Acknowledgment of Consent accompanies the shipment; and

(2) The shipment is delivered to the facility designated by the person initiating the shipment.

(c) An owner or operator of a consolidation point who sends hazardous waste pesticides to a foreign destination, without first sending them to another consolidation point or to a destination facility, must:

(1) Comply with the requirements applicable to a primary exporter in 40 CFR 262.53, 262.56(a)(1) through (4), (6), and (b) and 262.57;

(2) Export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in 40 CFR part 262 subpart E; and

(3) Provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.

(d) A destination facility sending hazardous waste pesticides to a foreign destination must also comply with the generator requirements of part 262 of this chapter, and with 40 CFR 264.71(c) or 265.71(c) pertaining to initiating the manifest.

(e) Recalled pesticides that are exported to a foreign destination for use or reuse are not hazardous waste pesticides and are subject to the applicable export requirements of FIFRA.

[FR Doc. 93–2700 Filed 2–10–93; 8:45 am]

BILLING CODE 6560–60–P

VOL
58
ISS
27
FE
11
1993
UMI

federal register

Thursday
February 11, 1993

Part III

Environmental Protection Agency

40 CFR Part 82
Protection of Stratospheric Ozone; Labeling; Final Rule

VOL 58 ISS 27 FE 11 1993 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL-4557-1]

RIN 2060-AD47

Protection of Stratospheric Ozone; Labeling

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule establishes labeling requirements for products manufactured with, containers of, and products containing specific ozone-depleting substances pursuant to section 611 of the Clean Air Act, as amended. Specifically, the regulations require products that are manufactured with a process using a class I substance currently defined as chlorofluorocarbons (CFCs), halons, carbon tetrachloride, methyl chloroform, products containing a class I substance and containers of a class I or class II substance (hydrochlorofluorocarbons (HCFCs)) or mixture to bear a "clearly legible and conspicuous" warning statement. The substances affected by today's final rule are class I substances and class II substances, as defined in 40 CFR part 82, appendix A to subpart A and in any later rulemaking.

EFFECTIVE DATE: The final regulation is effective on March 15, 1993. The information collection requirements contained in 40 CFR 82.122 have not been approved by the Office of Management and Budget (OMB) and are not effective until OMB has approved them. An announcement of the effective date of 40 CFR 82.122 will be published in the **Federal Register.**

ADDRESSES: Comments and materials supporting this rulemaking are contained in Public Docket No. A-91-60 in room M-1500, Waterside Mall (Ground Floor), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Dockets may be inspected from 8:30 a.m. until 12 noon, and from 1:30 p.m. until 3 p.m., Monday through Friday. A reasonable fee may be charged for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Kate Van Slyck, Stratospheric Ozone Protection Branch, Stratospheric Protection Division, Office of Atmospheric Programs, Office of Air and Radiation (6202-J), 401 M Street, SW., Washington, DC 20460. (202) 233-9742. The Stratospheric Ozone Information Hotline at 1-800-296-1996 can also be contacted for further information.

SUPPLEMENTARY INFORMATION: The contents of today's preamble are listed in the following outline:

I. Background
A. Ozone Depletion
B. Montreal Protocol
C. Excise Tax
D. London Amendments to the Montreal Protocol
E. Clean Air Act Amendments of 1990, Title VI
F. Requirements of Section 611
II. The May 4, 1992 Notice of Proposed Rulemaking
III. Accelerated Phaseout
1. New Scientific Data Regarding Ozone Depletion
2. Copenhagen Revisions to the Montreal Protocol
3. The Proposed Accelerated Phaseout Regulation
4. Effect of Accelerated Phaseout on Labeling Regulation
IV. Summary of Public Participation
V. Response to Significant Comments
A. Definition of Interstate Commerce and Introduction into Interstate Commerce
B. Products Manufactured Before May 15, 1993
C. Products Manufactured With Controlled Substances
1. Changes to the Label Pass-Through Requirement
a. Resin Producers and the Use of One Label
2. Incidental Uses
3. Transformation
4. Destruction
5. Use Reduction Exemption for CFC-113 and Methyl Chloroform Used as Solvents
D. Products Containing and Containers Containing
1. Distinction Between "Products Containing" and "Containers Containing" and Label Requirement
2. Label Pass-through Requirement for "Products Containing" and "Containers Containing"
3. Containers of Recaptured Substances and Waste
4. Trace Quantities of Unintended Residues or Impurities
E. Use of Controlled Substances for Repairs and Used Products
F. Label Placement and Alternative Labeling Options
1. Label Placement
a. Clearly legible and conspicuous
2. Alternative Labeling Options
a. Alternative Labels
b. Supplemental Printed Material
c. Products not Viewed by the Purchaser Prior to or at the Same Time of Purchase
d. Competing Information.
e. Parallel to Existing Information
G. Products Manufactured for Export Only
H. Imports
I. Medical Products
J. Packaging
K. Research and Development
L. Warning Statement Text and Requirement
M. Recoverable Substances Label
N. Symbol
O. Petition Process
VI. Summary of the Final Rule and Changes from the Proposed Rule
VII. Effective Date
VIII. Summary of Supporting Analyses
A. Regulatory Impact Analysis
B. Regulatory Flexibility Analysis
C. Paperwork Reduction Act
IX. References

I. Background

A. Ozone Depletion

The stratospheric ozone layer protects the earth from ultraviolet (UV-B) radiation. Research begun in the 1970s indicated that when certain industrially produced halocarbons (including chlorofluorocarbons (CFCs), halons, carbon tetrachloride and methyl chloroform) are released into the environment, they migrate into the stratosphere, where they contribute to the depletion of the ozone layer. To the extent depletion occurs, penetration of the atmosphere by UV-B radiation increases. Increased exposure to UV-B radiation produces health and environmental damage, including increased incidence of skin cancer and cataracts, suppression of the immune system, damage to crops and aquatic organisms, increased formation of ground-level ozone and increased weathering of outdoor plastics.

B. Montreal Protocol

In response to growing evidence that chlorine and bromine could destroy stratospheric ozone on a global basis and the discovery of the ozone hole over Antarctica, many members of the international community came to the conclusion that an international agreement to reduce global production of ozone-depleting substances was needed. Because releases of CFCs from all areas mix in the atmosphere to affect stratospheric ozone globally, efforts to reduce emissions from specific products by only a few nations could quickly be offset by increases in emissions from other nations, leaving the risks to the ozone layer unchanged. EPA evaluated the risks of ozone depletion in Assessing the Risks of Trace Gases That Can Modify the Stratosphere (1987) and concluded that an international approach was necessary to effectively safeguard the ozone layer.

EPA participated in negotiations organized by the United Nations Environment Programme (UNEP) to achieve an international agreement to protect the ozone layer. In September 1987, the United States and 22 other countries signed the Montreal Protocol on Substances that Deplete the Ozone Layer. The 1987 Protocol called for a freeze in the production and

consumption (defined as production plus imports minus exports of bulk chemicals) of CFC–11, –12, –113, –114, –115, and halon 1211, 1301 and 2402 at 1986 levels, and a phased reduction of the CFCs to 50 percent of 1986 levels by 1998. Currently, over 90 nations representing well over 90 percent of the world's consumption are parties to the Protocol.

In an August 12, 1988 final rulemaking (53 FR 30566) EPA promulgated regulations implementing the requirements of the 1987 Protocol through a system of tradable allowances. EPA apportioned these allowances to producers and importers of these "controlled substances" based on their 1986 levels. To monitor industry's compliance with the production and consumption limits, EPA required recordkeeping and quarterly reporting and conducted periodic compliance reviews and inspections.

C. Excise Tax

As part of the Omnibus Budget Reconciliation Act of 1989, Internal Revenue Code of Ozone-Depleting Substances, section 506A of Public Law 101–239, the United States Congress levied an excise tax on the sale of CFCs and other chemicals which deplete the ozone layer, with specific exemptions for exports and recycling. The tax went into effect on January 1, 1990, and increases annually. The original excise tax was amended by the Omnibus Budget Reconciliation Act of 1991 to include methyl chloroform, carbon tetrachloride and the other CFCs regulated by the amended Montreal Protocol and Title VI of the Clean Air Act, as amended in 1990. The Energy Policy Act of 1992, section 1931 of Public Law 102–486, revised and further increased the excise tax, effective January 1, 1993. By raising the cost of virgin controlled substances, the tax has created an additional incentive for industry to shift out of these substances and increase recycling activities, and it has encouraged the development of a market for alternative chemicals and processes.

D. London Amendments to the Montreal Protocol

Under Article 6 of the Montreal Protocol, the Parties are required to assess the science, economics and alternative technologies related to protection of the ozone layer every two years. In response to this requirement, the Parties issued their first scientific assessment in 1989 (Scientific Assessment of Ozone Depletion, which has been placed in the docket for this rulemaking.) During this assessment, scientists examined the data from land-based monitoring stations and the total ozone mapping spectometer (TOMS) satellite and found that there had been global ozone depletion over the northern hemisphere as well as over the southern hemisphere. The scientific assessment also reported that a three to five percent decrease in stratospheric ozone levels had occurred between 1969–1986 in the northern hemisphere in the winter months that could not be attributed to known natural processes.

At the Second Meeting of the Protocol Parties, held in London on June 29, 1990, the Parties responded to this new evidence by tightening the restrictions placed on these chemicals. The Parties to the Protocol passed amendments and adjustments which called for a full phaseout of the already regulated CFCs and halons by 2000, a phaseout of carbon tetrachloride and "other CFCs" by 2000 and a phaseout of methyl chloroform by 2004. The Parties also passed a non-binding resolution regarding the use of hydrochlorofluorocarbons (HCFCs) as interim substitutes for CFCs. Partially halogenated HCFCs add much less chlorine to the stratosphere than the fully halogenated CFCs, but still pose a significant threat to the ozone layer. (See 56 FR 2420 January 22, 1991 for more information on the relative effects of different ozone-depleting substances).

E. Clean Air Act Amendments of 1990, Title VI

On November 15, 1990, the Clean Air Act Amendments of 1990 were signed into law. The requirements in Title VI of the amended act include phaseout controls similar to those in the London Amendments, although the interim targets are more stringent and the phaseout date of methyl chloroform is earlier (section 604). Other Title VI provisions require EPA to promulgate additional controls pertaining to the protection of the stratospheric ozone. These provisions: (1) Restrict production and consumption of HCFCs (section 605); (2) restrict the uses of controlled ozone-depleting substances, including provisions to reduce emissions of controlled substances to the "lowest achievable level" in all use sectors (section 608); (3) require the recovery and recycling of refrigerant when servicing motor vehicle air conditioners (section 609); (4) ban nonessential products (section 610); (5) mandate warning labels (section 611); (6) establish a safe alternatives program (section 612); and (7) require revision of federal procurement policies to minimize government use of ozone-depleting substances. EPA has already promulgated regulations implementing the phaseout provisions contained in section 604 of the Act (57 FR 33754) and the section 610 ban on nonessential uses. EPA is currently in the process of promulgating regulations under several other sections of Title VI.

One of the provisions of the Act which complements the labeling requirement is the Significant New Alternatives Program (SNAP) established under section 612. The Advance Notice of Proposed Rulemaking for SNAP was published in the **Federal Register** on January 16, 1992 (57 FR 1984); the Notice of Proposed Rulemaking is currently being prepared for publication. The SNAP program has been established to evaluate the overall effects on human health and the environment of the potential substitutes for ozone-depleting substances. Rules promulgated under SNAP will render it unlawful to replace an ozone-depleting substance with a substitute chemical or technology that may present adverse effects to human health and the environment if the Administrator determines that some other alternative is commercially available and that this alternative poses a lower overall threat to human health and the environment. The SNAP program is a powerful tool for ensuring that "safe" alternatives are developed.

F. Requirements of Section 611

The rule being promulgated today implements section 611 which prohibits, effective May 15, 1993, the introduction into interstate commerce of any container containing class I and class II substances, product containing class I substances and product manufactured with class I substances, unless it bears a warning statement indicating that the product contains or is manufactured with ozone-depleting substance(s). The section extends the prohibition after May 15, 1993, and before January 1, 2015, to any products containing, or manufactured with class II substances if the Administrator determines that safe alternatives are available. Beginning January 1, 2015, all products containing or manufactured with class I or class II substances must also be labeled. While the label provisions have different effective dates for products containing and manufactured with class I substances, as compared to products containing and manufactured with class II substances, the requirements in the regulation are the same for products "manufactured with" and products "containing" such substances unless otherwise indicated. The term "controlled substance," defined in the regulation, will be used

VOL 58 ISS 27 FE 11 1993 UMI

to refer to both class I and class II substances where the labeling requirements apply to both substances.

II. The May 4, 1992 Notice of Proposed Rulemaking

In a notice of proposed rulemaking published on May 4, 1992 (57 FR 19166), EPA proposed regulations to implement section 611. (It should be noted that EPA considers section 611 to be self-implementing except for those prohibitions that require an EPA determination to be triggered (see, e.g., section 611(c)(1)). Consequently, products covered by section 611 would have to be labeled even if EPA did not promulgate implementing regulations. Specifically, EPA proposed that effective May 15, 1993, labels be required on containers of class I and class II substances and products containing or manufactured with class I substances. The proposal also called for labels on all products containing or manufactured with class I or class II substances, beginning on January 1, 2015.

EPA proposed definitions for the terms "class I substance and class II substance," "container," "containing or contains," "incidental uses," "manufactured with," "potentially available," "principal display panel," "product," "recoverable substance," "supplemental printed information," "transform," "ultimate consumer," "type size," and "warning label." While many of the proposed definitions were consistent with definitions in regulations under other sections of Title VI, the definitions also included some that apply only to the regulations promulgated pursuant to section 611. In describing these definitions, EPA discussed the legal and policy aspects of the options considered in the proposal.

With respect to products "manufactured with" ozone-depleting substances, EPA proposed that a product is "manufactured with" a class I or class II substance if a class I or class II substance is used in the product's manufacturing process, including the manufacture of component parts, but the class I or class II substance is not contained in the product at the point of sale to the ultimate consumer. Examples of products "manufactured with" under the proposed definition included products cleaned with solvents, products with adhesives or coatings using solvents, open celled flexible foam products, and certain food and tobacco products. Excluded from the definition were incidental uses, those uses where no physical contact occurs between the product and the controlled substance. Examples of incidental uses provided in the proposal were are produce stored in a warehouse that is refrigerated by a CFC system, or clothes that are manufactured by machinery which requires routine maintenance with a controlled substance like methyl chloroform, but that the clothes do not come into contact with the substance directly. Also excluded from the proposed definition of "manufactured with" were products manufactured with ozone-depleting substances that are transformed into non-ozone-depleting substances during the manufacturing process and therefore do not pose a threat to the ozone layer. Appendix A of the proposal, parts 1 and 2, consisted of a partial list of products that were considered "manufactured with" and those considered "containing."

In the proposal, EPA indicated that it would not narrow its definition of "manufactured with" through establishment of a "de minimis" level because though many CFCs and other ozone-depleting substances were typically used in small quantities by individual users, the aggregate use of these substances over an entire market segment was large.

Under the proposal, EPA defined "product containing" ozone-depleting substances to be products that hold a controlled substance within their structure, or that are intended to be charged with a controlled substance, at the point of sale to the ultimate consumer, consistent with Appendix B of the Montreal Protocol on Substances That Deplete the Ozone Layer (UNEP Memo June 21, 1991). (In the Appendix, the Protocol Parties listed "products containing" controlled substances for purposes of a trade provision in Article 4 of the Protocol.) Examples cited were truck air conditioning units, domestic and commercial refrigeration equipment, aerosol products and fire extinguishers.

The proposal contained a discussion regarding the appropriate placement of labels on products. The definition section of the proposed rule contained definitions of "principal display panel" (PDP) and "supplemental printed information" which were relevant to the discussion of label placement. Since section 611 requires that a label be "clearly legible and conspicuous," EPA proposed that the label appear on the product or its container/packaging, whichever the ultimate consumer would view first when making the purchase. EPA proposed that placement of the label on the PDP would be one way in which to ensure that the label was "clearly legible and conspicuous," since it is generally large enough to accommodate a label and it is usually where the consumer is likely to look for product information. However, the proposal also stated that placement of the label on another display panel that is normally viewed by the consumer at the time of purchase could also be "clearly legible and conspicuous."

In addition to display panels, the proposal discussed alternative label placement for those products that are not normally viewed at the time of the purchase decision. It suggested that for such products, manufacturers include the warning statement in supplemental printed materials. For products that are normally viewed at the time of the purchase decision, but are irregularly shaped or small and cannot therefore accommodate a label on a display panel, the proposed rule indicated that hang tags, cards, stickers, tape and other options of label placement could be used for placement of the label.

EPA also proposed that a product be considered to have been introduced into interstate commerce either at the warehouse from which the manufacturer releases the product for distribution or sale, or at the site of U.S. Customs clearance for imported products. EPA proposed that the warning statement be passed through the stream of commerce to the ultimate consumer in order to inform the ultimate consumer of any controlled substances used and thereby maximize manufacturers' incentive to switch to substitutes. Specifically, EPA proposed that for products incorporating other products as components the label information on the final product include any information regarding use of controlled substance(s) in the manufacturing of the component products. EPA indicated that under such requirements, a manufacturer could rely on its reasonable belief that the purchased component products were not manufactured with controlled substances if a label did not accompany the product and that independent investigations through the stream of commerce were unnecessary. Manufacturers could also employ contractual specifications which would declare to their suppliers their unwillingness to purchase products manufactured with any controlled substance.

For manufacturers in need of temporary exemptions from the labeling requirement (under section 611(e)(5), effective January 1, 2015, that all products containing or manufactured with a controlled substance must bear a label), EPA proposed a petition process with specific format and data requirements. Those manufacturers that demonstrated, to the satisfaction of the

Administrator, that no alternative substitutes were currently or potentially available for their specific use of class I substances could obtain an exemption. The proposed petition process sought to implement section 611(e)(1), which allows persons to request EPA to apply the labeling requirements to a product containing or manufactured with a class II substance earlier than the statute otherwise provided. The Agency also proposed a petition process for persons to request an exemption for their products manufactured with a class I substance. The Agency would have 180 days to review such petitions.

Also proposed was the application of a permanent label on products containing class I substances indicating how to recover the substances. The intent of the additional label was to provide clarification to servicers of the products and recyclers of the substances contained in the product to facilitate appropriate handling. Under section 608, EPA is required to promulgate regulations to maximize the recycling of such substances and to reduce emissions of such substances to the lowest possible levels.

EPA also requested comments on whether a symbol should accompany the warning text as a means of more effectively communicating the intent of the warning statement. However, EPA was concerned that the cost of such a symbol would outweigh the benefits of using the symbol. EPA did not propose a symbol.

In developing the rule, the Agency received guidance from a Subcommittee on Labeling of the Stratospheric Ozone Protection Advisory Committee (STOPAC) in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. section 9(c). Additionally, small "use-sector" groups convened to discuss application of the labeling requirement throughout various sectors of industry. The Agency wishes to acknowledge their valuable technical expertise and assistance in the development of the proposal.

III. Accelerated Phaseout

Based on new scientific evidence developed since the passage of section 611 and development of the proposed implementing regulations, the international community, led by the United States, has agreed to further accelerate the phaseout of already regulated ozone-depleting substances and control such substances pursuant to this agreement. Virtually all class I substances will be phased out in less than three (3) years and some of those with the highest ozone depletion factors will be phased out in less than one year. EPA believes that its decisions in this rulemaking should take into account the significantly shortened life span of ozone-depleting substances and the correspondingly diminished impact labeling would be expected to have. The following section describes the most recent scientific and international developments regarding ozone depletion to provide the relevant context for EPA decisions regarding the labeling rule.

1. New Scientific Data Regarding Ozone Depletion

Significant scientific advances have occurred since the 1989 Protocol assessments. Several subsequent reports since that time have indicated a more rapid rate of ozone depletion than previously believed. The most recent Montreal Protocol Scientific Assessment, issued December 17, 1991, contains information from ground-based monitoring instruments, as well as from satellite instruments, from the years 1979–1991. The data indicate significant decreases in total-column ozone have occurred in winter, and for the first time several similar decreases in spring and summer, in both the northern and southern hemispheres at middle and high latitudes. The data further show no significant depletion has occurred in the tropics. TOMS data indicate that for the period 1979 to 1991, decreases in total ozone at 45 degrees south latitude ranged between 4.4 percent in the fall to as much as 6.2 percent in the summer, while depletion at 45 degrees north latitude ranged between 1.7 percent in the fall to 5.6 percent in the winter. Data from the ground-based Dobson network confirm these losses in total column ozone during the thirteen-year period. These findings show almost twice as much depletion as the average rate measured by the ground-based network over a twenty-year period. Based on this new data, scientists have concluded that the ozone in the stratosphere during the 1980s disappeared at a much faster rate than experienced in the previous decade.

The recent UNEP Science Assessment also includes new data on the estimated ozone depletion potentials (ODPs) of ozone-depleting substances. The assessment places the ODP of methyl bromide, a chemical previously thought to have an insignificant effect on stratospheric ozone, at 0.6, with a range of uncertainty between 0.44–0.69. The Executive Summary of the Assessment states that, "if the anthropogenic sources of methyl bromide are significant and their emissions can be reduced, then each ten percent reduction in methyl bromide would rapidly result in a decrease in stratospheric bromine of 1.5 pptv (parts per trillion by volume), which is equivalent to a reduction in chlorine of 0.045 to 0.18 ppbv (parts per billion by volume). This gain is comparable to that of a three-year acceleration of the scheduled phaseout of the CFCs." On November 25, 1992, the Parties to the Montreal Protocol agreed to assign methyl bromide with an ODP of 0.7 and freeze its production and consumption at 1991 levels. See subsection 4 below in this section for further information regarding this issue.

On February 3, 1992, NASA released preliminary data acquired by the ongoing Arctic Airborne Stratospheric Experiment–II (AASE–II), a series of high-altitude instrument-laden plane flights over the northern hemisphere (see Interim Findings: Second Airborne Arctic Stratospheric Expedition). Additional data were also obtained from the initial observations by NASA's Upper Atmosphere Research Satellite (UARS), launched in September 1991. The measurements show higher levels of chlorine monoxide (ClO) (the key agent responsible for stratospheric ozone depletion) over Canada and New England than were observed during any previous series of aircraft flights. In fact, the ClO levels over the United States and Canada and as far south as the Caribbean were many times greater than gas phase models had predicted. These levels are only partially explainable by enhanced aerosol surface reactions due to emissions from the volcanic eruptions of Mount Pinatubo. The expedition also found that the levels of hydrogen chloride (HCl), a chemical species that stores atmospheric chlorine, to be low, providing new evidence for the existence of chemical processes that convert stable forms of chlorine into ozone-destroying species. The Montreal Protocol Scientific Assessment document includes studies on the Antarctic ozone hole which implicate chlorine as the main cause of ozone depletion over the Antarctic, and link high chlorine concentrations to CFCs and other chlorinated and brominated compounds. The high ClO and bromine monoxide (BrO) levels observed in these studies indicate that human-induced rates of ozone destruction were as high as one to two percent per day for short periods of time beginning in late January.

In addition, the levels of nitrogen oxides (NO_x) were also observed to be low, providing evidence of reactions that take place on the surface of aerosols that diminish the ability of the atmosphere to control the buildup of chlorine radicals. New observations of

HCl and nitrogen oxide (NO) imply that chlorine and bromine are more effective in destroying ozone than previously believed.

The NASA findings indicate that in late January of 1992, the Arctic air was chemically "primed" for the potential formation of a springtime ozone "hole" similar to that formed each spring over Antarctica. These findings also are consistent with theories that ozone depletion may occur at an accelerated rate on aerosol surfaces in the stratosphere anywhere around the globe, and not only on polar stratospheric clouds as was previously believed.

After collecting more data, NASA released an April 30, 1992 "End of Mission Statement," which indicated that while a rise in stratospheric temperatures in late January apparently prevented severe ozone depletion from occurring in the Arctic this year, observed ozone levels were nonetheless lower than had previously been recorded for this time of year. This information has further increased the Agency's concern that significant ozone loss may occur over populated regions of the earth, thus exposing humans, plants and animals to harmful levels of UV-B radiation, and adds support to the need for further efforts to limit emissions of anthropogenic chlorine and bromine.

In response to these findings, President Bush announced on February 11, 1992, that the United States would unilaterally accelerate the phaseout schedule for ozone-depleting substances, and he called upon other nations to agree to an accelerated phaseout schedule as well. The President also asked U.S. producers to voluntarily reduce 1992 output of class I substances to half of the 1986 baseline levels. In addition, the President directed EPA to re-evaluate the phaseout schedule for HCFCs, and to consider the phaseout of methyl bromide.

The Agency has also received two petitions to accelerate the phaseout of these chemicals. One petition was submitted by three environmental groups, the Natural Resources Defense Council (NRDC), the Environmental Defense Fund (EDF), and Friends of the Earth (FOE). This petition further requested that EPA add methyl bromide to the list of class I substances. The other petition was submitted by the Alliance for Responsible CFC Policy, an industry group of producers and users of the chemicals.

2. Copenhagen Revisions to the Montreal Protocol

On November 25, 1992, the Fourth Meeting of the Montreal Protocol was convened.

In this meeting, the Parties took a number of actions, including accelerating the phaseout schedule of CFCs, halons, carbon tetrachloride, and methyl chloroform and added HCFCs and methyl bromide to the list of chemicals to be controlled under the Montreal Protocol.

The following changes to the previously proposed phaseout schedules were reached at the Copenhagen meeting:

(1) Adjusting the phaseout schedule for CFCs (class I, group I substances) to a 75% reduction in production and consumption (production plus imports minus exports) from 1986 baseline levels for 1994 and 1995, and a complete phaseout by 1996;

(2) Adjusting the schedule for Halons (class I, group II substances) to a complete phaseout in production and consumption by 1994;

(3) Adjusting the phaseout schedule for other fully halogenated CFCs (class I, group III substances) to a reduction from 1989 levels, 75% in 1994 and 1995, and a complete phaseout of production and consumption by 1996;

(4) Phasing out of carbon tetrachloride (class I, group IV) by a reduction from 1989 levels of 85% in 1995, and a complete phaseout in 1996;

(5) Adjusting the phaseout schedule for methyl chloroform (class I, group V) by reducing the production and consumption of 1989 levels by 50% in 1994, and phasing out completely by 1996.

(6) Establishing criteria for identifying essential uses and a process for excepting limited production and consumption of the above chemicals following their phaseout (see below).

These adjustments go into effect in approximately six months. In addition, the Parties adopted the following amendments to the Protocol:

(1) Freezing consumption of HCFCs (class II substances) beginning in 1996 to a baseline ceiling of: 100% of 1989 the ozone depletion potential (ODP) weighted level of HCFC consumption plus 3.1% of the ODP weighted 1989 CFC 2004, 65% by 2010, 90% by 2015, and 99.5% by 2020; and completely phasing out consumption by 2030;

(2) Adding Hydrobromoflourocarbons (HBFCs) to the list of class II controlled substances, specifying their ozone depletion potential, and phasing their consumption out completely by 1996;

(3) Listing methyl bromide as a controlled substance with an ozone depletion potential of 0.7, and freezing consumption beginning in 1995 to 1991 consumption levels; (the calculated levels of consumption shall not include quarantine and preshipment uses);

(4) Establishing a procedure for the approval by the Parties for continued production and consumption after phaseout to meet essential use requirements; essential uses are defined as those necessary for health or safety, or critical to the functioning of society, and where there are no available alternatives or existing stocks of banked or recycled material;

(5) Establishing reporting requirements for HCFCs, HBFCs, and methyl bromide;

(6) Establishing reporting requirements for imports and exports of controlled substances to and from non-parties to the Protocol;

The Amendments will enter into force under the Protocol following their ratification by at least twenty Parties. This is projected to be accomplished by January 1, 1994.

The Parties also made a number of procedural and definitional changes that affect implementation of the Protocol and that are included in the proposed accelerated phaseout regulation. The changes include:

(1) The approval of destruction technologies and the requirement that Parties that plan to operate destruction facilities do so in accordance with Good Housekeeping Procedures developed by the Parties or their equivalent;

(2) Clarification of the definition of controlled substances to exclude insignificant quantities under defined circumstances, and to encourage Parties to minimize emissions of such substances;

(3) Clarification of the reporting requirements and treatment of international transshipment;

(4) Modification of definition of controlled substance to exclude import and export of recycled and used controlled substances from the calculation of consumption, but to require reporting of data concerning these imports and exports.

The Parties also adopted a procedure under which the Parties can approve the continued production and consumption of ozone-depleting substances after the phaseout to meet essential uses. Such uses are defined as necessary for health, safety, or critical to the functioning of society, but are to be permitted only in cases when no alternatives exist or when existing stocks of banked or recycled material are not available. The definition of "controlled substance" was also clarified to exclude insignificant

quantities resulting from inadvertent production and unreacted feedstock.

3. The Proposed Accelerated Phaseout Regulation

In July 1992, EPA issued its final rule and regulatory program implementing section 604 of the Clean Air Act Amendments. The section limits the production and consumption of ozone-depleting chemicals. EPA controls production and consumption by issuing allowances or permits that are expended in the production or importation of these chemicals. Trading of these allowances is permitted.

The regulation requires producers of class I substances to gradually reduce their production of these chemicals and to phase them out completely as of January 1, 2000 (2002 for methyl chloroform). In addition to the production limits, the rule requires a similar reduction in consumption.

In February 1992, the President requested that U.S. producers voluntarily reduce their production by half of the baseline year levels. He also announced that the U.S. would revisit the phaseout schedule for HCFCs and progress towards an accelerated phaseout of class I substances from 2000 to the end of 1995.

At the same time, EPA received a petition from the Natural Resources Defence Council (NRDC), the Environmental Defense Fund (EDF) and Friends of the Earth (FOE), requesting that EPA add methyl bromide to the list of class I substances. Another petition was submitted by the Alliance for Responsible CFC Policy. The Fourth Meeting of the Parties to the Protocol, discussed above, further supported the movement towards an agreed upon accelerated phaseout by the Parties.

Based on these new developments, EPA is proposing to accelerate the phaseout of CFCs, methyl chloroform, carbon tetrachloride, halons, HCFC–141b, HCFC–142b, and HCFC–22. The Agency is also proposing to add methyl bromide and HBFCs to the list of major class I substances. In addition to these new listings, the proposal implements various trade provisions required by the Montreal Protocol to encourage countries to join the Protocol by prohibiting the trade of bulk substances and products containing controlled substances with non-parties.

4. Effect of Accelerated Phaseout on the Labeling Regulation

The accelerated phaseout will have a significant impact upon manufacturing processes that use class I substances affected by today's rulemaking. The combined effects of the excise tax and the original phaseout schedule have already created strong economic incentives for industry to find substitutes for class I substances. In fact, according to EPA's database on producers of these chemicals, current U.S. production of CFCs are about 50 percent below the 1986 baseline levels set by the Montreal Protocol. The accelerated phaseout will significantly increase the economic incentives for all class I substance users to switch to alternatives. Consequently, even where a particular process that uses a class I substance is exempted from the labeling requirement through the petition process outlined below, the substance in question will rapidly become scarce and expensive, and industry will be encouraged to find alternative chemicals or processes.

When Congress passed the Clean Air Act Amendments of 1990, it required the production and consumption of class I substances to be phased out by the year 2000 (2002 for methyl chloroform (MCF)) and warning labels to be applied to containers containing class I and class II substances, and products containing and manufactured with class I substances beginning on May 15, 1993. The section 611 labeling provisions related to class I substances thus had six and a half years (eight and a half years for MCF) to have an effect on the use of class I substances before they were phased out. However, the decision to end production of class I substances by January 1, 1996 (January 1, 1994 in the case of halons) means that the labeling of products manufactured with class I substances per section 611(d) and products containing and containers containing class I substances per section 611(b) will be in effect for less than three years before the complete phaseout takes effect. As a result, EPA has streamlined some of the proposed requirements related to class I substances in recognition that manufacturers will be phasing out their uses of these substances at a much earlier date. This is further addressed below in the Response to Significant Comments section (V).

IV. Summary of Public Participation

A hearing on the proposed labeling rule was held on May 18, 1992. Nine groups presented oral comments to the proposed requirements and submitted written testimony to the Agency. A transcript of the testimony is contained in the public, No. A–91–60.

The Agency received a total of 162 comments on the proposed rule. Six commenters supported the proposal that labels supply ultimate consumers with information at the point of purchase decision. Other commenters recognized the impact that labeling will have as a market incentive for elimination of class I substances and in the development of alternative substances and processes that use such substances.

Many comments addressed EPA's proposal that manufacturers that do not manufacture with a process using a class I substance, but use component products which were manufactured using a class I substance, would have to label their products (the "pass-through requirement"). Commenters requested that EPA consider the significant financial and administrative burden on manufacturers who may have well over 1,500 suppliers of components. Many commenters also addressed the issue of products manufactured and stored in inventory prior to the effective date of the rule. Commenters stated that the burden of pulling back all such products from inventories, warehouses, distributors and retailers for purposes of applying a label would be an onerous task with little, if any, environmental benefit. The issue of products manufactured for export only was discussed by many commenters who were concerned that U.S. manufacturers would be at an economic disadvantage in a global market if American-made products for export were required to bear a warning statement, because other countries do not have similar requirements.

Other comments addressed the use of a symbol with the warning statement. Most commenters argued against the symbol, indicating that it could distract consumers from the warning statement itself, as well as from other important information on a product's label. Another issue raised frequently in comments concerned the recoverable substances label. Many commenters did not support the label since section 608 covers such products containing recoverable substances and promotes training for servicers handling and disposing of such substances. Many commenters requested clarification of the alternative label placement options. They indicated that there was no clear distinction among the proposed options. Finally, the Agency received numerous comments regarding the definition of incidental uses of class I substances and the need for a de minimis exemption.

EPA addresses the significant comments that it received in section V. below. EPA addresses other comments received in a separate Response to Comments document available in the docket.

VOL 58 ISS 27 FE 11 1993 UMI

V. Response to Significant Comments

A. Definition of Interstate Commerce and Introduction Into Interstate Commerce

Some of the commenters indicated that EPA should include a definition of interstate commerce in the final rule and specify at which point a product enters into interstate commerce. EPA defines interstate commerce as the distribution or transportation of any product or container between one state, territory, possession or the District of Columbia and another state, territory, possession, or the District of Columbia. It is further defined as the sale, use or manufacture of any product in more than one state, territory, possession or the District of Columbia. For a product or container in the United States to avoid coverage as being in intrastate commerce, an affected party must provide adequate documentation that the product not only was or will be manufactured, distributed, sold or used without ever crossing state lines, but that none of the components that went into, or will go into, the manufacture, distribution, sale or use of such product originated, or will originate, in another state.

A product is first introduced into interstate commerce either when it is released from the facility in which it was manufactured, when it enters the warehouse from which a domestic manufacturer releases the product or container for shipment, or for imported products, when they are at the site of U.S. Customs clearance. The inclusion of the facility in which a product was manufactured as a point of introduction responds to comments indicating that some manufacturers do not inventory their products, but sell them directly to separate warehouse facilities. In this case, the manufacturer of the product is required to apply the label before the product leaves its facility. A manufacturer that stores its product in its own warehouse introduces that product into interstate commerce when the product enters its warehouse. The manufacturer in this case is required to apply the label prior to or contemporaneous with, the product's entrance into the warehouse. This provision differs from the proposal in that the introduction of a product into interstate commerce occurs when the product enters the warehouse, not when the product leaves the warehouse. As discussed below in part V.B., several commenters stated that manufacturers often store products at warehouses for extended periods of time before the products finally leave the warehouse. This change to the regulation will ease enforcement by requiring that all products that are stored in warehouses be labeled by the time they enter storage. This revision also allows manufacturers to avoid having to label products manufactured prior to May 15, 1993 but still in inventory on that date.

Containers containing ozone-depleting substances become subject to these regulations at the time they are charged with an ozone-depleting substance. At the point of charge, they are defined as containers containing ozone-depleting substances which have been introduced into interstate commerce. Application of a warning statement therefore would be required upon completion of the charging activity.

B. Products Manufactured Before May 15, 1993

Many commenters addressed the impact of the labeling rule on products in inventory and in production up until the effective date. The commenters all expressed concern that requiring a label on products that were manufactured before the effective date, but are still in the manufacturer's inventory as of the effective date, would impose significant economic and logistic burdens on the affected manufacturers, distributors, wholesalers and retailers. Consequently, the commenters argued that EPA should not require a label on products manufactured before May 15, 1993, even if the products have not left the warehouse from where the manufacturer releases the product for distribution or sale. Some comments indicated that EPA should allow a grace period for those products that are manufactured and warehoused prior to the effective date, if an exemption of such products from labeling altogether is not possible.

EPA agrees with these commenters that requiring a label on products already manufactured prior to the effective date would adversely affect a number of businesses without providing any appreciable environmental benefits. There are many manufacturers that maintain large stocks of products to support high or conditional consumer demand. If EPA were to apply these regulations to such products, manufacturers would be required to retain those products, remove their packaging in order to label them appropriately, and resume normal commercial distribution. An additional problem for some products is that the stream of commerce for such products is strictly regulated (e.g., limited shelf life of metered dose inhalers) in which case any deviation from a product's regulated commercial mobility would require regulatory complications and delays in the distribution of such products. Other manufacturers may have products stored in warehouses across the United States and on foreign territory, in which case labeling such products according to the proposed requirements would require significant time and expense. One major electronics company indicated that it currently has approximately 2,500 suppliers world-wide and purchases about 70,000 component products from these suppliers. For this company, labeling all of its inventoried products prior to the effective date would involve tremendous costs and time. In addition, manufacturing processes for many products manufactured with class I substances prior to May 15, 1993 would have already released the substance during manufacture except for those processes where recovery and recycling occur. Therefore, the final product poses no further threat to the stratospheric ozone layer when it is inventoried or later sold.

EPA believes that its clarification of the term "introduction into interstate commerce" (see section V.A.) should ease most of the concern of commenters on this point. If a product has been introduced into interstate commerce before May 15, 1993, then it is not subject to these regulations. Only a small number of products will have been manufactured before May 15, 1993 but will not have left the facility of manufacture or have entered the manufacturer's warehouse by the effective date. Therefore, for the vast majority of products manufactured before May 15, 1993, the rulemaking is inapplicable on its face, given EPA's definition of the term "introduction into interstate commerce."

For those small number of products that are manufactured before May 15, 1993, but which have not left the place of manufacture or have not entered the manufacturer's warehouse before May 15, 1993, or that are manufactured in foreign countries before May 15, 1993, EPA is allowing such products to be "grandfathered." EPA believes that requiring manufacturers to label these products would adversely affect numerous businesses, because the labeling process for many manufacturers occurs during the actual manufacturing process. Thus, if EPA did not grandfather these products, manufacturers would have to undergo a onetime cost to retrieve and label products already manufactured but not yet introduced into interstate commerce before May 15, 1993. EPA believes that little if any appreciable environmental benefits would be gained from requiring such products to be labeled.

EPA believes that sufficient precedent exists for this decision. The United States Court of Appeals for the District of Columbia Circuit has established a four-part test to judge the appropriateness of Agency grandfathering (*see Sierra Club* v. *EPA*, 719 F.2d 436 (D.C. Cir. 1983)). This test involves balancing the result of four analyses, including whether the new rule represents an abrupt departure from previously established practice, the extent to which a party relied on the previous rule, the degree of burden that application of the new rule would impose on the regulated parties, and the statutory interest in applying the new rule immediately.

EPA believes that the labeling requirements represent an abrupt departure from previous practice. Prior to the effective date of the labeling requirements, manufacturers in general were not required to provide any labeling information regarding whether controlled substances were contained in, or used in the manufacture of, a product; moreover, until today's publication of these regulations, manufacturers could not know for certain the specific labeling provisions that they would be required to implement. As discussed above, requiring labeling on products manufactured before May 15, 1993 would impose an unreasonable burden on numerous affected parties while providing no significant environmental benefits. For these reasons, EPA believes that its grandfathering of products manufactured before May 15, 1993 is consistent with the requirements of *Sierra Club* v. *EPA*.

Today's final rule also provides for grandfathering products containing class I or class II substances. Such products face problems like these described above for products "manufactured with," in that they can be stored for distribution throughout the world. To require them to be labeled before distribution in order to apply the warning statement would result in significant costs with little or no environmental benefit.

Therefore, given the large onetime cost to label inventoried products, and limited environmental benefit of labeling these products, this regulation provides that all products manufactured before May 15, 1993 are not subject to the requirements of section 611(d). This decision is also based on the fact that industry will have significantly less time to implement the labeling requirement than the statute envisioned because the Agency did not promulgate implementing regulations within eighteen months following enactment of the Act's amendments, as required by the statute. Had EPA promulgated such regulation at the proper time, manufacturers would have had one year from the time of publication of the regulation to the law's effective date to comply. Because of these delays, manufacturers have substantially less time to comply after the promulgation of these regulations. Therefore, EPA acknowledges the difficulty that manufacturers with inventories of products would have without such a "grandfathering" exemption.

EPA is requiring that for products manufactured before the effective date to be exempt from the labeling requirement, manufacturers must be able to show within twenty-four (24) hours of receiving a request by EPA that such products were manufactured prior to May 15, 1993. Although EPA is not requiring new recordkeeping requirements or specific tracking systems today, manufacturers must have an accountable system in place on site so that EPA can verify that unlabeled products were manufactured or containers were filled prior to the effective date. The burden thus falls upon the manufacturer to show that unlabeled products are exempt from the labeling provision. If a manufacturer is unable to verify such information, then that person will be deemed out of compliance and subject to penalties, pursuant to Title I, section 113 of the Clean Air Act. Importers of products that can show at the site of U.S. Customs (Customs) clearance that such products were manufactured prior to the effective date are also exempted from the labeling requirement. In the absence of such proof, products containing or manufactured with a class I substance will need to bear the appropriate label, regardless of the manufacture date.

C. Products Manufactured With Controlled Substances[1]

1. Changes to the Label Pass-Through Requirement

In the proposed rule, EPA required that products manufactured with and containing controlled substances be labeled throughout the stream of commerce. Its definition of "manufactured with" exempted transformation and non-contact uses of controlled substances. The proposal indicated that by allowing these exemptions, the requirements would not result in universal labeling. Additionally, EPA indicated that the labeling requirements should apply across all use sectors since Congress did not restrict applicability of the law.

EPA further proposed that in order to inform the ultimate consumer that a controlled substance had been used in the manufacture of any part of a finished product, any manufacturer that incorporates a labeled component into its product, would be required to label its product, even if no ozone-depleting substances are used by the manufacturer in the subsequent manufacturing process. EPA stated in the proposal that manufacturers could rely on the label information they received from their suppliers, as long as they reasonably believed that the information was accurate. EPA suggested that manufacturers could show reasonable belief by using contract provisions requiring accurate labeling by their suppliers.

One commenter supported EPA's definition of "manufactured with," stating that it would not necessarily culminate in universal labeling, and that EPA's proposal to pass the label through the stream of commerce to the ultimate consumer is fair and appropriate, as long as there are clear penalties to discourage noncompliance. However, many responded that EPA's proposed definition of "manufactured with" was extremely broad, covering a significant number of products, including component products, and that such a requirement would in fact result in universal labeling with an onerous and expensive tracking burden. These commenters argued that tracking components was unavoidable and that all products would have to be labeled. Such universal labeling, it was argued, would reduce the effectiveness of the requirement, with little environmental benefit and possible confusion for consumers. Other comments expressed doubt as to whether the proposal reflected congressional intent.

Several also commented that the proposal would disadvantage downstream manufacturers that do not use controlled substances in their own manufacturing processes, but that depend upon a multitude of suppliers who may use controlled substances in their manufacturing processes.

According to these commenters some manufacturers may have more than 1,500 suppliers for a given manufacturing process. As a result, tracking the source of supply, determining whether that source used a controlled substance, and determining

[1] This labeling regulation applies to products manufactured with class I and class II substances. However, it should be noted that products manufactured with class II substances are not regulated by this regulation until January 1, 2015, or until the Administrator finds, after notice and opportunity for comment, that for a particular product substitute products or processes are potentially or currently available.

VOL 58 ISS 27 FE 11 1993 UMI

whether that source's component was used in a specific final product, could be extremely difficult and prohibitively costly to implement. As discussed below, the commenters also stated that manufacturers cannot use contract provisions to ensure accurate labeling for all their components.

The difficulties in tracking the use of controlled substances throughout the stream of commerce are illustrated by the case of a major electronics manufacturer. This firm purcheses about 70,000 component products from about 2,500 domestic and foreign suppliers. The company has phased out completely its use of class I substances in its own manufacturing processes, but because it buys from suppliers it must determine and track their use of class I substances. To do so, it has undertaken an outreach program to learn the extent to which class I substances are being used throughout its supply chain. The company contends, however, that surveys, letters, follow-up letters, data entry of the information received, data analysis and subsequent outreach to those vendors using class I substances are time-consuming and cannot assume the degree of certainty required by the approach outlined in the proposal.

Tracking is made more difficult by the fact that many products, especially electronic products, are comprised of thousands of components that may come into contact with ozone-depleting substances. Therefore, a manufacturer would have to label its products unless it has a reasonable belief that all of its component products in a final product were not manufactured with ozone-depleting substances. Moreover, as the proposed warning statement would have to list every controlled substance used by any manufacturer's suppliers, a manufacturer would have to have a reasonable belief regarding the uses of controlled substances by any of its suppliers. The company discussed above learned that tracking by their suppliers of their uses of class I substances was very poor overall. Of its 2,500 world-wide suppliers, only one was found to have an outreach program that targeted more than one level of suppliers. Therefore, it would be extremely difficult for this manufacturer to be reasonably confident that the products it purchases are free of ozone-depleting substances, because the vendors throughout its supply chain lack the necessary information about their own products, as well as the components that they purchase from their suppliers. In addition, regulations vary among countries and tracking of class I substance use abroad is poor. Thus, many commenters stated that it would be impossible to be reasonably confident that a purchased product does not require a warning statement. According to commenters, this would lead to universal labeling of all final products in several industries, especially the electronics industry. Universal labeling, these commenters agreed, would not fulfill the intent of the law, since ultimate consumers would be unable to distinguish among any of these products on the basis of controlled substance use.

While the proposed rule did not require a company to conduct independent investigations throughout its stream of commerce in order to form a reasonable belief, subsequent to the proposal, many manufacturers and their suppliers initiated such investigations in order to be assured that their final products did not require the warning statement. Several commenters stated that a manufacturer must perform investigations in order to satisfy the reasonable belief requirement that their suppliers are accurately labeling. They explained that EPA's suggestion that contract provisions be used to establish a reasonable belief was not practical. As discussed above, many products rely on numerous parts manufactured by many suppliers and that revisions of all the contracts involved, where they exist, would be an enormous undertaking. These commenters indicated that many of the components incorporated into their products are purchased without contracts. Such products are either purchased "off the shelf" or from various suppliers at different times, depending on one's inventory and the market situation. These commenters stated that they cannot control the manufacturing processes of these products through contract specification provisions. Thus, aside from using independent investigations, manufacturers have no way of ensuring that component manufacturers are not using ozone-depleting substances or are accurately labeling their products.

Commenters further explain that the problem is further exacerbated by the fact that many components are purchased with little lead time between purchase and incorporation into a new product. As a result, the packaging information for the final product, including any labeling information, is often completed before the components are purchased. Under such circumstances it is impossible for manufacturers to know whether to label the package. If EPA requires labeling of a product based on a component manufacturer's use of ozone-depleting substances, then the manufacturer of the final product may have to expend significant costs to restructure its packaging and labeling processes in order to account for incorporation of last minute information.

It is evident to EPA that given the difficulty of tracking the use of controlled substances throughout the stream of commerce, the "reasonable belief" provision as proposed was too vague to define or determine liability and was therefore unworkable.

For products manufactured with controlled substances, EPA has given considerable thought to the concerns raised in the comments on passing labels through the stream of commerce. As a result, EPA is revising its definition of "manufactured with" to state that a product is "manufactured with" an ozone-depleting substance if the manufacturer of the product itself used an ozone-depleting substance in manufacturing that product. Thus, the inclusion of component products manufactured using controlled substances in the manufacture of another product, that does not otherwise involve the use of controlled substances does not constitute "manufacturing with an ozone-depleting substance." Each item manufactured and introduced into interstate commerce is considered a product, necessitating a label if manufactured with a controlled substance. The incorporation of that product into another, however, does not necessitate a label.

EPA believes that the revision to the label pass-through requirement for products "manufactured with" ozone-depleting substances is consistent with the statute. EPA believes that the phrase "manufactured with a process that uses" an ozone-depleting substance can reasonably be interpreted to refer only to the manufacturing process of the company that introduces the product into commerce and not also to the manufacturing of any component parts made by another company. Thus, a product "manufactured with a process that uses" an ozone-depleting substance means only a product that was manufactured using such substances by the company that introduces the product into commerce (i.e., the manufacturer of the final product). To illustrate, a television would be a product manufactured with a process using ozone-depleting substances only if the manufacturer of the final product used such substances in *its* manufacturing process. Use of component parts made by a supplier using ozone-depleting substances would not constitute "manufacturing with a process" using those substances. Thus, the television would have to be labeled only if that company that introduces it

into commerce itself used ozone-depleting substances to make the television. The component parts, on the other hand, would be products "manufactured with a process using ozone-depleting substances" since their supplier made them using ozone-depleting substances in *its* manufacturing process. The labeling requirement would accordingly apply to the component parts, but the label would not have to be incorporated by the manufacturer of the final product.

Section 611 does not define "products manufactured with a process that uses" ozone-depleting substances. EPA believes that the approach it implicitly took to the phrase in its proposed rule is consistent with, but not compelled by, the statute. As a conceptual matter, it would advance the purpose of the labeling provision to require that any product be labeled through the stream of commerce so long as any part of it, no matter how small a fraction of the whole, was made using ozone-depleting substances. However, to the extent that such a requirement proved unworkable and resulted in inaccurate information, it could actually undermine the integrity and thus the effectiveness of the labeling program.

The purpose of the labeling provision is also served if the buyer of any product is made aware of whether the product's maker itself used ozone-depleting substances. Under the definition described above, wherever in the stream of commerce class I or class II substances are used, the buyer at the next point in the stream of commerce would be made aware of their use. While this approach would result in many labels reaching only other manufacturers, EPA believes that many manufacturers can be expected to have an incentive at least as great as that of downstream consumers to respond to the warning statement. Manufacturers that rely on component parts made by other companies can ill afford to rely on suppliers to use alternative substances or find other suppliers that do. Thus, labels attached to products as defined above would promote the switch to substitutes that Congress sought to encourage through the labeling provision.

While labeling products through the stream of commerce could add to the incentive effect of the program, EPA is persuaded by the comments summarized above that the proposed pass-through requirement is impracticable and would probably not result in accurate information reaching the retail consumers. The proposed "reasonable belief" standard for determining whether to label would also be difficult to enforce.

In addition, the recent decision of the Protocol Parties to significantly accelerate the phaseout of the listed ozone-depleting substances (a decision which EPA must implement under section 606(a)(3) of the CAA) reduces the importance of the labeling program. Congress enacted section 611 when class I substances were expected to be phased out by the year 2000. The labeling requirement thus provided an incentive for manufacturers to move away from their use of such substances before 2000 in order to avoid the negative market reaction. With the acceleration of the phaseout to 1996 for most class I substances (and 1994 for others), requiring products to be labeled is unlikely to significantly add to manufacturers' incentive to switch to alternative substances.

In light of the substantial burden and questionable effectiveness of the proposed pass-through requirement, EPA is not requiring it in today's rule for products manufactured with controlled substances. The Agency is instead adopting the definition of "products manufactured using" ozone-depleting substances described above so that a manufacturer need only label its product if the manufacturer itself used ozone-depleting substances in producing it.

For the purpose of applying the definition described above, divisions of a company, wholly-owned subsidiaries and parent corporations are considered to be a single manufacturer. Therefore, where one division of a company, for example, incorporates a component manufactured with an ozone-depleting substance and that component was manufactured by another division of the same company, the final product must contain a warning statement upon its introduction into interstate commerce, even where the product may be finished by other divisions without the use of ozone-depleting substances. If a manufacturing process of a product takes place in more than one facility, the label information must accompany the product, but not necessarily in the form of a label. Upon the final point of manufacture, a label must then be applied. EPA believes that this will facilitate the labeling process and reduce the burden in the overall manufacturing process of a product where the process involves more than one site of operation.

EPA believes that the tracking problems associated with the pass-through requirement are to a great extent eliminated if manufacturers are only required to track the use of ozone-depleting substances by the divisions within a subsidiary of the same company.

In contrast to manufacturers that use a component manufactured with a controlled substance, the rule promulgated today prohibits distributors, wholesalers and retailers that receive a product with a label indicating that it was manufactured with a process that uses a controlled substance from removing the label. They must leave the label on a product they purchase or distribute, including products they re-package,[2] and are subject to penalties. Since the purpose of the labeling program would obviously be frustrated if labels could be removed by downstream sellers, EPA is exercising its authority under section 301 of the CAA to establish the prohibitions described above.

Rules governing labeling by importers also differ from the general rules described above. Importers must have a "reasonable belief" that a "product manufactured" or "product containing" does not require a label at the time it enters the site of U.S. Customs clearance, or its introduction into interstate commerce. With no similar labeling requirements abroad, foreign manufacturers will not likely impart the information required of domestic products without an inquiry made by the U.S. importer of record. It is therefore the responsibility of the importer to investigate at least one step back into the manufacturing process of the product to determine whether it is manufactured with a class I substance. An importer may use specifications in its contracts with its suppliers under which the suppliers are required to certify whether the product being exported to the United States was or was not manufactured using a controlled substance, in order to show that the importer has a reasonable belief that the product was not manufactured using controlled substances. Importers are not required to investigate whether a component incorporated into the product they are importing was manufactured with a class I substance.

a. Resin producers and the use of one label. One commenter, noting the difficulty and cost of determining which class I substances are used in the manufacturing process of a product, stated that resin producers who

[2] EPA considers the assembly of component products to be a manufacturing process only when the assembly creates an entirely new product. Manufacturers, distributors, wholesalers and retailers that simply repackage a product and/or do not substantially change it, are not manufacturing a product and must pass the warning statement through the stream of commerce.

purchase one or more pigments manufactured with class I substances would have great difficulty in determining which and how many class I substances were used in the manufacturing process of the pigments. The commenter noted that several different labels for the same type of products would be required as a result. It suggested that EPA's final regulation enable resin producers to forego labeling since they do not use the class I substances themselves and would be unable to determine how many and which ones were used in the manufacturing of the pigments.

Under the definition of product "manufactured with" being adopted today, EPA would not require resin producers to label if they, in fact, do not use a controlled substance in their manufacturing process. If they do use such substances, they would be required to label their products. The label would have to list substances used in the producer's own manufacturing process. One label listing the substances by their standard chemical names could be used instead of multiple labels for a single product. EPA believes that by dropping the pass-through requirement for products manufactured with controlled substances, it is addressing the issue of liability for all manufacturers concerned with products they purchase upstream.

2. Incidental Uses

Many commenters supported EPA's determination in the proposed rulemaking that incidental uses of controlled substances should not trigger the labeling requirement. However, commenters argued that EPA's definition of incidental use was too narrow and should include "contact" incidental use as well. Some of the uses of controlled substances that commenters sought exemptions for as an "incidental use" were the following: use as reactive atoms that are not integral to the manufacturing process; use in making food packaging; use as incidental additives such as those found in the manufacturing of spices which are then added to other foods; use as cleaners of plates used to print product information and labels; use to clean reaction vessels in the manufacture of silicone products; use as degreasers in the production of industrial diamonds; and use as mold release agents used to prevent the adhesion of products to a mold. Other commenters recommended that EPA include "non-routine" and "unintentional physical contact" situations as incidental uses.

In the final rule, EPA expands incidental uses to include "contact" uses in which a class I or class II substance is used intermittently, on a non-routine basis, and not as an integral part of the manufacturing process of the product. Some examples would be an intermittent application of a controlled substance, such as methyl chloroform as a spot cleaner for textiles, or an occasional cleaning of an ink plate with a solvent as part of routine maintenance, as long as the use is not a part of the manufacturing process itself. Another example would be the infrequent performance of leak detection tests on a cooling system and condenser, using CFCs or substances containing CFCs. EPA believes that such incidental "contact" uses, though they potentially could involve a brief initial physical contact between the controlled substance and the product, occur so infrequently (e.g., typically as part of the maintenance process), that labeling would not be appropriate. This exemption would also likely cover most situations where a physical contact occurred unintentionally.

In contrast, mold release agents that are applied on a regular and systematic basis in a manufacture process would not be considered an incidental use of a class I substance. Further, the defluxing of printed circuit boards during a continuous production process would not be considered an incidental use. EPA also cannot exempt food processing applications in which a spice, for example, is manufactured with a controlled substance. However, where foods are prepared with such spices, such foods are not required to bear a label, based on the definition of a product "manufactured with" discussed above. Again, products that incorporate other products which were manufactured with controlled substances are not required to pass through the label unless both sets of products were manufactured by the same company.

One commenter argued that plasma etching in the manufacturing process of semiconductors is an incidental use of controlled substances. (Plasma etching uses controlled substances in a sealed chamber in which radio frequency energy is applied to excite the chemicals and break them down to create an "ion-plasma." The plasma is used to etch certain parts of a silicon wafer upon which semiconductors are created.) The manufacturer states that the use of a controlled substance to supply ions to the plasma is terminated once the chemicals are "broken down" in the sealed chamber. Another commenter indicated that a direct contact use that is closed-loop (the controlled substance is not emitted and/or destroyed) or employs recovery and recycling systems should be considered an incidental use. Finally, another commented that use of methyl chloroform as a solvent carrier which eventually evaporates (except for trace quantities) should be considered as an incidental use.

EPA does not consider the use of controlled substances in the process of plasma etching an incidental use since the controlled substances are integral to that process. However, as plasma etching falls under the transformation exemption discussed below, products involving this use would be exempt from the labeling requirements. The use of closed-loop or recovery and recycling systems as part of a process does not qualify that use as an incidental use. Finally, a process in which methyl chloroform serves as a solvent carrier cannot be considered incidental. The evaporated methyl chloroform could be emitted into the atmosphere, thus contributing to the destruction of the ozone layer.

3. Transformation

In the Notice of Proposed Rulemaking, EPA proposed exempting products that are manufactured with a process using a controlled substance in which that substance is not emitted but instead transformed (i.e., completely consumed into a non-ozone-depleting substance during the manufacturing process) and therefore no longer poses a threat to the ozone layer. EPA reasoned that since Congress exempted transformed controlled substances from the definition of production for purposes of the phaseout provisions, it would not have intended to require labels on products manufactured using a process that transforms controlled substances. Under the statute definition of production, after all, transformed controlled substances are treated as though they never existed. The definition of transformation, for purposes of section 611, was proposed to be "to use and entirely consume a controlled substance by changing it into one or more substances that are not subject to this subpart in the manufacturing process of a product or chemical" (57 FR 19166, 19198).

Several comments addressed the need for a clearer definition of transformation, especially one that took into account of the physical law that chemical reactions are never 100% efficient and thus leave "trace quantities" of controlled unreacted substances. One commenter requested that EPA exempt certain transformation processes, such as plasma etching (described above) from the labeling requirement.

EPA has promulgated regulations for the phaseout of production and consumption of class I substances by 2000 (57 FR 33754, July 30, 1992). Those regulations define, transformation as "to use and entirely consume (except for trace quantities) a controlled substance in the manufacture of other chemicals for commercial purposes." That definition reflects that transformation results in "trace quantities." Today, EPA adopts that definition for the labeling rule. The trace quantities exception acknowledges that transformation unavoidably leaves insignificant amounts of controlled substances that are not intended for commercial use. Plasma etching is considered a process that entails transformation, and thus products manufactured using plasma etching need not be labeled, unless they are otherwise subject to the regulations.

Several commenters urged that methyl chloroform (MCF) used as a source of chlorine molecules in an oxidation process of semiconductor manufacturing should be considered to be transformed during such manufacture, because the MCF breaks down to provide a source of chlorine and therefore does not contribute to ozone depletion. One large manufacturer indicated that at high temperatures and where there is an excess of oxygen, no MCF will remain or be emitted. If in the oxidation process of semiconductor manufacturing, MCF is transformed, except for trace quantities, EPA would not require that resulting product to be labeled.

One commenter suggested that a process in which a class I substance has been generated as a coincidental, unavoidable by-product (CUBP) be considered transformed and consequently exempted from the requirement[3]. EPA agrees that use of such a process should not require the resulting product to be labeled, but for different reasons than the comments give. CUBP does not entail the use of a controlled substance, rather it involves the unavoidable production of such a substance. Since a process that results in CUBP does not use controlled substances, it does not fall under the definition of "manufactured with a process using" ozone-depleting substances for purposes of triggering the labeling requirements. Since CUBP is unavoidable, moreover, little purpose would be served by requiring manufacturers using such a process to label their products. EPA therefore finds that the labeling requirements do not apply to products manufactured using a process EPA has determined meets the CUBP exemptions criteria under the regulations implementing section 604 (57 FR 33754–33765, July 30, 1992). Additionally, EPA addresses trace quantities of unintended residues or impurities below in section D.3.

It is important to note that the destruction of a controlled substance in a manufacturing process other than the process in which the product itself is manufactured is not regarded as transformation. For example, if in a production process a company uses a controlled substance and then removes it from the process for incineration in a separate destruction process within the same facility, that substance is not transformed; it is destroyed. Even though the destruction of the substance will prevent the risk of release into the stratosphere, it is not transformation and will not be dealt as such for the purposes of this rule.

4. Destruction

At the Fourth Meeting of the Parties to the Montreal Protocol (the Parties), which took place November 23–25, 1992 in Copenhagen, the Parties approved five destruction technologies to be used for destroying class I substances. Under the existing Protocol, "production" of controlled substances is defined as "the amount of controlled substances produced, minus the amount destroyed by technologies to be approved by the Parties." These approved five destruction technologies (liquid injection incineration, reactor cracking, gaseous/fume oxidation, rotary kiln incinerators, and cement kilns), enable the Parties to subtract from the definition of production that amount of ozone-depleting substance(s) which is destroyed by these means. EPA is currently revising its draft proposal of the regulation accelerating the phaseout of class I and class II substances to address this issue among others raised in Copenhagen.

EPA seeks comment on whether it could and should provide an exemption from the labeling requirements for the use of controlled substances that are destroyed using one of the above-mentioned approved technologies. The destruction technology procedures would have to be consistent with regulations under the Resource Conservation and Recovery Act and other applicable acts, and meet, at a minimum, standards set forth in Table 5–1 of the United Nations Environmental Programme (UNEP) report entitled, Ad-Hoc Technical Advisory Committee on ODS Destruction Technologies, and the code of Good Housekeeping Procedures for destruction setforth in section 5.5 of the UNEP Report. Destruction technologies would also have to be operated, at a minimum, in accordance with the UNEP report.

Since the ultimate goal of Title VI is to minimize depletion of stratospheric ozone, such an exemption that would recognize, and provide an incentive for, the elimination of emissions of controlled substances through the use of approved destruction technologies is one method of reducing risks of ozone depletion.

5. Use Reduction Exemption for CFC–113 and Methyl Chloroform Used as Solvents

In the proposed rulemaking, EPA did not propose excluding a "de minimis level" of use of a controlled substance from its definition of products "manufactured using," but requested comments on how a "de minimis" exemption could be implemented. EPA's rationale against such an exemption was that though an individual use of a controlled substance may be small, such uses in the aggregate over an entire use sector could pose a significant threat to the ozone in the upper atmosphere.

EPA received many comments regarding the Agency's decision not to propose a "de minimis" level, particularly in the case of products manufactured with class I substances. One commenter stated that EPA's proposed determination that aggregate use levels over an entire market segment can be large and thus pose a threat to the ozone layer should not preclude granting exemptions from the labeling requirement in cases where a company can show that its use of a class I substance is nonetheless de minimis. Many commenters provided options for an aggregate "de minimis" level. Some suggested that where a firm has achieved a 90% to 95% reduction in the use of class I substances from a specified baseline level, that EPA should find that manufacturer's remaining uses of class I substances to be "de minimis." Other commenters suggested defining a de minimis level as a specified amount of a class I substance that could be used per product on an annual basis. However, in evaluating this particular approach, the Agency has concluded that it cannot possibly investigate use of class I substances in the manufacture of all individual products.

Some commenters suggested a de minimis exemption for specific

[3] A CUBP is a coincidental unavoidable by-product of a manufacturing process that is immediately contained and destroyed by the producer, using a maximum available control technology with a destruction efficiency of 99.99%.

VOL 58 ISS 27 FE 11 1993 UMI

applications using "small quantities" of class I substances, including degreasers for steel products. Another proposal was simply to set a de minimis level for carbon tetrachloride (CCL4) at 0.1% by weight, or 1,000 ppm in a final product.

EPA does not find any of the proposals suggested above to be practical or lawful. However, EPA does recognize that manufacturers who are attempting to eliminate the use of ozone-depleting substances may be unable at this time to completely eliminate such use, because potential substitutes may not be available for all uses. The Clean Air Act provides exemptions from the labeling requirement for products manufactured with class I substances, if the "Administrator determines that there are no substitute products or manufacturing processes that: (a) Do not rely on the use of such class I substance, (b) reduce the overall risk to human health and the environment, and (c) are currently or potentially available." Given the wide range of uses of class I substances, EPA will not be able to assess the availability of substitutes for all substances and uses in all manufacturing processes in the short amount of time before the labeling regulation takes effect. The petition process, discussed in section V.P below, accommodates requests for specific exemptions, but exclusive reliance on this process would be administratively impractical in view of the relevant timeframe and EPA's limited resources.

The United Nations Environment Programme (UNEP) "Report of the Solvents, Coatings and Adhesives Technical Options Subcommittee, 1991 Assessment," states that potential substitutes other than HCFCs may not be available for approximately 2% to 8% of the current uses of class I substances as solvents in the solvent-cleaning, adhesives, coatings and inks end-use sectors across industry[4]. The class I substances used in these solvent sectors are CFC–113 and methyl chloroform (MCF). The specific HCFC alternatives are problematic because they are either relatively high in ozone depletion potential, less technologically feasible for the specific uses required, or not economically viable for many of these uses. EPA believes that those products "manufactured with" the uses of CFC–113 and MCF for which no long term adequate substitutes currently appear to be technologically or economically feasible would be eligible for the exemption described above. While the statute conditions the availability on a determination of a potentially available substitute, EPA notes that it must base its determination on currently available evidence. If current evidence indicates that potential substitutes are not technologically and economically feasible, EPA believes it should make the required determination and provide an exemption.

However, it is administratively impossible for EPA to identify and describe all uses or types of uses of CFC–113 and MCF in the solvent-cleaning, adhesives and coatings sector which may warrant an exemption. The UNEP report speaks to broad applications of CFC–113 and MCF in the solvent sector and does not attempt to identify the specific uses for which there are no technologically, environmentally and economically viable alternatives. Although it is possible to describe certain applications where it has been difficult to find substitutes, a comprehensive list of such applications would be extremely difficult to compile due to the many diverse and specialized uses for these ozone-depleting solvents.

One gains a better understanding of the difficulty of listing all the applications for CFC–113 and methyl chloroform by comparing some of their solvent uses to uses of CFCs as refrigerants. In refrigeration, an application is defined by the refrigerant (e.g., CFC–11 or CFC–12) and the equipment (e.g., centrifugal building chiller or household refrigerator). In contrast, solvent use itself is broken down into multiple use categories ranging from large uses such as solvent cleaning or aerosols to much smaller uses such as lubricant carriers or book preservation. Each of these use categories is then further defined by a variety of factors. Use of solvents as cleaning agents alone is defined by:

—Equipment—Cleaning equipment can vary in size and throughput capacity from a vapor degreasing system designed to clean airplane wings to a small spray can used for cleaning electrical locks
—Chemical—CFC–113 or methyl chloroform
—Geometry of the part—Part configurations range from high-performance instrumentation such as accelerometers and medical pacemakers to parts as simple as nuts and bolts
—Substrate—Parts can be made from materials varying from basic carbon steel to magnesium to ceramic to plastics for contact lenses
—Cleanliness—Even for the same part, cleanliness standards vary greatly so that, for instance, a transmitter in a fighter aircraft is cleaned to a different standard than one in a child's walkie-talkie.

These parameters turn the listing of substitutes for each application into a complex undertaking. If one of the variables changes even slightly, the substitute must change, too. For example, gyroscopes (instruments designed to detect movement) with silicon fill fluids are cleaned with different substitutes than those filled with fluorinated compounds.

Generating a list of all solvent applications for which substitution is difficult would involve splitting out innumerable sub-applications within the solvent use sector. While the Agency is aware that certain applications may have few satisfactory substitutes, it cannot in the time available compile a comprehensive list of solvent uses of CFC–113 and MCF for which no potential substitutions exist; nor can the Agency make such a determination for individual solvent uses without the data that it expects to receive under the petition process.

Under these circumstances, EPA believes that manufacturers who use CFC–113 or MCF as solvents should not be required to label their products where such manufacturers have made good faith efforts to eliminate their uses of such substances, but have been unable to completely eliminate them due to the remaining small uses for which substitution is particularly difficult. The Agency believes that it is therefore appropriate to exempt products "manufactured with" CFC–113 or MCF from the labeling provisions where the products' manufacturer can show that it has reduced its use to that percentage for which the UNEP report estimates substitutes are not available. Therefore, taking the mid-point of the UNEP estimate, or 5%, EPA believes that it is appropriate and consistent with the provisions of section 611(d)(2) to exempt a company from the labeling requirements if the company is able to prove that it has reduced its use of CFC–113 and MCF as solvents to 5% of its 1990 use.

This exemption applies only to products "manufactured with" CFC–113 and MCF used as solvents. The uses of these and other class I substances in products containing or in containers of such substances would not be covered by this provision. These categories constitute a much more limited number of applications and therefore do not entail the administrative burdens of

[4] In contrast, the UNEP reports covering other end-use sectors, such as refrigerated appliances, halon extinguishers, air conditioners and foams, do not indicate a similar difficulty in finding long-term substitutes.

evaluating the availability of substitutes across a wide array of small uses.

By allowing this exemption, EPA recognizes that where a company has reduced its use of CFC–113 and MCF as solvents for its products by 95% or greater since 1990, the remaining use of such substances is likely due to the lack of technologically and economically feasible long-term substitutes for such use as discussed in the 1991 UNEP Report. EPA is using 1990 as a baseline because it is the first full year of control on CFCs under the Montreal Protocol and the year in which the Clean Air Act Amendments were enacted. As a result, many companies began maintaining adequate records on their overall use levels of these compounds at that time.

EPA recognizes that this approach cannot exactly duplicate the usage results that would have occurred had EPA been able to make individual determinations as to which uses had no currently or potentially available alternatives and thus which specific uses should be exempt. This exemption may benefit certain manufacturers that would not have otherwise been able to take advantage of an exemption, and may not adequately cover those manufacturers who still require greater than 5% of their 1990 use for applications where there are no potentially available substitutes. These manufacturers can, however, still use the petition process to request an exemption for such uses. Nevertheless, EPA believes that given the extreme administrative difficulty of evaluating exemption requests for the many small uses of CFC–113 and MCF as solvents, and the likelihood that remaining solvent uses will require further research and development before satisfactory substitutes can be brought to market, its approach is an appropriate and workable surrogate. Such a provision will allow companies to focus their efforts on the search for substitutes, rather than face the burden of documenting their use and of petitioning EPA for such exemptions.

EPA believes that this approach will also encourage early reductions of class I substances by users seeking to reach the 95% level to avoid the labeling requirement. Such reductions could lead to significant early environmental benefits which would outweigh any environmental damage that may result from providing an exemption for products manufactured with the remaining 5%, for the limited period prior to the January 1, 1996 production phaseout. EPA believes that without this use reduction exemption, in some instances manufacturers would have less of an incentive to reduce their use of CFC–113 and MCF as solvents prior to the required production phaseout. Without this exemption, if a product is manufactured using any amount of CFC–113 or MCF as a solvent, it would have to be labeled. If the manufacturer is required to label its product because of a single remaining use in its manufacturing process, it would be less likely to reduce any other uses of CFC–113 or MCF because the product would still require a warning statement. However, if a manufacturer can avoid the labeling requirement by reducing its use by 95%, the manufacturer will be more likely to make such a reduction in order to avoid the labeling requirements.

To utilize this reduced use exemption, a company must certify in writing to EPA that it (including its divisions, branches or facilities) has achieved a reduction in its total use of CFC–113 and MCF as solvents by 95% or greater from its calendar year 1990 use of such substances as solvents. The company must show that it has reduced its use from its 1990 levels by 95% during a twelve-month period which can be calculated either as the twelve-month period ending within sixty (60) days of the date the certification was received, or as the most recent calendar year.

The Agency is limiting this exemption to those companies that can certify their reduction by May 15, 1994 in order to encourage early reductions of such substances. There would be negligible environmental benefit to allowing certification beyond May 15, 1994, given the January 1996 phaseout date. Companies unable to meet this deadline may still petition EPA for an individual exemption, although the petition process is likely to be time-consuming. Once a company has received an exemption from labeling, the exemption from labeling is assured beyond May 15, 1994; however, if at any time a company increases its use of CFC–113 or MCF as solvents such that its use is greater over a twelve-month period than 5% of its 1990 usage, it must notify the EPA within thirty (30) days and must begin labeling.

In calculating the baseline, a company may subtract from both the baseline and total use calculations uses of CFC–113 or MCF where the chemicals were transformed, because such uses are themselves the basis for an exemption (described above). If purchase orders of MCF or CFC–113 are used as the basis for calculating the baseline or reduction levels, adjustments for changes in inventories must be made to reflect actual use.

Records (or legible copies) supporting a company's assertion that it has reduced its use must be maintained at a single facility within the company. The certification to EPA must specify the facility where the records supporting a company's reduction are located. The certification must include a description of the records (purchase orders, inventoried stock records) maintained at that location, and the type of system used to track company-wide use. All certifications must provide the name of a contact person, address and telephone number for that contact person. Certifications should be sent to the Labeling Program Manager, Stratospheric Protection Division, Office of Atmospheric Programs, U.S. Environmental Protection Agency, 6202–J, 401 M Street, SW., Washington, DC 20460. One copy should be submitted to the Agency and one must be retained by the company.

During a field inspection, EPA may require verification of a company's use in 1990 of CFC–113 and MCF as solvents that year and of its 95% reduced use during a subsequent twelve month period. A company must therefore make the appropriate adjustments to its records to account for the use of inventoried CFC–113 and MCF solvents in 1990 and in the subsequent twelve month period showing the 95% reduced use. If a company subtracts use associated with transformation in its formulation, data showing a clear association of quantities of use with provable transformation must also be accessible with the above records upon request by EPA.

The Agency understands that many companies have available the information outlined above for tracking company-wide use of CFC–113 and MCF, as well as its use of other class I substances. The pending acceleration of the phaseout and the Clean Air Act regulations have prompted many companies to track their uses of class I substances in their efforts to comply and to anticipate elimination of the substances. Other companies may have to upgrade their tracking systems in order to utilize the reduced use exemption provision.

Companies seeking to qualify for this exemption by the time the labeling regulations take effect on May 15, 1993, must certify to EPA by May 15, 1993 that they have met the reduction requirements outlined above, in order for the Agency to review such certifications. Companies seeking to qualify for this exemption following the effective date of the labeling requirement must certify to EPA their total reduced use of CFC–113 and MCF

as solvents for a twelve month period ending within sixty (60) days of the date the certification was received, or the last calendar year. A company may then cease to label its products fourteen (14) days following the Agency's receipt of the certification. If a company decides not to label its products manufactured with CFC–113 or MCF based on this reduced use exemption, the burden of proof is on the company to show, upon request by EPA, adequate data outlined above demonstrating that it is legally eligible to use this provision.

D. "Products Containing" and "Containers Containing"

1. Distinction Between "Products Containing" and "Containers Containing" and Label Requirement

In the proposed rule, EPA defined containers of class I or class II substances as "the immediate vessel of any size in which that substance is stored or transported." EPA further stated that this definition included cans, drums, trucks and isotanks of class I or class II substances alone or in mixtures" (57 FR 19166–19167).

One commenter inquired whether containers such as degreasing units or large empty tanks, which may be used to hold such substances, should be labeled at the time of manufacture. Another commenter stated that confusion existed between when a product was a controlled substance contained in a container and when it was a product containing a controlled substance.

To further clarify the distinction between a controlled substance in a container and a product containing a controlled substance, EPA is incorporating in its final rule today a further elaboration of what would be covered by the requirement to label containers of class I or class II substances. This clarification is drawn from EPA's existing definition of bulk controlled substance in its current phaseout regulations (July 30, 1992, 57 FR 33754, 33788). This definition states that, "If a listed substance or mixture must first be transferred from a bulk container to another container, vessel, or piece of equipment in order to realize the intended use, the listed substances or mixture is a controlled substance."

Drawing from this definition of what constitutes a "bulk" controlled substance, EPA is revising the definition of "container containing" for section 611 to limit the phrase to containers holding a controlled substance: "If a class I or class II substance that is intended to be transferred to another container, vessel or piece of equipment in order to realize its intended use. If the controlled substance is used in a container, vessel or piece of equipment without being transferred, then that container would be deemed a "product containing" and would be labeled accordingly.

For example, CFCs in a small can sold to recharge refrigeration equipment would be used only after being transferred to an air conditioning system. The can would thus be labeled as a "container containing." A large tank of halon attached to a total flooding fire protection system on the other hand, would be labeled as a "product containing," because the halon is used directly from the tank itself.

In the case of a tank holding a solvent which is used as degreasing equipment, the equipment itself is typically sold without the controlled substance and therefore would not qualify as either a container or a product containing for purposes of this rule. This would hold true even though, at a later point in time, a class I or class II substance was contained in the tank during the use of this equipment. Thus, for equipment from which a controlled substance is used without being transferred, the applicable criteria is whether the equipment contains the controlled substance at the time of sale. It would not be logical to require labeling after the point of sale when consumer decisions are made. At the same time, to require labeling of all products that could be "used with" a controlled substance would be overly broad and discourage the sale of equipment that could be used with either a controlled substance or an alternative. However, for containers containing controlled substances, the container must be labeled whenever it contains a controlled substance, whether or not it contained a controlled substance at the time it was originally purchased.

2. Label Pass-Through Requirement for "Products Containing" and "Containers Containing"

As discussed in section V.C. above, if a component product that was "manufactured with" a controlled substance is incorporated into another product, these regulations do not require the manufacturer of the final product to pass the labeling information accompanying the component product through the stream of commerce. However, EPA is requiring that a warning statement for products and containers containing controlled substances be passed through the stream of commerce. There are several significant distinctions between "products and containers containing" and "products manufactured with" that indicate that the pass-through requirement should be retained for "products and containers containing." First, whereas a manufacturing process can be reasonably defined as not including the manufacture of components, the term "product containing" cannot be read to exclude components that are themselves contained within the structure of the product. If a component part contains controlled substances, the final product still contains the controlled substance at the point of sale.

Moreover, unlike products manufactured with controlled substances, it is much less onerous for a manufacturer to determine whether or not a product or container purchased from a supplier contains an ozone-depleting substance since the substance is held within the product's physical structure. Also, because the controlled substance is held within a product or container's structure, the release of the controlled substance into the atmosphere has not yet occurred. The consumer will generally release the substance through the use of the product, since the substance is likely an active ingredient of the product itself or a propellant. Informed by a label that indicates the controlled substances' effect on the ozone layer, the consumer may, in many cases where possible, take precautions to minimize or avoid the release of the substance into the environment. A manufacturer that purchases products without a label must have a reasonable belief that the product does not in fact contain a controlled substance before incorporating it into its final product. Manufacturers must also have a reasonable belief that a "container containing" is accurately labeled. Finally, importers must have a reasonable belief that information about "products containing" or "containers containing" is accurate, as the importer is required to ensure proper labeling at the site of U.S. Customs clearance.

3. Containers of Recaptured Substances and Waste

One commenter suggested that EPA should not require a label on containers for storing and transporting recaptured class I and class II substances, since such containers are reused and may contain a number of different substances at different times. In addition, the commenter stated that a label on such containers has no legitimate role in that it does not assist consumers in making purchase decisions.

EPA disagrees with this comment; a person handling such containers would benefit from the specific chemical

information on the label and the label would, in such case, act as a precaution for handling procedures. Though the label does not specifically address handling practices of such substances, it would inform those handling these containers of the chemicals contained in them and would encourage them to dispose of them or recycle them correctly.

Another commenter indicated that containers of class I or class II substance waste or waste containing trace amounts of such substances, intended for incineration, should not require a label since the substances will be destroyed. EPA believes that such containers require a label, since the waste contains a class I or class II substance which will require handling and proper precautions prior to its incineration, and since the waste enters into interstate commerce. Further, EPA believes that containers of class I or class II substances to be recycled or reclaimed must bear the warning statement, to ensure that the technician of a reclamation facility is aware of the substances contained in order to exercise the proper caution. Reclaimed substances are also resold by the reclaimer, and thus should be labeled upon introduction into interstate commerce.

Some commenters suggested that containers that once contained an ozone-depleting substance but are later recycled through melt down or scrapping and incorporated into another product, should not require a label. EPA agrees that if the new product no longer contains a class I or class II substance, it does not require a label.

One commenter argued that for containers in which military products "manufactured with" or "containing" class I or class II substances are transported and then returned empty to the originator, the label should be permitted to be "covered" by the originator of the products so that the container may be reused for other purposes. EPA accepts that at the point of their return, as long as the containers are emptied of their contents of the class I or class II substances, the label may be covered or removed. If such container subsequently is charged with a class I or class II substance, a label would be required at that time. EPA also would not require that a container or vessel for transport of a "product containing" or "container containing" be labeled; only the immediate container that holds the ozone-depleting substance must be labeled.

4. Trace Quantities of Unintended Residues or Impurities

One commenter raised the issue whether any chlorination process in which carbon tetrachloride (CCL4) is inadvertently produced would require a label under the proposed rulemaking, including such processes as the chlorination of drinking water. The comment is based on the fact that EPA made no exception in the proposed rulemaking for products containing unintended residual amounts of trace quantities of a controlled substance. Such trace quantities are not introduced intentionally into the manufacturing process; they are the result of a chemical reaction by which impurities are produced and retained in the final product. They may also be the remainder of a controlled substance that has been added and then removed, either, for example, as a solvent or explosion suppressant. Another commenter offered the example of the production of chlorine. Water and brine are combined in the process in which the hydrocarbons contained in the water are chlorinated during the chlorine production process. As a result, trace quantities of CCL4 are created. Most of these trace quantities remain in the chlorine, which is then used in the production of other products.

Upon reviewing numerous comments on this issue and discussions with various segments of industry, EPA has determined that products with trace quantities of unintended residues or impurities resulting from a chemical reaction in its manufacturing process, are exempt from coverage under this rule. In these cases, the residual controlled substance is neither intended nor serves a function in the final product itself, and therefore EPA does not consider the product to be a product "containing" a class I substance. Therefore, the product falls outside these labeling requirements for "products containing."

This position is further supported by the recent Fourth Meeting of the Montreal Protocol Parties in Copenhagen. The Parties approved a decision stating that insignificant quantities of controlled substances derived from inadvertent production in a manufacturing process or from an unreacted feedstock, or used as a process agent, such as an explosion suppressant, which is present in a substance as trace residues or impurities, may be excluded from the definition of "controlled substance" under the Protocol. EPA will soon be proposing to modify its regulations for the phaseout of class I and class II substances to reflect this clarification of the definition of controlled substances.

In the 2000 phaseout rule implementing section 604 (57 FR 33754), the Agency determined that where CCL4 of a controlled substance is produced as a coincidental unintended by-product (CUBP) of a manufacturing process and then immediately contained or destroyed, that process need not be considered "product" of a controlled substance. The Agency exempted CUBP production of controlled substances listed in Groups IV and V from the production restrictions. Because the Protocol's proposed change to the definition of controlled substance adopted in Copenhagen encompasses situations also covered by the CUBP, EPA will soon be proposing to eliminate this provision from its existing regulations. The adoption of the Protocol's recent interpretation of controlled substance further supports the exemption from the labeling requirements outlined in the trace quantities exemption in the paragraph above. Those products containing insignificant quantities, or trace quantities, of controlled substances present as unreacted feedstock, from incidental or inadvertent production, or used as a process agent, are exempted from the labeling provision.

Despite some comments on exemption of specific uses of CCL4, the Agency believes that a product containing a controlled substance cannot be exempt from the labeling rule where the controlled substance is essential to the manufacture of that product, such as with CCL4 as an explosion prevention measure in the manufacture of chlorine. Where such substance is intentionally introduced to the manufacturing process, it is not inadvertent and uncontrollable. Only those trace quantities associated with the inadvertent production or unintended residues are exempted from today's rule. However, the use of CCL4 as an explosion prevention measure does not result in the product "containing" the controlled substance, rather it is considered by EPA to be a product "manufactured with" a controlled substance and would require a warning statement. Furthermore, evaporation of a controlled substance is an emission and cannot therefore be exempt from the requirement.

E. Use of Controlled Substances for Repairs and Used Products

In the proposed rulemaking, EPA did not discuss the use of class I substances in the repair of products or in the reuse of products. Comments regarding these uses indicated that class I substances

may be used as solvents in the repair of a product. EPA believes that a product undergoing repair is not being introduced into interstate commerce. The ultimate consumer already owns the product and therefore, the warning statement is unwarranted.

In a similar manner, products that are resold for reuse are products that have already been introduced into interstate commerce. Subsequent use or sale is not covered by today's rulemaking (except for the prohibition on the removal of labels by distributors, wholesalers and retailers, discussed earlier) and therefore the labeling requirements do not apply. In contrast, products "manufactured with" or "containing" controlled substances that are used by service technicians for repair or recycling purposes should be labeled according to the label requirements applicable to their manufacture. Such products or containers may be manufactured solely for use in repair or recycling applications, but are required to be labeled pursuant to section 611.

However, EPA believes that recycled or reclaimed products containing controlled substances, such as some solvent-cleaning and adhesive products, are introduced into interstate commerce as new products when they are recycled or reclaimed. Such products must be labeled accordingly. On the other hand, EPA is aware that some recycled products, such as packaging materials or chemicals may inadvertently come into physical contact with a controlled substance in which it is possible for trace quantities to remain in the products themselves. Consistent with the exemption in today's final rule for unintended trace quantities of residues or impurities, EPA does not require such products where the manufacturers are not intentionally introducing a controlled substance into a recycling or reclamation process to be labeled.

F. Label Placement and Alternative Labeling Options

1. Label Placement

a. *Clearly legible and conspicuous.* In the Notice of Proposed Rulemaking, EPA proposed to require that the warning statement be placed on any display panel on the product's surface or packaging where the label will be "clearly legible and conspicuous." EPA did not propose that the label appear on a product's principle display panel (PDP), though EPA did request comments regarding whether such a requirement would be appropriate. EPA also proposed to allow alternative placement of the warning label (for example, on hang tags, cards, or stickers) where placement on a display panel is not feasible. One commenter supported EPA's proposed use of hang tags, cards or stickers as alternative labeling options. Two commenters stated that the warning statement should appear on the product's display panel when available and, in particular, on the PDP, where one exists, because the PDP is conspicuous to the ultimate consumer. One of these commenters indicated that this approach would promote equality among companies in label placement and would satisfy the requirement that the label be "clearly legible and conspicuous." In contrast, several commenters indicated that the Congress did not mandate that the label be applied to the product's PDP and that EPA should therefore not specify the meaning of "clearly legible and conspicuous" in terms of prescribed label placement. Another commenter contended that the back and side panels of a container or product could satisfy the requirement. One commenter requested clarification on what EPA meant by its suggestion that the label be placed where "normally" viewed by the consumer, as opposed to where the label is "easily or readily viewed."

After considering the comments received on label placement, EPA has decided that the warning statement may appear on a display panel other than the PDP as long as that label can be readily seen and understood by the consumer at the time of purchase. Although requiring all labels to appear on the PDP would promote uniformity among manufacturers' labeling practices, uniformity would come at the expense of the manufacturers' flexibility. In view of the broad diversity of products, potentially affected by the labeling requirements, EPA believes manufacturers will need some latitude as to where to place the labels. If a manufacturer includes the warning statement on a product's PDP, this would satisfy the requirement that the label be "clearly legible and conspicuous," but placement in this manner is not required. The label may be placed on any display panel as long as it is conspicuous and clearly legible. A display panel may include any side of a product, package or container, excluding any location where the warning label would not be "conspicuous and clearly legible." A display panel may include the bottom side of a product package or container where the bottom side is normally used to convey consumer information and is likely to be viewed by the consumer at the time of purchase. For example, a label on the bottom of a refrigerator or its shipping carton would not be readily available to the ultimate consumer; however, a label on the bottom of a portable radio would be appropriately placed because a purchaser is likely to examine the whole product prior to buying the product and additional information regarding the radio telephone would normally be found on its underside. Products that are sold in containers should be labeled directly on the container or display, rather than on the product itself, such as an electronic game. Finally, EPA is also permitting a number of alternative labeling options as discussed below.

2. Alternative labeling options

a. *Alternative labels.* The proposed rule indicated that for products that are irregularly shaped or small, alternative labeling, such as hang tags, tape, cards, stickers or similar overlabeling could be used so long as the label or warning statement was securely attached to the container, product, outer packaging or display case. These alternatives are included in the final rule. An alternative label must be clearly legible and conspicuous. As long as the warning statement is at least as conspicuous on an alternative label as it would be on a product itself, the manufacturer has the discretion as to which of these labeling methods is used for irregularly shaped or small products. Such alternative labels must themselves be clearly legible and conspicuous.

b. *Supplemental printed material.* While EPA prefers that manufacturers place the warning label on a display panel on the product or its outer packaging, or use overlabeling where alternative labeling is necessary, labeling using supplemental printed material could also satisfy the section 611 requirement. EPA defines supplemental printed material as information which accompanies a product and which the consumer is likely to read at the time of purchase. (Supplemental printed material that is only available to the consumer after the time of purchase of the product would not satisfy the labeling requirements.) Examples of these options include, but are not limited to, warnings included on invoices, bills of lading, package inserts and Material Safety Data Sheets (MSDS), so long as they are likely to be read before the purchase is completed. Supplemental printed material would be most appropriate if a product has no PDP or display panel area, or if the warning statement would be as conspicuous to the consumer on such printed material as it would be on the product. It would also be appropriate to include a warning statement on

supplemental printed material such as an invoice, for a shipment of products sold in large quantities (e.g., nuts and bolts), rather than labeling individual items. Where supplemental printed material is used, the warning statement would have to be clearly legible and conspicuous to the consumer at the time of purchase.

Two commenters asked EPA to clarify that additional labeling (on a product or in advertising about the product) is not required when the label appears on supplemental printed material. In response, EPA confirms that should a manufacturer choose to implement the labeling requirement using supplemental printed information, additional labeling is not required. Again, the governing principle is that the purchaser be able to read and understand the label at the time of purchase.

Another example of where supplemental printed material would be appropriate is in the case of medical devices that are purchased directly by a hospital or clinic and not by the patient. For example, EPA realizes that some medical products are administered directly by hospital or clinic personnel to a patient, without necessarily informing that patient of whether the medication or medical device was made with a controlled substance. The patient is less likely to be adequately informed about the product or to make a choice regarding the product due to hospital procedures and the circumstances under which the patient receives treatment. In such cases, EPA believes that the ultimate consumer is the person making the immediate purchasing decision of that product on behalf of and for the use by a patient. Supplemental information must accompany the products to the point at which the purchaser accepts the products and need not be communicated directly to the patient.

Labeling of supplemental printed material may also be appropriate for prescription drug products containing controlled substances that are deemed "essential" by the Food and Drug Administration (FDA), such as metered dose inhalers. (See discussion on medical products in section V.I. below.)

While supplemental printed material may be a label placement option for most products, containers of class I or class II substances that are smaller than 55 gallon drums must be labeled directly on their PDPs or display panel areas. Containers of controlled substances that are larger than 55 gallon drums may apply the warning statement on supplemental printed information to convey the warning statement, as long as it is clearly legible and conspicuous to the purchaser either at the time of purchase or time of delivery provided the purchase is not complete until delivery is accepted. EPA believes that containers larger than 55 gallon drums, such as railcars, trucks and aircraft need not bear a label directly on them since they carry other containers and products as well, and information regarding the contents is usually viewed in supplemental information by the consumer upon delivery.

c. *Products not viewed by the purchaser prior to or at the same time of purchase.* Several commenters stated that some products are typically sold over the phone or through the mail, so that labeling the product itself would not provide the information to the purchaser until after the point of purchase.

In the NPRM, EPA discussed the use of supplemental printed material as an alternative to placing the labels directly on the a product, its display or packaging. Supplemental printed material was defined in terms of printed or graphic informational or promotional material. In order to address the issues described above, EPA has distinguished between supplemental and promotional printed material in the rule promulgated today. Supplemental material accompanies the product and is available for the consumer to read at the time of purchase. Promotional printed material, by contrast, does not accompany a product and is available prior to the point of purchase by appearing in or on newspapers, journals, catalogues and displays, for example.

Congress' purpose in requiring products to be labeled was to provide consumers with information regarding the use of ozone-depleting substances so that they can use the information in making their purchasing decisions. To accomplish this purpose in the case of products normally purchased sight-unseen, manufacturers or sellers may use either of two approaches. First, promotional printed material may be used to inform consumers of the use of ozone-depleting substances. The required information must appear on the promotional printed material in a clearly legible and conspicuous manner.

Second, a company may place the label on a product or its packaging, or use alternative labeling as described above, so that the requisite information is clearly legible and conspicuous to the purchaser at the time of product delivery. However, this option requires that either the purchase not be completed until delivery is accepted (e.g., COD orders) or the purchaser be permitted to return the product following its delivery. For the labeling requirement to serve Congress' purpose, where information is not made available when the purchase order is placed, customers must at least be allowed to refuse delivery or to return the product after that information is made available.

d. *Competing information.* Several commenters argued that the label would compete with other labeling information on restricted package space and that overcrowding the existing PDP would make the information difficult to read and inhibit the consumer from reading it. EPA does not agree, especially given EPA's acceptance of alternative label placement options which provide manufacturers with flexibility to address circumstances where applying a label directly on a product may not be appropriate or viable. In addition, EPA is not directing companies to increase the size of their products' packaging to accommodate the label bearing the warning statement, as some commenters inferred. In any case, section 611 specifically requires that the label be "clearly legible and conspicuous."

e. *Parallel to existing information.* EPA proposed that the warning statement must appear parallel to any base on which the product or container is being displayed. Some commenters recommended that EPA instead prescribe that the label be parallel and aligned with all other labeling information on the product. EPA agrees with this recommendation. Further, if the warning statement is on supplemental printed material, the statement must also be parallel and aligned with other labeling information in the printed material.

G. Products Manufactured for Export Only

The proposed rule did not specifically address the issue of whether labeling is required for products manufactured for export only. Several commenters urged EPA not to require that products manufactured for export meet the labeling requirements. Commenters indicated that a requirement for labels bearing the warning statement on exports would put products manufactured in the United States at a competitive disadvantage in the world marketplace, compared to products manufactured in countries where labeling is not required. Moreover, commenters noted that EPA could not enforce the labeling requirement beyond U.S. boundaries; therefore, labels on exported products could be removed after they leave United States territory but before they reach consumers.

EPA does not believe that products manufactured for export only should be

subject to section 611's labeling requirements. Section 611 applies to products that are "introduced into interstate commerce," but makes no reference to foreign commerce. The Clean Air Act does not define "interstate commerce." However, EPA believes that section 611's use of interstate commerce does not include "foreign commerce" (*i.e.* commerce outside the United States). *See Border Pipe Line* v. *Federal Power Commission*, 171 F.2d 149 (D.C. Cir. 1948) (interstate commerce does not generally include foreign commerce); *Distrigas Corporation* v. *Federal Power Commission*, 495 F.2d 1057 (D.C. Cir. 1974). See, also *e.g.*, 18 U.S.C. 10, which defines interstate commerce and foreign commerce separately.

Exports primarily affect foreign commerce. Although it may be argued that exports are introduced into interstate commerce when they are transported from the manufacturer within the United States to the place of export, EPA does not believe that products manufactured for export only should be covered by section 611. EPA has considerable discretion in determining the scope of the term "introduced into interstate commerce" for purposes of these regulations. As the Supreme Court noted, the term "interstate commerce" cannot be subjected to any single definition for every federal statute regulating commerce.[5] Court decisions have not been uniform regarding the point at which a product destined for foreign commerce should be considered as being in "foreign commerce" when it is traveling to port.[6] Courts have looked to the essential purpose of statutory provisions in determining the scope of the term "interstate commerce."[7] EPA therefore believes that its determination of whether exports should be included within the scope of the labeling requirement should be based on the intent of section 611 and EPA's ability to pursue its enforcement responsibilities under section 611. Based on this analysis, EPA does not believe that the term "introduced into interstate commerce" should be extended to include products manufactured for export only.

As discussed above, the labeling requirements are designed to alert consumers to the fact that ozone-depleting substances are contained in a product or were used to manufacture it. However, during the period that the exports are traveling to port, they can have no effect on the purchasing decisions of consumers, as no consumers will see the product until after it has left the United States. Moreover, as the labels will be in English, many of the products that are labeled will be sent to countries where the labels will not be understood. In addition, once a product has left the United States; EPA cannot prevent labels from being removed from the product. Therefore, EPA cannot ensure that products exported from the United States will be labeled when they are viewed by the consumer, which would defeat the purpose of the labeling requirement.

Unlike products sold in the United States, products produced and sold abroad do not have to meet the labeling requirements of section 611. EPA recognizes the competitive disadvantage that U.S. manufacturers would have in the foreign marketplace as a result of having to label. Consumers in the foreign marketplace, when faced with two otherwise identical products, one which is labeled and the other which is not, would likely choose the unlabeled product even though the unlabeled product may also contain or be manufactured with ozone-depleting substances. If U.S. regulations were to require domestic products manufactured only for export to be labeled while products manufactured and sold in other countries were not, U.S. products would be placed at an unfair disadvantage in the foreign marketplace with no compensating benefit to consumer choice, since foreign consumers would incorrectly infer that non-U.S. products did not contain or involve the use of ozone-depleting substances.

Agencies have excluded exports from similar requirements on other occasions. For example, the Consumer Product Safety Commission has exempted products from requirements of the Consumer Product Safety Act, 15 U.S.C. 2015 *et. seq.*, where the products are never distributed in commerce for use in the United States, and exempted from the Federal Hazardous Substances Act, 15 U.S.C. 1261 *et. seq.*, where the products are never sold or offered in domestic commerce. See 16 CFR 1010.1 (b).

To avoid application of this rule, products manufactured solely for export may not be sold within the United States. EPA is requiring that products and containers manufactured for export be clearly identified as such at the warehouse or facility from where the export will be transported and that any additional documentation for such products or containers be readily available on site. This is to enable Federal enforcers to distinguish between products or containers for domestic sale, which require labels, and those intended only for export, which do not.

H. Imports

EPA proposed that imports be covered by the labeling requirements and regarded imports as having entered interstate commerce at the site of U.S. Customs (Customs) clearance.

Several commenters asked whether the Agency plans to inform Customs of the new labeling requirements. EPA has agreements with Customs under other existing regulations to inspect imports and will work further with Customs to ensure that products and containers entering the U.S. meet the requirements of section 611.

The definition of "import" in today's final rule is consistent with the definition promulgated under regulations implementing section 604 of the Act (57 FR 33754, 33788, July 30, 1992). There are two situations described in the section 604 rule that are excluded from the definition of "import" also adopted here. One pertains to the off-loading of class I or class II substances from ships during servicing. EPA believes that temporary

---

[5] *McLeod* v. *Threlkeld*, 319 U.S. 491, 495, 63 S. Ct. 1248, 1250 (1943); *see also United States* v. *Auguello*, 452 F.2d 1135, 1141 (2d Cir. 1971) (in determining the scope of the term interstate commerce in a criminal statute, the court noted that cases from other areas of the law are an unreliable guide to the interpretation of the statute at issue).

[6] *See, e.g., Japan line, Ltd.* v. *County of Los Angeles*, 441 U.S. 434, 437, 99 S. Ct. 1813, 1815 (containers are found to be instrumentalities of foreign commerce where they "engage in no intrastate or interstate transportation except as continuations of international voyages"); *Connell Rice & Sugar Co.* v. *County of Yalo*, 569 F.2d 514 (9th Cir. 1978) (products in storage that were bound for export were subject to local taxation because they had not actually entered the export stream); *Southern Pacific Transportation Co.* v. *I.C.C.*, 565 F.2d 625 (9th Cir. 1978)(whether transportation is interstate or intrastate "is determined by the essential character of the commerce, manifested by the shipper's fixed and persisting transportation intent at the time of shipment"); *Carson Petroleum* v. *Vial*, 279 U.S. 95, 107, 49 S.Ct. 292, 295 (1020) (the essential character of the commerce, not the various steps in its transportation, should determine whether it is interstate, intrastate, or foreign); *Wentz* v. *U.S.*, 244 F.2d 172, 178 (9th Cir. 1957) (court found that where telegram from California to Mexico was initially transmitted to Texas and then retransmitted to Mexico, the initial transmittal was in interstate commerce).

[7] See *United States* v. *Castro*, 837 F.2d 441 (11th Cir. 1988) (failure of Congress to specifically include imports in statute does not mean that imports are excluded where legislative history and essential purpose of the statute indicate that imports should be included); *Distrigas Corporation* v. *Federal Power Commission*, 495 F.2d 1057, 1064 (D.C. Cir. 1974) (legislative history of Natural Gas Act indicates that imports and exports were meant to be excluded; nonetheless, the court would include imports and exports within the scope if exclusion would be contrary to the purpose of the statute).

off-loading containers or products containing or manufactured with controlled substances should not be considered importation since the products are not being introduced into interstate commerce. Therefore, they should not fall under the labeling provision.

The other case involves products or containers introduced in bond at the Mexico border. Under the Maquiladora Agreement, the United States and Mexico established a free-trade zone along a segment of the U.S./Mexico border. Essentially, products are permitted to be transported across that zone without any U.S. Customs restrictions being imposed. Products manufactured with or containing controlled substances or containers charged with controlled substances within this zone established by the Maquiladora Agreement are not considered to be imported products. At the same time, such products or containers are being introduced into United States interstate commerce, and are therefore subject to the labeling requirements.

Some commenters argued that if they purchase foreign products manufactured with a class I substance from other companies and incorporate them into their own products, their final products should be exempt from the labeling requirement. As discussed above, the final rule eliminates the requirement that a manufacturer must label its product if a component product was manufactured with a controlled substance. Thus, if a manufacturer incorporates a component product manufactured with a controlled substance into its product without using a controlled substance in its own manufacturing process, under today's rule, its product is not required to bear a warning statement. Manufacturers incorporating component products into their products need not investigate whether such products were manufactured with a controlled substance. However, U.S. parent companies that purchase products manufactured with controlled substances from their foreign subsidiaries would be required to label their subsequent products in the same manner required of any U.S. company using components from a domestic subsidiary.

Importers of foreign products are still obligated to label foreign products if the manufacturer of that product used a controlled substance in its manufacturing process. If importers were not so obligated, then imported products would have an unfair competitive advantage over domestic products. However, consistent with EPA's decision to eliminate the label "pass-through" provision, an importer need only investigate whether the final product being imported was manufactured with a controlled substance in determining whether a warning statement is required. The importer is not required to investigate whether component parts of the final product were manufactured with controlled substances.

All imported products containing and containers containing controlled substances must be labeled at the site of U.S. Customs clearance and must remain labeled throughout the stream of commerce. As discussed above, manufacturers of "products and containers containing" controlled substances are not exempt from the requirements to pass information through the stream of commerce indicating that the product or container contains an ozone-depleting substance.

I. Medical Products

Several commenters argued that certain prescription products, such as some metered dose inhalers (MDIs), should be exempt from the labeling requirements because they are essential to the health of patients. These commenters feared that the warning statement could result in patients not using medication despite the advice of their physicians, because the patients would be concerned about damage to the ozone layer or would be alarmed by the inclusion of the words "warning" and "harms public health and environment" in the warning statement. These commenters, which included the Food and Drug Administration, voiced concern about the possible ill effects on the health of asthma patients if such patients discontinued the use of MDIs as a result of the warning statement. The commenters argued that the label should not appear on prescription drugs, since the decision to buy the drug is based on the physician's advice and, therefore, the physician should be considered the "ultimate consumer" in this case. Other commenters noted that pharmacists often receive medical products in bulk packaging and repackage the products for consumer purchase. In these cases, the patient would not see the package prior to purchase, negating the purpose of the label.

EPA understands the importance of medical products like MDIs to many patients' health and believes it appropriate to tailor the labeling requirement to avoid unduly alarming patients. At the same time, section 611 does not provide the Agency with authority to exempt any products containing class I substances from the labeling requirement, even if such products are considered essential. That section specifically provides that no product containing a class I or class II substance may be introduced into interstate commerce after the effective date without the warning statement. Congress clearly gave EPA authority to exempt production of class I substances needed for medical products from the phaseout requirements of section 604 of the Act and authority to exempt certain products "manufactured with" class I substances from the labeling requirements of section 611 if appropriate substitutes are available. By contrast, Congress gave the EPA no similar authority to exempt medical products containing class I substances from the labeling rule.

Contrary to the assertion of some commenters, there is no basis for believing that section 611 does not apply to medical products subject to FDA labeling rules. FDA's labeling regulations were in effect when the Clean Air Act Amendments were enacted, and Congress could have indicated that the labeling provisions of section 611 do not apply to the products covered by FDA regulations. It did not do so, however, and since section 611 was passed after FDA's rules and statute authorizing them, section 611 would govern in the case of any conflicts.

Within these legal constraints, however, EPA wishes to avoid any adverse impact labels might have. As detailed above, a number of commenters voiced concern that patients might not use medical products essential to their health if confronted by the required labeling information. The commenters presented no evidence supporting their concerns, however. EPA considers it highly unlikely that patients would not use a medical product vital to their health because it bore a label notifying them of the products' use of ozone-depleting substances. Patients would more likely react, if at all, by asking their physician or pharmacist what they should do in view of the label's information. Such inquiries could help create the kind of market pressure Congress sought as a means of prodding industry to find and use alternatives.

However, as discussed earlier, EPA does allow the warning statement to appear on supplemental printed material. In the case of prescription products deemed essential by FDA, such as MDIs, EPA believes that, given the concerns expressed by commenters, it is appropriate for the statutory warning statement to appear on supplemental printed material intended

for the prescribing physician, rather than for the patient, as long as the supplementary printed material intended for the patient contains language that informs the patient that the product contains an ozone-depleting substance. EPA agrees with commenters that the inclusion of the words "warning" and "harms public health" on the information provided to the patient might cause undue alarm. Therefore, if the statutory warning statement appears on the printed material intended for the physician, then the product or printed material intended for the patient need only state the following: "This product contains [name of substance], a substance which harms the environment by depleting ozone in the upper atmosphere." Manufacturers could supplement this information, if they wish, with instructions for the patient to consult with his or her physician before discontinuing use of the product. EPA expects that FDA will provide at a later date such additional language in the **Federal Register**.

EPA believes these provisions address the concerns regarding potential adverse health effects in a manner consistent with section 611(c), since the full warning statement will be provided to the prescribing physician and the information that the product contains an ozone-depleting substance will be provided to the patient. To the extent this approach represents a partial exemption from the statutory requirement, EPA may grant it as an exercise of the type of administrative authority described in *Alabama Power Co.* v. *Costle*, 636 F.2d 323 (D.C. Cir. 1979). The change to the statutory language is minimal and the environmental consequence is probably non-existent. Removing the words "warning" and "harms public health," however, avoids unduly and perhaps dangerously alarming patients.

EPA received other comments noting the impact of FDA's labeling regulations on the time needed for compliance with today's rulemaking. Based on discussions with FDA, there appear to be three ways to implement the changes in labeling for FDA-regulated medical products (21 CFR 314.70) manufactured with or containing class I substances in time to meet the statutory deadline of May 15, 1993: (1) Notify FDA through the company's annual report of the changes made to the label—such changes would be considered "minor or editorial;" (2) partake in a supplemental process that FDA uses to grant pre-approval for such modifications to the existing labeling; or, (3) through "supplemental changes being effected" or changes that may be made prior to FDA approval, make the necessary changes and inform FDA afterwards. FDA has informed EPA that companies should, to the extent possible, implement section 611 labeling changes using the third option, "supplemental changes being effected" (21 CFR 314.70 (c)2(i)). EPA believes that it is FDA's intention to provide at a later date specific additional language to accompany the warning statement for drug products containing class I substances, such as MDIs, which would inform the patient to further consult with his or her physician when considering the implications on their overall health of the section 611 warning statement.

One commenter also indicated that contact lenses that are manufactured with class I substances would be difficult to label, because consumers generally purchase contact lenses without packaging and the label obviously cannot be placed directly on the lenses themselves. Manufacturers of ophthalmic devices, such as contact lenses, may include the warning statement on supplemental information, as long as the label appears on information that the ultimate consumer receives by the time of purchase. In this context, FDA indicated that it may be notified of such changes to a company's existing labeling information through a manufacturer's annual report, thus requiring no pre-approval.

J. Packaging

Some commenters indicated that it would be misleading for the warning statement to appear on a wrapper or packaging that itself contains or is manufactured with controlled substances, when the product inside does not contain or was not manufactured with such substances. Packaging materials may be used for transportation or display purposes for products that do not contain or were not manufactured with a controlled substance. The commenters inquired as to whether this packaging would necessitate a label. Such labeling, the commenters argue, could mislead consumers into believing that the contents are themselves ozone-depleters.

In the final rule, EPA is requiring that packaging materials manufactured with a controlled substance be labeled to inform purchasers of such materials of the use of controlled substances in the manufacturing of those materials. EPA believes that packaging materials when sold as such are products in and of themselves and should therefore be subject to the labeling requirements. However, consistent with the pass-through discussion in V.C.1 above, purchasers of such packaging materials are not required to subsequently label their product based on the labeling information pertaining to the packaging materials.

Manufacturers that manufacture their own packaging materials using controlled substances, or that use controlled substances to attach the packaging to its contents, must label their product, even if the package contents were not made with ozone-depleting substances. In this case, the packaging is part of the product, and if the packaging is made with controlled substances, it must be labeled. Otherwise the anomalous result would be that all uses of ozone-depleting substances would require labeling except packaging. So long as the company introduces the product into commerce using ozone-depleting substances to make any aspect of it—including packaging—it must label the product.

K. Research and Development

In the proposed rulemaking, EPA did not specifically address whether research and development (R&D) activities, including R&D to find alternative substances for class I or class II substances, should be subject to the labeling requirements. A few commenters stated that R&D activities should be exempt from the labeling requirement since the products being developed are not being introduced into the stream of commerce. EPA agrees that a product undergoing research is not introduced into interstate commerce and, therefore, need not be labeled. Upon conclusion of R&D activities, any product containing or manufactured with a controlled substance will require a warning statement upon its introduction into interstate commerce.

L. Warning Statement Text and Requirement

Some commenters supported the text of the warning statement, bearing the standard chemical name. However, several commented that there was little environmental benefit to naming the specific chemicals used in a manufacturing process. Suggested alternatives to the chemical name included the terms "class I substances" and "CFCs and other substances." A commenter indicated that the Clean Air Act's reference to "class I," should be sufficient for the label. These commenters did not believe that stating the specific substances used on the label was valuable to consumers, who do not tend to differentiate between ozone-

depleting chemicals. Therefore, according to the commenters, simply the statement that an "ozone-depleting substance" was used in the manufacture of a product would be sufficient for purposes of informing consumers. Other commenters argued that the label would detract from other important warning hazard labels and requested that the Agency remove the word "WARNING" from the statement.

When Congress mandated the use of labels under section 611, it specified the exact language that should be used. This language includes the name of the substance that is subject to the labeling requirement and contained in or used to manufacture a product. EPA does not believe that the use of terms such as "class I substance" or "CFCs and other such substances" would be adequate to meet the requirements of section 611. Furthermore, such terms would not provide consumers with the ability to distinguish the ozone-depleting potential of one substance relative to another, which can vary by a factor of ten among class I substances. The ability to distinguish allows consumers to differentiate in making their purchasing decisions between substances with significantly different ozone depletion potentials. As an additional benefit, labels containing specific chemical names facilitate efforts related to handling, disposal, recovery and recycling under sections 608 and 609 of the Act. Such information is potentially beneficial to service technicians. Therefore, EPA is not amending its requirement that the exact name of the ozone-depleting substance be used in the warning statement.

Additionally, the final regulations continue to require that the word "warning" be used to begin the warning statement. EPA is not authorized to remove the word "warning" from the text of the statement, since that wording is prescribed by Congress in section 611. EPA also disagrees with the comment that the warning statement will discourage consumers from reading a product's PDP or other display panel area, especially given the options available for label placement.

Some commenters indicated that labeling relative to human health hazards and product use and handling should be regarded as more important and suggested eliminating the requirement for the section 611 label in the case of these products. The Clean Air Act mandates the warning statement and provides no such exceptions. EPA has an obligation to implement the law and to ensure compliance among the regulated community.

M. Recoverable Substances Label

Comments received stated that labels indicating that ozone-depleting substances are recoverable and not mandated under section 611 and that section 608 (recovery and recycling) does not itself require such labels. Some comments affirmed that many products containing class I and class II substances already have permanent labels identifying the relevant substances they contain. They claim that labeling for recovery purposes would add little value to current information provided on existing labels.

After consideration of the comments received, EPA believes that recycling and recovery of class I substances are sufficiently addressed under sections 608 and 609. Therefore, EPA is not requiring a separate labeling requirement under section 611 for recoverable substances; the warning statement as specified in that section will be the only required label for products and containers, as outlined in today's rulemaking.

N. Symbol

In the proposal, EPA stated that it was considering, but not proposing, the requirement of a symbol to accompany the warning statement. EPA requested comments on the appropriateness of such a symbol. One commenter strongly favored the use of a symbol as discussed in EPA's proposal. However, EPA also received numerous comments that indicated that warning statements without corresponding symbols have been as effective as those with symbols. These commenters further stated that symbols can be misleading to the consumer at times. Several commented that symbols do not provide consumers with any information in addition to what is communicated in the warning statement. Other commenters implied that a symbol can distract consumers from reading other important labels on a product or container.

Some commenters indicated that incorporating the graphic symbol would be costly, given inherent limitations in existing printing equipment. For example, some small businesses that print labels and supplemental information may be unable to replicate the graphic using existing equipment. Such businesses would be forced to invest in new printing equipment in order to comply. Other commenters indicated that to add the symbol would result in altering the colors used on existing labels on products. This could cause problems in the existing arrangement of other printed information on the products, therefore requiring the manufacturer to relabel all of its products. The subsequent cost could be up to $1,000 per product label. In addition to these economic concerns, commenters indicated that it made little sense to make such changes and investment for substances that will be phased out shortly.

EPA has decided to forego the use of a symbol. The Agency believes that the 1996 phaseout of class I substances (1994 for halons) diminishes the overall utility of a symbol thus substantially reducing the potential benefits from the use of a symbol without reducing costs. The Agency also agrees with commenters that the warning text would significantly increase the cost of labeling, with little or no environmental benefit.

O. Petition Process

Four commenters supported the petition process as described in the proposed rulemaking, citing that a process is necessary to exempt from the labeling requirement those products for which alternative substances and manufacturing processes are not available. Others supported EPA's proposed provision allowing "class action" petitions, claiming that petitions allowing one petition for multiple manufacturers of the same product or for similar products, would simplify the process for companies with the same end-uses of a class I substance.

Several commenters indicated that the rulemaking should shift the statutory prescription and exempt all products manufactured with class I substances *unless* the Agency makes a determination that substitutes are currently or potentially available. They argued that because of the accelerated phaseout date of 1996, EPA could determine now that substitutes are not currently available, they would also not be potentially available, since the timeframe from the effective date of this rule to the phaseout is considerably shorter than what it was at the time the law was written.

The language of section 611 clearly does not allow EPA to exempt products manufactured with class I substances from the labeling requirements unless EPA makes an affirmative determination. The law explicitly states that products manufactured with class I substances must be labeled, unless the Administrator makes an affirmative determination that no substitute chemicals or processes exist that do not rely on a class I substance, that reduce the overall risk to human health and the environment, and that are currently or potentially available. EPA continues to believe that the most appropriate way to

VOL
58
ISS
27
FE
11
1993
UMI

provide exemptions for specific products manufactured with class I substances is through case-by-case evaluation of specific products or manufacturing processes through the petition process described in the proposed rulemaking. This process allows EPA to make a sound decision whether to exempt a product or process from labeling based upon the specific facts provided by the petitioner. However, to avoid being overwhelmed with individual petitions reflecting the myriad MCF and CFC–113 used as solvents, EPA has adopted the "reduced use exemption" described above. This exemption does not, however, prevent any firm from applying for a specific exemption for a product, regardless of reductions in use made by that firm, if the criteria for an exemption contained in the regulations are satisfied.

One commenter stated that the Agency should grant temporary exemptions to those manufacturers that petition the Administrator until a determination on the petition has been made. However, EPA does not believe such an exemption is appropriate, because it would enable manufacturers who wanted to avoid or postpone complying with the labeling requirements to initiate the petition process with little or no likelihood of success on the merits of the petition. EPA wants to avoid creating such an incentive and, therefore, is requiring that products be labeled pending the Agency's decision on a petition.

Another commenter indicated that the EPA should expedite the review process for petitions whenever possible. EPA agrees and will make every possible effort to expedite the review process. The reduced use exemption, as well as the revised pass-through requirement and other provisions of this rule, should dramatically reduce the number of petitions received by EPA.

One commenter inquired about the treatment of confidential business information (CBI) included in a petition and inquired about the Agency's ability to guarantee confidentiality. Under the Clean Air Act, anyone submitting information for which CBI status is requested must assert a claim of confidentiality at the time of submission. Failure to assert a claim of confidentiality at the time of submission may result in the disclosure of the information by the Agency without further notice. Further, it should be noted that information which is publicly available (e.g., in journals, trade magazines, product literature, etc.) cannot be claimed as CBI. EPA will treat all claims of business confidentiality in a manner consistent with 40 CFR part 2, subpart B. These procedures offer petitioners significant protection from disclosure of CBI. Though the Agency cannot guarantee that it will be able in all circumstances to justify granting or denying a petition without public disclosure of confidential information, EPA will endeavor not to use confidential information in the public participation process wherever possible. There are situations in which the Agency has contractors "cleared" for handling confidential information. Before the Agency uses such contractors, it will notify any petitioner of the potential use of such a contractor in the petition review.

One commenter indicated that EPA's description of a substance as "currently available" did not indicate that the substitute is widely available. The commenter urged that a substance be considered currently available when it is marketed in "commercial quantities." EPA agrees with this point if commercial quantities means that they are available, but not necessarily in market-wide quantities, and affordable. An example of such a circumstance would be where a single company is producing and marketing an alternative for more than one end-use; because the product is not manufactured by more than one company, the product may not be considered "widely available." EPA, however, believes that substitutes that are commercially available are currently available.

One commenter indicated that the definition of potentially available should convey that a substitute is technologically feasible, environmentally acceptable, and economically viable "for a particular application," rather than for a sector-wide or end-use-wide application. EPA agrees that for the purpose of section 611, companies will be submitting petitions for their individual class I substance use and that its evaluation should, to the extent possible, be directed at that use and not at a sector-wide review.

VI. Summary of the Final Rule and Changes from the Proposed Rule

This section briefly describes the amendments to the proposed rule. Any changes made to the rule language as a result of the public comments are conveyed. A new section has been added to reflect that position adopted today regarding companies using, or importers introducing, products manufactured with a process using class I substances. Various changes to the final rule that have been made for purposes of clarification are also described herein. Labeling provisions discussed in the proposed rule that are not addressed or amended in today's final rule remain unchanged and are thus applicable in the final rulemaking.

A. Authority

The authority citation has been revised to reflect the most recent authority citation adopted by EPA for 40 CFR part 82.

B. Purpose (Section 82.100)

This section states that the purpose of the rulemaking is to require warning statements on containers of, and products containing or manufactured with, certain ozone-depleting substances.

C. Applicability (Section 82.102)

This section defines those products that are subject to the labeling requirements of 40 CFR part 82. Paragraph (c) of this section, pertaining to the recoverable substances label, is deleted to reflect the Agency's determination that the handling of recoverable and recyclable substances is sufficiently covered in sections 608 and 609 of the Act. Products and containers using such substances, however, are required to bear the warning statement under paragraph (a) or (b) of this section.

Paragraph (a) of this section has been revised to indicate that for substances added to the lists of controlled substances after the publication of this rulemaking, the labeling regulations shall apply to the listed products and containers one year after such addition or earlier, if indicated in the rulemaking for such listing. A new paragraph (c) is added to this section to indicate that "products manufactured with" and "products containing" class I substances that are products manufactured prior to May 15, 1993 do not need to be labeled.

D. Definitions (Section 82.104)

This section in the proposed rulemaking contains the definitions of the terms "class I substance," "class II substance," "container," "containing or contains," "controlled substance," "manufactured with," "potentially available," "principal display panel," "product," "recoverable substance," "supplemental printed material," "transform," "type size," "ultimate consumer," and "warning label." The final rule includes new definitions for "consumer," "containers containing," "distributor," "export," "import," "importer," "interstate commerce," "product containing," "promotional printed material," "retailer," and "wholesaler" in an effort to incorporate

the relevant comments into today's final rulemaking.

The definitions for a class I substance and class II substance remain unchanged. The definition of container also remains unchanged, but EPA duly notes a comment regarding the word "immediate" in the definition. A comment indicated that the proposed definition of container could imply that the label should be applied to the container before the introduction of a class I or class II substance. EPA requires that upon the point of filling a container with such a substance, the manufacturer in charge of filling the container must label the container, and not the manufacturer of the container itself.

The definition of "containing or contains" has been deleted; "containing or contains" is covered now in the new definitions of "product containing" and "container containing."

The term "controlled substance" is retained and refers to "class I" and "class II" substances. As discussed above, it is important to note that the effective date of specific provisions in today's rule varies between class I and class II substances.

The definition of "manufactured with" is amended to require manufacturers of products manufactured with controlled substances to label according to their direct manufacturing processes and not those related to products purchased upstream. Given this determination, EPA considers each manufactured good a product. EPA also changes the definition of "manufactured with" by expanding incidental uses to include contact use, a class I or class II substance is used intermittently in a manufacturing process; and by adding the exception for trace quantities in the definition of transformation. The expanded incidental use exemption was incorporated as a result of the several comments that explained numerous situations in which a class I or class II substance is applied for intermittent maintenance purposes and not routinely with the production of each product.

The definition for "potentially available" remains unchanged. The definition for "principal display panel" is amended to delete the guidance for determining the proper type size for the warning statement on a PDP. Placement of the warning statement on the PDP would clearly meet the requirements of section 611, but there are alternative options for label placement discussed below in part VI.F. (Section 82.108).

The definition of "product" is expanded to include products that incorporate component products. The term "recoverable substance" is deleted because EPA no longer is requiring a recoverable substances label on containers or products containing such substances. The "supplemental printed material" definition is amended to include "invoices" as a means for label placement. The revised definition also excludes the terms "written advertisements, brochures, circulars". Such terms are categorized as "promotional printed material" later in this section, defined as informational material that does not accompany a product to the consumer.

The definition of "transform" is amended to incorporate the phrase "except for trace quantities." The Agency received several comments that argued that the definition of transformation should remain consistent with that in the rule (57 FR 33754) implementing section 604 of the Act. The EPA agrees with those comments.

The definition of "type size" remains unchanged. "Ultimate consumer" remains unchanged. The definition of "warning label" is modified to exclude the reference to the symbol in 82.106 of the regulation.

The final rule adds the following definitions to this section: "consumer," "container containing," "distributor," "export," "import," "importer," "interstate commerce," "product containing," "promotional printed material," "retailer" and "wholesaler."

The definition for consumer is differentiated from "ultimate consumer," in that "consumer" merely means a purchaser of a product that has been introduced into interstate commerce. The definition of "container containing" is added to this final rule. As discussed in V.D.1 above, a "container containing" is a container that holds a controlled substance until the substance can be transferred into the "container, vessel, or piece of equipment" from which the use of the controlled substance will be realized. Examples of such "containers, vessels or pieces of equipment" are degreasing machines. These "containers, vessels, or pieces of equipment" are defined to be products containing as discussed earlier.

In addition, the definition of "container containing" does not reference the time of purchase by the consumer, because containers containing controlled substances must be labeled whenever they contain such substances, regardless of whether they contained such substances at the time of their original purchase.

The definitions for "export," "exporter" and "import" are consistent with the definitions in the regulations promulgated to implement section 604 (57 FR 33754, 33788, July 30, 1992). The term "import" excludes two situations. First, where ships temporarily off-load containers and products that would otherwise be subject to this rule, no import is considered to have occurred. Containers containing class I or class II substances that originate from the United States, are temporarily held in Mexico in bond and are returned to the United States are also not included in the definition of import. The term "importer" is consistent with the definition in the proposed rule for the accelerated phaseout of controlled substances, pursuant to section 606 of the Act, which is being published concurrently with this rulemaking. "Interstate commerce" is defined as the distribution, or transportation of any product between one state, territory, possession, territory or the District of Columbia and another state, territory, possession or the District of Columbia, or the sale, use or manufacture of any product in more than one state, territory, possession or the District of Columbia. The entry points into interstate commerce for products that are in interstate commerce or will enter into interstate commerce have been revised to include the manufacturer's facility (where a manufacturer has no warehouse) from which a product is released for distribution, sale or use. The definition is also revised to specify that the entry of a product into the warehouse owned by the manufacturer of that product is an "introduction into interstate commerce." EPA received extensive comments regarding the economic and logistical burden of labeling all products in inventory made prior to this date. EPA has revised its definition of "introduction into interstate commerce," for "products manufactured with" and "products containing" controlled substances, EPA defines "introduction into interstate commerce" to be either the entry of such products into the warehouse from which a domestic manufacturer releases the product for shipment, the release of such products or containers by the manufacturer from its manufacturing facility where the manufacturer does not own a warehouse, and in the case of imports, at the site of U.S. Customs clearance. This change in the definition of "introduction into interstate commerce" should significantly lessen the need to label products in inventory as of May 15, 1993. The reasons and justifications for this "grandfather" provision are discussed in section V.B above. Paragraph (a) of this section has

VOL 58 ISS 27 FE 11 1993 UMI

been revised to reflect the "grandfathering" of these products.

The definitions for "distributor," "wholesaler" and "retailer" below convey those commercial entities required to pass a warning statement on all such labeled products through the stream of commerce to the ultimate consumer. The proposed rule did not define these entities; however, they are covered under the regulation. The definition of "distributor" is consistent with the definition promulgated in regulations implementing section 610 of the Act. The definitions for "retailer" and "wholesaler" have been defined in order to clarify the entities responsible for compliance with the regulations promulgated in this rulemaking.

The term "product containing" has been added to the regulation to mean a product, which includes containers, vessels, and pieces of equipment, that physically holds a class I substance at the point of sale to the ultimate consumer remains within the product for its intended use.

As discussed above, EPA has defined a second category of printed information on products in addition to "supplemental printed material." The second category is "promotional printed materials," and includes brochures, flyers, written advertisements, catalogues, circulars, desk references, fact sheets, and similar materials. These materials typically do not accompany the product through to the sale to the consumer or ultimate consumer. Supplemental printed material was revised to exclude promotional printed materials from its definition; supplemental information is information that accompanies a product at the time of purchase. Promotional printed material is suggested as a final option in the case where the alternative labeling placement options discussed earlier are not appropriate because a product is available through ordering systems only. The options for placement in these circumstances are discussed further in § 82.108 of the regulation.

E. Warning Statement Requirements (Section 82.106)

This section contains the warning statement, which by law, must be applied to those products or containers identified in § 82.102 (a) or (b) of the regulation. It also emphasizes that the label must not detract from, interfere with or mar existing labels required on a product's PDP. This section is amended to exempt from the labeling requirements: (1) Products containing trace quantities of unintended residues or impurities of controlled substances; (2) products covered by the use reduction exemption; (3) products manufactured for export only; (4) products undergoing repair; and, (5) products or processes undergoing research and development.

F. Placement of Warning Statement (Section 82.108)

This section describes the various locations where the label may appear in order to satisfy the requirement. The options for labeling and label placement in the proposed rulemaking were unclear to many commenters. It is EPA's intention today to clarify the options for label placement. The overriding requirement is for the warning statement to be "conspicuous and clearly legible" by consumers at the time of purchase. A manufacturer may clearly comply with the requirement by placing the label on its product's principle display panel (PDP). Other means of complying would be to label the outer packaging of the product if the consumer could clearly view the label on such packaging. Alternative placement options such as alternative labels (hang tags, cards, tape, etc.) and supplemental printed materials (invoices, bills of lading, MSDS', etc.) may also fulfill the requirements. When a product is not viewed at the time of purchase, such as a product purchased through mail or telephone orders, use of promotional printed materials is another option. An alternative to using promotional printed information for products which are not viewed at the time of purchase is the direct labeling of a product or its accompanying printed information, defined as supplemental printed information above, so that the consumer views the warning statement at the time of product delivery. This alternative is only available where a product can be returned after delivery or if the purchase is not complete until the time of delivery.

In paragraph (a) of this section, EPA defines the PDP as a placement option that meets the requirements of the law; however, a company may choose to label the packaging on any display panel so long as the label is clearly legible and conspicuous at the time of purchase; to apply the label on outer packaging under paragraph (b) of this section; or to use the alternative labeling options indicated in paragraph (c) of this section. In paragraph (b) "Outer packaging" of this section, the regulatory text is amended to include "warning statement" rather than "warning label," due to the fact that some manufacturers may choose to have the warning text printed directly on the packaging rather than on a label.

Paragraph (c) "Alternative placement" of this section, is amended to include the term "supplemental printed material," which is information that accompanies the product and that the consumer, or ultimate consumer views at the time of purchase. The text is amended to read "warning statement" rather than "warning label," in recognition that manufacturers may choose to include the warning text in the product's literature with the other product information instead of applying an actual label. The addition of the phrase "or accompanies the product or container" enables companies to meet the requirements without having to attach the label to the product when options discussed in paragraph (c) of this section are used. Containers larger than 55 gallon drums are given the option of using supplemental printed material for label placement, since consumers usually view supplemental information rather than the actual vessel itself, at the time of purchase.

Finally, paragraph (d) of this section cites two new methods that companies may use if they are unable to meet the labeling requirements in the other paragraphs of § 82.108, because they distribute or sell their products through a phone or mail ordering system. Under the first option, a company may include the warning statement on promotional printed material. Under the second option, a company may place the warning statement such that it is conspicuous and clearly legible at the time of product delivery as long as the product may be returned after delivery or the purchase is not completed until delivery is accepted (e.g., COD orders). Under this option, the company may meet the requirement that the warning statement be conspicuous and clearly legible by placing the statement on a display panel, or outer packaging or by using the options for alternative placement as described in paragraphs (a), (b), or (c). This paragraph replaces the paragraph on "supplemental printed material," indicated in the proposed rulemaking.

G. Form of Label Bearing the Warning Statement (Section 82.110)

This section indicates the criteria by which a label is judged to be "clearly legible." EPA retains paragraphs (a)(1) and (a)(2) as they appeared in the proposed rulemaking. They specify the typography, layout, and color combination guidelines. Paragraph (b) "Name of Substance," remains unchanged. Paragraph (c) "Combined statement for multiple class I substances," also remains unchanged in this section.

In paragraph (d) "Format," the reference to the symbol, which was not proposed, is deleted. Also in this section, the appearance of the label text is amended so that the text appears parallel to the surrounding text on the product's PDP, display panel, or in the supplemental or promotional printed material, or on other alternative placements rather than parallel to the base on which the product rests. The remainder of this section is unchanged.

The proposed rulemaking defined, in Table 1, the type sizes in relation to the area of the PDP. In paragraph (f)(1) of this section, a minor change is made to include the display panel as the source upon which type size is based, which would include the PDP, rather than apply solely to the PDP.

H. Removal of Label Bearing the Warning Statement (Section 82.112)

Section 82.112 of the proposal prohibited the removal of a label bearing the warning statement except by the ultimate consumer. The proposed section required that the label follow a product through the stream of commerce and not be removed, unless a manufacturer incorporated the name of a substance from a label on a component product into the label for the manufacturer's final product. Paragraph (a) of this section remains unchanged except that it now references a new paragraph (c) in this section. Paragraph (b) is amended to clarify that a warning statement on a product that is being incorporated into another product may be removed by the purchasing manufacturer if that information is then incorporated into the warning statement accompanying the subsequent product or if the exemption under paragraph (c) applies. In a new paragraph (c) of this section, an exemption is permitted for a manufacturer who incorporates into its own product a labeled product manufactured by another company using controlled substances. If the manufacturer uses a controlled substance in the manufacturing of its final product or in the manufacturing of component parts it makes, a label must accompany the product reflecting those substances it used.

I. Compliance by Manufacturers and Importers With Requirements for Labeling of Containers of Controlled Substances, or Products Containing Controlled Substances (Section 82.114)

This section is added to the final rule to distinguish the revised pass-through requirement applicable to "products containing" controlled substances and "containers containing" controlled substances from that applicable to products manufactured with such substances. The proposed rule did not make a distinction because the warning statement was required to be passed through the stream of commerce to the ultimate consumer for all products manufactured with controlled substances, products containing controlled substances, or containers containing controlled substances. Labels on a product being incorporated into an final product were required to be incorporated into the new label accompanying the product to the ultimate consumer.

In today's final rule, this section requires that for all products containing controlled substances and containers containing controlled substances, a label must still be passed through the stream of commerce to the ultimate consumer. If a "product containing" a controlled substance is incorporated into another product, the final product must bear a new warning statement incorporating the information on the incorporated products' warning statement. Paragraph (b), "Reliance on Reasonable Belief," is changed to clarify the responsibilities of importers that import products that are incorporated into their own products. Importers that introduce foreign products into interstate commerce must have a reasonable belief that the import is properly labeled or does not require a warning statement at the site of Customs clearance. Under no circumstances may an importer remove a label from a container of a controlled substance or a product containing controlled substances, unless the container or product is incorporated into a new container or product and the label information accompanying the first container or product is then incorporated into a new label on the final product. Paragraph (c), "Contractual obligations," states that importers may use contractual obligations to show evidence of reasonable belief in determining whether the products manufactured abroad are accurately labeled.

J. Compliance by Manufacturers of Products Manufactured With Controlled Substances (Section 82.116)

This section has been changed to describe the revised pass-through requirement for products manufactured with controlled substances as discussed earlier. It also clarifies the treatment of imports. Any importer that introduces foreign products into interstate commerce must ensure that the product is properly labeled, unless the importer has a reasonable belief that the import does not require a warning statement pursuant to § 82.102 of the regulation at the site of Customs clearance. Products of foreign incorporated companies manufacturing products "manufactured with" controlled substances are subject to the requirements of this subpart if they are imported as defined above. Paragraph (c), "Contractual obligations," states that importers may use contractual obligations to show evidence of reasonable belief that the products manufactured by foreign manufacturers and suppliers are properly labeled.

K. Compliance by Wholesalers, Distributors and Retailers (Section 82.118)

This section describes the responsibilities of distributors, wholesalers and retailers who must pass the label through from their suppliers of products or containers containing or products manufactured with controlled substances to the ultimate consumer. The section remains unchanged.

L. Recoverable Substances Label (Section 82.120)

This section is deleted.

M. Petitions (Section 82.120)

This new § 82.120 describes in detail the process by which a petitioner may submit a petition to exempt a product manufactured with a class I substance from the labeling requirements, or to apply the labeling requirements to a product containing or manufactured with a class II substance. It also explains the procedures by which the Agency will review and evaluate the petitions and the criteria upon which the Agency will base its final determinations. The section remains unchanged.

N. Certification, Recordkeeping and Notice Requirements (Section 82.122)

This section has been added to indicate what procedures are required for persons wishing to claim an exemption from labeling of products manufactured with CFC–113 and methyl chloroform based on the "reduced use exemption," as provided in § 82.106(b)(2).

O. Prohibitions (Section 82.124)

Paragraph (a)(1)(i) of this section states that, effective May 15, 1993, no product or container identified in § 82.102(a) may enter into interstate commerce unless it bears a warning statement that is consistent with § 82.106, or unless the product is temporarily exempted from the labeling requirements as having no potential substitutes pursuant to § 82.120. Paragraph (a)(1)(i) has been amended to note that the following products or

containers do not require labeling: products manufactured before May 15, 1993, which are "grandfathered" under § 82.102(c); products containing only trace quantities of a controlled substance, which are exempted from the labeling requirements under § 82.106(b)(1); products that fall under the reduced use exemption of § 82.106(b)(2); products intended for export only, which are exempted under § 82.106(b)(3); products that are under repair, which are exempted under § 82.106(b)(4); products undergoing research and development, which are exempted under § 82.106(b)(5). This section has also been amended to indicate: (1) That manufacturers who incorporate products purchased from other manufacturers, where such incorporated products have been manufactured with controlled substances, are exempt from the prohibition on removal of the warning statement, under § 82.112(c); and (2) that manufacturers and importers are not required to pass through and incorporate the information that accompanies the incorporated products, pursuant to § 82.116(a).

The placement of the label for products identified in § 82.102(a) must comply with § 82.108, unless the product is temporarily exempted pursuant to § 82.120. Paragraph (a)(2)(1) has been amended to indicate the exclusions under §§ 82.102(c), 82.106(b), 82.112(c), and 82.116(a) discussed above. Such products must bear the warning statement pursuant to § 82.110, unless the label is temporarily exempted pursuant to § 82.120. Paragraph (a)(3)(i) has been amended to indicate that such labeling is not required if the product is not required to bear a label pursuant to §§ 82.102(c), 82.106(b), 82.112(c) or 82.116(a).

Similar provisions apply to products manufactured with or containing class II substances, as indicated in § 82.102(b), except that the effective date of the rules as they apply to such products is January 1, 2015, or at any time after May 15, 1993 that the Administrator finds for a certain product that substitute products or processes are potentially available. Also, the exclusions discussed above under §§ 82.102(c), 82.106(b)(2) and 82.120 are inapplicable to such products.

A new paragraph (a)(5) has been added to this section to indicate the effective date of these prohibitions for effected "products manufactured with" and "products and containers containing" newly listed substances.

Paragraph (b), which referred to the recoverable substances label, is deleted from this section, as that label is no longer required.

VII. Effective Date

The effective date for the labeling requirements in the final rule remains unchanged; section 611 of the Clean Air Act specifically states that the labeling requirements for products manufactured with class I substances, products containing class I substances, and containers containing class I or class II substances are effective 30 months following the enactment of the law, or May 15, 1993. The labeling of products "manufactured with" and "containing" class II substances is required beginning January 1, 2015. (Labeling of particular products manufactured with or containing class II substances may be required before January 1, 2015, if the Administrator determines, after notice and opportunity for comment, that adequate substitutes are available. This rulemaking does not include any such determinations.) EPA does not have the authority under section 611 to revise the effective dates.

EPA recognizes the practical problems the regulated community will have in meeting the May 15, 1993 deadline for labeling of products and containers containing class I substances, products manufactured with class I substances and containers of class II substances, given the late publication of this rule. The Agency recognizes that Congress intended in section 611 that there be one year between promulgation of these regulations and the effective date of the labeling requirements, and that these final regulations have been promulgated over eight months later than Congress intended. The Agency also realizes, based on the comments it has received and its own information relating to the complexity of implementing these labeling requirements, that most manufacturers will need as long as nine months after the date of publication of this rule to comply with these requirements. As a result of these concerns, it is the Agency's policy to take no enforcement action for matters occurring during the first nine months following the publication of these regulations.

The applicability section of the regulations also provides that the effective date of the labeling requirements as they apply to substances listed as class I or class II substances after the promulgation of the regulation will be as provided in the final rule listing the substances, but will in no case be longer than one year after listing. EPA believes that manufacturers will need some amount of lead time after a substance is newly listed before it can comply with the labeling regulations. However, section 611 appears to indicate that the labeling requirements must become applicable one year after listing, at the latest.

Section 611 does not, on its face, address the treatment of newly listed substances. However, its provision for one year of lead time between the date of promulgation of these regulations and the effective date of the labeling requirements, and in the case of products manufactured subject to the labeling requirements through the petition process indicates that Congress intended manufacturers to have some lead time before the requirements took effect. EPA will therefore determine the appropriate effective date for newly listed substances upon listing them.

VIII. Summary of Supporting Analyses

A. Regulatory Impact Analysis

Executive Order No. 12291 requires the preparation of a regulatory impact analysis for major rules, defined by the order as those likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies, or geographic industries; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Agency has determined that this regulation does not meet the definition of a major rule under E.O. 12291 and has therefore not prepared a formal regulatory impact analysis. EPA has instead prepared a detailed background economic analysis which estimates and compares the costs and benefits of the regulation, using the accelerated phaseout as a baseline. There is also a discussion of the latest developments of the Montreal Protocol based on the Fourth Meeting of the Parties in Copenhagen in November 1992.

Based on many revisions to the proposed rule, labeling costs have significantly been reduced, such as the revised label pass-through requirement, which greatly affects the solvent-cleaning sector, a broadening of label placement options, exemptions for expanded incidental uses of ozone-depleting substances and a 95% reduced use exemption provision.

In the background economic analysis document, the Agency provides estimates of the potential costs and benefits in monetary terms; however,

these may not represent all of the potential costs and benefits of the labeling regulation. The costs and benefits are expected to correspond relative to one another; in other words, the higher the benefits, the higher the costs. For example, if consumers choose not to purchase products with warning statements, there could be a corresponding decrease in the use of ozone-depleting substances. If manufacturers anticipate a significant decline in profits due to labeling, they may choose to reformulate or redesign their products in order to eliminate their use of ozone-depleting substances in their manufacturing processes. They would therefore avoid having to label their products. In this case, costs associated with reformulation or redesigning will increase, while costs of labeling will decrease. If manufacturers decide to label their products, only the costs of labeling will be incurred. Benefits will occur when companies reformulate their products or manufacturing processes to avoid labeling due to the reduction in use of ozone-depleting substances.

The Agency estimates that the total cost of labeling products to be $179.3 million per year (see docket, "Regulatory Impact Analysis of the Rule Requiring Labeling of Products Containing or Manufactured with Ozone-Depleting Substances," Chapter 5, "Comparison of Costs and Benefits"), based on 1992 dollars. It further estimated that the costs of reformulation or redesigning will total $292.8 million at a 7% discount rate, and $351.7 million at a 2% discount rate. The total costs in 1992 dollars, applying both discount rates, would be $472.1 million and $531 million respectively.

The total annualized costs at the 7% discount rate would total $180 million over three years and, $184 million at the 2% discount rate.

The benefits for labeling are based on a per kilogram value of $1.00 per year through the year 2075, as established in the Phaseout RIA for the regulation implementing section 604 of the Act (57 FR 33788, July 31, 1992). The benefits of reducing the emissions of methyl chloroform attributed to product reformulations are estimated to entail a value range of $27.2 million to $180.9 million, at a 7% discount rate, and $190.5 million to $720.2 million at a 2% discount rate. The annualized benefits associated with the reduced emissions of ozone-depleting substances as a result of decreased sales of labeled products are estimated, using both discount rates, at $41.55 million and $273.8 million respectively.

The total annualized benefits are estimated therefore to range from $5 million to $11 million over about 75 years at a 7% discount rate, and $12 million to $25 million over the same period of time at a 2% discount rate.

B. Regulatory Flexibility Analysis

The Regulatory Flexibility Act, 5 U.S.C. 601–612, requires that Federal agencies examine the impacts of their regulations on small entities. Under 5 U.S.C. 604(a), whenever the Agency is required to publish a general notice of proposed rulemaking, it must prepare and make available for public comment an initial Regulatory Flexibility Analysis (RFA). Such an analysis is not required if the head of an Agency certifies that a rule will not have a significant economic impact on a substantial number of small entities, pursuant to 5 U.S.C. 605(b).

The Agency believes that the regulation will not have a significant impact on a substantial number of small entities and has concluded, as a result, that a formal RFA is not necessary. Instead, EPA has prepared an informal analysis of the impact on small entities in the background economic document (see docket). The Agency considered an across-the-board exemption for small entities, but made the final determination that section 611 does not authorize an exemption since Congress made no indication of such. In addition, the Agency considered an extension of one year for small entities; however, the final determination was made that Congress prescribed an effective date of May 15, 1993 which is inflexible to extensions. Nevertheless, despite these decisions, EPA believes that all businesses will find the costs of the rule minimized due to several key amendments to the labeling requirements described above. The "grandfather" provision for inventory, the revised label pass-through requirement for products manufactured with class I substances, and several exemptions related to ozone-depleting substance use are some of the key changes to the proposed rule which will reduce the tracking, time and cost burdens associated with the proposal that small businesses would otherwise face.

EPA concludes that these changes to the labeling requirements do not warrant a formal regulatory flexibility analysis for the final rule. Similar to the draft RIA for the NPRM, this document analyzes the impacts on companies based on their size of annual sales.

C. Paperwork Reduction Act

The information collection requirements in this rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* These requirements are not effective until OMB approves them and a technical amendment to that effect is published in the **Federal Register**.

Public reporting burden for this collection of information is estimated to vary from 5 to 12 hours per response with an average of 8 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Chief, Information Policy Branch, PM-223Y, US EPA, 401 M Street, SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA." The Agency will respond to any OMB or public comments on the information collection request.

IX. References

Federal Trade Commission. Staff Report on the Cigarette Advertising Investigation (1981)

Rudd, Joel. "Aiding Consumer Nutrition Decisions with the Simple Graphic Label Format." Home Economics Research Journal (March, 1986).

The Green Report: Findings and Preliminary Recommendations for Responsible Environmental Advertising. Ten State Task Force of Attorneys General (November, 1990).

The Green Report II: Recommendations for Responsible Environmental Advertising. Ten-State Task Force of Attorneys General (May, 1991).

United Nations Environmental Programme. Ad-Hoc Technical Advisory Committee on ODS Destruction Technologies.

United Nations Environmental Programme. Electronics, Degreasing and Dry Cleaning Solvents: Technical Options Report (June 30, 1989).

United Nations Environmental Programme. Report of the Fourth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (November 25, 1992).

United Nations Environmental Programme. Solvents, Coatings and Adhesives: Technical Options Committee Report (December, 1991).

United Nations Environmental Programme. Scientific Assessment of Ozone Depletion: 1991 December 17, 1991).

United Nations Environmental Programme. Third Meetings of the Parties to the Montreal Protocol on Substances that Deplete the

Ozone Layer: UNEP/OzL.Pro.3/L.4/Add.4 (Nairobi, 19–21 June, 1991).

United States Department of Commerce, National Bureau of Standards. The Development of Effective Symbol Signs (1982).

United States Department of Health and Human Service, Food and Drug Administration. Compliance Costs of Food Labeling Regulations (1991).

United States Environmental Protection Agency. Manual of Practices to Reduce and Eliminate CFC–113 Use in the Electronics Industry (March, 1990).

List of Subjects in 40 CFR Part 82
Administrative practice and procedure

Air pollution control, Chemicals, Chloroflourocarbons, Exports, Imports, Interstate commerce, Pass-through requirement, Reporting and recordkeeping requirements, Stratospheric ozone layer.

Dated: January 19, 1993.

William K. Reilly,

Administrator.

Title 40, Code of Federal Regulations, part 82, is amended to read as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1.The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671(q).

2.A new subpart E is added to read as follows:

Subpart E—The Labeling of Products Using Ozone-Depleting Substances

Sec.

82.100 Purpose.
82.102 Applicability.
82.104 Definitions.
82.106 Warning statement requirements.
82.108 Placement of warning statement.
82.110 Form of label bearing warning statement.
82.112 Removal of label bearing warning statement.
82.114 Compliance by manufacturers and importers with requirements for labeling of containers of controlled substances, or products containing, controlled subsiances.
82.116 Compliance by manufacturers or importers incorporating products manufactured with controlled substances.
82.118 Compliance by wholesalers, distributors and retailers.
82.120 Petitions.
82.122 Certification, recordkeeping, and notice requirements.
82.124 Prohibitions.

Subpart E—The Labeling of Products Using Ozone-Depleting Substances

§ 82.100 Purpose.

The purpose of this subpart is to require warning statements on containers of, and products containing or manufactured with, certain ozone-depleting substances, pursuant to section 611 of the Clean Air Act, as amended.

§ 82.102 Applicability.

(a) In the case of substances designated as class I or class II substances as of February 11, 1993, the requirements in this paragraph are applicable beginning on May 15, 1993. In the case of any substance designated as a class I or class II substance after February 11, 1993, the requirements in this paragraph of this section are applicable beginning either one year after the effective date of such designation or the date provided in the rulemaking designating such substance as a class I or class II substance, whichever comes first. On the applicability date indicated above, the requirements of this subpart shall apply to the following containers and products except as exempted under paragraph (c) of this section:

(1) All containers in which a class I or class II substance is stored or transported.

(2) All products containing a class I substance.

(3) All products directly manufactured with a process that uses a class I substance, unless otherwise exempted by this subpart or, unless the Administrator determines for a particular product that there are no substitute products or manufacturing processes for such product that do not rely on the use of a class I substance, that reduce overall risk to human health and the environment, and that are currently or potentially available. If the Administrator makes such a determination for a particular product, then the requirements of this subpart are applicable for such product no later than January 1, 2015.

(b) Beginning on January 1, 2015 in any case, or one year after any determination between May 15, 1993 and January 1, 2015, by the Administrator for a particular product that there are substitute products or manufacturing processes for such product that do not rely on the use of a class I or class II substance, that reduce the overall risk to human health and the environment, and that are currently or potentially available, the requirements of this subpart shall apply to the following:

(1) All products containing a class II substance.

(2) All products manufactured with a process that uses a class II substance.

(c) The requirements of this subpart shall not apply to products manufactured prior to May 15, 1993, provided that the manufacturer submits documentation to EPA upon request showing that the product was manufactured prior to that date.

§ 82.104 Definitions.

(a) *Class I substance* means any substance designated as class I in 40 CFR part 82, appendix A to subpart A, including chlorofluorocarbons, halons, carbon tetrachloride and methyl chloroform and any other substance so designated by the Agency at a later date.

(b) *Class II substance* means any substance designated as class II in 40 CFR part 82, appendix A to subpart A, including hydrochlorofluorocarbons and any other substance so designated by the Agency at a later date.

(c) *Consumer* means a commercial or non-commercial purchaser of a product or container that has been introduced into interstate commerce.

(d) *Container* means the immediate vessel in which a controlled substance is stored or transported.

(e) *Container containing* means a container that physically holds a controlled substance within its structure that is intended to be transferred to another container, vessel or piece of equipment in order to realize its intended use.

(f) *Controlled substance* means a class I or class II ozone-depleting substance.

(g) *Distributor* means a person to whom a product is delivered or sold for purposes of subsequent resale, delivery or export.

(h) *Export* means the transport of virgin, used, or recycled class I or class II substances or products manufactured or containing class I or class II substances from inside the United States or its territories to persons outside the United States or its territories, excluding United States military bases and ships for on-board use.

(i) *Exporter* means the person who contracts to sell class I or class II substances or products manufactured with or containing class I or class II substances for export or transfers such substances or products to his affiliate in another country.

(j) *Import* means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into any place subject to the jurisdiction of the United States whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States, with the following exceptions:

(1) Temporary off-loading of products manufactured with or containers containing class I or class II substances

from a ship are used for servicing of that ship, and

(2) Bringing containers of class I or class II substances or products containing or manufactured with class I or class II substances into the U.S. from Mexico where the class I or class II substance or container or product had been admitted into Mexico in bond and is of U.S. origin.

(k) *Importer* means any person who imports a controlled substance, a product containing a controlled substance, or any other chemical substance (including a chemical substance shipped as part of a mixture or article), into the United States. "Importer" includes the person primarily liable for the payment of any duties on the merchandise or an authorized agent acting on his or her behalf. The term also includes, as appropriate:

(1) The consignee,

(2) The importer of record listed on U.S. Customs Service forms for the import,

(3) The actual owner if an actual owner's declaration and superseding bond has been filed; or

(4) The transferee, if the right to draw merchandise in a bonded warehouse has been transferred.

(l) *Interstate commerce* means the distribution or transportation of any product between one state, territory, possession or the District of Columbia, and another state, territory, possession or the District of Columbia, or the sale, use or manufacture of any product in more than one state, territory, possession or District of Columbia. The entry points for which a product is introduced into interstate commerce are the release of a product from the facility in which the product was manufactured, the entry into a warehouse from which the domestic manufacturer releases the product for sale or distribution, and at the site of United States Customs clearance.

(m) *Manufactured with a controlled substance* means that the manufacturer of the product itself used a controlled substance directly in the product's manufacturing, but the product itself does not contain the controlled substance at the point of introduction into interstate commerce. The following situations are excluded from the meaning of the phrase "manufactured with" a controlled substance:

(1) Where a product has not had physical contact with the controlled substance; or

(2) Where the manufacturing equipment has had physical contact with a controlled substance in an intermittent manner, not as a routine part of the direct manufacturing process; or

(3) Where the controlled substance has been transformed, except for trace quantities.

(n) *Potentially available* means that adequate information exists to make a determination that the substitute is technologically feasible, environmentally acceptable and economically viable.

(o) *Principal display panel (PDP)* means the entire portion of the surface of a product, container or its outer packaging that is most likely to be displayed, shown, presented, or examined under customary conditions of retail sale. The area of the PDP is not limited to the portion of the surface covered with existing labeling; rather it includes the entire surface, excluding flanges, shoulders, handles, or necks.

(p) *Product* means an item or category of items manufactured from raw or recycled materials, or other products, which is used to perform a function or task.

(q) *Product containing* means a product including, but not limited to, containers, vessels, or pieces of equipment, that physically holds a controlled substance at the point of sale to the ultimate consumer which remains within the product.

(r) *Promotional printed material* means any informational or advertising material (including, but not limited to, written advertisements, brochures, circulars, desk references and fact sheets) that is prepared by the manufacturer for display or promotion concerning a product or container, and that does not accompany the product to the consumer.

(s) *Retailer* means a person to whom a product is delivered or sold, if such delivery or sale is for purposes of sale or distribution in commerce to consumers who buy such product for purposes other than resale.

(t) *Supplemental printed material* means any informational material (including, but not limited to, package inserts, fact sheets, invoices, material safety data sheets, procurement and specification sheets, or other material) which accompanies a product or container to the consumer at the time of purchase.

(u) *Transform* means to use and entirely consume a class I or class II substance, except for trace quantities, by changing it into one or more substances not subject to this subpart in the manufacturing process of a product or chemical.

(v) *Type size* means the actual height of the printed image of each capital letter as it appears on a label.

(w) *Ultimate consumer* means the first commercial or non-commercial purchaser of a container or product that is not intended for re-introduction into interstate commerce as a final product or as part of another product.

(x) *Warning label* means the warning statement required by section 611 of the Act. The term warning statement shall be synonymous with warning label for purposes of this subpart.

(y) *Wholesaler* means a person to whom a product is delivered or sold, if such delivery or sale is for purposes of sale or distribution to retailers who buy such product for purposes of resale.

§ 82.106 Warning statement requirements.

(a) *Required warning statements.* Unless otherwise exempted by this subpart, each container or product identified in § 82.102(a) or (b) shall bear the following warning statement, meeting the requirements of this subpart for placement and form:

WARNING: Contains [or Manufactured with, if applicable] [*insert name of substance*], a substance which harms public health and environment by destroying ozone in the upper atmosphere.

(b) *Exemptions from warning label requirement.*

The following products need not bear a warning label:

(1) Products in which trace quantities of a controlled substance remain as a residue or impurity due to a chemical reaction, and where the controlled substance serves no useful purpose in or for the product itself.

(2) Products manufactured using methyl chloroform or CFC–113 by persons who can demonstrate and certify a 95% reduction in overall usage from their 1990 calendar year usage of methyl chloroform or CFC–113 as solvents during a twelve (12) month period ending within sixty (60) days of such certification or during the most recently completed calendar year. In calculating such reduction, persons may subtract from quantities used those quantities for which they possess accessible data that establishes the amount of methyl chloroform or CFC–113 transformed. Such subtraction must be performed for both the applicable twelve month period and the 1990 calendar year. If at any time future usage exceeds the 95% reduction, all products manufactured with methyl chloroform or CFC–113 as solvents by that person must be labeled immediately. No person may qualify for this exemption after May 15, 1994.

(3) Products intended only for export outside of the United States shall not be considered "products introduced into interstate commerce" provided such

products are clearly designated as intended for export only.

(4) Products that are otherwise not subject to the requirements of this subpart that are being repaired, using a process that uses a controlled substance.

(5) Products, processes, or substitute chemicals undergoing research and development, by which a controlled substance is used. Such products must be labeled when they are introduced into interstate commerce.

(c) *Interference with other required labeling information.* The warning statement shall not interfere with, detract from, or mar any labeling information required on the labeling by federal or state law.

§ 82.108 Placement of warning statement.

The warning statement shall be placed so as to satisfy the requirement of the Act that the warning statement be "clearly legible and conspicuous." The warning statement is clearly legible and conspicuous if it appears with such prominence and conspicuousness as to render it likely to be read and understood by consumers under normal conditions of purchase. Such placement includes, but is not limited to, the following:

(a) *Display panel placement.* For any affected product or container that has a display panel that is normally viewed by the purchaser at the time of the purchase, the warning statement described in § 82.106 may appear on any such display panel of the affected product or container such that it is "clearly legible and conspicuous" at the time of the purchase. If the warning statement appears on the principal display panel or outer packaging of any such affected product or container, the warning statement shall qualify as "clearly legible and conspicuous," as long as the label also fulfills all other requirements of this subpart and is not obscured by any outer packaging, as required by paragraph (b) of this section. The warning statement need not appear on such display panel if either:

(1) The warning statement appears on the outer packaging of the product or container, consistent with paragraph (b) of this section, and is clearly legible and conspicuous; or

(2) The warning statement is placed in a manner consistent with paragraph (c) of this section.

(b) *Outer packaging.* If the product or container is normally packaged, wrapped, or otherwise covered when viewed by the purchaser at the time of the purchase the warning statement described in § 82.106 shall appear on any outer packaging, wrapping or other covering used in the retail display of the product or container, such that the warning statement is clearly legible and conspicuous at the time of the purchase. If the outer packaging has a display panel that is normally viewed by the purchaser at the time of the purchase, the warning statement shall appear on such display panel. If the warning statement so appears on such product's or container's outer packaging, it need not appear on the surface of the product or container, as long as the statement also fulfills all other requirements of this subpart. The warning statement need not appear on such outer packaging if either:

(1) The warning statement appears on the surface of the product or container, consistent with paragraph (a) of this section, and is clearly legible and conspicuous through any outer packaging, wrapping or other covering used in display; or

(2) The warning statement is placed in a manner consistent with paragraph (c) of this section.

(c) *Alternative placement.* The warning statement may be placed on a hang tag, tape, card, sticker, invoice, bill of lading, supplemental printed material, or similar overlabeling that is securely attached to the container, product, outer packaging or display case, or accompanies the product containing or manufactured with a controlled substance or a container containing class I or class II substances larger than a 55 gallon drum through its sale to the consumer or ultimate consumer. For prescription medical products that have been found to be essential for patient health by the Food and Drug Administration, the warning statement may be placed in supplemental printed material intended to be read by the prescribing physician, as long as the following statement is placed on the product, its packaging, or supplemental printed material intended to be read by the patient: "This product contains [insert name of substance], a substance which harms the environment by depleting ozone in the upper atmosphere." In any case, the warning statement must be clearly legible and conspicuous at the time of the purchase.

(d) *Products not viewed by the purchaser at the time of purchase.* Where the purchaser of a product cannot view a product, its packaging or alternative labeling such that the warning statement is clearly legible and conspicuous at the time of purchase, as specified under paragraphs (a), (b), or (c) of this section, the warning statement may be placed in the following manner:

(1) Where promotional printed material is prepared for display or distribution, the warning statement may be placed on such promotional printed material such that it is clearly legible and conspicuous at the time of purchase; or

(2) The warning statement may be placed on the product, on its outer packaging, or on alternative labeling, consistent with paragraphs (a), (b), or (c) of this section, such that the warning statement is clearly legible and conspicuous at the time of product delivery, if the product may be returned by the purchaser at or after the time of delivery or if the purchase is not complete until the time of delivery (e.g., products delivered C.O.D.).

§ 82.110 Form of label bearing warning statement.

(a) *Conspicuousness and contrast.* (1) The warning statement shall appear in conspicuous and legible type by typography, layout, and color with other printed matter on the label. (2) The warning statement shall appear in sharp contrast to any background upon which it appears. Examples of combinations of colors which may not satisfy the proposed requirement for sharp contrast are: black letters on a dark blue or dark green background, dark red letters on a light red background, light red letters on a reflective silver background, and white letters on a light gray or tan background.

(b) *Name of substance.* The name of the class I or class II substance to be inserted into the warning statement shall be the standard chemical name of the substance as listed in 40 CFR part 82, appendix A to subpart A, except that:

(1) The acronym "CFC" may be substituted for "chlorofluorocarbon."

(2) The acronym "HCFC" may be substituted for "hydrochlorofluorocarbon."

(3) The term "1,1,1-trichloroethane" may be substituted for "methyl chloroform."

(c) *Combined statement for multiple class I substances.* If a container containing or a product contains or is manufactured with, more than one class I or class II substance, the warning statement may include the names of all of the substances in a single warning statement, provided that the combined statement clearly distinguishes which substances the container or product contains and which were used in the manufacturing process.

(d) *Format.* (1) The warning statement shall be blocked within a square or rectangular area, with or without a border.

(2) The warning statement shall appear in lines that are parallel to the surrounding text on the product's PDP,

display panel, supplemental printed material or promotional printed material.

(e) *Type style.* (1) The ratio of the height of a capital letter to its width shall be such that the height of the letter is no more than 3 times its width.

(2) The signal word "WARNING" shall appear in all capital letters.

(f) *Type size.* The warning statement shall appear at least as large as the type sizes prescribed by this paragraph. The type size refers to the height of the capital letters. A larger type size materially enhances the legibility of the statement and is desirable.

(1) Display panel or outer packaging. Minimum type size requirements for the warning statement are given in Table 1 and are based upon the area of the display panel of the product or container. Where the statement is on outer packaging, as well as the display panel area, the statement shall appear in the same minimum type size as on the display panel.

TABLE 1

Area of display panel (sq.in.)	0–2	>2–5	>5–10	>10–15	>15–30	>30
Type size (in.)[1]:						
Signal word	3/64	1/16	3/32	7/64	1/8	[illegible]
Statement	3/64	3/64	1/16	3/32	3/32	7/64

> means greater than
[1] minimum height of printed image of letters

(2) Alternative placement. The minimum type size for the warning statement on any alternative placement which meets the requirements of § 82.108(c) is 3/32 inches for the signal word and 1/16 of an inch for the statement.

(3) Promotional printed material. The minimum type size for the warning statement on promotional printed material is 3/32 inches for the signal word and 1/16 of an inch for the statement, or the type size of any surrounding text, whichever is larger.

§ 82.112 Removal of label bearing warning statement.

(a) *Prohibition on removal.* Except as described in paragraph (b) or (c) of this section, any warning statement that accompanies a product or container introduced into interstate commerce, as required by this subpart, must remain with the product or container and any product incorporating such product or container, up to and including the point of sale to the ultimate consumer.

(b) *Incorporation of warning statement by subsequent manufacturers.* A manufacturer of a product that incorporates a product that is accompanied by a label bearing the warning statement may remove such label from the incorporated product if the information on such label is incorporated into a warning statement accompanying the manufacturer's product, or if, pursuant to paragraph (c) of this section, the manufacturer of the product is not required to pass through the information contained on or incorporated in the product's label.

(c) *Manufacturers that incorporate products manufactured with controlled substances.* A manufacturer that incorporates into its own product a component product that:

(1) Was purchased from another manufacturer;

(2) Was manufactured with a process that uses a controlled substance(s); but

(3) Does not contain such substance(s), may remove such label from the incorporated product and need not apply a warning statement to its own product, if the manufacturer does not use a controlled substance in its own manufacturing process.

A manufacturer that uses controlled substances in its own manufacturing process, and is otherwise subject to the regulations of this subpart, must label pursuant to § 82.106, but need not include information regrading the incorporated product on the required label.

§ 82.114 Compliance by manufacturers and importers with requirements for labeling of containers of controlled substances, or products containing controlled substances.

(a) *Compliance by manufacturers and importers with requirements for labeling of containers of controlled substances, or products containing controlled substances.* Each manufacturer of a product incorporating another product or container containing a controlled substance, to which § 82.102 (a)(1), or, (a)(2) or (b)(1) applies, that is purchased or obtained from another manufacturer or supplier, is required to pass through and incorporate the labeling information that accompanies such incorporated product in a warning statement accompanying the manufacturer's finished product. Each importer of a product, or container containing a controlled substance, to which § 82.102 (a)(1), (a)(2), or (b)(1) applies, including a component product or container incorporated into the product, that is purchased from a foreign manufacturer or supplier, is required to apply a label, or to ensure that a label has been properly applied, at the site of U.S. Customs clearance.

(b) *Reliance on reasonable belief.* The manufacturer or importer of a product that incorporates another product containing from another manufacturer or supplier may rely on the labeling information (or lack thereof) that it receives with the product, and is not required to independently investigate whether the requirements of this subpart are applicable to such purchased product or container, as long as the manufacturer reasonably believes that the supplier or foreign manufacturer is reliably and accurately complying with the requirements of this subpart.

(c) *Contractual obligations.* A manufacturer's or importer's contractual relationship with its supplier under which the supplier is required to accurately label, consistent with the requirements of this subpart, any products containing a controlled substance or containers of a controlled substance that are supplied to the manufacturer or importer, is evidence of reasonable belief.

§ 82.116 Compliance by manufacturers or importers incorporating products manufactured with controlled substances.

(a) *Compliance by manufacturers or importers incorporating products manufactured with controlled substances, or importing products manufactured with controlled substances.* Each manufacturer or importer of a product incorporating another product to which § 82.102 (a)(3), or, (b)(2) applies, that is purchased from another manufacturer or supplier, is not required to pass through and incorporate the labeling information that accompanies such incorporated product in a warning statement

VOL 58 ISS 27 FE 11 1993 UMI

accompanying the manufacturer's or importer's finished product. Importers of products to which § 82.102 (a)(3) or (b)(2) applies are required to apply a label, or to ensure that a label has been properly applied at the site of U.S. Customs clearance.

(b) *Reliance on reasonable belief.* The importer of a product purchased or obtained from a foreign manufacturer or supplier, which product may have been manufactured with a controlled substance, may rely on the information that it receives with the purchased product, and is not required to independently investigate whether the requirements of this subpart are applicable to the purchased or obtained product, as long as the importer reasonably believes that there was no use of controlled substances by the final manufacturer of the product being imported.

(c) *Contractual obligations.* An importer's contractual relationship with its supplier under which the supplier is required to accurately label, consistent with the requirements of this subpart, any products manufactured with a controlled substance that are supplied to the importer, or to certify to the importer whether a product was or was not manufactured with a controlled substance is evidence of reasonable belief.

§ 82.118 Compliance by wholesalers, distributors and retailers.

(a) *Requirement of compliance by wholesalers, distributors and retailers.* All wholesalers, distributors and retailers of products or containers to which this subpart applies are required to pass through the labeling information that accompanies the product.

(b) *Reliance on reasonable belief.* The wholesaler, distributor or retailer of a product may rely on the labeling information that it receives with the product or container, and is not required to independently investigate whether the requirements of this subpart are applicable to the product or container, as long as the wholesaler, distributor or retailer reasonably believes that the supplier of the product or container is reliably and accurately complying with the requirements of this subpart.

(c) *Contractual obligations.* A wholesaler, distributor or retailer's contractual relationship with its supplier under which the supplier is required to accurately label, consistent with the requirements of this subpart, any products manufactured with a controlled substance that are supplied to the wholesaler, distributor or retailer is evidence of reasonable belief.

§ 82.120 Petitions.

(a) *Requirements for procedure and timing.* Persons seeking to apply the requirements of this regulation to a product containing a class II substance or a product manufactured with a class I or a class II substance which is not otherwise subject to the requirements, or to temporarily exempt a product manufactured with a class I substance, based on a showing of a lack of currently or potentially available alternatives, from the requirements of this regulation may submit petitions to: Labeling Program Manager, Stratospheric Protection Division, Office of Atmospheric Programs, U.S. Environmental Protection Agency, 6202–J, 401 M Street, SW., Washington, DC 20460. Such persons must label their products while such petitions are under review by the Agency.

(b) *Requirement for adequate data.* Any petition submitted under paragraph (a) of this section shall be accompanied by adequate data, as defined in § 82.120(c). If adequate data are not included by the petitioner, the Agency may return the petition and request specific additional information.

(c) *Adequate data.* A petition shall be considered by the Agency to be supported by adequate data if it includes all of the following:

(1) A part clearly labeled "Section I.A." which contains the petitioner's full name, company or organization name, address and telephone number, the product that is the subject of the petition, and, in the case of a petition to temporarily exempt a product manufactured with a class I substance from the labeling requirement, the manufacturer or manufacturers of that product.

(2) For petitions to temporarily exempt a product manufactured with a class I substance only, a part clearly labeled "Section I.A.T." which states the length of time for which an exemption is requested.

(3) A part clearly labeled "Section I.B." which includes the following statement, signed by the petitioner or an authorized representative:

> I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

(4) A part clearly labeled "Section I.C." which fully explains the basis for the petitioner's request that EPA add the labeling requirements to or remove them from the product which is the subject of the petition, based specifically upon the technical facility or laboratory tests, literature, or economic analysis described in paragraphs (c)(5), (6) and (7) of this section.

(5) A part clearly labeled "Section II.A." which fully describes any technical facility or laboratory tests used to support the petitioner's claim.

(6) A part clearly labeled "Section II.B." which fully explains any values taken from literature or estimated on the basis of known information that are used to support the petitioner's claim.

(7) A part clearly labeled "Section II.C." which fully explains any economic analysis used to support the petitioner's claim.

(d) *Criteria for evaluating petitions.* Adequate data in support of any petition to the Agency to add a product to the labeling requirement or temporarily remove a product from the labeling requirement will be evaluated based upon a showing of sufficient quality and scope by the petitioner of whether there are or are not substitute products or manufacturing processes for such product:

(1) That do not rely on the use of such class I or class II substance;

(2) That reduce the overall risk to human health and the environment; and

(3) That are currently or potentially available.

(e) *Procedure for acceptance or denial of petition.* (1) If a petition submitted under this section contains adequate data, as defined under paragraph (c) of this section, the Agency shall within 180 days after receiving the complete petition either accept the petition or deny the petition.

(2) If the Agency makes a decision to accept a petition to apply the requirements of this regulation to a product containing or manufactured with a class II substance, the Agency will notify the petitioner and publish a proposed rule in the **Federal Register** to apply the labeling requirements to the product.

(3) If the Agency makes a decision to deny a petition to apply the requirements of this regulation to a product containing or manufactured with a class II substance, the Agency will notify the petitioner and publish an explanation of the petition denial in the **Federal Register**.

(4) If the Agency makes a decision to accept a petition to temporarily exempt a product manufactured with a class I substance from the requirements of this regulation, the Agency will notify the petitioner and publish a proposed rule in the **Federal Register** to temporarily exempt the product from the labeling

requirements. Upon notification by the Agency, such manufacturer may immediately cease its labeling process for such exempted products.

(5) If the Agency makes a decision to deny a petition to temporarily exempt a product manufactured with a class I substance from the requirements of this regulation, the Agency will notify the petitioner and may, in appropriate circumstances, publish an explanation of the petition denial in the **Federal Register**.

§ 82.122 Certification, recordkeeping, and notice requirements.

(a) *Certification.* (1) Persons claiming the exemption provided in § 82.106 (b)(2) must submit a written certification to the following address:

Labeling Program Manager, Stratospheric Protection Division, Office of Atmospheric Programs, 6202–J, 401 M Street, SW., Washington, DC 20460

(2) The certification must contain the following information:

(i) The exact location of documents verifying calendar year 1990 usage and the 95% reduced usage during a twelve month period;

(ii) A description of the records maintained at that location;

(iii) A description of the type of system used to track usage;

(iv) An indication of which 12 month period reflects the 95% reduced usage; and

(v) Name, address, and telephone number of a contact person.

(3) Persons who submit certifications postmarked on or before May 15, 1993, need not place warning labels on their products manufactured using CFC–113 or methyl chloroform as a solvent. Persons who submit certifications postmarked after May 15, 1993, must label their products manufactured using CFC–113 or methyl chloroform as a solvent for 14 days following such submittal of the certification.

(4) Persons certifying must also include a statement that indicates that their future annual use will not at no time exceed 95% of their 1990 usage.

(5) Certifications must be signed by the owner or a responsible corporate officer.

(6) If the Administrator determines that a person's certification is incomplete or that information supporting the exemption is inadequate, then products manufactured using CFC–113 or methyl chloroform as a solvent by such person must be labeled pursuant to § 82.106(a).

(b) *Recordkeeping.* Persons claiming the exemption under § 82.106(b)(2) must retain supporting documentation at one of their facilities.

(c) Notice Requirements. Persons who claim an exemption under § 82.106(b)(2) must submit a notice to the address in paragraph (a)(1) of this section within 30 days of the end of any 12 month period in which their usage of CFC–113 or methyl chloroform used as a solvent exceeds the 95% reduction from calendar year 1990.

§ 82.124 Prohibitions.

(a) *Warning statement.* (1) *Absence or presence of warning statement.* (i) On or after May 15, 1993, except as indicated in paragraph (a)(5) of this section, no container or product identified in § 82.102(a) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of § 82.106(a) of this subpart, unless such labeling is not required under § 82.102(c), § 82.106(b), § 82.112(c), § 82.116(a), or temporarily exempted pursuant to § 82.120.

(ii) On or after January 1, 2015, or any time between May 15, 1993 and January 1, 2015 that the Administrator determines for a particular product manufactured with or containing a class II substance that there are substitute products or manufacturing processes for such product that do not rely on the use of a class I or class II substance, that reduce the overall risk to human health and the environment, and that are currently or potentially available, no product identified in § 82.102(b) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of § 82.106 of this subpart, unless such labeling is not required under § 82.106(b), § 82.112(c) or § 82.116(a).

(2) *Placement of warning statement.* (i) On or after May 15, 1993, except as indicated in paragraph (a)(5) of this section, no container or product identified in § 82.102(a) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of § 82.108 of this subpart, unless such labeling is not required under § 82.102(c), § 82.106(b), § 82.112(c), § 82.116(a), or temporarily exempted pursuant to § 82.120.

(ii) On or after January 1, 2015, or any time between May 15, 1993 and January 1, 2015 that the Administrator determines for a particular product manufactured with or containing a class II substance that there are substitute products or manufacturing processes for such product that do not rely on the use of a class I or class II substance, that reduce the overall risk to human health and the environment, and that are currently or potentially available, no product identified in § 82.102(b) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of § 82.108 of this subpart, unless such labeling is not required under § 82.106(b), § 82.112 (c), or § 82.116 (a).

(3) *Form of label bearing warning statement.* (i) On or after May 15, 1993, except as indicated in paragraph (a)(5) of this section, no container or product identified in § 82.102(a) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of § 82.110 of this subpart, unless such labeling is not required pursuant to § 82.102(c), § 82.106(b), § 82.112(c), § 82.116(a), or temporarily exempted pursuant to § 82.120.

(ii) On or after January 1, 2015, or any time between May 15, 1993 and January 1, 2015 that the Agency determines for a particular product manufactured with or containing a class II substance, that there are substitute products or manufacturing processes that do not rely on the use of a class I or class II substance, that reduce the overall risk to human health and the environment, and that are currently or potentially available, no product identified in § 82.102(b) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of § 82.110 of this subpart, unless such labeling is not required pursuant to § 82.106(b), § 82.112(c), or § 82.116(a).

(4) On or after May 15, 1993, no person may modify, remove or interfere with any warning statement required by this subpart, except as described in § 82.112 of this subpart.

(5) In the case of any substance designated as a class I or class II substance after [insert date of publication], the prohibitions in paragraphs (a)(1)(i), (a)(2)(i), and (a)(3)(i) of this section shall be applicable beginning one year after the effective date of designation of such substance as a class I or class II substance or shall be applicable beginning on the date provided in the rulemaking designating such substance as a class I or class II substance, whichever comes first.

[FR Doc. 93–2704 Filed 2–10–93; 8:45 am]

BILLING CODE 6560–50–P

VOL
58

ISS
27

FE
11

1993

UMI

federal register

Thursday
February 11, 1993

Part IV

Environmental Protection Agency

40 CFR Parts 232 and 233
Clean Water Act; Section 404 Tribal Regulations; Rule

VOL
58
ISS
27
FE
11
1993
UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 232 and 233

[FRL–4121–2]

RIN 2040–AB69

Clean Water Act; Section 404 Tribal Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends the Section 404 State Program Regulations by adding the procedures by which an Indian Tribe may qualify for treatment as a State in order to be eligible to subsequently apply for assumption of the dredge and fill permit program under section 404 of the Clean Water Act, and the Clean Water Act Section 404 Program Definitions and Permit Exemptions by adding new definitions for "Federal Indian reservation", "Indian Tribe", and "States". This regulation satisfies the statutory provisions in section 518 of the Clean Water Act with respect to the 404 program and, in part, sections 308 of 309 of the Clean Water Act.

EFFECTIVE DATE: The rule shall be effective March 15, 1993.

ADDRESSES: The administrative record for this rule may be inspected at 499 South Capitol Street, SW., room 711, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lori Williams, Wetlands Division (A104F), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, 202–260–5043.

SUPPLEMENTARY INFORMATION: Information in this preamble is organized as follows:

A. Background
B. Response to Public Comments
1. Treatment of Tribes as States
2. Other Comments
C. Changes in the Proposed Rule
D. State 404 Permit Program Approval Requirements
E. Regulatory Impact Analysis
F. Simplification of EPA Process for Implementing Statutory Authority to Treat Tribes as States
G. Paperwork Reduction Act
H. Regulatory Flexibility Act

A. Background

The over-all objective of the Clean Water Act (CWA) as amended is to restore and maintain the chemical, physical and biological integrity of the Nation's water. The two national goals the Act established in 1972 include: (1) Eliminating the discharge of pollutants into navigable waters and (2) achieving an interim water quality level that would protect fish, shellfish, and wildlife while providing for recreation in and on the water wherever attainable.

Since 1972, section 101(b) of the CWA makes it national policy to recognize and preserve the States' primary responsibility to meet these goals. Over the past 20 years, the Agency has focused on developing standard operating relationships with the States and localities.

In 1972, Congress established the 404 permit program to regulate discharges of dredged or fill material into waters of the United States. Congress, in the 1977 Amendments to the Federal Water Pollution Control Act (the Clean Water Act), gave States the option of assuming the 404 permit program in certain waters of the State, subject to EPA approval. If a State assumes this responsibility, its jurisdiction includes all waters within its border except: (1) Those which are subject to the ebb and flow of the tide plus adjacent wetlands and (2) waters which are presently used or may be susceptible to use (through reasonable improvement) to transport interstate or foreign commerce plus adjacent wetlands. The Corps of Engineers retains jurisdiction over all waters which States cannot assume.

The Act prescribes minimum requirements which States must meet before exercising their option to assume the program and assigned program approval and oversight responsibility to EPA. On May 19, 1980, EPA promulgated regulations to establish procedures and criteria for approval/disapproval of 404 State programs and for monitoring a State program after program approval. In response to State concerns about rigid mandatory requirements, excessive paperwork burdens, intrusive Federal oversight, and general lack of flexibility, EPA promulgated revised regulations on June 6, 1988. These revisions provide the States more flexibility in program design and administration while still meeting the requirements and objectives of the Act. Once a Tribe is determined to be qualified to be treated as a State, the Tribe must meet the requirements for an approvable program specified in 40 CFR Part 233.

Congress, through amendments to both CWA in 1987 and the Safe Drinking Water Act (SDWA) in 1986, has authorized EPA to treat Indian Tribes as States under various provisions of these Acts. Amendments to both statutes required the Agency to promulgate regulations that would establish exactly how Tribes would be treated as States. Specifically, the February 4, 1987 Amendments to CWA added a new section 518, which requires EPA to promulgate regulations specifying how the Agency will treat qualified Indian Tribes as States for the purposes of, among others, the section 404 Dredge and Fill Program described above, to the extent that EPA determines such regulations are necessary to implement section 518.

On November 29, 1989, EPA proposed amendments to the Section 404 State Program Regulations in response to CWA section 518 requirements (see 54 FR 49180). The proposal included an amendment that would add procedures by which an Indian Tribe could qualify for treatment as a State for the purpose of the Section 404 dredge and fill permit program (and, as discussed below, for purposes of sections 308 and 309 of the CWA as they relate to section 404). The proposal also included an amendment to the section 404(b)(1) Guidelines for specification of Disposal Sites for Dredged or Fill Material by adding new definitions for "Federal Indian reservation", "Indian Tribe" and "States". The public comment period closed on January 29, 1990. EPA received a total of 20 comments on the proposed rule.

Pursuant to CWA section 518, the proposal was prepared in consultation with States and Indian Tribes. The proposal was developed with the assistance of an informal work group composed of representatives from Indian Tribes, States, and EPA. In addition, a national consultation meeting involving States and Tribes was held in Denver, Colorado in June of 1988 for the purpose of obtaining additional comments. Finally, EPA distributed a number of drafts of the proposal to all States and tribes (following a mailing list of federally recognized Tribes obtained by the Office of Water) for review and comment prior to issuing the proposed rule.

EPA believes that many of the difficult issues were resolved during the consultation period prior to proposal, and that this explains why relatively few comments were received on the proposal and why relatively few changes to the proposal were required in preparing today's final rule. Another reason is that EPA had previously published similar procedures under CWA section 518 for the section 106 water quality management and planning program (54 FR 14354; Apr. 11, 1989).

Additional background information was included in the preamble to the proposed rulemaking.

Finally, EPA issued very similar regulations treating Tribes as States for purposes of sections 303 and 401 of the

CWA (Water Quality Standards program), which were also proposed on September 22, 1989. EPA received similar comments on most issues. Today's responses to comments echo EPA's responses in that final rule. EPA incorporates all of those responses into today's administrative record by reference, and has not repeated all of them here.

B. Response to Public Comments

The response to public comments is organized into two sections: (1) Treatment of Tribes as States, and (2) other comments. Comments discussed within each of these sections has been further categorized by topic.

1 Treatment of Tribes as States

Comments on the Authority Requirements

a. The Scope of Inherent Tribal Authority

Comment: The issue of whether and how EPA should require Tribes to demonstrate that they meet the requirements of section 518(e)(2) of the CWA, i.e., that they can demonstrate authority to regulate the discharge of dredged or fill material within the boundaries of their reservations, attracted significant comment. Numerous commenters remarked on the significance of the Supreme Court's decision in *Brendale* versus *Confederated Tribes and Bands of the Yakima Nation*, 492 U.S. 408, 109 S.Ct. 2994 (1989) for EPA's programs and today's regulations, although there were widely differing views of how to read the decision. Several commenters asserted that *Brendale* clearly indicates that an Indian Tribe may not enforce the section 404 permit program against non-members of the Tribe on non-Indian-owned fee lands within the boundaries of the reservation or that, at the very least, the Tribe must include detailed factual information that describes the non-Indian lands the Tribe proposes to regulate and the reasons supporting its jurisdictional assertions.

By contrast, other commenters asserted that Tribes invariably possess inherent authority to regulate all reservation waters, and that EPA should presume the existence of such authority and not require Tribes to make any specific factual showing. These commenters asserted that such authority over environmental matters was recognized in *Montana* versus *United States*, 450 U.S. 544 (1981), and not diminished by *Brendale*.

Response: EPA does not read the holding in *Brendale* as preventing EPA from recognizing Tribes as States for purposes of regulating the discharge of dredged or fill material on fee lands within the reservation, even if section 518 is not an express delegation of authority (an issue discussed in detail below). In *Brendale*, both the State of Washington and the Yakima Nation asserted authority to zone non-Indian real estate developments on two parcels within the Yakima reservation, one in an area that was primarily Tribal, the other in an area where much of the land was owned in fee by non-members. Although the Court analyzed the issues and the appropriate interpretation of *Montana* at considerable length the nine members split 4:2:3 in reaching the decision that the Tribe should have exclusive zoning authority over property in the Tribal area and the State should have exclusive zoning authority over non-Indian owned property in the fee area. The decision reflects some difficult issues in this area of the law and, as the comments indicated, has generated considerable controversy over the extent of Tribal authority.

Given the lack of a majority rationale, the primary significance of *Brendale* is in its result, which was fully consistent with *Montana* versus *United States*, which previously had held that:

> To be sure, Indian Tribes retain inherent sovereign power to exercise some forms of civil jurisdiction over non-Indians on their reservations, even on non-Indian fee lands. A tribe may regulate * * * the activities of non-members who enter consensual relationships with the Tribe or its members through commercial dealing, contracts, leases or other arrangements * * * A Tribe may also retain inherent power to exercise civil authority over the conduct of non-Indians on fee lands within its reservation when that conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the Tribe.

Montana, 450 U.S. at 565–566 (citations omitted).

In *Brendale*, the Court applied this test, finding Tribal authority over activities that would threaten the health and welfare of the Tribe, 492 U.S. at 443–44 (Stevens, J., writing for the Court); *id.* at 449–50 (Blackmun, J. concurring). Conversely, the Court found no Tribal jurisdiction where the proposed activities "would not threaten the Tribe's * * * health or welfare." *Id.* at 432 (White, J., writing for the Court). The Agency therefore disagrees with commenters who argue that *Brendale* somehow overrules *Montana*.

As further discussed below, EPA agrees with certain commenters that pending further judicial or Congressional guidance on the extent to which section 518 delegates additional authority to Tribes, the ultimate decision regarding Tribal authority must be made on a Tribe-by-Tribe basis and has finalized the proposed process for making those determinations. Thus, EPA rejects the suggestion of other commenters that EPA make a conclusive statement regarding the extent of Tribal jurisdiction over fee lands for all Tribes and all waters or even a statement regarding any particular reservation, except in the context of an actual treatment as a State application. This is consistent with the approach the Agency adopted under the Safe Drinking Water Act, when it determined that it would not "automatically assume," or adopt, in the first instance, a rebuttable presumption of Tribal authority over all water within a reservation that would operate even in the absence of any factual evidence. See 53 FR 37396, 37399 (September 26, 1988). Nonetheless, EPA sees no reason in light of *Brendale* to assume that Tribes would be *per se* unable to demonstrate authority over water quality management on fee lands within reservation borders. Rather, as discussed below, EPA believes that as a general matter there are substantial legal and factual reasons to assume that Tribes ordinarily have the legal authority to regulate surface water quality within a reservation.

In evaluating whether a Tribe has authority to regulate a particular activity on land owned in fee by non-members but located within a reservation, EPA will examine the Tribe's authority in light of the language of section 518 and evolving case law as reflected in *Montana* and *Brendale*. The extent of such Tribal authority depends on the effect of that activity on the Tribe. As discussed above, in the absence of contrary statutory policy, a Tribe may regulate the activities of non-Indians on fee lands within its reservation when those activities threaten or have a direct effect on the political integrity, the economic security, or the health or welfare of the Tribe. *Montana*, 450 U.S. at 565–66. However, in *Brendale* several justices argued that for a Tribe to have "a protectable interest" in an activity, the activity's effect should be "demonstrably serious." *Brendale*, 492 U.S. at 431 (White, J.). In addition, in a more recent case involving Tribal criminal jurisdiction, a majority of the Court indicated in *dicta* that a Tribe may exercise civil authority "where the exercise of Tribal authority is vital to the maintenance of Tribal integrity and self-determination." *Duro* v. *Reina*, 110 S.Ct. 2053, 2061 (1990). See also *Brendale*, 492 U.S. at 450 (Blackmun, J.) (test for inherent Tribal authority

whether activities "implicate a significant Tribal interest"); *id* at 462 (Blackmun, J.) (test for inherent Tribal authority whether exercise of authority "fundamental to the political and economic security of the Tribe").

As discussed above, the Supreme Court, in recent cases, has explored several options to assure that the impacts upon Tribes of the activities of non-Indians on fee land, under the *Montana* test, are more than *de minimis*, although to date the Court has not agreed, in a case on point, on any one reformulation of the test. In response to this uncertainty, the Agency will apply, as an interim operating rule, a formulation of the standard that will require a showing that the potential impacts of regulated activities on the Tribe are serious and substantial.

The choice of an Agency operating rule containing this standard is taken solely as a matter of prudence in light of judicial uncertainty and does not reflect an Agency endorsement of this standard *per se*. Moreover, as discussed below, the Agency believes that the activities regulated under the various environmental statutes generally have serious and substantial impacts on human health and welfare. As a result, the Agency believes that Tribes will usually be able to meet the Agency's operating rule, and that use of such a rule by the Agency should not create an improper burden of proof on Tribes or create the administratively undesirable result of checkerboarding reservations.

Whether a Tribe has jurisdiction over activities by non-members will be determined case-by-case, based on factual findings. The determinations as to whether the required effect is present in a particular case depends on the circumstances.

Nonetheless, the Agency may also take into account the provisions of environmental statutes, and any legislative findings that the effects of the activity are serious in making a generalized finding that Tribes are likely to possess sufficient inherent authority to control reservation environmental quality. See e.g. *Keystone Bituminous Coal Assoc.* v. *DeBenedictis*, 480 U.S. 470, 476–77 and notes 6, 7 (1987). As a result, in making the required factual findings as to the impact of a water-related activity on a particular Tribe, it may not be necessary to develop an extensive and detailed record in each case. The Agency may also rely on its special expertise and practical experience regarding the importance of water management, recognizing that clean water including important habitats (e.g., wetlands, bottom sediments, spawning beds, etc.), is absolutely crucial to the survival of many Indian reservations.

The Agency believes that Congressional enactment of the Clean Water Act establishes a strong Federal interest in effective management of water quality. Indeed, the primary objective of the CWA "is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters" (section 101(a)) and, to achieve that objective, the Act establishes the goal of eliminating all discharges of pollutants, into the navigable waters of the U.S. and attaining a level of water quality which is fishable and swimmable (section 101(a)(1)–(2)). Thus the statute itself constitutes, in effect, a legislative determination that activities which affect surface water and important habitat quality may have serious and substantial impacts.

EPA also notes that, because of the mobile nature of pollutants in surface waters and the relatively small length/size stream segments or other water bodies on reservations, in would be practically very difficult to separate out the effects of water quality impairment on non-Indian fee land within a reservation from those on Tribal portions. In other words, any impairment that occurs on, or as a result of, activities on non-Indian fee lands is very likely to impair the water quality of the Tribal lands. This also suggests that the serious and substantial effects of water quality impairment within the non-Indian portions of a reservation are very likely to affect the Tribal interest in water quality. EPA believes that a "checkerboard" system of regulation, whereby the Tribe and State split up regulation of surface water quality on the reservation, would ignore the difficulties of assuring compliance with the section 404 permit program when two different sovereign entities are regulating the same small stream segments.

EPA also believes that Congress has expressed a preference for Tribal regulation of surface water quality to assure compliance with the goals of the CWA. This is confirmed by the text and legislative history of section 518 itself. The CWA establishes a policy of recognizing, preserving, and protecting the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, and to plan the development and use (including restoration, preservation, and enhancement) of land and water resources (section 101(b)). By extension, the treatment of Indian Tribes as States means that Tribes are to be primarily responsible for the protection of reservation water resources. As Senator Burdick, floor manager of the 1987 CWA Amendments, explained, the purpose of section 518 was to "provide clean water for the people of this Nation." 133 Cong. Rec. S1018 (daily ed. Jan. 21, 1987). This goal was to be accomplished, he asserted, by giving Tribes the primary authority to regulate practices which may affect water quality on Indian lands. *Id.*

In light of the Agency's statutory responsibility for implementing the environmental statutes, its interpretations of the intent of Congress in allowing for Tribal management of the section 404 permit program within the reservation are entitled to substantial deference. *Washington Dept. of Ecology* v. *EPA*, 752 F.2d 1465, 1469 (9th Cir. 1985); see generally *Chevron, USA* v. *NRDC*, 467 U.S. 837, 843–45 (1984).

The Agency also believes that the effects of Tribal health and welfare necessary to support Tribal regulation of non-Indian activities on the reservation may be easier to establish in the context of water quality management than with regard to zoning, which was at issue in *Brendale*. There is a significant distinction between land use planning and water quality management. The Supreme Court has explicitly recognized such a distinction: "Land use planning in essence chooses particular uses for the land; environmental regulation * * * does not mandate particular uses of the land but requires only that, however the land is used, damage to the environment is kept within prescribed limits." *California Coastal Commission* v. *Granite Rock Co.*, 480 U.S. 572, 587 (1987). The Court has relied on this distinction to support a finding that States retain authority to carry out environmental regulation even in cases where their ability to carry out general land use regulation is preempted by Federal law. *Id.* at 587–89.

Further, water quality management serves the purpose of protecting public health and safety, which is a core governmental function, whose exercise is critical to self-government. The special status of governmental actions to protect public health and safety is well established.[1] By contrast, the power to zone can be exercised to achieve purposes which have little or no direct nexus to public health and safety. See e.g. *Brendale*, 492 U.S. at 420 n.5 (White, J.) (listing broad range of consequences of State zoning decision).

[1] This special status has been reaffirmed by all nine justices in the context of Fifth Amendment takings law. See *Keystone Bituminous Coal Association* v. *DeBenedictis*, 480 U.S. 470, 491 n.20 (1987); *Id.* at 512, (Rehnquist, C.J., dissenting).

Moreover, water pollution is by nature highly mobile, freely migrating from one local jurisdiction to another, sometimes over large distances. By contrast, zoning regulates the uses of particular properties with impacts that are much more likely to be contained within a given local jurisdiction.

Operationally, EPA's generalized findings regarding the relationship of water quality to Tribal health and welfare will affect the legal analysis of a Tribal submission by, in effect, supplementing the factual showing a Tribe makes in applying for treatment as a State. Thus a Tribal submission meeting the requirements of § 233.61(c) of this regulation will also need to make a relatively simple showing of facts that there are waters within the reservation used by the Tribe or Tribal members, (and thus that the Tribe or Tribal members could be subject to exposure to pollutants present in, or introduced into, those waters) and that the waters are subject to protection under the Clean Water Act. The Tribe must also explicitly assert that impairment of such waters by the activities of non-Indians, would have a serious and substantial effect on health and welfare of the Tribe. Once the Tribe meets this initial burden, EPA will, in light of the facts presented by the Tribe and the generalized statutory and factual findings regarding the importance of reservation water quality discussed above, presume that there has been an adequate showing of Tribal jurisdiction on fee lands, unless an appropriate governmental entity (e.g., and adjacent Tribe or State) demonstrates a lack of jurisdiction on the part of the Tribe.

The Agency recognizes that jurisdictional disputes between Tribes and States can be complex and difficult and that it will, in some circumstances, be forced to address such disputes. However, EPA's ultimate responsibility is protection of the environment. In view of the mobility of environmental problems, and the interdependence of various jurisdictions, it is imperative that all affected sovereigns work cooperatively for environmental protection, rather than engage in confrontations over jurisdiction.

b. The Effect of Section 518 on Tribal Authority Over Non-Indian Activities

Comment: EPA has received letters from three members of Congress, Senator Simpson, Senator Baucus, and Representative Morrison, regarding the impact of *Brendale* on EPA's Indian Policy and the development of "treatment as a State" regulations for EPA water programs in light of the legislative history of section 518. All three commenters asserted that Congress did not intend to expand the scope of Tribal authority over non-Indians on the reservation by the passage of section 518.

Rep. Morrison asserted that he inserted into the Congressional Record a memorandum written by staff on the House Committee on Interior and Insular Affairs regarding section 518 (also inserted into the Congressional Record by Senator Adams at 133 Cong. Rec. S753–54 (daily ed. Jan. 14, 1987)) solely to demonstrate that section 518 was not intended to expand Tribal water quantity rights. 133 Cong. Rec. H184–85 (daily ed. Jan 8, 1987). Rep. Morrison disavowed other statements from that memorandum which might support the proposition that Congress intended to authorize Tribal jurisdiction over non-members on reservations. ("Indian Tribes have the right to regulate lands and other natural resources within the reservation, *including non-Indian owned fee lands or resources.*" *Id.* (emphasis added)). Rep. Morrison stated his belief that Congress did not, by the passage of section 518, expand the scope of Tribal authority over non-Indians. In light of this legislative history, Rep. Morrison asserted that, consistent with *Brendale*, EPA should not allow Tribal regulation of non-members on so-called "open" reservations.

Senators Baucus and Simpson also recommended that EPA consider the legislative history of section 518(e) and the *Brendale* decision and determine not to allow Tribal regulation over non-members on the reservation.

Finally, all three of these Congressional commenters asserted that the legislative history of section 518 clearly shows that it was not intended to affect rights to water quantity under State law. The concerns raised by these Members of Congress echo other comments discussed elsewhere in today's notice. Several commenters asserted that section 518(e)(2) should not be read as an express grant of Congressional authority to Indian Tribes to regulate such fee lands, despite indications in *Brendale* to the contrary.

By contrast, Senators McCain, Burdick, and Inouye, expressed a view that section 518(e) delegates Tribes authority to regulate all waters within reservation boundaries including those on non-Indian fee lands. Some commenters cited *Brendale* for this proposition. The latter argument of these commenters is based upon the opinion of Justice White in *Brendale*. Justice White indicates that certain statutes may delegate Federal authority to Tribes, thereby providing a basis for authority over all lands within a reservation. As Justice White explained, on the record in *Brendale* there could be—

> "no contention * * * that Congress has expressly delegated to the Yakima Nation the power to zone fee lands of nonmembers of the Tribe. *Compare 18 U.S.C. 1151, 1161 (1982 ed., and Supp. V); 33 U.S.C. 1377 (e) and (h)(1) (1982 ed., Supp. V)* [i.e., sections 518(e) and 518(h)(1) of the CWA]."

492 U.S. at 428 (1989) (White, J.) (emphasis added). This language clearly categorizes the two cited statutory schemes as express delegations of Federal authority. Thus, Justice White, *inter alia*, cites the Clean Water Act as an example of an explicit delegation of authority over non-Indian activities to Indian Tribes.

Response: EPA has fully considered the Congressional comments and their interpretation of the legislative history of section 518. EPA must, of course, consider contemporaneous legislative history as it is written, and has been cautioned not to rely on subsequent Statements by Members of Congress. *Hazardous Waste Treatment Council v. EPA*, 886 F.2d 355 (DC Cir. 1989), *cert. denied*, 111 S.Ct. 139 (1990).

EPA differs with the Congressional commenters to the extent that they suggest the legislative history of section 518 is clear and expresses an intent to limit the scope of Tribal authority. EPA notes that other legislative history might be interpreted as evincing Congressional intent to confer expanded Tribal authority over non-Indians within the reservation.

In particular, the following colloquy between Senators Inouye and Burdick on this issue is very relevant:

> *Mr. Inouye:* * * * I am concerned about section 518(e)(2). As I read that provision, it enables qualified Indian Tribes to exercise the same water quality regulation jurisdiction *with respect to water that traverses, borders, or is otherwise located within their reservations* [paraphrasing section 518(h)(1) and 18 U.S.C. 1151(a)] that States have for regulation of water outside Indian reservations. Is my understanding of section 518(e) correct?
>
> *Mr. Burdick:* Yes. The intent of the conferees was to assure that Indian Tribes would be able to exercise the same regulatory jurisdiction over water quality matters *with regard to waters within Indian jurisdiction* that States have been exercising over their water.

133 Cong. Rec. S1018 (daily ed. Jan. 21, 1987) (emphasis added). Senator Inouye's statement could arguably support a reading that Congress intended to recognize Tribal authority over all waters within the reservation, including those managed by non-Indians. Mr. Burdick, a member of the

Conference Committee, agrees with Senator Inouye's statement.

However, in EPA's view this colloquy is ambiguous and inconclusive. Senator Burdick, in responding to Senator Inouye, agrees that under section 518 Tribes may regulate waters only if they are already "within Indian jurisdiction." However, Senator Burdick was only recognizing the status quo, i.e., whatever is within Indian jurisdiction may be regulated via section 518. Senator Burdick's statement does not clearly show that he—or the Congress as a whole—intended to legislate that all waters within the reservation are in fact "within Indian jurisdiction." Thus, the colloquy is circular: Indians have jurisdiction if, but only if, they have jurisdiction from some source other than section 518. It does not clearly indicate whether Congress intended to expand what lies "within Indian jurisdiction."

Further, if this colloquy were to be construed as supporting an expansion of Tribal authority, it would arguably conflict with a statement Senator Burdick had made earlier in response to an inquiry from Senator Baucus. In that discussion, Senator Burdick reiterated that section 518 was not intended to affect existing water quantity rights, and added that "*[p]rivate lands* and water rights owners within boundaries of Indian reservations are not to be *additionally* affected by this act." 133 Cong. Rec. S753 (daily ed. Jan. 14, 1987) (emphasis added). This could suggest that the Act was not intended to alter the status quo regarding regulatory authority over these lands.

The legislative history in the House is also unclear as to whether Congress intended to expand Tribal power over non-Indians. The statement in the House staff memorandum cited above supports a view that under current case law Tribes already possess regulatory authority over non-Indians within reservation boundaries; thus it would be unnecessary to delegate such authority to Tribes. Insertion of this memorandum into the Congressional Record could suggest that the House agreed with that view; however, this aspect of the memorandum was never the subject of House discussions, which focused almost exclusively on issues relating to water rights.

EPA believes that if Congress had intended to make a change as important as an expansion of Indian authority to regulate non-members, it probably would have done so through statutory language and discussed the change in the committee reports. Given that the legislative history ultimately is ambiguous and inconclusive, EPA believes that it should not find that the statute expands or limits the scope of Tribal authority beyond that inherent in the Tribe absent an express indication of Congressional intent to do so. See *Montana*, 450 U.S. at 564. Therefore, EPA has decided that it will, as discussed above, continue to recognize inherent Tribal civil regulatory authority to the full extent permitted under Federal Indian law, in light of *Montana*, *Brendale*, and other applicable case law.

EPA believes that Congress only manifested an explicit intent to authorize EPA to treat Indian Tribes as States over any activities within the scope of Tribal authority in light of the relevant principles of Federal Indian law. EPA believes that this approach will best effectuate the overall purposes of the statute.

EPA agrees with those commenters who Stated that Justice White's opinion in *Brendale* can be read to suggest a contrary conclusion, and to indicate that at least four justices of the Supreme Court would apparently interpret section 518(e) as expressly delegating to Tribes the authority to regulate water quality on reservations, including those affected by activities on non-Indian fee lands. Nonetheless, EPA recognizes that Justice White's opinion was not a majority opinion of the Court and was not necessary to the decision even of the plurality that joined it, since the issue was not before the Court in *Brendale*. Nor is there any discussion in the opinion about the somewhat confusing legislative history of section 518. The passing reference in that opinion does not finally resolve the question of whether section 518(e) is a delegation of authority, and, as discussed above, EPA does not believe that it can make an absolute determination that Congress in fact expressed a clear intent on the issue.

EPA agrees with the Congressional commenters that section 518 does not affect existing water quantity rights. This has been the Agency's consistent position, based on the language of Sections 101(g) and 518(a).

C. Procedural Requirements for Demonstrating Inherent Tribal Authority

Comment: Numerous comments submitted before and after the proposed rule was published have suggested that the provisions (see §§ 233.61(b)(3) and 233.61(c)) requiring that Tribes submit a copy of all documents which support the Tribe's assertion of authority is unnecessary, inappropriate, and flows from a misunderstanding of Indian law. These commenters argued that Tribes have inherent authority unless Congress rescinds that authority. In addition, these commenters stated, since section 518 specifically authorizes Tribal authority, no such demonstration and supporting documentation is needed.

Response: As discussed in detail above, the Agency assumes that, in general, Tribes are likely to possess the authority to regulate activities affecting water quality on the reservation. The Agency does not believe, however, that it would be appropriate to recognize Tribal authority and approve treatment as a State requests in the absence of verifying documentation. In addition, in light of the legislative history of section 518, the question of whether section 518(e) is an explicit delegation of authority over non-Indians is not resolved. Therefore, EPA does not believe it is currently appropriate to eliminate the requirement that Tribes make an affirmative demonstration of their regulatory authority. EPA will authorize Tribes to exercise responsibility for the section 404 permit program once the Tribe shows that, in light of the factual circumstances and the generalized findings EPA has made regarding reservation water quality, it possesses the requisite authority.

EPA would advise Tribes, in their Attorney-General Statements, to outline all bases for concluding that the Tribe has adequate authority. This can only help EPA to make a proper determination to treat the Tribe as a State.

As stated in the preamble to the proposal, where the Regional Administrator concludes that a Tribe has not adequately demonstrated its authority with respect to an area in dispute, then Tribal assumption of the section 404 permit program would be restricted accordingly. If the authority in dispute were focused on a limited area, this would not necessarily delay the Agency's decision to treat the Tribe as a State for the non-disputed areas.

Comment: Numerous commenters suggested that § 233.61(c), which requires the Tribe to submit a map or legal description of the area over which the Indian Tribe asserts authority to regulate water, should be amended to require that fee lands and lands owned by non-members and non-Indians be shown on the map.

Response: No such amendment was made to the regulation. EPA believes that, in some cases, both States and Tribes may want to identify the location of fee lands on reservations. However, EPA does not believe it is appropriate to specifically require Tribes to submit such information in all cases. EPA also believes that in some cases States are

VOL 58 ISS 27 FE 11 1993 UMI

more likely to have ready access to such information than are Tribes. EPA further believes that the regulation clearly requires Tribes to identify the area over which the Tribe asserts authority to regulate water quality, and that requiring an identification of fee lands and lands owned by non-Indians in all cases is unnecessary and unduly burdensome. Finally, EPA notes that § 233.61(e) gives the Regional Administrator the discretion to require whatever additional information is necessary to support a Tribal application on a case-by-case basis.

d. Treatment as a State for Off-Reservation Waters Within Inherent Tribal Authority

Comment: Several comments were received regarding the geographic scope of programs authorized under section 518(e)(2). The provision authorizes EPA to treat a Tribe as a State for water resources which are held by an Indian Tribe, held in trust for Indians, held by a member of an Indian Tribe if such property interest is subject to a trust restriction on alienation, or *otherwise within the borders of an Indian reservation.*
(emphasis added)

EPA has consistently read the phrase "or otherwise within * * *" as a separate category of water resources and also as a modifier of the preceding three categories of water resources, thus limiting the Tribe to acquiring treatment as a State status for the four specified categories of water resources within the borders of the reservation.

Comments received suggested that EPA should alter its reading of this provision to allow Tribes to qualify for treatment as a State over all water resources within its jurisdiction. These comments asserted that limiting Tribes to water resources within the reservation would prevent a Tribe from obtaining treatment as a State status over water resources outside the reservation to which it has legitimate jurisdictional claim. Examples cited included traditional resources areas (known as "usual and accustomed" areas) outside reservation borders, and all lands held in trust for Tribes by the U.S. Government or held by individual Indians that lie outside reservation borders, lands in "Indian Country" (as defined in 18 U.S.C. 1151) that lie outside reservation borders and, in general, all water resources within the territorial jurisdiction of the Tribe that lie outside reservation borders.

One commenter pointed out that often such lands are subject to Tribal or Federal jurisdiction and are thus beyond the police power and regulatory authority of the State in which they are located. This comment concluded that failure to provide Tribes with an opportunity to obtain treatment as a State status over such lands would create "regulatory voids" in which neither States nor Tribes have clear authority. Several comments suggested that resolving this issue could be accomplished simply by revising the definition of Federal Indian Reservation included in § 233.2.

In contrast, other commenters asserted that EPA is correct in reading the phrase "or otherwise within the borders * * *" as a modifier of the preceding three categories of water resources. These commenters pointed out that failure to do so would render the statute nonsensical and contradict Congressional intent. However, these commenters also asserted that EPA is not correct in reading the phrase "or otherwise within the borders * * *" as a fourth category of water resources, because to do so would render the three previous clauses superfluous. These commenters therefore conclude that section 518(e)(2) should not be read as authorizing Tribes to regulate non-Indian owned lands within the boundaries of the reservation.

Response: Under today's rule, Tribes are limited to obtaining treatment as a State status for only water resources within the borders of the reservation over which they possess authority to regulate the discharge of dredged or fill material. The meaning of the term "reservation" must, of course, be determined in light of statutory law and with reference to relevant case law. EPA considers trust lands formally set apart for the use of Indians to be "within a reservation" for purposes of section 518(e)(2), even if they have not been formally designated as "reservations." *Oklahoma Tax Commission* v. *Citizen Band Potawatomi Indian Tribe of Oklahoma*, 111 S.Ct. 905, 910 (1991). This means it is the status and use of the land that determines if it is to be considered "within the reservation" rather than the label attached to it. EPA believes that it was the intent of Congress to limit Tribes to obtaining treatment as a State status to lands within the reservation. EPA bases this conclusion, in part, on the definition of "Indian Tribe" found in CWA section 518(h)(2). As discussed above, EPA also does not believe that section 518(e)(2) prevents EPA from recognizing Tribal authority over non-Indian water resources located within the reservation if the Tribe can demonstrate the requisite authority over such water resources.

Comments on the Capability Requirements

Comment: A variety of comments were received concerning the general issue of Tribal capability (§§ 233.60(d) and 233.61(d)). Comments on this question ranged from suggesting that EPA should require no demonstration of capability at all to making the capability requirements stronger. Several comments asserted that rejecting Tribes based on capability will only heighten unevenness of experience between States and Tribes.

Response: EPA made no change in the regulation. The provision is not unduly burdensome and EPA intends to apply similar procedures for Tribes qualifying as States in all CWA programs. The Clean Water Act establishes basic requirements for a Tribe to meet in order to qualify for treatment as a State. Eliminating the requirement to demonstrate capability would fail to meet these statutory requirements. On the other hand, EPA does recognize the fact that for many Tribes the assumption of various Clean Water Act programs is new. Information necessary for EPA to make determinations of capability must be balanced against the need to allow Tribes to gain experience in CWA programs. EPA believes that today's rule provides that balance.

Comment: Comments were received asserting that the rule should require, as part of the demonstration of capability, a demonstration of separation of powers for executive, legislative, and judicial functions, or at least describe how bifurcation of Tribal regulatory and proprietary roles will occur.

Response: EPA has not required Tribes to demonstrate separation of powers for purposes of treating Tribes as States because such a demonstration is not required by the Clean Water Act. EPA will, however, in the context of deciding to authorize Tribal 404 permit programs, consider potential conflicts of interest where the Tribe would be in the position of issuing a permit to a Tribal entity.

Comment: Several comments were received requesting that EPA clarify how the Agency will evaluate whether the Tribe has a history of successful managerial performance of public health or environmental programs, and clarify how much detail is required in describing a Tribe's history of managerial experience (see § 233.61(d)(1)).

Response: In evaluating Tribal experience in public health and environmental programs, EPA will look for indications that the Tribe has participated in such programs, whether

VOL 58 ISS 27 FE 11 1993 UMI

the programs be those administered by EPA, other Federal Agencies, or of Tribal origin. For example, several Tribes are known to have participated in developing area-wide water management plans or Tribal water quality standards. EPA will also look for evidence of historical budget allocations dealing with public health or environmental programs along with any experience in monitoring in related programs. In general, EPA will look favorably on Tribes which have experience in managing environmental programs, because such experience is an indicator of existing capability and commitment to environmental protection. In most cases, EPA anticipates that submission of a brief narrative statement on this topic will be sufficient.

Comments on the Procedure for Reviewing Tribal Applications

Comment: Several comments were received on the opportunity provided to States to review Tribal assertions of authority (see § 233.62(c). Various commenters believed this provision to be inappropriate because, for example, Tribes do not review State applications for primacy, States have already established their authority in their primacy applications, and the review is inconsistent with EPA's Indian policy. Other comments suggested that States comment along with everyone else during a general public comment period.

Response: The provision allowing participation by other governmental entities in EPA's review of Tribal authority does not imply that States or Federal agencies (other than EPA) have veto power over Tribal applications for treatment as a State. Rather, the procedure is simply intended to identify any competing jurisdictional claim and thereby ensure that the Tribe has the necessary authority to administer the section 404 permit program. The Agency will not rely solely on the assertions of a commenter who challenges the Tribe's assertion of authority; EPA will make an independent evaluation of the Tribal showing and all available information.

In addition, the provision allowing appropriate governmental entities to comment on Tribal assertions of authority is not intended as a barrier to Tribal program assumption. As stated in the preamble to the proposed rulemaking, where disputes regarding Tribal authority are focused on a limited area this will not necessarily delay the Agency's decision to treat the Tribe as a State for the non-disputed areas.

Comment: Several commenters suggested that EPA should provide more definition regarding the "governmental entities" which will be provided notice and an opportunity to comment on the Tribe's assertion of authority (see § 233.62(b). One commenter specifically recommended that EPA notify the Army Corps of Engineers of any Tribal applications received.

Response: EPA defines the phrase "governmental entities" as States, Tribes, and other Federal entities administering land located contiguous to the reservation of the Tribe which is applying for treatment as a State. Such "governmental entities" will be provided up to 30 days to comment on Tribal assertions of authority. Neighboring Tribes will be treated as "governmental entities" regardless of whether the neighboring Tribe is treated as a State for purposes of section 404. Where such governmental entities are States, EPA intends to provide notice and an opportunity to comment to the most appropriate State contacts which may include, for example, the Governor, Attorney General, or the appropriate environmental agency head. The rule limits the Agency to only considering comments from such "governmental entities."

EPA recognizes that city and county governments which may be subject to or affected by a Tribal section 404 permit program may also want to comment on the Tribe's assertion of authority. Although EPA believes that the responsibility to coordinate with local governments falls primarily upon the State, the Agency will make an effort to provide notice to local governments by placing an announcement in appropriate newspapers. Since the rule limits EPA to considering comments from governmental entities, such newspaper announcements will advise interested parties to direct comments on Tribal authority to appropriate State governments.

The process of notifying States and Tribes and consulting with the Department of the Interior, as delineated in this and other EPA regulations implementing the Clean Water Act and the Safe Drinking Water Act, was and is intended merely to assist the Agency in making its determination whether a Tribe has adequate authority to justify treatment as a State by EPA. Such notification and consultation procedures were not and are not intended to establish any form of adjudication or arbitration process to resolve differences between State and Tribal governments. Rather, EPA has a duty to determine whether a Tribe has adequate authority, as defined by Federal law and EPA policy, to carry out the grant or program under consideration. The notification and consultation procedures assist EPA in making this determination by providing information and perspectives from the points of view of neighboring Tribal and State governments and the Federal agency having extensive expertise in Federal Indian law. For these same reasons, EPA believes that formal consultation with the Corps of Engineers on treatment as State applications is probably unnecessary.

However, once the Tribe qualifies for treatment as a State under this regulation and subsequently applies for assumption of the section 404 dredge and fill permit program EPA will consult with the Corps of Engineers as prescribed by regulations (See subpart B—Program Approval).

Finally, EPA wishes to emphasize that the procedure for commenting on Tribal authority is only for the purposes of determining whether the Tribe meets the statutory criteria for treatment as a State, not whether a Tribal 404 permit program should be approved. The existing procedures outlined in 40 CFR 233.15 will be followed. This will ensure full public participation and evaluation of Tribal authority before the Tribe issues 404 permits in lieu of the Corps.

Comment: It is unlawful to limit public comment to just the Tribal demonstration of authority. Section 233.62(c) should allow public review of all four statutory criteria. Furthermore, formal adjudicatory hearings should be held to determine the scope of Tribal jurisdiction before treating the Tribe as a State.

Response: CWA section 518 provides EPA with the authority to determine whether Indian Tribes are qualified to be treated as States. The CWA does not require EPA to provide for public comment to Tribal applications. For three of the criteria which Tribes must meet, EPA believes that the Agency will be able to make appropriate determinations absent any public comment. EPA believes that providing for public comment on these three criteria would unnecessarily complicate and potentially delay the process. For the authority criterion, EPA has provided for a 30 day comment period by appropriate governmental entities because the Agency believes that it will be important to gather all available information regarding Tribal authority prior to making a determination. EPA believes that providing for comment on the authority criterion is appropriate because this is the only criterion which outside comments might help to

address. Furthermore, as noted above, this is only a preliminary determination and does not eliminate the public process that will occur before approval of the Tribal 404 permit program. Thus, EPA believes that formal hearings are unnecessary and would only delay the process with no benefit.

Comment: Several comments pointed out that the proposal did not specify in any detail the procedure by which EPA will consult with the Secretary of the Interior in making a determination concerning challenges to a Tribe's assertion of authority (see § 233.62(d). It was suggested that the consultation process should provide for notice and opportunities for input (e.g., a hearing) to affected Tribes and States.

Response: EPA did not make changes to the proposed rule in response to these comments. However, subsequent to publishing the proposed rule EPA did reach agreement with the Department of the Interior regarding the procedures for conducting such consultations. The procedure established as the Secretary of the Interior's designees the Associate Solicitor, Division of Indian Affairs and the Deputy to the Assistant Secretary—Indian Affairs (Trust and Economic Development). EPA will forward a copy of the application and any documents asserting a competing or conflicting claim of authority to such designees as soon as possible. For most applications, an EPA–DOI conference will be scheduled from one to three weeks after the date the Associate Solicitor receives the application. Comments from the Interior Department will be primarily a discussion of the law applicable to the issue to assist EPA in its own deliberations.

Responsibility for legal advice to the EPA Administrator or the other EPA decision makers will remain with the EPA General Counsel. EPA does not believe that the consultation process with the Department of Interior should involve notice and opportunities for input by States and Tribes because such parties are elsewhere provided appropriate opportunities to participate in EPA's review of Tribal authority.

Comment: Several comments suggested that once EPA makes a determination regarding a Tribal application, EPA should provide notice of its decision to State, Tribal, and local governments and all commenters on the Tribal assertion of authority, and should publish a list of Tribes treated as States in the **Federal Register**.

Response: EPA will take all reasonable means to advise interested parties of the decision reached regarding challenges to Tribal assertions of authority. At a minimum, written notice will be provided to State(s) and other governmental entities that were sent notice of the Tribal application.

Comment: One commenter requested that EPA provide a mechanism for States or other entities to extend the 30-day comment period in § 233.62(c).

Response: EPA interprets this section as giving the Regional Administrator discretion to grant such a request. Nonetheless, given the preliminary nature of the approval of a Tribal application for treatment as a State, EPA will generally not favor significant extensions of time.

Comment: A number of comments suggested that EPA specify a timeframe or change the timeframe associated with the various steps in the application review procedure (§ 233.62).

With regard to the review of the Tribe's assertion of authority (see § 233.62(c)), various comments supported shortening the review period, lengthening the review period, and also adding a provision allowing an extension to the review period.

With regard to final determinations (see § 233.62(d)), several comments suggested that EPA should complete its review and respond to Tribes within 60 days after receipt of an application. Other comments suggested that EPA should conduct a completeness review within 30 days of receipt of a Tribal application. In general, a number of comments advocated some time limit within which EPA would be required to complete the review process.

Response: No timeframes in the review procedure were changed in the regulation in response to comments. The timeframes assigned are consistent with regulations promulgated for other EPA water programs. Because EPA has no reasonable way to predetermine how complete initial applications for treatment as a State might be, what challenges might arise or how numerous or complex the issues might be, the Agency deems it inappropriate to attempt to establish timeframes that may not allow sufficient time for resolution. Also, several of the comments appear to be based on early experience with the "treatment as a State" process. EPA believes that as Tribes, States, and EPA become more familiar with working together on "treatment as a State" procedures, the delays associated with approval of early applications will cease. Thus, EPA believes it unnecessary to establish additional deadlines in the regulation.

Other Comments on Treatment of Tribes as States

Comments: Several commenters suggested that as part of the treatment as a State process, EPA require Indian Tribes to describe how they will protect constitutional rights of non-Tribal members in issuance and enforcement of 404 permits, that Tribes waive their sovereign immunity, and provide for voting rights for non-members.

Response: EPA notes that constitutional rights of both Indians and non-Indians exist without explicit recognition in a Federal regulation. The regulation provides a mechanism for a Tribe to demonstrate that it meets the criteria of CWA section 518(e). EPA believes it is inappropriate to consider any other factors in light of the preliminary nature of the approval of a Tribe for treatment as a State. EPA may consider such issues when reviewing an application for Tribal program assumption, although the Agency notes that it generally would lack the authority to mandate changes in the structure of a Tribal government in such a situation.

Comment: EPA should make clear that qualification for treatment as a State under one program is not dispositive for applications under other programs.

Response: That is the correct interpretation of this rule. As discussed previously, however, EPA expects that once a Tribe has qualified for one program, the key step toward assumption of other programs, in most cases, will be demonstrating appropriate capability.

Comment: A variety of comments were received concerning the general issue of the Tribe's criminal enforcement authority. Comments ranged from strong objection to the proposed regulation without an amendment to the CWA, to specifically State that criminal enforcement can be waived, to support for the proposed regulation as written.

Response: EPA provided a detailed rationale for the proposed enforcement provision (§ 233.63) in the preamble to the proposed regulation (See 54 FR 49181,2).

Since the comments raised no significant new issues, much of that discussion is merely repeated here.

As is the case for States, an Indian Tribe must have its own legal authorities to administer a program under the CWA; EPA cannot delegate its own authority. However, the Agency considered whether the lack of comprehensive criminal enforcement authority would preclude Tribes from applying for the National Pollution Discharge Elimination System (section 401) and the Dredge and Fill Permit programs (section 404) that currently require such authority for an approvable State program.

Section 1451 of SDWA specifically states that Indian Tribes are not required to exercise criminal enforcement jurisdiction for primary enforcement responsibility. The CWA amendments, however, do not include similar language indicating criminal enforcement authority over all individuals on the reservation as a State where such authority is currently required for State program assumption.

The Agency realizes that a comprehensive criminal enforcement requirement could raise substantial impediments to Tribal assumption of those CWA programs that require such authorities of States. Federal law bars Indian Tribes from criminally trying or punishing non-Indians in the absence of a treaty or other agreement to the contrary. *Oliphant* v. *Suquamish Indian Tribe* 435 U.S. 191 (1978). In addition, the Federal Indian Civil Rights Act prohibits any Indian court or tribunal from imposing any criminal fine greater than $5,000 (25 U.S.C. 1302(7)).

The Agency believes that even though Congress did not explicitly waive the requirement under CWA, as under SDWA, Congress nonetheless intended Tribes to be able to obtain primacy without demonstrating comprehensive criminal enforcement authority. If EPA were to infer that Congress, by failing to insert language similar to that contained in section 1451 of SDWA, intended not to waive the criminal enforcement requirement, EPA's reading would make part of section 518 of CWA a nullity, since absent further legislative action, no Tribe would be able to assume a program under 402 or 404 CWA. This reading would contradict the apparent intent of section 518 to allow Tribes to assume all specified CWA programs where they meet the 518(e) criteria.

Section 233.41 of the 404 State Program Regulations (SPR) requires that a State have criminal enforcement authority to have an approvable 404 State program. This notice proposes to amend the existing regulations so that Tribes will not be required to exercise comprehensive criminal enforcement jurisdiction as a condition to assuming the 404 program. Tribes would instead be required to provide for the referral of criminal enforcement matters when Tribal enforcement authority does not exist (e.g., non-Indians or fines over $5,000) to EPA and/or the Corps as the parties agree, in an appropriate and timely manner. Such procedures must be established in a formal Memorandum of Agreement (MOA) with the Regional Administrator and/or the appropriate District Engineer(s) of the Corps. There may be a single MOA among the Tribe, EPA and the Corps; separate MOA's between the Tribe and EPA and the Tribe and the Corps; or only one MOA, between the Tribe and EPA or the Corps, if the parties so agree. The MOA(s) used to satisfy this agreement may, but do not have to be, the same as those required in 40 CFR 233.13 and 233.14.

Thus, the lack of comprehensive Tribal criminal enforcement authority should not prevent a Tribe from having an approvable 404 State program.

Therefore we have made no change in the regulation as proposed. However, we did move the provision for Tribal criminal enforcement authority from Subpart G Treatment of Indian Tribes as States, (233.63) to Subpart E Compliance Evaluation and Enforcement and redesignated it "233.41(f) Provision for Tribal criminal enforcement authority."

Other Comments

Comments on Trust Responsibility

Comment: EPA received several comments regarding its assertion that the "Federal trust responsibility" owed to Indian Tribes, as it applies to EPA actions under the CWA, is defined by the terms of the CWA.

Certain comments asserted that EPA should explicitly clarify whether the CWA defines any trust obligations to Tribes and, if so, where and how that obligation will be expressed. Other commenters not only asked for clarification, but asserted that EPA must State that the Federal-Tribal trust relationship "exists independently of and informs EPA decision making" concerning the CWA and State-Tribal disputes. Still another comment asked EPA to clarify that the proposed regulations are not to be read as modifying or abrogating EPA's trust responsibility.

Response: EPA recognizes the responsibility owed by the Federal government as trustees for the affairs of Indian Tribes. However, the Agency does not believe the trust responsibility precludes EPA from playing an impartial role in the dispute resolution process.

Comments on Definitions Proposed for Sections 230.3 and 233.2

Comment: EPA should change the proposed definition of a Tribe in §§ 230.3 and 233.2 to mean any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental powers and functions over a Federal Indian Reservation.

Response: No change was made. The rule reflects the statutory definition. However, we moved the definitions of "Federal Indian reservation," "Indian Tribe," and "State" proposed for § 230.3 to § 232.2 Definitions—for consistency with the placement of other section 404 program definitions.

Comments on Dispute Resolution

Comment: EPA should add a mechanism for resolving disputes over Tribal 404 permits similar to that proposed for the section 303 program.

Response: Section 518(e) requires EPA to provide a mechanism for the resolution of any unreasonable consequences that may arise as a result of different water quality standards that may be set by States and Indian Tribes located on common bodies of water. Congress directed EPA to develop a mechanism to resolve the consequences of States and Tribes setting different water quality standards. Hence, EPA included such a mechanism with the regulations treating Tribes as States for the water quality standards program. The statute does not, however, require issuance of a similar mechanism when Tribes are treated as States for purposes of any other CWA program, including the permit programs under sections 402 and 404. Nor does the legislative history of section 518 suggest that Congress thought such a dispute resolution mechanism would be necessary outside of the water quality standards context.

Treating an Indian Tribe as a State for purposes of the 404 program is somewhat different than treating a Tribe as a State for purposes of setting water quality standards. Once a Tribe is treated as a State for purposes of 404, the Tribe must still apply for authorization to issue 404 permits in lieu of the Corps of Engineers on the reservation, following the procedures of 40 CFR 233.15. Those procedures allow for public comment on the proposed Tribal permit program approval, which will allow States to raise any disputes regarding Tribal authority or other concerns. Thus, a separate dispute resolution mechanism would be unnecessary. Once a Tribe is treated as a State and subsequently submits its standards for approval, EPA will not solicit public comment on, nor re-evaluate whether the Tribe has the authority to adopt such standards.

In addition, if a Tribe subsequently assumes the 404 permit program, approval of a Tribal 404 permit is unlikely to cause "disputes" between a Tribe and a State which need to be resolved beyond those disputes which cannot be resolved by existing mechanisms. If EPA determines that the Tribe has an approvable permit program under part 233, then, by definition,

neither the Corps of Engineers nor the State will be issuing 404 permits in assumable waters in that reservation. (Note that the Corps of Engineers does retain the permitting authority in non-assumable waters.) Thus, there is no direct conflict with State authority to issue permits off the reservation. Furthermore, the decision of who will issue 404 permits on the reservation does not affect what water quality standards must be met under that permit. In other words, any water quality standards set by either a Tribe or a State adjacent to or downstream of the reservation must be met in the 404 permit, whether that permit is issued by the Tribe, the Corps of Engineers, or the State. Any dispute over the terms of that permit are reflected in a dispute over the underlying water quality standards, which can be resolved by the existing mechanism. In simplest terms, the Indian 404 rule affects who is the permitting authority, not the substance of the permits.

For the above reasons a separate dispute resolution mechanism is therefore unnecessary.

C. Changes in the Proposed Rule

As stated above, the only changes to the proposed regulations were (1) to move the provision for Tribal criminal enforcement Part G, Treatment of Indian Tribes as States, § 233.63 to Part E, Compliance Evaluation and Enforcement, and redesignated § 233.41(f) and (2) to move, without change the definitions of "Federal Indian reservation," "Indian Tribe," and "State" proposed for 230.3 to § 232.2 Definitions. Moving the provision for Tribal criminal enforcement is appropriate because a Tribe's criminal enforcement authority and how to handle criminal enforcement matters will be determined when and if a Tribe applies for assumption of the section 404 dredge and fill permit program once EPA has determined that the Tribe is eligible to be treated as a State for the section 404 permit program. The definitions were moved for consistency with the placement of other section 404 definitions.

D. State 404 Permit Program Approval Requirements

In response to comments, EPA wishes to emphasize that Tribes which obtain treatment as a state for purposes of section 404 pursuant to today's rule must further comply with the provisions of part 233 to obtain authorization of its 404 permit program. EPA has made no changes to these requirements with respect to Tribes. Thus, a Tribe must submit an application which satisfies the requirements of § 233.10, including submission of Memoranda of Agreement with the EPA Administrator and the Secretary of the Army (§ 233.13–.14), and submission of a Statement of the Attorney General (or the Tribal equivalent) which, *inter alia*, discusses the basis for asserting jurisdiction on Indian lands (§ 233.12(b)). EPA will process these applications pursuant to the procedures in § 233.15.

On August 9, 1991, the Administration announced a comprehensive plan for the protection of the Nation's wetlands. Included were a number of actions to improve the workability of the Clean Water Act section 404 regulatory program, which regulates the discharge of dredged or fill material into wetlands. Among these changes will be support for measures to increase the role of States in the wetlands permitting process. When such changes have been identified, amendments to the section 404 State Program Regulations (See 40 CFR 232–233) and other applicable legal authorities will be implemented, where appropriate. The section 404 State Program Regulations, modified in accordance with the Administration's wetlands protection program, will apply to Indian Tribes qualifying for treatment as a State under today's rule.

EPA wishes to clarify that under today's final rule any Tribe which is approved to be treated as a State for purposes of section 404 will automatically be eligible to be treated as a State for purposes of section 309(a)(1), which addresses Federal enforcement of CWA permits issued by authorized States. As discussed above, a Tribe treated as a State for purposes of section 404 would subsequently be eligible to apply to administer the 404 permit program under the applicable provisions of 40 CFR part 233. EPA would assert the authority to enforce any 404 permit issued by an Indian Tribe treated as a State which had obtained authorization under part 233. The same is true for enforcement of a permit issued by a Tribe treated as a State for purposes of the NPDES permit program. Thus, EPA does not need to and does not plan to issue separate regulations dealing with treatment as a State for section 309.

In addition, any Tribe treated as a State for purposes of the section 404 program will also automatically be eligible to be treated as a State for purposes of section 308 (inspection authority) with respect to 404 permits issued by the Tribe. The Agency has adopted this approach for similar reasons as section 309. Pursuant to the requirements of section 404(h)(1)(B), the existence of State inspection authority is part of the 404 State permit program authorization requirements, for which a Tribe may apply once it is treated as a State under section 404. See 40 CFR 233.40. EPA also does not plan to issue separate regulations for treatment as a State under section 308.

E. Regulatory Impact Analysis

Compliance With Executive Order 12291

Executive Order 12291 (46 FR 13193, February 9, 1981) requires that a regulatory agency determine whether a new regulation will be "major" and, if so, that a Regulatory Impact Analysis be conducted. A major rule is defined as a regulation which is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers; individual industries; Federal, State and local government agencies; or geographic regions; or

(3) Significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

As discussed earlier the purpose of this rule is to amend the existing State Program Regulations (part 233) by adding the procedures by which an Indian Tribe, if it chooses to apply, may qualify for Treatment as a State in order to be eligible to subsequently apply for assumption of the section 404 permit program administered jointly by the Corps of Engineers and EPA. The provisions of part 233 for assumption are not changed by this rule. Therefore, the economic impact of this rule on Indian Tribes is the cost associated with the preparation of requests for a determination of treatment as a State under section 518(e) of the Clean Water Act. The proposed rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments for OMB to EPA and any response to these comments will be available for public inspection from the person listed at the beginning of this notice. Since the rule has only minor economic impacts it does not meet the definition of a major rule. The Agency, therefore, is not conducting a Regulatory Impact Analysis.

F. Simplification of EPA Process for Implementing Statutory Authority To Treat Tribes as States

As discussed earlier, this rule was originally proposed in November 1989.

The Agency had already completed all of its internal reviews of this rule when, on November 10, 1992, EPA's Deputy Administrator signed a memorandum entitled "Simplification of EPA's Process for Treating Tribes as States." By that memorandum, the Agency formally adopted a new policy for simplifying the process for treating Indian Tribes in the same manner in which it treats States under several statutes, including the Clean Water Act.

EPA has decided to issue this rule as final so that there will be no further delays in allowing interested Tribes to seek approval to operate the 404 permit program. EPA recognizes, however, that some changes to today's rule may be necessary to implement fully its new policy on treatment as a State simplification. EPA plans to make necessary changes to its treatment as a State regulations across all of its programs in the near future; it will make any necessary changes to this regulation at that time. In the interim, EPA will continue to work with Tribes to ensure that the existing regulations do not pose an unreasonable burden on Tribes wishing to assume authority for the 404 permit program.

G. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control number 2040–0140.

Public reporting burden for this collection of information is estimated to be an average of 100 hours per respondent, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM–223Y, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

H. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, EPA must prepare a Regulatory Flexibility Analysis for all regulations that have a significant impact on a substantial number of small entities. The RFA recognizes three kinds of small entities and defines them as follows:

—Small governmental jurisdictions—any government of a district with a population of less than 50,000.
—Small business—any business which is independently owned and operated and not dominant in its field as defined by Small Business Administration regulations under section 3 of the Small Business Act.
—Small organization—any not-for-profit enterprise that is independently owned and operated and not dominant in its field (e.g., private hospitals and educational institutions).

Using the above definition of small entity, EPA has concluded that the final regulation, as promulgated, will not have a significant impact on a substantial number of small entities, and that a Regulatory Flexibility Analysis is unnecessary. EPA has reached this conclusion based on the following considerations.

The final regulation will not have a significant impact on a substantial number of small governmental organizations. Approximately 275 Indian Tribes are potentially eligible for treatment as a State under the wetlands program. While most Indian Tribes meet the definition of small governmental organizations provided above, EPA believes the number of Tribes subject to significant impacts as a result of this proposed regulation will be a very small fraction of the total that apply. EPA considers the information required by this rule to be the minimum necessary to effectively treat Indian Tribes as States for the purpose of the 404 permit program.

The regulation will not have a significant impact on a substantial number of small businesses. Although it is conceivable that an Indian Tribe could impose additional requirements upon a permit applicant than the Corps, EPA believes that these situations will be rare. Any additional economic impact on the public resulting from implementation of this regulation is expected to be negligible, since Tribal regulation of these activities is limited to areas within Tribal jurisdiction.

The regulation will not have a significant impact on a substantial number of small organizations for the same reasons that the regulation will not have a significant impact on a substantial number of small businesses.

Accordingly, I certify that this final regulation, as promulgated, will not have a significant economic impact on a substantial number of small entities.

List of Subjects

40 CFR part 232

Intergovernmental relations, Water pollution control

40 CFR part 233

Administrative practice and procedure, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control.

Dated: January 13, 1993.

William K. Reilly,

Administrator.

For the reasons set forth in the preamble, parts 232 and 233 of title 40 of the Code of Federal Regulations are amended as follows:

PART 232—404 PROGRAM DEFINITIONS; EXEMPT ACTIVITIES NOT REQUIRING 404 PERMITS

1. The authority citation for part 232 continues to read as follows:

Authority: 33 U.S.C. 1344.

2. Section 232.2 is amended by removing the paragraph designations and adding, in alphabetical order, new definitions for "Federal Indian reservation," "Indian Tribe" and "State" to read as follows:

§ 232.2 Definitions.

* * * * *

Federal Indian reservation means all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.

* * * * *

Indian Tribe means any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian reservation.

* * * * *

State means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or an Indian Tribe as defined in this part, which meet the requirements of § 233.60.

PART 233—404 STATE PROGRAM REGULATIONS

1. The authority citation for part 233 continues to read as follows:

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Subpart A—General

2. Section 233.1 as amended by revising paragraph (b) to read as follows:

§ 233.1 Purpose and scope.

* * * * *

(b) Except as provided in § 232.3, a State program must regulate all discharges of dredged or fill material into waters regulated by the State under section 404(g)–(1). Partial State programs are not approvable under section 404. A State's decision not to assume existing Corps' general permits does not constitute a partial program. The discharges previously authorized by general permit will be regulated by State individual permits. However, in many cases, States other than Indian Tribes will lack authority to regulate activities on Indian lands. This lack of authority does not impair that State's ability to obtain full program approval in accordance with this part, i.e., inability of a State which is not an Indian Tribe to regulate activities on Indian lands does not constitute a partial program. The Secretary of the Army acting through the Corps of Engineers will continue to administer the program on Indian lands if a State which is not an Indian Tribe does not seek and have authority to regulate activities on Indian lands.

* * * * *

3. Section 233.2 is amended by removing the paragraph designations and adding, in alphabetical order, new definitions for "Federal Indian reservation," and "Indian Tribe" and by revising the definition of "State" to read as follows:

§ 233.2 Definitions.

* * * * *

Federal Indian reservation means all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.

* * * * *

Indian Tribe means any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian reservation.

* * * * *

State means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or an Indian Tribe, as defined in this part, which meet the requirements of § 233.60. For purposes of this part, the word State also includes any interstate agency requesting program approval or administering an approved program.

4. Section 233.41 is amended by adding paragraph (f) to read as follows:

§ 233.41 Requirements for enforcement authority.

* * * * *

(f) *Provision for Tribal criminal enforcement authority.* To the extent that an Indian Tribe does not assert or is precluded from asserting criminal enforcement authority (§ 233.41(a)(3) (ii) and (iii)), the Federal government will continue to exercise primary criminal enforcement responsibility. The Tribe, with the EPA Region and Corps District(s) with jurisdiction, shall develop a system where the Tribal agency will refer such a violation to the Regional Administrator or the District Engineer(s), as agreed to by the parties, in an appropriate and timely manner. This agreement shall be incorporated into joint or separate Memorandum of Agreement with the EPA Region and the Corps District(s), as appropriate.

5. Part 233 is amended by redesignating subpart G as subpart H, redesignating § 233.60 as § 233.70; and by adding a new subpart G consisting of §§ 233.60 through 233.62 to read as follows:

Subpart G—Treatment of Indian Tribes as States

Sec.

233.60 Requirements for treatment as a State.
233.61 Request by an Indian Tribe for a determination of treatment as a State.
233.62 Procedure for processing an Indian Tribe's application for treatment as State.

Subpart G—Treatment of Indian Tribes as States

§ 233.60 Requirements for treatment as a State.

Section 518(e) of the CWA, 33 U.S.C. 1378(e), authorizes the Administrator to treat an Indian Tribe as a State for purposes of making the Tribe eligible to apply for the 404 permit program under section 404(g)(1) if it meets the following criteria:

(a) The Indian Tribe is recognized by the Secretary of the Interior.

(b) The Indian Tribe has a governing body carrying out substantial governmental duties and powers.

(c) The functions to be exercised by the Indian Tribe pertain to the management and protection of water resources which are held by an Indian Tribe, held by the Untied States in trust for the Indians, held by a member of an Indian Tribe if such property interest is subject to a trust restriction an alienation, or otherwise within the borders of the Indian reservation.

(d) The Indian Tribe is reasonably expected to be capable, in the Administrator's judgment, of carrying out the functions to be exercised, in a manner consistent with the terms and purposes of the Act and applicable regulations, of an effective section 404 dredge and fill permit program.

§ 233.61 Request by an Indian Tribe for a determination of treatment as a State.

An Indian Tribe may apply to the Regional Administrator for a determination that it qualifies for treatment as a State pursuant to section 518 of the Act, for purposes of the section 404 program. The application shall be concise and describe how the Indian Tribe will meet each of the requirements of § 233.60. The application shall include the following information:

(a) A statement that the Tribe is recognized by the Secretary of the Interior.

(b) A descriptive statement demonstrating that the Tribal governing body is currently carrying out substantial governmental duties and powers over a defined area. This Statement shall:

(1) Describe the form of the Tribal government.

(2) Describe the types of governmental functions currently performed by the Tribal governing body, such as, but not limited to, the exercise of police powers affecting (or relating to) the health, safety, and welfare of the affected population; taxation; and the exercise of the power of eminent domain; and

(3) Identify the source of the Tribal government's authority to carry out the governmental functions currently being performed.

(c)(1) A map or legal description of the area over which the Indian Tribe asserts regulatory authority pursuant to section 518(e)(2) of the CWA and § 233.60(c);

(2) A statement by the Tribal Attorney General (or equivalent official) which describes the basis for the Tribe's assertion under section 518(e)(2) (including the nature or subject matter of the asserted regulatory authority);

(3) A copy of all documents such as Tribal constitutions, laws, charters, executive orders, codes, ordinances, and/or resolutions which support the Tribe's assertion of regulatory authority;

(d) A narrative statement describing the capability of the Indian Tribe to administer an effective 404 permit program. The Statement shall include:

(1) A description of the Indian Tribe's previous management experience including, but not limited to, the administration of programs and services authorized by the Indian Self Determination & Education Act (25 U.S.C. 450 *et seq.*), The Indian Mineral Development Act (25 U.S.C. 2101 *et seq.*), or the Indian Sanitation Facility Construction Activity Act (42 U.S.C. 2004a).

(2) A list of existing environmental or public health programs administered by the Tribal governing body, and a copy of related Tribal laws, regulations, and policies;

(3) A description of the entity (or entities) which exercise the executive, legislative, and judicial functions of the Tribal government.

(4) A description of the existing, or proposed, agency of the Indian Tribe which will assume primary responsibility for establishing and administering a section 404 dredge and fill permit program or plan which proposes how the Tribe will acquire additional administrative and technical expertise. The plan must address how the Tribe will obtain the funds to acquire the administrative and technical expertise.

(5) A description of the technical and administrative abilities of the staff to administer and manage an effective, environmentally sound 404 dredge and fill permit program.

(e) The Administrator may, at his discretion, request further documentation necessary to support a Tribal request for treatment as a State.

(f) If the Administrator has previously determined that a Tribe has met the requirements for "treatment as a State" for programs authorized under the Safe Drinking Water Act or the Clean Water Act, then that Tribe need only provide additional information unique to the particular statute or program for which the Tribe is seeking additional authorization.

(Approved by the Office of Management and Budget under control number 2040–0140)

§ 233.62 Procedures for processing an Indian Tribe's application for treatment as a State.

(a) The Regional Administrator shall process an application of an Indian Tribe for treatment as a State submitted pursuant to § 233.61 in a timely manner. He shall promptly notify the Indian Tribe of receipt of the application.

(b) Within 30 days after receipt of the Indian Tribe's complete application for treatment as a State, the Regional Administrator shall notify all appropriate governmental entities. Notice shall include information on the substance and basis for the Tribe's assertion that it meets the requirements of § 233.60(c).

(c) Each governmental entity so notified by the Regional Administrator shall have 30 days to comment upon the Tribe's assertion under § 233.60(c). Comments by governmental entities shall be limited to the Tribe's assertion under § 233.60(c).

(d) If a Tribe's assertion under § 233.60(c) is subject to a competing or conflicting claim, the Regional Administrator, after consultation with the Secretary of the Interior, or his designee, and in consideration of other comments received, shall determine whether the Tribe has adequately demonstrated that it meets the requirements of § 233.60(c) for the dredge and fill permit program.

(e) If the Regional Administrator determines that a Tribe meets the requirements of § 233.61, the Indian Tribe is then eligible to apply for 404 program assumption.

(f) The Regional Administrator shall follow the procedures described in § 233.15 in processing a Tribe's request to assume the 404 dredge and fill permit program.

[FR Doc. 93–2699 Filed 2–10–93; 8:45 am]

BILLING CODE 6560–50–M

VOL 58 ISS 27 FE 11 1993 UMI

federal register

Thursday
February 11, 1993

Part V

Department of Housing and Urban Development

Office of the Secretary

24 CFR Part 770, et al.
Determination of Areas of Undue Concentration of Poverty-Level Population, and Conforming Amendments: Withdrawal of Interim Rule; Proposed Conforming Amendments; Rule and Proposed Rule

VOL
58
ISS
27
FE
11
1993
UMI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 770, 882, 889, 890, 941

[Docket No. R-93-1627; FR-3256-I-02]

RIN 2501-AB37

Determination of Areas of Undue Concentration of Poverty-Level Population, and Conforming Amendments; Notice of Withdrawal of Interim Rule

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of withdrawal of interim rule.

SUMMARY: On January 13, 1993 (58 FR 4262), HUD published an interim rule which established, in a new part 770, objective, quantitative criteria for determining whether a proposed site for HUD-assisted housing contains an undue concentration of persons living in poverty (poverty-level population). The "undue concentration" determination is one of the site and neighborhood standards currently applied to the selection of sites for HUD-assisted housing.

The purpose of this document is to advise the public that HUD is withdrawing the January 13, 1993 interim rule. The Department, on further consideration, believes that it would benefit from public comment before issuing this rule for effect. Accordingly, the Department is re-issuing this rule as a proposed rule, which is published elsewhere in today's edition of the **Federal Register**. Any comments received on the January 13, 1993 interim rule will be considered as comments received on the proposed rule published today.

EFFECTIVE DATE: The interim rule is withdrawn as of February 11, 1993.

FOR FURTHER INFORMATION CONTACT: David E. Shenk, Director of the Division of Economic and Market Analysis, Office of Policy Development and Research, Department of Housing and Urban Development, room 8222, 451 Seventh Street, SW., Washington, DC 20410-5000, telephone (202) 708-0577 or (202) 708-0770 (TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

List of Subjects

24 CFR Part 770

Grant programs—housing and community development, Reporting and recordkeeping.

24 CFR Part 882

Grant programs—housing and community development, Lead poisoning, Manufactured homes, Homeless, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 889

Aged, Low and moderate income housing, Capital advance programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 890

Disabled, Mental health programs, Civil rights, Low and moderate income housing, Capital advance programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 941

Grant programs—housing and community development, Loan programs—housing and community development, Public housing.

Withdrawal of Interim Rule

Accordingly, the interim rule which would amend title 24 of the Code of Federal Regulations by adding a new part 770, and by making conforming amendments to parts 882, 889, 890, and 941, and which was published in the **Federal Register** on January 13, 1993 (58 FR 4262) is withdrawn.

Authority: 42 U.S.C. 1437, 1441, 3535(d), 3608, 5301.

Dated: February 8, 1993.

Henry G. Cisneros,

Secretary.

[FR Doc. 93-3324 Filed 2-10-93; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 770, 882, 889, 890, 941

[Docket No. R-93-1627; FR-3256-P-03]

RIN 2501-AB37

Determination of Areas of Undue Concentration of Poverty-Level Population; and Proposed Conforming Amendments

AGENCY: Office of the Secretary, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend HUD's regulations to create a new part 770, which would establish objective, quantitative criteria for determining whether a proposed site for HUD-assisted housing contains an undue concentration of persons living in poverty (poverty-level population). The "undue concentration" determination is one of the site and neighborhood standards currently applied to the selection of sites for HUD-assisted housing. These site and neighborhood standards are codified in HUD's regulations governing programs that involve construction, rehabilitation and acquisition of HUD-assisted housing. The existing undue concentration standard, however, does not set out the criteria by which a determination of undue concentration is to be made.

Accordingly, this proposed rule would create a new part 770, which would prescribe uniform and objective criteria for making an undue concentration determination. This proposed rule also would make conforming amendments to §§ 882.404, 882.708, 889.230, 890.230, and 941.202 to reference the standards set forth in new part 770. The purpose of this rule is to ensure that proposed sites for HUD-assisted housing are evaluated under the undue concentration standard in a uniform and consistent manner.

This proposed rule was previously published as an interim rule on January 13, 1993 (58 FR 4262). The Department, on further consideration, believes that it would benefit from public comment before issuing this rule for effect. Accordingly, by notice published elsewhere in today's edition of the **Federal Register**, the Department has withdrawn the interim rule. Any comments received on the January 13, 1993 interim rule will be considered as comments received on this proposed rule.

DATES: Comment due April 12, 1993.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Office of General Counsel, Rules Docket Clerk, room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying on weekdays between 7:30 a.m. and 5:30 p.m. at the above address.

FOR FURTHER INFORMATION CONTACT: David E. Shenk, Director of the Division of Economic and Market Analysis, Office of Policy Development and Research, Department of Housing and Urban Development, room 8222, 451 Seventh Street, SW., Washington, DC 20410-5000, telephone (202) 708-0577 or (202) 708-0770 (TDD). These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

HUD's approval of a proposed location, or site, for HUD-assisted housing is conditioned upon the site meeting certain standards. These standards, referred to as "site and neighborhood standards," assess the suitability of the proposed site, and the area surrounding the site, to accommodate and sustain assisted housing. One of the site and neighborhood standards is referred to as the "undue concentration standard," the purpose of which is to assess the concentration of low-income persons in the area of the site in which HUD-assisted housing is proposed to be located.

The undue concentration standard has been codified, to date, as follows—"the site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of lower income persons." Although this language appropriately reflects the policy intended to be served by this standard (the undue concentration standard)—promoting the provision of assisted housing in a variety of locations by avoiding significant concentrations of low-income families in any one section of a metropolitan area, it fails to explain the methodology to be used to ensure that this policy is served.

On January 13, 1993 (58 FR 4262), HUD published an interim rule which established, in a new part 770, objective, quantitative criteria for determining whether a proposed site for HUD-assisted housing contains an undue concentration of persons living in poverty (poverty-level population). By notice published elsewhere in today's **Federal Register**, HUD is withdrawing the January 13, 1993 interim rule. The Department, on further consideration, believes that it would benefit from public comment before issuing this rule for effect.

Accordingly, this proposed rule is identical to the January 13, 1993 interim rule. For information concerning the origins of the undue concentration standard, HUD's study which prompted development of a new standard, and an analysis of the proposed new undue concentration standard, the Department refers the reader to the discussion of these subjects in the preamble to the January 13, 1993 (58 FR 4262-4267).

Other Matters

Environmental Impact

At the time of development of the January 13, 1993 interim rule, a Finding of No Significant Impact with respect to the environment was made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Policy Act of 1969. That Finding remains applicable to this proposed rule and is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the above address.

Regulatory Impact

This proposed rule would not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. An analysis of the proposed rule indicates that it would not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets. Although the criteria for determining an undue concentration of poverty-level population has been quantified by this rule, HUD does not anticipate a significant difference between the number and types of housing sites approved or rejected under the previous standard, and those approved or rejected under the new standard.

Impact on Small Entities

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C.

605(b)), has reviewed and approved this proposed rule, and in so doing certifies that this proposed rule would not have a significant economic impact on small entities. Applicants for HUD-assistance for construction, acquisition or rehabilitation of HUD-assisted housing are subject, under HUD's existing regulations, to certain site and neighborhood standards. These standards include avoidance of areas that contain an undue concentration of persons living in poverty. This proposed rule would establish numerical criteria by which HUD will determine whether a proposed site area contains, or will contain if the application for HUD-assisted housing is approved, an undue concentration of poverty-level population. The establishment of this criteria should ensure acceptable, consistent and uniform project site determinations within and among HUD's Regions.

Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this proposed rule would not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. This proposed rule would further implement HUD's stated policy, consistent with statutory objectives, to avoid locating assisted housing in areas that contain an undue concentration of persons living in poverty by establishing numerical criteria pursuant to which HUD will determine whether a proposed site area contains, or will contain if the application for assisted housing is approved, an undue concentration of poverty level population.

Impact on the Family

The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that this proposed rule would not have the potential for significant impact on family formation, maintenance, and general well-being, and thus, is not subject to review under the Order. The purpose of the revised undue concentration standard is to avoid locating assisted housing in neighborhoods where social and economic conditions are undesirable for potential residents, and untenable for sustaining assisted housing viability. No significant change in this policy would result from promulgation of this rule.

Semiannual Agenda of Regulations

This rule was listed as sequence number 1380 in HUD's Semiannual Agenda of Regulations published on November 3, 1992 (57 FR 51392, 51409) pursuant to Executive Order 12291 and Regulatory Flexibility Act.

List of Subjects

24 CFR Part 770

Grant programs—housing and community development, Reporting and recordkeeping.

24 CFR Part 882

Grant programs—housing and community development, Lead poisoning, Manufactured homes, Homeless, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 889

Aged, Low and moderate income housing, Capital advance programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 890

Disabled, Mental health programs, Civil rights, Low and moderate income housing, Capital advance programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 941

Grant programs—housing and community development, Loan programs—housing and community development, Public housing.

Accordingly, title 24 of the Code of Federal Regulations is proposed to be amended by adding a new part 770, and by making conforming amendments to parts 882, 889, 890, and 941, which would read as follows:

PART 770—DETERMINATION OF AREAS OF UNDUE CONCENTRATION OF POVERTY-LEVEL POPULATION

Sec.
770.101 Purpose.
770.102 Applicability.
770.103 Definitions.
770.104 Procedures for determining areas of undue concentration.
770.105 Exception for revitalization of site area.

Authority: 42 U.S.C. 1437, 1441, 3535(d), 3608, 5301.

§ 770.101 Purpose.

The purpose of this part is to recognize the importance, in the administration of its housing programs, of promoting a greater choice of housing opportunities by avoiding the location of HUD-assisted housing in areas containing an undue concentration of persons living in poverty (poverty-level population). Accordingly, this part establishes the criteria to be used by HUD to determine whether an area in which HUD-assisted housing is located or proposed to be located contains, or would contain, if the housing were approved by HUD, an undue concentration of poverty-level population.

§ 770.102 Applicability.

(a) *Covered HUD programs.* The undue concentration site standard, as set forth in this part, is applicable to the following HUD programs:

(1) Section 8 Housing Assistance Payments Program—Existing Housing; Special Procedures for Moderate Rehabilitation (24 CFR part 882, subpart D);

(2) Section 8 Housing Assistance Payments Program—Existing Housing; Section 8 Certificate Program Attached to Units (Project-Based Certificate Assistance) (24 CFR part 882, subpart G);

(3) Supportive Housing for the Elderly (24 CFR part 889);

(4) Supportive Housing for Persons with Disabilities (24 CFR part 890);

(5) Public Housing Development (24 CFR part 941).

(b) *Exemption for nonmetropolitan areas.* The undue concentration standard is not applicable to nonmetropolitan areas.

(c) *Date of applicability.* This part is applicable to applications for assistance submitted in response to a notice of funding availability (NOFA), published after the [insert date which is 30 days after publication date of the final rule], that is soliciting applications for construction, rehabilitation or acquisition of HUD-assisted housing under one of the programs set forth in paragraph (a) of this section.

§ 770.103 Definitions.

As used in this part:

Area of the site or *site area* means the census tract within a metropolitan area in which HUD-assisted housing is proposed to be located. If the assisted housing site encompasses more than one census tract, the site area is defined to include all of the affected census tracts. For assisted housing sites located on census tract boundaries, the site area means the census tract in which the assisted housing is located and the census tract(s) adjacent to the boundary on which the assisted housing development is located.

Area of undue concentration means a site area in which the HUD-assisted housing is proposed to be located, and

in which the percentage of population living below the poverty-level, based on information from the most recent decennial census, is equal to or greater than 40 percent of the total population of the site area, or would be equal to or greater than 40 percent of the population of the site area, if the application for HUD-assisted housing were approved by HUD for assistance.

Census tract means the geographical area delineated by the U.S. Bureau of the Census in the most recent decennial census as a census tract. Block Numbering Areas (BNAs) are the census tract equivalents for delineating small statistical subdivisions where census tracts have not been established.

HUD or *Department* means the Department of Housing and Urban Development, including its Regional and Field Offices to which responsibility is assigned to perform functions under this part.

HUD-assisted housing means low-income housing acquired, developed (constructed) or rehabilitated with assistance provided by HUD under one or more of the programs listed in § 770.102(a).

Metropolitan area means a Metropolitan Statistical Area or Primary Metropolitan Statistical Area as established by the Office of Management and Budget.

Population means the total population of the applicable site area based on data from the most recent decennial census.

Poverty-level population means the population of the applicable site area with incomes below the poverty level, as determined by the U.S. Bureau of the Census in the most recent decennial census.

§ 770.104 Procedures for determining areas of undue concentration.

(a) *Compliance with undue concentration standard.* Proposed sites for new construction, rehabilitation or acquisition of housing developments, for which assistance is sought under one or more of the programs listed in § 770.102(a), must promote a greater choice of housing opportunities by avoiding undue concentration of poverty-level population. To determine whether a proposed site meets this specific site and neighborhood standard, the following procedures apply.

(b) *Responsibility for determining compliance with undue concentration standard.* HUD's Regional and Field Offices have responsibility for determining whether a proposed site for HUD-assisted housing is located in an area of undue concentration, or whether the site area would become an area of undue concentration if the housing were approved for assistance.

(c) *Unacceptable site area.* Unless granted an exception to the undue concentration standard under § 770.105 of this part, or granted a waiver under HUD's general waiver authorities (24 CFR 799.101, 899.101, 999.101), a proposed site will be ineligible for approval under the undue concentration standard if the site is located in an area in which the percentage of poverty-level population is equal to or greater than 40 percent of the total population of the site area, or will become equal to or greater than 40 percent of the population of the site area, if the housing is approved for assistance.

(d) *Undue concentration determination*—(1) *Determining percentage of poverty-level population.* To determine whether a site area contains (or would contain, if proposed housing is approved for assistance) an undue concentration of poverty-level population, the applicable HUD office will consult the most recent decennial census data to determine the percentage of persons living in the site area who have incomes below the poverty level. Subject to certain exceptions set forth in § 770.105 of this part, proposed sites will be approved under the undue concentration site standard only if the percentage of poverty-level population is less than 40 percent of the population of the site area.

(2) *Determining projected increase in poverty-level population for below-threshold sites.* To determine whether a site area with a poverty-level population below the 40 percent threshold would be increased to 40 percent or greater if the site were approved by HUD, the applicable HUD office will divide the estimated total poverty-level population of the site area (estimated to include the expected poverty-level of the housing for which HUD assistance is sought) by the estimated total population of the site area (estimated to include the total expected population of the proposed housing development). The estimated total population of the site area, and the estimated total poverty-level population of the site area will be determined based on the most recent decennial census data available as follows:

(i) *Determining the estimated total population of the site area.* To determine the estimated total population of the site area, the number of persons residing in the site area shall be added to the estimated total population of the proposed housing development.

(A) The number of persons residing in the site area shall be determined from the most recent decennial census data available.

(B) The estimated total population of the proposed development is determined by multiplying the average number of persons for each unit size of the development, by the total number of units of that size in the proposed housing development. The total number of persons for each unit size are then added, and the sum represents the estimated total population of the proposed housing development.

(C) Unit size is categorized by the number of bedrooms in the unit. The average number of persons per unit size is as follows, based on occupancy guidelines for HUD assisted housing:

Size of unit	Average persons per unit
Efficiency (0 bedroom)	1
One bedroom	1.5
Two bedrooms	3
Three bedrooms	4.5
Four bedrooms	6

For units with more than four bedrooms, the average number of persons per bedroom for general occupancy units is 1.5 persons. For units in elderly and disabled housing, the averages are: one person for efficiency (0-bedroom) and one-bedroom units; and two persons for two-bedroom units.

(ii) *Determining the estimated total poverty-level population of the site area.* To determine the estimated total poverty-level population of the site area, the number of poverty-level persons residing in the site area shall be added to the estimated poverty-level population of the proposed housing development.

(A) The number of poverty-level persons residing in the site area shall be determined from the most recent decennial census data available.

(B) The estimated poverty-level population of the proposed housing development shall be 65 percent of the estimated total population of the development, as determined under paragraph (d)(2)(i) of this section.

§ 770.105 Exception for revitalization of site area.

A proposed site for HUD-assisted housing located in an area of undue concentration may be granted an exception from the undue concentration site standard on the basis that the site area is undergoing or will undergo revitalization. For an exception to be granted on this basis, the applicant seeking HUD assistance for the proposed housing development must request a determination by the

responsible HUD office that the proposed site for the housing development is located in an area of undue concentration. Where the HUD office has made such a determination, the applicant may request an exception if it believes the requirements of paragraph (a) or (b) of this section are met. The request for an exception must be: In writing; accompany the applicant's application for assistance; and identify whether an exception is requested under paragraph (a) or paragraph (b) of this section. No special form for requesting an exception is required.

(a) *Federally-designated enterprise zone.* If the site area is located within the boundaries of a Federally-designated Enterprise Zone, an exception to the undue concentration standard will be granted automatically.

(b) *Revitalization of site area under local jurisdiction sponsorship or approval*—(1) *Verifiable evidence of planned revitalization.* If the site area is currently undergoing revitalization as a result of either public or private sector support (or both), and if there are firm plans for revitalization of the area that have been adopted or approved, or for which adoption or approval is pending, by the unit of general local government or another appropriate governing body, an exception to the undue concentration standard may be granted. For an exception to be granted on this basis, the responsible HUD office must verify, through a review of supporting documentation, obtained by HUD with the cooperation and assistance of the applicant, that the expenditure of funds and the concentrated efforts being undertaken will result in significant improvements to the site area.

(2) *Conditional approval where revitalization plans are pending.* If the revitalization plan is pending (for example, all planning stages are not completed or final approval has not been received from the applicable governing body), any HUD approval of an assisted housing development will be conditional and subject to the approval of the final plan by the applicable governing body no later than two years from the date of the assisted housing application.

(3) *Form of revitalization plans.* Revitalization plans need not be restricted to the site area or tailored to meet the requirements of the assisted housing application. Revitalization plans can be broader in scope, in terms of geographic area and subject matter coverage, and they can be part of city-wide redevelopment or urban renewal processes, as would be the case for a Comprehensive Housing Affordability Strategy (CHAS). In order to qualify as an approvable exception to under this part, the revitalization activities already underway and those proposed must be determined to have direct physical, social and economic impact on the site area.

(4) *Required components of revitalization plan.* Approvable revitalization plans must include the following information:

(i) A listing and evaluation of the specific projects and budget information on the amounts of State and local funds already expended, or committed for expenditure within two years, for redevelopment, revitalization and preservation efforts in the site area;

(ii) A listing and evaluation of the specific projects and budget information on the amounts of Federal funds already spent or committed for Federal loan and grant programs for redevelopment, revitalization and preservation efforts in the site area;

(iii) A listing of private sector investment in residential and nonresidential developments and improvements in the area, including those that are completed, under construction or are to begin construction within two years;

(iv) Evidence of active steps, programs and progress in improving social conditions and expanding services in the site area;

(v) Evidence of a continuing commitment for renewal, revitalization or preservation of the area based on the development schedule of the local revitalization plan, which shows the specific developments and activities that will have been completed or substantially underway by the time the HUD-assisted housing has been developed, and the approximate date of completion of redevelopment of area; and

(vi) If revitalization is occurring as a result of private sector support, evidence that the revitalization efforts involved will significantly improve conditions by the time the proposed HUD-assisted housing is developed.

(5) *Relationship of revitalization plan to CHAS.* Because a jurisdiction's housing strategy in areas of undue concentration is affected, the revitalization plan shall be referenced and made part of any Comprehensive Housing Affordability Strategy (CHAS) covering the site area.

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

1. The authority for part 882 would continue to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d).

2. In § 882.404, paragraph (b)(3) would be revised to read as follows:

§ 882.404 Housing quality standards.

* * * * *

(b) * * *

(3) Promote a greater choice of housing opportunities by avoiding areas that contain (or would contain if the housing were approved for assistance) an undue concentration of poverty-level population, as determined under 24 CFR part 770.

* * * * *

3. In § 882.708, paragraph (d) would be revised to read as follows:

§ 882.708 New construction: Site and neighborhood standards.

* * * * *

(d) The site must promote a greater choice of housing opportunities by avoiding areas that contain (or would contain if the housing were approved for assistance) an undue concentration of poverty-level population, as determined under 24 CFR part 770.

* * * * *

PART 889—SUPPORTIVE HOUSING FOR THE ELDERLY

4. The authority for part 889 would continue to read as follows:

Authority: 12 U.S.C. 1701q; 42 U.S.C. 3535(d).

5. In § 889.230, a new paragraph (f) would be added to read as follows:

§ 889.230 Site and neighborhood standards.

* * * * *

(f) The site must promote a greater choice of housing opportunities by avoiding areas that contain (or would contain if the housing were approved for assistance) an undue concentration of poverty-level population, as determined under 24 CFR part 770.

PART 890—SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES

6. The authority for part 890 would continue to read as follows:

Authority: 42 U.S.C. 3535(d), 8013.

7. In § 890.230, a new paragraph (h) would be added to read as follows:

§ 890.230 Site and neighborhood standards.

* * * * *

(h) The site must promote a greater choice of housing opportunities by avoiding areas that contain (or would contain if the housing were approved for assistance) an undue concentration

of poverty-level population, as determined under 24 CFR part 770.

PART 941—PUBLIC HOUSING DEVELOPMENT

8. The authority for part 941 would continue to read as follows:

Authority: 42 U.S.C. 1437b, 1437c, 1437g, 3535(d).

9. In § 941.202, paragraph (d) would be revised to read as follows:

§ 941.202 Site and neighborhood standards.

* * * * *

(d) The site must promote a greater choice of housing opportunities by avoiding areas that contain (or would contain if the housing were approved for assistance) an undue concentration of poverty-level population, as determined under 24 CFR part 770.

Dated: February 8, 1993.

Henry G. Cisneros,

Secretary.

[FR Doc. 93–3325 Filed 2–10–93; 8:45 am]

BILLING CODE 4210-32-M

VOL
58

ISS
27

FE
11

1993

UMI

federal register

Thursday
February 11, 1993

Part VI

Department of Agriculture

Agricultural Marketing Service

7 CFR Part 1209

Mushroom Promotion, Research, and Consumer Information Order; Final Rule

VOL 58 ISS 27 FE 11 1993 UMI

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1209

[FV-92-701]

RIN 0581-AA49

Mushroom Promotion, Research, and Consumer Information Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule specifies the general rules and regulations to be established under the Mushroom Promotion, Research, and Consumer Information Order (Order). The Order is authorized by the Mushroom Promotion, Research, and Consumer Information Act of 1990 (Act). This rule implements provisions of the Order concerning nominations procedures; the criteria for financial statements; the payment of assessments, including the application of late payment and interest charges; the procedures for claiming an exemption from assessments; and the filing of reports.

DATES: This interim final rule is effective February 11, 1993. Comments must be received by May 12, 1993.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim final rule to: Docket Clerk, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, P.O. Box 96456, room 2535–S, Washington, DC 20090–6456. Three copies of all written material should be submitted, and they will be made available for public inspection at the Office of the Docket Clerk during regular working hours. All comments should reference the docket number and the date and page number of this issue of the **Federal Register**. Comments concerning the information collection requirements contained in this action should also be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for the Agricultural Marketing Service, USDA.

FOR FURTHER INFORMATION CONTACT: Richard Schultz, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2535–S, Washington, DC 20090–6456, telephone: (202) 720–5976.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under the Mushroom Promotion, Research, and Consumer Information Order (7 CFR part 1209). The Order is authorized under the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6101–6112) hereinafter referred to as the Act.

This interim final rule has been reviewed by the U.S. Department of Agriculture (Department) in accordance with Departmental Regulation 1521–1 and the criteria contained in Executive Order No. 12291 and has been determined to be a "non-major" rule.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. Section 1930 of the Act provides that nothing in the Act may be construed to preempt or supersede any other program relating to mushroom promotion, research, consumer information, and industry information organized and operated under the United States or any State.

The Act further provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 1927 of the Act, a person subject to the Order may file with the Secretary of Agriculture (Secretary) a petition stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order is not in accordance with law and requesting a modification of the Order or an exemption from the Order. The petitioner is afforded the opportunity for a hearing on the petition. After such hearing, the Secretary will make a ruling on the petition, which will be final if in accordance with the law. The Act provides that the district courts, of the United States in any district in which a person who is a petitioner resides or carries on business, are vested with jurisdiction to review the ruling on such person's petition, if a complaint for that purpose is filed within 20 days after the date of the entry of such ruling of the Secretary.

Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

The most recent Department estimate of mushroom growers in the United States indicates that there are 390 growers. Between 100 and 150 growers fall under the definition of producer as defined in the Act and will be subject to the provisions of the Order. A minority of these producers are classified as small entities. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms, which include mushroom handlers and importers, have been defined as those having annual receipts of less than $3,500,000. There are approximately 100 handlers, including producers who are also handlers, who will be subject to the provisions of the Order. A majority of these handlers are classified as small entities. There are no more than 3 importers, out of approximately 30 importers, who will be subject to the provisions of the Order. A majority of these importers are classified as small entities.

During the period from July 1, 1991, through June 30, 1992, Department statistics indicate that approximately 743 million pounds of mushrooms were produced in the United States. Of this total production, 498 million pounds (67 percent) were for the fresh market and 245 million pounds (33 percent) were for the processed market. During this same period, Department statistics indicate that approximately 4.6 million pounds of fresh mushrooms were imported into the United States. Major exporting countries, as a percentage of total fresh mushroom imports, were Canada (95.2 percent), Japan (1.3 percent), Spain (1.0 percent) and Singapore (0.8 percent).

The Order provides for the payment of assessments by producers and importers who produce or import, on average, over 500,000 pounds of mushrooms annually that are marketed or imported for fresh use. In the first year that the Order is in effect the rate of assessment cannot exceed one-quarter of one cent per pound of mushrooms. This rate of assessment can increase incrementally in the second and third year of the Order, but cannot exceed one cent per pound in subsequent years. The Order requires an estimated 100 first handlers of fresh mushrooms, a majority of whom are classified as small entities, to collect and remit such assessments.

In the first year of the Order, an assessment rate of one-quarter of one cent per pound of fresh mushrooms marketed or imported could result in a total assessment collection of $1.1 million. Beginning in the fourth year of the Order, a maximum assessment rate of one cent per pound of fresh mushrooms marketed or imported could result in a total assessment collection of $4.5 million. The economic impact of a

one cent or less assessment per pound of fresh mushrooms on producers and importers would not be significant relative to the potential benefits to be gained from such a program of promotion, research, consumer information, and industry information.

The Order also imposes a reporting and recordkeeping burden on producers, first handlers, and importers. This burden should average approximately seven hours per year and its economic impact would not be significant relative to the potential benefits to be gained from such a program.

The Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the information collection requirements contained in this action regarding the nominee background statement form, the first handler's report, and the exemption application have been approved by the Office of Management and Budget (OMB). The first handler's report and the exemption application are assigned OMB control number 0581–0093. The nominee background statement form is assigned OMB control number 0505–0001. Information collection requirements contained in this rule include:

(1) A nominee background statement form for Mushroom Council membership. The estimated number of individuals completing this form is 18 during the first year of the Order and approximately 6 per year thereafter. Two eligible individuals will be nominated for each open position on the Council, each of these individuals will have an estimated average reporting burden of 6 minutes per form;

(2) A requirement that each first handler and importer who markets or imports fresh mushrooms annually must file reports at specified intervals. The estimated number of first handlers and importers filing such reports is 103, each submitting a maximum of 12 reports per year, with an estimated average reporting burden of 30 minutes per report. However, these persons may alternatively prepay assessments annually, requiring only an initial report of anticipated assessments and a final annual report of actual marketings; and

(3) An exemption application for persons who produce or import, on average, 500,000 pounds or less of fresh mushrooms annually seeking exemption from assessments and recordkeeping requirements. The estimated number of persons filing this application is 340, each submitting one application per year, with an estimated average reporting burden of 15 minutes per application.

Comments concerning the information collection requirements contained in this action should also be sent to the Office of Information and Regulatory Affairs; Office of Management and Budget; Washington, DC 20503. Attention: Desk Officer for Agricultural Marketing Service, USDA.

Background

On January 8, 1993, the Mushroom Promotion, Research, and Consumer Information Order became effective. The Order authorizes the development of a nationally coordinated program of promotion, research, consumer information, and industry information designed to strengthen the mushroom industry's position in the fresh market; maintain and expand existing markets and uses for fresh mushrooms; and develop new markets and uses for fresh mushrooms.

This action provides rules and regulations needed to implement several provisions of the Order.

Section 1209.200 of this rule provides that the definitions for this subpart are the same as those prescribed in §§ 1209.1 through 1209.21 of the Order.

Sections 1209.231 through 1209.235 of this rule contain procedures whereby producers and importers are nominated to serve on the Mushroom Council.

Section 1209.30 of the Order provides for the establishment of an administrative body, the Mushroom Council (Council), which will administer the Order. The Council will be composed of at least four and not more than nine members. Members will be nominated by producers or importers within their respective regions and appointed by the Secretary. Four geographic regions have been established, representing the geographic distribution of mushroom production throughout the United States, with one member who is a producer nominated and appointed from each region that produces, on average, at least 35 million pounds of mushrooms annually. A fifth region will be established, representing importers throughout the United States, when imports reach, on average, at least 35 million pounds of mushrooms annually. Subject to the nine-member limit on the number of Council members, the Secretary will appoint an additional member to the Council representing any region that produces or imports, on average, an additional 50 million pounds of mushrooms annually.

All producers and importers within a region may participate in the nomination process provided that their region produces or imports, on average, at least 35 million pounds of mushrooms annually. Nominations for appointments to the Council may be made either at regional caucuses or by mail ballots, except that nominations for appointments to the initial Council will be made through regional caucuses. Whether at a regional caucus or by mail ballot, two nominees will be selected for each open position on the Council. The individual receiving the highest number of votes cast will be one of the nominees and the individual receiving the highest volume of production or importation voted will be the other nominee. Should an individual receive both the highest number of votes cast and the highest volume of production or importation voted, the individual with the second highest number of votes cast will be the other nominee.

Section 1209.233 of this rule provides procedures for the regional caucuses and § 1209.235 provides mail balloting procedures. A representative of the Secretary will conduct the caucuses to nominate the initial Council members. At subsequent regional caucuses, this rule provides that a caucus chairperson shall be elected by eligible voters present, and the chairperson will coordinate the nomination process at that meeting. The caucus chairperson is also responsible for providing the Department with a report on the caucus which shall include the names of the nominees and minutes. This report provides the Department with a record of the caucus. Without such a record, particularly without the names of nominees, the Department will be unable to initiate the nominee selection process. Section 1209.333 also specifies that this information be provided to the Department within 14 days after the meeting. This 14 day time frame is considered reasonable and necessary in terms of expediting the nominee selection process.

In addition, this action provides, in § 1209.235, that nominations may be conducted by mail ballot rather than regional caucuses. Mail balloting may be conducted should the Council determine that such means would be more practical and cost effective. Examples of when mail balloting might be conducted include when producers are thinly spread over many States within a region; when few producers exist within a region; when producers or importers are in disagreement about holding a regional caucus; or when producers or importers are in agreement about not holding a regional caucus.

Section 1209.237 of this rule limits a producer's or importer's representation on the Council to one current member. The purpose of this limitation is to ensure that no one producer or importer has a dominant position on the Council. In addition, a member of the Council shall be disqualified from serving on the Council should such individual cease to be affiliated with the region the individual represents. Should such a situation occur, the affected region's producers or importers will be allowed to nominate a successor for the open position on the Council.

In § 1209.51, the Order provides that producers and importers who produce or import, on average, over 500,000 pounds of mushrooms for fresh use annually will be required to pay assessments. Such assessments cannot exceed one cent per pound of mushrooms. The assessments will be used to fund programs, plans, and projects relating to promotion, research, consumer information, and industry information. This maximum rate of assessment cannot be realized until the fourth year of the Order. Assessments will be collected and remitted to the Council by first handlers of domestic mushrooms and by the U.S. Customs Service (USCS) on imported mushrooms. Importers will be responsible for remitting assessments not collected by the USCS.

Pursuant to § 1209.51 of the Order, § 1209.251 of this rule addresses the payment of assessments. It states that first handlers are responsible for collecting assessments on domestic mushrooms and remitting such amounts directly to the Council on a monthly basis not later than the fifteenth day after the end of the month such mushrooms were marketed to or through them. Producers who are also first handlers are responsible for paying assessments on the mushrooms they handle and remitting such assessments directly to the Council on a monthly basis not later than the fifteenth day after the end of the month such mushrooms were marketed. Under the Act and Order, importers are required to pay an assessment on all mushrooms imported for marketing in the United States. Importers are required by the Act to pay assessments to the Council in the manner prescribed by the Order. Section 1209.51(e) of the Order prescribes that each importer of mushrooms shall pay an assessment to the Council on mushrooms imported for marketing in the United States, through the USCS or in such other manner as may be established by rules and regulations approved by the Secretary. Accordingly, importers must make prompt payment to the Council of any assessment amount not collected by the USCS at the time of entry or withdrawal for consumption into the United States.

Further, pursuant to § 1209.51(g)(2) of the Order, § 1209.251 of this rule establishes a one time payment charge in the amount of 10 percent of the outstanding balance due to the Council. This charge will be applied each time all assessments due are not remitted by the fifteenth day and received the last day of the month immediately following the end of the month the mushrooms involved were marketed or, in the case of imports, not collected by the USCS at the time of entry or withdrawal for consumption into the United States. This amount is in keeping with good business practices in that 10 percent, while not considered excessive, is considered to be substantive enough that it should serve as an effective deterrent to encourage first handlers, producers, and importers to remit assessments in a timely manner. Further, this rate is consistent with later payment charges levied under other similar research and promotion programs.

In addition to the late payment charge, this action sets the interest rate that will be applied to outstanding balances at 1.5 percent per month. This rate will also be applied to any accounts delinquent beyond the last day of the second month following the month the assessments are due and will be applied to the late payment charge and any accrued interest as well as to the outstanding assessment balance. Such a rate of interest will continue to be charged monthly until the outstanding balance is paid to the Council. This provision is intended to ensure that assessments are remitted to the Council in a timely manner. Further, the interest rate is consistent with interest charges levied under similar research and promotion programs.

Section 1209.51(i) of the Order provides that, in lieu of the monthly assessment, the Council is authorized to accept advance payment of assessments for the ensuing fiscal year, or portion thereof. Accordingly, § 1209.251(h) of this rule provides procedures for such advance payments. These procedures provide that first handlers must file with the Council an initial report estimating the volume of assessable mushrooms during the period involved and prepay the estimated assessments. Such persons will also provide a final report of actual marketings during the period involved and remit any unpaid assessments. Further, any overpayment of assessments will be returned to the first handler after receipt by the Council of the final report of actual marketings during the period involved. The Council shall not, in any case, be obligated to pay interest on any advance payment. Advancement payment is a service provided by the Council to first handlers. The intent of providing this service is to simplify and expedite the remittance process. Therefore, as this form of payment is strictly voluntary and is provided for the convenience of those remitting assessments, the Council should not be obligated to pay interest on any funds received in this manner.

Section 1209.52 of the Order exempts from assessments those persons who produce or import, on average, 500,000 pounds or less of fresh mushrooms annually. It also exempts domestic mushrooms which are exported, and domestic and imported mushrooms which are commercially processed. This section provides that to claim such exemption, persons shall apply to the Council, in the form and manner prescribed in the rules and regulations. Accordingly, § 1209.252 of this rule prescribes that persons claiming an exemption during a fiscal year shall apply to the Council for a certificate of exemption. On receipt of such application, the Council shall determine whether a certificate of exemption may be granted and will then issue a certificate to persons deemed eligible. Persons who are issued a certificate must provide their exemption number to first handlers in order not to be subject to collection of assessments. Further, first handlers and importers shall maintain records showing the exemptee's name and address along with the exemption number assigned by the Council. Importers who are exempt from assessment shall be eligible for reimbursement of assessments collected by the USCS and shall apply to the Council for reimbursement of assessments paid. Persons who desire to renew their exemption for a subsequent fiscal year shall reapply to the Council. In addition, the Council may require persons receiving an exemption to provide reports on the disposition of exempt mushrooms. These procedures are deemed to be practicable in the effective administration of the Order and are in conformity with the intent of the Act.

In addition, this action, in § 1209.239, identifies what information should be included when the Council prepares and submits financial statements to the Department. Further, this action in § 1209.260 provides that each first handlers should include, in addition to the information required in § 1209.60 of the Order, the farm identification number or social security number of

each producer the first handler has dealt with during the reporting period. Finally, this action, in § 1209.280, provides the OMB control numbers assigned to the information collection requirements of the Order and the regulations.

It is found that this action, tends to effectuate the declared policy of the Act.

Pursuant to the provisions of 5 U.S.C. 553, it is found and determined that upon good cause it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) it is necessary that these rules be in place for the effective implementation of the Order; (2) a 90-day period is provided to allow interested persons to comment prior to finalization; and (3) no useful purpose would be served by a delay of the effective date.

List of Subjects in 7 CFR Part 1209

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Mushrooms, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1209 is amended as follows:

PART 1209—MUSHROOM PROMOTION, RESEARCH, AND CONSUMER INFORMATION ORDER

1. The authority citation for part 1209 continues to read as follows:

Authority: 7 U.S.C. 6101–6112.

2. Subpart B is added to read as follows:

Subpart B—Rules and Regulations

Definitions

Sec.
1209.200 Terms defined.

Nomination Procedures

1209.231 Nominations.
1209.233 Regional caucus chairpersons.
1209.235 Mail balloting.
1209.237 Appointment.

General

1209.239 Financial statements.

Assessments

1209.251 Payment of assessments.
1209.252 Exemption procedures.

Reports

1209.260 Reports.

Miscellaneous

1209.280 OMB control numbers.

SUBPART B—RULES AND REGULATIONS

Definitions

§ 1209.200 Terms defined.

Unless otherwise defined in this subpart, the definitions of terms used in this subpart shall have the same meaning as the definitions in Subpart A—Mushroom Promotion, Research, and Consumer Information Order of this part.

Nomination Procedures

§ 1209.231 Nominations.

Nominations shall be made at regional caucuses of producers or importers, or by mail ballot in accordance with the procedures prescribed in § 1209.31 of this part. Proxy voting by producers and importers shall not be permitted at a regional caucus or in a mail ballot. Each regional caucus and mail ballot shall be scheduled so as to ensure that the nominations for each position that will be open at the beginning of the following year are received by the Secretary by August 1, or such other date approved by the Secretary.

§ 1209.233 Regional caucus chairpersons.

(a) Regional caucus chairpersons shall be elected by a simple majority vote of eligible voters in attendance. Such elections shall be coordinated by the Council, except for the initial elections, which shall be coordinated by a representative of the Secretary.

(b) Regional caucus chairpersons will coordinate the entire nomination process. In conducting the nominations process, each regional caucus chairperson shall ensure that:

(1) Voting for producer nominees is limited to producers, and voting for importer nominees is limited to importers; and

(2) Producer candidates for nomination are producers, and importer candidates for nomination are importers.

(c) Within 14 days after completion of each regional caucus, each chairperson shall provide the Secretary with the following information:

(1) The identification of that region's two nominees for each open position on the Council; and

(2) A typed copy of the regional caucus's minutes.

(d) The chairperson of each regional caucus shall provide nominees with qualification statements and other specified information. Each nominee will be contacted by the chairperson and asked to forward such completed documentation to the Council within 14 days after completion of the regional caucus, except for the initial nominees, which shall be asked to forward such completed documentation to the Secretary.

(e) The tenure of the chairperson shall only be for the duration of the regional caucus and the preparation of required documentation.

§ 1209.235 Mail balloting.

(a) After the initial regional caucuses, the Council may conduct nominations of individuals as candidates for appointment to the Council by mail ballot in lieu of a regional caucus.

(b)(1) In the event of a mail ballot, all qualified individuals in a region interested in serving as a member on the Council or persons who are interested in nominating an individual to serve on the Council shall submit to the Council in writing such information as name, mailing address, number of pounds of mushrooms produced or imported, or such other information as may be required, in order to place such individual on the ballot.

(2) Notice of mail balloting to nominate candidates for a position on the Council shall be publicized by the Council to producers or importers in the region involved, and to the Secretary, at least 120 days before the region's nominee ballot is issued.

(3) In proposing nominees for inclusion on a mail ballot, proposed nominations must be received by the Council at least 30 days before the region's nominee ballot is issued.

(c) Once proposed nominations have been submitted from the applicable region, the Council shall cause each proposed nomination, if the individual qualifies, to be placed on the region's nominee ballot. The Council then shall mail a ballot to each known producer or importer within the region.

(d) Distribution of ballots shall be announced by press releases, furnishing pertinent information on balloting, issued by the Council through newspapers and other publications having general circulation among producers in the mushroom producing areas involved or among mushroom importers.

(e) Each producer or importer shall cast a ballot for each open position on the Council assigned to the region in accordance with the procedures prescribed in § 1209.31 of this part. The completed ballot must be returned to the Council or its designee within 30 days after the ballot is issued.

(f) Within 45 days after a mail ballot is issued, the Council shall validate the ballots cast, tabulate the votes, and provide the Secretary with the results of the vote and the identification of the

region's two nominees for each open position on the Council.

(g) The Council shall provide nominees with qualification statements and other specified information. Each nominee selected in the mail ballot will be contacted by the Council and asked to forward such completed documentation to the Council within 14 days of such notification.

§ 1209.237 Appointment.

If an employee, partner, officer, or shareholder of a producer or importer is a current member of the Council, no nominee who is also an employee, partner, officer, or shareholder of such producer or importer shall be appointed to the Council. A Council member shall be disqualified from serving on the Council if such individual ceases to be affiliated with a producer or importer within the region the Council member represents.

General

§ 1209.239 Financial statements.

(a) As requested by the Secretary, the Council shall prepare and submit financial statements to the Secretary on a periodic basis. Each such financial statement shall include, but not be limited to, a balance sheet, income statement, and expense budget. The expense budget shall show expenditures during the time period covered by the report, year-to-date expenditures, and the unexpended budget.

(b) Each financial statement shall be submitted to the Secretary within 30 days after the end of the time period to which it applies.

(c) The Council shall submit annually to the Secretary an annual financial statement within 90 days after the end of the fiscal year to which it applies.

Assessments

§ 1209.251 Payment of assessments.

(a) Each first handler responsible for collecting assessments on domestic mushrooms shall collect the amounts assessed and remit such amounts to the Council on a monthly basis not later than the fifteenth day of the month following the month in which the mushrooms were marketed to or through the first handler.

(b) Each producer responsible for paying any assessment amount on the producer's own mushrooms shall remit such amount to the Council on a monthly basis not later than the fifteenth day of the month following the month in which the mushrooms were marketed by the producer.

(c) Each importer shall be responsible for remittance to the Council of any assessment amount not collected by the U.S. Customs Service at the time of entry or withdrawal for consumption into the United States. Any such assessment amount shall be remitted to the Council on a monthly basis not later than the fifteenth day of the month following the month of entry or withdrawal for consumption into the United States. Any person who imports mushrooms, as principal or as an agent, broker, or consignee for any person who produces mushrooms outside the United States for marketing in the United States shall be considered an importer.

(d) Remittance shall be by check, draft, or money order payable to the Mushroom Council, and shall be accompanied by a report, on a form provided by the Council.

(e) A late payment charge shall be imposed on any first handler or importer who fails to make timely remittance to the Council of the total assessment amount for which the person is liable. Such late payment charge shall be imposed on any assessments not received by the last day of the month following the month in which the mushrooms involved were marketed or, in the case of imports, not collected by the U.S. Customs Service at the time of entry or withdrawal for consumption into the United States. This one-time late payment charge shall be 10 percent of the assessments due before interest charges have accrued. The late payment charge will not be applied to any late payments postmarked within 15 days after the end of the month such assessments are due.

(f) In addition to the late payment charge, interest shall be charged at a rate of one and one-half percent per month on the outstanding balance, including the late payment charge and any accrued interest, of any account that remains delinquent beyond the last day of the second month following the month the mushrooms involved were marketed. However, first handlers paying their assessments, in accordance with paragraph (h)(2) of this section, will not be subject to the one and one-half percent per month interest under this paragraph until the last day of the second month after such assessments are due under paragraph (h)(2) of this section. In the case of imports, such a rate of interest will be charged to any account that remains delinquent on any assessments not collected by the U.S. Customs Service at the time of entry or withdrawal for consumption into the United States. Such a rate of interest will continue to be charged monthly until the outstanding balance is paid to the Council.

(g) Any assessment determined by the Council at a date later than prescribed by this section, because of a person's failure to submit a report to the Council when due, shall be considered to have been payable by the date it would have been due if the report had been filed on time. A late payment charge and monthly interest charges on the outstanding balance shall be applicable to such unpaid assessment in accordance with paragraphs (e) and (f) of this section.

(h) In lieu of the monthly assessment payment and reporting requirements of § 1209.260 of this subpart and § 1209.60 of this part, the Council may permit a first handler to make advance payment of the total estimated assessment amount due to the Council for the ensuing fiscal year, or portion thereof, prior to the actual determination of assessable mushrooms.

(1) Each person shall provide an initial report estimating assessable mushrooms. The Council may request additional information on such estimate.

(2) Each person shall provide a final report of actual marketings during the period involved and remit any unpaid assessments not later than the fifteenth day of the month following the end of the period covered.

(3) Any person whose prepayment exceeds the amount paid shall be reimbursed for the amount of overpayment. The Council shall not, in any case, be obligated to pay interest on any advance payment.

§ 1209.252 Exemption procedures.

(a) Any person who produces or imports, on average, 500,000 pounds or less of mushrooms annually and who desires to claim an exemption from assessments during a fiscal year as provided in § 1209.52 of this part shall apply to the Council, on a form provided by the Council, for a certificate of exemption. Such persons shall certify that their production or importation of mushrooms shall not exceed 500,000 pounds, on average, for the fiscal year for which the exemption is claimed. Pursuant to this section, the term *on average* shall be calculated by averaging a person's estimated production or importation for the fiscal year for which an exemption is claimed with such person's production or importation in the preceding fiscal year.

(b) On receipt of an application, the Council shall determine whether an exemption may be granted. The Council then will issue, if deemed appropriate, a certificate of exemption to each person that is eligible to receive one. Each person who is exempt from assessment

must provide an exemption number to the first handler in order not to be subject to collection of an assessment on mushrooms. First handlers and importers, except as otherwise authorized by the Council, shall maintain records showing the exemptee's name and address along with the exemption number assigned by the Council. Importers who are exempt from assessment shall be eligible for reimbursement of assessments collected by the U.S. Customs Service and shall apply to the Council for reimbursement of such assessments paid.

(c) Any person who desires to renew the exemption from assessments for a subsequent fiscal year shall reapply to the Council, on a form provided by the Council, for a certificate of exemption.

(d) The Council may require persons receiving an exemption from assessments to provide to the Council reports on the disposition of exempt mushrooms.

Reports

§ 1209.260 Reports.

Each first handler shall be required to report monthly to the Council such information as may be required under § 1209.60(a) of this part. In addition, each first handler shall be required to provide the farm identification number or social security number of each producer the first handler has dealt with during the time period covered by the report.

Miscellaneous

§ 1209.280 OMB control numbers.

The control number assigned to the information collection requirements by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* is OMB control number 0581–0093, except for the Council nominee background statement form which is assigned OMB control number 0505–0001.

Dated: February 8, 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–3351 Filed 2–10–93; 8:45 am]

BILLING CODE 3410–02–M

VOL
58
ISS
27
FE
11
1993
UMI

Reade

INFORMAT

Federal Re
Index, findi
Public insp
Corrections
Document
Machine re

Code of Fe
Index, findi
Printing sch

Laws
Public Laws
Additional

Presidentia
Executive o
Public Pape
Weekly Com

The United
General Infe

Other Servi
Data base a
Guide to Re
Legal staff
Privacy Act
Public Laws
TDD for the

FEDERAL

6601–6678...
6679–6874...
6875–7046...
7047–7184...
7185–7476...
7476–7714...
7715–7860...
7861–7952...
7953–8200...

Reader Aids

Federal Register

Vol. 58, No. 27

Thursday, February 11, 1993

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection desk	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

6601–6678.....1
6679–6874.....2
6875–7046.....3
7047–7184.....4
7185–7476.....5
7476–7714.....8
7715–7860.....9
7861–7952.....10
7953–8200.....11

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive orders:
12800 (Revoked by EO 12836).....7045
12818 (Revoked by EO 12836).....7045
12836.....7045
Administrative Orders:
Memorandums:
January 22, 1993.....7455
January 22, 1993.....7455
January 22, 1993.....7455
Proclamations:
6527.....7477

5 CFR

Proposed Rules:
970.....7052

7 CFR

52.....7607
318.....7953
907.....7964
908.....7964
915.....7972
1097.....6679
1099.....6679
1209.....8194
Proposed Rules:
52.....7296
275.....7296
283.....7296
1139.....7996

10 CFR

19.....7715
20.....7715
30.....7715
36.....7715
40.....7715
51.....7715
70.....7715
170.....7715
Proposed Rules:
30.....6730
40.....6730
50.....6730, 7757
70.....6730
72.....6730

11 CFR

201.....6875

12 CFR

203.....6601
207.....6602
208.....7973
220.....6602
221.....6602
224.....6602
225.....7973
611.....6604
612.....6605
796.....6605
Proposed Rules:
208.....8007
225.....8007

13 CFR

121.....7479

14 CFR

33.....6875
39.....6703–6707, 6877–6881, 7185, 7479–7482, 7737, 7861, 7862, 0000
71.....6709, 6884–6886, 7179, 7484, 7738
73.....6884
95.....6887
97.....6709, 6712, 7485, 7746
Proposed Rules:
39.....6740–6748, 6906, 7196, 7494, 7495, 7759
61.....7197
63.....7197
65.....7197
71.....6911
93.....7950
121.....7197
135.....7197
300.....7040
399.....7053

16 CFR

4.....7047
Proposed Rules:
305.....7852
Ch. II.....8013–8023

17 CFR

140.....6677
145.....7040
150.....6854
270.....7984
Proposed Rules:
1.....6748, 7056
3.....6748
10.....6748
145.....6748

18 CFR

3c.....7486
154.....7984
157.....6893
381.....7488
385.....7984

19 CFR

Proposed Rules:
10.....6877

21 CFR

520.....7864
1308.....7186

23 CFR

140.....6713

Proposed Rules:

625.....6914

24 CFR

770.....8186
882.....8186
889.....8186
890.....8186
941.....8186

Proposed Rules:

770.....8187
882.....8187
889.....8187
890.....8187
941.....8187

26 CFR

1.....6678, 7041, 7296, 7747, 7865, 7987, 7988, 8098
602.....6678, 7987, 7988

Proposed Rules:

1.....6854, 6922, 6923, 7179, 7497, 7845, 8027
26.....6854, 7497
52.....8099
301.....6854, 7497, 7761

29 CFR

2616.....6605
2617.....6605

Proposed Rules:

103.....7149
2619.....7921
2676.....7921

30 CFR

254.....7489

Proposed Rules:

14.....8028
18.....8028
75.....8028
870.....7761

31 CFR

103.....7047

32 CFR

201.....7865
592.....6715
606.....6715
608.....6715
612.....6715
616.....6715

33 CFR

3.....6716
100.....7492
117.....6717
150.....7330
154.....7330
155.....7376
334.....6718

Proposed Rules:

117.....6766, 6767, 7497, 7498
165.....7500
334.....6768

34 CFR

8.....7860

Proposed Rules:

300.....7938

36 CFR

Proposed Rules:

1191.....6924

37 CFR

304.....7051

38 CFR

1.....7296

39 CFR

Proposed Rules:

3001.....6769

40 CFR

2.....7187
52.....6606
60.....7189
82.....8136
180.....6893
232.....8172
233.....8172
261.....6854
266.....6607
271.....6854, 7865
281.....6894
300.....7189, 7492
305.....7704
721.....7190

Proposed Rules:

Ch. I.....6609, 7501
52.....7762
54.....7870
81.....7762
144.....7924, 8028
191.....7924, 8028
194.....8029
260.....8102
261.....6925, 8102
262.....8102
264.....8102
265.....8102
268.....8102
270.....8102
273.....8102
372.....6609
700.....7646
720.....7661
721.....7676
723.....7646, 7679

42 CFR

59.....7462

Proposed Rules:

59.....7464

43 CFR

Public Land Order:

6956.....6719
6957.....7867

45 CFR

303.....7040
1626.....6608

Proposed Rules:

1607.....6611
1609.....6612

46 CFR

571.....7190
586.....7988

Proposed Rules:

502.....7199
505.....7199
510.....7199
514.....7501
540.....7199

47 CFR

1.....6895
61.....7867
69.....7867
73.....7869
73.....7194, 7195
76.....7990

Proposed Rules:

Ch. 1.....6937, 7062
2.....6769
15.....6769, 7205
43.....7764
73.....6677, 7874, 7875
76.....7205, 7875

48 CFR

Proposed Rules:

Ch. 53.....6771

49 CFR

1.....6896–6898
229.....6899
9.....6719
99.....00000
171.....6864
172.....6864
173.....6864
174.....6864
176.....6864
390.....6726
394.....6726
1002.....7748
1017.....7748
1018.....7748
1312.....7748
1313.....7748
1314.....7748

Proposed Rules:

40.....7197, 7506
199.....7197
217.....7197
219.....7197
350.....7197
382.....7197
383.....7197
391.....7197
392.....6937, 7197
395.....6937, 7197
531.....6939
571.....7206, 7506
572.....7506
611.....6948
653.....7197
654.....7197
1039.....8030
1180.....6612

50 CFR

650.....7040
675.....7040

Proposed Rules:

17.....8032
226.....7206
663.....7525
672.....6677

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–2470).

S. 202/P.L. 103–4

To designate the Federal Judiciary Building in Washington, D.C., as the "Thurgood Marshall Federal Judiciary Building". (Feb. 8, 1993; 107 Stat. 30; 1 page)

Last List February 10, 1993

ELECTRONIC BULLETIN BOARD

Free Electronic Bulletin Board Service for Public Law Numbers is available on 202–275–1538 or 275–0920.

.....7197
.....7197
.....7197
.....7197
.....7197
..6937, 7197
..6937, 7197
.....6939
..7206, 7506
.....7506
.....6948
.....7197
.....7197
.....8030
.....6612

.....7040
.....7040

.....8032
.....7206
.....7525
.....6677

C LAWS

g list of
e current
ss which
eral laws. It
onjunction
olic Laws
n 202–523–
laws is not
ederal
be ordered
hlet form
p laws")
ndent of
Government
ashington,
202–512–

Federal
in
as the
ll Federal
. (Feb. 8,
0; 1 page)
y 10, 1993

LLETIN

Bulletin
Public Law
ble on 202–
-0920.

Public Laws

103d Congress, 1st Session, 1993

Pamphlet prints of public laws, often referred to as slip laws, are the initial publication of Federal laws upon enactment and are printed as soon as possible after approval by the President. Legislative history references appear on each law. Subscription service includes all public laws, issued irregularly upon enactment, for the 103d Congress, 1st Session, 1993.

(Individual laws also may be purchased from the Superintendent of Documents, Washington, DC 20402-9328. Prices vary. See Reader Aids Section of the Federal Register for announcements of newly enacted laws and prices).

Superintendent of Documents **Subscriptions** Order Form

Order Processing Code:
* 6216

☐ **YES**, enter my subscription(s) as follows:

Charge your order.
It's Easy!
To fax your orders (202) 512-2233

_____ subscriptions to **PUBLIC LAWS** for the 103d Congress, 1st Session, 1993 for $156 per subscription.

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

(Company or Personal Name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(Daytime phone including area code)

(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐☐ – ☐
☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date)

Thank you for your order!

(Authorizing Signature) (1/93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

New Publication

VOL
58
ISS
27
FE
11
1993
UMI

Microfiche Editions Available...

Federal Register

The Federal Register is published daily in 24x microfiche format and mailed to subscribers the following day via first class mail. As part of a microfiche Federal Register subscription, the LSA (List of CFR Sections Affected) and the Cumulative Federal Register Index are mailed monthly.

Code of Federal Regulations

The Code of Federal Regulations, comprising approximately 200 volumes and revised at least once a year on a quarterly basis, is published in 24x microfiche format and the current year's volumes are mailed to subscribers as issued.

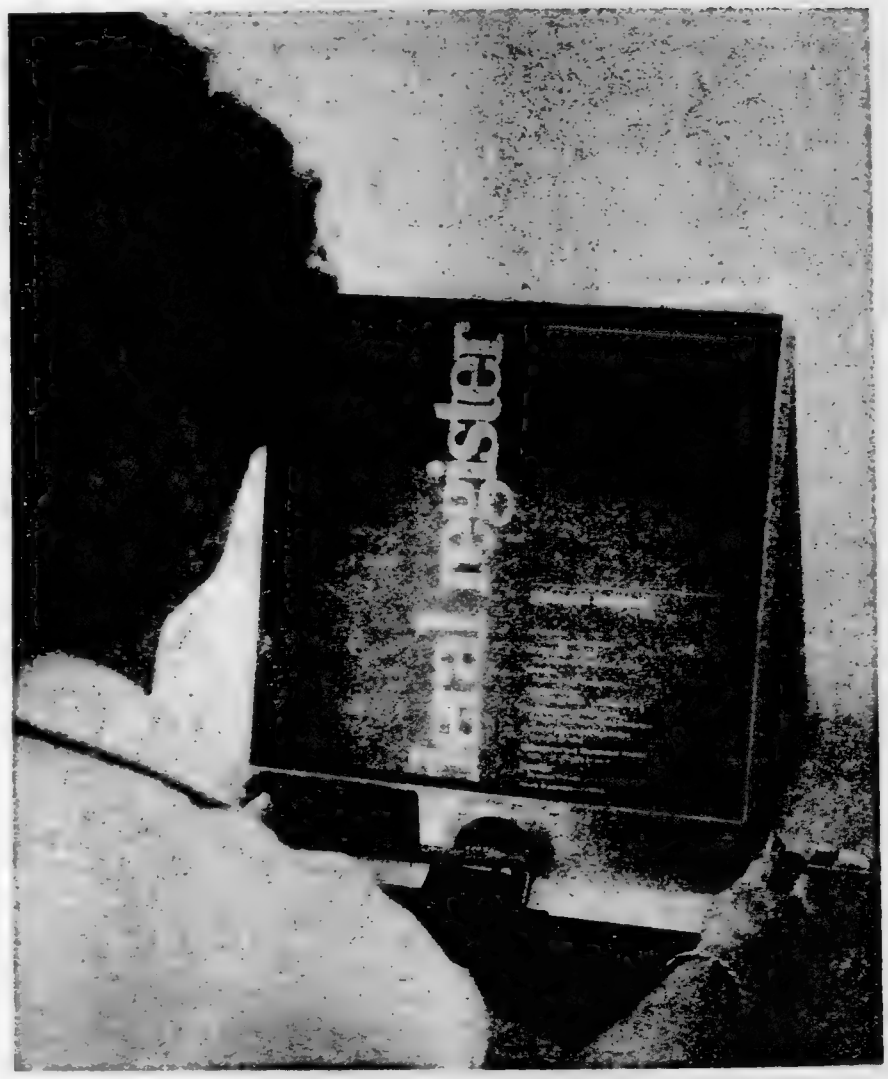

Microfiche Subscription Prices:

Federal Register:

One year: $353.00
Six months: $176.50

Code of Federal Regulations:

Current year (as issued): $223.00

Superintendent of Documents Subscriptions Order Form

Order Processing Code
* 5348

Charge your order. It's easy! MasterCard VISA

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please send me the following indicated subscriptions:

24x MICROFICHE FORMAT:

_____ Federal Register: _____ One year: $353.00 _____ Six months: $176.50

_____ Code of Federal Regulations: _____ One year: $223.00

1. The total cost of my order is $___.____ . All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____)_____
(Daytime phone including area code)

3. **Please choose method of payment:**

☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

4. **Mail To:** Superintendent of Documents, Government Printing Office, Washington, D.C. 20402-9371 **(Rev. 10/92)**

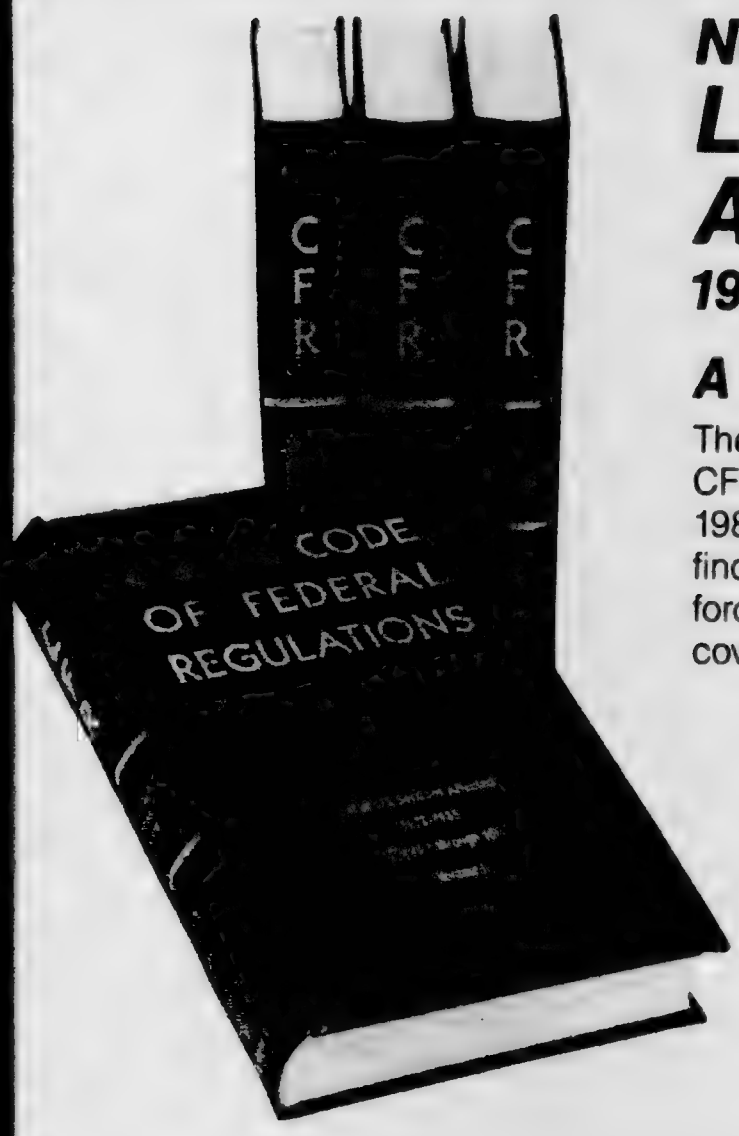

New Publication

List of CFR Sections Affected

1973-1985

A Research Guide

These four volumes contain a compilation of the "List of CFR Sections Affected (LSA)" for the years 1973 through 1985. Reference to these tables will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Volume I (Titles 1 thru 16) $27.00
Stock Number 069-000-00029-1

Volume II (Titles 17 thru 27) $25.00
Stock Number 069-000-00030-4

Volume III (Titles 28 thru 41) $28.00
Stock Number 069-000-00031-2

Volume IV (Titles 42 thru 50) $25.00
Stock Number 069-000-00032-1

Superintendent of Documents **Publications** Order Form

Order Processing Code:
*6962

Charge your order. It's easy! MasterCard VISA

To fax your orders and inquiries–(202) 512-2250

Please Type or Print (Form is aligned for typewriter use.)

Prices include regular domestic postage and handling and are good through 12/92. After this date, please call Order and Information Desk at 202-783-3238 to verify prices. International customers please add 25%.

Qty.	Stock Number	Title	Price Each	Total Price
1	021-602-00001-9	Catalog–Bestselling Government Books	**FREE**	**FREE**

Total for Publications

(Company or personal name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

( )
(Daytime phone including area code)

Mail order to:
New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

Please Choose Method of Payment:

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐–☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

(Credit card expiration date) ***Thank you for your order!***

(Signature) Rev 6-92

VOL
58
ISS
27
FE
11
1993
UMI

The authentic text behind the news . . .

The Weekly Compilation of **Presidential Documents**

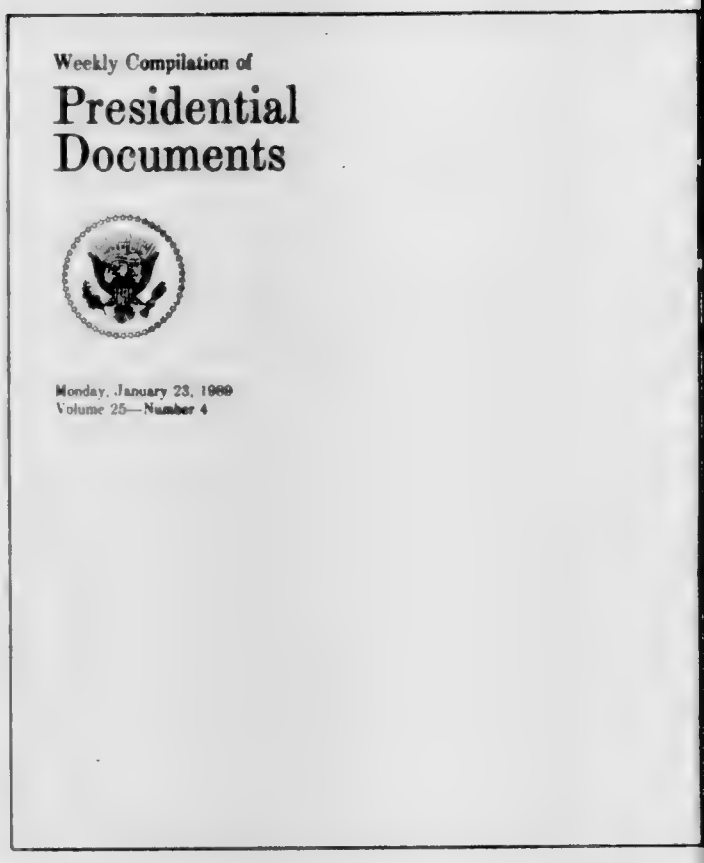

This unique service provides up-to-date information on Presidential policies and announcements. It contains the full text of the President's public speeches, statements, messages to Congress, news conferences, personnel appointments and nominations, and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. Each issue contains an Index of Contents and a Cumulative Index to Prior Issues.

Separate indexes are published periodically. Other features include lists of acts approved by the President, nominations submitted to the Senate, a checklist of White House press releases, and a digest of other Presidential activities and White House announcements.

Published by the Office of the Federal Register, National Archives and Records Administration.

Superintendent of Documents Subscriptions Order Form

Order Processing Code
*6466

Charge your order. It's easy! MasterCard VISA

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please enter my subscription for one year to the **WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS (PD)** so I can keep up to date on Presidential activities.

☐ $96.00 First Class ☐ $58.00 Regular Mail

1. The total cost of my order is $ ___ All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____) _____
(Daytime phone including area code)

3. **Please choose method of payment:**
☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐☐–☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____ ***Thank you for your order!***
(Credit card expiration date)

_____
(Signature) (Rev. 1/93)

4. **Mail To: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954**

Announcing the Latest Edition

Would you like to know...

if any changes have been made to the Code of Federal Regulations or what documents have been published in the Federal Register without reading the Federal Register every day? If so, you may wish to subscribe to the *LSA (List of CFR Sections Affected)*, the *Federal Register Index*, or both.

LSA • List of CFR Sections Affected

The LSA (List of CFR Sections Affected) is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. The LSA is issued monthly in cumulative form. Entries indicate the nature of the changes—such as revised, removed, or corrected.
$21.00 per year

Federal Register Index

The index, covering the contents of the daily Federal Register, is issued monthly in cumulative form. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.
$19.00 per year.

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register

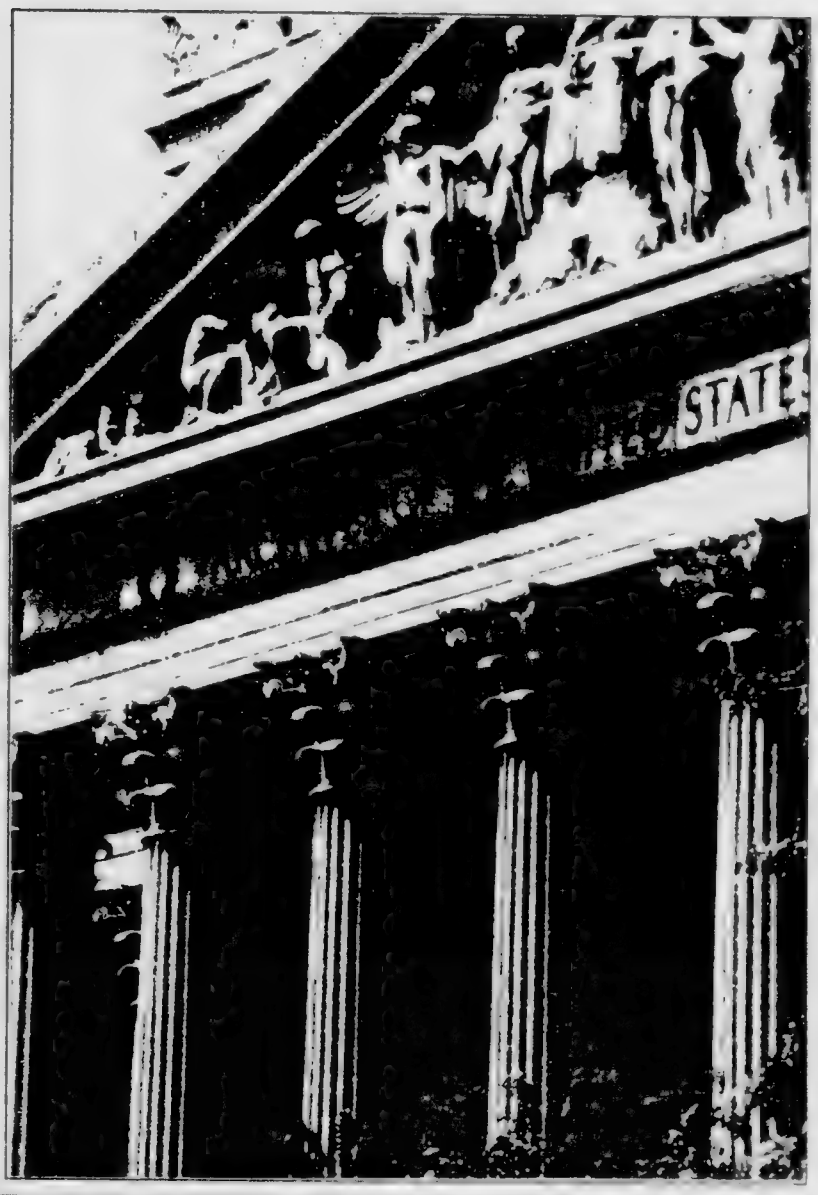

Superintendent of Documents Subscriptions Order Form

Order Processing Code
*5351

Charge your order. It's easy!

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please send me the following indicated subscriptions:

☐ LSA • List of CFR Sections Affected—one year as issued—$21.00 (LCS)

☐ Federal Register Index—one year as issued—$19.00 (FRSU)

1. The total cost of my order is $_____. All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____)
(Daytime phone including area code)

3. **Please choose method of payment:**

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

(Rev. 10/92)

4. **Mail To:** Superintendent of Documents, Government Printing Office, Washington, DC 20402-9371

4. Mail To: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954

VOL
58
ISS
27
FE
11
1993
UMI

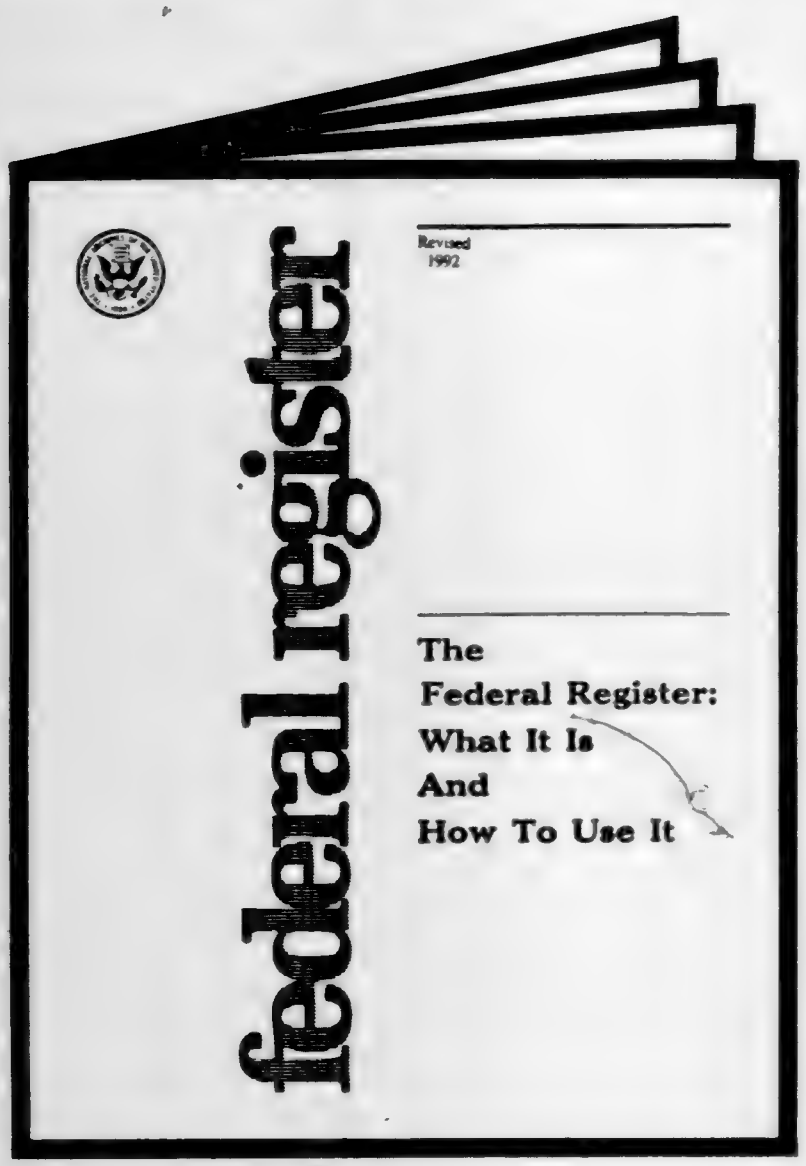

Announcing the Latest Edition

The Federal Register: What It Is and How to Use It

A Guide for the User of the Federal Register—Code of Federal Regulations System

This handbook is used for the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide guidelines for using the *Federal Register* and related publications, as well as an explanation of how to solve a sample research problem.

Price $7.00

Superintendent of Documents **Publications** Order Form

P3

Order processing code:
*6173

Charge your order. It's Easy! MasterCard VISA

To fax your orders (202)-512-2250

☐ **YES**, please send me the following:

_____ copies of **The Federal Register - What it is and How To Use It**, at $7.00 per copy. Stock No. 069-000-00044-4

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

(Company or Personal Name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(Daytime phone including area code)

(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐☐-☐☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐ (Credit card expiration date)

Thank you for your order!

(Authorizing Signature) (Rev. 1-93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

dition

l

It

egister—

onal
f the
able to
ll provide
er and
planation
oblem.

P3

VISA

02)-512-2250

mestic

of Documents

Thank you for your order!

(Rev. 1-93)

Documents
15250-7954

VOL
58

ISS
27

FE
11

1993

UMI

Printed on recycled paper

VOL
58

ISS
28

FE
12

1993

UMI

U·M·I

THE PAPER AND INK USED IN THE ORIGINAL MATERIAL AFFECT THE QUALITY OF THE MICRO-EDITION. THIS REPRODUCTION IS MADE FROM THE BEST COPY AVAILABLE.

2–12–93
Vol. 58

United Sta
Governme
Printing Of
SUPERINTENDEN
OF DOCUMENTS
Washington, DC 2

OFFICIAL BUSINE
Penalty for privat

2–12–93
Vol. 58 No. 28

federal register

Friday
February 12, 1993

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 93 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
58

ISS
28

FE
12

1993

UMI

2-12-93
Vol. 58
Pages 820

2-12-93
Vol. 58 No. 28
Pages 8201-8516

federal register

Friday
February 12, 1993

VOL
58
ISS
28
FE
12
1993
UMI

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche format and magnetic tape. The annual subscription price for the **Federal Register** paper edition is $375, or $415 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $353; and magnetic tape is $37,500. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $4.50 for each issue, or $4.50 for each group of pages as actually bound; or $1.50 for each issue in microfiche form; or $175.00 per magnetic tape. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 58 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3238
Magnetic tapes	512–1530
Problems with public subscriptions	512–2303

Single copies/back copies:

Paper or fiche	783–3238
Magnetic tapes	512–1530
Problems with public single copies	512–2457

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5243
Magnetic tapes	512–1530
Problems with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

Printed on recycled paper containing 100% post consumer waste

Cont

Agricultu
RULES
Peaches
Georgi

Agricultu
See Agri
See Anin
See Econ
See Fores
See Rura

Animal a
NOTICES
Environm
Anima

Antitrust
NOTICES
National
ABB A
Genera
Nationa
Semico
Westin

Blind or
Peop
See Com
Seve

Bonnevil
NOTICES
Billing cr
8263

Coast Gu
NOTICES
Bridges:
Hilton

Commerc
See Inter
See Natio
See Natio

Committe
Seve
NOTICES
Procurem

Commod
RULES
Commodi
advis
Comput
adv
per
NOTICES
Contract
Minnea
Froze

Contents

Federal Register

Vol. 58, No. 28

Friday, February 12, 1993

Agricultural Marketing Service
RULES
Peaches grown in—
Georgia, 8209

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Economic Research Service
See Forest Service
See Rural Electrification Administration

Animal and Plant Health Inspection Service
NOTICES
Environmental statements; availability, etc.:
Animal damage control program, 8252

Antitrust Division
NOTICES
National cooperative research notifications:
ABB Atom AB et al., 8429
General Instrument Corp. et al., 8429
National Center for Manufacturing Sciences, Inc., 8429
Semiconductor Research Corp., 8430
Westinghouse Electric Corp., 8430

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Bonneville Power Administration
NOTICES
Billing credits solicitation; proposed conservation projects, 8263

Coast Guard
NOTICES
Bridges:
Hilton Head Island, NC, construction; hearing, 8443

Commerce Department
See International Trade Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement list; additions and deletions, 8260

Commodity Futures Trading Commission
RULES
Commodity pool operators and commodity trading advisors:
Computation of rate-of-return for commodity trading advisors and presentation of rate-of-return in past performance tables, 8226
NOTICES
Contract market proposals:
Minneapolis Grain Exchange—
Frozen shrimp, 8261

Economic Research Service
NOTICES
Meetings:
National Agricultural Cost of Production Standards Review Board, 8252

Education Department
NOTICES
Data acquisition activities involving educational agencies and institutions; list, 8261

Employment Standards Administration
NOTICES
Minumum wages for Federal and federally assisted construction; general wage determination decisions, 8430

Energy Department
See Bonneville Power Administration
See Federal Energy Regulatory Commission
NOTICES
Electricity export and import authorizations, permits, etc.:
Central Power & Light, 8262

Environmental Protection Agency
RULES
Air quality implementation plans:
Ambient air quality surveillance; ozone and nitrogen oxides and volatile organic compounds (including aldehydes) and meteorological parameters monitoring, 8452
Hazardous waste program authorizations:
Utah, 8232
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
California, 8245
Indiana, 8247
Hazardous waste:
Petroleum-contaminated media and debris from underground storage tanks; exemption, 8504
NOTICES
Environmental statements; availability, etc.:
Agency statements—
Comment availability, 8271
Weekly receipts, 8273
Texas and Louisiana territorial seas oil and gas operations (NPDES), 8273
Hazardous waste:
Electric utility power plants; coal combustion wastes; report to Congress, 8273
Land disposal restrictions; exemptions—
Witco Corp., 8275
Meetings:
Hazardous Waste Identification System, 8275
Superfund response and remedial actions; proposed settlements, etc.:
Carter Industrials, Inc., Site, MI, 8275

Executive Office of the President
See Presidential Documents

Federal Aviation Administration
RULES
Airworthiness directives:
British Aerospace, 8224
Airworthiness standards:
Special conditions—
Piper Model PA-31T1 airplane, 8222
PROPOSED RULES
Rulemaking petitions; summary and disposition, 8244
Transition areas, 8244
NOTICES
Airport noise compatibility program:
Dane County Regional Airport, WI, 8444
Exemption petitions; summary and disposition, 8445
Organization, functions, and authority delegations:
Lewistown, MT, 8446
Passenger facility charges; applications, etc.:
Los Angeles International Airport, CA, 8446
Ontario International Airport, CA, 8446

Federal Communications Commission
RULES
Radio stations; table of assignments:
Kentucky, 8233
New Mexico, 8233, 8235
New York, 8234
Washington, 8234
PROPOSED RULES
Radio stations; table of assignments:
Idaho, 8248
Television broadcasting:
Cable television systems—
Sports programming migration and preclusive contracts' impact on college sports programming availability to local stations, 8248
NOTICES
Agency information collection activities under OMB review, 8276

Federal Deposit Insurance Corporation
RULES
Practice and procedure rules:
Applications, authority delegations, capital maintenance, and prompt corrective action, 8210

Federal Emergency Management Agency
NOTICES
Agency information collection activities under OMB review, 8277
Disaster and emergency areas:
Arizona, 8277
California, 8277
Louisiana, 8278
Privacy Act:
Systems of records, 8278

Federal Energy Regulatory Commission
NOTICES
Electric rate, small power production, and interlocking directorate filings, etc.:
Idaho Power Co. et al., 8264
Puget Sound Power & Light Co. et al., 8266
Natural gas certificate filings:
Florida Gas Transmission Co. et al., 8268
Natural gas companies (Natural Gas Act):
Natural gas data collection system—
Underground gas storage report (FERC Form No. 8); filing instructions; revision, 8270
Natural Gas Policy Act:
State jurisdictional agencies tight formation recommendations; preliminary findings—
Texas Railroad Commission, 8269
Applications, hearings, determinations, etc.:
ANR Pipeline Co., 8270, 8271
United Gas Pipe Line Co., 8271

Federal Housing Finance Board
NOTICES
Federal Home Loan Bank Act:
Community support review—
Selection of members, 8281

Federal Reserve System
NOTICES
Meetings; Sunshine Act, 8448

Federal Trade Commission
NOTICES
Premerger notification waiting periods; early terminations, 8284
Prohibited trade practices:
PerfectData Corp., 8285

Fish and Wildlife Service
RULES
Endangered and threatened species:
Nelson's checker-mallow, 8235
PROPOSED RULES
Endangered and threatened species:
Arizona willow, 8249
Findings on petitions, etc., 8250
Star cactus, 8249

Food and Drug Administration
NOTICES
Food additive petitions:
Ciba-Geigy Corp., 8289
Dow Corning Corp., 8290
Hoechst Celanese Corp., 8290
Showa Denko K.K., 8290
GRAS or prior-sanctioned ingredients:
Quad Corp., 8291
Meetings:
Advisory committees, panels, etc., 8291

Forest Service
NOTICES
Appeal exemptions; timber sales:
Willamette National Forest, OR, 8253

General Services Administration
RULES
Acquisition regulations:
Service contracts; price adjustment clause; CFR correction, 8235

Health and Human Services Department
See Food and Drug Administration
See Health Care Financing Administration
See National Institutes of Health
NOTICES
Agency information collection activities under OMB review, 8287
Proverty income guidelines; annual revision, 8287

Health Care Financing Administration
NOTICES
Meetings:
Practicing Physicians Advisory Council, 8291

Housing and Urban Development Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Facilities to assist homeless—
Excess and surplus Federal property, 8292

Indian Affairs Bureau
NOTICES
Tribal-State Compacts approval; Class III (casino) gambling:
Coeur d'Alene Tribe, ID, 8478

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See National Park Service
See Surface Mining Reclamation and Enforcement Office

International Trade Administration
NOTICES
Antidumping:
Alloy and carbon hot-rolled bars, rods, and semifinished products of special bar quality engineered steel from Brazil, 8254
Cold-rolled carbon steel flat products and cut-to-length carbon steel plate from Italy, 8254
Defrost timers from Japan, 8255
Sulfanilic acid from—
Hungary, 8256

Interstate Commerce Commission
NOTICES
Rail carriers:
Non-coal proceedings; rate guidelines, 8428
Railroad operation, acquisition, construction, etc.:
Consolidated Grain & Barge Co., 8428
Railroad services abandonment:
CSX Transportation, Inc., 8428

Justice Department
See Antitrust Division

Labor Department
See Employment Standards Administration

Land Management Bureau
NOTICES
Closure of public lands:
Florida, 8424
Nevada, 8424
New Mexico, 8424
Coal leases, exploration licenses, etc.:
Wyoming, 8425
Realty actions; sales, leases, etc.:
Nevada, 8425
New Mexico; correction, 8449
Withdrawal and reservation of lands:
New Mexico, 8426

National Aeronautics and Space Administration
NOTICES
Meetings:
Aerospace Medicine Advisory Committee, 8431
Patent licenses; non-exclusive, exclusive, or partially exclusive:
ITAC Systems Inc., 8431

National Indian Gaming Commission
RULES
Indian Gaming Regulatory Act:
Class II and Class III gaming ordinances approval, and background investigations and gaming licenses
Correction, 8449
Compliance and enforcement procedures
Correction, 8449
Management contract requirements and procedures
Correction, 8449
Privacy Act; implementation
Correction, 8449

National Institute for Literacy
NOTICES
Meetings; correction, 8431

National Institute of Standards and Technology
NOTICES
Meetings:
Advanced Technology Visiting Committee, 8258
Fastener Quality Act Advisory Committee, 8258

National Institutes of Health
NOTICES
Meetings:
Recombinant DNA Advisory Committee, 8500
Research Grants Division Behavioral and Neurosciences Special Emphasis Panel, 8500
Recombinant DNA molecules research:
Actions under guidelines
Proposed, 8500

National Oceanic and Atmospheric Administration
NOTICES
Endangered and threatened species:
Snake River sockeye salmon, 8258
Meetings:
Florida Keys National Marine Sanctuary Advisory Council, 8259
Pacific Fishery Management Council, 8259

National Park Service
NOTICES
Environmental statements; availability, etc.:
Edison National Historic Site, NJ; site development plan, 8426
Westfield River, MA, 8427

National Science Foundation
NOTICES
Antarctic Conservation Act of 1978; permit applications, etc., 8432

Nuclear Regulatory Commission
RULES
Acquisition regulations; correction, 8449
NOTICES
Environmental statements; availability, etc.:
Cimarron Corp., 8432
Applications, hearings, determinations, etc.:
Georgia Power Co. et al.; correction, 8434

VOL
58
ISS
28
FE
12
1993
UMI

Pension Benefit Guaranty Corporation
RULES
Multiemployer plans:
Valuation of plan benefits and plan assets following mass withdrawal—
Interest rates, 8231
Single-employer plans:
Valuation of plan benefits—
Adopting additional PBGC rates; amendments, 8230

Personnel Management Office
NOTICES
Excepted service:
Schedules A, B, and C; positions placed or revoked—Update, 8434

Presidential Documents
EXECUTIVE ORDERS
Committees; establishment, renewal, termination, etc.:
Federal advisory committees; termination and limitation (EO 12838), 8207
Federal Government productivity improvement and deficit control (EO 12837), 8205
Government agencies and employees:
Reduction of 100,000 Federal positions (EO 12839), 8515
ADMINISTRATIVE ORDERS
Independent States of the former Soviet Union, report assessing effectiveness of U.S. assistance; authority delegation (Memorandum of January 29, 1993), 8201
Russian military exports reports; authority delegation (Memorandum of February 3, 1993), 8203

Public Health Service
See Food and Drug Administration
See National Institutes of Health

Research and Special Programs Administration
NOTICES
Applications, hearings, determinations, etc.:
Swimming Pool Chemical Manufacturers Association, 8480, 8488, 8494

Resolution Trust Corporation
RULES
Government ethical conduct standards, 8220

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
Arizona Electric Power Cooperative, Inc., 8253

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., 8434
New York Stock Exchange, Inc., 8436
Applications, hearings, determinations, etc.:
Goldman Sachs Equity Portfolios, Inc., et al., 8438
McLaughlin, Piven, Vogel Securities, Inc., 8440
Public utility holding company filings, 8442

Surface Mining Reclamation and Enforcement Office
NOTICES
Agency information collection activities under OMB review, 8427

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Research and Special Programs Administration

Treasury Department
NOTICES
Agency information collection activities under OMB review, 8447

Separate Parts In This Issue

Part II
Environmental Protection Agency, 8451

Part III
Interior Department, Indian Affairs Bureau, 8477

Part IV
Transportation Department, Research and Special Programs Administration, 8479

Part V
Transportation Department, Research and Special Programs Administration, 8487

Part VI
Transportation Department, Research and Special Programs Administration, 8493

Part VII
Health and Human Services Department, National Institutes of Health, 8499

Part VIII
Environmental Protection Agency, 8503

Part IX
The President, 8513

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free **Electronic Bulletin Board** service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

CFR PAR
A cumulativ
Reader Aids
3 CFR
Executive O
12837
12838
12839
Administrati
Memorandum
January 29,
February 3,
7 CFR
918
12 CFR
303
325
1605
14 CFR
21
23
39
Proposed Ru
Ch. I
71
17 CFR
4
25 CFR
501
515
519
522
523
524
531
533
535
537
539
556
558
571
573
575
577
29 CFR
2619
2676
40 CFR
58
271
Proposed Ru
52 (2 docum
261
47 CFR
73 (5 docum
Proposed Ru
Ch. I
73
48 CFR
552
Ch. 20
50 CFR
17
Proposed Ru
17 (3 docum

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Executive Orders:

12837.....8205
12838.....8207
12839.....8515

Administrative Orders:

Memorandums:

January 29, 1993.....8201
February 3, 1993.....8203

7 CFR

918.....8209

12 CFR

303.....8210
325.....8210
1605.....8220

14 CFR

21.....8222
23.....8222
39.....8224

Proposed Rules:

Ch. I.....8244
71.....8244

17 CFR

4.....8226

25 CFR

501.....8449
515.....8449
519.....8449
522.....8449
523.....8449
524.....8449
531.....8449
533.....8449
535.....8449
537.....8449
539.....8449
556.....8449
558.....8449
571.....8449
573.....8449
575.....8449
577.....8449

29 CFR

2619.....8230
2676.....8231

40 CFR

58.....8452
271.....8232

Proposed Rules:

52 (2 documents).....8245, 8246
261.....8504

47 CFR

73 (5 documents).....8233–8235

Proposed Rules:

Ch. I.....8248
73.....8248

48 CFR

552.....8235
Ch. 20.....8449

50 CFR

17.....8235

Proposed Rules:

17 (3 documents).....8249, 8250

VOL
58

ISS
28

FE
12

1993

UMI

Title 3—

The Pres

[FR Doc. 93–3
Filed 2–10–93;
Billing code 3

Federal Register
Vol. 58, No. 28
Friday, February 12, 1993

Presidential Documents

Title 3—

The President

Memorandum of January 29, 1993

Report to Congress Under the FREEDOM Support Act

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the FREEDOM Support Act (Public Law 102–511) (the "Act") and section 301 of Title 3 of the United States Code, I hereby delegate the functions and authorities relating to the report required to be submitted not later than January 31, 1993, under section 104 of the Act to the Secretary of State, who is authorized to redelegate these functions and authorities consistent with applicable law.

You are authorized and directed to publish this memorandum in the **Federal Register**.

William J. Clinton

THE WHITE HOUSE,
Washington, January 29, 1993.

[FR Doc. 93–3503
Filed 2–10–93; 12:18 pm]
Billing code 3195–01–M

VOL
58
ISS
28
FE
12
1993
UMI

[FR Doc. 93-
Filed 2-10-9
Billing code

Presidential Documents

Memorandum of February 3, 1993

Delegation of Authority With Respect to Reports Concerning Russian Military Exports

Memorandum for the Secretary of State

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including Section 301 of Title 3 of the United States Code, I hereby delegate to the Secretary of State all functions vested in me by Section 599B of Title V of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 1993 (Pub. L. 102–391). These functions shall be exercised in consultation with appropriate departments and agencies.

The Secretary of State is authorized and directed to publish this memorandum in the **Federal Register**.

William J. Clinton

THE WHITE HOUSE,
Washington, February 3, 1993.

[FR Doc. 93–3514
Filed 2–10–93; 12:42 pm]
Billing code 3195–01–M

VOL
58

ISS
28

FE
12

1993

UMI

Presidential Documents

Executive Order 12837 of February 10, 1993

Deficit Control and Productivity Improvement in the Administration of the Federal Government

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Budget and Accounting Act of 1921, as amended (31 U.S.C. 1101 *et seq.*), and section 301 of title 3, United States Code, and in order to assist in the control of the Federal deficit and improve the administrative productivity of the Federal Government, it is hereby ordered as follows:

Section 1. All executive departments and agencies shall include a separate category for "administrative expenses" when submitting their appropriation requests to the Office of Management and Budget (OMB) for fiscal years 1994 through 1997. The Director of OMB (Director), in consultation with the agencies, shall establish and revise as necessary a definition of administrative expenses for the agencies. All questions regarding the definition of administrative expenses shall be resolved by the Director.

Sec. 2. The purpose of this order is to achieve real reductions in the administrative costs of Federal agencies. In order to accomplish that goal, agencies shall submit budgets that reflect the following reductions from the fiscal year 1993 baseline:

(a) For fiscal year 1994, all agencies shall submit budget requests that reflect no less than a 3 percent reduction in administrative expenses from the amount made available for fiscal year 1993 adjusted for inflation;

(b) For fiscal year 1995, all agencies shall submit budget requests that reflect no less than a 6 percent reduction in administrative expenses from the amounts made available for fiscal year 1993 adjusted for inflation;

(c) For fiscal year 1996, all agencies shall submit budget requests that reflect no less than a 9 percent reduction in administrative expenses from the amounts made available for fiscal year 1993 adjusted for inflation;

(d) For fiscal year 1997, all agencies shall submit budget requests that reflect no less than a 14 percent reduction in administrative expenses from the amounts made available for fiscal year 1993 adjusted for inflation.

Sec. 3. The Director shall review agency requests for administrative expenses. The Director shall ensure that all agency requests for such expenses are reduced in accordance with section 2. To the extent that any agency fails to comply with the mandates of section 2, the Director is authorized to reduce the request for administrative expenses in that agency's budget to achieve the appropriate reduction.

VOL
58
ISS
28
FE
12
1993
UMI

Sec. 4. All independent regulatory commissions and agencies are requested to comply with the provisions of this order.

William J. Clinton

THE WHITE HOUSE,
February 10, 1993.

[FR Doc. 93-3586
Filed 2-10-93; 4:33 pm]
Billing code 3195-01-M

Editorial note: For the President's remarks on signing this Executive order, see issue 6 of the *Weekly Compilation of Presidential Documents.*

Presidential Documents

Executive Order 12838 of February 10, 1993

Termination and Limitation of Federal Advisory Committees

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Advisory Committee Act ("FACA"), as amended (5 U.S.C. App.), it is hereby ordered as follows:

Section 1. Each executive department and agency shall terminate not less than one-third of the advisory committees subject to FACA (and not required by statute) that are sponsored by the department or agency by no later than the end of fiscal year 1993.

Sec. 2. Within 90 days, the head of each executive department and agency shall submit to the Director of the Office of Management and Budget, for each advisory committee subject to FACA sponsored by that department or agency: (a) a detailed justification for the continued existence, or a brief description in support of the termination, of any advisory committee not required by statute; and (b) a detailed recommendation for submission to the Congress to continue or to terminate any advisory committee required by statute. The Administrator of General Services shall prepare such justifications and recommendations for each advisory committee subject to FACA and not sponsored by a department or agency.

Sec. 3. Effective immediately, executive departments and agencies shall not create or sponsor a new advisory committee subject to FACA unless the committee is required by statute or the agency head (a) finds that compelling considerations necessitate creation of such a committee, and (b) receives the approval of the Director of the Office of Management and Budget. Such approval shall be granted only sparingly and only if compelled by considerations of national security, health or safety, or similar national interests. These requirements shall apply in addition to the notice and other approval requirements of FACA.

Sec. 4. The Director of the Office of Management and Budget shall issue detailed instructions regarding the implementation of this order, including exemptions necessary for the delivery of essential services and compliance with applicable law.

Sec. 5. All independent regulatory commissions and agencies are requested to comply with the provisions of this order.

William J. Clinton

THE WHITE HOUSE,
February 10, 1993.

[FR Doc. 93-3587
Filed 2-10-93; 4:34 pm]
Billing code 3195-01-M

Editorial note: For the President's remarks on signing this Executive order, see issue 6 of the *Weekly Compilation of Presidential Documents.*

VOL
58
ISS
28
FE
12
1993
UMI

Rules

This section
contains reg
applicability
are keyed t
Federal Reg
50 titles pur

The Code o
the Superin
new books
REGISTER

DEPARTM

Agricultur

7 CFR Par

[Docket No

Suspensio
Order 918
Georgia

AGENCY: A
USDA.
ACTION: Su

SUMMARY:
fiscal year
through Fe
provisions
No. 918 fo
Georgia (o
regulations
action is t
recommen
by the Geo
Committee
responsibl
the order.
recommen
belief that
currently a
and merch
peach indu
quality, ma
currently i
order. The
transferrin
program w
use of the

EFFECTIVE
through Fe

FOR FURTH
William Pi
Field Offic
201, Winte
telephone
Hessel, Ma
Branch, Fr
AMS, USD
2525–S, W
telephone

Rules and Regulations

Federal Register
Vol. 58, No. 28
Friday, February 12, 1993

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 918

[Docket No. FV92-918-1]

Suspension of Provisions of Marketing Order 918; Fresh Peaches Grown in Georgia

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension order.

SUMMARY: This action suspends, for two fiscal years, effective March 1, 1993, through February 28, 1995, all provisions of Federal Marketing Order No. 918 for fresh peaches grown in Georgia (order), and the rules and regulations issued thereunder. This action is taken as a result of a recommendation for suspension made by the Georgia Peach Industry Committee (committee), the agency responsible for local administration of the order. The committee's recommendation was based upon the belief that a State program, which is currently active in market promotion and merchandising for the Georgia peach industry, could provide the quality, maturity, and size regulations currently in effect under the Federal order. The committee believes that transferring all functions to a single program will result in the more efficient use of the industry funds.

EFFECTIVE DATES: March 1, 1993, through February 28, 1995.

FOR FURTHER INFORMATION CONTACT: William Pimental, Southeast Marketing Field Office, 301 3rd Street NW., suite 201, Winter Haven, Florida 33883-2276, telephone 813-299-4770, or Mark Hessel, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456, telephone 202-720-3923.

SUPPLEMENTARY INFORMATION: Marketing Agreement and Order No. 918 (7 CFR part 918) regulates the handling of peaches grown in Georgia. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act." The suspension action is being taken under the provision of section 8c(16)(A) of the Act.

This action has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This action has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This action will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this action.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has as his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 20 handlers of Georgia peaches who are subject to regulation under the marketing order and approximately 150 peach producers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000. Small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of these handlers and producers may be classified as small entities.

Marketing Order 918 has been in effect since 1942. The order provides for the establishment of grade, size, quality, maturity, container and inspection requirements. In addition, the order authorizes production research and marketing research and development projects. It also provides for reporting and recordkeeping requirements on affected handlers. The production and marketing season runs from early March through late July.

The committee met on November 12, 1992, and unanimously recommended suspension of the marketing order at the end of the 1992-93 fiscal period. The recommendation was made to eliminate the expense of administering the marketing order. The committee's recommendation was based on the belief that the quality, maturity, and size standards that are currently in effect under the order could be implemented under the State program that currently conducts market promotion activities for the Georgia peach industry. The committee believes that by transferring all functions to a single program, industry funds will be used more efficiently. While the Federal order authorizes marketing research and development projects, these activities have been carried out under the authority of the State program for the past several years. The order also authorizes container requirements and production research, but these provisions have been inactive for many years.

The committee recommended suspension, not termination, of the marketing order to allow the industry an opportunity to review the effectiveness

VOL
58
ISS
28
FE
12
1993
UMI

of operating under only a State program. If problems develop, the committee wants the industry to have the alternative of reactivating the Federal marketing order. Evidence indicates that the committee and the industry continue to support the need for quality, size, maturity, and inspection requirements.

The industry will have the opportunity to monitor the effectiveness of the State program, without Federal marketing order regulations in effect, during the next two marketing seasons. A meeting will be held prior to January 1995 to discuss the situation. At that time a determination will be made on whether to reactivate the order, continue the suspension, or terminate the order

Thus, it is determined that Federal Marketing Order No. 918, and the rules and regulations issued thereunder, does not tend to effectuate the declared policy of the Act. This action suspends, from March 1, 1993, through February 28, 1995, provisions of Federal Marketing Order No. 918, and the rules and regulations issued thereunder, including, but not limited to, the:

(1) Provisions of the order dealing with the establishment and responsibilities of the committee and the administration of the order;

(2) The quality, size, maturity, and inspection requirements;

(3) The administrative rules and regulations related to exempt shipments; and

(4) Information collection and reporting requirements (In compliance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), such requirements have been approved by the Office of Management and Budget and assigned OMB Control No. 0581–0135).

Based on the unanimous recommendation of the committee, the Secretary has determined that, during the suspension period, all nine committee members (not including alternates) will serve as trustees for the committee in order to oversee the administrative affairs of the order. The trustees will be responsible for completing the order's unfinished business, including ensuring termination of all outstanding agreements, contracts, and the payment of all obligations. The trustees will be responsible for safeguarding program assets, holding committee records, and arranging for a financial audit to be conducted. All such actions by the trustees during the period of suspension are subject to the approval of the Secretary. Those designated as trustees are Mr. Robert Dickey III, Chairperson, Mr. Jeff Wainwright, Vice-Chairperson, Mr. W.H. Davidson III, Secretary/Treasurer, Mr. Al Pearson, committee member, Mr. Bobby Lane, committee member, Mr. Emory Alexander, committee member, Mr. William W. Drew, committee member, Mr. Howard Lawson, committee member, and Mr. Stephen C. Meyers, committee member. The trustees shall continue in their capacity until the order is reactivated, terminated, or discharged by the Secretary.

The remainder of the reserves, after immediate expenses are paid, will be held by the trustees to be used to cover unforeseen, outstanding expenses obligated by the committee. Such funds could also be used by the trustees to pay for necessary start-ups costs should the order, at the determination of the Secretary, be reactivated. When a final determination is made regarding the order, any remaining funds will be used or disbursed in accord with the appropriate order provisions.

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

It is also found and determined, upon good cause, that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice or to engage in further public procedure with respect to this action because: (1) This action relieves restrictions on handlers by suspending the requirements regulating the handling of peaches pursuant to Marketing Order No. 918; (2) handlers are aware of this action, which was discussed and recommended at a public meeting held by the committee; and (3) no useful purpose would be served by delaying the suspension of the marketing order.

List of Subjects in 7 CFR Part 918

Marketing agreements, Peaches, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, under the authority of 7 U.S.C. 601–674 (7 CFR part 918), and all provisions therein, is suspended effective March 1, 1993, through February 28, 1995.

Dated: February 5, 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–3232 Filed 2–11–93; 8:45 am]

BILLING CODE 3410–02–M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 303 and 325

RIN 3064–AB16

Applications, Delegations of Authority, Capital Maintenance, Prompt Corrective Action

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rules.

SUMMARY: The FDIC has adopted final rules revising its regulations governing applications, delegations of authority and capital maintenance to further implement the prompt corrective action (PCA) provisions in section 38 of the Federal Deposit Insurance Act (FDI Act), as added by section 131 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA), and the PCA provisions of its capital maintenance regulations, as well as to make certain other technical amendments to those regulations. The PCA statutory provisions and regulations require or permit the FDIC and other Federal banking agencies to take certain supervisory actions when FDIC-insured institutions fall within one of five specifically enumerated capital categories. They also restrict or prohibit certain activities and require the submission of a capital restoration plan when an insured institution becomes undercapitalized. Various provisions of section 38 of the FDI Act and the FDIC's implementing regulations (the PCA statute and regulations) require the prior approval of the FDIC before an FDIC-supervised institution can engage in certain activities, or allow the FDIC to make exceptions to restrictions that would otherwise be imposed. The amendments to the FDIC's regulations on applications and delegations of authority establish application procedures for FDIC-insured institutions to obtain prior written approval for certain activities or to seek exceptions from certain restrictions. In addition, the amendments revise the delegations of authority, in part, so that the authority to act on many of the applications and requests for exceptions is delegated from the FDIC's Board of Directors to the Director, Associate Directors, Regional Directors or Deputy Regional Directors in the FDIC's Division of Supervision. Moreover, the final rules add delegations of authority necessary to implement the PCA provisions of the recently enacted Depository Institutions Disaster Relief Act of 1992. Finally, the FDIC has

revised its Statement of Policy on Risk-based Capital (Appendix A to its capital maintenance regulations) to make certain technical amendments concerning: Claims on non-OECD central banks; local currency claims guaranteed by non-OECD central governments; claims on multilateral lending institutions and regional development institutions; assets sold with recourse; and deductions from Tier 1 capital for assets classified loss and inadequate loan loss reserves.

EFFECTIVE DATES: The amendments to part 303 are effective on February 12, 1993. The amendments to part 325 become effective on March 15, 1993.

FOR FURTHER INFORMATION CONTACT: Daniel M. Gautsch, Examination Specialist (202–898–6912), Stephen G. Pfeifer, Examination Specialist (202–898–8904), Division of Supervision; Claude A. Rollin, Counsel (202–898–3985), Andrea J. Winkler, Counsel (202–898–3764), Grovetta N. Gardineer, Senior Attorney (202–898–3905), Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in these final rules has been submitted to the Office of Management and Budget for review pursuant to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Comments on the collection of information should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Federal Deposit Insurance Corporation, with copies of such comments to be sent to Steven F. Hanft, Office of the Executive Secretary, room F–453, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429. The collections of information in these proposed regulations are found in part 303 of the FDIC's regulations, 12 CFR part 303, and take the form of (1) An application for approval to make a capital distribution from an insured institution that would be undercapitalized after making said distribution pursuant to section 38(d)(1) of the FDI Act; (2) an application from an undercapitalized institution for approval to engage in any new line of business pursuant to section 38(e)(4) of the FDI Act; (3) an application from a critically undercapitalized institution for approval to pay interest on the institution's subordinated debt, beginning 60 days after becoming critically undercapitalized, pursuant to section 38(h)(2) of the FDI Act; (4) an application for an undercapitalized or significantly undercapitalized institution to pay any bonus or increased compensation to any senior executive officer pursuant to section 38(f)(4) of the FDI Act; (5) an application for a critically undercapitalized institution to enter into any material transaction other than in the usual course of business pursuant to section 38(i) of the FDI Act; (6) an application from a critically undercapitalized institution to extend credit for any highly leveraged transaction pursuant to section 38(i) of the FDI Act; (7) an application from a critically undercapitalized institution to amend its charter or bylaws under certain circumstances; (8) an application from a critically undercapitalized institution to make any material change in accounting methods pursuant to section 38(i) of the FDI Act; (9) an application from a critically undercapitalized institution to engage in any covered transaction (as defined in section 23A(b) of the Federal Reserve Act, 12 U.S.C. 371A(b)), pursuant to section 38(i) of the FDI Act; (10) an application from a critically undercapitalized institution to pay excessive compensation or bonuses pursuant to section 38(i) of the FDI Act.

This information will assist institutions in complying with the statutory requirements and allow the FDIC to properly discharge its responsibilities under section 38 of the FDI Act. The information will be used for the purpose of implementing the statutory requirements.

The estimated annual reporting burden for the collection of information requirements in the regulation is summarized as follows:

Applications for Approval Under Prompt Corrective Action Pursuant to Section 38 of the FDI Act and Subpart B of Part 325

Number of Respondents: 195
Number of Responses Per Respondent: 1
Total Annual Responses: 195
Hours Per Response: 4
Total Annual Burden Hours: 780

Discussion

Amendments to Part 303

The FDIC is amending certain portions of part 303 of its regulations, 12 CFR part 303, pertaining to applications in order to implement the PCA provisions of section 38 of the FDI Act, as added by section 131 of FDICIA, and the PCA provisions of subpart B of part 325 of the FDIC's regulations, 12 CFR part 325, subpart B. Various provisions in the PCA statute and regulations call for the prior written approval of the FDIC before an insured depository institution [1] can engage in a certain activity, or allow the FDIC to make exceptions to restrictions otherwise imposed by the PCA statute and regulations.

Consistent with the usual FDIC procedure in instances in which an institution must obtain approval from, or be granted exceptions by, the FDIC, the FDIC proposes to use its application procedures to address such matters. The suggested application process is meant to be as simple as possible, and delegations to act on applications made pursuant to the PCA provisions are to the maximum extent consistent with other application delegations.

The requirements for applications filed pursuant to PCA are contained in a new paragraph (e) to be added to § 303.5 of the FDIC's regulations, 12 CFR 303.5, and the delegations to act on such applications appear in a new § 303.7(f)(ix) of the FDIC's regulations, 12 CFR 303.7(f)(ix). Application procedures contained in § 303.6 of the FDIC's regulations, 12 CFR 303.6 (concerning notice of disposition, petition for reconsideration, etc.) would apply and are not being revised.

1. General Application Requirements

New § 303.5(e) of the FDIC's regulations, 12 CFR 303.5(e), provides that an application by any insured depository institution pursuant to the PCA statute and regulations should be filed with the Division of Supervision regional director of the FDIC region in which the insured depository institution is located. The application shall be in letter form, except as otherwise provided below. Such letter must be signed by the president, senior officer or a duly authorized agent of the insured depository institution and be accompanied by a certified copy of a resolution adopted by the institution's board of directors or trustees authorizing the application. Each application is required to contain the information specified below and any

[1] Throughout this preamble and the regulations we utilize the term "insured depository institution" for the sake of simplicity. However, the FDIC is the primary Federal regulator only for FDIC-insured state-chartered nonmember banks and state-licensed branches of foreign banks. Consequently, only those types of institutions would generally submit applications to the FDIC and the FDIC's delegations of authority would apply only with respect to those applications. However, any insured depository institution (regardless of type) that is critically undercapitalized would have to submit applications to the FDIC and the FDIC's delegations would apply with respect to such applications.

VOL
58
ISS
28
FE
12
1993
UMI

other information requested by the Corporation.

2. Capital Distributions

Section 38(d)(1) of the FDI Act provides that no institution may make a capital distribution, as defined in section 38(b)(2)(B) of the FDI Act, if, after making such distribution, the institution would be undercapitalized. The FDIC, in the case of insured state-chartered nonmember banks, or the appropriate primary federal regulator for other insured depository institutions, after consulting with the FDIC, may permit an insured institution to repurchase, redeem, retire, or otherwise acquire shares or ownership interests if the repurchase, redemption, retirement, or other acquisition: (1) Is connected to issuance of additional shares or obligations of the institution in at least an equivalent amount; and (2) will reduce the institution's financial obligations or otherwise improve its financial condition.

To obtain such an exception from the FDIC, § 303.5 was amended by adding a new paragraph (e)(1), which provides that such applications shall describe the proposed repurchase, redemption, retirement or other acquisition of shares or ownership interests, the shares or obligations which are the subject thereof, and the additional shares or obligations of the institution which will be issued in at least an amount equivalent to the distributed shares. The application must also explain how the proposal will reduce the institution's financial obligations or otherwise improve its financial condition. Where the proposed action also requires an application pursuant to section 18(i) of the FDI Act, 12 U.S.C. 1828(i), such application should be filed concurrently with, or be made a part of, the application filed pursuant to the PCA statute and regulations.

3. Acquisitions, Branching, and New Lines of Business

Section 38(e)(4) of the FDI Act provides that undercapitalized insured institutions may not, directly or indirectly, acquire any interest in any company or insured depository institution, establish or acquire any additional branch office, or engage in a new line of business unless the appropriate Federal banking agency has accepted the insured depository institution's capital restoration plan, the institution is implementing the plan and the agency determines that the proposed action is consistent with and will further the achievement of the plan; or the FDIC Board of Directors determines the proposed action will further the purposes of section 38.

New § 303.5(e)(2) of the FDIC's regulations, 12 CFR 303.5(e)(2), provides that such applications must describe the proposal, indicate the date the institution's capital restoration plan was accepted by its primary Federal regulator, describe the institution's status toward implementing the plan, and explain how the proposed action is consistent with and will further the achievement of the plan or otherwise further the purposes of section 38 of the FDI Act. Where the FDIC is not the applicant's primary federal regulator, the application should also state whether approval has been requested from the applicant's primary Federal regulator, the date of such request, and the disposition of the request, if any. Where the proposed action also requires applications pursuant to section 18 (c) or (d) of the FDI Act, 12 U.S.C. 1828(c) and 1828(d), such applications should be filed concurrently with, or made a part of, the application pursuant to section 38 of the FDI Act.

4. Bonuses and Increased Compensation for Senior Executive Officers

Section 38(f)(4) of the FDI Act provides that no significantly undercapitalized insured depository institution or undercapitalized institution that fails to submit an acceptable capital restoration plan within the time allowed or fails in any material respect to implement an accepted capital restoration plan may (1) pay a bonus to any senior executive officer or (2) provide compensation to any senior executive officer at a rate exceeding that officer's average rate of compensation (excluding bonuses, stock options, and profit sharing) during the 12 months preceding the calendar month the institution became undercapitalized without the prior written approval of the appropriate Federal bank regulatory agency. No approval may be granted for an institution that has not filed an acceptable capital restoration plan, pursuant to section 38(e)(2) of the FDI Act.

New § 303.5(e)(3) of the FDIC's regulations, 12 CFR 303.5(e), provides that such applications filed by FDIC-supervised institutions shall list each proposed bonus or increase in compensation, and for the latter shall identify compensation for each of the twelve calendar months preceding the calendar month in which the institution became undercapitalized. Applications also must state the date the institution's capital restoration plan was accepted by the FDIC, and should describe the institution's progress in implementing the plan.

5. Payment of Principal or Interest on Subordinated Debt

Section 38(h)(2) of the FDI Act provides that a critically undercapitalized institution shall not, beginning 60 days after becoming critically undercapitalized, pay any interest or principal on its subordinated debt. The FDIC may grant an exception if: (1) The primary Federal regulator, with the concurrence of FDIC, has determined to take some action with regard to the institution that would be better than appointing a conservator or receiver; and (2) the FDIC determines the exception would further the purposes of section 38 of the FDI Act.

New § 303.5(e)(4) of the FDIC's regulations, 12 CFR 303.5(e)(4), provides that such applications shall describe the proposed payment and provide an explanation of the action taken under section 38(h)(3)(A)(ii) of the FDI Act. The application must also explain how such payments would further the purposes of section 38 of the FDI Act. Existing approvals pursuant to requests filed under section 18(i)(1) of the FDI Act, 12 U.S.C. 1828(i)(1), shall not be deemed to be the permission needed pursuant to section 38.

6. Restricted Activities for Critically Undercapitalized Institutions

Section 38(i)(2) of the FDI Act prohibits certain activities for a critically undercapitalized insured depository institution without the prior written approval of the FDIC.

In this regard, new § 303.5(e)(5) of the regulations, 12 CFR 303.5(e)(5), provides that applications to engage in any of the activities enumerated in sections 38(i)(2) (A) through (G) of the FDI Act, which are set forth below, shall describe the proposed activity and explain how the activity would further the purposes of section 38 of the FDI Act. Those enumerated activities are: (i) Entering into any material transaction other than in the usual course of business including any investment, expansion, acquisition, sale of assets, or other similar action with respect to which the depository institution is required to provide notice to its appropriate Federal banking agency; (ii) extending credit for any highly leveraged transaction; (iii) amending the institution's charter or bylaws, except to the extent necessary to carry out any other requirement of any law, regulation, or order; (iv) making any material change in accounting methods; (v) engaging in any covered transaction (as defined in section 23A(b) of the

Federal Reserve Act, 12 U.S.C. 371A(b)); or (vi) paying excessive compensation or bonuses.

7. Delegations of Authority

Current § 303.7(f)(1) of the FDIC's regulations, 12 CFR 303.7(f)(1), was amended by adding at the end thereof a new paragraph (ix) to provide authority below the level of the FDIC's Board of Directors as far as the Deputy Regional Director, to act on applications filed pursuant to the PCA statute and regulations, including applications to make a capital distribution; applications for acquisitions, branching, and to engage in new lines of business (except that the delegation is limited to the authority as delegated to approve or deny any concurrent application filed pursuant to 18 (c) or (d) of the FDI Act); applications to pay a bonus or increase compensation; applications for an exception to pay principal or interest on subordinated debt; and applications to engage in any restricted activity listed in § 303.5(e)(5).

It should be noted that in the event that any application filed pursuant to the PCA statute and regulations is denied, the applicant may seek reconsideration under the existing procedures specified in § 303.6(e) of the FDIC's regulations. 12 CFR 303.6(e).

Section 303.9 of the FDIC's regulations, 12 CFR 303.9, has been amended to delegate authority from the FDIC's Board of Directors to as far as the deputy regional director to accept, to reject, and to require new or revised capital restoration plans or to make any other determinations with respect to the implementation of capital restoration plans. Furthermore, in accordance with the requirements contained in subpart Q of part 308 (12 CFR part 308, subpart Q), authority has been delegated to issue: (1) Notices of intent to issue PCA directives; (2) directives to insured banks pursuant to section 38 of the FDI Act; (3) notices of intent and consensual directives to reclassify an insured bank, as well as orders on requests for informal hearings to reconsider reclassifications; and (4) directives to insured depository institutions requiring them to immediately take actions or to follow proscriptions pursuant to section 38 of the FDI Act.

Section 303.9 was further amended to delegate authority from the FDIC's Board of Directors to the Director of the Division of Supervision, and where confirmed in writing by the Director, to an Associate Director, to: (1) Issue notices of intent to issue a PCA directive ordering the dismissal of a director or senior executive officer; (2) issue directives ordering the dismissal of a director or senior executive officer; (3) issue orders requiring that a director or senior executive officer be dismissed from office where the individual consents to the issuance of such orders prior to the filing of a recommendation by a presiding officer with the FDIC; (4) act on recommended decisions of presiding officers pursuant to a request for reconsideration of reclassification; (5) act on requests for rescission of a reclassification; and (6) act on appeals from immediately effective directives issued pursuant to section 38 of the Act, and § 308.201 of the FDIC's regulations (12 CFR 308.201).

The foregoing authorities delegated by § 303.9 can be exercised only upon the concurrent certification by the FDIC's Associate General Counsel for Compliance and Enforcement, or in cases where a regional director or deputy regional director acts under delegated authority, by the appropriate regional counsel, that the action to be taken in not inconsistent with section 38 of the FDI Act or part 325 of the FDIC's regulations, 12 CFR part 325 and, when a directive is to be issued, that there is a sufficient basis for the issuance of the directive.

Finally, § 303.9 is being amended to delegate authority from the FDIC's Board of Directors to the Executive Secretary of the FDIC to issue orders and designate presiding officers for informal hearings on directives regarding dismissals of directors and senior executive officers issued pursuant to section 38(f)(2)(F)(ii) of the Act, 12 U.S.C. 1831o(f)(2)(F)(ii).

The FDIC also revised § 303.8 of its regulations, 12 CFR 303.8, by adding a new paragraph (i) to provide delegations of authority, below the level of the FDIC's Board of Directors as far as the deputy regional director, to implement the prompt corrective action waiver provisions of the Depository Institutions Disaster Relief Act of 1992 (DIDRA) (Pub. L. 102–485), which was signed into law on October 23, 1992. Section 4 of DIDRA, entitled "Deposit of Insurance Proceeds," permits the FDIC to grant relief from the Tier I leverage capital requirements under the PCA regulations when an FDIC-supervised depository institution has experienced extraordinary asset growth resulting from deposits of insurance proceeds from major disasters. This may include government assistance funds to cover losses from damage caused by a major disaster. In this situation the FDIC may permit an institution to operate at a leverage capital level that first subtracts these deposits before calculating compliance with the PCA provisions in subpart B of part 325 of the FDIC's regulations, 12 CFR part 325, subpart B. Such regulatory relief may be granted during the 18-month period beginning on October 23, 1992, the date of enactment of this Act.

8. Other Amendments to Part 303

Other technical amendments have been made to the title of part 303, §§ 303.2, 303.3, 303.7(f)(1)(iii), 303.9, 303.10 and the caption for § 303.7 of the FDIC's regulations, to provide consistency.

Amendments to Part 325

The FDIC has revised the scope provision in the existing capital maintenance regulations which appears in § 325.1 of the regulations, 12 CFR 325.1. It has been revised to reflect the fact that, as a result of the PCA amendments to the regulations, this scope provision now applies only to subpart A of part 325, 12 CFR part 325, subpart A. A separate scope provision is contained in subpart B of part 325, 12 CFR 325.101(c), and that provision is referenced in the revised scope provision contained in subpart A of part 325, 12 CFR 325.1.

The FDIC has also revised the requirement, in § 325.3(c)(3) of its existing regulations, 12 CFR 325.3(c)(3), that an FDIC-supervised bank (that has less than the minimum leverage ratio) submit a capital plan to the FDIC. The existing provision requires the submission of a capital plan within 60 days of the date on which an institution fails to meet its minimum leverage requirement. This provision has been changed to make reference to the requirement that banks submit a capital restoration plan within 45 days of the date they become undercapitalized as required by the PCA statute and regulations (section 38(e)(2) of the FDI Act and § 325.104(a)(1), 12 CFR 325.104(a)(1), of the FDIC's regulations).

The FDIC believes that there is no need for banks to submit more than one plan to raise capital and thus is eliminating the existing requirement in § 325.3(c)(3) and simply cross-referencing, in that section, the requirement in § 325.104(a)(1) of the FDIC's regulations.

1. Claims on Non-OECD Central Banks

The FDIC is revising its risk-based capital guidelines to clarify that all short-term (as well as long-term) claims on central banks in non-OECD countries should be assigned to the 100 percent risk-weight category if they involve transfer risk. This clarification will ensure that the FDIC's treatment of claims on non-OECD central banks is consistent with the Basle Accord and

the risk-based capital guidelines of the OCC and FRB. The FDIC's existing risk-based capital guidelines arguably could imply that short-term claims on non-OECD central banks may be assigned to the same 20 percent risk category that is permitted for short-term claims on non-OECD commercial banks. However, this favorable treatment of short-term commercial bank claims is not intended to apply to short-term claims on non-OECD central governments or their respective central banks. Discussions among international supervisors that are members of the Basle Committee on Banking Supervision have confirmed that claims on central banks should be placed in the same risk category as is accorded to claims on their corresponding central governments.

In this regard, the Basle Accord assigns all claims on OECD central governments and OECD central banks to the zero percent risk category. In addition, all claims (long- and short-term) on OECD commercial banks and short-term claims on non-OECD commercial banks are accorded a 20 percent risk weight. However, long-term claims on non-OECD commercial banks, and all claims on non-OECD central governments that involve transfer risk, are assigned to the 100 percent risk category. This clarification will not impact OECD central banks since claims on OECD central governments and their dental banks are already assigned to the zero percent risk category.

2. Local Currency Claims Guaranteed by Non-OECD Central Governments

The FDIC's risk-based capital guidelines provide that portions of claims unconditionally guaranteed by OECD countries are assigned to the zero percent risk weight category and that portions conditionally guaranteed are accorded a 20 percent risk weight. However, in discussing local currency claims guaranteed by non-OECD central governments, the FDIC's risk-based framework does not specifically mention the distinction between unconditional and conditional guarantees.

In order to clarify that this distinction is intended to apply to local currency claims guaranteed by non-OECD central governments, the risk-based guidelines are being modified to specifically provide that a zero percent risk weight is assigned only to the portions of local currency claims "unconditionally guaranteed" by non-OECD central governments (to the extent that the bank has liabilities booked in that currency) and that similar local currency claims that are only "conditionally guaranteed" by the non-OECD central governments would be placed in the 20 percent risk category.

This clarification will make the FDIC'S risk-based capital treatment of claims on or guaranteed by non-OECD central governments consistent with the guidelines of the OCC and FRB.

Under the FDIC's existing risk-based capital guidelines, a 100 percent risk weight will continue to be assigned to all other claims on non-OECD central governments, including all non-local currency claims on non-OECD central governments, as well as those portions of local currency claims on (or guaranteed by) non-OECD central governments that exceed the local currency liabilities held by the bank.

3. Claims on Multilateral Lending Institutions and Regional Development Institutions

The FDIC's risk-based capital guidelines provide that claims on certain multilateral lending institutions and regional development institutions, including institutions such as the International Bank for Reconstruction and Development (World Bank), the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the European Investment Bank, are assigned to the 20 percent risk category. This modification of the FDIC's risk-based framework adds the following three institutions to the specific listing: the International Finance Corporation, the European Bank for Reconstruction and Development, and the Nordic Investment Bank. Under the existing risk-based capital guidelines, claims on all other multilateral lending institutions or regional development institutions in which the U.S. Government is a shareholder or contributing member are also assigned to the 20 percent risk category.

The International Finance Corporation is a subsidiary of the World Bank, an organization that the risk-based capital guidelines already specifically name as an institution eligible for the 20 percent risk weight. The European Bank for Reconstruction and Development was established after the initial publication of the risk-based capital guidelines, but the U.S. is a contributing shareholder of this institution.

The Nordic Investment Bank is an institution in which the U.S. is not a shareholder nor a contributing member. However, the Basle Committee on Banking Supervision has interpreted the criteria in the Basle Accord for assigning a multilateral lending institution to the 20 percent risk category to mean that any country may include Nordic Investment Bank in this preferential risk category since Sweden, a G–10 country, is a shareholder in the Nordic Investment Bank. The treatment of these entities conforms the FDIC guidelines to those of the FRB and the Basle Committee.

4. Assets Sold With Recourse

In its treatment of off-balance sheet items, the FDIC's risk-based guidelines provide that asset sales with recourse, if not already included on the balance sheet, are converted at 100 percent and then assigned to the risk weight appropriate for the obligor (or, if relevant, the guarantor or the nature of the collateral). The policy statement further provides that "for risk-based capital purposes, the definition of sales of assets with recourse, including sales of participations in pools of residential mortgages, is consistent with the definition contained in the instructions for the preparation of the Consolidated Reports of Condition and Income (Call Reports)."

The Call Report instructions generally require assets that are sold by a bank with recourse to remain on the selling bank's balance sheet, with any proceeds from the transaction reflected as a borrowing. Certain exceptions to this general rule are allowed for mortgages transferred (i.e., sold or swapped) with recourse if those assets involve residential mortgage loan pools transferred to either the Federal National Mortgage Association (FNMA) or the Federal Home Loan Mortgage Corporation (FHLMC), or agricultural mortgage loan pools transferred to the Federal Agricultural Mortgage Corporation (Farmer Mac). In addition, certain residential mortgage loan pools transferred to private investors also can be reported as a sale for Call Report purposes if the selling bank does not retain any significant risk of loss, either directly or indirectly.

For assets sold with recourse that meet the described exceptions, the transactions that are reflected as sales for Call Report purposes and the assets are removed from the balance sheet. Therefore, for purposes of a bank's leverage ratio (whose denominator is based primarily on average balance sheet assets), an explicit leverage capital charge may not exist for such assets even though they may have been sold with recourse. Some have attempted to expand this mortgage loan pool exception to imply that, even for risk-based capital purposes, such mortgages sold with recourse would not require a capital charge.

The exclusion from capital of a broad class of transactions with a significant

amount of credit risk would be inconsistent with the principles of the risk-based capital guidelines under which capital is required for items that expose a bank to risk of loss, regardless of whether they are on or off the balance sheet. Further, the risk-based capital framework expressly provides that a 100 percent conversion factor should be assigned to assets sold with recourse if the assets are not already included on the balance sheet. Also, the Call Report instructions provide additional guidance on when assets are deemed to be sold with recourse and Schedule RC–L of the Call Report specifically requires banks to report the amounts of mortgages transferred with recourse to FNMA, FHLMC, Farmer Mac and private investors but which have been treated as being sold for Call Report purposes.

Consistent with the Basle Accord, the FDIC believes that its risk-based capital guidelines apply to all assets sold with recourse, not just those assets that must remain on the balance sheet for Call Report purposes. In order to further clarify this existing interpretation and to conform the FDIC's risk-based guidelines with those guidelines of the FRB and the OCC, the sixth paragraph of section II.D.1 of the FDIC's risk-based capital policy statement has been amended by adding the following:

> The entire amount of any assets transferred with recourse that are not already included on the balance sheet, including pools of one-to-four family residential mortgages, are to be converted at 100 percent and assigned to the risk weight appropriate to the obligor, or if relevant, the nature of any collateral or guarantees. The only exception involves transfers of pools of residential mortgages that have been made with insignificant recourse for which a liability or specific non-capital reserve has been established and is maintained for the maximum amount of possible loss under the recourse provision.

The exception for mortgage loan transfers involving insignificant risk of loss is permitted because no risk of loss to the bank's capital account exists if a specific non-capital reserve has already been established for the maximum contractual amount of possible loss under the recourse arrangement. The amount of this reserve may not be included in capital for the purpose of determining compliance with either the risk-based capital requirement or the leverage ratio; nor may the reserve be included in the allowance for loan and lease losses.

It is a basic tenant of the Basle Accord, and the risk-based capital guidelines of the three Federal banking agencies, that credit risks, whether on- or off-balance sheet, are to be taken into account in calculating an institution's risk-based capital ratios. Therefore, consistent with the overall objectives of the risk-based capital framework and the general treatment of recourse arrangements, the clarification described above confirms that credit risks stemming from mortgage loan pools transferred with recourse are subject to the appropriate risk-based capital charge.

The FDIC also notes that the overall treatment of asset sales with recourse is currently being reviewed by the Federal Financial Institutions Examination Council (FFIEC), of which the FDIC is a member. A request for comment by the FFIEC was published on June 29, 1990 (55 FR 26766). Many issues relevant to the capital treatment of recourse transactions are under consideration by the FFIEC recourse working group and other possible modifications to the treatment of recourse arrangements may be reviewed for their appropriateness by the FFIEC in the future.

5. Deductions From Tier 1 Capital for Assets Classified Loss and Inadequate Loan Loss Reserves

Section I.B of the FDIC's risk-based capital policy statement mentions several deductions from capital that are made for purposes of determining the numerator for the total risk-based capital ratio. Examples of these deductions include certain intangible assets, investments in some types of subsidiaries, and reciprocal holdings of bank capital instruments. Section I.B also provides that "on a case-by-case basis, and in conjunction with supervisory examinations, other deductions from capital may also be required, including any adjustments deemed appropriate for assets classified loss."

In addition, for purposes of calculating the numerator for a bank's leverage capital ratio, § 325.2(t) of the FDIC's capital regulation provides that all "identified losses" are to be deducted in determining the amount of Tier 1 capital. In defining identified losses, § 325.2(h) indicates that "examples of identified losses would be assets classified loss, off-balance sheet items classified loss, liabilities not shown on the institution's books, estimated losses in contingent liabilities, and differences in accounts which represent shortages."

The definitions for Tier 1 capital and for identified losses, when read in conjunction with one another, have lead some to believe that whenever an asset or off-balance sheet item is classified loss for examination report purposes, a deduction of the amount classified loss from Tier 1 capital is necessary. While this treatment may be appropriate for many loss classifications where no valuation allowances have been established, there are other circumstances where this deduction may result in an understatement of the amount of Tier 1 capital. For example, if a bank has not yet charged off certain loans that have been classified loss, but nonetheless already has taken provision expenses in amounts that are sufficient to provide for an adequate allowance for loan losses for the entire loan portfolio (including the loans classified loss), a deduction from Tier 1 capital for these loss classifications is not necessary. Indeed, such an adjustment actually may result in a "double deduction," since Tier 1 capital already has been effectively reduced through the provision expenses that previously were taken in establishing an adequate allowance for loan losses.

On the other hand, certain institutions may overstate the amount of Tier 1 capital by failing to take the provision expenses that are necessary to establish and maintain an adequate allowance for loan losses. For example, a bank may have a significant amount of problem loans that warrant the maintenance of a much higher allowance for loan losses than would be necessary for a bank with a like-size loan portfolio but with only a moderate degree of credit risk exposure.

However, if the first bank has not appropriately taken into account its significant credit risk exposure in determining the needed amount of its allowance for loan losses, its allowance account may be understated by the amount of this loan loss reserve deficiency and its Tier 1 capital therefore may be overstated by a similar amount. In this situation, a deduction from the bank's stated Tier 1 capital, by means of a provision expense to bring the allowance for loan and lease losses to an adequate level, may be necessary to accurately and realistically reflect the bank's actual amount of Tier 1 capital.

The FDIC believes these capital adjustments are implicitly intended under the existing capital rules. In addition, FDIC examination reports generally reflect any significant capital adjustments that are necessary to appropriately show a bank's actual capital position. Nonetheless, in order to further clarify the matter, the FDIC's capital regulation is being modified to indicate that appropriate adjustments to Tier 1 capital may be made for institutions that are determined to have an inadequate allowance for loan losses.

Conversely, for banks with assets that are classified loss but for which

VOL 58 ISS 28 FE 12 1993 UMI

adequate valuation reserves already have been established, a further adjustment to Tier 1 capital for these loss classifications is not necessary.

In this regard, to ensure that inappropriate deductions are avoided, the definition of Tier 1 capital is being revised to confirm that deductions for identified losses (such as assets classified loss) are required in determining Tier 1 capital only to the extent that Tier 1 capital would have been reduced if the appropriate accounting entries to reflect the identified losses had been recorded on the insured depository institution's books.

However, to ensure that appropriate capital adjustments are made for institutions that have not established adequate valuation allowances, the definition of identified losses in § 325.2(h) is being modified to indicate that another example of "identified losses" would be "any provision expenses necessary for the institution to record in order to replenish its general valuation allowances to an adequate level."

These clarifications are consistent with the supervisory concept that institutions must establish and maintain adequate valuation allowances for assets such as loans and that, after the establishment of such reserves, the institutions should, at a minimum, continue to meet their regulatory capital requirements.

This treatment is also consistent with the FDIC's existing guidance on the allowance for loan and lease losses, as reflected in an FDIC Bank Letter (BL–17–85, May 6, 1985), which provides that bank management should review the adequacy of its allowance account on at least a quarterly basis and that if management finds that the allowance is not adequate or that the bank's evaluation procedures are deficient, appropriate corrective action should be implemented immediately. This treatment is also consistent with existing Call Report instructions, which indicate that:

> As of the end of each quarter, or more frequently if warranted, the management of each bank must evaluate, subject to examiner review, the collectability of the loan and lease financing receivable portfolios, including any accrued and unpaid interest, and make appropriate entries to bring the balance of the allowance for loan and lease losses (allowance) on the balance sheet to a level adequate to absorb anticipated losses. Management must maintain reasonable records in support of their evaluations and entries.

The FDIC also notes that some institutions may not promptly record charge-offs for loans that are deemed uncollectible, thereby leading to a potential overstatement of the institutions' allowance for loan losses and its Tier 2 capital. However, consistent with the FDIC's existing capital rules, the allowance for loan losses excludes "reserves created against identified losses" and therefore such amounts are not considered as part of the institution's general valuation allowances nor as a component of Tier 2 capital. Additional information pertaining to guidance on the adequacy of the allowance for loan and lease losses was also sent to FDIC-supervised banks on June 28, 1991. (See FDIC Financial Institution Letter (FIL–34–91), which can be obtained from the FDIC Office of Corporate Communications by calling (202) 898–6996).

In view of the implementation of new capital-based rules pertaining to prompt corrective action (subpart B of part 325) and risk-related insurance premium assessments (part 327), the importance associated with properly reflecting capital levels and general valuation allowances has been further heightened. Accordingly, the modifications to the FDIC's definitions in its capital regulation for identified losses and Tier 1 capital also are intended to ensure that the recently-adopted prompt corrective action and risk-related assessment rules are implemented on an equitable basis.

Effective Date of Amendments

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553, generally requires that final rules be published 30 days before their effective dates with certain exceptions. One of those exceptions is that if the agency finds good cause for making a rule effective without the usual 30-day delayed effective date and publishes the basis for such finding, then the rule need not be published 30 days prior to its effective date. The FDIC has found that there is good cause for making the amendments to part 303 effective prior to the end of the 30-day period following publication of those amendments. The basis for this finding is that the prompt corrective action provisions in section 38 of the FDI Act, 12 U.S.C. 1831o, and in subpart B of part 325 of the FDIC's regulations, 12 CFR part 325 subpart B, became effective on December 19, 1992. The amendments to part 303 establish the procedures for PCA applications and exception requests which may be filed under the PCA statute and regulations. These are merely internal procedures that enable the FDIC to more rapidly and efficiently process applications which may be filed. The amendments to part 325 will be effective 30 days following the date of publication of this final rule in the Federal Register.

Regulatory Flexibility Act Statement

The Board of Directors has concluded after reviewing the final regulations that they will not impose a significant economic hardship on small institutions. The final rules do not necessitate the development of sophisticated recordkeeping or reporting systems by small institutions nor will small institutions need to seek out the expertise of specialized accountants, lawyers, or managers in order to comply with the regulation. The Board of Directors therefore hereby certifies pursuant to section 605 of the Regulatory Flexibility Act (5 U.S.C. 605) that the final rules will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

List of Subjects

12 CFR Part 303

Administrative practice and procedure, Authority delegations (Government agencies), Bank deposit insurance, Banks, banking, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 325

Bank deposit insurance, Banks, banking, Capital adequacy, Reporting and recordkeeping requirements, Savings associations, State nonmember banks.

For the reasons set forth in the preamble, the Board of Directors of the Federal Deposit Insurance Corporation hereby amends parts 303 and 325 of title 12 of the Code of Federal Regulations as follows:

PART 303—APPLICATIONS, REQUESTS, SUBMITTALS, DELEGATIONS OF AUTHORITY, AND NOTICES REQUIRED TO BE FILED BY STATUTE OR REGULATION

1. The heading for part 303 is revised to read as set forth above.

1a. The authority citation for part 303 is revised to read as follows:

Authority: 12 U.S.C. 378, 1813, 1815, 1816, 1817(j), 1818, 1819 ("Seventh" and "Tenth"), 1828, 1831e, 1831o; 15 U.S.C. 1607.

2. A new sentence "Procedures regarding applications to establish or acquire a branch pursuant to section 38 of the Act, 12 U.S.C. 1831o, are set forth at § 303.5(e) of this part." is added to the end of the concluding text of § 303.2(a).

3. A new sentence "Procedures regarding applications to acquire an

interest in any company or insured depository institution pursuant to section 38 of the Act, 12 U.S.C. 1831o, are set forth at § 303.5(e) of this part." is added to the end of § 303.3(a).

4. In section 303.5, the section heading is revised and new paragraph (e) is added to read as follows:

§ 303.5 Applications concerning insurance fund conversions, prompt corrective action, and other applications.

* * * * *

(e) *Applications pursuant to section 38 of the Act and subpart B of part 325 of the FDIC's regulations (prompt corrective action).* An application by any insured depository institution pursuant to section 38 of the Act, 12 U.S.C. 1831o, and subpart B of part 325 of the FDIC's regulations, 12 CFR part 325, should be filed with the Division of Supervision regional director of the FDIC region in which the insured depository institution is located. The application shall be in letter form, except as otherwise provided in paragraphs (e)(1) through (5) of this section. Such letter shall be signed by the president, senior officer or a duly authorized agent of the insured depository institution and be accompanied by a certified copy of a resolution adopted by the institution's board of directors or trustees authorizing the application. Each application shall contain the information specified in paragraphs (e)(1) through (5) of this section and any other information requested by the Corporation.

(1) *Capital distributions.* An application to repurchase, redeem, retire or otherwise acquire shares or ownership interests of the insured depository institution shall describe the proposal, the shares or obligations which are the subject thereof, and the additional shares or obligations of the institution which will be issued in at least an amount equivalent to the distribution. The application shall also explain how the proposal will reduce the institution's financial obligations or otherwise improve its financial condition. Where the proposed action also requires an application pursuant to section 18(i) of the Act (12 U.S.C. 1828 (i)), such application should be filed concurrently with or made a part of the application pursuant to section 38 of the Act.

(2) *Acquisitions, branching, and new lines of business.* Applications shall describe the proposal, state the date institution's capital restoration plan was accepted by its primary Federal regulator, describe the institution's status toward implementing the plan, and explain how the proposed action is consistent with and will further the achievement of the plan or otherwise further the purposes of section 38 of the FDI Act. Where the FDIC is not the applicant's primary Federal regulator, the application should also state whether approval has been requested from the applicant's primary Federal regulator, the date of such request and the disposition of the request, if any. Where the proposed action also requires applications pursuant to section 18 (c) or (d) of the FDI Act (12 U.S.C. 1828 (c) or (d) of the FDI Act (12 U.S.C. 1828 (c) or (d)), such applications should be filed concurrently with, or made a part of, the application filed pursuant to section 38 of the Act.

(3) *Bonuses and increased compensation for senior executive officers.* Applications shall list each proposed bonus or increase in compensation, and for the latter shall identify compensation for each of the twelve calendar months preceding the calendar month in which the institution became undercapitalized. Applications shall also state the date the institution's capital restoration plan was accepted by the FDIC, and describe any progress made in implementing the plan.

(4) *Payment of principal or interest on subordinated debt.* Applications shall describe the proposed payment and provide an explanation of action taken under section 38(h)(3)(A)(ii) of the Act. The application shall also explain how such payments would further the purposes of section 38 of the Act. Existing approvals pursuant to requests filed under 18(i)(1) shall not be deemed to be the permission needed pursuant to section 38.

(5) *Restricted activities of Critically Undercapitalized Institutions.* Applications to engage in any of the following activities shall describe the proposed activity and explain how the activity would further the purposes of section 38 of the Act:

(i) Enter into any material transaction other than in the usual course of business including any action with respect to which the institution is required to provide notice to the appropriate Federal banking agency;

(ii) Extend credit for any highly leverage transaction;

(iii) Amend the institution's charter or bylaws, except to the extent necessary to carry out any other requirement of any law, regulation, or order;

(iv) Make any material change in accounting methods;

(v) Engage in any covered transaction (as defined in section 23A(b) of the Federal Reserve Act (12 U.S.C. 371A(b))); or

(vi) Pay excessive compensation of bonuses.

5. Section 303.7 is amended:

a. By revising the heading of paragraph (f);

b. In paragraph (f)(1)(iii), by adding after the word "Applications" the phrase "filed pursuant to section 18(i)(1) of the Act"; and

(c) By adding a new paragraph (f)(1)(ix) to read as follows:

§ 303.7 Delegation of authority to the Director of the Division of Supervision and to the associate directors, regional directors and deputy regional directors to act on certain applications, requests, and notices of acquisition of control.

* * * * *

(f) *Insurance fund conversions, applications pursuant to section 38 of the Act (prompt corrective action), and other applications.* (1) * * *

* * * * *

(ix) Applications filed pursuant to section 38 of the Act (prompt corrective action), including applications to make a capital distribution; applications for acquisitions, branching, and new lines of business (except that the delegation is limited to the authority as delegated to approve or deny any concurrent application filed pursuant to 18 (c) or (d)); applications to pay a bonus or increase compensation; applications for an exception to pay principal or interest on subordinated debt; and applications to engage in any restricted activity listed in § 303.5(e)(5).

* * * * *

6. Section 303.8 is amended by adding a new paragraph (i) to read as follows:

§ 303.8 Other delegations of authority.

* * * * *

(i) *Depository Institutions Disaster Relief Act of 1992 (DIDRA).* (1) Authority is delegated to the Director, and where confirmed in writing by the Director, to an associate director, or to the appropriate regional director or deputy regional director, to accept requests and issue orders permitting an insured depository institution to subtract from total assets the qualifying amount attributable to insurance proceeds for purposes of calculating compliance with the leverage limit prescribed under section 38 of the Act.

(2) Authority is delegated to the Director, and where confirmed in writing by the Director, to an associate director, to act on requests for reconsideration of an order of denial issued pursuant to paragraph (i)(1) of this section.

(3) The requisites which must be satisfied before the authority delegated

in paragraphs (i)(1) and (i)(2) of this section may be exercised, provide that the insured depository institution:

(i) Had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), has determined that a major disaster exists;

(ii) Derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster;

(iii) Was adequately capitalized, pursuant to section 38 of the Act, prior to the major disaster; and

(iv) Has an acceptable plan for managing the increase in its total assets and total deposits.

(4) The authority delegated under paragraphs (i)(1) and (i)(2) of this section shall be exercised only upon the concurrent certification of the Associate General Counsel for Compliance and Enforcement, or in cases where the regional director or deputy regional director issues the order, by the appropriate regional counsel, that the order is not inconsistent with section 38 of the Act.

7. Section 303.9 is amended by revising paragraphs (h) and (m)(5) to read as follows:

§ 303.9 Delegation of authority to act on certain enforcement matters.

* * * * *

(h) *Directives and capital plans under section 38 of the Act (prompt corrective action) and part 325 of this chapter.* (1) Authority is delegated to the Director, and where confirmed in writing by the Director, to an associate director, or to the appropriate regional director or deputy regional director, to accept, to reject, to require new or revised capital restoration plans or to make any other determinations with respect to the implementation of capital restoration plans and, in accordance with subpart Q of part 308 of this chapter, to issue:

(i) Notices of intent to issue capital directives;

(ii) Directives to insured state nonmember banks that fail to maintain capital in accordance with the requirements contained in part 325 of this chapter;

(iii) Notices of intent to issue prompt corrective action directives, except directives issued pursuant to section 38(f)(2)(F)(ii) of the Act (12 U.S.C. 1831o(f)(2)(F)(ii));

(iv) Directives to insured depository institutions pursuant to section 38 of the Act (12 U.S.C. 1831o), with or without the consent of the respondent bank to the issuance of the directive, except directives issued pursuant to section 38(f)(2)(F)(ii) of the Act (12 U.S.C. 1831o(f)(2)(F)(ii));

(v) Directives to insured depository institutions requiring immediate action or imposing proscriptions pursuant to section 38 of the Act (12 U.S.C. 1831o) and part 325 of this chapter, and in accordance with the requirements contained in § 308.201(a)(2) of this chapter; and

(vi) Notices of intent to reclassify insured banks pursuant to §§ 325.103(d) and 308.202 of this chapter; and

(vii) Directives to reclassify insured banks pursuant to §§ 325.103(d) and 308.202 of this chapter with the consent of the respondent bank to the issuance of the directive; and

(viii) Orders on request for informal hearings to reconsider reclassifications and designate the presiding officer at the hearing pursuant to § 308.202 of this chapter.

(2) Authority is delegated to the Director, and where confirmed in writing by the Director, to an Associate Director, to:

(i) Issue notices of intent to issue a prompt corrective action directive ordering the dismissal from office of a director or senior executive officer pursuant to section 38(f)(2)(F)(ii) of the Act, (12 U.S.C. 1831o(f)(2)(F)(ii)), and in accordance with the requirements contained in § 308.203 of this chapter;

(ii) Issue directives ordering the dismissal from office of a director or senior executive officer pursuant to section 38(f)(2)(F)(ii) of the Act, (12 U.S.C. 1831o(f)(2)(F)(ii));

(iii) Issue orders of dismissal from office of a director or senior executive officer pursuant to section 38(f)(2)(F)(ii) of the Act, 12 U.S.C. 1831o(f)(2)(F)(ii) where the individual consents to the issuance of such order prior to the filing of a recommendation by the presiding officer with the FDIC;

(iv) Act on recommended decisions of presiding officers pursuant to a request for reconsideration of a reclassification in accordance with the requirements contained in § 308.202 of this chapter;

(v) Act on requests for rescission of a reclassification; and

(vi) Act on appeals from immediately effective directives issued pursuant to section 38 of the Act, (12 U.S.C. 1831o) and § 308.201 of this chapter.

(3) Authority is delegated to the Executive Secretary of the FDIC to issue orders for informal hearings and designate presiding officers on directives issued pursuant to section 38(f)(2)(F)(ii) of the Act, 12 U.S.C. 1831o(f)(2)(F)(ii).

(4) The authority delegated under paragraphs (h)(1)(i) and (ii) of this section shall be exercised only upon the concurrent certification by the Associate General Counsel for Compliance and Enforcement, or in cases where a regional director or deputy regional director issues the notice of intent to issue a capital directive or capital directives, by the appropriate regional counsel, that the action taken is not inconsistent with the Act and part 325 of this chapter.

(5) The authority delegated under paragraphs (h)(1)(iii), (iv), (v), (vi) and (vii) of this section shall be exercised only upon the concurrent certification by the Associate General Counsel for Compliance and Enforcement, or in cases where a regional director or deputy regional director issues the notice of intent to issue a prompt corrective action directive or prompt corrective action directives, or the notice of intent to reclassify or reclassification directive, by the appropriate regional counsel, that the allegations contained in the notice of intent, if proven, constitute a basis for the issuance of a final directive pursuant to section 38 of the Act, or that the issuance of a final directive is not inconsistent with section 38 of the Act.

(6) The authority delegated under paragraph (h)(2) of this section shall be exercised only upon the concurrent certification by the Associate General Counsel for Compliance and Enforcement that the allegations contained in the notice of intent, if proven, constitute a basis for the issuance of a final directive pursuant to section 38 of the Act or that the issuance of a final directive is not inconsistent with section 38 of the Act or that the stipulated section 38 order is not inconsistent with section 38 and is an order which has become final for purposes of enforcement pursuant to the Act.

* * * * *

(m) * * *

(5) *Other matters not specifically addressed.* For all other outstanding orders or pending actions not specifically addressed in paragraphs (m)(1), (m)(2), (m)(3), and (m)(4) of this section, the delegations of authority contained in paragraphs (a)(1) and (a)(2), (b)(1), (c)(1), (d)(1), (e)(1), (g)(1), (g)(2), (h)(1), (h)(2), (l)(1), (l)(2), and (n) of this section shall be construed to include the authority to modify or terminate any outstanding order, directive or agreement, as may be appropriate, issued pursuant to delegated authority and to terminate any pending action (including withdrawal of

notice of charges) initiated pursuant to delegated authority.

* * * * *

8. Section 303.10 is amended by revising paragraphs (c)(5) and (c)(6) and by adding new paragraph (c)(7) to read as follows:

§ 303.10 Applications and enforcement matters where authority is not delegated.

* * * * *

(c) * * *

(5) To issue final orders to pay civil money penalties where respondents do not consent to the assessment of civil money penalties and hearings have been held;

(6) To deny requests for modifications or terminations of orders issued pursuant to section 8(g) of the Act (12 U.S.C. 1818(g)); and

(7) To grant or deny requests for reinstatement to office, whether or not an informal hearing has been requested, pursuant to § 308.203 of this chapter.

PART 325—CAPITAL MAINTENANCE

9. The authority citation for part 325 continues to read as follows:

Authority: 12 U.S.C. 1815(a), 1815(b), 1816, 1818(a), 1818(b), 1818(c), 1818(t), 1819 (Tenth), 1828(c), 1828(d), 1828(i), 1828(n), 1828(o), 1831o, 3907, 3909; Pub. L. 102–242, 105 Stat. 2236, 2386 (12 U.S.C. 1828 note).

10. Section 325.1 is revised to read as follows:

§ 325.1 Scope.

The provisions of this subpart A apply to those circumstances for which the Federal Deposit Insurance Act or this chapter requires an evaluation of the adequacy of an insured depository institution's capital structure. The FDIC is required to evaluate capital before approving various applications by insured depository institutions. The FDIC also must evaluate capital, as an essential component, in determining the safety and soundness of state nonmember banks it insures and supervises and in determining whether depository institutions are in an unsafe or unsound condition. This subpart A establishes the criteria and standards the FDIC will use in calculating the minimum leverage capital requirement and in determining capital adequacy. In addition, appendix A to this subpart sets forth the FDIC's risk-based capital policy statement and appendix B to this subpart includes a statement of policy on capital adequacy that provides interpretational guidance as to how this subpart will be administered and enforced. In accordance with subpart B of part 325, the FDIC also must evaluate an institution's capital for purposes of determining whether the institution is subject to the prompt corrective action provisions set forth in section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o).

§ 325.2 [Amended]

11. Section 325.2 is amended:

a. In paragraph (h)(1), by adding "any provision expenses that are necessary for the institution to record in order to replenish its general valuation allowances to an adequate level," before "liabilities not shown"; and

b. In paragraph (t), by adding "(to the extent that Tier 1 capital would have been reduced if the appropriate accounting entries to reflect the identified losses had been recorded on the insured depository institution's books)" after "losses".

12. Section 325.3(c)(3) is revised to read as follows:

§ 325.3 Minimum leverage capital requirement.

* * * * *

(c) * * *

(3) As required under § 325.104(a)(1) of this part, a bank must file a written capital restoration plan with the appropriate FDIC regional director within 45 days of the date that the bank receives notice or is deemed to have notice that the bank is undercapitalized, significantly undercapitalized or critically undercapitalized, unless the FDIC notifies the bank in writing that the plan is to be filed within a different period.

* * * * *

§ 325.5 [Amended]

13. Section 325.5(b) is amended by changing the reference in the first sentence from "325.2(m)" to "325.2(t)" and by adding "subpart" in place of "part" the first two times it appears in the first sentence.

Appendix A to Subpart A of Part 325 [Amended]

14. Appendix A to subpart A of part 325 is amended as follows:

a. In section II.C.—

1. In the first paragraph under category 1, add "the portions of" before "local currency" and add "unconditionally" before "guaranteed";

2. In the second paragraph under Category 2, at the end of the last sentence before the period, add ", as well as portions of local currency claims that are conditionally guaranteed by non-OECD central governments to the extent that the bank has liabilities booked in that currency";

3. In the third paragraph under Category 2, add "International Finance Corporation" after "(World Bank)," and add "the European Bank for Reconstruction and Development, the Nordic Investment Bank" after "the European Investment Bank,".

4. In footnote 21, remove the last two sentences;

b. In section II.D.1., add the sentences "Accordingly, the entire amount of any assets transferred with recourse that are not already included on the balance sheet, including pools of one- to four-family residential mortgages, are to be converted at 100 percent and assigned to the risk weight appropriate to the obligor, or if relevant, the nature of any collateral or guarantees. The only exception involves transfers of pools of residential mortgages that have been made with insignificant recourse for which a liability or specific non-capital reserve has been established and is maintained for the maximum amount of possible loss under the recourse provision." before "*Loan Strips*" and after the second sentence in the sixth paragraph;

c. In Table II, under Category 1, in paragraph (4), remove "Direct" and insert "Portions of " in lieu thereof and add "unconditionally" before "guaranteed";

d. In Table II, under Category 2—

1. In paragraph (3), remove ", including non-OECD central banks" and change "banks," to "banks.";

2. In paragraph (4), add "and portions of local currency claims conditionally guaranteed by non-OECD central governments to the extent that the bank has liabilities booked in that currency" after "countries".

Appendix B to Subpart A of Part 325 [Amended]

16. Appendix B to subpart A of part 325 is amended as follows:

a. By adding "This statement of policy does not address the prompt corrective action provisions mandated by the Federal Deposit Insurance Corporation Improvement Act of 1991. However, section 38 of the Federal Deposit Insurance Act and subpart B of part 325 provide guidance on the prompt corrective action provisions, which generally apply to institutions with inadequate levels of capital." at the end of the first paragraph.

b. By removing the first sentence in the second paragraph under section II. and adding "As required under § 325.104(a)(1) of this part, a bank must file a written capital restoration plan with the appropriate FDIC regional director within 45 days of the date that the bank receives notice or is deemed to have notice that the bank is

VOL
58
ISS
28
FE
12
1993
UMI

undercapitalized, significantly undercapitalized or critically undercapitalized, unless the FDIC notifies the bank in writing that the plan is to be filed within a different period." in lieu thereof.

c. By changing the reference in the third paragraph of section IV.A. from "§ 325.2(m)" to "§ 325(t)".

By Order of the Board of Directors.

Dated at Washington, DC this 26th day of January 1993.

Federal Deposit Insurance Corporation

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 93-3004 Filed 2-11-93; 8:45 am]

BILLING CODE 6714-01-M

RESOLUTION TRUST CORPORATION

12 CFR Part 1605

RIN 3205-AA00

Employee Responsibilities and Conduct

AGENCY: Resolution Trust Corporation.

ACTION: Interim rule with request for comments.

SUMMARY: The Resolution Trust Corporation (RTC) has determined to follow the Office of Government Ethics Regulations on Confidential and Public Financial Disclosure, Standards of Conduct and Post-Employment Rules as applied to Federal Employees (OGE Regulations). In the interest of providing prompt guidance the RTC hereby promulgates this interim rule which revokes those sections of its regulation on Employee Responsibilities and Conduct, which would conflict with or be superseded by the OGE Regulations and reaffirms those sections of its regulation on Employee Responsibilities and Conduct, not in conflict with or superseded by the OGE Regulations. Comments received from the public regarding the interim rule or the RTC's determination to follow the OGE Regulations will be considered in determining the form of a final rule. At a later date the RTC may issue supplemental agency regulations pursuant to provision of the Office of Government Ethics Standards of Ethical Conduct. Such regulations may alter or supersede this rule.

The RTC Employee Responsibilities and Conduct Regulation prescribes standards of ethical and other conduct for RTC employees in implementation of the provisions of section 21A(n)(2) of the Federal Home Loan Bank Act.

DATES: This interim rule is effective on February 12, 1993. Comments must be received on or before March 15, 1993.

ADDRESSES: Written comments concerning the rule should be addressed to John M. Buckley, Jr., Secretary, Resolution Trust Corporation, 801 17th Street NW., Washington, DC 20434-0001. Comments may be hand delivered to room 314 on business days between 9 a.m. and 5 p.m. Comments may also be inspected in the Public Reading Room, 801 17th Street NW., between 9 a.m. and 5 p.m. on business days. (Phone number (202) 416-6940: FAX number 202-416-4753. These are *not* toll-free numbers.)

FOR FURTHER INFORMATION CONTACT: Donald L. Rosholt, Employee Ethics Program Manager or Stephen J. Berlinsky, Ethics Specialist, Office of Ethics, (202) 416-2157, Resolution Trust Corporation, 801 17th Street NW., Washington, DC 20434-0001.

SUPPLEMENTARY INFORMATION: Under Section 21A(b) of the Federal Home Loan Bank Act (FHLBA), 12 U.S.C. 1441a *et seq.*, the RTC is charged with the duty, among others, of managing and resolving all cases involving savings associations the accounts of which were previously insured by the Federal Savings and Loan Insurance Corporation and for which a conservator or receiver was or will be appointed during the period beginning on January 1, 1989 and ending on September 30, 1993.

Section 21A(n)(2) of the FHLBA, 12 U.S.C. 1441a(n)(2), directed the RTC, not later than 180 days after August 9, 1989, to promulgate rules and regulations governing conflicts of interest, ethical responsibilities, and post-employment restrictions applicable to its members, officers, and employees that are no less stringent than those applicable to employees in the Federal Deposit Insurance Corporation (FDIC). Pursuant to that section, the RTC issued Part 1605 of its rules and regulation, entitled "Employee Responsibilities and Conduct," which prescribed standards of ethical and other conduct for members, officers, and employees of the RTC which are substantially similar to and are no less stringent than those applicable to employees of the FDIC, but which differ in certain respects simply to reflect the difference in the missions of the two agencies.

Executive Order 12674 of April 12, 1989, (E.O. 12674, 54 FR 15159), as modified by E.O. 12731, 55 FR 42547, directed the Office of Government Ethics to establish uniform ethical rules for employees of certain government agencies and departments. Toward that end the Office of Government Ethics has issued the OGE Regulations. The RTC has independently determined to apply these regulations to its employees. As part of the consideration of the interim rule, the RTC hereby solicits comments on its determination to apply the OGE Regulation to its employees.

In the interest of providing guidance to employees, this interim rule repeals all sections of 12 CFR part 1605 which conflict with or are superseded by the OGE Regulations. The RTC is soliciting comments on any section of Part 1605 repealed by this interim rule.

Under the OGE Regulations agencies are permitted to retain portions of their regulations, instructions, or other means of policy issuance for one year after the effective date of 5 CFR part 2635 or until issuance of an agency supplemental regulation, whichever occurs first, with regard to prohibited financial interests and prior approval for outside employment and activities, provided said regulations, instructions or other means of policy issuance were in existence prior to February 3, 1993, the effective date of 5 CFR part 2635. The authority for retention of existing policy is contained in 5 CFR 2635.403 and 2635.803. Furthermore, restrictions contained in the FHLBA which set forth classes of individuals who may not be employed by or contract to provide services to the Resolution Trust Corporation are unaffected by the OGE regulations.

At a later date the RTC may issue a supplemental agency regulation pursuant to 5 CFR 2635.105. Such a regulation may alter or supersede this rule.

Part 1605 is comprised of six subparts, as follows:

Subpart A

This subpart sets out the definitions and administrative provisions which control throughout the regulation.

A number of definitions have been retained as required because they pertain to the retention of policies set forth in part 1605 which are not being removed at this time.

Subpart B

This subpart mostly incorporated the provisions of Former 5 CFR part 735, the U.S. Office of Government Ethics regulation which established government-wide standards of conduct for federal employees. Part 735 was substantially replaced by 5 CFR part 2635. The sections of subpart B have been deleted since they have been superseded by Part 2635.

Subpart C

This subpart sets out the RTC's rules relating to financial interests and outside activities of employees. Part 2635 covers most issues formerly addressed by 12 CFR 1605.15 and 1605.23. However, the balance of this subpart will remain in effect until such time as they have been replaced with an agency supplemental regulation as authorized by 5 CFR 2635.403 and 2635.803. Although loans were formerly dealt with under credit restrictions they were included in the definition of a "financial interest" under 5 CFR 2635.403(c).

Subpart D

This subpart sets out RTC rules relating to the filing of required reports by RTC employees. Sections 1605.25 and 1605.26 have been retained and will be included in a supplemental agency disclosure regulation. Section 1605.27 has been deleted. Sections 1605.28 and 1605.29 have been replaced by 5 CFR part 2634.

Subpart E

This subpart sets forth post-employment limitations on former RTC employees, including special government employees, with respect to participation in matters connected with their former duties and responsibilities while serving with the RTC. 5 CFR part 2637 sets forth post-employment limitations for government employees. The sections of Subpart E have been deleted since they have been superseded by Part 2637.

Subpart F

This subpart prescribed standards of conduct applicable to special government employees of the RTC, including members of the National and Regional Advisory Boards who will be appointed by the Oversight Board but who will become special government employees of the RTC. The subpart included a section-by-section analysis of the application of the provisions of title 18 U.S.C. to this category of employees. All of the sections of this subpart have been removed because they are covered in part 2635.

This amendment will affect part 1605 as follows:

Subpart A—Purpose, Scope, Definitions, and Administrative Provisions

Sec.
1605.1 Purpose and scope. (to be Removed and Reserved)
1605.2 Definitions. (Paragraphs (f), (g), (l), (n), (s), through (v), (x), (y), (cc), and (dd) are to be Removed and Reserved)
1605.3 Employee responsibility, counseling, and distribution of regulation. (to be Removed and Reserved)
1605.4 Designation of Ethics Counselor, Alternate Ethics Counselor, and Deputy Ethics Counselors. (to be Removed and Reserved)
1605.5 Sanctions and remedial actions. (to be Removed and Reserved)
1605.6 Review of remedial actions. (to be Removed and Reserved)

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

1605.7 General rules. (to be Removed and Reserved)
1605.8 Gifts, entertainment, favors, and loans. (to be Removed and Reserved)
1605.9 Travel expenses. (to be Removed and Reserved)
1605.10 Use of official information. (to be Removed and Reserved)
1605.11 Lectures, speeches, and manuscripts. (to be Removed and Reserved)
1605.12 Employment by RTC of relatives. (to be Removed and Reserved)
1605.13 Use of property and resources owned or controlled by the RTC. (to be Removed and Reserved)
1605.14 Indebtedness, gambling, and other conduct. (to be Removed and Reserved)

Subpart C—Financial Interests and Obligations; Outside Employment

1605.15 General rules. (to be Removed and Reserved)
1605.16 Extensions of credit. (to be Retained)
1605.17 Securities of insured depository institutions. (to be Retained)
1605.18 Other Investments. (to be Retained)
1605.19 Purchase of assets of institutions in conservatorship or receivership. (to be Retained)
1605.20 Purchase of RTC property. (to be Retained)
1605.21 Purchase of assets of insured depository institutions. (to be Retained)
1605.22 Providing goods or services to the RTC. (to be Retained)
1605.23 Outside employment and other activity. Paragraphs (c through g) are to be Removed and Reserved)
1605.24 Employment of family members by persons other than the RTC. (to be Retained)

Subpart D—Reports of Interest in Insured Depository Institution Securities, Interest in RTC Decision, and Employment Upon Resignation; Statements of Employment and Financial Interests; Financial Disclosure Reports

1605.25 Report of interest in insured depository institution securities. (to be Retained)
1605.26 Report of interest in RTC decision. (to be Retained)
1605.27 Report of employment upon resignation. (to be Removed and Reserved)
1605.28 Statement of employment and financial interests. (to be Removed and Reserved)
1605.29 Financial Disclosure Reports under the Ethics in Government Act of 1978. (to be Removed and Reserved)

Subpart E—Limitations on Post Employment Activities of Former Employees, Including Special Government Employees

1605.30 Limitations on representation. (to be Removed and Reserved)
1605.31 Limitations on aiding or advising. (to be Removed and Reserved)
1605.32 Consultation as to the propriety of appearance before the RTC. (to be Removed and Reserved)
1605.33 Suspension of appearance privilege. (to be Removed and Reserved)

Subpart F—Ethical and Other Conduct and Responsibilities of Special Government Employees

1605.34 General. (to be Removed and Reserved)
1605.35 Applicability of 18 U.S.C. 203 and 205. (to be Removed and Reserved)
1605.36 Applicability of 18 U.S.C. 207. (to be Removed and Reserved)
1605.37 Applicability of 18 U.S.C. 208. (to be Removed and Reserved)
1605.38 Advice on rules of conduct and conflicts of interest statutes. (to be Removed and Reserved)
1605.39 Use of RTC employment. (to be Removed and Reserved)
1605.40 Use of inside information. (to be Removed and Reserved)
1605.41 Coercion. (to be Removed and Reserved)
1605.42 Gifts, entertainment, favors, and loans. (to be Removed and Reserved)
1605.43 Statements of employment and financial interests. (to be Removed and Reserved)

Subpart G—Competence, Experience, Integrity, and Fitness of Resolution Trust Corporation Employees

1605.44 Minimum competence, experience, integrity, and fitness requirements for Resolution Trust Corporation Employees. (to be Retained)

Regulatory Flexibility Act Statement

Pursuant to section 605(b) of the Regulatory Flexibility Act, RTC hereby certifies that this proposal is not expected to have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

List of Subjects in 12 CFR Part 1605

Conflict of interest, Credit, Government employees.

Accordingly, 12 CFR part 1605 is reaffirmed as currently in effect, except for the following amendments and removals:

PART 1605—[AMENDED]

1. The authority cite for part 1605 is revised to read as follows:

Authority: 12 U.S.C. 1441a(n)(2); E.O. 12674 (3 CFR, 1989 Comp., p. 215), as modified by E.O. 12731 (3 CFR, 1990 Comp., p. 306).

§ 1605.1 [Removed and Reserved]

2. Section 1605.1 is removed and reserved.

§ 1605.2 [Amended]

3. Section 1605.2 is amended by removing and reserving paragraphs (f), (g), (l), (n), (s) through (v), (x), (y), (cc), and (dd).

§ 1605.3 [Removed and Reserved]

4. Section 1605.3 is removed and reserved.

§ 1605.4 [Removed and Reserved]

5. Section 1605.4 is removed and reserved.

§ 1605.5 [Removed and Reserved]

6. Section 1605.5 is removed and reserved.

§ 1605.6 [Removed and Reserved]

7. Section 1605.6 is removed and reserved.

7a. The subpart B heading is revised to read as follows: Subpart B—Ethical and Other Conduct and Responsibilities of RTC Employees [Reserved]

§ 1605.7 [Removed and Reserved]

8. Section 1605.7 is removed and reserved.

§ 1605.8 [Removed and Reserved]

9. Section 1605.8 is removed and reserved.

§ 1605.9 [Removed and Reserved]

10. Section 1605.9 is removed and reserved.

§ 1605.10 [Removed and Reserved]

11. Section 1605.10 is removed and reserved.

§ 1605.11 [Removed and Reserved]

12. Section 1605.11 is removed and reserved.

§ 1605.12 [Removed and Reserved]

13. Section 1605.12 is removed and reserved.

§ 1605.13 [Removed and Reserved]

14. Section 1605.13 is removed and reserved.

Subpart B—[Amended]

§ 1605.14 [Removed and Reserved]

15. Section 1605.14 is removed and reserved.

§ 1605.15 [Removed and Reserved]

16. Section 1605.15 is removed and reserved.

§ 1605.16 [Amended]

16a. Section 1605.16 is amended by redesignating footnote 4 in paragraph (d) as footnote 2.

§ 1605.23 [Amended]

17. Section 1605.23 is amended by removing and reserving paragraphs (c) through (g).

§ 1605.27 [Removed and Reserved]

18. Section 1605.27 is removed and reserved.

§ 1605.28 [Removed and Reserved]

19. Section 1605.28 is removed and reserved.

§ 1605.29 [Removed and Reserved]

20. Section 1605.29 is removed and reserved.

20a. The Subpart E heading is revised to read as follows:

Subpart E—Limitations on Post Employment Activities of Former Employees, Including Special Government Employees [Reserved]

§ 1605.30 [Removed and Reserved]

21. Section 1605.30 is removed and reserved.

§ 1605.31 [Removed and Reserved]

22. Section 1605.31 is removed and reserved.

§ 1605.32 [Removed and Reserved]

23. Section 1605.32 is removed and reserved.

§ 1605.33 [Removed and Reserved]

24. Section 1605.33 is removed and reserved.

24a. The Subpart F heading is revised to read as follows:

Subpart F—Ethical and Other Conduct and Responsibilities of Special Government Employees [Reserved]

§ 1605.34 [Removed and Reserved]

25. Section 1605.34 is removed and reserved.

§ 1605.35 [Removed and Reserved]

26. Section 1605.35 is removed and reserved.

§ 1605.36 [Removed and Reserved]

27. Section 1605.36 is removed and reserved.

§ 1605.37 [Removed and Reserved]

28. Section 1605.37 is removed and reserved.

§ 1605.38 [Removed and Reserved]

29. Section 1605.38 is removed and reserved.

§ 1605.39 [Removed and Reserved]

30. Section 1605.39 is removed and reserved.

§ 1605.40 [Removed and Reserved]

31. Section 1605.40 is removed and reserved.

§ 1605.41 [Removed and Reserved]

32. Section 1605.41 is removed and reserved.

§ 1605.42 [Removed and Reserved]

33. Section 1605.42 is removed and reserved.

§ 1605.43 [Removed and Reserved]

34. Section 1605.43 is removed and reserved.

By order of the Chief Executive Officer of the Resolution Trust Corporation.

Dated at Washington, DC this 8th day of February, 1993.

Resolution Trust Corporation.

John M. Buckley, Jr.,

Secretary.

[FR Doc. 93–3330 Filed 2–11–93; 8:45 am]

BILLING CODE 6714–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 23

[Docket No. 113CE, Special Condition 23–ACE–73]

Special Conditions; Piper Model PA–31T1 Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are being issued to Kings Avionics, Inc. for a Supplemental Type Certification (STC) on the Piper Model PA–31T1 airplane. This airplane will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. These novel and unusual design features include the installation of electronic displays for which the applicable regulations do not contain adequate or appropriate airworthiness standards for the protection of these systems from the effects of high intensity radiated fields (HIRF). These special conditions contain the additional safety standards which the Administrator considers

necessary to establish a level of safety equivalent to the airworthiness standards applicable to this airplane.

DATES: The effective date of these special conditions is March 15, 1993. Comments must be received on or before March 15, 1993.

ADDRESSES: Comments may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, ACE–7, Attention: Rules Docket Clerk, Docket No. 113CE, Kansas City, Missouri. All comments must be marked: Docket No. 113CE. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Victor F. Sokoloski, Aerospace Engineer, Standards Office (ACE–110), Aircraft Certification Service, Central Region, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri, 64106; telephone (816) 426–5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective 30 days after issuance; however, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and special conditions number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments submitted will be available in the rules docket for examination by interested parties, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this request must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 113CE". The postcard will be date stamped and returned to the commenter.

Background

On November 11, 1992, Kings Avionics, Inc.; Johnson County Executive Airport; 15101 South Pflumm Road, suite 30; Olathe, Kansas 66062, made an application to the FAA for a supplemental type certificate (STC) for the Piper Model PA–31T1 airplane. The proposed modification incorporates a novel or unusual design feature such as digital avionics consisting of an electronic flight instrument system (EFIS) that is vulnerable to HIRF external to the airplane.

Type Certification Basis

The type certification basis for the Piper Model PA–31T1 is as follows: CAR 3 effective May 15, 1956, through Amendment 3–8, effective December 18, 1962; Amendment 23–3 to FAR 23, effective November 11, 1965; Amendment 23–7, Section 23–1557(c), effective September 14, 1969; and the Eastern Region Engineering and Manufacturing Branch letter of December 6, 1965, covering the showing of equivalent safety with regard to CAR 3.682, 3.771 and 3.772. Special Conditions No. 23–3–EA–1, Docket No. 9245, including Amendment No. 1 and AEA–210 letter of November 11, 1971, as amended by AEA–210 letter of February 1, 1978, referring to Amendment 23–14 and FAR 23.991, effective September 14, 1969; and SFAR 27 (Fuel Venting); and the special conditions adopted herein.

Discussion

Kings Avionics, Inc. plans to incorporate certain novel and unusual design features into an airplane for which the airworthiness standards do not contain adequate or appropriate safety standards for protection from the effects of HIRF. These features include electronic systems, which are susceptible to the HIRF environment and that were not envisaged by the existing regulations, for this type of airplane.

Special conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and become a part of the type certification basis, as provided by § 21.17(a)(2).

Protection of System from High Intensity Radiated Fields (HIRF)

Recent advances in technology have given rise to the application in airplane designs of advanced electrical and electronic systems that perform functions required for continued safe flight and landing. Due to the use of sensitive solid state components in analog and digital electronics circuits, these advanced systems are readily responsive to the transient effects of induced electrical current and voltage caused by the HIRF incident on the external surface of aircraft, or through apertures of the airplane. These induced transient currents and voltages can degrade electronic systems performance by damaging components or upsetting system functions.

Furthermore, the electromagnetic environment has undergone a transformation that was not envisaged when the current requirements were developed. Higher energy levels are radiated from transmitters that are used for radar, radio, and television. Also, the population of transmitters has increased significantly.

The combined effect of the technological advances in airplane design and the changing environment has resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe flight and landing of the airplane. Effective measures against the effects of exposure to HIRF must be provided by the design and installation of these systems. The accepted maximum energy levels in which civilian airplane system installations must be capable of operating safely are based on surveys and analysis of existing radio frequency emitters. These special conditions require that the airplane be evaluated under these energy levels for the protection of the electronic system and its associated wiring harness. These external threat levels are believed to represent the worst case to which an airplane would be exposed in the operating environment.

These special conditions require qualification of systems that perform critical functions, as installed in airplanes, to the defined HIRF environment in paragraph 1 or, as an option, to a fixed value using laboratory tests, in paragraph 2, as follows:

(1) The applicant may demonstrate that the operation and operational capability of the installed electrical and electronic systems that perform critical functions are not adversely affected when the airplane is exposed to the HIRF environment, defined below:

FIELD STRENGTH VOLTS/METER

Frequency	Peak	Average
10–100 KHz	50	50
100–500	60	60
500–2000	70	70
2–30 MHz	200	200
30–70	30	30
70–100	30	30
100–200	150	33
200–400	70	70

FIELD STRENGTH VOLTS/METER—Continued

Frequency	Peak	Average
400–700	4020	935
700–1000	1700	170
1–2 GHz	5000	990
2–4	6680	840
4–6	6850	310
6–8	3800	670
8–12	3500	1270
12–18	3500	360
18–40	2100	750

Note: Since 1989, a concerted effort has been under way to review, verify, and validate the HIRF environment. This table represents the current estimate of the HIRF environment. The current values overall are lower than the previous values for the HIRF environment. Additional requirements will continue to be required for the certification of installed critical systems in airplanes approved for operation below 500 feet.

or:

(2) The applicant may demonstrate by a laboratory test that the electrical and electronic systems that perform critical functions can withstand a peak of electromagnetic field strength of 100 volts per meter (v/m) or the external HIRF environment, whichever is less, in a frequency range of 10 KHz to 18 GHz. When using a laboratory test to show compliance with the HIRF requirements, no credit is given for signal attenuation due to installation.

A preliminary hazard analysis must be performed by the applicant for approval by the FAA to identify electrical and/or electronic systems that perform critical functions. The term "critical" means those functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane. The systems identified by the hazard analysis that perform critical functions are candidates for the application of HIRF requirements. A system may perform both critical and non-critical functions. Primary electronic flight display systems, and their associated components, perform critical functions such as attitude, altitude, and airspeed indication. The HIRF requirements apply only to critical functions.

Compliance with HIRF requirements may be demonstrated by tests, analysis, models, similarity with existing systems, or a combination thereof. Service experience alone is not acceptable since such experience in normal flight operations may not include an exposure to the HIRF environment. Reliance on a system with similar design features for redundancy as a means of protection against the effects of external HIRF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

Conclusion

In view of the design features discussed for the Piper Model PA–31T1 airplane, the following special conditions are issued. This action is not a rule of general applicability and affects only those applicants who apply to the FAA for approval of these features on this airplane.

The substance of these special conditions has been subject to the notice and public comment procedure in several prior instances. For example, the Piper PA–42, (51 FR 37711, October 24, 1986), the Dornier 228–200 (53 FR 14782, April 26, 1988), and the Cessna Model 525 (56 FR 49396, September 30, 1991). For this reason, and because a delay would significantly affect the applicant's installation of the system and certification of the airplane, which is imminent, the FAA has determined that good cause exists for adopting these special conditions without notice; therefore, special conditions are being issued without substantive changes for this airplane and made effective 30 days after issuance.

List of Subjects in 14 CFR Parts 21 and 23

Air transportation, Aircraft, Aviation safety, Safety.

Citation

The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g); 14 CFR 21.16 and 21.101; and 14 CFR 11.28 and 11.49.

Adoption of Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the modified Piper PA–31T1 airplane:

1. Protection of Electrical and Electronic Systems From High Intensity Radiated Fields (HIRF)

Each system that performs critical functions must be designed and installed to ensure that the operation and operational capabilities of these systems to perform critical functions are not adversely affected when the airplane is exposed to high intensity radiated electromagnetic fields external to the airplane.

2. For the purpose of these special conditions, the following definition applies: *Critical Functions.* Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri on January 29, 1993.

Barry D. Clements, Manager,
Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–3384 Filed 2–11–93; 8:45 am]
BILLING CODE 4910–13–M

---

14 CFR Part 39

[Docket No. 91–NM–24–AD; Amendment 39–8498; AD 93–02–14]

Airworthiness Directives; British Aerospace Model BAC 1–11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all British Aerospace Model BAC 1–11 200 and 400 series airplanes, that requires the implementation of a corrosion prevention and control program. This amendment is prompted by reports of recent incidents involving corrosion and fatigue cracking in transport category airplanes that are approaching or have exceeded their economic design goal; these incidents have jeopardized the airworthiness of the affected airplanes. The actions specified by this AD are intended to prevent degradation of the structural capabilities of the affected airplanes due to the problems associated with corrosion.

DATES: Effective March 19, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 19, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton,

Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to all British Aerospace Model BAC 1–11 200 and 400 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on November 16, 1992 (57 FR 54019). That action proposed to require the implementation of a corrosion prevention and control program.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 45 airplanes of U.S. registry will be affected by this AD, that it will take approximately 700 work hours per airplane to accomplish the initial corrosion tasks for all of the affected areas, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators for the initial inspection cycle is expected to be $1,732,500, or $38,500 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES**."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of The Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93–02–14. British Aerospace: Amendment 39–8498. Docket 91–NM–24–AD.

Applicability: All Model BAC 1–11 200 and 400 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

Note 1: This AD references British Aerospace Alert Service Bulletin 5–A–PM5987, "Time Limits—Aircraft General—Corrosion Control Programme," Issue 2, dated June 30, 1992, for corrosion tasks, compliance times, and reporting requirements. In addition, this AD specifies inspection and reporting requirements beyond those included in that Service Bulletin. Where there are differences between the AD and the Service Bulletin, the AD prevails.

Note 2: As used throughout this AD, the term "the FAA" is defined differently for different operators, as follows: For those operators complying with paragraph (a) of this AD, "the FAA" is defined as "the Manager of the Standardization Branch, ANM–113, FAA, Transport Airplane Directorate." For those operators operating under Federal Aviation Regulation (FAR) part 121 or 129, and complying with paragraph (b) of this AD, "the FAA" is defined as "the cognizant Principal Maintenance Inspector (PMI)." For those operators operating under FAR part 91 or 125, and complying with paragraph (b) of this AD, "the FAA" is defined as "the cognizant Maintenance Inspector at the appropriate FAA Flight Standards office."

To prevent degradation of the structural capabilities of the airplane due to the problems associated with corrosion damage, accomplish the following:

(a) Except as provided in paragraph (b) of this AD, complete each of the corrosion tasks specified in Appendix 3 of British Aerospace Alert Service Bulletin 5–A–PM5987, "Time Limits—Aircraft General—Corrosion Control Programme," Issue 2, dated June 30, 1992 (hereinafter referred to as "the Service Bulletin"), in accordance with the procedures of the Service Bulletin, and in accordance with the schedule specified in paragraphs (a)(1) and (a)(2) of this AD.

Note 3: A "corrosion task," as defined in Appendix 3 of the Service Bulletin, includes inspections; procedures for a corrective action, including repairs, under identified circumstances; application of corrosion inhibitors; and other follow-on actions.

Note 4: Corrosion tasks completed in accordance with the Service Bulletin before the effective date of this AD may be credited for compliance with the initial corrosion task requirements of paragraph (a)(1) of this AD.

Note 5: Where non-destructive inspection (NDI) methods are employed, in accordance with Appendix 3 of the Service Bulletin, the standards and procedures used must be acceptable to the Administrator in accordance with FAR § 43.13.

Note 6: Procedures identified in the Service Bulletin as "informational only" are not required to be accomplished by this AD.

(1) Complete the initial corrosion task of each "corrosion inspection area" defined in Appendix 3 of the Service Bulletin as follows:

(i) For aircraft areas that have not yet reached the "threshold age" (TA) as of one year after the effective date of this AD, initial compliance must occur no later than the TA plus the repetitive (R) interval.

(ii) For aircraft areas that have exceeded the TA as of one year after the effective date of this AD, initial compliance must occur within the R interval for the area, measured from a date one year after the effective date of this AD.

(iii) For airplanes that are 20 years old or older as of one year after the effective date of this AD, initial compliance must occur for all areas within one R interval, or within six years, measured from a date one year after the effective date of this AD, whichever occurs first.

(iv) In all cases, accomplishment of the initial tasks by each operator must occur at a minimum rate equivalent to one airplane per year, beginning one year after the effective date of this AD.

Note 7: This minimum rate requirement may cause a hardship on some small operators. In those circumstances, requests for adjustments to the implementation rate will be evaluated on a case-by-case basis under the provisions of paragraph (h) of this AD.

(2) Repeat each corrosion task at a time interval not to exceed the R interval specified in the Service Bulletin for that task.

(b) As an alternative to the requirements of paragraph (a) of this AD: Prior to one year after the effective date of this AD, revise the FAA-approved maintenance/inspection program to include the corrosion prevention and control program specified in the Service Bulletin; or to include an equivalent program that is approved by the FAA. In all cases, the initial corrosion task for each "corrosion inspection area" must be completed in accordance with the compliance schedule specified in paragraph (a)(1) of this AD.

(1) Any operator complying with paragraph (b) of this AD may use an alternative recordkeeping method to that otherwise required by FAR § 91.417 or § 121.380 for the actions required by this AD, provided it is approved by the FAA and is included in a revision to the FAA-approved maintenance/inspection program.

(2) Subsequent to the accomplishment of the initial corrosion task, extensions of R intervals specified in the Service Bulletin must be approved by the FAA.

(c) To accommodate unanticipated scheduling requirements, it is acceptable for an R interval to be increased by up to 10%, but not to exceed 6 months. The FAA must be informed, in writing, of any such extension within 30 days after such adjustment of the schedule.

(d)(1) If, as a result of any inspection conducted in accordance with paragraph (a) or (b) of this AD, Level 3 corrosion is determined to exist in any area, accomplish either paragraph (d)(1)(i) or (d)(1)(ii) within 7 days after such determination:

(i) Submit a report of that determination to the FAA and complete the corrosion task in the affected areas on all Model BAC 1–11 series airplanes in the operator's fleet; or

(ii) Submit to the FAA for approval one of the following:

(A) A proposed schedule for performing the corrosion tasks in the affected areas on the remaining Model BAC 1–11 series airplanes in the operator's fleet, which is adequate to ensure that any other Level 3 corrosion is detected in a timely manner, along with substantiating data for that schedule; or

(B) Data substantiating that the Level 3 corrosion found is an isolated occurrence.

Note 8: Notwithstanding the provisions of Table 1 of the Service Bulletin, which would permit corrosion that otherwise meets the definition of Level 3 corrosion (i.e., which is determined to be a potentially urgent airworthiness concern requiring expeditious action) to be treated as Level 1 if the operator finds that it, "can be attributed to an event not typical of the operator's usage of other airplanes in the same fleet," this paragraph requires that data substantiating any such finding be submitted to the FAA for approval.

(2) The FAA may impose schedules other than those proposed, upon finding that such changes are necessary to ensure that any other Level 3 corrosion is detected in a timely manner.

(3) Within the time schedule approved under paragraph (d)(1) or (d)(2) of this AD, accomplish the corrosion tasks in the affected areas of the remaining Model BAC 1–11 series airplanes in the operator's fleet.

(e) If, as a result of any inspection after the initial inspection conducted in accordance with paragraph (a) or (b) of this AD, it is determined that corrosion findings exceed Level 1 in any area, within 60 days after such determination a means approved by the FAA must be implemented to reduce future findings of corrosion in that area to Level 1 or better.

(f) Before any operator places into service any airplane subject to the requirements of this AD, a schedule for the accomplishment of corrosion tasks required by this AD must be established in accordance with paragraph (f)(1) or (f)(2) of this AD, as applicable:

(1) For airplanes previously maintained in accordance with this AD, the first corrosion task in each area to be performed by the new operator must be accomplished in accordance with the previous operator's schedule or with the new operator's schedule, whichever would result in the earlier accomplishment date for that task. After each corrosion task has been performed once, each subsequent task must be performed in accordance with the new operator's schedule.

(2) For airplanes that have not been previously maintained in accordance with this AD, the first corrosion task for each area to be performed by the new operator must be accomplished prior to further flight or in accordance with a schedule approved by the FAA.

(g) Reports of Level 2 and Level 3 corrosion must be submitted at least quarterly to British Aerospace in accordance with Section 2.5 of the Service Bulletin.

Note 9: Reporting of Level 2 and Level 3 corrosion found as a result of any opportunity inspections is highly desirable.

(h) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 10: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(i) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(j) Reports of corrosion inspection results required by this AD have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(k) The corrosion tasks and reports shall be done in accordance with British Aerospace Alert Service Bulletin 5–A–PM5987, "Time Limits—Aircraft General—Corrosion Control Programme," Issue 2, dated June 30, 1992, which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
Bulletin Text, including Content Checklist:		
1–3, 5–6, 8, 11, 13–14, 19.	2	June 30, 1992.
4, 7, 9–10, 12, 15–18.	1	Nov. 30, 1990.
Appendix 1:		
1–3	2	June 30, 1992.
4	1	Nov. 30, 1990.
Appendix 2:		
1	2	June 30, 1992.
2	1	Nov. 30, 1990.
Appendix 3:		
1–5, 7–10, 12–14, 16–19, 23–28, 31–37, 37A, 39–44, 44A, 45–46, 48–55, 58–59, 62, 64–75, 77.	2	June 30, 1992.
6, 11, 15, 20–22, 29–30, 38, 47, 56–57, 60–61, 63, 76, 78.	1	Nov. 30, 1990.
Appendix 4:		
2–5, 8–10	2	June 30, 1992
1, 6–7, 11–12	1	Nov. 30, 1990

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(l) This amendment becomes effective on March 19, 1993.

Issued in Renton, Washington, on February 4, 1993.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–3422 Filed 2–11–93; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 4

Computation and Presentation of Rate-Of-Return Information and Other Disclosures Regarding Partially Funded Accounts Managed By Commodity Trading Advisors

AGENCY: Commodity Futures Trading Commission.

ACTION: Issuance of advisory.

SUMMARY: A past performance record contains information required to be presented by commodity trading advisors ("CTAs") pursuant to Commodity Futures Trading Commission ("Commission") rule 4.31(a)(3) [1] and is intended to present

[1] Commission rules referred to herein are found at 17 CFR Ch. 1 (1992).

the historical periodic performance of accounts operated or directed in a prescribed format for purposes of disclosure to customers or prospective customers. The prescribed format includes periodic rate of return ("ROR") information. On November 10, 1992, the Commission published a proposed Advisory entitled: "Consolidating In The Same Performance Table Similarly Traded Accounts Funded With Different Amounts of Actual Funds" and allowed thirty days for comments thereon. The Advisory interprets the Commission's existing performance disclosure regulations to permit (but not require) ROR for a CTA's program to be presented on the basis of a "Fully-Funded" subset of the accounts included in a particular trading program offered by the CTA, as set forth in the Advisory and provides guidance concerning the disclosure of material information pertaining to partially funded trading programs. Use of the Advisory may permit a reduction in the number of performance tables required to disclose fully the past performance of all of a CTA's accounts traded pursuant to a particular program. Further, use of the Advisory, including the special disclosures associated with it, could enhance a prospective customer's understanding of the interrelationship between the level of funding in an account and the relative rates of return. The Commission has carefully considered the comments received and has determined to issue the Advisory essentially as proposed, with only minor modifications incorporating specific comments received with respect to the implementation of the Advisory.

DATES: This advisory is effective February 8, 1993.

FOR FURTHER INFORMATION CONTACT: Paul H. Bjarnason, Jr., Chief Accountant, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION: The Commission received a total of four comment letters: One from a trade association representing Commission registrants; one from a bar association; one from a law firm; one from a person registered as both a CTA and a commodity pool operator ("CPO"). Several of the letters encouraged the Commission to continue to pursue various performance reporting issues, some of which are related to matters covered by the Advisory. Although certain commenters believed that the purposes and manner of performance disclosure should continue to be explored by the Commission, in response to the request for comment contemporaneously published with the proposed Advisory, these commenters were generally supportive of issuing the Advisory at this time. Moreover, the commenters indicated that the issuance of the Advisory would constitute an improvement over the existing scheme of performance reporting. The commenters also provided some suggestions for revision of the Advisory which have been considered in making the final changes to the Advisory. The most significant changes in the Advisory concern implementation issues. In order to permit retroactive application of the Advisory to prior years, Section XI. provides flexibility to CTAs in the initial implementation of the Advisory respecting application of the two tests contained in Section IV. to periods prior to January 1, 1992. Additionally, Section III. was amended to indicate that the two tests did not necessarily need to be met for all periods presented, thus providing flexibility to CTAs in meeting the two tests on an ongoing basis. In addition, as one commenter suggested, the Advisory provides guidance as to how the Commission's requirements for CTAs to make all material disclosures may be satisfied by CTAs offering partially funded accounts, generally.

The Advisory

This Advisory specifies an acceptable methodology for a Commodity Trading Advisor ("CTA") to consolidate in the same performance table customer accounts traded under the same trading program which have materially different levels of funding; and provides guidance concerning the disclosure of material information pertaining to partially funded trading programs, generally. This Advisory addresses the presentation of Rate-of-Return ("ROR")[2] information for accounts which contain different percentage levels of Actual Funds, but have the same Nominal Account Size (as defined below). This Advisory permits the ROR information, which is required to be included in a performance table, to be based on the CTA's Fully-Funded accounts, and uses a matrix, descriptive text or graphs to demonstrate the effect on ROR of accounts funded at lesser levels. Accordingly, use of the Advisory methodology may permit a CTA to reduce the required number of performance tables and, in effect, permits a CTA to show performance of similarly traded "Notional" accounts as if they were Fully-Funded.

Although a client should not rely solely on ROR information, nonetheless, it is one of the types of information required by the Commission to help the public assess a CTA's performance. This Advisory is intended to enhance the usefulness of that information.

In order to use the methodology provided in this Advisory, all of the conditions set forth herein must be met for each of the time periods presented in the performance table.

The sections of this Advisory are:

I. Definitions
II. The Composite Table and Notes
III. The Fully-Funded Subset
IV. The Matrix—RORs for Accounts Not In the Subset
V. Special Notionally-Funded Account Disclosure
VI. Materiality—Qauntitative
VII. The Nominal (Notional) Account Size
VIII. The CTA/Client Agreement
IX. Applicability of this Advisory to Commodity Pools
X. Representations and Required Disclosures
XI. Initial Implementation of the Advisory

I. Definitions

Actual Funds—The amount of margin-qualifying assets on deposit in a commodity interest account, generally cash and marketable securities. "Actual Funds" can include certain additional funds which are held in other accounts identified by the customer provided the conditions set forth in Division of Trading and Markets Advisory No. 87–2 are met.

Nominal or Notional Account Size—The dollar amount that a CTA and its customers have agreed in writing will determine the level of trading in an account regardless of the amount of Actual Funds. Accounts in which the Nominal or Notional Account Size exceeds the amount of Actual Funds are hereinafter referred to as "Notionally-Funded Accounts". The terms "Nominal Account Size" and "Notional Account Size" are used interchangeably herein.

Notional Funds—The amount by which the Nominal Account Size exceeds the amount of Actual Funds which are on deposit in an account.

Fully-Funded Account—An account which at its inception contains an amount of Actual Funds equal to its Nominal Account Size.

II. The Composite Table and Notes

A. Columnar Format

The composite table should be in a columnar format as follows:

(1) Reporting Period

[2] Commission regulation 4.31(a)(3) requires CTAs to disclose past performance. ROR is part of the information contained in the required performance table.

(2) Beginning Net Asset Value ("BNAV")—Actual Funds
(3) BNAV—Nominal Account Size
(4) Additions to Col. 3
(5) Withdrawals from Col. 3
(6) Net Performance
(7) Ending Net Asset Value—Cols. 3–6
(8) Rate-of-Return—calculated based upon the Actual Funds contained in the subset of "Fully-Funded" accounts [3]

B. Notes To The Table And Other Disclosures

As more fully explained later in this Advisory, the notes to the table or the text of the disclosure document should contain:

(1) An explanation of how the composite performance table was developed. Generally, there should be a separate composite table for each of the CTA's separate trading programs;
(2) Information to permit conversion of the RORs presented on the face of the table (which are based upon the Fully-Funded subset) to Actual Funds-based RORs, for an account funded at each of the other funding levels offered by the CTA. The disclosure should be made in a clear and concise fashion using descriptive text, a matrix, or a graph; and
(3) Any additional disclosures which may be material under Commission rules 4.31(a) (3) and 4.31(g).

III. The Fully-Funded Subset

A. The Fully-Funded Subset (the "Subset") is comprised of all Fully-Funded accounts, adjusted to include or exclude certain accounts, as explained below. The Subset must meet the following two tests, as explained further below:

1. The aggregate of the Subset's Actual Funds must be at least 10% of the aggregate of the Nominal Account Sizes of the accounts which make up the composite performance table; and
2. The Gross Trading Profit (Loss) Ratio ("GTPR") of the aggregate of the accounts contained in the Subset based on Actual Funds must be materially [4] the same as the GTPR for the aggregate of accounts contained in the composite performance table based upon the Nominal Account Size.[5]

In computing compliance with the two tests enumerated above, any accounts excluded from the Subset pursuant to adjustments required below should be: (1) Included in the aggregate of the accounts contained in the composite performance table for purposes of test No. A.1.; and (2) excluded from the aggregate of the accounts contained in the composite performance table for purposes of test No. A.2.

B. The following adjustments to the Subset are permitted:

1. Accounts which are closed during a reporting period should be excluded, if inclusion of such account(s) would materially change the ROR reported for the Subset;
2. Accounts which are newly-opened should be excluded for one or more of their first 3 months of existence, if inclusion of such account(s) would materially change the ROR reported for the Subset for one or more of the first 3 months; and
3. Accounts in which the net liquidating equity has materially declined from the initial Fully-Funded level may be excluded.

The CTA should consider whether performance information on certain accounts excluded from the subset, if any, may be material to prospective investors. If such information may be material, it must be disclosed.

In the event that the accounts to be included in the composite table do not meet both tests in every period presented, the Advisory may nonetheless be used, provided that:

(1) Failures to meet the first test, if any, were for a limited number of periods;
(2) Any differences in GTPR are not related to substantive differences in the trading program included in the composite, e.g., they are related to differences in fills among accounts which were beyond the control of the CTA;
(3) To avoid compounding the cumulative impact of any errors or inaccuracies the Value Added Monthly Index ("VAMI") or any other similar measure presented in the performance table, the measure is reset to its base amount at the beginning of each year presented; and
(4) The RORs presented in the table are not misleading as to the results of the Program in the particular reporting period.

IV. Disclosures for Accounts not in the Subset

Disclosure must accompany the performance table, which would permit a prospective customer to convert any given Fully-Funded ROR to the equivalent ROR for any Notional funding level offered by the CTA, as set forth below. The information should be provided using a matrix, descriptive text or a graphic format. If a matrix is used, it would have two axes. The first axis would display the range of Fully-Funded RORs for each period appearing in the performance table, including negative RORs, if any. The second axis would display Actual Funding levels offered by the CTA expressed as percentages (e.g., 60%, 70%), including a 100% (Fully-Funded) level.

Therefore, with the required disclosure, a client would be able to convert each ROR in the table to an ROR for the percentage range of Actual Funding for accounts traded by that CTA. For example, where a matrix is used, a 10% ROR reported for a Fully-Funded account on the face of the table for the month of January would, by reference to the matrix, approximate a 20% return on a 50%-funded account. This is because the 50%-funded account would contain one-half the Actual Funds of a Fully-Funded account, although the absolute dollar amount of net performance would be approximately the same.

If the disclosures provided above should fail to convey adequately the risks of accounts funded at lesser levels, additional disclosures should be provided.

V. Special Notionally-Funded Account Disclosure Statement

The following special disclosure must be provided by a CTA which elects to report ROR pursuant to the Fully Funded Subset Method provided in this Advisory. This special disclosure (with the deletion of item number (3) may also be used by CTAs, who offer to manage partially funded accounts but who do not use the Fully Funded Subset Method, as a means of making material disclosure regarding partially funded accounts. The special disclosure may be included either in the disclosure document or in the customer account agreement. The special disclosure is:

Special Disclosure for Notionally-Funded Accounts

You should request your commodity trading advisor to advise you of the amount of cash or other assets (Actual Funds) which should be deposited to the advisor's trading program for your account to be considered "Fully-Funded". This is the amount upon which the commodity trading advisor will determine the number of contracts traded in your account and should be an amount sufficient to make it unlikely that any further cash deposits would be required from you over the course of your participation in the commodity trading advisor's program.

[3] ROR for the Fully-Funded subset is computed by dividing the sum of the net performance, i.e., the aggregate of net performance for each of the accounts, for the Fully-Funded subset, by the sum of the Actual Funds-based BNAVs for the Fully-Funded subset.

[4] See section VII. re: Materiality.

[5] A GTPR is computed by dividing gross trading profits by the account size for any single account or by the aggregates of the account sizes for any subset of accounts (Notional or Actual Funds).

You are reminded that the account size you have agreed to in writing (the "nominal" or "notional" account size) is not the maximum possible loss that your account may experience.

You should consult the account statements received from your futures commission merchant in order to determine the actual activity in your account, including profits, losses and current cash equity balance. To the extent that the equity in your account is at any time less than the nominal account size you should be aware of the following:

1. Although your gains and losses, fees and commissions measured in dollars will be the same, they will be greater when expressed as a percentage of account equity.
2. You may receive more frequent and larger margin calls.
3. The disclosures which accompany the performance table may be used to convert the rates-of-return ("RORs") in the performance table to the corresponding RORs for particular partial funding levels.

VI. Materiality—Quantitative

For purposes of this Advisory the terminology "materially the same" or "not materially different" when used in comparing percentage amounts, will be interpreted [6] as follows:

(i) If two percentage amounts being compared average 10 percentage points or more, they will be deemed to be not materially different, if the difference between the two amounts is less than 10 percent of their average;

(ii) If two percentage amounts being compared average less than 10 and greater than 5, they will be deemed to be not materially different, if the difference between the two amounts is 1.5 percentage points or less; and

(iii) If two percentage amounts being compared average 5 or less they will be deemed to be not materially different, if the difference between the two amounts is 1.0 percentage point or less.

VII. The Nominal (Notional) Account Size

A CTA's Nominal or Notional Account Sizes should be established on a systematic basis for all the accounts. The number of contracts traded and held and the pattern of trading must be materially the same for all accounts of a given Nominal Account Size which are presented in the same performance table. This relationship must be maintained across all of the CTA's accounts, which are presented in the same composite performance table. In addition, because an account's gross trading profits are a function of positions traded and held, the ratio of gross trading profits to Nominal Account Size should be materially the same for accounts included in the composite performance table.

For example, if one of a CTA's accounts is nominally a $100,000 account, such account must have substantially the same positions as all other $100,000-denominated accounts of the CTA, which are in the same program and reflected in the same performance table. If a client were to deposit Actual Funds equal to the Nominal Account Size, based upon historical experience with the program or other available data, it should be unlikely that any further cash deposits would be required from the client over the course of the client's expected term of participation in the CTA's program.

VIII. The CTA/Client Agreement

All customer accounts reported pursuant to this Advisory must be documented by an agreement between the CTA and its customer. The agreement must specify:[7]

a. the name of the CTA's trading program in which the customer is participating;
b. the Nominal Account Size, including how profits, losses and withdrawals/additions of Actual Funds and trading would affect or be related to the Nominal Account Size; and
c. how and to what extent (as a percentage of the account's Nominal Account Size) the account will be funded with Actual Funds.

IX. Applicability of this Advisory to Commodity Pools

A CTA applying this Advisory to its trading of an account for a pool would treat such pool account exactly as any other type of client account, i.e., as Fully-Funded or as partially funded, as the case may be. (For information regarding pool allocations to a CTA under a "liquid asset allocation system", where not all funds allocated to a CTA are maintained in the CTA's trading account, see Comm. Fut. L. Rep. (CCH) ¶24,058, p. 34639 (December 16, 1987).) However, the Division believes that it would not be appropriate to apply the concept of Notional or partial funding to the reporting by a pool of its performance results, since a pool is, in fact, trading only with the funds contained in the pool. The proper method of reporting for pools is based upon generally accepted accounting principles and is set forth in the Commission's part 4 regulations. Nothing in this Advisory is intended to alter or change those requirements.

X. Representations and Required Disclosures

A. The CTA to the public—In making representations and disclosures to the public, both with respect to the disclosure document (other than the disclosures in the performance tables specified in the Advisory) and in other written or oral communications, the following should be observed by CTA:

i. When referring to funds under management, the amount of Actual Funds under management should always be disclosed. If also referring to the amount of funds under management inclusive of Notional Funds, such amount should be referred to as "including Notional Funds".
ii. Asset based costs/fees should be denominated as a percentage of the amount of Actual Funds to be collected from a prospective customer at the inception of the account, although use of the percentage of the Nominal Account Size may also be disclosed.

B. The CTA to the carrying FCM—The CTA will supply the carrying FCM with each partially funded customer's Nominal Account Size and whether that account size will fluctuate based on changes in account equity.

XI. Initial Implementation of the Advisory

This Advisory is effective as of the issue date indicated below.

Regarding retroactive application of this Advisory, the Commission recognizes that calculating the two tests for each period presented for several prior years might be difficult. Because the Commission wishes to facilitate the retroactive use of the Advisory, the Commission will not require explicit compliance with the tests for such prior periods provided that:

(1) To avoid compounding the cumulative impact of any errors or inaccuracies, any VAMI, or any other similar measure, presented for such prior periods is reset to its base amount annually; and
(2) The CTA uses the Nominal Account sizes for the entire composite in computing RORs for such prior

[6] This "safe harbor" is applicable only in the context of the disclosures required by application of this Advisory. In other contexts it may not be appropriate to rely solely upon numerical factors in assessing whether something might be of "material" interest or concern to a prospective investor. Thus, registrants must continue to consider all relevant facts and circumstances in determining whether information is material in any context not addressed here.

[7] The Commission notes that the issues covered by this section would generally be deemed to be "material information" and, thus, a required disclosure to all customers with partially funded accounts.

periods and is able to state that to the best of its knowledge there is no reason why the CTA could not have used the Fully-Funded Subset Method.

The following is the text which should be used:

In the accompanying performance table, for periods beginning after January 1, 1992, X CTA has adopted a new method of computing rate-of-return and performance disclosure, referred to as the "Fully-Funded Subset" method, pursuant to an Advisory published by the CFTC. To qualify for use of the Fully-Funded Subset method, the Advisory requires that certain computations be made in order to arrive at the Fully-Funded Subset and that the accounts for which performance is so reported meet two tests which are designed to provide assurance that the Fully-Funded Subset and the resultant RORs are representative of the trading program. X CTA has performed these computations for periods subsequent to January 1, 1992. However, for periods prior to January 1, 1992, due to cost considerations, the Fully-Funded Subset method has not been used. Instead, the RORs reported are based upon a computation which uses the Nominal Values of all of the accounts included in the composite table. X CTA believes that this method yields substantially the same RORs as the Fully-Funded Subset method and that the RORs presented in the performance table are representative of the trading program for the periods presented.

Issued in Washington, DC, February 8, 1993, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-3335 Filed 2-11-93; 8:45 am]

BILLING CODE 6351-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Single-Employer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Single-Employer Plans contains the interest rates and factors for the period beginning March 1, 1993. The use of these interest rates and factors to value benefits is mandatory for some terminating single-employer pension plans and optional for others. The Pension Benefit Guaranty Corporation adjusts the interest rates and factors periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after March 1, 1993, which will remain in effect until the PBGC issues new interest rates and factors.

EFFECTIVE DATE: March 1, 1993.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006, 202-778-8850 (202-778-8859 for TTY and TDD only). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation's ("PBGC's") regulation on Valuation of Plan Benefits in Single-Employer Plans (29 CFR part 2619) sets forth the methods for valuing plan benefits of terminating single-employer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"). Under ERISA section 4041(c), all plans wishing to terminate in a distress termination must value guaranteed benefits and "benefit liabilities", i.e., all benefits provided under the plan as of the plan termination date, using the formulas set forth in part 2619, subpart C. (Plans terminating in a standard termination may, for purposes of the Standard Termination Notice filed with PBGC, use these formulas to value benefit liabilities, although this is not required.) In addition, when the PBGC terminates an underfunded plan involuntarily pursuant to ERISA section 4042(a), it uses the subpart C formulas to determine the amount of the plan's underfunding.

Appendix B in part 2619 sets forth the interest rates and factors that are to be used in the formulas contained in the regulation. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

The rates and factors currently in use have been in effect since February 1, 1993. This amendment adds to appendix B a new set of interest rates and factors for valuing benefits in plans that terminate on or after March 1, 1993, which set reflects a decrease of ¼ percent in the immediate interest rate from 5½ percent to 5¼ percent.

Generally, the interest rates and factors will be in effect for at least one month. However, any published rates and factors will remain in effect until such time as the PBGC publishes another amendment changing them. Any change in the rates normally will be published in the **Federal Register** by the 15th of the month preceding the effective date of the new rates or as close to that date as circumstances permit.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest rates and factors promptly so that the rates can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in plans that will terminate on or after March 1, 1993, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, or innovation.

List of Subjects in 29 CFR Part 2619

Employee benefit plans, Pension insurance, and Pensions.

In consideration of the foregoing, part 2619 of chapter XXVI, title 29, Code of Federal Regulations, is hereby amended as follows:

PART 2619—[AMENDED]

1. The authority citation for part 2619 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, and 1362 (1988).

2. Rate Set 103 of appendix B is revised and Rate Set 104 of appendix B is added to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix B—Interest Rates and Quantities Used to Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "Gy" for deferred annuities and to value both portions of a refund annuity. An interest rate of 5% shall be used to value death benefits other than the decreasing term insurance portion of

a refund annuity. For deferred annuities, k_1, k_2, k_3, n_1, and n_2 are defined in § 2619.45.

Rate set	For plans with a valuation date—		Immediate annuity rate (%)	Deferred annuities				
	On or after	and Before		k_1	k_2	k_3	n_1	n_2
103	2-1-93	3-1-93	5.50	1.0475	1.0400	1.0400	7	8
104	3-1-93		5.25	1.0450	1.0400	1.0400	7	8

Issued in Washington, DC, on this 8th day of February, 1993.

William M. DeHarde,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 93-3306 Filed 2-11-93; 8:45 am]

BILLING CODE 7708-01-M

29 CFR Part 2676

Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal—Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR part 2676). The regulation prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of the Employee Retirement Income Security Act of 1974. Section 2676.15(c) of the regulation contains a table setting forth, for each calendar month, a series of interest rates to be used in any valuation performed as of a valuation date within that calendar month. On or about the fifteenth of each month, the PBGC publishes a new entry in the table for the following month, whether or not the rates are changing. This amendment adds to the table the rate series for the month of March 1993.

EFFECTIVE DATE: March 1, 1993.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; 202-778-8820 (202-778-1958 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The PBGC finds that notice of and public comment on this amendment would be impracticable and contrary to the public interest, and that there is good cause for making this amendment effective immediately. These findings are based on the need to have the interest rates in this amendment reflect market conditions that are as nearly current as possible and the need to issue the interest rates promptly so that they are available to the public before the beginning of the period to which they apply. (See 5 U.S.C. 553 (b) and (d).) Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

The PBGC has also determined that this amendment is not a "major rule" within the meaning of Executive Order 12291 because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 29 CFR Part 2676

Employee benefit plans and Pensions.

In consideration of the foregoing, part 2676 of subchapter H of chapter XXVI of title 29, Code of Federal Regulations, is amended as follows:

PART 2676—VALUATION OF PLAN BENEFITS AND PLAN ASSETS FOLLOWING MASS WITHDRAWAL

1. The authority citation for part 2676 continues to read as follows:

Authority: 29 U.S.C. §§ 1302(b)(3), 1399(c)(1)(D), and 1441(b)(1).

2. In § 2676.15, paragraph (c) is amended by adding to the end of the table of interest rates the new entries to read as follows:

§ 2676.15 Interest.

* * * * *

(c) *Interest Rates.*

For valuation dates occurring in the month—	The values for i_t are—															
	i_1	i_2	i_3	i_4	i_5	i_6	i_7	i_8	i_9	i_{10}	i_{11}	i_{12}	i_{13}	i_{14}	i_{15}	i_t
March 1993	.06125	.06	.05875	.0575	.05625	.055	.055	.055	.055	.055	.05375	.05375	.05375	.05375	.05375	.05

Issued at Washington, DC, on this 8th day of February 1993.

William M. DeHarde,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 93–3307 Filed 2–11–93; 8:45 am]

BILLING CODE 7708–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–4594–3]

Utah; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Utah has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Utah's application and has made a decision, subject to public review and comment, that Utah's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Utah's hazardous waste program revisions. Utah's application for program revision is available for public review and comment.

DATES: Final authorization for Utah is effective April 13, 1993 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Utah's program revision application must be received by the close of business March 15, 1993.

ADDRESSES: Copies of Utah's program revision application are available during regular business hours at the following addresses for inspection and copying: Division of Solid and Hazardous Waste, Utah Department of Environmental Quality, 288 North 1460 West, Cannon Health Building, 4th Floor, Salt Lake City, Utah 84116–0690; U.S. EPA Region VIII Library, 999 18th Street, Suite 500, Denver, CO 80204–2466, Phone 303/293–1444. Written comments should be sent to: Marcella DeVargas (HWM–WM), U.S. Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado 80202–2466, Phone 303/293–1670.

FOR FURTHER INFORMATION CONTACT: Marcella DeVargas, Waste Management Branch, U.S. EPA, 999 18th Street, Suite 500, Denver, CO 80202–2466, Phone: 303/293–1670.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or the "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–268 and 124 and 270. Modification to the Federal program, due to statutory and regulatory changes, requires subsequent modifications to the State authorized program. Until the State is authorized for such modifications, EPA is responsible for implementing and enforcing the modification in the State. Further, if the State law which forms the basis of the federally authorized State program is amended, the State must promptly seek revision authorization for those provisions. Until the amendments to State law are authorized by EPA, the regulated community must ensure compliance with both the federally authorized State program and the nonauthorized Federal program. The regulated community may also need to comply with current State laws in the situation where State law has been amended after Federal authorization has been granted.

B. Utah

Utah initially received final authorization in October 1984. Utah received authorization for revisions to its program on March 7, 1989, July 22, 1991, and July 14, 1992. On September 23, 1992, Utah submitted a program revision application for additional program approvals. Today, Utah is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Utah's application, and has made an immediate final decision that Utah's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Utah. Written comments on EPA's immediate final decision must be received by close of business on March 15, 1993. Copies of Utah's application for program revision are available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

Approval of Utah's program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received EPA will publish either: (1) A withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

In September 1992, Utah submitted a draft application for EPA review. EPA's comments on the draft application were addressed in the final application. Thus, the Utah program is only granted final authorization for those provisions specifically listed in Table 1.

Utah has not requested hazardous waste program authority on Indian lands. Therefore, EPA's approval applies to all activities in Utah outside of Indian Country. The Environmental Protection Agency retains all hazardous waste authority under RCRA which applies to Indian Country in Utah.

Today, Utah is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3). Specific provisions which are included in the Utah program authorization revision sought today are listed in Table 1 below.

TABLE 1.—PROVISIONS

Federal Register reference	State equivalent*
1. Identification and Listing of Hazardous Wastes: Treatability Studies Sample exemption 53 FR 27290–27302.	R315–1–1, 315–2–4
2. Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems, 53 FR 34079–344087, 9/29/88.	R315–1–1, R315–8–7, R315–8–10, R315–7–14, R315–7–17,
3. Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities, and Notification, 53 FR 35412–35421, 9/13/88.	R315–2–4, R315–2–10, R315–50–9,
4. Permit Modifications for Hazardous Waste Management.	R315–3–17, R315–8–4, R315–8–7, R315–7–14,

*Rule referenced are to the Utah Solid and Hazardous Waste Rules

*State Authorities: UCA 19–6–102, enacted 1981, amended 1991, effective 7/1/91. UCA 19–6–104, enacted 1981, amended 1991, effective 7/1/91. UCA 19–6–105, enacted 1981, amended 1991, effective 7/1/91.

C. Decision

I conclude that Utah's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Utah is granted final authorization to operate its hazardous waste program as revised.

Utah now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitation of its revised program application and previously approved authorities. Utah also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under section 3008, 3013, and 7003 of RCRA. The State of Utah will submit an application for Non-HSWA cluster 6 and HSWA cluster 2 will be submitted by April 30, 1993.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Utah's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: February 4, 1993.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 93-3397 Filed 2-11-93; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 92-174; RM-8035]

Radio Broadcasting Services; Grants, NM

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Philip D. Vanderhoof, allots Channel 224C2 to Grants, New Mexico, as the community's fourth local FM service. See 57 FR 38292, August 24, 1992. Channel 224C2 can be allotted to Grants in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates North Latitude 35-09-06 and West Longitude 107-51-36. With this action, this proceeding is terminated.

DATES: Effective March 25, 1993. The window period for filing applications will open on March 26, 1993, and close on April 26, 1993.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92-174, adopted January 27, 1993, and released February 8, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by adding Channel 224C2 at Grants.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93-3322 Filed 2-11-93; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 92-23; RM-7900, RM-7969]

Radio Broadcasting Services; Hazard, Hyden, Jackson and London, KY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 222C2 for Channel 223A at London, Kentucky, and modifies the construction permit for Station WYGE (FM) accordingly; substitutes Channel 250A for Channel 222A at Hyden, Kentucky, and modifies the license for Station WZQQ(FM) to specify Channel 250A; and substitutes Channel 293A for Channel 249A at Jackson, Kentucky, and modifies the license for Station WJSN(FM) to specify Channel 293A, as requested by Ethel Huff. See 57 FR 06084, February 20, 1992, and Supplemental Information, *infra*. With this action, this proceeding is terminated.

EFFECTIVE DATE: March 25, 1993.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92-23, adopted January 22, 1993, and released February 8, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., (202) 857-2100, 2100 M Street NW., suite 140, Washington, DC 20036.

Channel 222C2 can be allotted to London, Kentucky, in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.9 kilometers (2.4 miles) northwest, in order to avoid a short-spacing to Station WDEF(FM), Channel 222C, Chattanooga, Tennessee. The coordinates are North Latitude 37-09-12 and West Longitude 84-06-56. Channel 250A can be allotted to Hyden, Kentucky, in compliance with the Commission's minimum distance

separation requirements at Station WZQQ(FM)'s current transmitter site, with a site restriction of 1.2 kilometers (0.8 miles) northwest. The coordinates are North Latitude 37–10–14 and West Longitude 83–22–49. Channel 293A can be allotted to Jackson, Kentucky, in compliance with the Commission's minimum distance separation requirements at Station WJSN(FM)'s current transmitter site, with a site restriction of 1.4 kilometers (0.9 miles) southwest. The coordinates are North Latitude 37–32–46 and West Longitude 83–23–42.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by removing Channel 222A and adding Channel 250A at Hyden, by removing Channel 249A and adding Channel 293A at Jackson and by removing Channel 223A and adding Channel 222C2 at London.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–3317 Filed 2–11–93; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 92–242; RM–8087]

Radio Broadcasting Services; Leavenworth, WA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Ron Murray, d/b/a Murray Broadcasting, allots Channel 249A at Leavenworth, Washington, as the community's first local aural transmission service. See 57 FR 49161, October 30 1992. Channel 249A can be allotted at Leavenworth in compliance with the Commission's minimum distance separation requirements at the petitioner's requested site with a site restriction of 1.2 kilometers (0.7 miles) east of the community. The coordinates for Channel 249A at Leavenworth are North Latitude 47–35–32 and West Longitude 120–38–35. Since Leavenworth is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence by the Canadian government has been obtained. With this action, this proceeding is terminated.

EFFECTIVE DATES: March 25, 1993. The window period for filing applications will be open on March 26, 1993, and close on April 26, 1993.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92–242, adopted January 22, 1993, and released February 8, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Washington, is amended by adding Leavenworth, Channel 249A.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–3321 Filed 2–11–93; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 92–162; RM–8032]

Radio Broadcasting Services; Norwood, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Renard Communications Corp., allots Channel 241A to Norwood, New York, as the community's first local FM service. See 57 FR 36051, August 12, 1992. Channel 241A can be allotted to Norwood in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.4 kilometers (3.3 miles) north to avoid a short-spacing to Station WVNC, Channel 244A, Canton, New York, at coordinates North Latitude 44–47–51 and West Longitude 74–58–12. While the allotment would be short-spaced to Stations CBOC–FM, Channel 238A, Cornwall, Ontario, CJEM, Channel 240C1, Montreal, Quebec, and CFMK–FM, Channel 242B, Kingston, Ontario, Canada, we believe that the use of Channel 241A at Norwood would not result in any prohibited interference. Canadian concurrence in the allotment, as a specially negotiated allotment, has been received. With this action, this proceeding is terminated.

DATES: Effective March 25, 1993. The window period for filing applications will open on March 26, 1993, and close on April 26, 1993.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92–162, adopted January 22, 1993, and released February 8, 1993.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New York, is amended by adding Norwood, Channel 241A.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–3319 Filed 2–11–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 92–140; RM–8015]

Radio Broadcasting Services; Grants, NM

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Don R. Davis, substitutes Channel 264C2 for Channel 265A at Grants, New Mexico, and modifies Station KZNM's license to specify the higher class channel. See 57 FR 38292, August 24, 1992. Channel 264C2 can be allotted to Grants in compliance with the Commission's minimum distance separation requirements at Station KZNM's licensed transmitter site, at coordinates North Latitude 35–07–09 and West Longitude 107–54–08. With this action, this proceeding is terminated.

EFFECTIVE DATE: March 25, 1993.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92–140, adopted January 22, 1993, and released February 8, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channel 265A and adding Channel 264C2 at Grants.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–3320 Filed 2–11–93; 8:45 am]

BILLING CODE 6712–01–M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 552

[APD 2800.12A CHGE 38]

General Services Administration Acquisition Regulation; Price Adjustment Clause for Service Contracts

CFR Correction

In title 48 of the Code of Federal Regulations, chapters 3 to 6, revised as of October 1, 1992, on page 491, in the first column, in section 552.222-43, in the clause, the text of paragraphs (f) and (g) was incorrectly printed. The text following paragraph (e) and preceeding paragraph (h) should be replaced by the correct text of paragraphs (f) and (g) and should read as follows:

552.222-43 [Corrected]

* * * * *

Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiple Year and Option Contracts) (June 1992) (Deviation FAR 52.222-43)

* * * * *

(f) The Contractor shall notify the Contracting Officer of any increase claimed under this clause within 30 days after receiving a new wage determination unless this notification period is extended in writing by the Contracting Officer. The Contractor shall submit written statements and pertinent evidence to support the amount claimed, such as (1) the contractor's original worksheets and other data used in preparing the offer, (2) payroll records to demonstrate that wage rates shown an original worksheets were actually paid, and (3) any other evidence requested by the contracting officer or that would serve to establish the basis for the amount claimed. The Contractor shall notify the Contracting Officer of any decrease in wages paid to service employees employed in the performance of this contract by the Contractor or any subcontractor as a result of the application of a decreased wage determination to this contract. The notice shall be provided within 30 days after the effective date of the decrease in wages paid. The Government may adjust the contract price downward to reflect the decrease in wages. The contractor shall provide relevant data, including payroll records, that the Contracting Officer may reasonably require in order to determine the amount of the downward adjustment. Upon agreement of the parties, the contract price and/or contract unit price(s) shall be modified in writing. The Contractor shall continue performance pending agreement on or determination of any such adjustment. The adjustment shall be effective on the anniversary date of a multiple year contract or the beginning of each renewal option period.

(g) The Contractor agrees to refund to the Government that portion of any payments made under this contract, if any, as a result of a price adjustment under paragraph (d) when the increase claimed by the Contractor is based on a wage determination that reflects the wages and fringe benefits provided for in a collective bargaining agreement which is determined, in accordance with the variance procedures in 29 CFR part 4, not to have been negotiated at arms-length, or to be at substantial variance with the wages and/or fringe benefits which prevail for services of a similar character in the locality. This agreement to refund wages at variance is only applicable to those wage determinations based on collective bargaining agreements negotiated and entered into by the contractor which are only applicable to work performed on one or more Federal contracts. The amount of the refund shall be computed by comparing the collectively bargained wages and fringe benefits with the wages and fringe benefits contained in the determination, established by the Secretary of Labor under sections 2(a)(1), 2(a)(2) and 4(c) of the Service Contract Act, to be paid employees instead of the wages and/or fringe benefits in the collective bargaining agreement. Nothing in this clause shall be construed to modify a Contractor's obligation under a collective bargaining agreement. The Contractor may refund the amount due the Government by payment in a form acceptable to the Contracting Officer or by reducing the amount of future invoices.

* * * * *

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AB56

Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Plant "Sidalcea nelsoniana" (Nelson's Checker-mallow)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) determines the plant *Sidalcea nelsoniana* (Nelson's checker-mallow) to be a threatened species under the authority contained in the Endangered Species Act of 1973, as amended (Act). *Sidalcea nelsoniana* is known from restricted areas of the Willamette Valley and the adjacent Coast Range of Oregon and in Cowlitz County, Washington. Mowing, plowing, stream channel alteration, recreational activities, and roadside spraying threaten this plant in the Willamette Valley. In the Coast Range, plans for the construction of a reservoir threaten the largest population of this species. If the reservoir were constructed, all plants at

VOL 58 ISS 28 FE 12 1993 UMI

the site would be inundated. In addition, a proposal to increase the storage capacity of an existing reservoir located in Washington County, Oregon, would destroy some plants. This rule implements the protection and recovery provisions afforded by the Act for this plant.

EFFECTIVE DATE: March 15, 1993.

ADDRESSES: The complete file for this rule is available for public inspection by appointment during normal business hours at the Boise Field Office, 4696 Overland Road, room 576, Boise, Idaho 83705.

FOR FURTHER INFORMATION CONTACT: Robert L. Parenti, at the above address (telephone 208–334–1931).

SUPPLEMENTARY INFORMATION:

Background

Sidalcea nelsoniana was first collected by Elihu Hall in 1871 (Robinson and Parenti 1990). The plant was described by Charles Piper in 1919 based on material collected by J.C. Nelson near Salem, Oregon (Piper 1919). *Sidalcea nelsoniana*, in the mallow family (Malvaceae), is a perennial herb with pinkish-lavender to pinkish-purple flowers born in clusters at the end of 1 to 2.5 feet (ft) (.30 to .76 meters (m)) tall stems. Influorescences of plants from the Willamette Valley are usually somewhat spikelike, usually elongate and somewhat open (Hitchcock 1957). Influorescences of plants from the Coast Range are shorter and not as open (Chambers, botanist and professor emeritus, Oregon State University, pers. comm.). *Sidalcea nelsoniana* is a gynodioecious species, which means that plants have either perfect flowers (male and female) or pistillate flowers (female). The plant can reproduce vegetatively by rhizomes and produces seeds that drop near the parent plant. Flowering can occur as early as mid-May and extend into September in the Willamette Valley, depending on weather and site conditions. Fruits have been observed as early as mid-June and as late as mid-October (CH2M Hill 1991). Coast Range populations generally flower later and produce seed earlier, probably because of the shorter growing season (CH2M Hill 1991).

Sidalcea nelsoniana occurs in two different physiographic provinces as described by Franklin and Dyrness (1973). The majority of sites occur in the Willamette Valley of Oregon; the plant is also found at several sites in the Coast Range of Oregon and at one site in Cowlitz County, in southwestern Washington. The Cowlitz County site is located in the Coast Range, across the Columbia River from Oregon. Thus the range of the plant extends from southern Benton County, Oregon, north to Cowlitz County, Washington, and from central Linn County, Oregon, west to just west of the crest of the Coast Range.

The Willamette Valley Province is described as a broad structural depression oriented north-south and situated in Oregon between the Coast Range on the west and the Cascade Range on the east. The Valley is approximately 124 miles (200 kilometers (km)) long, extending from the Columbia River to the city of Cottage Grove where the two mountain ranges converge. Valley width generally ranges from 19 to 31 miles (31 to 50 km).

Topographically, the valley is characterized by broad alluvial flats separated by groups of low hills. The valley floor has a very gentle, north-facing slope; elevation increases from 164 feet (ft) (50 meters (m)) at Salem to only 423 ft (129 m) at Eugene, 80 miles (129 km) to the south (Franklin and Dyrness 1973).

The Coast Range Province extends from the middle fork of the Coquille River in Oregon northward into southwestern Washington where it includes the area known as the Willapa Hills. The entire southern section of the province is topographically mature, i.e., it has steep mountain slopes with ridges that are often extremely sharp. With the exception of the area drained by the Wilson and Trask Rivers, the proportion of steep slopes decreases in the northern section of the Coast Range (Franklin and Dyrness 1973).

Natural vegetation within the taxon's range includes Franklin and Dyrness' (1973) Willamette Valley and Western Hemlock (*Tsuga heterophylla*) Vegetation Zones. The former is characterized by prairies, in which discontinuous populations of *Sidalcea nelsoniana* were found, interspersed with oak (*Quercus*) and ash (*Fraxinus*) woodlands and coniferous (primarily Douglas-fir (*Pseudotsuga menziesii*)) forest. It is commonly believed that the prairies were maintained by fire (Franklin and Dyrness 1973; Johannessen et al. 1971). Today, few prairie areas remain that have not been severely invaded by introduced grasses and forbs, and *S. nelsoniana* populations are less common (Kagan, Oregon Natural Heritage Program, pers. comm., 1991).

The Oregon Coast Range portion of the Western Hemlock Vegetation Zone supports Douglas-fir forests, with western hemlock, western red cedar (*Thuja plicata*), and red alder (*Alnus rubra*) as frequent components. Extensive logging has occurred throughout the Coast Range for more than a century, leading to the introduction of weedy species into natural plant communities (Franklin and Dyrness 1973). *Sidalcea nelsoniana* occurs along streams in meadows and other relatively open areas such as along roadsides.

Sidalcea nelsoniana was once very occasional in the Willamette Valley, Oregon, from Linn and Benton Counties north to near Portland and westward to eastern Tillamook County, but mainly occurred in Marion County, on more or less gravelly, well drained soils (Hitchcock 1957). Since the Hitchcock report, other habitat descriptions have been offered. Peck (1961) described the plant's habitat as "moist, open ground and thickets." Others have described the plant as growing on moist to dry sites with poorly drained to well drained clay, clay loam, and gravelly loam soils, in meadow, and rarely, wooded habitats (CH2M Hill 1986, Glad et al. 1987). *Sidalcea nelsoniana* is occasionally found in areas where prairie or grassland remnants persist, such as along fence rows, drainage swales, and at the edges of plowed fields adjacent to wooded areas.

Within the Willamette Valley, *Sidalcea nelsoniana* most frequently occurs in *Fraxinus* (ash) swales and meadows with wet depressions, or along streams. *Sidalcea nelsoniana* also grows in wetlands within remnant prairie grasslands. Some sites occur along roadsides at stream crossings where exotics such as blackberry (*Rubus* spp.) and Queen Anne's lace (*Daucus carrota*) are also present (Bureau of Land Management 1985). The woody, rhizomatous (underground) stem of *Sidalcea nelsoniana* enables the plant to persist in some disturbed situations such as roadside ditches and mowed hayfields.

Sidalcea nelsoniana primarily occurs in open areas with little or no shade and will not tolerate encroachment of woody species. The most commonly associated plant species include yarrow (*Achillea*), various grasses (*Festuca*, *Agrostis*, and *Elymus*), and sedges (*Carex*). Standing water is present at some sites. Prior to European colonization of the Willamette Valley, naturally occurring fires and fires set by Native Americans maintained suitable *Sidalcea nelsoniana* habitat. Current fire control and prevention practices allow succession of introduced and native species, which may gradually replace habitat for *Sidalcea nelsoniana* (Bureau of Land Management 1985). No natural prairie remains in the Willamette Valley without the obvious effects of livestock grazing, fire suppression, or agricultural activities (Moir and Mika 1972).

A population center is a geographical area that, at least historically, was composed of interbreeding populations. Based on current and historic distribution, *Sidalcea nelsoniana* occurred in at least six population centers in Oregon. Since the extirpation of one population center in the Willamette Valley, currently in Oregon one population center remains in the Coast Range, and four remain in the Willamette Valley. The Cowlitz County population in Washington represents a separate population center. Thus, a total of six population centers remain throughout the range of *Sidalcea nelsoniana*.

Sidalcea nelsoniana has been extirpated from one Williamette Valley population center and is reduced to relict remnant populations in the four remaining Willamette Valley centers, as a result of agricultural land conversion and stream channel alterations, such as straightening, splash dams, and rip-rapping (Rosentreter, Bureau of Land Management, Idaho, pers. comm., 1991). These stream channel alterations cause an increase in instream flow and reduce the amount of water that is diverted naturally into adjacent meadow areas as a result of meandering water and the formation of secondary channels. As a result of the decrease in meanders and secondary channels, areas that would support *Sidalcea nelsoniana* are lost (Rosentreter, pers. comm., 1991).

Sidalcea nelsoniana occurs at 48 sites within the five population centers in Oregon, and at one site in the population center in Washington (CH2M Hill 1991). Four additional sites with previously recorded occurrences (since 1985) apparently have been extirpated as a result of plowing, deposition of fill material or yard debris, or intense roadside vegetation management (CH2M Hill 1986, 1987, 1991). Counts were made at 9 of the 52 population sites. Six population sites had more than 1,000 plants each, 18 population sites contained between 100 and 999 plants, 16 included between 10 and 99 plants, and 12 contained fewer than 10 plants (CH2M Hill 1991). Over half of the Willamette Valley locales have fewer than 100 plants and appear to be remnants of once more extensive populations (CH2M Hill 1991). The Salem, Oregon, Airport population was severely damaged in late 1991 or in early spring 1992 due primarily to plowing. Of the 1,429 plants reported at the Salem Airport in 1990, only 526 were found in 1992 (CH2M Hill 1992). As a result of the Salem Airport loss, there are only five population sites with more than 1,000 plants.

Sidalcea nelsoniana occurs on two sites that are at least partially under Federal management. Those are Finley National Wildlife Refuge in the Willamette Valley, which is managed by the Service, and portions of Walker Flat in the Coast Range, which is under the jurisdiction of the Bureau of Land Management. Eight sites occur partially or entirely on State-owned land; the remainder occur on county, city, or private land.

Many of the plants in the Willamette Valley populations appear to be in poor condition, having been adversely affected by weevils, encroachment of woody species, and road management activities (i.e., spraying and mowing). Aside from the four populations mentioned above that have been extirpated since 1985, several other populations have been partially disturbed or destroyed as a result of plowing or clearing (CH2M Hill 1991).

McMinnville Water and Light, a publicly-owned water and electric utility, had planned to construct a reservoir on Walker Creek, a tributary of the Nestucca River in the Coast Range, to provide water for the City of McMinnville. Construction of the reservoir would inundate the entire Walker Flat population, the largest population of *Sidalcea nelsoniana*, containing over 30 percent of the known individuals of this species. Walker Creek has been tentatively included in the Oregon State Scenic Waterway System, which does provide some protection from development, including the construction of dams. However, this designation could be rescinded in the future. There were attempts by the State legislature in 1989 to remove Walker Creek from the Oregon State Scenic Waterway System (Oregon Natural Resources Council 1991). If designation under the State Scenic Waterway System were removed, it is likely that construction of the reservoir would proceed.

Federal involvement with *Sidalcea nelsoniana* began as a result of section 12 of the Endangered Species Act of 1973, which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. The Service published a notice in the July 1, 1975, **Federal Register** (40 FR 27823) of its acceptance of this report as a petition within the context of section 4(c)(2) (now section 4(b)(3)) of the Act and of its intent thereby to review the status of the plant taxa named therein. In this and subsequent notices, *Sidalcea nelsoniana* was treated as under petition for listing as endangered. The Service published a proposed rule in the June 16, 1976, **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant taxa to be endangered species pursuant to section 4 of the Act. This list, which included *Sidalcea nelsoniana*, was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975, **Federal Register** publication.

General comments received in response to the 1976 proposal are summarized in an April 26, 1978, **Federal Register** publication. In 1978, amendments to the Act required that all proposals over 2 years old be withdrawn. A one-year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice in the **Federal Register** (44 FR 70796) of the withdrawal of that portion of the June 16, 1976, proposal that had not been made final, along with four other proposals that had expired.

Sidalcea nelsoniana was included as a Category 1 candidate in the December 15, 1980, Notice of Review for plants (45 FR 82537), indicating that sufficient information was available to the Service to support a proposal to list the species at that time. This status was changed to Category 2 in the November 28, 1983, Supplement (48 FR 53659) and remained as such in the September 27, 1985, Notice of Review (50 FR 39527). A Category 2 candidate is a species for which listing may be appropriate but additional biological information is needed to support a listing proposal. In the February 21, 1990, Notice of Review (55 FR 6184) this status was changed to Category 1, as a result of additional information made available to the Service on occurrence and status of the species. A Category 1 candidate is a species for which the Service has enough information on biological vulnerability and threat(s) to support proposals to list them as endangered or threatened species.

Section 4(b)(3)(B) of the Endangered Species Act, as amended in 1982, requires the Secretary to make findings on certain pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 amendments further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Sidalcea nelsoniana* because of the acceptance of the 1975 Smithsonian Report as a petition. In October of 1983, 1984, 1985, 1986, 1987, 1988, 1989 and 1990, the Service found

that the petition to list *Sidalcea nelsoniana* was warranted but precluded by listing actions of higher priority.

On June 7, 1991, the Service published a proposal to list *Sidalcea nelsoniana* as a threatened species (56 FR 26373). This proposal was based in large part on the aforementioned information and occurrence data, and information on pending projects that would adversely affect the plant. The Service now determines *Sidalcea nelsoniana* to be a threatened species with the publication of this rule.

Summary of Comments and Recommendations

In the June 7, 1991, proposed rule (56 FR 26373) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final listing decision. The public comment period ended on August 19, 1991. Appropriate State agencies, county and city governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment.

In response to a request for a public hearing, the Service published a notice in the **Federal Register** on July 23, 1991, announcing a hearing and an extension of the comment period (56 FR 33741). The hearing was held on August 8, 1991, at the City of McMinnville Community Center, in McMinnville, Oregon. Testimony was taken from 7 p.m. to 9 p.m. Notices of the proposal and public hearing were published in the McMinnville News Register (July 24, 1991), the Oregonian (July 23, 1991), and the Salem Statesman Journal (July 23, 1991). During the comment period, the Service received 21 comments (e.g., letters and oral testimony from 18 individuals). Ten commenters expressed support for the listing proposal, while 8 commenters were opposed. Some individuals provided locality or miscellaneous data on the plant.

Written comments or oral statements presented at the public hearing and received during the comment period are covered in the following summary. Comments of a similar nature or point are grouped into a number of general issues. These issues and the Service's response to each, are summarized as follows:

Issue 1: Some commenters said that although a few locations of *Sidalcea nelsoniana* have been extirpated due to site disturbance, those losses have been made up for by a reported increase in the number of plants within known locations and the discovery of new sites. Some commenters noted that the proposed rule failed to identify the Cowlitz County, Washington, site in the range description for the plant; they contend that the plant is currently known over a wider range than it was historically, because of this and other newly discovered sites.

Service Response: The most recent data on the status of *Sidalcea nelsoniana* indicate the plant occurs in seven counties in Oregon and Cowlitz County, Washington (CH2M Hill 1991). At the time of the proposed rule, the site in Washington had not yet been discovered or verified; this new site has been incorporated into this rule. In 1985, when the Bureau of Land Management and McMinnville Water and Light began studies on this plant, 22 sites were reported (CH2M Hill 1991). Since then, four sites have been completely extirpated, and five sites have been partially destroyed (CH2M Hill 1986, 1987, 1991). During this time, *S. nelsoniana* has been found at additional sites; there are currently 48 extant sites.

With the exception of the Cowlitz County, Washington, site, the additional sites that have been reported since studies began on this plant all occur within the known range of *Sidalcea nelsoniana*. The Service believes that the number of occurrences alone should not form the basis for determining whether listing of the species is warranted, especially when those sites occur in clusters or in relatively close proximity to one another. Rather, a determination of threatened or endangered status should be based on the threats to those sites and the adequacy of existing protective measures.

In the case of *Sidalcea nelsoniana*, activities including mowing, conversion of habitat to agricultural uses, logging, and recreational activities threaten portions of all population centers. The potential construction of a reservoir threatens the largest population of this plant, representing over 30 percent of the total number of individuals. In addition, a significant number of sties (23 of 48) are threatened with stochastic extinction due to the small number of plants (100 or fewer) at these sites (see Summary of Factors section for discussion on threats). Two sites are at least partially located on federally owned land (Finley National Wildlife Refuge owned by the Fish and Wildlife Service, and Walker Flat, partially owned by the Bureau of Land Management), and eight sites occur on State-owned land. Although theoretically these sites should receive some level of protection, in reality, little management specifically for *Sidalcea nelsoniana* is in effect. For example, on the Refuge, management efforts to benefit geese have secondarily benefited *Sidalcea nelsoniana*. The remaining (and majority) of the sites occur on county, city, or private land; many of these sites are vulnerable to development or habitat disturbance.

Thus, *Sidalcea nelsoniana* remains vulnerable because insufficient habitat is secure from the above mentioned threats. Without protection under the Act, the Service believes this species is likely to become endangered in the foreseeable future.

Issue 2: Some commenters said that *Sidalcea nelsoniana* is not as rare as was previously thought, that there is no evidence that it is less abundant today than it was historically or during presettlement time in the Willamette Valley, and that it is not a remnant of a once larger population.

Service Response: There is little, if any, native grassland, meadow, and wetland habitat remaining in the Willamette Valley. Ninety-five percent or more of the Willamette Valley is now converted from presettlement habitat to an agricultural and/or urban landscape (Meinke 1992). It seems highly unlikely that with this high percentage of native habitat destroyed or disturbed, *Sidalcea nelsoniana* could be as abundant today as it was historically. The only remaining natural habitats for *S. nelsoniana* are in the Finley National Wildlife Refuge and at Walker Flat (Kagan, Natural Heritage Database, pers. comm.).

Issue 3: Several commenters claimed that the plant is not threatened because it occurs in a wide variety of habitats. One commenter stated that the plant thrives in roadside ditches in the presence of exotic species and is therefore adaptable.

Service Response: The perennial root of *Sidalcea nelsoniana* enables it to persist in spite of some forms of disturbance. The known sites for the plan are wetlands such as meadows or swales. *Sidalcea nelsoniana* is found at a number of sites along roadsides, in the presence of alien species. Most of these sites were likely riparian areas before road construction, based on the color of the soil profile and historical information about the sites (Rosentreter, pers. comm., 1992). Older, established plants may be better able to persist at these sites in the presence of exotic species, because of the rhizome (underground stem) structure of the plant (Meinke 1992). Continued roadside mowing and spraying threatens many of these sites.

Issue 4: Several comments stated that activities such as mowing and logging do not adversely affect *Sidalcea nelsoniana*. Mowing prevents seed production if done too late for plants to produce new flowers and before seed maturation, but it does not necessarily kill plants. Two commenters said that the species can tolerate logging activities; another commenter said that logging actually enhances the habitat.

Service Response: Mowing adversely impacts the plants if it takes place before the plants set seed, compromising their reproductive output. Repeated mowing of the vegetative portions of the plant will, along with reduced seed production, eventually lead to the loss of the plant (Kagan, pers. comm.). Continued reduction in seed production also will compromise the genetic integrity of the species.

In some cases, logging may have the potential to open canopies and allow for the establishment of new plants. However, over time logging may affect the hydrological regime of a site. Also, plants may be directly destroyed as a result of a logging operation, e.g., road construction, skidding, tree fall.

Issue 5: Some commenters suggested that the encroachment of woody species is a part of natural succession, and is only occurring in a few small areas, and therefore does not constitute a threat to the species. Commenters questioned the dependence on fire as a means of enhancing the growth and development of *Sidalcea nelsoniana*.

Service Response: Encroachment of woody species is eliminating *Sidalcea nelsoniana* throughout the Willamette Valley. As discussed under Factor E below, *S. nelsoniana* populations growing in areas where fire has been used to control woody species responded positively. Because of the concern for the small numbers of plants (fewer than 25) in many of the locales, woody species encroachment of these areas will increase their vulnerability to extirpation. Finley National Wildlife Refuge in Benton County, Oregon, used fire to control invading *Fraxinus* to benefit geese. The *S. nelsoniana* population indirectly benefited from this effort. *Sidalcea nelsoniana* appears more robust where fire management efforts have been employed, when compared to plants in another nearby location where the *Fraxinus* forest surrounds Muddy Creek.

Issue 6: Two commenters claimed that disease and predation do not represent threats to the species.

Service Response: Evidence of seed predation by a species of weevil occurs at several sites (see Factor C in Summary of Factors section). The impact of this predation on the overall viability of the species, although not known, probably does not constitute a major threat to the species. However, because this species of weevil lays its eggs inside the seeds of *S. nelsoniana*, the reproductive potential of those particular plants is diminished; in a small population, this factor could constitute a significant threat.

Issue 7: One commenter suggested that the Service review the definition of "individual" due to *Sidalcea nelsoniana* being a rhizomatous plant. There may be fewer "individuals" than described in the proposed rule.

Service Response: The methodology used to count individual plants was developed through a meeting between the Bureau of Land Management, CH2M Hill, and the U.S. Fish and Wildlife Service, in 1987. Based on field data and the growth pattern of the plant, a meter round area was determined to constitute one plant. This determination was based on data showing that rhizomes extend an average of 0.5 meters on either side of a single plant, thus an area 1 meter in diameter is considered as one plant.

Issue 8: Several commenters said that the studies by CH2M Hill show that *Sidalcea nelsoniana* can be easily propagated and transplanted, so even if a major project such as a dam at Walker Flat were constructed, the plant could easily be translocated elsewhere. Some commenters pointed out that extensive unoccupied habitat is available within the species range.

Service Response: The Endangered Species Act states that the purpose of the Act, in part, is to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved. Although the results of the CH2M Hill studies so far are encouraging, long-term monitoring will be necessary before any determination can be made as to whether the translocated plants are functioning as a fully successful, self-sustaining component of the ecosystem. The determination to list *Sidalcea nelsoniana* is based on the status of the existing, natural populations of this plant. The benefits of propagating and transplanting this species may be considered as part of the recovery planning process.

None of the habitats described as unoccupied, aside from the meadows around Walker Flat, provide any potential for long-term viable population maintenance. There have not been any experimental populations established in the Williamette Valley. Agriculture practices have essentially eliminated available habitat for plant expansion. The "mountain meadows" found in the Coast Range, such as the Walker Flat site, are limited in area. They too are threatened by agriculture and, in addition, water development projects. They are also susceptible to adverse effects from succession.

Issue 9: Several commenters maintained that the species is adequately protected by existing land management designations, and, therefore that listing is not warranted. They noted that the largest population, at Walker Flat, is protected because Walker Creek is included in the State's Scenic River Waterway System. Therefore the threat of dam construction is no longer valid since this activity is incompatible with the State's Scenic River designation. At other sites, plants are protected where they occur on Federal or State land, and also at several sites that McMinnville Water and Light is protecting. Others questioned the Service's assumption that plants on Federal or State land can be protected, whereas those at other locations do not receive protection.

Service Response: As discussed under Factor D below, existing regulatory mechanisms are not adequate to prevent the endangerment of *Sidalcea nelsoniana*. For example, the State Scenic River designation provides only interim protection. During the 1989 legislature, a bill was introduced to remove Walker Creek from the protection of the State Scenic Waterways System (Oregon Natural Resources Council 1991). If such legislation passed, the City of McMinnville would likely increase planning efforts for the dam. None of the known sites are secure or managed for *Sidalcea nelsoniana*.

Issue 10: One commenter questioned the population numbers needed for recovery. The example given was *Mirabilis macfarlanei*, considered recovered if 10 colonies are protected and managed to assure their continued existence. The concern was that *Sidalcea nelsoniana* is subject to different recovery standards than other plant species.

Service Response: Recovery planning takes place following listing and is species-specific. In making decisions about listing a species, and eventually recovery, the Service is more concerned about threats facing the sites, rather than total number of individuals or localities. The recovery planning process also provides for public involvement. The recovery goal for most species defines a number of populations, with a specific vigor or condition, and protective management.

VOL
58
ISS
28
FE
12
1993
UMI

Summary of Factors Affecting the Species

Section 4 of the Endangered Species Act (16 U.S.C. 1533) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR part 424) set forth the procedures for adding species to the Federal Lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Sidalcea nelsoniana* Piper (Nelson's checker-mallow) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Five population centers of *Sidalcea nelsoniana* remain in the Willamette Valley and adjacent Coast Range of Oregon. A sixth population center occurs in Cowlitz County, Washington. Four population centers occur in the Willamette Valley, one in the Oregon Coast Range, and one in the Coast Range of southwestern Washington. There are a total of approximately 48 sites (CH2M Hill 1991). Two *Sidalcea nelsoniana* sites are located on Federal lands, Finley National Wildlife Refuge in the Willamette Valley and Walker Flat under the jurisdiction of the Bureau of Land Management in the Coast Range. Eight sites in four population centers occur on State land. The remaining sites occur on county, city, or private lands, which for the most part, are unprotected from development and habitat conversion. Mowing, conversion of habitat to agricultural lands, logging, recreational activities, stream channelization, and water impoundment threaten portions of all remaining population centers of *Sidalcea nelsoniana*.

Since 1985, habitat loss, primarily through conversion to agricultural use (resulting in plant destruction or extirpation) has occurred at several Valley sites: Lewisburg, Philomath North, Mount Jefferson Farm, Dallas South, Starker Park, and the Salem Municipal Airport. In addition, habitat loss has been reported at Van Well Road, Dyck Road, McTimmonds Valley, Hess Road, Nelson's Golden Valley, and Finley National Wildlife Refuge (CH2M Hill 1991).

Stream channel alterations have also adversely impacted the species. Projects such as stream straightening, construction of splash dams, and rip-rapping have resulted in an increase in instream flow, and reduce the amount of water that is diverted naturally into adjacent meadow habitat. This results in the loss of habitat for the plant.

Mowing adversely impacts the plants if it takes place before the plants set seed. Mowing activities have adversely affected 11 sites in all 4 population centers in the Willamette Valley: Panther Creek, Salem Municipal Airport, Walnut Park, Fletcher Road, Dallas South, McTimmonds Valley, State Highway 22, Monmouth, Decker Road, Starker Park, and State Highway 99W.

Continued logging activities will eventually change the hydrological regime at those areas where they occur. In the case of *Sidalcea nelsoniana*, logging continues at the Nelson's Valley site in the Coast Range. The extent to which these activities will impact the plant is not known; however, logging can directly destroy plants, and a change in the hydrological regime would likely adversely affect this species as well.

McMinnville Water and Light has planned to construct a reservoir on Walker Creek, a tributary of the Nestucca River in the Coast Range. The construction of this dam would inundate the entire Walker Flat population, the largest and one of the most hardy populations of *Sidalcea nelsoniana*. Although the area is currently protected under the state Scenic Waterway System, there have been legislative efforts to remove Walker Creek from this protective designation; these efforts are likely to be renewed in the future.

Recreational motorcyclists use the area at the Devils Lake Fork site in the Coast Range, and have disturbed the site to some degree.

The City of Hillsboro is proposing to raise the height of the Trask River Dam in Washington County, Oregon, by 50 ft to increase the storage capacity of Barney Reservoir from 4,000 to 20,000 acre-feet. The project is proposed in response to the increasing water needs of the City. An Environmental Impact Statement is expected on this project in early 1993. If the project is approved, habitat in the immediate vicinity containing *Sidalcea nelsoniana* will be inundated.

B. Overutilization for Commercial, Recreational, Scientific, or Education Purposes

Although overutilization is not known to have occurred, some plant species have become vulnerable to collection for scientific or horticultural purposes, excessive visits by individuals interested in seeing rare plants, or vandalism following Federal listing. Several *Sidalcea nelsoniana* sites in the Willamette Valley are readily accessible by road and could be vulnerable to vandalism or collection. The Walker Flat site could also be vulnerable to vandalism.

C. Disease or Predation

Although the extent to which this factor adversely affects the species is not known, instances of predation have been observed. A species of weevil utilizes *Sidalcea nelsoniana* plants at several sites. The adult female insect bores a hole through the seed coat and deposits her eggs inside. When the larvae hatch, they feed on the developing seed (Bureau of Land Management 1985). Damage to the seed reduces the reproductive potential of the species.

D. The Inadequacy of Existing Regulatory Mechanisms

Under the Oregon Endangered Species Act (ORS 564.100–564.135) and pursuant regulations (OAR 603, Division 73), the Oregon Department of Agriculture has listed *Sidalcea nelsoniana* as threatened (OAR 603–73–070). The State statute prohibits the "take" of State-listed plants on State-owned or State-leased lands only. *Sidalcea nelsoniana* occurs on many county, city, or privately-owned sites where the plant is not protected from actions the landowner may take that would adversely affect the species.

Because *Sidalcea nelsoniana* occurs in both isolated wetlands and wetlands adjacent to waterways, regulatory mechanisms under the Clean Water Act apply to this species. Under section 404 of the Clean Water Act, the U.S. Army Corps of Engineers (Corps) regulates the discharge of fill into the waters of the United States, including wetlands. To be in compliance with the Clean Water Act, potential applicants are required to notify the Corps prior to undertaking any activity (grading, discharge of soil or other fill material, etc.) that would result in the fill of wetlands under the Corps' jurisdiction. Nationwide Permit Number 26 (see 33 CFR 330.5) has been issued to regulate the fill of wetlands that are relatively small, not more than 10 acres. Where fill would occur in a wetland of 1–10 acres in size, the Corps circulates for comment a predischarge notification to the Service and other interested parties prior to determining whether or not the proposed fill activity qualifies under Nationwide Permit 26. Individual permits are required for the discharge of fill into wetlands that are greater than 10 acres in size. The review process for the issuance of individual permits is more extensive, and conditions may be included that require

the avoidance or mitigation of environmental impacts. The Corps has discretionary authority and can require an applicant to seek an individual permit if the Corps believes that the resources are sufficiently important, regardless of the wetland's size. In practice, the Corps rarely requires an individual permit when a project would qualify for a Nationwide permit, unless a threatened or endangered species occurs on the site. If a federally listed threatened or endangered species may be affected by a proposed project, the Corps must insure that it does not authorize, fund, or carry out any action that is likely to jeopardize the species' continued existence (see discussion below under "Available Conservation Measures").

As discussed previously, the Walker Creek site is currently protected through State Scenic Waterway designation; however, the Service believes the construction of the dam remains a threat to this population since legislative action could remove Walker Creek for the Scenic Waterway System in the future.

The Bureau of Land Management has proposed designating that portion of the Walker Flat area that it manages as an Area of Critical Environmental Concern (ACEC). This designation is still in the proposed stage; no long-term protective designation has been finalized. None of the known sites are specifically managed for this species.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Encroachment of woody species is eliminating *Sidalcea nelsoniana* habitat throughout the Willamette Valley. There is good evidence at Finley National Wildlife Refuge, Willow Creek and Wren Grassland Preserve, the Long Tom Area of Critical Environmental Concern, and the Fern Ridge Resource Natural Area, that secondary succession is occurring at grassland and meadow habitats in the Willamette Valley that adversely affects *S. nelsoniana* (Kagan, pers. comm.).

In the past, occasional fires created openings facilitating the growth of the plant. Fires still regularly occur at the sites that currently have vigorous *Sidalcea nelsoniana* populations. Fire management efforts to control invading *Fraxinus*, which competes with *Sidalcea nelsoniana* at Finley National Wildlife Refuge, have also benefited *Sidalcea nelsoniana*. These efforts were designed to benefit geese. Cutting has also been a management tool used to control encroaching vegetation. *Sidalcea nelsoniana* appears robust at Refuge locations where management efforts have been employed, compared to those plants in another nearby location, the *Fraxinus* forest surrounding Muddy Creek. Since 1985, *Sidalcea nelsoniana* has also increased in vigor at the University turkey farm site, in areas where *Fraxinus* has been controlled for several years to provide better habitat for turkeys (CH2M Hill 1989).

Many populations occur along roadsides where woody vegetation is cut back (Rosentreter, pers. comm.). However, routine maintenance of the road shoulders may adversely affect the plant through grading or application of herbicides.

One of the largest populations in the Willamette Valley, the Oregon State University turkey farm, is regularly trampled by turkeys. Continuous heavy trampling may limit seedling establishment.

An additional concern for the species is the small number of plants in many of the sites. Twenty-three sites (48 percent) contain 100 or fewer plants; 15 sites (31 percent) contain 25 or fewer plants. Within smaller populations, the sex ratios—number of plants with perfect flowers to number of pistillate-flowered plants—may be the controlling factor in seed production. Thus, small isolated *Sidalcea nelsoniana* populations are more vulnerable to extirpation due to demographic effects. In addition, small populations are more vulnerable to extirpation from stochastic (i.e., random) events than are larger populations.

The Service has carefully assessed the best scientific information available concerning the past abundance and subsequent decline of this taxon, as well as the threats faced by its remaining populations. Based on this evaluation, the preferred course of action is to list *Sidalcea nelsoniana* as threatened. Agricultural land conversion, competition from alien plant species, and roadside management activities have reduced *S. nelsoniana* to remnant populations. Future threats include a reservoir project, which, if constructed, would inundate more than 30 percent of the total number of plants, and a proposal to modify an existing dam, which would result in the inundation of additional *Sidalcea nelsoniana* plants. Although the plant occurs in five population centers in Oregon, and one newly discovered site in Washington State, it remains vulnerable to the above threats. The Service believes that *Sidalcea nelsoniana* is likely to become endangered in the foreseeable future throughout all or a significant portion of its range, and therefore fits the Act's definition of a threatened species. For the reasons discussed below, the Service is not proposing to designate critical habitat for this species at this time.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is listed as endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. As discussed under threat Factor B above, *Sidalcea nelsoniana* is vulnerable to taking and vandalism. Landowners can be alerted about the plant without the publication of critical habitat descriptions and maps. The publication of such descriptions and maps would likely increase the risk of vandalism and taking, and thus increase enforcement problems. Protection of the species' habitat will be addressed through the recovery process and through the section 7 consultation process. Therefore, it would not now be prudent to determine critical habitat for *Sidalcea nelsoniana*.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal recognition, recovery actions, requirements for Federal protection, and prohibitions against certain activities. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions would be initiated by the Service following listing. The protection required by Federal agencies and taking prohibitions are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened, and with respect to its critical habitat, if any is being designated. Regulations implementing this Interagency Cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) of the Act requires Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the

responsible Federal agency must enter into consultation with the Service.

The Bureau of Land Management will be required to consult with the Service over any permitting actions that may affect *Sidalcea nelsoniana*. The U.S. Army Corps of Engineers would become involved with this plant through its permitting authority as prescribed under section 404 of the Clean Water Act. By regulation, authorization under nationwide permits may not be granted where a federally listed endangered or threatened species would be affected by the proposed project without first completing formal consultation pursuant to section 7 of the Act.

The Act and implementing regulations found at 50 CFR 17.71 and 17.72 for threatened plant species set forth a series of general prohibitions and exceptions that apply to all threatened plants. With respect to *Sidalcea nelsoniana*, the trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.71, apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export; transport in interstate or foreign commerce in the course of a commercial activity; sell or offer for sale in interstate or foreign commerce; or to engage in certain activities involving "taking" of the species. Certain exceptions apply to agents of the Service and State conservation agencies. Seeds from cultivated specimens of threatened plant species are exempt from these prohibitions provided that a statement of "cultivated origin" appears on their containers. The Act and 50 CFR 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving threatened plant species under certain circumstances. No trade in this species is known. It is anticipated that few trade permits involving *Sidalcea nelsoniana* would ever be sought or issued since the species is not common in cultivation or in the wild.

Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203–3507 (703/358–2104).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined pursuant to the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

References Cited

Bureau of Land Management. 1985. Distribution and condition of *Sidalcea nelsoniana* Piper. A report to the Fish and Wildlife Service for Status Determination. Produced jointly by the Bureau of Land Management and McMinnville Water and Light Department, McMinnville, OR. paging various.

CH2M Hill. 1986. Studies of *Sidalcea nelsoniana* 1986. Prepared for City of McMinnville Water and Light Department.

CH2M Hill. 1987. Studies of *Sidalcea nelsoniana* 1987. Prepared for City of McMinnville Water and Light Department

CH2M Hill. 1989. Studies of *Sidalcea nelsoniana* 1989. Prepared for City of McMinnville Water and Light Department.

CH2 Hill. 1991. Studies of *Sidalcea nelsoniana* 1991. Prepared for City of McMinnville Water and Light Department.

CH2M Hill. 1992. Studies of *Sidalcea nelsoniana* 1992. Prepared for City of McMinnville Water and Light Department.

Franklin, J. F., and C. T. Dyrness. 1973. Natural vegetation of Oregon and Washington, USDA For. Serv. Gen. Tech. Rep. PNW–8.

Glad, J. B., R. Mishaga, and R. R. Halse. 1987. Habitat characteristics of *Sidalcea nelsoniana* Piper (Malvaceae) at Walker Flat, Yamhill County, Oregon. Northw. Sci. 61:257–263.

Hitchcock, C. L. 1957. A study of the perennial species of *Sidalcea*. Univ. Wash. Publ. Biol. 18:1–79.

Johannessen, C. L., W. A. Davenport, A. Millet, and S. McWilliams. 1971. The vegetation of the Willamette Valley. Ann. Assoc. Am. Geogr. 61(2): 286–302.

Meinke, R. J. 1992. Letter dated April 8, 1992, to Robert Parenti, U.S. Fish and Wildlife Service, Boise, Idaho 4 pp.

Moir, W. and P. Mika. 1972. Prairie vegetation of the Willamette Valley, Benton County, Oregon. Unpublished report on file at U.S. Department of Agriculture For. Serv. Forestry Sciences Laboratory, Corvallis. 29 pp. and appendix.

Oregon Natural Resources Council. 1991. Letter dated August 6, 1991, from Andy Kerr, Director of Conservation, Oregon Natural Resources Council, to Russ Peterson, Field Supervisor, Portland Field Office, U.S. Fish and Wildlife Service.

Peck, M. E. 1961. A Manual of the higher plants of Oregon. Binford & Mort, Portland.

Piper, C. V. 1919. New Pacific Coast plants. Proc. Biol. Soc. Wash. 32:41.

Robinson, A., and R. Parenti. 1990. Unpublished status report for *Sidalcea nelsoniana*. U.S. Fish and Wildlife Service. Portland, Oregon.

Author

The primary author of this final rule is Dr. Robert Parenti, U.S. Fish and Wildlife Service, 4696 Overland Road, Boise, Idaho 83705 (208/334–1931).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulations Promulgation

PART 17—[AMENDED]

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations is amended, as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Amend § 17.12(h) by adding the following, in alphabetical order under the family Malvaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Malvaceae—Mallow family:						
Sidalcea nelsoniana	Nelson's checker-mallow	U.S.A. (OR, WA)	T	490	NA	NA

VOL 58 ISS 28 FE 12 1993 UMI

Dated: February 4, 1993.

Richard N. Smith,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 93–3353 Filed 2–11–93; 8:45 am]

BILLING CODE 4310–55–M

VOL 58 ISS 28 FE 12 1993 UMI

Proposed Rules

Federal Register
Vol. 58, No. 28
Friday, February 12, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Summary Notice No. PR-93-2]

Petition for Rulemaking; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received April 13, 1993.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: D. Michael Smith, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-7470.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC on February 5, 1993.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Rulemaking

Docket No. 27090.

Petitioner: Mr. Terry A. Bateman.

Regulations Affected: 14 CFR 43.11.

Description of Rulechange Sought: To require Federal Aviation Administration Inspection Authorization certificate holders to submit an abbreviated Annual Inspection report to Oklahoma City when they approve an aircraft for return to service after completion of the Annual Inspection.

Petitioner's Reason for the Request: The petitioner feels there is a need to provide FAA aviation safety Inspectors and the aviation public with a current, easily accessible database that maintains the inspection status of all U.S.-registered aircraft whose operators must comply with the inspection requirements of § 91.409.

Docket No. 27049.

Petitioner: United Airlines, Inc.

Sections of the FAR Affected: 14 CFR 93.217 and 93.223.

Description of Rulechange Sought: To amend portions of the High Density Airports Traffic Rule to authorize on an emergency basis the immediate return to United Airlines, Inc., of its 36 O'Hare International Airport slots currently being used by foreign flag and other carriers for international services during the Winter 92-93 season. The petitioner further requests to repeal provisions that authorize any withdrawal of slots from U.S. carriers at O'Hare for the purpose of supporting international operations performed by another carrier.

Petitioner's Reason for the Request: The petitioner feels that the U.S. government has adopted a policy that reduces its domestic air transportation network to meet demands of foreign carriers. The petitioner feels this action is detrimental to domestic carriers, U.S. employees, and U.S. consumers.

[FR Doc. 93-3381 Filed 2-11-93; 8:45 am]
BILLING CODE 4910-13-M

14 CFR PART 71

[Airspace Docket No. 93-AGL-1]

Proposed Transition Area Alteration; Grand Marais, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the existing Grand Marais, MN, transition area to accommodate a new nondirectional beacon (NDB) runway 27 Standard Instrument Approach Procedure (SIAP) to Grand Marais/Cook County Airport, Grand Marais, MN. This airspace action would also change the airport name from Devils Track Municipal Airport to Grand Marais/Cook County Airport. The intended effect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

DATES: Comments must be received on or before March 25, 1993.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL-7, Attn: Rules Docket No. 93-AGL-1, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An informal docket may also be examined during normal business hours at the Air Traffic Division, System Management Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Douglas F. Powers, Air Traffic Division, System Management Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 93–AGL–1." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMS should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the transition area near Grand Marais, MN, to accommodate a new NDB runway 27 SIAP to Grand Marais/Cook County Airport, Grand Marais, MN. This action would also change the airport name from Devils Track Municipal Airport to Grand Marais/Cook County Airport.

The development of a new instrument approach procedure requires that the FAA alter the designated airspace to ensure that the procedure would be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts would reflect the defined area which would enable pilots to circumnavigate the area in order to comply with applicable visual flight rule requirements.

The coordinates for this airspace docket are based on North American Datum 83. Transition areas are published in section 71.181 of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The transition area listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Transition areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, is amended as follows:

Section 71.181 Designation of Transition Areas

* * * * *

AGL MN TA Grand Marais, MN [Revised]
Grand Marais/Cook County Airport, MN
(lat. 47°50'18" N., long. 90°22'59" W.)
Grand Marais NDB
(lat. 47°49'39" N., long. 90°22'32" W.)

That airspace extending upward from 700 feet above the surface within a 6.4 miles radius of the Grand Marais/Cook County Airport and within 2.2 miles each side of the 104° bearing from the Grand Marais NDB extending from the 6.4 mile radius to 7 miles east of the airport, excluding that portion which overlies P204.

* * * * *

Issued in Des Plaines, Illinois on January 20, 1993.

John P. Cuprisin,

Manager, Air Traffic Division.

[FR Doc. 93–3385 Filed 2–11–93; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAQPS CA 9–1–5647; FRL–4594–6]

Approval and Promulgation of Implementation Plans to California State Implementation Plan Revision; Bay Area Air Quality Management District, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA is proposing a limited approval and limited disapproval of revisions to the California State Implementation Plan (SIP) adopted by the Bay Area Air Quality Management District (BAAQMD) on February 15, 1989, and the South Coast Air Quality Management District (SCAQMD) on August 5, 1988. The California Air Resources Board submitted these revisions to EPA on March 26, 1990. The revisions concern BAAQMD's Regulation 8, Rule 40 (Rule 8–40), Aeration of Contaminated Soil and Removal of Underground Storage Tanks, and SCAQMD's Rule 1166, volatile Organic Compound Emissions from Decontamination of Soil. Both rules control the emission of volatile organic

compounds (VOCs) from the aeration of contaminated soil. EPA has evaluated Rules 8–40 and 1166 and is proposing a limited approval under sections 110(k)(3) and 301(a) of the Clean Air Act, as amended in 1990 (CAA or the Act) because these rules strengthen the SIP. At the same time, EPA is proposing a limited disapproval under sections 110(k)(3) and 301(a) of the CAA because the rules do not meet the Part D, section 182(a)(2)(A) requirement of the CAA.

DATES: Comments must be received on or before March 15, 1993.

ADDRESSES: Comments may be mailed to: Daniel Meer, Rulemaking Section II (A–5–3), Air and Toxics Division, Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1219 "K" Street, Sacramento, CA 95814.

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94102.

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765–4182.

FOR FURTHER INFORMATION CONTACT: Denise Odenwalder, Rulemaking Section II (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1200.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the 1977 Clean Air Act (1977 CAA or pre-amended Act) that included the San Francisco—Bay Area Air Basin (Bay Area) and the South Coast Air Basin (South Coast). (43 FR 8964); 40 CFR 81.305. Because the Bay Area and South Coast were unable to reach attainment by the statutory attainment date of December 31, 1982, California requested under section 172(a)(2), and EPA approved, an extension of the attainment date to December 31, 1987. 40 CFR 52.238. The Bay Area and South Coast did not attain the ozone standard by the approved attainment date. On May 26, 1988, EPA notified the Governor of California that BAAQMD's and SCAQMD's portions of the SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, amendments to the 1977 CAA were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. §§ 7401–7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.[1] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The Bay Area is classified as moderate and the South Coast is classified as extreme;[2] therefore, these two areas are subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of California submitted many revised RACT rules to EPA for incorporation into its SIP on March 26, 1990, including the rules being acted on in this notice. This notice addresses EPA's proposed action for BAAQMD's Regulation 8, Rule 40 (Rule 8–40), Aeration of Contaminated Soil and Removal of Underground Storage Tanks, and SCAQMD's Rule 1166, Volatile Organic Compound Emissions from Decontamination of Soil. These submitted rules were found to be complete on June 20, 1990, pursuant to EPA's completeness criteria adopted on February 16, 1990 (55 FR 5830) and set forth in 40 CFR part 51, Appendix V[3] and are being proposed for limited approval and limited disapproval.

Rules 8–40 and 1166 control the emission of volatile organic compounds (VOCs) from the aeration of contaminated soil. VOCs contribute to the production of ground level ozone and smog. BAAQMD's Rule 8–40 and SCAQMD's Rule 1166 are new rules which have been adopted to meet EPA's SIP-Call and, although submitted prior to enactment of the amended CAA, the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and proposed action for BAAQMD's Rule 8–40 and SCAQMD's Rule 1166.

EPA Evaluation and Proposed Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and Part D of the CAA and 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). For some source categories, such as soil aeration, EPA has not published a CTG. Further interpretations of EPA policy are found in the Blue Book. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

BAAQMD's Rule 8–40, Aeration of Contaminated Soil and Removal of Underground Storage Tanks, and SCAQMD's Rule 1166, Volatile Organic Compound Emissions from Decontamination of Soil are new rules that were adopted to control the emission of VOCs from the aeration of soil that has been contaminated by VOC leaks or spills. The rules also control the emission of VOCs during the removal or

---

[1] Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987. **Federal Register** Notice" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988); and the existing control technique guidelines (CTGs).

[2] BAAQMD and SCAQMD retained their designation and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 56 FR 56694 (November 6, 1991).

[3] EPA has since adopted completeness criteria pursuant to section 110(k)(1)(A) of the amended Act to be codified at 40 CFR part 51, Appendix V. See 56 FR 42216 (August 26, 1991).

replacement of underground storage tanks.

EPA has evaluated BAAQMD's submitted Rule 8–40 and SCAQMD's submitted Rule 1166 for consistency with the CAA, EPA regulations, and EPA policy and has found that these submitted rules serve to strengthen the SIP. The addition of soil aeration rules in the BAAQMD and SCAQMD portions of the California SIP should lead to more emission reductions by controlling emissions that were previously uncontrolled.

Although the approval of BAAQMD's Rule 8–40 and SCAQMD's Rule 1166 will strengthen the SIP, these rules still contain deficiencies that were required to be corrected pursuant to the section 182(a)(2)(A) requirement of Part D of the CAA. The main deficiency of the rules is that they both allow director's discretion in the approval of alternative test methods. In addition, SCAQMD's Rule 1166 contains several ambiguous exemptions that could make the rule less stringent. A detailed discussion of rule deficiencies can be found in the Technical Support Documents for Rules 8–40 (October 28, 1992) and 1166 (October 28, 1992), which are available from the U.S. EPA, Region 9 office. Because of these deficiencies, the rules are not approvable pursuant to section 182(a)(2)(A) of the CAA because they are not consistent with the interpretation of section 172 of the 1977 CAA as found in the Blue Book and may lead to rule enforceability problems.

Because of the above deficiencies, EPA cannot grant full approval of these rules under section 110(k)(3) and Part D. Also, because the submitted rules are not composed of separable parts which meet all the applicable requirements of the CAA, EPA cannot grant partial approval of the rules under section 110 (k)(3). However, EPA may grant a limited approval of the submitted rules under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited because EPA's action also contains a simultaneous limited disapproval. In order to strengthen the SIP, EPA is proposing a limited approval of BAAQMD's submitted Rule 8–40 and SCAQMD's submitted Rule 1166 under sections 110(k)(3) and 301(a) of the CAA.

At the same time, EPA is also proposing a limited disapproval of these rules because they contain deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the rules do not fully meet the requirements of Part D of the Act. Under section 179(a)(2), if the Administrator disapproves a submission under section 110(k) for an area designated nonattainment, based on the submission's failure to meet one or more of the elements required by the Act, the Administrator must apply one of the sanctions set forth in section 179(b) unless the deficiency has been corrected within 18 months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: highway funding and offsets. The 18 month period referred to in section 179(a) will begin at the time EPA publishes final notice of this disapproval. Moreover, the final disapproval triggers the federal implementation plan (FIP) requirement under section 110(c).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. Section 600 *et. seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. §§ 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

Limited approvals under §§ 110 and 301 and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

EPA's limited disapproval of the State request under §§ 110 and 301 and subchapter I, Part D of the CAA does not affect any existing requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state enforceability. Moreover, EPA's disapproval of the submittal does not impose any new federal requirements. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it impose any new federal requirements.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: February 1, 1993.

John C. Wise,

Acting Regional Administrator.

[FR Doc. 93–3402 Filed 2–11–93; 8:45 am]

BILLING CODE 6560–50–M

---

40 CFR Part 52

[IN6–2–5705; FRL–4594–5]

Approval and Promulgation of Implementation Plans; Indiana: Extension of Comment Period

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed rule; Extension of the comment period.

SUMMARY: USEPA is extending the comment period for a proposed rule published December 31, 1992 (57 FR 62535). On December 31, 1992, USEPA proposed approval of a requested revision to the Indiana State Implementation Plan involving an emissions trade for Joseph E. Seagram and Sons (Seagram).

At the request of Seagram, USEPA is extending the comment period for 30 days.

DATES: Comments are extended until March 3, 1993.

ADDRESSES: Comments should be submitted to: David Pohlman (AR–18J), Regulation Development Branch, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604, (312) 886–3299.

FOR FURTHER INFORMATION CONTACT: David Pohlman at (312) 886–3299.

Dated: February 2, 1993.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 93–3399 Filed 2–11–93; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[PP Docket No. 93–21; FCC 93–77]

Sports Programming Migration

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This Notice of Inquiry ("Notice") initiates an inquiry into sports programming migration and the impact of preclusive contracts on the availability of college sports programming to local television stations. The inquiry was mandated by the Cable Television Consumer Protection and Competition Act of 1992.

DATES: Comments must be received on or before March 29, 1993; reply comments must be received on or before April 12, 1993.

ADDRESSES: Comments and reply comments may be sent to Office of the Secretary, Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jonathan D. Levy, Office of Plans and Policy, (202) 653–5940.

SUPPLEMENTARY INFORMATION: The inquiry will examine, on a sport-by-sport basis, trends in the movement of sports programming from broadcast television to subscription media, including, to the extent possible, projections of future patterns of sports programming distribution. It encompasses local, regional, and national sports programming, and will investigate, pursuant to specific Congressional instruction, the economic causes and economic and special "consequences" of migration trends. Moreover, the Commission will examine the impact of preclusive contracts between college athletic conferences and video programming vendors on the supply of local college sports programming to local television stations.

The Commission's inquiry is focused on professional baseball, basketball, football, and hockey, and on college football and basketball, but comment is invited on other sports as appropriate. The Commission seeks data on video distribution of sports programming over various media from 1980 to the present, having tentatively concluded that the quantity and availability of subscription sports programming prior to that year was limited.

In order to examine the causes of migration, the Commission seeks comment on changes in demand for sports programming and on the impact of new technologies. To assess the consequences of migration, the Commission seeks comment on changes in the availability and price of sports programming. Pursuant to Congressional instructions, the Commission will submit to Congress and initial sports programming migration report on or before July 1, 1993 and a final report on or before July 1, 1994.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–3484 Filed 2–11–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 93–15, RM–8167]

Radio Broadcasting Services; Rupert, ID

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Inland Broadcast Company requesting the substitution of Channel 223C for Channel 223A at Rupert, Idaho, and the modification of Station KNAQ (FM)'s construction permit to specify operation on Channel 223C. In accordance with Section 1.420(g) of the Commission's Rules, we shall not accept competing expressions of interest for the use of Channel 223C at Rupert or require the petitioner to demonstrate the availability of an additional equivalent channel for use by interested parties. The proposed coordinates for Channel 223C at Rupert are North Latitude 42–20–06 and West Longitude 113–36–16.

DATES: Comments must be filed on or before April 1, 1993, and reply comments on or before April 16, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lester W. Spillane, 1040 Main Street, suite 208, Napa, California 94559 (Attorney for Inland Broadcast Company).

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–15, adopted January 27, 1993, and released February 8, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1919 M Street NW., room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–3323 Filed 2–11–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AB83

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Endangered Status for the Plant "Astrophytum asterias"

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Fish and Wildlife Service (Service) gives notice that the public comment period is reopened on the proposal to list *Astrophytum asterias* (star cactus) as endangered under the Endangered Species Act of 1973, as amended. The reopening will allow the Service to accept comments for a period of 60 days from the date of publication of this notice.

DATES: Comments from all interested parties must be received by April 13, 1993. Public hearing requests must be received in writing by March 29, 1993.

ADDRESSES: Written comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services Field Office, c/o Corpus Christi State University, Campus Box 338, 6300 Ocean Drive, Corpus Christi, Texas 78412. Comments and materials will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Angela Brooks, at the above address (Telephone 512/888–3346).

SUPPLEMENTARY INFORMATION:

Background

Star cactus grows at low elevations in the grasslands and shrublands of the Rio Grande Plains or the Tamaulipan thornshrub. It is most often found in the partial shade of other plants or rocks, growing on gravelly, saline clays or loams overlaying the Tertiary Catahoula and Frio formations (Damude and Poole 1990).

Much of the probable native habitat of star cactus has been converted to agriculture or improved pasture. In the areas where plants presently occur, pasture improvement is done by clearing the shrubs and then planting buffelgrass (*Cenchrus ciliaris*). This aggressive non-native grass forms dense stands. It is unlikely star cactus could survive this land management regime. Much of the probable suitable habitat in Mexico has been converted to agricultural use (Sanchez-Mejorada, *et al.* 1986).

Historically, star cactus occurred in Cameron, Hidalgo, and Starr counties in South Texas, and the adjacent states of Nuevo Leon, and Tamaulipas in Mexico. Presently, star cactus is known from only one locality in Texas and one in Tamaulipas, both privately owned, with only about 2,100 plants known in the wild (Damude and Poole 1990). The Nuevo Leon site is believed to have been extirpated by collectors, and the Tamaulipas site has been reduced to very few individuals (Sanchez-Mejorada, *et al.* 1986).

On October 9, 1992, the Service published in the **Federal Register** (57 FR 197) a proposal to list star cactus as endangered under the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*). The comment period on that proposal closed December 8, 1992. Pursuant to 50 CFR 424.16(c)(1)(vi) of regulations implementing section 4 of the Act, the Service shall publish a summary of the proposed regulation in a newspaper of general circulation in each area in which the species occurs. No such summary was published for the star cactus proposal. Reopening of the comment period will be accompanied by publication of the required newspaper notices. In addition, the Service received a request from the Cactus and Succulent Society of America asking for an extension of the comment period.

Pursuant to 50 CFR 424.16(c)(2), the Service may extend or reopen a comment period upon finding that there is good cause to do so. The Service has determined that good cause exists, in that allowing the full participation of affected publics in the species listing process, and incorporation of comments from species experts, will allow the Service to consider the best scientific and commercial data available in making a final determination on the proposed action. Written comments may now be submitted until April 13, 1993, to the Service office in the "**ADDRESSES**" section of this notice. A request for a public hearing on the proposed action must be received in writing by March 29, 1993.

References Cited

Damude, N. and J. Poole. 1990. Status Report on *Echinocactus asterias* (*Astrophytum asterias*). U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

Sanchez-Mejorada, H.E. Anderson, N. Taylor, and R. Taylor. 1986. Succulent Plant Conservation Studies and Training in Mexico. World Wildlife Fund, Washington, DC.

Authors

The primary authors of this notice are Angela Brooks and Tim Cooper, U.S. Fish and Wildlife Service, Corpus Christi Ecological Services Field Office (see **ADDRESSES**), telephone 512/888–3346, and Kathryn Kennedy, U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 611 East 6th Street, Austin, Texas 78701, telephone 512/482–5436.

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*; Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Dated: February 1, 1993.

John G. Rogers,

Regional Director.

[FR Doc. 93–3368 Filed 2–11–93; 8:45 am]

BILLING CODE 4310–55–M

---

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Public Hearings and Reopening of Comment Period on Proposed Endangered Status and Critical Habitat for the Plant "Salix Arizonica"

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearings and reopening of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that two public hearings will be held and the comment period reopened on the proposed rule to list *Salix arizonica* (Arizona willow) as an endangered species with critical habitat. These hearings and reopening of the comment period will allow all interested parties to submit oral or written comments on the proposal.

DATES: Two public hearings have been scheduled. One public hearing will be held from 6:30 p.m. to 9 p.m. on Tuesday, March 2, 1993, in Eager, Arizona. The second public hearing will be held from 6:30 p.m. to 9 p.m. on Wednesday, March 3, 1993, in Whiteriver, Arizona. The comment period for this proposal, which

originally closed January 19, 1993, is reopened and now closes on April 2, 1993. Comments must be received by the closing date. Any comments that are received after the closing date may not be considered in the final decision on this proposal.

ADDRESSES: The March 2 public hearing will be held at the Round Valley High School auditorium, 600 North Butler, Eager, Arizona. The March 3 public hearing will be held at the Tribal Council Chambers, White Mountain Apache Tribe, South Highway 73, Whiteriver, Arizona. Written comments and material should be sent to the Field Supervisor, Arizona Ecological Services Field Office, U.S. Fish and Wildlife Service, 3616 West Thomas Road, suite 6, Phoenix, Arizona 85019. Comments and materials received will be available for public inspection by appointment, during normal business hours, at the above address.

FOR FURTHER INFORMATION CONTACT: Bruce Palmer, at the above address, telephone (602) 379–4720.

SUPPLEMENTARY INFORMATION:

Background

Arizona willow is a shrub and may exhibit several growth forms. Arizona willow is only found in the White Mountains of Arizona, at elevations above 2,600 meters (8,500 feet), typically in association with wet meadows and stream sides in or near perennial water. The Arizona willow is threatened by degradation of habitat (especially erosion and siltation), predation, and disease, due to, in part, livestock grazing, wildlife use, timber harvest, road building, recreation, and infestation of a naturally occurring rust. A proposed rule to list this species as endangered with critical habitat was published in the **Federal Register** on November 20, 1992 (57 FR 54747).

Pursuant to 50 CFR 424.16 (c)(2), the Service may extend or reopen a comment period upon finding that there is good cause to do so. The Service has determined that good cause exists, in that allowing the full participation of affected publics in the species listing process will allow the Service to consider the best scientific and commercial data available in making a final determination on the proposed action.

Section 4(b)(5)(E) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that a public hearing be held if requested within 45 days of the publication of a proposed rule. The Service received written requests for a public hearing on December 28, 1992, from Robert C. Brauchli, General Counsel, White Mountain Apache Tribe; on December 31, 1992 from David A. Brown, Attorney at Law, representing Jack A. Brown, J. Albert Brown Ranches Inc., and Sylvia Wilson; and on December 31, 1992, from Arthur N. Lee, County Supervisor, Board of Supervisors, Apache County, Arizona.

The Service has scheduled two public hearings. The first will occur on March 2, 1993, from 6:30 p.m. to 9 p.m. in the Round Valley High School auditorium, Eager, Arizona. The second public hearing will occur on March 3, 1993, from 6:30 p.m. to 9 p.m. in the Tribal Council Chambers, Whiteriver, Arizona. Those parties wishing to make statements for the record should bring a copy of their statements to present to the Service at the start of the hearing. Oral statements may be limited in length to 5 or 10 minutes if the number of parties present at each hearing necessitates such a limitation. There are, however, no limits to the length of written comments or materials presented at the hearings or mailed to the Service. The comment period on the proposed rule originally closed January 19, 1993. To accommodate the public hearings, the Service is reopening the comment period until April 2, 1993. Written comments should be submitted to the Service office in the **ADDRESSES** section.

Author

The primary author of this notice is Bruce K. Palmer (see **ADDRESSES**).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1361–1407; 16 U.S.C. 1531–1543; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Dated: February 1, 1993.

John G. Rogers,

Regional Director.

[FR Doc. 93–3367 Filed 2–11–93; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Finding on Petitions To Change the Status of Grizzly Bear Populations in the Cabinet-Yaak Area of Montana and the Selkirk Mountains of Idaho and Washington From Threatened to Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 12-month petition finding for two petitions to amend the List of Threatened and Endangered Wildlife. The Service finds that the reclassification of the grizzly bear (*Ursus arctos horribilis*) population in the Selkirk ecosystem of Idaho and Washington from threatened to endangered is not warranted. The Service finds that reclassification of the grizzly bear population in the Cabinet-Yaak ecosystem of Montana from threatened to endangered is warranted but precluded.

DATES: The finding announced in this notice was approved on January 27, 1993. Comments may be submitted until further notice.

ADDRESSES: Questions or comments concerning this finding should be sent to U.S. Fish and Wildlife Service, Grizzly Bear Recovery Coordinator, NS 312, University of Montana, Missoula, Montana 59812. The petition, finding, and supporting data are available for public inspection by appointment during normal business hours at the above office.

FOR FURTHER INFORMATION CONTACT: Dr. Christopher Servheen at the address listed above (406–329–3223).

SUPPLEMENTARY INFORMATION: Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the U.S. Fish and Wildlife Service (Service) make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the finding is positive, the Service is also required to promptly commence a review of the status of the involved species. In accordance with section 4(b)(3)(B) of the Act, the Service announces the 12-month finding on two

petitions requesting the reclassification of grizzly bears from threatened to endangered status.

A petition dated February 4, 1991, was received by the Service from The Fund for Animals, Inc., on February 7, 1991. The petition requested that the Service reclassify the grizzly bear (*Ursus arctos horribilis*) populations in the Selkirk ecosystem of Idaho and Washington; the Cabinet-Yaak ecosystem of Montana; the Yellowstone ecosystem of Montana, Wyoming, and Idaho; and the Northern Continental Divide ecosystem of Montana from threatened to endangered. A second petition dated January 16, 1991, was received by the Service from Mr. D.C. Carlton on January 28, 1991. The petition requested that the Service reclassify the grizzly bear populations in the Cabinet-Yaak ecosystem of Montana, the Selkirk ecosystem of Idaho and Washington, and the North Cascades ecosystem of Washington from threatened to endangered.

The request to reclassify the grizzly populations in the Yellowstone ecosystem and Northern Continental Divide ecosystem from threatened to endangered status was previously addressed, and a notice of the finding was published in the **Federal Register** on April 20, 1992 (57 FR 14372–14374). The Service found that the petitioners did not provide substantial evidence that their petitioned action was warranted in the Yellowstone ecosystem and the Northern Continental Divide ecosystem.

The reclassification of the grizzly bear in the North Cascades ecosystem was previously addressed by the Service in response to a petition submitted by The Humane Society of the United States, Greater Ecosystem Alliance, North Cascades Audubon Society, Skagit Alpine Club, North Cascades Conservation Council, and Carol Rae Smith. The finding of the Service in response to the petition to change the status of grizzly bears in the North Cascades from threatened to endangered was warranted but precluded, and a notice announcing the finding was published in the **Federal Register** on July 24, 1991 (56 FR 33892–33894).

The Fund for Animals, Inc., and Mr. D.C. Carlton submitted information that grizzly bears in the Cabinet-Yaak region and Selkirk Mountains are imperiled because current populations there are small. The petitioners also indicated that a range of threats exists to the survival of the remaining populations of bears in these areas, including road construction, land management activities, livestock grazing, land development, and inadequate support from management agencies. A notice published in the **Federal Register** on April 20, 1992 (57 FR 14372–14374), announced that the Service made a 90-day finding that the petitioners presented substantial information that their petitioned action may be warranted for the Cabinet-Yaak and Selkirk grizzly bear populations. In the **Federal Register** publication, the Service also announced the initiation of a status review.

As a result of the **Federal Register** notice, 199 letters were received by the Service with general comments on the petitions. None of the letters contained new biological information on the grizzly bear populations in the Cabinet-Yaak ecosystem or Selkirk ecosystem.

The Service agrees that the grizzly bear population in the Selkirk ecosystem is small. However, current research indicates that human-caused mortality is decreasing, reproduction and survivorship rates are adequate (Wakkinen and Zager 1991, Wielgus et al., in prep.), and a proactive management program has been implemented (Allen-Johnson 1991). After a review of the petitions, accompanying documentation, references cited therein, current research findings, and present management efforts, the Service found that the requested action to reclassify the grizzly bear population in the Selkirk ecosystem from threatened to endangered is not warranted.

The Service agrees that the grizzly bear population in the Cabinet-Yaak area is small (Kasworm and Manley 1988, Kasworm and Thier 1991) and that increasing human demands exist in the areas including logging, recreation, and road building. After a review of the petitions, accompanying documentation, references cited therein, and current research findings, the Service found that the requested action to reclassify the grizzly bear in the Cabinet-Yaak ecosystem from threatened to endangered is warranted but precluded by work on other species having a higher priority for listing. The Service is expeditiously working on listing a backlog of species having a higher priority of needing protection of the Act. The grizzly bear populations in the Cabinet-Yaak ecosystem and the Selkirk ecosystem remain listed as threatened and retain their current protection under the Act. More detailed information regarding these decisions may be obtained from the office of Dr. Christopher Servheen (see **ADDRESSES** above).

References Cited

Allen-Johnson, B.K. 1991. Selkirk Mountains grizzly bear enforcement and public relations project: August 1990–November 1991. Idaho Fish and Game, Boise. 5 pp.

Kasworm, W. and T. Manley. 1988. Grizzly bear and black bear ecology in the Cabinet Mountains of northwest Montana. Mont. Dept. Fish, Wildl. and Parks, Helena. 122 pp.

Kasworm, W. and T. Thier. 1991. Cabinet-Yaak ecosystem grizzly bear and black bear research, 1990 progress report. U.S. Fish and Wildlife Serv., Missoula, Montana. 35 pp.

Wakkinen, W.L. and P. Zager. 1991. Selkirk Mountains grizzly bear ecology project, November 1990–November 1991. Idaho Dept. of Fish and Game, Boise. 23 pp.

Wielgus, R., W.L. Wakkinen, and P. Zager. In prep. Population parameters for Selkirk Mountains grizzly bears.

Author

This notice was prepared by Dr. Christopher Servheen (see **ADDRESSES**).

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1544).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Dated: January 27, 1993.

Richard N. Smith,

Deputy Director, Fish and Wildlife Service.

[FR Doc. 93–3366 Filed 2–11–93; 8:45 am]

BILLING CODE 4310–55–M

VOL
58
ISS
28
FE
12
1993
UMI

Notices

Federal Register
Vol. 58, No. 28
Friday, February 12, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 92-190-2]

Animal Damage Control Program; Availability of Supplement to the Draft Environmental Impact Statement

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared a supplement to the draft environmental impact statement (EIS) for the Animal Damage Control program, and has made available the supplementary document for public review and comment. The draft EIS, prepared in June 1990, evaluated environmental impacts associated with wildlife damage control activities. Copies of the supplement to the draft EIS were filed with the Environmental Protection Agency (EPA) on January 13, 1993, pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)), and the EPA Notice of Availability appeared in the **Federal Register** on January 22, 1993. This document extends the comment period from March 8, 1993, which was announced in the EPA Notice, until March 29, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Richard L. Wadleigh, Acting Director, Operational Support Staff, Animal Damage Control, APHIS, USDA, room 819, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8281.

DATES: Consideration will be given only to comments received on or before March 29, 1993.

ADDRESSES: Please send an original and three copies of your comments to Richard L. Wadleigh, Acting Director, Operational Support Staff, Animal Damage Control, APHIS, USDA, room 819, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 92-190-2. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Copies of the supplement to the draft environmental impact statement (EIS) are available for review at the following locations: USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays; Operational Support Staff, Animal Damage Control, APHIS, USDA, room 819, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; Eastern Regional Office, Animal Damage Control, APHIS, USDA, suite 370, 7000 Executive Center Drive, Brentwood, TN 37027; and Western Regional Office, Animal Damage Control, APHIS, USDA, 12345 W. Alameda Parkway, suite 313, Lakewood, CO 80228. Written requests for copies can be sent to Mr. Richard L. Wadleigh at the address provided under "FOR FURTHER INFORMATION CONTACT."

SUPPLEMENTARY INFORMATION:

Background

Animal Damage Control (ADC) of the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, in cooperation with the Bureau of Land Management of the U.S. Department of the Interior, and the Forest Service of the U.S. Department of Agriculture, is preparing an EIS for the ADC program.

On January 14, 1993 (58 FR 4404-4405, Docket No. 92-190-1), we published a notice of intent to make available a supplement to the draft EIS for the ADC program. The draft EIS, prepared in June 1990, evaluated environmental impacts associated with wildlife damage control activities.

The supplement to the draft EIS is now available for review and comment. This supplement incorporates responses to the public comments on the draft EIS, expanding on the following: The quantitative risk assessment of all chemical and nonchemical methods employed by the program; the economic analysis; and the explanation of alternatives, including an in-depth discussion of the ADC decision model.

It has come to our attention that the copy of the Biological Opinion rendered by the U.S. Fish and Wildlife Service was inadvertently omitted from Appendix F of the supplement to the draft EIS filed with the Environmental Protection Agency. Persons interested in reviewing a copy of this appendix may request one from the person or locations named under "ADDRESSES."

This document gives notice of the availability of the supplement to the draft EIS for review and requests written comments.

Done in Washington, DC, this 9th day of February 1993.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93-3377 Filed 2-11-93; 8:45 am]

BILLING CODE 3410-34-M

Economic Research Service

National Agricultural Cost of Production Standards Review Board; Meeting

The National Agricultural Cost of Production Standards Review Board will meet at the Crockett Hotel, San Antonio, Texas, on February 25-26, 1993.

The purpose of this meeting is to discuss general issues related to USDA's estimation of enterprise costs of production. The meeting will open at 1 p.m. on February 25, 1993. Subsequent sessions will be held from 8 a.m.-12 noon and 1 p.m.-5 p.m. on February 26.

All sessions will be open to members of the public who wish to observe. Written comments may be submitted before or after the meeting to Kenneth Deavers, Director, ARED-ERS-USDA, room 314, 1301 New York Avenue, NW., Washington DC 20005.

This meeting is authorized by 7 U.S.C. 4104, as amended. For further information, contact Jim Ryan at (202) 219-0798.

John E. Lee, Jr.,

Administrator.

[FR Doc. 93-3376 Filed 2-11-93; 8:45 am]

BILLING CODE 3410-18-M

Forest Service

Exempt Decisions for High Stew, Low Stew, Spiral, Pot, and Mossback Salvage Timber Sales From Appeal, Willamette National Forest, OR

AGENCY: Forest Service, USDA.

ACTION: Notice of exempt decisions from administrative appeal.

SUMMARY: This is a notification that the decisions to implement High Stew, Low Stew, Spiral, Pot, and Mossback Salvage Timber Sales located on the Rigdon Ranger District of the Willamette National Forest are exempted from appeal. This is in conformance with provisions of 36 CFR 217.4(a)(11) as published in the **Federal Register** on January 23, 1989 (54 FR 3342).

EFFECTIVE DATE: February 12, 1993.

FOR FURTHER INFORMATION CONTACT: Darrel L. Kenops, Forest Supervisor, Willamette National Forest, P.O. Box 10607, Eugene, Oregon 97440, phone (503) 465–6517.

SUPPLEMENTARY INFORMATION: In 1990, an intense, localized, windstorm caused extensive windthrow on the Rigdon Ranger District of the Willamette National Forest. This windthrow material was included in several environmental analyses. Exemption from appeal of these salvage timber sales is needed to facilitate the rapid removal of the material to reduce further commercial loss of the wood products; reduce the potential for catastrophic losses from wildfire; and to help reduce the spread of insect infestations and disease.

In 1991 and continuing on into 1992, district interdisciplinary teams (IDT) began the process of scoping and analyzing the potential to salvage timber. The scoping process included mailings to the public and contacts with individuals and State and federal agencies. After the completion of scoping process the following were identified as important issues: impact to watersheds; timber supply and economics; impacts to spotted owl habitat, and impact to big game habitat.

For Mossback Salvage, the district IDT developed four alternatives, including the No-Action Alternative. The effects of these alternatives are disclosed and documented in an environmental assessment. The proposed action, Alternative D, includes 65 acres of salvageable timber, producing 1,900 MBF (thousand board feet) of timber. No roads would be constructed.

For High Stew, Low Stew, Spiral, and Pot Salvages, the district IDT developed a proposed action for each project. These salvage sales fit within a category of action that may be categorically excluded from documentation in an environmental impact statement or an environmental assessment (Forest Service Handbook 1909.15, section 31.2).

The proposed action for each of the salvage sales mentioned above are described in the table below.

Salvage timber sale	Acres	Volume (MBF)	Road (miles)	Decision document
High Stew	33	770	¼ (temporary)	Decision Memo.
Low Stew	18	260	None	Decision Memo.
Spiral	9	360	None	Decision Memo.
Pot	4	80	None	Decision Memo.
Mossback	65	1,900	None	Decision Notice.

These salvage sales were designed to accomplish their objectives as quickly as possible and minimize the amount of volume and resource lost. To expedite these salvage sales and the accompanying work, these projects are exempted from appeal (36 CFR part 217). Under this Regulation, the following are exempt from appeal:

> Decisions related to rehabilitation of National Forest System lands and recovery of forest resources resulting from natural disasters or other natural phenomena, such as wildfires, severe wind * * * when the Regional Forester * * * determines and gives notice in the **Federal Register** that good cause exists to exempt such decisions from review under this part.

Upon publication of this notice in the **Federal Register**, the Decision Memos for High Stew, Low Stew, Spiral, and Pot Salvage Timber Sales may be signed by the Forest Supervisor. The Decision Notice for the Mossback Salvage Timber Sale may also be signed by the Forest Supervisor. Therefore, these salvage timber sales will not be subject to review under 36 CFR part 217.

Dated: February 5, 1993.

Nancy Graybeal,

Deputy Regional Forester.

[FR Doc. 93–3356 Filed 2–11–93; 8:45 am]

BILLING CODE 3410–11–M

Rural Electrification Administration

Arizona Electric Power Cooperative, Inc.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA) has made a finding of no significant impact (FONSI) with respect to the potential environmental impact resulting from a proposal by Arizona Electric Power Cooperative, Inc. (AEPCO), to construct and operate a new ash and scrubber waste disposal facility at a location adjacent to the Apache Generating Station (Station). The FONSI is based on a borrower's environmental report (BER) and a BER supplement prepared for AEPCO by Burns and McDonnell and submitted to REA covering the proposed action. REA conducted an independent evaluation of these documents and concurs with their scope and content. In accordance with REA Environmental Policies and Procedures, 7 CFR section 1794.61, REA has adopted the AEPCO BER and BER supplement as the environmental assessment for this project.

FOR FURTHER INFORMATION CONTACT: Lawrence R. Wolfe, Chief, Environmental Compliance Branch, Electric Staff Division, room 1246, South Agriculture Building, Rural Electrification Administration, Washington, DC 20250, telephone (202) 720–1784.

SUPPLEMENTARY INFORMATION: The Station is located approximately 11 miles southeast of Willcox in Cochise County, Arizona. The proposed project consists of constructing a 285 acre disposal facility that will include two ash pond cells, an evaporation pond, and a scrubber sludge disposal pond. The ash pond cells will have an ultimate storage depth of approximately 26 feet and a combined surface area of approximately 120 acres. The evaporation pond will provide an additional 80 acres of evaporative

surface area. The scrubber sludge disposal pond will have an average depth of 11 feet and an approximate water surface area of 85 acres. Due to site topography, the above ground height of the disposal facility's exterior dikes will range from 5 feet along the western border to 30 feet along the eastern border. The dike side slopes and pond bottoms will be lined with high density synthetic polyethylene flexible membrane liners. Above ground pipelines will be used to sluice the ash and scrubber wastes from the plant to the disposal facility. The facility will be designed as a no discharge system and may be constructed in two phases.

Alternatives considered to the project as proposed included reconstruction of the existing ash and sludge ponds (no action), total conversion of the Station to burn natural gas, sale of the ash and scrubber sludge, dry disposal of ash and scrubber sludge, and construction of new disposal facilities at a different location. REA has considered these alternatives and concludes that constructing new ash and scrubber waste disposal facilities at the AEPCO's proposed site is the preferred alternative to ensure continued operation of the Station's coal-fired units and compliance with recent aquifer protection legislation.

Based on analysis of the adopted documents and other available project related information, REA has concluded that the construction and operation of the proposed ash and scrubber waste disposal facility will have no significant impact on water quality, existing land uses, cultural resources, or flora and fauna. In addition, REA has determined that construction and operation of the proposed project will have no effect on important farmland, federally-listed threatened and endangered species or designated critical habitat or species proposed for listing or proposed critical habitat.

Closure of the existing ash and scrubber waste ponds could adversely affect wetlands located adjacent to the ponds. These predominantly palustrine emergent wetlands, which encompass between 230 and 395 acres, were created due to leakage and discharge from the existing ponds. Mitigation measures to sustain these wetlands are being discussed with the Arizona Game and Fish Department.

Approximately 9.1 acres of the Big Draw drainage basin 100-year floodplain will be impacted by the proposed facility. The impact on maximum flood elevation and peak flow through the proposed site will be insignificant.

Although the proposed facility would be constructed entirely on AEPCO owned property, the 30-foot high dikes on the eastern border could impose a negative aesthetic impact on adjacent property owners. In order to create a buffer zone, AEPCO has offered to purchase the property of any residents located within one quarter mile of the northern and eastern project boundaries.

No other potential significant impact resulting from the construction and operation of the proposed project has been identified.

In accordance with REA Environmental Policies and Procedures, 7 CFR part 1794, AEPCO published notices in the *San Pedro Valley News Sun* and the *Willcox Range News*. The notices announced the proposed project and identified the locations within Cochise County at which the BER could be reviewed. Comments were received from twelve local property owners. A supplement to the BER was prepared by AEPCO to address these issues. REA believes that the issues raised have been adequately addressed in the BER and BER supplement.

Copies of the environmental assessment and finding of no significant impact are available for review during normal business hours at, or can be obtained from, REA at the address provided herein or from Mr. Mark W. Schwirtz, Arizona Electric Power Cooperative, Inc., 1000 South Highway 80, P.O. Box 670, Benson, Arizona 85602.

Dated: February 4, 1993.

James B. Huff, Sr.,

Administrator.

[FR Doc 93–3349 Filed 2–11–93; 8:45 am]

BILLING CODE 3410–15–F

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–813]

Notice of Postponement of Final Determination of Sales at Less Than Fair Value: Certain Alloy and Carbon Hot-Rolled Bars, Rods, and Semifinished Products of Special Bar Quality Engineered Steel From Brazil

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: February 12, 1993.

FOR FURTHER INFORMATION CONTACT: Cherie L. Rusnak or Linda L. Pasden, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3793.

Postponement

On January 12, 1993 and January 19, 1993, Industrias Villares S.A. and its related companies (Villares) and Aco Minas Gerais S.A. (ACOMINAS), respectively, the two respondents in this investigation, requested that the Department of Commerce (the Department) postpone the final determination of this investigation until 135 days after publication of our preliminary determination, in accordance with section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A), in order to ensure that the Department has adequate time to consider fully all the issues in this investigation.

We find no compelling reasons to deny this request and are, accordingly, postponing the date of the final determination until May 26, 1993.

This notice is published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)) and 19 CFR 353.20(b)(2).

Dated: February 5, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–3410 Filed 2–11–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–475–806, A–475–807]

Postponement of Final Antidumping Duty Determinations: Certain Cold-Rolled Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate from Italy

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice.

EFFECTIVE DATE: February 12, 1993.

FOR FURTHER INFORMATION CONTACT: Lori Way or Judith Wey, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0656 or (202) 482–6320, respectively.

POSTPONEMENT OF FINAL DETERMINATIONS: ILVA, S.p.A. (ILVA), respondent in these proceedings, represents a significant proportion of exports of certain cold-rolled carbon steel flat products (cold-rolled steel) and certain cut-to-length carbon steel plate (steel plate) from Italy to the United States. On January 28, 1993, ILVA requested that the Department postpone the final determinations until not later than 135 days after the date of publication of the

preliminary determinations, in accordance with section 735(a)(2) of the Tariff Act of 1930, as amended (the Act).

Pursuant to 19 CFR 353.20(b), if exporters who account for a significant proportion of exports of the merchandise under investigation request an extension subsequent to an affirmative preliminary determination, we are required, absent compelling reasons to the contrary, to grant the request. Such is the case with ILVA in these proceedings. Accordingly, we are postponing our final determinations as to whether sales of cold-rolled steel and steel plate from Italy have been made at less than fair value until not later than June 21, 1993.I11This notice is published pursuant to section 735(d) of the Act and 19 CFR 353.20(b)(2).

Dated: February 5, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–3309 Filed 2–11–93; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–829]

Initiation of Antidumping Duty Investigation: Defrost Timers From Japan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: February 12, 1993.

FOR FURTHER INFORMATION CONTACT: Raphiel Hampton, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–0176.

INITIATION OF INVESTIGATION:

The Petition

On January 19, 1993, we received a petition filed in proper form by the Paragon Electric Company (petitioner) on behalf of the U.S. defrost timer industry. In accordance with 19 CFR 353.12, petitioner alleges that certain defrost timers from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or threaten material injury to, a U.S. industry.

Petitioner has stated that it has standing to file the petition because it is an interested party, as defined under section 771(9)(C) of the Act, and because the petition was filed on behalf of the U.S. industry producing the product subject to this investigation. If any interested party, as described under paragraphs (C), (D), (E), or (F) of section 771(9) of the Act, wishes to register support for, or opposition to, this petition, it should file a written notification with the Assistant Secretary for Import Administration.

Scope of Investigation

For purposes of this investigation, defrost timers are electro-mechanical and electronic defrost timers for residential refrigerators. Electro-mechanical defrost timers are comprised of several components that make or break electric circuits by activating two sets of electrical contact points—one to disconnect the compressor (the cooling mechanism) and the other to connect the defrost heater. The articles are equipped with a synchronous or subsynchronous motor. The defrost timer disconnects the compressor by opening an electrical circuit after the compressor itself has run for a length of time predetermined by the manufacturer depending on the specifications of the model. Upon completion of the compressor run cycle (and simultaneously with the compressor's disconnection) the defrost heater is activated and runs for a preset time (again depending on the model), as predetermined by the manufacturer. Electronic defrost timers have a similar function but operate with greater efficiency. This is because a microprocessor in the device uses information gathered during the defrost cycle to adjust the compressor run time. This system defrosts only when needed, thereby improving the efficiency of the refrigerator.

The defrost timers subject to this investigation are currently classifiable under subheading 9107.00.4000 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this investigation is dispositive.

United States Price (USP) and Foreign Market Value (FMV)

Petitioner based USP on information obtained from a United States sales representative. Petitioner calculated USP by subtracting U.S. duty, credit expense, freight and insurance.

FMV is based on home market prices obtained through sources in Japan. Petitioner calculated FMV by subtracting the freight costs from the home market price to reach an ex-factory price. Additionally, petitioner subtracted the cost of extending credit to Japanese purchasers of defrost timers. Finally, petitioner added a difference-in-merchandise adjustment to account for differences in manufacturing costs between the most similar Japanese and U.S. models.

Based on petitioner's calculations, the alleged weighted-average dumping margins ranged from 81 to 86 percent. For the purposes of this initiation, no adjustments were made to petitioner's calculations. If it becomes necessary at a later date to consider the petition as a source of best information available (BIA), we may review all of the bases for the petitioner's estimated dumping margins in determining BIA.

Initiation of Investigation

We have examined the petition on defrost timers from Japan and have found that the petition meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping duty investigation to determine whether imports of defrost timers from Japan are being, or are likely to be, sold in the United States at less than fair value. If the investigation proceeds normally, we will make our preliminary determination by June 28, 1993.

Period of Investigation

The period of investigation is July 1, 1992, through December 31, 1992.

International Trade Commission (ITC) Notification

Section 732(d) of the Act requires us to notify the ITC of this action and we have done so.

Preliminary Determinations by the ITC

The ITC will determine by March 4, 1993, whether there is a reasonable indication that imports of defrost timers from Japan are materially injuring, or threaten material injury to, a U.S. industry. A negative ITC determination will result in the investigation being terminated; otherwise, the investigation will proceed according to statutory and regulatory time limits.

This notice is published pursuant to section 732(c) of the Act and 19 CFR 353.13(b).

Dated: February 8, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–3408 Filed 2–11–93; 8:45 am]

BILLING CODE 3510–DS–M

VOL
58
ISS
28
FE
12
1993
UMI

[A-437-802]

Final Determination of Sales at Less Than Fair Value: Sulfanilic Acid From the Republic of Hungary

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: February 12, 1993.

FOR FURTHER INFORMATION CONTACT: Mary Jenkins, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-1756.

Final Determination

The Department of Commerce (the Department) determines that sulfanilic acid from the Republic of Hungary (Hungary) is being, or is likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930 (the Act), as amended. A document examined at verification, and the circumstances surrounding its discovery, has called into question the reliability of all of the data presented by respondent during this investigation.

For this reason, we are using best information available (BIA), as provided by petitioner, as the sole basis for our final determination. The Department also determines that critical circumstances exist (see, the "Critical Circumstances" section of this notice). The estimated margins are shown in the suspension of liquidation section of this notice.

Case History

Since the publication of our preliminary determination on October 22, 1992 (57 FR 48203), the following events have occurred.

Respondent, Nitrokemia Ipartelepek (Nitrokemia) and Nitrochem Co. Ltd. (Nitrochem), the related exporter of the subject merchandise produced by Nitrokemia, requested an extension for submitting a response to the Department's deficiency letter of September 2, 1992. On October 23, 1992, the Department granted an extension and stated that it would not consider for the final determination any information submitted after November 2, 1992, which was seven days prior to our then-scheduled verification. On November 2, 1992, respondent requested a postponement of the final determination until February 3, 1993, and also requested a public hearing. On December 7, 1992, we published a notice postponing the final determination until no later than February 3, 1993. (57 FR 57729, December 7, 1992).

On November 3, 1992, respondent requested that the Department correct certain ministerial errors made in the Department's preliminary determination. On December 1, 1992, the Department informed respondent that no errors had been made in its preliminary determination. On November 3, 1992, respondent also provided additional information in response to the Department's September 2, 1992, deficiency letter. Because of the rescheduling of the verification, the Department accepted the November 3, 1992, response. On November 5, 1992, respondent requested a meeting with the Department staff to discuss the method for dealing with the market-oriented industry issue data. On November 9, 1992, we met with counsel for respondent and discussed verification procedures in general and verification procedures as they related to the market-oriented data.

We conducted verification at Nitrokemia at its facilities in Balaton Fuzfo, Hungary from November 30, through December 3, 1992, and at Nitrochem in Budapest, Hungary on December 4, 1992. On December 11, 1992, counsel for respondent met with Department officials to discuss circumstances surrounding a questionable verification exhibit obtained by the Department during verification.

On December 17, 1992, and January 6, 1993, respondent submitted new and unsolicited factual information to the Department. In accordance with section 19 CFR 353.31(a)(3), on December 22, 1992, and January 12, 1993, we returned the information to respondent.

On January 11 and 12, 1993, interested parties submitted case briefs. On January 12 and 14, 1993, rebuttal briefs were submitted. A public hearing was held on January 15, 1993. Finally, because certain verification reports were issued late, the Department allowed interested parties to submit additional comments on January 19 and 21, 1993.

Scope of Investigation

The products covered by this investigation are all grades of sulfanilic acid, which include technical (or crude) sulfanilic acid, refined (or purified) sulfanilic acid and sodium salt of sulfanilic acid (sodium sulfanilate).

Sulfanilic acid is a synthetic organic chemical produced from the direct sulfonation of aniline with sulfuric acid. Sulfanilic acid is used as a raw material in the production of optical brighteners, food colors, specialty dyes, and concrete additives. The principal differences between the grades are the undesirable quantities of residual aniline and alkali insoluble materials present in the sulfanilic acid. All grades are available as dry free flowing powders.

Technical sulfanilic acid, classifiable under the subheading 2921.42.2800 of the Harmonized Tariff Schedule of the United States ("HTSUS"), contains 96 percent minimum sulfanilic acid, 1.0 percent maximum aniline, and 1.0 percent maximum alkali insoluble materials. Refined sulfanilic acid, also classifiable under the HTSUS subheading 2921.42.2800, contains 98 percent minimum sulfanilic acid, 0 5 percent maximum aniline, and 0.25 percent maximum alkali insoluble materials. Sodium salt of sulfanilic acid (sodium sulfanilate), classifiable under the HTSUS subheading 2921.42.7500 is a granular or crystalline material containing 75 percent minimum sulfanilic acid, 0.5 percent maximum aniline, and 0.25 percent maximum alkali insoluble materials based on the equivalent sulfanilic acid content.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Period of Investigation

The period of investigation (POI) is December 1, 1991, through May 31, 1992.

Best Information Available

We have determined, in accordance with Section 776(c) of the Act, that the use of BIA is appropriate for valuing the sales of the subject merchandise in this investigation. Section 776(c) of the Act provides that the Department may use BIA when a respondent refuses or is unable to, produce information requested in a timely manner and in the form required, or otherwise significantly impedes an investigation.

On December 4, 1992, Department officials conducted verification of information at Nitrochem, the exporter for subject merchandise produced by Nitrokemia. During review of Nitrochem's correspondence files we discovered a document related to respondent's attempt to demonstrate that it paid market prices for inputs used to produce the subject merchandise. This document, and the circumstances surrounding its discovery, has raised questions as to the reliability of the information submitted by the respondent.

Section 776(b)(1) of the Act requires that the Department verify all information relied upon in making a final determination. Due to time and resource constraints, it is not possible

for the Department to examine all documents supporting the information that is the basis of a respondent's questionnaire response. Rather, at verification, the Department selectively examines the respondent's financial and accounting records. These documents provide the documentary background support used by Commerce to evaluate the respondent's questionnaire response data and satisfy itself that all information has been accurately and correctly submitted. Further, and more importantly, the Department necessarily places great reliance upon the integrity and good faith of any respondent both in accepting submissions to the Department and verification documents, recognizing that in any proceeding information or documents can be fabricated for the purposes of misleading the Department, and done so in ways which are difficult to detect. When, as here, the Department comes into possession of information which appears to indicate that relevant information may have been fabricated for purposes of the investigation and that such information may well not be accurate, not only is that particular information unacceptable, all information submitted by that respondent must be viewed as suspect and unusable, regardless of whether it otherwise appeared to be successfully verified. No other conclusion could adequately protect the integrity of the Department's information gathering and verification process.

For this reason we are using BIA, as provided by the petitioner, as the basis for our final determination.

Fair Value Comparisons

To determine whether sales of sulfanilic acid from Hungary to the United States were made at less than fair value, as BIA we relied on the highest margin alleged in the petition as specified in the Initiation of Antidumping Duty Investigations: Sulfanilic Acid from India and the Republic of Hungary, 57 FR 23378, (June 3, 1992).

Final Affirmative Determination of Critical Circumstances

Petitioner alleged that "critical circumstances" exists with respect to imports of sulfanilic acid from Hungary. Section 735(a)(3) of the Act provides that critical circumstances exists if we determine that there is a reasonable basis to believe or suspect the following:

(A) (i) There is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or

(ii) The person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of investigation at less than fair value, and

(B) There have been massive imports of the merchandise which is the subject of the investigation over a relatively short period.

Pursuant to 19 CFR 353.16(f), we generally consider the following factors in determining whether imports have been massive over a short period of time: (1) the volume and value of the imports; (2) seasonal trends (if applicable); and (3) the share of domestic consumption accounted for by imports.

Regarding criterion (A)(ii) above, based on BIA as provided by the petitioner, the dumping margin found in this final determination is sufficiently high so that the importer of the merchandise knew, or should have known, that dumping was occurring.

Regarding criterion (B) above, because we could not verify respondent's shipment data, we determine that imports were massive over a relatively short period, based on BIA supplied by petitioner. Therefore, we determine that critical circumstances exist with respect to imports of sulfanilic acid from Hungary.

Interested Party Comment

Respondent argues that although a price quote reviewed at verification to support market-oriented price paid for a certain input was susceptible to several interpretations, all other information provided to the Department of Commerce with respect to the antidumping investigation of sulfanilic acid is complete and accurate. Respondent states that the requested price quote was an effort only to develop corroboration of the market nature of the prices paid by respondent for one raw material input and not an effort to falsify the market price which was to be the basis of the corroboration. Respondent states that otherwise there was no question as to, or hint of defect in, the completeness and accuracy of any other data submitted by respondent and examined by the Department at verification.

Therefore, respondent argues that the sales and factors of production data which they submitted can be safely accepted by the Department as the best information available and should be adopted by it as far preferable to unverified alternative data, including the certainly self-serving, unverified data provided by petitioner in its petition.

DOC Position

While respondent has stated that there was no intent to present false and misleading information to the Department during verification, the Department has determined to apply BIA as the basis for the final determination. See our earlier discussion for our reasons for using BIA.

Other comments were submitted in this proceeding. However, based on the Department's decision to use BIA because of circumstances surrounding the verification, all other issues and the comments thereon are moot.

Continuation of Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the Customs Service to continue to suspend liquidation of all entries of sulfanilic acid from Hungary, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after July 24, 1992, which is 90 days retroactive from the date of publication of our preliminary determination notice in the **Federal Register**. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated margin amount by which the foreign market value of the subject merchandise exceeds the United States price as shown below. The suspension of liquidation will remain in effect until further notice.

Manufacturers/producers/exporters	Margin percentage
Nitrokemia Ipartelepek/Nitrochem Co. Ltd	58.14
All others	58.14

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination.

Notification to Interested Parties

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility covering the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.35(d). Failure to comply is a violation of the APO.

This determination is published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d) and 19 CFR 353.20).

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93-3306 Filed 2-11-93; 8:45 am]

BILLING CODE 3510-DS-P

VOL 58 ISS 28 FEB 12 1993 UMI

National Institute of Standards and Technology

Visiting Committee on Advanced Technology

AGENCY: National Institute of Standards and Technology, DOC.

ACTION: Notice of partially closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2, notice is hereby given that the National Institute of Standards and Technology Visiting Committee on Advanced Technology will meet on Tuesday, March 9, 1993, from 8:30 a.m. to 5 p.m. The Visiting Committee on Advanced Technology is composed of nine members appointed by the Director of the National Institute of Standards and Technology who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations. The purpose of this meeting is to review and make recommendations regarding general policy for the Institute, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. Presentations will be given on the Advanced Technology Program, international standards, strategic plans for the Chemical Science and Technology Laboratory, and a discussion on the Institute's budget.

The discussion on NIST Budget, scheduled to begin at 3:30 p.m. and end at 5 p.m. on March 9, 1993, will be closed.

DATES: The meeting will convene March 9, 1993, at 8:30 a.m. and will adjourn at 5 p.m.

ADDRESSES: The meeting will be held in Lecture Room A, Administration Building, National Institute of Standards and Technology, Gaithersburg, Maryland.

FOR FURTHER INFORMATION CONTACT: Dale E. Hall, Visiting Committee Executive Director, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975–2158.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on December 29, 1992, that portions of the meeting of the Visiting Committee on Advanced Technology which involve examination and discussion of the budget for the Institute may be closed in accordance with section 552(b)(9)(B) of title 5, United States Code, since the meeting is likely to disclose financial information that may be privileged or confidential.

Dated: February 5, 1993.

John W. Lyons,

Director.

[FR Doc. 93–3326 Filed 2–11–93; 8:45 am]

BILLING CODE 3510–13–M

Announcing a Meeting of Fastener Quality Act Advisory Committee

AGENCY: National Institute of Standards and Technology, DoC.

ACTION: Notice of advisory committee meeting open to the public.

SUMMARY: The National Institute of Standards and Technology (NIST) will hold a meeting of the Fastener Advisory Committee on March 3 and 4, 1993. The meeting will be for the purpose of providing advice to the Department of Commerce, pursuant to statute, on the implementation of the Fastener Quality Act of 1990 (Pub. L. 101–592).

DATES: The meeting will be held on March 3, 1993 from 9 a.m. to 5 p.m., and on March 4, 1993 from 8:30 a.m. to 3 p.m., or earlier if so adjourned.

ADDRESSES: The meeting will be held at the Omni Shoreham Hotel, Diplomat Room, 2500 Calvert St., NW., Washington, DC.

PUBLIC PARTICIPATION: The meeting is open to the public. Attendance shall be on a first-come, first-serve basis in so far as seating is concerned, up to the reasonable and safe capacity of the meeting room. The public may file written statements with the Advisory Committee at any time before or after the meeting. An effort shall be made to set aside a portion of the meeting for public participation. To the extent that the meeting time and agenda permits, interested persons will be allowed to present oral statements or to participate in the discussions.

FOR FURTHER INFORMATION CONTACT: Mr. David E. Edgerly, Deputy Director, Technology Services, National Institute of Standards and Technology, Building 221, room A363, Gaithersburg, MD 20899, Telephone (301) 975–4500.

Dated: February 9, 1993.

John W. Lyons,

Director.

[FR Doc. 93–3421 Filed 2–11–93; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

[Docket No. 930101–3001]

Listing of Endangered and Threatened Species; Petition to Delist the Snake River Sockeye Salmon

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of finding.

SUMMARY: On October 20, 1992, NMFS received a petition from Ms. Rachel Gilbert of Boise, Idaho, and four co-petitioners to delist Snake River sockeye salmon (*Oncorhynchus nerka*) from the endangered species list. NMFS has determined the petition does not contain any new substantial information, not previously considered by NMFS in the original listing process, indicating that the petitioned action may be warranted.

FOR FURTHER INFORMATION CONTACT: Marta F. Nammack, Protected Species Management Division, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, Maryland 20910 (301–713–2322) or Garth Griffin, Protected Species Branch, Environmental and Technical Services Division, NMFS, 911 NE. 11th Avenue, room 620, Portland, OR 97232 (503/231–2336).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*) requires NMFS to make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the finding is positive, NMFS is required to commence a status review of the involved species. The criteria considered in determining whether or not a petition is substantial are outlined in 50 CFR 424.14(b).

The petitioners argued that NMFS neglected to consider the overall impact of the Sunbeam Dam upon the sockeye migration on the Snake and Columbia river drainages, citing information that was already considered during the status review process. The petitioners also attached an affidavit discussing the poisoning of sockeye in the Stanley Basin lakes to enhance the resident trout populations to support their argument

that stock manipulations changed the original populations of Stanley Basin sockeye salmon. However, NMFS already considered stock manipulation during the status review and found it unlikely to have caused changes to the population.

The petitioners further argued that NMFS did not complete genetic testing to verify differences between sockeye salmon and kokanee. This issue was thoroughly discussed by NMFS in the status review, including its decision to take the conservative approach and consider sockeye salmon different from kokanee. NMFS already addressed the petitioners' concerns that critical habitat should have been designated simultaneously in the **Federal Register** notice listing the Snake River sockeye salmon.

The petitioners fault NMFS for allowing commercial harvesting of salmon to continue on the lower Columbia drainage. NMFS has consulted under section 7 of the ESA for each of the fisheries involved, and has found that the fisheries, with appropriate restrictions, would not be likely to jeopardize the continued existence of the Snake River sockeye salmon. The last argument the petitioner put forth was that NMFS failed to consider the economic impact on Idaho in its listing decision. The ESA prohibits NMFS from considering economic impacts in its listing decisions.

NMFS has determined that the petition to delist Snake River sockeye salmon does not contain any new substantial information, not previously considered by NMFS in its original listing, indicating that the petitioned action may be warranted. Since the petition does not contain substantial information, NMFS is not initiating a status review.

Dated: February 3, 1993.

Nancy Foster,

Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 93–3027 Filed 2–11–93; 8:45 am]

BILLING CODE 3510-22-M

Florida Keys National Marine Sanctuary Advisory Council; Meeting

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Florida Keys National Marine Sanctuary Advisory Council notice of open meeting.

SUMMARY: The Council was established in December 1991 to advise and assist the Secretary of Commerce in the development and implementation of the comprehensive management plan for the Florida Keys National Marine Sanctuary.

TIME AND PLACE: February 25 and 26, 1993 from 9 a.m. until adjournment. The meeting location will be at the Key Colony Beach Town Hall, 600 West Ocean Drive, Key Colony Beach, Florida.

AGENDA: 1. Discussion of zoning alternatives.

PUBLIC PARTICIPATION: The meeting will be open to public participation and the last thirty minutes will be set aside for oral comments and questions. Seats will be set aside for the public and the media. Seats will be available on a first-come first-served basis.

FOR FURTHER INFORMATION CONTACT: Pamala James at (305) 743–2437 or Ben Haskell at (202) 606–4016.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: February 8, 1993.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 93–3302 Filed 2–11–93; 8:45 am]

BILLING CODE 3510-08-M

Florida Keys National Marine Sanctuary Advisory Council; Meeting

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Florida Keys National Marine Sanctuary Advisory Council notice of open meeting.

SUMMARY: The Council was established in December 1991 to advise and assist the Secretary of Commerce in the development and implementation of the comprehensive management plan for the Florida Keys National Marine Sanctuary.

TIME AND PLACE: March 10, 1992 from 9 a.m. until adjournment. The meeting location will be at the Hawks Cay Resort, Mile Marker 61, Route 1, Duck Key, Florida.

AGENDA: 1. Review and approval of Water Quality Protection Plan.

PUBLIC PARTICIPATION: The meeting will be open to public participation and the last thirty minutes will be set aside for oral comments and questions. Seats will be set aside for the public and the media. Seats will be available on a first-come first-served basis.

FOR FURTHER INFORMATION CONTACT: Pamala James at (305) 743–2437 or Ben Haskell at (202) 606–4016.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: February 8, 1993.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 93–3301 Filed 2–11–93; 8:45 am]

BILLING CODE 3510-08-M

Pacific Fishery Management Council

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of reports, public meetings, and hearings.

SUMMARY: The Pacific Fishery Management Council (Council) announces the availability of Council documents, and dates and locations of Council meetings and public hearings that comprise the complete schedule for determining proposed and final modification to ocean salmon management measures. Council meetings are open to the public and public comment on pertinent issues is solicited at specific times during the meetings.

ADDRESSES: Send written comments to Pacific Fishery Management Council, Metro Center, 2000 SW. First Avenue, suite 420, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Lawrence D. Six (503) 326–6352.

SUPPLEMENTARY INFORMATION: The Council's schedule for development of ocean salmon fishery management recommendations for the 1993 season follows:

March 1—Council reports that summarize the 1992 salmon season and project the expected salmon stock abundance for 1993 are available to the public from the Council office.

March 8–12—Council and advisory entities meet at the Holiday Inn Crowne Plaza, Burlingame, California, to adopt 1993 regulatory options for public review. The options should meet the management objectives of the framework plan. Any need for emergency changes to the plan should be identified for public review.

March 12–23—Salmon Technical Team (STT) completes "Preseason Report II Analysis of Proposed

Regulatory Options for 1993 Ocean Salmon Fisheries".

March 18—Newsletter with proposed management options and public hearing schedule is distributed (includes options, rationale, and condensed summary of biological and economic impacts).

March 25—The STT "Preseason Report II Analysis of Proposed Regulatory Options for 1993 Ocean Salmon Fisheries" will be distributed with the Council briefing book.

March 29–31—Public hearings are held to review the proposed regulatory options adopted by the Council. All public hearings begin at 7 p.m. on the following dates and at the following locations:

March 29, 1993—Astoria Middle School, Cafeteria, 1100 Klaskanine Avenue, Astoria, Oregon.

March 30, 1993—Red Lion Inn, Umpqua Room, 1313 North Bayshore Drive, Coos Bay, Oregon.

March 30, 1993—Red Lion Sacramento Inn, Comstock III Room, 1401 Arden Way, Sacramento, California.

March 31, 1993—Labor and Industry Building, Auditorium, 7273 Lindersen Way, SE, Tumwater, Washington.

March 31, 1993—Red Lion Inn, Ballroom, 1929 Fourth Street, Eureka, California.

April 5–9—Council and its advisory entities meet at the Red Lion Hotel—Columbia River, Portland, Oregon, to adopt final 1993 regulatory measures. New options or analyses presented at the April meeting must be reviewed by the STT and public prior to any Council action.

April 15—Newsletter describing adopted ocean salmon fishing management measures is mailed to the public.

April 9–22—STT completes "Preseason Report III Analysis of Council Adopted Regulatory Measures for 1993 Ocean Salmon Fisheries".

May 1—Federal regulations implemented and preseason report III available for distribution.

Further details of each meeting will be available in Council news releases and the **Federal Register** or by contacting the Council office directly.

Dated: February 8, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93–3355 Filed 2–11–93; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to the Procurement List a service and commodities to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: March 15, 1993.

ADDRESSES: Committee for Purchase from People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On December 18, 1992, the Committee for Purchase from People Who Are Blind or Severely Disabled published notices (57 FR 60175 and 60176) of proposed additions to the Procurement List. After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service and commodities, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the service and commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service and commodities to the Government.

2. The action will not have a severe economic impact on current contractors for the service and commodities.

3. The action will result in authorizing small entities to furnish the service and commodities to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service and commodities proposed for addition to the Procurement List. Accordingly, the following service and commodities are hereby added to the Procurement List:

Commodities

Arming Wire Assembly
1325–00–947–6698
1325–01–264–5465
1325–01–155–9965

Service

Janitorial/Custodial, U.S. Army Reserve Center, 200 North New Road, Waco, Texas.

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 93–3415 Filed 2–11–93; 8:45 am]

BILLING CODE 6820–33–M

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 15, 1993.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small

entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe adverse impact on the current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javit-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following commodities and services to the Procurement List for production by the nonprofit agency listed:

Commodities

Clamp, Loop
5340–00–881–5019
5340–01–118–6678
Nonprofit Agency: United Cerebral Palsy Association of King-Snohomish Counties, Seattle, Washington

Strap, Webbing
5340–00–NSH–0031
(Requirements for the Defense Construction Supply Center),
Nonprofit Agency: Charles Lea Center for Rehabilitation and Special Education, Inc., Spartanburg, South Carolina

Binder, Looseleaf
7510–00–285–1765
Nonprofit Agency: York County Blind Center, York, Pennsylvania

Box, Wood
8115–00–NSH–0162
8115–00–NSH–0163
8115–00–NSH–0165
8115–00–NSH–0166
8115–00–NSH–0170
8115–00–NSH–0171
8115–00–NSH–0172
8115–00–NSH–0173
8115–00–NSH–0174
8115–00–NSH–0175
8115–00–NSH–0177
8115–00–NSH–0178
8115–00–NSH–0179
8115–00–NSH–0180
8115–00–NSH–0181
8115–00–NSH–0199
8115–00–NSH–0203
(Requirements for the Naval Supply Center, San Diego, CA)
Nonprofit Agency: Helena Industries, Inc., Helena, Montana

Services

Janitorial/Custodial, U.S. Army Reserve Center, 1750 East 29th Street, Tucson, Arizona
Nonprofit Agency: Catholic Community Services of Southern Arizona, Tucson, Arizona

Janitorial/Custodial, Franconia Warehouse Complex, Springfield, Virginia
Nonprofit Agency: Melwood Horticultural Training Center, Inc., Upper Marlboro, Maryland

Mailing and Mailing List Maintenance, U.S. Department of Housing and Urban Development, Washington, DC
Nonprofit Agency: Virginia Industries for the Blind, Richmond, Virginia

Beverly L. Milkman,

Executive Director.

[FR Doc. 93–3414 Filed 2–11–93; 8:45 am]

BILLING CODE 6820–33–M

COMMODITY FUTURES TRADING COMMISSION

Minneapolis Grain Exchange Proposed Futures and Option Contracts on Frozen Shrimp

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures and option contracts.

SUMMARY: The Minneapolis Grain Exchange (MGE or Exchange) has applied for designation as a contract market in frozen shrimp futures and option contracts. The Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before March 15, 1993.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to the MGE frozen shrimp futures and option contracts.

FOR FURTHER INFORMATION CONTACT:

Please contact Fred Linse of the Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, telephone 202–254–7303.

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the MGE in support of the applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the MGE, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581 by the specified date.

Issued in Washington, DC, on February 8, 1993.

Gerald D. Gay,

Director.

[FR Doc. 93–3336 Filed 2–11–93; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF EDUCATION

Office of Human Resources and Administration

Availability of Data Acquisition Activities

AGENCY: Department of Education.

ACTION: Notice of availability of data acquisition activities approved prior to February 15, 1993.

SUMMARY: The Secretary publishes this notice to advise interested persons that they may obtain information regarding a list of approved education-related data acquisition activities that Federal agencies will use to collect data during school year 1993–94. The list includes

VOL
58
ISS
28
FE
12
1993
UMI

all data acquisition activities approved before February 15, 1993.

DATES: The listing of approved data acquisition activities will be available February 15, 1993.

FOR FURTHER INFORMATION CONTACT: For information about this list or copies of the list, contact Michael R. Zysman, U.S. Department of Education, Information Management and Compliance Division, 400 Maryland Avenue, SW., room 5624, ROB–3, Washington, DC 20202–4551. Telephone: (202) 708–9915. Individuals who are hearing impaired may call the Federal Dual Party Relay Service at 1–800–877–8339 (in Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: Under section 400A of the General Education Provisions Act, the Secretary of Education is responsible for reviewing and coordinating the collection of information and data acquisition activity of Federal agencies:

(a) Whenever the respondents are primarily educational agencies or institutions; or

(b) Whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs.

Section 400A also requires that the Secretary inform the public of data acquisition activities approved for the 1993–1994 school year by February 15, 1993. These data acquisition activities are considered information collection requests under the Paperwork Reduction Act of 1980. Under that Act and Office of Management and Budget (OMB) implementing regulations, proposed information collection requests must be published in the **Federal Register** on or before submission to OMB for final approval. Thus, the list announced by this notice includes each data acquisition activity for which the following requirements have been met prior to February 15, 1

Approval by the Secretary for use in the 1993–94 school year; publication in the **Federal Register** as a proposed information collection request; and approval by OMB.

Interested persons may obtain a copy of the list of approved information collection requests, or information regarding that list from Michael R. Zysman at the address and telephone number listed at the beginning of this notice.

Dated: February 8, 1993.

Veronica D. Tristsch,

Acting Assistant Secretary for Human Resources and Administration.

[FR Doc. 93–3331 Filed 2–11–93; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

[Docket No. EA–94–A]

Amendment of Export Authorization

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Central Power and Light (CPL) has requested an amendment to the electricity export authorizations contained in Dockets EA–94, E–9556, and PP–50–EA–H. In so doing, CPL has requested that DOE issue a single export authorization, without an annual energy limitation, but with a capacity limitation of 600 megawatts (MW).

DATES: Comments, protests or requests to intervene must be submitted on or before March 15, 1993.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Electricity (FE–52), Office of Fuels Programs, Office of Fossil Energy, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Lise Howe (Program Attorney) 202–586–2900.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act.

On January 26, 1993, Central Power and Light Company (CPL) applied to the Department of Energy (DOE) to amend currently effective authorizations governing electricity exports by CPL to the Comision Federal de Electricidad (CFE) over five points of interconnection between CPL and CFE at the United States-Mexico border. The five interconnections are:

1. A 138-kilovolt (kV) line at Brownsville, Texas.
2. A 69-kV line at Brownsville, Texas.
3. A 138-kV line at Eagle Pass, Texas.
4. A 138-kV line at Laredo, Texas.
5. A 138-kV line at the Falcon Dam, Falcon, Texas.

CPL holds Presidential permits which authorize the construction, connection, operation, and maintenance of the two lines crossing the U.S. international border at Brownsville (Docket No. PP–94). CFE holds the Presidential permits for the transmission lines at Eagle Pass and Loredo (Dockets PP–50 and PP–57, respectively). The Falcon Dam facilities were constructed by the International Boundary and Water Commission of the United States and Mexico under a U.S.-Mexico treaty and do not require a Presidential permit.

Historically, the Federal Power Commission, and now the DOE, had routinely linked the ordering language of electricity export authorizations directly to the transmission facilities over which the export had been proposed. In its application, CPL describes the interconnection agreements currently in force between itself and CFE and requests that DOE amend the export authorizations governing these interconnections to permit CPL to export electricity to Mexico over any combination of these facilities pursuant to a single "blanket" export authorization, without an annual energy limitation, but with a coincident capacity limit of 600 MW. CPL asserts that issuance of a single export authorization would allow CPL and CFE to exchange larger amounts of power and energy when the need arises and it would also permit CPL to sell to CFE increased amounts of electric power and energy in the future.

The CPL application states that the proposed maximum transfer limit of 600 MW for exports to Mexico over the five points of interconnection with CFE is the maximum simultaneous power transfer capability from the CPL system to the CPE system over all of the points of interconnection under normal circumstances and during a minimum load period. A summary of the CPL transfer study has been made a part of the CPL application.

Procedural Matters

Any person desiring to be heard or to protest this application should file a petition to intervene or protest at the address provided above in accordance with § 385.211 or 385.214 of the Rules of Practice and Procedure (18 CFR 385 211, 385.214).

Any such petitions and protests should be filed with the DOE on or before the date listed above. Additional copies of such petitions to intervene or protests also should be filed directly with:

C.E. Orsak, Coordinator, Inter-Utility Affairs, Central Power and Light, P.O. Box 2121, Corpus Christi, TX 78403

and

Donna J. Bobbish, Esq., Jones, Day, Reavis & Pogue, Metropolitan Square, 1450 G Street, NW., Washington, DC 20005–2088.

Pursuant to 18 CFR 385.211, protests and comments will be considered by the DOE in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene under 18 CFR 385.214. Section 385.214 requires that a petition to intervene must state, to the extent known, the position taken by the petitioner and the petitioner's interest in sufficient factual detail to demonstrate either that the petitioner has a right to participate because it is a State Commission; that it has or represents an interest which may be directly affected by the outcome of the proceeding, including any interest as a consumer, customer, competitor, or a security holder of a party to the proceeding; or that the petitioner's participation is in the public interest.

A final decision will be made on this application after a determination is made by the DOE that the proposed action will not impair the sufficiency of electric supply within the United States or will not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the DOE.

Before an export authorization may be issued, the environmental impacts of the proposed DOE action (i.e., granting the export authorization, with any conditions and limitations, or denying it) must be evaluated pursuant to the National Environmental Policy Act of 1969 (NEPA).

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above.

Issued in Washington, DC, on February 4, 1993.

Anthony J. Como,

Director, Office of Coal & Electricity, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93-3407 Filed 2-11-93; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Decision To Sign Two Billing Credits Contracts

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of decision. BPA File No.: BCR-11. BPA announces its decision to sign two billing credit contracts for two generation projects.

SUMMARY: BPA, pursuant to its Billing Credits Policy, as amended August 30, 1984, (49 FR 34395), and its Billing Credit Solicitation July 1990, has negotiated with two public bodies for two proposed generation projects.

The Wynoochee Hydroelectric project will be a 10.6 megawatt (MW) hydroelectric generating facility constructed at the existing Wynoochee Dam located on the Wynoochee River in western Washington. The Army Corps of Engineers own the Wynoochee Dam, and the City of Aberdeen, Washington, operates it. Tacoma will own the new hydroelectric facilities constructed at the site. (Notice of Intent, 57 FR 48793) The Wynoochee Hydroelectric facility is colicensed to the City of Aberdeen, Washington, and the City of Tacoma, Washington, under the Federal Energy Regulatory Commission License number 6842.

The Eugene Water and Electric Board's Steam Plant project consists of installing a 2.6 MW backpressure turbine generator to an existing facility. The existing facility includes two condensing turbines fueled by 40,000 units of hog fuel annually to produce steam. The new turbine would require an additional 4,000 units of hog fuel annually, backed with No. 6 fuel oil. (Notice of Intent, 57 FR 22212; May 27, 1992.)

The Administrative Record, available for public review, contains background on BPA's Billing Credits Policy, the need for billing credit resources, a summary of the Billing Credit Solicitation, a summary of the evaluation process for proposals, and environmental considerations. The Administrative Record includes two Appendices: Appendix A—Billing Credit Solicitation, Appendix B—Issue Resolution Log. The Administrative Record also includes three Addendums.

Addendum One of the Draft Administrative Record—Customer System Efficiency Improvements (CSEI) Contract Development, and Amendment A to Addendum One provide specific information about CSEI projects and how billing credits are determined. These were previously released for public review (57 FR 1161; January 10, 1992) and (57 FR 9250; March 27, 1992).

Addendum Two of the Administrative Record—Contract Development Conservation Proposals, provides specific information about the conservation projects and how billing credits are determined for these projects. This Addendum was previously released for public review (57 FR 9250; March 17, 1992).

The release of Addendum Three—Generation Proposals Contract Development was announced on May 27, 1992, in 57 FR 22212.

BPA has signed other generation billing credit contracts, in addition to the contracts described in this Notice. These prior contract signings were addressed in previous released Federal Register Notices. (57 FR 33501; July 29, 1992) and (57 FR 48792; October 28, 1992)

Responsible Official: Paul Norman, Billing Credits Project Manager, is the official responsible for BPA's Billing Credit contracts, the Administrative Record, and Addenda.

DATES: Payment or credits will not be made or granted until 90 days after the date of a Federal Register Notice announcing that a contract has been signed.

FOR FURTHER INFORMATION CONTACT: For a copy of a specific generation billing credit contract(s), or the Administrative Record, please contact the Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

Telephone numbers, voice/TTY, for the Public Involvement Office are 503-230-3478 in Portland, or toll-free 800-622-4519.

Information may also be obtained from:

Mr. George E. Bell, Lower Columbia Area Manager, 1500 NE. Irving Street, Room 243, Portland, Oregon 97208, 503-230-4551.

Mr. Robert Laffel, Eugene District Manager, Federal Building, Room 206, 211 East Seventh Street, Eugene, Oregon 97410, 503-465-6952.

Mr. Wayne R. Lee, Upper Columbia Area Manager, Room 561 U.S. Court House, 920 W. Riverside Avenue, Spokane, Washington 99201, 509-353-2518.

Ms. Carol S. Fleischman, Spokane District Manager, Room 112 U.S. Court House, 920 W. Riverside Avenue, Spokane, Washington 99201, 509-353-3279.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3060.

Mr. Ronald K. Rodewald, Wenatchee District Manager, 301 Yakima Street, Room 307, Wenatchee, Washington 98807, 509-662-4377.

Mr. Terence G. Esvelt, Puget Sound Area Manager, 201 Queen Avenue North, Suite 400, Seattle, Washington 98109, 206-553-4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 508-522-6226.

Mr. Jim Normandeau, Boise District Manager, Federal Building, 304 North Eighth Street, Room 450, Boise, Idaho 83702, 208-334-9137.

Ms. C. Clark Leone, Idaho Falls District Manager, 1527 Hollipark Drive, Idaho Falls, Idaho 83401, 208-523-2706.

SUPPLEMENTARY INFORMATION:

I. Background

BPA is a self-financing power marketing agency with the United States Department of Energy. BPA was

established by the Bonneville Project Act of 1937, 16 U.S.C. 832 *et seq.*, to market wholesale power from Bonneville Dam and to construct power lines for the transmission of this power to load centers in the Northwest. BPA sells wholesale electric power and energy to 126 utilities, 13 direct service industrial customers (DSIs) and several government agencies.

The Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act) directs BPA to serve the net power requirements of any electric utility requesting service, and to serve existing DSIs in the Pacific Northwest. 16 U.S.C. 839c (b)(1) and (d). Although BPA cannot own or construct electric generating facilities, the Northwest Power Act directs BPA to acquire rights to the output or capability of electric power resources to serve increased customer requirements. See 16 U.S.C. 839a (1) and (d). The Northwest Power Act requires BPA to grant credits to BPA's customers on their power bills for electric power resources that reduce the Administrator's obligation to acquire resources to meet BPA's electric power requirements. 16 U.S.C. 839d(h). Billing credits may be adjustments to customers' power bills or equivalent cash payments. Resources eligible for billing credits include conservation and generation. Specific requirements for resources and the amount BPA can pay for these resources are outlined in the Northwest Power Act and BPA's Billing Credits Policy.

BPA's Billing Credits Policy interprets the billing credits provisions in the Northwest Power Act, prescribes criteria for customer and resource eligibility, and establishes procedures for granting billing credits.

BPA's 1990 Resource Program focused on choosing near-term resource actions for Fiscal Years 1992 and 1993. Subsequent to receiving comments from customers on the draft 1990 Resource Program that suggested BPA use billing credits, BPA developed a solicitation requesting proposals for billing credits resources. Billing credits provide a way to shift some of the risk for resource development to utilities and others, which was an objective of the chosen strategy in the 1990 Resource Program. In July 1990, BPA released the solicitation. It proposed to test the billing credit approach for acquiring energy resources by granting 50 average MW of billing credits to eligible resources. BPA's objective in the test was to ensure that the billing credit mechanism is workable for BPA customers.

II. Billing Credit Proposals

The proposals submitted in response to the Billing Credit Solicitation were divided into two groups, conservation and generation resources. Because CSEI projects reduce electric power consumption or losses by increasing efficiency of electric use, production, transmission, or distribution, they were considered a subset of conservation measures, but covered in separate contracts. Conservation and CSEI projects are not discussed, in detail, in this Notice.

III. Description of the Generation Proposals

Seventeen generation proposals representing 11 public bodies or cooperative utilities were submitted pursuant to the July 1990 Billing Credit Solicitation. Proposed generation projects included hydroelectric, biomass, and cogeneration projects to produce electricity. Five of the 17 proposals were withdrawn during the evaluation process and three proposals were rejected for not meeting the threshold criteria. BPA has released previous **Federal Register** Notices announcing the signing of generation projects.

BPA intends to sign a contract with these public bodies for the following generation projects:

1. City of Tacoma, Washington—Wynoochee Hydroelectric Project—a hydroelectric project.
2. Eugene Water and Electric Board—Steam Plant Project—a back pressure turbine project.

These projects meet the qualifications for billing credits, and BPA has completed its obligations under NEPA. The customers will comply with all applicable environmental requirements in the construction of the projects and during the projects' operation phase.

IV. Methodology for Determining Generation Billing Credits

The payment for billing credits (BC) for each customer will be calculated and paid monthly as follows:

Both the City of Tacoma, Washington, and EWEB are Computed Requirements Customers. Under both Power Sales Contracts with BPA, the monthly BC will be the lesser of the Adjusted Alternative Cost or Net Cost multiplied by the monthly amounts of Assured Firm Energy of each BC Resource, less the amount of Priority Firm Rate dollars each customer avoids paying as a result of the BC Resource. There will be no true-up; each customer is required to maintain the Assured Energy Capability for each BC Resource, as it must do for all firm resources under the Power Sales Contract.

V. Materials Available

Copies of the Billing Credits Policy, the Administrative Record, its Appendices, Addendum One, Amendment A to Addendum One, Addendum Two, and Addendum Three are available from BPA's Public Involvement Office. Refer to the **"FOR FURTHER INFORMATION CONTACT"** section of this notice.

Issued in Portland, Oregon, on January 20, 1993.

Randall W. Hardy,

Administrator.

[FR Doc. 93-3311 Filed 2-11-93; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER93-140-000, et al.]

Idaho Power Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Idaho Power Co

[Docket No. ER93-140-000]

February 3, 1993.

Take notice that on January 29, 1993, Idaho Power Company (IPC) amended its filing in the above referenced docket to provide clarification of investment allocation in the amendment of two transmission agreements between IPC and PacifiCorp; the Transmission Facilities Agreement, June 1, 1974 and the Restated Transmission Services Agreement, February 6, 1992. Idaho Power has renewed its request for an effective date of January 10, 1993 for both amendments.

Comment date: February 17, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. The Washington Water Power Co.

[Docket No. ER93-345-000]

February 3, 1993.

Take notice that on January 28, 1993, the Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.12 a Use of Facilities Agreement between the Washington Water Power Company and Modern Electric Company (Agreement). The Agreement provides for WWP to design, construct, own, operate, and maintain the Fourth and Herald Substation for the benefit of Modern Electric Company.

Comment date: February 17, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Consolidated Edison Company of New York, Inc.

[Docket No. ER93–349–000]

February 3, 1993.

Take notice that on January 29, 1993, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing proposed supplements to its Rate Schedules FERC No. 96 and FERC No. 92.

The proposed supplement No. 7 to Rate Schedule FERC No. 96 increases the rates and charges for electric delivery service furnished to public customers of the New York Power Authority (NYPA) by $24,126,000 annually based on the 12-month period ending March 31, 1994.

The proposed supplement No. 8 to Rate Schedule FERC No. 96, applicable to electric delivery service to NYPA's non-public, economic development customers and the proposed supplement to No. 4 to Rate Schedule FERC No. 92, applicable to electric delivery service to commercial and industrial economic development customers of the County of Westchester Public Service Agency (COWPUSA) or the New York City Public Utility Service (NYCPUS), increase the rates and charges for economic development delivery service by $550,000 annually based on the 12-month period ending March 31, 1994.

The proposed increases are a part of a Company-wide general electric rate increase application which Con Edison filed to implement rates for the second year of a three-year rate plan previously approved by the New York Public Service Commission (NYPSC) and which is pending before the NYPSC.

Although the proposed supplements bear a nominal effective date of April 1, 1993, Con Edison will not seek permission to make these effective until the effective date, estimated to be April 1, 1993, of the rate changes authorized by the NYPSC.

A copy of this filing has been served on NYPA, COWPUSA, NYCPUS, and the New York State Public Service Commission.

Comment date: February 17, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Electric Energy, Inc.

[Docket No. ER93–236–000]

February 3, 1993.

Take notice that on January 29, 1993, Electric Energy, Inc., tendered for filing an Appendix to its filing or proposed Modification 15 to its contract with the Department of Energy of the United States of America (the Department of Energy) and the October 7, 1992 Letter Supplement to the Power Supply Agreement between EEInc. on the one hand, and Kentucky Utilities Company, Union Electric Company, Illinois Power Company and Central Illinois Power Company and Central Illinois Public Service Company (collectively, the Sponsoring Companies) on the other. Modification 15 and the October 7, 1992, Letter Supplement were filed on November 25, 1992, along with supporting schedules and data. The appendix provides for an annual cap to total charges for Permanent Power and Excess Energy by EEInc. under its Agreement with the Department of Energy and the Sponsoring Companies.

Copies of the appendix were served on the Department of Energy of the United States of America, Kentucky Utilities Company, Union Electric Company, Illinois Power Company and Central Illinois Public Service Company.

Comment date: February 17, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. Consumers Power Co.

[Docket No. ER93–87–000]

February 3, 1993.

Take notice that on January 28, 1993, Consumers Power Company (Consumers) tendered for filing an amendment to its rate schedule change filing in this docket. The amendment provides additional information requested by Commission Staff and does not change the rates proposed earlier in this docket.

Copies of the filing were served upon the Michigan Public Service Commission and the City of Holland.

Comment date: February 17, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Idaho Power Co.

[Docket No. ER93–89–000]

February 3, 1993.

Take notice that on January 29, 1993, Idaho Power Company (IPC) amended its filing in the above referenced docket regarding the Agreement for the Sale and Purchase of Firm Energy between Idaho Power Company and Oregon Trail Electric Consumers Cooperative, Inc. dated August 31, 1992 (Agreement). The filing was amended to submit clarification of the rates. Idaho Power has renewed its request for an effective date of January 1, 1993 for the Agreement.

Comment date: February 17, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. Boston Edison Co.

[Docket No. ER93–196–000]

February 3, 1993.

Take notice that on January 28, 1993, Boston Edison Company (Boston Edison) of Boston, Massachusetts, filed under the provisions of section 205 of the Federal Power Act a rate schedule supplement to its twenty-year contract (the Contract) dated September 28, 1992 under which Boston Edison proposes to provide base-intermediate Contract Demand power and related energy to the Reading Municipal Light Department. Boston Edison states that the supplement establishes that the cumulative monthly average charges under the Contract as of September 1, 1992 will not exceed a CAP of $23.30 per kilowatt per month and that any increases in those charges above that level would be implemented by a filing with the Commission.

Boston Edison requests an effective date of September 1, 1992, for the rate schedule supplement.

Boston Edison states that the filing has been posted and has been served upon the affected customer and the Massachusetts Department of Public Utilities.

Comment date: February 17, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. PSI Energy, Inc.

[Docket No. ER93–351–000]

February 3, 1993.

Take notice that PSI Energy, Inc. (PSI), on February 1, 1993, tendered for filing an Interchange Agreement, dated November 1, 1992, between PSI and the Illinois Municipal Electric Agency (IMEA).

The Interchange Agreement provides for the following service between PSI and IMEA:

1. Service Schedule A—Emergency Service
2. Service Schedule B—Short-Term Capacity and Energy
3. Service Schedule C—Economy Energy
4. Service Schedule D—Non-Displacement Energy
5. Service Schedule E—Limited-Term Capacity and Energy

PSI and IMEA have requested an effective date of April 1, 1993.

Copies of the filing were served on the Illinois Municipal Electric Agency, the Illinois Commerce Commission and the Indiana Utility Regulatory Commission.

Comment date: February 17, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. Southwestern Electric Power Co.

[Docket No. ER93–249–000]

February 3, 1993.

Take notice that on January 29, 1993, Southwestern Electric Power Company (SWEPCO), by its counsel, tendered for filing a supplement to the Scheduling Agreement between SWEPCO and Northeast Texas Electric Cooperative, Inc. (NTEC) dated April 22, 1992, and a Letter Agreement between SWEPCO and NTEC relating to section 6.2 of the Scheduling Agreement (Letter Agreement), which were originally filed in this proceeding on December 2, 1992. The supplement was filed in answer to a deficiency letter directing SWEPCO to revise the Scheduling Agreement to clarify the basis for pricing certain energy sales by SWEPCO to NTEC.

SWEPCO requests that the Scheduling Agreement and the Letter Agreement, as supplemented, become effective as of February 1, 1993.

Copies of the filing have been served on NTEC and the Public Utility Commission of Texas.

Comment date: February 17, 1993, in accordance with Standard Paragraph E at the end of this notice.

10. PSI Energy, Inc.

[Docket No. ER93–303–000]

February 3, 1993.

Take notice that on December 22, 1992 PSI Energy, Inc. (PSI) tendered for filing a Settlement Agreement which resolves all outstanding issues between PSI and Kentucky Utilities Company (KU) in Docket No. EL92–6–000. PSI states that this resolution includes such issues as the obligations of PSI and KU under the Facilities Agreements filed with the Commission as PSI's FERC rate schedule numbers 226 and 228.

Comment date: February 16, 1993, in accordance with Standard Paragraph E at the end of this notice.

11. Multitrade of Pittsylvania County, L.P. and Multitrade Limited Partnership, et al.

[Docket Nos. EC93–9–000, ES93–20–000, ER93–344–000, and ES93–21–000]

February 3, 1993.

Take notice that on January 28, 1993, Multitrade of Pittsylvania County, L.P. (MPC) and Multitrade Limited Partnership (Multitrade) filed an application requesting approval under section 203 of the Federal Power Act (FPA) of the transfer to MPC of a Power Purchase and Operating Agreement dated January 24, 1989, and Amendment No. 1 thereto dated as of November 3, 1992, applicable to sales of energy and capacity to Virginia Electric and Power Company (Virginia Power) from a biomass waste wood electric generating facility being developed in Pittsylvania County, Virginia (the Facility). The Facility is a qualifying small power production facility within the meaning of sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 and the regulations promulgated thereunder.

The Commission has previously accepted for filing the Power Purchase Agreement on November 15, 1989 in Docket No. ER90–18–000. As part of the Application, MPC also requested the Commission to grant blanket approval to MPC pursuant to Section 204 of the FPA for issuances of securities and the assumptions of liabilities in connection with the development and operation of the Facility and to accept for filing MPC's Notice of Succession in ownership to Multitrade's Rate Schedule FERC No. 1 together with the waivers previously granted by letter order on November 15, 1989.

Finally, Multitrade requested the Commission to disclaim jurisdiction over the issuance of certain securities executed by Multitrade or, in the alternative, to review such securities and grant approval under section 204 of the FPA.

Comment date: February 19, 1993, in accordance with Standard Paragraph E at the end of this notice.

12. The Detroit Edison Co.

[Docket No. ER93–91–000]

February 3, 1993.

Take notice that on January 15, 1993, The Detroit Edison Company (Detroit Edison) submitted to the Commission material that calculates revenues to be collected under the settlement rates agreed to among the parties to this proceeding as well as a reconciliation of the fuel adjustment calculations shown on Statement BI for the proposed case for the settlement rates. Detroit Edison states that the filing was served on all parties to the proceeding.

Comment date: February 16, 1993, in accordance with Standard Paragraph E at the end of this notice.

13. Louis Dreyfus Electric Power Inc.

[Docket No. EG93–14–000]

February 4, 1993.

On January 29, 1993, Louis Dreyfus Electric Power Inc. (LDEP) filed an application for determination of exempt wholesale generator status. LDEP states that it intends to operate directly and exclusively as a seller of electric energy at wholesale in its role as a marketer of electric energy.

Comment date: February 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3348 Filed 2–11–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER93–162–000, et al.]

Puget Sound Power & Light Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

February 5, 1993.

Take notice that the following filings have been made with the Commission:

1. Puget Sound Power & Light Company

[Docket No. ER93–162–000]

Take notice that on February 1, 1993, Puget Sound Power & Light Company (Puget) tendered for filing an initial rate schedule concerning an agreement dated April 6, 1989, for construction or relocation of facilities by Puget and the payment of money to Puget therefore, among Puget, Port Townsend Paper Corporation (PTPC) and the Port of Port Townsend, and concerning the interconnection of Puget's facilities with the PTPC and Public Utility District No. 1 of Clallam County. A copy of the filing was served upon the above-referenced persons.

Comment date: February 19, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Louisville Gas and Electric Company

[Docket No. ER93–335–000]

Take notice that Louisville Gas and Electric Company (LG&E), tendered for filing on January 21, 1993, a notice of cancellation of Rate Schedule FERC No. 36 and Supplement No. 1 to Rate Schedule FERC No. 36 associated with the Unit Power Purchase Agreement between Indiana Municipal Power Agency (IMPA) and LG&E, upon closing the sale of 12.88 percent of Trimble County Unit 1 to IMPA.

A copy of the filing was served upon the Kentucky Public Service Commission and the Indiana Utility Regulatory Commission.

Comment date: February 19, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Puget Sound Power & Light Company

[Docket No. ER93–160–000]

Take notice that on February 1, 1993, Puget Sound Power & Light Company (Puget) tendered for filing information relating to service under Rate Schedule FERC No. 79 or construction, operation, maintenance or ownership of facilities by Puget or Public Utility District No. 1 of Whatcome (District). A copy of the filing was served upon the District.

Comment date: February 19, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Puget Sound Power & Light Company

[Docket No. ER93–157–000]

Take notice that on February 1, 1993, Puget Sound Power & Light Company (Puget) tendered for filing information relating to construction, operation, maintenance, ownership or interconnection of facilities by Puget or PacifiCorp. A copy of the filing was served upon PacifiCorp.

Comment date: February 19, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. Montaup Electric Company

[Docket No. ER93–79–000]

Take notice that on January 29, 1993, Montaup Electric Company filed additional information in response to the Commission's letter order of December 30, 1992. The information consists of: (a) An explanation of why Montaup proposes to change the reporting period from a split year to a calendar-year basis, (b) an amendment defining indirect and direct costs, and (c) an amendment providing for protests and interventions to be filed within 90 days of informational filings to be made each November 1.

Comment date: February 22, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Southern Indiana Gas and Electric Company

[Docket No. ER93–339–000]

Take notice that on January 21, 1993, Southern Indiana Gas and Electric Company (SIG&E) tendered for filing a Letter Agreement to extend the term of Rate Schedule FPC–29 for an additional period of one year to and including January 12, 1994.

Comment date: February 19, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. Puget Sound Power & Light Company

[Docket No. ER93–170–000]

Take notice that on February 1, 1993, Puget Sound Power & Light Company (Puget) tendered for filing information relating to service under Rate Schedule FERC No. 28 or construction, relocation operation, maintenance or ownership of facilities by Puget or Public Utility District No. 1 of Snohomish County (District). A copy of the filing was served upon the District.

Comment date: February 19, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. Puget Sound Power & Light Company

[Docket No. ER93–167–000]

Take notice that on February 1, 1993, Puget Sound Power & Light Company (Puget) tendered for filing information relating to construction, operation, maintenance or ownership of facilities by Puget, The Montana Power Company, The Washington Water Power Company, Portland General Electric Company and PacifiCorp. A copy of the filing was served upon The Montana Power Company, The Washington Water Power Company, Portland General Electric Company and PacifiCorp.

Comment date: February 19, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. Puget Sound Power & Light Company

[Docket No. ER93–174–000]

Take notice that on February 1, 1993, Puget Sound Power & Light Company (Puget) tendered for filing information relating to service under Rate Schedule FERC Nos. 12 or 63 or construction, relocation, operation, maintenance or ownership of facilities by Puget or Bonneville Power Administration (Bonneville). A copy of the filing was served upon Bonneville.

Comment date: February 19, 1993, in accordance with Standard Paragraph E at the end of this notice.

10. Kansas Gas and Electric Company

[Docket No. ER93–346–000]

Take notice that on January 29, 1993, Kansas Gas and Electric Company (KG&E) tendered for filing a proposed change to its Federal Energy Regulatory Commission Electric Service Schedule No. 164. KG&E states the purpose of the change is to extend the term of the existing Generating Municipal Electric Service Agreement between KG&E and The City of Erie, Kansas. The change is proposed to become effective April 9, 1993.

Copies of the filing were served upon the City of Erie and the Kansas Corporation Commission.

Comment date: February 19, 1993, in accordance with Standard Paragraph E at the end of this notice.

11. New England Power Company

[Docket No. ER93–347–000]

Take notice that on January 29, 1993, New England Power Company (NEP) submitted for filing a Power Contract with the Town of Braintree Electric Light Department for up to 50 megawatt sale of capacity and energy from NEP's Wyman Unit No. 4 facility. NEP requests waiver of the Commission's regulations to allow this Contract to become effective on February 16, 1993.

Comment date: Febuary 19, 1993, in accordance with Standard Paragraph E at the end of this notice.

12. New England Power Company

[Docket No. ER93–348–000]

Take notice that on January 29, 1993, New England Power Company (NEP) submitted for filing its proposed FERC Electric Tariff, Original Volume Number 6—Unit Sales and Exchange Tariff. NEP states that the proposed Tariff provides for negotiated unit power sales and exchanges at prices at or below the full cost of service for each generating unit. NEP requests that the proposed tariff be made effective April 1, 1993.

Comment date: February 19, 1993, in accordance with Standard Paragraph E at the end of this notice.

13. Union Electric Company

[Docket No. ER92–842–000]

Take notice that Union Electric Company, on January 29, 1993 tendered for filing a Second Amendment to the Wholesale Power Agreement between Union Electric Company (UE) and Central Illinois Public Service Company (CIPS).

The purpose of this amendment is to comply with the Commission's letter of December 30, 1992 accepting UE's submittal for filing.

Comment date: February 22, 1993, in accordance with Standard Paragraph E at the end of this notice.

14. Union Electric Company

[Docket No. ER92–537–000]

Take notice that Union Electric Company, on January 29, 1993 tendered for filing a Second Amendment to the 60 Hertz Wholesale Power Agreement, a Third Amendment to the 25 Hertz Wholesale Power Agreement, and a Third Amendment to the Interchange Agreement, all between Union Electric Company (UE) and Iowa Electric Light and Power Company.

The purpose of these amendments is to comply with the Commission's letter of December 30, 1992 accepting UE's submittal for filing.

Comment date: February 22, 1993, in accordance with Standard Paragraph E at the end of this notice.

15. New England Power Company

[Docket No. ER93–343–000]

Take notice that on January 28, 1993, New England Power Company ("NEP") submitted for filing executed Amendments to its Service Agreements with Granite State Electric Company, New Hampshire Electric Cooperative, and the Town of Littleton, New Hampshire (hereinafter "Customers").

NEP states that the proposed Amendments provide a monthly credit to its New Hampshire Customers based on a portion of the savings received by NEP through the issuance of tax-exempt financing authorized by the State of New Hampshire.

NEP requests waiver of the Commission's notice requirements so that the Amendments may become effective on February 1, 1993.

Comment date: February 16, 1993, in accordance with Standard Paragraph E at the end of this notice.

16. Oklahoma Gas and Electric Company

[Docket No. ER93–342–000]

Take notice that on January 28, 1993, Oklahoma Gas and Electric Company (OG&E) tendered for filing a set of two Amended Appendices between OG&E and the Oklahoma Municipal Power Authority (OMPA).

The Amendments modify the Transmission Service Agreement Appendix "A", and Appendix "D".

Copies of this filing have been served on OMPA, the Oklahoma Corporation Commission, and the Arkansas Public Service Commission.

Comment date: February 22, 1993, in accordance with Standard Paragraph E at the end of this notice.

17. Portland General Electric Company

[Docket No. ER93–312–000]

Take notice that on January 21, 1993 Portland General Electric Company tendered for filing a Certificate of Concurrence to its January 11, 1993 filing in this docket.

Comment date: February 22, 1993, in accordance with Standard Paragraph E at the end of this notice.

18. Nantahala Power & Light Company

[Docket No. ER92–449–001]

Take notice that on January 8, 1993, Nantahala Power & Light Company (Nantahala) tendered for filing its compliance filing in the above-referenced docket.

Comment date: February 19, 1993, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3345 Filed 2–11–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP93–189–000, et al.]

Florida Gas Transmission Co., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Florida Gas Transmission Co.

[Docket No. CP93–189–000]

February 3, 1993.

Take notice that on February 1, 1993, Florida Gas Transmission Company (FGT), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP93–189–000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a measurement facility permitting FGT to add a new delivery point for the City of Gainesville, Florida d/b/a Gainesville Regional Utilities (GRU), under the authorization issued in Docket No. CP82–553–000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

FGT proposes to construct and operate a new meter station and any other necessary appurtenant facilities in Alachua County, Florida, referred to as the University Co-generation delivery point, to accommodate jurisdictional gas sales to GRU under two existing sales for resale service agreements under FGT's Rate Schedules G (general service) and I (preferred sales service). FGT states that the proposed construction will not increase total gas deliveries to GRU above the current certificated levels of service.

It is stated that the proposed facilities will be constructed within the yard of the existing Gainsville University meter station which is contained within a 50 feet by 50 feet fenced-in area. FGT states that the construction of the proposed delivery point will include a turbine meter run, a by-pass connected to the inlet header of the existing Gainsville University meter station, and any other appurtenant facilities necessary to accommodate the measurement of gas deliveries to GRU. To accommodate the proposed facilities, FGT states that the existing meter station site will be extended by five feet on the north side and five feet on the east side.

FGT states that the proposed construction was requested by GRU and that GRU will reimburse it for all costs directly and indirectly incurred by FGT for construction of the subject delivery point. It is estimated that the total cost of construction will be $118,620, inclusive of tax gross-up.

Comment date: March 22, 1993, in accordance with Standard Paragraph G at the end of this notice.

2. Bayou South Gas Gathering Co., L.C.

[Docket No. CP93–195–000]

February 3, 1993.

Take notice that on February 2, 1993, Bayou South Gas Gathering Company, L.C. (Bayou South), 9801 Westheimer, Suite 310, Houston, Texas 77042, filed in Docket No. CP93–195–000 a petition for declaratory order requesting that the Commission declare that facilities to be acquired from Arkla Energy Resources, a division of Arkla, Inc. (AER) are gathering facilities exempt from the

Commission's Regulations pursuant to section 1(b) of the Natural Gas Act, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Bayou South states that it has agreed to purchase facilities from AER described as follows: Part (approximately 114 feet) of AER's Line ST–4 located in Webster Parish, Louisiana; part (approximately 1,325 feet) of Line LT–3 and Line LT–4 (approximately 25,492 feet) located in Claiborne Parish, Louisiana; and Line AT–1 (approximately 970 feet) located in Marion County, Texas. It is indicated that AER has filed in Docket No. CP93–92–000 to abandon these certificated facilities by sale to Bayou South. Bayou South states that it is not affiliated with AER.

Bayou South states that by applying the modified primary function test as set forth in Amerada Hess, 52 FERC ¶ 61,268, the facilities to be acquired from AER qualify as gathering facilities exempt from Commission under section 1(b) of the Natural Gas Act. Bayou South incorporates by reference its Answer to the Motion to Intervene of Agricultural Minerals Corporation, the Request for Hearing of Indicated Shippers and, the Motion to Intervene, Motion to Consolidate and Request for Hearing of Arkansas Gas Consumers, filed in Docket No. CP93–92–000 to provide details as to why it believes the facilities qualify as gathering.

Comment date: February 16, 1993, in accordance with Standard Paragraph F at the end of this notice.

3. Williams Natural Gas Co.

[Docket No. CP93–192–000]

February 4, 1993.

Take notice that on February 1, 1993, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP93–192–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to utilize facilities originally installed for the delivery of NGPA section 311 transportation gas for other purposes, under WNG's blanket certificate issued in Docket No. CP82–479–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

WNG proposes to utilize the NGPA section 311 facilities which were installed to deliver transportation gas to Lawrence Paper Company in Douglas County, Kansas for any purpose. The cost to construct the facilities was $23,080 which was reimbursed by Lawrence Paper Company.

WNG states that this change is not prohibited by an existing tariff and it has sufficient capacity to accomplish the deliveries specified without detriment or disadvantage to its other customers.

Comment date: March 22, 1993, in accordance with Standard Paragraph G at the end of this notice.

4. Williams Natural Gas Co.

[Docket No. CP93–191–000]

February 4, 1993.

Take notice that on February 1, 1993, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP93–191–000 a request pursuant to §§ 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216), for authorization to abandon a sale of gas for resale under WNG's blanket certificate issued in Docket No. CP82–479–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

WNG proposes to abandon the sale of gas for resale to The Town of Granby (Granby) in Newton County, Missouri.[1] WNG states that, by letter dated December 21, 1992, Granby has requested cancellation of their firm sales agreement under WNG's Rate Schedule F. WNG explains that a firm transportation agreement would replace the firm sales agreement effective January 1, 1993.[2] WNG advises that the existing delivery facilities would be used for the replacement service.

Comment date: March 22, 1993, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary

[FR Doc. 93–3347 Filed 2–11–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–04014T Texas–106]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

February 5, 1993.

Take notice that on February 1, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Vicksburg W Formation underlying a portion of Hidalgo County, Texas, qualifies as a

[1] See 26 FPC 448 (1961).

[2] Reported in Docket No. ST93–2225–000.

tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area is in Jeffress Field within Railroad Commission District 4. The area covers approximately 153.7 acres and includes that portion of the Jose Matias Tijerina Porcion 46 (A–74) which lies between two major northeast/southwest trending faults.

The notice of determination also contains Texas' findings that the referenced portion of the Vicksburg W Formation meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3341 Filed 2–11–93; 8:45 am]

BILLING CODE 6717–01–M

Natural Gas Data Collection System

[Docket No. RM87–17–004]

Revision to Filing Instructions for the FERC Form No. 8, Underground Gas Storage Report and the FERC Form No. 11, Natural Gas Pipeline Company Monthly Statement

Issued February 5, 1993.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of revision to the FERC-8 and FERC-11 filing instructions.

SUMMARY: FERC Form No. 8, the Underground Gas Storage Report, and FERC Form No. 11, Natural Gas Pipeline Company Monthly Statement, are submitted in accordance with Order Nos. 493 (53 FR 15,025 (Apr. 27, 1988)), 493-A (53 FR 30,027 (Aug. 10, 1988)), 493-B (53 FR 49,652 (Dec. 9, 1988) and 493-C (53 FR 21,197 (May 17, 1989)).

In Order No. 493-D, issued February 3, 1993 in Docket No. RM 87–17–004, the Commission expanded the electronic filing options to permit pipeline companies to submit Form Nos. 8 and 11 filings via Electronic Data Interchange (EDI) in place of the magnetic tape or diskette requirement. The standards and specifications for formatting the electronically filed data have not been changed, nor has the required number of paper copies of each form to be filed been altered.

The procedures for filing via EDI are detailed in Exhibit C of the revised filing instructions for each form. These procedures provide detailed instructions for transmitting the structured data files in conformance with the ANSI X.12 data interchange standard. All EDI transmissions of the FERC Form No. 8 and FERC Form No. 11 structured data files must conform to the specifications provided in Exhibit C. Currently required structured data formats will continue to be reported; however, various header, trailer and transaction set information must be included with each transmission to conform to the X.12 standard. The Commission will receive EDI transmissions via its mailbox on its contracted Value Added Network (VAN).

Pipelines that wish to submit their filings via EDI must initially test their EDI capability in conjunction with FERC to confirm that all elements of that EDI network are operating properly and the EDI transmissions meet the specifications provided for in the revised filing instructions. Such testing will relate to communication between differing VANs and other technical aspects relating to EDI transmission. During this test period, the pipeline company will be required to continue to file the tapes or diskettes containing the structured data files specified in the filing instructions and record formats.

DATES: The revised filing instructions for the Form Nos. 8 and 11 are available on February 5, 1993.

ADDRESSES: Requests for copies of the instructions should be directed to: Reference and Information Center, Federal Energy Regulatory Commission, 941 North Capitol Street, NE., room 3308, Washington, DC 20426 (202) 208–1371.

FOR FURTHER INFORMATION CONTACT: For general information contact Robert Trimble at (202) 208–0906.

SUPPLEMENTARY INFORMATION: This notice is available through the Commission Issuance Posting System (CIPS), an electronic bulletin board service that provides access to formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed on a 24-hour basis using a personal computer with a modem. Your communications software should be set at full duplex, no parity, eight data bits and one stop bit. To access CIPS at 300, 1200 or 2400 baud dial (202) 208–1397. For access at 9600 baud, dial (202) 208–1781. FERC is using U.S. Robotics HST Dual Standard modems. If you have any problems in obtaining a copy of this notice through CIPS, please call (202) 208–2474. The notice will be available on CIPS for 30 days from the date of issuance of the notice.

In addition to publishing the text of this notice in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this notice during normal business hours in the Reference and Information Center (room 3308) at the Commission's headquarters, 941 North Capitol Street, NE., Washington, DC 20426.

The revised filing instructions and formats are available on diskette or hardcopy from the Commission's copy contractor, LaDorn Energy Information Services (202) 898–1151 or (800) 676–FERC), located in room 3106, 941 North Capitol Street, NE., Washington, DC 20426. The copy contractor's current cost for this service is $7.00 per diskette or 30 cents per page for hardcopy.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3344 Filed 2–11–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP89–161–025]

ANR Pipeline Co; Notice of Compliance Filing

February 5, 1993.

Take notice that on October 30, 1992, ANR Pipeline Company (ANR) in compliance with ordering paragraph (C) of the Commission's September 30, 1992 order, tendered for filing certain revised tariff sheets and other documentation with the tariff sheets proposed to be effective November 1, 1992:

First Revised Volume No. 1

First Revised Sheet No. 5
First Revised Sheet No. 17
First Revised Sheet No. 18
First Revised Sheet No. 19
First Revised Sheet No. 28
First Revised Sheet No. 29
First Revised Sheet No. 34
First Revised Sheet No. 35
First Revised Sheet No. 43

First Revised Volume No. 1–A

First Revised Sheet No. 15
First Revised Sheet No. 31
First Revised Sheet No. 57

ANR states that the September 30 order required ANR to eliminate all references to the "Spot Price Cap" in Section 2 of the General Terms and Conditions of ANR's First Revised Volume No. 1 FERC Gas Tariff. ANR states that it is submitting revised language for section 2 (First Revised Volume No. 1, Sheet No. 43), together

with conforming revised tariff sheets to First Revised Volume Nos. 1 and 1–A, with references therein to the "Spot Price Cap" deleted.

ANR states that copies of the filing have been served to all parties in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 12, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3342 Filed 2–11–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP89–161–026]

ANR Pipeline Co.; Notice of Compliance Filing

February 5, 1993.

Take notice that on November 20, 1992, ANR Pipeline Company (ANR) tendered for filing the following revised tariff sheets to ANR's FERC Gas Tariff, First Revised Volume No. 1:

First Revised Sheet No. 7
First Revised Sheet No. 8
First Revised Sheet No. 9
First Revised Sheet No. 10
First Revised Sheet No. 11
First Revised Sheet No. 12
First Revised Sheet No. 13
First Revised Sheet No. 14
First Revised Sheet No. 15

ANR states that the above-referenced tariff sheets are being submitted in compliance with the Commission's order of September 30, 1992, to show the monthly billing applicable to each eligible customer's allocable percentages of total effective transportation and sales entitlements, resulting from the Dakota Gasification Company capacity costs from ANR firm transportation and sales customers. ANR states that the revised tariff sheets reflect the percentages.

ANR states that copies of the filing have been served to all parties in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 12, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3343 Filed 2–11–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–194–000]

United Gas Pipe Line Co.; Notice of Request Under Blanket Authorization

February 5, 1993.

Take notice that on February 2, 1993, United Gas Pipe Line Company (United), 600 Travis, Post Office Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP93–194–000 a request pursuant to §§ 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) for authorization to abandon sales service to Arkla Energy Resources, a Division of Arkla, Inc. (AER) under its blanket certificate issued in Docket No. CP82–430–000, pursuant to section 7(b) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United states that it formerly provided jurisdictional sales service to AER at its Shreveport and Bossier City, Louisiana billing locations under United's Rate Schedule DG–N and under the terms of a January 1, 1983, service agreement. It is indicated in a letter dated March 2, 1992, that AER notified United that it wished to terminate the service agreement effective April 1, 1992. It is also indicated that on May 1, 1992, AER filed with the Commission an Order No. 490 notification, pursuant to section 157.21 of the Commission's Regulations, to abandon its obligation to purchase gas from United. By this filing United states that it seeks authority to abandon its sales obligation to AER under the terminated agreement. No abandonment of facilities is proposed.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3346 Filed 2–11–93; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–4595–2]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 25, 1993 Through January 29, 1993 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260–5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1992 (57 FR 12499).

Draft EISs

ERP No. D–AFS–L65181–WA Rating EC2, East Curlew Creek Analysis Area, Harvesting Timber and Road Construction, Portion of Profanity Roadless Area, Colville National Forest, Republic Ranger District, Ferry County, WA.

Summary: EPA expressed concerns regarding the potential effects of the action alternative on water quality, fisheries, and air quality and requested additional information in these areas.

ERP No. D–DOE–G03018–00 Rating EC2, Strategic Petroleum Reserve Expansion Plan, Implementation and Site Selection, Brazoria and Jefferson Counties, TX; Iberia and St. Mary Parishes, LA or Perry County, MS with Associated Pipeline and Terminals located in several counties and parishes of TX, LA, MS and AL.

Summary: EPA expressed environmental concerns on wetlands, NPDES permits, archaeological resources, the placement of dredge spoil at a raw water structure and requested various additional clarifying

information. EPA recommended that the Department of Energy select the Big Hill, Texas and Weeks Island, Louisiana sites as the preferred alternatives since they satisfy the requirements of the proposed action with the least adverse environmental impacts.

ERP No. D–FHW–K40190–CA Rating EO2, CA–168 Freeway Transportation Project, Construction, CA–168 between CA–180 and Temperance Avenue, Funding and Section 404 Permit, City of Fresno, Fresno County, CA.

Summary: EPA expressed environmental objections because the alternatives analysis is deficient, the existing air quality is only partially described, the project does not comply with the interim conformity requirements of the Clean Air Act Amendments, and there is not sufficient mitigation to control new and significant increases of existing noise levels.

ERP No. D–FHW–K40191–CA Rating EC2, CA–125/54 Freeway Transportation Project, Construction, west of Worthington Street, County of San Diego to CA–94 in the City of Lemon Grove, Funding and Section 404 Permit, Regional Transportation Plan (RTP), San Diego County, CA.

Summary: EPA expressed environmental concerns due to potential impacts to San Diego's air quality and wetland resources. EPA requested more information on ozone precursors and how the project may affect San Diego's severe ozone status.

ERP No. D–FHW–K40192–CA Rating EC2, CA–41 Improvements, Elkhorn Avenue to North Avenue, Funding, Fresno County, CA.

Summary: EPA expressed environmental concerns regarding potential adverse cumulative impacts to air quality, farmlands and biological resources. EPA requested that the Final EIS include additional information information on these issues.

ERP No. DS–COE–C30005–NY Rating LO, Olcott Small Boat Harbor Project, Navigation Improvements, Additional Information, Lake Ontario, Town of Newfane, Niagara County, NY.

Summary: EPA believed that neither the preferred alternative selected in the draft supplement EIS (DSEIS) (modified plan 10A) nor the no action alternative would result in any significant environmental impacts. Therefore, EPA had no objections to the proposed projects.

ERP No. DS–COE–E32041–FL Rating EC2, Fort Pierce Harbor Navigation Improvements, Updated Information Concerning Plan Modifications, Indian River, City of Fort Pierce, St. Lucie County, FL.

Summary: EPA expressed concerns about the environmental losses (e.g., hardbottoms, seagrass habitats), relocation of reef/ledge rock communities and beach erosion, as well as the lack of detailed mitigation plans. EPA requested additional information regarding these issues, and a more extensive mitigation plan, in the final EIS.

ERP No. DS–COE–K32023–HI Rating EC2, Maalaea Harbor Improvements for Light-Draft-Vessels, Entrance Channel Realignment and Breakwater Modifications, Island of Maui, Maui County, HI.

Summary: EPA expressed environmental concerns with the lack of detailed information on existing conditions (such as water quality and aquate resources in the harbor) and environmental impacts, including the impacts of placing fill material and cumulative impacts. EPA noted that it was difficult to determine the full scope of potential environmental impacts from both the Federal and local sponsor's actions. EPA also expressed concerns with the limited alternatives analysis, water quality evaluation, mitigation measures, and cumulative impacts analysis.

Final EISs

ERP No. F–AFS–K31017–CA, Littlerock Dam and Reservoir Restoration Project, Implementation and Special Use Permit, Section 404 Permit, Los Angeles National Forest, Valyermo Ranger, Los Angeles County, CA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing Agency.

ERP No. F–BIA–K80029–CA, Campo Band of Mission Indians Reservation Solid Waste Management Project, Construction and Operation, Lease and Sublease Approval, Peninsular Ranges, San Diego County, CA.

Summary: EPA believed that the proposed project may not be able to comply with the provisions of 40 CFR Part 258, the regulations that implement the Hazardous and Solid Waste Amendments of 1984.

ERP No. F–BLM–K67014–AZ, Sanchez Open Pit Heap Leech Copper Mine Project, Construction and Operation, Permits Approval, Gila Mountain, Graham County, AZ.

Summary: EPA expressed environmental concerns regarding potential air quality impacts that were previously found to be severe have been reduced due to a change in project scope and the addition of air quality mitigation. Based on new information in the FEIS regarding facility design and monitoring, EPA recommended additional monitoring to reduce potential impacts to water quality. EPA urged BLM to work with the project applicant to develop a more effective mitigation plan to compensate for habitat losses due to the project.

ERP No. F–DOE–L08046–WA, Washington Water Power and British Columbia Hydro 230kV Transmission Interconnection, Construction, Operation and Maintenance, Presidential Permit, Pend Oreille, Spokane, Stevens and Lincoln Counties, WA.

Summary: Review of the Final EIS has been completed and the project found to be satisfactory. No formal comment letter was sent to the preparing agency.

ERP No. F–FHW–L40177–WA, I–90 Seattle Added Access Ramp, Construction to and from I–90 between I–5 and the west shore of Lake Washington, Funding, City of Seattle, King County, WA.

Summary: Review of the Final EIS has been completed and the project found to be satisfactory. No formal comment letter was sent to the preparing agency.

ERP No. FS–NOA–L91007–AK, Halibut and Sablefish Fixed Gear Fisheries Individual Fishing Quota (IFQ) Management Alternative, Additional Information on the specific IFQ Program recommended by the Council in December 1991, Approval and Implementation, Gulf of Alaska and Bering Sea Aleutian Islands, AK.

Summary: Review of the Final EIS has been completed and the project found to be satisfactory. No formal comment letter was sent to the preparing agency.

Regulations

ERP No. R–OSM–A01100–00, 30 CFR Parts 840 & 842; "Surface Coal Mining & Reclamation Operations; Initials & Permanent Regulatory Programs; Abandoned Sites" (57 FR 60410).

Summary: EPA recommended that OSM revise the proposed rule to require: (1) The inspection frequency of abandoned mine sites to be based on the potential for the existing environmental problem(s) to worsen and/or affect areas adjacent to the site; (2) to include in the final rule, the criteria upon which the inspection frequency would be based; and (3) to conduct complete inspections twice a year at a minimum on sites causing or likely to cause water pollution or other nonpoint source problems. EPA also recommended that it would be prudent for OSM to commit to incorporating measures in the regulations to ensure correcting the environmental problems.

Dated: February 9, 1993.
William D. Dickerson,
Deputy Director, Office of Federal Activities.
[FR Doc. 93-3427 Filed 2-11-93; 8:45 am]
BILLING CODE 6560-50-P

[ER-FRL-4595-1]

Environmental Impact Statements; Notice of Availability

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 260-5076 or (202) 260-5075.

Availability of Environmental Impact Statements Filed February 1, 1993 through February 5, 1993 Pursuant to 40 CFR 1506.9.

EIS No. 930030, FINAL EIS, NPS, NV, Lake Mead National Recreation Area, Lakeshore Road/NV-166 Reconstruction, Funding, Clark County, NV, Due: March 15, 1993, Contact: Alan O'Neill (702) 293-8920.

EIS No. 930031, DRAFT EIS, FHW, WY, US 14/16/20 Highway Improvements, Cody to Yellowstone National Park Highway, Funding and COE Section 404 Permit, Shoshone National Forest, Forest, Park County, WY, Due: April 16, 1993, Contact: Galen Hesterberg (307) 772-2012.

EIS No. 930032, FINAL EIS, SCS, IN, Muddy Fork of Silver Creek Watershed, Flood Prevention and Watershed Protection, Funding and COE Section 404 Permit, Clark, Floyd and Washington Counties, IN, Due: March 15, 1993, Contact: Robert L. Eddleman (317) 290-3220.

EIS No. 930033, DRAFT EIS, FHW, WV, Harpers Ferry Statewide Bridge Replacement and Upgrading Project, Improvements, US 340 over the Shenandoah River in the vicinity of Harpers Ferry National Historical Park, Funding and COE Section 404 Permit, Jefferson County, WV, Due: April 15, 1993, Contact: Billy R. Higginbotham (304) 347-3093.

EIS No. 930034, DRAFT EIS, BLM, MT, Royal East Joint Venture Mineral Exploration Project, Plan of Operation Approval and Implementation, East Butte, Sweet Grass Hills, Liberty County, MT, Due: April 27, 1993, Contact: David L. Mari (406) 538-7461.

EIS No. 930035, DRAFT EIS, COE, CA, San Gabriel Canyon Sediment Management Plan, Dredging and Disposal of Sediments, COE Section 404 Permit, Special Use Permit and Right-of-Entry Permit Issuance, Angeles National Forest, San Gabriel River, Los Angeles, CA, Due: April 12, 1993, Contact: Fari Tabatabai (213) 894-0355.

EIS No. 930036, DRAFT EIS, NPS, DC, Rock Creek Park Tennis Center and Associated Recreation Fields, Implementation, Northwest Quadrant of Washington, DC, Due: April 9, 1993, Contact: William Shield (202) 426-6833.

Dated: February 9, 1993.
William D. Dickerson,
Deputy Director, Office of Federal Activities.
[FR Doc. 93-3425 Filed 2-11-93; 8:45 am]
BILLING CODE 6560-50-M

[ER-FRL-4594-9]

Discharges From Oil and Gas Operations in the Territorial Seas of Texas and Louisiana

Intent to prepare an Environmental Impact Statement (EIS) on the issuance of proposed new source National Pollutant Discharge Elimination System (NPDES) general permit for discharges from oil and gas operations in the territorial seas of Texas and Louisiana. The territorial seas extend from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, seaward to a distance of three nautical miles.

AGENCY: U. S. Environmental Protection Agency (EPA).

PURPOSE: To meet National Environmental Policy Act (NEPA) and Clean Water Act (CWA) requirements for consideration of impacts to the environment which may result from issuance of the proposed NPDES general permit.

BACKGROUND: The EPA proposes to issue new source NPDES general permits for discharges under 40 CFR part 435, Subpart A "Oil and Gas Extraction, Offshore" sub-category. A Supplemental EIS is currently being prepared to evaluate impacts to the environment which could result from the issuance of the proposed new source NPDES general permit for the Outer Continental Shelf (OCS) of the central and western Gulf of Mexico. The Supplemental EIS is based on the adoption of the EIS prepared by the Minerals Management Service for Lease Areas 142 and 143.

SUMMARY: In addition to the above Supplemental EIS, EPA is also preparing a separate EIS to evaluate impacts to the environment which could result from the issuance of the proposed new source NPDES general permit for oil and gas operations in the territorial seas of Texas and Louisiana.

ALTERNATIVES: The EPA may issue or deny the new source NPDES general permit.

SCOPING: EPA encourages agency and public participation in its decision-making process on this proposed permit action. Federal, State and local agencies and the public are invited to participate in the scoping process to help identify the potentially significant impacts to be evaluated in the EIS.

FOR SCOPING COMMENTS, ADDITIONAL INFORMATION, OR TO BE PLACED ON EIS MAILING LIST CONTACT: Mr. Norm Thomas, Chief, Federal Activities Branch, EPA Region 6(E-F), 1445 Ross Ave., Dallas, Texas 75202-2733. Telephone: 214-655-7456.

ESTIMATED DATE OF DRAFT EIS RELEASE: May 1993.

RESPONSIBLE OFFICIAL: Joe D. Winkle, Acting Regional Administrator.

Dated: February 5, 1993.
Richard E. Sanderson,
Director, Office of Federal Activities.
[FR Doc. 93-3426 Filed 2-11-93; 8:45 am]
BILLING CODE 6560-50-P

[FRL-4594-2]

Additional Information on Wastes Studied in the Report to Congress on Wastes From the Combustion of Coal by Electric Utility Power Plants

AGENCY: Environmental Protection Agency.

ACTION: Notice of data and information availability and request for comments.

SUMMARY: This notice announces the availability for public inspection and comment, of information that may be used in making a final regulatory determination on four large-volume fossil fuel combustion (FFC) waste streams—fly ash, bottom ash, boiler slag, and flue gas emission control waste—studied in the Agency's February 1988, Report to Congress on Wastes from the Combustion of Coal by Electric Utility Power Plants. By August 2, 1993, EPA will make a final regulatory determination on whether some or all of these waste streams should be subject to regulation as hazardous wastes under subtitle C of the Resource Conservation and Recovery Act (RCRA).

DATES: Public comments on the additional information will be accepted through March 29, 1993.

ADDRESSES: Those persons, companies or organizations intending to submit comments for the record must send an original and two copies to the following address: RCRA Docket Information

VOL
58
ISS
28
FE
12
1993
UMI

Center (OS–305), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Please place the docket number F–93–FFCA–FFFFF on your comments.

The additional information is available for public inspection at the RCRA docket, 401 M Street, SW., Washington, DC, Room M2427, 2nd floor, Waterside Mall. Docket hours are 9 a.m. to 4 p.m., Monday through Friday, except Federal holidays. In order to view the docket, please call (202) 260–9327 to make an appointment. Comments on the new information will be accepted through March 29, 1993.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA/Superfund Hotline at (800) 424–9346 or (202) 260–3000; for technical information contact Patti Whiting (OS–323W), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (703) 308–8421.

SUPPLEMENTARY INFORMATION:

I. Background

RCRA section 3001(b)(3) (hereafter referred to as the Bevill Exemption) exempts "fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels" from regulation as hazardous wastes under RCRA subtitle C, pending completion of a Report to Congress and a subsequent regulatory determination of whether such regulation is warranted. In particular, section 8002(n) of RCRA requires EPA to conduct a detailed and comprehensive study and submit a Report to Congress on the adverse effects on human health and the environment, if any, of the disposal and utilization of fly ash waste, bottom ash waste, slag waste, flue gas emission control waste, and other byproduct materials generated primarily from the combustion of coal or other fossil fuels. Factors to be considered include:

(1) The source and volumes of such material generated per year;
(2) Present disposal and utilization practices;
(3) Potential danger, if any, to human health and the environment from the disposal and reuse of such materials;
(4) Documented cases in which danger to human health or the environment from surface runoff or leachate has been proved;
(5) Alternatives to current disposal practices;
(6) The costs of such alternatives;
(7) The impact of those alternatives on the use of coal and other natural resources; and
(8) The current and potential utilization of such materials.

RCRA section 3001(b)(3)(C) then requires that a regulatory determination be completed within six months of the date of submission of the Report to Congress.

Based on this mandate, the Agency conducted a study of fossil fuel wastes generated from coal-fired electric utility power plants and prepared the following report: The Report to Congress on Wastes from the Combustion of Coal by Electric Utility Power Plants (hereafter referred to as the "RTC"), released in February, 1988. This report contains detailed studies of the four waste streams listed above, as well as some data on other waste streams (typically generated in lower volumes) produced by coal-fired electric utilities. In the report, the Agency tentatively recommended that the four large-volume wastes remain permanently exempt from Subtitle C regulation. Public comments were received on the Report to Congress and a public hearing was held. The public comments and the hearing transcript are available for public inspection at the RCRA docket (docket number TATAF–88–PATA).

Because of other priorities, the Agency did not publish the regulatory determination for those wastes. As a result, a suit was filed by Frank Gearhart on behalf of the Bull Run Coalition (an Oregon citizens group), and the Edison Electric Institute intervened as plaintiffs. On June 30, 1992, the Agency entered into a Consent Decree that established a schedule for the Agency to complete the regulatory determinations for all fossil fuel combustion (FFC) wastes.[1] The Consent Decree divides FFC wastes into two categories: (1) Fly ash, bottom ash, boiler slag, and flue gas emission control waste (hereafter referred to as flue gas desulfurization (FGD) sludge) from the combustion of coal by electric utilities, and (2) all remaining FFC wastes. Separate schedules are provided in the Consent Decree for each category.

In accordance with the requirements of the Consent Decree, the Agency notified the interested parties that a regulatory determination for fly ash, bottom ash, slag, and FGD sludge from the combustion of coal would be finalized by August 2, 1993. For the remaining FFC wastes, the Agency indicated that further study was required and that a regulatory determination would be completed for these wastes by April 1, 1998.

[1] *Gearhart* v. *Reilly*, No. 91–2435 (GAG), (D.D.C.)

II. Additional Information

To update and supplement the information included in the 1988 RTC on fly and bottom ash, slag, and FGD sludge, the Agency has undertaken several information collection efforts. Publicly available information has been obtained from various EPA offices and other Federal agencies, State agencies, and the electric utilities industry. In addition, literature searches were performed to identify recently published materials on fly and bottom ash, slag, and FGD sludge generated by coal-fired utilities. The materials collected regarding these wastes specifically address: assessments of coal-fired electric utilities operations (as they affect waste generation), waste volumes and characteristics, waste management practices, environmental monitoring, and environmental impacts. The Agency is also making available the methodology which may be used in making the final regulatory determination. This three-step analytical approach was recently used in making the June 13, 1991 regulatory determination for mineral processing special wastes.

Because this new information may be utilized in the regulatory decision-making process for fly and bottom ash, slag, and FGD sludge, it is being placed into the RCRA docket for public inspection and comment. For all readers to clearly distinguish this new information, it has been placed under a new docket number: F–93–FFCA-FFFFF.

A complete list of all new information placed in the docket is available from the RCRA Docket at the address and telephone number listed above. The new information includes:

- The Consent Decree dated June 30, 1992; the Decision Memorandum establishing August 2, 1993, and April 1, 1998, as the deadlines for completion of the regulatory determinations; and the notification letters sent to interested parties.
- Published and unpublished materials obtained from State and Federal agencies, utilities and trade industry groups, and other knowledgeable parties on the volumes and characteristics of fly and bottom ash, slag, and FGD sludge.
- Published and unpublished materials on management practices (including co-disposal and utilization) associated with fly and bottom ash, slag, and FGD sludge.
- Published and unpublished materials on the potential environmental impacts associated with

fly and bottom ash, slag, and FGD sludge management.

- Published and unpublished materials on trends in utility plant operations that may impact waste volumes and characteristics. Specific information was sought on innovations in scrubber use and the potential impacts of the 1990 Clean Air Act Amendments on waste volumes and characteristics.
- 1990 Energy Information Agency (EIA) data on utility operations and waste generation obtained from EIA's Form 767 database. These data are submitted to EIA annually by electric utilities.
- Site visit reports and accompanying facility submittals for five power plants visited by EPA during the fall of 1992.
- Materials obtained from public files maintained by State regulatory agencies in Virginia, North Dakota, Wisconsin, Texas, Indiana, Colorado, Wisconsin, Ohio, and Pennsylvania. These materials focus on waste characterization and environmental monitoring data, along with supporting background information.
- Methodology for making the Regulatory Determination. The Agency intends to follow the basic three-step analytical approach used in making the June 13, 1991 regulatory determination for mineral processing special wastes.

The Agency solicits comments on the information sources identified in this Notice. All comments on the new information received by the close of the comment period will be considered by the Agency when making a final regulatory determination on the four waste streams. Comments will be accepted and considered only on the new information specifically identified under the above docket number. EPA will not consider comments on the 1988 Report to Congress and data and analyses presented therein, except to the extent that commenters believe they are affected by the new information.

Dated: February 5, 1993.

Walter W. Kovalick, Jr.

Acting Assistant Surgeon General, USPHS, Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 93–3398 Filed 2–11–93; 8:45 am]

BILLING CODE 6560–50–P

[FRL–4593–8]

Underground Injection Control Program Hazardous Waste Disposal Injection Restrictions; Petition for Exemption Class I Hazardous Waste Injection Witco Corp., Marshall, TX

AGENCY: Environmental Protection Agency.

ACTION: Notice of final decision on petition modification.

SUMMARY: Notice is hereby given that a modification of an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been granted to Witco Corporation for the Class I injection wells located at Marshall, Texas. The modification increased the thickness of the injection interval. As required by 40 CFR part 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the underground injection by Witco Corporation of the specific restricted hazardous waste identified in the modified petition, into the Class I hazardous waste injection wells at the Marshall, Texas facility specifically identified in this petition, for as long as the basis for granting an approval of this petition remains valid, under provisions of 40 CFR 148.24. As required by 40 CFR 124.10, a public notice was issued November 27, 1992. The public comment period ended on January 11, 1993. Two parties requested a public hearing over the proposed decision. EPA met with one party and offered to meet with the other. Neither party had concerns pertaining to the modification request and hence a public hearing was not held. This decision constitutes final Agency action and there is no Administrative appeal.

DATES: This action is effective as of January 29, 1993.

ADDRESSES: Copies of the modified petition and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Management Division, Water Supply Branch (6W–SU), 1445 Ross Avenue, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT:

Mac A. Weaver, Chief, UIC State Programs Section, EPA—Region 6, telephone (214) 655–7160, (FTS) (214) 655–7160.

Myron O. Knudson,

Director, Water Management Division (6W).

[FR Doc. 93–3401 Filed 2–11–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4594–7]

Notice of a Public Meeting on the Hazardous Waste Identification System

AGENCY: Environmental Protection Agency.

ACTION: Notice of meeting.

SUMMARY: We are giving notice of a March 1–2 meeting to discuss issues specifically related to contaminated media and other waste streams. The meeting is open to the public without advance registration.

DATES: The March 1 meeting will run from 2 p.m. to 6 p.m. The March 2nd meeting will run from 8:30 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Crystal City Hyatt, 2799 Jefferson Davis Highway, Arlington, Virginia 22202, (703) 418–1234.

FOR FURTHER INFORMATION CONTACT: Persons needing further information on the meeting should contact William A. Collins, Jr., Office of Solid Waste, OS–333, Environmental Protection Agency, Washington, DC 20460; phone (202) 260–4791. Persons needing further information on procedural matters should call the meeting Co-facilitator, Denise Madigan, of Endispute, Washington, DC (202) 429–8782.

Dated: February 8, 1993.

Chris Kirtz,

Director, Consensus and Dispute Resolution Program.

[FR Doc. 93–3403 Filed 2–11–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4593–2]

Proposed Settlement Under Section 122(g) of the Comprehensive Environmental Response, Compensation and Liability Act; the Carter Industrials, Inc., Michigan Superfund Site

AGENCY: U.S. Environmental Protection Agency.

ACTION: Request for public comment.

SUMMARY: The U.S. Environmental Protection Agency (U.S. EPA) is proposing to enter into an Administrative Order on Consent under Section 122(g) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. Section 9622(g). This proposed settlement is intended to resolve liabilities under CERCLA of the Settling Party for past response costs and future oversight costs at the Carter Industrials, Inc. Site, Detroit, Michigan.

DATES: Comments are due on or before March 15, 1993.

ADDRESSES: Comments should be addressed to Jackie Dillard, Docket Clerk, U.S. EPA, Region V, 77 West Jackson, Chicago, IL 60604, and to Nancy-Ellen Zusman, Office of Regional Counsel, 77 West Jackson, Chicago, IL 60604. Comments must refer to: In Re: Carter Industrials Facility—Kapp Enterprises, U.S. EPA Docket No. V–W–92–C–175.

FOR FURTHER INFORMATION CONTACT: Nancy-Ellen Zusman, Office of Regional Counsel, U.S. EPA, 77 West Jackson, Chicago, IL 60604, (312) 886–7161.

SUPPLEMENTARY INFORMATION: Notice of Administrative Settlement—In accordance with section 122(i)(1) of CERCLA, notice is hereby given of a proposed administrative settlement concerning the Carter Industrials hazardous waste site in Detroit, Michigan. The proposed settlement agreement was concurred with by the United States Department of Justice. The settlement resulted from negotiations between U.S. EPA and the Respondent.

U.S. EPA is entering into this agreement under the authority of sections 122(g) and 107 of CERCLA. Section 122(g) authorizes administrative settlements with parties potentially liable under section 107 of CERCLA if the claim has not been referred to the Department of Justice for further action. Under this authority, the agreement proposes to settle the potential CERCLA section 107 liability of one party with regard to the Carter Industrials Superfund Site. The proposed settlement reflects, and was agreed to based on, conditions as known to the party and U.S. EPA as of the time that this agreement becomes effective.

The agreement requires the Settling Respondent to give the U.S. EPA unrestricted access in exchange for a covenant not to sue. U.S. EPA has made the determination that the Settling Respondent is an innocent landowner as defined under CERCLA section 122(g)(1)(B), 42 U.S.C. 9622(g)(1)(B). The proposed settlement provides that U.S. EPA may elect not to complete the settlement based on matters brought to its attention during the public comment period established by this Notice. U.S. EPA has made a preliminary determination that the proposed settlement is in the public interest.

U.S. EPA will receive written comments relating to this agreement for 30 days from the date of publication of this notice. A copy of the proposed administrative settlement agreement may be obtained in person or by mail from Nancy-Ellen Zusman, U.S. EPA, Region V, Office of Regional Counsel, 77 West Jackson, Chicago, Illinois 60604. Copies of the Administrative Record Index and additional background information relating to the proposed settlement are also available from Nancy-Ellen Zusman.

Authority: The Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. 9601–9675.

David A. Ullrich,

Acting, Regional Administrator

[FR Doc. 93–3400 Filed 2–11–93; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

February 5, 1993.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: 3060–0444
Title: 200 and 800 MHz Construction Letter
Form Number: FCC Form 800–A
Action: Revision of a currently approved collection
Respondents: Individuals or households and businesses or other for-profit (including small businesses)
Frequency of Response: On occasion reporting
Estimated Annual Burden: 11,200 responses; 1 hour average burden per response; 11,200 hours total annual burden
Needs and Uses: In accordance with FCC Rules, licensees are required to provide information to verify that a station has been placed into operation. PR Docket 89–552, adopted March 14, 1991, re-allocated 220–222 MHz to Land Mobile. This collection of information is part of the Land Mobile licensing requirements and the FCC Form 800–A is being revised to include those licensees.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–3314 Filed 2–11–93; 8:45 am]

BILLING CODE 6712–01–M

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

February 4, 1993.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, suite 140, Washington, DC 20037, (202) 857–3800. For further information on these submissions contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503 (202) 395–4814.

OMB Number: 3060–0160
Title: Section 73.158, Directional antenna monitoring points
Respondents: Businesses or other for-profit (including small businesses)
Frequency of Response: On occasion reporting
Estimated Annual Burden: 85 responses; 4 hours average burden per response; 340 hours total annual burden
Needs and Uses: Section 73.158 requires a licensee of an AM station using a directional antenna system to file an informal application to modify their station license to specify a new location for the field monitoring point when circumstances occur which make the present location no longer accessible or unsuitable. Section 73.158 also requires the licensee to file a request for a corrected station license when the descriptive routing to reach any of the monitoring points as shown on the station license is no longer correct due to road or building construction or other changes. These filings provide up-to-date directions for the use by the Field Operations Bureau's inspectors in accurately locating the monitoring points and obtaining field strength measurements relevant to the Commission's enforcement program aimed at keeping electromagnetic interference to a minimum.
OMB Number: 3060–0171

Title: Section 73.1125, Station main studio location

Action: Extension of a currently approved collection

Respondents: Businesses or other for-profit (including small businesses)

Frequency of Response: On occasion reporting

Estimated Annual Burden: 39 responses; 0.5 hours average burden per response; 20 hours total annual burden

Needs and Uses: Section 73.1125 requires AM, FM or TV licensees to locate their main studio at any point within the station's principal community contours. If the station relocates its main studio from one point to another within the principal community contour or from a point outside the principal community contour to one within it, the licensee is required to notify the FCC. The data is used by FCC to assure that the station main studio is located within the principal community contour and serves to notify us of a change in the mailing address.

OMB Number: 3060–0321

Title: Section 73.68, Sampling systems for antenna monitors

Action: Extension of a currently approved collection

Respondents: Businesses or other for-profit (including small businesses)

Frequency of Response: On occasion reporting

Estimated Annual Burden: 100 responses; 2 hours average burden per response; 200 hours total annual burden

Needs and Uses: Section 73.68(b) requires that licensees of existing AM broadcast stations with antenna monitor sampling systems, meeting the performance standards specified in the Rules, may file informal requests for approval of their sampling systems. The data is used by FCC staff to maintain complete technical information regarding licensees to insure that the sampling system is in full compliance with the Commission's rules and will not cause interference to other facilities, thus reducing the service provided to the public.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–3315 Filed 2–11–93; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Public Information Collection Requirements Submitted to OMB for Review

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following public information collection requirements for review and clearance in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35.

DATES: Comments on this information collection must be submitted on or before April 13, 1993.

ADDRESSES: Direct comments regarding the burden estimate or any aspect of this information collection, including suggestions for reducing this burden, to: The FEMA Information Collections Clearance Officer at the address below; and to Gary Waxman, Office of Management and Budget, 3235 New Executive Office Building, Washington, DC 20503, (202) 395–7340, within 60 days of this notice.

FOR FURTHER INFORMATION CONTACT: Copies of the above information collection request and supporting documentation can be obtained by calling or writing Linda Borror, FEMA Information Collections Clearance Officer, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2624.

Type: Reinstatement of 3067–0206.

Title: Modified SF 269A, Financial Status Report, (Short Form) Used for Reporting for FEMA Comprehensive Cooperative Agreements (FEMA 20–10).

Abstract: OMB Circular A–102 requires grantees to submit to the grantor Federal agency SF 269A, Financial Status Report, to provide financial information incidental to grant payments. Under FEMA's Comprehensive Cooperative Agreement grant program, a State or local government may be funded for up to 12 programs. With the use of the existing SF 269A, the grantee would have to submit a SF 269A for each funded program. The modified SF 269A (FEMA Form 20–10) would allow the grantee to report on up to five funded programs using one report form.

Type of Respondents: State and local governments.

Estimate of Total Annual Reporting and Recordkeeping Burden: 269 hours.

Number of Respondents: 56.

Estimated Average Burden Time per Responses: 1.2 hours.

Frequency of Response: Quarterly.

Dated: February 5, 1993.

Wesley C. Moore,

Director, Office of Administrative Support.

[FR Doc. 93–3387 Filed 2–11–93; 8:45 am]

BILLING CODE 6718–01–M

[FEMA–977–DR]

Arizona; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Arizona, (FEMA–977–DR), dated January 19, 1993, and related determinations.

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Arizona dated January 19, 1993, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 19, 1993:

Yuma County for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Richard W. Krimm,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 93–3388 Filed 2–11–93; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–979–DR]

California; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of California (FEMA–979–DR), dated February 3, 1993, and related determinations.

EFFECTIVE DATE: February 3, 1993.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated

February 3, 1993, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of California, resulting from severe winter storms, mud and rock slides, and flooding, on January 5–22, 1993, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of California.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Frank Kishton of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of California to have been affected adversely by this declared major disaster:

The counties of Contra Costa, Fresno, Imperial, Lassen, Madera, Mendocino, Modoc, Monterey, Orange, Plumas, Riverside, San Bernardino, San Diego, Sierra, Siskiyou, Sonoma, Tehama, Tulare, Trinity, and the city of Fillmore for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

William C. Tidball,

Acting Director.

[FR Doc. 93–3386 Filed 2–11–93; 8.45 am]

BILLING CODE 6718–02–M

[FEMA–978–DR]

Louisiana; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Louisiana (FEMA–978–DR), dated February 2, 1993, and related determinations.

EFFECTIVE DATE: February 2, 1993.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 2, 1993, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Louisiana, resulting from severe storms and flooding on January 20 through January 25, 1993, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Louisiana.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas. Public Assistance may be added at a later date, if requested and warranted. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Leland R. Wilson of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Louisiana to have been affected adversely by this declared major disaster:

The parishes of Ascension, East Baton Rouge, Lafayette, Livingston, and St. Martin for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

William C. Tidball,

Acting Director.

[FR Doc. 93–3390 Filed 2–11–93; 8:45 am]

BILLING CODE 6718–02–M

Privacy Act of 1974, as amended; Revisions to System of Records

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: FEMA gives notice of revisions to an existing record system (FEMA/OC–2, Debt Collection Files) in its inventory of records systems subject to the Privacy Act of 1972, 5 U.S.C. 552a. The revisions permit release of delinquent debtors' names, social security numbers and debt amounts to other federal agencies to determine the status of debtors whose federal pay or other federal benefits could be offset to satisfy delinquent debts, and to permit referral of delinquent debtors' identities to the Internal Revenue Service (IRS) for offset against tax refunds otherwise payable to debtors.

DATES: The revisions are effective March 15, 1993.

ADDRESSES: Comments on the revisions are invited. Please address any comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington, DC 20472, (fax) (202) 646–4536.

FOR FURTHER INFORMATION CONTACT: Sandra B. Jackson, FOIA/Privacy Act Specialist, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington, DC 20472, (202) 646–3480.

SUPPLEMENTARY INFORMATION: FEMA updated all its Notice of Systems of Records on September 7, 1990, 55 FR 37182. Included in the list of notices was the records system identified as FEMA/OC–2, Debt Collection Files (55 FR 37200), which was previously designated FEMA/OC–3, Claims Collection Files and was published on January 5, 1987, 53 FR 343; May 13, 1985, 50 FR 20007; November 26, 1982, 47 FR 53847; October 25, 1993, 48 FR 49376; and March 23, 1983, 48 FR 12133.

FEMA has made the following revisions to FEMA/OC–2:

System Location:

Deletes reference to "Office of Comptroller" and substitutes "Office of Financial Management". Also deletes reference to "Office of Training" and substitutes "U.S. Fire Academy".

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

Three sentences are added at the end of the entry which read: "FEMA may

also send debtor's names and social security numbers to other federal agencies for computer matches to determine whether such debtors are receiving salary or retired pay from the Federal Government and would be subject to salary or administrative offset. FEMA may also send the debtors' names, social security numbers and amounts owed to federal agencies in order to effect offsets against salaries and/or retired payments. FEMA may also refer delinquent debtors by name, social security number, social security or other taxpayer identification number, amount owed and date of delinquency to IRS for collection by offset against tax refunds."

Disclosure to Consumer Reporting Agencies: Disclosure Pursuant to 5 U.S.C. 552a(b)(12):

Deletes reference to "Federal Claims Collection Act of 1966" and substitutes "Debt Collection Act of 1982".

Disclosures to Federal Agencies for Computer Match: (New element added to FEMA/OC–2). Disclosure Pursuant to 5 U.S.C. 552a(b)(3):

Disclosures of delinquent debtors' names and social security numbers may be made to the Defense Manpower Data Center and to other federal agencies for a computer match to determine whether such debtors are employees of the federal government, are active duty members of the uniformed services, are drawing retired pay from the federal government, and are subject to salary or administrative offset to collect debts owed to FEMA.

Disclosures to Federal Agencies for Salary or Retired Pay Offset: (New element added to FEMA/OC–2). Disclosures Pursuant to 5 U.S.C. 552a(b)(3):

"FEMA may disclose names, social security numbers, amounts of debts past due to federal agencies employing debtors to effect salary or administrative offset against salaries, active duty pay or retirement pay to collect debts owed FEMA under provisions of 5 U.S.C. 5514, 5705(1) and 5724–(f)."

Disclosure to Internal Revenue Service: (New element added to FEMA/OC–2) Disclosure Pursuant to 5 U.S.C. 552a(b)(1) and 31 U.S.C. 3720A:

Disclosure of delinquent debtor's names and social security numbers may be made to the Internal Revenue Service under provisions of 26 U.S.C. 6103(m)(2) and 26 CFR 301.6402–6T(a) for IRS to provide FEMA with latest addresses known to IRS so that FEMA may notify such delinquent debtors that FEMA intends to take offset against tax refunds which would otherwise be paid to these debtors. If these debtors do not successfully present evidence and arguments which convince FEMA not to have IRS exercise offset, then FEMA will report delinquent debtors by name, social security number, amount of indebtedness and date that the debt became delinquent under the provisions 31 U.S.C. 3720A.

Safeguards:

Adds a new sentence at the end of the entry: "Addresses of delinquent debtors provided by the IRS will be maintained in separate barlocked combination locked file cabinets to which only FEMA Headquarters debt collection personnel have the lock's combination."

Retention and Disposal:

Adds a new sentence at the end of the entry: "However, addresses provided by the IRS under the Federal Tax Refund Offset Program will be shredded either after the debt is collected in full, terminated, suspended, or the offset statute of limitations has expired."

System Manager(s) and Address:

Substitutes "Chief Financial Officer" for "Comptroller". Adds three sentences indicating that the Chief Financial Officer is the Agency Collections Officer (ACO), assisted by Debt Collections Officers (DCOs) in the regions and program offices.

Record Source Categories:

Adds a new sentence at the end of the entry: "In the case of addresses being used in IRS Tax Refund Offset Program for delinquent debtor notification described above, addresses will be provided by IRS."

Accordingly, FEMA/OC–2 is revised to read as follows:

FEMA/OC–2

SYSTEM NAME:

Debt Collection Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Primary system is located in the Office of Financial Management, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472. Secondary systems may be maintained by the Debt Collection Officers designated for the following offices: Federal Insurance Administration, National Preparedness Directorate, State & Local Programs & Support Directorate, United States Fire Administration, U.S. Fire Academy/ National Emergency Training Center and each FEMA Regional Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are indebted to FEMA.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Debt Collection Files will contain copies of debt collection letters and Optional Form 1114, Bills for Collection, and correspondence to and from the debtor relating to the debt. The files will include such information as the name and address of the debtor; taxpayer's identification number (which may be the social security number); amount of debt or delinquent amount; basis of the debt; date debt arose; office referring debt to the Agency Collections Officer; record of each collection made; credit report or FEMA Form 22–13; financial statement reflecting the net worth of the debtor; date by which debt must be referred to the Agency Collections Officer for further collection action; citation or basis on which debt was terminated or compromised; and the appropriation number under which the Accounts/Notes Receivable was established.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Debt Collection Act of 1982, 31 U.S.C. 3701 et seq.

PURPOSE(S):

Information in the record system is used to collect monies owed FEMA arising out of any administrative or program activities or service administered by FEMA. The Debt Collection files represent the basis for the debt, the amount of the debt, and actions taken by FEMA to collect the debt. The credit report or financial statement provides an understanding of the individual's financial condition with respect to requests for deferment of payment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

When debts are uncollectable, copies of the FEMA Debt Collection file regarding the debt and actions taken to collect the monies are forwarded to the U.S. General Accounting Office, Department of Justice, United States Attorney, or other federal agencies for further collection action. FEMA may also provide copies of debt collection letters, Optional Form 1114, Bill for Collection, and FEMA correspondence to the debtor or to a debt collection agency under contract with FEMA for further collection action. FEMA may also send debtors' names and social

security numbers to other federal agencies for computer matches to determine whether such debtors are receiving salary or retired pay from the Federal Government and would be subject to salary or administrative offset. FEMA may also send the debtors' names, social security numbers and amounts owed to federal agencies in order to effect offsets against salaries, retirement payments, or both, if applicable. FEMA may also refer delinquent debtors by name, social security number, social security or other taxpayer identification number, amount owed and date of delinquency to the IRS for collection by offset against tax refunds.

Disclosure to consumer reporting agencies—Disclosure pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act, 15 U.S.C. 1681a(f), or the Debt Collection Act of 1982, 31 U.S.C. 3701(a)(3).

Disclosures to federal agencies for computer match—Disclosure pursuant to 5 U.S.C. 552a(b)(1). Disclosures of delinquent debtors' names and social security numbers may be made to the Defense Manpower Data Center and to other federal agencies for a computer match to determine whether such debtors are employed as employees of the federal government, are active duty members of the uniformed services are drawing retired pay from the federal government and are subject to salary or administrative offset to collect debts owed to FEMA.

Disclosures to Federal Agencies for salary or retired pay offset—Disclosures pursuant to 5 U.S.C. 552a(b)(1). FEMA may disclose names, social security numbers, amounts of debts past due to federal agencies employing debtors to effect salary or administrative offset against salaries, active duty pay or retirement pay to collect debts owed FEMA under provisions of 5 U.S.C. 5514, 5705(1) and 5724(f).

Disclosure to the Internal Revenue Service—Disclosure pursuant to 5 U.S.C. 522a(b)(1) and 31 U.S.C. 3720A. Disclosure of delinquent debtor's names and social security numbers may be made to the Internal Revenue Service under provisions of 26 U.S.C. 6103(m)(2) and 26 CFR 301.6402–6T(a) for the IRS to provide FEMA with latest addresses known to IRS so that FEMA may notify such delinquent debtors that FEMA intends to take offset against tax refunds that would otherwise be paid to these debtors. If these debtors do not successfully present evidence and arguments which convince FEMA not to have IRS exercise offset, then FEMA will report delinquent debtors by name, social security number, amount of indebtedness and date that the debt became delinquent under the provisions 31 U.S.C. 3720A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, on lists and forms, and in computer processible storage media.

RETRIEVABILITY:

The primary system files are filed by bill for collection number; the secondary systems may be filed by bill for collection number, name, or taxpayer's identification number (which may be the social security number).

SAFEGUARDS:

Personnel screening; hardware and software computer measures; paper records are maintained in locked containers, a locked room, or both. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Addresses of delinquent debtors provided by IRS will be maintained in separate bar-locked combination locked file cabinets to which only FEMA Headquarters debt collection personnel have the lock's combination.

RETENTION AND DISPOSAL:

Records are covered by General Records Schedule 6. The file on each debt on which administrative collection action has been completed shall be retained by Debt Collection Officers' respective program offices not less than one year after the applicable statute of limitations has expired. The file is then transferred to the National Archives & Records Service for a period of six years and three months after the end of the fiscal year in which the debt was closed out by means of the debt being paid, terminated, compromised, or the statute of limitations had run out. However, addresses provided by the IRS under the Federal Tax Refund Offset Program will be shredded either after the debt is collected in full, terminated, suspended, or the offset statute of limitations has expired.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Financial Officer, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, who is designated the Agency Collections Officer (ACO) by 44 CFR 11.34(a)(1). The ACO is assisted by Debt Collections Officers (DCOs) who are those employees in the regions and in the program offices responsible for initiating bills for collections. If the DCOs are unable to collect the debts, they will refer the bills to the ACO for further action.

NOTIFICATION PROCEDURES:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager, identified above. Written requests should be clearly marked "Privacy Act Request" on the envelope and on the letter. Requests should include full name of the individual, some type of appropriate identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, driver's license, employing organization's identification card or other identification card.

RECORDS ACCESS PROCEDURES:

Same as Notification Procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedures above. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. FEMA Privacy Act Regulations are promulgated in 44 CFR part 6.

RECORD SOURCE CATEGORIES:

Directly from the individual, the initial loan application, credit report from the commercial credit bureau, administrative program offices within FEMA, or other federal, state or local agencies which are involved in programs or services administered by FEMA. In the case of addresses being used in the IRS Tax Refund Offset Program for delinquent debtor notification described above, addresses will be provided by the IRS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated: February 8, 1993.

William C. Tidball,

Acting Director.

[FR Doc. 93–3389 Filed 2–11–93; 8:45 am]

BILLING CODE 6718–01

FEDERAL HOUSING FINANCE BOARD

[No. FHFB 93–11]

Notice of Federal Home Loan Bank Members Selected for Community Support Review

AGENCY: Federal Housing Finance Board.

ACTION: Notice.

SUMMARY: The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 added a new Section 10(g) to the Federal Home Loan Bank Act of 1932 requiring that members of the Federal Home Loan Bank (FHLBank) System meet standards for community investment or service in order to maintain continued access to long-term FHLBank System advances. In compliance with this statutory change, the Federal Housing Finance Board (Finance Board) promulgated Community Support regulations (12 CFR part 936) that were published in the **Federal Register** on November 21, 1991 (56 FR 58639). Under the review process established in the regulations, the Finance Board will select a certain number of members for review each quarter, so that all members will be reviewed once every two years. The purpose of this Notice is to announce the names of the members selected for the fifth quarter review under the regulations. The Notice also conveys the dates by which members need to comply with the Community Support regulation review requirements and by which comments from the public must be received.

DATES: *Due Date For Member Community Support Statements for Members Selected in Fifth Quarter Review:* March 31, 1993.

Due Date For Public Comments on Members Selected in Fifth Quarter Review: March 31, 1993.

FOR FURTHER INFORMATION CONTACT: Sylvia C. Martinez, Director, Housing Finance Directorate, (202) 408–2825, or Kathleen S. Brueger, Associate Director, Housing Finance Directorate, (202) 408–2821, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

A. Selection for Community Support Review

The Finance Board intends to review the entire FHLBank System membership once every two years. Approximately one-eighth of the FHLBank members in each district will be selected for review by the Finance Board each calendar quarter. Only members with post-July 1, 1990 CRA Evaluations and members not subject to CRA will be selected for review in the first two years following the effective date of the regulation. In selecting members, the Finance Board will follow the chronological sequence of the members' CRA Evaluations, to the greatest extent practicable, selecting one-eighth of each District's membership for review each calendar quarter.

Selection for review is not, nor should it be construed as, any indication of either the financial condition or Community Support performance of the institutions listed.

B. List of FHLBank members to be reviewed in the fifth quarter, grouped by FHLBank District

Federal Home Loan Bank of Boston—District 1, Post Office Box 9106, Boston, Massachusetts 02205–9106.

Member	City and State
People's Bank	Bridgeport, CT.
Bristol Savings Bank	Bristol, CT.
The Derby Savings Bank	Derby, CT.
Maritime Bank & Trust Company	Essex, CT.
Farmington Savings Bank	Farmington, CT.
The Glastonbury Bank & Trust Co	Glastonbury, CT.
The Savings Bank of Manchester	Manchester, CT.
Liberty Bank	Middleton, CT.
Naugatuck Savings Bank	Naugatuck, CT.
Citizens National Bank	Putnam, CT.
Windsor Federal S&LA	Windsor, CT.
Windsor Locks S&LA	Windsor Locks, CT.
Benjamin Franklin SB	Franklin, MA.
Dean Co-operative Bank	Franklin, MA.
Pioneer Financial, A Co-op. Bank	Malden, MA.
Compass Bank for Savings	New Bedford, MA.
Savers Cooperative Bank	Southbridge, MA.
Flagship Bank and Trust Co	Worcester, MA.
Cushnoc Bank and Trust Co	Augusta, ME.
United Bank	Bangor, ME.
First NB of Damariscotta	Damariscotta, ME.
Gardiner Savings Ins., FSB	Gardiner, ME.
Machias Savings Bank	Machias, ME.
Oxford Bank and Trust	Oxford, ME.
Connecticut River Bank	Charlestown, NH.
Peoples Bank of Littleton	Littleton, NH.
Lake Sunapee Savings Bank, FSB	Newport, NH.
Piscataqua Savings Bank	Portsmouth, NH.
Profile Bank, FSB	Rochester, NH.
Domestic Loan and Inv. Bank	Cranston, RI.
Rhode Island Hospital Trust NB	Providence, RI.
The Washington Trust Co	Westerly, RI.
Bellows Falls Trust Company	Bellows Falls, VT.
Bennington Co-op S&L Association.	Bennington, VT.
Factory Point National Bank	Manchester Centre, VT.
Passumpsic Savings Bank	St. Johnsbury, VT.

Federal Home Loan Bank of New York—District 2, One World Trade Center, 103rd Floor, New York, New York 10048.

Member	City and State
First SB of New Jersey	Bayonne, NJ.
American S&L Association	Bloomfield, NJ.
Bordentown—Peoples S&L Assoc.	Bordentown, NJ.
Clifton S&LA	Clifton, NJ.
Collective FSB	Egg Harbor City, NJ.
Spencer Savings Bank	Garfield, NJ.
The First National Bank of Hope	Hope, NJ.
Magyar Savings Bank	New Brunswick, NJ.
Clover FS&LA	Pennsauken, NJ.
Charter Federal Savings Bank	Randolph Township, NJ.
Palisade Savings Bank, FSB	Ridgefield Park, NJ.
Roebling S&L Association	Roebling, NJ.
Franklin Savings Bank	Salem, NJ.
Anchor Savings Bank	Wayne, NJ.
Monroe Savings Bank, SLA	Williamstown, NJ.
Atlantic Liberty Savings, FA	Brooklyn, NY.
Hamilton FS&LA	Brooklyn, NY
Astoria FS&LA	Lake Success, NY.
Financial FS&LA	Long Island City, NY.
Jamaica Savings Bank	Lynbrook, NY.
Cross County	Mineola, NY.
New York Federal Savings Bank	New York, NY
First FS&LA of Rochester	Rochester, NY
The Rochester Community SB	Rochester, NY
Northfield Savings Bank, FSB	Staten Island, NY
OnBank	Syracuse, NY
Tarrytown & North Tarrytown S&LA.	Tarrytown, NY
Valatie S&LA	Valatie, NY
Columbia Federal Savings Bank	Woodhaven, NY.
Bank & Trust of Puerto Rico	Hato Rey, PR.

Federal Home Loan Bank of Pittsburgh—District 3, 625 West Ridge Pike, Suite B–107, Conshohocken, Pennsylvania 19428.

Member	City and State
Ninth Ward S&LA	Wilmington, DE.
White Eagle FSB	Wilmington, DE.
Wilmington SFS	Wilmington, DE.
Mid-State Bank & Trust Co.	Altoona, PA.
Ambler S&LA	Ambler, PA.
Greater Bethlehem S&LA	Bethlehem, PA.
First FS&LA of Bucks County	Bristol, PA.
Suburban Federal Savings	Collingdale, PA.
Ellwood Federal Savings Bank	Ellwood City, PA.
County Savings Association	Essington, PA.
Hatboro Federal Savings, PA	Hatboro, PA.
First Federal S&LA of Hazleton	Hazleton, PA.
Security Savings Association	Hazleton, PA.
Huntingdon Valley FS&LA	Huntingdon Valley, PA.
William Penn S&LA	Levittown, PA.
Willow Grove FS&LA	Maple Glen, PA.
First Keystone FSB	Media, PA.
Standard S&LA of Wilkinsburg	Monroeville, PA.
Morton Savings & Loan Association.	Morton, PA.
Commonwealth State Bank	Newton, PA.
Third FS&LA of Philadelphia	Newton, PA.
Malvern Federal Savings Bank	Paoli, PA.
Fidelity FS&LA	Philadelphia, PA.
Fox Chase FSB	Philadelphia, PA.

VOL 58 ISS 28 FE 12 1993 UMI

Member	City and State
Keystone S&LA	Philadelphia, PA.
Prime Savings Bank, FSB	Philadelphia, PA.
Second FS&LA	Philadelphia, PA.
Washington SA	Philadelphia, PA.
Bell FS&LA of Bellevue	Pittsburgh, PA.
Great American FS&LA	Pittsburgh, PA.
Integra Bank—Pittsburgh	Pittsburgh, PA.
Progressive Home FS&LA	Pittsburgh, PA.
Crusader S&LA	Rosemont, PA.
Mercer County State Bank	Sandy Lake, PA.
North Penn S&LA	Scranton, PA.
Slovenian S&LA of Canonsburg	Strabane, PA.
Integra National Bank/North	Titusville, PA.
Integra Bank/South	Uniontown, PA.
First National Bank of West Chester.	West Chester, PA.

Federal Home Loan Bank of Atlanta—District 4, Post Office Box 105565, Atlanta, Georgia 30348.

Member	City and State
Farmers and Merchants Bank	Lafayette, AL.
Eagle Bank of Alabama	Opelika, AL.
First American Bank of Pelham	Pelham, AL.
Peoples Bank & Trust Company	Selma, AL.
First FS&LA	Sylacauga, AL.
Century National Bank	Washington, DC.
Regent Bank	Davie, FL.
The Bank of Inverness	Inverness, FL.
First Trust Savings Bank, FSB	Jacksonville, FL.
First FSB of Florida	Live Oak, FL.
Oceanmark Bank, a FSB	North Miami Beach, FL.
New River Bank	Oakland Park FL.
Firstate Financial, a SB	Orlando, FL.
Bank of Ormond-by-the-Sea	Ormond Beach, FL.
Bank of Pahokee	Pahokee, FL.
Peoples First Financial S&LA	Panama City, FL.
Bankers Savings Bank	South Miami, FL.
Andrew Jackson Savings Bank	Tallahassee, FL.
Fort Brooke Bank	Tampa, FL.
Prime Bank of Central Florida	Titusville, FL.
NBD Bank, FSB	Venice, FL.
Palm Beach S&L, FSA	West Palm Beach, FL.
Sterling Savings Bank	West Palm Beach, FL.
Bank South, N.A.	Atlanta, GA.
Main Street SB, FSB	Conyers, GA.
Bank of Dahlonega	Dahlonega, GA.
South Georgia FSB	Glennville, GA.
Peoples Bank	Lithonia, GA.
Bay FS&LA	Baltimore, MD.
Fairmount Federal Savings Bank	Baltimore, MD.
Fullerton FSA	Baltimore, MD.
Garibaldi Federal Savings Bank	Baltimore, MD.
Hull Federal Savings Bank	Baltimore, MD.
Ideal Federal Savings Bank	Baltimore, MD.
Northfield Federal Savings	Baltimore, MD.
Parkville Federal Savings Bank	Baltimore, MD.
Provident Bank of Maryland	Baltimore, MD.
Sterling Bank & Trust Company	Baltimore, MD.
Vanguard FS&LA	Baltimore, MD.
Vigilant FS&LA	Baltimore, MD.
Rushmore Trust and Savings, FSB.	Bethesda, MD.
Cecil FS&LA	Elkton, MD.
The Bank & Middle River FS&LA	Essex, MD.
North Arundel SB, FSB	Pasadena, MD.
Royal Oak SB, FSB	Randallstown, MD.
Senator SB, FSB	Towson, MD.
Randolph Bank & Trust Co	Asheboro, NC.
Belmont FS&LA	Belmont, NC.
Rowan FS&LA	China Grove, NC.
Central Carolina Bank and Trust Corporation.	Durham, NC.
Essex Savings Bank, Inc	Elizabeth City, NC.
Hertford S&LA	Hertford, NC.
Landis Home FS&LA	Landis, NC.
Industrial FSB	Lexington, NC.
Perpetual FSB	Lexington, NC.
Liberty S&LA	Liberty, NC.
Robeson Savings Bank, Inc	Lumberton, NC.
First S&LA	Mebane, NC.
Mount Gilead S&LA	Mount Gilead, NC.
Seaboard FSB	Plymouth, NC.
Citizens Savings Bank	Rocky Mount, NC.
Taylorsville FS&LA	Taylorsville, NC.
Anson S&LA	Wadesboro, NC.
Home FS&LA	Bamberg, SC.
Kingstree FS&LA	Kingstree, SC.
Pickens S&LA, F.A.	Pickens, SC.
Bank of Alexandria	Alexandria, VA.
First FSB of Shenandoah Valley	Front Royal, VA.
First Colonial Bank, a FSB	Hopewell, VA.
Imperial S&LA	Martinsville, VA.
First Savings Bank of Virginia	Springfield, VA.
Farmers and Merchants Bank	Timberville, VA.
Marathon Bank	Winchester, VA.

Federal Home Loan Bank of Cincinnati—District 5, Post Office Box 598, Cincinnati, Ohio 45201.

Member	City and State
Burnett FS&LA	Covington, KY.
First FSB	Cynthiana, KY.
Pendleton FS&LA	Falmouth, KY.
The Fort Thomas Building & LA	Fort Thomas, KY.
Kentucky Bank, FSB	Georgetown, KY.
The Farmers Bank	Hardinsburg, KY.
Hopkinsville FSB	Hopkinsville, KY.
Leitchfield Deposit Bank & Trust Company.	Leitchfield, KY.
Community Bank of Lexington, Inc	Lexington, KY.
Great Financial Federal	Louisville, KY.
The Blue Grass FS&LA	Paris, KY.
First FSB of Richmond	Richmond, KY.
Russell FS&LA	Russell, KY.
Trans Financial Bank, FSB	Russellville, KY.
Belpre First FS&LA	Belpre, OH.
The Peoples Building and Loan Co.	Blanchester, OH.
The Blue Ash Building and Loan Co.	Blue Ash, OH.
Cambridge Savings Bank	Cambridge, OH.
Centennial Savings Bank, FSB	Cheviot, OH.
Blue Chip Savings Association	Cincinnati, OH.
Charter Oak FSB	Cincinnati, OH.
Guardian Savings Bank, a FSB	Cincinnati, OH.
New Foundation Loan & Building Co.	Cincinnati, OH.
Oakley Improved Building & Loan Co.	Cincinnati, OH.
The Findlay Savings Bank	Cincinnati, OH.
The Mercantile Savings Bank	Cincinnati, OH.
The Winton Savings and Loan Co	Cincinnati, OH.
Union Savings Bank	Cincinnati, OH
Westwood Homestead S&LA	Cincinnati, OH
The Conneaut Savings and Loan Co.	Conneaut, OH
Falls Savings Bank, FSB	Cuyahoga Falls, OH.
Germantown FSB	Germantown, OH.
Lincoln S&LA	Ironton, OH.
People's Building, Loan & Savings Company.	Lebanon, OH
Marietta Savings Bank	Marietta, OH.
Peoples Building Loan and Savings Company.	Mason, OH.
Unity Savings & Loan Company of S.E. Ohio.	McArthur, OH
The American S&LA	Middletown, OH.
County Savings Bank	Newark, OH.
Mutual FSB, a FSSB	Sidney, OH.
The Strongsville Savings Bank	Strongsville, OH.
Central FS&LA	Wellsville, OH.
The Peoples S&L Company	West Liberty, OH.
Williamsburg Building & Loan Co	Williamsburg, OH.
The Wilmington Savings Bank	Wilmington, OH.
Peoples Federal Savings Bank	Wooster, OH.
Twin City Federal Savings Bank	Bristol, TN.
Cumberland Bank	Carthage, TN.
Guaranty Federal Savings Bank	Clarksville, TN.
Highland FS&LA	Crossville, TN.
Security FSB	Elizabethton, TN.
Citizens Bank	Houtsville, TN.
Heritage Federal Bank For Savings.	Kingsport, TN.
First FSB of Maryville	Maryville, TN.
Citizens Federal Savings Bank	Rockwood, TN.
Central Bank	Savannah, TN.

Federal Home Loan Bank of Indianapolis—District 6, Post Office Box 60, Indianapolis, IN 46205–0060.

Member	City and State
Bedford Federal Savings Bank	Bedford, IN.
Montgomery Savings Assoc	Crawfordsville, IN.
Security Federal Bank, a FSB	East Chicago, IN.
Griffith FS&LA	Griffith, IN.
Calumet FS&LA	Hammond, IN
Citizens FS&LA	Hammond, IN
First FSB	Huntington, IN
First FS&LA of Clark County	Jeffersonville, IN.
Dearborn Savings, FA	Lawrenceburg IN.
Progressive FSB	Lawrenceburg IN.
Madison First FS&LA	Madison, IN.
Fidelity FSB	Marion, IN.
Community Savings Bank, FSB	New Albany, IN.
Regional FSB	New Albany, IN.
Ameriana Savings Bank, FSB	New Castle, IN.
AmericanTrust FSB	Peru, IN.
Shelby County SB, FSB	Shelbyville, IN.
Sobieski FS&LA of South Bend	South Bend, IN
United FSB of Vincennes	Vincennes, IN.
Liberty Savings Association, FA	Whiting, IN.
Dearborn, FSB	Dearborn, MI.
Detroit Savings Bank, FSB	Detroit, MI.
West Side FS&LA of Grand Rapids.	Grand Rapids, MI.
Ottawa Savings Bank, FSB	Holland, MI
Fidelity Savings Bank, FSB	Kalamazoo, MI

Member	City and State
AmeriBank Federal Savings Bank	Muskegon, MI.
Heritage Federal Savings Bank	Taylor, MI.

Federal Home Loan Bank of Chicago—District 7, 111 East Wacker Drive, Suite 800, Chicago, Illinois 60601.

Member	City and State
Arcola Homestead and Loan Assoc.	Arcola, IL.
Midland FS&LA	Bridgeview, IL.
Community Savings Bank	Chicago, IL.
First FS&LA of Hegewisch	Chicago, IL.
Royal Savings Bank	Chicago, IL.
St. Paul Fed. Bank for Savings	Chicago, IL.
First S&LA of Danville	Danville, IL.
Illinois Guarantee SB, FSB	Effingham, IL.
Elgin Fed. Financial Center, FA	Elgin, IL.
Elmhurst Federal Savings Bank	Elmhurst, IL.
Union Savings Bank	Freeport, IL.
Howard Savings Bank	Glenview, IL.
First FSB of Proviso Twnship	Hillside, IL.
Amerifed Federal Savings Bank	Joliet, IL.
First FS & Loan of Kewanee	Kewanee, IL.
Logan County Bank	Lincoln, IL.
Maywood-Proviso SB	Maywood, IL.
Morton Federal Savings Bank	Morton, IL.
LaSalle Bank Northbrook	Northbrook, IL.
George Washington S&LA	Oak Lawn, IL.
Bank of Palmyra	Palmyra, IL.
Pana FS&LA	Pana, IL.
North County Savings Bank	Red Bud, IL.
American Bank of Rock Island	Rock Island, IL.
Savanna SB & Loan Association	Savanna, IL.
First S&LA of South Holland	South Holland, IL.
Charter Bank, FSB	Sparta, IL.
Security FS&LA	Springfield, IL.
Argo Federal Savings Bank, FSB	Summit, IL.
Citizens 1st State Bank of Walnut	Walnut, IL.
Cardunal Savings Bank, FSB	West Dundee, IL.
First Ozaukee Savings Bank, SA	Cedarburg, WI.
State Bank of Cross Plains	Cross Plains, WI.
First FB of Eau Claire, FSB	Eau Claire, WI.
Time Federal Savings Bank	Medford, WI.
Bay View FS&LA	Milwaukee, WI.
Universal Savings Bank, FA	Milwaukee, WI.
First Financial-Port SB, SA	Port Washington, WI.
West Allis Savings Bank, SA	West Allis, WI.

Federal Home Loan Bank of Des Moines—District 8, 907 Walnut Street, Des Moines, Iowa 50309.

Member	City and State
Valley Savings Bank	Burlington, IA.
United Security SB, FSB	Cedar Rapids, IA.
Peoples State Bank	Elkader, IA.
Hills Bank and Trust Company	Hills, IA.
Maquoketa State Bank	Maquoketa, IA.
Union State Bank	Monona, IA.
Hawkeye Bank of Mount Pleasant	Mount Pleasant, IA.
Horizon FSB	Oskaloosa, IA.
MidAmerica Savings Bank, FSB	Waterloo, IA.
The First National Bank	Biwabik, MN.
Farmers State Bank of Evansville	Evansville, MN.
Faribault FSB	Faribault, MN.
The National Bank of International Falls.	International Falls, MN.
Lake City FS&LA	Lake City, MN.
The Family Bank, FSB	Mankato, MN.
Norwest Bank Minnesota, N.A.	Minneapolis, MN.
Community First State Bank of Paynesville.	Paynesville, MN.
Citizens Savings Bank, FSB	St. Cloud, MN.
St. James FS&LA	St. James, MN.
First State Bank of Waseca	Waseca, MN.
Southwest Bank of Polk County	Bolivar, MO.
Mississippi County S&LA	Charleston, MO.
American Loan & Savings Association of Sullivan.	Hannibal, MO.
Palmyra S&BA	Palmyra, MO.
Perry County SB	Perryville, MO.
Public Service Bank, a FSB	St. Louis, MO.
Pulaski Bank, a SB	St. Louis, MO.
American FS&LA	Sullivan, MO.
Washington Savings Bank	Washington, MO.
West Plains Savings & Loan Assoc.	West Plains, MO.
Community First National Bank of Wahpeton.	Wahpeton, ND.
Community 1st State Bank of Huron.	Huron, SD.
Community 1st State Bank of Platte.	Platte, SD.
Community First State Bank of Redfield.	Redfield, SD.
Norwest Bank South Dakota, N.A.	Sioux Falls, SD.
Home Trust S&LA	Vermillion, SD.

Federal Home Loan Bank of Dallas—District 9, 5605 N. MacArthur Boulevard, 9th Floor, Irving, Texas 75038.

Member	City and State
Arkansas Valley Bank	Dardanelle, AR.
Newton County Bank	Jasper, AR.
Bank of Ozark	Ozark, AR.
Security Bank	Paragould, AR.
Unico Bank, FSB	Trumann, AR.
Equitable Trust S&LA	Baton Rouge, LA.
State-Investors S&LA	Metairie, LA.
City Bank & Trust of Shreveport	Shreveport, LA.
First Federal Savings Bank	Shreveport, LA.
Home FS&LA	Shreveport, LA.
Cleveland FSB	Cleveland, MS.
First Federal Savings Bank	Columbia, MS.
New South Bank	Como, MS.
SouthBank, FSB	Corinth, MS.
Sun World FSB	Alamogordo, NM.
Western Bank	Las Cruces, NM.
Pioneer Savings and Trust	Roswell, NM.
Life SA	Austin, TX.
Amwest Savings Association	Bryan, TX.
Pacific Southwest Bank, FSB	Corpus Christi, TX.
Bluebonnet Savings Bank, FSB	Dallas, TX.
Guaranty FSB	Dallas, TX.
North Texas S&LA	Denton, TX.
North Plains S&LA	Dumas, TX.
Western Bank and Trust	Duncanville, TX.
Mid-Coast S&LA	Edna, TX.
Bank of the West	El Paso, TX.
Greater South Texas Bank, a FSB	Falfurrias, TX.
First Heights Bank, FSB	Houston, TX.
Great Southwest Savings, FA	Houston, TX.
Houston SA	Houston, TX.
West Loop S&LA	Houston, TX.
First National Bank in Joshua	Joshua, TX.
Interstate S&LA	Perryton, TX.
Cypress Bank, FSB	Pittsburg, TX.
Texas Heritage Savings Association/Banc.	Rockwall, TX.
First Federal Savings Bank	San Antonio, TX.
Texas Bank	Weatherford, TX.
San Antonio Federal Savings Bank.	Weslaco, TX.

Federal Home Loan Bank of Topeka—District 10, Post Office Box 176, Topeka, Kansas 66601.

Member	City and State
Vectra Bank of Boulder	Boulder, CO.
First Northern S&LA	Greeley, CO.
The Salida B&LA	Salida, CO.
Best Bank	Thornton, CO.
The Liberty S&L Association	Fort Scott, KS.
Security S&LA of Garden City	Garden City, KS.
First FS&LA	Independence, KS.
Inter-State Fed. S&LA	Kansas City, KS.
The Leavenworth National Bank & Trust Company.	Leavenworth, KS.
Kansas State Bank of Manhattan	Manhattan, KS
Columbia SA, FA	Overland Park, KS.
First FS&LA	Wakeeney, KS.
Fidelity Savings Assoc. of Kansas	Wichita, KS.
Wichita FS&LA	Wichita, KS
Columbus FSB	Columbus, NE.
Home FS&LA of Grand Island	Grand Island, NE.
The Equitable B&LA of Grand Island.	Grand Island, NE.
Home FS&LA of NE	Lexington, NE.
Lincoln FSB of Nebraska	Lincoln, NE
Provident FSB	Lincoln, NE
Security FSB	Lincoln, NE.
The Madison County B&LA	Madison, NE.
FirsTier SB, FSB	Omaha, NE.
First American SB, FSB	Omaha, NE.
Sidney FS&LA	Sidney, NE.
Tecumseh Building and Loan Assoc.	Tecumseh, NE
Equity Bank for Savings, FA	Oklahoma City, OK.
MidFirst Bank, SSB	Oklahoma City, OK.

Federal Home Loan Bank of San Francisco—District 11, 307 East Chapman Avenue, Orange, California 92666.

Member	City and State
Eastern International Bank	Alhambra, CA.
Southern California FS&LA	Beverly Hills, CA.
US Community Savings Bank, a FSB.	Encinitas, CA.
Palomar Savings & Loan Asso.	Escondido, CA.
Irvine City Bank, FSB	Irvine, CA.
La Jolla Bank, SSB	La Jolla, CA.
Standard Pacific Savings, FA	Newport Beach, CA.
Palm Springs Savings Bank, FSB	Palm Springs, CA.
Amador Valley S&LA	Pleasanton, CA.
Mission S&LA, a F.A.	Riverside, CA
Flagship FSB	San Diego, CA.
International Savings Bank	San Diego, CA.
United Savings Bank, FSB	San Francisco, CA.
Plaza S&LA	Santa Ana, CA.
La Cumbre Savings Bank	Santa Barbara, CA.
Commercial Pacific S&L Assoc.	Santa Cruz, CA.
Luther Burbank S&LA	Santa Rosa, CA.

Member	City and State
Los Padres Savings Bank	Solvang, CA.
Sentinel S&LA, a FA	Sonora, CA.
Tracy Federal Bank, FSB	Tracy, CA.
Allied Savings Bank	Ukiah, CA.
Sutter Buttes S&LA	Yuba City, CA.

Federal Home Loan Bank of Seattle—District 12, 1501 4th Avenue, Seattle, Washington 98101–1693.

Member	City and State
First S&LA of America	Dededo, GU.
Liberty Bank	Honolulu, HI.
Pioneer Federal Savings Bank	Honolulu, HI.
Territorial S&LA	Honolulu, HI.
Home FS&LA	Nampa, ID.
Centennial Bank	Eugene, OR
Liberty Federal Bank, a SB	Eugene, OR
The Bank of Newport	Newport, OR
Pioneer Trust Bank, N.A.	Salem, OR
United Savings Bank	Ogden, UT
American Investment Bank	Salt Lake City, UT.
Zions First NB	Salt Lake City, UT
1st Community Bank of Washington.	Lacey, WA.
The Cowlitz Bank	Longview, WA
United Savings & Loan Bank	Seattle, WA.
Bank of Sumner	Sumner, WA.
North Pacific Bank	Tacoma, WA
Sound Banking Company	Tacoma, WA.
First SB of Washington	Walla Walla, WA
Security FS&LA	Cheyenne, WY

C. Due Dates

Members selected for review must submit completed Community Support Statements to their FHLBank no later than March 31, 1993.

All public comments concerning the Community Support performance of selected members must be submitted to the member's FHLBank no later than March 31, 1993.

D. Notice to Members Selected

Within 15 days of this Notice's publication in the **Federal Register**, the individual FHLBanks will notify each member selected to be reviewed that the member has been selected and when the member must return the completed Community Support Statement. At that time, the FHLBank will provide the member with a Community Support Statement form and written instructions and will offer assistance to the member in completing the Statement. The FHLBank will only review Statements for completeness, as the Finance Board will conduct the actual review.

E. Notice to Public

At the same time that the FHLBank members selected for review are notified of their selection, each FHLBank will also notify community groups and other interested members of the public. The purpose of this notification will be to solicit public comment on the Community Support records of the FHLBank members pending review.

Any person wishing to submit written comments on the Community Support performance of a FHLBank member under review in this quarter should send those comments to the member's FHLBank by the due date indicated in order to be considered in the review process.

By the Federal Housing Finance Board

Dated: February 8, 1993.

Daniel F. Evans, Jr.,

Chairman.

[FR Doc. 93–3312 Filed 2–11–93; 8:45 am]

BILLING CODE 6725–01–M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 011993 AND 012993

Name of Acquiring Person, Name of Acquired Person, Name of Acquired Entity	PMN No.	Date Terminated
Associated Wholesalers, Inc., Affiliated Food Distributors, Inc., Affiliated Food Distributors, Inc	93–0474	01/19/93
John N. Irwin III, Newco, Newco	93–0469	01/21/93
American Biltrite Inc., Newco, Newco	93–0470	01/21/93
Cincinnati Milacron Inc., GTE Corp., GTE Valenite Corp	93–0481	01/21/93
Dow Chemical Company (The), Koch Industries, Inc., Koch Protective Treatments, Inc	92–0458	01/23/93
WPL Holdings, Inc., James A. Cape, Cape & Companies & A&C Enercon Consultants, Inc	93–0510	01/25/93
Ohio Farmers Insurance Co., State Mutual Life Assurance Company of America, Beacon Insurance Company of America and American	93–0533	01/26/93
Mylan Laboratories Inc., Arthur L. Berman, Bertek, Inc	93–0534	01/26/93
Mylan Laboratories Inc., Alfred Kwiatek, Bertek, Inc	93–0535	01/26/93
Jeffry M. Picower, Physician Computer Network Inc., Physician Computer Network, Inc	93–0537	01/26/93
Unifi, Inc., Vintage Yarns, Inc., Vintage Yarns, Inc	93–0545	01/26/93
Massachusetts Mutual Life Insurance Co., Oppenheimer Blue Chip Fund, Oppenheimer Blue Chip Fund	93–0497	01/27/93
Laporte plc, Evode Group p.l.c., Evode Group p.l.c	93–0536	01/27/93
Rouse Co., Carlyle Real Estate Limited Partnership-VIII, White Marsh Mall Associates	93–0551	01/27/93
Rouse Co., Carlyle Real Estate Limited Partnership-IX, White Marsh Phase II Associates	93–0552	01/27/93
Rouse Co., Rouse Co., White Marsh Mall Associates	93–0562	01/27/93
Rouse Co., Rouse Co., White Marsh Phase II Associates	93–0563	01/27/93
Sara Lee Corp., Bessin Corp., Bessin Corp	93–0515	01/28/93
Kaneb Services, Inc., W.R. Grace & Co., Support Terminal Services, Inc. and StanTrans, Inc	93–0532	01/28/93
Kenneth G. Herrick 1949 Trust, Tecumseh Products Co., Tecumseh Products Co	93–0541	01/28/93
Heraeus Holding GmbH, Phil Lenard, P.M. Refining, Inc	93–0542	01/29/93
Leucadia National Corp., S&H Citadel, Inc., S&H Citadel, Inc	93–0546	01/29/93
GFC Financial Corp., U.S. Bancorp, U.S. Bancorp Financial, Inc	93–0553	01/29/93

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Renee A. Horton Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition room 303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 93–3391 Filed 2–11–93; 8:45 am]

BILLING CODE 6750–01–M

[File No. 922 3166]

PerfectData Corporation; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a California marketer of electronic office equipment care and maintenance products from representing that any product containing a Class I or Class II ozone-depleting substance—as defined by the Clean Air Act Amendments of 1990—is ozone friendly, contains no ozone depleting CFCs, or has ozone guard, and from representing or implying that any such product will not damage or deplete the ozone in the upper atmosphere. The respondent would also be prohibited from making any environmental benefit claims for any of its products unless the company possesses and relies upon competent and reliable scientific evidence to substantiate the claims.

DATES: Comments must be received on or before April 13, 1993.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Ralph Stone, San Francisco Regional Office, Federal Trade Commission, 901 Market St., suite 570, San Francisco, CA. 94103. (415) 744–7920.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission, having initiated an investigation of certain acts and practices of PerfectData Corporation, a corporation, hereinafter sometimes referred to as proposed respondent, and it now appearing that the proposed respondent is willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated,

It is hereby agreed by and between the respondent, by its duly authorized officer, and counsel for the Federal Trade Commission that:

1. Proposed respondent PerfectData Corporation is a corporation organized, existing, and doing business under and by virtue of the laws of the State of California, with its office and principal place of business at 1825 Surveyor Avenue, Simi Valley, California 93063.

2. Proposed respondent admits all the jurisdictional facts set forth in the attached draft complaint.

3. Proposed respondent waives:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

d. All claims under the Equal Access to Justice Act, 5 U.S.C. 504.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the attached draft complaint, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by the proposed respondent of facts, other than jurisdictional facts, or of violations of law as alleged in the draft of complaint here attached.

6. This agreement contemplates that if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of section 2.34 of the Commission's Rules, the Commission may, without further notice to the proposed respondent, (a) issue its complaint corresponding in form and substance with the attached draft complaint and its decision containing the following order to cease and desist in disposition of the proceeding and (b) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to the proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the attached draft complaint and the following order. Proposed respondent understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

Definitions

For the purposes of this Order, the following definitions shall apply:

"Class I ozone-depleting substance" means a substance that harms the environment by destroying ozone in the upper atmosphere and is listed as such in title 6 of the Clean Air Act Amendments of 1990, Public Law No. 101–549, and any other substance which may in the future be added to the list pursuant to title 6 of the Act. Class I substances currently include

VOL 58 ISS 28 FE 12 1993 UMI

chlorofluorocarbons, halons, carbon tetrachloride and 1,1,1-trichloroethane.

"Class II ozone-depleting substance" means a substance that harms the environment by destroying ozone in the upper atmosphere and is listed as such in title 6 of the Clean Air Act Amendments of 1990, Public Law No. 101–549, and any other substance which may in the future be added to the list pursuant to title 6 of the Act. Class II substances currently include hydrochlorofluorocarbons.

I.

It is ordered that respondent, PerfectData Corporation, a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, labeling, offering for sale, sale, or distribution of any product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing that any such product containing any Class I or Class II ozone-depleting substance is "ozone friendly," "contains no ozone depleting CFCs," "ozone guard," or, by words, depictions, or symbols representing directly or by implication, that any such product will not deplete, destroy, or otherwise adversely affect ozone in the upper atmosphere.

II.

It is further ordered that respondent PerfectData Corporation, a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, labeling, offering for sale, sale, or distribution of any product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, that any product offers any environmental benefit, unless at the time of making such representation, the respondent possess and rely upon competent and reliable scientific evidence that substantiates the representation. For purposes of this Order, "competent and reliable scientific evidence" shall mean tests, analyses, research, studies, or any other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.

III.

It is further ordered that for three (3) years from the date that the respondent makes any representation covered by this Order, the respondent shall maintain and upon written request make available to the Federal Trade Commission for inspection and copying:

A. All materials that the respondent relied upon in disseminating any representation covered by this Order.

B. All tests, reports, studies or surveys, analyses, or other materials in the possession or control of the respondent that contradict, qualify, or call into question any representation covered by this Order or the basis on which the respondent relied for such representation.

IV.

It is further ordered that the respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporation such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution or subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this Order.

V.

It is further ordered that the respondent shall distribute a copy of this Order to each of its operating divisions and to each of its officers, agents, representatives or employees engaged in the preparation or placement of advertisements, promotional materials, product labels, or other sales materials covered by this Order.

VI.

It is further ordered that the respondent shall, within sixty (60) days after service of this Order upon it, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from respondent PerfectData Corporation, a California corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action, or make final the agreement's proposed order.

This matter concerns labeling and advertising of "PerfectDuster II," a computer and office equipment care and maintenance product. The Commission's complaint in this matter charges that the respondent's labeling and advertising contain false and misleading representations that this product "with ozone guard" is "ozone friendly" and "contains no ozone depleting CFCs." The complaint alleges that the respondent represented that there are no ingredients in its product that will deplete the earth's ozone layer, and that because the product contains no CFCs, the product does not deplete the earth's ozone layer. In fact, the complaint alleges, these representations are false and misleading, because respondent's product contains the hydrochlorofluorocarbon (HCFC) knowns as chlorodifluoromethane (HCFC–22), a known ozone-depleting chemical.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondent from engaging in similar acts and practices in the future.

The proposed order defines Class I and Class II ozone-depleting substances, incorporating the definitions established in the Clean Air Act Amendments of 1990. Class I substances currently listed under the Act are chlorofluorocarbons (CFCs), halons, carbon tetrachloride, and 1,1,1-trichloroethane. Class II substances currently consist of HCFCs.

Part I of the proposed order requires the respondent, in connection with the advertising, labeling, offering for sale, sale, or distribution of any product, to cease representing that products containing any Class I or Class II ozone-depleting substances are "ozone friendly," "contains no ozone depleting CFCs," "with ozone guard," or by words, depictions, or symbols representing that any such product will not deplete, destroy, or otherwise adversely affect ozone in the upper atmosphere.

Under the Clean Air Act Amendments, the Environmental Protection Agency has authority to add new chemicals to the Class I and Class II lists. Thus, the order's definitions of Class I and Class II ozone-depleting substances specifically include substances that may be added to these lists. If additional substances are added to the Class I and Class II lists, Part I of the order becomes applicable to claims made for products containing those

substances after the substances are added to the lists.

Part II of the proposed order requires the respondent to cease representing that any of its products offer any environmental benefit, unless the respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

Parts III, IV, V, and VI of the proposed order are standard order provisions requiring the respondent to retain substantiation materials, to notify the Commission of changes in corporate identity, to distribute a copy of the order to officers, agents, representatives, or employees, and to file one or more reports detailing compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 93–3392 Filed 2–11–93; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

On Fridays, the Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following are those information collections recently submitted to OMB.

1. **Questionnaire To Conduct a One-time "Safe Harbor Regulations Survey"**—The purpose of this survey is to provide the Office of the Inspector General (OIG) with information needed to satisfy the requirement in 42 CFR part 1001.93 that the OIG report to the Secretary on compliance with two provisions in the safe harbor regulations (42 CFR part 1001.952(a)(2)(i) and 1001.952(a)(2)(vi)). *Respondents:* Businesses or other for-profit, small businesses; *Number of Respondents:* 720; *Frequency of Response:* once; *Average Burden per Response:* 2 hours; *Estimated Burden:* 1440 hours.

OMB Desk Officer: Allison Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 619–0511. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: February 3, 1993.

Dennis Williams,

Deputy Assistant Secretary, Budget.

[FR Doc. 93–3132 Filed 2–11–93; 8:45 am]

BILLING CODE 4150–04–M

Agency Forms Submitted to the Office of Management and Budget for Clearance

On Fridays, the Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following are those information collections recently submitted to OMB.

1. **Pretest of the Survey of Homeless Persons Who Use Services (HPWUS—Provider Survey**—This pretest is for the first phase of a project to gather information on the characteristics of homeless persons who use services. This phase will develop a comprehensive list of service providers in the survey sample areas. From this list, a sample of providers will be selected for inclusion in the survey. *Respondents:* state or local governments; non-profit institutions, small businesses. **Burden Information for the Government Contacts for Providers Questionnaire**—*Number of Respondents:* 35; *Frequency of Response:* once; *Average Burden per Response:* 5 minutes; *Estimated Burden:* 3 hours—**Burden Information for the Local Facilities Contacts Questionnaire**—*Number of Respondents:* 125; *Frequency of Response:* once; *Average Burden per Response:* 60 minutes; *Estimated Burden:* 125 hours—**Burden Information for the Service Provider Questionnaire**—*Number of Respondents:* 12; *Frequency of Response:* once; *Average Burden per Response:* 30 minutes; *Estimated Burden:* 6 hours—*Total Burden Estimate:* 134 hours.

OMB Desk Officer: Allison Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 619–0511. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: February 3, 1993.

Dennis Williams,

Deputy Assistant Secretary, Budget.

[FR Doc. 93–3131 Filed 2–11–93; 8:45 am]

BILLING CODE 4150–04–M

Annual Update of the HHS Poverty Guidelines

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: This notice provides an update of the HHS poverty guidelines to account for last (calendar) year's increase in prices as measured by the Consumer Price Index.

EFFECTIVE DATE: These guidelines go into effect on the day they are published (unless an office administering a program using the guidelines specifies a different effective date for that particular program).

ADDRESSES: Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services (HHS), Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: *For information about how the poverty guidelines are used in a particular program,* contact the Federal (or other) office which is responsible for that program.

For general information about the poverty guidelines (but not for information about how they are used in a particular program), contact Joan Turek-Brezina or Gordon Fisher, Office of the Assistant Secretary for Planning and Evaluation, HHS—telephone: (202) 690–6141.

For information about the Hill-Burton Uncompensated Services Program (no-fee or reduced-fee health care services at certain hospitals and other health care facilities for certain persons unable to pay for such care), contact the Office of the Director, Division of Facilities Compliance, HHS—telephone: (301) 443–5656. The Division of Facilities Compliance notes that as set by 42 CFR 124.505(b), the effective date of this update of the poverty guidelines for facilities obligated under the Hill-Burton Uncompensated Services Program is sixty days from the date of this publication.

For information about the poverty dollar figures that area agencies on

aging should use to determine "greatest economic need" for Administration on Aging programs, contact Donald Fowles, Administration on Aging, HHS—telephone: (202) 619–2614. (Area agencies on aging should not use the figures in this notice for that purpose.)

For information about the Department of Labor's Lower Living Standard Income Level (an alternative eligibility criterion with the poverty guidelines for certain Job Training Partnership Act programs), contact Hugh Davies, Office of Employment and Training Programs, U.S. Department of Labor—telephone: (202) 219–5580.

For information about the number of persons in poverty or about the Census Bureau (statistical) poverty thresholds, contact Kathleen Short, Chief, Poverty and Wealth Statistics Branch, U.S. Bureau of the Census—telephone: (301) 763–8578.

1993 POVERTY GUIDELINES FOR ALL STATES (EXCEPT ALASKA AND HAWAII) AND THE DISTRICT OF COLUMBIA

Size of family unit	Poverty guideline
1	$6,970
2	9,430
3	11,890
4	14,350
5	16,810
6	19,270
7	21,730
8	24,190

For family units with more than 8 members, add $2,460 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

1993 POVERTY GUIDELINES FOR ALASKA

Size of family unit	Poverty guideline
1	$8,700
2	11,780
3	14,860
4	17,940
5	21,020
6	24,100
7	27,180
8	30,260

For family units with more then 8 members, add $3,080 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

1993 POVERTY GUIDELINES FOR HAWAII

Size of family unit	Poverty guideline
1	$8,040
2	10,860
3	13,680
4	16,500
5	19,320
6	22,140
7	24,960
8	27,780

For family units with more than 8 members, add $2,820 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

The preceding figures are the 1993 update of the poverty guidelines required by sections 652 and 673(2) of the Omnibus Budget Reconciliation Act (OBRA) of 1981 (Pub.L. 97–35). As required by law, this update reflects last year's change in the Consumer Price Index (CPI–U); it was done using the same procedure used in previous years.

Section 673(2) of OBRA–1981 (42 U.S.C. 9902(2)) requires the use of the poverty guidelines as an eligibility criterion for the Community Services Block Grant program, while section 652 (42 U.S.C. 9847) requires the use of the poverty guidelines as an eligibility criterion for the Head Start program. The poverty guidelines are also used as an eligibility criterion by a number of other Federal programs (both HHS and non-HHS). When such programs give an OBRA–1981 citation for the poverty guidelines, they cite section 673(2).

The poverty guidelines are a simplified version of the Federal Government's statistical poverty thresholds used by the Bureau of the Census to prepare its statistical estimates of the number of persons and families in poverty. The poverty guidelines issued by the Department of Health and Human Services are used for administrative purposes—for instance, for determining whether a person or family is financially eligible for assistance or services under a particular Federal program. The poverty thresholds are used primarily for statistical purposes. Since the poverty guidelines in this notice—the 1993 guidelines—reflect price changes through calendar year 1992, they are approximately equal to the poverty thresholds for calendar year 1992 which the Census Bureau will publish in late summer 1993.

In certain cases, as noted in the relevant authorizing legislation or program regulations, a program uses the poverty guidelines as only one of several eligibility criteria, or uses a percentage multiple of the guidelines (for example, 130 percent or 185 percent of the guidelines). Some other programs, while not using the guidelines to exclude non-lower-income persons as ineligible, use them for the purpose of giving priority to lower-income persons or families in the provision of assistance or services. In some cases, these poverty guidelines may not become effective for a particular program until a regulation or notice specifically applying to the program in question has been issued.

The poverty guidelines given above should be used for both farm and nonfarm families. Similarly, these guidelines should be used for both aged and non-aged units. The poverty guidelines have never had an aged/non-aged distinction; only the Census Bureau (statistical) poverty thresholds have separate figures for aged and non-aged one-person and two-person units.

Definitions

There is no single administrative definition of "income," "family," "family unit," or "household" that is valid for all programs that use the poverty guidelines. Federal programs may use administrative definitions that differ somewhat from the statistical definitions given below; the Federal office which administers a program has the responsibility for making decisions about administrative definitions. Similarly, non-Federal organizations which use the poverty guidelines in non-Federally-funded activities may use administrative definitions that differ from the statistical definitions given below. In either case, to find out the precise definitions used by a particular program, one must consult the office or organization administering the program in question. The following statistical definitions (derived for the most part from language used in U.S. Bureau of the Census, Current Population Reports, Series P–60, No. 181 and earlier reports in the same series) are made available for illustrative purposes only.

(a) *Family.* A family is a group of two or more persons related by birth, marriage, or adoption who live together; all such related persons are considered as members of one family. For instance, if an older married couple, their daughter and her husband and two children, and the older couple's nephew all lived in the same house or apartment, they would all be considered members of a single family.

(b) *Unrelated individual.* An unrelated individual is a person 15 years old or over (other than an inmate of an institution) who is not living with any relatives. An unrelated individual may be the only person living in a house or apartment, or may be living in a

house or apartment (or in group quarters such as a rooming house) in which one or more persons also live who are not related to the individual in question by birth, marriage, or adoption. Examples of unrelated individuals residing with others include a lodger, a foster child, a ward, or an employee.

(c) *Household.* As defined by the Bureau of the Census for statistical purposes, a household consists of all the persons who occupy a housing unit (house or apartment), whether they are related to each other or not. If a family and an unrelated individual, or two unrelated individuals, are living in the same housing unit, they would constitute two family units (see next item), but only one household. Some programs, such as the food stamp program and the Low-Income Home Energy Assistance Program, employ administrative variations of the "household" concept in determining income eligibility. A number of other programs use administrative variations of the "family" concept in determining income eligibility. Depending on the precise program definition used, programs using a "family" concept would generally apply the poverty guidelines separately to each family and/or unrelated individual within a household if the household includes more than one family and/or unrelated individual.

(d) *Family unit.* "Family unit" is not an official U.S. Bureau of the Census term, although it has been used in the poverty guidelines **Federal Register** notice since 1978. As used here, either an unrelated individual or a family (as defined above) constitutes a family unit. In other words, a family unit of size one is an unrelated individual, while a family unit of two/three/etc. is the same as a family of two/three/etc.

(e) *Income.* Programs which use the poverty guidelines in determining eligibility may use administrative definitions of "income" (or "countable income") which differ from the statistical definition given below. Note that for administrative purposes, in many cases, income data for a part of a year may be annualized in order to determine eligibility—for instance, by multiplying by four the amount of income received during the most recent three months.

For statistical purposes—to determine official income and poverty statistics—the Bureau of the Census defines income to include total annual cash receipts before taxes from all sources, with the exceptions noted below. Income includes money wages and salaries before any deductions; net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses); net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses); regular payments from social security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance (including Aid to Families with Dependent Children, Supplemental Security Income, Emergency Assistance money payments, and non-Federally-funded General Assistance or General Relief money payments), and training stipends; alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments; college or university scholarships, grants, fellowships, and assistantships; and dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.

For official statistical purposes, income does not include the following types of money received: capital gains; any assets drawn down as withdrawals from a bank, the sale of property, a house, or a car; tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury. Also excluded are noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such Federal noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance.

Dated: February 8, 1993.

Donna E. Shalala,

Secretary of Health and Human Services.

[FR Doc. 93–3365 Filed 2–11–93; 8:45 am]

BILLING CODE 4160–16–P

Food and Drug Administration

[Docket No. 92F–0504]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of perfluoroalkyl substituted phosphate ester acids, ammonium salts formed by the reaction of 2,2-bis[(α,ω-perfluoroC$_{4-20}$-alkylthio)methyl]-1,3-propanediol, polyphosphoric acids (CAS Reg. No. 8017–16–1) and ammonium hydroxide as an oil and water repellent for paper and paperboard intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Richard H. White, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9511.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B4353) has been filed by Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419–8300. The petition proposes to amend the food additive regulations in § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of perfluoroalkyl substituted phosphate ester acids, ammonium salts formed by the reaction of 2,2-bis[(α,ω-perfluoroC$_{4-20}$-alkylthio)methyl]-1,3-propanediol, polyphosphoric acids (CAS Reg. No. 8017–16–1) and ammonium hydroxide as an oil and water repellent for paper and paperboard intended for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: January 26, 1993.

Jerry Burke,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93–3333 Filed 2–11–93; 8:45 am]

BILLING CODE 4160–01–F

VOL 58 ISS 28 FE 12 1993 UMI

[Docket No. 92F-0443]

Dow Corning Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Dow Corning Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of dimethylpolysiloxane coatings produced by cross-linking a vinyl-containing dimethylpolysiloxane with methylhydrogen-containing polysiloxane and dimethylmethylhydrogen polysiloxane polymers using a platinum catalyst. It also proposes that the regulations be amended to provide for the safe use of 3,5-dimethyl-1-hexyne-3-ol, 1-ethynylcyclohexene, bis(methoxymethyl)ethyl maleate and methylvinyl cyclosiloxane as optional polymerization inhibitors. Additionally, the petition is proposing that the regulations be amended to provide for the safe use of 5-chloro-2-methyl-4-isothiazolin-3-one and 2-methyl-4-isothiazolin-3-one mixture, optionally containing magnesium nitrate, as an antimicrobial agent for emulsion-based silicone coating formulations.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9500.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B4346) has been filed by Dow Corning Corp., P.O. Box 994, Midland, MI 48686-0994. The petition proposes to amend the food additive regulations in § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300), § 175.320 *Resinous and polymeric coatings for polyolefin films* (21 CFR 175.320), and § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of dimethylpolysiloxane coatings produced by cross-linking a vinyl-containing dimethylpolysiloxane with methylhydrogen-containing polysiloxane and dimethylmethylhydrogen polysiloxane polymers using a platinum catalyst. It also proposes that the regulations be amended to provide for the safe use of 3,5-dimethyl-1-hexyne-3-ol, 1-ethynylcyclohexene, bis(methoxymethyl)ethyl maleate and methylvinyl cyclosiloxane as optional polymerization inhibitors. Additionally, the petition is proposing that the regulations be amended to provide for the safe use of 5-chloro-2-methyl-4-isothiazolin-3-one and 2-methyl-4-isothiazolin-3-one mixture, optionally containing magnesium nitrate, as an antimicrobial agent for emulsion-based silicone coating formulations.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: January 29, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93-3328 Filed 2-11-93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 91F-0021]

Hoechst Celanese Corp.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 1B4242) proposing that the food additive regulations be amended to provide for the safe use of 4-[[5-[[[4-(aminocarbonyl) phenyl]amino]carbonyl]-2-methoxyphenyl]azo]-*N*- (5-chloro- 2,4-dimethoxyphenyl)-3-hydroxy-2-naphthalenecarboxamide (C.I. Pigment Red 187) as a colorant for olefin polymers intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Helen R. Thorsheim, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9511.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of February 13, 1991 (56 FR 5834), FDA announced that a food additive petition (FAP 1B4242) had been filed by Hoechst Celanese Corp., 500 Washington St., Coventry, RI 02816. This petition proposed that §178.3297 *Colorants for polymers* (21 CFR 178.3297) be amended to provide for the safe use of 4-[[5-[[[4-(aminocarbonyl) phenyl]amino]carbonyl]-2-methoxyphenyl]azo]-*N*-(5-chloro-2, 4-dimethoxyphenyl)-3-hydroxy-2-naphthalenecarboxamide (C.I. Pigment Red 187) as a colorant for olefin polymers intended for use in contact with food. In the notice, the compound was inadvertently referred to as C.I. Pigment 187 rather than the correct name of C.I. Pigment Red 187. Hoechst Celanese Corp., has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: January 26, 1993.

Jerry Burke,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93-3334 Filed 2-11-93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 92F-0493]

Showa Denko K. K.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Showa Denko K. K. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of ethylene-maleic anhydride copolymers containing no more than 2 percent by weight of polymer units derived from maleic anhydride in contact with food at temperatures not to exceed 49 °C (120 °F).

FOR FURTHER INFORMATION CONTACT: Edward J. Machuga, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9528.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B4351) has been filed by Showa Denko K. K., Tokyo, Japan, c/o Center for Regulatory Services, 2347 Paddock Lane, Reston, VA 22091. The petition proposes to amend the food additive regulations in 21 CFR part 177 *Indirect Food Additives: Polymers* by adding a new section to provide for the safe use of ethylene-maleic anhydride copolymers containing no more than 2 percent by weight of polymer units derived from maleic anhydride in contact with food at temperatures not to exceed 49 °C (120 °F).

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental

impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: January 26, 1993.

Jerry Burke,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93–3327 Filed 2–11–93; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 75G–0269]

Quad Corp.; Withdrawal of GRAS Affirmation Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a petition (GRASP 5G0053) proposing that the use of neutral or acidified electrolytically produced chlorinated solutions up to 200 parts per million (ppm) as a bacteriostat for treatment of beef, pork, and lamb carcasses be affirmed as generally recognized as safe (GRAS).

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFS–217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9519.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of September 19, 1975 (40 FR 43264), FDA announced that a petition (GRASP 5G0053) had been filed by Quad Corp., 1852 Dale Ave., Highland Park, IL 60035, proposing that the use of neutral or acidified electrolytically produced chlorinated solutions up to 200 ppm as a bacteriostat for treatment of beef, pork, and lamb carcasses be affirmed as GRAS. Quad Corp. has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: January 29, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93–3329 Filed 2–11–93; 8:45 am]

BILLING CODE 4160–01–F

Advisory Committee Meeting; Amendment of Notice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is announcing an amendment to the agenda of a meeting of the Pulmonary-Allergy Drugs Advisory Committee which is scheduled for February 25 and 26, 1993. This meeting was announced in the **Federal Register** of January 21, 1993 (58 FR 5398). The change is being made to remove an item from the agenda for the open committee discussion. Additionally, on February 25, 1993, the closed committee deliberations will be expanded. Both amendments will be announced at the beginning of the open portion of the meeting.

FOR FURTHER INFORMATION CONTACT: Leander B. Madoo, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 21, 1993, FDA announced that a meeting of the Pulmonary-Allergy Drugs Advisory Committee would be held on February 25 and 26, 1993. On page 5399, column 2, under "*Type of meeting and contact person*" and the "*Agenda—Open committee discussion*" portions for this meeting are amended to read as follows:

Type of meeting and contact person. Open committee discussion, February 25, 1993, 8:30 a.m. to 11 a.m.; closed committee deliberations, 11 a.m. to 5 p.m.; open public hearing, February 26, 1993, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 4 p.m.

Agenda—Open committee discussion. On February 25, 1993, the committee will receive an overview of FDA and the Center for Drug Evaluation and Research activities as they relate to the advisory committee process. On February 26, 1993, the committee will discuss new drug application 20–236, Serevent® (salmeterol xinafoate) inhalation, Glaxo.

Dated: February 8, 1993.

Jane E. Henney,

Deputy Commissioner for Operations.

[FR Doc. 93–3363 Filed 2–11–93; 8:45 am]

BILLING CODE 4160–01–F

Health Care Financing Administration

[OPA–006–N]

Medicare Program; Meeting of the Practicing Physicians Advisory Council

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the Practicing Physicians Advisory Council. This meeting is open to the public.

DATES: The meeting is scheduled for March 1, 1993 from 9 a.m. until 5 p.m. e.s.t. Additional meetings are tentatively scheduled for June 7, September 13, and December 13, 1993.

ADDRESSES: The meeting will be held in room 800, 8th Floor of the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: John Lanigan, Acting Executive Director, Practicing Physicians Advisory Council, Room 425–H, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201, (202) 690–6616.

SUPPLEMENTARY INFORMATION: The Secretary of the Department of Health and Human Services is mandated by section 1868 of the Social Security Act as added by section 4112 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508, enacted on November 5, 1990), to appoint a Practicing Physicians Advisory Council (the Council) based on nominations submitted by medical organizations representing physicians. The Council meets quarterly to discuss certain proposed changes in regulations and carrier manual instructions related to physicians' services identified by the Secretary. To the extent feasible and consistent with statutory deadlines, the consultation must occur before publication of the proposed changes. The Council submits an annual report on its recommendations to the Secretary and the Administrator of the Health Care Financing Administration (HCFA) not later than December 31st of each year.

The Council consists of 15 physicians, each of whom has submitted at least 250 claims for physicians' services under Medicare in the previous year. Members of the Advisory Council include both participating and nonparticipating physicians, and physicians practicing in rural and underserved urban areas. At least 11 members must be doctors of medicine or osteopathy authorized to practice medicine and surgery by the States in which they practice. Members have been invited to serve for overlapping 4-year terms. In accordance with section 14 of the Federal Advisory Committee Act, terms of more than 2 years are contingent upon the renewal of the Advisory Committee by

appropriate action before the end of the 2-year term.

The current members are: Gary C. Dennis, M.D., Harvey P. Hanlen, D.O., Kenneth D. Hansen, M.D., Isabel V. Hoverman, M.D., Ramon L. Jimenez, M.D., Jerilynn S. Kaibel, D.O., William D. Kirsch, D.O., Marie G. Kuffner, M.D., David L. Massanari, M.D., Kenton K. Moss, M.D., Susan W. Owens, M.D., Isadore Rosenfeld, M.D., Richard B. Tompkins, M.D., James C. Waites, M.D., and Gary L. Yordy, M.D. The chairperson is Richard B. Tompkins, M.D.

The Council will discuss the Medicare Physician Fee Schedule. Based on the first year's experience with the fee schedule, HCFA is considering making several changes to the policies under the fee schedule. We will present issues that have been raised by physicians for discussion by the Council.

Additionally, the Council will discuss the methodology used for refining the relative values that formed the basis for physicians' fees under Medicare in 1993. The impacts of refining values, by physician specialty, would be presented.

Those individuals or organizations who wish to make 10-minute oral presentations on issues for the 1994 Medicare Physician Fee Schedule must contact the Acting Executive Director to be scheduled. For the name, address and telephone number of the Acting Executive Director, see the **FOR FURTHER INFORMATION CONTACT** section at the beginning of this notice. A written copy of the oral remarks must be presented to the Acting Executive Director at the time of the presentation. Anyone who is not scheduled to speak may submit written comments to the Acting Executive Director. The meeting is open to the public but attendance is limited to the space available on a first-come basis.

Authority: Section 1868 of the Social Security Act (42 U.S.C. 1395ee) and section 10(a) of Pub. L. 92–463 (5 U.S.C. App. 2, section 10(a)).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare-Hospital Insurance; and Program No. 93–774, Medicare—Supplementary Medical Insurance)

Dated: February 5, 1993.

William Toby, Jr.,

Acting Deputy Administrator, Health Care Financing Administrator.

[FR Doc. 93–3502 Filed 2–11–93; 8:45 am]

BILLING CODE 4120–01–M

National Institutes of Health

Division of Research Grants; Notice of Meetings

Pursuant to Public Law 92–463, notice is hereby given of meetings of the Division of Research Grants Behavioral and Neurosciences Special Emphasis Panel.

The meetings will be closed in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of grant applications in the areas of the behavioral and neurosciences. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Office of Committee Management, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20892, telephone 301–496–7534, will furnish summaries of the meetings and rosters of panel members.

Meeting to Review Individual Grant Applications

Scientific Review Administrator: Dr. Robert Weller (301) 496–7906
Date of Meeting: February 12, 1993
Place of Meeting: Ramada Inn, Rockville, MD
Time of Meeting: 9 a.m.

Scientific Review Administrator: Dr. Robert Weller (301) 496–7906
Date of Meeting: February 17, 1993
Place of Meeting: Ramada Inn, Rockville, MD
Time of Meeting: 9 a.m.

Scientific Review Administrator: Dr. Anita Suran (301) 496–7000
Date of Meeting: March 15, 1993
Place of Meeting: Westwood Bldg., Room 325B, NIH, Bethesda, MD (Telephone Conference)
Time of Meeting: 12:30 p.m.

Scientific Review Administrator: Dr. Anita Suran (301) 496–7000
Date of Meeting: March 29, 1993
Place of Meeting: Westwood Bldg., Room 325B, NIH, Bethesda, MD (Telephone Conference)
Time of Meeting: 1 p.m.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 8, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–3435 Filed 2–11–93; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–92–1917; FR–3350–N–18]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–4300; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A–10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: Robert Conte, Dept. of Army, Military Facilities, DAEN–ZCI–P; Rm. 1E671, Pentagon, Washington, DC 20310–2600; (703) 693–4583; Corps of Engineers: Pete Digel, Headquarters, Army Corps of Engineers, Attn: CERE–MC, Room 4224, 20 Massachusetts Ave. NW, Washington, DC 20314–1000; (202) 272–1753; Corps of Engineers: Gary B. Paterson, Chief, Base Realignment and Closure Office, Directorate of Real Estate, 20 Massachusetts Ave., NW, Rm. 4133, Washington, DC 20314–1000; (202) 272–0520; U.S. Navy: John J. Kane, Deputy Division Director, Dept. of Navy, Real Estate Operations, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332–2300; (703) 325–0474; U.S. Air Force: Bob Menke, USAF, Bolling AFB, SAF–MIIR, Washington, DC 20332–5000; (202) 767–6235; U.S. Air Force: John Carr, Realty Specialist, HQ–AFBDA/BDR, Pentagon, Washington, DC 20330–5130; (703) 614–9692; GSA: Leslie Carrington, Federal Property Resources Services, GSA, 18th and F Streets NW, Washington, DC 20405; (202) 208–0619; Dept. of Veterans Affairs: Michael Reynolds, Management Analyst, Dept. of Veterans Affairs, room 414 Lafayette Bldg., 811 Vermont Ave. NW, Washington, DC 20420; (202) 233–8474; Dept. of Transportation: Ronald D. Keefer, Director, Administrative Services & Property Management, DOT, 400 Seventh St. SW, room 10319, Washington, DC 20590; (202) 366–4246; Dept. of Interior: Lola D. Knight, Property Management Specialist, Dept. of Interior, 1849 C St. NW, Mailstop 5512–MIB, Washington, DC 20240; (202) 208–4080; Dept. of Energy: Tom Knox, Realty Specialist, AD223.1, 1000 Independence Ave. SW, Washington, DC 20585; (202) 586–1191; (These are not toll-free numbers).

Dated: February 5, 1993.

Don I. Patch,

Acting Deputy Assistant Secretary for Grant Programs.

Air Force

California

Land

60 ARG/DE
Property Number: 189010189
Fed Reg Date: 11/06/92
Project Name: Travis Air Force Base
Travis ILS Outer Marker Annex
Rio-Dixon Road
Travis AFB, CA, Co: Solano, Zip: 94535–5496
Location: State Highway 113
Status: Excess
Comment: .13 acres; most recent use—location for instrument landing systems equipment.

Buildings

Bldg. 604
Property Number: 189010237
Fed Reg Date: 11/06/92
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
(See County), CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 605
Property Number: 189010238
Fed Reg Date: 11/06/92
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
(See County), CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 612
Property Number: 189010239
Fed Reg Date: 11/06/92
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
(See County), CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 611
Property Number: 189010240
Fed Reg Date: 11/06/92
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
(See County), CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 613
Property Number: 189010241
Fed Reg Date: 11/06/92
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
(See County), CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 614
Property Number: 189010242
Fed Reg Date: 11/06/92
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
(See County), CA, Co: Mendocino, Zip: 95648–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 615
Property Number: 189010243
Fed Reg Date: 11/06/92
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
(See County), CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 616
Property Number: 189010244
Fed Reg Date: 11/06/92
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
(See County), CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 617

Property Number: 189010245
Fed Reg Date: 11/06/92
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
(See County), CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 618
Property Number: 189010246
Fed Reg Date: 11/06/92
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
(See County), CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing; needs rehab.

Bldg. 21180
Property Number: 189130384
Fed Reg Date: 11/06/92
Project Name: Vandenberg Air Force Station
Vandenberg AFB, CA, Co: Santa Barbara, Zip: 93437–
Location: Hwy 1, Hwy 246, Coast Road, PT Sal Rd., Miguelito CYN
Status: Unutilized
Comment: 7487 sq. ft.; 1 story/wood shingle structure most recent use—contracting administrative office, needs major rehab.

Guam

Land

Annex 1
Property Number: 189010427
Fed Reg Date: 11/06/92
Project Name: Andersen Communication
Andersen Communication
Dededo, GU, Co: Guam, Zip: 96912–
Location: In the municipality of Dededo.
Status: Underutilized
Comment: 862 acres; subject to utilities easements.

Annex 2, (Partial)
Property Number: 189010428
Fed Reg Date: 11/06/92
Project Name: Andersen Petroleum Storage
Andersen Petroleum Storage
Dededo, GU, Co: Guam, Zip: 96912–
Location: In the municipality of Dededo.
Status: Underutilized
Comment: 35 acres; subject to utilities easements.

Buildings

Anderson VOR
Property Number: 189010267
Fed Reg Date: 11/06/92
Project Name: Anderson VOR
In the municipality of Dededo
Dededo, GU, Co: Guam, Zip: 96912–
Location: Access is through Route 1 and Route 3, Marine Drive.
Status: Unutilized
Comment: 550 sq. ft.; 1 story perm/concrete; on 226 acres.

Anderson Radio Beacon Annex
Property Number: 189010268
Fed Reg Date: 11/06/92
Project Name: Anderson Radio Beacon Annex
In the municipality of Dededo
Dededo, GU, Co: Guam, Zip: 96912–
Location: Approximately 7.2 miles southwest of Anderson AFB proper; access is from Route 3, Marine Drive
Status: Unutilized
Comment: 480 sq. ft.; 1 story perm/concrete; on 25 acres; most recent use—radio beacon facility.

Annex No. 4
Property Number: 189010545
Fed Reg Date: 11/06/92
Project Name: Anderson Family Housing
Anderson Family Housing
Municipality of Dededo
Dededo, GU, Co: Guam, Zip: 96912–
Location: Access is through Route 1, Marine Drive.
Status: Underutilized
Comment: various sq. ft.; 1 story frame/modified quonset; on 376 acres; portions of building and land leased to Government of Guam.

Harmon VORsite (Portion) (AJKZ)
Property Number: 189120234
Fed Reg Date: 11/06/92
Municipality of Dededo
Dededo, GU, Co: Guam, Zip: 96912–
Location: Approx. 12 miles southwest of Anderson AFB proper.
Status: Unutilized
Comment: 550 sq. ft. bldg., needs rehab on 82 acres.

Idaho

Buildings

Bldg. 121
Property Number: 189030007
Fed Reg Date: 11/06/92
Project Name: Mountain Home Air Force Base
Mountain Home Air Force Base
Main Avenue
(See County), ID, Co: Elmore, Zip: 83648–
Status: Excess
Comment: 3375 sq. ft.; 1 story wood frame; potential utilities; needs rehab; presence of asbestos; building is set on piers; most recent use—medical administration, veterinary services.

Louisiana

Buildings

Barksdale Radio Beacon Annex
Property Number: 189010269
Fed Reg Date: 11/06/92
Project Name: Barksdale Radio Beacon Annex
Braksdale Radio Beacon Annex
Curtis, LA, Co: Bossier, Zip: 71111–
Location: 7 miles south of Bossier City on highway 71 south; left 1¼ miles on highway C1552.
Status: Unutilized
Comment: 360 sq. ft.; 1 story wood/concrete; on 11.25 acres.

Michigan

Land

Callumet Air Force Station
Property Number: 189010862
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Section 1, T57N, R31W
Houghton Township
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 34 acres; potential utilities.

Calumet Air Force Station
Property Number: 189010863
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Section 31, T58N, R30W
Houghton Township
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 3.78 acres; potential utilities.

Buildings

Bldg. 21
Property Number: 189010776
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 2146 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—storage.

Bldg. 22
Property Number: 189010777
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1546 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—administrative facility.

Bldg. 30
Property Number: 189010779
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 2593 sq. ft.; 1 floor; concrete block; possible asbestos; potential utilities; most recent use—communications transmitter building.

Bldg. 40
Property Number: 189010780
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 2069 sq. ft.; 2 floors; concrete block; possible asbestos; potential utilities; most recent use—administrative facility.

Bldg. 41
Property Number: 189010781
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 2069 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—dormitory.

Bldg. 42
Property Number: 189010782
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 4017 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—dining hall.

Bldg. 43
Property Number: 189010783

Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 3674 sq. ft.; 2 story; concrete block; potential utilities; possible asbestos; most recent use—dormitory.

Bldg. 44
Property Number: 189010784
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 7216 sq. ft.; 2 story; concrete block; possible asbestos; potential utilities; most recent use—dormitory.

Bldg. 45
Property Number: 189010785
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 6070 sq. ft.; 2 story; concrete block; potential utilities; possible asbestos; most recent use—administrative facility.

Bldg. 46
Property Number: 189010786
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 5898 sq. ft.; 2 story; concrete block; potential utilities; possible asbestos; most recent use—visiting personnel housing.

Bldg. 47
Property Number: 189010787
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 83 sq. ft.; 1 story; concrete block; potential utilities; most recent use—storage.

Bldg. 48
Property Number: 189010788
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 96 sq. ft.; 1 story; concrete block; potential utilities; most recent use—storage.

Bldg. 49
Property Number: 189010789
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1944 sq. ft.; 1 story; concrete block; potential utilities; most recent use—dormitory.

Bldg. 50
Property Number: 189010790
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 6171 sq. ft.; 1 story; concrete block; potential utilities; possible asbestos; most recent use—Fire Department vehicle parking building.

Bldg. 51
Property Number: 189010791
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 52
Property Number: 189010792
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 53
Property Number: 189010793
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 54
Property Number: 189010794
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 55
Property Number: 189010795
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 56
Property Number: 189010796
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 57
Property Number: 189010797
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 58
Property Number: 189010798
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 59
Property Number: 189010799
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 60
Property Number: 189010800
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 61
Property Number: 189010801
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 62
Property Number: 189010802
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 63
Property Number: 189010803
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 64
Property Number: 189010804
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 65
Property Number: 189010805
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 66
Property Number: 189010806
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 67
Property Number: 189010807
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 68
Property Number: 189010808
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1478 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 70
Property Number: 189010809
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1394 sq. ft.; 1 concrete block; possible asbestos; most recent use—youth center.

Bldg. 72
Property Number: 189010811
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 73
Property Number: 189010812
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 74
Property Number: 189010813
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 75
Property Number: 189010814
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 76
Property Number: 189010815
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 77
Property Number: 189010816
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 78
Property Number: 189010817
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 79
Property Number: 189010818
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos

Bldg. 80
Property Number: 189010819
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 81
Property Number: 189010820
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 82
Property Number: 189010821
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 83
Property Number: 189010822
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 84
Property Number: 189010823
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 85
Property Number: 189010824
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 86
Property Number: 189010825
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 87
Property Number: 189010826
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 88
Property Number: 189010827
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 89
Property Number: 189010828
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 97
Property Number: 189010829
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 171 sq. ft.; 1 floor; potential utilities; most recent use—pump house.

Bldg. 98
Property Number: 189010830
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess

Comment: 114 sq. ft.; 1 floor; potential utilities; most recent use—pump house.
Bldg. 14
Property Number: 189010833
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 6751 sq. ft.; 1 floor concrete block; possible asbestos; most recent use—gymnasium.
Bldg. 16
Property Number: 189010834
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 3000 sq. ft.; 1 floor concrete block; most reecent use—commissary facility.
Bldg. 9
Property Number: 189010835
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1056 sq. ft.; 1 story wood frame residence.
Bldg. 10
Property Number: 189010836
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1056 sq. ft.; 1 story wood frame residence.
Bldg. 11
Property Number: 189010837
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1056 sq. ft.; 1 floor wood frame residence.
Bldg. 12
Property Number: 189010838
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1056 sq. ft.; 1 story wood frame residence.
Bldg. 13
Property Number: 189010839
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1056 sq. ft.; 1 story wood frame residence.
Bldg. 5
Property Number: 189010840
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 864 sq. ft.; 1 floor wood frame residence; possible asbestos.
Bldg. 6
Property Number: 189010841
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 864 sq. ft.; 1 floor wood frame residence; possible asbestos.
Bldg. 7
Property Number: 189010842
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 864 sq. ft.; 1 story wood frame residence; possible asbestos.
Bldg. 8
Property Number: 189010843
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 864 sq. ft.; 1 floor wood frame residence; possible asbestos.
Bldg. 4
Property Number: 189010844
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 2340 sq. ft.; 1 floor concrete block; most recent use-heating facility.
Bldg. 3
Property Number: 189010845
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 5314 sq. ft.; 1 floor concrete block; possible asbestos; most recent use—maintenance shop and office.
Bldg. 1
Property Number: 189010846
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 4528 sq. ft.; 1 floor concrete block; possible asbestos; most recent use—office.
Bldg. 216
Property Number: 189010847
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.
Bldg. 217
Property Number: 189010848
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood housing garage.
Bldg. 218
Property Number: 189010849
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.
Bldg. 219
Property Number: 189010850
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood housing garage.
Bldg. 220
Property Number: 189010851
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.
Bldg. 221
Property Number: 189010852
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.
Bldg. 222
Property Number: 189010853
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.
Bldg. 223
Property Number: 189010854
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.
Bldg. 224
Property Number: 189010855
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.
Bldg. 215
Property Number: 189010856
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 390 sq. ft.; 1 story wood frame housing garage.
Bldg. 158
Property Number: 189010857
Fed Reg Date: 11/06/92

Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 3603 sq. ft.; 1 story concrete/steel; possible asbestos; most recent use—electrical power station.

Bldg. 212
Property Number: 189010859
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 214
Property Number: 189010861
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 15
Property Number: 189010864
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 538 sq. ft.; 1 floor; concrete/wood structure; potential utilities; most recent use—gymnasium facility.

Bldg. 23
Property Number: 189010865
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 44 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldg. 24
Property Number: 189010866
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 44 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldg. 31
Property Number: 189010867
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 36 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldg. 32
Property Number: 189010868
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 36 sq. ft.; 1 story metal frame; prior use—storage of fire hoses.

Bldg. 33
Property Number: 189010869
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 36 sq. ft.; 1 story metal frame; prior use—storage of fire hoses.

Bldg. 34
Property Number: 189010870
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 36 sq. ft.; 1 story metal frame; prior use—storage of fire hoses.

Bldg. 35
Property Number: 189010871
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 36 sq. ft.; 1 story metal frame; prior use—storage of fire hoses.

Bldg. 36
Property Number: 189010872
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 37
Property Number: 189010873
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 39
Property Number: 189010874
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 201
Property Number: 189010879
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 202
Property Number: 189010880
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 203
Property Number: 189010881
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 204
Property Number: 189010882
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 205
Property Number: 189010883
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 206
Property Number: 189010884
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 207
Property Number: 189010885
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 153
Property Number: 189010886
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 4314 sq. ft.; 2 story concrete block facility; (radar tower bldg.) potential use—storage.

Bldg. 154
Property Number: 189010687
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 8960 sq. ft.; 4 story concrete block facility; (radar tower bldg.) potential use—storage.

Bldg. 157
Property Number: 189010888
Fed Reg Date: 11/06/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 3744 sq. ft.; 1 story concrete/steel facility; (radar tower bldg.) potential use—storage.

New Hampshire

Buildings

Bldg. 901

Property Number: 189040304
Fed Reg Date: 11/06/92
Project Name: Pease Air Force Base; Base Closure
Capehart Family House
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Comment: 7960 sq. ft.; 2 story wood frame; 4-unit residence; scheduled to be vacated 3/31/91.

Air Force–BC

Arkansas

Land

20 Outdoor Recreation Areas
Property Number: 199210047
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Comment: concrete or grassy areas, most recent use—swimming pools, golf courses, ball fields, scheduled to be vacated 12/92.

Buildings

8 Indoor Recreation Facilities
Property Number: 199210046
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Comment: 5411 to 30627 sq. ft., 1 story, concrete block, masonry, or metal/brick frame, scheduled to be vacated 12/92.
Bldg. 701A/B
Property Number: 199210048
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Comment: 3414 sq. ft., 1 story duplex, wood/brick veneer, most recent use—temporary living facility, scheduled to be vacated 12/92.
Bldg. 702
Property Number: 199210049
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Comment: 22655 sq. ft., 2 story wood frame, most recent use—billeting, scheduled to be vacated 12/92.
Bldg. 703
Property Number: 199210050
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Comment: 3414 sq. ft., 1 story duplex, wood frame, most recent use—temporary living facility, scheduled to vacated 12/92.
Bldg. 704
Property Number: 199210051
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Comment: 3414 sq. ft., 1 story duplex, wood frame, most recent use—temporary living facility, scheduled to be vacated 12/92.
Bldg. 606, Dormitory
Property Number: 199210052
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Comment: 41000 sq. ft., 2 story brick masonry frame, scheduled to be vacated 12/92.
Bldg. 609, Dormitory
Property Number: 199210053
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Comment: 41000 sq. ft., 2 story brick masonry frame, heat/air cond. originates from bldg. 617, scheduled to vacated 12/92.
Bldg. 619, Dormitory
Property Number: 199210054
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Comment: 41000 sq. ft., 2 story brick masonry frame, heat/air cond. originates from bldg. 617, scheduled to be vacated 12/92.
Bldg. 620, Dormitory
Property Number: 199210055
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Comment: 41000 sq. ft., 2 story brick masonry frame, scheduled to be vacated 12/92.
Bldg. 556
Property Number: 199210073
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Comment: 38575 sq. ft., 1 story concrete block/metal frame, most recent use—commissary, scheduled to be vacated 12/92.
Bldg. 525, Chapel
Property Number: 199210075
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Comment: 17602 sq. ft., 1 story frame with brick veneer, scheduled to be vacated 12/92.

Arizona

Land

14 Recreation Facilities
Property Number: 199210101
Fed Reg Date: 11/13/92
Williams Air Force Base
Williams AFB, AZ, Co: Maricopa, Zip: 85240–5000
Status: Excess
Comment: baseball, softball and soccer fields, tennis courts, track, golf course and driving range, and a camp, scheduled to be vacated 9/30/93.

Buildings

700 Units of Family
Property Number: 199210096
Fed Reg Date: 11/13/92
Williams Air Force Base
Williams AFB, AZ, Co: Maricopa, Zip: 85240–5000
Status: Excess
Comment: 1-story, 2 to 5 bedrooms, military family housing, scheduled to be vacated 9/30/93.
15 Temporary Living Quarters
Property Number: 199210097
Fed Reg Date: 11/13/92
Williams Air Force Base
Williams AFB, AZ, Co: Maricopa, Zip: 85240–5000
Status: Excess
Comment: 1, 2, and 3-story, concrete block and stucco structures including dorms and lodging, scheduled to be vacated 9/30/93.
5 Support & Service Facilities
Property Number: 199210098
Fed Reg Date: 11/13/92
Williams Air Force Base
Williams AFB, AZ, Co: Maricopa, Zip: 85240–5000
Status: Excess
Comment: one 3-story fire station, one 1-story brick chapel, a gate house, post office and education center, scheduled to be vacated 9/30/93.
24 Miscellaneous Facilities
Property Number: 199210099
Fed Reg Date: 11/13/92
Williams Air Force Base
Williams AFB, AZ, Co: Maricopa, Zip: 85240–5000
Status: Excess
Comment: 1 and 2-story structures including a library, gymnasium, a theater, commissary, stores, and bowling, youth and recreation centers, scheduled to be vacated 9/30/93.
6 Recreation Facilities
Property Number: 199210100
Fed Reg Date: 11/13/92
Williams Air Force Base
Williams AFB, AZ, Co: Maricopa, Zip: 85240–5000
Status: Excess
Comment: 1-story structures including golf club bldgs., bathhouses, and swimming pools, scheduled to be vacated 9/30/93.
6 Medical Facilities
Property Number: 199210102
Fed Reg Date: 11/13/92
Williams Air Force Base
Williams AFB, AZ, Co: Maricopa, Zip: 85240–5000
Status: Excess
Comment: 1-story, block and concrete structures including a hospital, clinics and a pharmacy, scheduled to be vacated 9/30/93.
9 Laboratories
Property Number: 199210103

Fed Reg Date: 11/13/92
Williams Air Force Base
Williams AFB, AZ, Co: Maricopa, Zip: 85240–5000
Status: Excess
Comment: eight 1-story and one 3-story metal and concrete/block structures, scheduled to be vacated 9/30/93.

36 Training & Admin Facilities
Property Number: 199210104
Fed Reg Date: 11/13/92
Williams Air Force Base
Williams AFB, AZ, Co: Maricopa, Zip: 85240–5000
Status: Excess
Comment: 1, 2 and 3-story, concrete block, wood and metal structures including law centers, offices, classrooms and flight training facilities, scheduled to be vacated 9/30/93.

12 Warehouse/Stor. Facilities
Property Number: 199210105
Fed Reg Date: 11/13/92
Williams Air Force Base
Williams AFB, AZ, Co: Maricopa, Zip: 85240–5000
Status: Excess
Comment: 1-story, concrete, wood and steel structures including warehouses and storage bldgs., scheduled to be vacated 9/30/93.

52 Support/Maint. Facilities
Property Number: 199210106
Fed Reg Date: 11/13/92
Williams Air Force Base
Williams AFB, AZ, Co: Maricopa, Zip: 85240–5000
Status: Excess
Comment: 1-story, concrete/steel, concrete/block and steel structures including hangars, maintenance and jet engine shops, scheduled to be vacated 9/30/93.

14 Hazardous/Explosive Storage
Property Number: 199210107
Fed Reg Date: 11/13/92
Williams Air Force Base
Williams AFB, AZ, Co: Maricopa, Zip: 85240–5000
Status: Excess
Comment: 1-story concrete and concrete/metal structures, scheduled to be vacated 9/30/93.

Colorado

Land

NTMU—Partial Area
Property Number: 189010254
Fed Reg Date: 11/13/92
Project Name: Lowry Air Force Base
Lowry Air Force Base
Denver, CO, Co: Denver, Zip: 80230–5000
Location: West of Aspen Terr. housing area and South of (AFAFC) along the base boundary.
Status: Excess
Comment: Approximately 20 acres; sloping parts in area.

Illinois

Buildings

Bldg. 9
Property Number: 189030224
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866—
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restrictions.

Bldg. 11
Property Number: 189030225
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 12
Property Number: 189030226
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restrictions.

Bldg. 13
Property Number: 189030227
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 14
Property Number: 189030228
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restrictions.

Bldg. 21
Property Number: 189030229
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 22
Property Number: 189030230
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 23
Property Number: 189030231
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 24
Property Number: 189030232
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 32
Property Number: 189030233
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 33
Property Number: 189030234
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 35
Property Number: 189030235
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 37
Property Number: 189030236
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 39
Property Number: 189030237
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 41
Property Number: 189030238
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 49
Property Number: 189030239
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 51
Property Number: 189030240
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 53
Property Number: 189030241
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 55
Property Number: 189030242
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 56
Property Number: 189030243
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 57
Property Number: 189030244
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 58
Property Number: 189030245
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 59
Property Number: 189030246
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 60
Property Number: 189030247
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 61
Property Number: 189030248
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 62
Property Number: 189030249
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 63
Property Number: 189030250
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 64
Property Number: 189030251
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 65
Property Number: 189030252
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 66
Property Number: 189030253
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure

Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 67
Property Number: 189030254
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 68
Property Number: 189030255
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 69
Property Number: 189030256
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 70
Property Number: 189030257
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 71
Property Number: 189030258
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 73
Property Number: 189030259
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 74
Property Number: 189030260
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 75
Property Number: 189030261
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 77
Property Number: 189030262
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 78
Property Number: 189030263
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 79
Property Number: 189030264
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 80
Property Number: 189030265
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 81
Property Number: 189030266
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 82
Property Number: 189030267
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 83
Property Number: 189030268
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 84
Property Number: 189030269
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 87
Property Number: 189030270
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab;

possible asbestos; possible easement restriction.

Bldg. 89
Property Number: 189030271
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 92
Property Number: 189030272
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 93
Property Number: 189030273
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 95
Property Number: 189030274
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 96
Property Number: 189030275
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 97
Property Number: 189030276
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 99
Property Number: 189030277
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 103
Property Number: 189030278
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 107
Property Number: 189030279
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 111
Property Number: 189030280
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 112
Property Number: 189030281
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 113
Property Number: 189030282
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 119
Property Number: 189030283
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 122
Property Number: 189030284
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 123
Property Number: 189030285
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 124
Property Number: 189030286
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 126
Property Number: 189030287
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base, Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 130
Property Number: 189030288

Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 132
Property Number: 189030289
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 133
Property Number: 189030290
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 134
Property Number: 189030291
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 135
Property Number: 189030292
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 136
Property Number: 189030293
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 138
Property Number: 189030294
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 140
Property Number: 189030295
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 141
Property Number: 189030296
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 145
Property Number: 189030297
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 146
Property Number: 189030298
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 150
Property Number: 189030299
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 152
Property Number: 189030300
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 154
Property Number: 189030301
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 2
Property Number: 189030302
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 4-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 4
Property Number: 189030303
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 4-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 6
Property Number: 189030304
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 4-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 7
Property Number: 189030305
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–

Status: Excess
Comment: 4-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 8
Property Number: 189030306
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 4-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 125
Property Number: 189030307
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 4-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restrictions.

Bldg. 127
Property Number: 189030308
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 4-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 128
Property Number: 189030309
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 4-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 129
Property Number: 189030310
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 4-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 131
Property Number: 189030311
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 4-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 153
Property Number: 189030312
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 4-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 15
Property Number: 189030313
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 17
Property Number: 189030314
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 18
Property Number: 189030315
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866-
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 19
Property Number: 189030316
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866-
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 26
Property Number: 189030318
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866-
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 27
Property Number: 189030319
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866-
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 29
Property Number: 189030320
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866-
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 30
Property Number: 189030321
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866-
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 31
Property Number: 189030322
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866-
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 38
Property Number: 189030323
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866-
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 40
Property Number: 189030324
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866-
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 42
Property Number: 189030325
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866-
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 43
Property Number; 189030326
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 44
Property Number; 189030327
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 45
Property Number; 189030328
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 47
Property Number; 189030329
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 52
Property Number; 189030330
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 54
Property Number; 189030331
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 72
Property Number; 189030332
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 85
Property Number; 189030333
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 86
Property Number; 189030334
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 90
Property Number; 189030335
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 91
Property Number: 189030336
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 102
Property Number: 189030337
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 106
Property Number: 189030338
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 114
Property Number: 189030339
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 115
Property Number: 189030340
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 120
Property Number: 189030341
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure

Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 144
Property Number: 189030342
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 1-unit residential building; wood frame; termite damage; needs major rehab; possible asbestos; possible easement restriction.

Bldg. 5
Property Number: 189030343
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base Annex
Chapman Courts
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 2707 sq. ft.; 1 story wood frame; termite damage; possible asbestos; needs major rehab; possible easement restriction, most recent use—administrative office.

Bldg. 732
Property Number: 189030344
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 13336 sq. ft., 2 story wood frame; needs structural repairs; most recent use—warehouse.

Bldg. 118
Property Number: 189030345
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 3996 sq. ft.; 1 story wood frame; needs structural repairs; most recent use—band facility.

Bldg. 107
Property Number: 189030346
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base; Base Closure
Chanute Air Force Base
Falcon Street
Rantoul, IL, Co: Champaign, Zip: 61866–
Status: Excess
Comment: 17118 sq. ft.; 1 story wood frame; needs rehab; potential utilities; most recent use—cold storage.

463 Residential Buildings
Property Number: 199210139
Fed Reg Date: 11/13/92
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61868–
Status: Excess
Comment: 463 houses with 1 to 8 units, brick and wood structures, possible asbestos, scheduled to be vacated 9/30/93

24 Temporary Living Quarters
Property Number: 199210140
Fed Reg Date: 11/13/92
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61868–
Status: Excess
Comment: 1 to 4-story dormitories and temporary living facilities, possible asbestos, scheduled to be vacated 9/30/93

2 Medical Facilities
Property Number: 199210141
Fed Reg Date: 11/13/92
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61868–
Status: Excess
Comment: 4-story concrete hospital and a 1-story concrete dental clinic, possible asbestos, scheduled to be vacated 9/30/93

28 Storage/Warehouses
Property Number: 199210142
Fed Reg Date: 11/13/92
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61868–
Status: Excess
Comment: concrete block, brick, metal and wood structures including supply and training bldgs., need repairs, scheduled to be vacated 9/30/93

15 Maintenance Bldgs.
Property Number: 199210143
Fed Reg Date: 11/13/92
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61868–
Status: Excess
Comment: 1-story maintenance facilities and shops, possible asbestos, scheduled to be vacated 9/30/93

2 Engine Test Cells/Warehouse
Property Number: 199210144
Fed Reg Date: 11/13/92
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61868–
Status: Excess
Comment: 1-story concrete storage/maintenance facilities, possible asbestos, scheduled to be vacated 9/30/93

2 Gas Stations
Property Number: 199210145
Fed Reg Date: 11/13/92
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61868–
Status: Excess
Comment: 1-story gas stations, scheduled to be vacated 9/30/93

22 Training Facilities
Property Number: 199210146
Fed Reg Date: 11/13/92
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61868–
Status: Excess
Comment: 1 to 4-story structures including training bldgs., labs, and classrooms, possible asbestos, scheduled to be vacated 9/30/93

5 Retail Stores
Property Number: 199210147
Fed Reg Date: 11/13/92
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61868–
Status: Excess
Comment: 1-story brick and wood structures including 4 branch exchanges and 1 commissary, possible asbestos, scheduled to be vacated 9/30/93

3 Chapel/Chapel Center
Property Number: 199210148
Fed Reg Date: 11/13/92
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61868–
Status: Excess
Comment: one 2-story brick chapel center and two 1-story wood chapels, possible asbestos, scheduled to be vacated 9/30/93

1 Fire Station
Property Number: 199210149
Fed Reg Date: 11/13/92
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61868–
Status: Excess
Comment: 2-story brick fire station, possible asbestos, scheduled to be vacated 9/30/93

27 Recreation Facilities
Property Number: 199210150
Fed Reg Date: 11/13/92
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61868–
Status: Excess
Comment: brick, wood, concrete structures including gym, library, theater, golf bldgs., youth, child, bowling and recreation centers, possible asbestos, scheduled to be vacated 9/30/93

26 Administration Facilities
Property Number: 199210152
Fed Reg Date: 11/13/92
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61868–
Status: Excess
Comment: Wood, brick and concrete structures including a band center, an education center, admin. bldgs. and offices needs rehab, possible asbestos, scheduled to be vacated 9/30/93.

Bldg. 386/Band Bldg.
Property Number: 199210153
Fed Reg Date: 11/13/92
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61868–
Status: Excess
Comment: 31,803 sq. ft., 2-story concrete block/wood band center, needs rehab, scheduled to be vacated 9/30/93

Louisiana

Land

25 Land, Airfield, Runways
Property Number: 199210094
Fed Reg Date: 11/13/92
England Air Force Base
Alexandria, LA, Co: Rapides, Zip: 71311–5000
Status: Excess
Comment: 10 to 398099 sq. yds., concrete or bituminous, scheduled to be vacated 12/92.

Buildings

93 (Appropriated) Family Hsg.
Property Number: 199210080
Fed Reg Date: 11/13/92
England Air Force Base
Alexandria, LA, Co: Rapides, Zip: 71311–5000
Status: Excess
Comment: 2054 to 6701 sq. ft., 1 and 2 story family residences, masonry frame, scheduled to be vacated 12/92.

201 (Capehart) Family Housing

Property Number: 199210081
Fed Reg Date: 11/13/92
England Air Force Base
Alexandria, LA, Co: Rapides, Zip: 71311–5000
Status: Excess
Comment: 1190 to 2616 sq. ft., 1 story family residences, wood or masonry frame, scheduled to be vacated 12/92.

28 Office/Admin. Buildings
Property Number: 199210082
Fed Reg Date: 11/13/92
England Air Force Base
Alexandria, LA, Co: Rapides, Zip: 71311–5000
Status: Excess
Comment: 228 to 40006 sq. ft., 1 and 2 story, wood, brick, block or masonry frame, Presence of asbestos, scheduled to be vacated 12/92.

Maine

Buildings

Bldg. 1
Property Number: 189010590
Fed Reg Date: 11/13/92
Project Name: Family Housing Annex
Family Housing Annex, Loring Air Force Base,
U S. Route #1
Caswell, ME, Co: Aroostook, Zip: 04750–
Status: Excess
Comment: 1116 sq. ft., 1 story frame residence; no utilities; asbestos and radon tests pending; fuel tanks removed: sewage line needs repair.

Bldg. 2
Property Number: 189010591
Fed Reg Date: 11/13/92
Project Name: Family Housing Annex
Family Housing Annex, Loring Air Force Base,
U.S. Route #1
Caswell, ME, Co: Aroostook, Zip: 04750–
Status: Excess
Comment: 1116 sq. ft., 1 story frame residence; no utilities; asbestos and radon tests pending; fuel tanks removed; sewage line needs repair.

Bldg. 3
Property Number: 189010592
Fed Reg Date: 11/13/92
Project Name: Family Housing Annex
Family Housing Annex, Loring Air Force Base,
U S. Route #1
Caswell, ME, Co: Aroostook, Zip: 04750–
Status: Excess
Comment: 1116 sq. ft., 1 story frame residence; no utilities; asbestos and radon tests pending; fuel tanks removed; sewage line needs repair.

Bldg. 4
Property Number: 189010593
Fed Reg Date: 11/13/92
Project Name: Family Housing Annex
Family Housing Annex, Loring Air Force Base,
U S. Route #1
Caswell, ME, Co: Aroostook, Zip: 04750–
Status: Excess
Comment: 1116 sq. ft., 1 story frame residence; no utilities; asbestos and radon tests pending; fuel tanks removed; sewage line needs repair

Bldg. 5
Property Number: 189010594
Fed Reg Date: 11/13/92
Project Name: Family Housing Annex
Family Housing Annex, Loring Air Force Base,
U.S. Route #1
Caswell, ME, Co: Aroostook, Zip: 04750–
Status: Excess
Comment: 1116 sq. ft., 1 story frame residence; no utilities; asbestos and radon tests pending; fuel tanks removed; sewage line needs repair

Bldg. 6
Property Number: 189010595
Fed Reg Date: 11/13/92
Project Name: Family Housing Annex
Family Housing Annex, Loring Air Force Base,
U.S. Route #1
Caswell, ME, Co: Aroostook, Zip: 04750–
Status: Excess
Comment: 1116 sq. ft., 1 story frame residence; no utilities; asbestos and radon tests pending; fuel tanks removed; sewage line needs repair.

Bldg. 7
Property Number: 189010596
Fed Reg Date: 11/13/92
Project Name: Family Housing Annex
Family Housing Annex, Loring Air Force Base,
U S. Route #1
Caswell, ME, Co: Aroostook, Zip: 04750–
Status: Excess
Comment: 1116 sq. ft.; 1 story frame residence; no utilities; asbestos and radon tests pending; fuel tanks removed; sewage line needs repair.

Bldg. 8
Property Number: 189010597
Fed Reg Date: 11/13/92
Project Name: Family Housing Annex
Family Housing Annex, Loring Air Force Base,
U S. Route #1
Caswell, ME, Co: Aroostook, Zip: 04750–
Status: Excess
Comment: 1116 sq. ft., 1 story frame residence; no utilities; asbestos and radon tests pending; fuel tanks removed; sewage line needs repair.

Bldg. 9
Property Number: 189010598
Fed Reg Date: 11/13/92
Project Name: Family Housing Annex
Family Housing Annex, Loring Air Force Base
U S. Route #1
Caswell, ME, Co: Aroostook, Zip: 04750–
Status: Excess
Comment: 1116 sq. ft.; 1 story frame residence; no utilities; asbestos and radon tests pending; fuel tanks removed; sewage line needs repair.

Bldg. 10
Property Number: 189010599
Fed Reg Date: 11/13/92
Project Name: Family Housing Annex
Family Housing Annex, Loring Air Force Base
U S. Route #1
Caswell, ME, Co: Aroostook, Zip: 04750–
Status: Excess
Comment: 1116 sq. ft., 1 story frame residence; no utilities; asbestos and radon tests pending; fuel tanks removed; sewage line needs repair.

Bldg. 11
Property Number: 189010600
Fed Reg Date: 11/13/92
Project Name: Family Housing Annex
Family Housing Annex, Loring Air Force Base
U.S. Route #1
Caswell, ME, Co: Aroostook, Zip: 04750–
Status: Excess
Comment: 1116 sq. ft., 1 story frame residence; no utilities; asbestos and radon tests pending; fuel tanks removed, sewage line needs repair

Bldg. 12
Property Number: 189010601
Fed Reg Date: 11/13/92
Project Name: Family Housing Annex
Family Housing Annex, Loring Air Force Base
U S. Route #1
Caswell, ME, Co: Aroostook, Zip: 04750–
Status: Excess
Comment: 1116 sq. ft., 1 story frame residence; no utilities; asbestos and radon tests pending; fuel tanks removed; sewage line needs repair.

Bldg. 13
Property Number: 189010602
Fed Reg Date: 11/13/92
Project Name: Family Housing Annex
Family Housing Annex, Loring Air Force Base
U S. Route #1
Caswell, ME, Co: Aroostook, Zip: 04750–
Status: Excess
Comment: 1116 sq. ft., 1 story frame residence; no utilities; asbestos and radon tests pending; fuel tanks removed; sewage line needs repair.

Bldg. 14
Property Number: 189010603
Fed Reg Date: 11/13/92
Project Name: Family Housing Annex
Family Housing Annex, Loring Air Force Base
U S. Route #1
Caswell, ME, Co: Aroostook, Zip: 04750–
Status: Excess
Comment: 1116 sq. ft., 1 story frame residence; no utilities; asbestos and radon tests pending; fuel tanks removed; sewage line needs repair.

Bldg. 15
Property Number: 189010604
Fed Reg Date: 11/13/92
Project Name: Family Housing Annex
Family Housing Annex, Loring Air Force Base
U S. Route #1
Caswell, ME, Co: Aroostook, Zip: 04750–
Status: Excess
Comment: 1116 sq. ft., 1 story frame residence; no utilities; asbestos and radon tests pending; fuel tanks removed; sewage line needs repair.

Bldg. 16
Property Number: 189010605
Fed Reg Date: 11/13/92
Project Name: Family Housing Annex
Family Housing Annex, Loring Air Force Base
U S. Route #1
Caswell, ME, Co: Aroostook, Zip: 04750–

Status: Excess
Comment: 1116 sq. ft., 1 story frame residence; no utilities; asbestos and radon tests pending; fuel tanks removed; sewage line needs repair.

Michigan

Land

5 Recreational Fields
Property Number: 199240022
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 1 to 5 acres, scheduled to be vacated 6/30/93, includes softball, baseball, football, and soccer fields.

Recreation Courts
Property Number: 199240023
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: Approx. 1 acre, asphalt, scheduled to be vacated 6/30/93.

Camping Area
Property Number: 199240024
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: Approx. 1 acre, scheduled to be vacated 6/30/93.

Tract 7257
Property Number: 199240025
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: Approx. 1 acre, scheduled to be vacated 6/30/93, most recent use—asphalt running track.

Air Force Land
Property Number: 199240026
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: Approx. 56 acres, scheduled to be vacated 6/30/93, portion located in airport runway area.

Buildings

Bldg. 1101, Housing
Property Number: 199240001
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 1073 sq. ft., 1 story wood frame, scheduled to be vacated 6/30/93.

300 SF Housing, Manufactured
Property Number: 199240002
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 1170 sq. ft. each, 1 story, (10000 area), scheduled to be vacated 6/30/93.

948 Family Housing, Capehart
Property Number: 199240003
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 3502 to 14363 sq. ft., 1,2,4,6 & 8 unit buildings, (8000 and 9000 area), scheduled to be vacated 6/30/93.

100 Family Housing, Appr 50–69
Property Number: 199240004
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 1192 to 7574 sq. ft., 1,2,6, & 7 unit buildings, (1700 and 1800 area), scheduled to be vacated 6/30/93.

13 Dormitories
Property Number: 199240005
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 3025 to 90501 sq. ft., 1,2,3 & 4 story, single military housing, scheduled to be vacated 6/30/93.

4 Recreation Pavilions
Property Number: 199240006
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 668 to 2398 sq. ft., most recent use—recreational activities, scheduled to be vacated 6/30/93.

3 Recreational Facilities
Property Number: 199240007
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 4317 to 13162 sq. ft., scheduled to be vacated 6/30/93, includes youth center, child care, recreation center

3 Dining Facilities
Property Number: 199240008
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 13388 to 15062 sq. ft., scheduled to be vacated 6/30/93, includes open mess.

4 Retail Outlets
Property Number: 199240009
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 4208 to 40701 sq. ft., scheduled to be vacated 6/30/93, includes service outlet exchange, sales store, exchange branch, base package store

4 Warehouses
Property Number: 199240010
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 7856 to 104213 sq. ft., scheduled to be vacated 6/30/93, includes commissary, supply & equipment base, traffic facility.

4 Storage Facilities
Property Number: 199240011
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 384 to 960 sq. ft., needs rehab, scheduled to be vacated 6/30/93, includes open mess.

3 Office Trailers
Property Number: 199240012
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 480 to 1440 sq. ft., scheduled to be vacated 6/30/93, includes child care center, admin offices, petroleum ops bldg.

11 Office Buildings
Property Number: 199240013
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 596 to 30154 sq. ft., scheduled to be vacated 6/30/93, includes personnel offices, environmental health, hdtrs group, maintenance, family hsg management ofc.

6 Maintenance Buildings
Property Number: 199240014
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 928 to 26933 sq. ft., scheduled to be vacated 6/30/93, includes vehicle operations, vehicle maintenance shops, arts & crafts center.

Bldg. 440, Theatre
Property Number: 199240015
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 5825 sq. ft., 1 story, scheduled to be vacated 6/30/93, masonry and concrete frame.

Bldg. 1135
Property Number: 199240016
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 569 sq. ft., 1 story, scheduled to be vacated 6/30/93, most recent use—swimmers bath house.

Bldg. 420
Property Number: 199240017
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 14522 sq. ft., 1 story, scheduled to be vacated 6/30/93, most recent use—bowling alley.

Bldg. 418
Property Number: 199240018
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 8210 sq. ft., 1 story, concrete frame, scheduled to be vacated 6/30/93, most recent use—library.

Bldg. 445
Property Number: 199240019
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753-
Status: Excess

Comment: 19977 sq. ft., 1 story, concrete/masonry frame, roof leaks, scheduled to be vacated 6/30/93, most recent use—chapel.

Bldg. 228
Property Number: 199240020
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 14946 sq. ft., 1 story, concrete & masonry frame, scheduled to be vacated 6/30/93, most recent use—education facility

Facility 7295
Property Number: 199240021
Fed Reg Date: 11/13/92
Wurtsmith Air Force Base
Oscoda, MI, Co: Iosco, Zip: 48753–
Status: Excess
Comment: 1991 sq. ft., 2 story, octagon shaped, corrugated metal frame, scheduled to be vacated 6/30/93, most recent use—radar bldg.

South Carolina

Land

Recreational Areas
Property Number: 199210007
Fed Reg Date: 11/13/92
Myrtle Beach Air Force Base
Myrtle Beach, SC, Co: Horry, Zip: 29579–5000
Status: Excess
Comment: Approximately 65 acres including 3 soccer fields, 6 tennis courts, 3 softball fields, 4 youth ball fields, track, campground, scheduled to be vacated 3/31/93.

Land
Property Number: 199210014
Fed Reg Date: 11/13/92
Myrtle Beach Air Force Base
Myrtle Beach, SC, Co: Horry, Zip: 29579–5000
Status: Excess
Comment: Approximately 17 acres, most recent use—mobile home park, scheduled to be vacated 3/31/93.

Forest
Property Number: 199210015
Fed Reg Date: 11/13/92
Myrtle Beach Air Force Base
Myrtle Beach, SC, Co: Horry, Zip: 29579–5000
Status: Excess
Comment: 1678 acres, scheduled to be vacated 3/31/93.

Buildings

448 Building/800 Units
Property Number: 199210001
Fed Reg Date: 11/13/92
Military Family Housing
Myrtle Beach Air Force Base
Myrtle Beach, SC, Co: Horry, Zip: 29579–5000
Status: Excess
Comment: two, three and four bedrooms single family dwellings and duplexes with attached carports, scheduled to be vacated 3/31/93.

13 Dormitories/Quarters
Property Number: 199210002
Fed Reg Date: 11/13/92
Myrtle Beach Air Force Base
Myrtle Beach, SC, Co: Horry, Zip: 29579–5000
Status: Excess
Comment: 2 to 3 story masonry and block structures, scheduled to be vacated 3/31/92.

12 Miscellaneous Buildings
Property Number: 199210003
Fed Reg Date: 11/13/92
Myrtle Beach Air Force Base
Myrtle Beach, SC, Co: Horry, Zip: 29579–5000
Status: Excess
Comment: 1 to 2 story structures including a chapel, theater, child care centers, retail sales stores and dining hall, (recrea. center leased to community) Scheduled to be vacated 3/31/93.

44 Administrative Type Bldgs
Property Number: 199210005
Fed Reg Date: 11/13/92
Myrtle Beach Air Force Base
Myrtle Beach, SC, Co: Horry, Zip: 29579–5000
Status: Excess
Comment: 1 to 2 story modular, block, wood and brick structures, scheduled to be vacated 3/31/93.

12 Recreation Buildings
Property Number: 199210006
Fed Reg Date: 11/13/92
Myrtle Beach Air Force Base
Myrtle Beach, SC, Co: Horry, Zip: 29579–5000
Status: Excess
Comment: 1-story recreation buildings including bath houses, bowling center, gymnasium (golf course buildings are unavailable—leased to local community) scheduled to be vacated 3/31/93.

36 Utility Type Buildings
Property Number: 199210009
Fed Reg Date: 11/13/92
Myrtle Beach Air Force Base
Myrtle Beach, SC, Co: Horry, Zip: 29579–5000
Status: Excess
Comment: 1-story structures including warehouses, shops and sheds, scheduled to be vacated 3/31/93.

3 Security Police Buildings
Property Number: 199210010
Fed Reg Date: 11/13/92
Myrtle Beach Air Force Base
Myrtle Beach, SC, Co: Horry, Zip: 29579–5000
Status: Excess
Comment: 1-story masonry structures including a jail, scheduled to be vacated 3/31/93.

15 Ammunition Storage Bldgs.
Property Number: 199210011
Fed Reg Date: 11/13/92
Myrtle Beach Air Force Base
Myrtle Beach, SC, Co: Horry, Zip: 29579–5000
Status: Excess
Comment: 1-story metal, concrete and masonry storage structures, scheduled to be vacated 3/31/93.

Texas

Land

14 Recreation Areas
Property Number: 199210127
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: approx. 172 acres including golf course, riding stables, playground and picnic area, camps and tennis courts, scheduled to be vacated 9/30/93.

26 Airport Related Areas
Property Number: 199210138
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 205 acres including runways, aprons, taxiways and pads, scheduled to be vacated 9/30/93

Buildings

9 Military Family Housing
Property Number: 199210108
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 1203 sq. ft., 1-story wood frame residences, scheduled to be vacated 9/30/93.

51 Military Family Housing
Property Number: 199210109
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 1204 sq. ft., 1-story wood frame residences, scheduled to be vacated 9/30/93

56 Military Family Housing
Property Number: 199210110
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 1209 sq. ft., 1-story wood frame residences, scheduled to be vacated 9/30/93.

11 Military Family Housing
Property Number: 199210111
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 1348 sq. ft., 1-story wood frame residences, scheduled to be vacated 9/30/92.

21 Military Family Housing
Property Number: 199210112
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 1387 sq. ft., 1-story wood frame residences, scheduled to be vacated 9/30/93.

49 Military Family Housing
Property Number: 199210113
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 1397 sq. ft., 1-story wood frame residences, scheduled to be vacated 9/30/93.

19 Military Family Housing
Property Number: 199210114
Fed Reg Date: 11/13/92
Carswell Air Force Base

Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 1489 sq. ft., 1-story wood frame residences, scheduled to be vacated 9/30/93.

33 Military Family Housing
Property Number: 199210115
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 1493 sq. ft., 1-story wood frame residences, scheduled to be vacated 9/30/93.

17 Military Family Housing
Property Number: 199210116
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 1581 sq. ft., 1-story wood frame residences, scheduled to be vacated 9/30/93.

9 Military Family Housing
Property Number: 199210117
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 1655 sq. ft., 1-story wood frame residences, scheduled to be vacated 9/30/93.

10 Military Family Housing
Property Number: 199210118
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 2450 sq. ft., 1-story concrete residences, scheduled to be vacated 9/30/93.

9 Military Family Housing
Property Number: 199210119
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 2450 sq. ft., 1-story concrete residences, scheduled to be vacated 9/30/93.

5 Military Family Housing
Property Number: 199210120
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 5601 sq. ft., 1-story concrete residences, scheduled to be vacated 9/30/93.

12 Military Family Housing
Property Number: 199210121
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 5601 sq. ft., 1-story concrete residences, scheduled to be vacated 9/30/93.

41 Military Family Housing
Property Number: 199210122
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 1-story wood frame residences, scheduled to be vacated 9/30/93.

7 Dormitories
Property Number: 199210123
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 3 and 4-story concrete dorms, scheduled to be vacated 9/30/93

6 Temporary Living Quarters
Property Number: 199210124
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 1 to 2-story brick and frame lodging facilities, scheduled to be vacated 9/30/93.

45 Administrative Facilities
Property Number: 199210125
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 1 to 4-story concrete block, brick, metal and wood structures including education centers, child care, clinics and admin. bldgs., scheduled to be vacated 9/30/93.

13 Recreation Facilities
Property Number: 199210126
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: metal, concrete block, brick and wood structures including golf equip. houses, bathhouse, gym, and bowling, youth and recreation centers, scheduled to be vacated 9/30/93.

40 Miscellaneous Facilities
Property Number: 199210128
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 1-story metal/concrete/block/brick structures including maintenance bldgs. and shops, scheduled to be vacated 9/30/93.

14 Warehouses
Property Number: 199210129
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 1-story wood, metal and concrete structures including storage bldgs., warehouses and a commissary, scheduled to be vacated 9/30/93.

24 Storage Facilities
Property Number: 199210130
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 1-story metal, concrete, block and wood structures including sheds, shops and storage bldgs., scheduled to be vacated 9/30/93.

Facility 1506
Property Number: 199210131
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 24000 sq. ft., 1-story brick dining hall, scheduled to be vacated 9/30/93.

Facility 3000
Property Number: 199210132
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 345,186 sq. ft., 5-story concrete hospital, scheduled to be vacated 9/30/93.

Bank/Credit Union
Property Number: 199210133
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 1-story concrete bank and a 2-story brick credit union, scheduled to be vacated 9/30/93.

Facility 1838
Property Number: 199210134
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 8790 sq. ft., 1-story brick chapel, scheduled to be vacated 9/30/93.

Facility 1845
Property Number: 199210135
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 9967 sq. ft., 1-story brick theater, scheduled to be vacated 9/30/93.

2 Fuel Stations
Property Number: 199210136
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 1-story metal and brick/metal vehicle fuel and exchange service stations, scheduled to be vacated 9/30/93.

40 Hazard. Stor./Igloo Bldgs.
Property Number: 199210137
Fed Reg Date: 11/13/92
Carswell Air Force Base
Ft. Worth, TX, Co: Tarrant, Zip: 76127–
Status: Excess
Comment: 4 metal and concrete block hazardous storage bldgs. and 36 concrete igloo storage bldgs., scheduled to be vacated 9/30/93.

Army

Alabama

Buildings

Bldg. T00221
Property Number: 219110042
Fed Reg Date: 12/04/92
Project Name: Fort McClellan
Fort McClellan
Fort McClellan, AL, Co: Calhoun, Zip: 36205–5000
Location: Take left turn off Baltzell Gate Road.
Status: Underutilized
Comment: 4125 sq. ft., one story wood frame; needs major rehab; termite infested; presence of asbestos; off-site use only.

Bldg. T00796
Property Number: 219110043
Fed Reg Date: 12/04/92
Project Name: Fort McClellan
Fort McClellan
Fort McClellan, AL, Co: Calhoun, Zip: 36205–5000
Location: Intersection of 19th and 20th Streets.
Status: Unutilized
Comment: 1340 sq. ft., one story wood frame; needs major rehab; presence of asbestos; off-site use only.

Bldg. T00883
Property Number: 219110044
Fed Reg Date: 12/04/92
Project Name: Fort McClellan
Fort McClellan
3rd Avenue
Fort McClellan, AL, Co: Calhoun, Zip: 36205–5000
Status: Unutilized
Comment: 760 sq. ft., one story wood frame; needs major rehab; presence of asbestos; off-site use only.

Bldg. T01121
Property Number: 219110048
Fed Reg Date: 12/04/92
Project Name: Fort McClellan
Fort McClellan
MacArthur Avenue
Fort McClellan, AL, Co: Calhoun, Zip: 36205–5000
Status: Unutilized
Comment: 2400 sq. ft., two story wood frame; needs rehab; presence of asbestos; off-site use only.

Bldg. T01123
Property Number: 219110049
Fed Reg Date: 12/04/92
Project Name: Fort McClellan
Fort McClellan
MacArthur Avenue
Fort McClellan, AL, Co: Calhoun, Zip: 36205–5000
Status: Unutilized
Comment: 2400 sq. ft.; two story wood frame; needs rehab; presence of asbestos; off-site use only.

Bldg. T01124
Property Number: 219110050
Fed Reg Date: 12/04/92
Project Name: Fort McClellan
Fort McClellan
MacArthur Avenue
Fort McClellan, AL, Co: Calhoun, Zip: 36205–5000
Status: Unutilized
Comment: 2400 sq. ft.; two story wood frame; needs rehab; presence of asbestos; off-site use only.

Bldg. T01125
Property Number: 219110051
Fed Reg Date: 12/04/92
Project Name: Fort McClellan
Fort McClellan
21st Street and MacArthur Avenue
Fort McClellan, AL, Co: Calhoun, Zip: 36205–5000
Status: Unutilized
Comment: 2558 sq. ft.; one story wood frame; needs rehab; presence of asbestos; off-site use only.

Bldg. T01394
Property Number: 219110052
Fed Reg Date: 12/04/92
Project Name: Fort McClellan
Fort McClellan
4th Avenue in Area 13 of Post
Fort McClellan, AL, Co: Calhoun, Zip: 36205–5000
Status: Unutilized
Comment: 191 sq. ft.; one story tin and lumber building; needs major rehab; off-site use only.

Bldg. T01692
Property Number: 219110053
Fed Reg Date: 12/04/92
Project Name: Fort McClellan
Fort McClellan
25th Street
Fort McClellan, AL, Co: Calhoun, Zip: 36205–5000
Status: Unutilized
Comment: 4404 sq. ft.; one story wood frame; needs rehab; presence of asbestos; off-site use only.

Bldg. T02264
Property Number: 219110054
Fed Reg Date: 12/04/92
Project Name: Fort McClellan
Fort McClellan
WAC Circle
Fort McClellan, AL, Co: Calhoun, Zip: 36205–5000
Status: Unutilized
Comment: 664 sq. ft.; one story wood frame; needs major rehab; electrical hazard; presence of asbestos; off-site use only.

Bldg. T02266
Property Number: 219110055
Fed Reg Date: 12/04/92
Project Name: Fort McClellan
Fort McClellan
WAC Circle
Fort McClellan, AL, Co: Calhoun, Zip: 36205–5000
Status: Unutilized
Comment: 664 sq. ft.; one story wood frame; structurally deteriorated electrical hazard; presence of asbestos; off-site use only.

Bldg. T00123
Property Number: 219110145
Fed Reg Date: 12/04/92
Project Name: Fort Rucker
Post Chapel—Fort Rucker
5th Avenue
Fort Rucker, AL, Co: Dale, Zip: 36362–
Status: Unutilized
Comment: 4798 sq. ft.; 1 story wood structure; minor repairs; scheduled to be vacated September 1991.

Bldg. T00108
Property Number: 219120270
Fed Reg Date: 12/04/92
Fort Rucker
6th Avenue
Fort Rucker, AL, Co: Dale, Zip: 36362–
Status: Unutilized
Comment: 24992 sq. ft., 1 story wood structure, most recent use—youth center gymnasium, possible asbestos, off-site use only.

Bldg. 8913
Property Number: 219140025
Fed Reg Date: 12/04/92
Fort Rucker
7th Avenue
Fort Rucker, AL, Co: Dale, Zip: 36362–
Status: Unutilized
Comment: 3100 sq. ft., 1 story wood, most recent use—chaplain's conference room, off-site use only.

Bldg. 8914
Property Number: 219140026
Fed Reg Date: 12/04/92
Fort Rucker
7th Avenue
Fort Rucker, AL, Co: Dale, Zip: 36362–
Status: Unutilized
Comment: 2250 sq. ft., 1 story wood, most recent use—chaplain headquarters, off-site use only.

Bldg. T03202, Fort Rucker
Property Number: 219210001
Fed Reg Date: 12/04/92
Cowboy & Crusader Sts.
Fort Rucker, AL, Co: Dale, Zip: 36362–
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only.

Bldg. T03203, Fort Rucker
Property Number: 219210002
Fed Reg Date: 12/04/92
Cowboy & Crusader Sts.
Fort Rucker, AL, Co: Dale, Zip: 36362–
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only.

Bldg. T03206, Fort Rucker
Property Number: 219210003
Fed Reg Date: 12/04/92
Cowboy & Crusader Sts.
Fort Rucker, AL, Co: Dale, Zip: 36362–
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only.

Bldg. T03207, Fort Rucker
Property Number: 219210004
Fed Reg Date: 12/04/92
Cowboy & Crusader Sts.
Fort Rucker, AL, Co: Dale, Zip: 36362–
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only.

Bldg. T03208, Fort Rucker
Property Number: 219210005
Fed Reg Date: 12/04/92
Cowboy & Crusader Sts.
Fort Rucker, AL, Co: Dale, Zip: 36362–
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only.

Bldg. T03211, Fort Rucker
Property Number: 219210006
Fed Reg Date: 12/04/92
Cowboy & Crusader Sts.
Fort Rucker, AL, Co: Dale, Zip: 36362–
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only.

Bldg. T03213, Fort Rucker
Property Number: 219210007
Fed Reg Date: 12/04/92
Cowboy & Crusader Sts.
Fort Rucker, AL, Co: Dale, Zip: 36362–
Status: Unutilized

Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only.
Bldg. T03216, Fort Rucker,
Property Number: 219210008
Fed Reg Date: 12/04/92
Cowboy & Crusader Sts.
Fort Rucker, AL, Co: Dale, Zip: 36362–
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only.
Bldg. T03217, Fort Rucker
Property Number: 219210009
Fed Reg Date: 12/04/92
Cowboy & Crusader Sts.
Fort Rucker, AL, Co: Dale, Zip: 36362–
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only.
Bldg. T03214, Fort Rucker
Property Number: 219230001
Fed Reg Date: 12/04/92
Cowboy & Crusader Sts.
Fort Rucker, AL, Co: Dale, Zip: 36362–
Status: Unutilized
Comment: 3306 sq. ft., 1-story wood structure, most recent use—storehouse, presence of asbestos, off-site use only.
Bldg. T03215, Fort Rucker
Property Number: 219230002
Fed Reg Date: 12/04/92
Cowboy & Crusader Sts.
Fort Rucker, AL, Co: Dale, Zip: 36362–
Status: Unutilized
Comment: 3452 sq. ft., 1-story wood structure, most recent use—storehouse, presence of asbestos, off-site use only.

Arizona

Buildings

Bldg. S–503
Property Number: 219011746
Fed Reg Date: 12/04/92
Project Name: Yuma Proving Ground
Yuma Proving Ground
Main Admin. Area—2nd St. bet. D & F Sts.
Yuma, AZ, Co: Yuma/La Paz, Zip: 85365–9102
Status: Underutilized
Comment: 2123 sq. ft., possible asbestos; 2nd floor vacant; structural upgrading needed; bldg. scheduled for renovation and used as community center.
Bldg. S–611
Property Number: 219013928
Fed Reg Date: 12/04/92
Project Name: Yuma Proving Ground
Yuma Proving Ground
Yuma, AZ, Co: Yuma/La Paz, Zip: 85365–9102
Location: Main Administrative Area—Near intersection of 5th and D streets.
Status: Unutilized
Comment: 1840 sq. ft., 1 story wood and stucco frame; most recent use—child care center.
Bldg. S–1005
Property Number: 219013930
Fed Reg Date: 12/04/92
Project Name: Yuma Proving Ground
Yuma Proving Ground
Yuma, AZ, Co: Yuma/La Paz, Zip: 85365–9102
Location: Main Administrative Area—Near intersection of 7th and F streets.
Status: Unutilized
Comment: 176 sq. ft., 1 story wood and stucco frame; most recent use—cold storage and refrigeration facility.
Bldg. T67208
Property Number: 219120113
Fed Reg Date: 12/04/92
U.S. Army Intelligence Center
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2546 sq. ft., one story wood, most recent use—storage.
Bldg. T70224
Property Number: 219120149
Fed Reg Date: 12/04/92
U.S. Army Intelligence Center
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 1252 sq. ft., one story wood, most recent use—Administrative.
Bldg. 70117—Fort Huachuca
Property Number: 219120306
Fed Reg Date: 12/04/92
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 3434 sq. ft., 1 story wood structure, presence of asbestos, most recent use—general instructional.
Bldg. 70118—Fort Huachuca
Property Number: 219120307
Fed Reg Date: 12/04/92
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 3434 sq. ft., 1 story wood structure, presence of asbestos, most recent use—general instructional.
Bldg. 70119—Fort Huachuca
Property Number: 219120308
Fed Reg Date: 12/04/92
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 3434 sq. ft., 1 story wood structure, presence of asbestos, most recent use—general instructional.
Bldg. 70120—Fort Huachuca
Property Number: 219120309
Fed Reg Date: 12/04/92
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 3434 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose.
Bldg. 70225—Fort Huachuca
Property Number: 219120310
Fed Reg Date: 12/04/92
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 3813 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose.
Bldg. 83006—Fort Huachuca
Property Number: 219120311
Fed Reg Date: 12/04/92
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 2062 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose.
Bldg. 83007—Fort Huachuca
Property Number: 219120312
Fed Reg Date: 12/04/92
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 2000 sq. ft., 2 story wood structure, presence of asbestos, most recent use—admin. gen. purpose.
Bldg. 83008—Fort Huachuca
Property Number: 219120313
Fed Reg Date: 12/04/92
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 2192 sq. ft., 2 story wood structure, presence of asbestos, most recent use—admin. gen. purpose.
Bldg. 83015—Fort Huachuca
Property Number: 219120314
Fed Reg Date: 12/04/92
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 2325 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose.

California

Buildings

Bldg. 60
Property Number: 219120315
Fed Reg Date: 12/04/92
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos, CA, Co: Orange, Zip: 90720–5001
Status: Unutilized
Comment: 1024 sq. ft., 2 story concrete-wood plaster, possible asbestos, off-site use only, most recent use—nose hanger.
Bldg. 95
Property Number: 219120316
Fed Reg Date: 12/04/92
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos, CA, Co: Orange, Zip: 90720–5001
Status: Unutilized
Comment: 392 sq. ft., 1 story raised portable, off-site use only, most recent use—radar maint. shop.
Bldg. 186
Property Number: 219120317
Fed Reg Date: 12/04/92
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos, CA, Co: Orange, Zip: 90720–5001
Status: Unutilized
Comment: 996 sq. ft., 1 story steel, off-site use only, most recent use—storage.
Bldg. 196
Property Number: 219120318
Fed Reg Date: 12/04/92
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos, CA, Co: Orange, Zip: 90720–5001
Status: Unutilized
Comment: 1029 sq. ft., stucco structure, off-site use only, most recent use—storage.
Bldg. 197
Property Number: 219120319
Fed Reg Date: 12/04/92
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos, CA, Co: Orange, Zip: 90720–5001

Status: Unutilized
Comment: 720 sq. ft., 1 story stucco structure, off-site use only, most recent use—storage, possible asbestos.
Bldg. 262
Property Number: 219120320
Fed Reg Date: 12/04/92
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos, CA, Co: Orange, Zip: 90720–5001
Status: Unutilized
Comment: 448 sq. ft. trailer, off-site use only, most recent use—storage.
Bldg. 263
Property Number: 219120321
Fed Reg Date: 12/04/92
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos, CA, Co: Orange, Zip: 90720–5001
Status: Unutilized
Comment: 448 sq. ft. trailer, off-site use only, most recent use—storage.
Bldg. 265
Property Number: 219120322
Fed Reg Date: 12/04/92
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos, CA, Co: Orange, Zip: 90720–5001
Status: Unutilized
Comment: 448 sq. ft. trailer, off-site use only, most recent use—storage.
Bldg. 268
Property Number: 219120323
Fed Reg Date: 12/04/92
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos, CA, Co: Orange, Zip: 90720–5001
Status: Unutilized
Comment: 448 sq. ft. trailer, off-site use only, most recent use—storage.

Colorado

Buildings

Bldg. 1677, Fort Carson
Property Number: 219220456
Fed Reg Date: 12/04/92
Macgrath Avenue
Colorado Springs, CO, Co: El Paso, Zip: 80913–
Status: Unutilized
Comment: 9019 sq. ft., 1-story wood structure, most recent use—theater, needs repair, off-site removal only.

Georgia

Buildings

Bldg. 4920
Property Number: 219010002
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; most recent use—barracks; needs rehab.
Bldg. 4921
Property Number: 219010003
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; most recent use—barracks; needs rehab.
Bldg. 4915
Property Number: 219010004
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1297 sq. ft.; most recent use—headquarters building; needs rehab.
Bldg. 4914
Property Number: 219010005
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 810 sq. ft.; most recent use—arms building; needs rehab.
Bldg. 4910
Property Number: 219010105
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; most recent use—barracks; needs rehab.
Bldg. 4911
Property Number: 219010106
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; most recent use—barracks; needs rehab.
Bldg. 4927
Property Number: 219010107
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; most recent use—classrooms; 2-stories; needs rehab.
Bldg. 4928
Property Number: 219010108
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; most recent use—barracks; needs rehab.
Bldg. 5288
Property Number: 219010109
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1216 sq. ft.; most recent use—arms building; needs rehab.
Bldg. 5293
Property Number: 219010114
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2529 sq. ft.; most recent use—dining room; needs rehab.
Bldg. 5294
Property Number: 219010115
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2529 sq. ft.; most recent use—dining room; needs rehab.
Bldg. 5295
Property Number: 219010116
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2529 sq. ft.; most recent use—dining room; needs rehab.
Bldg. 5297
Property Number: 219010117
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1080 sq. ft.; most recent use—storehouse; needs rehab.
Bldg. 5298
Property Number: 219010118
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3759 sq. ft.; most recent use—general; needs rehab.
Bldg. 5299
Property Number: 219010119
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3759 sq. ft.; most recent use—general; needs rehab.
Bldg. 5366
Property Number: 219010135
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3759 sq. ft.; most recent use—recreation bldg.; needs rehab.
Bldg. 5367
Property Number: 219010136
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3579 sq. ft.; most recent use—recreation bldg.; needs rehab.
Bldg. 5390
Property Number: 219010137
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.
Bldg. 5362
Property Number: 219010147
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 5559 sq. ft.; most recent use—service club; needs rehab.
Bldg. 5363
Property Number: 219010148
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3759 sq. ft.; most recent use—recreation bldg.; needs rehab.

Bldg. 5365
Property Number: 219010150
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3759 sq. ft.; most recent use—recreation bldg.; needs rehab.

Bldg. 5392
Property Number: 219010151
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 5391
Property Number: 219010152
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 4865
Property Number: 219011447
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1098 sq. ft., 1 floor, most recent use—storehouse, needs rehab.

Bldg. 4867
Property Number: 219011448
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft., 2 floors; most recent use—trainee barracks; needs rehab/major construction to be habitable.

Bldg. 4868
Property Number: 219011450
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; needs major rehab/ construction to be habitable.

Bldg. 4869
Property Number: 219011451
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; needs major rehab/ construction to be habitable.

Bldg. 4870
Property Number: 219011452
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; needs major rehab/ construction to be made habitable.

Bldg. 4871
Property Number: 219011453
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1507 sq. ft.; 1 floor; most recent use—day room; needs major rehab/ construction to be made habitable.

Bldg. 4875
Property Number: 219011455
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—BN classrooms; major rehab/ construction required to be habitable.

Bldg. 4872
Property Number: 219011458
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2183 sq. ft.; 1 floor; most recent use—dining room; major construction required to be made habitable.

Bldg. 4873
Property Number: 219011465
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2183 sq. ft.; 1 floor; most recent use—dining room; major construction required to be made habitable.

Bldg. 4874
Property Number: 219011467
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1507 sq. ft.; 1 floor; most recent use—day room; major construction required to be made habitable.

Bldg. 4877
Property Number: 219011468
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; major rehab/ construction required to be habitable.

Bldg. 4876
Property Number: 219011470
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; needs major rehab/ construction required to be habitable.

Bldg. 4878
Property Number: 219011472
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; major rehab/ construction required to be made habitable

Bldg. 4880
Property Number: 219011474
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; major rehab/ construction required to be made habitable.

Bldg. 4902
Property Number: 219011476
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—barracks; major construction required to be made habitable.

Bldg. 4903
Property Number: 219011477
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; major construction required to be made habitable.

Bldg. 4904
Property Number: 219011478
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; major construction required to be made habitable.

Bldg. 4905
Property Number: 219011479
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 floors; most recent use—trainee barracks; major construction required to be made habitable.

Bldg. 4906
Property Number: 219011480
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1507 sq. ft.; 1 floor; most recent use—day room; major construction required to be made habitable.

Bldg. 4907
Property Number: 219011481
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2183 sq. ft.; 1 floor; most recent use—dining room facility; major construction required to be made habitable.

Bldg. 4908

Property Number: 219011482
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2183 sq. ft.; 1 floor; most recent use—dinning room facility; major construction required to be made habitable.

Bldg. 4909
Property Number: 219011483
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1507 sq. ft.; 1 floor; most recent use—day room; major construction required to be made habitable.

Bldg. 4901
Property Number: 219011484
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 810 sq. ft.; 1 floor; most recent use—other inst st.; major rehab/ construction to be made habitable is required.

Bldg. 4866
Property Number: 219011485
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905
Status: Unutilized
Comment: 794 sq. ft.; 1 floor; most recent use—arms bldg.; major rehab./construction required to be made habitable.

Bldg. 4879
Property Number: 219011486
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 794 sq. ft.; 1 floor; most recent use—arms building; major rehab/ construction required to be habitable.

Bldg. 4605
Property Number: 219011493
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 915 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4615
Property Number: 219011494
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 915 sq. ft.; bldgs. in poor condition, major construction needed to be made habitable.

Bldg. 4642
Property Number: 219011495
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3,068 sq. ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4643
Property Number: 219011496
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3,068 sq. ft.; buildings in poor condition, major construction needed to be made habitable.

Bldg. 4747
Property Number: 219011497
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 794 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4834
Property Number: 219011498
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 794 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4835
Property Number: 219011499
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1,501 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4840
Property Number: 219011500
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2,930 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4841
Property Number: 219011501
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2,930 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4843
Property Number: 219011502
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1,776 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4844
Property Number: 219011503
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3,776 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4846
Property Number: 219011504
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1,455 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4847
Property Number: 219011505
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 900 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4848
Property Number: 219011506
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 804 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4851
Property Number: 219011507
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1,888 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4852
Property Number: 219011508
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1,888 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4853
Property Number: 219011509
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1,888 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4854
Property Number: 219011510
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning

Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1,888 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4855
Property Number: 219011511
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1,507 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4856
Property Number: 219011512
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2,183 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4857
Property Number: 219011513
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2,160 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4858
Property Number: 219011514
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1,507 sq ft. building in poor condition, major construction needed to be made habitable.

Bldg. 4859
Property Number: 219011515
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1,888 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4860
Property Number: 219011516
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1,888 sq ft., building in poor condition, major construction needed to be habitable.

Bldg. 4861
Property Number: 219011517
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1,888 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4862
Property Number: 219011518
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1,888 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4863
Property Number: 219011519
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 794 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4864
Property Number: 219011520
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1,292 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4507
Property Number: 219011673
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq ft.; most recent use—barracks, needs substantial rehabilitation, 2 floors.

Bldg. 4506
Property Number: 219011675
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2145 sq. ft.; most recent use—dining facilities, needs substantial rehabilitation, 1 floor.

Bldg. 4505
Property Number: 219011676
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2145 sq. ft.; most recent use—dining facility, needs substantial rehabilitation, 1 floor.

Bldg. 4487
Property Number: 219011681
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905
Status: Unutilized
Comment: 1868 sq. ft.; most recent use—telephone exchange bldg.; needs substantial rehabilitation, 1 floor.

Bldg. 4484
Property Number: 219011682
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1098 sq. ft.; most recent use—storehouse; needs substantial rehabilitation, 1 floor.

Bldg. 4319
Property Number: 219011683
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2584 sq. ft.; most recent use—vehicle maintenance shop; needs substantial rehabilitation, 1 floor.

Bldg. 4481
Property Number: 219011685
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1507 sq. ft.; most recent use—administrative (day room); needs substantial rehabilitation, 1 floor.

Bldg. 4479
Property Number: 219011686
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1507 sq. ft.; most recent use—administrative (day room); needs substantial rehabilitation; 1 floor.

Bldg. 3400
Property Number: 219011694
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2570 sq. ft.; most recent use—fire station; needs substantial rehabilitation; 1 floor.

Bldg. 2285
Property Number: 219011704
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4574 sq. ft.; most recent use—clinic; needs substantial rehabilitation; 1 floor.

Bldg. 4092
Property Number: 219011709
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 336 sq. ft.; most recent use—inflamable materials storage; needs substantial rehabilitation; 1 floor.

Bldg. 4089
Property Number: 219011710
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 176 sq. ft.; most recent use—gas station; needs substantial rehabilitation; 1 floor.

Bldg. 5266
Property Number: 219012364
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1400 sq. ft.; one story; most recent use—day room; in poor condition; needs major rehab.

Bldg. 5267
Property Number: 219012365
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major repair.

Bldg. 5268
Property Number: 219012367
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5269
Property Number: 219012368
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5270
Property Number: 219012369
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5271
Property Number: 219012370
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—administrative; poor condition; needs major rehab.

Bldg. 5276
Property Number: 219012376
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5283
Property Number: 219012386
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 4936
Property Number: 219012388
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 4937
Property Number: 219012389
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2183 sq. ft.; 1 story; most recent use—dining room; poor condition; needs major rehab.

Bldg. 4938
Property Number: 219012391
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1320 sq. ft.; one story; most recent use—administrative; poor condition; needs major rehab.

Bldg. 4939
Property Number: 219012392
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1800 sq. ft.; one story; most recent use—classrooms; poor condition; needs major rehab.

Bldg. 4951
Property Number: 219012394
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2192 sq. ft.; one story; most recent use—storehouse; poor condition; needs major rehab.

Bldg. 4953
Property Number: 219012395
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 794 sq. ft.; 1 story; most recent use—storehouse; poor condition; needs major rehab.

Bldg. 4954
Property Number: 219012397
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—custody fac.; poor condition; needs major rehab.

Bldg. 4926
Property Number: 219012398
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—classrooms; poor condition; needs major rehab.

Bldg. 4925
Property Number: 219012400
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1507 sq. ft.; one story; most recent use—classroom; poor condition; needs major rehab.

Bldg. 4924
Property Number: 219012401
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2183 sq. ft; one story; most recent use—dining room; poor condition; needs major rehab.

Bldg. 4919
Property Number: 219012403
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 4918
Property Number: 219012404
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 4917
Property Number: 219012405
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 810 sq. ft.; 1 story; most recent use—arms building; poor condition; needs major rehab.

Bldg. 4929
Property Number: 219012406
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 4930
Property Number: 219012408
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning

Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 810 sq. ft.; 1 story; most recent use—arms building; poor condition; needs major rehab.

Bldg. 4931
Property Number: 219012410
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; two story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 5287
Property Number: 219012411
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1216 sq. ft.; 1 story; most recent use—arms building; poor condition; needs major rehab.

Bldg. 4912
Property Number: 219012417
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—barracks; needs major rehab.

Bldg. 4933
Property Number: 219012418
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—barracks; needs major rehab.

Bldg. 4934
Property Number: 219012419
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1507 sq. ft.; one story; most recent use—dayroom; needs major rehab.

Bldg. 4932
Property Number: 219012421
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 794 sq. ft.; 1 story; most recent use—storehouse; needs rehab.

Bldg. 4935
Property Number: 219012422
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—barracks; needs major rehab.

Bldg. 34402
Property Number: 219014285
Fed Reg Date: 12/04/92
Project Name: Fort Gordon
Fort Gordon
Augusta, GA, Co: Richmond, Zip: 30905–
Location: Located on Avenue of the States.
Status: Underutilized
Comment: 4524 sq. ft.; 2 story wood structure; needs major rehab; off-site use only.

Bldg. 3404
Property Number: 219014286
Fed Reg Date: 12/04/92
Project Name: Fort Gordon
Fort Gordon
Augusta, GA, Co: Richmond, Zip: 30905–
Location: Located on Avenue of the States.
Status: Underutilized
Comment: 4524 sq. ft.; 2 story wood structure; needs major rehab; off-site use only.

Bldg. 35401
Property Number: 219014287
Fed Reg Date: 12/04/92
Project Name: Fort Gordon
Fort Gordon
Augusta, GA, Co: Richmond, Zip: 30905–
Location: Located on Avenue of the States.
Status: Underutilized
Comment: 4524 sq. ft.; 2 story wood structure; needs major rehab; off-site use only.

Bldg. 1235
Property Number: 219014887
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9367 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 1236
Property Number: 219014888
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9367 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 1251
Property Number: 219014889
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 18385 sq. ft.; 1 story building; needs rehab; most recent use—Arms Repair Shop.

Bldg. 2591
Property Number: 219014906
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1663 sq. ft.; 1 story building; needs rehab; most recent use—General storehouse.

Bldg. 3005
Property Number: 219014907
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 7688 sq. ft.; 2 story building; needs rehab; most recent use—Barracks.

Bldg. 3006
Property Number: 219014908
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 7688 sq. ft.; 2 story building; needs rehab; most recent use—Barracks.

Bldg. 3007
Property Number: 219014909
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 7688 sq. ft.; 2 story building; needs rehab; most recent use—Barracks.

Bldg. 3008
Property Number: 219014910
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 7688 sq. ft.; 2 story building; needs rehab; most recent use—Barracks.

Bldg. 3009
Property Number: 219014911
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 7688 sq. ft.; 2 story building; needs rehab; most recent use—Barracks

Bldg. 3010
Property Number: 219014912
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 7688 sq. ft.; 2 story building; needs rehab; most recent use—Barracks.

Bldg. 3080
Property Number: 219014913
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1372 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 3081
Property Number: 219014914
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2284 sq. ft.; 1 story building; needs rehab; most recent use—Clinic.

Bldg. 4022
Property Number: 219014915
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1712 sq. ft.; 1 story building; needs rehab; most recent use—Clinic.

Bldg. 4491
Property Number: 219014916
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 18240 sq. ft.; 1 story building; needs rehab; most recent use—Vehicle maintenance shop.

Bldg. 4500

Property Number: 219014917
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1372 sq. ft.; 1 story building; needs rehab; most recent use—Arms Building.

Bldg. 4511
Property Number: 219014918
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft.; 2 story building; needs rehab; most recent use—Barracks.

Bldg. 4633
Property Number: 219014919
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 5069 sq. ft.; 1 story building; needs rehab; most recent use—Training Building.

Bldg. 4634
Property Number: 219014920
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 5069 sq. ft.; 1 story building; needs rehab; most recent use—Training Building.

Bldg. 4646
Property Number: 219014921
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1372 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 4649
Property Number: 219014922
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2250 sq. ft.; 1 story building; needs rehab; most recent use—Headquarters Building.

Bldg. 4690
Property Number: 219014923
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1372 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 4751
Property Number: 219014924
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3960 sq. ft.; 1 story building; needs rehab; most recent use—Recreation building.

Bldg. 4752
Property Number: 219014925
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2284 sq. ft.; 1 story building; needs rehab; most recent use—Headquarters Building.

Bldg. 95
Property Number: 219120253
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1006 sq. ft.; 1 story, most recent use—fire station annex, needs rehab.

Bldg. 1234
Property Number: 219120254
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 16148 sq. ft.; 2 story, most recent use—officer's club, needs rehab.

Bldg. 1684
Property Number: 219120255
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2671 sq. ft.; 1 story, needs rehab, most recent use—administration/general purpose.

Bldg. 1827
Property Number: 219120257
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 943 sq. ft.; 1 story, needs rehab, most recent use—administration/ general purpose.

Bldg. 2150
Property Number: 219120258
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3909 sq. ft.; 1 story, needs rehab, most recent use—general inst. bldg.

Bldg. 2212
Property Number: 219120259
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft.; 2 story, needs rehab, most recent use—drug abuse center.

Bldg 2213.
Property Number: 219120260
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft.; 2 story, needs rehab; most recent use—drug abuse center.

Bldg. 2214
Property Number: 219120261
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2253 sq. ft.; 1 story, needs rehab, most recent use—enlisted persons dining room.

Bldg. 2215
Property Number: 219120262
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1844 sq. ft.; 1 story, needs rehab, most recent use—day room.

Bldg. 2409
Property Number: 219120263
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9348 sq. ft.; 1 story, needs rehab, most recent use—general purpose warehouse.

Bldg. 2548
Property Number: 219120264
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2337 sq. ft.; 1 story, needs rehab, most recent use—clinic w/o beds.

Bldg. 2590
Property Number: 219120265
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3132 sq. ft.; 1 story, needs rehab, most recent use—vehicle maintenance shop.

Bldg. 3828
Property Number: 219120266
Fed Reg Date: 12/04/92
Project Name: Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 628 sq. ft.; 1 story, needs rehab, most recent use—general storehouse.

Bldg. 5284
Property Number: 219120267
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 5310 sq. ft., 2 story, needs rehab, most recent use—trainee barracks.

Bldg. 3084
Property Number: 219220687
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent use—barracks, needs major rehab, off-site removal only.

Bldg. 3086, Fort Benning
Property Number: 219220688
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent use—barracks, needs major rehab, off-site removal only.

Bldg. 3089, Fort Benning
Property Number: 219220689
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent use—barracks, needs major rehab, off-site removal only.

Bldg. 3092, Fort Benning
Property Number: 219220690
Fed Reg Date: 12/04/92

Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent use—barracks, needs major rehab, off-site removal only.

Bldg. 3094, Fort Benning
Property Number: 219220691
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent use—barracks, needs major rehab, off-site removal only.

Bldg. 3097, Fort Benning
Property Number: 219220692
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent use—barracks, needs major rehab, off-site removal only.

Bldg. 499, Fort Benning
Property Number: 219220693
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 840 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 1252, Fort Benning
Property Number: 219220694
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 583 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 1253, Fort Benning
Property Number: 219220695
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 617 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 1678, Fort Benning
Property Number: 219220697
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9342 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 1733, Fort Benning
Property Number: 219220698
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9375 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 3083, Fort Benning
Property Number: 219220699
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1372 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 3091, Fort Benning
Property Number: 219220700
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1635 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 3093, Fort Benning
Property Number: 219220701
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1372 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 3100, Fort Benning
Property Number: 219220702
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1372 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 3856, Fort Benning
Property Number: 219220703
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4111 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4099, Fort Benning
Property Number: 219220704
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2740 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4216, Fort Benning
Property Number: 219220705
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9211 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4490, Fort Benning
Property Number: 219220706
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2740 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4881, Fort Benning
Property Number: 219220707
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2449 sq. ft., 1 story, most recent use—storehouse, needs repairs, off-site removal only.

Bldg. 4941, Fort Benning
Property Number: 219220708
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2485 sq. ft., 1 story, most recent use—storehouse, needs repairs, off-site removal only.

Bldg. 4943, Fort Benning
Property Number: 219220709
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 960 sq. ft., 1 story, most recent use—storehouse, needs repairs, off-site removal only.

Bldg. 4963, Fort Benning
Property Number: 219220710
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storehouse, needs repairs, off-site removal only.

Bldg. 5214, Fort Benning
Property Number: 219220711
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1520 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 2396, Fort Benning
Property Number: 219220712
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9786 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 3011, Fort Benning
Property Number: 219220713
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2775 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 3012, Fort Benning
Property Number: 219220714
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2794 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 3085, Fort Benning
Property Number: 219220715
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2253 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 3088, Fort Benning
Property Number: 219220716
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2253 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 3087, Fort Benning
Property Number: 219220717
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1884 sq. ft., 1 story, most recent use—day room, needs major rehab, off-site removal only.

Bldg. 3095, Fort Benning
Property Number: 219220718
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1884 sq. ft., 1 story, most recent use—day room, needs major rehab, off-site removal only.

Bldg. 3246, Fort Benning
Property Number: 219220719

Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 973 sq. ft., 1 story, most recent use—tailor shop, needs major rehab, off-site removal only.

Bldg. 3730, Fort Benning
Property Number: 219220720
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 13587 sq. ft., 1 story, most recent use—gym, needs major rehab, off-site removal only.

Bldg. 5261, Fort Benning
Property Number: 219220721
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1750 sq. ft., 1 story, most recent use—day room, needs major rehab, off-site removal only.

Bldg. 5262, Fort Benning
Property Number: 219220722
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1750 sq. ft., 1 story, most recent use—day room, needs major rehab, off-site removal only.

Bldg. 5263, Fort Benning
Property Number: 219220723
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1750 sq. ft., 1 story, most recent use—day room, needs major rehab, off-site removal only.

Bldg. 5264, Fort Benning
Property Number: 219220724
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1750 sq. ft., 1 story, most recent use—day room, needs major rehab, off-site removal only.

Bldg. 5265, Fort Benning
Property Number: 219220725
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1750 sq. ft., 1 story, most recent use—day room, needs major rehab, off-site removal only.

Bldg. 2537, Fort Benning
Property Number: 219220726
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 820 sq. ft., 1 story, most recent use—storage, needs major rehab, off-site removal only.

Bldg. 4882, Fort Benning
Property Number: 219220727
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, needs repairs, off-site removal only.

Bldg. 4967, Fort Benning
Property Number: 219220728
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, needs repairs, off-site removal only.

Bldg. 1230, Fort Benning
Property Number: 219220729
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4386 sq. ft., 1 story, most recent use—general instruction bldg., needs major rehab, off-site removal only.

Bldg. 1231, Fort Benning
Property Number: 219220730
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4386 sq. ft., 1 story, most recent use—general instruction bldg., needs major rehab, off-site removal only.

Bldg. 4497, Fort Benning
Property Number: 219220731
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4850 sq. ft., 1 story, most recent use—general instruction bldg., needs major rehab, off-site removal only.

Bldg. 4689, Fort Benning
Property Number: 219220732
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3492 sq. ft., 1 story, most recent use—general instruction bldg., needs major rehab, off-site removal only.

Bldg. 5394, Fort Benning
Property Number: 219220733
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 10944 sq. ft., 1 story, most recent use—general instruction bldg., needs major rehab, off-site removal only.

Bldg. 5396, Fort Benning
Property Number: 219220734
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 10944 sq. ft., 1 story, most recent use—general instruction bldg., needs major rehab, off-site removal only.

Bldg. 247, Fort Benning
Property Number: 219220735
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1144 sq. ft., 1 story, most recent use—offices, needs major rehab, off-site removal only.

Bldg. 4977, Fort Benning
Property Number: 219220736
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—offices, needs repairs, off-site removal only.

Bldg. 4978, Fort Benning
Property Number: 219220737
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—offices, needs repairs, off-site removal only.

Bldg. 3099, Fort Benning
Property Number: 219220738
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2794 sq. ft., 1 story, most recent use—administration, needs major rehab, off-site removal only.

Bldg. 4833, Fort Benning
Property Number: 219220739
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 5088 sq. ft., 1 story, most recent use—administration, needs repairs, off-site removal only.

Bldg. 5153, Fort Benning
Property Number: 219220740
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 8044 sq. ft., 1 story, most recent use—administration, needs major rehab, off-site removal only.

Bldg. 1240, Fort Benning
Property Number: 219220741
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1197 sq. ft., 1 story, most recent use—recreation, needs major rehab, off-site removal only.

Bldg. 1673, Fort Benning
Property Number: 219220742
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1286 sq. ft., 1 story, most recent use—recreation, needs major rehab, off-site removal only.

Bldg. 3743, Fort Benning
Property Number: 219220743
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 6954 sq. ft., 1 story, most recent use—recreation center, needs major rehab, off-site removal only.

Bldg. 3805, Fort Benning
Property Number: 219220744
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2330 sq. ft., 1 story, most recent use—recreation bldg., needs major rehab, off-site removal only.

Bldg. 3806, Fort Benning
Property Number: 219220745
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2330 sq. ft., 1 story, most recent use—recreation bldg., needs major rehab, off-site removal only.

Bldg. 5364, Fort Benning
Property Number: 219220746
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4699 sq. ft., 1 story, most recent use—recreation bldg , needs major rehab, off-site removal only

Bldg. 4944, Fort Benning
Property Number: 219220747
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 6400 sq. ft., 1 story, most recent use—vehicle maintenance shop, need repairs, off-site removal only.

Bldg. 4946, Fort Benning
Property Number: 219220748
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3444 sq. ft., 1 story, most recent use—vehicle maintenance shop, needs major rehab, off-site removal only.

Bldg. 4947, Fort Benning
Property Number: 219220749
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3444 sq. ft., 1 story, most recent use—vehicle maintenance shop, needs major rehab, off-site removal only.

Bldg. 4948, Fort Benning
Property Number: 219220750
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3444 sq. ft., 1 story, most recent use—vehicle maintenance shop, needs major rehab, off-site removal only.

Bldg. 4949, Fort Benning
Property Number: 219220751
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3444 sq. ft., 1 story, most recent use—vehicle maintenance shop, needs major rehab, off-site removal only.

Bldg. 4960, Fort Benning
Property Number: 219220752
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3335 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 4969, Fort Benning
Property Number: 219220753
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 8416 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 1724, Fort Benning
Property Number: 219220754
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 7873 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 1758, Fort Benning
Property Number: 219220755
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 7817 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 1680, Fort Benning
Property Number: 219220756
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9243 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 1682, Fort Benning
Property Number: 219220757
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9250 sq. ft., 1 story, most recent use—warehouse, needs a major rehab, off-site removal only.

Bldg. 3817, Fort Benning
Property Number: 219220758
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4000 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 4372, Fort Benning
Property Number: 219220759
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9190 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 1732, Fort Benning
Property Number: 219220760
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2304 sq. ft., 1 story, most recent use—headquarters bldg., needs major rehab, off-site removal only.

Bldg. 3082, Fort Benning
Property Number: 2192207761
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2794 sq. ft., 1 story, most recent use—headquarters bldg., needs major rehab, off-site removal only.

Bldg. 4884, Fort Benning
Property Number: 219220762
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., needs repairs, off-site removal only.

Bldg. 4964, Fort Benning
Property Number: 219220763
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., needs repairs, off-site removal only.

Bldg. 4966, Fort Benning
Property Number: 219220764
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., needs repairs, off-site removal only.

Bldg. 5105, Fort Benning
Property Number: 219220765
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2350 sq. ft., 1 story, most recent use—headquarters bldg., needs major rehab, off-site removal only.

Bldg. 5260, Fort Benning
Property Number: 219220766
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1750 sq. ft., 1 story, most recent use—headquarters bldg., needs major rehab, off-site removal only.

Bldg. 4679, Fort Benning
Property Number: 219220767
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 8657 sq. ft., 1 story, most recent use—supply bldg., needs major rehab, off-site removal only.

Bldg. 4883, Fort Benning
Property Number: 219220768
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2600 sq. ft., 1 story, most recent use—supply bldg., needs repairs, off-site removal only.

Bldg. 4965, Fort Benning
Property Number: 219220769
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 7713 sq. ft., 1 story, most recent use—supply bldg., needs repairs, off-site removal only.

Bldg. 2513, Fort Benning
Property Number: 219220770
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9483 sq. ft., 1 story, most recent use—training center, needs major rehab, off-site removal only.

Bldg. 2526, Fort Benning
Property Number: 219220771
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 11855 sq. ft., 1 story, most recent use—training center, needs major rehab, off-site removal only.

Bldg. 2589, Fort Benning
Property Number: 219220772
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 146 sq. ft., 1 story, most recent use—training bldg., needs major rehab, off-site removal only.

Bldg. 4486, Fort Benning
Property Number: 219220773
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3238 sq. ft., 1 story, most recent use—chapel, needs major rehab, off-site removal only.

Bldg. 4832, Fort Benning
Property Number: 219220774
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized

Comment: 3364 sq. ft., 1 story, most recent use—chapel, needs major rehab, off-site removal only.

Bldg. 233, Fort Benning
Property Number: 219220775
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 5006 sq. ft., 1 story, most recent use—repair shop, needs major rehab, off-site removal only.

Bldg. 4970, Fort Benning
Property Number: 219220776
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4912 sq. ft., 1 story, need repairs, off-site removal only.

Bldg. 4971, Fort Benning
Property Number: 219220777
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1944 sq. ft., 1 story, need repairs, off-site removal only.

Bldg. 4976, Fort Benning
Property Number: 219220778
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—gas station, needs repairs, off-site removal only.

Bldg. 4945, Fort Benning
Property Number: 219220779
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 220 sq. ft., 1 story, most recent use—gas station, needs major rehab, off-site removal only.

Bldg. 4979, Fort Benning
Property Number: 219220780
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 400 sq. ft., 1 story, most recent use—oil house, needs repairs, off-site removal only.

Bldg. 5200, Fort Benning
Property Number: 219220781
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 14934 sq. ft., 2 story, most recent use—theater, needs major rehab, off-site removal only.

Bldg. 5285, Fort Benning
Property Number: 219220782
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1520 sq. ft., 1 story, most recent use—arms bldg., needs major rehab, off-site removal only.

Bldg. 2601, Fort Benning
Property Number: 219220784
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent use—indoor firing range, needs major rehab, off-site removal only.

Bldg. 4215, Fort Benning
Property Number: 219220785
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 11850 sq. ft., 1 story, most recent use—sales store, needs major rehab, off-site removal only.

Bldg. 4627, Fort Benning
Property Number: 219220786
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1676 sq. ft., 1 story, most recent use—sentry station, needs major rehab, off-site removal only.

Bldg. 5286, Fort Benning
Property Number: 219220788
Fed Reg Date: 12/04/92
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1520 sq. ft., 1-story, most recent use—arms bldg., needs major rehab, off-site removal only.

Hawaii

Buildings

P–88
Property Number: 219030324
Fed Reg Date: 12/04/92
Project Name: Aliamanu Military Reservation
Aliamanu Military Reservation
Honolulu, HI, Co: Honolulu, Zip: 96818–
Location: Approximately 600 feet from Main gate on Aliamanu Drive
Status: Unutilized
Comment: 45,216 sq. ft. underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations.

Indiana

Buildings

Bldg. 703–1C
Property Number: 219013761
Fed Reg Date: 12/04/92
Project Name: Indiana Army Ammo. Plant
Indiana Army Ammunition Plant
Charlestown, IN, Co: Clark, Zip:
Location: Gate 22 off Highway 22
Status: Underutilized
Comment: 4000 sq. ft.; 2 story brick frame, possible asbestos; most recent use—exercise area.

Bldg. 1011 (Portion of)
Property Number: 219013762
Fed Reg Date: 12/04/92
Project Name: Indiana Army Ammo. Plant
Indiana Army Ammunition Plant
End of 3rd Street
Charlestown, IN, Co: Clark, Zip:
Location: East of State Highway 62 at Gate 3
Status: Underutilized
Comment: 4040 sq. ft.; 1 story concrete block frame; possible asbestos; secured area with alternate access; most recent use—office.

Bldg. 1001 (Portion of)
Property Number: 219013763
Fed Reg date: 12/04/92
Project name: Indiana Army Ammu. Plant
Indiana Army Ammunition Plant
Charlestown, IN, Co: Clark, Zip:
Location: South end of 3rd Street, East of Highway 62 at entrance gate.
Status: Underutilized
Comment: 55630 sq. ft.; 1 story concrete block; possible asbestos; secured area with alternate access; most recent use—cloth bag manufacturing.

Kansas

Land

Parcel 1
Property Number: 219012333
Fed Reg Date: 12/04/92
Project Name: Fort Leavenworth
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth, Zip: 66027–5020
Status: Underutilized
Comment: 14.4+ acres.

Parcel 3
Property Number: 219012336
Fed Reg Date: 12/04/92
Project Name: Fort Leavenworth
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth, Zip: 66027–5020
Status: Underutilized
Comment: 261+ acres; heavily forrested; no access to a public right-of-way; selected periods are reserved for military/training exercises.

Parcel 4
Property Number: 219012339
Fed Reg Date: 12/04/92
Project Name: Fort Leavenworth
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth, Zip: 66027–5020
Status: Underutilized
Comment: 24.1+ acres; selected periods are reserved for military/training exercises; steep/wooded area.

Parcel 6
Property Number: 219012340
Fed Reg Date: 12/04/92
Project Name: Fort Leavenworth
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth, Zip: 66027–5020
Location: Extreme north east corner of installation in Flood Plain of the Missouri River.
Status: Underutilized
Comment: 1280 acres; selected periods are reserved for military/training exercises.

Parcel F
Property Number: 219012552
Fed Reg Date: 12/04/92
Project Name: Fort Leavenworth
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth, Zip: 66027–5020
Status: Underutilized
Comment: 33.4 acres; area is land locked; heavily wooded; periodic flooding.

Buildings

Bldg. T–1351, Fort Riley
Property Number: 219210284
Fed Reg Date: 12/04/92
Ft. Riley, KS, Co: Geary, Zip: 66442 -
Status: Unutilized

Comment: 4862 sq. ft., 2 story wood frame, most recent use—barracks needs rehab, presence of asbestos.

Bldg. T–1252
Property Number: 219230365
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4841 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–1253
Property Number: 219230366
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4841 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–1283
Property Number: 219230367
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4847 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–1284
Property Number: 219230368
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4847 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–1353
Property Number: 219230369
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4862 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–1354
Property Number: 219230370
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4862 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–2551
Property Number: 219230371
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4826 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–2552
Property Number: 219230372
Fed Reg Date: 12/04/92
Fort Riley
Fort Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4826 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–2553
Property Number: 219230373
Fed Reg Date: 12/04/92
Fort Riley
Fort Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4826 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–2554
Property Number: 219230374
Fed Reg Date: 12/04/92
Fort Riley
Fort Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4826 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–2555
Property Number: 219230375
Fed Reg Date: 12/04/92
Fort Riley
Fort Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4826 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–2556
Property Number: 219230376
Fed Reg Date: 12/04/92
Fort Riley
Fort Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4826 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–2557
Property Number: 219230377
Fed Reg Date: 12/04/92
Fort Riley
Fort Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4826 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–2558
Property Number: 219230378
Fed Reg Date: 12/04/92
Fort Riley
Fort Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4826 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–2571
Property Number: 219230379
Fed Reg Date: 12/04/92
Fort Riley
Fort Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4826 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–2572
Property Number: 219230380
Fed Reg Date: 12/04/92
Fort Riley
Fort Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4826 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–2573
Property Number: 219230381
Fed Reg Date: 12/04/92
Fort Riley
Fort Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4826 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–2574
Property Number: 219230382
Fed Reg Date: 12/04/92
Fort Riley
Fort Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4826 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–2575
Property Number: 219230383
Fed Reg Date: 12/04/92
Fort Riley
Fort Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4826 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–2576
Property Number: 219230384
Fed Reg Date: 12/04/92
Fort Riley
Fort Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4826 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–2577
Property Number: 219230385
Fed Reg Date: 12/04/92
Fort Riley
Fort Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4826 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–2578
Property Number: 219230386
Fed Reg Date: 12/04/92
Fort Riley
Fort Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 4826 sq. ft., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldg. T–2550
Property Number: 219230387
Fed Reg Date: 12/04/92
Fort Riley
Fort Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 3186 sq. ft., 1 story wood frame, presence of asbestos, most recent use—dining, needs rehab.

Bldg. T–2559
Property Number: 219230388
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 3186 sq. ft., 1 story wood frame, presence of asbestos, most recent use—dining, needs rehab.

Bldg. T–2570
Property Number: 219230389
Fed Reg Date: 12/04/92
Fort Riley

Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 3186 sq. ft., 1 story wood frame, presence of asbestos, most recent use—dining, needs rehab.

Bldg. T–2579
Property Number: 219230390
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 3186 sq. ft., 1 story wood frame, presence of asbestos, most recent use—dining, needs rehab.

Bldg. T–1254
Property Number: 219230391
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 2780 sq. ft., 1 story wood frame, presence of asbestos, most recent use—custody facility, needs rehab.

Bldg. T–1255
Property Number: 219230392
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 2592 sq. ft., 1 story wood frame, presence of asbestos, most recent use—custody facility, needs rehab.

Bldg. T–1350
Property Number: 219230393
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 2456 sq. ft., 1 story wood frame, presence of asbestos, most recent use—custody facility, needs rehab.

Bldg. T–1633
Property Number: 219230394
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 3156 sq. ft., 1 story wood frame, presence of asbestos, most recent use—maintenance facility, needs rehab.

Bldg. T–1301
Property Number: 219230395
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 3339 sq. ft., 2 story wood frame, presence of asbestos, most recent use—craft shop, needs rehab.

Bldg. T–1919
Property Number: 219230396
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 7758 sq. ft., 2 story wood frame, presence of asbestos, most recent use—theater, needs rehab.

Bldg. T–1921
Property Number: 219230397
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 3922 sq. ft., 1 story chapel, presence of asbestos.

Bldg. T–2307
Property Number: 219230398
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 3905 sq. ft., 1 story chapel, presence of asbestos.

Bldg. T–2562
Property Number: 219230399
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 1327 sq. ft., 1 story wood frame, presence of asbestos, most recent use—administration, needs rehab.

Bldg. T–2563
Property Number: 219230400
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 1327 sq. ft., 1 story wood frame, presence of asbestos, most recent use—administration, needs rehab.

Bldg. T–2568
Property Number: 219230401
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 1327 sq. ft., 1 story wood frame, presence of asbestos, most recent use—administration, needs rehab.

Bldg. T–2569
Property Number: 219230402
Fed Reg Date: 12/04/92
Fort Riley
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 1343 sq. ft., 1 story wood frame, presence of asbestos, most recent use—administration, needs rehab.

Kentucky

Buildings

Bldg. 104
Property Number: 219010937
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Underutilized
Comment: 15066 sq. ft.; two story; possible asbestos; most recent use—barracks.

Bldg. 126
Property Number: 219010938
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Underutilized
Comment: 12576 sq. ft.; two story; possible asbestos; most recent use—storage.

Bldg. 122
Property Number: 219010939
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Underutilized
Comment: 1488 sq. ft.; two story; possible asbestos; most recent use—storage and administration.

Bldg. 141
Property Number: 219010940
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Underutilized
Comment: 12576 sq. ft.; two story; possible asbestos; most recent use—administration

Bldg. 147
Property Number: 219010941
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Underutilized
Comment: 12576 sq. ft.; two story; possible asbestos; most recent use—storage.

Bldg. 149
Property Number: 219010942
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Underutilized
Comment: 12576 sq. ft.; two story; possible asbestos; most recent use—storage.

Bldg. 161
Property Number: 219010943
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Comment: 12576 sq. ft.; two story; possible asbestos; most recent use—Elementary School.

Bldg. 165
Property Number: 219010944
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Underutilized
Comment: 12576 sq. ft.; two story; possible asbestos; most recent use—storage.

Bldg. 167
Property Number: 219010945
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Underutilized
Comment: 12576 sq. ft.; two story; possible asbestos; most recent use—storage.

Bldg. 169
Property Number: 219010946
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Underutilized

Comment: 12576 sq. ft.; two story; possible asbestos; most recent use—storage and administration.
Bldg. 2244
Property Number: 219010948
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Underutilized
Comment: 4248 sq. ft.; two story; possible asbestos; most recent use—storage.
Bldg. 3110
Property Number: 219010950
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Comment: 1000 sq. ft.; one story; possible asbestos; most recent use—administration.
Bldg. 5954
Property Number: 219010953
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Comment: 2179 sq. ft.; one story; possible asbestos; most recent use—Military Vehicle Maintenance Shop, Organizational.
Bldg. 5956
Property Number: 219010956
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Comment: 2179 sq. ft.; one story; possible asbestos; most recent use—Military Vehicle Maintenance Shop; Organizational.
Bldg. 5958
Property Number: 219010958
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Comment: 2179 sq. ft.; one story; possible asbestos; most recent use—Military Maintenance Shop, Organizational.
Bldg. 5960
Property Number: 219010961
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Comment: 2179 sq. ft.; one story; possible asbestos; most recent use—Military Vehicle Maintenance Shop, Organizational.
Bldg. 6605
Property Number: 219010968
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Underutilized
Comment: 1968 sq. ft.; one story; most recent use—storage.
Bldg. 143
Property Number: 219013139
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Comment: 12576 sq. ft.; 2 story; possible asbestos; most recent use—child care and administration.
Bldg. 3148
Property Number: 219013223
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Underutilized
Comment: 2200 sq. ft.; 1 story; possible asbestos; selected periods used for military/training exercises.
Bldg. 00837, Fort Campbell
Property Number: 219220447
Fed Reg Date: 12/04/92
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Comment: 2296 sq. ft.; 1-story wooden structure with metal siding, presence of asbestos, most recent use—railroad repair shop, off-site removal only.
Bldg. 0236, Fort Knox
Property Number: 219230306
Fed Reg Date: 12/04/92
Fort Knox, KY, Co: Hardin, Zip: 40121–
Status: Underutilized
Comment: 3032 sq. ft.; 1-story; needs rehab, most recent use—maintenance shop, off-site use only.
Bldg. 0655, Fort Knox
Property Number: 219230307
Fed Reg Date: 12/04/92
Fort Knox, KY, Co: Hardin, Zip: 40121–
Status: Underutilized
Comment: 1500 sq. ft.; 1-story; needs rehab, most recent use—storehouse, off-site use only.
Bldg. 1063, Fort Knox
Property Number: 219230308
Fed Reg Date: 12/04/92
Fort Knox, KY, Co: Hardin, Zip: 40121–
Status: Underutilized
Comment: 1600 sq. ft.; 1-story; needs rehab, most recent use—instruction bldg., off-site use only.
Bldg. 1373, Fort Knox
Property Number: 219230309
Fed Reg Date: 12/04/92
Fort Knox, KY, Co: Hardin, Zip: 40121–
Status: Underutilized
Comment: 2034 sq. ft.; 1-story; needs rehab, most recent use—admin, off-site use only.
Bldg. 2415, Fort Knox
Property Number: 219230310
Fed Reg Date: 12/04/92
Fort Knox, KY, Co: Hardin, Zip: 40121–
Status: Underutilized
Comment: 7525 sq. ft.; 2-story; needs rehab, most recent use—admin, off-site use only.
Bldg. 2417, Fort Knox
Property Number: 219230311
Fed Reg Date: 12/04/92
Fort Knox, KY, Co: Hardin, Zip: 40121–
Status: Underutilized
Comment: 7540 sq. ft.; 2-story; needs rehab, most recent use—admin, off-site use only.
Bldg. 2707, Fort Knox
Property Number: 219230312
Fed Reg Date: 12/04/92
Fort Knox, KY, Co: Hardin, Zip: 40121–
Status: Underutilized
Comment: 4598 sq. ft.; 2-story; needs rehab, most recent use—admin, off-site use only.
Bldg. 2708, Fort Knox
Property Number: 219230313
Fed Reg Date: 12/04/92
Fort Knox, KY, Co: Hardin, Zip: 40121–
Status: Underutilized
Comment: 3560 sq. ft.; 2-story; needs rehab, most recent use—offices, off-site use only.
Bldg. 2711, Fort Knox
Property Number: 219230314
Fed Reg Date: 12/04/92
Fort Knox, KY, Co: Hardin, Zip: 40121–
Status: Underutilized
Comment: 1275 sq. ft.; 1-story; needs rehab, most recent use—storage, off-site use only.
Bldg. 7001, Fort Knox
Property Number: 219230315
Fed Reg Date: 12/04/92
Ft. Knox, KY, Co: Hardin, Zip: 40121–
Status: Underutilized
Comment: 962 sq. ft., 1-story, needs rehab, most recent use—admin., off-site use only.
Bldg. 7002, Fort Knox
Property Number: 219230316
Fed Reg Date: 12/04/92
Ft. Knox, KY, Co: Hardin, Zip: 40121–
Status: Underutilized
Comment: 3085 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only.

Louisiana

Buildings

Bldg. 8026
Property Number: 219012724
Fed Reg Date: 12/04/92
Project Name: Fort Polk
10th Street
Fort Polk, LA, Co: Vernon, Zip: 71459–5000
Status: Underutilized
Comment: 2580 sq. ft.; 1 story temporary wood frame; most recent use—storage.
Bldg. 8226
Property Number: 219012729
Fed Reg Date: 12/04/92
Project Name: Fort Polk
12th Street
Fort Polk, LA, Co: Vernon, Zip: 71459–5000
Status: Unutilized
Comment: 2050 sq. ft.; 1 story temporary wood frame; possible asbestos; most recent use—dining facility.
Bldg. 8425
Property Number: 219230362
Fed Reg Date: 12/04/92
8425 H Avenue
Fort Polk, LA, Co: Vernon Parish, Zip: 71459–7100
Status: Unutilized
Comment: 4957 sq. ft., 2 story frame structure, most recent use—barracks, needs rehab.

Massachusetts

Buildings

Bldg. T–2281
Property Number: 219012344
Fed Reg Date: 12/04/92
Project Name: Fort Devens
Fort Devens
Fort Devens, MA, Co: Middlesex/Worcester, Zip: 01433–
Status: Unutilized
Comment: 6351 sq. ft., wood structure, 2 floors, most recent use—housing.

Bldg. T–201
Property Number: 219012363
Fed Reg Date: 12/04/92
Project Name: Fort Devens
Fort Devens
Fort Devens, MA, Co: Middlesex/Worcester, Zip: 01433–
Status: Unutilized
Comment: 1000 sq. ft., wood structure—needs rehab, no sanitary facilities, most recent use—company admin/supply.

Bldg. KB–0021
Property Number: 219140027
Fed Reg Date: 12/04/92
Fort Devens
Ft. Rodman, MA, Zip: 02744–
Status: Unutilized
Comment: 4926 sq. ft, 1 story wood, presence of asbestos, most recent use—storage.

Bldg. KB–0100
Property Number: 219140028
Fed Reg Date: 12/04/92
Fort Devens
Ft. Rodman, MA, Zip: 02744–
Status: Unutilized
Comment: 9100 sq. ft., 1 story insulated monopanel, most recent use—reserve center.

Bldg. KB–0102
Property Number: 219140029
Fed Reg Date: 12/04/92
Fort Devens
Ft. Rodman, MA, Zip: 02744–
Status: Unutilized
Comment: 15480 sq. ft., 1 story concrete block, most recent use—reserve center.

Bldg. T–0208
Property Number: 219140030
Fed Reg Date: 12/04/92
Fort Devens
Ft. Devens, MA, Co: Middlesex/Worcester, Zip: 01433–
Status: Unutilized
Comment: 4720 sq. ft., 2 story wood, presence of asbestos, needs rehab.

Bldg. T–0209
Property Number: 219140031
Fed Reg Date: 12/04/92
Fort Devens
Ft. Devens, MA, Co: Middlesex/Worcester, Zip: 01433–
Status: Unutilized
Comment: 4720 sq. ft., 2 story wood, presence of asbestos, needs rehab.

Bldg. T–0236
Property Number: 219140032
Fed Reg Date: 12/04/92
Fort Devens
Ft. Devens, MA, Co: Middlesex/Worcester, Zip: 01433–
Status: Unutilized
Comment: 4613 sq. ft., 1 story wood, presence of asbestos, needs rehab.

Bldg. T–2676
Property Number: 219140033
Fed Reg Date: 12/04/92
Fort Devens
Ft. Devens, MA, Co: Middlesex/Worcester, Zip: 01433–
Status: Unutilized
Comment: 1176 sq. ft., 1 story wood, presence of asbestos, needs rehab.

Maryland

Buildings

Bldg. E4736
Property Number: 219012621
Fed Reg Date: 12/04/92
Project Name: Aberdeen Proving Ground
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD. Co: Harford, Zip: 21010–5425
Status: Unutilized
Comment: possible contamination—under study; potential utilities.

Bldg. E5878
Property Number: 219012652
Fed Reg Date: 12/04/92
Project Name: Aberdeen Proving Ground
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD. Co: Harford, Zip: 21010–5425
Status: Unutilized
Comment: 213 sq. ft.; structural deficiencies; possible asbestos; and contamination.

Bldg. E5879
Property Number: 219012653
Fed Reg Date: 12/04/92
Project Name: Aberdeen Proving Ground
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD. Co: Harford, Zip: 21010–5425
Status: Unutilized
Comment: 213 sq. ft.; possible asbestos and contamination; no utilities; most recent use—igloo storage.

Bldg. E5974
Property Number: 219012654
Fed Reg Date: 12/04/92
Project Name: Aberdeen Proving Ground
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD. Co: Harford, Zip: 21010–5425
Status: Unutilized
Comment: 272 sq. ft.; possible asbestos and contamination; most recent use—headquarters building.

Bldg. 10302
Property Number: 219012666
Fed Reg Date: 12/04/92
Project Name: Aberdeen Proving Ground
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD. Co: Harford, Zip: 21010–5425
Status: Unutilized
Comment: 42 sq. ft.; possible asbestos; most recent use—pumping station.

Bldg. E5978
Property Number: 219012667
Fed Reg Date: 12/04/92
Project Name: Aberdeen Proving Ground
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD. Co: Harford, Zip: 21010–5425
Status: Unutilized
Comment: 256 sq. ft.; 1 story; structural deficiencies; possible asbestos and contamination; most recent use—general storehouse.

Bldg. E5975
Property Number: 219012677
Fed Reg Date: 12/04/92
Project Name: Aberdeen Proving Ground
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD. Co: Harford, Zip: 21010–5425
Status: Unutilized
Comment: 650 sq. ft.; possible contamination; structural deficiencies most recent use—training exercises/chemicals and explosives; potential use—storage.

Bldg. 6926
Property Number: 219013605
Fed Reg Date: 12/04/92
Project Name: Fort Meade
Taylor Avenue
Fort Meade, MD. Co: Anne Arundel, Zip: 21061–
Status: Unutilized
Comment: 1275 sq. ft.; 1 story frame with basement (216 sq. ft.); possible asbestos; termite damage.

Bldg. 6599
Property Number: 219014852
Fed Reg Date: 12/04/92
Project Name: Fort George G. Meade
Fort George G. Meade
Zimborski Road
Fort Meade, MD. Co: Anne Arundel, Zip: 20755–
Status: Unutilized
Comment: 4173 sq. ft.; 1 story wood frame; needs rehab; secured area with alternate access.

Bldg. 378
Property Number: 219014853
Fed Reg Date: 12/04/92
Project Name: Fort George G. Meade
Fort George G. Meade
Behind Bldg. 368 on 5½ Street
Fort Meade, MD. Co: Anne Arundel, Zip: 20755–
Status: Unutilized
Comment: 1144 sq. ft.; 1 story wood frame; secured area with alternate access; possible asbestos; most recent use—storage.

Bldg. 649
Property Number: 219014864
Fed Reg Date: 12/04/92
Project Name: Fort George G. Meade
Fort George G. Meade
Chamberlain Avenue
Fort Meade, MD. Co: Anne Arundel, Zip: 20755–
Status: Unutilized
Comment: 2594 sq. ft.; 1 story wood frame; possible asbestos; secured area with alternate access; needs rehab; most recent use—storage.

Bldg. 2413
Property Number: 219014875
Fed Reg Date: 12/04/92
Project Name: Fort George G. Meade
Fort George G. Meade
Behind Bldg 2423—Earnie Pyle Street
Fort Meade, MD. Co: Anne Arundel, Zip: 20755–

Status: Unutilized
Comment: 4720 sq. ft.; 2 story wood frame; needs renab; secured area with alternate access; possible asbestos.
Bldg. 2847
Property Number: 219014883
Fed Reg Date: 12/04/92
Project Name: Fort George G. Meade
Fort George G. Meade
Earnie Pyle Street
Fort Meade, MD, Co: Anne Arundel, Zip: 20755–
Status: Unutilized
Comment: 3663 sq. ft.; 1 story wood frame; possible asbestos; secured area with alternate access; most recent use—gym.
Bldg. 6687
Property Number: 219220446
Fed Reg Date: 12/04/92
Fort George G. Meade
Mapes and Zimbroski Roads
Ft. Meade, MD, Co: Anne Arundel, Zip: 20755–5115
Status: Unutilized
Comment: 1150 sq. ft., presence of asbestos, wood frame, most recent use—veterinarian clinic, off-site removal only, sched. to be vacated 10/1/92.
Bldg. T–115
Property Number: 219230359
Fed Reg Date: 12/04/92
Fort Detrick
Frederick, MD, Co: Frederick, Zip: 21702–5000
Status: Unutilized
Comment: 6200 sq. ft., 1 story, most recent use—child care center, needs rehab, presence of asbestos.
Bldg. 902
Property Number: 219230360
Fed Reg Date: 12/04/92
Fort Detrick
Frederick, MD, Co: Frederick, Zip: 21702–5000
Status: Unutilized
Comment: 4396 sq. ft., 1 story, most recent use—thrift shop, office, needs rehab, presence of asbestos.

Michigan

Buildings

Bldg. 300, Arsenal Acres
Property Number: 219220448
Fed Reg Date: 12/04/92
24140 Mound Road
Warren, MI, Zip: 48091–
Status: Unutilized
Comment: 52 sq. ft. sentry station, secured area with alternate access.
Bldg. 301, Arsenal Acres
Property Number: 219220449
Fed Reg Date: 12/04/92
24140 Mound Road
Warren, MI, Zip: 48091–
Status: Unutilized
Comment: 3125 sq. ft., 2-story colonial style home, secured area with alternate access.
Bldg. 302, Arsenal Acres
Property Number: 219220450
Fed Reg Date: 12/04/92
24140 Mound Road
Warren, MI, Zip: 48091–
Status: Unutilized
Comment: 2619 sq. ft., 2-story colonial style home, secured area with alternate access.
Bldg. 303, Arsenal Acres
Property Number: 219220451
Fed Reg Date: 12/04/92
24140 Mound Road
Warren, MI, Zip: 48091–
Status: Unutilized
Comment: 2619 sq. ft., 2-story colonial style home, secured area with alternate access.
Bldg. 304, Arsenal Acres
Property Number: 219220452
Fed Reg Date: 12/04/92
24140 Mound Road
Warren, MI, Zip: 48091–
Status: Unutilized
Comment: 2443 sq. ft., 2-story colonial style home, secured area with alternate access.
Bldg. 305, Arsenal Acres
Property Number: 219220787
Fed Reg Date: 12/04/92
24140 Mound Road
Warren, MI, Zip: 48091–
Status: Unutilized
Comment: 2443 sq. ft., 2-story colonial style home, secured area with alternate access.

Minnesota

Land

Property Number: 219120269
Fed Reg Date: 12/04/92
Twin Cities Army Ammunition Plant
New Brighton, MN, Co: Ramsey, Zip: 55112–
Status: Underutilized
Comment: Approx. 25 acres, possible contamination, secured area with alternate access.

Missouri

Buildings

Bldg. 2178
Property Number: 219210247
Fed Reg Date: 12/04/92
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 2284 sq. ft., 1 story, presence of asbestos, off-site use only.
Bldg. T1462
Property Number: 219210384
Fed Reg Date: 06/12/92
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 1144 sq. ft., 1 story, presence of asbestos, off-site use only.
Bldg. T1463
Property Number: 219210385
Fed Reg Date: 06/12/92
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 1144 sq. ft., 1 story, presence of asbestos, off-site use only.
Bldg. T451
Property Number: 219220568
Fed Reg Date: 12/04/92
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 4640 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—admin. gen purpose, not handicapped accessible, scheduled to be vacated 10/31/92.
Bldg. T3057
Property Number: 219220580
Fed Reg Date: 12/04/92
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 2650 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—admin. gen. purpose, not handicapped accessible.
Bldg. 1691
Property Number: 219220594
Fed Reg Date: 12/04/92
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Unutilized
Comment: 2646 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—cmder. hdqtrs. bldg, not handicapped accessible.
Bldg. T2383
Property Number: 219230228
Fed Reg Date: 12/04/92
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 9267 sq. ft., 1-story, presence of asbestos, most recent use—general purpose facility, off-site use only.
Bldg. T3052
Property Number: 219230230
Fed Reg Date: 12/04/92
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Demolished
Comment: 2650 sq. ft., 1-story, presence of asbestos, most recent use—support bldg., off-site use only.
Bldg. T1376
Property Number: 219230237
Fed Reg Date: 12/04/92
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 1296 sq. ft., 1-story, presence of asbestos, most recent use—hqts. bldg., off-site use only.
Bldg. T599
Property Number: 219230260
Fed Reg Date: 12/04/92
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 18270 sq. ft., 1-story, presence of asbestos, most recent use—storehouse, off-site use only.
Bldg. T1311
Property Number: 219230261
Fed Reg Date: 12/04/92
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 2740 sq. ft., 1-story, presence of asbestos, most recent use—storehouse, off-site use only.

Bldg. T1333
Property Number: 219230263
Fed Reg Date: 12/04/92
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 1144 sq. ft., 1-story, presence of asbestos, most recent use—storehouse, off-site use only.

North Carolina

Buildings

Bldg. A–3347, Fort Bragg
Property Number: 219230276
Fed Reg Date: 12/04/92
Ft. Bragg, NC, Co: Cumberland, Zip: 28307–
Status: Unutilized
Comment: 800 sq. ft., 1-story wood, most recent use—storage, off-site use only.

Bldg. M–2637, Fort Bragg
Property Number: 219230277
Fed Reg Date: 12/04/92
Ft. Bragg, NC, Co: Cumberland, Zip: 28307–
Status: Unutilized
Comment: 4720 sq. ft., 2-story wood, most recent use—storage, needs rehab, off-site use only.

North Dakota

Buildings

Bldg. D27
Property Number: 219220236
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 64 sq. ft., metal frame, 1 story, needs major rehab, off-site use only, most recent use—storage.

Bldg. D28
Property Number: 219220237
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 64 sq. ft., metal frame, 1 story, needs major rehab, off-site use only, most recent use—storage.

Bldg. D29
Property Number: 219220238
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 64 sq. ft., metal frame, 1 story, needs major rehab, off-site use only, most recent use—storage.

Bldg. D46
Property Number: 219220239
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 64 sq. ft., metal frame, 1 story, needs major rehab, off-site use only, most recent use—storage.

Bldg. D48
Property Number: 219220240
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 64 sq. ft., metal frame, 1 story, needs major rehab, off-site use only, most recent use—storage.

Bldg. D53
Property Number: 219220241
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 64 sq. ft., metal frame, 1 story, needs major rehab, off-site use only, most recent use—storage.

Bldg. D56
Property Number: 219220242
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 64 sq. ft., metal frame, 1 story, needs major rehab, off-site use only, most recent use—storage.

Bldg. D75
Property Number: 219220243
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 64 sq. ft., metal frame, 1 story, needs major rehab, off-site use only, most recent use—storage.

Bldg. D85
Property Number: 219220244
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 64 sq. ft., metal frame, 1 story, needs major rehab, off-site use only, most recent use—storage.

Bldg. D87
Property Number: 219220245
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 64 sq. ft., metal frame, 1 story, needs major rehab, off-site use only, most recent use—storage.

Bldg. D88
Property Number: 219220246
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 64 sq. ft., metal frame, 1 story, needs major rehab, off-site use only, most recent use—storage.

Bldg. 027*
Property Number: 219220247
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 2940 sq. ft., wood frame, 1 story, needs major rehab, off-site use only, 3-bedroom duplex.

Bldg. 028*
Property Number: 219220248
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 2940 sq. ft., wood frame, 1 story, needs major rehab, off-site use only, 3-bedroom duplex.

Bldg. 029*
Property Number: 219220249
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 2631 sq. ft., wood frame, 1 story, needs major rehab, off-site use only, 2-bedroom duplex.

Bldg. 048*
Property Number: 219220250
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 2105 sq. ft., wood frame, 1 story, needs major rehab, off-site use only, 2-bedroom duplex.

Bldg. 053*
Property Number: 219220251
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 2424 sq. ft., wood frame, 1 story, needs major rehab, off-site use only, 2-bedroom duplex.

Bldg. 056*
Property Number: 219220252
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 2631 sq. ft., wood frame, 1 story, needs major rehab, off-site use only, 2-bedroom duplex.

Bldg. 075*
Property Number: 219220253
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 2631 sq. ft., wood frame, 1 story, needs major rehab, off-site use only, 2-bedroom duplex.

Bldg. 085*
Property Number: 219220254
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 2105 sq. ft., wood frame, 1 story, needs major rehab, off-site use only, 2-bedroom duplex.

Bldg. 087*

Property Number: 219220255
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 2631 sq. ft., wood frame, 1 story, needs major rehab, off-site use only, 2-bedroom duplex.

Bldg. 088*
Property Number: 219220256
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 2631 sq. ft., wood frame, 1 story, needs major rehab, off-site use only, 2-bedroom duplex.

Bldg. 303
Property Number: 219220257
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 1692 sq. ft., wood frame, 1 story, needs major rehab, off-site use only, most recent use—youth center.

Bldg. 345
Property Number: 219220258
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 10200 sq. ft., wood frame, 1 story, needs major rehab, off-site use only, most recent use—medical dispensary.

Bldg. 348
Property Number: 219220259
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 29040 sq. ft., wood frame, 2 story, needs major rehab, off-site use only, most recent use—barracks.

Bldg. 355
Property Number: 219220260
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 23020 sq. ft., wood frame, 2 story, needs major rehab, off-site use only, most recent use—barracks.

Bldg. 366
Property Number: 219220261
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 21408 sq. ft., temporary trailer complex (42 mobile office trailers), needs major rehab, off-site use only.

Bldg. T–002
Property Number: 219220262
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment: 1728 sq. ft., 1 story, 4 mobile office trailers, needs major rehab, off-site use only.

Bldg. T–341
Property Number: 219220263
Fed Reg Date: 12/04/92
Stanley R. Mickelsen Safeguard Complex
Missile Site Radar
Nekoma, ND, Co: Cavalier, Zip: 58355–
Status: Unutilized
Comment. 3500 sq. ft., 1 story, six trailers, needs major rehab, off-site use only, most recent use—religious education facility.

* Not available—sale agreement w/nonprofit

Nebraska

Buildings

Bldg. RG–1
Property Number: 219210292
Fed Reg Date: 12/04/92
Cornhusker Army Ammunition Plant
Old Potash Hwy
Grand Island, NE, Co: Hall, Zip: 68803–
Status: Unutilized
Comment: 1080 sq. ft., 1 story garage, possible asbestos, secured area with alternate access.

Bldg. RG–2
Property Number: 219210293
Fed Reg Date: 12/04/92
Cornhusker Army Ammunition Plant
Old Potash Hwy
Grand Island, NE, Co: Hall, Zip: 68803–
Status: Unutilized
Comment: 576 sq. ft., 1 story garage, secured area with alternate access.

Bldg. RG–3
Property Number: 219210294
Fed Reg Date: 12/04/92
Cornhusker Army Ammunition Plant
Old Potash Hwy
Grand Island, NE, Co: Hall, Zip: 68803–
Status: Unutilized
Comment: 936 sq. ft., 1 story garage, possible asbestos, secured area with alternate access.

Bldg. RG–4
Property Number: 219210295
Fed Reg Date: 12/04/92
Cornhusker Army Ammunition Plant
Old Potash Hwy
Grand Island, NE, Co: Hall, Zip: 68803–
Status: Unutilized
Comment: 1040 sq. ft., 1 story garage, possible asbestos, secured area with alternate access.

Bldg. RG–5
Property Number: 219210296
Fed Reg Date: 12/04/92
Cornhusker Army Ammunition Plant
Old Potash Hwy
Grand Island, NE, Co: Hall, Zip: 68803–
Status: Unutilized
Comment: 490 sq. ft., 1 story garage, possible asbestos, secured area with alternate access.

Bldg. RG–6
Property Number: 219210297
Fed Reg Date: 12/04/92
Cornhusker Army Ammunition Plant
Old Potash Hwy
Grand Island, NE, Co: Hall, Zip: 68803–
Status: Unutilized
Comment: 510 sq. ft., 1 story garage, possible asbestos, secured area with alternate access.

New Jersey

Land

Land—Camp Kilmer
Property Number: 219230357
Fed Reg Date: 12/04/92
Plainfield Avenue
Edison, NJ, Co: Middlesex, Zip: 08817–2487
Status: Underutilized
Comment: approx. 10 acres in the center portion of site, most recent use—ballfields/recreation.

Land—Camp Kilmer
Property Number: 219230358
Fed Reg Date: 12/04/92
Plainfield Avenue
Edison, NJ, Co: Middlesex, Zip: 08817–2487
Status: Underutilized
Comment: approx. 10 acres in the southwest corner of site, most recent use—reserve training, wooded area.

Buildings

Bldg. 9111, Evans Area
Property Number: 219210288
Fed Reg Date: 12/04/92
Fort Monmouth
Watson Avenue
Wall, NJ, Co: Monmouth, Zip: 07719–
Status: Unutilized
Comment: 1126 sq. ft., 1 story, needs major repairs, possible asbestos.

Bldg. 9113, Evans Area
Property Number: 219210289
Fed Reg Date: 12/04/92
Fort Monmouth
Watson Avenue
Wall, NJ, Co: Monmouth, Zip: 07719–
Status: Unutilized
Comment: 2000 sq. ft., 1 story, needs major repairs, possible asbestos.

Bldg. 9126, Evans Area
Property Number: 219210290
Fed Reg Date: 12/04/92
Fort Monmouth
Watson Avenue
Wall, NJ, Co: Monmouth, Zip: 07719–
Status: Unutilized
Comment: 384 sq. ft., 1 story, needs major repairs, possible asbestos.

Bldg. 2534, Charles Wood Area
Property Number: 219210291
Fed Reg Date: 12/04/92
Fort Monmouth
Tinton Falls, NJ, Co: Monmouth, Zip: –
Status: Unutilized
Comment: 5307 sq. ft., 2 story, most recent use—storage, needs rehab, possible asbestos.

Bldg. 443, Main Post
Property Number: 219230363
Fed Reg Date: 12/04/92
Fort Monmouth
Ft. Monmouth, NJ, Co: Monmouth, Zip: 07703–
Status: Unutilized
Comment: 4720 sq. ft., 2 story structure, most recent use—maintenance shop, needs repair.

Bldg. 458, Main Post
Property Number: 219230364
Fed Reg Date: 12/04/92

Fort Monmouth
Ft. Monmouth, NJ, Co: Monmouth, Zip: 07703–
Status: Unutilized
Comment: 4720 sq. ft., 2 story, structure, most recent use—storage, needs repair.

Nevada

Land

Parcel A
Property Number: 219012049
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: At Foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Status: Unutilized
Comment: 160 acres, road and utility easements, no utility hookup, possible flooding problem.

Parcel B
Property Number: 219012056
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: At foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Status: Unutilized
Comment: 1920 acres; road and utility easements; no utility hookup; possible flooding problem.

Parcel C
Property Number: 219012057
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: South-southwest of Hawthorne along HWAAP's South Magazine Area at Western edge of State Route 359
Status: Unutilized
Comment: 85 acres; road & utility easements; no utility hookup.

Parcel D
Property Number: 219012058
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: South-southwest of Hawthorne along HWAAP's South Magazine Area at western edge of State Route 359.
Status: Unutilized
Comment: 955 acres; road & utility easements; no utility hookup.

Buildings

Bldg. 00425
Property Number: 219011946
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq. ft., one floor residential, semi/wood construction, good condition.

Bldg. 00426
Property Number: 219011947
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq. ft., one floor residential, semi/wood construction, good condition.

Bldg. 00427
Property Number: 219011948
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq. ft., one floor residential, semi/wood construction, good condition.

Bldg. 00428
Property Number: 219011949
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq. ft., one floor residential, semi/wood construction, good condition.

Bldg. 00429
Property Number: 219011950
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq. ft., one floor residential, semi/wood construction, good condition.

Bldg. 00430
Property Number: 219011951
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq. ft., one floor residential, semi/wood construction, good condition.

Bldg. 00431
Property Number: 219011952
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00432
Property Number: 219011954
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00433
Property Number: 219011956
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00434
Property Number: 219011959
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00435
Property Number: 219011961
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00436
Property Number: 219011964
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00437
Property Number: 219011968
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00438
Property Number: 219011970
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive

Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00439
Property Number: 219011974
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00440
Property Number: 219011976
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00441
Property Number: 219011977
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00442
Property Number: 219011978
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00443
Property Number: 219011980
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00444
Property Number: 219011982
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00445
Property Number: 219011984
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00446
Property Number: 219011987
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00447
Property Number: 219011990
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00448
Property Number: 219011994
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

Bldg. 00449
Property Number: 219011996
Fed Reg Date: 12/04/92
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: Schweer Drive
Status: Unutilized
Comment: 1310–1640 sq ft., one floor residential, semi/wood construction, good condition.

New York

Buildings

Bldg. 503
Property Number: 219012564
Fed Reg Date: 12/04/92
Project Name: Fort Totten
Fort Totten
Ordnance Road
Bayside, NY, Co: Queens, Zip: 11357–
Status: Underutilized
Comment: 510 sq ft., 1 floor, most recent use—storage, needs major rehab/no utilities.

Bldg. 323
Property Number: 219012567
Fed Reg Date: 12/04/92
Project Name: Fort Totten
Fort Totten
Story Avenue
Bayside, NY, Co: Queens, Zip: 11359–
Status: Underutilized
Comment: 30000 sq ft., 3 floors, most recent use—barracks & mess facility, needs major rehab.

Bldg. 304
Property Number: 219012570
Fed Reg Date: 12/04/92
Project Name: Fort Totten
Fort Totten
Shore Road
Bayside, NY, Co: Queens, Zip: 11359–
Status: Underutilized
Comment: 9610 sq. ft., 3 floors, most recent use—hospital, needs major rehab/utilities disconnected.

Bldg. 211
Property Number: 219012573
Fed Reg Date: 12/04/92
Project Name: Fort Totten
Fort Totten
211 Totten Avenue
Bayside, NY, Co: Queens, Zip: 11359–
Status: Underutilized
Comment: 6329 sq. ft., 3 floors, most recent use—family housing, needs major rehab, utilities disconnected.

Bldg. 332
Property Number: 219012578
Fed Reg Date: 12/04/92
Project Name: Fort Totten
Fort Totten
Theater Road
Bayside, NY, Co: Queens, Zip: 11359–
Status: Underutilized
Comment: 6288 sq. ft., 1 floor, most recent use—theater w/stage, needs major rehab, utilities disconnected.

Bldg. 504
Property Number: 219012580
Fed Reg Date: 12/04/92
Project Name: Fort Totten
Fort Totten
Ordnance Road
Bayside, NY, Co: Queens, Zip: 11359–
Status: Underutilized
Comment: 490 sq. ft., 1 floor, most recent use—storage, no utilities, needs major rehab.

Bldg. 322
Property Number: 219012583
Fed Reg Date: 12/04/92
Project Name: Fort Totten
Fort Totten
322 Story Avenue
Bayside, NY, Co: Queens, Zip: 11359–
Status: Underutilized
Comment: 30000 sq. ft., 3 floors, most recent use—barracks, mess & administration, utilities disconnected, needs rehab.

Bldg. 326
Property Number: 219012586
Fed Reg Date: 12/04/92
Project Name: Fort Totten
Fort Totten
326 Pratt Avenue
Bayside, NY, Co: Queens, Zip: 11359–
Status: Underutilized
Comment: 6000 sq. ft., 2 floors, most recent use—storage, offices & residential, utilities disconnected/needs rehab.

Bldg. 627
Property Number: 219030185
Fed Reg Date: 12/04/92
Project Name: West Point
U. S. Military Academy—West Point
Pitcher Road, North Dock
Highland, NY, Co: Orange, Zip: 10996–1592
Status: Underutilized
Comment: 23185 sq. ft., 1 story wood frame; needs rehab; presence of asbestos; most recent use—storage warehouse; scheduled to be vacant 9/1/90.

Ohio

Buildings

15 Units
Property Number: 219230354
Fed Reg Date: 12/04/92
Military Family Housing
Ravenna Army Ammunition Plant
Ravenna, OH, Co: Portage, Zip: 44266–9297
Status: Underutilized
Comment: 3 bedroom (7 units)—1,824 sq. ft. each, 4 bedroom (8 units)—2,430 sq. ft. each, 2-story wood frame, presence of asbestos, off-site use only

7 Units
Property Number: 219230355
Fed Reg Date: 12/04/92
Military Family Housing Garages
Ravenna Army Ammunition Plant
Ravenna, OH, Co: Portage, Zip: 44266–9297
Status: Underutilized
Comment: 1–4 stall garage and 6–3 stall garages, presence of asbestos, off-site use only

Oklahoma

Buildings

Bldg. T–2545
Property Number: 219011255
Fed Reg Date: 12/04/92
Project Name: Fort Sill
Fort Sill
2545 Sheridan Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Underutilized
Comment: 1994 sq. ft.; asbestos; wood frame; 2 floors; No operating sanitary facilities; most recent use—enl. barracks basic.

Bldg. T–2606
Property Number: 219011273
Fed Reg Date: 12/04/92
Project Name: Fort Sill
Fort Sill
2606 Currie Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2722 sq. ft.; possible asbestos, one floor wood frame; most recent use—Headquarters Bldg.

Bldg. T–3507
Property Number: 219011315
Fed Reg Date: 12/04/92
Project Name: Fort Sill
Fort Sill
3507 Sheridan Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2904 sq. ft.; possible asbestos; potential heavy metal contamination; wood frame; most recent use—chapel

Bldg. T–3516
Property Number: 219011324
Fed Reg Date: 12/04/92
Project Name: Fort Sill
Fort Sill
3516 Packard Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1495 sq. ft.; possible asbestos; wood frame; most recent use—administrative.

Bldg. T–3779
Property Number: 219011343
Fed Reg Date: 12/04/92
Project Name: Fort Sill
Fort Sill
3779 Currie Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 4720 sq ft; possible asbestos, wood frame, 2 floors, most recent use—barracks.

Bldg. T–3780
Property Number: 219011344
Fed Reg Date: 12/04/92
Project Name: Fort Sill
Fort Sill
3780 Hartell Blvd.
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 4720 sq. ft.; wood frame, 2 floors, possible asbestos, most recent use—barracks.

Bldg. T–4502
Property Number: 219011376
Fed Reg Date: 12/04/92
Project Name: Fort Sill
Fort Sill
4502 Wilson Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2812 sq. ft.; structurally unsound; possible asbestos; one story wood frame.

Bldg. T–4720
Property Number: 219011405
Fed Reg Date: 12/04/92
Project Name: Fort Sill
Fort Sill
4720 Hartell Blvd.
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 13225 sq. ft.; visual asbestos; wood frame; 2 floors; most recent use—recreation bldg.

Bldg. T–836
Property Number: 219014328
Fed Reg Date: 12/04/92
Project Name: Fort Sill
Fort Sill
Corner of Macomb Road and Burrell Road
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Unutilized
Comment: 1341 sq. ft.; 1 story wood frame; most recent use—storage; possible asbestos.

Bldg. T–4919
Property Number: 219014842
Fed Reg Date: 12/04/92
Project Name: Fort Sill
Fort Sill
4919 Post Road
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Unutilized
Comment: 603 sq. ft.; 1 story mobile home trailer; possible asbestos; needs rehab.

Bldg. T–4523
Property Number: 219014933
Fed Reg Date: 12/04/92
Project Name: Fort Sill
Fort Sill
4523 Wilson Road
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Unutilized
Comment: 1639 sq. ft.; 1 story wood frame; needs rehab; possible asbestos; most recent use—storage.

Bldg. S–701
Property Number: 219030183
Fed Reg Date: 12/04/92
Project Name: Fort Sill
Fort Sill
701 Randolph Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 19903 sq. ft.; steel/wood frame; 1 story; needs rehab; possible asbestos; most recent use—general instruction building.

Bldg. T–283, Fort Sill
Property Number: 219220608
Fed Reg Date: 12/04/92
283 Knox Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2419 sq. ft., wood frame, 2 story, off-site removal only, most recent use—classroom.

Bldg. T–838, Fort Sill
Property Number: 219220609
Fed Reg Date: 12/04/92
838 Macomb Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable).

Bldg. T–3539, Fort Sill
Property Number: 219220610
Fed Reg Date: 12/04/92
3539 Tacy Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1594 sq. ft., wood frame, 1 story, off-site removal only, most recent use—headquarters bldg.

Bldg. T–3600, Fort Sill
Property Number: 219220611
Fed Reg Date: 12/04/92
3600 Tacy Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2267 sq. ft., wood frame, 1 story, off-site removal only, most recent use—storage.

Bldg. T–3607, Fort Sill
Property Number: 219220612
Fed Reg Date: 12/04/92
3607 Packard Street
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2265 sq. ft., wood frame, 1 story, off-site removal only, most recent use—storage.

Bldg. T–3621, Fort Sill
Property Number: 219220613
Fed Reg Date: 12/04/92
3621 Scott Street
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2265 sq. ft., wood frame, 1 story, off-site removal only, most recent use—storage.

Bldg. T–3658, Fort Sill
Property Number: 219220614

Fed Reg Date: 12/04/92
3658 Tacy Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3091 sq. ft., wood frame, 1 story, off-site removal only, most recent use—storage.

Bldg. T–3681, Fort Sill
Property Number: 219220615
Fed Reg Date: 12/04/92
3681 Thomas Street
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3673 sq. ft., wood frame, 1 story, off-site removal only, most recent use—detached dayroom.

Bldg. T–3700, Fort Sill
Property Number: 219220616
Fed Reg Date: 12/04/92
3700 Tacy Street
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3162 sq. ft., wood frame, 1 story, off-site removal only, most recent use—classroom.

Bldg. T–3701, Fort Sill
Property Number: 219220617
Fed Reg Date: 12/04/92
3701 Walker Street
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2263 sq. ft., wood frame, 2 story, off-site removal only, most recent use—barracks.

Bldg. T–4712, Fort Sill
Property Number: 219220618
Fed Reg Date: 12/04/92
4712 Hartell Blvd.
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3842 sq. ft., wood frame, 1 story, off-site removal only, most recent use—chapel/administration.

Bldg. P–7452, Fort Sill
Property Number: 219220619
Fed Reg Date: 12/04/92
Lake Elmer Thomas Rec Area
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 450 sq. ft., metal frame, 1 story, off-site removal only, most recent use—garage.

Bldg. T–3660, Fort Sill
Property Number: 219230275
Fed Reg Date: 12/04/92
3660 Tary Street
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 4659 sq. ft., 1-story wood frame, off-site use only.

Bldg. T–1475, Fort Sill
Property Number: 219240784
Fed Reg Date: 12/18/92
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 544 sq. ft., 1-story wood frame donkey shed, off-site use only.

Tennessee

Land

Milan Army Ammunition Plant
Property Number: 219010547
Fed Reg Date: 12/04/92
Project Name: Milan Army Ammunition Plant
Milan, TN, Co: Carroll, Zip: 38358–
Location: Plant boundary in the northeast corner of the plant & housing area.
Status: Excess
Comment: 17.2 acres; right of entry legal constraint.

Holston Army Ammunition Plant
Property Number: 219012338
Fed Reg Date: 12/04/92
Project Name: Holston Army Ammunition Plant
Kingsport, TN, Co: Hawkins, Zip: 61299–6000
Status: Unutilized
Comment: 8 acres; unimproved; could provide access; 2 acres unusable; near explosives.

Buildings

Robert Joel Ridings
Property Number: 219011667
Fed Reg Date: 12/04/92
Project Name: U.S. Army Reserve Center
US Army Reserve Center
920 Cherokee Avenue
Nashville, TN, Co: Davidson, Zip: 37207–
Status: Excess
Comment: 40,000 sq. ft.; 3.67 acres; concrete block; utilities disconnected; site vandalized.

Texas

Land

Land Saginaw Army Aircraft Plt
Property Number: 219014814
Fed Reg. Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 154.3 acres; includes buildings/structures/parking and air strip.

Vacant Land Fort Sam Houston
Property Number: 219220438
Fed Reg. Date: 12/04/92
All of Block 1800, Portions of Blocks 1900, 3100 and 3200
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 250.33 acres, 85% located in floodplain, possibility of unexploded ordnance.

Buildings

Bldg. 2
Property Number: 219014815
Fed Reg. Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 94606 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 4
Property Number: 219014816
Fed Reg. Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 1350 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 17
Property Number: 219014817
Fed Reg. Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 68 sq. ft.; wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—guard house.

Bldg. 29
Property Number: 219014818
Fed Reg. Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 5028 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 30
Property Number: 219014819
Fed Reg. Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 5323 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 18
Property Number: 219014820
Fed Reg. Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 9560 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 6
Property Number: 219014821
Fed Reg. Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 1258 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 7
Property Number: 219014822
Fed Reg. Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 508 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 8
Property Number: 219014824
Fed Reg. Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 171 sq. ft.; 2 story wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—watch tower.

Bldg. 16
Property Number: 219014825
Fed Reg. Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized

Comment: 17263 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 19
Property Number 219014826
Fed Reg Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 25399 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 31
Property Number 219014827
Fed Reg Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 1392 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 9
Property Number 219014828
Fed Reg Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 244 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 25
Property Number 219014829
Fed Reg Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 1320 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—fire house.

Bldg. 10
Property Number 219014830
Fed Reg Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 354 sq. ft.; 2 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 26
Property Number 219014831
Fed Reg Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 3518 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 21
Property Number 219014832
Fed Reg Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 65 sq. ft.; wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—guard house.

Bldg. 22
Property Number 219014833
Fed Reg Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 50581 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 27
Property Number 219014834
Fed Reg Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 228 sq. ft.; 2 story wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—control tower.

Bldg. 32
Property Number 219014835
Fed Reg Date: 12/04/92
Project Name: Saginaw Army Aircraft Plant
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant, Zip: 76070–
Status: Unutilized
Comment: 19546 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 4868, Fort Bliss, Tex.
Property Number 219120140
Fed Reg Date: 12/04/92
4868 Burgin Street
El Paso, TX, Co: El Paso, Zip: 79916–
Status: Unutilized
Comment: 873 sq. ft., one story wood frame; most recent use—Day room; off-site use only.

Bldg. 4875, Fort Bliss, Tex.
Property Number 219120141
Fed Reg Date: 12/04/92
4875 Burgin Street
El Paso, TX, Co: El Paso, Zip: 79916–
Status: Unutilized
Comment: 2169 sq. ft., one story wood frame; presence of friable asbestos; most recent use—storage; off-site use only.

Bldg. 4925, Fort Bliss, Tex.
Property Number 219120144
Fed Reg Date: 12/04/92
4925 Ketcham Avenue
El Paso, TX, Co: El Paso, Zip: 79916–
Status: Unutilized
Comment: 2169 sq. ft., one story wood frame; limited utilities; possible friable asbestos; most recent use—storage; off-site use only.

Harlingen USARC
Property Number 219120304
Fed Reg Date: 12/04/92
1920 East Washington
Harlingen, TX, Co: Cameron, Zip: 78550–
Status: Excess
Comment: 19440 sq. ft., 1 story brick, needs rehab, with approx. 6 acres including parking areas, most recent use—Army Reserve Training Center.

Bldg. P–3350, Fort Sam Houston
Property Number: 219220397
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Comment: 992 sq. ft., 1-story wood structure, possible asbestos, off-site removal only.

Bldg. P–3824, Fort Sam Houston
Property Number: 219220398
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 2232 sq. ft., 1-story concrete structure, within National Landmark Historic District, off-site removal only.

Bldg. T–2400, Fort Sam Houston
Property Number: 219220435
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Comment: 6093 sq. ft., 1-story concrete and tile structure, off-site removal only.

Bldg. 11042, Fort Bliss
Property Number: 219220681
Fed Reg Date: 12/04/92
El Paso, TX, Co: El Paso, Zip: 79916–
Status: Unutilized
Comment: 6851 sq. ft., 1 story wood structure, most recent use—vehicle maintenance shop, off-site use only.

Bldg. 659, Fort Bliss
Property Number: 219230004
Fed Reg Date: 12/04/92
El Paso, TX, Co: El Paso, Zip: 79916–
Status: Unutilized
Comment: 630 sq. ft., 1-story wood structure, needs major rehab, most recent use—admin., off-site use only.

Bldg. 56616, Fort Hood
Property Number: 219230295
Fed Reg Date: 12/04/92
Ft. Hood, TX, Co: Bell, Zip: 76544–
Status: Unutilized
Comment: 1883 sq. ft., 1-story, most recent use—storage, needs rehab, off-site use only.

Bldg. 866, Fort Bliss
Property Number: 219230317
Fed Reg Date: 12/04/92
El Paso, TX, Co: El Paso, Zip: 79916–
Status: Unutilized
Comment: 972 sq. ft., 1-story wood frame, most recent use—storehouse, off-site use only.

Bldg. 880, Fort Bliss
Property Number: 219230319
Fed Reg Date: 12/04/92
El Paso, TX, Co: El Paso, Zip: 79916–
Status: Unutilized
Comment: 978 sq. ft., 1-story wood frame, most recent use—storehouse, off-site use only.

Bldg. 883, Fort Bliss
Property Number: 219230320
Fed Reg Date: 12/04/92
El Paso, TX, Co: El Paso, Zip: 79916–
Status: Unutilized
Comment: 972 sq. ft., 1-story wood frame, most recent use—storehouse, off-site use only.

Bldg. 876, 879, 882, Fort Bliss
Property Number: 219230343
Fed Reg Date: 12/04/92
El Paso, TX, Co: El Paso, Zip: 79916–
Status: Unutilized
Comment: 858 sq. ft., 1-story wood frame, most recent use—admin., off-site use only

Bandstand & Pavillon
Property Number: 219230353
Fed Reg Date: 12/04/92
Fort Bliss
El Paso, TX, Co: El Paso, Zip: 79916–
Status: Unutilized

Comment: concrete and flag stone off-site use only.

Virginia

Buildings

Bldg. T–6015
Property Number: 219012376
Fed Reg Date: 12/04/92
Project Name: U.S. Army Logistics Center
U.S. Army Logistics Center & Fort Lee
Shop Road
Fort Lee, VA, Co: Prince George, Zip: 23801–
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. T–6018
Property Number: 219012396
Fed Reg Date: 12/04/92
Project Name: U.S. Army Logistics Center
U.S. Army Logistics Center and Fort Lee
Shop Road
Fort Lee, VA, Co: Prince George, Zip: 23801–
Status: Unutilized
Comment: 1575 sq ft., 1 floor, no utilities, possible asbestos, needs rehab, off-site use only.

Bldg. 49, Fort Myer
Property Number: 219220816
Fed Reg Date: 12/04/92
Johnson Lane
Ft. Myer, VA, Co: Arlington, Zip: 22211–
Status: Unutilized
Comment: 2-story residence, possible asbestos, off-site use only.

Bldg. 52, Fort Myer
Property Number: 219220817
Fed Reg Date: 12/04/92
Johnson Lane
Ft. Myer, VA, Co: Arlington, Zip: 22211–
Status: Unutilized
Comment: 8210 sq. ft., 2-story BOQ bldg., possible asbestos, needs repair, off-site use only.

Bldg. 621, Fort Belvoir
Property Number: 219230297
Red Reg Date: 12/04/92
Ft. Belvoir, VA, Co: Fairfax, Zip: 22060–
Status: Unutilized
Comment: 1309 sq. ft., 1-story, most recent use—vet clinic, presence of asbestos, off-site use only.

Bldg. T2259, Fort Belvoir
Property Number: 219230303
Fed Reg Date: 12/04/92
Ft. Belvoir, VA, Co: Fairfax, Zip: 22060–
Status: Unutilized
Comment: 4830 sq. ft., 2-story, most recent use—billets, needs rehab, presence of asbestos, off-site use only.

Wisconsin

Buildings

Bldg. T–1058
Property Number: 219013435
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10122
Property Number: 219013436
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 1900 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10123
Property Number: 219013437
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 2405 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10135
Property Number: 219013438
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 97 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—power plant.

Bldg. T–10136
Property Number: 219013439
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 96 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—power plant.

Bldg. T–10127
Property Number: 219013440
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 1148 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10119
Property Number: 219013441
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 215 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10137
Property Number: 219013442
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 192 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—power plant.

Bldg. T–01088
Property Number: 219013444
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01089
Property Number: 219013445
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01090
Property Number: 219013446
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01091
Property Number: 219013447
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01092
Property Number: 219013448
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01093
Property Number: 219013449
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10118
Property Number: 219013450
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized

Comment: 1250 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10120
Property Number: 219013451
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 1250 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01094
Property Number: 219013452
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01095
Property Number: 219013453
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01096
Property Number: 219013454
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01097
Property Number: 219013455
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10113
Property Number: 219013456
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 2393 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01014
Property Number: 219013457
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10121
Property Number: 219013458
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 506 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10100
Property Number: 219013459
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 3944 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10101
Property Number: 219013460
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 3944 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10102
Property Number: 219013461
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 3944 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10103
Property Number: 219013462
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 3944 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10105
Property Number: 219013463
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 3944 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10106
Property Number: 219013464
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4105 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10107
Property Number: 219013465
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 3944 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10108
Property Number: 219013466
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 3944 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10124
Property Number: 219013467
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 3115 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10125
Property Number: 219013468
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 3590 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10126
Property Number: 219013469
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 3590 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10110
Property Number: 219013470
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 2548 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—vehicle storage.

Bldg. T–01027

Property Number: 219013471
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01028
Property Number: 219013472
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01029
Property Number: 219013473
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01030
Property Number: 219013474
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01035
Property Number: 219013475
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01036
Property Number: 219013476
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01037
Property Number: 219013477
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01038
Property Number: 219013478
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01039
Property Number: 219013479
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01040
Property Number: 219013480
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01042
Property Number: 219013481
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01043
Property Number: 219013482
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01044
Property Number: 219013483
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01045
Property Number: 219013484
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01046
Property Number: 219013485
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01047
Property Number: 219013486
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01048
Property Number: 219013487
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01049
Property Number: 219013488
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01050
Property Number: 219013489
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01051
Property Number: 219013490
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01052
Property Number: 219013491
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex

Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01053
Property Number: 219013492
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01059
Property Number: 219013493
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01060
Property Number: 219013494
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01061
Property Number: 219013495
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01062
Property Number: 219013496
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01063
Property Number: 219013497
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01065
Property Number: 219013498
red Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4793 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01066
Property Number: 219013499
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4793 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01067
Property Number: 219013500
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4793 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01068
Property Number: 219013501
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4848 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01069
Property Number: 219013502
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01032
Property Number: 219013503
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5588 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01034
Property Number: 219013504
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01041
Property Number: 219013505
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01054
Property Number: 219013506
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4184 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01033
Property Number: 219013507
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5241 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10112
Property Number: 219013508
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 1273 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—morgue.

Bldg. T–01031
Property Number: 219013509
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4813 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01002
Property Number: 219013510
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 2573 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01010
Property Number: 219013511
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 8799 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10109
Property Number: 219013512
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 2000 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01098
Property Number: 219013513
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 7133 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01099
Property Number: 219013514
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 3294 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01022
Property Number: 219013515
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01023
Property Number: 219013516
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01024
Property Number: 219013517
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment. 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01025
Property Number: 219013518
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01057
Property Number: 219013519
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01064
Property Number: 219013520
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01071
Property Number: 219013521
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01072
Property Number: 219013522
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01073
Property Number: 219013523
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01074
Property Number: 219013524
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01075
Property Number: 219013525
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01076
Property Number: 219013526
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01077
Property Number: 219013527
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01078
Property Number: 219013528
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01079
Property Number: 219013529
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01080
Property Number: 219013530
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01082
Property Number: 219013531
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01083
Property Number: 219013532
Fed Reg Date: 12/04/92
Project Name: Fort McCoy

Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01084
Property Number: 219013533
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01085
Property Number: 219013534
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01086
Property Number: 219013535
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01003
Property Number: 219013536
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 3366 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01001
Property Number: 219013537
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 3350 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01005
Property Number: 219013538
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 3253 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01020
Property Number: 219013539
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4150 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01070
Property Number: 219013540
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 7133 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01081
Property Number: 219013541
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 7133 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01006
Property Number: 219013542
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft., 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01007
Property Number: 219013543
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft., 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01009
Property Number: 219013544
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft., 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01011
Property Number: 219013545
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 4236 sq. ft., 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01012
Property Number: 219013546
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft., 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01013
Property Number: 219013547
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft., 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01015
Property Number: 219013548
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft., 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01016
Property Number: 219013549
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft., 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01017
Property Number: 219013550
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft., 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01018
Property Number: 219013551
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5295 sq. ft., 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01021
Property Number: 219013552
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized

Comment: 4236 sq. ft., 1 story wood frame; possible asbestos; hospital/patient ward buildings.
Bldg. T–01004
Property Number: 219013553
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 2815 sq. ft., 1 story wood frame; possible asbestos; hospital/patient ward buildings.
Bldg. T–01019
Property Number: 219013554
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 2815 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.
Bldg. T–01056
Property Number: 219013555
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 15657 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.
Bldg. T–01000
Property Number: 219013556
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 3378 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—fire station.
Bldg. T–01055
Property Number: 219013557
Fed Reg Date: 12/04/92
Project Name: Fort McCoy
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe, Zip: 54656–5000
Status: Unutilized
Comment: 5471 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.
Bldg. 2112, Fort McCoy
Property Number: 219210310
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 582 sq. ft.; 1 story, most recent use—ice house, needs repair.
Bldg. 212, Fort McCoy
Property Number: 219210311
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft.; 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.
Bldg. 213, Fort McCoy
Property Number: 219210312
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft.; 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.
Bldg. 214, Fort McCoy
Property Number: 219210313
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft.; 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.
Bldg. 218, Fort McCoy
Property Number: 219210314
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft.; 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.
Bldg. 219, Fort McCoy
Property Number: 219210315
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft.; 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.
Bldg. 220, Fort McCoy
Property Number: 219210316
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft.; 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.
Bldg. 223, Fort McCoy
Property Number: 219210317
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft.; 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.
Bldg. 224, Fort McCoy
Property Number: 219210318
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft.; 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.
Bldg. 225, Fort McCoy
Property Number: 219210319
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.
Bldg. 228, Fort McCoy
Property Number: 219210320
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.
Bldg. 229, Fort McCoy
Property Number: 219210321
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.
Bldg. 230, Fort McCoy
Property Number: 219210322
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.
Bldg. 231, Fort McCoy
Property Number: 219210323
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.
Bldg. 312, Fort McCoy
Property Number: 219210324
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.
Bldg. 313, Fort McCoy
Property Number: 219210325
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.
Bldg. 314, Fort McCoy
Property Number: 219210326
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized

Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 318, Fort McCoy
Property Number: 219210327
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 319, Fort McCoy
Property Number: 219210328
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 320, Fort McCoy
Property Number: 219210329
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 402, Fort McCoy
Property Number: 219210330
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 403, Fort McCoy
Property Number: 219210331
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 404, Fort McCoy
Property Number: 219210332
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 407, Fort McCoy
Property Number: 219210333
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 408, Fort McCoy
Property Number: 219210334
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 409, Fort McCoy
Property Number: 219210335
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 410, Fort McCoy
Property Number: 219210336
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 412, Fort McCoy
Property Number: 219210337
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 413, Fort McCoy
Property Number: 219210338
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 414, Fort McCoy
Property Number: 219210339
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 418, Fort McCoy
Property Number: 219210340
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 419, Fort McCoy
Property Number: 219210341
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 420, Fort McCoy
Property Number: 219210342
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 423, Fort McCoy
Property Number: 219210343
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 424, Fort McCoy
Property Number: 219210344
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 425, Fort McCoy
Property Number: 219210345
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 428, Fort McCoy
Property Number: 219210346
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 429, Fort McCoy
Property Number: 219210347
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 440, Fort McCoy
Property Number: 219210348
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 441, Fort McCoy

Property Number: 219210349
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 442, Fort McCoy
Property Number: 219210350
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5310 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldg. 216, Fort McCoy
Property Number: 219210351
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2950 sq. ft., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—mess hall.

Bldg. 217, Fort McCoy
Property Number: 219210352
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2950 sq. ft., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—mess hall.

Bldg. 226, Fort McCoy
Property Number: 219210353
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2950 sq. ft., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—mess hall.

Bldg. 227, Fort McCoy
Property Number: 219210354
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2950 sq. ft., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—mess hall.

Bldg. 316, Fort McCoy
Property Number: 219210355
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2950 sq. ft., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—mess hall.

Bldg. 317, Fort McCoy
Property Number: 219210356
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2950 sq. ft., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—mess hall.

Bldg. 405, Fort McCoy
Property Number: 219210357
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2950 sq. ft., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—mess hall.

Bldg. 406, Fort McCoy
Property Number: 219210358
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2950 sq. ft., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—mess hall.

Bldg. 416, Fort McCoy
Property Number: 219210359
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2950 sq. ft., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—mess hall.

Bldg. 417, Fort McCoy
Property Number: 219210360
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2950 sq. ft., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—mess hall.

Bldg. 426, Fort McCoy
Property Number: 219210361
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2350 sq. ft., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—mess hall.

Bldg. 427, Fort McCoy
Property Number: 219210362
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2350 sq. ft., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—mess hall.

Bldg. 438, Fort McCoy
Property Number: 219210363
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2500 sq. ft., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—mess hall.

Bldg. 439, Fort McCoy
Property Number: 219210364
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2350 sq. ft., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—mess hall.

Bldg. 221, Fort McCoy
Property Number: 219210365
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 3250 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldg. 222, Fort McCoy
Property Number: 219210366
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 3250 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldg. 232, Fort McCoy
Property Number: 219210367
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 3250 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldg. 233, Fort McCoy
Property Number: 219210368
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 3250 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldg. 234, Fort McCoy
Property Number: 219210369
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2682 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldg. 240, Fort McCoy
Property Number: 219210370
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 1750 sq. ft., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office.

Bldg. 321, Fort McCoy
Property Number: 219210371
Fed Reg Date: 12/04/92
US Highway 2
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized

Comment: 3250 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldg. 333, Fort McCoy
Property Number: 219210372
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 3250 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldg. 401, Fort McCoy
Property Number: 219210373
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 3250 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldg. 411, Fort McCoy
Property Number: 219210374
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 3250 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldg. 421, Fort McCoy
Property Number 219210375
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 3250 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldg. 422, Fort McCoy
Property Number 219210376
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2750 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldg. 432, Fort McCoy
Property Number 219210377
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2750 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldg. 433, Fort McCoy
Property Number 219210378
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 3250 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldg. 434, Fort McCoy
Property Number 219210379
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2682 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldg. 443, Fort McCoy
Property Number 219210380
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2750 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldg. 444, Fort McCoy
Property Number 219210381
Fed Reg Date: 12/04/92
US Highway 21
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 2682 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Alabama

Buildings

Bldg. TU–43
Property Number 319011549
Fed Reg Date: 11/20/92
Project Name: Millers Ferry Lock and Dam
Millers Ferry Lock and Dam
Route 1, Box 102
Camden, AL, Co: Wilcox, Zip: 36726–
Status: Unutilized
Comment: 1000 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU–22
Property Number 319011551
Fed Reg Date: 11/20/92
Project Name: Selden Lock and Dam
Selden Lock and Dam
Route 1
Sawyerville, AL, Co: Hale, Zip: 36776–
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU–21
Property Number 319011552
Fed Reg Date: 11/20/92
Project Name: Selden Lock and Dam
Selden Lock and Dam
Route 1
Sawyerville, AL, Co: Hale, Zip: 36776–
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU–23
Property Number 319011553
Fed Reg Date: 11/20/92
Project Name: Selden Lock and Dam
Selden Lock and Dam
Route 1
Sawyerville, AL, Co: Hale, Zip: 36776–
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU–24
Property Number 319011554
Fed Reg Date: 11/20/92
Project Name: Selden Lock and Dam
Selden Lock and Dam
Route 1
Sawyerville, AL, Co: Hale, Zip: 36776–
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU–15
Property Number: 319011556
Fed Reg Date: 11/20/92
Project Name: Coffeeville Lock and Dam
Coffeeville Lock and Dam
Star Route Box 77
Blandon Springs, AL, Co: Choctaw, Zip: 36919–
Status: Unutilized
Comment: 1547 sq. ft.; 1 story frame residence; most recent use—lock tender's dwelling.

Arkansas

Land

Parcel 01
Property Number: 319010071
Fed Reg Date: 11/20/92
Project Name: DeGray Lake
DeGray Lake
Section 12
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 77.6 acres.

Parcel 02
Property Number: 319010072
Fed Reg Date: 11/20/92
Project Name: DeGray Lake
DeGray Lake
Section 13
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 198.5 acres.

Parcel 03
Property Number: 319010073
Fed Reg Date: 11/20/92
Project Name: DeGray Lake
DeGray Lake
Section 18
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 50.46 acres.

Parcel 04
Property Number: 319010074
Fed Reg Date: 11/20/92
Project Name: DeGray Lake
DeGray Lake
Section 24, 25, 30 and 31
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 236.37 acres.

Parcel 05
Property Number: 319010075
Fed Reg Date: 11/20/92
Project Name: DeGray Lake
DeGray Lake
Section 16
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 187.30 acres.

Parcel 06
Property Number: 319010076
Fed Reg Date: 11/20/92
Project Name: DeGray Lake

DeGray Lake
Section 13
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 13.0 acres.

Parcel 07
Property Number: 319010077
Fed Reg Date: 11/20/92
Project Name: DeGray Lake
DeGray Lake
Section 34
Arkadelphia, AR, Co: Hot Spring, Zip: 71923–9361
Status: Unutilized
Comment: 0.27 acre.

Parcel 08
Property Number: 319010078
Fed Reg Date: 11/20/92
Project Name: DeGray Lake
DeGray Lake
Section 13
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 14.6 acres.

Parcel 09
Property Number: 319010079
Fed Reg Date: 11/20/92
Project Name: DeGray Lake
DeGray Lake
Section 12
Arkadelphia, AR, Co: Hot Spring, Zip: 71923–9361
Status: Unutilized
Comment: 6.60 acres.

Parcel 10
Property Number: 319010080
Fed Reg Date: 11/20/92
Project Name: DeGray Lake
DeGray Lake
Section 12
Arkadelphia, AR, Co: Hot Spring, Zip: 71923–9361
Status: Unutilized
Comment: 4.5 acres.

Parcel 11
Property Number: 319010081
Fed Reg Date: 11/20/92
Project Name: DeGray Lake
DeGray Lake
Section 19
Arkadelphia, AR, Co: Hot Spring, Zip: 71923–9361
Status: Unutilized
Comment: 19.50 acres.

Lake Greeson
Property Number: 319010083
Fed Reg Date: 11/20/92
Project Name: Lake Greeson
Section 7, 8 and 18
Murfreesboro, AR, Co: Pike, Zip: 71958–9720
Status: Unutilized
Comment: 46 acres.

California

Land

Lake Mendocino
Property Number: 319011015
Fed Reg Date: 11/20/92
Project Name: Lake Mendocino
1160 Lake Mendocino Drive
Ukiah, CA, Co: Mendocino, Zip: 95482–9404
Status: Unutilized
Comment: 20 acres; steep, dense brush; potential utilities.

Florida

Buildings

Bldg. CN–3
Property Number: 319130006
Fed Reg Date: 11/20/92
1651 S. Franklin Lock Road
Alva, FL, Co: Lee, Zip: 33920–
Status: Unutilized
Comment: 1500 sq. ft., 1 story concrete block residence, off-site use only.

Bldg. CN–43
Property Number: 319210004
Fed Reg Date: 11/20/92
Port Mayaca Lock and Spillway
Okeechobee Waterway
Port Mayaca, FL, Co: Martin, Zip: 33438–
Location: Located approx. 9 mi n/o Canal Pt. at the intersection of US 441 and SR 76
Status: Unutilized
Comment: 1700 sq. ft., 1 story concrete block/stucco structure, possible asbestos, off-site use only.

Illinois

Land

Lake Shelbyville
Property Number: 319240004
Fed Reg Date: 12/24/92
Shelbyville, IL, Co: Shelby & Moultrie, Zip: 62565–0604
Status: Unutilized
Comment: 5 parcels of land equalling 0.70 acres, improved w/4 small equipment storage bldgs. and a small access road, easement restrictions.

Indiana

Buildings

Bldg. 01, Monroe Lake
Property Number: 319140002
Fed Reg Date: 11/20/92
Monroe Cty. Rd. 37 North to Monroe Dam Rd.
Bloomington, IN, Co: Monroe Zip: 47401–8772
Status: Unutilized
Comment: 1312 sq. ft., 1 story brick residence, off-site use only.

Bldg. 02, Monroe Lake
Property Number: 319140003
Fed Reg Date: 11/20/92
Monroe Cty. Rd. 37 North to Monroe Dam Rd.
Bloomington, IN, Co: Monroe Zip: 47401–8772
Status: Unutilized
Comment: 1312 sq. ft., 1 story brick residence, off-site use only.

Kansas

Land

Parcel 1
Property Number: 319010064
Fed Reg Date: 11/20/92
Project Name: El Dorado Lake
El Dorado Lake
Section 13, 24, and 18
(See County), KS, Co: Butler, Zip:
Status: Unutilized
Comment: 61 acres; most recent use—recreation.

Kentucky

Land

Tract 2625
Property Number: 319010025
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Cadiz, KY, Co: Trigg, Zip: 42211–
Location: Adjoining the village of Rockcastle.
Status: Excess
Comment: 2.57 acres; rolling and wooded.

Tract 2709–10 and 2710–2
Property Number: 319010026
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Cadiz, KY, Co: Trigg, Zip: 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Status: Excess
Comment: 2.00 acres; steep and wooded.

Tract 2708–1 and 2709–1
Property Number: 319010027
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Cadiz, KY, Co: Trigg, Zip: 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Status: Excess
Comment: 3.59 acres; rolling and wooded; no utilities.

Tract 2800
Property Number: 319010028
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Cadiz, KY, Co: Trigg, Zip: 42211–
Location: 4½ miles in a southeasterly direction from the village of Rockcastle.
Status: Excess
Comment: 5.44 acres; steep and wooded.

Tract 2915
Property Number: 319010029
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Cadiz, KY, Co: Trigg, Zip: 42211–
Location: 6½ mile west of Cadiz.
Status: Excess
Comment: 5.76 acres; steep and wooded; no utilities.

Tract 2702
Property Number: 319010031
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Cadiz, KY, Co: Trigg, Zip: 42212–
Location: 1 mile in a southerly direction from the village of Rockcastle.
Status: Excess
Comment: 4.90 acres; wooded; no utilities.

Tract 4318
Property Number: 319010032
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: Trigg Co. adjoining the city of Canton, KY. on the waters of Hopson Creek.
Status: Excess
Comment: 8.24 acres; steep and wooded.

Tract 4502
Property Number: 319010033
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee

Canton, KY, Co: Trigg, Zip: 42212–
Location: 3½ miles in a southerly direction from Canton, KY.
Status: Excess
Comment: 4.26 acres; steep and wooded.

Tract 4611
Property Number: 319010034
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: 5 miles south of Canton, KY.
Status: Excess
Comment: 10.51 acres; steep and wooded; no utilities.

Tract 4619
Property Number: 319010035
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: 4½ miles south from Canton, KY.
Status: Excess
Comment: 2.02 acres; steep and wooded; no utilities.

Tract 4817
Property Number: 319010036
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: 6½ miles south of Canton, KY.
Status: Excess
Comment: 1.75 acres; wooded.

Tract 1217
Property Number: 319010042
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: On the north side of the Illinois Central Railroad.
Status: Excess
Comment: 5.80 acres; steep and wooded.

Tract 1906
Property Number: 319010044
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: Approximately 4 miles east of Eddyville, KY.
Status: Excess
Comment: 25.86 acres; rolling steep and partially wooded; no utilities.

Tract 1907
Property Number: 319010045
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY
Status: Excess
Comment: 8.71 acres; rolling steep and wooded; no utilities.

Tract 2001 #1
Property Number: 319010046
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Status: Excess
Comment: 47.42 acres; steep and wooded; no utilities.

Tract 2001 #2
Property Number: 319010047
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Status: Excess
Comment: 8.64 acres; steep and wooded; no utilities.

Tract 2005
Property Number: 319010048
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: Approximately 5½ miles east of Eddyville, KY.
Status: Excess
Comment: 4.62 acres; steep and wooded; no utilities.

Tract 2307
Property Number: 319010049
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: Approximately 7½ miles southeasterly of Eddyville, KY.
Status: Excess
Comment: 11.43 acres; steep; rolling and wooded; no utilities.

Tract 2403
Property Number: 319010050
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: 7 miles southeasterly of Eddyville, KY.
Status: Excess
Comment: 1.56 acres; steep and wooded; no utilities.

Tract 2504
Property Number: 319010051
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: 9 miles southeasterly of Eddyville, KY.
Status: Excess
Comment: 24.46 acres; steep and wooded; no utilities.

Tract 214
Property Number: 319010052
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: South of the Illinois Central Railroad, 1 mile east of the Cumberland River.
Status: Excess
Comment: 5.5 acres; wooded; no utilities.

Tract 215
Property Number: 319010053
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.40 acres; wooded; no utilities.

Tract 241
Property Number: 319010054
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Status: Excess
Comment: 1.26 acres; steep and wooded; no utilities.

Tracts 306, 311, 315 and 325
Property Number: 319010055
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: 2.5 miles southwest of Kuttawa, KY. on the waters of Cypress Creek.
Status: Excess
Comment: 38.77 acres; steep and wooded; no utilities.

Tracts 2305, 2306, and 2400–1
Property Number: 319010056
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: 6½ miles southeasterly of Eddyville, KY.
Status: Excess
Comment: 97.66 acres; steep rolling and wooded; no utilities.

Tract 500–2
Property Number: 319010057
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Kuttawa, KY, Co: Lyon, Zip: 42055–
Location: Situated on the waters of Poplar Creek, approximately 1 mile southwest of Kuttawa, KY.
Status: Excess
Comment: 3.58 acres; hillside ridgeland and wooded; no utilities.

Tracts 5203 and 5204
Property Number: 319010058
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Linton, KY, Co: Trigg, Zip: 42212–
Location: Village of Linton, KY state highway 1254.
Status: Excess
Comment: 0.93 acres; rolling, partially wooded; no utilities.

Tract 5240
Property Number: 319010059
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Linton, KY, Co: Trigg, Zip: 42212–
Location: 1 mile northwest of Linton, KY.
Status: Excess
Comment: 2.26 acres; steep and wooded; no utilities.

Tract 4628
Property Number: 319011621
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: 4½ miles south from Canton, KY.

Status: Excess
Comment: 3.71 acres; steep and wooded; subject to utility easements.

Tract 4619–B
Property Number: 319011622
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: 4½ miles south from Canton, KY.
Status: Excess
Comment: 1.73 acres; steep and wooded; subject to utility easements.

Tract 2403–B
Property Number: 319011623
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42038–
Location: 7 miles southeasterly of Eddyville, KY.
Status: Unutilized
Comment: 0.70 acres; wooded; subject to utility easements.

Tract 241–B
Property Number: 319011624
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Status: Excess
Comment: 11.16 acres; steep and wooded; subject to utility easements.

Tracts 212 and 237
Property Number: 319011625
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand rivers, KY, Co: Lyon, Zip: 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Status: Excess
Comment: 2.44 acres; steep and wooded; subject to utility easements.

Tracts 215–B
Property Number: 319011626
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tracts 233
Property Number: 319011627
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tracts N–819
Property Number: 319140009
Fed Reg Date: 11/20/92
Dale Hollow Lake & Dam Project
Illwill Creek, Hwy 90
Hobart, KY, Co: Clinton, Zip: 42601–
Status: Underutilized
Comment: 91 acres, most recent use—hunting, subject to existing easements.

Buildings

Green River Lock & Dam #3
Property Number: 319010022
Fed Reg Date: 11/20/92
Project Name: Green River Lock & Dam #3
Rochester, KY, Co: Butler, Zip: 42273–
Location: SR 70 west from Morgantown, KY., approximately 7 miles to site.
Status: Unutilized
Comment: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab.

Lousiana

Land

Wallace Lake Dam and Reservoir
Property Number: 319011009
Fed Reg Date: 11/20/92
Project Name: Wallace Lake Dam and Reservoir
Shreveport, LA, Co: Caddo, Zip: 71103–
Status: Unutilized
Comment: 11 acres; wildlife/forestry; no utilities.

Bayou Bodcau Dam and Reservoir
Property Number: 319011010
Fed Reg Date: 11/20/92
Project Name: Bayou Bodcau Dam and Reservoir
Haughton, LA, Co: Caddo, Zip: 71037–9707
Location: 35 miles Northeast of Shreveport, La.
Status: Unutilized
Comment: 203 acres; wildlife/forestry; no utilities.

Minnesota

Land

Parcel D
Property Number: 319011038
Fed Reg Date: 11/20/92
Project Name: Pine River
Pine River
Cross Lake, MN, Co: Crow Wing, Zip: 56442–
Location: 3 miles from city of Cross Lake, between highways 6 and 371
Status: Excess
Comment: 17 acres; no utilities.

Tract 92
Property Number: 319011040
Fed Reg Date: 11/20/92
Project Name: Sandy Lake
McGregor, MN, Co: Aitkins, Zip: 55760–
Location: 4 miles west of highway 65, 15 miles from city of McGregor.
Status: Excess
Comment: 4 acres; no utilities.

Tract 98
Property Number: 319011041
Fed Reg Date: 11/20/92
Project Name: Leech Lake
Benedict, MN, Co: Hubbard, Zip: 56641–
Location: 1 mile from city of Federal Dam, MN.
Status: Excess
Comment: 7.3 acres; no utilities.

Missouri

Land

Harry S Truman Dam & Reservoir
Property Number: 319030014
Fed Reg Date: 11/20/92
Project Name: Harry S Truman Dam & Reservoir
Warsaw, MO, Co: Benton, Zip: 65355–
Location: Triangular shaped parcel southwest of access road "B", part of Bledsoe Ferry Park Tract 150
Status: Underutilized
Comment: 1.7 acres; potential utilities.

Mississippi

Land

Parcel 7
Property Number: 319011019
Fed Reg Date: 11/20/92
Project Name: Grenada Lake
Grenada Lake
Sections 22, 23, T24N
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 100 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 8
Property Number: 319011020
Fed Reg Date: 11/20/92
Project Name: Grenada Lake
Grenada Lake
Section 20, T24N
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 30 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 9
Property Number: 319011021
Fed Reg Date: 11/20/92
Project Name: Grenada Lake
Grenada Lake
Section 20, T24N, R7E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 23 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 10
Property Number: 319011022
Fed Reg Date: 11/20/92
Project Name: Grenada Lake
Grenada Lake
Sections 16, 17, 18, T24N, R8E
Grenada, MS, Co: Calhoun, Zip: 38901–0903
Status: Underutilized
Comment: 490 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 2
Property Number: 319011023
Fed Reg Date: 11/20/92
Project Name: Grenada Lake
Grenada Lake
Section 20 and T23N, R5E
Grenada, MS, Co: Grenada, Zip: 38901–0903
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 3
Property Number: 319011024
Fed Reg Date: 11/20/92
Project Name: Grenada Lake
Grenada Lake
Section 4, T23N, R5E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized

Comment: 120 acres; no utilities; most recent use—wildlife and forestry management; (13.5 acres/agriculture lease).

Parcel 4
Property Number: 319011025
Fed Reg Date: 11/20/92
Project Name: Grenada Lake
Grenada Lake
Section 2 and 3, T23N, R5E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 5
Property Number: 319011026
Fed Reg Date: 11/20/92
Project Name: Grenada Lake
Grenada Lake
Section 7, T24N, R6E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management; (14 acres/agriculture lease).

Parcel 6
Property Number: 319011027
Fed Reg Date: 11/20/92
Project Name: Grenada Lake
Grenada Lake
Section 9, T24N, R6E
Grenada, MS, Co: Yalobusha, Zip: 38903–0903
Status: Underutilized
Comment: 80 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 11
Property Number: 319011028
Fed Reg Date: 11/20/92
Project Name: Grenada Lake
Grenada Lake
Section 20, T24N, R8E
Grenada, MS, Co: Calhoun, Zip: 38901–0903
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 12
Property Number: 319011029
Fed Reg Date: 11/20/92
Project Name: Grenada Lake
Grenada Lake
Section 25, T24N, R7E
Grenada, MS, Co: Yalobusha, Zip: 38390–10903
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 13
Property Number: 319011030
Fed Reg Date: 11/20/92
Project Name: Grenada Lake
Grenada Lake
Section 34, T24N, R7E
Grenada, MS, Co: Yalobusha, Zip: 38903–0903
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management; (11 acres/agriculture lease).

Parcel 14
Property Number: 319011031
Fed Reg Date: 11/20/92
Project Name: Grenada Lake
Grenada Lake
Section 3, T23N, R6E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 15 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 15
Property Number: 319011032
Fed Reg Date: 11/20/92
Project Name: Grenada Lake
Grenada Lake
Section 4, T24N, R6E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 40 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 16
Property Number: 319011033
Fed Reg Date: 11/20/92
Project Name: Grenada Lake
Grenada Lake
Section 9, T23N, R6E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 70 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 17
Property Number: 319011034
Fed Reg Date: 11/20/92
Project Name: Grenada Lake
Grenada Lake
Section 17, T23N, R7E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 18
Property Number: 319011035
Fed Reg Date: 11/20/92
Project Name: Grenada Lake
Grenada Lake
Section 22, T23N, R7E
Grenada, MS, Co: Grenada, Zip: 38902–0903
Status: Underutilized
Comment: 10 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 19
Property Number: 319011036
Fed Reg Date: 11/20/92
Project Name: Grenada Lake
Grenada Lake
Section 9, T22N, R7E
Grenada, MS, Co: Grenada, Zip: 38901–0903
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management.

Ohio

Land

Hannibal Locks and Dam
Property Number: 319010015
Fed Reg Date: 11/20/92
Project Name: Hannibal Locks and Dam
Ohio River
P.O. Box 8
Hannibal, OH, Co: Monroe, Zip: 43931–0008
Location: Adjacent to the new Martinsville Bridge.
Status: Underutilized
Comment: 22 acres; river bank.

Buildings

Barker Historic House
Property Number: 319120018
Fed Reg Date: 11/20/92
Willow Island Locks and Dam
Newport, OH, Co: Washington, Zip: 45768–9801
Location: Located at lock site, downstream of lock and dam structure
Status: Unutilized
Comment: 1600 sq. ft. bldg. with ½ acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only.

Oklahoma

Land

Pine Creek Lake
Property Number: 319010923
Fed Reg Date: 11/20/92
Project Name: Pine Creek Lake
Section 27
(See County), OK, Co: McCurtain, Zip:
Status: Unutilized
Comment: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3.

Pennsylvania

Land

Mahoning Creek Lake
Property Number: 319010018
Fed Reg Date: 11/20/92
Project Name: Mahoning Creek Lake
New Bethlehem, PA, Co: Armstrong, Zip: 16242–9603
Location: Route 28 north to Belknap, Road Number 4
Status: Excess
Comment: 2.58 acres; steep and densely wooded.

Tracts 610, 611, 612
Property Number: 319011001
Fed Reg Date: 11/20/92
Project Name: Shenango River Lake
Shenango River Lake
Sharpsville, PA, Co: Mercer, Zip: 16150–
Location: I–79 North, I–80, West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue.
Status: Excess
Comment: 24.09 acres; subject to flowage easement.

Tracts L24, L26
Property Number: 319011011
Fed Reg Date: 11/20/92
Project Name: Crooked Creek Lake
Crooked Creek Lake
(See County), PA, Co: Armstrong, Zip: 03051–
Location: Left bank—55 miles downstream of dam.
Status: Unutilized
Comment: 7.89 acres; potential for utilities.

Buildings

Mahoning Creek Reservoir
Property Number: 319210008
Fed Reg Date: 11/20/92
New Bethlehem, PA, Co: Armstrong, Zip: 16242–
Status: Unutilized
Comment: 1015 sq. ft., 2 story brick residence, off-site use only.

South Carolina

Buildings

Bldg. 1

Property Number: 319011544
Fed Reg Date: 11/20/92
Project Name: J.S. Thurmond Dam & Reservoir
J.S. Thurmond Dam and Reservoir
Clarks Hill, SC, Co: McCormick, Zip: 29821–
Location: ½ mile east of Resource Managers Office.
Status: Excess
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage.

Bldg. 2
Property Number: 319011545
Fed Reg Date: 11/20/92
Project Name: J.S. Thurmond Dam & Reservoir
J.S. Thurmond Dam and Reservoir
Clarks Hill, SC, Co: McCormick, Zip: 29821–
Location: ½ mile east of Resource Managers Office.
Status: Excess
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage.

Bldg. 3
Property Number: 319011546
Fed Reg Date: 11/20/92
Project Name: J.S. Thurmond Dam & Reservoir
J.S. Thurmond Dam and Reservoir
Clarks Hill, SC, Co: McCormick, Zip: 29821–
Location: ½ mile east of Resource Managers Office.
Status: Excess
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage.

Bldg. 4
Property Number: 319011547
Fed Reg Date: 11/20/92
Project Name: J.S. Thurmond Dam & Reservoir
J.S. Thurmond Dam and Reservoir
Clarks Hill, SC, Co: McCormick, Zip: 29821–
Location: ½ mile east of Resource Managers Office.
Status: Excess
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage.

Bldg. 5
Property Number: 319011548
Fed Reg Date: 11/20/92
Project Name: J.S. Thurmond Dam & Reservoir
J.S. Thurmond Dam and Reservoir
Clarks Hill, SC, Co: McCormick, Zip: 29821–
Location: ½ mile east of Resource Managers Office.
Status: Excess
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage.

Tennessee

Land

Tract 6827
Property Number: 319010927
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake
Dover, TN, Co: Stewart, Zip: 37058–
Location: 2½ miles west of Dover, TN.
Status: Excess
Comment: .57 acres; subject to existing easements.

Tracts 6002–2 and 6010
Property Number: 319010928
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake
Dover, TN, Co: Stewart, Zip: 37058–
Location: 3½ miles south of village of Tabaccoport.
Status: Excess
Comment: 100.86 acres; subject to existing easements.

Tract 11516
Property Number: 319010929
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake
Ashland City, TN, Co: Dickson, Zip: 37015–
Location: ½ mile downstream from Cheatham Dam
Status: Excess
Comment: 26.25 acres; subject to existing easements.

Tract 2319
Property Number: 319010930
Fed Reg Date: 11/20/92
Project Name: J. Percy Priest Dam
J. Percy Priest Dam and Reservoir
Murfreesboro, TN, Co: Rutherford, Zip: 37130–
Location: West of Buckeye Bottom Road
Status: Excess
Comment: 14.48 acres; subject to existing easements.

Tract 2227
Property Number: 319010931
Fed Reg Date: 11/20/92
Project Name: J. Percy Priest Dam
J. Percy Priest Dam and Reservoir
Murfreesboro, TN, Co: Rutherford, Zip: 37130–
Location: Old Jefferson Pike
Status: Excess
Comment: 2.27 acres; subject to existing easements.

Tract 2107
Property Number: 319010932
Fed Reg Date: 11/20/92
Project Name: J. Percy Priest Dam
J. Percy Priest Dam and Reservoir
Murfreesboro, TN, Co: Rutherford, Zip: 37130–
Location: Across Fall Creek near Fall Creek camping area.
Status: Excess
Comment: 14.85 acres; subject to existing easements.

Tracts 2601, 2602, 2603, 2604
Property Number: 319010933
Fed Reg Date: 11/20/92
Project Name: Cordell Hull Lake & Dam Pro.
Cordell Hull Lake and Dam Project
Doe Row Creek
Gainesboro, TN, Co: Jackson, Zip: 38562–
Location: TN Highway 56
Status: Unutilized
Comment: 11 acres; subject to existing easements.

Tract 1911
Property Number: 319010934
Fed Reg Date: 11/20/92
Project Name: J. Percy Priest Dam
J. Percy Priest Dam and Reservoir
Murfreesboro, TN, Co: Rutherford, Zip: 37130–
Location: East of Lamar Road
Status: Excess
Comment: 15.31 acres; subject to existing easements.

Tract 2321
Property Number: 319010935
Fed Reg Date: 11/20/92
Project Name: J. Percy Priest Dam
J. Percy Priest Dam and Reservoir
Murfreesboro, TN, Co: Rutherford, Zip: 37130–
Location: South of Old Jefferson Pike
Status: Excess
Comment: 12 acres; subject to existing easements.

Tract 7206
Property Number: 319010936
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake
Dover, TN, Co: Stewart, Zip: 37058–
Location: 2½ miles SE of Dover, TN.
Status: Excess
Comment: 10.15 acres; subject to existing easements.

Tracts 8813, 8814
Property Number: 319010937
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake
Cumberland, TN, Co: Stewart, Zip: 37050–
Location: 1½ miles East of Cumberland City.
Status: Excess
Comment: 96 acres; subject to existing easements.

Tract 8911
Property Number: 319010938
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake
Cumberland City, TN, Co: Montgomery, Zip: 37050–
Location: 4 miles east of Cumberland City.
Status: Excess
Comment: 7.7 acres; subject to existing easements.

Tract 11503
Property Number: 319010939
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake
Ashland City, TN, Co: Cheatham, Zip: 37015–
Location: 2 miles downstream from Cheatham Dam.
Status: Excess
Comment: 1.1 acres; subject to existing easements.

Tracts 11523, 11524
Property Number: 319010940
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake
Ashland City, TN, Co: Cheatham, Zip: 37015–
Location: 2½ miles downstream from Cheatham Dam.
Status: Excess
Comment: 19.5 acres; subject to existing easements.

Tract 6410
Property Number: 319010941
Fed Reg Date: 11/20/92

Project Name: Barkley Lake
Barkley Lake
Bumpus Mills, TN, Co: Stewart, Zip: 37028–
Location: 4½ miles SW of Bumpus Mills.
Status: Excess
Comment: 17 acres; subject to existing easements.

Tract 9707
Property Number: 319010943
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake
Palmyer, TN, Co: Montgomery, Zip: 37142–
Location: 3 miles NE of Palmyer, TN. Highway 149
Status: Excess
Comment: 6.6 acres; subject to existing easements.

Tract 6949
Property Number: 319010944
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake
Dover, TN, Co: Stewart, Zip: 37058–
Location: 1½ miles SE of Dover, TN.
Status: Excess
Comment: 29.67 acres; subject to existing easements.

Tracts 6005 and 6017
Property Number: 319011173
Fed Reg Date: 11/20/92
Project Name: Barkley Lake
Barkley Lake
Dover, TN, Co: Stewart, Zip: 37058–
Location: 3 miles south of Village of Tobaccoport.
Status: Excess
Comment: 5 acres; subject to existing easements.

Tracts K–1191, K–1135
Property Number: 319130007
Fed Reg Date: 11/20/92
Old Hickory Lock and Dam
Hartsville, TN, Co: Trousdale, Zip: 37074–
Status: Underutilized
Comment: 92 acres (38 acres in floodway), most recent use—recreation.

Tract A–102
Property Number: 319140006
Fed Reg Date: 11/20/92
Dale Hollow Lake & Dam Project
Canoe Ridge, State Hwy 52
Celina, TN, Co: Clay, Zip: 38551–
Status: Underutilized
Comment: 351 acres, most recent use—hunting, subject to existing easements.

Tract A–120
Property Number: 319140007
Fed Reg Date: 11/20/92
Dale Hollow Lake & Dam Project
Swann Ridge, State Hwy No. 53
Celina, TN, Co: Clay, Zip 38551–
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements.

Tracts A–20, A–21
Property Number: 319140008
Fed Reg Date: 11/20/92
Dale Hollow Lake & Dam Project
Red Oak Ridge, State Hwy No. 53
Celina, TN, Co: Clay, Zip: 38551–
Status: Underutilized
Comment: 821 acres, most recent use—recreation, subject to existing easements.

Tract D–185
Property Number: 319140010
Fed Reg Date: 11/20/92
Dale Hollow Lake & Dam Project
Ashburn Creek, Hwy No. 53
Livingston, TN, Co: Clay, Zip: 38570–
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements.

Texas

Land

Parcel Number 222
Property Number: 319010421
Fed Reg Date: 11/20/92
Project Name: Lake Texoma
Lake Texoma
(See County), TX, Co: Grayson, Zip:
Location: C. Moyerheim survey A–829 J. Hamilton survey A–529
Status: Excess
Comment: 52.80 acres; most recent use—recreation.

Wisconsin

Buildings

Former Lockmaster's Dwelling
Property Number: 319011524
Fed Reg Date: 11/20/92
Project Name: Former Lockmaster's Dwelling
Cedar Locks
4527 East Wisconsin Road
Appleton, WI, Co: Outagamie, Zip: 54911–
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Property Number: 319011525
Fed Reg Date: 11/20/92
Project Name: Former Lockmaster's Dwelling
Appleton, 4th Lock
905 South Lowe Street
Appleton, WI, Co: Outagamie, Zip: 54911–
Status: Unutilized
Comment: 908 sq. ft.; 2 story wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Property Number: 319011527
Fed Reg Date: 11/20/92
Project Name: Former Lockmaster's Dwelling
Kaukauna 1st Lock
301 Canal Street
Kaukauna, WI, Co: Outagamie, Zip: 54131–
Status: Unutilized
Comment: 1290 sq. ft.; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Property Number: 319011531
Fed Reg Date: 11/20/92
Project Name: Former Lockmaster's Dwelling
Appleton 1st Lock
905 South Oneida Street
Appleton, WI, Co: Outagamie, Zip: 54911–
Status: Unutilized
Comment: 1300 sq. ft.; potential utilities; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Property Number: 319011533
Fed Reg Date: 11/20/92
Project Name: Former Lockmaster's Dwelling
Rapid Croche Lock
Lock Road
Wrightstown, WI, Co: Outagamie, Zip: 54180–
Location: 3 miles southwest of intersection State Highway 96 and Canal Road.
Status: Unutilized
Comment: 1952 sq. ft.; 2 story wood frame residence; potential utilities; needs rehab.

Former Lockmaster's Dwelling
Property Number: 319011535
Fed Reg Date: 11/20/92
Project Name: Former Lockmaster's Dwelling
Little KauKauna Lock
Little KauKauna
Lawrence, WI, Co: Brown, Zip: 54130–
Location: 2 miles southeasterly from intersection of Lost Dauphin Road (County Trunk Highway "D") and River Street.
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Property Number: 319011536
Fed Reg Date: 11/20/92
Project Name: Former Lockmaster's Dwelling
Little Chute, 2nd Lock
214 Mill Street
Little Chute, WI, Co: Outagamie, Zip: 54140–
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; potential utilities; needs rehab; secured area with alternate access.

California

Buildings

1431 Houses
Property Number: 329210039
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Concrete family housing, majority are 2-story, scheduled to be vacated 9/95.

254 Temporary Living Quarters
Property Number: 329210040
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Wood, concrete and concrete block structures including barracks, scheduled to be vacated 9/95.

311 Office/Admin. Bldgs.
Property Number: 329210041
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Wood, concrete, concrete block and steel structures including personnel bldgs. and general purpose bldgs., scheduled to be vacated 9/95.

53 Recreation Facilities
Property Number: 329210042
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Facilities including bowling center, guest houses, community and youth centers, library, gym and recreation bldgs., scheduled to be vacated 9/95.

18 Aircraft/Airport Facilities
Property Number: 329210043
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess

Comment: Facilities including hangars, runway, taxiways, aprons, fire station, maintenance bldgs. and control tower, scheduled to be vacated 9/95.

24 Maintenance/Eng. Facilities
Property Number: 329210044
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Wood, concrete block and steel structures, scheduled to be vacated 9/95.

95 Mess/Dining Halls
Property Number: 329210045
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Wood, concrete and concrete block dining facilities, scheduled to be vacated 9/95.

7 Child Care Facilities
Property Number: 329210046
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Wood and concrete child care centers, scheduled to be vacated 9/95.

23 Stores and Services
Property Number: 329210047
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Wood, concrete, concrete block and steel structures including stores, snack bars, commissary and service station exchange, scheduled to be vacated 9/95.

10 Hospital Facilities
Property Number: 329210048
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Wood, concrete and concrete block structures including a hospital, clinics and vet. facilities, scheduled to be vacated 9/95.

10 Chapels
Property Number: 329210049
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Wood, concrete, concrete block chapels and chapel center facilities, scheduled to be vacated 9/95.

2 Fire Facilities
Property Number: 329210050
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Fire stations, scheduled to be vacated 9/95.

8 Audio Visual Facilities
Property Number: 329210051
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Wood, concrete and steel structures including photo labs and training centers, scheduled to be vacated 9/95.

6 Communications Facilities
Property Number: 329210052
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Concrete, concrete block and steel structures including a communication center and radio bldgs., scheduled to be vacated 9/95.

224 Warehouse
Property Number: 329210053
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Wood, Concrete, concrete block and steel structures including storage bldgs. and sheds, scheduled to be vacated 9/95.

84 Vehicle Shops
Property Number: 329210054
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Wood, concrete block and steel structures including maintenance shops and oil storage bldgs., scheduled to be vacated 9/95.

440 Miscellaneous Facilities
Property Number: 329210055
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Facilities including hdqts. bldgs., reserve centers, classrooms, day rooms, roads, vehicle parks and training areas, scheduled to be vacated 9/95.

27 Multi-Purpose Facilities
Property Number: 329210056
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Facilities used for multi-purposes, scheduled to be vacated 9/95.

31 Fuel Facilities
Property Number: 329210057
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Concrete, concrete block and steel structures including gas station bldgs., scheduled to be vacated 9/95.

6 Hazardous Storage Facilities
Property Number: 329210058
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Concrete block, concrete and steel structures, scheduled to be vacated 9/95.

31 Explosives Facilities
Property Number: 329210059
Fed Reg Date: 12/11/92
Fort Ord
Ft. Ord, CA, Co: Monterey, Zip: 93941–5000
Status: Excess
Comment: Concrete and steel structures including igloo storages and magazine storages, scheduled to be vacated 9/95.

Connecticut

Buildings

Portland CT 36
Property Number: 319011218
Fed Reg Date: 12/11/92
Project Name: Family Housing; Base Closure
Family Housing
1 Freedom Street
Portland, CT, Co: Middlesex, Zip: 06484–
Status: Excess
Comment: 1300 sq. ft., 1 story wood frame residence.

Portland CT 36
Property Number: 319011219
Fed Reg Date: 12/11/92
Project Name: Family Housing; Base Closure
Family Housing
2 Freedom Street
Portland, CT, Co: Middlesex, Zip: 06484–
Status: Excess
Comment: 1300 sq. ft., 1 story wood frame residence.

Portland CT 36
Property Number: 319011220
Fed Reg Date: 12/11/92
Project Name: Family Housing; Base Closure
Family Housing
3 Freedom Street
Portland, CT, Co: Middlesex, Zip: 06484–
Status: Excess
Comment: 1100 sq. ft., 1 story wood frame residence.

Portland CT 36
Property Number: 319011221
Fed Reg Date: 12/11/92
Project Name: Family Housing; Base Closure
Family Housing
4 Freedom Street
Portland, CT, Co: Middlesex, Zip: 06484–
Status: Excess
Comment: 1000 sq. ft., 1 story wood frame residence.

Portland CT 36
Property Number: 319011222
Fed Reg Date: 12/11/92
Project Name: Family Housing; Base Closure
Family Housing
5 Freedom Street
Portland, CT, Co: Middlesex, Zip: 06484–
Status: Excess
Comment: 1000 sq. ft., 1 story wood frame residence.

Portland CT 36
Property Number: 319011223
Fed Reg Date: 12/11/92
Project Name: Family Housing; Base Closure
Family Housing
6 Freedom Street
Portland, CT, Co: Middlesex, Zip: 06484–
Status: Excess
Comment: 1000 sq. ft., 1 story wood frame residence.

Portland CT 36
Property Number: 319011224
Fed Reg Date: 12/11/92
Project Name: Family Housing; Base Closure
Family Housing
7 Freedom Street
Portland, CT, Co: Middlesex, Zip: 06484–
Status: Excess

Comment: 1000 sq. ft., 1 story wood frame residence.

Portland CT 36
Property Number: 319011225
Fed Reg Date: 12/11/92
Project Name: Family Housing; Base Closure
Family Housing
8 Freedom Street
Portland, CT, Co: Middlesex, Zip: 06484–
Status: Excess
Comment: 1000 sq. ft., 1 story wood frame residence.

Portland CT 36
Property Number: 319011226
Fed Reg Date: 12/11/92
Project Name: Family Housing; Base Closure
Family Housing
9 Freedom Street
Portland, CT, Co: Middlesex, Zip: 06484–
Status: Excess
Comment: 1000 sq. ft., 1 story wood frame residence.

Portland CT 36
Property Number: 319011227
Fed Reg Date: 12/11/92
Project Name: Family Housing; Base Closure
Family Housing
10 Freedom Street
Portland, CT, Co: Middlesex, Zip: 06484–
Status: Excess
Comment: 1000 sq. ft., 1 story wood frame residence.

Portland CT 36
Property Number: 319011228
Fed Reg Date: 12/11/92
Project Name: Family Housing; Base Closure
Family Housing
11 Freedom Street
Portland, CT, Co: Middlesex, Zip: 06484–
Status: Excess
Comment: 1000 sq. ft., 1 story wood frame residence.

Portland CT 36
Property Number: 319011229
Fed Reg Date: 12/11/92
Project Name: Family Housing; Base Closure
Family Housing
13 Freedom Street
Portland, CT, Co: Middlesex, Zip: 06484–
Status: Excess
Comment: 1000 sq. ft., 1 story wood frame residence.

Portland CT 36
Property Number: 319011230
Fed Reg Date: 12/11/92
Project Name: Family Housing; Base Closure
Family Housing
14 Freedom Street
Portland, CT, Co: Middlesex, Zip: 06484–
Status: Excess
Comment: 1000 sq. ft., 1 story wood frame residence.

Portland CT 36
Property Number: 319011231
Fed Reg Date: 12/11/92
Project Name: Family Housing; Base Closure
Family Housing
15 Freedom Street
Portland, CT, Co: Middlesex, Zip: 06484–
Status: Excess
Comment: 1000 sq. ft., 1 story wood frame residence.

Portland CT 36
Property Number: 319011232
Fed Reg Date: 12/11/92
Project Name: Family Housing; Base Closure
Family Housing
16 Freedom Street
Portland, CT, Co: Middlesex, Zip: 06484–
Status: Excess
Comment: 1000 sq. ft., 1 story wood frame residence.

Illinois

Buildings

12 Worth Family Houses
Property Number: 329210002
Fed Reg Date: 12/11/92
Fort Sheridan
Worth, IL, Co: Cook, Zip: 60482–
Status: Excess
Comment: 1-story residences, possible asbestos, off-site use only, scheduled to be vacated 05/93.

Indiana

Land

2 Aircraft/Airport Facilities
Property Number: 329210077
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess
Comment: 938 sq. yds., scheduled to be vacated 9/95.

Buildings

90 Family Housing Residences
Property Number: 329210068
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess
Comment: 1260 to 1205 sq. ft., brick frame, 1 and 2 story, scheduled to be vacated 9/95.

29 Temporary Living Quarters
Property Number: 329210069
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess
Comment: 4720 to 68405 sq. ft., brick or concrete block frame, includes barracks, scheduled to be vacated 9/95.

26 Office/Administration Bldgs
Property Number: 329210070
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess
Comment: 1210 to 789018 sq. ft., wood, brick, concrete or concrete block frame, scheduled to be vacated 9/95, includes personnel bldgs, general purpose bldgs.

28 Recreational Facilities
Property Number: 329210071
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess
Comment: 152 to 31439 sq. ft., wood, brick, concrete or concrete block frame, scheduled to be vacated 9/95, includes canteen, gym, golf course, swimming pool, riding stable, tennis court.

2 Child Care Centers
Property Number: 329210072
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess
Comment: 5818 to 14457 sq. ft., brick frame scheduled to be vacated 9/95.

4 Dining Halls
Property Number: 329210073
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess
Comment: 11075 to 31439 sq. ft., brick frame, scheduled to be vacated 9/95.

12 Stores/Service Facilities
Property Number: 329210074
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess
Comment: 140 to 68899 sq. ft., brick, wood, concrete or concrete block frame, scheduled to be vacated 9/95, inc. restaurant, commissary, sales store, exchange branch, service outlet.

Hospital
Property Number: 329210075
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess
Comment: 104804 sq. ft., brick frame, scheduled to be vacated 9/95.

2 Chapels
Property Number: 329210076
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess
Comment: 3747 to 16587 sq. ft., brick and aluminum frame, scheduled to be vacated 9/95.

2 Fire Facilities
Property Number: 329210078
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess
Comment: 2243 to 3835 sq. ft., scheduled to be vacated 9/95, includes fire station, hose house.

2 Vehicle Shops
Property Number: 329210079
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess
Comment: 3470 sq. ft., concrete/asbestos frame, scheduled to be vacated 9/95.

6 Maintenance Engineering Facs
Property Number: 329210080
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess
Comment: 168 to 14074 sq. ft., wood, brick or concrete block frame, scheduled to be vacated 9/95.

4 Explosives/Munitions Bldgs.
Property Number: 329210081
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess

Comment: 135 to 1138 sq. ft., concrete frame, inc. ammo magazines scheduled to be vacated 9/95.

6 Hazardous Storage Buildings
Property Number: 329210082
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess
Comment: 103 to 480 sq. ft., brick, steel, wood frame, inc. flammable materials storage, scheduled to be vacated 9/95.

1 Fuel Facility
Property Number: 329210083
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess
Comment: 327 sq. ft., gas station building, scheduled to be vacated 9/95.

23 Warehouses
Property Number: 329210084
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess
Comment: 960 to 56650 sq. ft., concrete, brick or steel frame, scheduled to be vacated 9/95.

150 Miscellaneous Buildings
Property Number: 329210085
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess
Comment: 31 to 211364 sq. ft., wood, concrete block, concrete, brick, or steel frame, scheduled to be vacated 9/95, inc. hdqtrs. and gen. instruction bldgs, training cntrs, detached garages.

5 Multi-purpose Buildings
Property Number: 329210086
Fed Reg Date: 12/11/92
Fort Benjamin Harrison
Lawrence, IN, Co: Marion, Zip: 46216–5000
Status: Excess
Comment: scheduled to be vacated 9/95.

Massachusetts

Buildings

54 Office/Administration Bldgs
Property Number: 329210012
Fed Reg Date: 12/11/92
Fort Devens
Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: 1174 to 71781 sq. ft., wood, brick, or concrete/block frame, e.g. personnel bldgs., general purpose, support services, scheduled to be vacated 10/95.

27 Recreational Facilities
Property Number: 329210013
Fed Reg Date: 12/11/92
Fort Devens
Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: 155 to 30000 sq. ft., wood, brick, steel or concrete/block frame, e.g. gym, library, swimming pool, golf clubhouse, bowling center, etc., scheduled to be vacated 10/95.

Child Care Facility
Property Number: 329210014
Fed Reg Date: 12/11/92
Fort Devens
Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: 6012 sq. ft., wood frame, scheduled to be vacated 10/95.

150 Temp. Living Quarters
Property Number: 329210015
Fed Reg Date: 12/11/92
Fort Devens
Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: 1028 to 19120 sq. ft., wood, concrete block or brick frame, e.g. barracks, scheduled to be vacated 10/95.

Aircraft/Airport Facility
Property Number: 329210016
Fed Reg Date: 12/11/92
Fort Devens
Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: Scheduled to be vacated 10/95.

17 Maintenance Eng. Facilities
Property Number: 329210017
Fed Reg Date: 12/11/92
Fort Devens
Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: 960 to 16699 sq. ft., wood, brick, or steel frame, e.g. maintenance shops, entomology facility, scheduled to be vacated 10/95.

11 Stores/Service Buildings
Property Number: 329210018
Fed Reg Date: 12/11/92
Fort Devens
Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: 271 to 107208 sq. ft., wood, concrete block or brick frame, e.g. commissary, sales store, exchange service station, exchange retail store, scheduled to be vacated 10/95.

7 Hospital Facilities
Property Number: 329210019
Fed Reg Date: 12/11/92
Fort Devens
Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: 493 to 126835 sq. ft., wood, concrete, brick or concrete block frame, e.g. clinics, hospital, veterinarian facility, dental clinic, scheduled to be vacated 10/95.

Chapel
Property Number: 329210020
Fed Reg Date: 12/11/92
Fort Devens
Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: 22250 sq. ft., brick frame, scheduled to be vacated 10/95.

17 Vehicle Shops
Property Number: 329210021
Fed Reg Date: 12/11/92
Fort Devens
Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: 120 to 20310 sq. ft., wood, concrete block or steel frame, e.g. vehicle maintenance shops, oil storage bldgs, scheduled to be vacated 10/95.

4 Audio Visual/Photo Labs
Property Number: 329210022
Fed Reg Date: 12/11/92
Fort Devens
Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: 480 to 10612 sq. ft., wood or concrete block frame, scheduled to be vacated 10/95.

8 Hazardous Storage Buildings
Property Number: 329210023
Fed Reg Date: 12/11/92
Fort Devens
Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: 64 to 6000 sq. ft., concrete, steel or concrete block frame, scheduled to be vacated 10/95, e.g. oxygen storage facility and flammable materials storage.

2 Communications Buildings
Property Number: 329210024
Fed Reg Date: 12/11/92
Fort Devens
Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: 1322 to 1749 sq. ft., concrete block or brick frame, scheduled to be vacated 10/95, e.g. communication center.

7 Fuel Facilities
Property Number: 329210025
Fed Reg Date: 12/11/92
Fort Devens
Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: 121 to 226 sq. ft., wood, concrete block or steel frame, scheduled to be vacated 10/95, e.g. gas station bldgs. and pump stations.

92 Warehouses
Property Number: 329210026
Fed Reg Date: 12/11/92
Fort Devens
Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: 49 to 85790 sq. ft., wood, concrete block, concrete or steel frame, scheduled to be vacated 10/95, e.g. sheds, general purpose bldgs., vehicle storage, medical supply, storehouse.

24 Mess/Dining Halls
Property Number: 329210027
Fed Reg Date: 12/11/92
Fort Devens
Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: 2403 to 2717 sq. ft., wood frame, e.g. enlisted personnel dining, scheduled to be vacated 10/95.

172 Miscellaneous Facilities
Property Number: 32921002[illegible]
Fed Reg Date: 12/11/92
Fort Devens

Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: 320 to 114000 sq. ft., wood, concrete block, brick or steel frame, scheduled to be vacated 10/95, e.g. general purpose training fac., RG houses, reserve centers, garages.

404 Housing Units
Property Number: 329210029
Fed Reg Date: 12/11/92
Fort Devens
Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: 1200 to 4380 sq. ft., wood or brick frame, e.g. single and multifamily bldgs., scheduled to be vacated 10/95.

4 Multi-purpose Buildings
Property Number: 329210030
Fed Reg Date: 12/11/92
Fort Devens
Ft. Devens, MA, Co: Worcester, Zip: 01433–5000
Status: Excess
Comment: Scheduled to be vacated 10/95.

12 Bldgs., Burlington Housing
Property Number: 329240005
Fed Reg Date: 12/11/92
Project Name; Base Closure
South Bedford
Burlington, MA, Co: Middlesex, Zip: 01803–
Status: Excess
Comment: 1100 sq. ft. each, 1-story wood frame residences.

Michigan

Buildings

Pontiac Storage Facility
Property Number: 329240001
Fed Reg Date: 12/11/92
871 East South Boulevard
Pontiac, MI, Co: Oakland, Zip: 48054–
Status: Excess
Comment: 607,202 sq. ft. warehouse w/steel frame, 4 other structures inc. well house, sentry station, heating plant & water tower located on 31.24 acres.

New Jersey

Buildings

25 Family Housing Residences
Property Number: 329220014
Fed Reg Date: 12/11/92
Sheridanville Family Housing
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Location: Sailors Pond Road, approx. 1 mile east of State Highway Route #68.
Status: Excess
Comment: wood frame w/brick veneer facing, 2 story, 6-unit bldgs., 1, 2 or 3 bedrooms, scheduled to be vacated 12/31/92. (12 bldgs. are unavailable due to homeless application)

1 Family Housing Residence
Property Number: 329220016
Fed Reg Date: 12/11/92
Sheridanville Family Housing
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Location: Sailors Pond Road, approx. 1 mile east of State Highway Route #68.
Status: Excess
Comment: wood frame w/brick veneer facing, 2 story, 10-unit bldg., 1, 2 or 3 bedrooms, scheduled to be vacated 12/31/92.

11 Family Housing Residences
Property Number: 329220017
Fed Reg Date: 12/11/92
Sheridanville Family Housing
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Location: Sailors Pond Road, approx. 1 mile east of State Highway Route #68.
Status: Excess
Comment: wood frame w/brick veneer facing, 2 story, 12-unit bldgs., 1, 2 or 3 bedrooms, scheduled to be vacated 12/31/92. (4 bldgs. are unavailable due to homeless application)

33 Detached Sheds
Property Number: 329220018
Fed Reg Date: 12/11/92
Sheridanville Family Housing
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Location: Sailors Pond Road, approx. 1 mile east of State Highway Route #68.
Status: Excess
Comment: wood frame, 1 story, scheduled to be vacated 12/31/92. (14 sheds are unavailable due to homeless application)

3 Miscellaneous Buildings
Property Number: 329220022
Fed Reg Date: 12/11/92
Sheridanville Family Housing
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Location: Sailors Pond Road, approx. 1 mile east of State Highway Route #68.
Status: Excess
Comment: most recent use—waiting shelters, scheduled to be vacated 12/31/92. (2 shelters are unavailable due to homeless application)

Rhode Island

Buildings

62 Bldgs., Davisville Housing
Property Number: 329240003
Fed Reg Date: 12/11/92
Navy Drive
Davisville, RI, Co: Kingston, Zip: 02852–
Status: Excess
Comment: sq. ft. varies, 2-story wood frame residences.

16 Bldgs., Slaterville Housing
Property Number: 329240004
Fed Reg Date: 12/11/92
Pound Hill Street
N. Smithfield, RI, Co: Providence, Zip: 02895–
Status: Excess
Comment: 1100 sq. ft. each, 1-story wood frame residences.

Virginia

Buildings

3 Communications Facilities
Property Number: 329210060
Fed Reg Date: 12/11/92
Harry Diamond Laboratories
Woodbridge Facility
Woodbridge, VA, Co: Prince William, Zip: 22191–
Status: Excess
Comment: Brick structures, scheduled to be vacated 9/94.

1 Warehouse
Property Number: 329210061
Fed Reg Date: 12/11/92
Harry Diamond Laboratories
Woodbridge Facility
Woodbridge, VA, Co: Prince William, Zip: 22191–
Status: Excess
Comment: Brick storehouse, scheduled to be vacated 9/94.

3 Miscellaneous Facilities
Property Number: 329210062
Fed Reg Date: 12/11/92
Harry Diamond Laboratories
Woodbridge Facility
Woodbridge, VA, Co: Prince William, Zip: 22191–
Status: Excess
Comment: Facilities including vehicle park and road, scheduled to be vacated 9/94.

2 Multi-Purpose Facilities
Property Number: 329210063
Fed Reg Date: 12/11/92
Harry Diamond Laboratories
Woodbridge Facility
Woodbridge, VA, Co: Prince William, Zip: 22191–
Status: Excess
Comment: Brick structures including an administrative bldg., scheduled to be vacated 9/94.

Washington

Buildings

28 Bldgs., Youngslake Housing
Property Number: 329240006
Fed Reg Date: 12/11/92
Near 116th St., SE & 192nd St.
Renton, WA, Co: King, Zip:
Status: Excess
Comment: 1184–1392 sq. ft., 3-bedroom residences.

DOT

North Carolina

Buildings

Dwelling 1
Property Number: 879120083
Fed Reg Date: 11/20/92
USCG Coinjock Housing
Coinjock, NC, Co: Currituck, Zip: 27923–
Status: Unutilized
Comment: one story wood residence, periodic flooding in garage and utility room occurs in heavy rainfall.

Dwelling 2
Property Number: 879120084
Fed Reg Date: 11/20/92
USCG Coinjock Housing
Coinjock, NC, Co: Currituck, Zip: 27923–
Status: Unutilized
Comment: one story wood residence, periodic flooding in garage and utility room occurs in heavy rainfall.

Dwelling 3
Property Number: 879120085
Fed Reg Date: 11/20/92
USCG Coinjock Housing
Coinjock, NC, Co: Currituck, Zip: 27923–
Status: Unutilized
Comment: one story wood residence, periodic flooding in garage and utility room occurs in heavy rainfall.

Virginia

Buildings

Housing
Property Number: 879120082
Fed Reg Date: 11/20/92
Rt. 637—Gwynnville Road
Gwynn Island, VA, Co: Mathews, Zip: 23066–

Status: Unutilized
Comment: 929 sq. ft., one story residence.

Admin. Bldg.
Property Number: 879230006
Fed Reg Date: 11/20/92
Group Eastern Shores
Coast Guard Station, South Main Street
Chinoteague, VA, Co: Accomack, Zip: 23336–1510
Status: Unutilized
Comment: 3,795 sq. ft., 1-story wood structure, off-site use only, scheduled to be vacated 6/93.

Repair Shop
Property Number: 879230007
Fed Reg Date: 11/20/92
Group Eastern Shores
Coast Guard Station, South Main Street
Chinoteague, VA, Co: Accomack, Zip: 23336–1510
Status: Unutilized
Comment: 3,025 sq. ft., 1-story wood structure, off-site use only, scheduled to be vacated 6/93.

Energy

Colorado

Buildings

Otis Repeater Building
Property Number: 419130001
Fed Reg Date: 02/28/92
Otis, CO, Co: Washington, Zip: 80743–
Status: Excess
Comment: 144 sq. ft., one story metal structure, most recent use—communication equipment storage, off-site use only.

Limon Repeater Station
Property Number: 419130002
Fed Reg Date: 02/28/92
Limon, CO, Co: Lincoln, Zip: 80828–
Status: Excess
Comment: 144 sq. ft., one story metal structure, most recent use—communication equipment storage, off-site use only.

Bald Mountain Microwave Bldg.
Property Number: 419210001
Fed Reg Date: 04/03/92
Berthoud, CO, Co: Larimer, Zip: 80513–
Status: Excess
Comment: 223 sq. ft., most recent use—communication equipment bldg., metal frame, off-site removal only.

Idaho

Buildings

Storage and Training Facility
Property Number: 419040001
Fed Reg Date: 02/28/92
Project Name: Storage and Training Facility
INEL DOE–ID
Idaho Falls, ID, Co: Bonneville, Zip:
Status: Excess
Comment: 2,072 sq. ft., 1 story wood frame, needs major rehab, off-site use only.

Wyoming

Buildings

Glendale Microwave Bldg.
Property Number: 419220001
Fed Reg Date: 11/20/92
Section 1
Cody, WY, Co: Park, Zip: 82414–
Status: Excess
Comment: 223 sq. ft., metal frame, communication equipment bldg., limited utilities, off-site removal only.

GSA

California

Land

Receiver Site
Property Number: 549010044
Fed Reg Date: 11/20/92
Project Name: Delano Relay Station
Delano Relay Station
Route 1, Box 1350
Delano, CA, Co: Tulare, Zip: 93215–
Location: 5 miles west of Pixley, 17 miles South of Delano.
Status: Excess
Comment: 81 acres, 1560 sq. ft. radio receiver bldg. on site, subject to grazing lease, potential utilities
GSA No.: 9–2–CA–1308.

.4075 acres
Property Number: 549230002
Fed Reg Date: 12/18/92
Ocotillo Wells
Borrego, CA, , Zip:
Status: Excess
Comment: unimproved land, surrounding land—desert
GSA No.: 9–F–CA–1327.

Colorado

Land

Portion/Curecanti Substation
Property Number: 419030009
Fed Reg Date: 11/20/92
Project Name: Curecanti Substation
Cimarron, CO, Co: Montrose, Zip: 81220–
Location: 2 miles east of Cimarron on Highway 50
Status: Excess
Comment: 36.39 acres, easement restrictions
GSA No.: 7–B–CO–624.

Idaho

Land

Portion
Property Number: 549230004
Fed Reg Date: 12/11/92
Former Farragut Naval Training Center
Athol, ID, Co: Kootenai, Zip: 83801–
Status: Excess
Comment: 48.42 acres, former railroad right-of-way
GSA No.: 9–GR(2)–ID–421C.

Indiana

Land

Portion, Cannelton Locks & Dam
Property Number: 549240008
Fed Reg Date: 12/11/92
Adjacent to Middle Creek Boat Launching Ramp
IN, Co: Floyd, Zip:
Status: Excess
Comment: 28.65 acres with pumphouse, no utilities, periodic flooding
GSA No.: 2–D–IN–569–C.

Massachusetts

Land

Por. of Former Navy Ammo. Plt.
Property Number: 549030017
Fed Reg Date: 11/20/92
Project Name: Fort Hill
Fort Hill Street
Hingham, MA, Co: Plymouth, Zip: 02043–
Location: Across from Bus Company Parking Garage.
Status: Excess
Comment: 1.129 acres, gravel pavement, most recent use—parking lot
GSA No.: 2–GR–MA–591B.

North Dakota

Land

US Army Reserve Center
Property Number: 549240001
Fed Reg Date: 12/11/92
SE intersection of US 83 & County Road 10A
Minto, ND, Co: Ward, Zip: 58701–
Status: Excess
Comment: 5 acres; most recent use—agricultural
GSA No.: 7–D–ND–0492.

Buildings

Barracks/Admin Bldg.
Property Number: 549240007
Fed Reg Date: 12/24/92
Lamoure, ND, Co: Lamoure, Zip: 58458–
Status: Excess
Comment: 11800 sq. ft., 1 story masonry frame, most recent use—offices, in wetlands area.
GSA No.: 7–U–ND–0494.

Oklahoma

Land

Parcel No. 18
Property Number: 219013808
Fed Reg Date: 11/20/92
Project Name: Fort Gibson Lake
Fort Gibson Lake
Section 12
Wagoner Co., OK, Co: Wagoner, Zip:
Status: Excess
Comment: 8.77 acres; subject to grazing lease; most recent use—recreation.
GSA No.: 7–D–OK–0442E–0004.

Parcel No. 100/GSA No. 13
Property Number: 319010440
Fed Reg Date: 12/18/92
Project Name: Lake Texoma
Lake Texoma
Section 25, T7S, R5E
Enos, OK, Co: Marshall, Zip: –
Location: 1 mile northeast of Enos
Status: Excess
Comment: 11.77 acres; most recent use—recreation
GSA No.: 7–D–OK–507–H.

Parcel No. 44/GSA No. 4
Property Number: 319010475
Fed Reg Date: 12/18/92
Project Name: Lake Texoma
Lake Texoma
Section 15, T5S, R7E
OK, Co: Johnston, Zip:
Location: About ½ miles southeast of Bee
Status: Excess
Comment: 14.98 acres, no utilities, most recent use—recreation.
GSA No.: 7–D–OK–507–H

Parcel No. 46/GSA No. 5
Property Number: 319010477
Fed Reg Date: 12/18/92

Project Name: Lake Texoma
Lake Texoma
Section 15 and Section 16, T5S, R7E
OK, Co: Johnston, Zip:
Location: About 1 mile southwest of Bee
Status: Excess
Comment: 23.91 acres, no utilities, most recent use—recreation.
GSA No.: 7–D–OK–507–H

Parcel 7
Property Number: 319010869
Fed Reg Date: 11/20/92
Project Name: Fort Gibson Lake
Fort Gibson Lake
Section 6
OK, Co: Cherokee, Zip: 74434
Status: Excess
Comment: 16.31 acres; potential utilities; most recent use—recreational and development.
GSA No.: 7–D–OK–0442E–0001

Parcel 14
Property Number: 319010870
Fed Reg Date: 11/20/92
Project Name: Fort Gibson Lake
Fort Gibson Lake
Section 20
OK, Co: Cherokee, Zip 74434
Status: Excess
Comment: 52.09 acres; potential utilities; subject to having/grazing leases; most recent use—recreational.
GSA No.: 7–D–OK–0442E–0002

Parcel 15
Property Number: 319010871
Fed Reg Date: 11/20/92
Project Name: Fort Gibson Lake
Fort Gibson Lake
Section 22
OK, Co: Cherokee, Zip: 74434
Status: Excess
Comment: 7.51 acres; potential utilities; most recent use—recreational.
GSA No.: 7–D–OK–0442E–0003

Parcel 28
Property Number: 319010877
Fed Reg Date: 11/20/92
Project Name: Fort Gibson Lake
Fort Gibson Lake
Section 35
OK, Co: Mayes, Zip: 74434
Status: Excess
Comment: 36.59 acres; potential utilities; most recent use—recreational.
GSA No.: 7–D–OK–0442E–0005

Parcel 75
Property Number: 319010887
Fed Reg Date: 11/20/92
Project Name: Fort Gibson Lake
Fort Gibson Lake
Section 16
OK, Co: Mayes, Zip: 74434
Status: Excess
Comment: 45 acres; potential utilities; subject to haying lease and flowage easement; most recent use—recreational.
GSA No.: 7–D–OK–0442E–0009

Parcel 88
Property Number: 319010899
Fed Reg Date: 11/20/92
Project Name: Fort Gibson Lake
Fort Gibson Lake
Section 7
OK, Co: Wagoner, Zip: 74434
Status: Excess
Comment: 14 acres; potential utilities; subject to grazing lease; most recent use—recreational.
GSA No.: 7–D–OK–0442E–0010

Parcel 89
Property Number: 319010900
Fed Reg Date: 11/20/92
Project Name: Fort Gibson Lake
Fort Gibson Lake
Section 7
OK, Co: Wagoner, Zip: 74434
Status: Excess
Comment: 16 acres; potential utilities; subject to grazing lease and flowage easement; most recent use—recreational.
GSA No.: 7–D–OK–0442E–0011

Parcel 95
Property Number: 319010906
Fed Reg Date: 11/20/92
Project Name: Fort Gibson Lake
Fort Gibson Lake
Section 33
OK, Co: Wagoner, Zip: 74434
Status: Excess
Comment: 8 acres; potential utilities; most recent use—recreational.
GSA No.: 7–D–OK–0442E–0012

Parcel No. 13/GSA No. 1
Property Number: 319011345
Fed Reg Date: 12/18/92
Project Name: Lake Texoma
Lake Texoma
Section 7, T7S, R8E
OK, Co: Bryan, Zip:
Location: Approximately 2 miles south of Mead, OK.
Status: Excess
Comment: 26.76 acres, most recent use—recreation
GSA No.: 7–D–OK–507–H

Parcel No. 21/GSA No. 2
Property Number: 319011352
Fed Reg Date: 12/18/92
Project Name: Lake Texoma
Lake Texoma
Section 3, T7S, R7E
OK, Co: Bryan, Zip:
Location: Approximately 5 miles southwest of Mead, OK.
Status: Excess
Comment: 41.16 acres, most recent use—recreation
GSA No.: 7–D–OK–507–H

Parcel No. 23/GSA No. 3
Property Number: 319011354
Fed Reg Date: 12/18/92
Project Name: Lake Texoma
Lake Texoma
Section 34, T7S, R7E
OK, Co: Bryan, Zip:
Location: Approximately 3½ miles west of Mead, OK.
Status: Excess
Comment: 9 acres, most recent use—recreation
GSA No.: 7–D–OK–507–H

Parcel No. 43
Property Number: 319011371
Fed Reg Date: 11/20/92
Project Name: Fort Gibson Lake
Fort Gibson Lake
Section 11
OK, Co: Mayes, Zip: 74434
Status: Excess
Comment: 125 acres; potential utilities; portion subject to grazing lease and flowage easements.
GSA No.: 7–D–OK–0442E–0006

Parcel No. 49
Property Number: 319011377
Fed Reg Date: 11/20/92
Project Name: Fort Gibson Lake
Fort Gibson Lake
Section 15
OK, Co: Mayes, Zip: 74434
Status: Excess
Comment: 26.94 acres; potential utilities; portion subject to grazing lease and flowage easements.
GSA No.: 7–D–OK–0442E–0007

Parcel No. 61
Property Number: 319011389
Fed Reg Date: 11/20/92
Project Name: Fort Gibson Lake
Fort Gibson Lake
Section 13
OK, Co: Mayes, Zip: 74434
Status: Excess
Comment: 54 acres; potential utilities; subject to flowage easement; most recent use—recreation.
GSA No.: 7–D–OK–0442E–0008

Parcel No. 99
Property Number: 319011400
Fed Reg Date: 11/20/92
Project Name: Fort Gibson Lake
Fort Gibson Lake
Section 21
OK, Co: Wagoner, Zip: 74434
Status: Excess
Comment: 5 acres; small creek on land; most recent use—recreation.
GSA No.: 7–D–OK–0442E–0013

Parcel No. 102
Property Number: 319011403
Fed Reg Date: 11/20/92
Project Name: Fort Gibson Lake
Fort Gibson Lake
Section 33
OK, Co: Wagoner, Zip: 74434
Status: Excess
Comment: 7 acres; subject to grazing lease; most recent use—recreation.
GSA No.: 7–D–OK–0442E–0014

Parcel No. 54/GSA No. 6
Property Number: 549210007
Fed Reg Date: 11/20/92
Lake Texoma
OK, Co: Marshall, Zip: 73439–
Location: Section 17, 3½ miles north of Little City, OK.
Status: Excess
Comment: 5.05 acres, potential utilities, most recent use—low density recreation.
GSA No.: 7–D–OK–0507–H

Parcel No. 63/GSA No. 8
Property Number: 549210008
Fed Reg Date: 11/20/92
Lake Texoma
OK, Co: Marshall, Zip: 73439–
Location: Section 19, 3½ miles southwest of Cumberland, OK.
Status: Excess
Comment: 40.32 acres, potential utilities, most recent use—low density recreation.
GSA No.: 7–D–OK–0507–H

Parcel No. 66/GSA No. 9
Property Number: 549210009
Fed Reg Date: 1/20/92

Lake Texoma
OK, Co: Marshall, Zip: 73439–
Location: Sections 12 and 13, 2½ miles southwest of Cumberland, OK.
Status: Excess
Comment: 14.05 acres, potential utilities, most recent use—low density recreation/ natural gas well and pipelines.
GSA No.: 7–D–OK–0507–H

Parcel No. 78/GSA No. 11
Property Number: 549210010
Fed Reg Date: 11/20/92
Lake Texoma
OK, Co: Marshall, Zip: 73439–
Location: Section 24, 1 mile east of McBride, OK
Status: Excess
Comment: 30.28 acres, potential utilities, most recent use—low density recreation.
GSA No.: 7–D–OK–0507–H.

Parcel No. 86/GSA No. 12
Property Number: 549210011
Fed Reg Date: 11/20/92
Lake Texoma
OK, Co: Marshall, Zip: 73439–
Location: Section 1824, 3½ miles south of Kingston, OK
Status: Excess
Comment: 13 acres, potential utilities, most recent use—low density recreation.
GSA No.: 7–D–OK–0507–H.

Parcel No. 125/GSA No. 14
Property Number: 549210012
Fed Reg Date: 11/20/92
Lake Texoma
OK, Co: Marshall, Zip: 73439–
Location: Section 17
Status: Excess
Comment: 11.24 acres, potential utilities, most recent use—low density recreation.
GSA No.: 7–D–OK–0507–H.

Parcel No. 150/GSA No. 15
Property Number: 549210013
Fed Reg Date: 11/20/92
Lake Texoma
OK, Co: Marshall, Zip: 73439–
Location: Section 6
Status: Excess
Comment: 12.64 acres, potential utilities, most recent use—low density recreation.
GSA No.: 7–D–OK–0507–H.

Parcel No. 164/GSA No. 16
Property Number: 549210014
Fed Reg Date: 11/20/92
Lake Texoma
OK, Co: Love, Zip: 73441–
Location: Section 3
Status: Excess
Comment: 40.20 acres, potential utilities, most recent use—low density recreation.
GSA No.: 7–D–OK–0507–H.

Parcel No. 165/GSA No. 17
Property Number: 549210015
Fed Reg Date: 11/20/92
Lake Texoma
OK, Co: Love, Zip: 73441–
Location: Section 3
Status: Excess
Comment: 32.62 acres, potential utilities, most recent use—low density recreation.
GSA No.: 7–D–OK–0507–H.

Parcel No. 166/GSA No. 18
Property Number: 549210016
Fed Reg Date: 11/20/92
Lake Texoma
OK, Co: Love, Zip: 73441–
Location: Section 10
Status: Excess
Comment: 62.61 acres, potential utilities, most recent use—low density recreation.
GSA No.: 7–D–OK–0507–H.

Parcel No. 68/GSA No. 10
Property Number: 549240010
Fed Reg Date: 12/18/92
Lake Texoma, Sect. 11 T6S, R6E
Cumberland, OK, Co: Marshall, Zip:
Status: Excess
Comment: 29.76 acres, most recent use—recreation
GSA No.: 7–D–OK–0507–H.

Texas

Land

Parcel No. 185/GSA No. 19
Property Number: 319010405
Fed Reg Date: 12/18/92
Project Name: Lake Texoma
Lake Texoma
TX, Co: Cooke, Zip:
Location: Robert Firinash. survey A–368
Status: Excess
Comment: 31.64 acres, most recent use—recreation
GSA No.: 7–D–OK–0507–H.

Buildings

Marine Corps Reserve Center
Property Number: 549240002
Fed Reg Date: 12/11/92
208 South F Street
Harlingen, TX, Co: Cameron, Zip: 78550–6475
Status: Excess
Comment: 4 Bldgs. and 0.82 acres of land; most recent use of bldgs—administration (4708 sq. ft. brick); carport/storage (1782/ 2800 sq. ft. wood); storage (4256 sq. ft. tin).
GSA No.: 7–N–TX–1032.

Washington

Land

Land
Property Number: 549210005
Fed Reg Date: 11/20/92
Goodnoe Hills Substation & Wind Study Site
WA, Co: Klickitat, Zip: 98620–
Location: 15 mi SE of Goldendale on S side of St. Hwy. 122
Status: Excess
Comment: 123 acres w/a 20'×20' visitors center and a 6'×6' substation bldg. which has secured areas.
GSA No.: 9–B–WA–1017.

Buildings

Federal Building
Property Number: 549240003
Fed Reg Date: 12/18/92
801 Capitol Way
Olympia, WA, Co: Thurston, Zip:
Status: Excess
Comment: 13,800 sq. ft., 3-story plus basement, sandstone blocks over steel-concrete superstructure, most recent use—office space, listed on National Historic Register
GSA No.: G–WA–1040.

Vancouver Substations
Property Number: 549240004
Fed Reg Date: 12/18/92
Vancouver, WA, Co: Clark, Zip: 98661–
Status: Excess
Comment: 7 electrical control houses and transmission line corridors, access restrictions, high voltage present, minor contamination
GSA No.: 9–B–WA–1019–1028.

Interior

New Mexico

Buildings

Old Helium Plant
Property Number: 619010002
Fed Reg Date: 11/06/92
Project Name: Old Helium Plant
Gallup, NM, Co: McKinley, Zip: 87301–
Location: ¼ mile north of Gallup, adjacent to Old US Highway 666.
Status: Excess
Comment: 7653 sq. ft., 1 story office and warehouse space, possible asbestos, on 4.65 acres, secured area with alternate access.

Navy

California

Buildings

199 Military Family Housing
Property Number: 779240001
Fed Reg Date: 12/24/92
Savannah Project
Long Beach Naval Station
Long Beach, CA, Co: Los Angeles, Zip: 90801–
Status: Excess
Comment: 1405 sq. ft., 2-family duplexes, 1-story woodframe stucco, 144 units scheduled to be vacated 1/31/93; 254 units scheduled to be vacated 10/1/93.

Utility Bldg.
Property Number: 779240002
Fed Reg Date: 12/24/92
Savannah Project
Long Beach Naval Station
Long Beach, CA, Co: Los Angeles, Zip: 90801–
Status: Excess
Comment: 237 sq. ft., 1-story woodframe stucco, most recent use—gas meter bldg., scheduled to be vacated 10/93.

100 Military Family Housing
Property Number: 779240003
Fed Reg Date: 12/24/92
Cabrillo Project
Long Beach Naval Station
Long Beach, CA, Co: Los Angeles, Zip: 90801–
Status: Excess
Comment: 2550 sq. ft., to 3024 sq. ft., 16-duplexes, 72-four plexes, and 12-six plexes totaling 684 units, 3 to 4 bedrooms, 1 to 2 story, scheduled to be vacated 10/94.

49 Detached Carports
Property Number: 779240004
Fed Reg Date: 12/24/92
Cabrillo Project
Long Beach Naval Station
Long Beach, CA, Co: Los Angeles, Zip: 90801–
Status: Excess
Comment: size varies, 1-story concrete block wall, scheduled to be vacated 10/94.

Convenience Store
Property Number: 779240005

Fed Reg Date: 12/24/92
Cabrillo Project
Long Beach Naval Station
Long Beach, CA, Co: Los Angeles, Zip: 90801–
Status: Excess
Comment: 4830 sq. ft., 1-story woodframe stucco, scheduled to be vacated 10/94.

Youth Center
Property Number: 779240006
Fed Reg Date: 12/24/92
Cabrillo Project
Long Beach Naval Station
Long Beach, CA, Co: Los Angeles, Zip: 90801–
Status: Excess
Comment: 6576 sq. ft., 1-story woodframe stucco, scheduled to be vacated 10/94.

Utility Bldg.
Property Number: 779240007
Fed Reg Date: 12/24/92
Cabrillo Project
Long Beach Naval Station
Long Beach, CA, Co: Los Angeles, Zip: 90801–
Status: Excess
Comment: 416 sq. ft., 1-story woodframe stucco, most recent use—gas meter building, scheduled to be vacated 10/94.

Child Care Center & Storage
Property Number: 779240008
Fed Reg Date: 12/24/92
Cabrillo Project
Long Beach Naval Station
Long Beach, CA, Co: Los Angeles, Zip: 90801–
Status: Excess
Comment: 6641 sq. ft. child care center and 400 sq. ft. storage bldg. 1-story woodframe stucco, scheduled to be vacated 10/94.

Maintenance Bldg.
Property Number: 779240009
Fed Reg Date: 12/24/92
Cabrillo Project
Long Beach Naval Station
Long Beach, CA, Co: Los Angeles, Zip: 90801–
Status: Excess
Comment: 900 sq. ft., 1-story steel panel bldg., scheduled to be vacated 10/94.

Laundromat
Property Number: 779240010
Fed Reg Date: 12/24/92
Cabrillo Project
Long Beach Naval Station
Long Beach, CA, Co: Los Angeles, Zip: 90801–
Status: Excess
Comment: 1320 sq. ft., 1-story woodframe, stucco, scheduled to be vacated 10/94.

Georgia

Land

Naval Submarine Base
Property Number: 779010229
Fed Reg Date: 11/20/92
Project Name: Naval Submarine Base
Grid R–2 to R–3 to V–4 to V–1
Kings Bay, GA, Co: Camden, Zip: 31547–
Status: Underutilized
Comment: 111.57 acres; areas may be environmentally protected; secured area with alternate access.

Hawaii

Buildings

Bldg. S87, Radio Trans. Fac.
Property Number: 779240011
Fed Reg Date: 12/18/92
Lualualei, Naval Station, Eastern Pacific
Wahiawa, HI, Co: Honolulu, Zip: 96786–3050
Status: Unutilized
Comment: 7566 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only.

Bldg. 466, Radio Trans. Fac.
Property Number: 779240012
Fed Reg Date: 12/18/92
Lualualei, Naval Station, Eastern Pacific
Wahiawa, HI, Co: Honolulu, Zip: 96786–3050
Status: Unutilized
Comment: 100 sq. ft., 1-story, needs rehab, most recent use—gas station, off-site use only.

Maine

Land

Naval Air Station
Property Number: 779010111
Fed Reg Date: 11/20/92
Project Name: Transmitter Site
Transmitter Site
Old Bath Road
Brunswick, ME, Co: Cumberland, Zip: 04053–
Status: Underutilized
Comment: 66.13 acres, most recent use-transmitter station.

Buildings

Naval Air Station
Property Number: 779010110
Fed Reg Date: 11/20/92
Project Name: Transmitter Site
Transmitter Site
Old Bath Road
Brunswick, ME, Co: Cumberland, Zip: 04053–
Status: Underutilized
Comment: 7,270 sq. ft., 1 story bldg, most recent use—storage, structural deficiencies.

Parcel No. 3
Property Number: 779120001
Fed Reg Date: 11/20/92
Naval Air Station Topsham Annex
Topsham, ME, Co: Sagadahoc, Zip: 04086–
Status: Demolished
Comment: 1900 sq. ft. abandoned storage facility, poor condition on 4.31 acres.

Bldg. 523—Transmitter Site
Property Number: 779230002
Fed Reg Date: 11/20/92
Naval Air Station
East Brunswick, ME, Co: Cumberland, Zip: 04011–
Status: Excess
Comment: 7270 sq. ft., 1-story bldg., most recent use—storage, needs rehab on 66 acres of land.

Bldg. 524—Transmitter Site
Property Number: 779230003
Fed Reg Date: 11/20/92
Naval Air Station
East Brunswick, ME, Co: Cumberland, Zip: 04011–
Status: Excess
Comment: 384 sq. ft., 1-story, most recent use—storage, needs rehab.

Bldg. 332, Naval Air Station
Property Number: 779240013
Fed Reg Date: 12/18/92
Topsham Annex
Brunswick, ME, Co: Sagadahoc, Zip:
Status: Excess
Comment: 1248 sq. ft., 1-story, most recent use—office building, off-site use only.

Bldg. 333, Naval Air Station
Property Number: 779240014
Fed Reg Date: 12/18/92
Topsham Annex
Brunswick, ME, Co: Sagadahoc, Zip:
Status: Excess
Comment: 12672 sq. ft., 2-story, most recent use—office building, off-site use only.

Texas

Land

Peary Point #2
Property Number: 779030001
Fed Reg Date: 11/20/92
Project Name: Naval Air Station
Naval Air Station
Corpus Christi, TX, Co: Nueces, Zip: 78419–5000
Status: Excess
Comment: 43.48 acres; 60% of land under lease under 8/93.
GSA No.: 7–N–TX–402–V

Buildings

208 Off-base Capehart Housing
Property Number: 779210001
Fed Reg Date: 11/20/92
Naval Air Station, Chase Field
Beeville, TX, Co: Bee, Zip: 78103–
Status: Excess
Comment: 1320 sq. ft., 1 story brick/wood frame, 2 bedrooms/1 bath, needs routine maintenance, scheduled to be vacated 10/93.

54 Off-base Family Housing
Property Number: 779210002
Fed Reg Date: 11/20/92
Naval Air Station, Chase Field
Beeville, TX, Co: Bee, Zip: 78103–
Status: Excess
Comment: 1,000 to 2,000 sq. ft., 1 and 2 bedroom units, 1 and 2 story, brick/wood frame, routine maintenance required, scheduled to be vacated 10/93.

19 On-base Capehart Housing
Property Number: 779210003
Fed Reg Date: 11/20/92
Naval Air Station, Chase Field
Beeville, TX, Co: Bee, Zip: 78103–
Status: Excess
Comment: 1320 sq. ft., 1 story brick/wood frame, 1 and 2 bedrooms, needs routine maintenance, scheduled to be vacated 10/93.

3 Recreational Facilities
Property Number: 779210004
Fed Reg Date: 11/20/92
Naval Air Station, Chase Field
Beeville, TX, Co: Bee, Zip: 78103–
Status: Excess
Comment: 2100 to 13900 sq. ft., 1 story, concrete masonry frame, needs routine maintenance, includes theatre, bowling, racquetball, scheduled to be vacated 10/93.

4 Dining Facilities
Property Number: 779210005
Fed Reg Date: 11/20/92
Naval Air Station, Chase Field
Beeville, TX, Co: Bee, Zip: 78103–

Status: Excess
Comment: 6000 to 21900 sq. ft., 1 story, concrete masonry frame, needs routine maintenance, scheduled to be vacated 10/93.

5 Bachelor Quarters
Property Number: 779210006
Fed Reg Date: 11/20/92
Naval Air Station, Chase Field
Beeville, TX, Co: Bee, Zip: 78103–
Status: Excess
Comment: 16800 to 62200 sq. ft., 3 story, metal/brick frame, needs routine maintenance, scheduled to be vacated 10/93.

9 Administration Buildings
Property Number: 779210007
Fed Reg Date: 11/20/92
Naval Air Station, Chase Field
Beeville, TX, Co: Bee, Zip: 78103–
Status: Excess
Comment: 1300 to 29500 sq. ft., 1 and 2 story, concrete masonary frame, needs routine maintenance, scheduled to be vacated 10/93.

Hospital (clinic)
Property Number: 779210008
Fed Reg Date: 11/20/92
Naval Air Station, Chase Field
Beeville, TX, Co: Bee, Zip: 78103–
Status: Excess
Comment: 31000 sq. ft., 1 story, brick/concrete masonry frame, needs routine maintenance, scheduled to be vacated 10/93.

4 Miscellaneous Facilities
Property Number: 779210009
Fed Reg Date: 11/20/92
Naval Air Station, Chase Field
Beeville, TX, Co: Bee, Zip: 78103–
Status: Excess
Comment: 900 to 55600 sq. ft., 2 story, concrete masonry frame, needs routine maintenance, scheduled to be vacated 10/93.

4 Warehouses
Property Number: 779210010
Fed Reg Date: 11/20/92
Naval Air Station, Chase Field
Beeville, TX, Co: Bee, Zip: 78103–
Status: Excess
Comment: 800 to 40300 sq. ft., 1 story, concrete masonry frame, needs routine maintenance, used for storage, scheduled to be vacated 10/93.

16 Industrial Facilities
Property Number: 779210011
Fed Reg Date: 11/20/92
Naval Air Station, Chase Field
Beeville, TX, Co: Bee, Zip: 78103–
Status: Excess
Comment: 200 to 10900 sq. ft., 1 story, metal/concrete masonry frame, needs routine maintenance, scheduled to be vacated 10/93.

3 Fire/Security Facilities
Property Number: 779210012
Fed Reg Date: 11/20/92
Naval Air Station, Chase Field
Beeville, TX, Co: Bee, Zip: 78103–
Status: Excess
Comment: 5533 sq. ft., 1 story, wood/concrete masonry frame, needs routine maintenance, scheduled to be vacated 10/93.

5 Air Traffic Control Facs.
Property Number: 779210013
Fed Reg Date: 11/20/92
Naval Air Station, Chase Field
Beeville, TX, Co: Bee, Zip: 78103–
Status: Excess
Comment: 3200 sq. ft., 1 story, concrete masonry frame, needs routine maintenance, scheduled to be vacated 10/93.

3 Aircraft Related Facilities
Property Number: 779210014
Fed Reg Date: 11/20/92
Naval Air Station, Chase Field
Beeville, TX, Co: Bee, Zip: 78103–
Status: Excess
Comment: 42000 to 89300 sq. ft., 2 story, concrete masonry/metal frame, needs routine maintenance, used for storage/aircraft maintenance, scheduled to be vacated 10/93.

VA

Alabama

Land

VA Medical Center
Property Number: 979010053
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
VAMC
Tuskegee, AL, Co: Macon, Zip: 36083–
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

Buildings

Bldg. 19, VA Medical Center
Property Number: 979220006
Fed Reg Date: 11/20/92
Tuskegee, AL, Co: Macon, Zip: 36083–
Status: Underutilized
Comment: Portion of a 5320 sq. ft. 4-story structure.

California

Buildings

Bldg. 20, VA Medical Center
Property Number: 979210003
Fed Reg Date: 11/20/92
Wilshire & Sawtelle Blvds.
Los Angeles, CA, Co: Los Angeles, Zip: 90073–
Status: Unutilized
Comment: 8758 gross sq. ft., one story wooden, requires complete restoration meeting standards of national preservation laws and guidelines.

Bldg. 13, VA Medical Center
Property Number: 979220001
Fed Reg Date: 11/20/92
Wilshire and Sawtelle Blvds.
Los Angeles, CA, Co: Los Angeles, Zip: 90073–
Status: Underutilized
Comment: Portion of 66,165 sq. ft. bldg., needs major rehab, no util., pres. of asbestos, in historic district, potential to be hazardous due to storage of radioactive material nearby.

Bldg. 156, VAMC
Property Number: 979230015
Fed Reg Date: 12/18/92
Wilshire & Sawtelle Blvds.
Los Angeles, CA, Co: Los Angeles, Zip: 90073–
Status: Underutilized
Comment: Portion of 39,454 sq. ft. bldg., presence of asbestos, needs rehab, seismic reinforcement deficiencies, in his. district, potentially hazardous due to nearby radioactive material.

Indiana

Buildings

Bldg. 140, VAMC
Property Number: 979230007
Fed Reg Date: 12/18/92
East 38th Street
Marion, IN, Co: Grant, Zip: 46952–
Status: Underutilized
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house, access restrictions.

Louisiana

Land

Land—8.27 acres
Property Number: 979010009
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
VA Medical Center
2501 Shreveport Highway
Alexandria, LA, Co: Rapides, Zip: 71301–
Status: Unutilized
Comment: 8.27 acres, heavily wood with natural drainage ravine across property, most recent use—recreation/buffer area.

Maryland

Land

VA Medical Center
Property Number: 979010020
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
9500 North Point Road
Fort Howard, MD, Co: Baltimore, Zip: 21052–
Status: Underutilized
Comment: Approx. 10 acres, wetland and periodically floods, most recent use—dump site for leaves.

Pennsylvania

Buildings

Bldg. 25, VA Medical Center
Property Number: 979210001
Fed Reg Date: 11/20/92
Delafield Road
Pittsburgh, PA, Co: Allegheny, Zip: 15215–
Status: Unutilized
Comment: 133 sq. ft., one story brick guard house, needs rehab.

Tennessee

Buildings

Bldg. 16, VAMC Mountain Home
Property Number: 979220007
Fed Reg Date: 11/20/92
Johnson, TN, Co: Washington, Zip: 37604–
Status: Unutilized
Comment: 3215 sq. ft., 3-story wood frame residence, needs repair, subject to historic preservation requirements.

Texas

Land

Land
Property Number: 979010079
Fed Reg Date: 11/20/92
Project Name: Olin E. Teague Veterans Center
Olin E. Teague Veterans Center

1901 South 1st Street
Temple, TX, Co: Bell, Zip: 76504–
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.

VA Medical Center
Property Number: 979010081
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
4800 Memorial Drive
Waco, TX, Co: McLennan, Zip: 76711–
Status: Underutilized
Comment: 2.3 acres, leased to Owens-Illinois Glass Plant, expiration date 10/31/92, most recent use—parking lot.

Wisconsin

Land

VA Medical Center
Property Number: 979010054
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
County Highway E
Tomah, WI, Co: Monroe, Zip: 54660–
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities.

Buildings

Bldg. 8
Property Number: 979010056
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
VA Medical Center
County Highway E
Tomah, WI, Co: Monroe, Zip: 54660–
Status: Underutilized
Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Air Force

California

Land

Camp Kohler Annex
Property Number: 189010045
Fed Reg Date: 11/6/92
Project Name: McClellan AFB
McClellan AFB
Sacramento, CA, Co: Sacramento, Zip: 95652–5000
Status: Unutilized
Reason: Change in AF mission.

Norton Com. Facility Annex
Property Number: 189010194
Fed Reg Date: 11/6/92
Project Name: Norton Com. Facility Annex
Norton AFB
Sixth and Central Streets
Highland, CA, Co: San Bernadino, Zip: 92409–5045
Status: Excess
Reason: Leased by "Baseline Little League".

Buildings

Hawes Site (KHGM)
Property Number: 189010084
Fed Reg Date: 11/6/92
Project Name: Hawes Site
March AFB
Hinckley, CA, Co: San Bernardino, Zip: 92402–
Status: Unutilized
Reason: Contamination being cleaned up.

Bldg. 21185
Property Number: 189240054
Fed Reg Date: 12/11/92
Vandenberg Air Force Base
Vandenberg AFB, CA, Co: Santa Barbara, Zip: 93437–
Status: Unutilized
Reason: Work order in process to be demolished.

Michigan

Buildings

Bldg. 20
Property Number: 189010775
Fed Reg Date: 11/6/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Reason: Building on leased land.

Bldg. 28
Property Number: 189010778
Fed Reg Date: 11/6/92
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Reason: Building on leased land.

Missouri

Buildings

Jefferson Barracks ANG Base
Property Number: 189010081
Fed Reg Date: 11/06/92
Project Name: Missouri National Guard
Missouri National Guard
1 Grant Road
St. Louis, MO, Co: St. Louis, Zip 63125–4118
Status: Underutilized
Reason: Vehicle fuel stations/fuel storage, Flooded area.

Texas

Buildings

Bldg. 605
Property Number: 189110090
Fed Reg Date: 11/06/92
Project Name: Brooks Air Force Base
Brooks Air Force Base
San Antonio, TX, Co: Bexar, Zip: 78235–
Status: Unutilized
Reason: Change in agency mission.

Bldg. 696
Property Number: 189110091
Fed Reg Date: 11/06/92
Project Name: Brooks Air Force Base
Brooks Air Force Base
San Antonio, TX, Co: Bexar, Zip: 78235–
Status: Unutilized
Reason: Change in agency mission.

Bldg. 697
Property Number: 189110092
Fed Reg Date: 11/06/92
Project Name: Brooks Air Force Base
Brooks Air Force Base
San Antonio, TX, Co: Bexar, Zip: 78235–
Status: Unutilized
Reason: Change in agency mission.

Bldg. 698
Property Number: 189110093
Fed Reg Date: 11/06/92
Project Name: Brooks Air Force Base
Brooks Air Force Base
San Antonio, TX, Co: Bexar, Zip: 78235–
Status: Unutilized
Reason: Change in agency mission.

Bldg. 699
Property Number: 189110094
Fed Reg Date: 11/06/92
Project Name: Brooks Air Force Base
Brooks Air Force Base
San Antonio, TX, Co: Bexar, Zip: 78235–
Status: Unutilized
Reason: Change in agency mission.

Air Force-BC

Arkansas

Land

Land
Property Number: 199210079
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason: Leased to local community.

Buildings

818 (Capehart) Family Housing
Property Number: 199210040
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason: Leased to local community.

10 (Capehart) SF Housing
Property Number: 199210041
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason: Leased to local community.

100 (Appropriated) Family Hsg.
Property Number: 199210042
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason: Leased to local community.

13 Security Related Facilities
Property Number: 199210044
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason: Leased to local community.

26 Office/Admin. Buildings
Property Number: 199210045
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317-5000
Status: Excess
Reason: Leased to local community.

36 Warehouses/Multi-use Bldgs.
Property Number: 199210056
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason: Leased to local community.

Bldg 650, Hospital Facility

Property Number: 199210057
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason: Leased to local community.

Bldg. 234, Hospital Facility
Property Number: 199210058
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason: Leased to local community.

Bldg. 436, Hospital Facility
Property Number: 199210059
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason: Leased to local community.

Bldg. 502, Child Care Center
Property Number: 199210060
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason: Leased to local community.

Bldg. 527, Child Care Center
Property Number: 199210061
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason. Leased to local community

Bldg. 558, Child Care Center
Property Number: 199210062
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason. Leased to local community

Bldg. 160
Property Number: 199210063
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason: Leased to local community.

Bldg. 552
Property Number: 199210064
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason: Leased to local community.

Bldg. 560
Property Number: 199210065
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason. Leased to local community.

9 Airfield Related Bldgs.
Property Number: 199210066
Fed Reg Date; 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason: Leased to local community.

3 Vehicle Maintenance Fac.
Property Number: 199210068
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason: Leased to local community.

33 Fuels/Related Storage Fac.
Property Number: 199210069
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason: Leased to local community.

4 Hazardous Storage Bldgs.
Property Number: 199210070
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason. Leased to local community.

10 Munitions Facilities
Property Number: 199210071
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason. Leased to local community.

Bldg. 435
Property Number: 199210072
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason. Being leased.

Bldg. 100, Fire Station
Property Number: 199210074
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason. Being leased.

Bldg. 805
Property Number: 199210076
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason. Leased to local community

Bldg. 150
Property Number: 199210077
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason. Leased to local community

Bldg. 517
Property Number: 199210078
Fed Reg Date: 11/13/92
Eaker Air Force Base
Blytheville, AR, Co: Mississippi, Zip: 72317–5000
Status: Excess
Reason: Leased to local community.

California

Land

Fac. Number 170
Property Number: 199120496
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer

Fac. Number 525
Property Number: 199120497
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer

Fac. Number 544
Property Number: 199120498
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer

Fac. Number 1161
Property Number: 199120499
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer

Fac. Number 1162
Property Number: 199120500
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer

Fac. Number 1164
Property Number: 199120501
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason. Negotiated sale or thru public benefit transfer

Fac. Number 1180
Property Number: 199120502
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer

Fac. Number 50177
Property Number: 199120503
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000

Status: Excess
Reason: Negotiated sale or thru public benefit transfer
Fac. Number 1145
Property Number: 199120504
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer
Fac. Number 1143
Property Number: 199120505
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer
Land
Property Number: 199210039
Fed Reg Date: 11/13/92
26 Recreation Areas and Airfield Properties
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Public or negotiated sale or thru public benefit transfer

Buildings

Bldg. 5063
Property Number: 199120001
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5064
Property Number: 199120002
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5066
Property Number: 199120003
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5067
Property Number: 199120004
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5069
Property Number: 199120005
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5072
Property Number: 199120006
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5074
Property Number: 199120007
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5077
Property Number: 199120008
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5078
Property Number: 199120009
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5079
Property Number: 199120010
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5081
Property Number: 199120011
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5083
Property Number: 199120012
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5084
Property Number: 199120013
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5086
Property Number: 199120014
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5087
Property Number: 199120015
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5088
Property Number: 199120016
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5090
Property Number: 199120017
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5096
Property Number: 199120018
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5097
Property Number: 199120019
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5098
Property Number: 199120020
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5100
Property Number: 199120021
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5102
Property Number: 199120022
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5104
Property Number: 199120023
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5107
Property Number: 199120024
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000

Status: Excess
Reason: Disposal process.
Bldg. 5065
Property Number: 199120025
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5070
Property Number: 199120026
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5071
Property Number: 199120027
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5073
Property Number: 199120028
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5075
Property Number: 199120029
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5076
Property Number: 199120030
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5082
Property Number: 199120031
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5085
Property Number: 199120032
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5089
Property Number: 199120033
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process
Bldg. 5093
Property Number: 199120034
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5101
Property Number: 199120035
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5105
Property Number: 199120036
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5106
Property Number: 199120037
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5068
Property Number: 199120038
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5103
Property Number: 199120039
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5108
Property Number: 199120040
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5080
Property Number: 199120041
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5091
Property Number: 199120042
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5092
Property Number: 199120043
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5094
Property Number: 199120044
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5095
Property Number: 199120045
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co:
San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5099
Property Number: 199120046
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5109
Property Number: 199120047
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5110
Property Number: 199120048
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5111
Property Number: 199120049
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5112
Property Number: 199120050
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5113
Property Number: 199120051
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5114
Property Number: 199120052
Fed Reg Date: 11/13/92
George Air Force Base

George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5115
Property Number: 199120053
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5116
Property Number: 199120054
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5117
Property Number: 199120055
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process

Bldg. 5118
Property Number: 199120056
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5119
Property Number: 199120057
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5120
Property Number: 199120058
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5121
Property Number: 199120059
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5122
Property Number: 199120060
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5123
Property Number: 199120061
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5124
Property Number: 199120062
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process

Bldg. 5125
Property Number: 199120063
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5126
Property Number: 199120064
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5127
Property Number: 199120065
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5128
Property Number: 199120066
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5129
Property Number: 199120067
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5130
Property Number: 199120068
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5131
Property Number: 199120069
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5132
Property Number: 199120070
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5133
Property Number: 199120071
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5144
Property Number: 199120072
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5145
Property Number: 199120073
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5146
Property Number: 199120074
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5147
Property Number: 199120075
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5148
Property Number: 199120076
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5149
Property Number: 199120077
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5160
Property Number: 199120078
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5161
Property Number: 199120079
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5171
Property Number: 199120080

Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5172
Property Number: 199120081
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5186
Property Number: 199120082
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5187
Property Number: 199120083
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5205
Property Number: 199120084
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5206
Property Number: 199120085
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5207
Property Number: 199120086
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5208
Property Number: 199120087
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5209
Property Number: 199120088
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5210
Property Number: 199120089
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5211
Property Number: 199120090
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5212
Property Number: 199120091
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5213
Property Number: 199120092
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5214
Property Number: 199120093
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5215
Property Number: 199120094
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5216
Property Number: 199120095
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5220
Property Number: 199120096
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5221
Property Number: 199120097
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5217
Property Number: 199120098
Fed Reg. Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5218
Property Number: 199120099
Fed Reg. Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5219
Property Number: 199120100
Fed Reg. Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5150
Property Number: 199120101
Fed Reg. Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5155
Property Number: 199120102
Fed Reg. Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5156
Property Number: 199120103
Fed Reg. Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5157
Property Number: 199120104
Fed Reg. Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5162
Property Number: 199120105
Fed Reg. Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5163
Property Number: 199120106
Fed Reg. Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5164
Property Number: 199120107
Fed Reg. Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5173
Property Number: 199120108
Fed Reg. Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5174
Property Number: 199120109
Fed Reg. Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5175
Property Number: 199120110
Fed Reg. Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5188
Property Number: 199120111
Fed Reg. Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5189
Property Number: 199120112
Fed Reg. Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5190
Property Number: 199120113
Fed Reg. Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5191
Property Number: 199120114
Fed Reg. Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5192
Property Number: 199120115
Fed Reg. Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5199
Property Number: 199120116
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5200
Property Number: 199120117
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5222
Property Number: 199120118
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5223
Property Number: 199120119
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5141
Property Number: 199120120
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5142
Property Number: 199120121
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5134
Property Number: 199120122
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5135
Property Number: 199120123
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5158
Property Number: 199120124
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5159
Property Number: 199120125
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5165
Property Number: 199120126
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5166
Property Number: 199120127
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5169
Property Number: 199120128
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5170
Property Number: 199120129
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5177
Property Number: 199120130
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5178
Property Number: 199120131
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5181
Property Number: 199120132
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5182
Property Number: 199120133
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5184
Property Number: 199120134
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5185
Property Number: 199120135
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000

Status: Excess
Reason: Disposal process.
Bldg. 5197
Property Number: 199120136
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5198
Property Number: 199120137
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6056
Property Number: 199120138
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6058
Property Number: 199120139
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6059
Property Number: 199120140
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6060
Property Number: 199120141
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6062
Property Number: 199120142
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6057
Property Number: 199120143
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6061
Property Number: 199120144
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6063
Property Number: 199120145
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6064
Property Number: 199120146
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6065
Property Number: 199120147
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6066
Property Number: 199120148
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6086
Property Number: 199120149
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6087
Property Number: 199120150
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6088
Property Number: 199120151
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason. Disposal process.
Bldg. 6089
Property Number: 199120152
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason. Disposal process.
Bldg. 6091
Property Number: 199120153
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6092
Property Number: 199120154
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6067
Property Number: 199120155
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6069
Property Number: 199120156
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6070
Property Number: 199120157
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6071
Property Number: 199120158
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6072
Property Number: 199120159
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6073
Property Number: 199120160
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6074
Property Number: 199120161
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6075
Property Number: 199120162
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6076
Property Number: 199120163
Fed Reg Date: 11/13/92
George Air Force Base

George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6077
Property Number: 199120164
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5136
Property Number: 199120165
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5137
Property Number: 199120166
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5138
Property Number: 199120167
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5139
Property Number: 199120168
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5140
Property Number: 199120169
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5143
Property Number: 199120170
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5151
Property Number: 199120171
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5152
Property Number: 199120172
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5153
Property Number: 199120173
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5154
Property Number: 199120174
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5167
Property Number: 199120175
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5168
Property Number: 199120176
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5171
Property Number: 199120177
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5172
Property Number: 199120178
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5176
Property Number: 199120179
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5179
Property Number: 199120180
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5180
Property Number: 199120181
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5183
Property Number: 199120182
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5193
Property Number: 199120183
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5194
Property Number: 199120184
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5195
Property Number: 199120185
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5196
Property Number: 199120186
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5201
Property Number: 199120187
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5202
Property Number: 199120188
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5203
Property Number: 199120189
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5204
Property Number: 199120190
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5224
Property Number: 199120191

Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5225
Property Number: 199120192
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5226
Property Number: 199120193
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5227
Property Number: 199120194
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5228
Property Number: 199120195
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5229
Property Number: 199120196
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7021
Property Number: 199120197
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7022
Property Number: 199120198
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7030
Property Number: 199120199
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6078
Property Number: 199120200
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6079
Property Number: 199120201
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6079
Property Number: 199120201
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6080
Property Number: 199120202
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6081
Property Number: 199120203
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6082
Property Number: 199120204
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6083
Property Number: 199120205
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6084
Property Number: 199120206
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6085
Property Number: 199120207
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6090
Property Number: 199120208
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6093
Property Number: 199120209
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6094
Property Number: 199120210
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7000
Property Number: 199120211
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7001
Property Number: 199120212
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7002
Property Number: 199120213
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7003
Property Number: 199120214
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7014
Property Number: 199120215
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7015
Property Number: 199120216
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7016
Property Number: 199120217
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7017
Property Number: 199120218
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7020
Property Number: 199120219
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7023
Property Number: 199120220
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7029
Property Number: 199120221
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7031
Property Number: 199120222
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7039
Property Number: 199120223
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7040
Property Number: 199120224
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7042
Property Number: 199120225
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7043
Property Number: 199120226
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7045
Property Number: 199120227
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7046
Property Number: 199120228
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7048
Property Number: 199120229
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7049
Property Number: 199120230
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7052
Property Number: 199120231
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7053
Property Number: 199120232
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7004
Property Number: 199120233
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7006
Property Number: 199120234
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7007
Property Number: 199120235
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7009
Property Number: 199120236
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7010
Property Number: 199120237
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7011
Property Number: 199120238
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7012
Property Number: 199120239
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7013
Property Number: 199120240
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7019
Property Number: 199120241
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7024
Property Number: 199120242
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7025
Property Number: 199120243
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7032
Property Number: 199120244
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7033
Property Number: 199120245
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000

Status: Excess
Reason: Disposal process.

7Bldg. 7034
Property Number: 199120246
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7035
Property Number: 199120247
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7036
Property Number: 199120248
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7037
Property Number: 199120249
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7038
Property Number: 199120250
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7044
Property Number: 199120251
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7026
Property Number: 199120252
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7027
Property Number: 199120253
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7028
Property Number: 199120254
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7005
Property Number: 199120255
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7008
Property Number: 199120256
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7041
Property Number: 199120257
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7047
Property Number: 199120258
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7050
Property Number: 199120259
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7051
Property Number: 199120260
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7054
Property Number: 199120261
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7055
Property Number: 199120262
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7301
Property Number: 199120263
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7302
Property Number: 199120264
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7305
Property Number: 199120265
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7306
Property Number: 199120266
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7309
Property Number: 199120267
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7310
Property Number: 199120268
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7311
Property Number: 199120269
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7312
Property Number: 199120270
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7313
Property Number: 199120271
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7318
Property Number: 199120272
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7319
Property Number: 199120273
Fed Reg Date: 11/13/92
George Air Force Base

George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7356
Property Number: 199120274
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7358
Property Number: 199120275
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7172
Property Number: 199120276
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7389
Property Number: 199120277
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7320
Property Number: 199120278
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7328
Property Number: 199120279
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7336
Property Number: 199120280
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7399
Property Number: 199120281
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7407
Property Number: 199120282
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7419
Property Number: 199120283
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7324
Property Number: 199120284
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7332
Property Number: 199120285
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7344
Property Number: 199120286
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7352
Property Number: 199120287
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7359
Property Number: 199120288
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7367
Property Number: 199120289
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7373
Property Number: 199120290
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7377
Property Number: 199120291
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7381
Property Number: 199120292
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7385
Property Number: 199120293
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7391
Property Number: 199120294
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7395
Property Number: 199120295
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7403
Property Number: 199120296
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7411
Property Number: 199120297
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7415
Property Number: 199120298
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7423
Property Number: 199120299
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7427
Property Number: 199120300
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7314
Property Number: 199120301

Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7315
Property Number: 199120302
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7316
Property Number: 199120303
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7317
Property Number: 199120304
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7340
Property Number: 199120305
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7348
Property Number: 199120306
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 7363
Property Number: 199120307
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6046
Property Number: 199120308
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6041
Property Number: 199120309
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6043
Property Number: 199120310
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6044
Property Number: 199120311
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6045
Property Number: 199120312
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6049
Property Number: 199120313
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6050
Property Number: 199120314
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394-5000
Status: Excess
Reason: Disposal process.

Bldg. 6051
Property Number: 199120315
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394-5000
Status: Excess
Reason: Disposal process.

Bldg. 6052
Property Number: 199120316
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394-5000
Status: Excess
Reason: Disposal process.

Bldg. 6039
Property Number: 199120317
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394-5000
Status: Excess
Reason: Disposal process.

Bldg. 6040
Property Number: 199120318
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394-5000
Status: Excess
Reason: Disposal process.

Bldg. 6042
Property Number: 199120319
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394-5000
Status: Excess
Reason: Disposal process.

Bldg. 6047
Property Number: 199120320
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394-5000
Status: Excess
Reason: Disposal process.

Bldg. 6048
Property Number: 199120321
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394-5000
Status: Excess
Reason: Disposal process.

Bldg. 6053
Property Number: 199120322
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394-5000
Status: Excess
Reason: Disposal process.

Bldg. 6054
Property Number: 199120323
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394-5000
Status: Excess
Reason: Disposal process.

Bldg. 6038
Property Number: 199120324
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394-5000
Status: Excess
Reason: Disposal process.

Bldg. 6003
Property Number: 199120325
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394-5000
Status: Excess
Reason: Disposal process.

Bldg. 6004
Property Number: 199120326
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394-5000
Status: Excess
Reason: Disposal process.

Bldg. 6035
Property Number: 199120327
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394-5000
Status: Excess
Reason: Disposal process.

Bldg. 6037
Property Number: 199120328
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394-5000
Status: Excess
Reason: Disposal process.

Bldg. 6002
Property Number: 199120329
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394-5000
Status: Excess
Reason: Disposal process.

Bldg. 6006
Property Number: 199120330
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394-5000
Status: Excess
Reason: Disposal process.

Bldg. 6012
Property Number: 199120331
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394-5000
Status: Excess
Reason: Disposal process.

Bldg. 6014
Property Number: 199120332
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6023
Property Number: 199120333
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6024
Property Number: 199120334
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6028
Property Number: 199120335
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6001
Property Number: 199120336
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6021
Property Number: 199120337
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6029
Property Number: 199120338
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6030
Property Number: 199120339
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6034
Property Number: 199120340
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6007
Property Number: 199120341
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6008
Property Number: 199120342
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6009
Property Number: 199120343
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6010
Property Number: 199120344
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6011
Property Number: 199120345
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6013
Property Number: 199120346
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6015
Property Number: 199120347
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6016
Property Number: 199120348
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6017
Property Number: 199120349
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6018
Property Number: 199120350
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6019
Property Number: 199120351
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6020
Property Number: 199120352
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6022
Property Number: 199120353
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6025
Property Number: 199120354
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6026
Property Number: 199120355
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 6027
Property Number: 199120356
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000

Status: Excess
Reason: Disposal process.
Bldg. 6031
Property Number: 199120357
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6032
Property Number: 199120358
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6033
Property Number: 199120359
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6036
Property Number: 199120360
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 6055
Property Number: 199120361
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5037
Property Number: 199120362
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5035
Property Number: 199120363
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5036
Property Number: 199120364
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5038
Property Number: 199120365
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5042
Property Number: 199120366
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5021
Property Number: 199120367
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5024
Property Number: 199120368
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co.: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5029
Property Number: 199120369
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co.: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5032
Property Number: 199120370
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co.: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5022
Property Number: 199120371
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co.: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5023
Property Number: 199120372
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co.: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5025
Property Number: 199120373
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co.: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5026
Property Number: 199120374
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co.: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5027
Property Number: 199120375
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co.: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5028
Property Number: 199120376
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co.: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5030
Property Number: 199120377
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co.: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5031
Property Number: 199120378
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co.: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5016
Property Number: 199120379
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co.: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5006
Property Number: 199120380
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co.: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5004
Property Number: 199120381
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co.: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5005
Property Number: 199120382
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co.: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5010
Property Number: 199120383
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co.: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.
Bldg. 5011
Property Number: 199120384
Fed Reg Date: 11/13/92
George Air Force Base

George AFB, CA, Co.: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5015
Property Number: 199120385
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co.: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5046
Property Number: 199120386
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5047
Property Number: 199120387
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5051
Property Number: 199120388
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5052
Property Number: 199120389
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5053
Property Number: 199120390
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5057
Property Number: 199120391
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5058
Property Number: 199120392
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5059
Property Number: 199120393
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5001
Property Number: 199120394
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5008
Property Number: 199120395
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5013
Property Number: 199120396
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5019
Property Number: 199120397
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5033
Property Number: 199120398
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5040
Property Number: 199120399
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5043
Property Number: 199120400
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5048
Property Number: 199120401
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5055
Property Number: 199120402
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5062
Property Number: 199120403
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5002
Property Number: 199120404
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5003
Property Number: 199120405
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5007
Property Number: 199120406
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5009
Property Number: 199120407
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5012
Property Number: 199120408
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5014
Property Number: 199120409
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5018
Property Number: 199120410
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5020
Property Number: 199120411
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5034
Property Number: 199120412

Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5039
Property Number: 199120413
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5041
Property Number: 199120414
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5044
Property Number: 199120415
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5045
Property Number: 199120416
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5049
Property Number: 199120417
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5050
Property Number: 199120418
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5054
Property Number: 199120419
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 5056
Property Number: 199120420
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 94
Property Number: 199120421
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 606
Property Number: 199120422
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 717
Property Number: 199120423
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 718
Property Number: 199120424
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 720
Property Number: 199120425
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 727
Property Number: 199120426
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 728
Property Number: 199120427
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 737
Property Number: 199120428
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 763
Property Number: 199120429
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 190
Property Number: 199120430
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 707
Property Number: 199120431
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 196
Property Number: 199120432
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 317
Property Number: 199120433
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 356
Property Number: 199120434
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 641
Property Number: 199120435
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 694
Property Number: 199120436
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 747
Property Number: 199120437
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 748
Property Number: 199120438
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 285
Property Number: 199120439
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 299
Property Number: 199120440
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 208
Property Number: 199120441
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 321
Property Number: 199120442
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 323
Property Number: 199120443
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 651
Property Number: 199120444
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 421
Property Number: 199120445
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 605
Property Number: 199120446
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 658
Property Number: 199120447
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 510
Property Number: 199120448
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 667
Property Number: 199120449
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 674
Property Number: 199120450
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 697
Property Number: 199120451
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 698
Property Number: 199120452
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 701
Property Number: 199120453
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 771
Property Number: 199120454
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 765
Property Number: 199120455
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 766
Property Number: 199120456
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 793
Property Number: 199120457
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 794
Property Number: 199120458
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 1055
Property Number: 199120459
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 1110
Property Number: 199120460
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 1122
Property Number: 199120461
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 558
Property Number: 199120462
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000

Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 565
Property Number: 199120463
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 762
Property Number: 199120464
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 763
Property Number: 199120465
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 391
Property Number: 199120466
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 723
Property Number: 199120467
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 344
Property Number: 199120468
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 414
Property Number: 199120469
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 514
Property Number: 199120470
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 1057
Property Number: 199120471
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 422
Property Number: 199120472
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 7018
Property Number: 199120473
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 240
Property Number: 199120474
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 210
Property Number: 199120475
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 59
Property Number: 199120476
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 61
Property Number: 199120477
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 288
Property Number: 199120478
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 357
Property Number: 199120479
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 15
Property Number: 199120480
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 27–29
Property Number: 199120481
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 18
Property Number: 199120482
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 381
Property Number: 199120483
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 411
Property Number: 199120484
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 1118
Property Number: 199120485
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 1160
Property Number: 199120486
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 1139
Property Number: 199120487
Fed Reg Date: 11/13/92
George Air Force Base

George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 1140
Property Number: 199120488
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 1141
Property Number: 199120489
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 1146
Property Number: 199120490
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 450
Property Number: 199120491
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 182
Property Number: 199120492
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 585
Property Number: 199120493
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 183
Property Number: 199120494
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 586
Property Number: 199120495
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 456
Property Number: 199120506
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 470
Property Number: 199120507
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 162
Property Number: 199120508
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 457
Property Number: 199120509
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Demolition is planned.

Bldg. 458
Property Number: 199120510
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Demolition is planned.

Bldg. 163
Property Number: 199120511
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 252
Property Number: 199120512
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 253
Property Number: 199120513
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 254
Property Number: 199120514
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 255
Property Number: 199120515
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 256
Property Number: 199120516
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 257
Property Number: 199120517
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 262
Property Number: 199120518
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 264
Property Number: 199120519
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 267
Property Number: 199120520
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 335
Property Number: 199120521
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Demolition is planned.

Bldg. 336
Property Number: 199120522
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Demolition is planned.

Bldg. 412
Property Number: 199120523
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Demolition is planned.

Bldg. 413

Property Number: 199120524
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Demolition is planned.

Bldg. 416
Property Number: 199120525
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Demolition is planned.

Bldg. 417
Property Number: 199120526
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Demolition is planned.

Bldg. 423
Property Number: 199120527
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 427
Property Number: 199120528
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 497
Property Number: 199120529
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 498
Property Number: 199120530
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 499
Property Number: 199120531
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 500
Property Number: 199120532
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 501
Property Number: 199120533
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 502
Property Number: 199120534
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 588
Property Number: 199120535
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 590
Property Number: 199120536
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 593
Property Number: 199120537
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 246
Property Number: 199120538
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 247
Property Number: 199120539
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 249
Property Number: 199120540
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 250
Property Number: 199120541
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 248
Property Number: 199120542
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 251
Property Number: 199120543
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 454
Property Number: 199120544
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 263
Property Number: 199120545
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 265
Property Number: 199120546
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 266
Property Number: 199120547
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Disposal process.

Bldg. 559
Property Number: 199120548
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit sale.

Bldg. 652
Property Number: 199120549
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 756
Property Number: 199120550
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 672
Property Number: 199120551
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000

Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 683
Property Number: 199120552
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 691
Property Number: 199120553
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 731
Property Number: 199120554
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 734
Property Number: 199120555
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 761
Property Number: 199120556
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 744
Property Number: 199120557
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 700
Property Number: 199120558
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 671
Property Number: 199120559
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 675
Property Number: 199120560
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 677
Property Number: 199120561
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 640
Property Number: 199120562
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 643
Property Number: 199120563
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 764
Property Number: 199120564
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 789
Property Number: 199120565
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 560
Property Number: 199120566
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 710
Property Number: 199120567
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 842
Property Number: 199120568
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 822
Property Number: 199120569
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 860
Property Number: 199120570
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 875
Property Number: 199120571
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 895
Property Number: 199120572
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 568
Property Number: 199120573
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 685
Property Number: 199120574
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 682
Property Number: 199120575
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 642
Property Number: 199120576
Fed Reg Date: 11/13/92
George Air Force Base

George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 645
Property Number: 199120577
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 755
Property Number: 199120578
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 879
Property Number: 199120579
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 570
Property Number: 199120580
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 634
Property Number: 199120581
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 686
Property Number: 199120582
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 799
Property Number: 199120583
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 807
Property Number: 199120584
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 719
Property Number: 199120585
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 768
Property Number: 199120586
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 564
Property Number: 199120587
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 571
Property Number: 199120588
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 635
Property Number: 199120589
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 810
Property Number: 199120590
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 1138
Property Number: 199120591
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 513
Property Number: 199120592
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 540
Property Number: 199120593
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 670
Property Number: 199120594
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 784
Property Number: 199120595
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 835
Property Number: 199120596
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 999
Property Number: 199120597
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 96
Property Number: 199120598
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 648
Property Number: 199120599
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 659
Property Number: 199120600
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 661
Property Number: 199120601

Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 725
Property Number: 199120602
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 666
Property Number: 199120603
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 673
Property Number: 199120604
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 679
Property Number: 199120605
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 688
Property Number: 199120606
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 689
Property Number: 199120607
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 997
Property Number: 199120608
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 163
Property Number: 199120609
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 320
Property Number: 199120610
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 120
Property Number: 199120611
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 196
Property Number: 199120612
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 753
Property Number: 199120613
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 320
Property Number: 199120614
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 348
Property Number: 199120615
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 683
Property Number: 199120616
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 720
Property Number: 199120617
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 310
Property Number: 199120618
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 12
Property Number: 199120619
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 14
Property Number: 199120620
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 23
Property Number: 199120621
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 283
Property Number: 199120622
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 60
Property Number: 199120623
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 64
Property Number: 199120624
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 58
Property Number: 199120625
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 158
Property Number: 199120626
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 211
Property Number: 199120627
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 70
Property Number: 199120628
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 655
Property Number: 199120629
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 72
Property Number: 199120630
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 290
Property Number: 199120631
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 97
Property Number: 199120632
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 1155
Property Number: 199120633
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 724
Property Number: 199120634
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 873
Property Number: 199120635
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 107
Property Number: 199120636
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 350
Property Number: 199120637
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 353
Property Number: 199120638
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 527
Property Number: 199120639
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 533
Property Number: 199120640
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 550
Property Number: 199120641
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 555
Property Number: 199120642
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 569
Property Number: 199120643
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 552
Property Number: 199120644
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 55800
Property Number: 199120645
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 560
Property Number: 199120646
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 157
Property Number: 199120647
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 115
Property Number: 199120648
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 185
Property Number: 199120649
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 451
Property Number: 199120650
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000

Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 160
Property Number: 199120651
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 591
Property Number: 199120652
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 167
Property Number: 199120653
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 289
Property Number: 199120654
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 1163
Property Number: 199120655
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 280
Property Number: 199120656
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 324
Property Number: 199120657
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 386
Property Number: 199120658
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 389
Property Number: 199120659
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 415
Property Number: 199120660
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 600
Property Number: 199120661
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 757
Property Number: 199120662
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 760
Property Number: 199120663
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 800
Property Number: 199120664
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 805
Property Number: 199120665
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 806
Property Number: 199120666
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 518
Property Number: 199120667
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 520
Property Number: 199120668
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 633
Property Number: 199120669
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 653
Property Number: 199120670
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 732
Property Number: 199120671
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 733
Property Number: 199120672
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 738
Property Number: 199120673
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 739
Property Number: 199120674
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 538
Property Number: 199120675
Fed Reg Date: 11/13/92
George Air Force Base

George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 539
Property Number: 199120676
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 657
Property Number: 199120677
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

Bldg. 656
Property Number: 199120678
Fed Reg Date: 11/13/92
George Air Force Base
George AFB, CA, Co: San Bernardino, Zip: 92394–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

207 Buildings/414 Units
Property Number: 199210017
Fed Reg Date: 11/13/92
Wherry Duplexes
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Public or negotiated sale, or public benefit transfer.

336 (Wherry) Family Houses
Property Number: 199210018
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Public or negotiated sale, or public benefit transfer.

450 (Capehart) Family Houses
Property Number: 199210019
Fed Reg Date: 11/13/92
Project Name: Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Public or negotiated sale, or public benefit transfer.

71 Family Houses
Property Number: 199210020
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Public or negotiated sale, or public benefit transfer.

18 Temporary Living Quarters
Property Number: 199210021
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Negotiated sale or thru public benefit transfer.

60 Office/Admin. Buildings
Property Number: 199210022
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Disposal process.

32 Recreation Facilities
Property Number: 199210023
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Public or negotiated sale, or public benefit transfer.

33 Airport Related Buildings
Property Number: 199210024
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Disposal process.

36 Maint. & Engineering Bldgs.
Property Number: 199210025
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Disposal process.

15 Training Buildings
Property Number: 199210026
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Public or negotiated sale, or public benefit transfer.

7 Store & Service Buildings
Property Number: 199210027
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Disposal process.

2 Chapels
Property Number: 199210028
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Disposal process.

4 Fire Buildings
Property Number: 199210029
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Disposal process.

3 Audio Visual Buildings
Property Number: 199210030
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Disposal process.

6 Miscellaneous Buildings
Property Number: 199210031
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Public or negotiated sale, or thru public benefit transfer.

61 Storage Buildings
Property Number: 199210032
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Public or negotiated sale, or thru public benefit transfer.

7 Warehouses
Property Number: 199210033
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Disposal process.

6 Vehicle Shops
Property Number: 199210034
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Public or negotiated sale, or thru public benefit transfer.

Traffic Check House # 1550
Property Number: 199210035
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Public or negotiated sale, or thru public benefit transfer.

8 Fuel Buildings/Facilities
Property Number: 199210036
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Public or negotiated sale, or thru public benefit transfer.

5 Explosives & Munitions Bldgs
Property Number: 199210037
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Public or negotiated sale, or thru public benefit transfer.

11 Hazardous Storage Buildings
Property Number: 199210038
Fed Reg Date: 11/13/92
Mather Air Force Base
Mather, CA, Co: Sacramento, Zip: 95655–5000
Status: Excess
Reason: Public or negotiated sale, or thru public benefit transfer.

Illinois

Buildings

Bldg. 1380
Property Number: 189010232
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61868–
Status: Unutilized
Reason: Chemicals (GAS) present.

Bldg. 106
Property Number: 189010255
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61868–
Status: Unutilized
Reason: Unsafe for any use.

Bldg. 1220
Property Number: 189010259
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61868–
Status: Unutilized
Reason: Unsafe for any use.

Bldg. 1221
Property Number: 189010260
Fed Reg Date: 11/13/92
Project Name: Chanute Air Force Base
Chanute Air Force Base
Rantoul, IL, Co: Champaign, Zip: 61868–
Status: Unutilized
Reason: Unsafe for any use.

Louisiana

Land

10 Recreation Areas
Property Number: 199210084
Fed Reg Date: 11/13/92
England Air Force Base
Alexandria, LA, Co: Rapides, Zip: 71311–5000
Status: Excess
Reason: Leased to the local community.

Buildings

18 Recreation Facilities
Property Number: 199210083
Fed Reg Date: 11/13/92
England Air Force Base
Alexandria, LA, Co: Rapides, Zip: 71311–5000
Status: Excess
Reason: Leased to the local community.

14 Dorms/Dining Rooms
Property Number: 199210085
Fed Reg Date: 11/13/92
England Air Force Base
Alexandria, LA, Co: Rapides, Zip: 71311–5000
Status: Excess
Reason: Leased to the local community.

14 Education/Training Bldgs.
Property Number: 199210086
Fed Reg Date: 11/13/92
England Air Force Base
Alexandria, LA, Co: Rapides, Zip: 71311–5000
Status: Excess
Reason: Leased to the local community.

3 Hospital Related Facilities
Property Number: 199210087
Fed Reg Date: 11/13/92
England Air Force Base
Alexandria, LA, Co: Rapides, Zip: 71311–5000
Status: Excess
Reason: Leased to the local community.

6 Business/Commercial Bldgs.
Property Number: 199210088
Fed Reg Date: 11/13/92
England Air Force Base
Alexandria, LA, Co: Rapides, Zip: 71311–5000
Status: Excess
Reason: Leased to the local community.

38 Storage/Warehouses
Property Number: 199210089
Fed Reg Date: 11/13/92
England Air Force Base
Alexandria, LA, Co: Rapides, Zip: 71311–5000
Status: Excess
Reason: Leased to the local community.

20 Shops and Maintenance
Property Number: 199210090
Fed Reg Date: 11/13/92
England Air Force Base
Alexandria, LA, Co: Rapides, Zip: 71311–5000
Status: Excess
Reason: Leased to the local community.

36 Airfield Related Facilities
Property Number: 199210091
Fed Reg Date: 11/13/92
England Air Force Base
Alexandria, LA, Co: Rapides, Zip: 71311–5000
Status: Excess
Reason: Leased to the local community.

Bldg. 500
Property Number: 199210092
Fed Reg Date: 11/13/92
England Air Force Base
Alexandria, LA, Co: Rapides, Zip: 71311–5000
Status: Excess
Reason: Leased to the local community.

Bldg. 1801, Chapel
Property Number: 199210093
Fed Reg Date: 11/13/92
England Air Force Base
Alexandria, LA, Co: Rapides, Zip: 71311–5000
Status: Excess
Reason: Leased to the local community.

New Hampshire

Buildings

Bldg. 8
Property Number: 189010534
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Newington Road
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 94
Property Number: 189010535
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base, Temp. Lodging Facility
Rockingham Drive
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 600
Property Number: 189040059
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 601
Property Number: 189040060
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 602
Property Number: 189040061
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 603
Property Number: 189040062
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 604
Property Number: 189040063
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 605
Property Number: 189040064
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason:

Bldg. 606
Property Number: 189040065
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 607
Property Number: 189040066

Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 608
Property Number: 189040067
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 609
Property Number: 189040068
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 610
Property Number: 189040069
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 611
Property Number: 189040070
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 612
Property Number: 189040071
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 613
Property Number: 189040072
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 614
Property Number: 189040073
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 615
Property Number: 189040074
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 616
Property Number: 189040075
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 617
Property Number: 189040076
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 618
Property Number: 189040077
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 619
Property Number: 189040078
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 620
Property Number: 189040079
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip. 03803–
Status: Excess
Reason: Disposal process.

Bldg. 621
Property Number: 189040080
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 622
Property Number: 189040081
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 623
Property Number: 189040082
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 624
Property Number: 189040083
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 625
Property Number: 189040084
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 626
Property Number: 189040085
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 627
Property Number: 189040086
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 628
Property Number: 189040087
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 629
Property Number: 189040088
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base

Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 630
Property Number: 189040089
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 631
Property Number: 189040090
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 632
Property Number: 189040091
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 633
Property Number: 189040092
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 634
Property Number: 189040093
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 635
Property Number: 189040094
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 636
Property Number: 189040095
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 637
Property Number: 189040096
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 638
Property Number: 189040097
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 639
Property Number: 189040098
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 640
Property Number: 189040099
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 641
Property Number: 189040100
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 642
Property Number: 189040101
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 643
Property Number: 189040102
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 644
Property Number: 189040103
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 645
Property Number: 189040104
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 646
Property Number: 189040105
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 647
Property Number: 189040106
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 648
Property Number: 189040107
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 649
Property Number: 189040108
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 650
Property Number: 189040109
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 651
Property Number: 189040110
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 652

Property Number: 189040111
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 653
Property Number: 189040112
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 654
Property Number: 189040113
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 655
Property Number: 189040114
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 656
Property Number: 189040115
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 657
Property Number: 189040116
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 658
Property Number: 189040117
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 659
Property Number: 189040118
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 660
Property Number: 189040119
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 661
Property Number: 189040120
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 662
Property Number: 189040121
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 663
Property Number: 189040122
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 664
Property Number: 189040123
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 665
Property Number: 189040124
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 666
Property Number: 189040125
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 667
Property Number: 189040126
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 668
Property Number: 189040127
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 669
Property Number: 189040128
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 670
Property Number: 189040129
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 671
Property Number: 189040130
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 672
Property Number: 189040131
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 673
Property Number: 189040132
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 674
Property Number: 189040133
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base

Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 675
Property Number: 189040134
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 676
Property Number: 189040135
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 677
Property Number: 189040136
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 678
Property Number: 189040137
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 679
Property Number: 189040138
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 680
Property Number: 189040139
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 681
Property Number: 189040140
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 682
Property Number: 189040141
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 683
Property Number: 189040142
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 684
Property Number: 189040143
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 685
Property Number: 189040144
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 686
Property Number: 189040145
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 687
Property Number: 189040146
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 688
Property Number: 189040147
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 689
Property Number: 189040148
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 902
Property Number: 189040305
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 904
Property Number: 189040306
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 905
Property Number: 189040307
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 906
Property Number: 189040308
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 907
Property Number: 189040309
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 908
Property Number: 189040310
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 909
Property Number: 189040311
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 910

Property Number: 189040312
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 911
Property Number: 189040313
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 912
Property Number: 189040314
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 913
Property Number: 189040315
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 915
Property Number: 189040316
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 921
Property Number: 189040317
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 922
Property Number: 189040318
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 923
Property Number: 189040319
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 46
Property Number: 189040321
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 60
Property Number: 189040322
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 99
Property Number: 189040323
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 96
Property Number: 189040326
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 89
Property Number: 189040327
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 93
Property Number: 189040328
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 98
Property Number: 189040329
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 35
Property Number: 189040330
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 36
Property Number: 189040331
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 88
Property Number: 189040332
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 74
Property Number: 189040333
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Child Care Facility
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 76
Property Number: 189040334
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Child Care Facility
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 62
Property Number: 189040335
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 63
Property Number: 189040352
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip. 03803–
Status: Excess
Reason: Disposal process.

Bldg. 47
Property Number: 189040387
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 49
Property Number: 189040388
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–

Status: Excess
Reason. Disposal process.

Bldg. 50
Property Number: 189040389
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 56
Property Number: 189040390
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 58
Property Number: 189040391
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 80
Property Number: 189040392
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 81
Property Number: 189040393
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 84
Property Number: 189040394
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 500
Property Number: 189040395
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 501
Property Number: 189040396
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 502
Property Number: 189040397
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 503
Property Number: 189040398
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 504
Property Number: 189040399
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 505
Property Number: 189040400
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 506
Property Number: 189040401
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 507
Property Number: 189040402
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 508
Property Number: 189040403
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 509
Property Number: 189040404
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 510
Property Number: 189040405
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 511
Property Number: 189040406
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 512
Property Number: 189040407
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 513
Property Number: 189040408
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 514
Property Number: 189040409
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 515
Property Number: 189040410
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 516
Property Number: 189040411
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Exc
Reason: Dis

Bldg. 517
Property Nu
Fed Reg Da
Project Nam
Capehart Fa
Pease Air F
Pease AFB, 03803–
Status: Exc
Reason: Dis

Bldg. 518
Property Nu
Fed Reg Da
Project Nam
Capehart Fa
Pease Air F
Pease AFB, 03803–
Status: Exce
Reason: Dis

Bldg. 519
Property Nu
Fed Reg Da
Project Nam
Capehart Fa
Pease Air F
Pease AFB, 03803–
Status: Exce
Reason: Dis

Bldg. 520
Property Nu
Fed Reg Da
Project Nam
Capehart Fa
Pease Air Fo
Pease AFB, 03803–
Status: Exce
Reason: Disp

Bldg. 521
Property Nu
Fed Reg Dat
Project Nam
Capehart Fa
Pease Air Fo
Pease AFB, 03803–
Status: Exce
Reason: Disp

Bldg. 522
Property Nu
Fed Reg Dat
Project Nam
Capehart Fa
Pease Air Fo
Pease AFB, 03803–
Status: Exce
Reason: Disp

Bldg. 523
Property Nu
Fed Reg Dat
Project Nam
Capehart Fa
Pease Air Fo
Pease AFB, 03803–
Status: Exce
Reason: Disp

Bldg. 524

Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 517
Property Number: 189040412
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 518
Property Number: 189040413
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 519
Property Number: 189040414
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 520
Property Number: 189040415
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 521
Property Number: 189040416
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 522
Property Number: 189040417
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 523
Property Number: 189040418
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 524
Property Number: 189040419
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 525
Property Number: 189040420
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 526
Property Number: 189040421
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 527
Property Number: 189040422
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 528
Property Number: 189040423
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 529
Property Number: 189040424
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 530
Property Number: 189040425
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.
Bldg. 531
Property Number: 189040426
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 532
Property Number: 189040427
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 533
Property Number: 189040428
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.
Bldg. 534
Property Number: 189040429
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 535
Property Number: 189040430
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 536
Property Number: 189040431
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 537
Property Number: 189040432
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 538
Property Number: 189040434
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 539

Property Number: 189040435
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 540
Property Number: 189040436
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 541
Property Number: 189040437
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 542
Property Number: 189040438
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 543
Property Number: 189040439
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 544
Property Number: 189040440
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 545
Property Number: 189040441
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 546
Property Number: 189040442
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 547
Property Number: 189040443
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 548
Property Number: 189040444
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 549
Property Number: 189040445
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 550
Property Number: 189040446
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 552
Property Number: 189040447
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 553
Property Number: 189040448
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 554
Property Number: 189040449
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 555
Property Number: 189040450
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 556
Property Number: 189040451
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 557
Property Number: 189040452
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 558
Property Number: 189040453
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 559
Property Number: 189040454
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 560
Property Number: 189040455
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 561
Property Number: 189040456
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 562
Property Number: 189040457
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base

Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 563
Property Number: 189040458
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.
Bldg. 564
Property Number: 189040459
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 565
Property Number: 189040460
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 566
Property Number: 189040461
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 900
Property Number: 189040462
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 903
Property Number: 189040463
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 914
Property Number: 189040464
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 917
Property Number: 189040465
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 920
Property Number: 189040466
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 925
Property Number: 189040467
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 916
Property Number: 189040468
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 918
Property Number: 189040469
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 919
Property Number: 189040470
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 924
Property Number: 189040471
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Capehart Family Housing
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 16000
Property Number: 189040472
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 16010
Property Number: 189040473
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 16020
Property Number: 189040474
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 16030
Property Number: 189040475
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 16040
Property Number: 189040476
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 16050
Property Number: 189040477
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 16060
Property Number: 189040478
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 16070
Property Number: 189040479
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.
Bldg. 16080
Property Number: 189040480
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–

Status: Excess
Reason: Disposal process.

Bldg. 16090
Property Number: 189040481
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16100
Property Number: 189040482
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16110
Property Number: 189040483
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16120
Property Number: 189040484
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16130
Property Number: 189040485
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16140
Property Number: 189040486
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16150
Property Number: 189040487
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16160
Property Number: 189040488
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16170
Property Number: 189040489
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16180
Property Number: 189040490
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16190
Property Number: 189040491
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16200
Property Number: 189040492
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16210
Property Number: 189040493
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16220
Property Number: 189040494
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16230
Property Number: 189040495
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16240
Property Number: 189040496
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16250
Property Number: 189040497
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16260
Property Number: 189040498
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16270
Property Number: 189040499
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16280
Property Number: 189040500
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16290
Property Number: 189040501
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16300
Property Number: 189040502
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16310
Property Number: 189040503
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16320
Property Number: 189040504
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16330
Property Number: 189040505
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base

Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16340
Property Number: 189040506
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16350
Property Number: 189040507
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16360
Property Number: 189040508
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16370
Property Number: 189040509
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16380
Property Number: 189040510
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16390
Property Number: 189040511
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16400
Property Number: 189040512
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16410
Property Number: 189040513
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16420
Property Number: 189040514
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16430
Property Number: 189040515
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16440
Property Number: 189040516
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16450
Property Number: 189040517
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16460
Property Number: 189040518
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16470
Property Number: 189040519
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16480
Property Number: 189040520
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16490
Property Number: 189040521
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16500
Property Number: 189040522
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16510
Property Number: 189040523
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16520
Property Number: 189040524
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16530
Property Number: 189040525
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16540
Property Number: 189040526
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16550
Property Number: 189040527
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16560
Property Number: 189040528
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16570
Property Number: 189040529
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16580
Property Number: 189040530

Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16590
Property Number: 189040531
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16600
Property Number: 189040532
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16610
Property Number: 189040533
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16620
Property Number: 189040534
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16630
Property Number: 189040535
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16640
Property Number: 189040536
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16650
Property Number: 189040537
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16660
Property Number: 189040538
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16670
Property Number: 189040539
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16680
Property Number: 189040540
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16690
Property Number: 189040541
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16700
Property Number: 189040542
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16710
Property Number: 189040543
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16720
Property Number: 189040544
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16730
Property Number: 189040545
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16740
Property Number: 189040546
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16750
Property Number: 189040547
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16760
Property Number: 189040548
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16770
Property Number: 189040549
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16780
Property Number: 189040550
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16790
Property Number: 189040551
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 16800
Property Number: 189040552
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 16810
Property Number: 189040553
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16820
Property Number: 189040554
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 16830
Property Number: 189040555
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 16840
Property Number: 189040556
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 16850
Property Number: 189040557
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 16860
Property Number: 189040558
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 16870
Property Number: 189040559
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process

Bldg. 16880
Property Number: 189040560
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process

Bldg. 16890
Property Number: 189040561
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process

Bldg. 37
Property Number: 189040737
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process

Bldg. 38
Property Number: 189040738
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process

Bldg. 61
Property Number: 189040739
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process

Bldg. 85
Property Number: 189040740
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process

Bldg. 452
Property Number: 189040748
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Munitions Storage Area
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process

Bldg. 48
Property Number: 189040763
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process

Bldg. 59
Property Number: 189040764
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process

Bldg. 77
Property Number: 189040765
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process

Bldg. 78
Property Number: 189040766
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process

Bldg. 79
Property Number: 189040767
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process

Bldg. 86
Property Number: 189040768
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process

Bldg. 91
Property Number: 189040770
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process

Bldg. 95
Property Number: 189040771
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process

Bldg. 66
Property Number: 189040774
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 67
Property Number: 189040775
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 82
Property Number: 189040777
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 104
Property Number: 189040778
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 265
Property Number: 189040787
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base

Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 367
Property Number: 189040790
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 30005
Property Number: 189040795
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 30008
Property Number: 189040796
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 30009
Property Number: 189040797
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 30047
Property Number: 189040798
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 30049
Property Number: 189040799
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 30050
Property Number: 189040800
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 30056
Property Number: 189040801
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 30058
Property Number: 189040802
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 30080
Property Number: 189040803
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason: Disposal process.

Bldg. 30081
Property Number: 189040804
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

Bldg. 30084
Property Number: 189040805
Fed Reg Date: 11/13/92
Project Name: Pease Air Force Base
Pease Air Force Base
Pease AFB, NH, Co: Rockingham, Zip: 03803–
Status: Excess
Reason. Disposal process.

South Carolina

Land

Golf Course & Driving Range
Property Number: 199210008
Fed Reg Date: 11/13/92
Myrtle Beach Air Force Base
Myrtle Beach, SC, Co: Horry, Zip: 29579–5000
Status: Excess
Reason. Leased to local community

Land
Property Number: 199210013
Fed Reg Date: 11/13/92
Airfield and Related Properties
Myrtle Beach Air Force Base
Myrtle Beach, SC, Co: Horry, Zip: 29579–5000
Status: Excess
Reason. Leased to local community.

Buildings

Medical Sup. Bldg.
Property Number: 199210004
Fed Reg Date: 11/13/92
Myrtle Beach Air Force Base
Myrtle Beach, SC, Co: Horry, Zip: 29579–5000
Status: Excess
Reason. Leased to local community

15 Airfield Support Bldgs.
Property Number: 199210012
Fed Reg Date: 11/13/92
Myrtle Beach Air Force Base
Myrtle Beach, SC, Co: Horry, Zip: 29579–5000
Status: Excess
Reason. Leased to local community.

Texas

Buildings

Facility 237—Carswell AFB
Property Number: 189120235
Fed Reg Date: 11/13/92
301 Roaring Springs Road
Fort Worth, TX, Co: Tarrant, Zip: 76127–
Status: Unutilized
Reason. Programmed for demolition.

Army

Kentucky

Buildings

Bldg. 2945
Property Number: 219012543
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Ft. Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Underutilized
Reason. Building contaminated.

Bldg. 144
Property Number: 219013140
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Ft. Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Underutilized
Reason: Building contaminated.

Bldg. 145
Property Number: 219013141
Fed Reg Date: 12/04/92
Project Name: Ft. Campbell
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Underutilized
Reason. Building contaminated.

Massachusetts

Buildings

Bldg. T–209
Property Number: 219012345
Fed Reg Date: 12/04/92
Project Name: Fort Devens
Fort Devens
Fort Devens, MA, Co: Middlesex/Worcester, Zip: 01433–
Status: Underutilized
Reason. Utilized for military missions.

Bldg. T–209
Property Number: 219030265
Fed Reg Date: 12/04/92
Project Name: Fort Devens
Fort Devens
Fort Devens, MA, Zip: 01433–
Status: Underutilized
Reason. Facilities used for National Guard and Army Reserve Training.

Texas

Buildings

Bldg. P–16, Fort Sam Houston
Property Number: 219220366
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–44, Fort Sam Houston
Property Number: 219220367
Fed Reg Date: 12/04/92

San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Reason. Area programmed for future use.

Bldg. P–122, Fort Sam Houston
Property Number: 219220368
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–125, Fort Sam Houston
Property Number: 219220369
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–126, Fort Sam Houston
Property Number: 219220370
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–127, Fort Sam Houston
Property Number: 219220371
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–133, Fort Sam Houston
Property Number: 219220372
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–135, Fort Sam Houston
Property Number: 219220373
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–140, Fort Sam Houston
Property Number: 219220374
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–142, Fort Sam Houston
Property Number: 219220375
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–145, Fort Sam Houston
Property Number: 219220376
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–146, Fort Sam Houston
Property Number: 219220377
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–155, Fort Sam Houston
Property Number: 219220378
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–197, Fort Sam Houston
Property Number: 219220379
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–198, Fort Sam Houston
Property Number: 219220380
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason: Area programmed for future use.

Bldg. P–252, Fort Sam Houston
Property Number: 219220381
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–260, Fort Sam Houston
Property Number: 219220382
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Utilized for mission purposes.

Bldg. P–261, Fort Sam Houston
Property Number: 219220383
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–366, Fort Sam Houston
Property Number: 219220384
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason: Area programmed for future use.

Bldg. P–367, Fort Sam Houston
Property Number: 219220385
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–369, Fort Sam Houston
Property Number: 219220386
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–912, Fort Sam Houston
Property Number: 219220387
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–1029, Fort Sam Houston
Property Number: 219220388
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–2000, Fort Sam Houston
Property Number: 219220389
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–2001, Fort Sam Houston
Property Number: 219220390
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–2007, Fort Sam Houston
Property Number: 219220391
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–2267, Fort Sam Houston
Property Number: 219220392
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–2268, Fort Sam Houston
Property Number: 219220393
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–2289, Fort Sam Houston
Property Number: 219220394
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–2509, Fort Sam Houston
Property Number: 219220395
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. P–2840, Fort Sam Houston
Property Number: 219220396
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Area programmed for future use.

Bldg. T–189, Fort Sam Houston
Property Number: 219220402
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Utilized for mission purposes.

Bldg. T–300, Fort Sam Houston
Property Number: 219220406
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Utilized for mission purposes.

Bldg. T–942, Fort Sam Houston
Property Number: 219220409
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason: Utilized for mission purposes.

Bldg. T–2066, Fort Sam Houston
Property Number: 219220424
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Utilized for mission purposes.

Bldg. T–2067, Fort Sam Houston
Property Number: 219220425
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Utilized for mission purposes.

Bldg. T–2250, Fort Sam Houston
Property Number: 219220432
Fed Reg Date: 12/04/92
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason. Utilized for mission purposes.

COE

California

Land

New Hogan Lake
Property Number: 319011017
Fed Reg Date: 11/20/92
Project Name: New Hogan Lake

2713 Hogan Dam Road
Valley Springs, CA, Co: Calaveras, Zip: 95252–0128
Status: Unutilized
Reason. Utilized—Under Road Easement by Calaveras Water District.

Buildings

Santa Fe Flood Control Basin
Property Number: 319011298
Fed Reg Date: 11/20/92
Project Name: Santa Fe Flood Control Basin
Irwindale, CA, Co: Los Angeles, Zip: 91706–
Status: Unutilized
Reason. Needed for contract personnel.

Florida

Buildings

Bldg. CN7
Property Number: 319010012
Fed Reg Date: 11/20/92
Project Name: Ortona Lock Reservation
Ortona Lock Reservation, Okeechobee Waterway
Ortona; FL, Co: Glades, Zip: 33471–
Status: Unutilized
Reason. Disposal actions have been initiated.

Bldg. CN8
Property Number: 319010013
Fed Reg Date: 11/20/92
Project Name: Ortona Lock Reservation
Ortona Lock Reservation, Okeechobee Waterway
Ortona, FL, Co: Glades, Zip: 33471–
Status: Unutilized
Reason. Disposal actions have been initiated.

Georgia

Land

E.O. Tract A
Property Number: 319011516
Fed Reg Date: 11/20/92
Project Name: J. Strom Thurmond Dam & Res.
J. Strom Thurmond Dam and Reservoir
(See County), GA, Co: Columbia, Zip:
Status: Unutilized
Reason. Property excess to project & will be reported to GSA.

E.O. Tract B
Property Number: 319011517
Fed Reg Date: 11/20/92
Project Name: J. Strom Thurmond Dam & Res.
J. Strom Thurmond Dam and Reservoir
(See County), GA, Co: Columbia, Zip:
Status: Unutilized
Reason. Property excess to project and will be reported to GSA.

E.O. Tract F
Property Number: 319011519
Fed Reg Date: 11/20/92
Project Name: J. Strom Thurmond Dam and Res.
J. Strom Thurmond Dam and Reservoir
(See County), GA, Co: Columbia, Zip:
Status: Unutilized
Reason. Property excess to project and will be reported to GSA.

E.O. Tract E
Property Number: 319011520
Fed Reg Date: 11/20/92
Project Name: J. Strom Thurmond Dam & Res.
J. Strom Thurmond Dam and Reservoir
(See County), GA, Co: Columbia, Zip:
Status: Unutilized
Reason. Property excess to project and will be reported to GSA.

E.O. Tract G
Property Number: 319011521
Fed Reg Date: 11/20/92
Project Name: J. Strom Thurmond Dam & Res.
J. Strom Thurmond Dam and Reservoir
(See County), GA, Co: Columbia, Zip:
Status: Unutilized
Reason. Property excess to project and will be reported to GSA.

E.O. Tract I
Property Number: 319011523
Fed Reg Date: 11/20/92
Project Name: J. Strom Thurmond Dam & Res.
J. Strom Thurmond Dam and Reservoir
(See County), GA, Co: Columbia, Zip:
Status: Unutilized
Reason. Property excess to project and will be reported to GSA.

Buildings

Lot 3
Property Number: 319110026
Fed Reg Date: 11/20/92
Project Name: Lake Forrest Subdivision
Lake Forrest Subdivision
Woodframe House
Hartwell, GA, Co: Hartwell, Zip:
Status: Excess
Reason. Disposal actions have been initiated.

Idaho

Buildings

Bldg.
Property Number: 319110028
Fed Reg Date: 11/20/92
Project Name: Albeni Falls Dam
Albeni Falls Dam
U S. Highway 2, Priest River
Bonner, ID, Co: Bonner, Zip: 83856–
Status: Unutilized
Reason. Off-site removal.

Illinois

Buildings

Bldg. 7
Property Number: 319010001
Fed Reg Date: 11/20/92
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason: Under construction phase.

Bldg. 6
Property Number: 319010002
Fed Reg Date: 11/20/92
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason. Under construction phase.

Bldg. 5
Property Number: 319010003
Fed Reg Date: 11/20/92
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason. Under construction phase.

Bldg. 4
Property Number: 319010004
Fed Reg Date: 11/20/92
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason. Under construction phase.

Bldg. 3
Property Number: 319010005
Fed Reg Date: 11/20/92
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status. Unutilized
Reason. Under construction phase

Bldg. 2
Property Number: 319010006
Fed Reg Date: 11/20/92
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason. Under construction phase.

Bldg. 1
Property Number: 319010007
Fed Reg Date: 11/20/92
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason: Under construction phase

Indiana

Buildings

Cagles Mill Lake
Property Number: 319011046
Fed Reg Date: 11/20/92
Project Name: Cagles Mill Lake
Cagles Mill Lake Dam
Poland, IN, Co: Putnam, Zip: 47868–
Status: Unutilized
Reason. Disposal actions have been initiated.

Dwelling Number 2
Property Number: 319011686
Fed Reg Date: 11/20/92
Project Name: Cagles Mill Lake
Cagles Mill Lake
Poland, IN, Co: Putnam, Zip: 47868–
Status: Unutilized
Reason. Disposal actions have been initiated.

Kentucky

Land

Carr Fork Lake
Property Number: 319240003
Fed Reg Date: 12/24/92
5 miles SE of Hindman, Ky., Hwy 60
Hindman, KY, Co: Knott, Zip:
Status: Unutilized
Reason: Used as drainage field

Buildings

Kentucky River Lock and Dam 3
Property Number: 319010060
Fed Reg Date: 11/20/92
Project Name: Kentucky River Lock and Dam 3
Pleasureville, KY, Co: Henry, Zip: 40057–
Status: Unutilized
Reason: Involved in litigation with the State.

Kentucky River Lock and Dam 3
Property Number: 319010061
Fed Reg Date: 11/20/92
Project Name: Kentucky River Lock and Dam 3
Pleasureville, KY, Co: Henry, Zip: 40057–
Status: Unutilized
Reason: Involved in litigation with the State.

Bldg. 1
Property Number: 319011628
Fed Reg Date: 11/20/92
Project Name: Kentucky River Lock and Dam
Kentucky River Lock and Dam
Carrolton, KY, Co: Carroll, Zip: 41008–
Status: Unutilized
Reason: Building required for work and storage area for project.

Bldg. 2
Property Number: 319011629
Fed Reg Date: 11/20/92
Project Name: Kentucky River Lock and Dam
Kentucky River Lock and Dam
Carrolton, KY, Co: Carroll, Zip: 41008–
Status: Unutilized
Reason. Safety considerations; close to operational facilities.

Oklahoma

Land

45 acre parcel, Sardis Lake
Property Number: 319140004
Fed Reg Date: 11/20/92
SE¼ NE¼ Section 4, T 2 N, R 18 E
OK, Co: Pushmataha, Zip: 74521–
Status: Excess
Reason: Fully utilized.

Pennsylvania

Land

East Branch Clarion River Lake
Property Number: 319011012
Fed Reg Date: 11/20/92
Project Name: East Branch Clarion River Lake
Wilcox, PA, Co: Elk, Zip:
Status: Underutilized
Reason. Location near damsite.

Buildings

Conemaugh River Lake
Property Number: 319010019
Fed Reg Date: 11/20/92
Project Name: Conemaugh River Lake
Road #1, Box 702
Saltsburg, PA, Co: Indiana, Zip: 15681–
Status: Unutilized
Reason. Occupied by project personnel.

South Carolina

Land

E.O. Tract J
Property Number: 319011514
Fed Reg Date: 11/20/92
Project Name: J. Strom Thurmond Dam & Res.
J. Strom Thurmond Dam & Reservoir
(See County), SC, Co: McCormick, Zip
Status: Unutilized
Reason. Property excess to project and will be reported to GSA.

E.O. Tract C
Property Number: 319011515
Fed Reg Date: 11/20/92
Project Name: J. Strom Thurmond Dam & Res.
J. Strom Thurmond Dam & Reservoir
(See County), SC, Co: McCormick, Zip:
Status: Unutilized
Reason: Property excess to project and will be reported to GSA.

Tennessee

Buildings

Transiet Quarters
Property Number: 319140005
Fed Reg Date: 11/20/92
Dale Hollow Lake and Dam Project
Dale Hollow Resource Mgr Office, Rt 1, Box 64
Celina, TN, Co: Clay, Zip: 38551–
Status: Unutilized
Reason. Fully utilized.

Texas

Land

Part of Tract A–10
Property Number: 319010390
Fed Reg Date: 11/20/92
Project Name: Part of Tract A–10
(See County), TX, Co: Tarrant, Zip:
Status: Excess
Reason. Encroachment by an adjoining landowner

Part of Tract 340
Property Number: 319010400
Fed Reg Date: 11/20/92
Project Name: Joe Pool Lake
Joe Pool Lake
(See County), TX, Co: Dallas, Zip:
Status: Unutilized
Reason. Incorporated into a peak lease.

Virginia

Buildings

Tract HH 3331–E
Property Number: 319110027
Fed Reg Date: 11/20/92
Project Name: John H. Kerr Reservoir
John H. Kerr Reservoir
Woodframe House
South Boston, VA, Co: Halifax, Zip:
Status: Excess
Reason. Disposal actions have been initiated.

Wisconsin

Buildings

Former Lockmaster's Dwelling
Property Number: 319011526
Fed Reg Date: 11/20/92
Project Name: Former Lockmaster's Dwelling
DePere Lock
100 James Street
De Pere, WI, Co: Brown, Zip: 54115–
Status: Unutilized
Reason: In negotiation for transfer to the State.

COE—BC

Hawaii

Buildings

Bldg. T–925
Property Number: 329210003
Fed Reg Date: 12/11/92
Kapalama Military Reservation
Honolulu, HI, Zip: 96819–
Status: Excess
Reason: Received an offer to purchase.

Bldg. T–926
Property Number: 329210004
Fed Reg Date: 12/11/92
Kapalama Military Reservation
Honolulu, HI, Zip: 96819–
Status: Excess
Reason: Received an offer to purchase.

Bldg. T–927
Property Number: 329210005
Fed Reg Date: 12/11/92
Kapalama Military Reservation
Honolulu, HI, Zip: 96819–
Status: Excess
Reason: Received an offer to purchase.

Bldg. T–928
Property Number: 329210006
Fed Reg Date: 12/11/92
Kapalama Military Reservation
Honolulu, HI, Zip: 96819–
Status: Excess
Reason. Received an offer to purchase.

Bldg. T–929
Property Number: 329210007
Fed Reg Date: 12/11/92
Kapalama Military Reservation
Honolulu, HI, Zip: 96819–
Status: Excess
Reason: Received an offer to purchase.

Bldg. T–930
Property Number: 329210008
Fed Reg Date: 12/11/92
Kapalama Military Reservation
Honolulu, HI, Zip: 96819–
Status: Excess
Reason. Received an offer to purchase.

Bldg. T–931
Property Number: 329210009
Fed Reg Date: 12/11/92
Kapalama Military Reservation
Honolulu, HI, Zip: 96819–
Status: Excess
Reason. Received an offer to purchase.

Bldg. T–935
Property Number: 329210010
Fed Reg Date: 12/11/92
Kapalama Military Reservation
Honolulu, HI, Zip: 96819–
Status: Excess
Reason: Received an offer to purchase.

Bldg. S–929A
Property Number: 329210011
Fed Reg Date: 12/11/92
Kapalama Military Reservation
Honolulu, HI, Zip: 96819–
Status: Excess
Reason. Received an offer to purchase.

Illinois

Buildings

12 Addison Family Houses
Property Number: 329210001
Fed Reg Date: 12/11/92
Fort Sheridan
Addison, IL, Co: DuPage, Zip: 60101–
Status: Excess
Reason. Received an offer to purchase.

VOL 58 ISS 28 FE 12 1993 UMI

New Jersey

Land

2 Recreational Facilities
Property Number: 329220011
Fed Reg Date: 12/11/92
Kennedy Courts Family Housing
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Env. study underway re: waste water treatment facility.

2 Recreational Facilities
Property Number: 329220019
Fed Reg Date: 12/11/92
Sheridanville Family Housing
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Approved homeless provider application.

Buildings

Bldg. 0201
Property Number: 319010734
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0202
Property Number: 3190107335
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0203
Property Number: 319010736
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0204
Property Number: 319010737
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0205
Property Number: 319010738
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0206
Property Number: 319010739
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0207
Property Number: 319010740
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0208
Property Number: 319010741
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0209
Property Number: 319010742
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0210
Property Number: 319010743
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0211
Property Number: 319010744
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0212
Property Number: 319010745
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0213
Property Number: 319010746
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0214
Property Number: 319010747
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0215
Property Number: 319010748
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0216
Property Number: 319010749
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0217
Property Number: 319010750
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0218
Property Number: 319010751
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0219
Property Number: 319010752
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0220
Property Number: 319010753
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0221
Property Number: 319010754
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing

Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason: Approved app. by HHS.
Bldg. 0222
Property Number: 319010755
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0223
Property Number: 319010756
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0224
Property Number: 319010757
Fed Reg Date: 12/11/92
Project Name: Franklin Lakes Family Housing
Franklin Lakes Family Housing
Patrick Brems Court
Mahwah, NJ, Co: Bergen, Zip: 07430–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0201
Property Number: 319010758
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Harmony Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0202
Property Number: 319010759
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0203
Property Number: 319010760
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0204
Property Number: 319010761
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0205
Property Number: 319010762
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0206
Property Number: 319010763
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0207
Property Number: 319010764
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0208
Property Number: 319010765
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0209
Property Number: 319010766
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0210
Property Number: 319010767
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason: Approved app. by HHS.
Bldg. 0211
Property Number: 319010768
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0212
Property Number: 319010769
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0213
Property Number: 319010770
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0214
Property Number: 319010771
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0215
Property Number: 319010772
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason: Approved app. by HHS.
Bldg. 0216
Property Number: 319010773
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason: Approved app. by HHS.
Bldg. 0217
Property Number: 319010774
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0218
Property Number: 319010775
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0219
Property Number: 319010776
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0220
Property Number: 319010777
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.
Bldg. 0221
Property Number: 319010778
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936-

Status: Excess
Reason: Approved app. by HHS.

Bldg. 0222
Property Number: 319010779
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason.

Bldg. 0223
Property Number: 319010780
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ Co: Morris, Zip: 07936–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0224
Property Number: 319010781
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0225
Property Number: 319010782
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0226
Property Number: 319010783
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0227
Property Number: 319010784
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0228
Property Number: 319010785
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0230
Property Number: 319010786
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.

Bldg. 0231
Property Number: 319010787
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ Co: Morris, Zip: 07936–
Status: Excess
Reason. Approved app. by HHS.

Bldg. 0232
Property Number: 319010788
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ, Co: Morris, Zip: 07936–
Status: Excess
Reason: Approved app. by HHS.

Bldg. 0229
Property Number: 319010789
Fed Reg Date: 12/11/92
Project Name: Livingston Family Housing
Livingston Family Housing
Hornung Court
East Hanover, NJ Co: Morris, Zip: 07936–
Status: Excess
Reason: Approved app. by HHS.

Bldg. PO5605 Fort Dix
Property Number: 329210064
Fed Reg Date: 12/11/92
8th Street and Doughboy Loop
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Unutilized
Reason. Lease negotiations w/State of New Jersey.

Bldg. PO5602, Fort Dix
Property Number: 329210065
Fed Reg Date: 12/11/92
8th Street
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status. Unutilized
Reason. Lease negotiations w/State of New Jersey.

Bldg. PO5603, Fort Dix
Property Number: 329210066
Fed Reg Date: 12/11/92
8th Street
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason. Lease negotiations w/State of New Jersey.

Bldg. PO5604, Fort Dix
Property Number: 329210067
Fed Reg Date: 12/11/92
8th Street & Doughboy Loop
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason. Lease negotiations w/State of New Jersey.

17 Family Housing Residences
Property Number: 329220005
Fed Reg Date: 12/11/92
Kennedy Courts Family Housing
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason. Env. study underway re: waste water treatment facility

4 Family Housing Residences
Property Number: 329220006
Fed Reg Date: 12/11/92
Kennedy Courts Family Housing
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason. Env. study underway re: waste water treatment facility.

7 Family Housing Residences
Property Number: 329220007
Fed Reg Date: 12/11/92
Kennedy Courts Family Housing
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Env. study underway re: waste water treatment facility.

26 Family Housing Residences
Property Number: 329220008
Fed Reg Date: 12/11/92
Kennedy Courts Family Housing
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason. Env. study underway re: waste water treatment facility.

10 Family Housing Residences
Property Number: 329220009
Fed Reg Date: 12/11/92
Kennedy Courts Family Housing
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason. Env. study underway re: waste water treatment facility.

48 Detached Sheds
Property Number: 329220010
Fed Reg Date: 12/11/92
Kennedy Courts Family Housing
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason. Env. study underway re: waste water treatment facility.

1 Heat Plant Building
Property Number: 329220012
Fed Reg Date: 12/11/92
Kennedy Courts Family Housing
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Env. study underway re: waste water treatment facility.

4 Miscellaneous Buildings
Property Number: 329220013
Fed Reg Date: 12/11/92
Kennedy Courts Family Housing
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason. Env. study underway re: waste water treatment facility.

1 Family Housing Residence
Property Number: 329220015
Fed Reg Date: 12/11/92
Sheridanville Family Housing
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason. Approved homeless provider application.

3 Maintenance Eng. Buildings
Property Number: 329220020
Fed Reg Date: 12/11/92
Sheridanville Family Housing
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason. Approved homeless provider application.

1 Store/Service
Property Number: 329220021
Fed Reg Date: 12/11/92
Sheridanville Family Housing
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Approved homeless provider application.

11 Office/Administration Bldgs.
Property Number: 329220023

Fed Reg Date: 12/11/92
5700 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

3 Recreational Facilities
Property Number: 329220024
Fed Reg Date: 12/11/92
5700 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

4 Maintenance Eng. Buildings
Property Number: 329220025
Fed Reg Date: 12/11/92
5700 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

1 Service Store
Property Number: 329220026
Fed Reg Date: 12/11/92
5700 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

1 Hospital
Property Number: 329220027
Fed Reg Date: 12/11/92
5700 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

1 Chapel
Property Number: 329220028
Fed Reg Date: 12/11/92
5700 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

5 Vehicle Shops
Property Number: 329220029
Fed Reg Date: 12/11/92
5700 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

1 Fuel Facility
Property Number: 329220030
Fed Reg Date: 12/11/92
5700 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

4 Dining Halls
Property Number: 329220031
Fed Reg Date: 12/11/92
5700 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

11 Housing Buildings
Property Number: 329220032
Fed Reg Date: 12/11/92
5700 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

3 Miscellaneous Buildings
Property Number: 329220033
Fed Reg Date: 12/11/92
5700 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

10 Office/Administration Bldgs
Property Number: 329220035
Fed Reg Date: 12/11/92
5800 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

2 Recreational Facilities
Property Number: 329220036
Fed Reg Date: 12/11/92
5800 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

1 Service Store
Property Number: 329220037
Fed Reg Date: 12/11/92
5800 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

1 Hospital
Property Number: 329220038
Fed Reg Date: 12/11/92
5800 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

1 Chapel
Property Number: 329220039
Fed Reg Date: 12/11/92
5800 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

4 Dining Halls
Property Number: 329220040
Fed Reg Date: 12/11/92
5800 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

11 Housing Buildings
Property Number: 329220041
Fed Reg Date: 12/11/92
5800 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

1 Miscellaneous Building
Property Number: 329220042
Fed Reg Date: 12/11/92
5800 Area, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prisons.

21 Office/Administration Bldgs.
Property Number: 329220043
Fed Reg Date: 12/11/92
6500 thru 6900 Areas, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—DOA.

7 Recreational Facilities
Property Number: 329220044
Fed Reg Date: 12/11/92
6500 thru 6900 Areas, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—DOA.Q02

1 Maintenance Eng. Building
Property Number: 329220045
Fed Reg Date: 12/11/92
6500 thru 6900 Areas, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—DOA.

1 Service Store
Property Number: 329220046
Fed Reg Date: 12/11/92
6500 thru 6900 Areas, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—DOA.

3 Vehicle Shops
Property Number: 329220047
Fed Reg Date: 12/11/92
6500 thru 6900 Areas, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—DOA.

3 Hazardous Storage Buildings
Property Number: 329220048
Fed Reg Date: 12/11/92
6500 thru 6900 Areas, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—DOA.

2 Communications/Elec. Bldgs.
Property Number: 329220049
Fed Reg Date: 12/11/92
6500 thru 6900 Areas, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—DOA.

1 Fuel Facility
Property Number: 329220050
Fed Reg Date: 12/11/92
6500 thru 6900 Areas, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—DOA.

3 Warehouses
Property Number: 329220051
Fed Reg Date: 12/11/92
6500 thru 6900 Areas, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—DOA.

18 Miscellaneous Buildings
Property Number: 329220052
Fed Reg Date: 12/11/92
6500 thru 6900 Areas, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—DOA.

Area Confinement Fac. #8401
Property Number: 329220053
Fed Reg Date: 12/11/92
Range Road, Fort Dix
Ft. Dix, NJ, Co: Burlington, Zip: 08640–
Status: Excess
Reason: Federal need—Bureau of Prison.

New York

Buildings

Nike
Property Number: 319011049
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
402 Lafayette Street
Tappan, NY, Co: Rockland, Zip:
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011070

Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
424 Bogart Place
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011071
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
423 Bogart Place
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011072
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
422 Western Highway
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011073
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
421 Western Highway
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011074
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
420 Western Highway
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011075
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
419 Western Highway
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011076
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
418 Western Highway
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011077
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
430 Greenbush Road
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011078
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
429 Greenbush Road
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011079
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
428 Greenbush Road
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011080
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
436 Lafayette Street
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011081
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
435 Lafayette Street
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011082
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
434 Lafayette Street
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011083
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
433 Lafayette Street
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011084
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
432 Lafayette Street
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011085
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
431 Lafayette Street
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011086
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
427 Lafayette Street
Tappan, NY, Co: Rockland, Zip 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011087
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
426 Lafayette Street
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011088
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
425 Lafayette Street
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011089
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
417 Lafayette Street
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011090
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
416 Lafayette Street
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011091
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
415 Lafayette Street
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011092
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
414 Lafayette Street
Tappan, NY, Co: Rockland, Zip: 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011093
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
413 Lafayette Street
Tappan, NY, Co: Rockland, Zip, 10983–
Status: Excess
Reason: lease negotiations are in progress.

Nike
Property Number: 319011094
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
412 Lafayette Street
Tappan, NY, Co: Rockland, Zip, 10983–
Status: Excess

Reason: lease negotiations are in progress.
Nike
Property Number: 319011095
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
411 Lafayette Street
Tappan, NY, Co: Rockland, Zip, 10983–
Status: Excess
Reason: lease negotiations are in progress.
Nike
Property Number: 319011096
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
410 Lafayette Street
Tappan, NY, Co: Rockland, Zip, 10983–
Status: Excess
Reason: lease negotiations are in progress.
Nike
Property Number: 319011097
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
409 Lafayette Street
Tappan, NY, Co: Rockland, Zip, 10983–
Status: Excess
Reason: lease negotiations are in progress.
Nike
Property Number: 319011098
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
408 Lafayette Street
Tappan, NY, Co: Rockland, Zip, 10983–
Status: Excess
Reason: lease negotiations are in progress.
Nike
Property Number: 319011099
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
407 Lafayette Street
Tappan, NY, Co: Rockland, Zip, 10983–
Status: Excess
Reason: lease negotiations are in progress.
Nike
Property Number: 319011100
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
404 Lafayette Street
Tappan, NY, Co: Rockland, Zip, 10983–
Status: Excess
Reason: lease negotiations are in progress.
Nike
Property Number: 319011101
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
406 Lafayette Street
Tappan, NY, Co: Rockland, Zip, 10983–
Status: Excess
Reason: lease negotiations are in progress.
Nike
Property Number: 319011102
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
405 Lafayette Street
Tappan, NY, Co: Rockland, Zip, 10983–
Status: Excess
Reason: lease negotiations are in progress.
Nike
Property Number: 319011103
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
402 Lafayette Street
Tappan, NY, Co: Rockland, Zip, 10983–
Status: Excess
Reason: lease negotiations are in progress.
Nike
Property Number: 319011104
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
403 Lafayette Street
Tappan, NY, Co: Rockland, Zip, 10983–
Status: Excess
Reason: lease negotiations are in progress.
Nike
Property Number: 319011105
Fed Reg Date: 12/11/92
Project Name: New York 01 Housing
New York 01 Housing
401 Lafayette Street
Tappan, NY, Co: Rockland, Zip, 10983–
Status: Excess
Reason: lease negotiations are in progress.
Bldg. P–232
Property Number: 319030015
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 232
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.
Bldg. P–233
Property Number: 319030016
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 233
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.
Bldg. P–234
Property Number: 319030017
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 234
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.
Bldg. P–235
Property Number: 319030018
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 235
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.
Bldg. P–236
Property Number: 319030019
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 236
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.
Bldg. P–237
Property Number: 319030020
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 237
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.
Bldg. P–238
Property Number: 319030021
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 238
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.
Bldg. P–239
Property Number: 319030022
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 239
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.
Bldg. P–240
Property Number: 319030023
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 240
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.
Bldg. P–241
Property Number: 319030024
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 241
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.
Bldg. P–242
Property Number: 319030025
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 242
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.
Bldg. P–243
Property Number: 319030026
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 243
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.
Bldg. P–244
Property Number: 319030027

Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 244
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.

Bldg. P–245
Property Number: 319030028
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 245
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.

Bldg. P–246
Property Number: 319030029
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 246
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.

Bldg. P–247
Property Number: 319030030
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 247
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.

Bldg. P–248
Property Number: 319030031
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 248
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.

Bldg. P–249
Property Number: 319030032
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 249
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.

Bldg. P–250
Property Number: 319030033
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 250
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.

Bldg. P–251
Property Number: 319030034
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 251
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.

Bldg. P–252
Property Number: 319030035
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 252
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.

Bldg. P–253
Property Number: 319030036
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 253
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.

Bldg. P–254
Property Number: 319030037
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 254
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.

Bldg. P–255
Property Number: 319030038
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 255
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.

Bldg. P–256
Property Number: 319030039
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 256
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.

Bldg. P–257
Property Number: 319030040
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 257
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.

Bldg. P–258
Property Number: 319030041
Fed Reg Date: 12/11/92
Project Name: Dry Hill Family Housing
Dry Hill Family Housing
Route 3, Box 258
Watertown, NY, Co: Jefferson, Zip: 13601–
Status: Excess
Reason: Negotiating transfer to Bureau of Prisons.

Pennsylvania

Land

C.E. Kelly Support Facility
Property Number: 319011408
Fed Reg Date: 12/11/92
Project Name: C.E. Kelly Support Facility
Finley Area Site 52, Land
Private Road
Finleyville, PA, Co: Washington, Zip: 15332–
Status: Excess
Reason: Negotiating lease.

Buildings

C.E. Kelly Support Facility
Property Number: 319011407
Fed Reg Date: 12/11/92
Project Name: C.E. Kelly Support Facility
Finleyville Area Site 52, S–101–Q
Private Road
Finleyville, PA, Co: Washington, Zip: 15332–
Status: Excess
Reason: Negotiating lease.

C.E. Kelly Support Facility
Property Number: 319011409
Fed Reg Date: 12/11/92
Project Name: C.E. Kelly Support Facility
Finleyville Area Site 52, S–102–Q
Private Road
Finleyville, PA, Co: Washington, Zip: 15332–
Status: Excess
Reason: Negotiating lease.

C.E. Kelly Support Facility
Property Number: 319011410
Fed Reg Date: 12/11/92
Project Name: C.E. Kelly Support Facility
Finleyville Area Site 52, S–103–Q
Private Road
Finleyville, PA, Co: Washington, Zip: 15332–
Status: Excess
Reason: Negotiating lease.

C.E. Kelly Support Facility
Property Number: 319011411
Fed Reg Date: 12/11/92
Project Name: C.E. Kelly Support Facility
Finleyville Area Site 52, S–104–Q
Private Road
Finleyville, PA, Co: Washington, Zip: 15332–
Status: Excess
Reason: Negotiating lease.

C.E. Kelly Support Facility
Property Number: 319011412
Fed Reg Date: 12/11/92
Project Name: C.E. Kelly Support Facility
Finleyville Area Site 52, S–105–Q
Private Road
Finleyville, PA, Co: Washington, Zip: 15332–
Status: Excess
Reason: Negotiating lease.

C.E. Kelly Support Facility
Property Number: 319011413
Fed Reg Date: 12/11/92
Project Name: C.E. Kelly Support Facility
Finleyville Area Site 52, S–106–Q
Private Road
Finleyville, PA, Co: Washington, Zip: 15332–
Status: Excess
Reason: Negotiating lease.

C.E. Kelly Support Facility
Property Number: 319011414
Fed Reg Date: 12/11/92
Project Name: C.E. Kelly Support Facility
Finleyville Area Site 52, S–107–Q
Private Road
Finleyville, PA, Co: Washington, Zip: 15332–
Status: Excess

Reason: Negotiating lease.
C.E. Kelly Support Facility
Property Number: 319011415
Fed Reg Date: 12/11/92
Project Name: C.E. Kelly Support Facility
Finleyville Area Site 52, S–108–Q
Private Road
Finleyville, PA, Co: Washington, Zip: 15332–
Status: Excess
Reason: Negotiating lease.
C.E. Kelly Support Facility
Property Number: 319011416
Fed Reg Date: 12/11/92
Project Name: C.E. Kelly Support Facility
Finleyville Area Site 52, S–109–Q
Private Road
Finleyville, PA, Co: Washington, Zip: 15332–
Status: Excess
Reason: Negotiating lease.
C.E. Kelly Support Facility
Property Number: 319011417
Fed Reg Date: 12/11/92
Project Name: C.E. Kelly Support Facility
Finleyville Area Site 52, S–110–Q
Private Road
Finleyville, PA, Co: Washington, Zip: 15332–
Status: Excess
Reason: Negotiating lease.
C.E. Kelly Support Facility
Property Number: 319011418
Fed Reg Date: 12/11/92
Project Name: C.E. Kelly Support Facility
Finleyville Area Site 52, S–111–Q
Private Road
Finleyville, PA, Co: Washington, Zip: 15332–
Status: Excess
Reason: Negotiating lease.
C.E. Kelly Support Facility
Property Number: 319011419
Fed Reg Date: 12/11/92
Project Name: C.E. Kelly Support Facility
Finleyville Area Site 52, S–112–Q
Private Road
Finleyville, PA, Co: Washington, Zip: 15332–
Status: Excess
Reason: Negotiating lease.
S–29–Q
Property Number: 319030051
Fed Reg Date: 12/11/92
Project Name: Monroeville Area Site 25
Monroeville Area Site 25
C.E. Kelly Support Fac.; Lindsey Lane R.D. #2
Monroeville, PA, Co: Allegheny, Zip: 15239–
Status: Excess
Reason: Negotiating lease.
S–30–Q
Property Number: 319030052
Fed Reg Date: 12/11/92
Project Name: Monroeville Area Site 25
Monroeville Area Site 25
C.E. Kelly Support Fac.; Lindsey Lane R.D. #2
Monroeville, PA, Co: Allegheny, Zip: 15239–
Status: Excess
Reason: Negotiating lease.
S–31–Q
Property Number: 319030053
Fed Reg Date: 12/11/92
Project Name: Monroeville Area Site 25
Monroeville Area Site 25
C.E. Kelly Support Fac.; Lindsey Lane R.D. #2
Monroeville, PA, Co: Allegheny, Zip: 15239–
Status: Excess
Reason: Negotiating lease.
S–32–Q
Property Number: 319030054
Fed Reg Date: 12/11/92
Project Name: Monroeville Area Site 25
Monroeville Area Site 25
C.E. Kelly Support Fac.; Lindsey Lane R.D. #2
Monroeville, PA, Co: Allegheny, Zip: 15239–
Status: Excess
Reason: Negotiating lease.
S–33–Q
Property Number: 319030055
Fed Reg Date: 12/11/92
Project Name: Monroeville Area Site 25
Monroeville Area Site 25
C.E. Kelly Support Fac.; Lindsey Lane R.D. #2
Monroeville, PA, Co: Allegheny, Zip: 15239–
Status: Excess
Reason: Negotiating lease.
S–34–Q
Property Number: 319030056
Fed Reg Date: 12/11/92
Project Name: Monroeville Area Site 25
Monroeville Area Site 25
C.E. Kelly Support Fac.; Lindsey Lane R.D. #2
Monroeville, PA, Co: Allegheny, Zip: 15239–
Status: Excess
Reason: Negotiating lease.
S–35–Q
Property Number: 319030057
Fed Reg Date: 12/11/92
Project Name: Monroeville Area Site 25
Monroeville Area Site 25
C.E. Kelly Support Fac.; Lindsey Lane R.D. #2
Monroeville, PA, Co: Allegheny, Zip: 15239–
Status: Excess
Reason: Negotiating lease.
S–36–Q
Property Number: 319030058
Fed Reg Date: 12/11/92
Project Name: Monroeville Area Site 25
Monroeville Area Site 25
C.E. Kelly Support Fac.; Lindsey Lane R.D. #2
Monroeville, PA, Co: Allegheny, Zip: 15239–
Status: Excess
Reason: Negotiating lease.
S–37–Q
Property Number: 319030059
Fed Reg Date: 12/11/92
Project Name: Monroeville Area Site 25
Monroeville Area Site 25
C.E. Kelly Support Fac.; Lindsey Lane R.D. #2
Monroeville, PA, Co: Allegheny, Zip: 15239–
Status: Excess
Reason: Negotiating lease.
S–38–Q
Property Number: 319030060
Fed Reg Date: 12/11/92
Project Name: Monroeville Area Site 25
Monroeville Area Site 25
C.E. Kelly Support Fac.; Lindsey Lane R.D. #2
Monroeville, PA, Co: Allegheny, Zip: 15239–
Status: Excess
Reason: Negotiating lease.
S–39–Q
Property Number: 319030061
Fed Reg Date: 12/11/92
Project Name: Monroeville Area Site 25
Monroeville Area Site 25
C.E. Kelly Support Fac.; Lindsey Lane R.D. #2
Monroeville, PA, Co: Allegheny, Zip: 15239–
Status: Excess
Reason: Negotiating lease.
S–40–Q
Property Number: 319030062
Fed Reg Date: 12/11/92
Project Name: Monroeville Area Site 25
Monroeville Area Site 25
C.E. Kelly Support Fac.; Lindsey Lane R.D. #2
Monroeville, PA, Co: Allegheny, Zip: 15239–
Status: Excess
Reason: Negotiating lease.

Dot

California

Land

Remote Transmitter
Property Number: 879010010
Fed Reg Date: 11/20/92
Project Name: Remote Transmitter
Section 35
Red Bluff, CA, Co: Tehema, Zip: 96080–
Status: Unutilized
Reason: No public access, water, electric or sewage facilities.

Florida

Land

Parcel A & B
Property Number: 879010009
Fed Reg Date: 11/20/92
Project Name: U.S. Coast Guard Light Station
U.S. Coast Guard Light Station
Lots 1, 8 & 11, Section 31
Jupiter Inlet, FL, Co: Palm Beach, Zip: 33420–
Status: Unutilized
Reason: Awaiting response from Bureau of Land Mgmt. for disbursement.

Guam

Buildings

Bldg. 99, Loran Station—C
Property Number: 879220002
Fed Reg Date: 11/20/92
Barrigada, GU, Zip: 96913–
Status: Excess
Reason: Located on antenna plane.

Texas

Buildings

Brownsville Urban System
Property Number: 879010003
Fed Reg Date: 11/20/92
Project Name: Brownsville Urban System (Grantee)
700 South Iowa Avenue
Brownsville, TX, Co: Cameron, Zip: 78520–
Status: Unutilized
Reason: City of Brownsville needs the property.

Energy

Arizona

Land

Liberty Substation
Property Number: 419030001
Fed Reg Date: 02/28/92
Project Name: Liberty Substation
Buckeye, AZ, Co: Maricopa, Zip: 85326–
Status: Underutilized
Reason: Easements held by adjoining property owner.

Iowa

Land

Sioux City Substation
Property Number: 419030003
Fed Reg Date: 02/28/92
Project Name: Sioux City Substation

Hinton, IA, Co: Plymouth, Zip: 51024–
Status: Underutilized
Reason: Security req. preclude DOE frmong making prop. available.

Montana

Land

Miles City Substation
Property Number: 419030004
Fed Reg Date: 02/28/92
Project Name: Miles City Substation
Miles City, MT, Co: Custer, Zip: 59301–
Status: Underutilized
Reason: Under 5 year grazing lease.

Custer Substation
Property Number: 419030006
Fed Reg Date: 02/28/92
Project Name: Custer Substation
Custer, MT, Co: Yellowstone, Zip: 59024–
Status: Underutilized
Reason: Under water most of the year.

North Dakota

Land

Fargo Substation
Property Number: 419030005
Fed Reg Date: 02/28/92
Project Name: Fargo Substation
Fargo, ND, Co: Cass, Zip: 58102–
Status: Underutilized
Reason: Under 5 year grazing lease.

Nebraska

Land

Grand Island Substation
Property Number: 419030002
Fed Reg Date: 02/28/92
Project Name: Grand Island Substation
Phillips, NE, Co: Merrick, Zip: 68865–
Status: Underutilized
Reason: Controlled by easements held by Nebraska Public Power.

New Mexico

Buildings

Bldg. 814, Kirtland AFB
Property Number: 419220002
Fed Reg Date: 11/20/92
Adjacent to Sandia Natl. Labs
Albuquerque, NM, Co: Bernalillo, Zip: 87185–
Status: Unutilized
Reason: Homeless providers interest.

Washington

Land

Raver Substation
Property Number: 419030012
Fed Reg Date: 02/28/92
Project Name: Raver Substation
WA, Co: King, Zip:
Status: Unutilized
Reason: Used for substation expansion.

GSA

California

Land

Receiver Site
Property Number: 549010042
Fed Reg Date: 11/20/92
Project Name: Dixon Relay Station
Dixon Relay Station
7514 Radio Station Road
Dixon, CA, Zip: 95620–9653
Status: Excess
GSA No.: 9–2–CA–1162–A
Reason: Interest expressed.

Colorado

Land

Railroad Spur and Right-of-Way
Property Number: 549120007
Fed Reg Date: 11/20/92
Denver Federal Center
Lakewood, CO, Co: Jefferson, Zip: 80215–
Status: Excess
GSA No.: 7–G–CO–441–Q
Reason: Interest expressed.

Georgia

Land

Tracts 3, 16 and 33
Property Number: 219014293
Fed Reg Date: 12/11/92
Project Name: Fort Gillem
Fort Gillem
GA Hwy 42
Forest Park, GA, Co: Clayton, Zip: 30051–
Status: Excess
GSA No.: 4–D–GA–585–B
Reason: Interest expressed.

Land—Fort Gordon
Property Number: 219210382
Fed Reg Date: 11/20/92
Between Windermere Dr. & Wyevale Rd.
Augusta, GA, Co: Richmond, Zip: 30909–
Status: Excess
GSA No.: 4–D–GA–0547F
Reason: Advertising for public sale.

Hawaii

Land

21.615 acres
Property Number: 549230001
Fed Reg Date: 11/20/92
Manana Housing Area
Pearl, HI, Zip: 96782–
Status: Excess
GSA No.: 9–N–HI–566
Reason: Compelling federal need.

Maryland

Buildings

Chesapeake Bay Hydraulic Model
Property Number: 549040007
Fed Reg Date: 11/20/92
Project Name: Chesapeake Bay Hydraulic Model
Matapeake, MD, Co: Queen Annes, Zip: 21666–
Status: Excess
GSA No.: 4–D–MD–578
Reason: Interest expressed.

Minnesota

Buildings

Coast Guard Family Housing
Property Number: 549230007
Fed Reg Date: 12/11/92
404 East Hamilton Avenue
Baudette, MN, Co: Lake of the Woods, Zip: 56623–
Status: Excess
GSA No.: 2–U–MN–503–E
Reason: Homeless interest expressed.

Coast Guard Family Housing
Property Number: 549230008
Fed Reg Date: 12/11/92
406 East Hamilton Avenue
Baudette, MN, Co: Lake of the Woods, Zip: 56623–
Status: Excess
GSA No.: 2–U–MN–503–E
Reason: Homeless interest expressed.

Coast Guard Family Housing
Property Number: 549230009
Fed Reg Date: 12/11/92
408 East Hamilton Avenue
Baudette, MN, Co: Lake of the Woods, Zip: 56623–
Status: Excess
GSA No.: 2–U–MN–503–E
Reason: Homeless interest expressed.

Coast Guard Family Housing
Property Number: 549230010
Fed Reg Date: 12/11/92
418 East Hamilton Avenue
Baudette, MN, Co: Lake of the Woods, Zip: 56623–
Status: Excess
GSA No.: 2–U–MN–503–E
Reason: Homeless interest expressed.

Missouri

Buildings

Bldg. 208–C
Property Number: 549120047
Fed Reg Date: 11/20/92
6400 Stratford Avenue
Portion U.S. Army Reserve Center No. 4
St. Louis, MO, Co: St. Louis, Zip: 63120–
Status: Excess
GSA No.: 7–D–MO–460–F
Reason: Federal need.

Bldg. 208–D
Property Number: 549120048
Fed Reg Date: 11/20/92
6400 Stratford Avenue
Portion U.S. Army Reserve Center No. 4
St. Louis, MO, Co: St. Louis, Zip: 63120–
Status: Excess
GSA No.: 7–D–MO–460–F
Reason: Federal need.

Bldg. 222
Property Number: 549120049
Fed Reg Date: 11/20/92
6400 Stratford Avenue
Portion U.S. Army Reserve Center No. 4
St. Louis, MO, Co: St. Louis, Zip: 63120–
Status: Excess
GSA No.: 7–D–MO–460–F
Reason: Federal need.

Bldg. 223–A
Property Number: 549120050
Fed Reg Date: 11/20/92
6400 Stratford Avenue
Portion U.S. Army Reserve Center No. 4
St. Louis, MO, Co: St. Louis, Zip: 63120–
Status: Excess
GSA No.: 7–D–MO–460–F
Reason: Federal need.

Bldg. 223–B
Property Number: 549120051
Fed Reg Date: 11/20/92
6400 Stratford Avenue
Portion U.S. Army Reserve Center No. 4
St. Louis, MO, Co: St. Louis, Zip: 63120–
Status: Excess
GSA No.: 7–D–MO–460–F
Reason: Federal need.

Bldg. 230
Property Number: 549120052
Fed Reg Date: 11/20/92

6400 Stratford Avenue
Portion U.S. Army Reserve Center No. 4
St. Louis, MO, Co: St. Louis, Zip: 63120–
Status: Excess
GSA No.: 7–D–MO–460–F
Reason: Federal need.

Bldg. 230–A
Property Number: 549120053
Fed Reg Date: 11/20/92
6400 Stratford Avenue
Portion U.S. Army Reserve Center No. 4
St. Louis, MO, Co: St. Louis, Zip: 63120–
Status: Excess
GSA No.: 7–D–MO–460–F
Reason: Federal need.

Bldg. 232–A–H
Property Number: 549120054
Fed Reg Date: 11/20/92
6400 Stratford Avenue
Portion U.S. Army Reserve Center No. 4
St. Louis, MO, Co: St. Louis, Zip: 63120–
Status: Excess
GSA No.: 7–D–MO–460–F
Reason: Federal need.

Bldg. 234
Property Number: 549120055
Fed Reg Date: 11/20/92
6400 Stratford Avenue
Portion U.S. Army Reserve Center No. 4
St. Louis, MO, Co: St. Louis, Zip: 63120–
Status: Excess
GSA No.: 7–D–MO–460–F
Reason: Federal need.

Bldg. 237
Property Number: 549120056
Fed Reg Date: 11/20/92
6400 Stratford Avenue
Portion U.S. Army Reserve Center No. 4
St. Louis, MO, Co: St. Louis, Zip: 63120–
Status: Excess
GSA No.: 7–D–MO–460–F
Reason: Federal need.

Bldg. 244
Property Number: 549120057
Fed Reg Date: 11/20/92
6400 Stratford Avenue
Portion U.S. Army Reserve Center No. 4
St. Louis, MO, Co: St. Louis, Zip: 63120–
Status: Excess
GSA No.: 7–D–MO–460–F
Reason: Federal need.

Bldg. 223C
Property Number: 549120058
Fed Reg Date: 11/20/92
6400 Stratford Avenue
Portion U.S. Army Reserve Center No. 4
St. Louis, MO, Co: St. Louis, Zip: 63120–
Status: Excess
GSA No.: 7–D–MO–460–F
Reason: Federal need.

Bldg. 224B
Property Number: 549120059
Fed Reg Date: 11/20/92
6400 Stratford Avenue
Portion U.S. Army Reserve Center No. 4
St. Louis, MO, Co: St. Louis, Zip: 63120–
Status: Excess
GSA No.: 7–D–MO–460–F
Reason: Federal need.

Bldg. 233A
Property Number: 549120060
Fed Reg Date: 11/20/92
6400 Stratford Avenue
Portion U.S. Army Reserve Center No. 4
St. Louis, MO, Co: St. Louis, Zip: 63120–
Status: Excess
GSA No.: 7–D–MO–460–F
Reason: Federal need.

Bldg. 233F
Property Number: 549120061
Fed Reg Date: 11/20/92
6400 Stratford Avenue
Portion U.S. Army Reserve Center No. 4
St. Louis, MO, Co: St. Louis, Zip: 63120–
Status: Excess
GSA No.: 7–D–MO–460–F
Reason: Federal need.

North Carolina

Buildings

Federal Building
Property Number: 549230011
Fed Reg Date: 12/11/92
301 East King Street
Kinston, NC, Co: Lenoir, Zip: 28501–
Status: Excess
GSA No.: 4–G–NC–706
Reason: Interest expressed.

New Mexico

Buildings

Indian School of Prac. Nursing
Property Number: 549140004
Fed Reg Date: 11/20/92
1015 Indian School Road, NW
Albuquerque, NM, Zip: 87104–
Status: Excess
GSA No.: 7–F–NM–509B
Reason: Federal requirement.

Former Post Office
Property Number: 549230005
Fed Reg Date: 11/20/92
4th & Mitchell
Clovis, NM, Co: Curry, Zip: 88101–
Status: Excess
GSA No.: 7–GR–NM–478
Reason: Interest expressed.

Bldg. 1 and 4
Property Number: 779040001
Fed Reg Date: 11/20/92
Project Name: U.S. Navy Reserve Center
U.S. Navy Reserve Center
512 N 12th Street
Carlsbad, NM, Co: Eddy, Zip: 88220–3046
Status: Excess
GSA No.: 7–N–NM–0555
Reason: Interest expressed.

New York

Land

Land 671
Property Number: 549120022
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Playing Field—675
Property Number: 549120024
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Land R464/R474
Property Number: 549120043
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Buildings

Bldg. 1
Property Number: 549120008
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless interest expressed.

Bldg. 2
Property Number: 549120009
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. 3
Property Number: 549120010
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. 5
Property Number: 549120012
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. 10
Property Number: 549120015
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. 306
Property Number: 549120016
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. 311
Property Number: 549120017
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless interest expressed.

Bldg. 316
Property Number: 549120019

Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. 353
Property Number: 549120020
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. 6170
Property Number: 549120021
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. 672
Property Number: 549120023
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. R1
Property Number: 549120025
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. R2
Property Number: 549120026
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. R3
Property Number: 549120027
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. R4
Property Number: 549120028
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. R5
Property Number: 549120029
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. R6
Property Number: 549120030
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. R7
Property Number: 549120031
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. R103
Property Number: 549120032
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. R103A
Property Number: 549120033
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. R104
Property Number: 549120034
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. R109
Property Number: 549120035
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. R426
Property Number: 549120036
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. R448
Property Number: 549120037
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. R475
Property Number: 549120039
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. R476
Property Number: 549120040
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. RG
Property Number: 549120041
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. R8R9
Property Number: 549120042
Fed Reg Date: 11/20/92
Naval Station New York
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. R95
Property Number: 779010256
Fed Reg Date: 11/20/92
Project Name: Naval Station
Naval Station
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. RD
Property Number: 779010257
Fed Reg Date: 11/20/92
Project Name: Naval Station
Naval Station
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Bldg. 305
Property Number: 779010258
Fed Reg Date: 11/20/92
Project Name: Naval Station
Naval Station
207 Flushing Avenue
Brooklyn, NY, Co: Kings, Zip: 11251–
Status: Excess
GSA No.: 2–N–NY–797
Reason: Homeless application.

Ohio

Buildings

Parcel 2
Property Number: 549110010

Fed Reg Date: 11/20/92
Project Name: Lock and Dam Number 16
Lock and Dam Number 16
Washington, OH, Co: Washington, Zip:
Status: Excess
GSA No.: 2–GR(1)–OH–730
Reason: Advertised for public sale.

Parcel 1
Property Number: 549110011
Fed Reg Date: 11/20/92
Project Name: Lock and Dam Number 16
Lock and Dam Number 16
Washington, OH, Co: Washington, Zip:
Status: Excess
GSA No.: 2–GR(1)–OH–730
Reason: Advertised for public sale.

Oregon

Land

Tonque Point Job Corps Center
Property Number: 549010027
Fed Reg Date: 11/20/92
Project Name: Tonque Point Job Corps Center (Portion of)
Astoria, OR, Co: Clotsop, Zip: 97103–
Status: Excess
GSA No.: 9–L–OR–508M
Reason: Award pending.

Buildings

Former Resource Area Hdqts.
Property Number: 549220001
Fed Reg Date: 11/20/92
6615 Officers Row
Tillamook, OR, Co: Tillamook, Zip: 97141–
Status: Surplus
GSA No.: 9–I–OR–515F
Reason: Bona-fide offer to purchase.

126 Duplexes
Property Number: 549220014
Fed Reg Date: 11/20/92
Kingsley Field Family Housing Annex
Midland Road
Klamath Falls, OR, Co: Klamath, Zip: 97034–
Status: Surplus
GSA No.: 9–D–OR–434I
Reason: Homeless interest expressed.

38 Single Family Residences
Property Number: 549220015
Fed Reg Date: 11/20/92
Kingsley Field Family Housing Annex
Midland Road
Klamath Falls, OR, Co: Klamath, Zip: 97034–
Status: Surplus
GSA No.: 9–D–OR–434I
Reason: Homeless interest expressed.

10 Miscellaneous Buildings
Property Number: 549220016
Fed Reg Date: 11/20/92
Kingsley Field Family Housing Annex
Midland Road
Klamath Falls, OR, Co: Klamath, Zip: 97034–
Status: Surplus
GSA No.: 9–D–OR–434I
Reason: Homeless interest expressed.

Pennsylvania

Land

6.98 acres—Army Rsv Center
Property Number: 549220004
Fed Reg Date: 11/20/92
Edgemont Military Reservation
Delchester-Gradyville Road
Willistown Township, PA, Co: Chester, Zip: 19013–
Status: Surplus
GSA No.: 4–GR–PA–632A
Reason: Interest expressed.

5.19 acres—Army Rsv Center
Property Number: 549220005
Fed Reg Date: 11/20/92
Edgemont Military Reservation
Delchester-Gradyville Road
Willistown Township, PA, Co: Chester, Zip: 19013–
Status: Surplus
GSA No.: 4–GR–PA–632B
Reason: Interest expressed.

South Dakota

Land

Por. of Pactola Dist. Ad. Site
Property Number: 159130003
Fed Reg Date: 11/20/92
803 Soo San Drive
Rapid City, SD, Co: Pennington, Zip: 57702–
Status: Excess
GSA No.: 7–A–SD–511
Reason: Homeless interest expressed.

Tennessee

Buildings

Federal Building
Property Number: 549210003
Fed Reg Date: 11/20/92
216 North Jackson Street
Athens, TN, Co: McMinn, Zip: 37303–
Status: Excess
GSA No.: 4–G–TN–632
Reason: Homeless interest expressed.

Virginia

Land

St. Helena Annex (former portion)
Property Number: 549120005
Fed Reg Date: 11/20/92
Treadwell and South Main Streets
Norfolk, VA, Co: Norfolk, Zip: 23523–
Status: Excess
GSA No.: 4–GR(2)–VA525AA
Reason: Advertising for public sale.

Wyoming

Land

Wind Site A
Property Number: 419030010
Fed Reg Date: 11/20/92
Project Name: Wind Site A
Medicine Bow, WY, Co: Carbon, Zip: 82329–
Status: Excess
Reason: Advertised for public sale.

Interior

Arizona

Land

Tract No. APO–HR–12–N–GSA–001
Property Number: 619230002
Fed Reg Date: 11/06/92
Central Arizona Project
Scottsdale, AZ, Co: Maricopa, Zip: 85251–
Status: Excess
Reason: Process of being sold.

Idaho

Buildings

Bldg. 705, Ditchrider House
Property Number: 619120010
Fed Reg Date: 11/06/92
Boise Project
Notus, ID, Co: Cayon, Zip: 83656–
Status: Unutilized
Reason: In disposal process.

Utah

Buildings

Bryce Canyon Admin. Site
Property Number: 619140005
Fed Reg Date: 11/06/92
Near Bryce Canyon National Park
Bryce Canyon, UT, Co: Garfield, Zip: 84717–
Status: Underutilized
Reason: Area programmed for future use.

Wyoming

Buildings

Administration Bldg.
Property Number: 619030017
Fed Reg Date: 11/06/92
Project Name: Fontenelle Camp
Fontenelle Camp
Fontenelle, WY, Co: Lincoln, Zip:
Status: Excess
Reason: In disposal process.

Navy

Florida

Land

Naval Public Works Center
Property Number: 779010157
Fed Reg Date: 11/20/92
Project Name: Naval Base
Naval Air Station
Pensacola, FL, Co: Escambia, Zip: 32508–
Status: Unutilized
Reason: Prop. reverts to grantor when no longer needed by military.

Georgia

Land

Naval Submarine Base
Property Number: 779010255
Fed Reg Date: 11/20/92
Project Name: Naval Submarine Base
Grid AA–1 to AA–4 to EE–7 to FF–2
Kings Bay, GA, Co: Camden, Zip: 31547–
Status: Underutilized
Reason: Buffer area for an explosive safety arc.

Texas

Buildings

Bldg. 2435
Property Number: 779010161
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2436
Property Number: 779010162
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2460
Property Number: 779010163
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area

Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2462
Property Number: 779010164
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2464
Property Number: 779010165
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2466
Property Number: 779010166
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2467
Property Number: 779010167
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2468
Property Number: 779010168
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2472
Property Number: 779010169
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2476
Property Number: 779010170
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2482
Property Number: 779010171
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2495
Property Number: 779010172
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2514
Property Number: 779010173
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2518
Property Number: 779010174
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason:

Bldg. 2520
Property Number: 779010175
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2522
Property Number: 779010176
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2526
Property Number: 779010177
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2423
Property Number: 779010178
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2427
Property Number: 779010179
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2431
Property Number: 779010180
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2424
Property Number: 779010181
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2433
Property Number: 779010182
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2428
Property Number: 779010183
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2429
Property Number: 779010184
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2454
Property Number: 779010185
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2477
Property Number: 779010186
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2485
Property Number: 779010187
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2499

Property Number: 779010188
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2503
Property Number: 779010189
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2507
Property Number: 779010190
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2513
Property Number: 779010191
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2521
Property Number: 779010192
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2451
Property Number: 779010193
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2458
Property Number: 779010194
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2461
Property Number: 779010195
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2473
Property Number: 779010196
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2478
Property Number: 779010197
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2480
Property Number: 779010198
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2484
Property Number: 779010199
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2486
Property Number: 779010200
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2487
Property Number: 779010201
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2488
Property Number: 779010202
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2494
Property Number: 779010203
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2500
Property Number: 779010204
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2502
Property Number: 779010205
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2506
Property Number: 779010206
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2508
Property Number: 779010207
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2525
Property Number: 779010208
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2452
Property Number: 779010209
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2475
Property Number: 779010210
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2479
Property Number: 779010211
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2497
Property Number: 779010212
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–

Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2501
Property Number: 779010213
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2505
Property Number: 779010214
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2515
Property Number: 779010215
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2517
Property Number: 779010216
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2519
Property Number: 779010217
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2523
Property Number: 779010218
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2465
Property Number: 779010219
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2493
Property Number: 779010220
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2510
Property Number: 779010221
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2474
Property Number: 779010222
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2481
Property Number: 779010223
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2509
Property Number: 779010224
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2511
Property Number: 779010225
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip; 78419
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2512
Property Number: 779010226
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2527
Property Number: 779010227
Fed Reg Date: 11/20/92
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Virginia

Land

Naval Base
Property Number: 779010156
Fed Reg Date: 11/20/92
Project Name: Naval Base
Norfolk, VA, Co: Norfolk, Zip: 23508–
Status: Unutilized
Reason: Identified for use in developing admin. office space.

Buildings

Naval Medical Clinic
Property Number: 779010109
Fed Reg Date: 11/20/92
Project Name: Naval Medical Clinic
6500 Hampton Blvd.
Norfolk, VA, Co: Norfolk, Zip: 23508–
Status: Unutilized
Reason: Planned for expansion space.

Washington

Buildings

Naval Station Puget Sound
Property Number: 779120002
Fed Reg Date: 11/20/92
Seattle, WA, Co: King, Zip: 98115–
Status: Excess
Reason: Pending finalization of the realignment.

West Virginia

Buildings

Naval & Marine Corps Res. Ctr.
Property Number: 779010077
Fed Reg Date: 11/20/92
Project Name: Naval & Marine Corps Res. Ctr.
N. 13th St & Ohio River
Wheeling, WV, Co: Ohio, Zip: 26003–
Status: Excess
Reason: Government leased

VA

California

Land

Land
Property Number: 979010077
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
VA Medical Center
Wilshire and Sawtelle Boulevards
Los Angeles, CA, Co: Los Angeles, Zip: 90073–
Status: Underutilized
Reason: Restoration project underway.

Buildings

Bldg. 116
Property Number: 979110009
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
VA Medical Center
Wilshire and Sawtelle Blvds.
Los Angeles, CA, Co: Los Angeles, Zip: 90073–
Status: Underutilized
Reason: Use negotiations underway with New Directions, Inc.
Bldg. 263
Property Number: 979110010
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
VA Medical Center
Wilshire and Sawtelle Blvds.
Los Angeles, CA, Co: Los Angeles, Zip: 90073–
Status: Unutilized
Reason: Use negotiations are underway with Westside Food Bank.

Florida

Land

Buffer Zone, VAMC
Property Number: 979230016
Fed Reg Date: 12/18/92

10,000 Bay Pines Blvd. Bay Pines, FL Co: Pinellas, Zip: 33504
Status: Underutilized
Reason: Construction in process.

Compound, VAMC
Property Number: 979230017
Fed Reg Date: 12/18/92
10,000 Bay Pines Blvd.
Bay Pines, FL, Co: Pinellas, Zip: 33504–
Status: Underutilized
Reason: Construction staging site.

Buildings

Bldg. 24, VAMC
Property Number: 979230008
Fed Reg Date: 12/18/92
10,000 Bay Pines Blvd.
Bay Pines, FL, Co: Pinellas, Zip: 33504–
Status: Underutilized
Reason: Dedicated to patient care purposes.

Bldg. 36, VAMC
Property Number: 979230009
Fed Reg Date: 12/18/92
10,000 Bay Pines Blvd.
Bay Pines, FL, Co: Pinellas, Zip: 33504–
Status: Underutilized
Reason: Dedicated to patient care purposes.

Bldg. 37, VAMC
Property Number: 979230010
Fed Reg Date: 12/18/92
10,000 Bay Pines Blvd.
Bay Pines, FL, Co: Pinellas, Zip: 33504–
Status: Underutilized
Reason: Dedicated to patient care purposes.

Illinois

Land

VA Medical Center
Property Number: 979010082
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
3001 Green Bay Road
North Chicago, IL, Co: Lake, Zip: 60064–
Status: Underutilized
Reason: Fully used as a staging area for major construction project.

Indiana

Buildings

Bldg. 24, VAMC
Property Number: 979230005
Fed Reg Date: 12/18/92
East 38th Street
Marion, IN, Co: Grant, Zip: 46952–
Status: Underutilized
Reason: Currently utilized.

Bldg. 105, VAMC
Property Number: 979230006
Fed Reg Date: 12/18/92
East 38th Street
Marion, IN, Co: Grant, Zip: 46952–
Status: Underutilized
Reason: Integral part of the security system.

Michigan

Land

VA Medical Center
Property Number: 979010015
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
5500 Armstrong Road
Battle Creek, MI, Co: Calhoun, Zip: 49016–
Status: Underutilized
Reason: Being used for patient and program activities.

Minnesota

Land

Bldg. 43 Land Site
Property Number: 979010005
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
VA Medical Center
54th Street & 48th Avenue South
Minneapolis, MN, Co: Hennepin, Zip: 55417–
Status: Underutilized
Reason: Used as parking areas for employees of the medical center.

Bldg. 227–229 Land
Property Number: 979010006
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
VA Medical Center
Fort Snelling
St Paul, MN, Co: Hennepin, Zip: 55111–
Status: Underutilized
Reason: Used for recreation and parking for occupants of bldg.

VA Medical Center
Property Number: 979010024
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
Near 5629 Minnehaha Avenue
Minneapolis, MN, Co: Hennepin, Zip: 55417–
Status: Underutilized
Reason: Used as parking for employees working in buildings on-site.

Land—12 acres
Property Number: 979010031
Fed Reg Date: 11/20/92
Project Name: VAMC
VAMC
Near 5629 Minnehaha Avenue
Minneapolis, MN, Co: Hennepin, Zip: 55417–
Status: Unutilized
Reason: Licensed to Minnesota Dept. of Natural Resources.

Buildings

Bldg. 43
Property Number: 979010032
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
VA Medical Center
Minneapolis, MN, Co: Hennepin, Zip: 55441–7
Status: Underutilized
Reason: Consideration for enhanced use.

Bldg. 227
Property Number: 979010033
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
VA Medical Center
Fort Snelling
St. Paul, MN, Co: Hennepin, Zip: 55111–
Status: Unutilized
Reason: Plans to use for housing medical center staff.

New York

Land

VA Medical Center
Property Number: 979010017
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
Fort Hill Avenue
Canandaigua, NY, Co: Ontario, Zip: 14424–
Status: Underutilized
Reason: 13 acres/Canandaigua School Dist., 14.5 acres landlocked.

Buildings

Bldg. 5
Property Number: 979030001
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
VA Medical Center
Redfield Parkway
Batavia, NY, Co: Genesee Zip: 14020–
Status: Underutilized
Reason: Bldg. will be used for ADHC (Child Care Program).

Bldg. 144, VAECC
Property Number: 979210004
Fed Reg Date: 11/20/92
Linden Blvd. and 179th St.
St. Albans, NY, Co: Queens, Zip: 11425–
Status: Unutilized
Reason: Construction in process.

Bldg. 143, VAECC
Property Number: 979210005
Fed Reg Date: 11/20/92
Linden Blvd. and 179th St.
St. Albans, NY, Co: Queens, Zip: 11425–
Status: Unutilized
Reason: Construction in process.

Bldgs. 142/146, VAECC
Property Number: 979210006
Fed Reg Date: 11/20/92
Linden Blvd. and 179th St.
St. Albans, NY, Co: Queens, Zip: 11425–
Status: Unutilized
Reason: Construction in process.

Pennsylvania

Land

VA Medical Center
Property Number: 979010016
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
New Castle Road
Butler, PA, Co: Butler Zip: 16001–
Status: Underutilized
Reason: Used as natural drainage for facility property.

Land No. 645
Property Number: 979010080
Fed Reg Date: 11/20/92
Project Name: VA Medical Center
VA Medical Center
Highland Drive
Pittsburgh, PA, Co: Allegheny, Zip: 15206–
Status: Unutilized
Reason: Property is essential to security and safety of patients.

Buildings

Bldg. 3—VA Medical Center
Property Number: 979210002
Fed Reg Date: 11/20/92
University Drive C
Pittsburgh, PA, Co: Allegheny, Zip: 15240–
Status: Unutilized
Reason: Part of a renovation project.

Bldg. 2, VAMC
Property Number: 979230011
Fed Reg Date: 12/18/92
1700 South Lincoln Avenue
Lebanon, PA, Co: Lebanon, Zip: 17042–
Status: Underutilized
Reason: Construction projects in progress.

Bldg. 3, VAMC
Property Number: 979230012
Fed Reg Date: 12/18/92
1700 South Lincoln Avenue

Lebanon, PA, Co: Lebanon, Zip: 17042–
Status: Underutilized
Reason: Construction in progress.

Bldg. 27, VAMC
Property Number: 979230013
Fed Reg Date: 12/18/92
1700 South Lincoln Avenue
Lebanon, PA, Co: Lebanon, Zip: 17042–
Status: Underutilized
Reason: Construction in progress.

Bldg. 103, VAMC
Property Number: 979230014
Fed Reg Date: 12/18/92
1700 South Lincoln Avenue
Lebanon, PA, Co: Lebanon, Zip: 17042–
Status: Underutilized
Reason: Construction in progress.

Wyoming

Buildings

Bldg. 13
Property Number: 979110001
Fed Reg Date: 11/20/92
Project Name: Medical Center
Medical Center
N.W. of town at the end of Fort Road
Sheridan, WY, Co: Sheridan, Zip: 82801–
Status: Unutilized
Reason: Planned for future use—currently used for storage.

Bldg. 79
Property Number: 979110003
Fed Reg Date: 11/20/92
Project Name: Medical Center
Medical Center
N.W. of town at the end of Fort Road
Sheridan, WY, Co: Sheridan, Zip: 82801–
Status: Unutilized
Reason: VA uses as a filtration plant.

[FR Doc. 93–3209 Filed 2–11–93; 8:45 am]

BILLING CODE 4310-39-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–020–03–4333–05]

Closure of Public Land to Vehicular Access; Walton County, FL

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of closure to vehicular traffic on public land to be consistent with Florida Statute's 161.053 and 161.58 regarding vehicular traffic on coastal beaches, protection of coastal dunes and vegetation, protection of coastal dunes and vegetation, and protection and safety of recreational users of these public lands.

SUMMARY: Notice is hereby given that Public Land in T. 3 S., R. 20 W. sec. 4, Lot 37 (Dune Allen); T. 3 S., R. 19 W. sec. 24, Lot 24 (One Seagrove Place); T. 3 S., R. 18 W. sec. 19, Lot 34 (Walton Dunes/Eastern Lake); T. 3 S., R. 18 W. sec. 36, Lots 193–200 and Lots 225–233 (Phillips Inlet); Tallahassee Meridian, in Walton County, Florida is closed to vehicular traffic. Authority for this closure and restriction order is provided under 43 CFR 8364.1. Violation of this closure is punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months. Exceptions to the closure would include law enforcement, emergency service personnel or beach maintenance workers while in the performance of their duties.

EFFECTIVE DATE: This Closure Order is effective on February 12, 1993 and shall remain in effect until rescinded by the authorized officer.

FOR FURTHER INFORMATION CONTACT: Mark Davis, Assistant District Manager, Lands and Renewable Resources, Jackson District, (601) 977–5400.

SUPPLEMENTARY INFORMATION: All four tracts are beachfront adjoining the Gulf of Mexico in the Florida panhandle and are in an urban setting. Florida's Comprehensive Outdoor Recreation Plan identifies saltwater beach activities as the single most popular activity among both residents and tourists in Florida. During the summer months these coastal beach tracts are heavily used by recreationist for swimming, fishing, shell collecting, sunbathing, and hiking. Vehicular traffic on the tracts presents a hazard to public safety in general beach users and beach environments. The tracts are in the coastal zone of Florida and within the North Florida Coastal Strand ecological community. The area is considered to be historic habitat for the Choctawhatchee beach mouse (*Peromyscus polionotus allophrys*), a federally listed endangered species. The Atlantic loggerhead turtle (*Caretta caretta caretta*), a federally listed threatened species, nest in proximity to all four tracts.

Date: February 3, 1993.

Robert V. Abbey,

District Manager.

[FR Doc. 93–3364 Filed 2–11–93; 8:45 am]

BILLING CODE 4310-GJ-M

[NM–017–G910G30023–NMNM 87725]

Emergency Closure of Access Road to the La Ventana Area in Sandoval County, NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of emergency closure.

SUMMARY: Notice is hereby given that effective immediately, all vehicle use, except for Bureau of Land Management authorized personnel and permittee of Padilla Brothers allotment, is prohibited on approximately 5 miles of the access road immediately west from State Highway 44 to the La Ventana area.

The road is located in T. 19 N., R. 1 W., Sections 18, 19, 29, & 30, NMPM, stemming from State Highway 44.

The purpose of this road closure is to prevent unnecessary degradation of resources, undue environmental damage and to ensure public safety to public lands. The emergency road closure is in accordance with the provisions of 43 CFR 8364.1. This designation remains in effect until further notice.

FOR FURTHER INFORMATION CONTACT: Joe Jaramillo, Realty Specialist at the Bureau of Land Management, Rio Puerco Resource Area, 435 Montano NE., Albuquerque, New Mexico 87107, (505) 761–8704.

Dated: February 3, 1993.

Patricia E. McLean,

Acting District Manager.

[FR Doc. 93–3339 Filed 2–11–93; 8:45 am]

BILLING CODE 4310-FB-M

[NV–930–08–4333–11: NV5–92–92]

Nevada; Temporary Closure of Certain Public Lands in the Las Vegas District for Management of the 1993 Running of the Score "Nevada 400" Off-Highway Vehicle (OHV) Race

ACTION: Temporary closure of certain Public Lands in Clark County, Nevada, on and adjacent to the 1993 "Nevada 400" race course on March 13, 1993. Access will be limited to race officials, entrants, law-enforcement and emergency personnel, licensed permittee(s) and right-of-way grantees.

SUPPLEMENTARY INFORMATION: Certain public lands in the Las Vegas District, Clark County, Nevada will be temporarily closed to public access from 1800 hours, March 12, 1993, to 2359 hours, March 13, 1993, to protect persons, property, and public land resources on and adjacent to the 1993 "Nevada 400" OHV race course. The Las Vegas District Manager is the authorized officer for the 1993 "Nevada 400" OHV race, permit number NV5–92–92. These temporary closures and restrictions are made pursuant to 43 CFR part 8364. The public lands to be closed or restricted are those lands adjacent to and including roads, trails and washes identified as the 1993 "Nevada 400" OHV race course.

The following public lands administered by the BLM restricted or closed are described as: The Nellis area; T. 19 S., R. 62 E., M.D.M., section 1 through 36. The Las Vegas Dunes area; T. 19 S., R. 63 E., section 1 through 36. The Arrolime area: T. 18 S., R. 63 E., section 1 through 36. The Dry Lake area; T. 19 S., R. 64 E., section 1 through 36.

T. 18 S., R. 64 E., section 1 through 36.
T. 17 S., R. 64 E., section 1 through 36.
The California Wash area: T. 16 S., R. 65 E., section 1 through 36. T. 15 S., R. 66 E., all of sections 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33.
T. 16 S., R. 66 E., all of sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 29, and 30.
T. 17 S., R. 65 E., section 1 through 36.
The Piute Wash area; T. 15 S., R. 64 E., section 1 through 36. T. 15 S., R. 65 E., section 1 through 36. The Arrow Canyon area; T. 16 S., R. 63 E., all of sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, and 36. And, T. 17 S., R. 63 E., section 1 through 36.

The following public lands administered by the BLM will be open authorized SCORE spectator areas: all public lands lying east of Las Vegas Blvd. North and within T. 19 S., R. 63 E., M.D.M., section 16, NW¼; SE¼NE¼NE¼; SE¼NE¼; SE¼SW¼; SE¼; and section 20, NW¼.

The above legal land descriptions are for public lands within Clark County, Nevada. A map showing specific areas closed to public access is available from the following BLM office: the Las Vegas District Office, 4765 Vegas Drive, P.O. Box 26569, Las Vegas, Nevada 89126, (702) 647–5000.

Any person who fails to comply with this closure order issued under 43 CFR part 8364 may be subject to the penalties provided in 43 CFR 8360.7.

Dated: January 29, 1993.

Ben F. Collins,

District Manager, Las Vegas District.

[FR Doc. 93–3354 Filed 2–11–93; 8:45 am]

BILLING CODE 4310–HC–M

[WY–920–03–4120–03]

Coal Leases, Exploration Licenses; etc.; Wyoming

AGENCY: Bureau of Land Management, Interior, Wyoming.

ACTION: Notice of Public Hearing, Rocky Butte Mine Logical Mining Unit (LMU), WYW78633 and WYW122586.

SUMMARY: Notice is hereby given for the Rocky Butte Mine Logical Mining Unit (LMU) in accordance with the provisions of 43 CFR part 3487. The approval of this LMU application is proposed to be effective January 19, 1993.

DATES: A public hearing to receive comments from any person having a direct interest in the LMU has been scheduled to be held on Tuesday, March 9, 1993, at 7 p.m.

ADDRESSES: The public hearing will be held at the Holiday Inn, 2009 S. Douglas Highway, Gillette, Wyoming. Any written comments concerning approval of the LMU should be sent, within fourteen (14) days of this notice, to the District Manager, Casper District Office, Bureau of Land Management, 1701 East "E" Street, Casper, Wyoming 8201.

FOR FURTHER INFORMATION CONTACT: Brian Hennagin, Mining Engineer, in the Branch of Solid Minerals, Casper District Office at (307) 261–7600), or Laura Steele, Land Law Examiner, in the Branch in Mining Law and Solid Minerals, Wyoming State Office, at (307) 775–6250.

SUPPLEMENTARY INFORMATION: A notice of Availability and Notice of Proposed Decision and Public Hearing for the LMU affecting Federal coal leases, WYW78633 and WYW122586, are also being published in the Gillette News-Record.

The descriptions of the land to form the LMU are as follows:

Federal Coal

WYW78633

T. 48 N., R. 71 W., 6th P.M., Wyoming
Sec. 1: Lots 5 thru 20;
Sec. 2: Lots 5 thru 20;
Sec. 3: Lots 5 thru 20;
Sec. 4: Lots 5 thru 20;
Sec. 5: Lots 5, 6, 10 thru 15, and 18 thru 20;
Sec. 8: Lots 1 thru 3, 5 thru 9, and 11 thru 13;
Sec. 9: Lots 1 thru 8, and 10 thru 15;
T. 49 N., R. 71 W., 6th P.M., Wyoming
Sec. 32: Lots 7 thru 10, and 16;
Sec. 33: Lots 5 thru 8, and 9 thru 16;
Sec. 34: Lots 11 thru 15.
Containing 4,909.98 acres.

WYW122586

T. 48 N., R. 71 W., 6th P.M., Wyoming
Sec. 5: Lots 7 thru 9, 16 and 17;
Sec. 6: Lots 8, 14 (E2), 15, 16, and 23 (E2);
Sec. 7: Lots 5 (E2);
Sec. 8: Lot 4;
T. 49 N., R. 71 W., 6th P.M., Wyoming
Sec. 32: Lot 15.
Containing 463.205 acres.

The combined acreage of these Federal coal leases is 5,373.185 acres.

Any written comments concerning approval of this LMU application should be sent, within fourteen (14) days of this notice, to the District Manager, Casper District Office, Bureau of Land Management, 1701 East "E" Street, Casper, Wyoming 82601.

Ray Brubaker,

State Director.

[FR Doc. 93–3546 Filed 2–11–93; 8:45 am]

BILLING CODE 4310–22–M

Bureau Of Land Management

[NV–930–4210–05; N–56734]

Notice of Realty Action; Lease/Purchase for Recreation and Public Purposes (R&PP) Act, Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: R&PP lease/purchase of public lands in Clark County.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada has been examined and found suitable for lease/purchase for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The New Hope Baptist Church proposes to use the land to construct a church site.

Mount Diablo Meridian, Nevada

T. 21 S., R. 60 E.,
Section 15, SE¼SW¼SW¼
Containing 10 acres more or less.

The land is not required for any Federal purpose. The lease/purchase is consistent with current Bureau planning for this area and would be in the public interest.

The lease/patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

and will be subject to:

1. An easement 50 feet wide in favor of Clark County along the south boundary of the parcel for streets, roads, public utilities and flood control purposes in accordance with the transportation plan for Clark County.

2. Those rights for an underground telephone cable purposes which have been granted to Centel by Permit No. N–55679 under the Act of October 21, 1976.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease or purchase under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposals under the mineral disposal law.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the lands described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The land will not be offered for lease/purchase until after the classification becomes effective.

Dated: February 1, 1993.

Ben F. Collins,

District Manager, Las Vegas, NV.

[FR Doc. 93-3340 Filed 2-11-93; 8:45 am]

BILLING CODE 4310-HC-M

Bureau of Land Management

[NM-920-4210-06; NMNM 0301943]

Proposed Continuation of Withdrawal; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Forest Service, U.S. Department of Agriculture, proposes that the withdrawal for 20 acres of National Forest System lands for the Ojo Redondo Forest Camp and 20 acres of National Forest System lands for the McGaffey Lookout Administrative Site, continue for an additional 20 years. The lands will remain closed to location and entry under the mining laws, but will remain open to surface entry and mineral leasing.

DATE: Comments should be received by May 13, 1993.

ADDRESSES: Comments should be sent to: New Mexico State Director, P.O. Box 27115, Santa Fe, New Mexico 87502-0115.

FOR FURTHER INFORMATION CONTACT: Georgiana E. Armijo, BLM New Mexico State Office, 505-438-7594.

SUPPLEMENTARY INFORMATION: The Forest Service, U.S. Department of Agriculture, proposes that the existing land withdrawal made by Public Land Order No. 2923 dated January 30, 1963, be continued for a period of 20 years for the Ojo Redondo Forest Camp and the McGaffey Lookout Administrative Site pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988). The lands are described as follows:

New Mexico Principal Meridian

Ojo Redondo Forest Camp

T. 11 N., R. 12 W.,
Sec. 28, NW¼NW¼NE¼ and NE¼NE¼NW¼.

McGaffey Lookout Administrative Site

T. 13 N., R. 16 W.
Sec. 14, N½NW¼NW¼.

The areas described aggregate 40 acres in Cibola and McKinley Counties.

The purpose of the withdrawal is for the protection of substantial capital improvements on the Mount Taylor Ranger District, Cibola National Forest. The withdrawal closed the described lands to mining but not to surface entry or mineral leasing. No change in the segregative effect or use of the lands is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the New Mexico State Director at the address indicated above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued, and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dated: February 4, 1993.

Monte G. Jordan,

Associate State Director.

[FR Doc. 92-3338 Filed 2-11-93; 8:45 am]

BILLING CODE 4310-FB-M

National Park Service

Edison National Historic Site, West Orange, NJ; Public Meeting; Scoping for a Site Development Plan Laboratory Unit of the Site

The National Park Service (NPS), recognizing the serious need to improve visitor facilities, cultural resource protection and preservation and other operational problems in the immediate vicinity of the laboratory area, is intending to develop a site plan consistent with the approved Master Plan for this area of Edison National Historic Site (NHS).

To initiate this planning endeavor the NPS has scheduled a public meeting to be held at Edison NHS on Wednesday, February 24, 1993, beginning at 7:30 pm. This meeting will include a presentation and discussion of the approved master plan and the gathering of information to identify and formulate viable development alternatives consistent with the master plan.

All knowledgeable and interested persons and representatives of other agencies are encouraged to attend this meeting and provide constructive and helpful input at the meeting or in writing during the 30-day period following the meeting. All written comments should be sent to the Superintendent, Edison NHS, Main Street and Lakeside Avenue, West Orange, New Jersey 07520. Following this meeting NPS will synthesize the public and interagency input in a document to be made available.

In pursuit of the National Environmental Policy Act and any other pertinent requirements, an Environmental Assessment (EA) will be prepared in conjunction with the site development plan. This EA will be displaying all viable alternatives under consideration and evaluation of their relative environmental impacts, will be distributed for public and interagency review. Another public meeting may be scheduled during this formal review period as determined by the interest shown and input received in the meeting set for February 24, hereby announced. For any further information contact should be made with the Superintendent (address above) or by phone (201) 736-0550.

Dated: February 5, 1993.

John J. Burchill,

Acting Regional Director.

[FR Doc. 93-3412 Filed 2-11-93; 8:45 am]

BILLING CODE 4310-70-M

Notice of Availability of a Draft Wild and Scenic River Evaluation and Environmental Assessment of the Westfield River, Massachusetts for Review and Comment

AGENCY: National Park Service, Interior.
ACTION: Notice of document availability.

SUMMARY: The National Park Service announces the availability for public review of a draft Wild and Scenic River Evaluation and Environmental Assessment of the Westfield River, Massachusetts. The report evaluates an application by the Governor of the Commonwealth of Massachusetts to have three branches of the Westfield River designated as wild and scenic rivers pursuant to section 2(a)(ii) of the Wild and Scenic Rivers Act. The Service solicits review and comment from the public on this draft Evaluation.

DATES: Comments on the draft report must be received on or before March 29, 1993 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft report can obtain a copy from the North Atlantic Regional Office, National Park Service, 15 State Street, Boston, Massachusetts 02109, (617) 223–5131. The report will also be available for public inspection, by appointment, during normal business hours at the above address and also at the following addresses:

Pioneer Valley Planning Commission, 26 Central Street, West Springfield, MA 01089.

Westfield Athenaeum, Reference Section, 6 Elm Street, Westfield, MA 01085.

Comments on the report should be addressed to Drew O. Parkin, National Park Service, at the above address.

FOR FURTHER INFORMATION CONTACT: Drew O. Parkin (See Address).

SUPPLEMENTARY INFORMATION:

Background

Section 2(a)(ii) of the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271) allows for the Secretary of the Interior to designate rivers into the federal system upon application of the governor of the State through which the river flows and pursuant to an act of the State legislature. Rivers so designated are granted the same protection from federal projects that might harm the river's natural and recreational values as rivers designated through an act of Congress. Rivers designated under section 2(a)(ii) must be managed at no additional expenses to the Federal Government.

The act requires that notice and an opportunity for agency review and comment be provided prior to administrative action. The Service will consider all information presented during a comment period prior to approval of the application by the Secretary of the Interior.

The document submitted for review is the data Westfield River Wild and Scenic River Evaluation and Environmental Assessment. The Westfield River is located in western Massachusetts. The three segments of the river being considered are the West Branch, the Middle Branch, including a portion of Glendale Brook, and the East Branch.

The draft report considers the application for designation from the perspectives of (1) eligibility, (2) suitability, and (3) environmental impact. The eligibility evaluation determines whether the river possesses the requisite outstanding natural, cultural, or recreational values as required by the Act. The suitability evaluation determines whether the river and associated resource values will be adequately protected under the proposed management strategy and whether there is significant public support for the designation. The environmental impact evaluation considers the effects of two alternatives—designation and no designation—on a range of natural resource, cultural resource, and socioeconomic values.

Under the proposed management strategy, river protection will be accomplished through implementation of the Westfield River Greenway Plan which was prepared by the Pioneer Valley Planning Commission with active involvement from local and State government as well as local residents. Key provisions of the plan that have already been implemented include (1) signing of an interagency "Memorandum of Agreement for Protection of the Westfield River" and (2) adoption of shorelands protection bylaws in five of the towns along the river and a floodplain bylaw in the sixth. Other proposed activities include obtaining grants for limited land acquisition, initiating a voluntary conservation easement program, and increased policing and maintenance at public river access points.

The draft report presents the National Park Service's preliminary finding that the application meets all of the requirements for designation.

This draft report is being submitted for agency review. After consideration of comments received during the review period, the report will be submitted to the Secretary of the Interior for final approval.

Agency and Public Comments Solicited

The Service solicits written comments on the draft report described. All comments received by the date specified above will be considered prior to approval of the application to designate this river as a Wild and Scenic River.

Authority: The authority for this action is section 2(a)(ii) of the Wild and Scenic Rivers Act, 16 U.S.C. 1271.

Dated: February 9, 1993.

Herbert S. Cables, Jr.,
Acting Director, National Park Service.

[FR Doc. 93–3411 Filed 2–11–93; 8:45 am]
BILLING CODE 4310–70–M

Office of Surface Mining Reclamation and Enforcement

Notice of Withdrawal of the Information Collection Request for Activities Under 30 CFR Part 773, Requirements for Permits and Permit Processing

The Office of Surface Mining Reclamation and Enforcement (OSM) has informed the Office of Management and Budget (OMB) that it is withdrawing an Information Collection Request (ICR) entitled "Part 773—Requirements for Permits and Permit Processing" that was sent to OMB for review on December 31, 1992. This ICR was published in the Federal Register on December 31, 1992 (57 FR 62584) in anticipation of a proposed rule regarding the Applicant/Violator System (AVS) and permit information requirements. The information collection for part 773 was last approved by OMB on October 9, 1991 (OMB #1029–0041), and will expire on October 31, 1994.

Due to the change in administration and the need for a thorough review of all proposed and final rules by the new administration prior to publication, OSM has decided to withdraw the ICR for 30 CFR part 773 pending the outcome of the review.

For further information contact: John A. Trelease (202) 343–1475.

Dated: February 9, 1993.

John P. Mosesso,
Chief, Division of Technical Services.

[FR Doc. 93–3359 Filed 2–11–93; 8:45 am]
BILLING CODE 4310–05–M

VOL 58 ISS 28 FE 12 1993 UMI

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32079]

Consolidated Grain and Barge Co.; Control Exemption; River Bend Transport Co. and River Terminals Transport, Inc., MG Rail, Inc., and Garden Spot and Northern Corp.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Commission exempts from the prior approval requirements of 49 U.S.C. 11343 *et seq.*, the acquisition by Consolidated Grain and Barge Company (CGB) of control of River Bend Transport Company and River Terminals Transport, Inc., subject to standard employee protective conditions for CGB's rail carrier subsidiaries.

DATES: The exemption is effective on March 14, 1993. Petitions to stay must be filed by February 22, 1993, and petitions to reopen must be filed by March 4, 1993.

ADDRESSES: Send pleadings referring to Finance Docket No. 32079 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Peter A. Greene, 1920 N Street, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, (202) 927–5610 (TDD for hearing impaired: (202) 927–5721).

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. (Assistance for the hearing impaired is available through TDD services at (202) 927–5721.)

Decided: February 4, 1993.

By the Commission, Chairman Philbin, Vice Chairman Simmons, Commissioners Phillips, McDonald, and Walden.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–3370 Filed 2–11–93; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 347 (Sub–No. 2)]

Rate Guidelines; Non-Coal Proceedings

AGENCY: Interstate Commerce Commission.

ACTION: Announcement of technical presentation and workshop.

SUMMARY: A one-day question and answer forum, open to the public, regarding technical aspects of the methodologies and models proposed in this docket will be hosted by the Office of Economics on February 25, 1993.

DATES: The one-day forum will begin at 10 a.m., February 25, 1993, at the Interstate Commerce Commission headquarters building, 12th Street and Constitution Avenue, NW., Washington, DC. An indication of intent to attend the forum and written questions should be submitted by February 18, 1993.

ADDRESSES: Refer to Ex Parte No. 347 (Sub-No. 2). Send 2 copies to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423 and one copy directly to: Office of Economics, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Jeanne Kowalski, (202) 927–6188, (TDD for hearing impaired: (202) 927–5721).

SUPPLEMENTARY INFORMATION: By decision served November 17, 1992, (57 FR 54252), the Commission sought public comment on proposed simplified guidelines for determining maximum rail rate reasonableness in proceedings involving relatively low-volume or infrequent shipments. On January 5, 1993, (58 FR 3295) the comment due date was extended until April 15, 1993.

The National Coal Association has asked that the Commission conduct a workshop to more fully explain technical aspects of the various proposed rate methodologies. In an effort to help parties and the public understand and analyze the technical aspects of these proposals, staff of both the Association of American Railroads and the Commission's Office of Economics have agreed to provide a forum and be available to answer technical questions regarding how the models and methodologies work. Questions must be limited to technical issues. We anticipate the morning will be used for explaining Commission developed proposals and responding to questions. The afternoon will be used by the Association of American Railroads staff in a similar manner.

We request interested parties to inform us in writing of their intent to attend the forum and also submit questions they want to have answered at the forum, on or before February 18, 1993. This information will help staff understand the key concerns and prepare a responsible presentation. Written questions submitted in advance will be forwarded to AAR staff and copies will also be available at the door of the meeting room on the day of the forum. In addition, questions at the forum will be allowed. A record will be made of the forum and it will be available for review by those unable to attend. We stress that this is not a decisional meeting.

Decided: February 5, 1993.

By the Commission, Chairman Philbin, Vice Chairman Simmons, Commissioners Phillips, McDonald, and Walden.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–3371 Filed 2–11–93; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–55 (Sub–No. 449)]

CSX Transportation, Inc.—Abandonment—Between DeForest Junction and North Warren in Trumbull County, OH; Findings

The Commission has issued a certificate authorizing CSX Transportation, Inc. (CSXT) to abandon its line of railroad between milepost BGE–89.10 near DeForest Junction to milepost BGE–94.38 at North Warren, OH, in Trumbull County, OH, a distance of 5.28 miles.

The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served on the applicant no later than 10 days from publication of this Notice. The following notation must be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Section of Legal Counsel, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Dated: February 10, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–3581 Filed 2–11–93; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984—Program To Conduct Studies and Research Pertaining to Zirconium Alloys

Notice is hereby given that, on November 24, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. § 4301 *et seq.* ("the Act"), the participants in the Program to Conduct Studies and Research pertaining to Zirconium Alloys have filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the program. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties and its general area of planned activities are ABB Atom AB, Vasteras, SWEDEN; Combustion Engineering, Inc., Stamford, CT; AB Sandvik Steel, Sandviken, SWEDEN; Sandvik Special Metals Corporation, Kennewick, WA; and Teledyne Wah Chang Albany, a Division of Teledyne Industries Inc., Albany, OR. The objectives of the program are to conduct studies and research pertaining to zirconium alloys, particularly as they may be utilized in nuclear power reactors, by (i) collection of data and information, (ii) development of improved zirconium alloys and the processing thereof, and (iii) experimentation and tests on materials resulting from such development.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–3420 Filed 2–11–93; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984—High Definition Television Cooperation—General Instrument Corp./Massachusetts Institute of Technology/American Telephone & Telegraph Co./Zenith Electronics Corp.

Notice is hereby given that, on October 15, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 et seq. ("the Act"), General Instrument Corporation/Massachusetts Institute of Technology/American Telephone and Telegraph Company/Zenith Electronics Corporation filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are General Instrument Corporation, Chicago, IL; Massachusetts Institute of Technology, Cambridge, MA; American Telephone and Telegraph Company, Berkeley Heights, NJ; and Zenith Electronics Corporation, Glenview, IL.

The venture was formed pursuant to an Agreement for High Definition Television Corporation (the "Agreement") dated July 17, 1992, by and among such parties. The FCC has assigned two test slots for determining the terrestrial broadcast high definition television ("HDTV") standard in the United States to General Instrument Corporation and Massachusetts Institute of Technology and has assigned one such test slot to American Telephone and Telegraph Company and Zenith Electronics Corporation.

The main purposes of the Agreement are:

(1) Potential cooperation on the research necessary to develop an HDTV system that uses the intellectual property rights of one or more parties for possible submission to the FCC;

(2) Licensing of intellectual property rights and thereby sharing of the risks and rewards of each of the parties' interests in the HDTV systems that have been and may be submitted to the FCC for such test slots; and

(3) Cooperation with the FCC in the FCC's selection process for determining the terrestrial broadcast HDTV standard in the United States and thereby assistance in the timely completion of such selection process based on the technical merits of the proposed HDTV systems themselves.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–3417 Filed 2–11–93; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984—National Center for Manufacturing Sciences, Inc.

Notice is hereby given that, on November 2, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the National Center for Manufacturing Sciences, Inc. ("NCMS") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following companies were recently accepted as active members of NCMS: Allied Screw Products, Inc., Mishawaka, IN; Eitel Presses, Inc., Orwigsburg, PA; Intellisys, Inc., Liverpool, NY; Manteq International, Inc., Midland, MI; Mechatronic Technologies, Inc., Fremont, CA; Montronix, Inc., Raleigh, NC; Santech Industries, Inc., Fort Worth, TX; and Thesis Group, Inc., Dallas TX. In addition, the following organizations were recently accepted as affiliate members of NCMS: Gear Research Institute, Lisle, IL; ITT Research Institute, Chicago, IL; Texas Department of Commerce, Office of Advanced Technology, Austin, TX; University of Texas at Arlington, Arlington, TX; Wayne State University, Detroit, MI; and Wisconsin Department of Development, Madison, WI. Lastly, NCMS affiliate member Metalworking Technology, Inc., merged with National Defense Environmental Corporation and changed its name to Concurrent Technologies Corporation, which continues as an affiliate member of NCMS.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NCMS intends to file additional written notification disclosing all changes in membership.

On February 20, 1987, NCMS filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 17, 1987, (52 FR 8375).

The last notification was filed with the Department on July 28, 1992. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on September 11, 1992, (57 FR 41784).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–3419 Filed 2–11–93; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984—Semiconductor Research Corp.

Notice is hereby given that, on November 30, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Semiconductor Research Corporation ("SRC"), has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, SRC has added Famtech International, Inc., Chicago, IL as an affiliate member. The following companies have been deleted from SRC membership: Unit Instruments, Inc.; Varian Associates, Inc.; and Rapro Technology, Inc. The membership of CVC Products, Inc., has been replaced by its parent company, CVC Holdings, Inc., Rochester, NY.

No other changes have been made in either the membership or planned activities of the group research project. Membership in this group research project remains open, and SRC intends to file additional written notification disclosing all changes in membership.

On January 7, 1985, SRC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on January 30, 1985, (52 FR 4281).

The last notification was filed with the Department on July 13, 1992. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 19, 1992, (57 FR 37557–558).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–3416 Filed 2–11–93; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research Act of 1984—Joint Venture for Advanced Technology Program of NIST

Notice is hereby given that, on December 28, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. § 4301 *et seq.* ("the Act"), Westinghouse Electric Corp., has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are: Westinghouse Electric Corp., Pittsburgh, PA; and SGS Tool Co., Munroe Falls, OH. The parties' general area of planned activity is to develop plasma technology for low-cost diamond production that would incorporate diamond films into products such as tooling, heatsinks and infrared optics.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–3418 Filed 2–11–93; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notices and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S–3014, Washington, DC 20210.

Corrections to General Wage Determination Decisions

Pursuant to the provisions of the Regulations set forth in title 29 of the Code of Federal Regulations, part 1, section 1.6(d), the Administrator of the Wage and Hour Division may correct any wage determination that contains clerical errors.

Corrections being issued in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and

Related Acts" are indicated by Volume and are included immediately following the transmittal sheet(s) for the appropriate Volume(s).

Volume II

Wage Decision No. IA9100014, Modification No. 2

Pursuant to the Regulations, 29 CFR part 1, section 1.6(d), such corrections shall be included in any bid specifications containing the wage determinations, or in any on-going contracts containing the wage determinations in question, retroactively to the start of construction.

Supersedeas Decisions to General Wage Determination Decisions

The number of the decisions being superseded and their date of notice in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the number of decisions being superseded.

Volume I

New York:	
NY91–16 (February 22, 1991) (NY93–16).	p. All.
NY91–21 (February 22, 1991) (HY93–21).	p. All.
South Carolina SC91–23 (February 22, 1991) (SC93–23).	p. All.

Volume II

New Mexico, NM91–1 (February 22, 1991) (NM93–1).	p. All.

Volume III

Nevada:	
NV91–1 (February 22, 1991) (NV93–1).	p. All.
NV91–4 (February 22, 1991) (NV93–4).	p. All.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783–3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 5th day of February 1993.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 93–3147 Filed 2–11–93; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 93–014]

NASA Advisory Council, Aerospace Medicine Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Aerospace Medicine Advisory Committee.

DATES: February 22, 1993, 8:30 a.m. to 5 p.m.; February 23, 1993, 8:30 a.m. to 5 p.m.; and February 24, 1993, 8:30 a.m. to 2 p.m.

ADDRESSES: National Aeronautics and Space Administration, room MIC–5, 300 E Street, SW., Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Dr. J. Richard Keefe, Code SB, National Aeronautics and Space Administration, Washington, DC 20546 (202/358–2195).

SUPPLEMENTARY INFORMATION: The meeting will be closed to the public on Tuesday, February 23, 1993, from 8:30 a.m. to 10:30 a.m. in accordance with 5 U.S.C. 552b(c)(6), to allow for a discussion on qualifications of individuals being considered for membership to the Committee. The remainder of the meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Status of Life Sciences in NASA
—Status of the Shuttle-Mir Mission
—Status of the Aerospace Medicine Advisory Committee Strategy Study
—Status Review of Controlled Ecological Life Support Systems

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: February 5, 1993.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 93–3361 Filed 2–11–93; 8:45 am]

BILLING CODE 7510–01–M

[Notice 93–015]

Intent To Grant a Patent License

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: NASA intends to grant ITAC Systems Inc., having its headquarters in Garland, Texas, an exclusive, royalty-bearing, revocable license to practice U.S. Patent 5,113,714 entitled User Friendly Joystick. U.S. Patent 5,113,714 pertains to a six degree of freedom user interface controller for high performance work stations engaged in CAD/CAM, command and control, and the emerging visual data analysis application segment. The patent license will be for a limited number of years and will contain appropriate terms and conditions in accordance with NASA Patent Licensing Regulations, 14 CFR part 1245 *et seq*. NASA will grant the patent license in accordance with its licensing regulations unless the Director of Patent Licensing receives written objections to the grant, together with any supporting documentation, within 60 days of the date of this notice. The Director of Patent Licensing will review all written objections to the grant and then recommend to the Associate General Counsel (Intellectual Property) whether to grant the license.

DATES: Written objections to this proposed license grant must be received by April 13, 1993.

ADDRESSES: Written objections should be sent to: National Aeronautics and Space Administration, Code GP, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Guy M. Miller at (202) 358–2066.

Dated: February 3, 1993.

Edward A. Frankle,

General Counsel.

[FR Doc. 93–3362 Filed 2–11–93; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL INSTITUTE FOR LITERACY

National Institute for Literacy Advisory Board Meeting; Correction

In notice document 93–2517 appearing on page 6991 in the issue of Wednesday, February 3, 1993, in the second column, under **SUPPLEMENTARY**

INFORMATION, in the eighth line from the bottom of the column, "options might have the economic" should read "options might harm the economic."

Franmarie Kennedy-Keel,

Interim Director, National Institute for Literacy.

[FR Doc. 93-3413 Filed 2-11-93; 8:45 am]

BILLING CODE 6055-01-M

NATIONAL SCIENCE FOUNDATION

Permit Application Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received under the Antarctic Conservation Act of 1978, P.L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at title 45, part 670 of the Code of Federal Regulations. This is the required notice of permit application received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by March 9, 1992. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, room 627, Office of Polar Programs, National Science Foundation, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Thomas F. Forhan at the above address or (202) 357-7817.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Public Law 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. The application received is as follows:.

1. *Applicant:* John C. Wingfield, Zoology Department, NJ-15, University of Washington, Seattle, WA 98195.

Activity for Which Permit Requested: Taking. The applicant proposes taking blood samples from up to 600 petrel and penquins; sample size will be limited in order to not debilitate the subjects. Samples will be analyzed as part of endocrinological studies.

Location: South Georgia environs and Annekov Island.

Dates: 05/15/93-7/15/93.

Thomas F. Forhan,

Permit Office, Office of Polar Programs.

[FR Doc. 93-3375 Filed 2-11-93; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-1193]

Finding of No Significant Impact and Notice of Opportunity for Hearing; Termination of Special Nuclear Material License No. SNM-1174, Cimarron Corp. Mixed Oxide Facility in Crescent, OK

The Nuclear Regulatory Commission (NRC) has considered the termination of Special Nuclear Material License No. SNM-1174 for Cimarron Corporation's Mixed Oxide Facility located near Crescent, Oklahoma.

Summary of the Environmental Assessment

Identification of the Proposed Action

The Cimarron Corporation Plant (Cimarron) near Crescent, Oklahoma, was operated by Kerr-McGee Corporation for the manufacture of slightly enriched uranium and mixed oxide (uranium and plutonium) reactor fuels. Two major facilities, licensed as two distinct facilities by the NRC, are located at the Cimarron site: The Mixed Oxide Fuel Fabrication Plant (Mixed Oxide Facility) and the Uranium Plant. This proposed termination deals exclusively with the Mixed Oxide Facility License. The proposed action is to release the Mixed Oxide Facility and surrounding grounds for unrestricted use. Surrounding grounds in this instance is limited to the fenced area (security fence) that surrounds the Mixed Oxide Facility.

Need for the Proposed Action

The Mixed Oxide Facility, formerly referred to as the Cimarron Plutonium Facility, was operated from April 1970 to December 1975 for the manufacture of mixed oxide reactor fuel. Since ceasing operations, the licensee has removed equipment from the facility, decontaminated the building and surrounding soils, and requested termination of the license to allow unrestricted use of the facility that formerly housed the plutonium fuel fabrication operation and of the area within the former security fence for the plutonium facility. There are no plans to conduct future NRC-licensed activities in the Mixed Oxide Facility.

Environmental Impacts of the Proposed Action

There will be minimal environmental impact associated with this proposed action. The interior and exterior of the decontaminated Mixed Oxide Facility and the surrounding grounds have been surveyed by the applicant and the NRC's contractor (Oak Ridge Associated Universities). These surveys examined the concentration of relevant nuclides in the soil, the gamma dose rate from the soil, and the contamination levels on interior and exterior surfaces. These results show:

(1) There is no evidence of any plutonium contamination of the groundwater.

(2) There is limited contamination of the surrounding soils. The average uranium content of the exterior soils is two to three times background levels but about two orders of magnitude below NRC soil guidelines for disposition of contaminated soils with no restrictions. The average plutonium content of the exterior soils is indistinguishable from background and over two orders of magnitude below NRC soil guidelines for disposition of contaminated soil with no restrictions. Two soil samples showed americium contents that were above background but about one order of magnitude below NRC soil guidelines for disposition of contaminated soil with no restrictions. The average gamma dose rate at 1 meter above the soil is indistinguishable from background.

(3) The surface contamination levels of plant interior and exterior surfaces are, on the average, three orders of magnitude below NRC decontamination guidelines.

Conclusion

Based on the data provided by Cimarron Corporation along with the results of confirmatory measurements provided by an NRC contractor (Oak Ridge Associated Universities), the Mixed Oxide Facility and associated grounds have been decontaminated and decommissioned below guidelines required for unrestricted use by the NRC. It is NRC's judgment that the applied guidelines adequately protect

the public health and safety, and the environment.

Therefore, the NRC finds that there will be no significant environmental impact, or adverse effect on human health or safety, by the proposed action to terminate License No. SNM–1174 for the Mixed Oxide Facility at Crescent, Oklahoma.

Alternatives to the Proposed Action

Alternatives to the present termination of the Mixed Oxide Facility license include: (1) No further actions (i.e., license the facility indefinitely without further changes to the site); (2) requiring further cleanup of the Mixed Oxide Facility and related grounds before final termination; or (3) delaying termination of the Mixed Oxide Facility license until the Uranium Facility license (License No. SNM–928) is also ready for termination.

The first alternative of no further actions related to the Mixed Oxide Facility causes a loss of resources and is an unnecessary burden on both the licensed company and the government. Requiring licensing of a site which meets NRC cleanup guidelines in perpetuity means that the land and associated constructs would sit without further use instead of allowing the land to be used for alternative business (e.g., warehouse) or other use. At the same time, costs for licensing continue for both the company holding the license (through license fees, security, and site monitoring) and the government (overseeing the license and inspections). Since the land and associated constructs have met NRC unrestricted use guidelines, this alternative would not improve public health and safety.

The second alternative to the proposed action calls for further cleanup of the Mixed Oxide Facility before final termination. Since the site has already been decommissioned to NRC guidelines, and in many places, background radiation levels, unless new data is presented showing a significant safety increase with lower criteria, this alternative would put an unnecessary burden on the licensed company, and at the same time, could also unnecessarily set a precedence for more restrictive release criteria for all NRC licensees. Without new supporting data, this alternative would only cost the licensed company additional money without adding significant benefit to the health and safety of the public and is therefore not necessary.

The third alternative would be to keep the Mixed Oxide Facility under license until the Uranium Facility license is ready for termination, and then terminate both licenses simultaneously. This alternative does have some merit because the Mixed Oxide Facility and associated grounds are completely within the perimeter of the Uranium Facility licensed grounds therefore leading to a potential for cross-contamination. However, remediation of any cross-contamination would be required under the Uranium Facility license prior to its termination, if the proposed action is accepted. This last alternative places an unnecessary regulatory burden on the licensee to continue holding a license on a facility and grounds for which any future contamination would be a result of cross-contamination from a second licensed facility. As such, remediation of the cross-contamination would be the responsibility of the second license, leaving little reason to require the licensee to hold a license on an otherwise clean facility. Therefore, delayed termination of the Mixed Oxide Facility license would render no benefit to the health and safety of the public.

Because none of the discussed alternatives leads to a significant increase in the protection of the health and safety of the public over the proposed action, and the proposed action makes no significant impact on the environment, the NRC finds that the Mixed Oxide Facility license (License No. SNM–1174) should be terminated.

Agencies and Persons Consulted

The NRC staff has consulted with the Oklahoma State Department of Health, the agency responsible for radiological safety issues in the state of Oklahoma. Oak Ridge Associated Universities has provided support to the NRC on topics related to the validation of Kerr-McGee's radiological survey methods.

Finding of No Significant Impact

The NRC staff has prepared an Environmental Assessment of the proposed amendment of Special Nuclear Material License No. SNM–1174. On the basis of this assessment, the NRC staff has concluded that the environmental impacts that could be caused by the proposed action would not be significant and do not warrant the preparation of an Environmental Impact Statement.

The Environmental Assessment and other documents related to this proposed action are available for public inspection and copying at the NRC Public Document Room, in the Gelman Building, 2120 L Street NW., Washington, DC. Copies of the Environmental Assessment can be obtained by calling (301) 504–2605 or by writing to the Fuel Cycle Safety Branch, Division of Industrial and Medical Nuclear Safety, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Opportunity for a Hearing

The Commission hereby provides notice that this is a proceeding on an application for a licensing action falling within the scope of subpart L "Informal Hearing Procedures for Adjudications in Materials Licensing Proceedings, of the Commission's Rules of Practice for Domestic Licensing Proceedings in 10 CFR Part 2" (54 FR 8269). Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(c), a request for a hearing must be filed within thirty (30) days from the date of publication of this **Federal Register** notice. The request for a hearing must be filed with the Office of the Secretary either:

(1) By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or (2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

In addition to meeting other applicable requirements of 10 CFR part 2 of the Commission's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding; (2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g); (3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and (4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

Each request for a hearing must also be served, by delivering it personally or by mail to:

(1) The licensee, Cimarron Corporation, P.O. Box 25861, Kerr-McGee Center, Oklahoma City, OK 73124;

(2) The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Any hearing that is requested and granted will be held in accordance with the Commission's Informal Hearing Procedures for Adjudications in

Materials Licensing Proceedings in 10 CFR part 2, subpart L.

Dated at Rockville, Maryland, this 5th day of February 1993.

For the Nuclear Regulatory Commission.

Richard E. Cunningham,

Director, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 93-3357 Filed 2-11-93; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-424 and 50-425]

Georgia Power Co., et al.; Correction to Notice of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) had published in the **Federal Register** (58 FR 6820, February 2, 1993), a "Notice of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing" for the Vogtle Electric Generating Plant, Units 1 and 2.

The 30-day comment period ending date was not correct as it appears in the **Federal Register** (page 6821, third paragraph). The 30-day period ending date should be March 4, 1993, not March 3, 1993.

Dated at Rockville, Maryland, this 3rd day of February 1993.

For the Nuclear Regulatory Commission.

Darl S. Hood,

Project Manager, Project Directorate II-3, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93-3358 Filed 2-11-93; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management

ACTION: Notice

SUMMARY: This gives notice of positions placed or revoked under Schedules A and B, and placed under Schedule C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Sherry Turpenoff, (202) 606-0950.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR part 213 on January 8, 1992 (58 FR 3303). Individual authorities established or revoked under Schedules A and B and established under Schedule C between December 1 and December 30, 1992, appear in the listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30, 1993, will also be published.

Schedule A

No Schedule A authorities were established or revoked during December 1992.

Schedule B

No Schedule B authorities were established or revoked during December 1992.

Schedule C

Commodity Futures Trading Commission

Special Assistant to the Commissioner. Effective December 15, 1992.

Special Assistant to the Commissioner. Effective December 16, 1992.

Administrative Assistant to the Commissioner. Effective December 28, 1992.

Department of Commerce

Director, Congressional Affairs Staff to the Under Secretary for Export Administration, Bureau of Export Administration. Effective December 2, 1992.

Director of Congressional Affairs to the Under Secretary for Economic Affairs/Administrator, Economics and Statistics Administration. Effective December 9, 1992.

Department of Education

Special Assistant to the Assistant Secretary, Office of Management and Budget/Chief Financial Officer. Effective December 7, 1992.

Department of Health and Human Services

Special Assistant to the Executive Secretary, Office of the Secretary. Effective December 2, 1992.

Department of Transportation

Deputy Director to the Assistant Secretary for Governmental Affairs. Effective December 18, 1992.

Director, Office of Public Affairs, to the Administrator, Federal Railroad Administration. Effective December 28, 1992.

Deputy to the White House Liaison. Effective December 28, 1992.

International Trade Commission

Staff Assistant (Legal) to the Chairman. Effective December 14, 1992.

Staff Assistant (Legal) to the Commissioner. Effective December 31, 1992.

National Transportation Safety Board

Staff Assistant to the Managing Director. Effective December 21, 1992.

Special Assistant to the Board Member. Effective December 21, 1992.

Office of Management and Budget

Assistant to the Director and Spokesperson, Director, Office of Management and Budget. Effective December 28, 1992.

Pension Benefit and Guaranty Corporation

Staff Assistant to the Deputy Executive Director and Chief Negotiator. Effective December 14, 1992.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218

Office of Personnel Management.

Patricia W. Lattimore,

Acting Director.

[FR Doc. 93-3332 Filed 2-11-93; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-31828; File No. SR-Amex-93-06]

Self-Regulatory Organizations; Filing and Order Granting Temporary Accelerated Approval of Proposed Rule Change by American Stock Exchange, Inc. Relating to a Pilot Program for Execution of Odd-Lot Market Orders

February 5, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 4, 1993, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes that the Commission extend for six months the Exchange's existing pilot program under Amex Rule 205 requiring execution of odd-lot market orders at the prevailing Amex quote with no differential charged.[1] The Exchange received approval, on a pilot basis expiring on February 8, 1993, of amendments to Amex Rule 205.[2]

The text of the proposed rule change is available at the Office of the Secretary, Amex, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the place specified in Item III below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission has approved, on a pilot basis extending to February 8, 1993, amendments to Exchange Rule 205 to require the execution of odd-lot market orders at the prevailing Amex quote with no odd-lot differential. These procedures initially were approved by the Commission on a pilot basis,[3] and subsequently were extended five times.[4]

Under the pilot procedures, odd-lot market orders with no qualifying notations are executed at the Amex quotation at the time the order is represented in the market, either by being received at the trading post or through the Exchange's Post Execution Reporting ("PER") System. Enhancements to the PER system have been implemented to provide for the automatic execution of odd-lot market orders entered through PER. For purposes of the pilot program, odd-lot limit orders that are immediately executable based on the Amex quote at the time the order is received, at the trading post or through PER, are executed in the same manner as odd-lot market orders.

The Exchange proposes that the pilot program applicable to odd-lot execution procedures be extended for six months. This will provide the Commission with an additional period of time to assess procedures under the pilot program and will permit the Exchange to provide additional data and information regarding its experience under the pilot program.

2. Basis

The proposed rule change is consistent with section 6(b) of the Act in general and furthers the objectives of section 6(b)(5) and 11A(a)(1) in particular in that it facilitates the economically efficient execution of odd-lot transactions, and is intended to result in improved execution of customer orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statements on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–93–06 and should be submitted by March 5, 1993.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, with the requirements of sections 6[5] and 11A(a)(1)[6] of the Act and the rules and regulations thereunder. The Commission believes that the revised procedures, which provide for pricing of odd-lot market orders at the prevailing market quote rather than at a subsequent transaction, should provide investors with more timely execution of these orders. Moreover, these orders should receive less costly executions than under the former procedures because no differential will be charged. In addition, the Exchange has implemented enhancements to its PER system for the automatic execution of odd-lot market orders, as set forth in the Commission's order approving the use of the pilot program procedures.[7]

In its previous orders,[8] the Commission asked the Amex to analyze the difference in executions between using the Intermarket Trading System ("ITS") consolidated best bid or offer as compared with the Amex quote without the differential. Specifically, the Commission expressed interest in whether customers are receiving a better execution, both in terms of price and time, using the new Amex system. The Commission was also interested in the feasibility of implementing an odd-lot pricing system using the ITS best bid or offer and no differential.

In response, the Amex submitted the requested information with respect to the difference in executions between the

---

[1] The Exchange seeks accelerated approval of the proposed rule change in order to allow the pilot program, which will expire on February 8, 1993, to continue without interruption.

[2] See Securities Exchange Act Release No. 30305 (January 30, 1992), 57 FR 4653 (February 6, 1992) (approving File No. SR–Amex–92–4).

[3] See Securities Exchange Act Release No. 26445 (January 10, 1989), 54 FR 2248 (approving File No. SR–Amex–88–23).

[4] See Securities Exchange Act Release Nos. 30305 (January 30, 1992), 57 FR 4653 (approving File No. SR–Amex–92–4); 29922 (November 8, 1991), 56 FR 58409 (approving File No. SR–Amex–91–30); 29186 (May 9, 1991), 56 FR 22488 (approving File No. SR–Amex–91–09); 28758 (January 10, 1991), 56 FR 1656 (approving File No. SR–Amex–90–39); and 27590 (January 5, 1990), 55 FR 1123 (approving File No. SR–Amex–89–31).

[5] 15 U.S.C. 78f (1988).

[6] 15 U.S.C. 78k–1(a)(1) (1988).

[7] See Securities Exchange Act Release No. 26445, *supra* note 3, for a description of the Exchange's odd-lot procedures and the Commission's rationale for approving those procedures on a pilot basis. The discussion in the aforementioned order is incorporated by reference into this order

[8] See *supra* note 4.

ITS best bid or offer and the Amex quote to the Commission on January 9, 1991, April 22, 1991, October 25, 1991 and February 4, 1993.[9] The Amex data indicated that the pilot procedures provide a superior execution for a substantial majority of odd-lot executions. Accordingly, the Commission believes that it is reasonable to extend the pilot for an additional six months to enable the Commission to review fully the Amex reports and to enable the pilot to continue without interruption during the Commission's review. The Commission, however, remains concerned that some odd-lot orders could receive executions at less than the best available price since the Exchange's pricing formula does not include quotations from other markets.[10] Nevertheless, due to the relatively low number of odd-lot market orders,[11] the percentage of Amex quotes that are worse than the ITS best bid or offer, and the benefits to customers under the pilot program procedures, the Commission believes that it is acceptable to continue the pilot's current pricing procedures for an additional six months. During that period, the Commission requests that the Exchange continue to monitor the pilot and provide data on the number of Amex quotes executed that are worse than the ITS consolidated best bid and offer. Moreover, the Commission remains interested in the feasibility of implementing an odd-lot pricing system using the ITS best bid or offer and no differential.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. This will permit the pilot program to continue on an uninterrupted basis. In addition, the procedures the Exchange proposes to continue using are the identical procedures that were published in the **Federal Register** for the full comment period and were approved by the Commission.[12]

It is therefore ordered, Pursuant to section 19(b)(2)[13] of the Act, that the proposed rule change (SR–Amex–93–06) is approved for a six month period ending on August 8, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3350 Filed 2–11–93; 8:45 am]

BILLING CODE 8010-01-M

[9] See letter from Michael Cavalier, Assistant General Counsel, Regulatory, Legal & Regulatory Policy Division, Amex, to Diana Luka-Hopson, Branch Chief, Commission, dated February 3, 1993; letters from Jules L. Winters, Executive Vice President, Operations, Amex, to Howard L. Kramer, Assistant Director, Commission, dated January 8, 1991, April 19, 1991 and October 23, 1991.

[10] The Commission has approved amendments to the New York Stock Exchange's ("NYSE") rules which incorporate the ITS quote into the NYSE odd-lot pricing procedures through the use of the "Best Pricing Quote." See Securities Exchange Act Release No. 27981 (May 2, 1990), 55 FR 19409 (May 9, 1990).

[11] See footnote 9 of Securities Exchange Act Release No. 29922 (November 8, 1991), 56 FR 58409.

[12] No comments were received in connection with the proposed rule change which implemented these procedures. See *supra* note 3.

[13] 15 U.S.C. 78s(b)(2) (1988).

[14] 17 CFR 200.30–3(a)(12) (1991).

[Release No. 34–31831; File No. SR–NYSE–92–39]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to the Listing of European-Style Index Options

February 5, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 31, 1992, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NYSE proposes to amend Exchange Rule 701, "Option Contracts to be Traded," to allow the Exchange to list index options featuring European-style exercise. In addition, the Exchange proposes to change the exercise feature of NYSE Composite Index options from American-style exercise to European-style exercise.

The text of the proposal is available at the Office of the Secretary, NYSE, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

The Exchange proposes to amend its rules to give it the flexibility to list and trade index options characterized by European-style exercise and, in addition, to change the exercise feature of NYSE Composite Index options from American-style exercise to European-style exercise. American-style exercise permits option holders to exercise their options on any Exchange business day up to and including the last business day immediately prior to the expiration date. European-style exercise permits option holders only to exercise their options on the expiration date.

Accordingly, the NYSE proposes to amend Exchange Rule 701 to permit the Exchange to trade European-style index options. In addition, because the NYSE has not previously listed and traded index options with European-style exercise, the Exchange proposes to (1) add definitions of "American-Style Index Option" and "European-Style Index Option" to paragraph (b) of Exchange Rule 700 ("Applicability, Definitions, and References");[1] and (2) amend Supplementary Material .10(c) to Exchange Rule 780, ("Exercise of Option Contracts") to exempt European-style index options from the 4:15 p.m. deadline for receipt and acceptance of exercise instructions, delivery of exercise advices, and preparation of exercise memoranda. The NYSE notes that the proposed amendment of Supplementary Material .10(c) merely

[1] Specifically, the proposal defines an American-Style Index Option as "an option contract on an index stock group that can be exercised at any time prior to its expiration pursuant to the rules of the Options Clearing Corporation," and a European-Style Index Option as "an option contract on an index stock group that can be exercised only at its expiration pursuant to the rules of the Options Clearing Corporation."

clarifies the Exchange's rules because Exchange Rule 780 exempts all options from the 4:15 deadlines for exercises on the business day prior to expiration. Since holders of European-style index options may not exercise their options prior to that time, the exemption provided in Exchange Rule 780 applies on its face to European-style options.

The Exchange believes that changing the exercise feature of NYSE Composite Index options from American-style exercise to European-style exercise will make NYSE Composite Index options more appealing to investors. The Exchange notes that premiums on European-style options should be lower than the premiums on their American-style counterparts because writers of European-style options bear no risk that the option holders will exercise prior to expiration. In addition, because exercise is limited to the expiration date, the Exchange believes that European-style exercise provides greater certainty for market participants.

The Exchange proposes to implement the proposed change in the exercise style of NYSE Composite Index options on a prospective basis. Specifically, after the Commission approves the NYSE's proposal, the Exchange will, at its next rollover date, add expiration series with European-style exercise. The then outstanding American-style series will remain outstanding until their expirations. The Exchange will continue to add expiration series with European-style exercise at subsequent rollovers. The NYSE states that it will advise its membership of the change to European-style exercise for NYSE Composite Index options, including the phase-in procedures, by means of circulars and other communications.

(b) Basis

The NYSE believes that the proposal is consistent with section 6(b) of the Act, in general, and section 6(b)(5), in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The NYSE believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The NYSE has requested that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act in response to investor demand for European-style options on the Index. The NYSE notes, in addition, that European-style index options are traded currently on the American Stock Exchange, Inc. ("Amex"), the Chicago Board Options Exchange, Inc, ("CBOE"), and the Philadelphia Stock Exchange, Inc. ("Phlx"), and that the Commission has addressed the issues related to changing the exercise style of an existing index option in connection with the Amex's modification of the exercise feature of Major Market Index ("XMI") options.[2]

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5).[3] The Commission believes that both the amendment allowing the NYSE to list European-style options and the proposal to change NYSE Composite Index options from American-style exercise to European-style exercise should provide the Exchange with the flexibility to list investment vehicles tailored to meet the needs of market participants. The Commission believes, as it has stated in the past, that European-style options, which can be exercised only during a specified period prior to expiration, should facilitate transactions in index options by attracting investors through lower premiums and by providing certainty to market participants, particularly hedges, spreaders, and options writers.[4] By facilitating transactions in index options, the Commission believes that the proposal should help to increase the depth and liquidity of the Exchange's stock index options markets.

In addition, the Commission believes that the NYSE has established reasonable procedures designed to change NYSE Composite Index options from American-style exercise to European-style exercise without causing undue investor confusion. Specifically, the NYSE plans to implement the change in exercise style on a prospective basis by adding expiration series with European-style exercise at each expiration rollover. The outstanding American-style series will remain outstanding until their expirations. As noted above, the NYSE has stated that it will advise its membership of the change to the European-style exercise feature for NYSE Composite Index options, including the phase-in procedures, by means of circulars and other communications.[5] These procedures are identical to those approved previously by the Commission in connection with the Amex's modification of the exercise feature of the XMI.[6]

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register** because, as noted above, the Amex, the CBOE, and the Phlx currently trade European-style index options. The Commission has received no comment letters on the Amex's, CBOE's, and the Phlx's rules concerning European-style settlement and believes that the NYSE's proposal to list index options featuring European-style exercise raises no new regulatory issues. In particular, as noted above, the Commission approved a similar change to the exercise style of the Amex's XMI options and the Commission received no comment letters on the Amex's proposal. Accordingly, the Commission believes that it is appropriate and consistent with sections 6(b)(5) and 19(b) of the Act to approve the proposed rule change on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions

[2] See Securities Exchange Act Release No. 26199 (October 19, 1988), 53 FR 43060 (order approving File No. SR–Amex–88–22) ("Amex Approval Order"). The Amex changed the exercise feature of XMI options from American-style exercise to European-style exercise.

[3] 15 U.S.C. 78f(b)(5) (1982).

[4] See Amex Approval Order, *supra* note 2.

[5] See NYSE Options Circular Oal 016, dated January 28, 1993 ("Options Circular"). In the Options Circular, the Exchange indicates that beginning with the introduction of the May 1993 expiration series of NYSE Composite Index options, options on the NYSE Composite Index will change from American-style exercise to European-style exercise. The Options Circular explains that the existing March and April expiration months for NYSE Composite Index options will continue to feature American-style exercise until they expire, and that the Exchange will use different ticker symbols to distinguish American-style NYSE Composite Index options from European-style NYSE Composite Index options. Specifically, the ticker symbol for the existing American-style NYSE Composite Index options will be "NYZ," and the ticker symbol for the new European-style expiration series will be "NYA."

[6] See Amex Approval Order, *supra* note 2.

VOL 58 ISS 28 FE 12 1993 UMI

should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 5, 1993.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[7] that the proposed rule change (File No. SR-NYSE-92-39), is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-3352 Filed 2-11-93; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-19256; 812-8000]

Goldman Sachs Equity Portfolios, Inc., et al.; Notice of Application

February 5, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Goldman Sachs Equity Portfolios, Inc., Goldman Sachs Trust, Trust for Credit Unions, Centerland Fund, Financial Square Trust (the "Funds"), Goldman Sachs—Institutional Liquid Assets ("ILA"), and any other registered investment companies or portfolios thereof which are advised by Goldman, Sachs & Co.,[1] Goldman Sachs Funds Management, L.P., or Goldman Sachs Asset Management International. Applicants request that any order issued pursuant to this application be made applicable to any other registered investment companies or portfolios thereof which are advised by Goldman, Sachs & Co., Goldman Sachs Funds Management, L.P., Goldman Sachs Asset Management International, or any affiliate of such entities and which may in the future propose to make investments similar to those for which relief is presently sought, provided they meet the conditions and representations set forth herein (the future funds together with the "Funds" named above are referred to herein collectively as the "Funds").[2]

RELEVANT ACT SECTIONS: Order requested under sections 6(c) and 17(b) to exempt certain transactions from section 17(a) and under rule 17d-1 to permit certain joint transactions.

SUMMARY OF APPLICATION: Applicants request an order that would permit certain money market funds to sell their shares to certain affiliated funds, and to permit the affiliated advisers of the funds and the money market funds to effect such sales.

FILING DATE: The application was filed on July 28, 1992 and amended on October 30, 1992 and January 14, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 2, 1993, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, 85 Broad Street, New York, New York 10004.

FOR FURTHER INFORMATION CONTACT: Fran M. Pollack-Matz, Senior Attorney, at (202) 504-2801, or Nancy M. Rappa, Branch Chief, at (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. Each Fund and ILA are registered under the Act as an open-end management investment company. Certain Funds consist of two or more portfolios, and certain portfolios consist of two or more classes. ILA is presently comprised of 10 portfolios, nine of which are available for investment. The money market portfolios of the Funds and the portfolios of ILA are hereinafter referred to as the Money Market Portfolios. All existing and future non-money market portfolios of the Funds (as well as future Funds) availing themselves of the relief granted herein are hereinafter referred to as "Non-Money Market Portfolios".

2. The Funds currently seeking relief are advised by Goldman, Sachs & Co., Goldman Sachs Asset Management International, or Goldman Sachs Funds Management, L.P., all of which are registered as investment advisers under the Investment Advisers Act of 1940. Goldman, Sachs & Co. also serves as an investment adviser to each portfolio of ILA.

3. Each Money Market Portfolio is operated in accordance with rule 2a-7 under the Act. The investment objectives of each Money Market and Non-Money Market Portfolio are more fully described in the application.

4. A small portion of each Non-Money Market Portfolio's net assets will at times be held in cash or short-term investments pending investment in portfolio securities, or for redemption or other purposes. The cash balances result from the following sources: new monies received from investors, dividends or interest, net of expenses, received on portfolio securities; unsettled securities transactions; and liquidation of investment securities to meet anticipated shareholder redemptions, cash dividend payments, and fund expenses.

5. Applicants seek an order that would permit the Non-Money Market Portfolios to use their cash balances to purchase shares of one or more of the Money Market Portfolios. If the requested relief is granted, each Non-Money Market Portfolio of a Fund would invest in shares of one or more Money Market Portfolios registered as series of the same Fund as such Non-Money Market Portfolio, unless the

---

[7] 15 U.S.C. 78s(b)(2) (1982).

[1] All portfolio management activities undertaken on behalf of registered investment companies for which Goldman, Sachs & Co. serves as investment adviser are performed by Goldman Sachs Asset Management, a separate operating division of Goldman Sachs & Co.

[2] Boatmen's Trust Company serves as subadviser to the Short-Term Tax-Exempt Portfolio of the Centerland Fund. Applicants do not seek any exemptive relief on behalf of the Short-Term Tax-Exempt Portfolio and agree that such Portfolio (and any future portfolio advised by a subadviser that is not a direct or indirect affiliate of Goldman, Sachs & Co.) would not participate in any of the transactions described herein.

Fund does not offer a Money Market Portfolio, in which case the Non-Money Market Portfolio would invest in units of one or more Money Market Portfolios of ILA. In any case where a Non-Money Market Portfolio would have more than one Money Market Portfolio available for investment, the decision as to which Portfolio in which it would invest (if any) will be made by the investment adviser of the Non-Money Market Portfolio solely on the basis of the adviser's view as to the suitability and investment merits of the respective Portfolio as compared to all available, competitive, short-term investments. In any case where a Money Market Portfolio offers more than one class of securities, each Non-Money Market Portfolio would invest only in the class with the lowest expense ratio at the time of investment.

6. The shareholders of the Non-Market Portfolios will not be subject to the imposition of duplicative management and administrative costs. To this end, an amount equivalent to the net asset value of the Non-Money Market Portfolios' holdings in the Money Market Portfolios at the applicable Money Market Portfolio's advisory and administrative fee rate charged by Goldman Sachs will be waived in the overall calculation of the advisory and administrative fees of the Non-Money Market Portfolios making such investment.

7. Several of the Money Market Portfolios and Non-Money Market Portfolios have voluntary expense cap arrangements with Goldman Sachs, and, to the extent actual expenses of such Portfolios exceed such caps, Goldman Sachs reimburses a Portfolio to the extent of such excess. Portfolios advised by Goldman Sachs also are subject to mandatory expense cap limitations imposed by state regulatory authorities and Goldman Sachs complies with such limitations in all respects. Any applicable expense cap will not limit the advisory and administrative fee waiver.

8. The Non-Money Market Portfolios will vote their shares of the Money Market Portfolios in proportion to the vote by all other shareholders of the Money Market Portfolios. Further, the Non-Money Market Portfolios agree to purchase and redeem shares of the Money Market Portfolios at the same time and price, and will receive dividends and bear expenses on the same basis, as all other shareholders of the Money Market Portfolios.

Applicants' Legal Analysis

1. Sections 17(a) (1) and (2) of the Act provide, in part, that it is unlawful for any "affiliated person" of a registered investment company, acting as principal, knowingly to sell or purchase any security or other property to or from such investment company unless the transaction falls within certain statutory exceptions, none of which is applicable. As investment adviser to the Funds and ILA, Goldman Sachs may be deemed an "affiliated person" of the Funds and ILA under section 2(a)(3)(E) of the Act, and the Funds and ILA and the portfolios thereof may be considered affiliated persons of each other under section 2(a)(3)(C) of the Act by virtue of the possibility that they may be deemed under "common control."

2. Section 17(b) of the Act provides that the SEC may, upon application, exempt a transaction from section 17(a) if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, the proposed transactions are consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and the proposed transactions are consistent with the general purposes of the Act.

3. Under the proposed transactions, shares of the Money Market Portfolios will be purchased and redeemed by the Non-Money Market Portfolios on the same terms and on the same basis as shares are purchased and redeemed by all other shareholders. Applicants state that there will be no opportunity for overreaching since the Non-Money Market Portfolios will retain their ability to invest their cash balances directly into money market instruments as authorized by their investment objectives and policies, if they believe they can obtain a higher return thereby. Each of the Money Market Portfolios has the right to discontinue selling shares to any of the Non-Money Market Portfolios if such sales would adversely affect the portfolio management and operations of such Money Market Portfolio. Further, to assure that the Non-Money Market Portfolios will not exert any undue influence in the voting process for any matter submitted to a vote by the shareholders of the Money Market Portfolios, the Non-Money Market Portfolios will vote their shares of the Money Market Portfolios in proportion to the vote by all other shareholders of the Money Market Portfolios.

4. Section 17(d) of the Act and rule 17d–1 together prohibit an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such investment company is a "joint or a joint and several participant" with the affiliated person. Rule 17d–1 under the Act provides, in part, that no affiliated person of a registered investment company, acting as principal, shall participate in or effect any transaction in connection with any joint enterprise or joint arrangement in which such investment company is a participant, unless an order has been granted by the SEC authorizing such joint enterprise or arrangement. Applicants request an order pursuant to rule 17d–1 permitting: (1) The Non-Money Market Portfolios to purchase and redeem shares of the Money Market Portfolios; (2) the Money Market Portfolios to sell and redeem their shares to and from the Non-Money Market Portfolios; and (3) Goldman Sachs to effect such purchases and redemptions of shares of the Money Market Portfolios as investment adviser to the Funds.[3]

5. Rule 17d–1 provides that an order of the SEC exempting Applicants from the provisions of section 17(d), prohibiting joint arrangements, may be granted where the arrangement is consistent with the provisions, policies, and purposes of the Act, and participation by a registered investment company is not on a basis different from or less advantageous than that of the other participants. Applicants state that the investment by the Non-Money Market Portfolios in shares of the Money Market Portfolios would be on the same basis and would be indistinguishable from any other securities account maintained by the Money Market Portfolios. The Non-Money Market Portfolios will participate on a fair and reasonable basis, relative to the size of their investment, in the returns and expenses of the Money Market Portfolios.

6. Applicants request relief pursuant to section 6(c) because of the possibility that section 17(b) could be interpreted to exempt only a single transaction whereas Applicants are seeking relief with respect to a class of transactions.

Applicants' Conditions

Applicants expressly consent to having the standards listed below be made conditions to the requested relief:

1. The Money Market Portfolios will calculate their respective net asset values in accordance with rule 2a–7 under the Act.

[3] Applicants state that they intend to comply with the percentage limitations set forth by section 12(d)(1) of the Act, which restricts the purchases and sales of securities issued by investment companies to other investment companies. Accordingly, Applicants do not seek relief from that section.

VOL 58 ISS 28 FE 12 1993 UMI

2. The Money Market Portfolios will not be subject to a sales load, redemption fees, or distribution fees under a plan adopted in accordance with rule 12b–1.

3. Goldman Sacs will reduce its fees charged to each Non-Money Market Portfolio by an amount (the "Reduction Amount") equal to the net asset value of the Non-Money Market Portfolio's holdings in any Money Market Portfolio times the rate at which advisory and administrative fees are charged by Goldman Sachs to such Money Market Portfolios.

4. If Goldman Sachs waives any portion of its fees or bears any portion of the expenses of a Non-Money Market Portfolio (an "Expense Waiver"), the adjusted fees for the Non-Money Market Portfolio (gross fees minus Expense Waiver) will be calculated without reference to the Reduction Amount. Adjusted fees then will be reduced by the Reduction Amount. If the Reduction Amount exceeds adjusted fees, Goldman Sachs also will reimburse the Non-Money Market Portfolio in an amount equal to such excess.

5. The Non-Money Market Portfolios will vote their number of shares of the Money Market Portfolios in the same proportion as the votes of all other shareholders in the Money Market Portfolios.

6. The Non-Money Market Portfolios will purchase and redeem shares of the Money Market Portfolios as of the same time and at the same price, and will receive dividends and bear their proportionate share of expenses on the same basis as all other shareholders of the Money Market Portfolios. A separate account will be established in the shareholder records of the Money Market Portfolios for each acquiring Non-Money market Portfolio.

7. Any fees waived in connection with the proposed transactions as described herein will be waived for all time, and will not be subject to recoupment by Goldman Sachs or by any other investment adviser at a later date.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Magaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3374 Filed 2–11–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19259; 812–7960]

McLaughlin, Piven, Vogel Securities, Inc.; Notice of Application

February 8, 1993.

AGENCY: Securities and Exchange Commission (the "SEC" or "Commission").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANT: McLaughlin, Piven, Vogel Securities, Inc.

RELEVANT ACT SECTIONS: Conditional order requested under section 9(c) granting an exemption from the provisions of section 9(a).

SUMMARY OF APPLICATION: Applicant has requested a conditional order under section 9(c) exempting applicant from the disqualification provisions of section 9(a) solely with respect to a securities related injunction entered against one of applicant's affiliates. The conditional order would permit applicant to act as sponsor, depositor, and principal underwriter for one or more unit investment trusts.

FILING DATE: The application was filed on January 30, 1992, and amendments thereto were filed on March 5, 1992, August 6, 1992, and October 6, 1992.

HEARING OR NOTIFICATION OF HEARING: Interested persons may request a hearing on the application by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 5, 1993, and should be accompanied by proof of service on applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, D.C. 20549; Applicants, 30 Wall Street, New York, N.Y. 10005.

FOR FURTHER INFORMATION CONTACT: John V. O'Hanlon, Staff Attorney, at (202) 272–3922, or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a New York corporation engaged in the underwriting and securities brokerage business. Applicant is a member of the New York Stock Exchange and the National Association of Securities Dealers, Inc. and is registered with the Commission as a broker-dealer.

2. Subject to receiving the requested exemption, applicant proposes to serve as sponsor, principal underwriter, and depositor for The Traditional Value Guaranteed Income Trust, Series 1, and subsequent series (the "Trust"), a unit investment trust to be registered under the Act. Units of the Trust are to be registered for sale to the public under the Securities Act of 1933 (the "1933 Act"). Applicant also may serve as sponsor, principal underwriter, and depositor for future series of the Trust and for other unit investment trusts that it may organize in the future.

3. James J. McLaughlin ("McLaughlin") is the Senior Vice-President and a director of applicant, and owns 53.69% of applicant's shares. In 1973, the Commission brought an action alleging the McLaughlin, an assistant sales vice president of Paragon Securities Incorporated of New York ("Paragon"), acting in concert with others, violated section 17(a) of the 1933 Act and sections 10(b), 15(a), 15(b), and 15(c) of the Securities Exchange Act of 1934 (the "1934 Act"), and various rules thereunder in connection with Paragon's activities as a broker-dealer. *Securities and Exchange Commission* v. *Paragon Securities Co.*, Civil Action No. 1120 (D.C. N.J.). On October 3, 1974, without admitting or denying wrongdoing, McLaughlin consented to the entry of a permanent injunction (the "Injunction") enjoining him from conduct in violation of such provisions. In addition, McLaughlin agreed to disgorge $8,450. Applicant represents that since 1974, McLaughlin has not been the subject of any proceedings or allegations of violations of state or federal securities laws other than those discussed in the application.[1]

[1] Although certain actions have been brought against applicant and McLaughlin, those actions do not trigger the disqualification provisions of section 9(a) of the Act. Applicant and McLaughlin are defendants in a civil action commenced in December of 1986 arising out of a customer's purchase of bonds issued by the Washington Public Power Supply System. The complaint alleges violations of section 10(b) of the 1934 Act and rule 10b–5 thereunder, as well as common law fraud and breach of contract. In addition, thirteen separate orders and sanctions have been imposed against applicant by state regulatory agencies during the period from 1982 to the present. The violations included acting as a broker-dealer in states where applicant was unregistered; the sale of

4. Applicant is not currently in violation of the provisions of section 9(a), as it does not serve as an investment adviser or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered face-amount certificate company. Because McLaughlin has been permanently enjoined from engaging in certain conduct in connection with his activities at Paragon, however, applicant is prohibited under section 9(a)(3) of the Act from acting as an investment adviser or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered face-amount certificate company. Accordingly, applicant seeks the requested relief solely with respect to the Injunction so that it may engage in the proposed activities.

Applicant's Legal Analysis

1. Section 9(a)(2) of the Act, in pertinent part, prohibits any person who has been enjoined from engaging in or continuing any conduct or practice in connection with the purchase or sale of a security from acting as an "employee, officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered face amount certificate company." A company with an employee or other affiliated person ineligible to serve in any of these capacities under section 9(a)(2) is similarly ineligible under section 9(a)(3).

2. Section 9(c) provides that the Commission shall grant an application for an exemption from the disqualification provisions of section 9(a), either unconditionally or on an appropriate temporary or other conditional basis, if it is established that these provisions, as applied to the applicant, are unduly or disproportionately severe or that the conduct of the applicant has been such as not to make it against the public interest or protection of investors to grant such application.

3. As a result of the Injunction, applicant is subject to the disqualification provisions of section 9(a). Applicant asserts that the application of such provisions to applicant is unduly and disproportionately severe. Applicant notes that almost twenty years have passed since the activities which gave rise to the Injunction. Applicant states that since the entry of the Injunction of 1974, McLaughlin has not been enjoined by any court, or sanctioned by the Commission, any self-regulatory organization, or any state securities commission. Applicant also states that to the best of its knowledge, there have been no customer complaints against McLaughlin, nor any securities related administrative or legal proceedings involving McLaughlin, except as described in footnote 1.

4. Applicant further asserts that McLaughlin's conduct has been such as to not make it against the public interest or protection of investors to grant the requested relief. The conduct that gave rise to the Injunction was not in any way related to investment company activities.

5. Applicant states that it will undertake every effort to ensure that McLaughlin does not and will not serve in any capacity related to applicant's role as depositor for any registered investment company or as principle underwriter for any registered unit investment trust. Applicant states that McLaughlin's role as an officer and director of applicant will not involve him in investment company activities. Applicant states that McLaughlin is semi-retired and is no longer involved in the daily management or operation of applicant. Moreover, applicant has consented to the conditions set forth below, which are intended to ensure that McLaughlin will not serve in any capacity related to applicant's role as sponsor, depositor, and principal underwriter for a unit investment trust.

6. In addition, applicant retained outside counsel to conduct an independent review of compliance by applicant with the state and federal securities laws affecting applicant's business as a broker-dealer and of the adequacy of the procedures applicant has in place to provide reasonable assurance of compliance. Based upon its review, counsel made a number of recommendations with respect to applicant's compliance and supervisory procedures, including, among other things, the revision of applicant's supervisory manual and education of applicant's personnel. In a letter dated August 4, 1992 (the "Certification"), counsel certified that applicant's revised compliance procedures and practices, if adhered to, should provide reasonable assurance that applicant will comply with the provisions of the 1934 Act, the laws of the states relating to broker-dealer and broker-dealer representative registration, and with the provisions of the Act in connection with applicant's proposed rule as sponsor, principal underwriter, and depositor for unit investment trusts.[2]

Applicant's Conditions

Applicant agrees that any order granted by the Commission pursuant to the application will be subject to the conditions set forth below:

1. McLaughlin will not serve in any capacity directly related to providing investment advice to, or acting as depositor for, any registered investment company, or acting as principal underwriter for any registered open-end company, registered unit investment trust, or registered face amount certificate company without making further application to the Commission. McLaughlin will not sell interests in investment companies sponsored by applicant, or for which applicant serves as principal underwriter or depositor.

2. Applicant's legal department or its counsel shall develop, and applicant shall adopt, written procedures designed to ensure that McLaughlin does not and will not serve in any capacity directly related to providing investment advice to, or acting as depositor for, any registered investment company, or acting as principal underwriter for any registered open-end company, registered unit investment trust, or registered face amount certificate company. Such procedures shall include, but shall not be limited to, the following: (a) applicant shall notify in writing its Chairman of the Board, its owners and executive officers, its Chief Compliance Officer, and all employees working under the direct supervision of McLaughlin (collectively, the "Affected Personnel") immediately upon the granting of any order issued pursuant to the application, with respect to the responsibilities of and restrictions on McLaughlin. Applicant shall notify in writing any new member of the Affected Personnel upon his or her employment by or affiliation with applicant, with respect to the responsibilities of and restrictions on McLaughlin. Receipt of notification will be acknowledged in writing by each recipient and returned to applicant; and (b) applicant will obtain, on an annual basis, written certification from each member of the Affected Personnel that he or she has not discussed any matters relating to the Trust with McLaughlin.

3. McLaughlin will not attend any future meetings of applicant's board of directors where the operations of any investment company for which

---

securities by unlicensed employees of applicant; and the failure to file required documents.

[2] The Certification is attached as an exhibit to the application.

applicant acts as depositor or principal underwriter, including the Trust, are on the agenda.

4. McLaughlin shall be excused from all meetings of applicant's board of directors where the operations of any investment company for which applicant acts as depositor or principal underwriter, including the Trust, are proposed to be discussed prior to any such discussion.

5. Applicant's general counsel or chief executive officer will certify on an annual basis that applicant and McLaughlin have complied with the procedures referred to above and the conditions set forth above.

6. The certificates, acknowledgements of notification, and procedures referred to in these conditions shall be maintained as part of the records of applicant and shall be available for inspection by the Commission staff.

7. Applicant's general counsel or its chief executive officer will certify on an annual basis that applicant has complied with the procedures and practices referred to in the Certification and that such procedures and practices continue to be sufficient to insure applicant's compliance with the state and federal securities laws noted in the Certification.

By the Commission

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-3372 Filed 2-11-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-25742]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

February 5, 1993.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 1, 1993 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

NIPSCO Industries, Inc. (70-8070)

NIPSCO Industries, Inc. ("NIPSCO"), 5265 Hohman Avenue, Hammond, Indiana 46320-1775, an Indiana public-utility holding company exempt from registration under section 3(a)(1) of the Act pursuant to rule 2, has filed an application under sections 9(a)(2) and 10 of the Act, in connection with its proposal to acquire all of the issued and outstanding common shares of Northern Indiana Fuel and Light Co., Inc. ("NIFL"), an Indiana public-utility company.

Northern Indiana Public Service Company ("Northern Indiana"), a wholly owned subsidiary company of NIPSCO, provides (1) natural gas and transportation services to approximately 604,000 residential, commercial and industrial customers in 28 counties in the State of Indiana, and (2) electric services to approximately 389,000 residential, commercial and industrial customers in 21 counties in Indiana. Northern Indiana is the largest gas distribution company and second largest electric distribution company in Indiana. In addition, another wholly owned subsidiary company of NIPSCO, Kokomo Gas and Fuel Company ("Kokomo"), provides natural gas and gas transportation services to approximately 30,000 residential, commercial and industrial customers in 6 counties in Indiana that overlap with or are contiguous to counties served by Northern Indiana.

NIFL provides natural gas and gas transportation services to approximately 27,000 residential, commercial and industrial customers in 5 counties that overlap with or are contiguous to counties served by Northern Indiana. As of September 30, 1992, NIFL reported: (1) Total assets of $28,296,262, (2) long-term debt of $7.69 million, (3) current liabilities of approximately $4.4 million and (4) deferred credits of approximately $4.39 million. At that date, NIFL had issued an outstanding 275,000 shares of common stock, no par value ("NIFL Common Shares"), held by approximately 169 shareholders.

NIPSCO, NIPSCO Acquisition Corporation II ("Acquisition Corp.")[1] and NIFL have entered into an Agreement and Plan of Reorganization and a related Agreement of Merger ("Plan of Reorganization"), dated as of December 30, 1992. Pursuant to the Plan of Reorganization, Acquisition Corp. will be merged into NIFL and each common share of Acquisition Corp. will be canceled.

After the merger, each NIFL Common Share (other than shares held by persons who elect to receive cash[2] and by persons who properly exercise their dissenters' rights) will be converted into, by way of exchange for, that number of common shares of NIPSCO, no par value, and related Preferred Share Purchase Rights ("NIPSCO Common Shares") that would be equal to the product of (1) the number of NIFL Common Shares times (2) the quotient obtained by dividing (i) Adjusted Sales Price Per NIFL Common Share by (ii) the average closing sale price of NIPSCO Common Shares on the New York Stock Exchange for the last ten business days of January, 1993. Thereafter, NIFL will become a wholly owned subsidiary company of NIPSCO.

Southwestern Electric Power Company (70-8119)

Southwestern Electric Power Company ("SEPCO"), 428 Travis Street, Shreveport, Louisiana 71101, a wholly-owned electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed an application-declaration pursuant to sections 6(a), 7, 9(a) and 10 of the Act and Rule 50 thereunder.

In connection with SEPCO's outstanding First Mortgage Bonds, Series U, 9⅛%, Due November 1, 2019 ("Series U Bonds"), SEPCO proposes to enter into one or more interest rate swaps as described below (collectively, "Swap") with one or more counterparties (each a "Counterparty") to take advantage of short-term interest

---

[1] Acquisition Corp. is an Indiana corporation created by NIPSCO for the sole purpose of the acquisition.

[2] Any NIFL shareholder may elect to receive cash for each NIFL Common Share held by such shareholder in an amount equal to Adjusted Sales Price Per NIFL Common Share (as defined hereinafter), provided that the total amount of cash paid by NIPSCO does not exceed 20% of the value paid for all NIFL Common Shares. Adjusted Sales Price Per NIFL Common Share is defined as the quotient obtained by dividing (1) $29.5 million (as adjusted for changes in shareholders' equity as reported in NIFL balance sheets) less the amount of NIFL's estimated excess income for the 12 months ended November 30, 1992, which is not already reserved on the December 31, 1992 balance sheet for rate refunds by (2) the number of outstanding NIFL Common Shares.

cost savings associated with shorter term interest rates. The notional amount for the Swap will not exceed $48 million in the aggregate, to correspond to the aggregate principal amount of Series U Bonds outstanding on February 1, 1993.

The Swap would be used to create a synthetic floating rate obligation of SEPCO by combining the fixed rate Series U Bonds with a fixed-to-floating interest rate swap. Under the Swap, SEPCO would agree to make payments to a Counterparty, payable semiannually in arrears at a rate based on a variable interest rate index, in return for a fixed rate of interest. This variable interest rate index would be LIBOR (London Interbank Offered Rate), the Federal Funds rate, the reserve-adjusted certificate of deposit rate or the commercial paper rate. SEPCO may be required under the Swap to pay a margin in addition to such variable interest rate index, which margin would not be greater than five percent. In such event, the fixed interest rate payable by the Counterparty would include the amount of such margin.

The Swap would have a term ending on or prior to November 1, 1994 (to correspond to the date when the Series U Bonds may be refunded by SEPCO). It is anticipated that there would be no maximum interest rate on the Swap. It is further anticipated that the Swap would provide that SEPCO may terminate the agreement with the Counterparty's consent, with respect to which SEPCO might be obligated to pay early termination payments, which could be substantial under certain market conditions. SEPCO may also be obligated to pay various fees (including legal fees) and other expenses in connection with the Swap.

SEPCO believes it can achieve the most favorable terms and conditions (which may include cross-defaults to other debt of SEPCO) on the Swap by negotiating the transaction with the Counterparty in lieu of competitive bidding. Therefore, SEPCO requests that an exemption from the competitive bidding requirements of Rule 50 be granted pursuant to subsection (a)(5) thereof.

Public Service Company of Oklahoma (70–8121)

Public Service Company of Oklahoma ("PSC–OK"), 212 East Sixth Street, Tulsa, Oklahoma 74119, an electric public-utility subsidiary company of Central and South West Corporation, a registered holding company, has filed a declaration under sections 9(a) and 10 of the Act.

PSC–OK seeks authority to acquire retail distribution assets for $350,000 plus an amount not to exceed $200,000, based on kilowatt-hour usage during the twelve months immediately following the purchase of the assets ("CMA Assets"), from the Chelsea Municipal Authority, an Oklahoma Title 60 Public Trust. The CMA Assets are located in Rogers and Nowata Counties, Oklahoma, both within PSC–OK's service territory, and consist of: (1) conductors sufficient to cover at least 57 miles of 14.4 kilovolt lines; (2) approximately 1,042 poles; (3) approximately four capacitor stations; (4) approximately 232 transformer stations; (5) approximately 231 meters; and (6) approximately 22 sets of line switches. PSC–OK states that due to the proximity of the CMA Assets to PSC–OK's existing system, only minimal effort and expense will be required to physically connect the systems and install circuit openers.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3373 Filed 2–11–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 93–005]

Application to Construct a Fixed Bridge Across Broad Creek at Hilton Head Island, SC

AGENCY: Coast Guard, DOT.

ACTION: Notice of public hearing.

SUMMARY: Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Seventh Coast Guard District, at Hilton Head Island, Beaufort County, South Carolina.

The purpose of the hearing is to consider an application by the South Carolina Department of Highways and Public Transportation to construct a high-level fixed bridge across Broad Creek, mile 3.8, at Hilton Head Island, South Carolina.

All interested person may present data, views and comments, orally or in writing, concerning the impact of the proposed bridge on navigation and the human environment.

DATES: A public hearing will be held on Thursday, April 8, 1993, beginning at 7 p.m. Additional written comments must be submitted on or before April 23, 1993.

ADDRESSES: Comments should be submitted to the Commander, Seventh Coast Guard District (oan/br), room 406, Mr. Gary Pruitt, 909 SE. First Avenue, Miami, Florida 33131–3050. The location of the public hearing is the Hilton Head Island High School, 70 Wilborn Road, at Hilton Head Island, South Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Pruitt, Commander, Seventh Coast Guard District (oan/br), telephone (305) 536–4103.

SUPPLEMENTARY INFORMATION: The proposed fixed bridge is part of a proposed four-lane highway from U.S. Route 278 to Sea Pines Circle to be known as the Cross Island Expressway. The purpose of the proposed bridge is to provide a safer and more efficient roadway to assist in hurricane evacuation, and alleviate traffic congestion on existing alternate routes. The proposed bridge, including the approaches, would be approximately 3,600 feet in length and would have four 12-foot lanes, 10-foot outside shoulders, and a 12-foot median with barrier rails. The bridge will provide 65 feet of vertical clearance above mean high water and 90 feet of horizontal clearance between pile caps.

Although Federal funds will not be used for the construction of the bridge, the Federal Highway Administration has prepared an Environmental Impact Statement (EIS) for the proposed bridge project. The EIS is available for review at the Hilton Head Island Library, 539 William Hilton Parkway, Hilton Head Island, South Carolina, and at the office of the Commander, Seventh Coast Guard District, room 406, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

The hearing will be informal. A Coast Guard representative will preside at the hearing, make a brief opening statement describing the proposed bridge project, and announce the procedures to be followed at the hearing. Each person who wishes to make an oral statement should notify Mr. Gary Pruitt at the number indicated in "FOR FURTHER INFORMATION CONTACT" by April 1, 1993. Such notification should include the approximate time required to make the presentation. Depending upon the number of scheduled statements, it may be necessary to limit the time available to each person. Any limitation of time allocated to individuals will be announced at the beginning of the hearing. Comments previously submitted are a matter of record and need not be resubmitted at the hearing.

Speakers are encouraged to provide written copies of their oral statements to

the Coast Guard representative at the time of the hearing. Those wishing to make written comments only may submit their comments at the hearing, or to the Commander, Seventh Coast Guard District, at the address indicated in "ADDRESSES." A transcript of the hearing, as well as written comments received outside the hearing, will be available for public review at the office of the Commander, Seventh Coast Guard District, approximately 15 days after the hearing date.

Specific comments are requested concerning the effects that a fixed bridge with a vertical clearance of 65 feet above mean high water would have on the navigational use of Broad Creek.

All comments received, whether in writing or presented orally at the public hearing, will be considered before final agency action is taken by the Coast Guard on the bridge permit application.

The hearing will be held:

April 8, 1993, commencing at 7 p.m.
Hilton Head Island High School
70 Wilborn Rd.
Hilton Head Island, South Carolina

Authority: 33 U.S.C. 401, 491, and 525; 49 U.S.C. 1655; 49 CFR 1.46.

Dated: February 5, 1993.

W.J. Ecker,

Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 93-3279 Filed 2-11-93; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Approval of Noise Compatibility Program; Dane County Regional Airport Madison, Wisconsin

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by Dane County under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR part 150. These findings are made in recognition of the description of federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On July 29, 1992 the FAA determined that the noise exposure maps submitted by Dane County under part 150 were in compliance with applicable requirements. On January 25, 1993, the Administrator approved the Dane County Regional Airport noise compatibility program. Most of the recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Dane County Regional Airport noise compatibility program is January 25, 1993.

FOR FURTHER INFORMATION CONTACT: William J. Flanagan, Federal Aviation Administration, Airports District Office, room 102, 6020 28th Avenue South, Minneapolis, Minnesota 55450, (612) 725-4463. Documents reflecting this FAA action may be reviewed at this location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Dane County Regional Airport, effective January 25, 1993.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program that sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Minneapolis—Airports District Office in Minneapolis, Minnesota.

Dane County submitted to the FAA on August 8, 1991 the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from September 1989 through August 1991. The Dane County Regional Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on July 29, 1992. Notice of this determination was published in the **Federal Register** on August 28, 1992.

The Dane County Regional Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdiction from the date of study completion to the year 2000. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on July 29, 1992 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained twenty-three (23) proposed actions for noise mitigation on and off the Airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR part 150 have been satisfied. The overall program, therefore, was approved by the Assistant Administrator for Airports effective January 25, 1993.

Outright approval was granted for seventeen (17) of the specific program elements. The three (3) out of nine (9) noise abatement measures approved included a new departure procedure, a new hush house and a new air carrier runway 3–21. All eleven (11) of the land use measures were approved. They included zoning recommendations, amendments to subdivision regulations, amendments to building codes, amendments to land use plans, land acquisition, a sales/purchase assurance program and noise insulation of two schools. All three (3) of the continuing program measures were also approved. They included monitoring development of the amended land use plan, reviewing and updating the NCP and acknowledgement of noise complaints.

The six (6) noise abatement measures that were partially approved included existing and new runway use programs, existing and new departure procedures and helicopter approach and departure corridors.

The disapproved portion these measures had in common was the recommendation to enact the measures with letters of agreement between the County and FAA. All that is needed is to include the measures in the appropriate FAA tower order. In addition one of the helicopter corridors was disapproved because it would have created air traffic conflicts.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on January 25, 1993. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of Dane County.

Issued in Minneapolis, Minnesota, on January 28, 1993.

Franklin D. Benson,

Manager, Minneapolis Airports District Office, FAA Great Lakes Region.

[FR Doc. 93–3382 Filed 2–11–93; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–93–8]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 4, 1993.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mrs. Jeanne Trapani, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7624.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on February 5, 1993.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 27050
Petitioner: Radeair A.A. Servicios Aereos
Sections of the FAR Affected: 14 CFR 91.609(e)
Description of Relief Sought: To allow Radeair S.A. Servicios Aereos to operate its Jet Commander IAI 1121B.S.N. 126, U.S. registration N87DL without having an approved cockpit voice recorder installed.

Docket No.: 27084
Petitioner: American Flyers
Sections of the FAR Affected: 14 CFR 61.65(e)(1) and 61.123
Description of Relief Sought: To allow graduates of American Flyers' approved instrument rating courses to apply for an instrument rating without meeting the minimum flight time requirements prescribed in part 61.

Docket No.: 27108
Petitioner: American Airlines
Sections of the FAR Affected: 14 CFR 121.570(a) and (b)
Description of Relief Sought: To not require that each automatically deployable emergency evacuation assisting means installed pursuant to § 121.310(a) be armed prior to movement of aircraft on the surface. Also, to not require, when passengers are on board prior to aircraft movement on the surface, that at least one floor-level exit provides for the egress of passengers through normal or emergency means.

Dispositions of Petitions

Docket No.: 25483
Petitioner: Air Transport Association of America
Sections of the FAR Affected: 14 CFR part 43, Appendix B, paragraph (d); 45.11(a) and (d); 91.27(c); and 91.173(d)
Description of Relief Sought/ Disposition: To amend Exemption No. 4902; the paragraph constituting the grant of exemption, located before the conditions and limitations. The paragraph reads, "* * * § 45.11(a) as it pertains to the location of the aircraft identification plate on aircraft manufactured before March 7, 1988 * * *." Relief sought would change the word "before" to "after."
Grant, January 28, 1993, Exemption No. 4902C

Docket No.: 26340
Petitioner: Delta Air Lines, Inc.
Sections of the FAR Affected: 14 CFR 121.409(b)(3), 121.433(c)(1)(iii), 121.441(a)(1) and (b)(1) 61.57(e), and part 121, Appendix F
Description of Relief Sought/ Disposition: To extend the termination date of Exemption No 5271, which allows Delta Air Lines, Inc., (DAL) to conduct a single visit

training program for flight crewmembers. DAL also seeks to amend the exemption to allow DAL to revert to full compliance with FAR part 121, Subparts N and O when circumstances require, and to revise 12 of the conditions and limitations with respect to Line Operational Simulation in training and checking, line checks, the content of pretraining first-look evaluations, the content of rating scales for performance assessment, failed proficiency checks, crew resource management training, incomplete training, scheduling of exemption review meetings, and FAR part 121, appendix H.

Partial Grant, January 28, 1993, Exemption No. 5271C

Docket No.: 26812
Petitioner: Arkansas Agricultural Aviation Association
Sections of the FAR Affected: 14 CFR 43.3(g) and 91.417
Description of Relief Sought/ Disposition: To allow pilot-members of Arkansas Agricultural Aviation Association to remove and reinstall spreaders and spray booms.

Withdrawn, December 31, 1992

Docket No.: 26898
Petitioner: Air Transport Association of America
Sections of the FAR Affected: 14 CFR 121.343(c)
Description of Relief Sought/ Disposition: To permit the operation of aircraft after May 26, 1994, that are not equipped with a digital flight data recorder which records 11, rather than 5, parameters of the aircraft operation.

Grant, January 29, 1993, Exemption No. 5593

Docket No.: 26983
Petitioner: Martin Aviation
Sections of the FAR Affected: 14 CFR 135.165(b) (6) and (7)
Description of Relief Sought/ Disposition: To allow Martin Aviation to operate turbojet aircraft equipped with one high-frequency communication system.

Partial Grant, February 2, 1993, Exemption No. 5598

Docket No.: 27001
Petitioner: British Aerospace
Sections of the FAR Affected: 14 CFR 25.562(c)(5) and 25.785(a)
Description of Relief Sought/ Disposition: To operate British Aerospace Jetstream Series 4100 aircraft without meeting the Head Impact Criterion for the three front row seats by the impending type certification date scheduled for the last week in January 1993.

Partial Grant, January 13, 1993, Exemption No. 5587

Docket No.: 27052
Petitioner: Petroleum Helicopters, Inc.
Sections of the FAR Accepted: 14 CFR 135.143(c)
Description of Relief Sought/ Disposition: To permit Petroleum Helicopter, Inc. to operate without a TSO–C112 (Mode S) transponder installed on its aircraft operating under the provisions of part 135.

Grant, January 12, 1993, Exemption No. 5586

Docket No.: 27118
Petitioner: Air Logistics
Sections of the FAR Affected: 14 CFR 135.143(c)
Description of Relief Sought/ Disposition: To permit Air Logistics to operate without a TSO–C112 (Mode S) transponder installed on its aircraft operating under the provisions of part 135.

Grant, January 21, 1993, Exemption No. 5591

[FR Doc. 93–3380 Filed 2–11–93; 8:45 am]
BILLING CODE 4910–13–M

Flight Service Station at Lewistown, Montana; Notice of Closing

Notice is hereby given that on or about March 17, 1993, the flight service station at Lewistown, Montana, will be closed. Services to the aviation public formerly provided by this facility will be provided by the automated flight service station in Great Falls, Montana. This information will be reflected in the FAA Organization Statement the next time it is issued. Section 313(a) of Federal Aviation Act of 1958, as amended, 72 Stat. 752; 49 U.S.C. App. 1354(a).

Issued in Seattle, Washington, on February 15, 1993.

Frederick M. Isaac,

Regional Administrator, Northwest Mountain Region.

[FR Doc. 93–3383 Filed 2–11–93; 8:45 am]
BILLING CODE 4910–13–M

Los Angeles International Airport, CA; Notice of Intent To Rule on Application

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Intent of Rule on Application to impose and impose and use the revenue from a Passenger Facility Change (PFC) at Los Angeles International Airport, Los Angeles, California.

SUMMARY: This correction incorporates information from the public agency's application.

In notice document 93–812 beginning on page 4733 in the issue of Friday, January 15, 1993 make the following corrections:

1. In the first column "Brief description of proposed projects: People mover system; Noise mitigation program", should read "Brief description of proposed projects: People mover system; Noise mitigation program at Los Angeles International Airport and Ontario International Airport; New terminal building at Ontario International Airport."

2. In the second column "Class or classes of air carriers which the public agency has required requested not be required to collect PFCs:

American Trans Air Execujet CFI, Inc.
CFI, Inc.
Chrysler Aviation
Corporation Flight, Inc.
Elliott Aviation
Geneva International
Key Air
KMR Aviation
Louisiana Pacific Corporation
Mayo Aviation, Inc.
Meathco Enterprises, Inc.
Modesto Executive Air Charter
Morgan Equipment
Raleigh Jet Charter
Samaritan Health Services
Valko, Inc.
Windstar Aviation Corp.
Yecny Enterprises, Inc."

Should read "Class or classes of air carriers which the public agency has requested exemption from collecting PFC's: All Part 135 Air Taxi operation's at Los Angeles International Airport."

Issued in Los Angeles, California, on February 1, 1993.

Herman Bliss,

Manager, Airport Division, Western Pacific Region.

[FR Doc. 93–3393 Filed 2–11–93; 8:45 am]
BILLING CODE 4910–13–M

Ontario International Airport, CA; Notice of Intent to Rule on Application

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Intent of Rule on Application to impose and impose and use the revenue from a Passenger Facility Change (PFC) at Ontario International Airport, Ontario, California.

SUMMARY: This correction incorporates information from the public agency's application.

In notice document 93–813 beginning on page 4734 in the issue of Friday, January 15, 1993 make the following corrections:

1. In the first column "Brief description of proposed projects: Construct new airport terminal; Noise mitigation program", should read "Brief description of proposed projects: Construct new airport terminal".

2. In the second column "Class or classes of air carriers which the public agency has required requested not be required to collect PFCs:

Business Air Service South
Mayo Aviation, Inc.
Modesto Executive Air Charter
Raleigh Jet Charter
Valko, Inc.
Yecny Enterprises, Inc."

Should read "Class or classes of air carriers which the public agency has requested exemption from collecting PFC's: All Part 135 Air Taxi operation's at Ontario International Airport."

Issued in Los Angeles, California, on February 1, 1993.

Herman Bliss,

Manager, Airport Divisicn, Western Pacific Region.

[FR Doc. 93–3394 Filed 2–11–93; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

February 8, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Engraving and Printing

OMB Number: 1520–0002
Form Number: BEP 5287
Type of Review: Extension
Title: Claim for Amounts Due in the Case of Deceased of Mutilated Currency
Description: Form 5287 is used when Treasury is required to determine ownership in cases of a deceased owner of damaged or mutilated currency
Respondents: Individuals or households, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations
Estimated Number of Respondents: 180
Estimated Burden Hours Per Response: 55 minutes
Frequency of Response: On occasion
Estimated Total Reporting Burden: 165 hours
Clearance Officer: Pamela Grayson, (202) 447–0853, Bureau of Engraving and Printing, room 317A, Engraving and Printing Annex, 14th and C Streets, SW., Washington, DC 20228
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 93–3379 Filed 2–11–93; 8:45 am]

BILLING CODE 4810–01–M

Public Information Collection Requirements Submitted to OMB for Review

February 8, 1993.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0020

Form Number: IRS Form 709

Type of Review: Extension

Title: United States Gift (and Generation-Skipping Transfer) Tax Return

Description: Form 709 is used by individuals to report transfers subject to the gift and generation-skipping transfer taxes and to compute these taxes. IRS uses the information to enforce these taxes and to compute the estate tax.

Respondents: Individuals or households

Estimated Number of Respondents/ Recordkeepers: 110,000

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 40 minutes

Learning about the law or the form: 56 minutes

Preparing the form: 1 hour, 41 minutes

Copying, assembling, and sending the form to the IRS: 1 hour, 3 minutes

Frequency of Response: Annually

Estimated Total Reporting/ Recordkeeping Burden: 471,900 hours

Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224

OMB Reviewer: Milo Sunderhauf, (202) 395–6880 Office of Management and Budget, room 3001, New Executive Office Building Washington, DC 20503

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 93–3378 Filed 2–11–93; 8:45 am]

BILLING CODE 4830–01–M

VOL
58
ISS
28
FE
12
1993
UMI

Sunshine Act Meetings

Federal Register
Vol. 58, No. 28
Friday, February 12, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Wednesday, February 17, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 9, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-3473 Filed 2-9-93; 4:48 pm]

BILLING CODE 6210-01-M

Corrections

Federal Register
Vol. 58, No. 28
Friday, February 12, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[G-910-G3-0009-4210-04; NMNM 71324]

Notice of Realty Action-Exchange; New Mexico

Correction

In notice document 92-29346 beginning on page 57508 in the issue of Friday, December 4, 1992, make the following corrections:

On page 57508, in the third column:

(a) In the first land description, T. 30 N., R. 12 W., in Sec. 19, in the second line "SW¼SE¼NE¼" should read "SW¼SW¼NE¼".

(b) In the second land description, T. 32 N., R. 13 W., in Sec. 15, in the first line, insert "NE¼" before "SW¼," each time it appears.

BILLING CODE 1505-01-D

NATIONAL INDIAN GAMING COMMISSION

25 CFR Parts 501, 519, 522, 523, 524, 556, 558

RIN 3141-AA01

Purpose and Scope; Service; Approval of Class II and Class III Gaming Ordinances; Background Investigations and Gaming Licenses Under the Indian Gaming Regulatory Act

Correction

In rule document 93-1062 beginning on page 5802 in the issue of Friday, January 22, 1993, make the following corrections:

1. On page 5803, in the third column, in the ninth line, insert a period after "2702(2)".

2. On the same page, in the same column, in the 15th and 16th lines, "(the IGRA)." should read "[the IGRA]."

3. On page 5805, in the second column, in the eighth line, "o(f)" should read "o[f]".

4. On the same page, in the same column, in the second full paragraph, in the ninth and tenth lines, the phrase "concerning individually owned gaming operations" should appear in brackets, not parentheses.

5. On page 5807, in the 1st column, in the 1st full paragraph, in the 15th line, "with" should read "such".

6. On page 5808, in the first column, in the second line, "(operation)" should read "[operation]".

7. On the same page, in the same column, in the fourth line, "(a) tribe" should read "[a] tribe".

BILLING CODE 1505-01-D

NATIONAL INDIAN GAMING COMMISSION

25 CFR Parts 531, 533, 535, 537 and 539

RIN 3141-AA03

Management Contract Requirements and Procedures Under the Indian Gaming Regulatory Act

Correction

In rule document 93-1064 beginning on page 5818 in the issue of Friday, January 22, 1993, make the following correction:

On page 5819, in the second column, in the fourth full paragraph, in the seventh line, "dies" should read "does".

BILLING CODE 1505-01-D

NATIONAL INDIAN GAMING COMMISSION

25 CFR Part 515

RIN 3141-AA01

Privacy Act Procedures

Correction

In rule document 93-1063 beginning on page 5814 in the issue of Friday, January 22, 1993, make the following correction:

On page 5815, in the 1st column, in the 11th line, "complied" should read "compiled".

BILLING CODE 1505-01-D

NATIONAL INDIAN GAMING COMMISSION

25 CFR Parts 571, 573, 575, 577

RIN 3141-AA02

Compliance and Enforcement Procedures Under the Indian Gaming Regulatory Act

Correction

In rule document 93-1065 beginning on page 5833 in the issue of Friday, January 22, 1993, make the following corrections:

1. On page 5838, in the second column, in the eighth full paragraph, in the fifth line, "of" should read "or".

§ 571.2 [Corrected]

2. On page 5842, in the second column, in § 571.2, in the eighth paragraph, in the first line, "*Respondent*" was misspelled.

BILLING CODE 1505-01-D

NUCLEAR REGULATORY COMMISSION

48 CFR Chapter 20

RIN 3150-AC01

Acquisition Regualtion (NRCAR)

Correction

In rule document 92-30419 beginning on page 61152 in the issue of Wednesday, December 23, 1992, make the following corrections:

1. On page 61153, in the first column, in the first line, before "requirement" insert the beginning of paragraph "Another section of the proposed COI policy on which the Commission received objections related to the".

2001.602-3 [Corrected]

2. On page 61159, in the first column, in section 2001.602-3(c), in the first line, "Request" should read "Requests".

2009.570-2 [Corrected]

3. On page 61162, in the first column, in section 2009.570-2. in the second full paragraph, in the sixth line, and in the fourth paragraph, in the seventh line, "director" should read "directors".

2015.604 [Corrected]

4. On page 61167, in the first column, in section 2015.604(b), in the fourth line, "or" should read "of".

2015.605 [Corrected]

5. On the same page, in the same column, in section 2015.605, in the second line from the end of the paragraph, "go/on go", should read "go/no go".

2015.611 [Corrected]

6. On page 61167, in the second column, in section 2015.611, in the first line, "evaluations" should read "evaluates".

PART 2052—[CORRECTED]

7. On page 61171, in the third column, in part 2052, in the table of contents, in the 18th line, "2052.216–84" should read "2052.215–84".

2052.216–74 [Corrected]

8. On page 61179, in the third column, in section 2052.216–74, in the contract, in paragraph (b)(2), in the fourth line, "Contracting" should read "Contract".

2052.231–70 [Corrected]

9. On page 61180, in the first column, in section 2052.231–70, in the contract, in the first paragraph, in the fifth line, "data" should read "date".

BILLING CODE 1505–01–D

VOL 58 ISS 28 FE 12 1993 UMI

federal register

Friday
February 12, 1993

Part II

Environmental Protection Agency

40 CFR Part 58
Ambient Air Quality Surveillance; Final Rule

VOL
58
ISS
28
FE
12
1993
UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 58

[AD-FRL-4099-6]

RIN 2060-AD18

Ambient Air Quality Surveillance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule revises the ambient air quality surveillance regulations to include provisions for the enhanced monitoring of ozone and its precursors including oxides of nitrogen, volatile organic compounds (including carbonyls) and meteorological parameters. These revisions satisfy the requirements of title I, section 182 of the 1990 Clean Air Act Amendments. These revisions require States to establish photochemical assessment monitoring stations (PAMS) as part of their State Implementation Plan (SIP) monitoring network in ozone nonattainment areas classified as serious, severe, or extreme. Included in these revisions are minimum criteria for network design, monitor siting, monitoring methods, operating schedules, quality assurance, and data submittal.

EFFECTIVE DATE: These regulations take effect on February 12, 1993.

ADDRESSES: Docket Statement: All comments received relative to this rule have been placed in Docket No. A-91-22, located in the Central Docket Section, Room M1500 (First Floor, Waterside Mall), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. This docket is available for public inspection and copying from 8:30-12 a.m. and from 1:30-3:30 p.m., Monday through Friday. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Geri Dorosz-Stargardt, Technical Support Division (MD-14), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, phone: (919) 541-5492.

SUPPLEMENTARY INFORMATION:

Background

Section 110(a)(2)(C) of the Clean Air Act requires ambient air quality monitoring for purposes of the State Implementation Plan (SIP) and reporting of the data to EPA. Uniform criteria for measuring air quality and provisions for the reporting of a daily air pollution index are required by section 319 of the Act. To satisfy these requirements, on May 10, 1979 (44 FR 27571), EPA established 40 CFR part 58 which provided detailed requirements for air quality surveillance and data reporting for all the pollutants except lead for which ambient air quality standards (criteria pollutants) had been established. On September 3, 1981 (46 FR 44164) similar rules were promulgated for lead and on July 1, 1987 (52 FR 24740) for particulate matter (PM_{10}).

On March 4, 1992, these rules were proposed in the **Federal Register** as amendments to 40 CFR part 58. These regulations address the minimum requirements for the monitoring of speciated volatile organic compounds (VOC), oxides of nitrogen (NO_X), and meteorological parameters as well as additional ambient air monitoring for ozone (O_3). Title I, section 182 of the 1990 Clean Air Act Amendments requires EPA to promulgate regulations for the enhanced monitoring of O_3 and its precursors and for the affected States to incorporate the requirements as a part of their State Implementation Plans. Also, section 184(d) requires that the best available air quality monitoring and modeling techniques be used in making determinations concerning the contribution of sources in one area to concentrations of O_3 in another area which is a nonattainment area for ozone. Additionally, these enhanced ozone and ozone precursor monitoring rules adhere to the fundamental recommendations, regarding ambient monitoring, of the National Academy of Sciences (NAS) in the report entitled, Rethinking the Ozone Problem in Urban and Regional Air Pollution, which was prepared pursuant to section 185B of the 1990 Clean Air Act Amendments. In that report, the NAS noted the need for additional feedback mechanisms for evaluating the effectiveness of ozone control strategies.

The intent of these enhanced ozone and ozone precursor monitoring regulations is to require air pollution control agencies to obtain an air quality database that will assist in evaluating, tracking the progress of, and, if necessary, refining control strategies for attaining the ozone National Ambient Air Quality Standards (NAAQS). Photochemical assessment monitoring stations (PAMS) will be established to collect ambient concentrations of ozone (O_3), oxides of nitrogen (NO_X), nitrogen dioxide (NO_2), nitrogen oxide (NO), and speciated VOC including carbonyls, and meteorological data to better characterize the nature and extent of the O_3 problem, aid in tracking VOC and NO_X emission inventory reductions, assess air quality trends, and make attainment/nonattainment decisions. In addition, the PAMS will provide a more definitive database for evaluating photochemical model performance, especially for future control strategy mid-course corrections as part of the continuing air quality management process. The data will be particularly useful to States in ensuring the implementation of the most cost-effective regulatory controls.

In the process of developing these regulations, EPA sought the assistance of the Standing Air Monitoring Work Group (SAMWG). SAMWG was established by EPA in 1975 to assist in developing air monitoring strategies, correcting identified monitoring problems, and improving overall national monitoring operations. SAMWG members represent State and local air pollution control agencies and EPA program and Regional Offices. SAMWG members were active partners in developing and reviewing the 1979 part 58 rulemaking package which formally established the existing framework of the ambient air quality surveillance and data reporting regulations. The group also played a prominent role in all subsequent revisions to part 58.

Public Comments

The object of **Federal Register** proposals is to allow comments on new regulations prior to their promulgation, thereby providing an opportunity for the public to participate in the rulemaking process. On March 4, 1992, these rules were proposed in the **Federal Register** with a 30-day comment period. In response to requests from the public, especially from the regulated community of State and local air pollution control agencies, on April 3, 1992, EPA extended the public comment period on the enhanced O_3 and O_3 precursor monitoring regulations until May 4, 1992.

EPA received 40 written comment letters on the proposal of March 4, 1992. All of the written comments submitted to EPA are contained in EPA's Docket No. A-91-22. Of the letters reviewed, 16 come from State agencies, 10 from industry, 2 from institutes and universities, 6 from State/local associations, 5 from local agencies, and 1 from a federal agency. A list of all commenters writing to the public docket is provided in Docket A-91-22.

The following discussion covers the substantive comments. A detailed discussion of the basic concepts of the regulations can be found in the preamble to the March 4, 1992 proposal.

A. General Comments

The comments discussed under this heading were not specific to any rule or appendix, but were general comments on some aspect of the proposed monitoring program.

One commenter noted that the Muskegon nonattainment area had been reclassified from a serious to a moderate classification and therefore should be withdrawn from consideration in the final rules. Since this area and the Sheyboygan area have been reclassified and are no longer serious, severe, or extreme O_3 nonattainment areas, EPA agrees that these rules would not apply to either Muskegon or Sheyboygan. Accordingly, Muskegon and Sheyboygan are not included in EPA's estimated requirements for PAMS. Note that applicability of these enhanced O_3 and O_3 precursor monitoring rules is determined by the classification of the O_3 nonattainment area and not by the fact that an area is listed specifically in or omitted from this notice.

One commenter observed that Ventura County, California, was created as a separate O_3 nonattainment area from the Los Angeles Consolidated Metropolitan Statistical Area (CMSA) and requested clarification as to this area's status with regard to the enhanced O_3 and O_3 precursor monitoring requirements. EPA notes that since Ventura County was classified as a severe O_3 nonattainment area, the county is subject to these rules.

One commenter agreed with the basic concepts proposed on March 4, but suggested that the final promulgation not add additional requirements. A second commenter expressed a similar opinion that EPA not kill the effort with additional mandates unless the Agency is willing to proceed slowly and absorb the costs. EPA evaluated the substantive comments on their individual and collective merits and has incorporated a number of modifications to the original proposal. Only those additional activities addressed, in the March 4 proposal, were added. Regarding resources, EPA has demonstrated its willingness to participate in the funding process; a further discussion of resource needs and funding follows under Resources and Costs.

One commenter indicated that although the regulation is reasonably specific concerning network design, it lacks specificity for the submittal of SIP revisions. Given the complexity of the rules, EPA believed that it was necessary to provide extensive detail concerning the design of the new PAMS networks. The wide variability, inherent in SIPs, precludes such specificity when requiring SIP revisions. Each currently-approved SIP contains appropriate provisions for establishing and operating the network of State and Local Air Monitoring Stations (SLAMS) including those stations identified as National Air Monitoring Stations (NAMS). The SIPs generally provide that SLAMS and NAMS will measure ambient concentrations of those criteria pollutants for which standards have been established in 40 CFR part 50. The SIP revisions submitted to comply with these revisions to 40 CFR part 58.20 will additionally provide for the monitoring of ambient concentrations of non-criteria pollutants such as speciated VOC including carbonyls, NO and NO_x, as well as meteorological parameters in the same manner that the criteria pollutants were addressed. Note that the reference to aldehydes has been changed to carbonyls to more accurately reflect the requirements of the technical assistance document (Reference 2 of Appendix C). The guidance currently stipulates sampling and analysis for the following carbonyls: Formaldehyde, acetaldehyde, and acetone.

The same commenter contends that the rules indicate virtually no need for new O_3 sites and a modest expansion of the NO_2 monitoring effort and believes that these conclusions are based in great part on the assumption that PAMS monitors could be located at existing O_3 and/or NO_2 monitoring sites. The commenter was concerned that if this assumption is in error, the expansion needs of the networks may be underestimated. In fact, EPA did assume that some of the PAMS stations could be located at existing SLAMS or NAMS sites. For example, the PAMS type (3) site is located at the downwind site where maximum O_3 concentrations are expected to occur. This description corresponds to the category (a) NAMS O_3 site specified in appendix D of 40 CFR part 58. Such a site is required for all urban areas having a population of greater than 200,000. Because most of the nonattainment areas classified as severe, serious, or extreme for O_3 are located in urbanized areas which exceed this population threshold, each area would currently be expected to be operating a category (a) NAMS O_3 site. Assuming that these sites are properly located, it would therefore be common to find the PAMS type (3) site and the NAMS category (a) site coincident. In siting NAMS NO_2 sites in urban areas with populations greater than 1,000,000, the monitoring sites could potentially be collocated with one of the two PAMS type (2) sites. Generally, EPA believes that some collocation of PAMS and SLAMS/NAMS sites is highly likely. In addition, in areas where a substantial number of SLAMS O_3 and NO_2 sites currently exist, it is not unreasonable, for purposes of estimating costs, to assume that the State air pollution control agency will relocate ambient monitors and appurtenances rather than purchase only new monitors to develop the PAMS network. For example, in one nonattainment area, 26 O_3 monitors and 15 NO_2 monitors were in operation during the 1991 fiscal year compared to a PAMS requirement of only 5 sites, some of which could obviously be located coincident with existing sites. In response to the concerns expressed by the commenters, however, EPA has adjusted its cost estimates to reflect the collocation of PAMS with existing monitors at only two sites in a five-site network.

One commenter was doubtful that the potential benefits to be received from the program would be justified given the estimated implementation costs and the unaddressed technical questions. A slower, more cautious schedule was recommended. In designing the requirements for the PAMS network, EPA considered the potential benefits of the data and weighed those against the projected costs and uncertainties. In light of the Agency's estimate for future O_3 control costs of $8 to 12 billion per year (Ozone Nonattainment Analysis—Clean Air Amendments of 1990. Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. DRAFT. September 1991), the potential return in benefits for a cost of $5 to 12 million per year provides an exceptionally prudent investment. Nevertheless, the Agency made every effort to craft a minimum requirement which would in great part satisfy a number of important objectives, yet not become a financial burden either upon the air pollution control agencies or the States (note further discussions of financial burden in this preamble under Resources and Costs). Modifications to the proposed five-year transitional period address the commenter's concern and should provide ample flexibility.

This commenter also indicated that computer model sensitivity analyses should be conducted for all parameters to be measured and that the rule should acknowledge the need for measuring pollutant concentrations aloft. EPA notes that although the PAMS network design is not the direct result of sensitivity analyses for each affected area, it nevertheless reflects the current expectations of the photochemical models. Heretofore, the national program has not had the benefit of the

VOL
58
ISS
28
FE
12
1993
UMI

availability of comprehensive O_3 precursor data as a tool to evaluate, calibrate, or otherwise adjust and conduct reality checks on the operation of the Urban Airshed Model (UAM). EPA views the PAMS networks as a vital step forward in complementing grid model applications and control strategy assessments and refinements.

Although the sampling of pollutant concentrations aloft may also be a highly valuable activity, EPA does not agree that such activities should be included in the specifications for minimum routine measurements. These rules, however, do not preclude a State agency from proposing such pollutant measurements (made either on a routine basis or at periodic intervals during more intensive sampling efforts), including them in their EPA-approved comprehensive network description, and subsequently utilizing Clean Air Act Section 105 Grant monies, in part, to support these monitoring efforts. In fact, EPA has encouraged affected air pollution control agencies to view these rules as a base upon which to tailor and expand the precursor monitoring program to meet the States' individual needs. Monitoring pollutant concentrations aloft has therefore been assigned to the category of desirable, yet optional activities.

Two commenters suggested that EPA adjust its program to reflect information from previous field studies (i.e., base the rules on actual field-verified techniques rather than on good technical assumptions alone). EPA recognizes the value of quality measurements and field-proven techniques. In fact, the fundamental tenets of the proposal were based on the demonstration of emerging measurement technology and data obtained during a number of field studies, particularly the Atlanta O_3 Precursor Study conducted during the summer of 1990 (Reference 32 of Appendix D). Although technical assumptions were necessary to some extent due to the emerging nature and complexity of the measurement technology, EPA believes that these assumptions were warranted considering the need for more definitive O_3 precursor data to develop improved O_3 control strategies. States are encouraged to take full advantage of experience and data obtained in past studies and routine monitoring efforts, and use that experience to refine and focus their individual PAMS network designs.

One commenter noted that the requirements for intensive daily sampling will engender major database management activities. EPA agrees that the measurement of numerous compounds during multiple hours of the day will create a very large database. Consequently, the Agency is proceeding to revise the capabilities of its computer-based Aerometric Information and Retrieval System (AIRS) to allow these data to be securely stored, retrieved, and adequately analyzed via the existing national system. The AIRS is currently utilized by all States for the storage and/or retrieval of NAMS and SLAMS data. The data required to be submitted by § 58.45 will be deposited in this same data bank. Further information on AIRS and its capabilities may be obtained by contacting any of the 10 EPA Regional Offices or the National Air Data Branch, Technical Support Division (MD–14), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. The Agency is also revising its technical assistance document (Reference 2 of Appendix C) to include additional guidance regarding the processing of data at the State and local agency level, i.e., generic procedures for data processing and validation.

In a related topic, another commenter estimated that the proposed rules will result in a workload increase of 60 percent, predominantly in data reporting burden. This commenter advocates the development by EPA of expert software for use with the VOC analyzers. The Agency notes this concern and has therefore undertaken the aforesaid modifications to the AIRS system and to its technical assistance document.

One commenter was concerned that a bias in O_3 measurements often occurs on design-value days, in part due to differences in measurement techniques. While the Agency cannot substantiate a particular problem occurring on O_3 design value days, the Agency notes that data which is gathered in accordance with 40 CFR part 58 and the quality assurance procedures of appendix A, are acceptable for use in computing design values and for conducting attainment/nonattainment determinations.

The same commenter believes that EPA should examine the following four areas more carefully before finalizing the rule: (1) The linking of monitoring specifications with monitoring objectives, (2) the consequences for an urban area adhering to the minimum stipulated monitoring requirements, (3) the rationale for recommended averaging times and frequencies for sampling of VOC, and (4) the rationale for air quality and meteorological siting requirements. The Agency considered these suggestions, recognized their value, and subsequently incorporated these considerations into the final rules. Specific recommendations made by this commenter are addressed elsewhere in this preamble.

Two commenters expressed concern that EPA had not adequately addressed critical issues relating to the role of NO_X in the photochemical process. These commenters assert that EPA must ensure that the data gathered will be appropriate for NO_X sensitivity modeling and will facilitate discrimination and impact of various sources of NO_X. EPA is concerned about the function of nitrogenous compounds in O_3 formation, particularly in the southeastern United States. Special studies are being initiated as joint projects with EPA in the Southeast employing research monitoring concepts to derive the most effective strategies for NO_X monitoring and control. These integrated projects are expected to have a significant impact on future O_3 control actions. Modeling predictions of various nitrogen species [e.g., total reactive oxides of nitrogen (NO_y), NO_X, NO, NO_2, peroxyacetyl nitrate (PAN), and nitric acid (HNO_3), etc.] can then be examined by the research community to determine the performance of chemical mechanisms in predicting non-O_3 oxidants. This will help ensure that chemistry, leading to O_3 formation in urban and rural areas, is properly characterized and may lead to further modeling improvements. Note that the measurement of more highly oxidized forms of nitrogen requires a high degree of skill/training using nonstandard techniques to measure pollutants at very low concentrations. EPA has determined that it is premature to require such efforts in a routinely operated network, but encourages and recommends that States consider the option of deploying more sensitive NO_X instruments when establishing future PAMS sites. For the near term, the current NO_X monitoring methodology (Federal Reference Method for NO_2) will be acceptable. The Agency will develop future guidance for more sensitive and definitive NO_X methods and measurements.

One commenter expressed concern that many technical, logistical, and fiscal issues remain to be resolved to ensure the success of the PAMS monitoring program. This respondent asserted that its comments, analyses and suggestions were, for the most part, ignored. On the contrary, however, the Agency has considered all comments and suggestions received by the Agency. This commenter's suggestions, being rather comprehensive, complicated, and unique, received careful scrutiny by EPA. In a number of cases, these

suggestions were incorporated both in the previous draft proposals as well as in this final promulgation. In fact, the final regulation has been revised to allow alternative monitoring schemes and intermittent sampling frequencies in section 4 of appendix D, in part in direct response to this commenter. The fact that EPA did not radically change its approach to identically match the suggestions of this particular respondent in no way diminishes the importance of the suggestions, nor does it equate to ignoring the recommendations. Each specific recommendation has been addressed elsewhere in this preamble.

B. Public Comments—Resources and Costs

Several commenters were concerned with the statement in the proposal which says that the primary responsibility for implementing the program with its associated costs rests with the States. The commenters feel strongly that EPA needs to make a much larger financial commitment to the program to ensure its success. EPA understands that this unique program will require a strong federal presence both as a partner in system management and in providing appropriate technical and financial assistance. EPA has provided funds during FY–92 to initiate monitoring for air toxics in 10 areas. These sites, which are generally located consistent with the requirements for PAMS type (2) sites, will be continued as part of the PAMS program in 1993. Additionally, the Agency has earmarked approximately $4,000,000 in § 105 Grant monies for distribution to the States in FY–93 and has provided technical support via contract and direct EPA involvement and participation. Overall, EPA will have borne the burden of financing a significant portion of the costs of initiating sampling during FY–92 and FY–93. The Agency has plans for subsequent years which will ensure a major financial role in this partnership for EPA.

Eighteen commenters submitted other observations related to funding and resource needs to properly implement the PAMS program. Ten of those commenters believed that the proposed levels of federal funding (discussed above) are generally inadequate to support the PAMS program. Three commenters noted that the potential benefits of the program outweigh the projected costs, that serious consideration should be given to utilizing permit fees collected under title V of the Clean Air Act Amendments for this program, and/or that the monitoring costs are only a fraction of the costs incurred by society in attaining the air quality standards.

Two commenters expressed strong objections to the use of reprogramming of existing funds to support the PAMS program. As previously discussed, EPA has provided substantial section 105 Grant funds to support both FY–92 and FY–93 monitoring activities. The Agency expects to continue to provide significant support through section 105 grants in subsequent years. Reprogramming of existing monies is an action which historically has been used by the Agency to designate certain portions of section 105 Grant funds, provided annually to the States for support of air pollution planning and control programs. EPA believes that this mechanism is a legitimate tool to focus its limited grant funds in part on particular air pollution problems having high national priorities. Rarely does the Agency suggest using this mechanism unless the priority of a competing program or project is significantly greater than the currently-funded activity. EPA has determined that the potential benefits of the PAMS program are significant enough to justify taking this unilateral action.

One commenter suggested that the distribution of section 105 Grant funds be based on the number of sites and monitors operated regardless of the location of the nonattainment areas. Perennially, it has been EPA's practice to develop reasonable allocation schemes for the available grant dollars based on defensible parameters such as activity levels, numbers of sources, etc. In the case of the monies set aside for the photochemical assessment monitoring program, EPA concluded that an appropriate mechanism for the distribution of funds was to consider the number of required PAMS sites. Each affected Regional Office receives an allocation of funds based on a national prorata scheme; the final allocation to State or local grantees is computed by the Region. During FY–93, the primary allocation criteria was essentially the minimum number of PAMS sites that would be required in each area by the regulation. By FY–94, the Agency will have received more information on individual network designs from each affected State and will therefore be able to consider the actual number of sites to be operated during the year as one of the criteria for the distribution of grant funds.

Another commenter suggested that if States are unable to hire additional personnel, they could return grant monies in exchange for EPA contracted services or perhaps pool analytical support among a group of States. Given the continuing nature of much of the federal funding for photochemical assessment monitoring, EPA asserts that it would not be inappropriate for a State agency to utilize the monies to hire new personnel. Further, due to economies of scale and within permissible limitations, States may take advantage of EPA contracts which are designed to provide support to State agencies. Additionally, the EPA Regions may at the urging of a group of States, reserve certain monies for a particular State who would agree to, in turn, provide services to the others.

One commenter was concerned that the design of the enhanced O_3 and O_3 precursor monitoring program was influenced more by financial constraints than by scientific constraints. EPA disagrees with this contention, and instead has attempted to provide a sensible balance between the costs of the program and degree to which the program objectives are satisfied. In any case, EPA has only provided the framework for a minimum required monitoring strategy. States are encouraged to implement larger, more comprehensive networks if those networks will provide a superior database for the fulfillment of the data objectives.

Five commenters expressed concern that EPA's estimates for the costs of implementing this monitoring program were too low. EPA's costs estimates were prepared from data gathered during 1990 and 1991, and therefore are generally expressed as 1990 and 1991 dollars. It is not surprising that estimates prepared in 1992 should be somewhat higher. In many cases it was difficult to compare estimates prepared by the commenters, since they often utilized different wage scales, different quoted equipment costs, and different operating scenarios. In most cases, recognizing that these figures are only estimates of the true implementation costs, the Agency believes that its original estimates reflected a reasonable appraisal of the resources needed to implement a minimally-acceptable program at that time. EPA has, however, incorporated many of the suggestions of the commenters for computing costs and has compiled an updated version of its cost estimates. These estimates reflect the changes in the boundaries of several nonattainment areas, changes in classification of others, higher equipment and labor costs, revised sampling frequencies, additional allocations for data processing, upper air measurements, O_3 and NO_x monitors, security concerns, and larger monitoring shelters. For information, the Agency's updated cost estimates for each affected area may be found in Table 1.

TABLE 1.—ESTIMATED REQUIREMENTS FOR PAMS

Area name	Population range	Classification of nonattainment area	Number of required sites	Estimated five-year cumulative cost[1]
Beaumont-Port Arthur, TX	Less Than 500,000.	Serious	2	$2,323,820
Portsmouth-Dover-Rochester, NH-ME	....do	Serious	2	2,227,130
Southeast Desert Modified AQMA, CA	....do	Severe	2	2,280,860
Baton Rouge, LA	500,000 to 1,000,000.	Serious	3	3,199,135
El Paso, TX	....do	Serious	3	3,199,135
Springfield, MA	....do	Serious	3	3,127,495
Ventura County, CA	....do	Severe	3	3,199,135
Milwaukee-Racine, WI	1,000,000 to 2,000,000.	Severe	4	3,789,490
Providence-Pawtucket-Fall River, RI-MA	....do	Serious	4	3,789,490
Sacramento, CA	....do	Serious	4	3,873,070
Atlanta, GA	More than 2,000,000.	Serious	5	4,031,150
Baltimore, MD	....do	Severe	5	3,995,300
Boston-Lawrence-Worcester, MA-NH	....do	Serious	5	3,995,300
Chicago-Gary-Lake County (IL), IL-IN-WI	....do	Severe	5	3,995,300
Greater Connecticut, CT	....do	Serious	5	3,995,300
Houston-Galveston-Brazoria, TX	....do	Severe	5	4,084,850
Los Angeles-South Coast Air Basin, CA	....do	Extreme	5	4,084,850
New York-New Jersey-Long Island, NY-NJ-CT	....do	Severe	5	3,995,300
Philadelphia-Wilmington-Trenton, PA-NJ-DE-MD	....do	Severe	5	3,995,300
San Diego, CA	....do	Severe	5	4,084,850
San Joaquin Valley, CA	....do	Serious	5	4,084,850
Washington, DC-MD-VA	....do	Serious	5	3,995,300
Totals			90	79,346,410

[1] 1992 Dollars.

Additionally, several commenters were concerned that EPA only computed costs for the three-month period of June, July, and August, while the draft rule implies that monitoring should be conducted during the entire O_3 season, which can be much longer. EPA indeed states that monitoring for precursors should be conducted during the entire O_3 season, but recognizes that monitoring for only 3 months is an acceptable minimum. The preamble from the March 4, 1992 proposal clearly stated that because of the relatively large resource requirements to conduct PAMS monitoring, 3 months was proposed as the minimum annual precursor monitoring period for the PAMS. EPA did encourage, however, the establishment of a monitoring period for the entire O_3 season in order to provide a more comprehensive air quality database and increase the possibility of actually conducting monitoring during most of the worst O_3 episodes. EPA goes further, however, in the revised section 4.3 of appendix D, stating that alternate precursor monitoring periods may be submitted for approval as a part of the PAMS network description. This action, therefore, allows a State to propose a monitoring season which will best meet its particular needs as long as the proposal will capture those worst O_3 events. The length of any particular PAMS monitoring season may therefore vary from area to area.

Two commenters asserted that the data collection requirements of the rule were excessive for some of the stated purposes and inadequate for others. EPA has continually maintained that in formulating the data requirements for the PAMS program, it was necessary to achieve some compromises, (i.e., some more crucial objectives would be better satisfied than other less important objectives). Regardless, the Agency has reconsidered the requirements for data collection, and has modified the specifications to better reflect a balance of the needs of the data users.

One commenter alleged that EPA committed to provide full funding for all efforts required under the Photochemical Assessment Monitoring Program and further alleged that EPA committed that it would not require state or local agencies to perform the specified monitoring if full funding of all materials, equipment and labor is not provided by EPA. That commenter also requested that EPA clearly articulate this assertion in the rules promulgated today. Another commenter asserts that EPA indicated this intent in the proposed regulation. It is common practice for State agencies to share substantially in the costs of implementing and operating all air pollution monitoring and control programs. In fact, the Clean Air Act Amendments of 1990, section 802, revise section 105 of the Act to require that States provide an overall minimum of 40 percent of the costs of implementing programs for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards. EPA is therefore unable to commit that it would provide 100 percent of the funding for such a substantial program. Evidently, some confusion has resulted from EPA's attempts to provide maximum monetary support for the implementation of the enhanced O_3 and O_3 precursor monitoring regulations.

One commenter believed that although the proposed funding for this program may be adequate to encompass capital expenses, provisions for skilled labor costs will be a problem. EPA notes that provisions for the hiring of highly skilled chemists and statisticians were included in its cost estimates and planning for PAMS. Further, these estimates were reviewed by the Agency and revised upward to reflect changes in the national labor burden and the expressed needs of the State and local air pollution control agencies.

One commenter believed that the comprehensive sampling and analysis schedule stipulated by the proposed rules is the primary contributor to the high costs of the program. As previously stated, EPA is committed to only requiring a minimum program which will comprise the best technical-fiscal balance to satisfy a variety of data objectives. Since the proposal was

published, EPA has refined its sampling and analysis requirements to better reflect the data needs.

In an effort to focus resources and reduce the costs of implementation, several commenters have recommended totally different strategies that they believe will also achieve the data objectives of the PAMS program. The Agency has reviewed these different proposals and believes that they do not constitute appropriate national minimum requirements, but may be considered as alternative networks for particular nonattainment areas if they are submitted pursuant to the requirements of § 58.40 and appendix D as promulgated. EPA has determined that the suggestions were too closely tailored to particular geographic areas to be applied nationally.

One commenter was concerned that the costs of measuring air toxics was a substantial addition to the price of the PAMS program. EPA has noted that the PAMS stations would be available as platforms for the additional monitoring of air toxics compounds if necessary. Specifically, it is noted by the Agency that by measuring the VOC targeted in reference 2 appendix C, a number of toxic air pollutants will also be measured. Although compliance with title I, section 182 of the Clean Air Act Amendments does not require the measurement and analysis of additional toxic air pollutants, the Agency believes that the PAMS stations can serve as cost-effective platforms for an enhanced air toxics monitoring program. The adjunct use of PAMS for air toxics monitoring will allow the consideration of air toxics impacts in the development of future O_3 control strategies. The establishment of a second PAMS type (2) site will provide an even better data base for such uses. The Agency, however, takes note of the concerns of several respondents that the PAMS network is not ideal as a source of primary air toxics data and further, regards the collection of air toxics data as an incidental and secondary, though important, objective of the PAMS system.

In overall response to concerns over the estimates of costs previously provided by the Agency, EPA has recomputed its estimates including such additions noted previously as inflation factors, additional capital equipment, etc.; the new computations are summarized in Table 1.

C. Public Comments—Regulations

The following discussions address the comments received on specific provisions of the enhanced O_3 and O_3 precursor monitoring regulations:

1. Public Comments—Section 58.1—Definitions

Four commenters suggested adding definitions for the term NO_y, a relatively new term for total reactive oxides of nitrogen including NO, NO_2, PAN, HNO_3, and organic nitrite compounds which all participate in the photochemical process. Current research has revealed that these other compounds may indeed play a significant role in O_3 formation. EPA does not disagree with the commenters. Since no readily-available monitoring method has been designated for these species, however, and most information on the role of NO_y, or other such compounds, still lies within the research community, EPA has determined that inclusion of any definition and/or regulatory requirements for monitoring for NO_y is premature. Future revisions to 40 CFR part 58 will reexamine the state of the research and reconsider this issue. Nevertheless, EPA encourages the deployment of this emerging technology at PAMS sites to further augment the value of the O_3 and O_3 precursor measurements.

Additionally, two commenters recommended that the definition of VOC be clarified and perhaps focused to indicate a reference to reactive organic gases. Further, one commenter suggested that an acronym be included for toxic air pollutants. Inasmuch as EPA has specifically named the compounds (VOC) targeted for monitoring and analysis by this program, see reference 2 appendix C, and expects that list to evolve as the monitoring program matures, the Agency believes that a more focused regulatory definition is not needed at this time. Such a move, made prematurely, might unnecessarily constrain development of the program in future years and inadvertently limit the data available to the States to craft the most effective O_3 control strategies. Since the foci of this monitoring program are clearly O_3 precursors and O_3, these rules are not the most appropriate vehicle to define or name air toxics compounds. Such actions will be subsequently considered by the Agency's air toxics control programs.

2. Public Comments—Section 58.2—Purpose

One commenter felt that it is an oversight not to consider application of this regulation to moderate O_3 nonattainment areas. EPA notes that enhanced information on O_3, O_3 precursors, and meteorology would be beneficial to any State government wrestling with the enigma of any level of O_3 nonattainment. Section 182(c)(1) of the Clean Air Act Amendments of 1990, however, authorized the Agency to develop rules only for those areas classified as serious or above for O_3 nonattainment. The fact that States with moderate areas will not be required to institute these specifications, should not impede those State agencies from configuring monitoring strategies which are similar to the photochemical assessment monitoring program.

3. Public Comments—Section 58.13—Operating Schedule

One commenter recommended that this section be amended to restate the monitoring period requirements of section 4.3 of appendix D. EPA notes that it would be beneficial to include a reference to section 4.3 in § 58.13, and has amended the final rule accordingly.

4. Public Comments—Section 58.20—Air Quality Surveillance Plan Content

Four commenters expressed concern that the requirements for VOC and/or meteorological parameters were too comprehensive and constituted excessive collection of data. Additionally, several commenters believed that the substitution of measurements for total VOC, non-methane organic compounds (NMOC), or total non-methane hydrocarbons (NMHC) (note that these acronyms essentially represent the same group of species) would be adequate to fulfill the PAMS data objectives, at least at some of the designated sites. EPA has reexamined its position regarding requirements for the speciation of VOC analyses and has concluded that continuation of the speciated requirement is both appropriate and necessary. This conclusion is based on the need for more definitive information regarding VOC at the specific geographic locations where O_3 exceeds the National Ambient Air Quality Standard (NAAQS), in order to address the multi-faceted PAMS objectives. The sampling for speciated VOC data allows the verification of NMOC measurements and provides a better understanding of the biogenic contribution to the O_3 problem. The corroboration of progress in the reduction of O_3 precursor emissions inventories would necessitate the quantification of the biogenic and anthropogenic fractions for those areas where biogenics represent a significant component of the ambient air. Additionally, the Agency has modified the sampling and analysis requirements to reflect the acceptance of event sampling at 3 of the 5 minimally-required sites. Such a modification has

the potential to reduce the data handling requirements, costs, and level of technology needed. The amended sampling and analysis requirements are specified in section 4.4 of appendix D. Alterations to the requirements for the measurement of meteorological parameters are discussed in section 4.6 of appendix D. Note, however, that the promulgated sampling requirements for speciated VOC do not preclude the submittal of alternative sampling schemes as a part of the network design required by § 58.40.

Three commenters felt that 6 months is too short a time frame for SIP development, processing, and approval. Note the brief discussion of SIPs under General Comments, EPA believes that the required SIP revision to empower States to implement the enhanced O_3 and O_3 precursor monitoring regulations will be a relatively uncomplicated procedure. Given the intrinsic need for the data required in this promulgation, the Agency recommends that all States, including those which are not affected by these rules, develop such SIP revisions. Based on a review of common SIP procedures, EPA has subsequently modified § 58.20 to allow 9 months for the submittal of a revision to the SIP for the establishment and maintenance of PAMS.

5. Public Comments—Section 58.40—PAMS Network Establishment

Seven commenters asserted that 6 months is insufficient time for a State to develop and submit a PAMS network description. Inter- and intra-State cooperation, data needs, and complexity issues were cited as reasons for the demand for more time. EPA Headquarters and the EPA Regional Offices have been working with affected State and local air pollution control agencies as well as cooperative bodies such as the Northeast States for Coordinated Air Use Management (NESCAUM) and the Mid-Atlantic Regional Air Management Association (MARAMA), to develop the basics of individual and regional PAMS network descriptions. Additionally, EPA has provided funding during FY–92 to begin the establishment of monitoring sites, many of which will eventually constitute the first PAMS type (2) sites. Given the extensive preparatory work conducted since 1990 by both the Agency and the States, EPA believes that a 6-month requirement for the submittal of a network design is both achievable and appropriate. In response to the concerns of the commenters, however, EPA has clarified, in § 58.41, its need for detail in the initial network design submittal and has indicated that specific details on the first PAMS type (2) site plus general information on other sites, would constitute a complete submittal for fulfillment of the requirements of § 58.40. Note, however, that since the network design must receive the approval of the Administrator as stipulated by § 58.42, EPA will require the submittal of subsequent phases of detailed network design by January 1 of each year of implementation. In this way, a State may focus its resources on an annual basis toward the establishment of one site per area. For groups of States planning to submit coordinated network designs, the process will also be simplified somewhat. Sections 58.40, 58.41, and 58.42 have been amended accordingly.

Four commenters felt that the language of § 58.40, which allows the joint submittal of network descriptions and implementation schedules by disparate States (and further discussed in section 4.2 of appendix D), should be strengthened to make such inter/intra-State cooperation mandatory to ensure consistency and coordination, especially in O_3 transport regions. In general, EPA believes that cooperation among State and local air pollution control agencies should be encouraged, but not required. The Agency has demonstrated its preference for cooperation by its technical, administrative, and financial support of such multi-State cooperative agencies as the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials (STAPPA/ALAPCO), NESCAUM and permanent Federal-State-local work groups such as the Standing Air Monitoring Work Group (SAMWG), the Standing Air Emissions Work Group (SAEWG), and the Standing Air Simulation Work Group (SASWG), affiliated with STAPPA/ALAPCO. This particular provision of the rule is designed to enable the exercise of cooperative efforts, but does not serve as the tool to require States to plan and implement programs jointly. Note, however, that section 182(j) of the Clean Air Act Amendments of 1990 does stipulate that each State in which there is located a portion of a single O_3 nonattainment area which covers more than one State should take all reasonable steps to coordinate, substantially and procedurally, the revisions and implementation of State implementation plans applicable to the nonattainment area concerned. Also, interstate transport regions established pursuant to section 176A of the Clean Air Act Amendments should be guided in multi-State coordination and consistency via the establishment of transport commissions. Further, section 184 of the Act indicates that such procedures are requisite for those northeastern States included in an O_3 transport region. These premises have been articulated in an advance notice of how EPA generally intends to take action on SIP submissions and to interpret various title I provisions in the **Federal Register** on April 16, 1992, as amendments to 40 CFR part 52. It is therefore inappropriate for EPA to separately require such cooperation as a part of these enhanced O_3 and O_3 precursor monitoring rules. The Agency has, however, modified the rules to indicate this preference for cooperation and joint network design submittal, where appropriate.

One commenter suggested that EPA support joint submittals, but not joint implementation schedules. In § 58.40, EPA indicates a preference for coordination, but does not necessarily require identical designs and implementation schedules for cooperating States. Differences in designs and schedules would be evaluated on a case-by-case basis.

One commenter recommended that regional plans be given favorable if not at least equal attention as is given to State-by-State plans within the same regional area. EPA has previously expressed its preference for regionally coordinated network designs, but must provide equal consideration to both types of descriptions allowed by these rules.

Two commenters suggested that the approval of the PAMS program be relegated to the Regional Offices in lieu of requiring approval by the Administrator. In considering this comment, EPA agrees with the contention of the commenter that the Regions are more familiar with the idiosyncrasies of each O_3 nonattainment area and, as a result, Regional Office concurrence on each network design is required. In several cases, however, the areas subject to these rules, cross both State and EPA Regional boundaries. The Agency is convinced that a program of this magnitude requires intensive national oversight and a high degree of consistency and coordination; final approval must therefore rest with a central reviewing authority.

Two commenters suggested that flexibility be included to allow each network to be designed on a case-by-case basis because each area has unique features such as irregular terrain or distinct meteorology, such as sea/lake breezes, which should be addressed separately. EPA also believes that each

area's network design should be specifically tailored to fit that particular area or region. The network design parameters promulgated today are those considered by the Agency as a minimum and/or a default network for those State agencies wishing to omit comprehensive, area-specific planning exercises. Although EPA does not recommend minimizing planning, the Agency recognizes that State resources and technical expertise often demand a fallback position in lieu of extensive investments in the planning process. Note that the Agency is revising the siting criteria guidance document (Reference 19 of Appendix D) to provide guidance on siting and network design for areas with complex terrain or unique meteorology.

One commenter recommended that a working group be established to deal with the coordination of monitoring strategies and network designs in the Northeast Ozone Transport Region. The commenter recommended two specific groups associated with electric utilities, as technical resources for such a working group. EPA maintains that the responsibility for the implementation, and therefore the coordination, of SIP strategies lies with the States. The Agency is therefore cooperating with NESCAUM, MARAMA, and the Regional Ozone Modeling for Northeast Transport (ROMNET) committees to form a working group of State, local, and EPA officials to provide guidance in the development of a coordinated monitoring network for the Northeast.

Another commenter encouraged EPA to perform quantitative statistical analyses to ensure that the minimum-required network is sufficient to corroborate emission inventories and determine precursor trends. Due to the emerging nature of the technology for corroborating emission inventories and procedures for determining precursor trends, it is not feasible at this time to perform quantitative statistical analyses for this purpose. EPA believes, however, that these analyses can be performed effectively once the PAMS networks are in place and producing data. Adjustments based on these analyses will be appropriate when the procedures are more mature and the data bases are more complete. To shed light on these comments, EPA has prepared a Data Quality Objectives (DQO) document which was used to evaluate the original network proposal of March 4, 1992, and this modified final rule. That document is identified as reference 24 of appendix D. Additionally, EPA supported and/or noted other analyses concerning data for emissions inventory applications and trends. Those studies are noted as references 26, 27, 28, 29, and 30 of appendix D.

Several commenters pointed out the need for EPA to better articulate guidance on the submittal of information for network approval and any criteria EPA would utilize for approval of these and any alternative network submittals. Further information concerning network design is included in section 4 of appendix D. EPA has also incorporated additional information and criteria regarding the approval of alternative networks in section 4 of appendix D as a part of this promulgation.

During the comment period, several agencies submitted proposals for their areas which are considered to be alternative network descriptions. EPA will review those designs individually and respond directly to the particular agency. Those designs are not considered germane to the requirements of the regulation and so are not specifically reviewed in this notice of rulemaking.

One commenter urged EPA to eliminate the public notice requirements of alternative plans and subject them to the same process as other network designs. EPA realizes that although it is today promulgating minimum criteria for PAMS networks, many designs will have peculiarities which may qualify them as alternative networks and subject them to the proposed public notice requirements of § 58.40 and further, sections 4.3 of appendix C and 4.2 of appendix D. To facilitate the submittal of network descriptions and to expedite their processing by the Agency, EPA is today removing the proposed requirements for public notice for alternative network descriptions and will instead focus resources on improving the quality of the negotiation, review and approval process.

One commenter noted that it may be necessary to site PAMS monitoring stations near major roadways and certain large stationary sources because of the possibility of their direct influence on local concentrations of O_3. The regulations promulgated today require the siting of certain monitors at the location of the maximum impact of emissions from sources of O_3 precursors. EPA recognizes that in some instances this site may be substantially affected by one or more very large major stationary sources which constitute a principal source of O_3 precursors for the nonattainment area. Additionally, if the major impact on O_3 in a particular area originates from mobile sources, it would be logical to place a PAMS site downwind of a major roadway. In any case, it is crucial to consider and account for local NO_X sources including roadways which may act as local depressors for O_3 when designing a network as described in section 10 of appendix E.

6. Public Comments—Section 58.42—PAMS Approval

Note that comments submitted recommending approval of network designs at the EPA Regional Office level were previously addressed under § 58.40.

One commenter in voicing support of the flexibility of allowing alternative plans noted that their agency does not feel that national consistency and uniformity of methods are essential, given that different areas are at different levels of learning with respect to their area's O_3 precursor composition and concentrations. EPA notes that each air pollution control agency program is subjected to its own particular set of problems, strategies, limitations, and coverage; in many cases some of these factors are quite unique. EPA, on the other hand, must deal with national databases and national problems under an entirely dissimilar set of limitations than any particular air pollution control agency. To that end, EPA is charged with ensuring some reasonable degree of national consistency so that national trends, comparisons, and strategies can be devised. Further, the Agency is convinced that during the phase-in period specified in section 4.5 of appendix D, most agencies will be capable of rising to the challenge of developing the necessary expertise to operate PAMS.

Concerning the approval of network designs, one commenter recommended that this section (and specifically section 4.2 of appendix D) be revised to require an EPA approval or disapproval within 60 days of the receipt of an alternative plan. Although EPA notes this commenter's sense of urgency with regard to the approval and implementation of the PAMS monitoring program, the Agency has determined that instituting artificial approval deadlines would not prove beneficial to improving the quality of alternatives, nor would the public be served by imposing restrictions which could result in lowering the quality of the review and approval process. EPA has therefore not incorporated this 60-day deadline.

7. Public Comments—Section 58.43—PAMS Methodology

One commenter suggested that additional language be added to the

rules to establish a process by which EPA could streamline the review and approval of innovative monitoring and analytical techniques. Further, this commenter recommended the use at PAMS of a particular new type of monitor which continuously tracks key photochemical oxidant components. The Agency believes that the new requirements provide sufficient flexibility for the incorporation of innovative monitoring and analytical techniques. The Atmospheric Research and Exposure Assessment Laboratory (AREAL) is currently responsible for the development, evolution, review and testing of new methodology to ensure its applicability and appropriateness for emerging national air monitoring needs. Regarding the use of this new measurement technology for photochemical oxidant tracking, AREAL, in conjunction with other interested parties, is engaged in an evaluation study of the proposed instrumentation to determine its utility in depicting the photochemical process. Additionally, research is underway to ascertain the usefulness of the data gathered by this instrument and others in meeting necessary O_3 control objectives such as those described in this rule. The results of these investigations will likely have a significant bearing on the future uses of the proposed instrumentation. In any case, neither the current research status of the procedures nor the innovative nature of the methods preclude their use at PAMS stations. A State air pollution control agency may, at its own initiative, implement this monitoring strategy as an adjunct to the minimum PAMS requirements; or, may submit a sampling scheme utilizing this technology exclusively, for consideration by EPA as an alternative pursuant to § 58.40 of this regulation.

8. Public Comments—Section 58.44—PAMS Network Completion

Ten commenters provided observations regarding the 5-year transition (phase-in) period further delineated in section 4.5 of appendix D. Four of those respondents indicated that total implementation of the program was not only possible, but also desirable in a 2- to 3-year period. One commenter, however, in supporting a 3-year transition, indicated that the reporting of VOC data should be deferred for 5 years due in great part to the technical, financial, and technology issues associated with VOC monitoring. Four of the ten commenters also characterized the urgency of expediting the implementation of PAMS to provide data support to the 1994 SIP photochemical grid modeling process. Five commenters indicated that the 5-year schedule is reasonable or at least ambitious, although two of these respondents suggested that the initial phases of the transition be either deferred or prolonged, essentially to allow for testing and evaluation of the new monitoring technologies and for training of professional staff. One commenter suggested that due to technology issues, the implementation simply be delayed one year. Five of the ten commenters reiterated their concerns with funding and urged EPA to provide substantial, adequate resources to complete the PAMS transition. One additional commenter urged EPA to allow sufficient flexibility for States to phase-in the program over time in a manner consistent with the level of available resources.

Due to expected near-term changes to the atmospheric mix of O_3 precursors and the need to begin monitoring as soon as practicable to provide a measure of support to SIP strategy development and emission inventory corroboration efforts, EPA believes that deferral of implementation is not a preferred option. Accordingly, the Agency is continuing efforts to support FY–92 and FY–93 PAMS-type monitoring initiatives via the Section 105 Grant process. Noting, however, the real concerns of State and local air pollution control agencies regarding the phase-in details, EPA is, in this promulgation, reconfirming the transition requirements, previously proposed, of one station per year and modifying the requirements to include provisions for flexibility.

9. Public Comments—Section 58.45—PAMS Data Submittal

Seven respondents expressed the opinion that the 6-month time period allowed by § 58.45 is reasonable and adequate for the submittal of VOC data. Three of these commenters indicated that allowing a reporting deadline of 9 months to a year for the first 2 years or so of the program would be preferable. This data phase-in would then allow added time for training in the implementation and interpretation of data and the data acquisition system. The final rules stipulate that the VOC data must be reported within 6 months following the end of each quarterly reporting period. Since the PAMS minimum monitoring season runs from June through August and encompasses two quarterly reporting periods, the June data would not be due until January 1 of the following year, and the remainder of July and August data would not be due until the following April 1. The Agency believes that when the systems of data analysis, handling, and reporting are routinized, these time periods will be more than adequate for VOC data reporting. The Agency understands, however, as States begin to wrestle with new personnel and technology, that even such a reasonable reporting deadline may be difficult to meet during the initial years of implementation.

One commenter questioned the need to delay submittal of the meteorological data past the time period required for submittal of the NO_X and O_3 data. EPA agrees that the measurement and data handling technology for meteorological parameters is currently sufficient for States to be capable of submitting such information on a more expedited schedule. The Agency recognizes, however, that the uses for such data in photochemical modeling, receptor analysis, and emissions inventory functions, generally requires integration with the VOC data. Since the utility of expediting this data submittal would be only marginal, EPA has required that the meteorological measurements be submitted on the same time schedule as the VOC data.

Concurrent with the development of the photochemical assessment monitoring proposal of March 4, 1992, EPA was considering a modification to the data reporting requirements for SLAMS and NAMS monitoring as iterated in §§ 58.26 and 58.35. The stipulation for 60-day reporting for O_3, NO, NO_2, and NO_X, outlined in § 58.45(c), was patterned after the changes to the draft requirements for NAMS, since at that time it was expected that these other revisions would be complete. Since the revisions to NAMS and SLAMS requirements have not yet been proposed and subjected to public comment, EPA today is promulgating a modification to § 58.45(c) which would cause these pollutants to be reported on an identical schedule to that stipulated in § 58.35 for NAMS. Changes to the reporting schedule for all monitors will thus be considered in a separate **Federal Register** notice at a later date. This modification would also be consistent with the comments from two of the respondents.

Two commenters expressed the belief that EPA should make a greater commitment to assist the States in developing and implementing VOC data acquisition and processing systems to ensure timely compliance with the 6-month requirement for VOC data submittal. An additional commenter expressed a similar concern, that given the large data handling requirements,

the 6-month limitation would be difficult to meet. EPA has sponsored parallel projects involving the acquisition, processing, analysis, and interpretation of VOC data which may provide needed assistance to States in the handling of the massive VOC data base. Further, the Agency has revised its PAMS cost estimates upwards to consider the necessary costs of VOC data acquisition and processing and is considering the inclusion of additional guidance in the technical assistance document (Reference 2 of Appendix C).

One respondent suggested that a target list of VOC species should be developed and augmented with a shorter priority list for reporting. EPA notes that such a target list has been published by the Agency in reference 2 of appendix C, but believes that placing limits on reporting via a priority list is premature and would in no case be universally applicable.

Two commenters pointed out the immediate need to make appropriate changes to the Aerometric Information Retrieval System (AIRS), the national ambient air monitoring database, to accommodate the new PAMS data elements. EPA has incorporated such changes to AIRS.

One commenter suggested that § 58.45(d) be reworded to allow the monitoring and reporting of NMHC (non-methane hydrocarbons) in lieu of VOC. Note that this issue has been previously addressed in comments pertaining to § 58.20.

10. Public Comments—Section 58.46—System Modification

One commenter stated that they believe that changes in attainment status should not reduce the requirements of the PAMS and that monitoring should continue to be funded by EPA. A second commenter suggested that once an area demonstrates attainment of the O_3 NAAQS, EPA should either reduce the PAMS monitoring requirements or assume responsibility for the PAMS funding in that area. EPA believes that continued PAMS monitoring, even after a demonstration of attainment is performed, will be crucial to maintaining the O_3 NAAQS over time. Nevertheless, if a State can demonstrate that it can properly track unexpected changes in the ambient VOC mix and emission inventories, while maintaining the NAAQS, it may propose changes, even reductions, in its PAMS monitoring network as stipulated by § 58.46(b). EPA is not authorized to accept a cessation of PAMS monitoring, however, until an area is redesignated to attainment.

EPA has demonstrated its willingness to provide substantial funding to States for ambient air monitoring activities via the section 105 Grant process. Although the Agency is predisposed to continue to contribute to ambient air monitoring programs such as PAMS, it is of course subject to the limitations of section 105, in part described in the Resources and Costs section of this Preamble.

One commenter felt that the annual network review should be conducted and approved by the Regional Administrator. EPA notes that the network review for ambient air monitoring systems described in § 58.20 is currently conducted and approved annually by the appropriate EPA Regional Office. Section 58.46 articulates a national approval process for changes to PAMS networks similar to that required for NAMS and referenced in §§ 58.32 and 58.36. National data needs and consistency dictate Headquarters EPA approval for changes in both cases.

11. Public Comments—Appendix A—Quality Assurance

All five commenters on this section pointed out the explicit need for a specific, uniform, improved system of quality assurance (QA) for the VOC sampling and analysis requirements (especially) mandated by PAMS. One respondent added the following three recommendations for a national QA program: (1) The establishment of uniform QA criteria including calibration schedules, duplicates schedules, blanks schedules, (2) the establishment of standardized audit procedures, and (3) the establishment of laboratory audit samples and an interlaboratory exchange program between States and EPA laboratories.

EPA is aware that the PAMS sites will require a QA program similar to the one now used for SLAMS criteria pollutants. EPA is currently developing the audit materials and QA guidance required to establish such a system for the pollutant monitoring systems that will be located at the PAMS sites. These materials for the VOC measurement systems are being developed in conjunction with the evaluation study EPA is now conducting on the candidate VOC instrumentation for use at PAMS sites. This study is briefly described in the public comments on § 58.43—PAMS Methodology. Additionally, EPA plans to provide VOC samples to the State and local agencies operating PAMS sites to assist them in validating their VOC monitoring systems and the performance of the personnel operating these systems.

12. Public Comments—Appendix C—Monitoring Methodology

Five commenters recommended that equivalency of methodology must be established at least on a regional level and perhaps even nationally. Several commenters went so far as to recommend that EPA develop federal reference and equivalent methods for VOC. Further, several commenters reiterated their perception of the need for routine inter-State, inter-area quality assurance procedures. Given that the complexity of the technology for VOC sampling and analysis and its rapid rate of development and change, EPA has chosen to publish specific guidance for monitoring methodology in lieu of publishing federal reference or equivalent methods. Such guidance has been published and is available as reference 2 of appendix C. The Agency will track the progress of the development of new methods and will reconsider the specificity of methods in the future. EPA agrees that common and continuing, or at least comparable, methodologies are desirable on a region-wide basis. Comparability of data will be one factor used by the Agency in approving coordinated, region-wide network designs.

One commenter pointed out that the rules should not preclude the expansion of the monitoring period to longer than 3 months, noting also that the length of the monitoring season is not necessarily proportional to the total network operational costs. EPA notes that provisions for changing the monitoring period are promulgated today in section 4.3 of appendix D. EPA agrees with this respondent that monitoring periods should be consistent across a regional network. This factor would also be scrutinized when approving joint networks. EPA recognizes the role that the length of the monitoring period plays in the computations of total costs and has weighted that role accordingly.

One commenter felt that EPA should specify a particular chromatographic column for use on gas chromatographs (GCs) analyzing for the various VOC. Reference 2 of appendix C specifies those column characteristics which AREAL believes are necessary to produce meaningful data on the target VOC compounds. The laboratory even goes so far as to provide specifications on several acceptable columns, but falls short of requiring a chromatographer to choose any one particular design. EPA reiterates its position that the technology for VOC sampling is simply evolving too quickly to allow such specificity at this time.

VOL 58 ISS 28 FE 12 1993 UMI

One commenter believed that the VOC monitoring technology is not yet advanced enough for State and local agencies to economically operate a speciated VOC monitoring program. As previously stated, the Agency believes that States are capable of competency in utilizing new monitoring methods, and in fact a number of State agencies are currently employing such emerging techniques with success. Per this commenter's suggestion, EPA is providing significant financial and technical assistance for implementation of this technology.

In a related issue, a commenter suggested that the rules should tighten the equipment design and performance standards for VOC in order to drive the technology. Noting the progress made to date by the researchers, designers, and fabricators of VOC sampling equipment, EPA believes that the existing technical specificity and market pressures are sufficient to spark development in new and emerging sampling and analysis methods. One other respondent encourages the development of less labor-intensive methodologies to counter the specter of future resource constraints. AREAL has continued to articulate its support for such efforts and will continue to exercise flexibility in investigating new, more economical, and uncomplicated procedures as recommended by yet another commenter.

One commenter felt that EPA should append the provisions of the rules (and particularly appendix C) to facilitate and encourage the use of innovative analytical technologies which are useful for O_3 control strategies. Although EPA is investigating the use of such innovative monitoring technology, and specifically the technology recommended by this commenter, the Agency has not yet determined how the use of these sampling methods will fit into the current SIP process. Nevertheless, EPA does not wish to preclude the use nor discourage the development of new monitoring technologies and so has amended the language of appendix C accordingly. In a related issue, a second commenter was concerned that the stipulations of section 4.2 of appendix C required the use of reference or equivalent methods for the monitoring of NO and NO_x at PAMS. This respondent recommends the use of more advanced and sensitive methods for such monitoring. EPA notes that in great part, the use of the NO_x data measured at PAMS is dictated by the need for precursor information rather than for comparison with the NO_2 NAAQS. Since the Agency does not wish to preclude the use of potential innovations or more sensitive monitoring devices for either VOC or NO_x, it has therefore added additional language to sections 4.2 and 4.3 of appendix C to indicate that such other methodology may be proposed by the State as alternatives. Further, although the Agency has determined that such new technologies may be proposed and even encourages and recommends their use, it is premature to make their use a requirement.

One commenter specifically raised a number of technical questions for consideration by EPA. In response, EPA has determined that pressurized and nonpressurized canister samples are equivalent and that drying of samples prior to analysis to reduce water content is an acceptable procedure. Additionally, the Agency notes that an O_3 scrubber is required on the carbonyl samplers, and C–18 cartridges are equivalent to silica gel cartridges for such analyses. Guidance on standardization protocols (what gas, how many points, what concentrations?) will be addressed in future revisions to the Technical Assistance Document for Sampling and Analysis of O_3 Precursors (EPA 600/8–91–215). Further detail concerning such information may be found in reference 2 of appendix C.

13. Public Comments—Appendix D—Network Design for SLAMS, NAMS, and PAMS

The following discussions address the comments received on specific provisions to appendix D:

14. Public Comments—Section 4.1 of Appendix D—PAMS Data Uses

Five commenters expressed concern that the PAMS program might be insufficient for the purpose of verifying emissions inventories. One suggested that further flexibility be built into the regulation since techniques for inventory verification are still in the developmental stages. Further, two commenters expressed conflicting views in the use of air quality data and/or emissions inventory data for the tracking of emissions reductions over time. The use of air quality data, and especially that of photochemically reactive species, is admittedly an evolving science. EPA does believe, however, that such data have been demonstrated to be a constructive adjunct tool to emissions inventories in qualitatively verifying their accuracy and serving as a corroborative instrument to calculations of reasonable further progress (RFP) in reductions of emissions (See References 26–30 of Appendix D). Note that the Clean Air Act clearly stipulates that RFP is defined via reductions of emissions rather than progress in air quality measurements for precursors or for O_3. Emissions inventory reduction calculations must therefore persist as the primary tool for evaluating both progress and reductions. These facts do not lessen the importance, however, of ensuring that those calculated values are corroborated by actual air quality measurements. EPA would be remiss if it allowed the disregard of air quality information in judging the adequacy of State Implementation Plan performance. The Agency notes that since the inventory corroboration techniques are not specified or limited by this section, adequate flexibility is incorporated in the rule.

In a related matter, one commenter suggested that EPA has not shown the correlation of target list compounds to actual emissions inventories and proposes that continuous NMOC monitoring in conjunction with integrated canister samples would be a better indicator of emissions inventories. As previously iterated, EPA is promulgating rules which can be applied nationally as a minimum requirement. The Agency recognizes and clearly articulates that the PAMS network requirements are designed to provide information which can be used in maximizing the utility of a number of data objectives. Were a commenter to demonstrate that their particular method of monitoring is superior to PAMS for one data use, it is possible that further scrutiny would reveal that it is not ideal for the remainder. Air pollution agencies are not precluded by the rule from instituting monitoring strategies additional to the PAMS minimums or proposing alternatives more tailored to their particular geographic area. Similarly, one commenter was concerned that the program may not fulfill the needs for SIP control strategy evaluation and suggests that modeling is the preferable tool for this purpose. The Agency agrees that modeling is the more appropriate tool to determine the potential for the success of a proposed SIP strategy; however, the Agency asserts that knowing what changes actually occurred in the ambient air is an extremely useful measure of the true effectiveness of any control program.

Two commenters indicated the need for the Agency to publish a data uses guidance document. They imply that such a document should expound on the details of how the data generated by PAMS can be used to meet the data objectives. One respondent complained that it currently does not have a program that can use the data provided

by the PAMS. EPA has prepared documents dealing with the data quality objectives (DQOs) for the PAMS program. Additionally, other demonstrations of the continuing use of such data are noted as references 26–31 of appendix D. Further, in response to these comments, minor revisions have been made to clarify section 4.1 of appendix D. Those State agencies which have recognized their lack of ability to use these important data may employ the additional section 105 Grant monies made available for PAMS toward enhancing their data processing and analysis capabilities.

Four respondents noted that although some of the stated objectives for PAMS support application of photochemical grid modeling techniques, the network design does not seem to effectively accomplish this feat. Further, three commenters protest that the network specifically does not meet the data requirements of their State's photochemical modeling protocol. EPA has reexamined the overall data needs of the photochemical modeling community and has modified the network to be more responsive. Since the Agency is attempting to ensure that PAMS is compatible with national needs, particular States may find that the requirements provide better data than needed to execute a minimal modeling run or that their particular model application demands other information not measured by PAMS. In the latter case or as one commenter noted, when more intensive data is needed, the State is free to measure those additional parameters which they feel are necessary to drive and/or evaluate future model applications.

One commenter questioned why the methodology to determine air quality trends is not specified in the rules. This respondent joined with another to point out the need to address and eliminate the variability of air quality data due to meteorology. EPA maintains that a rule which specifies monitoring requirements and network design, is not an appropriate vehicle to promulgate particular statistical techniques for calculating or presenting trends analyses. Given the variety of such techniques available to the State and local air pollution agencies today, it would be nearly presumptuous for EPA to attempt to limit their ability to analyze their own data via rulemaking. The absence of specific trends requirements allows the States to retain the maximum flexibility and employ the most appropriate state-of-the-art analysis techniques. Clearly, there are two basic concepts which may be employed in preparing trends analyses: (1) Displaying unadjusted measurements which portray the quality of the air actually breathed by the public, or (2) calculating adjusted trends to infer progress towards attainment of standards due to the influences of pollutant control programs. In either case, the cornerstone of the analyses are the actual air quality and meteorological measurements such as those required by PAMS. Particularly, for evaluating the effectiveness of control programs, it may be appropriate to integrate such factors as meteorology and emissions inventory data. EPA simply disagrees that this rule is the correct forum to expound on specific procedures for the analysis of pollutant trends. Trends techniques utilized by EPA for criteria pollutants have appeared perennially in the Agency's National Air Quality and Emissions Trends Report. Further, EPA is currently evaluating techniques for improving the effectiveness of O_3 control strategies including indicators for assessing progress. This work will address techniques for integrating meteorology, emissions, and ambient data.

The second commenter concerning trends went further to question whether or not the 5-site PAMS network is sufficient to conduct O_3 and O_3 precursor trends analyses. Since PAMS sites are located to detect particular characteristics of the air quality, such as maximum O_3 or upwind transport, the 5 sites have been determined by EPA to be the minimum network necessary for larger areas to encompass specific situations of interest. Experience with the NAMS network requirements has shown that some areas may choose to supplement this minimum network to meet their own objectives. EPA has decided that the 5-site network represents a minimum core requirement which will provide a consistent and stable database to be used for trends. Additionally, the Agency notes that for areas which submit coordinated, joint network designs, it is expected that more than 5 sites will be established and become available for trends analyses.

One commenter noted that sampling sites located to measure either VOC or air toxics impacts may not be an optimal location for the other. EPA has previously articulated its view on this matter in this preamble's discussion of Resources and Costs.

One commenter vociferously criticized the basic tenets of the PAMS program and professes that a successful PAMS program can be cultivated via a program of less-frequent focused sampling for generalized precursor data (e.g., NMOC) with a minimum of speciation information. They believe that their experience with this type of program has been largely ignored in designing the PAMS program. EPA again observes that a program which has been simplified or merely focused to meet the specific data needs of a particular locale, may not be appropriate to fulfill the data uses for a national program which is generally routine O_3 precursor data-poor. Nevertheless, the opportunity is provided by section 4 of appendix C and section 4 of appendix D for the approval of such focused alternative networks in accordance with § 58.40, especially where significant historical precursor monitoring data are available. The adoption of different or more comprehensive requirements, as discussed further in the Agency's response to comments on § 58.42, does not imply deficiencies in an existing monitoring program. EPA's program simply highlights that national needs are often different and more inclusive than local needs.

15. Public Comments—Section 4.2 of Appendix D—PAMS Monitoring Objectives

Four respondents revived the issue that the sites chosen for PAMS would not necessarily constitute appropriate locations for the monitoring of air toxics. Further, these commenters seem to support a separate and expanded air toxics monitoring effort. As noted by EPA in the discussion of resources and costs in this preamble, the Clean Air Act Amendments call for a network which is geared toward the monitoring of photochemical parameters. The Agency agrees that PAMS may not be the ideal platform for monitoring air toxics, but feels that the establishment of additional air toxics monitoring at these sites is a valuable adjunct to the PAMS program. Separate national air toxics monitoring networks are not currently a highly-ranked, nationally mandated priority.

Two additional commenters requested that the Agency continue its efforts to define and monitor NO_y. EPA previously expressed, in addressing comments to § 58.1, its reluctance to rush the regulatory and monitoring program for NO_y. EPA will continue its investigations of this concept and will propose future revisions to 40 CFR part 58 if appropriate.

One commenter espoused the importance of measuring VOC aloft. EPA has previously indicated its reluctance to require this monitoring in the discussions of the general comments.

The same commenter felt that rural sites for the collection of boundary condition carbon monoxide (CO) and NO_x data should be added to the PAMS program. EPA also has recognized the importance of including sites that will better define boundary conditions. Consequently, section 4.2 of appendix D and its associated Figures have been modified to better reflect the measurement of boundary conditions. Note that since CO was not addressed in section 182 of the Clean Air Act Amendments as a required pollutant for PAMS, no monitoring requirements for CO were included. This omission does not preclude a State from adding CO monitoring to its network design.

One commenter believes that due to the effects of complex meteorology, the placement of PAMS sites should be based more on studies of past O_3 episodes rather than the generic model proposed by EPA. The Agency agrees in principal with this comment and has altered the location of the PAMS sites to correspond more closely with the wind conditions associated with O_3 events.

One commenter requested that EPA provide more specificity for locating PAMS type (2) sites, the sites where maximum emissions are expected to impact. In response, EPA has clarified and added additional detail for this site's location.

One commenter was concerned that many of their current NAMS and SLAMS monitors are not located at potential PAMS sites. EPA notes this concern and considered that some, but not all PAMS sites might be coincident with SLAMS or NAMS in its recomputation of cost estimates. Reference is made to a similar discussion under General Comments and Resources and Costs in this preamble.

One commenter also requested that existing data be allowed to be used as a part of alternative PAMS monitoring schemes. Note as discussed in § 58.40 that EPA has amended section 4.2 of appendix D to include broad criteria for the approval of alternative networks. The use of existing information and existing monitoring networks is not precluded by these changes to the rule.

16. Public Comments—Section 4.3 of Appendix D—Monitoring Period

Ten commenters expressed opinions regarding the length and specificity of the monitoring period for the PAMS. Three of those respondents supported the proposed requirement of 3 months, especially June, July, and August, although they indicated that more sampling would obviously be better, that consistency across regions is crucial, and that more specificity would be useful. Three others indicated that they felt that the 3-month period was too short and would create staffing problems for affected State governments with a minimal cost savings over sampling for longer periods such as the entire O_3 season. One of these commenters asserted that 5 months would be a better choice, especially in the State of California. Five commenters believed that employing O_3 level forecasting and episode monitoring would be a more efficient use of resources and provide a more intensive database for the critical periods and could make better use of manual sampling methods. One commenter felt that the length of the sampling period should best be specified on a regional basis and that while a 3-month period would likely capture the majority of episodes in the Northeast, such a period would be insufficient for the South and West.

EPA agrees that more than 3-months would be preferable and has articulated this opinion in section 4.3. The Agency has recognized, however, that other particular months rather than June, July, and August may, on a case-by-case basis be more appropriate. Accordingly, EPA has expressed its intent to allow other monitoring periods if submitted and approved as a part of the network description required by § 58.40. In the discussion concerning comments to § 58.40 in this preamble, EPA has clearly espoused its support for coordination and consistency among States and across regions and noted that other requirements of the Clean Air Act Amendments may require such coordination, in this case in establishing the monitoring period for PAMS. The Agency's goal in choosing the 3-month period was to attempt to capture the highest O_3 events for the year. The Agency has established only a minimum sampling period; any affected State or region may expand this period to a longer time to meet its particular needs. Flexibility has been included in the rule to allow the use of either manual or continuous sampling technologies. Given that the Agency recognizes the utility and efficiency of focussing its efforts on O_3 events, section 4.4 sampling requirements have been amended in this promulgation to allow the sampling for such events and as an option make the use of manual methods more feasible. A discussion of those changes follow under section 4.4. EPA has included a stipulation in section 4.3 that intermittent sampling must follow the previously-established national schedule for intermittent sampling such as the one-in-six-day schedule used for particulate matter.

17. Public Comments—Section 4.4 of Appendix D—Minimum Network Requirements

Twenty-four commenters responded to this section of the proposed rule concerning the details of PAMS network sampling and design. Eleven of those respondents specifically indicated their concern that the proposed requirements for VOC sampling were excessive and the rule should be amended to allow less intensive sampling. Many suggested that such a less-intensive sampling program would save funds which could be better allocated for other purposes, upper atmospheric monitoring for example. Several commenters included suggested sampling plans for implementation in lieu of the proposed schedule. Six commenters believed that a better use of limited resources would be to focus VOC monitoring on days when high O_3 levels would be expected or forecast. EPA has examined the proposed optional sampling schedules, considered the economic impact of the schedule, revisited the current state of the monitoring technology and has concluded that it is appropriate to make a number of changes to the minimum sampling schedule for VOC. To respond to the data needs of the Agency and the State and local air pollution control agencies, EPA has decided the following: Sampling schedules for NO, NO_2, NO_x, O_3 and surface meteorological parameters remain unchanged. EPA has determined that the minimum requirements for pollutant sampling will continue to mirror those for gaseous criteria pollutants, (i.e., continuous measurements). The minimum sampling period for precursors is designated as three months, specifically June, July, and August unless a different 3-month period is proposed by the State and approved by EPA. The minimum sampling period for ozone remains for the entire ozone season. The Agency has added an option for VOC monitoring at sites other than PAMS type (2) sites. In lieu of one in 3-day sampling (as stipulated by Frequency A in section 4.4 of appendix D), a State may substitute monitoring before and during O_3 events as specified by section 4.4 of appendix D plus one in 6-day sampling. Since the Agency is not promulgating a preferred event forecasting method, each State choosing this option (identified as sampling Frequency C by section 4.4 of appendix D), must submit an O_3 event forecasting scheme as a part of the PAMS network description as delineated in § 58.41. States or areas

proposing the joint submittal of network descriptions and choosing this option should include a strategy for ensuring a coordinated, network-wide response to O_3 event monitoring. Such a change in focus to event monitoring will also increase the feasibility of utilizing manual sampling methods as requested by several commenters.

Also in response to these concerns and in order to ensure the collection of data sufficient to conduct emission inventory verification and reconciliation exercises, establish source-receptor relationships, corroborate reasonable further progress (RFP) calculations, and produce meaningful precursor trends analyses, the proposed PAMS type (3) site has been changed to an additional PAMS type (2) site. To respond to other photochemical modeling concerns, the proposed PAMS type (5) site has been moved downwind of the new type (3) site and renumbered PAMS type (4). Responding to observations by six commenters that sampling schedules should be standardized to promote data comparability among parameters, carbonyl sampling requirements have been amended to more closely coincide with the required frequencies for VOC.

Eleven respondents suggested alternative locations or numbers of PAMS sampling stations. There was considerable variation among the suggested options, with several commenting that more sites were needed, others noting that specific local terrain and meteorological effects require different station placement. Five respondents in particular recommended that the collected data should be more responsive to the needs of the photochemical grid modeling process. EPA has closely surveyed the specific data needs engendered by the program objectives, especially the necessity to provide a measure of support for photochemical grid modeling, and has concluded that further clarification on the location of the PAMS sites is requisite. Accordingly, EPA has provided detail regarding the use of particular high O_3 day wind data, rather than general seasonally-predominant winds, for the location of potential PAMS monitoring sites. Further the Agency has provided guidance in reference 19 of appendix D to aid in specifying the location of sites, particularly sites type (2), when there are no predominant high O_3 day winds which can be accurately identified. Also, the Agency has relocated the upwind and downwind sites to correspond more appropriately to the data needs for photochemical grid models and has added guidance on the location of monitors, especially site types (3) or (4), in areas of complex terrain, e.g., mountain-valley, coastal, etc., to reference 19.

One commenter inquired why there is no requirement for a site in the area of greatest O_3 concentration given that the rule's objectives include making attainment/nonattainment decisions and characterizing the nature and extent of the O_3 problem. EPA notes that the siting requirements for PAMS type (3) sites and its monitoring objectives as articulated in section 4.2 and section 4.4 of appendix D clearly require its location to be the maximum O_3 monitoring site for the area.

Several respondents suggested that the requirement for each PAMS site to monitor all parameters was not necessary, i.e., that some PAMS sites should be allowed to operate with monitoring conducted for only some of the specified pollutants. EPA has revisited its PAMS data objectives and has determined this monitoring requirement should remain unchanged. Elimination of parameters at individual sites would weaken an otherwise comprehensive database and decrease its utility for fulfillment of the PAMS data objectives and future undiscovered data needs.

One commenter, while recommending alternate monitoring technologies for the PAMS, stated that in lieu of monitoring 1-hour averages for VOC monitoring, the sampling of 10-minute average for VOC equivalents or surrogates should be allowed. The technology recommended by this commenter is currently being scrutinized by the AREAL laboratory to determine its utility in the SIP process as noted in the discussion of § 58.43. EPA has otherwise determined that VOC monitoring at increments of 10 minutes is not practical at this time.

Several other commenters suggested the use of 24-hour and/or continuous NMOC monitoring (with periodic speciation) as an adjunct to or even as a replacement for the PAMS speciated VOC monitoring. They assert that the technology for NMOC monitoring is proven and that the subsequent data are sufficient for the development and tracking of control strategies. EPA has considered these arguments and has determined that although some of the PAMS objectives may be fulfilled via total NMOC data, the remainder require the gathering of speciated VOC measurements. The Agency has therefore not adopted the use of NMOC instead of speciated VOC as a national requirement as discussed previously under the public comments to § 58.20. The PAMS requirements, however, do not preclude the collection of additional NMOC data as an adjunct or for the submittal of alternative networks which propose elements of NMOC monitoring.

Two commenters questioned the utility of gathering a 24-hour integrated and speciated VOC sample to supplement the 1-hour speciated VOC samples. EPA notes that given the variations inherent in continuous/1-hour VOC measurement technology, the addition of a periodic 24-hour sample for purposes of quality assurance is a prudent and necessary reality check. Additionally, the year-round 24-hour periodic sample will provide information on emissions inventories, RFP, and long-term VOC trends and data for exposure assessments.

One State commenter felt that the guidance for regional network design, provided by figure 2 of appendix D, is too generic. This respondent suggests specifically that EPA should develop the PAMS monitoring network description for the Northeast O_3 Transport Region. EPA recognizes the unique nature of the O_3 problem occurring in the northeastern United States. Further, the Agency agrees with the principle that a strong federal contribution to the development of a region-wide monitoring network is critical to develop the needed consistency, cohesiveness, and comparability of the PAMS in the Northeast. Accordingly, the Agency has offered and is supplying both technical and financial assistance to coordinated region-wide State and local efforts. EPA does not agree, however, that the Agency should, by rule, usurp the State Implementation Plan process established by section 110 of the Clean Air Act, nor shortcut the requirements for the submittal of a network description for PAMS. Failure of a State to comply with the requirements for submittal of a SIP could, however, ultimately require EPA to promulgate and implement a Federal Implementation Plan for that State pursuant to section 110.

Several agencies submitted a PAMS monitoring plan which was fundamentally different from the proposed rule and requested that EPA substitute those requirements as the national requirements for PAMS monitoring. EPA observes that these agencies, being proximate to one another, would benefit greatly by submitting and implementing similar monitoring strategies. In this respect, EPA applauds those agencies' efforts toward consistency across a geographical region. On the contrary, however, for the same reasons that the requirements are specifically tailored to the characteristics of that particular

region, the Agency does not believe that it would suffice as a national minimum program.

18. Public Comments—Section 4.5 of Appendix D—Transition Period

Six commenters responded to this section, with varying points of view, although most were discussed as part of the debate outlined in § 58.44. Additionally, however, two commenters suggested that the early years of the program requirements should not be overly prescriptive and that areas be allowed to build up their programs over time, intimating that technology changes and resource needs could be phased in along with the monitoring program. In response, EPA has incorporated additional transition period flexibility as iterated in the discussion of § 58.44.

19. Public Comments—Section 4.6 of Appendix D—Meteorological Monitoring

Sixteen commenters provided observations regarding the meteorological monitoring requirements proposed by section 4.6 of appendix D and further stipulated by reference 2 of appendix C. Eleven of these respondents indicated support for the collection of upper air meteorological data in each area, especially if high quality upper air data are not currently available. Several supported this suggestion with notations that the photochemical grid models demand such data. One commenter, although recognizing the need for upper air monitoring, advised caution and deferral of such requirements due to the current state of atmospheric sounding technology. EPA has investigated the merits and projected costs of upper air meteorological monitoring and has concluded that the benefits of incorporating a requirement for upper air measurements are substantial. In response, therefore, the Agency has amended section 4.6 to reflect these requirements and has further indicated its predisposition to allow adequate time for securing data from this network. EPA also believes that States should take advantage of existing upper air monitoring programs and where possible, substitute these data for the PAMS requirements. EPA will provide guidance for the collection of these data.

Several respondents provided specific recommendations concerning the particular meteorological parameters which should be monitored and those for which they believed monitoring should be limited. EPA notes that with the exception of dew point measurements, the recommendations for particular parameters are incorporated into reference 2 of appendix C. Concerning dew point, one commenter stated that their meteorological staff find dew point temperature measurements to be much more useful than relative humidity to the study and forecasting of O_3 episodes. The measurement technique for dewpoint is straightforward; States are encouraged to include such measurements at PAMS, if they find them useful. The Agency has not required the measurement of this parameter since it may not be essential for all locations and may be derived from temperature and relative humidity measurements. As observed by one commenter, barometric pressure generally does not vary widely within a large area, except in areas with complex terrain features. EPA therefore indicates its predisposition to allow approved network designs which offer limited measurements of barometric pressure (or other parameters) if the State can demonstrate that the area's topography is not conducive to significant pressure (or other) variations.

One respondent indicated that the rule should allow measurements at a minimum height, or a range, above ground rather than specify 10 meters. For consistency, EPA has retained the 10-meter requirement. The Agency has determined that the lack of flexibility in this requirement should not constitute any hardship inasmuch as measurements at 10 meters are traditional as well as practical. States may institute additional monitoring at other heights, at their own volition.

In the preamble to the March 4, 1992 proposal, EPA recognized the potential difficulty in siting a 10-meter meteorological monitoring tower at a particular PAMS site. The Agency therefore requested comments on criteria to determine how such data collected at a nearby site could be used to represent the meteorology at a PAMS site where the tower and air monitoring equipment could not be collocated. One respondent agreed with the premise that nearby data (such as collected at airports or National Weather Service stations) should be accepted, but provided no suggestions for criteria to judge the representativeness of those data. EPA has consequently decided to consider requests to use nearby existing meteorological data, both surface and upper air, on a case-by-case basis.

20. Public Comments—Appendix E—Probe Siting Criteria for Ambient Air Quality Monitoring

Four respondents provided specific comments regarding the placement of the probe and siting criteria for PAMS. One was particularly concerned over the description for the PAMS site to be located downwind in the second-most prevalent wind direction noting that the probe siting criteria were based on the primary wind direction. EPA recognizes this deficiency, and notes that the rules have been amended to eliminate this PAMS type (5) site. Additional language has been added to sections 10.2 and 12 of appendix E to correct this anomaly for the other sites.

One commenter, based on experience, recommends that VOC samplers should be located further from sources than criteria pollutant monitors if they are to measure area-emitted and regionally-transported VOC. EPA notes that the minimum network detailed in section 4 of appendix D, stipulates 3 site types which are located to adequately measure incoming transported emissions [type (1)], maximum O_3 measurements [type (3)], and downwind outgoing conditions [type (4)], all sited as urban scale monitors.

Two agencies recommend the use of a vertical manifold for the measurement of ambient O_3 precursor data rather than a horizontal manifold. They further recommend that a heated line from the manifold to the GC be employed to ensure the transmission of heavy hydrocarbons through the line. EPA notes no compelling reason to specify the orientation of the sampling manifold. The requirements published in the technical assistance document (Reference 2 of Appendix C) do not preclude the use of a vertical sampling manifold. Likewise, the Agency has not specified nor prohibited the heating of the manifold which may be necessary in high humidity areas.

One commenter believes that the specifications for separation distance between PAMS and roadways, trees and obstacles appear to be lenient and should be more stringent. EPA believes that the specifications are adequate based on current best judgement. As more information becomes available, the Agency will revisit this issue.

D. Public Comments Concerning Impact on Small Entities

The U.S. Small Business Administration (SBA) requested further detail regarding the impact of these regulations on small entities which are defined to include small businesses, small organizations, and small governmental jurisdictions (5 U.S.C. 601 et seq.). Since EPA is utilizing the State Implementation Plan process as outlined in section 110 of the Clean Air Act, the provisions of these regulations promulgated today, apply directly only to State Governments, and particularly,

to the State air pollution control agencies having jurisdiction over O_3 nonattainment areas classified as severe, serious, or extreme. EPA therefore has concluded that no small entities would be affected by the proposal. At the request of the SBA's Chief Counsel for Advocacy, this certification has been clarified. Therefore, pursuant to 5 U.S.C. 605(b), the Administrator certifies that these amendments would not have a significant economic impact on a substantial number of small entities.

Classification

Since this revision is classified as minor, no additional reviews are required. The rules were submitted to the Office of Management and Budget (OMB) for review (under Executive Order 12291). This is not a major rule under E.O. 12291 because it does not meet any of the criteria defined in the Executive Order.

List of Subjects in 40 CFR Part 58

Air pollution control, air quality surveillance and data reporting, ambient air quality monitoring network design and siting, intergovernmental relations, pollutant standard index, quality assurance program.

Effective Date of Regulation

These revisions to 40 CFR Part 58 incorporate a flexible, reasonable, transition schedule for efficient phase-in of the rules in lieu of a waiting period for a rule effective date. This schedule accounts for the anticipated delays encountered by States in hiring qualified personnel, obtaining equipment, and providing training. Given that States will need to begin as soon as possible to prepare for O_3 season sampling, a 30-day waiting period is not appropriate and an effective date of immediately upon promulgation is deemed necessary. This explanation is provided pursuant to the requirements of 5 U.S.C. 553.

Dated: January 19, 1993.

William K. Reilly,

Administrator.

For the reasons set forth in the preamble, part 58 of chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 58—AMBIENT AIR QUALITY SURVEILLANCE

1. The authority citation for part 58 is revised to read as follows:

Authority: 42 U.S.C. 7410, 7601(a), 7613, and 7619.

2. Section 58.1 is amended by revising paragraph (f) and by adding paragraphs (w), (x), and (y) to read as follows:

§ 58.1 Definitions.

* * * * *

(f) *NO_2* means nitrogen dioxide. *NO* means nitrogen oxide. *NO_X* means oxides of nitrogen and is defined as the sum of the concentrations of NO_2 and NO.

* * * * *

(w) *PAMS* means Photochemical Assessment Monitoring Stations.

(x) *VOC* means volatile organic compounds.

(y) *Meteorological measurements* means measurements of wind speed, wind direction, barometric pressure, temperature, relative humidity, and solar radiation.

3. Section 58.2 is amended by redesignating paragraph (d) as paragraph (e) and by adding a new paragraph (d) to read as follows:

§ 58.2 Purpose.

* * * * *

(d) This section also acts to establish a Photochemical Assessment Monitoring Stations (PAMS) network as a subset of the State's SLAMS network for the purpose of enhanced monitoring in O_3 nonattainment areas listed as serious, severe, or extreme. The PAMS network will be subject to the data reporting and monitoring methodology requirements as contained in subpart E of this part.

* * * * *

4. Section 58.13 is amended by revising paragraph (b), redesignating paragraph (c) as paragraph (d), and adding a new paragraph (c) to read as follows:

§ 58.13 Operating schedule.

* * * * *

(b) For manual methods (excluding PM10 samplers and PAMS VOC samplers), at least one 24-hour sample must be obtained every sixth day except during periods or seasons exempted by the Regional Administrator.

(c) For PAMS VOC samplers, samples must be obtained as specified in sections 4.3 and 4.4 of appendix D to this part. Area-specific PAMS operating schedules must be included as part of the network description required by § 58.40 and must be approved by the Administrator.

* * * * *

5. Section 58.20 is amended by revising paragraphs (a) and (c) and adding paragraph (f) to read as follows:

§ 58.20 Air quality surveillance: Plan content.

* * * * *

(a) Provide for the establishment of an air quality surveillance system that consists of a network of monitoring stations designated as State and Local Air Monitoring Stations (SLAMS) which measure ambient concentrations of those pollutants for which standards have been established in part 50 of this chapter. SLAMS (including NAMS) designated as PAMS will also obtain ambient concentrations of speciated VOC and NO_X, and meteorological measurements. PAMS may therefore be located at existing SLAMS or NAMS sites when appropriate.

* * * * *

(c) Provide for the operation of at least one SLAMS per criteria pollutant except Pb during any stage of an air pollution episode as defined in the plan.

* * * * *

(f) Within 9 months after;

(1) February 12, 1993; or

(2) Date of redesignation or reclassification of any existing O_3 nonattainment area to serious, severe, or extreme; or

(3) The designation of a new area and classification to serious, severe, or extreme, affected States shall adopt and submit a plan revision to the Administrator.

The plan revision will provide for the establishment and maintenance of PAMS. Each PAMS site will provide for the monitoring of ambient concentrations of criteria pollutants (O_3, NO_2), and non-criteria pollutants (NO_X, NO, and speciated VOC) as stipulated in section 4.2 of appendix D, and meteorological measurements. The PAMS network is part of the SLAMS network, and the plan provisions in paragraphs (a) through (f) of this section will apply to the revision. Since NAMS sites are also part of the SLAMS network, some PAMS sites may be coincident with NAMS sites and may be designated as both PAMS and NAMS.

Subparts E and F—[Redesignated as Subparts F and G]

6. Subparts E (§ 58.40) and F (§§ 58.50 and 58.51) are redesignated as subparts F (§ 58.50) and G (§§ 58.60 and 58.61), respectively. Subpart E is added to read as follows:

Subpart E—Photochemical Assessment Monitoring Stations (PAMS)

Sec.

58.40 PAMS network establishment.
58.41 PAMS network description.
58.42 PAMS approval.
58.43 PAMS methodology

VOL
58
ISS
28
FE
12
1993
UMI

Sec.
58.44 PAMS network completion.
58.45 PAMS data submittal.
58.46 System modification.

Subpart E—Photochemical Assessment Monitoring Stations (PAMS)

§ 58.40 PAMS network establishment.

(a) In addition to the plan revision, the State shall submit a photochemical assessment monitoring network description including a schedule for implementation to the Administrator within 6 months after:

(1) February 12, 1993; or

(2) Date of redesignation or reclassification of any existing O_3 nonattainment area to serious, severe, or extreme; or

(3) The designation of a new area and classification to serious, severe, or extreme O_3 nonattainment.

The network description will apply to all serious, severe, and extreme O_3 nonattainment areas within the State. Some O_3 nonattainment areas may extend beyond State or Regional boundaries. In instances where PAMS network design criteria as defined in appendix D to this part require monitoring stations located in different States and/or Regions, the network description and implementation schedule should be submitted jointly by the States involved. When appropriate, such cooperation and joint network design submittals are preferred. Network descriptions shall be submitted through the appropriate Regional Office(s). Alternative networks, including different monitoring schedules, periods, or methods, may be submitted, but they must include a demonstration that they satisfy the monitoring data uses and fulfill the PAMS monitoring objectives described in sections 4.1 and 4.2 of appendix D to this part.

(b) For purposes of plan development and approval, the stations established or designated as PAMS must be stations from the SLAMS network or become part of the SLAMS network required by § 58.20.

(c) The requirements of appendix D to this part applicable to PAMS must be met when designing the PAMS network.

§ 58.41 PAMS network description.

The PAMS network description required by § 58.40 must contain the following:

(a) Identification of the monitoring area represented.

(b) The AIRS site identification form for existing stations.

(c) The proposed location for scheduled stations.

(d) Identification of the site type and location within the PAMS network design for each station as defined in appendix D to this part except that during any year, a State may choose to submit detailed information for the site scheduled to begin operation during that year's PAMS monitoring season, and defer submittal of detailed information on the remaining sites until succeeding years. Such deferred network design phases should be submitted to EPA for approval no later than January 1 of the first year of scheduled operation. As a minimum, general information on each deferred site should be submitted each year until final approval of the complete network is obtained from the Administrator.

(e) The sampling and analysis method for each of the measurements.

(f) The operating schedule for each of the measurements.

(g) An O_3 event forecasting scheme, if appropriate.

(h) A schedule for implementation. This schedule should include the following:

(1) A timetable for locating and submitting the AIRS site identification form for each scheduled PAMS that is not located at the time of submittal of the network description;

(2) A timetable for phasing-in operation of the required number and type of sites as defined in appendix D to this part; and

(3) A schedule for implementing the quality assurance procedures of appendix A to this part for each PAMS.

§ 58.42 PAMS approval.

The PAMS network required by § 58.40 is subject to the approval of the Administrator. Such approval will be contingent upon completion of each phase of the network description as outlined in § 58.41 and upon conformance to the PAMS network design criteria contained in appendix D to this part.

§ 58.43 PAMS methodology.

PAMS monitors must meet the monitoring methodology requirements of appendix C to this part applicable to PAMS.

§ 58.44 PAMS network completion.

(a) The complete, operational PAMS network will be phased in as described in appendix D to this part over a period of 5 years after;

(1) February 12, 1993; or

(2) Date of redesignation or reclassification of any existing O_3 nonattainment area to serious, severe, or extreme; or

(3) The designation of a new area and classification to serious, severe, or extreme O_3 nonattainment.

(b) The quality assurance criteria of appendix A to this part must be implemented for all PAMS.

§ 58.45 PAMS data submittal.

(a) The requirements of this section apply only to those stations designated as PAMS by the network description required by § 58.40.

(b) All data shall be submitted to the Administrator in accordance with the format, reporting periods, reporting deadlines, and other requirements as specified for NAMS in § 58.35.

(c) The State shall report NO and NO_x data consistent with the requirements of § 58.35 for criteria pollutants.

(d) The State shall report VOC data and meteorological data within 6 months following the end of each quarterly reporting period.

§ 58.46 System modification.

(a) Any proposed changes to the PAMS network description will be evaluated during the annual SLAMS Network Review specified in § 58.20. Changes proposed by the State must be approved by the Administrator. The State will be allowed 1 year (until the next annual evaluation) to implement the appropriate changes to the PAMS network.

(b) PAMS network requirements are mandatory only for serious, severe, and extreme O_3 nonattainment areas. When any such area is redesignated to attainment, the State may revise its PAMS monitoring program subject to approval by the Administrator.

7. Two new sentences are added before the last sentence in the first paragraph of section 2.2 of appendix A to read as follows:

Appendix A to Part 58—Quality Assurance Requirements for State and Local Air Monitoring Stations (SLAMS)

* * * * *

2.2 * * * Quality assurance guidance for meteorological systems at PAMS is contained in reference 3. Quality assurance procedures for VOC, NO_x (including NO and NO_2), O_3, and carbonyl measurements at PAMS must be consistent with EPA guidance. * * *

* * * * *

8. In the *References* section of appendix A redesignate references 5, 6, and 7 as references 6, 7, and 8, respectively, and a new reference 5 is added to read as follows:

References

* * * * *

5. Technical Assistance Document for Sampling and Analysis of Ozone Precursors.

Atmospheric Research and Exposure Assessment Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. EPA 600/8–91–215. October 1991.

* * * * *

9. Sections 4.0, 5.0 and 5.1 of appendix C are redesignated as sections 5.0, 6.0, and 6.1, respectively (reference 5.1 will become reference 6.1 of section 6.0), sections 4.0, 4.2, and 4.3 are added, and newly redesignated section 6.0 is revised to read as follows:

Appendix C—Ambient Air Quality Methodology

* * * * *

4.0 Photochemical Assessment Monitoring Stations (PAMS)

4.1 Methods used for O_3 monitoring at PAMS must be automated reference or equivalent methods as defined in § 50.1 of this chapter.

4.2 Methods used for NO, NO_2 and NO_x monitoring at PAMS should be automated reference or equivalent methods as defined for NO_2 in § 50.1 of this chapter. If alternative NO, NO_2 or NO_x monitoring methodologies are proposed, such techniques must be detailed in the network description required by § 58.40 and subsequently approved by the Administrator.

4.3 Methods for meteorological measurements and speciated VOC monitoring are included in the guidance provided in references 2 and 3. If alternative VOC monitoring methodology (including the use of new or innovative technologies), which is not included in the guidance, is proposed, it must be detailed in the network description required by § 58.40 and subsequently approved by the Administrator.

* * * * *

6.0 References

* * * * *

1. Pelton, D. J. Guideline for Particulate Episode Monitoring Methods, GEOMET Technologies, Inc., Rockville, MD. Prepared for U.S. Environmental Protection Agency, Research Triangle Park, NC. EPA Contract No. 68–02–3584. EPA 450/4–83–005. February 1983.

2. Technical Assistance Document For Sampling and Analysis of Ozone Precursors. Atmospheric Research and Exposure Assessment Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. EPA 600/8–91–215. October 1991.

3. Quality Assurance Handbook for Air Pollution Measurement Systems: Volume IV. Meteorological Measurements. Atmospheric Research and Exposure Assessment Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. EPA 600/4–90–0003. August 1989.

10. The heading of appendix D is revised to read as follows:

Appendix D—Network Design for State and Local Air Monitoring Stations (SLAMS), National Air Monitoring Stations (NAMS), and Photochemical Assessment Monitoring Stations (PAMS)

11. The second sentence of the first paragraph of section 1 of appendix D is revised to read as follows:

1. * * * It also describes criteria for determining the number and location of National Air Monitoring Stations (NAMS) and Photochemical Assessment Monitoring Stations (PAMS). These criteria will also be used by EPA in evaluating the adequacy of the SLAMS/NAMS/PAMS networks. * * *

* * * * *

Sections 4 and 5 of Appendix D [Redesignated as Sections 5 and 6]

12. Section 4 and section 5 of appendix D are redesignated as section 5 and section 6, respectively, and a new section 4 is added to read as follows:

* * * * *

4. Network Design for Photochemical Assessment Monitoring Stations (PAMS)

In order to obtain more comprehensive and representative data on O_3 air pollution, the 1990 Clean Air Act Amendments require enhanced monitoring for ozone (O_3), oxides of nitrogen (NO, NO_2, and NO_x), and monitoring for VOC in O_3 nonattainment areas classified as serious, severe, or extreme. This will be accomplished through the establishment of a network of Photochemical Assessment Monitoring Stations (PAMS).

4.1 *PAMS Data Uses.* Data from the PAMS are intended to satisfy several coincident needs related to attainment of the National Ambient Air Quality Standards (NAAQS), SIP control strategy development and evaluation, corroboration of emissions tracking, preparation of trends appraisals, and exposure assessment.

(a) *NAAQS attainment and control strategy development.* Like SLAMS and NAMS data, PAMS data will be used for monitoring O_3 exceedances and providing input for attainment/nonattainment decisions. In addition, PAMS data will help resolve the roles of transported and locally emitted O_3 precursors in producing an observed exceedance and may be utilized to identify specific sources emitting excessive concentrations of O_3 precursors and potentially contributing to observed exceedances of the O_3 NAAQS. The PAMS data will enhance the characterization of O_3 concentrations and provide critical information on the precursors which cause O_3, therefore extending the database available for future attainment demonstrations. These demonstrations will be based on photochemical grid modeling and other approved analytical methods and will provide a basis for prospective mid-course control strategy corrections. PAMS data will provide information concerning (1) which areas and episodes to model to develop appropriate control strategies; (2) boundary conditions required by the models to produce quantifiable estimates of needed emissions reductions; and (3) the evaluation of the predictive capability of the models used.

(b) *SIP control strategy evaluation.* The PAMS will provide data for SIP control strategy evaluation. Long-term PAMS data will be used to evaluate the effectiveness of these control strategies. Data may be used to evaluate the impact of VOC and NO_x emission reductions on air quality levels for O_3 if data is reviewed following the time period during which control measures were implemented. Speciation of measured VOC data will allow determination of which organic species are most affected by the emissions reductions and assist in developing cost-effective, selective VOC reductions and control strategies. A State or local air pollution control agency can therefore ensure that strategies which are implemented in their particular nonattainment area are those which are best suited for that area and achieve the most effective emissions reductions (and therefore largest impact) at the least cost.

(c) *Emissions tracking.* PAMS data will be used to corroborate the quality of VOC and NO_x emission inventories. Although a perfect mathematical relationship between emission inventories and ambient measurements does not yet exist, a qualitative assessment of the relative contributions of various compounds to the ambient air can be roughly compared to current emission inventory estimates to evaluate the accuracy of the emission inventories. In addition, PAMS data which are gathered year round will allow tracking of VOC and NO_x emission reductions, provide additional information necessary to support Reasonable Further Progress (RFP) calculations, and corroborate emissions trends analyses. While the regulatory assessments of progress will be made in terms of emission inventory estimates, the ambient data can provide independent trends analyses and corroboration of these assessments which either verify or highlight possible errors in emissions trends indicated by inventories. The ambient assessments, using speciated data, can gauge the accuracy of estimated changes in emissions. The speciated data can also be used to assess the quality of the VOC speciated and NO_x emission inventories for input during photochemical grid modeling exercises and identify potential urban air toxic pollutant problems which deserve closer scrutiny.

The speciated VOC data will be used to determine changes in the species profile, resulting from the emission control program, particularly those resulting from the reformulation of fuels.

(d) *Trends.* Long-term PAMS data will be used to establish speciated VOC, NO_x, and limited toxic air pollutant trends, and supplement the O_3 trends database. Multiple statistical indicators will be tracked, including O_3 and its precursors during the events encompassing the days during each year with the highest O_3 concentrations, the seasonal means for these pollutants, and the annual means at representative locations.

The more PAMS that are established in and near nonattainment areas, the more effective the trends data will become. As the spatial

distribution and number of O_3 and O_3 precursor monitors improves, trends analyses will be less influenced by instrument or site location anomalies. The requirement that surface meteorological monitoring be established at each PAMS will help maximize the utility of these trends analyses by comparisons with meteorological trends, and transport influences. The meteorological data can also help interpret the ambient air pollution trends by taking meteorological factors into account.

(e) *Exposure assessment.* PAMS data will be used to better characterize O_3 and toxic air pollutant exposure to populations living in serious, severe, or extreme areas. Annual mean toxic air pollutant concentrations will be calculated to help estimate the average risk to the population associated with individual VOC species, which are considered toxic, in urban environments.

4.2 *PAMS Monitoring Objectives.* Unlike the SLAMS and NAMS design criteria which are pollutant specific, PAMS design criteria are site specific. Concurrent measurements of O_3, NO_X, speciated VOC, and meteorology are obtained at PAMS. Design criteria for the PAMS network are based on selection of an array of site locations relative to O_3 precursor source areas and predominant wind directions associated with high O_3 events. Specific monitoring objectives are associated with each location. The overall design should enable characterization of precursor emission sources within the area, transport of O_3 and its precursors into and out of the area, and the photochemical processes related to O_3 nonattainment, as well as developing an initial, though limited, urban air toxic pollutant database. Specific objectives that must be addressed include assessing ambient trends in O_3, NO, NO_2, NO_X, VOC (including carbonyls), and VOC species, determining spatial and diurnal variability of O_3, NO, NO_2, NO_X, and VOC species and assessing changes in the VOC species profiles that occur over time, particularly those occurring due to the reformulation of fuels. A maximum of five PAMS sites are required in an affected nonattainment area depending on the population of the Metropolitan Statistical Area/Consolidated Metropolitan Statistical Area (MSA/CMSA) or nonattainment area, whichever is larger. Specific monitoring objectives associated with each of these sites result in four distinct site types. Note that detailed guidance for the locating of these sites may be found in reference 19.

Type (1) sites are established to characterize upwind background and transported O_3 and its precursor concentrations entering the area and will identify those areas which are subjected to overwhelming transport. Type (1) sites are located in the predominant morning upwind direction from the local area of maximum precursor emissions during the O_3 season and at a distance sufficient to obtain urban scale measurements as defined in section 1 of this appendix. Typically, type (1) sites will be located near the edge of the photochemical grid model domain in the predominant morning upwind direction from the city limits or fringe of the urbanized area. Depending on the boundaries and size of the nonattainment area and the orientation of the grid, this site may be located outside of the nonattainment area. The appropriate predominant morning wind direction should be determined from historical wind data occurring during the period 7 a.m. to 10 a.m. on high O_3 days or on those days which exhibit the potential for producing high O_3 levels, i.e., O_3-conducive days as described in reference 25. Alternate schemes for specifying this morning wind direction may be submitted as a part of the network description required by §§ 58.40 and 58.41. Data measured at type (1) sites will be used principally for the following purposes:

- Future development and evaluation of control strategies,
- Identification of incoming pollutants,
- Corroboration of NO_X and VOC emission inventories,
- Establishment of boundary conditions for future photochemical grid modeling and mid-course control strategy changes, and
- Development of incoming pollutant trends.

Type (2) sites are established to monitor the magnitude and type of precursor emissions in the area where maximum precursor emissions are expected to impact and are suited for the monitoring of urban air toxic pollutants. Type (2) sites are located immediately downwind of the area of maximum precursor emissions and are typically placed near the downwind boundary of the central business district to obtain neighborhood scale measurements. The appropriate downwind direction should be obtained similarly to that for type (1) sites. Additionally, a second type (2) site may be required depending on the size of the area, and should be placed in the second-most predominant morning wind direction as noted previously. Data measured at type (2) sites will be used principally for the following purposes:

- Development and evaluation of imminent and future control strategies,
- Corroboration of NO_X and VOC emission inventories,
- Augmentation of RFP tracking,
- Verification of photochemical grid model performance,
- Characterization of O_3 and toxic air pollutant exposures (appropriate site for measuring toxic emissions impact),
- Development of pollutant trends, particularly toxic air pollutants and annual ambient speciated VOC trends to compare with trends in annual VOC emission estimates, and
- Determination of attainment with the NAAQS for NO_2 and O_3.

Type (3) sites are intended to monitor maximum O_3 concentrations occurring downwind from the area of maximum precursor emissions. Locations for type (3) sites should be chosen so that urban scale measurements are obtained. Typically, type (3) sites will be located 10 to 30 miles downwind from the fringe of the urban area. The downwind direction should also be determined from historical wind data, but should be identified as those afternoon winds occurring during the period 1 p.m. to 4 p.m. on high O_3 days or on those days which exhibit the potential for producing high O_3 levels. Alternate schemes for specifying this afternoon wind direction may also be submitted as a part of the network description required by §§ 58.40 and 58.41. Data measured at type (3) sites will be used principally for the following purposes:

- Determination of attainment with the NAAQS for O_3 (this site may coincide with an existing maximum concentration O_3 monitoring site),
- Evaluation of future photochemical grid modeling applications,
- Future development and evaluation of control strategies,
- Development of pollutant trends, and
- Characterization of O_3 pollutant exposures.

Type (4) sites are established to characterize the extreme downwind transported O_3 and its precursor concentrations exiting the area and will identify those areas which are potentially contributing to overwhelming transport in other areas. Type (4) sites are located in the predominant afternoon downwind direction, as determined for the type (3) site, from the local area of maximum precursor emissions during the O_3 season and at a distance sufficient to obtain urban scale measurements as defined elsewhere in this appendix. Typically, type (4) sites will be located near the downwind edge of the photochemical grid model domain. Alternate schemes for specifying the location of this site may be submitted as a part of the network description required by §§ 58.40 and 58.41. Data measured at type (4) sites will be used principally for the following purposes:

- Development and evaluation of O_3 control strategies,
- Identification of emissions and photochemical products leaving the area,
- Establishment of boundary conditions for photochemical grid modeling,
- Development of pollutant trends,
- Background and upwind information for other downwind areas, and
- Evaluation of photochemical grid model performance.

States choosing to submit an individual network description for each affected nonattainment area, irrespective of its proximity to other affected areas, must fulfill the requirements for isolated areas as described in section 4 of appendix D, as an example, and illustrated by Figure 1. States containing areas which experience significant impact from long-range transport or are proximate to other nonattainment areas (even in other States) should collectively submit a network description which contains alternative sites to those that would be required for an isolated area. Such a submittal should, as a guide, be based on the example provided in Figure 2, but must include a demonstration that the design satisfies the monitoring data uses and fulfills the PAMS monitoring objectives described in sections 4.1 and 4.2 of appendix D. EPA recognizes that specific monitoring sites identified for one area may serve to fulfill the monitoring objectives for a different site in another area; for example, a downwind site for one area may suffice as an upwind site for another. These alternative network designs must also be reviewed and approved by the Administrator.

BILLING CODE 6560-50-P

FIGURE 1 - ISOLATED AREA NETWORK DESIGN

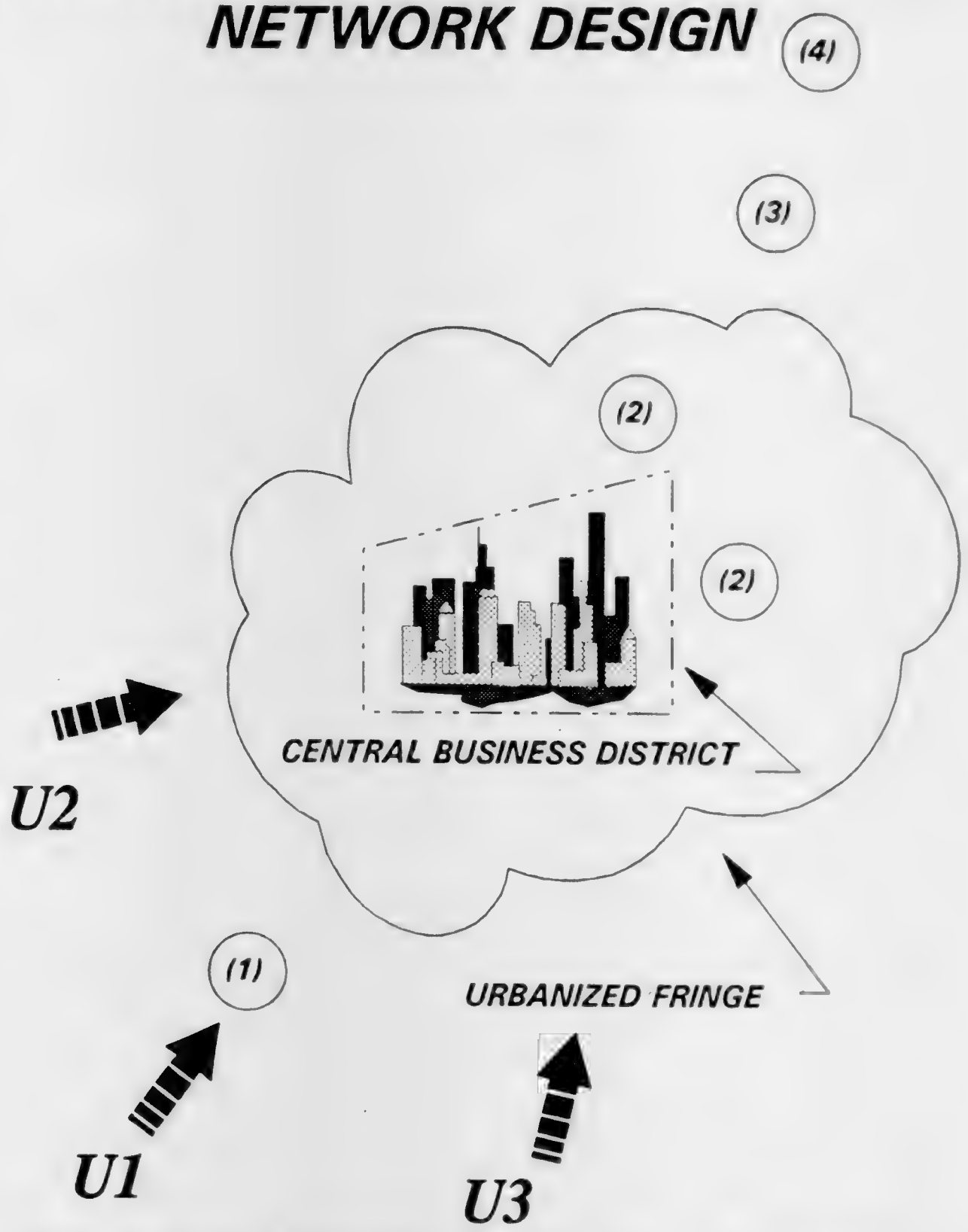

NOTE: U1 AND U2 REPRESENT THE FIRST AND SECOND MOST PREDOMINANT HIGH OZONE DAY MORNING WIND DIRECTION. U3 REPRESENTS THE HIGH OZONE DAY AFTERNOON WIND DIRECTION.

FIGURE 2 - MULTI-AREA AND TRANSPORT AREA NETWORK DESIGN

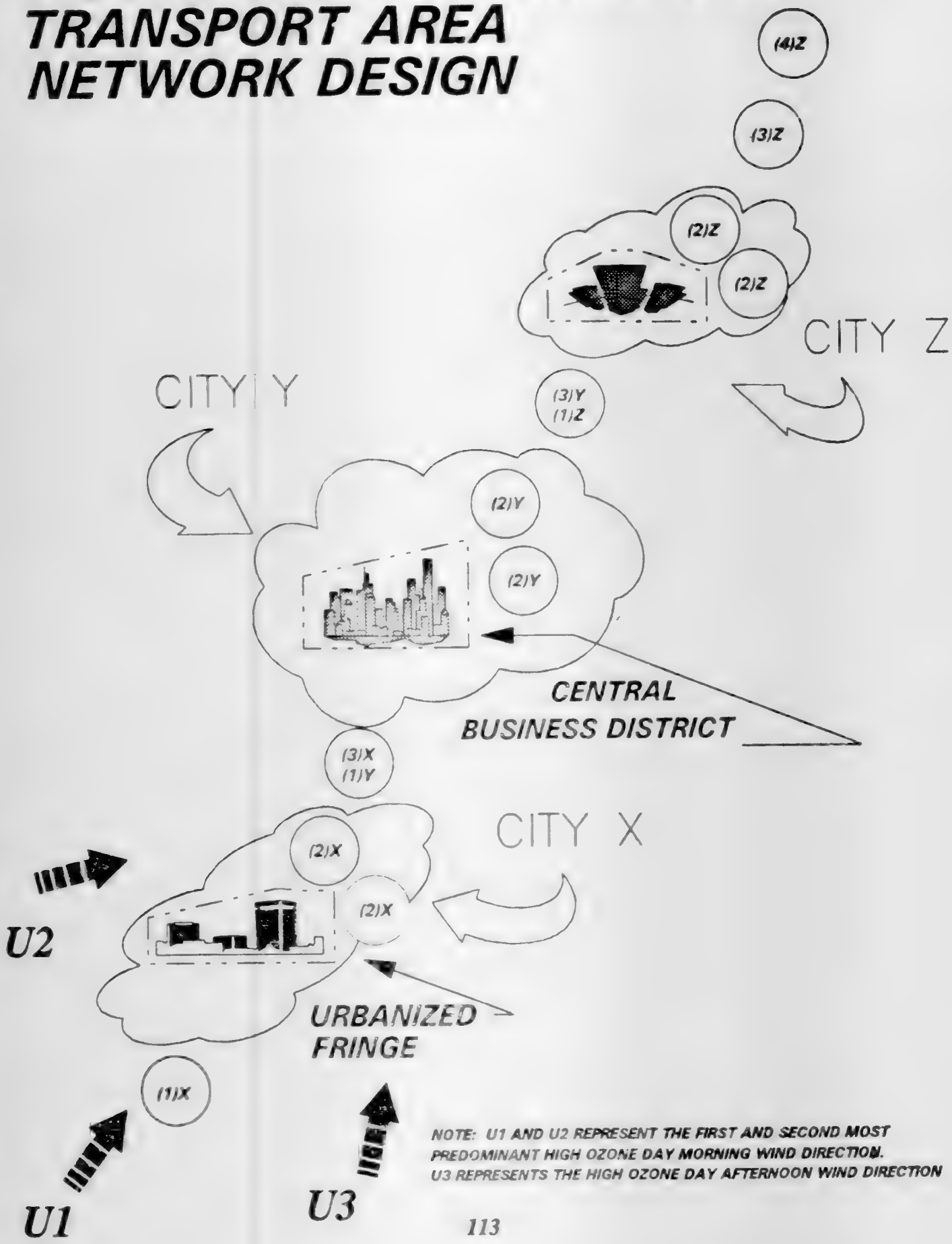

BILLING CODE 6560-50-C

Alternative PAMS network designs should, on a site-by-site basis, provide those data necessary to enhance the attainment/nonattainment database for criteria pollutants and explain the origins of overwhelming O_3 transport. The alternative PAMS data should be usable for the corroboration and verification of O_3 precursor emissions inventories and should comprise a qualitative (if not quantitative) measure of the accuracy of RFP calculations. The data should be sufficient to evaluate the effectiveness of the implemented O_3 control strategies and should provide data necessary to establish photochemical grid modeling boundary conditions and necessary inputs including appropriate meteorological parameters, and provide measurements which can serve as model evaluation tools. Further, utilizing its PAMS database (alternative or not), a State should be able to draw conclusions regarding population exposure and conduct trends analyses for both criteria and non-criteria pollutants. Overall, the PAMS network should serve as one of several complementary means, together with modeling and analysis of other data bases (e.g., inventories) and availability of control technology, etc., for States to justify the modification of existing control programs, design new programs, and evaluate future courses of actions for O_3 control.

4.3 *Monitoring Period.* PAMS precursor monitoring will be conducted annually throughout the months of June, July and August (as a minimum) when peak O_3 values are expected in each area; however, precursor monitoring during the entire O_3 season for the area is preferred. Alternate precursor monitoring periods may be submitted for approval as a part of the PAMS network description required by § 58.40. Changes to the PAMS monitoring period must be identified during the annual SLAMS Network Review specified in § 58.20. PAMS O_3 monitors must adhere to the O_3 monitoring season specified in section 2.5 of appendix D. To ensure a degree of national consistency, monitoring for the 1993 season should commence as follows:

One in 3-day sampling—June 3, 1993.

One in 6-day sampling—June 6, 1993.

These monitoring dates will thereby be coincident with the previously-established, intermittent schedule for particulate matter. States initiating sampling earlier (or later) than June 3, 1993 should adjust their schedules to coincide with this national schedule.

4.4 *Minimum Monitoring Network Requirements.* The minimum required number and type of monitoring sites and sampling requirements are based on the population of the affected MSA/CMSA or nonattainment area (whichever is larger). The MSA/CMSA basis for monitoring network requirements was chosen because it typically is the most representative of the area which encompasses the emissions sources contributing to nonattainment. The MSA/CMSA emissions density can also be effectively and conveniently portrayed by the surrogate of population. Additionally, a network which is adequate to characterize the ambient air of an MSA/CMSA often must extend beyond the boundaries of such an area (especially for O_3 and its precursors); therefore, the use of smaller geographical units (such as counties or nonattainment areas which are smaller than the MSA/CMSA) for monitoring network design purposes is inappropriate. Various sampling requirements are imposed according to the size of the area to accommodate the impact of transport on the smaller MSAs/CMSAs, to account for the spatial variations inherent in large areas, to satisfy the differing data needs of large versus small areas due to the intractability of the O_3 nonattainment problem, and to recognize the potential economic impact of implementation on State and local government. Population figures must reflect the most recent decennial U.S. census population report. Specific guidance on determining network requirements is provided in reference 19. Minimum network requirements are outlined in Table 2.

TABLE 2.—PAMS MINIMUM MONITORING NETWORK REQUIREMENTS [1]

Population of MSA/CMSA or nonattainment area [2]	Required site type [3]	Minimum speciated VOC sampling frequency [4]	Minimum carbonyl sampling frequency [4]
Less than 500,000 ..	(1)	A or C	
	(2)	A or C	D or F [5]
500,000 to 1,000,000.	(1)	A or C	
	(2)	B	E
	(3)	A or C	
1,000,000 to 2,000,000.	(1)	A or C	
	(2)	B	E
	(2)	B	E
	(3)	A or C	
More than 2,000,000	(1)	A or C	
	(2)	B	E
	(2)	B	E
	(3)	A or C	
	(4)	A or C	

[1] O_3 and NO_X (including NO and NO_2) monitoring should be continuous measurements.

[2] Whichever area is larger.

[3] See Figure 1.

[4] Frequency Requirements are as follows: A—Eight 3-hour samples every third day and one additional 24-hour sample every sixth day during the monitoring period; B—Eight 3-hour samples, every day during the monitoring period and one additional 24-hour sample every sixth day year-round; C—Eight 3-hour samples on the 5 peak O_3 days plus each previous day, eight 3-hour samples every sixth day, and one additional 24-hour sample every sixth day, during the monitoring period; D—Eight 3-hour samples every third day during the monitoring period; E—Eight 3-hour samples every day during the monitoring period; F—Eight 3-hour samples on the 5 peak O_3 days plus each previous day and eight 3-hour samples every sixth day during the monitoring period. (NOTE: multiple samples taken on a daily basis must begin at midnight and consist of sequential, non-overlapping sampling periods.)

[5] Carbonyl sampling frequency must match the chosen speciated VOC frequency.

Note that the use of Frequencies C or F requires the submittal of an ozone event forecasting scheme.

For purposes of network implementation and transition, EPA recommends the following priority order for the establishment of sites:

- The type (2) site which provides the most comprehensive data concerning O_3 precursor emissions and toxic air pollutants,
- The type (3) site which provides a maximum O_3 measurement and total conversion of O_3 precursors,
- The type (1) site which delineates the effect of incoming precursor emissions and concentrations of O_3 and provides upwind boundary conditions,
- The type (4) site which provides extreme downwind boundary conditions, and
- The second type (2) site which provides comprehensive data concerning O_3 precursor emissions and toxic air pollutants in the second-most predominant morning wind direction on high O_3 days.

Note also that O_3 event (peak day) monitoring will require the development of a scheme for forecasting such high O_3 days or will necessitate the stipulation of what meteorological conditions constitute a potential high O_3 day; monitoring could then be triggered only via meteorological projections. The O_3 event forecasting and monitoring scheme should be submitted as a part of the network description required by §§ 58.40 and 58.41 and should be reviewed during each annual SLAMS Network Review specified in § 58.20.

4.5 *Transition Period.* A variable period of time is proposed for phasing in the operation of all required PAMS. Within 1 year after (1) February 12, 1993, (2) or date of redesignation or reclassification of any existing O_3 nonattainment area to serious, severe, or extreme, or (3) the designation of a new area and classification to serious, severe, or extreme O_3 nonattainment, a minimum of one type (2) site must be operating. Operation of the remaining sites must, at a minimum, be phased in at the rate of one site per year during subsequent years as outlined in the approved PAMS network description provided by the State.

4.6 *Meteorological Monitoring.* In order to support monitoring objectives associated with the need for various air quality analyses, model inputs and performance evaluations, meteorological monitoring including wind measurements at 10 meters above ground is required at each PAMS site. Monitoring should begin with site establishment. In addition, upper air meteorological monitoring is required for each PAMS area. Upper air monitoring should be initiated as soon as possible, but no later than 2 years after (1) February 12, 1993, (2) or date of redesignation or reclassification of any existing O_3 nonattainment area to serious, severe, or extreme, or (3) the designation of a new area and classification to serious, severe, or extreme O_3 nonattainment. The upper air monitoring site may be located separately from the type (1) through (4) sites, but the location should be representative of the upper air data in the nonattainment area. Upper air meteorological data must be collected during those days specified for monitoring by the sampling frequencies in Table 2, of section 4.4 of this appendix D in accordance with current EPA guidance.

* * * * *

Section 6 of Appendix D [Amended]

13. References 19 through 32 are added to section 6 of appendix D to read as follows:

6. References

* * * * *

19. Enhanced Ozone Monitoring Network Design and Siting Criteria Guideline Document. Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. EPA 450/4–91–033. November 1991.

20. Technical Assistance Document For Sampling and Analysis of Ozone Precursors. Atmospheric Research and Exposure Assessment Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. EPA 600/8–91–215. October 1991.

21. Quality Assurance Handbook for Air Pollution Measurement Systems: Volume IV. Meteorological Measurements. Atmospheric Research and Exposure Assessment Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. EPA 600/4–90–0003. August 1989.

22. Criteria for Assessing the Role of Transported Ozone/Precursors in Ozone Non-attainment Areas. Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. EPA–450/4–91–015. May 1991.

23. Guideline for Regulatory Application of the Urban Airshed Model. Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. EPA–450/4–91–013. July 1991.

24. Ambient Air Monitoring Data Quality Objectives (DQOs) for the Photochemical Assessment Monitoring Stations (PAMS) Program. Guideline Document. Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. Draft Report. July 1992.

25. Shao-Hung Chu, "Using Windrose Data to Site Monitors of Ozone and Its Precursors", Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. Draft Report. June 1992.

26. Lewis, Charles W., and Teri L. Conner, "Source Reconciliation of Ambient Volatile Organic Compounds Measured in the Atlanta 1990 Summer Study: The Mobile Source Component", Atmospheric Research and Exposure Assessment Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. September 1991.

27. Fujita, Eric M., Bart E. Croes, Charles L. Bennett, Douglas R. Lawson, Frederick W. Lurmann, and Hilary H. Main, "Comparison of Emission Inventory and Ambient Concentration Ratios of CO, NMOG, and NO_x in California's South Coast Air Basin", J. Air and Waste Management Association 42:264–276. March 1992.

28. Nelson, P. F., S. M. Quigley and M. Y. Smith, "Sources of Atmospheric Hydrocarbons in Sydney: A quantitative Determination Using a Source Reconciliation Technique", Atmospheric Environment Vol 17, No. 3. 1983.

29. Mayrsohn, H. and J. H. Crabtree, "Source Reconciliation of Atmospheric Hydrocarbons", Atmospheric Environment Vol 10. 1976.

30. Mayrsohn, Henry, James H. Crabtree, Mutsuo Kuramoto, Ray D. Sothern, and Henry Mano, "Source Reconciliation of Atmospheric Hydrocarbons 1974", Atmospheric Environment Vol 11. 1977.

31. Analysis of the Ambient VOC Data Collected in the Southern California Air Quality Study, State of California Air Resources Board—Research Division, 1800 15th Street, Sacramento, CA 95814, Final Report, Contract No. A832–130. February, 1992.

32. Purdue, Larry J., "Summer 1990 Atlanta Ozone Precursor Study", presented at the 84th Annual Meeting and Exhibition of the Air and Waste Management Association, Vancouver, British Columbia, Canada. June 1991.

14. Appendix E is amended by adding a new paragraph after the first paragraph in section 9, redesignating sections 10, 11, and 12 as sections 11, 12, and 13, and adding a new section 10, redesignating Table 5 as Table 6 in newly redesignated section 12, and adding a new Table 5 in new section 10, amending the last sentence in newly redesignated section 11 to add reference to PAMS, and amending newly redesignated section 12 by adding an entry to the bottom of Table 6 for VOC to read as follows:

Appendix E—Probe Siting Criteria for Ambient Air Quality Monitoring

* * * * *

*9. * * **

For VOC monitoring at those SLAMS designated as PAMS, FEP teflon is unacceptable as the probe material because of VOC adsorption and desorption reactions on the FEP teflon. Borosilicate glass, stainless steel, or its equivalent are the acceptable probe materials for VOC and carbonyl sampling. Care must be taken to ensure that the sample residence time is 20 seconds or less.

* * * * *

10. Photochemical Assessment Monitoring Stations (PAMS)

10.1 *Horizontal and Vertical Probe Placement.* The height of the probe inlet must be located 3 to 15 meters above ground level. This range provides a practical compromise for finding suitable sites for the multipollutant PAMS. The probe inlet must also be located more than 1 meter vertically or horizontally away from any supporting structure.

10.2 *Spacing from Obstructions.* The probe must be located away from obstacles and buildings such that the distance between the obstacles and the probe inlet is at least twice the height that the obstacle protrudes above the sampler. There must be unrestricted airflow in an arc of at least 270° around the probe inlet. Additionally, the predominant wind direction for the period of greatest pollutant concentration (as described for each site in section 4.2 of appendix D) must be included in the 270° arc. If the probe is located on the side of the building, 180° clearance is required.

10.3 *Spacing from Roads.* It is important in the probe siting process to minimize destructive interferences from sources of nitrogen oxide (NO) since NO readily reacts with O_3. Table 5 below provides the required minimum separation distances between roadways and PAMS (excluding upper air measuring stations):

TABLE 5.—SEPARATION DISTANCE BETWEEN PAMS AND ROADWAYS

[Edge of Nearest Traffic Lane]

Roadway average daily traffic vehicles per day	Minimum separation distance between roadways and stations in meters[1]
<10,000	>10
15,000	20
20,000	30
40,000	50
70,000	100
>110,000	>250

[1] Distances should be interpolated based on traffic flow.

Type (1), (3) and (4) sites are intended to be regionally representative and should not be unduly influenced by nearby roadways. Similarly, a nearby roadway should not act as a local depressor of O_3 concentrations for type (2) and (3) sites.

10.4 *Spacing from Trees.* Trees can provide surfaces for adsorption and/or reactions to occur and can obstruct normal wind flow patterns. To minimize these effects at PAMS, the probe inlet should be placed at least 20 meters from the drip line of trees. Since the scavenging effect of trees is greater for O_3 than for the other criteria pollutants, strong consideration of this effect must be given in locating the PAMS probe inlet to avoid this problem. Therefore, the samplers must be at least 10 meters from the drip line of trees that are located between the urban city core area and the sampler along the appropriate wind direction.

10.5 *Meteorological Measurements.* The 10-meter meteorological tower at each PAMS site should be located so that measurements can be obtained that are not immediately influenced by surrounding structures and trees. It is important that the meteorological data reflect the origins of, and the conditions within, the air mass containing the pollutants collected at the probe. Specific guidance on siting of meteorological towers is provided in references 31 and 32.

11. Waiver Provisions

* * * * *

For those SLAMS also designated as NAMS or PAMS, the request will be forwarded to the Administrator.

12. Discussion and Summary

* * * * *

TABLE 6.—SUMMARY OF PROBE SITING CRITERIA

Pollutant scale	Height above ground, meters	Distance from supporting structure, meters		Other spacing criteria
		Vertical	Horizontal[a]	
VOC	3–15	>1	>1	1. Should be >20 meters from the dripline and must be 10 meters from the dripline when the tree(s) act as an obstruction. 2. Distance from probe inlet to obstacle must be at least twice the height the obstacle protrudes above the inlet probe. 3. Must have unrestricted air flow in an arc of at least 270° around the probe inlet and the predominant wind direction for the period of greatest pollutant concentration (as described for each site in section 4.2 of appendix D) must be included in the 270° arc. If probe located on the side of a building unrestricted air flow must be 180°. 4. Spacing from roadways (see Table 5).

[a] When probe is located on rooftop, this separation distance is in reference to walls, parapets, or penthouses located on the roof.

* * * * *

Section 13 of Appendix E [Amended]

15. References 31, 32, and 33 are added to section 13 of appendix E to read as follows:

13. References

* * * * *

31. Technical Assistance Document For Sampling and Analysis of Ozone Precursors. Atmospheric Research and Exposure Assessment Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. EPA 600/8–91–215. October 1991.

32. Quality Assurance Handbook for Air Pollution Measurement Systems: Volume IV. Meteorological Measurements. Atmospheric Research and Exposure Assessment Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. EPA 600/4–90–0003. August 1989.

33. On-Site Meteorological Program Guidance for Regulatory Modeling Applications. Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. EPA 450/4–87–013. June 1987.

[FR Doc. 93–3072 Filed 2–11–93; 8:45 am]

BILLING CODE 6560-50-P

VOL
58
ISS
28
FE
12
1993
UMI

federal register

Friday
February 12, 1993

Part III

Department of the Interior

Bureau of Indian Affairs

Indian Gaming; Notice

VOL 58 ISS 28 FE 12 1993 UMI

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved in 1992 Class III Gaming Compact By and Between the Coeur d'Alene Tribe and the State of Idaho, enacted on December 18, 1992.

DATES: This action is effective on February 12, 1993.

FOR FURTHER INFORMATION CONTACT: Hilda Manuel, Interim Staff Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–0994.

Dated: February 5, 1993.

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

[FR Doc. 93–3337 Filed 2–11–93; 8:45 am]

BILLING CODE 4310-02-M

federal register

Friday
February 12, 1993

Part IV

Department of Transportation

Research and Special Programs Administration

Preemption Determination Application; Swimming Pool Chemical Manufacturers Association; Notice

VOL 58 ISS 28 FE 12 1993 UMI

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. PDA–10(R)]

Application by Swimming Pool Chemical Manufacturers Association For a Preemption Determination as to Los Angeles County Regulations for the Transportation of Cryogenic Liquids

AGENCY: Research and Special Programs Administration (RSPA), U.S. Department of Transportation.

ACTION: Public notice and invitation to comment.

SUMMARY: The Swimming Pool Chemical Manufacturers Association (SPCMA) has applied for an administrative determination as to whether the Hazardous Materials Transportation Act (HMTA) and the Hazardous Materials Regulations (HMR) preempt Los Angeles County's regulations for the construction of containers used for transporting cryogenic liquids and the transportation of cryogenic liquids in intrastate and interstate commerce.

DATES: Comments received on or before April 9, 1993, and rebuttal comments received on or before June 4, 1993, will be considered before an administrative ruling is issued by RSPA's Associate Administrator for Hazardous Materials Safety. Rebuttal comments may discuss only those issues raised by comments received during the initial comment period and may not discuss new issues.

ADDRESSES: The applications and any comments received may be reviewed in the Docket Unit, Research and Special Programs Administration, room 8421, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590–0001 (Tel. No. (202) 366–4453). Comments and rebuttal comments on the application may be submitted to the Dockets Unit at the above address, and should include the Docket Number (PDA–10(R)). Three copies of each should be submitted. In addition, a copy of each comment and each rebuttal comment must also be sent to: (a) Ms. Mary Flynn, Co-Chairperson, Hazardous Materials Transportation and Storage Committee, Swimming Pool Chemical Manufacturers Association, 23119 Drayton Street, Saugus, California 91380; and (b) Mr. Larry J. Monteilh, Executive Officer, Board of Supervisors for the County of Los Angeles, 500 West Temple Street, room 383, Los Angeles, California 90012. A certification that a copy has been sent to these persons must also be included with the comment. (The following format is suggested: "I hereby certify that copies of this comment have been sent to Ms. Flynn and Mr. Monteilh at the addresses specified in the Federal Register.")

FOR FURTHER INFORMATION CONTACT: James E. Meason, Attorney, Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590–0001 (Tel. No. (202) 366–4400).

I. SPCMA's Application for a Preemption Determination

Under a cover letter dated January 20, 1993, SPCMA applied for a determination that the HMTA and HMR preempt the provisions of the Los Angeles County Code that regulate the construction of containers used for transporting cryogenic liquids and the transportation of cryogenic liquids. The text of SPCMA's application follows.

Ms. Mary Flynn, Co-Chairperson, Hazardous Materials Transportation and Storage Committee, Swimming Pool Chemical Manufacturers Association, 23119 Drayton Street, Santa Clarita, California 91350, 805/259–5848; FAX 805/259–1538.

Application for an Administrative Determination Pursuant to 49 U.S.C. 1811 (c) (1) and 49 CFR 107.203

I

This is an application by the Hazardous Materials Transportation and Storage Committee, Swimming Pool Chemical Manufacturers Association, "SPCMA," a California mutual-benefit, not-for-profit corporation, i.e., "trade association," to the Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, United States Department of Transportation for an administrative determination pursuant to 49 U.S.C. app. 1811 (c) (1) and regulations promulgated thereunder in 49 CFR 107.203 as to whether §§ 4.108 c.8., 9.105, 75.101, 75.103 (a), 75.104, 75.105, 75.108, 75.205, 75.602, and Table 75.102–A of title 32 of the Los Angeles County Code (as added and amended by Los Angeles County Ordinance, "LACoO," No. 90–0110), "LACoC," are pre-empted by Sections 112 (a) (1), (a) (2), (a) (3), and (b), 49 U.S.C app. 1811 (a) (1), (a) (2), (a) (3), and (b) as restated at 49 CFR 107.102 (b) (1), (b) (2), (a) (1)–(5), and (c) of the Federal Hazardous Materials Transportation Act, as amended by the Hazardous Materials Transportation Uniform Safety Act of 1990," "HMTA," and/or regulation promulgated pursuant thereto in title 49 of the CFR.

II

The issues presented to the Assistant Administrator are as to whether Federal statute and regulation thereunder and/or the LACoC are applicable (1) to the construction of containers used for the transportation of cryogenic liquids and (2) to the transportation of cryogenic liquids, including loading, unloading, and storage incidental thereto in both intrastate and interstate commerce.

The LACoC contains requirements both for the construction of containers for transportation of cryogenic liquids and for the transportation of cryogenic liquids, including loading, unloading, and storage incidental thereto. SPCMA alleges and believes that the HMTA and regulation thereunder promulgated pre-empt all State and local regulation for construction of containers used in transportation of cryogenic liquids and the transportation of cryogenic liquids.

The Associate Administrator is requested to make a determination as to whether the LACoC is pre-empted by the HMTA and regulation thereunder with respect to (1) the construction of containers used in transportation of cryogenic liquids, and (2) the transportation, including loading, unloading, and storage incidental thereto of cryogenic liquids.

III

The applicant, SPCMA, is a California mutual-benefit, not-for-profit corporation composed of business entities which manufacture, store, handle, ship, and transport hazardous materials—subject to the HMTA and regulation thereunder promulgated in the CFR—throughout the United States. Many of these hazardous materials are used in water treatment, including disinfection, pH adjustment, and flocculation. Oxygen, which is often transported as a cryogenic fluid, is the raw material for in situ generation of ozone, which, in turn, is used for water disinfection.

In accordance with 49 CFR 107.203 (a), SPCMA is a "person" affected by the requirements of a political subdivision of a State, and may, therefore, apply to the Associate Administrator for Hazardous Materials Safety for a determination as to whether these requirements are pre-empted by the HMTA an/or regulation thereunder.

The office of the Swimming Pool Chemical Manufacturers Association is located at 26242 Dimension Drive, suite 230; El Toro, California 92630. The executive secretary of the association is Lyn Paymer. The office of the Hazardous Materials Transportation and Storage Committee is located at 23119 Drayton Street; Santa Clarita, California 91350. The telephone number and FAX telephone number of the Committee are 805/259–5848 and 805/259–1538, respectively. The Committee co-chairpeople are D. J. Wilson and Mary Flynn. Correspondence, telephone, and FAX telephone inquiries with respect to this administrative application for a pre-emption determination should be directed to the Committee chairpeople.

IV

Title 32 of the LACoC contains the fire code for the unincorporated areas of Los Angeles County. Title 32 has also been adopted as the fire code for the Consolidated Fire Protection District of Los Angeles County, "CFPD/LACo," (as amended and adopted by LACoO No. 90–0111) as the "fire code" for the CFPD/LACo. The CFPD/LACo includes many incorporated cities within Los Angeles County which contract with the

county for fire protection. Cities within Los Angeles County which are not part of the CFPD/LACo adopt and enforce city fire codes and maintain city fire departments. The fire code for the County of Los Angeles and the fire code for the CFPD/LACo are identical.

Facilities of SPCMA members which are affected by the LACoC situated within Los Angeles County are located within the CFPD/LACo. Members with facilities located within the District and other members without facilities located within Los Angeles County ship into and/or transport hazardous materials through both the District and unincorporated areas of the county.

Title 32 of the LACoC was amended by LACoO No. 90–0100, discussed *ante*, and includes the adoption by reference—with additional text and amendments—the 1988 edition of the Uniform Fire Code, "UFC," published jointly by the International Conference of Building Officials and the Western Fire Chiefs Association.

Fire protection services for both the unincorporated areas of Los Angeles County and the CFPD/LACo are provided by the Los Angeles County Fire Department.

The text of title 32 of the LACoC for which a Pre-emption Determination is sought is set our *post*. The section numbers *post* deviate from the numbering system in the LACoC as a whole and correspond to the section numbers contained in the UFC as amended by LACoO No. 90–0110. The UFC, as amended, was adopted by reference, and the text of the uniform code is not reproduced in the LACoC. The only text which physically appears in Title 32 is the amendments and additions to the text of the uniform code adopted as local amendments thereto.

Thus title 32 of the LACoC consists of two documents: the adopting ordinance (LACoO No. 90–0110) containing text additions and amendments thereto, and the 1988 edition of the UFC. Title 32 of the LACoC is available commercially as a single document entitled County of Los Angeles 1990 Fire Code from the International Conference of Building Officials, co-publisher of the 1988 edition of the UFC.

PERMIT REQUIRED

Section 4.108. c.8. A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices, or functions: Cryogens. Except where federal or state regulations apply and except for fuel systems of the vehicle, to produce, store, or handle cryogens in excess of the amounts listed in Table No. 4.108–B.

* * * *and* * * *

Definitions * * *

Section 9.105. CRYOGENIC FLUID is a fluid that has a normal boiling point below 150° F.

* * * *and* * * *

SCOPE

Section 75.101. Storage, handling, and transportation of cryogenic liquids shall be in accordance with this article.

* * * *and* * * *

Classification and Properties

Section 75.103. (a) Classification. Cryogenic fluids shall be classified according to Table No. 75.103–A.

* * * and * * *

TABLE NO. 75.103–A.—CLASSIFICATION OF CRYOGENIC FLUIDS

Flammable	Nonflammable	Corrosive/highly toxic	Oxidizer
Carbon Monoxide	Air	Carbon Monoxide	Fluorine.
Deuterium[1]	Argon	Fluorine	Nitric Oxide.
Ethylene	Helium	Nitric Oxide	Oxygen.
Hydrogen	Krypton		
Methane	Neon, Nitrogen and Xenon.		

[1] Heavy hydrogen is treated as hydrogen in this article.

* * * and * * *

Permits

Section 74.104. For a permit to store, handle or transport cryogens, see § 4.108.

* * * and * * *

Containers, Equipment, and Devices

Section 74.105. (a) General. Containers, equipment, and devices used for the storage, handling, and transportation of cryogenic liquids shall be of a type, material, and construction approved by the chief as suitable for such use. Approval shall be based upon satisfactory evidence that the design, construction, and test are in accordance with nationally recognized standards. See § 2.304(b).

(b) Unidentified Containers. Containers, equipment or devices which are not in compliance with recognized standards for design and construction may be approved by the chief upon presentation of satisfactory evidence that they are designed and constructed for safe operation.

The following data shall be submitted to the chief with reference to the deviation from the standard with the application for approval:

1. Type and use of container, equipment, or device.
2. Material to be stored, handled, or transported.
3. Description showing dimensions and materials used in construction.
4. Design pressure, maximum operating pressure, and test pressure.
5. Type, size, and setting of safety devices.
6. Other data required by the chief.

* * * and * * *

Warning Labels

Section 75.106. Warning labels and signs shall be posted on containers and equipment and at locations prescribed by the chief.

* * * and * * *

Nameplates

Section 75.205. Containers shall be identified by the attachment of a name plate in an accessible place marked as authorized by nationally recognized standards or DOT regulations. See § 2.304(b).

* * * and * * *

Vehicles

Section 75.602. Vehicles transporting cryogenic liquids and subjects to requirements of this code shall:

(a) Be placarded at the front, rear, and on each side identifying the product. Placards shall have letters not less than 2 inches high using approximately a ⅝-inch stroke. Abbreviations shall not be used. In addition to the placard identifying the product, vehicles shall also bear other placards required by DOT, such as FLAMMABLE GAS and OXIDIZER.

(b) Be equipped with not less than one approved-type fire extinguisher, with a minimum rating of 2–A:20–B:C.

(c) Be equipped with adequate chock blocks.

V

LACoC § 4.108 c.8. requires that a permit be obtained from the bureau of fire prevention prior to producing, storing, or handling cryogenic liquids in excess of the exempt amounts in Table No. 4.108–B. LACoC § 75.104 requires that a permit be obtained from the fire department to "store, handle, or transport cryogens * * *." The permit requirements for "cryogenic liquids" contained in § 4.108 are confusing and contradictory with both LACoC § 75.101, "Scope," and LACoC § 75.105, "Permits." The "Scope" and "Permit" sections both address storage, handling, and transportation" of cryogenic liquids. However, § 4.108 c.8. provides that permits shall be obtained from the bureau of fire prevention prior to producing, storing, or handling cryogenic liquids in excess of exempt amounts in Table 4.108–B. Table No. 4.108–B, "Permit Amounts for Cryogens," provides as follows:

TABLE NO. 4.108–B—PERMIT AMOUNTS FOR CRYOGENS

Type of cryogen	Inside building	Outside building
Corrosive	Over 1 gallon	Over 1 gallon.
Flammable	Over 1 gallon	60 gallons.
Highly toxic	Over 1 gallon	Over 1 gallon.
Nonflammable	60 gallons	500 gallons.
Oxidizer (includes oxygen)	50 gallons	50 gallons.

The apparent dichotomy between § 4.108 and §§ 75.101 and 75.104 is resolved by reference to the definition of "handling" in the LACoC. In the LACoC the terms "handling" and "transportation" have the same meaning. "Handling is defined in § 80.102(b) of the LACoC as follows:

Handling is the deliberate transport of material by any means to a point of storage or use. "Handling" includes "transportation." A permit is required to transport cryogenic liquids in excess of the permit amounts in Table No. 4.108–B *ante*.

Similar permit requirements are found in § 17.68.150 of the San Jose Municipal Code. In Inconsistency Ruling IR–28, City of San Jose, California; Restrictions on Storage of Hazardous Materials (55 FR 8884, March 8, 1990), the Director opined at 8890:

The type of unfettered discretion asserted by the City in this language with respect to approval or disapproval of storage of hazardous materials incidental to the transportation thereof is inconsistent with the HMTA and the HMR * * *.

(A) state or local permitting system which prohibits or requires certain hazardous materials transportation activities depending upon whether a permit has been issued (regardless of whether the activity is in compliance with the HMR), applies to selected hazardous materials * * * and contains considerable discretion as to permit issuance is inconsistent with the HMTA and the HMR.

"Cumulatively, these factors constitute unauthorized prior restraints on shipments of * * * hazardous materials that are presumptively safe based on their compliance with Federal Regulations.

There are at least two court decisions which address similar permit requirements. In *Southern Pacific Transportation Company* v. *Public Service Commission of Nevada* C.A. 9 (Nev) 1990, 909 F.2d. 352, State of Nevada regulations requiring rail carriers to obtain an annual permit prior to loading, unloading, and transferring or storing hazardous material on railroad property within the state were found to be pre-empted by the HMTA and regulations thereunder promulgated.

In *Union Pacific Railroad Company* v. *City of Las Vegas, Nevada*, D.Nev. 1989, 747 F.Supp. 1402, city ordinance relating to the movement of hazardous materials in and out of the city, which prohibited any such movement without a permit, which could be denied, suspended, or otherwise revoked because of certain undefined hazardous conditions, was found inconsistent with the HMTA and, therefore, pre-empted.

There is no assurance in the LACoC that a permit can be obtained from the bureau of fire prevention and/or obtained without prior compliance with the LACoC, and in particular, Article 75. Many of the requirements contained in Article 75 are themselves pre-empted by the HMTA and regulation thereunder as we shall discuss *post*.

The requirement to obtain a permit prior to storage, handling, or transportation cryogenic liquids creates an obstacle to the accomplishment of the HMTA and regulation thereunder and is pre-empted by 49 U.S.C. app. 1811(a)(2) and 49 CFR 107.202(b)(2).

VI

The definition of "cryogenic fluid" at § 9.105 of the LACoC is inconsistent with the definition of "cryogenic liquid" at 49 CFR 173.115(g) and with the definition commonly accepted by industry. The net effect of the LACoC definition is to include hundreds—if not thousands—of additional materials in the classification "cryogenic liquids." At section 49 CFR 173.115(g) "cryogenic liquid" is defined as follows.

A *cryogenic liquid* means a refrigerated liquefied gas having a boiling point colder than −90°C (−130°F) at 101.3 kPa (14.7 psi) absolute. "Cryogenic liquid" is similarly defined in "Appendix I, Glossary of Terms," Handbook of Compressed Gases (Third edition); New York: Van Nostrand Reinhold Publishing Company, 1990; at page 598.

Cryogenic liquid—A refrigerated liquefied gas having a normal boiling point below −130°F (−90°C). Many common materials which are liquid at normal temperature and pressure are included in the definition "cryogenic fluid" in the LACoC which provides that cryogenic liquids have a normal boiling point between 150°F. The LACoC definition of "cryogenic fluid" is inconsistent with the definition in title 49. It is impossible to comply with both the definition in the LACoC and the definition in title 49, because the LACoC definition includes additional "hazardous materials" which are not classified for shipment as "cryogenic liquids" in the "Hazardous Materials Table" at 49 CFR 172.101. The application of this definition to transportation of cryogenic liquids is pre-empted by sections 112 (a)(1) and (a)(3) of the HMTA, 49 U.S.C. 1811 (a)(1) and (a)(3), as restated at 49 CFR 107.202(b)(1) and 49 CFR 107.202(a).

VII

LACoC § 75.101, "Scope," is pre-empted by the HMTA and regulation thereunder with respect to storage "incidental to transportation," "handling," and "transportation" of cryogenic liquids. The "Scope" section could be restated: "Storage not incidental to the transportation of cryogenic liquids shall be in accordance with this article. Storage incidental to transportation, loading, unloading, and transportation of cryogenic liquids shall be in accordance with Federal requirements. See § 2.304(b)." Section 2.304(b), "Recognized Standards," lists title 49 of the CFR as a "recognized standard." The term "handling" is deleted, since the term "handling" and the term "transportation" have the same meaning in the LACoC as discussed in V. *ante*.

The requirements set forth in Article 75 of the LACoC are in addition to and different from those contained in the HMTA and regulation thereunder, and these requirements will be discussed *post*.

VIII

LACoC § 75.103, "Classification and Properties," and Table No. 75–303–A provide a classification system for cryogenic liquids which is in addition to and different from 49 CFR 172.101.

Examples of differences between Federal regulations and the fire code include the following. The fire code classifies carbon monoxide as "flammable" and "corrosive/highly toxic." In Table 172.102 carbon monoxide is classified as "Division 2.3 gas poisonous by inhalation."

Deuterium and hydrogen are separately classified in Table 172.102. In Table 75.103–A, footnote 1 provides that "(h)eavy hydrogen is treated as hydrogen in this article." Ethylene, hydrogen, and methane are classified as "flammable" in Table 75.103–A. In Table 172.102 all three are classified as "Division 2.1 flammable gases."

Argon, helium, krypton, neon, nitrogen, and xenon are classified as "nonflammable" in Table 75.103–A. These six gases are classified as "Division 2.2 nonflammable, nonpoisonous compressed gas" in Table 172.102.

Fluorine and nitric oxide are classified as "corrosive/highly toxic" and "oxidizer" in Table 75.103–A. In Table 172.102 they are classified as "2.3 gas poisonous by inhalation." There is no provision to ship either fluorine or nitric oxide as cryogenic liquids in title 49. These materials could be shipped as cryogenic liquids only under exemption.

Section 105(a)(4) (A) and (B) of the HMTA (49 U.S.C. 1804(a)(4) (A) and (B)) and 40 CFR 107.202(a)(1) provide that classification of hazardous material by a state or political subdivision within a state is pre-empted where the classification system is not substantively the same as the Federal requirement. The classification systems are, in fact, "substantially different," not "substantially the same."

In H.R. Report No. 444, Pt. 1, 101st Congress, 2d Session 34 (1990):

(C)onflicting Federal, State, and local requirements pose potentially serious threats to the safe transportation of hazardous

materials. Requiring State and local governments to conform their laws to the HMTA and regulations thereunder with the specific subjects listed in 105(a)(4)(B) will enhance the safe and efficient transportation of hazardous materials, while better defining the appropriate roles of Federal, State, and local jurisdictions.

IX

LACoC § 75.105 provides regulation for "Containers, equipment, and devices used for the storage, handling, and transportation of cryogenic liquids * * *" The term "container" is defined at LACoC § 75.102(b) as follows.

CONTAINER is any cryogenic vessel used for transportation, handling or storage. The term "container" includes all containers used for both storage and transportation of cryogenic liquids, including portable tanks, cargo tanks, and rail cars. Moreover, the "type, material, and construction" must be approved by the chief. At issue is as to whether the chief is pre-empted by the HMTA and regulation thereunder from approving any container used for the transportation of cryogenic liquids.

There are three separate issues: (1) Can the chief prohibit the use of containers for the transportation of cryogenic liquids, which he has not approved, and where there are no Federal specifications; (2) can the chief approve containers for the transportation of cryogenic liquids which are different from those specified in title 49 of the CFR; and (3) can the chief approve containers for the transportation of cryogenic liquids which are not in compliance with Federal specifications where Federal specifications exist?

Atmospheric gases and helium are exempted from the requirements of part 173 of title 49 of the CFR except for subparts A and B in the HMR. At 49 CFR 173.320.

Atmospheric gases and helium, cryogenic liquids, in Dewar flasks, insulated cylinders, insulated portable tanks, insulated cargo tanks, and insulated rail cars designed and constructed so that the pressure in such packagings will not exceed 25.3 psig under ambient temperature conditions during transportation are not subject to the requirements of this subchapter when transported by motor vehicle or railcar except as specified in paragraphs (a)(1), (a)(2), and (a)(3) of this section.

Subparts A and B of part 173 address "General Requirements" and "Preparation of Hazardous Materials for Transportation," respectively. Other than the general requirement in 49 CFR 173.320 that design and construction provide that pressures will not exceed 25.3 psig at ambient temperature, there are no specifications for "containers" for atmospheric gases and helium when shipped as cryogenic liquids in accordance with 49 CFR 173.320. Approval of containers for the transportation of cryogenic liquids in this case is in addition to and different from Federal requirements.

Section 75.105(a) of the LACoC provides that "containers * * * used for the * * * transportation of cryogenic fluids shall of a type, material and construction approved by the chief * * *." Thus "the chief" is authorized to approve containers prior to the transportation of cryogenic liquids, including type, material, and construction, absent any Federal requirement. Requirements and specifications are likely to vary from district to district, depending on requirements and specifications established by the local chief. The requirement is open-ended. At § 75.105(b)(6) of title 32 of the LACoC, for example and application for container approval must include "(o)ther data requested by the chief." "Approved containers" in one district may or may not be "approved containers" in other districts.

In contrast, there are specific requirements for containers used for the transportation of hydrogen and ethylene cryogenic liquids at 49 CFR 173.319(d), i.e., Class DOT–113 tank car. There are specific requirements for containers used for the transportation of cryogenic hydrogen in cylinders at 49 CFR 173.316(c). Section 75.105(a) of the LACoC provides that the chief is authorized to approve these containers constructed in accordance with DOT specifications which are used for transportation. The chief is authorized to approve any container for transportation without regard as whether or not constructed in accordance with DOT specifications.

There are no provisions in title 49 for shipment of nitric oxide and fluorine as cryogenic liquids. Table No. 75.103–A in title 32 of the LACoC classifies both nitric oxide and fluorine as "cryogenic fluids." Section 49 CFR 173.302(d) provides that fluorine be shipped in 3A1000, 3AA1000, or 3BN400 cylinders which comply with 49 CFR 178.36, 178.37, and 178.39, respectively. Cylinders are limited to 6 pounds of gas at 400 psig and 70 °F. Safety relief devices are prohibited, and each cylinder must be equipped with a valve protection cap.

The LACoC authorizes shipment of nitric oxide and fluorine as cryogenic fluids when such shipment is not allowed by the HMTA and regulation thereunder. Section 75.105(b) provides that the chief may approve containers which are "not in compliance with recognized standards" for transportation of cryogenic fluids. In these situations the "chief" is authorized by the LACoC to approve specifications and construction of containers for transportation of cryogenic liquids which are in addition to, different from, or not approved by DOT. It is clear that the LACoC authorizes the chief to approve containers for the transportation of nitric oxide and fluorine as cryogenic liquids at times when at locations where such shipment is not authorized by DOT regulations.

In *City of New York* v. *U.S. Department of Transportation,* C.A.N.Y. 1983, 715 F.2d 732, appeal dismissed, certiorari denied 104 S. Ct. 1403, 465 U.S. 1055, 79 L.Ed.2d. 730, the Court stated that 49 U.S.C. 1808, "Powers and Duties of the Secretary," empowers Secretary to protect the nation adequately against the risks of life and property which are inherent in the transportation of hazardous materials and permits Secretary discretion in appropriate level of safety.

We assume that the Secretary has determined that the provisions of 49 CFR 173.320 provide adequately against the risks to life and property inherent in the transportation of atmospheric gases and helium as cryogenic fluids. Moreover, approval by chiefs in various jurisdictions is likely to lead to numerous "approved containers" for cryogenic liquids, which would only be "approved containers" in certain jurisdictions, and, provide an obstacle to the accomplishment and execution of the HMTA and regulation thereunder.

The second issue for determination is as to whether the chief can approve design and construction of containers used for transportation of cryogenic liquids which are in addition to or different from those specified under the HMTA. Regulation of the design, manufacturing, fabrication, marking, maintenance, reconditioning, or testing of a container for the transportation of cryogenic liquids is exclusive to DOT to the exclusion of State and local requirements unless such requirements are substantially the same as Federal requirements. There is no way of knowing as to whether the requirements for design and construction of containers used for the transportation of cryogenic liquids approved by the chief will be "substantially the same" or "substantially different." We believe that approval by the chief of the design and construction of containers for the transportation of cryogenic liquids is pre-empted by 49 U.S.C. app. 1811(a)(3), as restated at 49 CFR 107.202(a)(5).

The third issue, as to whether the chief can approve containers for the transportation of cryogenic liquids where such approval is not provided in Federal regulations, requires little discussion. Where the chief approves containers for transportation of cryogenic liquids, he impliedly approves transportation therein. Regulation of the design of containers for the transportation of cryogenic fluids is exclusive to DOT to the exclusion of State and local government at 49 U.S.C. app. 1811(a)(3), as restated at 49 CFR 107.202(a)(5). Regulation of the packaging, repackaging, and handing of cryogenic liquids is exclusive to DOT to the exclusion of State and local requirements at 49 U.S.C. app. 1811(a)(3), as restated at 49 CFR 107.202(a)(2).

It is not possible to comply with both the Federal and local requirements, and different requirements in different jurisdictions are an obstacle to the accomplishment of the HMTA and regulation thereunder. Section 75.105, "Containers, Equipment, and Devices," in Article 75 of the LACoC is pre-empted by 49 U.S.C. 1811(a)(1), as restated at 49 CFR 107.102(b)(1).

Section 75.108 of the LACoC provides that "(w)arning labels and signs shall be posted on containers and equipment and at locations prescribed by the chief." "Warning labels and signs" include "labels," "marking," and "placarding" of cryogenic liquid containers. There are no specific requirements in the LACoC as to the specific requirements for the "labels," "marking," and "placards." Therefore, we have no way to compare these requirements with Federal requirements to make a determination as to whether the LACoC requirements are "substantially the same" as Federal requirements. Moreover, different chiefs in different jurisdictions are likely to have different requirements, i.e.,

create an obstacle to the "accomplishment and execution of the Act." "Labeling," "marking," and "placarding" requirements for cryogenic liquids which are not substantively the same as Federal requirements are pre-empted by 49 U.S.C. app. 1811(a)(3), as restated at 49 CFR 107.202(a)(2). Section 75.108 of the LACoC also is pre-empted by 49 U.S.C. app. 1811(a)(2), as restated at 49 CFR 107.202(b)(2).

XI

Section 75.202 of the LACoC provides that nameplates be attached on containers "as authorized by nationally recognized standards or DOT regulations." "Nationally recognized standards" may or may not be "substantially the same" as DOT requirements. Section 75.205 is pre-empted by 49 U.S.C. app. 1811(a)(3), as restated at 49 CFR 107.202(a)(2) with respect to containers used for the transportation of cryogenic liquids.

XII

The placarding requirements contained in § 75.602 of the LACoC are in addition to and different from Federal requirements. Section 76.602 confuses the requirements for "marking" and "placarding." "Placarding" is required in the LACoC where neither "placarding" nor "marking" is required by Federal regulations. In the LACoC placarding is required for all shipments of cryogenic liquids, irrespective of quantity being transported. At 49 CFR subpart F placarding requirements are set out in detail. Placarding is not required for shipments of 1,000 pounds or less for 2.1 and 2.2 materials at 49 CFR 172.504(c). All shipments—irrespective of quantity—of 2.3 material require placarding. Placard specifications for 2.1, 2.2, and 2.3 gases are located at 49 CFR 172.532, 172.528, and 172.540, respectively.

Section 75.602(a) of the LACoC provides that "vehicles transporting cryogenic fluids * * * shall be placarded at the front, rear and on each side identifying the product. Placards shall have letters not less than 2 inches high using approximately a ⅝-inch stroke." This "placarding" requirement appears to be a "marking" requirement addressed in subpart D of part 172 of title 49 of the CFR. "Marking." The "marking" requirements in the LACoC are in addition to and different from Federal requirements.

Simply stated, § 75.602 of the LACoC requires "placarding" on all vehicles transporting any quantity of cryogenic liquids. "Placarding" includes "placards" and "marking."

At 49 CFR 172.301(a), the proper shipping name and identification must be "marked" on non-bulk packages unless the quantities shipped are "limited quantities," "exemption packages," or "ORM–D" materials. The proper shipping name and identification number are not required "on the front, rear and on each side" of the package. There is no requirement for either height or width of the letters.

With respect to marking requirements for bulk packagings, at 49 CFR 172.302, the identification number must be placed on each side and each end of packages which exceed 1,000 gallons capacity, and on two opposing sides where packages do not exceed 1,000 gallons capacity. The size of the marking varies from a height of 1.0 to 3.9 inches depending upon the container size. Portable tanks must be marked with letters 1.0 inch in height. Cargo tanks and other bulk packages must be marked with letters 2.0 inches in height. Rail cars must be marked in letters 3.9 inches in height. The width of the letters in all cases is specified at 0.24 inches. At 49 CFR 172.304 requirements for marking are set out, including the requirement for durability, background color, obstruction, and location.

"Placarding" requirements for transportation of cryogenic liquids at § 75.602 of the LACoC are in addition to and different from Federal requirements. "Placarding" and "marking" in accordance with Federal requirements are identified as "placarding" in the LACoC. "Placarding" in required under the LACoC at times when and at places where there is no Federal requirement. "Marking" is required on all four sides of containers when marking may not be required under Federal regulations or may be required in different locations on the container. The County requirements are not "substantially the same" as Federal requirements. "Placarding" and "marking" requirements which are not substantively the same as Federal requirements are pre-empted by 49 U.S.C. app. 1811(a)(3), as restated at 49 CFR 107.202(a)(2). The LACoC also fails the "dual compliance" test, because it mandates that an otherwise unspecified "placard" be attached to containers of cryogenic liquids transporting less than 1,000 pounds of Hazard Class 2.1 and 2.2 materials, and "marking" at locations and at times where there is no Federal requirement.

Placards and other hazard warning requirements have been consistently determined to be within an area of exclusive Federal jurisdiction. See for example IR–2, 44 FR 75566 (December 20, 1979); IR–3, 46 FR 18918 (March 26, 1981); IR–24, 53 FR 19848 May 31, 1988); *Koppelman* v. *Delta Airlines, Inc.*, 539 F.2d 165 (D.C. Cir. 1976), cert. denied 429 U.S. 1061 (1977); *National Tank Truck Carriers, Inc.* v. *City of New York*, 677 F.2d 270 (2nd Cir. 1982); *American Trucking Association* v. *City of Boston*, C.A. 81–628–MA (D. Mass, 1987); contra: *National Paint and Coatings Assn., Inc.* v. *City of New York*, CV–84–4525 (E.D. N.Y. 1985)

In City of San Antonio Regulations Governing Placarding Requirements for Transportation of Hazardous Materials, IR–24, Docket IRA–41, 53 FR 19848 (May 31, 1988), at 19850 the Office of Hazardous Materials opined:

It is OHMT's view that the HMR placarding provisions do completely occupy the field and, therefore, pre-empt all state and local placarding and warning sign requirements for hazardous materials transportation which are not identical to the Federal requirements * * * * (A)ll such non-identical requirements create confusion and undermine the uniform system of hazard communication necessary for the safe transportation of hazardous materials.

Section 75.602(b) requires that "vehicles transporting cryogenic fluids * * * be equipped with not less than one approved-type fire extinguisher, with a minimum rating of 2–A:20–B:C. "Approved" is defined at § 9.103 of the LACoC as follows.

Approved refers to approval by the chief as the result of investigations and tests conducted by the chief or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

Section 177.805 of title 49 of the CFR requires compliance with Federal Motor Carrier Safety Regulations, "FMCSRs." The requirements for emergency equipment on all power units are set out at 49 CFR 393.95. Federal requirements require the following safety equipment: Fire extinguishers, spare fuses, warning devices for stopped vehicles, emergency reflective triangles, fusees (flares), and red flags. Specific requirements for fire extinguishers are set out at 49 CFR 393.95 as follows.

(a) *Fire Extinguisher.* (1) * * * every power unit must be equipped with a fire extinguisher that is properly filled and located so that it is readily accessible for use. The fire extinguisher must be securely mounted on the vehicle. The fire extinguisher must be designed, constructed, and maintained to permit visual determination of whether it is fully charged. The fire extinguisher must have an extinguishing agent that does not need protection from freezing. The fire extinguisher must not use a vaporizing liquid that gives off vapors more toxic than those produced by the substances shown as having a toxicity rating of 5 or 6 in the Underwriters' Laboratories "Classification of Gases and Vapors."

(2)(i) * * * One of after July 1, 1971, a power unit that is used to transport hazardous materials must be equipped with a fire extinguisher having an Underwriters' Laboratories rating of 10–B:C or more. * * *

In § 75.602(b) of the LACoC there are no requirements for emergency equipment other than the fire extinguisher, e.g., spare fuses, flares, reflective triangles, etc., and the fire extinguisher requirement is inconsistent with the Federal requirements contained in subpart H, "Emergency Equipment," commencing with section 49 CFR 393.95(a). The LACoC section fails both the "obstacle" and "dual compliance" tests at 49 CFR 107.202(b) (1) and (2), and is pre-empted by the HMTA and regulation thereunder.

XIII

Our member companies face a dilemma as to transportation of cryogenic liquids, and in particular, oxygen within Los Angeles County and in particular within the Consolidated Fire Protection District of Los Angeles County. It is not possible to comply with both Federal requirements and requirements in the LACoC. The classification systems are at variance. A permit is required in Los Angeles County for transportation of cryogenic fluids where no permit is required in Federal regulations. Containers and transportation equipment must be approved by the chief. Placarding and marking requirements for containers and motor vehicles are different. Placarding and marking are required under the LACoC at

places where and at times when there is no Federal requirement. Congress recognized this consistency problem when the Hazardous Materials Transportation Uniform Safety Act of 1990 was enacted. At section 2:

The Congress finds that * * * (3) many states and localities have enacted laws and regulations which vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers which attempt to comply with multiple and conflicting registration, permitting, routing, notification, and other regulatory requirements * * *

(5) in order to achieve greater uniformity and to promote the public health, welfare, and safety at all levels, Federal standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce are necessary and desirable * * *

XIV

SPCMA requests that the Associate Administrator for Hazardous Materials Safety make an administrative determination in response to this application in accordance with 49 U.S.C. 1811(c)(1) as restated at 49 CFR 107.203 that §§ 4.108 c.8., 9.105, 75.101, 75.103(a), 75.104, 75.105, 75.108, 75.205, 75.602 and Table 75.103–A of title 32 of the Los Angeles County Code are pre-empted by sections 112 (a)(2), (a)(3) and/or (b) of the Hazardous Materials Transportation Act, as amended by the Hazardous Materials Transportation Uniform Safety Act of 1990, 49 U.S.C. 1811 (a)(1), (a)(2), (a)(3), and (b) as restated at 49 CFR 107.202 (b)(1), (b)(2), (a)(1) through (5) and (c) because regulation of (1) container specifications for cryogenic fluids used in transportation, including construction and/or approval by the chief and (2) transportation of cryogenic liquids, including loading, unloading, and storage incidental thereto, is exclusive to the Federal government to the exclusion of different, additional, and/or conflicting regulations promulgated by State and local government.

Dated at Santa Clarita, California, January 20, 1993.

Mary Flynn,

Co-Chairperson, Hazardous Materials Transportation and Storage Committee, Swimming Pool Chemical Manufacturers Association.

II. Preemption Under the HMTA

The HMTA was enacted in 1975 to give the Department of Transportation (DOT) greater authority "* * * to protect the Nation adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce." 49 App. U.S.C. 1801. It replaced a patchwork of State and local laws.

"[U]niformity was the linchpin in the design of [the HMTA]." *Colorado Pub. Util. Comm'n.* v. *Harmon*, 951 F.2d 1571, 1575 (10th Cir. 1991). Unless otherwise authorized by Federal law or unless a waiver of preemption is granted by DOT, the HMTA explicitly preempts "* * * any requirement of a State or political subdivision thereof or Indian tribe * * *." if:

(1) Compliance with both the State or political subdivision or Indian tribe requirement and any requirement of (the HMTA) or of any regulation issued under (the HMTA) is not possible;

(2) The State or political subdivision or Indian tribe requirement as applied or enforced creates an obstacle to the accomplishment and execution of (the HMTA) or the regulations issued under (the HMTA); or

(3) It is preempted under section 105(a)(4) (49 App. U.S.C. 1804(a)(4), describing five "covered subject" areas) or section 105(b) (49 App. U.S.C. 1804(b), dealing with highway routing requirements). 49 App. U.S.C. 1811(a).

With two exceptions, section 1804(a)(4) preempts "* * * any law, regulation, order, ruling, provision, or other requirement of a State or political subdivision thereof or an Indian tribe * * *" which concerns a "covered subject" and "is not substantively the same" as a provision in the HMTA or regulations promulgated pursuant to the HMTA. The two exceptions are State and Indian tribe hazardous materials highway routing requirements governed by 49 App. U.S.C. 1804(b) and requirements "otherwise authorized by Federal law." The "covered subjects" defined in section 1804(a)(4) are the:

(i) Designation, description, and classification of hazardous materials;

(ii) Packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

(iii) Preparation, execution, and use of shipping documents pertaining to hazardous materials and requirements respecting the number, content, and placement of such documents;

(iv) Written notification, recording, and reporting of the unintentional release in transportation of hazardous materials; and

(v) Design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous materials.

In a final rule published in the **Federal Register** on May 13, 1992 (57 FR 20424, 20428), RSPA defined "substantively the same" to mean "conforms in every significant respect to the Federal requirement. Editorial and other *de minimis* changes are permitted." 49 CFR 107.202(d).

The HMTA provides that any directly affected person may apply to the Secretary of Transportation for a determination whether a State, political subdivision, or Indian tribe requirement is preempted by the HMTA. Notice of the application must be published in the **Federal Register**, and the applicant is precluded from seeking judicial relief on the "same or substantially the same issue" of preemption for 180 days after the application, or until the Secretary takes final action on the application, whichever occurs first. 49 App. U.S.C. 1811(c)(1). A party to a preemption determination proceeding may seek judicial review of the determination in U.S. district court within 60 days after the determination becomes final. 49 App. U.S.C. 1811(e).

The Secretary of Transportation has delegated to RSPA the authority to make determinations of preemption, except for those concerning highway routing which were delegated to the Federal Highway Administration. 49 CFR 1.53(b). RSPA's regulations concerning preemption determinations are set forth at 49 CFR 107.201–107.211 (including amendments of February 28, 1991 [56 FR 8616], April 17, 1991 [56 FR 15510], and May 13, 1992 [57 FR 20424]). Under these regulations, RSPA's Associate Administrator for Hazardous Materials Safety issues preemption determinations. Any person aggrieved by RSPA's decision on an application for a preemption determination may file a petition for reconsideration within 20 days of service of that decision. 49 CFR 107.211(a).

The decision by RSPA's Associate Administrator for Hazardous Materials Safety becomes RSPA's final decision 20 days after service if no petition for reconsideration is filed within that time; the filing of a petition for reconsideration is not a prerequisite to seeking judicial review under 49 U.S.C. 1811(e). If a petition for reconsideration is filed, the action by RSPA's Associate Administrator for Hazardous Materials Safety on the petition for reconsideration is RSPA's final agency action. 49 CFR 107.211(d).

In making decisions on applications for preemption determinations, RSPA is guided by the principles and policy set forth in Executive Order No. 12612, entitled "Federalism" (52 FR 41685 [Oct. 30, 1987]). Section 4(a) of that Executive Order authorizes preemption of State laws only when a statute contains an express preemption provision, there is other firm and palpable evidence of Congressional intent to preempt, or the exercise of State authority directly conflicts with the exercise of Federal authority. The

HMTA contains express provisions, which RSPA has implemented through its regulations.

III. Further Comments

All comments should be limited to the issue of whether the HMTA and HMR preempt Los Angeles County laws and regulations for the construction of containers used for transporting cryogenic liquids and the transportation of cryogenic liquids, including the loading, reloading, and incidental storage of cryogenic liquids. Comments should specifically address the "substantively the same," "dual compliance," and "obstacle" tests described in Part II above. Comments should also address the issue of whether the challenged requirements in the relevant sections of the Los Angeles County Code set forth in SPCMA's application are "otherwise authorized by Federal Law."

Persons intending to comment should review the standards and procedures governing RSPA's consideration of applications for preemption determinations, set forth at 49 CFR 107.201–107.211.

Issued in Washington, DC on February 5, 1993.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 93–3405 Filed 2–11–93; 8:45 am]

BILLING CODE 4910–60–M

VOL 58 ISS 28 FE 12 1993 UMI

federal register

Friday
February 12, 1993

Part V

Department of Transportation

Research and Special Programs Administration

Application for a Preemption Determination as to Regulations for On-Site Transportation of Compressed Gases; Notice

VOL
58
ISS
28
FE
12
1993
UMI

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. PDA–11(R)]

Application by Swimming Pool Chemical Manufacturers Association for a Preemption Determination as to Los Angeles County Regulations for On-Site Transportation of Compressed Gases

AGENCY: Research and Special Programs Administration (RSPA), U.S. Department of Transportation.

ACTION: Public notice and invitation to comment.

SUMMARY: The Swimming Pool Chemical Manufacturers Association (SPCMA) has applied for an administrative determination as to whether the Hazardous Materials Transportation Act (HMTA) and the Hazardous Materials Regulations (HMR) preempt Los Angeles County's regulations regarding the on-site transportation of compressed gases, including loading, unloading, and incidental storage in intrastate and interstate commerce.

DATES: Comments received on or before April 9, 1993, and rebuttal comments received on or before June 4, 1993, will be considered before an administrative ruling is issued by RSPA's Associate Administrator for Hazardous Materials Safety. Rebuttal comments may discuss only those issues raised by comments received during the initial comment period and may not discuss new issues.

ADDRESSES: The application and any comments received may be reviewed in the Dockets Unit, Research and Special Programs Administration, room 8421, Nassif Building, 400 Seventh Street SW., Washington, DC 20590–0001 (Tel. No. (202) 366–4453). Comments and rebuttal comments on the application may be submitted to the Dockets Unit at the above address, and should include the Docket Number (PDA–11(R)). Three copies of each should be submitted. In addition, a copy of each comment and each rebuttal comment must also be sent to: (a) Ms. Mary Flynn, Co-Chairperson, Hazardous Materials Transportation and Storage Committee, Swimming Pool Chemical Manufacturers Association, 23119 Drayton Street, Saugus, California 91380; and (b) Mr. Larry J. Monteilh, Executive Officer, Board of Supervisors for the County of Los Angeles, 500 West Temple Street, room 383, Los Angeles, California 90012. A certification that a copy has been sent to these persons must also be included with the comment. (The following format is suggested: "I hereby certify that copies of this comment have been sent to Ms. Flynn and Mr. Monteilh at the addresses specified in the **Federal Register**.")

FOR FURTHER INFORMATION CONTACT:

James E. Meason, Attorney, Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590–0001 (Tel. No. (202) 366–4400).

I. SPCMA'S Application for a Preemption Determination

Under a cover letter dated January 12, 1993, SPCMA applied for a determination that the HMTA and HMR preempt section 4.108 c.7 of title 32 of the Los Angeles County Code which regulates on-site transportation of compressed gases. The text of SPCMA's application follows. SPCMA attached the County of Los Angeles 1990 Fire Code to its application. Copies of this attachment are available for examination at, and copies may be obtained at no cost from, RSPA's Dockets Unit at the address and telephone number set forth in "**ADDRESSES**" above.

Hazardous Materials Transportation and Storage Committee, Swimming Pool Chemical Manufacturers Association, 23119 Drayton Street, Santa Clarita, California 91350, 805/259–5848; FAX 805/259–1538.

Application for an Administrative Determination Pursuant to 49 U.S.C. 1811(c) (1) and 49 CFR 107.203

I

This is an application by the Hazardous Materials Transportation and Storage Committee, Swimming Pool Chemical Manufacturers Association, "SPCMA," a California mutual-benefit, not-for-profit corporation, i.e., "trade association," to the Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, United States Department of Transportation for an administrative determination pursuant to 49 U.S.C. App. 1811(c) (1) and regulations promulgated thereunder in 49 CFR 107.203 as to whether section 4.108c.7 of title 32 of the Los Angeles County Code (as added and amended by Los Angeles County Ordinance, "LACoO," No. 90–0110), "LACoC," are pre-empted by sections 112 (a)(1), (a)(2), (a)(3), and (b), 49 U.S.C. App. 1811 (a)(1), (a)(2), (a)(3), and (b) as restated at 49 CFR 107.102 (a), (b), and (c) of the Federal Hazardous Materials Transportation Act, as amended by the *Hazardous Materials Transportation Uniform Safety Act of 1990," "HMTA,"* and/or regulation promulgated pursuant thereto in title 49 of the CFR.

II

The issue presented to the Assistant Administrator is as to whether Federal statute and regulation thereunder and/or the LACoC are applicable to on-site transportation of compressed gases, including loading, unloading, and storage incidental thereto in both intrastate and interstate commerce. SPCMA alleges and believes that the HMTA and regulation thereunder promulgated pre-empt all State and local regulation for the transportation of compressed gases, including section 4.108 c.7. of title 32 of the LACoC.

The Associate Administrator is requested to make a determination as to whether section 4.108 c.7. of the LACoC is pre-empted by the HMTA and regulation thereunder with respect to the on-site transportation, including loading, unloading, and storage incidental thereto of compressed gases.

III

The applicant, SPCMA, is a California mutual-benefit, not-for-profit corporation composed of business entities which manufacture, store, handle, ship, and transport hazardous materials—subject to the HMTA and regulation thereunder promulgated in the CFR—throughout the United States. Many of these hazardous materials are used in water treatment, including disinfection, pH adjustment, and flocculation. Chlorine, a liquefied compressed gas, is transported by our member companies in railroad tank cars, cargo tanks, cylinders, and multi-unit tankcar-tanks. Chlorine is used directly for water disinfection and as a raw material for liquid and dry chlorinating chemicals, also used for water disinfection. Our members both load and unload railroad tank cars, cargo tanks, cylinders, and multi-unit tankcar-tanks containing liquefied chlorine "on-site," i.e., on facilities owned, leased, or under our direct control. Therefore, our member companies are directly affected by a local requirement to obtain a permit from the fire department prior to engaging in these activities.

In accordance with 49 CFR 107.203 (a), SPCMA is a "person" affected by the requirements of a political subdivision of a State, and may, therefore, apply to the Associate Administrator for Hazardous Materials Safety for a determination as to whether these requirements are pre-empted by the HMTA and/or regulation thereunder.

The Swimming Pool Chemical Manufacturers Association is located at 26242 Dimension Drive, suite 230; El Toro, California 92630. The executive secretary of the association is Lyn Paymer. The office of the Hazardous Materials Transportation and Storage Committee is located at 23119 Drayton Street; Santa Clarita, California 91350. The telephone number and FAX telephone number of the Committee are 805/259–5848 and 805/259–1538, respectively. The Committee co-chairpeople are D.J. Wilson and Mary Flynn. Correspondence, telephone, and FAX telephone inquiries with respect to this administrative application for a pre-emption determination should be directed to the Committee co-chairpeople.

IV

Title 32 c
code for the
Angeles Co
adopted as
Fire Protect
County, "C
adopted by
code" for th
includes m
Angeles Co
county for
the County
for the CFP
Facilities
affected by
Angeles Co
LACo. Mem
the District
facilities lo
and/or tran
the District
county.
Title 32 c
LACoO No.
includes th
additional
edition of t
published
Conference
Western Fi
Fire prote
unincorpor
and the CF
Angeles Co
The text
a Pre-empti
out post.
The secti
numbering
and corresp
contained i
No. 90–011
adopted by
uniform co
LACoC. The
appears in
additions to
adopted as
Thus title
documents:
No. 90–011
amendment
the UFC. Th
commercial
County of L
the Internat
Officials, co
the UFC.

Permit Requ

Section 4
obtained fro
prior to eng
operations,
Compressed
site, dispen
temperature
in excess of
4.108–A.

V

LACoC se
permit be ol
prevention
of compress

IV

Title 32 of the LACoC contains the fire code for the unincorporated areas of Los Angeles County. Title 32 has also been adopted as the fire code for the Consolidated Fire Protection District of Los Angeles County, "CFPD/LACo," (as amended and adopted by LACoO No. 90–0111) as the "fire code" for the CFPD/LACo. The CFPD/LACo includes many incorporated cities within Los Angeles County which contract with the county for fire protection. The fire code for the County of Los Angeles and the fire code for the CFPD/LACo are identical.

Facilities of SPCMA members which are affected by the LACoC situated within Los Angeles County are located within the CFPD/LACo. Members with facilities located within the District and other members without facilities located in Los Angeles County ship and/or transport hazardous materials in both the District and unincorporated areas of the county.

Title 32 of the LACoC was amended by LACoO No. 90–0110, discussed ante, and includes the adoption by reference—with additional text and amendments—the 1988 edition of the Uniform Fire Code, "UFC," published jointly by the International Conference of Building Officials and the Western Fire Chiefs Association.

Fire protection services for both the unincorporated areas of Los Angeles County and the CFPD/LACo are provided by the Los Angeles County Fire Department.

The text of title 32 of the LACoC for which a Pre-emption Determination is sought is set out post.

The section numbers post deviate from the numbering system in the LACoC as a whole and correspond to the section numbers contained in the UFC as amended by LACoO No. 90–0110. The UFC, as amended, was adopted by reference, and the text of the uniform code is not reproduced in the LACoC. The only text which physically appears in title 32 is the amendments and additions to the text of the uniform code adopted as local amendments thereto.

Thus title 32 of the LACoC consists of two documents: the adopting ordinance (LACoO No. 90–0110) containing text additions and amendments thereto, and the 1988 edition of the UFC. Title 32 of the LACoC is available commercially as a single document entitled County of Los Angeles 1990 Fire Code from the International Conference of Building Officials, co-publisher of the 1988 edition of the UFC.

Permit Required

Section 4.108. c.7. A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices, or functions: Compressed Gases. To store, transport on site, dispense, use or handle at normal temperatures and pressures compressed gases in excess of the amounts listed in Table 4.108–A.

V

LACoC section 4.108 c.7. requires that a permit be obtained from the bureau of fire prevention prior to "on-site transportation" of compressed gases in excess of the exempt amounts in Table No. 4.108–A. Table No. 4.108–A, "Permit Amounts for Compressed Gases," provides as follows:

TABLE NO. 4.108–A.—PERMIT AMOUNTS FOR COMPRESSED GASES

Type of gas	Amount
Corrosive	Any amount.
Flammable (except cryogenic fluids and liquefied petroleum gases).	200 cubic feet.
Highly Toxic	Any Amount.
Inert	6,000 cubic feet.
Oxidizing (including oxygen)	500 cubic feet.
Pyrophoric	Any Amount.
Radioactive	Any Amount.
Toxic	Any Amount.
Unstable (reactive)	Any Amount.

In accordance with the exempt amounts in Table 4.108–A *ante*, a permit must be obtained from the bureau of fire prevention prior to "on-site" transportation of any amount of corrosive, highly toxic, pyrophoric, radioactive, toxic, and unstable (reactive) compressed gases, or for relatively small quantities of flammable, inert, and oxidizing compressed gases.

The Associate Administrator has addressed requirements to obtain a permit prior to engaging in transportation of hazardous materials, including loading, unloading, and storage incidental thereto in inconsistency rulings issued prior to amendment of the HMTA in 1990 and found such requirements inconsistent with and, therefore, pre-empted by the HMTA and regulation thereunder. In the LACoC a permit is required for "on-site" transportation of compressed gases, i.e., movement on property owned, leased, or otherwise under the control of the consignor, consignee, manufacturer, transporter, etc. In almost all cases both "loading" and "unloading" of compressed gases occur "on-site." Therefore, the permit requirement in the LACoC is applicable to such activities.

Similar permit requirements are found in section 17.68.150 of the San Jose Municipal Code. In Inconsistency Ruling IR–28, City of San Jose, California; Restrictions on Storage of Hazardous Materials (55 FR 8884, March 8, 1990), the Associate Administrator for Hazardous Materials Safety opined at 8890:

The type of unfettered discretion asserted by the City in this language with respect to approval or disapproval of storage of hazardous materials incidental to the transportation thereof is inconsistent with the HMTA and HMR * * *.

(A) state or local permitting system which prohibits of requires certain hazardous materials transportation activities depending upon whether a permit has been issued (regardless of whether the activity is in compliance with the HMR), applies to selected hazardous materials * * * and contains considerable discretion as to permit issuance is inconsistent with the HMTA and the HMR.

"Cumulatively, these factors constitute unauthorized prior restraints on shipments of * * * hazardous materials that are presumptively safe based on their compliance with Federal Regulations.

There are at least two court decisions which address similar permit requirements. In *Southern Pacific Transportation Company* v. *Public Service Commission of Nevada* C.A. 9 (Nev) 1990, 909 F. 2d. 352, State of Nevada regulations requiring rail carriers to obtain an annual permit prior to loading, unloading, and transferring or storing hazardous material on railroad property within the state were found to be pre-empted by the HMTA and regulations thereunder promulgated.

In *Union Pacific Railroad Company* v. *City of Las Vegas, Nevada*, D.Nev. 1989, 747 F.Supp. 1402, city ordinance relating to the movement of hazardous materials in and out of the city, which prohibited any such movement without a permit, which could be denied, suspended, or otherwise revoked because of certain undefined hazardous conditions, was found inconsistent with the HMTA and, therefore, pre-empted.

There is no assurance in the LACoC that a permit can be obtained from the bureau of fire prevention and/or obtained without prior compliance with the LACoC. Moreover, a permit can be revoked or cancelled where a change in ownership of the business occurs, change in use of the property, noncompliance with the fire code, change in operations, etc. See section 4.102 of title 32 of the LACoC.

Note: Article 4, "Permits," in title 32 of the LACoC is attached herewith and identified as "Appendix A."

Prior to obtaining a permit, the chief is authorized to inspect and approve "receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used." There are no time limits for the "inspection and approval" process in the LACoC. The elapsed time between application for and issuance of a permit for "on-site" transportation of compressed gases can be a matter of hours, days, weeks, months, or never, all at the discretion of the chief. Unless and until such permit is issued, the applicant is subject to enforcement action from the fire department if such "on-site" transportation commences, i.e., transport vehicles cannot be moved "on-site" for loading, unloading, or storage incidental thereto.

The requirement to obtain a permit prior to storage, handling, or transportation of compressed gases creates an obstacle to the accomplishment of the HMTA and regulation thereunder and is pre-empted by 49 U.S.C. App. 1811 (a) (2) and 49 CFR 107.202 (b) (2). The CFR text provides in pertinent part as follows.

* * * (A)ny law, regulation, order, ruling, provision, or other requirement of a State or political subdivision thereof or an Indian tribe, which concerns the following subjects and which is not substantively the same as any provision of this Act or any regulation under such provision which concerns such subject, is pre-empted * * * if * * * the State or political subdivision or Indian tribe requirement as applied or enforced creates an obstacle to the accomplishment and execution of the Act or the regulations issued under the Act* * *.

VI

The LACoC permit requirement for "on-site" transportation of compressed gases prohibits certain transportation activities

depending upon whether a permit has been issued, applies to selected compressed gases, and contains considerable discretion as to permit issuance.

SPCMA requests an administrative determination that section 4.108 c.7. of title 32 of the LACoC is pre-empted by 49 U.S.C. 1811 (a) (2), as restated at 49 CFR 107.202 (b) (2) because this permit system is an unauthorized prior restraint on shipment of compressed gases in commerce which are presumptively safe based on compliance with the HMTA and regulation thereunder, and, therefore, constitutes an obstacle to the accomplishment and execution of the Act.

Such determination is consistent with prior opinions issued by the Associate Administrator for Hazardous Materials Safety, e.g., IR-28, City of San Jose, California; Restrictions on Storage of Hazardous Materials and with court decisions in *Southern Pacific Transportation Company* v. *Public Utilities Commission of Nevada* and *Union Pacific Railroad Company* v. *City of Las Vegas, Nevada.*

Dated January 13, 1993 at Santa Clarita, California.

Mary Flynn,

Co-Chairperson, Hazardous Materials Transportation and Storage Committee, Swimming Pool Chemical Manufacturers Association.

II. Preemption Under the HMTA

The HMTA was enacted in 1975 to give the Department of Transportation (DOT) greater authority "* * * to protect the Nation adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce." 49 App. U.S.C. 1801. It replaced a patchwork of State and local laws.

"* * * [U]niformity was the linchpin in the design of [the HMTA]." *Colorado Pub. Util. Comm'n.* versus *Harmon*, 951 F.2d 1571, 1575 (10th Cir. 1991). Unless otherwise authorized by Federal law or unless a waiver of preemption is granted by DOT, the HMTA explicitly preempts "* * * any requirement of a State or political subdivision thereof or Indian tribe * * *" if:

(1) Compliance with both the State or political subdivision or Indian tribe requirement and any requirement of (the HMTA) or of any regulation issued under (the HMTA) is not possible;

(2) The State or political subdivision or Indian tribe requirement as applied or enforced creates an obstacle to the accomplishment and execution of (the HMTA) or the regulations issued under (the HMTA); or

(3) It is preempted under section 105(a)(4) (49 App. U.S.C. 1804(a)(4), describing five "covered subject" areas) or section 105(b) (49 App. U.S.C. 1804(b), dealing with highway routing requirements). 49 App. U.S.C. 1811(a).

With two exceptions, section 1804(a)(4) preempts "* * * any law, regulation, order, ruling, provision, or other requirement of a State or political subdivision thereof or an Indian tribe * * *" which concerns a "covered subject" and "is not substantively the same" as a provision in the HMTA or regulations promulgated pursuant to the HMTA. The two exceptions are State and Indian tribe hazardous materials highway routing requirements governed by 49 App. U.S.C. 1804(b) and requirements "otherwise authorized by Federal law." The "covered subjects" defined in section 1804(a)(4) are the:

(i) Designation, description, and classification of hazardous materials;

(ii) Packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

(iii) Preparation, execution, and use of shipping documents pertaining to hazardous materials and requirements respecting the number, content, and placement of such documents;

(iv) Written notification, recording, and reporting of the unintentional release in transportation of hazardous materials; and

(v) Design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous materials.

In a final rule published in the **Federal Register** on May 13, 1992 [57 FR 20424, 20428], RSPA defined "substantively the same" to mean "conforms in every significant respect to the Federal requirement. Editorial and other *de minimis* changes are permitted." 49 CFR 107.202(d).

The HMTA provides that any directly affected person may apply to the Secretary of Transportation for a determination whether a State, political subdivision or Indian tribe requirement is preempted by the HMTA. Notice of the application must be published in the **Federal Register**, and the applicant is precluded from seeking judicial relief on the "same or substantially the same issue" of preemption for 180 days after the application, or until the Secretary takes final action on the application, whichever occurs first. 49 App. U.S.C. 1811(c)(1). A party to a preemption determination proceeding may seek judicial review of the determination in U.S. district court within 60 days after the determination becomes final. 49 App. U.S.C. 1811(e).

The Secretary of Transportation has delegated to RSPA the authority to make determinations of preemption, except for those concerning highway routing which were delegated to the Federal Highway Administration. 49 CFR 1.53(b). RSPA's regulations concerning preemption determinations are set forth at 49 CFR 107.201–107.211 (including amendments of February 28, 1991 [56 FR 8616], April 17, 1991 [56 FR 15510], and May 13, 1992 [57 FR 20424]). Under these regulations, RSPA's Associate Administrator for Hazardous Materials Safety issues preemption determinations. Any person aggrieved by RSPA's decision on an application for a preemption determination may file a petition for reconsideration within 20 days of service of that decision. 49 CFR 107.211(a).

The decision by RSPA's Associate Administrator for Hazardous Materials Safety becomes RSPA's final decision 20 days after service if no petition for reconsideration is filed within that time; the filing of a petition for reconsideration is not a prerequisite to seeking judicial review under 49 U.S.C. 1811(e). If a petition for reconsideration is filed, the action by RSPA's Associate Administrator for Hazardous Materials Safety on the petition for reconsideration is RSPA's final agency action. 49 CFR 107.211(d).

In making decisions on applications for preemption determinations, RSPA is guided for the principles and policy set forth in Executive Order No. 12,612, entitled "Federalism" (52 FR 41685 [Oct. 30, 1987]). Section 4(a) of that Executive Order authorizes preemption of State laws only when a statute contains an express preemption provision, there is other firm and palpable evidence of Congressional intent to preempt, or the exercise of State authority directly conflicts with the exercise of Federal authority. The HMTA contains express provisions, which RSPA has implemented through its regulations.

III. Further Comments

All comments should be limited to the issue of whether the HMTA and HMR preempt Los Angeles County laws and regulations for on-site transportation of compressed gases, including loading, reloading, and incidental storage of such gases. Comments should specifically address the "substantively the same," "dual compliance," and "obstacle" tests described in part II above. Comments should also address the issue of whether the Los Angeles County requirements are "otherwise authorized by Federal law."

Persons intending to comment should review the standards and procedures governing RSPA's consideration of applications for preemption determinations, set forth at 49 CFR 107.201–107.211.

Issued in
1993.
Alan I. Rob
Associate A
Materials Sa
[FR Doc. 93-
BILLING CODE

Issued in Washington, DC on February 5, 1993.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 93-3406 Filed 2-11-93; 8:45 am]

BILLING CODE 4910-60-M

VOL
58
ISS
28
FE
12
1993
UMI

federal register

Friday
February 12, 1993

Part VI

Department of Transportation

Research and Special Programs Administration

Preemption Determination as to California Requirements for the Storage and Handling of Hazardous Materials; Public Notice and Invitation to Comment

VOL
58
ISS
28
FE
12
1993
UMI

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. PDA–9 (R)]

Application By Swimming Pool Chemical Manufacturers Association For A Preemption Determination As To California Requirements For The Storage And Handling Of Hazardous Materials

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Public Notice and Invitation to Comment.

SUMMARY: The Swimming Pool Chemical Manufacturers Association (SPCMA) has applied for an administration determination whether Chapter 6.95 of the California Health and Safety Code is preempted by the Hazardous Materials Transportation Act (HMTA) and the Hazardous Materials Regulations issued under the HMTA.

DATES: Comments received on or before April 9, 1993, and rebuttal comments received on or before June 4, 1993, will be considered before an administrative ruling is issued by RSPA's Associate Administrator for Hazardous Materials Safety. Rebuttal comments may discuss only those issues raised by comments received during the initial comment period and may not discuss new issues.

ADDRESSES: The application and any comments received may be reviewed in the Dockets Unit, Research and Special Programs Administration, room 8421, Nassif Building, 400 Seventh Street, SW, Washington, DC 20590–0001 (Tel. No. [202] 366–4453). Comments and rebuttal comments on the application may be submitted to the Dockets Unit at the above address, and should include the Docket Number (PDA–9(R)). Three copies of each should be submitted. In addition, a copy of each comment and each rebuttal comment must also be sent to (a) Ms. Mary Flynn, Co-chairman, Hazardous Materials Transportation and Storage Committee, Swimming Pool Chemical Manufacturers Association, 23119 Drayton Street, Santa Clarita, CA 91350, and (b) Dr. Richard Andrews, Ph.D., Director, Governor's Office of Emergency Services, State of California, 2800 Meadowview Road, Sacramento, CA 95832. A certification that a copy has been sent to these persons must also be included with the comment. (The following format is suggested: "I hereby certify that copies of this comment have been sent to Ms. Flynn and Dr. Andrews at the addresses specified in the **Federal Register**.")

FOR FURTHER INFORMATION CONTACT: Frazer C. Hilder, Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590–0001 (Tel. No. [202] 366–4400).

I. SPCM's Application for a Preemption Determination

Under cover of a December 30, 1992 letter, SPCMA applied for a determination that chapter 6.95 of the California Health and Safety Code (H&SC) is preempted by the HMTA. The text of SPCMA's application follows. To its application, SPCMA attached three appendices, consisting of the following statutory and regulatory provisions:

Appendix A—H&SC, Article 1 (§§ 25500–25521)

Appendix B—H&SC, Article 2 (§§ 25531–25541)

Appendix C—19 Cal. Code of Regulations §§ 2720–2734.

Copies of these appendices are available for examination at, and may be obtained at no cost from, RSPA's Dockets Unit at the address and telephone number set forth in "**ADDRESSES**" above.

Ms. Mary Flynn, Co-chairman, Hazardous Materials Transportation and Storage Committee, Swimming Pool Chemical Manufacturers Association, 23119 Drayton Street, Santa Clarita, California 91350, 805/259–5848; FAX 805/259–1538.

Application for an Administrative Determination Pursuant to 49 U.S.C. 1811(c) and 49 CFR 107.203 et seq.

I

This is an application by the Hazardous Materials Transportation and Storage Committee, Swimming Pool Chemical Manufacturers Association, "SPCMA," a California not-for-profit, mutual-benefit corporation, to the Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, United States Department of Transportation for an administrative determination pursuant to 49 U.S.C. App. 1811(c)(1) and regulations thereunder promulgated in 49 CFR 107.203 et seq. as to whether §§ 25501.3 and 25503.7 of chapter 6.95, and, therefore, the entire chapter 6.95, of the California Health and Safety Code, "H&SC," are pre-empted by Sections 112(a) (1), (2), and (3) of the Federal Hazardous Materials Transportation Act, as amended by the Hazardous Materials Transportation Uniform Safety Act of 1990, "HMTA," and/or regulation promulgated thereunder.

II

The issue presented to the Assistant Administrator is as to whether Federal statute and regulation promulgated thereunder are applicable to transportation of hazardous materials, including loading, unloading, and storage incidental thereto, on private property owned, leased and/or under the control of the consignor, consignee, and/or transporter of the hazardous materials shipment.

Article 1 and Article 2 of chapter 6.95 of the H&SC, attached herewith as "appendix A" and "appendix B," respectively, provide regulation which requires, *inter alia*, approved business plans, area plans, and approved hazardous materials management plans as a precondition to such "unloading," "loading," and "storage" of hazardous materials on property leased, owned, and/or otherwise under the control of the transportation, consignor, or consignee.

Where the H&SC—rather than the HMTA and regulation thereunder—is applicable to the transportation of hazardous materials, including loading, unloading, and storage incidental thereto, on private property owned, leased, and/or otherwise under the control of the consignor, consignee, and/or transporter, all of the requirements contained in Chapter 6.95 of the H&SC become applicable to such "transportation," many of which are incompatible with or an obstacle to the accomplishment of the HMTA and regulation thereunder.

SPCMA alleges and believes that the HMTA and regulation thereunder pre-empt Chapter 6.95 of the H&SC irrespective of where or when such transportation of hazardous materials, including loading, unloading, and storage incidental thereto, occurs, i.e., either in transit or on the private property owned, leased, and/or otherwise under the control of the consignor, consignee, and/or the transporter.

III

The applicant, SPCMA, is a California not-for-profit, mutual-benefit corporation composed of individual members which maintain manufacturing and distribution facilities throughout the United States. Many of our member companies maintain facilities within California which ship and/or transport hazardous materials within the state of California and are, therefore, subject to applicable requirements contained in both the HMTA and regulation thereunder and these additional requirements in the H&SC.

SPCMA member companies manufacture, package, warehouse, and transport chemical compounds for use in potable and waste water treatment, swimming pool and spa disinfection. etc. Many of these chemicals are classified as hazardous materials in the "Hazardous Materials Table," 49 CFR 172.101 and are, therefore, subject to regulation—with respect to transportation including loading, unloading, and storage incidental thereto—under the HMTA and regulations thereunder promulgated.

The office of the standing committee on the transportation and storage of hazardous materials, SPCMA, is located at 23119 Drayton Street; Santa Clarita, California 91350.

This administrative application is submitted to the Associate Administrator on behalf of the corporation, its individual member companies, and other entities similarly situated and affected by regulation contained in Chapter 6.95 of the H&SC.

IV

SPCMA requests that the Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, United States Department of Transportation, make an administrative determination in accordance with the HMTA and regulations thereunder that §§ 25501.3 and 25503.7 of Article 1, chapter 6.95, and, therefore, the entire chapter 6.95 of the H&SC are pre-empted by the HMTA and regulation thereunder with respect to the transportation of hazardous materials.

V

Article 1 of Chapter 6.95, "Business and Area Plans," was added to the H&SC by Statutes 1985, chapter 1167, Article 2, "Hazardous Materials Management," was added to the H&SC by Statutes 1986, Chapter 1260. The Legislature stated at Section 25500 the following.

The Legislature declares that, in order to protect the public health and safety and the environment, it is necessary to establish business and area plans relating to the handling and release or threatened release of hazardous materials * * *. Basic information on the location, type, quantity, and the health risks of hazardous materials handled, used, stored, or disposed of in the state, which could be accidentally released into the environment, is not now available to firefighters, health officials, planners, public safety officers, health care providers, regulatory agencies, and other interested persons * * *.

The intent of this statute is to provide certain information about hazardous materials "handled, used, stored, or disposed of" at business establishments in California.

The following year, Article 2, "Hazardous Materials Management," was added to the H&SC by Statutes 1986, chapter 1260. The legislative intent was set out at section 25531.

The Legislature finds and declares that a significant number of chemical manufacturing and processing facilities generate, treat, store, handle, refine, process, and transport hazardous materials. The Legislature further finds and declares that, because of the nature and volume of chemicals handled at these facilities, some of the operations may present a threat to public health and safety if chemicals are accidentally released. * * * There is an increasing capacity to both minimize and respond to releases of toxic air contaminants and hazardous materials once they occur, and to formulate efficient plans to evacuate citizens if these discharges or releases cannot be contained * * *.

The clear intent of the legislation is to provide planning to minimize the release of hazardous materials from a fixed facility, and, in the event release occurs, to provide efficient evacuation plans for impacted citizens. There is no intent in either Statutes 1985, chapter 1167, which established Article 1, or in Statutes 1986, chapter 1260, which established Article 2, to address "transportation" of hazardous materials, including both loading and unloading, and storage incidental thereto. Therefore, chapter 6.95 of the H&SC, as originally enacted by the California Legislature, neither addressed nor regulated "transportation."

Section 25501.3, " 'Handle' Defined," was added to Article 1 by Statutes 1991, chapter 1183. This section expanded the definition of "handle" to include "connection of any marine vessel, tank vehicle, tank car, or container to a system or process." This statute became effective January 1, 1992.

Section 25503.7, "Railroad Car or Marine Vessel Remaining at Same Facility More than 30 Days; Hazardous Contents Deemed Stored; Notice to Administering Agency" was added to Article 1 by Statutes 1986, chapter 909, as amended by Statutes 1988, chapter 1632, and Statutes 1991, Chapter 1128. This section provides that hazardous material "contained in any rail car, rail tank car, rail freight container, marine vessel, marine freight container" which is stored in a railroad or business facility in excess of 30 days is deemed stored at that facility and, therefore, subject to the requirements contained in chapter 6.95 of the H&SC.

Sections 25501.3 and 25503.7, *ante*, change the focus of the original enactments of the California Legislature to include "transportation," including loading, unloading, and storage incidental thereto, under the umbrella of the state regulatory program. If these sections are pre-empted by the HMTA and regulation thereunder, none of the requirements in chapter 6.95 of the H&SC are applicable to the transportation of hazardous materials, including loading, unloading, and storage incidental thereto, and it is unnecessary to evaluate each of the 63 separate sections and subsections contained in chapter 6.95 in relation to Federal requirements for transportation of hazardous materials.

The text of chapter 6.95 of the H&SC for which a Pre-emption Determination is sought is set our post by section number.

25501.3. "Handle" defined.

"Handle" also means the use or potential use of a quantity of hazardous materials by the connection of any marine vessel, tank vehicle, tank care, or container to a system or process for any purpose other than the immediate transfer to or from an approved atmospheric tank or approved portable tank.1

25503.7. Railroad Car or Marine Vessel Remaining at Same Facility More than 30 Days; Hazardous Contents Deemed Stored; Notice to Administering Agency.

(a) When any hazardous material contained in any rail car, rail tank car, rail freight container, marine vessel, or marine freight container remains within the same railroad facility, marine facility, or business facility for more than 30 days, or a business knows or has reason to know that any rail car, rail tank car, rail freight container, marine vessel, or marine freight container containing any hazardous material will remain at the same railroad facility, marine facility, or business facility for more than 30 days, the hazardous material is deemed stored at that location for purposes of this chapter and subject to the requirements of this chapter.

(b) Subdivision (a) does not apply to a marine vessel while under construction, repair, or modernization, or retrofitting while located in a ship repair facility.

(c) Notwithstanding section 25510, a business handling hazardous materials which are stored in a manner subject to subdivision (a) shall immediately notify the administering agency whenever a hazardous materials is stored in a rail car, rail tank car, rail freight container, marine vessel, or marine freight container.

VI

SPCMA requests the Associate Administrator compare § 25501.3 of chapter 6.95 of the H&SC as set out ante with 49 CFR 107.202 (a)(2) and (c), "Standards for Determining Pre-emption."

(a)(2) * * * (A)ny law, regulation, order, ruling, provision, or other requirement of a State or political subdivision thereof * * * which concerns the following subjects and which is not substantively the same as any provision of this Act or any regulation under such provision which concerns such subject, is pre-empted: The packing, repacking, handing, labeling, marking, and placarding of hazardous materials (emphasis added).

Section 25501.3 provides that "immediate transfer to or from an approved atmospheric tank or approved portable tank" of hazardous materials is excluded from the definition of "handle," and, therefore excluded from the requirements of chapter 6.95 of the H&SC. Simply stated, all "handling" and, therefore, all "loading" and unloading" of compressed gases is subject to the requirements of Chapter 6.95 of the H&SC because compressed gases cannot be unloaded to or loaded from atmospheric tanks, i.e., tanks which are open to the atmosphere. Compressed gases cannot be unloaded to or loaded from portable tanks which are not pressure vessels, i.e., cylinders.

VII

Second, we ask the Associate Administrator to compare the requirements contained in § 25503.7 with the HMTA and parts 174 and 177 of the *Code of Federal Regulations*. There are no provisions in either the HMTA or regulations thereunder (Part 174, "Carriage by Rail," and part 177, "Carriage by Public Highway") which prohibits storage—incidential to transportation or otherwise—of hazardous materials in rail cars, rail tank cars, rail freight containers, marine vessels, or marine freight containers. Section 25503.7 clearly prohibits such storage at places where and at times when such storage is permitted by the HMTA and regulations thereunder. Section 174.204 (a) (2), for example, specifically permits storage of specified gases on both private and carrier track. In pertinent part:

* * * such cars may be stored on a private track (see 171.8 of this subchapter) or on carrier tracks designated by the carrier for such storage.

Prohibition of such storage is an obstacle to the transportation of hazardous materials. At 49 CFR 107.202 (b) in pertinent part:

(b)(2) * * * any requirement of a State or political subdivision * * * is pre-empted if—* * * (t)he State or political subdivision or Indian tribe requirement as applied or enforced creates an obstacle to the accomplishment and execution of the Act or a regulation issued under the Act.

VIII

While we have not addressed the 63 separate requirements contained in Articles 1 and 2 chapter 6.95 of the H&SC, with respect to requirements contained in the HMTA and regulation thereunder, we ask the Assistant Administrator to consider the application of these requirements to the transportation of hazardous materials if § 25501.3 and 25503.7 are not preempted by the HMTA and regulation thereunder. Many of these requirements appear to be pre-empted by the HMTA and regulation thereunder with respect to transportation of hazardous materials, e.g., *inter alia*, reporting requirements in § 25503.1; business plans for emergency response in § 25503.5; inventory requirements in § 25503.8; transmittal of information in section 25506; training and response in § 25507.2; emergency response personnel in § 25507.10; inventory forms in section 25509; annual inventory in § 25509.3; schedule of fees in section 25513; civil liability in § 25514; violations listed in §§ 25514.3 and 25514.5; fines and imprisonment etc. listed in § 25515, 25515.1, 25515.2, 25516, 25516.1, 25516.2; acutely hazardous materials registration form in section 25533; risk management and prevention program in section 25534; submission of registration forms in section 25536; and violations in section 25540.

These requirements contained in chapter 6.95 of the H&SC are in addition to and different from requirements contained in the HMTA and regulation thereunder and stand as an obstacle to the accomplishment of the Act. Unless and until a facility is in compliance with chapter 6.95 such facility is not permitted to load, unload, or store hazardous materials incidental thereto. Moreover, the regulations are material specific, not generic. Under chapter 6.95, for example, a general purpose warehouse must have in place a regulatory program for each and every hazardous material it may receive at some future date or such future hazardous material shipment cannot be accepted. In almost all cases, consignees, transporters, and transfer stations have no prior knowledge—at least until such shipments enter commerce—as to the identification and quantity of hazardous materials. Transporters are prohibited from unloading and consignees are prohibited from accepting hazardous materials shipments unless and until the receiving facility is in compliance with the State requirements. As a practical matter, none of our member companies with California facilities are in compliance with chapter 6.95, and we are unaware of any company operating within California which is in such compliance.

In H.R. Report No. 444, Pt. 1, 101st Congress, 2d Session 34 (1990):

(C)onflicting Federal, State, and local requirements pose potentially serious threats to the safe transportation of hazardous materials. Requiring State and local governments to conform their laws to the HMTA and regulations thereunder with the specific subjects listed in 105 (a) (4) (B) will enhance the safety and efficient transportation of hazardous materials, while better defining the appropriate roles of Federal, State and local regulation.

IX

SPCMA alleges and believes that the administration and enforcement of § § 25501.3 and 26603.7 and, therefore, both Articles 1 and 2 of Chapter 6.95 of the H&SC are pre-empted with respect to the transportation of hazardous materials, including loading, unloading, and storage incidental thereto, by the HMTA and regulations thereunder.

SPCMA requests that the Associate Administrator for Hazardous Materials Safety, based on the information, data, and discussion in this administrative application, find that § 25501.3 and § 25503.7 of Article 1, Chapter 6.95 of the H&SC, and, therefore, the entire Chapter 6.95 of the H&SC are pre-empted with respect to the transportation of hazardous materials by the HMTA and regulation thereunder and, therefore, without force or effect at law.

Executed on January 5, 1993 at Santa Clarita, California.

Mary Flynn (Mrs.),

Co-Chairman, Hazardous Materials Transportation and Storage Committee, Swimming Pool Chemical Manufacturers Association.

II. Preemption Under the HMTA

The HMTA was enacted in 1975 to give the Department of Transportation greater authority "to protect the Nation adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce." 49 app. U.S.C. 1801. It replaced a patchwork of state and local laws. "[U]niformity was the linchpin in the design of" the HMTA. *Colorado Public Utilities Comm'n* v. *Harmon*, 951 F.2d 1571, 1575 (10th Cir. 1991).

Unless otherwise authorized by Federal law or unless a waiver of preemption is granted by DOT, the HMTA (49 app. U.S.C. 1811(a)) explicitly preempts "any requirement of a State or political subdivision thereof or Indian tribe" if:

(1) Compliance with both the State or political subdivision or Indian tribe requirement and any requirement of [the HMTA] or of any regulation issued under [the HMTA] is not possible;

(2) the State or political subdivision or Indian tribe requirement as applied or enforced creates an obstacle to the accomplishment and execution of [the HMTA] or the regulations issued under [the HMTA]; or

(3) it is preempted under section 105(a)(4) [49 app. U.S.C. 1804(a)(4), describing five "covered subject" areas] or section 105(b) [49 app. U.S.C. 1804(b), dealing with highway routing requirements].

With two exceptions, section 1804(a)(4) preempts "any law, regulation, order, ruling, provision, or other requirement of a State or political subdivision thereof or an Indian tribe" which concerns a "covered subject" and "is not substantially the same" as a provision in the HMTA or regulations under the HMTA. The two exceptions are State and Indian tribe hazardous materials highway routing requirements governed by 49 app. U.S.C. 1804(b) and requirements "otherwise authorized by Federal law." The "covered subjects" defined in Section 1804(a)(4) are:

(i) The designation, description, and classification of hazardous materials.

(ii) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials.

(iii) The preparation, execution, and use of shipping documents pertaining to hazardous materials and requirements respecting the number, content, and placement of such documents.

(iv) The written notification, recording, and reporting of the unintentional release in transportation of hazardous materials.

(v) The design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous materials.

In a final rule published in the **Federal Register** on May 13, 1992 (57 20424, 20428), RSPA defined "substantially the same" to mean "conforms in every significant respect to the Federal requirement. Editorial and other *de minimis* changes are permitted." 49 CFR § 107.202(d).

The HMTA provides that any directly affected person may apply to the Secretary of Transportation for a determination whether a State, political subdivision or Indian tribe requirement is preempted by the HMTA. Notice of the application must be published in the Federal Register, and the applicant is precluded from seeking judicial relief on the "same or substantially the same issue" of preemption for 180 days after the application, or until the Secretary takes final action on the application, whichever occurs first. 49 app. U.S.C. 1811(c)(1). A party to a preemption determination proceeding may seek judicial review of the determination in U.S. district court within 60 days after the determination becomes final. 49 App. U.S.C. 1811(e).

The Secretary of Transportation has delegated to RSPA the authority to make determinations of preemption, except for those concerning highway routing which were delegated to the Federal Highway Administration. 49 CFR 1.53(b). RSPA's regulations concerning preemption determinations are set forth at 49 CFR 107.201–107.211 (including amendments of February 28, 1991 [56 FR 8616], April 17, 1991 [56 FR 15510], and May 13, 1992 [57 FR 20424]). Under these regulations, RSPA's Associate Administrator for Hazardous Materials Safety issues preemption determinations. "Any person aggrieved"

by RSPA's decision on an application for a preemption determination may file a petition for reconsideration within 20 days of service of that decision. 49 CFR 107.211(a).

The decision by RSPA's Associate Administrator for Hazardous Materials Safety becomes RSPA's final decision 20 days after service if no petition for reconsideration is filed within that time; the filing of a petition for reconsideration is not a prerequisite to seeking judicial review under 49 U.S.C. 1811(e). If a petition for reconsideration is filed, the action by RSPA's Associate Administrator for Hazardous Materials Safety on the petition for reconsideration is RSPA's final agency action. 49 CFR 107.211(d).

In making decisions on applications for waiver of preemption, RSPA is guided by the principles and policy set forth in Executive Order No. 12,612, entitled "Federalism" (52 FR 41685, [Oct. 30, 1987]). Section 4(a) of that Executive Order authorizes preemption of state laws only when a statute contains an express preemption provision, there is other firm and palpable evidence of Congressional intent to preempt, or the exercise of state authority directly conflicts with the exercise of Federal authority. The HMTA contains express provisions, which RSPA has implemented through its regulations.

III Further Comments

All comments should be limited to the issue of whether H&SC Chapter 6.95 is preempted by the HMTA. Comments should specifically address the "substantively the same," "dual compliance," and "obstacle" tests described in Part I, above. Comments should also address the issue of whether the challenged requirements in H&SC chapter 6.95 are "otherwise authorized by Federal law."

Persons intending to comment should review the standards and procedures governing RSPA's consideration of applications for preemption determinations, set forth at 49 CFR 107.201–107.211.

Issued in Washington, DC, on February 5, 1993.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 93–3404 Filed 2–11–93; 8:45 am]

BILLING CODE 4910-60-M

VOL
58

ISS
28

FE
12

1993

UMI

federal register

Friday
February 12, 1993

Part VII

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Advisory Committee; Notice of Meeting and Proposed Actions; Notices

VOL 58 ISS 28 FE 12 1993 UMI

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Advisory Committee; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Recombinant DNA Advisory Committee on March 1–2, 1993. The meeting will be held at the National Institutes of Health, Building 31C, Conference Room 6, 9000 Rockville Pike, Bethesda, Maryland 20892, starting at approximately 9 a.m. on March 1, 1993, to adjournment at approximately 5 p.m. on March 2, 1993. The meeting will be open to the public to discuss the following proposed actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules (51 FR 16958):

Proposed Major Actions to the NIH Guidelines;

Additions to Appendix D of the NIH Guidelines regarding ten (10) Human Gene Therapy/Gene Transfer Protocols;

Discussion regarding the Human Gene Therapy Protocol Materials submitted to the Food and Drug Administration for Approval on a Compassionate Plea Basis;

Amendment to the Points to Consider in the Design and Submission of Protocols for the Transfer of Recombinant DNA into the Genome of Human Subjects Regarding the Use of Compassionate Plea;

Amendment to the Points to Consider Regarding the Separation of the Gene Marking Informed Consent Document from the Therapeutic Informed Consent Document;

Amendment to the Points to Consider Regarding Safety of Delivery/Expression Systems and Review Report on Murine Replication-Competent Retrovirus Assays; and

Other Matters To Be Considered by the Committee.

Attendance by the public will be limited to space available. Members of the public wishing to speak at this meeting may be given such opportunity at the discretion of the Chair.

Dr. Nelson A. Wivel, Director, Office of Recombinant DNA Activities, National Institutes of Health, Building 31, room 4B11, Bethesda, Maryland 20892, Phone (301) 496–9838, FAX (301) 496–9839, will provide materials to be discussed at this meeting, roster of committee members, and substantive program information. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dr. Wivel in advance of the meeting. A summary of the meeting will be available at a later date.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592, June 11, 1980) requires a statement concerning the official government programs contained in the Catalog of Federal Domestic Assistance. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every Federal research program in which DNA recombinant molecule techniques could be used, it has been determined not to be cost effective or in the public interest of attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

Dated: February 8, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–3434 Filed 2–11–93; 8:45 am]

BILLING CODE 4140–01–M

Recombinant DNA Research; Proposed Actions Under the Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of proposed actions under the NIH guidelines for research involving recombinant DNA molecules (51 FR 16958).

SUMMARY: This notice sets forth proposed actions to be taken under the National Institutes of Health (NIH) Guidelines for Research Involving Recombinant DNA Molecules (51 FR 16958). Interested parties are invited to submit comments concerning these proposals. These proposals will be considered by the Recombinant DNA Advisory Committee (RAC) at its meeting on March 1–2, 1993. After consideration of these proposals and comments by the RAC, the Director of the National Institutes of Health will issue decisions in accordance with the NIH Guidelines.

DATES: Comments received by February 22, 1993, will be reproduced and distributed to the RAC for consideration at its March 1–2, 1993, meeting.

ADDRESSES: Written comments and recommendations should be submitted to Dr. Nelson A. Wivel, Director, Office of Recombinant DNA Activities (ORDA), Building 31, room 4B11, National Institutes of Health, Bethesda, Maryland 20892, or sent by FAX to 301–496–9839.

All comments received in timely response to this notice will be considered and will be available for public inspection in the above office on weekdays between the hours of 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Background documentation and additional information can be obtained from the Office of Recombinant DNA Activities, Building 31, room 4B11, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–9838.

SUPPLEMENTARY INFORMATION: The NIH will consider the following actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules:

I. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Therapy Protocol/Drs. Cassileth and Podack.

In a letter dated December 22, 1992, Drs. Peter A. Cassileth and Eckhard Podack, University of Miami, Miami, Florida, submitted a human gene therapy protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: Phase I Study of Transfected Cancer Cells Expressing the Interleukin–2 Gene Product in Limited Stage Small-Cell Lung Cancer.

II. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Therapy Protocol/Dr. Bank.

In a letter dated December 18, 1992, Dr. Arthur Bank, Columbia University, New York, New York, submitted a human gene therapy protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: Phase I Study of Gene Therapy for Breast Cancer.

III. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Therapy Protocol/Drs. Wilmott, Whitsett, Trapnell.

In a letter dated December 23, 1992, Drs. Robert W. Wilmott and Jeffrey Whitsett of Children's Hospital Medical Center, Cincinnati, Ohio, and Dr. Bruce Trapnell of Genetic Therapy, Inc., in Gaithersburg, Maryland, indicated the intention to submit a human gene

therapy protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: A Phase I Study of Gene Therapy of Cystic Fibrosis Utilizing a Replication Deficient Recombinant Adenovirus Vector to Deliver the Human Cystic Fibrosis Transmembrane Conductance Regulator cDNA to the Airways.

IV. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Therapy Protocol/Drs. Culver, Van Gilder.

In a letter dated November 7, 1992, Dr. Kenneth Culver of the Iowa Methodist Medical Center, Des Moines, Iowa, and Dr. John C. Van Gilder of the University of Iowa, Iowa City, Iowa, indicated the intention to submit a human gene therapy protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: Gene Therapy for the Treatment of Malignant Brain Tumors with In Vivo Tumor Transduction with the Herpes Simplex Thymidine Kinase Gene/Ganciclovir System.

V. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Therapy Protocol/Dr. Seigler.

In a letter dated December 16, 1992, Dr. Hilliard F. Seigler of the Duke University Medical Center, Durham, North Carolina, indicated the intention to submit a human gene therapy protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: A Phase I Trial of Human Gamma Interferon-Transduced Autologous Tumor Cells in Patients with Disseminated Malignant Melanoma.

VI. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Transfer Protocol/Drs. Brenner, Krance, Heslop, Santana, Ihle.

In a letter dated December 31, 1992, Drs. Malcolm Brenner, Robert Krance, Helen E. Heslop, Victor Santana, and James Ihle of the St. Judes Children's Research Hospital, Memphis, Tennessee, submitted a human gene transfer protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: Assessment of the Efficacy of Purging by Using Gene-Marked Autologous Marrow Transplantation for Children with Acute Myelogenous Leukemia in First Complete Remission.

VII. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Therapy Protocol/Dr. Simons.

In a letter dated December 14, 1992, Dr. Jonathan Simons of the Johns Hopkins Oncology Center, Baltimore, Maryland, indicated the intention to submit a human gene therapy protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: Phase I Study of Non-Replicating Autologous Tumor Cell Injections Using Cells Prepared With or Without Granulocyte-Macrophage Colony Simulating Factor Gene Transduction in Patients with Metastatic Renal Cell Carcinoma.

VIII. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Therapy Protocol/Drs. Boucher, Knowles.

In a letter dated December 17, 1992, Drs. Richard C. Boucher and Michael R. Knowles of the University of North Carolina, Chapel Hill, North Carolina, indicated the intention to submit a human gene therapy protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: Gene Therapy for Cystic Fibrosis Using E1 Deleted Adenovirus: A Phase I Trial in the Nasal Cavity.

IX. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Transfer Protocol/Drs. Heslop, Brenner, Rooney.

In a letter dated December 31, 1992, Drs. Helen E. Heslop, Malcolm Brenner, and Cliona Rooney of the St. Jude Children's Research Hospital, Memphis, Tennessee, submitted a human gene transfer protocol to the Recombinant Advisory Committee for formal review and approval. The title of this protocol is: Administration of Neomycin Resistance Gene Marked EBV Specific Cytotoxic T Lymphocytes to Recipients of Mismatched-Related or Phenotypically Similar Unrelated Donor Marrow Grafts.

X. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Therapy Protocol/Dr. Deisseroth.

In a letter dated January 4, 1993, Dr. Albert B. Deisseroth of the MD Anderson Cancer Center, University of Texas, Houston, Texas, submitted a human gene therapy protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: Use of Safety-Modified Retroviruses to Introduce Chemotherapy Resistance Sequences into Normal Hematopoietic Stem Cells for Chemoprotection During the Therapy of Ovarian Cancer.

XI. Discussion Regarding the Human Gene Therapy Protocol Materials submitted to the Food and Drug Administration for Approval on a Compassionate Plea Basis/Dr. Royston.

In a letter dated December 7, 1992, Dr. Ivor Royston, San Diego Regional Cancer Center, San Diego, California, requested a compassionate plea approval for a human gene therapy protocol. The title of this protocol is: Phase I Study of Cytokine Therapy of Cancer, Active Immunotherapy of Glioblastoma with Tumor Cells or Fibroblasts Genetically Modified to Secrete Interleukin-2. On December 28, 1992, the Director, NIH, and the Food and Drug Administration granted protocol approval to Dr. Royston on a compassionate plea basis.

During the special Recombinant DNA Advisory Committee meeting on January 14, 1993, Dr. Royston stated that he would provide the committee with additional data that was supplied to the Food and Drug Administration. The materials included additional safety data on the transduced cell line, sterility data, data for replication competent virus, data looking for any evidence of contaminating helper virus, vector identity data, and data on production of Interleukin-2. Documents presented to the Institutional Review Board and the Institutional Biosafety Committee are to be submitted.

XII. Amendment to the "Points to Consider in the Design and Submission of Protocols for the Transfer of Recombinant DNA into the Genome of Human Subjects" Regarding the Use of Compassionate Plea.

The Points to Consider (March 1, 1990, 55 FR 7447) provide guidance to scientist and clinical investigators submitting human gene therapy/transfer protocols. During the Recombinant DNA Advisory Committee meeting on January 14, 1993, the committee adopted the following preliminary policy statement on approving human gene therapy protocols on an expedited basis for dying patients. This statement includes the following elements which are not listed in order of importance, but are simply meant to be inclusive of the issues that need to be addressed.

1. NIH will strongly emphasize that the standard method of protocol submission is highly preferred.

2. The RAC will consider single patient protocols.

3. There will be no attempt to distinguish between research and treatment in the consideration of protocols.

4. Regardless of the method of review, the criteria must be the same for all protocols.

5. When time-sensitive circumstances prevail, the NIH will do an internal review.

6. To the extent that it is legally and practically possible, the Director of NIH will ask NIH experts, RAC members, and other experts to participate in protocol review.

7. Among other factors to be considered by the Director of NIH, is the consanguinity of the new protocol to existing protocols.

8. The NIH will report to the RAC following its internal review.

9. Protocols that are deferred or not approved by the RAC in its normal review process, are not eligible for expedited review.

10. In the development of any documents that are a part of this policy statement, the terms, compassionate use and compassionate treatment, will be deliberately avoided.

The Recombinant DNA Advisory Committee will be further developing this policy statement for inclusion in the Points to Consider document.

XIII. Amendment to the Points to Consider Regarding Safety of Delivery/Expression Systems and Report on Murine Replication-Competent Retrovirus (RCR) Assays.

During the September 14–15, 1992, RAC meeting, there was a discussion regarding requirements for the assays of replication-competent retrovirus in vector supernatants. In the Points to Consider (March 1, 1990, 55 FR 7445), it states:

"I. Description of Proposal.* * *

"B. Research design, anticipated risks, and benefits.* * *

"2. Preclinical studies, including risk assessment studies.* * *

"c. Laboratory studies pertaining to the safety of the delivery/expression system.

"(1) If a retroviral system is used:

* * *

"(b) How stable are the retroviral vector and the resulting provirus against loss, rearrangement, recombination, or mutation? What information is available on how much rearrangement or recombination with endogenous or other viral sequences is likely to occur in the patient's cells? What steps have been taken in designing the vector to minimize instability or variation? What laboratory studies have been performed to check for stability, and what is that sensitivity of the analyses? * * *

"(e) Has a protocol similar to the one proposed for a clinical trial been carried out in non-human primates and/or other animals? What were the results? Specifically, is there any evidence that the retroviral vector has recombined with any endogenous or other viral sequences in the animals?"

The recommended assays for detecting the presence of adventitious agents, including replication-competent retroviruses (RCR) have evolved as the RAC has gained experience in the review and approval of human gene transfer/therapy protocols. Recently, the Food and Drug Administration has been considering additional tests to increase the sensitivity of detection of RCR in vector supernatant preparations.

Since it is very important that retroviral vectors be free of RCR, it is important to quantitate the relative safety margin afforded by the assay systems used. To confirm that this safety margin is adequate, the RAC will discuss specific assay requirements and minimal levels of detection for possible inclusion in the Points to Consider.

During the Recombinant DNA Advisory Committee meeting on December 3–4, 1992, Drs. W. French Anderson, National Institutes of Health, Bethesda, Maryland; Gerard J. McGarrity, Genetic Therapy, Inc., Gaithersburg, Maryland; and Robert Moen, Genetic Therapy, Inc., Gaithersburg, Maryland, submitted a Report on Murine Replication-Competent Retrovirus (RCR) Assays. At the meeting, it was agreed that a modification of the report was warranted. The committee will be discussing the modified report during the March 1–2, 1993, meeting.

XIV. Amendment to the Points to Consider Regarding the Separation of the Gene Marking Informed Consent Document from the Therapeutic Informed Consent Documents.

During the September 14–15, 1992, RAC meeting, Dr. Leonard Post requested that when a gene transfer protocol is submitted as an addition to a therapeutical protocol, the principal investigator should submit two separate informed consent documents, one for the gene marking portion and one for the therapeutic portion of the protocol. In the Points to Consider, Part I–D—Informed Consent (March 1, 1990, 55 FR 7446), a new sentence would be added to the introductory paragraph:

"When gene transfer is a procedure separate from the therapeutic protocol, an informed consent document should be submitted for both the gene marking and therapeutic procedures."

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592, June 11, 1980) requires a statement concerning the official government programs contained in the Catalog of Federal Domestic Assistance. Normally, NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every Federal research program in which DNA recombinant molecule techniques could be used, it has been determined not to be cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

Dated: February 4, 1993.

Jay Moskowitz,

Associate Director for Science Policy and Legislation, NIH.

[FR Doc. 93–3433 Filed 2–11–93; 8:45 am]

BILLING CODE 4140–01–M

Federal Register

Friday
February 12, 1993

Part VIII

Environmental Protection Agency

40 CFR Part 261

Exemption of Petroleum-Contaminated Media and Debris From Underground Storage Tanks From RCRA Hazardous Waste Requirements; Proposed Rule

VOL 58 ISS 28 FE 12 1993 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL-4595-9]

RIN 2050-AD69

Exemption of Petroleum-Contaminated Media and Debris From Underground Storage Tanks From RCRA Hazardous Waste Requirements: Proposed Rule

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to take final action on an issue deferred in the 1990 hazardous waste Toxicity Characteristics (TC) rule under the Resource Conservation and Recovery Act (RCRA). The Agency proposes to exempt, from certain portions of EPA's hazardous waste regulations, petroleum-contaminated media and debris, such as soils and groundwater, that are generated from underground storage tank (UST) corrective actions that are subject to subtitle I of RCRA. The exemption would be limited to the 25 newly listed organic chemicals under the TC (i.e., Hazardous Waste Codes D018 through D043 only). After consideration of comments received in response to this proposed rule, EPA will publish a rule containing the Agency's final determination regarding the permanent regulatory status of UST petroleum-contaminated media and debris under RCRA.

DATES: Written comments on this proposed rule must be submitted on or before April 13, 1993.

ADDRESSES: Written comments on today's proposal should be addressed to the docket clerk at the following address: U.S. Environmental Protection Agency, RCRA Docket (OS-305), 401 M Street, SW., Washington, DC 20460. One original and two copies of comments should be sent and identified by regulatory docket reference number F-93-DPUP-FFFFF. The docket is open from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. Docket materials may be reviewed by appointment by calling (202) 260-9327. Copies of docket materials may be made at a cost of $0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information about this proposal, contact the RCRA/Superfund Hotline, Office of Solid Waste, U.S. Environmental Protection Agency Washington, DC 20460, (800) 424-9346 (toll-free) or (703) 412-9810 (local). For the hearing impaired, the number is (800) 553-7672 (toll-free), or (703) 412-3323 (local). For technical information on this proposal, contact John Heffelfinger in the EPA Office of Underground Storage Tanks at (703) 308-8881. To obtain copies of the reports or other materials referred to in this proposal, contact the RCRA Docket at the phone number or address listed above.

SUPPLEMENTARY INFORMATION:

I. Background

A. Toxicity Characteristics Rule

The Toxicity Characteristics (TC) rule for identifying hazardous wastes was promulgated by the Agency on March 29, 1990 (55 FR 11798), was amended on June 29, 1990 (55 FR 26986), and became effective on September 25, 1990. The rule replaced the Extraction Procedure (EP) leach test with the Toxicity Characteristic Leaching Procedure (TCLP), added 25 organic chemicals to the list of toxic constituents of concern, and established regulatory levels for these organic chemicals.

The overall effect of the TC rule was to subject additional solid wastes to regulatory control under the hazardous waste provisions of subtitle C of RCRA. Under this rule, a waste may be a hazardous waste if any chemicals listed in the rule, such as benzene, are present in leachate from the waste (generated from use of the TCLP) at or above the specified regulatory levels. Management of such hazardous waste is subject to stringent RCRA subtitle C controls.

B. The UST Deferral

Among the wastes that could be TC wastes are petroleum contaminated media and debris. At the time of promulgation of the final TC rule, the Agency made a determination to temporarily defer applicability of the TC rule to media and debris (e.g., soils and groundwater) contaminated with petroleum from underground storage tanks (USTs) that are subject to the corrective action requirements of subtitle I of RCRA. 55 FR 11862 (March 29, 1990), as amended 55 FR 26986 (June 29, 1990). The deferral was limited to the 25 newly listed organic chemicals under the TC (i.e., Hazardous Waste Codes D018 through D043 only). See 40 CFR 261.4(b)(10).

The deferral was the result of several factors. See 55 FR 11836 (March 29, 1990). Because the potential impact of the TC on materials generated from UST cleanups did not become apparent until very late in the rulemaking process, at the time of promulgation of the final TC rule, the Agency had little information regarding the full impact of the TC rule on UST cleanups, particularly regarding the amount of contaminated media that would become hazardous waste and the type of management feasible and appropriate for such waste. However, available information suggested that the impact of applying subtitle C to UST cleanups might be severe in terms of the administrative feasibility of both the subtitle C and subtitle I programs. A preliminary assessment indicated that the number of UST cleanup sites and the amount of media and debris at each site that would exhibit the toxicity characteristic could be extremely high, with EPA expecting hundreds of thousands of UST releases to be identified in the next few years. The Agency believed that subjecting all, or even a portion, of these sites to subtitle C requirements could overwhelm the hazardous waste permitting program and the capacity of existing hazardous waste treatment, storage, and disposal facilities.

In addition, EPA believed that imposition of the requirements could delay UST cleanups significantly, require an enormous new commitment of Federal and State resources, and undermine the State and local focus of the UST program. All of these factors suggested that EPA needed additional time to determine with more certainty what the impacts of the TC would be on UST cleanups before subjecting such materials to hazardous waste requirements. In addition, EPA needed time to investigate whether regulatory changes could be made to RCRA subtitle C regulations to allow appropriate integration of the two programs. EPA also believed that the UST regulations governing cleanup at these sites would be adequate to protect human health and the environment in the interim, until a final determination was made regarding the regulation of UST wastes.

In the preamble explaining the need for the deferral, EPA committed to undertaking several studies and meetings in order to make a final determination concerning the regulation of these UST wastes under the subtitle C program. Since the temporary deferral was published on March 29, 1990, EPA has conducted several studies and held meetings with interested members of the public regarding the temporary deferral and the anticipated effects of regulating UST petroleum-contaminated media and debris as hazardous wastes under subtitle C of RCRA. EPA recently published a Notice of Data Availability summarizing the findings of these studies and the results of the public meetings. 55 FR 36866 (August 14,

1992). Comments received in response to the Notice of Data Availability will also be used by the Agency in making its final determination regarding the permanent regulatory status of UST petroleum-contaminated media and debris as hazardous waste under RCRA subtitle C.

II. Explanation of Today's Proposal

Today's action proposes to exempt contaminated media and debris, that are generated from petroleum UST corrective actions that are subject to subtitle I of RCRA, from certain portions of the RCRA Toxicity Characteristics rule. The exemption would be limited to the 25 newly listed organic chemicals under the TC rule (i.e., Hazardous Waste Codes D018 through D043 only).

The proposed action would be accomplished by maintaining the language contained in the current temporary deferral for UST petroleum-contaminated media and debris, found at 40 CFR 261.4(b)(10). This deferral currently reads as follows:

Section 261.4 Exclusions

* * * * *

(b) *Solid wastes which are not hazardous wastes.* The following solid wastes are not hazardous wastes:

* * * * *

(10) Petroleum-contaminated media and debris that fail the test for the Toxicity Characteristic of section 261.24 (Hazardous Waste Codes D018 through D043 only) and are subject to the corrective action regulations under part 280 of this chapter.

If EPA issues the final determination as it is being proposed today, the current language of the deferral would remain unchanged. Each of the individual elements of the proposal is discussed in more detail below.

A. Contaminated Media and Debris

The term contaminated media includes naturally-occurring materials such as soil, groundwater, surface water, and air that have become contaminated with substances released from petroleum underground storage tanks.

The term debris means solid material exceeding 60 mm (2.5 inch) particle size that is: (1) A manufactured object; or (2) plant or animal matter; or (3) natural geologic material. This term is defined by EPA at 40 CFR 268.2(g). See 57 FR 37270 (Aug. 18, 1992). The definition of debris includes material that is plant or animal matter such as grass, trees, and stumps; or is natural geologic material such as rocks and boulders; or is a solid, man-made material such as concrete, buried tires, buried empty drums, as well as empty petroleum USTs and empty piping that are present at the site. Included in this term are the UST and piping from which the petroleum substance was released, provided they are empty in accordance with EPA's closure regulations for underground storage tanks. 40 CFR 280.70(a) of these regulations defines an UST system to be empty when "no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remain in the system."

B. Petroleum UST Corrective Actions

Under today's proposal, contaminated media and debris are exempted if "subject to the corrective action regulations" under 40 CFR part 280. EPA interprets this to include all media and debris generated in response to known or suspected releases from a petroleum UST system. The term "petroleum UST system" is defined in EPA's UST regulations at 40 CFR 280.12. Responses to releases from petroleum UST systems are covered by EPA's UST regulations at 40 CFR part 280 under subpart E—Release Reporting, Investigation, and Confirmation, and subpart F—Release Response and Corrective Action for UST Systems Containing Petroleum and Hazardous Substances.

The proposed exemption also includes contaminated media and debris discovered as a result of routine petroleum UST closures, UST site assessments, and UST replacements. The rationale for this approach is that the discovery of contamination when performing these routine activities requires reporting under EPA's UST regulations, as the contemination represents a known or suspected release from an UST. See 40 CFR 280.50. Such releases are subject to subparts E and F of EPA's UST regulations, referenced above.

C. Subtitle I of RCRA

Today's proposal applies only to contaminated media and debris from petroleum USTs that are subject to the corrective action regulations under subtitle I of RCRA (40 CFR part 280.60–280.67). Contaminated media and debris from non-subtitle I regulated sources (e.g., above ground tanks; farm and residential motor fuel USTs of 1100 or less gallons capacity) are not included in the proposed exemption. These materials, however, are the subject of a separate proposed rulemaking by the Agency. This separate rulemaking is discussed elsewhere in today's preamble.

USTs storing heating oil for consumptive use on the premises where stored are not regulated under subtitle I and, thus, are not covered by the proposed exemption. However, contaminated media and debris generated from residential heating oil tanks are "household wastes" under 40 CFR 261.4(b)(1). Under EPA's subtitle C regulations, household wastes are solid wastes but are excluded from consideration as hazardous wastes. Thus, contaminated media and debris from residential heating oil tanks are not hazardous wastes under subtitle C of RCRA.

D. Request for Comments

EPA requests commenters to indicate their support or opposition, with supporting rationale, to the proposed exemption for UST petroleum-contaminated media and debris as described in the preceding paragraphs. In particular, EPA is interested in comments addressing whether the scope of the proposed exemption is appropriate, or whether it should be broadened or narrowed. EPA is also interested in any analytical test data that indicate the concentration of the TCLP constituents in petroleum UST-contaminated media and debris. EPA also requests comments on alternatives to the exemption proposed today, which are discussed below.

E. Other Options Considered

1. Expansion of the Exemption to all TC Contaminants

When the temporary deferral was clarified in June, 1990, it was limited to the 25 newly listed organic contaminants under the 1990 TC rule. The deferral does not apply to the original 14 contaminants identified under EPA's 1980 Extraction Procedure (EP) toxicity characteristic rule. The contaminants regulated under the EPTC are arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver, as well as endrin, lindane, methoxychlor, toxaphene, 2,4-D, and 2,4,5-TP silvex. The deferral was limited only to the new contaminants because the issue of the relationship between hazardous waste rules and UST cleanups came to the Agency's attention during the development of the TC rulemaking, and was a result of the regulation of new constituents under that rule.

Since the original 14 contaminants were not part of the temporary deferral, generators are currently obligated to make a determination of whether the petroleum-contaminated media and debris would be hazardous for the original 14 constituents. Generators are allowed to make the determination either by subjecting the materials to the TCLP, or "applying knowledge of the

VOL
58
ISS
28
FE
12
1993
UMI

hazard characteristic of the waste in light of the materials or the processes used" (40 CFR 262.11(c)).

EPA believes it may also be unnecessary to require a hazardous waste determination for the 14 EP contaminants. As discussed in the preamble to EPA's underground storage tank regulations on September 23, 1988 (53 FR 37189), information the Agency had at that time from several States indicated it was highly unlikely that UST petroleum-contaminated soils would exhibit the characteristic of EP toxicity, even for lead that may have resulted from releases of leaded gasoline. Further, with the phase-out of leaded gasoline, it would seem even less likely for contaminated media and debris resulting from more recent releases of gasoline to exhibit the Toxicity Characteristic for lead. Thus, inclusion of these contaminants in the exemption would appear to have no impact on protection of human health or the environment, and testing for these contaminants appears unnecessary.

In addition, including these contaminants in the exemption will result in cost savings in the form of avoided TCLP sampling and analysis costs because owners and operators would no longer be required to determine whether petroleum contaminated media and debris exhibits the Toxicity Characteristic. If UST owners make this determination through TCLP testing of the materials, rather than applying some form of "knowledge" about them, laboratory analytical costs can range from a few hundred to more than a thousand dollars per sample. Since several samples of the contaminated media and debris would likely be necessary in order to adequately characterize the contamination at a particular site, the savings in sampling and analysis costs could amount to several thousand dollars per facility. These cost savings could be used to pay for proper management of the contaminated media and debris, rather than for unnecessary sampling and laboratory analyses.

Therefore, the Agency is interested in obtaining comments from the public regarding whether the final rule for the exemption should include these contaminants. EPA is particularly interested in commenters' rationale for including these contaminants within the exemption, and in any supporting data that indicate the concentration of these contaminants in petroleum UST-contaminated media and debris.

2. Expansion of the Exemption to Other Hazardous Waste Characteristics

EPA considered, but has tentatively rejected, proposing to expand the exemption for UST petroleum-contaminated media and debris to the other three characteristics of hazardous waste, in addition to the Toxicity Characteristic. These three characteristics are Ignitability, Corrosivity, and Reactivity. See 40 CFR 260.20–260.23. EPA generally believes that UST petroleum-contaminated media and debris are unlikely to exhibit these characteristics and, thus, would be unlikely to be regulated as hazardous waste because of these characteristics. However, in the event that UST petroleum-contaminated media and debris were to exhibit one of these characteristics, improper management of the media or debris could pose severe acute human health or environmental impacts. The Agency believes that the potential for such acute impacts warrants management of contaminated media and debris as hazardous waste, in the unlikely event that these materials exhibit one of these three characteristics. EPA is interested in public comments on this aspect of today's proposal.

3. Subtitle I Management Standards for Contaminated Media and Debris

Another option considered by EPA in lieu of regulation under subtitle C was to develop Federal management standards under subtitle I for the treatment and disposal of UST petroleum-contaminated media and debris. Such management standards may provide a greater degree of certainty regarding the ultimate disposition of these materials than the current subtitle I regulatory structure, while avoiding the problems associated with regulating these materials under subtitle C. This approach, however, would reduce the flexibility that the States currently have in terms of establishing technology requirements, cleanup standards, and oversight processes that they consider adequate and appropriate for management of these materials.

This approach would also tend to inhibit the development of innovative technologies for remediation of these materials. The Agency is currently promoting the use of innovative technologies for cleanups and the streamlining of State corrective action procedures, in an effort to improve the effectiveness and efficiency of corrective actions. Establishing Federal management standards for UST petroleum-contaminated media and debris could limit the effectiveness of these efforts.

Establishing new regulations under subtitle I would likely require States to enact new legislation or regulations to be "no less stringent" than the Federal requirements in order to obtain approval of their State UST program to operate in lieu of the Federal program. This could cause administrative problems for those States that have already received approval of their State UST program from EPA, as well as delay those that are far along in the approval process.

EPA is interested in comments on this issue, particularly regarding the scope and content of potential Federal management standards for UST petroleum-contaminated media and debris under subtitle I. EPA is interested in comments regarding the usefulness and desirability of such Federal standards, in view of existing State UST corrective action and solid waste management programs.

III. Basis for Today's Proposal

A. Purpose and Legal Basis

The primary purpose of today's action is to allow corrective action, including management of petroleum-contaminated media and debris, to occur under the authority of subtitle I of RCRA rather than under overlapping requirements of both subtitle C and subtitle I. Subtitle I contains comprehensive requirements for the reporting and cleanup of soil and groundwater contamination from petroleum USTs. Further, subtitle I requires that treatment or disposal of soils be conducted in compliance with applicable State and local requirements. See 40 CFR 280.62.

Subtitle I requirements are primarily implemented by each of the individual States and Territories, under provisions of subtitle I State Program Approval regulations, or under Memoranda of Agreement with EPA in States whose programs have not yet been approved by EPA. In the case of an approved State, EPA has deemed the State's UST program to be "no less stringent" than the Federal subtitle I program. In a State operating under a Memorandum of Agreement with EPA, the State is implementing the subtitle I regulations on behalf of EPA. EPA retains the authority to implement the requirements, where necessary, in unapproved States. In either case, the UST program is protective of human health and the environment, despite differences in specific corrective action procedures or approaches that may exist between States.

EPA believes that States are in the best position to oversee management of

the approximately 50,000 new UST releases identified each year. As discussed below, EPA studies confirm that State agencies are currently managing UST petroleum-contaminated media and debris in a manner that protects human health and the environment. Thus, it is unnecessary to subject these materials to management as hazardous wastes under subtitle C of RCRA.

Section 1004 of RCRA defines a "hazardous waste" as a solid waste which may pose a substantial threat "when improperly * * * managed." In addition, section 3001 of RCRA authorizes EPA to determine whether subtitle C regulation is appropriate in determining whether to designate a waste as "hazardous." EPA thus may determine that subtitle C regulation is not appropriate because such wastes are not "hazardous" when properly managed and, based on existing regulatory programs, would not be mismanaged. Under this approach, regulation of UST petroleum-contaminated media and debris under subtitle C is not necessary to protect human health and the environment, due to the presence of the Federal subtitle I regulations for underground storage tanks and the UST programs that are active in each of the States.

EPA is also concerned about the implementation and risk impacts associated with subjecting some or all aspects of petroleum UST cleanups to subtitle C. As discussed in more detail below, EPA believes that the findings of its studies and the information received during the course of meetings with interested members of the public support today's proposal for a final determination to make permanent the current temporary deferral for UST petroleum-contaminated media and debris.

B. EPA's Studies

The findings of the Agency's studies corroborate the preliminary assessment that EPA made at the time of promulgation of the temporary deferral. Specifically, the findings of EPA's studies indicate that removing the TC deferral would significantly affect UST cleanup procedures, delay remedial actions, and increase soil remediation costs. Further, delays in site remediation caused by compliance with subtitle C requirements could increase health and environmental risks prior to cleanup.

In addition to findings concerning the impacts of removing the deferral, these studies also indicate that many States have programs in place to adequately regulate the management of UST petroleum contaminated media and debris. The vast majority of these State programs address in some manner the entire cycle of UST petroleum contaminated soils and groundwater management, from initial characterization through storage and ultimate treatment or disposal.

1. Technical Study

The Agency has made available for public comment a draft report titled "TC Study of Petroleum UST Contaminated Media and Debris." This report is organized as follows:

- Estimates of the amounts of UST petroleum contaminated soils that might be expected to exhibit the hazardous waste characteristic of toxicity if subjected to the TCLP test,
- Impacts on hazardous waste capacity nationwide if these materials required management as a hazardous waste,
- State management practices for petroleum contaminated soils from USTs,
- Overview of technologies currently used for management of petroleum contaminated soils and groundwater, and
- Impacts on the RCRA subtitle I and C programs of removing the temporary deferral.

2. Impacts Study

The Agency has also made available for public comment a draft report titled "The Impacts of Removing the TCLP Deferral for Petroleum-Contaminated Media at Underground Storage Tank Sites." This report is organized as follows:

- Procedural impacts of removing the deferral with regard to changes that would be required in cleanup procedures, technologies and the pace of UST corrective actions,
- Cost impacts of removing the deferral, both to the regulated community, as well as EPA and States, and
- Preliminary assessment of health risk impacts associated with removing the temporary deferral.

3. Study Findings

As stated previously, EPA believes that these study findings support a final determination to make permanent the current temporary deferral for UST petroleum contaminated media and debris. The primary study findings that serve as a basis for making the deferral permanent are summarized below.

a. Procedural impacts. Removal of the deferral would result in substantial delays in UST cleanups due to the necessity of issuing a RCRA permit, by EPA or authorized States, for cleanups that involve treatment of TC-hazardous contaminated media on site (other than treatment that occurs on site in tanks in less than 90 days, or other units exempt from permitting). EPA's studies estimate that approximately 10% to 20% of the soil contaminated at a petroleum UST release may exhibit the Toxicity Characteristic. A significant consideration, however, is that this percentage contamination may exist at the majority of UST release sites, which currently average about 50,000 new release sites identified each year. EPA's studies indicate that on-site treatment of soils currently occurs at at least 20% of the UST soil remediation sites, with the trend increasing toward additional on-site treatment of soils. The situation with regard to groundwater contamination is also an important consideration. Virtually all treatment of petroleum-contaminated groundwater at UST release sites is performed on site. Although some of the groundwater treatment techniques may be exempt from RCRA permitting requirements, others would not be exempt.

Delays in UST cleanups would occur, in part, due to the tremendous increase in the number of permit applications for UST cleanups that would likely have to be handled with current Federal or State RCRA subtitle C permitting staff resources. It takes approximately one to four years, at current workload levels, to issue a RCRA subtitle C permit. Further, in States not yet authorized under subtitle C for the TC portion of the regulatory program, EPA alone would be responsible for issuance of permits. The substantial delays discussed above would allow subsurface contamination to continue and spread, increasing the costs of remediation, and increasing the potential for ground water contamination and for additional receptors to be affected.

Removal of the deferral would result in significant changes in the UST corrective action process. The current subtitle I remedial decision-making process is relatively simple and straightforward, compared to the more complex process associated with managing contaminated media and debris as hazardous waste. One example of the increased complexity of implementing remedial measures for hazardous waste would be the need to evaluate on-site versus off-site options for the management of the material. This would include identifying RCRA permitted treatment, storage, or disposal (TSD) facilities that would accept the waste, balancing transportation and off-site disposal costs with on-site management costs, and formal

consideration of the risks and benefits of on-site versus off-site management.

If the TC deferral were eliminated, the flexibility EPA currently allows States in the choice of cleanup technologies would be significantly reduced. For example, based on the current subtitle C regulations, UST owners and operators would likely be limited, in practice, to a choice of three cleanup options: (1) Excavate and send contaminated soil off-site to RCRA subtitle C permitted hazardous waste treatment, storage, or disposal facilities, (2) treat soils on-site in less than 90 days in a tank, in accordance with subtitle C tank generator and accumulation regulations, or (3) become a permitted TSD facility, thereby allowing on-site treatment of the petroleum contaminated media and debris.

With regard to the above management scenarios under subtitle C, the Agency is not aware of any currently used cleanup technologies that would involve the treatment of large volumes of petroleum-contaminated soils on site in tanks for less than 90 days. Thus, this appears to be an unlikely management alternative. As for obtaining a RCRA TSD permit, two States have estimated owner/operator administrative costs to obtain a TSD permit for petroleum release sites ranging from $21,000 to $80,000. Because of the delays and relatively high cost of a subtitle C TSD permit, which would be required for many on-site remediations of hazardous waste, petroleum contaminated soil management and disposal is more likely to be conducted off-site if it were considered hazardous waste. Since disposal in a subtitle C landfill is generally less expensive than subtitle C incineration, the Agency believes that for the majority of sites, the practical result of regulating UST petroleum-contaminated media and debris as hazardous waste would be the excavation and disposal of these materials in subtitle C landfills. This option, however, may be limited in time. When the TC land disposal restrictions are promulgated, incineration or other forms of treatment would likely be required for these materials prior to disposal, if they were considered hazardous waste.

On the contrary, the flexibility afforded under subtitle I for managing UST petroleum-contaminated media and debris as non-hazardous allows for the use of a much broader spectrum of management options for these materials, such as aeration, low temperature thermal treatment, soil vapor extraction, and bioremediation. While there is currently variation between states in the Subtitle I soil technologies commonly used, the majority currently rely on excavation and relatively simple treatment and disposal methods. The trend during the past several years, however, and EPA's preferred approach to management of these materials, is to treat them on site, in situ, i.e., without excavation or transportation off-site.

Since the Agency believes that, in most cases, the practical result of regulating UST petroleum-contaminated media and debris as hazardous waste at this time would be the excavation and disposal of these materials in subtitle C landfills, this would adversely affect the Agency's current efforts to promote the use of innovative technologies for treatment of these materials, particularly those that can be used in situ, such as bioremediation and soil vapor extraction. In addition, EPA estimates that landfilling of these materials at subtitle C facilities would increase the amount of waste going to these facilities by 8 to 20 percent annually. Since the Agency's studies confirm that these materials are currently being managed under subtitle I State programs that are protective of human health and the environment, the Agency believes that it would be more prudent to reserve the nation's limited hazardous waste landfill capacity for those wastes that might otherwise be mismanaged, or for which no equivalent subtitle I-type program exists.

Although it is difficult to estimate the precise pace at which UST remediations would proceed when the contaminated media and debris is considered hazardous waste, EPA's studies indicate that they would take substantially longer than cleanups currently managed solely under subtitle I. Several factors may contribute to the increased duration of cleanups, such as more extensive sampling and analysis requirements, and increased complexity of corrective action procedural requirements, as described previously.

More important, however, than the increased length of time needed to perform the actual cleanup, are the delays that would occur prior to the beginning of corrective action, particularly if the site requires permitting. For example, permit standards and conditions are established on a site-specific basis under subtitle C. In-situ soil vapor extraction or bioremediation are treatment approaches with which the RCRA program has little permitting experience to date, so uncertainties exist as to the most appropriate permit conditions for such cleanups. This uncertainty is likely to result in further delays in issuing of permits for such sites, as well as the imposition of additional permit conditions that are beyond the conditions typically imposed by States under subtitle I.

In addition to the permitting requirements for the "regulated unit," i.e., the remediation unit where TC-hazardous waste is treated, stored, or disposed at the UST site, any existing "solid waste management units," or SWMUs, at the facility would have to be cleaned up in accordance with RCRA section 3004(u) corrective action authorities and EPA's corrective action guidance for permitted hazardous waste TSD facilities. SWMUs at a typical UST facility might include a used oil tank, a trash disposal area, or an old drum storage area, but include virtually any portion of the property at which solid waste has ever been managed. Cleanup for these units under a RCRA TSD permit would generally be to risk-based levels, as determined on a site-specific basis. See 55 FR 30798 (July 27, 1990). As part of the permit conditions, UST owners or operators would be required to undertake a RCRA Facility Assessment, a RCRA Facility Investigation, a Corrective Measures Study and, finally, Corrective Measures Implementation for any SWMUs at the site. In addition, public participation requirements apply prior to issuance of each RCRA permit. This includes local notice of the proposed permit action and providing the public an opportunity for public hearings on the permit. These additional requirements add to delays in the subtitle C permitting process and are likely to severely discourage UST owners from undertaking on-site, in-situ cleanups. This result has also been corroborated by an Agency study on Corrective Action Management Units (CAMUs). See 57 FR 48195 (October 22, 1992). The study indicates that applying the hazardous waste land disposal restrictions to remediation wastes increases risks by causing less treatment, and less on-site treatment in particular, thereby increasing risks from transport of hazardous waste and leaving wastes in place without treatment.

An important consideration for UST cleanups that would require subtitle C permitting is that cleanup cannot begin until the permit is issued. The delays associated with permit issuance will allow contamination to continue unabated, increasing the costs of remediation and increasing the potential for groundwater contamination and for additional receptors to be affected.

b. Risk impacts. EPA's studies considered human health risk impacts that potentially would result if the UST petroleum-contaminated media deferral were removed. The studies evaluated

three components of health risk. The first component is interim risk, which is the health risk present at an UST site prior to remediation, including drinking water risks, and risks such as fire and explosions, and inhalation of vapors. Interim risk would be expected to rise significantly without the exemption, since permitting delays prior to remediation would allow increased migration of petroleum contaminants, thereby increasing exposure potentials for populations near the site.

EPA also evaluated a second component of risk, known as residual risk. Residual risk is the health risk remaining at the site following soil and groundwater remediation. EPA's studies indicate that residual risk would likely remained unchanged, i.e., neither increased nor decreased, by removal of the deferral and regulation of UST petroleum-contaminated media and debris as hazardous waste. This is due to the fact that the Toxicity Characteristic is not relevant to residual risk, because it is not a cleanup standard. Rather, the TC and associated subtitle C regulations impose requirements on how the waste generated from a cleanup can be managed. The soil and groundwater cleanup standards for the UST portion of the remediation is likely to be identical either with or without the exemption being proposed today.

The remaining component of risk, the treatment/disposal risk, relates to the exposure potential associated with treatment or disposal of contaminated soil and groundwater. The effect of removing the deferral on this element of risk is ambiguous. Different subtitle I and subtitle C technologies imply increased exposure potential, while others imply decreased potential. For example, in general, leak protection and subsurface monitoring at subtitle C landfills is generally superior to that at subtitle D landfills, where UST petroleum-contaminated soils may be disposed of in certain States. Thus, health risk potential is likely reduced by disposal in a subtitle C landfill versus subtitle D. In other cases, however, thermal treatment of subtitle I soils would provide more rapid contaminant destruction than subtitle C landfilling. Under this scenario, this type of treatment would likely pose less risk than subtitle C disposal.

A further risk consideration involves the transport of contaminated soils. When soils are hauled over long distances, as would more likely be the case if they required management as hazardous waste and were excavated for off-site landfilling or incineration, the potential for accidental releases of contaminants is increased. Many States lack commercial subtitle C capacity to manage these materials, so transport over long distances is likely. In contrast, subtitle I treatment often occurs on site, as indicated in EPA's studies. Off-site treatment and disposal under subtitle I is typically accomplished within the State, resulting in far less hauling distances for the contaminated soils and, thus, less risk due to transportation.

c. Cost Impacts. EPA's study findings indicate that per-site remediation costs under subtitle C would be substantially higher than those currently incurred under subtitle I. As discussed previously, as a practical matter, the techniques that would likely be used in managing UST petroleum-contaminated media and debris as hazardous waste would be more limited than those currently used under subtitle I. For the majority of cases, it is likely that excavation followed by subtitle C landfilling or incineration would occur. For sites involving soil management only, the studies indicate that typical subtitle C costs may range from two to 15 times or more higher than the costs of cleanup under subtitle I. The primary source of this increase is the relative expense of the likely subtitle C soil management approaches compared to those currently used under subtitle I. The broad range of the increase is dependent upon the subtitle C approach selected by the UST owner or necessitated by site conditions.

For example, unit costs for subtitle I thermal treatment of soils in one State average $55 per cubic yard, compared to $1060 for subtitle C incineration and $510 for subtitle C landfills. Assuming management of 150 cubic yards of soil, subtitle I costs would be $8250, compared to $76,500 for subtitle C landfilling and $159,000 for subtitle C incineration.

As a direct result of this increase in per-site cleanup costs, the removal of the deferral would result in significant nationwide increases in annual UST remediation costs. The range of possible subtitle C management approaches and soil and groundwater remediation technologies makes it difficult to predict the size of the increases. However, based on reasonable assumptions about the likely mix of technologies selected, EPA's studies indicate national cost increases may range from $1.9 billion to $4.0 billion in each of the first five years following removal of the deferral. These estimates represent an 81 percent to 108 percent increase over current subtitle I projected cleanup costs.

Based on the discussion of risk impacts previously, such cost increases are unnecessary in achieving adequate protection of human health and the environment. Further, if hazardous waste permitting of UST cleanups occurred, there would likely be a decrease in the protection currently provided under subtitle I UST programs but at an increased cost.

C. Public meetings

In the preamble to the 1990 TC rule, EPA also stated its intention to convene a public forum to discuss the issues associated with regulating UST petroleum-contaminated soils and debris under subtitle C of RCRA. To fulfill this commitment, in September and December, 1991, EPA convened several meetings with various interested parties (including representatives from the States, Congressional staff, environmental groups and the waste treatment and waste generating industries) to discuss issues related to the cleanup of petroleum contamination from UST as well as non-UST sources, and the potential impacts of the TC rule on these cleanups.

The thirteen States attending these meetings expressed significant concern about the adverse environmental impacts resulting from the application of the TC rule to petroleum UST releases. The State representatives indicated that regulation of petroleum contaminated media and debris as hazardous waste would significantly increase the cost of cleanup of these releases, substantially delay cleanup, and in some cases (by delaying cleanup) negatively impact human health and the environment.

A number of States have funds that provide a significant portion of the cleanup costs for petroleum UST releases. According to these States, if petroleum contaminated media and debris are regulated as hazardous wastes, the resulting dramatic increases in costs of waste management would significantly impair the ability of the State to pay for future cleanups. Further, if there is no guarantee that payment will be forthcoming, several States believe that many responsible parties and their cleanup contractors will be much less willing to report and respond promptly to releases. The net result, according to these States, will be that fewer sites will be remediated and remediations will be delayed, thus increasing the migration of contamination off-site, and in turn negatively impacting human health and the environment.

In the view of many States, the delays associated with RCRA subtitle C management would allow for volatilization and migration of certain

TC constituents, such as benzene, prior to cleanup. These States point to RCRA testing and permitting as significant sources of delay. In addition, States cautioned EPA to recognize that, because of the high costs associated with subtitle C management, there would be a significant disincentive to promptly report and undertake corrective action for petroleum releases. They explained that UST owners may instead purposely allow the waste to volatilize until it no longer exhibits the toxicity characteristic, thus rendering it non-hazardous.

Groups representing the waste generating industries (e.g., petroleum and petrochemical industries) at the meetings generally agreed with the views being expressed by the States, although several stated that the problems associated with applying subtitle C standards to remediations were not unique to petroleum contaminated media.

Environmental group representatives acknowledged the importance of these problems, but saw the issue as similar to other claims that regulations deter effective corrective actions. The environmental group representatives agreed on the merits of streamlining the subtitle C administrative processes and procedures (e.g., RCRA subtitle C permitting, as discussed later in this notice), but felt that regulatory control was necessary to ensure environmental safety. The environmental group representatives also argued that the important benefits of a RCRA permit, particularly public involvement and facility-wide corrective action, would be lost if EPA adopted the approach suggested by the States, i.e., making the UST deferral permanent.

Certain representatives of the hazardous waste treatment industry expressed strong concerns with exemption from the TC rule as the mechanism for solving the implementation problems posed by subtitle C regulation of petroleum contaminated media and debris. According to these representatives, EPA should consider streamlining the RCRA permitting process for the cleanup and disposal of petroleum contaminated media and debris. They specifically suggested that EPA consider issuing permits-by-rule for petroleum contaminated media and debris, as well as for other cleanup wastes. They also expressed concern that the UST deferral effectively exempts petroleum contaminated media and debris from the RCRA technical standards, in particular the land disposal restrictions. Other representatives of the waste treatment industry however, supported the deferral and favored expanding it to other cleanup wastes.

A complete summary of these meetings is in the docket for this rulemaking. The various viewpoints expressed in these meetings will be considered as part of EPA's final decisionmaking concerning the deferral.

IV. Regulatory Alternatives Under Subtitle C

The studies indicate that subjecting petroleum UST cleanups to the full range of subtitle C regulations would have significant adverse impacts. However, in the context of other previous rulemakings, EPA has explored the concept of alternative, ostensibly more streamlined, types of RCRA regulatory approaches that could be used to expedite cleanups. Some of these alternatives are discussed below. EPA is interested in comments from the public on the efficacy of using these approaches in dealing with UST petroleum-contaminated media and debris under subtitle C of RCRA as an alternative to the exemption being proposed today.

One alternative is reflected in the proposed rulemaking for mobile treatment units (52 FR 20914, June 3, 1987). Thermal treatment of UST petroleum contaminated soils, often in mobile thermal treatment units, is an innovative soil treatment technology that is increasing in use. The primary legal impediments to obtaining this type of "streamlined" permit for UST corrective actions under subtitle C are the need to provide for site specific public participation (as required under RCRA 7004), and the requirement to address facility-wide corrective action (under RCRA 3004(u)). Given that any treatment permit would have to address these statutory requirements, and that doing so would require a considerable time and resource commitment on the part of the issuing government agency(s), as well as the permittee, it may be that creating this type of permit for UST petroleum cleanup situations would actually have little "streamlining" effect.

Another approach is the use of emergency permits under Subtitle C of RCRA as an alternative to full subtitle C permitting. Emergency permits under 40 CFR 270.61 could be used in some situations involving petroleum UST releases. The problem is that these permits are of such short duration (90 days) that they would not be useful for extended cleanup operations, or for sites where cleanup is not being conducted in response to an actual "emergency" situation. Of the 112,000 UST cleanups initiated that have been reported to EPA by the States, only 5990 were categorized as emergency responses.

The concept of permits-by-rule has been considered as a mechanism that could alleviate the administrative impacts of individually permitting petroleum UST cleanups under subtitle C, while maintaining the substantive controls and standards (including the land disposal restrictions) provided under Subtitle C. However, as noted above, Section 7004(b)(2) of RCRA specifies that permits issued under RCRA for hazardous waste facilities must undergo a local hearing process. Thus, the utility of "permits-by-rule" may be limited under RCRA. See *NRDC v. EPA*, 907 F.2d 1146 (DC Cir. 1990) (remanding a hazardous waste permit-by-rule).

Even if the administrative problems associated with issuing permits for petroleum UST cleanups activities could be resolved, additional problems of regulating these cleanups under subtitle C remain. For example, UST owners or operators would have to register as a hazardous waste generator and obtain a generator identification number if they are generating soils or groundwater that exhibit the toxicity characteristic. The thousands of facilities each year that may be involved in such transactions would impose additional burdens on the issuing agency, and likely add to delays in the cleanup process. In addition, generators of hazardous waste are required to prepare and submit to EPA a biennial report of their hazardous waste generation activities, resulting in an increased paperwork burden to the regulated community, and additional administrative costs to EPA to process such reports.

EPA requests comment on the legal and technical defensibility of the above regulatory alternatives for regulation of these materials under RCRA subtitle C. EPA is concerned that some of the alternatives either may present legal concerns or fail to provide sufficient flexibility to remedy the environmental problems caused by regulating these materials as hazardous waste. EPA also requests suggestions concerning other changes to the subtitle C regulations that will allow EPA to regulate these materials under subtitle C while at the same time providing the flexibility to avoid the counterproductive impacts of subtitle C regulation of UST petroleum-contaminated media and debris discussed previously. EPA is also asking for comment on these and other regulatory alternatives in a related rulemaking concerning non-UST petroleum contaminated media and debris.

V. Process for the Final Determination

EPA will review and evaluate the public comments on the studies, public meetings, and this proposed rule as part of its decisionmaking concerning the regulatory status of UST petroleum-contaminated media and debris. Following review of all the public comments submitted on these notices, EPA will publish in the **Federal Register** its final determination regarding the regulatory status of UST petroleum-contaminated media and debris.

VI. Relationship to Non-UST Petroleum-Contaminated Media and Debris

In a separate action (57 FR 61542, December 24, 1992) the Agency has proposed suspension of the TC rule for the 25 newly listed organic contaminants for three years for environmental media and debris contaminated by petroleum products released from sources other than RCRA subtitle I regulated USTs. This suspension has been requested by several States. During the suspension period, the Agency would collect additional data, perform additional analyses, and explore other administrative and legal mechanisms to better tailor RCRA regulatory requirements to unique issues associated with remediation of non-UST petroleum releases.

Persons who would like to submit comments to EPA regarding the separate action for media and debris contaminated by non-UST releases must do so by submitting comments specifically addressing that action, to the appropriate RCRA docket.

The Agency believes it is appropriate to examine the application of the TC rule to petroleum contaminated media and debris from USTs and non-UST sources separately. Programs that regulate USTs and non-UST sources of petroleum contaminated media and debris can be distinct, with their own regulatory and administrative structures. Hence, the impacts of the TC rule on UST and non-UST cleanups can differ. For this reason, the ultimate determinations as to how to regulate UST and non-UST petroleum contaminated media and debris could be different.

Different exemptions, however, for very similar or identical types of waste, may be confusing to the regulated community and may pose challenges for the enforcement program. EPA is interested in obtaining comment from the public regarding whether and to what extent these two distinct exemptions should be made consistent or identical. Commenters may want to focus their attention on four differences in the non-UST proposal and today's proposal, discussed below.

First, the exemption in the non-UST proposal is limited to petroleum-contaminated media and debris generated at sites that are the subject of a site-specific enforcement order or other written approval from the State. The Agency believes a similar provision is unnecessary in today's proposal, due to the existence of the Federal corrective action regulations for USTs under subtitle I of RCRA, and the existence of active UST regulatory programs in each State that provide oversight of UST corrective action activities.

Second, the non-UST proposal limits the exemption to media and debris that are contaminated solely with petroleum product. The Agency believes a similar provision is unnecessary in today's proposal. Subtitle I of RCRA contains a well-defined universe of "petroleum UST systems" to which the exemption would apply. These petroleum UST systems are subject to the Federal UST corrective action regulations and the State programs discussed above, whether they contain petroleum product only, or other petroleum substances, such as used oil, in certain circumstances.

Third, although not a part of the preferred option, the non-UST proposal solicits comment on whether to limit that exemption to releases of less than a specified size, *e.g.*, less than 10,000 gallons of released product. Larger spills might be subject to full subtitle C controls. While this provision may be appropriate for above ground spills where the quantity of released product can be more easily estimated, the Agency believes such a provision is unsuitable for releases from underground storage tanks, because it would be difficult, if not impossible, to ascertain the amount of material that had been released into the subsurface environment prior to the initiation of cleanup.

Fourth, both proposals limit the exemption to the 25 newly listed TC constituents. However, the non-UST proposal solicits comment on further limiting the scope of the non-UST suspension only to those TC constituents which are known to be indigenous to petroleum product. The Agency is considering three contaminants in this regard under the non-UST rule—benzene, cresols, and methyl ethyl ketone. The Agency believes such a limitation is unnecessary in today's proposal, however, because contaminated media and debris is exempt only if it is generated from a subtitle I petroleum-UST system, which is well defined. See 40 CFR part 280.12. For example, a petroleum UST to which hazardous waste had been added would no longer be a subtitle I petroleum UST system (rather, it would be subject to subtitle C regulations). Thus, media and debris contaminated by releases from such a tank would not be exempt under today's proposal.

VII. Effect on Subtitle C State Authorization

Since today's proposal will, when finalized, make permanent the existing temporary exemption already contained in EPA's hazardous waste regulations, there would be no impact on State subtitle C hazardous waste programs, whether authorized by EPA for the TC or not. EPA did not require States to adopt the UST temporary deferral, nor would they be required to adopt the exemption being proposed today, when final, since this provision is less stringent than subjecting UST petroleum-contaminated media and debris to the full requirements of the TC rule.

VIII. Regulatory Requirements

A. Regulatory Impact Analysis

Executive Order 12291 (46 FR 13193) requires that regulatory agencies determine whether a new regulation constitutes a "major" rulemaking and, if so, that a Regulatory Impact Analysis (RIA) be conducted. An RIA consists of the quantification of the potential benefits, costs, and economic impacts of a major rule. A major rule is defined in Executive Order 12291 as a regulation likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individuals, industries, Federal, State, or local government agencies, or geographic regions; or (3) a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

As discussed elsewhere in this preamble, EPA has estimated that today's proposed rule will result indirectly in significant cost savings, by avoiding the increased costs that would otherwise be associated with regulating UST petroleum-contaminated media and debris as hazardous waste. See EPA's draft reports titled "TC Study of Petroleum UST Contaminated Media and Debris" and "The Impacts of

VOL
58
ISS
28
FE
12
1993
UMI

Removing the TCLP Deferral for Petroleum-Contaminated Media at Underground Storage Tank Sites" for documentation of these cost savings.

Also, EPA does not believe the rule will significantly affect consumers, individuals, industries, Federal, State, or local government agencies, or geographic regions, or have significant adverse effects on competition, employment, investment, innovation, or international trade. Therefore, EPA has determined that today's proposed rule is not a major rule and that a Regulatory Impact Analysis is not required.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA) of 1980 (Pub. L. 96–345), whenever a Federal agency publishes a notice of rulemaking for a proposed or final rule, it must prepare and make available for comment a Regulatory Flexibility Analysis that describes the impact of the rule on small entities, including small businesses, small organizations, and small governmental jurisdictions, unless the Agency head certifies that the proposed action will not have a significant economic impact on a substantial number of small entities.

This proposal will provide significant regulatory relief to businesses, including many small businesses, faced with corrective action as a result of releases from petroleum USTs. Therefore, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities.

C. Paperwork Reduction Act

This rule does not impose any additional reporting, recordkeeping, or information collection requirements on any member of the regulated public. Therefore, no estimate of public reporting burden is required for this rule.

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Dated: January 20, 1993.

William K. Reilly,

Administrator.

[FR Doc. 93–3475 Filed 2–11–93; 8:45 am]

BILLING CODE 6560-50-P

federal register

Friday
February 12, 1993

Part IX

The President

Executive Order 12839 of February 10, 1993—Reduction of 100,000 Federal Positions

VOL
58
ISS
28
FE
12
1993
UMI

Title 3—

The Pr

[FR Doc. 93-
Filed 2-11-9
Billing code

Federal Register
Vol. 58, No. 28
Friday, February 12, 1993

Presidential Documents

Title 3—

The President

Executive Order 12839 of February 10, 1993

Reduction of 100,000 Federal Positions

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, section 3301 of title 5, United States Code, and section 1111 of title 31, United States Code, it is hereby ordered as follows:

Section 1. *Limits on Hiring Civilian Personnel.* Each executive department or agency with over 100 employees shall eliminate not less than 4 percent of its civilian personnel positions (measured on a full-time equivalent (FTE) basis) over the next 3 fiscal years. The positions shall be vacated through attrition or early out programs established at the discretion of the department and agency heads. At least 10 percent of the reductions shall come from the Senior Executive Service, GS–15 and GS–14 levels or equivalent.

Sec. 2. *Coverage.* This order applies to all executive branch departments and agencies with over 100 employees (measured on a FTE basis).

Sec. 3. *Target Dates.* Each department and agency shall achieve 25 percent of its total reductions by the end of fiscal year 1993, 62.5 percent by the end of fiscal year 1994, and 100 percent by the end of fiscal year 1995.

Sec. 4. *Implementation.* The Director of the Office of Management and Budget shall issue detailed instructions regarding the implementation of this order, including exemptions necessary for the delivery of essential services and compliance with applicable law.

Sec. 5. *Independent Agencies.* All independent regulatory commissions and agencies are requested to comply with the provisions of this order.

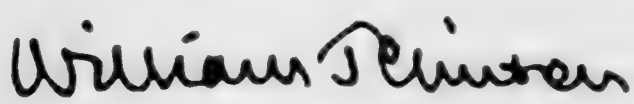

THE WHITE HOUSE,
February 10, 1993.

[FR Doc. 93–3614
Filed 2–11–93; 10:24 am]
Billing code 3195–01–M

Editorial note: For the President's remarks on signing this Executive order, see issue no. 6 of the *Weekly Compilation of Presidential Documents.*

VOL
58
ISS
28
FE
12
1993
UMI

Read

INFORMA

Federal Re
Index, find
Public insp
Corrections
Document
Machine re

Code of Fe
Index, find
Printing sch

Laws
Public Law
Additional

Presidentia
Executive o
Public Pape
Weekly Co

The United
General inf

Other Servi
Data base a
Guide to Re
Legal staff
Privacy Act
Public Law
TDD for the

FEDERAL

6601–6678...
6679–6874...
6875–7046...
7047–7184...
7185–7476...
7477–7714...
7715–7860...
7861–7952...
7953–8200...
8201–8516...

Reader Aids

Federal Register

Vol. 58, No. 28

Friday, February 12, 1993

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection desk	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

6601–6678.....1
6679–6874.....2
6875–7046.....3
7047–7184.....4
7185–7476.....5
7477–7714.....8
7715–7860.....9
7861–7952.....10
7953–8200.....11
8201–8516.....12

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive orders:
12837.....8205
12838.....8207
12839.....8515
12800 (Revoked by EO 12836).....7045
12818 (Revoked by EO 12836).....7045
12836.....7045

Administrative Orders:
Memorandums:
January 22, 1993.....7455
January 22, 1993.....7455
January 22, 1993.....7455
January 29, 1993.....8201
February 3, 1993.....8203

Proclamations:
6527.....7477

5 CFR

Proposed Rules:
970.....7052

7 CFR

52.....7607
318.....7953
907.....7964
908.....7964
915.....7972
918.....8209
1097.....6679
1099.....6679
1209.....8194

Proposed Rules:
52.....7296
275.....7296
283.....7296
1139.....7996

10 CFR

19.....7715
20.....7715
30.....7715
36.....7715
40.....7715
51.....7715
70.....7715
170.....7715

Proposed Rules:
30.....6730
40.....6730
50.....6730, 7757
70.....6730
72.....6730

11 CFR

201.....6875

12 CFR

203.....6601
207.....6602
208.....7973
220.....6602
221.....6602
224.....6602
225.....7973
303.....8210
325.....8220
611.....6504
612.....6605
796.....6605
1605.....8220

Proposed Rules:
208.....8007
225.....8007

13 CFR

121.....7479

14 CFR

21.....8222
23.....8222
33.....6875
39.....6703–6707, 6877–6881, 7185, 7479–7482, 7737, 7861, 7862, 7982, 7983, 8224
71.....6709, 6884–6886, 7179, 7484, 7738
73.....6884
95.....6887
97.....6709, 6712, 7485, 7746

Proposed Rules:
Ch. I.....8244
39.....6740–6746, 6906, 7196, 7494, 7495, 7759
61.....7197
63.....7197
65.....7197
71.....6911, 8244
93.....7950
121.....7197
135.....7197
300.....7040
399.....7053

16 CFR

4.....7047

Proposed Rules:
305.....7852
Ch. II.....8013–8023

17 CFR

4.....8226
140.....6677
145.....7040
150.....6854
270.....7984

Proposed Rules:
1.....6748, 7056
3.....6748
10.....6748
145.....6748

18 CFR

3c.....7486
154.....7984
157.....6893
381.....7488
385.....7984

19 CFR

Proposed Rules:
10.....6677

21 CFR

520.....7864
1308.....7186

23 CFR

140.....6713
Proposed Rules:
625.....6914

24 CFR

770.....8186
882.....8186
889.....8186
890.....8186
941.....8186
Proposed Rules:
770.....8187
882.....8187
889.....8187
890.....8187
941.....8187

25 CFR

501.....8449
515.....8449
519.....8449
522.....8449
523.....8449
524.....8449
531.....8449
533.....8449
535.....8449
537.....8449
539.....8449
556.....8449
558.....8449
571.....8449
573.....8449
575.....8449
577.....8449

26 CFR

1.....6678, 7041, 7296, 7747, 7865, 7987, 7988, 8098
602.....6678, 7987, 7988
Proposed Rules:
1.....6854, 6922, 6923, 7179, 7497, 7845, 8027
26.....6854, 7497
52.....8099
301.....6854, 7497, 7761

29 CFR

2616.....6605
2617.....6605
2619.....8230
2676.....8231
Proposed Rules:
103.....7149
2619.....7921
2676.....7921

30 CFR

254.....7489
Proposed Rules:
14.....8028
18.....8028
75.....8028
870.....7761

31 CFR

103.....7047

32 CFR

201.....7865
592.....6715
606.....6715
608.....6715
612.....6715
616.....6715

33 CFR

3.....6716
100.....7492
117.....6717
150.....7330
154.....7330
155.....7376
334.....6718
Proposed Rules:
117.....6766, 6767, 7497, 7498
165.....7500
334.....6768

34 CFR

8.....7860
Proposed Rules:
300.....7938

36 CFR

Proposed Rules:
1191.....6924

37 CFR

304.....7051

38 CFR

1.....7296

39 CFR

Proposed Rules:
3001.....6769

40 CFR

2.....7187
52.....6606
58.....8252
60.....7189
82.....8136
180.....6893
232.....8172
233.....8172
261.....6854
266.....6607
271.....6854, 7865, 8232
281.....6894
300.....7189, 7492
305.....7704
721.....7190
Proposed Rules:
Ch. I.....6609, 7501
52.....7762, 8245, 8246
54.....7870
81.....7762
144.....7924, 8028
191.....7924, 8028
194.....8029
260.....8102
261.....6925, 8102, 8504
262.....8102
264.....8102
265.....8102
268.....8102
270.....8102
273.....8102
372.....6609
700.....7646
720.....7661
721.....7676
723.....7646, 7679

42 CFR

59.....7462
Proposed Rules:
59.....7464

43 CFR

Public Land Order:
6956.....6719
6957.....7867

45 CFR

303.....7040
1626.....6608
Proposed Rules:
1607.....6611
1609.....6612

46 CFR

571.....7190
586.....7988
Proposed Rules:
502.....7199
505.....7199
510.....7199
514.....7501
540.....7199

47 CFR

1.....6895
61.....7867
69.....7867
73.....7194, 7195, 7869, 8233–8235
76.....7990
Proposed Rules:
Ch. 1.....6937, 7062, 8248
2.....6769
15.....6769, 7205
43.....7764
73.....6677, 7874, 7875, 8248
76.....7205, 7875

48 CFR

Ch. 20.....8449
552.....8235
Proposed Rules:
Ch. 53.....6771

49 CFR

1.....6896–6898
229.....6899
9.....6719
171.....6864
172.....6864
173.....6864
174.....6864
176.....6864
390.....6726
394.....6726
1002.....7748
1017.....7748
1018.....7748
1312.....7748
1313.....7748
1314.....7748
Proposed Rules:
40.....7197, 7506
199.....7197
217.....7197
219.....7197
350.....7197
382.....7197
383.....7197
391.....7197
392.....6937, 7197
395.....6937, 7197
531.....6939
571.....7206, 7506
572.....7506
611.....6948
653.....7197
654.....7197
1039.....8030
1180.....6612

50 CFR

17.....8235
650.....7040
675.....7040
Proposed Rules:
17.....8032, 8249, 8250
226.....7206
663.....7525
672.....6677

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List February 11, 1993

ELECTRONIC BULLETIN BOARD

Free **Electronic Bulletin Board** Service for Public Law Numbers is available on 202–275–1538 or 275–0920.

The auth

The Com

Pre Doc

This unique ser information on and announcem full text of the F speeches, state Congress, news nel appointmen other President by the White Ho

Order Processing Code
*6466

YE

1. The total co subject to c

Please Type c

2. _____
(Company or p

_____
(Additional add

_____
(Street address

_____
(City, State, ZI

(_____)
(Daytime phone

4. Mail To: Ne

The authentic text behind the news . . .

The Weekly Compilation of **Presidential Documents**

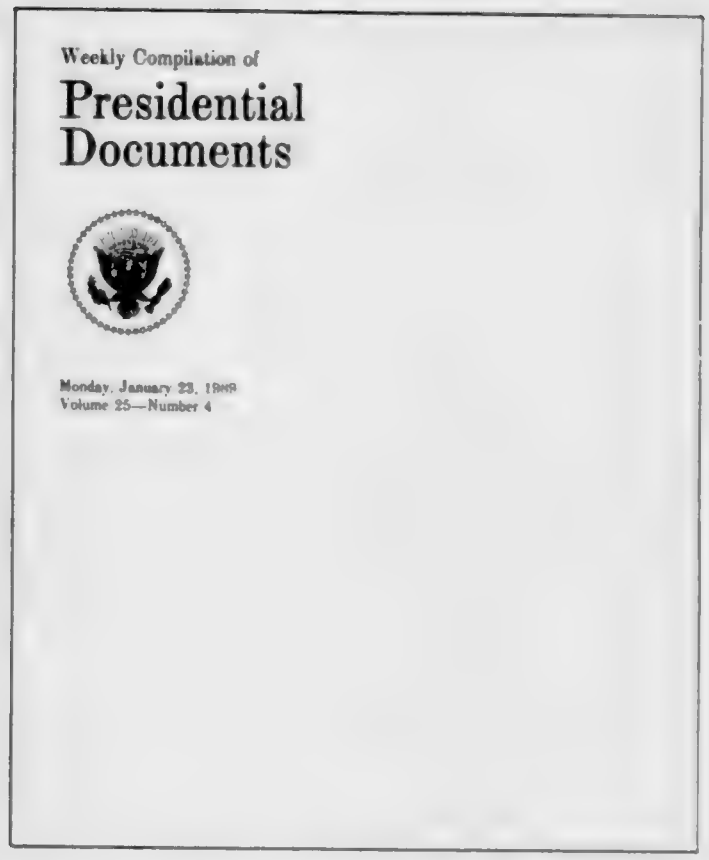

This unique service provides up-to-date information on Presidential policies and announcements. It contains the full text of the President's public speeches, statements, messages to Congress, news conferences, personnel appointments and nominations, and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. Each issue contains an Index of Contents and a Cumulative Index to Prior Issues.

Separate indexes are published periodically. Other features include lists of acts approved by the President, nominations submitted to the Senate, a checklist of White House press releases, and a digest of other Presidential activities and White House announcements.

Published by the Office of the Federal Register, National Archives and Records Administration.

Superintendent of Documents Subscriptions Order Form

Order Processing Code
*6466

Charge your order. It's easy! MasterCard VISA

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please enter my subscription for one year to the **WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS (PD)** so I can keep up to date on Presidential activities.

☐ $96.00 First Class ☐ $58.00 Regular Mail

1. The total cost of my order is $ _____ All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____) _____
(Daytime phone including area code)

3. **Please choose method of payment:**
☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____ ***Thank you for your order!***
(Credit card expiration date)

_____
(Signature) (Rev. 1/93)

4. **Mail To: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954**

VOL
58
ISS
28
FE
12
1993
UMI

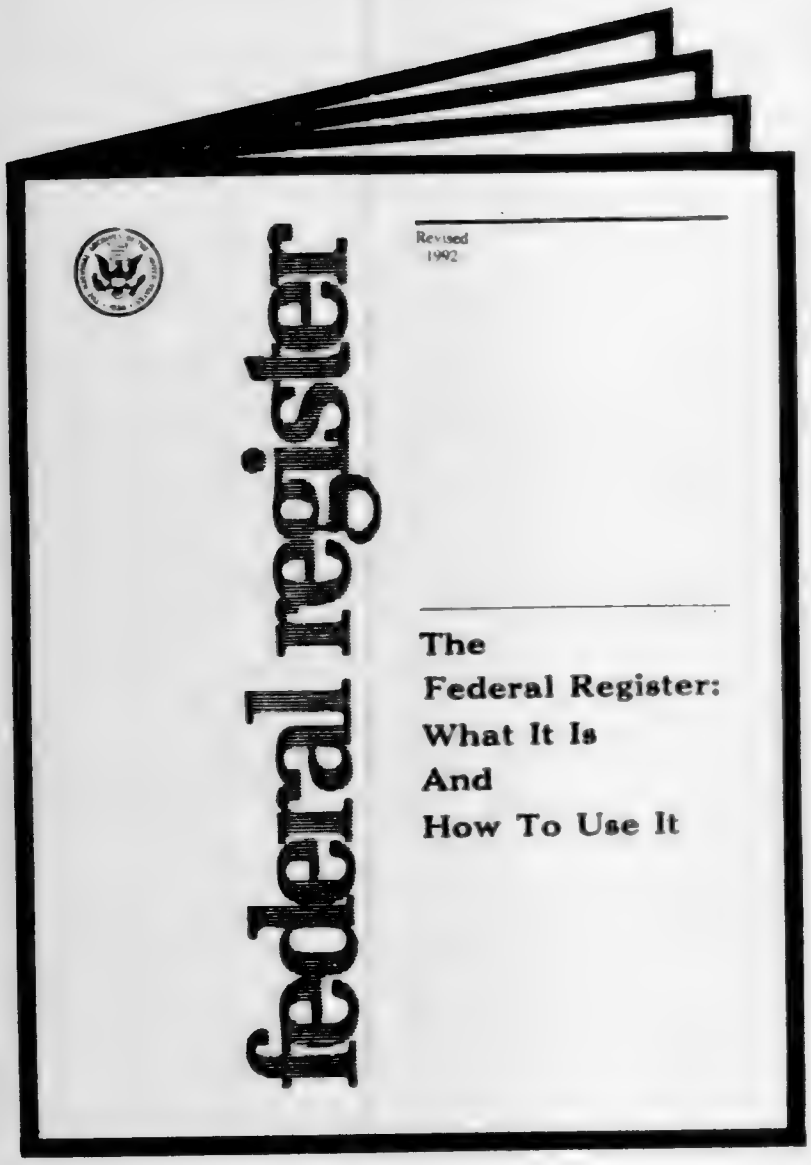

Announcing the Latest Edition

The Federal Register: What It Is and How to Use It

A Guide for the User of the Federal Register—Code of Federal Regulations System

This handbook is used for the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide guidelines for using the *Federal Register* and related publications, as well as an explanation of how to solve a sample research problem.

Price $7.00

Superintendent of Documents **Publications** Order Form

P3

Order processing code:
*6173

☐ **YES**, please send me the following:

Charge your order. It's Easy! MasterCard VISA

To fax your orders (202)-512-2250

_____ copies of **The Federal Register-What it is and How To Use It**, at $7.00 per copy. Stock No. 069-000-00044-4

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

_____
(Company or Personal Name) (Please type or print)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

_____
(Daytime phone including area code)

_____
(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐ (Credit card expiration date)

Thank you for your order!

_____
(Authorizing Signature) (Rev. 1-93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

Mail To: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954

ition

It

ister—

nal
the
ble to
provide
r and
anation
blem.

P3

VISA

02)-512-2250

nestic

f Documents

☐☐☐-☐

☐☐☐☐☐

Thank you for your order!

(Rev. 1-93)

Documents
15250-7954

May we make your name/address available to other mailers? ☐ ☐

P.O. Box 371954, Pittsburgh, PA 15250-7954

VOL
58

ISS
28

FE
12

1993

UMI

Printed on recycled paper

VOL
58

ISS
29

FE
16

1993

UMI

U·M·I

THE PAPER AND INK USED IN THE ORIGINAL MATERIAL AFFECT THE QUALITY OF THE MICRO-EDITION. THIS REPRODUCTION IS MADE FROM THE BEST COPY AVAILABLE.

2–16–93
Vol. 58

United S
Governm
Printing
SUPERINTEN
OF DOCUME
Washington,

OFFICIAL BU
Penalty for pr

2–16–93
Vol. 58 No. 29

federal register

Tuesday
February 16, 1993

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 93 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097–6326)

VOL
58

ISS
29

FE
16

1993

UMI

2-16-93
Vol. 58
Pages 851

2-16-93
Vol. 58 No. 29
Pages 8517-8690

federal register

Tuesday
February 16, 1993

VOL
58
ISS
29
FE
16
1993
UMI

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche format and magnetic tape. The annual subscription price for the **Federal Register** paper edition is $375, or $415 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $353; and magnetic tape is $37,500. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $4.50 for each issue, or $4.50 for each group of pages as actually bound; or $1.50 for each issue in microfiche form; or $175.00 per magnetic tape. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 58 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	202–783–3238
Magnetic tapes	512–1530
Problems with public subscriptions	512–2303
Single copies/back copies:	
Paper or fiche	783–3238
Magnetic tapes	512–1530
Problems with public single copies	512–2457
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	523–5243
Magnetic tapes	512–1530
Problems with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

Printed on recycled paper containing 100% post consumer waste

Cont

Acquired
Comm
See Nation
Syndr

Agricultur
RULES
Limes and
Nectarines
Olives gro
Pears (win
Califo
Potatoes (I
Colorad
PROPOSED
Milk mark
Southwe
Olives gro

Agricultur
See Agricu
See Anima
See Farme
See Food S
See Forest

Air Force
NOTICES
Meetings:
Scientifi

Animal an
RULES
Plant-relate
Oriental
Plant-relate
Monterey
8524

Army Depa
NOTICES
Environme
Red-cock
deve

Arts and H
See Nation

Civil Right
NOTICES
Meetings; S
Colorado
Rhode Isl

Coast Gua
RULES
Ports and w
Safety an
8543

Commerce
See Interna

Contents

Federal Register

Vol. 58, No. 29

Tuesday, February 16, 1993

Acquired Immune Deficiency Syndrome, National Commission
See National Commission on Acquired Immune Deficiency Syndrome

Agricultural Marketing Service
RULES
Limes and avocados grown in Florida, 8533
Nectarines grown in California, 8534
Olives grown in California, 8538
Pears (winter) grown in Oregon, Washington, and California, 8536
Potatoes (Irish) grown in—
Colorado, 8539
PROPOSED RULES
Milk marketing orders:
Southwest Plains, 8559
Olives grown in California, 8558

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Farmers Home Administration
See Food Safety and Inspection Service
See Forest Service

Air Force Department
NOTICES
Meetings:
Scientific Advisory Board, 8588

Animal and Plant Health Inspection Service
RULES
Plant-related quarantine, domestic:
Oriental fruit fly, 8517
Plant-related quarantine, foreign:
Monterey pine and Douglas-fir logs from New Zealand, 8524

Army Department
NOTICES
Environmental statements; availability, etc.:
Red-cockaded woodpecker; management guidelines development, 8588

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
Colorado, 8584
Rhode Island, 8584

Coast Guard
RULES
Ports and waterways safety:
Safety and security zones, etc.; list of temporary rules, 8543

Commerce Department
See International Trade Administration
See Minority Business Development Agency
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration
See Travel and Tourism Administration

Committee for the Implementation of Textile Agreements
NOTICES
Textile consultation; review of trade:
Sri Lanka, 8586

Consumer Product Safety Commission
PROPOSED RULES
Cigarette lighters, child-resistant, 8565
NOTICES
Meetings; Sunshine Act, 8653

Copyright Royalty Tribunal
RULES
Digital Audio Recording Technology Act; implementation Correction, 8655

Defense Department
See Air Force Department
See Army Department
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities under OMB review, 8588

Education Department
PROPOSED RULES
Special education and rehabilitative services:
Vocational rehabilitation services and providers by an individual with a disability; criteria selection, 8688

Energy Department
See Federal Energy Regulatory Commission
See Hearings and Appeals Office, Energy Department
NOTICES
Atomic energy agreements; subsequent arrangements, 8590

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
California, 8545
Hazardous and solid waste:
Corrective action management units and temporary units, 8658
PROPOSED RULES
Air programs:
Disinfection By-Products Negotiated Rulemaking Advisory Committee; meetings, 8565
Air quality implementation plans; approval and promulgation; various States:
Maryland, 8565
NOTICES
Agency information collection activities under OMB review, 8593, 8594
Drinking water:
Public water supply supervision program—
Pennsylvania, 8594

VOL 58 ISS 29 FE 16 1993 UMI

Neurotoxicity risk assessment guidelines peer review workshop report; availability, 8595
Water pollution control:
National pollutant discharge elimination system (NPDES) program—
Storm water discharge sources controls; meetings, 8595

Farmers Home Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Housing preservation program, 8582

Federal Emergency Management Agency
RULES
Flood elevation determinations:
Alabama et al., 8549
Arkansas et al., 8551
California et al., 8553
PROPOSED RULES
Flood elevation determinations:
Maine et al., 8568

Federal Energy Regulatory Commission
NOTICES
Natural Gas Policy Act:
State jurisdictional agencies tight formation recommendations; preliminary findings—
New Mexico Energy Department Oil Conservation Division, 8589
Applications, hearings, determinations, etc.:
Arkla Energy Resources, 8589
Bridgeline Gas Distribution Co., 8589
El Paso Natural Gas Co., 8590

Federal Housing Finance Board
PROPOSED RULES
Federal home loan bank system:
Role; hearing, 8563

Federal Maritime Commission
NOTICES
Agreements filed, etc., 8596

Federal Mine Safety and Health Review Commission
NOTICES
Meetings; Sunshine Act, 8653

Federal Railroad Administration
NOTICES
Emergency order; railroad tank car owners, 8647

Federal Reserve System
NOTICES
Applications, hearings, determinations, etc.:
CNB Bankshares, Inc., 8596
Flanagan, James M., 8597
Northview Financial Corp. et al., 8597

Fish and Wildlife Service
NOTICES
Environmental statements; availability, etc.:
Lower Florida Keys backcountry, FL; management plan, 8633
New Madrid National Wildlife Refuge, MO, 8634

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
Ivermectin and pyrantel (as pamoate salt), 8541
Yohimbine injectable, 8542
NOTICES
Meetings:
Advisory committees, panels, etc., 8598

Food Safety and Inspection Service
PROPOSED RULES
Meat and poultry inspection:
Nutrition labeling—
Use of "healthy" and similar terms, 8560

Forest Service
NOTICES
Environmental statements; availability, etc.:
Clearwater National Forest, ID, 8582

General Services Administration
RULES
Federal travel:
Federal and State relocation income tax allowance tax tables, 8547
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities under OMB review, 8588

Health and Human Services Department
See Food and Drug Administration
See Health Care Financing Administration
See Inspector General Office, Health and Human Services Department
See National Institutes of Health
See Public Health Service

Health Care Financing Administration
See Inspector General Office, Health and Human Services Department
PROPOSED RULES
Medicare and medicaid:
Prepaid health care organizations; physician incentive plans requirements, 8568

Health Resources and Services Administration
See Public Health Service

Hearings and Appeals Office, Energy Department
NOTICES
Cases filed, 8591
Special refund procedures; implementation, 8591

Housing and Urban Development Department
NOTICES
Grant and cooperative agreement awards:
Public and Indian housing—
Family self-sufficiency program, 8611
Family unification demonstration program, 8606
HOPE for elderly independence program, 8609
Organization, functions, and authority delegations:
Regional offices, etc.; order of succession—
Albany, 8632
Las Vegas, 8632

Inspector General Office, Health and Human Services Department
PROPOSED RULES
Medicare and medicaid programs:
Prepaid health care organizations; physician incentive plans requirements, 8568

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See National Park Service
See Surface Mining Reclamation and Enforcement Office

International Trade Administration
NOTICES
Export trade certificates of review; correction, 8584

Interstate Commerce Commission
NOTICES
Meetings; Sunshine Act, 8653
Railroad services abandonment:
CSX Transportation, Inc., 8635
Southern Pacific Transportation Co., 8636

Labor Department
See Mine Safety and Health Administration

Land Management Bureau
NOTICES
Meetings:
Helicopters and motorized vehicles use for gathering wild horses and burros, 8632
Ukiah District Advisory Council, 8632
Realty actions; sales, leases, etc.:
Arizona; correction, 8655
Survey plat filings:
Florida, 8633
Wisconsin, 8633

Maritime Administration
NOTICES
Mortgagees and trustees; applicants approval, disapproval, etc.:
Chase Lincoln First Bank, National Association, 8649
First Bank, National Association, 8649

Mine Safety and Health Administration
RULES
Coal mine safety and health:
Refuse piles and waste impoundment dams; CFR correction, 8543

Mine Safety and Health Federal Review Commission
See Federal Mine Safety and Health Review Commission

Minority Business Development Agency
NOTICES
Business development center program applications:
Virgin Islands, 8584

National Aeronautics and Space Administration
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities under OMB review, 8588

National Commission on Acquired Immune Deficiency Syndrome
NOTICES
Meetings, 8636

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Humanities Panel, 8637

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
Mazda (North America), Inc., 8650
Nissan Motor Co., Ltd., 8651

National Institute of Standards and Technology
NOTICES
Laboratory Accreditation Program, National Voluntary:
Fasteners and metals testing and inspection laboratories; workshop, 8586

National Institutes of Health
NOTICES
AIDS and HIV-related disease; investigational new drugs expanded availability through parallel track mechanism; d4T (trade name Stavudine) IRB review waiver, 8600
Inventions, Government-owned; availability for licensing, 8600
Meetings:
Early identification of hearing impairment in infants and young children; consensus development conference, 8601
National Heart, Lung, and Blood Institute, 8601, 8602
National Institute of Arthritis and Musculoskeletal and Skin Diseases, 8602
National Institute of Diabetes and Digestive and Kidney Diseases, 8600
President's Cancer Panel, 8602
Patent licenses; non-exclusive, exclusive, or partially exclusive:
Advanced Peptides, Inc., et al., 8603
Sanyo-Kokusaku Pulp Co., Ltd., 8603

National Oceanic and Atmospheric Administration
RULES
Endangered and threatened species:
Sea turtle conservation—
Summer flounder trawl fishery; turtle excluder device requirement, 8554
Fishery conservation and management:
Summer flounder, 8557

National Park Service
NOTICES
Environmental statements; availability, etc.:
Capitol Reef National Park, UT, 8634
National Register of Historic Places:
Pending nominations, 8634

Neighborhood Reinvestment Corporation
NOTICES
Meetings; Sunshine Act, 8653

Nuclear Regulatory Commission
PROPOSED RULES
Practice rules:
Radiological criteria for decommissioning of NRC licensed facilities; workshop, 8560
NOTICES
Petitions; Director's decisions:
Nuclear Information and Resource Service, 8637
Applications, hearings, determinations, etc.:
Consumers Power Co., 8638
Sequoyah Fuels Corp., 8638

Public Health Service
See Food and Drug Administration

See National Institutes of Health
NOTICES
Meetings:
Research Integrity Advisory Committee, 8597
Organization, functions, and authority delegations:
National Institutes of Health, 8603–8606

Securities and Exchange Commission
RULES
Organization, functions, and authority delegations:
General Counsel Office, 8541
NOTICES
Agency information collection activities under OMB review, 8638, 8639
Meetings; Sunshine Act, 8653
Self-regulatory organizations:
Clearing agency registration applications—
Participants Trust Co., 8642
Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc., 8639
National Association of Securities Dealers, Inc., 8640
Self-regulatory organizations; unlisted trading privileges:
Boston Stock Exchange, Inc., 8642
Midwest Stock Exchange, Inc., 8643
Pacific Stock Exchange, Inc., 8643
Philadelphia Stock Exchange, Inc., 8644
Applications, hearings, determinations, etc.:
AIM Convertible Securties, Inc., 8644

State Department
NOTICES
Organization, functions, and authority delegations:
Senior IRM Manager, 8646

Surface Mining Reclamation and Enforcement Office
RULES
Initial and permanent regulatory programs:
Surface coal mining and reclamation operations—
Previously mined area definition; and off-site coal preparation plans; performance standards; correction, 8655
PROPOSED RULES
Abandoned mine land reclamation:
Reclamation fund fee collection and coal production reporting; basis for coal weight determination; correction, 8655

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Transportation Department
See Coast Guard
See Federal Railroad Administration
See Maritime Administration
See National Highway Traffic Safety Administration
NOTICES
Aviation proceedings:
Agreements filed; weekly receipts, 8646
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 8647

Travel and Tourism Administration
PROPOSED RULES
International tourism trade development:
Cooperative tourism marketing programs; financial assistance, 8564

Separate Parts In This Issue

Part II
Environmental Protection Agency, 8658

Part III
Education Department, 8688

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free **Electronic Bulletin Board** service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

VOL 58 ISS 29 FE 16 1993 UMI

CFR PARTS
A cumulative l
Reader Aids s
7 CFR
301
319
911
915
916
927
932
948
Proposed Rules
932
1106
9 CFR
Proposed Rules
317
381
10 CFR
Proposed Rules
20
12 CFR
Proposed Rules
900
15 CFR
Proposed Rules
1200
16 CFR
Proposed Rules
1210
17 CFR
200
21 CFR
520
522
30 CFR
77
701
785
Proposed Rules
870
33 CFR
100
165
34 CFR
Proposed Rul
361
37 CFR
301
311
40 CFR
52
260
264
265
268
270
271
Proposed Rules
Ch. I
52
41 CFR
302–11
42 CFR
Proposed Rules
417
434
1003

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
301....8517
319....8524
911....8533
915....8533
916....8534
927....8536
932....8538
948....8539
Proposed Rules:
932....8558
1106....8559

9 CFR
Proposed Rules:
317....8560
381....8560

10 CFR
Proposed Rules:
20....8560

12 CFR
Proposed Rules:
900....8563

15 CFR
Proposed Rules:
1200....8564

16 CFR
Proposed Rules:
1210....8565

17 CFR
200....8541

21 CFR
520....8541
522....8542

30 CFR
77....8543
701....8655
785....8655
Proposed Rules:
870....8655

33 CFR
100....8543
165....8543

34 CFR
Proposed Rules:
361....8688

37 CFR
301....8655
311....8655

40 CFR
52....8545
260....8658
264....8658
265....8658
268....8658
270....8658
271....8658
Proposed Rules:
Ch. I....8565
52....8565

41 CFR
302–11....8547

42 CFR
Proposed Rules:
417....8568
434....8568
1003....8568

44 CFR
65 (2 documents)....8551, 8553
67....8549
Proposed Rules:
67....8568

50 CFR
217....8554
227....8554
625....8557

VOL
58
ISS
29
FE
16
1993
UMI

Rules

This section
contains reg
applicability
are keyed to
Federal Reg
50 titles purs

The Code o
the Superint
new books a
REGISTER

DEPARTM

**Animal an
Service**

7 CFR Par

[Docket No.

Oriental Fr

AGENCY: A
Inspection

ACTION: Int
comments.

SUMMARY:
of San Dieg
Oriental fru
interstate m
articles fro
action is ne
basis to pre
Oriental fru
of the Unit

DATES: Inte
10, 1993. C
only to con
April 19, 1

ADDRESSES
three copie
Regulatory
PPD, APHI
Building, 6
Hyattsville
your comm
149–4. Con
inspected a
Building, 1
Avenue SW
8 a.m. and
Friday, exc

FOR FURTHE
Michael B.
Domestic a
PPQ, APHI
Building, 6
Hyattsville,

Rules and Regulations

Federal Register
Vol. 58, No. 29
Tuesday, February 16, 1993

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 91-149-4]

Oriental Fruit Fly Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are quarantining a portion of San Diego County, CA, because of the Oriental fruit fly, and restricting interstate movement of regulated articles from the quarantined area. This action is necessary on an emergency basis to prevent the spread of the Oriental fruit fly into noninfested areas of the United States.

DATES: Interim rule effective February 10, 1993. Consideration will be given only to comments received on or before April 19, 1993.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 91-149-4. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, room 640, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20740, (301) 436-8247.

SUPPLEMENTARY INFORMATION:

Background

The Oriental fruit fly, *Bactrocera dorsalis* (Hendel), is a destructive pest of numerous fruits (especially citrus fruits), nuts, vegetables, and berries. The Oriental fruit fly can cause serious economic losses. Heavy infestations can cause complete loss of crops. The short life cycle of this pest permits the rapid development of serious outbreaks.

In an interim rule effective on July 9, 1992, and published in the **Federal Register** on July 15, 1992 (57 FR 31305-31306, Docket No. 91-149-2), we removed the regulations in 7 CFR 301.93 through 301.93-10, "Subpart—Oriental Fruit Fly," which designated portions of Los Angeles, Riverside, and San Bernardino Counties in California as quarantined areas and imposed restrictions on the interstate movement of regulated articles from those areas. This action was warranted because we had determined that the Oriental fruit fly had been eradicated from Los Angeles, Riverside, and San Bernardino Counties and that the regulations were no longer necessary.

Since then, trapping surveys by inspectors of the State of California, local county agencies, and by inspectors of the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture (USDA), have revealed that a portion of San Diego County, CA, is infested with the Oriental fruit fly. Specifically, since August 21, 1992, inspectors have collected nine Oriental fruit flies in a portion of San Diego County. Therefore, we are amending the "Domestic Quarantine Notices" in 7 CFR part 301 by adding a new subpart, 301.93, "Oriental Fruit Fly" (referred to below as the regulations). These regulations quarantine a portion of San Diego County, CA, because of the Oriental fruit fly and restrict the interstate movement of regulated articles from the quarantined area. At the present time, the Oriental fruit fly is not known to occur anywhere else in the continental United States.

Officials of State agencies of California have begun an intensive Oriental fruit fly eradication program in the quarantined area in California. Also, as explained below, California has taken action to restrict the intrastate movement of certain articles from the quarantined area to prevent the spread of the Oriental fruit fly. Accordingly, this document establishes Federal regulations, which are described below by section, to prevent the spread of the Oriental fruit fly to other States.

Restrictions on Interstate Movement of Regulated Articles (Section 301.93)

Section 301.93 prohibits any person from moving any regulated article interstate from any quarantined area except in accordance with conditions prescribed in the regulations. For informational purposes, a footnote (number 1) has been added to reference the authority of an inspector to stop and inspect persons and means of conveyance, and to seize, quarantine, treat, apply remedial measures to, or otherwise dispose of regulated articles as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff).

Definitions (Section 301.93-1)

Section 301.93-1 contains, for informational purposes, definitions of the following terms: "Administrator," "Animal and Plant Health Inspection Service," "Certificate," "Compliance Agreement," "Core area," "Day degrees," "Drip area," "Infestation," "Interstate," "Limited permit," "Moved (Move, Movement)," "Oriental fruit fly," "Person," "Quarantine area," "Regulated article," and "State."

Regulated Articles (Section 301.93-2)

The regulations impose conditions on the interstate movement of those articles that present a significant risk of spreading Oriental fruit fly if moved without restrictions from a quarantined area into or through a noninfested area. These articles, which are designated as regulated articles, may not be moved interstate from a quarantined area except in accordance with conditions specified in §§ 301.93-4 through 301.93-10.

Section 301.93-2 designates as regulated articles a number of fruits, nuts, vegetables, and berries, and soil within the drip area of plants that produce the regulated fruits, nuts, vegetables, or berries. Based on research and experience, the regulated articles listed in § 301.93-2(a) and (b) are articles that are likely to cause the spread of the Oriental fruit fly. In addition, § 301.93-2(c) allows any other product, articles, or means of

VOL 58 ISS 29 FE 16 1993 UMI

conveyance not listed in paragraphs (a) and (b) to be designated as a regulated article if an inspector determines that it presents a risk of spreading the Oriental fruit fly and notifies the person in possession of the product, article, or means of conveyance that it is subject to the restrictions in the regulations. The provisions for "any other product, article, or means of conveyance" allows an inspector who discovers a risk of spreading Oriental fruit fly (e.g., a truck with Oriental fruit fly pupae in cracks in the floorboards) to regulate the affected articles immediately, by informing the person in possession of the product, article or means of conveyance that it is being regulated.

Fruits, nuts, vegetables, or berries that are canned, dried, or frozen below −17.8 °C. (0 °F.) are not included as regulated articles since the Oriental fruit fly could not survive under those conditions.

Quarantined Area (Section 301.93-3)

As stated in § 301.93–3(a), it is necessary to quarantine areas in which the Oriental fruit fly has been found by an inspector, areas in which the Administrator has reason to believe the Oriental fruit fly is present, and areas the Administrator considers necessary to quarantine because of their proximity to the Oriental fruit fly or their inseparability for quarantine enforcement purposes from localities where Oriental fruit flies have been found.

Section 301.93–3(a) further provides that less than an entire State will be designated as a quarantined area only if the Administrator determines that (1) the State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those that are imposed by our regulations with respect to the interstate movement of these articles; and (2) quarantining less than the entire State will prevent the interstate spread of the Oriental fruit fly. These determinations would indicate that infestations are confined to the quarantined areas and eliminate the need for designating an entire State as a quarantined area.

In accordance with these criteria, we are designating as a quarantined area a portion of San Diego County, CA, as follows:

That portion of San Diego County in the Mira Mesa area beginning at the intersection of Interstate Highway 805 and Mira Mesa Boulevard; then east along Mira Mesa Boulevard to its intersection with Vista Sorrento Parkway; then northwest along Vista Sorrento Parkway to its intersection with Lusk Boulevard; then northeast along Lusk Boulevard to its second intersection with Wateridge Circle; then northeast from said intersection along an imaginary line to the intersection of La Harina Court and Donaker Street; then east along Donaker Street to its intersection with Stargaze Avenue; then east along Stargaze Avenue to its intersection with Black Mountain Road; then southeast along Black Mountain Road to its intersection with Carmel Mountain Road; then northeast and southeast along Carmel Mountain Road to its intersection with Rancho Penasquitos Boulevard; then southeast along Rancho Penasquitos Boulevard to its intersection with Ted Williams Parkway (formerly North City Parkway); then northeast along Ted Williams Parkway to its intersection with Interstate Highway 15; then due east from said intersection along an imaginary line to its intersection with the San Diego city limits; then southeast along the San Diego city limits to its intersection with Pomerado Road; then southwest along Pomerado Road to its intersection with Interstate Highway 15; then southeast along Interstate Highway 15 to its intersection with Miramar Way; then southwest along Miramar Way to its intersection with Miramar Road; then west along Miramar Road to its intersection with Interstate Highway 805; then northwest along Interstate Highway 805 to the point of the beginning.

It is necessary to designate this portion of San Diego County, CA, as a quarantined area because it is an area in which the Oriental fruit fly has been found, or an area in which the Administrator has reason to believe the Oriental fruit fly is present, or an area necessary to regulate because of its proximity to the Oriental fruit fly or its inseparability for quarantine enforcement purposes from localities where the Oriental fruit fly has been found.

There does not appear to be any reason to designate any other quarantined areas in California other than the area specified above. California has adopted and is enforcing regulations imposing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed on the interstate movement of regulated articles under this subpart.

Section 301.93–3(b) provides that the Administrator or an inspector may designate an area as a quarantined area temporarily without publication in the **Federal Register** if there is a basis for listing the area as a quarantined area under § 301.93–3(a) and if the owner or person in possession of the area to be quarantined is given written notice of this action. This is necessary in order to prevent spread of the Oriental fruit fly before restrictions can be published in the **Federal Register** concerning the interstate movement of regulated articles from the designated area.

Conditions Governing the Interstate Movement of Regulated Articles From Quarantined Areas (Sections 301.93–4 Through 301.93–10)

Section 301.93–4

Section 301.93–4(a) requires regulated articles moved interstate from quarantined areas to be accompanied by a certificate or limited permit issued and attached as prescribed by §§ 301.93–5 and 301.93–8, unless moved as prescribed in § 301.93–4(b).

Section 301.93–4(b) allows a regulated article to move interstate without a certificate or limited permit if the article originates outside of a quarantined area, if it is moved directly through the quarantined area without stopping except for refueling or for traffic conditions such as traffic lights and stop signs, if it is shipped in an enclosed vehicle or is completely covered so as to prevent access by Oriental fruit flies, if the point of origin is indicated on the waybill, and if the enclosed vehicle or enclosure which contains the regulated article is not opened, unpacked, or unloaded in the quarantined area.

Section 301.93–4(c) allows the USDA to move regulated articles interstate without a certificate or limited permit for experimental or scientific purposes. However, the regulated articles must be moved in accordance with a permit issued by the Administrator, under conditions that prevent the spread of the Oriental fruit fly.

Section 301.93–4 contains a footnote (number 2) to remind persons that other applicable domestic plant quarantine and regulation requirements may need to be met for interstate movement.

Section 301.93–5

Under Federal domestic plant quarantine programs, there is a difference between the use of certificates and limited permits. Certificates are issued for regulated articles upon a finding by an inspector that, because of certain conditions (e.g. the article is free of Oriental fruit fly), there is an absence of a pest risk prior to movement. Regulated articles accompanied by a certificate can be moved interstate without further restrictions being imposed. Limited permits are issued for regulated articles when an inspector has determined that,

because of a possible pest risk, such articles may be safely moved interstate only subject to further restrictions, such as movement to limited areas and movement for limited purposes. Section 301.93–5 explains the conditions for issuing a certificate or limited permit.

Specifically, § 301.93–5(a) provides that a certificate will be issued by an inspector for the movement of a regulated article if the inspector determines that the article:

(1) Is free of Oriental fruit fly, has been treated in accordance with § 301.93–10, or comes from premises of origin free from Oriental fruit fly and has not been exposed to Oriental fruit fly;

(2) Will be moved in compliance with any additional emergency conditions deemed necessary to prevent the spread of Oriental fruit fly pursuant to section 105 of the Federal Plant Pest Act; and

(3) Is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to that article.

A footnote (number 3) is added to provide information on the location of inspectors.

A footnote (number 4) explains that the Secretary of Agriculture may, pursuant to section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd), take emergency actions.

Section 301.93–5(b) provides for the issuance of a limited permit (in lieu of a certificate) by an inspector for movement of a regulated article if the inspector determines that the article is to be moved to a specified destination for specified handling, utilization, or processing, and that the movement will not result in the spread of Oriental fruit fly.

Section 301.93–5(c) allows any person who has entered into and is operating under a compliance agreement to execute a certificate or limited permit for the interstate movement of a regulated article after an inspector has made a determination that the article is eligible for a certificate or limited permit in accordance with § 301.93–5 (a) or (b).

Also § 301.93–5(d) contains provisions for the withdrawal of a certificate or limited permit by an inspector upon a determination by the inspector that the holder of the certificate or limited permit has not complied with conditions for the use of the document. This section also contains provisions for notifying the holder of the reasons for the withdrawal and for holding a hearing if there is any conflict concerning any material fact.

Section 301.93–6

Section 301.93–6 provides for the issuance and cancellation of compliance agreements. Specifically, compliance agreements may be entered into by any person engaged in growing, handling, or moving regulated articles who agrees in writing to comply with the provisions of subpart 301.93. Compliance agreements are provided for the convenience of persons who are involved in frequent shipments of regulated articles from quarantined areas; they are written to ensure that persons issuing certificates or limited permits are knowledgeable with respect to the requirements of subpart 301.93 and have agreed to comply with them.

Section 301.93–6 also provides that an inspector supervising enforcement of a compliance agreement may cancel the agreement upon finding that a person who has entered into the agreement has failed to comply with any of the provisions of the regulations. The inspector will notify the holder of the compliance agreement of the reasons for cancellation and offer an opportunity for a hearing to resolve any conflicts of material fact. This section contains a footnote (number 5) to explain where compliance agreement forms can be obtained.

Sections 301.93–7, 301.93–8, and 301.93–9

Section 301.93–7 provides that any person who desires a certificate or limited permit to move regulated articles must, as far in advance of movement as possible (but no less than 48 hours before the desired movement), request an inspector to issue a certificate or limited permit. This provision ensures that persons desiring inspection services can obtain them before the intended movement date. A footnote (number 6) refers persons back to § 301.93–5(a), footnote 3, which explains how to contact the inspectors for inspection or how to obtain additional information from offices of the Animal and Plant Health Inspection Service.

Section 301.93–8 requires the certificate or limited permit issued for the movement of the regulated article to be attached to the regulated article, or to a container carrying the regulated article, or to the accompanying waybill during the interstate movement. This section requires, however, that the certificate or limited permit may be attached to the consignee's copy of the waybill only if the regulated article is sufficiently described on the certificate, limited permit, or waybill to identify the regulated article. This provision is necessary for enforcement purposes.

Section 301.93–9 explains the APHIS policy that services of an inspector that are needed to comply with the regulations in subpart 301.93 are provided without cost during normal business hours (8 a.m. to 4:30 p.m., Monday through Friday, except holidays). The user will be responsible for all costs and charges arising from inspection and other services provided outside of normal business hours.

Section 301.93–10

Section 301.93–10 sets forth treatments that qualify bell pepper, citrus and grapes, tomato, and soil for the issuance of a certificate as provided in § 301.93–5, and a treatment for premises on which regulated articles are grown. This section also identifies authorized treatments for the Oriental fruit fly that are contained in the Plant Protection and Quarantine Treatment Manual. The Plant Protection and Quarantine Treatment Manual is incorporated by reference in the Code of Federal Regulations at 7 CFR part 300. Research has determined that these treatments are adequate to destroy the Oriental fruit fly. Section 301.93–10 also includes a footnote (number 7) stating that some varieties of fruit may be injured by the approved treatments and that shippers should test treat before making commercial shipments.

The treatments for bell pepper, citrus and grapes, tomato, soil, and premises in § 301.93–10 are as follows:

(a) Fruits and vegetables.

(1) *Bell Pepper.*

(i) *Vapor Heat.* Heat by saturated water vapor at 44.4 °C. (112 °F.) until approximate center of bell pepper reaches 44.4 °C (112 °F.). Maintain at 44.4 °C. (112 °F.) for 8¾ hours, then immediately cool.

(2) *Citrus and grapes.*

(i) *Fumigation plus refrigeration.* Fumigate at normal atmospheric pressure (chamber or tarpaulin, load not to exceed 80%) with 32 g/m³ methyl bromide at 21 °C. (70 °F.) or above, minimum gas concentrations 25 g/m³ at ½ hour, 18 g/m³ at 2 or 2½ hours, 17 g/m³ at 3 hours. Fumigate for a minimum of 2 hours. Then, aerate fruit at least 2 hours before refrigeration (but begin refrigeration no more than 24 hours after fumigation is completed). Refrigerate based upon fumigation exposure time listed in the table below:

Fumigation exposure time	Refrigeration	
	Days	Temperature
2 hours	4	0.55–2.7 °C. (33–37 °F.)
	11	3.33–8.3 °C. (38–47 °F.)

Fumigation exposure time	Refrigeration	
	Days	Temperature
2½ hours	4	1.11–4.44 °C. (34–40 °F.)
	6	5.0–8.33 °C. (41–47 °F.)
	10	8.88–13.33 °C. (48–56 °F.)
3 hours	3	6.11–8.33 °C. (43–47 °F.)
	6	9.88–13.33 °C. (48–56 °F.)

(ii) *Refrigeration plus fumigation.* Refrigerate for 21 days at 0.55 °C. (33 °F.) or below, then fumigate at normal atmospheric pressure (chamber or tarpaulin, load not to exceed 80%) with—

(A) 48 g/m³ (3 lb/1000 ft³) methyl bromide for 2 hours at 4.5 °C. (40–59 °F.), minimum gas concentration 44 g/m³ at ½ hour, 36 g/m³ at 2 hours; or

(B) 40 g/m³ (2½ lb/1000 ft³) methyl bromide for 2 hours at 15.5–20.5 °C. (60–69 °F.), minimum gas concentration 36 g/m³ at ½ hour, 28 g/m³ at 2 hours; or

(C) 32 g/m³ (2 lb/1000 ft³) methyl bromide for 2 hours at 21–26 °C. (70–79 °F.), minimum gas concentration 30 g/m³ at ½ hour, 25 g/m³ at 2 hours.

(3) *Tomato.*

(i) *Fumigation.* Fumigate with methyl bromide at normal atmospheric pressure (chamber or tarpaulin, load not to exceed 80%) with 32 g/m³ (2 lb/1000 ft³) for 3½ hours at 21 °C. (70 °F.) or above.

(ii) *Vapor heat.* Heat by saturated water vapor at 44.4 °C. (112 °F.) until approximate center of tomato reaches 44.4 °C. (112 °F.). Maintain at 44.4 °C. (112 °F.) for for 8¾ hours, then immediately cool.

(b) Premises. A field, grove, or area that is located within the quarantined area but outside the infested core area, and that produces regulated articles, must receive regular treatments with malathion bait spray. These treatments must take place at 6 to 10-day intervals, starting a sufficient time before harvest (but not less than 30 days before harvest) to allow for completion of egg and larvae development of the Oriental fruit fly. Determination of the time period must be based on the day degrees model for Oriental fruit fly. Once treatment has begun, it must continue through the harvest period. The malathion bait spray treatment must be applied by aircraft or ground equipment at a rate of 2.4 ounces of technical grade malathion and 9.6 ounces of protein hydrolysate per acre.

(c) Soil. Soil within the drip area of plants which are producing or have produced the fruits, nuts, vegetables, and berries listed in § 301.93–2(a) of this subpart: Apply diazinon at the rate of 5 pounds active ingredient per acre to the soil within the drip area with sufficient water to wet the soil to at least a depth of ½ inch. Both immersion and pour-on treatment procedures are also acceptable.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency situation exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the Oriental fruit fly from spreading to noninfested areas of the United States.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these conditions, there is good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments received within 60 days of publication of this interim rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

This interim rule restricts the interstate movement of regulated articles from a portion of San Diego County, CA. Approximately 11 entities will be affected by this rule. All would be considered small entities. They include three nurseries and eight fruit vendors. These small entities comprise less than 1 percent of the total number of similar entities operating in the State of California. In addition, most of these small entities sell regulated articles primarily for local intrastate, not interstate, movement, and the sale of these articles would not be affected by this regulation.

The effect on those few entities that do move regulated articles interstate will be minimized by the availability of various treatments, that, in most cases, will allow these small entities to move regulated articles interstate with very little additional cost. Also, many of these entities sell other items in addition to the regulated articles so that the effect, if any, of this regulation on these entities would be minimal. Further, the number of affected entities is small compared with the thousands of small entities that move these articles interstate from nonquarantined areas in California and other States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This interim rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for the Oriental fruit fly control and eradication program. The assessment provides a basis for the conclusion that the methods employed to eradicate the Oriental fruit fly will not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with:

(1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*);

(2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508);

(3) USDA Regulations Implementing NEPA (7 CFR Part 1b); and

(4) APHIS Guidelines Implementing NEPA (44 FR 50381–50384, August 28, 1979, and 44 FR 51272–51274, August 31, 1979).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC 20250, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. In addition, copies may be obtained by writing to the individual listed under "FOR FURTHER INFORMATION CONTACT."

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this interim rule have been approved by the Office of Management and Budget (OMB), and there are no new requirements. The assigned OMB control number is 0579–0088.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended to read as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

2. Part 301 is amended by adding a new "Subpart—Oriental Fruit Fly" consisting of 301.93 through 301.93–10 to read as follows:

Subpart—Oriental Fruit Fly

Sec.

301.93 Restrictions on interstate movement of regulated articles.
301.93–1 Definitions.
301.93–2 Regulated articles.
301.93–3 Quarantined areas.
301.93–4 Conditions governing the interstate movement of regulated articles from quarantined areas.
301.93–5 Issuance and cancellation of certificates and limited permits.
301.93–6 Compliance agreements and cancellation.
301.93–7 Assembly and inspection of regulated articles.
301.93–8 Attachment and disposition of certificates and limited permits.
301.93–9 Costs and charges.
301.93–10 Treatments.

Subpart—Oriental Fruit Fly

§ 301.93 Restrictions on interstate movement of regulated articles.

No person shall move interstate from any quarantined area any regulated article except in accordance with this subpart.[1]

§ 301.93–1 Definitions.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS or Service).

Certificate. A document in which an inspector or person operating under a compliance agreement affirms that a specified regulated article is free of Oriental fruit fly and may be moved interstate to any destination.

Compliance agreement. A written agreement between the Animal and Plant Health Inspection Service and a person engaged in growing, handling, or moving regulated articles, wherein the person agrees to comply with the provisions of this subpart.

Core area. The 1 square mile area surrounding each property where Oriental fruit fly has been detected.

Day degrees. A mathematical construct combining average temperature over time that is used to calculate the length of an Oriental fruit fly life cycle. Day degrees are the product of the following formula, with all temperatures measured in °F:

[(Minimum Daily Temp + Maximum Daily Temp)/2] – 54°=Day Degrees

Drip area. The area under the canopy of a plant.

Infestation. The presence of the Oriental fruit fly or the existence of circumstances that make it reasonable to believe that the Oriental fruit fly is present.

Inspector. Any employee of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person authorized by the Administrator to enforce this subpart.

Interstate. From any State into or through any other State.

Limited permit. A document, in which an inspector or person operating under a compliance agreement affirms that a specified regulated article is eligible for interstate movement in accordance with § 301.93–5(b) of this subpart only to a specified destination and only in accordance with specified conditions.

Move (Move, Movement). Shipped, offered for shipment, received for transportation or transported, carried, or allowed to be moved, shipped, transported, or carried by any means.

Oriental fruit fly. The insect known as Oriental fruit fly (*Bactrocera dorsalis* (Hendel)) in any stage of development.

Person. Any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

Quarantined area. Any State, or any portion of a State, listed in § 301.93–3(c) of this subpart.

Regulated article. Any article listed in § 301.93–2 of this subpart or otherwise designated as a regulated article in accordance with § 301.93–2(c) of this subpart or otherwise designated as a quarantined area in accordance with § 301.93–3(b) of this subpart.

State. The District of Columbia, Puerto Rico, the Northern Mariana Islands, or any State, territory or possession of the United States.

§ 301.93–2 Regulated articles.

The following are regulated articles:

(a) The following fruits, nuts, vegetables, and berries:

Akia (*Wikstromeia phyllyraefolia*)
Alexander laurel (*Calophyllum inophyllum*)
Apple (*Malus sylvestris*)
Apricot (*Prunus armeniaca*)
Avocado (*Persea americana*)
Banana (*Musa paradisiaca var. sapientum*) (*Musa* x *paradisiaca*)
Banana, dwarf (*Musa nana*)
Barbados cherry (*Malpighia glabra*)
Bell pepper (*Capsicum annum*)
Brazil cherry (*Eugenia dombeyi*)
Breadfruit (*Artocarpus altilis*)
Cactus (*Cereus coerulescens*)
Caimitillo (*Chrysophyllum oliviforme*)
Cahsew (*Anacardium occidentale*)
Cherimoya (*Anonna Cherimola*)
Cherry, Catalina (*Prunus ilicifolia*)
Cherry, Portuguese (*P. lusitanica*)
Chile (*Capsicum annum*)
Coffee, Arabian (*Coffea arabica*)
Country gooseberry (*Averrhoa carambola*)
Cucumber (*Cucumis sativas*)
Custard apple (*Annona reticulata*)
Date palm (*Phoenix dactylifera*)
Dragon tree (*Dracena draco*)

[1] Any properly identified inspector is authorized to stop and inspect persons and means of conveyance, and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated articles as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff).

Eggfruit tree (*Pouteria campechiana*)
Elengi tree (*Mimusops elengi*)
Fig (*Ficus carica*)
Gourka (*Garcinia celebica*)
Granadilla, sweet (*Passiflora ligularis*)
Grape (*Vitis* spp.)
Grapefruit (*Citrus paradisi*)
Guava (*Psidium guajava*), (*P. littorale*), (*P. cattleianum*)
Imbu (*Spondias tuberosa*)
Jackfruit (*Artocarpus heterophyllus*)
Jerusalem cherry (*Solanum pseudocapsicum*)
Kitembilla (*Dovyalis hebecarpa*)
Kumquat (*Fortunella japonica*)
Laurel (*Calophyllum inophyllum*)
Lemon (*Citrus limon*)
Lime, key or Mexican (*Citrus aurantifolia*)
Lime, Persian (*Citrus latifolia*)
Lime, sweet (*Citrus limetioides*)
Longan (*Euphoria longan*)
Loquat (*Eriobotrya japonica*)
Lychee nut (*Lychee chinensis*)
Malay apple (*Eugenia malaccensis*)
Mammee apple (*Mammea americana*)
Mandarin orange (*Citrus reticulata*) (*tangerine*)
Mango (*Mangifera indica*)
Mangosteen (*Garcinia mangostana*)
Mock orange (*Murraya exotica*)
Mulberry (*Morus nigra*)
Myrtle, downy rose (*Rhodomyrtus tomentosa*)
Natal plum (*Crissa grandiflora*)
Nectarine (*Prunus persica var. nectarina*)
Oleander, yellow (*Thevetia peruviana*)
Orange, calamondin (*Citrus reticulata x. fortunella*)
Orange, Chinese (*Fortunella japonica*)
Orange, king (*Citrus reticulata x. C. sinensis*)
Orange, sweet (*Citrus sinensis*)
Orange, Unshu (*Citrus reticulata var. Unshu*)
Oriental bush red pepper (*Capsicum frutescens abbbreviatum*)
Otaheite apple (*Spondias dulcis*)
Palm, syrup (*Jubaea spectabilis*)
Papaya (*Carica papaya*)
Passionflower (*Passiflora edulis*)
Passionflower, softleaf (*Passiflora mollissima*)
Passionfruit (*Passiflora edulis*) (*yellow lilikoi*)
Peach (*Prunus persica*)
Pear (*Pyrus communis*)
Pepino (*Solanum muricatum*)
Pepper, sweet (*Capsicum frutescens var. grossum*)
Persimmon, Japanese (*Diospyros kaki*)
Pineapple guava (*Feijoa sellowiana*)
Plum (*Prunus americana*)
Pomegranate (*Punica granatum*)
Prickly pear (*Opuntia megacantha*) (*Opuntia ficus indica*)
Prune (*Prunus domestica*)
Pummelo (*Citrus grandis*)
Quince (*Cydonia oblonga*)
Rose apple (*Eugenia jambos*)
Sandalwood (*Santalum paniculatum*)
Sandalwood, white (*Santalum album*)
Santol (*Sandericum koetjape*)
Sapodilla (*Manilkara zapota*)
Sapodilla, chiku (*Manilkara zapota*)
Sapota, white (*Casimiroa edulis*)
Seagrape (*Coccoloba uvifera*)
Sour orange (*Citrus aurantium*)
Soursop (*Annona muricata*)
Star apple (*Chryosophyllum cainito*)
Surinam cherry (*Eugenia uniflora*)
Tomato (*Lycopersicon esculentum*)
Tropical almond (*Terminalia catappa*) (*Terminalia chebula*)
Velvet apple (*Diospyros discolor*)
Walnut (*Juglans hindsii*)
Walnut, English (*Juglans regia*)
Wampi (*Citrus lansium*)
West Indian cherry (*Malpighia punicifolia*)
Ylang-Ylang (*Cananga odorata*)

Any fruits, nuts, vegetables, or berries that are canned or dried or frozen below −17.8 °C. (0 °F.) are not regulated articles.

(b) Soil within the drip area of plants that are producing or have produced the fruits, nuts, vegetables, or berries listed in paragraph (a) of this section.

(c) Any other product, article, or means of conveyance not covered by paragraph (a) or (b) of this section that an inspector determines presents a risk of spread of the Oriental fruit fly and notifies the person in possession of it that the product, article, or means of conveyance is subject to the restrictions of this subpart.

§ 301.93–3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator will list as a quarantined area in paragraph (c) of this section each State, or each portion of a State, in which the Oriental fruit fly has been found by an inspector, in which the Administrator has reason to believe that the Oriental fruit fly is present, or that the Administrator considers necessary to regulate because of its proximity to the Oriental fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Oriental fruit fly has been found. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than the entire State as a quarantined area will prevent the interstate spread of the Oriental fruit fly.

(b) The Administrator or an inspector may temporarily designate any nonquarantined area in a State as a quarantined area in accordance with the criteria specified in paragraph (a) of this section for listing quarantined areas. The Administrator will give written notice of this temporary designation to the owner or person in possession of the nonquarantined area; thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantined area is subject to this subpart. As soon as practicable, this area will be added to the list in paragraph (c) of this section or the designation will be terminated by the Administrator or an inspector. The owner or person in possession of an area for which designation is terminated will be given notice of the termination as soon as practicable.

(c) The area described below is designated as a quarantined area:

California

San Diego County. That portion of San Diego County in the Mira Mesa area beginning at the intersection of Interstate Highway 805 and Mira Mesa Boulevard; then east along Mira Mesa Boulevard to its intersection with Vista Sorrento Parkway; then northwest along Vista Sorrento Parkway to its intersection with Lusk Boulevard; then northeast along Lusk Boulevard to its second intersection with Wateridge Circle; then northeast from said intersection along an imaginary line to the intersection of La Harina Court and Donaker Street; then east along Donaker Street to its intersection with Stargaze Avenue; then east along Stargaze Avenue to its intersection with Black Mountain Road; then southeast along Black Mountain Road to its intersection with Carmel Mountain Road; then northeast and southeast along Carmel Mountain Road to its intersection with Rancho Penasquitos Boulevard; then southeast along Rancho Penasquitos Boulevard to its intersection with Ted Williams Parkway (formerly North City Parkway); then northeast along Ted Williams Parkway to its intersection with Interstate Highway 15; then due east from said intersection along an imaginary line to its intersection with the San Diego city limits; then southeast along the San Diego city limits to its intersection with Pomerado Road; then southwest along Pomerado Road to its intersection with Interstate Highway 15; then southeast along Interstate Highway 15 to its intersection with Miramar Way; then southwest along Miramar Way to its intersection with Miramar Road; then west along Miramar Road to its intersection with Interstate Highway 805; then northwest along Interstate Highway 805 to the point of the beginning.

§ 301.93–4 Conditions governing the interstate movement of regulated articles from quarantined areas.

Any regulated article may be moved interstate from a quarantined area only if moved under the following conditions: [2]

(a) With a certificate or limited permit issued and attached in accordance with §§ 301.93–5 and 301.93–8 of this subpart;

(b) Without a certificate or limited permit, if:

(1) The regulated article originated outside of any quarantined area and is moved directly through (without stopping except for refueling, or for traffic conditions, such as traffic lights or stop signs) the quarantined area in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by Oriental fruit flies (such as canvas, plastic, or closely woven cloth) while moving through the quarantined area; and

(2) The point of origin of the regulated article is indicated on the waybill, and the enclosed vehicle or the enclosure that contains the regulated article is not opened, unpacked, or unloaded in the quarantined area.

(c) Without a certificate or limited permit, if the regulated article is moved:

(1) By the United States Department of Agriculture for experimental or scientific purposes;

(2) Pursuant to a permit issued by the Administrator for the regulated article;

(3) Under conditions specified on the permit and found by the Administrator to be adequate to prevent the spread of Oriental fruit fly; and

(4) With a tag or label bearing the number of the permit issued for the regulated article attached to the outside of the container of the regulated article or attached to the regulated article itself if not in a container.

(Approved by the Office of Management and Budget under control number 0579–0088)

§ 301.93–5 Issuance and cancellation of certificates and limited permits.

(a) An inspector [3] will issue a certificate for the interstate movement of a regulated article if the inspector determines that:

(1) (i) The regulated article has been treated in accordance with § 301.93–10 of this subpart; or

(ii) Based on inspection of the premises of origin, or treatment of the premises of origin in accordance with § 301.93–10(c) of this subpart, the premises are free from Oriental fruit flies and the regulated article has not been exposed to Oriental fruit fly; or

(iii) Based on inspection of the regulated article, it is free of Oriental fruit fly; and

(2) The regulated article is to be moved in compliance with any additional emergency conditions the Administrator may impose, under section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd); [4] to prevent the spread of the Oriental fruit fly; and

(3) The regulated article is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to the regulated article.

(b) An inspector will issue a limited permit for the interstate movement of a regulated article if the inspector determines that:

(1) The regulated article is to be moved interstate to a specified destination for specified handling, utilization, or processing (the destination and other conditions to be listed in the limited permit), and this interstate movement will not result in the spread of the Oriental fruit fly because life stages of the Oriental fruit fly will be destroyed by the specified handling, utilization, or processing.

(2) The regulated article is to be moved interstate in compliance with any additional emergency conditions the Administrator may impose, under section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd); [4] to prevent the spread of the Oriental fruit fly; and

(3) The regulated article is eligible for interstate movement under all other Federal domestic plant quarantines and regulations applicable to the regulated article.

(c) Certificates and limited permits for use for interstate movement of regulated articles may be issued by an inspector or person engaged in growing, handling, or moving regulated articles provided the person is operating under a compliance agreement. A person operating under a compliance agreement may execute a certificate for the interstate movement of a regulated article if an inspector has determined that the regulated article is otherwise eligible for a certificate in accordance with paragraph (a) of this section. A person operating under a compliance agreement may execute a limited permit for interstate movement of a regulated article when an inspector has determined that the regulated article is eligible for a limited permit in accordance with paragraph (b) of this section.

(d) Any certificate or limited permit that has been issued may be withdrawn by an inspector orally or in writing, if the inspector determines that the holder of the certificate or limited permit has not complied with all conditions under this subpart for the use of the certificate or limited permit. If the withdrawal is oral, the withdrawal and the reasons for the withdrawal shall be confirmed in writing as promptly as circumstances allow. Any person whose certificate or limited permit has been withdrawn may appeal the decision in writing to the Administrator within 10 days after receiving the written notification of the withdrawal. The appeal must state all of the facts and reasons upon which the person relies to show that the certificate or limited permit was wrongfully withdrawn. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator.

(Approved by the Office of Management and Budget under control number 0579–0088)

§ 301.93–6 Compliance agreements and cancellation.

(a) Any person engaged in growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the interstate movement of regulated articles under this subpart. [5]

(b) Any compliance agreement may be canceled orally or in writing by an inspector whenever the inspector finds that the person who has entered into the compliance agreement has failed to comply with this subpart. If the cancellation is oral, the cancellation and the reasons for the cancellation will be confirmed in writing as promptly as circumstances allow. Any person whose compliance agreement has been

[2] Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.

[3] Inspectors are assigned to local offices of the Animal and Plant Health Inspection Service, which are listed in telephone directories. Information concerning these offices may also be obtained from the Administrator, c/o Domestic and Emergency Operations, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

[4] Section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) provides that the Secretary of Agriculture may—under certain conditions—seize, quarantine, treat, destroy, or apply other remedial measures to articles that the Administrator has reason to believe are infested or infected by or contain plant pests.

[5] Compliance agreement forms are available without charge from the Permits Unit, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, and from local offices of the Animal and Plant Health Inspection Service, which are listed in telephone directories.

VOL 58 ISS 29 FE 16 1993 UMI

canceled may appeal the decision, in writing, within 10 days after receiving written notification of the cancellation. The appeal must state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully canceled. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing shall be adopted by the Administrator.

§ 301.93–7 Assembly and inspection of regulated articles.

(a) Any person (other than a person authorized to issue certificates or limited permits under § 301.93–5(c)), who desires to move a regulated article interstate accompanied by a certificate or limited permit must notify an inspector[6] as far in advance of the desired interstate movement as possible (but no less than 48 hours before the desired interstate movement).

(b) The regulated article must be assembled at the place and in the manner the inspector designates as necessary to comply with this subpart.

§ 301.93–8 Attachment and disposition of certificates and limited permits.

(a) A certificate or limited permit required for the interstate movement of a regulated article, at all times during the interstate movement, must be attached to the outside of the container containing the regulated article, attached to the regulated article itself if not in a container, or attached to the consignee's copy of the accompanying waybill: *Provided however,* That the requirements of this section may be met by attaching the certificate or limited permit to the consignee's copy of the waybill only if the regulated article is sufficiently described on the certificate, limited permit, or waybill to identify the regulated article.

(b) The certificate or limited permit for the interstate movement of a regulated article must be furnished by the carrier to the consignee at the destination of the regulated article.

(Approved by the Office of Management and Budget under control number 0579–0088)

§ 301.93–9 Costs and charges.

The services of the inspector during normal business hours (8 a.m. to 4:30 p.m., Monday through Friday, except holidays) will be furnished without cost. The user will be responsible for all costs and charges arising from inspection and other services provided outside of normal business hours.

§ 301.93–10 Treatments.

Treatment schedules listed in the Plant Protection and Quarantine Treatment manual to destroy the Oriental fruit fly are approved for use on regulated articles. The Plant Protection and Quarantine Treatment Manual is incorporated by reference. For the full identification of this standard, see § 300.1 of this chapter, "Materials incorporated by reference". The following treatments can be used for bell pepper, citrus and grape, tomato, premises, and soil:

(a) *Fruits and vegetables*[7]—(1) *Bell Pepper*—(i) *Vapor Heat.* Heat by saturated water vapor at 44.4 °C. (112 °F.) until approximate centers of bell pepper reaches 44.4 °C (112 °F.). Maintain at 44.4 °C. (112 °F.) for 8¾ hours, then immediately cool.

(2) *Citrus and grapes*—(i) *Fumigation plus refrigeration.* Fumigate at normal atmospheric pressure (chamber or tarpaulin, load not to exceed 80%) with 32 g/m³ methyl bromide at 21 °C. (70 °F.) or above, minimum gas concentrations 25 g/m³ at ½ hour, 18 g/m³ at 2 or 2½ hours, 17 g/m³ at 3 hours. Fumigate for a minimum of 2 hours. Then, aerate fruit at least 2 hours before refrigeration (but begin refrigeration no more than 24 hours after fumigation is completed). Refrigerate based upon fumigation exposure time listed in the table below:

Fumigation exposure time	Refrigeration	
	Days	Temperature
2 hours	4	0.55–2.7 °C. (33–37 °F.)
	11	3.33–8.3 °C. (38–47 °F.)
2½ hours	4	1.11–4.44 °C. (34–40 °F.)
	6	5.0–8.33 °C. (41–47 °F.)
	10	8.88–13.33 °C. (48–56 °F.)
3 hours	3	6.11–8.33 °C. (43–47 °F.)
	6	9.88–13.33 °C. (48–56 °F.)

(ii) *Refrigeration plus fumigation.* Refrigerate for 21 days at 0.55 °C. (33 °F.) or below, then fumigate at normal atmospheric pressure (chamber or tarpaulin, load not to exceed 80%) with—

(A) 48 g/m³ (3 lb/1000 ft³) methyl bromide for 2 hours at 4.5 °C. (40–59 °F.), minimum gas concentration 44 g/m³ at ½ hour, 36 g/m³ at 2 hours; or

(B) 40 g/m³ (2½ lb/1000 ft³) methyl bromide for 2 hours at 15.5–20.5 °C. (60–69 °F.), minimum gas concentration 36 g/m³ at ½ hour, 28 g/m³ at 2 hours; or

(C) 32 g/m³ (2 lb/1000 ft³) methyl bromide for 2 hours at 21–26 °C. (70–79 °F.), minimum gas concentration 30 g/m³ at ½ hour, 25 g/m³ at 2 hours.

(3) *Tomato—(i) Fumigation.* Fumigate with methyl bromide at normal atmospheric pressure (chamber or tarpaulin, load not to exceed 80%) with 32g/m³ (2 lb/1000 ft³) for 3½ hours at 21 °C. (70 °F.) or above, minimum gas concentration 26 g/m³ at ½ hour, 14 g/m³ at 4 hours.

(ii) *Vapor heat.* Heat by saturated water vapor at 44.4 °C. (112 °F.) until approximate center of tomato reaches 44.4 °C. (112 °F.). Maintain at 44.4 °C. (112 °F.) for 8¾ hours, then immediately cool.

(b) *Premises.* A field, grove, or area that is located within the quarantined area but outside the infested core area, and that produces regulated articles, must receive regular treatments with malathion bait spray. These treatments must take place at 6- to 10-day intervals, starting a sufficient time before harvest (but not less than 30 days before harvest) to allow for completion of egg and larvae development of the Oriental Fruit Fly. Determination of the time period must be based on the day degrees model for Oriental fruit fly. Once treatment has begun, it must continue through the harvest period. The malathion bait spray treatment must be applied by aircraft or ground equipment at a rate of 2.4 ounces of technical grade malathion and 9.6 ounces of protein hydrolysate per acre.

(c) *Soil.* Soil within the drip area of plants which are producing or have produced the fruits, nuts, vegetables, and berries listed in § 301.93–2(a) of this subpart: Apply diazinon at the rate of 5 pounds active ingredient per acre to the soil within the drip area with sufficient water to wet the soil to at least a depth of ½ inch. Both immersion and pour-on treatment procedures are also acceptable.

Done in Washington, DC, this 10th day of February 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–3523 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–34–M

[6] See footnote 3 at § 301.93–5(a).

[7] Some varieties of fruit may be injured by approved treatments. The USDA is not liable for damages caused by this quarantine. Commodities should be tested by the shipper to determine each commodity's tolerance before commercial shipments are attempted.

---

7 CFR Part 319

[Docket No. 91–074–4]

Importation of Monterey Pine and Douglas-fir Logs From New Zealand

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending our foreign quarantine regulations by adding a new "Subpart—Logs From New Zealand" to establish restrictions concerning certain logs imported from New Zealand. The new subpart affects persons importing Monterey pine and Douglas-fir logs from New Zealand by requiring that the logs meet certain treatment, handling and other requirements to be eligible for importation into the United States. This change appears necessary because there is increased interest in importing large volumes of logs into the United States, and restrictions are necessary to control plant pest risks associated with importing these logs.

DATES: Interim rule effective January 19, 1993. Consideration will be given only to comments received on or before April 19, 1993.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 91–074–4. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Richard L. Orr, Entomologist, Planning and Design, PPQ, APHIS, USDA, room 810, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8939.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) is establishing "Subpart—Logs From New Zealand," 7 CFR 319.40–1 through 319.40–8 (referred to below as the regulations) to control the plant pest risks presented by the importation of Monterey pine and Douglas-fir logs from New Zealand.

As noted in an Advance Notice of Proposed Rulemaking published in the **Federal Register** on September 22, 1992 (57 FR 43628–43632, Docket No. 91–074–2), we are also developing comprehensive regulations to control the plant pest risks presented by the importation of logs, lumber, and other unmanufactured wood from anywhere in the world. We expect to propose these comprehensive regulations in the near future. However, in the course of developing the comprehensive regulations, we have identified plant pest risks associated with current importations of logs from New Zealand, and have also identified regulatory requirements that would control these pest risks. Therefore, to reduce these plant pest risks as soon as possible, we are imposing regulatory requirements for certain logs from New Zealand.

During the development of this rule, the Forest Service of the United States Department of Agriculture completed a pest risk assessment for the importation of Monterey pine and Douglas-fir from New Zealand [1] (referred to below as the New Zealand Assessment). APHIS employed a great deal of the information generated by the assessment in developing this rule. The study helped us expand and refine a model for addressing plant pest risks associated with importing these species from New Zealand.

Approach of the Interim Regulations

This rule attempts to accomplish the following objectives:

- Identify the types of articles to be regulated (Monterey pine and Douglas-fir logs);
- List the types of requirements, procedures, and treatments that can help control plant pest risks (e.g., permits issued by APHIS; certificates issues by New Zealand; harvesting, storage, and shipping practices; chemical and physical treatments; restriction of destinations or uses for the imported logs);
- Establish specific importation requirements for the logs. The requirements of each section of this rule are discussed below.

Section 319.40–1 Definitions

This section establishes basic definitions of terms used throughout the regulations. The definitions of "Administrator," "APHIS," "Certificate," "Compliance agreement," "Import (imported, importation)," "Inspector," "Permit," "Plant pest," "Port of first arrival," "Treatment Manual," and "United States" are consistent with our use of these terms in other foreign quarantine regulations in part 319, and describe the framework in which we propose to conduct operations to enforce our regulations.

A key definition, "Log," reads "The bole of a *Pinus radiata* (Monterey pine) or *Pseudotsuga menziesii* (Douglas-fir) tree from New Zealand; trimmed timber from such a tree that has not been further sawn." These logs are the articles to which the requirements of the rule apply. We are regulating logs of the two species from New Zealand because importers plan to bring substantial volumes of these logs to the United States, and the New Zealand assessment has identified significant plant pests associated with these logs. Currently, the only importation requirement applied to these logs is inspection at the port of first arrival, followed by mandatory treatment or re-export if certain plant pests are found. Under these regulations, these logs must meet additional requirements to be eligible for importation. We have also defined the term "sealed (sealable) container."

Section 319.40–2 General Prohibitions and Restrictions

This section establishes general requirements for importation that apply to logs. These requirements include a permit issued by APHIS, a certificate issued by the plant protection service of New Zealand, and other documentation that must accompany the logs.

The permit requirement ensures that for each request to allow importation of logs, APHIS has determined the logs are eligible for importation in accordance with the regulations and has given permission for movement of the logs into the United States.

The certificate requirement ensures that imported logs are accompanied by a certificate that documents that the logs meet requirements in this rule that can be verified by the plant protection service of New Zealand. In addition, the certificates issued by New Zealand usually contain the following information: The genus and species of the tree from which the logs were derived; the country of origin; the quantity of logs to be imported, and any treatments of the logs which are required by the regulations and were performed prior to arrival at the port of first arrival in the United States.

In some cases, all of this information may not be contained in the certificate. Where this is so, any of the required information not contained in the certificate must be contained in an additional document signed by the importer and accompanying the logs.

Section 319.40–3 Application for a Permit To Import Logs; Issuance and Withdrawal of Permits

This section describes how an importer may apply for a permit, how APHIS would evaluate the application and issue a permit, and how APHIS could withdraw a permit if the person to whom the permit is issued does not comply with importation requirements.

[1] "Pest Risk Assessment of the Importation of *Pinus radiata* and Douglas-fir Logs from New Zealand," USDA, Forest Service, Miscellaneous Publication No. 1506, October 1992. This publication can be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

VOL
58
ISS
29
FE
16
1993
UMI

A person who wishes to obtain a permit must submit a written application for the permit that provides detailed information about the logs proposed for importation. APHIS will evaluate this information to determine whether to issue a permit. The permit application must include the following information:

1. The specific type of logs to be imported, including the genus and species name of the trees from which the logs were derived;
2. The country where the trees from which the logs were derived were harvested;
3. The quantity of logs to be imported;
4. A description of any processing, treatment, or special handling of the logs performed prior to importation into the United States;
5. A description of any processing, treatment, or special handling of the logs intended to be performed following importation;
6. Whether the logs will be imported in a sealed container or in a ship's hold;
7. The means of conveyance to be used to import the logs into the United States;
8. The intended port of first arrival in the United States of the logs;
9. The destination and intended use of the logs;
10. The name and address of the applicant and, if the applicant's address is not within the United States, the name and address of an agent in the United States whom the applicant names for acceptance of service of process; and,
11. A statement certifying the applicant as the importer of record.

This information is needed to determine whether the logs covered by the application appear to be eligible for importation, and to coordinate APHIS activities for enforcing the regulations at ports of first arrival and elsewhere (e.g., at processing facilities operating under compliance agreements; see § 319.40–6 below).

Section 319.40–3(b) states that when APHIS reviews a permit application, we would determine whether the logs covered by the application are eligible for importation from New Zealand under § 319.40–4, "Importation and entry requirements for logs," which is discussed below. If the logs are eligible for importation, APHIS will issue a permit.

Section 319.40–3 also authorizes the inspector or the Administrator to withdraw a permit if the inspector or the Administrator determines that the person to whom a permit is issued has not complied with a condition for use of the permit or has violated any requirement of this subpart. If the withdrawal is oral, the decision to withdraw the permit and the reasons for withdrawal of the permit shall be confirmed in writing as promptly as circumstances permit. This section also allows any person whose permit is withdrawn to appeal the withdrawal of the permit within 10 days after receiving written notification of the withdrawal. The appeal must, however, state all the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. The Administrator must grant or deny the appeal in writing, stating the reasons for granting or denying the appeal as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve the conflict. Rules of practice concerning the hearing shall be adopted by the Administrator. These provisions will provide a fair method of resolving disputes regarding the withdrawal of permits.

Section 319.40–4 Importation and Entry Requirements for Logs

This section imposes certain specified requirements on the importation of Monterey pine and Douglas-fir logs from New Zealand, in addition to the permit and certificate requirements of § 319.40–2.

The importation requirements established for Monterey pine and Douglas-fir logs from New Zealand are designed to control the plant pest risks identified in "Pest Risk Assessment of the Importation of *Pinus radiata* and Douglas-fir Logs from New Zealand" (the New Zealand assessment; see Footnote 1). The New Zealand assessment screened over 300 plant pests that have been recorded on Monterey pine and Douglas-fir in New Zealand, and included detailed studies of the risks associated with five insects and two pathogenic fungi that were identified as representative of the groups of organisms posing a potential plan pest problem. The insects, which are all deep wood borers that would not be removed from logs by surface treatments, are *Kalotermes brouni* (New Zealand brownwood termite), *Platypus apicalis* (Platypus gracilis) (native pinhole borer), *Prionoplus reticularis* (huhu beetle), and *Sirex noctilio*. The pathogenic fungi are *Leptographium truncatum* and *Amylostereum areolatum*.

The importation requirements and treatments needed to control the risk of introducing these plant pests into the United States will also serve to prevent the introduction of other plant pests that were identified in the New Zealand assessment. For example, this rule requires methyl bromide fumigation of the logs to control the five insects named above, because other treatments or requirements (short of heat treatment) cannot ensure that the subsurface wood of a log is free from these plant pests. The required methyl bromide fumigation will also destroy other significant plant pests identified in the New Zealand assessment (such as insects of the families *Cerambycidae, Curculionidae, Termopsidae,* and *Scolytidae*), eliminating the need to develop separate requirements to address the risks presented by these plant pests. Similarly, this rule requires that logs must be sent to facilities in the United States that will subject the lumber derived from the logs to a specific heat treatment. This requirement primarily addresses the pathogenic fungi *Leptographium truncatum* and *Amylostereum areolatum*, but the heat treatment will also destroy any other plant pests associated with the logs.

These regulations impose the following requirements for importation of Monterey pine and Douglas-fir logs from New Zealand. Some of the handling and treatment requirements apply prior to importation, some at the port of first arrival, and some at a facility where the logs are processed in the United States.

The requirements that apply to these logs prior to importation include a requirement that the logs must be from live, healthy trees that are apparently free of plant pests, plant pest damage, and decay organisms. This requirement reduces the potential for shipping logs that present a significant risk of introducing plant pests into the United States. Another pre-importation requirement is that the logs must be debarked and fumigated with methyl bromide in accordance with the standards established by § 319.40–5(d). If fumigation is done in a sealed container, it must be the same sealed container which is used to export the logs to the United States. This minimizes the chance that logs fumigated in one container could become contaminated with plant pests from another, unfumigated container. Fumigation is required because it effectively destroys many plant pests of concern. Debarking removes plant pests associated with the bark and makes holes made by borer plant pests visible to inspection.

The logs must be kept segregated from other wood articles during movement to the United States through the time the logs have been processed at a facility in the United States. This requirement

would help prevent possible movement of plant pests from the logs to other wood articles that could host the pests, and from other wood articles to the logs. The only exception to this segregation requirement is that wood packing materials that have been fumigated in accordance with § 319.40–5(d) may be in the same ship's hold with uncontainerized logs, or in the same container with containerized logs. Wood packing materials are often used to facilitate movement of logs, and by requiring that they be fumigated, we control the pest risk the wood packing materials might otherwise present.

After importation, the logs must be moved directly to a sawmill or other processing facility that operates under a compliance agreement in accordance with § 319.40–6. At the facility, lumber sawn from the logs must immediately be heat treated with moisture reduction in accordance with § 319.40–5(c). This immediate heat treatment reduces the opportunity for deep-wood pests that might be exposed by the cutting operation to move from the freshly-cut lumber. Other products generated from the logs must be disposed of by burning, heat processing, or other processing that will destroy any plant pests associated with the articles. Composting and use as mulch are prohibited unless preceded by fumigation in accordance with § 319.40–5(d) or heat treatment with moisture reduction in accordance with § 319.40–5(c). Mulching or composting of untreated chips would distribute the chips in soil and enhance opportunities for pest movement. Wood chips and sawdust may be moved in enclosed trucks for processing at another facility operating under a compliance agreement in accordance with § 319.40–6, if they are moved in enclosed trucks to control pest risk in transit.

The logs and other products from the logs would have to be processed at the facility operating under a compliance agreement within 60 days from the time the logs are released from the port of entry. This time requirement would reduce opportunities for the logs to be processed other than in accordance with the regulations, and would reduce the time during which our inspectors monitor compliance to a manageable span of time for each shipment.

Section 319.40–5 Treatments and Safeguards

This section describes the methods for conducting several treatments that are required in other parts of the regulations in connection with importing logs. APHIS has studied these treatments and determined that they are effective means for reducing plant pest risk in logs. We continue to evaluate the effectiveness of other treatments, and it is likely that this section of the regulations will be revised from time to time as new information identifies other effective treatments, or reveals limits to the effectiveness of the treatments required in this rule.

Logs may only be imported if accompanied by a certificate issued by the New Zealand plant protection service that certifies that the logs have been subjected to treatments required prior to arrival of the logs in the United States. Section 319.40–5(a) concerns APHIS actions in the event that APHIS determines that certificates or other documents required for the importation of logs are inaccurate. If APHIS determines that a certificate or other document required for the importation of logs is inaccurate, the logs that are the subject of the certificate or other document may be refused entry into the United States. In addition, APHIS may determine not to accept any further certificates for the importation of logs in accordance with this subpart from New Zealand, and APHIS may determine not to allow the importation of any or all logs from New Zealand until corrective action acceptable to APHIS establishes that certificates issued in that country will be accurate.

There is no general requirement in these regulations that treatments performed outside the United States must be performed under the supervision of an APHIS inspector. To ensure the proper application of treatments and safeguards that do not occur under direct APHIS supervision, APHIS will conduct monitoring inspections of treatments and safeguards applied in New Zealand in accordance with this section.

Paragraphs (b) through (d) of § 319.40–5 contain the minimum requirements for the following treatments: Debarking; heat treatment; and methyl bromide fumigation. Various combinations of these treatments are required for the importation of logs in accordance with § 319.40–4. The requirements for performing each treatment are discussed below.

Debarking. The standard is that no more than 2 percent of the surface of all logs in a shipment may retain bark, with no single log retaining bark on more than 5 percent of its surface.

Debarking is effective in eliminating many plant pests and pathogens on the surface of the logs, as well as most found within and immediately beneath the bark itself. Debarking also facilitates inspection for the presence of boring insects at the port of first arrival. Inspecting bark on large quantities of logs is a difficult, time-consuming process and is not practical.

To be effective, bark removal must be thorough. From a practical viewpoint, APHIS recognizes that complete removal of every scrap of bark is not practical. A tolerance level of 2 percent, with no single log retaining bark on more than 5 percent of its surface, appears reasonable to us based on our experience inspecting shipments at ports of first arrival and observing debarking operations. We believe that the plant pest risk associated with the remaining 5 percent of bark on an imported log would be minimized by the other regulatory controls applicable to the importation of logs, such as fumigation, kiln drying, consuming, or manufacturing products of the logs.

Heat treatment with moisture reduction. Heat treatment procedures may employ dry hear, exposure to microwave energy, or any other method that raises the temperature of the center of each treated article to at least 56° C. and maintains the article at that center temperature for at least 30 minutes and reduces the moisture content of the article to 20 percent or less. This will ensure that any plant pests that were not eliminated by other measures are eliminated.

Heat, in various forms, has long been used as a nonchemical treatment for wood. The efficacy of heat treatments depends on heating the treated article throughout to a temperature that will kill plants pests. Based on scientific studies by the Forest Service and inspection of heat-treated materials, we have determined that heating any article until the center of the article reaches at least 56° C. and maintaining that temperature for at least 30 minutes will destroy plant pests.

Methyl bromide fumigation. Methyl bromide is very effective against plant pests, including all stages of insects, mites, snails, slugs, and nematodes, as well as most fungi. Its effectiveness as a fumigant was discovered in 1932. Since then, it has become the fumigant of choice in quarantine treatments.

Methyl bromide diffuses laterally and downward readily, and upward slowly. These characteristics make blower or fan circulation essential, at least during the first 15–60 minutes, to ensure thorough gas distribution. In addition, circulation enhances penetration. A volatilizer is required when introducing methyl bromide. Products to be fumigated must be enclosed.

Studies have shown that methyl bromide fumigation effectively kills plant pests if conducted in a way that ensures exposure of the entire article to

VOL 58 ISS 29 FE 16 1993 UMI

the necessary gas concentration for the necessary time. However, circumstances during treatment can reduce the effectiveness of the fumigation.

The following minimum standard for methyl bromide fumigation treatment is required for logs. Any method of fumigation that meets or exceeds the specified temperature/time/concentration standards is acceptable. Information on the effectiveness of methyl bromide fumigation for regulated logs when used in accordance with the specified temperature/time/concentration standards is available through the office identified in the "FOR FURTHER INFORMATION CONTACT" section of this document.

The logs and the ambient air must be at a temperature of 5° C. (41° F.) or above throughout fumigation. The fumigation must be conducted using schedule T–404 contained in the Treatment Manual, or, using any fumigation method with an initial methyl bromide concentration of at least 120 g/m^3 with exposure and concentration levels adequate to provide a concentration-time product of at least 1920 gram-hours calculated on the initial dosage.

Section 319.40–6 Processing at Facilities Operating Under Compliance Agreements

This rule allows the importation of logs that may continue to present a low level risk of introducing plant pests into the United States until the time the logs are processed. To prevent the introduction of plant pests from these logs into the United States, we require that the logs be moved from the port of first arrival directly to a processing facility and processed there, under conditions that would minimize the introduction of plant pests.

To ensure that such facilities operate in a manner that will prevent introduction of plant pests, we require that such facilities operate under a compliance agreement with APHIS. The compliance agreement would specify safeguards necessary to prevent spread of plant pests from the processing facility, such as disinfestation practices, covering or container requirements, requirements for disposal of waste food or byproducts, requirements to ensure the processing method effectively destroys plant pests, and application of chemical materials in accordance with the Treatment Manual.

Any compliance agreement may be canceled by the inspector who is supervising its enforcement whenever the inspector finds that the person who entered into the compliance agreement has failed to comply with the conditions of the compliance agreement. If the cancellation is oral, the decision to cancel the compliance agreement and the reasons for cancellation of the compliance agreement shall be confirmed in writing as promptly as circumstances permit. Any person whose compliance agreement has been canceled may appeal the decision in writing to the Administrator within 10 days after receiving written notification of the cancellation. The appeal shall state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully canceled. The Administrator shall grant or deny the appeal, in writing, stating the reasons for granting or denying the appeal as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve the conflict. Rules of practice governing the hearing will be adopted by the Administrator. These provisions will provide a fair method of resolving disputes regarding withdrawal.

Section 319.40–7 Inspection and Other Requirements at Port of First Arrival

This section sets forth standards for enforcement of these regulations at the ports where imported logs arrive in the United States and are inspected. It requires logs from New Zealand to be inspected at the port of first arrival and cleaned or treated as required by an inspector. Further, this section states that an inspector may inspect any log, at a time and place determined by the inspector; that an inspector may order the logs to be treated, or may refuse entry of the logs, if the logs do not comply with the regulatory requirements or are contaminated with plant pests, soil, or prohibited contaminants; and requires that the logs must meet certain marking and identity requirements designed to assist inspection of logs at the port of first arrival. This section also allows inspectors to take samples from logs for the purpose of determining whether the logs contain plant pests that are not apparent to visual inspection, but can be detected in a laboratory.

Section 319.40–7 contains the following specific requirements:

- *Procedures for all logs.* All logs imported are required, as a condition of entry into the United States, to be inspected, and are subject to any cleaning or treatment at the port of first arrival that is required by an inspector, and the logs and any products of the logs shall be subject to reinspection, cleaning, and treatment at the option of an inspector at any time and place before all applicable requirements of this subpart have been accomplished.

Logs shall be assembled for inspection at the port of first arrival, or at any other place prescribed by an inspector, at a place and time and in a manner designed by an inspector. If an inspector finds that a shipment of logs imported into the United States is so infested with a plant pest that, in the judgment of the inspector, the logs cannot be cleaned or treated, or contain soil or other prohibited contaminants, the entire shipment may be refused entry into the United States.

No person shall move any logs imported into the United States from the port of first arrival unless and until an inspector notifies the person, in writing or through an electronic database, that the logs have been inspected and found to be apparently free of plant pests, and are in compliance with all regulations in this subpart.

- *Visual examination of logs at port of first arrival.* Logs imported into the United States which have been debarked in accordance with § 319.40–5(b) and can be safely and practically inspected would be visually examined for plant pests at the port of first arrival. Treatment appropriate to the logs and contained in the Treatment Manual will be required if plant pests are found.
- *Marking and identity of logs.* Logs, at the time of importation, must bear on the outer container (if in a container), on the logs (if not in a container), or on a waybill or other shipping document accompanying the logs the following information:

1. Identity and quantity of the logs;
2. Country where the trees from which the logs were derived were grown;
3. Name and address of the person importing the logs;
4. Name and address of consignee of the logs;
5. Identifying shipper's mark and number; and
6. Number of written permit authorizing the importation of the logs into the United States.

- *Sampling for plant pests at port of first arrival.* Any imported logs may be sampled by an inspector for plant pests at the port of first arrival.

Section 319.40–8 Costs and Charges

This section, which is consistent with the similar language in our other foreign quarantine regulations in part 319, addresses the availability of inspector services and the distribution of costs associated with importation of logs. The services of an inspector during regularly assigned hours of duty and at the usual places of duty will be furnished without cost to the importer. The inspector may require the importer to furnish any

special labor, chemicals, packing materials, or other supplies required in handling logs under this subpart. APHIS would not be responsible for any costs or charges, other than those identified in this section. Provisions relating to costs for other services of an inspector are contained in 7 CFR part 354.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Logs from New Zealand pose a serious threat of introducing plant pests into the United States. Losses caused by these plant pests represent a serious threat to the timber industry and the plant resources of the United States. Any delay in implementing these regulations could result in the introduction of plant pests from New Zealand into the United States.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these conditions, there is good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication of this interim rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register** including a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The United States has become the world's leading importer of wood and wood products. In 1990, the United States imported the equivalent of 34.4 million cubic meters of logs, lumber, and other wood products valued at about $5.1 billion. Total imports nearly tripled between 1950 and 1990, with most of this increase occurring after 1970. Historically, virtually all wood product imports have been from Canada.

Domestic production of logs, lumber, and other wood products has increased steadily since 1950. In roundwood equivalents, production in 1990 was 1.6 times greater than in 1950. Most timber production occurs in southern and western States. In 1990, Oregon and Washington accounted for about 16 percent of the total U.S. tree harvest.

Domestic logging companies are facing increasing challenges from conservation groups. Conservationists are opposed to many tree harvesting practices, especially clear cutting. In addition, concern over habitats for wildlife has raised questions about replacement of old growth/diversified forests with monoculture. Conservation issues are likely to limit future tree harvests in several northwestern States.

Nationally, commercial forest lands are projected to decrease by about 4 percent over the next 50 years. Production is likely to decline in the Pacific Northwest and increase in the South and Rocky Mountain States. Over the next 50 years, new technologies may allow wood products companies to remove larger amounts of wood products from each tree. A slightly limited domestic harvest combined with higher consumer demand would likely result in an increased demand for imported wood and wood products. Wood imports from alternative sources have the potential to introduce and disseminate exotic plant pests and diseases throughout the United States.

Alternative supplies of logs and other wood products have been located in New Zealand and other countries. This rule amends the foreign quarantine regulations by imposing new restrictions to regulate the importation of Douglas-fir and Monterey pine logs from New Zealand. This rule requires that Douglas-fir and Monterey pine logs from New Zealand meet specific requirements before being allowed entry into the United States. These new regulations are necessary to minimize the potential for the entry and dissemination of exotic plant pests and pathogens into the United States.

The Regulatory Flexibility Act requires that APHIS specifically consider the economic impact of regulations on small entities. At present, there are approximately 4,307 saw mills in the United States. According to Small Business Administration (SBA) data, 4,289 domestic sawmills (99.5 percent) are classified as small entities. Sawmills that employ fewer than 500 people are classified as small according to SBA criteria. Total sales volume for these small sawmills average about $2.2 million annually.

The United States has historically imported a negligible volume of Monterey pine and Douglas-fir from New Zealand. Imported New Zealand logs will likely supplement lumber production in Washington, Oregon, and northern California. Therefore, the economic impact will be concentrated in the Pacific Northwest.

New Zealand industry experts expect that the export of logs to the United States may reach 510,000 cubic meters per year and remain at that rate through the turn of the century. This represents about 3 percent of total annual New Zealand production. The United States currently imports about 6 million cubic meters of logs each year, mostly from Canada. New Zealand imports would comprise about 8 percent of total United States log imports. Potential imports of New Zealand logs represent less than 1 percent of the 60 million cubic meters of timber harvested in Washington, Oregon, and California each year.

Domestic log prices vary widely depending on species and wood quality. Current domestic prices for Monterey pine and Douglas-fir average about $60.67 and $73.33 per cubic meter, respectively. Therefore, if 510,000 cubic meters of logs are imported, APHIS estimates that the annual value of New Zealand log imports would range between $30.9 to $37.4 million, although the value of imports would likely be lower than $30 million during the initial year. This represents less than 1 percent of the annual multi-billion dollar U.S. timber harvest.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. State and local laws and regulations regarding logs imported under this rule will be preempted while the logs are in foreign commerce. No retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this rule. The assessment provides a basis for the

VOL
58
ISS
29
FE
16
1993
UMI

conclusion that the importation of logs under the conditions specified in this rule will not present an unacceptable risk of introducing or disseminating plant pests and will not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381–50384, August 28, 1979, and 44 FR 51272–51274, August 31, 1979).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. In addition, copies may be obtained by writing to the individual listed under "FOR FURTHER INFORMATION CONTACT."

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule will be submitted for approval to the Office of Management and Budget. Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please send a copy of your comments to: (1) Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, and (2) Clearance Officer, OIRM, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250.

List of Subjects in 7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

PART 319—FOREIGN QUARANTINE NOTICES

Accordingly, 7 CFR part 319 is amended by adding a new "Subpart—Logs from New Zealand" (7 CFR 319.40–1 through 319.40–8) as follows:

Subpart—Logs From New Zealand

Sec.

319.40–1 Definitions.
319.40–2 General prohibitions and restrictions.
319.40–3 Application for a permit to import logs; issuance and withdrawal of permits.
319.40–4 Importation and entry requirements for logs.
319.40–5 Treatments and safeguards.
319.40–6 Processing at facilities operating under compliance agreements.
319.40–7 Inspection and other requirements at port of first arrival.
319.40–8 Costs and charges.

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167; 21 U.S.C. 136a; 7 CFR 2.17, 2.51, and 371.2(c).

Subpart—Logs From New Zealand

§ 319.40–1 Definitions.

Wherever in this subpart the following terms are used, unless the context otherwise requires, they shall be construed to mean:

Administrator. The Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture, or any employee of the United States Department of Agriculture to whom authority to act in his or her stead is delegated.

APHIS. The Animal and Plant Health Inspection Service, United States Department of Agriculture.

Certificate. A phytosanitary certificate of inspection relating to logs, which is issued by a plant protection official of New Zealand which contains a description of the logs, which certifies that the logs have been inspected, are believed to be free of plant pests, and are believed to be eligible for importation pursuant to the laws and regulations of the United States, and which contains any specific additional declarations required under this subpart.

Compliance agreement. A written agreement between APHIS and a person engaged in processing, handling, or moving logs, in which the person agrees to comply with the requirements of the compliance agreement.

Import (imported, importation). To bring or move into the territorial limits of the United States.

Inspector. Any individual authorized by the Administrator to enforce this subpart.

Log. The bole of a *Pinus radiata* (Monterey pine) or *Pseudotsuga menziesii* (Douglas-fir) tree from New Zealand; trimmed timber from such a tree that has not been further sawn.

Permit. A written authorization to import logs issued in accordance with § 319.40–3.

Plant pest. Any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts of parasitic plants, noxious weeds, viruses, or any organism similar to or allied with any of the foregoing, or any infectious substances, which can injure or cause disease or damage in any plants, parts of plants, or any products of plants.

Port of first arrival. The area (such as a seaport, airport, or land border station) where a person or a means of conveyance first arrives in the United States, and where inspection of logs is carried out by inspectors.

Sealed (sealable) container. A completely enclosed container designed for the storage or transportation of cargo by air, sea, rail, or truck, and constructed of metal, fiberglass, or other similarly sturdy and impenetrable material, providing an enclosure which prevents the entrance or exit of plant pests, and is accessed through doors that can be closed and secured with a lock or seal. Sealed (sealable) containers used for sea and air shipments are distinct and separable from the means of conveyance carrying them.

Treatment manual. The Plant Protection and Quarantine Treatment Manual, which is incorporated by reference at 7 CFR 300.1 in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

United States. All of the States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

§ 319.40–2 General prohibitions and restrictions.

(a) No logs may be imported from New Zealand unless a permit has been issued for importation of the logs in accordance with § 319.40–3, and unless the logs meet all other applicable requirements of this subpart.

(b) Certificate required. Any logs imported must be accompanied by a certificate.

(c) Documentation of type, quantity, and origin of logs. Unless the certificate accompanying the logs contains the information required by this paragraph, imported logs must be accompanied by a document signed by the importer stating the genus and species of the trees from which the logs were derived, the country of origin, the quantity of logs to

be imported, and any treatment of the logs required by this subpart that were performed prior to arrival at the port of first arrival.

§ 319.40–3 Application for a permit to import logs; issuance and withdrawal of permits.

(a) *Application procedure.* A written application for a permit must be submitted to the Permit Unit, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, MD 20782. The completed application must include the following information: [1]

(1) The specific type of logs to be imported, including the genus and species name of the trees from which the logs were derived;

(2) The country where the trees from which the logs were derived were harvested;

(3) The quantity of logs to be imported;

(4) A description of any processing, treatment, or special handling of the logs performed prior to importation into the United States;

(5) A description of any processing, treatment, or special handling of the logs intended to be performed following importation;

(6) Whether the logs will be imported in a sealed container or in ship's holds;

(7) The means of conveyance to be used to import the logs into the United States;

(8) The intended port of first arrival in the United States of the logs;

(9) The destination and intended use of the logs;

(10) The name and address of the applicant and, if the applicant's address is not within the United States, the name and address of an agent in the United States whom the applicant names for acceptance of service of process; and,

(11) A statement certifying the applicant as the importer of record.

(b) *Review of application and issuance of permit.* After receipt and review of the application, APHIS shall determine whether it appears that the logs, at the time of importation, will meet the importation requirements in § 319.40–4. If it appears that the logs proposed for importation will meet the requirements of § 319.40–4, a permit shall be issued for the importation of logs identified in the application.

(c) *Permit does not guarantee eligibility for import.* Even if a permit has been issued for the importation of logs, the logs may be imported only if all applicable requirements of this subpart are met and only if an inspector at the port of first arrival determines that no emergency measures pursuant to the Federal Plant Pest Act or other measures pursuant to the Plant Quarantine Act are necessary with respect to the logs. [2]

(d) *Withdrawal of permits.* Any permit which has been issued may be withdrawn by an inspector or the Administrator if he or she determines that the person to whom the permit was issued has not complied with a condition for the use of the permit or has violated any requirement of this subpart. If the withdrawal is oral, the decision to withdraw the permit and the reasons for the withdrawal of the permit shall be confirmed in writing as promptly as circumstances permit. Any person whose permit has been withdrawn may appeal the decision in writing to the Administrator within ten days after receiving the written notification of the withdrawal. The appeal shall state all of the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. The Administrator shall grant or deny the appeal, in writing, stating the reasons for granting or denying the appeal as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve the conflict. Rules of practice concerning the hearing shall be adopted by the Administrator.

§ 319.40–4 Importation and entry requirements for logs.

(a) *Requirements prior to importation.* Logs that are accompanied by a certificate stating that the logs meet the requirements of paragraph (a)(1) through (4) of this section, and that are consigned to a facility in the United States that operates in accordance with § 319.40–6, may be imported in accordance with this paragraph.

(1) The logs must be from live healthy trees which are free of plant pests, plant pest damage, and decay organisms.

(2) The logs must be debarked in accordance with § 319.40–5(b) prior to fumigation.

(3) The logs must be fumigated in accordance with § 319.40–5(d) within 45 days following the date the trees are felled and prior to arrival of the logs in the United States, in ship's holds or in sealed containers. If fumigation occurs in a sealed container, it must be the same sealed container that is exported to the United States.

(4) No other wood articles (other than wood packing materials that have been fumigated in accordance with § 319.40–5(d)) are permitted in a ship's hold with fumigated logs that are not in sealed containers, unless the other wood articles are in sealed containers. For fumigated logs in sealed containers, no other wood articles (other than wood packing materials that have been fumigated in accordance with § 319.40–5(d)) are permitted in the sealed container holding the fumigated logs. Logs on the vessel's deck must be in a sealed container.

(b) *Requirements upon arrival in the United States.* The following requirements apply upon arrival of the logs in the United States.

(1) The logs must be kept segregated from other wood articles from the time of discharge from the means of conveyance until the logs are completely processed at a facility in the United States that operates under a compliance agreement in accordance with § 319.40–6.

(2) The logs must be moved from the port of first arrival to the facility that operates under a compliance agreement in accordance with § 319.40–6 in as direct a route as reasonably possible.

(c) *Requirements at the processing facility.* Logs imported in accordance with paragraphs (a) and (b) of this section must be consigned to a facility operating under a compliance agreement in accordance with § 319.40–6 that includes the following requirements.

(1) Lumber sawn from the logs must be heat treated with moisture reduction in accordance with § 319.40–5(c) immediately after sawing.

(2) The logs, including sawdust, wood chips, or other products generated from the logs in the United States, must be

[1] Application forms for permits are available without charge from the Permit Unit, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, MD 20782, or local offices of Plant Protection and Quarantine which are listed in telephone directories.

[2] Section 105(a) of the Federal Plant Pest Act (7 U.S.C. 150dd(a)) provides, among other things, that the Secretary of Agriculture may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, destroy, or dispose of, in such manner as he deems appropriate, subject to section 105(d) of the Federal Plant Pest Act (7 U.S.C. 150dd(d)), any product or article, including any articles subject to this subpart, which is moving into or through the United States, and which he has reason to believe is infested or with any such plant pest at the time of such movement, or which has moved into the United States, and which he has reason to believe was infested with any such plant pest at the time of such movement. Section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 107 of the Federal Plant Pest Act (7 U.S.C. 150ff) also authorize measures against prohibited and restricted articles which are not in compliance with this subpart.

processed in accordance with this paragraph within 60 days from the time the logs are released from the port of first arrival.

(3) Sawdust, wood chips, and other products generated by sawing or processing the logs must be disposed of by burning, heat processing, or other processing that will destroy any plant pests associated with the articles. Composting and use as mulch are prohibited unless preceded by fumigation in accordance with § 319.40–5(d) or heat treatment with moisture reduction in accordance with § 319.40–5(c). Wood chips and sawdust may be moved in enclosed trucks for processing at another facility operating under a compliance agreement in accordance with § 319.40–6.

§ 319.40–5 Treatments and safeguards.

(a) *Certification of treatments or safeguards.* If APHIS determines that a certificate or other document required by this subpart for the importation of logs is inaccurate, the logs which are the subject of the certificate or other document required by this subpart shall be refused entry into the United States. In addition, APHIS may determine not to accept any further certificates for the importation of logs in accordance with this subpart from New Zealand if an inaccurate certificate is issued, and APHIS may determine not to allow the importation of any or all logs from New Zealand until corrective action acceptable to APHIS establishes that certificates issued in New Zealand will be accurate.

(b) *Debarking.* No more than 2 percent of the surface of all logs in a shipment may retain bark, with no single log retaining bark on more than 5 percent of its surface.

(c) *Heat treatment with moisture reduction.* This may employ dry heat, exposure to microwave energy, or any other method that raises the temperature of the center of each treated article to at least 56 °C., maintains the treated articles at that center temperature for at least 30 minutes, and reduces the moisture content of the treated article to 20 percent or less.

(d) *Methyl bromide fumigation.* The following minimum standard for methyl bromide fumigation treatment is authorized for logs. Any method of fumigation that meets or exceeds the specific temperature/time/concentration standards is acceptable. The entire log and the ambient air must be at a temperature of 5 °C. (41 °F.) or above throughout fumigation. The fumigation must be conducted using schedule T–404 contained in the Treatment Manual, or, using any fumigation method with an initial methyl bromide concentration of at least 120 g/m^3 with exposure and concentration levels adequate to provide a concentration-time product of at least 1920 gram-hours calculate on the initial dosage.

§ 319.40–6 Processing at facilities operating under compliance agreements.

(a) Any person who processes logs imported into the United States may enter into a compliance agreement to facilitate the importation of logs under this subpart. The compliance agreement shall specify the requirements necessary to prevent spread of plant pests from the processing facility, requirements to ensure the processing method effectively destroys plant pests, and may require application of specified chemical materials in accordance with the Treatment Manual. Compliance agreement forms may be obtained from the Administrator or an inspector.

(b) Any compliance agreement may be canceled by the inspector who is supervising its enforcement, orally or in writing, whenever the inspector finds that the person who entered into the compliance agreement has failed to comply with the conditions of the compliance agreement. If the cancellation is oral, the decision to cancel the compliance agreement and the reasons for cancellation of the compliance agreement shall be confirmed in writing, as promptly as circumstances permit. Any person whose compliance agreement has been canceled may appeal the decision in writing to the Administrator within ten days after receiving written notification of the cancellation. The appeal shall state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully canceled. The Administrator shall grant or deny the appeal, in writing, stating the reasons for granting or denying the appeal, as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve the conflict. Rules of practice concerning the hearing will be adopted by the Administrator.

§ 319.40–7 Inspection and other requirements at port of first arrival.

(a) *Procedures for all logs.* (1) All logs imported into the United States shall be inspected at the port of first arrival, and shall be cleaned or treated as required by an inspector, and the logs and any products of the logs shall be subject to reinspection, cleaning, and treatment at the option of an inspector at any time and place before all applicable requirements of this subpart have been accomplished.

(2) Logs shall be assembled for inspection at a place and time and in a manner designated by an inspector.

(3) If an inspector finds that a shipment of logs imported into the United States is so infested with a plant pest that, in the judgment of the inspector, the logs cannot be cleaned or treated, or contains soil or other prohibited contaminants, the entire shipment may be refused entry into the United States.

(4) No person shall move any logs imported into the United States from the port of first arrival unless and until an inspector notifies the person, in writing or through an electronic database, that the logs:

(i) Have been inspected and found to be apparently free of plant pests, and

(ii) Are in compliance with this subpart.

(b) *Visual examination of logs at port of first arrival.* Logs imported into the United States that can be safely and practically inspected will be visually examined for plant pests at the port of first arrival. Treatment appropriate to the logs and contained in the Treatment Manual will be required if plant pests are found or if the logs cannot be safely or practically inspected.

(c) *Marking and identity of logs.* Logs, at the time of importation, shall bear on the outer container (if in a container), on the logs (if not in a container), or on a document accompanying the logs the following information.

(1) Identity and quantity of the logs.

(2) Country where the trees from which the logs were derived were grown.

(3) Name and address of the person importing the logs.

(4) Name and address of consignee of the logs.

(5) Identifying shipper's mark and number, and

(6) Number of written permit authorizing the importation of the logs into the United States.

(d) *Sampling for plant pests at port of first arrival.* Logs imported into the United States may be sampled by an inspector for plant pests at the port of first arrival.

§ 319.40–8 Costs and charges.

The services of an inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost to the importer.[3] The inspector may require the importer to furnish any special labor, chemicals, packing materials, or other supplies

[3] Provisions relating to costs for other services of an inspector are contained in Part 354 of this chapter.

required in handling logs under this subpart. APHIS will not be responsible for any costs or charges, other than those identified in this section.

Done in Washington, DC, this 19th day of January 1993.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93–3522 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–34–M

Agricultural Marketing Service

7 CFR Parts 911 and 915

[Docket No. FV92–911–1IFR]

Expenses and Assessment Rates for the Marketing Orders Covering Limes and Avocados Grown in Florida

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and established assessment rates for the Florida Lime Administrative Committee and Avocado Administrative Committee (committees) under M.O. Nos. 911 and 915 for the 1993–94 fiscal year (February 1–March 31). Authorization of these budgets enable the committees to incur expenses that are reasonable and necessary to administer their respective programs. Funds to administer these programs are derived from assessments on handlers.

DATES: Effective beginning February 1, 1993, through March 31, 1994. Comments received by March 18, 1993 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Britthany Beadle, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone: (202) 690–0992.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Order No. 911 (7 CFR part 911) regulating the handling of limes grown in Florida and 915 (7 CFR part 915) regulating the handling of avocados grown in Florida. These agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, limes and avocados grown in Florida are subject to assessments. It is intended that the assessment rates specified herein will be applicable to all assessable limes and avocados handled during the 1993–94 fiscal year, beginning February 1, 1993, through March 31, 1994. This interim final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 20 handlers of limes and 40 handlers of avocados regulated under the marketing orders each season and approximately 260 lime and 300 avocado producers in Florida. Small agricultural producers have been defined by the Small Business Administration (13 CFR § 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of these handlers and producers may be classified as small entities.

The lime and avocado marketing orders, administered by the Department, require that the assessment rates for a particular fiscal year apply to all assessable limes and avocados handled from the beginning of such year. Annual budgets of expenses are prepared by the committees, the agencies responsible for local administration of their respective marketing orders, and submitted to the Department for approval. The members of the committees are lime and avocado handlers and producers. They are familiar with the committees' needs and with the costs for goods, services, and personnel in their local area, and are thus in a position to formulate appropriate budgets. The committees' budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rates recommended by the committees are derived by dividing the anticipated expenses by expected shipments of limes and avocados (in bushels). Because those rates are applied to actual shipments, they must be established at rates which will provide sufficient income to pay the committees' expected expenses.

The Florida Lime Administrative Committee met on December 9, 1992, and unanimously recommended total expenditures for the 1993–94 fiscal year of $106,346 with an assessment rate of $0.16 per bushel. The committee anticipates shipments of 450,000/55 lb. bushels of limes into fresh market channels, which should generate an estimated income of $72,000.

The Avocado Administrative Committee also met on December 9, 1992, and unanimously recommended total budget expenditures of $106,346 and an assessment rate of $0.16 per bushel for the 1993–94 fiscal year. Avocado shipments into fresh market channels are anticipated by the committee at 150,000/55 lb. bushels,

generating an estimated income of $24,000.

Due to the hurricane that hit the production area last August, the committees' budget for the 1993–94 fiscal year are smaller than those of the 1991–92 fiscal year but the assessment rates for limes and avocados have remained the same. The committee have projected deficits of $32,346 and $81,346, respectively. The committees' available reserve funds plus earned interest should be sufficient to cover their projected deficits.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs should be significantly offset by the benefits derived from the operation of the marketing orders. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the committees and other available information, it is hereby found that this rule as hereinafter set forth will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because:

(1) The committees need to have sufficient funds to pay their expenses which are incurred on a continuous basis;

(2) The fiscal year for the committees begins February 1, 1993, and the marketing orders require that the rates of assessment for the fiscal year apply to all assessable limes and avocados handled during the fiscal year;

(3) Handlers are aware of this action which was unanimously recommended by the committees to public meetings and which are similar to budgets issued in past years; and

(4) This interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects

7 CFR Part 911

Marketing agreements, Limes, Reporting and recordkeeping requirements.

7 CFR Part 915

Marketing agreements, Avocados, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Parts 911 and 915 are amended as follows:

PART 911—LIMES GROWN IN FLORIDA

1. The authority citation for 7 CFR part 911 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Note: This action will not appear in the annual Code of Federal Regulations.

2. A new § 911.232 is added to read as follows:

§ 911.232 Expenses and assessment rate.

Expenses of $106,346 by the Florida Lime Administrative Committee are authorized and an assessment rate of $0.16 per bushel of assessable limes is established for the fiscal period ending March 31, 1994. Unexpended funds from the 1992–93 fiscal year may be carried over as a reserve.

PART 915—AVOCADOS GROWN IN FLORIDA

1. The authority citation for 7 CFR part 915 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended: 7 U.S.C. 601–674.

Note: This action will not appear in the annual Code of Federal Regulations.

2. A new § 915.232 is added to read as follows:

§ 915.232 Expenses and assessment rate.

Expenses of $106,346 by the Avocado Administrative Committee are authorized and an assessment rate of $0.16 per bushel of assessable avocados is established for the fiscal period ending March 31, 1994. Unexpended funds from the 1992–93 fiscal year may be carried over as a reserve.

Dated: February 9, 1993.

Robert C. Keeney,

Deputy, Director, Fruit and Vegetable Division.

[FR Doc. 93–3519 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 916

[Docket No. FV–92–916–1]

Nectarines Grown in California; Relaxation of Minimum Size Requirements for May Glo Variety Nectarines and Revision of Variety-Specific Size Requirements for Nectarines

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule relaxes the minimum size requirement for fresh shipments of May Glo variety nectarines to size 108 from the current size 96 for the period April 15 through May 5 of each year, after which the minimum size will revert back to size 96 for the remainder of the season. This rule also adds 14 varieties of nectarines to variety-specific size requirements and deletes 4 varieties from those requirements. Implementing these changes as specified should result in more suitable sizes of nectarines being shipped to the fresh market, and increased returns to California nectarine growers.

DATES: This interim final rule becomes effective April 15, 1993. Comments which are received by March 18, 1993 will be considered prior to issuance of any final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. All comments should reference the docket number, date, and page number of this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Kenneth G. Johnson, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456; telephone: (202) 720–5127; or Terry Vawter, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (209) 487–5901.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Marketing

Order No. 916 (7 CFR part 916) regulating the handling of nectarines grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This interim final rule has been reviewed by the U.S. Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are about 245 California nectarine handlers subject to regulation under the marketing order covering nectarines grown in California, and about 740 producers of nectarines in California. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. A majority of these handlers and producers may be classified as small entities.

Fresh California nectarine shipments are regulated during the period April 15 through October 31 each year by grade, maturity, and size under California Nectarine Grade and Size Regulation (7 CFR 916.356, as amended at 57 FR 27348, June 19, 1992, and 57 FR 42681, September 16, 1992). These regulations have been issued on a continuing basis subject to amendment, modification, or suspension as may be recommended by the Nectarine Administrative Committee (committee) and approved by the Secretary. The committee met on December 2, 1992, and unanimously recommended that the minimum size requirements for May Glo variety nectarines be relaxed and that variety-specific size requirements be established for 14 varieties and that such requirements be removed for 4 varieties.

The interim final rule relaxes the minimum size requirements for the May Glo variety nectarines to size 108 from size 96 for the period April 15 through May 5 of each year by amending paragraphs (a)(2) and (a)(3) of § 916.356. Paragraph (a)(3) provides that no handler shall ship any package or container of May Glo variety nectarines unless the nectarines, when packed in molded forms (tray packs) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 nectarines in the lug box, and unless such nectarines, when packed otherwise, are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 87 nectarines. Such nectarines are referred to as size 96 fruit. Paragraph (a)(2) provides, for certain other specified varieties, that no handler shall ship any package or container of such nectarines unless the nectarines, when packed in molded forms (tray packs) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box, and unless such nectarines, when packed otherwise, are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 92 nectarines. Such nectarines are referred to as size 108 fruit.

The minimum size requirements established for California nectarines recognize that larger sized nectarines provide greater consumer satisfaction than those of smaller sizes. Different minimum size requirements have been issued for the various nectarine varieties, reflecting both seasonal and varietal influences which affect average fruit sizes. Smaller minimum sizes generally have been established for earlier maturing varieties, while later maturing varieties, since they tend to attain a larger size at maturity, have been required to meet larger minimum sizes.

The desert area of the Coachella Valley is the growing area in California with the earliest nectarine harvests. Fruit grown in this area generally does not size as well as fruit grown in other areas of the State, due to the onset of very hot weather early in season which retards further fruit growth and results in a relatively short growing season. In general, fruit grown in the Coachella Valley is smaller in size than fruit grown in other parts of the State. Nectarines have been grown commercially in the Coachella Valley for about seven years.

Most May Glo variety nectarines in California are grown in the Coachella Valley where they mature very early in the season at relatively small sizes compared with most other nectarine varieties grown in the State.

The May Glo harvest season is expected to begin about mid-April in the Coachella Valley, and continue for about three weeks, depending on temperatures during the harvest period. May Glo variety nectarines from other parts of the State will continue to be shipped for several more weeks and are expected to reach the size 96 level. The size relaxation for May Glo variety nectarines is for the period of April 15 through May 5 of each year.

It is the Department's view that this action will provide handlers and growers additional opportunities for marketing May Glo variety nectarines each year. This action essentially adopts on a permanent basis a size change for the May Glo variety that was successfully adopted on a seasonal basis last year.

Section 916.356 currently specifies size requirements for fresh nectarines in paragraphs (a)(2) through (a)(9). This rule amends § 916.356 to establish variety-specific size requirements for 14 nectarine varieties, and remove 4 varieties from variety-specific size requirements. Paragraph (a)(5) of § 916.356 is revised to include the April Glo, August Glo, Big Jim, Early Red Jim, June Brite, May Lion, Nectarine #4, Red

May, Rose Diamond, Summer Fire, Summer Lion, Sunburst, Zee Grand, and 9–86–04–87 varieties. This rule also removes the Del Rio, Gold King, Larry's Grand, and Red Grand nectarine varieties from the variety-specific size requirements specified in § 916.356, because less than 5,000 packages of each of these varieties were produced during the 1992 season. Nectarine varieties removed from the nectarine variety-specific list become subject to the non-listed variety size requirements specified in paragraphs (a)(6), (a)(7), and (a)(8) of § 916.356.

Variety-specific size requirements are applied to a particular nectarine variety when that variety is first produced in commercially significant quantities during a particular season. The committee considers such quantity to be 10,000 packages during a season, the same quantity used during the past several seasons. Nectarine varieties that exceeded 10,000 shipped packages during the 1992 season are included in this rule to be regulated under variety-specific size requirements for each fruit.

The nectarine varieties being removed from the variety-specific size requirement list for 1993 season shipments were not produced during the 1992 season in quantities significant enough to warrant variety-specific size coverage. These varieties become subject to minimum size requirements for non-listed varieties, because they still warrant some size coverage. The size requirements established for non-listed varieties are generally less restrictive than those for listed varieties, but help provide retailers and consumers with the sizes of fruit they prefer.

This action is designed to establish minimum size requirements for such fruit consistent with expected crop and market conditions, and to help the California nectarine industry to provide those sizes of fresh fruit desired by consumers. The size requirements for nectarine varieties not mentioned in this rule remain the same as those currently in effect. Conforming changes are being made with regard to paragraphs (a)(6) through (a)(9).

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, the information and recommendations submitted by the committee, and other information, it is found that this action will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined, upon good cause, that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect because:

(1) It would be beneficial to nectarine growers and handlers to be apprised of this action as soon as possible;

(2) This action relaxes size requirements for May Glo variety nectarines;

(3) The other changes in this action are in accord with a size policy applied for many years;

(4) California nectarine handlers are aware of this action which was unanimously recommended by the committee at a public meeting; and

(5) The rule provides a 30-day comment period, and any written comments received will be considered prior to any finalization of this interim final rule.

List of Subjects in 7 CFR Part 916

Marketing agreements, Nectarines, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 916 is amended as follows:

PART 916—NECTARINES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 916 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 916.356 is amended by removing paragraph (a)(9) and revising the introductory text of paragraphs (a)(2), (a)(3), (a)(5), (a)(6), (a)(7), and (a)(8) to read as follows:

Note: This section will appear in the Code of Federal Regulations.

§ 916.356 California nectarine grade and size regulation.

(a) * * *

(2) Any package or container of May Glo variety nectarines through May 5 of each year, or Aurelio Grand, Maybelle, Mayfire, or Royal Delight variety nectarines, unless:

* * * * *

(3) Any package or container of May Glo variety nectarines on or after May 6 of each year, or Early Glo, or Early Diamond variety nectarines, unless:

* * * * *

(5) Any package or container of Alshir Red, Alta Red, April Glo, August Glo, August Red, Autumn Delight, Autumn Grand, Big Jim, Bob Grand, Early Red Jim, Early Sungrand, Fairlane, Fantasia, Firebrite, Flamekist, Flaming Red, Flavor Grand, Flavortop, Flavortop I, Grand Diamond, Independence, July Red, June Brite, King Jim, Kism Grand, Late Le Grand, Le Grand, May Lion, Mid Glo, Moon Grand, Nectarine #4, Niagara Grand, P–R Red, Red Diamond, Red Free, Red Jim, Red Lion, Red May, Rio Red, Rose Diamond, Royal Giant, Ruby Grand, Scarlet Red, September Grand, September Red, Son Red, Sparkling June, Sparkling Red, Spring Diamond, Spring Red, Summer Beaut, Summer Bright, Summer Diamond, Summer Fire, Summer Grand, Summer Lion, Summer Red, Summer Star, Sunburst, Sun Diamond, Sun Grand, Super Red, Super Star, Tasty Free, Tasty Gold, Tom Grand, Zee Glo, Zee Grand, 181–119, 80P–1135, or 9–86–04–87, variety nectarines unless:

* * * * *

(6) During the period April 15 through May 31 of each fiscal period, no handler shall handle any package or container of any variety of nectarines not specifically named in paragraphs (a)(2), (3), (4), or (5) of this section unless:

* * * * *

(7) During the period June 1 through June 30 of each fiscal period, no handler shall handle any package or container of any variety of nectarines not specifically named in paragraphs (a)(2), (3), (4), or (5) of this section unless:

* * * * *

(8) During the period July 1 through October 31 of each fiscal period, no handler shall handle any package or container of any variety of nectarines not specifically named in paragraphs (a)(2), (3), (4), or (5) of this section unless:

* * * * *

Dated: February 9, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–3521 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–02–M

---

7 CFR Part 927

[Docket No. FV92–927–1FIR]

Expenses and Assessment Rates for Marketing Order Covering Winter Pears Grown in Oregon, Washington, and California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule the provisions of the interim final rule (without change) authorizing expenditures and establishing assessment rates under Marketing Order No. 927 for the 1992–93 fiscal period. Authorization of this budget enables the

Winter Pear Control Committee (committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer the program are derived from assessments on handlers.

EFFECTIVE DATE: July 1, 1992, through June 30, 1993.

FOR FURTHER INFORMATION CONTACT: Britthany Beadle, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456, telephone 202–690–0992.

SUPPLEMENTARY INFORMATION: This rule is effective under Marketing Agreement and Order No. 927 (7 CFR Part 927), regulating the handling of pears grown in Oregon, Washington, and California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of Marketing Order No. 927 now in effect, pears are subject to assessments. It is intended that the assessment rates as issued herein will be applicable to all assessable pears handled during the 1992–93 fiscal period which began July 1, 1992. This final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 85 handlers of pears subject to regulation under Marketing Order No. 927, and approximately 1,850 pear producers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of pear producers and handlers may be classified as small entities.

The budget of expenses for the 1992–93 fiscal period was prepared by the committee, the agency responsible for local administration of the marketing order in its area, and submitted to the Department for approval. The members of the committee are handlers and producers of pears. They are familiar with the committee's needs and with the costs of goods and services in its area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in public meetings. Thus, all directly affected persons have had an opportunity to participate and provide input.

The committee initially met on May 29, 1992, and recommended 1992–93 expenditures of $6,039,367, an increase of $908,751 from the 1991–92 fiscal year, and an assessment rate of $0.415 per standard box equivalent, which is a $0.035 increase from last year. In addition, the committee approved an additional assessment rate of $0.03 per standard box equivalent on Anjou variety pears. This action was published as an interim final rule in the **Federal Register** (57 FR 39107, August 28, 1992). That rule also provided a 30-day comment period which ended September 28, 1992. No comments were received.

The committee met again on September 29, 1992, and unanimously recommended to increase 1992–93 fiscal period expenditures to $6,716,983, and to increase the basic assessment rate to $0.43 per standard box equivalent. This brings the total increase in expenses to $1,586,367 and the total assessment rate increase to $0.05 from the 1991–92 fiscal year. In addition, the supplemental assessment rate for Anjou pears was unanimously recommended to be increased to $0.09 per standard box equivalent which gives a total assessment rate of $0.52 per standard box equivalent on Anjou pears for the 1992–93 fiscal period. This supplemental assessment will be used to fund Ethoxyquin research. This action was published as an interim final rule in the **Federal Register** (57 FR 54903, November 23, 1992). That rule also provided a 30-day comment period which ended December 23, 1992. No comments were received.

These expenditures are primarily for paid advertising and promotion, winter pear improvement and program administration. Aside from the major budget increases which occurred for winter pear improvement, Ethoxyquin research, paid advertising, and contingency line items, most of the expenditures items are budgeted at about last year's amounts. Small increases were made for salaries, professional services, district representatives fees, and industry development.

Assessment income for the 1992–93 fiscal period is expected to total $6,230,000 based on shipments of 12,500,000 packed boxes of pears at $0.43 per standard box or equivalent plus an additional $0.09 per standard box of Anjou pears. Other available funds include $150,000 of voluntary payments on assessments of intrastate shipments, $10,000 of prior year assessments, a reserve of $301,983 carried into this fiscal period, and $25,000 of miscellaneous income including interest bearing accounts. Total funds available equal $6,716,983, the same as the recommended budget.

The committee also unanimously recommended that any unexpended funds or excess assessments from the 1991–92 fiscal period be placed in its reserve. The reserve is within the limits authorized under the marketing order.

The assessment rates recommended by the committee were derived by dividing anticipated expenses by expected shipments of pears. Because the rates will be applied to actual shipments, they must be established at rates that will provide sufficient income to pay the committee's expenses.

While this action will impose some additional costs on pear handlers, the costs are in the form of uniform assessments on all handlers. Some of

the additional costs may be passed on to pear producers. However, these costs will be offset by the benefits derived from the operation of the marketing order.

The Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant material presented, including the committee's recommendations, and other available information, it is found that this final rule, as hereinafter set forth will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553). The committee needs to have sufficient funds to pay its expenses. Such expenses are incurred on a continuous basis. The 1992–93 fiscal period for the committee began on July 1, 1992. Marketing Order No. 927 requires that any rate of assessment for a fiscal period apply to all assessable pears handled during that fiscal period. In addition, handlers are aware of this action which was recommended by the committee at public meetings. No comments were received concerning the interim final rule that is adopted in this action as a final rule without change.

List of Subjects in 7 CFR Part 927

Marketing agreements, Pears, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 927 is amended as follows:

PART 927—WINTER PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

1. The authority citation for 7 CFR part 927 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Accordingly, the interim final rule adding § 927.232, which was published in the **Federal Register** (57 FR 54903, November 23, 1992) is adopted as a final rule.

Dated: February 9, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–3500 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 932

[Docket No. FV92–932–1IFR]

Expenses and Assessment Rate for the Marketing Order Covering Olives Grown in California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate for the California Olive Committee (committee) under M.O. No. 932 for the 1993 fiscal year (January 1—December 31). Authorization of this budget enables the committee to incur expenses that are reasonable and necessary to administer this program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective beginning January 1, 1993 through December 31, 1993. Comments received by March 18, 1993 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Britthany Beadle, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, D.C. 20090–6456, telephone: (202) 690–0992.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Order No. 932 (7 CFR part 932), both as amended, regulating the handling of olives grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, olives grown in California are subject to assessments. It is intended that the assessment rate specified herein will be applicable to all assessable olives handled during the 1993 fiscal year, beginning January 1, 1993, through December 31, 1993. This interim final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 5 handlers of olives regulated under the marketing order each season and approximately 1,350 olive producers in California. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of these handlers and producers may be classified as small entities.

The olive marketing order, administered by the Department, requires that the assessment rate for a particular fiscal year apply to all assessable olives handled from the beginning of such year. Annual budgets of expenses are prepared by the committee, the agency responsible for local administration of this marketing order, and submitted to the Department for approval. The members of the committee are olive handlers and producers. They are familiar with the committee's needs and with the costs for goods, services, and personnel in their local area, and are thus in a position to formulate appropriate budgets. The committee's budget is formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the committee is derived by dividing the anticipated expenses by expected shipments of olives (in tons). Because that rate is applied to actual shipments, it must be established at a rate which will provide sufficient income to pay the committee's expected expenses.

The committee met on December 10, 1992, and unanimously recommended total expenditures for the 1993 fiscal year of $2,796,000 with an assessment rate of $25.75 per ton based on an assessable tonnage of 147,000 tons from the record 1992 olive crop. In comparison, this is a $963,770 increase in expenditures and a $5.07 increase in the assessment rate from the 1992 fiscal period.

The increase in expenses is primarily for administrative costs, production research, market development, and the completion of a comprehensive grower acreage survey. Due to the anticipation of a smaller olive crop in 1993, the assessment rate increase is deemed necessary because it will provide for an increase in the committee's reserves at the end of the 1993 fiscal year that will be used in the 1994 fiscal year. The projected reserves at the end of the 1993 fiscal year would not exceed the amount permitted under the marketing order of one fiscal year's expenses.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs should be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the committee and other available information, it is hereby found that this rule as hereinafter set forth will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because:

(1) The committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis;

(2) The fiscal year for the committee began January 1, 1993, and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable olives handled during the fiscal year;

(3) Handlers are aware of this action which was unanimously recommended by the committee at a public meeting and which is similar to budgets issued in past years; and

(4) This interim final rule provides a 30 day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 932 is amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 932 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Note: This action will not appear in the annual Code of Federal Regulations.

2. A new § 932.226 is added to read as follows:

§ 932.226 Expenses and assessment rate.

Expenses of $2,796,000 by the California Olive Committee are authorized and an assessment rate of $25.75 per ton of assessable olives is established for the fiscal period ending December 31, 1993. Unexpended funds from the 1992 fiscal year may be carried over as a reserve.

Dated: February 9, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division

[FR Doc. 93–3520 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–02–M

---

7 CFR Part 948

[Docket No. FV92–948–1IFR]

Irish Potatoes Grown in Colorado: Reapportionment of Area 2 Committee

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule reapportions producer membership of the Area 2 Committee by moving one of the three producer member and alternate member positions of Rio Grande County to Alamosa County. Both counties have approximately the same percentage of harvested acreage and potato production of Area 2. This action will divide the four producer and alternate member positions evenly between the two counties and provide for more equitable representation on the Area 2 Committee.

DATES: This interim final rule is effective February 16, 1993. Comments received by March 18, 1993 will be considered prior to finalization of the rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register**. All comments timely received will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Gary Olson, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1220 SW. Third Avenue, room 369, Portland, Oregon 97204, telephone (503) 326–2724; or Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone (202) 690–0464.

SUPPLEMENTARY INFORMATION: This action is taken pursuant to Marketing Agreement No. 97 and Order No. 948 (7 CFR part 948), regulating the handling of Irish potatoes grown in Colorado. The

VOL
58
ISS
29
FE
16
1993
UMI

marketing agreement and order are authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a non-major rule.

This rule has bee reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This interim final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has a principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

In the Area 2 production area, there are approximately 285 producers of Colorado potatoes, and 118 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000 and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of the producers and handlers may be classified as small entities.

The Colorado Potato Administrative Committee, San Luis Valley Office (Area 2 Committee), met December 16, 1992, and unanimously recommended that producer membership on the Area 2 Committee be reapportioned. This is authorized by § 948.53 Reestablishment which allows the Secretary, upon recommendation of area committees, to make changes in the distribution of membership among subdivisions of areas, when properly justified.

The Area 2 Committee consists of 12 members, each with an alternate. Seven members represent producers and five members represent handlers. at the present time, Rio Grande County is represented by three producer members. Three counties, Alamosa, Saguache, and Conejos, are represented by one member each. All other counties in Area 2 are represented by one member. The Area 2 Committee recommended that one member and alternate position be moved from Rio Grande County to Alamosa County, which would give Rio Grande County two members instead of three, and Alamosa County two members instead of one.

In the San Luis Valley, virtually all arable land in Rio Grande County is now in use. Any increase in potato acreage must be at the expense of other crops. However, Alamosa County has unused land available for expansion. It is this land that has provided the steady increase in potato acreage for Area 2 over the last seven years. Nearly all of the increased production is due to land being cleared of sagebrush, flushed of alkali, and planted for the first time.

Statistical information provided by the Area 2 Committee was furnished by the Colorado Department of Agriculture, and indicates that the Area 2 Committee's request for reapportionment is valid. Harvested acreage for the 1988 through 1992 seasons indicates that Rio Grande County, with three members, averaged 38 percent of Area 2's production, while Alamosa County, with 1 member, averaged 32 percent. During the same season, Saguache County averaged 21 percent of the total, Costilla County, 5 percent, and Conejos County, 3 percent.

The statistical data indicate that potato production closely follows harvested acreage. In 1991–92, the most recent season for which production data are available, Rio Grande County produced nearly 8.6 million hundredweight, or 37 percent of Area 2's total production. During the same season, Alamosa County produced 7.2 million hundredweight, or 30 percent of the total, while Saguache County produced 5.2 million hundredweight, or 22 percent. Conejos and Costilla Counties produced 0.9 and 1.7 million hundredweight, 4 and 7 percent, respectively.

The Area 2 Committee believes that this recommendation is consistent with balanced committee representation. The Area 2 Committee discussed redistricting to combine Conejos and Costilla Counties with the lowest production, and decided not to recommend such action at this time. The production areas of Costilla and Conejos Counties are separated by 25 miles, and each has its own unique characteristics, including different soil types and different cultural and irrigation techniques. The Area 2 Committee members believe that merging these two disparate groups of producers under one representative could leave producers in one of the counties without representation.

Based on the above, the Administrator of the AMS has determined that this interim final rule will not have a significant economic impact on a substantial number of small entities.

After consideration of the Area 2 Committee's recommendations and other relevant information presented, it is found that the changes as set forth in this interim final rule will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined, upon good cause, that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because:

(1) The recommendation was discussed at a public meeting and affected persons have had an opportunity to provide input into recommendation;

(2) The committee's recommendation was unanimous;

(3) This action should be in effect before the middle of March to allow the Area 2 committee to conduct nominations based on this reapportionment for the marketing year starting June 1, 1993; and

(4) This action provides a 30-day comment period, and any comments, timely received, will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 948 is amended as follows:

PART 948—IRISH POTATOES GROWN IN COLORADO

1. The authority citation for 7 CFR part 948 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 948.150 Reestablishment of committee membership is amended by revising paragraph (a) to read as follows:

§ 948.150 Reestablishment of committee membership.

* * * * *

(a) Area No. 2 (San Luis Valley): Seven producers and five handlers selected as follows:

Two (2) producers from Rio Grande County;
One (1) producer from Saguache County;
One (1) producer from Conejos County;
Two (2) producers from Alamosa County;
One (1) producer from all other counties in Area No. 2.
Two (2) handlers representing bulk handlers in Area No. 2;
Three (3) handlers representing handlers in Area No. 2 other than bulk handlers.

* * * * *

Dated: February 9, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–3517 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–02–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34–31837]

Delegation of Authority to the Office of General Counsel

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The General Counsel will be delegated authority to assert governmental privileges on behalf of the Commission in litigation where the Commission appears as a party or in response to third party subpoenas. This delegation would spare the Commissioners and their staff from having to review assertions of privilege which are noncontroversial and implicate no policy issues. The effect would be to allow the staff to respond to court deadlines more expeditiously and to promote efficiency in responding to subpoenas and other discovery requests.

EFFECTIVE DATE: February 16, 1993.

FOR FURTHER INFORMATION CONTACT: James A. Brigagliano, Assistant General Counsel, 272–2871, Linda B. Stirling, Special Counsel, 272–2690.

SUPPLEMENTARY INFORMATION: The General Counsel is authorized to assert governmental privileges when they are well grounded in law and fact and when the public interest in nondisclosure outweighs the private litigant's interest in the privileged information. The law enforcement privilege may be asserted to protect from premature disclosure information compiled for law enforcement purposes, the disclosure of which could reasonably be expected to interfere with an ongoing law enforcement investigation. The deliberative process privilege may be asserted to prevent injury to the quality of the Commission's decision-making process when the information sought is predecisional and deliberative in nature. The informant's privilege may be asserted where disclosure of the information may tend to reveal the identity of persons who have furnished information concerning possible violations of the law.

The Commission finds, in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(3)(A), that this revision relates solely to agency organization, procedures, or practices. It is therefore not subject to the provisions of the Administrative Procedure Act requiring notice and opportunity for comment. Accordingly, it is effective February 16, 1993.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Freedom of Information, Privacy, Securities.

Text of Amendment

For the reasons set out in the Preamble, title 17, chapter II of the Code of Federal Regulations is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

1. The authority citation for part 200, subpart A continue to read as follows:

Authority: 15 U.S.C. 77s, 78d–1, 78d–2, 78w, 79t, 77sss, 80a–37, 80b–11, unless otherwise noted.

2. Section 200.30–14 is amended by revising paragraph (f) to read as follows:

§ 200.30–14 Delegation of authority to the General Counsel.

* * * * *

(f) Approve non-expert, non-privileged, factual testimony by present or former staff members, and the production of non-privileged documents, when validly subpoenaed; and assert governmental privileges on behalf of the Commission in litigation where the Commission appears as a party or in response to third party subpoenas.

* * * * *

Dated: February 9, 1993.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3509 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Ivermectin and Pyrantel (as Pamoate Salt)

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Merck Research Laboratories, Division of Merck & Co., Inc. The NADA provides for the oral use of a chewable tablet containing ivermectin and pyrantel (as pamoate salt) in dogs to prevent canine heartworm disease and for treatment and control of adult ascarid and hookworm infections.

EFFECTIVE DATE: February 16, 1993.

FOR FURTHER INFORMATION CONTACT: Marcia K. Larkins, Center for Veterinary Medicine (HFV–112), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8614.

SUPPLEMENTARY INFORMATION: Merck Research Laboratories, Division of Merck & Co., Inc., P.O. Box 2000, Rahway, NJ 07065, filed NADA 140–971, which provides for the use of Heartgard–30® Plus containing 68 micrograms (µg) of ivermectin and 57 milligrams (mg) of pyrantel (as pamoate salt), or 136 µg and 114 mg, or 272 µg

VOL 58 ISS 29 FE 16 1993 UMI

and 227 mg, respectively. The product provides a minimum of 6 µg of ivermectin and 5 mg of pyrantel (as pamoate salt) per kilogram (2.72 µg and 2.27 mg per pound) of body weight to prevent canine heartworm disease by eliminating the tissue larval stages of *Dirofilaria immitis* for up to a month (30 days) after infection and treatment and control of adult ascarids *Toxocara canis* and *Toxascaris leonina*, and adult hookworms *Ancylostoma caninum* and *Uncinaria stenocephala*. The NADA is approved as of January 15, 1993, and the regulations are amended in 21 CFR part 520 by adding new § 520.1196 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)) provides a 3-year period of exclusivity to this original NADA beginning January 15, 1993, because new clinical or field investigations (other than bioequivalence or residue studies) essential to this approval were conducted or sponsored by the applicant.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. New § 520.1196 is added to read as follows:

§ 520.1196 Ivermectin and pyrantel (as pamoate salt) chewable tablet.

(a) *Specifications.* Each chewable tablet contains either 68 micrograms (µg) of ivermectin and 57 milligrams (mg) of pyrantel (as pamoate salt), or 136 µg and 114 mg, or 272 µg and 227 mg, respectively.

(b) *Sponsor.* See 000006 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Dogs*—(i) *Amount.* A minimum of 6 µg of ivermectin and 5 mg of pyrantel (as pamoate salt) per kilogram (2.72 µg and 2.27 mg per pound) of body weight.

(ii) *Indications for use.* To prevent canine heartworm disease by eliminating the tissue larval stages of *Dirofilaria immitis* for up to a month (30 days) after infection and treatment and control of adult ascarids *Toxocara canis* and *Toxascaris leonina*, and adult hookworms *Ancylostoma caninum* and *Uncinaria stenocephala*.

(iii) *Limitations.* Use monthly. Not to be used in dogs under 6 weeks of age. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) [Reserved]

Dated: February 5, 1993.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 93–3429 Filed 2–12–93; 8:45 am]

BILLING CODE 4160–01–F

---

21 CFR Part 522

Animal Drugs, Feeds, and Related Products; Yohimbine Injectable

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Wildlife Laboratories, Inc. The NADA provides for the use of yohimbine sterile injection as an antagonist to xylazine sedation in free ranging or confined members of the family Cervidae.

EFFECTIVE DATE: February 16, 1993.

FOR FURTHER INFORMATION CONTACT: Marcia K. Larkins, Center for Veterinary Medicine (HFV–112), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8614.

SUPPLEMENTARY INFORMATION: Wildlife Laboratories, Inc., 1401 Duff Dr., suite 600, Fort Collins, CO 80524, filed NADA 140–874 which provides for the use of Antagonil™ Sterile Injection (5 milligrams per milliliter yohimbine hydrochloride) for use as an antagonist to xylazine sedation in free ranging or confined members of the family Cervidae (deer and elk). The NADA is approved as of February 3, 1993, and 21 CFR 522.2670 is revised to reflect the approval. The basis for approval is discussed in the freedom of information summary.

Under the Generic Animal Drug and Patent Term Restoration Act of 1988 and section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), this approval qualifies for 3 years of marketing exclusivity beginning February 3, 1993, because new clinical or field investigations were required for its approval.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. Section 522.2670 is revised to read as follows:

§ 522.2670 Yohimbine injectable.

(a) *Specifications.* Each milliliter of sterile aqueous solution contains either 2 or 5 milligrams of yohimbine (as hydrochloride).

(b) *Sponsor.* See 032998 in § 510.600(c) of this chapter for use of 2 milligrams per milliliter solution in dogs.

(1) *Amount.* 0.05 milligram per pound (0.11 milligram per kilogram) of body weight.

(2) *Indications for use.* To reverse the effects of xylazine in dogs.

(3) *Limitations.* For intravenous use in dogs only. Not for use in food-producing animals. Safety of use in pregnant dogs or in dogs intended for breeding has not been established. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(c) *Sponsor.* See 053923 in § 510.600(c) of this chapter for use of 5 milligrams per milliliter solution in deer and elk.

(1) *Amount.* 0.2 to 0.3 milligram per kilogram of body weight.

(2) *Indications for use.* As an antagonist to xylazine sedation in free ranging or confined members of the family Cervidae (deer and elk).

(3) *Limitations.* For intravenous use only. Do not use in domestic food-producing animals. Do not use for 30 days before or during hunting season. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: February 3, 1993.

Richard H. Teske,

Deputy Director, Center for Veterinary Medicine.

[FR Doc. 93–3428 Filed 2–12–93; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 77

Safety Standards for Refuse Piles and Waste Impoundment Dams at Surface Coal Mines and Surface Work Areas of Underground Coal Mines.

CFR Correction

In title 30 of the Code of Federal Regulations, parts 1 to 199, revised as of July 1, 1992, the superseded text of newly revised § 77.216-5 was inadvertently printed on page 656, and should be removed.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[CGD 93–007]

Safety and Security Zones

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

SUMMARY: This document provides required notice of substantive rules adopted by the Coast Guard and temporarily effective between October 1, 1992 and December 31, 1992, which were not published in the **Federal Register**. This quarterly notice lists temporary local regulations, security zones, and safety zones, which were of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This notice lists temporary Coast Guard district regulations that were established and terminated between October 1, 1992 and December 31, 1992, as well as several regulations which were not included in the previous quarterly list.

ADDRESSES: The complete text of any temporary regulation may be examined at, and is available on request, from Executive Secretary, Marine Safety Council (G–LRA), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: Don Harris, Docket Clerk Specialist, Marine Safety Council at (202) 267–1477 between the hours of 8 a.m. and 3:30 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety needs of the waters within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. Safety zones are established around areas where there has been a marine casualty or when a vessel carrying a particularly hazardous cargo is transiting a restricted or congested area. Security zones limit access to vessels, ports, or waterfront facilities to prevent injury or damage. Special local regulations are issued to assure the safety of participants and spectators at regattas and other marine events. Timely publication of these regulations in the **Federal Register** is often precluded when a regulation responds to an emergency, or an event occurs without advance notice. However, the affected public is informed through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed by the regulation.

Because mariners are notified by Coast Guard officials on-scene prior to enforcement action, **Federal Register** notice is not required to place the special local regulation, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard publishes a periodic list of these temporary local regulations, security zones, and safety zones. Permanent regulations are not included in this list. They are published in their entirety in the **Federal Register**. Temporary regulations are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. Non-major safety zones, special local regulations and security zones have been exempted from review under E.O. 12291 because of their emergency nature and temporary effectiveness.

The following regulations were placed in effect temporarily during the period October 1, 1992 to December 31, 1992, unless otherwise indicated.

VOL 58 ISS 29 FE 16 1993 UMI

Docket No.	Location	Type	Effective date
01-92-109	New Bedford Harbor, New Bedford	Safety	31 December 92.
01-92-119	77 ARCOM Anniversary Commemoration	Safety	26 September 92.
01-92-123	Lower East River, New York	Security	21 September 92.
01-92-124	Carterest, Arthur Kill, New York	Safety	19 September 92.
01-92-129	NY Marathon Fireworks	Safety	01 November 92.
01-92-136	Bankers Trust Fireworks	Safety	10 December 92.
01-92-138	Pipeline Installation Liberty Park	Safety	03 December 92.
01-92-139	Boston Inner Harbor, Boston, MA	Safety	31 December 92.
01-92-140	Winter Storm 92, New York Harbor	Safety	11 December 92.
01-93-001	Deepavali Festival Fireworks	Safety	18 October 92.
02-92-25	New Year's Eve St. Louis	Special	31 December 92.
05-92-86	Holidays In the City Boat	Special	28 November 92.
05-92-88	North Caroline Holiday Flotilla	Special	28 November 92.
07-92-102	Tampa Challenge, Tampa, FL	Special	03 October 92.
07-92-103	Amateur Power Boat Race	Special	04 October 92.
07-92-110	Islamorada/Budweiser 100	Special	17 October 92.
07-92-114	Super Boat Racing/OPT	Special	11 November 92.
07-92-115	1992 World Cup Offshore Race	Special	05 November 92.

Captain of the Port Regulations

Boston 92-122	Boston Inner Harbor	Safety	11 October 92.
Detroit 92-01	Trenton Channel	Safety	06 September 92.
Hampton Road 92-05-28	James River	Safety	26 October 92.
Hampton Road 92-05-29	James River	Safety	29 October 92.
Honolulu 92-07	Barbers Point	Safety	16 November 92.
Honolulu 92-08	Honolulu, Oanu, Hawaii	Safety	31 December 92.
Jacksonville 92-104	Port Canaveral, FL	Safety	05 October 92.
Jacksonville 92-108	Patrick AFB, FL	Safety	17 October 92.
Jacksonville 92-111	St. Johns River	Safety	30 October 92.
Jacksonville 92-118	St. Johns River	Safety	28 November 92.
Jacksonville 92-123	St. Johns River	Safety	19 December 92.
Jacksonville 92-124	St. Johns River	Safety	31 December 92.
LA/LB 92-05	Ports of LA/LB	Safety	02 October 92.
LA/LB 92-07	Ports of LA/LB	Safety	09 October 92.
LA/LB 92-09	Pacific Ocean	Security	27 November 92.
Miami 92-107	Port Everglades, FL	Safety	11 October 92.
Miami 92-116	Dania, Florida	Safety	06 November 92.
Paducah 92-24	Cumberland River	Safety	03 October 92.
Paducah 92-25	Tennessee River	Safety	21 October 92.
Paducah 92-26	Tennessee River	Safety	20 October 92.
Paducah 92-27	Upper Mississippi	Safety	19 December 92.
Portland 92-06	Bonneville Navigation Lock	Safety	12 November 92.
Philadelphia 92-05-41	Delaware Bay	Safety	10 September 92.
Philadelphia 92-05-44	Delaware Bay	Safety	04 October 92.
Pittsburgh 92-04	Ohio River	Safety	09 November 92.
Puget Sound 92-12	Elliott Bay	Safety	26 June 92.
Puget Sound 92-15	Puget Sound Zone	Safety	09 September 92.
Puget Sound 92-16	Puget Sound Zone	Safety	16 September 92.
Puget Sound 92-17	Puget Sound Zone	Safety	10 October 92.
Puget Sound 92-18	Puget Sound Zone	Safety	14 October 92.
Puget Sound 92-19	Puget Sound Zone	Safety	21 October 92.
San Diego 92-04	San Diego Bay	Safety	24 October 92.
San Francisco 92-05	San Francisco Bay	Safety	14 October 92.
San Francisco 92-06	San Francisco Bay	Safety	10 October 92.
San Francisco 92-07	San Francisco Bay	Safety	10 October 92.
San Francisco 92-08	San Francisco Bay	Safety	12 October 92.
San Francisco 92-09	San Francisco Bay	Safety	19 November 92.
San Francisco 92-20	San Francisco Bay	Safety	22 December 92.
St. Louis 92-03	Monongahela River	Safety	13 October 92.
St. Louis 92-08	Kaskaskia River	Safety	26 September 92.
St. Louis 92-11	Upper Mississippi River	Safety	22 November 92.
St. Louis 92-12	Upper Mississippi River	Safety	24 November 92.
St. Louis 92-14	Upper Mississippi River	Safety	05 December 92.
St. Louis 92-15	Upper Mississippi River	Safety	22 December 92.
St. Louis 92-16	Upper Mississippi River	Safety	16 December 92.
St. Louis 92-17	Upper Mississippi River	Safety	23 December 92.
Toledo 92-02	Maumee & Ottawa Rivers	Safety	26 September 92.
Toledo 92-03	Maumee & Ottawa Rivers	Security	26 September 92.
Toledo 92-04	Maumee River	Safety	28 October 92.
Toledo 92-05	Maumee River	Security	28 October 92.
Wilmington 92-008	Cape Fear River	Safety	03 October 92.

T.R. Cahill,
Lieutenant Commander, USCG, Acting Executive Secretary, Marine Safety Council.
[FR Doc. 93–3536 Filed 2–12–93; 8:45 am]
BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAQPS CA 21–1–5654; FRL–4594–8]

Approval and Promulgation of Implementation Plans California State Implementation Plan Revision; Sacramento Metropolitan Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking (NFR).

SUMMARY: EPA is finalizing limited approvals and limited disapprovals of five rule revisions to the California State Implementation Plan (SIP) from the Sacramento Metropolitan Air Quality Management District (SMAQMD). The rule revisions were proposed for action in the following **Federal Registers:** Rules 443 and 452, 56 FR 42572 (August 28, 1991) and 57 FR 27723 (June 22, 1992); Rules 442 and 446, 56 FR 56485 (November 5, 1991) and 57 FR 26807 (June 16, 1992); and Rule 447, 57 FR 24449 (June 9, 1992). This final action will incorporate these rules into the federally approved SIP. The intended effect of finalizing this action is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from architectural, surface, and can coating operations, chemical manufacturing, and organic liquid loading operations. Thus, EPA is finalizing a limited approval of these revisions into the California SIP under sections 110(k)(3) and 301(a) of the CAA because these rules strengthen the SIP. EPA is also finalizing a limited disapproval of these rules under sections 110(k)(3) and 301(a) of the CAA because the rules contain deficiencies, and as a result, do not meet the part D, section 182(a)(2)(A) requirement of the CAA. As a result of this limited disapproval EPA will be required to promulgate one of the sanctions set forth in section 179(b) of the Act unless the State submits and EPA approves corrections to the identified deficiencies within 18 months of the effective date of this disapproval. Moreover, EPA will be required to promulgate a federal implementation plan (FIP) under section 110(c) unless the deficiencies are corrected within 24 months of the effective date of this disapproval.

EFFECTIVE DATE: This action is effective March 18, 1993.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Section I (A–5–4), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Public Information Reference Unit, 401 "M" Street, SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Selection, 2020 "L" Street, Sacramento, CA 92123–1095.

Sacramento Metropolitan Air Quality Management District, 8411 K Street, Sacramento, CA 95826.

FOR FURTHER INFORMATION CONTACT: William Davis, Rulemaking Section I (A–5–4), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Telephone: (415) 744–1183.

SUPPLEMENTARY INFORMATION:

Background

On August 28, 1991, in 56 FR 42572, EPA proposed granting limited approval to SMAQMD Rules 443, Leaks from Synthetic Organic Chemical and Polymer Manufacturing, and 452, Can Coating. Subsequently, on June 22, 1992, EPA proposed a limited disapproval for Rules 443 and 452 (57 FR 27723). On November 5, 1991, in 56 FR 56485, EPA proposed a limited approval of SMAQMD Rules 442, Architectural Coating, and 446, Storage of Petroleum Products, and on June 16, 1992, EPA proposed a limited disapproval of Rules 442 and 446 (57 FR 26807). On June 9, 1992, EPA proposed limited approval and limited disapproval concurrently for Rule 447, Organic Liquid Loading (57 FR 24449). These rules were adopted by SMAQMD on the following dates: Rule 442, October 2, 1990; Rule 443, September 25, 1990;[1] Rule 446, December 4, 1990; Rule 447, April 3, 1990; and Rule 452, August 21, 1990. The rules were submitted by the California Air Resources Board (CARB) to EPA on the following dates: Rules 442 and 446, May 13, 1991; Rules 443 and 452, April 5, 1991; and Rule 447,[2] October 24, 1991. These rules were submitted in response to EPA's 1988 SIP Call and the CAA requirement that nonattainment areas fix their Reasonably Available Control Technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the notices of proposed rulemaking (NPRs) cited above.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA and EPA regulations and EPA's interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRs. EPA is today finalizing the limited approval of these rules in order to strengthen the SIP and finalizing the limited disapproval requiring the correction of the remaining deficiencies. A detailed discussion of rule provisions and evaluations has been provided in the NPRs and in technical support documents (TSDs) available at EPA's Region IX office (TSDs dated July 10, 1991 for Rules 443 and 452; July 23, 1991 for Rules 442 and 446; and January 28, 1992 for Rule 447).

Response to Public Comments

A 30-day public comment period was provided in the **Federal Register**. EPA received two comment letters on the NPRs from SMAQMD. The comments have been evaluated by EPA and a summary of the comments and EPA's responses are set forth below.

Comment: SMAQMD commented on deficiencies cited in the August 28, 1991 NPR (56 FR 42572) for Rules 443 and 452 which involve the Air Pollution Control Officers (APCO) discretion in the use of equivalent test methods for the determination of volatile organic compound (VOC) emissions. SMAQMD stated that they need the flexibility to use such test methods because the coating technology is changing rapidly and existing methods "do not accurately measure the VOC emissions in the newer technologies." SMAQMD conveyed that the equivalent test method provision in the rules is critical to the effectiveness of their program and that EPA has not been helpful in

[1] The adoption date for Rule 443 was incorrectly given as August 21, 1990 in notices 56 FR 42572 and 57 FR 27723.

[2] Rule 447 was considered to be a new rule for the California SIP in the notice (57 FR 24449). However, it was later determined that it revises SMAQMD Rule 12 of the existing SIP.

VOL 58 ISS 29 FE 16 1993 UMI

developing acceptable rule language that would allow such flexibility. They requested that EPA provide language that would ensure flexibility for the District while retaining EPA enforcement capability.

Response: Both Rules 443 and 452 specify EPA approved test methods, but they also allow the use of unspecified "equivalent" test methods that require only APCO approval. There is no replicable criteria for the APCO equivalency determination. Thus, this deficiency may make parts of each rule unenforceable or difficult to enforce and, therefore, inconsistent with the requirements of sections 110(a)(2)(C) of the CAA.

EPA agrees that the District should have some flexibility where the standard test methods used for coatings may not be accurate; however, as currently written, the rule is not approvable.

Comment: SMAQMD's comment on the NPR for submitted Rule 446 (56 FR 56485) also involved APCO discretion in the use of test methods for compliance. In this comment letter, SMAQMD raised the points addressed in the above summary as well as additional concerns listed below. SMAQMD referred to a draft EPA memorandum, "Revised Draft Guidance On Directors Discretion," in arguing that the APCO does not need to notify EPA about using an equivalent method nor does the APCO need to submit the equivalent method as a SIP submittal. The SMAQMD also argued that the rule provided that EPA can use EPA approved test methods because the equivalent method would give the "same" result as the EPA method. Further, the District noted that the EPA TSD for the NPR recognized the ability of EPA to use EPA approved test methods.

Response: The draft memorandum referenced by the District was not finalized and did not become EPA policy. EPA did not finalize the policy because the enforceability problems created by director's discretion provisions, such as approval of equivalent test methods which were not, in fact, equivalent, were not adequately addressed. Therefore, the memorandum cannot be used as a guideline for solving APCO discretion problems. The TSD did discuss the possibility that the APCO discretionary language in the rule allowed EPA to use EPA test methods. However, in the TSD, EPA reserved the right to make a final decision pending EPA headquarter's review of the issue. That review was completed with the publication of the NPR for this rule proposing limited approval and limited disapproval. The language is not considered satisfactory because APCO approved "equivalent" test methods may not in fact be equivalent to EPA test methods.

EPA Action

EPA is today finalizing a limited approval and a limited disapproval of the above-referenced rules. The limited approval of these rules is being finalized under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited in the sense that the rules strengthen the SIP. However, the rules do not meet the section 182(a)(2)(A) CAA requirement because of the rule deficiencies which were discussed in the NPRs. Thus, in order to strengthen the SIP, EPA is granting limited approval of these rules under sections 110(k)(3) and 301(a) of the CAA. This action approves the rules into the SIP as federally enforceable rules.

At the same time, EPA is finalizing the limited disapproval of these rules because they contain deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the rules do not fully meet the requirements of part D of the Act. As stated in the NPR, upon the effective date of this NFR, the 18 month clock for sanctions and the 24 month FIP clock will begin. Sections 179(a) and 110(c). If the State does not submit the required corrections and EPA does not approve the submittal within 18 months of the NFR, either the highway sanction or the offset sanction will be imposed at the 18 month mark.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 19, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: February 2, 1993.

John C. Wise,

Action Regional Administrator.

Title 40 of the Code of Federal Regulations, part 52, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(183)(i)(D)(*1*), (184)(i)(A)(*2*), and (186)(i)(A)(*1*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(183) * * *

(i) * * *

(D) Sacramento Metropolitan Air Quality Management District.

(*1*) Amended rules 443, adopted September 25, 1990, and 452 adopted August 21, 1990.

* * * * *

(184) * * *

(i) * * *

(A) * * *

(*2*) Amended Rules 442, adopted October 2, 1990, and 446, adopted December 4, 1990.

* * * * *

(186) New and amended regulations for the following APCDs were submitted on October 25, 1991, by the Governor's designee.

(i) Incorporation by Reference.

(A) Sacramento Metropolitan Air Quality Management District.

(1) Amended Rules 447 adopted April 30, 1991.

* * * * *

[FR Doc. 93-3436 Filed 2-12-93; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 302-11

[FTR Amendment 28]

RIN 3090-AE84

Federal Travel Regulation; Relocation Income Tax (RIT) Allowance Tax Tables

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: The Federal and State tax tables for calculating the relocation income tax (RIT) allowance must be updated yearly to reflect changes in Federal and State income tax brackets and rates. The Federal and State tax tables contained in this rule are for calculating the 1993 RIT allowance to be paid to relocating Federal employees.

EFFECTIVE DATE: This final rule is effective January 1, 1993, and applies for RIT allowance payments made on or after January 1, 1993.

FOR FURTHER INFORMATION CONTACT: Robert A. Clauson, Transportation Management Division (FBX), Washington, DC 20406, telephone FTS or commercial (703) 305-5253.

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 302-11

Government employees, Income taxes, Relocation allowances and entitlements, Transfers.

For the reasons set out in the preamble, 41 CFR part 302-11 is amended to read as follows:

PART 302-11—RELOCATION INCOME TAX (RIT) ALLOWANCE

1. The authority citation for part 302-11 continues to read as follows:

Authority: 5 U.S.C. 5721-5734; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586; E.O. 12466, 49 FR 7349, 3 CFR, 1984 Comp., p. 165.

2. Appendixes A, B, and C to part 302-11 are amended by adding the following tables at the end of each appendix, respectively:

APPENDIX A TO PART 302-11—FEDERAL TAX TABLES FOR RIT ALLOWANCE

* * * * * * *

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1992

The following table is to be used to determine the Federal marginal tax rate for Year 1 for computation of the RIT allowance as prescribed in § 302-11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar year 1992.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$6,190	$27,963	$10,864	$38,611	$14,316	$50,219	$7,819	$25,629
28	27,963	58,786	38,611	83,158	50,219	101,123	25,629	50,939
31	58,786	.....	83,158	.....	101,123	.....	50,939	.....

APPENDIX B TO PART 302-11—STATE TAX TABLES FOR RIT ALLOWANCE

* * * * * * *

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL—TAX YEAR 1992

The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in § 302-11.8(e)(2). This table is to be used for employees who received covered taxable reimbursements during calendar year 1992.

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000-$24,999	$25,000-$49,999	$50,000-$74,999	$75,000 and over
1. Alabama	5	5	5	5
2. Alaska	0	0	0	[illegible]
3. Arizona	3.8	4.4	5.25	7
If single status [3]	4.4	5.25	6.5	7
4. Arkansas	4.5	7	7	7
If single status [3]	6	7	7	7
5. California	2	6	[illegible]	11
If single status [3]	6	9.3	9.3	11
6. Colorado	5	5	5	5
7. Connecticut	4.5	4.5	4.5	4.5

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column [1] [2]			
	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 and over
8. Delaware	6	7.7	7.7	7.7
9. District of Columbia	8	9.5	9.5	9.5
If single status [3]	8	9.5	9.5	9.5
10. Florida	0	0	0	0
11. Georgia	5	6	6	6
12. Hawaii	7.25	9.5	10	10
If single status [3]	9.5	10	10	10
13. Idaho	6.5	7.8	8.2	8.2
If single status [3]	7.8	8.2	8.2	8.2
14. Illinois	3	3	3	3
15. Indiana	3.4	3.4	3.4	3.4
16. Iowa	6.8	8.8	9.98	9.98
17. Kansas	3.5	6.25	6.25	6.45
If single status [3]	4.4	7.75	7.75	7.75
18. Kentucky	6	6	6	6
19. Louisiana	2	4	6	6
If single status [3]	4	4	6	6
20. Maine	4.725	8.925	8.925	9.89
If single status [3]	8.925	9.89	9.89	9.89
21. Maryland	5	5	5	5
22. Massachusetts	5.95	5.95	5.95	5.95
23. Michigan	4.6	4.6	4.6	4.6
24. Minnesota	6	8	8	8.5
If single status [3]	8	8	8.5	8.5
25. Mississippi	4	5	5	5
26. Missouri	6	6	6	6
27. Montana	5.115	10.23	11.253	11.253
If single status [3]	8.184	11.253	11.253	11.253
28. Nebraska	3.63	5.62	6.92	6.92
If single status [3]	5.62	6.92	6.92	6.92
29 Nevada	0	0	0	0
30. New Hampshire	0	0	0	0
31. New Jersey	2	2.5	3.5	7
If single status [3]	2	6.5	6.5	7
32. New Mexico	3.8	5.9	7.7	8.5
If single status [3]	5.8	8.5	8.5	8.5
33. New York	4	7.875	7.875	7.875
If single status [3]	7.875	7.875	7.875	7.875
34. North Carolina	6	7	7	7.75
35. North Dakota	6.67	9.33	12	12
If single status [3]	8	10.67	12	12
36. Ohio	1.486	4.457	5.201	6.9
If single status [3]	3.715	5.201	5.201	6.9
37 Oklahoma	4	7	7	7
If single status [3]	7	7	7	7
38. Oregon	9	9	9	9
39. Pennsylvania	2.95	2.95	2.95	2.95
40. Rhode Island	(4)	(4)	(4)	(4)
If single status [3]	(5)	(5)	(5)	(5)
41 South Carolina	6	7	7	7
42. South Dakota	0	0	0	0
43. Tennessee	0	0	0	0
44. Texas	0	0	0	0
45 Utah	7.2	7.2	7.2	7.2
46. Vermont	(6)	(6)	(6)	(6)
If single status [3]	(7)	(7)	(7)	(7)
47 Virginia	5	5.75	5.75	5.75
48. Washington	0	0	0	0
49. West Virginia	3	4.5	6	6.5
If single status [3]	4	6	6.5	6.5
50. Wisconsin	4.9	6.93	6.93	6.93
If single status [3]	6.93	6.93	6.93	6.93
51 Wyoming	0	0	0	0

[1] Earned income amounts that fall between the income brackets shown in this table (e.g., $24,999.45, $49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

[2] If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in § 302–11.8(e)(2)(ii).

[3] This rate applies only to those individuals certifying that they will file under a single status within the States where they will pay income taxes. All other taxpayers, regardless of filing status, will use the other rate shown.

[4] The income tax rate for Rhode Island (for other than single status) is 27.5 percent of Federal income tax liability for employees whose earned income amounts are between $20,000–$74,999; and 29.75 percent of Federal income tax liability for employees whose earned income amounts are $75,000 and over. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in § 302–11.8(e)(2)(iii).

[5] The income tax rate for Rhode Island (for single status) is 27.5 percent of Federal income tax liability for employees whose earned income amounts are between $20,000–$49,999; and 29.75 percent of Federal income tax liability for employees whose earned income amounts are $50,000 and over. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in § 302–11.8(e)(2)(iii).

[6] The income tax rate for Vermont (for other than single status) is 28 percent of Federal income tax liability for employees whose earned income amounts are between $20,000–$24,999; 31 percent of Federal income tax liability for employees whose earned income amounts are between $25,000–$74,999; and 34 percent of Federal income tax liability for employees whose earned income amounts are $75,000 and over. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in § 302–11.8(e)(2)(iii).

[7] The income tax rate for Vermont (for single status) is 28 percent of Federal income tax liability for employees whose earned income amounts are between $20,000–$24,999; 31 percent of Federal income tax liability for employees whose earned income amounts are between $25,000–$49,999, and 34 percent of Federal income tax liability for employees whose earned income amounts are $50,000 and over. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in § 302–11.8(e)(2)(iii).

APPENDIX C TO PART 302–11—FEDERAL TAX TABLES FOR RIT ALLOWANCE—YEAR 2

* * * * * * *

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS—TAX YEAR 1993

The following table is to be used to determine the Federal marginal tax rate for Year 2 for computation of the RIT allowance as prescribed in § 302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar years 1985, 1986, 1987, 1988, 1989, 1990, 1991, or 1992.

Marginal tax rate (percent)	Single taxpayer		Heads of household		Married filing jointly/qualifying widows and widowers		Married filing separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$6,269	$28,621	$11,017	$39,541	$14,584	$51,229	$7,740	$26,145
28	28,621	60,303	39,541	85,315	51,229	103,223	26,145	52,226
31	60,303	.....	85,315	.....	103,223	.....	52,226	.....

Dated: January 7, 1993.

Richard G. Austin,

Administrator of General Services.

[FR Doc. 93–3494 Filed 2–12–93; 8:45 am]

BILLING CODE 6820–24–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Base (100-year) flood elevations and modified base (100-year) flood elevations are made final for the communities listed below.

The base (100-year) flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646–2766.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) gives notice of the final determinations of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Impact Analysis

This rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ALABAMA	
Auburn (city) Lee County (FEMA docket No. 7048)	
Moore's Mill Creek:	
Just upstream of Ogletree Road	*512
Just downstream of Lake Wilmore Dam	*513
Just upstream of Lake Wilmore Dam	*527
Just downstream of Moore's Mill Road	*559
Maps available for inspection at the Planning Department, 171 North Ross Street, Auburn, Alabama.	
Hanceville (city), Cullman County (FEMA docket No. 7045)	
Mud Creek:	
Just upstream of CSX railroad	*530
About 950 feet upstream of State Highway 91	*536
North Fork Mud Creek:	
At mouth	*532
Just upstream of Commercial Street	*535
Maps available for inspection at the City Hall, 112 Main Street, Hanceville, Alabama.	
Muscle Shoals (city), Colbert County (FEMA docket No. 7048)	
Sinkhole 4: Approximately 3,200 feet northeast of the intersection of Avalon Avenue and Wilson Dam Highway	*505
Sinkhole 4A: On east side of Wilson Dam Highway, approximately 350 feet north of Carr Avenue	*516
Sinkhole 4B: On west side of Wilson Dam Highway, approximately 350 feet north of Carr Avenue	*511
Sinkhole 5: Area surrounded by 4th Avenue, Edwards Avenue, Firestone Avenue, and Popular Street	*506
Sinkhole 6: Area surrounded by Moss Avenue, Broadway, Ford Avenue, and John R. Street	*506
Sinkhole 7:	
Area bounded by Woodward Avenue, Pasadena Avenue, Gusmus Avenue, and Highland Avenue	*497
Area bounded by Michigan Avenue, Avalon Avenue, and Woodard Avenue on the north, south, and east, respectively	*497
Sinkhole 9: Area approximately 500 feet southwest of intersection of Lenz Street and Sixth Street	*510
Sinkhole 12: Area surrounded by Brighton Avenue, Woodward Avenue, Hill Avenue	*498
Sinkhole 14: Area extending from the western corporate limits in the vicinity of George Wallace Road southeast along the southwest side of the Southern Railroad to a point approximately 200 feet Southeast of Mason Street	*491
Maps available for inspection at the City of Muscle Shoals Building Department, 1000 East Avalon Avenue, Muscle Shoals, Alabama.	
Moreno Valley (city) Riverside County (FEMA docket No. 7048)	
Heacock Street Channel and Perris Valley Storm Drain:	
Perris Valley Storm Drain Lateral "B", approximately 1,700 feet upstream of the confluence with Perris Valley Storm Drain	*1,458
The intersection of Indian Street and Nandina Avenue	*1,473
The Indian Street crossing with Perris Valley Storm Drain	*1,478
The intersection of Iris Avenue and Heacock Street	*1,502
Approximately 1,800 feet upstream of Iris Avenue	*1,509
Maps are available for review at City Hall, 23119 Cottonwood Avenue, Building "B", Moreno Valley, California.	
COLORADO	
Denver (city), Denver County (FEMA docket No. 7047)	
Westerly Creek:	
At Montview Boulevard	*5,314
At Beeler Street	*5,319
At 6th Avenue	*5,324
At 14th Avenue	*5,331
At 11th Avenue	*5,339
Maps are available for review at Public Works Department, City and County of Denver, 2460 West 26th Avenue, Suite 300C, Denver, Colorado.	
GEORGIA	
Columbus (city), Muscogee County (FEMA docket No. 7045)	
Standing Boy Creek:	
About 900 fee downstream of confluence of Hefferhorn Creek	*342
At upstream County Boundary	*393
Standing Boy Creek Tributary No. 1:	
At mouth	*350
At County Boundary	*369
Hefferhorn Creek:	
At mouth	*343
At County Boundary	*463
Hefferhorn Creek Tributary No. 1:	
At mouth	*392
Just downstream of Interstate 185	*473
Hefferhorn Creek Tributary No. 2:	
At mouth	*424
Just downstream of Norfolk Southern Railway	*463
Just upstream of Norfolk Southern Railway	*479
At County Boundary	*577
Roaring Branch:	
Just upstream of New River Road	*344
Just downstream Whitesville Road	*413
Just upstream of Whitesville Road	*418
Just downstream of Dam	*452
Just upstream of Dam	*464
Just downstream of Apartment Drive	*485
Just upstream of Apartment Drive	*475
Just downstream of Double Churches Road	*478
Just upstream of Double Churches Road	*484
About 0.5 mile upstream of Bascom Road	*510
Roaring Branch Tributary No. 1:	
At mouth	*344
Just downstream of Private Drive	*388
Just upstream of Private Drive	*396
About 1,100 feet upstream of Private Drive	*438
Flatrock Creek Tributary No. 1:	
At mouth	*365
Just downstream of Dam	*393
Just upstream of Dam	*415
Just downstream of Warm Springs Road	*441
Upper Bull Creek:	
Just upstream of Flood Control Dam	*404
Just downstream of Warm Springs Road	*418
Lower Bull Creek Tributary No. 1:	
At mouth	*265
About 0.7 mile upstream of Forrest Road	*339
Lower Bull Creek Tributary No. 3:	
At mouth	*272
Just downstream of Woodruff Farm Road	*328
Cox Creek:	
Just upstream of Norfolk Southern Railway	*362
Just downstream of Cross Creek Road	*388
Just upstream of Cross Creek Road	*418
About 0.4 mile upstream of Harper's Ferry Road	*423
Turkey Creek:	
At mouth	*227
Just downstream of Norfolk Southern Railway	*251
Just upstream of Norfolk Southern Railway	*259
Just downstream of Farm Road	*300
Tiger Creek:	
At Fort Benning Military Reservation boundary	*270
About 0.4 mile downstream of Stream Mill Road	*288
Dozier Creek:	
Just upstream of Chatsworth Road	*371
Just downstream of Norfolk Southern Railway	*379
Just upstream of Norfolk Southern Railway	*386
About 1.4 mile upstream of Macon Road	*429
Kendall Creek:	
Just upstream of Norfolk Southern Railway	*348
At county boundary	*430
Randall Creek:	
Just upstream of Chatsworth Road	*368
At County Boundary	*430
Tar River:	
Just upstream of Norfolk Southern Railway	*355
Just downstream of dam	*362
Just upstream of dam	*374
At County Boundary	*407
Maps available for inspection at the City of Columbus Engineering Department, Consolidated Government Center, 100 10th Street, Columbus, Georgia.	
Manchester (city), Meriwether and Talbot Counties (FEMA docket No. 7048)	
Unnamed Tributary to Pigeon Creek:	
About 720 feet upstream of mouth	*744
Just upstream of Hill Street	*793
Pigeon Creek:	
About 1700 feet downstream of Unnamed Tributary to Pigeon Creek	*741
Just downstream of Pigeon Creek Road	*764
Just upstream of Pigeon Creek Road	*769
About 2900 feet upstream of Goody's Road	*812
Maps available for inspection at the City Hall, Building Inspection and Codes Enforcement Office, Manchester, Georgia.	
MICHIGAN	
Fraser (township), Bay County (FEMA docket No. 7050)	
Saginaw Bay/Lake Huron:	
Along shoreline from township limit, to confluence of Tebo Drain	*586
Along shoreline from about 1500 feet northeast of the intersection of Scheurman Road and Bay Avenue to the southernmost township limit	*589
Tebo Drain:	
At mouth	*586
About 3,000 feet upstream of mouth	*586
Rosebush Drain:	
At Linwood Road crossing at township limits	*586
Just upstream of Elevator Road	*586
Maps available for inspection at the Building Zoning Administrative Office, 1474 North Mackinaw Road, Linwood, Michigan.	
MINNESOTA	
Hassan (township), Hennepin County (FEMA docket No. 7050)	
Crow River:	

VOL 58 ISS 29 FE 16 1993 UMI

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
About 1.35 miles upstream of mouth	*859
About 4.95 miles upstream of Berning Mill Dam	*888
Maps available for inspection at the Township Hall, 25000 Hassan Parkway, Rogers, Minnesota.	
NEW YORK	
Schoharie (town), Schoharie County (FEMA docket No. 7050)	
Schoharie Creek:	
Approximately 600 feet downstream of the downstream corporate limits	*593
At the upstream corporate limits	*815
Fox Creek:	
At its confluence with Schoharie Creek	*605
Approximately 400 feet upstream of the corporate limits	*650
Cobleskill Creek:	
At its confluence with Schoharie Creek	*595
At the upstream corporate limits	*719
Maps available for inspection at the Town Hall, Schoharie, New York.	
NORTH CAROLINA	
Boone (town), Watauga County (FEMA docket No. 7047)	
Winkler Creek:	
At mouth	*3,102
Just upstream of Flannery Fork Road	*3,157
Boone Creek:	
At mouth	*3,120
Just downstream of Highland Avenue	*3,148
Just downstream of Unnamed Road, about 1,435 feet upstream of Clement Street	*3,164
Hodges Creek:	
At mouth	*3,126
About 30 feet upstream of State Road 105 crossing, about 3,170 feet upstream of mouth	*3,150
About 85 feet upstream of State Road 105 crossing, about 3,170 feet upstream of mouth	*3,156
About 1.16 miles upstream of mouth	*3,199
Maps available for inspection at the Planning Department, City Hall, Boone, North Carolina.	
Dare County (unincorporated areas) (FEMA docket No. 7045)	
Shallow Flooding (from Atlantic Ocean):	
About 100 feet east of intersection of State Road 1200 and Unnamed Court	#1
At Seatern Drive Cul-de-Sac	#2
Atlantic Ocean/Currituck Sound:	
At intersection of Duck Road and Ocean Bay Boulevard	*9
Along Atlantic Ocean shoreline from county boundary south to about 700 feet north of the intersection of State Route 1200 and Martin Lane	*18
Atlantic Ocean/Roanoke South:	
At State Road 1257 east of Coast Guard Station	*8
Along shoreline 1500 feet east of intersection of State Route 1214 and National Park Service Road	*16
Along shoreline 1000 feet east of intersection of Hatteras Road and Oregon inlet camping area	*20
Atlantic Ocean/Pamlico Sound:	
About 1000 feet southeast of Billy Mitchell Airport Airstrip	*7
Along shoreline 1200 feet southeast of Ferry Terminal	*15
Along shoreline from South Point on Pea Island to 800 feet north of Corbina Drive East	*20
Maps available for inspection at the Building Inspector's Office, Administration Annex Building, Manteo, North Carolina.	
Kill Devil Hills (town), Dare County (FEMA docket No. 7045)	
Atlantic Ocean, Roanoke Sound, and Colington Creek:	
At intersection of 5th Street and New Bern Street	*10
Along Atlantic Ocean shoreline from just north of 2nd Street to about 700 feet north of Arch Street	*16
Along Atlantic Ocean shoreline from just south of 2nd Street to just north of 8th Street	*20
Maps available for inspection at the Town Administration Building, Kill Devil Hills, North Carolina.	
Kitty Hawk (town), Dare County (FEMA docket No. 7045)	
Shallow flooding (from Atlantic Ocean):	
About 350 feet east of intersection of Lillian Street and Lindberg Avenue	#2
Atlantic Ocean/Currituck Sound/Kitty Hawk Bay:	
Just east of intersection of Starfish Lane and Virginia Dare Trail	*9
Along Atlantic Ocean shoreline	*16
Maps available for inspection at the Municipal Building, Kitty Hawk, North Carolina.	
Nags Head (town), Dare County (FEMA docket No. 7045)	
Atlantic Ocean/Roanoke Sound:	
Just east of intersection of U.S. Highway 158 Bypass and Sound Side Road	*10
Along shoreline from about 500 feet south of McCall Court to Gallery Row	*16
Along shoreline from just north of Gallery Row to just south of 8th Street	*20
Maps available for inspection at the Building Inspector's Office, Nags Heads, North Carolina.	
Southern Shores (town), Dare County (FEMA docket No. 7045)	
Shallow Flooding (from Atlantic Ocean):	
About 200 feet east of intersection of Purple Martin Lane and Ocean Boulevard	#1
At intersection of Ocean Boulevard and U.S. Route 158	#2
Atlantic Ocean/Currituck Sound:	
About 400 feet east of intersection of U.S. Route 158 and Ocean Boulevard	*13
Along Atlantic Ocean shoreline 250 feet north of 13th Avenue down to about 600 feet north of intersection of Ocean Boulevard and U.S. Route 158	*18
Maps available for inspection at the Town Hall, 6 Skyline Road, Kitty Hawk, North Carolina.	
TENNESSEE	
Cleveland (city), Bradley County (FEMA docket No. 7045)	
Fillauer Branch:	
At mouth	*782
Just downstream of 12th Street	*848
Just upstream of 12th Street	*854
Just upstream of Carolina Avenue	*857
Maps available for inspection at the Cleveland Inspections Department, 109 Church Street, Cleveland, Tennessee.	
WISCONSIN	
Dane County (unincorporated areas) (FEMA docket No. 7050)	
Sugar River:	
At southern county boundary	*855
Just downstream of Riverside Road	*920
Maps available for inspection at the Dane County Courthouse, 210 Martin Luther King Jr. Boulevard, Madison, Wisconsin.	
New Berlin (city), Waukesha County (FEMA docket No. 7050)	
Poplar Creek:	
About 1,900 feet downstream of Arcadian Avenue	*831
Just downstream of Cleveland Avenue	*851
Just upstream of Cleveland Avenue	*872
Just downstream of Coffee Road	*872
Maps available for inspection at the Planning Department, 3805 S. Casper Drive, New Berlin, Wisconsin.	

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 93-3242 Filed 2-12-93; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA-7059]

Changes In Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the

VOL 58 ISS 29 FE 16 1993 UMI

dates listed in the table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Administrator reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646–2766.

SUPPLEMENTARY INFORMATION: The modified base (100-year) flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Impact Analysis

This rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arkansas: Quachita	City of Camden	December 16, 1992, December 23, 1992, *The Camden News.*	The Honorable Charles Linsey, Mayor, City of Camden, P.O. Box 278, Camden, Arkansas.	November 30, 1992.	050163
California: Sacramento	City of Folsom	December 23, 1992, December 30, 1992, *The Folsom Telegraph.*	The Honorable Bud Hanaford, Mayor, City of Folsom, 50 Natoma Street, Folsom, California 95630.	December 9, 1992	060263
California: San Joaquin	Unincorporated Areas	January 21, 1993, January 28, 1993, *The Stockton Record.*	The Honorable Edward Simas, Chairman, San Joaquin County Board of Supervisors, 222 East Weber Avenue, Room 701, Stockton, California 95202.	December 28, 1992.	060299
Louisiana: Unincorporated Areas.	Calcasieu Parish	November 17, 1992, November 24, 1992 *Lake Charles American Press.*	The Honorable Charles S. Mackey, Calcasieu Parish Police Jury President, P.O. Box 1583, Lake Charles, Louisiana 70602.	November 10, 1992.	220037
Montana: Missoula	Unincorporated Areas	December 31, 1992, January 7, 1992, *Missoulian.*	The Honorable Barbara Evans, Chairperson, Missoula County Board of Commissioners, 250 West Broadway, Missoula, Montana 59802.	December 15, 1992.	300048
Oklahoma: Tulsa, Osage, and Rogers.	City of Tulsa	December 29, 1992, January 5, 1993 *Tulsa World.*	The Honorable M. Susan Savage, Mayor of the City of Tulsa, 200 Civic Center, Tulsa, Oklahoma 74103.	December 17, 1992.	405381

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Texas: Harris	Unincorporated Areas	December 9, 1992, December 16, 1992, *The Houston Chronicle.*	The Honorable Jon Lindsay, Judge, Harris County, 1001 Preston, Suite 911, Houston, Texas 77002.	December 3, 1992	480287
Wisconsin: Waukesha	City of Brookfield	December 17, 1992, December 24, 1992.	The Honorable Kathryn C. Bloomberg, Mayor of the City of Brookfield, 2000 North Calhoun Drive, Brookfield, Wisconsin 53005.	December 9, 1992	550478 B

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 93–3241 Filed 2–12–93; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William E. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646–2766.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Administrator has resolved any appeals resulting from this notification.

The modified base (100-year) flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Impact Analysis

This rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
California: Mendocino	Unincorporated Areas (Docket No. 7052).	Sept. 4, 1992, Sept. 11, 1992, *Ukiah Daily Journal.*	The Honorable Liz Henry, Chairperson, Mendocino County Board of Supervisors, Clerk of the Board, Courthouse, Ukiah, California 95482.	Aug. 25, 1992	060183
California: Monterey	City of Salinas (Docket No. 7052).	Sept. 23, 1992, Sept. 30, 1992, *Salinas Californian.*	The Honorable Alan Styles, Mayor, City of Salinas, 200 Lincoln Avenue, Salinas, California 93901.	Sept. 10, 1992	060202
Colorado: Boulder	City of Boulder (Docket No. 7052).	Sept. 29, 1992, Oct. 6, 1992, *Daily Camera.*	The Honorable Leslie Durgin, Mayor, City of Boulder, P.O. Box 791, Boulder, Colorado 80306.	Sept. 9, 1992	060024
North Carolina: Brunswick (Docket No. FEMA–7044).	Village of Bald Head Island.	Aug. 26, 1992, Sept. 2, 1992, *The State Port Pilot.*	The Honorable Wallace Martin, Town Manager, Village of Bald Head Island, P.O. Box 10085, Southport, North Carolina 29461.	May 3, 1993	370442
North Carolina: Columbus (Docket No. FEMA–7048).	Town of Fair Bluff	July 23, 1992, July 30, 1992, *The News Reporter.*	The Honorable James G. McNeil, Mayor, Town of Fair Bluff, Town Hall, P.O. Box 157, Fair Bluff, North Carolina 28439.	Dec. 2, 1992	370067

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 93–3240 Filed 2–12–93; 8:45 am]

BILLING CODE 6718–03–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 217 and 227

[Docket No. 921184–3004]

RIM 0648–AE12

Sea Turtle Conservation; Restrictions Applicable to Fishery Activities

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: NMFS issues this interim rule to continue requiring participants in the bottom trawl fishery for summer flounder to use an approved turtle excluder device (TED) in any net that is rigged for fishing. TED use is required in the offshore waters of North Carolina from 35°46.1′ N. latitude (Oregon Inlet, North Carolina) southward to 33°35′ N. latitude (North Carolina-South Carolina border). The intended effect of this action is to allow the summer flounder bottom trawl fishery to continue while providing adequate protection to endangered and threatened sea turtles.

DATES: Comments on this interim rule must be submitted by March 18, 1993. This rule is effective from February 10, 1993, through April 10, 1993.

ADDRESSES: Requests for a copy of the environmental assessment for this interim rule and comments on this rule should be addressed to Dr. Nancy Foster, Ph.D., Director, Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Phil Williams, NMFS National Sea Turtle Coordinator (301/713–2319), Charles A. Oravetz, Chief, Protected Species Program, NMFS Southeast Region (813/893–3366), or Doug Beach, Chief, Protected Species Program, NMFS Northeast Region (508/281–9291).

SUPPLEMENTARY INFORMATION:

Background

All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act of 1973, 16 U.S.C. 1531 *et seq.* (ESA). According to the National Academy of Sciences, incidental capture in shrimp trawls is by far the leading cause of human-induced mortality to sea turtles in the water, but collectively, activities in non-shrimp fisheries, which includes the summer flounder bottom trawl fishery, constitute the second largest source.

NMFS took action pursuant to 50 CFR 227.72(e)(6)(ii) to require the use of TEDs in the bottom trawl fishery for summer flounder from 37°05′ N. latitude (Cape Charles, Virginia) southward to 33°35′ N. latitude (North Carolina-South Carolina border), to be codified as the "summer flounder-sea turtle protection area" and to require vessels to carry an observer, if selected to do so. These requirements were initially effective November 15, 1992, through December 15, 1992 (57 FR 53603, November 12, 1992), were extended from December 16, 1992, through January 14, 1993 (57 FR 60135, December 18, 1992), and were modified and extended from January 7, 1993 through February 8, 1993 (58 FR 4088, January 13, 1993). Effective January 7, 1993, NMFS reduced in size the area where TEDs are required by lowering the northern boundary from Cape Charles, Virginia to Oregon Inlet, North Carolina. The specific requirements, their background and rationale, and summaries of pertinent biological opinions were included in the cited **Federal Register** publications and are not repeated here.

Recent Events

NMFS has determined that there is a continued need to require TED use by participants in the summer flounder bottom trawl fishery in the waters off North Carolina from Oregon Inlet, North Carolina, south to the North Carolina-South Carolina border. Since modifying the area where TEDs are required, NMFS has monitored sea surface temperatures to determine the extent that the Gulf Stream influences turtle distribution and to assist in determining the risk to turtles by capture from trawlers. In addition, NMFS, with assistance from the U.S. Coast Guard and the North Carolina Division of Marine Fisheries, has monitored fishing activity and placed observers on bottom trawlers to monitor any incidental capture of turtles. Finally, NMFS and the State of North Carolina have monitored coastal beaches for evidence of stranded sea turtles, and enforcement of the TED-use requirement by NMFS and U.S. Coast Guard personnel has been ongoing.

Recent data acquired by satellite sensors indicate that sea surface temperatures off the coast of North Carolina north of Oregon Inlet are less than 10° C. NMFS has found, based on reports from observers onboard trawlers, that the probability of sea turtle captures declines when surface water temperatures fall below 10° C; this decline is apparently related to decreased turtle abundance in colder waters.

Both NMFS and the North Carolina Division of Marine Fisheries placed

observers on 11 trawlers fishing north of Cape Hatteras during the 1992–1993 season in an attempt to monitor any incidental take of turtles. One turtle was taken in a TED-equipped net north of Oregon Inlet in early December; the turtle was determined to have been dead for several days prior to capture. Since NMFS' January 7, 1993, action to lower the northern boundary of the TED-use area, NMFS and State observers have been placed on three trawlers. These observers have reported no incidental captures of turtles. Reports also indicate that the summer flounder trawler fleet has generally moved north and farther offshore. On January 14 and 15, 1993, the U.S. Coast Guard conducted aerial surveillance of the area north of Oregon Inlet and south of Cape Charles. Seven vessels were seen in the area, of which two were observed on both days.

Both NMFS and the State of North Carolina have monitored sea turtle strandings. There have been three strandings since NMFS' January 7, 1993 action. Two loggerhead turtles stranded on ocean beaches in the area where TEDs are required, between Cape Hatteras and Cape Lookout on January 7, and one loggerhead turtle stranded between Cape Lookout and New River Inlet. Preliminary reports as of February 1, 1993, indicate there have been 132 strandings since September 1, 1992, from New Jersey, through Cape Lookout, North Carolina (the approximate fall and winter range of the summer flounder fishery). NMFS and U.S. Coast Guard enforcement personnel have conducted boardings of trawlers subject to the TED requirement since November 15, 1992. Through January 31, 1993, one violation of the TED requirement has been alleged.

Comments on NMFS' January 7, 1993, Action to Modify and Extend the TED-Use Requirement: One comment was received from the Center for Marine Conservation (CMC), which supports the continued requirement for TEDs in the fishery from Cape Charles, Virginia to the southern border of North Carolina, and opposes the reduction of the area to Oregon Inlet, North Carolina. Further, CMC commented that 100-percent observer coverage accompanied by tow-time limits and supplemental monitoring for sea turtle presence should be required in any area when TEDs are no longer required.

Response: NMFS' action to move the northern boundary south to Oregon Inlet and to maintain it there is based on available data regarding turtle distribution and fishing activity. Those data indicate that the potential threat to sea turtles north of Oregon Inlet has diminished substantially, but that trawling without TEDs south of Oregon Inlet continues to pose a threat.

NMFS is monitoring conditions north or Oregon Inlet to assess the risk of capture from trawlers not using TEDs. NMFS and the North Carolina Division of Marine Fisheries have placed observers onboard vessels fishing north of Oregon Inlet, who reported no incidental capture of turtles. The placement of observers specifically in the area between Oregon Inlet, North Carolina, and Cape Charles, Virginia, is problematic because few trawlers are fishing there. Most vessels appear to be fishing off the coast of Virginia and in deeper offshore waters. Observers placed onboard trawlers by NMFS and the State have been transported north of Cape Charles, Virginia, in search of summer flounder.

NMFS has not required the use of restricted tow times in the offshore waters north of Oregon Inlet, because the likelihood of turtle capture is remote due to a lack of fishing effort and decreased presence of turtles in the relatively cold waters. If NMFS determines that incidental capture of turtles is occurring, or is likely to occur, conservation measures will again be imposed. Such measures may include additional observer coverage, limited tow times, use of TEDs, or closure of the fishery.

Finally, it is NMFS' intention to require TEDs in all areas where turtles and trawling overlap as a permanent conservation measure in this fishery. NMFS recognizes that the use of TEDs is the most effective and easily enforceable turtle conservation measure, and is preferred even when the likelihood of incidental capture is minimal. However, the required use of TEDs this fishing season has brought to light certain problems not encountered during previous TED research, or in their use in the shrimp trawl fishery. These problems relate to the strength of TEDs to withstand the sometimes excessive clogging with bycatch or bottom debris encountered under certain conditions, especially north of Oregon Inlet. NMFS is conducting research to develop improved TEDs for this fishery in cooperation with the North Carolina Division of Marine Fisheries, and several fishermen permitted to use experimental TEDs. NMFS is confident that stronger, more effective versions of TEDs will he available for next season.

Sea Turtle Conservation Measures

This interim rule continues, for a 60-day period, the requirement that owners and operators of summer flounder bottom trawlers in offshore waters south of Oregon Inlet, North Carolina, to the North Carolina-South Carolina border, use an approved TED in each net that is rigged for fishing. These offshore waters include waters seaward of the COLREGS (International Regulations for preventing Collisions at Sea, 1972) demarcation line, bounded on the north by a line along 35°46.1′ N. latitude (Oregon Inlet) and bounded on the south by a line along 35°35′ N. latitude (North Carolina-South Carolina border).

This interim rule specifically establishes a summer flounder fishery-sea turtle protection area, including all offshore waters bounded on the north by a line 37°05′ N. latitude (Cape Charles, Virginia) and bounded on the south by a line along 35°35′ N. latitude (North Carolina-South Carolina border), in which TEDs are required, and further establishes an exemption from the TED requirement for summer flounder trawlers north of 35°46.1′ N. latitude (Oregon Inlet). This interim rule reflects the overall area in which summer flounder fishing effort and sea turtles have interacted in the past, while allowing an exemption from the TED requirement in the area north of Oregon Inlet due to current sea surface temperatures in that area.

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this interim rule is necessary to conserve sea turtles. The Assistant Administrator has further determined that incidental takings of sea turtles during summer flounder bottom trawling are unauthorized unless those takings are consistent with the applicable biological opinions and associated incidental take statements. A biological opinion on the impacts of the summer flounder bottom trawl fishery managed under the Fishery Management Plan for Summer Flounder Fishery (FMP) and Amendment 2 to the FMP was issued on August 10, 1992; that incidental take statement allows for the documented lethal take of 18 sea turtles: three in any combination of Kemp's ridley, hawksbill, green, or leatherback sea turtles, and 15 loggerhead turtles.

A new biological opinion was prepared for this action. Authorization for this action differs from the August 10, 1992, authorization by including both lethal takes and takes by injury. Furthermore, while only documented takes will be calculated for summer flounder trawlers using TEDs, takings by summer flounder trawlers that are not using TEDs may be based on direct observations or estimates from other onboard observers, or from other sources, such as reported strandings of sea turtles. NMFS has authorized a take,

by death or injury, of one endangered Kemp's ridley, hawksbill, green, or leatherback turtle, or three loggerhead turtles during the effective period of this action.

NMFS will require trawlers selected by the Director, NMFS Southeast Region, to carry an observer to monitor the incidental capture of seal turtles, particularly north of Oregon Inlet, North Carolina. NMFS will cooperate with the North Carolina Division of Marine Fisheries in the placement of observers. If observer reports or other information indicate that the authorized take is met or exceeded, NMFS may re-establish the requirement to use TEDs north of Oregon Inlet, North Carolina, or take other necessary measures to protect turtles.

Future Actions by NMFS

NMFS is considering proposing permanent regulations under the ESA to require TEDs in the summer flounder bottom trawl fishery throughout the summer flounder fishery-sea turtle protection area, effective during the 1993–1994 fishing season. That rule may also authorize NMFS to document the impacts of incidental capture of sea turtles in this and other coastal fisheries throughout the Mid-Atlantic region.

Classification

The Assistant Administrator has determined that this interim rule is consistent with the ESA and other applicable law.

This action does not require a regulatory impact analysis under E.O. 12291, because it is not a major rule.

The Assistant Administrator prepared an environmental assessment (EA) for the final rule to protect sea turtles (57 FR 57348, December 4, 1992). A supplemental EA prepared specifically for this action that concludes that there will be no significant impact on the human environment. A copy of the EA is available (see **ADDRESSES**).

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Virginia and North Carolina. These determinations were submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act. Neither this interim rule nor the ESA preclude a state from adopting more stringent sea turtle protection measures.

The Assistant Administrator finds there is good cause to waive both full notice and opportunity for comment under section 553(b)(B) and the 30-day delayed effectiveness under section 553(d) of the Administrative Procedure Act (APA). The Assistant Administrator finds that these provisions are unnecessary, impracticable, and contrary to the public interest because they would likely result in significant takings of sea turtles, such takings could jeopardize the continued existence of some species of sea turtles, or could require the closure of the fishery. Furthermore, full notice and comment for this interim rule is unnecessary because comments were requested on the initial action (57 FR 53603, November 12, 1992), and subsequent actions (57 FR 60135, December 18, 1992, and 58 FR 4088, January 13, 1993), and responses to comments received were responded therein. Further comments on this action are invited and NMFS will consider changes to the provisions of this rule recommended as a result of comments received. Additionally, a delayed effective date is unnecessary because TEDs have been required in the summer flounder bottom trawl fishery off southern Virginia and North Carolina since November 15, 1992.

Because neither section 553 of the APA nor any other law requires that general notice of proposed rulemaking be published for this action, under section 603(d) of the Regulatory Flexibility Act, an initial regulatory flexibility analysis is not required.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

This rule also does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

List of Subjects

50 CFR Part 217

Endangered and threatened species, Exports, Fish, Imports, Marine Mammals, Transportation.

50 CFR Part 227

Endangered and threatened species, Exports, Imports, Marine Mammals, Transportation.

Dated: February 9, 1993.

William W. Fox, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

For the reasons set forth in the preamble, 50 CFR parts 217 and 227 are amended as follows:

PART 217—GENERAL PROVISIONS

1. The authority citation for part 217 continues to read as follows:

Authority: 16 U.S.C. 1531–1544; and 16 U.S.C. 742a *et seq.*, unless otherwise noted.

2. In § 217.12, definitions for "Summer flounder", "Summer flounder fishery-sea turtle protection area" and "Summer flounder trawler" are temporarily added, effective from February 10, 1993, through April 10, 1993, in alphabetical order, to read as follows:

§ 217.12 Definitions.

* * * * *

Summer flounder means the species *Paralichthys dentatus.*

Summer flounder fishery-sea turtle protection area means all offshore waters, bounded on the north by a line along 37°05′N. latitude (Cape Charles, Virginia) and bounded on the south by a line along 33°35′N. latitude (North Carolina-South Carolina border).

Summer flounder trawler means any vessel that is equipped with one or more bottom trawl nets and that is capable of, or used for, fishing for flounder, and whose on-board or landed catch of flounder is more than 100 pounds (45.4 kg).

* * * * *

PART 227—THREATENED FISH AND WILDLIFE

3. The authority citation for part 227 continues to read as follows:

Authority: 16 U.S.C. 1531 *et seq.*

4. In § 227.72, paragraphs (e)(2)(iii) and (e)(4)(iii)(D) are added temporarily from February 10, 1993, through April 10, 1993, to read as follows:

§ 227.72 Exceptions to prohibitions.

* * * * *

(2) * * *

(iii) *Gear requirement—summer flounder trawlers.* (A) *TED requirement.* Except as provided in paragraph (e)(2)(iii)(B) of this section, any summer flounder trawler in the summer flounder fishery-sea turtle protection area must have an approved TED (as defined in § 217.12 of this subchapter) installed in each net that is rigged for fishing. A net is rigged for fishing if it is in the water, or if it is shackled, tied, or otherwise connected to any trawl door or board, or to any tow rope, cable, pole or extension, either on board or attached in any manner to the summer flounder trawler.

(B) *Exemptions from the TED requirement.* Any summer flounder trawler north of 35°46.1′ N. latitude

(Oregon Inlet, North Carolina) is exempt from the TED requirements of paragraph (e)(2)(iii)(A) of this section unless the Assistant Administrator determines that TED use is necessary to protect sea turtles or ensure compliance. The Assistant Administrator will issue a determination that TED use is necessary based upon sea surface temperatures, evidence of sea turtle presence, effectiveness of monitoring or extent of compliance with the requirements of this section. The Assistant Administrator will provide as much advance notice as possible concerning such a determination, consistent with the requirement of the Act, and will announce the determination in summary form on channel 16 of the marine VHF radio. The notice in the **Federal Register** will include findings in support of the determination that TED use is necessary.

(C) *Monitoring.* Summer flounder trawlers must carry onboard a NMFS-approved observer if selected to do so by the Director, Southeast Region, NMFS, upon written notification sent to the address specified for the vessel in either the NMFS or state fishing permit application, or specified for registration or documentation purposes, or otherwise served on the owner or operator of the vessel. Owners and operators must comply with the terms and conditions specified in such written notification. All NMFS-approved observers will report any violations of this section, or other applicable regulations and laws; such information may be used for enforcement purposes.

(D) *Additional sea turtle conservation measures.* The Assistant Administrator may impose other such restrictions upon summer flounder trawlers as he or she deems necessary or appropriate to protect sea turtles and ensure compliance, pursuant to the procedures of paragraph (e)(6) of this section. Such measures may include, but are not limited to, a requirement to use TEDs in areas other than summer flounder-sea turtle protection area, a requirement to use limited tow-times, and closure of the fishery.

* * * * *

(e) * * *

(4) * * *

(iii) * * *

(D) For summer flounder bottom trawlers fishing in the summer flounder fishery-sea turtle protection area, a large-mesh webbing may be attached outside of the webbing flap to prevent chaffing on downward shooting TEDs, if it does not interfere or otherwise restrict the turtle escape opening.

* * * * *

[FR Doc. 93–3474 Filed 2–10–93; 11:15 am]

BILLING CODE 3510-22-M

---

50 CFR Part 625

[Docket No. 920543–2293]

Summer Flounder Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notification of commercial quota harvest.

SUMMARY: NMFS issues this notification to announce that the summer flounder commercial quota for 1993 available to the State of Connecticut has been harvested. Vessels issued a Federal fisheries permit for the summer flounder fishery may no longer land summer flounder in the State of Connecticut for the remainder of calendar year 1993. Regulations governing the summer flounder fishery require publication of this notification to advise the State of Connecticut that its quota has been harvested and to advise vessel and dealer permit holders that no commercial quota is available for landing summer flounder in the State.

EFFECTIVE DATES: February 19, 1993, through December 31, 1993.

FOR FURTHER INFORMATION CONTACT: Kathi Rodrigues, 508–281–9324.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR part 625, as amended on December 4, 1992 (57 FR 57358). The regulations require annual specification of a commercial quota that is apportioned among the states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 625.20.

The commercial quota for summer flounder for the 1993 calendar year is set equal to 12.35 million pounds (5.6 million kg) (January 22, 1993, 58 FR 5658). The percent allocated to vessels landing summer flounder in Connecticut is 0.9532 percent, calculated to be 117,720 pounds (53,397 kg) for 1993.

Section 625.21(c) requires the Regional Director, Northeast Region (Regional Director) to monitor state commercial quotas based on dealer reports and other available information, and to determine the date when a state commercial quota will be harvested. The Regional Director is further required to publish a notice in the **Federal Register** advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state.

The Regional Director has determined, based on dealer reports and other available information, that the Connecticut commercial quota will be harvested by February 19, 1993. The regulations at § 625.4(a)(3) provide that Federal permit holders agree as a condition of the permit not to land summer flounder in any state that the Regional Director has determined no longer has commercial quota available. Therefore, further landings in that state by Federally permitted vessels are prohibited for the remainder of the 1993 calendar year, effective 0001 hours February 19, 1993. Federally permitted dealers are advised that they may not purchase summer flounder from Federally permitted vessels that land in Connecticut, for the remainder of the calendar year.

Classification

This action is required by 50 CFR part 625 and complies with Executive Order 12291.

Authority: 16 U.S.C. 1801 *et seq.*

List of Subjects in 50 CFR Part 625

Fisheries, Reporting and recordkeeping requirements.

Dated: February 10, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93–3537 Filed 2–12–93; 8:45 am]

BILLING CODE 3510-22-M

VOL
58
ISS
29
FE
16
1993
UMI

Proposed Rules

Federal Register
Vol. 58, No. 29
Tuesday, February 16, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 932

[Docket No. FV92-932-2PR]

Olives Grown in California; Proposal To Reallocate Handler Membership on the California Olive Committee

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would reallocate handler membership on the California Olive Committee (COC), the agency responsible for local administration of the California Olive marketing order. This action would provide for more equitable representation between cooperative and independent olive handlers. The proposal would reduce the number of cooperative handler members from four to two and provide independent handlers with those positions, thus, increasing independent handler membership to six positions. This proposal was unanimously recommended by the COC at its December 10 meeting.

DATES: Comments must be received by March 3, 1993.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington DC 20090–6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Terry Vawter, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; telephone (209) 487–5901; or Caroline Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2526–S, Washington, DC 20090–6456; telephone (202) 720–8139.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Order No. 932 (7 CFR part 932), as amended, regulating the handling of olives grown in California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This proposed rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or an exemption therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the impact of this proposed rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are 5 handlers of olives regulated under this marketing order, and approximately 1,350 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms as those whose annual receipts are less than $3,500,000. A majority of the olive producers and none of the olive handlers may be classified as small entities.

Pursuant to section 932.25 of the order, the California Olive Committee (COC) consists of 16 members. Each member has an alternate. Eight of the members are growers and eight are handlers. Section 932.25 further provides that the eight handler representatives be further allocated so that four members represent cooperative marketing organizations, hereinafter referred to as cooperative handlers, and four members represent marketing organizations which are not cooperative marketing organizations, hereinafter referred to as independent handlers. The order also provides that, under certain circumstances, cooperative and independent handler membership would be allocated based on the total volume of olives handled during the crop year in which nominations are made and in the preceding crop year. Under this provision, the cooperative or independent handler group that handled 65 percent or more of the total volume is entitled to five representatives on the COC. The handler group that handled 35 percent or less of the total volume is entitled to three representatives on the COC.

Section 932.25 contains authority for the COC, with the Secretary's approval, to reallocate membership as necessary to assure equitable representation on the COC. Recent changes in the olive industry have resulted in one of the only two cooperative handlers in the industry going out of business. As a result, five olive handlers remain: Four independent handlers and one

cooperative handler. The COC therefore unanimously recommended that handler representation be reallocated to provide independent and cooperative handlers with six members and two members, respectively.

The olive industry and the COC have historically demonstrated a policy of maintaining equitable representation among handlers. Until 1968, the administrative rules and regulations in effect under the order limited each handler organization to only one member position on the COC. During the years that followed, the number of handlers in the industry declined while the number of member positions on the committee remained the same. Therefore, the administrative rules and regulations were changed in 1974 to specify that no more than two nominees for COC member positions may be affiliated with the same handler.

The current proposal would allocate two members to the remaining cooperative handler and six members to the independent handler group. This change would be in a new § 932.159, added to the order's administrative rules and regulations.

This proposal is intended to provide for more equitable handler representation on the COC. This proposed action would not impose any additional costs on producers or handlers.

Based on the available information, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities and the proposal would benefit both producers and handlers of California olives.

A 15-day comment period is deemed appropriate for this proposed action since ensuring equitable representation on the COC needs to be implemented as quickly as possible. This action should become effective prior to nominations for members for the 1993–95 term of office. Such nominations must begin prior to March 1, 1993.

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 932 is proposed to be amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 932 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–74.

2. A new § 932.159 is added to read as follows:

§ 932.159 Reallocation of handler membership.

Pursuant to § 932.25, handler representation on the committee is reallocated to provide that two members shall represent cooperative marketing organizations and six members shall represent handlers who are not cooperative marketing organizations.

Dated: February 9, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–3501 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–02–M

---

7 CFR Part 1106

[DA–93–01]

Milk in the Southwest Plains Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal that would suspend a certain provision of the Southwest Plains Federal milk order from February 1, 1993, through August 31, 1993. This notice would suspend the requirement that producers "Touch-base" at a pool plant with at least one day's production during the month before their milk is eligible for diversion to an unregulated manufacturing plant. This provision was suspended for the same period in 1992. The request for the suspension of this provision was made by Mid-America Dairymen, Inc. (Mid-Am). Mid-Am is a cooperative association which represents producers who have been historically associated with the Southwest Plains order. Mid-Am requested this suspension in order to prevent the uneconomic movement of milk under the order.

DATES: Comments are due no later than February 23, 1993.

ADDRESSES: Comments (two copies) should be sent to USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–4829.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This proposed rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This proposed suspension, of rules has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have a retroactive effect. If adopted, this proposed action will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with the law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the suspension of the following provision of the order regulating the handling of milk in the Southwest Plains marketing area is being considered for the months of February 1993 through August 1993.

1. In § 1106.13, paragraph (d)(1) in its entirety.

All persons who desire to submit written data, views or arguments about the proposed suspension should send two copies of their views to USDA/AMS/Dairy Division, Order Formulation

Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, by the 7th day after publication of this notice in the **Federal Register**. The comment period is limited in order to facilitate completion of the required procedures in time to include February 1993 in the suspension period if it is concluded that the proposal should be adopted.

All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Division during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension was requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association operating under the Southwest Plains order. Mid-Am has requested the suspension of a certain provision in order to prevent the uneconomic and inefficient movement of milk for the sole purpose of pooling the milk of producers historically associated with the Southwest Plains order.

Mid-Am requests the suspension of the touch-base requirements during the months of February 1993 through August 1993. This provision has been suspended previously in order to maintain the pool status of producers who have historically supplied the fluid needs of Southwest Plains distributing plants.

By suspending the touch-base provision, producer milk would not be required to be delivered to pool plants before going to unregulated manufacturing plants solely to make the milk eligible for pooling under the order.

Mid-Am projects that there will be ample supplies of direct-ship producer milk which is located in the general area of the Southwest Plains distributing plants to meet their fluid needs. Therefore, Mid-Am asserts that there is no need to require producers located some distance from pool plants to be received one time during the month at such plants when their milk can more economically be diverted directly to manufacturing plants in the production area.

List of Subjects in 7 CFR Part 1106

Milk marketing orders.

The authority citation for 7 CFR part 1106 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Dated: February 9, 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–3499 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–02–M

Food Safety and Inspection Service

9 CFR Parts 317 and 381

[Docket No. 91–006N–HLTH]

RIN 0583–AB34

Nutrition Labeling; Use of "Healthy" and Similar Terms on Meat and Poultry Product Labeling

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Reopening of comment period.

SUMMARY: On January 6, 1993, the Food Safety and Inspection Service (FSIS) published a proposed rule to amend the Federal meat and poultry products inspection regulations to permit the use of the term "healthy" or any other derivative of the term "health," such as "healthful" or "healthier," on the labeling of meat and poultry products. The proposed rule allowed 30 days for public comment. FSIS now believes that because of the complexity of the issues raised in the proposed rule, 30 days is not enough time for the public to adequately respond to the issues. Therefore, notice is given that FSIS is reopening the comment period for an additional 30 days to give the public sufficient time to gather and submit information in response to the proposed rule.

DATES: Comments on the proposed rule must be received on or before March 18, 1993.

ADDRESSES: Written comments to: Policy Office, ATTN: Linda Carey, FSIS Hearing Clerk, room 3171, South Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Charles R. Edwards, Director, Product Assessment Division, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 205–0080.

SUPPLEMENTARY INFORMATION: On November 27, 1991, FSIS published in the **Federal Register** a proposed rule entitled "Nutrition Labeling of Meat and Poultry Products" (56 FR 60302). The proposed rule would permit voluntary nutrition labeling on single-ingredient, raw meat and poultry products, and would establish mandatory nutrition labeling for most processed meat and poultry products. In addition to proposing specific regulations for nutrition labeling, the Agency solicited comments on the appropriateness and usefulness of the term "healthy" on the labeling of meal-type products, and requested specific information on the criteria for the use of such term.

FSIS published its final rule on nutrition labeling (58 FR 632) in the **Federal Register** on January 6, 1993. The Agency also published on that date a proposed regulation permitting the use of the term "healthy" or any other derivative of the term "health," such as "healthful" or "healthier," on the labeling of meat and poultry products (58 FR 688).

Interested persons were given until February 5, 1993, in which to comment on the proposed rule. FSIS has decided to reopen the comment period to allow additional time for information to be gathered and submitted in response to the proposed rule. FSIS believes this information will be useful in developing a final regulation and is, therefore, reopening the comment period for an additional 30 days.

Done at Washington, DC, on February 9, 1993.

H. Russell Cross,

Administrator, Food Safety and Inspection Service.

[FR Doc. 93–3524 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–DM–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Radiological Criteria for Decommissioning of NRC-licensed Facilities; Workshop

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Workshop.

SUMMARY: The Nuclear Regulatory Commission (NRC) is preparing to initiate an enhanced participatory rulemaking on establishing the radiological criteria for the decommissioning of NRC-licensed facilities. The Commission intends to enhance the participation of affected interests in the rulemaking by soliciting commentary from these interests on the rulemaking issues before the staff develops the draft proposed rule. The Commission plans to conduct a series of workshops to solicit commentary from affected interests on the fundamental approaches and issues that must be addressed in establishing the radiological criteria for

decommissioning. The second workshop will be held in San Francisco, California on February 23 and 24, 1993 and will be open to the public.

DATES: February 23, 1993 from 9 a.m. to 6 p.m.; February 24, 1993 from 8 a.m. to 4:30 p.m., Sir Francis Drake Hotel, Union Square, 450 Powell Street, San Francisco, California.

As discussed later in this notice, the workshop discussions will focus on the issues and approaches identified in a Rulemaking Issues Paper prepared by the NRC staff. The Commission will accept written comments on the Rulemaking Issues Paper from the public, as well as from workshop participants. Written comments should be submitted by May 28, 1993.

ADDRESSES: Send written comments on the Rulemaking Issues Paper to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. ATTN: Docketing and Service Branch. Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland between 7:45 a.m. and 4:15 p.m. on Federal workdays. The Rulemaking Issues Paper is available from Francis X. Cameron (See "**FOR FURTHER INFORMATION CONTACT**").

FOR FURTHER INFORMATION CONTACT: Francis X. Cameron, Special Counsel for Public Liaison and Waste Management, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–504–1642; Gregory Cook, Public Affairs Officer, U.S. Nuclear Regulatory Commission, Region V, Walnut Creek, California, Telephone: 510–975–0346.

SUPPLEMENTARY INFORMATION:

Background

The NRC has the statutory responsibility for protection of health and safety related to the use of source, byproduct, and special nuclear material under the Atomic Energy Act. The NRC believes that one portion of this responsibility is to ensure the safe and timely decommissioning of nuclear facilities which it licenses and to provide guidance to licensees on how to plan for and prepare their sites for decommissioning. Once licensed activities have ceased, licensees are required to decommission their facilities so that their licenses may be terminated. This requires that the radioactivity in land, groundwater, buildings, and equipment resulting from the licensed operation be reduced to levels that allow the property to be released for unrestricted use. Licensees must then demonstrate that all facilities have been properly decontaminated and that radioactive material has been transferred to authorized recipients. Confirmatory surveys are conducted by NRC, where appropriate, to verify that sites meet NRC radiological criteria for decommissioning.

The types of nuclear fuel cycle facilities that will require decommissioning include nuclear power plants; non-power (research and test) reactors; fuel fabrication plants, uranium hexafluoride production plants, and independent spent fuel storage installations. In addition there are currently about 24,000 materials licensees. About one third of these are NRC licensees, while the remainder are licensed by Agreement States acting under the authority of the Atomic Energy Act, section 274. These licensees include universities, medical institutions, radioactive source manufacturers, and companies that use radioisotopes for industrial purposes. About 50% of NRC's 7,500 materials licensees use either sealed radioactive sources or small amounts of short-lived radioactive materials. Decommissioning of these facilities should be relatively simple because there is usually little or no residual radioactive contamination. Of the remaining 50%, a small number (e.g. radioactive source manufacturers, radiopharmaceutical producers, and radioactive ore processors) conduct operations that could produce substantial radioactive contamination in portions of the facility. These facilities, like the fuel cycle facilities identified above, must be decontaminated before they can be safely released for unrestricted use.

Several hundred NRC and Agreement State licenses are terminated each year. The majority of these licenses involve limited operations, produce little or no radioactive contamination, and do not present complex decommissioning problems or potential risks to public health or the environment from residual contamination. However, as the nuclear industry matures, it is expected that more and more of the larger nuclear facilities that have been operating for a number of years will reach the end of their useful lives and be decommissioned. Therefore, both the number and complexity of facilities that will require decommissioning is expected to increase.

The Commission believes that there is a need to incorporate into its regulations radiological criteria for termination of licenses and release of land and structures for unrestricted use. The intent of this action would be to provide a clear and consistent regulatory basis for determining the extent to which lands and structures must be decontaminated before a site can be decommissioned. The Commission believes that inclusion of criteria in the regulations would result in more efficient and consistent licensing actions related to the numerous and frequently complex site decontamination and decommissioning activities anticipated in the future. A rulemaking effort would also provide an opportunity to reassess the basis for the residual contamination levels contained in existing guidance in light of changes in basic radiation protection standards and decommissioning experience obtained during the past 15 years.

The new criteria would apply to the decommissioning of power reactors, non-power reactors, fuel reprocessing plants, fuel fabrication plants, uranium hexafluoride production plants, independent spent fuel storage installations, and materials licenses. The criteria would apply to nuclear facilities that operate through their normal lifetime, as well as to those that may be shut down prematurely. The proposed criteria would not apply to uranium (other than source material) mines and mill tailings, high-level waste repositories, or low-level waste disposal facilities.

Until the new criteria are in place, the Commission intends to proceed with the decommissioning of nuclear facilities on a site-specific basis as the need arises considering existing criteria. Case and activity-specific risk decisions will continue to be made as necessary during the pendency of this process.

The Enhanced Participatory Rulemaking

The Commission believes it is desirable to provide for early and comprehensive input from affected interests on important public health and safety issues, such as the development of radiological criteria for decommissioning. Accordingly, the Commission is initiating an enhanced participatory rulemaking to establish these criteria. The objective of the rulemaking is to enhance the participation of affected interests in the rulemaking by soliciting commentary from these interests on the rulemaking issues before the NRC staff develops the draft proposed rule. The NRC staff will consider this commentary in the development of the draft proposed rule, as well as document how these comments were considered in arriving at a regulatory approach. The Commission believes that this will be an effective method for illuminating the decision making process on complex and controversial public health and safety issues. This approach will ensure that the important issues have been

identified; will assist in identifying potential information gaps or implementation problems; and will facilitate the development of potential solutions to address the concerns that affected interests may have in regard to the rulemaking.

The early involvement of affected interests in the development of the draft proposed rule will be accomplished through a series of workshops. A workshop format was selected because it will provide representatives of the affected interests with an opportunity to discuss the rulemaking issues with one another and to question one another about their respective positions and concerns. Although the workshops are intended to foster a clearer understanding of the positions and concerns of the affected interests, as well as to identify areas of agreement and disagreement, it is not the intent of the workshop process to attempt to develop a consensus agreement on the rulemaking issues. In addition to the commentary from the workshop participants, the workshops will be open to the public and the public will be provided with the opportunity to comment on the rulemaking issues and the workshops discussions at discrete intervals during the workshops.

The workshops were initially announced in the **Federal Register** on December 11, 1992 (57 FR 58727). The complete schedule for the workshops is:

January 27 and 28, 1993.	Chicago, Illinois.
February 23 and 24, 1993.	San Francisco, California.
March 12 and 13, 1993.	Boston, Massachusetts.
March 23 and 24, 1993.	Dallas, Texas.
April 13 and 14, 1993.	Philadelphia, Pennsylvania.
April 29 and 30, 1993.	Atlanta, Georgia.
May 6 and 7, 1993	Washington, DC.

The normal process for conducting Commission rulemakings is NRC staff development of a draft proposed rule for Commission review and approval, publication of the proposed rule for public comment, consideration of the comments by the NRC staff, and preparation of a draft final rule for Commission approval. In the enhanced participatory rulemaking, not only will comments be solicited before the NRC staff prepares a draft proposed rule, but the mechanism for soliciting these early comments will also provide an opportunity for the affected interests and the NRC staff to discuss the issues with each other, rather than relying on the traditional one-to-one written correspondence with the NRC staff. After Commission review and approval of the draft proposed rule that is developed using the workshop commentary, the general process of issuing the proposed rule for public comment, NRC staff evaluation of comments, and preparation of a draft final rule for Commission approval, will occur.

Participants

In order to have a manageable discussion among the workshop participants, the number of participants in each workshop must be limited. Based on discussions with experts on workshop facilitation, the NRC staff believes that the optimum size of the workshop group is fifteen to twenty participants. Due to differing levels of interest in each region, the actual number of participants in any one workshop, as well as the number of participants that represent a particular interest in any one workshop, may vary. Invitations to attend the workshops will be extended by the NRC staff using several selection criteria. First, to ensure that the Commission has the benefit of the spectrum of viewpoints on the issues, the NRC staff is attempting to achieve the participation of the full range of interests that may be affected by the rulemaking. The NRC staff has identified several general interests that will be used to select specific workshop participants—state governments, local governments, tribal governments, Federal agencies, citizens groups, nuclear utilities, fuel cycle facilities, and non-fuel cycle facilities. In addition to these interests, the staff also plans to invite representatives from the contracting industry that performs decommissioning work and representatives from professional societies, such as the Health Physics Society and the American Nuclear Society. The NRC anticipates that most of the participants will be representatives of organizations. However, it is also possible that there may be a few participants who, because of their expertise and influence, will participate without any organizational affiliation.

The second selection criterion is the ability of the participant to knowledgeably discuss the full range of rulemaking issues. The NRC staff wishes to ensure that the workshops will elicit informed discussions of options and approaches, and the rationale for those options and approaches, rather than simple statements of opinion. The NRC staff's identification of potential participants has been based on an evaluation of such factors as the extent of a potential participant's experience with a broad range of radiation protection issues and types of nuclear facilities, specific experience with the decommissioning issue, and the extent of a potential participant's substantive comment and participation on previous Commission regulatory or licensing actions.

The third criterion emphasizes participation from organizations within the region encompassed by the workshop. As much as practicable, those organizations that primarily operate within the region, as opposed to regional units of national organizations, will have priority in terms of participating in the corresponding regional workshops. Organizations with a national standing will be part of the "national" workshop to be held in Washington, DC.

Workshop Format

To assure that each workshop addresses the issues in a consistent manner, the workshops will have a common pre-defined scope and agenda focused on the Rulemaking Issues Paper discussed below. However, the workshop format will be sufficiently flexible to allow for the introduction of any additional issues that the participants may want to raise. At each workshop, the NRC staff will begin each discussion period with a brief overview of the rulemaking issues to be discussed and the remainder of the workshop will be devoted to a discussion of the issues by the participants. The workshop commentary will be transcribed and made available to participate and to the public.

Personnel from The Keystone Center, a nonprofit organization located in Keystone, Colorado, will serve as neutral facilitators for each workshop. The facilitators will chair the workshop sessions and ensure that participants are given an opportunity to express their viewpoints, assist participants in articulating their interests, ensure that participants are given the opportunity to question each other about their respective viewpoints, and assist in keeping the discussion moving at a pace that will allow all major issue areas to be addressed.

Rulemaking Issues Paper

The NRC staff has prepared a Rulemaking Issues Paper to be used as a focal point for the workshop discussions. This paper, which will be distributed to participants in advance of the workshops, sets forth in neutral terms the issues that must be addressed in the rulemaking, as well as background information on the nature and extent of the problem to be

addressed. In framing the issues and approaches discussed in the Rulemaking Issues Paper, the NRC staff has attempted to anticipate the variety of views that exist on these approaches and issues. The paper will provide assistance to the participants as they prepare for the workshops, suggest the workshop agenda, and establish the level of technical discussion that can be expected at the workshops. The workshop discussions are intended to be used by the staff in developing the draft proposed rule. Prior to the workshops no staff positions will be taken on the rulemaking approaches and issues identified in the Rulemaking Issues Paper. As noted earlier, to the extent that the Rulemaking Issues Paper fails to identify a pertinent issue, this may be corrected at the workshop sessions.

The discussion of issues is divided into two parts. First are two primary issues dealing with:

(1) The objectives for developing radiological criteria; and

(2) Application of practicality considerations.

The objectives constitute the fundamental approach to the establishment of the radiological criteria, and the NRC staff has identified four distinct possibilities including:

(1) Risk Limits, which is the establishment of limiting values above which the risks to the public are deemed unacceptable, but allows for criteria to be set below the limit using practicality considerations;

(2) Risk Goals, where a goal is selected and practicality considerations are used to establish criteria as close to the goal as practical;

(3) Best Effort, where the technology for decontamination considered to be the best available is applied; and

(4) Return to Preexisting Background, where the decontamination would continue until the radiological conditions were the same as existed prior to the licensed activities.

Following the primary issues are several secondary issues that are related to the discussions of the primary issues, but which the NRC staff believe warrant separate presentations and discussions. These secondary issues include the time frame for dose calculation, the individuals or groups to be protected, the use of separate criteria for specific exposure pathways such as groundwater, the treatment of radon, and the treatment of previously buried materials.

The Rulemaking Issues Paper will be provided to each potential workshop participant. Additional copies will be available to members of the public in attendance at the workshop. Copies will also be available from the NRC staff contact identified above.

In addition to the comments on the Rulemaking Issues Paper provided at the workshops, the Commission is also receptive to the submittal of written comments on the rulemaking issues, as noted under the heading "**DATES**".

Dated at Rockville, MD this 9th day of February, 1993.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 93–3539 Filed 2–12–93; 8:45 am]

BILLING CODE 7590–01–M

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 900

Hearings For the Study of the Role of the Federal Home Loan Bank System

AGENCY: Federal Housing Finance Board.

ACTION: Notice of public hearing and request for comment.

SUMMARY: The Federal Housing Finance Board (Finance Board) is hereby announcing a public hearing and requesting comment on the study of the Federal Home Loan Bank System (FHLBank System) being prepared by the Finance Board.

DATES: The public hearing will be held on March 25 and 26 at 10 a.m. Requests to participate in the hearing must be received no later than February 26, 1993. The written statements of those accepted for participation in the hearing or other written comments must be received no later than March 19, 1993.

ADDRESSES: Send requests to participate in the hearing, written statements of hearing participants, or other written comments to Elaine L. Baker, Executive Secretary, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006. The submissions may be mailed. The submissions also may be hand delivered or sent by facsimile transmission to FAX number (202) 408–1435. Submissions must be received by 5 p.m. on the day they are due in order to be considered received by the Finance Board. Late filed, misaddressed, or misidentified submissions may affect eligibility to participate in the hearing.

FOR FURTHER INFORMATION CONTACT: James H. Gray Jr., Associate General Counsel, (202) 408–2552 or Bruce W. McDougal, Attorney-Advisor, (202) 408–2505, Office of Legal and External Affairs, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION: On October 28, 1992, the President signed the Housing and Community Development Act of 1992, Public Law No. 102–550 (HCDA), which *inter alia* directed the Finance Board to conduct a study of fourteen topics concerning the FHLBank System, government sponsored enterprises generally, and other topics pertaining to the delivery of housing finance. The fourteen topics that the Finance Board has been directed to study are as follows:

(1) The appropriate capital standards for the FHLBank System.

(2) The relationship between the capital standards for the FHLBank System and the capital standards for the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac).

(3) The relationship between the capital standards for federally insured depository institutions and the capital standards for Fannie Mae and Freddie Mac.

(4) The advantages and disadvantages of expanding credit products and services for member institutions of the FHLBank System, including a determination of the feasibility of FHLBanks—

(A) Purchasing housing-related assets from member institutions;

(B) Providing credit enhancements and other products to members in addition to making advances; and

(C) Making direct loans for housing construction.

(5) The advantages and disadvantages of expanding eligible collateral for advances to member institutions of the FHLBank System by removing the limits on the amount of housing-related assets that member institutions can use to collateralize advances.

(6) The advantages and disadvantages of further measures to expand the role of the FHLBank System as a support mechanism for community-based lenders and to reinforce the overall role of the FHLBank System in housing finance.

(7) the advantages and disadvantages of measures to increase membership in, and increase the profitability of, the FHLBank System by modifying:

(A) Restrictions on membership and stock purchases of nonqualified thrift lenders;

(B) The overall limit imposed on advances by the FHLBank System to nonqualified thrift lenders; and

(C) The membership requirement for qualified thrift lenders.

(8) The competitive effect of the mortgage activities of Fannie Mae and Freddie Mac on the home mortgage

activities of federally insured depository institutions and the cost of such activities to such institutions, the Savings Association Insurance Fund, and the Resolution Trust Corporation

(9) The likelihood that the FHLBanks will be able to continue to pay the amounts required under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(10) The extent to which a reduction in the number of FHLBanks would reduce noninterest costs of the FHLBank System.

(11) The impact that a reduction in the number of FHLBanks would have on the effectiveness of affordable housing programs and community support programs under the FHLBank System.

(12) The impact that a reduction in the number of FHLBanks would have on the availability of affordable housing in rural areas and the ability of small rural financial institutions to provide housing financing.

(13) The current and prospective impact of the FHLBank System on:

(A) The availability and affordability of housing for low- and moderate-income households; and

(B) The relative availability of housing credit across geographic areas, with particular regard to differences depending on whether properties are inside or outside of central cities.

(14) The appropriateness of extending to the FHLBank System the public purposes and housing goals established for Fannie Mae and Freddie Mac under title 13 of the HCDA, the Federal National Mortgage Association Charter Act, and the Federal Home Loan Mortgage Corporation Act.

Sec. 1393 of the HCDA. The Finance Board is required to report to Congress on the outcome of this study by April 28, 1993.

The Finance Board is interested in the views of FHLBank members, community groups, trade associations, housing government sponsored enterprises, federal agencies, and others, on the fourteen topics being examined in this study. The purpose of the hearing on March 25 and 26, is to assist the Finance Board in preparing its report to Congress.

The Finance Board invites testimony or comment on all of the issues raised by the fourteen HCDA study topics and any other matters related to the HCDA study topics. To assist in responding to the issues that seem to underpin all fourteen topics, the Finance Board also requests testimony or comment on the following general, overarching issues:

(1) How can the FHLBanks' regional presence be better utilized to support housing finance in general, and affordable housing and community lending in particular?

(2) How can the FHLBank System better meet the financing needs of community-based institutions?

On March 25 and 26, the Finance Board will hold a public hearing on these questions. Persons wishing to participate in this hearing should send a written request to participate to the address listed in the "ADDRESSES" portion of this notice, to be received no later than February 26, 1993. The request to participate in the hearing must include the following information:

(1) The name, title, address, and business telephone of the participant;

(2) The entity or entities that the participant will be representing;

(3) A brief summary of the participant's remarks, identifying the specific issues to be addressed; and

(4) An indication of whether the participant is available for either hearing date.

Depending on the number of requests received, participants may be limited in the length of their oral presentations. The Finance Board will notify participants of the date and time scheduled for their presentation. The Finance Board anticipates establishing panels of participants for presentations and reserves the right to limit the number of participants and to select, in its discretion, those persons who may make oral presentations if it receives more requests for participation than may be accommodated in the time available.

Participants will be required to submit written statements in advance of the hearing date. These written statements should incorporate the major points to be presented at the hearing and should be accompanied by an executive summary of no more than 3–5 pages. Written statements must be received no later than March 19, 1993, and should be sent to the address listed in the "ADDRESSES" portion of this notice.

By the Federal Housing Finance Board.

Philip L. Conover,

Managing Director.

[FR Doc. 93–3600 Filed 2–12–93; 8:45 am]

BILLING CODE 6725–01–M

DEPARTMENT OF COMMERCE

United States Travel and Tourism Administration

15 CFR Part 1200

[Docket No. 921243–2343]

RIN 0544–AA02

International Tourism Trade Development Assistance

AGENCY: United States Travel and Tourism Administration.

ACTION: Proposed rulemaking; extension of comment period.

SUMMARY: This document extends until March 23, 1993, the United States Travel and Tourism Administration (USTTA) deadline for submission of comments on its proposal to amend its regulations governing administration of the International Tourism Trade Development Financial Assistance Program.

DATES: Comments must be received on or before March 23, 1993.

ADDRESSES: Comments should be forwarded in triplicate to: Mrs. Karen M. Cardran, Director, Marketing Programs, Office of Tourism Marketing, United States Travel and Tourism Administration, U.S. Department of Commerce, room 1860, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT:

Mrs. Karen M. Cardran, Director, Marketing Programs, Office of Tourism Marketing, United States Travel and Tourism Administration, U.S. Department of Commerce, room 1860, Washington, DC 20230. (202) 482–1904.

SUPPLEMENTARY INFORMATION: USTTA published a proposed notice of rulemaking to amend regulations in 15 CFR 1200 in the Federal Register on January 22, 1993 (58 FR 5672). Comments were to have been received on or before February 15, 1993. In the interest of assuring adequate time for review of these very complex regulations, Congressional delegates have requested an extension of the comment period until March 23, 1993 in order to provide a 60 day comment period. This notice so extends the comment period. To allow proper review and consideration of all comments received, it will not be possible to meet the originally scheduled date for publication of a final rule of March 29, 1993.

Dated: February 5, 1993.

David L. Edgell, Sr.,

Acting Under Secretary of Commerce for Travel and Tourism.

[FR Doc. 93–3495 Filed 2–12–93; 8:45 am]

BILLING CODE 3510–11–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1210

Proposed Safety Standard for Cigarette Lighters; Opportunity to Comment on Report of Tests of Lighters

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Opportunity to Comment on Report of Tests of Child-Resistant Lighters.

SUMMARY: The Commission announces the availability of a report on tests of child-resistant lighters. This report is part of the record in the Commission's rulemaking proceeding for a safety standard for cigarette lighters.

DATE: Written comments on the report may be filed until March 18, 1993.

ADDRESSES: Written comments, preferably in five copies, should be captioned or conspicuously identified as "Comments CC 93–2." Comments should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207-0001, or delivered to the Office of the Secretary, Consumer Product Safety Commission, room 420, 5401 Westbard Avenue, Bethesda, Maryland 20816, telephone (301) 504-0800. Copies of the report may be obtained from the Office of the Secretary.

FOR FURTHER INFORMATION CONTACT: Barbara Jacobson, Project Manager for Cigarette Lighters, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0477.

SUPPLEMENTARY INFORMATION:

On August 17, 1992, the Commission proposed a safety standard that would require that disposable and novelty lighters meet specified requirements for child-resistance. 57 FR 36932. Written comments on the proposal were due by November 2, 1992. Oral comments on the proposal were received on October 21, 1992.

The proposal discussed the general results of some tests of child-resistant lighters that had been performed prior to that time, but no formal report of such tests was then available. A report of these tests has been prepared and is available from the Commission's Office of the Secretary.

The Commission tested four prototype designs of child-resistant lighters. In addition, the manufacturer of one of these lighters and the importer of another provided the Commission with summary results of additional tests of their lighters. The results of these tests are reported in a Commission staff memorandum, "Report of Results of Child-Resistant Lighter Testing," dated January 6, 1993. Three of the four lighters tested exceeded the proposed 85 percent acceptance criterion in the proposed standard.

Copies of the report may be obtained from the Commission's Office of the Secretary.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 93–3424 Filed 2–12–93; 8:45 am]

BILLING CODE 6355–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[FRL–4596–4]

Open Meeting of the Disinfection By-Products Negotiated Rulemaking Advisory Committee

AGENCY: Environmental Protection Agency.

ACTION: Notice of meeting.

SUMMARY: The Disinfection By-Products Negotiated Rulemaking Advisory Committee will meet on February 24–25 to continue to develop consensus that can be used as the basis of proposed rule.

DATES: On February 24, the meeting will begin at 9:30 a.m. and end by 5 p.m. On February 25, the meeting will begin at 8:30 a.m. and end by 4 p.m..

ADDRESSES: The Committee will meet at "Resolve", 1250 24th Street NW., 5th Floor, Washington, DC 20037, (202) 293–4800.

FOR FURTHER INFORMATION CONTACT: For further information on substantive aspects of the rule, call Stig Regli of EPA's Water Office at (202) 260–7379. For further information on the meeting, call Gail Bingham, the Committee Co-Chair, at (202) 778–9632.

Dated: February 8, 1993.

Chris Kirtz,

Director Consensus and Dispute Resolution Program.

[FR Doc. 93–3506 Filed 2–12–93; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[MD3–3–5625; A–1–FRL–4596–2]

Approval and Promulgation of Air Quality Implementation Plans; Maryland—COMAR 26.11.19.15C, Standards for Adhesive Application.

AGENCY: Environmental Protection Agency (EPA).

AGENCY: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Maryland. This revision consists of new volatile organic compound (VOC) regulations applicable in the Baltimore nonattainment area, including Baltimore City and the Counties of Anne Arundel, Baltimore, Carroll, Harford, and Howard; and the Washington, DC nonattainment area, including Montgomery and Prince George's Counties. The intended effect of this action is to propose approval of new VOC regulations to correct deficiencies in Maryland's ozone SIP. This action is being taken under section 110 of the Clean Air Act.

DATES: Comments must be received on or before March 18, 1993. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

FOR FURTHER INFORMATION CONTACT: Ms. Maria A. Pino, (215) 597–9337.

SUPPLEMENTARY INFORMATION: On April 5, 1991, the Maryland Department of the Environment formally submitted proposed amendments to Maryland's ozone SIP to EPA as a SIP revision to comply with part of the reasonably available control technology (RACT) fix-up requirement of the Clean Air Act, as amended in 1990. The Clean Air Act Amendments of 1990 were enacted on November 15, 1990. Public Law 101–549, 104 Stat. 2399, codified at 42

U.S.C. 7401–7671q. In amended section 182(a)(2)(A), Congress statutorily adopted the requirement that ozone nonattainment areas fix their deficient RACT rules for ozone. Areas designated nonattainment before enactment of the Amendments and which retained that designation and were classified as marginal or above as of enactment are required to meet the RACT fix-up requirement. Under section 182(a)(2)(A), those areas were required by May 15, 1991, to correct RACT. SIPs were to include RACT as it was interpreted under pre-amended section 172(b) and as it was interpreted in pre-amendment guidance.[1] The SIP call letters interpreted that guidance and indicated corrections necessary for specific nonattainment areas. In Maryland, the Baltimore nonattainment area (including Baltimore City and the Counties of Anne Arundel, Baltimore, Carroll, Harford, and Howard) and the Washington, DC nonattainment area (including Montgomery and Prince George's Counties) were classified as nonattainment for ozone prior to the Clean Air Act Amendments of 1990. These areas received SIP calls under section 110(a)(2)(H) in 1998. The Baltimore nonattainment area is classified as severe and the Washington, DC nonattainment area is classified as serious.[2] Therefore, these areas are subject to the RACT fix-up requirement and the May 15, 1991 deadline.

Maryland's April 5, 1991 submittal, known as RACT Fix-up Part I, consisted of amendments to Maryland's VOC regulations. This rulemaking notice proposes to approve COMAR 26.11.19.15C, Standards for Adhesive Application, contained in RACT Fix-up Part I. The revision contains four adhesive application regulations: Two category specific RACT determinations regulating source categories for which EPA has not written a control techniques guideline (CTG) (known as non-CTG sources), one minor source non-CTG regulation, and a general adhesive standard. On June 10, 1992, Maryland submitted a letter indicating that COMAR 26.11.19.15C(4) contained an administrative error and that Maryland was in the process of correcting that error. EPA is parallel processing its proposed approval while the State of Maryland corrects the administrative error. EPA will not be able to take final rulemaking action approving COMAR 26.11.19.15C(4) until it is formally submitted in its corrected form.

Background

Maryland's April 5, 1991 submittal, RACT Fix-up Part I, consisted of amendments to COMAR 26.11.01.01, 26.11.02.03, 26.11.06.01, .06, and .11, 26.11.13, and 26.11.19.01, .02, .07, and .10 to .15. The subject of this rulemaking notice is COMAR 26.11.19.15C. All other regulations contained in Maryland's April 5, 1991 submittal will be the subject of separate rulemaking notices.

On September 20, 1991, Maryland submitted another SIP revision, known as RACT Fix-up Part II. RACT Fix-up Part II addresses the remaining RACT Fix-up issues not addressed in RACT Fix-up Part I. RACT Fix-up Part II contains capture efficiency protocols, a generic VOC leak regulation, and revisions to a technical memorandum containing EPA approved test methods. These issues will be addressed in a separate rulemaking notice.

The subject of this rulemaking notice is COMAR 26.11.19.15C, Standards for Adhesive Application, contained in RACT Fix-up Part I. This revision is being parallel processed because the version of COMAR 26.11.19.15C in the April 5, 1991 submittal contained an administrative error which made the regulations more stringent than Maryland intended. Language which exempted sources subject to regulations for footwear manufacturing and spiral tube winding and impregnating from the general adhesive standard was accidentally deleted in the Maryland Register. On July 10, 1992, Maryland submitted a letter which clarified the intent of the general adhesive standard and stated that the language was being corrected. As stated previously, EPA is parallel processing its approval action while the State of Maryland corrects the administrative error. EPA reviewed the proposed revisions to COMAR 26.11.19.15C and provided comments in written testimony at the public hearings that were held by the State on September 30, 1986, March 27, 29, and 30, 1990, and October 11, 1990.

For detailed descriptions of the amendments addressed in this notice, please refer to the technical support document (TSD) prepared for these revisions.

Summary of Revised Regulations

COMAR 26.11.19.15C—Standards for Adhesive Application

COMAR 26.11.19.15C(1)—Honeycomb Core Installations

This non-CTG regulation affects one facility in Maryland, which emits 104 lbs/day from two installations. One of these installations is a print line, which applies VOC-containing adhesive to flat aluminum sheets. The second installation is a corrugating line, which applies VOC-containing adhesive on aluminum sheets which are then corrugated to produce the honeycomb structure.

The proposed regulation (1) requires honeycomb core installations discharging >50 lbs VOC/day (9.125 tons/year (TPY)) to use adhesive with ≤5.8 lbs VOC/gal as applied (minus water) and (2) contains a 200 lbs VOC/day (36.5 TPY) emissions cap.

Maryland has determined that the proposed 5.8 lbs VOC/gal as applied (minus water) standard is RACT because it is the lowest VOC formulation achievable that maintains the product characteristics required by the industry. Additionally, Maryland's generic recordkeeping and reporting rule, COMAR 26.11.19.02F, requires sources to keep adequate records to ensure compliance with the 200 lbs/day emissions cap.

These provisions result in a significant reduction in the overall VOC emissions from this source, from 38.2 TPY to 15.8 TPY, while requiring the lowest VOC adhesive formulation possible that still maintains product integrity. The emissions cap will keep the overall emissions below 37 TPY. The use of alternative non-VOC solvent substitutes will increase production costs, but not as much as add-on control. EPA is proposing to approve these provisions as RACT for the honeycomb core industry in Maryland because they significantly reduce VOC emissions (59%) and represent the level of control which is both technically and economically feasible. Therefore, EPA is proposing to approve this non-CTG RACT rule, COMAR 26.11.19.15C(1).

COMAR 26.11.19.15C(2)—Footwear Manufacturing

Maryland's footwear manufacturing regulation, submitted to EPA as a SIP revision in 1987, was never approved into the SIP. Maryland subsequently withdrew the regulation from consideration by EPA. The original regulation has been revised to replace a 500 lbs/day (91 TPY) emission cap with a maximum allowable VOC emission

[1] Among other things, the pre-amendment guidance consists of the Post-87 policy, 52 FR 45044 (Nov. 24, 1987); the Bluebook, "Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (of which notice of availability was published in the **Federal Register** on May 25, 1988); and the existing CTG's.

[2] The Baltimore and Washington, DC nonattainment areas retained their designations of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon enactment of the Amendments. 56 FR 56694.

level (0.5 lbs VOC/pair of boots) for specialty footwear manufacturers. This regulation affects one source, which is required to maintain records and submit monthly reports to Maryland on total materials used and VOC emissions. In order to comply with this regulation, this source had to significantly alter its production procedures and reformulate many materials it used in its production process.

EPA is proposing to approve COMAR 26.11.19.15C(2) because it enforceably reduces VOC emissions from a source category which would otherwise not be regulated (non-CTG and <100 TPY) under the SIP.

COMAR 26.11.19.15C(3)—Spiral Tube Winding and Impregnating

This regulation prohibits spiral tube winding and impregnating installations from: (1) Using adhesive with >5 lbs VOC/gal as applied (minus water) to manufacture specialty spiral tubes, (2) using adhesive with >2.9 lbs VOC/gal as applied (minus water) to manufacture non-specialty spiral tubes, (3) discharging >200 lbs VOC/day (36.5 TPY) from any specialty spiral tube winding, or (4) using resin with >4 lbs VOC/gal as applied (minus water).

Maryland has determined that this regulation constitutes RACT for the spiral tube winding and impregnating industry. This non-CTG regulation affects one source which lowered the VOC content of certain materials to meet the general adhesive standard of 3.8 lbs VOC/gal. However, the source has had difficulty lowering the VOC content of certain specialty resins and adhesives. The 200 lbs/day emissions cap will keep emissions below 37 TPY from these specialty applications. Maryland's generic recordkeeping and reporting rule, COMAR 26.11.19.02F, requires sources to keep adequate records to ensure compliance with the emissions cap.

This rule requires the affected source to use the lowest VOC concentrations possible, while still maintaining product integrity. The requirements of this regulation are both technically and economically feasible and result in significant, enforceable emissions reductions for the spiral tube winding and impregnating industry. Therefore, EPA is proposing to approve this non-CTG RACT rule, COMAR 26.11.19.15C(3).

COMAR 26.11.19.15C(4)—General Adhesive Standard

This regulation prohibits all adhesive application installations at the same source discharging >50 lbs VOC/day (9.125 TPY) and not subject to the honeycomb core, footwear manufacturing, or spiral tube winding and impregnating regulations or COMAR 26.11.19.03 to .14 from discharging >3.8 lbs VOC/gal of adhesive applied (minus water) unless emissions are reduced by 80% overall. This is more stringent than Maryland's original standard, which had a 50 lbs/day per installation cutoff.

The SIP call letter required Maryland to clarify that the general standard (3.8 lbs VOC/gal) is applicable for spiral wound tube impregnating operations in addition to the emissions cap contained in the category specific regulation COMAR 26.11.19.15C(3). However, Maryland's proposed standard for spiral tube winding and impregnating standard (2.9 lbs VOC/gal) is more stringent than the general standard. Additionally, as stated above, EPA has determined that Maryland's 5.0 lbs VOC/gal standard for specialty spiral tube winding constitutes RACT for that industry. Finally, Maryland has specified that the general standard is not applicable to sources regulated by COMAR 26.11.19.03 to .14 or COMAR 26.11.19.15C (1) to (3). Thus, this general standard applies to adhesive applications not covered by category specific regulations.

As stated in the **Background** section, when Maryland submitted these regulations as part of the RACT Fix-ups Part I SIP package, the exemptions for footwear manufacturing and spiral tube winding and impregnating were erroneously deleted. On July 10, 1992, Maryland submitted a letter to EPA which clarified the intent of the general adhesive standard and stated that the language was being corrected. EPA is parallel processing its proposed approval while the State of Maryland corrects the administrative error. In the general adhesive standard, the exemption for .15C(1) is being changed to .15C(1) to (3). EPA will not take final rulemaking action approving COMAR 26.11.19.15C(4) until it is formally submitted in its corrected form.

EPA's review of this material indicates that Maryland has corrected some of the deficiencies in its VOC regulations. Therefore, Maryland has complied, in part, with section 182(a)(2)(A) of the amended Clean Air Act, as that requirement applies to the Baltimore and Washington, DC nonattainment areas. EPA is proposing to approve the addition of COMAR 26.11.19.15C to the Maryland ozone SIP. COMAR 26.11.19.15C was formally submitted to EPA as a SIP revision on April 15, 1991. EPA is parallel processing this revision pursuant to the State of Maryland's July 10, 1992 request. The State of Maryland has certified that public hearings with regard to these proposed revisions were held in Maryland on September 30, 1986 in Baltimore; Marcy 27, 29, and 30, 1990 in Hagerstown, Annapolis, and Cambridge, respectively; and on October 11, 1990 in Annapolis, as required by 40 CFR 51.102. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this notice.

This revision is being proposed under a procedure called parallel processing, whereby EPA proposes rulemaking action concurrently with the state's procedures for amending its regulations. If the proposed revision is substantially changed in areas other than those identified in this notice, EPA will evaluate those changes and may publish another notice of proposed rulemaking. If no substantial changes are made other than those areas cited in this notice, EPA will publish a Final Rulemaking Notice on the revisions. The final rulemaking action by EPA will occur only after the revision to COMAR 26.11.19.15C(4), to clarify its applicability, has been adopted by Maryland and submitted formally to EPA for incorporation into the SIP.

Proposed Action

EPA is proposing to approve the addition of COMAR 26.11.19.15C, which was submitted to EPA on April 15, 1991, to the Maryland ozone SIP. On July 10, 1992, Maryland submitted a letter to EPA which indicated that the general adhesive standard, COMAR 26.11.19.15C(4), contained an administrative error which changed the intended applicability of the regulation. The July 10, 1992 letter stated that Maryland was in the process of correcting this language. EPA is parallel processing this revision while the State of Maryland makes this correction pursuant to the State of Maryland's July 10, 1992 request. This revision meets part of the RACT fix-up requirement of the Clean Air Act, as amended. This revision includes four adhesive application regulations: two non-CTG RACT determinations, one minor source non-CTG regulation, and a general adhesive standard.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be

considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* versus *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

This action, pertaining to COMAR 16.11.19.15C, Standards for Adhesive Application, of Maryland's ozone SIP, has been classified as a Table 2 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions from the requirements of Section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

The Regional Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)–(K), 110(a)(3), and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR part 51.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: December 3, 1992.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 93–3479 Filed 2–12–93; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 417 and 434

Office of the Inspector General

42 CFR Part 1003

[OCC–024–N]

RIN 0938–AF74

Medicare and Medicaid Programs; Requirements for Physician Incentive Plans in Prepaid Health Care Organizations

AGENCY: Health Care Financing Administration (HCFA), HHS; Office of the Inspector General (OIG), HHS.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This notice announces a 60-day extension of the comment period on a proposed rule we published in the **Federal Register** on December 14, 1992, concerning requirements for physician incentive plans in prepaid health care organizations.

DATES: Comments may be submitted until 5 p.m., April 13, 1993.

FOR FURTHER INFORMATION CONTACT: Medicare: Jean LeMasurier, (202) 205–0553. Medicaid: Ann Page, (410) 966–5364. Office of the Inspector General: Zeno St. Cyr, II, (202) 619–3270.

SUPPLEMENTARY INFORMATION: On December 14, 1992, we published in the **Federal Register**, at 57 FR 59024, a proposed rule concerning requirements for physician incentive plans in prepaid health care organizations. The comment period of that proposed rule was to have ended on February 12, 1993. We are extending the comment period and will consider comments if we receive them at the appropriate address, as provided in the December 14, 1992 proposed rule, no later than 5 p.m. on April 13, 1993.

(Catalog of Federal Domestic Assistance Program No. 93.773—Medicare—Hospital Insurance Program; No. 93.774—Medicare Supplementary Medical Insurance Program; No. 93.778—Medical Assistance Program.)

Dated: February 5, 1993.

William Toby, Jr.,

Acting Deputy Administrator, Health Care Financing Administration.

Bryan B. Mitchell,

Principal Deputy Inspector General, Department of Health and Human Services.

Approved: February 9, 1993.

Donna E. Shalala,

Secretary.

[FR Doc. 93–3608 Filed 2–12–93; 8:45 am]

BILLING CODE 4120–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–7058]

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (100-year) flood elevations and proposed base flood elevation modifications for the communities listed below. The base (100-year) flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646–2766.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for each community listed, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Impact Analysis

This proposed rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. Section 67.4 is proposed to be amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
MAINE	
Clifton (town), Penobscot County	
Chemo Pond: Entire shoreline within community	
Maps available for inspection at the Planning Office, 24 Airline Road, Clifton, Maine.	
Send comments to Mr. Vernon Morse, Chairman of the Town of Clifton Board of Selectmen, Penobscot County, 24 Airline Road, Clifton, Maine 04428.	
Stockton (Town), Penobscot County	
Penobscot Bay:	
Along shoreline of Mill Pond	*10
Along shoreline at Sandy Point	*23
Stockton Springs Tributary:	
At upstream side of the Bangor and Aroostock Railroad	*32
At upstream side of State Route 3 and U.S. Route 1	*120
Harris Road Tributary:	
At upstream side of the Bangor and Aroostock Railroad	*33
At upstream corporate limits	*209
Stowers Meadow Outlet:	
Approximately 75 feet upstream of confluence with Penobscot River	*11
At confluence of Stowers Meadow	*40
Stowers Meadow: Entire shoreline within community	*40
Stowers Meadow Tributary A:	
At confluence with Stowers Meadow	*40
At upstream side of Meadow Road	*91
Stowers Meadow Tributary B:	
At confluence with Stowers Meadow	*40
At upstream side of Meadow Road	*45
Stowers Meadow Tributary C:	
At confluence with Stowers Meadow	*40
At upstream side of Meadow Road	*51
Stowers Meadow Tributary D:	
At confluence with Stowers Meadow Tributary E	*49
At upstream side of Meadow Road	*63
Stowers Meadow Tributary E:	
At confluence with Stowers Meadow	*40
At upstream side of Meadow Road	*81
Maps available for inspection at the Town Offices, Stockton Springs, Maine.	
Send comments to Mr. Parker Gray, First Selectman for the Town of Stockton Springs Board of Selectmen, Penobscot County, Town Offices, Stockton Springs, Maine 04981.	
NEW YORK	
Cicero (Town), Onondaga County	
Volmer Creek:	
Approximately 760 feet downstream of Mud Hill Road	*373
Approximately 0.5 mile upstream of Grandview Drive	*409
Button Brook:	
At confluence with Volmer Creek	*386
Approximately 110 feet upstream of South Bay Road	*416
Thompson Brook:	
At confluence with Pine Grove Brook	*381
Approximately 40 feet upstream of State Route 82 (Northern Boulevard)	*397
Rosewood Brook:	
At confluence with Thompson Brook	*391
Approximately 1,100 feet upstream of Leroy Road	*400
Hancock Brook:	
At confluence with Thompson Brook	[illegible]
Approximately 1,800 feet upstream of confluence with Thompson Brook	*392
Totman Brook:	
At confluence with Thompson Brook	*391
Approximately 35 feet upstream of upstream crossing of Totman Road	*412
Pine Grove Brook:	
Approximately 1,500 feet downstream of U.S. Route 11	*375
At downstream face of Penn Can Mall culvert system	*382
North Branch Pine Grove Brook:	
Approximately 160 feet downstream of Interstate Route 81	*386
Approximately 35 feet upstream of Thompson Road	*411
South Branch Pine Grove Brook:	
At South Bay Road	*386
Approximately 30 feet upstream of Thompson Road	*406
Maps available for inspection at the Cicero Town Hall, 8236 S. Main Street, Cicero, New York.	
Send comments to Mr. Len Brown, Supervisor of the Town of Cicero, Onondaga County, P.O. Box 1517, Cicero, New York 13039.	
PENNSYLVANIA	
Bethel (township), Delaware County	
Green Creek:	
At downstream corporate limits	*200
At upstream corporate limits	*214
Naaman Creek:	
Approximately 150 feet downstream of downstream corporate limits	*141
At downstream corporate limits	*142
Maps available for inspection at the Township Office, 1082 Bethel Road, Boothwyn, Pennsylvania.	
Send comments to Mr. John L. Myers, Jr., Chairman of the Township of Bethel Board of Supervisors, Delaware County, 1082 Bethel Road, Boothwyn, Pennsylvania 19061.	
TENNESSEE	
Murfreesboro (city), Rutherford County	
Bear Branch:	
At Oakland School Road	*584
At Wenlon Road	*610
Maps available for inspection at the City Hall, 200 NW. Broad Street, Murfreesboro, Tennessee.	
Send comments to The Honorable Joe B. Jackson, Mayor of the City of Murfreesboro, Rutherford County, P.O. Box 1139, Murfreesboro, Tennessee 37133–1139.	

§ 67.4 [Amended]

3. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)	
				Existing	Modified
Arizona	City of Surprise, Maricopa County.	Trilby Wash	At the concrete overchute of C.A.P. Canal	*1,546	*1,548
			Approximately 1,350 feet upstream of C.A.P. Canal (at Jomax Road Alignment).	None	*1,556

Maps are available for review at the Building Administration and Community Development Department, 15818 North Hollyhock Street, Surprise, Arizona.
Send comments to The Honorable Roy Villanueva, Mayor, City of Surprise, 12604 Santa Fe Drive, Surprise, Arizona 85374.

California	City of Highland, San Bernardino County.	City Creek	Approximately 150 feet north of Third Street	*1,065	*1,069
			Just upstream of Del Rosa Avenue	*1,088	*1,087
			Just upstream of Third Street	*1,150	*1,150
			Just upstream of Palm Avenue	*1,195	*1,190
			Approximately 800 feet upstream of Church Avenue.	*1,214	*1,211
		Sand Creek	At Highland Avenue	None	*1,269
			Approximately 400 feet upstream of Highland Avenue.	None	*1,284

Maps are available for review at City Hall, 27215 East Baseline, Suite A, Highland, California.
Send comments to The Honorable Dennis Jonnson, Mayor, City of Highland, 26985 Baseline, Highland, California 92346.

Iowa	City of Emmetsburg, Palo Alto County.	West Fork Des Moines River	Just upstream of State Highway 4	None	*1,198
			About 2.03 miles upstream of U.S. Highway 18	None	*1,215

Maps available for inspection at the City Hall, 2021 Main Street, Emmetsburg, Iowa.
Send comments to The Honorable Norlyn Stowell, Mayor, City of Emmetsburg, City Hall, 2021 Main Street, Emmetsburg, Iowa 50536.

Kansas	City of Erie, Neosho County.	Puckets Run Creek	Approximatery 1,300 feet downstream of Fifth Street.	*888	*888
			Just downstream of Third Street	*890	*889
			Just upstream of Canville Street	*892	*891
			Aproximately 100 feet downstream of Atchison, Topeka and Santa Fe Railroad.	*896	*896

Maps are available for review at the City Clerks Office, Erie City Hall, 224 South Main Street, Erie, Kansas.
Send comments to The Honorable Paul Pitts, P.O. Box 196, Erie, Kansas 66733.

Kentucky	Bowling Green, City; Warren County.	Jennings Creek	Approximatery 650 feet downstream of Hobson Lane.	458	462
			Approximately 0.5 mile upstream of Whispering Road.	None	492
		Sinkhole No. 14	At Wellington Way	481	479
		Sinkhole No. 6	At Churchill Court	None	510
		Sinkhole No. 25A	At Three Springs Hollow	None	536
		Sinkhole No. 25B	At Three Springs Hollow	None	531
		Sinkhole No. 25C	At Three Springs Hollow	None	540
		Sinkhole No. 3	At Catherine Drive	467	465
		Sinkhole No. 9D	At Cave Mill Road	None	511
		Sinkhole No. 9G	At Cave Mill Road	None	503
		Sinkhole No. 9H	At Cave Mill Road	None	509
		Sinkhole No. 9J	At Cave Mill Road	None	529
		Sinkhole No. 9K	At Cave Mill Road	None	510
		Sinkhole No. 12A	At McDivit Court	None	473
		Sinkhole No. 12B	At McDivit Court	None	473
		Sinkhole No. 12C	At McDivit Court	None	473
		Sinkhole No. 12D	At McDivit Court	None	481
		Sinkhole No. 10	At Cave Mill Road	None	514

Maps available for inspection at the City/County Planning Commission, 1141 State Street, Bowling Green, Kentucky.
Send comments to The Honorable Johnny Webb, Mayor of the City of Bowling Green, Warren County, P.O. Box 430, Bowling Green, Kentucky 42101

Kentucky	Warren County (Unincorporated Areas).	Jennings Creek	Approximately 0.4 mile upstream of U.S. Highway 231.	445	446
			Approximately 75 feet upstream of Hobson Lane.	462	473
		Green River	At confluence of Barren River	None	423
			At upstream county boundary	None	437
		Sinkhole No. 25D	At Three Springs Hollow	None	539
		Sinkhole No. 7	At Boxwood	None	545
		Sinkhole No. 9A	At Cave Mill Road	None	508
		Sinkhole No. 9B	At Cave Mill Road	None	510
		Sinkhole No. 9C	At Cave Mill Road	None	512
		Sinkhole No. 9D	At Cave Mill Road	None	511
		Sinkhole No. 9E	At Cave Mill Road	None	512
		Sinkhole No. 8	At University Estates	None	538
		Sinkhole No. 11	At Memphis Junction	None	565
		Sinkhole No. 32	At Chaney Lake	None	594
		Sinkhole No. 31	At Dillard Road	None	557
		Sinkhole No. 33	At Rich Pond	None	580
		Sinkhole No. 38	Area south of Woodburn	None	617
		Sinkhole No. 37A–North	Area north of Woodburn	None	624

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)	
				Existing	Modified
		Sinkhole No. 37A–South	Area north of Woodburn	None	629
		Sinkhole No. 37B	Area north of Woodburn	None	622
		Sinkhole No. 35	At Sinking Creek	None	584
		Sinkhole No. 34	At Rich Pond Church	None	588
		Sinkhole No. 29	At church window	None	547
		Sinkhole No. 27	At Scottish Manor	None	557
		Sinkhole No. 28	At Elrod Road	None	538
		Sinkhole No. 30	At church	None	554
		Sinkhole No. 36	At Plano	None	588

Maps available for inspection at the City/County Planning Commission, 1141 State Street, Bowling Green, Kentucky.
Send comments to The Honorable Basil W. Griffin, Warren County Judge, Warren County Courthouse, Bowling Green, Kentucky 42101

Maine	Abbot, Town Piscataquis County.	Piscataquis River	At downstream corporate limits	°399	°401
			At approximately 2 miles upstream of Old State Routes 6 and 15 northwest of Piper Pond, approximately 500 feet north of Whetstone Pond Road.	°463	°465
		Kingsbury Stream	At confluence with Piscataquis River	°401	°404
			At upstream corporate limits	°None	°613
		Brown Brook	At confluence with Piscataquis River bridge	°401	°404
			At Greenleaf Pond Outlet	None	°415
		Greenleaf Pond	Entire shoreline within community	None	°415
		Piper Pond	Entire shoreline within community	None	°621

Maps available for inspection at the Abbot Town Office, Route 15, Abbot, Maine.
Send comments to Ms. Janice McAllister, Chairperson for the Town of Abbot Board of Selectmen, Piscataquis County, P.O. Box 120, Abbot, Maine 04406.

Massachusetts	Topsfield, Town Essex County.	Howlett Brook	At downstream side of Ipswich Road	°36	°35
			At Divergence of Mile Brook	°53	°54
		Pye Brook	At Divergence of Mile Brook	°53	°54
			Approximately 0.12 mile upstream of State Route 97.	°64	°65
		Mile Brook	Approximately 125 feet downstream of U.S. Route 1.	°45	°42
			At Divergence from Pye Brook	°53	°54
		Unnamed Tributary to Fish Brook.	At confluence with Fish Brook	None	°46
			Approximately 0.29 mile upstream of Boxford Road.	None	°61

Maps available for inspection at the Town Engineer's Office, Town Hall, 8 West Common Street, Topsfield, Massachusetts.
Send comments to Mr. John Borden, Chairman of the Town of Topsfield Board of Selectmen, Essex County, Town Hall, 8 West Common Street, Topsfield, Massachusetts 01983.

Nebraska	City of Seward, Seward County.	Big Blue River	Just upstream of County Road J3G34	°1,436	°1,436
			Just downstream of Burlington Northern Railroad.	°1,443	°1,442
			Approximately 1,900 feet upstream of the confluence of Lincoln Creek.	°1,449	°1,446
			Just downstream of Burlington Northern Railroad.	°1,451	°1,450
			Approximately 11,000 feet upstream of County Road G817.	°1,456	°1,455
		Plum Creek	At the confluence with Big Blue River	1,442	°1,441
			Just downstream of Seward Street	°1,442	°1,442

Maps are avialabe for review at City Hall, 537 Main Street, Seward, Nebraska.
Send comments to The Honorable Roger Glawatz, Mayor, City of Seward, P.O. Box 38, Seward, Nebraska 68434.

Nevada	City of Carson City (Independent City).	Carson River	Approximately 8,000 feet downstream of the confluence of Clear Creek.	None	4,639
			At the confluence of Clear Creek	None	°4,645
			Approximately 7,000 feet upstream of the confluence of Clear Creek, at the Corporate Limits.	None	°4,646
		Clear Creek	Approximately 800 feet upstream of the confluence with Carson River.	°4,630	°4,645

Maps are available for review at the Community Development Department, 2621 Northgate Lane, Suite 62, Carson City, Nevada.
Send comments to The Honorable Marv Teixeira, Mayor, City of Carson City, 2621 Northgate Lane ;2, Carson City, Nevada 89706.

Nevada	Churchill County, Unincorporated Areas	Carson River	Aproximately 3,250 feet downstream of U.S. Highway 95.	°3,954	°3,954
			Approximately 200 feet upstream of U.S. Highway 95.	°3,957	°3,957
			Approximately 500 feet downstream of Coleman Diversion Dam.	°3,967	°3,966
			Just upstream of U.S. Highway 50	°3,972	°3,974

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)	
				Existing	Modified
Maps are available for review at the Department of Planning, 10 West Williams Avenue, Fallon, Nevada. Send comments to The Honorable Cyril Schank, Chairman, Churchill County Board of Commissioners, 10 West Williams Avenue, Fallon, Nevada 89406.					
Nevada	Douglas County, Unincorporated Areas.	Carson River	Approximatery 1,200 feet downstream of an old railroad grade, at the Carson City corporate limits.	None	*4,646
			Aproximately 6,000 feet downstream of U.S. Highway 395.	None	*4,648
			Aproximately 2,200 feet downstream of U.S. Highway 395.	None	*4,651
Maps are available for review at Douglas County Public Works Department, 1615 Eighth Street, Minden, Nevada. Send comments to The Honorable Michael Fischer, Chairman, Douglas County Board of Commissioners, P.O. Box 218, Minden, Nevada 89423.					
Oklahoma	City of Chickasha, Grady County.	Congo Creek	Approximately 1,500 fear downstream of the Chicago, Rock Island and Pacific Railroad.	*1,085	*1,086
			Just upstream of First Street	*1,092	*1,092
			Just upstream of Ninth Street	1,124	*1,125
			Just downstream of Country Club Road	*1,166	1,163
			At Brookpark Lane	None	*1,192
		Congo Creek, East Branch	Just upstream of the Chicago, Rock Island and Pacific Railroad.	*1,089	*2,088
			Just upstream of Grand Avenue	*1,092	*1,090
			Just downstream of H.E. Bailey Turnpike	*1,097	*1,098
		Lightner, Diversion of Congo Creek.	At the confluence with Congo Creek	*1,106	*1,106
			Approximately 860 feet upstream of the confluence with Congo Creek.	*1,108	*1,107
			At the divergence from Congo Creek	*1,113	*1,112
		9th Street, Diversion of Congo Creek.	At the confluence with Congo Creek	*1,117	*1,117
			Approximately 300 feet upstream of the confluence with Congo Creek.	*1,117	*1,123
			At the divergence from Congo Creek	*1,124	*1,124
		Congo Creek, Middle Branch	Just downstream of Country Club Road	*1,150	*1,149
			Approximately 950 feet upstream of Country Club Road.	*1,154	*1,154
			Approximately 4,350 feet upstream of Country Club Road.	None	*1,175
		Line Creek	Just upstream of Highway 62	*1,098	*1,098
			Approximately 1,000 feet downstream of Iowa Avenue.	*1,104	*1,105
			Just downstream of 29th Street	*1,108	*1,110
			Just upstream of 29th Street	None	*1,112
			Approximately 4,280 feet upstream of 29th Street.	None	*1,121
		Rock Hollow Creek	Just upstream of Dan Allen Drive	*1,099	*1,100
			Just downstream of Frisco Avenue	None	*1,101
			Approximately 3,140 feet upstream of 29th Street.	None	*1,103
		West Side Creek	At the confluence with Line Creek	*1,104	*1,108
			Just upstream of Georgia Avenue	*1,121	*1,120
			Just upstream of Grand Avenue	*1,139	*1,136
			Just upstream of Carolina Avenue	*1,148	*1,149
			Approximately 3,100 feet upstream of Country Club Road.	None	*1,170
		West Side Creek, Tributary A	At the confluence with West Side Creek	*1,159	*1,156
			Just upstream of 29th Street	*1,162	*1,166
			Just upstream of the upper dam	None	*1,196
Maps are available for review at City Hall, 101 North Sixth Street, Chickasha, Oklahoma. Send comments to The Honorable Harold Jackson, Mayor, City of Chickasha, 101 North Sixth Street, Chickasha, Oklahoma 73018.					
Oklahoma	Grady County, Unincorporated Areas.	Washita River	Just upstream of the PSO Dam	None	*1,077
			Approximately 300 feet downstream of Highway 62.	None	*1,080
			Just upstream of the Chicago, Rock Island, and Pacific Railroad.	None	*1,096
			At the confluence of Ionine Creek	None	*1,118
			At the western county boundary, north of the Town of Verden.	None	*1,132
		Rock Hollow Creek	At the City of Chickasha Corporate Limits	None	*1,103
			At unnamed road coincident with section line between Sections 15 and 22 of R8W, T7N.	None	*1,113
			Approximately 24,000 feet upstream of the City of Chickasha Corporate Limits.	None	*1,126
		Congo Creek	At the confluence with Washita River	None	*1,078
			Just upstream of H.E. Bailey Turnpike	None	*1,085
			At the confluence of Congo Creek East Branch	None	*1,086
		Congo Creek, East Branch	At the confluence with Congo Creek	None	*1,086

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)	
				Existing	Modified
			Just downstream of the Chicago, Rock Island, and Pacific Railroad.	None	*1,096
			Just upstream of the Chicago, Rock Island, and Pacific Railroad.	None	*1,098
		Line Creek	At the City of Chickasha Corporate Limits	None	*1,121
			Approximately 320 feet upstream of the City of Chickasha Corporate Limits.	None	*1,122
		Westside Creek	At the City of Chickasha Corporate Limits	None	*1,170
			Approximately 660 feet upstream of the City of Chickasha Corporate Limits.	None	*1,173
		Westside Creek, Tributary A	At the City of Chickasha Corporate Limits	None	*1,196
			Approximately 730 feet upstream of the City of Chickasha Corporate Limits.	None	*1,205

Maps are available for review at the Grady County Floodplain Management Office, 217 North Third Street, Chickasha, Oklahoma.
Send comments to The Honorable Ealmer Klippel, Chairman, Grady County Board of Supervisors, Grady County Courthouse, Fourth Street and Choctaw Avenue, Chickasha, Oklahoma 73018.

Oklahoma	Midest City, City Oklahoma County.	Solider Creek	Approximately 100 feet upstream of confluence with Crutcho Creek.	*1,167	*1,168
			At S.E. 29th Street	*1,218	*1,222
		Solider Creek, Tributary 4	At confluence with Solider Creek	*1,179	*1,185
			At Douglass Boulevard	*1,207	*1,210
		Solider Creek, Tributary 6	At confluence with Solider Creek	*1,196	*1,198
			At Post Road	*1,230	*1,231
		Crutcho Creek	Approximately 1,700 feet downstream of N.E. 36th Street.	*1,154	*1,157
			At S.E. 29th Street	*1,203	*1,204
		Choctaw Creek	Approximately 0.45 mile downstream of East Reno Avenue.	*1,164	*1,165
			Approximately 0.65 mile upstream of S.E. 15th Street.	None	*1,223
		Choctaw Creek, Tributary	At confluence with Choctaw Creek	*1,189	*1,190
			At upstream side of S.E. 15th Street	None	*1,217
		Crutcho Creek, Tributary D	At confluence with Crutcho Creek	*1,171	*1,169
			Approximately 1,300 feet upstream of confluence with Crutcho Creek.	*1,171	*1,170

Maps available for inspection at the Midwest City City Hall, 100 N. Midwest Boulevard, Midwest City, Oklahoma.
Send comments to The Honorable John G. Johnson, Mayor of the City of Midwest City, Oklahoma County, 100 N. Midwest Boulevard, P.O. Box 10570, Midwest City, Oklahoma 73140.

Pennsylvania	Aldan, Borough, Delaware County.	Darby Creek	At downstream corporate limits	*55	*54
			Approximately 150 feet downstream of CONRAIL	*57	*56

Maps available for inspection at the Aldan Borough Hall, 1 West Providence Road, Aldan, Pennsylvania 19018.
Send comments to Mr. John D. Bellopede, President of the Borough of Aldan Council, 1 West Providence Road, Aldan, Pennsylvania 19018.

Pennsylvania	Brookhaven, Borough, Delaware County.	Chester Creek	At Dutton Mill Road	*48	*49
		Ridley Creek	At upstream corporate limits	*68	*70

Maps available for inspection at the Brookhaven Borough Hall, Brookhaven Road and Edgmont Avenue, Brookhaven, Pennsylvania.
Send comments to Mr. David L. Schlott, President of the Borough of Brookhaven Council, Delaware County, Brookhaven Road and Edgmont Avenue, Brookhaven, Pennsylvania 19015.

Pennsylvania	Chester, City, Delaware County.	Ridley Creek	Approximately 300 feet upstream of CSX Transportation.	*15	*16
			Approximately 50 feet upstream of McDade Boulevard.	*19	*20

Maps available for inspection at the City Engineer's Office, Municipal Building, 5th and Welsh Streets, Chester, Pennsylvania.
Send comments to The Honorable Barbara Bohannan-Sheppard, Mayor of the City of Chester, Delaware County, Municipal Building, 5th and Welsh Streets, Chester, Pennsylvania 19013.

Pennsylvania	Clifton Heights, Borough, Delaware County.	Darby Creek	At downstream corporate limits	*59	*60
			Approximately 200 feet downstream of upstream corporate limits.	*100	*101

Maps available for inspection at the Clifton Heights Municipal Building, 30 South Springfield Road, Clifton Heights, Pennsylvania 19018.
Send comments to Mr. Joseph C. Kelley, Jr., President of the Borough of Clifton Heights Council, Delaware County, 30 South Springfield Road, Clifton Heights, Pennsylvania 19018.

Pennsylvania	Colwyn, Borough, Delaware County.	Darby Creek	At confluence with Cobbs Creek	*18	*19
			At upstream corporate limits	*22	*23
		Cobbs Creek	At confluence with Darby Creek	*18	*19
			Approximately 900 feet upstream of confluence with Darby Creek.	*19	*20

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Colwyn Borough Hall, 221 Spruce Street, Colwyn, Pennsylvania. Send comments to Ms. Diane McGonigle, President of the Borough of Colwyn Council, Delaware County, 221 Spruce Street, Colwyn, Pennsylvania 19023.					
Pennsylvania	Concord, Township, Delaware County.	West Branch Chester Creek	At downstream corporate limits	*179	*181
			Approximately 300 feet downstream of Smith Bridge Road.	*182	*183
Maps available for inspection at the Township Office, 689 Smithbridge Road, Glen Mills, Pennsylvania. Send comments to Mr. H. William Vollmer, Chairman of the Township of Concord Board of Supervisors, Delaware County, P.O. Box 171, Concordville, Pennsylvania 19331.					
Pennsylvania	Darby, Township Delaware County.	Hermesprota Creek	Approximately 500 feet downstream of Elmwood Avenue.	None	*39
			Approximately 400 feet downstream of Elmwood Avenue.	None	*40
Maps available for inspection at the Township Office, 1063 Cedarwood Road, Glenolden, Pennsylvania. Send comments to Mr. Lawrence Patterson, President of the Township of Darby Board of Commissioners, Delaware County, 1063 Cedarwood Road, Glenolden, Pennsylvania 19036.					
Pennsylvania	Eddystone, Borough, Delaware County.	Crum Creek (Lower Reach)	Approximately 0.9 mile upstream of confluence with Delaware River.	*14	*13
			At Chester Pike	*19	*18
		Ridley Creek	Approximately 100 feet upstream of confluence with Delaware River.	*10	*12
			At Chester Pike	*13	*14
Maps available for inspection at the Borough Office, 1300 East 12th Street, Eddystone, Pennsylvania. Send comments to Mr. Robert J. Howat, Sr., President of the Borough of Eddystone Council, Delaware County, 1300 East 12th Street, Eddystone, Pennsylvania 19022.					
Pennsylvania	Folcroft, Borough, Delaware County.	Hermesprota Creek	At confluence with Darby Creek	None	*10
			Approximately 300 feet downstream of Folcroft Avenue.	None	*56
		Muckinipattis Creek	At confluence with Darby Creek	None	*10
			Approximately 0.7 mile upstream of confluence with Darby Creek.	None	*10
		Darby Creek	Entire reach within community	None	*10
Maps available for inspection at the Borough Office, 1555 Elmwood Avenue, Folcroft, Pennsylvania. Send comments to Mr. George W. Altman, President of the Borough of Folcroft Council, Delaware County, P.O. Box 155, Folcroft, Pennsylvania 19032.					
Pennsylvania	Middletown, Township Delaware County.	Chester Creek	Approximately 2,850 feet upstream of Dutton Mill Road.	*53	*54
			At Lenni Road	*113	*114
Maps available for inspection at the Township Office, 27 North Pennell Road, Lima, Pennsylvania. Send comments to Mr. Lawrence E. Hartley, Chairman of the Township of Middletown Council, Delaware County, P.O. Box 157, Lima, Pennsylvania 19037.					
Pennsylvania	Ridley, Township, Delaware County.	Muckinipattis Creek	Approximately 650 feet downstream of upstream corporate limits.	*87	*86
			Approximately 300 feet downstream of upstream Ridley corporate limits.	*88	*87
Maps available for inspection at the Ridley Township Hall, MacDade Boulevard and Morton Avenue, Folsom, Pennsylvania. Send comments to Mr. Timothy J. Murtaugh, President of the Township of Ridley Board of Commissioners, Delaware County, MacDade Boulevard and Morton Avenue, Folsom, Pennsylvania 19033.					
Pennsylvania	Rose Valley, Borough, Delaware County.	Ridley Creek	At downstream corporate limits	*66	*67
			At upstream corporate limits	*97	*100
Maps available for inspection at the Borough Office, Old Mill Lane, Rose Valley, Pennsylvania. Send comments to Mr. William W. Rumford, President of the Borough of Rose Valley Council, Delaware County, P.O. Box 196, Rose Valley, Pennsylvania 19065.					
Pennsylvania	Springfield, Township, Delaware County.	Crum Creek (Lower Reach)	At downstream side of Wallingford Road	*74	*73
			At Paper Mill Road	*87	*88
Maps available for inspection at the Township Office, 50 Powell Road, Springfield, Pennsylvania. Send comments to Mr. Anthony Grosso, President of the Township of Springfield Board of Commissioners, Delaware County, 50 Powell Road, Springfield, Pennsylvania 19064.					
Pennsylvania	Swarthmore, Borough, Delaware County.	Crum Creek	Approximately 0.36 mile upstream of CONRAIL	*70	*71
			At upstream corporate limits	*72	*73
Maps available for inspection at the Borough Office, 121 Park Avenue, Swarthmore, Pennsylvania. Send comments to Mr. Thomas H. Blackburn, President of the Borough of Swarthmore Council, Delaware County, 121 Park Avenue, Swarthmore, Pennsylvania 19081.					
Pennsylvania	Trainer, Borough, Delaware County.	Marcus Hook Creek	Upstream side of U.S. Route 13	*13	*11

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)	
				Existing	Modified
			Approximately 220 feet downstream of CONRAIL.	*15	*14

Maps available for inspection at the Borough Office, 9th and Main Streets, Trainer, Pennsylvania.
Send comments to Mr. Clifford Ward, President of the Borough of Trainer Council, Delaware County, 9th and Main Streets, Trainer, Pennsylvania 19061.

Pennsylvania	Thornbury, Township, Delaware County.	Chester Creek	At downstream corporate limits	*152	*151
			At confluence with East Branch Chester Creek	*186	*204
		East Branch Chester Creek	At confluence with Chester Creek	*186	*204
			Approximately 750' upstream of confluence with Chester Creek.	*205	*204
		East Branch Chester Creek Tributary	At confluence with Chester Creek	*154	*155
			Approximately 400 feet upstream of confluence with Chester Creek.	*155	*156

Maps available for inspection at the Thornbury Township Hall, 754 Cheyney Road, Cheyney, Pennsylvania.
Send comments to Ms. Mary Grapp, Chairman of the Township of Thornbury Board of Supervisors, Delaware County, P.O. Box 28, Cheyney, Pennsylvania 19319.

Pennsylvania	Upland, Borough, Delaware County.	Chester Creek	CSX Transportation, approximately 50 feet upstream of Interstate Route 95.	*25	*26
			Approximately 1,300 feet upstream of Upland Road.	*29	*28

Maps available for inspection at the Borough Office, Main Street and Castle Avenue, Upland, Pennsylvani.
Send comments to Mr. Frank X. Meyers, Manager of the Borough of Upland, Delaware County, Main Street and Castle Avenue, Upland, Pennsylvania 19015.

Pennsylvania	Upper Darby, Township, Delaware County.	Cobbs Creek	At downstream corporate limit (approximately 200' upstream of Baltimore Pike).	*52	*53
			At upstream corporate limits (U.S. Route 1)	None	*129
		Naylors Run	At confluence with Cobbs Creek	*55	*56
			Approximately 110' downstream of Church Lane.	*55	*56

Maps available for inspection at the Upper Darby Township Hall, 100 Garrett Road, Upper Darby, Pennsylvania.
Send comments to The Honorable Margaret Murdoch, Mayor of the Township of Upper Darby, Delaware County, 100 Garrett Road, Upper Darby, Pennsylvania 19082.

Rhode Island	North Providence, Town, Providence County.	Woonasquatucket River	At downstream corporate limits	*72	*69
			At upstream corporate limits	*116	*115
		Wenscott Reservoir	Entire shoreline within community	None	*205

Maps available for inspection at the North Providence Town Hall, 2000 Smith Street, North Providence, Rhode Island.
Send comments to The Honorable Salvatore Mancini, Mayor of the Town of North Providence, Providence County, 2000 Smith Street, North Providence, Rhode Island 02911.

Tennessee	City of Bartlett, Shelby County.	Harrington Creek	About 600 feet downstream of confluence of Harrington Creek Lateral A.	*252	*253
			Just upstream of Yale Road	*273	*272
		Harrington Creek Lateral F	At mouth	None	*270
			Just upstream of Yale Road	None	*273
		Harrington Creek Lateral A	At mouth	*252	*253
			About 900 feet upstream of mouth	*253	*253
		Harrington Creek Lateral E	At mouth	*263	*268
			Just upstream of Bartlett Boulevard	*270	*270
		Fletcher Creek Lateral A	Just upstream of Stage Road	*273	*270
			About 0.5 mile upstream of Appling Road	*300	*295
		Fletcher Creek Lateral C	At mouth	*274	*273
			Just downstream of CSX Railroad	None	*297
		Fletcher Creek Lateral D	At confluence with Fletcher Creek Lateral C	*283	*277
			About 1250 feet upstream of confluence with Fletcher Creek Lateral C.	*287	*284

Maps available for inspection at the Department of Public Works, 3585 Altruria Road, Bartlett, Tennessee.
Send comments to The Honorable Bobby K. Flaherty, Mayor, City of Bartlett, P.O. Box 341148, Bartlett, Tennessee 38134–1148.

Tennessee	Town of Collierville, Shelby County.	Nonconnah Creek	About 0.9 mile upstream of Bailey Station Road	*330	*324
			Just downtream of Quinn Road	*361	362
		Nonconnah Creek Lateral C	At mouth	*343	342
			About 950 feet upstream of mouth	*345	*345
		Wolf River Lateral J	At mouth	*292	*288
			Just downstream of Shelton Road	*292	*292

Maps available for inspection at the Department of Public Services, 167 Washington Street, Collierville, Tennessee.
Send comments to The Honorable Herman W. Cox, Jr., Mayor, Town of Collierville, 101 Walnut Street, Collierville, Tennessee 38107–2671.

Tennessee	Erin, City, Houston County.	Erin Branch	At confluence with Wells Creek	None	*410
			At upstream corporate limits	None	*566
		Musterground Creek	At confluence with Wells Creek	None	*410

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)	
				Existing	Modified
			Approximately 50 feet upstream of State Highway 49.	None	*415
		Wells Creek	At downstream corporate limits	None	*407
			At upstream corporate limits	None	*416
		Owl Hollow	At confluence with Erin Branch	None	*453
			Approximately 820 feet upstream of Owl Hollow Road.	None	*484
		Rocky Hollow	At confluence with Erin Branch	None	*459
			At upstream corporate limits	None	*499

Maps available for inspection at the City Hall, Erin, Tennessee.
Send comments to The Honorable E. E. Betsy Ligon, Mayor of the City of Erin, Houston County, P.O. Box 270, Erin, Tennessee 37061.

Tennessee	City of Germantown, Shelby County.	Wolf River	About 800 feet upstream of confluence of Wolf River Lateral A.	*256	*258
			Just downstream of confluence of Grays Creek	*276	*273
		Wolf River Lateral B	At mouth	*260	*261
			About 500 feet downstream of Hollow Fork Road.	*261	*261

Maps available for inspection at the Department of Engineering, 1930 South Germantown Road, Germantown, Tennessee.
Send comments to The Honorable Charles A. Salvaggio, Mayor, City of Germantown, 1930 South Germantown Road, P.O. Box 38809, Germantown, Tennessee 38183–0809.

Tennessee	City of Memphis, Shelby County.	Nonconnah Creek	At mouth	*225	*225
			About 3000 feet downstream of Hacks Cross Road.	*294	*298
		John's Creek	At mouth	*266	*262
			Just upstream of Knight Arnold Road	*270	*270
		Tenmile Creek	At mouth	*255	*253
			About 1850 feet downstream of Knight Arnold Road.	*255	*255
		Howard Road Outfall	At mouth	*277	*278
			Just downstream of Quince Road	*280	*280
		Harrington Creek	At mouth	*240	*241
			Just downstream of confluence of Harrington Creek Lateral A.	*252	*253
		Fletcher Creek	At mouth	*245	*245
			Just upstream of Whitten Road	*260	*264
		Wolf River Lateral A	At mouth	*256	*258
			Just downstream of confluence of Wolf River Lateral AA.	*258	*258

Maps available for inspection at the City Department of Engineering, 125 North Mid America Mall, Memphis, Tennessee.
Send comments to The Honorable W. W. Herenton, Mayor, City of Memphis, 125 North Mid America Mall, Memphis, Tennessee 38103.

Tennessee	City of Millington, Shelby County.	Big Creek Drainage Canal	About 2300 feet downstream of U.S. Route 51	*255	*254
			About 3400 feet upstream of Singleton Parkway	*270	*270
		Royster Creek	At mouth	*255	*255
			Just downstream of Shelby Road	*260	*259
		North Fork Creek	At mouth	*262	*260
			About 0.5 mile downstream of U.S. Route 51	*276	*268
		North Fork Creek, Lateral A	At mouth	*272	*265
			About 630 feet upstream of mouth	*274	*266

Maps available for inspection at the City Hall, Millington, Tennessee.
Send comments to The Honorable George R. Harvell, Jr., Mayor, City of Millington, P.O. Box 247, Millington, Tennessee 38083–2211.

Tennessee	Unincorporated Areas, Shelby County.	Big Creek Drainage Canal	At mouth	*234	*234
			At county boundary	*326	*320
		Bear Creek	At mouth	*250	*249
			At county boundary	*312	*307
		Jakes Creek	At mouth	*250	*249
			About 1500 feet upstream of Shake Rag Road	*250	*250
		Royster Creek	Just downstream of Shelby Road	*260	*259
			At county boundary	*296	*291
		North Fork Creek	About 0.5 mile downstream of U.S. Route 51	*276	*268
			Just downstream of Dam No. 5	*286	*279
			Just upstream of Dam No. 5	*286	*296
			At county boundary	*304	*304
		North Fork Creek Lateral A	About 630 feet upstream of mouth	*274	*266
			About 3800 feet upstream of mouth	*277	*277
		Casper Creek	At mouth	*274	*273
			About 1400 feet above mouth	*274	*274
		Bear Creek Lateral A	At mouth	*266	*264
			About 1200 feet upstream of Chambers Road	*270	*270
		Wolf River	Just upstream of Germantown Road	*262	*262
			About 0.9 mile upstream of Collierville Arlington Road.	*295	*293

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)	
				Existing	Modified
		Wolf River, Lateral F	About 1000 feet upstream of mouth	*272	*271
			About 0.5 mile upstream of mouth	*272	*272
		Gray's Creek	At mouth	*276	*273
			About 0.6 mile upstream of mouth	*276	*276
		Wolf River, Lateral H	At mouth	*284	*279
			About 1.25 miles upstream of mouth	*284	*284
		Wolf River, Lateral I	At mouth	*288	*281
			About 1.0 mile upstream of mouth	*294	*294
		Wolf River, Lateral IA	At mouth	*289	*284
			About 1100 feet downstream of Shelton Road	*294	*294
		Wolf River Lateral K	Within community	*294	*291
		Fletcher Creek	Just upstream of Whitten Road	*260	*264
			Just downstream of U.S. Route 64	*362	*364
		Fletcher Creek, Lateral B	Just upstream of Whitten Road	*262	*261
			About 300 feet upstream of Macon Road	*300	*301
		Fletcher Creek, Lateral BB	At mouth	*285	*287
			About 1000 feet upstream of mouth	*291	*291
		Fletcher Creek, Lateral A	At mouth	*270	*268
			Just upstream of Germantown Road	*313	*308
		Nonconnah Creek,	About 1300 feet downstream of Hickory Hill Road.	*274	*273
			Just downstream of Quinn Road	*361	*362
		Nonconnah Creek Lateral J	At mouth	*285	*284
			About 0.5 mile above mouth	*286	*286
		Nonconnah Creek Lateral B	At mouth	*318	*317
			About 900 feet downstream of Shelby Drive	*319	*319
		Nonconnah Creek, Lateral BA	At mouth	*318	*317
			About 700 feet upstream of mouth	*319	*319

Maps available for inspection at the Memphis-Shelby County Office of Construction Code Enforcement, 160 North Mid America Mall, Memphis, Tennessee
Send comments to The Honorable William N. Morris, Mayor, Shelby County, 160 Mid America Mall, Suite 850, Memphis, Tennessee 38103.

Virginia	Montgomery County, Unincorporated Areas.	Roanoke River	Approximately 725 feet downstream of County boundary (in Roanoke County).	*1,178	*1,180
			Approximately 200 feet downstream of confluence of North and South Forks Roanoke River.	*1,193	*1,194
		North Fork Roanoke River	At upstream side of Norfolk and Western Railway.	*1,194	*1,196
			Approximately 300 feet upstream of Interstate 81.	*1,233	*1,232
		South Fork Roanoke River	Approximately 300 feet upstream of confluence with Roanoke River.	*1,196	*1,195
			Approximately 250 feet upstream of Norfolk and Western Railway.	*1,215	*1,214

Maps available for inspection at the Montgomery County Courthouse, Franklin and Main Street, Christiansburg, Virginia.
Send comments to Ms. Betty Thomas, Montgomery County Administrator, P.O. Box 806, Christiansburg, Virginia 24073.

Virginia	Roanoke, City Roanoke County	Roanoke River	At confluence of Tinker Creek	*904	*907
			At upstream corporate limits	*984	*982
		Tinker Creek	At confluence with Roanoke River	*904	*907
			Approximately 950' downstream of State Route 601.	*983	*986
		Glade Creek	Approximately 1,700' downstream of Gus W. Nicks Boulevard.	*911	*916
			Approximately 300' upstream of upstream corporate limits.	*940	*942
		Glade Creek Tributary A	At confluence with Glade Creek	*925	*929
			Approximately 450' upstream of Springtree Drive.	*994	*995
		Lick Run	At confluence with Tinker Creek	*917	*920
			Approximately 500' upstream of Sioux Ridge Road.	None	*1,106
		Trout Run	Approximately 0.5 mile upstream of confluence with Lick Run.	None	*925
			Approximately 130' downstream of 7th Street	*939	*940
		Trout Run	At confluence with Trout Run	None	*925
		(Bypass Channel)	At 5th Street	*931	*933
		Carvin Creek	At confluence with Tinker Creek	*983	*984
			At upstream corporate limits	*985	*986
		West Fork Carvin Creek	Approximately 750' downstream of State Route 118.	*1,034	*1,035
			Approximately 50' downstream of State Route 118.	*1,041	*1,042
		Garnard Branch	At confluence with Roanoke River	*914	*916
			Approximately 25' downstream of confluence of Crum Spring Branch.	*978	*977
		Garnard Branch Tributary	Approximately 250' upstream of confluence with Garnard Branch.	None	*939
			At upstream corporate limits	None	*957

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)	
				Existing	Modified
		Crum Spring Branch	Upstream side of Garden City Boulevard	*980	*979
			Approximately 650' downstream of Tipton Avenue.	*1,049	*1,048
		Ore Branch	At confluence with Roanoke River	*936	*938
			At confluence of Ore Branch Tributary	*1,065	*1,062
		Ore Branch Tributary	At confluence with Ore Branch	*1,065	*1,062
			Approximately 1,000' upstream of Griffin Road	*1,128	*1,123
		Murray Run	Approximately 1,300' upstream of confluence with Roanoke River.	*940	*941
			Approximately 50' downstream of Ogden Road	*1,060	*1,061
		Peters Creek	At confluence with Roanoke River	*967	*968
			Approximately 50' upstream of State Route 780 (Cove Road).	*1,060	*1,062
		Peters Creek Tributary C	At confluence with Peters Creek	*1,026	*1,027
			Approximately 70' upstream of Green Ridge Road.	None	*1,062
		Murdock Creek	At confluence with Mudlick Creek	*980	*981
			Approximately 0.42 mile upstream of Deyerle Road.	None	*1,076
		Mudlick Creek	Approximately 1,000' upstream of confluence with Roanoke River.	*979	*980
			Approximately 1,700' downstream of Halevan Road.	*1,024	*1,025
		Barnhardt Creek	At confluence with Roanoke River	*984	*982
			Approximately 120' downstream of State Route 419.	*1,045	*1,046

Maps available for inspection at the Office of the City Engineer, 215 Church Street, Roanoke, Virginia.
Send comments to Mr. W. Robert Herbert, City Manager, Municipal Building, Room 350, 215 Church Street, Roanoke, Virginia 24018.

Virginia	Roanoke County, (Unincorporated Areas)	Roanoke River	At downstream County boundary	*809	*810
			Approximately 700' upstream of U.S. Routes 11 & 460.	*1,178	*1,184
		Back Creek	At confluence with Roanoke River	*809	*810
			Approximately 2,000' upstream of Moonlight Lane.	None	*1,567
		Tinker Creek	At confluence of Carvin Creek	*983	*984
			At upstream County boundary	*1,101	*1,103
		Glade Creek	At the City of Roanoke corporate limits	*940	*938
			At upstream County boundary	*996	*999
		Glade Creek Tributary	At confluence with Glade Creek	*960	*963
			Approximately 500' upstream of State Route 609.	None	*1,047
		Cook Creek	At confluence with Glade Creek	*984	*990
			At upstream County boundary	*1,024	*1,025
		Carvin Creek	At confluence with Tinker Creek	*983	*984
			Approximately 300' upstream of Interstate Route 81.	None	*1,058
		Deer Branch	Approximately 50' upstream of confluence with West Fork Carvin Creek.	*1,008	*1,009
			Approximately 0.44 mile upstream of State Route 117.	None	*1,077
		Ore Branch Tributary	At downstream City of Roanoke corporate limits	*1,089	*1,081
			At upstream City of Roanoke corporate limits	*1,107	*1,099
		Murray Run	Approximately 50' downstream of Ogden Road	*1,060	*1,061
			Approximately 1,150' upstream of Crawford Road.	*1,113	*1,114
		Peters Creek	Approximately 50' upstream of State Route 780	*1,060	*1,062
			Approximately 50' downstream of the confluence of Peters Creek Tributanes A and B.	*1,103	*1,102
		Mudlick Creek Tributary	At confluence with Mudlick Creek	*1,066	*1,071
			Approximately 540' upstream of State Route 1652.	None	*1,028
		West Mudlick Creek	At confluence with Mudlick Creek	*1,049	*1,050
			Approximately 50' upstream of McVitty Road	*1,098	*1,099
		Barnhardt Creek	Approximately 120' upstream of State Route 419.	*1,058	*1,056
			Approximately 0.89 mile upstream of State Route 686.	None	*1,441
		Mason Creek	Approximately 200' downstream of Interstate Route 81.	*1,087	*1,089
			Approximately 100' downstream of State Route 699.	*1,273	*1,274
		Jumping Run	At confluence with Mason Creek	*1,191	*1,192
			Approximately 0.65 mile upstream of State Route 740.	*1,265	*1,266
		Dry Branch	Approximately 150' downstream of Interstate Route 81.	*1,142	*1,144
			Approximately 480' upstream of Frosty Lane	*1,276	*1,275
		Stypes Branch	At State Route 777	*1,116	*1,115

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD)	
				Existing	Modified
			Approximately 1.1 miles upstream of State Route 793.	*1,386	*1,385
		Back Creek	At confluence with Back Creek	None	*960
			Approximately 100' upstream of U.S. Route 220	None	*1,162
		West Fork Carvin Creek	Approximately 1,050' upstream of confluence with Carvin Creek.	*1,002	*1,003
			Approximately 1.2 mile upstream of State Route 1832.	*1,159	*1,154
		Wolf Creek	At confluence with Roanoke River	*895	*896
			Approximately 1,750' upstream of State Route 651.	None	*1,203
		Peters Creek Tributary C	Approximately 75' upstream of Green Ridge Road.	None	*1,062
			Approximately 125' upstream of State Route 1536.	None	*1,174
		Peters Creek Tributary A	At confluence with Peters Creek	None	*1,103
			Approximately 90' upstream of State Route 1404.	None	*1,221
		Peters Creek Tributary B	At confluence with Peters Creek	None	*1,103
			Approximately 0.4 mile upstream of confluence with Peters Creek.	None	*1,125
		Back Creek Tributary A	At confluence with Back Creek	*1,124	*1,128
			Approximately 60' upstream of State Route 904	None	*1,169
		Martins Creek	At confluence with Back Creek	None	*1,461
			Approximately 1.1 miles upstream of State Route 1790.	None	*1,590
		Butt Hollow	Approximately 340' upstream of the confluence with Roanoke River.	*1,054	*1,055
			Approximately 600' upstream of State Route 640.	None	*1,120
		Garnard Branch Tributary	Approximately 1,280' upstream of confluence with Garnard Branch.	None	*987
			Approximately 0.53 mile upstream of confluence with Garnard Branch.	None	*1,020
		Mudlick Creek	Approximately 90' downstream of State Route 682.	*1,002	*1,004
			Approximately 0.66 mile upstream of State Route 1796.	None	*1,253
		Little Back Creek	At confluence with Back Creek	*1,310	*1,316
			Approximately 120' upstream of State Route 670.	None	*1,667
Maps available for inspection at the Department of Engineering and Inspections, 3738 Brambleton Avenue, S.W., Roanoke, Virginia. Send comments to Mr. Elmer Hodge, Roanoke County Administrator, P.O. Box 29800, Roanoke, Virginia 24018.					
Virginia	Salem, City, (independent city).	Roanoke River	Approximately 400' downstream of Barnhardt Creek.	*983	*981
			Approximately 100' downstream of Dlugulds Lane.	*1,049	*1,050
		Mason Creek	Approximately 0.47 mile upstream of confluence with Roanoke River.	[illegible]	*987
			Approximately 200' downstream of Interstate Route 81.	*1,087	*1,089
		Gish Branch	At confluence with Mason Creek	*1,028	*1,029
			Approximately 900' upstream of State Route 311.	None	*1,188
			(Thompson Memorial Drive)		
		Bowman Hollow	At confluence with Roanoke River	*1,002	*1,003
			Approximately 80' upstream of Bent Ridge Road.	*1,129	*1,131
		Williams Branch	Approximately 600' upstream of confluence with Roanoke River.	*1,006	*1,007
			Approximately 1,850' upstream of most upstream crossing of Walnut Road.	None	*1,181
		Snyder Branch	At confluence with Williams Branch	*1,035	*1,036
			Approximately 250' upstream of High Street	None	*1,162
		Twelve O;Clock Branch	At confluence with Roanoke River	*1,018	*1,020
			Approximately 345' upstream of Smythe Road	None	*1,207
		High School Branch	At confluence with Roanoke River	*1,026	*1,028
			Approximately 70' upstream of Goodwin Avenue.	None	*1,133
		Barnhardt Creek	At confluence with Roanoke River	*984	*982
			Approximately 900' upstream of Norfolk and Western Railway.	None	*992
		Butt Hollow	Approximately 400' upstream of U.S. Routes 11 & 460.	*1,080	*1,079
			Approximately 200' downstream of upstream corporate limits.	*1,132	*1,133
		Paint Bank Branch	At confluence with Cole Hollow Brook	*1,040	*1,036
			Approximately 250' downstream of upstream corporate limits.	*1,130	*1,131

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *elevation in feet (NGVD) Existing	Modified
		Cole Hollow Brook	At confluence with Roanoke River	*1,031	*1,032
			Approximately 600' upstream of Litchell Road	*1,092	*1,093
		Dry Branch	At confluence with Roanoke River	*1,014	*1,013
			At upstream corporate limits	*1,141	*1,144

Maps available for inspection at the Office of the Building Official, 114 North Broad Street, Salem, Virginia.
Send comments to Mr. Randolph Smith, Salem City Manager, Roanoke County, P.O. Box 869, Salem, Virginia 24153-0869.

Virginia	Vinton, Town, (independent city).	Roanoke River	At confluence of Wolf Creek	*895	*896
			At confluence of Tinker Creek	*904	*907
		Glade Creek	At confluence with Tinker Creek	*911	*916
			Approximately 80' upstream of confluence of Glade Creek Tributary.	*925	*929
		Wolf Creek	At confluence with Roanoke River	*895	*896
			Approximately 1,160' upstream of State Route 24, west bound lane.	None	*1,060
		Tinker Creek	At confluence with Roanoke River	*904	*907
			Approximately 1,500' downstream of U.S. Routes 460 and 221.	*918	*921

Maps available for inspection at the Office of the Building Official, 311 South Pollard, Vinton, Virginia
Send comments to Mr. Brad Corcoran, Manager for the Town of Vinton, Roanoke County, P.O. Box 338, Vinton, Virginia 24179.

Washington	City of Castle Rock, Cowlitz County.	Cowlitz River	At the southern corporate limit near Larsen Avenue.	None	*42
			Just upstream of Arkansas Valley Road	None	*47
			At the upstream corporate limits approximately 2,150 feet upstream of Highway 10.	None	*49

Maps are available for review at City Hall, 141 "A" Street SW., Castle Rock, Washington.
Send comments to The Honorable Gene L. Frymire, Mayor, City of Castle Rock, City Hall, 141 "A" Street SW., P.O. Box 370, Castle Rock, Washington 98611.

Washington	City of Pomeroy, Garfield County.	Pataha Creek	Approximately 4,950 feet downstream of Third Street.	*1,776	*1,775
			Just upstream of Third Street	*1,829	*1,828
			Just downstream of Twelfth Street	*1,863	*1,862
			Just upstream of Eighteenth Street	*1,887	*1,887
			Approximately 3,800 feet upstream of Columbia Street.	*None	*1,945

Maps are available for review at City Hall, North 80 Seventh Street, Pomeroy, Washington.
Send comments to The Honorable Donna McGee, Mayor, City of Pomeroy, Box 370, Pomeroy, Washington 99347.

Wisconsin	Unincorporated Areas, Jackson County.	East Fork Black River	Just upstream of Pray Road	None	*930
			About 0.5 mile downstream of Cranberry Road	None	*961

Maps available for inspection at the County Courthouse, 307 Main Street, Black River Falls, Wisconsin.
Send comments to The Honorable Keith Ferries, County Board Chairman, Jackson County, 307 Main Street, Black River Falls, Wisconsin 54615.

Wisconsin	Village of Maiden Rock, Pierce County.	Mississippi River	Within community	None	*682
		Unnamed Coulee	At mouth	None	*682
			About 440 feet downstream of County Highway S, at bottom of steps.	None	*758
			About 400 feet downstream of County Highway S at top of steps.	None	*765
			About 90 feet upstream of County Highway S	None	*783

Maps available for inspection at Village Hall, Malden Rock, Wisconsin.
Send comments to The Honorable Thomas Bengston, Village President, Village of Maiden Rock, P.O. Box 205, Maiden Rock, Wisconsin 54570.

Wisconsin	Unincorporated Areas, Pierce County.	Isabelle Creek	Just upstream of Main Street	None	*1034
			Just downstream of Railroad Street	None	*1059
		St. Croix River	About 7500 feet upstream of mouth	None	*691
			At county boundary	None	*692
		South Fork Kinnickinnic River	About 2000 feet downstream of State Highway 65.	None	*889
			Just downstream of State Highway 65	None	*996
			Just upstream of State Highway 65	None	*1002
			About 3000 feet upstream of State Highway 65	*None	*1018
		Mississippi River	About 1.2 miles downstream of confluence of Rush River.	*1081	*682
			About 2.6 miles upstream of confluence of Rush River.	*682	*682

Maps available for inspection at the Pierce County Courthouse, Ellsworth, Wisconsin.
Send comments to The Honorable Dick Wilhelm, County Chairman, Pierce County, P.O. Box 119, Ellsworth, Wisconsin 54011.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

C. M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 93-3244 Filed 2-12-93; 8:45 am]

BILLING CODE 6718-03-M

VOL 58 ISS 29 FE 16 1993 UMI

Notices

Federal Register
Vol. 58, No. 29
Tuesday, February 16, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Housing Preservation Grants

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: The Farmers Home Administration (FmHA) announces that it is soliciting competitive applications under its Housing Preservation Grant (HPG) program. This action is taken to comply with Agency regulations found in 7 CFR part 1944, subpart N, which requires the Agency to announce the opening and closing dates for receipt of preapplications for HPG funds from eligible applicants. The intended effect of this Notice is to provide public agencies, private nonprofit organizations, and other eligible entities notice of these dates. The HPG program will be available to provide repair and rehabilitation assistance to homeowners.

DATES: FmHA hereby announces that it will begin receiving preapplications on February 16, 1993. The closing date for acceptance by FmHA of preapplications is May 17, 1993. This period will be the only time during the current fiscal year that FmHA accepts preapplications. Preapplications must be received by or postmarked on or before this date.

ADDRESSES: Submit preapplications to FmHA field offices; applicants must contact their FmHA State Office for this information.

FOR FURTHER INFORMATION CONTACT: Sue M. Harris, Senior Loan Officer, Multi-family Housing Processing Division, FmHA, USDA, room 5337, South Agriculture Building, Washington, DC 20250, telephone (202) 720–1606 (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: 7 CFR part 1944, subpart N provides details on what information must be contained in the preapplication package. Entities wishing to apply for assistance should contact the FmHA State Office to receive further information and copies of the application package.

Eligible entities for these competitively awarded grants include State and local governments, nonprofit corporations, Federally recognized Indian Tribes, and consortia of eligible entities.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.443, Housing Preservation Grants. This program is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials (7 CFR part 3015, subpart V; 48 FR 29115, June 24, 1983). Applicants are also referred to 7 CFR part 1944, Section 1944.674 and 1944. 676 (d) and (e) for specific guidance on these requirements relative to the HPG program.

The funding instrument for the Housing Preservation Grant program will be a grant agreement. The term of the grant can vary from 1 to 2 years, depending on available funds and demand. No maximum or minimum grant levels have been set, although based on FY 1991 and FY 1992 experience, the Agency anticipates that the average grant will be between $100,000 and $150,000 for 1 year proposal. For FY 1993, $23,000,000 is available and has been distributed under a formula allocation to States pursuant to 7 CFR part 1940, subpart L, "Methodology and Formulas for Allocation of Loan and Grant Funds."

Decisions on funding will be based on the preapplications, and notices of action on the preapplications should be made no earlier than 66 days prior to the closing date.

Dated: February 5, 1993.

Sandra Weisman,

Acting Administrator, Farmers Home Administration.

[FR Doc. 93–3525 Filed 2–12–93; 8:45 am]

BILLING CODE 3410–07–M

Forest Service

Mid-Skull/Upper Bear Timber Sale; Clearwater National Forest, Clearwater County, ID

AGENCY: Forest Service, U.S.D.A.

ACTION: Revised notice; intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will analyze and disclose the environmental impacts of a proposal to harvest and reforest approximately 557 acres of timber, construct approximately 3.6 miles of new road, and reconstruct approximately 10.8 miles of existing road in the Skull Creek drainage, which is a tributary to the North Fork of the Clearwater River. This represents a change in the original proposal which was published on November 6, 1992. An EIS (Environmental Impact Statement) will be prepared which will document the analysis. This EIS will tier to the Clearwater National Forest Land and Resource Management Plan Final EIS of September, 1987, which provides overall guidance in achieving the desired future condition for the area. The purpose of this proposal is to provide forage on big game winter range, provide wood products to the local economy, and increase growth and disease resistance in mature stands by replacing them with young, vigorous timber stand.

The analysis area is located approximately 50 air miles from Orofino, Idaho. Approximately 700 acres of the analysis area are located in the RARE II Mallard-Larkins Roadless Area (#1300) and in various citizens wilderness proposals.

The Mid-Skull/Upper Bear analysis area is located east and north of the confluence of Skull Creek and the North Fork of the Clearwater River. The analysis is comprised of 8,099 contiguous acres of public land administered by the North Fork Ranger District of the Clearwater National Forest. The analysis area is bounded on the north by a ridge between Bear and Bean Creeks, on the south by the North Fork of the Clearwater River, on the west by Skull Creek, and on the east by Indian Henry Ridge.

DATES: The Draft Environmental Impact Statement is expected to be filed with the Environmental Protection Agency in February, 1993. The Final Environmental Impact Statement (EIS) and Record of Decision are expected to be completed in August 1993.

ADDRESSES: Send written comments to Robert E. Littlejohn, Acting District Ranger, North Fork Ranger District, P.O. Box 2139, Orofino, ID 83544.

FOR FURTHER INFORMATION CONTACT: Specific questions about the proposed action, analysis, and EIS should be directed to Jennifer Sundberg, Resource Analyst, or Robert E. Littlejohn, Acting District Ranger, North Fork Ranger District, Clearwater National Forest, (208) 476–3775.

SUPPLEMENTARY INFORMATION: All management activities would be administered by the North Fork Ranger District of the Clearwater National Forest, Clearwater County, Idaho. Because of the potential for significant impacts resulting from the proposed action (as defined by 40 CFR 1508.27) an Environmental Impact Statement will be prepared.

This proposal has been analyzed in an environmental assessment. As a result of that analysis, the Forest Service decided that the proposed action was not significant, and issued a decision notice in September, 1991. The decision notice was appealed in November, 1991 and after review the decision was remanded to the District in February, 1992. Because the significance of the effects of the proposal seem to be controversial and due to new Forest Service direction in the environmental policy and procedures handbook (FSH 1909.15, pp. 1–25), we have decided to proceed with further analysis that will culminate in an environmental impact statement.

The proposed actions are consistent with the Clearwater National Forest Land and Resource Management Plan (September 1987) which provides the overall guidance (Goals, Standards and Guidelines, and Management Area direction) in achieving the desired future condition for this area. There are five management areas located within the study area. The purpose and goals for the proposed actions are specifically defined by these management areas and include:

Management Area C4—Provide sufficient winter forage and thermal cover for existing and projected big game populations which achieving timber production outputs.

Management Area C3—Provide winter forage and thermal cover for big game.

Management Area E1—Provide an optimum, sustained production of wood products through harvests that fully realize site potential and result in healthy, vigorous stands.

Management Area M2—Provide for the production and enhancement of riparian dependent resources. Management activities can include timber harvest, grazing, and recreation as long as these practices enhance and protect the riparian values.

Management Area U5—Unsuitable for timber management. Includes nonforest and low productive forest lands incapable of producing crops of industrial wood and lands with apparent regeneration limitations. Manage for soil and watershed protection.

The analysis area is located in all or part of sections 25, 26, 27, 34, 35, 36 of T41N, R8E, BM; sections 19, 20, 28, 29, 30, 31, 32, 33 of T41N, R9E, BM; sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 15, 16 of T40N, R8E, BM; and section 6, T40N, R9E, BM.

The North Fork Ranger District proposes to initiate silvicultural treatment on approximately 557 acres and construct approximately 3.6 miles of new road. Specifically, the proposal includes 405 acres of clearcut harvest, 92 acres of salvage harvest, 18 acres of liberation harvest, 26 acres of seed tree harvest and 16 acres of shelterwood harvest. The majority of the harvest units would be yarded using cable systems and a few units would require helicopter yarding systems. This proposal includes approximately 10.8 miles of road reconstruction. The proposed harvest would generate approximately 8.6 million board feet of wood products.

The initial public scoping for this analysis has been completed. Comments were requested after completion of the Integrated Resource Analysis (IRA), during preparation of the environmental assessment, and during a public comment period which followed publication of the original notice and ended December 21, 1992. All comments received to date will be considered. The next opportunity for public comment on this analysis will be the formal review period of the draft EIS. Preliminary issues and concerns identified as a result of internal and external scoping include:

- Protection of the visual resources.
- The effects of the proposed activities on the outfitter/guide in the area.
- The protection and continuity of old growth stands for viable populations of dependent species.
- The effect of proposed activities on recreation users of the area.
- The effects of management practices on elk security.
- The protection of watershed values, fish productivity, and riparian zones.
- Potential effect on threatened, endangered, and sensitive species.
- The efficiency and cost-effectiveness of the timber sale.
- The effect of proposed practices on the stability of the steep slopes that characterize the area.

The information gathered during public scoping will be used to prepare a Draft Environmental Impact Statement. This process will include:

1. Determination of significant issues.
2. Determination of potential cooperating agencies.
3. Identification and elimination from detailed study of nonsignificant issues, or issues that have been covered by previous environmental review.
4. Identification of reasonable alternatives to the proposed action.
5. Identification of potential environmental effects of the alternatives.

The analysis will consider a range of alternatives developed from the key issues. One of these will be the "No Action" alternative, in which all harvest and regeneration activities are deferred. Other alternatives will consider various levels and location of harvest and regeneration activities in response to issues and non-timber objectives.

Public participation is important all through the analysis process. Agencies and other interested publics are invited to visit with Forest Service officials at any time during the process. However, two specific time periods are identified for the receipt of formal comments on the analysis. They are: (1) During the scoping process and, (2) during the formal review period of the Draft EIS.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the Federal Register.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement.

Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the

VOL 58 ISS 29 FE 16 1993 UMI

reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement state but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

The Final EIS is expected to be released in August, 1993. The Forest Supervisor for the Clearwater National Forest who is the responsible official for the EIS will make a decision regarding this proposal considering the comments, responses, and environmental consequences discussed in the Final Environmental Impact Statement, and applicable laws regulations and policies. The reasons for the decision will be documented in a Record of Decision.

Dated: February 4, 1993.

Bert Kulesza,

Deputy Forest Supervisor, Clearwater National Forest.

[FR Doc. 93–3451 Filed 11–12–93; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Colorado Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Colorado Advisory Committee to the Commission will be held from 9 a.m. until 9 p.m. on Thursday, March 4, 1993, at the Red Lion Inn, 501 Camino Del Rio, Durango, CO 81301. The purpose of this meeting is to conduct a briefing forum on the topic, "The Retention of Minorities in Colorado Institutions of Higher Education." Participants will include college and program administrators, faculty, and representatives from student and community organizations, and Native American tribes.

Persons desiring additional information should contact Committee Chairperson, Dr. Gwendolyn A. Thomas, or William F. Muldrow, Director of the Rocky Mountain Regional Division, (303) 866–1040 (TDD 303–866–1049). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 3, 1993.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 93–3534 Filed 2–12–93; 8:45 am]

BILLING CODE 6335–01–M

Agenda and Notice of Public Meeting of the Rhode Island State Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Rhode Island State Advisory Committee will be convened at 3:30 p.m. and adjourn at 6:30 p.m. on Thursday, March 4, 1993, in the Providence Marriott Hotel, Charles and Orms Streets, Providence, RI 02904. The purpose of the meeting is: (1) to update Committee members and the public on the Commission; (2) to provide an orientation for new Committee members; and (3) to plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Sarah A. Murphy (401–455–3880) or John I. Binkley, Director, ERO, (202–376–7533), or TDD (202–376–8116). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the regional office at least (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 3, 1993.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 93–3533 Filed 2–12–93; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Correction.

SUMMARY: This action corrects an error made by the International Trade Administration, Office of Export Trading Company Affairs. The error was in the "Notice of Initiation of Process to Revoke Export Trade Certificate of Review No. 85–00005" published in the **Federal Register** on February 5, 1993 (58 FR 7212).

On page 7212, second column, under the heading **ACTION**, the words "Export Certificate of Review No. 85–00005" should have been "Export Trade Certificate of Review No. 84–00009."

Dated: February 5, 1993.

George Muller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 93–3492 Filed 2–12–93; 8:45 am]

BILLING CODE 3510–DR–M

Minority Business Development Agency

Business Development Center Applications: U.S. Virgin Islands (Service Area)

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625, the Minority Business Development Agency (MBDA) is soliciting competitive applications under its Minority Business Development Center (MBDC) program to operate an MBDC for approximately a 3-year period, subject to Agency priorities, recipient performance and the availability of funds. The cost of performance for the first Budget period (12 months) is estimated as $169,125 in Federal funds, and a minimum of $29,846 in non-Federal (cost sharing) contribution, from July 1, 1993 to June 30, 1994. Cost-sharing contributions, may be in the form of cash contributions, client fees, in-kind contributions or combinations thereof. The MBDC will operate in the U.S. Virgin Islands SMA geographic service area.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state, local governments, American

Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can identify and coordinate public and private sector resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated initially by regional staff on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points).

An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the MBDC Program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The Director will consider past performance of the applicant on previous Federal awards. Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist them in this effort, MBDCs may charge client fees for management and technical assistance (M&TA) rendered. Based on a standard rate of $50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less, and 35% of the total cost for firms with gross sales of over $500,000.

MBDCs performing satisfactorily may continue to operate after the initial competitive year for up to 2 additional budget periods.

MBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an MBDC be funded for more than 5 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's performance, the availability of funds and the Agency priorities.

Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

Applicants are notified that if they incur any costs prior to an award being made they do so solely at their own risk of not being reimbursed by the Government. Applicants are notified that notwithstanding any verbal assurance that they may have received, there is no obligation on the part of DoC to cover pre-award costs.

If an application is selected for funding, DoC has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DoC.

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

1. The delinquent account is paid in full.
2. A negotiated re-payment schedule is established and at least one payment is received; or
3. Other arrangements satisfactory to DoC are made.

Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR Part 26. The departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the MBDC has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of MBDC work requirements; and reporting inaccurate or inflated claims of client assistance or client certification. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

Notification must be provided that all non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or is presently facing, criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 (Public Law 100–690, Title V, Subtitle D). The statute requires contractors and grantees of Federal agencies to certify that they will provide a drug-free workplace. Pursuant to these requirements, the applicable certification form must be completed by each applicant as a precondition for receiving Federal grant or cooperative agreement awards. False information on the application can be grounds for denying or terminating funding.

"Certification for Contracts, Grants, Loans, and Cooperative Agreements" and SF–LLL, the "Disclosure of Lobbying Activities" (if applicable) is required in accordance with Section 319 of Public Law 101–121, which generally prohibits recipients of Federal contracts, grants, and loans from using legislative branches of the Federal Government in connection with a specific contract, grant or loan.

15 CFR part 28 is applicable and prohibits recipients of Federal contracts, grants, and cooperative agreements from using appropriated funds for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a specific contract, grant, or cooperative agreement. Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying" and, when applicable, the SF–LLL, "Disclosure of Lobbying Activities," are required.

Notification must be provided that recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form, SF–LLL, "Disclosure of Lobbying Activities." Form CD–512 is intended for the use of recipients and should not be transmitted to DoC. SF–LLL submitted by any tier recipient or subrecipient should be submitted to DoC in accordance with

the instructions contained in the award document.

CLOSING DATE: The closing date for application is March 17, 1993. Applications must be postmarked on or before March 17, 1993. The mailing address for submission is:

ADDRESSES: New York Regional Office, Minority Business Development Agency, Jacob K. Javits Federal Building, rm. 3720, New York, New York 10278, Area Code/Telephone Number: (212) 264–3262.

FOR FURTHER INFORMATION CONTACT: John F. Iglehart, Regional Director, New York Regional Office at (212) 264–3263.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372 "Inter-governmental Review of Federal Programs" is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above New York address.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: February 8, 1993.

John F. Iglehart,

Regional Director, New York Regional Office.

[FR Doc. 93–3550 Filed 2–12–93; 8:45 am]

BILLING CODE 3510–21–M

National Institute of Standards and Technology

NIST Fastener Workshop

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of workshop—accreditation for fasteners and metals testing and inspection laboratories.

SUMMARY: The National Institute of Standards and Technology (NIST) will host a public workshop on February 17, 1993 to provide interested parties an opportunity to participate in the development of technical requirements for accrediting laboratories in the Fasteners and Metals Program. Laboratories will be accredited if found competent to test and inspect fasteners and metals using techniques in mechanical and physical testing, chemical analysis, dimensional inspection, metallographic analysis and nondestructive inspection.

DATES: The workshop will be held on Wednesday, February 17, 1993 from 9 a.m. to 4 p.m.

PLACE: The workshop will be held at the National Institute of Standards and Technology (NIST), Green Auditorium, Gaithersburg, Maryland.

FOR FURTHER INFORMATION CONTACT: S.W. Stiefel, National Institute of Standards and Technology, Building 411, Gaithersburg, MD 20899. To assist in preparing for the meeting, please inform Mr. Stiefel about individuals/organizations planning to attend the workshop. Registration is limited to the capacity of the auditorium. Contact Mr. Stiefel at the above address, or call (301) 975–4016, or FAX (301) 926–2884. A draft Program Handbook is available for limited distribution to those attending the workshop or to those willing to provide technical comments on the document.

SUPPLEMENTARY INFORMATION:

Background

The Fastener Quality Act, Public Law 101–592, intends to increase fastener quality and reduce the danger of fastener failure. It requires that certain fasteners sold in commerce conform to the specifications to which they are represented to be manufactured, provides for accreditation of laboratories engaged in fastener testing, and requires inspection, testing and certification in accordance with standardized methods.

The Act requires the Secretary of Commerce, acting through the Director of NIST, to establish a laboratory accreditation program for fastener testing laboratories under the procedures of the National Voluntary Laboratory Accreditation Program. The accreditation program will include test methods that are required by fastener specifications or standards covered by the Act. Specific requirements and criteria are being established for determining laboratory qualifications for accreditation. Criteria will address quality systems, staff, facilities and equipment, calibrations, test methods and procedures, manuals, records, and test reports.

Technical criteria, requirements, and procedures have been developed and will be presented at the workshop, and interested parties will have an opportunity to comment. The workshop is part of a NIST process to assure that accreditation programs are of high technical quality, responsive to the technical needs of the community, and are relevant to the needs of those affected by accreditation.

The following plans for the workshop have been established:

1. Purpose: The workshop will provide all interested persons with an opportunity to participate and contribute to the development of technical criteria, requirements, and procedures for evaluation and accreditation of laboratories that provide testing and inspection services for fasteners and metals.

2. Procedure: The workshop will be an informal, nonadversarial meeting. The presiding NIST chairperson will allocate the time available for discussion of each issue to be addressed, and will exercise authority as needed to ensure the equitable, efficient and orderly conduct of the workshop.

3. Provisions: This workshop will be open to the public; there is no registration fee. Housing is the responsibility of attendees.

The workshop will take place on February 17, 1993 at NIST, Gaithersburg, MD.

Documents in Public Record

A transcript of the meeting will be made available for inspection and copying at the Department of Commerce Central Reference and Records Inspection Facility, room 6020, Hoover Building, Washington, DC 20230. Telephone (202) 482–4115.

Dated: February 9, 1993.

John W. Lyons,

Director.

[FR Doc. 93–3544 Filed 2–12–93; 8:45 am]

BILLING CODE 3510–13–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comments on Bilateral Textile Consultations with the Government of the Democratic Socialist Republic of Sri Lanka on Certain Cotton Textile Products

February 10, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: February 18, 1993.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 482–6708. For information on embargoes and quota re-openings, call (202) 482–3715. For information on categories on which consultations have been requested, call (202) 482–3740.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the

Agricultural Act of 1956, as amended (7 U.S.C. 1854).

On January 27, 1993, under the terms of the Bilateral Textile Agreement, effected by exchange of notes dated May 23 and 24, 1988, as amended, between the Governments of the United States and the Democratic Socialist Republic of Sri Lanka, the United States Government requested consultations with the Government of the Democratic Socialist Republic of Sri Lanka with respect to cotton poplin and broadcloth in Category 314.

According to the terms of the bilateral agreement, the Government of the United States has decided, pending a mutually satisfactory solution, to control imports in Category 314 exported during the period which began on January 27, 1993 and extends through June 30, 1993 at a level of 1,079,407 square meters.

A summary market statement concerning Category 314 follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Category 314, under the agreement with the Government of the Democratic Socialist Republic of Sri Lanka, or to comment on domestic production or availability of products included in Category 314, is invited to submit 10 copies of such comments or information to J. Hayden Boyd, Acting Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230; ATTN: Helen L. LeGrande.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Further comments may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

The United States remains committed to finding a solution concerning Category 314. Should such a solution be reached in consultations with the Government of the Democratic Socialist Republic of Sri Lanka, further notice will be published in the **Federal Register**.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23, 1992).

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Market Statement—Sri Lanka

Category 314—Cotton Poplin and Broadcloth

January 1993

Import Situation and Conclusion

U.S. imports of cotton poplin and broadcloth, Category 314, from Sri Lanka began in June 1992 and reached 2,564,128 square meters during June-November 1992. Sri Lanka shipped 33,861 square meters to the U.S. in 1989. There were no Category 314 imports from Sri Lanka in 1990 and 1991. During the six month period June-November 1992, Sri Lanka became the thirteenth largest supplier of cotton poplin and broadcloth to the U.S. accounting for one percent of total Category 314 imports in 1992.

The sharp and substantial increase of Category 314 imports from Sri Lanka is causing a real risk of disruption in the U.S. market for cotton poplin and broadcloth.

U.S. Production, Import Penetration and Market Share

U.S. production of cotton poplin and broadcloth declined every year since 1988, falling to 60,458,000 square meters in 1991, 38 percent below the 1990 level, and 60 percent below the 1988 level. Production continued downward in 1992, falling to 32,841,000 square meters during January-September 1992, 29 percent below the January-September 1991 level. In contrast, U.S. imports of Category 314 reached 202,472,000 square meters in 1991, an increase of 26 percent over the 1988 level. Category 314 imports surged in 1992, increasing by 33 percent in the first eleven months of 1992 over the January-November 1991 level, and reached an eleven month total of 243,925,000 square meters, 20 percent above the total calendar year 1991 level.

The ratio of imports to domestic production tripled, increasing from 106 percent in 1988 to 335 percent in 1991. This trend continued in 1992, with the ratio of imports to domestic production reaching 630 percent for the first three quarters of 1992, double the January-September 1991 ratio. The domestic producers' share of the U.S. cotton poplin and broadcloth market fell from 49 percent in 1988 to 23 percent in 1991. This decline continued in 1992, with the domestic producers' share of the cotton poplin and broadcloth market falling to 14 percent for the first three quarters of 1992.

Duty-Paid Value and U.S. Producers' Price

All of Category 314 imports from Sri Lanka during 1992 entered the U.S. under HTSUSA number 5210.11.6020—unbleached poplin or broadcloth fabric containing less than 85 percent by weight cotton mixed with man-made fibers, of yarn numbers 43–68, and weighing less than 200 grams per square meter. These fabrics entered the U.S. at landed duty paid values below U.S. producers' prices for comparable fabrics.

Committee for the Implementation of Textile Agreements

February 10, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on December 9, 1992; pursuant to the Bilateral Textile Agreement, effected by exchange of notes dated May 23 and 24, 1988, as amended, between the Governments of the United States and the Democratic Socialist Republic of Sri Lanka; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on February 18, 1993, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 314, produced or manufactured in Sri Lanka and exported during the period beginning on January 27, 1993 and extending through June 30, 1993, in excess of 1,079,407 square meters [1].

Textile products in Category 314 which have been exported to the United States prior to January 27, 1993 shall not be subject to the limit established in this directive.

Textile products in Category 314 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1) prior to the effective date of this directive shall not be denied entry under this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs

[1] The limit has not been adjusted to account for any imports exported after January 26, 1993.

exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93-3493 Filed 2-12-93; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board (SAB) Ad Hoc Committee on GPS Integrity and Denial will meet from 8 a.m. to 5 p.m. on 2-3 March 1993 at the ANSER Corporation, 1215 Jefferson-Davis highway, Arlington, VA.

The purpose of this meeting is to receive information briefings on GPS capabilities, threats, potential vulnerabilities and program impacts. The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4).

For further information, contact the SAB Secretariat at (703) 697-8404.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93-3490 Filed 2-12-93; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board (SAB) Ad Hoc Committee on GPS Integrity and Denial will meet from 8 a.m. to 5 p.m. on 22-23 March 1993 at Wright Laboratory, Wright-Patterson Air Force Base, OH.

The purpose of this meeting is to receive information briefings on GPS capabilities, threats, potential vulnerabilities and program impacts. The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4).

For further information, contact the SAB Secretariat at (703) 697-8404.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93-3491 Filed 2-12-93; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Red-Cockaded Woodpecker Management Guidelines Development Process

AGENCY: United States Army, Department of Defense.

ACTION: Notice of intent.

SUMMARY: The Army intends to develop guidelines for the management of the red-cockaded woodpecker (RCW) on federally owned Army installations to replace existing guidelines approved in 1984. The RCW is a federally listed endangered species found on Army installations in the southeastern United States: Fort Bragg, North Carolina; Fort Stewart, Georgia; Fort Jackson, South Carolina; Fort Benning, Georgia; Fort Polk, Louisiana; and Sunny Point Military Ocean Terminal, North Carolina. The following Army installations do not currently have RCWs but recurrence is possible in the future: Fort Gordon, Georgia; Fort McClellan, Alabama; Louisiana Army Ammunition Point, Louisiana; and Camp Shelby, Mississippi. The guidelines will be used by Army installations as baseline standards in preparing and revising their RCW management plans. As part of the guidelines development process, the Army will prepare an environmental assessment to determine the environmental impact of the guidelines and whether the impact is significant. If the assessment determines that there will be a significant impact on the environment, the National Environmental Policy Act of 1969 (NEPA) requires preparation of an environmental impact statement. Additionally, the Endangered Species Act of 1973 requires a biological assessment to assess the effects of the guidelines on endangered and threatened species.

The public is invited to participate in the guidelines development process by submitting written comments and suggestions throughout the development process and to review the draft guidelines. The Army anticipates that draft guidelines will be available for public review in the second quarter of 1993.

ADDRESSEES: Written comments and suggestions or requests for notice of the release of draft Army RCW management guidelines may be forwarded to: Headquarters, Department of the Army, ATTN: DAMO-TRS (Army Endangered Species Team), Washington, DC 20310-0450.

FOR FURTHER INFORMATION CONTACT: Questions regarding this action may be directed to the Army Endangered Species Team, (703) 614-8847.

Lewis D. Walker,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health) OASA (I, L&E).

[FR Doc. 93-3548 Filed 2-12-93; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0067]

Clearance Request for Incentive Contracts

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance (9000-0067).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Incentive Contracts.

FOR FURTHER INFORMATION CONTACT: Beverly Fayson, Office of Federal Acquisition Policy, GSA (202) 501-4755.

SUPPLEMENTARY INFORMATION:

A. Purpose

Incentive contracts are normally used when a firm fixed-price contract is not appropriate and the required supplies or services can be acquired at lower costs, and sometimes with improved delivery or technical performance, by relating the amount of profit or fee payable under the contract to the contractor's performance.

The information required periodically from the contractor—such as cost of work already performed, estimated costs of further performance necessary to complete all work, total contract price for supplies or services accepted by the Government for which final prices have been established, and estimated costs allocable to supplies or services accepted by the Government and for which final prices have not been established—is needed to negotiate the

final prices of incentive-related item and services.

The contracting officer evaluates the information received to determine the contractor's performance in meeting the incentive target and the appropriate price revision, if any, for the items or services.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows: Respondents, 3,000; responses per respondent, *1*; total annual responses, 3,000; preparation hours per response, *1*; and total response burden hours, 3,000.

Obtaining Copies of Proposals

Requester may obtain copies of OMB applications or justifications from the General Services Administration, FAR Secretariat (VRS), room 4037, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0067, Incentive Contracts, in all correspondence.

Dated: February 5, 1993.

Beverly Fayson,

FAR Secretariat.

[FR Doc. 93–3452 Filed 2–12–93; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. JD93–04112T New Mexico–37]

New Mexico; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

February 8, 1993.

Take notice that on February 4, 1993, the Oil Conservation Division of the New Mexico Department of Energy, Minerals and Natural Resources (New Mexico), submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that a portion of the Mississippian Formation in Chaves, County, New Mexico, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The area of application covers 11,009.08 acres, more or less, of state and fee lands more fully described on the attached appendix.

The notice of determination also contains New Mexico's findings that the referenced portion of the Mississippian Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

Appendix

Township 11 South, Range 28 East

Section 35: E/2
Section 36: All

Township 11 South, Range 29 East

Section 21: S/2
Section 22: All
Section 23: W/2
Section 26: W/2
Section 27–34: All
Section 35: W/2

Township 12 South, Range 28 East

Section 1: All
Section 2: E/2

Township 12 South, Range 29 East

Section 2: NW/4
Section 3: N/2
Section 4: N/2
Section 5–6: All

The area of application contains 11,009.08 acres, more or less, of state and fee lands in Chaves County, New Mexico.

[FR Doc. 93–3453 Filed 2–12–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–193–000]

Arkla Energy Resources, a Division of Arkla, Inc.; Request Under Blanket Authorization

February 8, 1993.

Take notice that on February 2, 1993, Arkla Energy Resources, (Arkla), a division of Arkla, Inc., Post Office Box 21734, Shreveport, Louisiana 71151, filed an application with the Commission in Docket No. CP93–193–000 pursuant to §§ 157.205, 157.211, and 157.212 of the Commission's Regulations to upgrade certain facilities in Arkansas under its blanket certificate issued in Docket Nos. CP82–384–000 and CP82–384–001, all as more fully set forth in the application which is open to public inspection.

Arkla states that it would upgrade the existing meter station on its transmission line, Line K-South, for increased deliveries to Arkansas Louisiana Gas Company's (ALG) new rural extension to serve domestic customers in Union County, Arkansas. It is stated that the volumes delivered would be about 660 Mcf annually and 20 Mcf on a peak day and the cost of construction would be about $5,906.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Ges Act.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3456 Filed 2–12–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–190–000]

Bridgeline Gas Distribution Co.; Application

February 8, 1993.

Take notice that on February 1, 1993, Bridgeline Gas Distribution Company (Bridgeline), 400 Poydras Street, New Orleans, Louisiana 70130, filed an application with the Commission in Docket No. CP93–190–000 pursuant to section 7(c) of the Natural Gas Act (NGA) for a blanket certificate under § 284.224 of the Commission's Regulations under the NGA, all as more fully set forth in the application which is open to the public for inspection.

Bridgeline states that approval of its request for a part 284 blanket certificate would allow Bridgeline to engage in the sale, transportation (including storage), and assignment of natural gas as permitted for intrastate pipelines under subparts C, D, and E of part 284 of the Regulations. Bridgeline also states that it has concurrently filed a petition with the Commission for rate approval under § 284.123(b)(2) in Docket No. PR93–8–000, in which Bridgeline proposes rates for the transportation and storage services it would provide under the herein requested blanket certificate. No new facilities are proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 1, 1993, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the

requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Bridgeline to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3455 Filed 2–12–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP92–581–001]

El Paso Natural Gas Co.; Amendment

February 8, 1993.

Take notice that on January 29, 1993, El Paso Natural Gas Company (Applicant), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP92–581–001 an amendment to the application of Applicant, filed July 7, 1992, for authorization pursuant to section 3 of the Natural Gas Act and §§ 153.3 and 153.10 through 153.12 of the Commissions Regulations and Executive Order 10485, as amended by Executive Order 12038, and Secretary of Energy Delegation Order No. 0204–112, to site, construct, operate, maintain, and connect pipeline facilities at the International Boundary between the United States and Mexico in Yuma County, Arizona near San Luis Rio Colorado, Sonora, Mexico. Applicant proposes to relocate the border crossing at the International Boundary approximately 1.5 miles east of the originally proposed location, all as more fully set forth in the amendment which is on file with the Commission and open for public inspection.

On July 7, 1992, Applicant filed in Docket No. CP92–581–000 an application requesting an order authorizing the siting, construction, operation and maintenance of pipeline facilities at the United States-Mexico international boundary in Yuma County, Arizona near San Luis Rio Colorado, Sonora, Mexico. In addition, Applicant requested a Presidential Permit covering the proposed construction, connection and operation of pipeline facilities at the United States-Mexico border.

Applicant states that it proposes in Docket No. CP92–581–000 to construct approximately 60 feet of 30-inch pipeline, with appurtenances, in order to connect Applicant's upstream facilities with a new pipeline system to be owned in Mexico by Petroleos Mexicanos (PEMEX). Applicant further states that the proposed facilities to be constructed and operated at the International Boundary will constitute a portion of the Yuma Lateral Expansion Project and will facilitate the transportation and delivery of natural gas to PEMEX at the International Boundary for eventual delivery to the Rosarito Power Plant in Baja California Norte, Mexico, and to the Mexican communities located along the line to be constructed in Mexico.

In its amendment, Applicant proposes to relocate the border crossing at the International Boundary approximately 1.5 miles east of the originally proposed location. Applicant submits that this alignment change was made to allow PEMEX the flexibility to avoid residential areas in the San Luis Rio Colorado area of Mexico. Applicant states that it continues to propose the construction at this new location of approximately 60 feet of 30-inch pipeline, with appurtenances, necessary to connect Applicant's upstream facilities with the Mexican pipeline company. Applicant also states that it amended its plans submitted to the International Boundary and Water Commission for review and approval of the new border crossing location.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 1, 1993, file with the Federal Energy Regulatory Commission, Washington DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3454 Filed 2–12–93; 8:45 am]

BILLING CODE 6717–01–M

Office of Arms Control and Nonproliferation Policy

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation between the Government of the United States of America and the Government of Japan concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/JA(EU)–64, for the transfer from the Federal Republic of Germany to Japan of 188.7 grams of uranium, enriched to 10.6 percent in the isotope uranium-235 in the form of fuel pellets for comparison testing at Nuclear Fuel Industries, Ltd.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Issued in Washington, DC, on February 10, 1993.

Edward T. Fei,

Acting Director, Office of Nonproliferation Policy.

[FR Doc. 93–3526 Filed 2–12–93; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Notice of Cases Filed During Week of January 22 Through January 29, 1993

During the week of January 22 through January 29, 1993, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: February 10, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of January 22 through January 29, 1993]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 22, 1993	Hearts of America Northwest, Seattle, WA	LFA–0266	Appeal of an information request denial. If granted: Hearts of America Northwest would receive documents pursuant to the Freedom of Information Act, 5 U.S.C. § 552.
Jan. 22, 1993	Shell/Brown Construction Company, Cordova, TN	RR315–5	Request for modification/rescission in the Shell refund proceeding. If granted: The Decision and Order (Case No. RR315–10261) issued to the Brown Construction Company regarding the firm's Application for Refund in the Shell special refund proceeding would be modified.
Jan. 25, 1993	ARCO/Westfield ARCO, Memphis, TN	RR304–55	Request for modification/rescission in the ARCO refund proceeding. If granted: The November 13, 1992 Decision and Order (Case No. RR304–13252) issued to Westfield ARCO regarding the firm's Application for Refund in the ARCO special refund proceeding would be modified.
Jan. 25, 1993	Gulf/State Line Service, Inc., Oak Ridge, NJ	RR300–225	Request for modification/rescission in the Gulf refund proceeding. If granted: The October 25, 1989 Decision and Order (Case No. RR300–3588) issued to State Line Service, Inc., regarding the firm's Application for Refund in the Gulf special refund proceeding would be modified.
Jan. 25, 1993	James J. Leventon, Houston, TX	LFA–0267	Appeal of an information request denial. If granted: The January 14, 1993 Freedom of Information Request Denial issued by the Strategic Petroleum Reserve Project Management Office would be rescinded, and James J. Leventon would receive a copy of Contract No. DE–AC96–85P060185, U.S. Steel.
Jan. 25, 1993	Texaco/R & L Texaco, Hemet, CA	RR321–125	Request for modification/rescission in the Texaco refund proceeding. If granted: The December 16, 1992 Decision and Order (Case Nos. RF321–14729 & RF321–19400) issued to R & L Texaco regarding the firm's Application for Refund in the Texaco special refund proceeding would be modified.

REFUND APPLICATIONS RECEIVED

Date received	Name of refund proceeding/name of refund applicant	Case No.
12/07/92	Larry's Clark Station	RF342–315
01/22/93 thru 01/29/93	Gulf Oil refund applications received	RF300–20855 thru RF300–20873
01/22/93 thru 01/29/93	Crude Oil refund applications received	RF272–94055 thru RF272–94069
01/22/93 thru 01/29/93	Atlantic Richfield refund applications received	RF304–13537 thru RF304–13580
01/25/93	Diagle's Canal Station	RF346–19
01/25/93	Stelly Construction, Inc	RF346–20
01/25/93	West Park Canal	RF346–21
01/25/93	Theriot's Canal	RF346–22
01/25/93	Jennings Canal	RF346–23
01/25/93	Wood River Oil & Refining Co	RF326–328
01/25/93	Brent's Texaco	RF321–19568
01/25/93	Holiday Texaco	RF321–19569
01/25/93	Blanton Texaco	RF321–19570
01/25/93	Butterfield Texaco	RF321–19571
01/25/93	Valley Texaco	RF321–19572
01/25/93	Gilroy Texaco Service Station	RF321–19573
01/25/93	Evans & Farmer Texaco Service	RF321–19574
01/25/93	The Pasadena Unified School District	RF347–4
01/26/93	The City of Pasadena	RF347–5
01/26/93	Country Store	RF321–19567
01/26/93	Bill Somers Texaco	RF321–19575

[FR Doc. 93–3528 Filed 2–12–93; 8:45 am]

BILLING CODE 6450–01–M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the procedures

for the disbursement of $9,254, plus accrued interest, obtained by the DOE under the Consent Order entered into with Automatic Comfort Corporation, Case No. LEF–0005. The OHA has determined that in this case the funds will be distributed in accordance with the specific findings set forth in the Consent Order. Any funds remaining after refunds are made to the parties named in the Consent Order will be distributed in accordance with the Petroleum Overcharge Distribution and Restitution Act of 1986, contained in Title III of the Omnibus Budget Reconciliation Act of 1986, Public Law No. 99–509.

DATE AND ADDRESS: Applications for Refund must be filed in duplicate and must be received no later than May 17, 1993. Applications should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. All Applications for Refund should display a reference to Case Number LEF–0005.

FOR FURTHER INFORMATION CONTACT: Max William Yano, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy (DOE), 10 CFR 205.282(b), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order relates to a Consent Order entered into by Automatic Comfort Corporation and the DOE to settle possible violations of the federal petroleum price and allocation regulations with respect to its sale of refined petroleum products. A Proposed Decision and Order tentatively establishing refund procedures and soliciting comments from the public concerning the distribution of the automatic consent order funds was issued on September 2, 1992. 57 FR 41750 (September 11, 1992).

This Decision sets forth the procedures and standards that the DOE has formulated to distribute the $9,254 consent order fund. The OHA will distribute these funds in accordance with the DOE's subpart V refund procedures. Applications for Refund will be accepted from customers who purchased controlled refined petroleum products from Automatic Comfort Corporation during the consent order period. Applications for Refund must be postmarked no later than 90 days from the date of publication in the **Federal Register** to meet the filing deadline.

Dated: February 8, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

February 8, 1993.

Name of Petitioner: Automatic Comfort Corporation
Date of Filing: December 4, 1989
Case Number: LEF–0005

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the Mandatory Petroleum Price and Allocation Regulations. See 10 CFR part 205, subpart V. On December 4, 1989, the ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a Consent Order entered into with Automatic Comfort Corporation (Automatic) (now d/b/a Connecticut Petroleum Marketers). This Decision and Order establishes procedures for distributing these funds to qualified refund applicants.

I. Background

Automatic was a branded independent marketer, as that term is defined in the Emergency Petroleum Allocation Act of 1973, located in East Hartford, Connecticut. During the period March 1, 1979, through September 30, 1979, the ERA conducted an audit of Automatic's records. Based upon the results of that audit, the ERA concluded that the firm had violated the provisions of the Mandatory Petroleum Price Regulations. In order to settle these matters, on April 14, 1983, Automatic and the DOE entered into a Consent Order that resolved all alleged violations for the entire January 1, 1973, through January 28, 1981, regulatory period (the Consent Order period). Although the Consent Order does not state that Automatic committed any of the alleged violations and Automatic does not admit any of the violations, the remedy spelled out in the Consent Order involves refunds to specific wholesale and end-user purchasers and is based upon the ERA audit findings. The specific provisions of the Consent Order required Automatic to implement a program of refunds in the aggregate amount of one hundred fifteen thousand dollars ($115,000), and to distribute these refunds to Automatic's customers and to the United States Treasury as follows:

(a) Within thirty (30) days of the effective date of the Consent Order, Automatic shall pay the sum of forty thousand dollars ($40,000) by certified check payable to the United States Treasury;

(b) Within nine (9) months of the effective date of the Consent Order, Automatic shall refund the sum of eighteen thousand two hundred seventy-seven dollars and fifty cents ($18,277.50) to eligible end-user customers; and

(c) Within eighteen (18) months of the effective date of the Consent Order, Automatic shall refund the sum of fifty-six thousand seven hundred twenty-two and fifty cents ($56,722.50) to eligible dealer customers.

Automatic satisfied all of these requirements except that, in making the refunds pursuant to the provisions of paragraphs (b) and (c) above, the firm was unable to locate, and consequently unable to repay 36 of the specified end-user customers that were to receive refunds, and 3 of the specified dealer customers. As a result, Automatic was unable to refund $9,254 of the total refunds specified in paragraphs (b) and (c). That sum is the subject of the present proceeding.

On September 2, 1992, the OHA issued a Proposed Decision and Order (PD&O) setting forth a tentative plan for the distribution of the Automatic consent order funds. In order to give notice to all potentially affected parties, a copy of the PD&O was published in the **Federal Register** and comments were solicited. 57 Fed. 41750 (September 11, 1992). No comments were filed with respect to the proposed procedures for distributing the remaining Automatic consent order fund. We will therefore adopt the proposed procedures for distributing the remaining $9,254 in the Automatic consent order fund.

II. Refund Procedures

The procedural regulations of the DOE set forth general guidelines to be used by OHA in formulating and implementing a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR part 205 subpart V. The subpart V process is generally used in situations where the DOE is unable to identify readily those persons who may have been injured by alleged regulatory violations or to determine the amount of such injuries. A more detailed discussion of subpart V and the authority of OHA to fashion procedures to distribute refunds is set forth in the cases of *Office of Enforcement*, 9 DOE ¶ 82,508 (1981) (*Coline*); and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (*Vickers*).

The Automatic case comes to us in a posture very different from the usual subpart V refund case. Ordinarily, there are no findings or even indications of specific injury in a subpart V proceeding. *Empire Gas Corp.*, 21 DOE ¶ 85,101 (1991); and *Time Oil Co.*, 20 DOE ¶ 85,698 (1990). It is precisely the absence of this material that led us to adopt the volumetric refund approach that is typically employed in these proceedings. *Northeast Petroleum Industries, Inc.*, 20 DOE ¶ 85,405 (1990); *Atlantic Richfield Co.*, 17 DOE ¶ 85,069 (1988); and *Gulf Oil Corp.*, 16 DOE ¶ 85,381 (1987). In this case, not only are there very substantial indications of individual injury, but the consent order firm has made specified refunds to most of a group of specified customers based upon this data. As a result, we see no reason to adopt the volumetric refund methodology in this proceeding. Underscoring this conclusion is that any volumetric factor calculated in this proceeding—even were we in possession of reliable consent order period sales gallonage data for Automatic—would be infinitesimally small. This results because the remaining money to be distributed is small, and the

Consent Order encompasses an eight-year period. Indeed, we think it very likely that any such volumetric would be so small that no purchaser could even approach the $15.00 minimum refund prescribed in above subpart V proceedings. For these reasons, we will attempt to locate the named purchasers that Automatic could not find, and effectuate the refunds specified in the Consent Order. To facilitate this process, the names and previous addresses of these customers are listed in the Appendix to this Decision. Since the Consent Order is silent as to the disposition of any remaining unrefunded monies, any residual funds will be paid as indirect restitution under the Petroleum Overcharge Distribution and Restitution Act of 1986.

III. General Refund Application Requirements

Pursuant to 10 CFR 205.283, we will now accept Applications for Refund from individuals and firms that purchased refined covered products sold by Automatic Comfort Corporation during the period March 6, 1973 through January 27, 1981. No "class claims" on behalf of groups of applicants will be permitted. There is no specific application form that must be used. All Applications for Refund should include the following information:

(1) A conspicuous reference to Case Number LEF–0005 and the name and address of the applicant during the period for which the claim is filed, as well as the name, including the social security number or employer identification number, to whom the refund check should be made out and the current address to which the check should be sent;

(2) The name, title, address and telephone number of a person who may be contacted by OHA for additional information concerning the Application;

(3) If the applicant was or is in any way affiliated with Automatic, an explanation of the nature of that affiliation;

(4) A statement as to whether there was a change in ownership of the applicant's firm during or since the refund period. If there was such a change in ownership, the applicant must submit a detailed explanation as well as the names and addresses of the previous or subsequent owners;

(5) A statement as to whether the claimant is or has been involved in any DOE enforcement proceedings or private actions filed under section 210 of the Economic Stabilization Act. If these actions have been concluded, the applicant should furnish a copy of the final order issued in the matter. If the action is still in progress, the applicant should briefly describe the actions and its current status. The applicant must inform OHA of any change in status while its Application for Refund is pending. See 10 CFR 205.9(d);

(6) A statement as to whether the applicant has received a refund from the DOE or from Automatic Comfort Corporation in this or any prior Automatic Comfort Corporation special refund proceeding;

(7) A statement as to whether the applicant or a related firm has filed any other Application for Refund in this proceeding;

(8) A statement as to whether the claimant or related firm has authorized any other individual(s) to file an Application for Refund on the claimant's behalf in this proceeding; and

(9) The following statement signed by the applicant or a responsible official of the business or organization claiming the refund: "I swear [or affirm] that the information submitted is true and accurate to the best of my knowledge and belief. I understand that anyone who is convicted of providing false information to the Federal Government may be subject to a fine, a jail sentence, or both, pursuant to 18 U.S.C. 1001."

Applications for Refund should be sent to: Automatic Comfort Corporation Proceeding, Case No. LEF–005, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

All applications must be filed in duplicate and postmarked within 90 days from the date of publication of this Decision in the **Federal Register**. A copy of each Application will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals. Any claimant that believes that its Application for Refund contains confidential information must submit two additional copies of the application in which the confidential information is deleted, together with a statement specifying why the information is confidential.

It is therefore ordered, That:

(1) Applications for Refunds from the funds remitted to the Department of Energy by Automatic Comfort Corporation pursuant to the Consent Order executed on April 14, 1983, may now be filed.

(2) All applications must be postmarked no later than 90 days after publication of this Decision and Order in the **Federal Register**.

Dated: February 8, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

APPENDIX

Customer and name	Address
Dealers:	
Citgo	Rte 83 and Waber Rd., Vernon, CT 06066.
Citgo	2233 Conham Avenue, New Britain, CT 06053.
Midway Marina	Portland Boat Works, Portland, CT.
End Users:	
Peter Armanado	CT.
Paul Buccher, Co	CT.
Central Landscape	CT.
Ct. Dispensary	CT.
Lafayette Fathers	CT.
Nick Schaus	CT.
Wickers Lumber	CT.
Winding Brook Turf Farm.	CT.
Artis Septic	CT.
Bishop Farms	CT.
Robert Brockert	CT.
Raymond Cannon	CT.
Matawa Casson	CT.
Eddy Electronic Motor.	CT.
Alton Eliason	CT.
Ronald Emondson	CT.
Jos. Fazzone	CT.

APPENDIX—Continued

Customer and name	Address
Harold Fraytag	CT.
Hills Glast	CT.
Robert Gold	CT.
John Hanson	CT.
Ethel Humphrey	CT.
Contress Michaels	CT.
Minon Lawton	CT.
Print Meadows	CT.
Nurs Petnssl	CT.
Alan Shanden	CT.
Roy Staelly	CT.
Harold Tercob	CT.
Mrs. Van Noort	CT.
Louis Vanni	
Avon Old Farms School.	CT.
John Hahn	CT.
H. P. Koppleman	CT.
Marsden & Wassenmen.	CT.
Mrs. Petrussl	CT.
Robert Rhodes	CT.

[FR Doc. 93–3527 Filed 2–12–93; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4593–9]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before March 18, 1993.

FOR FURTHER INFORMATION OR TO OBTAIN A COPY OF THIS ICR, CONTACT: Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Prevention, Pesticides and Toxic Substances

Title: Data Call-in (DCI) for Special Review Chemicals. (EPA ICR No. 0922.04; OMB No. 2070–0057). This is a request of extension of the expiration date of a currently approved collection.

Abstract: Under section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the EPA may require pesticide registrants to provide additional information on a registered product to assess whether the registration of the product in question

may be allowed to continue. The types of data that can be subject to a DCI are categorized into various divisions and listed in 40 CFR part 158. These categories are: Product chemistry; residue chemistry; environmental fate; toxicology; reentry protection; spray drift; wildlife and aquatic organism; plant protection; nontarget insect; product performance; biochemical pesticides and microbial pesticides.Special studies based on the particular characteristics of the chemical may be required and the registrants must keep records of each study.

EPA uses the information to assess the potential hazard to human health and the environment associated with certain chemicals, and to support continued registration of a chemical.

Burden Statement: The public burden for this collection of information is estimated to average 874 hours per response for reporting, and 46 hours per recordkeeper annually. This estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, complete the required tests and review the collection of information.

Respondents: Registrants of pesticide products.

Estimated Number of Respondents: 64.

Estimated Number of Responses per Respondent: 1.

Frequency of Collection: On occasion.

Estimated Total Annual Burden on Respondents: 58,880 hours.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM 223Y), 401 M Street, SW., Washington, DC, 20460.

and

Matthew Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC, 20503.

Dated: February 8, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93-3480 Filed 2-12-93; 8:45 am]

BILLING CODE 6560-50-F

[FRL-4594-1]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before March 18, 1993.

FOR FURTHER INFORMATION OR TO OBTAIN A COPY OF THIS ICR, CONTACT: Sandy Farmer at EPA, (202) 260-2740.

SUPPLEMENTARY INFORMATION:

Office of Prevention, Pesticides and Toxic Substances

Title: Significant New Use Rules for Existing Chemicals (EPA ICR No. 1188.04; OMB No. 2070-0038) This is a request of extension of the expiration date of a currently approved collection.

Abstract: Under section 5 of the Toxic Substances Control Act (TSCA), EPA has the authority to monitor and control significant new uses of chemical substances. When EPA designates a chemical use as a significant new use, the initiating party—chemical manufacturer, importer or processor—must use the Premanufacture Notice (PMN) form to notify the Agency 90 days prior to the commencing of the use. Part I and II of the PMN form requires the applicants to disclose general information such as the name of authority official, the name of the company, the facility location, the name and the listed number of the chemical in question, claim of confidentiality and the chemical molecular formula. Part III of the form requires the applicants to disclose information on human exposure and environmental release. The EPA uses the information to ensure compliance with section 5 of the TSCA.

Burden Statement: The public burden for this collection of information is estimated to average 113 hours per response for reporting, and 5.6 hours per recordkeeper annually. This estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, complete the form and review the collection of information.

Respondents: Chemical Manufacturers, importers, and processors.

Estimated Number of Respondents: 2.

Estimated Number of Responses per Respondent: 1.

Frequency of Collection: On occasion.

Estimated Total Annual Burden on Respondents: 237 hours.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM 223Y), 401 M Street, SW.,Washington, DC, 20460.

and

Matthew Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW.,Washington, DC, 20503.

Dated: February 9, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93-3481 Filed 2-12-93; 8:45 am]

BILLING CODE 6560-50-F

[FRL-4596-3]

Public Water System Supervision Program Revision for the Commonwealth of Pennsylvania

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with the provisions of section 1413 of the Safe Drinking Water Act as amended, 42 U.S.C. 300f et seq., and 40 CFR 142.10, the National Primary Drinking Water Regulations, that the Commonwealth of Pennsylvania has revised their approved State Public Water System Supervision Primacy Program. Pennsylvania has adopted drinking water regulations for total coliforms (including fecal coliforms and E. Coli) that corresponds to the National Primary Drinking Water Regulations for total coliforms (including fecal coliforms and E. Coli) promulgated by EPA on June 29, 1989 (54 FR 27544). EPA has determined that these State program revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions.

All interested parties are invited to request a public hearing. A request for a public hearing must be submitted by March 18, 1993, to the Acting Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Acting Regional Administrator. However, if a substantial request for a public hearing is made by March 18, 1993, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Acting

Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective on March 18, 1993.

A request for a public hearing shall include the following:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Acting Regional Administrator's determination and of information that the requesting person intends to submit at such a hearing.

(3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

- Acting Regional Administrator, U.S. Environmental Protection Agency, Region 3, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.
- Division of Water Supplies, Pennsylvania Department of Environmental Resources, P.O. Box 2357, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Ghassan M. Khaled, U.S. EPA, Region 3, Drinking Water Section (3WM41), at the Philadelphia address given above; telephone (215) 597–8992.

Dated: February 1, 1993.

Stanley L. Laskowski,

Acting Regional Administrator, EPA, Region 3.

[FR Doc. 93–3478 Filed 2–12–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4595–8]

Report of the Neurotoxicity Risk Assessment Guidelines Peer Review Workshop

AGENCY: U.S. Environmental Protection Agency (U.S. EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of a workshop report entitled *Report of the Neurotoxicity Risk Assessment Guidelines Peer Review Workshop* (EPA/630/R–92/003). This report compiles discussions and presentations from the workshop.

ADDRESSES: To obtain a single copy of the report, interested parties should contact the ORD Publications Office, CERI, U.S. Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, OH 45268, Tel: (513) 569–7562. Please provide your name, mailing address, and EPA document number EPA/630/R–92/003. The document will be distributed from the Cincinnati office only.

The summary report will also be available for public inspection at the ORD Pubic Information Shelf, EPA Headquarters Library, Waterside Mall, 401 M Street, SW., Washington, DC 20460, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, except for Federal holidays.

FOR FURTHER INFORMATION CONTACT: Clare Stine, Technical Liaison, Risk Assessment Forum, Tel: (202) 260–6743.

SUPPLEMENTARY INFORMATION: On June 2 and 3, 1992, EPA's Risk Assessment Forum sponsored a workshop in Washington, DC for peer review of draft EPA guidelines for neurotoxicity risk assessment (57 **Federal Register** 21086; May 18, 1992). The meeting opened with discussion of key features of the draft guidelines, including areas of expected controversy, followed by workshop review of the scientific foundation for each element in the guidelines. Workshop participants from academia, industry, and government (state and federal) brought expertise in a wide range of relevant disciplines to the discussion.

The workshop did not attempt to address all of the principles, concepts, and methods that are important for neurotoxicity risk assessment. Rather, EPA asked for expert opinion on the logic, scientific validity, and utility of the principles proposed in the workshop draft as general guidance for EPA risk assessors. Workshop participants were asked to review the draft guidance with these objectives in mind.

The Agency is using the peer review comments to help complete a proposal for neurotoxicity risk assessment guidelines that will be published for public comment, then reviewed by EPA's Science Advisory Board. This workshop report presents information on issues discussed at the workshop, identifies participants, and summarizes work group conclusions.

Dated: February 8, 1993.

Gary J. Foley,

Acting Assistant Administrator for Research and Development.

[FR Doc. 93–3505 Filed 2–12–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4592–8]

National Pollutant Discharge Elimination System, Announcement of National Meetings to Consider Options for Controlling Sources of Stormwater Pollution Under Section 402(p)(6) of the Clean Water Act

AGENCY: Environmental Protection Agency.

ACTION: Announcement of national meetings.

The Water Quality Act of 1987 added section 402(p) to the Clean Water Act. This section requires the Environmental Protection Agency to establish phased regulations for the control of storm water discharges under the National Pollutant Discharge Elimination System (NPDES) program.

The first phase of the stormwater program is well underway. This phase involves the permitting of discharges associated with industrial activity and discharges from municipal separate storm sewer systems serving a population of 100,000 or more. The basic permitting framework for Phase I was established on November 16, 1990 (55 FR 47990). The framework provides industrial facilities with three options for applying for NPDES permit coverage. They may submit individual applications, participate in a group application, or submit a notice to be covered by a general permit. Municipal operators of municipal separate storm sewer systems serving a population of 100,000 or more must develop and implement storm water management programs within their service areas.

Section 402(p)(6) of the CWA, which is the focus of this notice, addresses Phase II of the storm water program. It requires EPA to issue a regulation by October 1, 1993 which designates additional stormwater discharges to be regulated to protect water quality and establish a comprehensive program to regulate such designated sources. The precise scope and nature of the applicable controls under Phase II have been left by Congress for EPA to define. Input from the public will help EPA to evaluate options it has developed for designating and controlling Phase II sources as we move forward in producing more detailed regulatory options during the next several months.

In order to obtain this input, EPA has scheduled three public meetings. The first two meetings will be in Arlington, Virginia at the Crystal Gateway Marriott Hotel in Salon 6 on February 25th and 26th, 1993. The phone number for the Marriott is 703–920–3230. The third meeting will be held in Dallas, Texas on

March 5th at the Dallas-Fort Worth Airport South Holiday Inn located at 4440 W. Airport Freeway. The phone number for the hotel is 214–399–1010 and the meeting will be held in the A and B ballrooms. All three meetings will last from 9 a.m. until 5 p.m.

While all of these meetings are open to the public, the first meeting will focus on stormwater phase II sources from the state, local and municipal government perspective. The second meeting will focus on these issues from the industrial view. The third and final meeting will focus on the issues from an overall point of view.

To generate discussion and input from participants, each meeting will focus on several options, developed by EPA, with variations in scope and timing, for controlling storm water discharges from currently unregulated sources under Phase II of the storm water program. These options could range from comprehensive permitting of all municipal, light industrial, and commercial activities that generate storm water runoff to little or no NPDES permitting of Phase II sources. Background materials will be available at the meeting.

In addition to obtaining reactions to the options presented, attendees will be asked to identify a set of key components that would be essential to the success of any program required by EPA, the key actions that need to be taken to ensure that these components are put in place, and, finally, actions that EPA should avoid taking lest they provide a major impediment to the overall success of the program.

FOR FURTHER INFORMATION CONTACT: For further information on the national meetings described above, contact Barbara Brozan of the Rensselaerville Institute in Rensselaerville, New York, (518) 797–3783.

Dated: February 4, 1993.

Michael B. Cook,

Director, Office of Wastewater Enforcement and Compliance.

[FR Doc. 93–3477 Filed 2–12–93; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Delmas AAEL, Inc. et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC, Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–007680–083.

Title: American West African Freight Conference.

Parties: Delmas AAEL, Inc., Farrell Lines, Inc., Maersk Line, Societe Ivoirienne de Transport Maritime, Torm West Africa Line, Westwind Africa Line, Wilhelmsen Lines A/S.

Synopsis: The proposed amendment changes the due date for the payment of conference assessments from the date of invoice to within 30 days of the beginning of the applicable quarter.

Dated: February 9, 1993.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 93–3510 Filed 2–12–93; 8:45 am]

BILLING CODE 6730-01-M

City of Kodiak, et al.; Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, N.W., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–002582–005.

Title: City of Kodiak/Sea-Land Service, Inc. Terminal Agreement.

Parties: City of Kodiak, Sea-Land Service, Inc.

Synopsis: This modification extends the term of the preferential use agreement between the parties to March 1, 1993.

Dated: February 9, 1993.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 93–3432 Filed 2–12–93; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

CNB Bancshares, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 12, 1993.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. CNB Bancshares, Inc., Evansville, Indiana; to acquire 100 percent of the voting shares of First Corporation, Henderson, Kentucky, and thereby indirectly acquire The First National Bank of Henderson, Henderson, Kentucky; and to acquire 100 percent of the voting shares of South Central Illinois Bancorp, Inc., Effingham, Illinois, and thereby indirectly acquire The First National Bank of Effingham, Effingham, Illinois.

In connection with this application, Applicant also proposes to acquire Peoples Security Finance Company, Inc., Madisonville, Kentucky, and thereby engage in making loans to individuals in amounts of $15 thousand or less, from six to one hundred twenty months maturity, on a secured and unsecured basis, and will also purchase retail installment notes on consumer goods and services pursuant to § 225.25(b)(1); and to acquire Peoples Security Investment, Inc., Madisonville, Kentucky, and thereby engage in making loans to individuals in amounts of $10 thousand or less, from twelve to sixty months maturity, on a secured or unsecured basis, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 9, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-3486 Filed 2-12-93; 8:45 am]

BILLING CODE 6210-01-F

James M. Flanagan; Change In Bank Control Notice

Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than March 8, 1993.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. James M. Flanagan, to acquire 11.75 percent of the voting shares of Premier Financial Services, Inc., Freeport, Illinois, and thereby indirectly acquire First Bank North, Freeport, Illinois, and First Bank South, Dixon, Illinois.

Board of Governors of the Federal Reserve System, February 9, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-3487 Filed 2-12-93; 8:45 am]

BILLING CODE 6210-01-F

Northview Financial Corporation, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 12, 1993.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Northview Financial Corporation, Northfield, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Northview Bank & Trust, Northfield, Illinois, in organization.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. FirstBank Holding Company of Colorado Employee Stock Ownership Plan, Lakewood, Colorado; to acquire 100 percent of the voting shares of FirstBank of Fort Collins, Fort Collins, Colorado.

2. Fourth Financial Corporation, Wichita, Kansas; to acquire 100 percent of the voting shares of Guaranty Bancorporation, Tulsa, Oklahoma, and thereby indirectly acquire Guaranty Bank and Trust Co. of Tulsa, Tulsa, Oklahoma.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. The Country Bancshares, Inc., Charlotte, Texas; to become a bank holding company by acquiring 99.4 percent of the voting shares of The Country Bank, Charlotte, Texas.

D. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Inland Northwest Bancorporation, Inc., Spokane, Washington; to become a bank holding company by acquiring at least 90 percent of the voting shares of Inland Northwest Bank, Spokane, Washington.

Board of Governors of the Federal Reserve System, February 9, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-3488 Filed 2-12-93; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

Notice of a Meeting of the Advisory Committee on Research Integrity, Public Health Service

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Advisory Committee on Research Integrity, Public Health Service, on Saturday, February 27, and Sunday, February 28, 1993, at the Westin St. Francis Hotel in San Francisco. The meeting will be held February 27 from 8:30 a.m. to 5 p.m. and on February 28 from 8 a.m. to 12:30 p.m.

The meeting will be open to the public. The Advisory Committee

VOL
58
ISS
29
FE
16
1993
UMI

actively invites statements by the public on issues of education on scientific misconduct and means by which the Public Health Service can encourage the responsible conduct of research.

The charge of the Committee is to review and evaluate, on an ongoing basis, the efficacy of policies and procedures of the Department of Health and Human Services in detecting, deterring, investigating, and resolving allegations of research misconduct and to make recommendations to the Secretary and the Assistant Secretary for Health on improving these policies and procedures. The Committee also advises on issues of education and prevention.

The purpose of the meeting will be to deliberate a number of proposed PHS educational efforts that are designed to strengthen the PHS research integrity program. Discussion items will include but will not be limited to recent activities of the Office of Research Integrity including outreach and education efforts to encourage the responsible conduct of research and providing information on a number of issues in research misconduct.

Henrietta D. Hyatt-Knorr, Executive Secretary, Advisory Committee on Research Integrity, Office of Research Integrity, Division of Policy and Education, Rockwall II, suite 700, 5515 Security Lane, Rockville MD 20852, (301) 443–5300, will furnish the meeting agenda, the Committee charter, and a roster of the Committee members upon request. Members of the public wishing to make presentations should contact her in advance of the meeting. Depending on the number of presentations and other considerations, the Executive Secretary will allocate a time frame for each speaker.

Dated: February 8, 1993.

Lawrence J. Rhoades,

Acting Director, Division of Policy and Education, Office of Research Integrity.

[FR Doc. 93–3430 Filed 2–12–93; 8:45 am]

BILLING CODE 4160–17–M

Food and Drug Administration

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETINGS: The following advisory committee meetings are announced:

Endocrinologic and Metabolic Drugs Advisory Committee

Date, time, and place. March 1, 1993, 8 a.m., Marriott Hotel, Salons A, B, and C, 620 Perry Pky, Gaithersburg, MD.

Type of meeting and contact person. Open public hearing, 8 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 5 p.m.; John L. Gueriguian, Center for Drug Evaluation and Research (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3490, Fax: 301–443–9282.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in endocrine and metabolic disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before February 16, 1993, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The meeting will be devoted to the presentation and discussion of new drug application (NDA) 20–223, terazosin hydrochloride/Hytrin®, Abbott Laboratories, for the indication of benign prostatic hypertrophy.

Oncologic Drugs Advisory Committee

Date, time, and place. March 1, 1993, 8 a.m., Conference rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, 8 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m to 6 p.m.; Adele S. Seifried, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4695.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in the treatment of cancer.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before February 22, 1993, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss: (1) NDA 20–277, Pergamid™ (perfosfamide, Scios Nova, Inc.), for ex vivo purging of bone marrow of patients with acute myelocytic leukemia in complete remission undergoing high dose chemotherapy with or without total body irradiation and autologous bone marrow transplantation; (2) NDA 20–298, Zyloprim® for injection (allopurinol sodium, Burroughs Wellcome Co.), for the management of patients with leukemia, lymphoma, and malignancies who are receiving cancer therapy which causes elevations of serum and urinary uric acid levels, and (3) supplemental NDA 20–122, Nipent™ for injection, (pentostatin, Parke Davis Pharmaceuticals Research), as a single agent for treatment of adult patients with previously untreated hairy cell leukemia.

Gastrointestinal Drugs Advisory Committee

Date, time, and place. March 11 and 12, 1993, 9 a.m., Holiday Inn—Crowne Plaza, Regency Room, 1750 Rockville Pike, Rockville, MD.

Type of meeting and contact person. Open public hearing, March 11, 1993, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; open committee discussion, March 12, 1993, 9 a.m. to 5 p.m.; Joan C. Standaert, (HFD–110), 419–259–6211, or Valerie M. Mealy (HFD–9), 301–443–5455, Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in the treatment of gastrointestinal diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make

formal presentations should notify the contact person before February 26, 1993, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On March 11, 1993, the committee will discuss NDA 20–239, granisetron (Kytril®) injection, SmithKline Beecham, for the prevention of nausea and vomiting associated with initial and repeated courses of emetogenic cancer therapy, including high dose cisplatin. On March 12, 1993, the committee will discuss histamine H_2 receptor-antagonists and gastric alcohol dehydrogenase.

Peripheral and Central Nervous System Drugs Advisory Committee

Date, time, and place. March 18 and 19, 1993, 8 a.m., Conference rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD; and March 20, 8:30 a.m., Holiday Inn—Crowne Plaza, Plazas I and II, 1750 Rockville Pike, Rockville, MD.

Type of meeting and contact person. Open public hearing, March 18, 1993, 8 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 5 p.m.; open public hearing, March 19, 1993, 8 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 5 p.m.; open public hearing, March 20, 1993, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5 p.m.; Michael A. Bernstein, Center for Drug Evaluation and Research (HFD–120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4020.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in neurological disease.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those desiring to make formal presentations should notify the contact person before March 12, 1993, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On March 18, 1993, the committee will discuss the safety and effectiveness of COGNEX® (tacrine hydrochloride), NDA 20–070, Parke-Davis, for use in the treatment of Alzheimer's disease. On March 19, 1993, the committee will discuss the safety and effectiveness of BETASERON® (recombinant human interferon beta), product license application (PLA) 92–0495, Chiron Corp./Berlix Labs., for use in the treatment of multiple sclerosis. On March 20, 1993, the committee will discuss the safety and effectiveness of LAMICTAL® (lamotrigine), NDA 20–241, Burroughs Wellcome, for use in the treatment of epilepsy.

Blood Products Advisory Committee

Date, time, and place. March 25 and 26, 1993, 8:30 a.m., Ramada Inn, Embassy Ballrooms I, II, and III, 8400 Wisconsin Ave., Bethesda, MD.

Type of meeting and contact person. Open public hearing, March 25, 1993, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5 p.m.; open committee discussion, March 26, 1993, 8:30 a.m. to 4 p.m.; Linda A. Smallwood, Center for Biologics Evaluation and Research (HFM–300), Food and Drug Administration, 1401 Rockville Pike, Bethesda, MD 20852, 301–227–6700.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before March 19, 1993, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On March 25, 1993, the committee will discuss and make recommendations on donor screening criteria for Human T-Lymphocyte Virus Type II (HTLV-II) and review the product license application for a peptide based assay for antibody to Hepatitis C Virus (anti-HCV), United Biomedical, Inc. On March 26, 1993, the committee will discuss and provide comments on two draft memoranda entitled: (1) "Revised Recommendations for Testing for Antibody to Hepatitis C Virus Encoded Antigen) (Anti-HCV);" and (2) "Licensing Requirements for Irradiated Blood Products." The committee will also review and discuss a request by Miles, Inc., to extend the indication for intravenous immune globulin (IVIG) to include prophylaxis for bone marrow transplant patients.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to

make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees. FDA regrets that it was unable to publish this notice 15 days prior to meetings being held on March 1, 1993, due in part to the holiday.

Dated: February 9, 1993.

Jane E. Henney,

Deputy Commissioner for Operations.

[FR Doc. 93–3485 Filed 2–12–93; 8:45 am]

BILLING CODE 4160–01–U

National Institutes of Health

Waiver of Local Institutional Review Board Requirement; d4T (Trade name Stavudine)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Institutes of Health is announcing the waiver of the applicability of the title 45 CFR part 46 (protection of human subjects) requirement of local Institutional Review Board (IRB) review for the protocol AI455–900 under the "Expanded Availability of Investigational New Drugs Through a Parallel Track Mechanism for People with AIDS and other HIV-Related Disease," known as "Parallel Track" (57 FR 13250).

FOR FURTHER INFORMATION CONTACT: Diane Aiken, Building 31, room 5B–59, Office for Protection from Research Risks, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892 ((301) 496–7005).

SUPPLEMENTARY INFORMATION: Pursuant to § 46.101(i) of title 45 of the Code of Federal Regulations, the Secretary of Health and Human Services (HHS) waived, on December 8, 1992, the HHS regulations requiring local IRB review for the investigational new drug d4T (trade name Stavudine) under the Bristol Meyers-Squibb Company's protocol AI455–900. Protocol AI 455–900 makes the investigational drug d4T available through parallel track, that is, d4T will be available in one of two comparison doses to patients who have not responded to or who are intolerant to AZT or ddI and who are ineligible for the controlled clinical trial of d4T. This parallel track protocol was reviewed nationally by the AIDS Program Advisory Committee (APAC) and, following consideration of the human subject protections, was recommended for approval. Because of the APAC's careful review and recommendation for approval, the Food and Drug Administration also waived its requirement for local IRB review and approval of this protocol.

The HHS regulations requiring local IRB review and approval apply to any institutions, conducting this research, which have Multiple Project Assurances on file with HHS/Office for Protection from Research Risks, in the absence of this waiver. Although with this waiver, local IRB review is not mandatory, each local IRB retains the option of reviewing the protocol.

Dated: February 2, 1993.

Bernadine Healy,

Director, NIH.

[FR Doc. 93–3444 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

Government-Owned Inventions; Withdrawal of Notice of Intent to Grant Exclusive License and Notice of Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: Notices of Intent to Grant Exclusive Licenses for the following Government-owned inventions are hereby withdrawn. Each entry identifies in order, the serial number (SN), title, the name of the intended grantee, the date of the **Federal Register** notice and the **Federal Register** citation.

SN 07/430,049

"cDNA Encoding the Long Isoform of the D2 Dopamine Receptor," Receptor Genetics, Inc., 03/31/92, Vol. 57, No. 62, pg. 10911

SN 07/548,714

"cDNA Encoding the Rat D1 Dopamine Receptor Linked to Adenylyl Cyclase Activation and Expression of the Receptor Protein in Plasmid-Transfected Cell Lines," Receptor Genetics, Inc., 03/31/92, Vol. 57, No. 621, pg. 10911

The inventions listed above are owned by the Department of Health and Human Services and are available for licensing in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Licensing information may be obtained by writing to: Arthur J. Cohn, J.D., Office of Technology Transfer, National Institutes of Health, Box OTT, Bethesda, Maryland 20892.

Dated: February 3, 1993.

Reid G. Adler, J.D.

Director, Office of Technology Transfer.

[FR Doc. 93–3441 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Diabetes and Digestive and Kidney Diseases, National Diabetes Advisory Board; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Diabetes Advisory Board on March 8–9, 1993. The Board will meet on Monday, March 8 from 8 a.m. to approximately 4:30 p.m. to discuss diabetes related translation activities. On Tuesday, March 9, the Board meeting will begin at 8 a.m. and adjourn at approximately 5 p.m. Discussion will be devoted to intramural NIDDK programs as they relate to diabetes and future activities of the Board. The meeting will be held at the Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, Maryland. Although the entire meeting will be open to the public, attendance will be limited to space available.

For any further information, and for individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, please contact Mr. Raymond M. Kuehne, Executive Director, National Diabetes Advisory Board, 1801 Rockville Pike, suite 500, Rockville Maryland 20852, (301) 496–6045. Please note, if you are requesting special assistance, you must

do so two weeks prior to the meeting date. In addition, his office will provide a membership roster of the Board and an agenda and summaries of the actual meetings.

(Catalog of Federal Domestic Assistance Program No. 93.847–849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: February 5, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–3445 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

Consensus Development Conference On Early Identification of Hearing Impairment In Infants and Young Children

Notice is hereby given of the NIH Consensus Development Conference on "Early Identification of Hearing Impairment in Infants and Young Children," which will be held March 1–3, 1993 in the Masur Auditorium of the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892. This conference is sponsored by the National Institute on Deafness and Other Communication Disorders and the NIH Office of Medical Applications of Research. Cosponsors of the conference include the National Institute of Child Health and Human Development and the National Institute of Neurological Disorders and Stroke. The conference begins at 8:30 a.m. each day.

There is a clear need in the United States for improved methods and models for the early identification of hearing impairment in infants and young children. Approximately 1 of every 1,000 infants is born deaf. Many more children develop some degree of hearing impairment by the age of 3. Reduced hearing acuity during infancy and early childhood interferes with the development of speech and language skills. Moreover, delayed identification and intervention may impede the hearing-impaired child's ability to adapt to life in a hearing world or prepare for life in the hearing-impaired community.

The knowledge and methods for the early identification of childhood hearing impairment exist. Nevertheless, across the United States, the average age of identification remains close to 3 years. Lesser degrees of hearing loss may go undetected even longer. Unfortunately much of the crucial period for speech and language development has passed by the age of 3 years.

Infant hearing screening has been approached with a number of different test methods, including cardiac response audiometry; respiration audiometry; alteration of sucking patterns; movement or startle in response to auditory stimuli; measurement of acoustic reflexes; and more recently, auditory brain stem response (ABR) audiometry. In addition, recent attention has turned to otoacoustic emissions, a fast, inexpensive, noninvasive screening method for testing infants' hearing. Each method is effective in its own way, but technical or interpretive limitations have impeded widespread application. Moreover, these approaches vary widely in their sensitivity, specificity, and predictive efficiency in identifying hearing impairment.

Today, most neonatal screening programs are focused on infants who satisfy one or more of a number of criteria for inclusion in a "high-risk registry." The preferred screening method has come to be ABR, combined with audiologic followup for those infants who fail the screening protocols. Despite the relatively good predictive efficiency of ABR, its cost, time requirements, and technical difficulties have discouraged the general application of this method in screening the far larger newborn population not meeting high-risk registry criteria. This approach misses 50 percent of hearing-impaired infants.

Consensus on a unified approach to the problem of early identification has been delayed by the scarcity of data on the relative sensitivity, specificity, predictive efficiency, and cost effectiveness of the hearing testing techniques currently used to identify hearing impairment in infants and young children.

The conference will bring together specialists in audiology, otolaryngology, pediatrics, neonatology, hearing science, speech-language pathology, health care administration, epidemiology, counseling, and other health care areas, as well as representation from the public.

The goal of the conference is to reach agreement on which children should have their hearing screened or tested and at what age, which methods or models are preferred for identifying hearing impairment in infants and young children, and what are the key areas for future research.

Following 1½ days of presentations and discussion by the audience, an independent non-Federal consensus panel will weigh the scientific evidence and write a draft statement in response to the following key questions:

- What are the advantages of early identification of hearing impairment and the consequences of late identification of hearing impairment?
- Which children (birth through 5 years) should be screened for hearing impairment and when?
- What are the advantages and disadvantages of current screening methods?
- What is the preferred model for hearing screening and followup?
- What are the important directions for future research?

On the final day of the meeting, the consensus panel chairman will read the draft statement to the conference audience and invite comments and questions.

Information on the program may be obtained from: Debra Steward, Technical Resources, Inc., 3202 Tower Oaks Blvd., suite 200, Rockville, Maryland 20852, (301) 770–3153.

Dated: February 2, 1993.

Bernadine Healy,

Director.

[FR Doc. 93–3440 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the following Heart, Lung, and Blood Special Emphasis Panel.

The meeting will be closed in accordance with the provisions set forth in sec. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications, contract proposals, and/or cooperative agreements. These applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Panel: NHLBI SEP on RFP for Clinical Trial Centers for Antihypertension and Lipid-Lowering Treatment to Prevent Heart Attack Trials.

Dates of Meeting: February 28–March 1, 1993.

Time of Meeting: 7:30 p.m.

Place of Meeting: Holiday Inn, Bethesda, Maryland.

Agenda: To review and evaluate contract proposals.

Contact Person: Dr. Anthony M. Coelho, Jr., 5333 Westbard Avenue, room 648, Bethesda, Maryland 20892.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular

Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: February 8, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–3437 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meeting of the Clinical Trials Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, February 28–March 3, 1993, Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, Maryland 20814.

The meeting will be open to the public on February 28 from 7 p.m. to approximately 8 p.m. to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public is limited to space available.

In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C., and sec. 10(d) of Public Law 92–463, the meeting will be closed to the public on February 28 from approximately 8 p.m. to adjournment on March 3, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Long, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, room 4A–21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of the Committee members.

Individuals who plan to attend and need special assistance, such as sign language interpretations or other reasonable accommodations, should contact the Scientific Review Administrator in advance of the meeting.

Dr. David M. Monsees, Jr., Scientific Review Administrator, Clinical Trials Review Committee, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, Westwood Building, room 550B, Bethesda, Maryland 20892, (301) 496–7361, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: February 8, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–3438 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Arthritis and Musculoskeletal and Skin Diseases; Meeting of the Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee (AMS) of the National Institute of Arthritis and Musculoskeletal and Skin Diseases on February 28 and March 1, 1993, Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland.

The meeting will be open to the public on February 28, from 8:30 a.m. to 9:30 a.m. to discuss administrative details or other issues relating to the committee activities. Attendance by the public will be limited to space available.

The meeting will be closed to the public on February 28 from 9:30 a.m. to recess and again on March 1 from 8:30 a.m. to adjournment in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual research grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Further information concerning this meeting and individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dr. Theresa Lo, Executive Secretary, Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee, NIAMS, Westwood Building, room 406, Bethesda, Maryland 20892, (301) 496–0754.

Ms. Suzanne Sangalan, Committee Management Officer, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, Building 31, room 4C32, Bethesda, Maryland 20892, 301–496–0803, will provide summaries of the meeting and roster of the committee members upon request.

(Catalog of Federal Domestic Assistance Program No. 93.846, project grants in arthritis, musculoskeletal and skin diseases research, National Institutes of Health)

Dated: February 8, 1993.

Susan K. Feldman,

NIH Committee Management Officer.

[FR Doc. 93–3439 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute, President's Cancer Panel Special Commission on Breast Cancer; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the President's Cancer Panel Special Commission on Breast Cancer, National Cancer Institute, March 18–19, 1993, at the Hyatt Regency Miami, Bricknell Room, City Center at Riverwalk, 400 SE. 2nd Avenue, Miami, Florida 33131–2197.

This meeting will be open to the public on March 18 from 8:30 a.m. to recess and on March 19 from 8:30 to adjournment. Attendance will be limited to space available. Agenda items will include presentations by invited speakers on the topic "Screening, Early Detection, and New Detection Technologies."

Iris J. Schneider, Acting Executive Secretary, President's Cancer Panel Special Commission on Breast Cancer, National Cancer Institute, Building 31, room 4A34, National Institutes of Health, Bethesda, Maryland 20892, 301/496–1148, will provide a roster of the Commission members and substantive program information.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Iris J. Schneider, 301/496–1148 in advance of the meeting.

Dated: February 9, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–3446 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

Prospective Grant of Co-Exclusive Patent License; Advanced Peptides, Inc. and Therapeutic Peptides, Inc.

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This is notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the Office of Technology Transfer (OTT), National Institutes of Health, is contemplating the grant of a co-exclusive license in the United States, to practice the invention embodied in U.S. Patent Serial Number 5,063,206, "Compositions Having Use as Treatment of Neuropsychiatric Deficits"; U.S. Patent Application Serial Number 7/696,556, "Compositions Having Use as Treatment of Neuropsychiatric Deficits"; and U.S. Patent Application Serial Number 7/732,352 "Thymoleptic Peptides" in the field of non-HIV related therapies to Advanced Peptide and Biotech Sciences, Inc., having a place of business in Rye Brook, New York and to Therapeutic Peptides, Inc., having a place of business in Baltimore, Maryland. The patent rights in this invention have been assigned to the National Institutes of Health.

The prospective co-exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective co-exclusive license may be granted unless, within 60 days from the date of this published notice, OTT receives written evidence and argument which establishes the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The inventions relate to the use of thymoleptic peptides (Peptide T) for the treatment of mental disorders not caused by HIV infection by administering Peptide T or derivatives thereof; treatment of chronic fatigue syndrome by administration of Peptide T or derivatives thereof; and treatment of psoriasis not associated with HIV infection by administration of Peptide T and derivatives thereof respectively.

The availability of U.S. Patent Number 5,063,206 for licensing was published in the **Federal Register** April 20, 1989 and December 17, 1991. The availability of U.S. Patent Application Serial Number 7/696,556 was published in the **Federal Register** April 20, 1989 and August 24, 1992. The availability of U.S. Patent Application Serial Number 7/732,352 for licensing was published in the **Federal Register** April 20, 1989. Requests for a copy of the above identified technologies, inquiries, comments and other materials relating to the contemplated license should be directed to: Dr. Sandra L. Shotwell, Office of Technology Transfer, National Institutes of Health, Box OTT, Bethesda, Maryland 20892 (telephone: (301) 496–7735; FAX: (301) 402–0220). Properly filed competing applications received by OTT in response to this notice will be treated as objections to the grant of the contemplated license. Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer within sixty (60) days of this notice will be considered.

Dated: February 2, 1993.

Reid G. Adler,

Director, Office of Technology Transfer.

[FR Doc. 93–3442 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

Prospective Grant of Exclusive License; Anti-Viral Compounds and Their Uses

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This notice is in accordance with 15 U.S.C. 209(c)(91) and 37 CFR 404.7(a)(1)(i) that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive world-wide license to practice the invention embodied in U.S. Patent Application SN 07/447,406, entitled "Anti-Viral Compounds And Their Uses" to the patent application's co-owner Sanyo-Kokusaku Pulp Co., Ltd. ("SKP"), of Tokyo, Japan. The patent rights in this invention have been assigned to both SKP and the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. It is anticipated that this license will be limited to the use of certain anti-viral compounds for the treatment and prevention of AIDS. The development of these antiviral compounds for the treatment and prevention of AIDS is the subject of a current Cooperative Research And Development Agreement (CRADA) between SKP and the National Cancer Institute. Other patent rights relating to certain aspects of these antiviral compounds are owned solely by SKP. This prospective exclusive license may be granted unless within 60 days from the date of this published notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. If the prospective exclusive license is granted to SKP such a license would be contingent upon SKP expeditiously finding a sublicensee capable of clinical development. Such a sublicensee would be subject to approval of the NIH.

The patent application describes eight novel dideoxynucleoside purines that inhibit viral replication and prevent the cytotoxic effects of HIV and the hepatitis B virus in humans. These compounds are more lipophilic than other similar drugs (e.g., AZT, ddC, ddG, ddI, ddA) and are therefore expected to more readily cross the blood-brain barrier, which HIV penetrates. They may also overcome some of the problems that occur with other therapies, such as the bone marrow suppression and drug resistance associated with long-term use of AZT. The novel nucleosides may be effective in preventing (through incorporation into a vaccine) as well as treating conditions that develop as a result of viral infection.

ADDRESSES: Requests for a copy of this patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Mr. Steven M. Ferguson, Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, Box OTT, Bethesda, MD 20892. Telephone: (301) 496–7735; Facsimile: (301) 402–0220.

Dated: February 2, 1993.

Reid G. Adler,

Director, Office of Technology Transfer.

[FR Doc. 93–3443 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 58 FR 6288, January 27, 1993) is amended to reflect the reorganization of the National Eye Institute (NEI) (HNW). This reorganization will align NEI's organizational structure with that of other Institutes to assure proper comparability and recognition or organizations and positions by both the vision community and the personnel of other Government organizations. The reorganization consists of the following:

VOL
58
ISS
29
FE
16
1993
UMI

(1) Establish the Office of International Program Activities (HNW12), the Office of Administrative Management (HNW13), and the Office of Science Policy and Legislation (HNW15) in the Office of the Director (HNW1);

(2) Establish the Division of Intramural Research (HNW2);

(3) Transfer the functions of the Intramural Research Program (IRP) (HNW–2) to the Division of Intramural Research and abolish the IRP;

(4) Establish the Division of Biometry and Epidemiology (HNW4);

(5) Transfer the functions of the Biometry and Epidemiology Program (BEP) (HNW–4) to the Division of Biometry and Epidemiology and abolish the BEP;

(6) Establish the Division of Extramural Activities (HNW5), the Division of Basic Vision Research (HNW6), and the Division of Collaborative Clinical Research (HNW7); and

(7) Transfer the functions of the Extramural and Collaborative Program (ECP) (HNW–3) to the Division of Extramural Activities, the Division of Basic Vision Research, and the Division of Collaborative Clinical Research and abolish the ECP.

Section HN–B, Organization and Functions, is amended as follows: (1) Under the heading *National Eye Institute (HNW)*, delete the titles and functional statements for the *Intramural Research Program (HNW–2), the Extramural and Collaborative Program (HNW–3),* and *the Biometry and Epidemiology Program (HNW–4)* in their entirety and insert the following:

Office of International Program Activities (HNW12)

Conducts the planning, management, and evaluation of the international cooperative research activities in vision disorders by:

(1) Serving as the NEI focal point with the Fogarty International Center and the State Department, and other Federal organizations involved in international health activities; and coordinates vision research activities under bilateral agreements between the United States and other countries;

(2) Maintaining liaison with international organizations involved in prevention of blindness and vision disorders;

(3) Planning and implementing programs for international exchange of scientists; and

(4) Assuming a leadership role in fostering communications between the NEI researchers and the international scientific community.

Office of Administrative Management (HNW13)

(1) Plans and directs administrative management functions of the National Eye Institute (NEI), including administrative management services, management analysis and evaluation, financial management, and personnel management;

(2) Advises the NEI Director and the extramural and intramural program directors on developments in administrative management and their implications and effects on program management; and

(3) Coordinates administrative management activities in support of the intramural and extramural research programs of the NEI.

Office of Science Policy and Legislation (HNW15)

(1) Provides leadership and direction to the planning, coordinating, reporting, analytical, evaluative, and legislative functions that support NEI program development, science policy formulation, and overall program direction and decision-making activities of the NEI executive staff;

(2) Advises the NEI Director on policy matters pertaining to the scientific programs of the Institute;

(3) Develops legislative proposals, monitors current legislation, and analyzes the effect of new legislation on NEI programs;

(4) Develops and executes a comprehensive program planning strategy for the Institute, including the development and periodic revision of a national vision research plan;

(5) Identifies and examines major issues in vision research and designs strategies to assess and evaluate them;

(6) Prepares recurring and ad hoc program and budget analyses in response to internal requests and those from NIH, PHS, DHHS, and other sources;

(7) Conducts economic analyses of the impact of NEI-supported research on the health and well-being of the Nation;

(8) Designs, develops, and maintains a comprehensive computerized management information and office automation system for the Office of the Director, the Division of Biometry and Epidemiology, and the Division of Extramural Activities to serve and support scientific policy development, implementation, management, and evaluation;

(9) Tracks and analyzes the scientific and programmatic content of proposed and funded research projects;

(10) Plans, designs, carries out, and evaluates a comprehensive scientific and public information program for the Institute;

(11) Advises on developments in the news media and in the public arena that have a bearing on NEI scientific policies, and advises on the impact these policies have on the media and public opinion;

(12) Oversees NEI compliance with the Freedom of Information Act; and

(13) Directs the National Eye Health Education Program.

Division of Intramural Research (HNW2)

(1) Plans and conducts the Institute's laboratory and clinical research program, which encompasses five major diseases, including cataract, glaucoma, and sensory and motor disorders of vision, to ensure maximum utilization of available resources in the attainment of Institute objectives;

(2) Evaluates research efforts and establishes program priorities;

(3) Allocates funds, space, and personnel ceilings and integrates ongoing and new research activities into the division structure;

(4) Collaborates with other Institutes and NIH divisions and maintains an awareness of national research efforts in division areas;

(5) Provides advice to the Institute Director and staff on matters of scientific interest; and

(6) Provides clinical and related veterinary services to the division.

Division of Biometry and Epidemiology (HNW4)

(1) Conducts activities in statistical and epidemiological research, education, and consultations;

(2) Plans, develops, and carries out human populations studies concerned with the causation, prevention, and treatment of eye disease and vision disorders, with emphasis on the major causes of visual impairment, including studies of incidence and prevalence in defined populations, prospective and retrospective studies of risk factors, natural history studies, clinical trials, genetic studies, and studies to evaluate diagnostic procedures;

(3) Carries out a program of education in biometric and epidemiologic principles and methods for the vision research community consisting of courses, workshops, a fellowship program for ophthalmologists, publications, and consultation and collaboration on research; and

(4) Provides biometric and epidemiologic assistance, advice, and collaboration to NEI intramural and extramural staff and to vision researchers elsewhere.

Division of Extramural Activities (HNW5)

(1) Advises the NEI Director and the Institute's extramural program divisions on research grants, cooperative agreements, contracts, training, and other extramural and collaborative research activities;

(2) Represents the Director in extramural matters, as required;

(3) Provides the Institute's grant and contract management and processing services;

(4) Provides initial scientific merit review of research applications assigned to the Institute;

(5) Implements the Institute's committee management policies, monitors and coordinates the operation of the Board of Scientific Counselors, and provides staff support for the National Advisory Eye Council;

(6) Coordinates extramural program planning and evaluation activities;

(7) Provides reports and statistics related to the Institute's extramural research activities; and

(8) Plans and directs resource support activities which are generic to vision research and which cut across the Institute's extramural programs.

Division of Basic Vision Research (HNW6).

(1) Plans and directs a program of grant, cooperative agreement, and contract support for basic laboratory and clinical research concerning the normal functions of the eye and the visual system, and the preservation of sight, in the following areas: retinal diseases; corneal diseases; lens and cataract; glaucoma; and strabismus, amblyopia, visual processing; and low vision and vision research;

(2) Advises the NEI Director regarding basic rehabilitation;

(3) Plans and directs a program of research training and career development in scientific areas relevant to vision research activities, and coordinates with other NEI components to accomplish Institute objectives;

(4) Establishes and implements Institute program priorities and makes funding recommendations consistent with the maximum utilization of available resources;

(5) Prepares reports and analyses to assist the Director and advisory groups in carrying out their responsibilities; and

(6) Consults with voluntary health organizations, professional associations, scientific societies, and other groups in identifying research needs and in developing and coordinating activities needed to carry out the Institute's mission.

Division of Collaborative Clinical Research (HNW7)

(1) Plans and directs a program of grant, cooperative agreement, and contract support for applied clinical vision research, including clinical trials, natural history studies, surveys, cohort studies, and studies of cases and controls;

(2) Advises the NEI Director regarding collaborative clinical research activities, and coordinates with other NEI components to accomplish Institute objectives;

(3) Helps establish and implement Institute program priorities and makes funding recommendations consistent with the maximum utilization of available resources;

(4) Prepares reports and analyses to assist the Director and advisory groups in carrying out their responsibilities; and

(5) Consults with voluntary health organizations, professional associations, scientific societies, and other groups in identifying research needs and in developing and coordinating activities needed to carry out the Institute's mission.

Dated: February 2, 1993.

Bernadine Healy,

Director, NIH.

[FR Doc. 93–3449 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 58 FR 6288, January 27, 1993) is amended to reflect the reorganization of the National Center for Human Genome Research (NCHGR) (HN4) as follows: (1) Establish the Division of Intramural Research (HNA45) and the Division of Extramural Research (HNA46); and (2) transfer the Research Grants Branch (HNA42), the Research Centers Branch (HNA43), and the Ethical, Legal and Social Implications Branch (HNA44) to the Division of Extramural Research (HN46). This reorganization will provide an NCHGR intellectual and technological focus for human molecular genetics research within the NIH intramural research community, as well as provide a focal point for the oversight and direction of the Human Genome Project and the awarding of research grants and fellowships.

Section HN–B, Organization and Functions, is amended as follows: (1) Under the heading *National Center for Human Genome Research (HN4)*, delete the titles and functional statements for the *Research Grants Branch (HNA42)*, the *Research Centers Branch (HNA43)*, *and the Ethical, Legal and Social Implications Branch (HNA44)* in their entirety and insert the following:

Division of Intramural Research (HN45)

(1) Plans and conducts a program of laboratory and clinical research related to the application of genome research to the understanding of human genetic disease and the development of human gene therapy;

(2) Acts as a focal point at NIH for genome research and maintains core facilities that serve as a resource for the entire NIH intramural research community;

(3) Evaluates research efforts and establishes intramural program priorities;

(4) Allocates funds, space, and personnel ceilings to ensure maximum utilization of available resources in the attainment of NCHGR objectives and integrates new research activities into the program structure;

(5) Collaborates with other NIH Institutes and Centers and external research institutions, and maintains an awareness of national and international research efforts in relevant program areas; and

(6) Advises the NCHGR Director and staff on intramural research programs and areas of science of interest to the Center.

Division of Extramural Research (HNA46)

(1) Plans and directs the Center's programs which support genetics research through research grants, research center grants, and contracts;

(2) Determines program priorities and recommends funding levels;

(3) Assesses the need for research and research training in areas of interest;

(4) Represents the Center on overall NIH extramural program policy committees and coordinates such policy within the Center and with other NIH Institutes, Centers, and Divisions (ICDs);

(5) Prepares reports and analyses to assist Center staff and advisory groups in carrying out their responsibilities;

(6) Collaborates with the NCHGR Division of Intramural Research and with other NIH ICDs and maintains an awareness of national research efforts in relevant program areas; and

(7) Provides advice and assistance to the Director and other Center officials

on issues related to policy and procedures for extramural affairs.

Dated: February 2, 1993.

Bernadine Healy,

Director, NIH.

[FR Doc. 93–3447 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 58 FR 6288, January 27, 1993), is amended to reflect a reorganization within the National Institute of Mental Health (HN7) to provide a more appropriate location for the monitoring and guidance of the Institute's medications development program. The reorganization consists of the following:

(1) Transfer the medications development function from the Division of Clinical and Treatment Research (DCTR) (HN73) to the Office of Program Planning and Science Policy (HN71B) and revise the DCTR functional statement; and

(2) Retitle the Office of Program Planning and Science Policy (HN71B) as the Office of Science Policy and Program Planning (HN71B) and revise its functional statement.

Section HN–B, Organization and Functions, is amended as follows: (1) Under the heading *Office of Program Planning and Science Policy (HN71B),* delete the title and functional statement in their entirety and insert the following:

Office of Science Policy and Program Planning (HN71B)

(1) Plans, directs, and supports a comprehensive program of strategic and program planning, science policy research, science program and related policy evaluation, technology/knowledge transfer, and special science programs, such as medications development;

(2) Plans, directs, and supports a program of science education activities concerned with both informing the public about mental health issues and encouraging youth to enter careers in the biomedical and behavioral sciences; and

(3) Provides correspondence control services for the Institute.

(2) Under the heading *Division of Clinical and Treatment Research (HN73),* delete the functional statement in its entirety and insert the following:

Division of Clinical and Treatment Research (HN73)

Directs, plans, conducts, and supports programs of research, research training, and resource development in psychopathology, classification, assessment, etiology, genetics, clinical course, outcome, and treatment of mental disorders with emphasis on schizophrenic disorders, affective and anxiety disorders, and mental disorders of children and adolescents, the elderly, minorities, and other special populations.

Dated: February 2, 1993.

Bernadine Healy,

Director, NIH.

[FR Doc. 93–3448 Filed 2–12–93; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N–93–3445; FR–3207–N–02]

NOFA for the Family Unification Program; Announcement of Funding Awards

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of competition winners.

SUMMARY: In accordance with section 104(a)(4)(C) of the Department Reform Act of 1989, this announcement notifies the public of funding decisions the Department has made under the Family Unification Demonstration Program. The announcement contains the names and addresses of the award winners and the amounts of the awards.

DATES: February 16, 1993.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Director, Operations Branch, Rental Assistance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone number (202) 708–0477. Hearing or speech impaired individuals may call HUD's TDD number (202) 708–4594. (These are not toll-free numbers.).

SUPPLEMENTARY INFORMATION: On July 23, 1992, the Department published a notice of funding availability that stated up to $47.7 million of budget authority for the section 8 rental certificate program was earmarked for the Family Unification Demonstration Program.

The purpose of the Family Unification Demonstration Program is to test the effectiveness of promoting family unification by providing housing assistance to families for whom the lack of adequate housing is a primary factor in the separation, or imminent separation of children from their families.

The Family Unification Demonstration Program is authorized by section 8(x) of the U.S. Housing Act of 1937, as added by section 553 of the National Affordable Housing Act and the HUD-Independent Agencies Appropriations Act of 1992. The regulations governing the section 8 rental certificate program was codified at 24 CFR part 882.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act, this document announces the winners of the competitive awards of section 8 rental certificates under the Family Unification Demonstration Program.

Dated: February 9, 1993.

Micheal B. Janis,

General Deputy, Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210–33–M

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY UNIFICATION PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
01	Exec Off. Comm & Devel	100 Cambridge St., Boston, MA 02202	MA06-E052-165	48	2,449,785
01	Gloucester HA	P.O. Box 1599, Gloucester, MA 01931	MA06-E025-022	15	712,410
02	New York City HA	250 Broadway, New York, NY 10007	NY36-E005-037	101	3,881,360
02	NYS HFA	3 Park Ave., New York, NY 10016	NY36-E108-124	87	3,686,320
02	Spring Valley HA	76 Gesner Dr., Spring Valley, NY 10977	NY36-E056-021	20	1,004,540
02	Ithaca HA	800 S. Plain St., Ithaca, NY 14850	NY06-E054-013	22	600,280
02	NYSHFA - DHCR	1 Fordham Plaza, 2nd Flr., New York, NY 10458	NY06-E902-694	59	1,601,710
02	NJ DCA-Cumberland Co.	101 S. Broad St., Trenton, NJ 08650	NJ39-E087-240	14	541,705
02	NJ DCA-Essex Co.	101 S. Broad St., Trenton, NJ 08650	NJ39-E087-238	15	705,470
02	NJ DCA-Hudson Co.	101 S. Broad St., Trenton, NJ 08650	NJ39-E087-237	11	466,785
02	NJ DCA-Mercer Co.	101 S. Broad St., Trenton, NJ 08650	NJ39-E087-243	12	594,500
02	Orange HA	340 Thomas Blvd., Orange, NJ 07050	NJ39-E025-019	10	535,995
03	Dauphin Co. HA	P.O. Box 7598, 501 Mohn St., Steelton, PA 17113	PA26-E035-010	15	526,407
03	Delaware Co. HA	1855 Constitution Ave., Woodlyn, PA 19094-1409	PA26-E023-029	15	623,058
03	Luzerne Co. HA	250 First Ave., Kingston, PA 18074-5815	PA26-E057-014	6	150,342
03	Monroe Co. HA	1055 W. Main St., Stroudsburg, PA 18360-1419	PA26-E028-010	8	283,084
03	York HA	P.O. Box 1963, York, PA 17405	PA26-E022-019	19	599,844
03	Baltimore Co. DCD	1 Investment Pl., Suite 825, Towson, MD 21204	MD06-E033-018	20	629,170
03	State of Maryland CDA	100 Community Pl., Crownsville, MD 21032-2023	MD06-E020-085	8	398,400
03	Allegheny Co. HA	341 Fourth Ave., Pittsburgh, PA 15222	PA28-E006-032	15	446,545
03	Meadville HA	1120 Market St., Meadville, PA 16335	PA28-E033-007	5	137,825
03	Pittsburgh HA	200 Ross St., Pittsburgh, PA 15219	PA28-E001-031	20	612,925
03	HA Prince George Co.	9400 Peppercorn Pl., Landover, MD 20785	MD39-E015-023	10	535,260
03	HOC of Montgomerty Co.	10400 Detrick Ave., Kensington, MD 20895	MD39-E004-027	10	537,380
04	HA of the City of Tampa	P.O. Box 4766, Tampa, FL 33607	FL29-E003-017	20	713,390
04	Hialeah HA	70 E. Seventh St., Hialeah, FL 33010-4465	FL29-E066-017	20	678,670
04	Pinellas County HA	209 S. Garden Ave., Clearwater, FL 34616	FL29-E062-024	18	624,840
04	Santa Rosa Co. HAPP	1498 Byrom St., Milton, FL 32570	FL29-E097-014	20	534,970
05	Cincinnati MHA	16 W. Central Pkwy, Cincinnati, OH 45210	OH10-E004-028	21	593,530
05	Akron MHA	180 W. Cedar St., Akron, OH 44307	OH12-E007-038	20	615,510
05	Lake MHA	200 W. Jackson St., Painesville, OH 44077	OH12-E025-013	12	412,475
05	Youngstown MHA	131 West Boardman, Youngstown, OH 44503	OH12-E002-024	10	311,460
05	Cambridge MHA	1100 Maple Ct., Cambridge, OH 43725	OH16-E033-014	17	431,365
05	Knox MHA	117 E. High St., Mt. Vernon, OH 43050	OH16-E050-011	13	267,980
05	Pickaway MHA	176 Rustic Dr., Circleville, OH 43113	OH16-E059-011	7	194,085
05	MSHDA	401 S. Washington Sq., Lansing, MI 48909	MI28-E150-054	37	1,252,125
05	MSHDA	401 S. Washington Sq., Lansing, MI 48909	MI33-E150-018	16	494,750
05	MSHDA	401 S. Washington Sq., Lansing, MI 48909	MI33-E150-019	16	485,265

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY UNIFICATION PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
06	Central TX COG	P.O. Box 729, Belton, TX 76513	TX16-E482-041	47	1,303,560
06	Grayson Co. HA	212C N. Crockett St., Sherman, TX 75090-5996	TX16-E458-008	20	576,120
06	Houston HA	601 Sawyer, Ste. 720, Houston, TX 77007	TX24-E005-022	33	989,800
06	Austin HA	P.O. Drawer 6159, Austin, TX 78762	TX59-E001-021	15	517,860
06	New Braunfels HA	P.O. Box 310906, New Braunfels, TX 78131-0906	TX59-E343-009	15	541,300
07	Kansas City MO	299 Paseo, Kansas City, MO 64106	MO16-E002-039	20	519,515
07	City of Mt. Grove HA	301 W. First St., Mt. Grove, MO 65711-1610	MO36-E060-010	7	121,950
07	Lincoln Co. PHA	P.O. Box 470, Bowling Green, MO 63334-0470	MO36-E199-039	7	166,290
07	Lincoln Co. PHA	P.O. Box 470, Bowling Green, MO 63334-0470	MO36-E199-040	8	201,600
07	St. Louis City HA	4100 Lindell Blvd., St. Louis, MO 63108-2999	MO36-E001-025	10	355,150
09	Contra Costa HA	P.O. Box 2759, Martinez, CA 94553	CA39-E011-032	40	2,027,755
09	Madera HA	205 N. "G" St., Madera, CA 93637	CA39-E069-015	20	567,670
09	Stanislaus Co. HA	1701 Robertson Rd., Modesto, CA 95352-3958	CA39-E026-024	20	646,160
09	Tulare HA	P.O. Box 791, Visalia, CA 93279	CA39-E030-023	20	693,435
09	San Luis Obispo	487 Leff St., San Luis Obispo, CA 93401	CA16-E064-024	20	864,490
09	Anaheim	300 S. Harbor Blvd., Ste. 600, Anaheim, CA 92805	CA16-E104-029	20	1,097,395
09	Kern Co.	525 Roberts Ln., Bakersfield, CA 93308	CA16-E008-023	20	892,500
09	Los Angeles City	515 Columbia Ave., Los Angeles, CA 90017	CA16-E004-039	20	1,035,935
09	Orange Co.	2043 N. Broadway, Santa Ana, CA 92706	CA16-E094-037	8	461,175
09	San BuenaVentura City	995 Riverside St.,PO Box 1648, Ventura, CA 93002	CA16-E035-025	20	917,850
09	San Diego Co.	3989 Ruffin Rd., San Diego, CA 92123	CA16-E108-031	20	873,440
09	Santa Ana	500 W. Santa Ana Blvd., Santa Ana, CA 92707	CA16-E093-026	10	617,820
09	Ventura County	99 Glen Dr., Camarillo, CA 93010	CA16-E092-027	20	1,019,300
09	Shasta Co. HA	1670 Market St., Ste. 300, Redding, CA 96001	CA30-E096-020	20	732,240

[FR Doc. 93-3515 Filed 2-12-93; 8:45 am]
BILLING CODE 4210-33-C

[Docket No. N-93-3410; FR-3031-N-03]

NOFA for the Hope for Elderly Independence Program; Announcement of Funding Awards

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of competition winners.

SUMMARY: In accordance with section 104(a)(4)(C) of the Department Reform Act of 1989, this announcement notifies the public of funding decisions the Department has made under the HOPE for Elderly Demonstration Program. The announcement contains the names and addresses of the award winners and the amounts of the awards.

DATE: February 16, 1993.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Director, Operations Branch, Rental Assistance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-8000, telephone number (202) 708-0477. Hearing or speech impaired individuals may call HUD's TDD number (202) 708-4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: In a notice of funding availability published on May 29, 1992 (57 FR 23008), the Department announced the availability of (1) $34,158,147 which will support an estimated 1,447 rental vouchers and (2) $10,000,000 for supportive services grants, which will support a $6,700 per person federal share of the supportive services cost.

This competition was authorized under section 803 of the National Affordable Housing Act and 24 CFR part 905. The purpose of the HOPE for Elderly Independence demonstration is to test the effectiveness of combining rental vouchers with supportive services to assist frail elderly people living in the general community who are not receiving rental subsidies and who currently require this combined assistance to remain living independently and to avoid premature or unnecessary institutionalization.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act, this document announces the winners of the competitive awards of section 8 rental certificates under the HOPE for Elderly Demonstration Program.

Dated: February 9, 1993.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210-33-M

SECTION 8 RENTAL VOUCHER FUNDING DECISIONS
HOPE FOR ELDERLY INDEPENDENCE PROGRAM

REGION	PHA NAME	PHA ADDRESS	SECTION 8			GRANT	
			PROJECT NO.	UNITS	AMOUNT	PROJECT NO.	AMOUNT
01	City of Westbrook HA	P.O. Box 349, Westbrook, ME 04098	ME36-V015-007	25	823,625	ME36-HEI01-501	198,745
01	NH Hsng Fin. Auth	P.O. Box 5087, Manchester, NH 03108	NH36-V019-030	150	4,822,520	NH36-HEI01-901	1,000,000
01	Somerville HA	30 Memorial Rd., Somerville, MA 02145	MA06-V031-012	50	2,331,750	MA06-HEI03-101	442,050
02	NJ DCA	101 S. Broad St., CN051, Trenton, NJ 08625-0051	****	0	0	NJ39-HEI08-701	403,756
02	NJ DCA - Atlantic Co.	101 S. Broad St., CN051, Trenton, NJ 08625-0051	NJ39-V087-150	45	1,307,440	****	0
02	NJ DCA - Union Co.	101 S. Broad St., CN051, Trenton, NJ 08625-0051	NJ39-V087-151	25	980,560	****	0
03	Fayette Co. HA	P.O. Box 1007, Uniontown, PA 15401	PA28-V015-012	86	1,715,270	PA28-HEI01-501	894,704
04	Jefferson Co.	300 York St., Louisville, KY 40203	KY46-V105-017	150	2,534,250	KY46-HEI10-501	721,100
05	Fayette MHA	101 E. East St., Washington Channel, OH 43160	OH16-V056-003	40	988,000	OH16-HEI05-601	328,715
06	El Paso HA	P.O. Box 9895, El Paso, TX 79989	TX16-V003-013	120	2,063,700	TX16-HEI00-301	792,000
06	Miami HA	205 B St. NE, P.O. Box 848, Miami, OK 74355	OK56-V027-001	25	369,125	OK56-HEI02-701	318,600
06	Oklahoma City PHA	1700 NE 4th St., Oklahoma City, OK 73117-3800	OK56-V002-014	100	1,733,500	OK56-HEI00-201	972,415
07	Waterloo HA	215 E. 4th St., Waterloo, IA 50704	IA05-V050-019	25	604,875	IA05-HEI05-001	187,000
08	Jefferson Co. HA	1445 Holland St., Lakewood, CO 80215-4735	CO06-V072-013	150	3,263,250	CO06-HEI07-201	1,000,000
09	Mesa City	415 N. Pasadena, Mesa, AZ 85201	AZ20-V005-009	75	1,809,325	AZ20-HEI00-501	692,910
09	Tucson City	P.O. Box 27210, Tucsan, AZ 85726-7210	AZ20-V004-014	50	1,492,500	AZ20-HEI00-401	440,428
09	Redding City	P.O. Box 6496071, Redding, CA 96049-6071	CA30-V106-018	75	1,752,375	CA30-HEI10-601	502,500
10	Richland HA	650 G.W. Way, P.O. Box 190, Richland, WA 99352	WA19-V065-012	50	1,019,000	WA19-HEI06-501	1,000,000

[FR Doc. 93-3516 Filed 2-12-93; 8:45 am]
BILLING CODE 4210-33-C

[Docket No. N-93-3282; FR-3062-N-02]

NOFA for the Family Self-Sufficiency Program; Announcement of Funding Awards

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of competition winners.

SUMMARY: In accordance with section 104(a)(4)(C) of the Department Reform Act of 1989, this announcement notifies the public of funding decisions the Department has made under the section 8 rental certificate and rental vouchers programs in connection with the Family Self-Sufficiency (FSS) program. The announcement contains the names and addresses of the award winners and the amounts of the awards.

DATES: February 16, 1993.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Director, Operations Branch, Rental Assistance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-8000, telephone number (202) 708-0477. Hearing or speech impaired individuals may call HUD's TDD number (202) 708-4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On September 30, 1991, (56 FR 49612). HUD published a Notice of funding availability which stated that $340 million of budget authority was available for FY 1991 for competitive FSS Rental Vouchers and Rental Certificates funding for public housing agencies and Indian housing authorities.

On January 3, 1992, the Department published a NOFA announcing that up to $934 million of budget authority was available section 8—FSS Incentive Awards. The $934 million represented the combined amount of budget authority available for section 8—FSS Incentive Awards for FY 1991 and FY 1992. That amount was available under the application process outlined in the NOFA published on September 30, 1991.

The FSS Incentive Awards program is authorized by section 554 of the National Affordable Housing Act and 24 CFR part 791. The purpose of the Rental Voucher and the Rental Certificate programs is to assist eligible families to pay rent for decent, safe, and sanitary housing. The purpose of the FSS program is to promote the development of local strategies to coordinate the use of public housing and rental assistance under section 8 Rental Certificate and Rental Voucher programs with public and private resources, to enable eligible families to achieve economic independence and self-sufficiency.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform act, this document announces the winners of the competitive awards of section 8 rental certificates under the Family Self-Sufficiency Program.

Dated: February 9, 1993.

Michael B. Janis,

General Deputy, Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210-33-M

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
01	Boston HA	52 Chaucy St., Boston, MA 02111	MA06–E002–046	13	$673,165
01	Cambridge HA	270 Green St., Cambridge, MA 02139	MA06–E003–022	13	785,280
01	Everett HA	92 Chelsea St., Everett, MA 02149	MA06–E027–014	25	1,489,200
01	Exec Off. Comm & Devel	100 Cambridge St., Boston, MA 02202	MA06–E052–162	25	1,241,305
01	Exec Off. Comm & Devel	100 Cambridge St., Boston, MA 02202	MA06–E052–163	52	2,809,085
01	Franklin County HA	80 Canal St., Turner Falls, MA 01376	MA06–E094–014	5	193,360
01	Gloucester HA	P.O. Box 1599, Gloucester, MA 01931	MA06–E025–020	25	1,250,700
01	Greenfield HA	1 Elm Terrace, Greenfield, MA 01301	MA06–E096–018	10	361,725
01	Ipswich HA	1 Agawam Village, Ipswich, MA 01938	MA06–E056–005	25	1,320,220
01	Malden HA	630 Salem St., Malden, MA 02148	MA06–E022–015	25	1,452,215
01	Medford HA	121 Riverside Ave., Medford, MA 02155	MA06–E015–019	25	1,459,460
01	Norwood HA	40 WM Shine Circle, Norwood, MA 02062	MA06–E109–013	25	1,412,255
01	Plymouth HA	69 Allerton St., Plymouth, MA 02360	MA06–E059–018	13	736,320
01	Somerville HA	30 Memorial Rd., Somerville, MA 02145	MA06–E031–023	12	717,540
01	Wayland HA	106 Main St., Golden Heights, Wayland, MA 01778	MA06–E101–012	25	1,530,060
01	Weymouth HA	402 Essex St., Weymouth, MA 02191	MA06–E045–013	15	920,760
01	Woburn HA	59 Campbell St., Woburn, MA, 01801	MA06–E019–014	13	760,230
01	Bridgeport HA	376 E. Washington Ave., Bridgeport, CT 06008	CT26–E001–012	25	1,177,140
01	Greenwich HA	249 Millbank Ave., Greenwich, CT 06836	CT26–E019–010	12	630,250
01	Meriden HA	22 Church St., Meriden, CT 06450	CT26–E011–016	25	1,277,400
01	Middletown HA	40 Broad St., Middletown, CT 06457	CT26–E009–013	7	240,400
01	Milford HA	DelMaio Dr., Milford, CT 06460	CT26–E030–007	25	1,133,520
01	New Haven HA	360 Orange St., New Haven, CT 06509	CT26–E004–028	12	562,420
01	Putnam HA	123 Laconia Ave., Putman, CT 06260	CT26–E024–004	21	846,110
01	Waterbury HA	70 Lakewood Rd., Waterbury, CT 06704	CT26–E006–014	18	631,725
01	West Haven HA	15 Grade St., West Haven, CT 06516	CT26–E029–014	25	1,110,590
01	Augusta HA	16 Cony St., City Center Plaza, Augusta, ME 04212	ME36–E030–009	25	769,730
01	Barre HA	455 N. Main St., Barre, VT 05641	VT36–E005–010	12	376,440
01	Berlin HA	10 Granite St., Berlin, NH 03570	NH36–E011–015	10	289,780
01	Brewer HA	1 Colonial Circle, Brewer, ME 04412	ME36–E021–012	10	250,550
01	Caribou HA	25 High St., Caribou, ME 04736	ME36–E025–012	15	340,175
01	Fort Fairfield HA	P.O. Box 252, Fort Fairfield, ME 04742	ME36–E002–011	8	254,280
01	Maine State HA	P.O. Box 2669, Augusta, ME 04330	ME36–E017–538	10	303,300
01	NH Hsng Fin. Auth	P.O. Box 5087, Manchester, NH 03102	NH36–E019–195	25	1,001,345
01	NH Hsng Fin. Auth	P.O. Box 5087, Manchester, NH 03102	NH36–E019–198	10	461,715
01	NH Hsng Fin. Auth	P.O. Box 5087, Manchester, NH 03102	NH36–E019–199	15	528,105
01	Waterville HA	60 Elm St., Waterville, ME 04901	ME36–E008–016	12	423,900
01	Westbrook HA	P.O. Box 349, Westbrook, ME 04092	ME36–E015–015	28	1,172,800
01	Central Falls HA	30 Washington St., Central Falls, RI 02863	RI43–E004–019	27	960,565
01	East Greenwich HA	146 First Ave., East Greenwich, RI 02818	RI43–E024–016	2	52,940

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF-SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
01	East Providence HA	99 Goldsmith Ave., East Providence, RI 02914	RI43-E007-018	1	49,820
01	Providence HA	100 Broad St., Providence, RI 02903	RI43-E001-029	27	1,069,450
01	RI Housing & Fin. Corp.	60 Eddy St., Providence, RI 02903	RI43-E023-034	10	516,975
02	City of New Rochelle	515 North Ave., New Rochelle, NY 10801	NY36-E113-023	12	568,350
02	New York City HA	250 Broadway, New York, NY 10007	NY36-E005-033	885	34,607,125
02	North Fork Housing Alliance	110 South St., Greenport, NY 11944	NY36-E152-009	25	1,167,425
02	NYC-HPD	100 Gold St., New York, NY 10038	NY36-E110-018	64	2,498,115
02	NYS-DHCR	1 Fordham Plaza, Bronx, NY 10458	NY36-E108-114	430	18,993,675
02	NYS-DHCR	1 Fordham Plaza, Bronx, NY 10458	NY36-E108-115	12	348,720
02	Poughkeepsie HA	P.O. Box 630, Poughkeepsie, NY 12602	NY36-E062-007	25	591,800
02	Town of Babylon Housing	P.O. Box 2791, N. Babylon, NY 11703	NY36-E130-014	30	1,668,525
02	Town of Brookhaven	3233 Route 112, Medford, NY 11763	NY36-E149-012	56	2,940,580
02	Town of Huntington HA	5 Lowndes Ave., Huntington Station, NY 11746	NY36-E035-015	10	539,600
02	Town of Islip HA	963 Montauk Hwy., Oakdale, NY 11769	NY36-E077-014	50	2,610,350
02	Town of Saugerties HA	Town Hall -- Main St., Saugerties, NY 12477	NY36-E529-008	7	229,880
02	Village of Kiryas Joel HA	P.O. Box 566, Monroe, NY 10950	NY36-E158-004	10	538,200
02	Village of New Square HA	766 N. Main St., New Square, NY 10977	NY36-E138-012	2	94,600
02	Village of Spring Valley	200 N. Main St., Spring Valley, NY 10977	NY36-E056-018	5	185,760
02	Amsterdam HA	52 Division St., Amsterdam, NY 12010	NY06-E060-010	11	339,545
02	City of Cohoes	Mohawk & Ontario Sts., Cohoes, NY 12047	NY06-E442-009	16	538,110
02	City of Oswego	20 W. Oneida St., 3rd Fl., Owego, NY 13126	NY06-E027-015	16	470,735
02	City of Salamanca PHA	225 Wildwood, Salamanca, NY 14779	NY06-E403-004	5	115,690
02	Geneva HA	30 Elm St., P.O. Box 153, Geneva, NY 14456	NY06-E044-014	9	291,360
02	NYSHFA-DHCR	One Fordham Plaza, 2nd Floor, New York, NY 10458	NY06-E108-690	79	2,251,110
02	NYSHFA-DHCR	One Fordham Plaza, 2nd Floor, New York, NY 10458	NY06-E108-691	112	2,830,075
02	Schenectady HA	375 Broadway, Schenectady, NY 12595	NY06-E028-016	30	1,122,480
02	Syracuse HA	516 Burt St., Syracuse, NY 13202	NY06-E001-022	60	1,913,490
02	Town of Union	3111 E. Main St., Endwell, NY 13760	NY06-E505-014	16	427,090
02	Village of Cooperstown	27 Railroad Ave., Cooperstown, NY 13226	NY06-E567-005	5	114,395
02	Village of Green Island	20 Clinton St., Green Island, NY 12183	NY06-E535-003	6	162,745
02	Bergen Co.	190 Monroe St., Hackensack, NJ 07601	NJ39-E067-017	33	1,809,110
02	DCA	CN-051, Trenton, NJ 07042	NJ39-E087-231	89	3,574,710
02	Fort Lee	1403 Teress Dr., Fort Lee, NJ 07024	NJ39-E071-005	27	1,663,260
02	Jersey City	400 US Hwy #1, Jersey City, NJ 07306	NJ39-E009-025	35	1,293,850
02	Lakewood HA	317 Sampson Ave., Box 15, Lakewood, NJ 08701	NJ39-E054-007	26	1,336,675
02	Long Branch	P.O. Box 336, Long Branch, NJ 07740	NJ39-E015-004	28	1,379,095
02	LTRAP	P.O. Box 871, Lakewood, NJ 08701	NJ39-E214-013	34	1,786,200
02	Newark HA	57 Sussex Ave., Newark, NJ 07103	NJ39-E002-020	47	2,286,360
02	Paterson DCD	125 Ellison St., Paterson, NJ 07505	NJ39-E091-012	34	1,973,290
02	Plainfield	510 E. Front St., Plainfield, NJ 07060	NJ39-E039-016	25	1,274,280

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
02	Warren Co.	Courthouse Complex, Belvidere, NJ 07823	NJ39–E102–011	15	409,500
02	Woodbridge	10 Bunn Ln., Woodbridge, NJ 07095	NJ39–E033–007	25	966,205
03	Carbon Co. HA	215 S. Third St., Lehighton, PA 18235	PA26–E067–014	33	1,268,220
03	Centre Co. HA	602 E. Howard St., Belle Fonte, PA 16823	PA26–E088–010	33	1,474,770
03	Dauphin Co. HA	P.O. Box 7598, 501 Mohn St., Steelton, PA 17113	PA26–E035–009	25	912,250
03	Delaware Co. HA	1855 Constitution Ave., Woodlyn, PA 19094–1409	PA26–E023–028	12	616,320
03	Dover HA	1266–76 Whiteoak Rd., Dover, DE 19901–3437	DE26–E002–003	25	774,000
03	Harrisburg Co. HA	351 Chestnut St., Harrisburg, PA 17105–9713	PA26–E008–014	25	992,400
03	Lackawanna Co. HA	2019 W. Pine St., Dunmore, PA 18512–0079	PA26–E038–020	30	840,900
03	Lancaster City HA	333 Church St., Lancaster, PA 17042–6170	PA26–E036–013	42	1,695,870
03	Monroe Co. HA	1055 W. Main St., Stroudsburg, PA 18360–1419	PA26–E028–008	30	775,675
03	Montgomery Co. HA	1875 New Hope St., Norristown, PA 19401	PA26–E012–027	51	1,741,790
03	Montour Co. HA	1 Beaver Place, Danville, PA 17821–1001	PA26–E032–003	25	651,600
03	Northumberland Co. HA	50 Mahoning St., Milton, PA 17847–1021	PA26–E060–010	10	239,830
03	Wilkes Barre HA	Lincoln Plaza, Wilkes–Barre, PA 18702	PA26–E047–012	33	870,490
03	Williamsport HA	505 Center St., Williamsport, PA 17701–4974	PA26–E062–008	25	815,100
03	Baltimore City HA	416 E. Fayette St., Baltimore, MD 21202	MD06–E002–032	25	907,980
03	Baltimore Co. DCD	1 Investment Pl., Suite 825, Towson, MD 21204	MD06–E033–013	25	754,205
03	Carroll Co. BHCD	125 N. Court St., Westminster, MD 21157	MD06–E032–008	25	977,270
03	Cecil Co. HA	County Office Bldg., Elkton, MD 21921	MD06–E029–013	25	1,026,600
03	City of Westminster HCDP	P.O. Box 010, Westminster, MD 21157	MD06–E027–006	20	793,345
03	Hartford Co. HA	15 S. Main St., Suite 106, Bel Air, MD 21014	MD06–E025–014	25	920,690
03	St. Mary's Co. HA	P.O. Box 653, Leonardtown, MD 20650	MD06–E021–012	22	653,235
03	Fairmont HA	517 Fairmont Ave., Fairmont, WV 26554	WV15–E009–007	16	488,125
03	Huntington HA	P.O. Box 2183, Huntington, WV 25722	WV15–E004–011	15	476,105
03	Parkersburg HA	1901 Cameron Ave., Parkersburg, WV 26101	WV15–E005–014	15	375,300
03	Parkersburg HA	1901 Cameron Ave., Parkersburg, WV 26101	WV15–E005–015	10	194,400
03	Raleigh Co. HA	P.O. Box 273, Beckley, WV 25801	WV15–E039–014	55	1,294,800
03	Allegheny Co. HA	341 Fourth Ave., Pittsburgh, PA 15222	PA28–E006–030	10	265,055
03	Altoona HA	P.O. Box 671, Altoona, PA 16603	PA28–E031–017	10	292,750
03	Armstrong Co. HA	280 S. Mokean St., Kittanning, PA 16201	PA28–E039–007	25	834,800
03	Butler Co. HA	111 S. Cliff St., Butler, PA 16001	PA28–E010–014	20	702,700
03	City of Erie HA	606 Holland St., Erie, PA 16501–1285	PA28–E013–021	12	461,400
03	Fayette Co. HA	P.O. Box 1007, Uniontown, PA 15401	PA28–E015–010	42	1,111,820
03	Indiana Co. HA	104 Philadelphia St., Indiana, PA 15701	PA28–E048–013	3	83,160
03	Pittsburgh HA	200 Ross St., Pittsburg, PA 15219	PA28–E001–029	27	792,325
03	Somerset Co. HA	600 Kircher Pl., Boswell, PA 15531	PA28–E029–007	10	293,750
03	Westmoreland HA	RD6, Box 223, Greensburgh, PA 15601	PA28–E018–024	28	772,450
03	Hampton RHA	P.O. Box 280, Hampton, VA 23669	VA36–E017–020	58	2,050,835
03	Norfolk RHA	P.O. Box 968, Norfolk, VA 23501	VA36–E006–017	24	834,815

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
03	VA Hsng. Dev. Auth.	601 S. Belvidere St., Richmond, VA 23220	VA36–E027–017	107	2,659,750
03	VA Hsng. Dev. Auth.	601 S. Belvidere St., Richmond, VA 23220	VA36–E027–019	31	960,450
03	Fairfax County RHA	1 University Plaza, Fairfax, VA 22030	VA39–E019–034	50	2,510,685
03	HA Prince George Co.	9400 Peppercorn Pl., Landover, MD 20785	MD39–E015–021	50	2,672,000
03	HOC of Montgomerty Co.	10400 Detrick Ave., Kensington, MD 20895	MD39–E004–025	50	2,788,245
03	VA Hsng. Dev. Auth.	601 S. Belvidere St., Richmond, VA 23220	VA39–E027–005	10	559,960
04	HA City of Augusta, GA	P.O. Box 3246, Augusta, GA 30904	GA06–E001–018	82	2,297,225
04	HA of the City of Americus	P.O. Box 1226, Americus, GA 31709	GA06–E062–011	75	1,712,590
04	HA of the City of Huntsville	P.O. Box 486, Huntsville, AL 35804	AL09–E047–011	17	467,940
04	HA of the City of Macon, GA	P.O. Box 4928, Macon, GA 31208	GA06–E007–015	129	3,205,945
04	Jefferson County HA	2100 Walker Chapel Rd., Fultondale, AL 35068	AL09–E066–012	25	651,255
04	Mobile Housing Board	P.O. Box 1345, Mobile, AL 36633	AL09–E002–020	25	640,800
04	Barranquitas	P.O. Box 250, Barranquitas, PR 00618	RQ46–E060–003	25	378,425
04	Camuy	P.O. Box 539, Camuy, PR 00627	RQ46–E040–005	25	671,650
04	Comerio	P.O. Box I, Comerio, PR 00642	RQ46–E034–005	19	289,845
04	Dorado	P.O. Box 568, Dorado, PR 00646	RQ46–E015–007	25	409,850
04	Guayanilla	P.O. Box 250, Guayanilla, PR 00656	RQ46–E021–005	25	353,775
04	Gurabo	P.O. Box 317, Gurabo, PR 00658	RQ46–E041–006	28	430,235
04	Juana Diaz	P.O. Box J, Juana Diaz, PR 00665	RQ46–E038–004	25	622,225
04	Toa Alta	P.O. Box 82, Toa Alto, PR 00758	RQ46–E053–006	25	417,765
04	Trujillo Alto	P.O. Box 1869, Trujillo Alto, PR 00760	RQ46–E013–006	26	427,935
04	Charleston HA	20 Franklin St., Charleston, SC 29401	SC16–E001–020	10	271,850
04	Greenwood HA	P.O. Box 973, Greenwood, SC 29648–0973	SC16–E030–013	16	190,380
04	Lake City HA	P.O. Box 1017, Lake City, SC 29560	SC16–E018–004	50	1,184,075
04	SC Region #1 HA	P.O. Box 326, Laurens, SC 29360	SC16–E008–022	10	192,000
04	Asheboro	338 Waimman Ave., Asheboro, NC 27203	NC19–E061–015	50	1,377,850
04	Asheville	P.O. Box 1898, Asheville, NC 28802	NC19–E007–015	10	276,000
04	High Point	P.O. Box 1779, High Point, NC 27261	NC19–E006–013	25	723,120
04	Isottermal PDC	P.O. Box 841, Rutherfordton, NC 28139	NC19–E161–012	26	636,205
04	Laurenburg	P.O. Box 1437, Laurenburg, NC 28352	NC19–E018–004	65	1,503,900
04	Mountain Projects, Inc.	Route 1, Box 732, Waynesville, NC 21786	NC19–E152–011	45	1,122,180
04	Northwestern Regional HA	P.O. Box 2510, Boone, NC 28607	NC19–E167–013	20	597,600
04	Sandhills CAP	P.O. Box 937, Carthage, NC 28327	NC19–E149–010	22	490,055
04	Winston Salem	901 Cleveland Ave., NE, Winston Salem, NC 27101	NC19–E012–026	50	1,329,550
04	Mississippi Reg. HA #IV	P.O. Box 1051, Columbus, MS 39703	MS26–E019–040	40	1,085,700
04	Mississippi Reg. HA #VI	P.O. Box 8746, Jackson, MS 39284–8746	MS26–E058–047	41	865,260
04	Mississippi Reg. HA #VII	P.O. Box 886, McComb, MS 39468	MS26–E057–016	25	515,905
04	Mississippi Reg. HA #VIII	P.O. Box 2347, Gulfport, MS 39505	MS26–E040–040	28	763,300
04	Mississippi Reg. HA #VIII	P.O. Box 2347, Gulfport, MS 39505	MS26–E040–041	30	618,840
04	Broward County HA	1773 North State Rd. 7, Lauderhill, Fl 34617	FL29–E079–018	55	2,172,060

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
04	City of Ft. Myers CRA	P.O. Drawer 2217, Fort Myers, FL 33902	FL29–E091–011	9	262,825
04	Clearwater HA	P.O. Box 960, Clearwater, FL 34617	FL29–E075–021	40	1,080,120
04	Dade County HA	2153 Coral Way, Miami, Fl 33145	FL29–E005–023	50	2,077,560
04	DeLand HA	300 Sunflower Circle, Deland, FL 32724–5556	FL29–E072–006	25	972,915
04	HA of Deerfield Beach	425 NW 1st Terr., Deerfield Beach, FL 33441	FL29–E081–004	25	908,605
04	HA of Fort Lauderdale	437 SW 4th Ave., Fort Lauderdale, FL 33315	FL29–E010–013	45	1,833,300
04	HA of the City of Lakeland	P.O. Box 1009, Lakeland, FL 33802	FL29–E011–008	25	654,000
04	Lee County Housing Asst.	P.O. Box 398, Fort Myers, FL 33902	FL29–E090–013	35	1,259,160
04	NW Regional HA	P.O. Box 218, Graceville, FL 32440	FL29–E015–004	25	510,950
04	Ocala HA	1415 NE 32nd Terr., Ocala, FL 32670	FL29–E032–014	5	162,300
04	Pinellas County HA	209 S. Garden Ave., Clearwater, FL 34616	FL29–E026–022	45	1,411,370
04	Punta Gorda HA	P.O. Box 1146, Punta Gorda, FL 33951	FL29–E060–003	25	848,770
04	Tallahassee HA	2940 Grady Rd., Tallahassee, FL 32312	FL29–E073–017	46	1,215,230
04	Barbourville	P.O. Box 84, Barbourville, KY 40906	KY36–E150–009	12	270,720
04	Cynthiana	P.O. Box 351, Cynthiana, KY 41031	KY36–E021–006	8	203,260
04	Greenup Co.	1448 Diedrick Blvd., Russell, KY 41169	KY36–E161–009	7	190,795
04	Jefferson Co.	300 York St., Louisville, KY 40203	KY36–E105–022	53	1,245,780
04	Kingsport HA	P.O. Box 44, Kingsport, TN 37662–0044	TN37–E006–015	25	465,500
04	KY Housing Corp.	1231 Louisville Rd., Frankfort, KY 40601	KY36–E134–097	72	1,661,250
04	Louisville	745 W. Main St., Louisville, KY 40202	KY36–E131–016	27	639,190
04	Pike Co.	P.O. Box 1468, Pikesville, KY 41501	KY36–E121–010	20	478,680
04	Somerset	P.O. Box 449, Somerset, KY 42501	KY36–E008–007	20	416,150
04	Metro Dev. & Hsg. Agency	P.O. Box 846, Nashville, TN 37202	TN43–E005–017	50	1,649,625
04	Murfreesboro HA	318 E. Lokey Ave., Murfreesboro, TN 37130	TN43–E020–009	30	936,600
05	Bloomington HA	104 E. Wood St., Bloomington, IL 61701–6768	IL06–E051–009	25	1,120,375
05	Champaign	P.O. Box 183, Urbana, IL 61801–0183	IL06–E006–006	25	869,120
05	Cook Co.	59 E. Van Buren St., Ste. 1800, Chicago, IL 60605	IL06–E025–040	307	11,902,700
05	Decatur HA	1808 E. Locust St., Decatur, IL 62521	IL06–E012–014	50	1,354,125
05	DuPage	421 N. Country Farm Rd., Wheaton, IL 60187–3906	IL06–E101–021	170	6,872,510
05	Rockford	330 Fifteenth Ave., Rockford, IL 61108	IL06–E022–017	50	1,896,700
05	Springfield	200 N. 11th St., Springfield, IL 62703	IL06–E004–016	25	828,000
05	Butler MHA	4110 Hamilton–Middletown Rd., Hamilton, OH 45012	OH10–E015–011	25	709,405
05	Cincinnati MHA	16 W. Central Pkwy., Cincinnati, OH 45210	OH10–E004–026	54	1,604,285
05	Clinton MHA	478 Thorne Ave., Wilmington, OH 45177	OH10–E053–011	15	389,415
05	Warren MHA	990 E. Ridge Drive, Lebanon, OH 45036	OH10–E049–010	25	685,640
05	Akron MHA	180 W. Cedar St., Akron, OH 44307	OH12–E007–037	30	835,320
05	Cuyahoga MHA	1441 W. 25th St., Cleveland, OH 44113	OH12–E003–040	50	1,722,500
05	Erie MHA	322 Warren St., Sandusky, OH 44870	OH12–E028–023	45	1,313,230
05	Lake MHA	200 W. Jackson St., Painesville, OH 44077	OH12–E025–011	50	1,538,725
05	Portage MHA	223 W. Main, Ravenna, OH 44266	OH12–E031–023	25	706,855

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
05	Youngstown MHA	131 W. Boardman St., Youngstown, OH 44503	OH12–E002–022	30	860,400
05	Allen MHA	600 S. Main St., Lima, OH 45804	OH16–E044–008	50	1,518,300
05	Fairfield MHA	1506 Amherst Pl., Lancaster, OH 43130	OH16–E070–010	20	563,880
05	Fayette MHA	101 E. East St., Washington C.H., OH 43160	OH16–E056–002	40	1,014,315
05	Pickaway MHA	176 Rustic Dr., Circleville, OH 43113	OH16–E059–010	8	209,020
05	Pike MHA	2626 Shyville Rd., Piketon, OH 45661	OH16–E060–013	40	978,900
05	Inkster HC	2000 Inkster, Inkster, MI 48141	MI28–E027–007	25	879,530
05	Madison Heights HC	300 W. 13th Mile Rd., Madison Heights, MI 48071	MI28–E188–008	10	343,825
05	MSHCA	401 S. Washington Sq., Lansing, MI 48909	MI28–E150–049	183	6,066,100
05	MSHCA	401 S. Washington Sq., Lansing, MI 48909	MI28–E150–050	21	484,690
05	Grand Rapids Hsg Comm	1420 Fuller Ave., S.E., Grand Rapids, MI 49507	MI33–E073–017	39	1,044,525
05	Lansing Hsg Comm	310 Seymour Ave., Lansing, MI 48933	MI33–E058–009	35	1,117,325
05	MSHCA	401 S. Washington Sq., Lansing, MI 48909	MI33–E150–014	82	1,788,590
05	Evansville	411 SE 8th St., Evansville, IN 46516	IN36–E016–019	10	342,600
05	Goshen HA	302 S. Fifth St., Goshen, IN 46526	IN36–E101–004	7	181,275
05	Hammond	7329 Columbia Circle, W., Hammond, IN 46324	IN36–E010–014	10	363,300
05	Kakoma HA	210 E. Taylor St., Kakoma, IN 46903	IN36–E007–014	50	1,474,500
05	Kendallville HA	240 Angling Rd., Kendallville, IN 46755	IN36–E036–004	15	343,660
05	Lafayette HA	P.O. Box 807, Lafayette, IN 47902	IN36–E071–013	50	1,558,500
05	South Bend	501 S. Scott St., South Bend, IN 46634	IN36–E015–014	10	275,445
05	Vincennes HA	P.O. Box 1636, Vincenes, IN 47591	IN36–E002–009	50	961,360
05	Warsaw HA	220 S. Buffalo St., No. 2, Warsaw, IN 46580	IN36–E060–006	15	375,850
05	Appleton HA	525 N. Oneida St., Appleton, WI 54911–4749	WI39–E217–011	45	771,535
05	Brown Co. HA	100 N. Jefferson St., Green Bay, WI 54301	WI39–E186–007	40	744,800
05	Dunn Co. HA	Dunn County Courthouse, Menomonie, WI 54751	WI39–E160–002	10	283,125
05	Eau Claire Co. HA	761 Oxford Ave., Eau Claire, WI 54703	WI39–E193–001	10	236,300
05	Green Bay HA	100 N. Jefferson St., Green Bay, WI 54301	WI39–E074–003	40	744,800
05	Kenosha HA	625 S. 52nd St., Kenosha, WI 53140	WI39–E195–015	40	1,235,000
05	Marshfield HA	601 S. Cedar Ave., Marshfield, WI 54449	WI39–E011–003	30	586,585
05	Walworth Co. HA	P.O. Box 1007, Elkhorn, WI 53221	WI39–E244–009	48	1,036,980
05	Dakota Co. HRA	2496 – 145th St., West, Rosemount, MN 55068	MN46–E147–022	17	691,530
05	Kandiyohi Co. HRA	P.O. Box 1359, Willmar, MN 56201	MN46–E168–008	3	65,050
05	McLeod Co. HRA	P.O. Box 1359, Willmar, MN 56201	MN46–E203–005	10	248,240
05	NW MN Multi Co. HRA	P.O. Box 128, Mentor, MN 56736	MN46–E158–019	25	522,700
05	Owatonna HRA	540 W. Hills Circle, Owatonna, MN 55060	MN46–E220–003	10	223,950
05	Rice Co. HRA	208 NW First Ave., Faribault, MN 55021	MN46–E193–011	10	240,175
05	Rochester HRA	2116 Campus Dr., SE, Ste 10, Rochester, MN 55904	MN46–E151–009	25	653,085
05	Saint Paul PHA	413 Wacouta St., Saint Paul, MN 55101	MN46–E001–021	25	941,575
05	Scott Co. HRA	16049 Franklin Trl, SE, 104, Prior Lake, MN 55372	MN46–E184–007	25	983,125
05	SE MN Multi Co. HRA	134 E. Second St., Wabasha, MN 55981	MN46–E197–013	31	640,380

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
05	Virginia HRA	442 Pine Mill Court, Virginia, MN 55792	MN46–E007–010	5	133,335
05	Washington Co. HRA	321 W. Broadway Ave., Forest Lake, MN 55071	MN46–E212–003	25	964,175
06	Abilene HA	P.O. Box 60, Abilene, TX 79604	TX16–E327–010	25	818,160
06	Albuquerque HA	P.O. Box 1293, Albuquerque, NM 87102	NM16–E001–015	25	867,780
06	Bernalillo Co HA	620 Lomas Blvd., NW, Albuquerque, NM 87102	NM16–E057–004	25	940,380
06	Central TX COG	P.O. Box 729, Belton, TX 76513	TX16–E482–039	25	738,720
06	Clovis HA	P.O. Box 1240, CLovis, NM 88102–1240	NM16–E065–011	25	616,140
06	Dallas HA	2525 Lucas Dr., Dallas, TX 75219	TX16–E009–015	25	938,160
06	Edgewood HA	P.O. Box 25, Edgewood, TX 75117	TX16–E242–005	20	430,920
06	Fort Worth HA	P.O. Box 430, Ft. Worth, TX 76101	TX16–E004–022	19	577,860
06	Garland HA	701 Clark St., Garland, TX 75040	TX16–E435–009	25	956,220
06	Midland Co. HA	218 W. Illinois, Midland, TX 79701	TX16–E534–008	50	1,718,405
06	Plano HA	1321 Avenue G, Plano, TX 75074	TX16–E128–005	25	913,570
06	Region IV HA	104 W. Second St., Clovis, NM 88101	NM16–E084–009	24	669,780
06	Tatum HA	P.O. Box 1066, Tatum, TX 75691	TX16–E341–003	25	440,600
06	Truth or Consequences HA	106 S. Cedar, Truth or Consequences, NM 87901	NM16–E020–004	15	434,280
06	Waco HA	Box 978, Waco, TX 76703	TX16–E010–017	50	728,645
06	Brazos Valley Dev. Council	P.O. Drawer 4128, Bryan, TX 77805–4128	TX24–E526–062	28	605,210
06	Brazos Valley Dev. Council	P.O. Drawer 4128, Bryan, TX 77805–4128	TX24–E526–063	118	3,771,280
06	Montgomery Co. HA	515 N. Main, Conroe, TX 77301	TX24–E560–001	52	1,453,140
06	Conway HA	335 S. Mitchell, Conway, AR 72032	AR37–E006–009	11	334,440
06	Harrison HA	City Hall, Harrison, AR 72601	AR37–E200–009	25	532,920
06	Mississippi Co. HA	808 West Keiser, Osceola, AR 72370	AR37–E213–009	25	498,605
06	North Little Rock HA	2201 Division, N. Little Rock, AR 72114	AR37–E002–013	14	419,400
06	NW Regional HA	P.O. Box 699, Harrison, AR 72601	AR37–E010–016	25	469,150
06	Siloam Springs HA	P.O. Box 280, Siloam Springs, AR 72761	AR37–E163–015	25	580,955
06	White River Regional HA	P.O. Box 650, Melbourne, AR 72556–0650	AR37–E192–043	25	512,170
06	Bienville PPJ	P.O. Box 479, Arcadia, LA 71001	LA48–E241–004	18	432,180
06	Jefferson Parish HA	1718 Betty St., Marrero, LA 70072	LA48–E013–004	55	2,090,880
06	Lincoln PPJ	P.O. Box 979, Ruston, LA 71273	LA48–E212–009	25	604,020
06	Monroe HA	P.O. Box 1194, Monroe, LA 71210	LA48–E006–018	37	776,420
06	Natchitoches HA	P.O. Box 754, Natchitoches, LA 71458–0754	LA48–E115–013	20	352,400
06	Natchitoches Parish HA	P.O. Box 255, Natchitoches, LA 71457	LA48–E166–008	5	114,540
06	Quachita PPJ	P.O. Box 3007, Monroe, LA 71210–3007	LA48–E171–009	74	1,740,355
06	Washington PPJ	P.O. Box 167, Varnado, LA 70467	LA48–E217–004	25	510,050
06	Broken Bow PHA	P.O. Box 177, Broken Bow, OK 74728–0177	OK56–E006–007	25	491,425
06	OHFA	P.O. Box 26720, Oklahoma City, OK 73116	OK56–E140–062	15	356,100
06	OHFA	P.O. Box 26720, Oklahoma City, OK 73116	OK56–E140–063	17	333,180
06	OHFA	P.O. Box 26720, Oklahoma City, OK 73116	OK56–E140–064	8	178,680
06	OHFA	P.O. Box 26720, Oklahoma City, OK 73116	OK56–E140–065	19	342,660

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
06	Tulsa HA	P.O. Box 6369, Tulsa, OK 74148–0369	OK56–E073–026	61	1,999,620
06	HA City of Kingsville	1000 Brown Villa, Kingsville, TX 78363	TX59–E114–013	50	1,301,475
06	HA City of San Antonio	P.O. Drawer 1300, San Antonio, TX 78295	TX59–E006–021	109	4,118,520
07	Kansas City MO	299 Paseo, Kansas City, MO 64106	MO16–E002–034	50	1,504,075
07	Liberty HA	P.O. Box 159, Liberty, MO 64068	MO16–E021–008	50	1,137,990
07	Lyon Co. PHA	P.O. Box 110, Ottawa, KS 66067	KS16–E159–008	50	1,089,915
07	St. Clair Co PHA	P.O. Box 125, Appleton City, MO 64724	MO16–E197–032	30	594,600
07	Topeka HA	1312 Polk St., Topeka, KS 66612	KA16–E002–019	17	529,705
07	Wichita Kansas PHA	455 N. Main, Wichita, KS 67202	KS16–E004–011	14	395,410
07	Albia Low RHA	City Hall, 120 S. A St., Albia, IA 52531	IA05–E114–006	10	211,360
07	Central Iowa RHA	1111 9th St., Ste. 240, Des Moines, IA 50314	IA05–E131–018	20	617,750
07	City of Sioux City HA	City Hall, PO Box 447, Sioux City, IA 51102–0447	IA05–E018–013	20	496,950
07	Des Moines PHA	1101 Crocker, Des Moines, IA	IA05–E020–026	25	693,800
07	Eastern Iowa RHA	P.O. Box 1140, Dubuque, IA 52004–1140	IA05–E126–034	25	697,575
07	Ft. Dodge MHA	700 S. 17th St., Ft. Dodge, IA 50501	IA05–E107–014	25	598,475
07	North Iowa RHA	121 3rd St., Mason City, IA 50401	IA05–E127–007	10	259,635
07	Region XII RHA	108 W. 6th St., Carroll, IA 51401	IA05–E122–015	20	479,295
07	Bellevue HA	8214 Armstrong Circle, Omaha, NE 68147	NE26–E174–006	12	373,365
07	Hall Co. HA	911 Bauman Dr. Grand Island, NE 68803–4405	NE26–E003–006	9	211,335
07	Kearney HA	2715 Avenue I, Kearney, NE 68847	NE26–E004–002	34	803,130
07	Omaha HA	540 S. 27th St., Omaha, NE 68105	NE26–E001–026	22	688,900
07	Houston	200 Chestnut Terr., Houston, MO 65483–1929	MO36–E040–009	3	45,455
07	Lincoln Co.	P.O. Box 470, Bowling Green, MO 63334–0470	MO36–E199–037	20	668,940
07	Lincoln Co.	P.O. Box 470, Bowling Green, MO 63334–0470	MO36–E199–038	19	427,755
07	Macon	218 Lakeview Towers, Macon, MO 63552–9801	MO36–E111–005	8	163,200
07	Phelps Co.	101 W. 10th St., Rolla, MO 65401–3299	MO36–E206–017	25	567,600
07	Ripley Co.	P.O. Box 1183, Poplar Bluff, MO 63901–1183	MO36–E212–017	10	188,690
07	St. Louis City	4100 Lindell Blvd., St. Louis, MO 63108–2999	MO36–E001–024	38	1,243,910
07	St. Louis Co.	8865 Natural Bridge, St. Louis, MO 63121–0580	MO36–E004–027	20	682,325
08	Arvada HA	8101 Ralston Rd., Arvada, CO 80002	CO99–E050–019	25	712,850
08	Boulder Co. HA	P.O. Box 471, Boulder, CO 80306	CO99–E061–014	25	830,525
08	Cedar City HA	P.O. Box 1721, Cedar City, UT 84721	UT99–E031–002	35	1,121,940
08	HA City of Boulder	3120 Broadway, Boulder, CO 80204	CO99–E016–014	25	867,925
08	HA City of Casper	1985 E. A St., Casper, WY 82601	WY99–E004–011	25	845,015
08	HA City of Cheyenne	3304 Sheridan Ave., Cheyenne, WY 82001	WY99–E002–015	25	719,675
08	HA City of Pueblo	1414 N. Santa Fe Ave., Pueblo, CO 81003	CO99–E002–024	25	693,535
08	Helena HA	812 Abbey St., Helena, MT 59601	MT99–E004–005	35	1,221,575
08	Montana Dept of Commerce	1424 Ninth Ave., Helena, MT 59624	MT99–H032–038	11	321,545
08	Montana Dept of Commerce	1424 Ninth Ave., Helena, MT 59624	MT99–H032–039	6	161,290
08	Montana Dept of Commerce	1424 Ninth Ave., Helena, MT 59624	MT99–H032–040	2	71,585

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
08	Montana Dept of Commerce	1424 Ninth Ave., Helena, MT 59624	MT99–H032–041	4	131,410
08	Montrose Co. HA	P.O. Box 1333, Montrose, CO 81402	CO99–E087–004	25	983,300
08	Provo City HA	650 W. 100 North, Provo, TU 84601	UT99–E007–012	25	613,240
08	Utah Paiute IHA	600 N. 100 East, Cedar City, UT 84720	UT99–E010–002	17	681,000
08	Utah Paiute IHA	600 N. 100 East, Cedar City, UT 84720	UT99–E010–003	18	573,740
09	Alameda Co. HA	1916 Webster St., Alameda, CA 94501	CA39–E067–025	50	2,448,700
09	Benicia HA	28 Riverhill Dr., Benicia, CA 94510	CA39–E041–009	25	1,093,550
09	Clark Co. HA	5064 E. Flamingo Rd., Las Vegas, NV 89122	NV39–E013–022	25	907,750
09	Contra Costa HA	P.O. Box 2759, Martinez, CA 94553	CA39–E011–029	50	2,391,995
09	Fairfield HA	823 B Jefferson St., Fairfield, CA 94533	CA39–E065–015	25	1,106,600
09	Livermore HA	3203 Leahy Way, Livermore, CA 94550	CA39–E074–010	25	1,310,625
09	Napa HA	1115 Seminary St., Napa, CA 94559–0660	CA39–E073–015	31	1,334,050
09	North Las Vegas HA	1632 Yale St., N. Las Vegas, NV 89030–6827	NV39–E007–009	25	1,126,320
09	San Mateo Co. HA	456 Peninsula Ave., San Mateo, CA 94401	CA39–E014–021	50	3,029,220
09	Santa Clara HA	505 W. Julian St., San Jose, CA 95110–2338	CA39–E059–030	50	2,876,515
09	Solano Co. HA	601 W. Texas St., Fairfield, CA 94533–6301	CA39–E131–007	25	1,077,215
09	Sonoma Co. HA	3033 Cleveland Ave., Santa Rosa, CA 95403	CA39–E085–027	50	2,451,360
09	Stanislaus A	1701 Robertson Rd., Modesto, CA 95352–3958	CA39–E026–022	25	817,495
09	Tulare HA	P.O. Box 791, Visalia, CA 93279	CA39–E030–022	50	1,815,950
09	Vacaville HA	1104 Alamo Dr., Vacaville, CA 95687	CA39–E125–014	25	1,103,670
09	Vallejo HA	P.O. Box 1432, Vallejo, CA 94590	CA39–E055–020	25	1,261,620
09	Kauai Co. HA	4193 Hardy St., #1, Lihue, HI 96766	HI10–E005–012	63	3,361,845
09	Maui Co. HA	200 S. High St., Wailuku, HI 96793	HI10–E004–012	12	592,500
09	Anaheim	300 S. Harbor Blvd., Anaheim, CA 92805	CA16–E104–025	31	1,571,510
09	Burbank	275 E. Olive Ave., Burbank, CA 91502	CA16–E105–018	25	956,125
09	Calexico	1006 E. Fifth St., Calexico, CA 92227	CA16–E039–014	15	487,975
09	City of National City	41 E. 12th St. "E", National City, CA 91950	CA16–E116–013	25	1,138,550
09	Garden Grove	11400 Stanford Ave., Garden Grove, CA 92642	CA16–E102–024	25	1,399,995
09	Imperial Valley	1401 "D" St., Brawley, CA 92227	CA16–E143–002	10	401,000
09	Inglewood	1 Manchester Blvd., Inglewood, CA 90301	CA16–E082–015	25	1,149,350
09	Kern Co.	525 Roberts Ln., Bakersfield, CA 93308	CA16–E008–021	30	1,029,960
09	Long Beach	333 Ocean Ave., Long Beach, CA 90802	CA16–E068–027	132	6,238,275
09	Los Angeles City	515 Columbia Ave., Los Angeles, CA 90017	CA16–E004–036	285	15,103,895
09	Oceanside CDC	219 N. Horne St., Oceanside, CA 92054	CA16–E132–012	31	1,302,575
09	Orange Co.	2043 N. Broadway, Santa Ana, CA 92706	CA16–E094–035	30	1,564,875
09	Oxnard	1470 Colonia Rd., Oxnard, CA 93030–3714	CA16–E031–020	25	1,222,305
09	Pomona	P.O. Box 660, Pomona, CA 91769	CA16–E123–014	25	1,191,850
09	Riverside	5555 Arlington Ave., Riverside, CA 92504	CA16–E027–033	25	1,139,100
09	San Bernadino County	1053 N. "D" St., San Bernadino, CA 92410	CA16–E019–025	31	1,413,610
09	San Buena Ventura City	995 Riverside St., Ventura, CA 93002	CA16–E035–022	25	1,127,475

SECTION 8 RENTAL CERTIFICATE FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
09	San Diego Co.	3989 Ruffin Rd., San Diego, CA 92113	CA16–E108–029	38	1,988,975
09	San Diego Hsg. Comm.	1625 Newton St., San Diego, CA 92113	CA16–E063–032	127	6,065,820
09	San Luis Obispo	487 Leff St., San Luis Obispo, CA 93401	CA16–E064–023	9	408,780
09	Santa Ana	500 W. Santa Ana Blvd., Santa Ana, CA 92707	CA16–E093–023	25	1,522,275
09	Santa Barbara City	808 Laguna St., Santa Barbara, CA 93101	CA16–E076–013	25	1,021,430
09	Santa Monica	1685 Main St., Santa Monica, CA 90401	CA16–E111–018	25	986,290
09	Santa Paula	P.O. Box 404, Santa Paula, CA 93060	CA16–E075–015	20	865,340
09	Ventura County	99 N. Glenn Dr., Camarillo, CA 93010	CA16–E092–024	25	1,010,170
09	Chandler City	99 N. Delaware, Chandler, AZ 85225	AZ20–E028–008	23	835,560
09	Mesa City	415 N. Pasadena, Mesa, AZ 85201	AZ20–E005–016	34	1,181,650
09	Phoenix City	920 E. Madison, Phoenix, AZ 85034	AZ20–E001–033	34	1,370,540
09	Tucson City	P.O. Box 27210, Tucsan, AZ 85726	AZ20–E004–026	5	184,450
09	Yuma County	8450 W. Hwy 95, Somerton, AZ 85350	AZ20–E013–009	11	387,025
09	Nevada Co.	10433 Willow Valley Rd., Nevada City, CA 95959	CA30–E146–001	16	673,740
09	Redding City	760 Parkview Ave., Redding, CA 96001	CA30–E106–023	35	1,291,860
09	Sacramento City	630 I St., Sacramento, CA 95814	CA30–E005–022	25	1,131,000
09	San Joaquin Co.	448 S. Center St., Stockton, CA 95209	CA30–E024–013	25	759,000
10	Alaska State HA	P.O. Box 230329, Anchorage, AK 99523	AK06–E102–050	14	487,550
10	Dept of Comm. Dev.	Ninth & Columbia Bldg., Olympia, WA 98504	WA19–E060–084	22	490,980
10	Dept of Comm. Dev.	Ninth & Columbia Bldg., Olympia, WA 98504	WA19–E060–085	25	873,775
10	Dept of Comm. Dev.	Ninth & Columbia Bldg., Olympia, WA 98504	WA19–E060–086	25	908,400
10	King Co. HA	15455 – 65th Ave., So., Seattle, WA 98188	WA19–E002–029	25	961,625
10	Richland HA	P.O. Box 190, Richland, WA 99352	WA19–E065–010	25	654,740
10	Seattle HA	120 Sixth Ave., No., Seattle, WA 98109	WA19–E001–030	40	1,851,770
10	Snohomish Co. HA	3425 Broadway, Everett, WA 98201	WA19–E039–024	25	864,250
10	Thurston Co. HA	505 W. Fourth Ave., Olympia, WA 98501	WA19–E049–011	39	1,240,665
10	Boise City HA	680 Cunningham Pl., Boise, ID 83702	ID16–E013–016	25	923,940
10	HA Ada County	680 Cunningham Pl., Boise, ID 83702	ID16–E021–017	25	923,940
10	HA City of Salem	360 Church St., NE, Salem, OR 97301	OR16–E011–025	26	902,220
10	HA of Lincoln County	P.O. Box 1470, Newport, OR 97365	OR16–E005–006	45	1,357,425
10	HA of Vancouver	500 Omaha Way, Vancouver, WA 98661	WA16–E008–015	33	803,455
10	Idaho HA	P.O. Box 7899, Boise, ID 83707–1899	ID16–E020–034	41	1,283,780
10	Mid–Columbia HA	506 E. Second St., The Dalles, OR 97058	OR16–E025–016	27	836,325
10	NE Oregon HA	P.O. Box 3357, LaGrande, OR 97850	OR16–E032–010	25	768,650

SECTION 8 RENTAL VOUCHER FUNDING DECISIONS
FAMILY SELF-SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
01	Andover HA	100 Morton St., Andover, MA 01810	MA06-V084-005	25	$1,158,540
01	Attleboro HA	37 Carlon St., Attleboro, MA 02703	MA06-V018-003	25	879,170
01	Boston HA	52 Chaucy St., Boston, MA 02111	MA06-V002-015	12	621,385
01	Cambridge HA	270 Green St., Cambridge, MA 02139	MA06-V003-011	12	832,855
01	Danvers HA	14 Stone St., Danvers, MA 01923	MA06-V118-007	25	1,206,355
01	Dennis HA	P.O. Box 35, 167 Center St., Dennis, MA 02660	MA06-V138-004	25	1,112,145
01	Franklin County HA	80 Canal St., Turner Falls, MA 01376	MA06-V094-004	5	193,360
01	Greenfield HA	1 Elm Terrace, Greenfield, MA 01301	MA06-V096-006	10	361,725
01	Lynn HA	174 South Common St., Lynn, MA 01905	MA06-V023-010	25	1,536,710
01	Melrose HA	910 Main St., Melrose, MA 02176	MA06-V063-004	25	1,363,290
01	Milford HA	45 Birmingham Ct., Milford, MA 01757	MA06-V069-003	25	1,485,645
01	Plymouth HA	69 Allerton St., Plymouth, MA 02360	MA06-V059-004	12	671,255
01	Reading HA	22 Frank Tanner Dr., Reading, MA 01867	MA06-V075-004	25	1,339,155
01	Salem HA	27 Charter St., Salem, MA 02151	MA06-V055-008	25	1,302,540
01	Sandwich HA	167 Center St., Dennis, MA 02660	MA06-V181-001	3	129,965
01	Saugus HA	19 Talbot St., Saugus, MA 01906	MA06-V099-001	25	1,399,430
01	Somerville HA	30 Memorial Rd., Somerville, MA 02145	MA06-V031-009	13	801,670
01	Weymouth HA	402 Essex St., Weymouth, MA 02191	MA06-V045-004	10	641,690
01	Winchester HA	13 Westley St., Winchester, MA 01890	MA06-V125-006	25	1,371,125
01	Woburn HA	59 Campbell St., Woburn, MA 01801	MA06-V019-008	12	706,045
01	City of Hartford	942 Main St., Hartford, CT 06103	CT26-V051-030	25	1,180,440
01	Danbury HA	2 Min Ridge Rd., Danbury, CT 06813	CT26-V020-005	34	1,616,940
01	Greenwich HA	249 Millbank Ave., Greenwich, CT 06836	CT26-V019-006	13	683,580
01	Middletown HA	40 Broad St., Middletown, CT 06457	CT26-V009-006	28	834,815
01	New Haven HA	360 Orange St., New Haven, CT 06509	CT26-V004-015	13	641,890
01	Norwalk HA	24-1/2 Monroe St., South Norwalk, CT 06854	CT26-V002-007	25	1,240,690
01	Waterbury HA	70 Lakewood Rd., Waterbury, CT 06704	CT26-V006-014	17	585,090
01	Winchester HA	80 Chestnut St., Winchester, CT 06098	CT26-V025-001	20	846,110
01	Bar Harbor HA	P.O. Box 28, Bar Harbor, ME 04609	ME36-V023-004	5	119,745
01	Caribou HA	25 High St., Caribou, ME 04736	ME36-V025-004	15	301,500
01	Ellsworth HA	P.O. Box 28, Ellsworth, ME 04605	ME36-V027-010	10	270,250
01	Fort Fairfield HA	P.O. Box 252, Fort Fairfield, ME 04742	ME36-V002-005	4	115,940
01	Keene HA	105 Castle St., Keene, NH 03431	NH36-V010-005	35	1,301,950
01	Lewiston HA	1 College St., Lewiston, 04240	ME36-V005-006	10	293,880
01	Portland HA	14 Baxter Blvd., Portland, ME 04101	ME36-V003-014	29	1,145,970
01	South Portland HA	P.O. Box 2128, South Portland, ME 04106	ME36-V020-005	10	405,550
01	Vermont HA	P.O. Box 397, Montpelier, VT 05601	VT36-V007-018	36	1,268,205
01	Waterville HA	60 Elm St., Waterville, ME 04901	ME36-V008-005	12	381,360
01	Westbrook HA	P.O. Box 349, Westbrook, ME 04092	ME36-V015-005	14	567,770
01	East Greenwich HA	146 First Ave., East Greenwich, RI 02818	RI43-V024-008	35	599,650

SECTION 8 RENTAL VOUCHER FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
01	East Providence HA	99 Goldsmith Ave., East Providence, RI 02914	RI43–V007–003	25	975,810
01	Pantucket HA	P.O. Box 1303, Pantucket, RI 02862	RI43–V002–009	19	557,315
01	RI Housing & Fin. Corp.	60 Eddy St., Providence, RI 02903	RI43–V023–015	12	516,975
02	City of New Rochelle	515 North Ave., New Rochelle, NY 10801	NY36–V113–013	25	1,102,000
02	New York City HA	250 Broadway, New York, NY 10007	NY36–V005–014	750	28,444,220
02	North Fork Housing Alliance	110 South St., Greenport, NY 11944	NY36–V152–010	25	1,167,425
02	NYC–HPD	100 Gold St., New York, NY 10038	NY36–V110–008	28	1,075,740
02	NYS–DHCR	1 Fordham Plaza, Bronx, NY 10458	NY36–V108–078	230	9,427,615
02	NYS–DHCR	1 Fordham Plaza, Bronx, NY 10458	NY36–V108–079	15	432,915
02	Port Jervis Comm Dev Ag	P.O. Box 1002, Port Jervis, NY 12771	NY36–V134–008	25	976,700
02	Town of Babylon Housing	P.O. Box 2791, N. Babylon, NY 11703	NY36–V130–012	45	2,501,775
02	Town of Brookhaven	3233 Route 112, Medford, NY 11763	NY36–V149–011	19	1,053,330
02	Town of East Hampton	159 Pantigo Rd., East Hampton, NY 11937	NY36–V154–006	5	239,775
02	Town of Huntington HA	5 Lowndes Ave., Huntington Station, NY 11746	NY36–V035–011	15	763,875
02	Town of Islip HA	963 Montauk Hwy., Oakdale, NY 11769	NY36–V077–013	50	2,546,850
02	Town of Saugerties HA	Town Hall –– Main St., Saugerties, NY 12477	NY36–V529–006	4	146,580
02	Village of New Square HA	766 N. Main St., New Square, NY 10977	NY36–V138–008	3	155,505
02	Village of Spring Valley	200 N. Main St., Spring Valley, NY 10977	NY36–V056–008	5	195,700
02	Amsterdam HA	52 Division St., Amsterdam, NY 12010	NY06–V060–005	4	148,840
02	City of Fulton–FCD	2 Tower Dr., Watertower Hill, Fulton, NY 13069	NY06–V504–007	30	658,770
02	City of Oswego	20 W. Oneida St., 3rd Fl., Owego, NY 13126	NY06–V027–006	15	439,435
02	City of Salamanca PHA	225 Wildwood, Salamanca, NY 14779	NY06–V403–004	5	115,690
02	Ithaca HA	800 S. Plain St., Ithaca, NY 14850	NY06–V054–008	34	933,990
02	NYSHFA–DHCR	One Fordham Plaza, 2nd Floor, New York, NY 10458	NY06–V108–690	54	1,455,540
02	NYSHFA–DHCR	One Fordham Plaza, 2nd Floor, New York, NY 10458	NY06–V108–691	77	2,011,270
02	Rochester HA	675 W. Main St., Rochester, NY 14611	NY06–V041–012	60	2,013,725
02	Syracuse HA	516 Burt St., Syracuse, NY 13202	NY06–V001–012	59	1,887,850
02	Town of Colonie	Town Hall, Newtownville, NY 12128	NY06–V408–005	18	481,200
02	Watervliet HA	2400 Second Ave., Watervliet, NY 12189	NY06–V025–002	15	432,090
02	Bergen Co.	190 Monroe St., Hackensack, NJ 07601	NJ39–V067–011	22	1,148,960
02	DCA	CN–051, Trenton, NJ 07042	NJ39–V087–139	252	10,120,005
02	Gloucester Co.	401 S. Evergreen Ave., Woodbury, NJ 08096	NJ39–V204–013	85	3,147,600
02	Lakewood HA	317 Sampson Ave., Box 15, Lakewood, NJ 08701	NJ39–V054–055	34	1,465,615
02	Monmouth Co.	P.O. Box 3000, Freehold, NJ 07728	NJ39–V095–010	43	1,775,685
02	Newark HA	57 Sussex Ave., Newark, NJ 07103	NJ39–V002–005	43	1,811,285
02	Warren Co.	Courthouse Complex, Belvidere, NJ 07823	NJ39–V102–007	9	223,385
03	Bucks Co. HA	350 S. Main St., 205, Doylestown, PA 18901–0967	PA26–V051–011	51	1,707,735
03	Chester Co. HA	222 N. Church St., West Chester, PA 19380–2693	PA26–V046–013	33	1,439,790
03	Cumberland Co. HA	114 N. Hanover St., Carlisle, PA 17013–2407	PA26–V075–011	25	781,125
03	Delaware Co. HA	1855 Constitution Ave., Woodlyn, PA 19094–1409	PA26–V023–023	39	1,650,590

SECTION 8 RENTAL VOUCHER FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
03	Lehigh Co. HA	333 Ridge Ave., Emmaus PA 18014	PA26–V081–011	51	1,514,700
03	Luzerne Co. HA	250 First Ave., Kingston, PA 18704–5815	PA26–V057–013	42	956,970
03	Northampton Co. HA	P.O. Box 252, 15 S. Wood St., Nazareth, PA 18064	PA26–V076–005	33	945,945
03	Northumberland Co. HA	50 Mahoning St., Milton, PA 17847–1021	PA26–V060–003	15	340,650
03	Philadelphia HA	2012 Chestnut, Philadelphia, PA 19103	PA26–V002–012	51	1,704,165
03	Scranton HA	400 Adams Ave., Scranton, PA 18510–0711	PA26–V003–009	51	1,302,795
03	Sunbury HA	725 Chestnut St., Sunbury, PA 17801–0458	PA26–V053–004	25	598,175
03	Wayne Co. HA	100 4th St., Honesdale, PA 18431	PA26–V078–004	25	726,795
03	Baltimore Co. DCD	1 Investment Pl., Suite 825, Towson, MD 21204	MD06–V033–017	13	413,205
03	City of Hagerstown HA	11 W. Baltimore St., Hagerstown, MD 21741	MD06–V006–004	25	715,540
03	Howard Co. HC	10650 Hickory Ridge Rd., Columbia, MD 21044	MD06–V023–009	25	1,051,435
03	State of Maryland CDA	100 Community Pl., Crownsville, MD 21032	MD06–V020–039	75	2,495,435
03	St. Mary's Co. HA	P.O. Box 653, Leonardtown, MD 20650	MD06–V021–009	22	653,235
03	Washington Co. HA	33 W. Washington St., Hagerstown, MD 21740	MD06–V028–006	25	707,580
03	Beckley HA	P.O. Box 1780, Beckley, WV 25802–1780	WV15–V015–010	27	690,885
03	Buckhannon HA	21 Hinkle Dr., Buckhannon, WV 26201	WV15–V013–005	25	635,290
03	Greenbrier HA	103 W. Randolph St., Lewisburgh, WV 24901	WV15–V046–005	30	651,150
03	Huntington HA	P.O. Box 2183, Huntington, WV 25722	WV15–V004–013	30	851,405
03	Allegheny Co. HA	341 Fourth Ave., Pittsburgh, PA 15222	PA28–V008–017	40	1,065,960
03	Beaver Co. HA	State Ave. and Toy St., Beaver, PA 15009	PA28–V014–008	25	568,725
03	City of Erie HA	606 Holland St., Erie, PA 16501–1285	PA28–V013–015	13	473,780
03	Elk Co. HA	Water St., P.O. Box, 100, Johnsonburg, PA 15845	PA28–V054–008	11	256,080
03	Indiana Co. HA	104 Philadelphia St., Indiana, PA 15701	PA28–V048–002	22	671,565
03	McKean Co. HA	410 E. Water St., Smethport, PA 16249	PA28–V080–007	25	692,120
03	Pittsburgh HA	200 Ross St., Pittsburg, PA 15219	PA28–V001–015	20	577,290
03	Washington Co. HA	100 Crumrine Tower, Washington, PA 15301	PA28–V017–012	25	675,575
03	Westmoreland HA	RD6, Box 223, Greensburgh, PA 15601	PA28–V018–016	28	607,820
03	Harrisonburg RHA	286 Kelley St., Harrisonburg, VA 22801	VA36–V014–007	35	1,007,835
03	Petersburg RHA	P.O. Box 311, Petersburg, VA 23804	VA36–V020–005	24	745,770
03	Portsmouth RHA	P.O. Box 1098, Portsmouth, VA 23705	VA36–V001–010	39	1,378,970
03	VA Hsng. Dev. Auth.	601 S. Belvidere St., Richmond, VA 23220	VA36–V027–030	44	1,702,975
03	Waynesboro RHA	1700 New Hope Rd., Waynesboro, VA 22980	VA36–V022–009	67	1,636,335
03	HA of the City of Rockville	14 Moore Dr., Rockville, MD 20850	MD39–V007–004	50	2,977,495
03	HOC of Montgomerty Co.	10400 Detrick Ave., Kensington, MD 20895	MD39–V004–019	61	3,263,540
03	VA Hsng. Dev. Auth.	601 S. Belvidere St., Richmond, VA 23220	VA39–V027–026	25	1,436,895
03	VA Hsng. Dev. Auth.	601 S. Belvidere St., Richmond, VA 23220	VA39–V027–027	15	864,140
04	Brunswich	P.O. Box 1118, Brunswich, GA 31521	GA06–V009–007	75	1,781,355
04	HA City of Augusta, GA	P.O. Box 3246, Augusta, GA 30904	GA06–V001–011	200	4,817,400
04	Savannah	P.O. Box 1179, Savannah, GA 31402	GA06–V002–010	29	690,305
04	Florence HA	303 N. Pine St., Florence, AL 35630	AL09–V054–012	25	532,525

SECTION 8 RENTAL VOUCHER FUNDING DECISIONS
FAMILY SELF-SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
04	HA of the City of Huntsville	P.O. Box 486, Huntsville, AL 35804	AL09-V047-008	8	221,340
04	Mobile Housing Board	P.O. Box 1345, Mobile, AL 36633	AL09-V002-016	25	629,100
04	Prichard HA	P.O. Box 10307, Prichard, AL 36610	AL09-V169-007	15	382,080
04	Tallassee HA	904 Hickory St., Tallahassee, AL 36078	AL09-V172-001	25	505,400
04	Uniontown HA	P.O. Box 1160, Uniontown, AL 36786	AL09-V171-004	25	539,350
04	Arecibo	P.O. Box 1086, Arecibo, PR 00613	RQ46-V020-011	25	628,825
04	Bayamon	P.O. Box 1588, Bayamon, PR 00956	RQ46-V011-010	25	368,650
04	Ceiba	P.O. Box 224, Cieba, PR 00735	RQ46-V070-006	23	312,225
04	Hormigueros	P.O. Box 97, Hormigueros, PR 00660	RQ46-V035-004	25	188,500
04	Manati	P.O. Box 367, Manati, PR 00674	RQ46-V028-002	17	169,745
04	Ponce	P.O. Box 1709, Ponce, PR 00731	RQ46-V008-018	25	558,400
04	PR Hsg. & Fin. Corp.	Call Box 71361, San Juan, PR 00936	RQ46-V051-001	25	368,650
04	Rio Grande	P.O. Box, Rio Grande, PR 00785	RQ46-V050-003	25	496,300
04	Salinas	P.O. Box I, Salinas, PR 00751	RQ46-V069-004	25	326,175
04	San German	P.O. Box 85, San German, PR 00683	RQ46-V030-002	25	205,750
04	Vieques	P.O. Box 154, Vieques, PR 00765	RQ46-V074-005	25	381,375
04	Anderson HA	1335 East River St., Anderson, SC 29621	SC16-V037-009	30	753,690
04	Beaufort HA	P.O. Box 1104, Beaufort, SC 29901	SC16-V026-008	12	293,125
04	Conway HA	2303 Leonard St., Conway, SC 29527	SC16-V025-008	50	1,034,700
04	Asheville	P.O. Box 1898, Asheville, NC 28802	NC19-V007-013	15	402,075
04	Durham	P.O. Box 1726, Durham, NC 27702	NC19-V013-012	53	1,326,935
04	High Point	P.O. Box 1779, High Point, NC 27261	NC19-V006-011	27	837,190
04	Macon PFP	P.O. Box 700, Franklin, NC 28734	NC19-V165-008	31	758,190
04	Northwestern Regional HA	P.O. Box 2510, Boone, NC 28607	NC19-V167-002	44	1,135,245
04	Sandhells CAP	P.O. Box 937, Carthage, NC 28327	NC19-V149-005	23	540,615
04	Sanford	P.O. Box 636, Sanford, NC 27330	NC19-V035-003	26	787,640
04	Western Carolina	P.O. Box 685, Hendersonville, NC 28793	NC19-V140-005	44	1,129,285
04	Western Piedmont COG	317 First Ave., N.W., Hickory, NC 28601	NC19-V159-012	50	1,133,845
04	Mississippi Reg. HA #V	P.O. Box 419, Newton, MS 39345	MS26-V030-015	25	664,225
04	Mississippi Reg. HA #VI	P.O. Box 8746, Jackson, MS 39284-8746	MS26-V058-048	25	719,690
04	Mississippi Reg. HA #VI	P.O. Box 8746, Jackson, MS 39284-8746	MS26-V058-049	25	787,720
04	North Delta Reg. HA	P.O. Box, 1153, Clarksdale, MS 38614	MS26-V128-012	30	734,130
04	Tenessee Valley Reg. HA	P.O. Box 1329, Corinth, MS 38834	MS26-V006-017	45	1,084,970
04	City of Ft. Myers CRA	P.O. Drawer 2217, Fort Myers, FL 33902	FL29-V091-006	16	572,130
04	Gainesville HA	P.O. Box 1468, Gainesville, FL 32602	FL29-V088-016	45	1,368,630
04	HA City of Daytona Beach	118 Cedar St., Daytona Beach, FL 32014	FL29-V007-012	45	1,552,675
04	HA of the City of Orlando	300 Reeves Ct., Orlando, FL 32801	FL29-V004-010	45	1,591,110
04	HA of the City of Tampa	P.O. Box 4766, Tampa, FL 33607	FL29-V003-015	83	2,779,450
04	Hialeah HA	70 E. 7th St., Hialeah, FL 33010	FL29-V066-018	45	1,579,620
04	Hillsborough Co. HA	9260 Bay Plaza Blvd., Tampa, FL 33613	FL29-V089-010	45	1,553,030

SECTION 8 RENTAL VOUCHER FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
04	Lee County HA	14170 Warner Circle, NW, Fort Myers, FL 33903	FL29–V128–005	25	873,595
04	Ocala HA	1415 NE 32nd Terr., Ocala, FL 32670	FL29–V032–010	25	785,925
04	Palatka HA	400 N. 15th St., Palatka, FL 32077	FL29–V057–006	25	580,475
04	Pasco County HA	507 Acorn Circle, Dade City, FL 33525	FL29–V104–007	45	1,356,855
04	Walton Co. Board of Comm.	P.O. Box 1258, DeFuniak Springs, FL 32433	FL29–V110–007	28	782,265
04	Kingsport HA	P.O. Box 44, Kingsport, TN 37662–0044	TN37–V006–012	25	465,509
04	Bowling Green	P.O. Box 430, Bowling Green, KY 42102	KY36–V171–017	20	400,500
04	CURISA	P.O. Box 806, Barbourville, KY 40906	KY36–V160–009	28	496,000
04	Floyd	P.O. Box 687, Prestonsburg, KY 41653	KY36–V157–007	20	489,040
04	Grayson/Carter Co.	1448 Diedrick Blvd., Russell, KY 41169	KY36–V165–006	8	169,590
04	KY Housing Corp.	1231 Louisville Rd., Frankfort, KY 40601	KY36–V134–110	20	401,630
04	Lacona Co	Route 2, Ray Williams Villa, Lacona, KY 41230	KY36–V086–095	12	187,640
04	Lexington	635 Ballard St., Lexington, KY 40508	KY36–V130–015	42	1,299,585
04	Louisville	745 W. Main St., Louisville, KY 40202	KY36–V131–014	26	606,580
04	Pineville	P.O. Drawer 469, Pikesville, KY 40977	KY36–V141–026	20	491,650
04	Richmond	P.O. Box 250, Richmond, KY 40475	KY36–V132–093	20	560,400
04	Metro Dev. & Hsg. Agency	P.O. Box 846, Nashville, TN 37202	TN43–V005–010	60	1,986,865
04	Murfreesboro HA	318 E. Lokey Ave., Murfreesboro, TN 37130	TN43–V020–005	25	738,000
04	TN Hsg. Dev. Agency	404 J. Robertson Pkwy., Nashville, TN 37243–0900	TN43–V112–050	50	1,069,810
05	Chicago HA	22 W. Madison St., Chicago, IL 60602	IL06–V002–017	20	838,530
05	DuPage	421 N. Country Farm Rd., Wheaton, IL 60187–3906	IL06–V101–011	30	1,411,490
05	Kankakee Co.	P.O. Box 1289, Kankakee, IL 60901	IL06–V039–005	50	1,829,650
05	Lake Co.	33928 N. Route 45, Grayslake, IL 60030	IL06–V056–012	200	11,105,075
05	Madison Co.	1609 Olive St., Collinsville, IL 62234	IL06–V015–013	50	1,507,760
05	Peoria HA	814 W. Brotherson St., Peoria, IL 61605	IL06–V003–006	50	2,150,700
05	Cincinnati MHA	16 W. Central Pkwy., Cincinnati, OH 45210	OH10–V004–016	51	1,526,945
05	Clinton MHA	478 Thorne Ave., Wilmington, OH 45177	OH10–V053–004	15	389,415
05	Hamilton Co. PHA	138 E. Court St., Rm. 507, Cincinnati, OH 45202	OH10–V048–015	46	1,471,860
05	Akron MHA	180 W. Cedar St., Akron, OH 44307	OH12–V007–022	20	693,350
05	Erie MHA	322 Warren St., Sandusky, OH 44870	OH12–V028–011	5	185,275
05	Jefferson MHA	815 N. Sixth Ave., Steubenville, OH 43952	OH12–V014–006	50	1,426,900
05	Parma HA	9906 W. Pleasant Valley Rd., Parma, OH 44130	OH12–V073–011	30	893,500
05	Portage MHA	223 W. Main, Ravenna, OH 44266	OH12–V031–018	25	734,550
05	Tuscarawas MHA	172 N. Broadway, New Philadelphia, OH 44663	OH12–V063–009	50	1,127,955
05	Youngstown MHA	131 W. Boardman St., Youngstown, OH 44503	OH12–V002–020	20	580,900
05	Athens MHA	490 Richland Ave., Athens, OH 45701	OH16–V041–003	18	515,565
05	City of Marietta	301 Putnam St., Marietta, OH 45750	OH16–V077–002	50	1,344,280
05	Logan MHA	116 N. Everett St., Bellefontaine, OH 43311	OH16–V072–008	40	1,060,600
05	Meigs MHA	237 Race St., Middleport, OH 45760	OH16–V035–002	50	1,278,550
05	Perry MHA	26 Brown Circle Dr., Crooksville, OH 43731	OH16–V034–004	10	230,925

SECTION 8 RENTAL VOUCHER FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
05	Vinton MHA	P.O. Box 487, McArthur, OH 45651	OH16–V078–005	25	589,050
05	Ann Arbor HC	727 Miller Ave, Ann Arbor, MI 48103	MI28–V064–011	75	2,576,250
05	Madison Heights HC	300 W. 13th Mile Rd., Madison Heights, MI 48071	MI28–V188–004	15	757,300
05	MSHCA	401 S. Washington Sq., Lansing, MI 48909	MI28–V150–036	76	2,417,725
05	MSHCA	401 S. Washington Sq., Lansing, MI 48909	MI28–V150–037	21	484,690
05	Sagina HC	2811 Davenport, Saginaw, MI 48607	MI28–V006–012	25	714,100
05	Wessland HC	32715 Dorsey, Westland, MI 48185	MI28–V139–007	25	626,400
05	Grand Rapids Hsg Comm	1420 Fuller Ave., S.E., Grand Rapids, MI 49507	MI33–V073–017	58	1,721,325
05	Lansing Hsg Comm	310 Seymour Ave., Lansing, MI 48933	MI33–V058–013	15	440,525
05	MSHCA	401 S. Washington Sq., Lansing, MI 48909	MI33–V150–033	73	1,788,590
05	Fort Wayne	2013 S. Anthony Blvd., Fort Wayne, IN 46803	IN36–V003–009	50	1,424,195
05	Goshen HA	302 S. Fifth St., Goshen, IN 46526	IN36–V101–004	23	606,765
05	Hammond	7329 Columbia Circle, W., Hammond, IN 46324	IN36–V010–004	10	374,825
05	Indianapolis HA	410 N. Meridian St., Indianapolis, IN 46204	IN36–V017–001	49	1,695,405
05	Muncie	409 E. First St., Muncie, IN 47302	IN36–V005–009	100	2,459,340
05	Peru HA	701 E. Main, Peru, IN 46970	IN36–V091–004	50	1,161,550
05	South Bend	501 S. Scott St., South Bend, IN 46634	IN36–V015–016	40	1,127,180
05	Vincennes HA	P.O. Box 1636, Vincenes, IN 47591	IN36–V002–006	50	961,360
05	Milwaukee Co.	907 N. 10 St., Milwaukee, WI 53233	WI39–V218–011	55	1,687,270
05	Oconto Co. HA	1201 Main St., Oconto, WI 54153	WI39–V262–001	25	513,950
05	Superior HA	1219 N. 8th St., Superior, WI 54880	WI39–V001–007	28	582,650
05	Waukesha Co. HA	120 Corrina Blvd., Waukesha, WI 53186	WI39–V261–006	40	1,124,200
05	Waukesha HA	120 Corrina Blvd., Waukesha, WI 53186	WI39–V142–013	40	1,037,280
05	West Allis CDA	7525 W. Greenfield Ave., West Allis, WI 53214	WI39–V201–009	40	998,690
05	WI Hsg & Econ. Dev. Auth.	P.O. Box 1728, Madison, WI 53701–1728	WI39–V200–012	55	1,040,780
05	Bloomington HRA	2215 W. Old Shakopee Rd., Bloomington, MN 55431	MN46–V152–007	25	799,100
05	Dakota Co. HRA	2496 – 145th St., West, Rosemount, MN 55068	MN46–V147–015	37	1,487,630
05	Duluth HRA	222 E. Second St., Duluth, MN 55816–0900	MN46–V003–011	31	895,340
05	Kandiyohi Co. HRA	P.O. Box 1359, Willmar, MN 56201	MN46–V168–006	12	320,175
05	Metropolitan Council	230 E. Fifth St., Saint Paul, MN 55101	MN46–V163–023	25	978,390
05	Minneapolis PHA	1001 Washington Ave., N., Minneapolis, MN 55401	MN46–V002–011	25	1,027,045
05	Red Wing HRA	433 W. Fourth St., Red Wing, MN 55066	MN46–V090–006	10	229,875
05	South Saint Paul	125 Third Ave., N., South Saint Paul, MN 55075	MN46–V010–005	25	1,029,055
05	S. Central MN Multi Co. HRA	410 Jackson St., P.O. Box 3327, Mankato, MN 56001	MN46–V219–007	31	930,585
05	Winona HRA	165 E. Fourth St., Winona, MN 55987	MN46–V006–001	25	460,100
06	Albuquerque HA	P.O. Box 1293, Albuquerque, NM 87102	NM16–V001–009	98	1,434,395
06	Arlington HA	401 W. Sanford, #2600, Arlington, TX 76010	TX16–V433–007	25	813,575
06	Clovis HA	P.O. Box 1240, CLovis, NM 88102–1240	NM16–V065–001	25	684,050
06	El Paso HA	P.O. Box 9895, El Paso, TX 79989	TX16–V003–011	16	380,865
06	Fort Worth HA	P.O. Box 430, Ft. Worth, TX 76101	TX16–V004–013	81	2,670,150

SECTION 8 RENTAL VOUCHER FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
06	Grand Prairie CRA	Box 531167, Grand Prairie, TX 75053	TX16–V434–013	25	867,890
06	Harrison Co. HA	Box 1343, Marshall, TX 75671	TX16–V438–005	10	308,895
06	Las Cruces HA	926 S. San Pedro St., Las Cruces, NM 88001	NM16–V003–006	50	1,311,355
06	Region IV HA	104 W. Second St., Clovis, NM 88101	NM16–V064–004	26	652,765
06	Santa Fe Civic HA	P.O. Box 4039, Santa Fe, NM 87502–4039	NM16–V058–008	25	791,165
06	Santa Fe Co. HA	52 Camino de Jacobo, Santa Fe, NM 87501	NM16–V050–006	12	498,050
06	Truth or Consequences HA	108 S. Cedar, Truth or Consequences, NM 87901	NM16–V020–003	15	470,815
06	Brazos Valley Dev. Council	P.O. Drawer 4128, Bryan, TX 77805–4128	TX24–V526–037	28	689,770
06	Brazos Valley Dev. Council	P.O. Drawer 4128, Bryan, TX 77805–4128	TX24–V526–038	118	3,636,760
06	Galveston HA	920 53rd St., Galveston, TX 77550	TX24–V017–008	18	507,170
06	Conway HA	335 S. Mitchell, Conway, AR 72032	AR37–V006–006	12	293,835
06	Harrison HA	City Hall, Harrison, AR 72601	AR37–V200–006	25	532,890
06	Little Rock HA	1000 Wolfe St., Little Rock, AR 72202	AR37–V004–014	25	653,575
06	North Little Rock HA	2201 Division, N. Little Rock, AR 72114	AR37–V002–012	14	423,820
06	NW Regional HA	P.O. Box 699, Harrison, AR 72601	AR37–V010–007	25	473,635
06	White River Regional HA	P.O. Box 650, Melbourne, AR 72556–0650	AR37–V197–008	25	512,170
06	Iberia Parish Govt	Courthouse Bldg., Ste. 490, New Iberia, LA 70560	LA48–V189–004	30	761,640
06	Monroe HA	P.O. Box 1194, Monroe, LA 71210	LA48–V006–012	37	776,420
06	Natchitoches Parish HA	P.O. Box 255, Natchitoches, LA 71457	LA48–V166–002	5	114,540
06	Ouachita PPJ	P.O. Box 3007, Monroe, LA 71210–3007	LA48–V171–003	74	1,740,355
06	Shreveport HA	623 Jordan St., Shreveport, LA 71101	LA48–V002–012	74	2,165,760
06	St. Martin PPJ	P.O. Box 9, St. Martinville, LA 70582	LA48–V178–004	9	272,010
06	Webster PJ	P.O. Box 389, Minden, LA 71058–0389	LA48–V213–004	10	170,055
06	Winn PPJ	P.O. Box 951, Winnfield, LA 71483	LA48–V257–004	25	486,575
06	Norman HA	700 N. Berry Rd., Norman, OK 73069	OK56–V139–012	40	1,102,300
06	OHFA	P.O. Box 26720, Oklahoma City, OK 73116	OK56–V140–076	26	594,840
06	OHFA	P.O. Box 26720, Oklahoma City, OK 73116	OK56–V140–076	4	108,960
06	OHFA	P.O. Box 26720, Oklahoma City, OK 73116	OK56–V140–077	20	502,500
06	OHFA	P.O. Box 26720, Oklahoma City, OK 73116	OK56–V140–078	20	475,800
06	Oklahoma City PHA	1700 NE 4th St., Oklahoma City, OK 73117	OK56–V002–013	25	701,825
06	Seneca–Cayuga Tribe	P.O. Box 1304, Miami, OK 74354	OK56–V143–001	10	100,575
06	HA City of Del Rio	P.O. Drawer 4080, Del Rio, TX 78841–4080	TX59–V016–006	46	978,340
06	HA City of Mission	906 E. 8th St., Mission, TX 78572	TX59–V046–008	40	1,477,020
06	HA City of Pharr	211 W. Audrey, Pharr, TX 78577	TX59–V073–005	40	1,304,595
06	HA Co. of Cameron	P.O. Box 5806, Brownsville, TX 78520	TX59–V509–008	40	1,499,670
07	Brown Co. PHA	RR 4, Box 380, Hiawatha, KS 66434	KS16–V168–004	47	1,027,480
07	Cowley Co. PHA	P.O. Box 1122, Arkansas, KS 67005	KS16–V166–005	20	446,480
07	Olathe HA	P.O. Box 768, Olathe, KS 66061	KS16–V043–006	10	261,130
07	St. Clair Co PHA	P.O. Box 125, Appleton City, MO 64724	MO16–V197–004	30	667,800
07	Wichita Kansas PHA	455 N. Main, Wichita, KS 67202	KS16–V004–010	86	2,856,065

SECTION 8 RENTAL VOUCHER FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
07	Eastern Iowa RHA	P.O. Box 1140, Dubuque, IA 52004–1140	IA05–V126–014	25	697,380
07	IA Northland RHA	214 E. 4th St., Waterloo, IA 50704	IA05–V132–004	30	981,720
07	IA Northland RHA	214 E. 4th St., Waterloo, IA 50704	IA05–V132–003	20	654,480
07	Siouxland RHA	P.O. Box 447, Sioux City, IA 51102–0447	IA05–V136–008	5	146,430
07	Waterloo HA	215 E. 4th St., Waterloo, IA 50704	IA05–V050–014	20	645,390
07	Kearney HA	2715 Avenue I, Kearney, NE 68847	NE26–V004–002	16	397,020
07	Norfolk HA	118 S. First St., Norfolk, NE 68701	NE26–V157–004	35	806,550
07	Omaha HA	540 S. 27th St., Omaha, NE 68105	NE26–V001–022	28	871,950
07	Hannibal	P.O. Box 470, Hannibal, MO 63401–0998	MO36–V129–005	7	144,875
07	Lincoln Co.	P.O. Box 470, Bowling Green, MO 63334–0470	MO36–V199–013	30	1,066,965
07	Lincoln Co.	P.O. Box 470, Bowling Green, MO 63334–0470	MO36–V199–012	35	779,735
07	Phelps Co.	101 W. 10th St., Rolla, MO 65401–3299	MO36–V206–005	45	1,066,295
07	Ripley Co.	P.O. Box 1183, Poplar Bluff, MO 63901–1183	MO36–V212–004	17	321,505
07	St. Louis City	4100 Lindell Blvd., St. Louis, MO 63108–2999	MO36–V001–014	55	1,509,200
08	Adams Co. HA	7190 Colorado Blvd., Commerce City, CO 80022	CO99–V058–019	25	691,780
08	CO Div. of Housing	1313 Sherman St., Rm. 323, Denver, CO 80203	CO99–V093–021	49	1,386,660
08	Fargo HRA	101 2nd. St South, Fargo, ND 58103	ND99–V014–014	25	612,000
08	Garfield Co. HA	902 Taughenbaugh, Ste. 306, Rifle, CO 81650	CO99–V095–009	28	1,069,020
08	Grand Co. HA	P.O. Box 729, Moab, UT 84532	UT99–V014–001	35	1,338,840
08	HA City of CO Springs	P.O. Box 1575, MC340, Colorado Sprgs., CO 80901	CO99–V028–013	25	638,380
08	HA County of Salt Lake	1962 S. 200 East, Salt Lake City, UT 84115	UT99–V003–011	25	585,090
08	HA of Grand Forks	P O. Box 1518, Grand Forks, ND 58206–1518	ND99–V012–012	25	654,350
08	HA of Salt Lake City	1800 SW Temple, Salt Lake City, UT 84115	UT99–V004–014	25	669,755
08	Jefferson Co. HA	1445 Holland St., Lakewood, CO 80215	CO99–V072–012	25	748,025
08	Lakewood HA	445 S. Allison Pkwy., Lakewood, CO 80226–3105	CO99–V049–013	25	731,875
08	Missoula HA	1319 E. Broadway, Missoula, MT 59802	MT99–V033–009	35	969,325
08	Montana Dept of Commerce	1424 Ninth Ave., Helena, MT 59624	MT99–V032–024	4	117,170
08	Montana Dept of Commerce	1424 Ninth Ave., Helena, MT 59624	MT99–V032–025	5	181,965
08	Montana Dept of Commerce	1424 Ninth Ave., Helena, MT 59624	MT99–V032–028	5	136,225
09	Alameda Co. HA	1916 Webster St., Alameda, CA 94501	CA39–V067–019	50	2,529,775
09	Benicia HA	28 Riverhill Dr., Benicia, CA 94510	CA39–V041–010	25	968,000
09	Contra Costa HA	P.O. Box 2759, Martinez, CA 94553	CA39–V011–014	50	2,481,185
09	Fairfield HA	823 B Jefferson St., Fairfield, CA 94533	CA39–V065–007	25	1,023,825
09	Lake Co. HC	255 N. Forbes St., Lakeport, CA 95453	CA39–V144–002	23	818,890
09	Livermore HA	3203 Leahy Way, Livermore, CA 94550	CA39–V074–011	25	1,353,100
09	Marin Co. HA	30 N. Pedro Rd., San Rafael, CA 94913–4282	CA39–V052–014	23	1,214,560
09	Napa HA	1115 Seminary St., Napa, CA 94559–0660	CA39–V073–006	25	992,915
09	North Las Vegas HA	1632 Yale St., N. Las Vegas, NV 89030–6827	NV39–V007–008	25	1,150,535
09	San Mateo Co. HA	456 Peninsula Ave., San Mateo, CA 94401	CA39–V014–014	50	3,326,365
09	Santa Clara HA	505 W. Julian St., San Jose, CA 95110–2338	CA39–V059–021	50	2,508,940

SECTION 8 RENTAL VOUCHER FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
09	Solano Co. HA	601 W. Texas St., Fairfield, CA 94533–6301	CA39–V131–004	25	1,250,905
09	Sonoma Co. HA	3033 Cleveland Ave., Santa Rosa, CA 95403	CA39–V085–013	50	2,504,440
09	Stanislaus A	1701 Robertson Rd., Modesto, CA 95352–3958	CA39–V026–010	25	812,445
09	Vacaville HA	1104 Alamo Dr., Vacaville, CA 95687	CA39–V125–016	25	1,248,985
09	Vallejo HA	P.O. Box 1432, Vallejo, CA 94590	CA39–V055–008	25	1,327,955
09	Hawaii Co. HA	50 Wailuku Dr., Hilo, HI 96720	HI10–V002–012	40	1,966,900
09	Kauai Co. HA	4193 Hardy St., #1, Lihue, HI 96766	HI10–V005–009	27	1,378,035
09	Maui Co. HA	200 S. High St., Wailuku, HI 96793	HI10–V004–009	12	592,500
09	Anaheim	300 S. Harbor Blvd., Anaheim, CA 92805	CA16–V104–016	36	2,025,450
09	Garden Grove	11400 Stanford Ave., Garden Grove, CA 92642	CA16–V102–013	25	1,564,740
09	Glendale	520 E. Broadway Ave.,Ste. 302, Glendale, CA 91205	CA16–V114–013	25	1,236,630
09	Imperial Valley	1401 "D" St., Brawley, CA 92227	CA16–V143–005	15	601,500
09	Inglewood	1 Manchester Blvd., Inglewood, CA 90301	CA16–V082–007	25	1,311,710
09	Kern Co.	525 Roberts Ln., Bakersfield, CA 93308	CA16–V008–014	27	1,037,555
09	Long Beach	333 Ocean Ave., Long Beach, CA 90802	CA16–V068–013	113	5,762,175
09	Los Angeles City	515 Columbia Ave., Los Angeles, CA 90017	CA16–V004–017	265	14,997,205
09	Oceanside	219 N. Horne St., Oceanside, CA 92054	CA16–V132–010	34	1,606,525
09	Orange Co.	2043 N. Broadway, Santa Ana, CA 92706	CA16–V094–016	30	1,830,900
09	Oxnard	1470 Colonia Rd., Oxnard, CA 93030–3714	CA16–V031–012	25	1,336,760
09	Pomona	P.O. Box 660, Pomona, CA 91769	CA16–V123–011	32	1,283,050
09	San Bernadino County	1053 N. "D" St., San Bernadino, CA 92410	CA16–V019–013	34	1,495,045
09	San Buena Ventura City	995 Riverside St., Ventura, CA 93002	CA16–V035–008	25	1,401,135
09	San Diego Co.	3989 Ruffin Rd., San Diego, CA 92113	CA16–V108–017	37	1,653,545
09	San Diego Hsg. Comm.	1625 Newton St., San Diego, CA 92113	CA16–V063–014	116	5,493,560
09	San Luis Obispo	487 Leff St., San Luis Obispo, CA 93401	CA16–V064–008	15	676,095
09	Santa Ana	500 W. Santa Ana Blvd., Santa Ana, CA 92707	CA16–V093–016	25	1,727,380
09	Santa Barbara City	808 Laguna St., Santa Barbara, CA 93101	CA16–V076–009	44	2,155,995
09	Santa Barbara Co.	815 W. Ocean Ave., Lompoc, CA 93438	CA16–V021–009	36	1,918,860
09	Ventura County	99 N. Glenn Dr., Camarillo, CA 93010	CA16–V092–010	25	1,200,895
09	Bullhead City	P.O. Box 1048, Bullhead City, AZ 86430	AZ20–V044–001	50	1,827,600
09	Yuma City	1350 W. Colrado, Yuma, CA 85364	AZ20–V035–010	44	1,754,900
09	Yuma County	8450 W. Hwy 95, Somerton, AZ 85350	AZ20–V013–008	11	387,025
09	Karuk IHA	1288 S. Main St., Ste. 5, Yreka, CA 96097	CA99–V134–001	12	215,220
09	Nevada Co.	10433 Willow Valley Rd., Nevada City, CA 95959	CA30–V146–001	16	583,120
09	Roseville Co.	405 Vernon St., Roseville, CA 95678	CA30–V128–008	25	903,795
09	Shasta Co	1670 Market St., Ste. 300, Redding, CA 96001	CA30–V096–009	25	670,250
09	Sutter Co.	448 Garden Hwy, Yuba City, CA 95991	CA30–V048–007	25	608,645
09	Yolo Co.	1224 Lemon Ave., Woodland, CA 95695	CA30–V044–009	25	858,545
10	Alaska State HA	P.O. Box 230329, Anchorage, AK 99523	AK06–V102–023	15	524,895
10	Bellingham HA	208 Unity St., Bellingham, WA 98225	WA19–V025–014	30	1,062,315

SECTION 8 RENTAL VOUCHER FUNDING DECISIONS
FAMILY SELF–SUFFICIENCY PROGRAM

REGION	PHA NAME	PHA ADDRESS	PROJECT NO.	NO. OF UNITS	AMOUNT APPROVED
10	Bremerton HA	P.O. Box 631, Bremerton, WA 98310	WA19–V003–013	25	794,200
10	Clallam Co. HA	2603 S. Francis St., Port Angeles, WA 98362	WA19–V008–004	29	923,480
10	Everett HA	1401 Poplar, Everett, WA 98201	WA19–V006–015	30	1,115,900
10	Island Co. HA	7 N.W. Sixth St., Coupeville, WA 98239	WA19–V024–005	15	460,395
10	Kennewick HA	P.O. Box 6737, Kennewick, WA 99338	WA19–V012–007	25	725,470
10	Tacoma HA	1728 E. 44th, Tacoma, WA 98404	WA19–V005–014	56	1,884,830
10	Wenatchee HA	236 N. Mission St., Wenatchee, WA 98801–2004	WA19–V064–001	31	907,710
10	Boise City HA	680 Cunningham Pl., Boise, ID 83702	ID16–V013–014	25	936,210
10	Central OR Reg. HA	2445 SW Canal Blvd., Redmond, OR 97756	OR16–V034–006	50	1,743,250
10	HA Ada County	680 Cunningham Pl., Boise, ID 83702	ID16–V021–008	25	854,020
10	HA of Lane Co.	177 Day Island Rd., Eugene, OR 97401	OR16–V006–018	46	1,736,400
10	Idaho HA	P.O. Box 7899, Boise, ID 83707–1899	ID16–V020–009	57	1,626,080
10	NE Oregon HA	P.O. Box 3357, LaGrande, OR 97850	OR16–V032–005	25	853 970

[FR Doc. 93–3511 Filed 2–12–93; 8:45 am]
BILLING CODE 4210–33–C

VOL 58 ISS 29 FE 16 1993 UMI

[Docket No. D–93–1019; FR–3460–D–01]

Las Vegas Office, Region, IX; Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation and order of succession.

SUMMARY: The Manager of the Las Vegas Office in Region IX is designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of Manager.

EFFECTIVE DATE: January 19, 1993.

FOR FURTHER INFORMATION CONTACT: Beverly G. Agee, Regional Counsel, Department of Housing and Urban Development, Region IX, 450 Golden Gate Avenue, Box 36003, San Francisco, CA 94102. Telephone (415) 556–6110. This is not a toll-free number.

DESIGNATION OF ACTING MANAGER: Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of Manager, with all of the powers, functions, and duties redelegated or assigned to the Manager: *Provided:* That no official is authorized to serve as Acting Manager unless all preceding officials in this designation are unable to act by reason of absence, disability, or vacancy in said position:

1. Deputy Manager
2. Chief, Multifamily Loan Management Branch
3. Chief, Housing Development Branch
4. Chief, Single Family Loan Management/Property Disposition Branch

This designation supersedes and cancels the designation and order of succession published on May 11, 1992 (Vol. 57, No. 91).

Authority: Delegation of Authority by the Secretary of Housing and Urban Development, effective October 1, 1970; 36 FR 3389, February 23, 1971.

Dated: January 19, 1993.

Andrew Robertson,

Manager, Las Vegas Office, Department of Housing and Urban Development, Region IX.

Concur:

John E. Wilson,

Acting Regional Administrator—Regional Housing Commissioner, Region IX.

[FR Doc. 93–3512 Filed 2–12–93; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. D–93–1018; FR–3459–D–01]

Office of the Manager; Albany Office Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Office Manager is designating officials who may serve as Office Manager during the absence, disability, or vacancy in the position of the Office Manager.

EFFECTIVE DATE: This designation is effective January 22, 1993.

FOR FURTHER INFORMATION CONTACT: Lisa Surplus, Director, Administrative and Management Services Division, Office of Administration, New York Regional Office, Department of Housing and Urban Development, 26 Federal Plaza, New York, New York 10278, telephone (212) 264–2761. (This is not a toll-free number.)

DESIGNATION: Each of the officials appointed to or designated as Acting in the following positions is designated to serve as Office Manager during the absence, disability, or vacancy in the position of the Office Manager, with all powers, functions, and duties redelegated or assigned to the Office Manager: Provided, that no official is authorized to serve as Office Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Manager
2. Director, Debt Management Center
3. Chief, LM/PD Branch
4. Administrative Officer

The designation supersedes the designation currently in effect.

Authority: Delegation of Authority, 27 Federal Register 4319 (1962); Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(D); and Interim Order II, 31 FR 815 (1966).

Dated: January 22, 1993.

Anthony M. Villane, Jr.,

Regional Administrator/Regional Housing Commissioner, Region II.

[FR Doc. 93–3513 Filed 2–12–93; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–040–03–4370–01]

Public Hearing

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public hearing.

SUMMARY: A public hearing on the use of helicopters in wild horse roundup activities will be held at the White Mountain Library, Grace Gasson Classroom.

DATES: March 11, 1993, 7 p.m. until 9 p.m.

ADDRESSES: White Mountain Library, 2935 Sweetwater Drive, Rock Springs, Wyoming 82901.

FOR FURTHER INFORMATION CONTACT: Marlowe E. Kinch, District Manager, Rock Springs District Office, Highway 191 North, Rock Springs, Wyoming 82901.

SUPPLEMENTARY INFORMATION: The agenda will be limited to:

1. Introduction and opening remarks
2. Review of the Wild Horse Management Plan
3. Use of helicopters in the Plan
4. Film presentation of roundup activity
5. Public comment period

The meeting is open to the public and interested persons may make oral statements on the subject. All statements will be recorded.

Marlowe E. Kinch,

District Manager.

[FR Doc. 93–3547 Filed 2–12–93; 8:45 am]

BILLING CODE 4310–22–M

Ukiah District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting, Ukiah, California, District Advisory Council.

SUMMARY: Pursuant to Public Law 94–579 and 43 CFR part 1780, the Ukiah District Advisory Council will meet in Ukiah, California, March 10–11, 1993. The agenda will include a field tour of the Cow Mountain Recreation Area the first day, followed by BLM briefings and Council action, as appropriate, the second day. Agenda topics, in addition to Cow Mountain, will include the Spotted Owl Recovery Plan, Incentive Grazing Management, the 1872 Mining Law, and Reservoir Depletion in The Geysers. A complete agenda is available from the Ukiah BLM Office.

DATES: March 10, 10:30 a.m. to 5 p.m., and October 22, 8 a.m. to 3 p.m.

ADDRESSES: March 10, Field Tour, departing from the BLM Office, 555 Leslie street, Ukiah, at 8 a.m. Public participation needs to be arranged ahead of time. March 11, Bureau of Land Management conference room, 555 Leslie Street, Ukiah.

FOR FURTHER INFORMATION CONTACT: Barbara Taglio, Ukiah District Office, Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482, (707) 462–3873.

SUPPLEMENTARY INFORMATION: All meetings of the Ukiah District Advisory

Council are open to the public. Individuals may submit oral or written comments for the Council's consideration. Opportunity for oral comments will be provided at 10 a.m. Thursday, March 11. Summary minutes of the meeting will be maintained by the Ukiah District Office and will be available for inspection and reproduction within 30 days of the meeting.

Dated: February 3, 1993.

David E. Howell,

District Manager.

[FR Doc. 93–3450 Filed 2–12–93; 8:45 am]

BILLING CODE 4310–40–M

[ES–962–9800–12; ES–045833, Group 194, Florida]

Filing of Plat of the Dependent Resurvey and Survey of Hiatus; Tallahassee Meridian, FL

The plat of the dependent resurvey of a portion of the east boundary of Township 14 South, Range 19 East, a portion of the west boundary of Township 15 South, Range 20 East, and the survey of the north and south boundaries of Township 14 South, Range 19½ East, Tallahassee Meridian, Florida, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on March 22, 1993.

The survey was made upon request submitted by the Loncala Phosphate Company.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Chief Cadastral Surveyor, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 7:30 a.m., March 22, 1993.

Copies of the plat will be made available upon request and prepayment of the reproduction fee of $1.75 per copy.

Dated: January 25, 1993.

Denise P. Meridith,

State Director.

[FR Doc. 93–3530 Filed 2–12–93; 8:45 am]

BILLING CODE 4310–GJ–M

[ES–962–4950–13; ES–045834, Group 134, Wisconsin]

Notice of Filing of Plat and Dependent Resurvey and Survey

The plat of the dependent resurvey of the boundaries of Indian Claim No. 138, Section 3; the survey of an exclusion to Indian Claim No. 138, Section 3; the dependent resurvey of a portion of the boundaries of Indian Claim No. 145, Sections 3 and 4; and a portion of the boundaries of Indian Claim No. 146, Section 4, and the survey of Tract Nos. 1, 2 and 3, in Indian Claim No. 146, Sections 3 and 4, Township 23 North, Range 19 East, Fourth Principal Meridian, Wisconsin, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on March 25, 1993.

The survey was made upon request submitted by the Bureau of Indian Affairs.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Chief Cadastral Survey, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 7:30 a.m., March 25, 1993.

Copies of the plat will be made available upon request and prepayment of the reproduction fee of $1.75 per copy.

Dated: January 28, 1993.

Larry Hamilton,

Acting State Director.

[FR Doc. 93–3529 Filed 2–12–93; 8:45 am]

BILLING CODE 4310–GJ–M

Fish and Wildlife Service

Implementation of New Management Plan; Lower Florida Keys

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service (Service) plans to implement a new management plan on portions of the Lower Florida Keys "backcountry" which are included within the boundaries of the Key West and Great White Heron National Wildlife Refuges (NWR(s)). The plan will restrict public use of "backcountry" islands, restrict use of all boats in specified zones around 19 islands which are of particular importance to wildlife, and prohibit use of personal watercraft (jet skis), hovercraft, airboats, and aircraft landings, on almost all of the area within refuge boundaries. The purpose of the new management plan is to restore wildlife habitat values which have been lost through unmanaged public use of these areas, and to enhance public safety.

EFFECTIVE DATE: March 18, 1993.

FOR FURTHER INFORMATION CONTACT: Refuge Manager, National Key Deer Refuge, Post Office Box 430510, Big Pine Key, Florida 33043–0510, Telephone 305–872–2239.

SUPPLEMENTARY INFORMATION: The Service (Service) plans to implement a new management plan within "backcountry" portions of the Key West and Great White Heron NWRs in the lower Keys of Florida. A draft plan and an environmental assessment addressing effects of the plan on the environment were distributed to the interested public for review and comment during a 60-day comment period which ended on July 15, 1992. Public meetings were held June 22, 1992, in Key West, Florida, and on June 24, 1992, in Key Colony Beach, Florida to present the plan to the public and to receive public comment.

The planning process was initiated to explore ways of controlling public use problems which had gradually developed over a period of 10 years. The problems include camping and other incompatible uses of "backcountry" islands, and the growing popularity of personal watercraft (jetskis) and their use on remote shallow water areas which are inaccessible to conventionally powered watercraft. The combined effect of these uses became apparent with the decline of bird nesting colonies and decreased observations of feeding shorebirds, wading birds, and other seabirds. In some areas, public safety concerns had arisen due to unrestricted high speed boat traffic in tidal creeks.

The new management plan will initiate restrictions on public use of "backcountry" islands and will prohibit use of personal watercraft on almost all of the "backcountry" waters encompassed by the boundaries of the Key West and Great White Heron NWRs. Though the established boundaries of these refuges enclose large blocks of the Keys "backcountry", the Service has ownership of only those islands (most of them) within these boundaries. Enforcement authority for the extensive water areas will be obtained through an interagency management agreement with the Florida Department of Natural Resources which holds title to these submerged lands. The management plan will exempt limited areas of the refuge from the general prohibition of personal watercraft to give riparian landowners access to other unrestricted water areas outside the refuge boundaries.

The management plan was developed through a careful process of public workshops, public review, and coordination with other State and Federal agencies. A detailed environmental assessment was prepared to determine potential effects on the human environment. A Finding of No Significant Impact (FONSI) was signed by the Regional Director on December 23, 1992.

Dated: January 6, 1993.

John R. Kedia,

Acting Regional Director.

[FR Doc. 93-3496 Filed 2-12-93; 8:45 am]

BILLING CODE 4310-55-M

Availability of Draft Environmental Impact Statement and Draft Land Protection Plan for the Proposed New Madrid National Wildlife Refuge, New Madrid County, MO

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability of Draft Environmental Impact Statement and Draft Land Protection Plan for the proposed New Madrid National Wildlife Refuge.

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service (Service) has prepared a Draft Environmental Impact Statement (DEIS) and Draft Land Protection Plan (DLPP), which are available for public review. The DEIS evaluates a proposal to establish the New Madrid National Wildlife Refuge in New Madrid County near the city of New Madrid, Missouri. Six alternatives, including the No Action Alternative, are discussed.

The five action alternatives are all aimed at benefitting waterfowl by preserving and restoring wetlands and bottomland forests in an area where such habitat has been largely removed. Alternative F is the Service's preferred alternative. It proposes acquiring land (16,600 acres) in fee title from willing sellers over a 20- to 50-year period. It includes a commitment to limit reduction of existing cropland to a specified level for 25 years to soften impacts on the local agricultural economy. The refuge would be managed to provide and protect habitat for waterfowl, migratory birds, endangered species, and other wildlife, restore bottomland forests and wetlands, and improve outdoor recreation and education opportunities.

DATES: Public comment on the DEIS and DLPP is solicited pursuant to National Environmental Policy Act regulations (40 CFR 1503.1). All agencies and individuals are urged to provide comments and suggestions for improving the DEIS and DLPP. All comments received by April 26, 1993 will be considered in preparation of the Final EIS and Final Land Protection Plan.

An open house will be held on Wednesday, March 31, 1993 from 9 a.m. to 5 p.m. and Thursday, April 1, 1993, from 9 a.m. to 2 p.m. A public meeting on the DEIS will be held on Thursday, April 1, 1993, at 7 p.m. The open house and public meeting will be held at the New Madrid Community Center, 1200 Mill Street, New Madrid, Missouri.

ADDRESSES: Written comments should be addressed to Mr. Jim Salyer, New Madrid Project Manager, U.S. Fish and Wildlife Service, P.O. Box 436, Mountain Grove, Missouri 65711.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Salyer, New Madrid Project Manager, at (417) 926-5500. Individuals wishing copies of the DEIS and DLPP for review should contact Mr. Salyer.

SUPPLEMENTARY INFORMATION: Copies have been sent to all agencies and organizations who participated in the scoping process and to all others who requested copies.

Dated: January 29, 1993.

Sam Marler,

Regional Director.

[FR Doc. 93-3531 Filed 2-12-93; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

General Management Plan and Associated Planning Documents, Environmental Impact Statement, Capitol Reef National Park, UT

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of intent to prepare an environmental impact statement for a General Management Plan for Capitol Reef National Park.

SUMMARY: Under the provisions of the National Environmental Policy Act, the National Park Service is preparing an environmental impact statement for a General Management Plan for Capitol Reef National Park.

The effort will result in a comprehensive general management plan that encompasses preservation of natural and cultural resources, visitor use and interpretation, roads, and facilities. In cooperation with local, State, and other Federal agencies as well as private interests, attention will also be given to resources outside the boundaries that affect the integrity of Capitol Reef National Park. Alternatives to be considered include no-action, the preferred alternative, and a range of alternatives that address the planning issues.

Major issues include: Visitor use and experience; development and staffing—administrative, operational, and maintenance requirements; surrounding landscape values and uses; natural and cultural resource protection; and interpretation.

A scoping brochure has been prepared that details the issues and alternatives identified to date. Copies of that information can be obtained from Christopher C. Marvel, Division of Planning and Compliance, Rocky Mountain Region, P.O. Box 25287, Denver, Colorado 80225, telephone 303-969-2828.

FOR FURTHER INFORMATION CONTACT: Contact Christopher C. Marvel, Project Manager, at the address and telephone number above.

Dated: February 4, 1993.

John H. King,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 93-3482 Filed 2-12-93; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 6, 1993. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by March 3, 1993.

Antoinette J. Lee,

Acting Chief of Registration, National Register.

ARKANSAS

Pulaski County

North Little Rock High School, 101 W. 22nd St., North Little Rock, 93000148.

FLORIDA

Orange County

Apopka Seaboard Air Line Railway Depot, 36 E. Station St., Apopka, 93000134.

Carroll Building, 407-409 S. Park Ave., Apopka, 93000135.

Polk County

Beacon Hill—Alta Vista Residential District, Roughly bounded by S. Florida Ave., W. Beacon Rd., W. Belvedere St. and Cherokee Trail, Lakeland, 93000130.

IOWA

Madison County

Tidrick, Miller Richard and Mary Fisher, House (Legacy in Stone: The Settlement of Madison County, Iowa TR), 122 S. Fourth Ave., Winterset, 93000126.

MASSACHUSETTS

Franklin County

Bernardston Congregational Unitarian Church, Jct. of Church and Depot Sts., Bernardston, 93000128.
Powers Institute Historic District, Church St. between South and Library Sts., Bernardston, 93000127.

MISSISSIPPI

Copiah County

Little, Dr. William, House, 1022 Collier St., Wesson, 93000143.
US Post Office—Crystal Springs (Mississippi Post Offices TR), 224 E. Marion St., Crystal Springs, 93000138.
US Post Office—Hazlehurst (Mississippi Post Offices TR), 130 Caldwell Dr., Hazlehurst, 93000139.

Forrest County

Oaks Historic District, Roughly bounded by Hardy, Second, Railroad and 11th Aves., Hattiesburg, 93000136.

Jefferson County

Blantonia Plantation House, 3 mi. E of Red Lick on unmarked rd. off MS 552, Lorman vicinity, 93000145.

Lawrence County

Lawrence County Courthouse, N. side Broad St. between Jefferson and Washington Sts., Monticello, 93000146.

Oktibbeha County

Herman Mound and Village Site, Address Restricted, Starkville vicinity, 93000137.

Pike County

US Post Office—Magnolia (Mississippi Post Offices TR), 205 Magnolia St., Magnolia, 93000140.

Scott County

US Post Office—Forest (Mississippi Post Offices TR), 119 Second St., Forest, 93000141.

NEW HAMPSHIRE

Merrimack County

Pillsbury Memorial Hall, 93 Main St., Sutton, 93000147.

NEW JERSEY

Union County

Firehouse No. 4, 1015 South Ave., Plainfield, 93000133.
Plainfield Central Fire Headquarters, 315 Central Ave., Plainfield, 93000131.

Warren County

Asbury Historic District, Roughly, NJ 643 from Maple Ave. to NJ 623 and adjacent parts of Maple, NJ 623 and Kitchen and School Sts., Asbury, 93000132.

TEXAS

Nueces County

King, Richard, House, 611 S. Upper Broadway, Corpus Christi, 93000129.

Wharton County

Banker, Willie, Jr., House (Wharton MPS), 401 N. Rusk, Wharton, 93000118.
Bernstein, Moses, House (Wharton MPS), 1705 N. Richmond, Wharton, 93000116.
Bolton—Outlar House (Wharton MPS), 517 N. Richmond, Wharton, 93000108.
Colorado River Bridge (Wharton MPS), S. Richmond Rd. (Old US 59) across the Colorado R., Wharton, 93000117.
Croom, Hiley J., House (Wharton MPS), 205 E. Milam, Wharton, 93000099.
Dannon, F.F., House (Wharton MPS), 612 W. Caney, Wharton, 93000095.
Davidson, Dr. Green, House (Wharton MPS), 404 Bolton, Wharton, 93000111.
Davis, Ben and Mary, House (Wharton MPS), 100 S. Resident, Wharton, 93000104.
Elkins, Nettie, House (Wharton MPS), 109 E. Alabama, Wharton, 93000114.
Elliott, E. Clyde and Mary, House (Wharton MPS), 707 N. Walnut, Wharton, 93000122.
First Methodist Episcopal Church South, Old (Wharton MPS), 200 N. Fulton, Wharton, 93000097.
Garrett, Henry B., House (Wharton MPS), 504 N. Fulton, Wharton, 93000098.
Garrett, John A. and Sophie, House (Wharton MPS), 401 E. Alabama, Wharton, 93000115.
Gifford, George C. and Annie, House (Wharton MPS), 615 W. Caney, Wharton, 93000096.
Hamilton, Joseph Andrew, House (Wharton MPS), 325 N. Richmond, Wharton, 93000106.
Harrison, Gerard A., House (Wharton MPS), 209 E. Caney, Wharton, 93000112.
Harrison—Dennis, House (Wharton MPS), 409 W. Burleson, Wharton, 93000110.
Hawes, Edwin, House (Wharton MPS), 309 N. Resident, Wharton, 93000102.
Hawes, Edwin, Jr., House (Wharton MPS), 119, S. Resident, Wharton, 93000105.
House at 401 North Richmond (Wharton MPS), 401 N. Richmond, Wharton, 93000107.
House at 512 North Resident (Wharton MPS), 512 N. Resident, Wharton, 93000103.
Linn Street Historic District (Wharton MPS), Roughly, the 500 blocks of Richmond Rd. and Houston St. and the 100–200 blocks of Linn St., Wharton, 93000124.
Merrill—Roten House (Wharton MPS), 520 Ave. A, Wharton, 93000113.
Moran—Moore House (Wharton MPS), 501 N. Walnut, Wharton, 93000120.
Speaker, J. H., House (Wharton MPS), 414 E. Alabama, Wharton, 93000109.
St. John's Evangelical Lutheran Church (Wharton MPS), 612 N. Pecan, Wharton, 93000100.
Texas and New Orleans Railroad Depot (Wharton MPS), 100 block of N. Sunset, Wharton, 93000119.
Texas and New Orleans Railroad Bridge (Wharton MPS), Southern Pacific RR tracks, 0.25 mi. W of Old US 59, over the Colorado R., Wharton, 93000123.
West Milam Street Mercantile Historic District (Wharton MPS), Roughly 637—668 W. Milam St., Wharton, 93000125.
Worthing, Louis F., House (Wharton MPS), 620 N. Walnut, Wharton, 93000121.

WISCONSIN

Crawford County

Vertefeuille, Francois, House, Hwy. K, 0.35 mi. S of jct. with Limery Rd., Prairie du Chien, 93000142.

Winnebago County

Bergstrom, George O., House, 579 E. Wisconsin Ave., Neenah, 93000144.

In order to assist in the preservation of the following property, the commenting period has been shortened to five days:

MASSACHUSETTS

Berkshire County

Ventfort Hall, 120 and 148 Walker St. and 55 Kemble St., Lenox, 93000055.

[FR Doc. 93–3483 Filed 2–12–93; 8:45 am]
BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–55 (Sub-No. 455X)]

CSX Transportation, Inc.—Abandonment Exemption—In Monroe and Lawrence Counties, IN; Notice of Exemption

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonment* to abandon its approximately 22.5-mile rail line between milepost Q–222.5 at Bloomington and milepost Q–245.0 at Bedford, in Monroe and Lawrence Counties, IN.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. CSXT also has certified that the requirement at 49 CFR 1152.50(d)(1) (notice to government agencies) has been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 18, 1993, unless stayed pending reconsideration. Petitions to stay that do

not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29[3] must be filed by February 26, 1993. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 8, 1993, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses the abandonment's effects, if any, on the environmental and historic resources. The Section of Energy and Environment (SEE) will issue an environmental assessment (EA) by February 19, 1993. Interested persons may obtain a copy of the EA by writing to SEE (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEE, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: February 1, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–3497 Filed 2–12–93; 8:45 am]

BILLING CODE 7035–01–M

[1] A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Energy and Environment in its independent investigation) cannot be made before the effective date of the notice of exemption. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

[Docket No. AB–12 (Sub-No. 145X)]

Southern Pacific Transportation Company—Abandonment Exemption—in San Bernardino County, CA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10903–10904 the abandonment by Southern Pacific Transportation Company of a 2.34-mile portion of its San Bernardino Branch line between mileposts 539.14 and 541.48 in San Bernardino County, CA, subject to standard labor protective conditions and a public use condition.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on March 18, 1993. Formal expressions of intent to file an offer[1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by February 26, 1993; petitions to stay must be filed by March 3, 1993; and petitions to reopen must be filed by March 15, 1993.

ADDRESSES: Send pleadings referring to Docket No. AB–12 (Sub-No. 145X) to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington DC 20423 and

(2) Petitioner's representatives:

John MacDonald Smith, Gary A. Laakso, Southern Pacific Transportation Co., Southern Pacific Building, One Market Plaza, San Francisco, CA 94105.

Karl Morell, Louis E. Gitomer, Taylor, Morell & Gitomer, 919 18th Street, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder (202) 927–5610. [TDD for hearing impaired: (202) 927–5721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5271.]

Decided: February 8, 1993.

By the Commission, Chairman Philbin, Vice Chairman Simmons, Commissioners Phillips, McDonald, and Walden.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–3498 Filed 2–12–93; 8:45 am]

BILLING CODE 7035–01–M

[1] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME

Meeting

AGENCY: National Commission on Acquired Immune Deficiency Syndrome.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463 as amended, the National Commission on Acquired Immune Deficiency Syndrome announces a forthcoming meeting of the Commission.

DATE AND TIME: Wednesday, March 10, 1993, 10 a.m.–5 p.m. and Thursday, March 11, 1993, 10 a.m.–4 p.m.

PLACE: The Joe C. Thompson Conference Center, University of Texas at Austin, 26th & Red River, Austin, Texas.

TYPE OF MEETING: Open.

FOR FURTHER INFORMATION CONTACT: Roy Widdus, Ph.D., Executive Director, National Commission on Acquired Immune Deficiency Syndrome, 1730 K Street, NW., suite 815, Washington, DC 20006 (202) 254–5125. Records shall be kept of all Commission proceedings and shall be available for public inspection at this address.

AGENDA: The agenda for the Commission meeting includes discussions on Behavioral Research and AIDS Prevention, HIV/AIDS and the Workplace, School-based Prevention Programs, and Youth Initiative Programs. Written comments on these issues are welcome from interested individuals and organizations.

Interpreting services for the deaf are available. Please call our TDD number (202) 254–3816 no later than Friday, February 26, 1993 to request services.

Dated: February 10, 1993.

Roy Widdus,

Executive Director.

[FR Doc. 93–3538 Filed 2–12–93; 8:45 am]

BILLING CODE 6820–CN–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506:

FOR FURTHER INFORMATION CONTACT: David C. Fisher, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on 202/606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated September 9, 1991, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4) and (6) of section 552b of title 5, United States Code.

1. *Date:* March 1–2, 1993
   Time: 8:30 a.m. to 5 p.m.
   Room: 415
   Program: This meeting will review Library and Archival Preservation and Access Projects applications, submitted to the Division of Preservation and Access, for projects beginning after July 1, 1993.
2. *Date:* March 1, 1993
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 315
   Program: This meeting will review Dissertation Grants applications in American History, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1993.
3. *Date:* March 2, 1993
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 315
   Program: This meeting will review Dissertation Grants applications in British and American Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1993.
4. *Date:* March 3, 1993
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 315
   Program: This meeting will review Dissertation Grants applications in World History, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1993.
5. *Date:* March 4, 1993
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 315
   Program: This meeting will review Dissertation Grants applications in Philosophy, Religion, Politics and Society, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1993.
6. *Date:* March 5, 1993
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 315
   Program: This meeting will review Dissertation Grants applications in Arts and Communication, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1993.
7. *Date:* March 5, 1993
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 415
   Program: This meeting will review Dissertation Grants applications in World Literature and Comparative Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1993.
8. *Date:* March 11, 1993
   Time: 9 a.m. to 12:30 p.m.
   Room: 415
   Program: This meeting will review applications for the Centers for Advanced Study Program, submitted to the Division of Research Programs, for projects beginning after June, 1993.

David C. Fisher,

Advisory Committee, Management Officer.

[FR Doc. 93–3471 Filed 2–12–93; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

Holders of Operating Licenses or Construction Permits for Nuclear Power Plants; Receipt of Petition for Director's Decision Under 10 CFR 2.206 Regarding the Use of Thermo-Lag 330 Fire Barrier Material

Notice is hereby given that the Nuclear Information and Resource Service (Petitioner) has submitted to the U.S. Nuclear Regulatory Commission (NRC) a petition dated December 15, 1992, pursuant to 10 CFR 2.206.

The Petitioner repeats a number of allegations of deficiencies with Thermo-Lag material including failure of Thermo-Lag fire barriers during 1- and 3-hour fire endurance tests, deficiencies in procedures for installation, nonconformance with NRC quality assurance and qualification test regulations, the combustibility of the material, ampacity miscalculations, the lack of seismic tests, the failure to pass hose stream tests, the high toxicity emitted from the ignited material, and that compensatory measures, such as fire watches, cannot substitute for an effective fire barrier indefinitely.

These allegations were previously raised in letters dated July 21, August 12, and September 3, 1992, and were addressed in a Partial Director's Decision issued on February 1, 1993 (DD–93–03). The Petition also presents new allegations regarding the existence of voids and cracks caused by bending, stapling of the material, and possible errors in information provided by the manufacturer concerning the weight of Thermo-Lag as installed.

Based on these allegations, the Petitioner requests that the NRC immediately suspend the operating licenses or construction permits of all nuclear power plants which use Thermo-Lag fire barrier material, until the Thermo-Lag is removed or replaced, or alternatively, to order each reactor to remove and replace its Thermo-Lag during its next refueling outage, or before beginning operation. In a letter of February 4, 1993, I have determined that immediate action is not necessary regarding the matters raised in the Petition.

The Petition has been referred to the Director of the Office of Nuclear Reactor Regulation pursuant to 10 CFR 2.206. As provided by 10 CFR 2.206, appropriate action will be taken with regard to the specific issues raised by the Petition in a reasonable time.

A copy of the petition is available for inspection at the Commission's Public Document Room, the Gelman Building,

2120 L Street, NW., Washington, DC 20555.

Dated at Rockville, Maryland, this 4th day of February 1993.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 93-3541 Filed 2-12-93; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-255]

Consumers Power Co., Palisades Nuclear Plant; Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Consumers Power Company (the licensee) to withdraw its February 27, 1989, application for proposed amendment to Facility Operating License No. DPR-20, issued to the licensee for operation of the Palisades Nuclear Plant, located in Van Buren County, Michigan. Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on March 28, 1989 (54 FR 12703).

The purpose of the licensee's amendment request was to reflect the transfer of ownership of the Palisades Plant from Consumers Power Company to the Palisades Generating Company.

Subsequently, the licensee informed the staff that the amendment is no longer requested. Thus, the amendment application is considered to be withdrawn by the licensee.

For further details with respect to this action, see (1) the application for amendment dated February 27, 1989, and additional information provided in letters dated April 6, 1989, and April 20, May 24 and August 17, 1990, and (2) the staff's letters dated April 30, 1991 and June 16, 1992.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the Van Wylen Library, Hope College, Holland, Michigan 49423.

Dated at Rockville, Maryland this 8th day of February 1993.

For the Nuclear Regulatory Commission.

Armando Masciantonio,

Project Manager, Project Directorate III-I Division of Reactor Projects—III/IV/V Office of Nuclear Reactor Regulation.

[FR Doc. 93-3542 Filed 2-12-93; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-8027]

Notice of Amendment Receipt and Notice of Opportunity for a Hearing; License No. Sub-1010 Sequoyah Fuels Corp.; Gore OK

The U.S. Nuclear Regulatory Commission is considering the amendment of Materials License No. SUB-1010 to authorize an administrative reorganization at Sequoyah Fuels Corporation (SFC) in Gore, Oklahoma.

Proposed Action: By amendment request dated January 27, 1993, SFC submitted a request for an administrative reorganization. Since the focus for SFC activities is shifting from manufacturing to site remediation, SFC is consolidating the primary functional groups at the site from five groups to three. Some position titles and job descriptions have been changed. The documents related to the proposed action are available for public inspection and copying at the Commission's Public Document Room at the Gelman Building, 2120 L Street NW., Washington, DC, and the Local Public Document Room at the Stanley Tubbs Memorial Library, 101 E. Cherokee Street, Sallisaw, Oklahoma.

Opportunity for a Hearing

Any person whose interest may be affected by the issuance of this amendment may file a request for a hearing. Any request for hearing must be filed with the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within 30 days of the publication of this notice in the **Federal Register**; be served on the NRC staff (Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852) and on the licensee (Sequoyah Fuels Corporation, P.O. Box 610, Gore, Oklahoma 74435); and must comply with the requirements for requesting a hearing set forth in the Commission's regulation, 10 CFR part 2, subpart L, "Informal Hearing Procedures for Adjudications in Materials Licensing Proceedings."

These requirements, which the requestor must address in detail, are:

1. The interest of the requestor in the proceeding;
2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing;
3. The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and
4. The circumstances establishing that the request for hearing is timely, that is, filed within 30 days of the date of this notice.

In addressing how the requestor's interest may be affected by the proceeding, the request should describe the nature of the requestor's right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding; the nature and extent of the requestor's property, financial, or other (i.e., health, safety) interest in the proceeding; and the possible effect of any order that may be entered in the proceeding upon the requestor's interest.

Dated at Rockville, Maryland, this 5th day of February 1993.

For the Nuclear Regulatory Commission.

John W. N. Hickey,

Chief, Fuel Cycle Safety Branch Division of Industrial and Medical Nuclear Safety, NMSS.

[FR Doc. 93-3543 Filed 2-12-93; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Requests Under Review by Office of Management and Budget

Agency Clearance Officer: John J. Lane, (202) 272-5407.

Upon written request copies available from: Securities and Exchange Commission, Office of Filings, Information and Consumer Services, 450 Fifth Street, NW., Washington, DC 20549.

Extension

Rule 17a-5 and Form X-17A-5—File No. 270-155
Rule 7d-1—File No. 270-176
Rule 31a-1—File No. 270-173
Rule 24f-3—File No. 270-307
Form N-7—File No. 270-299
Attorney Supplement to SF-171—File No. 270-277

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval;

Rule 17a-5, under the Securities Exchange Act of 1934, and Form X-17A-5 (FOCUS Report), is the form used for reporting the financial and operational conditions of brokers and dealers. Seven thousand respondents incur an estimated average burden of 53 hours to comply with the rule.

Rule 7d-1, under the Investment Company Act of 1940 (1940 Act), specifies conditions and arrangements pursuant to which Canadian management companies may request an order from the Commission permitting them to register under the 1940 Act. The

rule imposes an estimated annual reporting burden of 75 hours on three respondents.

Rule 31a–1, under the 1940 Act, requires registered investment companies to maintain and preserve certain books and records. The rule imposes an annual reporting burden of 12,600,000 hours on 3,497 companies.

Rule 24f–3, under the 1940 Act, would simplify and streamline the procedures for registering unit investment trust securities sold in the secondary market and consolidate the information required to be filed annually be each series of a unit investment trust. Each of the 500 respondents would incur an estimated two burden hours annually complying with the rule. This estimate corresponds to the time that would be required if the rule were adopted, but, since the rule is not yet operational, no one incurs any burden hours.

Proposed Form N–7 is a registration statement for use by unit investment trusts other than insurance company separate accounts to register as investment companies under the 1940 Act and to register their securities for sale to the public under the Securities Act of 1933. The 7,200 filers would each incur an estimated 104 hours, annually, complying with the requirements of the form. This estimate corresponds to the time that would be required if the form were adopted, but since the form has not yet been adopted, no one incurs any burden hours.

Supplement to Standard Form 171. It is estimated that each of the nine hundred applicants expend an estimated average of about one and 1/2 hours to comply with this requirement.

The estimated average burden hours are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with SEC rules and forms to John J. Lane, Associate Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, and Gary Waxman, Clearance Officer, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: January 28, 1993.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3508 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

Requests Under Review by Office of Management and Budget

Agency Clearance Officer: John J. Lane, (202) 272–5407.

Upon written request, copies available from: Securities and Exchange Commission, Office of Filings, Information and Consumer Services, 450 Fifth Street, NW., Washington, DC 20549.

Revision

Rule 17a–11—File No. 270–155

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted proposed revision to OMB for approval for Rule 17a–11 (17 CFR 240.17a–11) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17a–11 provides the Commission and the self-regulators with an "early warning" mechanism to detect firms starting to experience financial or operational difficulties. The information furnished by such firms is then used to effect appropriate action to remedy the situation and prevent future problems. It is anticipated that approximately 600 brokers or dealers will spend a total of 6600 hours complying with Rule 17a–11.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with Securities and Exchange Commission rules and forms to John J. Lane, Associate Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, and Gary Waxman, Clearance Officer, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: January 28, 1993.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3507 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31836; File No. SR–CBOE–93–06]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Reduced Transaction Charges for Certain Index Option Spread Transactions

February 8, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 29, 1993, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE has submitted a proposal requesting permanent approval of a pilot program [1] which provides a 50% rebate on transaction and trade match fees for "box" [2] trades by public customers in Standard & Poor's 500 Stock Index options ("SPX"), provided the "box" trade totals 500 or more contracts for the four sides of the trade. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

---

[1] The rebate program was first approved by the Commission on a three-month pilot basis, effective from July 1, 1991, through September 30, 1991. See Securities Exchange Act Release No. 29482 (July 24, 1991), 56 FR 36180. Since then, the pilot has been extended six times: (i) through December 31,1991; (ii) through March 31, 1992; (iii) through August 31, 1992; (iv) through October 15, 1992; (v) through December 31, 1992; and (vi) through January 31, 1993. See Securities Exchange Act Release Nos. 30025 (December 3, 1991), 56 FR 64537; 30288 (January 27, 1992), 57 FR 4226; 30857 (June 24, 1992), 57 FR 29543; 31208 (September 22, 1992), 57 FR 44596; 31426 (November 9, 1992), 57 FR 54431; 31679 (December 31, 1992), 58 FR 3369.

[2] For purposes of the rebate program, the CBOE defines a "box trade" as a four-sided SPX option spread composed of (i) a long call and short put at one strike price and (ii) a short call and long put at a different strike price, where all four positions expire in the same month.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The CBOE has requested permanent approval of a pilot program which provides a 50% rebate on transaction and trade match fees[3] for "box"[4] trades by public customers in SPX options, provided the "box" trade totals 500 or more contracts for the four sides of the trade (125 contracts per side). The rebate is available to member firms that provide the Exchange's Accounting Department with documents evidencing transactions that meet the standards of the rebate program. At a minimum, the supporting documentation must include the trade date, executing broker acronym, and the contract series, premium and quantity.

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(4), in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among CBOE members and other persons using the CBOE's facilities. The Exchange also believes that the proposal is consistent with section 11A(a)(1)(C)(ii) in that it fosters fair competition among exchange markets.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee or other charge imposed by the Exchange, it has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder. The CBOE notes that its proposal is based on a rule adopted by the American Stock Exchange, Inc. ("Amex").[5] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to the file number in the caption above and should be submitted by March 9, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3461 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

[3] The rebate is $.22 per contract ($.20 transaction fee, plus $.02 trade match fee) on contracts with a premium greater than or equal to $1 and $.12 per contract ($.10 transaction fee, plus $.02 trade match fee) on contracts with a premium less than $1.

[4] See note 2, *supra*, for the CBOE's definition of a "box" trade.

[5] See Securities Exchange Act Release No. 29822 (October 15, 1991), 56 FR 54594 (order approving File No. SR-Amex-91-23) ("Amex Approval Order"). The CBOE notes that, initially, the Amex reduced customer transaction charges for box spreads from $.40 per contract to $.25 per contract for qualified customer orders of at least 2,000 contracts (500 per side). See Securities Exchange Act Release No. 28193 (July 11, 1990), 55 FR 29128 (order approving File No. SR-Amex-90–12). Subsequently, based upon the CBOE's pilot rebate program, the Amex reduced its fees for box spreads to $.20 per contract for options with premiums priced at $1.00 and above ($.10 per contract for options with premiums below $1.00) for qualified customer orders of a least 500 contracts (125 per side). See Amex Approval Order.

[Release No. 34–31838; File No. SR–NASD–93–01]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Trade Reporting for Convertible Debt Securities

February 9, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 4, 1993 the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing transaction reporting requirements for convertible debt securities listed on Nasdaq similar to those in place for Nasdaq equity securities. Members will be required to report all transactions in convertible debt securities within 90 seconds after execution to the NASD for surveillance purposes and transactions equalling 99 bonds or fewer will be disseminated to the public.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Association is proposing a new Part XV to Schedule D to the By-Laws to require real-time reporting for convertible bonds listed on Nasdaq. Specifically, the NASD is proposing to require members to report all transactions in convertible debt securities for surveillance purposes within 90 seconds after execution,

utilizing the same reporting protocols as are used with Nasdaq equity securities. The new rules also provide that only those transactions equalling 99 bonds or less will be disseminated real-time to the public. The NASD is simultaneously eliminating the requirement for end-of-day volume reporting currently required for market makers in convertible debt securities.

In June 1992, the NASD implemented transaction reporting requirements for Nasdaq Small-Cap securities, similar to the requirements in place for Nasdaq National Market System securities ("Nasdaq/NMS"). Transaction reporting is a fundamental component of a national marketplace that facilitates several important functions: Reporting enhances transparency of information for investors and issuers, permits immediate collection and scrutiny of trading information for regulatory purposes, and permits the compilation of historical price and volume data for analysis and research. The NASD has had over ten years of experience with real-time reporting of Nasdaq/NMS securities and believes that capturing trade-by-trade data is fundamental to ensuring regulatory and self-regulatory oversight of the markets. Moreover, dissemination of transaction reports allows investors to monitor effectively the quality of executions they receive. Therefore the NASD is proposing to expand transaction reporting to include convertible debt securities listed on Nasdaq.

Proposed amendments to Schedule D contain trade reporting requirements similar to those currently in place for Nasdaq equity securities. The rules will require all members to report transactions in convertible bonds listed on Nasdaq to the NASD. Currently, the reporting requirements for convertible debt securities include only summary information from market makers, and accordingly, the new rules will enable the NASD to capture more complete and accurate trading data from all members participating in the convertible bond market. Market makers trading convertible bonds are currently reporting end-of-day volume and last sale information into the Automated Confirmation Transaction service ("ACT") and ACT will now be designated as the vehicle for trade-by-trade transaction reporting for convertible debt. The time frames for reporting will be identical to those for equity securities, within 90 seconds after execution. The proposed rules also specify which party to a transaction is required to report (in most transactions, the market maker registered in the bond in the Nasdaq system is the reporting party) and provide reporting policies, such as reporting transactions at the selling or purchasing price, irrespective of mark-ups, mark-downs, or commissions. These requirements parallel those currently in place for Nasdaq equity securities.

From a regulatory perspective, real-time reporting requirements will enhance market surveillance oversight and will provide more immediate and useful information for investigating questionable conduct, such as insider trading and manipulative activity. Up until now, the NASD had to rely on end-of-day volume statistics, as the primary source of surveillance information for trades in convertible debt securities, but real-time transaction reporting will increase the NASD's ability to conduct surveillance of trading as it occurs. For example, as real-time trade reporting is fully implemented, the trading data will be available on the NASD's equity audit trail, which integrates last sale and inside quotation data for reported securities. In addition, transaction data will be added to daily quote and trade comparison reports and to exception-based systems that monitor for marking-the-close violations, trading during trading halts, volume concentrations, late trade reporting, and other activity monitored by Market Surveillance. The trade reports will also be added to weekly and monthly trade summary and volume concentration reports for purposes of surveillance and analysis of historical data.

In proposing real-time reporting for Nasdaq convertible debt securities, the NASD also evaluated the ramifications of such a requirement on the membership. The NASD recognizes that increased transparency in the relatively illiquid convertible bond market could have significant costs in terms of liquidity and dealer participation in such a market. Accordingly, the NASD is proposing to disseminate on a real-time basis, only the retail or "odd lot" transactions, defined in the proposal as transactions of 99 bonds or less. With this limited dissemination of information, the NASD believes that the potential negative impact on liquidity caused by real-time dissemination of all transaction prices and volumes will be mitigated, and the public will be better served by seeing intra-day transactional data. The NASD is proposing different treatment for convertible debt securities than for equities listed on Nasdaq due to the inherent differences in the bond and equity marketplaces. For example, the convertible bond market and the Nasdaq equity market differ in that the bond issues are generally smaller than the stock issues, while individual trades in bonds can represent large percentages of outstanding floats of bond issues. Moreover, the bond market is predominantly an institutional market and the pattern of trading is characterized by a few, large transactions that may be easily identified and tracked, to the disadvantage of the dealer and the client. Accordingly, the NASD believes that the extension of trade reporting to convertible debt securities listed on Nasdaq and the dissemination of the retail-type trade reports will not result in an adverse impact on the liquidity of those securities because of the limited amount of market sensitive information that will be made available to the public on a real-time basis.

The NASD also considered the functional requirements involved in the trade-by-trade reporting scheme. Members are currently reporting only end-of-day summary price and volume information into ACT. The proposed rule change would, therefore, impose new requirements for reporting transactions into ACT on a real-time basis within 90 seconds to parallel the requirements for equity reporting. While these changes will be an added burden on members, the benefits to the market and to public investors obtained from more complete and effective surveillance information and limited public dissemination of convertible bond information far outweighs any burdens. Moreover, elimination of end-of-day volume reporting, which the NASD will end simultaneously with the advent of real-time trade reporting, will be a beneficial offset.

Also, for members that trade infrequently, the NASD will make the ACT service desk available for trade reporting purposes. The NASD operates the ACT service desk to facilitate members that account for fewer than five trades a day on average and that do not have Nasdaq Workstation™ equipment. Therefore, the ACT service desk will also be made available to members that qualify under the same criteria of five or fewer trades a day on average. The NASD believes that the benefits to be gained by the Nasdaq market as a whole outweigh any burdens experienced by members in complying with the new reporting requirements.

The NASD believes the proposed rule change is consistent with section 15A(b)(6) of the Act. Section 15A(b)(6) requires that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principals of trade, to foster cooperation and coordination with

persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and in general to protect investors and the public interest. Trade reporting of Nasdaq convertible debt issues will enhance the information available to the public and provide investors with instant, up-to-the-minute information on the securities traded in this segment of the Nasdaq market. Trade reporting will also greatly enhance the NASD's ability to detect or deter manipulative or abusive trading practices. Trade reporting of all Nasdaq securities increases transparency of information for investors and issuers and permits immediate collection and scrutiny of transactional data for regulatory purposes.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Trade reporting requirements were discussed with representative groups of NASD members that deal in convertible debt issues and the instant proposals reflect their input and concerns.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by March 9, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3466 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31834; File No. 600–25]

Self-Regulatory Organizations; Participants Trust Company; Filing of a Request for Temporary Registration as a Clearing Agency

February 8, 1993.

Pursuant to section 19(a) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on February 1, 1993, the Participants Trust Company ("PTC") filed with the Securities and Exchange Commission ("Commission") an amendment to its Form CA–1, requesting the Commission to extend PTC's registration as a clearing agency until March 31, 1994.[2] The Commission is publishing this notice to solicit comments from interested persons.

The Commission granted PTC temporary registration as a clearing agency on March 28, 1989, pursuant to sections 17A and 19(a)(1) of the Act, for a period of twelve months.[3] Subsequently, the Commission issued orders that extended PTC's temporary registration as a clearing agency, the last of which extended PTC's registration until March 31, 1993.[4]

PTC provides depository facilities for mortgaged-backed securities, primarily securities guaranteed by the Government National Mortgage Association ("GNMA"). PTC services include certificate safekeeping, book entry deliveries, an automated facility for the pledge or segregation of securities and other services related to the immobilization of securities certificates.

Interested persons are invited to submit written data, views and arguments concerning the foregoing application within twenty-one days of the date of publication of this notice in the **Federal Register**. Such written data, views and arguments will be considered by the Commission in granting registration or instituting proceedings to determine whether registration should be denied in accordance with section 19(a)(1) of the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the application and all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. All submissions should refer to File No. 600–25 and should be submitted by March 9, 1993.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3464 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Incorporated

February 9, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

ALC Communications Corp.
Common Stock, $.01 Par Value (File No. 7–10155)
Arcadian Partners LP
Pref. Units, No Par Value (File No. 7–10156)
Bayou Steel Corp.

[1] 15 U.S.C. 78s(a).

[2] See letter from John J. Sceppa, President and Chief Executive Officer, PTC, to Ester Saverson, Jr., Branch Chief, Division of Market Regulation, Commission, dated January 29, 1993.

[3] See Securities Exchange Act Release No. 26671 (March 28, 1989), 54 FR 13266.

[4] Securities Exchange Act Release Nos. 27858 (March 28, 1990), 55 FR 12614; 29024 (March 28, 1991), 56 FR 13848; and 30537 (April 9, 1992), 57 FR 12351.

Class A Common Stock, $.01 Par Value (File No. 7–10157)
Breed Technologies, Inc.
Common Stock, $.01 Par Value (File No. 7–10158)
Catalina Lighting, Inc.
Common Stock, No Par Value (File No. 7–10159)
Cognitronics Corp.
Common Stock, $.20 Par Value (File No. 7–10160)
Hospitality Franchise Systems, Inc.
Common Stock, $.01 Par Value (File No. 7–10161)
International Family Entertainment
Common Stock, $.01 Par Value (File No. 7–10162)
Magna International, Inc.
Class A Sub Voting, No Par Value (File No. 7–10163)
Rayonier Timberlands LP
Depository Units, No Par Value (File No. 7–10164)
Sunrise Medical, Inc.
Common Stock, $1.00 Par Value (File No. 7–10165)
Tenera LP
Depository Units, No Par Value (File No. 7–10166)
United American Healthcare Corp.
Common Stock, No Par Value (File No. 7–10167)
Washington Energy Co.
Common Stock, $5.00 Par Value (File No. 7–10168)
Waterhouse Investment Services, Inc.
Common Stock, $.01 Par Value (File No. 7–10169)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 3, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–3459 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

February 9, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Hadson Corp.
8% Jr Cum Conv Prd B (File No. 7–10170)
Health Images, Inc.
Common Stock, $.01 Par Value (File No. 7–10171)
Intertel Communications, Inc.
Common Stock, No. Par Value (File No. 7–10172)
New York Bancorp, Inc.
Common Stock, $.01 Par Value (File No. 7–10173)
Paragon Trade Brands, Inc.
Common Stock, $.01 Par Value (File No. 7–10174)
Rhone Poulenc, S.A.
American Depository Shares, (representing ¼th ordinary shares Series A) (File No. 7–10175)
Three Five Systems, Inc.
Common Stock, $.01 Par Value (File No. 7–10176)
Wellpoint Health Networks, Inc.
Class A Common Stock, $.01 Par Value (File No. 10177)
American Re Corporation
Common Stock, $.01 Par Value (File No. 7–10178)
Beta Well Service, Inc.
Common Stock, No Par Value (File No. 7–10179)
Beta Well Service, Inc.
Warrants (Common Share purchase warrants) (File No. 7–10180)
Carr Realty Corp.
Common Stock, $.01 Par Value (File No. 7–10181)
Developers Diversified Realty Corp.
Common Stock, No Par Value (File No. 7–10182)
NBB Bancorp
Common Stock, $.10 Par Value (File No. 7–10183)
Nine West Group, Inc.
Common Stock, $.01 Par Value (File No. 7–10184)
Oneita Industries, Inc.
Common Stock, $.25 Par Value (File No. 7–10185)
Rotonics Manufacturing, Inc.
Common Stock, $.01 Par Value (File No. 7–10186)
Viratek, Inc.
Units (rep. one share common stock and one warrant to purchase one share common stock) Common Stock, $.10 Par Value (File No. 7–10187)
Grubb & Ellis Co.
Common Stock, $1.00 Par Value (File No. 7–10188)
Hospitality Franchise Systems, Inc.
Common Stock, $.01 Par Value (File No. 7–10189)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 3, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applicatior is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–3460 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Incorporated

February 9, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following security:

Nine West Group, Inc.
Common Stock, $.01 Par Value (File No. 7–10154)

This security is listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 3, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission,

VOL 58 ISS 29 FE 16 1993 UMI

450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–3458 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

February 9, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Eksportfinans A.S.
Preferred Capital Securities (File No. 7–10137)
Great Northern Iron Ore Properties
Certificates of Beneficial Interest (File No. 7–10138)
Conseco, Inc.
Series D Com. Conv. Pfd Stock (File No. 7–10139)
Rhone Poulence S.A.
American Depository Receipts (File No. 7–10140)
Health Images, Inc.
Common Stock, $.01 Par Value (File No. 7–10141)
Charter Medical Corporation
Common Stock, $.01 Par Value (File No. 7–10142)
American Re Corporation
Common Stock, $.01 Par Value (File No. 7–10143)
Tejas Gas Corporation
Depository Shares 9.96 Pc Cum. Pfd Stock, $1.00 Par Value (File No. 7–10144)
Mellon Bank Corporation
$.20 Pc Series K Pfd Stock, $1.00 Par Value (File No. 7–10145)
Municipal Partners Fund, Inc.
Common Stock, $.001 Par Value (File No. 7–10146)
Wellpoint Health Network
Class A Common Stock, $.01 Par Value (File No. 7–10147)
Paragon Trade Brands, Inc.
Common Stock, $0.01 Par Value (File No. 7–10148)
Developers Diversified Realty Corporation
Common Stock, No Par Value (File No. 7–10149)
Boise Cascade Corporation
Depository Shares, 9.40 Cum Pfd Stock (File No. 7–10150)
New York Bancorp, Inc.
Common Stock, $.01 Par Value (File No. 7–10151)
Nine West Group, Inc.
Common Stock, $.01 Par Value (File No. 7–10152)
Beta Well Services, Inc.
Common Stock, No Par Value (File No. 7–10153)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 3, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–3457 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC—19260; 812–8132]

AIM Convertible Securities, Inc., et al.; Application for Exemption

February 8, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: AIM Convertible Securities, Inc.; AIM Equity Funds, Inc.; AIM Funds Group; AIM High Yield Securities, Inc.; AIM International Funds, Inc.; AIM Investment Securities Funds, Inc.; Short-Term Investments Co.; Tax-Free Investments Co. (the "Funds"); AIM Advisors, Inc. ("AIM Advisors"); AIM Capital Management, Inc. ("AIM Capital"); and AIM Distributors, Inc., on their own behalf and on behalf of any future open-end investment company, or series or class thereof, that is a member of the AIM "group of investment companies," as that phrase is defined by paragraph (a)(5) of rule 11a–3 under the Act, and has a traditional front-end sales charge structure for which the imposition of the proposed contingent deferred sales charge ("CDSC") would be appropriate (collectively, "applicants").

RELEVANT ACT SECTIONS: Exemption requested pursuant to section 6(c) from the provisions of sections 2(a)(32), 2(a)(35), 22(c), and 22(d) and rule 22c–1.

SUMMARY OF APPLICATION: Applicants seek an exemption under section 6(c) of the Act permitting the Funds to impose and, under certain circumstances, waive a CDSC on certain redemptions of their shares.

FILING DATE: The application was filed on October 26, 1992, and amended on January 21, 1993, and February 2, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 8, 1993, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, 11 Greenway Plaza, suite 1919, Houston Texas 77046–1173.

FOR FURTHER INFORMATION CONTACT: Nicholas D. Thomas, Staff Attorney, at (202) 504–2263 or Barry D. Miller, Senior Special Counsel, at (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. Each Fund is an open-end management investment company registered under the Act. AIM Advisors is the investment adviser to each of the Funds. AIM Capital is the investment sub-adviser to certain of the Funds. AIM

Distributors, Inc. is the principal underwriter for each of the Funds.

2. Each Fund offers one or more series or class of shares with a front-end sales load. Certain of these Funds have eliminated the front-end sales charge on (a) purchases of $3 million or more, including purchases made pursuant to the "Letters of Intent" and "Rights of Accumulation" features described under the caption "Terms and Conditions of Purchase of the AIM Funds" in each Fund's prospectus, and (b) purchases by certain classes of purchasers as described in each Fund's prospectus. The AIM Adjustable Rate Government Fund series of AIM Investment Securities Funds, Inc. and the AIM Tax-Free Intermediate Shares class of the Intermediate Portfolio Series of Tax-Free Investments Co. have eliminated front-end sales charges on purchases of $1 million or more.

3. Applicants propose to eliminate the front-end sales charge on all future purchases of any Fund's shares of $1 million or more. In connection with the elimination of the front-end sales charge, or continuation of the $1 million threshold for elimination of the front-end sales charges, whichever is applicable, applicants propose to assess a CDSC on redemptions of shares acquired through purchases of $1 million or more of a Fund's shares made on or after the date the SEC grants the order requested by the application. The CDSC will only be payable in the event of a redemption of such shares within a period of up to eighteen months after the end of the calendar month in which the purchase order was accepted (the "CDSC period"). The amount of the CDSC to be imposed at any time during the CDSC period will be calculated as a specified percentage of the lesser of (i) the net asset value of the shares at the time of purchase, or (ii) the net asset value of the shares at the time of redemption. The specified CDSC percentage will not exceed two percent, although applicants currently intend to impose a CDSC of one percent. Any changes to the CDSC period or the CDSC percentage will be disclosed in the affected Fund's prospectus, and any such change will not affect the shares of that Fund that have been issued prior to the disclosure of such change in the prospectus.

4. No CDSC will be imposed at redemption on an amount that represents an increase in the value of the shareholder's account resulting from capital appreciation during the CDSC period above the amount paid for the shares purchased. Neither will a CDSC be imposed on an amount representing shares purchased through the reinvestment of dividends or capital gains distributions.

5. In determining whether a CDSC is applicable, it will be assumed that a redemption is made, first, of shares not subject to the CDSC; second, of shares derived from reinvestment of distributions or amounts which represent an increase from capital appreciation; and finally, of shares subject to the CDSC, in a manner that will result in the lowest CDSC being imposed at the time of redemption.

6. No CDSC will be imposed on exchanges to acquire shares of another Fund. If, however, the shares acquired in an exchange are acquired in exchange for shares subject to the CDSC, and such acquired shares are then redeemed (other than in connection with a re-exchange into shares subject to the CDSC) within eighteen months following the end of the calendar month in which the original purchase order was accepted (or shorter CDSC period, if applicable), the CDSC will be assessed. Applicants reserve the right to change or discontinue the exchange privilege in the future, and will comply at all times with the requirements of rule 11a–3 under the Act.

7. Shareholders who are assessed a CDSC in connection with the redemption of shares of any Fund, and who subsequently reinvest a portion or all of the value of the redeemed shares in shares of that Fund within ninety days after such redemption (or such other time period as the Funds may establish from time to time) may do so at net asset value if such entitlement is claimed at the time of reinvestment. Although such reinvesting shareholders will not be entitled to a refund of the CDSC previously paid, shares purchased through the reinvestment of redemption proceeds will not be subject to either a front-end load sales charge or an additional CDSC upon subsequent redemption. In the event the reinvestment period changes after a shareholder redeems out of a Fund, the shareholder will be allowed to reinvest within the reinvestment period in effect at the time of redemption.

8. Applicants currently intend that the CDSC may be waived in the following instances: (1) Redemptions in connection with (a) distributions to participants or beneficiaries of plans qualified under section 401(a) of the Internal Revenue Code of 1986, as amended from time to time ("IRC"), individual retirement accounts under IRC section 408(a), deferred compensation plans under IRC section 457 and other employees benefit plans (collectively, "plans"), (b) participant directed changes in investment choices in participant directed plans, and (c) returns of excess contributions to such plans; (2) redemptions of shares by employees benefit plans qualified under IRC section 401(a) which have invested at least $1 million in one or more of the Funds for a period of at least two years; (3) redemptions of shares following the registered shareholder's (including a registered joint owner's) death or disability, as defined in IRC section 72(m)(7); (4) redemptions pursuant to a systematic withdrawal plan described in a Fund's prospectus; (5) redemptions effected pursuant to a Fund's right to liquidate a shareholder's account if the aggregate net asset value of shares held in the account is less than the then effective minimum account balance; (6) redemptions of shares acquired pursuant to the reinvestment privilege described in a Fund's prospectus; (7) redemptions of shares of the AIM Weingarten Fund, AIM Constellation Fund, or AIM Charter Fund series of AIM Equity Funds, Inc. purchased at net asset value by shareholders of record of AIM Weingarten Fund or AIM Constellation Fund who were such on September 8, 1986, or by shareholders of record of AIM Charter Fund who were such on November 17, 1986; (8) redemptions of shares of the AIM Weingarten Fund, AIM Constellation Fund, or AIM Charter Fund series of AIM Equity Funds, Inc. purchased at net asset value by discretionary advised clients of any investment advisors whose clients have continuously held shares of AIM Weingarten Fund or AIM Constellation Fund since September 8, 1986, or shares of AIM Charter Fund since November 17, 1986; (9) redemptions of shares purchased at net asset values by AIM Management Group Inc. ("AIM Management") and its affiliated companies; (10) redemptions of shares purchased at net asset value by any current or retired officer, director, trustee, or employee, or any member of the immediate family (including spouse, minor children, parents, and parents of spouse) of any such person, of AIM Management or its affiliates or of mutual funds which are advised or managed by AIM Advisors, or any trust established exclusively for the benefit of such persons; (11) redemptions of shares purchased at net asset value by any employee benefit plan established for employees of AIM Management or its affiliates; (12) redemptions of shares purchased at net asset value by any current or retired officer, director, trustee, or employee, or any member of the immediate family (including spouse, minor children, parents, and parents of spouse) of any such person, of

VOL 58 ISS 29 FE 16 1993 UMI

International Nederlanden Group N.V. or of any of its affiliated companies, or of CIGNA Corporation or of any of its affiliated companies, or of The Shareholder Services Group, Inc. (a wholly-owned subsidiary of First Data Corporation); (13) redemptions of shares purchased at net asset value by any investment company sponsored by CIGNA Investments, Inc. or any of its affiliated companies for the benefit of its directors' deferred compensation plans; (14) redemptions of shares purchased at net asset value by discretionary advised clients of AIM Advisors or AIM Capital; (15) redemptions of shares purchased at net asset value by registered representatives and employees of securities dealers who have entered into agreements with AIM Distributors (or financial institutions that have arrangements with such dealers with respect to the sale of shares of the Funds) and any member of the immediate family (including spouse, minor children, parents, and parents of spouse) of any such person; (16) redemptions of shares of the AIM Adjustable Rate Government Fund series of AIM Investment Securities Funds, Inc. purchased at net asset value by corporations that have invested at least $250,000 in AIM Adjustable Rate Government Funds; (17) redemptions of shares of the AIM Tax-Free Intermediate Shares class of the Intermediate Portfolio series of Tax-Free Investments Co. purchased at net asset value by trust companies and bank trust departments for funds over which they exercise discretionary investment authority and which they hold in a fiduciary, agency, custodial, or similar capacity and where the initial investment amount was over $1 million; (18) redemptions of shares purchased at net asset value by private foundations, endowment funds and trusts (except revocable and irrevocable trusts established for the benefit of members of the grantor's family), and where the initial amount invested was at least $1 million; (19) redemptions of shares of the AIM Weingarten Fund or AIM Constellation Fund series of AIM Equity Funds, Inc. purchased at net asset value by unit holders of G/SET series unit investment trusts who have elected to invest cash distributions from such trusts in shares of AIM Weingarten Fund or AIM Constellation Fund; and (20) redemptions of shares from accounts for which AIM Distributors acts as the dealer of record.

Applicants' Condition

If the requested exemptive relief is granted, applicants expressly agree that they will comply with proposed rule 6c–10 under the Act (Investment Company Act Rel. No. 16619 (November 2, 1988)) (including any modifications that are proposed prior to the adoption of such rule) until such rule is adopted, and after such adoption will comply with such rule in the form in which it is in effect from time to time.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3465 Filed 2–12–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

Bureau of Administration

[Public Notice 1762]

Delegation of Authority No. 200; Senior IRM Manager

By virtue of the authority vested in me, as the Designated Senior Official (DSO) for IRM, I hereby delegate and empower the Deputy Assistant Secretary for Information Management (IM) to be the Senior IRM Manager for the Department of State. The Senior IRM Manager shall be responsible for the management of the Department's IRM activities and functions, subject to the Paperwork Reduction Act, OMB Circular A–130, and the Federal Information Resources Management Regulations (FIRMR). This delegation of authority shall not relieve the DSO of the responsibility for conduct of and accountability for acquisitions of Federal Information Processing (FIP) resources made under a DPA from GSA. The responsibilities of the Senior IRM Manager include, but are not limited to, the following:

1. Issue overall IRM policies and guidance, as defined by the DSO.

2. Manage an agency-wide IRM planning process and publish an agency IRM strategic plan.

3. Review and monitor major IRM acquisitions. Review agency procurement requests (APRs) for information technology subject to a Delegation of Procurement (DPA) from GSA prior to submission to the DSO for signature. Approve amendments to DSO-approved APRs. Approve APRs involving acquisitions that are $2.5 million or less. Monitor compliance of DPA requirements levied by GSA.

4. Review agency IRM budget submissions. Provide technical advice to the budget office on IRM budget requests as they relate to the Department's IRM Strategic Plan.

5. Provide IRM Services. Provide common information technology services when benefits to the organization are obvious.

6. Perform oversight and reviews. Coordinate all agency review activities which fall within the scope of IRM. Oversee and provide technical consultation and management guidance on major information system activities. Ensurecompliance with the Freedom of Information and Privacy Acts. Ensure computer accessibility for people with disabilities. Maintain IRM inventories and report to OMB on information technology obligations and dissemination programs.

Dated: December 23, 1992.

Arthur W. Fort,

(DSO for IRM), Assistant Secretary for Administration.

[FR Doc. 93–3535 Filed 2–12–93; 8:45 am]

BILLING CODE 4710–24–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended February 5, 1993

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 48635
Date filed: February 2, 1993
Parties: Members of the International Air Transport Association
Subject: Comp Reso/C 0521 dated September 15, 1992; Reso 003rr as it pertains to Area TC31
Proposed Effective Date: Upon Government Approval

Docket Number: 48636
Date filed: February 2, 1993
Parties: Members of the International Air Transport Association
Subject: TC23 Reso/P 0546 dated October 16, 1992; Africa-TC3 resos r–1 to r–26
Proposed Effective Date: April 1, 1993

Docket Number: 48639
Date filed: February 3, 1993
Parties: Members of the International Air Transport Association
Subject: TC23 Resp/P 0572 dated January 26, 1993; Europe-Southeast Asia expedited reso 002g
Proposed Effective Date: Expedited March 1, 1993

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 93–3468 Filed 2–12–93; 8:45 am]

BILLING CODE 4910–62–M

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended February 5, 1993

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 48641
Date filed: February 4, 1993
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 4, 1993
Description: Application of United Parcel Service Co., pursuant to section 401 of the Act and subpart Q of the Regulations, requests an amendment to its certificate of public convenience and necessity for Route 569 so as to add a segment between San Antonio, Texas and Guadalajara, Mexico.

Docket Number: 48049
Date filed: February 3, 1993
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 3, 1993
Description: Amendment No. 1 to the Application of Translift Airways Limited, pursuant to section 402 of the Act and subpart Q of the Regulations request a foreign air carrier permit for authority to engage in scheduled foreign air transportation of persons, property and mail between Shannon Ireland and the United States to the U.S. point Los Angeles, California.

Phyllis T. Kaylor,
Chief, Documentary Services Division.
[FR Doc. 93–3469 Filed 2–12–93; 8:45 am]
BILLING CODE 4910–62–M

Federal Railroad Administration

[FRA Emergency Order No. 17; Notice No. 2]

Owners of Railroad Tank Cars; Emergency Order Requiring Inspection and Repair of Stub Sill Tank Cars

The Federal Railroad Administration (FRA) of the United States Department of Transportation (DOT) has determined that Emergency Order No. 17 (EO 17), Notice No. 1, (57 FR 41799, September 11, 1992) should be modified. This notice will give FRA's response to questions about the Emergency Order received from the affected public; request the cooperation of trade associations whose members may own, operate, or use stub still tank cars; and specify the initial date of implementation of this emergency order.

Background

On September 3, 1992, FRA issued Emergency Order No. 17, Notice No. 1 (57 FR 41799, September 11, 1992), requiring owners of stub still tank cars to comply with the Association of American Railroads (AAR) Tank Car Stub Sill Inspection Program, and the AAR Tank Cars Stub Sill Inspection Procedure, placed in effect in the AAR's O&M Circular No. 1, issued to members and private car owners on July 17, 1992. Under EO 17 and the O&M circular, owners of stub still tank cars must inspect them and shall not return them to service until all defects have been repaired and the cars are in full compliance with Federal railroad safety regulations and the AAR Tank Car Manual. Inspection priorities were established based on characteristics discovered in other inspections and based on accumulated mileage.

FRA has received numerous questions regarding the implementation of EO 17 and, in the interests of promoting better understanding and improved compliance, FRA is taking this opportunity, very early in the tank car stub still inspection program, to respond to those questions and to clarify its enforcement policy.

This notice makes no substantive changes in the requirements of Emergency Order No. 17, in the manner of obtaining relief from it, or in the penalties for violating it.

Responses to Questions/Statements of Enforcement Policy

The questions that follow are examples of actual inquiries made to FRA about EO 17; where several questions relate to a common topic, they have been grouped with a common answer.

1. Question: What year does a tank car owner utilize as the "base year" for establishing fleet size for the first 12 months of inspection?

2. Question: When utilizing the 1/5 and 1/7 proportional fleet inspection requirements, how does one arrive at the correct fleet size to inspect, particularly when the fleet size fluctuates monthly/yearly?

Answer: Both questions deal with the size of the fleet required to be inspected. There is no "base year." As stated in paragraphs 3 and 4 of EO 17, the number of cars to be inspected each year is the cumulative portion of the owner's total fleet "then remaining in service" at the end of each successive 12-month period. The first 12-month period began September 3, 1992; successive periods begin September 3, 1993, 1994, 1995, and so on.

FRA is aware that fleet sizes can fluctuate on a monthly, quarterly, or yearly basis. This agency expects owners to make diligent efforts to inspect sufficient numbers of cars each month so that, at the end of each 12-month period, it will be obvious that the goals of O&M Circular No. 1. and the mandate of EO 17 are being carried out The chart below will illustrate the inspection requirements for a fleet that changes in size over time.

As of date	Cumulative cars to insp. (percent)	Cars in service	Cars inspected this period	Cumulative number cars req. inspection
9–3–93	20	1,000	200	200
9–3–94	40	900	160	360
9–3–95	60	1,100	300	660
9–3–96	80	800		640
9–3–97	100	1,000	340	1,000

In this example, using the five-year schedule for jacketed stub sill tank cars, the owner cannot just inspect 200 cars per year (20% of the 1,000 car "starting" fleet); rather, each year the owner must inspect sufficient cars so that, as of each anniversary date, an additional 20% of the cars in service are inspected. Significant reductions in fleet size may mean that no inspections are required in a given year and significant increases in the fleet may require performing considerably more than the "average" number of inspections in that year. FRA is holding to this requirement in order to ensure that all stub sill tank cars are inspected on time; as the chart implies, a reduction in the inspection burden of one owner (with a reduction in fleet size) logically means an increase in the inspection burden for another (with an increased fleet size).

3. Question: If an owner has cars leased to another entity (a lessee), what prevents that lessee from holding the cars and then "dumping" them near the end of the 12-month period for the owner to inspect?

Answer: If provided adequate information, FRA may seek a civil penalty from or take other enforcement

action against any person who impedes the performance of inspections required by EO 17. It is in the owner's interest to keep FRA fully informed about any such situation.

4. Question: What specific group or specific individual within the AAR is responsible for recordkeeping and exempting groups of cars from inspection?

Answer: Mr. P.G. Kinnecom has that responsibility. (This answer was furnished by AAR.)

5. Question: After tank cars are inspected, where and to whom should owners send the data?

Answer: The AAR advises that Form SS–2 data should be submitted in computer-readable format on a 3½" or 5¼" diskette to its consultant: Sims Professional Engineers, 8516 Henry Street—suite 1, Highland, Indiana 46322. AAR, in separate correspondence, has advised its members and private car owners of the software to use for converting hard-copy Form SS–2 data onto diskettes.

6. Question: If the AAR does not respond within a reasonable time to an exemption request relative to the 400,000 mile requirement for cars that are older than 20 years, what course of action should the owner then take?

Answer: Owners should contact Mr. M.B. Flagg, AAR Director Tank Car/ Special Equipment Services at 202/639–2146. (This answer was furnished by AAR.)

7. Question: Is the AAR's Tank Car Committee responsible for making the determination that exempts owners from the 20 year/400,000 mile requirement?

Answer: AAR staff has that responsibility, using guidelines established by the Tank Car Committee. (This answer was furnished by AAR.)

8. Question: Will EO 17 allow owners to postpone inspecting portions of their fleet in anticipation of provisions of the program being relaxed?

Answer: No. If this question has its roots in the modification FRA made in the provisions of EO 16, car owners should understand that modifications to that emergency order were made in response to a re-assessment, based on knowledge developed by inspecting dual diameter tank cars, of the state of emergency that existed when it was first issued. EO 17 is quite specific about the need to inspect all stub sill tank cars, and all owners must inspect their proportionate share.

9. Question: Will the current structure (i.e., the front-loading of defective cars in the program's early stages) of the stub sill inspection program taint the data and possibly cause FRA to come to some premature conclusions?

Answer: No. FRA knows from AAR Early Warning letters and Maintenance Advisories, and from its own evaluations, that high mileage and Priority II stub sill cars are susceptible to cracking and this agency insisted that the inspection program look at those cars first.

10. Question: Is a mobile unit using fiber optics allowed for inspection of jacketed cars?

11. Question: If a crack is found by a mobile unit inspection, what is the disposition of the car?

12. Question: Does EO 17 grant the option, similar to that of earlier random inspections, of allowing tank cars with certain cracks of limited length to remain in service for later repair?

Answer: These three questions deal with the procedures for inspecting cars and the disposition of cars that have been inspected and found flawed.

FRA does not prohibit the use of mobile inspection units. Some confusion may stem from the wording of successive paragraphs in O&M Circular No. 1: Paragraph 2 requires "jacketed" cars "* * * to be shopped, stub sills inspected, * * *" and Paragraph 3 requires "non-jacketed" cars "* * * to be inspected * * *." In enforcing paragraph 1 of EO 17, which requires owners to comply with O&M Circular, FRA will consider any site capable of accommodating inspection personnel and equipment for adequately performing stub sill inspections as a "shop."

If a crack or defect is discovered during an inspection performed by a mobile unit, the car may move for repair if it is safe to do so. In enforcing paragraph 2 of EO 17, FRA will consider compliance with procedures similar to those set out in 49 CFR 215.9 as satisfactory. In other words, the owner can designate a qualified person (in the owner's judgement) to make a determination that the car is safe to move for repair and the restrictions necessary for its safe movement. The car should be tagged ("B/O per EO 17" would be acceptable) and the railroad notified.

EO 17 does not deal with crack measurement, but requires, in paragraph 2, cracks/defects critical to stub sill structural integrity to be repaired before the car is returned to service. The nature and length of a prohibited crack or defect will depend on its location and other factors, including any propensity for a defect to initiate crack growth.

Owners should note that, although FRA believes 49 CFR 215.9 establishes a good model for a procedure usable under this Emergency Order, the agency has not determined that tank cars with defective stub sills are also defective under the Freight Car Safety Standards of part 215. Those standards establish safety requirements for freight cars in general; this Emergency Order establishes specific inspection and repair requirements for an extraordinary problem, and one that can lead to sudden structural failure, outside the realm of part 215.

13. Question: Can cars inspected under priority programs before EO 17, with SS–1 forms already filed, be converted to SS–2 reports with mileage added?

Answer: Yes, during the first year of the EO 17 program, FRA will allow cars inspected under priority programs before EO 17 to be converted to "SS–2" cars with the completion of the SS–2 form. Such cars must have SS–2 forms filed in order for them to be "exempt from further inspection" under paragraph 8 of O&M Circular No. 1. Paragraph 5 of EO 17 requires as SS–2 form to be filed before the car is considered to have been inspected; without an SS–2 form, in other words, there has been no "inspection" and therefore no issue of "further" inspection.

Form SS–2 seeks very little data not recorded on form SS–1: (1) The original AAR Certificate of Construction number, (2) the stub sill design type, and (3) car mileage. All three data elements will be required in converting an "SS–1 car" into an "SS–2 car." FRA believes that some priority program inspections before this Emergency Order may have been recorded on forms pre-dating the SS–1 form as finally approved. FRA includes those cars under the general description "SS–1" cars.

Cars whose inspections were recorded on form SS–1 may include those described in paragraph 4 of O&M Circular No. 1 and their inclusion as "SS–2" cars satisfies FRA's purpose of capturing the maximum amount of stub sill inspection data in the minimum time. FRA assumes that as many as 3,000 stub sill tank cars will fall into the SS–1 category; for example, many prudent owners of dual-diameter cars subject to EO 16 realized the problems with stub sill cars generally and performed stub sill inspections at the same time as the inspections required by that emergency order.

14. Question: What record format including proof of inspection must be retained under EO 17?

Answer: Paragraph 6 of EO 17 does not specify a particular format for the record of fleet size or the cumulative

total of cars inspected. Paragraph 12 of O&M Circular No. 1 requires owners "to maintain records and dates of all stub sill inspections, including hard copies of completed Forms SS–2." The Stub Sill Inspection Procedure, also part of O&M Circular No. 1, further requires the owner to submit SS–2 data "in computer-readable format." Any of these forms of records are acceptable to FRA, including microfiche. AAR advises that all cars for which a Form SS–2 is submitted shall have a 2-inch green square marked on diagonally opposite sill webs as required by paragraph 11 of O&M Circular No. 1.

15. Question: What welds are considered to be critical welds?

Answer: Critical welds are those welds shown in Figures No. 1 through No. 6 of O&M Circular No. 1.

16. Question: What area of the stub sill is required to be inspected under EO 17?

Answer: EO 17 requires compliance with AAR O&M Circular No. 1. Circular No. 1 states, "Weld attachments of draft sill-to-pad, draft sill-to-head brace (if used), head brace-to pad, and pad-to-tank must be examined." Illustrations attached to the circular provide a visual reference as well.

The inspection area described in O&M Circular No. 1 only encompasses the outboard area, that is, the area towards the end of the car from a vertical line drawn through the approximate center of the tank cradle/bolster Web. While problem areas inboard of the bolster are unlikely to result in complete stub sill separation, inspection data from EO 16 and a recent incident involving cracking in the inboard stub sill area (resulting in a release of product) prompted FRA to request the Tank Car Committee to investigate the problem. Whether or not this single incident is related to the more wide-spread dangers that are the background to EO 17, FRA encourages owners to inspect the complete stub sill assembly, inboard as well as outboard.

17. Question: Do stub sill inspections under EO 17 require draft gears to be dropped?

Answer: O&M Circular No. 1 requires draft gear to be removed if stub sill attachment welds are obscured by design, except that it is not necessary to remove draft gear if welds are inspected using fiber optics or if sill is tested by the acoustic emission (AE) method. (This answer was furnished by AAR.)

18. Question: When inspecting cars in accordance with EO 16 and EO 17, can the shop assume that Rule 88B automatically applies?

Answer: While both EO 16 and EO 17 mention AAR Interchange Rule 88B, neither of them impose a "stand alone" requirement for compliance with it. If AAR Interchange Rule 88B applies to a particular car affected by either of the emergency orders, it applies by its own terms and not because of the FRA order(s). FRA mentioned Rule 88B as an aid to owners, to remind them, for instance, that if they do certain repairs to meet the directives of one of the emergency orders, and if those repairs make a tank retest mandatory, then Rule 88B goes into effect for that car. AAR advises: "While it may make sense to do both (stub sill and Rule 88B) inspections together, O&M Circular No. 1 does not require that for AAR's stub sill inspection program. Shops should be guided by owner's instructions." While neither EO 16 nor EO 17 incorporates AAR's interchange rules, owners are reminded that paragraph 2 of EO 17 forbids returning a car to service following its inspection "* * * until all defects have been repaired and the car is in full compliance with the Federal railroad safety regulations, including the Hazardous Materials Regulations, and the AAR Tank Car Manual."

19. Question: Does EO 17 require cars with accumulated mileage in excess of 400,000 miles, built or rebuilt after January 1, 1984, to be inspected?

Answer: Yes, in enforcing paragraph 1 of EO 17, FRA will assume that paragraph 6 of O&M Circular No. 1 takes precedence over paragraph 8 of the circular. There is a population of cars that was built after January 1, 1984 and has accumulated in excess of 400,000 miles that will be required, by the terms of EO 17, to be inspected.

20. Question: Would FRA consider a weighted average of 18 per cent per year of the combined insulated and non-insulated fleet for instances where the 20 percent of insulated and 14.3 percent of non-insulated car inspections cannot be met?

Answer: No, not at this time. FRA expects diligent efforts on the part of all owners of stub sill tank cars to inspect an estimated 21,000–22,000 stub sill tank cars per year for the first five years and nearly 6,000 cars per year in the sixth and seventh years of the program established by AAR O&M Circular No. 1.

Notice to Affected Persons

This second notice to Emergency Order No. 17 will be published in the **Federal Register** and a copy of this document will be furnished to representatives of all the interests known by FRA to be affected by the order. Associations and other groups receiving this Notice No. 2 are urged to inform their members of its contents, preferably by making a copy of it available.

Issued in Washington, DC on February 8, 1993.

S. Mark Lindsey,

Acting Administrator.

[FR Doc. 93–3467 Filed 2–12–93; 8:45 am]

BILLING CODE 4910–06–M

Maritime Administration

Merger of Approved Trustee; First National Bank et al

Notice is hereby given that effective December 31, 1987, The First National Bank of St. Paul, St. Paul, MN; The First National Bank of Burnsville, Burnsville, MN; First Edina National Bank, Edina, MN; First National Bank of Hopkins, Hopkins, MN; First Bank (National Association)-Lake Minneapolis, MN; First Northtown National Bank, Blaine, MN; First Plymouth National Bank, Plymouth, MN; First Bank Robbinsdale, National Association, Robbinsdale, MN; First Southdale National Bank of Edina, Edina, MN; First Bank East, National Association, St. Paul, MN; First Bank Grand, National Association, St. Paul, MN; First Bank Security, National Association, St. Paul, MN; First Bank White Bear Lake, National Association, White Bear Lake, MN, merged with and into First National Bank of Minneapolis, Minneapolis, MN under the name of First Bank, National Association as the surviving corporation in the merger.

Dated: February 9, 1993.

By Order of the Maritime Administrator

James E. Saari,

Secretary.

[FR Doc. 93–3489 Filed 2–12–93; 8:45 am]

BILLING CODE 4910–81–M

Merger of Approved Trustees

Notice is hereby given that effective January 1, 1993, Chase Lincoln First Bank, National Association, Rochester, New York, merged with and into The Chase Manhattan Bank, National Association, New York, New York, under the name of The Chase Manhattan Bank, National Association as the surviving corporation in the merger.

Dated: February 9, 1993.

By Order of the Maritime Administrator.

James E. Saari,

Secretary.

[FR Doc. 93–3470 Filed 2–12–93; 8:45 am]

BILLING CODE 4910–81–M

VOL 58 ISS 29 FE 16 1993 UMI

National Highway Traffic Safety Administration

[Docket No. 92-45; Notice 2]

Mazda (North America), Inc.; Grant of Petition for Determination of Inconsequential Noncompliance

Mazda (North America), Inc. (Mazda) representing Mazda Motor Corporation of Hiroshima, Japan, determined that some of its vehicles fail to comply with 49 CFR 571.108, "Lamps, Reflective Devices, and Associated Equipment," Federal Motor Vehicle Safety Standard (FMVSS) No. 108, and filed an appropriate report pursuant to 49 CFR part 573. Mazda also petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety. This notice grants that petition.

Notice of receipt of the petition was published on September 11, 1992, and an opportunity afforded for comment (57 FR 41803).

During the period of July 1991 through June 1992, Mazda produced 29,622 model 929 passenger cars which were equipped with headlamps that failed to include the "O" mark required by FMVSS No. 108 for a point of reference when aiming the lamps. Further, these vehicles failed to include aiming instructions on a permanently affixed label or in the owner's manual. In addition, Mazda produced 7,000 model 626's which incorporated the "O" mark on the headlamp, but did not include aiming instructions on a permanently affixed label or in the owner's manual.

Paragraph S7.8.5.2(a)(2) *Horizontal aim* states that "[a]n 'O' mark shall be used to indicate alignment of the headlamps relative to the longitudinal axis of the vehicle." Paragraphs S7.8.5.2(a)(1) *Vertical aim* and (a)(2) reference the necessity to provide "an equal number of graduations from the 'O' position representing angular changes in the axis." The subject headlamps do not bear the "O" mark.

Paragraph S7.8.5.2(b)(1) *Aiming instructions* states that "[t]he aiming instructions for properly aiming the headlighting system using the VHAD [vehicle headlamp aiming device] shall be provided on a label permanently affixed to the vehicle adjacent to the VHAD, or in the vehicle operator's manual."

Mazda supported its petition for inconsequential noncompliance in two ways. To support its omission of aiming instructions, Mazda offered its own rationale. To support its omission of the "O" mark, Mazda incorporated, by reference, the rationale used by Koito Manufacturing Company, Ltd. (Koito) in its July 7, 1992, petition to NHTSA on this same issue (57 FR 33543).

Mazda supported its omission of aiming instructions with the following:

> It is Mazda's belief that the designs of the VHADs incorporated in both the Mazda 929 and the Mazda 626 are so simple to use and the markings are so obvious, that even untrained individuals will have no difficulty correctly aiming the lamps using the VHAD without any instructions.
>
> To the extent that there are individuals who would be reluctant to attempt aiming adjustments without instructions, every Mazda dealer has such information readily available.
>
> [R]elying on outside assistance to properly aim the headlights * * * is identical to the situation that has successfully existed for so many years for vehicles that require external mechanical aiming.
>
> It is also our belief that the headlights on these vehicles will only rarely need adjustment. The vehicles are shipped with the headlights properly aimed, and unless they are involved in a crash, there will be little instance of the aim needing readjustment.

Unlike Mazda, Koito stated in its petition that the vehicles on which its noncompliant headlamps were installed included instructions in the owner's manuals as to how the headlamps could be aimed. This is not true in Mazda's case.

To support its omission of the "O" mark, Mazda incorporated, by reference, the rationale used by Koito Manufacturing Company, Ltd. (Koito) in its petition to NHTSA on this same issue (57 FR 48266). Koito's rationale for omission of the "O" mark was as follows:

> (1) The purpose of the "O" mark would be to provide the base point on the scale. In place of this mark, the Koito headlamps concerned make use of a pair of lines which are clearly distinguished by their color and/or their thickness (bold). Even in the absence of the "O" mark, the user and dealer can easily determine the reference lines and perform a correct aiming adjustment.
>
> * * * * *
>
> (3) Headlamps which are equipped with aiming pads allow aiming by an aimer which must satisfy Society of Automotive Engineers (SAE) J602 requirements, as stipulated by FMVSS. Of aimers meeting SAE J602 requirements and currently available on the market, the most popular is the one made by H-Company.
>
> This aimer does not make use of the "O" mark. It features indicator scale reference lines which are very similar to Koito's VHAD (Vehicle Headlamp Aiming Device) reference lines, and which function in the same way. We believe that the great majority of the users and dealers are well accustomed to this system.
>
> (4) Up to the present date, Koito has not received any claim or complaint representing a user's inability to determine the reference line positions.
>
> (5) In order to demonstrate the efficacy of this aiming system, Koito has conducted a demonstration test. Ten unbiased subjects with no prior familiarity with the system were asked to readjust headlamps which had been deliberately misaligned. All ten were successful in making the required correction in the manner intended by the designers of this system.
>
> (6) All of the concerned headlamps were subject to the test and were certified [to be in] compliance [with] all the requirements, including [the] VHAD adjusting system, in FMVSS 108 by ETL Testing Laboratories Inc., an authoritative organization in the United States. This shows that there is no problem in headlamp aiming inspection and adjustment.

No comments were received on the petition.

On October 22, 1992, NHTSA granted Koito's petition. The agency determined that failure to provide the "O" mark was inconsequential as it related to motor vehicle safety (57 FR 48266). As NHTSA noted, before filing its petition, a Koito representative met with NHTSA personnel to discuss the noncompliance, and to demonstrate its inconsequentiality. The NHTSA employees who were present at that meeting considered that the pair of bold lines provided a sufficient and unmistakable replacement for the "O" mark. In their view, vehicle owners, lacking familiarity with the new VHAD systems, would not notice that an "O" mark was missing, and would aim their headlamps with the pair of bold lines as an adequate reference point. For this reason, NHTSA granted the petition of the headlamp manufacturer.

NHTSA noted that there was an additional responsibility upon the installer of the headlamp (i.e., the vehicle manufacturer installing the lamp as original equipment) to comply with the additional requirement to provide aiming instructions. Paragraph S7.8.5.2(b)(1) of Standard No. 108, Aiming Instructions, requires that:

> The instructions for properly aiming the headlighting system using the VHAD (vehicle headlamp aiming device) shall be provided on a label permanently affixed to the vehicle adjacent to the VHAD, or in the vehicle operator's manual.

NHTSA was concerned about the possible effect upon safety of the double noncompliance, and has obtained a commitment from Mazda that it will prepare and distribute an operator's manual insert which shall be furnished to the owners of the affected vehicles. In NHTSA's view, this moots Mazda's petition for noncompliance with respect to paragraph S7.8.5.2(b)(1).

For the reasons given above, petitioner has met its burden of persuasion that the noncompliance with paragraph S7.8.5.2(a)(2) herein described is inconsequential as it relates to motor vehicle safety, and its petition is hereby granted.

Authority: 15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

Issued on: February 9, 1993.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 93–3462 Filed 2–12–93; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 92–68; Notice 2]

Nissan Motor Company, Ltd.; Grant of Petition for Determination of Inconsequential Noncompliance

Nissan Motor Company, Ltd. (Nissan) of Gardena, California has determined that some of its replacement safety belts fail to comply with 49 CFR 571.209, "Seat Belt Assemblies," Federal Motor Vehicle Safety Standard No. 209, and has filed an appropriate report pursuant to 49 CFR part 573. Nissan has also petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety. This notice grants Nissan's petition.

Notice of receipt of the petition was published on December 7, 1992, and an opportunity afforded for comment (57 FR 57860).

Between 1967 and October 1992, Nissan produced approximately 280,000 replacement safety belts which did not include installation instructions. In Standard No. 209, section S4.1(k) requires that "[a] seat belt assembly or retractor shall be accompanied by an instruction sheet providing sufficient information for installing the assembly in a motor vehicle except for a seat belt assembly installed in a motor vehicle by an automobile manufacturer. The installation instructions shall state whether the assembly is for universal installation or for installation only in specifically stated motor vehicles * * *". In addition, section S4.1(l) requires that "[a] seat belt assembly or retractor shall be accompanied by written instructions for the proper use of the assembly, stressing particularly the importance of wearing the assembly snugly and properly located on the body, and on the maintenance of the assembly and periodic inspection of all components. The instructions shall show the proper manner of threading webbing in the hardware of seat belt assemblies in which the webbing is not permanently fastened." The remaining instructions pertaining to threading and nonlocking retractors do not apply to Nissan's belt designs.

Nissan supported its petition for inconsequential noncompliance with the following:

Nissan feels that a mismatch of a replacement seat belt assembly in the wrong vehicle or wrong seating position is highly unlikely. It has established a complex part number control system for use in ordering replacement parts from the central warehouse. This system, which requires the ordering dealer to specify the replacement seat belt assembly he is ordering in terms of the specific vehicle in which it will be installed, makes it highly unlikely that the wrong seat belt assembly will be ordered for that car. Even in the unlikely event that wrong parts are purchased, it will be obvious to the installer that the replacement is of a different shape than the one already being replaced.

Nissan parts numbers are ten characters in length. The number provided information about the specific part and the vehicle in which it belongs. For example, a typical seat belt part number reads as follows: 86841–06F00. In this example, 86841 is the specific prefix for a front left side 3-point seat belt assembly. The 06F in the suffix means that the part is for an S12 model line 200SX. The last two numbers in the suffix 06F00 indicate the color of the part, hence, a 01 would be a different color and 02 another. All replacement seat belt assemblies are individually packaged with the part number prominently displayed.

The methodology for numbering parts and the system used by Nissan dealers to obtain replacement parts (are) intended to prevent the incorrect parts from being ordered and delivered. Parts catalogs and microfiche are published on a model line specific basis and contain enlarged views and other identifying information about the model of interest. Once a dealer locates the enlarged view depicting seat belts for a particular model, he then identifies the part he needs on the view. The drawing of the part is accompanied by a key number which indicates which set of part numbers to use. There is generally more than one part number for a given seat belt component primarily due to color variations.

In addition to Nissan's part number control system, there are a variety of significant physical differences among vehicles which make it highly unlikely that a mechanic would install a replacement seat belt assembly in the wrong model vehicle. These differences include various mounting configuration and location differences; variation in color between vehicle models; differences in buckle latch plate configuration and retractor locking device; spool size, webbing length and housing configuration differences; and difference in motorized seat belt guide track shapes. Given these variances in physical properties, Nissan feels that it is quickly apparent upon brief inspection if a replacement seat belt assembly is intended for use in (a) model other than the one in which it is about to be installed.

Within a vehicle, variances in seat belt styles also ensure that the seat belt assembly is installed in the correct position in the vehicle. For example, a center rear seat belt will not be mistaken for a front outboard automatic seat belt. In addition, the configuration and location of the seat belt anchorages are unique to each seating position, which makes it virtually impossible to install a seat belt at an incorrect seating position.

Under practices followed by Nissan dealers, the absence of installation instructions in the replacement seat belt assembly package is not likely to result in the improper installation of a replacement seat belt assembly. Instructions for seat belt installation in Nissan vehicles are contained in Nissan's service manuals, copies of which are provided to every Nissan dealer and which are widely available to the public and independent repair facilities.

Furthermore, in most cases of installing a replacement seat belt, the installer will first remove the seat belt that needs to be replaced from the vehicle. After removal of the old seat belt, the installer can reverse the steps of removing the belt in order to know the proper location and other aspects of installation of the replacement belt. For Nissan vehicles, there is no need to specify instructions for such activities as threading webbing or finding locations for and drilling anchorage holes because Nissan seat belt assemblies are furnished ready for installation in the vehicle's preexisting anchorage holes.

In other determinations for inconsequential noncompliance, NHTSA has recognized that safety objectives of an FMVSS may be met by means other than complying with the technical requirements of the FMVSS. For example, NHTSA recently granted a mostly analogous petition filed by Chrysler Corporation. See Docket 92–24, Notice 2, 57 FR 45865 (October 5, 1992). In that decision NHTSA concluded that '[t]he structure of the parts ordering system used by Chrysler and the variety of differences between seat belt assemblies will help prevent misapplication of the assemblies in question.' Thus, NHTSA determined that Chrysler's noncompliance with FMVSS 209 was inconsequential.

As in the Chrysler matter, Nissan's current practices and procedures are adequate to ensure that replacement seat belts will be installed correctly and in the correct motor vehicle. Nissan is not aware of any owner complaints, field reports, or allegations of hazardous circumstances relating to the omission of the instruction sheet or the misinstallation or misapplication of replacement seat belt assemblies.

No comments were received on the petition.

With respect to the failure to provide installation instructions, Nissan has argued that a mismatch of a replacement seat belt assembly in the wrong vehicle or seating position is highly unlikely, and therefore that it is unimportant to specify whether the assembly is for universal or specific application. Even if

VOL
58
ISS
29
FE
16
1993
UMI

the wrong parts are purchased it will be obvious to the installer that the replacement is of a different shape than the belt being replaced. Further, since the old belt must be removed before the new belt is installed, installation is simply a matter of reversing steps, the failure to specify instructions according to SAE J800c is also inconsequential. After reviewing these arguments, NHTSA concurs with them.

With respect to the failure to provide usage and maintenance instructions, Nissan has argued that this information is contained in its operator manuals, and for this reason the noncompliance is inconsequential. NHTSA does not necessarily agree with this argument. Nissan has not stated that this information has been contained in the operator's manual for every vehicle that it has sold in the United States manufactured on and after January 1, 1968. Further, Nissan assumes that the vehicle will retain its operators manual throughout its life, or that the manual will be replaced by an operator if missing.

Instead, the agency has formulated a different approach. In its view, the most likely person to be affected by Nissan's failure to provide this information is the person who for the first time has bought a vehicle, specifically an old Datsun/Nissan lacking its operator's manual, and who must replace its seat belt assemblies. The probability of such an individual existing and such an event happening appears to be slight, justifying an inconsequentiality determination.

Accordingly, petitioner has met its burden of persuasion that the noncompliances herein described are inconsequential as they relate to motor vehicle safety, and its petition is granted.

Authority: 15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

Issued: February 9, 1993.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 93-3463 Filed 2-12-93; 8:45 am]

BILLING CODE 4910-59-M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 29
Tuesday, February 16, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, 10 a.m., Wednesday, February 17, 1993.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS:

MATTERS TO BE CONSIDERED:

Open to the Public

Pride in Public Service

The Commission will present the Pride in Public Service Award to February's recipient.

Closed to the Public

Compliance Status Report

The staff will brief the Commission on the status of various compliance matters.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, (301) 504–0800.

Date: February 10, 1993.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 93–3699 Filed 2–11–93; 2:11 pm]

BILLING CODE 6355–01–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., Wednesday, February 17, 1993.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *U.S. Steel Mining Co., Inc.*, Docket No. WEVA 91–1607. (Issues include whether the judge erred in finding that U.S. Steel violated 30 CFR 75.512–2, which requires that all electric equipment in underground coal mines be examined and tested weekly.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(e).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5629/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 93–3601 Filed 2–11–93; 9:14 am]

BILLING CODE 6735–01–M

INTERSTATE COMMERCE COMMISSION

Commission Conference

TIME AND DATE: 10 a.m., Tuesday, February 23, 1993.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423.

STATUS: The Commission will meet to discuss among themselves the following agenda items. Although the conference is open for the public observation, no public participation is permitted.

MATTERS TO BE DISCUSSED: Ex Parte No. 495, *Bills of Lading.*

CONTACT PERSONS FOR MORE INFORMATION: Alvin H. Brown or A. Dennis Watson, Office of External Affairs, Telephone: (202) 927–5350, TDD: (202) 927–5721.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–3657 Filed 2–11–93; 11:29 am]

BILLING CODE 7503–01–M

NEIGHBORHOOD REINVESTMENT CORPORATION

Regular Meeting of the Board of Directors

TIME AND DATE: 10 a.m., Thursday, February 25, 1993.

PLACE: Neighborhood Reinvestment Corporation, 1325 G Street, NW., 8th Floor Board Room, Washington, DC 20005.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Jeffrey T. Bryson, General Counsel/Secretary (202) 376–2441.

AGENDA:

I. Call to Order
II. Approval of Minutes, December 2, 1992, Regular Meeting
III. Audit Committee Report: February 17, 1993, Regular Meeting Receive FY 1992 Audit Report from Outside Auditors
IV. Committee Appointments:
  a. Audit Committee
  b. Personnel Committee
V. Treasurer's Report
VI. Executive Director's Quarterly Management Report
VII. Adjourn

Jeffrey T. Bryson,

General Counsel/Secretary.

[FR Doc. 93–3637 Filed 2–11–93; 11:09 am]

BILLING CODE 7570–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the weeks of February 15 and February 22, 1993.

Closed meetings will be held on Wednesday, February 17, 1993, at 10:00 a.m. and on Monday, February 22, 1993, at 2:30 p.m. An open meeting will be held on Monday, February 22, 1993, at 10:00 a.m., in Room 1C30.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at closed meetings.

Commissioners Schapiro, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Wednesday, February 17, 1993, at 10:00 a.m., will be

Institution of injunctive actions.
Settlement of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Opinions.

The subject matter of the open meeting scheduled for Monday, February 22, 1993, at 10:00 a.m., will be:

1. Consideration of whether to adopt on an interim basis amendments and additions to the rules, forms, schedules and procedures to implement the Electronic Data Gathering, Analysis and Retrieval ("EDGAR") system, in which most filings and related correspondence processed by the Divisions of Corporation Finance and Investment

VOL
58
ISS
29
FE
16
1993
UMI

Management will be submitted electronically, and schedules for the phase-in of registrants to electronic filing. For further information, please contact Division of Corporation Finance: James R. Budge or Barbara Smith Jacobs at (202) 272–2589; Division of Investment Management: Ruth Armfield Sanders at (202) 272–7714 or Richard T. Miller at (202) 5044–1168.

2. Consideration of whether to adopt rule 3a, which would require filing fees to be remitted to a Department of Treasury Lock Box Depository located at Mellon Bank, Pittsburgh, Pennsylvania. Trust Indenture Act Filing Fees would also be required to be paid pursuant to rule 3a. For further information, please contact Jessica Kole at (202) 272–2706.

The subject matter of the closed meeting scheduled for Monday, February 22, 1993, at 2:30 p.m., will be:

Institution of injunctive actions.

Institution of administrative proceedings of an enforcement nature.

Settlement of injunctive actions.

Settlement of administrative proceeding of an enforcement nature.

Opinions.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Brian Lane at (202) 272–2400.

February 10, 1993.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–3658 Filed 2–11–93; 11:30 am]

BILLING CODE 8010–01–M

Cor

This secti
contains
published
and Notic
prepared
Register.
issued as
the appro
elsewhere

COPYRI

37 CFR

[Docket N

Digital A
Act; Imp

Correcti

In rule
on page
January
correctio

1. On
column,
the sixth
"[them]"

2. On
column,
the first
"[n]ot".

3. On
column,
the ninth
"resolve"

4. On
column,
should re

BILLING CO

DEPART

Bureau o

[AZ–020–0

Exchang
Co., AZ

Correctio

In notic
beginning

Corrections

Federal Register
Vol. 58, No. 29
Tuesday, February 16, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Parts 301 and 311

[Docket No. 92-3-DART]

Digital Audio Recording Technology Act; Implementation

Correction

In rule document 93-2303 beginning on page 6441 in the issue of Friday, January 29, 1993, make the following corrections:

1. On page 6442, in the second column, in the first full paragraph, in the sixth line, "(them)" should read "[them]".

2. On the same page, in the third column, in the second full paragraph, in the first line, "(n)ot" should read "[n]ot".

3. On page 6444, in the second column, in the second full paragraph, in the ninth line, "revolve" should read "resolve".

4. On the same page, in the 3d column, in the 18th line, "within" should read "without".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-020-03-4210-04; AZA 26359-A]

Exchange of Public Lands; Mohave Co., AZ

Correction

In notice document 92-31796 beginning on page 62578 in the issue of Thursday, December 31, 1992, make the following corrections:

1. On page 62578, in the third column, in the heading, the docket number should read as set forth above.

2. On page 62579, in the first column, under **McCracken Desert Tortoise Habitat**, in land description T. 13 N., R. 14 W., in the last line, "Sec. 27, all." should read "Sec. 17, all.".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 701 and 785

RIN 1029-AB45

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Definitions; Requirements for Permits and Permit Processing

Correction

In rule document 93-388 beginning on page 3466 in the issue of Friday, January 8, 1993, make the following corrections:

1. On page 3466, in the second column, in the second full paragraph, beginning in the ninth line, "In Re: Permanent Surface Mining Regulation Litigation (II)" should be italicized.

2. On the same page, in the same column, in the fourth full paragraph, in the sixth line from the end, after "could be" delete "in".

3. On page 3468, in the 3d column, in the 1st full paragraph, in the 13th line from the end, "all" should be italicized.

4. On page 3469, in the first column, in the last full paragraph, in the sixth line from the end, "*NMF* v. *Lujan*" should read "*NWF* v. *Lujan*".

5. On the same page, in the second column, in the seventh line from the top of the page, "weigh in factor" should read "weigh in favor".

6. On page 3470, in the second column, in the first paragraph, in the last line, "programs." should read "program."

§ 785.10 [Corrected]

7. On page 3470, in the third column, in § 785.10, in the third line, after "and (h)" insert a comma.

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 870

RIN 1029-AB68

Abandoned Mine Reclamation Fund—Fee Collection and Coal Production Reporting, Reclamation Fee, Basis for Coal Weight Determination

Correction

In proposed rule document 92-31398 beginning on page 62116 in the issue of Tuesday, December 29, 1992, make the following corrections:

1. On page 62118, in the 2d column, in the 2d full paragraph, in the sixth line, after "fees" insert "based" and in the 10th line, "plan" should read "plant".

2. On page 62119, in the first table, in the second column of the table, in the third entry, "194,00" should read "194,000".

BILLING CODE 1505-01-D

VOL
58

ISS
29

FE
16

1993

UMI

federal register

Tuesday
February 16, 1993

Part II

Environmental Protection Agency

40 CFR Part 260, et al.
Corrective Action Management Units and Temporary Units; Corrective Action Provisions; Final Rule

VOL 58 ISS 29 FE 16 1993 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 264, 265, 268, 270 and 271

[FRL–4555–7]

RIN 2050–AB80

Corrective Action Management Units and Temporary Units; Corrective Action Provisions Under Subtitle C

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is promulgating today certain corrective action-related regulations under Subtitle C of the Resource Conservation and Recovery Act (RCRA). The specific provisions finalized in this rulemaking address two new units that will be used for remedial purposes under RCRA corrective action authorities: corrective action management units (CAMUs), and temporary units (TUs). These specific provisions were proposed as part of a more comprehensive corrective action rulemaking on July 27, 1990.

EFFECTIVE DATE: These final regulations are effective on April 19, 1993.

ADDRESSES: The official record for this rulemaking is located in the RCRA Docket, located in room 2427 at the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The telephone for the RCRA Docket is (202) 260–9327. The record is available for inspection, by appointment only, between the hours of 9 a.m. and 4 p.m., Monday through Friday, excluding legal holidays. As provided in 40 CFR part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Questions relating to the technical content of this rule should be directed to Anne Price or David Fagan, Corrective Action Programs Branch, Office of Solid Waste (5303W), U.S. Environmental Protection Agency, at (703) 308–8657 or (703) 308–8620. Other inquiries should be directed to the RCRA/Superfund Hotline, at (800) 424–9346 or at (202) 260–3000.

SUPPLEMENTARY INFORMATION:

Outline

I. Authority
II. Background
A. Purpose and Context of Today's Final Rule
B. Summary of Today's Rule
III. Section-by-Section Analysis
A. Definitions
1. Corrective Action Management Unit (CAMU) (§ 260.10 and § 270.2)
2. Facility for the Purpose of Corrective Action (§ 260.10)
3. Remediation Wastes (§ 260.10)
4. Conforming Changes
a. Conforming Change to § 264.101
b. Conforming Changes to § 264.3 and § 265.1
c. Conforming Changes to Definitions in § 260.10, § 268.2 and § 270.2
B. Corrective Action Management Units (CAMUs) (§ 264.552)
1. General Authority (§ 264.552(a))
2. Inclusion of Regulated Units into CAMUs (§ 264.552(b))
3. Decision Criteria for CAMU Designation (§ 264.552(c))
4. Information Required to Support CAMU Designation (§ 264.552(d))
5. CAMU Requirements to be Specified in Permits or Orders (§ 264.552(e))
6. Documentation for CAMUs (§ 264.552(f))
7. Permit and Order Modifications for CAMUs (§ 264.552(g) and § 270.42)
8. Effect of CAMU Designations on Other Remedy Decisions (§ 264.552(h))
C. Temporary Units (TUs) (§ 264.553)
1. Scope and Applicability of Today's Rule (§ 264.553(a))
2. Restrictions on Temporary Units (§ 264.553(b))
3. Temporary Unit Decision Factors (§ 264.553(c))
4. Permit or Order Specifications for Temporary Units (§ 264.553(d))
5. Time Limit Extensions for Temporary Units (§ 264.553(e))
6. Permit and Order Modification Procedures (§ 264.553(f))
7. Documentation of Temporary Unit Designations and Time Extensions (§ 264.553(g))
IV. CAMU and TU Implementation
A. Public Participation in CAMU/TU Designations and TU Time Extensions Under Orders
B. Continuation of Permits for Corrective Action Purposes
C. State and Federal Implementation
1. State Authorization
2. Implementation of Rules in Unauthorized and Authorized States
D. Effective Date
V. Relationship to Other Programs
VI. Regulatory Impact Analysis

I. Authority

These regulations are issued under the authority of sections 1006, 2002(a), 3004(u), 3004(v), 3005(c), 3007 and 3008(h) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments of 1984.

II. Background

The RCRA Hazardous and Solid Waste Amendments of 1984 established a broad new mandate for EPA and the States to implement corrective action at hazardous waste treatment, storage, and disposal facilities (TSDFs) regulated under subtitle C of RCRA. Under section 3004(u), permits issued to such facilities must address corrective action for all releases from solid waste management units at the facility. Under section 3008(h), EPA may issue administrative orders to compel corrective action at facilities authorized to operate under section 3005(e) of this subtitle (i.e., interim status facilities). Section 3004(v) established the authority to compel remediation of releases that have migrated beyond a facility's boundary.

On July 27, 1990, EPA issued a proposed rulemaking to establish, under subpart S of 40 CFR part 264, a comprehensive regulatory framework for implementing corrective actions at RCRA facilities under these new statutory authorities. 55 FR 30796–884 (July 27, 1990). The proposal established a detailed set of technical requirements and procedures for investigating and responding to environmental releases at RCRA facilities.

EPA received numerous public comments on the Subpart S proposal, many of which raised substantial issues which must be resolved prior to a final rulemaking. In addition, EPA is currently conducting a comprehensive new Regulatory Impact Analysis (RIA) to more thoroughly assess the costs and benefits of the Subpart S proposal, and to analyze specific regulatory alternatives for the final rule. EPA will make the results of the RIA available for public review and comment prior to promulgating the remainder of the proposed subpart S rules.

The proposed subpart S regulations contained several key remediation waste management provisions. These provisions were designed to reduce or eliminate certain waste management requirements of the current RCRA subtitle C regulations which, when applied to remediation wastes, impede the ability of the Agency to select and implement reliable, protective and cost-effective remedies at RCRA facilities. These impediments also occur at sites being remediated under CERCLA authorities, since RCRA requirements are often applicable or relevant and appropriate requirements (ARARs), as defined in CERCLA and in the CERCLA National Contingency Plan.

Therefore, EPA believes that pending the promulgation of the comprehensive subpart S rules, it is useful and necessary to expedite the promulgation of these key provisions of subpart S, and thereby realize the benefits that they will provide in an accelerated time frame.

The Agency remains committed to promulgating final comprehensive rules governing RCRA corrective actions. Today's rule is intended to advance that

process by putting into place certain key provisions that will produce immediate benefits for these important remedial programs. Specifically, today's rule promulgates provisions under subpart S for corrective action management units (CAMUs) and temporary units (TUs) to be used for the purpose of facilitating remediation waste management activities at RCRA facilities. The requirements for these units will also become RCRA ARARs for hazardous waste management activities at CERCLA sites.

A. Purpose and Context for Today's Final Rule

Today's rule finalizes provisions for corrective action management units (CAMUs) and temporary units under subpart S of 40 CFR part 264. Both of these units function solely to manage wastes that are generated at a RCRA facility for the purpose of implementing remedial actions required at that facility (i.e., remediation wastes, as defined in this rule). As explained elsewhere in this preamble, these units will not and cannot be used to manage "as-generated" hazardous wastes; as used in this preamble, as-generated wastes means those wastes generated from ongoing production processes or other industrial activities.

In creating the CAMU as a remediation waste management unit, EPA is providing remedial decisionmakers with an added measure of flexibility in order to expedite and improve remedial decisions. Although the CAMU provision does provide some additional flexibility, it is important to recognize that other existing requirements, policies, and guidelines for establishing site-specific cleanup goals and for selecting remedies remain in effect. EPA does not intend for this rule to replace existing state and federal requirements, guidelines, and standards that define the necessary level of protectiveness for remedies and the factors to be considered in selecting site-specific remedies.

For example, as is discussed more fully later, existing closure regulations and requirements for RCRA-regulated units, which require closure to occur in a manner that is protective of human health and the environment, remain in effect. Similarly, EPA guidance (most notably, the subpart S proposal) and state regulations and guidance documents provide information on the appropriate conduct of cleanup actions. The Subpart S proposal defines the process for establishing cleanup goals, defines the process for and principles of remedy selection, and, requires that remedies meet the statutory standard of "protective of human health and the environment".

In addition, several years ago, EPA developed treatability guidelines for contaminated soil (the "Superfund 6A" guidance) for making site-specific decisions regarding treatability variances from the land disposal restriction standards. Today's CAMU rule does not specifically address the issue of what specific treatment standards or technologies should be applied in remediating RCRA facilities using CAMUs. However, EPA's Regulatory Impact Analysis for this final rule strongly suggests that promulgation of this CAMU provision, with appropriate criteria to guide the designation of CAMUs, will result in more treatment, greater use of innovative technologies and less incineration. Further, EPA expects that such treatment will often follow the treatment guidelines in the Superfund 6A guidance. The Agency's experience with this guidance has been that the treatment levels prescribed in the guidance are generally workable and practicable for remediation purposes. Thus, EPA expects that the 6A guidance will continue to be used in a variety of remedial situations involving management of contaminated soils, even when such soils are not explicitly subject to LDR requirements.

Finally, today's rule is only one component of what the Agency intends as a comprehensive regulatory framework under RCRA that will apply to the Agency's remedial programs. Today's rule for CAMUs and temporary units should be viewed in the context of the Agency's overall strategy to establish comprehensive remediation regulations under RCRA subtitle C, and is one of the first steps EPA is taking in developing a comprehensive risk-based regulatory framework. EPA is committed to proceed expeditiously to develop a complete regulatory framework for RCRA Corrective Action under subpart S and to develop new proposed regulations governing the status of contaminated media as hazardous waste. EPA is also committed to conducting these rulemakings in a manner which ensures ample opportunities for public dialogue to discuss appropriate regulatory requirements for the cleanup of contaminated media. EPA expects the dialogue to include discussions of risk-based cleanup standards for contaminated groundwater, soils, and other media, remedy selection decision criteria, and other specific cleanup requirements.

The Agency therefore wishes to emphasize that the scope and intent of today's final rules for CAMUs and temporary units is limited to establishing certain regulatory provisions relating to the management of remediation wastes. As is clarified in § 264.552(h), today's rule does not address the many important issues relating to "how clean is clean", or where compliance with cleanup standards must be achieved (i.e., points of compliance for remediation of ground water and other media). These are issues that will be addressed in the final Subpart S corrective action rule. Thus, for example, under today's rule the RA's designation of a CAMU at a facility, pursuant to the enumerated criteria, does not have any relevance to where the point of compliance for ground water remediation will be specified for that facility.

CAMU decisions will generally be made based on extensive discussions and consultations with the owner/operator. Once the preliminary decisions are made, the Agency will incorporate the CAMU designation into the permit or order, through a modification process that allows the owner/operator, and the public, the opportunity to comment on the specifics of the CAMU designation.

It is possible that in certain cases the owner/operator of a facility may disagree with the Agency regarding how the CAMU concept should be applied for purposes of implementing the CAMU. Such disagreements are usually resolved by informal discussions. In the rare event that such disagreements persist after the permit has been modified to incorporate the CAMU selected by the Agency, the owner/operator may file an administrative appeal to contest the CAMU decision. Under this appeal process, the provisions being appealed are not effective until a decision on the appeal is rendered by the Environmental Appeals Board. EPA believes that this process serves to protect the due process rights of the owner/operator.

In the proposed subpart S rule, EPA recognized that the existing regulatory structure of RCRA subtitle C, when applied to management of hazardous wastes for remedial purposes, can often seriously hamper the ability of decisionmakers to select and to implement effective, protective and cost effective remedies. CAMUs and temporary units, as finalized today, are expected to address these problems in several important ways.

The basis for establishing a separate regulatory framework for these new remediation waste management units is the premise that remediation of existing contamination problems is inherently

different from the management of as-generated industrial hazardous waste, and that applying "as-generated" regulatory requirements to remediation wastes does not always result in implementation of the best remedies. In fact, EPA's preliminary analysis indicates that better remedies, in terms of increased environmental benefits, are likely under a regulatory framework tailored to remediation wastes.

The original RCRA subtitle C program, which was established beginning in 1980, was designed to be a "cradle-to-grave" system of controls governing the generation and subsequent transportation, storage, treatment and disposal of hazardous wastes from ongoing industrial processes. Thus, RCRA was first and foremost a "prevention" oriented program, with the primary objective to prevent new releases (e.g., new Superfund sites) resulting from management of hazardous wastes. Following this objective, a stringent set of standards were developed to ensure protection of human health and the environment from such ongoing waste management. For the most part, the subtitle C regulations are specified as uniform, national standards that must be complied with at all RCRA-regulated facilities. These standards are generally considered very stringent; in order to ensure an adequate level of protection nationally, the standards must be adequate in preventing or minimizing environmental releases over a wide range of hazardous wastes types, environmental conditions, operational contingencies and other factors. Although there are certain limited provisions for waivers from the subtitle C regulations based on site-specific factors, the regulated community's experience has been that it is difficult and time-consuming to modify RCRA standards through site-specific waivers.

The 1984 HSWA amendments to RCRA strengthened the RCRA prevention program by adding several important statutory provisions governing the treatment and disposal of hazardous wastes. In particular, the RCRA land disposal restrictions (LDRs) and the minimum technology requirements (MTRs) have become central features of the RCRA prevention program. One of the important objectives of Congress in mandating the 1984 amendments (including LDRs and MTRs) was to provide increased incentives for generators of hazardous wastes to minimize the amounts of wastes being generated. See RCRA section 1003(b). EPA's experience in implementing the LDR program has shown that the costs associated with meeting the stringent, technology-based LDR standards actually have resulted in substantial reductions in the volumes of hazardous wastes generated from many industrial sectors.

In addition to these prevention-oriented provisions, the HSWA corrective action provisions created a very different, new mandate for the RCRA program: Cleaning up releases from solid waste management units (SWMUs) at over 4,000 RCRA TSDFs. RCRA is now both a prevention program and a cleanup program. These two basic elements of the RCRA program have markedly different objectives and incentives, and are impacted in very different ways by regulatory controls on waste management. As discussed below, therein lies the basic problem that today's final rule is intended to address.

EPA has found that subtitle C requirements, when applied to remediation wastes, can act as a disincentive to more protective remedies, and can limit the flexibility of a regulatory decisionmaker in choosing the most practicable remedy at a specific site. In contrast, RCRA subtitle C regulations, when applied to as-generated wastes, ensure that the wastes are handled according to stringent national standards; due to the cost of subtitle C management, they also create a significant incentive for process changes to minimize hazardous waste generation. Yet these same requirements, when applied to existing contamination problems, provide a strong incentive for leaving wastes in place, or for selecting remedies that minimize regulation under subtitle C.

EPA recognizes, of course, that both Superfund and RCRA provide it the authority to compel specific remedies, as long as the remedies are consistent with the goals of the statutes. Under the current programs, the Agency can require facility owner/operators or responsible parties to excavate wastes and manage them fully in compliance with Subtitle C. Similarly, in a fund-financed remedy under Superfund, EPA can use CERCLA funds to effect a similar remedy. Thus, through its regulatory authority, EPA can, at least in theory, override any regulatory disincentive against a given remedy. In its conduct of the Superfund and RCRA programs, however, EPA has come to recognize the fact that RCRA subtitle C requirements may make more sense when applied to some remedies than to others, and can influence the remedy selection process in undesirable ways. For example, compliance with LDR requirements may completely eliminate from consideration remedies that would otherwise meet Superfund or RCRA remedial standards, and that might be the most sensible remedy from a technical point of view. In such cases, the regulatory decisionmaker might be faced with the dilemma of choosing between two or more extreme options, such as a remedy involving containment in place versus removal of the wastes and management according to full RCRA subtitle C standards, without having the opportunity to consider a middle option that might be fully protective, in compliance with Superfund or RCRA cleanup goals, and acceptable to the local community. In such cases, practical considerations and the need for prompt action may often force the decisionmaker to select the less protective of the available extremes.

More broadly, under Superfund and RCRA corrective action, the regulatory decisionmaker must address a situation that is already unacceptable—that is, a situation which needs remediation. The decisionmaker's goal in each case is to select a remedy that is fully protective, yet that reflects the technical and practical realities of the site. In addressing this situation, the decisionmaker needs the flexibility to consider a full range of strategies so that one may be selected that promptly and effectively addresses the problem. EPA believes that constraining this range of strategies by requiring compliance with subtitle C standards for wastes "generated" during remediation can often lead to remedies that are not cost-effective and that in some cases may actually be less protective solutions than the remedies that otherwise would be chosen.

This is reflected in the results of the preliminary CAMU analysis ("Supplemental Information of Corrective Action Management Units (CAMUs)", October 16, 1992) and in the Regulatory Impact Analysis (summarized in section VI. of today's preamble). According to these analyses, the "expanded" CAMU concept, which has been adopted in today's rule, is estimated to result in more treatment of wastes using more effective treatment technologies than would occur under the other regulatory options considered by the Agency. In addition, today's rule is predicted to result in more on-site waste management (vs. off-site management); lesser reliance on incineration; greater reliance on innovative technologies; and a lower incidence of capping waste in place without treatment.

Another reason for instituting a regulatory approach for management of remediation wastes that differs from the base Subtitle C program is the type and amount of Agency oversight that is

VOL 58 ISS 29 FE 16 1993 UMI

given to cleanup activities under RCRA and CERCLA, as opposed to ongoing generated waste streams. Remedial actions under these statutes are typically conducted with substantial Agency oversight; remedial decisions are made by the Agency based on a thorough study of the nature and extent of the contamination problems at the site. In contrast, most RCRA subtitle C regulations for as-generated waste streams are uniform, national standards, and as such must require a level of protection sufficient for a highly diverse universe of facilities and environmental settings, so as to be implemented with little Agency oversight.

One final difference between as-generated wastes and remediation wastes is that remediation often involves management of large volumes of contaminated media, such as soils or ground water. The physical characteristics of contaminated media can be quite different from those of as-generated wastes. Contaminated soils, for example, are highly variable in their composition and handling characteristics. Treatment of such soils can thus be particularly difficult. This is not to say that remediation wastes are always different; some remediation wastes, such as sludges, may be essentially identical to as-generated wastes. As a general matter, however, remediation wastes pose unique waste management issues.

The above considerations—the level of Agency oversight over remedial actions, the counterproductive constraints and disincentives that subtitle C requirements can impose on the remedy selection process, and the physical and chemical differences that are often found between remediation wastes and as-generated wastes—suggest that it is sensible and necessary to develop regulations under RCRA for management of remediation wastes that are better tailored to the realities of remediation actions. As a result, under today's rule, regulatory requirements for remediation wastes will differ from the standards applied to as-generated wastes.

Today's final rule for CAMU and temporary units is consistent with that policy objective. As explained earlier, these rules will create a markedly different regulatory framework for applying subtitle C requirements, particularly the LDRs and MTRs, to remediation waste management.

B. Summary of Today's Rule

Today's rule promulgates regulations for CAMUs and temporary units. These regulations will provide the Regional Administrator with the authority to designate and approve such units for the purpose of managing remediation waste. The final CAMU provisions are an expansion of the proposed CAMU concept, and are intended to provide even greater flexibility for decisionmakers in implementing protective, reliable and cost-effective remedies. CAMU is a tool that can be used by an owner/operator when implementing corrective action at a facility. It is available to those owner/operators compelled to take corrective action under RCRA or those who initiate corrective action and seek Agency approval under RCRA. The temporary unit provisions in today's rule are changed little from the proposal, except that the time limit for temporary units has been increased from 180 days to one year.

Today's regulations will apply to corrective action implemented under RCRA permits (as provided under RCRA section 3004(u) and in § 264.101) and under section 3008(h) actions. In the subpart S proposal, EPA fully intended that the CAMU and TU regulations would apply to interim status facilities under section 3008(h). See 55 FR 30,802 (July 27, 1990). However, the proposed regulatory language did not contain explicit requirements for the use of CAMUs and TUs under section 3008(h). Several commenters requested clarification as to how and to what extent the substantive subpart S requirements would actually be applied under section 3008(h). Today's rule clarifies, in § 264.552 and in other conforming changes, that these rules for CAMUs and TUs will be applicable to corrective actions under section 3008(h). The Agency has also provided the opportunity for public comment through both the permit modification and order processes.

Under the final CAMU provisions, remediation waste management will be subject to LDRs and MTRs in a much more limited way than has been the case under existing regulations. For example, remediation wastes, including hazardous remediation wastes, may be placed into a CAMU without triggering applicability of LDRs or any other unit-specific requirements applying to hazardous waste land disposal units. Thus, remediation wastes generated at a facility, but outside a CAMU can be consolidated into the CAMU, and remediation wastes may be moved between two or more CAMUs at that facility, without triggering LDRs. Likewise, the "replacement" scenario, where remediation wastes are excavated from a CAMU, treated in a separate unit (which could be located inside or outside the CAMU at the facility), and redeposited into the CAMU, is not a new "disposal" event which triggers LDRs or other hazardous waste land disposal unit requirements. As explained in the proposal, MTRs would not apply to CAMUs, since by definition a CAMU is not subject to MTRs under 3004(o) and 3015. These regulatory features of CAMUs are described in more detail later in today's preamble.

Today's final rules for CAMUs grow out of the proposed approaches for defining the CAMU and the comments received by the Agency on those approaches. In the July, 1990 notice, the Agency discussed in detail several important proposed limitations on the scope of the CAMU. 55 FR 30843–44. First, a CAMU could only be designated by the Agency or the authorized State, and such designations would be subject to the public review and comment process as part of remedy selection. Second, the CAMU could only contain contaminated areas. Third, the CAMU was a land area and non-land-based units, such as incinerators or tanks, could not be considered part of the CAMU. Fourth, remediation waste from outside the CAMU that would be placed within the CAMU would be subject to the land disposal restriction requirements.

In the preamble, EPA also discussed several alternatives to the proposed CAMU, including options under which the CAMU would not have the second, third, or fourth restrictions noted above. 55 FR 30844. The Agency cited several problems with these options, noting that (1) including uncontaminated areas in the CAMU could be viewed as contradicting its remedial purpose, (2) including non-land-based units could be viewed as inconsistent with the land-based concept of the CAMU, and (3) including non-land-based units would complicate the application of relevant 264 standards to the non-land-based units.

Many of the comments on the proposed CAMU were critical of these proposed limitations and requested that EPA adopt an expanded type of CAMU as discussed in the preamble to the proposal. In response, EPA evaluated regulatory options for defining a CAMU and provided supplemental information for public comment summarizing the relative environmental benefits of the proposed CAMU and expanded CAMU options. 57 FR 48195 (October 22, 1992).

In light of EPA's 1992 supplemental information and the public comments received on the July, 1990 proposal and the October, 1992 supplemental information notice, EPA has decided to adopt a CAMU definition which is

VOL 58 ISS 29 FE 16 1993 UMI

broader than the proposed CAMU, but is consistent with the options for expanding the CAMU discussed in the July, 1990 preamble and in the October, 1992 supplemental notice. As explained below, EPA believes that the CAMU definition adopted today better achieves the policy goal of facilitating timely, protective, and effective cleanups at RCRA facilities than does the proposed CAMU. Moreover, EPA has structured the final CAMU definition to avoid the problems relating to expanding the CAMU concept, as noted in the July, 1990 preamble and in comments received by the Agency.

The principal difference between the proposed CAMU and the CAMU definition in today's final rule is that, under today's rule, the CAMU has been structured so that any waste managed within the CAMU which was generated as part of the corrective action at that facility (i.e., remediation waste) would not be subject to RCRA regulatory disposal requirements. Thus, waste generated from the corrective action at the facility may be placed within the CAMU without pre-treatment to the technology-based levels established under the RCRA land disposal restrictions (LDR) program.

EPA believes that Congress left ample authority for the Agency to modify, where appropriate, the regulatory requirements for as-generated hazardous waste under RCRA when applying those requirements to wastes generated during cleanup activities, so long as the requirements for these remediation wastes remain protective of human health and the environment. With respect to LDRs in particular, Congress defined the term "land disposal" to include the placement of hazardous waste in certain types of units historically used by the Agency to establish land disposal requirements for non-remediation wastes. See section 3004(k). Congress did not address in that provision how the LDRs would apply to wastes managed in newly-created types of land-based units or to units created solely for the management of remediation wastes, rather than as-generated hazardous wastes. Congress did, however, recognize the special problems that might be created by applying the LDRs to remediation wastes in the same manner as to as-generated wastes and provided some relief for remediation wastes placed in the units enumerated in section 3004(k). See e.g., RCRA sections 3004(d)(3) and 3020.

For the reasons outlined above, the application of regulatory requirements designed for as-generated wastes to remediation wastes has proven problematic. In essence, standards designed to prevent releases from occurring and to force hazardous waste generators to internalize the costs posed by hazardous waste management can be highly counterproductive when applied to wastes generated during remediations, where the release has already occurred and the desired incentive is to increase, rather than decrease, waste production. Cf. H.Rep. 98–198, Part 1, 98th Cong., 1st Sess. at 37 (1983) (noting that one of the primary Congressional purposes in establishing the comprehensive LDR program was to "compel generators to internalize the costs of disposal and treatment of hazardous wastes.") In addition, a primary goal of Congress in establishing the land disposal restrictions program was to ensure that hazardous wastes are managed properly in the first instance, thereby reducing the need for costly corrective action. See RCRA section 1003(5); H.Rep. 98–198, Part 1, 98th Cong., 1st Sess. at 30, 32 (1983). Remediation wastes are, however, waste which, by definition, were not managed properly "in the first instance," and for which corrective action is now necessary.

That Congress recognized, but did not fully resolve, the dilemma of applying preventive standards to remediation wastes when enacting remediation-related amendments to RCRA in 1984 is not surprising, since EPA's principal remedial programs, under CERCLA and RCRA subtitle C, were at that time in their early stages of development or sharply limited in scope.

Since 1984, the Agency also has struggled to determine exactly how the regulatory units described in section 3004(k) should apply to remediation situations, where the areas in question do not easily fit within the unit definitions referenced in that provision, and where the unit concepts themselves were designed with as-generated and managed wastes in mind. For example, a RCRA permitted disposal facility managing hazardous wastes will typically have one or more well-defined land areas constructed and operated for the purpose of a single type of hazardous waste land disposal practice (e.g., landfilling of containers, or treatment of liquid hazardous wastes in a surface impoundment). A typical RCRA corrective action, in contrast, involves scattered and diverse land and/or water areas with both "hot spots" of wastes and highly contaminated soils and generally dispersed contamination. In addition, such areas typically include a variety of historical land disposal practices, many of which are far different from the management practices authorized for ongoing hazardous waste management in land disposal units (*e.g.*, pipeline leaks, product spills, dewatered surface impoundments). Since 1988, the Agency has used the definition of "landfill" to describe these remediation land areas simply because EPA had no unit definition that applied to these areas, and the "landfill" definition served as a catchall. See 55 FR 8760 (March 8, 1990). With today's rule, EPA intends to provide a more appropriate set of standards and definitions tailored to remediation areas.

Today's rule addresses the ambiguity in the application of RCRA preventive standards to remediation wastes generated at RCRA facilities, especially the LDRs. Because Congress did not provide direction under section 3004(k) on how the LDRs should apply to areas that are used solely for the management of remediation wastes, and consequently, do not fit within the unit definitions constructed by EPA for as-generated wastes, EPA interprets the definition of "land disposal" in section 3004(k) to exclude the placement of remediation waste in CAMUs under today's rule. EPA believes that this interpretation is reasonable since remedial areas are not a listed regulatory unit under section 3004(k), because Congress recognized that the application of LDRs to remediation wastes might require a different framework than that developed for the application to as-generated wastes, and, as discussed above, because the direct application of preventive standards to remediation wastes is often inappropriate and counterproductive.

Today's rule is thus designed to address RCRA's ambiguity with respect to remediation wastes in a manner which best meets the twin Congressional objectives of minimizing reliance on land disposal by encouraging proper treatment of hazardous remediation wastes and by facilitating prompt and effective corrective action at RCRA facilities. As a result of today's rule, remediation wastes placed in CAMUs will not be subject to LDRs or other hazardous waste disposal requirements.

III. Section-by-Section Analysis

A. Definitions

Today's final rule defines three key terms related to the implementation of CAMUs: Corrective Action Management Unit, Facility, and Remediation Wastes. In addition, certain conforming changes have been made to several § 260.10 and § 270.2 definitions, to § 264.3, to § 264.101, to § 265.1, and to § 268.2.

1. Corrective Action Management Unit (CAMU) (§ 260.10 and § 270.2)

The proposed rule defined CAMU as "a contiguous area within a facility as designated by the Regional Administrator[1] for the purpose of implementing corrective action requirements of this subpart, which is contaminated by hazardous wastes (including hazardous constituents), and which may contain discrete, engineered land-based sub-units." The definition of CAMU in today's final rule modifies the proposed definition in several ways:

(1) The final definition is promulgated under § 260.10, rather than under § 264.501, as proposed;

(2) The definition specifies that CAMUs may be used for corrective actions under section 3008(h) orders, as well as at permitted facilities under section 3004(u);

(3) The new definition does not specify CAMUs as being contiguous areas of contamination; and

(4) The definition specifies that CAMUs are to be used for the purposes of managing remediation wastes only.

These changes to the proposed definition are intended to clarify and provide a more complete description of what a CAMU is and how it may affect management of wastes in the context of implementing corrective actions. As such, the definition includes certain provisions that were not included in the actual definition as proposed, but were presented in the proposed regulations for CAMUs under § 264.551(c). The definition also reflects the substantive changes that have been made in "expanding" the CAMU concept under today's final rule. Each of these modifications from the original proposed CAMU definition is discussed below.

The definition of CAMU has been finalized in § 260.10 and in § 270.2, rather than under § 264.501. As proposed, § 264.501 specified definitions that would apply only to subpart S of 40 CFR part 264. However, EPA is promulgating in today's rule only the CAMU and temporary unit provisions of subpart S. Rather than create a section under subpart S that would only contain the definition of CAMU, EPA believes that it will be clearer and more straightforward to codify this definition under the general definitions sections of parts 260 and 270. These definitions apply to the part 264 CAMU provisions, as well as other parts of 40 CFR. However, the new locations of the CAMU definition will not affect either the applicability or the substance of the definition.

In the proposal, the regulations for CAMUs did not explicitly state that CAMUs could be implemented under section 3008(h) orders, as well as at permitted facilities under section 3004(u) authority. However, as stated in the July 27, 1990 preamble, EPA intended that the subpart S regulations would be implemented at interim status facilities through section 3008(h) orders, as well as at permitted facilities. 55 FR 30802. In addition, the general applicability of subpart S to section 3008(h) orders was raised as a question by several commenters to the proposal. Thus, in order to make clear that the final CAMU provisions will apply under section 3008(h) and section 3004(u), the CAMU definition contains an explicit reference to 3008(h) orders.

As mentioned earlier, the definition in today's final rule does not specify that a CAMU is a "contiguous area of contamination". This change reflects the basic change in the nature of the CAMU as related to the applicability of LDRs. Under the proposal, the CAMU was in essence linked to where existing contamination was located at the facility. As provided in the final rule, a CAMU instead is linked primarily to where remediation wastes are to be managed. In other words, decisions for designation of CAMUs will now be more related to the function and purpose they will serve in facilitating management of remediation wastes during cleanup, rather than to the areal extent and "contiguousness" of surficial contamination at the facility prior to cleanup. Although these changes to the CAMU definition have provided the discretion for the Regional Administrator to include uncontaminated land areas in a CAMU, the decision factors specified in § 264.552(c) (see § 264.552(c)(3), in particular) make clear that inclusion of uncontaminated areas in a CAMU is only allowed when necessary to achieve the overall remedial goals for the facility, and when such inclusion will enhance the protectiveness of the remedial actions.

In addition to other advantages, this new definition will eliminate many of the drawbacks of the proposed definition that were identified by numerous commenters. For example, many commenters requested clarification as to what was to be considered "contaminated" or "uncontaminated" in the context of defining the areal extent of a CAMU. Such issues could potentially have been contentious and technically difficult to resolve. Likewise, some commenters suggested that the remedial advantages provided by CAMUs would actually create an incentive to contaminate additional areas of facilities. These issues have been effectively eliminated by the final CAMU definition.

The proposed definition also stated that CAMUs could contain "discrete, engineered land-based sub-units". This was intended to make clear that contaminated areas could include solid waste management units (e.g., pre-RCRA impoundments or landfills); it also provided that remediation within a CAMU could involve construction of land-based "sub-units", where wastes could be managed during remediation, or left in place with long-term monitoring and maintenance. Although such sub-units might still be located within a CAMU, today's definition does not explicitly refer to them because, as explained above, CAMUs are now designated with regard to where remedial wastes will be managed, rather than what areas of the facility are "contaminated".

As mentioned in section II of this preamble, EPA outlined in the subpart S proposal an alternative regulatory option for CAMUs that would have broadened the concept in ways similar to today's final CAMU provisions. In addition, EPA received many comments that identified the shortcomings of the proposed CAMU, as well as the advantages that an expanded CAMU would provide in implementing protective, timely and cost-effective remedies. The results of the RIA developed for this rulemaking, in the Agency's estimation, corroborate many of these comments. As a policy matter, therefore, EPA believes that its decision to promulgate today's CAMU definition is amply justified. As explained in detail in section II of this preamble, the Agency also believes that there is ample legal support for today's expanded CAMU definition.

The final CAMU definition also specifies that CAMUs must be used only for the management of remediation wastes. One commenter on the proposal requested that the Agency clarify that only wastes that are generated as part of a facility's corrective action cleanup would be eligible for management within a CAMU. The commenter noted that this restriction was explicitly provided in the temporary unit provisions of the proposal. The Agency's intention, under both the proposed CAMU provisions and under today's final rule is that only wastes that are generated pursuant to implementing corrective actions for a facility can be

[1] The term Regional Administrator, as used in today's rule, refers to the EPA Regional Administrator or the State Hazardous Waste Program Director (or equivalent) in a State authorized for this rule.

managed within a CAMU. Today's CAMU definition thus clarifies this important limitation, by specifying that a CAMU "shall only be used for the management of remediation wastes." (See the following discussion of the definition of remediation waste).

2. Facility for the Purpose of Corrective Action (§ 260.10)

As clarification, today's rule codifies, in § 260.10, the definition of facility for the purposes of corrective action. Under this definition, a facility is "all contiguous property under the control of the owner or operator seeking a Subtitle C permit." This definition is the same as was proposed in the July, 1990 proposal, presented in the First Codification Rule (50 FR 28702, Codification Rule, July 15, 1985), and upheld in a decision of the U.S. District Court of Appeals (*United Technologies v. U.S. EPA*, 821 F.2d 714 (DC Cir. 1987).

As explained in the proposed rule and in the Codification Rule, this definition applies only in the context of implementing HSWA-mandated corrective actions. As such, this definition is distinct from the other facility definition in § 260.10 that is narrower in scope, and applies to the non-corrective-action-related provisions of RCRA subtitle C. EPA believes that codifying this definition is important to the clear understanding of today's CAMU and temporary unit rules. Both types of units are restricted to managing wastes that are generated in implementing corrective action at a "facility". Finalizing this facility definition, therefore, will ensure that this key concept is clear within the definitions of CAMU and remediation wastes (see following discussion).

Although the July, 1990 definition of facility did not explicitly state that this definition applied to facilities undergoing corrective action pursuant to section 3008(h) authority, as with the definition of CAMU, this definition was always intended to apply both to facilities with a RCRA permit and to those operating under interim status. This has been clarified by adding a phrase stating that this definition also applies to facilities implementing corrective action under section 3008(h).

In the July, 1990 proposal, EPA addressed several issues associated with this facility definition, including the concept of "contiguous" property, and EPA's interpretation of "owner or operator". These subsidiary issues will be addressed in the final subpart S rulemaking, and/or in subsequent guidance.

3. Remediation Wastes (§ 260.10)

Today's rule defines remediation wastes as "* * * all solid and hazardous wastes, and all media (including ground water, surface water, soils and sediments) and debris that contain listed hazardous wastes, or which themselves exhibit a hazardous waste characteristic, that are managed at a facility for the purpose of implementing corrective action requirements under § 264.101 and RCRA section 3008(h). For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing RCRA section 3004(v) or section 3008(h) for releases beyond the facility boundary."

This new definition provides clarification as to the types of wastes that may be managed in CAMUs or temporary units. The proposed temporary unit provisions specified that such units would be used only for treatment or storage of wastes "* * * that originated within the boundary of the facility." However, a similar provision was not specified in the proposed CAMU regulations, although the Agency clearly intended that CAMUs would function only for the purpose of implementing corrective action at facilities. 55 FR 30843. One commenter, citing the language in the proposed temporary unit provisions, requested that EPA make clear that CAMUs may be used only to manage wastes that are part of implementing corrective actions under section 3004(u), 3004(v) or 3008(h) authorities. Thus, for the sake of clarity, EPA is promulgating in § 260.10 a definition for remediation wastes; both the CAMU and temporary unit sections of today's rule specify that only remediation wastes can be managed in these units.

Today's definition of remediation waste excludes "new" or as-generated wastes (either hazardous or non-hazardous) that are generated from ongoing industrial operations at a facility. In addition, remediation wastes must have originated from the facility (including waste managed as a result of section 3004(v) or section 3008(h) corrective action). Wastes generated as part of the site investigations (e.g., drilling muds, etc.) are considered to be remediation wastes.

In limiting remediation wastes to those that have "originated" from the facility, it should be clear that this term refers to wastes that originate from remedial activities at the facility, rather than where such wastes might first have been produced. For example, some facilities, such as commercial waste management facilities, may have accepted wastes from off-site, but which have subsequently contributed to contamination problems at the facility, and thus need remediation. Such waste would be considered remediation wastes for that facility when they are managed in the course of conducting corrective action requirements under § 264.101 or 3008(h).

Although the definition of remediation wastes includes non-hazardous solid wastes, it should be noted that management of such wastes would not require the designation of a CAMU or a temporary unit, since subtitle C requirements would not apply to management of those wastes.

Contaminated media in the context of this rule includes groundwater, surface water, soils and sediments that contain listed hazardous wastes or that themselves exhibit a hazardous waste characteristic. Like other remediation wastes, these media can be managed within the CAMU even if they were originally located at the facility, but outside of the CAMU, or if they were associated with a release that had migrated beyond the facility boundary, and that was being remediated under section 3004(v) or section 3008(h) authorities. Debris, for the purpose of this rule, is as defined in § 268.2. (See 57 FR 37270).

The definition of remediation wastes does not include wastes from outside the facility undergoing remediation, other than those associated with off-site releases being managed under section 3004(v) or section 3008(h). If wastes are transported to the facility from an outside source, they would not be considered remediation waste for that facility, regardless of whether those wastes were the result of some type of remedial action conducted at another facility. Therefore, those wastes could not be managed in a temporary unit or in a CAMU at that facility. Similarly, wastes that are excavated, transported to an off-site treatment facility, and returned to the facility are not remediation wastes under this rule.

EPA believes that restricting the definition of remediation wastes in today's rule is important to preserving the concept of CAMUs and temporary units as units to be used only for the purpose of remediating the facility at which these units are located. Wastes which leave a facility for off-site treatment are no longer subject to direct oversight, and it may be difficult to ensure that the wastes that are returned after treatment are actually the same wastes that left the facility originally. Fundamentally, the Agency is concerned that allowing wastes from

off-site to be managed in CAMUs or temporary units could create an undesirable incentive for such units to "attract" wastes that are not legitimately linked to the objective of remediating that facility.

4. Conforming Changes

a. *Conforming change to § 264.101.* The proposed subpart S regulations were to have replaced the current corrective action regulatory provisions codified in § 264.101. However, since the Agency is not finalizing all of subpart S in today's final rule, § 264.101 is being retained and the amendment to § 264.101 promulgated today creates a link between the general corrective action requirements of § 264.101 and the CAMU and temporary unit provisions of subpart S. This is necessary to make clear that those sections together now constitute the regulatory provisions for corrective action under sections 3004(u) and (v), and section 3008(h).

b. *Conforming changes to § 264.3 and § 265.1.* As discussed earlier in this section of today's preamble, the definitions of CAMU and remediation waste specify, as a clarification of the subpart S proposal, that the final CAMU and temporary unit provisions apply to interim status facilities undergoing corrective action according to section 3008(h) authority, as well as to permitted facilities. In effect, these corrective action provisions promulgated under subpart S of part 264 will be the only part 264 requirements that actually apply to interim status facilities; heretofore, technical requirements for interim status facilities were specified only under part 265. Therefore, conforming changes are necessary for the regulatory provisions of § 264.3, so as to address the relationship of the part 264 standards to interim status facilities, and to § 265.1, so as to specify the applicability of part 265 regulations. In effect, these two conforming changes create a bridge between the interim status regulations and the regulations for permitted facilities, for the purpose of implementing today's CAMU and temporary unit regulations.

c. *Conforming changes to Definitions in § 260.10, § 268.2 and § 270.2.* Today's rules also make several conforming changes to existing regulatory definitions that are specified in various sections of the subtitle C regulations. The specific definitions being modified are:

- The definition of "disposal facility" in § 260.10 and § 270.2;
- The definition of "land disposal" in § 268.2;
- The definition of "landfill" in § 260.10; and
- The definition of "miscellaneous units" in § 260.10.

The changes to the definitions of "disposal facility" and "land disposal" are for the purpose of clarifying how LDRs apply to CAMUs. As discussed earlier in this preamble, LDRs will not apply to hazardous remediation wastes that are placed into a CAMU, since such placement is not considered "land disposal" for the purposes of section 3004(k). These existing definitions must therefore be modified to reflect this important concept. The conforming changes to the definitions of "landfill" and "miscellaneous units" are both intended to clarify that such units do not include CAMUs.

B. Corrective Action Management Units (CAMUs) (§ 264.552)

1. General Authority (§ 264.552(a))

The general authority for allowing the Regional Administrator to designate a CAMU for remedial purposes is presented in § 264.552(a). This provision is analogous to the CAMU provision specified at § 264.551(c) in the proposed subpart S regulations. This final provision specifies, for clarification, that CAMUs may be designated for purposes of implementing corrective action under section 3008(h) authority, as well as at permitted facilities under section 3004(u) and § 264.101. This explicit reference to section 3008(h) order authority conforms with similar references in other provisions of today's rule (see, e.g., the definitions of CAMU and remediation waste). The provisions of today's rule that delineate the relationship of the subpart S regulations to section 3008(h) orders are in response to commenters who requested a general clarification of the relationship of the subpart S proposed rules to section 3008(h) orders.

In the July, 1990 proposed rule, CAMUs were identified as areas of contiguous contamination. Today's rule in § 264.552(a) has eliminated the provision that a CAMU must be a contiguously contaminated area of a facility. As explained earlier in today's preamble (see discussion of the CAMU definition in § 260.10), the expanded CAMU concept is linked primarily to where remediation wastes will be managed at the facility, rather than where there may be contiguous, surficially contaminated land areas prior to cleanup. Specific criteria regarding how CAMUs must be designated, and how the existence of contaminated land areas may affect CAMU decisions, are specified under § 264.552(c) of today's rule.

The language of § 264.552(a) specifies that the Regional Administrator may designate a CAMU "in accordance with the requirements of this section" (i.e., 264.552). This language, which did not appear in the proposal, simply clarifies that the requirements for CAMUs have been consolidated into a separate section. In the proposed rule, CAMUs were addressed as part of a section that dealt generally with management of hazardous wastes.

Section 264.552(a) also specifies that one or more CAMUs may be designated at a facility. This statement is included for clarification; the Agency received a number of comments on the proposal which queried how CAMUs might address situations where several non-contiguous areas of a facility were contaminated. In addition, given the expanded CAMU concept promulgated in today's rule, EPA believes that this explicit statement in the CAMU regulations will be useful in clarifying that two or more CAMUs may be necessary and appropriate to implementing remedial solutions for a given facility.

As discussed earlier in this preamble, the CAMU provisions in today's final rule codify an expanded version of the CAMU concept that was presented in the proposed subpart S rule. In particular, § 264.552(a) (1) and (2) specify the essential regulatory basis for the expanded CAMU:

(1) Placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes; and

(2) Consolidation or placement of remediation wastes into or within a CAMU does not constitute creation of a unit subject to MTRs.

These provisions are derived from those in the proposed CAMU regulations. The primary difference reflected in today's rule is that placement "into" a CAMU does not trigger LDRs or MTRs, whereas the proposal stated only that those requirements would not apply when hazardous wastes were moved or consolidated within the CAMU. This important distinction primarily derives from the fact that under these final CAMU rules, placement of hazardous remediation wastes into a CAMU is not "land disposal," under RCRA section 3004(k). A detailed explanation of the Agency's rationale for adopting this expanded CAMU concept is presented in section II of this preamble.

The final CAMU regulations will greatly enhance the waste management flexibility provided by CAMUs, and

thereby will enhance EPA's ability to select and implement effective, protective, reliable and cost-effective remedies for RCRA facilities. These general conclusions regarding the positive remedial results that the CAMU will provide are supported by the preliminary analyses developed by the Agency that were made available for public review and comment as part of this rulemaking process (57 FR 48195 (Oct. 22, 1992)), and that are summarized in section VIII of today's preamble.

The following is a discussion of some specific waste management scenarios (and limitations) that will be operative under today's CAMU provisions.

a. As with the proposed CAMU, movement and consolidation of remediation wastes within a designated CAMU will not be subject to LDRs or other hazardous wasteland disposal unit requirements. Likewise, the CAMU would not be subject to MTRs, since it is not a landfill, surface impoundment or waste pile and thus is not subject to MTRs under sections 3004(o) and 3015. (See e.g., § 264.301(c)).

b. Placement of remediation wastes into a CAMU from an area or unit at the facility, but outside the CAMU, will not trigger LDRs or MTRs, for the reasons cited above.

c. Movement and subsequent placement of remediation wastes from one CAMU at a facility into another CAMU at the facility will also not trigger LDRs or MTRs.

d. Excavation of remediation wastes from a CAMU, and placement of those wastes into a land-based unit that is not a CAMU (either at the facility or off-site) will be subject to applicable LDRs and MTRs.

e. Excavation of remediation wastes from a CAMU, treatment on-site in another unit (such as a tank, temporary unit or an incinerator), and redeposition of those wastes or residuals into the CAMU will not trigger LDRs or MTRs.

f. Non-land-based units, such as tanks, may be physically located within the boundaries of a CAMU. However, the tank will not actually be a part of the CAMU; it would maintain its separate regulatory identity, and all applicable subtitle C requirements will continue to apply to the tank.

g. Temporary units (as provided under § 264.553 of today's rule) can also be located either inside or outside the physical boundaries of a CAMU. However, such location will not affect the requirements that apply to the temporary unit, for the same reasons as for non-temporary tanks or container storage areas. (See further discussion of the relationship between TUs and CAMUs in section III.C.)

In addition to the waste management activities outlined above, under today's CAMU rule, land-based waste management activities within a CAMU that may otherwise be subject to unit-specific standards under part 264 or 265, may be considered as part of the CAMU, rather than as a distinct and separate "unit". For example, wastes are often excavated and staged in piles before being transported to a treatment unit. Under a CAMU, the area where the wastes are piled would not be considered a separate "waste pile" unit for RCRA purposes; rather, the Regional Administrator will specify technical standards for that area of the CAMU (e.g., liners, wind dispersion controls, closure requirements) according to the decision criteria in § 264.552(c). Similarly, areas of a CAMU could also be used for land-based treatment processes, such as bioremediation systems that involve structures or equipment to maintain optimal treatment conditions.

2. Inclusion of Regulated Units Into CAMUs (§ 264.552(b))

Given the remedial flexibility afforded by the CAMU provision in today's final rule, EPA anticipates that there may be situations where a CAMU would be useful in promoting effective remedial actions involving "regulated units", as well as SWMUs and other contaminated areas of a facility. Regulated units, as defined in § 264.90(a)(2), are landfills, surface impoundments, waste piles and land treatment units that received hazardous wastes after July 26, 1982. These units are subject to full subtitle C design, operating, closure and post-closure, and financial responsibility requirements under subparts F, G and H, and the unit specific requirements of part 264 or 265. Regulated units thus have a well defined regulatory identity, and can be either operating, closing, or closed units.

Although the 1990 CAMU regulations, as proposed, provided for the incorporation of regulated units into the corrective action remedy at the facility (see proposed § 264.526(c)), the proposal did not explicitly address how and under what circumstance regulated units could be incorporated into CAMUs. One commenter on the proposal suggested that regulated units should be able to be included within CAMUs, if it were to make practical sense. Another commenter suggested that, while it might be advantageous to include one regulated unit within a CAMU, allowing more than one regulated unit to be included within a CAMU could create improper incentives for owner/operators to mismanage wastes so as to create contamination between regulated units, and thereby obtain a larger CAMU. The same commenter also argued that all permitted regulated units should remain separate units throughout the corrective action.

EPA believes that in certain circumstances, inclusion of one or more regulated units as part of a CAMU may be appropriate, and may enhance implementation of sensible remedial actions for a facility. One example could involve a situation where a closing regulated unit (e.g., a surface impoundment) contained a volume of hazardous waste sludges. Under the existing subtitle C closure regulations, the owner/operator could be required to remediate the surface impoundment (e.g., by removing and treating some or all of the sludges). However, by designating the surface impoundment as a CAMU or as part of a CAMU, EPA could allow treatment of the sludges and redeposition of the treatment residuals back into the impoundment without triggering LDRs. Thus, use of a CAMU could provide for more flexibility in selecting among effective and protective waste management options for closing regulated units.

Another example might be a facility undergoing remediation, that also includes a closing regulated landfill unit that was constructed in accordance with the RCRA minimum technology standards. By designating the regulated unit as a CAMU or as part of a CAMU, remediation wastes from elsewhere at the facility could be placed into the unit, which would then be closed. Thus, use of this existing MTR unit would be a highly protective, cost-effective, and expeditious remedial solution for the facility.

EPA believes that the Regional Administrator should have the discretion, in certain well defined circumstances, to designate a regulated unit as a CAMU, or to include a regulated unit as part of a larger CAMU. Today's final rule provides this authority, under § 264.552(b). In addition, this provision specifies two important limitations to this authority. First, only closed or closing units (i.e., those units required to begin the closure process under § 264.113 or § 265.113), would be able to be so designated. Operating regulated units, including regulated units continuing to operate under delay of closure provisions (in § 264.113 or § 265.113), would not be eligible for designation as CAMUs. Such units will continue to receive and manage non-remediation wastes, and

VOL 58 ISS 29 FE 16 1993 UMI

EPA does not believe that designating, as a CAMU, a regulated unit that would subsequently continue operating, is consistent with the general concept of a CAMU being a unit that functions solely for the purpose of facilitating management of remediation wastes.

Second, the Regional Administrator will have the authority to designate a regulated unit as a CAMU, or as a part of a larger CAMU, only if doing so will enhance implementation of an effective, protective and reliable remedy for the facility (see § 264.552(b)(1)(ii)). As illustrated in the examples described above, EPA believes that there may be a number of situations where this would be the case. This requirement is consistent with the overall objective of CAMUs in implementing corrective actions, as outlined in the decision criteria for CAMUs specified in today's rule (see § 264.552(c)).

Today's rule also provides that for any regulated unit that is designated by the Regional Administrator as a CAMU or as part of a CAMU, the applicable part 264 or 265 ground-water monitoring, closure and post-closure, and financial responsibility requirements would continue to apply to the unit as before. (See § 264.552(b)(2).) Inclusion of a regulated unit within a larger CAMU, however, would not cause the entire CAMU to become subject to the standards applicable to the regulated unit. In this case, the part 264 and 265 requirements would apply only to that portion of the CAMU that was originally the regulated unit.

EPA believes that maintaining the applicability of part 264 or 265 standards to regulated units that are included in CAMUs is a logical and conservative approach, which will provide substantial remedial benefits while ensuring that the stringent prevention-oriented requirements of parts 264 and 265 will continue to apply to such units.

EPA expects, on the other hand, that there could be situations in which it would be appropriate in remediating a facility to include a regulated unit in a CAMU, but where it would not make sense to continue treating that specific portion of the CAMU separately according to the applicable part 264 or 265 regulated unit standards. In some situations, therefore, it might be sensible to allow the Regional Administrator the discretion to prescribe requirements for ground-water monitoring and closure/post closure for that portion of the CAMU in the context of the overall remediation of the CAMU, rather than continuing to strictly apply the part 264 or 265 requirements. However, there are a number of issues associated with this particular scenario that EPA believes merit further consideration, and thus EPA has not, in this final rule, provided for such discretion. However, the Agency intends to address this issue and request comment in an upcoming proposed rule addressing changes to certain RCRA closure regulations for regulated units, entitled "Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Units; Post-Closure Permit Requirement; Definition of Unit for Closure; Closure Process."

In situations where regulated units are located within an area that has been designated as a CAMU, but the regulated unit will not be used for remedial purposes and was therefore not designated part of the CAMU, the regulated unit will remain a distinct and separate unit subject to all applicable subtitle C requirements.

For situations where a regulated unit is designated as or is incorporated into a CAMU, issues may arise as to the respective roles of EPA and the State with regard to oversight and enforcement of part 264 or 265 standards that remain applicable to that portion of the CAMU. As a general rule, the State would retain implementation responsibility for the State analogues to parts 264 and 265, that continue to apply with respect to that area of the CAMU that, prior to the CAMU designation, was identified by the State as the regulated unit. Further discussion of Federal and State roles in implementing CAMUs, and this role in particular, is presented in section IV.C. of this preamble.

3. Decision Criteria for CAMU Designation (§ 264.552(c))

Section 264.552(c) specifies decision criteria which will apply to CAMUs and which will be the basis for the Regional Administrator (RA) to make CAMU determinations. These criteria in today's rule are either clarifications of the decision factors for CAMUs in the proposed rule (in § 264.551(c)(3)) or are outgrowths of the proposed subpart S remedy selection decision framework (in § 264.525(a)–(c)).

In the proposed subpart S, EPA identified four main factors that an RA would consider in designating a CAMU. (Sections 264.551(c)(3)(i)–(iv), as proposed.) In addition, under the proposal, CAMUs would have been subject to the overall remedy selection decision framework. As proposed, the remedy selection decision framework presented four standards that remedies must meet, five additional decision factors, and six factors for review in setting the remedy schedule. (Sections 264.525(a)–(c), as proposed.) A key element of a selected remedy is the decision as to how wastes are to be managed during remediation. The CAMU, as promulgated in today's rule, is an important concept in implementing remediation waste management. Therefore, because the remedy selection standards and factors proposed in subpart S are not being finalized today, the Agency believes it is necessary to explicitly incorporate or to capture the intent of several of the proposed rule remedy selection factors in today's rule so as to guide CAMU designations. A number of commenters voiced support for the remedy selection standards and factors. One commenter stated that EPA should retain the factors in the final rule because they are a reasonable and comprehensive mix of considerations. The specific factors addressed in today's rule are discussed under each criterion as applicable.

Of the four CAMU decision factors presented in the July, 1990 proposal, three are not explicitly delineated in this final rule (only the second factor remains). (See proposed § 264.551(c)(3)(i), (iii), and (iv).) The first factor specified in the proposal was that the RA consider the nature, extent, and location of surficial contamination at the facility. As mentioned in today's preamble discussion of the CAMU definition, designation of a CAMU is not determined by the presence of contiguously contaminated areas at the facility. Rather, CAMUs will be designated according to where remediation waste management will occur at the facility. Therefore, although the existing contamination may in some cases be relevant to CAMU decisions (see discussion of the third CAMU decision criterion, § 264.552(c)(3)), there is no longer a need for a specific provision to dictate CAMU boundaries according to the presence of surficial contamination.

The third CAMU consideration in the proposal was that the RA would consider the practicability of alternative remedial approaches. This factor was originally included, because, in general, remedial alternatives which did not employ CAMUs would involve two basic choices—in situ remediation or excavation and treatment to best demonstrate available technology (BDAT) levels. In some cases, these alternatives might have been considered impracticable by the RA. However, given today's expanded CAMU definition, and the increased variety of remedial options that will be enabled under this final rule, EPA believes that CAMU decisions will be more focused on selecting the most appropriate

VOL 58 ISS 29 FE 16 1993 UMI

remedial alternative(s) for the facility from a wide range of potentially viable approaches, rather than choosing between CAMU vs. non-CAMU options. The decision criteria in today's rule provide a more comprehensive decision framework for CAMUs than the proposal; thus the third general factor proposed in § 264.551(c)(3)(iii) is unnecessary and has been deleted in today's rule.

The fourth factor presented in the July, 1990 proposal was to allow the RA to consider "other relevant factors" in designating a CAMU. Several commenters requested that the Agency clarify what will be considered by the Regional Administrator in the designation of a CAMU. They requested that the Agency provide more information on the specific criteria that will be used to determine a CAMU designation and that these criteria be promulgated in the final regulation. The Agency agrees that replacing this general catch-all consideration with the more focused criteria presented today will better guide the designation of CAMUs. The Agency is therefore promulgating, in § 264.552(c) of today's rule, the more specific criteria for designating CAMUs.

The RA will consider each of the decision criteria under § 264.552(c) in designating a CAMU. These decision criteria are intended to clarify the objectives that CAMUs should serve, and the limitations that apply to their scope and use. The RA will document the rationale for designating a CAMU and will explain the basis for such designation. Such rationale will be incorporated as part of the permit or order modification documentation, or in the remedy selection documentation under a new order for that facility and will be available to the public (§ 264.552(f)). Documentation of CAMU decisions is analogous to the documentation the Agency must currently make to support the selection of a remedy. Therefore, if a CAMU is selected as part of a final remedy, such an explanation would be incorporated into the Statement of Basis for that remedy (See OSWER Directive Number: 9902.6). The rationale for a CAMU decision will generally address only those criteria that are considered determinative for a given CAMU designation. For example, when a CAMU includes uncontaminated land on which remediation waste management will occur, the rationale supporting this inclusion will be specified. However, if remediation wastes will only be managed on contaminated land as defined by the CAMU, this criterion need not be addressed.

Section 264.552(c)(1): Facilitation of Reliable, Effective, Protective, and Cost-Effective Remedies.

The first decision criterion requires that the Regional Administrator determine that the CAMU will facilitate the implementation of a reliable, effective, protective, and cost-effective remedy. This factor was specified in the July, 1990 proposal as a CAMU determination factor. (§ 264.551(c)(3)(ii)(B), as proposed.) No comments were received specifically on this factor as proposed. Therefore, the Agency is finalizing this factor as a criterion. By including this criterion, the Agency is emphasizing that a CAMU is not intended as a mechanism that will undercut the protectiveness of remedies; rather, CAMUs will facilitate the implementation of more reliable, effective, protective, and cost-effective remedies. If an owner/operator cannot provide information to support that a CAMU will result in remediation activities with these qualities, it will not be designated by the Regional Administrator. The Agency does not intend that evaluation of this CAMU decision criterion will require a detailed cost/benefit or other quantitative analyses. Protectiveness, effectiveness, reliability and cost information provided by the owner/operator will be considered along with other relevant information in making CAMU decisions.

Section 264.552(c)(2): Risks During Remediation

The second decision criterion specifies that remediation waste management associated with CAMUs cannot create unacceptable risks to human health or the environment from exposure to hazardous wastes or hazardous constituents. The basis for this factor is the remedy selection decision factor addressing "short-term effectiveness" (§ 264.525(b)(3)) as presented in the July, 1990 proposal. Remedies will often involve management, including treatment, storage or disposal, of large volumes of wastes that could potentially lead to exposure from windblown particulates, air emissions during excavation and transportation, or other short-term risks due to the implementation of CAMUs in densely populated areas, or where waste characteristics are such that risks to workers are high and special protective measures are needed. Since CAMUs are likely to actually increase the amounts of wastes that are remediated, this provision is intended to ensure that remediation waste management activities are conducted so as to control short-term risks that could potentially occur from remedial activities. This factor will ensure that potential short-term risks from remediation activities will be carefully examined as part of any CAMU designation, and will be carefully controlled during remedy implementation.

In response to a commenter who requested clarification, consideration of this criterion does not require a quantitative risk assessment. As with the other criteria presented today, qualitative assessments will generally be sufficient unless the RA deems that more quantitative data are necessary.

Several commenters noted that the short-term effectiveness remedy decision factor in the proposal, and the proposed remedy selection standard of protectiveness of human health and the environment, are redundant. The first decision criterion in today's rule is meant to embody the general RCRA mandate of protection of human health and the environment by including the goal of facilitating protectiveness in CAMU designations. However, even though there may be some overlap between some of the other criteria finalized today and the general qualities of effectiveness, protectiveness, reliability and cost-effectiveness stated in the first criterion, both the general criterion and the clarification of particular aspects of CAMUs under the specific criteria are important and necessary. The general criterion specifies the critical objective of the decision, while the more specific criteria clarify the Agency's intent regarding particular important aspects of the decisionmaking process for CAMUs.

Section 264.552(c)(3): Uncontaminated Areas

The third decision criterion requires the Regional Administrator to ensure that any land area of a facility that is not already contaminated (i.e., where there is no soil contamination or where wastes are not already located) will be included within a CAMU only if remediation waste management at such an area will, in the RA's opinion, be more protective than management of such wastes at contaminated areas of the facility. As explained in the preamble to the proposed subpart S, EPA believes that it is generally inadvisable to extend a CAMU to include areas of facilities that have not been environmentally degraded by historic waste management practices. The proposed rule, in fact, prohibited the inclusion of uncontaminated land areas in CAMUs. Any waste management that occurred

on such land would have needed to meet all applicable subtitle C standards, including the LDRs. However, EPA received comments on this proposed CAMU provision that offered explanations as to why, in some circumstances, the effectiveness of a remedial action could be enhanced by including such areas in CAMUs. These comments fell into two main categories. First, commenters noted that the Agency was not being realistic in the proposal by requiring contiguous contamination, because this would mean that two SWMUs with similar wastes, if separated by a small strip of uncontaminated land, could not be considered one CAMU, thereby arbitrarily limiting effective remediation options. Second, commenters noted that the Agency should allow the inclusion of uncontaminated land areas within a CAMU if such areas are necessary to implement the remedial response.

The first category of comments has been largely addressed by the expanded definition of the CAMU being finalized today. That is, movement of wastes between CAMUs will not trigger the land disposal restrictions; therefore, either or both of the SWMUs, that are separated by a small amount of uncontaminated land area, could be designated as individual CAMUs. Thus, the transfer of waste from one CAMU (or a SWMU) into a CAMU would not be limited by application of RCRA disposal requirements. However, the Agency recognizes that the CAMU is a land-based unit that must be designated by actual physical boundaries identified in the permit or order (see § 264.552(e)(1)). EPA expects that it will not always be realistic to designate a CAMU as an area that is "completely" contaminated. Small areas of uncontaminated land may often exist within a broader area of contamination. In such cases, as one commenter suggested, the RA will generally include permit or order conditions preventing contamination of this uncontaminated land during remediation.

The second category of comments addressed situations where it may be desirable to include uncontaminated land within a CAMU for the purpose of using that land for remediation waste management. For example, a SWMU at a facility may be located within a flood plain. The remedial option which makes most sense could be to move this SWMU to higher ground at the facility. However, if the higher ground was not historically "contaminated" (e.g., because it had been used only for general commercial activities), it could not have been designated under the proposal as part of a CAMU. Today's rule would allow the facility owner/operator and the Regional Administrator to consider options that involve movement of wastes out of the flood plain, and management of such wastes in an uncontaminated area of the facility.

It might also be appropriate to include small portions of uncontaminated land within a CAMU when remediation activity cannot be conducted on or within the contaminated area itself. For example, remediation of a lagoon containing sludges may not be possible within the lagoon. If the Regional Administrator included the lagoon and a small portion of uncontaminated land immediately adjacent to the lagoon within the CAMU, remediation activities, such as staging of wastes or bioremediation, could take place. This scenario may be especially relevant to facilities composed of relatively small land areas, where there may be few options as to where remedial activities can be conducted.

The Agency agrees with commenters that the situations discussed above are realistic and today's rule allows the RA to consider such options on a case-by-case basis. To include previously uncontaminated land areas within a CAMU, for the purpose of remediation waste management, the Regional Administrator will be required to determine that such management in these areas is more protective than managing the remediation wastes in the flood plain (as in the above example) or in other areas of the facility that are "contaminated". In addition, the Agency may consider, as a part of this determination, that movement of wastes for remediation at contaminated areas of the facility could involve greater risks of exposure to human health and the environment than protective remediation options utilizing uncontaminated land directly adjacent to the contaminated area.

By specifying under this decision factor that uncontaminated areas of the facility may be included in a CAMU only when doing so is "more protective" than managing such wastes at contaminated areas of the facility, EPA does not intend that formal risk assessments or other quantitative analyses must be performed to support such decisions. As a general rule, EPA believes that more qualitative assessments of the relative protectiveness of remedial options will be sufficient to support such decisions. The Regional Administrator would have the authority, however, to require that more quantitative analyses be provided by the owner/operator, if necessary.

By clearly defining, under this decision factor, the circumstances in which uncontaminated areas of a facility may be included in a CAMU for remediation waste management purposes, EPA believes that the Agency has alleviated the concern raised in the July, 1990 proposal preamble, that uncontaminated land should not be included in a CAMU because it would frustrate the remedial purpose of the CAMU. Under today's rule, inclusion of such areas within CAMUs will be allowed only if doing so is consistent with the overall remedial objective of the CAMU and will, in fact, be more protective than management of such wastes at contaminated areas of the facility.

Section 264.552(c)(4): Minimizing Future Releases

The fourth decision criterion specifies that areas within a CAMU where wastes will remain in place after closure of the CAMU are to be managed and contained so as to minimize future releases, to the extent practicable. This is a logical outgrowth from the closure provisions that were proposed in subpart S for CAMUs. (See proposed § 264.551(c)(5)).

In the preamble to the proposed rule, the Agency stated that the closure and post-closure provisions were intended to ensure that adequate long-term controls are imposed for any wastes remaining within the CAMU. 55 FR 30844. This decision criterion is intended to make clear that the Regional Administrator must consider at the time of CAMU designation whether long-term reliability and effectiveness will be ensured through the implementation of a CAMU, particularly when it is necessary to leave wastes in place after implementation of remedial activities.

One commenter suggested that the Agency clarify the fact that final closure of the CAMU must be examined very carefully. Therefore, although this decision criterion closely parallels the closure provision for CAMUs, EPA believes that eventual closure of the CAMU is an important enough factor that it should be highlighted at the time the Regional Administrator is making the decision to designate a CAMU. Any CAMU decision must consider, as a primary objective, the long-term (i.e., post-closure) reliability and effectiveness of CAMU-related remedial actions.

Section 264.552(c)(5): Timing

The fifth decision criterion specifies that the CAMU will expedite the timing of remedy implementation, when appropriate and practicable. This criterion is an outgrowth of the

requirement in the proposed rule that, in designating a CAMU, the Regional Administrator consider whether the CAMU would benefit remediation at the facility by expediting the timing of the remedy implementation. (See proposed § 264.551(c)(3)(ii)(A)). No comments were received on this proposed CAMU decision factor. Therefore, the Agency is finalizing this factor as a CAMU designation criterion in today's rule.

The Regional Administrator is encouraged to utilize CAMUs if they will assist in eliminating unnecessary delays and will encourage a faster pace to remediation. However, it should be understood that CAMUs may not always result in remedies that take less time. By allowing for on-site waste management and use of innovative technologies, the resulting remedial actions may take longer to complete than, for example, excavating all wastes and transporting them to commercial treatment or disposal facilities. Thus, this decision criterion only requires that a CAMU expedite remedial timeframes when it is appropriate and practicable, in consideration of the other remedial objectives for the facility.

Section 264.552(c)(6): Enhancing Long-term Effectiveness

The sixth decision criterion requires the Regional Administrator to use, as appropriate, treatment technologies (including innovative technologies) to enhance the long-term effectiveness of the remedial actions at the facility by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU. This is an outgrowth from the remedy selection decision factors relating to reduction of toxicity, mobility and volume of wastes, and long-term reliability and effectiveness. (See proposed § 264.525(b)(1) and (b)(2)). It is also analogous to the preference under CERCLA for treatment-based remedies (55 FR 8666, Mar. 6, 1990). The proposed rule preamble discusses two Agency preferences supporting this criterion: (1) "As a general goal, remedies will be preferred that employ techniques, such as treatment technologies, that are capable of permanently reducing the overall degree of risk posed by the wastes and constituents at the facility;" and (2) "Source control technologies that involve treatment of wastes, or that otherwise do not rely on containment structures or systems to ensure against future releases, will be strongly preferred to those that offer more temporary or less reliable controls." (55 FR 30824). EPA believes as a general rule that long-term reliability and protectiveness of remedial activities is directly tied to effective treatment of wastes that pose future release threats.

EPA received comments requesting clarification as to whether under this decision factor, EPA was disallowing caps or other forms of containment, stabilization/fixation or other technically sound remedies. The Agency responds by stating that this criterion does not preclude remedial actions that do not employ treatment, as long as they are capable of ensuring long-term effectiveness. As a general rule, the Agency believes that treatment provides greater long-term effectiveness than containment alone, but that in certain circumstances, the Agency may consider containment to be sufficiently effective. A commenter also suggested that the Agency add a new remedy decision factor—the ability of the remedy to leave hazardous wastes in their least environmentally threatening state. EPA believes the objective of such a factor is consistent with this sixth criterion, and therefore an additional factor is not necessary.

Another commenter requested that EPA clarify that there is no relative preference between toxicity reduction, mobility reduction or volume reduction. The Agency agrees with this commenter because the decision as to which characteristic of the waste (i.e., toxicity, mobility, or volume) can be reduced will be a case-by-case determination. In some cases, for example, a reduction in volume will not be possible (e.g., with metals), however, mobility reduction may be possible. Therefore, any preference between such types of treatment will be determined by site and waste specific characteristics that will guide or limit remedial options.

One commenter stated that section 3004(u) provides no statutory basis to establish a preference for remedies that involve treatment or that otherwise do not rely on containment systems or structures. The Agency strongly disagrees with this comment. As noted in the preamble to the July 1990 proposal, EPA believes that long-term reliability of remedies is an essential element in ensuring that actions under sections 3004(u) and 3008(h) satisfy the fundamental mandate of RCRA to protect human health and the environment, and that the reduction of toxicity, mobility or volume is a primary means of achieving such long-term reliability. 55 FR 30824. Moreover, EPA's experience under the RCRA program, and the primary focus of Congress in enacting the 1984 amendments to RCRA, is that reliance on containment structures rather than treatment generally should be discouraged, since land disposal of untreated hazardous wastes cannot provide reliable protection of human health and the environment over the long term. See, e.g., RCRA section 1002(b)(7).

Another commenter noted that the factor addressing reduction in toxicity, mobility, and volume should not be applied to or should not be emphasized in situations which involve high volume, low toxicity wastes, e.g., broad area-wide contamination. As discussed earlier, the decision factor in the proposal that addressed reduction of toxicity, mobility, and volume was not intended to preclude remedial alternatives that did not employ treatment, so long as such options could ensure long-term effectiveness of the remedy. Given the example, therefore, of a situation involving large volumes of low concentration contaminated soils or other wastes, the RA would have the discretion to evaluate containment-based remedial approaches. However, the final decision as to whether treatment of such wastes is necessary and appropriate, and if so what kind of treatment should be done, will necessarily be made on a case-by-case basis.

EPA also encouraged, in the subpart S proposal, that facilities consider "utilizing emerging technologies not yet widely available which may offer significant advantages over currently available technologies." (55 FR 30825; proposed § 264.525(c)(4).) CAMUs may be particularly helpful to the implementation of effective innovative treatment technologies, which in the past have had limited application due to the waste management constraints imposed by the land disposal restrictions.

Several commenters were very supportive of EPA's encouragement of innovative technologies. One commenter, however, stated that the use of an emerging technology should not be compelled, because a particular technology may not have been field tested and may involve greater monetary and time commitment than is necessary to remediate a given facility. EPA did not intend that this criterion mandate the use of innovative technologies. However, an RA, in conjunction with the owner/operator, may decide to utilize the flexibility of the CAMU to implement an innovative technology that could not have been used given the waste management restrictions of subtitle C, most notably the LDRs. This criterion is intended to support and encourage the implementation of innovative technologies when they can

VOL 58 ISS 29 FE 16 1993 UMI

be utilized to reach the overall remediation goals at the facility.

Section 264.552(c)(7): Minimizing Land Areas Where Wastes Will Remain in Place

The seventh decision criterion requires the Regional Administrator to determine that the CAMU will minimize the land area of the facility upon which wastes will remain in place after closure, to the extent practicable. The CAMU, as presented in today's rule, will promote consolidation of remediation wastes into smaller, discrete areas of the facility, that are suitable as long-term repositories for the wastes, and which can be effectively managed and monitored over the long term.

EPA believes that the objective of minimizing the land area at which remediation wastes will remain in place at a facility after closure of the CAMU is consistent with the overall goal of achieving effective, protective remedies with long-term reliability. In some cases, broad areas of a facility (such as a series of large impoundments) could be capped without consolidation of the wastes. However, this approach could complicate monitoring for ground-water releases and could require an extensive maintenance program (e.g., for the cap and for other containment systems). In addition, as a practical matter development of the facility property (for future beneficial uses or by the owner/operator) may be less constrained if a relatively small area of the facility were dedicated to continued long-term containment of remediation wastes.

EPA believes that the objective of minimizing the land-area in which wastes will remain in place is consistent with, and complements, the other objectives for CAMUs that are expressed in the other six CAMU decision factors. In particular, it is consistent with one of the important objectives stated in the proposed subpart S regulations, which stated that "[t]he Agency intends to place special emphasis in selecting remedies on the ability of any remedial approach to provide adequate protection of human health and the environment over the long-term."(55 FR 30824) The comments received regarding long-term reliability and effectiveness did not oppose this overall objective, but raised issues as to how the Agency meant to implement it. These comments were discussed under the above criteria. With regard to this criterion, reducing the land area of wastes remaining in place, in conjunction with a reduction in toxicity, mobility, and volume, is intended to clarify this means of improving long-term effectiveness and reliability.

4. Information Required To Support CAMU Designation (§ 264.552(d))

An owner/operator must provide, as a result of facility investigations, remedial studies, or other site-specific analyses, information sufficient for the Regional Administrator to assess the decision criteria specified in § 264.552(c) as they relate to the implementation of a CAMU at a given facility. This information can be requested under the authority the RA already possesses under § 264.101.

This requirement of today's rule was not explicitly provided for in the proposed rule; under the proposal such information was to have been furnished to the RA as part of the documentation of the remedial studies (e.g., RCRA Facility Investigations, Corrective Measures Studies) required under the subpart S proposal. Since today's rule finalizes only a portion of the proposal, a specific requirement relating to submission of information to support CAMU decisions is necessary. As such, this requirement is simply an expression of the general authority under 3004(u) and 3008(h) to require information from owner/operators to support corrective action implementation decisions.

5. CAMU Requirements To Be Specified in Permits or Orders (§ 264.552(e))

The proposed subpart S CAMU provisions outlined explicit requirements for closure and post-closure of CAMUs that the Regional Administrator would be required to include in the permit or order. Some commenters on the proposal suggested that the regulation should provide a more comprehensive listing of the requirements that would have to be specified in the permit (or order). EPA agrees that a more comprehensive listing of these requirements will clarify the specific requirements that must be addressed for CAMUs in permits and orders. Thus, § 264.522(d) outlines additional features of CAMUs that will be contained in permits or orders.

Section 264.552(e)(1) clarifies that in designating a CAMU at a facility, the Regional Administrator will specify in the permit or order the actual areal extent or configuration of the CAMU. This is a logical outgrowth of one of the fundamental issues involved with designating CAMUs; that is, determining where at the facility the CAMU is to be physically located, and the specific configuration of the CAMU. EPA expects that permits and orders will generally identify the physical boundaries of CAMUs on a facility map, together with a specific description of the physical boundaries or dimensions of the CAMU.

Section 264.552(e)(2) clarifies that the permit or order will specify how remediation wastes will actually be managed in or as part of a designated CAMU, including specification of design, operating and closure requirements. This is also a logical outgrowth from the proposal. The subpart S proposal anticipated that these types of requirements would be specified for CAMUs in a permit modification as part of the overall remedy selected for the facility. Since that portion of subpart S is not being finalized in today's rule, EPA believes that it is appropriate to clearly specify in this rule that these types of requirements must be delineated in permits or orders which establish CAMUs.

As specified in § 264.552(e)(2), requirements will generally be specified for those areas of a CAMU that are to be used for treatment or storage of remediation wastes. Thus, if wastes were to be excavated and bioremediated in an enclosure located within the CAMU, the permit or order would specify the requirements for the bioremediation technology, the design and operation of any structures used for the bioremediation process, the disposition of the treatment residuals, and other associated requirements for those wastes and the areas of the CAMU to be used in managing them. However, as the regulations specify, where a treatment or storage unit separate from a CAMU is already adequately regulated under a facility permit, it would not be necessary to repeat those requirements in the CAMU provisions of the permit.

Under § 264.552(e)(3), the permit or order must also establish the ground-water monitoring requirements for each CAMU. This requirement also derives generally from the subpart S proposal; under the proposal, ground-water monitoring requirements were to be specified as part of the overall facility remedy (see proposed § 264.525(e) and § 264.526). Given that today's rule finalizes only specific portions of the proposal, the Agency believes that it is useful to specify in this rule that ground-water monitoring requirements for CAMU must be specified in the permit or order.

EPA expects that CAMUs will typically be implemented following studies of surface and subsurface contamination at the facility, conducted as part of required remedial investigations. Thus, in most cases, ground-water monitoring systems will already have been installed to

characterize releases to ground water at the facility. Section 264.552(e)(3) is intended to clarify that there will be a continuing responsibility for owner/operators to monitor ground-water quality in the vicinity of the CAMU to ensure that any releases of contaminants from within the CAMU are detected.

This provision does not address the responsibilities of the owner/operator to continue monitoring of releases that are not associated with CAMUs; nor does it address the question of whether ground-water remediation is necessary. Due to the limited scope of today's final rule, those broader remedial requirements (i.e., that are not specifically associated with CAMUs) have not been addressed. EPA expects that those requirements will be included in the final, comprehensive subpart S rulemaking.

The ground-water monitoring requirements as specified in today's rule are not detailed, specific requirements addressing the numerous technical elements of installing and operating an effective ground-water monitoring system. Rather, they provide a general standard of performance for such systems; detailed specifications or performance standards for ground-water monitoring will be specified in the permit or order, based on site-specific information and conditions.

Today's rule promulgates the provisions of the proposed rule that specified closure and post-closure requirements for CAMUs that must be incorporated in permits or orders, with few changes from the proposal. (See § 264.552(e)(4).) This rule also finalizes the decision factors to be considered in making CAMU closure decisions, as proposed. The specific closure and post-closure provisions have been reorganized for the sake of clarity and to fit within the organization of this section of today's regulation.

The only significant difference between the final and proposed closure and post-closure provisions is that today's rule identifies certain specific requirements for CAMU closure to be included in permits or orders that were not explicitly identified in the proposal. (See 264.552(d)(4)(ii)). These requirements address such closure activities as excavation, removal, treatment, capping or containment of wastes, capping of areas where wastes will remain in place, and removal and decontamination of equipment, devices, and structures used for remediation waste management. These provisions specify activities that are normally part of closure for other types of land-based units, and that would, in any case, be incidental to implementing CAMU closure activities under today's rule. This new provision is, thus, intended to clarify the specific types of activities that should be included in the permit or order encompassing CAMU closure.

6. Documentation for CAMUs (§ 264.552(f))

This provision requires the RA to document the rationale for designating a CAMU, and to make the documentation available to the public. (See also section III.B.3.) This will typically be done in a Statement of Basis in a permit, permit modification, order, or order modification. Further explanation of public participation requirements for CAMUs (and TUs) designated under orders, is presented in section IV.A. of this preamble.

7. Permit or Order Modification for CAMUs (§ 264.552(g) and § 270.42)

As outlined in the subpart S proposal, remedies tentatively selected or approved by the Regional Administrator would be incorporated into the permit according to the Agency-initiated modification procedures of § 270.41, which provide for thorough public review and comment. Thus, under the proposal, designation of a CAMU was presumed to be implemented as part of the overall remedy selection process, and incorporation of specific CAMU provisions into the permit would be done under the overall modification for the remedy (see proposed § 264.526).

Several commenters on the proposal argued that there should be a provision for allowing CAMUs to be designated earlier in the corrective action process than at the time of the permit modification for final remedy selection. These commenters elaborated that in some cases remedial activities that may precede implementation of the final remedy could be facilitated by the use of a CAMU. EPA provided for and encouraged implementation of certain remedial activities prior to final remedy selection decisions under the proposed "interim measures" provisions of the subpart S proposal (§ 264.540). A number of comments were received regarding the appropriate permit modification provisions for interim measures, with several commenters suggesting that the Agency clarify the type of permit modification (i.e., Class I, II or III) that would be used to incorporate interim measures into permits.

EPA agrees with the commenters that the regulations should explicitly provide for situations where CAMUs may be appropriate for remediation waste management prior to final remedy implementation. This is consistent with EPA's current implementation strategy for the corrective action program, which emphasizes early implementation of interim or "stabilization" measures at RCRA facilities, with relatively lesser emphasis over the next several years on pursuing "final" cleanups at all facilities.[2] Certain stabilization actions may involve extensive waste management activities, for which CAMUs may be useful and appropriate.

To facilitate early use of CAMUs designated pursuant to permits, today's final rule specifies (in § 264.552(g)) that a CAMU may be approved under an Agency-initiated modification (§ 270.41), or according to the permit modification procedures of § 270.42, for owner/operator initiated modifications. As discussed elsewhere in today's preamble, EPA is amending appendix I of § 270.42 to specify that, when incorporation of a CAMU into a permit is initiated by an owner/operator, a CAMU will generally be approved (or disapproved) according to the Class III permit modification procedures. Class III permit modifications are similar to Agency-initiated modifications in terms of the amount and type of public review and comment that is provided. EPA believes that specifying Class III modifications for CAMUs under § 270.42 is therefore consistent with the proposal, and addresses commenters' concerns that there be an explicit provision for approval of CAMUs, when appropriate, early in the corrective action process.

CAMUs may also be implemented through the use of section 3008(h) orders. Such orders will generally require the same information as required in permits under § 264.552(e). The need to approve a CAMU early in the process (e.g., to support an interim measure or "stabilization" action) will pertain to facilities subject to section 3008(h) orders, as well as permitted facilities. Thus, to implement a CAMU under an existing section 3008(h) order, the order may need to be amended to reflect the addition of the CAMU. It is the Agency's current policy that order modifications regarding remedy selection VR/AP provide a level of public participation and comment comparable to that provided for permit modifications. Section IV.A. of this preamble provides further discussion of the public participation procedures that will be used for CAMU designation under orders.

EPA notes that, in today's rule, the only mechanism for designating a

[2] Guidance on EPA's Stabilization Initiative for the RCRA Corrective Action program may be obtained by contacting the RCRA/Superfund Hotline at 1-800-424-9346.

CAMU at interim status facilities is a section 3008(h) order (or possibly a § 7003 order). The Agency recognizes that owner/operators of interim status facilities may prefer another mechanism (e.g., the closure plan approval process), which would allow accelerated cleanups to proceed outside the context of an enforcement order. While EPA acknowledges that there may be advantages to such an approach, it raises issues that are outside the scope of today's rulemaking. EPA will consider possible options as it develops the final subpart S rulemaking.

8. Effect of CAMU Designations on Other Remedy Selection Decisions (§ 264.552(h))

As is discussed earlier in this preamble, the designation of a CAMU does not change EPA's authority to address clean-up levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions. This point is clarified in § 264.552(h).

C. Temporary Units (TUs) (§ 264.553)

The temporary unit provisions (§ 264.551(b)) as proposed in July, 1990, would have provided the Regional Administrator with the authority to modify 40 CFR part 264 or 265 regulatory design, operating, or closure standards for units (except incinerators and non-tank thermal treatment units) used for the storage or treatment of hazardous waste during corrective action, as long as those alternative standards were protective of human health and the environment and complied with statutory requirements. Under this proposal, the operation of such units would have been restricted to 180 days; however, the Regional Administrator could grant extensions to the operating life of such unit(s) in situations where unforeseen, temporary, and uncontrollable circumstances occurred, and where the owner/operator was actively seeking alternatives to continued use of the unit. See 55 FR 30842 (July 27, 1990). If the owner/operator failed to seek alternatives to the continued use of the temporary unit, the Agency would deny further extensions and require the owner/operator to retrofit the unit to meet applicable part 264 and part 265 standards, or remove the waste and close the unit.

In modifying 40 CFR part 264 and part 265 design, operating, and closure regulatory standards for temporary units, proposed § 264.551(b) required the Regional Administrator to consider certain factors relating to the length of time that the unit would be in place, the amount of wastes to be managed, the physical and chemical characteristics of the wastes, and the site characteristics that might influence the migration of any potential releases. The alternative standards developed based on these factors would be specified in the facility's permit or order.

Today's rule finalizes the temporary unit provisions in § 264.553, with minor changes. EPA believes that the temporary unit concept is both sensible and practical within the context of remediation, and will facilitate implementation of RCRA sections 3004(u), 3004(v), and 3008(h). EPA believes that the site-specific review and oversight that is provided in the context of investigating and making remedial decisions for corrective action allows the Agency to ensure protection of human health and the environment for short-term operation of units that may not meet the full set of standards specified for long-term use of such units under current RCRA regulations.

As a general matter, EPA believes that the flexibility provided for in today's rules for CAMUs and temporary units will also encourage the development of new and innovative treatment technologies. In particular, this rule will help further the Administrator's commitment to remove barriers to the use of bioremediation. Consistent with this goal, in the Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris proposed rule (57 FR 958, Jan. 9, 1992), the Agency solicited comment on a temporary version (57 FR 981) of the containment building (later promulgated in the final Debris Rule on 8/18/92). As proposed, these temporary containment buildings would have allowed for the treatment of hazardous waste in temporary structures that would not have been subject to the same stringent design and construction requirements of the containment building promulgated on August 18, 1992. (See 57 FR 37268). Comments on the proposal were almost universally favorable. However, EPA decided to defer a final rule on such buildings pending further analysis.

The CAMU provisions promulgated today achieve most of the objectives of the temporary containment building proposal (e.g., within a CAMU, structures may be used to implement bioremediation systems as an integral part of a remediation). The design and operating plans for such systems will be approved on a case-by-case basis within the context of other waste management activities that will take place within a CAMU. The use of bioremediation technologies as part of CAMUs should greatly expand the base of experience with the use of these treatment technologies. EPA will consider whether separate regulations for temporary containment buildings, as a distinct type of RCRA unit, should be developed in the future.

1. Scope and Applicability of Today's Rule (§ 264.553(a))

Today's rule narrows the applicability of the temporary unit provision. The proposed rule for temporary units would have allowed any unit (except incinerators and non-tank thermal treatment units) used for the treatment or storage of hazardous wastes during corrective action to be designated as a temporary unit. This would have included land-based units such as waste piles. Today's final rule specifies that only tanks and container storage units used for the treatment or storage of remediation wastes will be eligible for designation as temporary units.

EPA expects that land-based waste management activities are more effectively addressed under today's CAMU provisions. For example, under today's CAMU provisions, a waste pile could be designated as part of a CAMU. This would enable the Regional Administrator to specify protective liner requirements and other design/operating requirements for the pile that are appropriate to waste and site conditions, and the length of time the unit may operate. Further, remediation wastes could be placed into the pile without triggering LDRs, thereby enabling one of the most frequent uses of piles, the temporary staging of wastes prior to on-site treatment, or transportation to off-site disposal (in which case, the land disposal restrictions would apply). Thus, designating the pile as part of the CAMU will enable sensible and protective waste management actions to be implemented. Because the provisions already allow flexibility for waste management in land-based units, the temporary unit provisions for those units are unnecessary and thus have been omitted in the final rule.

In addition, the temporary unit provisions will not apply to subpart X units (e.g., "modu-tanks"). EPA believes that the subpart X standards already provide sufficient flexibility for the Regional Administrator to set conditions appropriate to short-term use of a miscellaneous unit at a remediation site. Also, some miscellaneous units involve land-based waste management activities; such activities could be addressed and included as part of a CAMU, in a manner similar to waste piles.

The temporary unit proposed rules specified that the Regional

Administrator could modify standards applicable to such units "solely by regulation." Since today's rules for temporary units are limited to tanks and container storage units, and since these units are not subject to the statutory MTR and LDR requirements, the phrase "solely by regulation" has been omitted from § 264.553(a) of today's final rule, as it is no longer applicable or necessary.

Several commenters requested clarification of the applicability of temporary units to corrective actions under 3008(h) orders. Section 264.553(a) of today's final rule clarifies that the temporary unit concept is applicable to these actions. This change parallels the clarifying change to the definition of CAMU, as discussed previously in this preamble.

2. Restrictions on Temporary Units (§ 264.553(b))

The proposed temporary units provisions specified that such units could only be used for treatment or storage of waste "* * * that [had] originated within the facility boundary." Commenters on the proposal requested that EPA clarify more explicitly the types of wastes that could be managed in temporary units and CAMUs. Accordingly, EPA is promulgating in today's rule a definition of remediation waste, and, in § 264.553(b)(2), a clarification that temporary units shall be used only for treatment or storage of remediation wastes. Although the definition of remediation wastes includes non-hazardous solid wastes, management of such wastes would not require the designation of a temporary unit, since subtitle C requirements would not apply to management of those wastes. The definition of remediation wastes is discussed in section II.A. of this preamble.

In addition, today's rule specifies that temporary units must be located at the facility. One individual who commented on the proposal, supported the restriction that temporary units not be allowed outside the facility, since the owner/operator would not have direct operational control over such units. EPA agrees with this commenter and believes that this requirement will ensure that the Agency maintains direct oversight control over the unit and that the alternate standards specified for the unit by the Regional Administrator are appropriate given the context of the site-specific assessment. EPA believes that allowing temporary units only within the facility is consistent with the overall intent of this provision and, thus, has finalized this requirement as proposed.

3. Temporary Unit Decision Factors (§ 264.553(c))

The proposed TU provisions specified seven factors that the Regional Administrator would consider in establishing standards for temporary units. These factors were:

(1) Length of time the unit will be in operation;

(2) Type of unit;

(3) Volumes of waste to be managed;

(4) Physical and chemical characteristics of the wastes to be managed;

(5) Potential for releases from the unit;

(6) Hydrogeological and other relevant environmental conditions at the facility which may influence the migration of any potential releases; and

(7) Potential for exposure of humans and environmental receptors if releases were to occur from the unit.

EPA did not receive any comment on these specific decision factors. The Agency believes that these factors are reasonable and will result in sound decisions for temporary units; these decision factors have, therefore, been finalized as proposed.

4. Permit or Order Specifications for Temporary Units (§ 264.553(d))

As required under § 264.553(d), the Regional Administrator will specify requirements for temporary units in the permit or order. These requirements will include the design, operating, and closure requirements for such units, as determined by the Regional Administrator in accordance with the decision factors described above.

This section also specifies operating time limits for temporary units. The proposed provisions for temporary units specified a 180-day time limit for the operation of temporary units, with allowance for EPA to extend that time period in certain circumstances. EPA expects that in many cases 180 days would be sufficient for a temporary unit. However, EPA also recognizes that in many other cases involving the storage or treatment of large volumes of wastes, units may need to be operated for periods longer than 180 days. As argued by a number of commenters on the proposal, remediation of facilities will often be a lengthy process, and a 180-day limit for temporary units could impose an unnecessary and artificial constraint on units whose operation beyond 180 days could nevertheless be protective of human health and the environment. An example of such a unit might be a tank that is brought to a remedial site for the treatment of inorganic sludges and that meets or exceeds all part 264 requirements, except for secondary containment. The operation of that tank could be protective for considerably longer than 180 days, given frequent inspections, sound operating procedures, and extensive Agency oversight.

Many commenters argued that there should be no time limit for the operation of temporary units, and that the Regional Administrator should have the discretion to establish operational time frames for temporary units on a case-by-case basis. Other commenters believed that one to two years would be a more reasonable time limit.

EPA agrees with the commenters who argued that the proposed 180-day limit for temporary units may be unnecessarily restrictive in many cases, and would complicate the use of temporary units for potentially beneficial waste management activities, such as certain treatment systems that often require timeframes longer than 180 days. Today's rule, therefore, specifies a one-year time limit for operation of temporary units. Based on an evaluation of the comments to the proposal, EPA believes that a one-year limit for temporary units is reasonable and appropriate. Such a time limit will allow the use of temporary tanks and containers for somewhat lengthier treatment technologies (e.g., bioremediation) while assuring the protectiveness of such units. In addition, the one-year time limit confirms EPA's intent that the alternate standards only be applied to units which are truly "temporary" in this context.

At the end of the specified time limit for a temporary unit, or at the end of an extension if granted by the Regional Administrator, the owner/operator will be required to cease management of remediation wastes in the temporary unit and to initiate the closure requirements prescribed for the unit under § 264.553(d). In cases where it is necessary or desirable to continue the waste management activity that was conducted in the temporary unit, the owner/operator will be required to retrofit the unit to meet applicable part 264 or part 265 standards for that type of unit, arrange for an alternative unit in which to continue conducting the activity, or otherwise modify the remedial practices so that the unit is not used in the remediation at the facility. If the owner/operator chooses to retrofit the unit, but such changes to the unit cannot be made before the end of the extension period, the owner/operator will be required to cease management of the waste until the retrofitting has been completed. Changes to temporary units (e.g., retrofitting) or to other remedial

operations at the end of the operating time limit for a temporary unit will be subject to approval through modifications to the permit or order.

5. Time Limit Extensions for Temporary Units (§ 264.553(e))

Section 264.553(e) specifies the criteria the RA must consider prior to approving an extension to the time limit originally specified for a temporary unit.

EPA recognizes that in some cases a temporary unit may have to remain in service beyond the limit originally specified in the permit or order by the Regional Administrator due to unexpected circumstances. Today's rule finalizes the provisions for extensions as proposed in § 264.551(b)(3), with minor changes. Proposed § 264.551(b)(3) specified that an extension to the operating period originally specified for the unit could only be granted if hazardous wastes had to remain in the unit due to "unforeseen, temporary, and uncontrollable" circumstances. One commenter who suggested that the 180-day time limit was too restrictive also suggested that the regulation be revised to eliminate these criteria as a condition for approving an extension for a temporary unit. Today's final rule does not specify these criteria for the approval of an extension. EPA believes that decisions as to whether or not certain circumstances were unforeseen and uncontrollable could be difficult and contentious, could put the Agency in the position of having to speculate as to whether or not the owner/operator might have seen or might have controlled a circumstance relating to a temporary unit, and are ultimately irrelevant to the issue of the protectiveness of the unit.

Accordingly, § 264.553(e) of today's rule specifies new criteria for approval of time extensions for temporary units. These new criteria are based on an evaluation of the comments received on the proposal. One commenter expressed concern that the standards applied to temporary units may be based on the time limit originally specified for the unit and therefore may not be adequately protective of human health and the environment if the operating life of the unit were extended. EPA agrees with this comment and has specified in § 264.553(e)(1) of today's final rule that in order to grant an extension, the Regional Administrator must determine that continued operation of the unit will not pose a threat to human health and the environment. In addition, § 264.553(e)(2) specifies that the Regional Administrator must also determine that continued use of the unit is necessary to ensure the timely and efficient implementation of remedial actions at the facility. This criterion is essentially a restatement of the overall objective of temporary units and a clarification that the overall objective should be a condition for the approval of an extension. Upon approval of an extension the Regional Administrator will identify the specific time limit for the extension in the permit or order or modification to the permit or order.

Proposed § 264.551(b)(3) did not specify limits as to the time allowed under an extension or the number of extensions that could be approved. Under today's rule § 264.553(e), the Regional Administrator has the authority to grant up to a one-year time extension beyond the time limit originally specified for the unit, in cases where it is necessary to ensure timely and efficient implementation of remedial actions at the facility, and where the continued operation of the unit will not pose a threat to human health and the environment. The Regional Administrator may grant only one extension of up to one year. Based on the comments received on the proposal, EPA believes that these limits are both reasonable and appropriate, and are consistent with the Agency's intent to allow alternative standards under this provision only for truly "temporary" units. In addition, given the increased operational time limit for temporary units provided under today's rule, the need for an extension of more than one year should be eliminated. The Agency also believes that this limit to extensions will reduce the potential administrative burden that could be created by owner/operators seeking multiple extensions for temporary unit operations.

6. Permit and Order Modification Procedures (§ 264.553(f))

In the subpart S proposal EPA expected that in cases where a temporary unit is part of a selected remedy, the approval for that unit would normally be a part of the Agency-initiated major permit modification for the remedy. Similarly, in cases where a temporary unit is a part of a stabilization action or interim measure which requires a Class III modification or an Agency-initiated permit modification, the approval for that unit would also be included in the modification for that action. Thus, the language in the proposal concerning permit modifications only addressed the situation where approval for a temporary unit was included under a Class III or Agency-initiated permit modification for an overall remedy, or interim measure or stabilization action for a facility. EPA recognizes that there may be cases in which a temporary unit is not part of a larger permit modification procedure for a selected remedy, or interim measure or stabilization action (i.e., the unit will be used prior to remedy selection to handle investigation-derived waste or remediation waste generated from remedial activities that do not require a Class III or Agency-initiated permit modification). In such cases, the Agency believes that given the longer timeframes for temporary units provided for in today's rule, opportunity should be provided for the public to be informed of and participate in decisions that affect them and their communities. Thus the owner/operator of a permitted facility will be expected to request approval for a temporary unit as a Class II permit modification according to the procedures under § 270.42. EPA also recognizes, however, that there may be cases where operation of the temporary unit is necessary to contain releases or otherwise protect human health and the environment, before action is likely to be taken on a modification request. In such cases, the Regional Administrator may approve a 180-day temporary authorization for the unit upon request by the owner/operator according to the procedures under § 270.42. Today's rule modifies § 270.42 to classify permit modifications for temporary units as Class II modifications (unless otherwise addressed under a Class III or Agency-initiated permit modification).

The proposed temporary unit provision(s) specified that any extension to the operating period originally specified for a temporary unit would be processed as a Class I permit modification. One commenter suggested that such extensions should be given more thorough public review and comment than is provided by Class I permit modifications. EPA agrees, since temporary units may in some cases be used to manage large volumes of wastes, and could be a key feature of a selected remedy. In addition, the longer timeframes for temporary units allowed in today's rule support the idea of providing somewhat greater public review and comment of temporary unit decisions. Therefore, today's rule specifies that approval for extensions for temporary units that are not addressed under a Class III permit modification or are not part of an Agency-initiated permit modification, will be processed as Class II permit modifications. Section IV of this preamble provides further information regarding public participation procedures that will be used for approval of temporary units

VOL 58 ISS 29 FE 16 1993 UMI

and time extensions for temporary units pursuant to corrective action orders.

7. Documentation of Temporary Unit Designations and Time Extensions (§ 264.553(g))

Section 264.553(g) requires the Regional Administrator to document the rationale for designating a temporary unit or time extension for a temporary unit and to explain the basis for such designation. This new requirement in § 264.553(g) is intended simply to clarify and emphasize that temporary unit decisions must be documented and explained as part of the notice and comment procedures for orders and permits. The rationale for such decisions will be incorporated as part of the Statement of Basis in a permit or order modification. Documentation of temporary unit decisions is analogous to the documentation the Agency must currently make to support the selection of a remedy. Therefore, if a temporary unit is incorporated as part of a final remedy, such an explanation would be incorporated into the Statement of Basis for the remedy under a permit modification or under a new order.

IV. CAMU and TU Implementation

A. Public Participation in CAMU/TU Designations and TU Time Extensions Under Orders

The Agency is committed to providing a meaningful opportunity for the public to be informed of and participate in cleanup decisions that affect them and their communities. Public input on proposed facility-specific corrective action decisions at permitted facilities is obtained through the permit issuance and modification procedures prescribed in 40 CFR parts 124 and 270. Current Agency policy for final remedy selections at interim status facilities under corrective action orders outlines public participation procedures similar to those detailed in 40 CFR part 124. In conjunction with this rulemaking, the Agency is expanding its public participation requirements for corrective action decisions made under corrective action orders to address the proposed designation of CAMUs and temporary units.

Pursuant to this rulemaking, CAMU designations made through the permit process will generally be approved (or disapproved) according to Agency-initiated permit modifications (§ 270.41) or the Class III permit modification procedures under § 270.42 (see section III.B.7.). The designation of CAMUs or temporary units, or the granting of a time extension for a temporary unit made pursuant to a corrective action order, will follow similar public participation procedures, although modified to suit the corrective action order process. Prior to designating a CAMU or temporary unit, or approving a time extension for a temporary unit in a corrective action order, the Agency will prepare draft CAMU and/or temporary unit specifications. The Agency will then notify and provide the public with an opportunity to comment on the CAMU, temporary unit, or time extension for a temporary unit. If a public hearing is requested, the Agency will hold a hearing and provide the public with a notice of the hearing. The Agency will also consider and respond to all significant comments received by the public on the CAMU or temporary unit.

As required in the permit process, the Regional Administrator will document the rationale used to designate CAMUs (§ 264.552(f)), temporary units (§ 264.553(g)), or time extensions for temporary units (§ 264.553(g)), when such designations are made through corrective action orders. A brief discussion of the applicable decision factors used to support the creation of a CAMU or temporary unit will be included in the documentation. If the CAMU or temporary unit is proposed as part of a final remedy, such documentation can be incorporated into the Statement of Basis presenting the Agency's justification for a proposed comprehensive remedy proposal.

Under orders, a 30–45-day public comment period generally will be provided to the public to comment on the designation of a CAMU, temporary unit, or time extension for a temporary unit. However, because corrective action orders may be issued to address immediate threats, the public comment period may be reduced or eliminated if the Regional Administrator determines that even a short delay in the designation of a CAMU or temporary unit would adversely impact human health or the environment. The Agency anticipates needing to use this discretion in rare circumstances.

The Agency will provide additional guidance on public participation procedures for the designation of CAMUs and temporary units under orders. While guidance is pending, EPA will continue to use the guidance provided in RCRA Corrective Action Decisions Documents: The Statement of Basis and Response to Comments (Directive #9902.6).

B. Continuation of Permits for Corrective Action Purposes

Although EPA today is not finalizing most portions of the comprehensive proposed Subpart S rule, several issues have arisen in connection with that rule that deserve further discussion pending its completion. First, the proposed rule reflects Agency policy concerning facility-wide corrective action at RCRA facilities. As a result, EPA's Regional offices are following the proposal, where appropriate, as guidance pending development of the final rule. Several aspects of that proposal, however, require rule changes for implementation; those aspects of the proposal cannot be implemented even as guidance pending development of the final rule. Many of these rule changes are made through today's rulemaking and thus can now be implemented.

One important aspect of the proposal that EPA now believes is a clarification rather than a necessary rule change concerns the scope of the permit requirement. EPA had proposed to revise 40 CFR § 270.1 specifically to require RCRA permittees to have permits during the course of any corrective action required under the permit. Upon further review, EPA believes that this rule change, while a desirable clarification, is not absolutely necessary and that section 3004(u) of RCRA and 40 CFR 264.101(b) and 270.33 already require that RCRA facilities complete any corrective action schedule of compliance prior to termination of permit responsibilities.

The clear intent of Congress in enacting Section 3004(u) was that the price for obtaining a RCRA permit for hazardous waste management is cleanup of the entire property at which the permitted activity occurs. (See HSWA Conference Report, H. Rep. 1133, 98th Cong., 2d Sess. at 92 (1984). See also definition of facility as defined in today's rule.) Congress allowed such cleanup to occur under a schedule of compliance only where such cleanup could not be completed prior to permit issuance. As a result, section 3004(u) of RCRA (and 40 CFR 264.101) clearly require that a facility that obtains a schedule of compliance for corrective action must complete the corrective action prior to termination of permit responsibilities. Similarly, EPA's general regulations concerning schedules of compliance specify that a facility may not simply terminate its operations and thereby avoid compliance with applicable requirements (40 CFR 270.33; see also 45 FR 33310 (May 19, 1980)), including corrective action.

This means that a RCRA permitted facility that is undergoing corrective action under a schedule of compliance and that wishes to cease operations has two choices with respect to its

corrective action responsibilities. First, the facility may choose to accelerate corrective action so that it is completed at the same time as hazardous waste operations at the facility cease, § 270.33(b)(1)(i). Alternatively, where the regulated activities cease prior to termination of a permit which includes corrective action, the facility may complete corrective action under a permit schedule of compliance that extends beyond the date of cessation of hazardous waste operations, § 270.33(b)(2). In the latter case, the facility must continue to comply with applicable permit conditions and requirements, including permit renewal requirements, even though hazardous waste activities at the facility have ceased. See 45 FR 33310–11 (May 19, 1980).

As part of the comprehensive final subpart S rule, EPA will determine whether further regulatory clarification of this issue is necessary. At that time, EPA will respond to comments received on the proposed regulatory changes addressing this issue, and the related issues discussed in the preamble. See 55 FR 30846–49.

In the meantime, EPA, on a case-by-case basis, can improve the clarity of the applicability of this requirement to maintain a permit through the completion of corrective action activities at a specific facility in several ways. First, at the time of permit issuance or when the CAMU or temporary unit is incorporated into the HSWA permit, EPA can establish a schedule of compliance that reflects the responsibility of the permittee to complete corrective action under the permit, even if the permit does not specifically identify the nature or timing of the corrective actions to be required. In addition, the permit as issued or modified could include an express condition requiring the facility owner/operator to submit a permit reapplication prior to permit expiration unless and until all corrective action obligations for the facility have been completed.

C. State and Federal Implementation

1. State Authorization

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program within the State. (See 40 CFR part 271 for standards and requirements for authorization.) Following authorization, EPA retains enforcement authority under sections 3008, 7003, and 3013 of RCRA, although authorized States have primary enforcement authority.

Prior to the Hazardous and Solid Waste Amendments of 1984 (HSWA), EPA administered the RCRA hazardous waste program in individual States until the States were formally authorized by the Agency to implement their own programs. Once a State had final authorization, it administered its hazardous waste programs entirely in lieu of EPA. The Federal RCRA requirements no longer applied in the authorized State, and EPA could not issue permits in the State for any facilities that the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obliged to enact equivalent and consistent authority within specified timeframes. However, the new Federal requirements did not take effect in authorized States until the States adopted them as State law.

The HSWA amendments, however, altered this system. Under section 3006(g)(l) of RCRA as amended by HSWA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed under HSWA authority take effect in authorized States at the same time that they take effect in unauthorized States. EPA is directed to carry out these requirements and prohibitions in authorized States, including the issuance of permits, until the State is granted authorization to do so. To retain final authorization, States must still adopt HSWA-related provisions that increase the stringency of the RCRA program. However, such HSWA provisions apply in authorized States and are implemented Federally in the interim.

Today's rule is promulgated pursuant to section 3004(u), section 3004(v), and section 3005(c) of RCRA, all of which are provisions added through HSWA. (EPA will also use the standards of today's rule in implementing section 3008(h).) Therefore, the Agency is adding today's rule to Table 1 in 40 CFR 271.1(j), which identifies the Federal program requirements that are promulgated pursuant to HSWA. Because, in EPA's view, today's rule is integral to the HSWA corrective action program, EPA intends to implement it immediately in all States and territories in which the Agency now administers the HSWA section 3004(u) and (v) corrective action authorities. Thus, the rule takes effect immediately in (1) States that are unauthorized for the RCRA base program, and (2) States that are authorized for the RCRA base program, but are not yet authorized for the HSWA corrective action program. (The issue of more stringent State standards in these States is discussed in the following section.)

Today's rule does not apply in States that are authorized for the HSWA corrective action requirements. (Fifteen States now fall into this category.) Under section 3009 of RCRA, States may impose more stringent or broader regulations than the Federal program. Because the regulations promulgated today reduce regulatory requirements for certain types of waste management conducted during corrective action, EPA considers them to be less stringent than or reduce the scope of the existing Federal corrective action requirements.[3] Therefore, they will not apply in States authorized for corrective action until those States have adopted comparable provisions under their own State law. Furthermore, because today's rule is less stringent than existing corrective action requirements, authorized States are not required to adopt the rule, and States not yet authorized for corrective action are not required to include its provisions in their programs when they seek authorization.

Even though States are not required to adopt today's rulemaking, EPA strongly encourages them to do so. As already explained elsewhere in this preamble, today's rule is needed to expedite hazardous waste remediation at RCRA corrective action facilities. States are therefore urged to adopt today's rule and to submit to EPA the modification for approval on the schedule for mandatory program revisions, according to 40 CFR 271.21(e).

States are also encouraged to use existing authorities, where available, to allow comparable remedial activities prior to adopting and receiving authorization for today's rule. Some States may have authority comparable to section 7003, which allows EPA to order response action in the case of imminent and substantial endangerment to health or the environment "notwithstanding any other provision in this Act." An authorized State may use a comparable section 7003 authority to authorize activities consistent with today's rulemaking. Other States may have comparable authority under State Superfund programs or may have comparable flexibility for cleanups under their own hazardous waste regulations. EPA encourages States to make use of such flexibility to expedite cleanups. In addition, States with comparable authorities may be eligible to receive interim authorization and to

[3] EPA is considering whether the concept of stringency should be reevaluated with respect to remediation wastes and will address this approach in a separate rulemaking.

implement their provisions under 40 CFR 271.24.

2. Implementation of Rules in Unauthorized and Authorized States

The implementation of today's rule will vary, depending on the authorization status of the State in which a particular facility subject to cleanup requirements is located. Regardless of the situation in individual States, however, EPA's major goals in implementing today's rule are: (1) To enable the use of the CAMU and TU concepts as rapidly as possible for specific RCRA corrective actions, consistent with State requirements, (2) to encourage States to adopt these concepts promptly in their own cleanup programs and regulations, and (3) to work cooperatively with individual States, regardless of their authorization status, to promote the flexible approaches in today's rule. This section briefly discusses implementation of the rule in States at different stages of the authorization process.

A few States and territories have not yet been authorized for either the "base" (i.e., non-HSWA) RCRA program, or the RCRA section 3004(u) and (v) corrective action program under § 264.101. In these States, permits and orders are issued by EPA under the Federal statute and implementing regulations. Any modifications to permits or orders to allow the use of CAMUs or TUs would also be the responsibility of EPA. Of course, it is possible that an unauthorized State has adopted standards addressing CAMUs or TUs that have independent effect. The possibility for a dual program always exists in States that have not applied for or obtained authorization. Although EPA's permit would establish the Federal RCRA standards applying to such a unit, State law might impose additional requirements.

Most States have been authorized for the RCRA base program, but are not yet authorized for HSWA corrective action. In these States, permits are generally issued jointly; that is, the State issues the portion of the permit that addresses compliance with base-program requirements, while the EPA Region issues the HSWA portion of the permit, including corrective action requirements. Together, the base-program and HSWA portions make up the RCRA permit for the facility.

Under this arrangement, EPA is responsible for implementing the HSWA corrective action requirements for permitted facilities. This includes the responsibility of requiring or approving modifications of the HSWA portion of the permit to incorporate new units (including CAMUs and TUs) that are necessary to implement corrective action at the facility. In this case, the new unit would be permitted under the modification to the HSWA portion of the permit, and a separate State action would not be necessary. The process would work similarly for section 3008(h) orders, although procedures for changes in interim status, rather than for permit modifications, would apply. Thus, facility modifications to allow corrective action would not require State approval or use of State permit modification or interim status modification procedures. Rather, under section 3006(g), Congress authorized EPA to implement the corrective action program in each State prior to State authorization. If permit modification or interim status changes are necessary to implement corrective action in States not authorized for corrective action, the Federal rather than the State procedural requirements apply to the changes.

In some cases, a land-based regulated unit already subject to State interim status or permit conditions may be incorporated into a CAMU. In such cases, today's rule provides that the subpart F, G, and H requirements and the unit-specific requirements of 40 CFR part 264 or 265 previously applying to the regulated unit would continue to apply after designation of the CAMU. Authority for implementing and enforcing these requirements could fall either to EPA or to the State. Generally, EPA anticipates that the State would retain direct implementation authority, since it had previously been regulating the unit. However, in some cases it might be more efficient for EPA to assume overall authority over the entire cleanup.[4] In either case, EPA would seek to work out oversight authority with the State through formal or informal agreement. Because the State would retain authority over the regulated unit through its own permit or interim status requirements, unless it modified the permit or allowed a change in interim status, State agreement with EPA's approach to corrective action would be necessary.

As in the case of unauthorized States, States authorized for the base program may have more stringent requirements (e.g., State land ban provisions) that would affect a particular remedy that EPA wished to implement under today's rule. In this case, EPA might modify the remedy so that it was consistent with State law, or structure it so that it mirrored an existing State waiver provision (e.g., waiver of land ban provisions for contaminated media); alternatively, the State might use a waiver authority under its own laws or enforcement discretion to allow the remedy to proceed.

In any case, EPA emphasizes that its goal in implementing the CAMU and TU concepts in States not authorized for corrective action is to facilitate prompt and protective cleanups at RCRA facilities. This rule does not preempt existing State authorities, nor does EPA intend to impose cleanup requirements at specific sites under this rule that the State considers to be unprotective, inadequate, or inconsistent with the State's regulatory requirements. Rather, today's rule provides EPA (and States) greater flexibility in making use of a new type of remediation unit created during the course of corrective action. If a State not yet authorized for corrective action believed a different approach was preferable, either as a general rule or at a specific site, EPA would work with the State—for example, through a Memorandum of Understanding, joint order, or an informal agreement—to ensure that any remedies required were acceptable to the State.

As of October 1992, fifteen States were authorized for corrective action under § 264.101. Until these States develop their own CAMU and TU regulations, these provisions would generally not be available to them in implementing their corrective action program. It is possible, however, that a State authorized for corrective action may wish to have a CAMU or a temporary unit approved for a facility cleanup. In some cases, the State may have a general waiver authority under its own State law, or State enforcement or State Superfund authorities that provide it some flexibility. If the State were to exercise this authority in a way that is consistent with today's rule, EPA would not consider the State's program to be less stringent than the Federal program. Alternatively, the State could request EPA to issue an order under RCRA section 7003, which could be used to override specific Federal or authorized State authorities where necessary to implement a cleanup. In any case, however, these approaches should be used only to cover the transition period during which the State amends its regulations and obtains formal authorization for today's rule.

Even though a State is authorized for § 264.101 or (in the future) subpart S corrective action, EPA retains the authority to issue section 3008(h) orders at interim status facilities. If EPA were

[4] In this case, the State might choose to modify the State permit or the facility Part A to remove the unit as a State-regulated unit. Alternatively, the unit could remain on the State permit or Part A, but EPA could be given lead oversight over the unit through a State-Regional agreement.

to issue such an order in a State authorized for corrective action, it would have the authority to require and approve modifications of the facility part A to accommodate a new CAMU or TU. EPA's authority in this case is analogous to its authority in States not yet authorized for corrective action. Just as in that case, however, EPA emphasizes once again that its goal is to expedite cleanup, and it does not claim the authority to preempt existing State requirements.

D. Effective Date

RCRA section 3010(b)(1) allows EPA to promulgate an immediately effective rule where the Administrator finds that the regulated community does not need additional time to come into compliance with the rule. Similarly, the Administrative Procedures Act (APA) provides for an immediate effective date for rules which relieve a restriction. 5 U.S.C. 553(d)(1). Today's rule provides additional flexibility for facilities undergoing corrective action. As a result, the regulated community does not need significant additional time to come into compliance. In order to allow near term use of the less restrictive rules promulgated today, and yet to provide effective communication regarding the purpose and implementation of this rule, EPA has set an effective date of 60 days from today.

V. Relationship to Other Programs

A. CERCLA

The substantive requirements of today's regulations for CAMUs and temporary units are expected to be applicable or relevant and appropriate requirements (ARARs) for the remediation of many CERCLA sites, especially those sites where CERCLA remediation involves the management of RCRA hazardous wastes. In the CERCLA context, CAMU and temporary unit requirements that are designated to be ARARs would be incorporated into CERCLA decision documents, rather than RCRA permits or orders. Based on EPA's experience in managing the Superfund program, it is anticipated that the increased flexibility provided in today's rule will have an important and positive impact on the Agency's ability to expeditiously implement protective and cost-effective remedies at CERCLA sites. This would include remediation under CERCLA of RCRA hazardous wastes at Federal facilities that are listed on the National Priorities List.

B. State Remedial Programs

Many States have enacted remedial laws and programs to address environmental problems that may not be addressed under RCRA or CERCLA authorities. State remedial programs typically follow a process similar to RCRA and CERCLA for investigating releases, and selecting and implementing remedial measures. As a general rule, since CAMUs are defined as units to be used in connection with § 264.101 or 3008(h) actions, they can be employed only at a facility regulated under subtitle C of RCRA, or at CERCLA sites where determined to be ARARs. However, some states may have enforcement authorities analogous to RCRA section 7003 which provide an implied or explicit waiver from otherwise applicable State RCRA requirements. Thus, in such a State, where cleanup is being compelled at a non-RCRA or CERCLA facility, such enforcement authority could be used to approve and designate a CAMU or a TU in a manner consistent with today's final rules. Note, that a State cannot waive applicable federal requirements; thus, if a State is not authorized to implement the LDR program in the State, for example, then a CAMU will not operate to affect the scope of the LDRs at that site, when implemented under a State remedial program. However, if a State is authorized for LDRs, it may be able to waive such requirements under State law (as indicated above).

C. RCRA Section 7003

CAMUs and temporary units may be available, at the Regional Administrator's discretion, for the purpose of remediation under RCRA section 7003 authority, even if the remediation is not at a RCRA subtitle C regulated facility. Under section 7003, EPA has the discretion to waive any RCRA requirements at a site where appropriate to implementing remedial actions. Thus, the order could provide for and designate a CAMU with or without the use of today's rules, and regardless of the permit status of the facility. As mentioned previously, some States may have enforcement authorities analogous to RCRA section 7003 that would provide similar relief from administrative requirements in implementing cleanups.

D. Corrective Actions at Facilities not Currently Remediating Under Federal RCRA/CERCLA or State Authorities

Since a CAMU or a TU is a RCRA subtitle C unit, it can be utilized only at a facility that is regulated under subtitle C. Therefore, in order to manage hazardous remediation wastes in CAMUs or TUs, a responsible party would have to voluntarily seek regulation by subtitle C by obtaining either a corrective action order issued by the Agency (or by a State—see above), or a RCRA permit, which contains the necessary approvals from the Regional Administrator.

E. RCRA Section 3004(n) Air Emission Standards

EPA is currently developing a comprehensive set of air emission regulations for RCRA hazardous waste management units, as mandated under section 3004(n) of RCRA. Phase I air emission standards for process vents and equipment leaks were promulgated on June 21, 1990. Phase II unit-specific standards are expected to be promulgated in 1993.

If remediation waste management activities associated with CAMUs will involve the use of non-land-based equipment or units for which air emission standards have been promulgated (e.g., air strippers or other treatment devices), such equipment or unit(s) would have to comply with those applicable standards. These requirements will be specified in the permit or order. However, EPA does not intend to promulgate air emission standards specific to CAMUs. EPA believes that the decision criteria for CAMUs in today's rule, and the site-specific oversight provided under the corrective action process, will ensure that adequate air emission controls are imposed on remediation waste management activities.

VI. Regulatory Impact Analysis

A. Executive Order Requirements

Under Executive Order 12291 (issued February 17, 1981), a Regulatory Impact Analysis (RIA) is required for every major Federal regulation. Executive Order 12291 defines a major rule as one that is likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The Agency has determined that this rule is not a major rule because the rule does not negatively impact the economy, increase costs or prices, or adversely impact businesses. Nevertheless, EPA recognizes that this rule may have significant positive economic impacts and therefore, at the request of the Office of Management and

VOL 58 ISS 29 FE 16 1993 UMI

Budget, has prepared a Regulatory Impact Analysis (RIA).

B. Background

In preparation for the final subpart S rulemaking, EPA is currently conducting a revised RIA that includes a comprehensive evaluation of the costs and benefits of regulatory alternatives for RCRA Corrective Action. As part of this comprehensive analysis, EPA has conducted a preliminary evaluation of the costs and benefits of the proposed rule provisions concerning CAMUs, and has evaluated several alternatives to the proposed rule CAMU provisions. On October 22, 1992, EPA published a notice of data availability in the **Federal Register** announcing the availability of a report, "Supplemental Information on Corrective Action Management Units," which summarized the preliminary results of EPA's analyses of the costs (expressed as cost savings) and expected environmental benefits of regulatory alternatives for the CAMU. The RIA prepared for this rulemaking provides additional detail on EPA's evaluation of the cost savings of key regulatory alternatives for the CAMU and the expected impacts of the alternatives on the human health and environmental benefits derived from cleanup under the Subpart S framework. (See sections II and III of this preamble for further discussion of the subpart S rule, the CAMU and temporary unit rule, and the notice of data availability.) Both the report summarizing preliminary results and the RIA for today's rule are available in the RCRA docket.

The Agency conducted the CAMU RIA in order to assess the costs and benefits of certain alternative approaches to regulating remedial waste management at facilities subject to RCRA corrective action. Discussion of the RIA is organized as follows: The CAMU regulatory alternatives that were analyzed are presented first, followed by the general methodology for the analysis, cost results, and finally a qualitative analysis of benefits.

Temporary units (TUs) were not addressed in the CAMU RIA. Based on the preliminary analyses conducted for the RIA, EPA believes that TUs will not be used with great frequency, and the resulting cost and benefit impacts of TUs are expected to be relatively minor compared to CAMUs.

C. Regulatory Alternatives

This RIA evaluates three CAMU regulatory alternatives: The Proposed subpart S CAMU, the Expanded CAMU (the CAMU alternative which EPA has decided to finalize), and, the No CAMU alternative. (The Proposed subpart S CAMU and the Expanded CAMU are defined and discussed further in section II of this preamble.) Based on the results of the analysis presented here and the anticipated remedial benefits of the expanded CAMU option, the Agency has decided to finalize the expanded CAMU option.

The analysis of the No CAMU alternative was conducted using two different sets of assumptions. This means that the cost savings and effects on benefits associated with the Proposed and Expanded CAMU options are presented relative to a range of "baseline" No CAMU outcomes. EPA evaluated the No CAMU alternative in this manner because EPA recognized that under the No CAMU alternative remedial decisionmakers could either choose to maximize removal and treatment of hazardous wastes to LDR standards, or, alternatively, choose to minimize the extent to which wastes would be required to be removed from SWMUs and therefore treated to LDR standards prior to land disposal.

D. Approach to Analysis

To estimate the costs and benefits associated with the various aspects of the subpart S final rule, including the CAMU provisions, EPA selected a random sample of 79 facilities potentially subject to corrective action. The sampling frame was stratified and sampled in order to accurately reflect the composition of the potentially affected universe and to over-sample facilities likely to require corrective action.

As proposed, the subpart S rule provides a regulatory framework to guide site-specific remedial decisionmaking at RCRA facilities. The proposed rule provisions are not, however, overly prescriptive; EPA recognized the site-specific nature of remedial decisionmaking and sought to strike an appropriate balance in the proposed regulations between explicit regulatory standards and requirements and site-specific flexibility and discretion. To develop estimates of the costs and benefits of cleanup under the proposed rule and under different regulatory alternatives, EPA simulated remedy selection at the sampled facilities.

In order to simulate remedy selection at the sample facilities, EPA first collected facility-specific data from a wide variety of sources, including RCRA Facility Assessments (RFAs) and RCRA Facility Investigations (RFIs). RFAs and RFIs provided EPA with the following information: General facility descriptions; SWMU- and waste-specific characteristics; details about the environmental setting; and human exposure information. When facility sampling data were not available for a particular facility, an EPA contaminant fate and transport model, MMSOILS, was used to simulate releases to ground water, surface water, air, and off-site soils. EPA also used the MMSOILS model to simulate releases into the future in order to determine the nature and extent of contamination over time, in the absence of corrective action.

Next, the available data on the nature and extent of contamination (present and future) and facility characteristics were presented to expert panels convened by EPA and comprised of regional EPA staff, state representatives, and experts in the fields of hydrogeology, geology, geophysics, soil science, engineering, and chemistry. Based on their evaluation of the data and their experience in making remedial policy decisions at the state and regional levels, the policy expert panel (made up of regional and state program policy representatives) developed remedial objectives under the proposed subpart S rule framework for each facility in the sample. Accordingly, the policy panel used the proposed subpart S CAMU definition and provisions and, where appropriate, designated areas of facilities as CAMUs.

The remedial objectives, including the policy decision on the use of a CAMU, were then transmitted to the technical expert panel, which was responsible for defining and determining specific remedial activities to meet these objectives. Where more than one alternative was available to meet the policy panel objectives, options were presented and the policy panel made their choice of preferred approach.

The remedial activities identified/selected by the expert panels, for the facilities in the sample that required corrective action, were the foundation for analyses of the proposed CAMU regulatory alternative. To assess the two other CAMU RIA regulatory alternatives (the Expanded CAMU and the No CAMU options), a CAMU expert panel (consisting of civil, chemical, and environmental engineers, risk assessors, RCRA policy analysts, and ecologists) was convened to determine objectives and select remedies.

E. Cost Analysis

In addition to defining and determining remedial activities to meet remedial objectives, the technical experts convened by EPA were also responsible for providing remedial cost estimates which served as the basis for calculating facility-level costs. As discussed above, the expert panels

reviewed each facility in the RIA sample and selected remedies to address releases at the sample facilities. The panels then estimated a cost for each remedial activity at each SWMU addressed. The Agency compiled remedial costs at the SWMU and facility level under each of the three CAMU regulatory alternatives. After the total costs were adjusted to include design, oversight, and contingencies, the costs were discounted to account for the timing of remediation.

On a national basis, a total of approximately 5,800 facilities are potentially subject to RCRA subpart S corrective action requirements. Under the Proposed CAMU alternative, CAMUs would be expected to be used at a total of 200 facilities in the course of remediating 1,360 SWMUs. Under the Expanded CAMU alternative, CAMUs would be expected to be used at 1,500 facilities in the course of remediating 6,000 SWMUs.

The use of CAMUs under the proposed CAMU option results in total present value cost savings of $15.2 billion to $25.2 billion (the range reflects the use of two different assumptions regarding the degree of waste removal and treatment to LDR standards under the No-CAMU option). The present value cost savings of the expanded CAMU option ranges from $16.6 to $26.6 billion. The cost savings under both of the CAMU options are primarily attributable to avoided costs of off-site incineration and disposal. The proposed CAMU option allows for protective management of waste on-site, possibly combined with in-situ treatment. The expanded CAMU option promotes even more protective on-site management by allowing ex-situ treatment of hazardous waste combined with protective on-site management.

F. Qualitative Analysis of Effects on Benefits

Several criteria can be used to qualitatively analyze the relative benefits of the CAMU regulatory alternatives: Expectations regarding the long-term effectiveness of remedies; short-term impacts of implementing the remedies; and, effects on corrective action program implementation.

1. Expectations Regarding Long-Term Effectiveness

Under either the proposed CAMU or the Expanded CAMU alternatives CAMUs may be permitted by the Regional Administrator only if the RA decides that designation of a CAMU would be protective of human health and the environment. However, the types of remedies selected under the different CAMU regulatory alternatives may differ with regard to expectations of long-term effectiveness.

For example, ex-situ treatments (which were selected much more frequently under the Expanded CAMU alternative than under the proposed CAMU alternative) generally provide greater certainty of long-term effectiveness than do in-situ treatments or management without treatment. Treatments, such as stabilization for wastes or media containing inorganic constituents, are employed much more effectively ex-situ than in-situ due to improved mixing and the ability to ensure through sampling that all waste and contaminated media are thoroughly treated. Incineration (which was used much more frequently under the No CAMU alternative than under the CAMU alternatives) provides a high degree of long-term effectiveness for remediation of wastes or media containing organic constituents.

In contrast, containment of wastes without treatment (e.g., by capping the unit) is generally viewed as providing less certainty of long-term effectiveness than alternatives which involve actual removal from the unit and/or treatment. Although EPA believes that engineered containment structures can be highly effective, assuming adequate monitoring and maintenance, few would dispute the general conclusion that there is less certainty regarding long-term effectiveness with remedies which rely solely on containment in contrast to those which involve some degree of removal and/or treatment.

As shown in Exhibit 1, the Expanded CAMU alternative is expected to employ ex-situ treatment at more SWMUs and to employ in-situ treatment or no treatment at fewer SWMUs than is the case for the two other CAMU regulatory alternatives. As a result, the Expanded CAMU alternative appears likely, in actual implementation, to provide greater long-term certainty of remedy effectiveness.

EXHIBIT 1.—NATIONAL ESTIMATES OF THE NUMBER OF SWMUS BY TYPE OF TREATMENT UNDER CAMU REGULATORY ALTERNATIVES

Type of treatment	No. of SWMUs affected			
	Expanded CAMU	Proposed CAMU	No CAMU-(assumes more LDR treatment)	No CAMU-(assumes more management in place)
Ex-Situ	4,400	2,800	2,800	2,200
In-Situ	700	1,700	1,400	1,900
Ex-Situ and In-Situ	130	570	920	920
No Treatment	730	1,000	910	1,000
Total	6,000	6,000	6,000	6,000

Notes:
- Numbers may not total due to rounding.
- CAMU regulatory alternatives discussed in text.
- There are 6,000 SWMUs affected by expanded CAMUs under the Expanded CAMU alternative. The same group of SWMUs was examined under the other CAMU alternatives for comparability.

The Agency developed more detailed comparisons of remedies selected under the three CAMU regulatory options. These comparisons are presented in the document "Supplemental Information on Corrective Action Management Units" and in the Regulatory Impact Analysis for today's final rule; both documents are available in the RCRA docket. A few key findings are discussed in the sections below.

Incineration is estimated to be employed most often (at 3,100 SWMUs) under the No CAMU alternative, when EPA assumes that LDR treatment is required and occurs; least often (at 1,400 SWMUs) under the Expanded CAMU alternative; and in between (at 1,900 SWMUs) under the Proposed CAMU alternative. Incineration is employed at 2,300 SWMUs under the No CAMU alternative when EPA assumes that less LDR treatment occurs and more wastes are left in place and contained.

Reliance on LDR treatments such as incineration, would theoretically provide the greatest degree of certainty regarding long-term effectiveness. However, in practice the high costs of incineration, the public opposition to incineration, and the transportation-related implications of shipping large quantities of wastes off-site to commercial incinerators may discourage its use and instead may often encourage greater reliance on in-situ treatment or containment without treatment, in the absence of a CAMU rule. This scenario is best represented by the results of the analysis for the No CAMU alternative where EPA has assumed much more management of wastes in place than removal and treatment to the LDR standards.

Thus, while the Expanded CAMU alternative would not result in incineration as frequently as under the No CAMU–LDR Treatment scenario, it would likely provide a greater degree of certainty of long-term effectiveness than the No CAMU-Management in Place scenario by encouraging greater use of ex-situ treatments other than incineration and reduced use of management in place.

2. Short-Term Impacts of Remedies

As discussed above, CAMUs could be employed only if they are protective of human health and the environment. However, the remedies selected under the three CAMU regulatory alternatives could differ to some degree with regard to the short-term risks created by truck traffic and by management of wastes and contaminated media during remediation. Remedies which maximize excavation, transport, and off-site management of wastes and contaminated media would pose greater risks of release from transportation-related accidents. In-situ treatment, ex-situ treatment on-site, and containment remedies do not involve transport of wastes off-site.

Management of wastes and contaminated media during remediation could also potentially pose short-term risks to workers on-site and to nearby households off-site. Remedies involving extensive excavation or certain in-situ treatments (such as bioremediation), where wastes are actively managed, could potentially pose more short-term risk than remedies involving only capping in place. However, Occupational Safety and Health Administration standards would act to prevent on-site exposures for workers conducting remediations, and corrective action remedies are required to be designed and implemented to prevent short-term exposures at off-site exposure points. As a result, the Agency believes that the CAMU regulatory alternatives would potentially differ very little with regard to short-term risk from waste management activities.

3. Effects on Corrective Action Program Implementation

The Expanded CAMU and Proposed CAMU regulatory alternatives would provide additional flexibility, relative to the No CAMU alternative, in implementing remedies at RCRA facilities. In increasing this flexibility, EPA would expect to expedite cleanups, achieve better quality remedies at facilities which are operating under financial constraints, avoid situations where remedies would drive owner/operators into bankruptcies and their facilities into the CERCLA queue, and, reduce the number of long-term management units that must be monitored and maintained at remediated facilities.

Further, EPA expects that remedies selected under the Expanded and Proposed CAMU alternatives would likely be more publicly acceptable, relative to those selected under the No CAMU alternative, due to reduced reliance on incineration (as discussed above) and off-site transportation and disposal. Under the Expanded CAMU alternative, wastes from approximately 1,600 SWMUs would go to off-site disposal, compared with wastes from 2,700 SWMUs under the Proposed CAMU. The No CAMU alternative is estimated to result in off-site disposal for wastes from 3,000 to 3,700 SWMUs.

The Expanded CAMU alternative is also likely to have other implementation-related benefits. It may reduce the cost and/or enhance the environmental effectiveness of closing regulated units that are included in CAMUs. For example, a regulated unit that would otherwise be capped with waste in place could be incorporated in a CAMU where the waste would be excavated, treated ex-situ, and replaced in the unit, thus providing a greater degree of long-term effectiveness.

G. Regulatory Flexibility Analysis

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that whenever an agency publishes a notice of rulemaking, it must prepare a Regulatory Flexibility Analysis (RFA) that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). However, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities, because the rule provides relief to the regulated community. As a result of this finding, EPA has not prepared a formal RFA in support of the rule.

H. Paperwork Reduction Act

This rule does not contain any new information collection requirements subject to OMB review under the Paperwork Reduction Act, 44 U.S.C. 3501, et. seq.

List of Subjects

40 CFR Part 260

Administrative practice and procedure, Hazardous waste.

40 CFR Part 264

Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 265

Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 268

Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 270

Administrative practice and procedure, Hazardous materials transportation, Reporting and recordkeeping requirements, Water pollution control.

40 CFR Part 271

Administrative practice and procedure, Hazardous materials transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control.

Dated: January 14, 1993

William Reilly,

Administrator

For the reasons set out in the preamble, title 40, chapter I, of the Code of Federal Regulations, is amended as follows.

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

1. The authority citation for part 260 continues to read as follows.

Authority: 42 U.S.C. 6905, 6912(a), 6921–6927, 6930, 6934, 6935, 6937, 6938, 6939, and 6974.

2. Section 260.10 is amended adding, in alphabetical order, definitions for "Corrective action management unit" and "Remediation waste," and by revising the definitions for "Disposal Facility," "Facility," "Landfill," and "Miscellaneous Unit" to read as follows:

§ 260.10 Definitions.

* * * * *

Corrective action management unit or *CAMU* means an area within a facility that is designated by the Regional Administrator under part 264 subpart S, for the purpose of implementing corrective action requirements under § 264.101 and RCRA section 3008(h). A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

* * * * *

Disposal facility means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

* * * * *

Facility means:

(1) All contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

(2) For the purpose of implementing corrective action under § 264.101, all contiguous property under the control of the owner or operator seeking a permit under subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA Section 3008(h).

* * * * *

Landfill means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit.

* * * * *

Miscellaneous unit means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 40 CFR part 146, containment building, corrective action management unit, or unit eligible for research, development, and demonstration permit under § 270.65.

* * * * *

Remediation waste means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris, which contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic, that are managed for the purpose of implementing corrective action requirements under § 264.101 and RCRA section 3008(h). For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing RCRA sections 3004(v) or 3008(h) for releases beyond the facility boundary.

* * * * *

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

3. The authority for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

4. Section 264.3 is amended by revising the first paragraph (and the comment remains unchanged) to read as follows:

§ 264.3 Relationship to interim status standards.

A facility owner or operator who has fully complied with the requirements for interim status—as defined in section 3005(e) of RCRA and regulations under § 270.70 of this chapter—must comply with the regulations specified in part 265 of this chapter in lieu of the regulations in this part, until final administrative disposition of his permit application is made, except as provided under 40 CFR part 264 subpart S.

* * * * *

5. Paragraph (b) of § 264.101 is revised to read as follows:

§ 264.101 Corrective action for solid waste management units.

* * * * *

(b) Corrective action will be specified in the permit in accordance with this section and subpart S of this part. The permit will contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing such corrective action.

* * * * *

6. 40 CFR part 264 is amended by adding subpart S to read as follows:

Subpart S—Corrective Action for Solid Waste Management Units

Sec.
264.552 Corrective Action Management Units (CAMU).
264.553 Temporary Units (TU).

Subpart S—Corrective Action for Solid Waste Management Units

§ 264.552 Corrective Action Management Units (CAMU).

(a) For the purpose of implementing remedies under § 264.101 or RCRA Section 3008(h), the Regional Administrator may designate an area at the facility as a corrective action management unit, as defined in § 260.10, in accordance with the requirements of this section. One or more CAMUs may be designated at a facility.

(1) Placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes.

(2) Consolidation or placement of remediation wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.

(b)(1) The Regional Administrator may designate a regulated unit (as defined in § 264.90(a)(2)) as a CAMU, or may incorporate a regulated unit into a CAMU, if:

(i) The regulated unit is closed or closing, meaning it has begun the closure process under § 264.113 or § 265.113; and

(ii) Inclusion of the regulated unit will enhance implementation of effective, protective and reliable remedial actions for the facility.

(2) The subpart F, G, and H requirements and the unit-specific requirements of part 264 or 265 that applied to that regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.

(c) The Regional Administrator shall designate a CAMU in accordance with the following:

(1) The CAMU shall facilitate the implementation of reliable, effective, protective, and cost-effective remedies;

(2) Waste management activities associated with the CAMU shall not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;

(3) The CAMU shall include uncontaminated areas of the facility, only if including such areas for the purpose of managing remediation waste is more protective than management of such wastes at contaminated areas of the facility;

(4) Areas within the CAMU, where wastes remain in place after closure of the CAMU, shall be managed and contained so as to minimize future releases, to the extent practicable;

(5) The CAMU shall expedite the timing of remedial activity implementation, when appropriate and practicable;

(6) The CAMU shall enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and

(7) The CAMU shall, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.

(d) The owner/operator shall provide sufficient information to enable the Regional Administrator to designate a CAMU in accordance with the criteria in § 264.552.

(e) The Regional Administrator shall specify, in the permit or order, requirements for CAMUs to include the following:

(1) The areal configuration of the CAMU.

(2) Requirements for remediation waste management to include the specification of applicable design, operation and closure requirements.

(3) Requirements for ground water monitoring that are sufficient to:

(i) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in ground water from sources located within the CAMU; and

(ii) Detect and subsequently characterize releases of hazardous constituents to ground water that may occur from areas of the CAMU in which wastes will remain in place after closure of the CAMU.

(4) Closure and post-closure requirements.

(i) Closure of corrective action management units shall:

(A) Minimize the need for further maintenance; and

(B) Control, minimize, or eliminate, to the extent necessary to protect human health and the environment, for areas where wastes remain in place, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere.

(ii) Requirements for closure of CAMUs shall include the following, as appropriate and as deemed necessary by the Regional Administrator for a given CAMU:

(A) Requirements for excavation, removal, treatment or containment of wastes;

(B) For areas in which wastes will remain after closure of the CAMU, requirements for capping of such areas; and

(C) Requirements for removal and decontamination of equipment, devices, and structures used in remediation waste management activities within the CAMU.

(iii) In establishing specific closure requirements for CAMUs under § 264.552(e), the Regional Administrator shall consider the following factors:

(A) CAMU characteristics;

(B) Volume of wastes which remain in place after closure;

(C) Potential for releases from the CAMU;

(D) Physical and chemical characteristics of the waste;

(E) Hydrological and other relevant environmental conditions at the facility which may influence the migration of any potential or actual releases; and

(F) Potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.

(iv) Post-closure requirements as necessary to protect human health and the environment, to include, for areas where wastes will remain in place, monitoring and maintenance activities, and the frequency with which such activities shall be performed to ensure the integrity of any cap, final cover, or other containment system.

(f) The Regional Administrator shall document the rationale for designating CAMUs and shall make such documentation available to the public.

(g) Incorporation of a CAMU into an existing permit must be approved by the Regional Administrator according to the procedures for Agency-initiated permit modifications under § 270.41 of this chapter, or according to the permit modification procedures of § 270.42 of this chapter.

(h) The designation of a CAMU does not change EPA's existing authority to address clean-up levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

§ 264.553 Temporary Units (TU).

(a) For temporary tanks and container storage areas used for treatment or storage of hazardous remediation wastes, during remedial activities required under § 264.101 or RCRA section 3008(h), the Regional Administrator may determine that a design, operating, or closure standard applicable to such units may be replaced by alternative requirements which are protective of human health and the environment.

(b) Any temporary unit to which alternative requirements are applied in accordance with paragraph (a) of this section shall be:

(1) Located within the facility boundary; and

(2) Used only for treatment or storage of remediation wastes.

(c) In establishing standards to be applied to a temporary unit, the Regional Administrator shall consider the following factors:

(1) Length of time such unit will be in operation;

(2) Type of unit;

(3) Volumes of wastes to be managed;

(4) Physical and chemical characteristics of the wastes to be managed in the unit;

(5) Potential for releases from the unit;

(6) Hydrogeological and other relevant environmental conditions at the facility which may influence the migration of any potential releases; and

(7) Potential for exposure of humans and environmental receptors if releases were to occur from the unit.

(d) The Regional Administrator shall specify in the permit or order the length of time a temporary unit will be allowed to operate, to be no longer than a period of one year. The Regional Administrator shall also specify the design, operating, and closure requirements for the unit.

(e) The Regional Administrator may extend the operational period of a temporary unit once for no longer than a period of one year beyond that originally specified in the permit or order, if the Administrator determines that:

(1) Continued operation of the unit will not pose a threat to human health and the environment; and

(2) Continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.

(f) Incorporation of a temporary unit or a time extension for a temporary unit into an existing permit shall be:

(1) Approved in accordance with the procedures for Agency-initiated permit modifications under § 270.41; or

(2) Requested by the owner/operator as a Class II modification according to the procedures under § 270.42 of this chapter.

(g) The Regional Administrator shall document the rationale for designating a temporary unit and for granting time extensions for temporary units and shall make such documentation available to the public.

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

7. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, and 6935.

8. Section 265.1(b) is amended by adding the phrase ", and of 40 CFR 264.552 and 40 CFR 264.553," immediately after the phrase "standards of this part" in the first sentence.

PART 268—LAND DISPOSAL RESTRICTIONS

9. The authority citation for part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

10. Section 268.2 is amended by revising paragraph (c) to read as follows:

§ 268.2 Definitions applicable in this part.

* * * * *

(c) *Land disposal* means placement in or on the land, except in a corrective action management unit, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault, or bunker intended for disposal purposes.

* * * * *

PART 270—EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

11. The authority citation for part 270 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912, 6924, 6925, 6927, 6939, and 6974.

12. Section 270.2 is amended by adding, in alphabetical order, a definition for "Corrective action management unit," and by revising the definition for "Disposal facility" to read as follows:

§ 270.2 Definitions.

* * * * *

Corrective Action Management Unit or *CAMU* means an area within a facility that is designated by the Regional Administrator under part 264 subpart S, for the purpose of implementing corrective action requirements under § 264.101 and RCRA section 3008(h). A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

* * * * *

Disposal facility means a facility or part of a facility at which hazardous waste is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

* * * * *

13. Appendix I to § 270.42 is amended by adding a new section N, to read as follows:

§ 270.42 Permit modification at the request of the permittee.

* * * * *

APPENDIX I TO § 270.42—CLASSIFICATION OF PERMIT MODIFICATION

Modification	Class
. . . . .	
N. Corrective Action:	
1. Approval of a corrective action management unit pursuant to § 264.552	3
2. Approval of a temporary unit or time extension for a temporary unit pursuant to § 264.553	2
. . . . .	

PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

14. The authority citation for part 271 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), and 6926.

15. Section 271.1(j) is amended by adding the following entry in Table 1 in chronological order by date of publication:

§ 271.1 Purpose and scope.

* * * * *

(j) * * *

TABLE 1.—REGULATIONS IMPLEMENTING THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Promulgation date	Title of regulation	Federal Register reference	Effective Date
.	.	.	.
Feb. 16, 1993	Corrective Action Management Units and Temporary Units; Corrective Action Provisions under Subtitle C ..	58 FR	Apr. 19, 1993.

* * * * *

[FR Doc. 93–3154 Filed 2–12–93; 8:45 am]
BILLING CODE 6560–50–P

VOL
58

ISS
29

FE
16

1993

UMI

federal register

Tuesday
February 16, 1993

Part III

Department of Education

34 CFR Part 361
The State Vocational Rehabilitation Services Program; Proposed Rule

VOL 58 ISS 29 FE 16 1993 UMI

DEPARTMENT OF EDUCATION

34 CFR Part 361

The State Vocational Rehabilitation Services Program

AGENCY: Department of Education.

ACTION: Notice of intent to regulate.

SUMMARY: The Secretary of Education provides notice that the Department intends to amend the regulations for The State Vocational Rehabilitation Services Program authorized by title I of the Rehabilitation Act of 1973, as amended (the Act), to implement new section 12(e) of the Act as added by the Rehabilitation Act Amendments of 1992 (1992 Amendments), Public Law 102–569, enacted October 29, 1992. The new section 12(e) requires that, not later than 120 days after the date of the enactment of the 1992 Amendments, the Secretary must receive public comment and promulgate regulations establishing criteria for the selection of vocational rehabilitation services and providers by an individual with a disability.

DATES: All comments, suggestions, or recommendations in response to this notice must be received on or before March 18, 1993.

ADDRESSES: All comments concerning this notice should be addressed to Commissioner, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue, SW., room 3028, Mary E. Switzer Building, Washington, DC 20202–2531.

FOR FURTHER INFORMATION CONTACT: Mark Shoob, U.S. Department of Education, 400 Maryland Avenue, SW., room 3036, Mary E. Switzer Building, Washington, DC 20202–2899. Telephone: (202) 205–9406. Deaf and hearing impaired individuals may call (202) 205–5896 for TDD services.

SUPPLEMENTARY INFORMATION: New section 12(e)(1) of the Act requires the promulgation of regulations establishing criteria pertaining to the selection of vocational rehabilitation services, and of vocational rehabilitation services providers, by an individual with a disability, consistent with the individualized written rehabilitation program of the individual under section 102 of the Act. The Secretary interprets this requirement to refer to the vocational rehabilitation services, and providers of those services, under The State Vocational Rehabilitation Services Program authorized by the Act. The Secretary also interprets the requirement to apply to an individual who has been determined to be eligible for services under The State Vocational Rehabilitation Services Program. Section 12(e)(2) requires that the regulations include procedures, standards, and guidelines in several specific areas. Among the types of regulatory provisions that the Secretary will consider are requirements for written policies and procedures, assurances, data collection, and reporting.

In order to facilitate the receipt of public comments and the promulgation of regulations within the 120-day period provided for by the 1992 Amendments, the Secretary is publishing this notice. The Secretary anticipates publishing the regulations under section 12(e)(2) in final form with an opportunity for further comment after considering the comments provided in response to this notice. The Secretary also intends to develop regulations implementing new provisions in section 102 of the Act, relating to an individualized written rehabilitation program (IWRP). Section 102 requires, in part, that an IWRP include a statement by the individual pertaining to the individual's participation in choosing among alternative goals, objectives, services, entities providing such services, and methods used to provide or procure such services. Section 102(b)(1)(B)(x). In developing regulations under section 102, the Secretary will take account of comments received in response to this notice to ensure that the two sets of regulations are in harmony.

The Secretary invites comments on the following questions:

(1) What procedures should States be required to adopt to ensure—

(a) That the services provided under the Act are of sufficient scope and quality;

(b) That the costs of these services and the length of time the services are provided are reasonable; and

(c) That the services are available in a timely manner?

(2) What procedures should the regulations prescribe to prevent fraud, waste, and abuse by State vocational rehabilitation agencies, service providers, clients, and others?

(3) What procedures should the regulations include to ensure that services are provided in the most integrated settings? Commenters are advised that new section 102(b)(1)(B)(viii) of the Act requires that an IWRP include the terms and conditions under which vocational rehabilitation goods and services will be provided to the individual in the most integrated settings.

(4) What procedures should the regulations include to ensure that rehabilitation providers comply with State guarantees? Among these guarantees are the following:

(a) Affirmative action procedures with respect to the employment of individuals with disabilities, required for State agencies and facilities receiving assistance under title I of the Act by section 101(a)(6)(A). The Secretary particularly invites comment on the extent to which State agencies currently have affirmative action procedures in place that apply to other service providers, and on whether the regulations should impose affirmative action requirements on all service providers.

(b) Standards governing community rehabilitation programs and qualified personnel utilized for the provision of vocational rehabilitation services. See 34 CFR 361.45, which requires State agencies to have standards for the facilities and the service providers that these agencies use. The Secretary particularly invites comment on the extent to which States have standards in place that relate to employees of community rehabilitation programs and service providers, and on whether the regulations should include requirements relating to those employees.

(c) Minimum standards to ensure the availability of personnel, to the maximum extent feasible, trained to communicate in the native language or mode of communication of the client, required for the designated State unit by section 101(a)(7)(C) of the Act. The Secretary particularly invites comment on current State practice in this area and on whether further regulation is needed to ensure that service providers have trained personnel available.

(5) What standards should providers be required to adhere to in order to help ensure the integrity of services? The Secretary believes that the integrity of services encompasses considerations that are addressed by other questions in this notice, such as services that are sufficient in scope and quality, reasonable in cost and duration, and timely (Question (1)) and services that are free from waste, fraud, and abuse (Question (2)). The Secretary particularly invites comment on any additional aspects of the integrity of services that the regulations should address.

(6) What guidelines should the regulations include for assisting individuals with disabilities and for providing information about available vocational rehabilitation service providers? See section 102(b)(1)(B)(x), quoted above in pertinent part, for new IWRP provisions on this subject matter. In particular, are special regulatory

provisions needed concerning the following:

(a) Individuals with cognitive and other disabilities who, due to the nature of the disability, require support and assistance in fully implementing the selection and procurement of services?

(b) The parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities?

(7) How should the regulations attempt to resolve the potential conflict between an individual's choice and other legitimate program objectives, such as safeguarding the quality and economy of services, providing services in integrated settings, ensuring the effective administration of the program, and facilitating successful rehabilitations?

Invitation to Comment: Interested persons are invited to submit comments and recommendations regarding this notice.

All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in room 3036, 330 C Street, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

(Authority: 29 U.S.C. 711(e))

Dated: February 3, 1993.

Richard W. Riley,

Secretary of Education.

[FR Doc. 93–3431 Filed 2–12–93; 8:45 am]

BILLING CODE 4000–01–M

VOL
58
ISS
29
FE
16
1993
UMI

Rea

INFORM

Federal

Index, f
Public i
Correcti
Docume
Machine

Code of

Index, fi
Printing

Laws

Public L
Additio

Presider

Executiv
Public P
Weekly

The Unit

General

Other Se

Data bas
Guide to
Legal sta
Privacy
Public La
TDD for

FEDERA

6601–667
6679–687
6875–704
7047–718
7185–747
7477–771
7715–786
7861–795
7953–820
8201–851
8517–869

Reader Aids

Federal Register

Vol. 58, No. 29

Tuesday, February 16, 1993

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection desk	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

6601–6678.....1
6679–6874.....2
6875–7046.....3
7047–7184.....4
7185–7476.....5
7477–7714.....8
7715–7860.....9
7861–7952.....10
7953–8200.....11
8201–8516.....12
8517–8690.....16

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive orders:
12837.....8205
12838.....8207
12839.....8515
12800 (Revoked by EO 12836).....7045
12818 (Revoked by EO 12836).....7045
12836.....7045

Administrative Orders:
Memorandums:
January 22, 1993.....7455
January 22, 1993.....7457
January 22, 1993.....7459
January 29, 1993.....8201
February 3, 1993.....8203

Proclamations:
6527.....7477

5 CFR

Proposed Rules:
970.....7052

7 CFR

52.....7607
301.....8517
318.....7953
319.....8524
907.....7964
908.....7964
911.....8533
915.....7972, 8533
916.....8534
918.....8209
927.....8536
932.....8538
948.....8539
1097.....6679
1099.....6679
1209.....8194

Proposed Rules:
52.....7296
275.....7296
283.....7296
932.....8558
1106.....8559
1139.....7996

9 CFR

Proposed Rules:
317.....8560
381.....8560

10 CFR

19.....7715
20.....7715
30.....7715
36.....7715
40.....7715
51.....7715
70.....7715
170.....7715

Proposed Rules:
20.....8560
30.....6730
40.....6730
50.....6730, 7757
70.....6730
72.....6730

11 CFR

201.....6875

12 CFR

203.....6601
207.....6602
208.....7973
220.....6602
221.....6602
224.....6602
225.....7973
303.....8210
325.....8220
611.....6604
612.....6605
796.....6605
1605.....8220

Proposed Rules:
208.....8007
225.....8007
900.....8563

13 CFR

121.....7479

14 CFR

21.....8222
23.....8222
33.....6875
39.....6703–6707, 6877–6881, 7185, 7479–7482, 7737, 7861, 7862, 7982, 7983, 8224
71.....6709, 6884–6886, 7179, 7484, 7738
73.....6884
95.....6887
97.....6709, 6712, 7485, 7746

Proposed Rules:
Ch. I.....8244
39.....6740–6746, 6906, 7196, 7494, 7495, 7759
61.....7197
63.....7197
65.....7197
71.....6911, 8244
93.....7950
121.....7197
135.....7197
300.....7040
399.....7053

15 CFR

Proposed Rules:
1200 8564

16 CFR

4 7047

Proposed Rules:
Ch. II 8013–8023
305 7852
1210 8565

17 CFR

4 8226
140 6677
145 7040
150 6854
200 8541
270 7984

Proposed Rules:
1 ..... 6748, 7056
3 6748
10 6748
145 6748

18 CFR

3c 7486
154 7984
157 6893
381 7488
385 7984

19 CFR

Proposed Rules:
10 6677

21 CFR

520 ..... 7864, 8541
522 8542
1308 7186

23 CFR

140 6713

Proposed Rules:
625 6914

24 CFR

770 8186
882 8186
889 8186
890 8186
941 8186

Proposed Rules:
770 8187
882 8187
889 8187
890 8187
941 8187

25 CFR

501 8449
515 8449
519 8449
522 8449
523 8449
524 8449
531 8449
533 8449
535 8449
537 8449
539 8449
556 8449
558 8449
571 8449
573 8449
575 8449
577 8449

26 CFR

1 ..... 6678, 7041, 7296, 7747, 7865, 7987, 7988, 8098
602 ..... 6678, 7987, 7988

Proposed Rules:
1 ..... 6854, 6922, 6923, 7179, 7497, 7845, 8027
26 ..... 6854, 7497
52 8099
301 ..... 6854, 7497, 7761

29 CFR

2616 6605
2617 6605
2619 8230
2676 8231

Proposed Rules:
103 7149
2619 7921
2676 7921

30 CFR

77 8543
254 7489
701 8655
785 8655

Proposed Rules:
14 8028
18 8028
75 8028
870 ..... 7761, 8655

31 CFR

103 7047

32 CFR

201 7865
592 6715
606 6715
608 6715
612 6715
616 6715

33 CFR

3 6716
100 ..... 7492, 8543
117 6717
150 7330
154 7330
155 7376
165 8543
334 6718

Proposed Rules:
117 ..... 6766, 6767, 7497, 7498
165 7500
334 6768

34 CFR

8 7860

Proposed Rules:
361 8688
300 7938

36 CFR

Proposed Rules:
1191 6924

37 CFR

301 8655
304 7051
311 8655

38 CFR

1 7296

39 CFR

Proposed Rules:
3001 6769

40 CFR

2 7187
52 ..... 6606, 8545
58 8252
60 7189
82 8136
180 6893
232 8172
233 8172
260 8658
261 6854
264 8658
265 8658
266 6607
268 8658
270 8658
271 ..... 6854, 7865, 8232, 8658
281 6894
300 ..... 7189, 7492
305 7704
721 7190

Proposed Rules:
Ch. I 6609, 7501, 8565
52 ..... 7762, 8245, 8246, 8565
54 7870
81 7762
144 ..... 7924, 8028
191 ..... 7924, 8028
194 8029
260 8102
261 ..... 6925, 8102, 8504
262 8102
264 8102
265 8102
268 8102
270 8102
273 8102
372 6609
700 7646
720 7661
721 7676
723 ..... 7646, 7679

41 CFR

302–11 8547

42 CFR

59 7462

Proposed Rules:
59 7464
417 8568
434 8568
1003 8568

43 CFR

Public Land Order:
6956 6719
6957 7867

44 CFR

65 8551–8553
67 8549

Proposed Rules:
67 8568

45 CFR

303 7040
1626 6608

Proposed Rules:
1607 6611
1609 6612

46 CFR

571 7190
586 7988

Proposed Rules:
502 7199
505 7199
510 7199
514 7501
540 7199

47 CFR

1 6895
61 7867
69 7867
73 ..... 7194, 7195, 7869, 8233–8235
76 7990

Proposed Rules:
Ch. 1 ..... 6937, 7062, 8248
2 6769
15 ..... 6769, 7205
43 7764
73 ..... 6677, 7874, 7875, 8248
76 ..... 7205, 7875

48 CFR

Ch. 20 8449
552 8235

Proposed Rules:
Ch. 53 6771

49 CFR

1 6896–6898
229 6899
9 6719
171 6864
172 6864
173 6864
174 6864
176 6864
390 6726
394 6726
1002 7748
1017 7748
1018 7748
1312 7748
1313 7748
1314 7748

Proposed Rules:
40 ..... 7197, 7506
199 7197
217 7197
219 7197
350 7197
382 7197
383 7197
391 7197
392 ..... 6937, 7197
395 ..... 6937, 7197
531 6939
571 ..... 7206, 7506
572 7506
611 6948
653 7197
654 7197
1039 8030
1180 6612

50 CFR

17 8235
217 8554
227 8554
625 8557
650 7040
675 7040

Proposed Rules:
17 ..... 8032, 8249, 8250
226 7206
363 7525
372 6677

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last List February 11, 1993

ELECTRONIC BULLETIN BOARD

Free **Electronic Bulletin Board** Service for Public Law Numbers is available on 202–275–1538 or 275–0920.

VOL 58 ISS 29 FEB 16 1993 UMI

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $775.00 domestic, $193.75 additional for foreign mailing.

Mail orders to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250–7954. All orders must be accompanied by remittance (check, money order, GPO Deposit Account, VISA, or Master Card). Charge orders may be telephoned to the GPO Order Desk, Monday through Friday, at (202) 783–3238 from 8:00 a.m. to 4:00 p.m. eastern time, or FAX your charge orders to (202) 512-2233.

Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–017–00001–9)	$13.00	Jan. 1, 1992
3 (1991 Compilation and Parts 100 and 101)	(869–017–00002–7)	17.00	[1] Jan. 1, 1992
4	(869–017–00003–5)	15.00	Jan. 1, 1992
5 Parts:			
1–699	(869–017–00004–3)	18.00	Jan. 1, 1992
700–1199	(869–017–00005–1)	14.00	Jan. 1, 1992
1200–End, 6 (6 Reserved)	(869–017–00006–0)	19.00	Jan. 1, 1992
7 Parts:			
0–26	(869–017–00007–8)	17.00	Jan. 1, 1992
27–45	(869–017–00008–6)	12.00	Jan. 1, 1992
46–51	(869–017–00009–4)	18.00	Jan. 1, 1992
52	(869–017–00010–8)	24.00	Jan. 1, 1992
53–209	(869–017–00011–6)	19.00	Jan. 1, 1992
210–299	(869–017–00012–4)	26.00	Jan. 1, 1992
300–399	(869–017–00013–2)	13.00	Jan. 1, 1992
400–699	(869–017–00014–1)	15.00	Jan. 1, 1992
700–899	(869–017–00015–9)	18.00	Jan. 1, 1992
900–999	(869–017–00016–7)	29.00	Jan. 1, 1992
1000–1059	(869–017–00017–5)	17.00	Jan. 1, 1992
1060–1119	(869–017–00018–3)	13.00	Jan. 1, 1992
1120–1199	(869–017–00019–1)	9.50	Jan. 1, 1992
1200–1499	(869–017–00020–5)	22.00	Jan. 1, 1992
1500–1899	(869–017–00021–3)	15.00	Jan. 1, 1992
1900–1939	(869–017–00022–1)	11.00	Jan. 1, 1992
1940–1949	(869–017–00023–0)	23.00	Jan. 1, 1992
1950–1999	(869–017–00024–8)	26.00	Jan. 1, 1992
2000–End	(869–017–00025–6)	11.00	Jan. 1, 1992
8	(869–017–00026–4)	17.00	Jan. 1, 1992
9 Parts:			
1–199	(869–017–00027–2)	23.00	Jan. 1, 1992
200–End	(869–017–00028–1)	18.00	Jan. 1, 1992
10 Parts:			
0–50	(869–017–00029–9)	25.00	Jan. 1, 1992
51–199	(869–017–00030–2)	18.00	Jan. 1, 1992
200–399	(869–017–00031–1)	13.00	[4] Jan. 1, 1987
400–499	(869–017–00032–9)	20.00	Jan. 1, 1992
500–End	(869–017–00033–7)	28.00	Jan. 1, 1992
11	(869–017–00034–5)	12.00	Jan. 1, 1992
12 Parts:			
1–199	(869–017–00035–3)	13.00	Jan. 1, 1992
200–219	(869–017–00036–1)	13.00	Jan. 1, 1992
220–299	(869–017–00037–0)	22.00	Jan. 1, 1992
300–499	(869–017–00038–8)	18.00	Jan. 1, 1992
500–599	(869–017–00039–6)	17.00	Jan. 1, 1992
600–End	(869–017–00040–0)	19.00	Jan. 1, 1992
13	(869–017–00041–8)	25.00	Jan. 1, 1992
14 Parts:			
1–59	(869–017–00042–6)	25.00	Jan. 1, 1992
60–139	(869–017–00043–4)	22.00	Jan. 1, 1992
140–199	(869–017–00044–2)	11.00	Jan. 1, 1992
200–1199	(869–017–00045–1)	20.00	Jan. 1, 1992
1200–End	(869–017–00046–9)	14.00	Jan. 1, 1992
15 Parts:			
0–299	(869–017–00047–7)	13.00	Jan. 1, 1992
300–799	(869–017–00048–5)	21.00	Jan. 1, 1992
800–End	(869–017–00049–3)	17.00	Jan. 1, 1992
16 Parts:			
0–149	(869–017–00050–7)	6.00	Jan. 1, 1992
150–999	(869–017–00051–5)	14.00	Jan. 1, 1992
1000–End	(869–017–00052–3)	20.00	Jan. 1, 1992
17 Parts:			
1–199	(869–017–00054–0)	15.00	Apr. 1, 1992
200–239	(869–017–00055–8)	17.00	Apr. 1, 1992
240–End	(869–017–00056–6)	24.00	Apr. 1, 1992
18 Parts:			
1–149	(869–017–00057–4)	16.00	Apr. 1, 1992
150–279	(869–017–00058–2)	19.00	Apr. 1, 1992
280–399	(869–017–00059–1)	14.00	Apr. 1, 1992
400–End	(869–017–00060–4)	9.50	Apr. 1, 1992
19 Parts:			
1–199	(869–017–00061–2)	28.00	Apr. 1, 1992
200–End	(869–017–00062–1)	9.50	Apr. 1, 1992
20 Parts:			
1–399	(869–017–00063–9)	16.00	Apr. 1, 1992
400–499	(869–017–00064–7)	31.00	Apr. 1, 1992
500–End	(869–017–00065–5)	21.00	Apr. 1, 1992
21 Parts:			
1–99	(869–017–00066–3)	13.00	Apr. 1, 1992
100–169	(869–017–00067–1)	14.00	Apr. 1, 1992
170–199	(869–017–00068–0)	18.00	Apr. 1, 1992
200–299	(869–017–00069–8)	5.50	Apr. 1, 1992
300–499	(869–017–00070–1)	29.00	Apr. 1, 1992
500–599	(869–017–00071–0)	21.00	Apr. 1, 1992
600–799	(869–017–00072–8)	7.00	Apr. 1, 1992
800–1299	(869–017–00073–6)	18.00	Apr. 1, 1992
1300–End	(869–017–00074–4)	9.00	Apr. 1, 1992
22 Parts:			
1–299	(869–017–00075–2)	26.00	Apr. 1, 1992
300–End	(869–017–00076–1)	19.00	Apr. 1, 1992
23	(869–017–00077–9)	18.00	Apr. 1, 1992
24 Parts:			
0–199	(869–017–00078–7)	34.00	Apr. 1, 1992
200–499	(869–017–00079–5)	32.00	Apr. 1, 1992
500–699	(869–017–00080–9)	13.00	Apr. 1, 1992
700–1699	(869–017–00081–7)	34.00	Apr. 1, 1992
1700–End	(869–017–00082–5)	13.00	Apr. 1, 1992
25	(869–017–00083–3)	25.00	Apr. 1, 1992
26 Parts:			
§§ 1.0-1–1.60	(869–017–00084–1)	17.00	Apr. 1, 1992
§§ 1.61–1.169	(869–017–00085–0)	33.00	Apr. 1, 1992
§§ 1.170–1.300	(869–017–00086–8)	19.00	Apr. 1, 1992
§§ 1.301–1.400	(869–017–00087–6)	17.00	Apr. 1, 1992
§§ 1.401–1.500	(869–017–00088–4)	38.00	Apr. 1, 1992
§§ 1.501–1.640	(869–017–00089–2)	19.00	Apr. 1, 1992
§§ 1.641–1.850	(869–017–00090–6)	19.00	Apr. 1, 1992
§§ 1.851–1.907	(869–017–00091–4)	23.00	Apr. 1, 1992
§§ 1.908–1.1000	(869–017–00092–2)	26.00	Apr. 1, 1992
§§ 1.1001–1.1400	(869–017–00093–1)	19.00	Apr. 1, 1992
§§ 1.1401–End	(869–017–00094–9)	26.00	Apr. 1, 1992
2–29	(869–017–00095–7)	22.00	Apr. 1, 1992
30–39	(869–017–00096–5)	15.00	Apr. 1, 1992
40–49	(869–017–00097–3)	12.00	Apr. 1, 1992
50–299	(869–017–00098–1)	15.00	Apr. 1, 1992
300–499	(869–017–00099–0)	20.00	Apr. 1, 1992
500–599	(869–017–00100–7)	6.00	[5] Apr. 1, 1990
600–End	(869–017–00101–5)	6.50	Apr. 1, 1992

Title	Stock Number	Price	Revision Date
27 Parts:			
1–199	(869–017–00102–3)	34.00	Apr. 1, 1992
200–End	(869–017–00103–1)	11.00	Apr. 1, 1991
28	(869–017–00104–0)	37.00	July 1, 1992
29 Parts:			
0–99	(869–017–00105–8)	19.00	July 1, 1992
100–499	(869–017–00106–6)	9.00	July 1, 1992
500–899	(869–017–00107–4)	32.00	July 1, 1992
900–1899	(869–017–00108–2)	16.00	July 1, 1992
1900–1910 (§§ 1901.1 to 1910.999)	(869–017–00109–1)	29.00	July 1, 1992
1910 (§§ 1910.1000 to end)	(869–017–00110–4)	16.00	July 1, 1992
1911–1925	(869–017–00111–2)	9.00	[7] July 1, 1989
1926	(869–017–00112–1)	14.00	July 1, 1992
1927–End	(869–017–00113–9)	30.00	July 1, 1992
30 Parts:			
1–199	(869–017–00114–7)	25.00	July 1, 1992
200–699	(869–017–00115–5)	19.00	July 1, 1992
700–End	(869–017–00116–3)	25.00	July 1, 1992
31 Parts:			
0–199	(869–017–00117–1)	17.00	July 1, 1992
200–End	(869–017–00118–0)	25.00	July 1, 1992
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–189	(869–017–00119–8)	30.00	July 1, 1992
190–399	(869–017–00120–1)	33.00	July 1, 1992
400–629	(869–017–00121–0)	29.00	July 1, 1992
630–699	(869–017–00122–8)	14.00	[8] July 1, 1991
700–799	(869–017–00123–6)	20.00	July 1, 1992
800–End	(869–017–00124–4)	20.00	July 1, 1992
33 Parts:			
1–124	(869–017–00125–2)	16.00	July 1, 1992
125–199	(869–017–00126–1)	21.00	July 1, 1992
200–End	(869–017–00127–9)	23.00	July 1, 1992
34 Parts:			
1–299	(869–017–00128–7)	27.00	July 1, 1992
300–399	(869–017–00129–5)	19.00	July 1, 1992
400–End	(869–017–00130–9)	32.00	July 1, 1992
35	(869–017–00131–7)	12.00	July 1, 1992
36 Parts:			
1–199	(869–017–00132–5)	15.00	July 1, 1992
200–End	(869–017–00133–3)	32.00	July 1, 1992
37	(869–017–00134–1)	17.00	July 1, 1992
38 Parts:			
0–17	(869–017–00135–0)	28.00	Sept 1, 1992
18–End	(869–017–00136–8)	28.00	Sept. 1, 1992
39	(869–017–00137–6)	16.00	July 1, 1992
40 Parts:			
1–51	(869–017–00138–4)	31.00	July 1, 1992
52	(869–017–00139–2)	33.00	July 1, 1992
53–60	(869–017–00140–6)	36.00	July 1, 1992
61–80	(869–017–00141–4)	16.00	July 1, 1992
81–85	(869–017–00142–2)	17.00	July 1, 1992
86–99	(869–017–00143–1)	33.00	July 1, 1992
100–149	(869–017–00144–9)	34.00	July 1, 1992
150–189	(869–017–00145–7)	21.00	July 1, 1992
190–259	(869–017–00146–5)	16.00	July 1, 1992
260–299	(869–017–00147–3)	36.00	July 1, 1992
300–399	(869–017–00148–1)	15.00	July 1, 1992
400–424	(869–017–00149–0)	25.00	July 1, 1992
425–699	(869–017–00150–3)	25.00	July 1, 1992
700–789	(869–017–00151–1)	23.00	July 1, 1992
790–End	(869–017–00152–0)	25.00	July 1, 1992
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–017–00153–8)	9.50	July 1, 1992
101	(869–017–00154–6)	28.00	July 1, 1992
102–200	(869–017–00155–4)	11.00	[8] July 1, 1991
201–End	(869–017–00156–2)	11.00	July 1, 1992
42 Parts:			
1–399	(869–017–00157–1)	22.00	Oct. 1, 1992
*400–429	(869–017–00158–9)	23.00	Oct. 1, 1992
430–End	(869–017–00159–7)	31.00	Oct. 1, 1992
43 Parts:			
1–999	(869–013–00161–3)	20.00	Oct. 1, 1991
1000–3999	(869–017–00161–9)	30.00	Oct. 1, 1992
4000–End	(869–017–00162–7)	13.00	Oct. 1, 1992
44	(869–017–00163–5)	26.00	Oct. 1, 1992
45 Parts:			
1–199	(869–017–00164–3)	20.00	Oct. 1, 1992
200–499	(869–013–00166–4)	12.00	Oct. 1, 1991
500–1199	(869–016–00167–0)	30.00	Oct. 1, 1992
1200–End	(869–017–00167–8)	20.00	Oct. 1, 1992
46 Parts:			
1–40	(869–017–00168–6)	17.00	Oct. 1, 1992
41–69	(869–017–00169–4)	16.00	Oct. 1, 1992
70–89	(869–017–00170–8)	8.00	Oct. 1, 1992
90–139	(869–013–00172–9)	12.00	Oct. 1, 1991
140–155	(869–017–00172–4)	12.00	Oct. 1, 1992
156–165	(869–017–00173–2)	14.00	[8] Oct. 1, 1991
166–199	(869–017–00174–1)	17.00	Oct. 1, 1992
200–499	(869–017–00175–9)	22.00	Oct. 1, 1992
500–End	(869–017–00176–7)	14.00	Oct. 1, 1992
47 Parts:			
0–19	(869–017–00177–5)	22.00	Oct. 1, 1992
*20–39	(869–017–00178–3)	22.00	Oct. 1, 1992
40–69	(869–017–00179–1)	10.00	Oct. 1, 1992
70–79	(869–013–00181–5)	18.00	Oct. 1, 1991
80–End	(869–017–00181–3)	24.00	Oct. 1, 1992
48 Chapters:			
*1 (Parts 1–51)	(869–017–00182–1)	34.00	Oct. 1, 1992
1 (Parts 52–99)	(869–017–00183–0)	22.00	Oct. 1, 1992
2 (Parts 201–251)	(869–017–00184–8)	15.00	Oct. 1, 1992
2 (Parts 252–299)	(869–017–00185–6)	12.00	Oct. 1, 1992
3–6	(869–017–00186–4)	22.00	Oct. 1, 1992
7–14	(869–017–00187–2)	30.00	Oct. 1, 1992
15–End	(869–013–00189–3)	30.00	Oct. 1, 1991
29–End	(869–017–00189–9)	16.00	Oct. 1, 1992
49 Parts:			
*1–99	(869–017–00190–2)	22.00	Oct. 1, 1992
100–177	(869–017–00191–1)	27.00	Oct. 1, 1992
178–199	(869–017–00192–9)	19.00	Oct. 1, 1992
*200–399	(869–017–00193–7)	27.00	Oct. 1, 1992
400–999	(869–013–00194–0)	27.00	Oct. 1, 1991
1000–1199	(869–013–00195–8)	17.00	Oct. 1, 1991
1200–End	(869–017–00196–1)	21.00	Oct. 1, 1992
50 Parts:			
1–199	(869–013–00197–4)	21.00	Oct. 1, 1991
200–599	(869–017–00198–6)	20.00	Oct. 1, 1992
600–End	(869–013–00199–1)	17.00	Oct. 1, 1991
CFR Index and Findings Aids	(869–017–00053–1)	31.00	Jan. 1, 1992
Complete 1993 CFR set		775.00	1993
Microfiche CFR Edition:			
Complete set (one-time mailing)		188.00	1990

VOL
58
ISS
29
FE
16
1993
UMI

Title	Stock Number	Price	Revision Date
Complete set (one-time mailing)		188.00	1991
Complete set (one-time mailing)		168.00	1992
Subscription (mailed as issued)		223.00	1993
Individual copies		2.00	1993

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1991. The CFR volume issued January 1, 1987, should be retained.

[5] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1991. The CFR volume issued April 1, 1990, should be retained.

[6] No amendments to this volume were promulgated during the period Apr. 1, 1991 to Mar. 30, 1992. The CFR volume issued April 1, 1991, should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 1989 to June 30, 1992. The CFR volume issued July 1, 1989, should be retained.

[8] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1992. The CFR volume issued July 1, 1991, should be retained.

[9] No amendments to this volume were promulgated during the period October 1, 1991 to September 30, 1992. The CFR volume issued October 1, 1991, should be retained.

FEDERAL REGISTER SUBSCRIBERS: IMPORTANT INFORMATION ABOUT YOUR SUBSCRIPTION

After 6 years without an adjustment, it has become necessary to increase the price of the **Federal Register** in order to begin recovering the actual costs of providing this subscription service. Effective October 1, 1992, the price for the **Federal Register** will increase and be offered as follows:

(1) FEDERAL REGISTER COMPLETE SERVICE—Each business day you can continue to receive the daily **Federal Register**, plus the monthly **Federal Register Index** and **Code of Federal Regulations List of Sections Affected (LSA)**, all for **$415.00** per year.

(2) FEDERAL REGISTER DAILY ONLY SERVICE—With this subscription service, you will receive the **Federal Register** every business day for **$375.00** per year.

HOW WILL THIS AFFECT YOUR CURRENT SUBSCRIPTION?

You will receive your current complete **Federal Register** service for the length of time remaining in your subscription.

AT RENEWAL TIME

At renewal time, to keep this important subscription coming—you can continue to receive the complete **Federal Register** service by simply renewing for the entire package, or you can select and order only the parts that suit your needs:

- renew your entire **Federal Register Service** (complete service)

or select. . .

- the daily only **Federal Register** (basic service)
- and complement the basic service with either of the following supplements: the monthly **Federal Register Index** or the monthly **LSA**

When your current subscription expires, you will receive a renewal notice to continue the complete **Federal Register** service. At that time, you will also receive an order form for the daily **Federal Register** basic service, the **Federal Register Index**, and the **LSA**.

To know when to expect the renewal notice, check the top line of your subscription mailing label for the month and year of expiration as shown in this sample:

A renewal notice will be sent approximately 90 days before the end of this month.

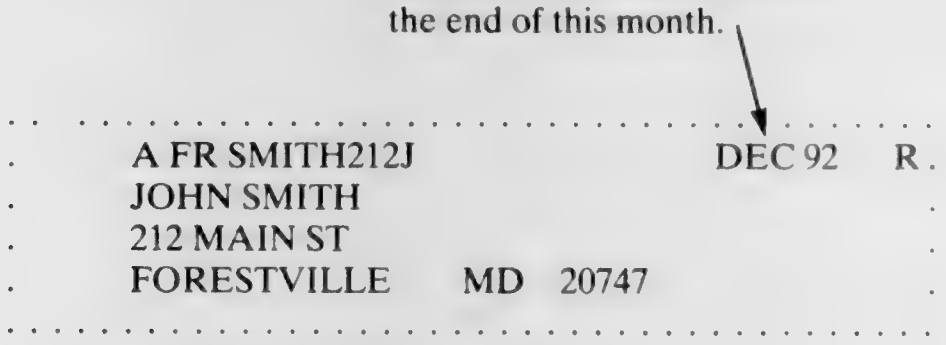

VOL
58

ISS
29

FE
16

1993

UMI

Would you like to know...

if any changes have been made to the Code of Federal Regulations or what documents have been published in the Federal Register without reading the Federal Register every day? If so, you may wish to subscribe to the *LSA (List of CFR Sections Affected)*, the *Federal Register Index*, or both.

LSA • List of CFR Sections Affected

The LSA (List of CFR Sections Affected) is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. The LSA is issued monthly in cumulative form. Entries indicate the nature of the changes—such as revised, removed, or corrected.
$21.00 per year

Federal Register Index

The index, covering the contents of the daily Federal Register, is issued monthly in cumulative form. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.
$19.00 per year.

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register

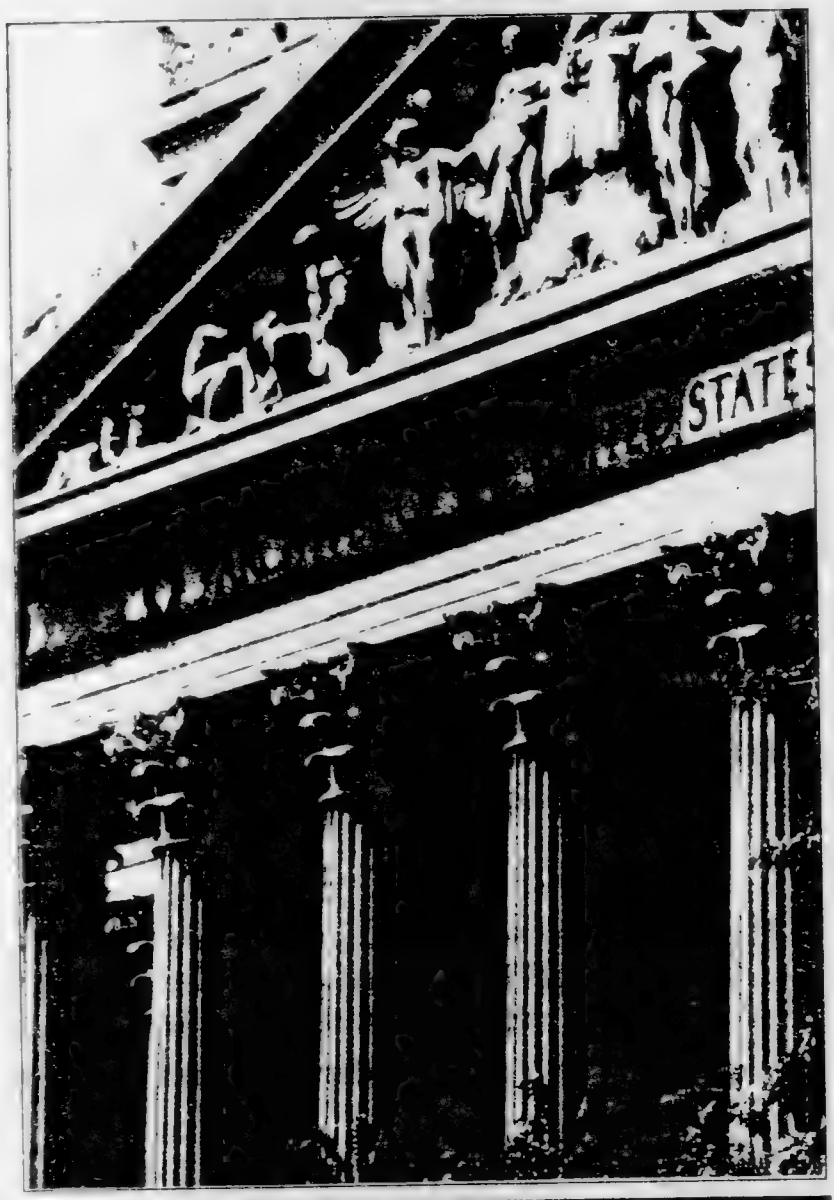

Superintendent of Documents Subscriptions Order Form

Order Processing Code
*5351

Charge your order. It's easy! MasterCard VISA

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please send me the following indicated subscriptions:

☐ LSA • List of CFR Sections Affected—one year as issued—$21.00 (LCS)

☐ Federal Register Index—one year as issued—$19.00 (FRSU)

1. The total cost of my order is $_____. All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____)
(Daytime phone including area code)

3. **Please choose method of payment:**

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐☐–☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

(Rev. 10/92)

4. **Mail To:** Superintendent of Documents, Government Printing Office, Washington, DC 20402-9371

VISA

the GPO order
m. to 4:00 p.m
holidays).

to change.

ocuments
–

our order!

(Rev. 10/92)

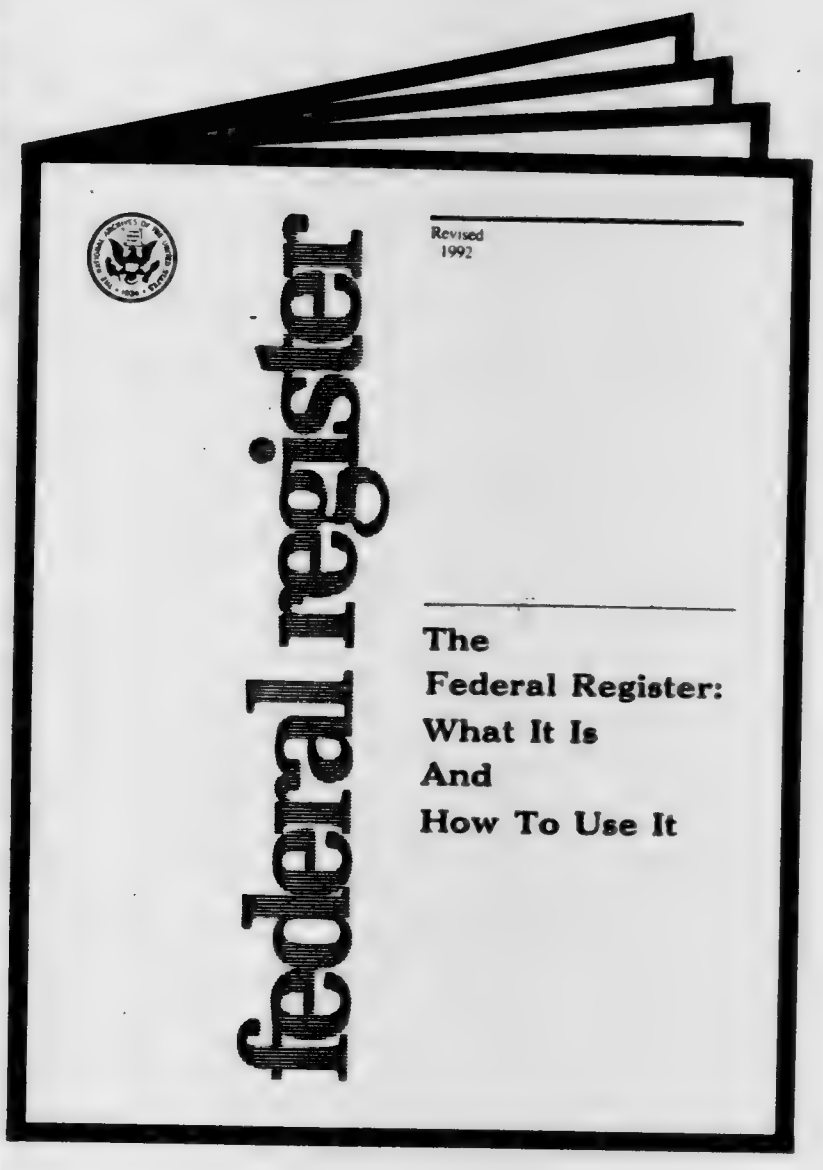

Announcing the Latest Edition

The Federal Register: What It Is and How to Use It

A Guide for the User of the Federal Register — Code of Federal Regulations System

This handbook is used for the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide guidelines for using the *Federal Register* and related publications, as well as an explanation of how to solve a sample research problem.

Price $7.00

Superintendent of Documents **Publications** Order Form

Order processing code:
*6173

☐ **YES**, please send me the following:

Charge your order. It's Easy! MasterCard VISA

To fax your orders (202)-512-2250

_____ copies of **The Federal Register - What it is and How To Use It**, at $7.00 per copy. Stock No. 069-000-00044-4

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

_____
(Company or Personal Name) (Please type or print)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

_____
(Daytime phone including area code)

_____
(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐–☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐ (Credit card expiration date)

Thank you for your order!

_____
(Authorizing Signature) (Rev. 1-93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

VOL
58
ISS
29
FE
16
1993
UMI

Guide to Record Retention Requirements

in the Code of Federal Regulations (CFR)

GUIDE: Revised January 1, 1992

The GUIDE to record retention is a useful reference tool, compiled from agency regulations, designed to assist anyone with Federal recordkeeping obligations.

The various abstracts in the GUIDE tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The GUIDE is formatted and numbered to parallel the CODE OF FEDERAL REGULATIONS (CFR) for uniformity of citation and easy reference to the source document.

Compiled by the Office of the Federal Register, National Archives and Records Administration.

Superintendent of Documents **Publications** Order Form

Order Processing Code:
*

☐ **YES**, please send me the following:

Charge your order. It's Easy! MasterCard VISA

To fax your orders (202) 512-2250

_____copies of the 1992 GUIDE TO RECORD RETENTION REQUIREMENTS IN THE CFR
S/N 069-000-00046-1 at $15.00 each.

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

_____
(Company or Personal Name) (Please type or print)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

_____
(Daytime phone including area code)

_____
(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐ (Credit card expiration date)

Thank you for your order!

_____
(Authorizing Signature)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

Do you want us to make your name/address available to other mailers? ☐ ☐

P.O. Box 371954, Pittsburgh, PA 15250-7954

ents

(CFR)

a useful

e with

E tell the
who must
t be kept.
nbered to
ULATIONS
easy

ederal
rds

VISA

202) 512-2250

nestic

f Documents

☐☐☐-☐

☐☐☐☐☐☐

Thank you for your order!

Documents
15250-7954

YES NO
May we make your name/address available to other mailers? ☐ ☐

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

VOL
58

ISS
29

FE
16

1993

UMI

Printed on recycled paper

VOL
58

ISS
30

FE
17

1993

UMI

U·M·I

THE PAPER AND INK USED IN THE ORIGINAL MATERIAL AFFECT THE QUALITY OF THE MICRO-EDITION. THIS REPRODUCTION IS MADE FROM THE BEST COPY AVAILABLE.

2–17–93
Vol. 58

United S
Governm
Printing
SUPERINTEND
OF DOCUMEN
Washington, D

OFFICIAL BUS
Penalty for pri

2–17–93
Vol. 58 No. 30

Federal Register

Wednesday
February 17, 1993

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 93 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097–6326)

VOL
58
ISS
30
FE
17
1993
UMI

2-17-93
Vol. 58
Pages 869

2–17–93
Vol. 58 No. 30
Pages 8691–8692

federal register

Wednesday
February 17, 1993

Briefings on How To Use the Federal Register
For information on briefings in New York, NY, and Los Angeles, CA, see announcement on the inside cover of this issue.

VOL
58
ISS
30
FE
17
1993
UMI

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche format and magnetic tape. The annual subscription price for the **Federal Register** paper edition is $375, or $415 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $353; and magnetic tape is $37,500. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $4.50 for each issue, or $4.50 for each group of pages as actually bound; or $1.50 for each issue in microfiche form; or $175.00 per magnetic tape. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 58 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	202–783–3238
Magnetic tapes	512–1530
Problems with public subscriptions	512–2303
Single copies/back copies:	
Paper or fiche	783–3238
Magnetic tapes	512–1530
Problems with public single copies	512–2457
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	523–5243
Magnetic tapes	512–1530
Problems with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

NEW YORK, NY

WHEN: March 26, at 12:30 pm
WHERE: 26 Federal Plaza
Conference Room 305C
New York, NY
RESERVATIONS: Federal Information Center
1–800–347–1997

LOS ANGELES, CA

WHEN: March 31, at 9:00 am
WHERE: 300 North Los Angeles Street
Conference Room 8041
Los Angeles, CA
RESERVATIONS: Federal Information Center
1–800–726–4995

Printed on recycled paper containing 100% post consumer waste

Contents

Federal Register

Vol. 58, No. 30

Wednesday, February 17, 1993

Agency for International Development
RULES
Acquisition regulations:
Miscellaneous amendments, 8701

Agency for Toxic Substances and Disease Registry
NOTICES
Meetings:
ATSDR-Community Public Health Assessment Workshop, 8765

Agriculture Department
See Animal and Plant Health Inspection Service
See Farmers Home Administration
See Forest Service

Air Force Department
NOTICES
Meetings:
Scientific Advisory Board, 8743

Alcohol, Tobacco and Firearms Bureau
PROPOSED RULES
Alcohol; viticulture area designation:
Spring Mountain, CA, 8726

Animal and Plant Health Inspection Service
RULES
Plant-related quarantine, domestic:
Black stem rust; correction, 8820
Veterinarian accreditation; correction, 8820

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Civil Rights Commission
NOTICES
Meetings; Sunshine Act, 8818

Coast Guard
RULES
Recreational vessels; fees, 8884

Commerce Department
See International Trade Administration
See National Oceanic and Atmospheric Administration
See Travel and Tourism Administration
NOTICES
Agency information collection activities under OMB review, 8735

Commodity Futures Trading Commission
NOTICES
Contract market proposals:
Chicago Mercantile Exchange—
Clearing firms retention of profits from trades in excess of prescribed limits, 8741

Copyright Royalty Tribunal
RULES
Public noncommercial broadcasting; copyrighted works use; royalty fees; correction, 8820

Defense Department
See Air Force Department
See Navy Department
NOTICES
Meetings:
Science Board task forces, 8742, 8743
Women in Services Advisory Committee, 8742

Education Department
NOTICES
Agency information collection activities under OMB review, 8744
Grants and cooperative agreements; availability, etc.:
Emergency immigrant education program, 8744
State educational agencies; submission of data, 8745

Employment and Training Administration
NOTICES
Adjustment assistance:
Allied Signal, 8769
D&H Manufacturers, Inc., 8770
Marilyn Fashions, Inc., 8770

Energy Department
See Energy Research Office
See Federal Energy Regulatory Commission
See Hearings and Appeals Office, Energy Department
NOTICES
Meetings:
Inertial Confinement Fusion Advisory Committee/Defense Programs, 8746
Organization, functions, and authority delegations:
Freedom of Information program; Chicago Field Office; public document reading room relocation, 8746

Energy Research Office
NOTICES
Grants and cooperative agreements; availability, etc.:
Human genome program, 8746, 8747

Environmental Protection Agency
RULES
Air programs:
Stratospheric ozone protection—
Class I ozone-depleting substances; nonessential products ban; correction, 8820
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
1[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole, etc., 8697
Azadirachtin, 8695
Clomazone, 8696
Tetrapotassium pyrophosphate, 8699
PROPOSED RULES
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Ethoxylated polyarylalkylphenols, 8728
Sodium bisulfate, 8729
Water pollution control:
Oil pollution prevention—
Non-transportation-related onshore facilities, 8824

VOL 58 ISS 30 FE 17 1993 UMI

NOTICES
Pesticides; experimental use permits, etc.:
Monsanto Co., 8758
Monsanto Co.; correction, 8759
Superfund; response and remedial actions, proposed settlements, etc.:
Route 52 Site, WV; correction, 8820

Farm Credit Administration
NOTICES
Meetings; Sunshine Act, 8818

Farmers Home Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Rural housing targeting set aside funds, 8732

Federal Aviation Administration
RULES
Airworthiness directives:
Boeing; correction, 8693
PROPOSED RULES
Airworthiness directives:
Boeing, 8719, 8723
Fokker, 8721
Rulemaking petitions; summary and disposition; correction, 8719
Transition areas, 8725
VOR Federal airways, reporting points, and jet routes, 8724
NOTICES
Airport noise compatibility program:
Noise exposure map—
Palm Beach International Airport, FL, 8806
Shreveport Regional Airport, LA, 8807
Exemption petitions; summary and disposition, 8808
Meetings:
Research, Engineering, and Development Advisory Committee, 8811, 8812
Organization, functions, and authority delegations:
Honolulu, HI, 8809
Passenger facility charges; applications, etc.:
Gallatin Field Airport, MT, 8812
Helena Regional Airport, MT, et al., 8812
William R. Fairchild International Airport, WA, 8812

Federal Communications Commission
RULES
Common carrier services:
Antidrug Abuse Act, 1988—
Certification requirements; Federal, State, or local governmental entities exemptions, 8701
PROPOSED RULES
Radio services, special:
Private land mobile services—
Major policy changes for bands below 512 MHz, 8731
NOTICES
Agency information collection activities under OMB review, 8760
Public safety radio communications plans:
Western Pennsylvania area, 8760

Federal Energy Regulatory Commission
NOTICES
Electric rate, small power production, and interlocking directorate filings, etc.:
Auburndale Power Partners, Limited Partnership, 8748
Electric utilities (Federal Power Act):
Prior notice and filing requirements, 8748
Hydroelectric applications, 8750, 8751
National Gas Policy Act:
State jurisdictional agencies tight formation recommendations; preliminary findings—
Louisiana Natural Resources Department, 8754
Natural Gas Policy Act and natural gas companies (Natural Gas Act):
Natural gas data collection system—
Natural gas rate application filings; software, filing instructions and record formats, and user/operations manual availability, 8754
Applications, hearings, determinations, etc.:
American-REF-Fuel Co. of Essex County, 8756
ANR Storage Co., 8756
Arkla Energy Resources, 8756
United Gas Pipe Line Co., 8756

Federal Housing Finance Board
NOTICES
Meetings; Sunshine Act, 8818

Federal Maritime Commission
NOTICES
Agreements filed, etc., 8761
Freight forwarder licenses:
Bernard J. McHale Co. et al., 8761

Federal Reserve System
PROPOSED RULES
Electronic fund transfers (Regulation E), 8714
NOTICES
Meetings; Sunshine Act, 8818
Applications, hearings, determinations, etc.:
Herren, Anita, 8761
Iowa National Bancshares Corp., 8762
Lincoln Trail Bancshares, Inc., et al., 8762

Federal Trade Commission
NOTICES
Prohibited trade practices:
American Family Publishers, 8762
Citicorp Credit Services, Inc., 8763
General Electric Co., 8763
Isaly Klondike Co., 8763

Federal Transit Administration
NOTICES
Grants; FTA sections 3 and 9 obligations, 8813

Food and Drug Administration
RULES
Food additives:
Polymers—
Nylon 12; correction, 8820
NOTICES
GRAS or prior-sanctioned ingredients:
Olin Chemicals Corp., 8764

Forest Service
NOTICES
Environmental statements; availability, etc.:
Clearwater National Forest, ID, 8733

General Services Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Small business competitiveness demonstration program, 8764

Geological Survey
NOTICES
Freedom of Information Act; implementation, 8767

Health and Human Services Department
See Agency for Toxic Substances and Disease Registry
See Food and Drug Administration
See Health Resources and Services Administration

Health Resources and Services Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Health professions and nursing programs—
Low income levels, 8764

Hearings and Appeals Office, Energy Department
NOTICES
Decisions and orders, 8756
Special refund procedures; implementation, 8758

Housing and Urban Development Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Low income housing—
Resident groups, community groups, community-based nonprofit organizations, and resident councils; technical assistance planning program, 8766

Indian Affairs Bureau
NOTICES
Liquor and tobacco sale or distribution ordinance:
Omaha Tribe of Nebraska, 8888
Near-reservation designations; list, 8882

Interior Department
See Geological Survey
See Indian Affairs Bureau

Internal Revenue Service
PROPOSED RULES
Employment taxes and collection of income taxes at source:
Interest-free adjustments of underpayments of employment taxes; hearing cancellation, 8726

International Development Cooperation Agency
See Agency for International Development

International Trade Administration
NOTICES
Antidumping:
Carbon steel butt-weld pipe fittings from—
Japan, 8736
Clear plate and float glass from Japan, 8736
Cold-rolled carbon steel flat products from—
Argentina, 8736
Melamine from Japan, 8737
Porcelain-on-steel cooking ware from—
Taiwan, 8737
Small business telephone systems and subassemblies from—
Korea, 8738
Antidumping and countervailing duties:
Administrative review requests, 8739

International Trade Commission
NOTICES
Meetings; Sunshine Act, 8818

Interstate Commerce Commission
NOTICES
Railroad services abandonment:
Missouri Pacific Railroad Co., 8769

Labor Department
See Employment and Training Administration
NOTICES
Meetings:
Trade Negotiations and Trade Policy Labor Advisory Committee, 8769

Legal Services Corporation
NOTICES
Meetings; Sunshine Act, 8819

National Aeronautics and Space Administration
NOTICES
Meetings:
Space Systems and Technology Advisory Committee, 8770

National Commission on Judicial Discipline and Removal
NOTICES
Meetings, 8770

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Visual Arts Advisory Panel, 8771

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Bering Sea and Aleutian Islands groundfish, 8703–8712
NOTICES
Permits:
Endangered and threatened species, 8740, 8741

Navy Department
RULES
Navigation, COLREGS compliance exemptions:
USS Cyclone, 8694

Nuclear Regulatory Commission
NOTICES
Operating licenses, amendments; no significant hazards considerations; biweekly notices, 8771
Petitions; Director's decisions:
Rosemount, Inc., 8796
Regulatory guides; issuance, availability, and withdrawal, 8796

Personnel Management Office
NOTICES
Agency information collection activities under OMB review, 8796

Presidential Documents
PROCLAMATIONS
Special observances:
Heart Month, American (Proc. 6528), 8691

Public Health Service
See Agency for Toxic Substances and Disease Registry
See Food and Drug Administration
See Health Resources and Services Administration

Research and Special Programs Administration
RULES
Hazardous materials:
Hazardous materials transportation—
Bulk packagings containing oil; oil spill prevention and response plans; correction, 8820
NOTICES
Hazardous materials:
Applications; exemptions, renewals, etc., 8814, 8815

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., 8796
National Association of Securities Dealers, Inc., 8799
Pacific Stock Exchange, Inc., 8801
Self-regulatory organizations; unlisted trading privileges:
Cincinnati Stock Exchange, Inc., 8802

Small Business Administration
NOTICES
Disaster loan areas:
Arizona, 8803
California et al., 8803
Florida, 8804
Louisiana, 8804
Massachusetts, 8804
New York, 8804
Pennsylvania, 8804
License surrenders:
First Maryland Capital, Inc., 8805
First United Small Business Investment Co., Inc., 8805
Meetings:
Cedar Rapids District Advisory Council, 8805
New Orleans District Advisory Council, 8805
Organization, functions, and authority delegations:
Assistant Administrator for Financial Assistance et al., 8805
Applications, hearings, determinations, etc.:
Phoenix Capital Partners, L.P., 8806

Thrift Supervision Office
NOTICES
Applications, hearings, determinations, etc.:
First Federal Savings Bank of Wabash, 8816
Hamilton Federal Savings, F.A., 8816
Jefferson Savings & Loan Association, 8817
Third Savings & Loan Co., 8817

Toxic Substances and Disease Registry Agency
See Agency for Toxic Substances and Disease Registry

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Transit Administration
See Research and Special Programs Administration

Travel and Tourism Administration
NOTICES
Meetings:
Travel and Tourism Advisory Board, 8841

Treasury Department
See Alcohol, Tobacco and Firearms Bureau
See Internal Revenue Service
See Thrift Supervision Office

United States Information Agency
NOTICES
Art objects, importation for exhibition:
Painters of the Great Ming: The Imperial Court and the Zhe School, 8817

Separate Parts In This Issue

Part II
Environmental Protection Agency, 8823

Part III
Interior Department, Bureau of Indian Affairs, 8881

Part IV
Transportation Department, Coast Guard, 8883

Part V
Interior Department, Bureau of Indian Affairs, 8887

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free **Electronic Bulletin Board** service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

VOL 58 ISS 30 FE 17 1993 UMI

CFR PAR
A cumulativ
Reader Aids
3 CFR
Proclamation
6528
7 CFR
301
9 CFR
161
12 CFR
Proposed Ru
205
14 CFR
39
Proposed Ru
Ch. I
39 (3 docun
71 (2 docun
21 CFR
177
26 CFR
Proposed Ru
31
27 CFR
Proposed Ru
9
32 CFR
706
33 CFR
1
37 CFR
304
40 CFR
82
180 (4 docu
Proposed Ru
112
180 (2 docu
47 CFR
1
Proposed Ru
1
2
88
90
94
48 CFR
701
706
716
719
726
733
752
49 CFR
172
50 CFR
611
675 (2 docu

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamation:
6528.....8691

7 CFR
301.....8820

9 CFR
161.....8820

12 CFR
Proposed Rules:
205.....8714

14 CFR
39.....8693
Proposed Rules:
Ch. I.....8719
39 (3 documents).....8719–8723
71 (2 documents).....8724, 8725

21 CFR
177.....8820

26 CFR
Proposed Rules:
31.....8726

27 CFR
Proposed Rules:
9.....8726

32 CFR
706.....8694

33 CFR
1.....8884

37 CFR
304.....8820

40 CFR
82.....8820
180 (4 documents).....8695–8699
Proposed Rules:
112.....8824
180 (2 documents).....8728, 8729

47 CFR
1.....8701
Proposed Rules:
1.....8731
2.....8731
88.....8731
90.....8731
94.....8731

48 CFR
701.....8701
706.....8701
716.....8701
719.....8701
726.....8701
733.....8701
752.....8701

49 CFR
172.....8820

50 CFR
611.....8703
675 (2 documents).....8703, 8712

VOL
58
ISS
30
FE
17
1993
UMI

Federal Re
Vol. 58, No
Wednesday,

Title 3—

The Pre

Federal Register
Vol. 58, No. 30
Wednesday, February 17, 1993

Presidential Documents

Title 3—

The President

Proclamation 6528 of February 14, 1993

American Heart Month, 1993

By the President of the United States of America

A Proclamation

Approximately every 34 seconds, someone in the United States dies of some form of heart and blood vessel disease. Heart attack, stroke, and other cardiovascular diseases kill nearly one million Americans every year.

Heart diseases and stroke exact an incalculable toll in human pain and suffering. More than 70 million Americans, young and old, currently suffer from one or more forms of cardiovascular disease. Stroke is the leading cause of serious disability and the third leading cause of death in the United States. Heart diseases and stroke also cost our Nation more than $117 billion in terms of health care expenses and lost productivity.

The Federal Government, through the National Heart, Lung, and Blood Institute, and the American Heart Association have spent millions of dollars on research into cardiovascular diseases and educational programs. That investment was greatly enhanced by the dedicated efforts of the Association's 3.7 million volunteers.

We know how important it is to educate people, particularly young people, about the use of tobacco products. We also know that controlling blood pressure, eating a diet low in fat and cholesterol, and exercising regularly are all prudent ways of reducing the risk of cardiovascular disease.

Advances in both the treatment and the prevention of heart and blood vessel diseases have resulted in great progress. From 1980 to 1990 age-adjusted death rates from heart attack declined 32.6 percent and during the same years the death rate from stroke dropped 32.4 percent.

Although significant progress has been made in the struggle to overcome cardiovascular diseases, we must not become complacent. We must strengthen and renew our commitment to winning this battle.

In recognition of the need for all Americans to become involved in the ongoing fight against cardiovascular diseases, the Congress, by Joint Resolution approved December 30, 1963 (77 Stat. 843; 36 U.S.C. 169b), has requested that the President issue an annual proclamation designating February as "American Heart Month."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the month of February 1993 as American Heart Month. I invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in reaffirming our commitment to combatting cardiovascular diseases and stroke

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of February, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

William J. Clinton

[FR Doc. 93-3905
Filed 2-16-93; 11:11 am]
Billing code 3195-01-M

VOL 58 ISS 30 FE 17 1993 UMI

Rule

This secti
contains r
applicabili
are keyed
Federal R
50 titles p

The Code
the Super
new books
REGISTE

DEPART

Federal A

14 CFR P

[Docket N
39-8437; A

Airworth
Model 74

AGENCY: F
Administ

ACTION: F

SUMMARY:
informati
directive
Boeing M
requires s
airplanes
by adding
bulletin t
service bu
are not re
is necessa
may avoid
redundan
this actio
typograph
the AD.

DATES: Eff
The inc
certain pu
regulation
the Federa
1993 (57 F

ADDRESSES
referenced
from Boei
Group, P.O
Washingto
may be ex
Aviation A
Transport
Docket, 16
Renton, W
the Federa
Street, NW

FOR FURTH
Steven C. F

Rules and Regulations

Federal Register
Vol. 58, No. 30
Wednesday, February 17, 1993

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-89-AD; Amendment 39-8437; AD 92-27-04]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects information in an existing airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes that requires structural inspections of older airplanes. This action corrects the rule by adding one additional service bulletin to a listing that denotes specific service bulletins for which inspections are not required by this AD. This action is necessary so that affected operators may avoid performing unnecessary redundant inspections. Additionally, this action corrects certain typographical errors that appeared in the AD.

DATES: Effective January 20, 1993.

The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of January 20, 1993 (57 FR 59801, December 16, 1992).

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Steven C. Fox, Aerospace Engineer, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2777; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: On December 8, 1992, the FAA issued AD 92-27-04, Amendment 39-8437 (57 FR 59801, December 16, 1992) to require structural inspections of older airplanes. That action was prompted by reports of incidents involving fatigue cracking and corrosion in transport category airplanes that are approaching or have exceeded their design life goal. The actions required by that AD are intended to prevent degradation in the structural capabilities of the affected airplanes.

When AD 92-27-04 was published in the Federal Register, paragraph (e) of the rule contained certain errors:

The listing that appeared in paragraph (e), which denoted certain Boeing service bulletins for which inspections are not required by this AD, inadvertently omitted one specific service bulletin. (The listed service bulletins are referenced in Boeing Document No. D6-35999, "Aging Airplane Service Bulletin Structural Modification and Inspection Program," Revision C, dated January 21, 1992, but are addressed by other separate AD's; therefore, the inspections required by those AD's are excluded from the inspection requirements of this rulemaking action.) The FAA has determined that it is warranted to take action to correct AD 92-27-04 by adding "Boeing Service Bulletin 747-57-2231, Revision 2, dated September 27, 1990," to the list appearing in paragraph (e). This action is necessary so that affected operators may avoid performing unnecessary redundant inspections.

One of the service bulletin numbers listed in paragraph (e) was cited incorrectly as "737-53-2283;" the correct number is "747-53-2283." This action corrects that typographical error.

Another typographical error incorrectly referred operators to paragraph (e) for procedures for obtaining approval of alternative methods of compliance with the AD. The correct reference should have been to paragraph (f) of the AD, since all alternative methods of compliance or adjustments to the compliance time are to be obtained under the provisions of paragraph (f). This action corrects that typographical error.

Action is taken herein to correct these errors and to correctly add the AD as an amendment to section 39.13 of the Federal Aviation Regulation (FAR). The effective date of the rule remains January 20, 1993.

The final rule is being reprinted in its entirety for the convenience of affected operators.

Since this action only corrects the listing of service bulletins that are the subject of other separate AD's and corrects certain typographical errors, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by correctly adding the following airworthiness directive (AD):

92-27-04. Boeing: Amendment 39-8437. Docket 92-NM-89-AD.

Applicability: Model 747 series airplanes; as listed in Section 4 of Boeing Document Number D6-35999, "Aging Airplane Service Bulletin Structural Modification and Inspection Program," Revision C, dated January 21, 1992; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent degradation of the structural capability of the airplane, accomplish the following:

Note: Refer only to section 4 of Boeing Document D6-35999; the appendices are not the subject of this AD.

(a) Except as provided in paragraph (e) of this AD, accomplish the inspections

specified in section 4 of Boeing Document No. D6–35999, Revision C, dated January 21, 1992, within the times specified in paragraph (b) of this AD, and thereafter at intervals not to exceed those specified in the corresponding service bulletin for the inspection.

(b) The maximum initial inspection times for the inspections contained in section 4 of Boeing Document No. D6–35999, Revision C, dated January 21, 1992, shall be the later of the time specified in either paragraph (b)(1) or (b)(2) of this AD:

(1) The threshold for the inspection time for the inspections specified in the corresponding service bulletin, measured as a total (flight cycles, time-in-service, as appropriate) accumulated on the airplane; or

(2) The phase-in period for the inspections specified in the corresponding service bulletin, measured from the effective date of this AD.

(c) If any of the discrepant conditions identified in the service bulletins are found as a result of the inspections required by this AD, the corresponding corrective actions specified in the service bulletins must be accomplished prior to further flight.

(d) The terminating action for each inspection required by paragraph (a) of this AD consists of the accomplishment of the modification specified in the corresponding service bulletin.

(e) Notwithstanding the references in section 4 of Boeing Document No. D6–35999, Revision C, dated January 21, 1992, to the following list of service bulletins, this AD does not require inspections in accordance with those service bulletins:

Service bulletin No.	Revision level	Service bulletin date
747–27A2253	4	January 25, 1990.
747–32–2190	4	October 26, 1989.
747–53–2253	2	March 29, 1990.
747–53–2265	7	January 25, 1990.
747–53–2283	3	November 1, 1989.
747–53–2289	1	January 26, 1989.
747–52–2188	4	October 24, 1991.
747–57–2231	2	September 27, 1990.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(h) The inspections and corrective actions shall be done in accordance with section 4 of Boeing Document No. D6–35999, Revision C, dated January 21, 1992, which contains the following list of effective pages:

Note: Except for the title page of the document, no other pages of the document are dated.

Page number	Revision level shown on page
a, c, d, d.1, e, f, 2.0.1, 3.1.1, 3.2.1, 3.2.2, 3.2.3, 3.3.1, 3.4.1, 4.0.1, 4.1.1, 4.2.1, 4.2.2, 4.3.1, 4.3.2, 4.3.3, 5.1.1, 5.1.2, A.3.1, B.1.1, B.2.1, B.3.1, B.4.1.	C
3.0.1, A.1.1, A.2.1	B
1.2.2, 5.0.1	A
b, 1.1.1, 1.2.1, 2.0.2,	(Original)

This incorporation by reference was previously approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51, as of January 20, 1993 (57 FR 59801, December 16, 1992). Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment is effective January 20, 1993.

Issued in Renton, Washington, on February 10, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–3664 Filed 2–16–93; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Judge Advocate General of the Navy has determined that USS CYCLONE (PC 1) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval patrol craft. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: January 27, 1993.

FOR FURTHER INFORMATION CONTACT: Captain R.R. Rossi, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400, Telephone number: (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS CYCLONE (PC 1) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Rule 23(a)(ii), pertaining to display of a masthead light and a second (after) masthead light on vessels exceeding 50 meters in length; Annex I, paragraph 2(k), pertaining to the vertical distance between the forward and after anchor lights and the height of the forward anchor light above the hull; Rule 21(c), pertaining to location of the sternlight, without interfering with its special functions as a naval patrol craft. The Judge Advocate General of the Navy has also certified that the number of masthead lights displayed and the location of the other mentioned lights are in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the number and placement of lights on USS CYCLONE (PC 1) in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR part 706 is amended as follows:

1. The authority citation for 32 CFR part 706 continues to read:

Authority: 33 U.S.C. § 1605.

§ 706.2 [Amended]

2. Table Three of § 706.2 is amended by adding the following ship:

Vessel	Number	Masthead light ARC of visibility rule 21(A)	Side lights ARC of visibility rule 21(B)	Stern lights ARC of visibility rule 21(C)	Side lights distance inboard of ship sides in meters Annex I section 3(b)	Stern lights distance forward of stern in meters rule 21(C)	Forward anchor lights height above hull in meters Annex I section 2(k)	Anchor lights relationship of aft light to forward light in meters Annex I Sec. 2(k)
CYCLONE	PC 1	.....	.....	.....	.....	[1]25.5	3.0	1.0

[1] Only when towing.

3. Table Four of § 706.2 is amended by adding the following paragraph:

Paragraph 17

The second masthead light required by Rule 23(a)(ii) will not be displayed on the PC 1 Class.

Dated: January 27, 1993.

W.L. Schachte, Jr.,

Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

[FR Doc. 93-3672 Filed 2-16-93; 8:45 am]

BILLING CODE 3810-AE-10

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 2F4046/R1179; FRL-4185-3]

RIN 2070-AB78

Azadirachtin; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes an exemption from the requirement of a tolerance for residues of the azadirachtin (also called Azatin-EC, EPA No. 62552-3), which is a biochemical pesticide extracted from the berries of the Neem tree (*Azadirachta indica*), when used in or on raw agricultural commodities (RACs). This rule eliminates the need to establish a maximum permissible level for residues of this biochemical insecticide. AgriDyne Technologies, Inc., requested this tolerance exemption.

EFFECTIVE DATE: Effective on February 17, 1993.

ADDRESSES: Written objections, identified by the document control number (PP 2F4046/R1179), may be submitted to the Hearing Clerk (A-110), Environmental Protection Agency, rm. 3708M, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Philip O. Hutton, Product Manager (PM) 18, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, rm. 213, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-7690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 11, 1992 (57 FR 8658), EPA issued a notice that announced that AgriDyne Technologies, Inc., 417 Wakara Way, Salt Lake City, UT 84108, had submitted pesticide petition (PP) 2F4046 to EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(d), proposing that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of the insecticide azadirachtin in or on all raw agricultural commodities (RACs) when used as an insect growth regulator and/or antifeedant, including when it is applied to seeds, plant cuttings, transplants, and plants.

There were no comments or requests for referral to an advisory committee received in response to the notice of filing.

Azadirachtin is active against a wide variety of insect orders, inlcuding representatives of lepidoptera, coleoptera, diptera, thysanopters, orthoptera, and homoptera. Because of the wide susceptible insect host range, risk to nontarget insects may occur; therefore, until honey bee toxicity data are submitted, reviewed, and found acceptable by EPA, the product must not be used when honey bees are actively foraging.

The recommended application rates are as follows: 8 to 21 fluid ounces per acre (maximum rate = 20 grams of active ingredient per acre) in sufficient water to provide uniform and thorough coverage. Aerial or ground equipment may be used.

Residue Chemical Data and Toxicology Data

Residue chemistry data were not required. Such data were determined to be required only if the submitted toxicology data indicated that additional Tier II or III toxicology data were necessary as specified in 40 CFR 158.690(b). The submitted data for this use indicated that the product is of low mammalian toxicity/pathogenicity, and Tier II or III data were not required.

The following data were submitted in support of the petition, and other relevant material have been evaluated. The toxicology data considered in support of this exemption from the requirements of a tolerance include the following:

1. Acute oral toxicity in rats (Technical Grade Active Ingredient (TGAI)), Guideline Nos. 81-1/152-10. The acute oral LD_{50} for the TGAI as indicated by the data is greater than 3,540 mg/kg, the highest dose tested, when administered undiluted to albino rats.

2. Acute Dermal Toxicity Study in rabbits (Technical), Guideline Nos. 81-5/152-11. The test material when applied for 24 hours at a single dose of 2.0 gm/kg of NPI 720 (technical grade) to the shaved backs of the rabbits caused dermal irritation which was resolved by day 9. Azadirachtin was classified as a mild irritant.

3. Acute Inhalation Toxicity Study in Rats (Technical), Guideline No. 152B-12. The Acute Inhalation LD_{50} for the TGAI (Technical) as indicated by the data, is greater than 2.41 mg/L (average aerosol mass median aerodynamics diameter was 1.51 um with a standard deviation of 1.83), per animal, the highest dose tested. Although below the 5.0 mg/L limit test dose for an acute inhalation study, the reported concentration was the maximum dose possible under the test conditions. No deaths occurred during the course of the study. Toxicity Category III.

4. Primary Eye Irritation Study in Rabbits (Technical), Guideline No. 152B-13. The TGAI (Technical) was rated mild to moderately irritating after instillation of 0.1 gm of (Technical) the undiluted material. At 1 hour post-instillation the maximum eye irritation score was 15.3/110; by 24, 48, and 72 hours the scores were 6.2/110, 0.3/110, and 0/110, respectively. Toxicity Category III.

5. Primary Dermal Irritation in Rabbits (Technical), Guideline No. 152B-14. The TGAI product, when tested at a single dose (0.5 gm) by applying it to the shaved backs of rabbits, did not cause any dermal irritation after 4 hours of exposure. The dermal score was zero for all treated rabbits at all examination

VOL 58 ISS 30 FE 17 1993 UMI

times. Toxicity Category IV. Mild to slightly irritating.

6. Dermal Sensitization in Guinea Pigs. The technical end-use product (TEP) was categorized as a mild sensitizer when administered undiluted to albino guinea pigs. The test material was considered a weak dermal sensitizer to albino guinea pigs.

7. Mutagenicity (Technical), Guideline No. 152B-17 was evaluated for the potential to cause gene mutations in the *S. typhimurium* strains at any dose (5, 50, 500, 5,000 micrograms/plate) with or without S-9 activation. The study was negative.

The exemption from the requirement of a tolerance on all raw agricultural commodities (RAC's) is toxicologically supported.

1. Azatin-EC is a botanical insect growth regulator isolated from the berries of the Neem tree (*Azadirachta indica*) which has a unique mode of action, low use volume, targeted species specificity, and is naturally occurring. Azadirachtin is an insect growth regulator whose mode of actions include disruption of molting and metamorphosis of chitin-bearing invertebrates, and it is an antifeedant.

2. This product is a powder formulation that is to be made into an aqueous flowable product for application. It will be used at 20 grams or less per acre.

3. Azatin-EC will be applied to a wide variety of crops, including vegetable crops, not to exceed 20 grams per acre.

A lack of demonstrable toxicity to azadirachtin insecticide indicates that its use to aid in the control of a wide variety of lepidoteran, coleoptera, diptera, thysanoptera, orthoptera, and homoptera pests would not result in hazards to public health. The data submitted or referenced in this petition and other relevant material have been evaluated. The toxciological data considered in support of the exemption from the requirements of a tolerance did not show any deleterious effects that would indicate a cause for concern from the use of this product.

The acceptable daily intake and maximum permissible intake considerations are not relevant to this petition because of the low toxicity/pathogenicity demonstrated in the submitted studies.

Azatin-EC is considered useful for the purpose for which the exemption from the requirment of a tolerance is sought. It is concluded that a tolerance for azadirachtin is not necessary to protect the public health. Therefore, 40 CFR part 180 is amended as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of publication of this document in the **Federal Register**, file written objections and/or a request for a hearing with the Hearing Clerk at the address given above. 40 CFR 178.20. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections. 40 CFR 178.25. Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on each such issue, and a summary of any evidence relied upon by the objector. 40 CFR 178.27. A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested. 40 CFR 178.32.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or food additive regulations or raising tolerance levels or food additive regulations or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Dated: February 5, 1992.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. In part 180:

a. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

b. In Subpart D, by adding new § 180.1119, to read as follows:

§ 180.1119 Azadirachtin; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for the biochemical azadirachtin, which is isolated from the berries of the Neem tree (*Azadirachta indica*), when used as a pesticide at 20 grams or less per acre on all raw agricultural commodities.

[FR Doc. 93–3593 Filed 2–16–93; 8:45 am]

BILLING CODE 6560–50–F

---

40 CFR Part 180

[PP 2F4077/R1180; FRL–4185–5]

RIN 2070–AB78

Pesticide Tolerance for Clomazone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues for the herbicide clomazone [2-(2-chlorophenyl)-methyl-4,4-dimethyl-3-isoxazolidinone] in or on the raw agricultural commodity (RAC) cottonseed at 0.05 part per million (ppm). The regulation was requested by FMC Corp. and establishes the maximum permissible level for residues of the herbicide in or on cottonseed.

EFFECTIVE DATE: This regulation becomes effective February 17, 1993.

ADDRESSES: Written objectives, identified by the document control number, [PP 2F4077/R1180], may be submitted to: hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail, Robert J. Taylor, Product Manager (PM) 25, Registration Division (H7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 241, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6800.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of June 10, 1992 (57 FR 24645), which announced that the FMC Corp., Agricultural Chemical Group, 1735 Market St., Philadelphia, PA 19103, had submitted a pesticide petition (PP 2F4077) to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(d), amend 40 CFR 180.425 by establishing a regulation to permit the residues of the herbicide clomazone [2-(2-chlorophenyl)-methyl-4,4-dimethyl-3-isoxazolidinone] in or on the raw

agricultural commodity (RAC) cottonseed at 0.05 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data listed below were considered in support of this tolerance.

1. Several acute toxicology studies were performed, placing technical-grade clomazone in toxicity Category III.

2. A 2-year carcinogenicity study with mice fed dosages of 0, 3, 15, 75, 150, and 300 mg/kg/day with a no-observed-effect level (NOEL) of 15.0 mg/kg/day and a LEL of 75 mg/kg/day.

3. A 2-year chronic toxicity/oncogenicity study in rats fed dosages of 0, 1, 5, 25, 50, and 100 mg/kg/day with a NOEL of 15.0 mg/kg/day and a LEL of 75 mg/kg/day.

4. A 1-year feeding study in dogs fed dosages of 0, 2.5, 12.5, 62.5, and 187.5 mg/kg/day with a NOEL of 12.5 mg/kg/day, and a LEL of 62.5 mg/kg/day.

5. A developmental toxicity study in rats fed dosage levels of 0, 100, 300, and 600 mg/kg/day, with a maternal no-observed-effect level (NOEL) of 100 mg/kg/day, maternal lowest-effect level (LEL) of 300 mg/kg/day, and a fetotoxicity NOEL of 100 mg/kg/day, fetotoxic LEL of 300 mg/kg/day.

6. A developmental toxicity study in rabbits fed dosage levels of 0, 30, 240, and 1,000/700 mg/kg/day (1,000 changed to 700 on day 13 because of maternal toxicity) with negative results at the highest dose tested (HDT, 700 mg/kg/day) for teratogenic effects, maternal NOEL of 240 mg/kg/day, a maternal LEL of 700 mg/kg/day and a fetotoxicity NOEL of 240 mg/kg/day, fetotoxic LEL of 700 mg/kg/day.

7. Mutagenicity data include reverse gene mutation assays with *Salmonella* (negative), point mutation assays (weakly positive), an unscheduled DNA synthesis (negative), and a chromosomal aberration test (negative).

Based on the NOEL of 4.3 mg/kg bwt/day in the 2-year rat feeding study and using a hundred-fold uncertainty factor, the RfD (acceptable daily intake (ADI)) for clomazone is calculated to be 0.043 mg/kg bwt/day. The theoretical maximum residue contribution (TMRC) is 0.000028 mg/kg bwt/day for existing tolerances for the overall U.S. population. The current action will increase the TMRC by 0.000002 mg/kg bwt/day (0.002 percent of the RfD). These tolerances and previously established tolerances utilize a total of 0.066 percent of the ADI for the overall U.S. population.

For U.S. subgroup populations, nonnursing infants and childred aged 1 to 6 years, the current action and previously established tolerances utilize, respectively, a total of 0.253 percent and 0.128 percent of the ADI, assuming that residue levels are at the established tolerances and that 100 percent of the crop is treated.

The nature of the residue is adequately understood, and an adequate analytical method (gas chromatography using a nitrogen phosphorus detector) is available for enforcement purposes in Vol. II of the Food and Drug Administration Pesticide Analytical Method (PAM II, Method I). There are currently no actions pending against the registration of this chemical. No secondary residues are expected to occur in meat, milk, poultry, or eggs from this use.

Based on the above information cited, the Agency has determined that the establishment of the tolerance by amending 40 CFR part 180 will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above (40 CFR 178.20). The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or food additive regulations or raising tolerance levels or food additive regulations or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (40 FR 24950).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 1, 1993.

Douglas D. Campt,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR part 180 is amended as follows:

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.425 is amended in the table therein by adding and alphabetically inserting the raw agricultural commodity cottonseed, to read as follows:

§ 180.425 2-(2-Chlorophenyl)-methyl-4,4-dimethyl-3-isoxazolidinone; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Cottonseed	0.05
* * * * *	

[FR Doc. 93-3597 Filed 2-16-93; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180

[PP 0F3869/R1177; FRL-4182-6]

RIN 2070-AB78

Pesticide Tolerance for 1-[[2-(2,4-Dichlorophenyl)-4-Propyl-1,3-Dioxolan-2-yl]Methyl]-1H-1,2,4-Triazole and its Metabolites Determined as 2,4-Dichlorobenzoic Acid

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a tolerance for residues for the fungicide

1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2yl]methyl]-1H-1,2,4-triazole and its metabolites determined as 2,4-dichlorobenzoic acid in or on celery at 5.0 parts per million (ppm). This regulation was requested by Ciba-Geigy Corp. in a petition and would establish the maximum permissible levels for residues of propiconazole in or on the commodity.

EFFECTIVE DATE: This regulation becomes effective on February 3, 1993.

ADDRESSES: Written objections, identified by the document control number, [PP 0F3869/R1177], may be submitted to: hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail, Susan T. Lewis, Product Manager (PM) 21, Registration Division (H7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, contact: Susan T. Lewis, Product Manager (PM 21), Registration Division (H7505C), Rm. 227, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6900.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of July 18, 1990 (55 FR 29268), which announced that the Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419, had submitted a tolerance pesticide petition (PP 0F3869) to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(d), propose to amend 40 CFR 180.434 by establishing a tolerance for the fungicide 1-[[2(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole and its metabolites, determined as 2,4-dichlrobenzoic acid, in or on celery at 5.0 ppm.

There were no comments received in response to the notice of filing. The toxicological data considered in support of the tolerance include the following:

1. Plant and animal metabolism studies.

2. Residue data for crop and livestock commodities.

3. Two enforcement methodologies and a multiresidue method of analysis.

4. A rat oral lethal dose (LD_{50}) of 1,517 milligrams/kilogram (mg/kg) of body weight.

5. A 90-day rat feeding study with a no-observed-effect level (NOEL) of 12 mg/kg/day.

6. A 90-day dog feeding study with a NOEL of 1.25 mg/kg/day.

7. A rabbit developmental toxicity study with a maternal NOEL of 100 mg/kg and a developmental toxicity greater than 400 mg/kg (highest dose tested).

8. A rat teratology study with a maternal toxicity NOEL of 30 mg/kg/day and a developmental toxicity NOEL of 30 mg/kg/day.

9. A two-generation rat reproduction study with a reproductive NOEL of 125 mg/kg/day (HDT) and a developmental NOEL of 25 mg/kg/day.

10. A 1-year dog feeding study with a NOEL of 1.25 mg/kg of body weight/day.

11. A 2-year rat chronic feeding/carcinogenicity study with a NOEL of 5 mg/kg/day with no carcinogenic potential under the conditions of the study up to and including approximately 125 mg/kg, the highest dose tested.

12. A 2-year mouse chronic feeding/carcinogenicity study with a NOEL of 15 mg/kg/day and with a statistically significant increase in combined adenomas and carcinomas of the liver in male mice at approximately 375 mg/kg, the highest dose tested.

13. Ames test with and without activation, negative.

14. A mouse dominant-lethal assay, negative.

15. Chinese hamster nucleus anomaly, negative.

16. Cell transformation assay, negative.

As part of EPA's evaluation of potential human health risks, propiconazole has been the subject of five peer reviews of the Office of Pesticide Programs Peer Review Committee and one Scientific Advisory Panel (SAP) meeting. Propiconazole was originally evaluated by the Peer Review Committee on January 15, 1987 and classified as a Group C (possible human) carcinogen with a recommendation made for the quantification of estimated potential human risk using a linearized low-dose extrapolation. The method resulted in the establishment of a $Q1^*$ of 7.9×10^{-2} $(mg/kg/day)^{-1}$.

The Peer Review Committee's decision was presented to the FIFRA Scientific Advisory Panel on March 2, 1988. The Panel did not concur with the committee's overall assessment of the weight-of-evidence on the carcinogenicity of propiconazole. The Panel recommended placing the chemical in Group D. The Panel concluded that the Category (Group C) classification was based on minimal evidence. The Panel's determination that EPA's Group C classification was based on minimal evidence, citing the fact that the incidence of liver tumors in male mice only occurred when the mice were given an excessive chemical dose.

In the second, third, and fourth Peer Reviews that followed, the Peer Review group considered recommendations of the SAP as well as rebuttals by the registrant. It's conclusion, however, that propiconazole should be classified as a Group C carcinogen with a quantification of potential human risk remained unchanged.

As part of a fifth Peer Review, EPA considered additional information provided by the registrant in support of its argument that the high-dose was excessively toxic in the mouse carcinogenicity study and thus should not be included in the evaluation of carcinogenic potential of propiconazole In support of this argument, the registrant provided two subchronic oral toxicity studies in mice. Ciba-Geigy also provided a reread of the pathology slides from one study which it felt indicated sufficient concurrent liver toxicity at 2,500 ppm to document that this dose was excessive. These findings were not present in the original pathology report.

Due to the inconsistency in Ciba-Geigy's report and the original report, the Agency requested that an independent (third) evaluation of the pathology slides be made to determine if the pathology reported could be confirmed. The results of the independent (third) pathology evaluation were used in the fifth Peer Review in place of data resulting from the earlier evaluations provided by Ciba-Geigy.

The Peer Review Committee considered the following facts regarding the toxicology data on propiconazole in a weight-of-evidence determination of carcinogenic potential: Increase numbers of adenomas (increased trend and pairs comparison) were found in the livers of male CD1 mice given 2,500 ppm of propiconazole in the diet; the treated animals had earlier fatalities than the controls; the numbers of carcinomas were increased (trend only) in male mice at the 2,500-ppm dose level; tumors were not significantly increased at the 500-ppm dose; although the adenomas observed in the treated animals were larger and more numerous than those in controls, the tumor type (adenomas) was the same; an excessive number of tumors was not found in female mice.

The Peer Review Committee determined that based on the additional information submitted by Ciba-Geigy from two 90-day subchronic studies in mice that: The 2,500 ppm used in the 2-year chronic study exceeded the MTD based on the endpoint of hepatic necrosis, and the 500 ppm used in the chronic study was inadequate to assess

the carcinogenicty of propiconazole. Based on the third pathology evaluation of the chronic study, the Peer Review Committee disagreed with Ciba-Geigy's argument that that study showed excessive toxicity at the 2,500-ppm dose. However, the Peer Review Committee concluded that the 90-day subchronic studies are a better measure of what would be an MTD.

Based upon these findings, the Peer Review Committee agreed that the classification for propiconazole should remain a Group C possible human carcinogen. For the purpose of risk characterization the Peer Review Committee recommended that the Reference Dose (RfD) approach should be used for quantification of human risk. This decision was based on the disqualification of the high dose (2,500 ppm), making the data inappropriate for the calculation of a Q_1^*. Because the middle dose (500 ppm) was not considered sufficiently high enough for assessing the carcinogenic potential of propiconazole, EPA has requested an additional mouse study at intermediate dose levels in male mice only. EPA does not expect that these data will significantly change the above cancer assessment.

A Dietary Risk chronic exposure analysis was conducted for the use of propiconazol on celery. The analysis used a Reference Dose (RfD) of 0.013 mg/kg body weight (bwt)/day, based on a no-observed-effect-level (NOEL) of 1.25 mg/kg/bwt/day and an uncertainty factor of 100. The NOEL was taken from a 1-year feeding study in dogs which demonstrated as an effect irritation of the stomach in males. This RfD was previously approved by the Agency. The food uses and anticipated residues used in the analysis were obtained from data contained in the Agency's files. The Dietary Risk Analysis can use tolerance level residues and 100-percent crop treated to calculate the Theoretical Maximum Residue Contribution (TMRC) for the overall U.S. population and 22 population subgroups.

Here, anticipated residues and refined percent-crop-treated information were used to estimate the Anticipated Residues Contribution (ARC) for those same Dietary Exposure Analysis populations. The ARC is considered the more accurate estimate of dietary exposure. The ARC from published uses of propiconazole for the overall U.S. population is 0.000014 mg/kg bwt/day. This exposure utilizes approximately 0.1 percent of the RfD. Based on the proposed tolerance level, the use of propiconazole on celery contributes an additional 0.000305 mg/kg bwt/day (2.3 percent of the RfD) to the exposure, which raises the overall ARC to 0.000318 mg/kg bwt/day, or 2.45 percent of the RfD. The subgroup most highly exposed, children aged 1 through 6 years, has an ARC from published uses of 0.000041 mg/kg bwt/day, or 0.3 percent of the RfD. The proposed use on celery raises the exposure for that subgroup to 0.000440 mg/kg bwt/day, or 3.4 percent of the RfD.

The nature of the residue is adequately understood, and an adequate analytical method (gas chromatography) is available for enforcement purposes. Because of the long lead time from establishing these tolerances and food additive regulations to publication of the enforcement methodology in the Pesticide Analytical Manual, Vol. II, the analytical methodology is being made available in the interim to anyone interested in pesticide enforcement when requested from: Calvin Furlow, Public Information Branch, Field Operations Division (H7506C), 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1128C, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-5232.

The pesticide is considered useful for the purpose for which the tolerance is being sought. Based on the information and data considered, the Agency concludes that the amendment of the tolerance for celery will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above (40 CFR 178.20). The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or food additive regulations or raising tolerance levels or food additive regulations or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (40 FR 24950).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 3, 1993.

Douglas D. Campt,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR part 180 is amended as follows:

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.434 is amended in the table therein by adding and alphabetically inserting the following raw agricultural commodity, to read as follows:

§ 180.434 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole; tolerances for residues.

* * * * *

Commodity	Parts per million	Expiration date
* * *	*	*
Celery	5.0	.....
* * *	*	*

[FR Doc. 93-3545 Filed 2-16-93; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180

[OPP-300272A; FRL-4183-5]

RIN 2070-AB78

Tetrapotassium Pyrophosphate; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes an exemption from the requirement of a tolerance for residues of tetrapotassium pyrophosphate (CAS Reg. No. 7320-345) when used as an inert ingredient (sequestrant, anticaking agent, or conditioning agent) in pesticide formulations applied to growing crops only. This regulation was requested by the Monsanto Co.

EFFECTIVE DATE: This regulation becomes effective February 17, 1993.

ADDRESSES: Written objections, identified by the document control number, (OPP-300272A), may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, rm. M3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Rosalind Gross, Registration Support Branch, Registration Division (H7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 724A, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-305-5971.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 16, 1992 (57 FR 59829), EPA issued a proposed rule that gave notice that the Monsanto Co., suite 1100, 700 14th St., NW., Washington, DC 20005, had submitted pesticide petition (PP) 1E03984 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for residues of tetrapotassium pyrophosphate ((CAS Reg. No. 7320-345), also known as potassium pyrophosphate) when used as an inert ingredient (sequestrant, anticaking agent, or conditioning agent) not to exceed 10 percent in pesticide formulations applied to growing crops only.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance exemption will protect the public health. Therefore, the tolerance exemption is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above (40 CFR 178.20). The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 1, 1993.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1001(d) is amended in the table therein by adding and alphabetically inserting the inert ingredient, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
• • •	•	• • •
Tetrapotassium pyrophosphate (CAS Reg. No. 7320–345)	Not to exceed 10 percent of formulation.	Sequestrant, anticaking agent, conditioning agent
• • •	•	• • •

* * * * *

[FR Doc. 93–3599 Filed 2–16–93; 8:45 am]
BILLING CODE 6560–60–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[FCC 93–22]

Antidrug Abuse Act of 1988 Certification Requirements

In the matter of Amendment of § 1.2002 of the Commission's Rules.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action is to conform our rules to be consistent with of the Anti-Drug Abuse Act of 1988. The intended effect is to specifically exempt federal, state or local governmental entities or subdivisions thereof from the certification requirements of the Commission's rules implementing the Anti-Drug Abuse Act of 1988.

EFFECTIVE DATE: February 17, 1993.

FOR FURTHER INFORMATION CONTACT: Sharon Diskin, Office of General Counsel, Federal Communications Commission (202) 632–6990.

SUPPLEMENTARY INFORMATION:

Order

Adopted: January 13, 1993; *Released:* February 5, 1993.

By the Commission:

1. By this Order we amend § 1.2002(c) of our rules. This section implements section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862.

2. Section 5301 of the Anti-Drug Abuse Act of 1988 gives federal and state court judges the discretion to deny federal benefits to individuals convicted of offenses consisting of the distribution or possession of controlled substances. Under § 1.2002 of the Commission's Rules, 47 CFR 1.2002, an applicant for any new, modified, and or renewed instrument of authorization from the Commission must, in order to be eligible, certify that neither the applicant nor any party to the application is subject to a section 5301 denial of benefits.

3. By its terms, the only licenses section 5301 applies to are "professional" and "commercial" licenses. 21 U.S.C. 862 (d)(1)(A). Instruments of authorization obtained from the Commission by federal, state or local governmental entities or subdivisions thereof are not used for professional or commercial purposes and, therefore, these entities should be exempt from the certification requirements of our rules.

4. Because this rule change simply conforms our rules to the statute, and is a minor and non-controversial amendment in which the public is not likely to be interested, we find for good cause that compliance with the notice and comment provisions of the Administrative Procedure Act is unnecessary. See 5 U.S.C. 553(b)(B). For similar reasons, and because the amendment relieves a restriction, compliance with the effective date provision of the Administrative Procedure Act also is unnecessary. 5 U.S.C. 553(d).

5. Accordingly, pursuant to sections 4(i), 4(j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 303(r), and the Anti-Drug Abuse Act of 1988, as amended, 21 U.S.C. 862, *It is ordered* That § 1.2002(c) of the Commission's Rules, 47 CFR 1.2002(c) is amended as set forth in the appendix, effective upon publication in the **Federal Register**.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Change

Title 47 of the Code of Federal Regulations, part 1, is amended to read as follows:

PART 1—PRACTICE AND PROCEDURE

1. The authority citation for part 1 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303; Implement, 5 U.S.C. 552, unless otherwise noted.

2. Paragraph (c) of § 1.2002 is revised to read as follows:

§ 1.2002 Applicants required to submit information.

* * * * *

(c) The provisions of paragraphs (a) and (b) of this section are not applicable to the Amateur Radio Service, the Citizens Band Radio Service, the Radio Control Radio Service, to users in the Public Mobile Services and the Private Radio Services that are not individually licensed by the Commission, or to federal, state or local governmental entities or subdivisions thereof.

[FR Doc. 93–3560 Filed 2–16–93; 8:45 am]
BILLING CODE 6712–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

48 CFR Parts 701, 706, 716, 719, 726, 733 and 752

[AIDAR Notice 93–1]

Miscellaneous Amendments

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The Agency for International Development Acquisition Regulation (AIDAR) is being amended to reference the current OMB approval expiration date for AIDAR 752.7033; correct an obsolete office title; provide general guidance on content and signatory authority for determinations and findings; to bring the authority citations for AID's Disadvantaged Enterprise Program up to date; to remove obsolete material concerning AID protest procedures; and to remove a reference to an obsolete AID emblem.

EFFECTIVE DATE: March 19, 1993.

FOR FURTHER INFORMATION CONTACT: FA/PPE, Mr. James M. Kelly, room 1600I, SA–14, Agency for International Development, Washington, DC 20523–1435. Telephone: (703) 875–1534.

SUPPLEMENTARY INFORMATION: The contract clause at AIDAR 752.7033 concerning physical fitness of contractor employees requires use of an information collection form. OMB approval of the referenced form has been extended through May 31, 1995. AIDAR 701.105(a) which lists AIDAR information collections and recordkeeping requirements is amended to reflect this new expiration date.

AIDAR 701.601 is amended to correct an obsolete office title.

New coverage concerning determinations and findings (D&F's) is added. This new coverage supplements the corresponding FAR coverage by providing AID Contracting Officers with guidance on form and content of D&F's, by providing general guidance on signatory authority for D&F's, and by designating Contracting Officers as being authorized to sign the D&F for a cost-plus fixed-fee contract under FAR 16.306(c).

The authority citation for AID's Disadvantaged Enterprise Program is

being amended to delete references to specific legislation. Appropriations acts in general are cited as the authority.

In subpart 733.70, AID's protest procedures, AIDAR 733.7006(d) is being removed. This paragraph excluded Contracting Officer determinations of responsibility from consideration. Upon review, we determined that was not in strict conformance with the latest GAO guidelines or FAR coverage.

The contract clause at AIDAR 752.7009 is amended to remove a reference to the discontinued AID handclasp emblem.

The changes being made by this Notice are editorial and administrative and are not considered significant rules under FAR 1.301 or subpart 1.5, nor major rules as defined in Executive Order 12291. This Notice will not have an impact on a substantial number of small entities, nor does it establish any information collection as contemplated by the Regulatory Flexibility Act and Paperwork Reduction Act. Because of the nature and subject matter of this Notice, use of the proposed rule/public comment approach was not considered necessary. We decided to issue as a final rule; however, we welcome public comment on the material covered by this Notice or any other part of the AIDAR at any time. Comments or questions may be addressed as specified in the "FOR FURTHER INFORMATION CONTACT" section of the preamble.

List of Subjects in 48 CFR Parts 701, 706, 716, 719, 726, 733, and 752

Government procurement.

Accordingly for the reasons set out in the Preamble, 48 CFR chapter 7 is amended as follows:

1. The authority citations in parts 701, 706, 716, 719, 726, 733, and 752 continue to read as follows:

Authority: Sec. 621, Public Law 87–195, 75 Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, Sept: 29, 1979, 44 FR 56673, 3 CFR 1979 Comp., p. 435.

PART 701—FEDERAL ACQUISITION REGULATION SYSTEM

Subpart 701.7—Purpose, Authority, Issuance

701.105 [Amended]

2. Paragraph (a) of section 701.105, OMB approval under the Paperwork Reduction Act, is amended by removing the May 31, 1992 expiration date shown for OMB Control Number 0412–0536 and adding May 31, 1995.

Subpart 701.6—Contracting Authority and Responsibility

701.601 [Amended]

3. Paragraph (b)(4) of section 701.601, General, is amended by removing "MS/PPE" and adding "FA/PPE".

4. A new subpart 701.7 is added to read as follows:

Subpart 701.7—Determinations and Findings

701.704 Content.
701.707 Signatory authority.

SUBPART 701.7—DETERMINATIONS AND FINDINGS

701.704 Content.

There is no AID-prescribed format or form for determinations and findings (D&Fs). D&Fs are to contain the information specified in FAR 1.704 and any information which may be required by the FAR or AIDAR section under which the D&F is issued.

701.707 Signatory authority.

Unless otherwise specified in the FAR or AIDAR section under which the D&F is issued, the Contracting Officer is the signing official.

PART 706—COMPETITION REQUIREMENTS

Subpart 706.3—Other Than Full and Open Competition

5. Section 706.302–5 is revised as follows:

706.302–5 Authorized or required by statute.

Annual appropriations acts authorize AID to contract with certain disadvantaged enterprises using other than full and open competition. The provisions implementing this authority are set forth in 706.302–71 and part 726.

6. Paragraph (a)(1) of section 706.302–71 is revised as follows:

706.302–71 Small disadvantaged businesses.

(a) * * *

(1) Citation: Fiscal year 1993 Foreign Operations, Export Financing, and Related Programs Appropriations Act, Sec. 563.

* * * * *

PART 716—TYPES OF CONTRACTS

Subpart 716.3—Cost Reimbursement Contracts

7. A new section 716.306 is added to read as follows:

716.306 Cost-plus-fixed-fee contracts.

(a)–(b) [Reserved]

(c) The Contracting Officer is authorized to sign the D&F specified in FAR 16.306(c)(2).

PART 719—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

8. Section 719.272 is revised to read as follows:

719.272 Small disadvantaged business policies.

In addition to the requirements in FAR part 19, part 726 provides for contracting and subcontracting with small disadvantaged businesses and other disadvantaged enterprises based on provisions of the foreign assistance appropriations acts.

PART 726—OTHER SOCIOECONOMIC PROGRAMS

9. Section 726.000 is revised as follows:

726.000 Scope of part.

This part supplements FAR part 19 and implements the provisions of the foreign assistance appropriations acts concerning disadvantaged enterprises which require, in general, that not less than ten percent of the aggregate amount made available for development assistance and for assistance for famine recovery and development in Africa shall be made available to disadvantaged enterprises. See part 705 and part 706 for additional provisions on publicizing contract actions and using other than full and open competition.

Subpart 726.1—General

10. Section 726.104 is revised as follows:

726.104 Exceptions.

The notification requirement in 705.207 and the subcontracting requirement in 726.301 are based on statutory requirement and may not be deviated from under the provisions of subpart 701.4. By statute, the Administrator or designee may determine that these requirements do not apply to a particular contract or category of contracts. The Procurement Executive has been designated to make such determinations. One such determination concerning subcontracting is set out in 726.301(b).

PART 733—PROTESTS, DISPUTES AND APPEALS

Subpart 733.70—AID Procedures for Protests

733.7006 [Amended]

11. Section 733.7006 is amended by removing paragraph (d), and by redesignating paragraphs (e), (f), (g), and (h) as paragraphs (d), (e), (f), and (g).

PART 752—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 752.70—Texts of AID Contract Clauses

752.7009 [Amended]

12. The contract clause in section 752.7009, Marking, is amended by changing the clause date from "(APR 1984)" to "(JAN 1993)", and by amending paragraph (a) of the clause by removing the words "* * * red, white and blue handclasp * * *".

Dated: January 12, 1993

John F. Owens,

Procurement Executive.

[FR Doc. 93–3532 Filed 2–16–93; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

50 CFR Parts 611 and 675

[Docket No. 921185–3021]

Foreign Fishing; Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final 1993 initial specifications of groundfish and prohibited species catch allowances; closures.

SUMMARY: NMFS announces final specifications of total allowable catches (TACs), initial apportionments of TAC for each category of groundfish, and associated management measures in the Bering Sea and Aleutian Islands Area (BSAI) during the 1993 fishing year. This action is necessary to establish harvest limits for groundfish during the 1993 fishing year and associated management measures. NMFS also is closing specified fisheries consistent with the final 1993 groundfish specifications and fishery bycatch allowances of prohibited species. The intended effect of this action is to conserve and manage the groundfish resources in the BSAI area.

DATES: Effective February 11, 1993 through 24:00 Alaska local time, on December 31, 1993, or until changed by subsequent notice in the **Federal Register**.

ADDRESSES: Comments on directed fishing closures should be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, Service, P.O. Box 21668, Juneau, Alaska 99802–1668 (Attn: Lori Gravel). The final Environmental Assessment prepared for the 1993 TAC specifications may be obtained from the same address, or by calling 907–586–7228. The final Stock Assessment and Fishery Evaluation (SAFE) report may be requested from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone 907–271–2809.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, Fisheries Management Division, Alaska Region, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION: Groundfish fisheries in the BSAI are governed by Federal regulations (50 CFR 611.93 and 675) that implement the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by the Secretary of Commerce (Secretary) under the Magnuson Fishery Conservation and Management Act (Magnuson Act).

The FMP and implementing regulations require the Secretary, after consultation with the Council, to specify annually the TAC, initial domestic annual harvest (DAH), and initial total allowable level of foreign fishing (TALFF) for each target species and the "other species" category for the succeeding fishing year (§ 675.20(a)(7)). The sum of the species' TACs must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (§ 675.20(a)(2)). For 1993, the sum of TACs is equal to 1,998,620 mt, as indicated in Table 1.

Proposed initial TAC, reserve, DAH, and TALFF amounts for the 1993 fishing year were published in the **Federal Register** on December 7, 1992 (57 FR 57718). Comments were invited through January 4, 1993. No written comments were received within the comment period. Oral comments were received, and public consultation with the Council occurred during the Council meeting in Anchorage, Alaska, on December 8–13, 1992. Council recommendations and biological and economic data that were available at the Council's December meeting were considered in implementing these final 1993 specifications.

The specified TAC for each species is based on the best available biological and socioeconomic information. The Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SSC), at their September and December 1992 meetings, reviewed current biological information about the condition of groundfish stocks in the BSAI. This information was compiled by the Council's BSAI groundfish Plan Team and presented in the 1993 SAFE report for the BSAI groundfish fisheries. The Plan Team annually produces such a document as the first step in the process of specifying TACs. The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters. From these data and analyses, the Plan Team estimates an acceptable biological catch (ABC) for each species category.

A summary of preliminary ABCs for each species for 1993 and other biological data from the September 1992 draft SAFE report were provided in the discussion supporting proposed 1993 specifications (57 FR 57718, December 7, 1992). The Plan Team's recommended ABCs were reviewed by the SSC, AP, and Council at their September 1992 meetings. Based on the SSC's comments concerning technical methods and new biological data not available in September, the Plan Team revised its ABC recommendations in the final SAFE report dated November 1992. The revised ABC recommendations were again reviewed by the SSC, AP, and Council at their December 1992 meetings. While the SSC endorsed most of the Plan Team's recommendations for 1993 ABCs set forth in the final SAFE report, the SSC recommended revisions to ABC amounts calculated for Aleutian Basin pollock, Pacific cod, and Atka mackerel. With the exception of Atka mackerel, the Council adopted the SSC's recommendations for 1993 ABCs. The recommended ABCs, listed in Table 1, reflect harvest amounts that would not cause overfishing as defined in the FMP. A brief discussion of the SSC's revisions to the ABCs recommended by the Plan Team and the Council's ABC recommendation for Atka mackerel follows:

Aleutian Basin (Bogoslof) Pollock

The Plan Team indicated in the final SAFE report that the current biomass (B) of Aleutian Basin pollock (650,000 mt), as predicted by a stock cohort analysis, is about 10 percent of the largest observed biomass and well below former "pristine" biomass levels (B_{MSY}).

Information is not available to precisely estimate the ratio of B/B_{MSY}, but based on historical biomass survey information, the SSC believes the ratio is about 0.25. Given the Council's overfishing definition and the low abundance level of Aleutian Basin pollock, the SSC recommended that an exploitation rate (F) equal to 25 percent of that recommended by the Plan Team (0.26) is appropriate. The SSC used this F to calculate an ABC, applying the rate (0.26×0.25) to the 1993 biomass estimate to obtain an ABC of 42,000 mt (650,000)(0.26×0.25).

Pacific Cod

During the December 1992 meeting of the Council and its SSC and AP, NMFS presented new information on Pacific cod biomass and exploitation rates. Analytic results based on this information were not completed and available to the Plan Team during its November 1992 meeting and, therefore, were not included in the Plan Team's final SAFE report. The new information included a revised estimate of 1993 exploitable biomass (624,000 mt) based on an updated stock synthesis model. The new analysis confirmed the declining biomass trend estimated for the past 3 years by the Plan Team, including the 1993 biomass estimate set forth in the final SAFE report (655,000 mt). Furthermore, NMFS presented a new data set on size-at-maturity that differs from that used by the Plan Team to calculate the $F_{0.35}$ exploitation rate. The SSC noted that the two data sets were collected in the 1970's and early 1980's and may not reflect the current size at maturity for the BSAI Pacific cod stock. No information is available to select a preferred data set to estimate the $F_{0.35}$ exploitation rate, but the SSC believed the true value falls within the range derived from the two sets of maturity data.

The SSC believed the new information suggests that Pacific cod biomass is less abundant than estimated in 1992, and this decrease should be considered in setting ABC. The SSC agreed with the Plan Team's strategy for calculating ABC and recommended that ABC be calculated by applying an $F_{0.35}$ exploitation rate to the revised estimate of 1993 biomass (624,000 mt). The SSC recommended that the two exploitation rates derived from the two sets of maturity data be averaged to calculate ABC. The ABC, based on the averaged exploitation rates and new estimate of exploitable biomass, is 164,500 mt.

Atka Mackerel

The SSC's December 1992 recommendation for the 1993 ABC remained unchanged from that proposed by the SSC in September. The SSC accepted the Plan Team's 1993 estimate of exploitable biomass (1,171,000 mt) and ABC (351,000 mt), although it expressed concern about limited data upon which the annual biomass estimate is based. The SSC also was apprehensive about possible environmental problems that may result from an increased harvest of the magnitude supported by the Plan Team's estimate of 1993 ABC. Atka mackerel is a prey species of northern fur seals and Steller sea lions. During their migrations, northern fur seals (a depleted species) feed heavily on Atka mackerel as they move through the Aleutian passes. Given these concerns, the SSC maintained its 1992 recommendation to phase in the Plan Team's estimate of ABC over a 6-year period by adopting the 1993 biomass estimate and raising the exploitation rate in steps from the natural mortality rate (M)/6 in 1992, M/3 in 1993, to M in 1997. According to this schedule, the recommended ABC for 1993 (0.30/3)(1,171,000) is 117,100 mt.

The main purpose of this approach is to postpone a large ABC increase until it has been confirmed by additional data and analysis. The SSC recommended this level of ABC, provided that regulatory measures are implemented to distribute the Atka mackerel harvest over the range of the stock in proportion to the distribution of biomass. This approach would require 70 percent of the catch to be taken west of 180° W. longitude. Corresponding ABCs in the eastern and western Aleutians would be 32,100 mt and 85,000 mt, respectively.

In response to concerns about spatial distribution of harvest, the SSC recommended that the 1993 ABC for Atka mackerel be reduced to 32,100 mt to avoid a disproportionate harvest of Atka mackerel in the eastern Aleutian Islands and possible impacts on marine mammals. The SSC believed that an ABC of 32,100 mt would protect marine mammals while an FMP amendment is being developed that would authorize regulations to distribute Atka mackerel TAC amounts and associated fishing effort in proportion to biomass distribution.

While acknowledging the SSC's concerns about spatial distribution of Atka mackerel harvest, the Council recommended that an ABC level of 117,100 mt be established for 1993. The Council further recommended that the TAC amount be set at a level equal to the SSC's recommended ABC level of 32,100 mt until such time that an FMP amendment is implemented that would allow for the spatial distribution of a higher TAC.

A draft analysis examining options for splitting the Aleutian Islands subarea to allow for the spatial distribution of Atka mackerel TAC is scheduled to be presented to the Council during early 1993. Pending Council action and, if approved by the Secretary, a final rule implementing new management areas could be implemented by late summer 1993.

TAC Specifications

The Council developed its TAC recommendations (Table 1) based on the final ABCs as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC between the OY range of 1.4–2.0 million mt. Each of the Council's recommended TACs for 1993 is equal to or less than the final 1993 ABC for each species category. Therefore, NMFS finds that the recommended TACs are consistent with the biological condition of groundfish stocks. The Council also recommended division of certain TACs between seasons and gear types, as described below.

Apportionment of TAC

As required by § 675.20(a)(3) and 675.20(a)(7)(i), each species TAC initially is reduced by 15 percent. The sum of these 15-percent amounts is the reserve. The reserve is not designated by species or species group, and any amount of the reserve may be reapportioned to a target species or the "other species" category during the year, providing that such reapportionments do not result in overfishing.

The initial TAC (ITAC) for each target species and the "other species" category at the beginning of the year, which is equal to 85 percent of TAC, is then apportioned between DAH and TALFF. Each DAH amount is further apportioned between two categories of U.S. fishing vessels. The domestic annual processing (DAP) category includes U.S. vessels that process catch on board or deliver it to U.S. fish processors. The joint venture processing (JVP) category includes U.S. fishing vessels working in joint ventures with foreign processing vessels authorized to receive catches in the U.S. exclusive economic zone.

In consultation with the Council, the initial amounts of DAP and JVP are determined by the Director, Alaska Region, NMFS (Regional Director). Consistent with the final 1991 and 1992 initial groundfish specifications, the Council recommended that 1993 DAP

specifications be set equal to TAC and that zero amounts of groundfish be allocated to JVP and TALFF. In making this recommendation, the Council considered the capacity of DAP harvesting and processing operations and anticipates that 1993 DAP operations will harvest the full TAC specified for each BSAI groundfish species category.

The final TACs, ITACs, and initial apportionments of BSAI groundfish for 1993 are listed in Table 1 of this action. The apportionment of pollock TACs among fisheries and seasons is discussed below.

TABLE 1.—FINAL 1993 ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND ITAC APPORTIONMENTS OF GROUNDFISH IN THE BERING SEA AND ALEUTIAN ISLANDS AREA [1 2]

Species	ABC	TAC	Initial TAC (ITAC) = DAP [3 4]
Pollock			
Bering Sea (BS)	1,340,000	1,300,000	1,105,000
Aleutian Islands (AL)	58,700	51,600	43,860
Bogoslof Subarea	42,000	1,000	850
Pacific cod	164,500	164,500	139,825
Sablefish			
BS	1,500	1,500	1,275
AL	2,600	2,600	2,210
Atka mackerel	117,100	32,000	27,200
Yellowfin sole	238,000	220,000	187,000
Rock sole	185,000	75,000	63,750
Greenland turbot	7,000	7,000	5,950
Arrowtooth flounder	72,000	10,000	8,500
Other flatfish [5]	191,000	79,000	67,150
Pacific Ocean perch			
BS	3,330	3,330	2,831
AL	13,900	13,900	11,815
Other red rockfish [6]			
BS	1,400	1,200	1,020
Sharpchin/Northern			
AL	5,670	5,100	4,335
Shortraker/Rougheye			
AL	1,220	1,100	935
Other rockfish [7]			
BS	400	360	306
AL	925	830	706
Squid	3,400	2,000	1,700
Other Species [8]	26,800	26,800	26,810
Totals	2,478,245	1,996,620	1,696,827

[1] Amounts are in metric tons. These amounts apply to the entire Bering Sea (BS) and Aleutian Islands (AI) area unless otherwise specified. With the exception of pollock and for the purpose of these specifications, the BS includes the Bogoslof subarea.
[2] Zero amounts of groundfish are specified for Joint Venture Processing (JVP) and Total Allowable Level of Foreign Fishing (TALFF).
[3] Initial TAC (ITAC) = 0.85 of TAC; initial reserve = TAC—ITAC = 299,793 mt.
[4] DAP = domestic annual processing = ITAC.
[5] "Other flatfish" includes all flatfish species except for Pacific halibut (a prohibited species) and all other flatfish species that have a separate specified TAC amount.
[6] "Other red rockfish" includes shortraker, rougheye, northern and sharpchin.
[7] "Other rockfish" includes *Sebastes* and *Sebastolobus* species except for Pacific ocean perch and the "other red rockfish" species.
[8] "Other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

Apportionment of the Pollock TAC to the Inshore and Offshore Components and to the Western Alaska Community Development Quota (CDQ) Reserve

Regulations at § 675.20(a)(3)(ii) require one-half of the pollock TAC placed in the non-specific reserve for each subarea, or 7.5 percent of the pollock TACs, be assigned to a Western Alaska Community Development Quota (CDQ) reserve. Given the 1993 pollock TACs recommended by the Council, the 1993 CDQ reserve amounts for each subarea are as follows:

BSAI subarea	Pollock CDQ (mt)
Bering Sea	97,500
Aleutian Islands	3,870
Bogoslof	75

Under regulations governing the CDQ program (50 CFR 675.27), NMFS may allocate the 1993 pollock CDQs established for each subarea to eligible Western Alaska communities or groups of communities that have an approved community development plan (CDP). The Secretary has approved six CDPs and associated percentages of the CDQ reserve for each CDP recipient for 1993 (57 FR 58157, December 9, 1992). Table 2 lists the approved CDP recipients, and each recipient's allocation of the 1993 pollock CDQ reserve for each subarea. Seasonal allowances of the CDQ reserve are discussed below.

Regulations at § 675.20(a)(2)(iii) require that the 1993 pollock ITAC specified for each subarea of the BSAI be allocated 35 percent to the inshore component and 65 percent to the offshore component (Table 3). Definitions of these components are found at § 675.2. Seasonal allowances of the inshore and offshore pollock allocations are discussed below.

TABLE 2.—APPROVED SHARES (%'S) AND RESULTING ALLOCATIONS AND SEASONAL ALLOWANCES (METRIC TONS) OF THE 1993 POLLOCK CDQ RESERVE SPECIFIED FOR THE BERING SEA (BS), ALEUTIAN ISLANDS (AI), AND BOGOSLOF (BF) SUBAREAS AMONG APPROVED CDP RECIPIENTS

CDP recipient	Percent	Allocation	BSAI roe season allowance[1]
Aleutian Pribilof Island Community Development Assn.:			
BS	18	17,550	8,217
AI		697	
BF		13	
Subtotal		18,260	
Bristol Bay Economic Development Corp.:			
BS	20	19,500	9,130
AI		774	
BF		15	
Subtotal		20,289	
Central Bering Sea Fishermen's Assn.:			
BS	10	9,750	4,565
AI		387	
BF		7	
Subtotal		10,144	
Coastal Villages Fishing Coop.:			
BS	27	26,325	12,325
AI		1,045	
BF		20	
Subtotal		27,390	
Norton Sound Fisheries Development Assn.:			
BS	20	19,500	9,130
AI		774	
BF		15	
Subtotal		20,289	
Yukon Delta Fisheries Development Assn.:			
BS	5	4,875	2,283
AI		194	
BF		4	
Subtotal		5,073	
Total	100	101,445	45,650

[1] No more than 45 percent of a CDP recipient's 1993 pollock allocation may be harvested during the pollock roe season, January 1 through April 15.

TABLE 3.—SEASONAL ALLOWANCES OF THE INSHORE AND OFFSHORE COMPONENT ALLOCATIONS OF POLLOCK TACS[1,2]

Subarea	TAC	ITAC[3]	Roe season[4]	Non-roe season[5]
Bering Sea:				
Inshore		386,750	174,038	212,712.
Offshore		718,250	323,212	395,038.
Total	1,300,000	1,105,000	497,250	607,750.
Aleutian Islands:				
Inshore		15,351	15,351	Remainder.
Offshore		28,509	28,509	Remainder
Total	51,600	43,860	43,860	Remainder.
Bogoslof:				
Inshore		298	298	Remainder.
Offshore		552	552	Remainder.
Total	1,000	850	850	Remainder.

[1] TAC=total allowable catch.
[2] Based on an offshore component allocation of 0.65(TAC) and an inshore component allocation of 0.35(TAC).
[3] ITAC=initial TAC=0.85 of TAC; 0.15 of TAC is apportioned to the reserve.
[4] January 1 through April 15.
[5] June 1 through December 31, although the Council has adopted for Secretarial review a regulatory amendment that would delay the start of the 1993 non-roe season to August 15.

Seasonal Allowances of the Pollock ITAC and CDQ Reserve

Under § 675.20(a)(2)(ii), the ITAC of pollock for each subarea of the BSAI is divided between two seasons (i.e., January 1 through April 15, the roe season, and June 1 through December 31, the non-roe season). For purposes of pollock management, regulations at § 675.20(a)(2)(ii) authorize the specification of separate TAC amounts for pollock in each subarea of the BSAI management unit. These subareas are

defined at § 675.2 as the Bering Sea, Aleutian Islands, and Bogoslof subareas.

When specifying seasonal allowances of the pollock ITACs, the Council also considered the following nine factors as listed in section 14.4.10 of the FMP:

1. Estimated monthly pollock catch and effort in prior years;
2. Expected changes in harvesting and processing capacity and associated pollock catch;
3. Current estimates of, and expected changes in, pollock biomass and stock conditions; conditions of marine mammal stocks, and biomass and stock conditions of species taken as bycatch in directed pollock fisheries;
4. Potential impacts of expected seasonal fishing for pollock on pollock stocks, marine mammals, and stocks and species taken as bycatch in directed pollock fisheries;
5. The need to obtain fishery-related data during all or part of the fishing year;
6. Effects on operating costs and gross revenues;
7. The need to spread fishing effort over the year, minimize gear conflicts, and allow participation by various elements of the groundfish fleet and other fisheries;
8. Potential allocative effects among users and indirect effects on coastal communities; and
9. Other biological and socioeconomic information that affects the consistency of seasonal pollock harvests with the goals and objectives of the FMP.

The record of these considerations is summarized at Agenda D–1(e) for the December 1992 Council meeting and in appendix D of the final SAFE report dated November 1992. Also, at its December 1992 meeting, the Council adopted a regulatory amendment for Secretarial review that, if approved, would delay the start of the pollock non-roe season from June 1 to August 15. This action was considered by the Council when recommending seasonal apportionments of pollock because the proposed delay would enhance the quality, recovery rates, and value of pollock harvested during the non-roe season.

Based on the above criteria, the Council has recommended that the seasonal allowances of the pollock ITAC specified for the Bering Sea subarea be set at 45 percent of the ITAC during the roe season (497,250 mt) and 55 percent during the non-roe season (607,750 mt). The resulting seasonal allowances of the inshore and offshore component allocations of pollock are listed in Table 3. As in 1992, the Council recommended that the entire pollock ITAC specified for the Aleutian Islands and Bogoslof subareas (43,860 mt and 850 mt, respectively) be made available at the beginning of the fishing year and that the Bogoslof subarea be closed to directed fishing for pollock.

As authorized under § 675.20(a)(7)(ii), the Council recommended also that no more than 45 percent of the CDQ pollock reserve be harvested during the pollock roe season, January 1 through April 15. The remainder of the CDQ reserve may be harvested any time after April 15, consistent with other regulatory provisions governing the groundfish fisheries. The resulting seasonal allowance of each CDP's pollock allocation is listed in Table 2. The Council's recommended percentage of the CDQ reserve apportioned to the pollock roe season is consistent with and based on the same determinations as the percentage allowance of the ITAC recommended for the roe season.

The Council recommended that directed fishing for pollock in the Bogoslof subarea be prohibited and that a 1,000 mt pollock TAC be specified for the Bogoslof subarea for bycatch purposes only. NMFS concurs with the Council's recommendation and has prohibited directed fishing for pollock in this subarea (see Directed fishing closures, below). As a result, apportionment of the Bogoslof subarea pollock TAC into seasonal allowances is unnecessary.

In reviewing the Council's recommendations for seasonal allowances of the pollock ITACs specified for the Bering Sea and Aleutian Islands subareas, NMFS considered how the recommended allowances address the factors listed above and mitigate potential problems associated with the pollock roe fishery.

In the Bering Sea subarea, the recommended roe season allowance of the pollock ITAC and the CDQ reserve will prevent an inappropriate or unintended allocation of the pollock TAC between seasons and among industry sectors by limiting the roe season harvest to less than 42 percent of the pollock TAC and 45 percent each of the pollock ITAC and CDQ reserve. The recommended seasonal apportionment of the ITAC for the roe season is a 5 percent increase from the seasonal allowance specified for the 1991 and 1992 roe seasons (40 percent of the ITAC). In recommending this increase, the Council considered (1) the lack of evidence that an increased harvest during the pollock spawning period would have an adverse effect on spawning stocks, and (2) pollock harvests during this period allow for the best economic value and use of the pollock resource.

Without seasonal allowances in the Bering Sea subarea, pollock harvests during the roe season would increase because of (1) the high value of pollock roe relative to other pollock products and (2) the common property nature of the pollock resource and an open access management regime that gives no incentive to delay harvesting. Therefore, without a specified seasonal allowance, the potential exists for a disproportionately large roe season harvest. In this event, those vessels and processors that have the capacity to catch and process roe-bearing pollock most rapidly would have a competitive advantage over those elements of the industry that conduct slower, more evenly paced operations.

NMFS finds that the seasonal allowances of the Bering Sea pollock TAC prevent an inappropriate or unintended allocation of the pollock TAC between seasons and among industry sectors. Furthermore, the specified allowances of ITAC and the CDQ reserve between the roe and non-roe seasons, respectively, will provide a reasonable balance between roe and non-roe season harvests. The recommended roe season catch limit will allow production of valuable pollock products while preventing an excessively disproportionate harvest in the roe season. Relative to 1992, the amount of Bering Sea pollock harvested during the 1993 roe season will be increased from 40 percent to 45 percent of the ITAC, plus 45 percent of the CDQ reserve. The resulting 1993 roe season harvest amount is 542,900 mt.

Even with this roe season harvest increase, NMFS finds that the roe season allowances may help to prevent adverse effects on the ecosystem and on future pollock productivity from intensive fishing mortality during the roe season. Clear evidence does not exist to show that intensive fishing during a compressed season results in significant negative impacts on the ecosystem. The complexity of the ecosystem can easily mask any statistical relationship between the abundance of pollock eggs and larvae, and the future abundance of various pollock predators (including the threatened Steller sea lion) and of harvestable stocks of pollock. If commercial fishery removals are detrimental to sea lion foraging success, it is during the winter season that this effect would be the most pronounced. Steller sea lions are likely to be more nutritionally stressed during winter than summer because of ecological (e.g., fewer prey resources) and biological factors (e.g., pregnant females have higher nutritional needs and newly-

weaned juveniles are less adept foragers). However, roe season pollock fisheries tend to harvest larger fish than non-roe season fisheries. Large fish are expected to be less important in the diet of Steller sea lions, particularly juveniles, than smaller fish. Thus, the increased roe season share of the pollock TAC may not be significant to sea lion feeding success. Furthermore, additional sea lion protection measures have been submitted for implementation in 1993 to extend the 10 nautical mile (nm) trawl closure around Ugamak Island to a 20 nm closure when directed fishing for pollock is open during the roe season. Given the remaining uncertainties about the effect of the BSAI pollock fishery on sea lions, NMFS has determined that the recommended season allowances for the Bering Sea roe season, together with existing sea lion protection measures, are adequate to ensure that the fishery will not adversely affect the survival or recovery of Steller sea lions.

The Council made no recommendation to allocate pollock by season in the Aleutian Islands subarea. Therefore, the entire 43,860 mt of pollock ITAC specified for this subarea will be available for harvest during the roe season, and any amount unharvested on April 15 will be available for harvest during the non-roe season beginning June 1, subject to other harvesting limitations.

The recommended 1993 pollock TAC for the Aleutian Islands subarea is unchanged from that specified for 1992. Similarly, the 1992 TAC also was not seasonally apportioned. In the discussion supporting the final 1992 initial groundfish specifications (57 FR 3952, February 3, 1992), NMFS presented its determination that the lack of seasonal apportionments of the Aleutian Islands pollock TAC would not have an adverse effect on Steller sea lions. Given existing sea lion protection measures, NMFS has similarly determined that seasonal apportionments of the 1993 Aleutian Island pollock TAC would not provide additional protection for sea lions that would be meaningful. NMFS also has determined that the Council's recommendation not to implement seasonal apportionments of the pollock ITAC in the Aleutian Islands subarea is consistent with Council objectives with respect to harvesting roe-bearing pollock. NMFS is preparing an analysis of options for spatially dispersing the harvest of Atka mackerel and other groundfish species in the Aleutian Islands subarea. As part of this analysis, NMFS will further explore the desirability of spatially and temporally dispersing groundfish harvests in the Aleutian Islands subarea to further protect Steller sea lions.

With respect to the Council recommendations for seasonal allowances of the pollock ITACs (Table 3), NMFS concurs in the nine findings considered by the Council as required by the FMP in setting these allowances. By basing these findings on the biological and socioeconomic information contained in the final SAFE report dated November 1992, NMFS finds that the recommended seasonal allowances of pollock are based on, and consistent with, the types of information required by the FMP under section 14.4.10.

Apportionment of Pollock TAC to the Non-pelagic Trawl Gear Fishery

Regulations under § 675.24(c)(2) authorize the Secretary, in consultation with the Council, to limit the amount of pollock TAC that may be taken in the directed fishery for pollock using non-pelagic trawl gear. This authority is intended to reduce the amount of halibut and crab bycatch that occurs in non-pelagic trawl operations.

The Council has recognized that the existing definition of pelagic trawl gear at § 675.2 allows vessels using this gear type to circumvent the intent of non-pelagic trawl gear restrictions and continue fishing in contact with the seabed in a manner that results in halibut and crab bycatch rates that do not significantly differ from those experienced by vessels using trawl gear other than pelagic trawl gear. In response, at its April 22–26, 1992 meeting, the Council adopted for Secretarial review and approval a revised definition of pelagic trawl gear that is intended to more effectively reduce prohibited species bycatch rates experienced by vessels using this gear type. At its December 1992 meeting, the Council also adopted a performance based standard for pelagic trawl gear that would further Council intent to limit trawl operations in contact with the seabed when fishing with non-pelagic trawl gear is prohibited. NMFS intends to propose a rule that would implement the revised pelagic trawl gear definition and associated performance based standard. If approved, a final rule implementing the Council's action could be effective by the time the non-roe pollock season starts. This would allow for more effective non-pelagic trawl gear closures that are implemented to reduce halibut and crab bycatch under § 675.21(c).

Given the Council's concerns about the effectiveness of the existing pelagic trawl gear definition to reduce bycatch rates and recent Council action to address these concerns, the Council did not propose to limit the amount of pollock TAC that may be taken in the 1993 directed fishery for pollock by vessels using non-pelagic trawl gear. If the revised pelagic trawl definition and performance based standard are implemented, the Council believes that restrictions on the use of non-pelagic trawl gear to reduce prohibited species bycatch amounts will become more effective. NMFS concurs in the Council's recommendation, and no limit on the amount of pollock TAC that may be taken in the directed fishery for pollock using non-pelagic trawl gear is specified.

Sablefish Gear Allocation

Regulations at § 675.24(c)(1) divide sablefish TACs for the Bering Sea and Aleutian Islands subareas between trawl and hook-and-line/pot gear fisheries. Gear allocations of TACs are specified in the following proportions:

Bering Sea subarea: trawl gear—50 percent; hook-and-line/pot gear—50 percent, and

Aleutian Islands subarea: trawl gear—25 percent; hook-and-line/pot gear—75 percent.

Based on the 1993 TAC specifications in Table 1, trawl and hook-and-line/pot gear allocations of sablefish in each subarea are equivalent to the TACs and ITACs listed in Table 4.

TABLE 4.—FINAL 1993 GEAR SHARES OF BSAI SABLEFISH TAC

Subarea	Gear	Percent of TAC	Share of TAC (mt)	Share of ITAC (mt)[1]
Bering Sea[2]	Trawl	50	750	637
	Hook-and-line/pot gear	50	750	638

TABLE 4.—FINAL 1993 GEAR SHARES OF BSAI SABLEFISH TAC—Continued

Subarea	Gear	Percent of TAC	Share of TAC (mt)	Share of ITAC (mt)[1]
Aleutian Islands	Trawl	25	650	553
	Hook-and-line/pot gear	75	1,950	1,657

[1] Initial TAC (ITAC) = 0.85 of TAC, rounded to the nearest whole mt; 0.15 of TAC is apportioned to reserve. The sum of both ITAC gear shares in a subarea is equal to the ITAC for that subarea in Table 1.
[2] Includes Bogoslof subarea.

Allocation of Crab, Halibut, and Herring Prohibited Species Catch (PSC) Limits Established for the BSAI Trawl Gear Fisheries

PSC limits of red king crab and *C. bairdi* Tanner crab in Bycatch Limitation Zones (50 CFR 675.2) of the Bering Sea subarea and for Pacific halibut throughout the BSAI area are established for BSAI trawl fisheries under § 675.21(a). The PSC limits are:

—200,000 red king crabs applicable to Zone 1;
—one million *C. bairdi* Tanner crabs applicable to Zone 1;
—three million *C. bairdi* Tanner crabs applicable to Zone 2;
—4,400 mt of Pacific halibut (primary PSC limit) applicable to Zones 1 and 2H; and
—5,333 mt of Pacific halibut (secondary PSC limit) applicable to the entire BSAI area.

Under § 675.21(a)(6), the PSC limit of Pacific herring caught while conducting any trawl operation for groundfish in the BSAI is 1 percent of the annual eastern Bering Sea herring biomass. At this time, the best estimate of 1993 Pacific herring biomass is 212,187 mt. This amount was derived using 1992 survey data on an age-structured biomas projection model developed by the Alaska Department of Fish and Game. Therefore, the 1993 Pacific herring PSC limit for 1993 is 2,122 mt.

Regulations under § 675.21(b) authorized the apportionment of each PSC limit established for the BSAI trawl fisheries into prohibited species bycatch allowances that are assigned to specified fishery categories. Regulations at § 675.21(b)(4) define seven trawl fishery categories for this purpose (midwater pollock, Greenland turbot/arrowtooth flounder/sablefish, rock sole/other flatfish, yellowfish sole, rockfish, Pacific cod, and pollock/Atka mackerel "other species").

At its December 1992 meeting, the Council recommended prohibited species bycatch allowances based on the anticipated bycatch of crabs, halibut, and herring during the 1993 fishing year and the assumption that halibut bycatch mortality limits proposed under Amendment 21 to the FMP would be approved and implemented by the Secretary. Under the proposed rule (57 FR 60788, December 22, 1992), halibut bycatch mortality limits would be established for trawl and non-trawl gear (3,775 mt and 900 mt, respectively) for 1993 and beyond. If the proposed halibut bycatch mortality limits are approved by the Secretary, the Council's recommended apportionments of the proposed halibut mortality limits among fisheries and seasons will be published in the **Federal Register** with the final rule implementing the halibut mortality limits. Also, if approved, the revised bycatch mortality allowances implemented under Amendment 21 would supersede the trawl bycatch allowances implemented under the final 1993 initial specifications. If the trawl and non-trawl halibut bycatch mortality limits proposed under Amendment 21 are implemented during 1993, the amount of halibut bycatch mortality experienced in the trawl and non-trawl fisheries from the beginning of the 1993 fishing year will be counted against the respective bycatch mortality allowances.

However, for purposes of specifying final 1993 initial specifications of prohibited species bycatch allowances, no assumption is made with respect to approval of the halibut bycatch mortality limits proposed under Amendment 21. Therefore, specified fishery bycatch allowances of Pacific halibut are based on the existing PSC limit of 5,333 mt. Tables 5 and 6 list prohibited species bycatch allowances and seasonal apportionments of the halibut bycatch allowances that are based on the Council's recommended halibut bycatch mortality allowances, but are proportionately revised to reflect the 5,333 mt halibut PSC limit set forth in existing regulations.

In general, the trawl fishery bycatch allowances listed in Table 5 reflect the recommendations made to the Council by its AP. These recommendations were based on 1992 bycatch amounts, anticipated 1993 harvest of groundfish by trawl gear, anticipated changes in fishery bycatch needs pending approval of a final rule implementing halibut bycatch mortality limits, and assumed halibut mortality rates in the different trawl fisheries based on analyses of 1991 observer data. Public testimony and Council debate centered on the halibut bycatch allowances recommended for the Pacific cod trawl fishery and whether the constraining nature of the recommended allowance would prematurely close the Pacific cod trawl fishery in a manner that resulted in an inappropriate allocation of Pacific cod to the hook-and-line fleet. The Council determined that the recommended halibut bycatch allowance for the Pacific cod trawl fishery was consistent with its intent to optimize the use of available halibut bycatch amounts under the existing PSC limit and proposed mortality limits. The Council further determined that the resulting bycatch allowance for the Pacific cod trawl fishery is similar to that specified for 1992 under a final rule implementing Amendment 19 to the FMP (57 FR 43926, September 23, 1992) and closure of the trawl fishery under 1993 halibut bycatch constraints should not result in additional significant allocative effects.

The Council expressed its intent to allow a directed fishery for Greenland turbot and recommended a halibut bycatch allowance for the Greenland turbot trawl fishery. The Council did not consider specifying a *C. bairdi* Tanner crab bycatch allowance for the Greenland turbot fishery in Zone 2, although such an allowance must be specified if a directed trawl fishery is to take place under 50 CFR 675.21. The Regional Director acknowledges that relatively small amounts of *C. bairdi* Tanner crab are taken in the Greenland turbot fishery. In 1991, the most recent year during which a directed fishery for Greenland turbot was authorized, a total of 15,145 *C. bairdi* Tanner crab was taken in the trawl fishery. Of this amount, only 1,100 crab were taken in Zone 2. Given these amounts and the uncertainty of where trawl vessels will fish for Greenland turbot during the 1993 fishery, the Regional Director is specifying a 10,000 crab bycatch allowance for the Greenland turbot fishery in Zone 2 to allow for a directed trawl fishery. The *C. bairdi* Tanner crab bycatch allowances recommended by the Council for other trawl fishery categories are proportionately reduced

to provide a 10,000 crab bycatch allowance for the Greenland turbot fishery. Under § 675.20(e)(5), any amount of this PSC allowance that remains after the trawl fishery for Greenland turbot fishery is closed may be reapportioned to one or more of the bycatch allowances specified for other trawl fisheries under provisions set forth at § 675.20(e).

TABLE 5.—FINAL 1993 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL FISHERIES

Fisheries	Zone 1	Zone 2	Zones 1+2H	BSAI-wide
Red king crab, number of animals:				
Yellowfin sole	40,000			
Rcksol/othflat [1]	80,000			
Turb/arrow/sab [2]	0			
Rockfish	0			
Pacific Cod	40,000			
Pick/Atka/othr [3]	40,000			
Total	200,000			
C. bairdi Tanner crab, number of animals:				
Yellowfin sole	175,000	1,220,916		
Rcksol/oth. flat	475,000	199,333		
Turb/arrow/sabl	0	10,000		
Rockfish	0	24,917		
Pacific cod	175,000	398,667		
Pick/Atka/othr	175,000	1,146,167		
Total	1,000,000	3,000,000		
Pacific halibut, metric tons:			Primary halibut	Secondary halibut
Yellowfin sole			607	736
Rcksol/oth. flat			603	731
Turb/arrow/sabl			247	299
Rockfish			241	292
Pacific cod			1,197	1,451
Pick/Atka/othr			1,505	1,824
Total			4,400	5,333
Pacific herring, metric tons:				
Midwater pollock				1,534
Yellowfin sole				359
Rcksol/oth. flat				0
Turb/arrow/sabl				0
Rockfish				9
Pacific cod				27
Pick/Atka/othr [4]				193
Total				2,122

[1] Rock sole and other flatfish fishery category.
[2] Greenland turbot, arrowtooth flounder, and sablefish fishery category.
[3] Pollock, Atka mackerel, and "other species" fishery category.
[4] Pollock other than midwater pollock, Atka mackerel, and "other species" fishery category.

Seasonal Apportionments of PSC Limits

Regulations at § 675.21(b)(2) authorize the Secretary, after consultation with the Council, to establish seasonal apportionments of prohibited species bycatch allowances among the fisheries to which bycatch has been apportioned. Under § 675.21(b)(2), the basis for any such apportionment must be based on the following type of information:

1. The seasonal distribution of prohibited species;
2. Seasonal distribution of target groundfish species relative to prohibited species distribution;
3. Expected prohibited species bycatch needs on a seasonal basis relevant to change in prohibited species biomass and expected catches of target groundfish species;
4. Expected variations in bycatch rates throughout the fishing year;
5. Expected changes in directed groundfish fishing seasons;
6. Expected start of fishing effort; and
7. Economic effects of establishing seasonal prohibited species apportionments on segments of the target groundfish industry.

At its December 1992 meeting, the Council recommended that the halibut bycatch allowances listed in Table 5 be seasonally apportioned as shown in Table 6. The recommended seasonal apportionments reflect recommendations made to the Council by its AP. The AP considered and balanced a variety of factors. In particular, it noted that bycatch allowances specified for 1992 resulted in premature closure of the Pacific cod trawl fishery and that, unlike in 1992, a directed fishery for Greenland turbot would be authorized in 1993. Therefore, prohibited species bycatch amounts would need to be apportioned to this fishery, to support directed fishing with trawl gear.

The Pacific cod fishery is expected to continue to be important as an early year target fishery due to the anticipated completion of the Bering Sea pollock roe fishery by mid-February and the start of the flatfish fisheries on May 1 (§ 675.23(c)). Pacific cod is most vulnerable to trawl gear early in the year when the catch per unit of effort is highest and historical halibut bycatch rates are lowest. Therefore, the AP determined that the Pacific cod trawl fishery could produce the largest economic return by having the opportunity to fish the resource early in the year. Consequently, the AP recommended that all the halibut PSC allowance apportioned to the Pacific cod trawl fishery be made available at the beginning of the 1993 fishing year.

The AP also recommended that 73 percent of the halibut bycatch allowance apportioned to the rock sole/other flatfish fishery category be allocated to

the first quarter of 1993 when most of the rock sole TAC is harvested in the highly valued rock sole roe fishery. Except for rock sole, directed fishing for all other flatfish species begins on May 1 of each year to reduce halibut and red king crab bycatch rates that occur earlier in the year (§ 675.23(c)). The remaining amounts of the bycatch allowance apportioned to this fishery category is equally apportioned to the second and the third and fourth quarters combined to support a small directed effort for rock sole and other flatfish outside the rock sole roe season.

As mentioned above, the yellowfin sole season begins on May 1 of each year. The halibut bycatch allowance apportioned to the yellowfin sole fishery is divided into two seasonal apportionments; May 1–July 31, and August 1–December 31. The recommended apportionments of the halibut bycatch allowance to each season (39 percent and 61 percent, respectively) are intended to prevent an excessive bycatch of halibut in July and August when halibut become more vulnerable to shallow water fisheries and bycatch rates increase, as well as reduce the likelihood of a premature closure of the yellowfin sole fishery.

The AP recommended that zero amounts of halibut be apportioned to the Greenland turbot/sablefish/arrowtooth flounder trawl fishery category during the first 2 months of the open season for Greenland turbot (May and June). This action would delay directed fishing for Greenland turbot and sablefish by vessels using trawl gear until halibut bycatch amounts become available on July 4, 1993. The intent of this recommendation was to delay the trawl fishery until midsummer when halibut have migrated to more shallow depths relative to Greenland turbot and sablefish, and halibut bycatch rates are significantly reduced.

The AP recommended that zero amounts of halibut be apportioned to the rockfish fishery during the first 3 months of 1993. Forty percent of this fishery's halibut bycatch allowance would be available on April 4, and the remainder would be available July 4. The intent of the AP's recommendation was to delay the start of the rockfish fishery to provide a greater opportunity for participants in this fishery to more fully harvest TAC amounts of all rockfish species under existing halibut bycatch limitations. A delay in the rockfish fishery also would minimize bycatch amounts of chinook salmon in the rockfish fishery, which are typically higher during the first 3 months of the year. The AP recognized that the delay of the rockfish trawl fishery to the second quarter of 1993 will allow more vessels to participate in the fishery after the seasonal allowance of pollock specified for the pollock roe season had been harvested, but that some vessels that would have fished for rockfish during the first quarter will be prohibited from fishing for rockfish during that time.

The AP's recommended seasonal apportionment of the halibut bycatch allowance specified for the pollock/Atka mackerel/"other species" fishery category is based on the seasonal allowances of the Bering Sea pollock ITAC recommended for the roe and non-roe seasons, and the assumption that most of the pollock taken during the roe season will be taken with pelagic trawl gear with reduced halibut bycatch rates. Therefore, the seasonal apportionments of the halibut bycatch allowance are 25 percent during the roe season and the remainder during the non-roe season.

The Council adopted the recommendations of the AP as an effective balance of the interests affected by halibut bycatch allowances specified for the trawl gear fisheries. The Council's recommended seasonal apportionments of the prohibited species bycatch allowances are intended to allow an increased amount of the groundfish OY to be harvested by providing for directed groundfish fisheries when catches per unit of effort are high and corresponding prohibited species bycatch rates are relatively low.

In approving the Council's recommended seasonal apportionment of the halibut bycatch allowances to the trawl fisheries, NMFS considered seven types of information specified at § 675.21(b)(2) as follows:

1. The biomass trends and distribution of Pacific halibut as summarized in appendix B of the SAFE report dated November 1992 and other scientific documents of the International Pacific Halibut Commission;

2. The seasonal distribution of the groundfish fisheries as described in the SAFE report dated November 1992 and other NMFS documents and the Council's recommendation that directed fisheries for arrowtooth flounder, "other rockfish," and sablefish with trawl gear be prohibited;

3. The expected halibut bycatch by each of the fishery categories that are eligible to receive prohibited species bycatch allowances based on historical bycatch rates presented in appendix E of the final SAFE report dated November 1992;

4. The expected variations in bycatch rates throughout the year based on the same data referenced in item 3;

5. The establishment of roe and non-roe seasons for pollock in the Bering Sea; and the start of directed fishing for flatfish species, except rock sole, on May 1;

6. The delay of the trawl fisheries on January 20 of each year (675.23(d)); and

7. Resulting economic effects of seasonal apportionments of the prohibited species bycatch allowances are expected to be positive if more groundfish are harvested with trawl gear than otherwise would be possible without the seasonal apportionments. However, no data are available to quantify the marginal benefit of this action.

TABLE 6.—FINAL SEASONAL APPORTIONMENTS OF THE 1993 PACIFIC HALIBUT BYCATCH ALLOWANCES FOR THE BSAI TRAWL FISHERIES

Fishery	Seasonal bycatch allowance (mt halibut)
Yellowfin sole:	
May 01–Jul. 31	286
Aug. 01–Dec. 31	450
Total	736
Rock sole/"other flatfish":	
Jan. 01–Apr. 03	531
Apr. 04–Jul. 03	100
Jul. 04–Dec. 31	100
Total	731
Turbot/arrowtooth flounder/sablefish:	
Jan. 01–Jul. 03	0
Jul. 04–Dec. 31	299
Total	299
Rockfish:	
Jan. 01–Apr. 03	0
Apr. 04–Jul. 03	118
Jul. 04–Dec. 31	174
Total	292
Pacific cod:	
Jan. 01–Dec. 31	1,451
Pollock/Atka mackerel/"other species":	
Jan. 01–Apr. 15	456
Apr 16–May 31	0
Jun. 01–Dec. 31	1,368
Total	1,824
Total 1993 Halibut Bycatch Limit	5,333

Directed Fishing Closures

A principal consideration for the Council in developing its 1993 TAC recommendations was ensuring that the sum of the species TACs did not exceed the maximum OY of 2 million mt. After consideration of the amounts of each species category TAC that is required for bycatch in other directed fisheries, the Council recommended that ABC amounts specified for "other rockfish," and the trawl allocation of sablefish TACs specified for the Bering Sea and Aleutian Islands subareas are not sufficient to support directed fisheries. As such, TAC amounts for these species

were set either at 90 percent of, or equal to, ABC with the Council intent that these amounts would be used for bycatch purposes only.

The Council also recommended that the TAC specified for Bogoslof pollock be set at a level to avoid a directed fishery for pollock in the Bogoslof subarea, yet provide for bycatch in other groundfish fisheries. The Council made this recommendation because of the poor status of the Bogoslof pollock population, the importance of supporting international efforts to curtail fishing on the Aleutian Basin pollock populations, and to minimize any potential adverse effects of the precipitous decline in the biomass of the Bogoslof pollock on marine mammals and seabirds.

The Council further recommended that the 1993 TAC specified for arrowtooth flounder be set at a level to support bycatch in other groundfish fisheries. Although the 1993 ABC calculated for arrowtooth flounder would support a larger TAC, arrowtooth flounder normally is retained only as a bycatch species, and significant target operations for this species do not yet exist.

NMFS concurs in the Council's recommendation to prohibit directed fishing for Bogoslof pollock and arrowtooth flounder and that specified ITACs of 850 mt and 8,500 mt, respectively, are sufficient to support bycatch amounts of these species caught incidental to other directed fishing operations.

Given the directed fishing standards for other rockfish under § 675.20(h), the Regional Director has determined that the entire initial TAC amounts specified for this complex in the Bering Sea and Aleutian Islands is needed to support incidental catch amounts in directed fisheries for other groundfish species. Therefore, NMFS is prohibiting directed fishing for "other rockfish" to prevent the specified TACs from being exceeded.

In summary, NMFS is prohibiting directed fishing for "other rockfish" and arrowtooth flounder in the Bering Sea and Aleutian Islands management areas and for pollock in the Bogoslof subarea effective February 11, 1993. This action is taken under authority provided at § 675.20(a)(8).

NMFS concurs in the Council's recommended seasonal apportionments of halibut bycatch allowances for the BASI trawl fisheries (Table 6). To support the Council recommendations, specified trawl fisheries are closed for periods of time when no prohibited species bycatch allowances are apportioned to support directed fishing. Therefore, under authority provided at § 675.21(c), NMFS is prohibiting operators of vessels using trawl gear from engaging in directed fishing for: (1) Greenland turbot in the BSAI from May 1, 1993 through July 3, 1993; (2) sablefish in the Bering Sea and Aleutian Islands management areas through July 3, 1993; (3) rockfish in the BSAI through April 3, 1993; and (4) Greenland turbot, sablefish, and rockfish in Bycatch Limitation Zone 1 during the remainder of 1993. These closures are effective February 11, 1993.

Groundfish PSC Limits

No PSC limits for groundfish species are specified under this action. Authority to annually specify PSC limits for groundfish species or species groups for which the TAC can be completely harvested by domestic fisheries is provided at § 675.20(a)(6). In practice, these PSC limits apply only to JVP or TALFF fisheries for species that have a zero JVP or TALFF apportionment. At this time, no groundfish are proposed to be allocated to either JVP or TALFF and specifications of groundfish PSC limits are unnecessary.

Expiration of Interim 1993 Specifications

Regulations under § 675.20(a)(7)(i) authorize one-fourth of each proposed ITAC and apportionment thereof, one-fourth of each PSC allowance, and the proposed first seasonal allowance of pollock to be in effect at the start of the 1993 fishing year on an interim basis and to remain in effect until superseded by final initial specifications for 1993. Hence, the final 1993 initial groundfish harvest specifications and prohibited species bycatch allowances implemented under this action supersede the interim 1993 specifications published in Tables 1 and 5 of the proposed specifications (57 FR 57718, December 7, 1992).

Classification

This action is authorized under 50 CFR 611.93(b) and 675.20 and complies with Executive Order 12291.

NMFS prepared an environmental assessment on the 1993 TAC specifications, which concludes that no significant impact on the environment will result from their implementation.

Immediate effectiveness of the directed fishing closures for pollock in the Bogoslof subarea, and for "other rockfish," arrowtooth flounder, and sablefish allocated to trawl gear is necessary to prevent excessive harvests of these species. Without this action, specified TAC amounts will be prematurely reached, retention of these species will become prohibited, and U.S. fishermen who retain bycatch amounts of these species will be disadvantaged. Similarly, the immediate effectiveness of the directed fishing closures for the rockfish, Greenland turbot, and sablefish trawl fisheries is necessary to reduce Pacific halibut bycatch rates in these fisheries, increase the harvest of these species under existing halibut bycatch limitations, and reduce the possibility for premature closure of these fisheries under specified bycatch allowances. Therefore, the Assistant Administrator for Fisheries, NOAA, finds for good cause that it is impractical and contrary to the public interest to provide prior notice and comment or to delay the effective date. As immediate effectiveness of this action is necessary to benefit fishermen who would otherwise forego harvestable amounts of groundfish, the 30-day delayed effectiveness also is waived. However, interested persons are invited to submit comments in writing to the Regional Director (see **ADDRESSES**) for 15 days after the effective date of this action.

An informal consultation under the Endangered Species Act was concluded for the final 1993 initial groundfish specifications on January 20, 1993. As a result of the informal consultation, the Regional Director determined that fishing activities under the final 1993 TACs are not likely to adversely affect endangered or threatened species.

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations.

50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 9, 1993.

Samuel W. McKeen,

Program Management Officer.

[FR Doc. 93–3579 Filed 2–11–93; 9:27 am]

BILLING CODE 3510-22-M

---

50 CFR Part 675

[Docket No. 921185–3021]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Prohibition of retention.

SUMMARY: NMFS is prohibiting retention of the shortraker/rougheye rockfish species group (SRRE) in the Aleutian Islands subarea (AI) of the Bering Sea

and Aleutian Island Management Area (BSAI) and is requiring that incidental catches of SRRE be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the interim harvest amount specified for SRRE in the AI has been taken.

EFFECTIVE DATES: Effective 12 noon, Alaska local time (A.l.t.), February 10, 1993, through 12 midnight, A.l.t., December 31, 1993.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, Resource Management Specialist, Fisheries Management Division, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for Groundfish of the BSAI (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

In accordance with § 675.20(a)(7)(i) the interim harvest amount for SRRE in the AI was established by the publication of proposed specifications (57 FR 57718, December 7, 1992) as 259 metric tons.

The Director of the Alaska Region, NMFS, has determined, in accordance with § 675.20(a)(9), that the interim harvest amount for SRRE in the AI has been reached. Therefore, NMFS is requiring that SRRE be treated as prohibited species in the AI, as described in § 675.20(c), and is prohibiting retention of SRRE in the AI effective from 12 noon, A.l.t., February 10, 1993, through 12 midnight, A.l.t., December 31, 1993.

Classification

This action is taken under 50 CFR 675.20 and is in compliance with E.O. 12291.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 10, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93–3578 Filed 2–10–93; 4:20 pm]

BILLING CODE 3510–22–M

VOL 58 ISS 30 FE 17 1993 UMI

Proposed Rules

Federal Register
Vol. 58, No. 30
Wednesday, February 17, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL RESERVE SYSTEM

12 CFR Part 205

[Regulation E; Docket No. R-0796]

Electronic Fund Transfers; Proposed Revisions Regarding Electronic Benefit Transfer Programs

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board is publishing for comment a proposal to revise Regulation E, which implements the Electronic Fund Transfer Act (EFT Act), to cover electronic benefit transfer (EBT) programs established by federal, state, or local government agencies. EBT programs involve the issuance of plastic access cards and personal identification numbers to recipients of government benefits, and enable recipients to access their benefits—such as Aid to Families with Dependent Children, food stamps, or Supplemental Security Income—through automated teller machines and point-of-sale terminals.

The proposal generally would apply Regulation E to EBT programs but sets forth certain limited modifications under authority granted to the Board by section 904(c) of the EFT Act. In particular, periodic account statements would not be required provided certain conditions are met.

This proposal would affect primarily government agencies that administer EBT programs, and would affect only indirectly most depository institutions and other private-sector entities.

The Board is providing a 90-day comment period, in view of the complexity of the subject matter and the need for extra time for commenters to assemble supporting information.

DATES: Comments must be received on or before May 21, 1993.

ADDRESSES: Comments should refer to Docket No. R-0796 and be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551. They may also be delivered to the guard station in the Eccles Building Courtyard on 20th Street, NW. (between Constitution Avenue and C Street, NW.) between 8:45 a.m. and 5:15 p.m. weekdays. Except as provided in § 261.8 of the Board's Rules Regarding the Availability of Information (12 CFR 261.8), comments received will be available for inspection and copying by members of the public in the Freedom of Information Office, room B-1122 of the Eccles Building between 9 a.m. and 5 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Jane Jensen Gell, Dale I. Nishimura, Mary Jane Seebach, Staff Attorneys, or John C. Wood, Senior Attorney (202/452-2412 or 202/452-3667), Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System. For the hearing impaired *only*, contact Dorothea Thompson, Telecommunications Device for the Deaf (TDD), at (202/452-3544), Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Background

Regulation E

Regulation E implements the Electronic Fund Transfer Act. Types of transfers covered by the act and regulation include transfers initiated through an automated teller machine (ATM), point-of-sale (POS) terminal, automated clearinghouse (ACH), telephone bill-payment system, or home banking program. The act and regulation provide rules that govern these and other electronic fund transfers. The rules prescribe restrictions on the unsolicited issuance of ATM cards and other access devices; disclosure of terms and conditions of an EFT service; documentation of electronic fund transfers by means of terminal receipts and account statements; limitations on consumer liability; procedures for error resolution; and certain rights related to preauthorized transfers.

The application of the EFT Act and Regulation E is not limited to traditional financial institutions holding consumers' accounts. The regulation also applies to any entities that issue access devices and enter into agreements with consumers to provide EFT services. For EFT services made available by other than an account-holding financial institution, the act directs the Board to assure, by regulation, that the provisions of the act are made applicable.

Government benefit programs involving electronic delivery. For a number of years the federal government has taken steps, in conjunction with state and local agencies, to expand electronic delivery of government payments. Besides direct deposit, the government has explored the feasibility of "electronic benefit transfer" (EBT) programs to deliver benefits such as Aid to Families with Dependent Children (AFDC), food stamps, and Supplemental Security Income (SSI).

An EBT program functions much like a private-sector system for electronic fund transfers. Eligible recipients receive plastic magnetic-stripe cards and personal identification numbers (PINs) and they access benefits through electronic terminals. In the case of cash benefits such as AFDC or SSI, the programs use ATMs that are part of existing private-sector networks, as well as POS terminals. For food stamp benefits, they use POS terminals in grocery stores; in some cases the equipment is dedicated solely to the EBT program, while in others it also is used for private-sector transactions.

To obtain funds, recipients insert the magnetic-stripe card into a terminal that reads the encoded information, and enter the PIN to verify their identity. The terminal communicates with a database to ascertain that a recipient is eligible for benefits, that the card has not been reported lost or stolen, and that benefits are available in an amount sufficient to cover the requested transaction. In cash benefit programs, the recipient receives a cash disbursement; in the case of food stamp benefits, the recipient's allotment is charged and the merchant's account credited for the amount of the food purchase.

Recipients who have participated in EBT pilots have overwhelmingly reported that EBT offers advantages over the paper-based system. These advantages include faster access to benefits, greater convenience in terms of times and locations for obtaining benefits, greater security, lower costs (for example, by eliminating check-cashing fees), and, in the case of food

stamp benefits, greater privacy and dignity.

Benefit program agencies are interested in expanding the use of EBT, both for direct federal benefit programs and for federally funded programs that are state administered. For many agencies, EBT may provide a way to increase operational efficiency, to reduce costs, and to improve service to benefit recipients. New impetus for the use of EBT comes from federal legislation that took effect April 1, 1992, authorizing the states to use electronic delivery of food stamp benefits in place of paper coupons; states previously could seek approval to use EBT for food stamp benefits only on a demonstration basis.

An important goal for agencies involved in EBT is the achievement of uniform operating guidelines for EBT programs to allow the combination of multiple programs into a single system, thereby reducing operating costs through economies of scale. The Treasury Department, through its Financial Management Service, performs a coordinating role in assisting efforts to work toward uniformity; since 1989 it has convened periodic meetings of staff from more than a dozen federal agencies, as well as hosting meetings with state agencies, private-sector organizations, and consumer groups with interests in EBT.

About thirty states have EBT programs in different stages of development. Currently, there are eight states, most of them operating on a limited geographic basis. The first statewide expansion is currently taking place in the state of Maryland. About twenty other states have programs in different stages of development.

Board's Authority

A question that has arisen for EBT programs, and is addressed by this proposal, concerns coverage of EBT by the EFT Act and Regulation E. The Federal Reserve Board has a broad mandate under the EFT Act to determine coverage when electronic services are offered by other than traditional banking institutions. Section 904(d) provides that in the event EFT services are made available to consumers by a person other than a financial institution holding a consumer's account, the Board shall ensure that the act's provisions are made applicable to such persons and services.

The legislative history of the EFT Act elaborates on the Board's authority to determine if particular services should be covered by the Act, based on whether such transfers are initiated electronically, whether current laws provide adequate consumer safeguards, and whether coverage is necessary to achieve the Act's basic objectives. A Senate Banking Committee report noted that the statutory delegation of authority to the Board would enable the Board to examine new services on a case-by-case basis, thereby contributing substantially to the act's overall effectiveness. The Congress contemplated that, as no one could foresee EFT developments in the future, "regulations would keep pace with new services and assure that the act's basic protections continue to apply." S. Rep. No. 95-915, 95th Cong., 2d Sess. 9-10 (1978).

A legal issue raised in regard to Regulation E's coverage of EBT programs is whether, for purposes of the EFT Act, these systems involve the initiation of an electronic transfer of funds that results in debiting or crediting an account. The act defines "account" to mean "a demand deposit, savings deposit, or other asset account * * * as described in regulations of the Board, established primarily for personal, family, or household purposes * * *." Regulation E uses substantially the same wording, except that it uses the phrase "or other consumer asset account." The reference to "consumer" asset accounts distinguishes them from business-purpose accounts, which are not subject to the regulation.

The Board has issued an Official Staff Commentary to Regulation E to provide guidance in interpreting the requirements of the regulation. In 1987, an interpretation was added which stated that an electronic payment of government benefits was not subject to Regulation E because there was no credit or debit to a "consumer asset account." The interpretation, made on policy grounds, focused on the fact that a government agency (rather than the recipient) had established the account from which funds were being disbursed. Because EBT programs were still in an experimental stage, it seemed important at that time to allow pilot projects to proceed without added concerns about compliance with the EFT Act. That position has been reexamined and, in the Board's opinion, the fact that a government agency establishes an asset account for a recipient's use (as opposed to the recipient's doing so) is not a sufficient basis for excluding these accounts from Regulation E's coverage.

Options Considered by the Board

In keeping with the authority granted by the statute, the Board has considered whether: EBT programs should be entirely exempt from Regulation E; should be fully covered; or should be covered, but with modifications to deal with aspects of EBT (both as to possible compliance difficulties and recipient needs) that differ from other EFT services.

A number of factors support Regulation E's coverage of EBT programs. EBT recipients use the same kinds of magnetic-stripe plastic cards and electronic terminals in conducting transactions as do consumers of EFT services in general. Indeed, in EBT systems that piggyback on existing EFT networks, the terminals used are one and the same. The transactions themselves, such as cash withdrawals and purchases, are also similar. From the recipient's viewpoint, an EBT system functions in much the same way as if the recipient had an ordinary checking account with direct deposits of government benefits going in and with ATM and POS service available to access the benefits.

In regard to the disbursement of food stamp benefits, an argument has been made that the account cannot be used to obtain cash, but only to buy food, and thus, that it differs so greatly from an ordinary bank account that Regulation E should not apply. Nothing in the act or regulation, however, excludes an account from coverage because it can only be accessed electronically for limited purposes or in limited ways. Moreover, the food stamp program clearly involves the transfer of money, with transactions clearing the banking system in a similar way to other types of payments.

The Board believes that, considering the language of the EFT Act, its legislative history, and the close similarity of EBT systems to other EFT services, legal support is lacking for a complete exemption of EBT programs (either cash or food stamp programs) from coverage.

The two remaining options are full coverage of EBT under Regulation E, or coverage with certain modifications.

Option proposed by the Board

Following its preliminary analysis of the issues and a weighing of policy considerations, the Board proposes to revise Regulation E to cover EBT programs with certain modifications.

The EFT Act gives the Board the authority to make appropriate modifications to the requirements of the Act. The Act provides in section 904(c) that regulations "may provide for such adjustments and exceptions for any class of electronic fund transfers, as in the judgment of the Board are necessary or proper * * * to facilitate compliance therewith." This provision is virtually identical to section 105 of the Truth in

Lending Act, a provision interpreted by the United States Supreme Court as granting the Board great discretion in defining coverage. The Court consistently has recognized the Congress's delegation of broad authority to the Board. *Mourning* v. *Family Publications Serv.*, 411 U.S. 356 (1973); *Ford Motor Credit Co.* v. *Milhollin*, 444 U.S. 555, at 566 (1980); *Anderson Bros. Ford* v. *Valencia*, 452 U.S. 205, at 219 (1981).

Federal and state agencies operating or considering EBT programs, advocates for government benefit recipients, and others have recommended regulatory modifications (for example, in the limitations on consumer liability for unauthorized electronic fund transfers and in the provisions concerning error resolution). The agencies have suggested that full application of Regulation E would increase the costs of delivering benefits to the point that offering EBT might not be economically feasible, because EBT programs may be only marginally cost-effective even without factoring in Regulation E compliance costs. They have expressed the view that as a result the expected advantages of EBT, for benefit recipients as well as for program agencies and other participants in the payment system, could not be realized.

The Board also received recommendations from an interagency EBT Steering Committee that was established within the federal government to coordinate EBT efforts among federal agencies, providing a high-level forum for addressing policy and operational issues. Agencies represented include the Treasury Department's Financial Management Service, the Agriculture Department's Food and Nutrition Service, the Health and Human Services Department's Social Security Administration and Administration for Children and Families, the Office of Management and Budget, and other federal agencies that have an interest in planning for EBT systems. During 1992 the EBT Steering Committee considered whether and in what manner Regulation E might apply to EBT programs, and recommended the modification of certain requirements of Regulation E should the Board bring EBT programs under regulatory coverage.

The Board has incorporated part of the EBT Steering Committee's recommendations in the proposed revisions to Regulation E. The Board proposes to modify the documentation rules as they apply to EBT, so that a periodic statement would not be required if certain conditions were met (including availability of account balance information). The Board believes that this proposed modification is warranted because the most relevant information would be available through other means to benefit recipients under the Board's proposal. Providing periodic statements would also have a considerable cost impact upon EBT programs. The proposed modification concerning documentation is explained in detail in the discussion of proposed § 205.15, in section (5) below.

The proposed revisions to Regulation E follow part of the EBT Steering Committee's recommendations. The Board recognizes that benefit program agencies are concerned about the operational and cost impacts in the areas of liability for unauthorized transfers and error resolution, for example, but believes that insufficient information has been presented thus far to support the suggested modifications in these areas. This is particularly true in light of the importance of these provisions of Regulation E to users of EFT services generally.

The basic premise followed in this proposal is that all consumers using EFT services should receive substantially the same protection under the EFT Act and Regulation E, unless good reason can be shown that would require different provisions for different groups of consumers. The Board requests comment on whether additional modifications should be considered, together with an explanation of why modifications are needed and supporting data. For example, a recommendation against full application of Regulation E on the grounds that it would hinder the introduction or expansion of EBT programs should be supported by an explanation of why modifications are needed, together with specifics such as data on costs.

The Board's proposal contains certain other modifications to account for differences between EBT programs and other EFT services, and for the fact that periodic statements may not be sent under this proposal (since other provisions of the regulation relate closely to the statement requirement). These proposed modifications are explained in detail in the discussion of proposed § 205.15, in section (5) below.

Coverage of EBT under Regulation E would affect primarily state and federal benefit program agencies, and would directly involve only those depository institutions and others in the private sector that may contract with government agencies to provide EBT service.

The Board's proposal is limited to programs for disbursing government benefits, as opposed to salaries (whether government or private). Some of the military services, as well as certain private-sector employers, have installed ATMs through which salary and perhaps other payments can be made in a manner similar to EBT systems. Such systems already are fully covered by Regulation E.

In bringing EBT accounts within the scope of the EFT Act's definition of "account," the Board does not express a position about the status of the funds for any other legal purpose. For example, legal ownership of the funds in EBT accounts (by the recipient or a state, for example) is not affected by this rule-making.

The Board is providing a 90-day comment period on this proposal, instead of the usual 60 days, due to the complexity of the issues that have to be addressed and the need to allow extra time that commenters may need to gather data supporting arguments in favor of or against additional modifications in regulatory requirements, as discussed earlier.

Explanation of Proposed New § 205.15

Paragraph (a)—Compliance by government agency

The new section would extend Regulation E's coverage to the electronic transfer of government benefits.

The term "account" (otherwise defined in § 205.2(b)) is defined for purposes of § 205.15 to mean an account established by a government agency for distributing benefits to a consumer by electronic terminals such as ATMs or POS terminals, whether or not the account is directly held by a financial institution (for example, an "account" that consists of a computerized database—with the consumer's name and record of benefit transfers that is accessed for verification purposes before a particular transaction is approved—would also be covered).

Paragraph (b)—Issuance of access devices

Under § 205.5, debit cards, PINs or other access devices may not be issued unless the consumer has requested the device, although institution may issue an unsolicited access device in limited circumstances under § 205.5(b). The limitations protect a consumer from having an access device issued which could be used to access the consumer's funds without the consumer's knowledge and approval or without the consumer's being informed of the terms and conditions of having such a device.

The proposal does not incorporate the exceptions for unsolicited issuance that

are contained in § 205.5(b). Recipients need the devices to obtain their benefits, and the Board believes that agencies are unlikely to issue cards and PINs without the consumer's involvement. The proposal provides that, for purposes of the section, a consumer has requested an access device if the consumer has applied for government benefits that the agency disburses or will disburse by means of electronic fund transfer.

The Board recognizes that many states' EBT programs may require compulsory use of an access device to obtain benefits. Section 913 of the EFT Act prohibits requiring a consumer to establish an account at a particular institution, as a condition of employment or receipt of government benefits, to receive electronic fund transfers. The Board does not believe, however, that this prohibition against compulsory use is an impediment to EBT programs.

The ban clearly prevents agencies from requiring consumers to open accounts at a particular institution in order to receive electronic fund transfers; it does not bar agencies from requiring recipients to receive benefits electronically. Typically, participants in EBT programs do not maintain personal bank accounts, nor are they required to open bank accounts to receive government benefits. Instead, the government agency establishes an account for the consumer's use in collecting benefits only (the account is not a full-service banking account; for example, the consumer cannot deposit funds). Consequently, the Board views the Act's compulsory-use prohibition as inapplicable in the context of EBT programs. The Board solicits comment on whether stating the restrictions on unsolicited issuance is appropriate or necessary in light of the compulsory nature of EBT programs.

Paragraph (c)—Alternative to periodic statement

Regulation E requires financial institutions to provide periodic statements for any account to or from which electronic fund transfers can be made. EBT programs have not required periodic statements, as recipients' account balance information is available through other means and transfers under EBT programs are limited to cash withdrawals at ATMs and purchases at POS terminals. Thus, producing and mailing monthly periodic statements could represent an unnecessary cost (estimates range from about $.32 to $.75 per recipient per month).

The proposal requires that in lieu of a periodic statement, an agency must furnish the consumer with some other means of accessing balance information. An agency would be required to provide balance information, for example, by means of balance inquiry terminals or a readily available telephone line. In some instances, however, recipients may need a detailed written accounting of EBT transactions. Under the proposal, they would be entitled, upon request, to a written transaction history itemizing transactions that go back at least two months before the request date.

The Board solicits comment on whether more complex EBT systems developed in the future (for example, allowing third-party payments) may necessitate periodic statements or other documentation, and whether the Board should address this issue at present.

Paragraph (d)—Modified requirements

Periodic statements are a central component of Regulation E's disclosure scheme, and the Board recognizes that certain modifications are necessary to facilitate compliance by government agencies that do not issue statements. The proposal requires such agencies to comply with the modified regulatory requirements discussed below. The Board solicits comment on whether additional modifications are necessary to assist compliance.

Paragraph (d)(1)—Initial disclosures

Section 205.7 requires that written disclosures of the terms and conditions of an EFT service be given at or before the commencement of the service. While government agencies would be required to provide such disclosures, three of the disclosures would be modified. First, government agencies would provide a telephone number, or numbers, the consumer could use to obtain information about the balance remaining in the consumer's account or to obtain a written account history. Second, agencies would disclose that the consumer has a right to receive a written account history, upon request. Third, agencies would provide an error resolution notice different from the notice set forth in § 205.7(a)(10) (see discussion concerning proposed error resolution notice, below).

Paragraph (d)(2)—Annual notice

Section 205.8(a) of the regulation requires an annual notice explaining the error resolution procedures required by the regulation. Under the proposal, agencies would have to provide a notice that is substantially similar to the proposed notice in appendix A(12) (see discussion concerning proposed error resolution notice below).

Under § 205.8, financial institutions also must provide an advance notice of certain adverse changes to terms disclosed in the initial disclosures. No modification has been made for EBT programs. While certain term changes (such as transaction limitations) would be subject to § 205.8(a), however, other changes would continue to be governed only by EBT program rules. For example, the notice of change in terms would *not* apply to changes in the amount of a consumer's benefit, for which a notice is generally required under the agencies' program rules.

Paragraph (d)(3)—Terminal receipts

Section 205.9(a) requires a written receipt at the time a consumer initiates an electronic fund transfer at an electronic terminal. The receipts provide specific information about the transfer including, for example, the amount and date of the transfer.

For programs in which the government agency does not provide a periodic statement, the Board believes it is necessary to make balance information available on a more immediate basis. Thus, the proposal requires that the terminal receipt also show the balance available to the recipient after the transfer. (For food stamp EBT programs, disclosure of the balance is already required by the Food and Nutrition Service. 7 CFR 274.12(f)(3)(i).)

Paragraph (d)(4)—Liability of consumer

Regulation E limits the liability of consumers for unauthorized withdrawals from an account. Three tiers of maximum liability can apply. If the consumer notifies the institution within two business days of learning of the loss or theft of a debit card, the consumer's liability is limited to $50. If the consumer delays reporting, the liability limit can rise to $500 for any unauthorized withdrawals that occur after two business days. A third tier can apply if an account statement shows an unauthorized transfer and the consumer fails to notify the institution within 60 days: the consumer's liability will be unlimited for any subsequent unauthorized transactions.

In EBT programs that are currently in place, the agencies do not replace benefits unless the recipient has reported the loss or theft of the card before an unauthorized withdrawal takes place. Benefits are treated as cash once the recipient's account has been credited; any subsequent loss of benefits falls on the recipient (except in certain situations involving program or system error or fraud). In certain situations, agencies may provide emergency funds to assist the recipient who has reported losing funds, but not as a matter of right.

The Board proposes that government agencies be subject to the same liability rules as are applicable to financial institutions. The Board believes that the EFT Act generally mandates the same degree of protection for benefit recipients as for the general public. The Board solicits comment on potential costs associated with implementing the liability rules for EBT programs and why such implementation would present a greater burden for government agencies than that experienced by financial institutions.

To parallel the current regulation, the proposal provides for unlimited liability for subsequent losses if a consumer does not report unauthorized electronic fund transfers that appear on the written account history within 60 days after receiving that account history. The Board solicits comment on whether such a provision is pertinent to EBT programs given that recipients are likely, due to the pressing need for their benefits, to report unauthorized transfers much sooner than 60 days after requesting an account history.

Paragraph (d)(5)—Error resolution

Regulation E requires providers of EFT services to investigate and resolve alleged errors promptly and within specified time limits. "Error" includes an unauthorized electronic fund transfer, failure to properly credit or debit an account with an electronic transfer, and other types of discrepancies. A consumer's notice of error must be received by the institution within 60 days after the institution sent the periodic statement. Within 10 business days after receiving the consumer's notice, an institution must complete its investigation and resolution of the error. Alternatively, it may provisionally credit the account for the alleged error, in which case the institution is given a total of 45 days in which to resolve the claim; if no error is found to exist, the institution may debit the account for the amount provisionally credited.

The proposal would require government agencies to comply with the error resolution procedures when an oral or written notice is received within 60 days after the consumer obtains a terminal receipt or a written account history on which the alleged error is reflected.

Appendix A to Part 205—Model Disclosure Clauses

Section A(12)—Disclosure of Error Resolution Procedures for Government Agencies That Do Not Provide Periodic Statements (§ 205.15(d)(1)(iii) and (d)(2))

Sections 205.7 and 205.8 require notices describing procedures the consumer should follow in case of errors or questions about electronic transfers involving the consumer's account. These notices track the regulation's error resolution procedures and are triggered by the institution's receipt of a notice of error no later than 60 days after the institution provided a periodic statement.

The proposed notice for EBT programs conforms to the modifications discussed under paragraph (d)(5) above. The Board solicits comment on what additional information should be included in the notice. For example, should the notice include a description of the process used by the agency to recover funds credited to the consumer's account if it turns out no error occurred?

Form of Comment Letters

Comment letters should refer to Docket No. R-0796. The Board requests that, when possible, comments be prepared using a standard typeface with a type size of 10 or 12 characters per inch. This will enable the Board to convert the text into machine-readable form through electronic scanning, and will facilitate automated retrieval of comments for review. Comments may also be submitted on computer diskettes, using either the 3.5" or 5.25" size, in any DOS-compatible format.

List of Subjects in 12 CFR Part 205

Consumer protection, Electronic funds transfers, Federal Reserve System, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Board proposes to amend 12 CFR part 205 as follows:

PART 205—ELECTRONIC FUND TRANSFERS

1. The authority citation for part 205 is revised to read as follows:

Authority: 15 U.S.C. 1693b.

2. Section 205.15 is added to read as follows:

§ 205.15 Government systems for electronic benefit transfer.

(a) *Compliance by government agency.* (1) A government agency is deemed to be a financial institution and, except as provided in this section, shall comply with the act and this regulation if it directly or indirectly issues an access device to a consumer for use in initiating the electronic fund transfer of government benefits through electronic terminals such as automated teller machines or point-of-sale terminals.

(2) For purposes of this section, the term *account* means an account established by a government agency for distributing government benefits to a consumer through electronic terminals such as automated teller machines or point-of-sale terminals.

(b) *Issuance of access devices.* A government agency may issue a validated access device to a consumer only upon request. For purposes of this section, a consumer has requested an access device if the consumer applies for government benefits that the agency disburses or will disburse by means of electronic fund transfer.

(c) *Alternative to periodic statement.* A government agency need not furnish the periodic statements required by § 205.9(b) of this part if the agency:

(1) *Information access.* Makes information about the consumer's account balance available to the consumer through one or more of the following means:

(i) An electronic terminal or balance inquiry terminal; or

(ii) A readily available telephone line; and

(2) *Written account history.* Provides the consumer, upon request, with a written account history that lists transaction information about the consumer's account for at least two months preceding the request date.

(d) *Modified requirements.* A government agency that relies on the exception created by paragraph (c) of this section shall comply with the following requirements:

(1) *Initial disclosures.* The agency shall modify the disclosures required by § 205.7(a) of this part by providing:

(i) *Telephone number.* The telephone number the consumer may use to obtain the account balance and a written account history.

(ii) *Documentation.* A summary of the consumer's right to receive a written account history upon request (in place of the periodic statement disclosure required by § 205.7(a)(6) of this part).

(iii) *Error resolution notice.* A notice that is substantially similar to the error resolution notice contained in appendix A(12) of this part (in place of the disclosure required by § 205.7(a)(10) of this part).

(2) *Annual notice.* The agency shall provide an annual notice that is substantially similar to the error resolution notice contained in appendix A(12) of this part (in place of the notice required by § 205.8(b) of this part).

(3) *Terminal receipts.* The agency shall disclose on the terminal receipt the balance remaining in the consumer's account after a transfer.

(4) *Liability of consumer.* For purposes of § 205.6(b)(2) and (3) of this part, the agency shall substitute "written account history" for "periodic statement."

(5) *Error resolution.* The agency shall comply with the requirements of § 205.11 of this part in response to an oral or written notice from the consumer that is received no later than 60 days after the consumer obtains the terminal receipt or the written account history on which the alleged error is first reflected.

3. Appendix A is amended by adding section A(12) to read as follows:

Appendix A to Part 205—Model Disclosure Clauses

* * * * *

Section A(12)—Disclosure of Error Resolution Procedures for Government Agencies That Do Not Provide Periodic Statements (§ 205.15(d)(1)(iii) and (d)(2))

In case of errors or questions about your electronic transfers:

Telephone us at [insert telephone number] or

Write us at [insert address]

as soon as you can, if you think your terminal receipt is wrong or if you need more information about a transfer shown on a receipt or written account history. We must hear from you no later than 60 days after the date you receive a terminal receipt or written account history on which the problem or error appears.

(1) Tell us your name and account number (if any).

(2) Describe the error or the transfer you are unsure about, and explain as clearly as you can why you believe it is an error or why you need more information.

(3) Tell us the dollar amount of the suspected error.

If you tell us orally, we may require that you send us your complaint or question in writing within 10 business days.

We will tell you the results of our investigation within 10 business days after we hear from you and will correct any error promptly. If we need more time, however, we may take up to 45 days to investigate your complaint or question. If we decide to do this, we will credit your account within 10 business days for the amount you think is in error, so that you will have the use of the money during the time it takes us to complete our investigation. If we ask you to put your complaint or question in writing and we do not receive it within 10 business days, we may not credit your account during the investigation.

If we decide that there was no error, we will send you a written explanation within three business days after we finish our investigation. You may ask for copies of the documents that we used in our investigation.

By order of the Board of Governors of the Federal Reserve System, February 5, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93-3258 Filed 2-16-93; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Summary Notice No. PR-93-1]

Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions; correction.

SUMMARY: This action makes a correction to the summary described for docket no. 27044 in a notice of petitions for rulemaking published on January 25, 1993 (58 FR 5947). This action corrects that error.

DATES: Comments on petitions received must identify the petition docket number involved, and must be received on or before March 26, 1993.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of Chief Counsel, attn: Rules Docket (AGC-10), Petition docket no. _____, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: D. Michael Smith, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-7624.

SUPPLEMENTARY INFORMATION: In the summary for docket no. 27044, the petitioner was incorrectly named as Mr. John E. Gillick. The name of the petitioner should be corrected to read "Business Express, Inc."

Issued in Washington, DC on February 9, 1993.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

[FR Doc. 93-3624 Filed 2-16-93; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-161-AD]

Airworthiness Directives; Boeing 737-200 and -300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, that currently requires structural inspections to detect cracks of the aft lower cargo doorway frames and repair of cracked parts. That AD provided for an optional modification which, if installed, would terminate the repetitive inspections required by that AD; however, this action, would require repetitive inspections to continue after the modification is installed. This proposal is prompted by new crack growth data indicating that cracks may develop after installation of the modification. The actions specified by the proposed AD are intended to prevent the development of undetected frame cracking, which could result in rapid loss of cabin pressure.

DATES: Comments must be received by April 12, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-161-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Thomas Rodriguez, Aerospace Engineer, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2779; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the

VOL 58 ISS 30 FE 17 1993 UMI

proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–161–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–161–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On October 23, 1987, the FAA issued AD 87–06–08 R1, Amendment 39–5763 (52 FR 41703, October 30, 1987), applicable to certain Model 737 series airplanes, to require structural inspections of the aft lower cargo doorway frames and repair of cracked parts, and to provide an optional terminating action for the repetitive inspections required by the AD. That action was prompted by reports of frame cracking, attributed to fatigue of the aft lower cargo doorway frames, which was induced by fuselage pressurization cycles. The requirements of that AD are intended to prevent the development of undetected frame cracking, which could result in rapid loss of cabin pressure.

AD 87–06–08 R1 provided for an optional terminating action for the required inspections. The terminating action consisted of installation of a modification described in Boeing Service Bulletin 737–53–1096. Since issuance of that AD, however, new crack growth data have shown that cracks may develop after installation of the modification. Therefore, the FAA has determined that additional repetitive inspections following installation of the modification are necessary in order to ensure the continued operational safety of these airplanes.

The FAA has reviewed and approved Boeing Service Bulletin 737–53–1096, Revision 5, dated January 16, 1992, that describes procedures for repetitive structural inspections to detect cracks of the aft lower cargo doorway frames. The service bulletin includes procedures for either the repair or modification of cracked parts, followed by additional repetitive inspections.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 87–06–08 R1 to continue to require structural inspections to detect cracks of the aft lower cargo doorway frames and repair of cracked parts. The proposed AD would revise the existing requirements by requiring the accomplishment of additional repetitive inspections after the previously-considered "terminating modification" or repair has been accomplished. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The proposed AD also includes an optional interim repair, in accordance with the Structural Repair Manual (SRM), that may be accomplished if the cracking found is within certain limits. After such repair, additional repetitive inspections would be required.

There are approximately 1,198 Model 737–200 and –300 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 464 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $102,080. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. app. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–5763 (52 FR 28564, July 31, 1987), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 92–NM–161–AD. Supersedes AD 87–06–08 R1, Amendment 39–5763.

Applicability: Model 737–200 and –300 series airplanes, line numbers 6 through 1204, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

Note: Paragraph (a) of this AD restates the inspection requirements of AD 87–06–08 R1, Amendment 39–5763. As allowed by the phrase, "unless accomplished previously," if the requirements of AD 87–06–08 R1 have been accomplished previously, paragraph (a) of this AD does not require those inspections to be repeated.

To prevent the development of undetected frame cracking, which could result in rapid loss of cabin pressure, accomplish the following:

(a) Prior to the accumulation of 20,000 landings, or within 1,000 landings after December 17, 1987 (the effective date of AD 87–06–08 R1, Amendment 39–5763), whichever occurs later, unless previously accomplished within the last 3,000 landings prior to December 17, 1987, conduct a close visual inspection of the forward and aft body frames adjacent to the aft lower cargo door for cracks, in accordance with Boeing Service Bulletin 737–53–1096, dated July 24, 1986; Revision 1, dated April 2, 1987; Revision 2, dated July 30, 1987; Revision 3, dated February 8, 1990; or Revision 4, dated February 14, 1991. Thereafter, repeat the close visual inspections at intervals not to

exceed 4,000 landings until the requirements of paragraph (b) are accomplished.

(b) Prior to the accumulation of 20,000 landings, or within 1,000 landings after the effective date of this AD, whichever occurs later, unless previously accomplished within the last 3,000 landings prior to the effective date of this AD, conduct a close visual inspection of the forward and aft body frames adjacent to the aft lower cargo door for cracks, in accordance with Boeing Service Bulletin 737–53–1096, Revision 5, dated January 16, 1992. Thereafter, repeat the close visual inspections at intervals not to exceed 4,000 landings.

(c) If any crack is detected as a result of any of the inspections required by this AD, prior to further flight, accomplish the requirements of paragraph (c)(1) or (c)(2) of this AD, as applicable:

(1) Modify or repair the crack in accordance with Boeing Service Bulletin 737–53–1096, Revision 1, dated April 2, 1987; Revision 2, dated July 30, 1987; Revision 3, dated February 8, 1990; Revision 4, dated February 14, 1991; or Revision 5, dated January 16, 1992. After modification or repair, accomplish the requirements of paragraph (e) of this AD.

(2) If any crack is found that does not exceed the limits specified in the Boeing 737 Structural Repair Manual (SRM), the crack may be temporarily repaired in accordance with the SRM. After such repair is accomplished, repeat the close visual inspections required by paragraph (b) of this AD at intervals not to exceed 4,000 landings until modification or repair is accomplished in accordance with the service bulletins specified in paragraph (c)(1) of this AD. After such modification or repair, accomplish the requirements of paragraph (e) of this AD.

(d) If no crack is detected as a result of any of the inspections required by this AD, repeat the close visual inspections required by paragraphs (a) or (b) of this AD at intervals not to exceed 4,000 landings until modified in accordance with Boeing Service Bulletin 737–53–1096, Revision 1, dated April 2, 1987; Revision 2, dated July 30, 1987; Revision 3, dated February 8, 1990; Revision 4, dated February 14, 1991; or Revision 5, dated January 16, 1992. After modification, accomplish the requirements of paragraph (e) of this AD.

(e) For any area that is modified or repaired in accordance with Boeing Service Bulletin 737–53–1096, initial release, dated July 24, 1986; Revision 1, dated April 2, 1987; Revision 2, dated July 30, 1987; Revision 3, dated February 8, 1990; Revision 4, dated February 14, 1991; or Revision 5, dated January 16, 1992: Prior to the accumulation of 28,000 landings after the modification or repair has been accomplished, or within 1,000 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 4,000 landings, conduct a close visual inspection of the forward and aft doorway frames of the aft lower cargo door to detect cracks, in accordance with the service bulletin.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 10, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–3606 Filed 02–16–93; 8:45 am]

BILLING CODE 4910–13–P

---

14 CFR Part 39

[Docket No. 92–NM–197–AD]

Airworthiness Directives; Fokker Model F27 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Fokker Model F27 series airplanes. This proposal would require a one-time high frequency eddy current inspection to detect fatigue cracks on the main landing gear (MLG) upper members at the intersection of the side face and the cross bore; replacement of cracked upper members; rework of the upper members; and reporting findings of cracks that exceed certain limits. This proposal is prompted by a report of fatigue cracks found on two MLG assembly upper members at the intersection of the side face and the cross bore. The actions specified by the proposed AD are intended to prevent failure of the MLG.

DATES: Comments must be received by April 12, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–197–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2145; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–197–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–197–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for The Netherlands, recently notified the FAA that an unsafe condition may exist on certain Fokker Model F27 series airplanes on which certain Dowty Rotol main undercarriage upper members

VOL 58 ISS 30 FE 17 1993 UMI

have been installed. The RLD advises that fatigue cracks were found on two main landing gear (MLG) assembly upper members at the intersection of the side face and the cross bore. Fatigue cracks in this area, if not detected and repaired, could result in failure of the MLG.

Fokker has issued Service Bulletin F27/32–162, dated March 8, 1991, which describes procedures for a one-time high frequency eddy current inspection to detect cracks on the MLG upper members at the intersection of the side face and the cross bore, and rework of the upper members. The rework involves producing a radius of 1.27 mm (0.050 inch) at the intersection of the side face and the cross bore. The Fokker service bulletin references Revision 2 of Dowty Aerospace Gloucester Service Bulletins 32–165B, 32–86S, 32–53SW, and 32–73W, all dated January 11, 1991, for additional information. The RLD classified the Fokker service bulletin as mandatory and issued Netherlands Airworthiness Directive BLA No. 91–041, dated May 10, 1991, in order to assure the continued airworthiness of these airplanes in The Netherlands.

This airplane model is manufactured in The Netherlands and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require a one-time high frequency eddy current inspection to detect cracks on the MLG upper members at the intersection of the side face and the cross bore; replacement of cracked upper members; rework of the upper members; and reporting findings of cracks that exceed certain limits. The actions would be required to be accomplished in accordance with the Fokker service bulletin described previously.

The FAA estimates that 25 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,375, or $55 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Fokker: Docket 92–NM–137–AD.

Applicability: Model F27 series airplanes; serial numbers 10102 through 10684, inclusive, 10686, 10687, and 10689 through 10692, inclusive; on which Dowty Rotol main undercarriage upper members, P/N 200463301, 200251300, 200251301, 200567300, or 200680300, are installed; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the main landing gear (MLG), accomplish the following:

(a) Within 9 months after the effective date of this AD, perform a high frequency eddy current inspection to detect cracks in the upper members of the MLG, in accordance with Fokker Service Bulletin F27/32–162, dated March 8, 1991.

(1) If no crack is found, prior to further flight, mark the upper members in accordance with Fokker Service Bulletin F27/32–162, dated March 8, 1991.

(2) If any crack is found, prior to further flight, replace the cracked upper member with one that has been inspected and has been found to be free of cracks, or with one that has been reworked, in accordance with the service bulletin.

(b) Within 12,000 landings since the last overhaul, or within 6 months after the effective date of this AD, whichever occurs later, rework upper members of the MLG that have not been reworked previously, in accordance with Fokker Service Bulletin F27/32–162, dated March 8, 1991.

(c) Within 10 days after accomplishing the inspection required by paragraph (a) of this AD, report the finding of any crack that exceeds 0.1 inch (2.54 mm) to Dowty Aerospace Customer Support Center, Service Manager, P.O. Box 49, Sterling, Virginia 20167; or fax (703) 430–4932. Reports must include the extent and location of cracks, the part number or issue number of the cracked upper member, the total number of landings on the cracked upper member, and the total number of landings since overhaul of the cracked upper member. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 10, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–3605 Filed 2–16–93; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part

[Docket No. 9

Airworthine
Model 757 a

AGENCY: Fed
Administrat
ACTION: Noti
(NPRM).

SUMMARY: T
adoption of
directive (A
certain Boei
airplanes. T
an examinat
static inverte
number; rep
inverter wit
necessary; a
operational
following re
prompted by
115-volt AC
standby bus
transfer oper
specified by
intended to
static inverte
which could
restart the en
engine flame

DATES: Comm
April 12, 199

ADDRESSES:
triplicate to
Administrati
Airplane Dir
Attention: R
239–AD, 160
Renton, Was
Comments m
location betw
Monday thro
holidays.

The servic
the proposed
Boeing Comm
P.O. Box 370
98124–2207.
examined at
Airplane Dir
Avenue, SW.

FOR FURTHER
Stephen S. O
Systems and
130S, FAA, T
Directorate, S
Office (ACO)
Renton, Wash
telephone (20
227–1181.

SUPPLEMENTA

Comments In

Interested
participate in

14 CFR Part 39

[Docket No. 92–NM–239–AD]

Airworthiness Directives; Boeing Model 757 and 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 757 and 767 series airplanes. This proposal would require an examination of the nameplate on the static inverter to determine the part number; replacement of the static inverter with an improved model, if necessary; and performance of an operational test of the static inverter following replacement. This proposal is prompted by several reports of loss of 115-volt AC electrical power to the standby bus during ground power transfer operations. The actions specified by the proposed AD are intended to prevent shutdown of the static inverter during power transfer, which could result in the inability to restart the engines in the event of a dual engine flameout.

DATES: Comments must be received by April 12, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–239–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Stephen S. Oshiro, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2793; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–239–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–239–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

Recently, one operator of Boeing Model 767 series airplanes reported several incidents of loss of 115-volt AC electrical power to the standby bus during ground power transfer operations. Investigation revealed that the loss of this electrical power was caused by inadvertent shutdown of the static inverter that supplies 115-volt AC electrical power to the standby bus. Testing of the static inverter indicated that it may cease to operate when input power to the static inverter is momentarily interrupted for durations of a certain length of time. Although the reported incidents occurred while the airplanes were on the ground, similar interruptions of input power to the static inverter may occur in flight in the event of a dual engine flameout. This condition, if not corrected, could result in the inability to restart the engines in the event of a dual engine flameout.

The FAA has reviewed and approved Boeing Service Bulletin 757–24A0069, Revision 1, dated December 10, 1992; and Boeing Alert Service Bulletin 767–24A0085, dated September 17, 1992, that describe procedures for an examination of the nameplate on the static inverter to determine the part number of the static inverter; replacement of the static inverter with an improved inverter, if necessary; and performance of an operational test following replacement. The power systems on the Boeing Model 757 and 767 series airplanes are similar in design. Identical static inverters (part number S282T004–7) are installed on both the Model 757 and 767 series airplanes. The replacement static inverters (part number S282T004–8) have improvements in the design of the circuitry that preclude the power loss problems.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require an examination of the nameplate on the static inverter; replacement of the static inverter, if necessary; and performance of an operational test following replacement. The actions would be required to be accomplished in accordance with the service bulletins described previously.

There are approximately 479 Boeing Model 757 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 297 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would be provided by the manufacturer at no cost to the operator. The total cost impact of the proposed AD on U.S. operators of Boeing Model 757 series airplanes is estimated to be $16,335, or $55 per airplane.

There are approximately 451 Boeing Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 158 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would be provided by the manufacturer at no cost to the operator. The total cost impact of the proposed AD on U.S. operators of Boeing Model 767 series airplanes is estimated to be $8,690, or $55 per airplane.

Based on these figures, the total cost impact of the proposed AD on U.S. operators of Boeing Model 757 and 767 series airplanes is estimated to be $25,025, or $55 per airplane. This total

cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 92–NM–239–AD.

Applicability: Model 757 series airplanes, line numbers 1 through 411 inclusive, 413 through 444 inclusive, 446 through 470 inclusive, and 472 through 480 inclusive; and Model 767 series airplanes, line numbers 1 through 451 inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the inability to restart the engines in the event of a dual engine flameout, accomplish the following:

(a) Within 12 months after the effective date of this AD, perform an examination of the nameplate on the static inverter to determine the part number of the static inverter, in accordance with Boeing Service Bulletin 757–24A0069, Revision 1, dated December 10, 1992 (for Model 757 series airplanes); or Boeing Alert Service Bulletin 767–24A0085, dated September 17, 1992 (for Model 767 series airplanes); as applicable.

(1) If Boeing part number (P/N) S282T004–7 appears on the nameplate of the static inverter, prior to further flight, replace the static inverter with an improved model and perform an operational test, in accordance with the applicable service bulletin.

(2) If Boeing P/N S282T004–7 does not appear on the nameplate of the static inverter, no further action is required by this AD.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 10, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–3607 Filed 2–16–93; 8:45 am]

BILLING CODE 4910–13–P

---

14 CFR Part 71

[Airspace Docket No. 92–ASO–14]

Proposed Alteration of VOR Federal Airways, Reporting Points, and Jet Routes; MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to change the name of the Greenwood, MS, very high frequency omnidirectional range/tactical air navigation (VORTAC) to the Itta Bena, MS, VORTAC. The Greenwood VORTAC is located approximately 10 miles west of the Greenwood-Leflore Airport. The FAA has determined that its current name is misleading because confusion exists between Greenwood, MS, and Greenville, MS, which are located adjacent to each other. Also, FAA guidelines state that navigational aids (NAVAID's) not located on the airport surface should not have the same name as the primary airport. This proposal would change the name in all airways, reporting points, and jet routes that have Greenwood in their text.

DATES: Comments must be received on or before April 1, 1993.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASO–500, Docket No. 92–ASO–14, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92–ASO–14." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained

in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to change the name of the Greenwood, MS, VORTAC to the Itta Bena, MS, VORTAC. The Greenwood VORTAC is located approximately 10 miles west of the Greenwood-LeFlore Airport in the town of Itta Bena. This name change should end the confusion that currently exists between Greenwood, MS, and Greenville, MS, which are located adjacent to each other. Domestic VOR Federal airways, low altitude reporting points, high altitude reporting points, and jet routes are published in §§ 71.123, 71.203, 71.207, and 71.607, respectively, of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The airways, reporting points, and jet routes listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Domestic high altitude reporting points, Domestic low altitude reporting points, Domestic VOR Federal airways, Incorporation by reference, Jet routes.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, is amended as follows:

Section 71.123 Domestic VOR Federal Airways

* * * * *

V–9 [Revised]

From Leeville, LA, via INT Leeville, 333° and New Orleans, LA, 181° radials; New Orleans; McComb, MS; Jackson, MS; Itta Bena, MS; Gilmore, AR; Malden, MO; Farmington, MO; St. Louis, MO; Capital, IL; Pontiac, IL; INT Pontiac 343° and Rockford, IL, 169° radials; Rockford; Janesville, WI; Madison, WI; Oshkosh, WI; Green Bay, WI; Iron Mountain, MI; to Houghton, MI.

* * * * *

V–11 [Revised]

From Brookley, AL; Greene County, MS; Jackson, MS; Itta Bena, MS; Holly Springs, MS; Dyersburg, TN; Cunningham, KY; Pocket City, IN; Indianapolis, IN; Marion, IN; Fort Wayne, IN; to INT Fort Wayne 038° and Carleton, MI, 262° radials.

* * * * *

V–278 [Revised]

From Texico, NM, via Plainview, TX; Guthrie, TX; Bridgeport, TX; Blue Ridge, TX; Paris, TX; Texarkana, AR; Monticello, AR; Greenville, MS; Itta Bena, MS; Bigbee, MS; to Vulcan, AL.

* * * * *

V–535 [Revised]

From Itta Bena, MS; INT Itta Bena 010° and Holly Springs, MS, 225° radials; Holly Springs.

* * * * *

V–555 [Revised]

From New Orleans, LA, via Picayune, MS; McComb, MS; INT McComb 019° and Jackson, MS, 169° radials; Jackson; INT Jackson 010° and Itta Bena, MS, 159° radials; to Itta Bena.

* * * * *

V–557 [Revised]

From McComb, MS, via INT McComb 348° and Jackson, MS, 199° radials; Jackson; INT Jackson 340° and Itta Bena, MS, 189° radials; to Itta Bena.

* * * * *

Section 71.203 Domestic Low Altitude Reporting Points

* * * * *

Greenwood, MS [Removed]

* * * * *

Itta Bena, MS [New]

* * * * *

Section 71.207 Domestic High Altitude Reporting Points

* * * * *

Greenwood, MS [Removed]

* * * * *

Itta Bena, MS [New]

* * * * *

Section 71.607 Jet Routes

* * * * *

J–35 [Revised]

From New Orleans, LA, via McComb, MS; Itta Bena, MS; Memphis, TN; Farmington, MO; St. Louis, MO; Capital, IL; Pontiac, IL; Joliet, IL; to Northbrook, IL.

* * * * *

J–52 [Revised]

From Vancouver, BC, Canada, via Spokane, WA; Salmon, ID; Dubois, ID; Rock Springs, WY; Denver, CO; Kiowa, CO; Lamar, CO; Liberal, KS; INT Liberal 137° and Ardmore, OK, 309° radials; Ardmore; Dallas-Fort Worth, TX; Texarkana, AR; Itta Bena, MS; Bigbee, MS; Vulcan, AL; Atlanta, GA; Colliers, SC; Columbia, SC; Raleigh-Durham, NC; to Richmond, VA. The portion within Canada is excluded.

* * * * *

Issued in Washington, DC, on February 5, 1993.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 93–3623 Filed 2–16–93; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 92–ASW–06]

Proposed Revision of Transition Area; Lawton, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws the Notice of Proposed Rulemaking (NPRM), Airspace Docket No. 92–ASW–08, which was published in the **Federal Register** on August 25, 1992. That notice proposed to revise the transition area located at Lawton, OK. That proposal was necessitated due to the development of a new standard instrument approach procedure (SIAP) to the Henry Post Army Air Field (AAF), utilizing the Lawton very high frequency omnidirectional range/distance measuring equipment (VOR/DME). The intended effect of that proposal was to provide adequate controlled airspace for aircraft executing the new VOR/DME Runway (RWY) 17 SIAP to the Henry Post AAF.

Since the NPRM was published in the **Federal Register** on August 25, 1992, (57 FR 38456), the Terminal Airspace Reclassification Final Rule, published in the **Federal Register** August 27, 1992 (57 FR 38962), effected the necessary revision to the transition area, making this proposal unnecessary.

EFFECTIVE DATE: Immediately upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Alvin E. DeVane, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530; telephone: (817) 624–5535

SUPPLEMENTARY INFORMATION: On August 25, 1992, an NPRM was published in the **Federal Register** to revise the transition areas located at Lawton, OK. That proposal was necessitated due to the development of a new SIAP to the Henry Post AAF. The Terminal Airspace Reclassification Final Rule, published in the **Federal Register** August 27, 1992 (57 FR 38962), effected the necessary revisions to the transition areas, making this proposal unnecessary.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Transition areas.

The Withdrawal

Accordingly, pursuant to the authority delegated to me, the NPRM, Airspace Docket No. 92–ASW–08, as published in the **Federal Register** on August 25, 1992 (57 FR 38456), is hereby withdrawn.

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

Issued in Fort Worth, TX on January 29, 1993.

Richard J. Cibak,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 93–3617 Filed 2–16–93; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[EE–12–92]

RIN 1545–AQ61

Interest-Free Adjustments of Underpayments of Employment Taxes; Hearing Cancellation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Cancellation of notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed amendments to the regulations on interest-free adjustments of underpayments of certain employment taxes.

DATES: The public hearing originally scheduled for Wednesday, February 24, 1993, beginning at 10 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Mike Slaughter of the Regulations Unit, Assistant Chief Counsel (Corporate), 202–622–7190 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed amendments to the Employment Tax Regulations (26 CFR part 31) under section 6205 of the Internal Revenue Code (Code). A notice of proposed rulemaking and public hearing appearing in the **Federal Register** for Thursday, December 10, 1992 (57 FR 58423), announced that the public hearing on proposed amendments under section 6205 of the Internal Revenue Code would be held on Wednesday, February 24, 1993, beginning at 10 a.m., in the IRS Commissioner's Conference Room, room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW. Washington, DC.

The public hearing scheduled for Wednesday, February 24, 1993, has been cancelled.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 93–3556 Filed 2–16–93; 8:45 am]

BILLING CODE 4830–01–M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 768; Re. Notice No. 741]

RIN 1512–AA07

Spring Mountain Viticultural Area (91F–067P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Amended notice of proposed rulemaking; reopening of comment period.

SUMMARY: By Notice No. 741, published June 4, 1992, the Bureau of Alcohol, Tobacco and Firearms (ATF) requested comments on the proposed establishment of a viticultural area located in Napa County, California, to be known as "Spring Mountain." One commenter, representing Spring Mountain Vineyards, expressed concern that consumers would be confused by establishment of a viticultural area with the same name as its brand name, "Spring Mountain." The petitioners subsequently amended their petition to request the viticultural area name "Spring Mountain District." No other changes to the original petition as described in Notice No. 741 were requested. ATF is amending the proposed rule and reopening the comment period.

DATES: Written comments must be received by March 19, 1993.

ADDRESSES: Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091–0221, Attn: Notice No. 768.

FOR FURTHER INFORMATION CONTACT: Marjorie D. Ruhf, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202–927–8230).

SUPPLEMENTARY INFORMATION:

Background

On June 4, 1992, ATF published Notice No. 741 (57 FR 23559) proposing establishment of a viticultural area in Napa County, California, to be known as "Spring Mountain." This proposal is the result of a petition submitted on behalf of Marston Vineyards and York Creek Vineyards. In the supplementary information for the notice, ATF reviewed the background of the viticultural area approval process and requirements and discussed the evidence submitted by the petitioner in

compliance with these requirements. ATF also asked for comments from all interested parties.

ATF received four comments during the 60-day comment period. Two commenters, Cain Cellars and Summit Ranch Vineyard, both of St. Helena, California, wrote in support of the proposed area. The third commenter representing Spring Mountain Vineyards, expressed concern that its brand name, "Spring Mountain", a trademark used since 1940, would be "rendered worthless" by establishment of a viticultural area with the same name and the subsequent use of that name on labels of other wine producers. The commenter suggested changing the viticultural area's name to "Spring Mountain District" to differentiate between the brand and the viticultural area, and prevent consumer confusion. The fourth comment, from the petitioner, responded to the arguments submitted on behalf of Spring Mountain Vineyard, but did not object to the suggested amendment of the name. On December 2, 1992, the petitioner wrote to ATF to amend its original petition by changing the proposed viticultural area name to "Spring Mountain District." As the petitioner has sought to amend its petition by requesting a new name for the proposed viticultural area, we are issuing an amended notice of proposed rulemaking and reopening the comment period. As the only change from Notice No. 741 is the name of the proposed area, only name evidence will be discussed in this notice. Interested parties should comment only on the appropriateness of the proposed, or any other name, and refer to Notice No. 741 for all other information about the proposed area.

With respect to the original petition, evidence that the name "Spring Mountain" is locally and/or nationally known as referring to the area specified in the petition was set forth in Notice No. 741. In addition, the petitioner has provided the following items of evidence which support the use of the name "Spring Mountain District":

(a) An article in the local newspaper, the St. Helena Star, on December 7, 1877, made reference to "Spring Mountain District" and mentioned viticultural activities in the area.

(b) In the St. Helena Star for January 9, 1880, there was a "Spring Mountain Notes" column which included this item: "Fifty eight tons of grapes were sold from Spring Mountain district last Fall, and it is calculated that 100 acres of new vineyard will be put in this Spring."

(c) In Massee's Guide to Wines of America (1974) "Spring Mountain" is described as being "well on its way to becoming a separate district in its own right, much like Carneros, * * *"

(d) A label used by Ritchie Creek Vineyard of St. Helena, California, for its 1980 Ritchie Creek Vineyard Cabernet Sauvignon shows the name "Spring Mt. Dist."

ATF believes that the above-stated evidence is sufficient to warrant the desired name change. Nevertheless, in order to consider any comments that the public might have on this issue, we are reairing this notice.

Executive Order 12291

It has been determined that this proposed regulation is not a major regulation as defined in Executive Order 12291 and a regulatory impact analysis is not required because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from a particular area. No new requirements are proposed. Accordingly, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96–511, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice of proposed rulemaking because no requirement to collect information is proposed.

Public Participation

ATF requests comments from all interested parties. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any comment as confidential. Comments may be disclosed to the public. Any material which a commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure. During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Marjorie D. Ruhf, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas, is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. Subpart C is amended by adding § 9.145 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.145 Spring Mountain District.

(a) *Name.* The name of the viticultural area described in this section is "Spring Mountain District."

(b) *Approved maps.* The appropriate maps for determining the boundary of the Spring Mountain District viticultural area are four U.S.G.S. 7.5 minute series topographical maps of the 1:24000 scale. They are titled:

(1) "Kenwood, Calif.," 1954 (photorevised 1980);

(2) "Rutherford, Calif.," 1951 (photorevised 1968);

(3) "St. Helena, Calif.," 1960 (photorevised 1980);

(4) "Calistoga, Calif.," 1958 (photorevised 1980).

(c) *Boundary.* The Spring Mountain District viticultural area is located in Napa County, California, within the Napa Valley viticultural area. The boundary is as follows:

(1) Beginning on the Calistoga quadrangle map at the Napa-Sonoma county line at the boundary line between sections 18 and 19 in T8N/R6W;

(2) Then east along the boundary line between sections 18 and 19 for approximately ¾ of a mile to its intersection with Ritchie Creek at the boundary line between sections 17 and 20 in T8N/R6W;

(3) Then northeast along Ritchie Creek approximately 2 miles, to the 400 foot contour line in the northeast corner in section 16 of T8N/R6W;

(4) Then along the 400 foot contour line in a northeast then generally southeast direction, through the St. Helena and Rutherford quadrangle maps, approximately 9 miles, past the town of St. Helena to the point where it intersects Sulphur Creek in Sulphur Canyon, in the northwest corner of section 2 in T7N/R6W;

(5) Then west along Sulfur Creek (onto the Kenwood quadrangle map) and south to the point where it first divides into two intermittent streams in section 3 in T7N/R6W;

(6) Then south along the intermittent stream approximately 1.5 miles to the point where it intersects the 2,360 foot contour line in section 10 in T7N/R6W;

(7) Then southwest in a straight line, approximately .10 mile, to the unnamed peak (elevation 2600 feet) at the boundary line between Napa and Sonoma Counties;

(8) Then in a generally northwest direction along the Napa-Sonoma county line, through sections 10, 9, 4, 5, 32, 33, 32, 29, 20, and 19, to the beginning point on the Calistoga quadrangle map at the boundary between sections 18 and 19 in T8N/R6W.

Approved: February 5, 1993.

Stephen E. Higgins,

Director.

[FR Doc. 93–3612 Filed 2–16–93; 8:45 am]

BILLING CODE 6810–31–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 180

[OPP–300271; FRL–4178–9]

RIN 2070–AB78

Ethoxylated Polyarylalkylphenols; Tolerance Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that an exemption from the requirement of a tolerance be established for residues of certain ethoxylated polyarylalkylphenols when used as inert ingredients (surfactants) in pesticide formulations applied to growing crops only. This proposed regulation was requested by Rhone Poulenc, Inc.

DATES: Comments, identified by the document control number (OPP-300271), must be received on or before March 19, 1993.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part of all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by the EPA without prior notice. The public docket is available for public inspection in rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Connie Welch, Registration Support Branch, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 711I, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-7252.

SUPPLEMENTARY INFORMATION: Rhone-Poulenc, Inc., CN 7500, Cranbury, NJ 08512-7500, has submitted pesticide petition (PP) 1E4003 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for residues of alpha-[2,4,6-tris[1-(phenyl)ethyl]phenyl]-omega-hydroxy poly(oxyethylene); alpha-[2,4,6-tris[1-(phenyl)ethyl]phenyl]omega-hydroxy poly(oxyethylene), mixture of monohydrogen and dihydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, potassium, sodium and zinc salts; alpha-[2,4,6-tris[1-(phenyl)ethyl]phenyl]-omega-hydroxy poly(oxyethylene) sulfate, and the corresponding ammonium, calcium, magnesium, potassium, sodium, and zinc salts; and alpha-[2,4,6-tris[1-(phenyl)ethyl]phenyl]-omega-hydroxy poly(oxyethylene) poly(oxypropylene) copolymer, when used as inert ingredients (surfactants) in pesticide formulations applied to growing crops only.

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

As part of the EPA policy statement on inert ingredients published in the **Federal Register** of April 22, 1987 (52 FR 13305), the Agency established data requirements which will be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. Exemptions from some or all of the requirements may be granted if it can be determined that the inert ingredient will present minimal or no risk.

The data submitted in the petition and other relevant material have been evaluated. A representative member of this class of chemicals was chosen to represent the entire group and was the test material for each of the studies described below. The toxicological data considered in support of this exemption from tolerance include:

1. A 90-day rat oral toxicity study with a no-observed-effect level (NOEL) of 30 milligrams (mg)/kilogram(kg)/day. The lowest effect level (LEL) was 100 mg/kg/day. This dose level appears to be at or near the level of statistical significance for renal tubular mineralization for male rats.

2. A rat developmental toxicity study with a maternal NOEL of 100 mg/kg/day (reduced body weight gain was experienced at higher doses), and a developmental NOEL of 100 mg/kg/day

Biologically relevant increases in litter incidence of unossified hind-limb phalanges were experienced at all doses, but statistically significant increases were experienced at top dose only.

3. Mutagenicity studies including a chromosomal aberration study in Chinese hamster ovary cells and a test for unscheduled DNA synthesis in rat primary hepatocyte cultures which were acceptable and negative.

4. Environmental fate studies including aerobic soil metabolism, soil adsorption/desorption, hydrolysis, and photolysis were also found to be acceptable.

Given the physical properties of these chemicals (molecular weight over 1,000, high water solubility, and partition coefficients unfavorable for absorption), there is low concern for dermal, gastrointestinal, or respiratory absorption.

Based upon the above information and review of its use, EPA has found that, when used in accordance with good agricultural practice, these ingredients are useful and tolerances are not necessary to protect the public health. Therefore, EPA proposes that exemptions from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, (OPP-300271). All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements.

Dated: January 29, 1993.

Lawrence E. Culleen,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1001(d) is amended by adding and alphabetically inserting the inert ingredients, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
• • •	• •	• • •
Alpha-[2,4,6-tris[1-(phenyl)ethyl]phenyl]-omega-hydroxy poly(oxyethylene); mixture of monohydrogen and dihydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, potassium, sodium and zinc salts, the poly(oxyethylene) content averages 4-150 moles).	Not more than 15% of the formulation.	Surfactant
Alpha-[2,4,6-tris[1-(phenyl)ethyl]phenyl]-omega-hydroxy poly(oxyethylene) poly(oxypropylene) copolymer, the poly(oxypropylene) content averages 2-8 moles, the poly(oxyethylene) content averages 16-30 moles, and the average molecular weight is 1,500.	Not more than 15% in the pesticide formulation.	Surfactant
Alpha-[2,4,6-tris[1-(phenyl)ethyl]phenyl]-omega-hydroxy poly(oxyethylene) sulfate, and the corresponding ammonium, calcium, magnesium, potassium, sodium, and zinc salts, the poly(oxyethylene content averages 4-150 moles.	Not more than 15% of the pesticide formulation.	Surfactant
Alpha-[2,4,6-tris[1-(phenyl)ethyl]phenyl]-omega-hydroxy poly(oxyethylene), the poly(oxyethylene) content averages 4-150 moles).	Not more than 15% of the formulation.	Surfactant
• • •	• •	• • •

* * * * *

[FR Doc. 93-3598 Filed 2-16-93; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180

[OPP-300274; FRL-4185-8]

RIN 2070-AB78

Sodium Bisulfate; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that an exemption from the requirement of a tolerance be established for residues of sodium bisulfate (CAS Registry No. 7681-38-1) when used as an inert ingredient (acidifying/buffering agent) in pesticide formulations applied to growing crops only. This proposed regulation was requested by the American Cyanamid Co.

DATES: Comments, identified by the document control number (OPP-300274), must be received on or before March 19, 1993.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part of all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by the EPA without prior notice. The public docket is available for public inspection in rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Connie Welch, Registration Support Branch, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 711I, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-7252.

SUPPLEMENTARY INFORMATION: The American Cyanamid Co., Agricultural Research Division, P.O. Box 400, Princeton, NJ 08540, submitted pesticide petition (PP) 2E4160, requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for residues of sodium bisulfate (CAS Reg. No. 7681-38-1) when used as an inert ingredient (acidifying/buffering agent) in pesticide formulations applied to growing crops only.

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

The data submitted in the petition and other relevant material have been evaluated. As part of the EPA policy statement on inert ingredients published in the **Federal Register** of April 22, 1987 (52 FR 13305), the Agency established data requirements which will be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. Exemptions from some or all of the requirements may be granted if it can be determined that the inert ingredient will present minimal or no risk.

The chemical is considered by the Agency to be a minimum risk inert (List 4A). List 4A inert ingredients are generally regarded as innocuous by the Agency.

The Agency has decided that the data normally required to support the proposed tolerance exemption for sodium bisulfate will not need to be submitted. The rationale for this decision is described below.

1. Sodium bisulfate dissociates to sodium cation, hydrogen cation, and sulfate anion.

2. Numerous substances that dissociate to one or more of these same components are already exempt from the requirement of a tolerance when used in accordance with good agricultural practices, as inert (or occasionally active) ingredients in pesticide formulations applied to growing crops and to raw agricultural commodities after harvest. These include sodium sulfate, potassium sulfate, ammonium sulfate, magnesium sulfate, ferric sulfate, and zinc sulfate basic and monohydrate.

3. Under Food and Drug Administration regulations (21 CFR 184.1143, 184.1443, and 184.1643, respectively), ammonium sulfate, magnesium sulfate, and potassium sulfate are affirmed as generally recognized as safe (GRAS) when added directly to human food.

4. Sodium bisulfate is approved by the Food and Drug Administration for use in adhesives used as components of articles intended for use in packaging, transporting, or holding food under 21 CFR 175.105.

Based on the information and review of its use, EPA has found that, when used in accordance with good agricultural practice, this ingredient is useful and a tolerance is not necessary to protect the public health. Therefore, EPA proposes that the exemption from the requirment of a tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, (OPP-300274). All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements.

Dated: January 29, 1993.

Lawrence E. Culleen,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1001(d) is amended by adding and alphabetically inserting the inert ingredient, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
Sodium bisulfate (CAS Registry No. 7681-38-1)		Acidifying/buffering agent

* * * * *

[FR Doc. 93–3596 Filed 2–16–93; 8:45 am]
BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, 88, 90 and 94

[PR Docket No. 92–235; DA 93–145]

Revision of Regulations on the Private Land Mobile Radio Services; Modification of Policies

In the Matter of Replacement of Part 90 by Part 88 To Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; order extending comment and reply comment periods.

SUMMARY: The Chief, Private Radio Bureau has adopted an Order extending the time periods in which to file comments and reply comments to the Notice of Proposed Rule Making, 57 FR 54034 (November 16, 1992) in this proceeding. The new dates for comments and reply comments are May 28, 1993, and July 14, 1993, respectively. This action will provide commenters additional time so they may use information gained from a public conference on this proceeding to be held at the FCC on March 1, 1993.

DATES: Comments must be filed on or before May 28, 1993. Reply Comments must be field on or before July 14, 1993.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Doron Fertig, Policy and Planning Branch, Land Mobile and Microwave Division, Private Radio Bureau, (202) 632–6497.

SUPPLEMENTARY INFORMATION:

Order Extending Comment and Reply Comment Periods

Adopted: February 8, 1993; *Released:* February 9, 1993.

Comment Date: May 28, 1993.

Reply Comment Date: July 14, 1993.

By the Chief, Private Radio Bureau;

1. On November 6, 1992, the Commission released a Notice of Proposed Rule Making, 7 FCC Rcd 8105 (1992), (Notice), in this proceeding. The specified deadlines for comments and reply comments were February 26, 1993 and April 14, 1993, respectively. On January 20, 1993, the Public Safety Communications Council (PSCC) filed a letter requesting that we extend the date for filing Comments and Reply Comments in this proceeding to August 25, 1993, and October 14, 1993, respectively. On February 3, 1993, the Land Mobile Communications Council (LMCC) filed a petition requesting that we extend the date for filing Comments to May 28, 1993. On February 4, 1993, PowerSpectrum, Inc. (PSI) filed a petition requesting that we extend the date for filing Comments and Reply Comments to May 26, 1993, and July 26, 1993, respectively.

2. PSCC based its request on the size of the Notice and on the need for additional time to conduct equipment tests and to review the U.S. Government planned migration to narrowband equipment. LMCC, an organization whose membership includes 20 trade associations, plans to develop an industry consensus position and to file it as comments by April 28, 1993. They would like the extension to give the public time to comment on this industry consensus. PSI requests the extra time to study the impact of the proposed channeling plans on the potential use of its frequency hopping multiple access technology (FHMA).

3. The proposals set forth in the Notice represent the most comprehensive review of the rules governing the private land mobile radio allocations below 512 MHz since there inception. The blueprint on how to increase channel capacity, to promote more efficient use of these channels, and to simplify the rules governing their use is complex and deserves the fullest cooperation between users of this spectrum and the government to assure that the rules ultimately adopted will constructively serve the public interest. To assist in this process we have scheduled a conference for March 1, 1993 to discuss publicly the issues raised in the Notice. In order to allow commenters the benefit of information gained in this meeting, and for the reasons set forth by the petitioners, we have concluded that additional time to prepare comments should be granted. We also believe, however, that the public interest requires us to reach a timely decision on the issues raised in the Notice and, thus, conclude that a long extension would disserve the land mobile radio community.

4. Accordingly, it is ordered, based on the authority granted in section 0.331 of the Commission's Rules and Regulations, 47 CFR 0.331, that the petition of LMCC is granted, that the petitions of PSSC and PSI are granted to the extent indicated herein and otherwise denied, and, that the deadline for filing comments in the subject Notice of Proposed Rule Making is extended to May 28, 1993, and the deadline for filing reply comments is extended to July 14, 1993.

Federal Communications Commission.

Ralph A. Haller,

Chief, Private Radio Bureau.

[FR Doc. 93–3561 Filed 2–16–93; 8:45 am]
BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 58, No. 30
Wednesday, February 17, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Availability of Rural Housing Targeting Set Aside (RHTSA) Funds

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: The Farmers Home Administration (FmHA) announces the availability of Rural Housing Targeting Set Aside (RHTSA) funds for Fiscal Year (FY) 1993. This action is taken to publish notice of the availability of Sections 502, 504, 514, 515 and 524 loan/grant funds in targeted, underserved areas and certain colonials that are now eligible for FmHA housing assistance. The intended effect is to make the public aware of eligible targeted counties and targeted housing funds available through FmHA.

EFFECTIVE DATE: February 17, 1993.

FOR FURTHER INFORMATION CONTACT: Cynthia Reese-Foxworth, Loan Specialist, Multi-Family Housing Processing Division, at (202) 720–1608, or Gloria Denson, Senior Loan Specialist, Single Family Housing Processing Division at (202) 720–1474. The address is USDA–FmHA, South Agriculture Building, 14th and Independence Ave., SW., Washington, DC 20250–0700.

SUPPLEMENTARY INFORMATION:

Programs Affected

These programs/activities are listed in the Catalog of Federal Domestic Assistance under Nos:

10.405 Farm Labor Housing Loans and Grants
10.410 Low Income Housing Loans
10.411 Rural Housing Site Loans
10.415 Rural Rental Housing Loans
10.417 Very Low Income Housing Repair Loans and Grant
10.427 Rural Rental Assistance Payments

Discussion of Notice

7 CFR, part 1940, subpart L contains the "Methodology and Formulas for Allocation of Loan and Grant Program Funds." Exhibit C of subpart L contains information on RHTSA.

The Housing and Community Development Act of 1992 requires that at least 5 targeted counties contain Indian tribal lands. Based upon the selection criteria, 5 of the 100 targeted counties and 2 of the pooled counties contain Indian tribal lands. They are as follows:

Apache County, Arizona
Coconino County, Arizona
Rolette County, North Dakota
Sioux County, North Dakota
Dewey County, South Dakota
Blaine County, Montana (Pool Funds Only)
Benson County, Montana (Pool Funds Only)

FmHA is particularly interested in receiving loan requests for tribal organizations in these counties to develop housing. The following information has been provided to FmHA field offices on Fiscal Year 1993 RHTSA funds and designated counties eligible for FmHA housing assistance:

State	Very low-income 502 loans FY 1993 set aside	Low-income 502 loans FY 1993 set aside	Total 502 loans FY 1993 set aside	504 Grants FY 1993 set aside	504 loans FY 1993 set aside	515 loans FY 1993 set aside
Alabama	492,000	738,000	1,230,000	12,000	11,000	516,000
Arizona	492,000	738,000	1,230,000	12,000	11,000	516,000
Arkansas	738,000	1,107,000	1,845,000	18,000	16,000	773,000
Georgia	3,199,000	4,798,000	7,997,000	77,000	70,000	3,351,000
Idaho	246,000	369,000	615,000	6,000	5,000	438,000
Kentucky	3,199,000	4,798,000	7,997,000	77,000	70,000	3,351,000
Louisiana	1,722,000	2,584,000	4,306,000	42,000	38,000	1,804,000
Mississippi	1,476,000	2,215,000	3,691,000	36,000	32,000	1,547,000
Missouri	1,230,000	1,846,000	3,076,000	30,000	27,000	1,289,000
New Mexico	492,000	738,000	1,230,000	12,000	11,000	516,000
North Dakota	492,000	738,000	1,230,000	12,000	11,000	516,000
Puerto Rico	2,952,000	4,429,000	7,381,000	71,000	65,000	3,093,000
South Dakota	1,476,000	2,215,000	3,691,000	36,000	32,000	1,547,000
Tennessee	492,000	738,000	1,230,000	12,000	11,000	516,000
Texas	4,429,000	6,644,000	11,073,000	105,000	97,000	4,637,000
Utah	246,000	369,000	615,000	6,000	5,000	438,000
Virginia	738,000	1,107,000	1,845,000	18,000	16,000	773,000
West Virginia	492,000	738,000	1,230,000	12,000	11,000	516,000
State total	24,603,000	36,909,000	61,512,000	594,000	539,000	26,137,000
Reserve	1,297,000	1,941,000	3,238,000	31,000	28,000	2,558,000
National total	25,900,000	38,850,000	64,750,000	625,000	567,000	28,695,000

Minimum state funding levels are established in sections 502, 504 and 515, based upon national averages, as follows:

Section 502—Sufficient funds to obligate at least 10 initial loans of $54,000 each.

Section 504—Sufficient funds to obligate at least 1 initial loan of $5,000.

Section 504—Sufficient funds to obligate at least 1 initial grant of $4,000.

Section 515—Sufficient funds to obligate at least 1 12-unit project of $36,500 per unit cost.

Section 514 funds of $815,000 and section 524 funds of $30,000, are available on a first-come, first-served basis.

800 units of new construction RA are available for section 515 requests.

The RHTSA reserve will be available on an as needed basis for SFH programs. For MFH, the reserve will be available only for patch-outs until April 1, 1993.

Pooling of unused RHTSA funds and RA is tentatively scheduled for July 2, 1993, and may be changed administratively, based upon fund usage.

All unused RHTSA funds and RA are subject to year-end pooling, tentatively scheduled for August 13, 1993.

100 COUNTIES ELIGIBLE IN FY 1993 FOR RHTSA FUNDS IMMEDIATELY AND AT POOLING

State	County name
Alabama	Dallas.
Alabama	Russell.
Arizona	Apache.
Arizona	Coconino.
Arkansas	Lee.
Arkansas	Lincoln.
Arkansas	Woodruff.
Georgia	Appling.
Georgia	Baker.
Georgia	Dooly.
Georgia	Echols.
Georgia	Emanuel.
Georgia	Jefferson.
Georgia	McIntosh.
Georgia	Miller.
Georgia	Pulaski.
Georgia	Sumter.
Georgia	Taliaferro.
Georgia	Treutlen.
Georgia	Wheeler.
Idaho	Madison.
Kentucky	Bell.
Kentucky	Breathitt.
Kentucky	Casey.
Kentucky	Green.
Kentucky	Harlan.
Kentucky	Knott.
Kentucky	Knox.
Kentucky	Leslie.
Kentucky	Lewis.
Kentucky	Martin.
Kentucky	Monroe.
Kentucky	Perry.
Kentucky	Whitley.
Louisiana	Bienville.
Louisiana	Catahoula.
Louisiana	Claiborne.
Louisiana	Iberville.
Louisiana	Morehouse.
Louisiana	Natchitoches.
Louisiana	Richland.
Mississippi	Carroll.
Mississippi	Claiborne.
Mississippi	Greene.
Mississippi	Issaquena.
Mississippi	Oktibbeha.
Mississippi	Washington.
Missouri	Douglas.
Missouri	Oregon.
Missouri	Ozark.
Missouri	Reynolds.

100 COUNTIES ELIGIBLE IN FY 1993 FOR RHTSA FUNDS IMMEDIATELY AND AT POOLING—Continued

State	County name
Missouri	Wayne.
New Mexico	Mora.
New Mexico	San Juan.
North Dakota	Rolette.
North Dakota	Sioux.
Puerto Rico	Adjuntas.
Puerto Rico	Aguadilla.
Puerto Rico	Barranquitas.
Puerto Rico	Coamo.
Puerto Rico	Fajardo.
Puerto Rico	Guayama.
Puerto Rico	Humacao.
Puerto Rico	Jayuya.
Puerto Rico	Juana Diaz.
Puerto Rico	Rio Grande.
Puerto Rico	San Sebastian.
Puerto Rico	Utuado.
South Dakota	Charles Mix.
South Dakota	Corson.
South Dakota	Dewey.
South Dakota	Jackson.
South Dakota	Mellette.
South Dakota	Shannon.
Tennessee	Campbell.
Tennessee	Grainger.
Texas	Brooks.
Texas	Cochran.
Texas	Crosby.
Texas	Dickens.
Texas	Edwards.
Texas	Floyd.
Texas	Gonzales.
Texas	Hudspeth
Texas	Jim Wells.
Texas	Karnes.
Texas	Kenedy.
Texas	La Salle.
Texas	Mavenck.
Texas	Presidio.
Texas	Real.
Texas	Reeves.
Texas	Webb.
Texas	Zavala.
Utah	San Juan.
Virginia	Accomack.
Virginia	Lee.
Virginia	Northampton.
West Virginia	McDowell.
West Virginia	Mingo.

47 COUNTIES ELIGIBLE IN FY 1993 FOR RHTSA POOLED FUNDS ONLY

State	County Name
Alabama	Clay.
Arkansas	Columbia.
Arkansas	Cross.
Arkansas	Jefferson.
Arkansas	Union.
Colorado	Dolores.
Florida	Liberty.
Georgia	Bulloch.
Georgia	Irwin.
Georgia	Jasper.
Georgia	Laurens.
Georgia	Thomas.
Illinois	Alexander.
Kentucky	Garrard.
Kentucky	Madison.
Louisiana	Acadia.
Louisiana	Assumption.
Louisiana	Sabine.
Mississippi	Clarke.
Missouri	Bollinger.
Missouri	Mercer.
Missouri	Scotland.

47 COUNTIES ELIGIBLE IN FY 1993 FOR RHTSA POOLED FUNDS ONLY—Continued

State	County Name
Missouri	Washington.
Montana	Blaine.
New Mexico	Catron.
North Carolina	Perquimans.
North Carolina	Sampson.
North Carolina	Washington.
North Dakota	Benson.
Texas	Bailey
Texas	[illegible].
Texas	Dawson.
Texas	Dewitt
Texas	Gaines
Texas	Glasscock
Texas	Hale
Texas	Jeff Davis.
Texas	Kleberg
Texas	Leon.
Texas	Lynn.
Texas	Madison.
Texas	Newton
Texas	Parmer.
Texas	San Augustine.
Texas	Terry.
Texas	Walker
West Virginia	Monroe

Dated: February 11, 1993.

Sandra Weisman,

Acting Administrator, Farmers Home Administration.

[FR Doc. 93-3788 Filed 2-16-93; 8:45 am]

BILLING CODE 3410-07-M

Forest Service

West Fork Papoose Timber Sale, Clearwater National Forest, Idaho County, Idaho; Intent To Prepare an Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will analyze and disclose the environmental impacts of a proposal to harvest timber, regenerate harvested timber stands, rehabilitate sediment existing sediment sources, reconstruct existing roads, and construct new roads in a portion of the West Fork Papoose Creek drainage on the Powell Ranger District. An environmental impact statement (EIS) will be prepared which will document the analysis. This EIS will tier to the Clearwater National Forest Land and Resource Management Plan Final EIS of September 1987, which provides overall guidance in achieving the desired condition for the area. The primary purpose and need of the proposed action is to implement land management direction for the West Fork Papoose Creek drainage. The goal is to develop a viable timber sale proposal that is compatible with current resource management objectives.

DATES: Comments concerning the scope of the analysis should be received by May 10, 1993 to receive timely consideration in the preparation of the Draft EIS. The Draft EIS will be filed with the Environmental Protection Agency by May 30, 1993. The Final EIS and Record of Decision are expected in September of 1993.

ADDRESSES: Send written comments to the responsible official, Margaret J. Gorski, District Ranger, Powell Ranger District, Powell Ranger Station, Lolo, Montana 59847.

FOR FURTHER INFORMATION CONTACT: Stewart Hoyt, West Fork Papoose Analysis Interdisciplinary Team Leader, or Margaret J. Gorski, District Ranger, Powell Ranger District, Clearwater National Forest, (208) 942–3113.

SUPPLEMENTARY INFORMATION: The analysis area in which the proposed management activities would occur consists of approximately 7,000 acres of National Forest land in the west fork and main stem of the Papoose Creek drainage on Powell Ranger District. The study area includes all or portions of Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 23, 24, 25, and 36, T37N, R13E; Sections 5, and 6 of T37N, R14E; Sections 35 and 36 of T38N, R13E; and Sections 31 and 32 T38N, R14E, Boise Meridian, Idaho County, Idaho.

The Land and Resource Management Plan for the Clearwater National Forest provides the overall guidance for management activities in the potentially affected area through its goals, objectives, standards, guidelines and management area direction. In the West Fork Papoose analysis area, five Forest Plan Management Areas are found. The areas of proposed timber harvest, regeneration and associated road construction and reconstruction activities are located in Management Area E1, which emphasizes optimum sustained timber production.

To date, considerable scoping and analysis has been done in regard to the proposed action. In March 1991 the staff of the Powell Ranger District began an Integrated Resource Analysis (IRA) of the west fork of Papoose Creek (Silvicultural compartment 617) to identify the existing and desired conditions. During November of 1991, a letter of management intent was sent to the staff of the Clearwater National Forest, State agencies, the Nez Perce Tribal Executive Committee, and other known local interest groups and individuals informing the public of the analysis, and seeking comment. In December 1991, an Interdisciplinary Team (IDT) was assigned to complete the analysis after receiving a number of comments during the initial scoping phase. Again in March of 1992 another letter was sent to the Clearwater National Forest, State agencies, the Nez Perce Indian Tribe, and other known local interest groups and individuals informing them of the issues that were being used to develop alternatives and asking for additional comments and potential alternatives for the IDT to consider. The key issues identified by the Interdisciplinary Team are:

1. Fisheries and Watershed—Proposed logging and road construction may increase sediment levels in the west fork and mainstem of Papoose Creek (currently below Forest Plan standards) affecting the salmon and other sensitive species fisheries.
2. Old Growth—Proposed logging and road construction may reduce the level of old growth habitat in the analysis area and further fragment corridors linking areas of old growth habitat.
3. Wildlife—Timber harvesting and road construction may create new openings, decreasing the available suitable habitat needed for wildlife.
4. Threatened, Endangered and Sensitive Species—Timber harvesting and road construction may affect the habitat of Threatened, Endangered and Sensitive species.
5. Silviculture/Timber Management—The majority of the timber stands in the analysis area have reached biological maturity and are currently affected by insects and pathogens.

In response to the identified issues and concerns, the IDT has so far described five management alternatives. One of these is the "no-action" alternative in which timber harvest, timber stand regeneration, and road construction/reconstruction activities would not be implemented. Other alternatives will examine various levels and locations of timber harvest, timber stand regeneration, and road construction/reconstruction activity. Various mixes of timber and non-timber resource values of each alternative will also be examined.

Under the alternatives that the Interdisciplinary Team has described to this point, timber harvest ranges from 1.0 to 3.0 million board feet (MMBF), with harvest affecting from 86 to 306 acres. To access proposed harvest units up to ¼ mile of new road construction and 3 miles of existing road reconditioning would be required.

The Forest Service is not seeking further information and comments from Federal, State, local agencies, and other individuals or organizations who are interested in or affected by the proposed action. This additional input will be used in preparing the Draft EIS (DEIS).

The process will include:

1. Identification of potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues.
4. Identification of additional reasonable alternatives.
5. Identification of potential environmental effects of the alternatives.
6. Determination of potential cooperating agencies.

The EIS will disclose the environmental effects of alternative ways of implementing the Forest Plan. The Forest Service will analyze and document the direct, indirect, and cumulative effects of the alternatives. In addition, the EIS will disclose site specific mitigation measures and their expected effectiveness.

Public participation will be especially important at several points in the analysis. People are encouraged to visit with Forest Service officials at any time during the analysis and prior to the decision. A final EIS is expected to be filed in September 1993. Two key time periods have been identified for receipt of formal comments on the analysis:

1. Scoping period (now through May 10, 1993).
2. Review of the Draft EIS in June, 1993.

The U.S. Fish and Wildlife Service, Department of Interior, will be informally consulted throughout the analysis. To meet the requirements of the Endangered Species Act, the U.S. Fish and Wildlife Service will review the EIS and Biological Assessment and, if necessary, render a formal Biological Opinion of the effects on Threatened and Endangered species, including the grizzly bear and gray wolf.

The DEIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review by May 30, 1993. At that time, the EPA will publish a Notice of Availability of the DEIS in the **Federal Register**. After a 45-day public comment period, the comments received will be analyzed and considered by the Forest Service in the final Environmental Impact Statement (FEIS). The FEIS is scheduled to be completed by September, 1993. The Forest Service will respond in the FEIS to the comments received on the DEIS. The responsible official is the Forest Supervisor of the Clearwater National Forest, Forest Supervisor's Office, 12730 Highway 12, Orofino, ID 83544. The decision and reasons for the decision will be documented in a Record of Decision.

The comment period on the draft environmental impact statement will be

45 days from the date the Environmental Protection Agency published the notice of availability in the **Federal Register.**

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: February 8, 1993.

Margaret J. Gorski,

District Ranger, Powell Ranger District, Clearwater National Forest.

[FR Doc. 93–3549 Filed 2–16–93; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35)

Agency: International Trade Administration.

Title: Certified Trade Missions: End of Event, Mission Organizer and Quality Assurance Surveys.

Form Numbers: Agency—ITA–4121P, ITA–4122P, and ITA–4123P. OMB—0625—

Type of Request: New Collection.

Burden: 1,260 respondents; 310 reporting hours.

Avge Hours Per Response: 10 minutes.

Needs and Uses: The International Trade Administration's U.S. and Foreign Commercial Service (US&FCS) offers trade mission guidance and assistance to federal, state and local development agencies, chambers of commerce, industry trade associations, other export-oriented groups. These trade missions open doors to government and business leaders in promising export markets around the world. The program office has no direct contact with individual mission participants. The End of Event Survey is therefore designed to ensure and document the satisfaction of participants immediately following the event. It allows them to comment on the effectiveness with which the US&FCS and show organizer served their overseas marketing objectives in the short term. It will also provide essential information to determine the effectiveness of the mission organizer. The Mission Organizer Survey is designed to ensure the satisfaction of organizers who have been granted status by the U.S. Department of Commerce. This survey will allow organizers to comment on the effectiveness with which the program office and the overseas posts enhanced the success of their mission. The Quality Assurance Survey is designed to ensure the satisfaction of participants and to assess and obtain the tangible results of the mission six months after the event takes place. It allows the participants to comment on the effectiveness with which the organizer, and the program, served their overseas marketing objectives. All of the information gathered from these three surveys will be used by US&FCS for program evaluation and strategic planning.

Affected Public: State or local governments; businesses or other for-profit; Federal agencies or employees; non-profit institutions; and small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Gary Waxman, (202) 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 482–3271, Department of Commerce, room 5327, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Gary Waxman, OMB Desk Officer, room 3208 New Executive Office Building, Washington, DC 20503.

Dated: February 10, 1993.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 93–3563 Filed 2–16–93; 8:45 am]

BILLING CODE 3510–CW–M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of Economic Analysis

Title: Transactions of U.S. Affiliate, Except A U.S. Banking Affiliate, with Foreign Parent (BE–605); and Transactions of U.S. Banking Affiliate with Foreign Parent (BE–605 Bank)

Form Number: Agency—BE–605/605 Bank; OMB–0608–0009

Type of Request: Revision of a currently approved collection

Burden: 3,800 respondents; 4 responses each per year; 15,200 reporting hours

Average Hours Per Response: 1 hour

Needs and Uses: The survey collects quarterly sample data on transactions and positions between foreign-owned U.S. business enterprises and their foreign parents. Universe estimates are developed from the reported sample data. The data are needed for compiling the U.S. balance of payments accounts, the international investment position of the United States, and the national income and product accounts. The data are also needed to measure the amount of foreign direct investment in the United States, monitor changes in such investment, assess its impact on

the U.S. and foreign economies, and, based upon this assessment, make informed policy decisions regarding foreign direct investment in the United States.

Affected Public: Businesses or other for-profit institutions.

Frequency: Quarterly.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Paul Bugg, room 3228, (202) 395–3093.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 482–3271, Department of Commerce, Room H5310, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Paul Bugg, OMB Desk Officer, room 3228, New Executive Office Building, Washington, DC 20503.

Dated: February 10, 1993.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 93–3564 Filed 2–16–93; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

[A–588–602]

Carbon Steel Butt-Weld Pipe Fittings From Japan Intent To Revoke Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Intent to revoke Antidumping Duty Order.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the antidumping duty order on carbon steel butt-weld pipe fittings from Japan. Interested parties who object to this revocation must submit their comments in writing no later than February 28, 1993.

EFFECTIVE DATE: February 17, 1993.

FOR FURTHER INFORMATION CONTACT: John Kugelman, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–3601.

SUPPLEMENTARY INFORMATION:

Background

On February 10, 1987, the Department of Commerce published an antidumping duty order on carbon steel butt-weld pipe fittings from Japan (52 FR 4167). The Department has not received a request to conduct an administrative review of this order for the most recent four consecutive annual anniversary months.

The Department may revoke an antidumping duty order or finding if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this antidumping duty order.

Opportunity to Object

No later than February 28, 1993, interested parties, as defined in § 353.2(k) of the Department's regulations, may object to the Department's intent to revoke this antidumping duty order.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B–099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties do not request an administrative review in accordance with the Department's notice of opportunity to request administrative review, or object to the Department's intent to revoke by February 28, 1993, we shall conclude that the order is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 353.25(d)(4)(i).

Dated: February 5, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–3570 Filed 2–16–93; 8:45 am]

BILLING CODE 3510-DS-M

[A–588–017]

Clear Plate and Float Glass From Japan; Court Decision and Termination of Suspension of Liquidation

AGENCY: Import Administration/ International Trade Administration, Department of Commerce.

ACTION: Notice of court decision and termination of suspension of liquidation.

On January 13, 1992, the Department of Commerce (the Department) published in the **Federal Register** (57 FR 1253) a notice of "Court Decision and Suspension of Liquidation," stating that due to an adverse decision rendered by the Court of International Trade (the CIT), the Department would order the suspension of liquidation of the subject merchandise, effective December 23, 1991.

Thereafter, the adverse court decision was appealed to the Court of Appeals for the Federal Circuit (the CAFC). In the course of that proceeding PPG Industries, Inc., the petitioner, notified the CAFC that it was "no longer interested in maintaining the dumping order" or in the relief sought by this litigation. At the request of Asahi Glass Ltd., Central Glass Co. Ltd. and Nippon Sheet Glass Co., the respondents, the CAFC vacated the decision by the CIT and remanded the case to the CIT for dismissal of the complaint. On September 22, 1992, the CIT dismissed the complaint, thereby allowing the Department's 1981 revocation of the dumping finding to stand.

Therefore, the Department will order Customs to both cease suspension of liquidation, and liquidate without regard to antidumping duties any suspended entries of the subject merchandise from Japan, entered on or after December 23, 1991.

EFFECTIVE DATE: February 17, 1993.

FOR FURTHER INFORMATION CONTACT: Philip C. Marchal or Maureen A. Flannery, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230· (202) 377–5505.

Dated: January 24, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–3566 Filed 2–16–93; 8:45 am]

BILLING CODE 3510-DS-M

[A–357–803]

Postponement of Final Antidumping Duty Determination: Certain Cold-Rolled Carbon Steel Flat Products From Argentina

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice.

EFFECTIVE DATE: February 17, 1993.

FOR FURTHER INFORMATION CONTACT: Will Sjoberg or Linda Pasden, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0413 or (202) 482–0194, respectively.

POSTPONEMENT OF FINAL DETERMINATION: Sociedad Mixta Siderurgia Argentina (SOMISA), the only respondent in this proceeding, represents a significant proportion of exports of certain cold-

rolled carbon steel flat products (cold-rolled steel) from Argentina to the United States. On January 28, 1993, SOMISA requested that the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determination, in accordance with section 735(a)(2) of the Tariff Act of 1930, as amended (the Act).

Pursuant to 19 CFR 353.20(b), if exporters who account for a significant proportion of exports of the merchandise under investigation request an extension subsequent to an affirmative preliminary determination, we are required, absent compelling reasons to the contrary, to grant the request. Such is the case with SOMISA in this proceeding. Accordingly, we are postponing our final determination as to whether sales of cold-rolled steel from Argentina has been made at less than fair value until not later than June 21, 1993.

This notice is published pursuant to section 735(d) of the Act and 19 CFR 353.20(b)(2).

Dated: February 9, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–3565 Filed 2–16–93; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–056]

Melamine From Japan; Intent To Revoke Antidumping Finding

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of intent to revoke antidumping finding.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the antidumping finding on melamine from Japan. Interested parties who object to this revocation must submit their comments in writing no later than February 28, 1993.

EFFECTIVE DATE: February 17, 1993.

FOR FURTHER INFORMATION CONTACT: John Kugelman, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–3601.

SUPPLEMENTARY INFORMATION:

Background

On February 2, 1977, the Department of the Treasury published an antidumping finding on melamine from Japan (42 FR 6366). The Department has not received a request to conduct an administrative review of this order for the most recent four consecutive annual anniversary months.

The Department may revoke an antidumping duty order or finding if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this antidumping finding.

Opportunity To Object

No later than February 28, 1993, interested parties, as defined in § 353.2(k) of the Department's regulations, may object to the Department's intent to revoke this antidumping finding.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B–099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties do not request an administrative review in accordance with the Department's notice of opportunity to request administrative review, or object to the Department's intent to revoke by February 28, 1993, we shall conclude that the finding is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 353.25(d)(4)(i).

Dated: February 5, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–3567 Filed 2–16–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–583–508]

Porcelain-on-Steel Cooking Ware From Taiwan; Determination Not To Revoke Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of determination not to revoke antidumping duty order.

SUMMARY: The Department of Commerce has determined not to revoke the antidumping duty order on porcelain-on-steel cooking ware from Taiwan because it continues to be of interest to an interested party.

EFFECTIVE DATE: February 17, 1993.

FOR FURTHER INFORMATION CONTACT: Dennis U. Askey or Melissa G. Skinner, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4114.

SUPPLEMENTARY INFORMATION:

Background

On December 9, 1992, the Department of Commerce (the Department) published in the **Federal Register** (57 FR 58181) its intent to revoke the antidumping duty order on porcelain-on-steel cooking ware from Taiwan (51 FR 43416, December 2, 1986). We invited interested parties to comment on our intent to revoke the order.

Scope of the Order

Imports covered by the order are shipments of porcelain-on-steel cooking ware, currently classifiable under the Harmonized Tariff Schedule item number 7323.94.00.

Determination Not To Revoke

The Department may revoke an order if the Secretary of Commerce concludes that the order is no longer of interest to interested parties as defined in 19 CFR 353.2(k). We had not received a request for an administrative review of this order for the last four consecutive annual anniversary months and, therefore, published a notice of intent to revoke pursuant to 19 CFR 353.25(d)(4)(i).

On December 29, 1992, the Copco Corporation, an importer of porcelain-on-steel tea kettles, requested in writing that the Department revoke the order. On December 30, 1992, the General Housewares Corporation, the petitioner, objected in writing to our intent to revoke the order. We received no further comments.

Based on the objection, the Department has concluded that the order continues to be of interest to an interested party. Therefore, we no longer intend to revoke the antidumping order on porcelain-on-steel cooking ware from Taiwan.

Dated: January 29, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–3568 Filed 2–16–93; 8:45 am]

BILLING CODE 3510–DS–M

VOL
58
ISS
30
FE
17
1993
UMI

[A-580-803]

Certain Small Business Telephone Systems and Subassemblies Thereof From Korea; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration/ International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request from the respondents, the Department of Commerce has conducted an administrative review of the antidumping duty order on certain small business telephone systems and subassemblies thereof (SBTS) from Korea. The review covers two manufacturers/exporters of this merchandise to the United States, Samsung Electronics Co., Ltd. and Goldstar Telecommunication Co., Ltd., and the period February 1, 1991 through January 31, 1992. The review indicates the existence of dumping margins for the period.

As a result of the review, the Department has preliminarily determined to assess antidumping duties equal to the difference between United States price and foreign market value.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 17, 1993.

FOR FURTHER INFORMATION CONTACT: Michael R. Rill or Joseph Hanley, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On January 31, 1992, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (57 FR 3740). On February 28, 1992, respondents Samsung Electronics Co., Ltd. (Samsung) and Goldstar Telecommunication Co., Ltd. (Goldstar), requested an administrative review of the antidumping duty order published on February 7, 1990 (55 FR 4215). We initiated the review, covering the period February 1, 1991 through January 31, 1992, on March 16, 1992 (57 FR 9104).

Scope of the Review

The products covered by this review are certain small business telephone systems and subassemblies thereof, currently classifiable under Harmonized Tariff Schedule item numbers 8517.30.2000, 8517.30.2500, 8517.30.3000, 8517.10.0020, 8517.10.0040, 8517.10.0050, 8517.10.0070, 8517.10.0080, 8517.90.1000, 8517.90.1500, 8517.90.3000, 8518.30.1000, 8504.40.0004, 8504.40.0008, 8504.40.0010, 8517.81.0010, 8517.81.0020, 8517.90.4000, and 8504.40.0015.

Certain small business telephone systems and subassemblies thereof (SBTS) are telephone systems, whether complete or incomplete, assembled or unassembled, with intercom or internal calling capability and total non-blocking port capacities of between two and 256 ports, and discrete subassemblies designed for use in such systems. A subassembly is "designed" for use in a small business telephone system if it functions to its full capability only when operated as part of a small business telephone system. These subassemblies are defined as follows:

(1) Telephone sets and consoles, consisting of proprietary, corded telephone sets or consoles. A console has the ability to perform certain functions including: Answer all lines in the system; monitor the status of other phone sets; and transfer calls. The term "telephone sets and consoles" is defined to include any combination of two or more of the following items, when imported or shipped in the same container, with or without additional apparatus: housing; hand set; cord (line or hand set); power supply; telephone set circuit cards; console circuit cards.

(2) Control and switching equipment, whether denominated as a key service unit, control unit, or cabinet/switch. "Control and switching equipment" is defined to include the units described in the preceding sentence which consist of one or more circuit cards or modules (including backplane circuit cards) and one or more of the following items, when imported or shipped in the same container as the circuit cards or modules, with or without additional apparatus: connectors to accept circuit cards or modules; building wiring.

(3) Circuit cards and modules, including power supplies. These may be incorporated into control and switching equipment or telephone sets and consoles, or they may be imported or shipped separately. A power supply converts or divides input power of not more than 2400 watts into output power of not more than 1800 watts supplying DC power of approximately 5 volts, 24 volts, and 48 volts, as well as 90 volt AC ringing capability.

The following merchandise has been excluded from this order:

(1) Nonproprietary industry-standard ("tip/ring") telephone sets and other subassemblies that are not specifically designed for use in a covered system, even though a system may be adapted to use such nonproprietary equipment to provide some system functions;

(2) Telephone answering machines or facsimile machines integrated with telephone sets; and

(3) Adjunct software used on external data processing equipment.

Such or Similar Comparisons

Pursuant to section 771(16)(C) of the Tariff Act of 1930 (the Tariff Act), we established four categories of such or similar merchandise consisting of:

(a) Control and switching equipment;

(b) Circuit cards and modules;

(c) Telephone sets and consoles; and

(d) Complete small business telephone systems (systems).

Product comparisons were made using criteria which are ranked in order of importance. For control and switching equipment we used the following criteria: (1) Port capacity based on minimum operational configuration, (2) type of central microprocessor and (3) read-only memory (ROM) size. For circuit cards and modules we considered: (1) functions and (2) physical appearance. For telephone sets and consoles we considered: (1) Number of buttons (regardless of function) excluding dialpad and (2) number of individual visual indicators. For complete telephone systems, we made comparisons on the basis of the similarity of subassemblies, using the criteria described in the preceding sentences.

When there was no identical product in the home market with which to compare a product imported into the United States, the most similar product was compared on the basis of the characteristics described above. We made adjustments for differences in the physical characteristics of the merchandise in accordance with 19 CFR 353.57.

In order to determine whether there were sufficient sales of SBTS in the home market to serve as the basis for calculating foreign market value (FMV), we compared the volume of home market sales within each such or similar category to the volume of third country sales within each respective such or similar category, in accordance with section 773(a)(1) of the Tariff Act, and found that the home market was viable.

United States Price

In calculating United States price, the Department used exporter's sales price (ESP) for all sales made by Goldstar and purchase price (PP) for all sales made by Samsung, as defined in section 772 of the Tariff Act. We made adjustments, where applicable, for foreign inland freight, foreign brokerage and handling charges, ocean freight, marine insurance, U.S. duty, U.S. brokerage and handling, U.S. inland freight, imputed credit expenses, discounts, rebates, commissions, technical service expenses, direct advertising and warranty expenses, installation labor charges, uncollected or rebated duties and value added taxes, and indirect selling expenses (which include exchange commission expenses, postage expenses, inventory carrying costs, bad debt expenses, indirect advertising and warranty expenses and other indirect selling expenses). We also adjusted ESP for value added by further manufacturing, including an allocation of profit earned on U.S. sales.

Foreign Market Value

In accordance with section 773 of the Tariff Act, we calculated FMV based on home market sales prices or constructed value (CV), as appropriate. When sales in the home market were used, we calculated FMV based on packed, delivered prices to unrelated customers. We deducted home market packing costs from the FMV and added U.S. packing costs. We made adjustments, where appropriate, for inland freight, imputed credit, discounts, rebates, advertising, technical service expenses, and warranty expenses. For comparison to ESP sales, we adjusted FMV for indirect selling expenses in the home market to offset indirect selling expenses on ESP sales in the United States. We limited the indirect selling expense deduction from FMV by the amount of indirect selling expenses incurred in the United States.

We made a circumstance-of-sale adjustment to eliminate any difference in value-added taxes (VAT) between the U.S. and home market prices. We computed the VAT adjustment based on a U.S. price net of all expenses incurred in the United States and net of all movement charges.

Where appropriate, we made further adjustments to the home market price to account for differences in the physical characteristics of the merchandise, in accordance with 19 CFR 353.57.

For those products sold in the United States for which there were no sales of such or similar home market models, we calculated FMV based on CV in accordance with section 773(e) of the Tariff Act. The CV includes the cost of materials and fabrication for the exported merchandise, plus general expenses, profit, and packing. We used the statutory minimum amounts for general expenses and profit, except in those cases where actual general expenses or profit exceeded the statutory minimum amounts.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the following margins exist for the period February 1, 1991 through January 31, 1992:

Manufacturer/Exporter	Margin (percent)
Samsung Electronics Co., Ltd.	1.39
Goldstar Telecommunication Co., Ltd.	1.94

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. Upon completion of this review, the Department will issue appraisement instructions concerning all respondents directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for each reviewed firm will be that firm's rate established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specified rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be 1.94 percent. This rate represents the highest rate for any firm with shipments in this administrative review, or the most recent administrative review in which shipments occurred, other than those firms receiving a rate based entirely on the best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Interested parties may request disclosure within five days of the date of publication of this notice, and may request a hearing within 10 days of the date of publication. Any hearing, if requested, will be held as early as convenient for the parties but not later than 44 days after the date of publication or the first workday thereafter. Case briefs or other written comments from interested parties may be submitted not later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttal comments, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: January 29, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93-3569 Filed 2-16-93; 8:45 am]

BILLING CODE 3510-DS-M

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

BACKGROUND: Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party as defined in section 771(9) of the Tariff Act of 1930 may request, in accordance

with section 353.22 or 355.22 of the Commerce Regulations, that the Department of Commerce ("the Department") conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

OPPORTUNITY TO REQUEST A REVIEW: Not later than February 28, 1993, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in February for the following periods:

Antidumping duty proceedings	Period
Austria: Railway Tracking Maintenance Equipment (A-433-063)	02/01/92-01/31/93
Canada: Racing Plates (A-122-050)	02/01/92-01/31/93
Germany: Sodium Thiosulfate (A-428-807)	02/01/92-01/31/93
Japan: Benzyl Paraben (A-588-816)	02/01/92-01/31/93
Japan: Carbon Steel Butt-Weld Pipe Fittings (A-588-602)	02/01/92-01/31/93
Japan: Melamine (A-588-056)	02/01/92-01/31/93
Japan: Mechanical Transfer Presses (A-588-810)	02/01/92-01/31/93
The People's Republic of China: Heavy Forged Hand Held Tools, Finished or Unfinished, With or Without Handles (A-570-803)	02/01/92-01/31/93
The People's Republic of China: Natural Bristle Paint Brushes (A-580-501)	02/01/92-01/31/93
The People's Republic of China: Sodium Thiosulfate (A-570-805)	02/01/92-01/31/93
The Republic of Korea: Certain Small Business Telephone Systems and Subassemblies Thereof (A-580-803)	02/01/92-01/31/93
United Kingdom: Sodium Thiosulfate (A-412-805)	02/01/92-01/31/93
Suspension Agreements	
Venezuela: Gray Portland Cement and Clinker (A-307-803)	02/01/92-01/31/93
Countervailing Duty Proceedings	
Peru: Cotton Sheeting and Sateen (C-333-001)	02/01/92-01/31/92
Peru: Cotton Yarn (C-333-002)	02/01/92-01/31/92
Saudi Arabia: Carbon Steel Wire Rod (C-517-501)	02/01/92-01/31/92
Thailand: Malleable Iron Pipe Fittings (C-549-803)	02/01/92-01/31/92

In accordance with §§ 353.22(a) and 355.22(a) of the Commerce regulations, an interested party may request in writing that the Secretary conduct an administrative review of specified individual producers or resellers covered by an order, if the requesting person states why the person desires the Secretary to review those particular producers or resellers. If the interested party intends for the Secretary to review sales of merchandise by a reseller (or a producer if that producer also resells merchandise from other suppliers) which was produced in more than one country of origin, and each country of origin is subject to a separate order, then the interested party must state specifically which reseller(s) and which countries of origin for each reseller the request is intended to cover.

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B-099, U.S. Department of Commerce, Washington, DC 20230. Further, in accordance with § 353.31 or § 355.31 of the Commerce Regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of "Initiation of Antidumping (Countervailing) Duty Administrative Review", for requests received by February 28, 1993.

If the Department does not receive, by February 28, 1993, a request for review of entries covered by an order or finding listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute, but is published as a service to the international trading community.

Dated: February 8, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93-3409 Filed 2-16-93; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of receipt of application for scientific research permit (P503C).

Notice is hereby given that the Idaho Department of Fish and Game has applied in due form for a Permit to take endangered and threatened species as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR part 217-227).

The applicant requests authorization to conduct seven studies affecting juvenile and adult Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*), juvenile and adult Snake River fall chinook salmon (*O. tshawytscha*), and juvenile Snake River sockeye salmon (*O. nerka*). The studies include: (1) Irrigation diversion screening and evaluation, which may affect up to 190,000 juvenile spring/summer chinook salmon and 2,000 juvenile sockeye salmon; (2) Spring/summer chinook production monitoring and evaluation, involving potential harassment of 30,000 juvenile spring/summer chinook salmon and capture and handling of 100 juvenile spring/summer chinook salmon; (3) General fish population inventory, involving potential harassment of 4,900 juvenile spring/summer chinook salmon, 100 juvenile fall chinook salmon, and 1,000 adult spring/summer chinook salmon, and capture and handling of 2,000 juvenile spring/summer chinook salmon and 50 juvenile fall chinook salmon; (4) Spring/summer chinook supplementation research, involving potential harassment of 20,000 juvenile spring/summer chinook salmon, capture and handling of 820 adult spring/summer chinook salmon, PIT tagging 31,100 juvenile spring/summer chinook salmon, and a lethal take of 750 juvenile spring/summer chinook salmon; (5) Spring chinook natural production research, involving potential harassment of 10,000 juvenile spring/summer chinook salmon and PIT tagging 12,000 juvenile spring/summer chinook salmon; (6) Redfish Lake kokanee/sockeye research, including a lethal take of 2 juvenile sockeye salmon; and (7) Chinook fish health monitoring, involving 1,500 adult spring/summer chinook salmon and 600 adult fall chinook salmon that will be spawned out, dead or dying. These numbers of wild fish are requested annually for a duration of 4 years.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., room 8268, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained

in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices by appointment:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., suite 8268, Silver Spring, MD 20910 (301/713–2322); and

Environmental and Technical Services Division, National Marine Fisheries Service, 911 North East 11th Ave., room 620, Portland, OR 97232 (503/230–5400).

Dated: February 10, 1993.

Samuel W. McKeen,

Program Management Officer.

[FR Doc. 93–3603 Filed 2–16–93; 8:45 am]

BILLING CODE 3510–22–M

Endangered Species

AGENCY: National Marine Fisheries Services (NMFS), NOAA, Commerce.

ACTION: Issuance of permit; Dr. Scott Eckert, Hubbs Sea World Research Institute, San Diego, California (P811).

SUMMARY: On August 27, 1992, notice was published in the **Federal Register** (57 FR 12293) that an application had been filed by Dr. Scott Eckert, Hubbs Sea World Research Institute, 1700 South Shores Road, San Diego, California 92109, for a permit to take up to five leatherbacks (*dermochelys coriacea*) annually for the purpose of measuring, tagging, taking of blood samples and tagging with VHF radio and/or satellite PTT transmitters. The objective of this research permit is to determine if leatherbacks can be captured and subsequently radio tracked in Monterey Bay and on subsequent migrations using both VHF and satellite telemetry. The results of this work are expected to yield important information on the local movements of leatherbacks within Monterey Bay, and on their migrations away from the Bay.

Notice is hereby given that on February 4, 1993, as authorized by the provisions of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and the NOAA, NMFS regulations governing endangered fish and wildlife permits (50 CFR parts 217–222), NMFS issued a permit for the above taking, subject to certain conditions set forth therein.

Issuance of this permit, as required by the ESA, is based on the finding that the permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of the application; and (3) will be consistent with the purposes and policies set forth in section 2 of the ESA. This research permit was also issued in accordance with and is subject to parts 222 and 227 of title 50 CFR of the NMFS regulations governing endangered species permits.

The permit is available for review in the following offices: Office of Protected Resources, NMFS, NOAA, 1335 East-West Highway, SSMC#1, room 8268, Silver Spring, MD 20910, (301/713–2289); and Director, NMFS Southwest Region, 501 W. Ocean Boulevard, suite 4200, Long Beach, CA 90802–4213 (310/980–4046).

Dated: February 4, 1993.

Michael Tillman,

Director, Office of Protected Resources.

[FR Doc. 93–3604 Filed 2–16–93; 8:45 am]

BILLING CODE 3510–22–M

Travel and Tourism Administration

Travel and Tourism Advisory Board; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. (app. 1976) notice is hereby given that the Travel and Tourism Advisory Board of the U.S. Department of Commerce will meet on March 4, 1993 at 10 a.m. at the Grand Hyatt Hotel, 1000 H Street NW., Washington, DC 20001.

Established March 19, 1982, the Travel and Tourism Advisory Board consists of 15 members, representing the major segments of the travel and tourism industry and state tourism interests, and includes one member of a travel labor organization, a consumer advocate, an academician and a financial expert.

Members advise the Secretary of Commerce on matters pertinent to the Department's responsibilities to accomplish the purpose of the National Tourism Policy Act (Pub. L. 97–63), and provide guidance to the Assistant Secretary for Tourism Marketing in the preparation of annual marketing plans.

Agenda items are as follows:

I. Call to Order
II. Roll Call
III. Rural Tourism
IV. Visitor Entry Processing
V. Old Business
VI. New Business
VII. Miscellaneous
IX. Adjournment

A very limited number of seats will be available to observers from the public and the press. To assure adequate seating, individuals intending to attend should notify the Committee Control Officer in advance. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements is allowed.

Karen M. Cardran, Committee Control Officer, United States Travel and Tourism Administration, room 1860, U.S. Department of Commerce, Washington, DC 20230 (telephone: 202–482–1904) will respond to public requests for information about the meeting.

David L. Edgell, Sr.,

Acting Under Secretary of Commerce for Travel and Tourism.

[FR Doc. 93–3611 Filed 2–16–93; 8:45 am]

BILLING CODE 3510–11–M

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange's Proposed Amendment to Rule 511

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule amendment.

SUMMARY: The Chicago Mercantile Exchange ("CME") has submitted pursuant to section 5a(12) of the Commodity Exchange Act ("Act"), a proposed rule amendment for Commission approval. The CME's proposed amendment to Rule 511 would allow clearing firms, under certain circumstances, to retain profits resulting from certain trades a member executes in excess of prescribed limits. Acting pursuant to the authority delegated by Commission Regulation 140.96, the Director of the Division of Trading and Markets has determined to publish the CME's proposed rule amendment for public comment. The Division believes that publication of the proposed amendment is in the public interest and will assist the Commission in considering the views of interested persons.

DATES: Comments must be received on or before March 19, 1993.

FOR FURTHER INFORMATION CONTACT:

Lois J. Gregory, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2933 K Street, NW., Washington, DC 20581. Telephone: (202) 254–8955.

VOL 58 ISS 30 FE 17 1993 UMI

SUPPLEMENTARY INFORMATION:

I. Description of Proposed Amendment

By letter dated January 20, 1993, the CME submitted a proposed amendment to Rule 511—Regulation of Approved Traders and Brokers, pursuant to section 5a(12) of the Act and Commission Regulation 1.41(b). Rule 511 prohibits a member from executing a contract using CME facilities unless he is then qualified to act by a clearing member. The Rule also prohibits a member from being qualified by more than one clearing member at any one time and governs the transfer of clearing member qualification and the placement of trades.

The proposed amendment would provide that if a member traded in excess of the limits prescribed by his qualifying clearing member, without sufficient funds in his account to have immediately margined the position, and such trades were profitable, the qualifying clearing member would be entitled to retain the profits derived from the excess trades, subject to a determination by the CME's Arbitration Committee respecting the appropriateness of the member's conduct.

CME states that as a result of the recent matter involving a large number of unauthorized transactions in U.S. Treasury Bond futures and options which occurred at the Chicago Board of Trade and the disabling effect of those transactions on a Chicago Board of Trade clearing firm responsible for clearing the trades, the CME's Regulatory Oversight Committee began a review of CME policies and rules to ascertain whether any changes would either help to prevent such an occurrence at the CME or lessen the impact of one that did occur. CME states that the purpose of the proposed amendment recommended by the Committee would be to remove the incentive for members to exceed their trading limits by providing that clearing firms could retain profits resulting from trading in excess of limits, subject to the decision of an arbitration committee.

II. Request for Comments

The Commission requests comments on any aspect of the CME's proposed rule amendment that members of the public believe may raise issues under the Act or Commission regulations. Copies of the CME Submission are available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies also may be obtained through the Office of the Secretariat at the above address or by telephoning (202) 254–6314.

Any person interested in submitting written data, views, or comments on the proposal should send comments to Jean A. Webb, Secretary Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, by the specified date.

Issued in Washington, DC, on February 10, 1993.

Alan L. Seifert,

Deputy Director, Division of Trading and Markets.

[FR Doc. 93–3676 Filed 2–16–93; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on FY 1994–99 Future Years Defense Plan (FYDP)

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on FY 1994–99 Future Years Defense Plan (FYDP) will meet in closed session on February 16, February 18, February 23, and February 25, 1993 at the Pentagon, Arlington, Virginia. For budgetary purposes, the Secretary of Defense has requested this work on a priority basis, therefore, the short notice.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Director, Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will provide an independent assessment of the management and financial plans of the Department of Defense. The Task Force will review the overall health of the FY 1994–99 FYDP that was prepared by the Bush Administration. It will identify any major management challenges or serious underfunding problems.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended (5 U.S.C. App. II, 1988)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly these meetings will be closed to the public.

Dated: February 10, 1993.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–3656 Filed 2–16–93; 8:45 am]

BILLING CODE 3810–01–M

DACOWITS Spring Conference

AGENCY: Defense Advisory Committee on Women in the Services (DACOWITS), DOD.

ACTION: Notice of conference.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a forthcoming conference of the Defense Advisory Committee on Women in the Services (DACOWITS). The purpose of DACOWITS is to advise the Secretary of Defense on matters relating to women in the Services. The Committee meets semiannually.

DATES: April 18–21, 1993 (summarized agenda follows).

ADDRESSES: Fairview Park Marriott Hotel, 3111 Fairview Park Drive, Falls Church, Virginia, unless otherwise noted in agenda.

AGENDA: Sessions will be conducted daily and will be open to the public. The agenda will include the following:

Sunday, April 18, 1993, 7 a.m.–8 p.m.

Conference Registration (Former Members and Conference Participants); Official Opening Ceremony; Briefings: Women in Combat AirCraft; Women in the Coast Guard Study; Navy and Marine Corps Standing Committee on Military and Civilian Women (SCMCW) Recommendations; Assignment Policy for Women in the Navy Corps; No-host Working Breakfast (current DACOWITS members only); Get Acquainted Luncheon (current DACOWITS members, military representatives, advisors, and liaison officers only); Subcommittee sessions; and Social.

Monday, April 19, 1993, 8 a.m.–10 p.m.

Subcommittee sessions; and OSD Reception and Dinner (By Invitation Only).

Tuesday, April 20, 1993, 7 a.m –8 p.m.

Executive Committee Session and field trip to Andrews Air Force Base, Maryland.
(By Invitation Only).

Wednesday, April 21, 1993, 7:30 a.m.–11 a.m.

No-host Working Breakfast (current DACOWITS members only); Individual Review of Resolution; General Business Session; Installation Visit Reports; Presentations by members of the public.

FOR FURTHER INFORMATION CONTACT: Major Branda M. Weidner, Assistant Director, DACOWITS and Military Women Matters, OASD (Force Management and Personnel), 4000 Defense Pentagon, room 3D769, Washington, DC 20301–4000; telephone (703) 697–2122.

SUPPLEMENTARY INFORMATION: The following rules and regulations will govern the participation by members of the public at the conference.

(1) Members of the public will not be permitted to attend official OSD Luncheon, Field Trip, or OSD Reception and Dinner.

(2) All business sessions will be open to the public.

(3) Interested persons may submit a written statement for consideration by the Committee and/or make an oral presentation of such during the conference.

(4) Persons desiring to make an oral presentation or submit a written statement to the Committee must notify the point of contact listed above no later than March 12.

(5) Length and number of oral presentations to be made will depend on the number of requests received from members of the public.

(6) Oral presentations by members of the public will be permitted only on Wednesday, April 21, before the full Committee.

(7) Each person desiring to make an oral presentation must provide the DACOWITS office 1 copy of the presentation by March 26, and make available 175 copies of any material that is intended for distribution at the conference.

(8) Persons submitting a written statement for inclusion in the minutes of the conference must submit to the DACOWITS staff one copy either before or by the close of the conference.

(9) Other new items from members of the public may be presented in writing to any DACOWITS member for transmittal to the DACOWITS Chair or Director, DACOWITS and Military Women Matters, to consider.

(10) Members of the public will not be permitted to enter into oral discussion conducted by the Committee members at any of the sessions; however, they will be permitted to reply to questions directed to them by the members of the Committee.

(11) Members of the public will be permitted to orally question the scheduled speakers if recognized by the Chair and if time allows after the official participants have asked questions and/or made comments.

12, Questions from the public will not be accepted during the Subcommittee Sessions, the Executive Committee Session, or the General Business Session. Sessions will be conducted daily and will be open to the public.

Dated: February 10, 1993.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–3673 Filed 2–16–93; 8:45 am]

BILLING CODE 3810–01–M

Department of the Air Force

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board of the Current State of the Air Force Panel will meet on 10 Mar 1993 from 8 a.m. to 5 p.m. at Scott AFB, IL.

The purpose of this meeting is to receive briefings, hold discussions and begin report writing on projects related to Information Architecture. This meeting will involve discussions of classified defense matters listed in section 552b(c) of title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–3551 Filed 2–16–93; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board of the Current State of the Air Force Panel will meet on 11–12 Mar 1993 from 8 a.m. to 5 p.m. at Peterson AFB, Colorado Springs, CO.

The purpose of this meeting is to receive briefings, hold discussions and begin report writing on projects related to Information Architecture. This meeting will involve discussions of classified defense matters listed in section 552b(c) of title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–3552 Filed 2–16–93, 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's AFOTEC Advisory Group will meet on 23–24 March 1993, at HQ AFOTEC, Kirtland AFB, NM, 8 a.m. to 5 p.m.

The purpose of this meeting is to receive briefings and gather information for Advisory Group deliberations.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer

[FR Doc. 93–3553 Filed 2–16–93; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board of the Information Architectures That Enhance Operational Capability In Peacetime and Wartime Committee will meet on 31 Mar 1993 from 8 a.m. to 5 p.m. at the ANSWER Corporation, Arlington, VA.

The purpose of this meeting is to receive briefings, hold discussions and begin report writing on projects related to Information Architecture. This meeting will involve discussions of classified defense matters listed in section 552b(c) of title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–3554 Filed 2–16–93, 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board of the Strawman Architecture Panel will meet on 11–12 Mar 1993 from 8 a.m. to 5 p.m. at ANSER Corporation, Arlington, VA.

The purpose of this meeting is to receive briefings, hold discussions and begin report writing on projects related to Information Architecture. This meeting will involve discussions of classified defense matters listed in section 552b(c) of title 5, United States

Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–3671 Filed 2–16–93; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Management Service, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before March 19, 1993.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Cary Green, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Cary Green (202) 708–5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Management Service, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Cary Green at the address specified above.

Dated: February 10, 1993.

Cary Green,

Director, Information Resources Management Service.

Office of Postsecondary Education

Type of Review: Reinstatement
Title: Application for New and Noncontinuation Grants Under the Educational Opportunity Centers Program
Frequency: Annually
Affected Public: State or local governments; non-profit institutions; small businesses or organizations
Reporting Burden:
Responses: 63
Burden Hours: 945
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0
Abstract: This form will be used by State Educational Agencies to apply for funding under the Educational Opportunity Centers Program. The Department will use the information to make grants.

Type of Review: New
Title: Programs To Encourage Minority Students To Become Teachers
Frequency: Annually
Affected Public: Non-profit institutions
Reporting Burden:
Responses: 150
Burden Hours: 4,800
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0
Abstract: This program was designed to improve recruitment and training in education for minorities. It was also designed to increase the number of minority teachers, and to identify and encourage students to prepare for careers in elementary and secondary schools. The Department will use the information to select institutions that will receive grants.

Type of Review: Revision
Title: Fiscal Operations Report and Application in the Federal Perkins Loan, Federal Supplemental Educational Opportunity Grant, and Federal Work-Study Programs.
Frequency: Annually
Affected Public: State or local governments; non-profit institutions
Reporting Burden:
Responses: 5100
Burden Hours: 95,162
Recordkeeping Burden:
Recordkeepers: 5100
Burden Hours: 408
Abstract: This application data will be used to compute the amount of funds needed by each institution during the 1994–95 Award Year. The fiscal operations report data will be used to assess program effectiveness, account for funds expended during the 1992–93 Award Year, and as part of the institutional funding process.

Type of Review: Revision
Title: Campus Based Reallocation Form
Frequency: Annually
Affected Public: State or local governments; Businesses or other for-profit; Non-profit institutions
Reporting Burden:
Responses: 2,000
Burden Hours: 608
Recordkeeping Burden:
Recordkeepers: 2,000
Burden Hours: 100
Abstract: This form will be used by institutions of higher education to report anticipated 1992–1993 unspent funds for the campus-based programs. These unspent funds can be redistributed by the Department as supplemental 1993–1994 awards to qualifying institutions were unmet needs.

[FR Doc. 93–3592 Filed 2–16–93; 8:45 am]

BILLING CODE 4000-01-M

[CFDA NO.: 84.162]

Emergency Immigrant Education Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1993

Purpose of Program: This program provides financial assistance for supplementary educational services and costs for eligible immigrant children enrolled in elementary and secondary public and nonpublic schools. The program supports the National Education Goals by helping immigrant children reach high levels of academic achievement and, ultimately, graduate from high school, obtain productive employment, and exercise the rights and responsibilities of citizenship.

Eligible Applicants: State educational agencies (SEAs).

Deadline for Transmittal of Applications: May 14, 1993.

Deadline for Intergovernmental review: July 13, 1993.

Applications Available: March 23, 1993.

Available Funds: $29.5 million.

Project Period: Up to 12 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 76, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 581.

Programmatic Information: An SEA may apply for a grant if it meets the eligibility requirements specified in 34 CFR 581.2. An eligible SEA must provide a count, taken during April 1993, of the number of immigrant children enrolled in public and nonpublic schools in accordance with the requirements specified in 34 CFR 581.11. The term "immigrant children" means children who were not born in any State and who have been attending schools in any one or more States for less than three complete academic years.

The Education Department is required to reduce a State's grant award under this program by the amount of Federal funds that the State receives in FY 1993 for the same purpose as the Emergency Immigrant Education Program (EIEP) funds. However, the reduction must be made only to the extent that such other Federal funds are made available specifically because of the refugee, parolee, asylee, or other immigrant status of the individuals served. Therefore, in its EIEP application, a State must provide information regarding any other Federal assistance it requested for FY 1993 that is for the same purpose as the EIEP funds (*i.e.*, supplementary educational services and costs for eligible immigrant children).

For Applications or Information Contact. Harpreet K. Sandhu, U.S. Department of Education, 400 Maryland Avenue, SW., room 5086, Mary E. Switzer Building, Washington, DC 20202–6641. Telephone: (202) 205–9808. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 3121–3130.

Dated: February 8, 1993.

Rene Gonzalez,

Acting Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 93–3590 Filed 2–16–93; 8:45 am]

BILLING CODE 4000–01–M

Submission of Data by State Educational Agencies

AGENCY: Department of Education.

ACTION: Notice of dates for submission of State revenue and expenditure reports for fiscal year 1992 and of revisions to those reports.

SUMMARY: The Secretary of Education announces a date for the submission by State educational agencies (SEAs) of preliminary expenditure and revenue data and average daily attendance statistics for fiscal year (FY) 1992 and establishes a deadline for any revisions to that information. The setting of these dates is necessary to ensure timely distribution of Federal funds. The data will be published by the Department's National Center for Education Statistics (NCES) and will be used by the Secretary in the calculation of allocations for FY 1994 appropriated funds.

DATES: The suggested date for the submission of preliminary data is March 15, 1993. The mandatory deadline for the submission of final data is September 7, 1993.

ADDRESSES: SEAs are urged to mail or hand deliver ED Form 2447 (The National Public Education Financial Survey—Fiscal Year 1992) by the first date specified in this notice. SEAs must mail or hand deliver final data and any revisions to preliminary data on or before the mandatory deadline date to—U.S. Department of Education, Office of Educational Research and Improvement, National Center for Education Statistics, Attention: GSAB—Fiscal Survey, 555 New Jersey Avenue NW., Washington, DC 20208–5651.

An SEA may hand deliver any revisions to room 410 of the address above by 4 p.m. (Washington, DC time) on or before the mandatory deadline date.

If an SEA's submission is received by NCES after the mandatory deadline date, in order for the submission to be accepted, the SEA must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

If the SEA mails ED Form 2447 through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an SEA should check with its local post office.

FOR FURTHER INFORMATION CONTACT: Dr. William J. Fowler, Jr., at the address specified above or by telephone: (202) 219–1921.

SUPPLEMENTARY INFORMATION: Under the authority of section 406(g) of the General Education Provisions Act, as amended (20 U.S.C. 1221e–1(g)), which authorizes NCES to gather data from States on the financing of elementary and secondary education, NCES collects data annually from SEAs through ED Form 2447. The report from SEAs includes attendance, revenue, and expenditure data from which NCES determines the average State per pupil expenditure (SPPE) for elementary and secondary education.

In addition to providing useful statistical information, the Secretary uses SPPE data directly in calculating allocations for certain formula grant programs, including chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (chapter 1), Impact Aid, and Indian Education. Other programs such as title VII of the Stewart B. McKinney Homeless Assistance Act, the Eisenhower Mathematics and Science Education program, and the Drug Free Schools and Community Act make use of SPPE data indirectly because their formulas are based, in whole or in part, on State Chapter 1 allocations.

In December 1992 NCES mailed to SEAs ED Form 2447 with instructions and requested that SEAs submit initial data to the Department by March 15, 1993. If an SEA does not submit initial FY 1991 data on ED Form 2447 on or about March 15, 1993, it should inform NCES, in writing, of the delay and the date by which it will submit FY 1992 data. Submissions by SEAs to NCES are edited by NCES and returned to each SEA for verification. NCES acknowledges that data submitted prior to September 7, 1993, may be preliminary and are subject to revision by an SEA not later than September 7, 1993.

To ensure timely distribution of Federal education funds based on the best, most accurate data available, NCES establishes, for allocation purposes, a final date by which ED Form 2447 must be submitted. However, if an SEA submits revised data after the final deadline that results in a lower SPPE figure, its allocations may be adjusted downward or the Department may request the SEA to return funds. SEAs should be aware that all of these data are subject to audit and that, if any inaccuracies are discovered in the audit process, the Department may seek recovery of overpayments for the applicable programs.

VOL 58 ISS 30 FE 17 1993 UMI

Authority: 20 U.S.C. 1221e–1(g).

Dated: February 3, 1993.

Emerson J. Elliott,

Acting Assistant Secretary for Educational Research and Improvement.

[FR Doc. 93–3591 Filed 2–16–93; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Inertial Confinement Fusion Advisory Committee Defense Programs; Partially Closed Meeting

Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Inertial Confinement Fusion Advisory Committee/Defense Programs.

Date and Time: Monday, March 8, 1993, 3 p.m.–5:50 p.m.—Open; Monday, March 8, 1993, 5:50 p.m.–7:45 p.m.—Closed; Monday, March 8, 1993, 7:45 p.m.–9:30 p.m.—Open; Tuesday, March 9, 1993, 8 a.m.–4 p.m.—Open; Tuesday, March 9, 1993, 4 p.m.–7 p.m.—Closed; Wednesday, March 10, 1993, 8 a.m.–1 p.m.—Closed.

Place: Sandia National Laboratories, Albuquerque, New Mexico Technical Area IV, Building 962, room 1402.

Contact: Marshall M. Sluyter, Designated Federal Officer, Office of Inertial Confinement Fusion (DP–28), Office of Defense Programs, Washington, DC 20585. Telephone: (301) 903–3345.

Purpose of the Committee: To provide advice and guidance to the Assistant Secretary for Defense Programs on both technical and management aspects of the Inertial Confinement Fusion program.

Purpose of the Meeting: To evaluate the progress of the Light Ion Inertial Confinement Fusion program at Sandia National Laboratories in Albuquerque, New Mexico, and to advise DOE on whether the Particle Beam Fusion Accelerator II should be upgraded to higher energies.

Tentative Agenda

March 8, 1993

3 p.m.—Introductions and discussion of unfinished business from previous Advisory Committee meeting.
5:15 p.m.—Context for Light Ion Review and Summary of Progress.
6:45 p.m.—Closed meeting.
8:15 p.m.—Tour of Selected Pulsed Power Facilities.

March 9, 1993

8:30 a.m.—Ion bean divergence.
1:45 p.m.—Power Coupling, Beam Generation, and Focusing.
2:50 p.m.—Closed meeting.

March 10, 1993

8 a.m.—Public comment period (oral presentations are limited to 10 minutes).
8:40 a.m.—Closed meeting.
2 p.m.—Wrap Up Discussion.

Public Participation: On March 8, 1993, from 3 p.m. to 6:45 p.m., and from 8:15 p.m. to 9:45 p.m., and on March 9, 1993, from 8:30 a.m. to 2:50 p.m., and on March 10, 1993 from 8 a.m. to 8:40 a.m. and from 2 p.m. to adjournment the meeting is open to the public. The Chairman of the Committee is empowered to guide the meeting in a manner that will, in the Chairman's judgment, facilitate the orderly conduct of business.

Persons wishing to attend the open meeting must contact Robert Jones at (301) 903–4916 by March 3, 1993, to arrange for visitor passes to the meeting room at Sandia.

Any member of the public who wishes to make an oral statement pertaining to agenda items should contact Robert Jones at the phone number given above. Requests must be received before 3 p.m. (eastern standard time) Wednesday, March 3, 1993. Reasonable provisions will be made to include the presentation during the public comment period. Oral presenters are requested to provide 25 copies of their statements at the time of their presentations.

Written statements pertaining to agenda items may also be submitted prior to the meeting. Written statements must be received by the Designated Federal Officer at the address shown above before 3 p.m. (eastern standard time) Wednesday, March 3, 1993, to assure they are considered by the Committee during the meeting.

Closed Meeting: Pursuant to section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (title 5, United States Code, app. 2), section 7234(b), title 42, United States Code, and section 552b(c)(1), title 5, United States Code, the portion of the meeting from 6:45 p.m. to 8:15 p.m. on March 8, 1993, and the portion of the meeting from 2:50 p.m. to adjournment on March 9, 1993, and 8:40 a.m. to 2 p.m. on March 10, 1993, will be closed to the public in the interest of national security.

Minutes: Minutes of the open portion of the meeting will be available for public review and copying approximately 30 days following the meeting at the Freedom of Information Public Reading Room, room 1E–190, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on February 11, 1993.

Marcia L. Morris,

Deputy Advisory Committee Management Officer.

[FR Doc. 93–3695 Filed 2–16–93; 8:45 am]

BILLING CODE 6450–01–M

Relocation of the DOE Chicago Field Office Public Document Reading Room to the University of Illinois at Chicago

AGENCY: U.S. Department of Energy.

ACTION: Relocation of the public document reading room.

SUMMARY: The U.S. Department of Energy (DOE) Chicago Field Office (CH) announces that, pursuant to DOE Order 1700.1 "Freedom of Information Program," as of March 8, 1993, the Public Document Reading Room for DOE/CH is being moved to: Document Department, University Library, University of Illinois at Chicago, 801 South Morgan Street, Chicago, IL 60607, Attention: Karen Graves, Telephone: (312) 996–2738.

Regular operating hours of the facility will be: Monday–Friday 8 a.m. to 8 p.m.; Saturday 10 a.m. to 5 p.m.

Freedom of Information Officer for DOE Chicago Field Office: Linda Rohde, DOE Chicago Field Office, 9800 South Cass Avenue, Argonne, IL 60439, Attention: Office of Chief Counsel, Telephone: (708) 252–2041.

FOR FURTHER INFORMATION CONTACT: Gary Pitchford, DOE Chicago Field Office, Office of Communications, 9800 South Cass Avenue, Argonne, IL 60439, Telephone: (708) 252–2013.

Issued in Chicago, Illinois, on February 5, 1993.

Johnnie D. Greenwood,

Director, Contracts Division.

[FR Doc. 93–3694 Filed 2–16–93; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research

Energy Research Financial Assistance Program Notice 93–12: Human Genome Program—Technological Advances; Grant Applications

AGENCY: Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Health and Environmental Research (OHER) of the Office of Energy Research (ER), U.S. Department of Energy (DOE) hereby announces its interest in receiving applications in support of the Human Genome Program. This Program is a coordinated, multidisciplinary, goal oriented, research effort aimed at developing creative, innovative resources and technologies which will lead to a detailed understanding of the human genome at the molecular level. Several research goals are encompassed in this notice, with collaborative, multidisciplinary efforts specifically encouraged. Research will be supported: (1) For development and implementation of mapping resources, cross connecting distinct DNA clone libraries, mapping strategies and automated mapping instrumentation; (2) for advanced DNA sequencing technologies, specifically, innovative instrumentation and automated systems that offer the potential for rapid, cost-effective, large-scale sequencing; and (3) to develop software for use in

chromosome mapping and DNA sequencing, and data analysis. Such work may include information retrieval, user interfaces including interfaces compatible with Genome Data Base (GDB), algorithms, software engineering, and data management. Also desired are improved computational resources for analyzing DNA sequences, including identification of homologies, regulatory sites, and protein coding regions.

DATES: Formal applications submitted in response to this notice must be received by 4:30 p.m., e.d.t., July 15, 1993, to be accepted for merit review in September 1993, and to permit timely consideration for award in Fiscal Year 1994.

ADDRESSES: Formal applications referencing Program Notice 93–12 should be forwarded to: U.S. Department of Energy, Office of Energy Research, Acquisition and Assistance Management Division, ER–64, Washington, DC 20585, ATTN: Program Notice 93–12. The following address must be used when submitting applications by U.S. Postal Service Express Mail or any commercial mail delivery service, or when handcarried by the applicant. U.S. Department of Energy, Acquisition and Assistance Management Division, ER–64, 19901 Germantown Road, Germantown, MD 20874.

FOR FURTHER INFORMATION CONTACT: Dr. David A. Smith, Office of Health and Environmental Research, ER–72 (GTN), Office of Energy Research, U.S. Department of Energy, Washington, DC 20585, (301) 903–6488.

SUPPLEMENTARY INFORMATION: Potential applicants are strongly encouraged to submit a brief preapplication in accordance with 10 CFR 600.10(d)(2), which consists of two to three pages of narrative describing the research project objectives and methods of accomplishment. These will be reviewed relative to the scope and research needs of the DOE's Human Genome Program. Preapplications referencing Program Notice 93–12 should be received by April 1, 1993, and sent to Dr. David A. Smith, Office of Health and Environmental Research, ER–72 (GTN), Washington, DC 20585. Telephone and FAX numbers are required parts of the preapplication. A response to the preapplications discussing the potential program relevance of a formal application generally will be communicated within 30 days of receipt.

It is anticipated that approximately $5,000,000 will be available for grant awards during FY 1994, contingent upon availability of appropriated funds. Multiple year funding of grant awards is expected, and is also contingent upon availability of funds. Previous awards have ranged from $79,000 per year up to $1,000,000 per year with terms from 1 to 3 years. Most awards are in the $200,000 to $400,000 per year range for 3 years. Similar award sizes are anticipated for new grants. Information about development and submission of applications, eligibility, limitations, evaluation, selection process, and other policies and procedures may be found in the ER Special Research Grants Application Kit and Guide and 10 CFR part 605. The ER, as part of its grant regulations, requires at 10 CFR 605.11(b) that a grantee funded by ER and performing research involving recombinant DNA molecules and/or organisms and viruses containing recombinant DNA molecules shall comply with the National Institutes of Health "Guidelines for Research Involving Recombinant DNA Molecules" (51 FR 16958, May 7, 1986), or such later revision of those guidelines as may be published in the **Federal Register**.

The dissemination of materials and research data in a timely manner is essential for progress towards the goals of the DOE Human Genome Program. The OHER requires the timely sharing of resources and data. Applicants should, in their applications, discuss their plans for disseminating research data and materials which may include, where appropriate, putting cell lines, probes, sequence data, etc., into public repositories. Once OHER and the applicant have agreed upon a distribution plan, it will become part of the award conditions. Funds to defray the costs of disseminating materials or submitting data to repositories are allowable; however, such requests must be adequately justified. Applicants should also provide timelines projecting progress toward achieving proposed goals.

The application kit and guide is available from the U.S. Department of Energy, Office of Health and Environmental Research, Office of Energy Research, ER–72, Washington, DC 20585 Telephone requests may be made by calling (301) 903–6488.

The Catalog of Federal Domestic Assistance Number for this program is 81.049.

Issued in Washingon, DC, on February 4, 1993.

D.D. Mayhew,

Director, Office of Management, Office of Energy Research.

[FR Doc. 93–3690 Filed 2–16–93; 8:45 am]

BILLING CODE 6450–01–M

Energy Research Financial Assistance Program Notice 93–13: Human Genome Program—Ethical, Legal, and Social Issues; Grant Applications

AGENCY: Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Health and Environmental Research (OHER) of the Office of Energy Research (ER), U.S. Department of Energy (DOE), hereby announces its interest in receiving applications in support of the Ethical, Legal, and Social Issues (ELSI) activities of the Human Genome Program (HGP). This Program is coordinated, multidisciplinary research effort aimed at developing creative, innovative resources and technologies that will lead to a detailed understanding of the human genome at the molecular level. This particular research notice encompasses research grants that address ethical, legal, and social issues that may arise from the use of information and knowledge resulting from the HGP. The DOE especially encourages the submission of applications to conduct multidisciplinary, empirical research on privacy issues from the creation, use, maintenance, and disclosure of genetic information. This may include (but is not limited to) issues of ownership and control of genetic information, the protection of the privacy of genetic information, and the role(s) of high performance computers in information management relevant to genetic data. Applications should demonstrate knowledge of the relevant literature, and should include detailed plans for the gathering and analysis of factual information and the exploration of issues associated with the ethical, legal, and social implications of the knowledge gained from the HGP. All applications should include, where appropriate, detailed discussion of human subjects protection issues; e.g., storage of, manipulation of, and access to data. Where survey techniques are proposed, provisions to ensure the inclusion of women, minorities, and potentially disabled individuals must be described, unless specific exclusions are scientifically necessary and justified in detail. All proposed research applications should address the issue of efficient dissemination of results to the widest appropriate audience.

The DOE is also soliciting applications for the preparation and dissemination of educational materials in any appropriate medium that will enhance public understanding of both the scientific aspects and the ethical,

legal, and social aspects of the HGP. In addition, the DOE is encouraging applications for the support of conferences focusing on specific issues or areas of concern related to the ethical, legal, and social implications of the HGP. Educational and conference applications should also demonstrate awareness of the relevant literature, and include detailed plans for the accomplishment of project goals, including, where appropriate, video productions. In the case of educational activities, the DOE strongly recommends inclusion of assessments of effectiveness of the proposed activites. In the case of all conferences, a fairly detailed and complete roster of committed speakers is necessary. At the completion of the conference, a summary or report is required. Educational and conference applications must also demonstrate awareness of the need to reach the widest appropriate audience.

DATES: Formal applications submitted in response to this notice must be received by 4:30 p.m., e.d.t., July 15, 1993, to be accepted for merit review in September 1993 and to permit timely consideration for award in Fiscal Year 1994.

ADDRESSES: Formal applications referencing Program Notice 93–13 should be forwarded to: U.S. Department of Energy, Acquisition and Assistance Management Division, ER–64, Washington, DC 20585, ATTN: Program Notice 93–13. The following address must be used when submitting applications by U.S. Postal Service Express Mail or any commercial mail delivery service, or when handcarried by the applicant: U.S. Department of Energy, Acquisition and Assistance Management Division, ER–64, 19901 Germantown Road, Germantown, MD 20874.

FOR FURTHER INFORMATION CONTACT: Dr. Daniel W. Drell, Office of Health and Environmental Research, ER–72 (GTN), Office of Energy Research, U.S. Department of Energy, Washington, DC 20585, (301) 903–6488.

SUPPLEMENTARY INFORMATION: Potential applicants are strongly encouraged to submit a preapplication in accordance with 10 CFR 600.10(d)(2), which consists of two to three pages of narrative describing research objectives, methods of accomplishment, measures of accomplishment including anticipated products. These will be reviewed relative to the scope and the research needs of the DOE's Human Genome Program ELSI activities. Preapplications referencing Program Notice 93–13 should be received by April 1, 1993, and sent to Dr. Daniel W. Drell, Office of Health and Environmental Research, ER–72 (GTN), U.S. Department of Energy, Washington, DC 20585. Telephone and FAX numbers are required parts of the preapplication. A response to the preapplication discussing the potential program relevance of a formal application will be communicated by May 15, 1993.

The dissemination of materials and research data in a timely manner is essential for progress towards the goals of the DOE Human Genome Program. The OHER requires the timely sharing of resources and data. Applicants should, in their applications, discuss their plans for disseminating research data and information, educational and training materials, and conference and meeting results. Funds to defray the costs of disseminating materials and results are allowable; however, such requests must be adequately justified. It is anticipated that approximately $1,100,000 will be available for grant awards during FY 1994, contingent upon availability of appropriated funds. Multiple year funding of grant awards is also contingent upon availability of funds. Previous awards have ranged from $5,000 per year to $400,000 per year with terms from 1 to 3 years. Similar award sizes are anticipated for new grants. Information about development and submission of applications, eligibility, limitations, evaluation, selection process, and other policies and procedures may be found in the ER Special Research Grants Application Kit and Guide and 10 CFR part 605. The application kit and guide is available from the U.S. Department of Energy, Office of Health and Environmental Research, Office of Energy Research, ER–72, Washington, DC 20585. Telephone requests may be made by calling (301) 903–6488.

The Catalog of Federal Domestic Assistance number for this program is 81.049.

Issued in Washington, DC, on February 4, 1993.

D. D. Mayhew,

Director, Office of Management, Office of Energy Research.

[FR Doc. 93–3691 Filed 2–16–93; 8:45 am]

BILLING CODE 6540–01–M

Federal Energy Regulatory Commission

[Docket No. QF93–29–000]

Auburndale Power Partners, Limited Partnership; Notice of Amendment to Filing

February 10, 1993.

On February 5, 1993, Auburndale Power Partners, Limited Partnership tendered for filing supplemental information.

The supplemental information clarifies certain technical aspects of the application. No determination has been made that the submittal constitutes a complete filing.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed by February 26, 1993, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary

[FR Doc. 93–3631 Filed 2–16–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. PL93–2–001]

Prior Notice and Filing Requirements Under Part II of the Federal Power Act; Initial Post-Technical Conference Order on the Filing of Expired Agreements

February 10, 1993.

Before Commissioners: Elizabeth Anne Moler, Chair; Charles A. Trabandt, Jerry J. Langdon, Martin L. Allday, and Branko Terzic.

In this order, we announce that public utilities will not be required to file with the Commission agreements under which jurisdictional service terminated prior to the August 2, 1991, issuance of Central Maine Power Company, 56 FERC ¶ 61,200, reh'g denied, 57 FERC ¶ 61,083 (1991) (Central Maine), and as to which a complaint has not been filed as of the date of this order.

Background

On December 9, 1992, the Commission issued an order in this proceeding scheduling a technical conference for January 28, 1993, and requesting comments on a number of related issues. 61 FERC ¶ 61,171 (1992). Those issues concerned the obligation of public utilities under section 205 of the Federal Power Act (FPA), 16 U.S.C. 824(d) (1988), and the Commission's implementing regulations, 18 CFR part 35 (1992), to file rates and charges for jurisdictional service, and all contracts and agreements relating to such service, at least 60 days in advance of the commencement of jurisdictional service. The Commission emphasized that it was aware of considerable uncertainty throughout the industry concerning the Commission's enforcement of the prior notice and filing requirement and, in particular, its application of the remedial policy first articulated in Central Maine.

Among the issues raised in the written comments was whether utilities should be required to file expired agreements. Most commenters agreed that no legitimate regulatory purpose could be served by requiring the filing of inactive agreements and by imposing the severe sanction of refunds for their late filing. They argued that if jurisdictional service already has terminated and the customer has not protested, any benefit of a current filing requirement is far outweighed by the burdens and expenses associated with a required search for historical documents evidencing some form of jurisdictional service. They also agreed that the language of the Central Maine orders—focusing on "current" service and "existing" agreements—reasonably led them to believe that they had no obligation to file expired agreements prior to the October 7, 1991 close of the Central Maine amnesty window. One group of commenters, however, consisting of a number of municipal electric systems in Vermont,[1] argued just the opposite—that the Commission should not excuse the late filing of agreements that, because of utility neglect, had terminated or been superseded prior to filing. In their opinion, utilities should not be rewarded for conduct that precluded meaningful Commission review of the justness and reasonableness of jurisdictional rates prior to the commencement, or during the pendency of, jurisdictional service.

Many of the participants in the January 28, 1993 technical conference also expressed concern regarding the spectre of potential refund liability for unfiled, expired agreements for jurisdictional service. Some focused on the practical impossibility, and the immense burden and expense, of searching records and interviewing past and present personnel in an effort to uncover every scrap of paper that arguably may evidence a historical agreement for jurisdictional service. Others expressed great concern about the magnitude of potential refunds for the late filing of historical agreements for service transacted during the past half-century. One participant (New York State Electric & Gas Corporation) explained the obligation of utilities to disclose even remotely possible refunds in financial statements and disclosures and the need for immediate Commission action to remove this refund cloud.

Discussion

After reviewing the written comments filed in, and the oral testimony presented in, this proceeding, we find that it would not be in the public interest to require the filing of agreements that expired prior to the August 2, 1991, issuance of Central Maine.[2] We do not believe that any significant regulatory purpose would be furthered by the utility obligation to file, and the Commission obligation to review, agreements involving consensual jurisdictional transactions that commenced and expired prior to August 2, 1991, unless the failure to file has been brought to our attention as of the date of issuance of this order. Our ability to go back in time to review the justness and reasonableness of the rates, terms, and conditions of service that has terminated necessarily is limited. See PacificCorp Electric Operations, 60 FERC ¶ 61,292 at 62,039 (1992), reh'g pending. Moreover, we do not believe it is in the public interest to subject public utilities to the financial uncertainty created by the potentially large refund liability associated with unfiled agreements that may date as far back as 1935.

Our action should not be construed that we countenance the late filing (or non-filing) of rates, charges, and related agreements for jurisdictional service. Public utilities have an obligation under section 205 of the FPA to file at least 60 days in advance of the commencement of jurisdictional service. See Central Hudson Gas & Electric Corp., 60 FERC ¶ 61,106, reh'g denied, 61 FERC ¶ 61,089 (1992) (clarifying circumstances under which the Commission will find good cause for waiver of the prior notice and filing requirement). We wish to encourage, not discourage, compliance with this important statutory obligation.

We conclude that the resources of the utilities, the public and this Commission can better be devoted t agreements under which utilities currently are providing service and to future compliance with the statute than to working over past transactions.

With respect to the concern of the Vermont Cities that customers will be subject to the intransigence of a selling utility with unequal bargaining strength,[3] we note that customers may file a complaint or make a call to the Commission's Enforcement "Hotline" ((202) 208–1390) alerting the Commission to the commencement of jurisdictional service under unfiled and unreviewed rates and related agreements.

We take this initial and limited action now to help remove whatever cloud of uncertainty lingers with respect to refund exposure for the failure to file agreements under which jurisdictional service terminated prior to August 2, 1991. We do not act now on the numerous other issues raised in the comments and the testimony presented in this proceeding. We intend to act in the near future concerning those issues, as well as related issues presented for our consideration in pending dockets.[4]

However, all agreements for jurisdictional service that were ongoing as of August 2, 1991 must be filed for Commission review.

The Commission orders.

(A) Unless a complaint is pending as of the date of issuance of this order, challenging a utility's failure to file, agreements under which jurisdictional service terminated prior to August 2, 1991, need not be filed with the Commission, as discussed in the body of this order.

---

[1] This group consists of Barton Village, Inc., the Village of Enosburg Falls Water & Light Department, the Village of Orleans, and the Village of Swanton, Vermont (collectively, Vermont Cities).

[2] The one exception concerns agreements as to which a complaint has been filed as of the date of issuance of this order, challenging the utility's failure to file.

[3] In this regard, we note that the American Public Power Association, which represents approximately 2000 publicly-owned utilities, filed comments in this proceeding urging the Commission to focus its enforcement efforts on a prospective basis to existing tariffs and agreements and to limit the utility obligation to search its records only to non-terminated agreements.

[4] Accordingly, we will issue a future order acting on Central Maine's pending requests for relief (in Docket Nos. ER91–457–004, ER92–286–002, ER92–484–001, ER92–512–001, ER92–817–001, and ER93–130–000).

(B) The Secretary will promptly publish a copy of this order in the Federal Register.

By the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3630 Filed 2–16–93; 8:45 am]

BILLING CODE 6717–01–M

Application Filed With the Commission

February 9, 1993.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

a. *Type of Application:* Transfer of License.

b. *Project No.:* 5276–002.

c. *Date Filed:* January 13, 1993.

d. *Applicant:* Niagara Mohawk Power Corporation.

e. *Name of Project:* Hudson Falls Project.

f. *Location:* On the Hudson River in the Village of Hudson Falls and the Towns of Moreau and Kingsbury, Saratoga and Washington Counties, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:*

Niagara Mohawk Power Corporation, Attn: John W. Keib, 300 Erie Boulevard West, Syracuse, NY 13202

Winston & Strawn, Attn: William J. Madden, Jr., 1400 L Street NW., Washington, DC 20005

Northern Electric Power Co., L.P., Attn: John M. Forester, Civic Center Plaza, suite 100, Five Warren Street, Glen Falls, NY 12801

Reid & Priest, Attn: Jonathan W. Gottlieb, Esq., 701 Pennsylvania Avenue NW., Suite 800 Washington, DC 20004.

i. *FERC Contact:* Etta Foster, (202) 219–2679.

j. *Comment Date:* March 8, 1993.

k. *Description of Proposed Action:* Niagara Mohawk Power Corporation proposes to transfer the Hudson Falls Project, No. 5276, to Northern Electric Power Co., L.P. and Niagara Mohawk Power Corporation jointly.

l. *This notice also consists of the following standard paragraphs:* B & C.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

B. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS," "RECOMMENDATIONS FOR TERMS AND CONDITIONS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATIONS," "PROTEST" or "MOTION TO INTERVENE," as applicable, and the project number of the particular application to which the filing is in response. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to: The Director, Office of Hydropower Licensing, Division of Project Compliance and Administration, Federal Energy Regulatory Commission, ATTN: HL–21, room 1148 UCP, at the above address. A notice of intent, competing application, or motion to intervene must also be served upon each representative of the applicant specified in the particular application.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3574 Filed 2–16–93; 8:45 am]

BILLING CODE 6717–01–M

Application Filed With the Commission

February 9, 1993.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

a. *Type of Application:* Transfer of License.

b. *Project No.:* 5461–002.

c. *Date Filed:* January 13, 1993.

d. *Applicant:* Niagara Mohawk Power Corporation.

e. *Name of Project:* South Glens Falls Project.

f. *Location:* On the Hudson River near the Towns of Moreau and Queensbury, the City of Glens Falls, Warren and Saratoga Counties, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:*

Niagara Mohawk Power Corporation, Attn: John W. Keib, 300 Erie Boulevard West, Syracuse, NY 13202

Winston & Strawn, Attn: William J. Madden, Jr., 1400 L Street NW., Washington, DC 20005

South Glens Falls Limited Partnership, Attn: John M. Forester, Civic Center Plaza, Suite 100, Five Warren Street, Glen Falls, NY 12801

Reid & Priest, Jonathan W. Gottlieb, Esq., 701 Pennsylvania Avenue NW., Suite 800, Washington, DC 20004.

i. *FERC Contact:* Etta Foster (202) 219–2679.

j. *Comment Date:* March 8, 1993.

k. *Description of Proposed Action:* Niagara Mohawk Power Corporation proposes to transfer the Hudson Falls Project, No. 5461, to South Glens Falls Limited Partnership and Niagara Mohawk Power Corporation jointly.

l. *This notice also consists of the following standard paragraphs:* B & C.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS," "RECOMMENDATIONS FOR TERMS AND CONDITIONS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATIONS," "PROTEST" or "MOTION TO INTERVENE," as applicable, and the project number of the particular application to which the filing is in response. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: The Director, Office of Hydropower Licensing, Division of Project Compliance and Administration, Federal Energy Regulatory Commission, ATTN: HL–21, room 1148 UCP, at the above address. A notice of intent, competing application, or motion to

intervene must also be served upon each representative of the applicant specified in the particular application.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3575 Filed 2–16–93; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 2187–002, et al.]

Hydroelectric Applications; Public Service Company of Colorado, et al.

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1. *a. Type of Application:* Subsequent License.

b. Project No.: 2187–002.

c. Date filed: December 30, 1991.

d. Applicant: Public Service Company of Colorado.

e. Name of Project: Georgetown Hydroelectric.

f. Location: On South Clear Creek in Clear Creek County, Colorado, partially within Arapaho National Forest and on U.S. lands administered by the Bureau of Land Management.

g. Filed Pursuant to: Federal Power Act, 16 USC 791(a)–825(r).

h. Applicant Contact: Mr. Timothy J. Flanagan, Kelly, Stansfield & O'Donnell, 1225–17th Street, suite 2500, Denver, CO 80202–5533, (303) 825–3534.

i. FERC Contact: James Hunter at (202) 219–2839.

j. Deadline Date: Initial Comments March 23, 1993; Reply Comments May 7, 1993.

k. Status of Environmental Analysis: This application is ready for environmental analysis at this time—see attached paragraph D10.

l. Description of Project: Licensed project works consist of: (1) The 10-foot-high, 196-foot-long Murray Dam impounding the 9-acre Murray Lake Reservoir; (2) the 8-foot-high, 330-foot-long Silver Dollar Dam impounding the 17-acre Silver Dollar Lake Reservoir; (3) the 19-foot-high, 150-foot-long Clear Lake Dam impounding the 26-acre Clear Lake Reservoir; (4) the diversion on Leavenworth Creek, the 3,947-foot-long, 22-inch to 12-inch-diameter Green Lake pipeline, the 11-acre Green Lake, impounded by the 8-foot-high, 150-foot-long Green Lake Dam, and the 5-inch-diameter, 600-foot-long pipeline to South Clear Creek; (5) the 26-foot-high, 115-foot-long Georgetown Forebay Dam impounding the 3-acre Forebay Reservoir; (6) a 26 to 34-inch-diameter, 5,410-foot-long steel penstock; (7) a powerhouse containing two 720-kW generating units; and (8) a substation connecting directly to the applicant's distribution system. The average annual generation is 5.91 GWh. The applicant does not include items (1), (2), and (4) in the project it proposes for relicense.

m. Purpose of Project: Power generated at the project is delivered to customers within the applicant's service area.

n. This notice also consists of the following standard paragraphs: A4 and D10.

o. Available Locations of Application: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the Public Service Company of Colorado's office at 1225–17th Street, Denver, Colorado, (303) 329–1578.

2. *a. Type of Application:* New Major License.

b. Project No: 2287–003.

c. Date filed: December 26, 1991.

d. Applicant: Public Service Company of New Hampshire.

e. Name of Project: J. Brodie Smith.

f. Location: On the Androscoggin River near Berlin in Coos County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)..

h. Applicant Contact: Mr. James J. Kearns, 1000 Elm Street, P.O. Box 330, Manchester, NH 03105.

i. FERC Contact: Ms. Julie Bernt, (202) 219–2814.

j. Comment Date: Initial Comments March 16, 1993 Reply Comments April 30, 1993.

k. Status of Environmental Analysis: This application is ready for environmental analysis at this time—see attached paragraph D9.

l. Description of Project: The licensed project would consist of the following existing facilities: (1) A 24-foot-high masonry and concrete dam; (2) two spillways, one 170 feet long and the other 256 feet long; (3) a reservoir with a surface area of 8 acres at surface elevation 1,009.7 feet USGS and a storage area of 60 acre-feet; (3) an 18-foot-diameter, 1,450-foot-long steel penstock; (4) a 1.15-million-gallon steel surge tank; (5) an 18-foot-diameter, 200-foot-long penstock; (6) a powerhouse containing one generating unit with a rated capacity of 13 MW; (7) a 1,500-foot-long transmission line; and, (8) appurtenant facilities. The applicant is proposing no changes to the project. The average annual net energy generation is 104,261 MWh. The applicant owns all the existing project facilities.

The existing project would also be subject to Federal takeover under sections 14 and 15 of the Federal Power Act.

m. Purpose of Project: Project power sold be utilized by the applicant for sale to its customers.

n. This notice also consists of the following standard paragraphs: A4 and D9.

o. Available Location of Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Public Service Company of New Hampshire, 1000 Elm Street, Manchester, NH 03105, or by calling (603) 669–4000.

3. *a. Type of Application:* Surrender of License.

b. Project No: P–3706–016.

c. Date Filed: November 19, 1992.

d. Applicant: American Hydro Power Co.

e. Name of Project: Mussers Dam.

f. Location: On Middle Creek in Snyder County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Licensee Contacts:

Mr. Allan S. Miller, American Hydro Power Co., 33 Rock Hill Road, Bala Cynwyd, PA 19004–2010, (215) 668–8143.

Ms. Barbara Jost, Wilkinson, Barker, Knauer & Quinn, 1735 New York Avenue, NW., Washington, DC 20006, (202) 783–4141.

i. FERC Contact: Dean C. Wight, (202) 219–2675.

j. Comment Date: March 23, 1993.

k. Description of Proposal: The licensee proposes to surrender the project license. Pursuant to Commission order of September 3, 1992, the licensee has removed the unsafe project dam and decommissioned the project. Decommissioning was completed during November, 1992. The licensee states that it has diligently worked to satisfy the other requirements of the order of September 3, 1992, which were intended to mitigate the effects of dam removal on soil erosion, wildlife, recreation, and cultural resources.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

4. *a. Type of Application:* Minor License.

VOL 58 ISS 30 FE 17 1993 UMI

b. Project No.: 10684–000.
c. Date Filed: November 1, 1988.
d. Applicant: Lansing Board of Water and Light.
e. Name of Project: Moores Park Dam.
f. Location: On the Grand River in the City of Lansing, County of Ingham, Michigan.
g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).
h. Applicant Contact: Mr. Joe Pandy, Jr., P.O. Box 13007, Lansing, MI 48901, (517) 371–6710.
i. FERC Contact: Charles T. Raabe, (202) 219–2811.
j. Deadline Date: Initial Comments March 16, 1993; Reply Comments April 30, 1993.
k. Status of Environmental Analysis: This application is ready for environmental analysis at this time—see attached standard paragraph D10.
l. Description of Project: The existing project consists of: (1) A 190-foot-long, 21-foot-high reinforced-concrete gravity-type dam having three 20-foot-long tainter gates and having a 117-foot-long overflow-type spillway surmounted by wooden flashboards; (2) a reservoir having a 240-acre surface area and a 2,000 acre-foot storage capacity at normal water surface elevation 833.5 feet; (3) an integral powerhouse at the left (north) abutment containing two 540-kW generating units each operated under a 15-foot head and a flow of 600 cfs; (4) a 200-foot-long, 4,160-volt underground transmission line and a 4,160/13,200-volt transformer; and (5) appurtenant facilities.

The existing hydroelectric facilities were constructed in 1908. No change to the current run-of-river operation is proposed. The average annual electrical generation has approximated 2,210,000 Kwh. The primary function of the facility is to provide cooling water and house service power for the nearby Eckert Station-a coal-fired power plant.

m. Purpose of Project: The purpose of the project is to generate electric energy for sale to applicant's customers.
n. This notice also consists of the following standard paragraphs: A4 and D10.
o. Available Location of Application: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Lansing Board of Water & Light, 123 W. Ottawa Street, Lansing, Michigan 48901, (517) 371–6000.

5. *a. Type of Application:* Minor License.
b. Project No.: 11345–001.
c. Date filed: December 21, 1992.
d. Applicant: GREIA Hydro Corporation.
e. Name of Project: Greene Mill Dam.
f. Location: On the Shell Rock River, in the Town of Greene, Butler County Iowa.
g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).
h. Applicant Contact: Mr. Thomas J. Wilkinson, Jr., 300 American Building, Cedar Rapids, IA 52401, (319) 366–4990.
i. FERC Contact: Charles T. Raabe (dt), (202) 219–2811.
j. Comment Date: Initial Comments March 16, 1993.
k. Description of Project: The proposed project would consist of: (1) An existing 290-foot-long, 11-foot-high concrete dam; (2) a reservoir having an 85-acre surface area and a 385-acre-foot storage capacity at normal water surface elevation 946 feet MSL; (3) a reconstructed powerhouse containing one 150-kW generating unit and one 250-kW generating unit for a total installed capacity of 400-kW operated at a 9-foot head; (4) a 25-foot-long, 13.8-kV transmission line; and (5) appurtenant facilities. The dam is owned by the Butler County Conservation Board. Applicant estimates that the average annual generation would be 3,128,880 kWh. Power would be sold to the utility company serving the area.
l. With this notice, we are initiating consultation with the State Historic Preservation Officer (SHPO), as required by section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR, at § 800.4.
m. Pursuant to § 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, SHPO, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merits, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the filing date and serve a copy of the request on the applicant.

6. *a. Type of Application:* Preliminary Permit.
b. Project No.: 11371–000.
c. Date filed: December 28, 1992.
d. Applicant: Peak Power Corporation.
e. Name of Project: Eldorado Modular Pumped Storage Project.
f. Location: Partially within the North McCullough Wilderness Study Area, on lands administered by the Bureau of Land Management, in the McCullough Mountains, approximately 14 miles south of Las Vegas, in Clark County, Nevada. R61E, T24S; R61E, T25S; R62E, T25S.
g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).
h. Applicant Contact: Mr. Rick S. Koebbe, Peak Power Corporation, 10 Lombard Street, suite 410, San Francisco, CA 94111, (415) 362–0887.
i. FERC Contact: Mr. Michael Strzelecki, (202) 219–2827.
j. Comment Date: March 24, 1993.
k. Description of Project: The proposed pumped storage project would consist of: (1) A 120-foot-high dam and 44-acre upper reservoir; (2) a 12.5-foot-diameter, 6,830-foot-long penstock and tunnel connecting the upper reservoir with a lower reservoir; (3) an 80-foot-high dam and 50-acre lower reservoir; (4) a powerhouse with a total installed capacity of 200 MW; (5) a 4.5-mile-long transmission line interconnecting with an existing Nevada Power Company transmission line; and (6) appurtenant facilities.

No new access roads will be needed to conduct the studies. The approximate cost of the studies would be $1,000,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

Standard Paragraphs:

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b)(1) and (9 and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit with be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, room 1027, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D9. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to § 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (March 16, 1993 for Project No. 2287–003). All reply comments must be filed with the Commission within 105 days from the date of this notice. (April 30, 1993 for Project No. 2287–003).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

D10. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to § 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (March 16, 1993 for Project No. 10684–000 and March 23, 1993 for Project No. 2187–002.) All reply comments must be filed with the Commission within 105 days from the date of this notice. (April 30, 1993 for Project No. 10684–000 and May 7, 1993 for Project No. 2187–002.)

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply

with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

Dated: February 11, 1993.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3632 Filed 2–16–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–04114T Louisiana–18]

State of Louisiana; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

February 10, 1993.

Take notice that on February 4, 1993, the Office of Conservation of the Department of Natural Resources for the State of Louisiana (Louisiana) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Haynesville Formation, underlying a portion of the North Shongaloo-Red Rock Field, Webster Parish, Louisiana, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The area of application covers portions of sections 5 and 6, Township 23 North, Range 9 West.

The notice of determination also contains Louisiana's findings that the referenced part of the Haynesville Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3633 Filed 2–16–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RM87–17–000]

Natural Gas Data Collection System; Notice of Availability of Revised Software, Filing Instructions and Record Formats, and User/Operations Manual for Natural Gas Rate Application Filings

Issued February 9, 1993.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of availability of revised electronic filing instructions and record formats, software, and User/Operations Manual for Natural Gas Rate Application filings.

SUMMARY: Revised software for data entry, edit-checking and printing of the hardcopy for natural gas rate filings is now available. This software has been developed for Commission use and to assist the pipeline companies in complying with the electronic submission requirements for rate filings in accordance with Order Nos. 493 (53 FR 15025 (Apr. 27, 1988)), 493–A (53 FR 30027 (Aug. 10, 1988)), 493–B (53 FR 49652 (Dec. 9, 1988)), 493–C (53 FR 21197 (May 17, 1989)) and 493–D issued February 3, 1993.

Both PC executable and mainframe source code versions of the software are available at this time. The hardcopy print software processes all 'FILE1' records including Schedule/Record ID's RA29 through RA39 (Statement G) which had been omitted from the previous release of hardcopy print software. The revised edit-checking and data entry software are being issued to correct deficiencies that users reported with the previous release.

Revised filing instructions and record formats and an updated User/Operations Manual covering the PC and mainframe versions of the rate filing software are also available at this time. The revisions to the record formats and instructions for preparing and submitting electronic rate filings to the Commission are summarized in appendix A. A listing of the revisions to the edit-checks detailed in the User/Operations Manual is provided in appendix B.

The revised filing instructions and record formats will be effective on March 22, 1993. All rate applications filed with the Commission on or after March 22, 1993, must be in conformance with the revised Rate Filings Instructions and Record Formats which are being made available at this time.

DATES: The revised PC and mainframe software, electronic filing instructions and record formats, and the User/Operations Manual for rate application filings are available on February 9, 1993.

ADDRESSES: Requests for the revised filing instructions and record formats, the User/Operations Manual, and the PC software packages should be directed to the Reference and Information Center, Federal Energy Regulatory Commission, 941 North Capitol Street NE., room 3308, Washington, DC 20426, (202) 208–1371.

FOR FURTHER INFORMATION CONTACT: For general information, contact Bill Anderson at (202) 208–2211. For information related to the execution of the software, contact Craig Hill at (202) 208–2026.

SUPPLEMENTARY INFORMATION: The PC version of the rate filing software consists of three modules: Data entry, edit-check, and hardcopy print. The PC software can be run on an IBM-compatible PC with at least 640K RAM and DOS 3.0 or later version. A mainframe version of the edit-check and hardcopy print modules is also available. The revised Filing Instructions and Record Formats for Rate Filings, the User/Operations Manual, and the three software modules are available on 3.5" (1.44MB) or 5.25" (1.2MB) double sided, high density diskette. The filing instructions and the User/Operations Manual are available in WordPerfect 5.1 and ASCII format as separate packages.

Each software module has been tested by staff. If problems occur relating to the software, the Commission staff encourages users to provide written comments as to the exact nature of the problem and submit them to Craig Hill, room 6006–D, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

The PC software modules, the filing instructions and record formats, and the User/Operations Manual are available from the Commission's copy contractor, LaDorn Energy Information Services ((202) 898–1151 or (800) 676–FERC), located in room 3106, 941 North Capitol Street, NE., Washington, DC 20426. The software and written documentation is available without charge. However, there is a fee of approximately $7.00 per 3.5" or 5.25" diskette for the copying

service pr
copy cont
Formats a
User/Oper
available i
30 cents p
The ma
edit-check
is availabl
contacting
This no
Commissi
(CIPS), an
service tha
document

Old manual page No.	
4	
4	
29	
38	
39–40	
77	
216	
78	
219	
126	
211	
131	
183	
267	

Old manual No.	
D–14	
D–15	
D–41	
D–42	
D–44	
D–44 thru D–	
D–74	
D–109	
D–109 thru D	
D–110	
D–111	

service provided by the Commission's copy contractor. The revised Record Formats and Instruction Manual and the User/Operations Manual are also available in hardcopy format at a cost of 30 cents per page.

The mainframe source code for the edit-check and hardcopy print software is available on 3.5" or 5.25" diskette by contacting Craig Hill at (202) 208–2026.

This notice is available through the Commission Issuance Posting System (CIPS), an electronic bulletin board service that provides access to formal documents issued by the Commission. CIPs is available at no charge to the user and may be accessed on a 24-hour basis using a personal computer with a modem. Your communications software should be set at full duplex, no parity, eight data bits and one stop bit. To access CIPS at 300, 1200 or 2400 baud dial (202) 208–1397. For access at 9600 baud, dial (202) 208–1781. FERC is using U.S. Robotics HST Dual Standard modems. If you have any problems in obtaining a copy of this notice through CIPS, please call (202) 208–2474. The notice will be available on CIPS for 30 days from the date of issuance of the notice.

In addition to publishing the text of this notice in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this notice during normal business hours in the Reference and Information Center (room 3308) at the Commission's headquarters, 941 North Capitol Street NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

APPENDIX A.—REVISIONS TO THE INSTRUCTIONS RELATING TO THE RATE FILING RECORD FORMATS

Old manual page No.	New manual page No.	Sch. ID/ record No.	Statement/ schedule	Description of change
4	4	.....	.....	Revised the General Instructions No. 3 (C).
4	5	.....	.....	Added new freeform text parameters (17, 20 and 24 CPI and 8 LPI) for portrait orientation page formatting can only be used for tabular display of data.
29	32	RA/08	C–4	Revised the comments for Items 106 and 107.
38	41	RA/13	E–3	Added a new Item 192a to the record.
39–40	42–43	RA/14	E–3	Revised the instructions for the 'Note:' at the top of page 39; revised the instructions for Item 195 on page 39; added a New Item 210a on page 40 to the record.
77	83			
216	224	RA/29		
		RB/13	G(29) N–10	Added a new Item 475a to both records.
78	84			
219	227	RA/30		
		RB/14	G(30) N–10	Revised the codes for Item 481 for both records
126	132			
211	218	RA/52		
		RB/10	H(4) N–8	Added a Note at the top of the page for instructions to enter FICA and Total Payroll Taxes; Revised the comment for Item 842, code=05. Changes apply to both records
131	137	RA/54	I–4	Established an f(8,4) format for Items 886, 887 and 888.
183	190	RA/78	M	Revised the Paragraph letters for Note 14.
267	280	.....	.....	Added two new codes to Exhibit H; F(5)–3(A) and F(5)–3(B).

APPENDIX B.—REVISIONS TO THE EDIT CHECKS CONTAINED IN THE USER/OPERATIONS MANUAL FOR RATE FILINGS (APPENDIX D)

Old manual page No.	New manual page No.	Sch. ID/record No.	Statement/ schedule	Description of change
D–14	D–14	RA/04 ..... RB/01	C	Revised edit for Item 54.
D–15	D–15	RA/04 ..... RB/01	C	Revised edit for Items 55 and 56.
D–41	D–41	RA/12	E–2	Revised edit for Item 173.
D–42	D–42	RA/12	E–2	Deleted edit for Item 182.
D–44	D–44	RA/14	E–3	Added a new edit for Item 197; Revised error message for Item 198.
D–44 thru D–48 ...	D–44 thru D–48 ...	RA/14	E–3	Revised edit and error messages for Items 199 through 210.
D–74	D–74	RA/30 ..... RB/14	G	Revised edit for Item 481.
D–109	D–109	RA/50 ..... RB/08	H(3)	Revised edit and error message for Item 819.
D–109 thru D–110	D–109 thru D–110	RA/50 ..... RB/08	H(3)	Revised edit and edit messages for Item 821.
D–110	D–110	RA/50 ..... RB/08	H(3)	Revised second edit for Item 832.
D–111	D–111	RA/50 ..... RB/08	H(3)	Revised edit for Item 833.

PACKAGE DESCRIPTIONS FOR THE PC VERSION OF THE RATE FILING SOFTWARE

Package	Description
Package A	PC Data Entry Executable Code 6 diskettes: released February, 1993.
Package B	PC Edit-checking Executable Code 5 diskettes: released February, 1993.
Package C	PC Hardcopy Print Executable Code 5 diskettes: released February, 1993.
Package D	(WP5.1): Record Formats Manual, User/Operations Manual, and the Notice of Availability of PC Rate Filing Software 2 diskette: released February, 1993.
Package E	(ASCII): Record Formats Manual, User/Operations Manual, and the Notice of Availability of PC Rate Filing Software 2 diskette: released February, 1993.

[FR Doc. 93–3576 Filed 2–16–93; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. ER93–26–000]

American REF-Fuel Co. of Essex County; Notice of Filing

February 10, 1993.

Take notice that on February 5, 1993, American-REF-Fuel Company of Essex County, owner of an electric generating facility located in Newark, New Jersey, submitted for filing, pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.207, an Amendment to an initial rate schedule, filed October 16, 1992, for sales to Jersey Central Power & Light Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before February 22, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3577 Filed 2–16–93; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. RS92–2–000]

ANR Storage Co.; Notice of Conference

February 10, 1993.

Take notice that a conference will be convened on February 25, 1993, at 10 a.m. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC.

The purpose of this conference is to address the filing by ANR Storage Company to comply with Order No. 636.

All interested persons are invited to attend. However, attendance at the conference will not confer party status.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3634 Filed 2–16–93; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. RS92–3–000]

Arkla Energy Resources; Notice of Conference

February 10, 1993.

Take notice that on Wednesday, February 24 and, if necessary, Thursday, February 25, 1993, a conference will be convened in the above-captioned restructuring proceeding. The conference will be held pursuant to the Commission's order issued January 29, 1993 in this docket. Parties should be prepared to discuss the matters specifically identified to be discussed at the conference in that order. Other matters may be discussed as necessary to facilitate AERCo's revised compliance filing.

The conference will be held in a hearing or conference room of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426. The conference will begin at 10 a.m. on February 24, 1993. All interested parties are invited to attend. Attendance at the conference will not confer party status.

For additional information, interested persons can call Richard White at (202) 208–0491 or Robert Steinberg at (202) 208–1032.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3635 Filed 2–16–93; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. RS92–26–000]

United Gas Pipe Line Co.; Notice of Conference

February 10, 1993.

Take notice that on March 4, 1993, the Commission staff will convene a conference concerning United Gas Pipe Line Company's revised Order No. 636 compliance filing. United has requested said conference in order for all parties to discuss proposed modifications to its November 2, 1992, compliance filing. The purpose of the conference will be to provide staff and all parties an opportunity to comment on the proposed revisions.

Convening this conference is contingent upon United submitting for staff and all parties to review a revised compliance plan on February 24, 1993.

The conference will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Hearing Room (to be determined), Washington, DC. The conference will begin at 10 a.m. on March 4, 1993. All parties are invited to attend. Attendance at the conference will not confer party status. For additional information, interested parties can call Ingrid Olson at (202) 208–2015 or William C. Lansinger, Jr. at (202) 208–2082.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3636 Filed 2–16–93; 8:45 am]
BILLING CODE 6717–01–M

Office of Hearings and Appeals During the Issuance of Decisions and Orders; Week of January 25 Through January 29, 1993

During the week of January 25 through January 29, 1993, the decisions and orders summarized below were issued with respect to applications for relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

David DeKok, 1/29/93, LFA–0258

David DeKok, a freelance author, filed an Appeal from a denial by the DOE's Idaho Operations Office (Idaho) of a Request for Information that he had filed under the Freedom of Information Act. In considering the Appeal, the DOE found that Idaho had not conducted an adequate search for documents in response to DeKok's request. The DOE also found that Idaho could not require Mr. DeKok to pay search fees in connection with this particular request, because the DOE had previously found Mr. DeKok to be a "representative of the news media" in a related proceeding. The Appeal was therefore granted in part.

Marlene R. Flor, 1/29/93, LFA–0261

Marlene R. Flor filed an Appeal from a partial denial by the DOE Field Office, Albuquerque (DOE/AL) of a request for information submitted under the Freedom of Information Act (FOIA) and the Privacy Act. Ms. Flor, an employee of DOE/AL, requested a copy of the contents of her personnel security file (PSF). The DOE/AL released certain documents but withheld other material which was not referred to in the determination letter issued to Ms. Flor. After Ms. Flor filed the Appeal, the DOE/AL informed the OHA that Ms. Flor has received notice of the suspension of her DOE security clearance and that she has since requested a hearing regarding the suspension. The DOE/AL also stated that certain documents in Ms. Flor's PSF were being withheld pending her formal response to allegations set forth in a letter notifying her of the suspension, but that Ms. Flor would be provided an oppportunity prior to her hearing to obtain these documents. The DOE/AL explained to the OHA that its determination letter did not address these documents because the appellant had only requested "DOE-releasable" documents and that therefore the documents deemed not releasable by the DOE fell outside the scope of Ms. Flor's request. In considering the Appeal, the DOE found that because Ms. Flor had clearly requested a copy of the contents of her PSF, the documents withheld were within the scope of her request. Accordingly, the matter was remanded to DOE/AL with instructions to issue a new determination either releasing the documents withheld or explaining the reasons for withholding any of the information contained in the documents, with reference to the exemptions in both the FOIA and Privacy Acts authorizing the withholding.

Request for Exception

Chapman Oil, 1/28/93, Lee–0037

Chapman Oil (Chapman) filed an Application for Exception from the provisions of the Energy Information Administration (EIA) reporting requirements, in which the firm sought relief from filing form EIA–782B, entitled "Reseller/Retailer's Monthly Petroleum Product Sales Report." In considering the request, the DOE found that the firm did not meet the standards for exception relief because it was not experiencing serious hardship or gross inequity as a result of the EIA reporting requirements. Accordingly, exception relief was denied.

Refund Application

Shell Oil Company/Gencarelli Oil Co., Inc., 1/26/93, RF315–10212

The DOE issued a Decision and Order denying an Application for Refund filed in the Shell Oil Company special refund proceeding on behalf of Gencarelli Oil Co., Inc. (GOC). The applicant, Robert Emmet, Jr., requested a refund based upon purchases by GOC of 18,258,848 gallons of Shell products. In considering the request, the OHA found that Mr. Emmet had already received a refund based upon the GOC'S purchases, and no additional refund was justified. The Application was denied.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Alside, Inc. et al	RF272–77186	01/29/93
Atlantic Richfield Company/Alex' West Sahara Arco et al	RF304–13385	01/27/93
Atlantic Richfield Company/Bob's Truckstop	RF304–13533	01/29/93
Atantic Richfield Company/Charlie's Arco	RF304–12957	01/26/93
Atlantic Richfield Company/Donald G. Winslow	RF304–13530	01/26/93
Atlantic Richfield Company/Edward Cimino	RF304–13531	01/26/93
Atlantic Richfield Company/Rigby's Arco et al	RF304–13368	01/26/93
Atlantic Richfield Company/Transub, Inc	RF304–13532	01/26/93
Bangor Area School District	RF272–81626	01/28/93
Bentonville School District et al	RF272–78853	01/29/93
Berrien County Road Commission	RF272–81510	01/27/93
Bolivar R–1 Schools	RF272–82493	01/29/93
City of Austell	RF272–82936	01/28/93
East Washington School Corp. et al	RF272–81409	01/28/93
Elkhorn Area School District et al	RF272–80734	01/26/93
F&M Co-op Gas & Oil Co. Co-operative Grain & Supplyco	RF272–75869	01/27/93
	RF272–75905	
Gulf Oil Corporation/Al Clark's Gulf et al	RF300–13443	01/26/93
Gulf Oil Corporation/Antigo Electric and Gas Co. et al	RF300–13121	01/29/93
Gulf Oil Corporation/Burnside Gulf et al	RF300–171245	01/29/93
Gulf Oil Corporation/Chrysler Corp	RF300–20474	01/29/93
Gulf Oil Corporation/Four Seasons Mart et al	RF300–17526	01/28/93
Gulf Oil Corporation/Haines Gulf et al	RF300–17137	01/25/93
Gulf Oil Corporation/Wilson Singleton Gulf	RF300–17076	01/29/93
Liberty Local School District	RF272–82977	01/28/93
Mahtomedi Public Schools	RF272–81681	01/29/93
Shell Oil Company/Jim Parris Shell Service et al	RF315–351	01/26/93
Texaco Inc./Country Stores	RF321–19567	01/29/93
Texaco Inc./Macon Bandag, Inc. et al	RF321–17477	01/28/93
Texaco Inc./Mrs. Erma Dunlap et al	RF321–13037	01/27/93
The Kroger Co	RF272–92096	01/26/93
O&G Industries, Inc	RF272–93822	
Town of Allenstown	RF272–83332	01/27/93
Town of Rye	RF272–83475	
Town of South Tuscon	RF272–83571	
City of Maple Grove	RF272–83582	
Town of Monroe Board of Education	RF272–81555	01/27/93
Unit Corp	RF272–16229	01/27/93

Unit Corp	RF272-16229	
Penrod Drilling Company	RF272-56208	
Penrod Drilling Company	RF272-56208	
United Township High School District #30	RF272-81556	01/28/93

Dismissals

The following submissions were dismissed:

Name	Case No.
Alfred Paul	RF304-13053
Andy M. Stoughton	RF321-16822
Atlantic Disposal Service, Inc	RF304-13481
Cornelius W. Ames, Jr. Service Station	RF304-13054
Dan's Arco	RF304-13338
G.P.S. Enterprises, Inc	RF304-13476
Golden Guernsey Dairy Co	RF321-15057
Kerry Texaco	RF321-13998
Lockridge Construction	RF300-17232
Lunsford Oil Co., Inc	RF300-15978
Mum's Grocery	RF300-13434
Ram Fuel Corp	RF300-16774
Ram Fuel Corp	RF300-16775
Schoolcraft and Outer Drive Gulf	RF300-17037
Schoolcraft and Telegraph Gulf	RF300-17038
Swifty's Food Store	RF300-18743
Wesco Petroleum Corp	RF304-3288
York Truck Rental, Inc	RF300-17822

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E-234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published looseleaf reporter system.

Dated: February 10, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 93-3693 Filed 2-16-93; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of proposed implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy announces proposed procedures for the disbursement of $302,541.89 (plus accrued interest) that Whitaker Oil Company remitted to the DOE pursuant to an Agreed Judgment entered into by the DOE and Whitaker. The OHA has tentatively determined the funds will be distributed in accordance with the DOE's special refund procedures, 10 CFR part 205, subpart V.

DATES: Comments must be filed in duplicate on or before March 19, 1993.

ADDRESSES: Comments should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. All comments should conspicuously display a reference to Case Number LEF-0052.

FOR FURTHER INFORMATION CONTACT:

Richard W. Dugan, Associate Director, Stacy M. Crowell, Staff Analyst, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-2860 (Dugan); (202) 586-4921 (Crowell).

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy (DOE), 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The proposed Decision and Order sets forth the procedures that the DOE has tentatively formulated to distribute monies that have been remitted by Whitaker Oil Company to the DOE to settle possible pricing violations with respect to its sale of diesel fuel, kerosene, toluene, and xylene. The DOE is currently holding $302,541.89 in an interest-bearing escrow account pending distribution.

Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized. Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of the publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received will be available for public inspection between the hours of 1 p.m. and 5 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in room 1E-234, 1000 Independence Avenue, SW., Washington, DC 20585.

Dated: February 10, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 93-3692 Filed 2-16-93; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50753A; FRL-4187-2]

Receipt of an Application for an Experimental Use Permit for a Transgenic Plant Pesticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On October 22, 1992, EPA received an application from the Monsanto Company for an EPA Experimental Use Permit (EUP) for a transgenic plant pesticide. On January 12, 1993, Monsanto submitted a request to amend their original EUP application. This is the second EUP application under the Federal Insecticide, Fungicide, and Rodenticide Act for testing with a plant that has been genetically-altered to produce a pesticide. The Agency has determined that this application may be of regional and national significance. Therefore, the Agency is soliciting public comments on this application.

DATES: Written comments must be received on or before March 19, 1993.

ADDRESSES: Comments, in triplicate, should bear the docket control number OPP-50753A and be submitted to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Crystal City, VA 22202.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Written comments will be available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Phillip O. Hutton, Product

Manager (PM) 18, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 213, Crystal Mall #2, 1921 Jefferson Davis Highway, Crystal City, VA 22202, (703) 305–7690.

SUPPLEMENTARY INFORMATION: On October 22, 1992, an application for an EUP was received from Monsanto Company, 700 Chesterfield Village Parkway, St. Louis, Missouri 63198. The application was assigned EPA File Symbol 524–EUP–TO. Monsanto proposes to test the Colorado Potato Beetle (CPB) control protein, delta-endotoxin, derived from the soil microbe *Bacillus thuringiensis* subspecies *tenebrionis* (B.t.t.), as expressed in plants and tubers of several lines of potato cultivars. According to the application, CPB control protein, B.t.t. delta-endotoxin, will be present at no more than .01% of the total weight of the potato plants or tubers. Some of the potato cultivar lines will contain only the B.t.t. gene for mediating CPB resistance. Other potato cultivar lines have been modified to contain the B.t.t. gene and genes mediating CPB and Potato Virus Y (PVY) or Potato Leaf Roll Virus (PLRV) resistance.

Monsanto's January 12, 1993 amendment removes Hawaii as a test site. As a consequence, the overall acreage for this EUP is reduced from 88.5 acres to 87 acres. Withdrawing Hawaii as a test site will reduce the anticipated forty and one-half acres of CPB resistant plants to be planted to 39 acres; the 48 acres of CPB resistant potato tubers to be planted is unaltered. A maximum of 15,000 plants or tubers will be planted per acre, each weighing approximately 5.6 grams per plant and 60 grams per tuber. The total plant material, at planting, will contain a maximum of 129.3 grams B.t.t. protein, with levels rising to a maximum of 34.6 kilograms of B.t.t. protein at harvest.

Individual test sites range from one-fifth to 15 acres in size; however, the majority will be under 1 acre. Proposed test sites are located in the following 13 states: Colorado, Idaho, Maine, Maryland, Michigan, Montana, New York, North Dakota, Ohio, Oregon, Pennsylvania, Washington, and Wisconsin. Upon completion of testing, some potato plants and tubers will be collected and saved for future research, analyses, or plantings. All other plant material will be destroyed. Because no plants or tubers will be used for food or feed, no tolerances for this EUP are requested. The application proposes that the permit be issued for 1 year, beginning March 1, 1993, and ending March 30, 1994.

Monsanto has amended its labeling to state the following:

This package contains Colorado potato beetle resistant potato plants containing a *Bacillus thuringiensis* subspecies *tenebrionis* protein. Contains potato variety containing vector PV-STBTO____. For use only at an application site of a cooperator and in accordance with the terms and conditions of the Experimental Use Permit. This labeling must be in the possession of the user at the time of planting of the potato plants. Not for sale to any person other than a participant or cooperator of the EPA-approved Experimental Use Program. CAUTION: Keep Out of Reach of Children. Active Ingredient: *Bacillus thuringiensis* subspecies *tenebrionis* IR-22 protein toxin as produced in potato and the genetic material necessary for the production of this protein:...0.01%. On the second label the active ingredient is represented as, Active Ingredient: *Bacillus thuringiensis* subspecies *tenebrionis* IR-23 protein toxin as produced in potato and the genetic material necessary for the production of this protein:...0.01%. It is a violation of Federal law to use these plants in any manner inconsistent with this labeling. These plants contain *Bacillus thuringiensis* subspecies *tenebrionis* insecticidal protein and may only be used according to the protocols as included in the approved EUP program for evaluation of the control of the following insect:
Colorado Potato Beetle/*Leptinotarsa decemlineata*

Cooperators must have a copy of each applicable protocol prior to initiating any research with these plants. Plants should be planted at a maximum of 15,000 plants per acre depending on the site variety. Do not contaminate water, food or feed by storage and/or disposal. Store in cool dry place inaccessible to children. Any plants not used in these experiments must be returned to Monsanto or disposed of as specified in the field protocols. All plant material that is not saved for further research, analyses, or future plantings must be destroyed as specified in the field protocols. None of the plants or plant material may be sold or allowed to enter into commerce. Do not reuse bag. Discard in trash. Ensure that the bag is completely empty of plants before disposing in the trash.

Proposed EUP Program

The proposed EUP program will include the following five experiments designed to evaluate the performance of the expressed protein against the CPB: efficacy and agronomic evaluations; performance confirmation; population dynamics and resistance management. In addition, seed increase trials will be conducted in order to produce seed for future plantings. In keeping with acceptable agronomic practices for each region, fertilizer, herbicides, and fungicides will be used, if needed, to improve soil nutrient levels, and to control weeds and diseases. If CPB populations exceed economic threshold levels, additional insecticides will be applied in accordance with local integrated pest management (IPM) practices to meet the objectives of the experiment. Any conventional pesticides used in this EUP program will be applied according to each pesticide's application rate as specified on its label.

Upon review of the Monsanto application, any comments received in response to this notice and any other relevant information, EPA will decide whether to issue or deny the EUP. If issued, EPA will set conditions under which the experiments are to be conducted. Any issuance of an EUP by the Agency will be announced in the **Federal Register**.

A copy of the Monsanto EUP application deleted of all CBI is available for public inspection in the Public Docket Office at the address listed under the **ADDRESSES** unit.

Dated: January 29, 1993.

Lawrence E. Culleen,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 93–3594 Filed 2–16–93; 8:45 am]
BILLING CODE 6560–50–F

[OPP–50754; FRL–4180–8]

Experimental Use Permit; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: This document corrects an Experimental Use Permit (EUP), 524–EUP–73, published in the **Federal Register** of May 21, 1992 (57 FR 21653), to Monsanto Company. On page 21655, column 2, 2d full paragraph, line 18, the vector agent, the Ti plasmid, was incorrectly stated as "vector Pv-Cobko__" it should have read "vector Pv-Ghbko__."

FOR FURTHER INFORMATION CONTACT: By mail: Phillip O. Hutton, Product Manager (PM) 18, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 213, Crystal Mall 2, 1921 Jefferson Davis Highway, Crystal City, VA 22202, (703) 305–7690.

Dated: February 3, 1993.

Lawrence E. Culleen,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 93-3595 Filed 2-16-93; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1980, Public Law 96-511. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 632-6934.

Federal Communications Commission

OMB Control No.: 3060-0495.

Title: Regulation of International Common Carrier Services, CC Docket No. 91-360.

Expiration Date: 11/30/95.

Description: In the Report and Order in CC Docket No. 91-360, Regulation of International Common Carrier Services, adopted October 8, 1992, the Commission modified current FCC policy that treats "foreign-owned" U.S. common carriers as dominant in their provision of all international services to all foreign markets in favor of a policy that regulates U.S. international carriers, whether U.S. or foreign-owned, as dominant only on those routes where foreign affiliates have the ability to discriminate against nonaffiliated U.S. international carriers in the provision of access to bottleneck services and facilities. Rule § 63.01(r) requires all applicants seeking authority to provide international communications service under 47 U.S.C. 214 to submit information to permit the FCC to determine their proper regulatory status under the modified policy. Applicants are also required to submit certain information that will enable the Commission to expedite grant of their applications under streamlined grant procedures adopted in the Report and Order. The Report and Order also requires that any certificated carriers that is, or that becomes, affiliated with a foreign carrier notify the Commission within a specified timeframe of the acquisition of such interest and submit certain information and certifications with the notification. This information will assist the Commission in determining whether a change in regulatory status is warranted as a result of the foreign affiliation reported by the carrier.

OMB Control No.: 3060-0298.

Title: Tariffs (Other Than Tariff Review Plan)—part 61, Transport Rate Structure and Pricing, CC Docket No. 91-213 and Expanded Interconnection with Local Telephone Company Facilities, CC Docket 91-141.

Expiration Date: 10/31/94.

Description: In the Report and Order in CC Docket No. 91-213, Transport Rate Structure and Pricing, adopted September 17, 1992, the Commission adopted interim rate structure and pricing rules to govern local exchange carriers (LEC) charges for two years. The current equal charge rule prices all transport charges on a per-minute basis, resulting in significant overordering of LEC transport facilities. Furthermore, the equal charge rule is not sustainable in a competitive access environment, since competitive access providers can price similar services on a flat-rate basis. The interim rate structure and pricing approach adopted in the Report and Order is an improvement over the equal charge rule because it promotes more efficient use of LEC networks. Implementation of the interim transport plan will require changes in the LEC's current access rate structure and pricing rules. The LECs are required to file tariffs for initial transport rates. The information will be used by the Commission to ensure that the tariff rates to be paid by interexchange carriers for transport services are just, reasonable, and nondiscriminatory.

In the Report and Order in the Expanded Interconnection with Local Telephone Company Facilities proceeding, CC Docket No. 91-141, the Commission required Tier 1 LECs, except for Puerto Rico Telephone Company, to provide expanded opportunities for third-party interconnections with their interstate special access facilities. Tier 1 LECs are required to file tariffs for expanded interconnection for DS1 and DS3 services. The tariffs will be filed on 90 days public notice. Tier 1 LECs are required to file tariffs for expanded interconnection for other special access services upon request. The LECs must file tariffs covering both physical and collocation, including floor space charges, and, in specified circumstances, virtual collocation arrangements and make them generally available.

OMB Control No.: 3060-0526.

Title: Density Pricing Zone Plans, Expanded Interconnection with Local Telephone Company Facilities—CC Docket No. 91-141

Expiration Date: 11/30/95.

Description: In the Report and Order in CC Docket No. 91-141, Expanded Interconnection with Local Telephone Company Facilities, the Commission requires Tier 1 LECs to provide expanded opportunities for third-party interconnection with their interstate special access facilities. The LECs will be permitted to establish a number of rate zones within study areas in which expanded interconnection in operational. These LECs must file and obtain approval of their pricing plans which will be used by FCC staff to ensure that the tariff rates are just, reasonable, and nondiscriminatory pursuant to the Communications Act of 1934, as amended.

OMB Control No.: 3060-0206.

Title: Domestic Public Fixed Radio Services—Part 21.

Expiration Date: 09/30/94.

Description: Part 21 contains the technical and legal requirements for radio stations operating in the Domestic Public Fixed Radio Services. General requirements under part 21 are contained in subparts B, C and D. Miscellaneous requirements are found in subpart E. Special requirements for each service are provided in subparts G, I, J, and K. Special requirements for development authorizations are provided in subpart F. The information requested under part 21 is used by the Commission staff in carrying out its duties as set forth in sections 308 and 309 of the Communications Act of 1934, as amended, to determine the technical, legal and other qualifications of applicants to operate a station in the domestic fixed service. The information is also used to determine whether grant of an application will serve the public interest, convenience and necessity. The staff also uses this information to ensure that applicants and licensees comply with the ownership and transfer restrictions imposed by Section 310 of the Act.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93-3562 Filed 2-16-93; 8:45 am]

BILLING CODE 6712-01-M

[PR Docket No. 92-274; DA 93-115]

Private Land Mobile Radio Services; Western Pennsylvania Public Safety Plan

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Chief, Private Radio Bureau and the Chief Engineer released this Order accepting the Public Safety Radio Plan for Western Pennsylvania (Region 36). As a result of accepting the Plan for Region 36, licensing of the 821–824/866–869 MHz band in that region may begin immediately.

EFFECTIVE DATE: February 5, 1993.

FOR FURTHER INFORMATION CONTACT:

Betty Woolford, Private Radio Bureau, Policy and Planning Branch, (202) 632–6497.

SUPPLEMENTARY INFORMATION:

In the matter of Western Pennsylvania Public Safety Plan.

Order

Adopted: February 1, 1993.
Released: February 5, 1993.

By the Chief, Private Radio Bureau and the Chief Engineer:

1. On October 5, 1992, Region 36 (Western Pennsylvania) submitted its Public Safety Plan to the Commission for review. The Plan sets forth the guidelines to be followed in allotting spectrum to meet current and future mobile communications requirements of the public safety and special emergency entities operating in the Western Pennsylvania area.

2. The Western Pennsylvania Plan was placed on Public Notice for comments due on December 28, 1992 (57 FR 55532, November 25, 1992). The Commission received no comments in this proceeding.

3. We have reviewed the Plan submitted for Western Pennsylvania and find that it conforms with the National Public Safety Plan. The plan includes all the necessary elements specified in the Report and Order in Gen. Docket No. 87–112, 3 FCC Rcd 905 (1987), and satisfactorily provides for the current and projected mobile communications requirements of the public safety and special emergency entities in the Western Pennsylvania area.

4. Therefore, we accept the Western Pennsylvania Public Safety Radio Plan. Furthermore, licensing of the 821–824/866–869 MHz band in the Western Pennsylvania area may commence immediately.

Federal Communications Commission.

Ralph A. Haller,

Chief, Private Radio Bureau.

[FR Doc. 93–3316 Filed 2–16–93; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Maryland Port Administration, et al.; Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200620–001.
Title: Maryland Port Administration/Hale Container Line, Inc. Terminal Agreement.
Parties:

Maryland Port Administration,
Hale Container Line, Inc. ("Hale").

Synopsis: This modification extends the current lease, which expires on February 13, 1993, to September 30, 1994; permits an additional extension not exceeding 6 months; and increases the charge for each loaded container carried by Hale's liner barge service.

Dated: February 10, 1993.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 93–3584 Filed 2–16–93; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License Revocations

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR part 510.

License Number: 2873
Name: Bernard J. McHale dba Bernard J. McHale Co.
Address: 2401 Lourance Blvd., Greensboro, NC 27407
Date Revoked: January 22, 1993
Reason: Surrendered license voluntarily.

License Number: 1185
Name: Seaway Forwarding Corporation and Danzas Seaway, Division of Seaway Forwarding Corporation
Address: 6900 Engle Rd., Ste. 11, Cleveland, OH 44130
Date Revoked: January 28, 1993
Reason: Failed to furnish a valid surety bond.

License Number: 1026–R
Name: John V. Carr & Son Corp. (NY)
Address: 1600 West Lafayette, Detroit, MI 48216
Date Revoked: February 3, 1993
Reason: Surrendered license voluntarily.

License Number: 986
Name: Albatross Shipping Company
Address: 2404 Government, Ocean Springs, MS 39564
Date Revoked: February 3, 1993
Reason: Failed to furnish a valid surety bond.

Bryant L. VanBrakle,

Director, Bureau of Tariffs, Certification and Licensing.

[FR Doc. 93–3613 Filed 2–16–93; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Anita Herren, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 9, 1993.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Anita Herren, Haskell, Texas, to acquire an additional 3.52 percent for a total of 10.66 percent; Robert W. Herren Marital Trust, Haskell, Texas, to acquire an additional 3.85 percent for a total of 11.68 percent; and Robert W. Herren

Residuary Trust, Haskell, Texas, to acquire an additional 7.95 percent for a total of 24.06 percent of the voting shares of Haskell Bancshares, Inc., Haskell, Texas, and thereby indirectly acquire Haskell National Bank, Haskell, Texas.

Board of Governors of the Federal Reserve System, February 10, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–3638 Filed 2–16–93; 8:45 am]

BILLING CODE 6210–01–F

Iowa National Bancshares Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 12, 1993.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Iowa National Bancshares Corp., Waterloo, Iowa; to acquire MidAmerica Financial Corporation, Waterloo, Iowa, and thereby engage in operating a savings association pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 10, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–3639 Filed 2–16–93; 8:45 am]

BILLING CODE 6210–01–F

Lincoln Trail Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 12, 1993.

A. Federal Reserve Bank of Chicago

(David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Lincoln Trail Bancshares, Inc., Taylorville, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Palmer State Bank, Taylorville, Illinois.

2. Valley Financial Corp., Caro, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of Community Bank, Caro, Michigan, formerly known as Akron State Bank, Caro, Michigan.

Board of Governors of the Federal Reserve System, February 10, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–3640 Filed 2–16–93; 8:45 am]

BILLING CODE 6210–01–M

FEDERAL TRADE COMMISSION

[Dkt. 9240]

American Family Publishers; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a New Jersey-based seller of magazine subscriptions from misrepresenting that an attorney is actively and substantially involved in the collection of any debt, and that legal action with respect to any alleged debt is about to be, or will be, initiated. Respondent also is prohibited from failing to instruct any debt collector it retains, engages or employs to comply fully with all the provisions of the Fair Debt Collection Practices Act.

DATES: Complaint issued April 16, 1990. Order issued January 21, 1993.[1]

FOR FURTHER INFORMATION CONTACT: David Medine or Roger Fitzpatrick, FTC/S–4429, Washington, DC 20580. (202) 326–3224 or 326–3172.

SUPPLEMENTARY INFORMATION: On Tuesday, July 21, 1992, there was published in the **Federal Register**, 57 FR 32220, a proposed consent agreement with analysis In the Matter of American Family Publishers, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 93–3680 Filed 2–16–93; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3413]

Citicorp Credit Services, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a New York-based processor of credit-card transactions to determine each month whether the chargeback rate for each of its merchants exceeds a certain percentage of all credit-card transactions for two of the preceding three months. The respondent is required to stop processing the credit-card sales of merchants with excessive chargeback rates or determine whether each merchant's chargebacks are the result of fraudulent, deceptive or unfair activity relating to the sale, advertising, promotion, or distribution of goods or services to consumers, and if so, to stop processing credit-card transactions for the merchant at the point.

DATES: Complaint and Order issued January 29, 1993.[1]

FOR FURTHER INFORMATION CONTACT: David Medine, FTC/S–4429, Washington, DC 20580. (202) 326–3224.

SUPPLEMENTARY INFORMATION: On Wednesday, November 25, 1992, there was published in the **Federal Register** 57 FR 55534, a proposed consent agreement with analysis In the Matter of Citicorp Credit Services, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 93–3678 Filed 2–16–93; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3414]

General Electric Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a New York-based manufacturer of lighting products from misrepresenting the relative light output or wattage of the bulbs, and from representing without certain qualifications relative energy cost savings or any environmental benefit for its bulbs.

DATES: Complaint and Order issued January 29, 1993.[1]

FOR FURTHER INFORMATION CONTACT: Joel Winston, FTC/S–4002, Washington, DC 20580. (202) 326–3153 or Phoebe Morse, Boston Regional Office, Federal Trade Commission, 10 Causeway Street, room 1184, Boston, MA 02222–1073. (617) 565–7240.

SUPPLEMENTARY INFORMATION: On Wednesday, November 25, 1992, there was published in the **Federal Register**, 57 FR 55537, a proposed consent agreement with analysis In the Matter of General Electric Company, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 93–3679 Filed 2–16–93; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

[Dkt. C–3412]

The Isaly Klondike Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Florida-based, frozen dessert bar corporation from misrepresenting the amount of fat, any other nutrient or ingredient, or calories in any of its frozen food products in the future. In addition, the order prohibits the respondent from misrepresenting the effect of any frozen food product on serum cholesterol levels or the risk of heart disease through the use of terms such as "low in cholesterol" or in any other manner.

DATES: Complaint and Order issued January 28, 1993.[1]

FOR FURTHER INFORMATION CONTACT: Robert Cheek, FTC/S–4002, Washington, DC 20580. (202) 326–3045.

SUPPLEMENTARY INFORMATION: On Tuesday, April 21, 1992, there was published in the **Federal Register**, 57 FR 14577, a proposed consent agreement with analysis In the Matter of the Isaly Klondike Company, for the purpose of soliciting pubic comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Donald S. Clark,

Secretary.

[FR Doc. 93–3677 Filed 2–16–93; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

VOL
58
ISS
30
17
1993
UMI
FE

GENERAL SERVICES ADMINISTRATION

Small Business Competitiveness Demonstration Program; Plan for Substitution of Categories in Targeted Industry Categories

AGENCY: Office of Small Disadvantaged Business Utilization, GSA.

ACTION: Notice.

SUMMARY: This notice informs the public of GSA's action to delete two of its original Targeted Industry Categories under the Small Business Competitiveness Demonstration Program and to substitute two new categories. This action is in coordination with Public Law 102–366, which extended the Small Business Competitiveness Demonstration Program for an additional four years.

ADDRESSES: Comments should be addressed to James H. Higgs, General Services Administration, Office of Small and Disadvantaged Business Utilization, room 6024, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Higgs, (202) 501–1155.

SUPPLEMENTARY INFORMATION: Title VII of the "Business Opportunity Development Reform Act of 1988", Public Law 100–656, established the Small Business Competitiveness Demonstration Program. Under that program, in May 1989, GSA targeted ten industries for the expansion of Federal contracting opportunities for small businesses where opportunities historically had been low despite sufficient numbers of small business contractors in the economy. Public Law 102–366 extended the Small Business Competitiveness Demonstration Program through December 31, 1996, and allowed agencies to substitute new targeted industries for any of the original industry categories targeted for the Program in which proposed goals were not attained. In two of GSA's targeted industries there has been little or no small business participation. Therefore a substitution of targeted industries is being made. The categories identified by Product Service Code PSC R707 (Contract Procurement and Acquisition Support Services) and PSC 6840 (Pest Control Agents and Disinfectants) are replaced by PSC R607 (Word Processing and Typing Services) and PSC S206 (Guard Services).

GSA's Plan To Expand Small Business Participation in 10 Industry Categories

GSA has 12 Business Service Centers located in major metropolitan cities, which were established to assist and promote small businesses, as well as other concerns interested in doing business with GSA and other Government agencies. GSA plans to increase small business participation in the 10 industry categories selected through its outreach efforts, which include the following:

—Participating in procurement conferences, seminars, workshops, etc. sponsored by various members of congress, state and local Governments, Chamber of Commerce and trade organizations.

—Working closely with the Small Business Administration, Minority Business Development Agency, Department of Defense and the remaining agencies participating in the Demonstration Program.

—Counseling business persons interested in doing business with GSA and other Government agencies.

Dated: February 4, 1993.

Mirinda Jackson,

Acting Director, Office of Small and Disadvantaged Business Utilization.

[FR Doc. 93–3675 Filed 2–16–93; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 76G-0346]

Olin Chemicals Corp.; Withdrawal of GRAS Affirmation Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a petition from Olin Chemicals Corp., requesting that the agency affirm that calcium hypochlorite as a source of 25 parts per million (ppm) available chlorine for use as a sanitizing agent in the treating or washing of fish is generally recognized as safe (GRAS).

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFS–217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9519.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 5, 1976 (41 FR 43940), FDA published a notice announcing that a petition (GRASP 3G0024) had been filed by Olin Chemicals Corp., 120 Lone Ridge Rd., Stamford, CT 06904. The petition asked that the agency affirm that calcium hypochlorite as a source of 25 ppm available chlorine for use as a sanitizing agent in the treating or washing of fish is GRAS.

On June 10, 1977, FDA asked the firm for additional data to support the petition. The last correspondence from the petitioner was a letter dated December 28, 1977. This letter did not respond to the agency's request for additional information to affirm that the petitioned use of calcium hypochlorite is GRAS. Moreover, the petitioner has submitted no further information or data to the agency.

On October 6, 1992, the agency sent a letter to the firm again requesting the additional data and asking for a statement of the firm's intent with regard to the petition. FDA's letter stated that if the requested information could not be submitted within 30 days of the date of the letter, then the petition should be withdrawn. Otherwise, the agency would proceed to publish a notice in the **Federal Register** to withdraw or deny the petition. More than 60 days have passed since the letter was sent, and the firm has not responded. Therefore, the agency is announcing that it considers this petition to be withdrawn by the firm, without prejudice to a future filing, in accordance with 21 CFR 171.7(b).

Dated: January 27, 1993.

Jerry Burke,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93–3558 Filed 2–16–93; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

"Low Income Levels" for Health Professions and Nursing Programs

The Health Resources and Services Administration (HRSA) is updating income levels used to identify a "low income family" for the purpose of providing training for individuals from disadvantaged backgrounds under various health professions and nursing programs included in titles VII and VIII of the Public Health Service Act (the Act).

The Department periodically publishes in the **Federal Register** low income levels used by the Public Health Service for grants and cooperative agreements to institutions providing training for individuals from disadvantaged backgrounds. A "low income level" is one of the factors taken into consideration to determine if an individual qualifies as a disadvantaged student for purposes of health professions and nursing programs.

The programs under the Act that use "low income levels" as one of the factors in determining disadvantaged backgrounds include the Health Careers Opportunity Program, section 740 (previously section 787), the Program of Financial Assistance for Disadvantaged Health Professions Students, section 740(a)(2)(F) (previously section 787(b)), and Nursing Education Opportunities for Individuals from Disadvantaged Backgrounds, section 827. Loans to Disadvantaged Students, section 724 (previously section 740(c)), Scholarships for Health Professions Students from Disadvantaged Backgrounds, section 737 (previously section 760), Disadvantaged Health Professions Faculty Loan Repayment and Fellowships Program, section 738 (previously section 761) were added to title VII by the Disadvantaged Minority Health Improvement Act of 1990 (Pub. L. 101–527) and are also using the low income levels. Other factors used in determining "disadvantaged backgrounds" are included in individual program regulations and guidelines.

Health Careers Opportunity Program (HCOP), Section 740

Awards grants to accredited schools of medicine, osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, podiatric medicine, chiropractic and public or nonprofit private schools which offer graduate programs in clinical psychology, and other public or private nonprofit health or educational entities to assist individuals from disadvantaged backgrounds to enter and graduate from health professions schools.

Financial Assistance for Disadvantaged Health Professions Students (FADHPS), Section 740(a)(2)(F)

Awards grants to accredited schools of medicine, osteopathic medicine, and dentistry to provide financial assistance to individuals from disadvantaged backgrounds who are of exceptional financial need, to help pay for their health professions education. The provision of these scholarships shall be subject to section 795 relating to residency training and practice in primary health care.

Nursing Education Opportunities for Individuals From Disadvantaged Backgrounds, Section 827

Awards grants to accredited schools of nursing and other public or nonprofit private entities to meet costs of special projects to increase nursing education opportunities for individuals from disadvantaged backgrounds.

Loans to Disadvantaged Students, Section 724

Awards are made to certain accredited schools of medicine, osteopathic medicine, dentistry, optometry, pharmacy, podiatric medicine, and veterinary medicine for financially needy students from disadvantaged backgrounds.

Scholarships for Health Professions Students From Disadvantaged Backgrounds, Section 737

Awards grants to schools of medicine, nursing, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, allied health, or public health, or schools that offer graduate programs in clinical psychology for the purpose of assisting such schools in providing scholarships to individuals from disadvantaged backgrounds who enrolled (or are accepted for enrollment) as full-time students.

Disadvantaged Health Professions Faculty Loan Repayment and Fellowship Program, Section 738

Awards grants to repay the health professions education loans of disadvantaged health professionals who have agreed to serve for at least 2 years as a faculty member of a school of medicine, nursing, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or a school that offers a graduate program in clinical psychology. Section 738 allows loan repayment only for an individual who has not been a member of the faculty of any school at any time during the 18-month period preceding the date on which the Secretary receives the request of the individual for repayment contract (i.e., "new" faculty).

The following income figures were taken from low income levels published by the U.S. Bureau of the Census, using an index adopted by a Federal Interagency Committee for use in a variety of Federal programs. That index includes multiplication by a factor of 1.3 for adaptation to health professions and nursing programs which support training for individuals from disadvantaged backgrounds. The income figures have been updated to reflect increases in the Consumer Price Index through December 31, 1992.

Size of parents family [1]	Income level [2]
1	$9,419
2	12,202
3	14,523
4	16,596
5	21,930
6 or more	24,648

[1] Includes only dependents listed on federal income tax forms.
[2] Rounded to the nearest $100. Adjusted gross income for calendar year 1992.

Dated: February 9, 1993.

Robert G. Harmon,

Administrator.

[FR Doc. 93–3559 Filed 2–16–93; 8:45 am]

BILLING CODE 4160–15–M

Agency for Toxic Substances and Disease Registry

ATSDR-Community Public Health Assessment Workshop; Meeting

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the following meeting.

Name: ATSDR-Community Public Health Assessment Workshop.

Times and Dates: 5 p.m.–7 p.m., March 24, 1993; 8 a.m.–5 p.m., March 25, 1993; 8 a.m.–12 noon, March 26, 1993.

Place: Catamaran Resort Hotel, 3999 Mission Boulevard, San Diego, California 92109 (619/488–1081).

Status: Open to the public for observation and participation, limited only by the space available. The meeting room accommodates approximately 200 people.

Matters To Be Considered: The meeting will convene a group of interested parties to discuss the ATSDR Public Health Assessment process. The ATSDR Public Health Assessment is the evaluation of data and information on the release of hazardous substances into the environment in order to assess any current or future impact on public health, develop health advisories or other recommendations, and identify studies or actions needed to evaluate and mitigate or prevent human health effects. The group will consider such areas as the Public Health Assessment definition and purpose, its scope and limitations, how it initiated, the roles of ATSDR staff, ATSDR-public interaction and community involvement, the steps and activities in a public health assessment, and possible follow-up health actions.

Contact Person for More Information: Chris Schmidt, Division of Health Assessment and Consultation, ATSDR (MS E32), 1600 Clifton Road NE., Atlanta, Georgia 30333, telephone 404/639–0631.

Dated: February 9, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination.

[FR Doc. 93–3602 Filed 2–16–93; 8:45 am]

BILLING CODE 4160–70–M

VOL
58
ISS
30
FE
17
1993
UMI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N–93–3486; FR–3288–N–03]

Amendment to NOFA for Technical Assistance Planning Grants for Resident Groups, Community Groups, Community-Based Nonprofit Organizations (CBOs), and Resident Councils (RCs) Under the Low Income Housing Preservation and Resident Homeownership Act of 1990

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Amendment to notice of funding availability.

SUMMARY: This notice amends the NOFA published at 57 FR 40570 (September 3, 1992) and amended at 57 FR 56929 (December 1, 1992), to make the Phase II eligibility requirements under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA) comparable to those under the Emergency Low Income Housing Preservation Act of 1987 (ELIHPA). Under ELIHPA, an applicant is eligible to apply for Phase II funds if an owner has filed an expression of interest in working with the applicant group, even if the owner has not formally put the project up for sale.

In contrast, by regulation a LIHPRHA owner must wait until after receiving from HUD valuation information derived from the appraisal process before the owner submits a Second Notice of Intent to place its project up for sale. However, the owner may know well before that time that it wishes to sell the project. Unless technical assistance is made available for the LIHPRHA priority purchasers targeted by this NOFA prior to the Second Notice of Intent, these potential purchasers may be disadvantaged technically when the project officially becomes available for sale. Availability of technical assistance also will up the sale process by allowing a grantee to begin exploring purchase options before an owner's filing of the Second Notice of Intent.

The application submission requirements have been amended accordingly, to incorporate both this amendment and the previous amendment to the NOFA.

FOR FURTHER INFORMATION CONTACT: Kevin J. East, Director, Preservation Division, Department of Housing and Urban Development, room 6284, 451 Seventh Street, NW., Washington, DC 20410; telephone (202) 708–2300. To provide service for persons who are hearing- or speech-impaired, this number may be reached via TDD by dialing the Federal Information Relay Service on 1–800–877–TDDY (1–800–877–8339) or 202–708–9300. (Except for the TDD number, telephone numbers are not toll free).

SUPPLEMENTARY INFORMATION: Accordingly, FR Doc. 92–21232, published at 57 FR 40570 (September 3, 1992) and amended at 57 FR 56929 (December 1, 1992), is further amended to:

(1) On page 40571, paragraph I.D.2 is revised to read as follows:

I. Purpose and Substantive Description

* * * * *

D. Phases to be Funded

* * * * *

(2) *Phase II—Expression of Interest and Development of Purchase Offer.* After the owner files a Second Notice of Intent to sell under LIHPRHA or evidences in writing a commitment to sell under ELIHPA, an eligible applicant that files an acceptable application may receive up to $50,000 to develop an expression of interest and submit a purchase offer. An applicant shall be considered eligible if it has completed all tasks required of a Phase I applicant and it meets the other requirements specified in Section I.E., Eligibility, of this NOFA. If an owner files an Initial Notice of Intent under LIHPRHA and the applicant is otherwise eligible for Phase II funding, the applicant shall be eligible to apply for Phase II funds before the owner files a Second Notice of Intent, if the owner also files an expression of interest in working with the applicant group towards a resident-supported purchase. In this case, up to 50% of the funds awarded for a Phase II grant under LIHPRHA may be disbursed before the owner's submission of a Second Notice of Intent to sell.

For those applicants who intend to develop a Resident Homeownership Plan, the Resident Council formed must work with a HUD-approved public agency or a public or private nonprofit organization to develop a viable and workable homeownership plan. The funds requested must be at reasonable levels and for a reasonable mix of activities, so that the applicant will complete all tasks necessary to qualify for Phase III funding. Funds may be used for:

* Submission of an expression of interest and the preparation of a bona fide offer;

* Architectural and engineering services, as necessary to supplement the capital needs assessment developed by HUD;

* Financial and legal services;

* Training for the board and members of the purchasing entity; and

* Related activities.

* * * * *

(2) On page 40573, paragraphs III.B(2)(a) and III.B(2)(b) are revised to read as follows:

III. Checklist of Application Submission Requirements

* * * * *

B. Submission Requirements

* * * * *

(2) *For LIHPRHA properties:*

(a) *Phase I*—For any application requesting only Phase I funding, either evidence that an Initial Notice of Intent to sell has been filed, or evidence that an Initial Notice of Intent to extend has been filed and that the owner has submitted an expression of interest in working with the applicant towards a resident-supported purchase of the property. For an application requesting both Phase I and Phase II funding, either evidence that a Second Notice of Intent to sell has been filed, or evidence that the owner has filed both an Initial Notice of Intent and an expression of interest in working with the applicant towards a resident-supported purchase of the property.

(b) *Phase II*—For an application requesting any Phase II funding, either evidence that an owner has filed a Second Notice of Intent to sell, or evidence that the owner has filed both an initial Notice of Intent and an expression of interest in working with the applicant towards a resident-supported purchase. The applicant also must demonstrate completion of prerequisite tasks and the ability to perform the Phase II work tasks. Work tasks must be clearly and reasonably stated and must be supported with reasonable cost estimates directly related to each task.

* * * * *

Authority: 12 U.S.C. 1715 *et seq.*, 42 U.S.C. 3535(d).

Dated: February 10, 1993.

James E. Schoenberger,

Associate General Deputy, Assistant Secretary of Housing.

[FR Doc. 93–3571 Filed 2–16–93; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Freedom of Information Act, Affirmative Disclosure Provisions

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice.

This notice is published in accordance with the provisions of 5 U.S.C. 552 (a)(1) and (a)(2). It provides a brief history of the U.S. Geological Survey (USGS), identifies some primary responsibilities, describes the central and field organization, provides sources for obtaining specific information, and lists indexes on materials in which the public may have interest. This notice updates information previously published in the **Federal Register** by the Department of the Interior (51 FR 39430, October 28, 1986) regarding the USGS.

History

The USGS was established by the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), which provided for "the classification of public lands and the examination of the geological structure, mineral resources, and products of the national domain." The Act of September 5, 1962 (76 Stat. 427; 43 U.S.C. 31(b)), expanded this authorization to include such examinations outside the national domain. Topographic mapping and chemical and physical research were recognized as an essential part of the investigations and studies authorized by the Act of March 3, 1879, and specific provision was made for them by Congress in the Act of October 2, 1888 (25 Stat. 505, 526).

Provision was made in 1894 for gaging the streams and determining the water supply of the United States (28 Stat. 398). Authorizations for publication, sale, and distribution of material prepared by the USGS are contained in several statutes (43 U.S.C. 41–45; 44 U.S.C. 260–262).

Under the Organic Act of 1879 (43 U.S.C. 31(a)) and the Disaster Relief Act of 1974 (Pub. L. 93–288), the USGS has general and broad authority to investigate earthquake, volcano and landslide hazards, to notify appropriate Federal, State, and local authorities of these hazards, and, whenever possible, provide information for timely or effective warning of potential disasters. The Director of the USGS through the Secretary of the Interior has been delegated the responsibility to issue disaster warnings for earthquakes, volcanic eruptions, landslides, and other geologic catastrophes. In the 1980 reauthorization of the Earthquake Hazards Reduction Act of 1977 (Pub. L. 96–472), the Director of the USGS also was given the authority to issue an earthquake advisory or prediction as deemed necessary.

Primary Responsibilities

The U.S. Geological Survey's primary responsibilities are: Investigating and assessing the Nation's land, water, energy, and mineral resources; conducting research on global change; investigating natural hazards such as earthquakes, volcanoes, landslides, floods and droughts; and conducting the National Mapping Program. To attain these objectives, the USGS prepares maps and digital cartographic data; collects and interprets data on energy and mineral resources; conducts nationwide assessments of the quality, quantity, and use of the Nation's water resources; performs fundamental and applied research in the sciences and techniques involved; and publishes and disseminates the results of its investigations in thousands of new maps and reports each year.

General Course and Method by Which Functions Are Channeled)—Description of Organization

Activities of the U.S. Geological Survey are carried out through three major program divisions—National Mapping Division, Geologic Division, and the Water Resources Division, and two support divisions—the Administrative Division and the Information Systems Division. The Director and Associate Director provide supervision with the assistance of the following officials:

Assistant Director for Engineering Geology
Assistant Director for Programs
Assistant Director for Research
Assistant Director for Intergovernmental Affairs
Public Affairs Officer
Congressional Liaison Officer
Assistant to the Director for Human Resources Management
Bureau Equal Employment Manager

The headquarters (National Center, 12201 Sunrise Valley Drive, Reston, VA 22092) promulgates national policy and provides overall direction to the USGS regional offices (listed below) and about 200 field offices to accomplish the USGS mission.

Regional Offices of the USGS

Eastern Region—109 National Center, Reston, VA 22092; Phone, 703–648–4427.

States of Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin; and Virgin Islands.

Central Region—Box 25046, MS 911, Denver Federal Center, Denver CO 80225; Phone, 303–236–5438.

Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wyoming.

Western Region—345 Middlefield Road, MS 144, Menlo Park, CA; Phone, 415–329–4002.

States of Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington; Guam, Samoa, and other Pacific Islands.

For further information, contact the Public Affairs Officer, U.S. Geological Survey, Department of the Interior, 119 National Center, Reston, VA 22092. Phone, 703–648–4460.

Sources of Information

The public regulations of the USGS pertaining to administering programs authorized by the Water Resources Research Act of 1984 are published in title 30, chapter IV of the Code of Federal Regulations.

Reading Rooms

Facilities for examination of reports, maps, publications, the administrative staff manual (Survey Manual) of the USGS and a wide selection of general Earth Science information resources and historical documents are located at the U.S. Geological Survey's libraries at the National Center, 12201 Sunrise Valley Drive, Reston, VA 22092; Denver Federal Center, Bldg. 20, Box 25046, Denver, CO 80225; 345 Middlefield Road, Menlo Park, CA 94025; and 2255 North Gemini Drive, Flagstaff, AZ 86001; and from the U.S. Geological Survey's network of Earth Science Information Centers (see General Inquiries). Maps, aerial photographs, geodetic control data or index material and cartographic data in digital form may be examined at the following Earth Science Information Centers: Room 1C402, 507 National Center, 12201 Sunrise Valley Drive, Reston, VA 22092; Mid-Continent Mapping Center, 1400 Independence Road, Rolla, MO 65401; Stennis Space Center, Bldg. 3101, Bay St. Louis, MS 39529; Denver Federal Center, Bldg. 25, Box 25046, Denver, CO 80225; 345 Middlefield Road, Menlo

Park, CA 94025; 4230 University Drive, Anchorage, AK 99508–4664. Spacecraft and aircraft remote sensor data may be examined at the EROS Data Center, Sioux Falls, SD 57198, phone, 605–594–6151.

Contracts, Grants, and Cooperative Agreements

Write to the Administrative Division, Office of Procurement and Contracts, 205 National Center, 12201 Sunrise Valley Drive, Reston, VA 22092. Phone, 703–648–7373.

Products

The U.S. Geological Survey produces a wide range of products including maps, geographic data, and publications that range from microfilmed technical reports to CD–ROM discs to casebound books. Information about the U.S. Geological Survey's technical and scientific reports, maps, and CD–ROMs are described in the monthly listing "New Publications of the Geological Survey" which can be ordered from the U.S. Geological Survey's Branch of Distribution, Box 25286, Denver Federal Center, Denver, CO 80225. Phone, 303–236–7477.

In addition, an Earth Science Data Director (ESDD) developed by the U.S. Geological Survey, is a system for readily determining the availability of specific earth science and natural resource data. It offers computer access to a repository of information about earth science and natural resource data bases. To contribute information or become a user of ESDD, call the ESDD Project Manager at 703–648–7112, or write to: ESDD Project Manager, U.S. Geological Survey, 801 National Center, Reston, VA 22092.

Maps

Maps are sold by the Branch of Distribution, U.S. Geological Survey, Box 25286, Denver Federal Center, Denver, CO 80225, phone, 303–236–7477; as well as by the Earth Science Information Centers (see General Inquiries).

Information about the status of U.S. Geological Survey mapping in any State and availability of maps by other Federal and State agencies can be obtained from the Reston Earth Science Information Center, 507 National Center, Reston, VA 22092. Phone, 703–860–6045 or 800–USA–MAPS.

Geographic Data

Geographic data include satellite photographs and images, aerial photographs, and digital data in a variety of formats. Information for purchase of these data can be obtained from the Earth Science Information Centers (see General Inquiries).

Information about the variety and availability of geographic data produced by the U.S. Geological Survey can be obtained from the Earth Science Information Center, 507 National Center, Reston, VA 22092. Phone 703–860–6045 or 800–USA–MAPS.

Publications

Book Publications

Book publications, including Professional Papers, Bulletins, and Circulars are sold by the U.S. Geological Survey's Branch of Distribution, Denver Federal Center, Bldg. 810, Denver, CO 80225. Phone, 303–236–7476.

General Interest Publications

Single copies of a variety of non-technical leaflets, technical reports, books, and special interest publications on earth science subjects and U.S. Geological Survey activities are available to the public upon request from the U.S. Geological Survey, Branch of Distribution, Denver Federal Center, Bldg. 810, Box 25286, Denver, CO 80225, phone, 303–236–7477. General Interest Publications are described in the two leaflets: "General Interest Publications of the United States Geological Survey," and "Cartographic Handouts."

Open-File Reports

Open-file reports, in the form of microfiche and black-and-white paper copies, diskettes, and CD–ROMs, are sold by the U.S. Geological Survey, Open-File Reports, Earth Science Information Center-Lakewood, Box 25425, Lakewood, CO 80225. Phone 303–236–7476.

General Inquiries

A network of 11 Earth Science Information Centers responds to requests for earth science information that are made in person, by mail, or by telephone, and assists in the selection and ordering of all U.S. Geological Survey products:

4230 University Drive, Anchorage, AK 99508–4664. Phone 907–786–7011.
New Federal Bldg., 101 12th Ave., Box 12, Fairbanks, AK 99701. Phone 907–456–0244.
Room 3128, Bldg. 3, 345 Middlefield Rd., Menlo Park, CA 94025. Phone 415–329–4309.
Denver Federal Center, Box 25046, Denver, CO 80294. Phone 303–236–5829.
Department of the Interior Bldg., 1849 C St. NW., Wash., DC 20240. Phone 202–208–4047.
Bldg. 3101, Stennis Space Center, Bay St. Louis, MS 39529. Phone 601–688–3544.
1400 Independence Rd., MS 231, Rolla, MO 65401. Phone 314–341–0851.
8105 Federal Bldg., 125 S. State St., Salt Lake City, UT 84138. Phone 801–524–5652.
507 National Center, Room 1C402, Reston, VA 22092. Phone 703–648–6045.
678 U.S. Courthouse, W. 920 Riverside Ave., Spokane, WA 99201. Phone 509–456–2524.
EROS Data Center, Sioux Falls, SD 57198. Phone 605–594–6151.

Water Data and Information

Water data and information are provided by the National Water Information Clearinghouse (NWIC) which is a new and emerging program designed to manage and coordinate the exchange of water resources information with Federal, State, and local governmental agencies, academia, industry, and the general public. Important Clearinghouse activities include outreach and training, information/data dissemination, including water-data indexing and literature abstracting; educational programs; and data system modernization. Two Clearinghouse pilot centers are currently (FY 1993) operational in Reston, Virginia, and Sacramento, California. As an initial step towards the operation of the NWIC, the USGS has established a nationwide toll-free number, 1–800–426–9000, to provide easy access to users.

Information is also available from about 210 Water Resources Division district, sub-district, and field offices across the country. In addition, the Hydrologic Information Unit functions as the focal point for reporting current hydrologic conditions and extreme hydrologic events for the USGS.

News Media Services

The Public Affairs Office of the U.S. Geological Survey responds to news media inquiries, arranges interviews, and prepares news and feature releases and related visual material pertaining to USGS programs and activities for news media use. The headquarters office is located at 119 National Center, 12201 Sunrise Valley Drive, Reston, VA 22092. Phone 703–648–4460. News media service also is available in Menlo Park, CA, providing news media service for the eight far western states. Phone 415–329–4000.

Films

Sound/color 16mm earth sciences-related films are available for short-term loan to the general public. Film inquiries should be addressed to the Branch of Visual Services, U.S. Geological Survey, 790 National Center, 12201 Sunrise Valley Drive, Reston, VA 22092, Phone 703–648–4357.

Availability of Indexes

By notice in the **Federal Register** (41 FR 37633, September 7, 1976), the U.S. Geological Survey is exempt from the quarterly or more frequent publication and dissemination of indexes to its administrative staff manual. Notice of the availability of the index of the USGS administrative staff manual and other material is published in the **Federal Register's** "Availability of Agency Index Material."

Dated: February 8, 1993.

Dallas L. Peck,

Director.

[FR Doc. 93–3555 Filed 2–16–93; 8:45 am]

BILLING CODE 4310–31–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–3 (Sub-No. 107X)]

Missouri Pacific Railroad Co.—Abandonment Exemption—Near Abilene in Taylor County, TX

Missouri Pacific Railroad Company (MP) has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abondonments* to abandon its 3-mile A&S Branch between milepost 4.00 and milepost 7.00 near Abilene, in Taylor County, TX.

MP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7, 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to government agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 18, 1993, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29[3] must be filed by February 26, 1993. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 8, 1993, with Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to MP's representatives: Joseph D. Anthofer and Jeanna L. Regier, 1416 Dodge St., room 830, Omaha, NE 68179.

If the notice contains false or misleading information, the exemption is void *ab initio.*

MP has filed an environmental report which addresses the abandonment's effects, if any, on the environmental and historic resources. The Section of Energy and Environment (SEE) will issue an environmental assessment (EA) by February 19, 1993. Interested persons may obtain a copy of the EA by writing to SEE (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEE, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: February 8, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–3659 Filed 2–16–93; 8:45 am]

BILLING CODE 7035–01–M

[1] A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Energy and Environment in its independent investigation) cannot be made before the effective date of the notice of exemption. See Exemption of Out-of Service Rail Lines, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

DEPARTMENT OF LABOR

Labor Advisory Committee for Trade; Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463 as amended), notice is hereby given of a meeting of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

DATE, TIME AND PLACE: March 10, 1993, 2 pm–4 pm, Rm. S–4215 A, B&C, Department of Labor Building, 200 Constitution Ave., NW., Washington, DC 20210.

PURPOSE: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552(c)(1). The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

FOR FURTHER INFORMATION CONTACT: Fernand Lavallee, Director, Trade Advisory Group, Phone: (202) 219–4752.

Signed at Washington, DC, this 9th day of February, 1993.

Jorge Perez-Lopez,

Acting Deputy Under Secretary International Affairs.

[FR Doc. 93–3689 Filed 2–16–93; 8:45 am]

BILLING CODE 4510–28–M

Employment and Training Administration

[TA–W–28,209]

Allied Signal; Bendix Friction Materials Division, Green Island, NY; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 19, 1993 in response to a worker petition which was filed on behalf of workers at Allied Signal, Bendix Friction Materials Division, Green Island, New York.

An active certification covering the petitioning group of workers remains in effect (TA–W–25,766). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 5th day of February.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93–3687 Filed 2–16–93; 8:45 am]

BILLING CODE 4510–30–M

[TA-W-27, 932]

D&H Manufacturers, Inc. Muskegon, MI; Notice of Negative Determination Regarding Application for Reconsideration

By an application dated January 15, 1993, the petitioners requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on December 31, 1992 and published in the **Federal Register** on January 13, 1993 (58 FR 4186).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) if in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The petitioners claim, among other things, that one of D&H Manufacturers' customers imported wire shelving at the expense of the workers at D&H Manufacturers.

The investigation finding show that the workers produced unfinished appliance shelving which was shipped to other corporate facilities for plating.

The Department's denial was based on the fact that the "contributed importantly" test of the Group Eligibility Requirements of the Trade Act was not met. All production formerly produced at the Muskegon plant was transferred to other domestic corporately related plants. Neither the Muskegon plant nor the plating plants imported wire shelving.

The investigation findings show that the Muskegon plant closed on October 14, 1992, because of a corporate consolidation to reduce expenses—freight expenses, high building lease, etc.

Other findings show that the customer allegedly importing wire shelving accounted for a negligible percentage of D & H Manufacturers' total sales in 1991 and 1992.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 8th day of February 1993.

Stephen A. Wandner,

Deputy Director, Office of Legislation & Actuarial Service, Unemployment Insurance Service.

[FR Doc. 93-3686 Filed 2-16-93; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-28,098]

Marilyn Fashions, Inc., Windber, PA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Marilyn Fashions, Incorporated, Windber, Pennsylvania. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-28,098; Marilyn Fashions, Inc., Windber, Pennsylvania (February 5, 1993)

Signed at Washington, DC, this 8th day of February, 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93-3688 Filed 2-16-93; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 93-016]

NASA Advisory Council (NAC), Space Systems and Technology Advisory Committee (SSTAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee.

DATES: March 4, 1993, 8:30 a.m. to 5 p.m.

ADDRESSES: National Aeronautics and Space Administration, Federal Building 10B, room 625, 600 Independence Avenue SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Catherine Smith, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-2367.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Planning for New Office of Advanced Concepts and Technology.
—Technology Plans and Program Emphasis.
—Review of Small Spacecraft Technology.
—Space Systems and Technology Advisory Committee and Commercial Programs Advisory Committee Operations.

Dated: February 10, 1993.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 93-3610 Filed 2-16-93; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL COMMISSION ON JUDICIAL DISCIPLINE AND REMOVAL

Meetings

AGENCY: National Commission on Judicial Discipline and Removal.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given in the public interest and pursuant to the Federal Advisory Committee Act that a public meeting of the National Commission on Judicial Discipline and Removal will be held on February 25 and 26, 1993, in Washington DC. On February 25, the first session of the meeting will convene at 9:30 a.m and adjourn at approximately 12:30 p.m, and the second session of the meeting will convene at 1:30 p.m, and adjourn at approximately 5 p.m. On February 26, the third session of the meeting will convene at 9:30 a.m. and adjourn at 12:30 p.m, and the fourth session of the meeting will convene at 1:30 p.m. and adjourn at approximately 5 p.m. All four sessions of the meeting will be held in the Federal Judiciary Building's Main Conference Room, located on the Fourth Floor of the Federal Judiciary Building at One Columbus Circle, NE.

AUTHORITY: This public meeting will be the eighth one for the National Commission, a body composed of thirteen members appointed by the Speaker of the House, the President, the President *pro tem* of the Senate, the Chief Justice of the United States and the Conference of State Chief Justices. The National Commission, established

by Public Law 101–650 (title IV), is assigned three statutory duties. The first is to investigate and study the problems and issues involved in the tenure (including discipline and removal) of article III (appointed to serve for life) Federal judges. The second is to evaluate the advisability of proposing alternatives to current arrangements with respect to such problems and issues, including alternatives for the discipline and removal of Federal judges that would require constitutional amendments. Finally, the Commission is required to prepare and submit a report to the Congress, the Chief Justice, and the President setting forth a detailed statement of its findings and conclusions together with any recommendations for legislative and administrative actions as are considered appropriate. The due date for the Commission's final report is August 1, 1993. The Commission is not authorized to consider specific complaints against Federal judges.

Ordinarily the provisions of the Federal Advisory Committee Act are not applicable to legislative or judicial agencies. Nonetheless, since the Commission is composed of representatives of all three branches of the Federal government, a good faith commitment to open meetings is incorporated in the Commission's By-laws.

STATUS: All four sessions of the meeting will be open to the public. A portion of any session of the meeting may be held in executive session to consider administrative matters involving privacy interests.

MATTERS TO BE CONSIDERED: This meeting will be the first in a series of Commission meetings designed to consider proposed recommendations for legislative or administrative action previously presented in draft reports from consultants who have prepared research papers about specific topics assigned to them.

CONTACT PERSONS FOR FURTHER INFORMATION: Contact Michael J. Remington or William J. Weller at the National Commission on Judicial Discipline and Removal, suite 690, 2100 Pennsylvania Ave, NW., Washington, DC 20037–3202; or call (202) 254–8169

SUPPLEMENTARY INFORMATION: Minutes of the meeting will be available for public inspection during regular working hours at the Commission office approximately thirty (30) working days following the meeting.

William J. Weller,

Deputy Director.

[FR Doc. 93–3557 Filed 2–16–93; 8:45 am]

BILLING CODE 6825–08–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Visual Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Visual Artists Public Projects Section) to the National Council on the Arts will be held on March 8–10, 1993 from 9 a.m.–7 p.m. and March 11 from 9:30 a.m.–5 p.m. in room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on March 11 from 3:30 p.m.–5 p.m. The topics will be policy discussion and guidelines review.

The remaining portions of this meeting on March 8–10 from 9 a.m.–7 p.m. and March 11 from 9:30 a.m.–3:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated: February 10, 1993.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–3572 Filed 2–16–93; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (P.L.) 97-415, the Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. P.L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from January 23, 1993, through February 4, 1993. The last biweekly notice was published on February 3, 1993 (58 FR 6992).

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

VOL 58 ISS 30 FE 17 1993 UMI

Written comments may be submitted by mail to the Rules and Directives Review Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 19, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the ppetition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to **(Project Director)**: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be

granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room for the particular facility involved.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: December 22, 1992

Description of amendment request: The proposed amendment would provide more flexible qualification requirements for the Independent Safety Engineering Group (ISEG) members. Currently, ISEG is required by Technical Specification (TS) 6.2.3.2 to be composed of at least five engineers who have "a bachelor's degree in engineering or related science and at least 2 years professional level experience in his field, at least 1 year of which experience is in the nuclear field." The proposed change would allow each of the five members to have either:

(1) A bachelor's degree in engineering or related science and at least 2 years professional level experience in his field, at least 1 year of which experience shall be in the nuclear field, or

(2) At least 5 years of nuclear experience and hold or have held a Senior Reactor Operator's license, or

(3) At least 10 years of professional level experience in his field, at least 5 years of which experience shall be in the nuclear field.

However, the proposed change would also require that at least three of these positions meet (1) above.

Basis for proposed no significant hazards consideration determination: The licensee notes that TS 6.2.3.2 currently precludes from consideration as ISEG members highly trained and experienced personnel in, for example, the Operations or Operations Support Departments who do not possess a bachelor's degree even though much of ISEG's activities involve these areas. The licensee states that a more knowledgeable and experienced ISEG group would produce higher quality and useful results in accordance with NUREG-0737 Section I.B.1.2. Therefore, the licensee proposes that, in lieu of a bachelor's degree, two of the five members be allowed to have either (1) a current or previously held Senior Reactor Operator's license and 5 years of professional level experience in the nuclear field, or (2) at least 10 years of professional level experience in his field with at least 5 years of nuclear field experience.

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change will not significantly increase the probability or consequences of an accident previously evaluated because the change only addresses qualification requirements of an independent review group and has no change to any plant equipment or structures.

2. This change does not create the possibility of a new or different kind of accident from any accident previously evaluated. There would be no change to system configurations, plant equipment, or analysis as a result of this proposed amendment.

3. The proposed change will not involve a significant reduction in a margin of safety. The proposed revised Technical Specification will substitute appropriate qualification criteria for an Independent Review Group and thus will not alter any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50 92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Burke County Public Library, 412 Fourth Street, Waynesboro, Georgia 30830.

Attorney for licensee: Mr. Arthur H. Domby, Esquire, Troutman Sanders, NationsBank Plaza, Suite 5200, 600 Peachtree Street, NE., Atlanta, Georgia 30308-2210.

NRC Project Director: David B. Matthews

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No: 50-461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of amendment request: October 16, 1992

Description of amendment request: The request consists of changes to the Clinton Power Station (CPS) Technical Specifications to support CPS compliance with the new requirements of 10 CFR part 20. The changes reflect implementation of the CPS Radiation Protection Program in accordance with 10 CFR 20.1101.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

(1) The proposed changes only consist of revisions to 10CFR20 references to recognize the new section numbers, definitions to ensure consistency with 10CFR20, and administrative controls for record keeping to maintain compliance with the new Part 20. Since these are editorial changes which do not impact the operation or design of any plant structures, systems or components, this proposed change cannot increase the probability or the consequences of any accident previously evaluated.

(2) The proposed changes are editorial only and do not affect the plant design or operation. As a result, this proposed change cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The proposed changes are editorial in nature and do not affect the plant design or operation. The changes will not increase the amounts or change the types of effluents that may be released offsite, nor do they significantly increase individual or cumulative occupational radiation exposures. These changes only ensure compliance with revised 10CFR20. These changes do not alter any of the requirements or responsibilities for protection of the public and employees against radiation hazards. As a result, these changes cannot reduce a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727

Attorney for licensee: Sheldon Zabel, Esq., Schiff, Hardin and Waite, 7200 Sears Tower, 233 Wacker Drive, Chicago, Illinois 60606

NRC Project Director: James E. Dyer

Indiana Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendments request: September 24, 1992

Description of amendments request: The proposed amendments would implement guidance contained in Generic Letter (GL) 91-08, "Removal of Component Lists from Technical Specifications," by removing Table 3.6-1 "Containment Isolation Valves" from Technical Specification (TS) 3.6.3.1. Additionally, the proposed amendments would incorporate footnotes currently associated with Table 3.6-1 into TS 3 6.3.1 and make additional editorial changes necessitated by the removal of this table.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

We have evaluated the proposed T/Ss changes and have determined that the changes will not involve a significant hazards consideration based on the criteria established in 10 CFR 50.92(c). Operation of the Cook Nuclear Plant in accordance with the proposed amendment will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

Through the clarification of the T/Ss, safety may actually be enhanced. The proposed changes do not result in a change to the requirements governing the control of containment isolation valves, they do not affect plant operations. Consequently, they do not involve a significant increase in the probability or consequences of an accident previously evaluated in Chapter 14 of the Cook Nuclear Plant UFSAR.

Additionally, the proposed Technical Specification change was reviewed for adverse impact on the calculated core damage frequency and offsite consequences as determined by the Cook Nuclear Plant probabilistic risk assessment. Based on this review, there was no impact found on the calculated core damage frequency of 6.26 E-05/Reactor Year or on the offsite consequences analysis.

(2) Create the possibility of a new or different kind of accident from any previously analyzed.

The proposed changes are administrative in nature. They do not result in any physical alterations being made to the plant nor do they change the manner in which it is operated. In addition, they do not change the assumptions used in any safety analysis or the manner in which any safety-related system, structure of component performs its function. As such, the proposed changes do not create the possibility of a new of different kind of accident previously evaluated in Chapter 14 of the Cook Nuclear Plant UFSAR.

(3) Involve a significant reduction in a margin of safety

The proposed administrative changes do not involve a significant reduction in a margin of safety. The proposed changes do not alter or affect any safety analyses, nor do they alter the requirements for containment isolation valve operability currently in the T/Ss. The LCO and surveillance requirements will be retained in the revised T/Ss. Therefore, the proposed changes will not affect the meaning, application, or function of the T/S requirements. Adequate control of the content of the list of containment isolation valves is ensured by existing administrative procedures.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

Local Public Document Room location: Maude Preston Palenske Memorial

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037

NRC Project Director: L. B. Marsh

Niagara Mohawk Power Corporation, Docket No. 50-410, Nine Mile Point Nuclear Station, Unit 2, Oswego County, New York

Date of amendment request: December 30, 1992

Description of amendment request: The proposed Technical Specification (TS) changes would revise TS 3.4.3.1, "Reactor Coolant System Leakage Detection Systems," and TS 3.4.3.2, "Reactor Coolant System Operational Leakage." The proposed changes to TS 3.4.3.1 would detail the actions to be taken for inoperable leakage detection systems and allow use of a manual method for leakage detection. These changes would also correct a sampling frequency discrepancy between TSs 3.4.3.1 and 3.4.3.2. The proposed changes to TS 3.4.3.2 would limit the allowable increase in unidentified leakage within any 24-hour period in Mode 1 to 2 gpm. These changes would also increase the frequency of monitoring reactor coolant system leakage via the drywell drain tanks from once per 12 hours to once per 8 hours.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes will not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed operational limits and surveillance requirements for reactor coolant system leakage are more restrictive than the current leak detection Technical Specification requirements and will facilitate more rapid detection of leaks. Consequently, corrective action can be initiated before crack propagation is such that critical crack size is reached and a gross pipe failure occurs. Therefore, the probability of early identification of potential gross pipe failure is increased.

A failure of a leakage monitoring system is not an initiating event for any Nine Mile Point Unit 2 accident analyses. The proposed change to the leakage monitoring instrumentation allows for temporary replacement of the drywell floor drain tank fill rate instrumentation and the drywell equipment drain fill rate instrumentation with a manual method that is functionally equivalent to the electronically determined leak rate as described in the Nine Mile Point 2 USAR (Updated Safety Analysis Report). The function of the leak rate monitor will be performed by control room operators. If the leak rate monitoring system and the drywell floor drain pumps are simultaneously inoperable for 24 hours, a normal shutdown is required. The 24-hour out-of service time will not significantly impair reactor coolant system leak detection since other diverse and redundant leak detection methods as described in Regulatory Guide 1.45 will be available to detect leakage. Since there is no decrease in the ability to detect leaks in the drywell, there is no increase in the probability of or in the consequences of an accident previously evaluated.

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed changes place new restrictions on operation of the plant with new limits for increases in unidentified leakage and decrease the surveillance interval for monitoring of containment leakage. This will enhance the plant's ability to detect throughwall cracks of the Reactor Coolant System and to take corrective actions taken sooner. There will be no physical changes to the plant as a result of this amendment. Since the proposed changes will only increase the ability to detect a throughwall crack in the Reactor Coolant System, no new or different accidents are created by this amendment.

The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant reduction in margin of safety.

The proposed changes will not involve a significant reduction in the margin of safety for Nine Mile Point Unit 2. The proposed changes provide earlier detection of throughwall cracks in the Reactor Coolant System and they improve the current leak detection methods for Nine Mile Point Unit 2. The more restrictive Limiting Condition for Operation (LCO) for unidentified leakage and the more frequent surveillance requirements for Reactor Coolant System leakage monitoring will enhance detection of cracks such that the probability of reaching critical crack size is not increased. The 24-hour out-of-service time would not significantly decrease the ability to detect leakage because sufficient diverse and redundant means of detecting leaks as described in Section C.3 of Regulatory Guide 1.45 are available. Based on the above, the proposed changes will not result in a significant reduction in a margin of safety for Nine Mile Point Unit 2.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request

involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, NW., Washington, DC 20005-3502.

NRC Project Director: Robert A. Capra

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of amendment request. December 24, 1992 (Reference LAR 92-11)

Description of amendment request. The proposed amendments would revise the combined Technical Specifications (TS) for the Diablo Canyon Power Plant Unit Nos. 1 and 2 to remove references to the supplemental vital inverters and busses due to replacement of six 7.5 kVA (four vital and two supplemental vital) inverters with four 20 kVA inverters. The specific TS changes proposed are as follows:

(1) TS 3.8.2.1 items "h" and "k" would be deleted since they apply only to the supplemental vital inverters. The letter designation for the other items would be changed to reflect the deletions.

(2) The footnote for TS 3.8.2.1 would be deleted.

(3) TS 3.8.2.1, Action e, would be deleted since it applies to the supplemental vital inverters only.

(4) TS 3.8.2.2.b would be modified to delete reference to the supplemental vital instrument bus.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed new equipment will be installed in accordance with applicable design codes and standards to upgrade plant equipment, reliability, capacity and flexibility. The six 7.5 kVA inverters (45 kVA total) will be replaced with four new 20 kVA UPS units (80 kVA total) to increase load capacity and provide automatic load transfer functions. The addition of the new static transfer switches and dedicated bypass voltage regulating transformers will improve power availability in the unlikely event of a single equipment failure. These changes improve the onsite power distribution reliability and capability, and decrease the effects of a single equipment failure.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

Previous analysis assumed a loss of one division of onsite power distribution (one vital inverter and one supplemental inverter), therefore, the consolidation of the vital and supplemental inverters does not alter any basis for analysis. The new [uninterruptible power supply] UPS units improve the ability of the onsite power distribution system to fulfill their safety-related function to provide an uninterrupted supply of 120 volt A.C. required for plant safety. The new equipment will be qualified and installed in accordance with applicable codes and standards, and operated within the [limiting condition for operation] LCO requirements specified in the proposed TS.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

Previous analysis assumed a loss of one division of onsite power distribution (one vital inverter and one supplemental inverter), therefore, the consolidation of the vital and supplemental inverters does not alter any basis for analysis. The new UPS units improve the ability of the onsite power distribution system to fulfill their safety-related function to provide an uninterrupted supply of 120 volt A.C. required for plant safety. The new equipment will be qualified and installed in accordance with applicable codes and standards, and operated within the LCO requirements specified in the proposed TS.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Attorney for licensee: Christopher J. Warner, Esq., Pacific Gas & Electric Company, P.O. Box 7442, San Francisco, California 94120

NRC Project Director: Theodore R. Quay

Pennsylvania Power and Light Company, Docket Nos. 50-387 and 50-388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: December 8, 1992

Description of amendment request: The amendment would revise the Technical Specifications (TSs) to reflect a proposed modification that would add an undervoltage scheme to the Diesel Generator E auxiliaries. Susquehanna Steam Electric Station (SSES), Units 1 and 2, have five diesel generators, designated A, B, C, D, and E.

The Diesel Generator E is a diesel generator which can be substituted for any of the Diesel Generators, A, B, C, or D, without violating independency of the redundant Class 1 E load groups. All of the auxiliaries required to support the operation of the Diesel Generator E are supplied from the Class 1E 480 V Motor Control Center (MCC) OB565. MCC OB565 is normally supplied offsite power from Startup Bus 20 through the 13.2kV-480V transformer OX556 and an automatic transfer switch OTAS556. An alternate offsite supply is from Startup Bus 10 through 13.2kV-480V transformer OX555 and switch OTAS556. The non-Class 1E Automatic Transfer Switch OATS556 transfers to the alternate offsite supply when the normal supply voltage is below 70 percent (336 VAC) for 3.0 seconds provided the alternate supply voltage is above 87.1 percent (418 VAC). If the transfer switch transfers to the alternate power supply, the switch automatically transfers back to the normal power supply if the normal supply voltage is above 87.1 percent for 5 minutes. All of the controls and voltage sensing for the automatic transfer switch are non-Class 1E.

In addition to the offsite power supplies from the automatic transfer switch OATS556, MCC OB565 can be supplied power from the Diesel Generator E 4.16kV-480V transformer OX565 provided the Diesel Generator E is operating. If the voltage on the MCC OB565 bus is sustained below 30 percent and the automatic transfer switch OATS556 operation has not corrected the bus voltage above 30 percent, the undervoltage protection scheme on the bus OB565 initiates a bus transfer after 5 seconds from the offsite power source of the transfer switch OATS556 to the onsite power source of the transformer OX565 if the Diesel Generator 1E is operating. If the Diesel Generator E is not operating, no transfer occurs.

The Diesel Generator E has two modes of operation. When aligned for standby automatic operation the Diesel Generator E is substituted for one of the other diesel generators and performs the same functions as the substituted diesel generator. When not aligned, the Diesel Generator E is operated through the Test Facility Transformer OX207 in order to perform surveillance testing.

The proposed modification is to install a new undervoltage protection scheme on the Diesel Generator E MCC OB565 bus as follows:

1. Replace the 30 percent undervoltage relays (ITE Type 27D) on MCC OB565 bus with similar degraded voltage relays (ABB Type 27N) having new setpoints of 65 percent voltage and time delay of 5 seconds.

2. Add degraded voltage relays (ABB Type 27N) on MCC OB565 bus having relay setpoints of 92 percent voltage and time delay of 7 seconds.

3. Add an alarm circuit from the new 92 percent degraded voltage relays to the existing bus undervoltage alarm circuit for MCC OB565.

The proposed changes to the TSs would add additional requirements to Tables 3.3.3-1, 3.3.3-2, 3.3.3-3, and 4.3.3-1 with respect to undervoltage protection upon loss of power to the emergency core cooling system actuation instrumentation to reflect the proposed modifications.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Chapters 6 and 15 of the FSAR, [Final Safety Analysis Report] the Design Assessment Report and the current Reload Analysis were reviewed to determine if the proposed action has an effect on the spectrum of postulated initiating events for which transients or anticipated operational occurrences and accident conditions were analyzed.

The addition of a new undervoltage protection scheme to the Diesel Generator E MCC 0B565 bus does not affect any of the postulated initiating events identified in Chapter 6 and 15 of the FSAR, the Design Assessment Report, or the current Reload Analysis. Thus, the proposed action does not increase the probability of occurrence of an accident.

The consequences of an accident is not changed by the proposed action. The addition of a new undervoltage protection scheme to the Diesel Generator E MCC OB565 bus assures that the Diesel Generator E auxiliaries can maintain the diesel generator in an operable status when aligned for standby automatic operation. The scheme also assures that the auxiliaries can support the Diesel Generator E operation when the diesel generator is a power source for those systems required to mitigate the consequences of an accident.

Thus, the addition of a new undervoltage protection scheme to the Diesel Generator E MCC OB565 bus does not increase the probability of occurrence or the consequences of an accident as previously evaluated in the FSAR.

2. The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

Chapters 6 and 15 of the FSAR, the Design Assessment Report and the current Reload Analysis were reviewed to determine if the proposed action had the potential of creating a postulated initiating event which was not within the spectrum of events for which transients or anticipated operational occurrences and accident conditions were analyzed. The review did not identify a postulated initiating event which would create the possibility for an accident of a different type.

3. The proposed change does not involve a significant reduction in a margin of safety.

The operability of the undervoltage protection scheme on the MCC OB565 bus is presently not governed explicitly by either Susquehanna SES Unit 1 Technical Specifications or Susquehanna SES Unit 2 Technical Specifications. The operability of the Class 1E 4.16 kV bus undervoltage protection scheme is governed by Technical Specification Section 3/4.3.3, entitled Emergency Core Cooling Actuation Instrumentation, with Tables 3.3.3-1, 3.3.3-2, and 3.3.3-3 establishing the required number of operable channels, the setpoints and response times. Since MCC OB565 is required to support operation of the Diesel Generator E when either aligned for standby automatic operation or not aligned but operating on the test facility, the bases which govern operability of the Class 1E 4.16kV bus undervoltage protection is also applicable to the MCC OB565 bus undervoltage protection. The bases for operability of the Class 1E 4.16 kV bus undervoltage protection is to ensure that the Emergency Core Cooling System Actuation Instrumentation can provide the initiating actions to mitigate the consequences of accidents that are beyond the ability of the operator to control. Tables 3.3.3-1, 3.3.3-2, and 3.3.3-3 form the bases to ensure the effectiveness of the instrumentation used to initiate the actions.

The proposed action adds to Section 3/4.3.3 the required number of operable channels and the conditions for operability (Table 3.3.3-1), the setpoints (Table 3.3.3-2) and the response times (Table 3.3.3-3) of the new undervoltage protection scheme on the MCC OB565 bus.

Thus, based upon a review of the Technical Specifications and the FSAR, the addition of a new undervoltage protection scheme for the Diesel Generator E MCC OB565 bus, establishes the margin of safety for the scheme which is consistent with margin of safety for the Class 1E 4.16 kV bus undervoltage protection as defined in the basis of the Technical Specifications.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, D.C. 20037

NRC Project Director: Charles L. Miller

Pennsylvania Power and Light Company, Docket Nos. 50-387 and 50-388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: December 18, 1992, as supplemented January 28, 1993

Description of amendment request: The proposed amendment would change the Technical Specifications (TSs) to remove cycle-specific parameter limits in accordance with NRC Generic Letter (GL) 88-16, "Removal of Cycle-Specific Parameter Limits from Technical Specifications" issued October 4, 1988. The proposed changes would replace the values of cycle-specific parameter limits with a reference to the Core Operating Limits Report (COLR), which contains the values of those limits. In addition, the Core Operating Limits Report has been included in the Definitions Section of the TSs to note that it is the unit-specific document that provides these limits for the current operating reload cycle. Furthermore, the definition notes that the values of these cycle-specific parameter limits are to be determined in accordance with new Specification 6.9.3. This specification requires that the Core Operating Limits be determined for each reload cycle in accordance with the referenced NRC-approved methodology for these limits and consistent with the applicable limits of the safety analysis. Finally, this report and any mid-cycle revisions shall be provided to the NRC upon issuance. Generic Letter 88-16, dated October 4, 1988, from the NRC, provided guidance to licensees on requests for removal of the values of cycle-specific parameter limits from the TS. The licensee's proposed amendment is in response to this Generic Letter.

Basis for proposed no significant hazards consideration determination:

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. This request does not involve a significant increase in the probability or consequences of an accident previously evaluated.

These changes are administrative in nature and do not change, only relocate, the approved U1C7 [Unit 1 Cycle 7] and U2C6 [Unit 2 Cycle 6] cycle specific parameter limits to a separate controlled document (the COLR). The plant will continue to operate under these approved cycle specific parameter limits and in accordance with the proposed Administrative Controls of Section 6.9.3. These controls ensure that all proposed changes are based on NRC approved methods and consistent with all applicable limits in the approved safety analysis. Therefore, the proposed change does not significantly increase the probability or consequences of an accident previously evaluated.

2. This request does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Relocation of cycle specific parameter limits from the Technical Specifications to the Core Operating Limits Report is an administrative change and cannot affect the probability or consequences of analyzed events nor can it create a new event.

3. The proposed change does not involve a significant reduction in a margin of safety.

For the reasons described in 1 & 2 above, the proposed action only is transferring these limits from one document to another. No change to the approved U1C7 and U2C6 cycle specific parameter limits or the associated remedial actions/surveillance requirements is being proposed. In the future, proposed changes will only be implemented without prior NRC approval after they are confirmed to be based on NRC approved methods and consistent with all applicable limits in the approved safety analysis. This will ensure that a margin of safety will not be significantly impacted.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, D.C. 20037

NRC Project Director: Charles L. Miller

Philadelphia Electric Company, Docket Nos. 50-352 and 50-353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: January 8, 1993

Description of amendment request: The amendment would revise the Technical Specifications (TS) contained in Appendix A to reduce the frequency of testing of certain fire detection instrumentation. The proposed changes substitute the pertinent fire detection requirements recommended by the 1990 Edition of the National Fire Protection Association (NFPA) Standard 72 E, in place of requirements specified in earlier editions of the NFPA Standard.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed TS changes involve a change in the surveillance testing interval for certain fire detection instrumentation to make the test interval consistent with the current (i.e., 1990) edition of the applicable NFPA Standards. The proposed TS changes do not result in any physical changes to the plant nor do they impact any design or functional requirements of the plant systems. The proposed TS changes do not degrade the performance or increase the challenges of any safety-related system assumed to function in the accident analysis. Additionally, no accidents previously evaluated have as their initiators anything related to the change in frequency of surveillance testing. Also, the proposed TS changes do not affect the availability of equipment or systems required to mitigate the consequences of an accident because of the equipment redundancy required by the LGS Fire Protection Program and the fact that the conclusions of the LGS fire safe shutdown analyses remain unchanged. Furthermore, a review of the fire detection instrumentation surveillance test history determined that there is no evidence of any failures that would invalidate the above conclusions. Therefore, the proposed TS changes do not increase the probability or consequences of an accident previously evaluated.

2. The proposed TS changes do not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed TS changes involve a change in the surveillance testing interval for certain fire detection instrumentation to make the test interval consistent with the current (i.e., 1990) edition of the applicable NFPA Standards. The proposed TS changes do not introduce nor increase the number of failure mechanisms of a new or different type than those previously evaluated since no physical changes are being made to the facility, no design requirements are being changed, and the system design performance is not degraded. In addition, the frequency of testing is not an accident initiator. Also, the conclusions of the LGS fire safe shutdown analyses remain valid. Therefore, changing the frequency of testing does not create a new or different accident. Furthermore, a review of the fire detection instrumentation surveillance test history determined that there is no evidence of any failures that would invalidate the above conclusions. Therefore, the proposed TS changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed TS changes do not involve a significant reduction in a margin of safety.

Although the proposed TS change will result in an increase in the internal between surveillance tests, the increased interval is consistent with the guidance provided in the current edition of the applicable NFPA Standards. The proposed TS chagnes do not impact plant safety based on the redundancy of equipment required by the LGS Fire Protection Program and the fact that the conclusions of the LGS fire safe shutdown analyses remain unchanged. A review of the fire detection instrumentation surveillance test history determined that there is no evidence of any failures that would invalidate the above conclusions. Therefore, the proposed TS changes do not reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania 19101

NRC Project Director: Charles L. Miller

Power Authority of The State of New York, Docket No. 50-286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of amendment request: January 6, 1993

Description of amendment request: The licensee commenced operating on a 24-month fuel cycle, instead of the previous 18-month fuel cycle, with fuel cycle 9. Fuel cycle 9 started in August 1992. In order to accommodate operation on a 24-month cycle, the licensee requested a Technical Specifications (TS) amendment to incorporate the changes listed below:

(1) The licensee proposed changing the frequency of residual heat removal

(RHR) pump flow calibration (specified in TS Table 4.1-1) to accommodate operation on a 24-month cycle.

(2) The licensee proposed changing the frequency of boron injection tank return flow calibration (specified in TS Table 4.1-1) to accommodate operation on a 24-month cycle.

(3) The licensee proposed changing the frequency of RHR loop isolation valve automatic isolation and interlock testing (specified in TS Table 4.1-3) to accommodate operation on a 24-month cycle.

(4) The licensee proposed changing the frequency of RHR system leakage testing (specified in TS Section 4.4.I.4) to accommodate operation on a 24-month cycle.

(5) The licensee proposed changing the frequency of recirculation pump testing (specified in TS Section 4.5.B.1.a) to accommodate operation on a 24month cycle.

(6) The licensee proposed changing the frequency of accumulator check valve operability testing (specified in TS Section 4.5.B.2.b) to accommodate operation on a 24-month cycle.

(7) The licensee proposed changing the frequency of safety injection (SI)/RHR check valve gross leakage testing (specified in TS Section 4.5.B.2.c) to accommodate operation on a 24-month cycle.

These proposed changes follow the guidance provided in Generic Letter 91-04, "Changes in Technical Specification Surveillance Intervals to Accommodate a 24-Month Fuel Cycle," as applicable.

In addition, the licensee proposed changing the gross leakage surveillance requirements for certain SI/RHR system check valves (specified in TS Section 4.5.B.2.d) to implement requirements as set forth in Generic Letter 80-14, "LWR Primary Coolant System Pressure Isolation Valves," dated February 23, 1980, regarding testing of low pressure injection (LPI)/RHR check valves.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Consistent with the requirements of 10 CFR 50.92, the enclosed application is judged to involve no significant hazards based on the following information:

(1) Does the proposed license amendment involve a significant increase in the probability or consequences of any accident previously evaluated?

Response:

The proposed changes do not involve a significant increase in the probability or consequences of any accident previously analyzed. These changes propose extending the surveillance intervals for safety injection/residual heat removal systems testing. The proposed change to specification 4.5.B.2.d follows the guidance of NRC generic letter dated, February 23, 1980. [These proposed] changes do not involve any physical changes to the plant, nor do they alter the way any equipment functions. An evaluation of past equipment performance and other means of detecting system problems provides assurance that the longer surveillance intervals will not degrade system performance.

(2) Does the proposed license amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response:

The proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated. These changes propose extending the surveillance intervals for safety injection/residual heat removal testing. The proposed change to specification 4.5.B.2.d follows the guidance of NRC generic letter dated, February 23, 1980. [These proposed] changes do not involve any physical changes to the plant, nor do they alter the way any equipment functions. An evaluation of past equipment performance and other means of detecting system problems provides assurance that the longer surveillance intervals will not degrade system performance.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

Response:

The proposed changes do not involve a significant reduction in a margin of safety. These changes propose extending the surveillance intervals for safety injection/residual heat removal systems testing. The proposed change to specification 4.5.B.2.d follows the guidance of NRC generic letter dated, February 23, 1980. [These proposed] changes do not involve any physical changes to the plant, nor do they alter any equipment functions or system setpoints. An evaluation of past equipment performance and other means of detecting system problems provides assurance that the longer surveillance intervals will not degrade system performance.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Project Director: Robert A. Capra

Power Authority of The State of New York, Docket No. 50-286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of amendment request: January 11, 1993

Description of amendment request: The licensee requested a Technical Specifications amendment which proposed revising Section 3.3 (Engineered Safety Features) to reflect the current NRC staff position regarding alternate train testing of an emergency safety feature when one train of the safety feature is inoperable. In addition, the licensee proposed revising Section 3.7 (Auxiliary Electrical Systems) to allow an emergency diesel generator (EDG) to be out of service for preplanned maintenance or testing without requiring special testing of the remaining EDG. Special testing would be performed only if an EDG becomes inoperable for a reason other than planned maintenance or testing. The requested amendment would also correct administrative errors in Section 3.3.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Consistent with the requirements of 10 CFR 50.92, the enclosed application is judged to involve no significant hazards based on the following information:

(1) Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response:

The proposed changes do not involve an increase in the probability or consequences of a previously analyzed accident. The changes eliminate alternate train special testing requirements when the benefit of performing the special test does not justify the disadvantages of performing of the test. These changes will allow for improved availability of alternate safety equipment necessary to mitigate the consequences of an accident and for improved availability of the emergency diesel generators. The changes to Section 3.7 can potentially improve the reliability of the emergency diesel generators. The administrative changes do not change any current requirements and, therefore, have no affect on the probability or consequences of any previously analyzed accident.

(2) Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response:

The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated because they do not affect the current plant configuration or current

operating practices. The changes eliminate alternate train special testing requirements when the benefit of performing the special test does not justify the disadvantages of performing the test and correct administrative errors in Section 3.3.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

Response:

The proposed amendment does not involve a significant reduction in a margin of safety. The changes eliminate alternate train special testing requirements when the benefit of performing the special test does not justify the disadvantages of performing the test. These changes will allow for improved availability of alternate safety equipment and for improved availability of the emergency diesel generators. The changes to Section 3.7 can potentially improve the reliability of the emergency diesel generators. The administrative changes do not change any current requirements and, therefore, have no affect on any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Project Director: Robert A. Capra

Power Authority of The State of New York, Docket No. 50-286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of amendment request: January 19, 1993

Description of amendment request: The licensee commenced operating on a 24-month fuel cycle, instead of the previous 18-month fuel cycle, with fuel cycle 9. Fuel cycle 9 started in August 1992. In order to accommodate operation on a 24-month cycle, the licensee requested a Technical Specifications (TS) amendment which proposed extending the hydrogen recombiner refueling surveillance test interval (specified in TS Section 4.5.7.a.2) to 24 months. This proposed change follows the guidance provided in Generic Letter 91-04, "Changes in Technical Specification Surveillance Intervals to Accommodate a 24-Month Fuel Cycle," as applicable.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Consistent with the criteria of 10 CFR 50.92, the enclosed application is judged to involve no significant hazards based on the following information:

(1) Does the proposed license amendment involve a significant increase in the probability or consequences of any accident previously evaluated?

Response:

The proposed change does not involve a significant increase in the probability or consequences of any accident previously analyzed. The change proposes extending the surveillance interval for recombiner system testing. The change does not involve any physical changes to the plant, nor does it alter the way the EHRS (electric hydrogen recombiner system) functions. The six month test provides assurance of EHRS operability. An evaluation of the nuclear plant reliability data system from 1983 to 1992 provides additional assurance of the overall model B EHRS reliability. The six month test and NPRDS (nuclear plant reliability data system) search provide assurance that extending the three recombiner surveillances (circuit calibration, visual examination, and check of heater circuits) is not expected to degrade system performance.

(2) Does the proposed license amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response:

The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated. The change proposes extending the surveillance interval for recombiner system testing. The change does not involve any physical changes to the plant, nor does it alter the way the EHRS functions. The six month test provides assurance of EHRS operability. An evaluation of the nuclear plant reliability data system from 1983 to 1992 provides additional assurance of the overall model B EHRS reliability, and therefore the longer surveillance intervals are not expected to degrade system performance.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

Response:

The proposed change does not involve a significant reduction in a margin of safety. The change proposes extending the surveillance interval for recombiner system testing. The change does not involve any physical changes to the plant, nor does it involve any changes to established setpoints. The six month test provides assurance of EHRS operability. An evaluation of the nuclear plant reliability data system from 1983 to 1992 provides additional assurance of the overall model B EHRS reliability, and therefore the longer surveillance intervals are not expected to degrade system performance.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Project Director: Robert A. Capra

Public Service Electric & Gas Company, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey

Date of amendment request: November 19, and December 29, 1992

Description of amendment request: The licensee is requesting relief from the Emergency Diesel Generator (EDG) fuel oil storage recommendations of Standard Review Plan Section 9.5.4, Paragraph I.1.d and Regulatory Guide 1.137, Revision 1, as committed to in the Hope Creek Updated Final Safety Analysis Report (UFSAR).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below (The licensee has provided separate no significant hazards considerations for the two changes they are requesting.):

PSE&G has, pursuant to 10 CFR 50.92, reviewed the proposed licensing commitment changes to determine whether our request involves a significant hazards consideration. We have determined that operation of the Hope Creek Generating Station in accordance with the proposed changes (The following no significant hazards consideration regards the fuel oil transfer pump automatic start level.):

1. Will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Having the fuel oil transfer pump start level set below 66 minutes does not increase the probability of an accident since the fuel oil transfer pumps have the ability to increase the day tank level while the EDGs are running. Loss of a EDG fuel oil day tank or loss of inventory in the day tank is bounded by the analysis for the loss of an EDG during a design basis accident. PSE&G has demonstrated that the Hope Creek Generating Station has the ability to shut the plant down and maintain the plant in safe shutdown in the event of a Loss of Offsite Power concurrent with a design base accident with the loss of one EDG (refer to UFSAR Section 8.3.1.1.3).

2. Will not create the possibility of a new or different kind of accident from any accident previously evaluated.

Loss of level in the EDG fuel oil day tank is bounded by a loss of the EDG. PSE&G has previously demonstrated that the Hope Creek Generating Station has the ability to shut the plant down and maintain the plant in safe shutdown in the event of a Loss of Offsite Power concurrent with a design base accident with the loss of one EDG (refer to UFSAR Section 8.3.1.1.3).

3. Will not involve a significant reduction in a margin of safety.

Having the EDG fuel oil transfer pump start level set below the ANSI N195-1976 level of 66 minutes will not reduce the margin of safety since the fuel oil transfer pumps have the ability to increase the EDG day tank level while the EDG is running.

The EDG fuel oil transfer pump logic is designed to start the alternate transfer pump upon receipt of a low level alarm in the day tank if the designated transfer pump does not start. This design precludes the loss of one transfer pump from causing the loss of fuel oil inventory to the EDG.

PSE&G has also demonstrated the ability to shutdown and maintain HCGS in safe shutdown with the loss of one EDG during a design basis accident concurrent with a loss of offsite power (refer to UFSAR Section 8.3.1.1.3). Loss of a EDG bounds the complete loss of fuel oil inventory in the EDG day tanks.

PSE&G has, pursuant to 10 CFR 50.92, reviewed the proposed licensing commitment changes to determine whether our request involves a significant hazards consideration. We have determined that operation of the Hope Creek Generating Station in accordance with the proposed changes [The following no significant hazards consideration regards transferring fuel oil from an idle EDG to allow the remaining EDGs to have enough fuel to run for seven consecutive days without refueling.]:

1. Will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Since the EDGs are used to mitigate the consequences of an accident, transferring fuel oil from one tank to another will not increase the probability of an accident. With the ability to transfer fuel oil from the idle EDG, Hope Creek Generating Station has sufficient EDG fuel oil capacity in seismic category I tanks to operate the EDGs for seven days in the event of a DBA concurrent with the loss of offsite power in accordance with Regulatory Guide 1.137, Revision 1.

2. Will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The transfer of EDG fuel oil from one tank to another will only occur during long term accident mitigation and therefore does not create the possibility of a new or different kind of accident.

3. Will not involve a significant reduction in a margin of safety.

The EDG onsite fuel oil storage tanks are seismic category I. The eight EDG fuel oil storage tanks at HCGS hold a supply of fuel oil that is sufficient to supply the EDGs for 7 days of operation following a loss of offsite power event concurrent with a design basis accident. In response to NRC FSAR Question 430.88, PSE&G evaluated the ability to refuel the EDG fuel oil storage tanks within the seven day time period under severe weather conditions. This evaluation states that while extremely adverse wind, weather and tidal conditions at the Hope Creek Site could interfere with diesel oil delivery for approximately 24-36 hours, it would be a very improbable situation that would preclude delivery by truck or barge for as long as 60 hours. During normal weather conditions the delivery of fuel oil takes approximately 1-2 days from placing an order to receiving the oil onsite. Since Hope Creek has the ability to refuel the EDG within the seven day fuel supply, there is no reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) aresatisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070

Attorney for licensee: M. J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005-3502

NRC Project Director: Charles L. Miller

Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: January 18, 1993

Description of amendment request: This amendment would modify Technical Specification (TS) 4.6.4.2, Electric Hydrogen Recombiners Surveillance Requirements. The more conservative and technically accurate requirements from both units' surveillance requirements would be combined into a common set of requirements, providing consistency between the two units. A provision would be added that would allow the 18-month surveillance to satisfy the 6-month surveillance when the tests fall due at or near the same time.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The operation of the Salem Generating Station (SGS) in accordance with the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment does not involve a physical or procedural change for any structure, component, or system that affects the probability or consequences of any accident or malfunction of equipment important to safety previously evaluated in the Updated Final Safety Analysis Report (UFSAR). The testing in existing Unit 1 Specification 4.6.4.2.b.3 is already administatively required and performed for Unit 2. These changes will merely make the TS require that testing which is already being performed. The change to TS 4.6.4.2.a is cosmetic for Unit 2 and an improvement for Unit 1. This change would add more conservative surveillance requirements. Further, the asterisked NOTE will reduce unnecessary, duplicative, cycling of recombiner equipment by taking credit for 18 month testing satisfying 6 month testing requirements when both tests fall due at roughly the same time.

2. The operation of the Salem Generating Station (SGS) in accordance with the proposed change will not create the possibility of a new or different kind of accident from any previously evaluated.

There are no physical changes to the plant or to the manner in which the plant is operated involved in the proposed revision. The proposed change will require additional testing (18 month functional testing) in the Unit 2 TS and make a minor correction to the 6 month functional test requirement in Unit 1 TS for consistency with the existing Unit 2 test description.

3. The operation of the Salem Generating Station (SGS) in accordance with the proposed change does not involve a significant reduction in a margin of safety.

The proposed revision will add an 18 month test requirement on Unit 2 and refine the wording of the Unit 1 six month testing to match that of Unit 2. The proposed changes add clarity and consistency to the specifications which will lessen the likelihood of error in performing surveillance testing for both Salem units. The changes, being fundamentally administrative, have no impact upon margins of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Salem Free Public library, 112 West Broadway, Salem, New Jersey 08079

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C., 20005-3502

NRC Project Director: Charles L. Miller

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of amendment requests: December 20, 1991

Description of amendment requests: The licensee proposes to revise Technical Specifications (TS) 3/4.4.8.3.1, "Overpressure Protection Systems-RCS Temperature ≤ 312 [degrees] F" for Unit 2 and "Overpressure Protection Systems-RCS Temperature ≤ 302 [degrees] F" for Unit 3, TS 3/4.1.2.3, "Charging Pump-

Shutdown," and TS 3/4.5.3, "ECCS Subsystems-T_{avg} Less Than 350 [degrees] F," as recommended by Generic Letter 90-06.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed revision to TS 3/4.4.8.3.1 will not significantly alter the way the [Low Temperature Overpressure Protection] LTOP system is operated. The proposed revision: (1) Shortens the [Allowable Outage Time] AOT for [Shutdown Cooling System] SDCS Relief Valve isolation valves to increase the availability of the LTOP system thereby reducing the risks from low temperature event, (2) Limits the number of OPERABLE [High Pressure Safety Injection] HPSI pumps to preclude a mass addition to the [Reactor Coolant System] RCS that exceeds the design basis of the LTOP, and (3) provides an alternate ACTION to power-lock open one pair of OPERABLE SDCS Relief Valve isolation valves that is used for overpressure protection due to the INOPERABILITY of the other pair of SDCS Relief Valve isolation valves. This alternate ACTION precludes a single failure that can restore power to the OPERABLE isolation valve pair and result in loss of LTOP system safety function while maintenance or repair is being performed on the other SDCS Relief Valve isolation valve pair. The consequences of an LTOP event are not affected by this change. There are no changes to plant equipment or accident assumptions and no significant changes to plant operation. The racking out of the third HPSI pump breaker or locking close of its discharge valve, and the alternate action to power-lock open the OPERABLE SDCS Relief valve isolation valve pair will be performed in accordance with established procedures. Therefore, operation of the facility as a result of this proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed revisions to TS 3/4.1.2.3 and TS 3/4.5.3 to limit the number of OPERABLE HPSI pumps applicable in MODES 5 and 6 for TS 3/4.1.2.3 and MODE 4 for TS 3/4.5.3 do not impact facility operation. The existing TS 3/4.1.2.3 requires at least one OPERABLE Charging pump or one OPERABLE HPSI pump, and the existing TS 3/4.5.3 requires only one OPERABLE HPSI pump. As in TS 3/4.4.8.3.1, the proposed revisions to TSs 3/4.1.2.3 and 3/4.5.3 provide assurance that a mass addition to the RCS that exceeds the design basis of the LTOP system will not occur. The consequences of a low temperature overpressure event are not affected by these revisions. There are no changes to plant equipment, operation, or accident analyses assumptions. Therefore, operation of the facility as a result of this proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed revision to TS 3/4.4.8.3.1: (1) Increases the availability of the SDCS Relief Valve isolation valves thereby reducing the risk from low temperature overpressure events, (2) limits the number of OPERABLE HPSI pumps to preclude a potential challenge to the LTOP system, (3) permits operation with single pair of SDCS Relief Valve isolation valves and, (4) ensures a single failure will not result in the SDCS Relief Valve isolation pair that is used for overpressure protection to lose its safety function. The proposed changes do not alter or modify the design of the plant equipment. Manipulation of equipment i.e., breakers and valves, to comply with the proposed TS will be in accordance with established procedures. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed revisions to TSs 3/4.1.2.3 and 3/4.5.3 do not modify the LTOP system or related equipment. The proposed revisions to these TSs provide assurance that plant operation is consistent with the design basis of the LTOP system and the plant specific design when using pumps for makeup and [Emergency Core Cooling System] ECCS functions. Therefore, the proposed changes will not create a new or different kind of accident from any accident previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed revision to TS 3/4.4.8.3.1 provides a conservative 24-hour limitation for LTOP system INOPERABILITY during LTOP conditions thereby increasing the availability of the LTOP system to mitigate low temperature overpressure events. Secondly, the proposed revision ensures a single failure does not prevent the SDCS Relief Valve isolation valves from performing their safety function during LTOP conditions. And thirdly, the proposed revision precludes the challenge to the LTOP that might occur due to a mass addition to the RCS that exceeds the design basis of the LTOP system. These proposed revisions enhance overall plant safety. The bases and assumptions used in the safety analyses for the LTOP system are not changed by this proposed revisions. Therefore, the proposed change does not involve a reduction in a margin of safety.

As in TS 3/4.4.8.3.1, the proposed revisions to TS 3/4.1.2.3 and TS 3/4.5.3 will preclude the potential challenge to the LTOP system due to a mass addition to the RCS that exceeds the design basis assumptions of the LTOP. The non-availability of the third HPSI pump for TS 3/4.1.2.3 to provide RCS makeup and injection and in TS 3/4.5.3 for reactivity control and ECCS functions does not impact any margin of safety. Therefore, the proposed changes do not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Main Library, University of California, P.O. Box 19557, Irvine, California 92713

Attorney for licensee: James A. Beoletto, Esquire, Southern California Edison Company, P.O. Box 800, Rosemead, California 91770

NRC Project Director: Theodore R. Quay

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of amendment requests: September 3, 1992

Description of amendment requests: The licensee proposes to revise Technical Specification (TS) 3/4.4.8, "Pressure/Temperature Limits-Reactor Coolant System," and its associated Bases, following NRC guidance provided in Generic Letter 91-01. This generic letter allows licensees to remove their Reactor Vessel Material Surveillance Capsule Withdrawal Schedules from the TS because they are a duplication of the requirements of 10 CFR part 50, Appendix H. This TS amendment request also corrects five typographical/editorial mistakes.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility according to this proposed change involve a significant increase in the probability or consequences of accident previously evaluated?

Response. No

The proposed change does not modify the facility in any way nor does it modify the response to accidents that have been previously evaluated. This schedule deletion is considered administrative in nature since the program for surveillance of reactor vessel material would continue to be controlled by 10 CFR part 50, Appendix H.

The removal from the TS of the schedule for the withdrawal of reactor vessel material surveillance specimens will not result in any loss of regulatory control because changes to this schedule are controlled by the

requirements of Appendix H to 10 CFR part 50. In addition, to ensure that the surveillance specimens are withdrawn at the proper time, the surveillance requirements in the TS on pressure and temperature limits will indicate that the specimens will be removed and examined to determine changes in their material properties, as required by Appendix H. The schedule for specimen removal will be maintained in the [Updated Final Safety Analysis Report] UFSAR. Therefore, this proposed change will not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Will operation of the facility according to this proposed change create the probability of a new or different kind of accident previously evaluated?

Response. No

This proposed change is strictly administrative in that it deletes the withdrawal schedule from the TS and places it in the UFSAR. The placement of this schedule in the TS duplicates the controls to this schedule as required by 10 CFR part 50, Appendix H. Therefore, this change will not create the probability of a new or different kind of accident from any accident previously evaluated.

3. Will operation of the facility according to this proposed change involve a significant reduction in a margin of safety?

Response. No

This proposed change is strictly administrative in that it deletes the withdrawal schedule from the TS and places it in the UFSAR. The placement of this schedule in the TS duplicates the controls to this schedule as required by 10 part CFR 50, Appendix H. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Main Library, University of California, P. O. Box 19557, Irvine, California 92713

Attorney for licensee: James A. Beoletto, Esquire, Southern California Edison Company, P. O. Box 800, Rosemead, California 91770

NRC Project Director: Theodore R. Quay

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of amendment requests: October 2, 1992

Description of amendment requests: The licensee proposes to revise License Condition 2.C.(19)i for San Onofre Unit 2 and License Condition 2.C.(17)d for San Onofre Unit 3, "Post Accident Sampling System (NUREG-0737 Item II.B.3)," to remove conditions already complied with, and to revise four Post Accident Sampling System (PASS) requirements.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The Updated Final Safety Analysis Report (UFSAR) Section 15.6.3.1 provides an analysis of a decrease in reactor coolant inventory due to a primary sample or instrument line break outside of containment. The analysis of protection measures against the dynamic effects associated with the postulated rupture of piping both inside and outside containment is provided in UFSAR Section 3.6. UFSAR Section 6.2 provides the analysis of the containment isolation system integrity for postulated high energy line break scenarios inside the containment. PASS sample lines penetrating the containment boundary are provided with containment isolation valves as stated in UFSAR Section 9.3.2.1 and are identified in UFSAR Table 6.2-35 as valves that close on a Containment Isolation Actuation Signal (CIAS) or a Safety Injection Actuation Signal (SIAS) actuation. PASS is used following a loss of coolant accident (LOCA) to determine the extent of core damage, and, therefore, control has been provided to override the CIAS signal (UFSAR Table 7.3-8) to perform post-accident sampling.

In UFSAR Section 15.6.3.1, the radiological consequences of the 3/4-inch PASS reactor coolant sample line break accident is conservatively bounded by the 2-inch letdown line break accident. The PASS reactor coolant sample lines are additionally provided with locked flow restricting throttle valves to further limit blowdown (UFSAR Section 9.3.2.2.2.1).

The four proposed deletions to the PASS requirements, deletion of (1) dissolved total gas analysis, (2) the shipping cask, (3) collecting an undiluted grab sample, and (4) the PASS containment hydrogen analyzer, do not add or modify any lines penetrating the containment nor do these modifications affect the existing flowpath between the Reactor Coolant System (RCS) and the PASS sample skid. No increased leakage is expected as a result of these modifications. Therefore, PASS leakage considerations are unchanged from those found in the UFSAR Section 15.6.3.3.5.1.B discussion of LOCA doses.

For each parameter measured by a new method, the accuracy, range, sensitivity, and response times of the new instrumentation and procedures are maintained within the previous requirements. In addition, radiation exposures to any individual for reactor coolant and containment atmosphere sampling and analysis will be as low as reasonably achievable and not exceed 5 rem whole body and 75 rem extremities as required by General Design Criterion 5 (Appendix A, 10 CFR part 50). Because alternate instrumentation will be used to provide the information needed for accident evaluation within the required times, there will be no increase in potential accident consequences.

It is concluded that these four revisions to the PASS requirements will not result in a significant increase in the probability or consequences of any accident previously evaluated.

2. Will operation of the facility in accordance with this proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The only types of accidents that can be related to the PASS are potential pipe breaks outside containment and high energy line breaks either inside or outside containment. These are already addressed in, and bounded by, UFSAR Sections 15.6.3.1, 3.6, and 6.2. The four proposed deletions to the PASS requirements, deletion of (1) dissolved total gas analysis, (2) the shipping cask, (3) the requirement to collect an undiluted grab sample, and (4) the PASS containment atmosphere hydrogen analyzer, do not alter the reactor coolant sample flowpath to the PASS or introduce any design alterations which could create the potential for a failure of a different type than already analyzed.

It is concluded that these four revisions to the PASS requirements will not result in the possibility of a new or different kind of accident from any accident previously identified.

3. Will operation of the facility in accordance with this proposed amendment involve a significant reduction in a margin of safety?

No. PASS is not a safety related system. The only components related to the PASS which are safety related are those sample lines which penetrate the containment boundary. These lines will not be modified in any way during the implementation of the four proposed revisions to the PASS requirements. As isolation of the PASS sample lines is automatically initiated on a CIAS or SIAS signal, there is no potential for a reduction in the margin of safety in the immediate post-accident environment. Following the manual post-accident implementation of PASS, the four deletions to the PASS requirements, deletion of (1) the dissolved total gas analysis, (2) the shipping cask, (3) collecting an undiluted grab sample, and (4) the PASS containment atmosphere hydrogen analyzer, are anticipated to increase reliability due to simplification of the design. It is expected that no increase in PASS leakage will occur as a result of these deletions and that PASS leakage considerations will continue to be bounded by the evaluation in UFSAR Section 15.6.3.3.5.1.B.

For each parameter measured by a new method, the accuracy, range, sensitivity, and response times of the new instrumentation and procedures are maintained within the

previous requirements. Also, the new reactor coolant hydrogen analyzer eliminates the need for the total gas analysis because the new hydrogen analyzer is more reliable and accurate. In addition, radiation exposures to any individual for reactor coolant and containment atmosphere sampling and analysis will be as low as reasonably achievable and not exceed 5 rem whole body and 75 rem extremities as required by General Design Criterion 5 (Appendix A, 10 CFR part 50).

It is concluded that this proposed amendment will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Main Library, University of California, P. O. Box 19557, Irvine, California 92713

Attorney for licensee: James A. Beoletto, Esquire, Southern California Edison Company, P. O. Box 800, Rosemead, California 91770

NRC Project Director: Theodore R. Quay

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of amendment requests: October 16, 1992

Description of amendment requests: The licensee proposes to revise Technical Specification (TS) 3/4.3.4, "Turbine Overspeed Protection," to delete the weekly surveillance test of the turbine valves, and utilize the monthly surveillance testing to demonstrate Turbine Overspeed Protection System operability.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of any accident previously evaluated?

Response: No

As part of the testing for the Turbine Overspeed Protection System, the turbine stop valves, control valves, reheat stop valves, and reheat intercept valves are required to be cycled through at least one complete cycle from the running position. The surveillance tests are currently performed at power every 7 days and every 31 days. [Surveillance Requirement] SR 4.3.4 demonstrates the valves are free to close, thus satisfying the valves safety function--to ensure the valves close, precluding turbine missile generation.

Turbine valve testing has been found to be a significant contributor to reactor trip and subsequently unnecessary challenges to plant systems and personnel on an industry-wide basis. Testing at power is generally a concern and should be minimized when possible. In addition, turbine valve testing is hard on the equipment, causing wear to the valves and thermal cycling and stress to the steam system.

The proposed change would revise the surveillance to specify one test to be performed at least once per 31 days. Although there would be a slight increase in the probability of missile generation from turbine overspeed as a result of the decrease in the valve testing frequency, the increase is not significant. GEC [Alsthom International], the turbine manufacturer, has calculated the probability of turbine missile genesis (P1) to be 6.7×10^{-8} for the weekly testing schedule and 2.7×10^{-7} for the monthly testing schedule. Therefore, the proposed change in testing frequency would not jeopardize plant safety as the probability of turbine missile genesis resulting from an overspeed condition is well within the current NRC acceptance criteria of 1×10^{-5} events per year. The consequence of a turbine generated missile are unaffected by this change.

Therefore, the proposed change will not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any previously evaluated?

Response: No

The Turbine Overspeed Protection System will continue to perform its design function to protect the turbine from excessive overspeed. In addition, the type of tests required by SR 4.3.4 will not be modified as a result of the proposed change. The proposed surveillance does not introduce a new or different kind of accident because the test, acceptance criteria, and inspection methods are unchanged. Therefore the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response: No

The proposed change would revise SR 4.3.4.a and SR 4.3.4.b to permit one monthly test to satisfy both requirements. The [San Onofre, Units 2 and 3] turbine manufacturer has concurred with this proposal. Based on reanalysis, the revised P1 has been found to be within NRC acceptance criteria. The actual tests to demonstrate turbine overspeed protection system operability would not be affected and would be conducted in the same manner. Therefore, the proposed change will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Main Library, University of California, P.O. Box 19557, Irvine, California 92713

Attorney for licensee: James A. Beoletto, Esquire, Southern California Edison Company, P.O. Box 800, Rosemead, California 91770

NRC Project Director: Theodore R. Quay

Southern California Edison Company, et al., Docket Nos. 50-361 and 50362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of amendment requests: October 29, 1992

Description of amendment requests: The licensee proposes to revise Technical Specification (TS) 3/4.5.1, "Safety Injection Tanks," by edding an alternate method of ensuring power removal to the Safety Injection Tank (SIT) vent valves.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No

The SIT vent valves will still be maintained with power removed when the valves are closed and with a method of detection of power removal. This change only provides an alternate method of ensuring power is removed from these valves. The SIT vent valve fuses will remain in the fuse holder at all times unless the associated disconnect switch is INOPERABLE, and the monthly surveillance will normally be performed on the disconnect switches instead. Procedures will be changed to reflect the new surveillance, method of removing-power, and operation of the vent valves. There is no change to the SIT vent valve configuration. Therefore, there is no significant increase in the probability or consequences of a previously evaluated accident.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different type of accident from any accident previously evaluated?

Response: No

The SIT vent valves will still be maintained with power removed when the valves are closed and with a method of

detection of power removal. This change only provides an alternate method of ensuring power is removed from these valves. The SIT vent valve fuses will remain in the fuse holder at all times unless the associated disconnect switch is INOPERABLE, and the monthly surveillance will normally be performed on the disconnect switches instead. Procedures will be changed to reflect the new surveillance, method of removing power, and operation of the vent valves. There is no change to the SIT vent valve configuration. Therefore, this is no possibility of a different type of accident from any accident previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response: No

The SIT vent valves will still be maintained with power removed when the valves are closed and with a method of detection of power removal. This change only provides an alternate method of ensuring power is removed from these valves. The SIT vent valve fuses will remain in the fuse holder at all times unless the associated disconnect switch is INOPERABLE, and the monthly surveillance will normally be performed on the disconnect switches instead. Procedures will be changed to reflect the new surveillance, method of removing power, and operation of the vent valves. There is no change to the SIT vent valve configuration. Therefore, there is no significant reduction of a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Main Library, University of California, P. O. Box 19557, Irvine, California 92713

Attorney for licensee: James A. Beoletto, Esquire, Southern California Edison Company, P. O. Box 800, Rosemead, California 91770

NRC Project Director: Theodore R. Quay

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of amendment requests: November 18, 1992

Description of amendment requests: The licensee proposes to revise Technical Specifications (TS) 6.9.1.8, "Semiannual Radioactive Effluent Release Report," 6.14, "Offsite Dose Calculation Manual," and Index, Section 6.9, "Reporting Requirements," following the provisions provided in 10 CFR 50.36a. This proposed change would extend the Radioactive Effluent Release Report submittal frequency from semiannual to annual.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No

This change is administrative in nature and makes the TSs consistent with the amended requirement of 10 CFR 50.36a(a)(2).

There is no change to plant design, operation, or configuration. Therefore, there is no significant increase in the probability or consequences of an accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different type of accident from any accident previously evaluated?

Response: No

This change is administrative in nature and makes the TSs consistent with the amended requirement of 10 CFR 50.36a(a)(2). There is no change to plant design, operation, or configuration. Therefore, this change does not create the possibility of a new or different type of accident from any accident previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response: No

This change is administrative in nature and makes the TSs consistent with the amended requirement of 10 CFR 50.36a(a)(2). There is no change to plant design, operation, or configuration. Therefore, there is no reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Main Library, University of California, P.O. Box 19557, Irvine, California 92713

Attorney for licensee: James A. Beoletto, Esquire, Southern California Edison Company, P. O. Box 800, Rosemead, California 91770

NRC Project Director: Theodore R. Quay

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of amendment requests: November 20, 1992

Description of amendment requests: The licensee proposes to revise Technical Specification (TS) 3.4.5, "Reactor Coolant System Leakage," to allow the required water inventory balance to be performed within 120 hours of the last water inventory balance, in lieu of performing the water inventory balance every 72 hours, when this activity would require interruption of transient evolutions.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response. No

A revision to [Surveillance Requirement] SR 4.4.5.2.1 c is proposed to allow the transient evolution to continue and the required water inventory balance to be performed within 120 hours of the last water inventory balance. [Reactor Coolant System] RCS leakage will be monitored during this time by the following three remaining required surveiliances:

a. Monitoring the containment atmosphere gaseous or particulate radioactivity monitor at least once per 12 hours.

b. Monitoring the containment sump inlet flow at least once per 12 hours.

d. Monitoring the reactor head flange leakoff system at least once per 24 hours.

The water accumulation methods have proven to detect leaks before the water inventory balance and before the containment radioactivity monitoring system. Therefore, operation of the facility in accordance with this proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response. No

The proposed changes do not involve any alterations to the plant's physical structure or to the way in which it is operated. Leak detection will continue to be monitored by three of four methods. Therefore, the proposed revision to the technical specifications will not create the possibility of a new or different kind of accident from any previously evaluated accident.

3. Will operation of the facility in accordance with this proposed change

involve a significant reduction in [a] margin of safety?

Response. No

A revision to SR 4.4.5.2.1 c is proposed to allow the transient evolution to continue and the required water inventory balance to be performed within 120 hours of the last water inventory balance. RCS leakage will be monitored during this time by the following three remaining required surveillances:

a. Monitoring the containment atmosphere gaseous or particulate radioactivity monitor at least once per 12 hours.

b. Monitoring the containment sump inlet flow at least once per 12 hours.

d. Monitoring the reactor head flange leakoff system at least once per 24 hours.

The maximum allowable leak rate of 1 gpm is not changed, and as discussed above, leak detection monitoring will occur using the other methods available. The water accumulation methods have proven to detect leaks before the water inventory balance and before the containment radioactivity monitoring system. Therefore, the proposed revision to the technical specifications will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Main Library, University of California, P.O. Box 19557, Irvine, California 92713

Attorney for licensee: James A. Beoletto, Esquire, Southern California Edison Company, P. O. Box 800, Rosemead, California 91770

NRC Project Director: Theodore R. Quay

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of amendment requests: December 24, 1992

Description of amendment requests: The licensee proposes to revise Technical Specification (TS) 3/4.9.7, "Fuel Handling Machine - Spent Fuel Storage Pool Building," to allow long-term use of the spent fuel cask pool cover.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility according to this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No

The probability or consequences of a spent fuel assembly drop during normal movement of spent fuel are not affected by the proposed change because the methods and equipment used to move spent fuel are not changed.

As discussed in Section 15.7 of the [Update Final Safety Analysis Report] UFSAR, spent fuel casks cannot be transported over the spent fuel pool and are not transported over irradiated fuel assemblies. Thus, an accident resulting from dropping a cask into the spent fuel pool or onto spent fuel is not credible. The equipment and procedures used to move spent fuel casks are unaffected by the proposed change because the cask pool cover will be removed whenever a spent fuel cask is lifted in the Fuel Handling Building. Therefore, the probability and the consequences of this type of accident are unaffected by the proposed change.

The probability of consequences of a spent fuel pool gate drop are not affected by the proposed change because the methods and equipment used to move the gates will not change and the cask pool cover will be removed whenever a spent fuel pool gate at the cask pool end of the main pool is lifted in the Fuel Handling Building.

The probability or consequences of a test equipment drop are not affected by the proposed change because the methods and equipment used to move the Test Equipment will not change. The existing lift height restriction for movement of the Test Equipment above the pool racks will also be applied when moving the Test Equipment in Exclusion Zone A, which is adjacent to the spent fuel pool. This means that administrative controls will limit the maximum Test Equipment lift height to six inches above the cover or the edge of the spent fuel pool whenever the cask pool cover is installed.

The cask pool cover, to be used as a work area adjacent to the spent fuel pool, will consist of a single assembly with length and width which exceed the length and width of the cask pool. During its installation, the cover will be placed over the cask pool in a manner which will preclude a drop into the cask pool. A postulated drop of the cask pool cover and/or its special lifting device into the spent fuel pool is highly unlikely because of the features of the cover's design. The safe load path for both the cask pool cover and the special lifting device is very narrow and restrictive, is aligned with the east-west centerline axis of the cask pool, and the drop height of the assembly is limited to one foot. Spent fuel will not be stored in the cask pool while the cask pool cover is either in-place or being removed or installed.

The heavy leads to be lifted in the proximity of the spent fuel pool while the cask pool cover is in-place (or being installed or removed) have been evaluated utilizing the guidelines of NUREG-0612. Administrative controls will be used to prevent lifts that could result in a heavy load drop from heights or locations that exceed the design capability of the cover or cause perforation of the cover. Heavy load lift restrictions will be imposed within an exclusion zone adjacent to the spent fuel pool. Additionally, a heavy load will not be placed or stored within the exclusion zone unless it remains hooked to the cask handling crane. The rolling distance of a load, if dropped, is not expected to be significant, because heavy load handling with the cask pool cover in place will be controlled and performed at low drop heights. Thus, a postulated load drop into the spent fuel pool is highly unlikely.

Therefore, (1) the probability of an accident resulting from the handling of a heavy load in the proximity of the spent fuel pool is not significantly increased and (2) the radiological and pool leakage consequences of a potential heavy load drop remain bounded by the consequences of a potential spent fuel gate drop.

It is concluded that the proposed change will not significantly increase the probability or the consequences of any accident previously evaluated.

2. Will operation of the facility according to this proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No

The proposed change does not create a new or different type of accident because heavy load drops during normal spent fuel handling operations are accidents that have been previously analyzed for the spent fuel pool area.

The heavy loads to be lifted in the proximity of the spent fuel pool while the cask pool cover is in-place (or being installed or removed) have been evaluated utilizing the guidelines of NUREG-0612. The guidelines of Section 5.1 of NUREG-0612 are met with respect to the handling of these heavy loads.

3. Does the proposed modification involve a significant reduction in a margin of safety?

Response: No

The radiological and pool leakage consequences of a potential heavy load drop remain bounded by the consequences of a potential spent fuel gate drop. Therefore, the margins of safety are not significantly reduced by the proposed change.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Main Library, University of California, P.O. Box 19557, Irvine, California 92713

Attorney for licensee: James A. Beoletto, Esquire, Southern California Edison Company, P.O. Box 800, Rosemead, California 91770

NRC Project Director: Theodore R. Quay

VOL 58 ISS 30 FE 17 1993 UMI

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of amendment requests: December 24, 1992

Description of amendment requests: The licensee proposes to revise Technical Specifications (TS) 3/4.4.1.4.1, "Cold Shutdown - Loops Filled," TS 3/4.4.1.4.2, "Cold Shutdown - Loops Not Filled," TS 3/4.9.8.1, "Shutdown Cooling and Coolant Circulation-Low Water Level," TS 3/4.9.8.2, "Shutdown Cooling and Coolant Circulation-Low Water Level," and associated Bases. This will allow for the use of Containment Spray (CS) pumps in place of Low Pressure Safety Injection (LPSI) pumps to perform Shutdown Cooling (SDC) during Modes 5 and 6 of operation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is resented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response. No

The function of the CS system is to remove heat from the containment atmosphere in the event of a Loss Of Coolant Accident (LOCA) or Main Steam Line Break (MSLB) inside containment. The CS system is required for containment cooling by TSs in Modes 1, 2, and 3 of operation. The proposed change will allow for use of CS pumps, which are an integral part of the CS system, to perform shutdown cooling only in Modes 5 and 6 of operation. Modifications to the [reactor coolant system] RCS that cross-tie the CS system to SDC system contain manually operated valves that will remain in the LOCKED-CLOSED position in Modes 1, 2, and 3, thus segregating the CS system from the SDC system and allowing the CS pumps to perform their containment cooling functions. Therefore, the proposed change will not increase the probability or consequences of accidents previously evaluated in the Updated Final Safety Analysis Report (UFSAR).

During normal power operation, the SDC system is used to reduce the temperature of the RCS in post-shutdown periods from operating temperature to the refueling temperature. The initial phase of the cooldown is accomplished by heat rejection from the steam generator to the condenser or the atmosphere. After the reactor coolant temperature and pressure have been reduced to approximately 350 [degrees] F and 376 lb/in^2 the SDC system is put into operation. The proposed change will allow for the use of CS pumps in place of LPSI pumps in the SDC system after the reactor coolant has reached a temperature of 200 [degrees] F and is vented in accordance with TS 3.4.8.3.1.b. The SDC system is credited to perform long-term core cooling to maintain acceptable core temperatures until the plant is secured for all accidents except for a large break LOCA (UFSAR Section 15.6.3.3.2 and 15.6.3.2.1.5). The proposed change is to allow SDC by CS pumps only during maintenance of SDC systems (Modes 5 and 6) and not in post-accident conditions. Therefore, this change does not impact the performance of the SDC system during long-term core cooling.

The CS pumps are fully capable of providing the required flow rate to perform SDC in Modes 5 and 6. In Mode 5, the CS pumps are capable of providing the required SDC cooling flow with the RCS loops filled and during mid-loop operation. The CS pumps, however, have a higher discharge head than the LPSI pumps. To compensate for this difference, shutdown cooling by the CS pumps will only be performed when the RCS is vented in accordance with TS 3.4.8.3.1.b to preclude any possibility of over-pressurization of piping in the SDC system and the CS system.

None of the structures, systems, or components that initiate any accident described in the UFSAR will be affected by this change. Therefore, this proposed change will not constitute an increase in the probability of an accident previously evaluated. There will be no increase in any accident probability as a result of this change because cooling to the [spent fuel pool] SFP is maintained available at all times.

The rerack license amendment request, PCN 287, provides an analysis for a complete loss of cooling that results in boiling of the spent fuel pool. This was evaluated by the NRC and documented in the Safety Evaluation Report on the Units 2 and 3 Reracking, issued May 1, 1990.

The only potential accident remaining is a release of radioactivity from damaged fuel assemblies in the SFP. Both the SFP cooling system and the SDC systems are designed to maintain cooling capabilities to both the SFP and the core, respectively, which prevents this potential accident from occurring. In addition, the cooling capacity of each train in the SDC system is greater than the cooling capacity of the SFP cooling system.

During refueling outages there is only one complete train required to provide a heat path from the SFP to the ultimate heat sink: one or two train(s) of the SFP cooling system, one train of [component cooling water] CCW, one train of [salt water cooling] SWC, and the associated Diesel Generator. The above is true whether or not the SDC system is available for back-up.

The proposed change will only affect the location of the fuel. The heat load from the fuel in the SFP and the fuel in the core will be the same as if all the fuel were in the SFP. The large heat sink will be provided by both the SFP and the reactor fueling pool being connected and level maintained 23 feet above the reactor vessel flange. Therefore, the intent of the basis for TS 3/4.9.8 is met at all times during these evolutions.

Therefore, there is no increase in the probability or consequences of an accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response. No

The proposed change does not affect any structures, systems, or components which initiate any accident. All new components (manually operated valves and thermal wells for temperature elements) are designed to Seismic Category 1, ASME Section III Class 2, "N" stamp, and meet the current design criteria for the Shutdown Cooling system and the Containment Spray system. The isolation valves at the system interfaces are designed at higher pressure and temperature ratings than the system design requirement. The cross-tie piping will be equipped with thermal relief valves to protect the pipes from over-pressurization if the interface valves between the SDC suction line and the cross-tie were to leak. In addition, the cross-tie piping will not be subjected to the high pressure that the SDC system is generally subjected to during normal post-shutdown cooling since the CS pumps will only be used for SDC in Modes 5 and 6 after the RCS has been fully depressurized and vented.

According to UFSAR Section 5.4.7.1, a LOCA during shutdown cooling is not considered to be credible since the total stress in any RCS component will be considerably less than the total stress at design pressure. This will be a valid assertion after the implementation of this proposed plant modification, since the CS pumps will be used in Modes 5 and 6 when the RCS system is fully depressurized and vented. Since the pipes of the cross-tie are routed through the same areas where the SDC system pipes are located, no new detection methods are required to determine the condition of the cross-tie pipes. Also, no new actions to mitigate the consequences from a break/crack in the cross-tie piping will be required other than the existing actions for the SDC system.

The proposed change will allow for use of CS pumps to provide SDC flow. The CS pumps are capable of providing the required minimum flow rate for SDC in Modes 5 and 6. The CS pumps have a higher discharge head than the LFSI pumps, and to compensate for this difference, shutdown cooling by CS pumps will only be performed after the RCS has been depressurized and vented in accordance with TS 3.4.8.3.1.b. This will protect pipes of the SDC system and the CS system from inadvertent over-pressurization.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response. No

The proposed change does not affect the safety related functions of the SDC system or the CS system. The CS system will continue to perform its containment cooling function in Modes 1, 2, and 3, since the CS pumps will only be used in Modes 5 and 6 when the CS pumps are segregated from the CS system and the RWST by LOCKED-CLOSED

isolation valves. The thermal hydraulic analysis performed to support the use of CS pumps in place of LPSI pumps to perform SDC indicates no reduction in a margin of safety.

This proposed change does not cause a reduction in a margin of safety because, as before the change, only one train of cooling is relied upon from the Spent Fuel Pool to the Ultimate Heat Sink during mode 5 and 6.

The proposed change does not reduce the capability of heat transfer, and it does not change the number of trains required to be available to cool the core. The use of the SDC system has been approved by the NRC as an acceptable cooling source for the SFP in the safety evaluation report for the Units 2 and 3 reracking, issued May 1, 1990. In addition, the cooling capacity of the SDC system is greater than the cooling capacity of the SFP cooling system. Additionally, the SDC/SFP cooling mixed flow configuration provides a larger volume of water that will provide heat removal in the event that cooling flow would be interrupted. Therefore, the margin of safety is increased, not reduced during operation using the proposed alignment for the alternate SFP cooling.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Main Library, University of California, P.O. Box 19557, Irvine, California 92713

Attorney for licensee: James A. Beoletto, Esquire, Southern California Edison Company, P.O. Box 800, Rosemead, California 91770

NRC Project Director: Theodore R. Quay

Southern Nuclear Operating Company, Inc., Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendments request: May 13, 1991, as supplemented October 13, 1992. The amendment request was previously noticed July 22, 1992 (57 FR 32577). The amendment is being renoticed because the TS wording was revised by the October 13, 1992, submittal.

Description of amendments request: The amendments would modify the Technical Specifications (TS) for the overpressure protection systems. The allowable outage time (AOT) for one inoperable residual heat removal (RHR) relief valve with one or more of the reactor coolant system (RCS) cold leg temperatures less than or equal to 310 degrees Fahrenheit is being decreased from 7 days to 24 hours for water-solid conditions. The required AOT for low temperature conditions other than water-solid will remain at 7 days.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed modification to the AOT for one inoperable RHR relief valve with the RCS in a water-solid condition does not significantly increase the probability or consequences of an accident previously evaluated in the FSAR [Final Safety Analysis Report]. The proposed reduction in AOT is an enhancement to the existing technical specification, and affords increased protection for an LTOP [low temperature overpressure] event postulated during water-solid operation. As previously discussed, this reduction in AOT is being proposed to assure proper overpressure protection is afforded for the most vulnerable situation (water-solid operation). This modification does not directly initiate an accident. Since no changes in relief valve design, setpoint or operation are involved, the probability of brittle reactor vessel failure has not significantly increased by the proposed change. The consequences of accidents previously evaluated in the FSAR are unaffected by this proposed change.

2. The proposed change does not create the possibility of a new or different kind of accident than any accident already evaluated in the PSAR. Cold overpressure events have been analyzed and their bases are presented in the Bases to Technical Specification 3/4.4.10. The reduction in the allowed outage time for one inoperable RHR relief valve will not alter the conclusion of the cold overpressure analysis. This technical specification change enhances the plant ability to prevent an overpressure event by applying greater restriction upon operations during times of highest risk (i.e., water-solid conditions). No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of this proposed change. The proposed technical specification modification does not challenge the performance or integrity of any safety-related systems. Therefore, the possibility of a new or different kind of accident is not created.

3. The proposed technical specification change does not involve a significant reduction in the margin of safety. The proposed reduction in AOT for water solid conditions assures proper protection is afforded for all modes of low temperature operation. The margin of safety from an accident is improved by significantly limiting the time allowed with one train of a protection feature inoperable during the time that the plant is in a vulnerable configuration. The LTOP basis for one RHR relief valve capacity has not changed. Therefore there is no significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Houston Love Memorial Library, 212 W. Burdeshaw Street, P. O. Box 1369, Dothan, Alabama 36302

Attorney for licensee: James H. Miller, III, Esq., Balch and Bingham, P. O. Box 306, 1710 Sixth Avenue North, Birmingham, Alabama 35201

NRC Project Director: Elinor G. Adensam

Southern Nuclear Operating Company, Inc., Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendments request: December 11, 1992

Description of amendments request: The proposed revisions to Technical Specification 3/4.8.1 for both units include:

(i) Revising Unit 1 Index Page IX to provide the correct page numbers.

(ii) Revising the diesel fuel oil storage system requirement to reflect that each storage tank must contain a minimum of 25,000 gallons of usable fuel rather than merely specifying 25,000 gallons of fuel. This change is also applicable to Specification 3/4.8.2.

(iii) Revising the ACTION associated with an offsite circuit inoperable to reflect new requirements for surveillance activities and offsite circuit restoration. The revision also deletes the exception to Specification 3.0.4.

(iv) Revising the ACTION associated with one diesel generator set inoperable to reflect new requirements for surveillance activities and removing note ** which states that if the scheduled yearly maintenance of a diesel generator set exceeds 10 days, the diesel generator set must be declared inoperable. The revision also reflects new requirements for diesel generator operability status restoration.

(v) Revising the ACTION associated with one offsite circuit and one diesel generator set inoperable to reflect new requirements for surveillance activities and removing note ** which states that if the scheduled yearly maintenance of a diesel generator set exceeds 10 days, the diesel generator set must be declared inoperable. The revision also reflects new requirements for diesel generator operability status restoration and offsite circuit restoration.

(vi) Revising the ACTION associated with both of the offsite circuits inoperable to reflect new requirements for surveillance activities on the diesel generator sets. The revision also reflects

new requirements for offsite circuit restoration.

(vii) Revising the ACTION associated with both of the diesel generator sets inoperable to reflect new requirements for surveillance activities on offsite A.C. sources. The revision also reflects new requirements for diesel generator operability status restoration.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes to the electrical system technical specifications will not involve a significant increase in the probability or consequences of an accident previously evaluated. The changes made to the technical specifications will increase the availability of the electrical systems required to mitigate the consequences of an accident by reducing the time allowed for continued operation with an offsite circuit or a diesel generator inoperable. The reduction in the number of diesel generator surveillance starts is expected to improve reliability. The proposed changes are generally in agreement with the STS which have been previously reviewed and approved by the NRC.

2. The proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes do not involve physical changes to the facility and do not result in a change in the manner in which the offsite circuits or the diesel generators provide electrical service to the plant. The assumptions and conclusions of the accident analyses presented in the FSAR are unaffected by these proposed changes. Therefore, a new or different kind of accident will not occur as a result of these changes.

3. The proposed changes do not involve a significant reduction in a margin of safety. The proposed changes do not alter the manner in which safety limits, limiting safety system setpoints, or limiting conditions for operation are determined. By increasing the restrictions upon plant operation with an offsite electrical circuit or a diesel generator out of service, the availability of power to equipment essential for safe operation is enhanced. In addition, the reduction in the number of diesel generator starts is expected to improve reliability. Therefore, a significant reduction in a margin to safety will not occur due to these proposed technical specification changes.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Houston-Love Memorial Library, 212 W. Burdeshaw Street, P. O. Box 1369, Dothan, Alabama 36302

Attorney for licensee: James H. Miller, III, Esq., Balch and Bingham, P. O. Box 306, 1710 Sixth Avenue North, Birmingham, Alabama 35201

NRC Project Director: Elinor G. Adensam

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: January 17, 1992

Description of amendment request; This amendment would revise Technical Specifications (TS) Table 15.4.1-1, "Minimum Frequencies for Checks, Calibrations, and Test of Instrument Channels." The proposed amendment would remove the requirements to check Analog Rod Position, Rod Position Bank Counters, and Steam Generator Flow Mismatch when the reactor is in cold shutdown. Additionally, the proposed change would clarify the test requirements for the Overpower delta T function to ensure consistency with the test requirements of the Overtemperature delta T function.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. Operation of this facility under the proposed Technical Specification change will not create a significant increase in the probability or consequences of an accident previously evaluated. This amendment only removes the requirement to log Analog Rod Position, Rod Position Bank Counters, and Steam Generator Flow Mismatch when the plant is in cold shutdown. While in cold shutdown, control rods are fully inserted, the rod power supply is deenergized, and the reactor trip and bypass breakers are open, ensuring no rod motion. Additionally, the operator is required to monitor Source and Intermediate Range detectors, as well as rod bottom lights when Rod Position Indicators are energized. These requirements ensure that the plant is constantly being monitored for any reactivity changes. The presence of a heat sink is ensured by monitoring the parameters associated with the Residual Heat Removal System. This system is required to be in operation when the plant is in cold shutdown, and the associated parameters are monitored on cold shutdown logs. Additionally, Steam Generator Level and Pressure are monitored while the plant is in cold shutdown. These two parameters provide indications concerning the operability of a steam generator for decay heat removal.

The proposed change to the test frequency for the Overpower delta T function is simply an administrative change to clarify any confusion associated with the notation. This change will ensure that the test requirements for the Overpower delta T and Overtemperature delta T functions are identical. Since there is no physical change to the facility, its systems, or its operation, an increased probability or consequences of an accident previously evaluated cannot occur.

2. Operation of this facility under the proposed Technical Specification change will not create the possibility of a new or different kind of accident from any accident previously evaluated. This amendment removes the requirement to log the three parameters on a once-per-shift basis when the plant is in cold shutdown. The reason that these parameters are monitored is to ensure that the operator can detect any reactivity changes, as well as ensure the presence of a heat sink. Monitoring Source and Intermediate Range detectors and rod bottom lights when the Rod Position Indicators are energized, along with parameters associated with the Residual Heat Removal System, are sufficient to meet these requirements. Steam Generator Level and Pressure are also monitored and can provide additional indications concerning the operability of a steam generator for decay heat removal.

The proposed change to the test frequency for the Overpower delta T function is simply an administrative change to clarify any confusion associated with the notation. This change will ensure that the test requirements for the Overpower delta T and Overtemperature delta T functions are identical. There is no physical change to the facility, it systems, or its operation. Thus, a new or different kind of accident cannot occur.

3. Operation of this facility under the proposed Technical Specification change will not create a significant reduction in a margin of safety. Under this proposed amendment, Analog Rod Position, Rod Position Bank Counters, and Steam Generator Flow Mismatch are not required to be logged when the plant is in cold shutdown. These parameters are monitored to ensure the presence of a heat sink and the swift detection of any reactivity changes. The presence of a heat sink is ensured by monitoring the parameters associated with the Residual Heat Removal System. This system is required to be in operation when the plant is in cold shutdown. Steam Generator Level and Pressure are also monitored, and provide indications concerning the operability of a steam generator for decay heat removal.

Prior to placing the plant in cold shutdown, the operator, by procedure, must ensure that all control rods are fully inserted and that the reactor trip and bypass breakers are open. This ensures that there can be no rod motion. In order to detect any reactivity changes, Source and Intermediate Range detectors are monitored, as well as the rod bottom lights when the Rod Position Indicators are energized. Monitoring of these parameters is sufficient to ensure the presence of a heat sink and the swift detection of any reactivity changes. Thus, monitoring Analog Rod Position, Rod Position Bank Counters, and Steam Generator

Flow Mismatch is redundant and is not required when the plant is in cold shutdown.

The proposed change to the test frequency for the Overpower delta T function is simply an administrative change to clarify any confusion associated with the notation. This change will ensure that the test requirements for the Overpower delta T and Overtemperature delta T functions are identical. Since this amendment does not change the facility, its systems, or its operation, a significant reduction in a margin of safety cannot occur.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037

NRC Project Director: John N. Hannon.

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: January 19, 1993

Description of amendment request: The proposed amendment would revise Technical Specification Table 15.3.5-1, "Engineered Safety Features Initiation Instrument Setting Limits," Item 9, "Degraded Voltage (4.16 KV)." Item 9 now requires the degraded voltage relay setpoints to be set at greater than or equal to 3875 volts plus or minus 2%. The proposed amendment would change this setpoint to 3959 volts plus or minus 1/2%.

The proposed amendment would also revise Technical Specification Table 15.3.5-3, "Emergency Cooling," Item 4.a, "Degraded Voltage (4.16KV)," and Item 4.b, "Loss of Voltage (4.16 KV)." Item 4.a specifies the number of instrument channels which must be operable for degraded voltage protection for each 4.16 KV safeguards bus and the degree of redundancy which must exist. Item 4.b imposes similar requirements for the loss-of-voltage protection channels. If these conditions cannot be met, the current specifications permit continued operation for up to seven days provided both emergency diesel generators are otherwise operable and the associated diesel generator is operating and providing power to the affected bus. If the condition is corrected within seven days, then the affected unit is required to be placed in hot shutdown. The proposed amendment would change the action statement to both items to read: "Declare the associated emergency diesel generator inoperable for the affected bus. The applicable Limiting Condition for Operation (LCO) shall be entered. Separate LCOs may be entered for the Degraded Voltage and Loss of Voltage functions."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1

Operation of PBNP in accordance with the provisions of the proposed amendments does not result in a significant increase in the probability or consequences of any accident previously evaluated.

The revised setpoint for the degraded voltage protection on 4160V Safeguards Buses A05 and A06 removes the non-conservatism in the existing relay setpoint. The setpoint remains below the voltage levels at which spurious activation which could affect safeguards equipment reliability is expected to occur. The proposed setpoint is more restrictive than the existing setpoint and provides assurance that equipment will not be adversely affected by operation for extended periods of time at reduced voltage levels. Therefore, added assurance is provided that safeguards system and equipment will function as designed. The probability or consequences of an any[sic] accident previously evaluated will not be increased by this setpoint change.

The required actions for continued operation with less than the required channels for degraded voltage or loss of voltage protection of safeguards equipment have been revised to require the entry into the LCO for the associated emergency diesel generator (EDG) which will allow continued operation for up to seven days while corrective action is taken prior to placing the affected unit in hot shutdown. The present specification also allows 7 days to take corrective action prior to placing the affected unit in hot shutdown. The requirement to place the affected safeguards buses on the EDG has been eliminated. The preferred source of power to the safeguards buses is from offsite, with the EDGs serving as the safety-related backup source of power. The EDGs are intended to be a standby source of power. It is unlikely that the degraded voltage protection and the loss of voltage protection would be inoperable at the same time. Therefore protection will still be provided, independent of the inoperable channel, for severely degraded or loss of voltage conditions. Operation of the EDGs for an extended period of time when not needed to perform its safety function as analyzed in the PBNP Final Safety Analysis Report, subjects the EDG to increased wear associated with operation which may affect reliability and, therefore, is undesirable. Degraded voltage and loss of voltage conditions can readily be detected by existing instrumentation as well as routine checks, calibrations and tests, and can be compensated for by operator action. Therefore, the elimination of the requirement to place the affected buses on an EDG while maintaining the requirement to take corrective action within 7 days does not result in a significant increase in the probability or consequences of any accident previously evaluated.

The remaining proposed changes, which add the safeguards bus designations to the related items in the Technical specification Tables is an administrative change [sic]. It does not affect any operational requirement or function related to PBNP. Therefore, these changes cannot result in an increase in the probability or consequences of any accident previously evaluated.

Criterion 2

Operation of PBNP in accordance with the provisions of the proposed amendment will not create the possibility of a new or different type of accident than any accident previously evaluated.

The design of PBNP is not being altered as a result of the proposed amendments. The existing design and function of the degraded voltage protection and loss of voltage protection for safeguards equipment is being maintained. Therefore, a new or different type of accident than any accident previously evaluated cannot result.

Criterion 3

Operation of PBNP in accordance with the provisions of the proposed amendments will not result in a significant reduction in a margin of safety.

The setpoint for the degraded voltage protection is being revised to eliminate the exiting non-conservatism in the existing setpoint. The new setpoint is maintained at a level where the reliability of safeguards equipment is not expected to be affected by spurious actuations. Corrective action for inoperable degraded voltage and loss of voltage protection channel will still be required to be taken within 7 days or the affected unit placed in hot shutdown. By not placing the affected buses on the associated EDG, the EDGs are maintained as the standby source which is their intended and design function. The EDGs will also not be subjected to the potential for decreased reliability that could be caused by component wear or other failure mechanisms that may be the result of extended operation. Therefore, a margin of safety is not significantly reduced.

The remaining proposed changes, which add the safeguards bus designations to the related items in the Technical Specification Tables is an administrative change. It does not affect any operational requirement or function related to PBNP. Therefore, a margin of safety is not reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: John N. Hannon

Previously Published Notices of Consideration of Issuance of Amendments to Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration. For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Georgia Power Company, et al., Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: November 5, 1992

Description of amendment request: The proposed amendments would revise Technical Specification 5.3.1 in accordance with Generic Letter 90-02 regarding fuel assemblies in design features.

Date of publication of individual notice in **Federal Register:** February 2, 1993 (58 FR 6820)

Expiration date of individual notice: March 4, 1993

Local Public Document Room location: Burke County Public Library, 412 Fourth Street, Waynesboro, Georgia 30830

Northeast Nuclear Energy Company, Docket No. 50-245, Millstone Nuclear Power Station, Unit 1, New London County, Connecticut

Date of amendment request: January 12, 1992

Description of amendment request: The proposed amendment to the Technical Specifications would allow for temporarily bypassing the Main Steam Line Radiation Monitor (MSLRM) trip function in order to allow condensate demineralizers to be returned to service, thereby eliminating the possibility of an inadvertent initiation of the MSLRM trip function. A time limit of 2 hours per occurrence has been set to minimize the overall time that the MSLRM trip function may be bypassed.

Date of publication of individual notice in **Federal Register:** January 25, 1993 (58 FR 6023)

Expiration date of individual notice: February 24, 1993

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: December 7, 1992

Description of amendment request: The proposed amendment to the Technical Specifications would allow the fuel rack storage capacity in the Spent Fuel Pool to be increased to 1083 high density storage racks.

Date of Publication of individual notice in **Federal Register:** February 2, 1993 (58 FR 6822)

Expiration date of individual notice: March 4, 1993

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Notice of Issuance of Amendment to Facility Operating License

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, D.C., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of application for amendment: August 10, 1992

Brief description of amendment: This amendment revises the Technical Specifications surveillance requirements for the station batteries by replacing the rated load discharge test with a service discharge test once-per-cycle and a performance discharge test every 5 years in place of the service test that would normally occur within that time frame.

Date of issuance: January 25, 1993

Effective date: January 25, 1993

Amendment No.: 145

Facility Operating License No. DPR-35: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 23, 1992 (57 FR 61107) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 25, 1993. No significant hazards consideration comments received: No

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of application for amendment: October 23, 1992

Brief description of amendment: This amendment revises the scram insertion

times to reflect the use of advanced GE-10 fuel design in fuel cycle 10.

Date of issuance: January 27, 1993

Effective date: January 27, 1993

Amendment No.: 146

Facility Operating License No. DPR-35: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 9, 1992 (57 FR 58245) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 27, 1993. No significant hazards consideration comments received: No

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Commonwealth Edison Company, Docket Nos. 50-295 and 50-304, Zion Nuclear Power Station Units 1 and 2, Lake County, Illinois

Date of application for amendments: November 22, 1991

Brief description of amendments: The amendments add the Technical Specifications for some of the accident monitoring instrumentation covered by NUREG-0737, Generic Letter 83-37, and Regulatory Guide 1.97. In addition, the amendments make some administrative changes and revise a few other Technical Specifications for post-accident monitoring instrumentation to make them consistent with the guidance provided by the staff. The November 22, 1991, submittal superceeded the previous submittals dated May 23, 1990, and August 26, 1990, in their entirety.

Date of issuance: January 27, 1993

Effective date: January 27, 1993

Amendment Nos.: 141 and 130

Facility Operating License Nos. DPR-39 and DPR-48. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 16, 1992 (57 FR 42772) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 27, 1993. No significant hazards consideration comments received: No

Local Public Document Room location: Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: August 7, 1992, as supplemented on January 5, 1993.

Brief description of amendment: The amendment revises the Indian Point Nuclear Generating Unit No. 2 Technical Specifications to delete the snubber listing, Table 3.12-1, in Section 3.12. The amendment is in accordance with NRC Generic Letter 84-13 which permitted the removal of snubber listings from Technical Specifications and NRC Generic Letter 91-08 which addressed administrative controls for component lists that are removed from Technical Specifications.

Date of issuance: January 26, 1993

Effective date: January 26, 1993

Amendment No.: 160

Facility Operating License No. DPR-26: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 30, 1992 (57 FR 45084) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 26, 1993. No significant hazards consideration comments received: No

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: November 5, 1992, as supplemented December 9 and 18, 1992

Brief description of amendments: The amendments revise the limitations on concentrations of radioactive material released in liquid effluents and the limitations on the dose rate resulting from radioactive material released in gaseous effluents, and relocates the prior 10 CFR 20.106 requirements to the new 10 CFR 20.1302. These changes are in response to the new 10 CFR part 20.

Date of issuance: January 6, 1993

Effective date: January 6, 1993

Amendment Nos.: 104, 98

Facility Operating License Nos. NPF-35 and NPF-52: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 23, 1992 (57 FR 55008) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 6, 1993.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: November 5, 1992, as supplemented December 9 and 18, 1992

Brief description of amendments: The amendments revise the limitations on concentrations of radioactive material released in liquid effluents and the limitations on the dose rate resulting from radioactive material released in gaseous effluents, and relocate the prior 10 CFR 20.106 requirements to the new 10 CFR 20.1302. The changes are in response to the new 10 CFR part 20.

Date of issuance: January 6, 1993

Effective date: January 6, 1993

Amendment Nos.: 134, 116

Facility Operating License Nos. NPF-9 and NPF-17: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 23, 1992 (57 FR 55005) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 6, 1993. No significant hazards consideration comments received: No.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: February 10, 1989, as supplemented April 30, November 16, and December 10, 1992

Brief description of amendments: The amendments revise certain 18-month emergency diesel generator surveillance requirements governed by Technical Specification 4.8.1.1.2.e.

Date of issuance: February 1, 1993

Effective date: February 1, 1993

Amendment Nos.: 135, 117

Facility Operating License Nos. NPF-9 and NPF-17: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 7, 1989 (54 FR 9583) The April 30, November 16, and December 10, 1992, letters provided clarifying information and corrections which were not outside the scope of the original **Federal** Register notice and did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 1, 1993. No significant hazards consideration comments received: No.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223

VOL 58 ISS 30 FE 17 1993 UMI

Duke Power Company, Docket Nos. 50-269, 50-270, and 50-287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of application of amendments: November 5, 1992, as supplemented December 9 and 18, 1992

Brief description of amendments: The amendments revise the limitations on concentrations of radioactive material released in liquid effluents and the limitations on the dose rate resulting from radioactive material released in gaseous effluents, and relocates the prior 10 CFR 20.106 requirements to the new 10 CFR 20.1302. These changes are in response to the new 10 CFR part 20.

Date of issuance: January 6, 1993

Effective date: January 6, 1993

Amendment Nos.: 198, 198, and 195

Facility Operating License Nos. DPR-38, DPR-47, and DPR-55: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 23, 1992 (57 FR 55006) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 6, 1993.

Local Public Document Room location: Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina 29691

Entergy Operations, Inc., Docket No. 50-368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of application for amendment: July 22, 1992, as supplemented by letter dated September 11, 1992

Brief description of amendment: The amendment revised the surveillance requirements for steam generator (SG) tubing, TS 4.4.5 and associated Bases, to allow the use of Combustion Engineering Nuclear Services (CENS) sleeves for tube repair in the SGs.

Date of issuance: January 26, 1993

Effective date: January 26, 1993

Amendment No.: 142

Facility Operating License No. NPF-6. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 19, 1992 (57 FR 37567) The additional information contained in the supplemental letter dated September 11, 1992, was clarifying in nature and, thus, within the scope of the initial notice and did not affect the staff's proposed no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 26, 1993. No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: Febrary 22, 1991, as supplemented November 6, 1991, May 28, 1992, and December 21, 1992. The supplemental letters are clarifying and do not affect our finding of no significant hazards consideration.

Brief description of amendment: This amendment removes certain fire protection items from the Crystal River Unit No. 3 Technical Specifications (TS), modifies a license condition to establish the change control process for the Fire Protection Program, and corrects the remote shutdown system steam generator level instrumentation location and measurement range to reflect the existing plant configuration. The requirements of the fire protection TS have been relocated to the Fire Protection Plan.

Date of issuance. January 22, 1993

Effective date: January 22, 1993

Amendment No.: 147

Facility Operating License No. DPR-72. Amendment revised the Technical Specifications. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 22, 1993. No significant hazards consideration comments received: No.

Local Public Document Room location: Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida 32629

GPU Nuclear Corporation, et al., Docket No. 50-289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of application for amendment: February 24, 1992

Brief description of amendment: The amendment conforms Section 4.4 and the bases statements of the Technical Specifications (TSs) to the exemption granted by the NRC on February 25, 1991, regarding the scheduling of containment integrated leak rate testing. The amendment also provides additional options for verifying valve positions during engineered safeguards surveillance testing and incorporates a number of administrative improvements into the TSs.

Date of issuance. January 26, 1993

Effective date: January 26, 1993

Amendment No.: 167

Facility Operating License No. DPR-50. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 14, 1992 (57 FR 47136) The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated January 26, 1993. No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of application for amendment: November 18, 1992

Brief description of amendment: The amendment changes Technical Specification surveillance requirements to extend the maximum interval between containment Type B and Type C tests from the present 24 months to 34 months for this fuel cycle only.

Date of issuance: January 29, 1993

Effective date: January 29, 1993

Amendment No.: 75

Facility Operating License No. NPF-49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 23, 1992 (57 FR 61120) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 29, 1993. No significant hazards consideration comments received: No.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: September 16, 1992, as supplemented November 3, 1992.

Brief description of amendment: The amendment permits implementation of an expanded operating domain resulting from maximum extended load line limit analysis (MELLLA) and increased core flow (ICF).

Date of issuance: January 27, 1993

Effective date: January 27, 1993

Amendment No.: 84

Facility Operating License No. DPR-22. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 28, 1992 (57 FR 48823) The Commission's related evaluation of the amendment is

contained in a Safety Evaluation dated January 27, 1993. No significant hazards consideration comments received: No.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: February 12, 1992, as supplemented December 14, 1992

Brief description of amendment: The amendment changed Technical Specifications 5.5 and 5.8 to reflect the implementation of the Qualified Reviewer Program for the review and approval of new procedures, and changes thereto at the Fort Calhoun Station.

Date of issuance: January 26, 1993

Effective date: 90 days from the date of issuance

Amendment No.: 149

Facility Operating License No. DPR-40. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 18, 1992 (57 FR 9449) The additional information contained in the supplemental letter dated December 14, 1992, was clarifying in nature and thus, within the scope of the initial notice and did not affect the staff's proposed no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 26, 1993. No significant hazards consideration comments received: No.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Philadelphia Electric Company, Docket Nos. 50-352 and 50-353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of application for amendments: April 3, 1992, as supplemented January 21 and 22, 1993.

Brief description of amendments: The amendments revised the Technical Specification Surveillance Requirements for the Standby Liquid Control (SLC) system to: 1) use the daily check of the SLC pump suction piping temperature to verify system operability, rather than heat tracing operability; 2) verify that the piping is not blocked by pumping from the storage tank to a test drum, rather than to the test tank; and 3) require only one SLC storage tank heater to be operable, rather than two which are currently required.

Date of issuance: January 29, 1993

Effective date: January 29, 1993

Amendment Nos. 59 and 24

Facility Operating License Nos. NPF-39 and NPF-85. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 13, 1992 (57 FR 20515) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 29, 1993. No significant hazards consideration comments received: No

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: November 5, 1992

Brief description of amendment: The amendment revised Trojan Technical Specification 3/4.3.3.7, "Fire Protection Instrumentation." This amendment revised the list of fire detection instruments (Table 3.3-10) and surveillance requirements found within the specification to reflect modifications to the fire detection system, which were made to ensure compliance with the National Fire Protection Association Standard on Automatic Fire Detectors (NFPA 72E).

Date of issuance: January 26, 1993

Effective date: January 26, 1993

Amendment No.: 189

Facility Operating License No. NPF-1: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 9, 1992 (57 FR 58248) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 26, 1993. No significant hazards consideration comments received: No.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: April 27, 1990

Brief description of amendment: The amendment deleted the March 5, 1980 Order. The Order required implementation of certain training, qualification, and staffing requirements.

Date of issuance: January 19, 1993

Effective date: January 19, 1993

Amendment No. 177

Facility Operating License No. NPF-3. Amendment deletes the March 5, 1980 Order.

Date of initial notice in **Federal Register:** August 21, 1991 (56 FR 41587) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 19, 1993 and an Environmental Assessment dated December 1, 1992. No significant hazards consideration comments received: No

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia.

Date of application for amendments: June 1, 1992

Brief description of amendments: The amendments clarify the definition and requirements for containment integrity and establish consistency with NUREG-0452, "Standard Technical Specifications for Westinghouse Pressurized Water Reactors," Revision 4. In addition, the containment isolation valve tables are being eliminated in accordance with Generic Letter 91-08, "Removal of Component Lists From Technical Specifications."

Date of issuance: January 22, 1993

Effective date: January 22, 1993

Amendment Nos. 72, 171

Facility Operating License Nos. DPR-32 and DPR-37: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 22, 1992 (57 FR 32578) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 22, 1993. No significant hazards consideration comments received: No

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia.

Date of application for amendments: September 4, 1992

Brief description of amendments: These amendments revise the Technical Specifications to modify the acceptance criteria for functional testing of the Anchor Darling mechanical snubbers. In addition, other administrative changes have been made to provide consistency

in terminology and to note that functional testing is in accordance with the approved inservice inspection program.

Date of issuance: January 22, 1993
Effective date: January 22, 1993
Amendment Nos. 173, 172
Facility Operating License Nos. DPR-32 and DPR-37: Amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** October 14, 1992 (57 FR 47142) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 22, 1993. No significant hazards consideration comments received: No
Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185

Washington Public Power Supply System, Docket No. 50-397, Nuclear Project No. 2, Benton County, Washington

Date of application for amendment: October 31, 1991
Brief description of amendment: This amendment removes the main steam line radiation monitor (MSLRM) Scram and isolation valve closure functions from the Technical Specifications. This change will reduce the potential for unnecessary reactor shutdown due to spurious MSLRM trip actuation and will increase plant operational flexibility by maintaining the condenser heat sink capabilities.
Date of issuance: January 26, 1993
Effective date: January 26, 1993
Amendment No.: 112
Facility Operating License No. NPF-21: The amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** October 28, 1992 (57 FR 48831) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 26, 1993. No significant hazards consideration comments received: No.
Local Public Document Room location: Richland Public Library, 955 Northgate Street, Richland, Washington 99352

Wisconsin Public Service Corporation, Docket No. 50-305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment. July 8, 1992, as superseded August 20, 1992.
Brief description of amendment. The amendment revised Technical Specification (TS) Section 3.4, "Steam and Power Conversion System," TS Section 4.8, "Auxiliary Feedwater System," and their respective bases. The changes incorporate an NRC staff recommendation regarding the required minimum condensate storage tank inventory, additional restrictions on the operation of the auxiliary feedwater system, and revisions to the surveillance requirements for the turbine driven auxiliary feedwater pump. In addition, administrative changes were made.
Date of issuance: February 1, 1993
Effective date: February 1, 1993
Amendment No.: 97
Facility Operating License No. DPR-43. Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** August 19, 1992 (57 FR 37574) and December 23, 1992 (57 FR 61123). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 1, 1993. No significant hazards consideration comments received: No.
Local Public Document Room location: University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

Notice of Issuance of Amendment to Facility Operating License and Final Determination of No Significant Hazards Consideration and Opportunity for Hearing (Exigent or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing. For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental

Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By March 19, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to (Project Director): petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: January 19, 1993

Brief description of amendment: This amendment changes the surveillance interval in Technical Specification Table 4.2.2, Item 2, for testing two control rod drive mechanisms, CRD-20 and CRD-31, from "Every Two Weeks" to once in March 1993.

Date of issuance: January 29, 1993

Effective date: January 29, 1993

Amendment No.: 155

Facility Operating License No. DPR-20. Amendment revised the Technical Specifications. Public comments requested as to proposed no significant hazards consideration: No. The Commission's related evaluation of the amendment, finding of emergency circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated January 29, 1993.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201

Local Public Document Room location: Van Wylen Library, Hope College, Holland, Michigan 49423.

NRC Project Director: L. B. Marsh

Dated at Rockville, Maryland, this 9th day of February 1993.

VOL
58
ISS
30
FE
17
1993
UMI

For the Nuclear Regulatory Commission.

Steven A. Varga,

Director, Division of Reactor Projects - I/II, Office of Nuclear Reactor Regulation

[Doc. 93–3540 Filed 2–16–93; 8:45 am]

BILLING CODE 7590–01–F

[Docket No. 99900271]

Rosemount, Inc.; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by Petition dated December 31, 1992, Paul M. Blanch (Petitioner) has requested that the Commission take immediate enforcement action against Rosemount, Inc., for a knowing and intentional failure to provide notice of defects in basic components, as required by 10 CFR 21.21. As a basis for this request, the Petitioner asserts that Rosemount became aware, prior to 1986, that basic components consisting of 1150 series transmitters supplied to nuclear industry purchasers contained defects, but failed to notify either the purchaser's or affected licensees within five working days of the discovery of the defect, or the Commission within a timely manner, as required by 10 CFR 21.21. Specifically, the Petitioner asserts that Rosemount became aware that the transmitters contained defects consisting of a loss of fill oil which resulted in an undetected failure of the transmitter. The Petitioner asserts that this resulted in the severe degradation of the transmitters' response time and drift which was outside of the specified procurement requirements and was in violation of NRC requirements as defined in 10 CFR 50.55 and certain IEEE Codes and Standards required by the procurement documents. According to the Petitioner, a second failure mechanism was that certain 1150 series transmitters contained a defect which resulted in either an intermittent up-scale or down-scale reading which returned to normal after power was removed.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of Nuclear Reactor Regulation (NRR). By letter dated February 2, 1993, the Petitioner's request that the Commission take immediate action has been denied. As provided by § 2.206, appropriate action will be taken on this request within a reasonable time.

A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, DC 20555.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 2nd day of February 1993

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 93–3669 Filed 2–16–93; 8:45 am]

BILLING CODE 7590–01–M

NUREG–1021, Revision 7, "Operator Licensing Examiner Standards;" Availability

The Nuclear Regulatory Commission has issued Revision 7 of NUREG–1021, "Operator Licensing Examiner Standards." The Commission uses this document to provide policy and guidelines for NRC examiners and to establish the procedures and practices for conducting initial and requalification written examinations and operating tests for license applicants and licensed operators at power reactor facilities pursuant to part 55 of title 10 of the Code of Federal Regulations. The policies and guidelines contained in Revision 7 of NUREG–1021 will be used for all examinations commencing 180 days from the date of this notice.

Copies of NUREG–1021, Revision 7, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013–7082. Copies are also available from the National Technical Information Services, 5285 Port Royal Road, Springfield, VA, 22161. A copy is also available for inspection and/or copying for a fee in the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 10th day of February, 1993.

David J. Lange,

Acting Chief, Operator Licensing Branch, Division of Reactor Controls and Human Factors, Office of Nuclear Reactor Regulation.

[FR Doc. 93–3670 Filed 2–16–93; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Request for Reclearance of Form RI 38–107

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for reclearance of an information collection. Form RI 38–107, Verification of Who is Getting Payments, is designed for use when OPM, for any reason, must verify that the entitled person is indeed receiving the monies payable. Failure to collect this information would cause OPM to pay monies absent the assurance of a correct payee.

Approximately 3,290 RI 38–107 forms are completed annually. It takes approximately 10 minutes to complete this form. The annual burden is 549 hours.

For copies of this proposal, contact C. Ronald Trueworthy on (703) 908–8550.

DATES: Comments on this proposal should be received on or before March 19, 1993.

ADDRESSES: Send or deliver comments to—

Lorraine E. Dettman, Chief, Operations Support Division, Retirement and Insurance Group, U.S. Office of Personnel Management, 1900 E Street, NW., room 3349, Washington, DC 20415, and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., room 3002, Washington, DC 20503.

FOR FURTHER INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Mary Beth Smith-Toomey, Chief, Administrative Management Branch (202) 606–0616.

U.S. Office of Personnel Management.

Patricia W. Lattimore,

Acting Director.

[FR Doc. 93–3573 Filed 2–16–93; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–31844; File No. SR–AMEX–92–29]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Notice of Filing of and Order Granting Accelerated Approval Relating to the Listing and Trading of Broad-Based Index Options That Expire at the End of Each Calendar Quarter

February 9, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 13, 1992, the American Stock Exchange, Inc. ("AMEX" or "Exchange") filed with the Securities and Exchange

Commission
the proposed
in Items I an
have been pr
Commission
solicit comm
change from

**I. Self-Regul
Statement of
the Proposed**

The AMEX
index option
indexes that
business day
each calenda
expiration in

The text of
is available a
Secretary, Al
Commission

**II. Self-Regu
Statement of
Statutory Ba
Change**

In its filing
AMEX inclu
the purpose
proposed rul
comments it
rule change.
may be exam
in Item IV be
prepared sur
sections (A),
most signific
statements.

[1] On August 2
with the Commi
index options pr
amended the fili
the nomenclatur
consistent with
Corporation ("O
Kander, Special
AMEX, to Thom
Regulation, SEC
January 29, 1993
to clarify positio
("XII") option to
index arbitrage p
Kander, Special
AMEX, to Jeffrey
of Options Regul

[2] Presently, op
the Saturday foll
expiration month
with expirations
expire at three m
allows for up to
farther out than
AMEX also trade
expire three year
The AMEX is no
options with mo
expiration. Any
the Commission
of the Act.

Commission ("Commission" or "SEC") the proposed rule change as described in Items I and II below, which Items have been prepared by the AMEX.[1] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The AMEX proposes to list for trading index options on broad-based stock indexes that will expire on the first business day of the month following each calendar quarter ("quarterly style expiration index options" or "QIX").[2]

The text of the proposed rule change is available at the Office of the Secretary, AMEX, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the AMEX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The AMEX has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

When standardized index options began trading in 1983, they incorporated many of the same contract specifications of exchange-traded equity options. In particular, index options were introduced with comparable expirations (the Saturday following the third Friday of the expiration month). The significant difference between exchange-traded index options and equity options was that index options settle in cash as opposed to the delivery of the underlying stock.

As institutional investors have expanded their use of exchange-traded index options through the years, it has been observed that a number of such investors appear to be using the over-the-counter ("OTC") market where options can be customized with expirations at calendar-end quarters in order to coincide with quarterly and year-end valuations of their portfolios.

In order to meet the increasing needs of such institutional investors, the Exchange proposes to introduce standardized broad-based stock index options which will trade until the last business day of the calendar quarter (*i.e.*, March 31, June 30, September 30 and December 31). Expiration of these quarterly style index options contracts will take place on the first business day following the end of the calendar quarter.

The Exchange proposes to list QIXs on the Major Market Index ("XMI"), the XII, and the Standard & Poor's ("S&P") Midcap Index ("MID"). Contract terms for these options will be similar to the corresponding "regular" index options (*i.e.*, those expiring on the Saturday following the third Friday of the expiration month). QIXs will feature European-style exercise and will have their settlement value based upon closing prices on the last business day of the quarter. Further, to better meet the needs of institutional users, the Exchange plans to use an index multiplier of up to 500 (in order to offer larger-sized index contracts), instead of the customary 100 multiplier, and intends to initially list up to eight quarterly expirations.

For purposes of the Exchange's position limit framework, the AMEX proposes that. (1) Positions in QIX options be aggregated with positions in related index options;[3] (2) no "telescoping" provision limiting positions in near-term months will apply to QIX options, and (3) QIX options with contract multipliers greater than 100 will not be entitled to increased position limits but must adhere to existing position limits set forth in Rule 904C.[4]

(2) Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and section 6(b)(5), in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The AMEX believes that the proposed rule change will not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated approval pursuant to section 19(b)(2) of the Act. The Commission finds that the proposed rule change to permit the listing and trading of QIX options based on the XMI, XII and MID is consistent with the requirements of the Act and the rules and regulations thereunder, and, in particular, the requirements of section 6(b)(5) of the Act.[5] In particular, the Commission believes that the proposed rule change is designed to provide investors with a tailored, quarterly portfolio hedge that may be more suitable to their investment needs. In the past, these investors have been forced to pursue "quarterly hedges" in the over-the-counter ("OTC") market employing forwards, options and/or swaps. Specifically, by providing investors

---

[1] On August 21, 1992, the AMEX originally filed with the Commission its quarterly style expiration index options proposal. The AMEX subsequently amended the filing on September 15, 1992 to make the nomenclature for the quarterly style options consistent with the Rules of the Options Clearing Corporation ("OCC"). See letter from Ellen T. Kander, Special Counsel, Derivative Securities, AMEX, to Thomas Gira, Branch Chief, Options Regulation, SEC, dated September 15, 1992. On January 29, 1993, the proposal was further amended to clarify position limits in the Institutional Index ("XII") option to no more than 25,000 contracts for index arbitrage purposes. See letter from Ellen T. Kander, Special Counsel, Derivative Securities, AMEX, to Jeffrey P. Burns, Staff Attorney, Branch of Options Regulation, SEC, dated January 29, 1993.

[2] Presently, options traded at the AMEX expire on the Saturday following the third Friday of the expiration month. The AMEX trades index options with expirations of up to one year in length that expire at three month intervals. The Exchange allows for up to six expiration months with none farther out than twelve months. In addition, the AMEX also trades long-term index options that may expire three years from listing named "LEAPS." The AMEX is not now proposing to list or trade QIX options with more than twelve months to expiration. Any such proposal would be filed with the Commission for review under section 19(b)(2) of the Act.

[3] For current position limit in the XII is 45,000 contracts. The AMEX proposal would not allow more than 25,000 contracts in the XII to be used for index arbitrage purposes.

[4] The Exchange believes that increased contract sizes may be justified due to the larger portfolios now being managed by institutional investors. The AMEX's rules provide that position limits will be accordingly adjusted if the multiplier is between 100 and 500. In those instances where the Exchange intends to list and trade a QIX option with a multiplier greater than 100, the Commission expects to be notified, and appropriate procedures or rule amendments filed and approved pursuant to section 19(b) of the Act prior to trading options based on a multiplier other than 100.

[5] 15 U.S.C. 78f(b)(5) (1982).

with the ability to use QIX options that settle based on the value of component stocks on the last business day of the calendar quarter, the AMEX proposal will allow investors increased flexibility to tailor their portfolio positions to satisfy their investment objectives.[6] Accordingly, the Commission believes the AMEX proposal is a reasonable response by the Exchange to meet the demands of sophisticated portfolio managers and other institutional investors who are increasingly using the OTC market in order to satisfy their hedging needs,[7] and will thereby promote competition among these markets.

In addition, the Commission believes that the AMEX proposal will help to promote the maintenance of a fair and orderly market because the purpose of the proposal is to extend the benefits of a listed, exchange market in XMI, XII and MID options to quarterly calendar expirations. The attributes of the Exchange's XMI, XII and MID options market versus an OTC market include, but are not limited to, a centralized market center, an auction market with posted market quotations and transaction reporting on a real-time basis, standardized contract specifications, parameters and procedures for clearance and settlement, and the guarantee of OCC for all contracts traded on the Exchange.[8]

The Commission also notes that the Exchange's existing rules applicable to stock index options, including among others, strike price interval, bid/ask differential, price continuity, and sales practice rules and position and exercise limits will apply to QIX options. Position and exercise limits on QIX XMIs, QIX XIIs and QIX MIDs will be aggregated with all outstanding contracts based on the XMI, XII or MID, respectively. The specific position and exercise limits for QIXs are as follows: (1) QIX XMIs are subject to a 34,000 contract limit; (2) QIX XIIs are subject to a 45,000 contract limit with an index arbitrage limitation of 25,000 contracts;[9] and (3) QIX MIDs are subject to a 25,000 contract limit.[10]

The Commission notes that QIX XIIs will be treated like existing XII option contracts, which are A.M.-settled, except for expiration settlement which will be based on the closing values of the component securities.[11] Although the Commission continues to believe that basing the settlement of index products on opening, as opposed to closing, prices on Expiration Fridays helps alleviate stock market volatility,[12] these concerns are reduced in the case of QIXs, since expiration of these stock index options will not correspond to the normal expiration of stock index option, stock index futures, and options on stock index futures. In particular, QIX XMIs, QIX XIIs and QIX MIDs will never expire on an "Expiration Friday" or any other "Expiration Fridays" in March, June, September and December, thereby diminishing any impact that QIXs could have on the market. Accordingly, the Commission preliminarily believes that QIX options will not compromise the protection of investors or have an adverse market effect. Of course, the Commission expects the AMEX to monitor the actual effect of QIXs once trading commences and take prompt action (including timely communication with marketplace self-regulatory organizations responsible for oversight of trading in component stocks) should any unanticipated adverse market effects develop.

Lastly, based on representations from the AMEX, the Commission believes that the Options Price Reporting Authority ("OPRA") will have adequate systems processing capacity to accommodate the additional options listed in connection with QIX options. Specifically, the Exchange represents that "AMEX systems are able to fully handle any series added in conjunction with the listing of quarterly expiration index options."[13] In addition, the Exchange further represents that OPRA has made assurances that it has the necessary systems capacity to support the new series which may result from the introduction of QIX options.[14]

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register** because of the benefits QIX options can provide investors in tailoring portfolio hedges that expire on the last business day of the quarter. In addition, AMEX's QIX proposal is similar to a proposal by the CBOE to trade QIX options on two different broad based indexes.[15] Although the indexes in the CBOE rule filing are different, the general trading requirements for AMEX's QIX proposal are similar or identical to the CBOE's proposal which was published for comment.[16] Accordingly, because we do not believe the AMEX proposal raises any new regulatory issues we believe it is appropriate to approve the AMEX proposal at this time. The Commission further believes that granting accelerated approval of the proposed rule change is appropriate and consistent with section 6 of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the

---

[6] In addition, many investment strategies employed by these portfolio managers converge at the calendar quarter. Hence, traditional exchange-type expirations provide a less than perfect hedge for many institutions.

[7] According to the Exchange, the proliferation of the OTC options market in domestic indexes and equities is largely due to the availability of option contracts that expire on a calendar quarter basis.

[8] See File No. SR–OCC–91–27.

[9] Specifically, AMEX Rule 904C(b) states that no more than 25,000 contracts may be used for purpose of taking advantage of any differential in price between the XII index and the securities underlying the XII.

[10] QIX XMIs, QIX XIIs and QIX MIDs will be entitled to certain hedge exemptions from position limits under the AMEX's rules. QIX XIIs are to be treated identically to XII options expiring on the Saturday following the third Friday of the quarter month for purposes of the hedging exemptions from position and exercise limits (150,000 contract limit) and the facilitation exemption (250,000 contracts in the aggregate and 135,000 contracts for a single account). See Information Circular from Howard Baker, Senior Vice President, AMEX, to Members, Member Organizations and Registered Options Principals regarding Institutional Index Options—Introduction of Opening-Settled Contracts and Expansion of Position Limits ("Institutional Index Circular"). QIX XMIs and QIX MIDs are subject to the 75,000 contract hedge exemption, and, will not be eligible for any facilitation exemptions from position limits. See Securities Exchange Act Release No. 25938 (July 22, 1988), 53 FR 28738 and AMEX Information Circular #88–105 (August 12, 1988) ("Existing Hedge Exemption"). For the purpose of these hedge and facilitation exemptions, QIX options and those stock index options currently trading based on the XMI, XII or MID will be aggregated.

[11] QIXs on the XMI, XII and/or MIDs will have their settlement value based on the closing prices of the component securities on the last business day of the quarter.

[12] See Securities Exchange Act Release No. 31330 (October 16, 1992), 57 FR 48408.

[13] See letter from Ellen T. Kander, Special Counsel, Derivative Securities, AMEX, to Jeffrey P Burns, Staff Attorney, Branch of Options Regulation, SEC, dated February 1, 1993.

[14] *Id.*

[15] See Securities Exchange Act Release No. 31800 (February 1, 1993) (approval of file No. SR–CBOE–92–13).

[16] No comments were received on the CBOE proposal.

public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the AMEX. All submissions should refer to File No. SR–AMEX–92–29 and should be submitted by March 10, 1993

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[17] that the proposed rule change (SR–AMEX–92–29) and amendments described herein are approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3660 Filed 2–16–93, 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31845; File No. SR–NASD–92–53]

Self-Regulatory Organizations; Notice of Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to the Codification of Guidelines Regarding Communications With the Public About Investment Companies and Variable Contracts

February 10, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 8, 1992, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change[1] as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing to delete its Guidelines Regarding Communications with the Public About Investment Companies and Variable Contracts ("Guidelines")—published at ¶ 5286 of the NASD Manual—and amend Article III, section 35 of the Rules of Fair Practice ("Section 35") to incorporate certain specific standards from the Guidelines. Below is the text of the proposed amendments to section 35. Proposed new language is italicized.

Communications With the Public

Sec. 35.

* * * * *

(d) Standards Applicable to Communications with the Public.

(1) General Standards

* * * * *

(D) In judging whether a communication or a particular element of a communication may be misleading, several factors should be considered, including but not limited to.

(i) The Overall Context in Which the Statement or Statements Are Made: A statement made in one context may be misleading even though such a statement could be perfectly appropriate in another context. An essential test in this regard is the balance of treatment of risks and potential benefits.

(ii) The Audience to Which the Communication Is Directed: Different levels of explanation or detail may be necessary depending on the audience to which a communication is directed, and the ability of the member given the nature of the media used, to restrict the audience appropriately If the statements made in a communication would be applicable only to a limited audience, or if additional information might be necessary for other audiences, it should be kept in mind that it is not always possible to restrict the readership of a particular communication.

(iii) The Overall Clarity of the Communication: A statement or disclosure made in an unclear manner obviously can result in a lack of understanding of the statement, or in a serious misunderstanding. A complex or overly technical explanation may be worse than too little information. Likewise material disclosure relegated to legends or footnotes realistically may not enhance the reader's understanding of the communication.

(2) Specific Standards

In addition to the foregoing general standards, the following specific standards apply:

* * * * *

(L) Claims of Tax Free/Tax Exempt Returns: Income or investment returns may not be characterized as tax free or exempt from income tax where tax liability is merely postponed or deferred. If taxes are payable upon redemption, that fact must be disclosed. References to tax free/tax exempt current income must indicate which taxes apply or which do not unless income is free from all applicable taxes. For example, if income from an investment company investing in municipal bonds may be subject to state or local income taxes, this should be stated, or the illustration should otherwise make it clear that income is free from federal income tax.

(M) Comparisons: In making a comparison, either directly or indirectly, the member must make certain that the purpose of the comparison is clear and must provide a fair and balanced presentation, including any material differences between the subjects of comparison. Such differences may include investment objectives, sales and management fees, liquidity, safety, guarantees or insurance, fluctuation of principal and/or return, tax features, and any other factors necessary to make such comparisons fair and not misleading.

(N) Predictions and Projections: Investment results cannot be predicted or projected. Investment performance illustrations may not imply that gain or income realized in the past will be repeated in the future. However, for purposes of this rule, the following types of information are not considered projections of performance: hypothetical illustrations of mathematical principles, (e.g., illustrations designed to show the effects of dollar cost averaging, tax-free compounding, or the mechanics of variable annuity contracts or variable life policies).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The NASD is proposing to codify the Guidelines by deleting the Guidelines and amending Article III, section 35 of the Rules of Fair Practice to incorporate certain specific standards from the Guidelines. The Guidelines were adopted by the NASD in 1982 following the SEC's 1979 repeal of its Statement of Policy on Investment Company Sales Literature. In June 1991, when the SEC amended Rule 482 under the Securities Act of 1933 and Rule 34b–1 under the Investment Company Act of 1940 relating to the communication of investment company performance to the public, many of the provisions of the Guidelines were rendered obsolete. Accordingly, the NASD is proposing to delete the Guidelines and amend Article III, section 35 of the Rules of Fair Practice by adding those provisions of

---

[17] 15 U.S.C. 78s(b)(2) (1982).

[18] 17 CFR 200.30–3(a)(12) (1992).

[1] On January 11, 1993, the NASD filed Amendment No. 1 with the Commission. Amendment No. 1 reports the results of a member vote on the proposed rule change, which was published for member vote in NASD Notice to Members 92–58 (November 1992). The results of the member vote are as follows: 1768 voting in favor, 154 opposed, 8 not voting, and 18 unsigned, out of 1948 ballots received.

VOL 58 ISS 30 FE 17 1993 UMI

the Guidelines that impose general standards for communications and certain of the specific standards for communications concerning claims of tax free or tax exempt returns, comparisons, and predictions and projections. The amended provisions would apply to advertisements for all types of investments, whereas the application of the Guidelines is restricted to investment company and variable contract products.

Proposed new subsection 35(d)(1)(D) would incorporate the entire provision set forth as "General Considerations," currently included in the first section of the Guidelines. The first standard under new paragraph 35(d)(1)(D)(i) relates to the overall context of a statement and would require members to consider that a statement may be misleading in one context while being perfectly appropriate in another context. The principal test of this standard is whether the statement adequately balances the potential risks with the potential benefits. This provision incorporates rule language identical to that currently in the Guidelines.

The standard set forth in proposed new paragraph 35(d)(1)(D)(ii) relates to the importance of the target audience as a factor in evaluating the communication. The provision would require varying levels of explanation or detail in a communication depending on the audience and the member's ability to restrict the communication to the intended audience. Members are required to consider the likelihood that the communication could be received by persons for whom the explanations or information are inadequate or misleading. This provision incorporates rule language identical to that currently contained in the Guidelines.

The standard set forth in proposed new paragraph 35(d)(1)(D)(iii) would require all statements in communications to be made clearly and cautions against complex or overly technical explanations and the inclusion of material information in legends or footnotes. This provision incorporates rule language identical to that currently contained in the Guidelines.

Proposed new subsections 35(d)(2)(L), (M) and (N) would incorporate a number of concepts contained in other parts of the Guidelines into the requirements set forth as "Specific Standards" with respect to communications with the public in section 35. Proposed subsection 35(d)(2)(L) would prohibit members from stating that an investment is "tax free" or "tax exempt" if tax liability is merely postponed or deferred, and requires that if there are references to tax free/tax exempt current income or if taxes are payable on redemption, those facts and any applicable taxes must be adequately disclosed. The rule language of this provision is drawn from the last paragraph of the section in the Guidelines titled "4. Specific Considerations in Presenting Yield Data or Illustrations."

Proposed subsection 35(d)(2)(M) would require members, when using comparisons, to ensure that the comparisons are clear, fair, balanced, and include any material differences between the subjects of the comparison such as liquidity, safety, investment objectives and fees, among others. The rule language of this provision is drawn from the first three paragraphs of the section in the Guidelines titled "5. Considerations Regarding Comparisons."

Proposed subsection 35(d)(2)(N) would prohibit members from predicting or projecting future performance on any basis, including past performance. Hypothetical illustrations of mathematical principles such as dollar cost averaging, however, are not considered projections of performance. The rule language of this provision is based on that included in the section in the Guidelines titled "Adequacy of Information Concerning the Relevance of Results Illustrated to Probable Future Results."

The NASD believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act in that the proposed advertising rules will protect investors and the public interest. The proposed rule change will protect investors and the public interest by codifying certain general and specific standards in the Guidelines, and by extending the application of these standards, which currently apply only to investment company securities, to communications regarding all types of securities. The proposed rule change will thereby prevent the use of misleading statements, inadequate explanations of statements or statements which have no basis in fact, in connection with communications with the public regarding investments.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The NASD published the proposed rule change for comment in Notice to Members 91–79. The NASD received five comment letters in connection with the proposed rule change. Four commenters were in favor of the proposed rule change and one was opposed to one provision.

One commenter in favor of the proposed rule change suggested that a new subsection should be added to proposed subsection 35(d)(1)(D) relating to "General Standards" incorporating principles from the Guidelines that the commenter believed are not expressly covered elsewhere in section 35. These principles include the need to balance the treatment of risks and potential benefits, the need to consider the audience to which a communication is directed and the importance of clarity of a communication. The NASD agreed with these comments and amended the proposed rule change to include such language.

The same commenter suggested that proposed subsection 35(d)(2)(L) relating to tax-free/tax-exempt claims be modified to specify that adequate disclosure would require disclosure of which taxes apply or which do not (as opposed to a discussion of all taxes and their applicability or lack thereof), as appropriate. The NASD agreed with these recommendations and has modified subsection 35(d)(2)(L) to reflect the comments.

One commenter suggested that proposed subsection 35(d)(2)(M) relating to making comparisons between investments options include a specific reference to differences in the safety of investments. The NASD agreed and inserted the word "safety" into the proposed rule language. Another commenter suggested that this subsection be clarified by explaining that the requirement to disclose material differences *may* include those listed in the subsection to distinguish between those differences which, while listed, may not be material. The NASD agreed and inserted the word "may" in the language of proposed subsection 35(d)(2)(M).

That same commenter suggested that the requirement in subsection 35(d)(2)(M) to disclose material differences between the subjects of the comparisons should be modified to require disclosure only of "relevant" material differences. The NASD believes that the terms "material" and "relevant" are roughly synonymous for these

purposes, and therefore, would be redundant if used together.

Two commenters were opposed to the proposed prohibition in subsection 35(d)(2)(N) on predictions or projections of performance. The commenters suggested that the proposed subsection be deleted in its entirety because such projections are likely too speculative and therefore, misleading, under the antifraud provisions of the federal securities laws. The NASD does not believe any change in this subsection is warranted even though this subsection may be partially duplicative of a provision of the federal securities laws. The proposed subsection is addressed to specific forms of communication, while the antifraud provisions are general in nature. Further, certain antifraud provisions may require proof of scienter as an element of the violation while the proposed subsection is proscriptive without reference to intent.

The same commenters suggested that, if the subsection were not deleted it should be modified to permit statements relating to results from zero coupon bond portfolios and hypothetical illustrations (such as dollar cost averaging or tax free compounding charts). The NASD disagreed with the commenter's suggestion regarding zero coupon bond portfolios because for the variety of types of zero coupon bond funds and because of the changes in expectations if the shares are liquidated; however, the NASD agreed with the recommendation regarding hypothetical illustrations. The NASD has modified proposed subsection 35(d)(2)(N) as published for comment to permit hypothetical illustrations of mathematical principles. Finally, two commenters suggested deleting the first reference to "future" in this subsection on grounds of redundancy. The NASD agrees and has modified the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by March 10, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3661 Filed 2–16–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31846; File No. SR–PSE–93–02]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Stock Exchange, Inc. Relating to Amendments to its Equity Transaction Charges

February 10, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 19, 1993, the Pacific Stock Exchange, Inc. ("PSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. On January 26, 1993, the PSE submitted to the Commission Amendment No. 1 to the proposed rule change.[1] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PSE proposes to amend the Equity Transaction Charges published in the Schedule of Rates for Exchange Services. The Exchange proposed the following amendments to its Equity Transaction fee schedule:[2]

A. Exchange Transactions Per Month

Cumulative trade value per month	Charge per $1,000 of trade value
[$650,000,001 and over]	[0.2]
$650,000,001 to $800,000,000	0.02
Over $800,000,000	0.01

B. The Following Discounts From the Above Transaction Fees Apply to Automated Trades

Trade size (shares)	Under $150 million of trade value	$150 to $350 million of trade value	$350 to $500 million of trade value
[100 to 300	[0%	40%	20%]
[301 to 500	40	30	10]
[501 to 900	[0	20	5]
100 to 400	35%	30%	25%
401 to 600	25	20	15
601 to 800	20	15	5
801 to 1100	10	5	2.5

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing these changes in order to compete for increased order flow and for larger-sized trades to be executed on its Equity Floors. The Exchange is proposing to make the following changes to its

---

[1] See letter from Michael D. Pierson, Senior Attorney, PSE, to Louis A. Randazzo, Attorney, Commission, dated January 26, 1993. Amendment No. 1 clarified the specific additions and deletions to the proposed equity rates and clarified the Exchange's purpose for the proposed rule change.

[2] With respect to the following schedule, italicizing indicates new material and brackets indicate material to be deleted.

charges to members for certain equity transactions as published in the Exchange's Schedule of Rates. First, the Exchange proposes to modify its equity transaction charges by adding a new value tier for Exchange transactions with monthly cumulative trade values greater than $800,000,000. The charge per $1,000 of trade value would be $0.01. Previously, the Exchange assessed a charge of $0.02 (per $1,000 of trade value) for cumulative trade values per month of $650,000,001 and over.

Second, the Exchange proposes to modify the current discounts applicable to transaction fees for automated trades. Accordingly, the maximum applicable trade size has been increased from 900 shares to 1100 shares in order to provide increased discounts for larger-sized trades. In addition, the discounts for automated trade transaction fees have been redistributed based on the dollar value of applicable trades.

2. Statutory Basis

The proposed filing is consistent with section 6(b)(4) of the Act in that it provides for the equitable allocation of reasonable charges among its members and persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee or other charge imposed by the Exchange and therefore has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PSE. All submissions should refer to File No. SR–PSE–93–02 and should be submitted by March 10, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3662 Filed 2–16–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange, Inc.

February 10, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following security:

Dr. Pepper/Seven-Up Co.'s, Inc.
Common Stock, $.01 Par Value (File No. 7–10228)

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 25, 1993, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–3582 Filed 2–16–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange, Inc.

February 10, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Toledo Edison Co.
8.84% Cum. Pfd., $25.00 Par Value (File No. 7–10190)
Toledo Edison Co.
$2.365 Cum. Pfd., $25.00 Par Value (File No. 7–10191)
Toledo Edison Co.
Adj. Rte. Pfd. Ser. A, $25.00 Par Value (File No. 7–10192)
Toledo Edison Co.
Adj. Rte. Pfd. Ser. B, $25.00 Par Value (File No. 7–10193)
Toledo Edison Co.
$2.81 Cum. Pfd., $25.00 Par Value (File No. 7–10194)
Tosco Company
Common Stock, $.75 Par Value (File No. 7–10195)
Transamerica Income Shares, Inc.
Common Stock, $1.00 Par Value (File No. 7–10196)
Transco Energy Co.
$4.75 Ser. Cum., No Par Value (File No. 7–10197)
Transcontinental Gas Pipe Line Corp.
$8.64 Cum. Pfd. Ser., No Par Value (File No. 7–10198)
Triangle Industries, Inc.
Capital Stock, No Par Value (File No. 7–10199)
TRW, Inc.
$4.40 Cum. Conv. Ser. Pfd. II Ser. I, No Par Value (File No. 7–10200)
TRW, Inc.
$4.50 Cum. Conv. Ser. Pfd. II Ser. 3, No Par Value (File No. 10201)
Turkish Investment Fund, Inc.

Common Stock, $.01 Par Value (File No. 7–10202)
Twin Disc, Inc.
Common Stock, No Par Value (File No. 7–10203)
UDC Universal Development LP
Pfd. Dep. Units Ser. B, No Par Value (File No. 7–10204)
Unifirst Corp.
Common Stock, $.10 Par Value (File No. 7–10205)
Union Electric Company
$4.56 Pfd. Ser., No Par Value (File No. 7–10206)
Union Electric Company
$4.50 Pfd. Ser., No Par Value (File No. 7–10207)
Union Electric Company
$3.50 Pfd. Ser., No Par Value (File No. 7–10208)
Union Electric Company
$4.00 Pfd. Ser., No Par Value (File No. 7–10209)
Union Electric Company
$6.40 Cum. Pfd. Ser., No Par Value (File No. 7–10210)
Union Electric Company
$8.00 Cum. Pfd. Ser. of 1971, No Par Value (File No. 7–10211)
Union Electric Company
$7.44 Cum. Pfd. Ser., No Par Value (File No. 7–10212)
Union Electric Company
$8.00 Cum. Pfd. Ser of 1960, No Par Value (File No. 7–10213)
Union Planters Corp.
Common Stock, $5.00 Par Value (File No. 7–10214)
Union Texas Petroleum Holdings, Inc.
Common Stock, $.05 Par Value (File No. 7–10215)
United Dominion Realty Trust, Inc.
Common Stock, $1.00 Par Value (File No. 7–10216)
United Investors Management Co.
Common Stock, $1.00 Par Value (File No. 7–10217)
United Kingdom Fund, Inc.
Common Stock, No Par Value (File No. 7–10218)
UNUM Corp.
Common Stock, $10.00 Par Value (File No. 7–10219)
URS Corporation
Common Stock, $.25 Par Value (File No. 7–10220)
Utilicorp United, Inc.
$1.775 Cum. Conv. Pfd. Ser., No Par Value (File No. 7–10221)
Vestaur Securities, Inc.
Common Stock, $.01 Par Value (File No. 7–10222)
Virginia Electric & Power Co.
$5.00 Pfd., $100.00 Par Value (File No. 7–10223)
Virginia Electric & Power Co.
$7.20 Pfd., $100.00 Par Value (File No. 7–10224)
Virginia Electric & Power Co.
$7.45 Pfd., $$100.00 Par Value (File No. 7–10225)
Virginia Electric & Power Co.
$7.72 Pfd., No Par Value (File No. 7–10226)
Virginia Electric & Power Co.
$7.72 Pfd. Ser. 1972, $100.00 Par Value (File No. 7–10227)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 4, 1993, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–3583 Filed 2–16–93; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2623]

Arizona, Amendment #1; Declaration of Disaster Loan Area

In accordance with a Presidential amendment dated February 4, 1993, the above-numbered Declaration is hereby amended to include Yuma County as a disaster area as a result of damages caused by flooding beginning on January 5, 1993.

Imperial County, California, which is contiguous to Yuma County, Arizona, is covered by a declaration for the State of California for the same occurrence.

All other information remains the same, i.e., the termination date for filing applications for physical damage is March 22, 1993 and October 19, 1993 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 8, 1993.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 93–3654 Filed 2–16–93; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2629]

California (and Contiguous Counties in Oregon, Nevada and Arizona); Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on February 3, 1993, I find that the Counties of Contra Costa, Fresno, Imperial, Lassen, Madera, Mendocino, Modoc, Monterey, Orange, Plumas, Riverside, San Bernardino, San Diego, Sierra, Siskiyou, Sonoma, Tehama, Trinity, Tulare, and the City of Fillmore in the State of California constitute a disaster area as a result of damages caused by severe winter storms, mud and rock slides, and flooding which occurred January 5 through January 22, 1993. Applications for loans for physical damage may be filed until the close of business on April 5, 1993, and for loans for economic injury until the close of business on November 3, 1993, at the address listed: United States Small Business Administration, Disaster Area 4 Office, P.O. Box 13795, Sacramento, CA 95853–4795, or other locally announced locations. In addition, applications for economic injury loans from small businesses located in the contiguous counties of Alameda, Butte, Del Norte, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Los Angeles, Marin, Mariposa, Merced, Mono, Napa, Nevada, Sacramento, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Shasta, Solano, Tuolumne, Ventura, and Yuba in California; Jackson, Josephine, Klamath, and Lake Counties in Oregon; Clark and Washoe, Counties in Nevada; and LaPaz, Mohave, and Yuma Counties in Arizona may be filed until the specified date at the above location.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	8.000
Homeowners Without Credit Available Elsewhere	4.000
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.625
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 262906. For economic injury the numbers are 784600 for California; 784700 for

Oregon; 784800 for Nevada; and 784900 for Arizona.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 8, 1993.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 93–3651 Filed 2–16–93; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2628]

Florida; Declaration of Disaster Loan Area

Pasco County and the contiguous counties of Hernando, Hillsborough, Pinellas, Polk, and Sumter in the State of Florida constitute a disaster area due to damages caused by a fire in the U.S.A. Flea Market on U.S. 19 in Pasco County, which occurred on January 17, 1993. Applications for loans for physical damage may be filed until the close of business on April 8, 1993 and for economic injury until the close of business on November 5, 1993 at the address listed: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, suite 300, Atlanta, GA 30308, or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	8.000
Homeowners Without Credit Available Elsewhere	4.000
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.625
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 262805 and for economic injury the number is 784500.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 5, 1993.

Dayton J. Watkins,

Acting Administrator.

[FR Doc. 93–3650 Filed 2–16–93; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2627]

Louisiana; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on February 2, 1993, I find that the parishes of Ascension, East Baton Rouge, Lafayette, Livingston, and St. Martin in the State of Louisiana constitute a disaster area as a result of damages caused by severe storms and flooding beginning on January 20, 1993 and continuing through January 25, 1993. Applications for loans for physical damage may be filed until the close of business on April 3, 1993, and for loans for economic injury until the close of business on November 2, 1993, at the address listed: Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., suite 102, Ft. Worth, Texas 76155, or other locally announced locations. In addition, applications for economic injury loans for small businesses located in the contiguous parishes of Acadia, Assumption, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. James, St. John the Baptist, St. Landry, St. Mary, Tangipahoa, Vermilion, West Baton Rouge, and West Feliciana in the State of Louisiana may be filed until the specified date at the above location.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	8.000
Homeowners Without Credit Available Elsewhere	4.000
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.625
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 262706 and for economic injury the number is 784400.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 9, 1993.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 93–3655 Filed 2–16–93; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2624]

Massachusetts, Amendment #1; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended to include Plymouth County and the contiguous counties of Barnstable, Bristol and Norfolk as a disaster area as a result of damages caused by a winter storm and coastal flooding which occurred December 10–13, 1992.

All other information remains the same, i.e., the termination date for filing applications for physical damage is March 29, 1993 and October 26, 1993 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 5, 1993.

Dayton J. Watkins,

Acting Administrator.

[FR Doc. 93–3652 Filed 2–16–93; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2620]

New York, Amendment #1, Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended, effective January 6, 1993, to establish the incident period for this disaster as beginning on December 10, 1992 and continuing through December 14, 1992.

All other information remains the same, i.e., the termination date for filing applications for physical damage is February 19, 1993 and September 21, 1993 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 4, 1993.

Bernard Kulik,

Asst. Administrator for Disaster Assistance.

[FR Doc. 93–3653 Filed 2–16–93; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2626]

Pennsylvania; Declaration of Disaster Loan Area

Allegheny County and the contiguous counties of Armstrong, Beaver, Butler, Washington and Westmoreland in the State of Pennsylvania constitute a disaster area as a result of damages caused by a fire in the Columbia and Regal Apartments in the City of Pittsburgh, which occurred on January 17, 1993. Applications for loans for physical damage may be filed until the close of business on April 1, 1993 and for economic injury until the close of business on November 1, 1993 at the

address listed: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, suite 300, Atlanta, GA 30308, or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.625
For Economic Injury	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 262605 and for economic injury the number is 784100.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 31, 1993.

Dayton J. Watkins,

Acting Administrator.

[FR Doc. 93–3649 Filed 2–16–93; 8:45 am]

BILLING CODE 8025–01–M

First Maryland Capital, Inc.; License Revocation

[License No. 03/03–0169]

Notice is hereby given that License No. 03/03–0169 issued to First Maryland Capital, Incorporated, 107 Jefferson Street, Rockville, Maryland, on July 12, 1984, is revoked. First Maryland Capital's further participation in the SBIC Program is terminated.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the revocation of the license is effective on January 16, 1993, and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 8, 1993.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 93–3643 Filed 2–16–93; 8:45 am]

BILLING CODE 8025–01–M

First United Small Business Investment Company, Inc.; License Revocation

[License No. 01/01–0284]

Notice is hereby given that License No. 01/01–0284, issued to First United Small Business Investment Company, Inc., 135 Will Drive, Canton, Massachusetts, on October 29, 1976, is revoked.

Under authority vested by the Act and pursuant to the regulations promulgated thereunder, the revocation of the license was effective January 22, 1993 and, accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 93–3642 Filed 2–16–93; 8:45 am]

BILLING CODE 8025–01–M

Clear Rapids District Advisory Council; Public Meeting

The U.S. Small Business Administration Cedar Rapids District Advisory Council will hold a public meeting at 10 a.m. on Wednesday, March 24, 1993 at Firstar Bank Cedar Rapids, 222 Second Avenue, SE., Cedar Rapids, Iowa, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. James N. Thomson, District Director, U.S. Small Business Administration, 373 Collins Road, NE., Cedar Rapids, Iowa 52402–3147, (319) 393–8630.

Dated: February 8, 1993.

Dorothy A. Overal,

Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93–3647 Filed 2–16–93; 8:45 am]

BILLING CODE 8025–01–M

New Orleans District Advisory Council; Public Meeting

The U.S. Small Business Administration New Orleans District Advisory Council will hold a public meeting at 10 a.m. on Friday, March 5, 1993 at the Department of Economic Development, 101 France Street, Baton Rouge, Louisiana, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Abby H. Carter, District Director, U.S. Small Business Administration, 1661 Canal Street, suite 2000, New Orleans, Louisiana 70112-2890, (504) 589–2744.

Dated: February 8, 1993.

Dorothy A. Overal,

Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93–3648 Filed 2–16–93; 8:45 am]

BILLING CODE 8025–01–M

Delegation of Authority; Delegation of Authority No. 12—A (Revision 5) Redelegation of Financial Assistance; Amendment 2

On October 24, 1991, the Small Business Administration (SBA) published a notice in the **Federal Register** (56 FR 55147) setting forth the authority delegated by the Administrator to the Assistant Administrator for Financial Assistance for the purpose of administering SBA's various financial assistance programs. This document amends Delegation of Authority No. 12—A (Revision 5) by delegating authority to the Assistant Administrator for Financial Assistance and the Director, Office of Portfolio Management to service loans made by the Economic Development Administration of the Department of Commerce. Delegation of Authority No. 12—A (Revision 5, Amendment 2) reads as follows:

Delegation of Authority No. 12—A (Revision 5) is amended by revising paragraphs I.A.1.f. and I.C.1.b. to read as follows:

I. * * * * *

A. To the Assistant Administrator for Financial Assistance as follows:

1. Financial Assistance Program

* * * * *

f. To take all necessary actions in connection with the servicing or liquidation of loans made by the Economic Development Administration of the Department of Commerce pursuant to Memoranda of Understanding between EDA and SBA, with the exception of legal action to be taken with respect to any such loans classified in litigation.

* * * * *

C. To the Director, Office of Portfolio Management as follows:

1. Financial Assistance Program

* * * * *

b. To take all necessary actions in connection with the servicing or liquidation of loans made by the Economic Development Administration of the Department of Commerce pursuant to Memoranda of

Understanding between EDA and SBA, with the exception of legal action to be taken with respect to any such loans classified in litigation.

* * * * *

Effective date: January 31, 1993.

Dated: January 31, 1993.

Dayton J. Watkins,

Acting Administrator.

[FR Doc. 93-3641 Filed 2-16-93; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 99000077]

Phoenix Capital Partners, L.P.; Filing of an Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1992)) by Phoenix Capital Partners, L.P., 777 Alexander Road, Princeton, New Jersey 08540, for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958, as amended (15 U.S.C. et seq.), and the Rules and Regulations promulgated thereunder.

The initial investors and their percent of ownership of the Applicant are as follows:

Name	Title	Percentage of ownership in applicant
General Partner:		
Phoenix Capital Partners, Inc., 777 Alexander Road, Princeton, New Jersey 08540	Corporate, General Partner	1.0
Judith E. Schneider, 777 Alexander Road, Princeton, New Jersey 08540	Chief Operating Officer, VP/Director, Corp. Gen. Part.	0.0
Limited Partners:*		
David C. Denise, 777 Alexander Road, Princeton, New Jersey 08540	President/Director, Corp. Gen. Part	33.0
Mohan C. Reddy, 777 Alexander Road, Princeton, New Jersey 08540	VP/Secretary/Director, Corp. Gen. Part.	33.0
C. Prakash Reddy, 777 Alexander Road, Princeton, New Jersey 08540	Treasury/Director, Corp. Gen. Part	33.0

*All three Limited Partners own an equal share of the Corporate General Partner.

The applicant will begin operations with a capitalization of $2,600,000 and will be a source of equity capital and long term funds for qualified small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this notice, submit written comments on the proposed SBIC to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

A copy of this notice will be published in a newspaper of general circulation in Princeton, New Jersey.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies)

Dated: February 8, 1993.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 93-3644 Filed 2-16-93; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice Palm Beach International Airport, West Palm Beach, FL

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Palm Beach County for Palm Beach International Airport under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR part 150 are in compliance with applicable requirements.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps is February 1, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Tommy J. Pickering, P.E., Federal Aviation Administration, Orlando Airports District Office, 9677 Tradeport Drive, Suite 130, Orlando, Florida 32827-5397, (407) 648-6583.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Palm Beach International Airport are in compliance with applicable requirements of part 150, effective February 1, 1993.

Under section 103 of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by Palm Beach County. The specific maps under consideration are "1991 BASE CASE LDN FOR THE AVERAGE ANNUAL DAY WITH EXISTING OFF-AIRPORT LAND USE" (Figure 14.3) and "1996 FORECAST CASE WITH CURRENT

PBIA NOISE POLICIES, INCORPORATING EFFECTS OF 1991 NATIONAL NOISE POLICY, AVERAGE DAY LDN WITH EXISTING OFF-AIRPORT LAND USE" (Figure 14.4) in the submission. The FAA has determined that these maps for Palm Beach International Airport are in compliance with applicable requirements. This determination is effective on February 1, 1993. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

Copies of the noise exposure maps and of the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration, Orlando Airports District Office, 9677 Tradeport Drive, suite 130, Orlando, Florida 32827–5397.

Palm Beach County, Noise Abatement Officer, Palm Beach International Airport, Building 846, Eight Street, West Palm Beach, FL 33406–1491.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Orlando, Florida, February 1, 1993.

W. Dean Stringer,

Assistant Manager, Orlando Airports District Office.

[FR Doc. 93–3628 Filed 2–16–93; 8:45 am]

BILLING CODE 4910–13–M

Approval of Noise Compatibility Program; Shreveport Regional Airport, Shreveport, LA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by City of Shreveport acting by and through the Shreveport Airport Authority under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On July 29, 1992, the FAA determined that the noise exposure maps submitted by the Shreveport Airport Authority under part 150 were in compliance with applicable requirements. On January 25, 1993, the Administrator approved the noise compatibility program. Most of the recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Shreveport Regional Airport noise compatibility program is January 25, 1993.

FOR FURTHER INFORMATION CONTACT: Pamela Bayliff, Department of Transportation, Federal Aviation Administration, 4400 Blue Mount Road, Fort Worth, Texas, 76193–0630, (817) 624–5136. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for, Shreveport Regional Airport, effective January 25, 1993.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 of the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the

VOL
58
ISS
30
FE
17
1993
UMI

program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports Division Office in Forth Worth, Texas.

City of Shreveport acting by and through the Shreveport Airport Authority submitted to the FAA on March 4, 1992, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from January 1989 through December 1989. The Shreveport Regional Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on July 29, 1992. Notice of this determination was published in the **Federal Register** on August 12, 1992. The Shreveport Regional Airport FAR part 150 noise compatibility study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to (or beyond) the year 1996. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on July 29, 1992, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained 17 proposed actions for noise mitigation (on/or off) the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective January 25, 1993.

Outright approval was granted for 16 of the specific program elements. Program element 8 was approved in part. Only those measures of the Floodplain Overlay Zoning Plan that prohibit development of the noise sensitive land uses within the existing and future DNL 65 contours of the floodplain are approved for part 150 purposes. Those portions of the Floodplain Overlay Zoning not addressing the prohibition of noise sensitive land uses within the DNL 65 contour are not approved for part 150 purposes.

The approved actions are as follows:

1. All jet aircraft hold runway heading to 1,500 feet MSL before turning to destination.
2. Rezone land along Maywood Drive.
3. Rezone land west of U.S. 220, north of Maywood Drive and South of Junior Place.
4. Rezone land north of Hollywood Avenue.
5. Rezone land west of Walker Road, north of Merriwether Road and east of Meadowwood subdivision.
6. Rezone land east of Walker Road, west of Jewella Road between Cargill Park and Inner Loop Expressway.
7. Implement airport noise overlay zoning.
8. Amend subdivision regulations.
9. Amend building codes.
10. Metropolitan planning commission adopt part 150 plan.
11. Adopt guidelines for discretionary review of development projects.
12. Phased voluntary acquisition of 24 residences along Maywood Drive.
13. Voluntary acquisition of 26 residences along Merriwether Road between Walker Road and Jewella Road.
14. Voluntary acquisition of 26 residences along Meadow Parkway, Birchwood and Castlewood Drives.
15. Acquisition of undeveloped, residentially zoned land in DNL 70 contour.
16. Institute a soundproofing program for existing residential dwellings.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on January 25, 1993. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available at the FAA office listed above and at the administrative offices of the Shreveport Regional Airport.

Issued in Forth Worth, Texas, February 3, 1993.

Otis T. Welch,

Acting Manager, Airports Division.

[FR Doc. 93–3621 Filed 2–16–93; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–92–35]

Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received; reopening of comment period.

SUMMARY: Pursuant to the FAA's rulemaking provisions governing the processing of petitions for exemption (14 CFR part 11), this notice reopens the comment period of the petition for exemption for DHL Airways, Inc. The purpose of this notice is to give all interested persons the opportunity for participation in this aspect of the FAA's rulemaking process.

DATES: Comments on this petition for exemption must identify Docket Number 26419 and must be received on or before March 9, 1993.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of Chief Counsel, ATTN: Rules Docket (AGC–10), Docket No. 26419, 800 Independence Ave. SW., Washington, DC 20591; Telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT:

Ms. Effie M. Upshaw, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591; Telephone (202) 267–7626.

SUPPLEMENTARY INFORMATION:

Background

On December 7, 1992, the FAA published a summary of the petition of DHL Airways, Inc. was published in the **Federal Register** for comment; the comment period closed December 28, 1992.

After the comment period closed, the FAA received a number of comments that it considered warranted reopening of the comment period. A reopening of the comment period will not be detrimental to the petitioner since the petitioner has stated, and the FAA agrees, that there is a "need for a record which is factual and accurate." Therefore the FAA has determined that interested parties should be afforded the opportunity to comment on the petition. Thus, the comment period for this exemption is reopened for an additional 20-day period; any comments received after the closing date will not be considered.

Summary of the Petition for Exemption

Docket No.: 26419.

Petitioner: DHL Airways, Inc.

Sections of the FAR Affected: 14 CFR 121.503, 121.505, 121.511.

Description of Relief Sought: To allow an extension of the termination date of Exemption No. 5296, which expires April 30, 1993, and which allows DHL Airways, Inc., a supplemental air carrier, to conduct its part 121 all-cargo operations according to flight and duty time provisions applicable to a domestic air carrier rather than the flight and duty time provisions applicable to supplemental air carriers.

Issued in Washington, DC on February 9, 1993.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

[FR Doc. 93–3625 Filed 2–16–93; 8:45 am]

BILLING CODE 4910–13–M

Flight Standards District Office at Honolulu, HI; Relocation

Notice is hereby given that on or about February 15, 1993, the Flight Standards District Office at 90 Nakolo Place, room 215, Honolulu, Hawaii 96819 will be relocating to 135 Nakolo Place, Honolulu, Hawaii 96819. Services to the general public will continue to be provided by this office without interruption. This information will be reflected in the FAA organization Statement the next time it is reissued.

Authority: Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354.

Issued in Hawthorne, CA, on February 8, 1993.

Fanny Rivera,

Regional Administrator, Western-Pacific Region.

[FR Doc. 93–3622 Filed 2–16–93; 8:45 am]

BILLING CODE 4910–13–M

Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly notice of PFC approvals and disapprovals. In January 1993, there were four applications approved.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: Helena Regional Airport Authority, Helena, Montana.

Application Type: Impose and Use PFC Revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $1,056,190.

Earliest Permissible Charge Effective Date: April 1, 1993.

Duration of Authority to Impose: December 1, 1999.

Class of Air Carriers Not Required to Collect PFC's: Part 121 nonscheduled charter carriers.

Determination: Approved. The FAA has determined that the proposed class accounts for less than 1 percent of the airport's total annual enplanements.

Brief Description of Projects Approved to Impose and Use: Runway signing and lighting, Land acquisition, Passenger access lift, North parallel air carrier taxiway, Purchase snow removal equipment, Regional fire training facility.

Brief Description of Projects Approved to Impose Only: Terminal modifications, Runway 9/27 overlay.

Brief Description of Project Withdrawn: Expand north terminal parking.

Determination: The Helena Regional Airport Authority withdrew this project from its application by letter to the FAA dated October 6, 1992.

Decision Date: January 14, 1993.

For Further Information Contact: Dave Gabbert, Helena Airports, District Office, (406) 449–5271.

Public Agency: City of Steamboat Springs, Steamboat Springs, Colorado.

Application Type: Impose and Use PFC Revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $1,887,337.

Earliest Permissible Charge Effective Date: April 1, 1993.

Duration of Authority to Impose: April 1, 2012.

Class of Air Carriers Not Required to Collect PFC's: Part 135 carriers which are further defined as follows: "The carriage in air commerce of persons or property for compensation or hire as a commercial operator (not an air carrier) in aircraft having a maximum seating capacity of less than 20 passengers or a maximum payload capacity of less than 6,000 pounds, or the carriage in air commerce of persons or property in common carriage operations solely between points entirely within any state of the United States in aircraft having a maximum seating capacity of 30 seats or less or a maximum payload capacity of 7,500 pounds or less."

Determination: Approved. The FAA has determined that the proposed class accounts for less than 1 percent of the airport's total annual enplanements.

Brief Description of Projects Approved to Impose and Use: Terminal complex-site preparation and access road, Utility extensions for terminal site, Rehabilitate and light air carrier apron and taxiway, Construct new terminal building, Land reimbursement.

Decision Date: January 15, 1993.

For Further Information Contact: Bradley S. Davis, Denver Airports District Office, (303) 286–5537.

Public Agency: Walker Field, Colorado Public Airport Authority, Grand Junction, Colorado.

Application Type: Impose and Use PFC Revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $1,812,000.

Earliest Permissible Charge Effective Date: April 1, 1993.

Duration of Authority to Impose: March 1, 1998.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved to Impose and Use: Replace retaining wall (phase I), security fencing, and rehabilitate general aviation apron, Replace retaining wall (phase II), Install signage, Reconstruct general aviation apron (phase II), Overlay general aviation apron, Construct general aviation apron, Install security fencing (Bureau of Land Management fire coordination center), Master plan update, Rehabilitate runway 11/29, Runway 11/29 safety area grading, Pave shoulders on runway 11/29, Reconstruct general aviation apron (phase I), Reconstruct general aviation apron (phase II).

Brief Description of Projects Approved to Impose Only: Rehabilitate taxiway A, Install precision approach path indicator, runway 11, Install visual approach descent indicators and runway end identifier lights, runway 4/22, Rehabilitate runway 4/22.

Brief Description of Project Approved in Part to Impose Only: Install fencing.

Determination: The project start date is beyond the 2 year requirement for impose and use approvals in § 158.33(a)(1), therefore, the project is approved for impose only. The amount of approved PFC revenue reflects a decrease from the requested amount. This reduction limits the approved impose only PFC amount based on the total amount of alternate project revenue approved and limits the public agency's total PFC collection to the amount equal to the approved alternate project amount.

Decision Date: January 15, 1993.

For Further Information Contact: Philip Braden, Denver Airports District Office, (303) 398–0840.

Public Agency: County of Sacramento, Sacramento, California.

Application Type: Impose and Use PFC Revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $24,045,000.

Earliest Permissible Charge Effective Date: April 1, 1993.

Duration of Authority to Impose: September 1, 1996.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved to Impose and Use: Rehabilitation of terminals 1 and 2, Overlay runway 16L/34R and associated taxiways and install in-pavement lighting, Runway 16L/34R pavement reconstruction, Overlay runway 16R/34L and associated taxiways, Pavement vacuum sweeper replacement, Rehabilitate existing terminal aprons, Existing terminals aircraft loading bridges, Closed circuit television system expansion, Wastewater master plan update.

Brief Description of Project Approved in Part to Impose and Use: Aircraft rescue and firefighting vehicle replacement.

Determination: The County originally requested full PFC funding for this project; however, since submission of the PFC application, the County has been informed it will receive partial AIP funding for this project. The approved amount represents a portion of the total cost of the project which has been reduced by the amount of AIP funds being provided.

Brief Description of Project Disapproved: West terminal apron repair.

Determination: This project is described as maintenance by the County in the transcript of the consultation meeting, and as such is not AIP eligible under paragraph 501 of FAA Order 5100.38A. Therefore, this project is not PFC eligible.

Decision Date: January 26, 1993.

For Further Information Contact: Joseph R. Rodriguez, San Francisco Airports District Office, (415) 876–2778. Airports District Office, (407) 648–6583.

Issued in Washington, DC, on February 8, 1993.

Ellis Ohnstad,

Manager, Program Guidance Branch.

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED

State, airport, city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date*
Alabama:					
Huntsville Intl-Carl T. Jones Field, Huntsville	03/06/1992	$3	$20,831,051	06/01/1992	11/01/2008
Muscle Shoals Regional, Muscle Shoals	02/18/1992	3	104,100	06/01/1992	02/01/1995
Arizona:					
Flagstaff Pulliam, Flagstaff	09/29/1992	3	2,463,581	12/01/1992	01/01/2015
California:					
Arcata, Arcata	11/24/1992	3	188,500	02/01/1993	05/01/1994
Inyokern, Inyokern	12/10/1992	3	127,500	03/01/1993	09/01/1995
Metropolitan Oakland International, Oakland	06/26/1992	3	8,736,000	09/01/1992	09/01/1993
Palm Springs Regional, Palm Springs	06/25/1992	3	44,612,350	10/01/1992	06/01/2019
San Jose International, San Jose	06/11/1992	3	29,228,826	09/01/1992	08/01/1995
San Luis Obispo County-McChesney Field, San Luis Obispo	11/24/1992	3	502,437	03/01/1993	02/01/1995
Lake Tahoe, South Lake Tahoe	05/01/1992	3	928,747	08/01/1992	03/01/1997
Colorado:					
Colorado Springs Municipal, Colorado Springs	12/22/1992	3	5,622,000	03/01/1993	02/01/1996
Denver International (New), Denver	04/28/1992	3	2,330,734,321	07/01/1992	01/01/2026
Telluride Regional, Telluride	11/23/1992	3	200,000	02/01/1992	11/01/1997
Florida:					
Southwest Florida Regional, Fort Myers	08/31/1992	3	257,673,262	11/01/1992	06/01/2015
Key West International, Key West	12/17/1992	3	945,937	03/01/1993	12/01/1995
Marathon, Marathon	12/17/1992	3	153,556	03/01/1993	06/01/1995
Orlando International, Orlando	11/27/1992	3	167,574,527	02/01/1993	02/01/1998
Pensacola Regional, Pensacola	11/23/1992	3	4,715,000	02/01/1993	04/01/1996
Sarasota-Bradenton, Sarasota	06/29/1992	3	38,715,000	09/01/1992	09/01/2005
Tallahassee Regional, Tallahassee	11/13/1992	3	8,617,154	02/01/1993	12/01/1998
Georgia:					
Savannah International, Savannah	01/23/1992	3	39,501,502	07/01/1992	03/01/2004
Valdosta Regional, Valdosta	12/23/1992	3	260,526	03/01/1993	10/01/1997
Idaho:					
Idaho Falls Municipal, Idaho Falls	10/30/1992	3	1,500,000	01/01/1993	01/01/1998
Twin Falls-Sun Valley Regional, Twin Falls	08/12/1992	3	270,000	11/01/1992	05/01/1998
Illinois:					
Greater Rockford, Rockford	07/24/1992	3	1,177,348	10/01/1992	10/01/1996
Capital, Springfield	03/27/1992	3	682,306	06/01/1992	05/01/1994
Iowa:					
Dubuque Regional, Dubuque	10/06/1992	6	108,500	01/01/1993	05/01/1994
Louisiana:					
Baton Rouge Metropolitan, Ryan Field, Baton Rouge	09/28/1992	3	9,823,159	12/01/1992	12/01/1998
Maryland:					
Baltimore-Washington International, Baltimore	07/27/1992	3	141,866,000	10/01/1992	09/01/2002
Massachusetts:					
Worcester Municipal, Worcester	07/28/1992	3	2,301,382	10/01/1992	10/01/1997
Michigan:					
Detroit Metropolitan-Wayne County, Detroit	09/21/1992	3	640,707,000	12/01/1992	06/01/2009
Delta County, Escanaba	11/17/1992	3	158,325	02/01/1993	08/01/1996
Kent County International, Grand Rapids	09/09/1992	3	12,450,000	12/01/1992	05/01/1996
Marquette County, Marquette	10/01/1992	3	459,700	12/01/1992	04/01/1996
Pellston Regional Airport of Emmet C., Pellston	12/22/1992	3	440,875	03/01/1993	06/01/1995
Minnesota:					
Minneapolis-St. Paul International, Minneapolis	03/31/1992	3	66,355,682	06/01/1992	08/01/1994
Mississippi:					
Golden Triangle Regional, Columbus	05/08/1992	3	1,693,211	08/01/1992	09/01/2006
Gulfport-Biloxi Regional, Gulfport-Biloxi	04/03/1992	3	384,028	07/01/1992	12/01/1993
Hattiesburg-Laurel Regional, Hattiesburg-Laurel	04/15/1992	3	119,153	07/01/1992	01/01/1996
Key Field, Meridian	08/21/1992	3	122,500	11/01/1992	06/01/1994
Missouri:					
Lambert-St. Louis International, St. Louis	09/30/1992	3	131,453,450	12/01/1992	12/01/1997

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED—Continued

State, airport, city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date*
Montana:					
Great Falls International, Great Falls	08/28/1992	3	3,010,900	11/01/1992	07/01/2002
Missoula International, Missoula	06/12/1992	3	1,900,000	09/01/1992	08/01/1997
Nevada:					
McCarran International, Las Vegas	02/24/1992	3	944,028,500	06/01/1992	02/01/2014
New Hampshire:					
Manchester, Manchester	10/13/1992	3	5,461,000	01/01/1993	03/01/1997
New Jersey:					
Newark International, Newark	07/23/1992	3	84,600,000	10/01/1992	08/01/1995
New York:					
Greater Buffalo International, Buffalo	05/29/1992	3	189,873,000	08/01/1992	03/01/2026
Tompkins County, Ithaca	09/28/1992	3	1,900,000	01/01/1993	01/01/1999
John F. Kennedy International, New York	07/23/1992	3	109,980,000	10/01/1992	08/01/1995
Laguardia, New York	07/23/1992	3	87,420,000	10/01/1992	08/01/1995
Westchester County, White Plains	11/09/1992	3	27,883,000	02/01/1993	06/01/2022
North Dakota:					
Grand Forks International, Grand Forks	11/16/1992	3	1,016,509	02/01/1993	02/01/1997
Ohio:					
Akron-Canton Regional, Akron	08/30/1992	3	3,594,000	09/01/1992	08/01/1996
Cleveland-Hopkins International, Cleveland	09/01/1992	3	34,000,000	11/01/1992	11/01/1995
Port Columbus International, Columbus	07/14/1992	3	7,341,707	10/01/1992	03/01/1994
Oklahoma:					
Lawton Municipal, Lawton	05/08/1992	2	334,078	08/01/1992	01/01/1996
Tulsa International, Tulsa	05/11/1992	3	8,450,000	08/01/1992	08/01/1994
Oregon:					
Portland International, Portland	04/08/1992	3	17,961,850	07/01/1992	07/01/1994
Pennsylvania:					
Allentown-Bethlehem-Easton, Allentown	08/28/1992	3	3,778,111	11/01/1992	04/01/1995
Erie International, Erie	07/21/1992	3	1,997,885	10/01/1992	06/01/1997
Philadelphia International, Philadelphia	06/29/1992	3	76,169,000	09/01/1992	07/01/1995
University Park, State College	08/28/1992	3	1,495,974	11/01/1992	07/01/1997
Tennessee:					
Memphis International, Memphis	05/28/1992	3	26,000,000	08/01/1992	12/01/1994
Nashville International, Nashville	10/09/1992	3	143,358,000	01/01/1993	02/01/2004
Texas:					
Killeen Municipal, Killeen	10/20/1992	3	243,339	01/01/1993	11/01/1994
Midland International, Midland	10/16/1992	3	35,529,521	01/01/1993	01/01/2013
Virginia:					
Charlottesville-Albermarle, Charlottesville	06/11/1992	2	255,559	09/01/1992	11/01/1993
Charlottesville-Albermarle, Charlottesville	12/21/1992	2	255,559	09/01/1992	11/01/1993
Washington:					
Seattle-Tacoma International, Seattle	08/13/1992	3	28,847,488	11/01/1992	01/01/1994
Yakima Air Terminal, Yakima	11/10/1992	3	416,256	02/01/1993	04/01/1995
West Virginia:					
Morgantown Muni-Walter L. Bill Hart, Morgantown	09/03/1992	3	55,500	12/01/1992	01/01/1994
Wisconsin:					
Austin Straubel International, Green Bay	12/28/1992	3	8,140,000	03/01/1993	03/01/2003
Guam:					
Guam International Air Terminal, Agana	11/10/1992	3	5,632,000	02/01/1993	06/01/1994
Puerto Rico:					
Rafael Hernandez, Aguadilla	12/29/1992	3	1,053,000	03/01/1993	01/01/1999
Mercedita, Ponce	12/29/1992	3	866,000	03/01/1993	01/01/1999
Luis Munoz Marin International, San Juan	12/29/1992	3	49,768,000	03/01/1993	02/01/1997
Virgin Islands:					
Cyril E. King, Charlotte Amalie	12/08/1992	3	3,871,005	03/01/1993	02/01/1995
Alexander Hamilton, Christiansted St. Croix	12/08/1992	3	2,280,465	03/01/1993	05/01/1995

*The estimated charge expiration date is subject to change due to the rate of collection and actual allowable project costs.

[FR Doc. 93–3618 Filed 2–16–93; 8:45 am]

BILLING CODE 4910–13–M

Research, Engineering and Development Advisory Committee; Security R&D Subcommittee

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Pub. L. 92–362; 5 U.S.C. app. I), notice is hereby given of a meeting of the Scientific Advisory Panel of the Security R&D Subcommittee of the Federal Aviation Administration (FAA) Research, Engineering and Development (R, E&D) Advisory Committee to be held Thursday, March 11, 1993 at 10 a.m. and Friday, March 12 at 9 a.m. The meeting will take place in the main conference room of the Aviation Security Laboratory, Building 315 of the FAA Technical Center, Atlantic City Airport, New Jersey.

The agenda for this meeting will include an overview of the mission and new physical plant of the Aviation Security Laboratory, an overview of the Security R&D program, and an examination of the responses to the recommendations of the panel documented in the June 2, 1992 report.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. A public comment period is scheduled for 4 p.m. on March 11. Persons wishing to make oral statements, obtain information, or access the FAA Technical Center to attend the meeting should contact Dr. Lyle Malotky, the Panel's Designated Federal Official, FAA/ACS–20, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–3967.

VOL 58 ISS 30 FE 17 1993 UMI

Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 9, 1993.

Martin T. Pozesky,

Executive Director, Research, Engineering, and Development Advisory Committee.

[FR Doc. 93-3626 Filed 2-16-93; 8:45 am]

BILLING CODE 4910-13-M

Research, Engineering and Development Advisory Committee

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Pub. L. 92-362); 5 U.S.C. app. I), notice is hereby given of a meeting of the Federal Aviation Administration (FAA) Research, Engineering and Development (R,E&D) Advisory Committee to be held Friday, March 5, at 10 a.m. The meeting will take place at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC, in the MacCracken Room on the tenth floor.

The agenda for this meeting will include: The transition of responsibilities to a new Chairman of the Committee; brief updates from the various subgroup chairmen on committee activities in the areas of human factors, runway incursions, security R&D, and synthetic vision; and a report from the Capacity Technology and Automation of Airspace and Airport Surface Subcommittee.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements, obtain information, or plan to access the building to attend the meeting should contact Ms. Jan Peters, Special Assistant to the Executive Director of the R,E&D Advisory Committee, ASD-6, 800 Independence Avenue, SW., Washington DC 20591, telephone (202) 287-8543.

Members of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on February 9, 1993.

Martin T. Pozesky,

Executive Director, Research, Engineering and Development Advisory Committee.

[FR Doc. 93-3627 Filed 2-16-93; 8:45 am]

BILLING CODE 4910-13-M

Intent to Rule on Application to Impose and Use a Passenger Facility Charge (PFC) at William R. Fairchild International Airport, Port Angeles, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use a PFC at William R. Fairchild International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before March 19, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: J. Wade Bryant, Manager, Seattle Airports District Office, SEA-ADO, Federal Aviation Administration, 1601 Lind Avenue SW., suite 250, Renton, WA 98055-4056.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. John W. Conley, Director of Airports, Engineering and Planning, at the following address: P.O. Box 1350, Port Angeles, Washington 98362.

Air carriers and foreign air carriers may submit copies of written comments previously provided to Spokane Airport Board under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Vargas, (206) 227-2660; Seattle Airports District Office, SEA-ADO; Federal Aviation Administration; 1601 Lind Avenue SW., suite 250; Renton, Washington 98055-4056. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use a PFC at William R. Fairchild International Airport, under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On February 8, 1993, the FAA determined that the application to impose and use the revenue from a PFC submitted by Port of Port Angeles was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 1, 1993.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00
Proposed charge effective date: August 1, 1993
Proposed charge expiration date: July 31, 1994
Total estimated PFC revenue: $52,000.00
Brief description of proposed project: Runway and taxiway signage; airport access road; terminal area planning; runway safety area project.
Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM-600, 1601 Lind Avenue SW., suite 540, Renton, WA 98055-4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Port of Port Angeles at William R. Fairchild International Airport.

Issued in Renton, Washington, on February 8, 1993.

David A. Field,

Acting Assistant Manager, Airports Division, Northwest Mountain Region.

[FR Doc. 93-3619 Filed 2-16-93; 8:45 am]

BILLING CODE 4910-13-M

Intent To Rule on Application To Impose and Use a Passenger Facility Charge (PFC) at Gallatin Field Airport, Belgrade, MT.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use a PFC at Gallatin Field Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before March 19, 1993.

ADDRESSES: Comments on this application may be mailed or delivered

in triplicate to the FAA at the following address: David P. Gabbert, Manager, Helena Airports District Office, HLN–ADO, FAA Building. Room 2, Helena Regional Airport, Helena, MT 59601.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Ted Mathis, Airport Manager, at the following address: #6 Gallatin Field, Belgrade, Montana 59714.

Air carriers and foreign air carriers may submit copies of written comments previously provided to Gallatin Airport Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. David Gabbert, (406) 449–5271; Helena Airports District Office, HLN–ADO; Federal Aviation Administration; FAA Building, room 2; Helena Regional Airport; Helena, MT 59601. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use a PFC at Gallatin Field Airport, under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On February 8, 1993, the FAA determined that the application to impose and use the revenue from a PFC submitted by Gallatin Field Airport Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 22, 1993.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00
Proposed charge effective date: August 1, 1993
Proposed charge expiration date: May 31, 2005
Total estimated PFC revenue: $4,198,010.00
Brief description of proposed project: Terminal expansion, Phase I and II.
Class or classes of air carriers which the public agency has requested not be required to collect PFCs: On-demand non scheduled Air Taxi/Commercial Operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM–600, 1601 Lind Avenue SW., Suite 540, Renton, WA 98055–4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Gallatin Field Airport.

Issued in Renton, Washington, on February 8, 1993.

David A. Field,

Acting Assistant Manager, Airports Division, Northwest Mountain Region.

[FR Doc. 93–3620 Filed 2–16–93; 8:45 am]

BILLING CODE 4910–13–M

Federal Transit Administration

FTA Sections 3 and 9 Grant Obligations

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: The Department of Transportation and Related Agencies Appropriations Act, 1993, Public Law 102–338, signed into law by President George Bush on October 6, 1992, contains a provision requiring the Federal Transit Administration (FTA) to publish an announcement in the **Federal Register** every 30 days of grants obligated pursuant to sections 3 and 9 of the Federal Transit Act, as amended. The statute requires that the announcement include the grant number, the grant amount, and the transit property receiving each grant. This notice provides the information as required by statute.

FOR FURTHER INFORMATION CONTACT: Janet Lynn Sahaj, Chief, Resource Management and State Programs Division, Office of Capital and Formula Assistance, Department of Transportation, Federal Transit Administration, Office of Grants Management, 400 Seventh Street, SW., room 9305, Washington, DC 20590, (202) 366–2053.

SUPPLEMENTARY INFORMATION: The Section 3 program provides capital assistance to eligible recipients in three categories: Fixed guideway modernization, construction of new fixed guideway systems and extensions, and bus purchases and construction of bus related facilities. The Section 9 program apportions funds on a formula basis to provide capital and operating assistance in urbanized areas. Section 9 grants reported may include flexible funds transferred from the Federal Highway Administration to the FTA for use in transit projects in urbanized areas. These flexible funds are authorized under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) to be used for highway or transit purposes. Pursuant to the statute FTA reports the following grant information.

SECTION 3.—GRANTS

Transit property	Grant No.	Grant amount	Obligation date
Jaunt Incorporated, Charlottesville, VA	VA–03–0052–00	$548,000	12/18/92
Mass Transit Administration, Baltimore, MD	MD–03–0057–00	10,900,292	12/30/92
Sunline Transit Agency, Palm Springs, CA	CA–03–0376–00	2,175,000	1/15/93
Mass Transit Administration, Baltimore, MD	MD–03–0056–00	9,925,000	1/19/93
Southwest Ohio Regional Transit Authority, Cincinnati, OH–KY	OH–03–0106–00	626,500	1/19/93
Greater Cleveland Regional Transit Authority, Cleveland, OH	OH–03–0128–00	10,288,387	1/4/93
Port Authority of Allegheny County, Pittsburgh, PA	PA–03–0227–01	11,352,500	1/15/93
Port Authority of Allegheny County, Pittsburgh, PA	PA–03–0235–00	13,831,760	1/12/93
Chattanooga Area Regional Transportation Authority, Chattanooga, TN–GA	TN–03–0031–00	14,395,135	1/7/93

SECTION 9.—GRANTS

Transit property	Grant No.	Grant amount	Obligation date
City of Montgomery-Montgomery Area Transit System, Montgomery, AL	AL–90–X073–00	$954,254	12/31/92
Mobile Transit Authority, Mobile, AL	AL–90–X074–00	1,642,515	12/31/92
Birmingham-Jefferson County Transit Authority, Birmingham, AL	AL–90–X075–00	2,814,630	12/31/92

SECTION 9.—GRANTS—Continued

Transit property	Grant No.	Grant amount	Obligation date
Broward Co Bd of Co Commissioners-Broward Co Mass Transit Division, Ft. Lauderdale-Hollywood-Pompano Bch, FL	FL-90-X199-00 ...	7,220,544	12/21/92
City of Gainesville, Gainesville, FL	FL-90-X205-00 ...	1,798,000	12/21/92
Palm Beach Co Bd of Commissioners-Palm Beach Co Transit Authority, West Palm Bch-Boca Raton-Delray Bch, FL	FL-90-X209-00 ...	255,976	12/31/92
Jacksonville Transportation Authority, Jacksonville, FL	FL-90-X210-00 ...	4,574,678	12/31/92
Iowa City Transit, Iowa City, IA	IA-90-X141-00	259,079	12/30/92
University of Iowa-Cambus, Iowa City, IA	IA-90-X142-00	103,424	12/31/92
City of Coralville, Iowa City, IA	IA-90-X143-00	89,372	12/30/92
Waterloo Metro Transit Authority, Waterloo-Cedar Falls, IA	IA-90-X146-00	452,063	12/30/92
Wichita Metropolitan Transit Authority, Wichita, KS	KS-90-X055-00 ..	2,598,631	12/31/92
Duluth Transit Authority, Duluth, MN-WI	MN-90-X065-00 ..	344,000	12/24/92
City of Charlotte, Charlotte, NC	NC-90-X150-00 ..	1,285,729	12/31/92
City of Washington, Pittsburgh, PA	PA-90-X242-00 ..	546,847	12/30/92
Luzerne County Transportation Authority, Scranton-Wilkes Barre, PA	PA-90-X244-00 ..	2,493,019	12/31/92
Westmoreland County Transit Authority, Pittsburgh, PA	PA-90-X245-00 ..	524,458	12/31/92
Spartanburg County Government, Spartanburg, SC	SC-90-X059-00 ..	160,000	12/31/92
Greenville Transit Authority, Greenville, SC	SC-90-X060-00 ..	1,226,379	12/31/92
Chattanooga Area Regional Transportation Authority, Chattanooga, TN-GA	TN-90-X105-00 ..	1,733,626	12/31/92
Memphis Area Transit Authority, Memphis, TN-AR-MS	TN-90-X107-00 ..	7,011,657	12/31/92
Greater Richmond Transit Company, Richmond, VA	VA-90-X105-00 ..	2,613,307	12/31/92
Tidewater Transportation District Commission, Norfolk-Virginia Beach-Newport News, VA	VA-90-X107-00 ..	5,492,807	12/30/92
Santa Barbara Metropolitan Transit District, Santa Barbara, CA	CA-90-X511-00 ..	2,040,710	01/04/93
City of Fresno, Fresno, CA	CA-90-X517-00 ..	3,653,000	01/04/93
Rockford Mass Transit District, Rockford, IL	IL-90-X204-00	958,920	01/04/93
Suburban Bus Division-Regional Transportation Authority, Chicago, IL-IN	IL-90-X208-00	3,900,000	01/08/93
Springfield Mass Transit District, Springfield, IL	IL-90-X211-00	739,301	01/04/93
Muncie Public Transportation Corporation, Muncie, IN	IN-90-X178-00	645,994	01/04/93
Transit Authority of Northern Kentucky, Cincinnati, OH-KY	KY-90-X065-00 ..	1,297,597	01/04/93
Montachusett Regional Transit Authority, Fitchburg-Leominster, MA	MA-90-X149-00 ..	370,000	01/08/93
Pioneer Valley Transit Authority, Springfield, MA-CT	MA-90-X151-00 ..	3,183,495	01/08/93
Lowell Regional Transit Authority, Lowell, MA-NH	MA-90-X152-00 ..	1,233,000	01/08/93
Mass Transit Administration, Baltimore, MD	MD-90-X051-00 ..	15,729,359	01/15/93
Casco Bay Island Transit District, Portland, ME	ME-90-X066-00 ..	137,744	01/08/93
City of Detroit Department of Transportation, Detroit, MI	MI-90-X168-00 ...	13,732,064	01/04/93
Ann Arbor Transportation Authority, Ann Arbor, MI	MI-90-X169-00 ...	3,700,723	01/04/93
Metropolitan Transit Commission, Minneapolis-St. Paul, MN	MN-90-X062-00 ..	14,449,084	01/04/93
Central Ohio Transit Authority, Columbus, OH	OH-90-X169-00 ..	4,986,446	01/05/93
Southwest Ohio Regional Transit Authority, Cincinnati, OH-KY	OH-90-X171-00 ..	3,929,220	01/04/93
Miami Valley Regional Transit Authority, Dayton, OH	OH-90-X172-00 ..	2,885,565	01/04/93
Central Ohio Transit Authority, Columbus, OH	OH-90-X175-00 ..	1,200,000	01/05/93
Southwest Ohio Regional Transit Authority, Cincinnati, OH-KY	OH-90-X176-00 ..	5,501,079	01/15/93
Toledo Area Regional Transit Authority, Toledo, OH-MI	OH-90-X178-00 ..	2,411,169	01/04/93
Metro Regional Transit Authority, Akron, OH	OH-90-X180-00 ..	3,638,009	01/04/93
Port Authority of Allegheny County, Pittsburgh, PA	PA-90-X247-00 ..	17,755,067	01/12/93
County of Lackawanna Transit System, Scranton-Wilkes Barre, PA	PA-90-X248-00 ..	1,325,262	01/26/93
City of Tyler, Tyler, TX	TX-90-X266-00 ...	334,579	01/05/93
Chittenden County Transportation Authority, Burlington, VT	VT-90-X014-00 ...	429,513	01/25/93
City of Weirton, Steubenville-Weir, WV-OH-PA	WV-90-X051-00 .	50,000	01/04/93

Issued on: February 10, 1993.

Robert H. McManus,

Acting Administrator.

[FR Doc. 93-3585 Filed 2-16-93; 8:45 am]

BILLING CODE 4910-67-M

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before March 19, 1993.

ADDRESS COMMENTS TO: Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Unit, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10949–N	Laidlaw Environmental Services, Inc., Columbia, SC.	49 CFR 177.848(c)	To authorize the transportation of detector units containing cyanide packed in lab pack drums on the same vehicle carrying acids packaged in 55 gallon DOT specification drums separated by nine foot buffer zone. (Mode 1)
10950–N	The Fertilizer Institute on behalf of Members Co., Spokane, WA.	49 CFR 173.315(a) Note 17: 2, 6 & 7; 173.315(m).	To authorize the shipment of anhydrous ammonia for agricultural purposes in MC 330, 331 and non-DOT specification cargo tanks (nurse tanks) mounted on specially designed trucks. (Mode 1)
10951–N	E. I. Dupont de Nemours & Co., Inc. (Du Pont), Wilmington, DE.	49 CFR 179.100–15, 179.101–1	To authorize the transportation of hydrogen chloride, refrigerated liquid, Division 2.3 in DOT-Specification 105A600W tank cars with relief device set to 380 psig and rupture disc at 400 psig. (Mode 2)
10952–N	Propack, Inc., Essington, PA	49 CFR 173.227	To authorize the transportation of poisonous liquids, corrosive, n.o.s., Division 6.1, in 3½ gallon pyrex glass bottles with teflon screw on valve and overpacked with aluminum container with 5 inch styrofoam top pad overpacked in a non-DOT specification plywood box. (Modes 1, 3)
10953–N	Air Transport Association of America, Washington, DC.	49 CFR 173.34(e)(13)(iii)	To extend the life of DOT-Specification 3HT cylinders charged with nitrogen and oxygen, compressed, Division 2.2 utilized as components of aircraft systems. (Modes 1, 4, 5)
10954–N	Atlas Bag Company, Inc., Lincolnwood, IL.	49 CFR 173.211, 173.212, 173.213, 173.62.	To authorize the manufacture, mark and sale of non-DOT specification flexible intermediate bulk bags to be used in transporting various classes of hazardous materials. (Mode 2)
10957–N	Rhone-Poulenc Basic Chemicals Co., Shelton, CT.	49 CFR 174.67(a)(2)	To authorize the blocking and braking of the first and last tank car in a series of five tank cars, instead of each individual car, when engaged in unloading sulfuric acid and sulfuric acid, spent, Class 8. (Mode 2)
10958–N	International Paper, Natchez, MS	49 CFR 174.67 (i) & (j)	To authorize chlorine filled tank cars to remain attached during unloading without the physical presence of an unloader. (Mode 2)
10959–N	Marsulex Incorporated, North York, Ontario, Canada.	49 CFR 173.29(a)(c)(2), 173.31(c)(1)	To authorize a one-time shipment of four DOT Specification 111A100W2 tank cars which are overdue for tank and safety valve tests containing residue of sulfuric acid, Class 8. (Mode 2)
10961–N	J.B. Hunt Special Commodities, Inc. (JBHSC), Hampton, AR.	49 CFR 173.403(n)(4), 173.425(c)(2)	To authorize transport of raffinate sludge, class 7—LSA with radioactivity concentration greater than the limit established, contained in DOT specification MC–312 cargo tanks. (Mode 1)
10962–N	Internationall Compliance Center (USA), Ltd., Niagara Falls, NY.	49 CFR Part 172, Subpart E & F, Part 177, Subpart C.	To authorize the manufacture, mark and sale of specially designed combination packaging for shipment of limited quantities of various classes of hazardous materials to be shipped with the required hazard labels. (Mode 1)
10963–N	Sigri Great Lakes Carbon Corporation, Union, NJ.	49 CFR 173.119, 173.304, 173.327, 173.328, 173.34, 173.346.	To manufacture, mark and sell non-DOT specification full removable head salvage cylinders of 3½ gallon capacity for over packing damaged or leaking packages of laboratory size gas bottles of pressurized and non-pressurized hazardous material. (Mode 2)
10964–N	Walter Kidde Aerospace, Inc., Wilson, NC.	49 CFR 178.58–16 thru 19, 178.58–2, 178.58–5, 178–58–8 thru 12.	To authorize the manufacture, mark and sell of non-DOT specification cylinders for transporting compressed gas in automatic fire extinguisher system in the cargo area of Boeing 777 aircraft. (Modes 4, 5)
10965–N	HASA, Inc., Santa Clarita, CA	49 CFR 173.152(b)(1), 173.217(c)	To authorize the transportation of various Division 5.1 products in ten pound or less plastic bottles overpacked with strong outside containers. (Mode 1)
10967–N	Balchem, Slate Hill, NY	49 CFR 171.4 and 173.323	To authorize use of a limited number of DOT Specification 5P drums for the shipment of ethylene oxide, Division 2.3, beyond the October 1, 1993 compliance date for poison inhalation packagings. (Modes 1, 2, 3)

This notice of receipt of applications for new exemptions is published in accordance with part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on February 10, 1993.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 93–3615 Filed 2–16–93; 8:45 am]

BILLING CODE 4910–60–M

Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for modification of exemptions or applications to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modifications of exemptions (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.)

are described in footnotes to the application number. Application numbers with the suffix "X" denote a modification request. Application numbers with the suffix "P" denote a party to request. These applications have been separated from the new application for exemptions to facilitate processing.

DATES: Comments must be received on or before March 4, 1993.

ADDRESS COMMENTS TO: Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Unit, room 8426, Nassif Building, 400 7th Street SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
8249–X	LPS Industries, Inc., Newark, NJ (See Footnote 1).	8249
8710–X	Akzo Chemicals, Inc., Chicago, IL (See Footnote 2).	8710
8886–X	Amerex Corporation, Trussville, AL (See Footnote 3).	8886
9168–X	All-Pak, Inc., Buffalo, NY (See Footnote 4).	9168
9997–X	Hodgdon Powder Company, Inc., Shawnee Mission, KS (See Footnote 5).	9997
10045–X	Federal Express Corporation, Memphis, TN (See Footnote 6).	10045
10127–X	Thiokol Corporation, Huntsville, AL (See Footnote 7).	10127
10230–X	21st Century Containers, Ltd., Atlanta, GA (See Footnote 8).	10230
10886–X	Eco-Pak, Inc., Elizabethton, TN (See Footnote 9).	10886
10943–X	Worthington Cylinder Corporation, Columbus, OH (See Footnote 10).	10943

(*1*) To modify exemption to provide for passenger aircraft as an additional mode of transportation and to exempt 6.1 poisons in packaging group III from labelling requirements.

(*2*) To modify exemption to provide for revised shipping description for organic peroxide solutions, Division 5.2 material for shipment in cargo tanks.

(*3*) To modify exemption to provide for a twelve year retest interval for DOT 4B series cylinders regardless of type of requalification test for use in transporting non-corrosive dispersant gas, Division 2.2

(*4*) To authorize limited quantities of certain Class 3, 8 and Division 6.1 materials in specially designed packagings, to be shipped without labels by United Parcel Service and its licensee's passenger aircraft service.

(*5*) To modify exemption to provide for rail as an additional mode of transportation for use in shipment of Class C explosives.

(*6*) To modify exemption to provide for additional routes to be authorized in transporting radioactive and other non-fissile radioactive material packages.

(*7*) To modify exemption to provide for additional shipping containers for use in transporting rocket motors.

(*8*) To authorize an alternative structure of the injection molded portable tanks for shipment of certain Class 3, Class 8 and Division 5.1 materials in addition to various exemption criteria changes and to authorize cargo vessels as an additional mode.

(*9*) To modify exemption to authorize construction of equivalent material without rolling hoops in addition to stainless steel construction of UN1A1W drums for use as overpack in transporting various Class 7 hazardous material.

(*10*) To reissue exemption originally issued to authorize the use of DOT-Specification 39 cylinders in transporting helium, compressed, Division 2.2.

Application No.	Applicant	Parties to exemption
6614–P	AB-Chem Industries, El Cajon, CA.	6614
6691–P	Standard Welders Supply, Memphis, TN.	6691
6691–P	Midwest Airgas, Inc., Fairfield, IA.	6691
7052–P	Lockheed Corporation, Calabasas, CA.	7052
7605–P	Lockheed Corporation, Calabasas, CA.	7605
7616–P	Sabine River & Northern Railroad, Orange, TX.	7616
7840–P	Lockheed Corporation, Calabasas, CA.	7840
7909–P	DowElanco, Indianapolis, IN.	7909
7969–P	Foss Environmental Services Co., Portland, OR.	7969
8426–P	Foss Environmental Services Co., Portland, OR.	8426
8451–P	Molecular Dynamics, Grand Prairie, TX.	8451
8554–P	Hermitage Explosives Corporation, Nashville, TN.	8554
8554–P	Lilly Explosives Company, Pemberton, WV.	8554
8569–P	Lockheed Corporation, Calabasas, CA.	8569
8573–P	HASA of Arizona, Inc., Eloy, AZ.	8573
8937–P	Kaiser Aluminum Specialty Products, Tulsa, OK.	8937
9498–P	Degussa Corporation, Ridgefield Park, NJ.	9498
9723–P	All Chemical Disposal, Inc., San Jose, CA.	9723
9723–P	Hazchen Environmental Corporation, Lombard, IL.	9723
9723–P	Chemical Conservation Corporation, Orlando, FL.	9723
10001–P	The Jimmie Jones Company, Tulsa, OK.	10001
10441–P	Chemical Conservation Corporation, Orlando, FL.	10441
10965–P	HASA of Arizona, Inc., Eloy, AZ.	10965
10967–P	Praxair, Danbury, CT	10967

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on February 10, 1993.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 93–3616 Filed 2–16–93; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC–8: OTS No. 4175]

First Federal Savings Bank of Wabash, Wabash, Indiana; Approval of Conversion Application

Notice is hereby given that on January 29, 1993, the Deputy Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or his/her designee, acting pursuant to delegated authority, approved the application of First Federal Savings Bank of Wabash, Wabash, Indiana to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Central Regional Office, Office of Thrift Supervision, 111 Wacker Driver, Suite 800, Chicago, Illinois 60601–4360.

Dated: February 11, 1993.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 93–3667 Filed 2–16–93; 8:45 am]

BILLING CODE 6720–01–M

[AC–6: OTS No. 1391]

Hamilton Federal Savings, F.A., Brooklyn, NY; Approval of Conversion Application

Notice is hereby given that on January 8, 1993, the Deputy Assistant Director for Corporate Activities, Office of Thrift Supervision, or his/her designee, acting

pursuant to delegated authority, approved the application of Hamilton Federal Savings, F.A., Brooklyn, New York, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Northeast Regional Office, Office of Thrift Supervision, 10 Exchange Place, 18th Floor, Jersey City, New Jersey 07302.

Dated: February 11, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 93–3665 Filed 2–16–93; 8:45 am]

BILLING CODE 6720–01–M

[AC–9: OTS No. 5118]

Jefferson Savings and Loan Association, Ballwin, Missouri; Approval of Conversion Application

Notice is hereby given that on February 8, 1993, the Assistant Director for Supervisory Operations, Office of Thrift Supervision, or his designee, acting pursuant to delegated authority, approved the application of Jefferson Savings and Loan Association, Ballwin, Missouri, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Midwest Regional Office, Office of Thrift Supervision, 122 West John Carpenter Freeway, suite 600, Irving, Texas 75261–9027.

Dated: February 11, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 93–3668 Filed 2–16–93; 8:45 am]

BILLING CODE 6720–01–M

[AC–7: OTS No. 3680]

The Third Savings and Loan Company, Piqua, Ohio; Approval of Conversion Application

Notice is hereby given that on February 2, 1993, the Deputy Assistant Director for Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of the Third Savings and Loan Company, Piqua, Ohio, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Central Regional Office, Office of Thrift Supervision, 111 Wacker Drive, suite 800, Chicago, Illinois 60601–4360.

Dated: February 11, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 93–3666 Filed 2–16–93; 8:45 am]

BILLING CODE 6720–01–M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "Painters of the Great Ming: The Imperial Court and the Zhe School" (see list [1]), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the Metropolitan Museum of Art, New York City, from on or about March 10, 1993 to on or about May 9, 1993, and the Dallas Museum of Art, Dallas, Texas, from on or about June 3, 1993 to on or about August 1, 1993, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: February 10, 1993.

R. Wallace Stuart,

Acting General Counsel.

[FR Doc. 93–3588 Filed 2–16–93; 8:45 am]

BILLING CODE 8230–01–M

[1] A copy of this list may be obtained by contacting Mr. Paul W. Manning of the Office of the General Counsel of USIA. The telephone number is 202/619–6827, and the address is Room 700, U.S. Information Agency, 301 Fourth Street, SW., Washington, DC 20547.

VOL
58
ISS
30
FE
17
1993
UMI

Sunshine Act Meetings

Federal Register
Vol. 58, No. 30
Wednesday, February 17, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

UNITED STATES COMMISSION ON CIVIL RIGHTS

DATE AND TIME: February 26, 1993, 9:30 a.m.

PLACE: U.S. Commission on Civil Rights, 624 Ninth Street, NW, Room 540, Washington, DC 20425.

STATUS: Open to the Public.

February 26, 1993

I. Approval of Agenda
II. Approval of Minutes of January Meeting
III. Announcements
IV. Appointments to the Florida, Georgia, and Tennessee Advisory Committees
V. *Native American Students in North Dakota Special Education Programs*
VI. *Police Community Relations in Southern West Virginia*
VII. Staff Director's Report
VIII. Review of 1993 Meeting Dates
IX. Future Agenda Items

Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact Betty Edmiston, Administrative Services and Clearinghouse Division (202) 376–8105 (TDD 202–376–8116), at least five (5) working days before the scheduled date of the meeting.

CONTACT PERSON FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications (202) 376–8312.

Dated: February 11, 1993.

Emma Monroig,
Solicitor.

[FR Doc. 93–3741 Filed 2–12–93; 10:05 am]
BILLING CODE 6335–01–M

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Special Meeting

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The special meeting of the Board was held at the offices of the Farm Credit Administration in McLean, Virginia, on January 29, 1993, from 3:45 p.m. until such time as the Board concluded its business.

FOR FURTHER INFORMATION CONTACT: Curtis M. Anderson, Secretary to the Farm Credit Administration Board, (703) 883–4003, TDD (703) 883–4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board was open to the public (limited space available). The matter considered at the meeting was:

Open Session

A. New Business

1. Request for Approval to Increase Medium-Term Note Authorized Ceiling.

Dated: February 10, 1993.

Curtis M. Anderson,
Secretary, Farm Credit Administration Board.

[FR Doc. 93–3726 Filed 2–11–93; 4:52 pm]
BILLING CODE 6705–01–P

FEDERAL HOUSING FINANCE BOARD

TIME AND DATE: 9:00 a.m., Wednesday, February 24, 1993.

PLACE: Board Room Second Floor, Federal Housing Finance Board, 1777 F Street, N.W., Washington, DC 20006.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC: The Board will consider the following:

1. Monthly Reports
   A. District Banks Directorate
   1. Financial Report
   2. Membership Report
   B. Housing Finance Directorate
   1. 1992 End of Year CIP Report
2. Office of Policy and Research
   A. Discussion Regarding Hearing on Study of FHLBank System Mandated by the Housing and Community Development Act

PORTIONS CLOSED TO THE PUBLIC: The Board will consider the following:

1. Approval of the December and January Board Minutes
2. Examination and Regulatory Oversight Reports
   A. Oversight Issues
   1. Financial Management Policy Compliance
   2. End of Year Bank Duration of Equity
3. 1992 FHLBank System Actual to Budget Comparison
4. Presentation of External Auditor's Role
5. Office of Policy and Research
   A. Study of FHLBank System Mandated by the Housing and Community Development Act
   B. System 2000 Update
6. Board Management Issues

The above matters are exempt under one or more of sections 552b(c)(2), (8), (9)(A) and (9)(B) of title 5 of the United States Code.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Executive Secretary to the Board, (202) 408–2837.

Philip L. Conover,
Managing Director.

[FR Doc. 93–3756 Filed 2–12–93; 10:54 am]
BILLING CODE 6725–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, February 22, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 12, 1993.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 93–3846 Filed 2–12–93; 3:14 pm]
BILLING CODE 6210–01–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–93–04]

TIME AND DATE: February 23, 1993 at 3:00 p.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings
2. Minutes
3. Ratification List

4. Invs. Nos. 731–TA–641–642 (Preliminary) (Ferrosilicon from Brazil and Egypt)—briefing and vote
5. Invs. Nos. 731–TA–566 (Final) (Ferrosilicon from the People's Republic of China)—briefing and vote
6. Outstanding action jacket requests none
7. Any items left from previous agenda

CONTACT PERSON FOR MORE INFORMATION: Paul R. Bardos, Acting Secretary, (202) 205–2000.

Issued: February 11, 1993.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–3801 Filed 2–12–93; 12:38 pm]

BILLING CODE 7020–02–M

LEGAL SERVICES CORPORATION

Board of Directors Committee Meeting

TIME AND DATE: A meeting of the Legal Services Corporation Board of Directors Office of the Inspector General Oversight Committee will be held on February 21, 1993. The meeting will commence at 1:00 p.m. and will be open to the public.

PLACE: The Doubletree Suites Hotel, 320 N. 44th Street, Ballroom Salons I & II, Phoenix, AZ 85008, (602) 225–0500.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda.
2. Approval of Minutes of December 6, 1992 Meeting.
3. Consideration of Whether to Formally Adopt, and if so, to Adopt, a Corporate Position as to the Corporation's Program Operating Responsibilities as Referred to in the Inspector General Act.

CONTACT PERSON FOR INFORMATION: Patricia Batie, (202) 336–8800.

Upon request, meeting notices will be made available in alternate formats to accommodate individuals who are blind or have visual impairment.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336–8800.

Date Issued: February 11, 1993.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 93–3720 Filed 2–11–93; 4:36 pm]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION

Board of Directors Meetings

TIME AND DATE: The Legal Services Corporation Board of Directors and its Operations and Regulations Committee will hold meetings on February 22, 1993. The meetings will commence at 8:00 a.m., and continue in the following order until all business has been concluded.

1. Operations and Regulations Committee; and
2. Board of Directors.

PLACE: The Doubletree Suites Hotel, 320 N. 44th Street, Ballroom Salons I & II, Phoenix, AZ 85008, (602) 225–0500.

OPERATIONS AND REGULATIONS COMMITTEE MEETING:

STATUS OF MEETINGS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda.
2. Approval of Minutes of December 7, 1992 Meeting.
3. Consideration of Amendments to Sections 1610 and 1611 of the Corporation's Regulations.
4. Consideration of Amendment to Section 1612 of the Corporation's Regulations.
5. Two Lottery Selections for the Fifth Cluster/Control Group of the Comparative Demonstration Projects.

BOARD OF DIRECTORS MEETING:

STATUS OF MEETING: *Open*, except that a portion of the meeting may be closed if a majority of the Board of Directors votes to hold an executive session. At the closed session, pursuant to receipt of the aforementioned vote, the Board will consider and vote on approval of the draft minutes of the executive session held on January 29, 1993. A portion of the executive session will consist of a briefing conducted by Corporation staff.[1] In addition, the Board will hear and consider the report of the General Counsel on litigation to which the Corporation is a party. Finally, the Board will consult with the Inspector General and President, individually, regarding the internal personnel rules and practices of their respective organizations. The closing will be authorized by the relevant sections of the Government in the Sunshine Act [5 U.S.C. Sections 552b(c)(2)(5), (6), and (10)], and the corresponding regulation of the Legal Services Corporation (45 C.F.R. Section 1622.5(a), (d), (e), and (h)].[2] The closing will be certified by the Corporation's General Counsel as authorized by the above-cited provisions of law. A copy of the General Counsel's certification will be posted for public inspection at the Corporation's headquarters, located at 750 First Street, NE., Washington, DC, 20002, in its seventh floor reception area, and will otherwise be available upon request.

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.
2. Approval of Minutes of January 29, 1993 Meeting
3. Panel Presentation on Legal Services Delivery Systems in the State of Arizona, Moderated by the Honorable Colin Campbell, Former President of the Arizona Bar Foundation
4. Chairman's and Members' Reports
5. Consideration of Operations and Regulations Committee Report
   a. Consideration of Amendments to Sections 1610 and 1611 of the Corporation's Regulations
   b. Consideration of Amendment to Section 1612 of the Corporation's Regulations
6. Consideration of Office of the Inspector General Oversight Committee Report
   a. Consideration of Recommendation on Whether to Formally Adopt, and if so, to Adopt, a Corporate Position as to the Corporation's Program Operating Responsibilities as Referred to in the Inspector General Act
7. Consideration of Provision for the Delivery of Legal Services Committee Report
   a. Consideration of Report on Status of Draft Request for Proposals for Migrant Ombudsman Demonstration Projects
8. Consideration of Audit and Appropriations Committee Report
9. President's Report
10. Inspector General's Report

CLOSED SESSION:

11. Consideration of the General Counsel's Report on Pending Litigation to which the Corporation is a Party
12. Briefing Conducted by Corporation Staff
13. Consultation by Board with the Inspector General on the Internal Personnel Rules and Practices of the Office of the Inspector General
14. Consultation by Board with the President on the Internal Personnel Rules and Practices of the Corporation
15. Approval of Minutes of Executive Session Held on January 29, 1993

OPEN SESSION: (Resumed)

16. Consideration of Other Business

CONTACT PERSON FOR INFORMATION: Patricia Batie (202) 336–8800.

Upon request, meeting notices will be made available in alternate formats to accommodate individuals who are blind or have visual impairment.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336–8800.

Date Issued: February 11, 1993.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 93–3721 Filed 2–11–93; 4:36 pm]

BILLING CODE 7050–01–M

---

[1] That portion of the closed session which will consist of briefings does not come within the definition of a meeting for purposes of the Government in the Sunshine Act. 5 U.S.C. Section 552b(a)(2). The requirements of the Act, therefore, do not apply to this portion of the closed session. 5 U.S.C. Section 552b(b). *See also* 45 C.F.R. Sections 1622.2 and 1622.3.

[2] As to the Board's consideration and approval of the draft minutes of the executive session(s) held on the above-noted date(s), the closing is authorized as noted in the Federal Register notice(s) corresponding to that/those Board meeting(s).

VOL 58 ISS 30 FE 17 1993 UMI

Corrections

Federal Register

Vol. 58, No. 30

Wednesday, February 17, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 92-049-2]

Black Stem Rust; Addition of Rust-Resistant Varieties of Berberis Thunbergii

Correction

In rule document 92-27829 beginning on page 54165 in the issue of Tuesday, November 17, 1992, make the following correction:

§ 301.38-2 [Corrected]

On page 54166, in the second column, in amendatory instruction 3 to § 301.38-2, in the last line, "'Rosy Glow'" should read "'Rose Glow'".

BILLING CODE 1505-01-D

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 161

[Docket No. 91-027-3]

Accreditation of Veterinarians

Correction

In rule document 92-28318 beginning on page 54906 in the issue of Monday, November 23, 1992, make the following correction:

§ 161.3 [Corrected]

On page 54914, in the second column, in § 161.3(f), in the sixth line, "PHIS" should read "APHIS".

BILLING CODE 1505-01-D

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 304

[Docket No. 92-2-PBRA]

1992 Adjustment of the Public Broadcasting Royalty Rates and Terms

Correction

In rule document 92-30914 beginning on page 60954 in the issue of Tuesday, December 22, 1992, make the following corrections:

PART 304 [CORRECTED]

1. On page 60954, in the second column, in Part 304, in the table of contents, in the entry for sec. 304.9, "Unknown" was misspelled.

§ 304.7 [Corrected]

2. On page 60955, in the third column, in § 304.7(b), in the seventh line, "the" should read "that".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL-4553-4]

Protection of Stratospheric Ozone

Correction

In rule document 93-757 beginning on page 4768 in the issue of Friday, January 15, 1993, make the following corrections:

§ 82.62 [Corrected]

1. On page 4798, in the third column, in § 82.62(a), in the third line, after "group III" insert "in".

§ 82.64 [Corrected]

2. On page 4799, in the first column, in § 82.64, the second paragraph should be designated "(b)".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as Amended by the Superfund Amendments and Reauthorization Act

Correction

In notice document 93-528 appearing on page 3555 in the issue of Monday, January 11, 1993, make the following correction:

In the 2d column, in the 1st paragraph, in the 16th line, "$200,000.000" should read "$200,000.00".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 89F-0115]

Indirect Food Additives; Polymers

Correction

In rule document 93-240 beginning on page 2976 in the issue of Thursday, January 7, 1993, make the following correction:

On page 2977, in the first column, in the first full paragraph, beginning in the third line, "*(insert date...*FEDERAL REGISTER*)*," should read "February 8, 1993,".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 172

[Docket No. HM-214; Amendment Nos. 171-119, 172-128, 173-232, 174-71, and 176-32]

RIN 2137-AC31

Oil Spill Prevention and Response Plans

Correction

In rule document 93-1866 beginning on page 6864 in the issue of Tuesday,

February 2, 1993, make the following correction:

§ 172.101 [Corrected]

On page 6871, in § 172.101, in the table, under Packing group, "111" should read "I I I".

BILLING CODE 1505-01-D

VOL
58

ISS
30

FE
17

1993

UMI

federal register

Wednesday
February 17, 1993

Part II

Environmental Protection Agency

40 CFR Part 112
Oil Pollution Prevention; Non-Transportation-Related Onshore Facilities; Proposed Rule

VOL 58 ISS 30 FE 17 1993 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 112

[SW H–FRL 4556–2]

RIN 2050–AD 30

Oil Pollution Prevention; Non-Transportation-Related Onshore Facilities

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the Oil Pollution Prevention regulation, originally promulgated under the Clean Water Act (CWA). The proposed revision would incorporate new requirements added by the Oil Pollution Act of 1990 that direct facility owners and operators to prepare plans for responding to a worst case discharge of oil and to a substantial threat of such a discharge. Other regulatory changes to strengthen the existing regulation also are proposed.

DATES: Comments must be submitted on or before April 19, 1993.

ADDRESSES: *Comments:* Comments should be submitted in triplicate to: Emergency Response Division, Attention: Superfund Docket Clerk, Docket Number SPCC–2P, Superfund Docket, room M2427 (mail code OS–24S), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Docket: Copies of materials relevant to this rulemaking are contained in the Superfund Docket, room M2427 at the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 [Docket Number SPCC–2P]. The docket is available for inspection between 9 a.m. and 4 p.m., Monday through Friday, excluding Federal holidays. Appointments to review the docket can be made by calling 202–260–3046. The public may copy a maximum of 266 pages from any regulatory docket at no cost. If the number of pages copied exceeds 266, however, a charge of 15 cents will be incurred for each page copied after 100 pages, plus a $25.00 administrative fee.

FOR FURTHER INFORMATION CONTACT: Bobbie Lively-Diebold, Response Standards and Criteria Branch, Emergency Response Division (OS–210), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 at 703–356–8774; the ERNS/SPCC Information line at 202–260–2342; or the RCRA/Superfund Hotline at 800–424–9346 (in the Washington, DC metropolitan area, 703–920–9810). The Telecommunications Device for the Deaf (TDD) Hotline number is 800–553–7672 (in the Washington, DC metropolitan area, 703–486–3323).

SUPPLEMENTARY INFORMATION: The contents of this preamble are listed in the following outline:

I. Introduction
  A. Statutory Authority
  B. The Oil Pollution Act of 1990
  C. This Rulemaking
II. Alternative Approaches for Identifying Facilities Subject to Facility Response Plan Requirements
  A. Option One
  B. Option Two
III. Proposed Approach for the Implementation of Facility Response Plan Requirements
  A. Procedures and Deadlines—§§ 112.20 (a) Through (e)
  B. Selection Criteria—§ 112.20(f) and Appendix C
  C. Environmentally Sensitive Areas—Appendix D
  D. Definition of Worst Case Discharge—Appendix E
  E. Tiered Response Planning
  F. The Determination and Demonstration of Adequate Response Capability—Appendix F
  G. Response Plan Elements—§§ 112.20(g) and (h), and Appendix G
IV. Relationship of Facility Response Plan Requirements to Other Programs
V. Proposed Revisions to Existing 40 CFR part 112 Plan Requirements
  A. Prevention Training
  B. Ensuring Against Brittle Fracture
  C. SPCC Plan Amendment
  D. Authority to Require Preparation of Plans
  E. Submission of Plans That Contain a Waiver of Technical Requirements
VI. Other Technical Considerations Not Proposed
VII. Regulatory Analyses
  A. Executive Order 12291
  B. Regulatory Flexibility Act
  C. Paperwork Reduction Act

I. Introduction

A. Statutory Authority

Section 4202(a)(6) of the Oil Pollution Act of 1990 (OPA), Public Law 101–380, amends section 311(j) of the Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), and requires the President to issue regulations that require owners or operators of tank vessels or offshore facilities or certain onshore facilities to prepare and submit to the President plans for, among other things, responding, to the maximum extent practicable, to a worst case discharge of oil and to a substantial threat of such a discharge.

Section 311(j)(1)(C) of the CWA, authorizes the President to issue regulations establishing procedures, methods, equipment, and other requirements to prevent discharges of oil from vessels and facilities and to contain such discharges. See 33 U.S.C. 1321(j)(1)(C). The President has delegated the authority to regulate non-transportation-related onshore facilities under section 311(j)(1)(C) of the CWA to the U.S. Environmental Protection Agency (EPA of the Agency). See Executive Order 12777, section 2(b)(1), 56 FR 54757 (October 22, 1991), superseding Executive Order 11735, 38 FR 21243. By this same Executive Order, the President has delegated similar authority over transportation-related onshore facilities, deepwater ports, and vessels to the U.S. Department of Transportation (DOT) and authority over other offshore facilities, including associated pipelines, to the U.S. Department of the Interior (DOI). A Memorandum of Understanding (MOU) between the Secretary of Transportation and the EPA Administrator, dated November 24, 1971 (36 FR 24080), establishes the definitions of non-transportation-related facilities and transportation-related facilities. The definitions from the MOU are included in appendix A to 40 CFR part 112.

B. The Oil Pollution Act of 1990

The OPA was enacted to expand prevention and preparedness activities, improve response capabilities, ensure that shippers and oil companies pay the costs of spills that do occur, and establish an expanded research and development program. The Act establishes a new Oil Spill Liability Trust Fund, administered by the United States Coast Guard (USCG). As provided in sections 2002(b), 2003, and 2004 of the OPA, the new Fund replaces the fund established under section 311(k) of the CWA and other oil pollution funds.

Section 4202(a) of the OPA amends CWA section 311(j) to require regulations that provide that owners or operators of facilities prepare and submit "a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of oil or a hazardous substance." This requirement applies to any onshore facility that, "because of its location, could reasonably be expected to cause "substantial harm" to the environment by discharging into or on the navigable waters, adjoining shorelines, or the exclusive economic zone." Today's proposed revisions address only plans for responding to discharges of oil. Implementation of the OPA provisions addressing hazardous substance

response plans will be addressed in a subsequent rule.

CWA section 311(j)(5)(C) sets forth certain minimum requirements for facility response plans. The plans must:

- Be consistent with the requirements of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and Area Contingency Plans (ACPs);
- Identify the qualified individual having full authority to implement removal actions, and require immediate communications between that individual and the appropriate Federal official and the persons providing removal personnel and equipment;
- Identify and ensure by contract or other approved means the availability of private personnel and equipment necessary to remove, to the maximum extent practicable, a worst case discharge (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge;
- Describe the training, equipment testing, periodic unannounced drills, and response actions of persons at the facility to be carried out under the plan to ensure the safety of the facility and to mitigate or prevent a discharge or the substantial threat of a discharge; and
- Be updated periodically.

Under section 311(j)(5)(D), additional review and approval provisions apply to response plans prepared for onshore facilities that, because of their location, "could reasonably be expected to cause "*significant and* substantial harm" to the environment by discharging into or on the navigable waters or adjoining shorelines or the exclusive economic zone." (emphasis added) Pursuant to authority delegated in Executive Order 12777, EPA is responsible for the following activities for each of these response plans at non-transportation-related onshore facilities:

- Promptly review the response plan;
- Require amendments to any plan that does not meet the section 311(j)(5) requirements;
- Approve any plan that meets these requirements; and
- Review each plan periodically thereafter.

The OPA requires that owners or operators of facilities that could cause "substantial harm" to the environment by discharging oil must submit their response plans to EPA (as delegated by the President in Executive Order 12777) by February 18, 1993, or stop handling, storing, or transporting oil. In addition, under CWA section 311(j)(5) and OPA section 4202(b)(4), a facility required to prepare and submit a response plan under the OPA may not handle, store, or transport oil after August 18, 1993 unless: (1) In the case of a facility for which a plan is reviewed by EPA, the plan has been approved by EPA; and (2) the facility is operating in compliance with the plan. The statute provides that a facility may be allowed to operate without an approved response plan for up to two years after the facility submits a plan that is to be reviewed, if the owner or operator certifies that he or she has ensured by contract or other approved means the availability of private personnel and equipment necessary to respond, to the maximum extent practicable, to a worst case discharge, or a substantial threat of such a discharge.

Under the OPA, facility owners or operators who fail to comply with section 311(j) requirements are subject to new administrative penalties and more stringent judicial penalties than those imposed previously under the CWA. Section 4301(b) of the OPA amends CWA section 311(b) to authorize a civil judicial penalty of $25,000 per day of violation for failure to comply with regulations under CWA section 311(j). In addition to these civil penalties, OPA section 4301(b) amends CWA section 311(b) to authorize administrative penalties for failure to comply with section 311(j) regulations of up to $10,000 per violation, not to exceed $25,000 for Class I penalties, and up to $10,000 per day per violation, not to exceed $125,000 for Class II penalties. Revisions to the penalty provisions are applicable to violations occurring after the August 18, 1990, enactment of the OPA. Violations occurring before enactment of the OPA remain subject to penalty provisions originally set forth in CWA section 311.

C. This Rulemaking

As discussed in section I.A of this Preamble, the Agency proposes revisions to the Oil Pollution Prevention regulation to implement OPA response plan requirements as well as several other technical requirements. After consideration of comments received in response to this proposed rule, a final rule will be promulgated. If comments received indicate sufficient need, the Agency will consider holding a public hearing on the proposed revisions to permit further expression of views prior to the final rulemaking. EPA will publish a notice of its intent to hold any public hearing in the **Federal Register**. Any statements made at such a hearing would be included in the public record of the rulemaking. Until the Agency promulgates a final rule that implements the provisions of CWA section 311(j)(5), owners and operators of onshore, non-transportation-related facilities that handle oil may use this proposed rule as guidance to meet the CWA's requirements for facility response plans.

II. Alternative Approaches for Identifying Facilities Subject to Response Plan Requirements

The Agency investigated two approaches to identifying facilities subject to facility response plan requirements (facilities that could cause "substantial harm" to the environment) under this proposed rulemaking. The major differences between the approaches are: (1) The extent of the regulated community affected by the response plan requirements, and (2) the process to determine which facilities could cause "substantial harm" to the environment, including the selection method and criteria. The two alternatives are outlined briefly below followed by a more detailed discussion of each option. EPA proposes the first option but requests comment on the relative merits of both options.

Under Option 1, EPA would propose to implement the OPA response plan requirements as follows:

- Facilities that could cause "substantial harm" to the environment by discharging oil into navigable waters or adjoining shorelines must prepare and submit a facility response plan to EPA; and
- The Agency will review for approval, all plans submitted by facilities identified as having the potential to cause "significant and substantial harm" to the environment from such discharges.

This option in part would use a process by which owners or operators would determine whether their facility could cause "substantial harm" to the environment. To complete the self-selection process, owners or operators would be required to evaluate their facility against a set of published criteria arranged in a flowchart. The criteria include: Storage capacity, proximity to sensitive environments and drinking water supplies, marine transfer operations, adequacy of secondary containment, and spill history. EPA is considering several alternative threshold levels for the storage capacity criterion. Facilities meeting one or a combination of the above criteria would be determined to have the potentia. to cause "substantial harm" and would have to prepare and submit a response plan to the appropriate Regional Administrator (RA). In addition, the RA would have the authority to determine that any regulated facility, regardless of the results of the self-selection screening

VOL 58 ISS 30 FE 17 1993 UMI

process, has the potential to cause "substantial harm" based on similar criteria and taking into account other site-specific characteristics and environmental factors. To determine whether a facility could cause "significant and substantial harm" to the environment, the RA would consider other criteria in addition to the factors used in the "substantial harm" determination.

Under Option 2, EPA would propose to require that:

- All regulated facilities would have to prepare a response plan;
- Facilities that could cause "substantial harm" to the environment by discharging into water bodies or adjoining shorelines would have to submit their plans to EPA;
- The Agency would review for approval plans submitted by facilities that could cause "significant and substantial harm" to the environment from such discharges; and
- Certain small, low-risk facilities with secondary containment structures would be allowed to prepare an abridged version of a response plan.

EPA would select "substantial harm" and "significant and substantial harm" facilities using risk-based screening criteria and Regional knowledge.

A. Option One

Under Option 1, EPA would propose to implement the CWA section 311(j)(5) requirements that: (1) The owner or operator of a facility that could cause "substantial harm" prepare and submit a response plan, and (2) facilities that could cause "significant and substantial harm" to the environment have their plans promptly reviewed for approval by EPA. This approach is consistent with the OPA legislative history, which supports the Agency's position that only a subset of all submitted onshore facility response plans would be reviewed and approved. See H.R. Rep. No. 101–653, 101st Cong. 2d Sess. 1991 at p. 150.

"Substantial Harm" Facility Selection Process and Criteria

Under this option, several processes would be used to identify those facilities required to prepare and submit response plans. Facility owners and operators would be required to evaluate their facilities for the potential to cause "substantial harm" to the environment using criteria published in the proposed rule. Owners and operators would be aided in this evaluation by a flowchart designed to determine whether a facility meets the criteria and has the potential to cause "substantial harm." Instructions for the use of the flowchart would be provided to help owners and operators apply the criteria. Under this option, owners or operators of facilities determined not to have the potential to cause "substantial harm" would be required to certify that their facility did not meet the criteria as contained in the flowchart.

The criteria that would be used to help identify the universe of "substantial harm" facilities would include facility storage capacity, proximity to sensitive environments and drinking water supplies, the existence of secondary containment, spill history, and the nature of the facility's marine transfer operations. As described in section III.B of this preamble, in addition to oil storage capacity and the proximity to potable water supplies and environmentally sensitive areas (which are elements specifically referenced in the OPA Conference Report, see H.R. Rep. No. 101–653, 101st Cong. 2d Sess. 1991 at p. 150), EPA has determined that the remaining criteria are elements that are closely related to the potential for a facility to cause "substantial harm" to the environment as a result of a discharge of oil. EPA has arranged the criteria in a flowchart (see appendix C) that shows the decision tree by which owners and operators would determine whether their facility could pose "substantial harm" to the environment.

As presented in the flowchart, a facility would be determined to have the potential to cause "substantial harm" to the environment if either of the following two screening criteria are met:

(1) The facility's total oil storage capacity is greater than or equal to 1 million gallons, and one of the following is true:

- The facility is located at a distance (as calculated using the appropriate formula in appendix C or an alternative formula considered acceptable by the Regional Administrator) such that a discharge from the facility would shut down operations at a public drinking water intake;
- The facility is located at a distance (as calculated using the appropriate formula in appendix C or an alternative formula considered acceptable by the Regional Administrator) such that a discharge from the facility could cause injury to an environmentally sensitive area;
- The facility does not have secondary containment for each aboveground storage area sufficiently large to contain the capacity of the largest aboveground storage tank within each storage area; or
- The facility has had a reportable spill greater than or equal to 10,000 gallons within the last 5 years.

(2) The facility transfers oil of any kind over water to or from vessels and has a storage capacity greater than or equal to 42,000 gallons.

EPA recognizes that large-capacity facilities have a greater potential for causing spills and subsequent environmental damage. EPA also considered an alternative storage capacity cut-off of 200,000 gallons under the first screen for Option 1. EPA requests comment on the appropriateness of the use of the 1 million gallon or 200,000 gallon size cut-off in the determination of "substantial harm" and information on any data relevant to this factor.

Under this option, the RA would have the authority to screen facilities using the same criteria that facility owners or operators would use under the self-selection process. This step will serve to verify that owners or operators are applying the screening criteria correctly. To determine substantial harm, the RA could also evaluate the risk posed by a facility using, among other things, general risk factors (i.e., proximity to sensitive environments and drinking water intakes) similar to the specific criteria discussed above. Moreover, because of the potential variation in site-specific characteristics and environmental factors, as well as the possible relevance of factors not specified in the criteria provided for owners and operators to screen their facilities, the RA would maintain the ability to consider other risk-based factors in making his or her determination. Regional knowledge about the compliance history of a particular facility, as well as other site-specific circumstances that affect the risk of harm from a discharge, are examples of such factors. EPA solicits comment on the appropriateness of these criteria for use by the facility owner or operator and the RA to determine whether a facility could cause "substantial harm" to the environment.

"Significant and Substantial Harm" Facility Selection Process and Criteria

Under Option 1, the RA would further assess the risks posed by an individual facility in order to identify the subset of "substantial harm" facilities that could cause both "significant and substantial" harm to the environment. In making this determination, the RA would use the "substantial harm" factors as well as other information, including: information from submitted plans, facility compliance history, age of tanks, proximity of discharge sources to navigable waters and additional areas of environmental concern, Regional site

characteristics, and local impacts on public health. Although based on a set of national criteria, this prioritization may differ from Region to Region depending on the relative importance of certain factors within a particular area. In addition to those facilities identified to meet the OPA's August 18, 1993, deadline, EPA also may in the future identify additional facilities as having the potential to cause "significant and substantial harm." As stated above, those facilities identified as having the potential to cause "significant and substantial harm" to the environment would be required to have their response plans reviewed for approval.

EPA solicits comment on the appropriateness and relative importance of the selection criteria in the RA's determination of "significant and substantial harm." Also, the Agency requests comment on whether the RA should consider additional facility characteristics, such as the complexity and throughput of a facility's operations and type of product stored in the determination of "significant and substantial harm."

B. Option Two

EPA also is considering a second approach to the implementation of response plan requirements, based on the authority contained in CWA subsections 311(j) (1) and (5). Under this option, all regulated facilities would be required to prepare facility response plans; certain small, low-risk facilities with secondary containment structures would be allowed to prepare an abridged version of a response plan.

Under this approach, only "substantial harm" facilities would be required to submit plans to EPA and "significant and substantial harm" facilities would have their plans reviewed and approved. All other owners and operators subject to the regulation would only have to prepare a facility response plan that would be kept at the facility.

Facility Selection Process and Criteria

The responsibility to determine "substantial harm" and "significant and substantial harm" facilities under this approach would rest entirely with the Agency. The RA would determine which facilities fall within each category using the risk-based screening criteria discussed under Option 1. The remaining aspects of Option 2 are essentially similar to those presented under Option 1.

III. Proposed Approach for the Implementation of Facility Response Plan Requirements

EPA proposes Option 1 for identifying facilities subject to response planning requirements. Only owners or operators of facilities that could cause "substantial harm" to the environment would be required to prepare and submit plans. EPA would then review and approve only those plans submitted by facilities that could cause "significant and substantial harm" to the environment. Risk-based criteria for evaluating the potential to cause "substantial harm" and "significant and substantial harm" are published in § 112.20(f) of today's proposed rule. The "substantial harm" determination would be accomplished, in large part, through a facility self-determination process which uses the criteria in proposed § 112.20(f)(1) in conjunction with the flowchart proposed in appendix C to the rule. In addition, each RA would have the authority to determine that other facilities could cause "substantial harm" to the environment based on the specific criteria in proposed § 112.20(f)(1) or the general factors in proposed § 112.20(f)(2), including other site-specific characteristics and environmental factors that may be relevant. The "substantial harm" criteria are discussed in detail in Section III.B of this preamble. In applying these factors, the RA may seek input on specific facilities from other agencies such as the USCG. The RA also may consider petitions from the public to determine whether a facility could cause "substantial harm" to the environment. Those facilities submitting plans would be required to include a response plan cover sheet (as provided in appendix C), which indicates that the information contained in the plan is accurate and which provides a basic summary of facility information including the results of the self-selection for the "substantial harm" determination. Under proposed § 112.20(e), facilities not required to submit plans would be required to maintain on-site a certification form indicating that the facility was determined not to pose the threat of "substantial harm" to the environment. EPA's formulas for distance were designed to be simple to use. However, facilities may calculate planning distances using more sophisticated formulas, which take into account broader scientific or engineering principles, or local conditions. Such alternative formulas may result in different planning distances than those distances calculated using EPA's proposed formulas in appendix C. If an owner or operator chooses to use an alternative formula and determines that the facility could not cause substantial harm, the owner or operator must attach to the certification form a brief explanation of the formula and its reliability, and demonstrate how calculations were made. In addition, the owner or operator would be required to notify the RA in writing that an alternate formula was used to determine that the facility does not pose a threat of substantial harm. More information concerning the use of alternative formulas is provided in section III.B of this Preamble and in appendix C of the proposed rule.

To determine whether a facility could cause "significant and substantial harm" to the environment, the RA would consider the "substantial harm" criteria in proposed § 112.20(f)(2) as well as additional factors in proposed § 112.20(f)(3), including site-specific information relating to such things as local impacts on public health. Section III.B of this preamble discusses the criteria to be used by RAs in their determination of a facility's potential to cause "significant and substantial harm" to the environment.

A. Procedures and Deadlines—§§ 112.20 (a) through (e)

1. Preparing, Submitting, and Reviewing Plans

As discussed above, the Agency proposed two ways a facility can be screened as having the potential to cause "substantial harm"; one involving a self-effectuating process and the other involving an Agency determination. EPA may identify some facilities as having the potential to cause "substantial harm" that may not have been identified in the self-selection process.

Self-Selection—§ 112.20(a). The owner or operator of an existing facility that meets the criteria proposed in § 112.20(f)(1) would be required to prepare and submit a facility response plan to the appropriate RA by February 18, 1993, in order to meet the OPA deadline for plan submission. EPA proposes in § 112.20(a)(2) that owners or operators of all regulated facilities must determine whether a response plan is required for their facility based on the "substantial harm" criteria. Proposed § 112.20(f)(1) would require that an owner or operator use the flowchart in appendix C to apply these criteria. Appendix C provides information that is necessary for the owner or operator to

VOL 58 ISS 30 FE 17 1993 UMI

correctly apply certain of the criteria proposed in § 112.20(f)(1).

The Agency recognizes that self-selection may occur after February 18, 1993, because of new facilities coming on-line and existing facilities subsequently meeting the criteria for "substantial harm" as a result of a change in operations or site characteristics. To ensure consistency with the overall requirement to prepare and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan as proposed in the Phase One Notice of Proposed Rulemaking (NPRM) (56 FR 54630; October 22, 1991), EPA proposes in § 112.20(a)(2) that: (1) Newly constructed facilities be required to prepare and submit a response plan prior to the start of operations (adjustments to the response plan can be made and submitted to the Agency after an operational trial period of 60 days); and (2) existing facilities that become subject to the response plan requirements as the result of a planned change in operations be required to prepare and submit a response plan prior to the implementation of changes at the facility. For example, a facility located near an environmentally sensitive area that plans to increase its maximum oil storage capacity to one million gallons subsequently would be determined (according to the flowchart in appendix C) to have the potential to cause "substantial harm." A facility planning such a change would be required to prepare and submit a response plan prior to commencing the new operation. An existing facility, however, may become subject to the response plan requirements through one or a combination of unplanned events, such as experiencing a reportable spill or the identification of a sensitive environment adjacent to the site during the ACP development process as described in section III.C of this preamble. These factors would cause the facility to meet the criteria for "substantial harm" as described in the flowchart. For example, a facility with a total storage capacity greater than one million gallons that experiences a reportable spill exceeding 10,000 gallons would meet the proposed "substantial harm" criteria as indicated in the flowchart in appendix C. In the event of such an unplanned change in a facility's risk classification, the owner or operator would be required to prepare and submit a response plan to the RA within six months of when the change occurs (see proposed § 112.20(a)(2)(iv)).

Agency Determination/Notification for Substantial Harm—§ 112.20(b). As proposed in § 112.20(b), in the event the Agency determines that a facility may pose a threat of "substantial harm" based on the factors in proposed § 112.20(f)(2), the RA would notify in writing the owner or operator of the facility that he or she is required to prepare and submit a facility response plan. To make such a determination, the RA could apply the factors as specified in the flowchart for facility self-selection. Non-notification by the RA would not exempt facilities from the requirement to prepare and submit response plans by February 18, 1993, if they meet the self-selection criteria in the proposed flowchart in appendix C. Under this approach, facilities identified by the RA as having the potential to cause "substantial harm," including new facilities and facilities undergoing a change in operations or facility-specific characteristics, would have six months after notification to prepare and submit a response plan to the appropriate RA. In addition to those facilities identified to meet the OPA's February 18, 1993, deadline, EPA also may in the future identify additional facilities as having the potential to cause "substantial harm" to the environment. Plans submitted by those facilities identified by the RA as having the potential to cause "substantial harm" to the environment will be reviewed by the RA to determine if the facility has the potential to cause "significant and substantial harm" to the environment.

EPA proposes in § 112.20(f)(2)(ii) to allow interested members of the public or Federal, State, or local agencies an opportunity to petition the RA to determine whether a specific facility could cause "substantial harm" to the environment. Under this process, the petitioner would have the opportunity to submit in writing a discussion of how the "substantial harm" criteria proposed in § 112.20(f)(2)(i) apply to the facility in question. The RA would evaluate such petitions in making a determination of whether the facility could cause "substantial harm" to the environment. The factors the RA would consider to determine whether a facility could cause "substantial harm" are discussed in section IV.B of this preamble.

Agency Determination/Notification for Significant and Substantial Harm—§ 112.20(c). As proposed in § 112.20(c)(1), the RA would notify in writing the owner or operator of a facility determined to have the potential, based on the criteria in proposed § 112.20(f)(3), to cause "significant and substantial harm" that his or her response plan will be reviewed for approval. This process would allow facility owners or operators the opportunity to seek, if necessary, authorization from the RA to operate temporarily without an approved response plan. In addition to those facilities identified to meet the OPA's August 18, 1993, deadline, EPA in the future also may identify additional facilities as having the potential to cause "significant and substantial harm." As proposed in § 112.20(c)(1), RAs would be required to periodically review approved response plans from facilities determined to have the potential to cause "significant and substantial harm" to the environment, in addition to reviewing plans submitted to meet the OPA deadline. EPA solicits comment how frequently the RA should review approved facility response plans, and, in particular, whether three years is an appropriate period between plan review. The following section discusses additional revisions proposed in § 112.20(c).

OPA Deadlines for "Substantial Harm" and "Significant and Substantial Harm" Facilities. The OPA sets forth specific timing requirements for when facility owners or operators must prepare and submit response plans to the RA, and the consequences of not submitting a plan when required. If the owner or operator of a facility required to prepare and submit a plan to the RA has not done so by February 18, 1993, that facility must stop handling, storing, or transporting oil. Further, a facility not operating in compliance with the response plan after August 18, 1993, must stop handling, storing, or transporting oil.

The OPA does not specifically address events occurring after the statutory deadlines and leaves implementation of the facility response plan requirement with regard to facilities identified after the statutory deadline to the discretion of the Agency. The Agency interprets the statute as not requiring that a facility determined to have the potential to cause "substantial harm" to the environment that has not submitted a facility response plan by February 18, 1993, must stop handling, storing, or transporting oil until such a plan is submitted, if the determination is made after February 18, 1993. The Agency believes its interpretation of the OPA, which allows six months from the time of discovery or notification that a facility could cause "substantial harm" to prepare and submit a plan, is reasonable and consistent with the objectives of the OPA. EPA requests comment on the choice of a six-month time frame versus a shorter period for development of a plan.

According to the OPA, a facility required to have its response plan

reviewed and approved must stop handling, storing, or transporting oil unless the plan has been approved by August 18, 1993. However, as indicated in the OPA Conference Report (H.R. Rep. No. 101–653, 101st Cong., 2d Sess. 1991 at p. 151), the number of plans requiring review may prevent the RAs from reviewing all response plans by the statutory deadline. Thus, CWA section 311(j)(5)(F) allows the owner or operator of a facility to seek Federal authorization to operate for up to two years after the plan has been submitted for approval if the owner or operator has certified that he or she has ensured by contract or other federally-approved means the availability of private personnel and equipment necessary to respond, to the maximum extent practicable, to a worst case discharge or substantial threat of such a discharge.

As discussed in section I.B of this preamble, a related OPA requirement is that response plans shall identify, and ensure by contract or other federally-approved means the availability of private personnel and equipment necessary to remove a worst case discharge. Although the response plan would already identify such resources, the requirement to certify their availability is necessary only when plan approval is required and cannot take place before the statutory deadline. Such a situation could arise if a large number of plans require approval. The Agency proposes in § 112.20(c)(2) that if notified by EPA that a submitted response plan requires approval and that approval will not be forthcoming prior to the August 18, 1993, deadline, the owner or operator of the facility has 30 days to certify and provide a copy of a signed contract or other approved means demonstrating the availability of adequate resources. The RA would determine whether the response resources identified in the facility's response plan were adequate. Guidelines for the determination and demonstration of adequate response capability are discussed in detail in Section III.F of this preamble.

2. Owner or Operator Participation in RA Determination

EPA considered several options for allowing the owner or operator to participate in the RA's determination process. Under one option, the Agency would allow an owner or operator to appeal the RA's determination that a facility poses a threat of "substantial harm" or "significant and substantial harm." Under this option, the Agency would use the procedures described in § 112.4(f) of the existing regulation. The appeal would have to be made to the EPA Administrator in writing within 30 days of notification by the RA that the facility could cause "substantial harm" or "significant and substantial harm" to the environment. The appeal would have to contain a clear and concise statement of why the facility does not pose a threat of "substantial harm" or "significant and substantial harm" and could contain other information the owner or operator believes to be relevant to the determination. The EPA Administrator or his or her designee would then render a decision on the appeal and would notify the owner or operator of the decision.

Under a second option, EPA would allow no formal Agency appeals process for determinations of "substantial harm" or "significant and substantial harm." As a third option, EPA would select an intermediate approach that would allow the facility owner or operator to provide information and data and to consult with the RA about the determination. Following this consultation, the RA would make a final determination on whether the facility could cause "substantial harm" or "significant and substantial harm" to the environment. The Agency solicits comment on an appeals process for determinations of "substantial harm" and "significant and substantial harm" by the RA. Also, the Agency requests comment on a process to allow an owner or operator of a facility that could cause "significant and substantial harm" to appeal a decision by the RA not to approve a facility response plan.

3. Plan Resubmittal—Section 112.20(d)

As discussed above, the RA would periodically review approved facility response plans from facilities determined to have the potential to cause "significant and substantial harm" to the environment. Proposed § 112.20(d)(1) would require the owner or operator to resubmit the plan for approval within 60 days of each material change in the plan. A material change is one that could affect the adequacy of a facility's response capabilities, such as the ability to respond to a worst case discharge.

Examples of material changes include: a significant change in facility capacity, configuration, or type of oil handled; changes in the capability or availability of response contractors; and changes in spill prevention equipment or response procedures which may affect the potential for a discharge to cause "significant and substantial harm" to the environment. In addition, CWA section 311(j)(5)(C) requires that a facility response plan be consistent with the ACP. Therefore, a review of the ACP (when it is made available and annually thereafter) might prompt changes to the facility response plan that could trigger plan resubmittal (e.g., identification of sensitive environments that could be affected by a discharge from the facility). Plan revisions that affect only names or phone numbers (e.g., changes to the emergency notification list) would not require resubmission for approval under proposed § 112.20(d)(2). EPA proposes in § 112.20(d)(2), however, that owners or operators submit changes to the notification list to the appropriate RA, as the revisions occur. The Agency requests comment on the proposed requirement to submit changes in the call-down list to the RA.

4. Facilities Not Posing "Substantial Harm" to the Environment—Section 112.20(e)

Facilities that are determined not to have the potential to cause "substantial harm" would not be required to prepare and submit a response plan as described in proposed § 112.20. Such facilities, however, that have determined that the installation of structures or equipment listed in § 112.7(c)(1) is not practicable are required under the existing regulation to prepare but not submit "a strong oil spill contingency plan." As discussed in section V of this preamble, EPA proposes to clarify the existing requirement to provide "a strong oil spill contingency plan" by referencing the proposed response plan requirements contained in § 112.20.

EPA proposes in § 112.20(e) to require that owners or operators of those regulated facilities not submitting response plans complete and maintain at the facility with the SPCC Plan a certification form (see appendix C) that indicates that the facility is determined not to have the potential to cause "substantial harm" to the environment as indicated by the "substantial harm" flowchart published in appendix C.

B. Selection Criteria—§ 112.20(f) and Appendix C

The following paragraphs present a discussion of the criteria that would be used to select "substantial harm" and "significant and substantial harm" facilities. The criteria proposed in § 112.20(f) to determine facilities that could cause "substantial harm" to the environment include: Type of marine transfer operation; oil storage capacity; lack of secondary containment; proximity to environmentally sensitive areas; proximity to public drinking water intakes; and spill history. For self-selection purposes under § 112.20(a), the "substantial harm" criteria in proposed § 112.20(f)(1) have been

arranged in a flowchart (see appendix C to the rule) to be used by owners and operators in determining if they must submit a response plan to the Agency for their facility. The proposed flowchart is a decision tree that indicates the combinations of these criteria that would lead to the determination that a facility could cause "substantial harm" to the environment. Appendix C also provides additional information in Attachment C–III (i.e., distance calculations) that is used to apply the criteria in the flowchart. EPA recognizes that the owner or operator of a regulated facility may determine that a facility has the potential to cause substantial harm to the environment without having to assess every criterion in the flowchart.

RAs would apply general "substantial harm" factors in § 112.20(f)(2), which are broader than the specific criteria set forth for owners or operators in making their determination of a facility's potential to cause "substantial harm" to the environment. In addition to the "substantial harm" factors, RAs would be able to consider additional factors in making their determination of a facility's potential to cause "significant and substantial harm" to the environment, including: The age of a facility's tanks; proximity to navigable waters and environmental areas of concern; spill frequency; as well as other facility-specific and Regional-specific information (e.g., local impacts on public health). The Agency requests comment on the appropriateness and relative importance of the following factors in the determination of "substantial harm" through self-selection or RA determination.

"Substantial Harm" Criteria

Type of Transfer Operation. Because of the complex nature of their operations, marine transfer facilities are more likely to experience spill events into navigable waters and adjoining shorelines than other facilities. Such facilities are immediately adjacent to navigable waters and transfer oil on a regular basis. Moreover, transfers to or from vessels (e.g., barges) at these facilities often involve large quantities of oil. As such, spills that do occur often enter directly into navigable waters and may involve significant quantities of oil. Therefore, EPA proposes in § 112.20(f)(1)(i) that any regulated facility that transfers oil products over water to or from vessels, and that has a total oil storage capacity greater than or equal to 42,000 gallons, has the potential to cause "substantial harm" to the environment and must submit a facility response plan.

Many sites at which oil is transferred in bulk to or from a vessel are likely to include both transportation-related transfer facilities regulated by the USCG and non-transportation-related oil storage facilities regulated by EPA. This combination of transportation-related and non-transportation-related facilities will be considered a complex and will be subject to multi-agency jurisdiction. EPA and the USCG have coordinated to ensure that "substantial harm" selection criteria are similar in nature for both agencies. This cooperation will lead to consistency between the agencies in the determination of "substantial harm" for facilities that transfer oil products to or from vessels over water. EPA and the USCG would use similar criteria, including transfers over water of oil to or from a vessel to determine "substantial harm." Thus certain facilities regulated by EPA (oil storage facilities) and the USCG (marine transfer facilities) would be determined to have the potential to cause "substantial harm" to the environment under both EPA and USCG regulations. EPA requests comment on the appropriateness of this substantial harm criterion as it may apply to facilities that fuel vessels.

Oil Storage Capacity. The oil storage capacity of the facility is another factor that would be considered in evaluating the potential for "substantial harm" posed by facilities. The larger the quantity of oil present, the larger the potential spill and the resulting environmental impact. Large discharges are also more likely to escape secondary containment and may damage nearby tanks, as occurred during the Ashland Oil spill. Weakened tank integrity is of greater concern for tanks with large storage capacities where the resulting forces on the tank (created by large fluid volumes) are greater. The Agency proposes in § 112.20(f)(1)(ii) that any facility with a total oil storage capacity greater than or equal to one million gallons in combination with one of the following four "substantial harm" criteria would be determined under the self-selection process to have the potential to cause "substantial harm" to the environment: lack of secondary containment, proximity to environmentally sensitive areas, proximity to public drinking water intakes, or spill history.

Lack of Secondary Containment. The importance of secondary containment as a means of preventing spills from reaching navigable waters is well documented. In a 1989 incident in Port Arthur, Texas, nearly 6 million gallons of crude oil were released from a storage tank, but none of the oil reached nearby navigable waters because of the presence of adequate secondary containment. Such incidents, where the entire amount of oil released from the tank remains within a secondary containment structure, are not reportable spills under 40 CFR part 110. Secondary containment structures, which meet the standard of good engineering practice for purposes of 40 CFR part 112, can take many forms including berms, dikes, retaining walls, curbing, culverting, gutters, or other drainage systems. As described in § 112.7(e)(2)(ii), secondary containment at bulk storage facilities must be able to hold the entire contents of the largest single tank plus have sufficient freeboard to allow for precipitation.

The central role of secondary containment as a preventive mechanism is underscored by the existing provision in § 112.7(d) that requires a facility owner or operator to provide a strong oil spill contingency plan when it is determined that the installation of structures or equipment to prevent discharged oil from reaching navigable waters is not practicable. Given the importance of secondary containment, the Agency proposes in § 112.20(f)(1)(ii)(A) that any facility with an oil storage capacity greater than or equal to one million gallons, which lacks secondary containment for all storage tanks, would be determined to have the potential to cause "substantial harm" to the environment.

Proximity to Environmentally Sensitive Areas. A facility's proximity to environmentally sensitive areas increases the potential for a spill to reach and damage these areas, in the event secondary containment measures fail.

Therefore, such proximity is an important consideration in the assessment of the existence of a threat of "substantial harm." The Agency proposes in § 112.20(f)(1)(ii)(B) that any facility with an oil storage capacity greater than or equal to one million gallons that is located at a distance such that a discharge could cause injury to (e.g., damage or negatively affect productivity or ability to propagate) an environmentally sensitive area would be determined to have the potential to cause " substantial harm" to the environment.

EPA proposes in § 112.2 to define "injury" as a measurable adverse change, either long- or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge of oil, or exposure to a product of reactions resulting from a discharge of oil. This

definition is derived from the definition of "injury" in the Natural Resources Damage Assessments Final Rule at 43 CFR part 11 (51 FR 27727. August 1, 1986), which encompasses the phrases "injury," "destruction," and "loss." The language proposed at 40 CFR 112.2 differs only in that hazardous substances are not included in the definition because today's response plan rulemaking does not address hazardous substances. The definition of "injury" is applied by natural resource trustees to assess the damage to natural resources from oil spills. Because natural resource trustees have extensive experience in evaluating the impacts of oil spills on natural resources based on this definition, the Agency believes that the definition is an appropriate gauge to assess the potential to cause substantial harm to the environment. EPA requests comment on the appropriateness of defining "injury" in such a manner.

Appendix D identifies areas that may be considered environmentally sensitive. As discussed in section III.A of this preamble, the owner or operator would be required to apply the "substantial harm" criteria in conjunction with the flowchart contained in appendix C. For purposes of self-selection, Attachment C–III to appendix C provides formulas that owners or operators could use to determine appropriate distances from the facility for environmentally sensitive areas. Owners or operators may use an alternative formula(s) as long as it achieves results consistent with the purposes of this requirement and is considered acceptable to the RA. EPA considers an acceptable alternative formula to be one that is equivalent in terms of reliability and analytical soundness. As proposed at § 112.20(a)(3), owners or operators that use an alternative formula would be required to provide documentation with the response plan cover sheet on the reliability and analytical soundness of the formula. EPA does not anticipate that extensive documentation will be necessary to assess the appropriateness of alternative formulas. Accordingly, owners or operators need only provide basic information on the origin and nature of the formula as well as an example of how it was used to determine the appropriate distance for a particular facility. Owners or operators that use an alternative formula should consider the formula acceptable unless notified otherwise by the appropriate RA.

Appendix C to this part contains several different distance calculations based on oil transport on different types of media (i.e., fast-moving waters, still lakes and ponds, and land). EPA expects that the distance calculation for a fast-moving water body will apply to most of the facilities that complete the substantial harm screen. This calculation is based on the velocity of the water body and the time intervals for the arrival of response resources. The flow velocity of the water body has a direct effect on how far the oil will travel before response actions can be employed to contain the release. For moving water bodies, velocity is determined through the use of an equation that models the flow of water in open channels. To calculate the velocity, owners or operators would need to obtain information on river characteristics from the sources listed in Table 2 of appendix C. Similarly, the more time it takes for emergency response personnel and equipment to arrive on-scene and deploy containment measures, the farther downstream the released oil will travel from the origin of the spill. In highly populated areas, where a significant volume of marine traffic is present, response resources will be able to arrive on-scene more quickly than in remote areas. The response times provided in Attachment C–III of appendix C are consistent with the response times guidelines of the USCG for spill response contractors to arrive on-scene. A three-hour time period has been added to factor in the deployment of equipment. Facilities with oil storage capacities of greater than or equal to 1 million gallons are believed to have the potential to discharge oil in quantities that could cause injury to a sensitive environment located within the downstream distance calculated by the formula. For owners or operators of facilities that could discharge into a still water body, EPA has provided an alternative formula to determine the relevant distance. In addition, appendix C provides information on how owners or operators should consider overland flow in the distance calculations. EPA requests data and comment on the appropriateness of the distance calculations in appendix C for inland areas. In addition, the Agency requests comment on the appropriateness of using specified distances from the facility (e.g., 40 miles downstream) in the determination of proximity to these areas.

Proximity to Public Drinking Water Intakes. A facility's proximity to drinking water intakes increases the potential for a spill to reach and contaminate or render inoperable these intakes. The OPA Conference Report states that the criteria developed to determine "substantial harm" and "significant and substantial harm" facilities should include location of potable water supplies (see H.R. Rep. No. 101–653, 101st Cong. 2d Sess. 1991 at p. 150). Therefore, EPA has included proximity to drinking water intakes as a factor to consider in the determination of the potential to cause "substantial harm" to the environment.

An example of a discharge that affected potable water supplies is the January 1988 spill in Floreffe, Pennsylvania, when the rupture of an aboveground storage tank allowed 750,000 gallons of diesel oil to escape containment, flow into a storm drain located in an adjacent parking lot, and subsequently reach the nearby Monongahela River. As a result of the spill, more than 70 communities in three States stopped drawing water from the river. Such an interruption of public drinking water supplies can threaten the health and safety of affected communities.

The Agency proposes in § 112.20(f)(1)(ii)(C) that any facility with an oil storage capacity greater than or equal to one million gallons that is located such that a discharge would shut down a public drinking water intake would be determined to have the potential to cause "substantial harm" to the environment. EPA would define public drinking water intakes as those covered by the Safe Drinking Water Act. The Agency solicits comment on whether private drinking water supplies should be included in the criteria for the determination of "substantial harm." As previously discussed for environmentally sensitive areas, Attachment C–III to appendix C provides formulas that owners or operators could use in calculating appropriate distances from the facility for purposes of the assessment of the risk of affecting public drinking water intakes. EPA proposes that an alternative distance formula(s) acceptable to the RA could also be used in this determination. As discussed above for environmentally sensitive areas, owners or operators that use an alternative formula would be required to provide documentation on the reliability and analytical soundness of the formula.

Spill History. Spill history is an important factor to consider in the assessment of risk to the environment posed by a particular facility. Because larger spills can cause greater damage to the environment, the size of past spills may be an indication of the potential for a facility to cause "substantial harm" to the environment. EPA proposes in § 112.20(f)(1)(ii)(D) that any facility that has a total oil storage capacity greater

VOL 58 ISS 30 FE 17 1993 UMI

than or equal to one million gallons and that in the past five years has had a reportable spill greater than or equal to 10,000 gallons would be determined to have the potential to cause "substantial harm" to the environment. The Agency requests comments as well as data on the appropriateness of the use of a spill size of 10,000 gallons for this criterion, as well as information on alternate spill sizes.

Additional Criteria for Use by the Regional Administrator in the Determination of "Significant and Substantial Harm"

Discussed below are factors proposed in § 112.20(f)(3) that may be used by the RA, in addition to those contained in § 112.20(f)(2), to determine whether a facility could cause "significant and substantial harm" to the environment. For purposes of determining "substantial harm," the RA would consider whether a facility meets one of the factors in § 112.20(f)(2). Facilities that meet one or more of the "substantial harm" criteria, in combination with any of the additional factors discussed below, can present a greater risk of harm to the environment. For purposes of making the "significant and substantial harm" determination, therefore, the RA would consider whether a facility meets one or more of the "substantial harm" factors in combination with the following factors. EPA solicits comment on the appropriateness of the RA's use of the following factors for the determination of "significant and substantial harm."

Frequency of Past Spills. In addition to the size of previous spills (as discussed under the section on "substantial harm" criteria), the frequency of spill events is another important factor in assessing the potential for causing harm to the environment. A facility that has experienced multiple spills in the last five years may pose a greater risk of experiencing a spill event in the future than those facilities that have not had a spill. Multiple spills in a relatively short time period may have a cumulative effect on the impacted environment. Moreover, frequency of spills may be an indication of poor operating practices or a lack of training or prevention measures. Examples of facilities that have had several spills in a single year include a facility in Baltimore, Maryland that reported 44 separate spill incidents from 1989 to 1990 and a facility in Tupman, California that reported 14 spills in 1990 ranging in volume from 504 gallons to 3,780 gallons.

Proximity to Environmental Areas of Concern. To assist owners or operators, appendix D identifies areas that may be environmentally sensitive for purposes of the substantial harm determination. Appendix D also identifies additional areas of concern that the RA may consider to identify "significant and substantial harm" facilities.

Proximity to Navigable Waters. The proximity of a facility to navigable waters often directly influences the probability that a discharge, which escapes secondary containment, will reach such waters. Often, the most environmentally damaging spills, such as the Ashland Oil spill, occur at facilities whose boundaries border navigable waters. For example, all 20 worst case spills documented in the Technical Background Document which supports the Phase Two rulemaking occurred at facilities whose closest opportunity for discharge was located within one-half mile of navigable waters.

Tank Age. EPA has identified tank age as an additional factor that may be related to the potential for a facility to cause "significant and substantial harm" to the environment. Older tanks tend to have weakened structural integrity, depending on the maintenance history of the tank, increasing the risk of a spill. American Petroleum Institute (API) Standard 653 requires that the internal inspection intervals of tanks must not exceed 20 years. This limit on the inspection interval reflects the age at which structurally related failures are more likely to occur.

Criteria EPA Considered but is not Proposing. Natural hazards and high-risk environments may be other important factors in the assessment of the risk of a facility posing "substantial harm" to the environment. Facilities that are located in areas prone to natural hazards (i.e., floods, hurricanes, and earthquakes) may pose a greater threat to the environment. Case studies from the Technical Background Document which support this proposed rulemaking indicate that facilities susceptible to such events are more likely to have multiple tank failures and may have greater spill volumes than comparable facilities located outside these areas. For example, in November 1990, heavy rains and flooding washed away two aboveground storage tanks at a facility in Alaska and caused a 16,000 gallon spill into Diomede Harbor. Examples of large spills that involve facilities located in hurricane zones are well documented. Most recently, on September 17, 1989, Hurricane Hugo destroyed five 4.2 million gallon oil storage tanks on the south coast of St. Croix, U.S. Virgin Islands. Over 420,000 gallons of crude and No. 6 oil were discharged from the damaged tanks, with 42,000 gallons of oil reaching the waters of Limetree Bay.

In addition to risks posed by natural hazards, proximity to high-risk environments may be another important factor to consider in assessing the potential for a facility to cause harm to the environment. Karst and unstable terrains and areas with ground water concerns (e.g., recharge zones) are examples of such high-risk environments that may deserve consideration. For example, a tank located on unstable terrain, such as a sink hole could fail, releasing its contents to the ground water, if the substrate providing a foundation for the tank were to shift suddenly by a significant amount. For tanks located near certain ground water zones that have a direct connection to surface waters, discharges that enter the ground water have the potential to reach surface waters.

EPA does not have sufficient data available in a form that will substantiate including natural hazards and high-risk environments among the criteria for "substantial harm" determination and is therefore not proposing them in today's rulemaking. The Agency requests comment and supporting data on natural hazard factors and high-risk environments as indicators for "substantial harm" determination.

The Agency also considered proximity to cooling water intakes for electric utilities (including nuclear power plants), as a risk factor for use in the determination of the threat of "substantial harm." Utilities need substantial lead time in the event of a spill to shut down operations or implement alternative cooling mechanisms. Failure to shut down operations prior to contamination could lead to significant public health risks. EPA requests comments and supporting data on whether cooling water intakes or other intakes, such as those for commercial process water or irrigation water should be considered in the assessment of the potential for a facility to cause "substantial harm" to the environment. In addition, EPA solicits comment on other criteria, such as the type of product stored, throughput, and number and size of transfer operations, that should be included in the self-selection process or that the RA should consider in making determinations of "substantial harm" and "significant and substantial harm" for specific facilities. The Agency requests comment on whether more specific criteria should be used by the RA to identify those

facilities that could cause significant and substantial harm to the environment.

C. Environmentally Sensitive Areas—Appendix D

The proposed rule provides that facilities and RAs must consider proximity to environmentally sensitive areas to determine the potential for a facility to cause "substantial harm" to the environment. These areas may include: wetlands, National and State parks, critical habitat for endangered/threatened species, wilderness and natural areas, marine sanctuaries, conservation areas, preserves, wildlife areas, scenic and wild rivers, seashore and lakeshore recreational areas, and critical biological resources areas. An interagency "Sensitive Environments Technical Workgroup" provided input to ensure that consistent criteria were applied in identifying areas that may be of concern for facility-specific plans and ACPs.

As ACP development proceeds, Area Committees will identify and prioritize specific locations within the boundaries of their areas. These newly-identified environmentally sensitive areas will eventually be incorporated into the ACPs. Many ACPs may not be established prior to the OPA deadline for response plan submission. Thus, EPA proposes in § 112.20(g)(2) that, upon completion of the ACP (for the Area in which the facility is located), facility owners or operators must review and, as necessary, revise their facility response plan to incorporate information, such as additions to the list of sensitive areas and the designation of priority areas for protection as reflected in the ACP.

In addition, the RA would have the authority to determine, on a case-by-case basis, additional areas that possess ecological value (e.g., unique local areas or habitats). The Agency requests comment on whether additional areas should be considered, such as shallow aquifers used as drinking water supplies or critical habitats closely hydrological linked to surface water that are subject to contamination by discharges of oil. EPA is particularly interested in receiving comment on whether the list should include wellhead protection areas as defined in section 1428 of the Safe Drinking Water Act.

The Agency believes that in some areas of the country there is anecdotal information indicating problems in ground water caused by oil spills from onshore facilities. This could be especially true for areas with high water tables. EPA requests that commenters provide us examples of this type of ground water contamination. In addition, EPA would like commenters to provide comments on what action, if any, the Agency should take to address such oil spills.

EPA has compiled information in appendix D (Attachments D–I, D–II, and D–III) to help owners and operators identify specific geographical areas which may be among sensitive environments. Attachment D–I provides a list of the Federal agencies responsible for management of the environmentally sensitive areas. For more information on the various types of areas listed (including maps), owners or operators can contact the responsible agency. Attachments D–II and D–III would help owners and operators identify sensitive environments by providing information on designated critical habitats for National Marine Fisheries Service species and marine sanctuary and estuarine reserves and also may be useful to owners and operators in preparing response plans if they are required.

In addition, EPA has included in appendix D other reference information on sensitive environments that may be useful to facility owners or operators during plan preparation. Specifically, attachments D–IV and D–V are intended to help owners and operators prioritize sensitive areas according to their vulnerability to damage from oil spills for purposes of planning the deployment of response resources.

EPA recognizes that those areas defined as environmentally sensitive will change as the various Federal and State agencies responsible for designating the areas periodically update their lists. Owners and operators are expected to ensure that facility response plans reflect the listings of sensitive environments published to a point in time 6 months prior to plan submission. For example, plans submitted to meet the February 18, 1993, deadline would need to consider sensitive environments designated by the responsible agencies (see Attachment D–I of appendix D) as of August 18, 1992. A 6-month cutoff point for considering environmentally sensitive areas would also apply in situations where plans are periodically updated or resubmitted for approval of a material change. Six months is believed to be a reasonable period to incorporate new information on sensitive environments and is consistent with other time frames related to the submission of materials to EPA under the Oil Pollution Prevention regulation. The Agency requests comments on the appropriateness of a 6-month cutoff point for the consideration of sensitive environments.

D. Definition of Worst Case Discharge—Appendix E

OPA section 4202(a) requires that the President issue regulations providing that owners and operators of tank vessels, offshore facilities, and certain onshore facilities prepare and submit response plans for responding, to the maximum extend practicable, to a worst case discharge of oil or a hazardous substance. Today's proposal would identify the onshore, nontransportation-related facilities that would be subject to this requirement, as described in section I.B of this preamble.

OPA section 4201(b) defines "worst case discharge" as: (1) In the case of a vessel, a discharge in adverse weather conditions of its entire cargo, and (2) in the case of an onshore or offshore facility, the largest foreseeable discharge in adverse weather conditions. The OPA Conference Report (H.R. Rep. No. 101–653, 101st Cong., 2d Sess. 1991) states that, in the case of facilities, a more general definition of worst case is used because it is difficult to describe the entire capacity of some fixed facilities, such as pipelines. According to the Conference Report, Congress intends facility owners or operators to prepare plans for responding to discharges that are worse than either the largest spill to date at the facility or the maximum probable spill for that facility type.

Options for Regulatory Definition

In § 112.2, EPA proposes a regulatory definition of worst case discharge for onshore facilities. Specifying the definition is important because to prepare a response plan for a worst case discharge, a facility owner or operator must determine a planning quantity that corresponds to the amount of oil that could be discharged under worst case circumstances. The facility's worst case discharge volume will significantly affect the resources necessary to implement the plan.

EPA considered three options for defining worst case discharge: (1) A discharge equal in amount to the aboveground storage capacity of the entire site or installation; (2) a discharge equal in amount to the capacity of the largest single tank within a secondary containment area or the combined capacity of a group of aboveground tanks permanently manifolded together within a common secondary containment area lacking internal

subdivisions,[1] whichever is greater; and (3) a discharge equal in amount to the capacity of the largest single tank within a secondary containment area or the combined capacity of a group of aboveground tanks permanently manifolded together within a common secondary containment area lacking internal subdivisions, whichever is greater, plus an additional quantity based on several parameters, including the adequacy of secondary containment and proximity to navigable waters.

EPA proposes Option 3 to determine a facility's worst case discharge for response planning. Option 3 would allow the definition of worst case discharge to reflect differences among facilities based on location and the presence of secondary containment. The Agency concludes that these factors best reflect the flexibility represented by the definition of a worst case discharge for a facility (i.e., the largest foreseeable discharge in adverse weather conditions), and best reconcile the differences between worst case discharges for vessels and facilities. The definition reflects the fact that a facility with adequate secondary containment, as defined in existing § 112.7(e)(2)(ii), is not likely to discharge its entire capacity in adverse weather conditions, as opposed to a vessel which may lose its entire cargo since there is little to prevent all of the released oil from a vessel from directly entering the water. Finally, this option is consistent with the intent of the OPA. The legislative history of the OPA states that the worst case discharge for a facility should describe a discharge "that is worse than either the largest spill to date or the maximum probable spill for that facility type." See H.R. Rep. No. 101–653, 101st Cong. 2d Sess. 1991 at p. 147).

The Agency proposes in § 112.2 to define "adverse weather" as the weather conditions that make it difficult for response equipment and personnel to cleanup or remove spilled oil. These conditions include significant wave height, ice, extreme temperatures, weather-related reduced visibility, and fast currents. EPA has included guidelines in appendix F (see Table 1 of appendix F) to the rule to assist owners or operators in evaluating the operability of response equipment (i.e., oil recovery devices and boom) for various sea states and wave heights. ACPs also may contain information concerning other conditions in the area that are significant factors in evaluating the operability of equipment.

Although Option 1, which defines a worst case discharge as a discharge equal to the total aboveground storage capacity at the site, is comparable to the definition of worst case specified in the OPA for vessels (i.e., the entire cargo), there are no documented spills of the entire capacity of a multi-tank facility with secondary containment into navigable waters.

For purposes of this determination, Option 2 would define the worst case discharge as an amount equal to the capacity of the largest single tank within a secondary containment area or the combined capacity of a group of aboveground tanks permanently manifolded together within a common secondary containment area lacking internal subdivisions, whichever is greater. For many regulated facilities (those with only one tank), the option is identical to Options 1 and 3. Evidence from case studies, however, suggests that spills caused by flooding, hurricanes, and earthquakes at multi-tank sites may involve discharges of oil greater than the capacity of the single largest tank; spills caused by natural disasters often involve releases of oil from more than one tank. Although the planning quantity for worst case discharge could be described by the combined capacity of a group of aboveground tanks permanently manifolded together within a common secondary containment area lacking internal subdivisions, EPA recognizes that a multiple tank failure may involve tanks from distinct secondary containment systems, and the definition described above is merely a planning quantity.

Worst Case Discharge Calculation Worksheets

Under proposed Option 3, facility owners or operators would calculate the worst case discharge volume for their facilities, using worksheets developed by EPA. This approach is consistent with the concept in the OPA Conference Report that planning for a worst case discharge involves a facility-specific determination. These proposed worksheets are provided in appendix E of 40 CFR part 112. Part A of appendix E contains the worst case discharge calculation for storage facilities. A separate worksheet has been developed for production facilities (part B of appendix E), because of the added concerns associated with production volumes at such facilities. Unlike storage facilities, which handle a set amount of oil, production facilities must consider throughput and the potential for oil contained in the underground natural reservoir to escape containment during extraction operations. EPA proposes in § 112.20(h)(5)(i)(A) that if the RA determines that the worst case discharge volume calculated by a facility is not appropriate or that the parameters in the worksheet are not appropriate for a particular type of facility, the RA may specify the worst case discharge amount to be used for response planning at that facility. The RA could make such a case-by-case determination during the review of response plans prepared by facilities.

In the event the RA finds it necessary to determine the worst case discharge volume, the RA will consider the same factors addressed by the worksheet (i.e., secondary containment and proximity to navigable waters), in the specific context of the facility in question as well as other facility-specific circumstances that may be relevant to the calculation. An example of how the RA might tailor the criteria to the specific circumstances at a facility involves a regulated facility with underground storage tanks. Completely buried storage tanks, such as those at service stations, may have the potential to cause spills to surface waters when tanks are overfilled. The RA would consider the quantity of product stored, as well as the proximity to surface waters in arriving at a worst case discharge volume.

For owners and operators of storage facilities with a single aboveground tank, the worst case discharge volume would be the entire storage capacity of the tank. To assist owners and operators of other onshore storage facilities and production facilities in calculating a worst case discharge volume, the worksheets integrate the use of secondary containment and proximity to navigable waters. For production facilities, the presence of storage tanks and the production volume for exploratory wells and production wells must also be considered in the calculation. The worst case scenario is influenced by the extent of spill prevention and containment measures in place. A spill at a facility with secondary containment structures may have negligible environmental impact, while a comparable spill at a facility without such structures may result in the entire capacity of the facility reaching navigable waters. The presence of secondary containment at a facility, therefore, influences the final calculated worst case discharge volume. Proximity

[1] Tanks that are permanently manifolded together are defined as tanks that are designed, installed, and/or operated in such a manner that the multiple tanks function as one storage unit. As such failure of a single tank in the system could lead to the release of the capacity of more than a single interconnected tank. Tanks permanently manifolded together within a common secondary containment area are considered to be single tanks for purposes of this calculation, if each tank is separated by internal dividing structures.

to navigable waters is also an important factor in the assessment of the worst case discharge volume. Based on the goals of the OPA and the Oil Pollution Prevention regulation, the definition of what constitutes a worst case spill is directly influenced by the potential for the spill to reach navigable waters.

To complete the worksheets in appendix E for production facilities and multiple tank storage facilities, owners or operators would first determine whether secondary containment, as described in § 112.7 of the existing regulation, is present for each storage tank or group of tanks at the facility. If such secondary containment is not present, a final worst case discharge volume is calculated based in part on the total aboveground storage capacity without secondary containment (for storage facilities) or total aboveground storage capacity without secondary containment plus the production volume of the well with the highest output at the facility[2] (for production facilities). If secondary containment is present for some tanks, the owner or operator calculates a potential worst case volume based on whether the facility is adjacent to navigable waters. If the facility is not adjacent to navigable waters, the worst case discharge amount is the capacity of the largest single tank within a secondary containment area or the combined capacity of a group of aboveground tanks permanently manifolded together within a common secondary containment area lacking internal subdivisions, whichever is greater, plus an additional quantity for any tanks without secondary containment. For purposes of this calculation, tanks within a common secondary containment area that have adequate internal subdivisions are considered single tanks whose capacity would not be combined. If the facility is adjacent to navigable waters the worst case discharge amount is adjusted upwards by a factor of 10 percent of the capacity of tanks with secondary containment. EPA solicits comment on the overall approach and specific factors in the proposed worksheets in appendix E.

As discussed above, tanks that are permanently manifolded together are tanks with common piping that are designed, installed, and/or operated as a single storage unit. Because the potential discharge amount is greater for a system of tanks permanently manifolded together, EPA proposes that the worst case discharge planning amount be increased to reflect the combined capacity of all tanks in the system. EPA recognizes that certain tank systems where tanks are connected by piping may not be operated as a single unit. Owners or operators of facilities with tanks that are connected by common piping or piping systems that can demonstrate to EPA that the system does not operate as a single unit would not have to plan for the combined capacity of all tanks in the system but the capacity of the single largest tank. EPA proposes to require that such evidence be provided to the RA in the model response plan under the discussion of worst case discharge in the discharge scenarios section.

EPA requests comment on allowing a reduction in the worst case discharge planning amount from 100 percent (110 percent for facilities adjacent to navigable waters) of the capacity of the largest single tank or group of tanks down to 50 percent for facilities with adequate secondary containment in place for oil storage containers.[3] The Agency also requests comment on the appropriateness of further reductions in the worst case discharge volume (i.e., up to 100 percent) for facilities with adequate secondary containment for all storage containers. Under this approach, the presence of secondary containment would allow the owner or operator to reduce the worst case discharge planning amount and the corresponding amount of response resources. EPA specifically solicits comment on the implication for response capability of a reduction in the worst case discharge planning amount and data on the potential cost savings associated with any such reductions in planning quantity.

As proposed in appendix E, the production volume for each production well (producing by pumping) would be determined from the pumping rate of the well multiplied by 1.5 times the number of days the facility is unattended. For each exploratory well (and production well producing under pressure) 10,000 feet deep or less, the production volume refers to the maximum 30-day forecasted well rate. For each exploratory well (and production well producing under pressure) deeper than 10,000 feet, the production volume refers to the maximum 45-day forecasted well rate. EPA specifically requests comment and data on the appropriateness of using a 30-day forecasted well rate (for wells less than or equal to 10,000 feet deep) or 45-day forecasted well rate (for wells greater than 10,000 feet deep) as production volumes in the calculation of the worst case discharge amount at facilities with exploratory wells and production wells producing under pressure.

EPA realizes that under the proposed self-selection process, smaller facilities, including many small production facilities are unlikely to screen as having the potential to cause "substantial harm" to the environment. RAs, however, may determine that any regulated facility, regardless of its storage capacity could cause substantial harm to the environment. Thus, the worksheets for production facilities may be necessary under circumstances in which the RA selects, for example, a production facility storing relatively small amounts of oil, a marine transfer facility with less than 42,000 gallons, or a facility with a storage capacity of less than 1 million gallons.

Worst Case Discharge Calculation for Complexes

As discussed in section III.B of this preamble, a complex is a facility that has both transportation-related and non-transportation-related components and is therefore subject to the response plan requirements of more than one authority. Each component of a complex would have an associated worst case discharge amount. The Agency expects, however, that the likelihood of each component experiencing a worst case discharge simultaneously is small. EPA proposes in § 112.20(h)(5)(i)(C) that a worst case discharge volume at a complex be the larger of the amounts calculated pursuant to the respective regulations that apply for each component of the facility. The Agency requests comment on the appropriateness of this method in the determination of a worst case discharge for a complex.

E. Tiered Response Planning

The Agency proposes in § 112.20(h)(5) that facility owners and operators prepare plans for responding to lesser discharges, as appropriate, in addition to a worst case discharge as required by the OPA. This tiered response planning by facilities that are determined to have the potential to cause "substantial harm" to the environment will help ensure protection of public health and welfare and the environment by facilitating effective response to discharges to navigable waters or adjoining shorelines. Proposal of a

[2] As defined, onshore oil production facilities may include all wells, flowlines, separation equipment, storage facilities, gathering lines, and auxiliary non-transportation-related equipment and facilities in a single geographical oil or gas operated by a single operator.

[3] Only tanks with secondary containment would be eligible for this reduction; for tanks without secondary containment, the entire capacity of the tanks would be included in the worst case discharge amount.

tiered planning approach is consistent with other agencies' (such as the USCG's) implementation of OPA response planning requirements.

EPA considered proposing that owners or operators prepare response plans for responding to worst case discharges only. The Agency concluded that a plan only for a response to a worst case discharge would not necessarily be effective in a response to a lesser discharge and that lesser discharges may pose a serious threat to navigable waters, especially from the cumulative effects of several discharges. Over 70 percent of all spills reported to the Federal government in 1989 and 1990 (approximately 48,000 incident reports were received by the National Response Center during that time) were less than 100 gallons and over 90 percent were less than 1,000 gallons. Preparing for an appropriate response to such smaller spills could lead to better overall protection of the nation's navigable waters. In addition, various sizes of discharges could require different types and amounts of equipment, products, and personnel. Planning for various levels of spills would allow facility owners or operators to begin to respond to any size discharge prior to the arrival of personnel and resources under contract with the facility and would provide insight into the most likely spill situations and should reveal many potential problems that could surface during actual discharges. Planning for these problems would enable facility or contractor response personnel to respond quickly and appropriately to a range of spill events.

The Agency recognizes that this tiered planning approach may not be appropriate for all facilities, including those where the range of possible spill scenarios is small. For example, responding to a worst case discharge at a small, one-tank facility (release of entire capacity of the tank) may be similar in approach to responding to a lesser spill (release of a portion of the capacity of the tank) at that facility. These responses would not require a significantly different response strategy or level of response resources. Owners and operators of large, multi-tank storage and production facilities, however, are among those who would be required to plan for spill events of different sizes, because the range of spill scenarios could vary greatly at such facilities. For example, although small spills could be handled by company response personnel, large spills may require the resources of outside parties.

The Agency examined several options for the determination of these additional planning quantities. One approach would be to use facility-specific planning quantities by basing the amount on actual operations and spill history at a facility. Although this option would account for the tremendous diversity of regulated facilities, it cannot be applied in a simple manner by owners and operators. A second option would be to establish standard amounts for the entire regulated community. A third option, which EPA proposes today in § 112.20(h)(5), would establish limited ranges for alternate discharge amounts. Although large facilities would still need to plan for three discharge amounts under this method, a small facility may only need to plan for two scenarios or a single scenario if its worst case discharge falls within one of the ranges.

In addition to planning for a worst case discharge, under proposed § 112.20, facility owners and operators would be required to plan for (1) a small spill, defined as any spill volume less than or equal to 2,100 gallons, but not to exceed the calculated worst case discharge; and (2) a medium spill, defined as any spill volume greater than 2,100 gallons, and less than or equal to 36,000 gallons or 10 percent of the capacity of the largest tank at the facility, whichever is less, but not to exceed the worst case discharge. For facilities whose worst case discharge is a medium spill, the owner or operator would plan for two amounts, a worst case spill and a small spill. Similarly, for facilities whose worst case discharge is a small spill, the owner or operator would plan only for a worst case discharge.

EPA realizes that under the proposed self-selection process, smaller facilities are unlikely to qualify as having the potential to cause "substantial harm" to the environment. RAs, however, may determine that any regulated facility, regardless of its storage capacity and number of tanks, could cause "substantial harm" to the environment. Thus, the collapsing nature of the proposed tiered planning approach may be relevant under circumstances in which the RA selects a facility storing relatively small amounts of oil (i.e., less than 36,000 gallons).

For complexes (i.e., facilities regulated by both EPA and USCG), the owner or operator would first determine a medium planning quantity for the transportation-related and non-transportation-related components at the facility. The owner or operator would then compare the medium planning amounts for each component of the facility. Following this comparison, the owner or operator would select the larger of the quantities as the medium tiered planning amount for the overall facility.

The ranges for these alternate planning quantities were determined through a statistical analysis of spills reported to the Emergency Response Notification System (ERNS) data base. A discharge of 1,300 gallons is the average reported discharge in ERNS. For a small spill, an amount up to 2,100 gallons is believed to represent a realistic planning quantity that will allow owners or operators to prepare for operational-type spills that occur relatively frequently. Selection of 36,000 gallons was based on the 99.5th quantile. This means that 99.5 percent of future spills are expected to be less than approximately 36,000 gallons. To provide greater flexibility in establishing a medium planning amount, EPA proposes in § 112.20(h)(5)(i) to allow owners or operators to plan for 36,000 gallons or 10 percent of the capacity of the largest tank at the facility, whichever is less. Planning for a spill of this size represents a practical and realistic intermediary planning level. The Agency solicits comment on the selection of these standard planning amounts, including information on other methods to identify standard amounts, such as being planning quantities on the definition of minor, medium, and major discharges in 40 CFR part 300. Under the NCP a minor oil discharge means a discharge to the inland waters of less than 1,000 gallons or a discharge to coastal waters of less than 10,000 gallons; a medium oil discharge means a discharge to the inland waters of 1,000 to 10,000 gallons or a discharge to coastal waters of 10,000 to 100,000 gallons; and a major oil discharge means a discharge to the inland waters of 10,000 to 100,000 gallons or a discharge to coastal waters of more than 100,000 gallons. To the extent that response resources are currently geared to spills of these sizes, such ranges may be appropriate for establishing tiered planning amounts. Also, EPA requests comments on the option of using facility-specific planning quantities as well as information from other options in the determination of these alternate amounts.

F. The Determination and Demonstration of Adequate Response Capability

1. The Determination of Response Resources—Appendix F

To ensure the availability of private personnel and equipment necessary to

VOL 58 ISS 30 FE 17 1993 UMI

respond, to the maximum extent practicable, to a worst case discharge, contracts or other approved means (as proposed in § 112.2 of today's proposed rule) may include:

- A written contractual agreement with a response contractor. The agreement must identify and ensure the availability of the necessary personnel or equipment within appropriate response times;
- Certification that the necessary personnel and equipment resources, owned and operated by the facility owner or operator, are available to respond to a discharge within appropriate response times;
- Active membership[4] in a local or regional oil spill removal organization, which has identified and ensures adequate access through membership to necessary personnel and equipment within appropriate response times in the specified geographic areas; or
- Other specific arrangements approved by the RA upon request of the owner or operator.

In appendix F to the rule, EPA provides guidelines for the types and amounts of equipment and response times that are needed to respond to spill of a given size. Similar guidelines were originally developed by the USCG for vessel response plans and facility response plans for marine transportation-related onshore facilities. EPA has adapted the USCG's proposed guidelines for use by non-transportation-related onshore facilities (i.e., facilities regulated by 40 CFR part 112) in complying with the OPA requirement to identify and ensure adequate resources. The guidelines describe procedures for determining the "maximum extent practicable" quantity of resources and response times for responding to a worst case discharge and other discharges, as appropriate. These procedures identify practical and technical limits on response capabilities that an individual facility owner or operator can contract for in advance and on response times for resources to arrive on scene. The guidelines are intended to assist owners or operators of facilities in preparing response plans and EPA in reviewing plans. The Agency requests comment on the procedures contained in appendix F of the rule for the determination and evaluation of required response resources. In addition, EPA solicits comment on whether the guidelines are appropriate for planning for inland spills by facilities regulated by the Oil Pollution Prevention regulation.

EPA proposes at § 112.2 a definition of "maximum extent practicable" to mean the limitations used to determine oil spill planning resources and response times for on-water recovery and shoreline protection and cleanup for worst case discharges from onshore non-transportation-related facilities in adverse weather. EPA interprets the phrase "to the maximum extent practicable" to include considerations such as the technological limitations associated with oil discharge removal (e.g., boom effectiveness and equipment recovery rates in adverse weather), and the practical and technical limits of response capabilities of individual owners or operators. This interpretation is consistent with the OPA Conference Report (H.R. Rep. No. 101–653, 101st Cong., 2d Sess. 1991 at p. 150). To address these limitations, the guidelines in appendix F establish operability criteria for oil recovery devices and boom as well as caps on response resources that facility owners or operators should identify and ensure as being available, through contract or other approved means. The caps reflect an estimate of the response capability at a given facility that is considered a practical nationwide target to be met by 1993. Recognizing that the OPA Conference Report suggests a significant increase in commercial removal resources may be needed in most areas of the country to comply with the national planning and response system, EPA is soliciting comment on the anticipated effects this provision may have on the oil spill response industry.

2. Verification of Response Capability

As previously discussed, plan drafters would need to identify and verify response resources when preparing plans. EPA would evaluate such arrangements during the plan review stage, to ensure the contractual availability of equipment and personnel from contractors identified in response plans to provide response resources. This process would require that evidence of contracts or agreements with response contractors be included in the response plan so that the availability of resources can be verified during plan review. Agency reviewing officials may need to take additional steps to determine that contractors or cooperatives do possess, and maintain in a ready condition, the necessary response inventory to handle the size of spills for which they contract.

One option to provide review officials with more information would be to establish a contractor certification or approval program. The State of Washington has instituted a contractor certification program and the USCG is considering the development of contractor approval procedures for spill response contractors under a separate rulemaking. Among the relevant factors in the assessment of contractor arrangements might be proximity to the facility as it affects response times, the adequacy of equipment and personnel resources, the contractor's past performance and safety record, and the number of additional facilities the contractor has agreed to support. The Agency requests comment on the criteria for evaluating contractor agreements, a mechanism for approving response contractors, and the advisability of establishing a response contractor approval process.

G. Response Plan Elements—§§ 112.20(g) and (h), and Appendix G

The elements for response planning proposed in § 112.20 of this rule are designed to guide a facility owner or operator in gathering the information needed to write a response plan for the facility's worst case discharge and, as described in section III.E of this preamble, for discharges smaller than a worst case discharge. The proposed response plan elements address requirements under CWA section 311(j)(5) (as amended by the OPA), as well as additional elements that EPA has determined are necessary to ensure the integrity of the response plan. The OPA Conference Report suggests that facility response plans should be consistent with but not duplicative of plans prepared under other Federal programs, and EPA encourages owners or operators to incorporate into the response plan information required by other Federal programs. Some of these programs are discussed in Section IV of this preamble. Owners or operators need not prepare a separate plan to comply with the Oil Pollution Prevention regulation if they have already prepared a plan for the State in which the facility is located, provided that the State plan addresses the requirements and includes all the elements described in § 112.20(h) and is cross-referenced appropriately. Proposed § 112.20(h) would require that response plans contain an emergency response action plan to be kept at the front of the response plan binder or under a separate cover that accompanies the overall plan.

EPA considered a requirement for certification by a Registered Professional Engineer for certain portions of the response plan, such as determination of worst case discharge, and solicits

[4] Membership in a spill response cooperation must ensure ready access to the organization's response resources for the arrangement to be acceptable to the RA for the purposes of this regulation.

comment on this option. The contents of a response plan would be subject to review during routine inspections by On-Scene Coordinators (OSCs) or during State inspections. In addition, the RA would review the contents of response plans from facilities identified as posing a threat of "significant and substantial harm," before granting approval. EPA solicits comment on which professions may be suitable for evaluating and certifying the contents of the response plan if EPA determines a certification requirement is appropriate. In particular, the Agency requests comment on the suitability of Certified Hazardous Materials Managers to perform the plan certification function.

In accordance with CWA section 311(j)(5), proposed § 112.20(g) would require that a facility response plan be consistent with the NCP and with ACPs described in section IV of this preamble. For example, the OPA requires amendments to the NCP that establish procedures and standards for removing a worst case discharge of oil and for mitigating or preventing a substantial threat of such a discharge. Also, the OPA requires the preparation of ACPs designed to augment the capabilities for responding to worst case discharges when implemented in conjunction with the NCP. The discussion of worst case discharge in a facility response plan should be consistent with the procedures and standards laid out under these broader plans. To ensure such consistency, EPA proposes in § 112.20(g)(2) to require that owners or operators, review on an annual basis appropriate parts of the NCP (e.g., subparts A through D) and, when available, the applicable ACP and revise the response plan as necessary. As discussed in section III.C of this preamble, ACPs may not be available in time for owners or operators to review them before initial response plan preparation. Owners or operators are encouraged to obtain from local or Regional sources (e.g., Regional Response Teams (RRTs) or OSCs) the details of the ACP for the area in which their facility is located, and develop their facility response plans accordingly. Proposed § 112.20(g) also states that facility owners or operators should coordinate with the local emergency planning committee (LEPC) and State emergency response commission (SERC) when developing their facility response plans to ensure consistency with the local emergency response plan required under section 303 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III).

Model Response Plans

Today, EPA includes in appendix G to the rule a model response plan to assist owners and operators in addressing the required elements outlined in proposed § 112.20(h). The organization of the model plan and the information to be contained in it are representative of the format and level of detail needed to address the required response plan elements in an acceptable manner. A response plan, as shown in appendix G, would be required for facilities that are determined to have the potential to cause "substantial harm" to the environment. EPA recognizes that, in certain cases, information required in the model response plan is similar to information currently maintained in the facility's SPCC Plan. In these cases, owners or operators can simply reproduce the information and include a copy in the response plan.

As discussed in section III.A of this preamble, EPA proposes in § 112.20(a)(2)(i)–(iv) to require that all facilities submitting a response plan must complete and return to EPA a Response Plan Cover Sheet with the response plan. The cover sheet is intended to provide the Agency with basic information concerning the facility and would be used by Regions to check the "substantial harm" self-determination process. A copy of the cover sheet is included as Attachment G–II of appendix G along with instructions for completion of the form. The cover sheet provides space for: Basic facility information, responses to the "substantial harm" flowchart contained in appendix C, worst case discharge amount, additional facility characteristics (i.e., latitude and longitude, and proximity to navigable waters), and certification.

A blank copy of a model response plan is included as appendix G of 40 CFR part 112. Affected facilities (those that could cause "substantial harm") would prepare (1) a response plan that meets the requirements of §§ 112.20(g) and (h) as reflected in the model response plan provided in appendix G; or (2) a comparable State or other Federal agency response plan that is appropriately cross-referenced and meets the requirements of §§ 112.20(g) and (h). A facility response plan would include a discussion of the following elements:

Emergency Response Action Plan—§ 112.20(h)(1). In order to facilitate response actions, EPA proposes that facility owners or operators be required to compile key sections of the overall response plan into an emergency response action plan that is maintained in an accessible location. The sections of the action plan may be photocopies or condensed versions of the forms included in the associated sections of the overall response plan. EPA proposes that the following information be included in the action plan in format specified in proposed § 112.20(h)(1):

- Emergency Response Coordinator Information—from the Facility Information Section;
- Emergency Notification Phone List—from the Emergency Response Section;
- Spill Response Notification Form—from the Emergency Response Section;
- Equipment List and Location—from the Emergency Response Section;
- Facility Response Team—from the Emergency Response Section;
- Evacuation Plan—from the Emergency Response Section;
- Immediate Action—from the Plan Implementation Section; and
- Facility Diagram—from the Diagrams Section.

The action plan is designed to provide the facility owner or operator with information on critical steps to stabilize the source of the spill, notify the appropriate people, and prevent the spread of spilled oil. The action plan would be kept in the front of the overall facility response plan or in a separate binder that accompanies the overall plan.

Facility Information—§ 112.20(h)(2). The requirement in CWA section 311(j)(5) to designate a facility emergency response coordinator is addressed in proposed § 112.20(h)(2). The facility information section of the model response plan provides space to identify a qualified individual having full authority, including contracting authority, to implement removal actions. The Agency requests comment on whether facility owners and operators should be required to designate an alternate emergency response coordinator. This section also provides space to include additional facility information, much of which may be obtained from the facility's existing SPCC Plan. Other items include general facility information such as the facility name, address, telephone number, owner and operator, and longitude and latitude in minutes and degrees.

Emergency Response—§ 112.20(h)(3) The model plan contains space in the emergency response section to address the CWA section 311(j)(5) requirement that the emergency response coordinator be able to immediately communicate with the appropriate Federal official and the persons providing personnel and equipment (e.g., a spill response contractor). To facilitate compliance

VOL 58 ISS 30 FE 17 1993 UMI

with this requirement, the section contains space for a telephone list of people or organizations to contact in the event of a discharge, including the National Response Center, the facility's own and/or contracted response teams, local response teams, local hospitals, and local radio stations (if evacuation is necessary). Notification of the National Response Center is required under regulations implementing CWA section 311(b). (See 33 CFR part 153, 40 CFR part 300, and 40 CFR 117.21.) The contact list should be accessible to all facility employees to ensure that, in case of a discharge, any employee on site could immediately notify the appropriate parties. A notification checklist also is included in this section of the model plan. The checklist outlines the information to relay to response officials, such as information on the spill amount, material, impact of the spill, and response actions.

The CWA requires that a facility response plan describe the response actions of persons at the facility. This requirement is addressed in the emergency response section of the model plan, which provides space to include a detailed description of the duties of the emergency response coordinator and other response personnel during a response to a discharge.

Pursuant to CWA section 311(j)(5), owners or operators must identify and ensure by contract or other means acceptable to EPA (e.g., participation in a spill response cooperative in lieu of an individual contract) the availability of private personnel and equipment necessary to respond, to the maximum extent practicable, to a worst case discharge. The OPA Conference Report indicates Congress contemplated creating a system in which private parties supply the bulk of equipment and personnel needed for response to large oil spills. See OPA Conference Report, H.R. Rep. No. 101–653, 101st Cong., 2d Sess. 1991 at p. 148. The model response plan provides space to identify companies that will provide such personnel and equipment. Evidence of contracts or agreements with response contractors must be included in this section so that the availability of resources can be identified. As discussed in Section III.F of this preamble, the contract or response agreement will be subject to review by the appropriate EPA Regional office to ensure that the agreement provides adequately for response, mitigation, and prevention.

Response capability may also be provided through the use of internal response personnel and equipment resources. The model plan provides space for a list of the facility's response personnel and response equipment, including its location and operational status and the date the equipment was last tested.

Also included in the emergency response section of the model plan are guidelines for preparing evacuation plans for the facility and surrounding community. Additional information on the guidelines that may be helpful in the preparation of an evacuation plan can be obtained from the Handbook of Chemical Hazard Analysis Procedures prepared by EPA, DOT, and the Federal Emergency Management Agency (FEMA). Evacuation routes must be shown on a diagram of the facility.

Hazard Evaluation—§ 112.20(h)(4). A hazard evaluation section is included in the model response plan. Hazard evaluation is a widely used industry practice that allows owners or operators to develop a complete understanding of potential hazards and the response actions necessary to address these hazards. The Handbook of Chemical Hazard Analysis Procedures, prepared by EPA, DOT, and FEMA and the Hazardous Materials Emergency Planning Guide (NRT–1), prepared by the National Response Team are good references for conducting a hazard analysis. The hazard evaluation will provide information for developing discharge scenarios for a worst case discharge and medium and small discharges. This section of the response plan provides space for a hazard identification, a vulnerability analysis, and an analysis of the potential for a discharge. This information allows the facility owner or operator to evaluate day-to-day operations for potential discharges and to change standard operating procedures if a potential for a discharge is discovered.

As part of the hazard evaluation, EPA proposes that owners or operators identify what the potential effects of the discharges would be on the affected environment. To assess the range of areas potentially affected, owners or operators shall consider the distances calculated in the substantial harm determination process discussed in section III.B of this preamble. Those owners or operators that have made a substantial harm determination without performing the distance calculation should use the appropriate formula in appendix C or an alternative method to quantitatively evaluate the appropriate range of potentially affected areas.

Also in the hazard evaluation section of the model response plan, the owner or operator would provide information on the facility's discharge history (if any have occurred) including dates, causes, amounts discharged, and response actions. Information collected for purposes of meeting the existing § 112.4(a) requirements may be used to document spill history in the response plan.

Discussion of Tiered Planning Scenarios—§ 112.20(h)(5). The discharge scenario section provides for discussions of specific discharge scenarios. As discussed in section III.E of this preamble, EPA proposes a tiered approach to response planning that considers smaller, more probable discharge quantities in addition to the worst case discharge specified in the OPA. Therefore, in addition to the development of a scenario which uses the "worst case discharge" amount calculated from the worksheet in Appendix E, the owner or operator of a facility must plan and prepare for small and medium discharge quantities, as appropriate. When describing each discharge scenario, the owner or operator would consider facility operations and factors that effect the response effort, such as the potential direction of the discharge and impact on the surrounding area.

As discussed in section III.E of this preamble, owners or operators of complexes would determine planning quantities for the transportation-related and non-transportation-related components of the facility. The owner or operator would then compare the corresponding worst case discharge and medium planning amounts, as appropriate, for each component of the facility. In each case, the owner or operator would select the larger of the two amounts as the appropriate planning quantity.

Discharge Detection—§ 112.20(h)(6). The prompt discovery of a discharge and the initiation of effective response actions are critical to minimize the damage caused by a discharge. The discharge detection section provides space for describing the discharge detection systems, human or automated, in use at the facility. Often, the choice of a human or automated system depends on the size and complexity of facility operations.

Plan Implementation—§ 112.20(h)(7). The CWA requirement that facility owners or operators describe response actions to ensure the safety of the facility and to mitigate or prevent discharges, or substantial threats of discharges, is proposed in § 112.20(h)(7). The plan implementation section of the model response plan contains space for describing such response actions, including the steps facility personnel would follow to

mitigate and respond to each discharge described in § 112.20(h)(5); the amount of personnel and equipment that will be needed to respond to the specific discharge under consideration; plans to dispose of contaminated materials, debris, and recovered product; required Federal or State permits (e.g., Resource Conservation and Recovery Act (RCRA) permits for disposal of contaminated materials); and measures to provide for containment and drainage.

As discussed in section III.F of this preamble, EPA has provided guidelines in appendix F of the rule to establish appropriate personnel and equipment levels and response times for given spill sizes. Owners and operators are encouraged to use these guidelines to determine the quantity of resources that must be identified and available, through contract or other approved means, for responding to a worst case discharge and other discharges.

Facility Self-Inspection, Training, and Meeting Logs—§ 112.20(h)(8). In the model plan, the facility self-inspection, training, and meeting logs section provides space to include inspection checklists for tanks, secondary containment, and response equipment and logs for discharge prevention meetings. Much of the recordkeeping information contained in this section is required by the existing Oil Pollution Prevention regulation. Therefore, portions of the self-inspection, training, and meeting logs section may be completed by compiling information from other parts of existing SPCC Plan. Moreover, information collected for purposes of meeting § 112.4(a) requirements may be used to document spill history in the response plan.

The CWA also requires owners or operators to describe training and periodic unannounced drills to be carried out under the response plan. In the model plan, the training section provides space to include a series of logs for recording unannounced or "mock alert" drills and staff training related to emergency response. The model response plan in appendix G provides recommendations for planning mock alert drills. The Agency requests comment on how frequently such unannounced drills should be conducted.

Diagrams—§ 112.20(h)(9). This section of the model response plan describes diagrams for the site plan and the drainage plan. Such diagrams help facility personnel identify the nearest opportunity for a discharge to reach navigable waters and help responders visualize location and layout information so they can act promptly during time critical situations.

Security—§ 112.20(h)(10). A security section is included in the model response plan and provides space to address existing Oil Pollution Prevention provisions contained in 40 CFR 112.7, as well as several additional items being proposed in the Phase One rule. This section provides for a description of the facility's security and should, as appropriate, include items such as emergency cut off locations, fencing, guards, lighting, valve and pump locks, and pipeline connection caps.

The Agency requests public comment on the appropriateness and level of detail of the information required in the model response plan as well as other information that may be necessary for an effective response plan. For more information on the organization of the model response plan and specific information to be included in the plan, see the "Technical Background Document to Support the Phase Two Oil Pollution Prevention Rulemaking," available for inspection in room M2427 at the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 [Docket Number SPCC–2P].

IV. Relationship of Facility Response Plan Requirements to Other Programs

1. USCG, Minerals Management Service (MMS), and Other Federal Agencies

In developing this proposed rule, EPA has coordinated with the DOT (including the USCG) and the Minerals Management Service (MMS) throughout this rulemaking process to ensure that the response plans for transportation-related facilities and non-transportation-related offshore facilities are consistent, to the degree possible, with the plans for non-transportation-related onshore facilities required under this regulation. This coordination should help avoid any duplication of effort on the part of the regulated community in complying with these regulations. For example, a complex described in section III.B of this preamble as an onshore site or installation that has both transportation-related and non-transportation-related components (e.g., a marine transfer facility with above ground storage tanks), need prepare only one response plan with separate sections addressing each component. Separate sections may be needed in the plan to address different regulatory provisions or various definitions that may apply to the different components.

EPA would allow USCG OSCs the opportunity to review response plans of non-transportation-related onshore facilities subject to 40 CFR part 112. Specifically, a USCG OSC would be given an opportunity to review and comment on any submitted facility response plan (whether transportation-related or non-transportation-related) for a facility geographically located within the USCG's area of responsibility, as the predesignated OSC. For response purposes, the NCP divides the United States into inland and coastal zones. The USCG and EPA are assigned responsibility for predesignating OSCs for the coastal and inland zones, respectively. Final approval of the response plan would remain with EPA for facilities subject to 40 CFR part 112. Any objection to the response plan raised by a USCG OSC would be considered by the RA for final approval of the plan and any issues would be quickly resolved through interagency discussions.

The Agency also has worked with members of DOI, NOAA, the Fish and Wildlife Service, and the National Park Service to define sensitive environments. Coordination with other departments and agencies in this area is critical given the anticipated changes to the NCP and the relationship of those proposed changes to facility response planning requirements.

2. The NCP and ACPs

Section 311(j)(5)(C) of the CWA requires that facility response plans be consistent with the requirements of the NCP and ACPs. The NCP provides the general organizational structure and procedures for addressing discharges of oil and hazardous substances under the CWA, as well as releases of hazardous substances, pollutants, and contaminants under CERCLA. Among other things, the NCP specifies responsibilities among Federal, State, and local governments; describes resources available for response; summarizes State and local emergency planning requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA or SARA Title III); and establishes procedures for undertaking removal actions under the CWA. Until a revised NCP is published, as mandated under OPA section 4201(c), facility response plans should be consistent with the current NCP.

ACPs, mandated under CWA section 311(j)(4) and prepared by Area Committees comprised of qualified personnel of Federal, State, and local agencies, are required to ensure, when implemented in conjunction with other elements of the NCP, the removal of a worst case discharge from a facility operating in or near the area covered by the plan. ACPs will cover discharges affecting all U.S. waters and adjoining shorelines. EPA and the USCG are

responsible for developing ACPs for the inland and coastal zones, respectively. Until ACPs have been developed, facility response plans should be consistent with existing OSC contingency plans in the coastal zone and Federal RCPs in the inland zone.

3. RCRA

EPA regulations in 40 CFR part 264 (Subpart D) promulgated under RCRA establish requirements for owners and operators of hazardous waste facilities to use in developing facility-specific contingency plans. The plans must include response procedures; a list of all persons qualified to act as a facility emergency coordinator; a list of all emergency equipment and, when required, decontamination equipment at the facility; evacuation plans, when evacuation could be necessary; and arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services. In addition, newly promulgated 40 CFR part 279 establishes facility-specific contingency planning and emergency procedure requirements for used oil at re-processing and refining facilities. To avoid duplication of effort, owners or operators of facilities subject to the regulations in 40 CFR parts 264 and 279 may incorporate these RCRA provisions and the response-planning requirements of other applicable Federal regulations, into their facility-response plans.

4. EPCRA or SARA Title III

EPCRA requires LEPCs to develop local emergency response plans for their community and review them at least annually. Under EPCRA, facilities are required to notify the SERC and LEPC if they have "extremely hazardous substances" present above threshold planning quantities. In addition, upon request of the SERC or LEPC, the facility is required to provide the LEPC with any information necessary to develop and implement the LEPC plan. Because of this requirement that certain facilities participate in emergency planning under EPCRA, it is likely that some overlap may exist with response plan requirements outlined in today's proposal.

The OPA Conference report stated that owners or operators of facilities subject to this regulation should ensure that facility response plans are consistent with plans required by other programs. See OPA Conference Report, H.R. Rep. No. 101–653, 101st Cong., 2d Sess. 1991 at p. 151. Therefore, a facility response plan should be consistent with the LEPC plan for the community in which the facility is located. To ensure such coordination, facility owners or operators should review the appropriate LEPC plan. In addition, upon request of the LEPC or SERC, the facility should provide a copy of the response plan to the LEPC.

5. Clean Air Act

Under section 112(r) of the Clean Air Act (CAA), as amended, owners and operators of facilities with "regulated substances" above a specified threshold quantities will be required to prepare risk management plans (RMPs), which must include a hazard assessment (including, among other things, an evaluation of worst-case accidental releases), a prevention program, and a response program. Owners and operators are to provide a copy of the RMPs to the State, local planning and response authorities, and the Chemical Safety and Hazard Investigation Board.

Section 112(r)(7) of the CAA requires that the hazard assessment evaluate worst case accidental releases, estimate potential release quantities, and determine downwind effects including potential exposures to affected populations. Owners or operators must also develop an emergency response program that includes specific actions to be taken in response to a release including procedures for notifying the public and response agencies, emergency health care, and employee training measures. EPA is currently developing regulations to implement the new CAA requirements, including a list of regulated substances and threshold quantities.

EPA anticipates that facilities affected by both regulations can prepare one response plan that meets the Oil Pollution Prevention regulation requirements for oil and the Clean Air Act requirements for chemicals. EPA plans to develop guidance to assist facilities in this respect and requests comment from facilities affected by both regulations on whether the planning requirements can be met in a single plan.

V. Proposed Revisions to Existing 40 CFR Part 112 Plan Requirements

EPA proposes to clarify the requirement at § 112.7(d) for a facility owner or operator to provide a strong oil spill contingency plan when the installation of appropriate containment or diversionary structures or equipment to prevent discharged oil from reaching U.S. waters is determined to be impracticable. As proposed in § 112.7(d)(1), reference to a strong oil spill contingency plan is replaced with reference to the facility response plan as described in proposed § 112.20. A response plan prepared under such circumstances need not be submitted to the RA unless otherwise required by the rest of today's proposed rule, but, would be maintained at the facility with the SPCC Plan. No change is proposed to the circumstances that trigger the requirement to provide such a plan.

The Agency proposes several additional regulatory changes recommended in the May 13, 1988, report by the interagency SPCC Task Force formed in response to the Ashland Oil spill and a subsequent report by the General Accounting Office (GAO) entitled "Inland Oil Spills" (GAO/RCED–89–65). These proposed changes include requiring the SPCC Plan to address training and methods of ensuring against brittle fracture. In addition, the Agency proposes revisions to: (1) Give RAs authority to require amendment, modification, and submission of a Plan when it does not meet the requirements of 40 CFR part 112; (2) give RAs authority to require preparation of Plans by owners or operators of previously exempted facilities when necessary to achieve the goals of the CWA; and (3) require submission of the Plan when an owner or operator invokes a waiver to certain technical requirements of this regulation. The proposed revisions would apply to all regulated facilities unless otherwise noted, not just those facilities that are subject to the proposed response plan requirements under new CWA section 311(j)(5) (i.e., "substantial harm" facilities).

For more information on the basis for the proposed regulatory changes discussed below, see the "Technical Background Document to Support the Phase Two Oil Pollution Prevention Rulemaking," available for inspection in room M2427 at the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 [Docket Number SPCC–2P].

A. Prevention Training

Data from ERNS indicate that a significant number of oil discharges are caused by operator error. In 1989, ERNS spill report data show that human error was the cause of 12.3 percent of all spills at fixed facilities. Operator error can take many forms. One of the most common operating errors is failure to close valves, which can lead to large spills when oil products are subsequently transferred in bulk. For example, in 1988, over 336,000 gallons of oil were released as a result of a valve that was left open by a facility worker at an Ashland Chemical Company facility in Arkansas Pass, Texas.

Overfilling due to operator error during transfers is another common cause of spills. The overfilling of a tank at the Colonial Pipeline facility in Greensboro, GA in 1989 resulted in an oil release of 210,000 gallons.

EPA believes that operator error is more likely to be a factor in causing spills where operations regularly involve transfers of oil products (e.g., filling of tanks and related equipment, and loading and unloading of vehicles, tank cars, and vessels to or from tanks). Incidents that involve operator error where large quantities of oil products are transferred can lead to greater amounts of oil being released to navigable waters.

Proper training of employees involved with transfer operations at oil storage and handling facilities can reduce the occurrence of operator-related spills and reduce the severity of impacts from spills that do occur. Training, therefore, is important for the safe and proper functioning of a facility and encourages up-to-date planning for spill control and response. Training courses help sharpen operating and response sills, introduce the latest ideas and techniques, and promote interaction with the emergency response organization and familiarity with the SPCC Plan. Furthermore, sections 311(f)(5) and 311(j)(7) of the CWA, added by the OPA, reinforce the importance of training. EPA recognizes that the amount of facility-specific training should vary depending on the complexity of operations (e.g., number of tanks and transfer points, throughput, presence of sophisticated pumping or switching equipment, etc.) at regulated facilities. For certain types of regulated facilities, characterized by small-scale, relatively simple operations involving aboveground storage tanks, the need for extensive facility-specific training is less critical.

The current Oil Pollution Prevention regulation provides that owners or operators are responsible for properly instructing their personnel in the operation and maintenance of equipment to prevent discharges of oil and in applicable pollution control laws and regulations. The Phase One NPRM proposes requiring all personnel to participate in yearly training exercises. It also proposes to require that training be administered to new personnel within one week of beginning work. Additionally, the Occupational Safety and Health Administration (OSHA) requires that personnel who are expected to respond to and control hazardous materials discharges undergo formal worker health and safety training before starting work and receive refresher training at regular intervals. OSHA considers petroleum products and gases to be hazardous materials.

EPA proposes in § 112.7(f) to require that owners or operators of facilities that transfer or receive greater than or equal to 10,000 gallons of oil in a single operation more than twice per month on average or greater than or equal to 50,000 gallons in a single operation more than once per month on average would be required to initiate a training program as follows:

- All employees who are involved in oil-handling activities, such as the operation or maintenance of oil storage tanks or the operation of equipment related to storage tanks, would be required to receive 8 hours of facility-specific training within one year of the effective date of this regulation or the date that the facility becomes subject to this requirement.
- In subsequent years, employees would be required to undergo 4 hours of refresher training.
- Employees hired after the training program has been initiated, however, would be required to receive 8 hours of facility-specific training within one week of starting work and 4 hours each subsequent year.

The proposed facility-specific training includes, but is not limited to, the following areas: training in correct equipment operation and maintenance, general facility operations, discharge prevention laws and regulations, and the contents of the facility's SPCC Plan. Such facility training would be documented in the facility response plan.

These proposed training requirements are in addition to any health and safety training requirements that regulated facilities may be subject to under OSHA regulations at 29 CFR 1910.120 and under identical worker protection standards at 40 CFR part 311 that apply to employees in States without OSHA-approved State plans.

EPA regards 8 hours of facility-specific training as a minimum training requirement for facilities characterized by complex operations involving the transfer and storage of oil. For these facilities, additional facility-specific training may be necessary to ensure that employees are adequately prepared to respond to spills.

EPA recognizes that many facilities already have spill prevention training programs that meet or exceed the levels proposed in § 112.7(f). Such facilities would not be required to implement additional training measures.

As proposed, the training requirements would apply only to facilities that transfer large quantities of oil on a regular basis and not to smaller or less active transfer facilities, where the risk of the discharge of significant quantities of oil to navigable waters may be less. EPA requests comment on the appropriateness of the transfer frequency and amount criteria for a facility to be subject to the proposed training requirements. EPA also requests comment on the appropriateness of restricting the training requirements to those facilities determined to have the potential to cause "substantial harm" to the environment as discussed in Section III.A of this preamble. The Agency solicits information on the current practices at various types of regulated facilities and comment about the amount of facility-specific training that is appropriate for personnel at different types and sizes of facilities. In addition, EPA requests comment on whether the 8-hour minimum requirement for new employees is too high for certain types of facilities, such as service stations. Also, EPA requests comment on the appropriate level of annual refresher training at small facilities that experience little or no employee turnover from year to year.

EPA considered allowing facilities to maintain current training practices, with no mandatory minimum training hour requirements. However, this option may not be sufficient to alleviate the problem of spills related to human error.

In addition, employees are required to participate in unannounced drills, which tests the facility response plan, on an annual basis. Drill organizers should limit the number of people who know about the exercise. Drills should be carefully planned out and response teams notified in advance of sounding appropriate alarms. The actions taken by the response team during the drill should be noted and addressed in a debriefing session to follow the exercise. EPA proposes that such unannounced drills shall be recorded in the facility response plan.

B. Ensuring Against Brittle Fracture

The failure of Ashland Oil Company's four million gallon aboveground storage tank in January 1988 was the result of brittle fracture. As illustrated by the collapse of this tank, brittle fracture may cause sudden and catastrophic tank failure, resulting in potentially serious damage to the environment and loss of oil. In the aftermath of the Ashland Oil spill, EPA and industry representatives identified a basic set of conditions that seek to identify risk of brittle fracture, including shell temperature, the level of tank contents, and the presence of existing surface flaw. Reported cases of tank failure due to brittle fracture have occurred after tank erection, during the

performance of a hydrostatic test (such as the failure of a storage tank at ESSO's refinery in Fawley, U.K., in 1952), during the first filling in cold weather, after a change to lower temperature service, such as was the case in the Ashland Oil spill, or after a repair or alteration. (see p. 5–28 the "Technical Background Document to Support the Phase Two Oil Pollution Prevention Rulemaking," available for inspection in room M2427 at the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 [Docket Number SPCC–2P].

Consequently, EPA proposes in § 112.7(i) to require facility owners or operators to evaluate their field-constructed tanks for the risk of failure due to brittle fracture, by adhering to appropriate industry standards contained in API Standard 653 entitled Tank Inspection, Repair, Alteration, and Reconstruction. Section 112.7(i) incorporates by reference section 3 (Brittle Fracture Consideration) of API Standard 653. This incorporation by reference will be submitted for approval to the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of API Standard 653 may be inspected at the Superfund Docket, U.S. Environmental Protection Agency, 401 M Street, SW., room M2427, Washington, DC. Also, EPA proposes in § 112.7(j) a conforming change to reflect the addition of the proposed brittle fracture requirements in § 112.7(i).

The evaluation for the risk of failure due to brittle fracture would be triggered by a repair or alteration to the tank, or a change in service. As defined in § 112.2 of the proposed rule, "repair" means any work necessary to maintain or restore a tank or related equipment to a condition suitable for safe operation. Typical examples include the removal and replacement of material (such as roof, shell, or bottom material, including weld metal) to maintain tank integrity; the re-leveling or jacking of a tank shell, bottom, or roof; the addition of reinforcing plates to existing shell penetrations; and the repair of flaws, such as tears or gouges, by grinding or gouging followed by welding. As defined in § 112.2 of the proposed rule, "alteration" means any work on a tank or related equipment involving cutting, burning, welding, or heating operations that changes the physical dimensions or configuration of a tank. Typical examples include the addition of manways and nozzles greater than 12-inch nominal pipe size and an increase or decrease in tank shell height.

Under API standard 653, evaluation of the potential hazard for brittle fracture involves a review of a tank's construction materials, operational history, repairs, material stored, and other factors identified as useful in predicting a tank's performance. The evaluation also could result in more extensive testing (such as a hydrostatic test). A flowchart of brittle fracture considerations contained in API Standard 653 is shown in Appendix H to the rule. In accordance with API Standard 653 and good engineering practice, if the evaluation indicates that the tank is at risk of failure due to brittle fracture, the owner or operator would be required to rerate the tank or modify the tank's operation to prevent failure. The Agency proposes the approach described above because it is consistent with current industry standards and will apply to a greater range of industry tanks at risk.

EPA does not propose to require that shop-fabricated tanks be evaluated for brittle fracture. Such tanks are generally not as susceptible to brittle fracture failure after a change in service because design criteria are tailored to meet the needs of many operating conditions including variances in pressures, material stored, and temperature. In addition, shop-fabricated tanks are generally much smaller ranging in capacity from 3,000 to 31,500 gallons, and therefore are less prone to suffer catastrophic failure due to brittle fracture. Field-constructed tanks are usually designed and built to meet a specific type of operating condition and can be much larger in size. Shop-fabricated tanks may present a lower risk of causing substantial harm to the environment as a result of discharges to U.S. waters or adjoining shorelines than larger, field-constructed tanks. The Agency requests comments and data on the proposed requirement to evaluate field-constructed tanks for the risk of failure due to brittle fracture under certain circumstances.

As an alternative, the Agency considered requiring all tanks to undergo a full hydrostatic test to determine their potential for brittle fracture. Under this option, a hydrostatic test would have to be performed even on tanks that are not considered prone to brittle fracture by industry standards. Moreover, existing tanks would have to be taken out of service during testing, causing potential disruption to facility operations. Also, EPA considered not requiring facilities to perform any additional evaluations or tests beyond those required for other regulations. No other regulations were identified, however, that require tests to specifically evaluate the potential for brittle fracture.

C. SPCC Plan Amendment

Section 112.4 of the current Oil Pollution Prevention regulation requires the owner or operator of a facility to submit the facility's SPCC Plan to the RA when the facility has experienced either a discharge of more than 1,000 gallons or two reportable spill events within a twelve month period. The RA can then review the Plan and may require that the Plan be amended. Under current § 112.3(e), a facility owner or operator must make the Plan available to the Agency for on-site review, but the rule does not provide explicit authority for the RA to require Plan amendment except under the circumstances described in § 112.4. Because Plan amendment may be necessary to protect navigable waters and adjoining shorelines even before spill events occur, EPA proposes to give the RA specific authority to require Plan submission and amendment at any time. Proposed § 112.4(d) amends the existing language to incorporate this provision and states that the RA may require Plan amendment whenever the Plan does not meet the requirements of 40 CFR part 112 or when Plan amendment is necessary to prevent and control discharges. This broader authority would include the right of the RA to require amendment following plan review; the rule would clarify the RA's authority to require amendments in other situations not specified under the existing regulation.

D. Authority To Require Preparation of Plans

Although the CWA provides EPA broad authority to regulate non-transportation-related onshore facilities, current § 112.1(d) exempts certain facilities. Under the proposed Phase One rule, the § 112.1(d) exemptions would be broadened to include totally buried underground storage tanks subject to the requirements of EPA's underground storage tank regulation at 40 CFR part 280. Under today's proposal, § 112.1(g) would be added to allow the RA to require otherwise exempted facilities, on a case-by-case basis, to prepare and implement SPCC Plans where needed to protect navigable waters and adjoining shorelines. Thus, a facility that would be exempted from the Oil Pollution Prevention regulation on the basis of its underground storage tanks being subject to 40 CFR part 280 may nevertheless have to comply with the requirements of the Oil Pollution Prevention regulation at the discretion of the RA. The RA would exercise this discretionary authority when necessary to carry out the purposes of the CWA.

The determination would be based on the presence of environmental concerns not adequately addressed under the UST regulation.

Based on the requirements in the UST regulation, EPA expects that it will be necessary for the RA to exercise this authority in very few cases. Moreover, some of the SPCC Plan requirements that apply to aboveground tank systems would not represent good engineering practice for certain underground tanks. For example, the requirement for secondary containment as described in current § 112.7(c) is not considered good engineering practice for completely buried underground tanks.

Following a preliminary determination, the RA will provide a written notice to the facility owner or operator stating the reasons why the facility needs to prepare a SPCC Plan. The owner or operator would have the opportunity to provide information and data and to consult with the Agency about the need to prepare and submit a plan. Following this consultation, the RA will make a final determination on whether the facility is required to prepare and implement a SPCC Plan. If the RA makes a final determination that a SPCC Plan is necessary to carry out the purposes of the CWA, the owner or operator must prepare the plan within six months of the RA's decision and implement the Plan as soon as possible, but not later than one year after the final determination has been made.

E. Submission of Plans That Contain a Waiver of Technical Requirements

Under the proposed Phase One regulation, a facility's SPCC Plan need not conform to certain technical requirements of 40 CFR part 112 if equivalent protection is provided. No provision was made in the Phase One proposal, however, for notification to EPA when a facility owner or operator invokes this waiver. Proposed § 112.7(a)(2) of today's proposed rule would require the owner or operator to submit the Plan to the RA in this circumstance. Thus, EPA staff will have the opportunity to review the Plan and determine whether the measures described in the Plan do indeed provide equivalent protection. The Agency solicits comment on whether submission of the entire plan for the RA to make this determination is necessary.

VI. Other Technical Considerations Not Proposed

EPA is examining several additional recommendations made in the SPCC Task Force Report and the GAO report on inland oil spills, including provisions relating to: Plant security; corrosion protection; lightning strike protection; leak detection; and certification of tank installation plans. EPA is not proposing regulatory changes at this time but is soliciting comment and cost information on these considerations.

Improvement of plant security can reduce the number of discharges that occur as a result of vandalism. Section 112.7(e)(9) of the current Oil Pollution Prevention regulation contains a number of requirements concerning plant security, including provisions on fencing and lighting. The Agency requests comment on the need for additional measures to mitigate potential environmental harm posed by discharges from different types of facilities, and whether certain provisions should be discretionary for any or all facilities.

Metallic aboveground storage tanks are susceptible to corrosion, which may lead to leakage or the discharge of a tank's entire contents. For metallic aboveground tanks, the primary corrosive concern involves tank bottoms and the types of foundations constructed for them. The UST regulation at 40 CFR 280.20 requires owners or operators of underground storage tanks to ensure that releases due to corrosion are prevented for as long as the tank system is used to store regulated substances, such as petroleum products. Cathodic protection is a common method used to protect USTs from corrosion (40 CFR 280.31). The Agency solicits comment and cost data on the use of cathodic protection to prevent corrosion on aboveground storage tanks. EPA also requests comment and cost effectiveness data on other methods of preventing leaks due to corrosion.

Lightning strikes on aboveground storage tanks and fires resulting from the strikes can contribute to discharges of oil. Although various industry groups have published recommended practices and precautionary measures for owners or operators to follow to avoid lighting strikes, there are currently no Federal regulations in effect concerning lightning strike protection for aboveground storage tanks. EPA requests comment on the costs and benefits of installing lightning protection systems, such as an air terminal system, overhead ground wire system, the Faraday Cage system, or combinations of these systems on aboveground storage tanks.

Early detection of small oil leaks from above ground storage tanks may alert owners or operators to needed repairs or other spill prevention or mitigation measures and thus prevent substantial environmental damage and save the expense of cleaning up larger quantities of oil that may subsequently leak from the tanks. Section 112.7(e)(2)(vi) of the current Oil Pollution Prevention regulation requires operating personnel to frequently observe the outside of a tank for signs of deterioration, leaks, or accumulation of oil inside diked areas. Small leaks near the bottom of a tank, however, often are hard to detect visually. The Agency is therefore requesting comment and cost effectiveness information on other leak detection methods for aboveground tanks, such as ultrasonic testing and inventory reconciliation. Also, the Agency requests comment on the appropriateness of testing underground piping for leaks and data on methodologies.

The current Oil Pollution Prevention regulation requires facility owners or operators to have a Professional Engineer review and certify that their SPCC Plans have been prepared in accordance with good engineering practices. This requirement, however, does not address specific facility procedures such as tank installation. UST regulations at 40 CFR 280.20(e), on the other hand, require certification of compliance with proper installation practices and of the qualifications of tank installers. The Agency requests comment on appropriate methods to ensure that aboveground tanks are properly installed, such as certification of installation plans and/or installation monitoring by a professional engineer or other qualified individual.

VII. Regulatory Analyses

A. Executive Order 12291

Executive Order (E.O.) 12291 requires that regulations be classified as major or non-major for purposes of review by the Office of Management and Budget (OMB). According to E.O. 12291, major rules are regulations that are likely to result in:

(1) An annual effect on the economy of $100 million or more; or

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

An economic analysis performed by the Agency, available for inspection in room M2427 at the U.S. Environmental Protection Agency, 401 M Street, SW.,

Washington, DC 20460, shows that this proposed rule is major because it would result in estimated costs to affected facilities of approximately $140.6 million during the first year that the rule is in effect and approximately $60.9 million in each subsequent year. At a 10-percent interest rate over 10 years, the annualized costs are $73.2 million. Of the total estimated costs, $93.7 million of the first-year costs and $54.0 million of the subsequent-year costs result from the facility response plan requirements proposed in § 112.20. Approximately $12.6 million of the first-year costs and $6.3 million of the subsequent-year cost are attributable to the other technical requirements. The proposed revisions pertaining to enforcement of the Oil Pollution Prevention regulation (i.e., amendments to the SPCC Plan, notification of a waiver of technical requirements, and preparation of SPCC Plans by previously exempted facilities) are estimated to result in costs of $2.3 million in the first year and $0.5 million in subsequent years. In addition, it is estimated that facilities will expend $32.0 million in the first year to read and understand the proposed revisions. This economic analysis estimates costs and benefits for facilities currently subject to the Oil Pollution Prevention regulation. The first-year, subsequent-year, and annualized costs of the proposed revisions to affected facilities are presented in Table 1. The estimates presented assume that facility response plans reduce the costs and damages caused by oil spills by 30 percent, which is one of the key assumptions in the analysis.

TABLE 1.—TOTAL COST TO AFFECTED FACILITIES OF THE PROPOSED RULEMAKING

Proposed revision	First-year costs	Subsequent-year costs	Annualized value of total costs
Rule familiarization	$32.0 million	$0	$5.2 million.
Facility response plan	$93.7 million	$54.0 million	$59.9 million.
Training	$11.0 million	$4.7 million	$5.7 million.
Brittle fracture	$1.6 million	$1.6 million	$1.6 million.
Amendments to SPCC plan	$12,900	$12,900	$12,900.
Notification of waiver of technical requirements	$1.5 million	$147,250	$0.3 million.
Preparation of SPCC plans by previously exempted facilities.	$0.8 million	$0.3 million	$0.4 million.
Total	$140.6 million	$60.9 million	$73.2 million.

EPA also is estimated to incur costs to process, review, and approve facility response plans and to process and review SPCC Plans and other information submitted as a result of the three proposed revisions related to enforcing the regulation. EPA estimates that it will process approximately 6,500 response plans and review and approve approximately 2,000 response plans in the first two years after the revisions take effect at a cost of $1.2 million in the first year and $1.1 million in the second year. EPA also will incur costs of $3.1 million in the first year and $0.5 million each year thereafter to implement the other proposed revisions. At a 10-percent interest rate over 10 years, the annualized costs to EPA are $1.2 million.

The Regulatory Impact Analysis (RIA) prepared in support of this rule also includes an assessment of the environmental benefits associated with the proposed revisions. This benefit estimate includes only the benefits of avoided clean-up costs, value of lost product, and avoided natural resource damages as a result of the prevention of oil spills or the mitigation of the severity of spills that do occur. Other damages caused by oil spills, such as damage to private property, lost profit by business, public health risks, and foregone existence/option value have not been quantified. EPA recognizes that the methodologies to value certain benefits of avoiding oil spills or mitigating their effects are contentious and new or revised methodologies currently are under study by other government agencies. For illustrative purposes, the Agency has presented monetary estimates of these benefits of the proposed rule in the Regulatory Impact Analysis based on currently available data. The cost effectiveness of the proposed revisions also are presented in terms of the total estimated cost to society per unit volume of spilled oil addressed by the proposed revisions. This measure of cost effectiveness is calculated by dividing the total estimated costs to affected facilities and the government by the total number of barrels (or gallons) of oil that is estimated not to be spilled as a result of the proposed revisions or, if spilled, is addressed more effectively as a result of the proposed revisions. Table 2 presents the cost effectiveness of the proposed revisions based on the assumption that facility response plans reduce the costs and damages caused by oil spills by 30 percent.

TABLE 2.—COMPARISON OF ESTIMATED TOTAL ANNUALIZED COSTS AND BENEFITS

Proposed revision	Estimated costs per avoided volume of spilled oil at 30 percent level of effectiveness for response plans	Estimated costs per avoided barrel of spilled oil at 57 percent level of effectiveness for response plans
Rule familiarization	Not Estimated	Not Estimated.
Facility response plan	$30/gallon	$16/gallon.
	$1,271/barrel	$669/barrel.
Training $81/gallon	$81/gallon	
$3,401/barrel	$3,415/barrel	
Brittle fracture[6]	$31/gallon	$31/gallon.
	$1,297/barrel	$1,303/barrel.
Amendments of SPCC plan	Not Estimated	Not Estimated.

TABLE 2.—COMPARISON OF ESTIMATED TOTAL ANNUALIZED COSTS AND BENEFITS—Continued

Proposed revision	Estimated costs per avoided volume of spilled oil at 30 percent level of effectiveness for response plans	Estimated costs per avoided barrel of spilled oil at 57 percent level of effectiveness for response plans
Notification of waiver of technical requirements	Not Estimated	Not Estimated.
Preparation of SPCC plans by previously exempted facilities	Not Estimated	Not Estimated.

Alternative assumptions about the effectiveness of facility response plans yield different estimates of the net benefits. For example, estimated costs of facility response plans equal estimated benefits at a 57 percent effectiveness level. At levels of effectiveness less than 57 percent, estimated costs of the response plan requirement exceed estimated benefits. Conversely, at effectiveness levels greater than 57 percent, estimated benefits of the response plan requirement exceed the estimated costs. The cost effectiveness of the proposed revisions also is presented in Table 2 at an assumed effectiveness level of 57 percent. This proposed rule has been submitted to OMB for review as required by E.O. 12291.

B Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires that a Regulatory Flexibility Analysis be performed for all rules that are likely to have a "significant impact on a substantial number of small entities." To determine whether a Regulatory Flexibility Analysis was necessary for this proposed rule, a preliminary analysis was conducted. The results of the preliminary analysis indicate that this proposed rule will not have significant adverse impacts on small businesses because small businesses are unlikely to be affected by the facility response planning, training, or brittle fracture requirements, which account for the majority of the total costs of the proposed rulemaking (see the "Regulatory Impact Analysis of the Proposed Phase Two Revisions of the Oil Pollution Prevention Regulation," Chapter 8, September 1992, available for inspection in room M2427 at the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460). Therefore, EPA certifies that this proposed rule is not expected to have a significant impact on small entities, and therefore that no Regulatory Flexibility Analysis is necessary.

C Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. An Information Collection Request (ICR) has been prepared by EPA (ICR No. 1630.01) and a copy may be obtained from Sandy Farmer, Information Policy Branch (PM–223Y); U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, or by calling (202) 260–2740.

The collection of information required to prepare facility response plans is estimated to have a public reporting burden varying from 1 to 256 hours per response in the first year, with an average of 5 hours per response, and to require an average of 0.65 hours per recordkeeper annually. This includes time to review instructions and guidance, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. In subsequent years, the facility response plan requirement is estimated to have a public reporting burden that varies from 0–99 hours per response, with an average of 1 hour per response, and to require an average of 0.6 hours per recordkeeper annually.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch (PM–223Y), U.S. Environmental Protection Agency; 401 M Street SW., Washington, DC 20460, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

List of Subjects in 40 CFR Part 112

Fire prevention, Flammable materials, Materials handling and storage, Oil pollution, Oil spill response, Petroleum, Reporting and recordkeeping requirements, Tanks, Water pollution control, Water resources.

Dated: January 19, 1993.

William K. Reilly,

Administrator.

For the reasons set out in the preamble, part 112, title 40, chapter I of the Code of Federal Regulations, as proposed to be revised at 56 FR 54630, October 22, 1991, is proposed to be amended as follows:

PART 112—OIL POLLUTION PREVENTION

1. The authority citation for part 112 is revised to read as follows:

Authority: 33 U.S.C. 1321 and 1361; E.O. 12777 (3 CFR, 1991 Comp., p. 351).

2. Section 112.1, as proposed at 56 FR 54630, is amended by revising paragraphs (d) introductory text and (d)(4), and by adding paragraph (g) to read as follows:

§ 112.1 General applicability and notification.

* * * * *

(d) Except as provided in paragraphs (e) and (g) of this section and the first sentence of § 112.7(a)(3), this part does not apply to:

* * * * *

(4) Underground storage tanks, as defined in § 112.2(v), at any facility, where such tanks are subject to the technical requirements of 40 CFR part 280, except that such tanks shall be marked on the facility diagram as provided in § 112.7(a)(3).

* * * * *

(g) Notwithstanding paragraph (d) of this section, the Regional Administrator may require any facility subject to the jurisdiction of EPA under section 311(j) of the CWA to prepare and implement an SPCC Plan or applicable parts thereof.

(1) Following a preliminary determination, the Regional Administrator will provide a written notice to the facility owner or operator stating the reasons why the facility owner or operator needs to prepare an SPCC Plan.

(2) The owner or operator may provide information and data and may consult with the Agency about the need to prepare and submit a Plan.

(3) Following this consultation, the Regional Administrator will make a final determination regarding whether the facility is required to prepare and implement an SPCC Plan.

(4) If the Regional Administrator makes a final determination that an SPCC Plan is necessary to carry out the purposes of the CWA, the owner or operator must prepare the Plan within six months of that determination and implement the Plan as soon as possible, but not later than one year after the final determination has been made.

3. Section 112.2, as proposed at 56 FR 54630, is amended by removing the paragraph designations (a) through (y), and inserting the following new definitions in alphabetical order, to read as follows:

§ 112.2 Definitions.

* * * * *

Adverse weather means the weather conditions that make it difficult for response equipment and personnel to cleanup or remove spilled oil.

Alteration means any work on a tank or related equipment involving cutting, burning, welding, or heating operations that changes the physical dimensions or configuration of a tank.

* * * * *

Complex means a facility possessing a combination of transportation-related and non-transportation-related components that is subject to the jurisdiction of more than one Federal agency under section 311(j) of the CWA.

* * * * *

Contracts or other approved means include:

(1) A written contractual agreement with a response contractor that identifies and ensures the availability of the necessary personnel or equipment within appropriate response times;

(2) A written certification by the owner or operator that the necessary personnel and equipment resources, owned or operated by the facility owner or operator, are available to respond to a discharge within appropriate response times;

(3) Active membership in a local or regional oil spill removal organization that has identified and ensures adequate access through such membership to necessary personnel and equipment to respond to a discharge within appropriate response times in the specified geographic areas; or

(4) Other specific arrangements approved by the Regional Administrator upon request of the owner or operator.

* * * * *

Injury means a measurable adverse change, either long- or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge of oil, or exposure to a product of reactions resulting from a discharge of oil.

Maximum extent practicable means the limitations used to determine oil spill planning resources and response times for on-water recovery, shoreline protection, and cleanup for worst case discharges from onshore non-transportation-related facilities in adverse weather. The appropriate limitations for such planning are available technology and the practical and technical limits on an individual facility owner or operator.

* * * * *

Repair means any work necessary to maintain or restore a tank or related equipment to a condition suitable for safe operation.

* * * * *

Worst case discharge for an onshore non-transportation-related facility means the largest foreseeable discharge in adverse weather conditions, based on the factors described in appendix E to this part.

4. Section 112.4, as proposed at 56 *FR* 54633, is amended by redesignating paragraph (d) as paragraph (d)(1), by revising newly designated paragraph (d)(1), and by adding a new paragraph (d)(2) to read as follows:

§ 112.4 Amendment of Spill Prevention, Control and Countermeasures Plan by Regional Administrator.

* * * * *

(d) (1) The Regional Administrator may require the owner or operator of any facility subject to this part to submit the information listed in paragraphs (a)(1) through (a)(8) of this section and such other information as the Regional Administrator may request. After review of the information submitted, or after on-site review of a facility's Plan, the Regional Administrator may require the owner or operator of such facility to amend the Plan if the Plan does not meet the requirements of this part or if amendment of the Plan is necessary to prevent or control discharges of oil from such facility into or upon the waters described in § 112.1(a) of this part.

(2) After review of the materials submitted by the owner or operator of a facility as required in § 112.7(d) of this part, the Regional Administrator may approve the Plan or require amendment of the Plan.

* * * * *

5. Section 112.7, as proposed at 56 FR 54634, is amended by revising paragraphs (a)(2), the introductory text of paragraph (d), and paragraphs (d)(1), (f)(1), and (i) and by adding a new paragraph (j) to read as follows:

§ 112.7 Spill Prevention, Control, and Countermeasures Plan general requirements.

(a) * * *

(2) The Plan may deviate from the requirements in paragraph (c) of this section and §§ 112.8, 112.9, 112.10, and 112.11, where applicable to a specific facility, provided equivalent protection is provided by some other means of spill prevention, control, or countermeasures. Where the Plan does not conform to the applicable requirements of paragraph (c) of this section or §§ 112.8, 112.9, 112.10, and 112.11, the Plan shall state the reasons for nonconformance and describe in detail alternate methods and how equivalent protection will be achieved. The owner or operator of the facility shall submit the Plan to the Regional Administrator together with a transmittal letter describing how the Plan contains equivalent protection measures in lieu of certain requirements in 40 CFR part 112. If the Regional Administrator determines that the measures described in the Plan do not provide equivalent protection, the Regional Administrator may require amendment of the Plan, following the procedures in § 112.4 (e) and (f).

* * * * *

(d) When it is determined that the installation of structures or equipment listed in § 112.7(c) to prevent discharged oil from reaching the navigable waters is not practicable from any facility, the owner or operator shall clearly demonstrate such impracticability; conduct integrity testing of tanks every five years at a minimum; conduct integrity and leak testing of the valves and piping every year at a minimum; and providing the following:

(1) The facility response plan described in § 112.20.

* * * * *

(f) *Personnel, training, and spill prevention procedures.* (1) Owners or operators of facilities, which transfer or receive greater than or equal to 10,000 gallons of oil in a single operation more than twice per month on average, or greater than or equal to 50,000 gallons in a single operation more than once per month on average, shall be responsible for the proper instruction of their personnel in the operation and maintenance of equipment to prevent discharges of oil and in applicable pollution control laws, rules, and regulations.

(i) All personnel who are involved in oil-handling activities shall receive at least 8 hours of training by [insert date one year after the effective date of the final rule], and at least 4 hours in subsequent years. Such training

includes, but is not limited to, subjects such as correct equipment operation and maintenance, general facility operations, discharge prevention laws and regulations, and the contents of the facility's SPCC Plan.

(ii) In the case of new employees, 8 hours of training shall be given to such personnel within the first week of their employment.

(iii) All such personnel shall also participate in unannounced drills, to be conducted at least annually.

* * * * *

(i) If a field-constructed aboveground tank undergoes a repair, alteration, or a change in service, the facility owner or operator shall evaluate the tank for risk of failure due to brittle fracture, and, as necessary, take appropriate action in accordance with Section 3 of Tank Inspection, Repair, Alteration, and Reconstruction, January 1991, American Petroleum Institute, API Standard 653 This incorporation by reference will be submitted for approval to the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the American Petroleum Institute, 1220 L Street NW., Washington DC 20005. Copies may be inspected at the Superfund Docket, U.S. Environmental Protection Agency, 401 M Street, SW., room M2427, Wasnington, DC. A flowchart of brittle fracture considerations contained in API Standard 653 is contained in appendix H to this part.

(j) In addition to the minimal prevention standards listed under § 112.7 (c), (e), (f), (g), (h), and (i), sections of the Plan shall include a complete discussion of conformance with the applicable requirements and other effective spill prevention and containment procedures listed in §§ 112.8, 112.9, 112.10, and 112.11 (or, if more stringent, with State rules, regulations, and guidelines).

6. Section 112.20 is added to read as follows:

§ 112.20 Facility response plans.

(a) (1) The owner or operator of any non-transportation-related onshore facility that, because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines shall prepare a facility response plan and shall submit a response plan that satisfies the requirements of this section to the Regional Administrator.

(2) A facility shall be subject to the requirements of paragraph (a)(1) of this section if it satisfies the criteria in paragraph (f)(1) of this section or if the Regional Administrator makes a determination pursuant to paragraph (b) of this section.

(i) For a facility that is in operation on or before February 18, 1993, and is required to prepare and submit a response plan based on the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in appendix G to this part, to the Regional Administrator on or before February 18, 1993.

(ii) For a newly constructed facility that commences operation after February 18, 1993, and is required to prepare and submit a response plan based on the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in appendix G to this part, to the Regional Administrator prior to the start of operations.

(iii) For a facility required to prepare and submit a response plan after February 18, 1993, as a result of a planned change in design, construction, operation, or maintenance that renders the facility subject to the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in appendix G to this part, to the Regional Administrator before the portion of the facility undergoing change commences operations.

(iv) For a facility required to prepare and submit a response plan after February 18, 1993, as a result of an unplanned event or change in facility characteristics that renders the facility subject to the criteria in paragraph (f)(1) of this section, the owner or operator shall submit the response plan, along with a completed version of the response plan cover sheet contained in appendix G to this part, to the Regional Administrator within six months of the unplanned event or change.

(3) In the event the owner or operator of a facility that is required to prepare and submit a response plan uses an alternative formula to one contained in appendix C to this part to evaluate the criterion in paragraph (f)(1)(ii)(B) or (f)(1)(ii)(C) of this section, the owner or operator shall attach documentation to the response plan cover sheet contained in appendix G to this part that demonstrates the reliability and analytical soundness of the alternative formula.

(b)(1) The Regional Administrator may at any time require the owner or operator of any non-transportation-related onshore facility to prepare and submit a facility response plan under this section based on the factors in paragraph (f)(2) of this section. If the Regional Administrator notifies in writing the owner or operator of the requirement to prepare and submit a response plan under this section, the owner or operator of the facility shall submit the response plan to the Regional Administrator within six months after such written notification.

(2) The Regional Administrator shall review plans submitted by such facilities to determine whether the facility could cause significant and substantial harm to the environment by the discharge of oil.

(c)(1) The Regional Administrator shall determine whether a facility, because of its location, could reasonably be expected to cause significant and substantial harm to the environment by discharging into or on the navigable waters or adjoining shorelines, based on the factors in paragraph (f)(3) of this section. If a facility is determined to have the potential to cause significant and substantial harm to the environment, the Regional Administrator shall notify in writing the owner or operator of the facility and:

(i) Promptly review the facility response plan;

(ii) Require amendments to any response plan that does not meet the requirements of this section;

(iii) Approve any response plan that meets the requirements of this section; and

(iv) Review each response plan periodically thereafter.

(2) A facility owner or operator who is notified in writing that the facility's response plan will require review and approval by the Regional Administrator and that such approval will not be forthcoming by August 18, 1993, may operate the facility without an approved response plan for up to two years from the date of plan submission in compliance with statutory requirements, provided that:

(i) The facility owner or operator certifies in writing within 30 days of such notification to the Regional Administrator that the owner or operator has ensured by contract or other approved means the availability of private personnel and equipment necessary to respond, to the maximum extent practicable, to a worst case discharge or the substantial threat of such a discharge from the facility; and

(ii) The contracts or agreements cited in the facility's certification are valid and enforceable by the parties.

(d)(1) The owner or operator of a facility determined to have the potential

to cause significant and substantial harm to the environment pursuant to paragraph (f)(3) of this section shall revise and resubmit the response plan for approval within 60 days of each facility change that materially may affect the potential for a discharge to cause significant and substantial harm to the environment, including:

(i) A change in the facility's configuration that materially alters the information included in the response plan;

(ii) A change in the type of oil handled, stored, or transferred that materially alters the required response resources;

(iii) A change in the oil spill removal organizations that provide equipment and personnel to respond to spills described in paragraph (h)(5) of this section and/or a material change in their capabilities;

(iv) A material change in the facility's spill prevention and response equipment or emergency response procedures;

(v) Any other changes that materially affect the implementation of the response plan.

(2) Except as provided in paragraph (d)(1) of this section, amendments to personnel and telephone number lists included in the response plan do not require prior approval by the Regional Administrator. Facility owners or operators shall provide a copy of such changes to the appropriate Regional Administrator as the revisions occur.

(e) If the owner or operator of a facility determines pursuant to paragraph (a)(2) of this section that its facility does not have the potential to cause substantial harm to the environment, the owner or operator shall complete and maintain at the facility the certification form contained in appendix C to this part and, in the event an alternative formula to one contained in appendix C to this part is used to evaluate the criterion in paragraph (f)(1)(ii)(B) or (f)(1)(ii)(C) of this section, the owner or operator shall attach documentation to the certification form that demonstrates the reliability and analytical soundness of the alternative formula and shall notify the Regional Administrator in writing that an alternative formula was used.

(f) (1) A facility shall be deemed to have the potential to cause substantial harm to the environment pursuant to paragraph (a) of this section, if it meets any of the following criteria applied in accordance with the flowchart contained in appendix C to this part:

(i) The facility transfers oil over water to or from vessels and has a total storage capacity greater than or equal to 42,000 gallons; or

(ii) The facility's total oil storage capacity is greater than or equal to 1 million gallons, and one of the following is true:

(A) The facility does not have secondary containment for each aboveground storage area sufficiently large to contain the capacity of the largest aboveground storage tank within each storage area;

(B) The facility is located at a distance (as calculated using the appropriate formula in appendix C to this part or an alternative formula considered acceptable by the Regional Administrator) such that a discharge from the facility could cause injury to an environmentally sensitive area as described in appendix D to this part;

(C) The facility is located at a distance (as calculated using the appropriate formula in appendix C to this part or an alternative formula considered acceptable by the Regional Administrator) such that a discharge from the facility would shut down a public drinking water intake; or

(D) The facility has had a reportable spill in an amount greater than or equal to 10,000 gallons within the last 5 years.

(2)(i) To determine whether a facility could cause substantial harm to the environment pursuant to paragraph (b) of this section, the Regional Administrator may consider the following:

(A) Type of transfer operation;

(B) Oil storage capacity;

(C) Lack of secondary containment;

(D) Proximity to "environmentally sensitive areas" defined in Appendix D to this part and other areas determined by the Regional Administrator to possess ecological value;

(E) Proximity to drinking water intakes;

(F) Spill history; and

(G) Other site-specific characteristics and environmental factors that the Regional Administrator determines to be relevant to protecting the environment from harm by discharges of oil into navigable waters or adjoining shorelines.

(ii) Any person who believes a facility subject to this section may cause substantial harm to the environment from a discharge of oil may petition the Regional Administrator to determine whether the facility meets the criteria in paragraph (f)(2)(i) of this section. Such petition shall include a discussion of how the criteria in paragraph (f)(2)(i) of this section apply to the facility in question.

(3) To determine whether a facility could cause significant and substantial harm to the environment, the Regional Administrator may consider the factors in paragraph (f)(2) of this section as well as the following:

(i) Proximity to environmental areas of concern defined in Appendix D to this part;

(ii) Frequency of past spills;

(iii) Proximity to navigable waters;

(iv) Age of oil storage tanks; and

(v) Other facility-specific and Region-specific information, including local impacts on public health.

(g)(1) All facility response plans shall be consistent with the requirements of the National Oil and Hazardous Substance Pollution Contingency Plan (40 CFR part 300) and applicable Area Contingency Plans, and shall be updated periodically. The facility response plan should be coordinated with the local emergency response plan developed by the local emergency planning committee under section 303 of Title III of the Superfund Amendments and Reauthorization Act of 1986. Upon request, the owner or operator should provide a copy of the facility response plan to the local emergency planning committee or State emergency response commission.

(2) The owner or operator shall review relevant portions of the National Oil and Hazardous Substance Pollution Contingency Plan and applicable Area Contingency Plan annually and revise the facility response plan to ensure consistency with these plans.

(h) A response plan shall follow the format of the model facility-specific response plan included in appendix G to this part, unless an equivalent response plan has been prepared to meet State or other Federal requirements. A response plan that does not follow the specific format in appendix G to this part shall have an emergency response action plan as specified in paragraph (h)(1) to this part and be supplemented with a cross-reference section to identify the location of the elements listed in paragraphs (h)(2) through (h)(10) of this section. In order to meet the requirements of this part, a response plan shall address the following elements, as reflected in appendix G to this part:

(1) *Emergency Response Action Plan.* The response plan shall include an emergency response action plan in the format specified below that is maintained in the front of the response plan, or as a separate document accompanying the response plan, and that includes the following information:

(i) The identity and telephone number of an emergency response coordinator who is the qualified individual having full authority, including contracting

VOL
58
ISS
30
FE
17
1993
UMI

authority, to implement removal actions;

(ii) The identity of individuals or organizations to be contacted in the event of a discharge so that immediate communications between the emergency response coordinator and the appropriate Federal official and the persons providing response personnel and equipment can be ensured;

(iii) A description of information to pass to response personnel in the event of a reportable spill;

(iv) A description of the facility's response equipment and its location;

(v) A description of response personnel capabilities, including the duties of persons at the facility during a response action and their response times and qualifications;

(vi) Plans for evacuation of the facility and surrounding communities;

(vii) A description of immediate measures to provide adequate containment and drainage of spilled oil; and

(viii) A diagram of the facility.

(2) *Facility information.* The response plan shall identify and discuss the location of the facility, the identity and tenure of the present owner and operator, and the identity of an emergency response coordinator.

(3) *Information about emergency response.* The response plan shall include:

(i) The identity of private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge and other discharges of oil described in paragraph (h)(5) of this section, and to mitigate or prevent a substantial threat of a worst case discharge;

(ii) Evidence of contracts or other approved means for ensuring the availability of such personnel and equipment;

(iii) The identity and the telephone number of individuals or organizations to be contacted in the event of a discharge so that immediate communications between the emergency response coordinator and the appropriate Federal official and the persons providing response personnel and equipment can be ensured;

(iv) A description of information to pass to response personnel in the event of a reportable spill;

(v) A description of response personnel capabilities, including the duties of persons at the facility during a response action and their response times and qualifications;

(vi) A description of the facility's response equipment, the location of the equipment, and equipment testing;

(vii) Plans for evacuation of the facility and surrounding communities,

(viii) A diagram of evacuation routes; and

(ix) A description of the duties of the emergency response coordinator identified in paragraph (h)(1) of this section, that include:

(A) Activate internal alarms and hazard communication systems to notify all facility personnel;

(B) Notify all response personnel, as needed;

(C) Identify the character, exact source, amount, and extent of the release, as well as the other items needed for notification;

(D) Notify and provide necessary information to the appropriate Federal, State, and local authorities with designated response roles, including the National Response Center, State Emergency Response Commission, and Local Emergency Planning Committee;

(E) Assess the interaction of the spilled substance with water and/or other substances stored at the facility and notify response personnel at the scene of that assessment;

(F) Assess the possible hazards to human health and the environment due to the release. This assessment must consider both the direct and indirect effects of the release (i.e., the effects of any toxic, irritating, or asphyxiating gases that may be generated, or the effects of any hazardous surface water runoffs from water or chemical agents used to control fire and heat-induced explosion);

(G) Assess and implement prompt removal actions to contain and remove the substance released;

(H) Coordinate rescue and response actions as previously arranged with all response personnel;

(I) Obtain authority to immediately access company funding to initiate cleanup activities; and

(J) Direct cleanup activities until properly relieved of this responsibility;

(x) Guidelines that describe procedures to identify response resources to meet the facility response plan requirements of this section are provided in appendix F to this part.

(4) *Hazard evaluation.* The response plan shall discuss the facility's known or reasonably identifiable history of discharges reportable under 40 CFR part 110 for the entire life of the facility and shall identify areas within the facility where discharges could occur and what the potential effects of the discharges would be on the affected environment. To assess the range of areas potentially affected, owners or operators shall, where appropriate, consider the distance calculated in paragraph (f)(1)(ii) of this section to determine whether a facility is located such that a discharge could cause substantial harm to the environment.

(5) *Tiered planning scenarios.* The response plan shall include discussion of specific scenarios for:

(i) A worst case discharge, as calculated using the appropriate worksheet in appendix E to this part. In cases where the Regional Administrator determines that the worst case discharge volume calculated by the facility is not appropriate, the Regional Administrator may specify the worst case discharge amount to be used for response planning at the facility. For complexes, the worst case planning quantity shall be the larger of the amounts calculated for each component of the facility;

(ii) A discharge of 2,100 gallons or less, provided that this amount is less than the worst case discharge amount; and

(iii) A discharge greater than 2,100 gallons and less than or equal to 36,000 gallons or 10 percent of the capacity of the largest tank at the facility, whichever is less, provided that this amount is less than the worst case discharge amount. For complexes, this planning quantity shall be the larger of the amounts calculated for each component of the facility.

(6) *Discharge detection systems.* The response plan shall describe the procedures and equipment used to detect discharges.

(7) *Plan implementation.* The response plan shall describe:

(i) Response actions to be carried out by facility personnel or contracted personnel under the response plan to ensure the safety of the facility and to mitigate or prevent discharges described in paragraph (h)(5) of this section or the substantial threat of such discharges;

(ii) A description of the equipment to be used for each scenario;

(iii) Plans to dispose of contaminated cleanup materials; and

(iv) Measures to provide adequate containment and drainage of spilled oil.

(8) *Self-inspection, training, and meeting logs.* The response plan shall include:

(i) A checklist and record of inspection for tanks, secondary containment, and response equipment;

(ii) A description and record of training exercises and periodic unannounced drills to be carried out under the response plan; and

(iii) Logs of discharge prevention meetings.

(9) *Diagrams.* The response plan shall include site plan and drainage plan diagrams.

(10) *Security systems.* The response plan shall include a description of facility security systems.

7. Part 112, as proposed to be revised at 56 FR 54630, is amended by adding Appendices C through G to read as follows:

Appendix C to Part 112—Determination of Substantial Harm

1.0 Introduction

The flowchart provided in Attachment C–I shows the decision tree by which owners and operators will decide whether their facility "could reasonably be expected to cause substantial harm to the environment by discharging into or on the navigable waters, adjoining shorelines, or the exclusive economic zone." In addition, the Regional Administrator (RA) has the discretion to identify facilities that must prepare and submit facility-specific response plans to EPA regardless of the self-determination results. The owner or operator or a regulated facility may determine that a facility has the potential to cause substantial harm to the environment without having to assess every criteria in the flowchart.

2.0 Flowchart for the Determination of Substantial Harm

Facilities that meet one or both of the following two criteria are identified as posing a potential risk of substantial harm to the environment in the event of a discharge and must prepare and submit a facility-specific response plan to EPA in accordance with appendix G of this part:

(1) The facility transfers oil over water to or from vessels and has a total storage capacity greater than or equal to 42,000 gallons.

(2) The facility's total oil storage capacity is greater than or equal to one million gallons, and one of the following is true:

- The facility does not have secondary containment for each aboveground storage area sufficiently large to contain the capacity of the largest aboveground storage tank within each storage area;
- The facility is located at a distance (as calculated using the appropriate formula in Attachment C–III or an alternative formula considered acceptable by the RA) such that a discharge from the facility could cause injury to an environmentally sensitive area, as defined in appendix D of this part;
- The facility is located at a distance (as calculated using the appropriate formula in Attachment C–III or an alternative formula considered acceptable by the RA) such that a discharge from the facility would shut down a public drinking water intake; or,
- The facility has had a reportable spill in an amount greater than or equal to 10,000 gallons within the last five years.

2.1 Description of Screening Criteria for the Substantial Harm Flowchart

(1) *Transportation-Related Facilities Greater Than or Equal to 42,000 Gallons Where Operations Include Over-Water Transfer of Oil*—A transportation-related facility with a total storage capacity greater than 42,000 gallons that transfers oil over water to or from vessels must submit a response plan to EPA. Daily oil transfer operations at these types of facilities occur between barges and vessels and onshore bulk storage tanks over open water.

(2) *Lack of Secondary Containment at Facilities With a Total Storage Capacity Greater Than or Equal to One Million Gallons*—Any facility with a total storage capacity greater than or equal to one million gallons without secondary containment sufficiently large to contain the capacity of the largest tank within each storage tank area must submit a response plan to EPA. A secondary containment area that is "sufficiently large" must contain the maximum capacity of the largest tank within a single containment area plus an allowance for precipitation. Secondary containment structures, which meet the standard of good engineering practice for the purposes of this part, include berms, dikes, retaining walls, curbing, culverting, gutters, or other drainage systems.

(3) *Proximity to Environmentally Sensitive Areas at Facilities With a Total Storage Capacity Greater Than or Equal to One Million Gallons*—A facility with a total storage capacity greater than or equal to one million gallons must submit its response plan if it is located at a distance such that a discharge from the facility could cause injury to an environmentally sensitive area, as defined in appendix D of this part. "Injury" is defined in § 112.2 of this part. This definition of "injury" is derived from the Natural Resource Damage Assessments rule at 43 CFR part 11.

Owners or operators may determine the distance at which an oil spill could cause injury to an environmentally sensitive area using the appropriate formula presented in Attachment C–III of this appendix or an alternative formula considered acceptable by the RA.

(4) *Proximity to Public Drinking Water Intakes at Facilities With a Total Storage Capacity Greater Than or Equal to One Million Gallons*—A facility with a total storage capacity greater than or equal to one million gallons must submit its response plan if it is located at a distance such that a discharge from the facility would shut down a drinking water intake. The distance at which an oil spill from an SPCC-regulated facility would shut down a drinking water intake may also be calculated using the appropriate formula presented in Attachment C–III or an alternative formula considered acceptable by the RA.

(5) *Facilities That Have Experienced Reportable Spills in an Amount Greater Than or Equal to 10,000 Gallons Within the Past Five Years and That Have a Total Storage Capacity Greater Than or Equal to One Million Gallons*—A facility's spill history within the past five years shall be considered in the evaluation for substantial harm. Any facility with a total storage capacity greater than or equal to one million gallons that has experienced a reportable spill in an amount greater than or equal to 10,000 gallons within the past five years must submit a response plan to EPA.

3.0 Certification Form for Facilities That Do Not Pose Substantial Harm

Facilities that do not meet the substantial harm criteria listed in Attachment C–I must complete a certification of substantial harm determination form and maintain the form as part of their SPCC Plan. The certification of substantial harm determination form is provided in Attachment C–II. The owner or operator is required to notify the RA in writing that an alternative formula was used to determine that the facility does not pose a threat of substantial harm. The documentation that demonstrates the reliability and analytical soundness of the alternative formula must be maintained at the facility.

Attachment C–I

BILLING CODE 6560-50-P

Flowchart for the Determination of Substantial Harm

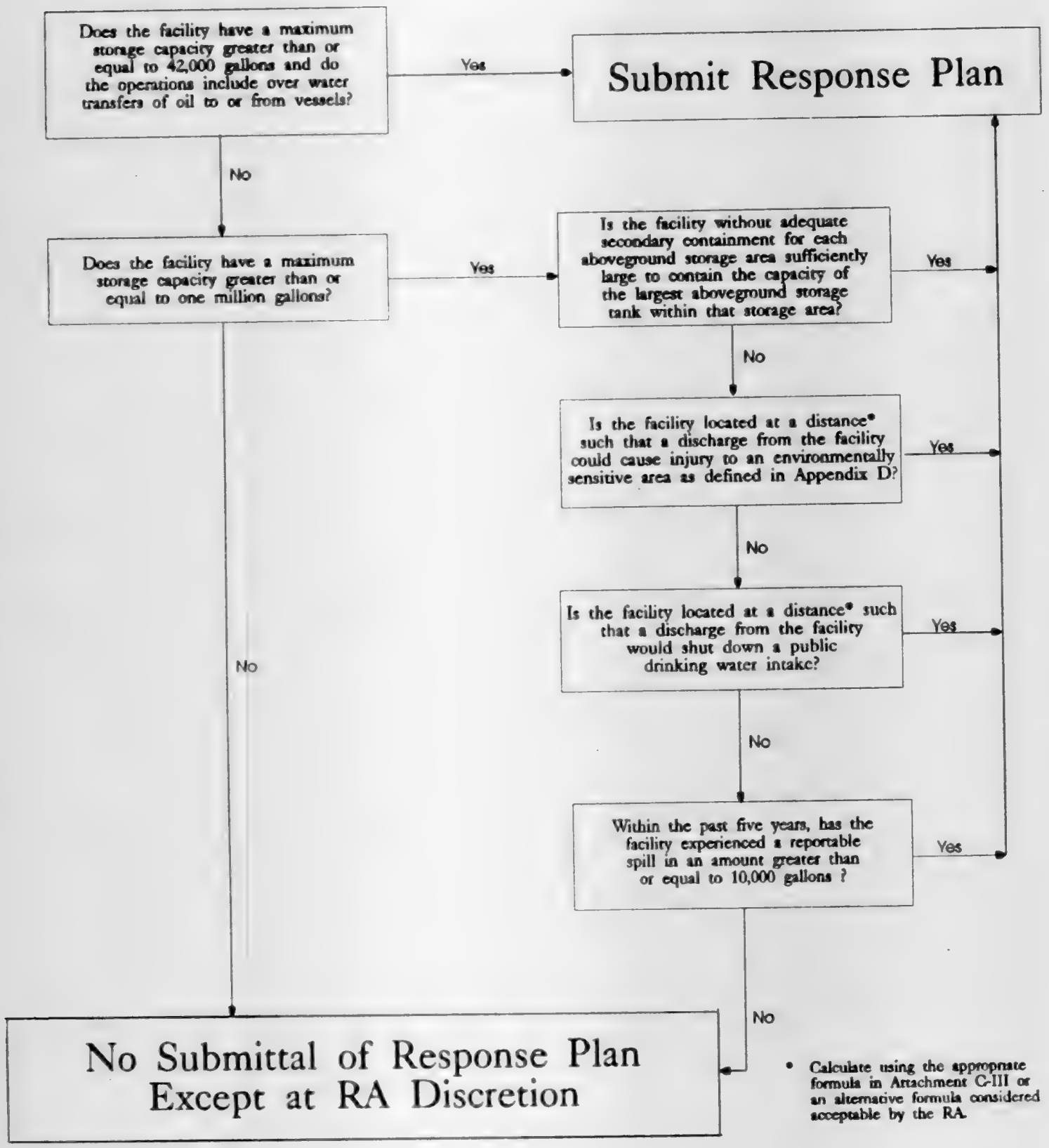

* Calculate using the appropriate formula in Attachment C-III or an alternative formula considered acceptable by the RA.

BILLING CODE 6560-50-C

Attachment C–II.—Certification of Substantial Harm Determination Form

Facility name: _____

Facility address: _____

1. Does the facility have a maximum storage capacity greater than or equal to 42,000 gallons *and* do the operations include over water transfers of oil to or from vessels?
   Yes_____ No_____
2. Does the facility have a maximum storage capacity greater than or equal to one million (1,000,000) gallons *and* is the facility without secondary containment for each aboveground storage area sufficiently large to contain the capacity of the largest aboveground storage tank within the storage area?
   Yes_____ No_____
3. Does the facility have a maximum storage capacity greater than or equal to one million (1,000,000) gallons *and* is the facility located at a distance (as calculated using the appropriate formula in Attachment C–III or an alternative formula[1] considered acceptable by the RA) such that a discharge from the facility could cause injury to an environmentally sensitive area as defined in Appendix D?
   Yes_____ No_____
4. Does the facility have a maximum storage capacity greater than or equal to one million (1,000,000) gallons *and* is the facility located at a distance (as calculated using the appropriate formula in Attachment C–III or an alternative formula[1] considered acceptable by the RA) such that a discharge from the facility would shut down a public drinking water intake?
   Yes_____ No_____
5. Does the facility have a maximum storage capacity greater than or equal to one million (1,000,000) gallons *and* within the past 5 years, has the facility experienced a reportable spill in an amount greater than or equal to 10,000 gallons?
   Yes_____ No_____

CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete.

_____

Signature

_____

Name (please type or print)

_____

Title

_____

Date

[1]If an alternative formula is used, documentation of the reliability and analytical soundness of the alternative formula must be attached to this form.

Attachment C–III.—Calculation of the Planning Distance

As part of the substantial harm determination, the facility owner or operator must evaluate whether the facility is located at a distance which could cause injury to an environmentally sensitive area or disrupt operations at a drinking water intake. To quantify that distance, EPA considered oil transport mechanisms over land and on still and moving navigable waters. After assessing oil transport over land, the primary concern for calculation of a planning distance is the transport of oil in navigable waters. Therefore, two formulas have been developed to determine distances for planning purposes from the point of discharge at the facility to the potential site of impact on moving and still waters, respectively. The formula for oil transport on moving navigable water is based on the velocity of the water body and the time interval for arrival of response resources. The still water formula accounts for the spread of discharged oil over the surface of the water.

EPA's formulas were designed to be simple to use. However, facilities may calculate planning distances using more sophisticated formulas, which take into account broader scientific or engineering principles, or local conditions. Such alternative formulas may result in different planning distances than EPA's formulas. If an alternative formula is used to establish the appropriate distance to sensitive environments or drinking water intakes and it is determined that the facility does not pose substantial harm, the owner or operator is required to notify the RA in writing. Documentation must be maintained at the facility to demonstrate the reliability and analytical soundness of the alternative formula. Those facilities that meet the substantial harm criteria and use an alternative formula to determine the planning distance must attach the documentation that demonstrates the reliability and analytical soundness of the alternative formula to the response plan cover sheet in appendix G of this part. The owner or operator of a regulated facility may determine that a facility has the potential to cause substantial harm to the environment without having to perform a planning distance calculation. For facilities that meet the substantial harm determination because of inadequate secondary containment or spill history, as listed in the flowchart in Attachment C–I, calculation of the planning distance is unnecessary. For facilities that do not meet the substantial harm criteria for secondary containment and spill history listed in the flowchart, calculation of a planning distance for proximity to sensitive environments and drinking water intakes is required, unless it is clear that these areas would be impacted without performing the calculation.

Alternative formulas are subject to review by the RA. However, such formulas shall be deemed adequate unless the RA notifies the owner or operator in writing of specific technical objections.

The planning distance formula for transport on moving waterways contains three variables: The velocity of the navigable water (v), the response time interval (t) and a conversion factor (c). The velocity, v, is determined by using the Chezy-Manning equation, which models the flow of water in open channels. The Chezy-Manning equation contains three variables which must be determined by facility owners and operators. Manning's Roughness Coefficient, n, can be determined from Table 1. The hydraulic radius, r, can be evaluated using the average mid-channel depth from charts provided by the sources listed in Table 2. The average slope of the river, s, can be determined using topographic maps that can be ordered from the U.S. Geological Survey, as listed in Table 2. For further information on fluid flow, refer to Open Channel Hydraulics by V.T. Chow, published by McGraw Hill in 1959.

Table 3 contains specified time intervals for arrival of response resources at the scene of a discharge. The response times listed in Table 3 are consistent with the U.S. Coast Guard's (USCG) proposed rulemaking for response plans. Response resources should be prepositioned to arrive at the discharge site within 12 hours of the discovery of an oil discharge in Higher Volume Port Areas and Great Lakes; and 24 hours in all other river, inland and nearshore areas as defined in this attachment. The specified time intervals have been adjusted upward to include a three hour time period for deployment of booms and other response equipment. The designated Higher Volume Port Areas listed in the definitions section are example areas covered in the proposed USCG tank vessel response plan regulation. The RA may identify additional areas as appropriate.

Oil Transport on Moving Navigable Waters

The facility owner or operator should use the following formula to calculate the planning distance:

$d = v \times t \times c$; where

d: the distance downstream from a facility within which an environmentally sensitive area could be injured or drinking water intake would be shut down in the event of an oil discharge (in miles);

v: the velocity of the river/navigable water of concern (in ft/sec) as determined by Chezy-Manning's equation (see below and Tables 1 and 2);

t: the time interval specified in Table 3 based upon the type of water body and location (in hours); and

c: constant conversion factor 0.68 sec•mile/hr•ft (3600 sec/hr÷5280 ft/mile).

Chezy-Manning's equation is used to determine velocity:

$v = 1.5/n \times r^{2/3} \times s^{1/2}$

where:

v=the velocity of the river of concern (in ft/sec);

n=Manning's Roughness Coefficient from Table 1

r=the hydraulic radius; the hydraulic radius can be approximated for parabolic channels by multiplying the average mid-channel depth of the river (in feet) by .667 (sources for obtaining the mid-channel depth are listed in Table 2)

s=the average slope of the river (unitless) obtained from topographic maps supplied by the U.S. Geological Survey listed in Table 2

TABLE 1.—MANNING'S ROUGHNESS COEFFICIENT FOR NATURAL STREAMS

Stream description	Roughness coefficient (n)
Minor streams (Top Width <100 ft.)	
Clean:	
Straight	0.03
Winding	0.04
Sluggish (Weedy, deep pools):	
No trees or brush	0.06
Trees and/or brush	0.10
Major streams (Top Width >100 ft.)	
Regular Section (no boulders/brush)	0.035
Irregular Section (brush)	0.05

Note: Coefficients are presented for high flow rates at or near flood stage.

TABLE 2.—SOURCES OF R AND S FOR THE CHEZY-MANNING EQUATION

All of the charts and related publications for navigational waters may be ordered from:
Distribution Branch
(N/CG33)
National Ocean Service
Riverdale, Maryland 20737–1199
Phone: (301) 436–6990
There will be a charge for materials ordered and a VISA or Mastercard will be accepted.

The mid-channel depth to be used in the calculation of the hydraulic radius (r) can be obtained directly from the following sources:
Charts of Canadian Coastal and Great Lakes Waters:
Canadian Hydrographic Service
Department of Fisheries and Oceans Institute
P.O. Box 8080
1675 Russell Road
Ottawa, Ontario KIG 3H6
Canada
Phone: (613) 998–4931
Charts and Maps of Lower Mississippi River
(Gulf of Mexico to Ohio River and St. Francis, White, Big Sunflower, Atchafalaya, and other rivers):
U.S. Army Corps of Engineers
Vicksburg District
P.O. Box 60
Vicksburg, Mississippi 39180
Phone: (601) 634–5000
Charts of Upper Mississippi River and Illinois Waterway to Lake Michigan:
U.S. Army Corps of Engineers
Rock Island District
P.O. Box 2004
Rock Island, Illinois 61204
Phone: (309) 788–6412
Charts of Missouri River:
U.S. Army Corps of Engineers
Omaha District
6014 U.S. Post Office and Courthouse
Omaha, Nebraska 68102
Phone: (402) 221–3900
Charts of Ohio River:
U.S. Army Corps of Engineers
Ohio River Division
P.O. Box 1159
Cincinnati, Ohio 45201
Phone: (513) 684–3002
Charts of Tennessee Valley Authority Reservoirs, Tennessee River and Tributaries:
Tennessee Valley Authority
Maps and Engineering Section
416 Union Avenue
Knoxville, Tennessee 37902
Phone: (615) 632–2921
Charts of Black Warrior River, Alabama River, Tombigbee River, Apalachicola River and Pearl River:
U.S. Army Corps of Engineers
Mobile District
P.O. Box 2288
Mobile, Alabama 36628–0001
Phone: (205) 690–2511

The average slope of the river (s) may be obtained from topographic maps:
U.S. Geological Survey
Map Distribution
Federal Center
Bldg. 41
Box 25286
Denver, Colorado 80225

Additional information can be obtained from the following sources:
(1) The State Department of Naval Resources (DNR) or the State Aids to Navigation office;
(2) A knowledgeable local marina operator; or
(3) A knowledgeable local water authority (i.e., State water commission)

The average slope of the river(s) can be determined from the topographic maps using the following steps:
- Locate the facility on the map.
- Find the Normal Pool Elevation at the point of release from the facility into the water (A).
- Find the Normal Pool Elevation of the drinking water intake or environmentally sensitive area located downstream (B) (Note: The owner or operator should use a minimum of 20 miles downstream as a cutoff to obtain the average slope if the location of a specific drinking water intake or environmentally sensitive area is unknown).
- If the Normal Pool Elevation is not available, the elevation contours can be used to find the slope. Determine elevation of the water at the point of release from the facility (A). Determine the elevation of the water at the appropriate distance downstream (B).

The formula presented below can be used to calculate the slope.
- Determine the distance (in miles) between the facility and the drinking water intake or environmentally sensitive area (C).
- Use the following formula to find the slope, which will be a unitless value:

Average Slope=[(A − B) (ft)/C (miles)]× [1 mile/5280 feet]

If it is not feasible to determine the slope and mid-channel depth as required by the Chezy-Manning equation, the river velocity can be approximated on-site. A specific length, such as 100 feet, can be marked off along the shoreline. A float can be dropped into the stream above the mark, and the time required for the float to travel the distance can be used to determine the velocity in feet per second. However, this method will not yield an average velocity for the length of the stream, but a velocity only for the specific location of measurement. In addition, the flow rate will vary depending on weather conditions such as wind and rainfall. It is recommended that owners and operators repeat the measurement under a variety of conditions to obtain the most accurate estimate of the surface water velocity.

The planning distance calculations for moving and still navigable waters are based on discharges of persistent oils released in worst case discharge volumes. Persistent oils are of concern because they can remain in the water for significant periods of time and can potentially exist in large quantities downstream. Owners and operators of facilities that store persistent as well as non-persistent oils may use an alternative formula provided it is acceptable to the RA. The volume of oil discharged is not included as part of the planning distance calculation for moving navigable waters. Facility owners and operators that will complete this part of the substantial harm determination are those with facility capacities greater than or equal to one million gallons. It is assumed that these facilities are capable of having an oil discharge of sufficient quantity to cause injury to a sensitive environment or shut down a drinking water intake. While owners and operators of transfer facilities that store greater than or equal to 42,000 gallons are not required to use a planning distance formula for purposes of the substantial harm determination, they should use a planning distance calculation in the development of facility-specific response plans.

TABLE 3.—SPECIFIED TIME INTERVAL

	Higher volume port areas and Great Lakes	Other areas
Shoreline and Inland	12 hour arrival + 3 hour deployment = 15 hours	24 hours + 3 hour deployment = 27 hours.
Rivers	12 hours + 3 hour deployment = 15 hours.	24 hours + 3 hour deployment = 27 hours.

Definitions

Great Lakes: includes the Great Lakes (Superior, Michigan, Huron, Erie and Ontario) plus their connecting and tributary waters including the Calumet River as far as Thomas J. O'Brien Lock and Controlling Works (between mile 326 and 327), the Chicago River as far as the east side of the Ashland Avenue Bridge (between mile 321 and 322), and the Saint Lawrence River as far east as the lower exit of the Saint Lambert Lock.

Higher Volume Port Area: includes

(1) Boston, MA
(2) New York, NY
(3) Delware Bay and River, PA
(4) St. Croix, VI
(5) Pascagoula, MS
(6) Mississippi River from Southwest Pass, LA to Baton Rouge, LA
(7) Louisiana Offshore Oil Port (LOOP)
(8) Lake Charles, LA
(9) Sabine-Neches River, TX
(10) Galveston Bay and Houston Ship Channel, TX
(11) Corpus Christi, TX
(12) Los Angeles/Long Beach Harbor, CA
(13) San Francisco Bay and Sacramento River, CA
(14) Straits of Juan de Fuca and Puget Sound, WA
(15) Prince William Sound, AK
(16) others as specified by RA

Inland Area: the area shoreward of the boundary lines defined in 46 CFR Part 7, except in the Gulf of Mexico. In the Gulf of Mexico, inland areas include the area shoreward of the lines of demarcation (COLREG lines as defined in 33 CFR sections 80.740–80.850). The inland area does not include the Great Lakes or rivers and canals.

River and Canals: bodies of water confined within the inland area that have a controlled navigable depth of 12 feet or less, including the Intracoastal Waterway.

Example of the Planning Distance Calculation

The following example provides a sample calculation using the planning distance formula for a facility discharging into the Monongahela River:

(1) Solve for v by evaluating n, r, and s for the Chezy-Manning equation:

n=0.035 From Table 1 for a regular section of a major stream with a top width greater than 100 feet. The top width of the river can be found from the topographic map.

$s=1.3 \times 10^{-4}$ where A = 727 feet, B = 710 feet, and C = 25 miles.

Solving:

[(727 ft–710 ft)/25 miles]×[1 mile/5280 feet]=1.3×10^{-4}

r=13.33 feet. The average mid-channel depth is found by averaging the mid-channel depth for each mile along the length of the river between the facility and the drinking water intake or the environmentally sensitive area (or 20 miles downstream if applicable). This value is multiplied by 0.667 to obtain the hydraulic radius. The mid-channel depth is found on the chart of the Monongahela River.

Solving:

r=0.667×20 feet=13.33 feet

Solve for v using $v=1.5/n\times r^{2/3}\times s^{1/2}$:

$v=[1.5/0.035]\times(13.33)^{2/3}\times(1.3\times10^{-4})^{1/2}$

v=2.73 feet/second

(2) Find t from Table 3. For the Monongahela River, the resource response time is 27 hours.

(3) Solve for planning distance, d:

d=v×t×c

d=(2.73 ft/sec)×(27 hours)×(0.68 sec•mile/hr•ft)

d=50 miles

Therefore, 50 miles downstream is the appropriate planning distance for this facility.

Oil Transport on Still Water

For bodies of water including lakes or ponds which do not have a measurable velocity, the spreading of the oil over the surface must be considered. Owners and operators of facilities located next to still water bodies may use an alternative means of calculating the planning distance if it is acceptable to the RA. If an alternative formula is used, documentation of the reliability and analytical soundness of the alternative calculation must be attached to the response plan cover sheet. To assist those facilities which could potentially discharge into a still body of water, the following analysis was performed to provide an example of the type of formula that may be used to calculate the planning distance. For this example, a worst case discharge of 2,000,000 gallons is used.

The surface area covered by a spill on still water, A_1, can be determined by the following formula[1], where V is the volume of the spill in gallons:

$A_1=10^5V^{3/4}$

V=2,000,000 gallons×0.13368 ft^3/gallon=267,360 ft^3

$A_1=10^5\times(267,360)^{3/4}$

$A_1=1.18\times10^9$ ft^2

The spreading formula is based on the theoretical condition that the oil will spread uniformly in all directions forming a circle. In reality, the outfall of the discharge will direct the oil to the surface of the water where it intersects the shoreline. Although the oil will not spread uniformly in all directions, it is assumed that the discharge will spread from the shoreline into a semi-circle (this assumption does not account for winds or wave action).

The area of a circle=πr^2

To account for the assumption that oil will spread in a semi-circular shape, the area of a circle is divided by 2 and is designated as A_2.

$A_2=(\pi r^2)/2$

Solving for the radius, r, using the relationship $A_1=A_2$:

$1.18\times10^9=(\pi r^2)/2$

∴ r=27,404 ft

27,404 ft÷5,270 ft/mile=5.2 miles

Assuming a 20 knot wind under storm conditions:

1 knot=1.15 miles/hour

20 knots×1.15 miles/hour/knot=23 m/hr

Assuming that the oil slick moves at 3% of the wind's speed[2]:

23 miles/hour×0.03=.69 miles/hour

To estimate the distance that the oil will travel, the time required for response resources to arrive at different geographic locations according to Table 3 is used:

For Higher Volume Port Areas and Great Lakes: 15 hrs×0.69 m/hr=10.4 miles

For other areas: 27 hrs×0.69 m/hr=18.6 miles

The total distance that the oil will travel from the point of release:

Higher Volume Port Areas and Great Lakes: 10.4+5.2 miles or approximately 16 miles

Other areas: 18.6+5.2 miles or approximately 24 miles

Oil Transport Over Land

Facility owners or operators must evaluate the potential for oil to be transported over land to waters of the United States. The owner or operator should evaluate the likelihood that portions of a worst case discharge would reach navigable waters via open channel flow or from sheet flow across the land, or be prevented from reaching navigable waters when trapped in natural or man-made depressions.

As discharged oil travels over land, it may enter a storm drain or open concrete channel intended for drainage. An evaluation of the flow of oil in concrete pipes and channels

[1] Huang, J.C. and Monastero, F.C., 1982. Review of the State-of-the-the Art of Oil Pollution Models. Final report submitted to the American Petroleum Institute by Raytheon Ocean Systems, Co., East Providence, Rhode Island.

[2] Oil Prevention & Control. National Spill Control School, Corpus Christi State University. Thirteenth Edition, May 1990.

reveals that the travel time through the length of the drain is virtually instantaneous.[3] For this reason, it is assumed that once oil reaches such an inlet, it will flow into the navigable water. During a storm event, it is highly probable that the oil will either flow into the drainage structures or follow the natural contours of the land and flow into the navigable water. Expected minimum and maximum velocities are provided as examples of open channel and pipe flow. The ranges listed below reflect minimum and maximum velocities used as design criteria. It is shown that the time required for oil to travel through a storm drain or open channel to navigable water is negligible and can be considered instantaneous. The velocities are:

For open channels:

maximum velocity=25 feet per second
minimum velocity=3 feet per second

For storm drains:

maximum velocity=25 feet per second
minimum velocity=2 feet per second

Assuming a length of ½ mile from the point of discharge through a open concrete channel or concrete storm drain to a navigable water, the travel times (distance/velocity) are:

1.8 minutes at a velocity of 25 feet per second
14.7 minutes at a velocity of 3 feet per second
22.0 minutes at a velocity of 2 feet per second

The distances that should be considered to determine the planning distance are illustrated in Figure 1. The relevant distances can be described as follows:

D1=Distance from the nearest opportunity for release, X_1, to storm drain or open channel leading to navigable water
D2=Distance through storm drain or open channel to navigable water
D3=Distance downstream from outfall within which an environmentally sensitive area could be injured or a drinking water intake would be shut down as determined by the planning distance formula
D4=Distance from the nearest opportunity for release, X_2, to an environmentally sensitive area not associated with navigable water

Facility owners and operators whose nearest opportunity for discharge is located within ½ mile of a navigable water should complete the planning distance calculation or an alternative formula acceptable to the RA. Facilities that are located at a distance greater than ½ mile from a navigable water should also calculate a planning distance if they are in close proximity to storm drains or environmentally sensitive areas.

Storm drains or concrete drainage channels that are located in close proximity to the facility provide a direct pathway to navigable waters. Figure 1 depicts the configuration of a facility and denotes the storm drain as D1. If D1 is less than or equal to ½ mile, a discharge from the facility could pose substantial harm since the travel time through the storm drain to the navigable water (D2) is instantaneous. Even if the facility is located at a distance greater than ½ mile from the navigable water, the storm drain provides direct access to the water, regardless of the length of the drainage pipe. In this case, the owner or operator should calculate a planning distance.

A facility's proximity to an environmentally sensitive area, as depicted in D4 of Figure 1 should also be considered, regardless of the distance from the facility to navigable waters. Factors to be considered in assessing oil transport over land to sensitive environments and storm drains should include the topography of the surrounding area, drainage patterns, man-made barriers (excluding secondary containment structures), and soil distribution and porosity.

BILLING CODE 6560-50-P

[3] The design velocities were obtained from Howard County, Maryland Department of Public Works' Storm Drainage Design Manual.

VOL 58 ISS 30 FE 17 1993 UMI

- Figure 1 -

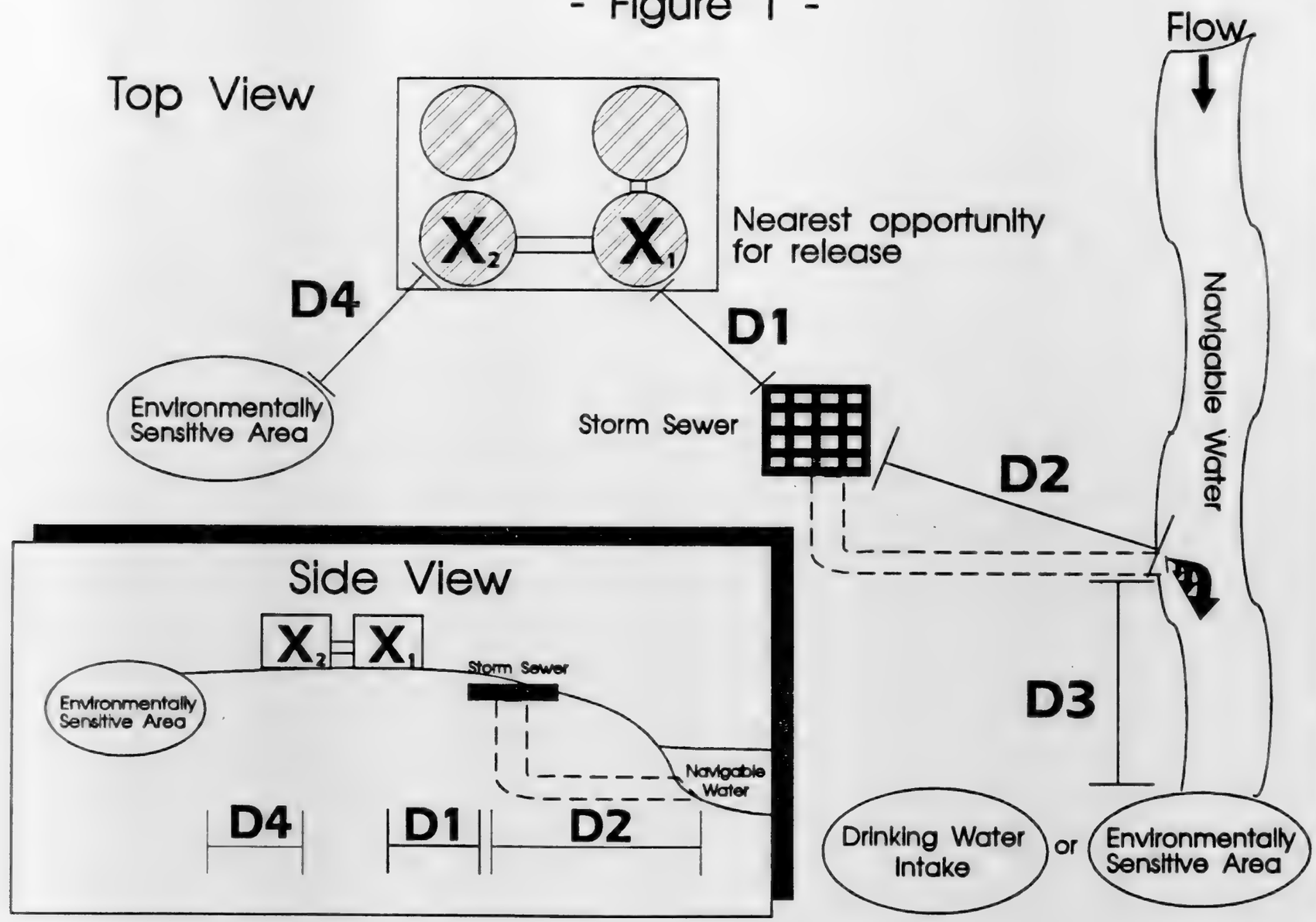

BILLING CODE 6560-50-C

** Not to scale **

VOL 58 ISS 30 FE 17 1993 UMI

Appendix D to Part 112.—Environmentally Sensitive Areas

Proximity to environmentally sensitive areas has been identified as a factor in the substantial harm evaluation. To assist owners and operators in identifying these areas, environmentally sensitive areas may include a variety of areas, such as: Wetlands, National and State parks, critical habitats for endangered/threatened species, wilderness and natural areas, marine sanctuaries, conservation areas, preserves, wildlife areas, scenic and wild rivers, seashore and lakeshore recreational areas, and critical biological resource areas.

Other environmental areas that may be considered by the Regional Administrator (RA) to determine whether a facility poses significant and substantial harm to the environment include: Federal and State lands that are research natural areas, heritage program areas, land trust areas, and historical and archeological sites and parks. These areas may also include unique habitats, such as: aquaculture sites, bird nesting areas, designated migratory routes, and designated seasonal habitats. The RA may determine, on a case-by-case basis, that additional areas that possess ecological significance are considered to be environmentally sensitive for the purposes of this regulation.

Attachment C–III of appendix C of this part provides a method for owners and operators to determine if the facility is located at a distance such that a discharge from the facility could cause injury to an environmentally sensitive area. The distance calculation is based on oil transport on fast moving and still waters and over land. "Injury" is defined in § 112.2 of this part. This definition of "injury" is derived from the Natural Resource Damage Assessments rule at 43 CFR part 11.

The attachments to this appendix provide environmental information to facility owners and operators for the development of response plans. The attachments also provide information regarding the boundaries of environmentally sensitive areas located near the facility and prioritize vulnerable areas for protection in the event of a discharge. Attachment D–I provides a list of responsible Federal agencies for specific environmental resources. Critical habitats for designated endangered/threatened species have been designated as environmentally sensitive areas. Further information to assist owners and operators to delineate boundaries on critical habitats for endangered/threatened species identified by the National Marine Fisheries Service (NMFS) is provided in Attachment D–II. National Marine Sanctuaries (NMS) and National Estuarine Research Reserves (NERR) are listed in Attachment D–III. The sanctuaries and reserves are protected by various Federal regulations. In order to prioritize and allocate sufficient resources for oil containment and recovery in the event of a discharge, Attachments D–IV and D–V present a comparison of the vulnerability of certain aquatic ecosystems to oil discharges. Attachment D–IV presents a list of aquatic habitats, their importance, and vulnerability to oil discharges. Attachment D–V ranks several aquatic habitats on their relative vulnerability to oil. This prioritized list will help owners and operators to direct their initial spill response to the most critical areas.

Areas considered as environmentally sensitive will change as the various Federal and State agencies responsible for designating the areas periodically update their lists. Owners and operators are expected to ensure that facility response plans reflect the listing of sensitive environments published to a point in time 6 months prior to plan submission. For example, plans submitted to meet the February 18, 1993, deadline would only need to consider sensitive environments designated by responsible agencies in Attachment D–I as of August 18, 1992. A 6-month cutoff point for considering environmentally sensitive areas would also apply in situations where plans are periodically updated or resubmitted for approval of a material change.

Attachment D–I.—Responsible Federal Agencies for Specific Environmental Resources

For more information on the following areas, owners and operators should contact the responsible agency listed below. These agencies will provide assistance, including maps, for the areas under their jurisdiction.

Areas	Responsible federal agency
Wetlands, as defined in 40 CFR 230.3.	EPA[1]
Critical habitat for designated or proposed endangered/threatened species.	NOAA/FWS
Habitat used by designated or proposed endangered/threatened species or marine mammals defined as depleted.	NOAA/FWS
Marine sanctuaries	NOAA
National parks	DOI/NPS
Federal wilderness areas	USDA
Coast Zone Management Act designated areas.	NOAA
National estuary program	NOAA
Near coastal waters program areas.	EPA[1]
Clean lakes program critical areas	EPA[1]
National monuments	DOT
National seashore recreational areas.	DOI/NPS
National lakeshore recreational areas.	DOI
National preserves	DOI
National wildlife refuges	NOAA/FWS
Coastal barrier resource system (units, undeveloped, partially developed).	FWS
National river reach designated as recreational.	EPA[1]
Federal or state designated scenic or wild river.	DOI
National conservation areas	DOI/BLM
Hatcheries	FWS
Waterfowl management areas	FWS

[1] Where EPA is designated as the responsible agency, the information will be provided by the appropriate Regional office.

NOTE: Please contact State or local agencies for information on resources they manage.

Acronyms

BLM—Bureau of Land Management
DOI—Department of Interior
EPA—Environmental Protection Agency
FWS—Fish and Wildlife Service
NOAA—National Oceanic and Atmospheric Administration
NPS—National Park Service
USDA—United States Department of Agriculture

Attachment D–II.—Critical Habitats and Endangered/Threatened Species

1. Designated Critical Habitat for National Marine Fisheries Service (NMFS) Species

The following locations have been designated as critical habitats for NMFS species. These habitats are considered environmentally sensitive areas and are preserved by the government. Habitat boundaries for the NMFS species listed below are identified in the 50 CFR parts 226 and 227. This list is not all-inclusive. Facility owners and operators should contact the appropriate NMFS region listed in Section 3 of this attachment for further information.

NMFS species	Location
Hawaiian monk seal	NW Hawaiian Islands.
Leatherback sea turtle	Sandy Pt., St. Croix, USVI
35 Steller sea lion rookery sites.	Alaska/N. Pacific Coast.
Winter-run chinook salmon.	Sacramento River, CA.

2. Seasonal Critical Habitats

Primary seasonal habitat areas for endangered species as identified in recovery plans and other technical documents are listed below. Facility owners and operators should contact the appropriate NMFS region listed in Section 3 of this attachment for further information.

Northern Right Whale (Final Recovery Plan, December 1991)

Florida—Georgia coast from 28°N to 32°N during the months of December through March. Calving and nursery area.

Cape Cod—Massachusetts Bay during the months of March–September. Primary feeding areas.

Great South Channel on the western edge of Georges Bank and Jeffrey's Ledge during the months of March–September. Primary feeding area.

Humpback Whale—East Coast Population (Final Recovery Plan, November 1991)

Gulf of Maine, Great South Channel. Stellwagen Bank, and Jeffrey's Ledge during the period from mid-April through mid-November. Primary feeding area.

Silver Bank and Navidad Bank off the coast of Puerto Rico, coastal areas off the northwest coast of Puerto Rico, and the U.S. Virgin Islands from mid-December through early April. Calving and nursery area.

Humpback Whale—West Coast Population (Final Recovery Plan, November 1991)

Hawaiian Islands (Central North Pacific stock) and Guam (Western North Pacific stock) from December–April. Calving and nursery area.

Central and western Gulf of Alaska, including Prince William Sound, Shelikof Straight, Barren Islands and the southern

coastline of the Alaska peninsula during the months of May–November. Primary feeding area.

Inside Passage and coastal waters of the southeast Alaska panhandle from Yakutat Bay south to Queen Charlotte Sound during the months May–November. This area includes Glacier Bay, Icy Straight, Stephens Passage/Frederick Sound, Seymour Canal, Sitka Sound, Cape Fairweather, Lynn Canal, Sumner Straight, Dixon Entrance, the west coast of Prince Wales Islands, and the Fairweather grounds which is an offshore bank. Primary feeding area.

Shortnose Sturgeon (NOAA Technical Report NMFS 14 and FAO Fisheries Synopais No. 140)

The following east coast rivers and bays should be included: Kennebec River, Andrescoggin River, Montsweag Bay, Merrimack River, Connecticut River, Hudson River, Delaware River, Wacoamaw River (including Winyah Bay), Lake Marion-Wateree River, lower Savannah River, Altamaha River, Ocumulgee River, and St. Johns River.

Gray Whale (5 Year Status Review)

Northern Bering and southern Chukchi Seas. Primary feeding areas.

Unlike other whale species, the gray whale is particularly vulnerable during its migration period because it migrates very close to shore. In areas such as Monterey and Point Conception it migrates within two miles of shore. The entire west coast from Alaska to the Mexican border should be listed during the migration periods. Southbound migration is during the months of October–December, and northbound migration is from mid-February to April.

Sacramento River Winter-run Chinook Salmon should be revised to reflect the revised critical habitat proposal, 57 FR 36626–36632, August 14, 1992.

(1) Sacramento River from Keswick Dam (River Mile 302) to Chipps Island (River Mile 0) at the westward margin of Sacramento-San Joaquin Delta;

(2) all waters from Chipps Island westward to Carquinez Bridge, including Honker Bay, Grizzly Bay, Suisan Bay, and Carquinez Straight;

(3) all waters of San Pablo bay from San Pablo Bay to the Golden Gate bridge.

3. NOAA National Marine Fisheries Service Regional Offices

NMFS Northeast Region, Richard B. Roe, Director, One Blackburn Drive, Gloucester, MA 01930, Tel: (508) 281–9250

NMFS Southeast Region, Andrew Kemmerer, Director, 9450 Koger Blvd., St. Petersburg, FL 33702, Tel: (813) 893–3141

NMFS Northwest Region, Rolland Schmitten, Director, 7600 Sand Point Way NE, Seattle, WA 98115–0070, Tel: (206) 526–6150

NMFS Southwest Region, Gary Matlock, Acting Director, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213, Tel: (310) 980–4001

NMFS Alaska Region, Steven Pennoyer, Director, Post Office Box 21668, Juneau, AK 99802, Tel: (907) 586–7221.

Attachment D–III.—Marine Sanctuary and Estuarine Reserves

The following sanctuaries and reserves are protected by Federal regulations:

National marine sanctuaries (NMS)	Location	Regulation
Monitor NMS.	North Carolina.	15 CFR part 924.
Key Largo NMS.	Florida	15 CFR part 929.
Channel Islands NMS.	California	15 CFR part 935.
Point Reyes/Farallon Island NMS.	California	15 CFR part 936.
Looe Key NMS.	Florida	15 CFR part 937.
Gray's Reef NMS.	Georgia	15 CFR part 938.
Fagatele Bay NMS.	American Samoa.	15 CFR part 941.
Cordell Bank NMS.	California	15 CFR part 942.
Florida Keys NMS.	Florida	pending.[1]
Flower Garden Banks NMS.	Texas	15 CFR part 943.

National estuarine research reserve (NERR)	Area of concern
Wells NERR	Rachel Carson Refuge, ME.
Great Bay NERR	Durham, NH.
Waquoit Bay NERR	Massachusetts.
Narragansett Bay NERR	Rhode Island.
Hudson River NERR	New York.
Old Woman Creek NERR	Huron, OH.
Chesapeake Bay NERR, MD.	Annapolis, MD.
Chesapeake Bay NERR, VA.	Gloucester Pt., VA.
North Carolina NERR	Wilmington, NC.
Sapelo Island NERR	Georgia.
Jobos Bay NERR	Guayama, PR.
Apalachicola River NERR	Florida.
Rookery Bay NERR	Naples, FL.
Weeks Bay NERR	Fairhope, AL.
Tijuana River NERR	Imperial Beach, CA.
Elkhorn Slough NERR	Watsonville, CA.
South Slough NERR	Charleston, OR.
Padilla Bay NERR	Mt. Vernon, WA.
Waimanu Valley NERR	Oahu, HI.

Information on these sanctuaries and reserves can be found in the regulations:

—National Marine Sanctuary Program (15 CFR part 922)

—National Estuarine Research Reserve Program (15 CFR part 921)

[1] Currently designated a National Marine Sanctuary by the Office of Ocean and Coastal Resource Management, Sanctuaries and Reserves Division. Publication in Federal Register is pending.

For additional information on area boundaries for all sites, and proposed Sanctuaries and Estuarine Reserves contact: Office of Ocean and Coastal Resource Management, Sanctuaries and Reserves Division, 1825 Connecticut Avenue, NW., room 714, Washington, DC 20235.

Attachment D–IV.—Vulnerability of Aquatic Ecosystems

Habitat	Importance	Vulnerability to oil discharges
Intertidal shore:		
Sandy Beach		Moderate.
Rocky Shore		High.
Tidal Flat	Bird nesting and feeding.	High.
Intertidal wetlands:		
Marshes	Breeding for nursery grounds for fish and wildlife, erosion control, and nutrient trap.	Low-high.
Mangroves		High.
Subtidal systems:		
Seagrass	Fish feeding and nursery; sediment containment and stabilization.	High.
Coral Reef		High.
Soft Bottom		High.
Rocky		Moderate.
Fisheries:		
Offshore	Commercial fisheries.	Low (except spawning).
Nearshore		Moderate-High.
Coral Reef		High.
Freshwater:		
Fast Flowing	Fisheries	Moderate.
Large River	Fisheries	Moderate.
Ponds	Aquaculture	High.
Lakes	Fisheries	Low.
Tundra/Taiga		High.

SOURCE: United States Department of the Interior, Fish and Wildlife Service National Wetlands Research Center.

Attachment D–V.—Vulnerability Scale of Aquatic Habitats Impacted by Oil Spills

This attachment ranks aquatic habitats by their relative degree of vulnerability to oil spills. The most vulnerable habitats are those with the lowest number corresponding to the order of importance. Facility owners and operators should use the scale to direct initial recovery efforts to the most critical areas.

Order of importance	Habitat
1	Subtidal soft bottoms, seagrass communities and freshwater systems which once impacted may incur long-term damage.
1	Sheltered marshes and mangrove coasts, difficult to clean.
2	Sheltered estuarine tidal flats; natural cleansing may take years.
3	Sheltered rocky coasts; oil may not be washed off for months, residual toxicity low but may alter habitat and slow recovery process.
3–4	Coral Reefs.
4	Gravel beaches; oil penetrates up to 60 centimeters and persists as a mousse for long periods.
5	Mixed sand and gravel beaches; penetration of oil and rapid burial; oil may persist for year; mechanical cleanup may cause significant erosion.

Order of importance	Habitat
6	Exposed, compacted tidal flat; oil penetrates deeply.
7	Medium-coarse grained sand beaches; oil penetration likely.
8	Flat, fine-grained sand beaches; compaction prohibits oil penetration.
9	Eroding wave-cut platforms; good wave action.
10	Exposed or cliffed rock headlands; good wave action.

SOURCE: United States Department of the Interior, Fish and Wildlife Service National Wetlands Research Center.

Appendix E to Part 112—Determiantion of a Worst Case Discharge

Instructions

Owners and operators are required to complete this worksheet if it is determined (from appendix C of this part) that the facility could cause substantial harm to the environment by self-selection or RA determination. The calculation of a worst case discharge is use for emergency planning purposes, and is required in § 112.20 for facility owners and operators who must prepare a response plan. When planning for the amount of resources and equipment necessary to respond to the worst case discharge planning volume, adverse weather conditions should be taken into consideration. Owners and operators would be required to determine the facility's worst case discharge from either part A for onshore storage facilities, or part B for onshore production facilities. The worksheet integrates a facility's use of secondary containment and its proximity to navigable waters.

For onshore storage facilities and production facilities, permanently manifolded tanks are defined as tanks that are designed, installed, and/or operated in such a manner that the multiple tanks function as one storage unit. In a worst case discharge scenario, a single failure could cause the release of the contents of more than one tank. The owner or operator must provide evidence in the response plan that tanks with common piping or piping systems are not operated as one unit. If such evidence is provided and is acceptable to the RA, the worst case discharge volume would be based on the capacity of the largest tank within a common secondary containment area or the largest tank within a single secondary containment area, whichever is greater.

For permanently manifolded tanks that function as one storage unit, the worst case discharge would be based on the combined storage capacity of all manifolded tanks or the capacity of the largest single tank within a secondary containment area, whichever is greater. For purposes of this determination, permanently manifolded tanks that are separated by internal divisions for each tank are considered to be single tanks and individual manifolded tank volumes are not combined.

For production facilities, the presence of exploratory wells, production wells, and storage tanks must be considered in the calculation. Part B takes these additional factors into consideration and provides steps for their inclusion in the total worst case volume. Onshore oil production facilities may include all wells, flowlines, separation equipment, storage facilities, gathering lines, and auxiliary non-transportation-related equipment and facilities in a single geographical oil or gas field operated by a single operator. Although a potential worst case volume is calculated within each section of the worksheet, the final worst case amount is dependent on the risk parameter that results in the greatest volume.

Marine transportation-related transfer facilities that contain fixed aboveground onshore structures used for bulk oil storage are jointly regulated by EPA and the U.S. Coast Guard (USCG), and are termed "complexes." Because the USCG also requires response plans from transportation-related facilities to address a worst case discharge of oil, a separate calculation for the worst case discharge volume for USCG-related facilities is included in the interim final rule which amends 33 CFR part 154 (58 FR 7330; February 5, 1993). All "complexes" must compare both calculations for worst case discharge derived by EPA and USCG and plan for whichever volume is greater.

Part A. Worst Case Discharge Calculation for Onshore Storage Facilities [1]

Part A of this worksheet is to be completed by owners or operators of SPCC-regulated facilities (excluding oil production facilities) if it is determined that the facility could cause substantial harm to the environment by self-selection or RA determination, as presented in Appendix C of this part.

If you are the owner or operator of a production facility, please proceed to Part B.

A1. Single-Tank Facilities

For facilities containing only one aboveground storage tank, the worst case volume equals the capacity of the storage tank.

—Final Worst Case Volume:
_____Gal.
—Do not proceed further.

A2. Secondary Containment—Multiple Tank Facilities

Are all aboveground storage tanks or groups of aboveground storage tanks at the facility without adequate secondary containment? [2] _____(Y/N)

a. If the answer is yes, the final worst case volume equals the total aboveground oil storage capacity at the facility.

—Final Worst Case Volume:
_____Gal.
—Do not proceed further.

b. If the answer is no, calculate the total aboveground capacity of tanks without adequate secondary containment. If all aboveground storage tanks or groups of aboveground storage tanks at the facility have adequate secondary containment, ENTER "0" (zero). _____Gal.

—Proceed to question A3.

A3. Distance to Navigable Waters

a. Is the nearest opportunity for discharge (i.e., storage tank, piping, or flowline) adjacent to a navigable water? [3]
_____(Y/N)

b. If the answer is yes, calculate 110% of the capacity of the largest single aboveground storage tank within a secondary containment area or 110% of the combined capacity of a group of aboveground storage tanks permanently manifolded together, [4] whichever is greater, PLUS THE VOLUME DETERMINED IN QUESTION A2(b). [5]
—Final Worst Case Volume:
_____Gal.
—Do not proceed further.

c. If the answer is no, calculate the capacity of the largest single aboveground storage tank within a secondary containment area or the combined capacity of a group of aboveground storage tanks permanently manifolded together, whichever is greater, PLUS THE VOLUME FROM QUESTION A2(b).

—Final Worst Case Volume: [6]
_____Gal.

Part B. Worst Case Discharge Calculation for Onshore Production Facilities

Part B of this worksheet is to be completed by owners or operators of SPCC-regulated oil production facilities that are determined by the RA to have the potential to cause substantial harm and are required to prepare and submit a response plan. A production facility consists of all wells (producing and exploratory) and related equipment in a single geographical oil or gas field operated by a single operator.

B1. Single-Tank Facility

For facilities containing only one aboveground storage tank, the worst case

[1] "Storage facilities" represent all facilities subject to this part, excluding oil production facilities.

[2] Secondary containment is defined in § 112.7(e)(2) of 40 CFR Part 112, revised as of July 1, 1992. Acceptable methods and structures for containment are given in § 112.7(c)(1) of 40 CFR Part 112, revised as of July 1, 1992.

[3] Navigable waters are defined in 40 CFR Part 110.

[4] For one or more independent aboveground storage tanks within a secondary containment area, this amount is simply 110% of the capacity of the largest tank. Permanently manifolded tanks are defined as tanks that are designed, installed, and/or operated in such a manner that the multiple tanks function as one storage unit. The owner or operator must provide evidence in the response plan that tanks with common piping or piping systems are not operated as one unit. If such evidence is provided and is acceptable to the RA, the worst case discharge volume would be based on the capacity of 110% of the largest tank within a common secondary containment area or 110% of the largest tank in a single containment area, whichever is greater. For permanently manifolded tanks that function as one storage unit, the worst case discharge volume would be based on 110% of the combined storage capacity of all manifolded tanks or 110% of the largest single tank within a secondary containment area, whichever is greater. For purposes of this determination, permanently manifolded tanks that are separated by internal divisions for each tank are considered to be single tanks and individual manifolded tank volumes are not combined.

[5] If the volume determined in Question A3(b) is greater than the total aboveground storage capacity of the facility, fill in the lesser of these two volumes in the space provided.

[6] All "complexes" jointly regulated by EPA and USCG must also calculate the worst case discharge for the transportation-related portions of the facility and plan for whichever volume is greater.

volume equals the capacity of the aboveground storage tank plus the production volume of the well with the highest output (forecasted output for exploratory wells and production wells producing under pressure) at the facility.[7]

—Final Worst Case Volume:
_____ Gal.
—Do not proceed further.

B2. Secondary Containment—Multiple Tank Facilities

Are all aboveground storage tanks or groups of aboveground storage tanks at the facility without adequate secondary containment? _____ (Y/N)

a. If the answer is yes, the final worst case volume equals the total aboveground oil storage capacity without adequate secondary containment plus the production volume of the well with the highest output (forecasted output for exploratory wells and production wells producing under pressure) at the facility?[7]

—Final Worst Case Volume:
_____ Gal.
—Do not proceed further.

b. If the answer is no, calculate the total aboveground capacity of tanks without adequate secondary containment. If *all* aboveground storage tanks or groups of aboveground storage tanks at the facility have adequate secondary containment, ENTER "0" (zero). _____ Gal.

—Proceed to question B3.

B3. Distance to Navigable Waters

a. Is the nearest opportunity for discharge (i.e., storage tank, piping, or flowline) adjacent to a navigable water?
_____ (Y/N)

b. If the answer to the above question is yes, calculate 110% of the capacity of the largest single aboveground storage tank within a secondary containment area or 110% of the combined capacity of a group of aboveground storage tanks permanently manifolded together,[8] whichever is greater, plus the production volume of the well with the highest output (forecasted output for exploratory wells producing under pressure), PLUS THE VOLUME FROM QUESTION B2(b).[9]

—Final Worst Case Volume:
_____ Gal.
—Do not proceed further.

c. If the answer to the above question is no, calculate the capacity of the largest single aboveground storage tank within a secondary containment area or the combined capacity of a group of aboveground storage tanks permanently manifolded together, whichever is greater, plus the production volume[7] of the well with the highest output (forecasted output for exploratory wells producing under pressure), PLUS THE VOLUME FROM QUESTION B2(b).

—Final Worst Case Volume:[10]
_____ Gal.

Appendix F to Part 112—Guidelines for Determining and Evaluating Required Response Resources for Facility Response Plans

1. Purpose

1.1 The purpose of this appendix is to assist in the identification of response resources necessary to meet the requirements of § 112.20. These guidelines should be used by the facility owner or operator in preparing the response plan and by the Regional Administrator (RA) in reviewing facility response plans.

2. Equipment Operability and Readiness

2.1 All equipment identified in the response plan should be designed to operate in conditions based on location and season. As a result, it is difficult to identify a single catalogue of response equipment that will function effectively in each geographic location.

2.2 If applicable, facilities handling or storing oil in more than one operating environment, as indicated in Table 1, should identify equipment capable of successfully functioning in each operating environment.

2.3 When identifying equipment in the response plan, a facility owner or operator should consider the inherent limitations of the operability of equipment components and response systems. The criteria in Table 1 should be used for evaluating the operability in a given environment. These criteria reflect the general conditions in certain operating areas.

2.4 Table 1 lists criteria for oil recovery devices and boom. All other equipment necessary to sustain or support response operations in a geographic area should be designed to function in the same conditions. For example, boats which deploy or support skimmers or boom should be capable of being safely operated in the significant wave heights listed for the applicable operating environment.

2.5 Facility owners or operators should refer to the applicable Area Contingency Plan (ACP), when available, to determine if ice, debris, and/or weather-related visibility are significant factors in evaluating the operability of equipment. The ACP may also identify the average temperature ranges expected in the facility's geographic area. All equipment identified in a response plan should be designed to operate within the specified conditions or ranges.

2.6 This appendix provides guidance on response resource mobilization and response times. The distance to the facility from the storage location of the response resources should be used in determining whether the resources can arrive on-scene within the time required. A facility owner or operator should include the time for notification, mobilization, and travel time of resources identified to meet the small, medium, and worst case discharge requirements in the response plan. An on-water speed of 10 knots and a land speed of 35 miles per hour should be assumed for calculating the travel time to the site of the discharge, unless the facility owner or operator can demonstrate otherwise.

2.7 In identifying equipment, the facility owner or operator should list the storage location, quantity, and manufacturer's make and model as required in appendix G of this part. For oil recovery devices, the effective daily recovery rate, as determined using section 6 of this appendix, should be included. A facility owner or operator is responsible for ensuring that the identified boom has compatible connectors.

3. Determining Response Resources Required for Small Discharges

3.1 A facility owner or operator should ensure that sufficient response resources are available for responding to a small discharge. A small spill is defined as any spill volume less than or equal to 2,100 gallons, but not to exceed the calculated worst case discharge.

3.2 "Complexes," which are facilities regulated by EPA and U.S. Coast Guard (USCG), must also consider planning quantities for the transportation-related transfer portion of the facility. The USCG planning level synonymous with the small discharge is termed the average most probable discharge. The USCG interim final rule which amends 33 CFR part 154 (58 FR 7330; February 5, 1993) defines the average most probable discharge as a discharge of 50 barrels (2,100 gallons). Because "complexes" must compare spill volumes for a small discharge (2,100 gallons) and an average most probable discharge (2,100 gallons), and the

---

[7] The production volume for each production well (producing by pumping) is determined from the pumping rate of the well multiplied by 1.5 times the number of days the facility is unattended.

For each exploratory well (and production well producing under pressure) 10,000 feet deep or less, the production volume refers to the maximum 30-day forecasted well rate for the exploratory well or production well producing under pressure.

For each exploratory well (and production well producing under pressure) deeper than 10,000 feet, the production volume refers to the maximum 45-day forecasted well rate for the exploratory well or production well producing under pressure.

[8] For one or more independent aboveground storage tanks within a secondary containment area, this amount is simply 110% of the capacity of the largest tank. Permanently manifolded tanks are defined as tanks that are designed, installed, and/or operated in such a manner that the multiple tanks function as one storage unit. The owner or operator must provide evidence in the response plan that tanks with common piping or piping systems are not operated as one unit. If such evidence is provided and is acceptable to the RA, the worst case discharge volume would be based on the capacity of 110% of the largest tank within a common secondary containment area or 110% of the largest tank in a single containment area, whichever is greater. For permanently manifolded tanks that function as one storage unit, the worst case discharge volume would be based on 110% of the combined storage capacity of all manifolded tanks or 110% of the largest single tank within a secondary containment area, whichever is greater. For purposes of this determination, permanently manifolded tanks that are separated by internal divisions for each tank are considered to be single tanks and individual manifolded tank volumes are not combined.

[9] If the volume determined in Question B3(b) is greater than the total aboveground storage capacity of the facility, fill in the lesser of these two volumes in the space provided.

[10] All "complexes" jointly regulated by EPA and USCG must also calculate the worst case discharge for the transportation-related portions of the facility and plan for whichever volume is greater

two planning quantities are identical, complex facilities must plan for small spills less than or equal to 2,100 gallons.

3.3 Where applicable, the following resources should be available in the event of this type of discharge:

3.3.1 1,000 feet of containment boom and a means of immediate deployment.

3.3.2 Oil recovery devices with an effective daily recovery rate equal to the amount of oil discharged in a small spill, within two hours of the detection of an oil discharge.

3.3.3 Oil storage capacity for recovered oily material as indicated in section 8.2 of this appendix.

4. Determining Response Resources Required for Medium Discharges

4.1 A facility owner or operator should ensure that sufficient response resources are available for responding to a medium discharge of oil from a facility. This response will require resources capable of containing and collecting up to 36,000 gallons of oil or 10 percent of the capacity of the largest aboveground storage tank, whichever is less.

4.2 "Complexes" regulated by EPA and USCG must also consider planning quantities for the transportation-related transfer portion of the facility. The USCG planning level synonymous with the medium discharge is termed the maximum most probable discharge. The USCG interim final rule which amends 33 CFR part 154 (58 FR 7330; February 5, 1993) defines the maximum most probable as a discharge of 1,200 barrels (50,400 gallons) or 10 percent of the worst case discharge, whichever is less. Owners and operators of "complexes" must compare spill volumes for a medium discharge and a maximum most probable discharge and plan for whichever quantity is greater.

4.3 Oil recovery devices identified to meet the applicable medium discharge volume planning criteria, should be able to arrive on-scene within 6 hours in higher volume port areas and the Great Lakes, and within 12 hours in all other areas. Higher volume port areas and Great Lakes areas are defined in Attachment C–III of appendix C of this part.

4.4 Because rapid control, containment, and removal of oil is critical in reducing spill impact, the effective daily recovery rate for oil recovery devices should equal 50 percent of the planning volume applicable to the facility as determined in section 4.1 of this appendix. The effective daily recovery rate for oil recovery devices identified in the plan should be determined using the criteria in section 6 of this appendix.

4.5 In addition to oil recovery capacity, the plan should identify and ensure the availability of, through contract or other approved means, sufficient quantity of boom available within the recommended response times for oil collection and containment and protection of shoreline areas. The response plan should identify and ensure the availability of the quantity of boom available through contract or other approved means.

4.6 The plan should indicate the availability of temporary storage capacity to meet the requirements of section 8.2 of this appendix. If available storage capacity is insufficient to meet this requirement, then the effective daily recovery rate should be derated to the limits of the available storage capacity.

4.7 The following is an example of a medium discharge volume planning calculation for equipment identification in a higher volume port areas: The facility's largest aboveground storage tank volume is 840,000 gallons. Ten percent of this capacity is 84,000 gallons. Since 10 percent of the facility's largest tank, or 84,000 gallons, is greater than 36,000 gallons, 36,000 gallons is used as the planning volume. The effective daily recovery rate should be 50 percent of the planning volume, or 18,000 gallons per day. The ability of oil recovery devices to meet this capacity should be calculated using the procedures in section 6 of this appendix. Temporary storage capacity available on-scene should equal twice the daily recovery rate as indicated in section 8.2 of this appendix, or 36,000 gallons per day. The facility owner or operator would use this information to identify and ensure the availability of, through contract or other approved means, the required response resources. The facility owner should also need to identify how much boom is available for use.

5. Determining Response Resources Required for the Worst Case Discharge to the Maximum Extent Practicable

5.1 A facility owner or operator should specify the availability of sufficient response resources to respond to the worst case discharge as calculated using appendix E of this part. Section 7 describes the method used in determining adequate response resources for a worst case discharge. A worksheet is provided as Attachment F–1 at the end of this appendix to simplify the procedures involved in calculating the planning volume for response resources for the worst case discharge.

5.2 "Complexes" regulated by EPA and USCG must also consider planning for the worst case discharge at the transportation-related portion of the facility. Because the USCG also requires response plans from transportation-related facilities to address a worst case discharge of oil in the interim final rule which amends 33 CFR part 154 (58 FR 7330; February 5, 1993), a separate calculation for the worst case discharge volume has been developed for USCG-related facilities. All complex facilities must compare both calculations of worst case discharge derived by EPA and USCG and plan for whichever volume is greater.

5.3 Oil spill recovery devices (i.e., equipment and resources) identified to meet the applicable worst case discharge planning volume should be able to arrive on the scene of a discharge within the time specified for the applicable response tier listed below:

	Tier 1 (hrs)	Tier 2 (hrs)	Tier 3 (hrs)
Higher volume port area	6	30	54
Great Lakes	6	30	54
All other river, inland, and nearshore areas	12	36	60

The three levels of response tiers apply to the amount of time in which response equipment and resources should arrive at the scene of a spill to respond to the worst case discharge planning volume. For example, at a worst case discharge in an inland area, the first tier of response resources should arrive at the scene of the spill within 12 hours; the second tier of response resources should arrive within 36 hours; and the third tier of response resources should arrive within 60 hours.

5.4 The effective daily recovery rate for oil recovery devices identified in the response plan should be determined using the criteria in section 6 of this appendix. The storage locations of all equipment used to fulfill the requirements for each tier should be identified. The owner or operator of a facility whose required daily recovery capacity exceeds the applicable contracting caps in Table 5 should identify sources of additional equipment, its location, and the arrangements made to obtain this equipment during a response. While general listings of available response equipment may be used to identify additional sources, the response plan should identify the specific sources and quantities of equipment that a facility owner or operator has considered in their planning.

5.5 In addition to oil spill recovery devices, a facility owner or operator should identify and ensure the availability of, through contract or other approved means, sufficient quantities of boom that can arrive on-scene within the required response times for oil containment and collection and protection of shorelines areas.

5.6 A facility owner or operator should identify the availability of temporary storage capacity to meet the requirements of section 8.2 of this appendix. If available storage capacity is insufficient to meet this recommendation, then the effective daily recovery rate should be derated to the limits of the available storage capacity.

6. Determining Effective Daily Recovery Rate for Oil Recovery Devices

6.1 Oil recovery devices identified by a facility owner or operator should include information on the manufacturer, model, and effective daily recovery rate. These rates should be used to determine whether there is sufficient capacity to meet, to the maximum extent practicable, the applicable planning criteria for a small discharge; medium discharge; and worst case discharge.

6.2 For the purposes of determining the effective daily recovery rate of oil recovery devices, the following method should be used. This method considers potential limitations due to available daylight, weather, sea state, and percentage of emulsified oil in the recovered material.

6.2.1 The following formula should be used to calculate the effective daily recovery rate:

R=T×24 hours×E

R—Effective daily recovery rate

T—Throughput rate in barrels per hour (nameplate capacity)

E—20% Efficiency factor (or lower factor as determined by RA)

6.2.2 For those devices in which the pump limits the throughput of liquid.

throughput rate should be calculated using the pump capacity.

6.2.3 For belt- or mop-type devices, the throughput rate should be calculated using the speed of the belt or mop; surface area of the belt or mop in contact with the water surface; and the oil encounter rate. For purposes of this calculation, the assumed thickness of oil should be ¼ inch.

6.3 As an alternative to 6.2, a facility owner or operator may provide adequate evidence that a different effective daily recovery rate should be applied for a specific oil recovery device. Adequate evidence is actual verified performance data in spill conditions or tests using American Society of Testing and Materials (ASTM) Standard F631–80, F808–83 (1988).

6.3.1 The following formula should be used to calculate the effective daily recovery rate under this alternative:

R=D×U

R—Effective daily recovery rate

D—Average oil recovery rate in barrels per hour (Item 26 in F808–83; Item 13.1.15 in F631–80; or actual performance data)

U—Hours per day that a facility owner or operator can document capability to operate equipment under spill conditions. Ten hours per day should be used unless a facility owner or operator can demonstrate that the recovery operation can be sustained for longer periods.

6.4 A facility owner or operator submitting a response plan should provide data that supports the effective daily recovery rates for the oil recovery devices listed. The following is an example of these calculations:

A weir skimmer identified in a response plan has a manufacturer's rated throughput at the pump of 267 gallons per minute (gpm).

T=267 gpm=381 barrels per hour
R=381×24×.2=1,829 barrels per day

After testing using ASTM procedures, the skimmer's oil recovery rate is determined to be 220 gpm. The facility owner or operator identifies sufficient resources available to support operations for 12 hours per day.

220 gpm = 314 barrels per hour
R = 314 × 12 = 3,768 barrels per day

The facility owner or operator will be able to use the higher rate if sufficient temporary oil storage capacity is available.

7. Calculating Planning Volumes for a Worst Case Discharge

7.1 A facility owner or operator shall plan for a response to the facility's worst case discharge volume of oil. The worst case discharge calculation worksheet appears in appendix E of this part. Planning for on-water recovery should take into account a loss of some oil to the environment due to evaporative and natural dissipation, potential increases in volume due to emulsification, and the potential for deposit of oil on the shoreline.

7.2 The procedures discussed in sections 7.2.1–7.2.4 should be used to calculate the planning volume for response resources used by a facility owner or operator in determining the required on-water recovery capacity:

7.2.1 The following should be determined: the worst case discharge volume of oil in the facility, the appropriate group(s) for the type of oil handled or stored at the facility [persistent (Groups 2, 3, 4) or non-persistent (Group 1)], and the geographic location of the facility. See Attachment F–2 for definitions of persistent and non-persistent oils. Facilities that handle or store oil from different oil groups should calculate each group separately. This information should be used with Table 2 to determine the percentages of the total volume required for removal capacity planning. Table 2 divides the volume into three categories: Oil lost to the environment; oil deposited on the shoreline; and oil available for on-water recovery.

7.2.2 The on-water oil recovery volume for response resources should be adjusted using the appropriate emulsification factor found in Table 3.

7.2.3 The adjusted volume is multiplied by the on-water oil recovery resource mobilization factor found in Table 4, resulting in total on-water oil recovery capacity in barrels per day that should be identified or contracted to arrive on-scene within the applicable time for each response tier. The on-water resource recovery mobilization factor depends on the operating area and the three response tiers. For higher volume port areas and the Great Lakes, as defined in Attachment C–III of appendix C, of this part, the contracted tiers of resources should be located so that they can arrive on-scene within 6 hours for tier 1, 30 hours for tier 2, and 54 hours for tier 3 of the discovery of an oil discharge. For all other river, inland, and near shore areas, response resources should arrive within 12, 36, and 60 hours for tiers 1, 2, and 3, respectively.

7.2.4 The resulting on-water recovery capacity in barrels per day for each tier is used to identify response resources necessary to sustain operations in the applicable geographic area. The equipment should be capable of sustaining operations for the time period specified in Table 2. A facility owner or operator should identify and ensure the availability of, through contract or other approved means, sufficient oil spill recovery devices to provide the effective daily oil recovery capacity required. If the required capacity exceeds the applicable cap specified in Table 5, then a facility owner or operator should contract only for the quantity of resources required to meet the cap, but should identify sources of additional resources as indicated in section 5.4 of this appendix. The owner or operator of a facility whose planning volume exceeds the cap in 1993 should make arrangements for additional capacity to be under contract by 1998. The process should be repeated in 1998 and 2003. For a facility that carries multiple groups of oil, the required effective daily recovery capacity for each group should be calculated before applying the cap.

7.3 The procedures discussed in sections 7.3.1–7.3.3 should be used to calculate the planning volume for response resources for identifying shoreline cleanup capacity:

7.3.1 The following should be determined: The worst case discharge volume of oil for the facility; the appropriate group(s) for the type of oil handled or stored at the facility [persistent (Groups 2, 3, 4) or non-persistent (Group 1)]; and the geographic area(s) in which the facility operates. For a facility storing oil from different groups, each group should be calculated separately. Using this information, Table 2 should be used to determine the percentages of the total volume of oil required for shoreline cleanup resource planning.

7.3.2 The shoreline cleanup planning volume for resource planning should be adjusted to reflect an emulsification factor using the same procedure as described in section 7.2.2.

7.3.3 The resulting volume should be used to identify response resources necessary for shoreline cleanup.

7.4 The following is an example of the procedure described above: A facility with a 270,000 barrel (11.3 million gallons) capacity for #6 oil (specific gravity .96) is located in a higher volume port area. The facility is on a peninsula and has docks on both the ocean and bay side. The facility has four aboveground storage tanks with a combined total capacity of 80,000 barrels (3.36 million gallons) and no secondary containment. The remaining facility tanks are inside secondary containment structures. The largest aboveground storage tank (90,000 barrels or 3.78 million gallons) has its own secondary containment. Two 50,000 barrel (2.1 million gallon) tanks (that are not connected by a manifold) are within a common secondary containment tank area, which is capable of holding 100,000 barrels (4.2 million gallons) plus sufficient freeboard.

The worst case discharge for the facility is calculated by adding the capacity of all aboveground storage tanks without secondary containment (80,000 barrels) plus 110% of the capacity of the largest aboveground tank inside secondary containment (110%×90,000 barrels=99,000 barrels). The additional 10 percent is added to the capacity of the tanks because the facility is located adjacent to navigable water. The resulting worst case discharge volume is 179,000 barrels or 7.52 million gallons.

Since the guidelines for tiers 1, 2, and 3 for inland and nearshore exceed the caps identified in Table 5, the facility owner should contract for 10,000 barrels per day (bpd) for tier 1, 20,000 bpd for tier 2, and 40,000 bpd for tier 3. Resources for the remaining 8,795 bpd for tier 1, 11,325 bpd for tier 2, and 10,120 bpd for tier 3 should be identified but not contracted for in advance. The facility owner or operator should also identify or contact for quantities of boom identified in their response plan for the environmentally sensitive areas within the area potentially impacted by a worst case discharge from the facility. Appendix D presents a listing of environmentally sensitive areas and Attachment C–III of appendix C provides a method for calculating a planning distance to sensitive areas and drinking water intakes which may be impacted in the event of a worst case discharge.

8. Additional Equipment Necessary to Sustain Response Operations

8.1 A facility owner or operator should ensure that sufficient numbers of trained personnel and boats, aerial spotting aircraft,

containment boom, sorbent materials, boom anchoring materials, and other supplies are available to sustain response operations to completion. A facility owner or operator is not required to list these resources, but should certify their availability.

8.2 A facility owner or operator should evaluate the availability of adequate temporary storage capacity necessary to meet the effective daily recovery rates from equipment identified in the plan. Because of the inefficiencies of oil spill recovery devices, response plans should identify daily storage capacity equivalent to twice the effective daily recovery rate required on scene. This capacity may be reduced if a facility owner or operator can demonstrate that the efficiencies of the oil recovery devices will reduce the overall volume of oily material that requires storage.

8.3 A facility owner or operator should ensure that their oil spill removal organization has the capability to arrange for disposal of recovered oil products. Specific disposal procedures will be addressed in the applicable ACP.

TABLE 1.—RESPONSE RESOURCE OPERATING CRITERIA OIL RECOVERY DEVICES

Operating environment		Significant wave height[1]	Sea state
River		≤1 foot	1.
Inland		≤3 feet	2.
Great Lakes		≤4 feet	2–3.
Boom Use:	River	Inland	Great Lakes
Boom property			
Significant wave height[1]	≤1	≤3	≤4.
Sea state	1	2	2–3.
Boom height—in. (draft plus freeboard)	6–18	18–42	18–42.
Reserve buoyancy to weight ratio	2:1	2:1	2:1.
Total tensile strength—lbs	4,500	15–20,000	15–20,000.
Skirt fabric tensile strength—lbs	200	300	300.
Skirt fabric tear strength—lbs	100	100	100.

[1] Oil recovery devices and boom should be at least capable of operating in wave heights up to and including the values listed in Table 1 for each operating environment.

TABLE 2.—REMOVAL CAPACITY PLANNING TABLE

Spill location	Nearshore/Inland Great Lakes			Rivers and canals		
Sustainability of on-water oil recovery	4 days			3 days		
Oil group	Percent natural dissipation	Percent recovered floating oil	Percent oil onshore	Percent natural dissipation	Percent recovered floating oil	Percent oil onshore
1—Non-persistent oils	80	20	10	80	10	10
2—Light crudes	50	50	30	40	15	45
3—Medium crudes and fuels	30	50	50	20	15	65
4*—Heavy crudes and fuels	10	50	70	5	20	75

* For planning purposes, non-petroleum oil must be considered a Group 4 persistent oil.

TABLE 3.—EMULSIFICATION FACTORS FOR PETROLEUM OIL GROUPS[1]

Non-persistent oil:	
Group 1	1.0
Persistent oil:	
Group 2	1.8
Group 3	2.0
Group 4	1.4

[1] See Attachment F–2 for group designations for non-persistent and persistent oils.

TABLE 4.—ON-WATER OIL RECOVERY RESOURCE MOBILIZATION FACTORS

Area	Tier 1	Tier 2	Tier 3
River	.30	.40	.60
Inland/Nearshore Great Lakes	.15	.25	.40

NOTE: These mobilization factors are for total resources mobilized, not incremental response resources.

TABLE 5.—RESPONSE CAPABILITY CAPS BY GEOGRAPHIC AREA

	Tier 1	Tier 2	Tier 3
February 18, 1993			
All except rivers and canals, Great Lakes	10K bbls/day	20K bbls/day	40K bbls/day.
Great Lakes	5K bbls/day	10K bbls/day	20K bbls/day.
Rivers and canals	1,500 bbls/day	3,000 bbls/day	6,000 bbls/day.
February 18, 1998			
All except rivers and canals, Great Lakes	12.5K bbls/day	25K bbls/day	50K bbls/day.
Great Lakes	6.35K bbls/day	12.3K bbls/day	25K bbls/day.
Rivers	1,875 bbls/day	3,750 bbls/day	7,500 bbls/day.
February 18, 2003			
All except rivers and canals, Great Lakes	TBD	TBD	TDB
Great Lakes	TBD	TBD	TDB
Rivers and canals	TBD	TBD	TDB

Note: The caps show cumulative overall effective daily recovery rate, not incremental increases.
TBD=To Be Determined

Attachment F–1—Worksheet to Plan Volume of Response Resources for Worst Case Discharge

Part I *Background Information*

Step (A) Calculate Worst Case Discharge in barrels (Appendix E of this part)
_____

Step (B) Oil Group [1] (Table 3 and Attachment F–2) _____

Step (C) Geographic Area (choose one)
☐ Nearshore/Inland Great Lakes
☐ or River and Canals

Step (D) Percentages of Oil (Table 2)
Percent Lost to Natural Dissipation _____(D1)
Percent Recovered Floating Oil _____(D2)
Percent Oil Onshore _____(D3)

Step (E1) On-Water Recovery

$$\frac{\text{Step (D2)} \times \text{Step (A)}}{100} \quad \text{_____}$$

Step (E2) On-Shore Recovery

$$\frac{\text{Step (D3)} \times \text{Step (A)}}{100} \quad \text{_____}$$

Step (F) Emulsification Factor (Table 3)
_____

Step (G) On-Water Oil Recovery Resource Mobilization Factor (Table 4)
Tier 1 _____(G1)
Tier 2 _____(G2)
Tier 3 _____(G3)

Attachment F–1 continued—Worksheet to Plan Volume of Response Resources for Worst Case Discharge (continued)

Part II *On-Water Recovery Capacity* (barrels/day)

Tier 1 _____Step (E1) × Step (F) × Step (G1)
Tier 2 _____Step (E1) × Step (F) × Step (G2)
Tier 3 _____Step (E1) × Step (F) × Step (G3)

Part III *Shoreline Cleanup Volume* (barrels/day) _____Step (E2) × Step (F)

Part IV *Response Capacity By Geographic Area* (Table 5) (Amount needed to be contracted for, barrels/day)

Tier 1 _____(J1)
Tier 2 _____(J2)
Tier 3 _____(J3)

Part V *Amount Needed to be Identified, but not Contacted for in Advance* (barrels/day)

Tier 1 _____Part II Tier 1—Step (J1)
Tier 2 _____Part II Tier 2—Step (J2)
Tier 3 _____Part II Tier 3—× Step (J3)

Note: To convert to gallons/day, multiply the quantities in Part II—Part V by 42

[1] Facilities storing multiple groups of oil should prepare a separate worksheet for each group.

Example to Attachment F–1—Worksheet to Plan Volume of Response Resources for Worst Case Discharge

Part I *Background Information*

Step (A) Calculate Worst Case Discharge in barrels (Appendix E of this part); 179,000

Step (B) Oil Group [1] (Table 3 and Attachment F–2); 4

Step (C) Geographic Area (choose one)
X—Nearshore/Inland Great Lakes or River and Canals

Step (D) Percentages of Oil (Table 2)
Percent Lost to Natural Dissipation; 10 (D1)
Percent Recovered Floating Oil; 50 (D2)
Percent Oil Onshore; 70 (D3)

Step (E1) On-Water Recovery

$$\frac{\text{Step (D2)} \times \text{Step (A)}}{100} \quad 89{,}500$$

Step (E2) On-Shore Recovery

$$\frac{\text{Step (D3)} \times \text{Step (A)}}{100} \quad 125{,}300$$

Step (F) Emulsification Factor (Table 3); 1.4

Step (G) On-Water Oil Recovery Resource Mobilization Factor (Table 4)
Tier 1; 0.15 (G1)
Tier 2; 0.25 (G2)
Tier 3; 0.40 (G3)

Part II *On-Water Recovery Capacity* (barrels/day)

Tier 1; 18,795
Step (E1) × Step (F) × Step (G1)
Tier 2; 31,325
Step (E1) × Step (F) × Step (G2)
Tier 3; 50,120
Step (E1) × Step (F) × Step (G3)

Part III *Shoreline Cleanup Volume* (barrels/day); 175,420
Step (E2) × Step (F)

Part IV *Response Capacity By Geographic Area* (Table 5)

(Amount needed to be contracted for in barrels/day)

Tier 1; 10,000 (J1)
Tier 2; 20,000 (J2)
Tier 3; 40,000 (J3)

Part V *Amount Needed to be Identified, but not Contacted for in Advance* (barrels/day)

Tier 1; 8,795
Part II Tier 1—Step (J1) Step (J3)
Tier 2; 11,325
Part II Tier 2—Step (J2)
Tier 3; 10,120
Part II Tier 3—×

Note: To convert to gallons/day, multiply the quantities in Part II—Part V by 42.

Attachment F–2

Attachment F–2—Definitions of Non-Persistent and Persistent Oils

[1] Facilities storing multiple groups of oil should prepare a separate worksheet for each group.

Non-persistent or Group I oil includes:

(1) a petroleum-based oil that, at the time of shipment, consists of hydrocarbon fractions:
  (i) at least 50% of which by volume, distill at a temperature of 340 degrees C (645 degrees F), and
  (ii) at least 95% of which by volume, distill at a temperature of 370 degrees C (700 degrees F);
(2) a non-petroleum oil with a specific gravity less than 0.8.

Non-petroleum oil—oil of any kind that is not petroleum-based. It includes, but is not limited to, animal and vegetable oils.

Persistent oil includes:

(1) a petroleum-based oil that does not meet the distillation criteria for a non-persistent oil. Persistent oils are further classified based on specific gravity as follows:
  (i) Group II—specific gravity less than 0.85.
  (ii) Group III—specific gravity between 0.85 and less than 0.95.
  (iii) Group IV—specific gravity 0.95 or greater.
(2) a non-petroleum oil with a specific gravity of 0.8 or greater. These oils are further classified based on specific gravity as follows:
  (i) Group II—specific gravity between 0.8 and less than 0.85.
  (ii) Group III—specific gravity between 0.85 and less than 0.95.
  (iii) Group IV—specific gravity of 0.95 or greater.

Appendix G—Facility-Specific Response Plan

Table of Contents

1.0 Standard Facility-Specific Response Plan
1.1 Emergency Response Action Plan
1.2 Facility Information
1.3 Emergency Response Information
1.3.1 Notification
1.3.2 Equipment
1.3.3 Personnel
1.3.4 Evacuation Plans
1.3.5 Coordinator's Duties
1.4 Hazard Evaluation
1.4.1 Hazard Identification
1.4.2 Vulnerability Analysis
1.4.3 Analysis of the Potential for a Spill
1.4.4 Facility Spill History
1.5 Discharge Scenarios
1.5.1 Small and Medium Discharges
1.5.2 Worst Case Discharge
1.6 Discharge Detection Systems
1.6.1 Discharge Detection By Personnel
1.6.2 Automated Discharge Detection
1.7 Plan Implementation
1.7.1 Response Resources for Small, Medium, and Worst Case Spills
1.7.2 Disposal Plans
1.7.3 Containment and Drainage Planning
1.8 Self Inspection, Training, and Meeting Logs
1.8.1 Facility Self Inspection
1.8.1.1 Tank Inspection
1.8.1.2 Response Equipment Inspection
1.8.1.3 Secondary Containment Inspection
1.8.2 Mock Alert Drills
1.8.2.1 Mock Alert Drill Logs
1.8.3 Training and Meetings Logs
1.8.3.1 Personnel Training Logs
1.8.3.2 Discharge Prevention Meeting Logs
1.9 Diagrams
1.10 Security
2.0 Response Plan Cover Sheet
3.0 Definitions
4.0 Acronyms
5.0 References

1.0 Standard Facility-Specific Response Plan

Introduction

Owners or operators of facilities regulated under this part, which pose a threat of substantial harm to the environment by discharging oil into water bodies or adjoining shorelines, are required to prepare and submit facility-specific response plans to EPA in accordance with the provisions in this Appendix. Facility owners or operators shall determine whether their facility poses substantial harm by using the flowchart presented in Attachment C–I of Appendix C to the proposed rule. Response plans must be sent to the appropriate EPA Regional office. The attached Figure G–1 lists each EPA Regional office and the EPA section and address where owners and operators should submit their response plans. Those facilities deemed by the Regional Administrator (RA) to pose a threat of significant and substantial harm to the environment will have their plans reviewed and approved by EPA. In certain cases, information required in the model response plan is similar to information currently maintained in the facility's SPCC Plan. In these cases, owners and operators may reproduce the information and include a photocopy in the response plan.

BILLING CODE 6560–50–P

FIGURE G - 1

EPA REGIONAL OFFICES FOR RESPONSE PLAN SUBMITTAL

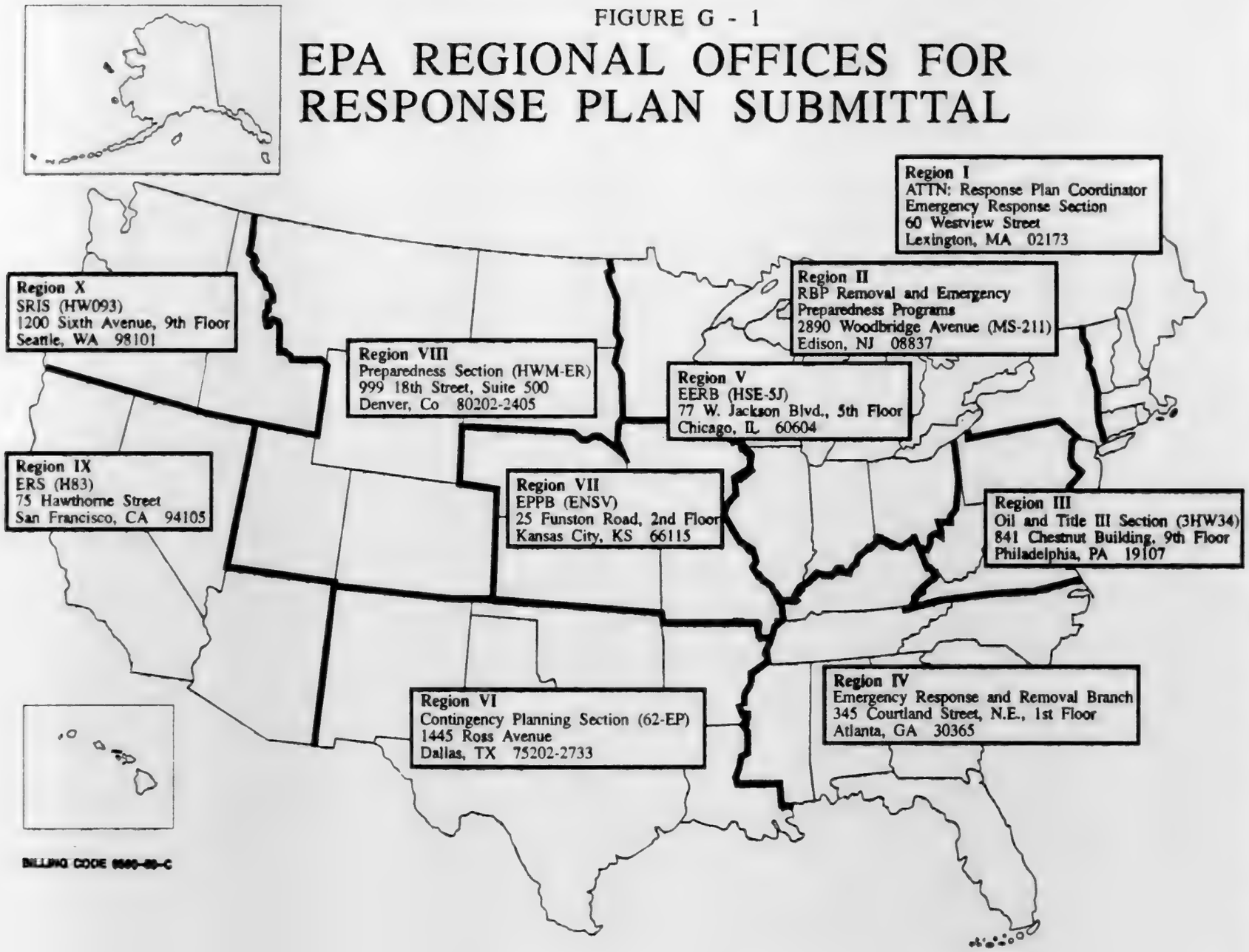

BILLING CODE 6560-50-C

1.1 Emergency Response Action Plan.

Several sections of the response plan will be co-located and tabbed for easy access by response personnel during an actual emergency or oil spill. This collection of sections will be called the Emergency Response Action Plan. The Agency intends that the Action Plan contain only as much information as is necessary to combat the spill and be arranged so response actions are not delayed. The Action Plan may be arranged in a number of ways. For example, the sections of the Emergency Response Action Plan may be photocopies or condensed versions of the forms included in the associated sections of the response plan. Each Emergency Response Action Plan section should be tabbed for quick reference. The Action Plan may be maintained in the front of the same binder that contains the complete response plan or it may be contained in a separate binder. In the latter case, both binders should be kept together so that the entire plan can be accessed by the Emergency Response Coordinator and appropriate spill response personnel. The Emergency Response Action Plan shall be made up of the following sections:

1. Emergency Response Coordinator Information—(Section 1.2) partial
2. Emergency Notification Phone List—(Section 1.3.1) complete
3. Spill Response Notification Form—(Section 1.3.1) complete
4. Equipment List and Location—(Section 1.3.2) complete
5. Facility Response Team—(Section 1.3.3) partial
6. Evacuation Plan—(Section 1.3.4) condensed
7. Immediate Actions—(Section 1.7) condensed
8. Facility Diagram—(Section 1.9) complete

Collectively, the actions described in the sections listed above represent those which should be taken to stop the source of the spill, notify the appropriate people, and initiate procedures to prevent or minimize the spreading of oil.

1.2 Facility Information

The facility information form is designed to provide an overview of the site and a description of past activities at the facility. Much of the information required by this section may be obtained from the facility's existing SPCC Plan.

Facility name and location: Enter facility name and street address of the facility. Enter the address of corporate headquarters only if corporate headquarters are physically located at the facility. Include city, county, state, zip code, and phone number.

Latitude and Longitude: Enter the latitude and longitude of the facility. Include degrees, minutes, and seconds of the main entrance of the facility.

Wellhead Protection Area: Indicate if the facility is located in or drains into a wellhead protection area as defined by the Safe Drinking Water Act of 1986 (SDWA). The response plan requirements in the Wellhead Protection Program are outlined by the State in which the facility resides.[1]

Owner/operator: Write the name of the company or person operating the facility and the name of the person or company that owns the facility, if the two are different. List the address of the owner, if the two are different.

Emergency Response Coordinator: Write the name of the emergency response coordinator for the entire facility. If more than one person is listed, each individual indicated in this section shall have full authority to implement the facility response plan. For each individual, list: name, position, address, emergency phone number, and specific training experience.

Date of Oil Storage Start-up: Enter the year which the present facility first started storing oil.

Current Operation: Briefly describe the facilities operations and include Standard Industry Classification (SIC) code.

Dates and Type of Substantial Expansion: Include information on expansions that have occurred at the facility. Examples of such expansions include, but are not limited to: Throughput expansion, addition of a product line, change of a product line, and installation of additional storage capacity. The data provided should include all facility historical information and detail the expansion of the facility. An example of substantial expansion is any material alteration of the facility which causes the owner or operator of the facility to re-evaluate and increase the response equipment necessary to adequately respond to a worst case discharge from the facility.

Date of Last Update: _____

Facility Information Form

Facility Name: _____
Location (Street Address): _____
City _____
State _____
Zip _____
County _____
Phone Number ( ) _____
Latitude: _____
Degree _____
Minutes _____
Seconds _____
Longitude: _____
Degree _____
Minutes _____
Seconds _____
Wellhead Protection Area: _____
Owner: _____
Owner Address (if different from Facility Address) _____
Location (Street Address): _____
City _____
State _____
Zip _____
County _____
Phone Number ( ) _____
Operator (if not Owner): _____
Emergency Response Coordinator(s): _____
Name: _____
Position: _____
Address: _____
Emergency Phone Number: _____
Date of Oil Storage Start-up _____
Current Operation _____
Q_____
_____
Date(s) and Type(s) of Substantial Expansion(s) (Attach additional sheets if necessary)
Q_____
_____
_____

[1] States with EPA approved Wellhead Protection programs are: Arkansas, Connecticut, Delaware, Illinois, Louisiana, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Mexico, New York, Oklahoma, Puerto Rico, Rhode Island, Texas and Vermont (as of August, 1992).

1.3 Emergency Response Information

The information provided in this section should describe what will be needed in an actual emergency involving the discharge of oil or a combination of hazardous substances and oil discharge. The Emergency Response Information section of the plan must include the following components:

1. The information provided in the Emergency Notification Phone List in section 1.3.1 identifies and prioritizes the names and phone numbers of the organizations and personnel that need to be notified immediately in the event of an emergency. This section should include all the appropriate phone numbers for the facility. These numbers should be verified each time the plan is updated. The contact list should be accessible to all facility employees to ensure that, in case of a discharge, any employee on site could immediately notify the appropriate parties.

2. The Spill Response Notification Form in section 1.3.1 creates a checklist of information that should be provided to the National Response Center (NRC) and other response personnel. All information on this checklist should be known at the time of notification, or be in the process of being collected. This notification form is based on a similar form used by the NRC. Note: Do not delay notification to collect the information on the list.

3. Section 1.3.2 provides a description of the facility's list of emergency response equipment, equipment testing, and location of the equipment. When appropriate, the amount of release that emergency response equipment can handle and any limitations (e.g. launching sites) should be described.

4. Section 1.3.3 lists the facility response personnel, including those employed by the facility and those under contract to the facility for response activities, the amount of time needed for personnel to respond, their responsibility in the case of an emergency, and their level of training. Three different forms are included in this section. First, the Emergency Response Personnel List is to be composed of personnel employed by the facility whose duties involve responding to emergencies, including oil spills even when they are not physically present at the site. An example of this type of person may be the Building Engineer-in-Charge or Plant Fire Chief. Second, the Facility Response Team List is to be composed of personnel (referenced by job title/position) and contractors that will respond immediately upon discovery of an oil spill or other

emergency. These are to be persons normally on the facility premises or primary response contractors (i.e., the first people to respond). Examples of these personnel would be the Facility Hazardous Materials (HAZMAT) Spill Team 1, Facility Fire Engine Company 1, Production Supervisor, or Transfer Supervisor. The last form is a list of the Emergency Response Contractors (both primary and secondary) retained by the facility. These should be listed also on the second form described above. Any changes in contractor status should be reflected in updates to the response plan. Evidence of contracts with response contractors should be included so that availability of resources can be verified. Company personnel must be able to respond immediately and adequately if contractor support is not available.

5. Section 1.3.4 lists factors that should be considered when preparing an evacuation plan.

6. Section 1.3.5 references the facility response coordinators' responsibilities in the event of an emergency.

This information should aid in the assessment of the facility's ability to respond to a worst case discharge and identify additional assistance that may be needed. In addition, it is recommended that the facility produce a wallet-size card containing a checklist of the immediate response and notification steps to be taken in the event of an oil discharge.

Date of Last Update: _____

1.3.1 Notification

Emergency Notification Phone List, Whom To Notify

Reporter's Name _____
Date _____
Facility Name _____
Owner Name _____
Facility Identification Number _____
Date and Time of Each NRC Notification _____

	Organization	Phone number
1.	National Response Center (NRC).	1–800–424–8802
2.	Facility Response Coordinator.	_____
	Evening Phone ..	_____
3.	Company Response Team.	_____
	Evening Phone ..	_____
4.	On-Scene Coordinator (OSC).	_____
	Evening Phone ..	_____
5.	Area Committee	_____
	Evening Phone ..	_____
6.	Local Response Team (Fire Dept./Cooperatives).	_____
7.	Fire Marshall	_____
	Evening Phone ..	_____
8.	State Emergency Response Commission (SERC).	_____
	Evening Phone ..	_____
9.	State Police	_____
10.	Local Emergency Planning Committee (LEPC).	_____
11.	Local Water Supply System.	_____
	Evening Phone ..	_____
12.	Weather Report .	_____
13.	Local Television/ Radio Station for Evacuation Notification.	_____
14.	Hospitals	_____

Spill Response Notification Form

Reporter's Last Name _____First _____M.I. ___
Phone Numbers: ( ) – , — ( ) –
Company _____
Organization Type _____
Position _____
Address _____

City _____
State _____
Zip _____
Were Materials Released _____(Y/N)?
Confidential _____(Y/N)?
Meeting Federal Obligations to Report _____(Y/N)?
Date Called _____
Calling for Responsible Party _____(Y/N)?
Time Called _____

Incident Description

Source and/or Cause of Incident _____

Date _____–_____–_____
Time of Incident _____AM/PM
Incident Address/Location _____

Nearest City _____
State _____
County _____
Zip _____
Distance from City _____
Units _____
Direction from City _____
Section _____
Township _____
Range _____
Container Type _____
Tank Capacity _____
Units _____
Facility Capacity _____
Units _____
Facility Latitude ___Degrees ___Minutes ___Seconds
Facility Longitude ___Degrees ___Minutes ___Seconds

Material

CHRIS Code _____

Released Quantity _____

Unit of Measure _____

Material Released in Water _____

Quantity _____

Unit/Measure _____

Response Action

Actions Taken To Correct, Control or Mitigate Incident

Impact

Number of Injuries _____
Number of Deaths _____
Were there Evacuations _____(Y/N)?
Number Evacuated _____
Was there any Damage _____(Y/N)?
Damage in Dollars (approximate) _____
Medium Affected _____
Description _____
More Information about Medium _____

Additional Information

Any information about the incident not recorded elsewhere in the report?

Caller Notifications

EPA _____(Y/N)?
USCG _____(Y/N)?
State _____(Y/N)?
Other _____(Y/N)?
Describe _____

1.3.2 Equipment

Date of Last Update: _____

Equipment List

Last Inspection or Equipment Test Date _____
Inspection Frequency _____
Regional Response Team (RRT) approval: —
1. Skimmers/Pumps—Operational Status —

Type, Model, and Year (Type) _____(Model) _____(Year) _____
Number _____
Capacity _____gal./min.
Daily Effective Recovery Rate _____
Storage Location _____

Date Fuel Last Changed _____
2. Booms—Operational Status _____
Type, Model, and Year (Type) _____(Model) _____(Year) _____
Number _____
Size _____
Containment Area _____sq. ft.
Storage Location _____
3. Chemicals Stored (Dispersants listed on EPA's NCP Product Schedule) _____
Type _____

Amount _____

Date Purchased _____

Treatment Capacity _____

Storage Location _____

Has facility applied for permit to use above listed dispersants:
State (Y/N) _____; Federal (Y/N) _____.
Name and State of On-Scene Coordinator (OSC) authorizing use _____
Date Authorized _____
4. Dispersant Dispensing Equipment—Operational Status _____
Type and Year _____

Capacity _____

Storage Location _____

Response Time (Minutes) _____

5. Sorbents—Operational Status _____
Type and Year Purchased _____
Amount _____
Absorption Capacity _____gal.
Storage Location _____
6. Hand Tools—Operational Status _____
Type and Year _____

Quantity _____

Storage Location _____

7. Communication Equipment (include operating frequency and channel and/or cellular phone numbers)—Operational Status _____
Type and Year _____

Quantity _____

Storage Location/Number _____

8. Fire Fighting and Personnel Protective Equipment—Operational Status _____
Type and Year _____

Quantity _____

Storage Location _____

9. Other (e.g., Heavy Equipment, Boats and Motors)—Operational Status _____
Type and Year _____

Quantity _____

Storage Location _____

1.3.3 Personnel

Date of last update:_____

EMERGENCY RESPONSE PERSONNEL
COMPANY PERSONNEL

Name	Phone*	Response time	Responsibility during response action	Training type/ date
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

*Phone number to be used when person is not on-site.

Date of last update: _____

FACILITY RESPONSE TEAM

Coordinator	Response time (minutes)	Phone (day/ evening)

If the facility uses contracted help in an emergency response situation, the owner/operator must provide the contractors' names and review the contractors' capacity to provide adequate personnel and equipment.
Date of last update: _____

EMERGENCY RESPONSE CONTRACTORS

Contractor	Phone	Response time	Contract responsibility*
1.			
2.			
3.			
4.			

*Note: Include evidence of contracts agreements with response contractors to ensure the availability of personnel and equipment.

1.3.4 Evacuation Plans

Based on the analysis of the facility, as discussed elsewhere in the plan, a facility-wide evacuation plan should be developed. In addition, plans to evacuate parts of the facility or surrounding communities that are at a high risk of exposure in the event of a spill or other release must be developed. Evacuation routes must be shown on a diagram of the facility (see section 1.9). When developing evacuation plans, consideration should be given to the following:

1. Location of stored materials;
2. Hazard imposed by spilled material;
3. Spill flow direction;
4. Prevailing wind direction and speed;
5. Water currents, tides, or wave conditions (if applicable);
6. Arrival route of emergency response personnel and equipment;
7. Evacuation routes;
8. Alternative routes of evacuation;
9. Transportation of injured personnel to nearest emergency medical facility;
10. Location of alarm/notification systems;
11. The need for a centralized check-in area for evacuation validation (roll call);

12. Selection of a mitigation command center; and

13. Location of shelter at the facility as an option to evacuation.

When preparing this section of the response plan, the *Handbook of Chemical Hazard Analysis Procedures* by the Federal Emergency Management Agency (FEMA), Department of Transportation (DOT), and EPA should be referenced. *The Handbook of Chemical Hazard Analysis Procedures* is available from: FEMA, Publication Office, 500 C Street, SW., Washington, DC 20472, (202) 646–3484.

1.3.5 Coordinator's Duties

Duties of the Emergency Response Coordinator

The duties of the designated emergency response coordinator or an adequately trained and qualified person appointed by the coordinator are specified by the rule in § 112.20(h)(3)(ix). The coordinator's duties must be described and be consistent with the minimum requirements in the rule. In addition, the emergency response coordinator and any qualified appointee must be identified with the Facility Information in section 1.2.

1.4 Hazard Evaluation

This section asks the facility owner/operator to examine the facility's operations closely and to predict where releases could occur. Hazard evaluation is a widely used industry practice that allows owners and operators to develop a complete understanding of potential hazards and the response actions necessary to address these hazards. The Handbook of Chemical Hazard Analysis Procedures, prepared by the EPA, DOT, and the Federal Emergency Management Agency and the Hazardous Materials Emergency Planning Guide (NRT–1), prepared by the National Response Team are good references for conducting a hazard analysis.

Hazard identification and evaluation will assist facility owners and operators in planning for potential releases, thereby reducing the severity of discharge impacts that may occur in the future. The evaluation also may help the operator identify and correct potential sources of releases. In addition, special hazards to workers and emergency response personnel's health and safety should be evaluated, as well as the facility's spill history.

1.4.1 Hazard Identification

The following directions should be used for completing the Tank and Surface Impoundment (SI) forms that are part of this section. Similar worksheets should be developed for any other type of storage containers.

1. List each tank at the facility with a separate and distinct identifier. Begin aboveground tank identifiers with an "A" and below ground tanks identifiers with a "B", or submit multiple sheets with the aboveground tanks and below ground tanks on separate sheets.

2. Use gallons for the maximum capacity of a tank; and use square feet for the area.

3. Using the appropriate identifiers and the following instructions, fill in the appropriate forms:

- Tank or SI number—Using the aforementioned identifiers (A or B) or multiple reporting sheets, identify each tank or SI at the facility that stores oil or hazardous materials.
- Substance Stored—For each tank or SI identified, record the material that is stored therein. If the tank or SI is used to store more than one material, list all the stored materials.
- Quantity Stored—For each material stored in each tank or SI, report the average volume of material stored on any given day.
- Tank Type or Surface Area/Year—For each tank, report the type of tank (e.g. floating top), and the year the tank was originally installed. If the tank has been refabricated, the year that the latest refabrication was completed should be recorded in parentheses next to the year installed. For each SI, record the surface area of the impoundment and the year it went into service.
- Maximum Capacity—Record the operational maximum capacity for each tank and SI. If the maximum capacity varies with the season, record the upper and lower limits.
- Failure/Cause—Record the cause and date of any tank or SI failure which has resulted in a loss of tank or SI contents.

4. Using the numbers from the tank and SI forms, label a schematic drawing of the facility. This drawing should be identical to any schematic drawings included in the SPCC Plan.

5. Using knowledge of the facility and its operations, describe the following in writing:

A. The loading and unloading of transportation vehicles that risk the release of oil or hazardous substances during transport processes. These operations may include loading and unloading of trucks, railroad cars, or vessels. The volume of material involved in transfer operations should be estimated.

B. Day to day operations that may present a risk of releasing oil or a hazardous substance. These activities include scheduled venting, piping repair or replacement, valve maintenance, transfer of tank contents from one tank to another, etc. (not including transportation-related activities). The volume of material involved in these operations should be estimated.

C. The secondary containment volume associated with each tank and/or transfer point at the facility. The numbering scheme developed on the tables should be used to identify each containment area. Capacities should be listed for each individual unit (tanks, slumps, drainage traps, and ponds), as well as the facility total.

D. Normal daily throughput for the facility and any effect on potential release volumes that a negative or positive change in that throughput may cause.

Date of last update: _____

HAZARD IDENTIFICATION TANKS *

Tank no.	Substance stored (oil & hazardous substance)	Quantity stored (gallons)	Tank type/year	Maximum capacity (gal)	Failure/cause

*(Tank=any container that stores oil).

Attach as many sheets as necessary.

Date of last update: _____

HAZARD IDENTIFICATION SURFACE IMPOUNDMENTS (SI)

SI No.	Substance stored	Quantity stored (gal)	Surface area/year	Maximum capacity (gal)	Failure/cause

Attach as many sheets as necessary.

1.4.2 Vulnerability Analysis

The vulnerability analysis should address the potential effects (i.e., to human health, property, or the environment) of a spill. Attachment C–III to appendix C of this part provides a method that owners or operators could use to determine appropriate distances from the facility to environmentally sensitive areas and drinking water intakes. Owners and operators could use an alternative formula that is considered acceptable by the RA. If an alternative formula is used, documentation of the reliability and analytical soundness of the formula must be attached to the response plan cover sheet. This analysis should be prepared for each facility, and should include discussion of the vulnerability of:

1. Water intakes (drinking, cooling, or other);
2. Schools;
3. Medical facilities;
4. Residential areas;
5. Businesses;
6. Wetlands or other environmentally sensitive areas; [2]
7. Fish and wildlife;
8. Lakes and streams;
9. Endangered flora and fauna;
10. Recreational areas;
11. Transportation routes (air, land, and water);
12. Utilities; and
13. Other areas of economic importance including terrestrially sensitive

[2] Refer to Appendix D of the proposed rule for the listing of environmentally sensitive areas.

environments, aquatic environments, and unique habitats.

1.4.3 Analysis of the Potential for a Spill

Each owner or operator should analyze the probability of a spill occurring at the facility. This analysis should be quantitative, incorporating factors such as tank age, spill history, horizontal range of a potential spill, and vulnerability to natural disaster. This analysis will provide information for developing discharge scenarios for a worst case discharge and small and medium discharges and aid in the development of techniques to reduce the size and frequency of spills. The owner or operator may need to research the age of the tanks and the spill history at the facility.

1.4.4 Spill History

Briefly describe the facility's reportable spill[3] history for the entire life of the facility, including:

1. Date of discharge(s);
2. List of discharge causes;
3. Material(s) discharged;
4. Amount discharged in gallons;
5. Amount of discharge that reached navigable waters, if applicable;
6. Effectiveness and capacity of secondary containment;
7. Clean-up actions taken;
8. Steps taken to reduce possibility of recurrence;
9. Total storage capacity of the tank(s) or impoundment(s) from which the material discharged;
10. Enforcement actions;
11. Effectiveness of monitoring equipment; and
12. Description of how each spill was detected.

The information solicited in this section may be similar to requirements in § 112.4(a) of the October 22, 1991 proposed revisions to the Oil Pollution Prevention rule (56 FR 54612). Any duplicate information in § 112.4(a) may be photocopied and inserted.

1.5 Discharge Scenarios

In this section, the owner or operator is asked to provide a description of the facility's worst case discharge, as well as a small and medium spill, as appropriate. A tiered planning approach has been chosen because the response actions to a spill (i.e., necessary equipment, products, and personnel) are dependent on the magnitude of the spill. Planning for lesser discharges is necessary because the nature of the response may be qualitatively different depending on the quantity of the discharge. In this discussion, the owner or operator should discuss the potential direction of the spill pathway.

1.5.1 Small and Medium Discharge

To address tiered planning requirements, the owner or operator must consider types of facility-specific spill scenarios that may contribute to a small or medium spill. The scenarios should account for all the operations that take place at the facility, including but not limited to:

1. Loading and unloading of surface transportation;
2. Facility maintenance;
3. Facility piping;
4. Pumping stations and slumps;
5. Storage tanks;
6. Vehicle refueling; and
7. Age and condition of facility and components.

The scenarios should also consider factors that affect the response efforts required by the facility. These include but are not limited to:

1. Size of the spill;
2. Proximity to downgradient wells, waterways, and drinking water intakes;
3. Proximity to environmentally sensitive areas;
4. Likelihood that the discharge will travel offsite (i.e., topography, drainage);
5. Location of the material spilled (on a concrete pad or directly on the soil);
6. Material discharged;
7. Weather or aquatic conditions (i.e., river flow);
8. Available remediation equipment;
9. Probability of a chain reaction of failures; and
10. Direction of spill pathway.

1.5.2 Worst Case Discharge

In this section, the owner or operator must identify the worst case discharge volume at the facility. Worksheets for production and non-production facility owners and operators to use when calculating worst case discharge are presented in Appendix E to 40 CFR part 112. When planning for the worst case discharge response, all of the aforementioned factors listed in the small and medium discharge section of the response plan should be addressed. Depending on the adequacy of secondary containment and the proximity to navigable waters, the worst case discharge may be: (1) The total aboveground oil storage capacity (plus production capacity if applicable) for facilities without adequate secondary containment; (2) the capacity of the largest single tank within a common secondary containment area or the combined capacity of a group of aboveground tanks permanently manifolded together within a common secondary containment area, whichever is greater, plus an additional quantity for any tanks without secondary containment (plus production volume if applicable); (3) 110% of the capacity of the largest single tank within a secondary containment area or 110% of the combined capacity of a group of tanks within a common secondary containment area, whichever is greater (plus production volume if applicable); or (4) a combination of the above.

For onshore storage facilities and production facilities, permanently manifolded tanks are defined as tanks that are designed, installed, and/or operated in such a manner that the multiple tanks function as one storage unit. In this section of the response plan, owners and operators must provide evidence that tanks with common piping or piping systems are not operated as one unit. If such evidence is provided and is acceptable to the RA, the worst case discharge volume would be based on the combined storage capacity of all manifold tanks or the capacity of the largest single tank within the secondary containment area, whichever is greater. For permanently manifolded tanks that function as one storage unit, the worst case discharge would be based on the combined storage capacity of all manifolded tanks or the capacity of the largest single tank within a secondary containment area, whichever is greater. For purposes of the worst case discharge calculation, permanently manifolded tanks that are separated by internal divisions for each tank are considered to be single tanks and individual manifolded tank volumes are not combined.

1.6 Discharge Detection Systems

In this section, the owner or operator should provide a detailed description of the procedures and equipment used to detect discharges. A section on spill detection by personnel and a discussion of automated spill detection, if applicable, should be included for both during regular operations and after hours. In addition, the owner or operator should discuss how the reliability of any automated system will be checked and how frequently the system will be inspected.

1.6.1 Discharge Detection by Personnel

In this section, owners and operators should describe the procedures and personnel that will detect any spill or uncontrolled release of oil or hazardous material. A thorough discussion of facility inspections should be included. In addition, a description of initial response actions should be addressed. See section 1.3.1 of the response plan for emergency response information.

1.6.2 Automated Discharge Detection

In this section, facility owners and operators must describe any automated spill detection equipment that the facility has in place. This section should include a discussion of overfill alarms, secondary containment sensors, etc. A discussion of the plans to verify an automated alarm and the actions to be taken once verified must also be included.

1.7 Plan Implementation

In this section, facility owners and operators must explain in detail how to implement the facility's emergency response plan by describing response actions to be carried out under the plan to ensure the safety of the facility and to mitigate or prevent discharges described in section 1.5. This section includes the identification of response resources for small, medium, and worst case spills; disposal plans; and containment and drainage planning. A distinct list of those personnel who would be involved in the cleanup should be identified. Procedures that the facility will use, where appropriate or necessary, to update their plan after a spill event and the time frame to update the plan must be described.

[3] As described in 40 CFR part 110, reportable spills are those that: (a) Violate applicable water quality standards, or (b) cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

1.7.1 Response Resources for Small, Medium, and Worst Case Spills

Once the spill scenarios have been identified in section 1.5 of the model response plan, the owner or operator should identify and describe implementation of the response actions. The facility should demonstrate accessibility to the proper response personnel and equipment to effectively respond to all of the identified spill scenarios. Guidelines for the determination and demonstration of adequate response capability are presented in Appendix F to 40 CFR part 112. In addition, steps to expedite the cleanup of spills must be discussed. At a minimum, the following items should be addressed:

1. Emergency plans for spill response;
2. Additional training;
3. Additional contracted help;
4. Access to additional equipment/experts;
5. Ability to implement plan including training and practice drills;

1.7.2 Disposal Plans

Facility owners and operators must describe how and where the facility intends to recover, reuse, decontaminate, or dispose of materials after a discharge has taken place. The appropriate permits required to transport or dispose of recovered materials according to local, State, and Federal requirements must be addressed. Materials that should be accounted for in the disposal plan include:

1. Recovered product;
2. Contaminated soil;
3. Contaminated equipment and materials, including drums, tank parts, valves, and shovels;
4. Personnel protective equipment;
5. Decontamination solutions;
6. Adsorbents; and
7. Spent Chemicals.

These plans must be prepared in accordance with Federal (e.g., the Resource Conservation and Recovery Act [RCRA]), State, and local regulations, where applicable. A copy of the disposal plans from the facility's SPCC Plan may be inserted with this section including any diagrams of those plans.

Material	Disposal facility	Location	RCRA permit/manifest
1.			
2.			
3.			
4.			

1.7.3 Containment and Drainage Planning

A proper plan to contain and control a spill through drainage may limit the threat of harm to human health and the environment. This section should describe how to contain and control a spill through drainage, including:

1. The available volume of containment (use the information presented in section 1.4.1 of this document);
2. The route of drainage from storage and transfer areas;
3. The construction materials used in drainage troughs;
4. The type and number of valves and separators used in the drainage system;
5. Sump pump capacities;
6. The containment capacity of weirs and booms that might be used and their location (see Section 1.3.2); and
7. Other cleanup materials.

In addition, facility owners and operators must meet the inspection and monitoring requirements for drainage contained in the SPCC regulation.

A copy of the containment and drainage plans from the facility's SPCC Plan may be inserted in this section, including any diagrams of those plans. [Note: A proposed general permit for stormwater drainage may contain additional requirements.]

1.8 Self-Inspection, Training, and Meeting Logs

Training and meeting logs shall be included in the response plan to aid facility owners, operators, and employees in spill prevention awareness and response requirements. Logs must be kept for facility mock alert drills, personnel training, and spill prevention meetings. Much of the recordkeeping information contained in this section is required by the existing SPCC regulation.

1.8.1 Facility Self-Inspection

Pursuant to § 112.7(e)(8) of the rule in 40 CFR part 112, revised as of July 1, 1992, each facility should conduct self-inspections and include the written procedures and records of inspections in the SPCC Plan. The inspection should include the tanks, secondary containment, and response equipment at the facility. The inspection of tanks and secondary containment required by the SPCC regulation and records of those inspections should be cross-referenced in the response plan. The inspection of response equipment is a new requirement in this plan. Facility self-inspection requires two steps: (1) A checklist of things to inspect; and (2) a method of recording the actual inspection and its findings. The date of each inspection shall be noted. These records are required to be maintained for five years.

1.8.1.1 Tank Inspection

Tank Inspection Checklist

The tank inspection checklist presented below has been included as part of SPCC guidance for inspections and monitoring. If information in this section duplicates information required in § 112.7(e) of the October 22, 1991 proposed revisions to the Oil Pollution Prevention regulation (56 FR 54612) it may be photocopied and inserted.

1. Check tanks for leaks, specifically looking for:
   A. Drip marks;
   B. Discoloration of tanks;
   C. Puddles containing stored material;
   D. Corrosion;
   E. Cracks; and
   F. Localized dead vegetation.
2. Check foundation for:
   A. Cracks;
   B. Discoloration;
   C. Puddles containing stored material;
   D. Settling;
   E. Gaps between tank and foundation; and
   F. Damage caused by vegetation roots.
3. Check piping for:
   A. Droplets of stored material;
   B. Discoloration;
   C. Corrosion;
   D. Bowing of pipe between supports;
   E. Evidence of stored material seepage on valves or seals; and
   F. Localized dead vegetation.

TANK/SURFACE IMPOUNDMENT INSPECTION LOG

Inspector	Tank or SI No.	Date	Comments

1.8.1.2 Response Equipment Inspection

Response Equipment Checklist

Using the Emergency Response Equipment List provided in section 1.3.2 of the response plan, describe each type of equipment, checking for the following:

1. Inventory (item and quantity)
2. Storage location
3. Accessibility (time to access and respond)
4. Operational status/condition
5. Actual use/testing (last test date and frequency of testing)
6. Shelf life (present age, expected replacement date)

Please note any discrepancies between the list and the actual equipment available.

RESPONSE EQUIPMENT INSPECTION LOG

[Use section 1.3.2 as checklist]

Inspector	Date	Comments

1.8.1.3 Secondary Containment Inspection

Secondary Containment Checklist

Inspect the secondary containment (as described in sections 1.4.1 and 1.7.2 of the plan), checking the following:

1. Dike or berm system.
A. Level of precipitation in dike/available capacity
B. Operational status of drainage valves
C. Dike or berm permeability
C. Debris
E. Erosion
F. Permeability of the earthen floor of diked area
G. Location/status of pipes, inlets, drainage beneath tanks, etc.
2. Secondary containment
A. Cracks
B. Discoloration
C. Presence of stored material (standing liquid)
D. Corrosion
E. Valve conditions
3. Retention and drainage ponds
A. Erosion
B. Available capacity
C. Presence of stored material
D. Debris
E. Stressed vegetation

During inspection, make note of discrepancies in any of the above mentioned items, and report them immediately to the proper facility personnel. Additionally, duplicate information from § 112.7(c) of the October 22, 1991 proposed revisions to the Oil Pollution Prevention rule (56 FR 54612) may be photocopied and inserted here.

1.8.2 Mock Alert Drills

Mock alert drills, as required by CWA section 311(j)(5), are part of the response plan and should be detailed below. During the drills, actions taken by the response team, both predicted and unpredicted, should be noted, and any problems that arise should be resolved as soon as possible.

1.8.2.1 Mock Alert Drill Logs

Mock Alert Drill Log

Date: _____
Company: _____
Response Coordinator: _____
Emergency Scenario: _____
_____
Local Response Team's Response Time: ____
Contracted Personnel Response Time: _____
Facility Personnel Response Time: _____
Notes: _____
_____
_____
_____
Changes to be Implemented: _____
_____
_____
_____
_____
_____
Time Table for Implementation: _____
_____

1.8.3 Training and Meeting Logs

Owners and operators are required by § 112.20(e)(8) to keep a personnel training log that should include a record of all formal response training received by each employee. Personnel training logs and discharge prevention meeting logs are included in sections 1.8.3.1 and 1.8.3.2 respectively.

1.8.3.1 Personnel Training Logs

PERSONNEL TRAINING

Name	Response training/date and number of hours	Prevention training/date and number of hours

1.8.3.2 Discharge Prevention Meetings Log

Discharge Prevention Meeting

Date: _____
Attendees: _____
_____
_____
_____
_____
_____
_____
_____
_____

Subject/issue identified	Required action	Implementation date

1.9 Diagrams

The facility-specific response plan should include the following diagrams. Additional diagrams that would aid in the development of response plan sections may also be included.

1. The Site Plan Diagram should include and identify:
A. The entire facility to scale;
B. Above and below ground bulk storage tanks;
C. The contents and capacities of bulk storage tanks;
D. The contents and capacity of drum storage areas;
E. the contents and capacities of surface impoundments;
F. Process buildings;
G. Transfer areas;
H. Secondary containment systems (location and capacity);
I. Structures where hazardous materials are stored or handled, including materials stored and capacity of storage;
J. Location of communication and emergency response equipment; and
K. Location of electrical equipment which contains oil.
2. The Site Drainage Plan Diagram should include:
A. Major sanitary and storm sewers, manholes, and drains;
B. Weirs and shut-off valves;
C. Surface water receiving streams;
D. Fire fighting water sources;
E. Other utilities;
F. Response personnel ingress and egress;
G. Equipment transportation routes; and
H. Direction of spill flow from release points.
3. The Site Evacuation Plan Diagram should include:
A. Site plan diagram with evacuation route(s); and
B. Location of evacuation regrouping areas.

1.10 Security

Section 112.7(e)(9) of 40 CFR part 112, revised as of July 1, 1992, requires facilities to maintain a certain level of security, as appropriate. In this section, a description of the facility security should be provided including:

1. Emergency cut-off locations (automatic or manual valves);
2. Enclosures (e.g., fencing, etc.);
3. Guards and their duties, day and night;
4. Lighting;
5. Valve and pump locks; and
6. Pipeline connection caps.

Section 112.7(g) of the October 22, 1991 proposed revisions to the Oil Pollution Prevention rule (56 FR 54612) contains similar requirements. Duplicate information may be photocopied and inserted in this section.

2.0 Response Plan Cover Sheet

A three page, computer-readable form has been developed to be completed and submitted to the RA by owners and operators who are required to prepare and submit a facility-specific response plan. The cover sheet (Attachment G–1) is intended to accompany the response plan and provide the Agency with basic information concerning the facility. This section will describe the Response Plan Cover Sheet and provide instructions for its completion.

Page One—Facility Information

Owner/Operator of Facility: Enter the name of the owner of the facility (if the owner is the operator). Enter the operator of the facility if otherwise. If the owner/operator of the facility is a corporation, enter the name of the facility's principle corporate executive. Enter as much of the name as will fit in each section.

Facility Name: Enter the proper name of the facility.

Largest Tank Capacity: Enter the capacity in GALLONS of the largest aboveground storage tank at the facility.

Maximum Storage Capacity: Enter the total maximum capacity in GALLONS of all aboveground storage tanks at the facility.

Number of Tanks: Enter the number of all aboveground storage tanks at the facility.

Page Two—Facility Information

Enter the street address, city, State, zip code, and phone number of the facility in the appropriate boxes.

Dun and Bradstreet Number: Enter the facility's Dun and Bradstreet number if available.

Standard Industrial Classification (SIC) Code: Enter the facility's SIC code as

determined by the Office of Management and Budget.

Worst Case Discharge Amount: Using information from the worksheets in appendix E, enter the amount of the worst case discharge in GALLONS.

Page Three—Determination of Substantial Harm

Using the flowchart provided in Attachment C–I of appendix C, blacken the appropriate circle to each question. Explanations to referenced terms can be found in appendix C. If an alternative formula to the ones described in Attachment C–III is used to calculate the planning distance, documentation of the reliability and analytical soundness of the formula must be attached to the response plan cover sheet.

Additional Information

Latitude and Longitude: Enter the facility latitude and longitude in degrees, minutes, and seconds.

Facility Distance to Navigable Waters: Enter the nearest distance between an opportunity for discharge (i.e., storage tank, piping, or flowline) and a navigable water.

Certification

Complete this block after all other questions have been answered.

BILLING CODE 6560-50-D

RESPONSE PLAN COVER SHEET

FORM APPROVED
OMB NO. XXXX
APPROVAL EXPIRES (DATE)

IMPORTANT

This form is intended to be computer readable. To complete this form, entirely fill in the desired circle with black or blue ink. Please do not fold, staple, or mutilate this form. Return this form in a 9" x 12" envelope. Please print requested information in BOXES for each individual question.

CORRECT MARK

●

INCORRECT MARKS

◌ ○ ◔ ⊗ ◕

EXAMPLE:

NAME

E	P	A
○	○	●
A	A	B
B	B	C
C	C	D
D	D	E
E	E	F
F	F	G
G	G	H
H	H	I
I	I	J
J	J	K
K	K	L
L	L	M
M	M	N
N	N	O
O	O	P
P	P	Q
Q	Q	R
R	R	S
S	S	T
T	T	U
U	U	V
V	V	W
W	W	X
X	X	Y
Y	Y	Z
Z	Z	

OWNER / OPERATOR OF FACILITY

LAST NAME - First 15 letters

FIRST NAME - First 12 letters

FACILITY NAME

First 20 letters

INSTRUCTIONS

This form is designed to accompany a submitted Response Plan.

Explanations and detailed instructions can be found in Appendix G.

Facility information contained here will be returned with the Response Plan.

LARGEST TANK CAPACITY (GALLONS)

MAXIMUM STORAGE CAPACITY (GALLONS)

NUMBER OF TANKS

GENERAL INFORMATION

Public reporting burden for the collection of this information is estimated to vary from one hour to 270 hours per response in the first year, with an average of 5 hours per response. This estimate includes time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate of this information, including suggestions for reducing this burden to : Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

(CONTINUED)

• *REMEMBER*

USE BLACK OR BLUE INK
DO NOT FOLD, STAPLE, OR MUTILATE THIS FORM

FACILITY ADDRESS (Street address, route or box)

Indicate a space in the address by filling in the blank circle at the top of the column.

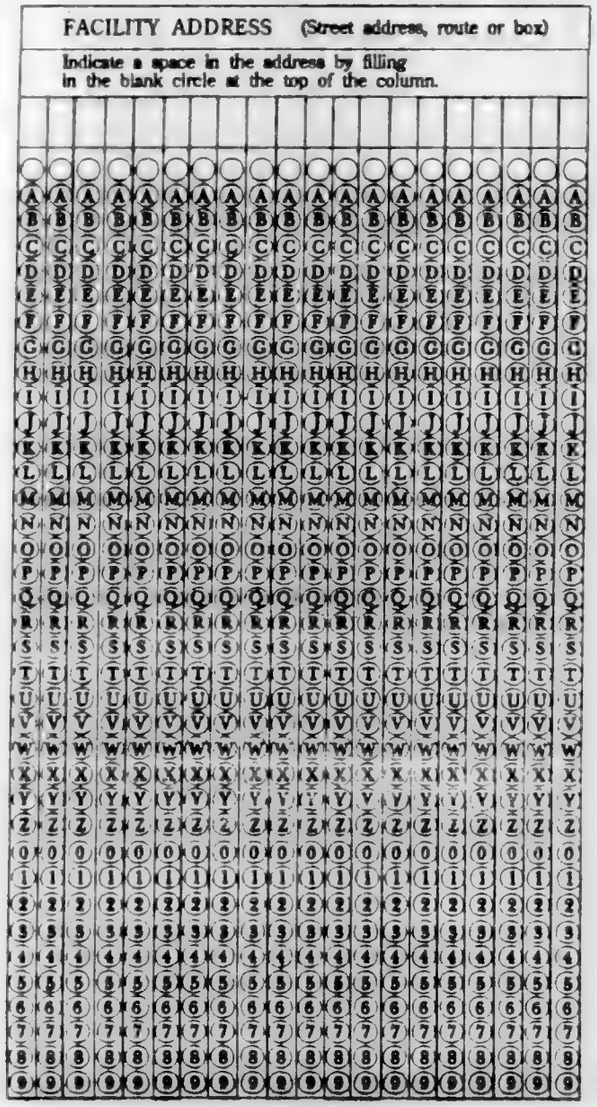

CITY (first 15 letters)

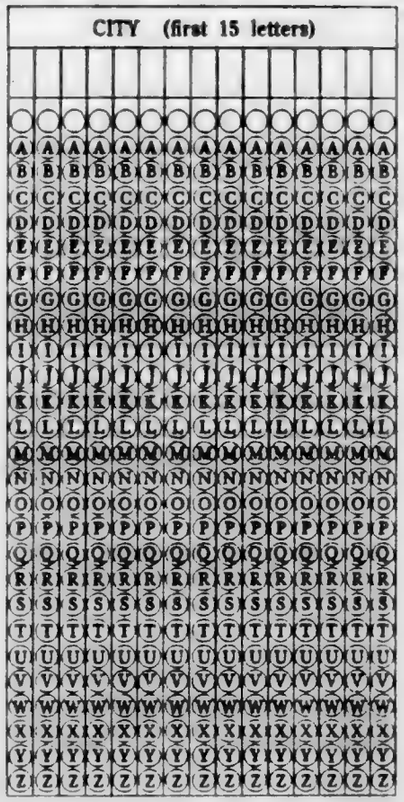

STATE

U.S. ZIP CODE

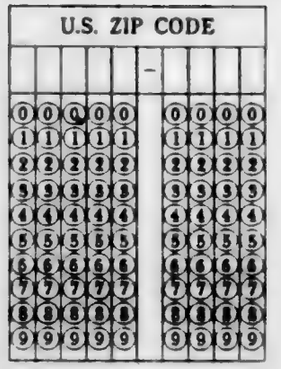

FACILITY PHONE NUMBER

area code

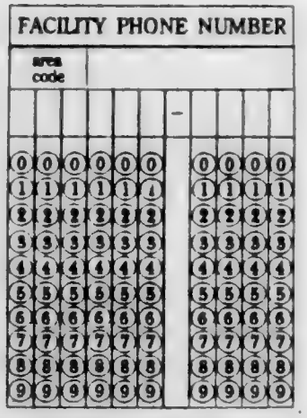

DUN & BRADSTREET NUMBER

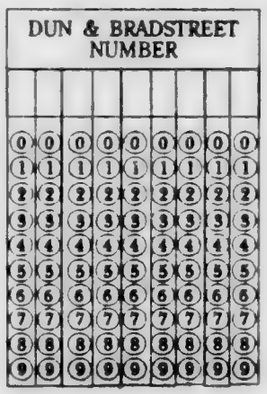

STANDARD INDUSTRIAL CLASSIFICATION (SIC)

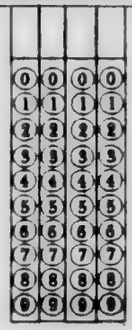

WORST CASE DISCHARGE AMOUNT (GALLONS)

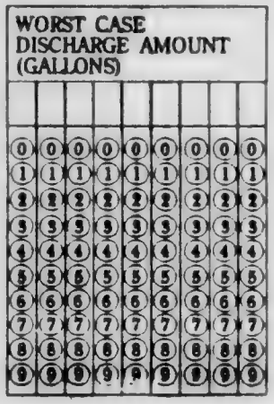

DETERMINATION OF SUBSTANTIAL HARM

Does the facility operation include over-water transfers* of oil to or from vessels and does the facility have a maximum capacity greater than or equal to 42,000 gallons? ○ yes ○ no

Does the facility lack adequate secondary containment* for each aboveground storage area sufficiently large to contain the capacity of the largest aboveground storage tank within that storage area and is the total storage capacity greater than or equal to one million gallons? ○ yes ○ no

Is the facility located at a distance* that would shut down a public drinking water intake and is the total storage capacity greater than or equal to one million gallons? ○ yes ○ no

Is the facility located at a distance* that could cause injury to an environmentally sensitive area as referenced in Appendix D and is the total storage capacity greater than or equal to one million gallons? ○ yes ○ no

Within the past five years, has the facility experienced a reportable spill* exceeding 10,000 gallons and is the total storage capacity greater than or equal to one million gallons? ○ yes ○ no

* Explanations of the above referenced terms can be found in Appendix C. If an alternative formula to the ones contained in Attachment C-III is used to establish the appropriate distance to sensitive environments or drinking water intakes, documentation of the reliability and analytical soundness of the formula must be attached to this form.

ADDITIONAL INFORMATION

LATITUDE (DEGREES: NORTH)

degrees		min.		sec.	
0	0	0	0	0	0
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4
5	5	5	5	5	5
6	6	6	6	6	6
7	7	7	7	7	7
8	8	8	8	8	8
9	9	9	9	9	9

LONGITUDE (DEGREES: WEST)

degrees		min.		sec.	
0	0	0	0	0	0
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4
5	5	5	5	5	5
6	6	6	6	6	6
7	7	7	7	7	7
8	8	8	8	8	8
9	9	9	9	9	9

FACILITY DISTANCE TO NAVIGABLE WATER:
Fill the appropriate circle.

- 0 - 1/4 mile ○
- 1/4 - 1/2 mile ○
- 1/2 - 1 mile ○
- > 1 mile ○

● *REMEMBER*
USE BLUE OR BLACK INK
DO NOT FOLD, STAPLE, OR MUTILATE THIS FORM

CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals responsible for obtaining information, I believe that the submitted information is true, accurate, and complete.

Signature

Name (please type or print)

Title

Date

BILLING CODE 6560-60-C

3.0 Definitions

Navigable Waters: Navigable waters include all waters that are used in interstate or foreign commerce, all interstate waters including wetlands, and all intrastate waters (e.g., lakes, rivers, streams, intermittent streams, mudflats, sandflats, wetlands sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds).

Oil: Oil in any kind or in any form, including, but not limited to petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

Production Facility: Onshore oil production facilities may include all wells, flowlines, separation equipment, storage facilities, gathering lines, and auxiliary non-transportation-related equipment and facilities in a single geographical oil or gas field operated by a single operator.

Worst Case Discharge: See section 112.2(m). Worksheets to calculate worst case discharge volume are included in appendix E.

Environmentally Sensitive Areas: See appendix D.

Wellhead Protection Area: The surface and subsurface area surrounding a water well or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

4.0 Acronyms

ACP Area Contingency Plan
CHRIS: Chemical Hazards Response Information System
CWA: Clean Water Act
DOT: Department of Transportation
EPA: Environmental Protection Agency
FEMA: Federal Emergency Management Agency
gal: Gallons
HAZMAT: Hazardous Materials
LEPC: Local Emergency Planning Committee
NCP: National Oil and Hazardous Substances Pollution Contingency Plan
NRC: National Response Center
NRT: National Response Team
OPA: Oil Pollution Act of 1990
OSC: On-Scene Coordinator
RA: Regional Administrator
RCRA: Resource Conservation and Recovery Act
RRT: Regional Response Team
SARA: Superfund Amendments and Reauthorization Act
SERC: State Emergency Response Commission
SDWA: Safe Drinking Water Act of 1986
SI: Surface Impoundment
SIC: Standard Industry Codes
SPCC: Spill Prevention, Control and Countermeasures
USCG: United States Coast Guard

5.0 References

Concawe. 1982. *Methodologies for Hazard Analysis and Risk Assessment in the Petroleum Refining and Storage Industry.* Prepared by Concawe's Risk Assessment Ad-hoc Group.

U.S. Department of Housing and Urban Development. 1987. *Siting of HUD-Assisted Projects Near Hazardous Facilities: Acceptable Separation Distances from Explosive and Flammable Hazards.* Prepared by the Office of Environment and Energy, Environmental Planning Division, Department of Housing and Urban Development. Washington, DC.

U.S. DOT, FEMA and U.S. EPA. Handbook of Chemical Hazard Analysis Procedures.

U.S. DOT, FEMA and U.S. EPA. *Technical Guidance for Hazards Analysis: Emergency Planning for Extremely Hazardous Substances.*

The National Response Team. 1987. *Hazardous Materials Emergency Planning Guide* Washington, DC.

The National Response Team. 1990. *Oil Spill Contingency Planning, National Status: A Report to the President.* Washington, DC. U.S. Government Printing Office.

Offshore Inspection and Enforcement Division. 1988. *Minerals Management Service, Offshore Inspection Program: National Potential Incident of Noncompliance (PINC) List.* Reston, VA.

[FR Doc. 93–3396 Filed 2–16–93; 8:45 am]

BILLING CODE 6560-60-P

VOL
58

ISS
30

FE
17

1993

UMI

federal register

Wednesday
February 17, 1993

Part III

Department of the Interior

Bureau of Indian Affairs

Near-Reservation Designations; Notice

VOL
58
ISS
30
FE
17
1993
UMI

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Near-Reservation Designations

February 9, 1993.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. Pursuant to 25 CFR 20.1(r), Notice is hereby given of the near-reservation designations for certain Indian tribal entities within the contiguous 48 states recognized as eligible to receive services from the United States Bureau of Indian Affairs (BIA).

DATES: These near-reservation designations become effective immediately.

FOR FURTHER INFORMATION CONTACT: David L. Hickman, Chief, Division of Social Services, Bureau of Indian Affairs, 1849 C Street, NW., MS 310 SIB, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: In accordance with title 25—Indians, Chapter 1—BIA, Department of the Interior, subchapter D—Human Services, part 20—Financial Assistance and Social Services Program (25 CFR part 20) 25 CFR 20.1(r), the Assistant Secretary—Indian Affairs designates the following locales as "near-reservation" areas appropriate for the extension of BIA financial assistance and/or social services. 25 CFR part 20—Financial Assistance and Social Services Program regulations have full force and effect when extending BIA financial assistance and/or social services into these designated "near-reservation" locations. In the absence of officially designated "near-reservation" areas, such services are provided only to Indian people who live within reservation boundaries. The tribes identified below are now authorized to extend financial assistance and social services to their eligible tribal members (and their family members who are Indian) who reside outside the boundaries of a federally recognized tribe's reservation, but within the areas designated below.

The locales listed below are those designated for this purpose.

Tribe: Bay Mills Indian Community
"Near-reservation" locations: The counties of Chippewa, Luce and Mackinac in the State of Michigan.
Tribe: Grand Traverse Band of Ottawa and Chippewa Indians
"Near-reservation" locations: The counties of Grand Traverse, Charlevoix, Leelanau, Benzie, Manistee and Antrim in the State of Michigan.
Tribe: Hannahville Indian Community
"Near-reservation" locations: The counties of Delta, Menominee and Dickinson in the State of Michigan.
Tribe: Keweenaw Bay Indian Community
"Near-reservation" locations: The counties of Baraga, Iron, Houghton, Marquette, Ontonagon, Dickinson, Gogebic and Keweenaw in the State of Michigan.
Tribe: Lac Vieux Desert
"Near-reservation" locations: The counties of Gogebic, Ontonogin and Iron in the State of Michigan.
Tribe: Saginaw Chippewa
"Near-reservation" locations: The counties of Isabella, Arenac, Osceola, Mecosta, Montcalm, Midland, Gratiot, Gladwin and Midland in the State of Michigan.
Tribe: Sault Ste. Marie Tribe of Michigan
"Near-reservation" locations: The counties of Chippewa, Mackinac, Luce, Alger, Schoolcraft, Delta and Marquette in the State of Michigan.

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

[FR Doc. 93–3663 Filed 2–16–93; 8:45 am]

BILLING CODE 4310–02–M

federal register

Wednesday
February 17, 1993

Part IV

Department of Transportation

Coast Guard

33 CFR Subpart 1.30

Recreational Vessel Fees; Interim Final Rule

VOL
58
ISS
30
FE
17
1993
UMI

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Subpart 1.30

[CGD 92-066]

RIN 2115-AE32

Recreational Vessel Fees

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule.

SUMMARY: The Coast Guard is changing the categories of recreational vessels subject to the recreational vessel fee (RVF). A recent legislative amendment reduces the number of recreational vessels subject to the annual fee by changing the vessel length categories in fiscal years 1993 and 1994 and by repealing the fee entirely for fiscal year 1995. This rulemaking amends the RVF regulations to reflect this phased-out repeal of the annual fee.

EFFECTIVE DATE: This rule is effective on October 1, 1992. Comments must be received on or before May 18, 1993.

ADDRESSES:

Comments. Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406), (CGD 92-066), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

Refunds. Written requests for refunds for RVF decals purchased on or after October 1, 1992, may be mailed to the U.S. Recreational Vessel Fee Program, P.O. Box 11066, Des Moines, IA 50336-1066.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Campbell-Jones, RVF Program Manager, Auxiliary, Boating, and Consumer Affairs Division, (202) 267-6717. A copy of this notice may be obtained by calling the Coast Guard's toll-free Boating Safety Hotline, 1-800-368-5647. In Washington, DC, call 267-0780.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 92-066) and the specific section of the rule to which each comment applies, and give the reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If not practical, a second copy of any bound material is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place to be announced by a later notice in the **Federal Register**.

Drafting Information

The principal persons involved in drafting this document are Mr. Carlton Perry, Project Manager, and C.G. Green, Project Counsel, Office of Chief Counsel.

Regulatory Information

This rule is being published as an interim rule and is effective on October 1, 1992, to coincide with the effective date of the statutory revisions in section 501 of the High Seas Driftnet Fisheries Enforcement Act, enacted November 2, 1992 (Pub. L. 102-582). A delay in amending the existing regulations may result in vessel owners or operators paying a fee which is no longer required. These unnecessary payments and resulting refund transactions would be contrary to the public interest. For these reasons, the Coast Guard finds good cause, under 5 U.S.C. 553(b)(3)(B) and (d)(3), why notice and public procedure before publication of the interim rule are unnecessary and that the rule should be made effective in less than 30 days after publication.

Background and Purpose

The Omnibus Budget Reconciliation Act of 1990 (the Act) amended 46 U.S.C. 2110 and required the Secretary of Transportation to establish a fee or charge for recreational vessels and to collect it annually in fiscal years (FY) 1991 through 1995 from the vessel owner or operator. The Act applied to recreational vessels greater than 16 feet in length, operated on the navigable waters of the United States where the Coast Guard has a presence. The Coast Guard issued regulations to implement the Act, after notice and public comment, in 33 CFR subpart 1.30 (56 FR 30244; July 1, 1991).

Section 501 of the High Seas Driftnet Fisheries Enforcement Act (Pub. L. 102-582), enacted November 2, 1992, amends 46 U.S.C. 2110(b)(1) to reduce the number of recreational vessels subject to the annual fee by changing the vessel length categories subject to the fee for fiscal years 1993 and 1994, and by eliminating the fee on October 1, 1994.

This rulemaking implements Public Law 102-582. The rulemaking does not change the fee amounts which were set at the maximum amounts allowable (56 FR 30244; July 1, 1991).

Discussion of Changes

Applicability

Effective October 1, 1992, 46 U.S.C. 2110(b)(1) applies only to recreational vessels that are greater than 21 feet in length in fiscal year 1993, at least 37 feet in length in fiscal year 1994, and which are operated on navigable waters of the United States where the Coast Guard has a presence.

Refunds

The Coast Guard halted sales of category "A" decals on November 2, 1992, and automatic refunds were made to all known purchasers of category "A" decals on or after October 1, 1992. The Coast Guard continued the sale of category "B" decals after November 2, 1992, but telephone purchasers were advised that the fee did not apply to recreational vessels 21 feet in length and under. A letter was mailed to all known purchasers of category "B" decals between October 1 and November 16. A statement has been included with each category "B" decal set mailed since November 16 to purchasers, advising them that only vessels over 21 feet in length are subject to the fee and where they may write to request a refund.

Any person who has purchased an RVF decal on or after October 1, 1992, for a recreational vessel 21 feet in length and under, who has not yet been contacted about obtaining a refund, may request a refund by writing to the address for refunds under **ADDRESSES** and returning the unneeded RVF decals.

Fee Amounts

The Coast Guard has retained the fees at the maximum amount allowable for each vessel length category as published in the July 1, 1991 final rule (56 FR

30244). A review of the legislative history of the amendment to 46 U.S.C. 2110(b) did not indicate that the Coast Guard should recalculate the fees for each category of vessel length. House Report 102–182, Pt. 2 to accompany H.R. 534 (prior to incorporating the amendment into H.R. 2152) emphasized Congressional intent to reduce to $0 the fee or charge for vessels in the smallest length category before making any reduction in the fee or charge for vessels in larger length categories. Further, Congress has exercised this intent in Pub. L. 102–582 by eliminating the fee or charge for FY 1993 for all vessels in the original category "greater than 16 feet in length but less than 20 feet" ("A" decals) and some vessels in the original category "at least 20 feet in length but less than 27 feet" ("B" decals). Further, for 1994, the fee was eliminated for the remaining vessels in the 1993 category "greater than 21 feet in length but less than 27 feet" ("B" decals) and most of the vessels in the 1993 category "at least 27 feet in length but less than 40 feet" ("C" decals). Therefore, the Coast Guard has adjusted only the vessel length categories to reflect the new length categories established by 46 U.S.C. 2110(b)(2), as amended.

Regulatory Evaluation

This rulemaking is not major under Executive Order 12291 and not significant under the "Department of Transportation Regulatory Policies and Procedures" (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rulemaking to be so minimal that a full regulatory evaluation is unnecessary.

This rulemaking will reduce fees collected from recreational vessel owners to approximately $22 million in FY 1993, and $5 million in FY 1994 for a total of approximately $27 million over the remaining two fiscal years.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of rulemaking is required. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

This rule does not require a general notice of rulemaking and, therefore, is exempt from the regulatory flexibility requirements. Although exempt, the Coast Guard has reviewed this rule for potential impact on small entities.

This rulemaking would apply the fee only to recreational vessels; not to uninspected passenger or other commercial business vessels. The statute excludes uninspected passenger or other commercial business vessels because they are not recreational vessels. Vessels documented by the Coast Guard under 46 U.S.C. chapter 121 are excluded for the same reason, unless the vessel has a "recreational endorsement" on the certificate of documentation. Resorts, boat liveries, and marinas that rent or lease recreational vessels subject to the fee will continue to bear the economic burden of paying a fee for each boat that is operated where the fee applies. Some tourism linked to boating could shift to communities and businesses on waters where the fee does not apply.

In the final rule (56 FR 30244; July 1, 1991) the Coast Guard certified under 5 U.S.C. 605(b) that the rulemaking would not have a significant economic impact on a substantial number of small entities. This rule reduces the numbers of recreational vessels that are subject to the annual fee and thus, actually reduces any impact on small entities resulting from the original rulemaking. Therefore, the Coast Guard's position is that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rulemaking will result in a reduction of the current reporting and collection of information requirements approved by the Office of Management and Budget (OMB) under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). The subpart number is 33 CFR 1.30 and the corresponding OMB approval number is OMB Control Number 2115–0588.

Federalism

The Coast Guard has analyzed this rulemaking under the principles and criteria contained in Executive Order 12612 and has determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rulemaking and concluded that, under sections 2.B.2(c) and (1) of Commandant Instruction M16475.1B, this rulemaking is categorically excluded from further environmental documentation. This rulemaking is an administrative action, required to conform implementing regulations to 46 U.S.C. 2110(b) as amended by Public Law 102–582, that clearly does not have any environmental impact. A Categorical Exclusion Determination has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 1

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of information, Penalties, Fees.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR subpart 1.30 as follows:

Subpart 1.30—Recreational Vessel Fees

1. The authority citation for subpart 1.30 continues to read as follows:

Authority: 46 U.S.C. 2110; 49 CFR 1.46.

2. Section 1.30–1 is amended by revising paragraphs (a), (b), (c), and paragraph (d) introductory text to read as follows:

§ 1.30–1 Applicability.

(a) This subpart establishes annual fees for recreational vessels, effective for calendar years 1993 and 1994.

(b) The fees established under this subpart for calendar year 1993 do not apply to recreational vessels 21 feet in length and under, public vessels, and vessels deemed public vessels under 14 U.S.C. 827.

(c) The fees established under this subpart for calendar year 1994 do not apply to recreational vessels under 37 feet in length, public vessels, and vessels deemed public vessels under 14 U.S.C. 827.

(d) The fees established under this subpart apply to recreational vessels operated on:

* * * * *

3. Section 1.30–10 is revised to read as follows:

§ 1.30–10 Fee amounts.

(a) The recreational vessel fees for calendar year 1993 for the categories of vessel length are as follows:

(1) Vessels greater than 21 feet in length but less than 27 feet—$35;

(2) Vessels at least 27 feet in length but less than 40 feet—$50; and

(3) Vessels at least 40 feet in length—$100.

(b) The recreational vessel fees for calendar year 1994 for the categories of vessel length are as follows:

(1) Vessels at least 37 feet in length but less than 40 feet—$50; and

(2) Vessels at least 40 feet in length—$100.

VOL
58
ISS
30
FE
17
1993
UMI

Dated: February 11, 1993.

W.J. Ecker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 93–3681 Filed 2–16–93; 8:45 am]

BILLING CODE 4910–14–M

federal register

Wednesday
February 17, 1993

Part V

Department of the Interior

Bureau of Indian Affairs

Omaha Tribe of Nebraska Alcohol Beverage Control Law; Notice

VOL
58
ISS
30
FE
17
1993
UMI

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Omaha Tribe of Nebraska Alcohol Beverage Control Law

February 2, 1993.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161 which provides that as a matter of Federal criminal law liquor transactions in Indian country are permissible if the act or transaction is in conformity both with the law of the State and a proper tribal ordinance. This notice certifies that Resolution No. 92–88, the Omaha Tribe of Nebraska Liquor Ordinance was duly adopted by the Omaha Tribe of Nebraska Council on June 1, 1992. The Ordinance provides for the regulations of the activities of the manufacture, distribution, sale, and consumption of liquor in the area of Indian Country under the jurisdiction of the Omaha Tribe of Nebraska.

DATES: This Ordinance is effective as of February 17, 1993.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Judicial Services, Division of Tribal Government Services, 1849 C Street NW., MS 2611–MIB, Washington, DC 20240–4001; telephone (202) 208–4400.

SUPPLEMENTARY INFORMATION: The Omaha Tribe of Nebraska Liquor Ordinance Resolution No. 92–88 is to read as follows:

Omaha Tribe of Nebraska Ordinance No. 92–88 Liquor Control

Chapter I—Alcoholic Beverages

Section 1—Definition of Terms

Terms used in this Ordinance, unless the context otherwise plainly requires, shall mean as follows:

(a) "Alcoholic Beverages" shall mean any intoxicating liquor, beer or any wine as defined under the provisions of this Ordinance.

(b) "Application" shall mean a formal written request for the issuance of a license supported by a verified statement of facts.

(c) "Intoxicating Liquor" shall mean any liquid either commonly used, or reasonably adopted to use for beverage purposes, containing in excess of three and two-tenths percentum of alcohol by weight. This shall include any type of wine, regardless of alcohol content.

(d) "Legal Age" shall mean the age requirements as defined in Chapter IV.

(e) "Liquor Store" shall mean any store, established for the sale of alcoholic beverages.

(f) "On-Sale Dealer" shall mean the Omaha Tribe of Nebraska, Tribal Citizen or other person, firm or entity that sells, or keeps for sale, any alcoholic beverages authorized under this Ordinance for consumption on the premises where sold.

(g) "On-Sale" shall mean the sale of any alcoholic beverage for consumption only upon the premises where sold.

(h) "Off-Sale" shall mean the sale of any alcoholic beverage for consumption off the premises were sold.

(i) "Package" shall mean the bottle or immediate container of any alcoholic beverage.

(j) "Package Dealer" shall mean the Omaha Tribe of Nebraska, Tribal Citizen or any person, firm or entity as distinguished from a distiller, manufacturer, or wholesaler, that sells, or keeps for sale, any alcoholic beverage authorized under the Ordinance for consumption off the premises were sold.

(k) "Public Place" shall mean any place, building, or conveyance to which the public has or is permitted access.

(l) "Retailer" shall mean Omaha Tribe of Nebraska, Tribal Citizen or any person, firm or entity that sells alcoholic beverages authorized under this Ordinance for other than resale.

(m) "Reservation" means all lands located in the State of Iowa within the exterior boundaries of the Reservation of the Tribe, and such other lands in the State of Iowa over which the Tribe exercises governmental authority.

(n) "Sacramental Wine" shall mean wines for sacramental purposes only and used by ordained Rabbis, Priests, Ministers, or Pastors, or any church or established religious organization.

(o) "Sale" shall mean the transfer of bottled or canned liquor for any consideration and of title to any alcoholic beverage.

(p) "Tribal Citizen" or "Citizen of the Tribe" shall mean an enrolled member of the Tribe and persons eligible for enrollment.

(q) "Tribal Council" shall mean the governing body of the Omaha Tribe of Nebraska.

(r) "Tribe" shall mean the Omaha Tribe of Nebraska.

(s) "Vendor" shall mean, in the case of a Tribal Citizen, any person employed and under the direct supervision of such Tribal Citizen to conduct and manage Tribal Citizen's liquor stores, and in the case of other persons, firms or entities, a vendor shall mean such person, firm or entity and any person employed and under the direct supervision of such person, firm or entity.

(t) "Wholesaler" shall mean any person other than a brewer or bottler of beer, who shall sell, barter, exchange, offer for sale, have in possession with intent to sell, deal or traffic in intoxicating liquor or beer; no wholesaler shall be permitted to sell for consumption upon the premises.

(u) "Wine" shall mean any beverage containing alcohol obtained by the fermentation of the natural sugar content of fruits or other agricultural products, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel, and other fortified wines.

(v) The terms, "the provisions of this Ordinance," "as provided in this Ordinance" or similar terms shall include all rules and regulations of the Tribe adopted to aid in the administration or enforcement of this Ordinance.

Section 2—Public Policy Declared

This Ordinance shall be cited as the "Omaha Tribe Liquor Control Ordinance" and under the inherent sovereignty of the Omaha Tribe of Nebraska, shall be deemed an exercise of the Tribe's power, for the protection of the welfare, health, peace, morals, and safety of the people of the Tribe, and all its provisions shall be liberally construed for the accomplishment of that purpose, and it is declared to be public policy that the traffic in alcoholic beverages if it affects the public interest of the people, should be regulated to the extent of prohibiting all traffic of liquor, except as provided in this Ordinance.

Section 3—General Prohibition

It shall be unlawful to manufacture for sale, sell, offer, or keep for sale, possess or transport intoxicating liquor or beer except upon the terms, conditions, limitations, and restrictions specified in this Ordinance.

Section 4—Director Appointed

The Omaha Tribal Council shall appoint one of its members to serve as Director of Liquor Control. The Director shall not have an interest directly or indirectly in the transportation or sale of intoxicating liquor or beer, or in any building or property used in connection with such a business. The Director shall review liquor licenses, applications for liquor licenses and shall report to the Council on such matters. The Director

shall serve at the pleasure of the Tribal Council.

Section 5—Removal

The Director may be removed for cause by the Omaha Tribal Council and such removal shall not be in lieu of any other punishment that may be prescribed by the laws of the Tribe or the United States. The Director so removed shall be entitled to an opportunity to be heard before the Omaha Tribal Council before removal.

Section 6—Tribal Control of Importation of Liquor

The Tribal Council shall have the sole and exclusive right of authorizing importation, into the Reservation, of all forms of intoxicating liquor and beer, except as otherwise provided in this Ordinance, and no person or organization shall so import any such intoxicating liquor or beer into the Reservation, unless authorized by the Tribal Council by the issuance of a Class C wholesaler's license. No licensed wholesaler or distillery shall sell any intoxicating liquor or beer within the Reservation to any person or organization unless authorized by the Tribal Council and except as otherwise provided in this Ordinance. It is the intent of this section to retain in the Tribal Council, exclusive control within the Reservation both as authorizer and controller of all alcoholic beverages sold by licensed wholesalers or distilleries within the Reservation or imported therein, and except as otherwise provided in this Ordinance.

Section 7—Individual and Firms To Hold License

An individual person, as well as firms, corporations or other entities may hold a liquor license under the provisions of this Ordinance. It is the intent of this Ordinance to allow individuals as well as firms, corporations or other entities to hold liquor licenses, as provided by this Ordinance.

Section 8—Tribal Liquor Stores or Lounges

Subject to the provisions of Chapter II, the Tribal Council may establish and maintain anywhere on the Reservation in the State of Iowa the Tribal Council may deem advisable, a Tribal liquor store, lounge or stores or lounges for storage and sale of alcoholic beverages in accordance with the provisions of this Ordinance.

Section 9—Vendor-Cash Sales

In the conduct and management of Tribal liquor stores and lounges, the Tribal Council is empowered to employ a person who shall be under the direct supervision of the Director, who shall be known as a "vendor" and who shall observe all provisions of this Ordinance and rules and regulations that may be prescribed by the Tribal Council under this Ordinance. No vendor shall sell alcoholic beverages to any person or organization except for cash, check, or credit card transaction, except where the purchaser is a bona fide registered guest in a hotel or motel.

Section 10—Storage of Beverages

The Omaha Tribe of Nebraska and all licensees under this ordinance shall not keep or store any alcoholic beverages at any place within the Omaha Tribe of Nebraska Reservation other than on the premises where they are authorized to operate and except as otherwise provided by this Ordinance.

Section 11—Payment of Fee

There shall be a filing fee on applications for any licenses under this Ordinance, as established by the Tribal Council.

Section 12—Request for Notice of Hearing

If any Tribal Citizen shall file with the Tribal Council, a written request that he or she be notified of the time and place of hearing upon any specified application or applications for licenses for the On- or Off-Sale at retail of alcoholic beverages, the Director shall give notice to such person by certified mail and within a sufficient length of time prior to the hearing upon such application as to allow such person a reasonable opportunity to be present. For the purpose of this section, the certified letter must be deposited with the U.S. Post Office at least five (5) days before the schedule date of the hearing.

Section 13—Time and Place for Hearing

The Tribal Council shall fix a time and place for hearing upon all such applications which may come before the Tribal Council, and the Director shall publish notice once in a newspaper of general circulation within the Reservation which notice shall be headed "Notice of Hearing Upon Application for Sale of Alcoholic Beverage" and shall state the time and place, when and where such applications will be considered by the Tribal Council and that any person interested in the approval or rejection of any such application may appear and be heard, which notice shall be published at least one week prior to such hearing. At the time and place so fixed, the Tribal Council shall consider such applications and all objections thereto, if any, prior to final decision thereon

Section 14—Transfer of License

No license grant pursuant to the provisions of this Ordinance shall be transferred to another person or organization. If a transfer to a new location is requested by a licensee, the licensee must make application showing all the relevant facts as to such new application, which application shall take the same course and be acted upon as if an original application. No fee shall be required of a licensee who desires to transfer to a new location; however, such licensee must pay the actual costs involved in the Notification of Hearing as published in the official newspaper.

Section 15—Sale of Stock on Termination

Any licensee authorized to deal in alcoholic beverages upon termination of its license may at any time within twenty (20) days thereafter sell the whole or any part of the alcoholic beverages included in its stock in trade at the time of termination, to any licensed wholesaler approved under the provisions of the Ordinance to deal in alcoholic beverages as a wholesaler. A complete report of such purchase and sale must be made by both the wholesaler and licensee to the Tribal Council. At the discretion of the Tribal Council, an additional twenty (20) days extension to sell may be granted to the licensee by the Tribal Council.

Section 16—Complaints Authorized

Any person may file with the Tribal Council, a duly notarized complaint as to any violations of the provisions of this Ordinance and immediately upon receipt thereof, the Tribal Council shall cause the Director to make a thorough investigation and, if there is evidence to support the charge made in such complaint, the Tribal Council may revoke or suspend the license in question and/or take other appropriate action.

Section 17—Revocation Proceedings

The Tribal Council shall on due notice to such licensee, conduct a hearing and on the basis thereof determine whether such license should be revoked or suspended.

Section 18—Subpoena by Tribal Council

For the purpose of conducting the hearing as prescribed above, the Tribal Council shall have the power to subpoena witnesses and to administer oaths. Witnesses so subpoenaed may be paid at the then prevailing witness rate

which is established by the Tribal Council from time-to-time. Said witness fee may be paid from the Tribal Liquor Control Fund. The initial witness fee shall be $20.00 per day. Criminal proceedings must be filed in the Tribal Court and may be instituted by the Tribal Council as Complainant against any violator except the Omaha Tribe of Nebraska.

Section 19—Dismissal or Acceptance of Complaint

If the Tribal Council determines the license should not be revoked or suspended, it shall dismiss the complaint. If the Tribal Council determines the license should be suspended or revoked and suspends or revokes such license, it must make in writing, findings of fact as to every such violation alleged in such complaint before it revokes or suspends such license, and must within thirty (30) days following the hearing, make a report available to the members of the Tribe consisting of a transcript of the proceedings had, and all findings as to every such violation alleged in such complaint.

Section 20—Suspension in Lieu of Revocation

The Tribal Council may, if the facts warrant, mitigate the revocation to a suspension. When in any proceedings upon verified complaint, the Tribal Council is satisfied that the nature of such violation and the circumstances thereof were such that a suspension of license would be adequate, it may suspend the license for a period not exceeding sixty (60) days, which suspension shall become effective twenty-four (24) hours after service of notice thereof upon the license. During the period of such suspension, such licensee shall exercise no rights or privileges whatsoever under the license.

Section 21—Public Hearing Required

All hearings under the provisions of this Ordinance shall be public, and place of hearing shall be specifically designated in the notice of hearing.

Section 22—Order of Revocation

In any case where the Tribal Council approves a revocation of a license, it shall forthwith make an order for such revocation and upon service of notice thereof on the licensee, all of such licensee's rights under such license shall terminate three (3) days after such notice, except in the event of a Stay on Appeal.

Section 23—Waiting Period for New Licensee

Any licensee, except the Omaha Tribe of Nebraska, whose license is revoked, shall not for a period of two (2) years thereafter, be granted any license under the provisions of this Ordinance.

Section 24—Appeal to the Omaha Tribal Court

Any licensee whose license is revoked or suspended by the Tribal Council regardless of how the proceedings were instituted, may appeal from such revocation or suspension, to the Omaha Tribal Court within five (5) days after notice to the licensee of such revocation or suspension, and such appeal operate to stay all proceedings for a period of fifteen (15) days thereafter. Upon good cause shown, the Tribal Court may extend the stay an additional period of time but not to exceed thirty (30) additional days. The Tribal Council shall forthwith, upon such appeal being made, prepare a complete record in the proceedings and shall thereupon fix a time and place for hearing before the Tribal Court, due notice of such hearing shall be given to all concerned parties involved in the appeal. The Tribal Court shall review the proceeding before the Tribal Council on the record made before the Tribal Council utilizing the clearly erroneous standard of review for findings of fact.

Section 25—Bootlegging

Any person, who by himself, or through another acting for him, shall keep or carry on his person, or in a vehicle, or leave in a place for another to secure, any alcoholic liquor or beer with intent to sell or dispense of such liquor or beer or otherwise in violation of law, or who shall, within this Reservation in any manner, directly or indirectly solicit, take, or accept any order for the purchase, sale, shipment, or delivery of such alcoholic liquor or beer in violation of law, or aid in the delivery and distribution of any alcoholic liquor or beer so ordered or shipped, or who shall in any manner procure for, sell, or give any alcoholic liquor or beer to any person under legal age, for any purpose except as authorized and permitted in this Ordinance, shall be guilty of bootlegging and upon conviction thereof shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), and to a jail sentence of not less than three (3) months, nor more than six (6) months, or both such fine and jail sentence plus costs. Proceedings under this Section involving Tribal Citizens shall be criminal in nature and heard before the Omaha Tribal Court.

Proceedings under this Section involving non-Tribal Citizens shall be deemed an administrative exercise of the Tribe's regulatory power and the fine for any one offense cannot exceed $10,000.00 and no jail sentence may be imposed.

Section 26—Sacramental Wines

The provisions of this ordinance, except as otherwise provided, shall not apply to the purchase and sale of sacramental wines. Ordained rabbis, priests, ministers, or pastors of any church or established religious organizations within the Omaha Tribe Reservation may buy sacramental wines from any person in such quantities as necessary for their religious purposes only.

Chapter II—Liquor Licenses and Sales

Section 1—Power to License and Tax

The power to establish licenses and levy taxes under the provisions of this Ordinance is vested exclusively with the Tribal Council. The Tribal Council may levy an administrative fine for violations of this ordinance by those who are not Citizens of the Tribe, but such fines shall not exceed Ten Thousand Dollars ($10,000.00) per violation.

Section 2—Classes of Licenses

Classes of licenses under this chapter with the fee for each class as established by the Tribal Council from time-to-time shall be as follows:

(a) Class A Package Dealers: $1,000.00
(b) Class B On-Sale Dealers: $1,500.00
(c) Class C Wholesalers: $500.00

Section 3—Acceptance or Rejection of License

In accepting or rejecting a request for a license, the Tribal Council shall consider the need of the area to be served for such liquor sales, the number of existing licensed businesses covering the area, the desires of the community within the area to be served, any law enforcement problem which may arise because of the sale of liquor, the character and reputation of the person seeking the license, suitability of the physical premises and plan of operation of the person seeking the license, and any other consideration relevant to the request.

Section 4—Domestication Requirement for Corporated Licenses

Any corporate, partnership or other entity applying for a Class A or Class B license under this chapter must be a

corporation, partnership or entity organized under the laws of the Omaha Tribe of Nebraska, provided that if the applicant is a foreign corporation, partnership or entity, the applicant shall be deemed eligible if, prior to the application, it has complied with all the laws of the United States and the Tribe concerning doing business within the Omaha Reservation and submitted to the jurisdiction of the Tribe by appointing a resident agent for service of process. Individuals, partnerships, and other forms of business association shall be eligible to obtain all classes of licenses under this chapter.

Section 5—Discretion of the Tribal Council

Application for licenses under this chapter shall be submitted to the Tribal Council as specified in Chapter I of this Ordinance and the Tribal Council shall have absolute discretion to approve or disapprove the same in accordance with the provisions of this Ordinance.

Section 6—Cancellation of Surety Bond

Any surety may cancel any bond required under this Ordinance as to future liability by giving thirty (30) days notice to the Tribal Council. Unless the licensee gives other sufficient surety by the end of the thirty (30) day period, the license shall be revoked automatically at the end of the thirty (30) days.

Section 7—Surety Bond

(a) Every application for a license under this Ordinance, unless exempted by the Tribal Council, must be accompanied by a bond, which shall become operative and effective upon the issuing of a license unless the licensee already has a continuing bond in force. The bond shall be in the amount of $10,000.00 and must be in a form approved by the Tribal Council and it shall be conditioned that the licensee will faithfully obey and abide by all the provisions of this Ordinance and all existing laws relating to the conduct of its business and will promptly pay to the Omaha Tribe of Nebraska when due, all taxes and license fees payable by it under the provisions of this Ordinance and also any costs and cost penalty assessed against it in any judgment for violation of the terms of this Ordinance.

(b) All bonds required by this Ordinance shall be with a corporate surety as surety, or shall be by cash deposit. If said bond is placed by cash, it shall be kept in a separate escrow account within a legally chartered bank.

Section 8—Action of Bond for Injury

Any person injured by reason of the failure of any licensee to faithfully obey and abide by all the provisions of this Ordinance shall have a direct right of acting upon the bond before the Tribal Council, and if the Tribal Council or the Tribe is the Complainant, before the Tribal Court, for the purpose of recovering the damage sustained by such person, which action may be prosecuted in the name of the injured.

Section 9—Agreement by Licensee To Grant Access

Every application for a license under this Ordinance must include an agreement by the applicant that his premises, for the purpose of search and seizure laws shall be considered public premises, and that such premises and all buildings, safes, cabinets, lockers, and store rooms thereon will at all times on demand of the Tribal Council or a duly appointed Tribal or Federal policeman, be open to inspection, and that all its books and records dealing with the sale of ownership of alcoholic beverages shall be open to said person or persons for such inspection, and that the application and the license issued thereon shall constitute an irrevocable contract between the licensee and the Omaha Tribe of Nebraska entitling the Tribe for the purpose of enforcing the provisions of this Ordinance to inspect the premises and books at any time.

Section 10—Duration of Licenses

The period covered by the licenses under this Ordinance shall be from 12 o'clock midnight on the 31st day of December to 12 o'clock midnight on the 31st of the following December, except that the license shall be valid for an additional thirty (30) days provided that proper application for a new license is in the possession of the Tribal Council prior to midnight on the 31st day of December when the license for a portion of such period, unless otherwise provided by this Ordinance.

Section 11—Refilling Prohibited

No licensee shall buy or sell any package which has previously contained alcoholic beverages sold under the provisions of this Ordinance or refill any such package.

Section 12—Deliveries

No licensee under this Ordinance shall make any delivery of alcoholic beverages outside the premises described in the license.

Section 13—Prohibited Sales

No vendor shall sell any intoxicating liquor;

(a) to any person under legal age,

(b) to any person who is intoxicated at the time, or who is known to the vendor to be a habitual drunkard,

(c) to any person to whom the vendor has been requested in writing not to make such sale, where such request is by the Tribal Council, any police or peace officer, or the husband or wife of the person,

(d) to any mentally ill or mentally retarded person. Any person who violates any of the provisions of this section shall be guilty of an offense and punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), or by both such fine and imprisonment with costs.

Section 14—After Hours Sales

No vendor shall sell, serve or allow to be consumed on the premises covered by the license, alcoholic beverages other than in the hours permitted by its license. The Tribal Council shall specify the hours of sale in the license issued to the vendor, provided that such hours of sale shall not be more extensive than those permitted in the State of Iowa from time-to-time.

Section 15—Prohibited Sales

No Class B licensed On Sale establishment shall allow to be sold any alcoholic beverages in a package, whether sealed or unsealed, or whether full or partially full.

Section 16—Unsealed Packages in Public

No person shall have an unsealed package containing intoxicating liquor in his possession in any public place, other than in a duly licensed facility authorizing such broken seal.

Section 17—Prohibited Use

No person shall be permitted either to consume any intoxicating liquor or to mix or blend any intoxicating liquor or alcohol with any other beverage whether or not such other beverage is an alcoholic beverage, in any public place other than upon the premises of a licensed on-sale dealer as defined and authorized by this Ordinance, and any vendor who knowingly permits such violation to occur upon the premises shall be equally responsible with the person performing the act for the violation of the terms thereof.

Section 18—Cash Sales Only

All sales of alcoholic beverage shall be made for cash, check or by credit card transaction except where the purchaser is a bonafide registered guest in a hotel or motel. No Licensee may extend credit for the purchase of

alcoholic beverages or engage in any pawn business of any type.

Chapter III—Sales Tax

Section 1—Sales Tax Levied

There is hereby imposed a sales tax on the purchaser of alcoholic beverages from any retail licensee licensed under the provisions of this Ordinance in the amount of ten precentum (10%) of the retail selling price. Such sales tax shall be deposited in a specific fund for use to prevent and control substance abuse on the Reservation.

Chapter IV—Age Requirements

Section 1—Sales to Persons Under 21

It shall be unlawful to sell or give any alcoholic beverage to any person under the age of twenty-one (21) years. Any Tribal Citizen who violates this section shall be guilty of an offense and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or by imprisonment in jail for not less than thirty (30) days nor more than one hundred eighty (180) days, or by both such fine and imprisonment with costs. Violations of this Section by persons or entities which are not Tribal Citizens may be regulated by the levy of an administrative fine not in excess of $2,000.00 per violation following an opportunity for a hearing before the Tribal Council. The levy of an administrative fine by the Tribal Council under this Section is in addition to the power to suspend or revoke any license.

Section 2—Purchase, Possession by Minor

It shall be unlawful for any person under the age of twenty-one (21) years of age to purchase, attempt to purchase or possess or consume intoxicating liquor, or to misrepresent his age for the purpose of purchasing or attempting to purchase such intoxicating liquor. Any person who violates any of the provisions of this section shall be guilty of an offense and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars ($100.00) or more than Five Hundred Dollars ($500.00) or by imprisonment in the jail for a period not less than thirty (30) days nor more than one hundred twenty (120) days, or by both such fine and imprisonment with costs. Violating this Section by persons who are not Citizens of the Tribe may be regulated by the levy of an administrative fine not in excess of $1,000.00 per violation following an opportunity for a hearing before the Tribal Council.

Section 3—Evidence of Legal Age Demanded

Upon attempt to purchase any alcoholic beverages in any liquor store licensed pursuant to this Ordinance by any person who appears to the vendor to be under legal age, such vendor shall demand, and the prospective purchaser upon such demand, shall display satisfactory evidence that he or she is of legal age. Any person under legal age who presents to any vendor falsified evidence as to his age shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties specified in Section 1 above.

Chapter V—Revision

Section 1—Severability

If any section of any chapter of this Ordinance or the application thereof to any party or class, or to any circumstances, shall be held to be invalid for any cause whatsoever, the remainder of the chapter or Ordinance shall not be affected thereby and shall remain in full force and effect as though no part thereof had been declared to be invalid.

Section 2—All Prior Ordinances and Resolutions Repealed

All prior Ordinances and Resolutions or provisions thereof that are repugnant or inconsistent to any provision of this Ordinance are hereby repealed.

Section 3—Amendment or Repeal of Ordinance

This Ordinance may be amended or repealed only by majority vote of the Tribal Council in regular session.

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

[FR Doc. 93-3674 Filed 2-16-93; 8:45 am]

BILLING CODE 4310-02-M

Reader Aids

Federal Register

Vol. 58, No. 30

Wednesday, February 17, 1993

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection desk	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

6601–6678.....1
6679–6874.....2
6875–7046.....3
7047–7184.....4
7185–7476.....5
7477–7714.....8
7715–7860.....9
7861–7952.....10
7953–8200.....11
8201–8516.....12
8517–8690.....16
8691–8892.....17

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive orders:
12837.....8205
12838.....8207
12839.....8515
12800 (Revoked by EO 12836).....7045
12818 (Revoked by EO 12836).....7045
12836.....7045

Administrative Orders:

Memorandums:
January 22, 1993.....7455
January 22, 1993.....7457
January 22, 1993.....7459
January 29, 1993.....8201
February 3, 1993.....8203

Proclamations:
6527.....7477
6528.....8691

5 CFR

Proposed Rules:
970.....7052

7 CFR

52.....7607
301.....8517, 8820
318.....7953
319.....8524
907.....7964
908.....7964
911.....8533
915.....7972, 8533
916.....8534
918.....8209
927.....8536
932.....8538
948.....8539
1097.....6679
1099.....6679
1209.....8194

Proposed Rules:
52.....7296
275.....7296
283.....7296
932.....8558
1106.....8559
1139.....7996

9 CFR

161.....8820

Proposed Rules:
317.....8560
381.....8560

10 CFR

19.....7715
20.....7715
30.....7715
36.....7715
40.....7715
51.....7715
70.....7715
170.....7715

Proposed Rules:
20.....8560
30.....6730
40.....6730
50.....6730, 7757
70.....6730
72.....6730

11 CFR

201.....6675

12 CFR

203.....6601
207.....6602
208.....7973
220.....6602
221.....6602
224.....6602
225.....7973
303.....8210
325.....8220
611.....6604
612.....6605
796.....6605
1605.....8220

Proposed Rules:
205.....8714
208.....8007
225.....8007
900.....8563

13 CFR

121.....7479

14 CFR

21.....8222
23.....8222
33.....6875
39.....6703–6707, 6877–6881, 7185, 7479–7482, 7737, 7861, 7862, 7982, 7983, 8224, 8693
71.....6709, 6884–6886, 7179, 7484, 7738
73.....6884
95.....6887
97.....6709, 6712, 7485, 7746

Proposed Rules:
Ch. I.....8244, 8719
39.....6740–6746, 6906, 7196, 7494, 7495, 7759, 8719–8723
61.....7197
63.....7197
65.....7197
71.....6911, 8244, 8724, 8725
93.....7950

121.....7197
135.....7197
300.....7040
399.....7053

15 CFR

Proposed Rules:
1200.....8564

16 CFR

4.....7047

Proposed Rules:
Ch. II.....8013–8023
305.....7852
1210.....8565

17 CFR

4.....8226
140.....6677
145.....7040
150.....6854
200.....8541
270.....7984

Proposed Rules:
1.....6748, 7056
3.....6748
10.....6748
145.....6748

18 CFR

3c.....7486
154.....7984
157.....6893
381.....7488
385.....7984

19 CFR

Proposed Rules:
10.....6677

21 CFR

177.....8820
520.....7864, 8541
522.....8542
1308.....7186

23 CFR

140.....6713

Proposed Rules:
625.....6914

24 CFR

770.....8186
882.....8186
889.....8186
890.....8186
941.....6186

Proposed Rules:
770.....8187
882.....8187
889.....8187
890.....8187
941.....8187

25 CFR

501.....8449
515.....8449
519.....8449
522.....8449
523.....8449
524.....8449
531.....8449
533.....8449
535.....8449
537.....8449
539.....8449
556.....8449
558.....8449
571.....8449
573.....8449
575.....8449
577.....8449

26 CFR

1.....6678, 7041, 7296, 7747, 7865, 7987, 7988, 8098
602.....6678, 7987, 7988

Proposed Rules:
1.....6854, 6922, 6923, 7179, 7497, 7845, 8027
26.....6854, 7497
31.....8726
52.....8099
301.....6854, 7497, 7761

27 CFR

Proposed Rules:
9.....8726

29 CFR

2616.....6605
2617.....6605
2619.....8230
2676.....8231

Proposed Rules:
103.....7149
2619.....7921
2676.....7921

30 CFR

77.....8543
254.....7489
701.....8655
785.....8655

Proposed Rules:
14.....8028
18.....8028
75.....8028
870.....7761, 8655

31 CFR

103.....7047

32 CFR

201.....7865
592.....6715
606.....6715
608.....6715
612.....6715
616.....6715
706.....8694

33 CFR

1.....8884
3.....6716
100.....7492, 8543
117.....6717
150.....7330
154.....7330
155.....7376
165.....8543
334.....6718

Proposed Rules:
117.....6766, 6767, 7497, 7498
165.....7500
334.....6768

34 CFR

8.....7860

Proposed Rules:
361.....8688
300.....7938

36 CFR

Proposed Rules:
1191.....6924

37 CFR

301.....8655
304.....7051, 8820
311.....8655

38 CFR

1.....7296

39 CFR

Proposed Rules:
3001.....6769

40 CFR

2.....7187
52.....6606, 8545
58.....8252
60.....7189
82.....8136, 8820
180.....6893, 8695–8699
232.....8172
233.....8172
260.....8658
261.....6854
264.....8658
265.....8658
266.....6607
268.....8658
270.....8658
271.....6854, 7865, 8232, 8658
281.....6894
300.....7189, 7492
305.....7704
721.....7190

Proposed Rules:
Ch. I.....6609, 7501, 8565
52.....7762, 8245, 8246, 8565
54.....7870
81.....7762
112.....8824
144.....7924, 8028
180.....8695–8699
191.....7924, 8028
194.....8029
260.....8102
261.....6925, 8102, 8504
262.....8102
264.....8102
265.....8102
268.....8102
270.....8102
273.....8102
372.....6609
700.....7646
720.....7661
721.....7676
723.....7646, 7679

41 CFR

302–11.....8547

42 CFR

59.....7462

Proposed Rules:
59.....7464
417.....8568
434.....8568
1003.....8568

43 CFR

Public Land Order:
6956.....6719
6957.....7867

44 CFR

65.....8551–8553
67.....8549

Proposed Rules:
67.....8568

45 CFR

303.....7040
1626.....6608

Proposed Rules:
1607.....6611
1609.....6612

46 CFR

571.....7190
586.....7988

Proposed Rules:
502.....7199
505.....7199
510.....7199
514.....7501
540.....7199

47 CFR

1.....6895, 8701
61.....7867
69.....7867
73.....7194, 7195, 7869, 8233–8235
76.....7990

Proposed Rules:
Ch. I.....6937, 7062, 8248
1.....8731
2.....6769, 8731
15.....6769, 7205
43.....7764
73.....6677, 7874, 7875, 8248
76.....7205, 7875
88.....8731
90.....8731
94.....8731

48 CFR

Ch. 20.....8449
552.....8235
701.....8701
706.....8701
716.....8701
719.....8701
726.....8701
733.....8701
752.....8701

Proposed Rules:
Ch. 53.....6771

49 CFR

1.....6896–6898
9.....6719
171.....6864
172.....6864, 8820
173.....6864
174.....6864
176.....6864
229.....6899
390.....6726
394.....6726
1002.....7748
1017.....7748
1018.....7748
1312.....7748
1313.....7748
1314.....7748

Proposed Rules:
40.....7197, 7506

199.....7197
217.....7197
219.....7197
350.....7197
382.....7197
383.....7197
391.....7197
392.....6937, 7197
395.....6937, 7197
531.....6939
571.....7206, 7506
572.....7506
611.....6948
653.....7197
654.....7197
1039.....8030
1180.....6612

50 CFR

17.....8235
217.....8554
227.....8554
625.....8557
650.....7040
611.....8703
675.....7040, 8703–8712

Proposed Rules:

17.....8032, 8249, 8250
226.....7206
663.....7525
672.....6677

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List February 11, 1993

ELECTRONIC BULLETIN BOARD

Free **Electronic Bulletin Board** Service for Public Law Numbers is available on 202–275–1538 or 275–0920.

VOL
58

ISS
30

FE
17

1993

UMI

Would you like to know...

if any changes have been made to the Code of Federal Regulations or what documents have been published in the Federal Register without reading the Federal Register every day? If so, you may wish to subscribe to the *LSA (List of CFR Sections Affected)*, the *Federal Register Index*, or both.

LSA • List of CFR Sections Affected

The LSA (List of CFR Sections Affected) is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. The LSA is issued monthly in cumulative form. Entries indicate the nature of the changes—such as revised, removed, or corrected.
$21.00 per year

Federal Register Index

The index, covering the contents of the daily Federal Register, is issued monthly in cumulative form. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.
$19.00 per year.

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register

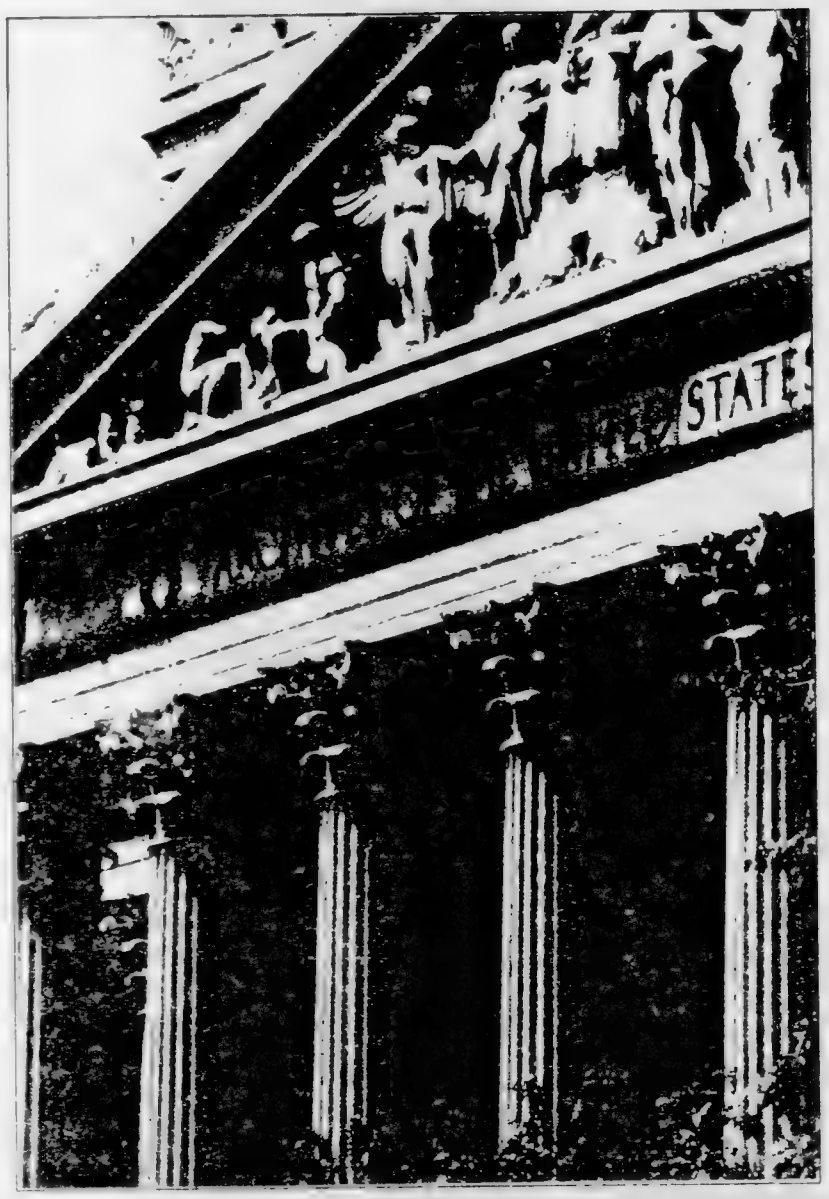

Superintendent of Documents Subscriptions Order Form

Order Processing Code
*5351

Charge your order. It's easy!

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please send me the following indicated subscriptions:

☐ LSA • List of CFR Sections Affected—one year as issued—$21.00 (LCS)

☐ Federal Register Index—one year as issued—$19.00 (FRSU)

1. The total cost of my order is $ _____ . All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____) _____
(Daytime phone including area code)

3. **Please choose method of payment:**

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐–☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

(Rev. 10/92)

4. **Mail To:** Superintendent of Documents, Government Printing Office, Washington, DC 20402-9371

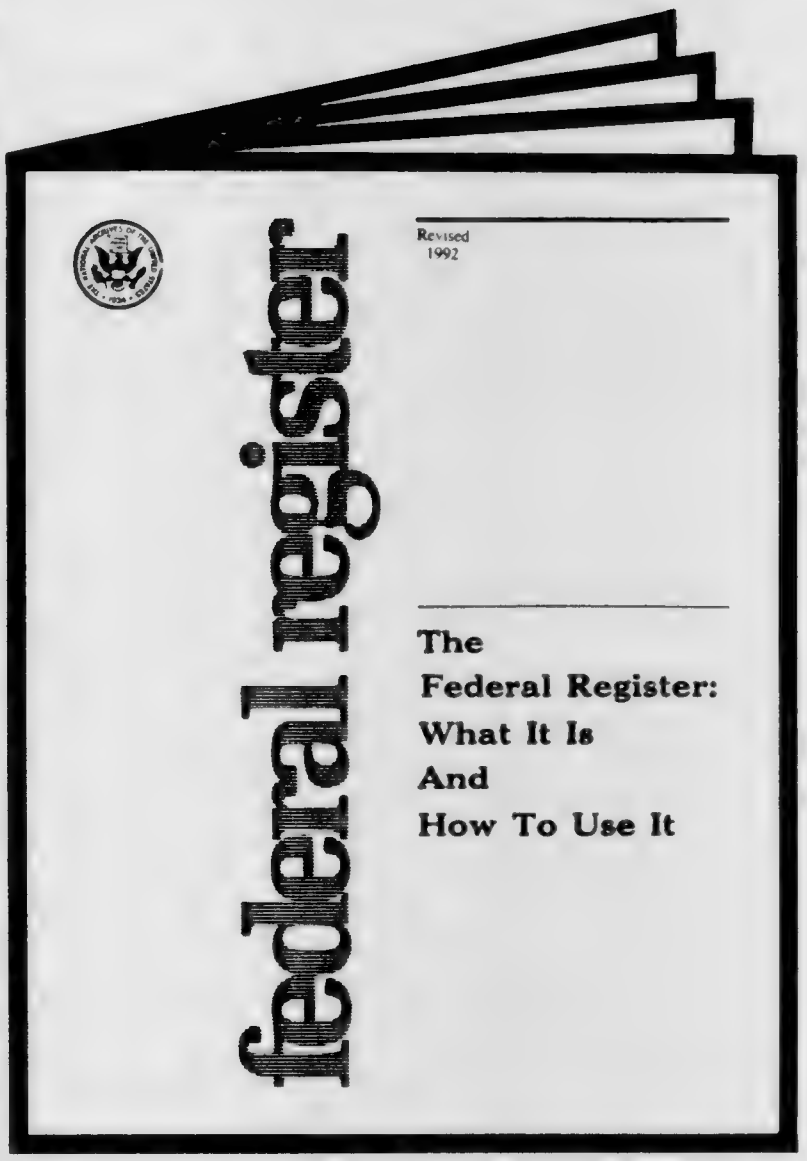

Announcing the Latest Edition

The Federal Register: What It Is and How to Use It

A Guide for the User of the Federal Register — Code of Federal Regulations System

This handbook is used for the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide guidelines for using the *Federal Register* and related publications, as well as an explanation of how to solve a sample research problem.

Price $7.00

Superintendent of Documents **Publications** Order Form

Order processing code:
*6173

☐ **YES**, please send me the following:

Charge your order. It's Easy!
To fax your orders (202)-512-2250

_____ copies of **The Federal Register - What it is and How To Use it**, at $7.00 per copy. Stock No. 069-000-00044-4

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

_____
(Company or Personal Name) (Please type or print)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

_____
(Daytime phone including area code)

_____
(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐☐ - ☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐ (Credit card expiration date)

Thank you for your order!

_____
(Authorizing Signature) (Rev. 1-93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

VOL
58
ISS
30
FE
17
1993
UMI

The authentic text behind the news . . .

The Weekly Compilation of **Presidential Documents**

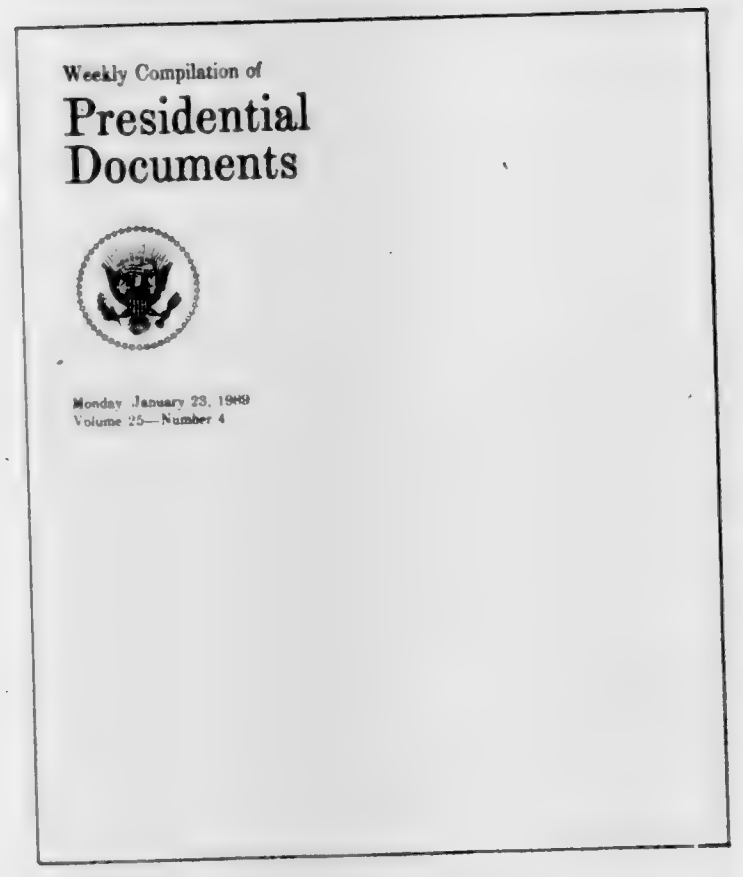

This unique service provides up-to-date information on Presidential policies and announcements. It contains the full text of the President's public speeches, statements, messages to Congress, news conferences, personnel appointments and nominations, and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. Each issue contains an Index of Contents and a Cumulative Index to Prior Issues.

Separate indexes are published periodically. Other features include lists of acts approved by the President, nominations submitted to the Senate, a checklist of White House press releases, and a digest of other Presidential activities and White House announcements.

Published by the Office of the Federal Register, National Archives and Records Administration.

Superintendent of Documents Subscriptions Order Form

Order Processing Code
*6466

Charge your order. It's easy! MasterCard VISA

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please enter my subscription for one year to the **WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS (PD)** so I can keep up to date on Presidential activities.

☐ $96.00 First Class ☐ $58.00 Regular Mail

1. The total cost of my order is $ ____ All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)
_____
(Additional address/attention line)
_____
(Street address)
_____
(City, State, ZIP Code)
(_____)
(Daytime phone including area code)

3. **Please choose method of payment:**
☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
_____ ***Thank you for your order!***
(Credit card expiration date)
_____
(Signature) (Rev 1/93)

4. **Mail To: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954**

tted to
ite
digest of
nd White

e Federal
nd

GPO order
to 4 00 p m
ldays)

and are

of

-

our order!

(Rev 1/93)

4. Mail To: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh

VOL
58
ISS
30
FE
17
1993
UMI

Printed on recycled paper

VOL
58

ISS
31

FE
18

1993

UMI

U·M·I

THE PAPER AND INK USED IN THE ORIGINAL MATERIAL AFFECT THE QUALITY OF THE MICRO-EDITION. THIS REPRODUCTION IS MADE FROM THE BEST COPY AVAILABLE.

2–18–93
Vol. 58

United St
Governm
Printing O
SUPERINTENDE
OF DOCUMENT
Washington, DC

OFFICIAL BUSI
Penalty for priv

2–18–93
Vol. 58 No. 31

federal register

Thursday
February 18, 1993

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 93 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
58

ISS
31

FE
18

1993

UMI

2-18-93
Vol. 58
Pages 88

2-18-93
Vol. 58 No. 31
Pages 8093-8106

federal register

Thursday
February 18, 1993

Briefings on How To Use the Federal Register
For information on briefings in New York, NY, and Los Angeles, CA, see announcement on the inside cover of this issue.

VOL 58 ISS 31 FE 18 1993 UMI

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche format and magnetic tape. The annual subscription price for the **Federal Register** paper edition is $375, or $415 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $353; and magnetic tape is $37,500. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $4.50 for each issue, or $4.50 for each group of pages as actually bound; or $1.50 for each issue in microfiche form; or $175.00 per magnetic tape. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 58 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	202–783–3238
Magnetic tapes	512–1530
Problems with public subscriptions	512–2303
Single copies/back copies:	
Paper or fiche	783–3238
Magnetic tapes	512–1530
Problems with public single copies	512–2457
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	523–5243
Magnetic tapes	512–1530
Problems with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

NEW YORK, NY

WHEN: March 26, at 12:30 pm
WHERE: 26 Federal Plaza
Conference Room 305C
New York, NY
RESERVATIONS: Federal Information Center
1–800–347–1997

LOS ANGELES, CA

WHEN: March 31, at 9:00 am
WHERE: 300 North Los Angeles Street
Conference Room 8041
Los Angeles, CA
RESERVATIONS: Federal Information Center
1–800–726–4995

Printed on recycled paper containing 100% post consumer waste

Contents

Federal Register

Vol. 58, No. 31

Thursday, February 18, 1993

Agricultural Marketing Service
RULES
Grapes grown in California, 8893
Milk marketing orders:
Southwest Plains, 8894
PROPOSED RULES
Oranges (navel and Valencia) grown in Arizona and California, 8912

Agriculture Department
See Agricultural Marketing Service

Air Force Department
NOTICES
Meetings:
Scientific Advisory Board, 8934

Antitrust Division
NOTICES
National cooperative research notifications:
ABB Atom AB et al., 8977
General Instruction Corp. et al., 8977
National Center for Manufacturing Sciences, Inc., 8977
Semiconductor Research Corp., 8978
Westinghouse Electric Corp., 8978

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Coast Guard
PROPOSED RULES
Pollution:
Hazardous materials; transfer hoses marking, 8918

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration
NOTICES
Agency information collection activities under OMB review, 8929

Commission on Immigration Reform
NOTICES
Meetings, 8972

Defense Department
See Air Force Department
See Navy Department

Energy Department
See Federal Energy Regulatory Commission
See Hearings and Appeals Office, Energy Department
RULES
Acquisition regulations:
Nuclear hot cell service, 8909
NOTICES
Meetings:
International Energy Agency Industry Advisory Board, 8935

Environmental Protection Agency
RULES
Hazardous waste:
Underground storage tanks—
Financial responsibility requirements, 9026
Pesticide programs:
Pesticide export policy, 9062
PROPOSED RULES
Toxic substances:
Asbestos-containing materials in schools—
State waiver requests, 8926
NOTICES
Hazardous waste:
Land disposal restrictions; exemptions—
Gibraltar Chemical Resources, Inc., 8944
Pesticide registration, cancellation, etc.:
Becker Microbial Products, Inc., 8945
McLaughlin Gormley King Co. et al., 8945
Superfund; response and remedial actions, proposed settlements, etc.:
Union Scrap Iron & Metal Site, MN, 8954
Toxic and hazardous substances control:
Premanufacture exemption applications, 8947
Premanufacture notices; monthly status reports, 9092
Premanufacture notices receipts, 9096

Farm Credit Administration
NOTICES
Organization, functions, and authority delegations:
Farm Credit System Assistance Board charter cancellation and National Special Asset Council dissolution, 8955

Federal Aviation Administration
RULES
Transition areas; correction, 8896
PROPOSED RULES
Airworthiness directives:
Beech, 8916
Fokker, 8914
Omnibus Transportation Employee Testing Act of 1991:
Anti-drug program and alcohol misuse prevention program for employees of foreign air carriers engaged in specified aviation activities, 8917

Federal Communications Commission
RULES
Common carrier services:
Access charges—
Local exchange carriers; 800 service access, 8908
PROPOSED RULES
Common carrier services:
MSS Above 1 GHz Negotiated Rulemaking Committee; meetings, 8927, 8928
NOTICES
Agency information collection activities under OMB review, 8955, 8956
Television broadcasting:
Low power television and television translator filing window (March 29—April 2, 1993), 8956

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 9023

Special elections; filing dates:
California, 8959

Federal Energy Regulatory Commission
RULES
Public Utility Holding Company Act:
Filing requirements and ministerial procedures for persons seeking exempt wholesale generator status, 8897
NOTICES
Electric rate, small power production, and interlocking directorate filings, etc.:
Wisconsin Power & Light Co. et al., 8935
Natural gas certificate filings:
Blue Ridge Pipeline Co. et al., 8936
Applications, hearings, determinations, etc.:
Algonquin Gas Transmission Co., 8938
Algonquin Gas Transmission Co. et al., 8939
Algonquin LNG, Inc., et al., 8938
CNG Transmission Corp., 8939
Columbia Gas Transmission Corp., 8939
Granite State Gas Transmission, Inc., 8940
LG&E Power 20 Inc., 8940
Northern Natural Gas Co., 8940
Northwest Pipeline Corp., 8941
Questar Pipeline Co., 8941
TCPL Power Ltd., 8941
Tennessee Gas Pipeline Co., 8941
Texas Eastern Transmission Corp., 8942
Transwestern Pipeline Co., 8942
Trunkline Gas Co., 8942, 8943
WEL Energy Group Limited, 8943
Western Gas Interstate Co., 8943

Federal Maritime Commission
NOTICES
Anti-rebate certifications, failure to file; tariff cancellations and license suspensions, 8960

Federal Railroad Administration
PROPOSED RULES
Track safety standards; miscellaneous amendments
Public workshop; correction, 8928

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Florida, 8930
Texas—
BASF Corp.; chemical manufacturing facilities, 8929

Health and Human Services Department
See National Institutes of Health

Hearings and Appeals Office, Energy Department
NOTICES
Decisions and orders, 8943

Interior Department
See Land Management Bureau
See Minerals Management Service
See National Park Service

International Trade Administration
NOTICES
Antidumping:
Compact ductile iron waterworks fittings and accessories from China, 8930

International Trade Commission
NOTICES
Import investigations:
Flat-rolled carbon steel products from Argentina et al., 8974
Internal mixing devices and components, 8973

Interstate Commerce Commission
NOTICES
Motor carriers:
Compensated intercorporate hauling operations, 8975
Railroad services abandonment:
Consolidated Rail Corp., 8975
Missouri Pacific Railroad Co., 8975

Justice Department
See Antitrust Division
NOTICES
Pollution control; consent judgments:
Petersen Sand & Gravel Inc., 8976
Thomas et al., 8976

Labor Department
See Pension and Welfare Benefits Administration
NOTICES
Agency information collection activities under OMB review, 8978

Land Management Bureau
NOTICES
Meetings:
Canon City District Advisory Council, 8973
Grand Junction District Grazing Advisory Board, 8973

Minerals Management Service
RULES
Royalty management:
Collection of royalties, rentals, bonuses, and other monies due Federal Government; payment method; CFR correction, 8907

National Credit Union Administration
NOTICES
Meetings; Sunshine Act, 9023

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Media Arts Advisory Panel, 8997

National Highway Traffic Safety Administration
NOTICES
Motor vehicle defect proceedings; petitions, etc.:
McCullough, Elaine, 9018

National Institutes of Health
NOTICES
Committees; establishment, renewal, termination, etc.:
Alternative Medicine Program Advisory Committee, 8969
Meetings:
National Cancer Institute, 8969–8971
National Institute of Mental Health, 8971
National Institute on Alcohol and Alcoholism, 8969
National Institute on Drug Abuse, 8971
Recombinant DNA molecules research:
Actions under guidelines, 9102

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
Gulf of Mexico Fishery Management Council, 8933
Mid-Atlantic Fishery Management Council, 8934
Permits:
Marine mammals, 8934

National Park Service
NOTICES
Meetings:
Cape Cod National Seashore Advisory Commission, 8972

National Science Foundation
NOTICES
Meetings:
Biological Instrumentation and Resources Special Emphasis Panel, 8997
Earth Sciences Special Emphasis Panel, 8997, 8998
Electrical and Communications System Advisory Committee, 8998
Molecular and Cellular Biosciences Special Emphasis Panel, 8998

Navy Department
NOTICES
Inventions, Government-owned; availability for licensing, 8934

Nuclear Regulatory Commission
NOTICES
Meetings:
Plant components, aging and degradation research studies, 8998
Reactor pressure vessel fluence evaluation; technical issues, 8999
Reactor Safeguards Advisory Committee, 8999
Meetings; Sunshine Act, 9023
Applications, hearings, determinations, etc.:
Georgia Power Co. et al., 8999

Pension and Welfare Benefits Administration
NOTICES
Employee benefit plans; prohibited transaction exemptions:
Building Services 32B-J Health Fund et al., 8979
NationsBank Corp. et al., 8981

Personnel Management Office
PROPOSED RULES
Training of Federal employees, 8912

Postal Rate Commission
NOTICES
Post office closing; petitions for appeal:
Beaverlett, VA, 9001

Postal Service
PROPOSED RULES
Domestic Mail Manual:
Prebarcoding of letter-size mail, 8921

Public Health Service
See National Institutes of Health

Securities and Exchange Commission
NOTICES
Self-regulatory organizations:
Clearing agency registration applications—
Delta Government Options Corp., 9005
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., 9004
Chicago Board Options Exchange, Inc., 9002
Applications, hearings, determinations, etc.:
American Capital Comstock Fund, Inc., et al., 9006
Fortis Advantage Portfolios, Inc., et al., 9009
Galaxy VIP Fund et al., 9012

State Department
NOTICES
Shrimp trawl fishing; turtle protection guidelines, 9015

Thrift Depositor Protection Oversight Board
NOTICES
Meetings:
National Advisory Board, 9018
National Housing Advisory Board, 9018

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Railroad Administration
See National Highway Traffic Safety Administration

Treasury Department
NOTICES
Agency information collection activities under OMB review, 9019, 9020

United States Information Agency
NOTICES
Grants and cooperative agreements; availability, etc.:
Public and private non-profit organizations in support of international educational and cultural activities, 9021

Separate Parts In This Issue

Part II
Environmental Protection Agency, 9026

Part III
Environmental Protection Agency, 9062

Part IV
Environmental Protection Agency, 9092

Part V
Environmental Protection Agency, 9096

Part VI
Health and Human Services Department, National Institutes of Health, 9102

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

VOL
58
ISS
31
FE
18
1993
UMI

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
Proposed Rules:
410 8912

7 CFR
925 8893
1106 8894
Proposed Rules:
907 8912
908 8912

14 CFR
71 8896
Proposed Rules:
39 (2 documents) 8914, 8916
121 8917
129 8917

19 CFR
365 8897
381 8897

30 CFR
218 8907

33 CFR
Proposed Rules:
154 8918
155 8918

39 CFR
Proposed Rules:
111 8921

40 CFR
168 9062
169 9062
280 9026
Proposed Rules:
763 8926

47 CFR
61 8908
69 8908
Proposed Rules:
Ch. I (2 documents) 8927, 8928

48 CFR
925 8909
952 8909

49 CFR
Proposed Rules:
213 8928

Rule

This secti
contains
applicabili
are keyed
Federal R
50 titles p

The Code
the Super
new book
REGISTE

DEPART

Agricult

7 CFR P

[FV92-92

Grapes
Southea
1992 Fis
Expense
1993 Fis

AGENCY:
USDA.
ACTION:
for comm

SUMMARY
increases
fiscal yea
and estab
the 1993
Marketin
desert gr
program
on handl
in order
Administ
responsib
the order
meet the
program.
continuo

DATES: Se
February
1992 fisc
January 1
effective
applies to
began on
which ar
will be co
a final ru

ADDRESSE
invited to
concernin
be sent in
Marketing
Branch, F
AMS, US

Rules and Regulations

Federal Register
Vol. 58, No. 31
Thursday, February 18, 1993

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 925

[FV92-925-1IFR]

Grapes Grown in Designated Area of Southeastern California; Increase in 1992 Fiscal Year Expenses and Expenses and Assessment Rate for 1993 Fiscal Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule increases expenditures for the 1992 fiscal year and authorizes expenditures and establishes an assessment rate for the 1993 fiscal year as established under Marketing Order No. 925 for California desert grapes. Funds to administer this program are derived from assessments on handlers. These actions are needed in order for the California Desert Grape Administrative Committee, which is responsible for local administration of the order, to have sufficient funds to meet the expenses of operating the program. Expenses are incurred on a continuous basis.

DATES: Section 925.211 is effective on February 18, 1993 and applies to the 1992 fiscal period which began on January 1, 1992. Section 925.212 is effective on February 18, 1993 and applies to the 1993 fiscal period which began on January 1, 1993. Comments which are received by March 22, 1993 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Washington, DC 20090-6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles L. Rush, or Britthany E. Beadle, MOAB, F&V, AMS, USDA, P.O. Box 96456, room 2522-S, Washington, DC 20090-6456; telephone: (202) 720-2431; or 690-0992.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Order No. 925 (7 CFR part 925), as amended, regulating the handling of California desert grapes. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

This interim final rule has been reviewed by the U.S. Department of Agriculture (Department) in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, California desert grapes are subject to assessments. It is intended that the assessment rate specified herein be made applicable to all assessable grapes during the 1993 fiscal year, beginning on January 1, 1993. This interim final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this interim final rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subjects to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 20 handlers of desert grapes subject to regulation under this marketing order and approximately 90 producers of desert grapes. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of producers and handlers of desert grapes may be classified as small entities.

The desert grape marketing order requires that the assessment rate for a particular fiscal year shall apply to all assessable desert grapes handled from the beginning of such year. Annual budgets of expenses are prepared by the California Desert Grape Administrative Committee (CDGAC) and submitted to the Department for approval. The members of the CDGAC are handlers and producers of desert grapes. They are familiar with the CDGAC's needs and with the costs for goods, services, and personnel in their local area and are thus in a position to formulate an appropriate budget. The budget is formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the committee is derived by dividing anticipated expenses by expected shipments of desert grapes. Because that rate is applied to actual shipments, it must be established at a rate which will

VOL 58 ISS 31 FE 18 1993 UMI

produce sufficient income to pay the committee's expected expenses. The recommended budget and rate of assessment is usually acted upon by the committee shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approval must be expedited so that the committee will have funds to pay its expenses.

The CDGAC met on September 10, 1992, and unanimously recommended that the 1992 budget be increased by $5,000 to cover expenses of a grape skeletonizer research project. This will increase the previously authorized budget from $55,100 to $60,100. No increase in the assessment rate is necessary because adequate reserve funds are available to cover additional expenses.

The CDGAC also met on November 5, 1992, and unanimously recommended expenditures of $178,600, and an assessment rate of $0.02 per 22-pound container for the 1993 fiscal year. This is a $118,600 increase in expenditures and a $0.0175 increase in the assessment rate from the 1992 fiscal year budget.

Major expenditures for the 1993 fiscal year budget are $85,000 for the University of Riverside's research projects relating to agricultural products grown and produced in the Coachella Valley, and $14,000 for a research project on the Western Grapeleaf Skeletonizer.

In comparison, 1992 fiscal year budgeted expenditures were $60,100, and the assessment rate was $0.0025 per lug. Major expenditures were for research, salaries, and rent.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of the information and recommendations submitted by the CDGAC and other available information, it is found that this rule will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because:

(1) The CDGAC needs to have sufficient funds to pay its expenses which are incurred on a continuous basis;

(2) The 1993 fiscal year for the CDGAC begins on January 1, 1993, and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable desert grapes handled during the fiscal year; and

(3) This interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 925

Marketing agreements, Grapes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 925 is amended as follows:

PART 925—GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN CALIFORNIA

1. The authority citation for 7 CFR part 925 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Note: These sections will not appear in the annual Code of Federal Regulations.

2. Section 925.211 is added to read as follows:

§ 925.211 Expenses and assessment rate.

Expenses of $60,100 by the California Desert Grape Administrative Committee are authorized and an assessment rate of $0.0025 per lug of grapes is established for the fiscal period ending December 31, 1992. Unexpended funds may be carried over as a reserve.

3. A new § 925.212 is added to read as follows:

§ 925.212 Expenses and assessment rate.

Expenses of $178,600 by the California Desert Grape Administrative Committee are authorized and an assessment rate of $0.02 per lug of grapes is established for the fiscal year ending on December 31, 1993. Unexpended funds from the 1992 fiscal year may be carried over as a reserve.

Dated: February 11, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–3714 Filed 2–17–93; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 1106

[DA–92–39]

Milk in the Southwest Plains Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This document suspends from the Southwest Plains order for the months of January through August 1993 the shipping standards for supply plants that were pooled during the preceding September. Also suspended for calendar years 1993 and 1994 are the limits on the percentage of the supply plant shipping standard that may be met by considering diverted milk to be a qualifying shipments from the supply plant. This suspension was requested by Kraft General Foods, Inc., which operates a supply plant at Bentonville, Arkansas. This action will facilitate efficient movements of milk from farms to milk plants.

EFFECTIVE DATES: January 1, 1993 through August 31, 1993 for §§ 1106.6 and 1106.7(b)(1) and January 1, 1993, through December 31, 1994, for § 1106.7(b)(2).

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension

Issued December 21, 1992; published December 29, 1992 (57 FR 61839).

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of The Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. This action will lessen the regulatory impact on certain milk handlers and will tend to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-

major" rule under the criteria contained therein.

This action has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This action will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under § 608(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with the law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling. This order of suspension is issued pursuant to the provision of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and of the order regulating the handling of milk in the Southwest Plains marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on December 29, 1992 (57 FR 61839) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. One comment in favor of the suspensions was received.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that the following provisions of the order do not tend to effectuate the declared policy of the Act for the months indicated:

A. From January 1, 1993, through August 31, 1993, the following:

1. In § 1106.6, the words "during the month"; and

2. In § 1106.7(b)(1), the words "each of", the words "through January", and the words "of February through August until any month of such period in which less than 20 percent of the milk received or diverted as previously specified, is shipped to plants described in paragraph (a) or (e) of this section. A plant not meeting such 20 percent requirement in any month of such February–August period shall be qualified in any remaining month of such period only if transfers and diversions pursuant to paragraph (b)(2) of this section to plants described in paragraph (a) or (e) of this section are not less than 50 percent of receipts or diversions, as previously specified."

B. From January 1, 1993, through December 31, 1994, in § 1106.7(b)(2), the following sentence: "Diversions in excess of three-fifths of the shipping requirement shall not be included as qualifying shipments."

Statement of Consideration

This action suspends during the months of January through August 1993 the shipping standard for a supply plant that was a pool plant for the month of September 1992. Also, a provision that allows a supply plant to meet up to three-fifths of the shipping standard with diverted milk is suspended for 24 months, beginning January 1, 1993.

The order defines a supply plant as a plant from which fluid milk products are transferred or diverted to distributing plants during the month. It also provides that in order to be pooled under the order during the months of September through January, 50 percent of a supply plant's receipts must be shipped to distributing plants each month. A supply plant that was pooled during each month of the immediately preceding months of September through January shall continue to be pooled during the following months of February through August if 20 percent of its receipts are shipped to distributing plants. The order also provides that the operator of a supply plant may meet up to 60 percent of its shipping requirement with milk that was diverted from the supply plant.

Under the suspension, a supply plant that met the shipping requirement for September 1992 may be a pool plant during January through August 1993 without making any actual deliveries of milk to distributing plants. Moreover, any other supply plant could be pooled by meeting the shipping requirements entirely with diverted milk. This action will make it possible for supply plants to meet the needs of distributing plants with direct-shipped milk. Under current conditions in the Southwest Plains market, it appears that distributing plants can be fully supplied without the additional costs and handling involved in moving milk from farms to a supply plant, unloading the milk, and then reloading the milk for shipment to distributing plants.

Suspension of these provisions was requested by Kraft, USA, which operates a supply plant at Bentonville, Arkansas Kraft asked that the shipping requirements for December 1992 through August 1993 be suspended for a plant that was a supply plant in the immediately preceding September. Kraft also asked that the limit on meeting the shipping standards with diverted milk be suspended indefinitely, or for a 2-year period.

Comments filed by Associated Milk Producers, Inc. (AMPI), and Mid-America Dairymen, Inc. (Mid-Am), support Kraft's requested suspension. However, AMPI and Mid-Am stated that the limit on meeting the shipping requirement with diverted milk should be suspended for no longer than two years. AMPI and Mid-Am indicated that if action beyond a two-year period is needed, the hearing process would be the most appropriate way to change the order.

AMPI and Mid-Am agreed with Kraft that there will be ample supplies of milk so located in the market that distributing plants can most efficiently be supplied with direct-shipped milk.

Market data support a conclusion that there are ample supplies of milk. For example, during the first 11 months of 1992, producer milk pooled under the order was up nearly 4 percent from a year earlier. On the other hand, for the same period, Class I use of producer milk remained about the same. Thus, the percent of producer milk used in Class I was 38.5 percent for the 11 months in 1992, compared to 40.1 percent in 1991. Thus, it appears likely that there will be no need for supplemental milk from supply plants for Class I use at distributing plants in the next several months.

The request for this suspension action included December 1992 as the first month that the suspensions would be effective. However, it was not possible to complete the required procedures in time to include December. Therefore, the first month that this suspension will be effective is January 1993.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that it will aid marketing efficiency by eliminating the need for uneconomic shipping and handling of milk.

(b) This suspension does not require of persons affected substantial or

extensive preparation period to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views of arguments concerning this suspension. One comment was filed supporting the suspension. No comments were filed in opposition to this action.

Therefore, good cause exists for making this order effective January 1, 1993.

List of Subjects in 7 CFR Part 1106

Milk marketing orders.

It is therefore ordered, That the following provisions in §§ 1106.6 and 1106.7 of the Southwest Plains order are hereby suspended for the periods indicated below.

PART 1106—MILK IN THE SOUTHWEST PLAINS MARKETING AREA

1. The authority citation for 7 CFR Part 1106 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

For the period of January 1, 1993, through August 31, 1993:

§ 1106.6 [Suspended in part]

2. In § 1106.6 the words "during the month" are suspended.

§ 1106.7 [Suspended in part]

3. In § 1106.7(b)(1), the words "each of", the words "through January", and the words "of February through August until any month of such period in which less than 20 percent of the milk received or diverted as previously specified, is shipped to plants described in paragraph (a) or (e) of this section. A plant not meeting such 20 percent requirement in any month of such February–August period shall be qualified in any remaining month of such period only if transfers and diversions pursuant to paragraph (b)(2) of this section to plants described in paragraph (a) or (e) of this section are not less than 50 percent of receipts or diversions, as previously specified."

For the period of January 1, 1993, through December 31, 1994:

§ 1106.7 [Suspended in part]

4. In § 1106.7(b)(2), the following sentence: "Diversions in excess of three-fifths of the shipping requirement shall not be included as qualifying shipments."

Dated: February 10, 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–3580 Filed 2–17–93; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. 26852; Amendment No. 71–16]

RIN 2120–AE18

Terminal Airspace Reconfiguration; Puerto Rico, PR, Transition Area; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule; correction.

SUMMARY: This action corrects the amendment of the San Juan, Puerto Rico (PR) transition area that was promulgated on August 27, 1992 (57 FR 38962) by suspending the amendment until November 11, 1993. The suspension is necessary to restore controlled airspace in the Puerto Rico area that was inadvertently deleted effective October 15, 1992.

EFFECTIVE DATE: This amendment is effective as of February 18, 1993 through November 10, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. William M. Mosley, Air Traffic Rules Branch, (ATP–230), Airspace-Rules and Aeronautical Information Division, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–9251.

SUPPLEMENTARY INFORMATION: On August 27, 1992, the FAA published a final rule on terminal airspace reconfiguration which, among other things, simplified airspace descriptions (57 FR 38962). These airspace actions became effective October 15, 1992.

As part of the national airspace review conducted by the FAA to ensure that certain airspace areas would meet the new airspace classifications, the San Juan, Puerto Rico, Transition Area was reviewed. This review determined that the existing legal description encompassed a terminal transition area, a commonwealth transition area, and an offshore additional control area. In an effort to simplify the airspace and associated legal description and more accurately classify the airspace, it was decided that the airspace would be split into three separate airspace areas. The first would be a traditional terminal transition area designed for the Luis Munoz Marin International Airport in San Juan. The second would be a commonwealth-wide transition area and provide controlled airspace for inter-island air traffic. The final area would become an offshore control area. However, in the rulemaking process, the first two transition areas were changed in the Terminal Airspace Reconfiguration Final Rule and the third area was to be changed in the Offshore Airspace Reconfiguration rulemaking project (57 FR 42810). Because the two rulemaking projects do not have identical effective dates, a gap in controlled airspace will occur. It is essential that the FAA air traffic control facility responsible for air traffic services for Puerto Rico and adjacent islands have sufficient controlled airspace available to provide necessary services.

The Terminal Airspace Reconfiguration Final Rule, which amended the San Juan, Puerto Rico transition area, also renamed the modified airspace the Puerto Rico, PR transition area, and created a transition area description for the San Juan, Luis Munoz Marin International Airport, which is not affected by this correction. By suspending the effective date of the Puerto Rico, PR transition area until November 11, 1993, this action restores the airspace to the pre-October 15, 1992 lateral dimensions and maintains sufficient airspace for air traffic services to be provided. The reinstated transition area will retain, however, the name of Puerto Rico, PR, to distinguish it from the San Juan, Luis Munoz Marin International Airport transition area.

Accordingly, the San Juan, Puerto Rico, transition area, as it existed prior to October 15, 1992, is reinstated until November 11, 1993. Because this controlled airspace was not intended to be deleted and is urgently needed to avoid interruption of air commerce in the area, I find that notice and public procedure in this matter is impracticable and contrary to the public interest. For the same reason, I find that good cause exists for making this correction effective in less than 30 days from publication. The Puerto Rico, PR, transition area, as published in the **Federal Register** on August 27, 1992 (57 FR 38692) will again become effective November 11, 1993. The coordinates for the reinstated transition area described in this docket are based on North American Datum 83. Transition areas are published in section 71.181 of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The transition area listed in this

docket will be published subsequently in the Order.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Transition areas.

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, REPORTING POINTS, JET ROUTES, AND AREA HIGH ROUTES

Accordingly, 14 CFR part 71 is corrected by making the following correcting amendments

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, is corrected as follows:

Section 71.181 Designation of Transition Areas.

* * * * *

ASO PR TA Puerto Rico, PR

San Juan-Fernando Luis Ribas Dominicci Airport, PR
(lat. 18°27′25″ N, long. 66°05′43″ W)

That airspace extending upward from 1,200 feet above the surface beginning at lat. 18°50′ N, long. 68°00′ W; to lat. 18°33′ N, long. 64°22′ W; to lat. 17°20′ N, long. 62°22′ W; to lat. 17°29′ N, long. 64°54′ W; to lat. 17°50′ N, long. 65°34′ W; to lat. 17°42′ N, long. 68°00′ W; to the point of beginning; excluding that airspace within Warning Areas W–370, W–371, W–373, W–374, W–428B, and W–428C; and that airspace extending upward from 2,700 feet above the surface beginning at lat. 18°33′ N, long. 64°22′ W, to lat. 18°25′ N, long. 62°52′ W; to lat. 17°47′ N, long. 62°23′ W; to lat. 17°22′ N, long. 62°59′ W; to lat. 16°58′ N, long. 63°00′ W; to lat. 17°20′ N, long. 64°22′ W; to the point of beginning; and that airspace extending upward from 2,700 feet above the surface beginning at lat. 18°45′22.62″ N, long. 66°54′58.15″ W; to lat. 19°00′ N, long. 66°10′ W; to lat. 19°00′ N, long. 65°45′ W; to lat. 18°45′ N, long. 64°22′ W; to lat. 18°33′ N, long. 64°22′ W; to the point of beginning; and that airspace extending upward from 5,500 feet MSL within a 100 mile radius of the Fernando Luis Ribas Dominicci Airport, excluding that airspace that coincides with the 1,200 foot and 2,700 foot portions of the Puerto Rico, PR Transition Area.

* * * * *

Issued in Washington, D.C., on February 11, 1993.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 93–3804 Filed 2–12–93; 2:21 pm]

BILLING CODE 4910–13–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 365 and 381

Filing Requirements and Ministerial Procedures for Persons Seeking Exempt Wholesale Generator Status

[Docket No. RM93–1–000; Order No. 550]

Issued February 10, 1993.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is issuing this final rule to establish regulations implementing section 32 of the Public Utility Holding Company Act of 1935, as added by section 711 of the Energy Policy Act of 1992. The final rule establishes the filing requirements and ministerial procedures for persons seeking exempt wholesale generator status.

EFFECTIVE DATE: This final rule is effective March 22, 1993.

FOR FURTHER INFORMATION CONTACT: James H. Douglass, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, Telephone: (202) 208–2143.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in room 3308, at 941 North Capitol Street, NE., Washington, DC 20426. The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208–1397. To access CIPS, set your communications software to use 300, 1200, or 2400 baud, full duplex, no parity, 8 data bits and 1 stop bit. The full text of this Notice of Proposed Rulemaking will be available on CIPS for 10 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in room 3308, 941 North Capitol Street, NE., Washington, DC 20426.

Before Commissioners: Elizabeth Anne Moler, Chair; Charles A. Trabandt, Jerry J. Langdon, Martin L. Allday, and Branko Terzic.

Filing Requirements and Ministerial Procedures for Persons Seeking Exempt Wholesale Generator Status. Docket No. RM93–1–000. Order No. 550; Final Rule; Issued February 10, 1993.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is adopting as final an amendment to its regulations pertaining to the filing requirements and ministerial procedures for persons seeking exempt wholesale generator (EWG) status. The final rule will create a new subchapter T, part 365 under title 18, Chapter I of the Code of Federal Regulations for regulations under section 32 of the Public Utility Holding Company Act of 1935 (PUHCA), as added by section 711 of the Energy Policy Act of 1992 (Energy Act).[1]

II. Background

Section 32(a) of PUHCA requires the Commission to promulgate rules implementing procedures for determining EWG status within 12 months after the date of enactment of the Energy Act.[2]

Section 32 of PUHCA creates a new category of electric entities, known as EWGs, that are exempt from regulation under PUHCA. Section 32(a) of PUHCA requires that applicants for EWG status file an application for a determination of their status by the Commission. The Commission is required to render its determination within 60 days of the receipt of an application. Section 32(a) provides that an applicant that has applied in good faith for a determination by the Commission is deemed an EWG pending the Commission's determination.

An EWG is defined as a person determined by the Commission to be engaged directly, or indirectly through one or more affiliates, and exclusively in the business of owning and/or operating all or part of one or more eligible facilities, as defined in section 32(a)(2) of PUHCA, and selling electric energy at wholesale. An EWG may sell power it generates, as well as power

[1] Pub. L. No. 102–486, 106 Stat. 2776 (1992).

[2] The Energy Act was enacted on October 24, 1992.

VOL 58 ISS 31 FE 18 1993 UMI

generated by others.[3] An eligible facility may include interconnecting transmission facilities necessary to effect a sale of electric energy at wholesale. An eligible facility may include a portion of a facility, subject to a limitation on hybrid facilities. If any retail rate associated with a facility was in effect at the time of enactment of the Energy Act, each State commission having retail rate jurisdiction must make certain specified determinations.[4] Certain hybrid facilities, as defined in section 32(d) of PUHCA, may become eligible facilities pursuant to approval of affected State commissions.

The Commission is required to notify the Securities and Exchange Commission (SEC) whenever the Commission makes a determination that a person is an EWG.

On November 10, 1992, the Commission issued a Notice of Proposed Rulemaking (NOPR) proposing regulations to establish the filing requirements and ministerial procedures for persons seeking EWG status.[5]

Under the proposed rule, a person seeking EWG status (applicant) would file a sworn statement with the Commission. The Commission would review the application and determine whether the sworn statement contains sufficient information to establish that the applicant meets the statutory requirements for EWG status. The proposed rule would require an applicant to file: (1) a sworn statement attesting to any facts presented to demonstrate eligibility for EWG status, and attesting to any representation otherwise offered to demonstrate eligibility for EWG status; (2) a brief description of the facility or facilities which are or will be eligible facilities[6] owned and/or operated by the applicant and related transmission interconnection components, any lease arrangements involving the facility and any public utility companies, and any electric utility company that is an affiliate company or associate company of the applicant; and (3) any necessary specific State commission determinations required pursuant to sections 32 (c) and (d) of PUHCA.[7]

The proposed rule specified that the Commission must act within 60 days of receipt of an application. Applications that do not meet the requirements of the proposed rule set forth in proposed § 365.3 will be rejected. Under the proposed rule, if the Commission does not act within 60 days, the application is deemed to have been granted.

Since there are no rehearing requirements under PUHCA, Commission action under § 365.5 of the proposed rule would be final action and would not be subject to rehearing.

The proposed rule would require the Secretary of the Commission to notify the SEC whenever an application for EWG status is granted. The Secretary would also notify the SEC if an application were to be deemed granted pursuant to § 365.3.

In the NOPR the Commission specifically requested comment concerning whether EWG filings should be subject to public notice and comment procedures and whether to create a separate filing fee category for EWG applications.

IIII. Public Reporting Burden

The final rule requires persons seeking a determination of EWG status to file for a determination by the Commission. The final form of the regulations requires applicants to file with the Commission: (1) A sworn statement attesting to any facts presented to demonstrate eligibility for EWG status, and attesting to any representation otherwise offered to demonstrate eligibility for EWG status; (2) a brief description of the facility or facilities which are or will be eligible facilities; and (3) any necessary State commission orders. The final rule also requires that certain non-public utility EWGs pay filing fees.

The Commission anticipates that respondents will submit only one filing for each determination requested. As of January 29, 1993, the Commission had completed action on five applications. Based on a survey of the five completed applications, the Commission estimates that the reporting burden associated with each application averages approximately eight hours.

The Commission received 14 applications for EWG status during the first three months following enactment of the Energy Act. If applications continue to be filed at the same rate, the Commission projects that it will receive 56 applications annually. Thus, the Commission estimates that the annual reporting burden for the collection of information is 448 hours (56 applications multiplied by eight hours per response for each application).

IV. Discussion

The Commission received 50 comments in response to the Notice of Proposed Rulemaking (NOPR).[8] Most of the commenters support the proposed rule. The Commission will address the major issues raised by the commenters by subject matter.

A. Notice and Comment Procedures

1. Comments

Twenty-nine commenters support publication of notice of EWG applications in the **Federal Register**. These commenters state that notice in the **Federal Register** is necessary to ensure that interested persons will have an opportunity to comment on EWG applications, and will provide important information to participants competing in the wholesale electric industry. The commenters state that notice should not interfere with the Commission's timely determination of EWG status.

Destec Energy, Inc. (Destec) states that lack of notice may provide a basis for subsequent judicial challenge of EWG determinations.

Environmental Action Foundation, *et al.* (Environmental Action) suggests that the Commission publish an annual report on EWGs in order to provide information to the wholesale electric market.[9]

Several of the commenters state that EWG applicants should include with their filings a notice suitable for publication in the **Federal Register**.

The Electricity Consumers Resource Council (ELCON) states that if notice on an EWG application is published in the **Federal Register**, it should include a factual summary of the application, including information about affiliates of the applicant. ELCON also states that the docket prefix assigned to an application should indicate whether the applicant is an independent power producer or affiliated power producer.

Most of the commenters supporting notice in the **Federal Register** also support providing interested parties an opportunity to comment on EWG applications. These commenters note that interested parties may be able to

---

[3] The Joint Explanatory Statement of the Committee of Conference provides: "The definition of an EWG has been drafted to permit an EWG to sell wholesale power that it has not generated itself." H.R. Conf. Rep. No. 1018, 102nd Cong., 2d Sess. 388 (1992).

[4] *See* PUHCA section 32(c).

[5] Filing Requirements and Ministerial Procedures for Persons Seeking Exempt Wholesale Generator Status, 57 FR 55195 (November 24, 1992), IV FERC Stats & Regs ¶32,490 (1992).

[6] Pursuant to PUHCA section 32(a)(2)(B) an eligible facility may include a portion of a facility.

[7] *See* PUHCA sections 32(c) and 32(d)(2).

[8] A complete list of the commenters is attached as Appendix A.

[9] This suggestion is beyond the scope of this rulemaking. However, the Commission's action here will not prohibit the Commission from publishing an annual report, if the Commission, based on its experience, subsequently determines that an annual report is desirable.

provide the Commission with information concerning whether an application is accurate and whether an applicant meets the statutory requirements for EWG status. At the same time, the Electric Generation Association (EGA) cautions that notice and comment procedures should not be permitted to develop into formal adjudicatory proceedings or to delay the 60-day deadline for Commission action.

Twelve commenters state that State commissions should be provided notice and adequate time to respond to EWG applications.[10] These commenters state that section 32 of PUHCA contemplates State commission involvement in EWG determinations. They note that section 32 specifically requires State commission approval for certain EWG-related transactions. The commenters also note that section 365.3(b) of the proposed rule requires that EWG applicants must show that they have obtained necessary State commission approvals: (1) If a rate or charge for, or in connection with, the construction of a facility, or for electric energy produced by a facility (other than any portion of a rate or charge which represents recovery of the cost of a wholesale rate or charge), was in effect under the laws of any State on October 24, 1992; or (2) if any portion of an eligible facility is owned or operated by an electric utility company that is an affiliate or associate company of the applicant.

In order for State commission involvement to be effective, these commenters assert that affected State commissions should be notified when an EWG application is filed. The commenters state that EWG applicants should be required to serve a copy of their applications on each affected State commission at the same time that the application is filed with the Commission. The commenters state that an affected State commission should generally include: (1) Each State commission where a generating facility owned and/or operated by the EWG applicant is located; (2) each State commission regulating the retail rates of an electric utility that will purchase power from the EWG, if known at the time of application; (3) each State commission regulating any retail utility that is affiliated with the applicant; (4) each State commission that has authorized the removal of a facility from retail rates and the transfer of the facility to the EWG applicant; (5) each State commission where facilities are located from which the applicant intends to purchase long-term wholesale power.

The commenters state that service of EWG filings on affected State commissions will entail minimal extra copying and mailing costs.

In addition to service of EWG filings on affected State commissions, NARUC also suggests that section 365.5 of the proposed rule should be revised to direct the Secretary of the Commission to notify each affected State commission once the Commission has made an EWG determination.

Atlantic City Electric states that service of EWG filings should also be provided to utilities that may provide transmission for EWGs. Long Island Lighting Company (LILCO) adds that service of EWG filings should also be provided to: (1) Utilities in whose service area an eligible facility is located; (2) utilities interconnected with the applicant; or (3) utilities to which an EWG sells or intends to sell power.

Five commenters oppose publication of notice in the **Federal Register**.[11] These commenters state that the Commission's role is ministerial and that the Commission's review is limited to determining whether an entity satisfies the statutory criteria for EWG status.

NIEP states that an opportunity for notice and comment is not necessary because EWG status only provides an exemption from regulation under PUHCA. NIEP states that EWGs remain subject to other corporate, financial, rate, siting and environmental regulation. NIEP states that intervenors may seek to use comment procedures to raise irrelevant concerns and to thereby delay determinations of EWG status. NIEP states that greater scrutiny of EWG applications is not necessary because applicants have a strong incentive to provide accurate information. An applicant who misrepresents facts contained in a sworn statement in an EWG filing could be subject to criminal penalties.

CMS Energy adds that Congress did not intend, as evidenced by the relatively short 60-day time period for a determination, to authorize notice and comment or subsequent formal hearings.

As an alternative to notice and comment, several commenters state that the Commission could provide notice of EWG determinations by publishing a periodic list of applications that have been granted. Such a list could be similar to the Commission's annual "Qualifying Facilities Report."[12]

Enron and Pentzer state that applicants should not be required to file a copy of their application with the SEC. Enron and Pentzer state that the SEC has no authority to review EWG applications. The commenters state that it is sufficient that the SEC is notified pursuant to section 365.5 of the proposed rule when an EWG application is granted.

Four commenters state that the Commission should publish notice in the **Federal Register** after the Commission has made a determination Texas Utilities Electric Company (Texas Utilities) states that the notice should include a description of the applicant and any eligible facilities granted EWG status. Texas Utilities suggests that section 365.3 of the proposed rule should be modified to require the Secretary of the Commission to publish notice in the **Federal Register** at the same time that the Secretary notifies the SEC of a determination.

2. Commission Ruling

The final rule incorporates provisions for limited public notice of and comment on EWG applications. The Commission will publish notice of EWG applications in the **Federal Register** and will permit comments or interventions pursuant to Rules 211 and 214 of the Commission's Rules of Practice and Procedure.[13]

While there is no requirement in section 32 of PUHCA for the Commission to provide notice and comment, neither is there any prohibition on the Commission's discretion to do so. Based on the comments, the Commission believes that public notice and comment will help to ensure that applications are accurate and will provide important information for participants in the wholesale electric market.

At the same time, the Commission adheres to its initial goal of developing as streamlined an EWG process as is feasible. Therefore, the Commission intends to limit the comments that may be submitted on EWG applications to information concerning the adequacy or

[10] Arkansas Public Service Commission (Arkansas Commission), Atlantic City Electric Company (Atlantic City Electric), Destec, Environmental Action, Idaho Public Utilities Commission, Michigan Public Service Commission Staff (Michigan Commission Staff), Missouri Public Service Commission (Missouri Commission), National Association of Regulatory Utility Commissioners (NARUC), New York State Department of Public Service (New York Department), Public Service Commission of Nevada, Public Service Commission of Wisconsin, and Public Utilities Commission of California (California Commission).

[11] American Gas Association, CMS Energy Corporation (CMS Energy), Cogeneration Partners Group (Cogen Partners), National Independent Energy Producers (NIEP), and Pentzer Energy Services, Inc. (Pentzer).

[12] *See supra*, n.9.

[13] 18 CFR 385.211, 385.214.

VOL 58 ISS 31 FE 18 1993 UMI

accuracy of the factual representations made to satisfy the statutory criteria for EWG status. The Commission will not permit interventions or comments to delay EWG determinations. Given the narrow focus of the Commission's inquiry, the Commission will not consider comments that raise issues that fall outside the purview of the statutorily-fixed determination, *e.g.*, comments that object to a facility's financing arrangements or to the environmental consequences of a facility's construction or operation. *Cf.* Sugarloaf Citizens Association v. FERC, 959 F.2d 508 (4th Cir. 1992). Furthermore, the Commission will deny intervention to parties that raise issues which are irrelevant to the Commission's determination. Finally, the Commission will not entertain requests for hearing.

The final rule adds a new subsection (c) to § 365.3 of the proposed rule concerning the form of notice. Section 365.3(c) specifies the form and contents of a notice suitable for publication in the **Federal Register** that applicants *must* submit with their applications. The contents of the notice include a brief description of the applicant and the facility or facilities which are or will be eligible facilities owned and/or operated by the applicant, including reference and citation to any applicable State commission determinations.

The final rule does not establish separate docket prefixes for affiliated and non-affiliated EWG applicants as suggested by ELCON. The rule already requires that EWG applicants provide sufficient information to evaluate relevant affiliation issues. The Commission believes that establishing separate docket prefixes based on affiliation could be confusing, administratively burdensome, and might delay the Commission's processing of applications. For example, the question of whether a person seeking an EWG determination is an affiliate of an electric utility company under PUHCA is not always readily apparent. *See* 15 U.S.C. 79b(a)(11) (1988). If ELCON's suggestion were adopted, the Commission might have to expend considerable staff resources before a docket prefix could even be assigned to a particular application. This, in turn, could delay notice to the public and provide the Commission with little time to consider the application within the 60-day statutory period.

The final rule requires applicants to serve a copy of the EWG application on the SEC and affected State commissions. Although service of applications on the SEC and State commissions is not required by law, section 32 of PUHCA specifically contemplates a role for the SEC and State commissions insofar as certain eligible facilities are concerned (*see* PUHCA sections 32(c) and (d). It also contemplates that the SEC be aware of EWG determinations. The Commission sees no reason not to inform these agencies of pending EWG applications at an early stage, particularly since the copying and mailing costs associated with serving filings on the SEC and affected State commissions will be minimal. An affected State commission is defined as each: (1) State commission [14] of each state in which a generating facility owned and/or operated by the applicant is or will be located; (2) State commission regulating the retail rates of an electric utility that will purchase power from the applicant; and (3) State commission regulating a retail utility that is affiliated with the applicant.

The final rule does not require that special notice of EWG applications be provided to utilities or that special notice of determinations be provided to utilities or State commissions. The general notice and comment procedures established by the rule, including publication of notice of each EWG application in the **Federal Register**, will provide utilities and all other interested persons with sufficient ability to monitor filings and to effectively participate in EWG proceedings. Moreover, the Commission will continue to publish each determination in FERC Reports.

B. Filing Fees and Annual Charges

1. Comments

Four commenters state that the Commission should not charge filing fees for EWG applications.[15] These commenters state that the ministerial nature of the Commission's review should not require the use of significant Commission resources. If filing fees are assessed, UtiliCorp suggests that the Commission should charge more for contested cases.

Mission Energy Company (Mission) states that EWGs should not be assessed annual charges. Mission states that an exemption from annual charges is justified because: (1) The nature of EWG activities and holdings is limited; (2) EWGs contribute to competition in the wholesale electric utility industry; (3) Congress has demonstrated an intent to limit regulatory burdens on the development of EWGs; and (4) the Commission is unlikely to have substantial continuing oversight of EWGs.

Fourteen commenters state that the Commission should charge EWG applicants a filing fee and/or annual charges.[16] Many of the commenters state that it is not appropriate for other regulated entities to subsidize the cost of reviewing EWG applications. Therefore, the commenters suggest that EWG applicants should pay a filing fee sufficient to recover the cost of reviewing the application.

Florida P&L states that non-public utility EWGs should also be charged a fee when they submit rate filings.[17]

Arizona Public Service states that filing fees should only be applicable to EWGs that will not become public utilities, as defined in section 201(e) of the Federal Power Act (FPA), 16 U.S.C. 824(e) (1988), upon the sale of electric energy at wholesale, *i.e.*, non-public utility EWGs.

Environmental Action states that the Commission should waive filing fees when the fee would cause undue financial hardship.[18]

Southwestern states that EWGs that are public utilities as defined by the FPA should be subject to annual charges on the same basis as other public utilities.[19]

Southern states that EWGs that are "qualifying small power producers" or "qualifying cogenerators" as those terms are defined in section 3 of the FPA, 16 U.S.C. 796 (1988), should be treated as EWGs that are not public utilities and should not be subject to annual charges.

2. Commission Ruling

The final rule creates a separate filing fee category applicable only to non-public utility EWGs, *i.e.*, EWGs that will not become public utilities upon the

[14] *See* 15 U.S.C. 79b(26)(1988).

[15] Destec, UtiliCorp United Inc. (UtiliCorp), NIEP, and Pentzer.

[16] Allegheny Power System (Allegheny), Arizona Public Service Company (Arizona Public Service), Atlantic City Electric, Cogen Partners, Department of Energy, Detroit Edison, EGA, El Paso Electric Company, Environmental Action, Florida Power & Light Company (Florida P&L), Mission, New England Power Company (NEPCO), Southern Company Services, Inc. (Southern), and Southwestern Public Service Company (Southwestern).

[17] However, the Commission notes that non-public utility EWGs are not jurisdictional under the FPA and thus they will *not* submit rate filings to the Commission.

[18] There is no need to address this issue at this time. EWG applicants may request waiver of the applicable filing fee at the time of filing pursuant to the Commission's regulations. *See* 18 CFR 381.106.

[19] EWGs that fall within the requirements of section 201(e) of the FPA will be subject to the FPA requirements applicable to public utilities. EWGs that do not fall within the requirements of section 201(e), *e.g.*, EWGs owning and/or operating only eligible facilities located and selling intra-ERCOT, will be non-public utility EWGs

sale of electric energy at wholesale.[20] Since non-public utility EWGs will not pay annual charges, the Commission believes that filing fees are necessary in order to recover the appropriate cost of administering section 32 on behalf of non-public utility EWGs. The new filing fee category will be created by adding a new subpart H to Part 381 of the Commission's rules.[21]

EWGs that do become public utilities will be assessed annual charges under part 382 of the Commission's existing rules. Thus, the cost of administering section 32 for public-utility EWGs will be recovered through annual charges. The final rule does not incorporate Mission's request that EWGs be exempt from annual charges.

Under this structure, the Commission will recover the cost of administering the statute through annual charges for public utility EWGs and filing fees for non-public utility EWGs.

C. Compliance and Enforcement

1. Comments

Nineteen commenters state that the Commission should specify how it will monitor continuing compliance by EWGs with the statutory requirements for EWG status.[22] Some of the commenters state that the Commission's authority to make an initial EWG determination implies that the Commission also has the authority to review whether an entity continues to conform to the requirements of EWG status. Environmental Action states that although PUHCA does not contain a specific complaint procedure like that contained in section 206 of the FPA, the Commission should not determine that it has no continuing authority to review EWGs. Environmental Action suggests that the Commission's determination should be viewed as a continuing responsibility.

Several of the commenters state that the Commission should specify a mechanism for interested parties to inform the Commission of new facts or changed conditions that may affect the continuing validity of an EWG determination. Further, the commenters state that the Commission should specify what action it intends to take if an EWG fails to continue to adhere to the statutory requirements for EWG status.

A few commenters suggest that the Commission should issue a determination revoking EWG status when appropriate, for instance, if a State commission revokes its earlier consent to an EWG-related transaction.[23] NARUC suggests that the Commission should adopt a complaint or protest procedure for interested parties who seek to challenge the continuing validity of an EWG determination.

EEI suggests that an EWG applicant should be required to affirm that it will continue to adhere to the requirements of EWG status and that it will inform the Commission if it no longer meets the statutory requirements.

EEI also recommends that continued compliance be assured by revising § 365.3(a)(1)(A) of the proposed rule to include the phrase "and will always be." The amended provision suggested by EEI would read as follows:

[T]he applicant is and will always be engaged directly, or indirectly through one or more affiliates, and exclusively in the business of owning or operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy at wholesale.

EEI and SDG&E suggest that every EWG should be required to file an annual statement that it continues to satisfy the statutory requirements. SDG&E also suggests that the Commission should treat an EWG determination as a declaratory order. Thus, SDG&E states that any subsequent change in facts underlying the Commission's determination would render the original determination invalid and require a new filing.

Atlantic City Electric and Florida P&L recommend that the Commission require each EWG to make a periodic filing certifying that it continues to comply with the statutory requirements for EWG status. Alternatively, Florida P&L states that the Commission could condition each EWG determination on an applicant's continued compliance with the statutory requirements for EWG status.

ELCON and LILCO state that the Commission should require EWGs to report any material change in circumstance that could affect EWG status. ELCON further suggests that after a material change in circumstances, EWGs should be granted 30 days to prepare a new filing reflecting the change in circumstances.

2. Commission Ruling

An EWG determination is based on the facts that are presented to the Commission. Any material variation from those facts may render an EWG determination invalid.[24] If there is any material change in facts that may affect an EWG's eligibility for EWG status under section 32, the EWG must within 60 days: apply for a new determination of EWG status; file a written explanation of why the material change in facts does not affect the EWG's status; or notify the Commission that it no longer seeks to maintain EWG status. This requirement is incorporated in § 365.7 of the final rule.

The Commission also notes that any violations of PUHCA may be reported directly to the SEC pursuant to section 18 of PUHCA. For instance, section 18(a) of PUHCA provides, in part, as follows:

The Commission [SEC], in its discretion may investigate any facts, conditions, practices, or matters which it may deem necessary or appropriate to determine whether any person has violated or is about to violate any provision of this title, or any rule or regulation thereunder. . . .

15 U.S.C. 79r (1988). Furthermore, section 18(e) provides that the SEC may bring an action in the United States district courts to enforce compliance with PUHCA. *Id.*

---

[20] This would include foreign EWGs, EWGs owning only eligible facilities located and selling intra-ERCOT, in Hawaii, in Alaska, in Puerto Rico, etc.

[21] The Commission will establish an initial fee of $1,000 for non-public utility EWG applications. Based upon the Commission's costs during the first quarter of FY 93, when the Commission acted on the first four EWG applications, the Commission could establish a fee approximately two and one-half times larger than the fee the Commission establishes herein. However, the Commission believes that the costs incurred on the first four applications are not representative of the cost of processing future non-public utility EWG applications for the following reasons. First, of the four applications acted on in the first quarter, only one, Costanera Power Corp., 61 FERC ¶ 61,335 (1992) (Docket No. EG93–4–000), involved a non-public utility EWG. Second, and more importantly, this rulemaking will significantly simplify the process of obtaining an EWG determination and consequently the cost of processing EWG applications. Therefore, it would be inappropriate to base the filing fee on applications processed before the rule is in place.

[22] Arkansas Commission, Atlantic City Electric, Detroit Edison, Edison Electric Institute (EEI), ELCON, Environmental Action, Florida P&L, LG&E Energy Corp. (LG&E Energy), LILCO, Michigan Commission Staff, Missouri Commission, NARUC, NEPCO, New York Department, New York State Electric & Gas Corporation, *et al.*, Pennsylvania Power & Light Company (Pennsylvania Power), California Commission, San Diego Gas & Electric Company (SDG&E) and Texas Utilities.

[23] *See* PUHCA sections 32 (c) and (d).

[24] This is analogous to qualifying facility determinations. *See, e.g.*, CMS Midland, Inc., *et al.*, 50 FERC ¶ 61,098 at 61,277 (1990), *reh'g denied*, 56 FERC ¶ 61,177 (1991) *appeal filed*, No. 91–13–66 (D.C. Cir.). The Commission notes that in Docket No. RM92–12–000, *infra* note 27, the Commission has proposed a streamlined procedure to deal with minor changes to a facility that may affect qualifying facility status. Given the infancy of the Commission's implementation of PUHCA section 32, the Commission does not believe that a need for similar action with respect to EWG filings has been demonstrated. If such need later becomes apparent, the Commission can address it at a later time.

VOL
58
ISS
31
FE
18
1993
UMI

D. Section 365.5—Applications Deemed Granted

1. Comments

Section 365.5 of the proposed rule provides that if the Commission has not issued an order granting or denying an application within 60 days of receipt of the application, the application will be deemed to have been granted. Five commenters state that the Commission should issue a written determination for each application.[25]

LG&E Energy states that deeming an application to have been granted through inaction may not be adequate for the purpose of securing financing for eligible facilities.

LG&E Energy states that the Energy Act requires an affirmative determination and does not authorize the Commission to permit its inaction to constitute a determination. Accordingly, LG&E Energy states that the Commission should issue an order for each EWG determination.

NARUC asks whether the Secretary of the Commission would notify the SEC when an entity is deemed to be an EWG. NARUC states that there must be some mechanism for informing the SEC and State commissions when an entity is deemed to be an EWG. NARUC states that if the Commission is unable to act on an EWG application within 60 days, it should deny the application without prejudice to refiling. A new 60-day time period would begin upon refiling.

Environmental Action states that section 32 of PUHCA only "deems" an entity an EWG for the 60-day period between filing and a determination. Environmental Action states that the Commission is without authority to deem an entity an EWG following the 60-day period. Environmental Action states that the Commission must make an actual determination.

Mission supports § 365.5 as proposed in the NOPR. Mission states that § 365.5 eliminates regulatory uncertainty that could arise if an application is not acted upon within 60 days. Mission states that § 365.5 promotes administrative efficiency by eliminating the need to issue a specific written determination in every case.

2. Commission Ruling

The final rule does not amend § 365.5 of the proposed rule. As Mission states, § 365.5 eliminates the need to issue a formal Commission determination in every case.

Contrary to Environmental Action's argument, the fact that an entity is deemed an EWG following expiration of the 60-day period does not mean that the Commission has not made a determination. The commission clarifies that applications where the Secretary issues a notice that the application is deemed granted will have been determined by the Commission to be an EWG. The notification of the Commission's determination will be by Secretary notice, as opposed to a formal Commission determination. This is similar to the procedure employed by the Commission in denying rehearing by operation of law.

However, the Commission agrees with NARUC that notice should be provided when a person is deemed to be an EWG. Therefore, the Secretary will issue a notice whenever an applicant is deemed to be an EWG.[26] The Secretary will also specifically notify the SEC whenever an applicant is deemed to be an EWG.

E. Affiliation

1. Comments

Section 365.3(a)(2)(C) of the proposed rule requires an EWG applicant to disclose "any electric utility company that is an affiliate company or associate company of the applicant." Eight commenters state that this information is not relevant to the review of an EWG application.[27] The commenters state that information about affiliates may be relevant in cases involving affiliate transactions. However, the commenters state that section 32 of PUHCA permits electric utilities, exempt holding companies and registered holding companies to own and/or operate EWGs.

The commenters note that § 365.3(b) of the proposed rule separately requires an applicant to disclose if any portion of an eligible facility is owned or operated by an electric utility company that is an affiliate or associate company of the applicant. Since other information about affiliates is irrelevant, the commenters suggest that § 365.3(a)(2)(C) of the proposed rules be deleted.

Pennsylvania Power supports retention of § 365.3(a)(2)(C) in order to ensure that EWGs do not engage in reciprocal arrangements and that all required State commission authorizations in the case of affiliate transactions or hybrid facilities have been submitted.

The Michigan Commission Staff states that each EWG applicant should be required to disclose in its sworn statement its affiliation with any exempt holding companies, registered holding companies, and retail electric utilities. The Michigan Commission Staff states that this information is necessary to verify the applicant's compliance with the statutory requirements.

2. Commission Ruling

The Commission will adopt § 365.3(a)(2)(C) as proposed. The Commission believes that certain information concerning affiliation is necessary to review the accuracy of applications, particularly whether an applicant has obtained any necessary State commission authorizations. The disclosure of affiliation required by § 365.3(a)(2)(C) of the rule will provide additional assurance that the applicant has complied with the requirements of § 365.3(b) of the rule and section 32(c) of PUHCA.

F. Affirmation

1. Comments

EGA states that the Commission should eliminate the requirement that applicants submit sworn statements. EGA notes that applicants for qualifying facility status are not required to submit sworn statements.[28] EGA states that a material misrepresentation in an application will void the Commission's determination.

Mission does not oppose the requirement that EWG applicants file a sworn statement affirming that the applicant complies with the statutory requirements for EWG status. However, Mission states that the signature of an authorized representative of the applicant demonstrates sufficient authentication for the purpose of certifying qualifying facilities. If the Commission adopts this recommendation, Mission states that the Commission should clarify who may sign an application as an authorized representative.

2. Commission Ruling

The Commission does not believe that the requirement of affirmation will impede the preparation of EWG applications. Affirmation provides additional assurance that an application

[25] Allegheny, Environmental Action, LG&E Energy, Missouri Commission, and NARUC.

[26] The Secretary will also notify the applicant and any intervenors whenever an applicant is deemed to be an EWG. Thus, State commissions or others that evidence an interest in a proceeding by intervening will be notified whenever an applicant is deemed to be an EWG.

[27] American Gas Association, Baltimore Gas and Electric Company (BG&E), CMS Energy, EGA, Florida P&L, Mission, Southern, and Utility Working Group.

[28] The Commission has proposed changes in its qualifying facility regulations in this regard. *See* Docket No. RM92–12–000, Streamlining of Regulations Pertaining to Parts II and III of the Federal Power Act and the Public Utility Regulatory Policies Act of 1978, 57 FR 55178, 55181; 57 FR 58188, Proposed Form No. 556, Part A. 1d.

is accurate. However, pursuant to Mission's request, the Commission clarifies that any representative legally authorized to bind an applicant may execute the application and that this can provide sufficient authentication for EWG application purposes.

G. EWGs and Qualifying Facilities

1. Comments

Several commenters submitted comments about the relationship between EWGs and qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (PURPA).[29] Enron and LG&E Energy state that the Commission should clarify that a facility may be both a qualifying facility under PURPA and an eligible facility under section 32 of PUHCA.

Enron also asks the Commission to clarify that one part of a facility may be a qualifying facility, while another part of the same facility may be an eligible facility and be owned and/or operated by an EWG.

The American Paper Institute, Inc. (American Paper) asks the Commission to clarify that owners of hydroelectric facilities between 30 and 80 MW in size, which are not presently exempt from regulation under PUHCA as qualifying facilities, may apply for exemption as EWGs.

Bald Eagle Power Company Inc. (Bald Eagle) states that the Commission should grant qualifying facility status to EWGs that use only renewable energy sources. Bald Eagle claims that it makes no sense to grant qualifying facility status to cogeneration facilities that have no production limits, while denying qualifying facility status to generators who use renewable energy sources if they exceed small power producer limits.

2. Commission Ruling

The purpose of this rulemaking is to promulgate filing regulations and ministerial producers for EWG applications. This proceeding is not intended to answer each and every question that may be presented concerning EWGs and PUHCA section 32. Accordingly, the Commission declines to rule on these questions in this proceeding. These questions can be addressed in individual applications.

H. Exclusivity

1. Comments

Section 32(a)(1) of PUHCA requires that an applicant be engaged "exclusively" in the business of owning and/or operating one or more eligible facilities, including certain transmission facilities, and in selling electric energy at wholesale. Section 365.3(a)(1)(A) of the proposed rule requires that the applicant represent that it "is engaged directly, or indirectly through one or more affiliates, and *exclusively* in the business of owning or operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy at wholesale." [emphasis added]

American Paper and Enron state that the Commission should clarify that a cogenerator that is not a qualifying facility may be an EWG even though it also sells steam or heat. American Paper states that this interpretation is consistent with the public interest as recognized by the policies embodied in PURPA with respect to cogenerators and qualifying facilities. American Paper states that it would be unnecessarily burdensome for a cogenerator to create separate subsidiaries for different functions at the same facility.

LG&E Energy asks the Commission to clarify whether incidental business activities such as the sale of excess steam, or the sale of transmission service along a radial line serving the eligible facility, would violate the exclusivity requirement. Enron Gas Services Corp. urges the Commission to clarify that the sale of excess gas does not violate the exclusivity requirement.

American Paper states that independent industrial generators who also engage in other non-electric utility business would be excluded from EWG status by a literal interpretation of section 32(a)(1) of PUHCA. American Paper states that such a literal interpretation would frustrate the purpose of the Energy Act by inhibiting the growth of competition in the electric utility industry. American Paper suggests that the Commission should clarify that exclusivity applies only to the extent that an applicant is engaged in business that would otherwise cause it to be considered the owner or operator of an electric utility company under section 2(a)(3) of PUHCA. American Paper states that it is reasonable to conclude that Congress meant the exclusivity prohibition to apply only to business activities that would cause an entity to be subject to regulation under PUHCA. American Paper also states that it would be unnecessarily burdensome for industrial independent power producers to create separate subsidiaries for different functions at the same facility.

ELCON states that the Commission should interpret the statute so that the exclusivity requirement applies to sales of electricity at wholesale, and does not apply to incidental business activities such as the sale of steam or waste products or the ownership of fuel handling facilities.

2. *Commission Ruling*

As with the preceding discussion concerning EWGs and qualifying facilities, the matters raised by the commenters concerning exclusivity are outside the scope of this proceeding. The Commission will defer ruling on these questions until they are presented in an EWG application.

I. Deficient Applications

1. Comments

Enron and Pentzer state that the Commission should provide for reconsideration of denials of EWG status. In the alternative, Pentzer states that the Commission should promptly notify applicants of deficiencies and permit the applicant to amend its filing. Enron states that the Commission should clarify that denials of EWG status are without prejudice to refiling with additional supporting information.

LG&E Energy asks whether the Commission will issue a deficiency letter when an application fails to provide all of the information necessary to make an EWG determination. If so, LG&E Energy asks how the issuance of a deficiency letter will affect the 60-day deadline for a determination.

NIEP suggests that if an application is considered incomplete, FERC should inform the applicant within ten days. If the applicant responds within another ten days, NIEP states that the 60-day clock should not be tolled. If the applicant does not respond within ten days, NIEP states that the 60-day clock should start over when a complete application is filed. Environmental Action states that each deficiency requiring an amended filing should toll the 60-day clock.

2. Commission Ruling

The Commission will not issue deficiency letters. The absolute 60-day deadline for Commission action does not leave adequate time for review of deficiency responses.[30] The Commission will either grant or deny an application within the 60-day time period. The 60-day time period will begin on the date that an application, including any required filing fee, is received by the Secretary. However, if the Commission denies an application,

[29] 16 U.S.C. 2611 *et seq.* (1988). *See* 18 CFR Part 292.

[30] For the same reason, the Commission will not permit amendments to filings.

under either the FPA or PUHCA. Enron states that section 32 of PUHCA does not implicate the FPA and therefore an EWG determination would presumably not be subject to FPA judicial review procedures. *See* 16 U.S.C. 8251 (1988). Likewise, EWG determinations would presumably not be subject to judicial review under PUHCA because the judicial review procedures established for PUHCA refer only to judicial review of orders issued by the SEC. *See* 15 U.S.C. 79x (1988).

Enron states that EWG determinations may be subject to review under the Administrative Procedure Act (APA). However, Enron states that the APA contains no time limit for filing petitions for review. Under these circumstances, Enron states that an EWG applicant could never be certain that its EWG determination is final and no longer subject to review. Enron states that this lack of regulatory certainty could adversely affect project financing.

Enron suggests that the Commission either: (1) Interpret PUHCA judicial review provisions (including the 60-day time limit for filing a petition for review) to apply to EWG determinations, or; (2) find that EWG determinations are not subject to judicial review since the Commission's action is merely ministerial.

2. Commission Ruling

The Commission does not interpret section 24 of PUHCA, which refers to orders issued by the SEC, as providing judicial review of FERC EWG determinations. However, the Commission notes that judicial review is provided under section 25 of PUHCA. Section 25, as codified at 15 U.S.C. 79y, provides, in part, that:

> The District Courts of the United States and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have jurisdiction of violations of this title or the rules, regulations, or orders thereunder, and, concurrently with State and Territorial courts, of all suits in equity and actions at law brought to enforce any liability or duty created by, or to enjoin any violation of, this title or the rules, regulations, or orders thereunder.

K. Miscellaneous Issues

Section 365.3(b) of the proposed rule provides, among other things, that an applicant must submit certain State commission approvals if a retail rate or charge associated with the construction of a generating facility, or for electric energy produced by a facility, is a "rate or charge of an affiliate of a registered holding company." The Cogeneration Partners Group suggests that the Commission should clarify that this portion of § 365.3(b) is only applicable to companies that are registered holding companies by virtue of their ownership of electric utility companies, and not solely by reason of their ownership of gas utility companies.

The statute makes no distinction between entities that are registered holding companies by virtue of their ownership of electric utility companies and entities that are registered holding companies by virtue of their ownership of gas utility companies. Therefore, § 365.3(b) of the final rule applies to any registered holding company.

Four commenters state that an entity that has attained EWG status may wish to own or operate an additional facility.[31] These commenters suggest that the Commission should identify procedures for an existing EWG to apply for a determination whether an additional facility is an eligible facility. EEI and Texas Utilities state that the procedures for new facilities should be abbreviated. Environmental Action states that a separate filing should be required each time an EWG acquires a new facility in order to determine whether the new facility is an eligible facility. Pentzer states that the Commission should clarify that an initial EWG determination is sufficient to cover subsequent acquisition or operation of other eligible facilities.

As noted above, an EWG determination is based on the facts presented to the Commission. Accordingly, if an EWG, for example, wishes to own or operate additional facilities, but seeks to maintain its status as an EWG, it must file another application with the Commission. The Commission will review the application on the same basis as it reviewed the initial application.

LG&E Energy notes that § 365.3(a)(2) of the proposed rule would require that each application include a brief description of the facility or facilities which are or "will be" eligible facilities. LG&E Energy asks whether an applicant could obtain EWG status for a facility that is not yet planned as long as the applicant properly attests that any such future facility will be an eligible facility.

EGA states that developers of eligible facilities often must obtain determination of EWG status prior to construction in order to secure financing. EGA further states that when the Commission grants a determination of EWG status for eligible facilities that are not yet built, it is reasonable to expect that the final structure of the transaction may differ from that proposed in the original EWG application. In this event, the Commission should specify that an EWG need only file a revised application where deviations from the original proposed transaction are material to the applicant's EWG status.

Applicants may request a determination of EWG status for facilities that have not been built. However, each determination is based on the facts presented in the application. Any subsequent material departure from the facts presented in the original application may render a determination invalid.

EGA and ELCON suggest that the Commission should clarify the definition of certain terms used in the statute. EGA states that the Commission should clarify the meaning of "eligible facility," "exclusively in the business of," and "exclusively for sale." ELCON states that the Commission should clarify the meaning of "owning," "operating," and "facility . . . used for the generation of electric energy exclusively for sale at wholesale."

As noted above, the purpose of this rulemaking is to establish the filing requirements and procedures to be used for EWG applications. The Commission does not intend to prematurely rule on substantive issues relating to the definition of certain terms, beyond what is necessary to permit the initial administration of the statute.

Section 365.3(a)(2)(B) requires an EWG applicant to submit a brief description of any lease arrangements involving the eligible facility and a public utility company.

Mission states that the specific terms of any lease arrangements involving an eligible facility and public utility companies are not relevant to the review of an EWG application. Therefore, Mission states that § 365.3(a)(2)(B) should be deleted.

EGA states that section 2(a)(5) of PUHCA defines public utility companies as either electric utility companies or gas utility companies. EGA suggests that the Commission should review § 365.3(a)(2)(B) to apply only to leases involving an eligible facility and electric utility companies.

The final rule retains § 365.3(a)(2)(B). The information about leases required by § 365.3(a)(2)(B) of the rule will provide assurance that the applicant has complied with section 32(a)(2)(B) of PUHCA relating to facilities that are leased to a public utility company. The Commission believes that this information is appropriate regardless of whether the public utility company is a gas utility company or electric utility company in that Congress drew no

[31] EEI, Environmental Action, Pentzer, and Texas Utilities.

complied with section 32(a)(2)(B) of PUHCA relating to facilities that are leased to a public utility company. The Commission believes that this information is appropriate regardless of whether the public utility company is a gas utility company or electric utility company in that Congress drew no distinction in the statute, but rather used the term "public utility companies."[32]

BG&E and EGA state that the Commission should specify in the final rule that no environmental assessment or environmental impact statement is necessary for EWG filings or Commission determinations of EWG status.

The Commission agrees that its ministerial role under section 32 of PUHCA does not require the preparation of environmental assessments or environmental impact statements. *See* Sugarloaf Citizens Association v. FERC, 959 F.2d 508 (4th Cir. 1992) (qualifying facility certifications do not require preparation of environmental impact statement).

In addition to the information required in the proposed rule, several commenters[33] state that the Commission should also require that EWG applicants submit certain other information with their filings, including: (1) A description of the eligible facility, including location; (2) a description of wholesale purchasers who will be served by the eligible facility; (3) a description of the corporate structure of the applicant and any affiliates; (4) whether the costs of the eligible facility are reflected in retail rates; and (5) a description of all owners of the eligible facility. Arizona Public Service and Allegheny state that this information will be useful for the planning needs of electric utilities in whose service areas eligible facilities may be located.

The final rule will require that EWG filings include a brief description of the eligible facility or facilities. The additional information requested by several commenters does not appear to be necessary for the Commission to determine whether an applicant has satisfied the statutory criteria required for EWG status.

Section 365.3(b) of the proposed rule requires certain State commission approvals if certain retail rates or charges "for, or in connection with the construction" of an eligible facility were "in effect under the laws of any State on October 24, 1992." Arizona Public Service states that the Commission should clarify that this subsection applies only to existing facilities, as is required by section 32(c) of PUHCA. The Commission agrees with Arizona Public Service that this subsection applies only to facilities that were reflected in retail rates on October 24, 1992.

Enron states that the Commission should clarify the definition of when a facility has been included in retail rates. For instance, Enron suggests that § 365.3(b) should apply when system-wide rates include costs associated with the eligible facility. The statute is clear in this regard. If any cost for a facility was reflected in retail rates as of October 24, 1992, whether in base rates, fuel adjustment charges, construction-work-in-progress, or otherwise, State commission approval is required. Enron states that the Commission should permit two or more affiliates involved in the ownership and/or operation of the same project to make a single application for EWG status. Such a policy would avoid the unnecessary cost of duplicative proceedings.

The Commission addressed this issue in Costanera Power Corporation, 61 FERC ¶ 61,335 (1992) (*Costanera*). In Costanera the Commission stated that section 32(a)(1) of PUHCA requires a "person" seeking EWG status to apply for a determination by the Commission. The Commission further stated that section (2)(a)(1) of PUHCA defines "person" as an individual or company. 15 U.S.C. 79b(a)(1) (1988). Therefore, the Commission concluded that to the extent that applicants are separate companies as defined by section 2(a)(2) of PUHCA, 15 U.S.C. 79b(a)(2) (1988), each must file a separate application.

Section 32 of PUHCA states that an eligible facility includes "interconnecting transmission facilities necessary to effect a sale of electric energy at wholesale." Atlantic City Electric states that additional clarification is necessary to delineate interconnecting facilities owned by an EWG and facilities owned by a transmitting utility. Atlantic City Electric states that the Commission should only consider transmission facilities owned by an EWG when reviewing an EWG application.

The Commission agrees with Atlantic City Electric that transmission facilities that are not owned by an EWG applicant are not relevant to the Commission's determination.

[32] See 15 U.S.C. 79b(a)(5) (1988).

[33] Allegheny, Arizona Public Service, Destec and Environmental Action.

V. Regulatory Flexibility Certification Statement

The Regulatory Flexibility Act[34] requires rulemakings to either contain a description and analysis of the impact the rule will have on small entities or to certify that the rule will not have a significant economic impact on a substantial number of small entities. The final rule codifies the filing requirements contained in section 32 of PUHCA. The filing requirements are minimal and will not have a significant economic impact on small entities. Moreover, persons that qualify for EWG status will enjoy the substantial benefit of being exempt from regulation under PUHCA. Consequently, the Commission certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

VI. Environmental Statement

Commission regulations require that an environmental assessment or an environmental impact statement be prepared for any Commission action that may have a significant adverse effect on the human environment.[35] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment.[36] No environmental consideration is necessary for the promulgation of a rule that is clarifying, corrective, or procedural or that does not substantially change the effect of legislation or regulations being amended.[37] The final rule does not change the effect of the underlying legislation. Accordingly, no environmental consideration is necessary.

VII. Information Collection Statement

The Office of Management and Budget's (OMB) regulations[38] require that OMB approve certain information collection and recordkeeping requirements imposed by an agency. The information collection requirements affected by the final rule are FERC–598 (Determinations for Entities Seeking Exempt Wholesale Generator Status) and FERC–582 (Oil, Gas and Electric Fees and Annual Charges). (1902–0132).

The final rule requires that persons who voluntarily request a determination of EWG status provide certain information to the Commission. The

[34] 5 U.S.C. 601–612

[35] Regulations Implementing National Environmental Policy Act, 52 FR 47897 (Dec. 17, 1987), FERC Stats. and Regs. ¶ 30,783 (1987)

[36] 18 CFR 380.4.

[37] 18 CFR 380.4(a)(2)(ii).

[38] 5 CFR 1320.12, as authorized by P.L. 96–511, 44 U.S.C. Chapter 35, the Paperwork Reduction Act of 1980.

VOL 58 ISS 31 FE 18 1993 UMI

Commission would use the information collected from the applicant to determine whether the applicant meets the statutory requirements for EWG status. The Commission's Office of Financial Management would also use the data collected to compute filing fees and annual charges.

The Commission is submitting notification of the final rule to OMB. Interested persons may obtain information on the reporting requirements by contacting the Federal Energy Regulatory Commission, 941 North Capitol Street, NE., Washington, DC 20426 [Attention: Michael Miller, Information Policy and Standards Branch, (202) 208–1415]. Comments on the requirements of the final rule can also be sent to the Office of Information and Regulatory Affairs of OMB [Attention: Desk Officer for Federal Energy Regulatory Commission].

VIII. Effective Date

This final rule is effective March 22, 1993.

List of Subjects

18 CFR Part 365

Electric power, Exempt wholesale generators, Reporting and recordkeeping requirements.

18 CFR Part 381

Electric power, Exempt wholesale generators, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission is amending title 18, chapter I of the Code of Federal Regulations to add a new subchapter T, part 365, and to add a new subpart H to existing part 381, as set forth below.

By the Commission.

Lois D. Cashell,

Secretary

1. A new subchapter T, consisting of part 365 is added, as follows:

SUBCHAPTER T—REGULATIONS UNDER SECTION 32 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

PART 365—FILING REQUIREMENTS AND MINISTERIAL PROCEDURES FOR PERSONS SEEKING EXEMPT WHOLESALE GENERATOR STATUS

Sec.

365.1 Purpose.
365.2 Definitions.
365.3 Contents of application and procedure for filing.
365.4 Effect of filing.
365.5 Commission action.
365.6 Notification of Commission action to the Securities and Exchange Commission.
365.7 Procedure for notifying Commission of material change in facts.

Authority: Pub. L. 102–486, 106 Stat. 2776 (15 U.S.C. 79).

§ 365.1 Purpose.

The purpose of part 365 is to implement section 32 of the Public Utility Holding Company Act of 1935, as added by section 711 of the Energy Policy Act of 1992.

§ 365.2 Definitions.

(a) For the purpose of this part terms will have the same meaning as defined in the Public Utility Holding Company Act of 1935, as amended by the Energy Policy Act of 1992, except as provided in paragraph (b) of this section.

(b) For the purpose of this part:

(1) *Commission* means the Federal Energy Regulatory Commission; and

(2) *Receipt of an application* means the date that the Commission receives the application and the applicable filing fee, if any; and

(3) *Affected State commission* means the State commission of each state in which a generating facility owned and/or operated by the applicant is located; each State commission regulating the retail rates of an electric utility that will purchase power from the applicant, if known at the time of application; and, each State commission regulating a retail utility that is affiliated with the applicant.

§ 365.3 Contents of application and procedure for filing.

(a) A person seeking status as an exempt wholesale generator (applicant) must file with the Commission, and serve on the Securities and Exchange Commission and any affected State commission, the following:

(1) A sworn statement, by a representative legally authorized to bind the applicant, attesting to any facts or representations presented to demonstrate eligibility for EWG status, including:

(i) A representation that the applicant is engaged directly, or indirectly through one or more affiliates, and exclusively in the business of owning or operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy at wholesale; and

(ii) Any exceptions for foreign sales of power at retail.

(2) A brief description of the facility or facilities which are or will be eligible facilities owned and/or operated by the applicant including:

(i) The related transmission interconnection components;

(ii) Any lease arrangements involving the facilities and public utility companies; and

(iii) Any electric utility company that is an affiliate company or associate company of the applicant.

(b) If a rate or charge for, or in connection with, the construction of a facility described in paragraph (a)(2) of this section, or for electric energy produced by a facility described in paragraph (a)(2) of this section (other than any portion of a rate or charge which represents recovery of the cost of a wholesale rate or charge), was in effect under the laws of any State on October 24, 1992, or if any portion of a facility described in paragraph (a)(2) of this section is owned or operated by an electric utility company that is an affiliate or associate company of the applicant, the applicant must also file a copy of a specific determination from every State commission having jurisdiction over any such rate or charge, or if the rate or charge is a rate or charge of an affiliate of a registered holding company, a specific determination from every State commission having jurisdiction over the retail rates and charges of the affiliates of the registered holding company, that allowing the facility to be an eligible facility:

(1) Will benefit consumers,

(2) Is in the public interest, and

(3) Does not violate State law.

(c) Applications for exempt wholesale generator status must also include a copy of a notice of the application suitable for publication in the **Federal Register**. The notice must state the applicant's name, the date of the application, and a brief description of the applicant and the facility or facilities which are or will be eligible facilities owned and/or operated by the applicant. The applicant must also submit a copy of its notice on a 3½" diskette in ASCII format. Each diskette must be clearly marked with the name of the applicant and the words "notice of filing." The notice must be in the following form:

(Name of Applicant)
Docket No. EG–

Notice of Application for Commission Determination of Exempt Wholesale Generator Status

On (date application was filed), (name and address of applicant) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

[Brief description of the applicant and the facility or facilities which are or will be eligible facilities owned and/or operated by the applicant, including reference and citation to any applicable State commission determinations.]

Any person desiring to be heard concerning the application for exempt

wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. All such motions and comments should be filed on or before _____and must be served on the applicant. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

§ 365.4 Effect of Filing.

A person applying in good faith for a Commission determination of exempt wholesale generator status will be deemed to be an exempt wholesale generator from the date of receipt of the application until the date of Commission action pursuant to § 365.5.

§ 365.5 Commission action.

If the Commission has not issued an order granting or denying an application within 60 days of receipt of the application, the application will be deemed to have been granted.

§ 365.6 Notification of Commission action to the Securities and Exchange Commission.

The Secretary of the Commission will notify the Securities and Exchange Commission whenever a person is determined to be an exempt wholesale generator.

§ 365.7 Procedure for notifying Commission of material change in facts.

If there is any material change in facts that may effect an EWG's eligibility for EWG status under section 32 of the Public Utility Holding Company Act of 1935, the EWG must within 60 days: apply for a new determination of EWG status; file a written explanation of why the material change in facts does not affect the EWG's status; or notify the Commission that it no longer seeks to maintain EWG status.

PART 381—FEES

2. The authority citation for part 381 continues to read as follows:

Authority: 15 U.S.C. 717–717w; 16 U.S.C. 791–828c; 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; and 49 U.S.C. 1–27.

3. Part 381 is amended to add subpart H, consisting of § 381.801 as follows:

SUBPART H—FEES APPLICABLE TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

§ 381.801 Applications for exempt wholesale generator status.

The fee established for applications for exempt wholesale generator status under section 32 of the Public Utility Holding Company Act of 1935 and subchapter T, part 365 of this chapter, applicable to applicants who will not become public utilities as defined in section 201(e) of the Federal Power Act upon the sale of electric energy at wholesale, is $1,000. The fee must be submitted in accordance with subpart A of this part.

Appendix A

Note: This appendix will not appear in the Code of Federal Regulations.

Commenters

1. Allegheny Power System
2. American Gas Association
3. American Paper Institute, Inc.
4. Arizona Public Service Company
5. Arkansas Public Service Commission
6. Atlantic City Electric Company
7. Bald Eagle Power Company Inc.
8. Baltimore Gas and Electric Company
9. City of Colorado Springs, Colorado
10. CMS Energy Corporation
11. Cogeneration Partners Group
12. Cogenerators of Southern California
13. Colorado Association of Municipal Utilities
14. Department of Energy
15. Destec Energy, Inc.
16. Detroit Edison
17. Edison Electric Institute
18. Electric Generation Association
19. Electricity Consumers Resource Council
20. El Paso Electric Company
21. Enron Gas Services Corp.
22. Enron Power Corp.
23. Environmental Action Foundation, *et al.* (Consisting of Environmental Action Foundation, Union of Concerned Scientists, Geothermal Resources Association, American Public Power Association, Toward Utility Rate Normalization, Electric Consumers Resource Council, Consumer Federation of America, Indiana Consumer Counsel, Missouri Office of the Public Counsel, State of Ohio Office of the Consumer Counsel, Commonwealth of Pennsylvania Office of the Consumer Advocate and Utah Committee of Consumer Services)
24. Florida Power & Light Company
25. Idaho Public Utilities Commission
26. Imperial Irrigation District
27. LG&E Energy Corp.
28. Long Island Lighting Company
29. Michigan Public Service Commission Staff
30. Mission Energy Company
31. Missouri Basin Municipal Power Agency
32. Missouri Public Service Commission
33. National Association of Regulatory Utility Commissioners
34. National Independent Energy Producers
35. Natural Gas Supply Association
36. New England Power Company
37. New York State Department of Public Service
38. New York State Electric & Gas Corporation, *et al.* (consisting of New York State Electric & Gas Corporation and Niagara Mohawk Power Corporation)
39. Pennsylvania Power & Light Company
40. Pentzer Energy Services, Inc.
41. Public Service Commission of Nevada
42. Public Service Commission of Wisconsin
43. Public Utilities Commission of California
44. San Diego Gas & Electric Company
45. Southern Company Services, Inc.
46. Southwestern Public Service Company
47. Texas Utilities Electric Company
48. Utah Municipal Power Agency
49. UtiliCorp United Inc.
50. Utility Working Group

[FR Doc. 93–3629 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 218

Collection of Royalties, Rentals, Bonuses and Other Monies Due the Federal Government

CFR Correction

In title 30 of the Code of Federal Regulations, parts 200-699, revised as of July 1, 1992, on page 105, in § 218.51, the last three sentences of paragraph (a)(1) were inadvertently removed. The entire text of paragraph (a)(1) should read as follows:

§ 218.51 Method of payment.

(a) *Payment of royalties.* (1) All payors whose aggregate royalty payment obligation to MMS on the payment due date totals $10,000 or more must make royalty payment by Electronic Funds Transfer (EFT) using the Federal Reserve Communications System (FRCS) link to the Financial Management Service Fedwire Deposit System (FDS), unless otherwise directed by MMS. Bills for Royalty-In-Kind (RIK) Oil and Bills for Collection of additional royalties owed as the result of audits are considered to be royalty payment obligations subject to the requirements of this paragraph. Early payment by other than EFT of a portion of the aggregate royalty payment obligation to avoid remittance by EFT on the payment due date is not permitted. Such early payments are permitted regardless of amount, but must be remitted by EFT.

* * * * *

BILLING CODE 1505-01-D

VOL
58
ISS
31
FE
18
1993
UMI

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 61 and 69

[CC Docket No. 86–10, FCC 93–54]

Provision of Access for 800 Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: This order addresses the obligations of local exchange carriers (LECs) in furnishing 800 access service to interexchange carriers (IXCs). It clarifies that independent telephone companies (ITCs) may provide 800 data base access without meeting the five-second access time standard established for the Bell Operating Companies (BOCs) and GTE. It recognizes that it would be inequitable and burdensome to impose that standard on all ITCs, given the varying economic constraints that affect them and their generally limited 800 traffic volume. It also requires ITCs to convert from NXX to data base access at the same time as other LECs to avoid unnecessary administrative and technical burdens associated with maintaining a limited NXX option. The order will facilitate the provision of 800 data base access service, which will permit 800 service customers to switch from one 800 service provider to another without changing their 800 telephone numbers. The Order also affirms the Commission's earlier decision not to require IXCs to offer subscriber-requested vertical features available from a LEC, since competition should provide the appropriate incentives to ensure that carriers accommodate the needs and desires of 800 users for these features. Finally, it dismisses as moot, California's petition requesting that the Federal State Joint Board examine whether the costs of digital technologies that support 800 service are fairly apportioned between state and federal jurisdictions under existing separations rules, since a Joint Board is now discussing it. The Commission took this action in response to six petitions for reconsideration or clarification of the Reconsideration Order.

EFFECTIVE DATE: March 22, 1993.

FOR FURTHER INFORMATION CONTACT: Gary Phillips, Common Carrier Bureau, (202) 632–4048.

SUPPLEMENTARY INFORMATION:

Summary

This is a summary of the Commission's Memorandum Opinion and Order on Further Reconsideration in Provision of Access for 800 Service CC Docket No. 86–10; FCC 93–54, Adopted: January 29, 1993 and Released: January 29, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Bureau (room 230), 1919 M St., NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, (202) 857–3800, 2100 M St., NW., suite 140, Washington, DC 20037.

In 1989, the Commission adopted Provision of Access for 800 Service, CC Docket No. 86–10, Report and Order, 4 FCC Rcd 2824, 54 FR 18654 (May 2, 1989), permitting local exchange carriers (LECs) to replace "NXX" 800 access with the 800 data base system when they had collectively achieved a specified level of signaling system 7 (SS7) deployment and were able to meet certain standards for access time. ("Access time" is the time that begins when a caller completes dialing an 800 call and ends when the call is delivered by the originating LEC to an interexchange carriers (IXC)).

In 1991, in Provision of Access for 800 Service, CC Docket No. 86–10, Memorandum Opinion and Order on Reconsideration and Second Supplemental Notice of Proposed Rulemaking, 6 FCC Rcd 5421, 56 FR 51666 (Oct. 15, 1991), the Commission revised this access time standard and required the BOCs and GTE to meet the revised standard by March 4, 1993. Under the revised standard, the Commission required the BOCs and GTE to reduce access times for 97% of their originating 800 data base access traffic to five seconds or less by March, 1993. In addition, the Commission declined to order ITCs to provide 800 data base access, but stated that it would revisit the issue if necessary. The Reconsideration Order also rejected requests to require LECs to provide limited NXX (non-800 data base) 800 access. The March 4, 1993, deadline has subsequently been extended to May 1, 1993. *See* In the Matter of Provision of Access for 800 Service, CC Docket No. 86–10 (released November 20, 1992).

The Commission has clarified that the five-second access time standard does not apply to the ITCs other than GTE. It found that applying the five-second standard would be inconsistent with the Commission's commitment to afford small ITCs maximum flexibility in participating in the provision of 800 data base service. It noted that waivers of this standard have been granted to all of the largest LECs, that many ITCs do not meet the five-second standard under NXX access today, and that while larger LECs can generally rely to a significant degree on high density urban traffic, small ITCs that serve predominantly or exclusively rural areas do not have this advantage.

At the same time, the Commission concluded, upon reconsideration, that it is in the public interest to require ITCs to convert from NXX to 800 data base access to ensure that a non-disruptive, operationally sound implementation of the data base can occur. Given the latitude that it has provided to ITCs, the Commission believes that the requirement will not be unduly burdensome to them. The Commission also reaffirmed its decision not to require LECs to offer a limited degree of NXX 800 access service, finding that to do so would result in unnecessarily burdensome costs for carriers and could diminish the benefits of 800 data base access for all users.

The Order also affirmed the Commission's earlier decision not to require IXCs to offer subscriber-requested vertical features available from a LEC, since competition should provide the appropriate incentives to ensure that carriers accommodate the needs and desires of 800 users for these features. Finally, it dismissed as moot California's petition requesting that the Federal State Joint Board examine the apportionment of digital technologies that support 800 service, since a Joint Board is not discussing it.

Ordering Clauses

It Is Ordered, that pursuant to 47 U.S.C. Sections 151, 154 (i) and (j), 201, 202, 203, 218, 303(r), and 405, and 5 U.S.C. Section 553, the petitions for reconsideration, partial reconsideration and/or clarification are Granted in Part and Denied in Part, as provided herein.

It Is Further Ordered That the petition filed by California is Dismissed as moot.

List of Subjects in 47 CFR Parts 61 and 69

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–3742 Filed 2–17–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF ENERGY

48 CFR Parts 925 and 952

Acquisition Regulation; Acquisition of Nuclear Hot Cell Services

AGENCY: U.S. Department of Energy.

ACTION: Interim final rule.

SUMMARY: The Department of Energy (DOE) issues an interim final rule which amends the Department of Energy Acquisition Regulation (DEAR) to implement section 2305 of the Energy Policy Act of 1992 (Pub. L. 102–486). Section 2305 requires selection for contract award of nuclear hot cell services in a way that affords United States companies and foreign companies an equal competition for contracts.

EFFECTIVE DATES: This interim final rule is effective on March 22, 1993. This interim rule becomes final on June 18, 1993, unless DOE takes additional action in response to public comments and publishes a document in the **Federal Register**.

COMMENT DATE: Written comments must be received on or before March 22, 1993.

ADDRESSES: Comments should be addressed to the U.S. Department of Energy, Procurement Policy Division, (PR–121), Attention: P. Devers Weaver, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: P. Devers Weaver, Procurement Policy Division (PR–121), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; telephone (202) 586–8250.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Section-by-Section Analysis of the Interim Rule.
III. Procedural Requirements.
IV. Public Comments.

I. Background

Section 2305 of the Energy Policy Act of 1992 (Pub. L. 102–486) provides that selection officials, in evaluating offers for selection for contract award to perform nuclear hot cell services contracts, and prime contractors in evaluating offers for selection for subcontract award to perform nuclear hot cell services, shall consider the costs related to the decommissioning of nuclear facilities and storage and disposal of nuclear waste in a way that affords United States and foreign companies an equal competition under certain circumstances. Those circumstances exist when one or more of the offers is submitted by a United States company that is subject to such costs and one or more offers is submitted by a foreign company that is not subject to comparable regulatory costs. The legislative history for section 2305 of the Energy Policy Act of 1992 states "that in awarding contracts for [nuclear] hot cell services[, selection officials] must either apply the same regulatory costs to [foreign] competitors or [otherwise exclude from consideration] the regulatory costs applied to [United States] firms" (House of Representatives Report 102–474, Part 2, May 1, 1992).

Paragraph (b) of section 2305 of the Energy Policy Act of 1992, enacted October 24, 1992, requires the Secretary of Energy to issue implementing regulations not later than 90 days after the date of the enactment (January 22, 1993) to carry out these requirements.

II. Section-by-Section Analysis of the Interim Rule

Section 925.7000 of the Department of Energy Acquisition Regulation provides a description of the scope of the new subpart entitled "Acquisition of Nuclear Hot Cell Services."

Section 925.7001 provides definitions of terms.

Section 925.7002 provides a statement of the policy implementing section 2305 of the Energy Policy Act of 1992.

Section 925.7003 provides a description of the requirements for DOE source selection officials and for contracting officers.

Sections 925.7004 and 952.225–70 provide, respectively, a prescription for a contract clause and a contract clause describing requirements for prime contractors in evaluating subcontract offers for nuclear hot cell services.

III. Procedural Requirements

a. Regulatory Review.
b. Review Under Executive Order 12291.
c. Review Under the Regulatory Flexibility Act.
d. Review Under the Paperwork Reduction Act.
e. Review Under the National Environmental Policy Act.
f. Review Under Executive Order 12612.
g. Review Under Executive Order 12778.

a. Regulatory Review

Pursuant to the January 22, 1993, Memorandum for the Heads and Acting Heads of Agencies described in section 1(d) of Executive Order 12291, from the Director of OMB, DOE submitted this notice to the Director for appropriate review. The Director has completed his review.

b. Review Under Executive Order 12291

Executive Order 12291, entitled "Federal Regulation," requires that certain regulations be reviewed by the Office of Management and Budget (OMB) prior to their promulgation. OMB Bulletin 85–7 exempts all but certain types of procurement regulations from such review. This rule does not involve any of the topics requiring review under the bulletin and, accordingly, is exempt from such review.

c. Review Under the Regulatory Flexibility Act

This rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96–354, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. DOE certifies that this rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

d. Review Under the Paperwork Reduction Act

No new information collection or recordkeeping requirements are imposed by this rulemaking. Accordingly, no OMB clearance is required under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

e. Review Under the National Environmental Policy Act

Pursuant to the Council on Environmental Quality Regulations (40 CFR parts 1500–1508), the Department has established guidelines for its compliance with the provisions of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 432 *et seq.*). Pursuant to appendix A of subpart D of 10 CFR part 1021, National Environmental Policy Act Implementing Procedures, the Department of Energy has determined that this rule is categorically excluded from the need to prepare an environmental impact statement or environmental assessment.

f. Review Under Executive Order 12612

Executive Order 12612 (52 FR 41685, October 30, 1987) requires that regulations, rules, legislation, and any other policy actions be reviewed for any substantial direct effects on States, on the relationship between the National Government and the States, or in the distribution of power and responsibilities among various levels of Government. If there are sufficient substantial direct effects, then the Executive Order requires preparation of a federalism assessment to be used in all decisions involved in promulgating and implementing a policy action. The Department of Energy has determined

VOL 58 ISS 31 FE 18 1993 UMI

that this rule will not have a substantial direct effect on the institutional interests or traditional functions of States.

g. Review Under Executive Order 12778

Section 2 of Executive Order 12778 instructs each agency subject to Executive Order 12291 to adhere to certain requirements in promulgating new regulations and reviewing existing regulations. These requirements, set forth in sections 2 (a) and (b)(2), include eliminating drafting errors and needless ambiguity, drafting the regulations to minimize litigation, providing clear and certain legal standards for affected legal conduct, and promoting simplification and burden reduction. Agencies are also instructed to make every reasonable effort to ensure that the regulation: Specifies clearly any preemptive effect, effect on existing Federal law or regulation, and retroactive effect; describes any administrative proceeding to be available prior to judicial review and any provisions for the exhaustion of such administrative proceedings; and defines key terms. DOE certifies that this interim final rule meets the requirements of sections 2 (a) and (b) of Executive Order 12778.

IV. Public Comments

The Department has decided to issue this interpretative rule as an interim final rule with an opportunity for public comment. The rule is an interpretative one because its text is interpretative in nature. The Department has chosen to issue this rule on an interim final basis to allow for consideration of public comments. DOE invites interested persons to participate by submitting data, views, or arguments with respect to the DEAR amendments set forth in this rule. Three copies of written comments should be submitted to the address indicated in the "ADDRESSES" section of this rule. All comments received will be available for public inspection during normal work hours. All written comments received by the date indicated in the "DATE" section of this notice will be carefully assessed and fully considered prior to the effective date of these amendments as a final rule. Any information considered to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information and to treat it according to its determination in accordance with 10 CFR 1004.11.

List of Subjects in 48 CFR Parts 925 and 952

Government procurement.

Issued in Washington, DC on February 11, 1993.

Barton J. Roth,

Acting Director, Office of Procurement, Assistance and Program Management.

For the reasons set forth in the preamble, chapter 9 of title 48 of the Code of Federal Regulations is amended as set forth below.

1. The authority citation for parts 925 and 952 is revised to read as follows:

Authority: 42 U.S.C. 7254; 40 U.S.C. 486(c); 42 U.S.C. 13524.

PART 925—FOREIGN ACQUISITION

2. New subpart 925.70, consisting of sections 925.7000 through 925.7004, is added as follows:

Subpart 925.70—Acquisition of Nuclear Hot Cell Services

925.7000 Scope of subpart.
925.7001 Definitions.
925.7002 Policy.
925.7003 Requirements.
925.7004 Contract clause.

Subpart 925.70—Acquisition of Nuclear Hot Cell Services

925.7000 Scope of subpart.

This subpart prescribes policies for selection for contract award of nuclear hot cell services when one of the competitors is a foreign company. This subpart does not apply to the acquisition and use of nuclear hot cell facilities on-site at a DOE-owned or -leased facility.

925.7001 Definitions.

Costs related to the decommissioning of nuclear facilities, as used in this subpart, means any cost associated with the compliance with regulatory requirements governing the decommissioning of nuclear facilities licensed by the Nuclear Regulatory Commission. Such costs for foreign facilities and for Department of Energy facilities are costs of decommissioning associated with the compliance with foreign regulatory requirements or the Department's own requirements.

Costs related to the storage and disposal of nuclear waste, as used in this subpart, means any costs, whether required by regulation or incurred as a matter of prudent business practice, associated with the storage or disposal of nuclear waste.

Foreign company, as used in this subpart, means a company which offers to perform nuclear hot cell services at a facility which is not subject to the laws and regulations of the United States, its agencies, and its political subdivisions.

Nuclear hot cell services, as used in this subpart, means services related to the examination of, or performance of various operations on, nuclear fuel rods, control assemblies, or other components that are emitting large quantities of ionizing radiation, after discharge from nuclear reactors, which are performed in specialized facilities located away from commercial nuclear power plants, generally referred to in the industry as "hot cells."

Nuclear waste, as used in this subpart, means any radioactive waste material subject to regulation by the Nuclear Regulatory Commission or the Department of Energy, or in the case of foreign offers, by comparable foreign organizations.

United States company, as used in this subpart, means a company which offers to perform nuclear hot cell services at a facility subject to the laws and regulations of the United States, its agencies, and its political subdivisions.

925.7002 Policy.

In selecting offer(s) for award of contracts for nuclear hot cell services, costs related to the decommissioning of nuclear facilities and storage and disposal of nuclear waste are to be considered in a way which affords United States and foreign companies an equal competition in accordance with 925.7003. Upon determining that no offer from a foreign firm has a reasonable chance of being selected for award, the requirements of this subpart will not apply.

925.7003 Requirements.

(a) For the acquisition of nuclear hot cell services under the conditions in paragraph (b) of this section, the selection official in evaluating competitive offers for selection purposes only shall:

(1) Consider neither costs related to the decommissioning of nuclear waste facilities nor costs related to the storage and disposal of nuclear waste, or

(2) Add these costs to offers of foreign companies.

(b) The requirements of this section apply under the following circumstances:

(1) One or more of the offers is submitted by a United States company and includes costs related to the decommissioning of nuclear facilities and costs related to the storage and disposal of nuclear waste because it is subject to such costs; and

(2) One or more of the offers is submitted by a foreign company and does not include these types of costs. (A foreign company might not be subject to such costs or might not have to include these types of costs in its offer if the firm is subsidized in decommissioning

activity or storage and disposal of nuclear waste, or a foreign government is performing the activities below the actual cost of the activity.)

925.7004 Contract clause.

The contracting officer shall insert the clause at 952.225–70, Subcontracting for Nuclear Hot Cell Services, in solicitations and contracts involving nuclear hot cell services. This clause does not flow down to second-tier subcontracts.

PART 952—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. New section 952.225–70 is added as follows:

952.225–70 Subcontracting for nuclear hot cell services.

As prescribed in 925.7004, insert the following clause in solicitations and contracts.

Subcontracting for Nuclear Hot Cell Services (February 1993)

(a) Definitions.

Costs related to the decommissioning of nuclear facilities, as used in this clause, means any cost associated with the compliance with regulatory requirements governing the decommissioning of nuclear facilities licensed by the Nuclear Regulatory Commission. Such costs for foreign facilities and for Department of Energy facilities are costs of decommissioning associated with the compliance with foreign regulatory requirements or the Department's own requirements.

Costs related to the storage and disposal of nuclear waste, as used in this clause, means any costs, whether required by regulation or incurred as a matter of prudent business practice, associated with the storage or disposal of nuclear waste.

Foreign company, as used in this clause, means a company which offers to perform nuclear hot cell services at a facility which is not subject to the laws and regulations of the United States, its agencies, and its political subdivisions.

Nuclear hot cell services, as used in this clause, means services related to the examination of, or performance of various operations on, nuclear fuel rods, control assemblies, or other components that are emitting large quantities of ionizing radiation, after discharge from nuclear reactors, which are performed in specialized facilities located away from commercial nuclear power plants, generally referred to in the industry as "hot cells."

Nuclear waste, as used in this clause, means any radioactive waste material subject to regulation by the Nuclear Regulatory Commission or the Department of Energy, or in the case of foreign offers, by comparable foreign organizations.

United States company, as used in this clause, means a company which offers to perform nuclear hot cell services at a facility subject to the laws and regulations of the United States, its agencies, and its political subdivisions.

(b) In selecting a competitive offer for a first-tier subcontract acquisition of nuclear hot cell services, the contractor shall consider neither costs related to the decommissioning of nuclear waste facilities nor costs related to the storage and disposal of nuclear waste, or add these costs to offers of foreign companies, if—

(1) one or more of the offers is submitted by a United States company and includes costs related to the decommissioning of nuclear facilities and costs related to the storage and disposal of nuclear waste because it is subject to such cost; and

(2) one or more of the offers is submitted by a foreign company and does not include these types of costs. (A foreign company might not be subject to such costs or might not have to include these types of cost in its offer if the firm is subsidized in decommissioning activity or storage and disposal of nuclear waste, or a foreign government is performing the activities below the actual cost of the activity.)

(c) Upon determining that no offer from a foreign firm has a reasonable chance of being selected for award, the requirements of this clause will not apply.

[FR Doc. 93–3806 Filed 2–17–93; 8:45 am]

BILLING CODE 6450–01–U

VOL
58
ISS
31
FE
18
1993
UMI

Proposed Rules

Federal Register
Vol. 58, No. 31
Thursday, February 18, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 410

RIN 3206–AF05

Training

AGENCY: Office of Personnel Management.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Office of Personnel Management (OPM) issued proposed regulations on training needs assessment (5 CFR part 410) in the **Federal Register** on Monday, January 11, 1993 (58 FR 3508). During the official comment period, Federal agencies indicated a need for additional time to review the content of the regulations in greater detail and coordinate a consolidated agency-wide perspective on the regulations. OPM, therefore, finds it appropriate to extend the formal comment period an additional 30 days.

DATES: Written comments will be considered if received no later than March 10, 1993.

ADDRESSES: Send or deliver written comments to Dona Wolf, Director, Human Resources Development Group, U.S. Office of Personnel Management, room 5554, 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT:

Barbara Smith (202) 376–6804.

Office of Personnel Management.

Patricia W. Lattimore,

Acting Director.

[FR Doc. 93–3701 Filed 2–17–93; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 907 and 908

[FV92–907–6]

Navel and Valencia Oranges Grown in Arizona and Designated Parts of California; Suspension of Provisions Regarding Committee Compensation and Correction in Committees' Address

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension and rule.

SUMMARY: This proposal invites comments on two actions regarding the California-Arizona navel and Valencia orange marketing orders. The marketing orders regulate the handling of navel and Valencia oranges grown in Arizona and designated parts of California and are administered locally by the Navel and Valencia Orange Administrative Committees (committees). The first action would suspend, for an indefinite period, provisions of the marketing orders limiting compensation rates for committee members. Presently, such compensation is limited to $25 per day. The second action would modify the orders' rules and regulations to reflect the committees' current address. These actions were recommended by the committees at a meeting on November 24, 1992.

DATES: Comments must be received by March 5, 1993.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Maureen T. Pello, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, room 2522–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–5127; or Robert Curry, California Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California, 93721; telephone: (209) 487–5901.

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Order Nos. 907 and 908 (7 CFR parts 907 and 908), as amended, regulating the handling of navel and Valencia oranges grown in Arizona and designated parts of California, hereinafter referred to as the "orders." These orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

This proposal has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This proposal has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This proposal will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this action.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of

business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 130 handlers of navel oranges and 115 handlers of Valencia oranges who are subject to regulation under the respective marketing orders and approximately 4,000 producers of navel oranges and 3,500 producers of Valencia oranges in the regulated areas. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of producers and handlers of California-Arizona navel and Valencia oranges may be classified as small entities.

This proposal invites comments on two actions regarding the California-Arizona navel and Valencia orange marketing orders. The first action would suspend, for an indefinite period, provisions of the marketing orders limiting compensation rates for committee members. Presently, such compensation is limited to $25 per day. The second action would modify the orders' rules and regulations to reflect the committees' current address. These actions were recommended by the committees at a joint meeting on November 24, 1992, with a unanimous vote by the Valencia Orange Administrative Committee (VOAC) and a vote of 10 in favor and one opposed by the Navel Orange Administrative Committee (NOAC).

The NOAC and VOAC are responsible for locally administering the marketing orders for California-Arizona navel and Valencia oranges, respectively. Each committee consists of 10 members who may be growers, employees of growers, handlers, employees of handlers, or employees of cooperative marketing organizations, and one non-industry member. Each grower member has an alternate and an additional alternate member. Each handler and non-industry member has a single alternate.

Sections 907.31 and 908.31 of the navel and Valencia orange marketing orders, respectively, currently provide that committee members and their respective alternates, when acting as members, be reimbursed for expenses necessarily incurred by them in the performance of their duties. Those sections also state that these members and alternates shall receive compensation at a rate determined by the respective committee, which rate shall not exceed $25 per day, or portion thereof, spent in performing such duties.

Sections 907.31 and 908.31 were amended in 1985 whereby the compensation rates for committee members and alternates was increased from $25 per day to a rate not to exceed $100 per day. In addition, the committees' non-industry members' compensation rate was set at a rate not to exceed $250 per day. However, those amendments were removed from the orders as a result of an August 21 decision by the U.S. Court of Appeals for the Ninth Circuit in San Francisco, California, invalidating the 1985 amendments to the Valencia orange marketing order on procedural grounds. The decision also relates to the navel orange marketing order because that order was amended concurrently with the Valencia orange order using the same procedures. Thus, with removal of the 1985 amendments, committee members' compensation rates as specified by the orders reverted to a maximum of $25 per day.

The committees believe that the $25 per day rate is too low under current economic conditions. Many committee members and alternates commute long distances and spend time away from their own or their employers' businesses in order to fulfill their obligations as committee members. In addition, committee members were reimbursed at a higher level during the past seven years. Therefore, the committees recommended that the provisions of the orders limiting compensation to $25 per day be suspended so that the committees may recommend an increase in the rates. Any increase in the rates would be subject to approval by the Secretary in the committees' annual budget.

This action would not have a significant economic impact on small producers or handlers. The compensation rate paid to committee members is derived from the administrative budget which consists of uniform assessments collected from handlers in order for the committees to operate and carry out their functions each season. The committees do not anticipate that it would be necessary to increase the current assessment rates to cover the additional expense. In fact, higher compensation rates were included in the committees' current budgets for the 1992–93 fiscal year which became effective on November 1, 1992. The compensation rates paid to committee members has not been a substantial portion of the committees' budgets, and is not expected to become a substantial item in the budgets in the future. Thus, there is no significant impact anticipated.

This rule also modifies the committees' address as specified in paragraphs (g) and (h) of §§ 907.100 and 908.100 and in §§ 907.101 and 908.101 of the orders' rules and regulations to reflect the committees' current address. The committees moved their office in the fall of 1990 from Los Angeles to Newhall, California. The committees' new address is 25129 The Old Road, suite 300, Newhall, California 91381.

Based on available information, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

Interested persons are invited to submit their views and comments on this proposal. A 15-day comment period is considered appropriate because the committees meet on a regular basis throughout the year and would like to be reimbursed at a reasonable rate of compensation.

List of Subjects in 7 CFR Parts 907 and 908

Marketing agreements, Oranges, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 907 and 908 are proposed to be amended as follows:

1. The authority citation for both 7 CFR parts 907 and 908 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

§ 907.31 [Amended]

2. In § 907.31, the words "which rate shall not exceed $25 per day or portion thereof spent in performing such duties" in the first sentence, and the words "at the rate provided in this section" in the second sentence are suspended indefinitely.

3. In § 907.100, paragraph (g) and the first sentence of paragraph (h) are revised to read as follows:

§ 907.100 Definitions

* * * * *

(g) Whenever a time of day is specified in this subpart, it shall mean local time in effect at the headquarters of the committee in Newhall, Calif., except when specifically stated otherwise.

(h) The regular weekly meeting of the committee is held on Tuesday at the headquarters in Newhall. * * *

* * * * *

§ 907.101 [Amended]

4. Section 907.101 is amended to remove the words "117 West Ninth Street, Room 913, Los Angeles, CA 90015" and replace them with the words "25129 The Old Road, Suite 300, Newhall, California 91381."

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

§ 908.31 [Amended]

5. In § 908.31, the words "which rate shall not exceed $25 per day or portion thereof spent in performing such duties" in the first sentence, and the words "at the rate provided in this section" in the second sentence are suspended indefinitely.

§ 908.100 [Amended]

6. In § 908.100, paragraph (g) and the first sentence of paragraph (h) are revised to read as follows:

* * * * *

(g) Whenever a time of day is specified in this subpart, it shall mean local time in effect at the headquarters of the committee in Newhall, Calif., except when specifically stated otherwise.

(h) The regular weekly meeting of the committee is held on Tuesday at the headquarters in Newhall. * * *

* * * * *

§ 908.101 [Amended]

7. Section 908.101 is amended to remove the words "117 West Ninth Street, room 913, Los Angeles, CA 90015" and replace them with the words "25129 The Old Road, suite 300, Newhall, California 91381."

Dated: February 9, 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–3518 Filed 2–17–93; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–NM–194–AD]

Airworthiness Directives; Fokker Model F–27 Series Airplanes, Excluding Mark 050 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Fokker Model F–27 series airplanes. This proposal would require repetitive borescope inspections to detect fatigue-related cracks of the lower flange of the wing outer flap rib, repetitive high frequency eddy current (HFEC) inspections to detect fatigue-related cracks of the lower skin of the wing outer flaps, repair of cracked parts, and submission of an inspection report. This proposal is prompted by reports of fatigue-related cracks found in the lower skin and rib of the wing outer flaps. The actions specified by the proposed AD are intended to prevent structural failure of the wing outer flaps.

DATES: Comments must be received by April 13, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–194–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2145; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–194–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–194–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for The Netherlands, recently notified the FAA that an unsafe condition may exist on certain Fokker Model F–27 series airplanes. The RLD advises that fatigue-related cracks have been found at various locations in the wing outer flap lower skin and in the lower flange of the wing outer flap rib at station 580. Fokker previously had developed a modification (described in Fokker Service Bulletin SB F27/57–33) to reinforce the wing outer flap by installing additional ribs at stations 340 and 820. However, cracks continue to appear in the lower flange of the rib at station 580 and in the lower skin, even on airplanes on which the modification has been installed. Fatigue cracking in these areas, if not detected and corrected in a timely manner, could result in structural failure of the wing outer flaps.

Fokker has issued Service Bulletin F27/57–67, dated October 11, 1991,

which describes procedures for repetitive borescope inspections to detect fatigue-related cracks of the lower flange of the wing outer flap rib at station 580 (left- and right-hand), and repair of cracked flanges, if the modification described in Fokker Service Bulletin SB F27/57–33 has not been installed.

Additionally, Service Bulletin F27/57–33 describes procedures for repetitive high frequency eddy current (HFEC) inspections to detect fatigue-related cracks of the lower skin of the wing outer flaps (left- and right-hand) at stations 580, 1060, 2840, 3830, 4325, and 4820, and repair of cracked parts, if the modification described in Fokker Service Bulletin SB F27/57–33 has not been installed.

Service Bulletin F27/57–67 also describes procedures for repetitive HFEC inspections to detect fatigue-related cracks of the lower skin of the wing outer flaps (left- and right-hand) at stations 340, 580, 820, 1060, 2840, 3830, 4325, and 4820, and repair of cracked parts, if the modification described in Fokker Service Bulletin SB F27/57–33 has been installed.

It should be noted that Service Bulletin F27/57–67 recommends that flight be continued if cracking is found and is within certain limits. This recommendation is based on crack growth analysis data, which indicate that the outer flap ultimate load capability will continue to be ensured under certain crack length conditions. In such cases of cracking, however, inspections are to be repeated at shorter intervals until the cracked area is permanently repaired within a certain number of flight hours.

The RLD classified Service Bulletin F27/57–67 as mandatory and issued Netherlands Airworthiness Directive BLA 91–122, dated October 18, 1991, in order to assure the continued airworthiness of these airplanes in The Netherlands.

This airplane model is manufactured in The Netherlands and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require repetitive borescope inspections to detect fatigue-related cracks of the lower flange of the wing outer flap rib at station 580 (left- and right-hand), and repair of cracked flanges, if the modification described in Fokker Service Bulletin SB F27/57–33 has not been accomplished. Additionally, the proposed AD would require repetitive HFEC inspections to detect fatigue-related cracks of the lower skin of the wing outer flaps (left- and right-hand) at stations 580, 1060, 2840, 3830, 4325, and 4820, and repair of cracked parts, if the modification described in Fokker Service Bulletin SB F27/57–33 has not been accomplished. The proposed AD also would require repetitive HFEC inspections to detect fatigue-related cracks of the lower skin of the wing outer flaps (left- and right-hand) at stations 340, 580, 820, 1060, 2840, 3830, 4325, and 4820, and repair of cracked parts, if the modification described in Fokker Service Bulletin SB F27/57–33 has been accomplished. Finally, operators would be required to submit a report to Fokker of the results of initial inspections. The actions would be required to be accomplished in accordance with Fokker Service Bulletin F27/57–67, described previously.

The FAA estimates that 60 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 24 work hours per airplane to accomplish the inspections on airplanes on which the modification described in Fokker Service Bulletin 27/57–33 has not been installed; and 16 work hours on airplanes on which that modification has been installed. The average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $79,200 ($1,320 per airplane) for unmodified airplanes, and $52,800 ($880 per airplane) for modified airplanes. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Fokker: Docket 92–NM–194–AD

Applicability: Model F–27 series airplanes, excluding Mark 050 series airplanes; serial numbers 10102, 10105 through 10684, inclusive, 10686, 10687, and 10689 through 10692, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent structural failure of the wing outer flaps, accomplish the following:

(a) Within 500 hours time-in-service after the effective date of this AD, or within 6 months after the effective date of this AD, whichever occurs earlier, determine whether the modification described in Fokker Service Bulletin SB F27/57–33 has been installed on the airplane.

(b) For airplanes on which the modification described in Fokker Service Bulletin SB F27/57–33 has not been installed: Prior to further flight after accomplishing paragraph (a) of this AD, accomplish the requirements of paragraphs (b)(1) and (b)(2) of this AD:

(1) Perform a borescope inspection to detect fatigue-related cracks of the lower flange of the wing outer flap rib at station 580 (left- and right-hand), in accordance with

Part 2 of Fokker Service Bulletin F27/57–67, dated October 11, 1991.

(i) If no cracked flange is found: Repeat the borescope inspection thereafter at intervals not to exceed 6,000 hours time-in-service.

(ii) If one cracked flange is found: Repeat the borescope inspection at intervals not to exceed 500 hours time-in-service; and within 3,000 hours time-in-service after the initial borescope inspection, repair in accordance with Part 4 of the service bulletin.

(iii) If two cracked flanges are found: Repeat the borescope inspection thereafter at intervals not to exceed 250 hours time-in-service; and within 1,500 hours time-in-service after the initial borescope inspection, repair in accordance with Part 4 of the service bulletin.

(iv) If three or more cracked flanges are found: Prior to further flight, repair in accordance with Part 4 of the service bulletin.

(2) Perform a high frequency eddy current (HFEC) inspection to detect fatigue-related cracks of the lower skin of the wing outer flaps (left- and right-hand) at stations 580, 1060, 2840, 3830, 4325, and 4820, in accordance with Part 3 of Fokker Service Bulletin F27/57–67, dated October 11, 1991.

(i) If no cracking is found, no further HFEC inspections are required by this AD.

(ii) If cracking is found and the sum of the crack lengths is less than or equal to 25 mm: Repeat the HFEC inspection thereafter at intervals not to exceed 500 hours time-in-service; and within 3,000 hours time-in-service after the initial HFEC inspection, repair in accordance with Part 4 of the service bulletin.

(iii) If cracking is found and the sum of the crack lengths is greater than 25 mm and less than 35 mm: Repeat the HFEC inspection thereafter at intervals not to exceed 250 hours time-in-service; and within 1,500 hours time-in-service after the initial HFEC inspection, repair in accordance with Part 4 of the service bulletin.

(iv) If cracking is found and the sum of the crack lengths is equal to or greater than 35 mm: Prior to further flight, repair in accordance with Part 4 of the service bulletin.

(c) For airplanes on which the modification described in Fokker Service Bulletin SB F27/57–33 has been installed: Prior to further flight after accomplishing paragraph (a) of this AD, perform an HFEC inspection to detect fatigue-related cracks of the lower skin of the wing outer flaps (left- and right-hand) at stations 340, 580, 820, 1060, 2840, 3830, 4325, and 4820, in accordance with Part 3 of Fokker Service Bulletin F27/57–67, dated October 11, 1991.

(1) If no cracking is found, no further action is required by this AD.

(2) If cracking is found and the sum of the crack lengths is less than or equal to 25 mm Repeat the HFEC inspection thereafter at intervals not to exceed 500 hours time-in service; and within 3,000 hours time-in service after the initial HFEC inspection repair in accordance with Part 4 of the service bulletin.

(3) If cracking is found and the sum of the crack lengths is greater than 25 mm and less than 35 mm: Repeat the HFEC inspection thereafter at intervals not to exceed 250 hours time-in-service; and within 1,500 hours time-in-service after the initial HFEC inspection, repair in accordance with Part 4 of the service bulletin.

(4) If cracking is found and the sum of the crack lengths is equal to or greater than 35 mm: Prior to further flight, repair in accordance with Part 4 of the service bulletin.

(d) For all airplanes: Within 10 days after accomplishing the initial inspections required by paragraphs (b) and (c) of this AD, submit a report of inspection findings to Fokker, in accordance with Fokker Service Bulletin F27/57–67, dated October 11, 1991. Report all findings, including nil defects, to Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 11, 1993.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–3752 Filed 2–17–93; 8:45 am]

BILLING CODE 4910–13–P

---

14 CFR Part 39

[Docket No. 92–NM–240–AD]

Airworthiness Directives; Beech Model 400A Airplanes

AGENCY: Federal Aviation Administration, DOT

ACTION: Notice of proposed rulemaking (NPRM)

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Beech Model 400A airplanes. This proposal would require a one-time inspection to verify that attachment clips have been installed on the support structure of the aft fuel filler tank during manufacture, and installation of the clips, if necessary. This proposal is prompted by reports that certain Model 400A airplanes have been delivered without the aft fuel filler tank attachment clips installed. The actions specified by the proposed AD are intended to prevent reduced structural integrity of the aft fuel filler tank installation.

DATES: Comments must be received by April 13, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–240–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Beech Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Engler, Aerospace Engineer, Wichita Aircraft Certification Office, Airframe Branch, ACE–120W, FAA, Small Airplane Directorate, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4122; fax (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before

and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–240–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–240–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The manufacturer has advised the FAA that attachment clips, part numbers 128–920021–61 and 128–920021–63, may not have been installed on the support structure of the aft fuel filler tank during manufacture of certain Beech Model 400A airplanes. These clips help to retain the aft fuel filler tank in place should the airplane encounter extreme loads during an emergency situation. This condition, if not corrected, could result in reduced structural integrity of the aft fuel filler tank installation.

The FAA has reviewed and approved Beechcraft Service Bulletin 2468, dated October 1992, that describes procedures for accomplishing a onetime inspection to verify that attachment clips have been installed on the support structure of the aft fuel filler tank during manufacture, and installation of the clips, if necessary.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require a one-time inspection to verify that attachment clips have been installed on the support structure of the aft fuel filler tank during manufacture, and installation of the clips, if necessary. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 32 Beech Model 400A airplanes of the affected design in the worldwide fleet. The FAA estimates that 21 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 14 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $16,170; or $770 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendnment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Beech: Docket 92–NM–240–AD.

Applicability: Model 400A airplanes; serial numbers RK–2 through RK–33, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent reduced structural integrity of the aft fuel filler tank installation, accomplish the following:

(a) Within 200 hours time-in-service after the effective date of this AD, inspect the aft fuel filler tank installation to verify installation of attachment clips, part numbers 128–920021–61 and 128–920021–63, in accordance with Beechcraft Service Bulletin 2468, dated October 1992.

(1) If the attachment clips are installed, no further action is required by this AD.

(2) If no attachment clips are installed, prior to further flight, install the attachment clips in accordance with the service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Wichita Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 11, 1993.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–3751 Filed 2–17–93; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Parts 121 and 129

[Docket No. 27066; Notice No. 92–18A]

RIN 2120–AE79

Anti-Drug Program and Alcohol Misuse Prevention Program for Employees of Foreign Air Carriers Engaged in Specified Aviation Activities

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM); extension of comment period

SUMMARY: This document announces an extension of the comment period on Notice 92–18, "Anti-Drug Program and Alcohol Misuse Prevention Program for Employees of Foreign Air Carriers Engaged in Specified Aviation Activities" (57 FR 59473; December 15, 1992). This comment period is extended from February 16, 1992, to April 1, 1993. The extension responds to requests from representatives of foreign

VOL 58 ISS 31 FE 18 1993 UMI

air carriers for additional time to develop comments responsive to Notice No. 92–18.

DATES: The comment period is being extended from February 16, 1993, to April 1, 1993.

ADDRESSES: As stated in Notice No. 92–18, comments should be mailed, in triplicate, to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC–10), Docket No. 27066, 800 Independence Avenue SW., Washington, DC 20591. All comments must be marked: "Docket No. 27066." Comments on this notice may be examined in room 915G on weekdays, except on Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Ms. Julie B. Murdoch, Office of Aviation Medicine, Drug Abatement Division (AAM–800), Federal Aviation Administration, 400 7th Street SW., Washington, DC 20590; telephone (202) 366–6710.

SUPPLEMENTARY INFORMATION: On December 15, 1992, the FAA published Notice No. 92–18, "Anti-Drug Program and Alcohol Misuse Prevention Program for Employees of Foreign Air Carriers Engaged in Specified Aviation Activities." The notice invited comments on a variety of issues related to the application of drug and alcohol testing requirements to safety-sensitive employees of foreign air carriers operating within the territory of the United States.

The FAA has received written requests for an extension of the comment period submitted by or on behalf of a number of foreign air carriers, including a trade association representing several foreign air carriers. The European Civil Aviation Conference also noted in a written submission to the U.S. Government that it would be unlikely to provide substantive comments prior to the close of the comment period.

The FAA has determined that the original 60-day comment period would not provide sufficient time for necessary translations of the ANPRM into the languages of affected foreign air carriers or for review by interested foreign governments. Extension of the comment period will allow time for a more thorough review of applicable foreign laws and policies, consideration of the many complex issues and questions raised by the ANPRM, and the drafting of responsive comments. (The FAA recognizes, in addition, that the intervening holiday period may have impeded the ability of interested persons to formulate comprehensive responses to the numerous questions posed in the ANPRM.)

In order, therefore, to give all interested persons additional time to complete their comments, the FAA finds that it is in the public interest to extend the comment period. Accordingly, the comment period will close on April 1, 1993.

Issued in Washington, DC, on February 12, 1993.

Garland P. Castleberry,

Associate Administrator for Aviation Standards.

[FR Doc. 93–3857 Filed 2–16–93; 8:48 am]

BILLING CODE 4910–13–M

Coast Guard

33 CFR Parts 154 and 155

[CGD 92–027]

RIN 2115–AE20

Marking of Transfer Hoses for Hazardous Materials

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise its transfer hose marking regulations for hazardous materials. The current regulations, which require each hose to be marked with a list of each product transferred through the hose, are impractical. This rulemaking proposes an alternative for hose marking that is more effective and easier to maintain.

DATES: Comments must be received on or before April 5, 1993.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD 92–027), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477. Comments on collection of information requirements must be mailed also to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: Lieutenant Jonathan C. Burton, Marine Environmental Protection Division (G–MEP), at (202) 267–6714.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 92–027) and the specific section of this proposal to which each comment applies, and give a reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If not practical, a second copy of any bound material is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under **"ADDRESSES."** The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The principal persons involved in drafting this document are Lieutenant Jonathan C. Burton, Project Manager, and Ms. Helen Boutrous, Project Counsel, Office of Chief Counsel.

Background and Purpose

The regulations pertaining to the transfer of products between vessels and facilities capable of transferring oil or hazardous materials in bulk to or from a vessel with a capacity of 250 barrels or more were previously contained in two different parts of title 33 of the Code of Federal Regulations. Facilities dealing with the transfer of bulk oil were covered by 33 CFR part 154, while those dealing with the transfer of hazardous materials were covered by 33 CFR part 126 (Handling of Explosives or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities). Realizing that this was often confusing, and desiring to address hazardous materials in greater detail, the Coast Guard combined the provisions into

part 154 (Facilities Transferring Oil or Hazardous Materials in Bulk). Since 1990, when this effort was completed, a number of suggestions for improving the combined regulations have been provided by Coast Guard personnel and industry advisory groups.

One issue that has been raised concerns the marking of transfer hoses. For hoses used to transfer oil products, the current regulations provide alternative marking options: a hose must be marked with the name of each oil product for which the hose may be used, or, the hose may be marked with the words "oil service," with no additional information regarding the oil products transferred (33 CFR 154.500(e)). However, for hoses used to transfer hazardous materials, the hose must bear the name of each hazardous material product for which the hose is used. No other option is available to facilities or vessels. While it is common at facilities for a given hose to be designated for a single product, this is not always the case for vessels, especially barges. Often, the same transfer hose is used for the transfer of numerous hazardous material products.

At its meeting in November 1990, the Towing Safety Advisory Committee (TSAC) brought this hose marking issue to the attention of the Coast Guard. The Committee noted that in cases where one transfer hose is used for numerous compatible products, marking the name of each product on the hose is difficult, given the size constraints. Also, the inability to use the same hose to transfer additional compatible products without this time-consuming marking, as well as the difficulty of maintaining extensive markings on the hose exterior, make the current hose marking requirements for hazardous materials unduly burdensome and impractical.

TSAC proposed that the hazardous materials transfer hoses be marked with the pollution categories published by the International Maritime Organization (IMO). This would provide a less cumbersome means for marking and maintaining hazardous materials transfer hoses while, according to TSAC, ensuring the compatibility of products for which a given transfer hose may be used.

The Coast Guard agrees that, for a hose that is used to transfer numerous compatible cargoes, some alternative to placing the name of each product on the hose should be available. However, the Coast Guard has determined that marking these hoses with IMO pollution categories does not necessarily ensure compatibility of cargoes. There are instances where chemically incompatible cargoes are included within the same IMO pollution category.

As an alternative to the approach suggested by TSAC, the Coast Guard is proposing to allow for hoses to be marked with a unique identifying symbol (a letter, number, or other symbol) to indicate the types of materials which may be transferred through that hose. A list found in the facility's operations manual or vessel's transfer procedure documents would contain the hose symbols and the compatible cargoes which may be transferred through a hose bearing a given symbol. It is the Coast Guard's position that this is a reasonable alternative to the current hose marking requirements, and that it would effectively address the concerns of TSAC. This alternative is consistent with the marking alternative in § 154.500(f), which allows for the date of manufacture and the date of the last pressure or other hose test required by § 156.170 to be recorded elsewhere at the facility, with the hose marked to identify it with that information. Recognizing the benefits of TSAC's desire for uniform symbols to designate compatible materials that may be transferred through a hose, the Coast Guard seeks comments on the feasibility of developing such a list in the future.

By allowing vessels and facilities to mark hoses used to transfer hazardous materials with symbols and a reference to a list contained in either the facility's operations manual or the vessel's transfer procedures documents to determine the products represented by the symbols, hose marking and maintenance will be simplified. Also, ongoing changes will be easier to implement. Further, this alternative may be less time consuming and less costly than the current requirement.

Discussion of Proposed Amendments

This proposal would revise § 154.500(e)(1) to permit the alternative hose marking option. For oil products, the option of marking the hose with each oil product name or the words "oil service" would be retained. For hazardous materials, the option of marking the hose with each product would remain, but an additional option would be provided. This option would allow for hoses to be marked with the phrase, "HAZMAT SERVICE—SEE LIST" followed immediately by a unique number, letter or symbol that can be compared against a list or chart in either the vessel's transfer procedures documents or the facility's operations manual which identifies the products that may be transferred through a hose bearing that symbol.

Under this proposal, a new paragraph would be added to § 154.310(a) to specify that if a facility uses symbols to indicate which hazardous materials may be compatibly transferred through a transfer hose, the facility's operations manual must contain a list of the hose marking symbols it uses and the compatible cargoes represented by each symbol. The same requirement would be added to § 155.750(a), to specify that if a vessel uses symbols to indicate which hazardous materials may be compatibly transferred through a transfer hose, the vessel's transfer procedures must contain a list of the hose marking symbols used and the compatible cargoes represented by each symbol.

Regulatory Evaluation

This proposal is not major under Executive Order 12291 and not significant under the "Department of Transportation Regulatory Policies and Procedures" (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation is unnecessary. This proposal allows the marking of transfer hoses with a warning that the potential user of the hose should consult the hose compatibility list to determine which products may be transferred through the hose, rather than requiring that the name of each product be marked on the hose. Currently, facilities and vessels that use oil and hazardous material transfer hoses spend $2,039,850 annually to comply with all testing, reporting and recordkeeping requirements. No change to the manner in which transfer operations are conducted is anticipated. There are no additional costs associated with testing, recording or recordkeeping required by this rule and, therefore, there is no anticipated increase in the annual cost to industry. It is anticipated that there will be some cost savings for the facilities or vessels that use hazardous material transfer hoses.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

Few small entities are involved in the transport of bulk hazardous materials

and oil products. These regulations are expected to have a positive economic impact on any small entities involved. The proposed alternative is more efficient than marking hoses with product names. Because it expects the economic impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) reviews each proposed rule that contains a collection of information requirement to determine whether the practical value of the information is worth the burden imposed by its collection. Collection of information requirements include reporting, recordkeeping, notification, and other, similar requirements.

This proposal contains collection of information requirements in the following section: § 154.500(e). A request for an extension of the expiration date of the current approval of the entire reporting and recording keeping requirements for all of 33 CFR 154, 155, and 156 has been submitted to OMB. The estimated number of reporting and recordkeeping hours provided with this request included an evaluation of the proposed hose marking alternative. It was determined that the proposed requirements would not increase the reporting and recordkeeping burdens currently required for testing, reporting and recordkeeping in parts 154, 155, and 156. The following particulars apply for the total reporting and recordkeeping requirements for 33 CFR 154, 155 and 156:

DOT No.: 2115.

OMB Control No.: 2115–0096.

Administration: U.S. Coast Guard.

Title: Oil and Hazardous Materials Pollution Prevention and Safety Records.

Need for Information: The testing, recordkeeping, and recording requirements are designed to prevent or mitigate the results of an accidental release of bulk liquid oil or hazardous materials transferred at waterfront facilities.

Proposed Use of Information: The testing, recordkeeping and recording requirements, including the marking of transfer hoses, are necessary so that Coast Guard inspectors can verify, that the regulatory requirements for safety tests and inspections are being followed.

Frequency of Response: Annual.

Burden Estimate: For all testing, recordkeeping, and recording requirements, including the marking of transfer hoses, for both oil and hazardous materials, the total annual burden is 110,070 hours.

Respondents: 25,300 facilities, vessels, and barges transferring oil and/or hazardous materials in bulk.

Form(s): No standardized form is required.

Average Burden Hours per Respondent: The average burden hours per respondent is 4.35 hours for all testing, recordkeeping and recording requirements, including transfer hoses, for both oil and hazardous materials.

The Coast Guard has submitted the requirements to OMB for review under section 3504(h) of the Paperwork Reduction Act. Persons submitting comments on the requirements should submit their comments both to OMB and to the Coast Guard where indicated under "ADDRESSES."

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

This proposal provides an alternative procedure for marking hazardous materials transfer hoses. The regulations apply, unless otherwise exempted, to vessels operating under the authority of the United States, wherever located, and to all vessels operating in the navigable waters of the United States or while at a port or terminal under the jurisdiction of the United States. The regulations also apply to each facility that is capable of transferring oil or hazardous material, in bulk, to or from a vessel with a capacity of 250 barrels or more. Vessels and many facilities operate in the national marketplace and excessive variation in requirements would be economically burdensome and potentially unsafe. Therefore, the Coast Guard intends to preempt State and local regulations to the extent that they are in conflict with the proposed requirements.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2.1 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. This proposal merely provides an alternative procedure for the marking of hazardous materials transfer hoses. This proposal allows the marking of transfer hoses with a warning that the potential user of the hose should consult the hose compatibility list to determine which products may be transferred through the hose, rather than requiring that the name of each product be marked on the hose. This proposal is, therefore, administrative in nature and clearly would have no environmental impact. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under "ADDRESSES."

List of Subjects

33 CFR Part 154

Fire prevention, Hazardous substances, Oil pollution, Reporting and recordkeeping requirements.

33 CFR Part 155

Hazardous substances, Oil pollution, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR parts 154 and 155 as follows:

PART 154—FACILITIES TRANSFERRING OIL OR HAZARDOUS MATERIAL IN BULK

1. The authority citation for part 154 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j)(1)(C); sec. 2, E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; 49 CFR 1.46.

2. In § 154.310, paragraph (a)(22) is added to read as follows:

§ 154.310 Operations manual: Contents.

(a) * * *

(22) Statements explaining that each hazardous materials transfer hose is marked with either the name of each product which may be transferred through the hose or with letters, numbers or other symbols representing all such products and the location in the operations manual where a chart or list of the symbols used and a list of the compatible products which may be transferred through the hose can be found for consultation before each transfer.

3. In § 154.500, paragraphs (e) and (f) and revised to read as follows:

§ 154.500 Hose assemblies.

* * * * *

(e) Each hose must be marked with one of the following:

(1) The name of each product for which the hose may be used; or

(2) For oil products, the words "OIL SERVICE"; or

(3) for hazardous materials, the words "HAZMAT SERVICE—SEE LIST" followed immediately by a letter, number or other symbol that corresponds to a list or chart contained in the facility's operations manual or the vessel's transfer procedure documents which identifies the products that may be transferred through a hose bearing that symbol.

(f) Each hose also must be marked with the following, except that the information required by paragraphs (f)(2) and (3) of this section need not be marked on the hose if it is recorded in the hose records of the vessel or facility, and the hose is marked to identify it with that information:

(1) Maximum allowable working pressure;

(2) Date of manufacture; and

(3) Date of the latest test required by § 156.170.

* * * * *

PART 155—OIL OR HAZARDOUS MATERIAL POLLUTION PREVENTION REGULATIONS FOR VESSELS

4. The authority citation for part 155 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j)(1)(C); sec. 2, E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; 49 CFR 1.46. Sections 155.100 through 155.130, 155.350 through 155.400, 155.430, 155.440, and 155.470 also issued under 33 U.S.C. 1903(b).

5. In § 155.750 paragraph (a)(11) is added to read as follows:

§ 155.750 Contents of transfer procedures.

(a) * * *

(11) Statements explaining that each hazardous materials transfer hose is marked with either the name of each product which may be transferred through the hose or with letters, numbers or other symbols representing all such products and the location in the transfer procedures where a chart or list of the symbols used and a list of the compatible products which may be transferred through the hose can be found for consultation before each transfer.

* * * * *

Dated: February 11, 1993.

A.E. Henn,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 93–3785 Filed 2–17–93; 8:45 am]

BILLING CODE 4910–14–M

POSTAL SERVICE

39 CFR Part 111

Prebarcoding of Letter-Size Mail

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule will amend the prebarcoding requirements for automation rate letter-size mailings in Domestic Mail Manual (DMM) Chapter 5, consistent with the Postal Service's plans to begin automated delivery point sequencing of letter mail on March 21, 1993.

DATES: Comments must be received on or before March 4, 1993.

ADDRESSES: Writen comments should be mailed or delivered to the Manager, Business Mail Acceptance, U.S. Postal Service, rm. 8430, 475 L'Enfant Plaza SW., Washington, DC 20260–6808. Copies of all written comments will be available for inspection and copying between 9 a.m. and 4 p.m., Monday through Friday, in room 8430 at the above address.

FOR FURTHER INFORMATION CONTACT: Mrs. Lynn Martin (202) 268–5176, or Mr. Ernest Collins (202) 268–5316.

SUPPLEMENTARY INFORMATION: On November 9, 1992, pursuant to 39 U.S.C. 3623, the Postal Service filed with the Postal Rate Commission a Request for a Recommended Decision on Pre-barcoded Letter Mail Requirements, PRC Docket No. MC93–2. The Postal Rate Commission gave notice of the Postal Service's Request, the establishment of a classification proceeding to consider the Request and the procedures for interested parties to participate. 56 FR 54866 (November 20, 1992).

In its Request and supporting testimony, the Postal Service set forth its plans to begin automated delivery point sequencing of letter-size mail on March 21, 1993. To preserve the operational advantages of customer prebarcoding at that time, the Postal Service requested that the Commission recommend a change in the Domestic Mail Classification Schedule (DMCS) which, if approved by the Governors of the Postal Service pursuant to 39 U.S.C. 3625, would give the Postal Service the flexibility to require that all letter-size mail claimed at a prebarcoded rate must bear a delivery point barcode, rather than the ZIP+4 barcode now specified by the DMCS.

The delivery point barcode is a 62 bar POSTNET barcode that consists of 45 bars that represent the nine digits of the current ZIP+4 barcode, ten additional bars representing a portion of the primary street address or similar delivery point information, five bars that represent the correction digit, and a framing bar at each end of the barcode. Specifications for the delivery point barcode appear in DMM 551.

Use of the delivery point barcode will allow the Postal Service to automate the sequencing of letter mail to the sequence in which the letter carrier delivers the route. This will provide the Postal Service with an unprecedented opportunity to improve the efficiency of delivery operations, in that it will largely eliminate the need for the letter carrier to manually case letters that are sorted on automation. That will permit the carrier to devote more time to street delivery, which, in turn, will enable the Postal Service to schedule additional deliveries on each route, allowing a reduction in the total number of routes.

The Postal Service is in the process of making the mail processing equipment changes needed to begin automated delivery point sequencing of letter mail on March 21, 1993. These changes will allow the Postal Service to begin applying delivery point barcodes to non-barcoded letter mail using multi-line optical character readers (MLOCRs) and remote barcoding systems. To preserve the operational benefits of customer prebarcoding, it will also be important for customers who prebarcode their letter mail to convert to delivery point barcoding, since ZIP+4 barcodes will no longer contribute to the most effective processing of letter mail.

In an automated delivery point sequencing environment, the Postal Service would need to apply a delivery point barcode to any ZIP+4 prebarcoded letter-size mailpiece in order to integrate the piece into the automated incoming secondary processing stream. Where that is possible, it will still impose additional handlings and added processing costs. Pieces with a ZIP+4 address block barcode would have to be processed on an MLOCR to read the address and apply a delivery point barcode in the lower right barcode clear zone. Non-OCR-readable pieces, pieces without a barcode clear zone, and pieces with a ZIP+4 barcode in the lower right corner would require further handlings, since Postal Service MLOCRs cannot apply a barcode in a location except the lower right. Thus, for example, the Postal Service would need to apply a label over any ZIP+4 barcodes in the lower right before the piece could be processed on an MLOCR. In some cases, it would be most efficient to remove ZIP+4 prebarcoded mail from automated processing in the incoming secondary operations and sort to the carrier using

costly manual and mechanized operations.

Because of these problems, the Postal Service has determined that when automated delivery point sequencing is implemented beginning on March 21, 1993 it will no longer be in the Postal Service's best interest or in the best interest of the general public to continue to offer prebarcode discounts for ZIP+4 prebarcoded letter mail. In addition, certain changes to the requirements for numeric ZIP+4 letter rate mailings are needed to make those mailings compatible with automated delivery point sequencing.

For these reasons, the Postal Service proposes to make the following amendments described below to the prebarcoding requirements for automation rate letter-size first-, second-, and third-class mailings when the Postal Service implements the proposed mail classification change currently pending before the Postal Rate Commission.

As mentioned above, implementation of the Postal Service's operational changes is scheduled to begin March 21, 1993. However, the procedural schedule established by the Postal Rate Commission in PRC Docket No. MC93–2 will not permit the Commission to issue a recommended decision before that date. To avoid the operational problems described above, the Postal Service plans, pursuant to its authority under 39 U.S.C. 3641(e), to request that the Board of Governors of the Postal Service take the necessary action to place into effect temporary changes in the mail classification schedule in accordance with the proposed changes under consideration by the Commission. In the event a temporary classification change is made, the proposed DMM changes set forth below, with any changes made based on comments, would be implemented effective March 21, 1993.

Given the planned effective date, the comment period for this proposed rule has been compressed in order to publish final regulations before March 21, 1993. The Postal Service does not believe this shortened comment period will adversely affect interested mailers because of the notice previously published of the Postal Rate Commission proceeding, and because advance notice of the planned implementation date has appeared in the DMM since March 1992. See DMM 515.1, 531.122 (Issue 42, March 15, 1992).

Barcoded Rate Mailings

All pieces for which a letter-size barcoded rate is claimed will be required to bear a delivery point barcode. This barcode may be located either in the lower right barcode clear zone or in the address block. This change is needed to make prebarcoded mail compatible with changed postal processing, thereby enabling the Postal Service to preserve the operational benefits of customer prebarcoding.

Within the current 15 percent allowance for non-barcoded-rate pieces, pieces in a barcoded rate mailing for which a barcoded rate is not claimed may continue to be non-barcoded, or to bear a 5-digit barcode that meets the requirements of DMM 552. Five-digit barcodes will be permitted in the address block or in the lower right barcode clear zone.

Also within the current 15 percent allowance, pieces for which a barcoded rate is not claimed may continue to bear ZIP+4 barcodes. ZIP+4 barcodes will be permitted in either the address block or the lower right barcode clear zone; however, placement in the lower right is discouraged because of the additional inefficiencies described above. When ZIP+4 barcoded pieces are included in address block barcoded mailings, the barcode must be placed in the address block, in keeping with the general requirement that all non-delivery-point-barcoded pieces in an address block barcoded mailing must have a lower right barcode clear zone.

Numeric ZIP+4 Rate Mailings

In numeric ZIP+4 rate mailings, delivery point barcodes will continue to be accepted in lieu of the numeric ZIP+4 code. Such pieces will remain subject to the barcoding requirements of DMM 550 instead of the OCR readability and barcode clear zone requirements of DMM 540, since the delivery point barcode will provide all of the information that the MLOCR would otherwise extract from the numeric ZIP+4 code and OCR-readable address.

A number of changes will be made to the requirements for ZIP+4 barcoded pieces in a numeric ZIP+4 rate mailing to permit the Postal Service's MLOCRs to read the appropriate address and numeric ZIP+4 information and apply a delivery point barcode in the lower right barcode clear zone so these pieces can be integrated into the automated processing stream.

Thus, ZIP+4 barcodes will only be permitted in the address block. Since ZIP+4 barcoded pieces must be processed through an MLOCR, which must read the address in order to apply a delivery point barcode, the ZIP+4 barcode will not satisfy the requirement for a numeric ZIP+4 code, and such pieces will be required to meet all the requirements of DMM 540 (including the requirements for a standard address format, OCR readability, and a barcode clear zone).

With the exception of delivery point barcoded pieces, all pieces in a ZIP+4 rate mailing will continue to be required to meet all the requirements of DMM 540, regardless of whether a ZIP+4 rate is claimed.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)), regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comments on the following proposed revision of the Domestic Mail Manual, incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

Stanley F. Mires,

Chief Counsel, Legislative.

CHAPTER 3—FIRST-CLASS MAIL

2. Make the following changes to Domestic Mail Manual (DMM) Chapter 3:

312 NONPRESORTED BULK RATES

* * * * *

312.2 Nonpresorted Barcoded Rate

312.21 Cards.

312.211 Rate Application. The nonpresorted Barcoded rate in 312.212 applies to cards meeting the requirements in 311.11 and 322 bearing delivery point barcodes in mailings meeting the requirements in 513 and 515.

* * * * *

313.7 3-Digit Barcoded Rates

313.71 Rate Application. The 3-digit Barcoded rates in 313.72 apply to cards and letter-size pieces bearing delivery point barcodes in mailings meeting the requirements in 513 and 515.

* * * * *

313.8 5-Digit Barcoded Rates

313.81 Rate Application. The 5-digit Barcoded rates in 313.82 apply to cards and letter-size pieces bearing delivery point barcodes in mailings meeting the requirements in 513 and 515.

* * * * *

325 PRESORTED BARCODED RATE FIRST-CLASS MAIL

325.1 Letter-Size Mailings

Presorted letter-size Barcoded rate mailings must meet the requirements in 513 and 515, including presort under 564, 565, or 566. The rate eligibility criteria for letter-size mailings presorted under 564, 565, or 566 are 564.1, 565.21, and 566.21.

[Delete current 325.2.]

325.2 Flat-Size Mailings

[Insert current 325.12.]
[Delete current 325.3.]

* * * * *

CHAPTER 4—SECOND-CLASS MAIL

3. Make the following changes to Domestic Mail Manual (DMM) Chapter 4:

411.126 Barcoded Rates. [Change title to "Barcoded Rates." In the first sentence, delete "ZIP+4 Barcoded" and "ZIP+4 barcode."]

* * * * *

424.84 Documentation.

* * * * *

424.843 Description. [Change the third sentence to read: "Further, for mailings at a ZIP+4 or Barcoded rate, each entry must detail the number of pieces bearing a ZIP+4 code or delivery point barcode, as appropriate, and a summary for the entire mailing must show a total number of pieces in the mailing and the number and percentage that bear a ZIP+4 code or delivery point barcode, as applicable, for the rate claimed."]

* * * * *

CHAPTER 5—AUTOMATION-COMPATIBLE MAIL

4. Change DMM 514.1 to read as follows:

514 REQUIREMENTS FOR ZIP+4 RATE MAILINGS (LETTER-SIZE PIECES ONLY)

514.1 Rate Eligibility

514.11 General. Only mailpieces containing a correct ZIP+4 code in the address and otherwise meeting the eligibility requirements of 514 can qualify for ZIP+4 rates. Other pieces can qualify for presort rates and, if First-Class, single-piece rates. Eligibility for specific rates differs based on the class of mail and the presort option used. Specific rate eligibility for ZIP+4 rate mailings presorted under 562.1 or 563 is in 562.11, and 563.1. Specific rate eligibility for nonpresorted First-Class mailings prepared under 569.1 is in 569.11.

514.12 Pieces Prepared with Delivery Point Barcodes. Mailers may claim mailpieces prepared with correct delivery point barcodes at ZIP+4 rates and may count such pieces toward the 85% requirement in 514.3. In barcoded mailings, pieces prepared with delivery point barcodes need not meet the OCR readability requirements in 540 or bear a numeric ZIP+4 code in the address to qualify for the ZIP+4 rates. The delivery point barcodes must be prepared under 530 and 551. See 514.3 and 514.52 for additional specifications for such pieces.

514.13 Pieces Prepared with ZIP+4 Barcodes. ZIP+4 rate mailings may include pieces prepared with ZIP+4 barcodes under the following conditions:

a. All pieces bearing ZIP+4 barcodes must meet the requirements of 520, 530, 540, and 551, and are subject to the limits in 514.3.

b. ZIP+4 barcodes may appear only in the address block as specified in 551.24. ZIP+4 barcodes are not permitted in the lower right barcode clear zone.

c. Pieces that bear a ZIP+4 barcode in the address block may qualify for ZIP+4 rates and may be counted toward the 85% requirement in 514.3 only if they bear a correct numeric ZIP+4 code in the address. ZIP+4 barcoded pieces that do not bear a numeric ZIP+4 code in the address do not qualify for ZIP+4 rates and do no count towards the 85% requirement in 514.3.

514.14 Pieces Prepared with 5-Digit Barcodes. ZIP+4 rate mailings prepared with delivery point barcodes may include pieces with correct 5-digit barcodes under the following conditions:

a. All pieces bearing a 5-digit barcode must meet the requirements of 520, 530, 540, 552, and are subject to the limits in 514.3.

b. When correct 5-digit barcodes are printed directly on mailpieces, the pieces may qualify for ZIP+4 rates and may be counted toward the 85% requirement in 514.3 if they also bear a correct numeric ZIP+4 code (see 530).

c. When 5-digit barcodes are printed on inserts that appear through a barcode window located in the lower right barcode clear zone, the pieces do not qualify for any automation-based rate and may not be counted toward the 85% requirement in 514.3 even if they bear a correct numeric ZIP+4 code in the address.

514.15 Pieces Prepared with Blank Barcode Windows in Lower Right Barcode Clear Zone. Pieces prepared with barcode windows in the lower right barcode clear zone through which no barcode appears are not eligible for any automation-based rate, and may not be counted toward the 85% requirement in 514.3 even if they bear a correct numeric ZIP+4 code in the address.

5. Make the following revisions to the remainder of 514:

514.32 Barcoded Pieces. The correct delivery point barcode prepared as required by 530 and 550 satisfies the requirement for a correct ZIP+4 code for rate qualification and meeting the 85% requirement in 514.31. A ZIP+4 barcode does not satisfy the requirement for a numeric ZIP+4 code. Therefore, ZIP+4 barcoded pieces will count towards the 85% requirement in 514.31 and qualify for ZIP+4 rates only if the address bears a numeric ZIP+4 code and the piece meets the requirements of 540.

* * * * *

514.4 Addresses

The address on each piece in the mailing must include either the correct numeric ZIP+4 code or the correct numeric 5-digit ZIP code. The addresses on pieces in mailings prepared with delivery point barcodes may bear the numeric equivalent to the delivery point barcode as provided in 517. Each piece in the mailing that bears a ZIP+4 code or a delivery point barcode, must bear an accurate address as specified in 534. The mailing must meet all requirements in 530 (see also 514.52).

514.5 Mailpiece Characteristics

514.51 Physical Requirements. [In current 515.51, delete the phrase "ZIP+4 barcoded or".]

514.52 OCR Processing. Each piece in the mailing, except those pieces in mailings prepared with correct delivery point barcodes (see 530) must meet the requirements of 540, including the requirement that the address be printed in a standardized addressing format (see 541). Pieces in mailings prepared with delivery point barcodes must meet the requirements of 550.

* * * * *

6. Change DMM 515.1 to read as follows:

515 REQUIREMENTS FOR LETTER-SIZE BARCODED RATE MAILINGS

515.1 Rate Eligibility

515.11 General. Only mailpieces bearing a correct delivery point barcode and otherwise meeting the eligibility requirements of 515 can qualify for barcoded rates. Other pieces can qualify for ZIP+4 rates or presort rates, and if First-Class, single piece rates. Eligibility for specific rates differs based on the class of mail and the presort option used. Specific rate eligibility criteria for barcoded mailings presorted under 564.1, 565, or 566 are in 564.11, 565.2, and 566.2. Specific rate eligibility

criteria for First-Class nonpresorted Barcoded rate mailings prepared under 569.2 are in 569.21.

515.12 Pieces Prepared with ZIP+4 Barcodes. Pieces with correct ZIP+4 barcodes may be included in the mailing under the following conditions:

a. All pieces bearing a ZIP+4 barcode must meet the requirements of 520, 530, 551, and are subject to the limits in 515.3.

b. In mailings prepared with barcodes in the lower right barcode clear zone, pieces bearing ZIP+4 barcodes in the lower right are permitted. However, because they cause subsequent processing problems, ZIP+4 barcodes in the lower right are discouraged.

c. When ZIP+4 barcodes are printed in the lower right barcode clear zone the pieces do not qualify for any automation-based rate.

d. Mailpieces bearing a ZIP+4 barcode in the address block must contain a barcode clear zone in the lower right under 551.22 and 551.412.

e. When ZIP+4 barcodes are printed in the address block, the pieces may qualify for ZIP+4 rates if they bear a correct numeric ZIP+4 code and meet the requirements of 540.

515.13 Pieces Prepared with 5-Digit Barcodes. Pieces with correct 5-digit barcodes may be included in the mailing under the following conditions:

a. All pieces bearing a 5-digit barcode must meet the requirements of 520, 530 and 552, and are subject to the restrictions in 515.3.

b. Pieces bearing only a 5-digit barcode do not qualify for the ZIP+4 Barcoded rates.

c. When correct 5-digit barcodes are printed directly on mailpieces the pieces may qualify for ZIP+4 rates if they also bear a correct numeric ZIP+4 code (see 530), and meet the requirements of 540.

d. When 5-digit barcodes are printed on inserts that appear through a barcode window located in the lower right barcode clear zone the pieces do not qualify for any automation-based rates.

515.14 Pieces Prepared with Blank Barcode Windows Located in the Lower Right Barcode Clear Zone. Pieces prepared with barcode windows in the lower right barcode clear zone through which no barcode appears do not qualify for any automation-based rate.

7. Make the following additional changes to DMM Chapter 5:

515.3 Required Percentage of Delivery Point Barcoded Pieces

[Delete "ZIP+4 Barcoded" from title.]

515.31 85% Delivery Point Barcoded Pieces for Entire Mailing. [In current 515.31, add "Delivery Point" to the title. Delete the phrase "ZIP+4 barcode or". Change the phrase "ZIP+4 Barcoded" to "barcoded" and change the phrase "certified ZIP+4 or" to "certified."]

515.32 100% Delivery Point Barcoded Pieces for 5-Digit Portion of Mailing. [In current 515.32, delete the reference to "567", and delete the phrase "correct ZIP+4 barcode or"].

[Delete 515.33.]

515.4 Addresses

[In current 515.4, delete the phrase "ZIP+4 barcode."]

* * * * *

515.5 Letter-Size Mailpiece Characteristics

* * * * *

515.512 Nonpresorted Barcoded Rates (First-Class Only).

[In current 515.512 delete "ZIP+4" from the title."]

* * * * *

515.53 Rate Marking. [In current 515.53, change the rate markings "ZIP+4 Barcoded" to "Barcoded." Change all other references to "ZIP+4 Barcoded" to "Barcoded."]

515.6 Presort and Documentation

[In current 515.6, change all phrases "ZIP+4 Barcoded" to "Barcoded."]

* * * * *

517 DELIVERY POINT BARCODE

[Delete 517.1 and renumber 517.2 and 517.3 accordingly.]

517.1 Description

[In renumbered 517.1 (formerly 517.2) delete the third sentence. Delete "In addition," from the fourth sentence.]

* * * * *

531 CODING ACCURACY SUPPORT SYSTEM (CASS CERTIFICATION)

* * * * *

531.113 Delivery Point Barcoding.

a. Letter-Size Mailings. The use of a delivery point barcode to obtain letter-size barcoded rates is mandatory. All mailings claimed at letter-size barcoded rates must be prepared using mailing lists processed with address matching software that is CASS-certified for delivery point coding (DPC) capability. The two-digit add-on logic must use the primary street number field from the CASS-certified ZIP+4 address matching process.

b. Flat-Size Mailings. The use of a delivery point barcode instead of a ZIP+4 barcode on mailpieces to obtain the flat-size barcoded rates is optional. However, both ZIP+4 barcodes and delivery point barcodes must be obtained from CASS-certified DPC address matching software.

Exception: Address lists coded with ZIP+4 address matching software CASS certified before the Fall 1992 CASS certification cycle may continue to be used to prepare flat-size barcoded mailings within the time constraints allowed under 531.15.

* * * * *

531.14 Use of Current Information. [In current 531.14, change the phrase "When used for ZIP+4 coding or ZIP+4 barcoding" to "When used for ZIP+4 coding, ZIP+4 barcoding, or delivery point barcoding."]

* * * * *

534 ACCURATE ADDRESSING

534.1 Basic Requirement

[In current 534.1, replace the second sentence with the following: "Standardization of addresses is not required for mail in barcoded rate mailings. Within letter-size ZIP+4 rate mailings, pieces qualifying for ZIP+4 rates must bear addresses prepared in a standardized addressing format as shown in Exhibit 122.33, except for pieces in ZIP+4 rate mailings prepared with delivery point barcodes (see 514.12 and 514.52)." In the last sentence, revise "ZIP+4 Barcoded rate" to read "Barcoded rate."]

* * * * *

534.2 Depth of Code Quality

* * * * *

534.244 Information Not Available. [In current 534.244, change the phrase "or ZIP+4 barcode" to ", ZIP+4 barcode, or delivery point barcode."]

540 Non-Delivery Point Barcoded Pieces Qualifying for ZIP+4 Rates

541 GENERAL

541.1 Applicability

[In current 541.1, delete the phrase "ZIP+4 barcode or".]

541.2 Address Content and Standardized Address Format

[In the second sentence of 541.2, revise the phrase "non-ZIP+4 barcoded" to "non-delivery point barcoded".]

542 OCR READABILITY

* * * * *

542.3 Limits for Nonaddress Printing in OCR Read Area

542.31 Nonaddress Printing or Markings. [Revise the first sentence to read as follows: "There must be no markings, printing (except for a 5-digit, ZIP+4, or delivery point barcode prepared under 551.24 or 552.31), or die cuts (except for the edges of address windows prepared in accordance with 543) in the OCR read area defined in

542 1 on either side of, or below, any of the delivery address lines."]

* * * * *

545 BARCODE CLEAR ZONE

* * * * *

545.4 What May Appear in Barcode Clear Zone

Except for a delivery point barcode or 5-digit barcode prepared under 550, no printing, markings, tabs, or wafer seals may appear in the barcode clear zone unless meeting the requirements of 551.4. ZIP+4 barcodes must not appear in the barcode clear zone.

* * * * *

546 ACCEPTANCE OF USPS WATER-BASED BARCODE INK

546.1 General

[In current 546.1, change the phrase "to print a ZIP+4 barcode" to "to print a delivery point barcode".]

551 ZIP+4 OR DELIVERY POINT BARCODE

* * * * *

551.2 Location

551.21 General.

551.211 Cards and Letter-Size Mail. [Add the following to the end of this section. "Pieces bearing ZIP+4 barcodes in the lower right barcode read area do not qualify for any automation-based rates.]

551.22 Barcode Clear Zone (Lower Right Corner)—Letter-Size Mail.

* * * * *

551.222 What May Appear in Barcode Clear Zone. Except for a delivery point barcode, 5-digit barcode, and under limited circumstances, a ZIP+4 barcode, properly prepared under 550, no printing, markings, tabs, or wafer seals may appear in the barcode clear zone unless meeting the requirements of 551.4. In letter-size mailings, ZIP+4 barcodes may appear in the lower right clear zone only in Barcoded rate mailings prepared with barcodes in the lower right, subject to the limits in 515.3. Letter-size pieces prepared with ZIP+4 barcodes in the barcode clear zone do not qualify for any automation-based rates. ZIP+4 barcodes must not appear in the barcode clear zone in letter-size Barcoded rate mailings prepared with address block barcodes, nor in ZIP+4 rate mailings.

* * * * *

551.23 Barcode Placement on Letter-Size Mail (Lower Right Corner).

551.231 Printed Directly on Mailpieces. [Add the following to the end of this section: "Note: Pieces bearing ZIP+4 barcodes in the lower right barcode clear zone do not qualify for any automation-based rates."]

551.232 Printed on Inserts. [Add the following to the end of this section: "Note: Pieces bearing ZIP+4 barcodes in the lower right barcode clear zone do not qualify for any automation-based rates."]

* * * * *

551.4 Reflectance

551.41 Background Reflectance.

551.412 Pieces Barcoded in Address Block.

* * * * *

b. Pieces Not Bearing Delivery Point Barcode. [Revise the first sentence to read as follows: "All pieces in letter-size barcoded rate mailings that do not bear a delivery point barcode must contain a barcode clear zone in the lower right corner as specified in 551.22 that meets the requirements of 551.411a."]

* * * * *

551.44 Dark Fibers and Background Patterns.

* * * * *

551.442 Pieces Not Bearing ZIP+4 or Delivery Point Barcode. [Revise the first sentence to read as follows: "All pieces in a letter-size barcoded rate mailing that do not bear a delivery point barcode must contain a barcode clear zone in the lower right corner as specified in 551.22 that meets the requirements of 551.441."]

* * * * *

551.7 Barcodes on Inserts Appearing Through Windows in Lower Right Clear Zone (Letter-Size Pieces Only)

* * * * *

551.73 Delivery Point Barcode Location.

* * * * *

551.732 Clear Space—Barcode In Lower Right Corner. [Add the following as the last sentence: "In letter-size barcoded rate mailings prepared with address block barcodes, and in ZIP+4 rate mailings, only delivery point barcodes (or 5-digit barcodes prepared under 552) may be printed on an insert appearing through a window in the lower right barcode clear zone."]

551.8 Barcodes on Inserts Appearing Through Windows in Address Block

[Insert current 551.733. Add the following as the last sentence: "If windows are covered they must meet the requirements of 551.723."]

* * * * *

552 5-DIGIT BARCODES

552.1 General

[Revise the first sentence to read as follows: "Pieces in barcoded rate mailings may contain 5-digit barcodes, provided at least 85% of the pieces in a letter-size mailing contain a delivery point barcode (see 515.3), or in flat-size mailings, provided at least 85% of the pieces bear a ZIP+4 barcode or delivery point barcode (see 516.3)."]

* * * * *

CHAPTER 6—THIRD-CLASS MAIL

8. Make the following changes to DMM Chapter 6.

628 ADDITIONAL CONDITIONS FOR AUTOMATION-BASED BULK THIRD-CLASS RATES

* * * * *

628.2 Eligibility Requirements for Barcoded Rate Mail

628.21 Mailings of Letter-Size Pieces. Barcoded rate mailings must meet the requirements in 513 and 515. The rate eligibility criteria for mailings presorted under 564, 565, or 566 are in 564.13, 565.23, and 566.23.

* * * * *

[Delete current 628.3.]

Miscellaneous Conforming Changes

9. In the following sections change "ZIP+4 barcode" or "ZIP+4 barcodes" to "delivery point barcode": 424.843, 534.232, and 568.

10. In the following sections change "nonpresorted ZIP+4 barcoded" to "nonpresorted barcoded": 312.212, 382.231, 382.335, 515.512, 515.531b, 569.2, 577, and 581.

11. In the following sections change "nonpresorted ZIP+4 barcoded" to "nonpresorted barcoded": 145.742, 382.335, 515.612, 569 and 581.

12. In the following sections change "ZIP+4 barcoded" to "barcoded": 122.16F, 143.131, 144.492, 144.513, 145.742, 328, 328.1, 361.61, 362.6, 372, 372.2, 374.11d, 374.12, 374.21, 382, 382.33, 382.422, 382.5, 382.6, 411.146, 411.23, 424.823, 424.842, 424.843, 424.912, 511, 513, 513.22, 513.3, 513.41, 513.43, 513.5, 515.2, 515.21, 515.22, 515.23, 521.111, 532.1, 564, 565, 566, 568, 569.2, 576.4, 581, 581.5, 582, 583, 583.4, Exhibit 611.2a, 628.2, 629.66, 647.3, and 661.4.

13. In the following sections delete "ZIP+4 barcodes or" or "ZIP+4 barcode or": 361.6, 411.126, and 569.2.

14. In the following sections delete "ZIP+4 barcoded or": 561.272, 564, 565, 566, and 569.2.

15. In the following sections change "5-Digit ZIP+4 Barcoded rate" to "5-Digit Barcoded rate": 313.81, 313.821, 341, and 382.231.

16. In the following sections change "ZIP+4 Barcoded rates" or "ZIP+4 Barcoded rate to "Barcoded Rate":

315.14, 382.315, 382.33, 382.41, 411.126, 521.112, 521.132, 521.141, 521.142, 531.112, 531.131, 531.14, 532.1, 534.1, 541.2, 561.271, 564, 566 and 568.

17. In the following sections change "3-Digit ZIP+4 Barcoded rate" to "3-Digit Barcoded rate": 313.7, 313.71, 313.721, 325.23a, 341, and 382.231.

18. Documentation. In exhibits 564.144b(1), 564.144b(2), 565.53a, 565.53b, 566.63, 567.624a, 567.24b, 567.634c, 574.332(1), and 574.332(2), change "5-Digit ZIP+4 Barcoded rate" and "3-Digit ZIP+4 Barcoded rate" to "5-Digit Barcoded rate" and "3-Digit Barcoded rate."

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

[FR Doc. 93-3698 Filed 2-17-93; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 763

[OPPTS-62121; FRL-4174-6]

Asbestos-Containing Materials in Schools; State Request for Waiver From Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed waiver.

SUMMARY: EPA has received from Louisiana, a request for waiver from the requirements of 40 CFR part 763, subpart E, Asbestos-Containing Materials in Schools. This notice announces an opportunity for public review and comment on the State waiver request.

DATES: Comments on the waiver request must be received by April 19, 1993.

ADDRESSES: Written comments must be sent in triplicate, identified by docket number OPPTS-62121 to: TSCA Document Processing Center (TS-790), Office of Prevention, Pesticides and Toxic Substances, Environmental Protection Agency, rm. L-100, 401 M St., SW., Washington, DC 20460. Copies of the complete waiver request submitted by the State are available from the TSCA Public Docket Office. Additionally, copies are on file and may be reviewed at the EPA Region VI Office. Each comment must include the name and address of the person submitting the comment.

FOR FURTHER INFORMATION CONTACT: John W. Melone, Director, Chemical Management Division (TS-798), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. EB-44, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: This notice is issued under the authority of title II of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2641, *et seq.* TSCA title II was enacted as part of the Asbestos Hazard Emergency Response Act 1986 (AHERA), Pub. L. 99519. AHERA is the name commonly used to refer to the statutory authority for EPA's rules affecting asbestos in schools. For purposes of this document, EPA will use the AHERA designation. In the Federal Register of October 30, 1987 (52 FR 41846), EPA issued a final rule as required in AHERA. The Asbestos-Containing Materials in Schools Rule (40 CFR part 763, subpart E), requires all Local Education Agencies (LEAs) to identify asbestos-containing building materials (ACBM) in their school buildings and to take appropriate actions to control the release of asbestos fibers. The LEAs are required to describe their asbestos control activities in management plans, which must be made available to all concerned persons and submitted to the State Governor's Designee. The rule requires LEAs to use specially trained persons to conduct inspections for asbestos, develop management plans, and design or conduct actions to control asbestos.

The recordkeeping and reporting burden associated with waiver requests was cleared under OMB control number 2070-0091. This notice merely announces the Agency's receipt of the waiver request and therefore imposes no additional burden beyond that which was covered in the existing OMB control number 2070-0091. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

Under section 203 of TSCA title II and 40 CFR 763.98, EPA may, upon request by a State Governor and after notice and comment and opportunity for a public hearing in the State, waive in whole or in part the requirements of the rule promulgated under section 203, if the State has established and is implementing or intends to implement a program of asbestos inspection and management which is at least as stringent as the requirements of the rule. Section 763.98 of the rule sets forth the procedures to implement this statutory provision. The rule requests specific information be included in the waiver request submitted to EPA, establishes a process for reviewing waiver requests, and sets forth procedures for oversight and recision of waivers granted to States.

The rule requires States seeking waivers to submit requests to the Regional Administrator for the EPA region in which the State is located. Within 30 days of receiving a waiver request, EPA must determine that the request is complete. Within 30 days after determining that a request is complete, EPA will issue in the Federal Register a notice that announces the receipt of the request and solicits written comments from the public. Comments must be submitted within 60 days. If during the comment period EPA receives a written objection to the State's request and a request for a public hearing detailing specific objections to the granting of a waiver, EPA will schedule a hearing to be held in the affected State after the close of the comment period. EPA will issue a notice in the Federal Register announcing its decision to grant or deny, in whole or in part, a request for waiver within 30 days after the close of the comment period or within 30 days following a public hearing.

EPA has conducted a preliminary review to identify areas where the Louisiana program appears to differ from the AHERA requirements. The purpose of the public comment period is to gather more information about the Louisiana program. This information will help EPA determine whether these differences identified in EPA's preliminary review are indeed differences that require action by the State.

This document is divided into two units. The first unit discusses the State program. This unit is divided into three sections. Section A discusses key program elements; section B lists what appears to be differences between the State program and the AHERA requirements; and section C provides EPA's initial response to the State on the apparent differences. Subsequent information received during the public comment period or in a public hearing may resolve some of the differences listed here or affect some of the EPA responses. The second unit discusses other statutory requirements, i.e. the Paperwork Reduction Act.

The Louisiana waiver request includes the following information:

1. A copy of the provisions of the State program for which the request is made.

2. The name of the State agency that will be responsible for administering and enforcing the program as well as information regarding responsible State officials.

3. Reasons and supporting documentation for concluding that the State program provisions are at least as stringent as the Federal provisions.

4. A discussion of any special situations, problems, and needs pertaining to the waiver request accompanied by an explanation of how the State plans to handle them.

5. A statement of the resources devoted to the provisions in the program.

6. Copies of any enabling State laws and regulations relating to the request, including provisions for assessing criminal and/or civil penalties.

7. An assurance from the Governor or appropriate legal counsel that the lead agency or other cooperating agencies have the legal authority to carry out the requirements relating to the request.

I. The Louisiana Program

A. Program Elements

Louisiana Revised Statutes RS 30:2341–2345 and the Asbestos and Hazardous Material Detection Program RS 40:1749.1 give the Louisiana Department of Environmental Quality (LDEQ) the authority to regulate asbestos in schools and public buildings. The Louisiana Administrative Code (LAC), Title 33, Part III, Chapter 27 and Appendix A are the State provisions for asbestos inspections and management in public buildings.

The LDEQ conducts inspections to ensure compliance with the above laws and rules. LDEQ reviews the management plans submitted for schools and public buildings. The requirements of the Louisiana program are essentially the same or more stringent than the Federal AHERA requirements. Generally the State requirements are more stringent in that the requirements are applied to public buildings in addition to schools.

B. Differences Between the Louisiana and AHERA Requirements

After a preliminary review of the State's application for a waiver of the Federal regulations, the following list outlines the major points where the Louisiana regulations may be less stringent than the AHERA requirements:

1. The definition of school building does not specifically mention "any portico or covered exterior hallway or walkway" and "any exterior portion of a mechanical system used to condition interior space."

2. The procedures to be followed for any operations and maintenance activities disturbing friable asbestos-containing building materials (ACBM) does not include the statement "place the asbestos debris and cleaning materials in a sealed leak-tight container."

3. A management plan for a building that a LEA begins to use as a school building does not have to be submitted "prior to its use as a school building."

4. Warning labels are required to be attached immediately adjacent to any "accessible" friable and nonfriable ACBM and suspected ACBM assumed to be asbestos-containing material located in routine maintenance areas. The Federal rule does not use the word "accessible."

C. EPA's Preliminary Response to the Differences Identified

Based on EPA's initial review of the Louisiana application, the following items need to be addressed before July 29, 1994.

1. The State must provide assurances that all school buildings (as defined in 40 CFR 763.83) are covered by the State rules.

2. The State must provide assurances that, following operations and maintenance activities, asbestos debris and other cleaning materials are required to be placed in a sealed leak-tight container.

3. The State must provide assurances that management plans are required to be submitted for buildings that local education agencies begin to use as school buildings prior to use as a school building.

4. The State must provide assurances that warning signs are required for any friable and nonfriable ACBM and suspected ACBM assumed to be asbestos- containing material located in routine maintenance areas.

II. Other Statutory Requirements

The reporting and recordkeeping provisions relating to State waivers, from the requirements of the Asbestos-Containing Materials in Schools Rule (40 CFR part 763), have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, and have been assigned OMB control number 2070–0091.

Dated: February 10, 1993.

Joe D. Winkle,

Acting Regional Administrator, Region VI.

[FR Doc. 93–3792 Filed 2–17–93; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 Ch. I

MSS Above 1 GHz Negotiated Rulemaking Committee

AGENCY: Federal Communications Commission.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, this notice advises interested persons of the meetings of the MSS Above 1 GHz Negotiated Rulemaking Committee ("Committee") scheduled for the month of March.

DATES: Thursday, March 4, 1993 at 9:30 AM–5 PM; Tuesday, March 9, 1993 at 9:30 AM–5 PM; Thursday, March 18, 1993 at 9:30 AM–5 PM; Thursday, March 25, 1993 at 9:30 AM–5 PM.

ADDRESSES: These meetings will be held at the Federal Communications Commission, rm. 856, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Kathleen Campbell, Administrative Assistant to the Committee, at (202) 634–1952.

SUPPLEMENTARY INFORMATION: The agenda for each meeting of the MSS Above 1 GHz Negotiated Rulemaking Committee is as follows:

1. Opening Remarks/Comments
2. Adoption of Agenda
3. Minutes/Records of Previous Meeting
4. Introduction of Documents
5. Informal Working Group Reports—Issues
6. Acceptance/Approval of Recommended Rules
7. Acceptance/Approval of Report Text
8. Agenda for future meetings—Schedule for future meetings
9. Other Business

Members of the general public may attend this meeting. The Federal Communications Commission will attempt to accommodate as many people as possible. However, admittance will be limited to the seating available. There will be no public oral participation, but the public may submit written comments to Fern J. Jarmulnek, the Committee's Designated Federal Officer, before the meeting.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–3845 Filed 2–17–93; 8:45 am]

BILLING CODE 6712–01–M

47 Ch. I

MSS Above 1 GHz Negotiated Rulemaking Committee

AGENCY: Federal Communications Commission.

ACTION: Notice of cancellation of public meetings.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons that the meeting of the MSS Above 1 GHz Negotiated Rulemaking Committee ("Committee") scheduled for Thursday, February 18, 1993 has been cancelled. This meeting was originally announced in Public Notice, DA 93–94 (58 FR 6932 (2/3/93)).

FOR FURTHER INFORMATION CONTACT: Kathleen Campbell, Administrative Assistant to the Committee, at (202) 634–1952.

SUPPLEMENTARY INFORMATION: Subsequent Full Committee meetings are currently scheduled for Thursday, February 25; Thursday, March 4; Tuesday, March 9; Thursday, March 18; Thursday, March 25; and Friday, April 2.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–3844 Filed 2–17–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 213

[FRA Docket No. RST–90–1, Notice No. 4]

RIN 2130–AA75

Track Safety Standards; Public Workshops on Miscellaneous Proposed Revisions

AGENCY: Federal Railroad Administration.

ACTION: Notice of re-scheduled public workshop; Correction.

SUMMARY: This document contains information concerning the rescheduling of one of four public workshops on revision of track safety standards originally announced in Notice No. 2 published Tuesday, January 5, 1993 (58 FR 338). This document includes information about the topics to be discussed at the re-scheduled workshop. It also cites a correction to a question contained in Notice No. 1 published November 16, 1992 (57 FR 54038).

DATES: The workshop planned to take place in Chicago on February 25, 1993 is now re-scheduled for Washington, DC on March 30 and March 31, 1993. The workshop will begin at 8 a.m. on both days. Any person desiring to participate in the Washington workshop should notify the Docket Clerk by March 15, 1993. FRA will accept written comments on the Advance Notice of Proposed Rulemaking (ANPRM) through May 4, 1993. Late filed comments will be considered to the extent practicable.

ADDRESSES: (1) *Written Comments:* Comments should identify the docket number and the notice number and should be submitted in triplicate to: Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590. Persons desiring to be notified that their written comments have been received by FRA should include a stamped self-addressed postcard with their comments. The Docket Clerk will indicate on the postcard the date on which the comments were received and will return the card to the addressee. Written comments will be available for examination during regular business hours in room 8201 of the Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

(2) *Public Workshop:* The workshop originally planned for Chicago, on February 25, 1993 is now scheduled for March 30–31, 1993 at the following location: U.S. Department of Transportation, Nassif Building, room 2230, 400 Seventh Street, SW., Washington, DC 20590. Persons desiring to participate in the workshop should notify the Docket Clerk by writing to: Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20490.

FOR FURTHER INFORMATION CONTACT: *Principal Program Person:* Allison H. MacDowell, Office of Safety Enforcement, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–6081.

Principal Attorney: Nancy Lummen Lewis, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–0635.

SUPPLEMENTARY INFORMATION: On November 16, 1992, FRA issued an ANPRM on the revision of the Track Safety Standards (49 CFR part 213) and on the issue of maintenance-of-way employee safety when working on or adjacent to live track (57 FR 54038, Notice No. 1). Notice No. 2 (58 FR 338) provided details regarding public workshops at which the issues outlined in the ANPRM would be discussed.

Notice No. 2 stated that the topics for discussion at the workshop scheduled in Chicago were to include excepted track, inspection requirements, definitions, and other issues significantly affecting track or related structures. Those topics now will be discussed, instead, at the Washington workshop on March 30, 1993.

The portion of the Washington workshop scheduled for March 31, 1993 will focus on the topic of Employee Safety. Discussion will be directed to cover two specific subjects:

(1) Exposure of maintenance-of-way, signal and communications, and bridge and building employees to the hazard of harm from train operations; and

(2) Exposure of these crafts to the hazards of harm arising from uncontrolled physical contact with or ejection from specialized maintenance-of-way equipment (commonly called work equipment) in the course of its functional operation or light movement over the track from point to point.

Question no. 50 in Notice No. 1 erroneously mentions "train crews." Accordingly, Notice No. 1, page 54044, third column, question No. 50, should have read: What specific job-related activities could result in the exposure of maintenance-of-way and other railroad and contractor employees engaged in maintenance or construction activities on or near the track structure to the hazard of harm from train operations and from the operation and movement of specialized maintenance-of-way equipment? What reasonable measures might FRA take to address these hazards? FRA advises that discussion at the workshop will be based upon this corrected statement of the issue.

Issued in Washington, DC on February 11, 1993.

S. Mark Lindsey,

Acting Administrator, Federal Railroad Administration.

[FR Doc. 93–3754 Filed 2–17–93; 8:45 am]

BILLING CODE 4910–06–M

Notices

Federal Register
Vol. 58, No. 31
Thursday, February 18, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: 1992 Survey of Minority–Owned Business Enterprises – and – 1992 Survey of Women–Owned Businesses.

Form Number(s): MB–1, MB–2, and MB–3.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 112,575 hours.

Number of Respondents: 675,450.

Avg Hours Per Response: 10 minutes.

Needs and Uses: The Bureau of the Census will conduct the 1992 Survey of Minority–Owned Business Enterprises (SMOBE) and the Survey of Women–Owned Businesses (WOB) as part of the 1992 Economic Censuses. They will collect data on the ownership characteristics of a sample of businesses, partnerships, and subchapter S corporations to determine which are owned by women and other minorities. (A subchapter S corporation is a special Internal Revenue Service (IRS) designation for legally incorporated businesses with thirty–five or fewer shareholders who, because of tax advantages, elect to be taxed as individual shareholders rather than as corporations). Federal, state, and local governments use SMOBE/WOB statistics as a framework for assessing and directing programs designed to promote the activities of disadvantaged groups.

Affected Public: Business or other for–profit organizations.

Frequency: Quinquennially.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: February 11, 1993.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 93–3815 Filed 2–17–93; 8:45 am]

BILLING CODE 3510–07–F

Foreign-Trade Zones Board

[Docket 3–93]

Foreign-Trade Zone 149—Brazoria County, TX, Application for Subzone; BASF Corp., Chemical Manufacturing Facilities, Freeport, TX

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port of Freeport (Texas), grantee of FTZ 149, requesting special-purpose subzone status for the chemical manufacturing facilities of BASF Corporation located in Freeport, Texas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 2, 1993.

The BASF facilities consist of two sites in Freeport (Brazoria County), Texas, approximately 45 miles south of Houston, Texas: *Site 1* (416 acres)—chemical manufacturing facility, 602 Copper Road, Freeport, some 7 miles from the Port of Freeport; and, *Site 2* (75 acres)—ammonia terminal, located adjacent to the Port on Route FM 1495, Freeport. Also included is a 10-mile long pipeline connecting the two sites.

The facilities are used to produce certain chemical and petrochemical products, primarily acrylic acids, acrylates, caprolactams, acrylic alcohol derivatives, butanol, diols, plastic materials, and polymins (duty rates—free to 16.8% + 3.7¢/kg). Currently, some 10 percent of material inputs are sourced from abroad, including caprolactam extract, glacial acrylic acid, cyclohexanone, anone (duty rates—4.2% to 12.5% + 2.4¢/kg). Other material inputs that may be sourced abroad involve a variety of inorganic and organic chemicals, such as chemical elements, inorganic acids and oxygen compounds, sulphur and halogen compounds, salts of acids and metals, alcohols, hydrocarbons, phenols, ethers, aldehydes, ketones, carboxylic acid compounds, esters of inorganic acids, nitrogen compounds, organo-inorganic compounds, glycosides, alkaloids, organic surface-active agents, other organic compounds (HTS 2940.00–2942.00), herbicides, catalysts, solvents, antifreeze, prepared binders, other chemical preparations (HTS 3823.10–3823.90), polymers of ethylene, polymers of propylene/olefin, and other plastic materials (HTS 3915.10–3923.90) (duty rates—free to 20%).

Zone procedures would exempt BASF from Customs duty payments on the foreign items used in export production. On domestic sales, the company would be able to choose the duty rate that applies to the finished or intermediate products made at the plant. Foreign merchandise and finished products held for export would be eligible for an exemption from certain state and local ad valorem taxes. The application indicates that the savings from zone procedures would help improve the facilities' international competitiveness.

In accordance with the Board's regulations (as revised, 56 FR 50790–50808, 10–8–91), a member of the FTZ Staff has been appointed examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 19, 1993. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 4, 1993).

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Port Director, U.S. Customs Service, 1000 Pine Street, P.O. Box D, Freeport, TX 77541.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of

VOL 58 ISS 31 FE 18 1993 UMI

Commerce, room 3716, 14th Street & Constitution Avenue NW., Washington, DC 20230.

Dated: February 8, 1993.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 93-3700 Filed 2-17-93; 8:45 am]

BILLING CODE 3510-DS-P

[Docket 4-93]

Proposed Foreign-Trade Zone in Volusia and Flagler Counties, FL; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Volusia, Florida, requesting authority to establish a general-purpose foreign-trade zone at sites in Volusia County and Flagler County, Florida. The Daytona Beach International Airport in Volusia County has been designated a Customs user fee port facility by the U.S. Customs Service. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 12, 1993. The applicant is authorized to make the proposal under Section 288.36, Florida Statutes Annotated (1991).

The proposed foreign-trade zone would consist of 5 sites (6,140 acres) with Sites 1-3 located in Volusia County and Sites 4 and 5 located in Flagler County: *Site 1* (2,422 acres)—Daytona Beach International Airport and Daytona Beach Business Park, U.S. Route 92, Daytona Beach, Florida; *Site 2* (625 acres)—DeLand Airport/Industrial Parks, Old Daytona Road, DeLand, Florida; *Site 3* (1,304 acres)—Ormond Beach Airport/Business Park, Airport Road, Ormond Beach, Florida; *Site 4* (1,200 acres)—Flagler County Airport, State Road 100, Bunnell, Florida; and, *Site 5* (589 acres)—Pine Lakes/Palm Coast Industrial Parks, Pine Lakes Highway, Palm Coast, Florida. The sites are owned by the public agencies involved, except for the Daytona Beach Business Park, which was developed by the City and County and is now privately owned, and the Pine Lakes/Palm Coast Industrial Parks, owned by the ITT Land Corporation.

The application contains evidence of the need for zone services in the Counties of Volusia and Flagler. Several firms have indicated an interest in using zone procedures for warehousing/distribution of such items as chemicals, sunglasses, heart pacemakers, high voltage power supplies, amusement games, and electronic instrumentation devices. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations (as revised, 56 FR 50790-50808, 10-8-91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on March 17, 1993, at 9 a.m., Daytona Beach International Airport Terminal Building, Volusia Room, 2nd Floor, Daytona Beach, Florida.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 19, 1993. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 4, 1993).

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

County of Volusia, Growth Management Department, 123 West Indiana Avenue, DeLand, Florida 32720-4604

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th & Pennsylvania Avenue NW., Washington, DC 20230

Dated: February 12, 1993.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 93-3816 Filed 2-17-93; 8:45 am]

BILLING CODE 3510-DS-P

International Trade Administration

[A-570-820]

Preliminary Determination of Sales at Less Than Fair Value; Certain Compact Ductile Iron Waterworks Fittings and Accessories Thereof From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: February 18, 1993.

FOR FURTHER INFORMATION CONTACT: Kate Johnson, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4929.

Preliminary Determination

The Department of Commerce (the Department) preliminarily determines that certain compact ductile iron waterworks (CDIW) fittings and accessories thereof from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

On July 28, 1992, we initiated this investigation. On August 3, 1992, we sent letters to the PRC Embassy, the PRC Ministry of Foreign Economic Relations and Trade (MOFERT), the China Chamber of Commerce, and petitioners requesting that they address the issues of: (1) Whether we should continue to treat the PRC as a nonmarket economy country, and (2) whether available information would permit the Department to determine foreign market value under section 773(a) of the Act. We also requested a list of all known exporters of the subject merchandise from MOFERT, the China Chamber of Commerce, and the PRC Embassy.

Since the publication of the notice of initiation on August 4, 1992, (57 FR 34288), the following events have occurred. On August 5, 1992, the U.S. Embassy in Beijing informed us that the only exporters of the subject merchandise to the United States are China National Metal Products Import and Export Corporation (CMP) and Hubei Provincial Minerals and Metals Import and Export Corporation (Hubei). On August 10, 1992, counsel filed a letter of appearance for CMP. On August 11, 1992, we sent a letter to CMP requesting information on the treatment of the PRC as a nonmarket economy country, the determination of foreign market value, and all known exporters of the subject merchandise.

On August 27, 1992, the International Trade Commission (ITC) notified us of its preliminary determination that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of such merchandise that are allegedly sold at less than fair value in the United States. Also, on August 27, 1992, we sent letters to petitioners and CMP requesting publicly available published information (PI) from appropriate surrogate countries to value the factors of production in this investigation.

On August 28, 1992, we sent questionnaires to CMP, MOFERT, and to the Chinese Chamber of Commerce. We

asked MOFERT, the PRC government's designated representative, to serve a copy on all other known exporters of the subject merchandise during the POI and to prepare a consolidated response.

During the months of September through December, 1992, CMP submitted responses to the above-referenced questionnaire as well as to various deficiency questionnaires.

On September 30, 1992, CMP requested that we determine that there are four classes or kinds of merchandise in this investigation. On November 13, 1992, we issued a class or kind questionnaire to petitioners and CMP. (see "Class or Kind of Merchandise" section of this notice).

On September 18, 1992, counsel filed a letter of appearance for Hubei. On October 2, 1992, Hubei responded to Section A of the questionnaire. However, on October 7, 1992, Hubei requested permission to be excused from responding to the remainder of the questionnaire. On October 8, 1992, we issued a deficiency questionnaire on Section A to Hubei and on October 9, 1992, we informed Hubei that it was a mandatory respondent and that it must respond to the remainder of the questionnaire. We received no submissions from Hubei after this date.

On November 8, 1992, petitioner requested that the Department postpone its preliminary determination until 210 days after the date of filing of the petition. On November 10, 1992, we postponed the preliminary determination until February 3, 1993 (57 FR 54218, November 17, 1992).

On November 19, 1992, CMP (respondent) submitted a letter stating that it does not engage in further manufacturing.

On December 8, 1992, we requested comments from MOFERT and CMP on the issue of whether or not the CDIW industry in the PRC is a market-oriented industry (MOI). On December 22, 1992, MOFERT submitted a response to our December 8, 1992, request for information.

On January 15, 1993, respondent submitted a revised computer tape. Also, on January 15, 1993, we requested additional information on Section C of the questionnaire. Then on January 19, 1993, we requested additional information from MOFERT and CMP on the issue of the existence of an MOI. On January 22, 1993, respondent submitted the additional information on Section C of the questionnaire as well as a new computer tape. The information submitted on January 15 and 22, 1993, as well as the information requested on January 19, 1993, will not be used in the preliminary determination because it was submitted too late for adequate consideration. This information will, however, be considered for purposes of the final determination.

On February 1, 1993, CMP withdrew its request that the Department find that the CDIW fittings industry is a market-oriented industry.

Period of Investigation

The period of investigation (POI) is January 1, 1992, through June 30, 1992.

Scope of Investigation

The products covered by this investigation are (1) certain compact ductile iron waterworks fittings of 3 to 16 inches nominal diameter regardless of shape, including bends, tees, crosses, wyes, reducers, adapters, and other shapes, whether or not cement line, and whether or not covered with bitumen or similar substance, conforming to AWWA/ANSI specification C153/A21.53, and rated for water working pressure of 350 PSI; and (2) certain CDIW fittings accessories which typically consist of a standard ductile iron gland, a styrene butadiene rubber (SBR) gasket, the requisite number of Cor-Ten steel or ductile iron T-head bolts, and hexagonal nuts, for fittings in sizes 3 to 16 inches, conforming to American Water Works Association/American National Standards Institute (AWWA/ANSI) specification C111/A21.11, and rated for water working pressure of 350 PSI. Gaskets, bolts and nuts are only included if they are imported as an accessory pack with a gland. However, glands imported separately are included in the scope of investigation.

The types of CDIW fittings covered by this investigation are compact ductile iron mechanical joint waterworks fittings and compact ductile iron push-on joint waterworks fittings, both of which are used for the same applications. CDIW fittings are used to join water main pressure pipes, valves, or hydrants in straight lines, and change, divert, divide, or direct the flow of raw and/or treated water in piping systems. CDIW fittings attach to the pipe, valve, or hydrant at a joint and are used principally for municipal water distribution systems.

CDIW fittings accessories are used to join mechanical joint CDIW fittings to pipes. The accessories ensure the completeness of the seal between the CDIW fitting and pipe. Mechanical joint fittings must be used with CDIW accessories. Push-on fittings do not require CDIW accessories other than a SBR gasket.

CDIW fittings are classifiable under subheading 7307.19.30.00, of the Harmonized Tariff Schedule of the United States (HTSUS). Standard ductile iron glands are classifiable under HTSUS subheading 7325.99.10.00.3, styrene butadiene rubber gaskets are classifiable under HTSUS subheading 7318.15.20.90.2, and hexagonal nuts are classifiable under HTSUS subheading 7318.16.00.00.4.

CDIW fittings with nominal diameters greater than 16 inches, and the accessories used with CDIW fittings with nominal diameters greater than 16 inches, are specifically excluded from the scope of the investigation. Nonmalleable cast iron fittings (also called gray iron fittings) and full-bodied ductile fittings are also specifically excluded from the scope of this investigation. Nonmalleable cast iron fittings have little ductility and are generally rated only 150 to 250 PSI. Full-bodied ductile fittings have a longer body design than a compact fitting because in the compact design the straight section of the body is omitted to provide a more compact and less heavy fitting without reducing strength or flow characteristics. In addition, the full-bodied ductile fittings are thicker walled than the compact fittings. Full-bodied fittings are made of either gray iron or ductile iron, in sizes of 3 to 48 inches, conform to AWWA/ANSI specification C110/C21.10, and are rated to a maximum of only 250 PSI. In addition, compact ductile iron flanged fittings are excluded from the scope of this investigation, as they have significantly different characteristics and uses than CDIW fittings.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Class or Kind of Merchandise

On September 30, 1992, CMP requested that the Department apply the Diversified Products criteria to subdivide the products under investigation into four classes or kinds of merchandise: Fittings, glands, gaskets, and nuts and bolts. Respondent further requested that the Department rescind the investigation with respect to glands, gaskets, and nuts and bolts, as there were no less-than-fair-value allegations in the petition regarding these classes or kinds of merchandise.

In their November 4, 1992, filing, petitioners clarified the scope of investigation by stating that they do not seek an antidumping order that covers gaskets, bolts and nuts imported separately. These products are only included in the scope of this proceeding if they are imported as an accessory

VOL 58 ISS 31 FE 18 1993 UMI

pack with a gland. However, glands imported separately are included in the scope of investigation. Accordingly, we have amended the scope of this proceeding to reflect this clarification.

In view of petitioners' scope clarification, CMP's arguments for separate classes or kinds of merchandise for gaskets and nuts and bolts become moot because they are not covered if imported separately. As for glands, we are seeking further clarification from petitioners as to whether they wish to limit the scope to glands used only with CDIW fittings. In addition, on January 27, 1993, CMP submitted a letter which discussed the differences between CDIW fittings and glands. However, this information was received too late to be considered for purposes of the preliminary determination. Accordingly, we will resolve this issue in the final determination.

Separate Rates

In an August 25, 1992, submission and in subsequent filings with the Department, CMP has argued that a separate, company-specific rate should be calculated in this investigation. In order to determine whether a company-specific dumping margin should be calculated in this investigation, we asked respondent to provide information on company ownership and relationships, sources of inputs, manufacturing processes, distribution channels, involvement of trading companies, controls on external trade, profit retention, and other facets of their production and sale of the subject merchandise. As stated in the Final Determination of Sales at Less than Fair Value: Sparklers from the People's Republic of China, (56 FR 20588, May 6, 1991) (Sparklers), we will issue separate rates if a respondent can demonstrate both a *de jure* and *de facto* absence of central control. Evidence supporting, though not requiring, a finding of *de jure* absence of central control would include: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; and (2) any legislative enactments devolving central control of export trading companies. Evidence supporting a finding of *de facto* absence of central control with respect to exports would include: (1) Whether each exporter sets its own export prices independently of the government and other exporters; and (2) whether each exporter can keep the proceeds from its sales.

Petitioners have argued that CMP does not qualify for a separate rate because CMP has not proven adequately that it is independent of China Minerals & Metals Corporation (CMMC), which is owned by the PRC government. Specifically, petitioners submit that CMP, has not and can not prove that it is independent from central government control because of the following factors: (1) CMP is a wholly-owned subsidiary of CMMC, (2) CMP's business license does not affirmatively demonstrate the absence of "restrictive stipulations" on CMP's activities, (3) CMMC created CMP to replace regional trading companies, like Hubei, which had been "freed" from state control, and (4) CMP, through CMMC, is a subsidiary of MOFERT.

While we disagree with petitioners on how CMP's claim for a separate rate fits into the test articulated in Sparklers, we agree with the petitioners' underlying argument that CMP has not adequately demonstrated independence from CMMC. Specifically, CMP, by its own admission is a subsidiary of CMMC which submits its annual business plan to CMMC for approval. While CMP claims that such approval is perfunctory, CMMC nevertheless appears to have *de facto* control over CMPs' activities through its approval of CMP's business plan. Furthermore, this apparent *de facto* control is based on CMMC's *de jure* control over CMP. This apparent *de facto* and *de jure* control by CMMC causes us to question CMP's assertions regarding the independence of its business operations. Moreover, as petitioners have pointed out, the PRC government apparently specifically "freed" Hubei, a regional trading company, but did not specifically "free" CMP. This further calls into question the independence of CMP. In evaluating CMP's claim to have satisfied the separate rates test from *Sparklers*, these above concerns cause us to reject CMP's claim for purposes of the preliminary determination.

Best Information Available

The PRC government did not respond to our questionnaire which requested the identity of all shippers, and their respective exports. Moreover, the PRC government did not supply the consolidated questionnaire response requested. While the two firms who have supplied information, CMP and Hubei, have indicated that they represent the majority of exports, neither respondent has demonstrated that it qualifies for a separate rate. Moreover, one of those respondent's questionnaire response, Hubei, is completely inadequate. Thus, we do not have an adequate consolidated questionnaire response from the PRC government on behalf of all PRC producers and exporters. Accordingly, we are using BIA to calculate the margin for all exporters from the PRC. As BIA, we are using the information supplied by the petitioners which was accepted for purposes of initiation.

Fair Value Comparisons

To determine whether sales of CDIW fittings and accessories thereof from the PRC to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

We based USP on IM–146 import statistics from January through April 1992, of subject merchandise, as contained in the petition. No adjustments were made to petitioners' calculation using the IM–146 statistics.

Foreign Market Value

We based FMV on the methodology contained in the petition. Petitioners contend that the FMV of PRC-produced imports subject to this investigation must be determined in accordance with section 773(c) of the Act, which concerns non-market economy (NME) countries. The PRC is presumed to be an NME within the meaning of section 771(18)(c) of the Act, and the Department has treated it as such in previous investigations (see, Final Determination of Sales at Less Than Fair Value: Sulfanilic Acid from the PRC, 57 FR 29705 (July 6, 1992)). In the course of this investigation, parties will have the opportunity to address this NME determination and provide relevant information and argument on this issue. In addition, parties will have the opportunity in this investigation to submit comments on whether FMV should be based on prices or costs in the NME (see, Amendment to Final Determination of Sales at Less Than Fair Value and Amendment to Antidumping Duty Order: Chrome-Plated Lug Nuts from the People's Republic of China, 57 FR 15052 (April 24, 1992)).

Because of the extent of central control in a NME, the Department further considers that a single antidumping margin, should there be one, is appropriate for all exporters from the NME. Only if individual NME exporters can demonstrate an absence of central government control with respect to the pricing of exports, both in law and in fact, will they be entitled to separate, company-specific rates. (See, Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China, 56 FR 20588, (May 6, 1991), for a discussion

of the information the Department considers appropriate in this regard.)

In accordance with section 773(c) of the Act, FMV in NME cases is based on NME producers' factors of production (valued in a market economy country). Absent evidence that the PRC government determines which foundries shall produce for export to the United States, for purposes of this investigation, we based FMV only on those factories in the PRC which are known to produce CDIW fittings and accessories thereof for export to the United States.

Petitioners calculated FMV on the basis of the valuation of the factors of production. In valuing the factors of production, petitioners used India as a surrogate country. For purposes of this initiation, we have accepted India as having a comparable economy and being a significant producer of comparable merchandise, pursuant to section 773(c)(4) of the Act.

Petitioners used one of the petitioners' factors for raw material inputs, energy, and labor for constructed value (CV). The raw material, energy and labor factors for producing certain CDIW fittings and accessories thereof are based on one of the petitioners' actual experience through December 1991. Overhead expenses are expressed as a percentage of the cost of manufacture as experienced by one of the petitioners.

In accordance with the hierarchy for preferred input values as set forth in the notice of Final Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings From the People's Republic of China (PRC), 57 FR 21058 (May 18, 1992) (Comment 4), petitioners first used Indian published, publicly available information to value the factors of production before resorting to unclassified information contained in U.S. government cables or to their own costs of production. Petitioners based the value of raw material costs for fluorite, limestone, silicon, and copper scrap on Indian published, publicly available information. Petitioners based the value of raw material costs for pig iron, coke, and ferrosilicon on cable information from the U.S. consulate in India.

Petitioners based raw material costs for ferrosilicon magnesium, cement lining, and bituminous coating on one of the petitioners' costs as of December 1991. Petitioners based the natural gas value on Indian published, publicly available information, labor and electricity values on cable information from the U.S. consulate in India, and the oxygen value on one of petitioners' costs of production.

Pursuant to section 773(c) of the Act, petitioners added to CV the statutory minima of ten percent for general expenses and eight percent for profit, and a percentage of the cost of manufacture for packing expenses.

Currency Conversion

When calculating foreign market value, we made currency conversions in accordance with 19 CFR 353.60(a).

Verification

As provided in section 776(b) of the Act, we will verify the information used in reaching our final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of CDIW fittings and accessories thereof from the PRC, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or posting of a bond equal to the estimated margin amount by which the FMV of the subject merchandise exceeds the USP as shown below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Weighted average margin percent
All manufacturers/producers/exporters	127.38

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination.

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments, must be submitted, in at least ten copies, to the Assistant Secretary for Import Administration no later than March 30, 1993, and rebuttal briefs no later than April 2, 1993. In addition, a public version and five copies should be submitted by the appropriate date if the submission contains business proprietary information. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held, if requested, at 9:30 a.m. on April 5, 1993, at the U.S. Department of Commerce, room 1412, 14th Street and Constitution Avenue NW., Washington DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B–099 within ten days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentation will be limited to arguments raised in the briefs.

This determination is published pursuant to section 773(f) of the Act (19 U.S.C. 1673b(f)) and 19 CFR 353.15(a)(4).

Dated: February 3, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–3819 Filed 2–17–93; 8:45 am]

BILLING CODE 3510–DS–P

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council's Mackerel Management Committee (Committee) will meet on February 26, 1993, from 9:00 a.m. until 5:00 p.m., at the Sheraton Brickell Point Hotel, 495 Brickell Avenue, Miami, FL; telephone: (305) 373–6000.

The Committee will try to resolve certain problems in the commercial King and Spanish mackerel fisheries. A geographic shift in Florida's commercial king mackerel fishery has resulted in some east coast fishermen asking for Federal help. Partly as a result of a court ruling which voided Florida's king mackerel trip landing limit regulations, commercial fishermen in the Florida Keys took a larger share of the commercial quota than usual. The 1.73 million pound commercial quota off Florida's west coast and east coast south of Daytona Beach was filled, and the season closed on January 13.

The Council's Mackerel Management Committee will seek recommendations from the various groups of fishermen to reach an equitable distribution in the Florida fishery next season.

For more information contact Terrance R. Leary, Gulf of Mexico

Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL; telephone: (813) 228–2815.

Dated: February 10, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93–3712 Filed 2–17–93; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Mid-Atlantic Fishery Management Council (Council) and its Committees will hold meetings from March 2–4, 1993, at the Holiday Inn, Center City, 1800 Market Street, Philadelphia, PA; telephone: (215) 561–7500.

The agenda for the Council and its Committees is as follows:

On March 2 the following Committees will meet: The Scallop & Lobster Committee will meet from 10:30 a.m. until 12 p.m., the Comprehensive Management Committee will meet from 1:15 p.m. until 4:30 p.m., the Seafood Inspection Committee will meet from 4.:30 p.m. until 5 p.m. A Scoping Meeting for the Goosefish Fishery Management Plan (FMP) will follow at 7 p.m.

The Council will begin its regular meeting on March 3 at 8:30 a.m. and is scheduled to adjourn at approximately 2:30 p.m., at which time there will be an Ad Hoc Mapping Committee meeting possibly followed by a Demersal Species Committee meeting at 3:30 p.m. A Scoping meeting for the Tilefish FMP will be held at 7 p.m. At 8 p.m. there will be a Large Pelagic/Shark Committee meeting.

The Council will begin the meeting on March 4 at 8 a.m. and is scheduled to adjourn at approximately 12 noon. In addition to hearing committee reports, the Council may adopt the Scoping Document for the Goosefish FMP, may adopt the Scoping Document for the Tilefish FMP, and may consider other fishery management matters as deemed necessary. The meeting may be lengthened or shortened based on the progress of the agenda. The Council may go into closed session (not open to the public) to discuss personnel and/or national security matters.

For more information, contact John Bryson, Executive Director Mid-Atlantic Fishery Management Council, room 2115, Federal Building, 300 South New Street, Dover, DE 19901; telephone: (302) 674–2331.

Dated: February 10, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93–3711 Filed 2–17–93; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Application for public display permit, Gladys Porter Zoo, Brownsville, Texas (P31A).

SUMMARY: Notice is hereby given that an applicant has applied in due form for a Public Display Permit to obtain the care and custody of marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

1. *Applicant:* Gladys Porter Zoo, 500 Ringgold Street, Brownsville, Texas 78520.

2. *Type of Permit:* Public Display.

3. *Name and Number of Animals:* Four California sea lions (*Zalophus californianus*)

4. The applicant requests authorization to obtain permanent custody of four California sea lions, two males and two females, from captive stock and currently in the custody of Sea World of Texas.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service (NMFS), NOAA, U.S. Department of Commerce, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries.

Documents submitted in connection with the above application are available for review, by appointment, by interested persons in the following offices:

Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East West Highway, room 7324, Silver Spring, MD 20910 (301/713–2289); and

Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, FL 33702 (813/893–3141).

Dated: February 10, 1993.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 93–3750 Filed 2–17–93; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board's Space Mission Panel will meet on March 15–16, 1993, at AFSPACECOM, Colorado Springs, CO from 8 a.m. to 5 p.m.

The purpose of this meeting will be to receive space related briefings and to prepare advice for AFSPACECOM Commander.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–3710 Filed 2–17–93; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Government-Owned Invention; Availability for Licensing

AGENCY: Department of the Navy, DoD

ACTION: Notice of availability of invention for licensing.

SUMMARY: The invention listed below is assigned to the United States Government as represented by the Secretary of the Navy and is made available for licensing by the Department of the Navy.

Request for copies of the patent application cited should be directed to the Office of Naval Research (Code OOCCIP), Ballston Tower 1, 800 North Quincy Street, Arlington, Virginia, 22217-5660 and must include the application serial number.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP), 800 North Quincy Street, Arlington, Virginia 22217-5660, telephone (703) 696-4001.

Patent Application Serial No. 07/970,750 filed November 2, 1992, for "A Smart Sensor System and Method Using a Surface Acoustic Wave Vapor Sensor Array and Pattern Recognition for Selective Trace Organic Vapor Detection."

Dated: February 8, 1993.

Michael P. Rummel

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 93–3730 Filed 2–12–93; 8:45 am]

BILLING CODE 3810–AE–F

DEPARTMENT OF ENERGY

International Energy Agency; Meeting

AGENCY: Department of Energy.

ACTION: Notice of meeting.

FOR FURTHER INFORMATION CONTACT: Samuel M. Bradley, Acting Assistant General Counsel for International Affairs, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, 202–586–2900.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)), the following meeting notice is provided:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on Thursday, February 25, 1993, at the offices of DEA Mineral Oel AG, Uberseering 40, Hamburg, Germany, beginning at 9:30 a.m. The agenda for the meeting is as follows:

1. Adoption of the agenda.
2. Approval of record notes of last IAB meetings.
3. Seventh Allocation Systems Test (AST–7) appraisal.
4. IAB chairmanship and organization.
5. Future work program.
6. Next meeting.

As permitted by 10 CFR 209.32, the usual 7-day period for publication of the notice of this meeting in the **Federal Register** has been shortened because unanticipated circumstances pertaining to the IEA's scheduling of this meeting delayed the issuance of this notice.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting is open only to representatives of members of the IAB and their counsel, representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of the Congress, the IEA, and the Commission of the European Communities, and invitees of the IAB or the IEA.

Issued in Washington, DC, February 11, 1993.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 93–3807 Filed 2–17–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER93–354–000, et al.]

Wisconsin Power & Light Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

February 10, 1993.

Take notice that the following filings have been made with the Commission:

1. Wisconsin Power and Light Company

[Docket No. ER93–354–000]

Take notice that on February 4, 1993, Wisconsin Power and Light Company tendered for filing with the Federal Energy Regulatory Commission several Agreements between Wisconsin Power and Light Company (WP&L) and Wisconsin Public Power, Inc. System (WPPI).

WPPI requests expedited consideration of the filing. WP&L also requests waiver of the Commission's notice requirements, to the extent necessary, to allow the filing to be posted more than 120 days prior to the initial date of service.

Comment date: February 24, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Wisconsin Electric Power Company

[Docket No. ER93–356–000]

Take notice that Wisconsin Electric Power Company (Wisconsin Electric) on February 4, 1993, tendered for filing four transmission service agreements between itself and The Wisconsin Public Power Inc. SYSTEM (WPPI). The agreements provide for transmission service under Wisconsin Electric's Rate Schedule T–1 to four WPPI member municipal delivery points (Florence, Hartford, Jefferson, and Oconomowoc).

Wisconsin Electric requests an effective date coincident with its filing of the service agreements for Florence, Jefferson, and Oconomowoc. The Company requests that the effective date for service to Hartford be the date of energization of Hartford's new 138/24.9 kV substation, which is expected to be in service approximately June 1, 1993. Wisconsin Electric is authorized to state that WPPI joins in the requested effective date.

Copies of the filing have been served on WPPI and the Public Service Commission of Wisconsin.

Comment date: February 24, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Portland General Electric Company

[Docket No. ER93–353–000]

Take notice that on February 2, 1993 Portland General Electric Company (PGE) tendered for filing the Northern Intertie and Network Transmission Agreement and Energy Purchase Option Agreement Between the Bonneville Power Administration and Portland General Electric Company.

Copies of this agreement have been served on the distribution list, as included in the filing.

Comment date: February 24, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Public Service Company of New Mexico

[Docket No. ER93–352–000]

Take notice that on February 2, 1993, Public Service Company of New Mexico (PNM) submitted for filing an Economy Energy Agreement PNM and Louis Dreyfus Electric Power, Inc. (LDEP). Under the Agreement PNM and LDEP will make economy energy available to one another at rates reflecting current market conditions but not below the seller's incremental cost to make the sale.

PNM requests a waiver of the Commission's notice requirements to permit the Agreement to become effective on February 5, 1993.

Copies of the filing have been served upon LDEP and the New Mexico Public Service Commission.

Comment date: February 24, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. Northeast Utilities Service Company

[Docket No. ER93–224–000]

Take notice that on February 4, 1993, Public Service Company of New Hampshire (PSNH) tendered for filing supplemental information regarding various interconnection agreements.

PSNH states that the information was filed in response to a request from the Commission.

PSNH states that copies of this information have been mailed or delivered to each of the affected parties.

Comment date: February 24, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Wisconsin Electric Power Company

[Docket No. ER92–575–000]

Take notice that Minnesota Power & Light Company (MP&L) on January 27, 1993 and February 4, 1993 tendered for

filing revisions to an amendment in the above-referenced proceeding regarding an Interchange Agreement between it and Wisconsin Electric Power Company (WEPCo). The revisions to the amendment address the concerns of the staff in its December 11, 1993 deficiency letter. MP&L and WEPCo request an effective date coincident with the Commission's acceptance of the Agreement. Copies of the filing have been served on the Minnesota Public Utilities Commission and the Public Service Commission of Wisconsin.

Comment date: February 24, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. Tucson Electric Power Company

[Docket No. ER93–355–000]

Take notice that on February 4, 1993, Tucson Electric Power Company (Tucson) tendered for filing pursuant to 18 CFR 35.12, an agreement entitled "Agreement for the Sale/Purchase of Energy Between Louis Dreyfus Electric Power Company, Inc. and Tucson Electric Power Company."

The parties request an effective date of February 1, 1993, and therefore request waiver of the Commission's regulations regarding filing.

Copies of this filing have been served upon all parties affected by this proceeding.

Comment date: February 24, 1993, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3722 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP93–186–000, et al.]

Blue Ridge Pipeline Co., et al.; Natural Gas Certificate Filings

February 10, 1993.

Take notice that the following filings have been made with the Commission:

1. Blue Ridge Pipeline Co.

[Docket No. CP93–186–000]

Take notice that on January 29, 1993, Blue Ridge Pipeline Company (Blue Ridge), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP93–186–000 an application, pursuant to section 7(c) of the Natural Gas Act, as amended (NGA), and parts 157 subpart A, 157 subpart F and 284 subpart G of the regulations of the Federal Energy Regulatory Commission (Commission), for (1) a certificate of public convenience and necessity authorizing the construction, ownership and operation of new natural gas pipeline facilities described therein, (2) approval of its initial rates and tariff submitted therewith, (3) a blanket certificate of public convenience and necessity authorizing the transportation of natural gas for others as proposed therein, and (4) a blanket certificate of public convenience and necessity authorizing future construction and operation of facilities and certificate amendments and abandonment under section 7 of the NGA.

Blue Ridge states that it is a general partnership between: Transco Blue Ridge Pipeline Company, a Delaware corporation and wholly owned subsidiary of Transco Gas Company; Piedmont Interstate Pipeline Company, a North Carolina corporation and wholly owned subsidiary of Piedmont Natural Gas Company, Inc.; PSNC Blue Ridge Corporation, a North Carolina corporation and wholly owned subsidiary of Public Service Company of North Carolina, Inc.

Blue Ridge states that it was created as a new partnership to develop and own an expansion of Transcontinental Gas Pipe Line Corporation's (TGPL) main line. Blue Ridge states that it will own new facilities which will be integrated into TGPL's main line and which are necessary components for creating additional firm capacity on TGPL's main line of the dekatherm equivalent of 150,000 Mcf of gas per day to be owned by Blue Ridge. Blue Ridge states that it will provide transportation service to its shippers through such capacity pursuant to its FERC Gas Tariff, Part 284 of the Commission's regulations and Order No. 636. Blue Ridge further states that since the Blue Ridge capacity is most economically created through a combination of new facility additions and modifications of existing TGPL main line facilities, Blue Ridge will also reimburse TGPL for the cost of the facility modifications on TGPL's system that will be owned by TGPL. (See Docket No. CP93–187–000) Blue Ridge states that the cost of its facilities and TGPL's facility modifications will be included in Blue Ridge's rate base and recovered through Blue Ridge's rates.

Blue Ridge states that it will construct, own and operate the following facilities:

1. 11.20 miles of 42-inch pipeline loop, located immediately upstream of TGPL's Station No. 90 in Alabama (TGPL mileposts 799.93 to 811.13);

2. 15.13 miles of 42-inch pipeline loop, located immediately downstream of TGPL's Station No. 100 in Alabama (TGPL mileposts 890.61 to 905.74);

3. 3.55 miles of 42-inch pipeline loop, located immediately downstream of TGPL's Station No. 150 in North Carolina (TGPL mileposts 1287.11 to 1290.66); and

4. 12,000 horsepower electric compressor addition at TGPL's Station No. 120 in Georgia.

Blue Ridge states that its facilities will be constructed and operated on its behalf by TGPL pursuant to an operating agreement which sets forth the terms and conditions under which TGPL will construct Blue Ridge's facilities.

Blue Ridge further states that it has executed precedent agreements with fifteen shippers subscribing to 100 percent of the incremental capacity of 150,000 Mcf/d offered by Blue Ridge. The precedent agreements provide for an initial term of twenty (20) years, commencing as soon as all regulatory approvals are secured and all of the necessary facilities are ready for service. The shippers are:

Shipper	TCQ (in Mcf/d)
1. Alexander City, Alabama	250
2. Fort Hill Natural Gas Authority	10,000
3. Fountain Inn Natural Gas Company	1,500
4. City of Greer, South Carolina	2,000
5. City of Laurens, South Carolina	500
6. City of Lawrenceville, Georgia	4,000
7. City of Lexington, North Carolina	1,500
8. North Carolina Gas Service	1,500
9. Piedmont Natural Gas Company, Inc.	81,400
10. Public Service Company of N. Carolina, Inc.	39,350
11. City of Shelby, North Carolina	3,000
12. Southwestern Virginia Gas Company	1,500
13. City of Union, South Carolina	1,000
14. United Cities Gas Company, Georgia Div.	1,500
15. United Cities Gas Company, S. Carolina Div.	1,000
Total	150,000

Comment date: March 3, 1993, in accordance with Standard Paragraph F at the end of the notice.

2. Transcontinental Gas Pipe Line Corp.

[Docket No. CP93–187–000]

Take notice that on January 29, 1993, Transcontinental Gas Pipe Line Corporation (TGPL), Post Office Box 1396, Houston, Texas 77251, filed an application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction, ownership and operation of certain modifications to its main line pipeline system which, together with the new pipeline facilities to be constructed, owned and operated by Blue Ridge Pipeline Company (Blue Ridge) (See Docket No. CP93–186–000), will create additional capacity of the dekatherm equivalent of 150,000 Mcf of gas per day to be owned by Blue Ridge.

Specifically, TGPL states that it requests authorization for the following facility modifications:

1. Uprate, to 800 psig, TGPL's Line "A" from TGPL's Station No. 120 to Station No. 130 in Georgia; such uprating shall be accomplished through regulator modifications and replacement of eight pipeline segments totalling approximately 9.6 miles of 30-inch pipe on Line "A" between such stations in the counties of Henry, Rockdale, Newton, Walton, Aconee, Clark and Madison;

2. Modify Compressor Units 1, 2, 3, and 4; modify the water/steam system, and re-wheel compressors at TGPL's Station No. 100 in Alabama; place two existing steam-driven compressors at Station No. 100 (presently on a standby basis pursuant to the authorization granted to TGPL in Docket No. CP92–510) into regular service;

3. Modify one Reciprocating Unit at TGPL's Station No. 110 in Alabama to eliminate current air permit restrictions and increase the allowable annual operating hours; and

4. Modify one Reciprocating Unit at TGPL's Station No. 130 in Georgia to eliminate current air permit restrictions and increase the allowable annual operating hours.

TGPL states that these facility modifications together with Blue Ridge's new facilities are estimated to cost $107,708,433. Blue Ridge will reimburse TGPL for the cost of the facility modifications.

Comment date: March 3, 1993, in accordance with Standard Paragraph F at the end of this notice.

3. Tennessee Gas Pipeline Co.

[Docket No. CP93–196–000]

Take notice that on February 3, 1993, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252 filed in Docket No. CP93–196–000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act for authorization to add a delivery point for Altresco-Pittsfield, L.P. (Altresco) under Tennessee's blanket certificate issued in Docket No. CP82–413–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Tennessee states that by Commission order issued May 2, 1990, in Docket Nos. CP88–171–000, *et al.*, as amended, Tennessee was authorized to transport up to 14,450 Dth of natural gas per day for Capitol District Energy Center Cogeneration Associates (CDECCA). Tennessee further states that CDECCA assigned up to 2,000 Dth per day of this firm transportation capacity to Altresco. Tennessee proposes herein to add a delivery point located in Pittsfield, Massachusetts (Bosquet delivery point) for the delivery of a maximum daily quantity of 2,000 Dth of gas per day by Tennessee to Altresco. According to Tennessee the Bosquet delivery point was previously authorized by the Commission in Docket No. CP91–2310–000.

Tennessee indicates that the total quantities to be delivered to Altresco will not exceed presently authorized quantities, and the change is not prohibited by Tennessee's existing tariff. Tennessee further indicates that it has sufficient capacity in its system to accomplish delivery of gas to the Bosquet delivery point without detriment or disadvantage to any other customers.

Comment date: March 29, 1993, in accordance with Standard Paragraph G at the end of this notice.

4. ANR Pipeline Co.

[Docket No. CP93–188–000]

Take notice that on February 1, 1993, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP93–188–000, a request pursuant to §§ 157.205, 157.208, and 157.211 of the Commission's Regulations under the Natural Gas Act to, under its blanket certificate issued in Docket No. CP82–480–000 operate under the provisions of section 7 of the NGA certain facilities which have been constructed pursuant to section 311 of the NGPA, which is on file with the Commission and open to public inspection.

As indicated by ANR, the subject facilities, called the North Maumee, the Swanton facilities, and the East Maumee facilities, are located in Fulton and Lucas Counties, Ohio.

Comment date: March 29, 1993, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn

within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3724 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP92–166–002 and CP92–166–001]

Algonquin LNG, Inc. and Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff and Compliance Filing With Order No. 636

February 11, 1993.

Take notice that on February 1, 1993, Algonquin LNG, Inc. (ALNG) tendered for filing the following proposed tariff sheets to its FERC Gas Tariff:

First Revised Volume No. 1

Original Sheet No. 1 through Original Sheet No. 200

Fourth Revised Volume No. 2

Original Sheet No. 1 through Original Sheet No. 103

ALNG requests a March 3, 1993 effective date. ALNG states that the proposed tariff sheets are submitted to comply with ordering paragraph (E) of the Commission's Order on Rehearing, Denying Reconsideration, and Granting Clarification issued on December 2, 1992, in Docket No. CP92–166–001.

Paragraph (E) required ALNG to file with the Commission, within 60 days, tariff provisions setting forth terms and conditions and rates for open-access firm and interruptible storage service and storage-related transportation that comply with the requirements of part 284 and with the Commission's restructuring rules as expressed in Order No. 636. Thus, this filing is ALNG's compliance filing with the Commission's Order No. 636.

ALNG's proposed Volume No. 1 Tariff provides for firm and interruptible LNG storage service under Rate Schedules FST–LG and IST–LG respectively. ALNG submits that its proposed tariff complies with part 284 of the Commission's Regulations, by offering firm and interruptible service on a nondiscriminatory access basis subject to reasonable operating conditions and at rates that comply with § 284.7 of the regulations. In addition, ALNG submits that the proposed tariff complies with the requirements of Order No. 636, *et seq.*

ALNG submits that many of the requirements of Order No. 636 do not apply to its case. ALNG states that it has never provided a sales service, holds no upstream transportation or storage capacity, and has only a single receipt point and delivery point. ALNG submits that its filing addresses the areas where Order No. 636 apply to its circumstances.

Specifically, ALNG states that the tariff establishes rates based upon the straight fixed-variable (SFV) rate design, establishes a mechanism for customers to release firm capacity, establishes an electronic bulletin board (EBB) to effectuate its capacity release program and to post information required by Order No. 636. ALNG states that it will not impose usage charges for the EBB, nor will it require execution of a service agreement as a condition of access to the board. ALNG states that its tariff expressly states that nothing in the tariff is intended to inhibit the formation or use of market centers. Also, its tariff establishes right-of-first refusal procedures. ALNG states that it does not at this time propose scheduling penalties. Finally, ALNG states that its tariff complies with Order No. 497 with regard to sales made by marketing affiliates.

ALNG announces that an open window for presently uncommitted firm capacity and for interruptible capacity will commence at 8 a.m. Boston time on Tuesday, February 16, 1993, and will end at 4 p.m. Boston time on Friday, February 26, 1993. Requests for service during the open window must be submitted pursuant to Section 2 of the General Terms and Conditions of ALNG's proposed Volume No. 1 Tariff.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before February 18, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Conference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3765 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP92–166–001, and CP92–166–003]

Algonquin Gas Transmission Company and Algonquin LNG, Inc.; Proposed Changes in FERC Gas Tariff

February 11, 1993.

Take notice that on February 1, 1993, Algonquin Gas Transmission Company (Algonquin) tendered for filing the following revised tariff sheets to its FERC Gas Tariff:

Third Revised Volume No. 1

First Revised Sheet No. 391
Original Sheet No. 391A
1 Rev Original Sheet No. 392
First Revised Sheet No. 883

Algonquin requests a March 3, 1993 effective date.

Algonquin states that the revised tariff sheets are submitted to comply with the Commission's Order on Rehearing, Denying Reconsideration, and Granting Clarification issued on December 2, 1992, in Docket No. CP92–166–001.

Copies of the filing were served upon the Company's customers under Rate Schedule T–LG, interested state commissions, and all parties to Docket Nos. CP92–166–000 and CP92–166–001. Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Section 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before February 18, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3764 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TM93–8–20–001 and TM93–11–20–000]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

February 11, 1993.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on February 5, 1993, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1, as set forth in the revised tariff sheets:

Proposed to be effective December 1, 1992
1 Rev 5 Rev Sheet No. 63

Algonquin states that it is filing the above tariff sheet to track the reduction in Texas Eastern Transmission Company's ("Texas Eastern's") FT–1 rate, which underlies Algonquin's Rate Schedule ATAP. Texas Eastern filed the underlying tariff sheets in Docket No. GT93–6–000 on December 30, 1992 and these tariff sheets were accepted by the Commission in an order dated January 29, 1993. Algonquin also states that the effect is to reduce the demand rate for ATAP transportation by $0.761 per MMBtu and the maximum commodity rate by $0.0063 per MMBtu for the months of December 1992 and January 1993.

Proposed to be effective February 1, 1993
Alt 6 Rev Sheet No. 63

Algonquin states that the above tariff sheet is being filed to revise the Rate Schedule ATAP tariff sheet submitted in Docket No. TM93–8–20–000 and accepted by Commission Order dated January 19, 1993. Subsequent to the Commission's acceptance, Texas Eastern filed a motion in Docket Nos. TA93–1–17, TQ93–3–17, TF93–3–17, and TQ93–4–17 that requested, *inter alia*, that the Commission not place into effect its annual PGA filing. Should this motion be accepted and Texas Eastern's FT–1 rate revert to the prior rate, Algonquin respectfully requests that the Commission accept Alt 6 Rev Sheet No. 63, which replaces the Algonquin ATAP rate approved in Docket No. TM93–8–20–000 with the rate established in 1 Rev 5 Rev Sheet No. 63.

Algonquin notes that copies of this filing were served upon each affected party and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before February 18, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3776 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–72–000]

CNG Transmission Corp.; Petition for Tariff Waiver

February 11, 1993.

Take notice that CNG Transmission Corporation ("CNG") on February 5, 1993, filed a Petition seeking waiver of the cash refund requirement of the Transportation Cost Rate Adjustment ("TCRA") clause of its tariff to permit CNG to temporarily retain a refund that it has obtained from one of its pipeline suppliers.

CNG states that the TCRA clause of the General Terms and Conditions of its tariff requires it to flow through to its customers refunds received from CNG's suppliers provided that the balance in the appropriate refund subaccount exceeds a predetermined level. On November 2, 1992, CNG received a refund from one of its pipeline suppliers, Texas Eastern Transmission Corporation. Absent a waiver of the tariff, CNG states that it would be required to flow through a portion of the Texas Eastern refund in cash by March 1, 1993. If granted, the petition would allow CNG to delay the cash refund until the implementation of its Order No. 636 compliance filing, at which time the refund would be made as a credit or offset to transition costs otherwise payable under Order No. 636.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All motions or protests should be filed on or before February 18, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3775 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP91–41–017, RP91–90–000 TM92–3–21–000, TM93–5–21–001, TP92–9–21–000, TM91–12–21–000, TM92–10–21–000, TM92–2–21–000, and TM 92–11–21–000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 11, 1993.

Take notice that on February 5, 1993, Columbia Gas Transmission Corporation (Columbia) tendered for filing the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1:

To Be Effective November 1, 1992

Substitute Ninth Revised Sheet Nos. 30A01–30A05
Substitute Fifth Revised Sheet No. 30A06
Substitute Fourth Revised Sheet No. 30A07
Substitute Third Revised Sheet No. 30A08

Columbia states that tit flows through certain take-or-pay and contract reformation cost fixed charges based on an allocation methodology reflecting customers' daily Total Firm Entitlements (TFEs). On September 30, 1992, Columbia filed revised tariff sheets pursuant to Section 25 of the General Terms and Conditions of Columbia's FERC Gas Tariff, First Revised Volume No. 1, which states, in part, that periodic adjustments will be made annually at November 1 of each year reflecting the then current daily TFEs.

Columbia states that subsequent to the September 30, 1992 filing, certain FTS customers included in the development of allocation factors did not initiate service by the November 1 deadline as included in the take-or-pay filing. Likewise, certain FTS customers came on-line prior to the November 1 deadline which were not included in Columbia's September 30 filing, which included the best information available as of the date of the filing. Columbia states that by this February 5, 1993 filing, Columbia proposes to revise the allocation to its customers of the fixed monthly demand surcharges applicable to Transco's Docket Nos. RP88–68 and RP91–147. The allocation factors for Docket No. RP88–68 will be from November 1, 1992 to April 1, 1993 and the allocation factors for Docket No. RP91–147 will be from November 1, 1992 to May 1, 1993.

Columbia also states that the revised sheets reflect revised allocation factors based on actual November 1, 1992 daily

TFEs applicable to the flowthrough of take-or-pay costs from Transco. No change is proposed in the level of Transco costs to be flowed through.

Columbia states that copies of the filing were served upon Columbia's jurisdictional customers, interested state commissions, and upon each person designated on the official service list compiled by the Secretary in Docket Nos. RP88–187, *et al.*, and RP91–41, *et al.*

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 18, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3770 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TF93–2–4–000 and RP91–164–009]

Granite State Gas Transmission, Inc.; Interim Purchased Gas Cost Adjustment

February 11, 1993

Take notice that on January 29, 1993, Granite State Gas Transmission, Inc. (Granite State) 300 Friberg Parkway, Westborough, Massachusetts 01581, filed Twenty-Fourth Revised Sheet No. 21 in its FERC Gas Traffic, Second Revised Volume No. 1, proposing an interim adjustment in rates for effectiveness on February 1, 1993.

According to Granite State, it filed revised rates on December 29, 1992 in Docket No. TQ93–5–000 based on revised projected gas costs and sales for the first quarter of 1993. Granite State further states that, since its prior filing, its projected costs for the first quarter have been reduced substantially which are reflected in this interim gas cost adjustment and the revised sales on Twenty-Fourth Revised Sheet No. 21. It is further stated that the revised sales rates include a Special Surcharge of $0.0043 per dekatherm authorized in the Order on Rehearing issued December 22, 1992 in Granite State Gas Transmission, Inc., Docket No. RP91–164–006. According to Granite State, the Special Surcharge will permit Granite State to accumulate $200,000 to reimburse Consolidated Fuel Company for costs in developing a Canadian gas supply from Direct Energy Marketing Limited that Granite State is now purchasing for its system supply of gas.

Granite State states that copies of its filing were served upon its customers Bay State Gas Company and Northern Utilities, Inc. and the regulatory commissions of the states of Maine, New Hampshire and Massachusetts.

Any person desiring to be heard or to make protest with reference to said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before February 18, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3779 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EG93–18–000]

LG&E Power 20 Inc.; Notice of Filing

February 11, 1993.

On February 4, 1993, LG&E Power 20 Incorporated (Applicant) submitted a request under section 32(a)(1) of the Public Utility Holding Company Act of 1935, as amended, seeking a determination that Applicant is an exempt wholesale generator. Applicant states that it is a California corporation that will be directly and exclusively engaged in owning and operating an approximately 110–130 MW gas-fired electric power production facility, and that it will sell electric power at wholesale.

Any person desiring to be heard or objecting to the application for exempt wholesale generator status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before February 26, 1993, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3766 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM93–2–59–001]

Northern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

February 11, 1993.

Take notice that Northern Natural Gas Company (Northern), on February 5, 1993, tendered for filing changes in its FERC Gas Tariff, Fourth Revised Volume No. 1.

Northern states that the filing corrects Tariff Sheet No. 51, which inadvertently omitted a footnote indicating that Northern would assess the GRI demand surcharge of $0.080 on any applicable firm Gulf Coast throughout entitlement. Northern states that it has filed Substitute First Revised Sheet No. 51 of Northern's Fourth Revised Volume No. 1 to be effective January 1, 1993.

Northern states that copies of the filing were served upon Northern's customers and interested state commission.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 18, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3778 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–48–001]

Northwest Pipeline Corp.; Proposed Change in FERC Gas Tariff

February 11, 1993.

Take note that on February 5, 1993, Northwest Pipeline Corporation (Northwest) tendered for filing and acceptance Third Revised Fourteenth Revised Sheet No. 13 to become a part of its FERC Gas Tariff, Second Revised Volume No. 1.

Northwest states that the purpose of this filing is to (1) correct a pagination error as the result of filing two tariff sheets with the same designation, and (2) adjust the Commodity Surcharge associated with Northwest's Rate Schedule T–1 from 13.32¢ per MMBtu to 12.76¢ per MMBtu. The reduction in the Rate Schedule T–1 Commodity Rate is the result of the conveyance of Northwest's gathering and production facilities to Williams Gas Processing Company.

Northwest requests an effective date of February 1, 1993 for Third Revised Fourteenth Revised Sheet No. 13.

Northwest states that copies of its filing have been served upon all parties of record in Docket No. RP93–48–000.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.211. All such protests should be filed on or before February 18, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3773 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP93–71–000]

Questar Pipeline Co., Tariff Filing

February 11, 1993.

Take notice that Questar Pipeline Company, on February 5, 1993, tendered for filing and acceptance to be effective March 7, 1993, First Revised Sheet Nos. 22 and 37 to Original Volume No. 2–A of its FERC Gas Tariff, to be effective March 7, 1993.

Questar states that this filing revises §§ 1.16 and 5.2 of the General Terms and Conditions to Original Volume No. 2–A of its FERC Gas Tariff by providing for a 14-day expansion of the injection period during which gas is injected into Questar's Clay Basin storage reservoir. Questar proposes that the injection period be redefined as beginning May 1 of each calendar year, rather than May 15 as has been previously approved.

Questar states further that this filing was served upon its Clay Basin storage customers and the Wyoming and Utah public service commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 385.211 and 385.214 of the Commission's Rules and Regulations (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before February 18, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3774 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EG93–17–000]

TCPL Power Ltd.; Filing

February 10, 1993.

Take notice that on February 1, 1993 TCPL Power Ltd. (TCPL Power) filed an application under section 32(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA), as amended, seeking a determination that TCPL Power is an exempt wholesale generator. TCPL Power states that it currently has a 40 percent equity interest and a 9.9 percent voting interest in Ocean State Power (OSP) and Ocean State Power II (OSP II). TCPL states that OSP and OSP II are two separate Rhode Island general partnerships each of which owns and operates a 250 MW combined-cycle electric generating facility in Burrillville, Rhode Island.

Any person desiring to be heard or objecting to the application for exempt wholesale generator status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before February 24, 1993, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3723 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–132–027]

Tennessee Gas Pipeline Co.; Tariff Filing

February 11, 1993.

Take notice on February 8, 1993, Tennessee Gas Pipeline Company ("Tennessee") tendered for filing the following revised tariff sheets in Fourth Revised Volume No. 1 of its FERC Gas Tariff to be effective on the following dates:

Effective: September 1, 1992

Second Substitute Second Revised Sheet No. 30

Effective: October 1, 1992

Substitute Third Revised Sheet No. 30

Effective: November 1, 1992

Second Substitute Fourth Revised Sheet No. 30

Effective: January 1, 1993

Substitute Fifth Revised Sheet No. 30

Tennessee is filing the enclosed tariff sheets pursuant to Paragraph A and B to the Commission's order issued on January 22, 1993 in Docket No. RP92–132–009. Tennessee is deleting the Segment U footnote from Tariff Sheet No. 30 in its Fourth Revised Volume No. 1 FERC Gas Tariff.

Tennessee states that copies of its filing are available for inspection at its principal place of business in the Tenneco Building, Houston, Texas, and have been mailed to all affected customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 18, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will

not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3771 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

[Docket No. RP88–67–065, TM93–3–17–001 and TA93–1–17–005]

February 11, 1993.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on February 5, 1993 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies of each of the following tariff sheets:

Proposed to be Effective December 1, 1992

Sub Twelfth Revised Sheet No. 51.3

Proposed to be Effective January 1, 1993

Sub Thirteenth Revised Sheet No. 51.3

Proposed to be Effective February 1, 1993

Sub Fourteenth Revised Sheet No. 51.3

Texas Eastern states that the above listed substitute tariff sheets are being filed to reflect the correct rates for Phase III of Texas Eastern's Rate Schedule FTS–5 service which were implemented by Texas Eastern in a tariff filing made October 16, 1992, and accepted by the Commission in a letter order on December 17, 1992, in Docket No. CP87–312–016 with an effective date of November 15, 1992. The primary tariff sheets for each of the above listed substitute sheets contain the rates approved for Phase II of Rate Schedule FTS–5 service, which rates were superseded by the Commission's December 17, 1992 order.

The proposed effective dates of the above listed tariff sheets are as indicated.

Texas Eastern states that copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211 All such protests should be filed on or before February 18, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3769 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RS92–11–000]

Texas Eastern Transmission Corp.; Comment Period

February 11, 1993.

Take notice that parties may file comments on or before February 24, 1993, on Texas Eastern's filing entitled "Request for Expedited Approval of Assignment by Texas Eastern Transmission Corporation of Upstream Transportation Agreements." This filing was filed with the Commission and served on all parties on February 3, 1993.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3780 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP75–71–018]

Transwestern Pipeline Co.; Compliance Filing

February 11, 1993.

Take notice that on January 29, 1993, Transwestern Pipeline Company (Transwestern) tendered for filing to become a part of its FERC Gas Tariff, Original Volume No. 2, the following tariff sheets with a proposed effective date of March 1, 1993:

Rate Schedule X–14

Tenth Revised Sheet No. 145
Eighth Revised Sheet No. 147
Eighth Revised Sheet No. 149
Eighth Revised Sheet No. 150

Rate Schedule X–15

Eighth Revised Sheet No. 164
Fourth Revised Sheet No. 164A
Second Revised Sheet No. 164B

Transwestern states that the tariff sheets reflect revisions to the Gas Exchange Agreement between Transwestern and Natural Gas Pipeline Company (NGPL) at Docket No. CP75–71 which is on file as Rate Schedule X–14. Transwestern states that the above referenced tariff sheets are being filed in compliance with Ordering Paragraph (B) of the Commission's order issued May 23, 1980 requiring Transwestern to file with the Commission by January 21, of each year revisions to its tariff reflecting all additions or deletions of receipt and delivery points which occurred during the calendar year ending December 31, 1992.

Transwestern states that the tariff sheets also reflect revisions to the Gas Exchange Agreement between Transmission and ANR Pipeline Company at Docket No. CP79–422 which is on file as Rate schedule X–15. Transwestern states that the tariff sheets are being filed in compliance with Ordering Paragraph (C) of the Commission's order issued January 8, 1980 requiring Transwestern to file with the Commission by January 31, of each year revisions to its tariff reflecting all additions or deletions of receipt and delivery points which occurred during the calendar year ending December 31, 1992.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 18, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3763 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP87–15–035]

Trunkline Gas Co.; Report of Refunds

February 11, 1993.

Take notice that on December 16, 1992, Trunkline Gas Company (Trunkline) tendered for filing with the Federal Energy Regulatory Commission (Commission) its report of refunds, made in compliance with the provisions of a Stipulation and Agreement dated July 15, 1992, and approved by the Commission's August 28, 1992 Order issued in Docket No. RP87–15–000, *et al.*

Trunkline states that on December 1, 1992, Trunkline distributed refunds to the applicable customers as set forth on appendix C of the settlement. Trunkline states that the settlement amounts shown for each party in appendix C of the settlement, resolve any claims to refunds, including interest, from Trunkline.

Trunkline states that a copy of the information was sent to each of Trunkline's affected customers and the respective state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 18, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3768 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–165–012]

Trunkline Gas Co.; Proposed Changes in FERC Gas Tariff

February 11, 1993.

Take notice that Trunkline Gas Company (Trunkline) on February 8, 1993 tendered for filing tariff sheets listed on Appendices A and C attached to the filing to its FERC Gas Tariff, Original Volume No. 1 and tariff sheets listed on Appendix B attached to the filing to its FERC Gas Tariff, Original Volume No. 2.

Trunkline proposes that tariff sheets listed on Appendices A and B become effective November 1, 1992 and tariff sheets listed on Appendix C become effective January 1, 1993.

Trunkline states that these tariff sheets reflect revised rates to eliminate the transportation imbalance carrying charges in Trunkline's base rates.

Trunkline states that copies of this filing are being mailed to Trunkline's jurisdictional customers, interested state commissions and all parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 18, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3772 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

WEL Energy Group Limited; Notice of Filing

[Docket No. EG93–19–000]

February 11, 1993.

On February 5, 1993, UtiliCorp United Inc. (Applicant) submitted a request under section 32(a)(1) of the Public Utility Holding Company Act of 1935, as amended, seeking a determination that WEL Energy Group Limited (WEL), an entity which Applicant states is a New Zealand electric utility, is an exempt wholesale generator. Applicant states that it is a publicly held corporation organized under Delaware law. Applicant states that WEL is an "electric utility subject to regulation by the New Zealand Ministry of Energy pursuant to the Electricity Act of 1968." Applicant states that it proposes to form a wholly-owned subsidiary to be organized under the law of Delaware (UtiliCorp-New Zealand Inc.), which will, in turn, form UtiliCorp Sub, a special purpose wholly-owned subsidiary that will initially acquire a 33% interest in the issued and outstanding share capital of WEL. Applicant states that UtiliCorp Sub will also have the right to acquire an additional 16% interest in the issued and outstanding share capital of WEL under certain circumstances.

Any person desiring to be heard or objecting to the application for exempt wholesale generator status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214 (1992)). All such motions or protests must be filed on or before February 26, 1993, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3767 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TQ93–1–52–002; TM93–1–52–001]

Western Gas Interstate Co.; Proposed Changes in FERC Gas Tariff

February 11, 1993.

Take notice that on November 23, 1992, Western Gas Interstate Company ("Western"), pursuant to Section 4 of the Natural Gas Act, the Commission's regulations thereunder and Western's FERC Gas Tariff, tendered for filing proposes changes to its FERC Gas Tariff, Second Revised Volume No. 1. The proposed effective date for the tariff sheets are October 1, 1992.

Western states that, its filing proposes changes to its rates in accordance with the terms of the Annual Charge Adjustment Clause of its FERC Gas Tariff.

Western states that the Tariff sheet proposed to become effective October 1, 1992 is to account for the decrease in Western's Annual Charge Adjustment (ACA). The adjustment of the ACA Surcharge is determined each fiscal year, and reflects a decrease of $0.0001/MMbtu from the currently effective ACA Surcharge.

Finally, Western states that copies of the filing were served upon Western's transmission system customers and interested state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before February 18, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3777 Filed 2–17–93; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Issuance of Decision and Order During the Week of December 28, 1992 Through January 1, 1993

During the week of December 28, 1992 through January 1, 1993 the decision and order summarized were issued with respect to application for relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also

contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Implementation of Special Refund Procedures

E.B. Brooks, Jr., 12/28/92, LEF-0048

The DOE issued a Decision and Order implementing procedures for the disbursement of $59,562 in alleged crude oil overcharges, plus accrued interest, remitted to the DOE by E.B. Brooks, Jr. (Brooks), pursuant to a Consent Order entered into by the DOE and Brooks. The DOE determined that these funds would be disbursed to the federal government, the states, and eligible applicants in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986).

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Adlai E. Stevenson School District 125 et al	RF272-81609	12/29/92
Atlantic Richfield Company/Bock Company, Inc. et al	RF304-13397	12/31/92
Atlantic Richfield Company/Kent Oil & Trading Company	RF304-9498	12/30/92
Caribou School Department	RF272-80822	12/28/92
City of San Carlos et al	RF272-83004	12/28/92
Enron Corp./Independent Oil Company, Henry Oil and Gas Company	RF340-57 RF340-61	12/29/92
Enron Corp./True Value Hardware	RF340-30	12/29/92
Gulf Oil Corporation/Harbisons Dairies	RF300-16136	12/31/92
Gulf Oil Corporation/Southside Gulf	RF300-20802	12/31/92
Maine School Administrative District #35	RF272-80824	12/30/92
Potterville Public Schools et al	RF272-81432	12/28/92
Texaco Inc./Berks Fuel Storage, Inc. et al	RF321-5730	12/30/92
Texaco Inc./Charles L. Hoskins et al	RF321-2214	12/28/92
Texaco Inc./Daugherty Grocery et al	RF321-16406	12/31/92
Texaco Inc./Gene Steuben Petroleum, Inc. et al	RF321-9924	12/30/92
Texaco Inc./Lehigh Service and Supply	RF321-16260	12/28/92
Texaco Inc./Oregon City Texaco et al	RF321-9066	12/29/92

Dismissals

The following submissions were dismissed:

Name	Case No.
Asaro's Service Station	RF324-27
Gib's Service	RF324-25
Robert P. Bolton	RF321-15336
Sharlow's Service Station	RF324-26
Wood's Service Station	RF324-24

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20595, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: February 11, 1993

George B. Breznay,

Director, Office of Hearings and Appeals

[FR Doc. 93-3808 Filed 2-17-93 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4599-2]

Underground Injection Control Program; Hazardous Waste Disposal Injection Restrictions; Petition for Exemption—Class I Hazardous Waste Injection Gibraltar Chemical Resources, Inc., Winona, TX

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Decision on Petition.

SUMMARY: On February 5, 1993, EPA Region 6 denied a petition, submitted by Gibraltar Chemical Resources, Inc. (Gibraltar), for an exemption for one of its Class I hazardous waste injection wells (WDW-229) to the land disposal restrictions of Section 3004 of the Resource Conservation and Recovery Act (RCRA). As a result of the denial Gibraltar is legally prohibited from injecting restricted hazardous waste through that well.

DATES: This action was effective February 5, 1993.

ADDRESSES: The administrative record underlying this action is on file at the following location: Environmental Protection Agency, Region 6, Water Management Division, Water Supply Branch (6W-SU), 1445 Ross Avenue, Dallas, Texas 75202-2733.

FOR FURTHER INFORMATION CONTACT: Mac A. Weaver, Chief UIC State Programs, EPA—Region 6, telephone (214) 655-7160, (214) 655-7161.

SUPPLEMENTARY INFORMATION: RCRA §§ 3004(d)(1), (e)(1), and (g)(5), 42 USC 6924(d)(1), (e)(1), and (g)(5), prohibit the land disposal of certain untreated hazardous waste unless EPA determines that the proposed disposal method is "protective of human health and the environment for as long as the waste remains hazardous." EPA regulations at 40 CFR part 148 apply to such determinations, known as "no migration exemptions," for Class I hazardous waste injection wells. Class I wells are wells that inject hazardous waste beneath the lowermost formation containing, within one quarter mile of the well bore, an underground source of drinking water (40 CFR 144.6(a)).

Gibraltar disposes of untreated hazardous waste *via* deep well injection at its facility near Winona, Texas. In August 1989, Gibraltar submitted a petition seeking no migration exemptions from EPA for an existing injection well (WDW-186) and a permitted but then unconstructed injection well (WDW-229) at the facility. EPA granted that petition, but its decision on the unconstructed well was later vacated and remanded by the

court in *Kay* v. *EPA*, No. 6:90cv582 (E.D. Tex. September 30, 1982). The court held that EPA had erred in not offering the public an opportunity to comment on mechanical integrity data on well WDW–229, and in granting the exemption for that unconstructed well.

In response to the partial remand, EPA Region 6 proposed to issue another exemption for (the now constructed) WDW–229 on July 10, 1992. After considering public comments on that proposed decision, EPA denied the exemption for WDW–229 on February 5, 1993. Texas' UIC program construction regulations and the UIC permit for WDW–229 require that its long string casing be continuously cemented to the surface. In fact, however, there is no cement around about 800 feet of WDW–229's long string casing.

EPA believes WDW–229 will have to undergo some type of remedial construction to bring it into compliance with the applicable UIC program construction requirements. After corrective action on the well, additional mechanical integrity tests will be required. Because public review of such tests is an integral part of EPA decision making on no migration petitions, the Agency found it inappropriate to issue the exemption while the remedial construction and retesting of WDW–229 was pending. EPA's denial of Gibraltar's petition for WDW–229 is without prejudice; if Gibraltar corrects the construction defect in its injection well, it may again petition for a no migration exemption.

Myron O. Knudson,

Director, Water Management Division (6W).

[FR Doc. 93–3719 Filed 2–17–93; 8:45 am]

BILLING CODE 6560–50–M

[OPP–30347; FRL–4187–8]

Becker Microbial Products, Inc.; Applications to Conditionally Register Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to conditionally register the pesticide products BMP 123 (48 LC), BMP 123 (2X WP), and BMP 123 (32 LC), containing an active ingredient not included in any previously registered product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments must be submitted by March 22, 1993.

ADDRESSES: By mail submit comments identified by the document control number [OPP–30347] and the file symbol/registration number to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Attention PM 18, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, Environmental Protection Agency, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: PM 18, Phillip O. Hutton, Rm. 213, CM #2, (703–305–7690).

SUPPLEMENTARY INFORMATION: EPA received applications from Becker Microbial Products, Inc., 9464 N. W. 11th St., Plantation, FL 33322, to conditionally register the pesticide products BMP 123 (48 LC), BMP 123, (2X WP), and BMP 123 (32 LC) (File Symbols 62637–A, 62637–L, and 62637–U), containing the active ingredient *Bacillus thuringiensis* subspecies *kurstaki* at 2.15, 6.4, and 1.60 percent respectively; this active ingredient is not included in any previously registered products pursuant to the provisions of section 3(c)(4) of FIFRA. The products were classified for terrestrial forestry and food use. Notice of receipt of the applications does not imply a decision by the Agency on the applications.

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the Public Response and Program Resources Branch, Field Operations Division office at the address provided from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the FOD office (703–305–5805), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 136.

Dated: February 6, 1993.

Lawrence E. Culleen,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 93–3794 Filed 2–17–93; 8:45 am]

BILLING CODE 6560–50–F

[OPP–30348; FRL–4188–8]

Certain Companies; Applications to Register Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments must be submitted by March 22, 1993.

ADDRESSES: By mail submit comments identified by the document control number [OPP–30348] and the registration/file number, attention Product Manager (PM) named in each application at the following address: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to. Environmental Protection Agency, Rm. 1128, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record.

Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (H7505C), Attn: (Product Manager (PM) named in each registration), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

In person: Contact the PM named in each registration at the following office location/telephone number:

Product Manager	Office location/ telephone number	Address
PM 13 George LaRocca	Rm. 204, CM #2 (703–305–6100).	Environmental Protection Agency 1921 Jefferson Davis Hwy Arlington, VA 22202
PM 19 Dennis Edwards	Rm. 207, CM #2 (703–305–6386).	-Do-
PM 31 John Lee	Rm. 270, CM #2 (703–305–5675).	-Do-

SUPPLEMENTARY INFORMATION: EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

Products Containing Active Ingredients Not Included In Any Previously Registered Products

1. File Symbol: 1021–RAUE. Applicant: McLaughlin Gormley King Company, 8810 Tenth Avenue North, Minneapolis, MN 55427. Product name: ETOC Fogging Concentrate 2651. Insecticide. Active ingredient: (*RS*)-2-Methyl-4-oxo-3-(2-propynl) cyclopent-2-enyl-(1*RS*)-*cis, trans*-chrysanthemate at 2.00 percent. Proposed classification/Use: None. For control of insects in homes, food handling areas, and nonfood areas of various buildings. (PM 13)

2. File Symbol: 352–LLG. Applicant: E. I. Du Pont de Nemours and Co., Agricultural Products, Wilmington, DE 19898. Product name: Du Pont Fortress Technical. Insecticide. Active ingredient: Chloroethoxyphos: phosphorothioic acid, *O,O*-diethyl *O*-(1,2,2,2-tetrachloroethyl)ester at 88 percent. Proposed classification/Use: Restricted. For formulation use only. (PM 19)

3. File Symbol: 352–LLE. Applicant: E. I. Du Pont de Nemours and Co. Product name: Du Pont Fortress 5G Granular Insecticide. Insecticide. Active ingredient: Chloroethoxyphos: phosphorothioic acid, *O,O*-diethyl *O*-(1,2,2,2-tetrachloroethyl)ester at 5.4 percent. Proposed classification/Use: Restricted. To control corn rootworms, cutworms, seedcorn maggots, wireworms, and white grubs on corn. (PM 19)

4. File Symbol: 7078–RT. Applicant: Johnson and Johnson Medical Inc., PO Box 130, Arlington, TX 76004. Product name: Cidex OPA Antimicrobial. Active ingredient: 1,2-Benzenedicarboxaldehyde at 99 percent. Proposed classification/Use: None. For Formulating use in disinfectants and sterilants. (PM 31)

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the Public Response and Program Resources Branch, Field Operation Division office at the address provided from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the POD office (703–305–5805), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 136.

Dated: February 8, 1993.

Lawrence E. Culleen,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 93–3793 Filed 2–17–93; 8:45 am]

BILLING CODE 6560–50–F

[OPPTS–59958; FRL–4185–7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of 9 such PMN(s) and provides a summary of each.

DATES: Close of review periods:

Y 93–38, 93–39, 93–40, 93–41, 93–42, 93–43, 93–44, January 19, 1993.

Y 93–45, 93–46, January 25, 1993.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC, 20460 (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office, NE–G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

Y 93–38

Manufacturer. Mace Adhesives & Coatings, Co.

Chemical. (G) Substituted polyetherdiol polymer with polyetherdiol, dihydroxyalkanamine, polyisocyanatoalkanes, and polyethertriol.

Use/Production. (S) Industrial textile coatings binder. Prod. range: 5,000–15,000 kg/yr.

Y 93–39

Manufacturer. Confidential.

Chemical. (G) Modified polyamide.

Use/Production. (G) Both categories polymeric material; open, nondispersive. Prod. range: Confidential.

Y 93–40

Manufacturer. Confidential.

Chemical. (G) Acrylic graft copolymer.

Use/Production. (G) Coatings resin. Prod. range: Confidential.

Y 93–41

Manufacturer. Confidential.

Chemical. (G) Acrylic graft copolymer.

Use/Production. (G) Coatings resin. Prod. range: Confidential.

Y 93–42

Manufacturer. Confidential.

Chemical. (G) Acrylic graft copolymer.

Use/Production. (G) Coatings resin. Prod. range: Confidential.

Y 93–43

Manufacturer. Confidential.

Chemical. (G) Acrylic graft copolymer.

Use/Production. (G) Coatings resin. Prod. range: Confidential.

Y 93–44

Manufacturer. Parker-Hannifin Corporation.

Chemical. (G) 2-Oxepanone, polymer with 1,4-butadiol and diisocyanate.

Use/Production. (S) Injection molding of articles such as hydraulic seals. Prod. range: Confidential.

Y 93–45

Manufacturer. Confidential.

Chemical. (G) Linoleic alkyd polymer.

Use/Production. (G) Open nondispersive use. Prod. range: Confidential.

Y 93–46

Manufacturer. Confidential.

Chemical. (G) Vinyl toluene acrylic polymer.

Use/Production. (G) Open nondispersive use. Prod. range: Confidential.

Dated: February 9, 1993.

George A. Bonina,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 93–3796 Filed 2–17–93, 8:45 am]

BILLING CODE 6560–50–F

[OPPTS–59318; FRL–4189–4]

Certain Chemical; Test Market Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substance Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one applications for exemption, provides a summary, and requests comments on the appropriateness of granting these exemptions.

DATES:

Written comments by:

T 93–8, February 24, 1993.

ADDRESSES: Written comments, identified by the document control number "(OPPTS–59318)" and the specific TME number should be sent to: Document Processing Center (TS–790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW, Rm. 201ET Washington, DC. 20460 (202) 260–1532.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW, Washington, DC 20460 (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer of the TME received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office NE–G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

T 93–8

Close of Review Period. March 10, 1993.

Manufacturer. Confidential.

Chemical. (G) Modified polyamide.

Use/Production. (G) Polymeric material open, nondispersive use. Prod. range: Confidential.

Dated: February 9, 1993.

George A. Bonina,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 93–3795 Filed 2–17–93; 8:45 am]

BILLING CODE 6560–50–F

[OPPTS–51814; FRL–4184–3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of 146 such PMNs and provides a summary of each.

DATES: Close of review periods:

P 93–217, 93–219, 93–220, March 3, 1993.

P 93–221, 93–222, 93–223, 93–224, March 6, 1993.

P 93–225, 93–226, 93–227, March 7, 1993.

P 93–228, 93–229, 93–230, 93–231, 93–232, 93–233, 93–234, 93–235, 93–236, 93–237, 93–238, 93–239, 93–240, 93–241, 93–242, 93–243, 93–244, 93–245, 93–246, 93–247, 93–248, 93–249, 93–250, 93–251, 93–252, 93–253, 93–254, 93–255, 93–256, 93–257, March 8, 1993.

P 93–258, March 9, 1993.

P 93–259, 93–260, March 10, 1993.

P 93–261, 93–262, 93–263, 93–264, 93–265, 93–266, 93–267, March 13, 1993.

P 93–268, 93–269, March 14, 1993.

P 93–270, 93–271, 93–272, 93–273, 93–274, 93–275, March 15, 1993.

P 93–276, March 14, 1993.

P 93–277, 93–278, 93–279, 93–280, March 15, 1993.

P 93–281, 93–282, March 16, 1993.

P 93–283, 93–284, 93–285, 93–286, 93–287, 93–288, 93–289, 93–290, 93–291, 93–292, 93–293, March 17, 1993.

P 93–294, 93–295, 93–296, 93–297, 93–298, March 20, 1993.

P 93–299, 93–300, 93–301, 93–302, 93–303, 93–304, 93–305, 93–306, 93–307, 93–308, March 21, 1993.

P 93–309, 93–310, March 23, 1993.

P 93–311, March 27, 1993.

P 93–312, March 23, 1993.

P 93–313, 93–314, 93–315, 93–316, 93–317, 93–318, 93–319, 93–320, 93–321, 93–322, 93–323, 93–324, 93–325, March 27, 1993.

P 93–326, April 20, 1993.

P 93–327, 93–328, 93–329, 93–330, 93–331, March 27, 1993.

P 93–332, 93–333, March 22, 1993.

P 93–334, March 30, 1993.
P 93–335, 93–336, 93–337, 93–338, 93–339, March 23, 1993.
P 93–340, 93–341, March 28, 1993.
P 93–342, March 29, 1993.
P 93–343, March 30, 1993.
P 93–344, 93–345, 93–346, 93–347, 93–348, 93–349, 93–350, 93–351, 93–352, 93–353, March 29, 1993.
P 93–354, 93–355, 93–356, 93–357, 93–358, March 28, 1993.
P 93–359, 93–360, March 29, 1993.
P 93–361, March 30, 1993.
P 93–362, 93–363, April 4, 1993.

Written comments by:

P 93–217, 93–219, 93–220, February 1, 1993.
P 93–221, 93–222, 93–223, 93–224, February 4, 1993.
P 93–225, 93–226, 93–227, February 5, 1993.
P 93–228, 93–229, 93–230, 93–231, 93–232, 93–233, 93–234, 93–235, 93–236, 93–237, 93–238, 93–239, 93–240, 93–241, 93–242, 93–243, 93–244, 93–245,93–246, 93–247, 93–248, 93–249, 93–250, 93–251, 93–252, 93–253, 93–254, 93–255, 93–256, 93–257, February 6, 1993.
P 93–258, February 7, 1993.
P 93–259, 93–260, February 8, 1993.
P 93–261, 93–262, 93–263, 93–264, 93–265, 93–266, 93–267, February 11, 1993.
P 93–268, 93–269, February 12, 1993.
P 93–270, 93–271, 93–272, 93–273, 93–274, 93–275, February 13, 1993.
P 93–276, February 12, 1993.
P 93–277, 93–278, 93–279, 93–280, February 13, 1993.
P 93–281, 93–282, February 14, 1993.
P 93–283, 93–284, 93–285, 93–286, 93–287, 93–288, 93–289, 93–290, 93–291, 93–292, 93–293, February 15, 1993.
P 93–294, 93–295, 93–296, 93–297, 93–298, February 18, 1993.
P 93–299, 93–300, 93–301, 93–302, 93–303, 93–304, 93–305, 93–306, 93–307, 93–308, February 19, 1993.
P 93–309, 93–310, February 21, 1993.
P 93–311, February 25, 1993.
P 93–312, February 21, 1993.
P 93–313, 93–314, 93–315, 93–316, 93–317, 93–318, 93–319, 93–320, 93–321, 93–322, 93–323, 93–324, 93–325, February 25, 1993.
P 93–326, March 21, 1993.
P 93–327, 93–328, 93–329, 93–330, 93–331, February 25, 1993.
P 93–332, 93–333, February 20, 1993.
P 93–334, February 28, 1993.
P 93–335, 93–336, 93–337, 93–338, 93–339, February 21, 1993.
P 93–340, 93–341, February 26, 1993.
P 93–342, February 27, 1993.
P 93–343, February 28, 1993.
P 93–344, 93–345, 93–346, 93–347, 93–348, 93–349, 93–350, 93–351, 93–352, 93–353, February 27, 1993.
P 93–354, 93–355, 93–356, 93–357, 93–358, February 26, 1993.
P 93–359, 93–360, February 27, 1993.
P 93–361, February 28, 1993.
P 93–362, 93–363, March 5, 1993.

ADDRESSES: Written comments, identified by the document control number "(OPPTS–51814)" and the specific number should be sent to: Document Processing Center (TS–790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. 201ET, Washington, DC, 20460 (202) 260–3532.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC, 20460 (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential versionof the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office, NE–G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

P 93–217

Importer. Air Products and Chemicals, Inc.
Chemical. (G) Epoxy resin and aliphatic diamine adduct.
Use/Production. (S) Sizing for glass fibers. Prod. range:

P 93–219

Manufacturer. Confidential.
Chemical. (G) Blocked aliphatic polyisocyanate.
Use/Production. (S) Sizing for glass fibers. Prod. range: Confidential.

P 93–220

Manufacturer. Confidential.
Chemical. (G) Carbomonocycle carbopolycyclic polyester amide.
Use/Production. (S) Fiber/film. Prod. range: Confidential.

P 93–221

Manufacturer. Confidential.
Chemical. (G) *N*-Alkylaniline.
Use/Production. (G) Chemical intermediate for rubber antidegradant. Prod. range: Confidential.
Toxicity Data. Acute dermal toxicity: LD50 > 2.0 g/kg species (rabbit). Eye irritation: strong species (rabbit). Skin irritation: slight species (rabbit).

P 93–222

Manufacturer. Confidential.
Chemical. (G) Alkylnitrosobenzeneamine.
Use/Production. (G) Chemical intermediate for rubber antidegradant. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 2.0 g/kg species (rabbit). Skin irritation: slight species (rabbit). Mutagenicity: negative.

P 93–223

Importer. Confidential.
Chemical. (G) Polyether urethane acrylate oligomer.
Use/Import. (S) Optical fiber coating. Import range: Confidential.

P 93–224

Manufacturer. Reichhold Chemicals, Inc.
Chemical. (G) Alkyd resin.
Use/Production. (S) Intermediate for coatings resins. Prod. range: Confidential.

P 93–225

Manufacturer. Confidential.
Chemical. (G) Copolymer alkyd.
Use/Production. (S) Coatings. Prod. range: Confidential.

P 93–226

Manufacturer. Confidential.
Chemical. (G) Urea-formaldehyde-amino copolymer.
Use/Production. (S) Adhesive. Prod. range: Confidential.

P 93–227

Manufacturer. Pinnacle Technologies, Inc.
Chemical. (G) Acrylate mixed keto ester.
Use/Production. (S) Reactive diluent in inks and coatings. Prod. range: 100,000–500,000 kg/yr.

P 93–228

Importer. Confidential.
Chemical. (G) Anthracene oil.
Use/Import. (G) Solvent for a two component polyurethane. Import range: Confidential.

P 93–229

Manufacturer. Confidential.
Chemical. (G) Hydroxy functional acrylic polymer.
Use/Production. (S) Coatings. Prod. range: 15,000–45,000 kg/yr.

P 93–230

Manufacturer. Confidential.
Chemical. (G) Hydroxy functional acrylic polymer.
Use/Production. (S) Coatings. Prod. range: 15,000–45,000 kg/yr.

P 93–231

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: 15,000–45,000 kg/yr.

P 93–232

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: 15,000–45,000 kg/yr.

P 93–233

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: 15,000–45,000 kg/yr.

P 93–234

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: 15,000–45,000 kg/yr.

P 93–235

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: 15,000–45,000 kg/yr.

P 93–236

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: 15,000–45,000 kg/yr.

P 93–237

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: 15,000–45,000 kg/yr.

P 93–238

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: 15,000–45,000 kg/yr.

P 93–239

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: 15,000–45,000 kg/yr.

P 93–240

Manufacturer. Confidential.

Chemical. (G) Hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: 15,000–45,000 kg/yr.

P 93–241

Manufacturer. OCG Microelectronic Materials, Inc.

Chemical. (G) Polyalkylphenols, polymer with formaldehyde.

Use/Production. (S) Film-forming component of photoresin. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (rat). Acute dermal toxicity: LD50 > 2 g/kg species (rabbit). Eye irritation: moderate species (rabbit). Mutagenicity: negative. Skin irritation: negligible species (rabbit). Skin sensitization: negative species (guinea pig).

P 93–242

Manufacturer. Confidential.

Chemical. (G) Amine-neutralized acid-functional polyester resin.

Use/Production. (S) Coatings. Prod. range: 166,625–333,250 kg/yr.

P 93–243

Manufacturer. Confidential.

Chemical. (G) Amine-neutralized acid-functional polyester resin.

Use/Production. (S) Coatings. Prod. range: 166,625–333,250 kg/yr.

P 93–244

Manufacturer. Confidential.

Chemical. (G) Amine-neutralized acid-functional polyester resin.

Use/Production. (S) Coatings. Prod. range: 166,625–333,250 kg/yr.

P 93–245

Manufacturer. Confidential.

Chemical. (G) Amine-neutralized acid-functional polyester resin.

Use/Production. (S) Coatings. Prod. range: 166,625–333,250 kg/yr.

P 93–246

Importer. Ciba-Geigy Corporation, Chemicals Div.

Chemical. (G) Substituted azo benzothiazole sulfonic acid derivative.

Use/Import. (S) Direct dye for paper. Import range: 50,000–200,000 kg/yr.

Toxicity Data. Eye irritation: none species (rabbit). Skin irritation: negligible species (rabbit). Mutagenicity: negative. Skin sensitization: negative species (guinea pig).

P 93–247

Manufacturer. H.B. Fuller Company.

Chemical. (G) Polysulfide polymer modified with phenolic resins.

Use/Production. (S) Adhesion promoter for metal. Prod. range: Confidential.

P 93–248

Manufacturer. Confidential.

Chemical. (G) Acrylamide cationic copolymer.

Use/Production. (S) Flocculant for industrial waste water treatment. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 5.0 g/kg species (rat). Acute dermal toxicity: LD50 2.0 g/kg species (rabbit). Static acute toxicity: LC50 96-h 2.0 mg/l species (fathead minnows). Eye irritation: none species (rabbit). Skin irritation: moderate species (rabbit).

P 93–249

Importer. Sumitomo Corporation of America.

Chemical. (G) Vinyl chloride copolymer.

Use/Import. (G) Binder resin. Import range: 20,000–60,000 kg/yr.

P 93–250

Manufacturer. Shell Oil Company.

Chemical. (S) Secondary tetradecyl sulfate, sodium salt.

Use/Production. (S) Surfactant for cleaning products. Prod. range: 2,225,000–4,450,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 1,900 mg/kg species (rat). Skin irritation: negligible species (rabbit). Mutagenicity: negative. Skin sensitization: negative species (guinea pig).

P 93–251

Manufacturer. Shell Oil Company.

Chemical. (S) Secondary hexadecyl sulfate, sodium salt.

Use/Production. (S) Surfactant for cleaning products. Prod. range: 2,225,000–4,450,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 1,900 mg/kg species (rat). Skin irritation: negligible species (rabbit). Mutagenicity: negative. Skin sensitization: negative species (guinea pig).

P 93–252

Manufacturer. Shell Oil Company.

Chemical. (S) Secondary octadecyl sulfate, sodium salt.

Use/Production. (S) Surfactant for cleaning products. Prod. range: 2,225,000–4,450,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 1,900 mg/kg species (rat). Skin irritation: negligible species (rabbit). Mutagenicity: negative. Skin sensitization: negative species (guinea pig).

P 93–253

Manufacturer. Shell Oil Company.

Chemical. (S) Secondary alkyl (C_{14-18}) sulfate, sodium salt.

Use/Production. (S) Surfactant for cleaning products. Prod. range: 2,225,000–4,450,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 1,900 mg/kg species (rat). Skin irritation: negligible species (rabbit). Mutagenicity: negative. Skin

sensitization: negative species (guinea pig).

P 93–254

Manufacturer. Shell Oil Company.
Chemical. (S) Secondary sulfate, sodium salt.
Use/Production. (S) Surfactant for cleaning products. Prod. range: 2,225,000–4,450,000 kg/yr.
Toxicity Data. Acute oral toxicity: LD50 1,900 mg/kg species (rat). Skin irritation: negligible species (rabbit). Mutagenicity: negative. Skin sensitization: negative species (guinea pig).

P 93–255

Manufacturer. Shell Oil Company.
Chemical. (S) 2-Hexadecyl, sodium salt.
Use/Production. (S) Surfactant for cleaning products. Prod. range: 2,225,000–4,450,000 kg/yr.
Toxicity Data. Acute oral toxicity: LD50 1,900 mg/kg species (rat). Skin irritation: negligible species (rabbit). Mutagenicity: negative. Skin sensitization: negative species (guinea pig).

P 93–256

Manufacturer. Shell Oil Company.
Chemical. (S) 2-Octadecyl sulfate, sodium salt.
Use/Production. (S) Surfactant for cleaning products. Prod. range: 2,225,000–4,450,000 kg/yr.
Toxicity Data. Acute oral toxicity: LD50 1,900 mg/kg species (rat). Skin irritation: negligible species (rabbit). Mutagenicity: negative. Skin sensitization: negative species (guinea pig).

P 93–257

Manufacturer. Shell Oil Company.
Chemical. (S) 2,3- alkyl sulfate, sodium salt.
Use/Production. (S) Surfactant for cleaning products. Prod. range: 2,225,000–4,450,000 kg/yr.
Toxicity Data. Acute oral toxicity: LD50 1,900 mg/kg species (rat). Skin irritation: negligible species (rabbit). Mutagenicity: negative. Skin sensitization: negative species (guinea pig).

P 93–258

Manufacturer. Dow Corning Corporation.
Chemical. (G) Crosslinked polysiloxane.
Use/Production. (S) Elastomeric construction coating. Prod. range: Confidential.

P 93–259

Manufacturer. Confidential.
Chemical. (G) Aqueous polyurethane dispersion.
Use/Production. (S) Coating/laminating adhesive. Prod. range: Confidential.

P 93–260

Importer. Henkel Corporation.
Chemical. (G) Polyurethane hot melt adhesive.
Use/Import. (S) Hot melt adhesive. Import range: 20,000–100,000 kg/yr.

P 93–261

Manufacturer. Confidential.
Chemical. (G) Aliphate aromatic ester copolymer.
Use/Production. (G) Polymer used in articles, films, coatings. Prod. range: Confidential.

P 93–262

Manufacturer. Vista Chemical Company.
Chemical. (S) Benzene, momo C_{12} C_{13} alkyl, fractionation bottoms.
Use/Production. (S) Intermediate for production of oil-soluble sulfonate. Prod. range: Confidential.

P 93–263

Manufacturer. Vista Chemical Company.
Chemical. (S) Benzene, mono C_{12} C_{13} alkyl, fractionation bottoms.
Use/Production. (S) Intermediate for production of oil-soluble sulfonates. Prod. range: Confidential.

P 93–264

Manufacturer. Vista Chemical Company.
Chemical. (S) Benzene, mono C_{12} C_{13} alkyl, fractionation bottoms, heavy ends.
Use/Production. (S) Intermediate for production of oil-soluble sulfonates. Prod. range: Confidential.

P 93–265

Manufacturer. Englehard Corporation.
Chemical. (S) Manganese tungsten titanium brown rutile.
Use/Production. (S) Colorant. Prod. range: Confidential.

P 93–266

Manufacturer. Ciba-Geigy Corporation.
Chemical. (G) Pyridone sulfonic acid.
Use/Production. (S) Site limited dye intermediate. Prod. range: 5,000–15,000 kg/yr.

P 93–267

Importer. Ciba-Geigy Corporation.
Chemical. (G) Substituted diazo dye.
Use/Import. (G) Textile dye. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (rabbit). Eye irritation: none species (rabbit). Static acute toxicity: LC50 96-h 264 mg/l species (zebra fish). Skin irritation: negligible species (rabbit). Mutagenicity: positive. Skin sensitization: negative species (guinea pig).

P 93–268

Manufacturer. Hercules Incorporated.
Chemical. (G) Aromatic hydrocarbon resin.
Use/Production. (G) Industrial use - adhesives. Prod. range: Confidential.

P 93–269

Manufacturer. Amoco Chemical Company.
Chemical. (G) Rubber modified polythalamide.
Use/Production. (S) Engineering polymer. Prod. range: Confidential.

P 93–270

Manufacturer. Confidential.
Chemical. (S) Dimethyl terephthalate; ethylene glycol; azelaic acid.
Use/Production. (G) Packaging component. Prod. range: Confidential.

P 93–271

Manufacturer. Confidential.
Chemical. (S) Dimethyl terephthalate; ethylene glycol; azelaic acid.
Use/Production. (G) Packaging component. Prod. range: Confidential.

P 93–272

Manufacturer. Confidential.
Chemical. (S) Dimethyl terephthalate; ethylene glycol; azelaic acid.
Use/Production. (G) Packaging component. Prod. range: Confidential.

P 93–273

Manufacturer. Confidential.
Chemical. (S) Dimethyl terephthalate; ethylene gycol; azelaic acid.
Use/Production. (G) Packaging component. Prod. range: Confidential.

P 93–274

Manufacturer. Finetex, Inc.
Chemical. (S) Oxirane, methyl-, polymer with oxirane, benzoate ester.
Use/Production. (S) Nontoxic mineral oil extender for improved textile fiber lubricants. Prod. range: 20,000–32,000 kg/yr.

P 93–275

Manufacturer. Finetex, Inc.
Chemical. (S) Oxirane, methyl-, polymer with oxirane, benzoate ester.
Use/Production. (S) Nontoxic mineral oil extender for improved textile fiber lubricants. Prod. range: 20,000–32,000 kg/yr.

P 93–276

Manufacturer. Henkel Corporation.

VOL 58 ISS 31 FE 18 1993 UMI

Chemical. (G) Salicyaldoxime copper chelate.

Use/Production. (S) Diesel fuel additive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5.0 g/kg species (rat). Eye irritation: none species (rabbit). Skin irritation: slight species (rabbit).

P 93–277

Importer. Ciba-Geigy Corporation.

Chemical. (G) Heterocylic diethyl ketone.

Use/Import. (S) Photoinitiator component. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Eye irritation: slight species (rabbit). Skin irritation: slight species (rabbit). Mutagenicity: negative. Skin sensitization: negative species (guinea pig).

P 93–278

Manufacturer. Confidential.

Chemical. (G) Unsaturated polyester resin.

Use/Production. (S) Fiberglass-reinforced laminations. Prod. range: 176,727–353,454 kg/yr.

P 93–279

Manufacturer. E.I. Du Pont De Nemours & Company.

Chemical. (G) Ethylene copolymer.

Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 93–280

Manufacturer. E.I Dupont De Nemours & Company.

Chemical. (G) Ethylene copolymer.

Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 93–281

Manufacturer. Monsanto Company.

Chemical. (G) Salt of modified styrene maleic anhydride copolymer.

Use/Production. (G) Paper additive. Prod. range: 20,000–100,000 kg/yr.

P 93–282

Manufacturer. Confidential.

Chemical. (G) Alkylaryloxime, metal complex.

Use/Production. (G) Destructive use. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (rabbit). Skin sensitization: negative species (guinea pig).

P 93–283

Manufacturer. Confidential.

Chemical. (G) Pyrazolotriazol derivative.

Use/Production. (G) Commercial and contained use. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (rat). Mutagenicity: positive.

P 93–284

Manufacturer. Confidential.

Chemical. (G) Thiomorpholine dioxide derivative.

Use/Production. (G) Commercial and consumer contained use. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species rat). Mutagenicity: positive.

P 93–285

Importer. Confidential.

Chemical. (S) Amines, hydrogenated rapseed alkyl.

Use/Import. (S) Flotation agent. Import range: Confidential.

P 93–286

Manufacturer. Confidential.

Chemical. (G) Polyester polyol.

Use/Production. (G) Component of spray applied coating. Prod. range: 30,000–200,000 kg/yr.

P 93–287

Manufacturer. Confidential.

Chemical. (G) Polyester polyol.

Use/Production. (G) Component of spray applied coating. Prod. range: 30,000–200,000 kg/yr.

P 93–288

Manufacturer. Confidential.

Chemical. (G) Polyester polyol.

Use/Production. (G) Component of spray applied coating. Prod. range: 30,000–200,000 kg/yr.

P 93–289

Manufacturer. Confidential.

Chemical. (G) Polyester polyol.

Use/Production. (G) Component of spray applied coating. Prod. range: 30,000–200,000 kg/yr.

P 93–290

Manufacturer. Confidential.

Chemical. (G) Polyester polyol.

Use/Production. (G) Component of spray applied coating. Prod. range: 30,000–200,000 kg/yr.

P 93–291

Manufacturer. Confidential.

Chemical. (G) Polyester polyol.

Use/Production. (G) Component of spray applied coating. Prod. range: 30,000–200,000 kg/yr.

P 93–292

Importer. Ciba-Geigy Corporation.

Chemical. (S) Benzenamine, 2-(phenylsulfonyl)-.

Use/Import. (S) Imported PMN substance for the manufacture of one dye. Import range: 35,000–50,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 2,000 mg/kg species (rat). Eye irritation: none species (rabbit). Skin irritation: negligible species (rabbit).

P 93–293

Importer. Ciba-Geigy Corporation.

Chemical. (S) 1*H*-Indole-5-sulfonic acid, 2-phenyl-, monosodium salt.

Use/Import. (S) Imported PMN substance for the manufacture of one dye. Import range: 45,000–58,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (rat). Eye irritation: none species (rabbit). Skin irritation: negligible species (rabbit).

P 93–294

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Cuprate (3), 2(((substituted)azo)phenyl)azo-4-sulfobenzoato (5-), salt.

Use/Production. (S) Reactive dye for cellulose or nylon. Prod. range: 5,000–15,000 kg/yr.

P 93–295

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Cuprate (3) 2(((substituted)azo)phenylmethyl)azo sulfobenzenzoato (5-), salt.

Use/Production. (S) Reactive dye for cellulose or nylon. Prod. range: 5,000–15,000 kg/yr.

P 93–296

Manufacturer. Confidential.

Chemical. (G) Acrylic copolymer.

Use/Production. (G) Open, nondispersive uses. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,0 g/kg species (rat). Acute dermal toxicity: LD50 > 2.0 g/kg species (rat). Eye irritation: none species (rabbit). Skin irritation: negligible species (rabbit).

P 93–297

Manufacturer. H.B. Fuller Company.

Chemical. (G) Polyurethane.

Use/Production. (S) Adhesive. Prod. range: Confidential.

Toxicity Data. Eye irritation: none species (rabbit). Skin irritation: negligible species (rabbit).

P 93–298

Manufacturer. FMC Corporation.

Chemical. (S) 1-Butyl-, 1-butoxyethoxyethoxymagnesium.

Use/Production. (S) Deacidification and strenghtening agent for books, papers, magazines and other cellulosis (preservative). Prod. range: Confidential.

P 93–299

Manufacturer. Confidential.

Chemical. (G) Alkylaryl sulfonic acid, ammonium salt.

Use/Production. (S) Site limited isolated intermediate. Prod. range: Confidential.

P 93–300

Manufacturer. Confidential.

Chemical. (G) Alkylaryl sulfonic acid, metal salt.

Use/Production. (G) Lubricant additive. Prod. range: Confidential.

P 93–301

Importer. Rohm Tech Inc.

Chemical. (G) Olefin methacrylate polymer.

Use/Import. (G) Heat-sealing lacquer. Import range: Confidential.

P 93–302

Importer. Rohn Tech Inc.

Chemical. (G) Polyalphaolefin-polyalkylamethyacrylate-cooligomer.

Use/Import. (G) Lubricant and gear oil additive. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (rat).

P 93–303

Manufacturer. Cardolite Corporation.

Chemical. (S) 4,4′-Bis(3,4 dicyanophenoxy) *B* phenyl.

Use/Production. (G) Contained use (intermediate thermoset resin). Prod. range: Confidential.

P 93–304

Manufacturer. Cardolite Corporation.

Chemical. (G) Amine-precured biphenol-linked phthalonitrile resin.

Use/Production. (S) High temperation resistant resin in resin/fiber composites (for use up to 370 C). Prod. range: Confidential.

P 93–305

Manufacturer. Baerlocher USA/Joint Venture.

Chemical. (S) Basic calcium aluminum hydroxy phosphites.

Use/Production. (S) Stabilizer for halogen containing polymers in particular polyvinyl chloride. Prod. range: 50,000–150,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 5,000 mg/kg species (rat). Acute dermal toxicity: LD50 2,000 species (rabbit). Static acute toxicity: EC50 48-h 26 mg/l species (daphnia magna). Eye irritation: moderate species (rabbit). Skin irritation: negligible species (rabbit). Mutagenicity: negative.

P 93–306

Manufacturer. R.T.Vanderbilt Company, Inc.

Chemical. (G) 2,5-Dimercapto-1,3,4-thiadiazole derivative.

Use/Production. (S) Polymer accelerator. Prod. range: Confidential

P 93–307

Importer. Hoechst Celanese Corporation.

Chemical. (G) Substituted anthraquinone sulfonic acid.

Use/Import. (S) Reactive dye for cellulose. Import range: 10,000–30,000 kg/yr.

P 93–308

Importer. Hoechst Celanese Corporation.

Chemical. (G) Salt of aminooxalkylate ester.

Use/Import. (S) Coupling auxillary. Import range: Confidential.

P 93–309

Importer. Confidential.

Chemical. (G) Acrylic polymer.

Use/Import. (G) Open, nondispersive use. Import range: Confidential.

P 93–310

Importer. Confidential.

Chemical. (G) Acrylic polymer containing aromatic carboxyesters.

Use/Import. (G) Open nondispersive use. Import range: Confidential.

P 93–311

Manufacturer. Dow Corning Corporation.

Chemical. (G) Organofunctional silica.

Use/Production. (S) Impact modifier additive for thermoplastic resins fire retardent synergist for thermoplastic resins. Prod. range: Confidential.

P 93–312

Manufacturer. Dow Corning Corproation.

Chemical. (G) Organofunctional silica.

Use/Production. (S) Impact modifier additive for thermoplastic resins fire retardant synergist for thermoplastic resins. Prod. range: Confidential.

P 93–313

Importer. Confidential.

Chemical. (S) C_7 Aliphatic acids, branched and linear.

Use/Import. (G) Reactant for esters and amines. Import range: Confidential.

P 93–314

Importer. Confidential.

Chemical. (S) C7 aliphatic acids, branched.

Use/Import. (G) Lubricant basestock. Import range: Confidential.

P 93–315

Manufacturer. Confidential.

Chemical. (S) C_6–C_8 aliphatic acids, branched.

Use/Production. (G) Reactant for esters and amines. Prod. range: Confidential.

P 93–316

Importer. Confidential.

Chemical. (S) C_9 Aliphatic acids, branched and linear.

Use/Import. (G) Reaction. Import range: Confidential.

P 93–317

Manufacturer. Confidential.

Chemical. (S) 2,2-Dimethyl-1,3-propanediol diisooctanoate.

Use/Production. (G) Lubricant basestock. Prod. range: Confidential.

P 93–318

Manufacturer. Confidential.

Chemical. (S) 2,2-Dimethyl-1,3-propanediol dinonanoate.

Use/Production. (G) Lubricant basestock. Prod. range: Confidential.

P 93–319

Manufacturer. Confidential.

Chemical. (S) Pentaerythritol tetraheptanoate.

Use/Production. (G) Lubricant basestock. Prod. range: Confidential.

P 93–320

Manufacturer. Confidential.

Chemical. (S) Pentaerythritol tetra 3,5,5-trimethylhexanoate.

Use/Production. (G) Lubricant basestock. Prod. range: Confidential.

P 93–321

Manufacturer. Confidential.

Chemical. (S) Pentaerythritol tetra isoocyanoate.

Use/Production. (G) Lubricant basestock. Prod. range: Confidential.

P 93–322

Manufacturer. Confidential.

Chemical. (S) Pentaerythritol ester of octanoic and 3,5,5 trimethyl hexanoic acids.

Use/Production. (G) Lubricant basestock. Prod. range: Confidential.

P 93–323

Manufacturer. Confidential.

Chemical. (S) Pentaerythritol esters with C_6 – C_8 aliphatic acids, branched.

Use/Production. (G) Lubricant basestock. Prod. range: Confidential.

P 93–324

Manufacturer. Confidential.

Chemical. (S) Pentaerythritol, esters with C_9 aliphatic acids, branched and linear.

Use/Production. (G) Lubricant basestock. Prod. range: Confidential.

P 93–325

Manufacturer. Confidential.

Chemical. (S) Pentaerythritol tetra isononanoate.

Use/Production. (G) Lubricant basestock. Prod. range: Confidential.

P 93-326

Manufacturer. Confidential.
Chemical. (S) 2-Ethyl-2-(hydroxymethyl)-1,3-propane diol tri heptanoate.
Use/Production. (G) Lubricant basestock. Prod. range: Confidential.

P 93-327

Manufacturer. Confidential.
Chemical. (S) 2-Ethyl-2-(hydroxy methyl)-1,3-propanediol nonanoate.
Use/Production. (G) Lubricant basestock. Prod. range: Confidential.

P 93-328

Manufacturer. Confidential.
Chemical. (S) 2-Ethyl-2-(hydroxy methyl)-1,3-propanediol tri isooctanoate.
Use/Production. (G) Lubricant basestock. Prod. range: Confidential.

P 93-329

Manufacturer. Confidential.
Chemical. (S) 2-Ethyl-2-(hydroxy methyl)-1,3-propanediol nonanoate.
Use/Production. (G) Lubricant basestock. Prod. range: Confidential.

P 93-330

Manufacturer. Confidential.
Chemical. (S) Tri methyl propane/ester with $C_8 - C_8$ aliphatic acids, branched.
Use/Production. (G) Lubricant basestock. Prod. range: Confidential.

P 93-331

Manufacturer. Confidential.
Chemical. (S) 2-Methyl-2-(hydroxy methyl)-1,3-propanediol sonanoate.
Use/Production. (G) Lubricant basestock. Prod. range: Confidential.

P 93-332

Importer. The Prince Manufacturing Company, Inc.
Chemical. (S) 1-Pentene, 4-methyl-, homopolymer; chlorine.
Use/Import. (S) Binder in printing inks. Import range: Confidential.

P 93-333

Manufacturer. Lucas Meyer, Inc.
Chemical. (S) Lyso-lecithin.
Use/Production. (S) Pigment dispersing agent in paint, emulsion in cosmetics, leather tanning. Prod. range: Confidential.

P 93-334

Manufacturer. Confidential.
Chemical. (G) Aliphatic polyamide.
Use/Production. (S) Hot melt adhesive for bonding industrial parts. Prod. range: Confidential.

P 93-335

Manufacturer. Sanncor Industries, Inc.
Chemical. (G) Polyurethane based on polyisocyanate, polyols and polyamines.I11*Use/Production.* (G) Textile paint. Prod. range: Confidential.

P 93-336

Manufacturer. Finetex, Inc.
Chemical. (S) Poly(oxy-1,2-ethanediyl, *X*-hydroxy- *W*- hydroxy-, ether with methyl *B*- *D*-glucoptranoside (4:1), benzoate ester.
Use/Production. (S) Nonionic, hydrophilic, softening agent for hydrophobic, synthetic fibers and nonwoven fabrics. Prod. range: 20,000–50,000 kg/yr.

P 93-337

Manufacturer. Confidential.
Chemical. (G) Modified polymeric MDI.
Use/Production. (G) Polyurethane foam component. Prod. range: Confidential.

P 93-338

Manufacturer. Confidential.
Chemical. (G) Alkylphenol-formaldehyde-amine reaction product.
Use/Production. (G) Fuel additive. Prod. range: Confidential.

P 93-339

Manufacturer. Confidential.
Chemical. (G) Methacrylic ester.
Use/Production. (G) Chemical reaction in resin manufacture. Prod. range: Confidential.

P 93-340

Manufacturer. Minnesota Mining & Manufacturing Company
Chemical. (S) 1,3-Benzenedicarboxylic acid, 5-sulfo-, monosodiumsalt; 1,4-benzenedicarboxylic acid; 1,3-benzenedicarboxylic acid; 1,2 ethanediol; 1,3 propanediol, 2,2-dimethyl.
Use/Production. (G) Binder resin. Prod. range: Confidential.

P 93-341

Importer. NOF America Corporation.
Chemical. (G) Dialky ester.
Use/Import. (G) Material for resins. Import range: Confidential.

P 93-342

Manufacturer. Confidential.
Chemical. (G) Amine containing graft copolymer.
Use/Production. (S) Polymer for use in manufacturing of ion exchange membrane. Prod. range: Confidential.

P 93-343

Manufacturer. Confidential.
Chemical. (S) Nitrobenzoic acid, octyl ester.
Use/Production. (G) Intermediate used in the manufacturing of certain photoactive chemicals, closed process. Prod. range: Confidential.

P 93-344

Importer. High Point Chemical Corporation.
Chemical. (S) 1-(2-Tert-butyl cyclohexyloxy)-2-butanol.
Use/Import. (G) Raw materials for fragrances. Import range: 500–5,000 kg/yr.
Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (rat). Skin irritation: slight species (rabbit). Mutagenicity: negative.

P 93-345

Manufacturer. Confidential.
Chemical. (G) Ammonium graft copolymer.
Use/Production. (S) Polymer for use in manufacturing of ion exchange. Prod. range: Confidential.

P 93-346

Importer. Confidential.
Chemical. (G) Quaternerary amine.
Use/Import. (G) Open, nondispersive, polymer reactant. Import range: Confidential.

P 93-347

Manufacturer. Confidential.
Chemical. (S) Ethylene-carbonmonoxide copolymer; oxygen.
Use/Production. (G) Coating additive. Prod. range: Confidetial.

P 93-348

Manufacturer. Ashland Chemicxal, Inc.
Chemical. (G) Styrene-acrylic copolymer.
Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 93-349

Importer. Confidential.
Chemical. (G) Alkyl tetralin ketone.
Use/Import. (G) Ingredient for use in consumer products: highly dispersive use. Import range: 100–1,000 kg/yr.
Toxicity Data. Acute oral toxicity: LD50 2,000 mg/kg species (rat). Acute dermal toxicity: LD50 2,000 mg/kg species (rat).

P 93-350

Importer. Hoechst Celanese Corporation.
Chemical. (G) Amine epoxy resin.
Use/Import. (S) Binder for paints. Import range: 60,000 kg/yr.

P 93-351

Manufacturer. The Dow Chemical Company.

Chemical. (G) Alkylatedphenyl benzene sulfonic acid.

Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

P 93–352

Manufacturer. The Dow Chemical Company.

Chemical. (G) Alkylated, sulfonated diphenyl oxide, alkali salt.

Use/Production. (S) Mineral flotation collector. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (rabbit). Eye irritation: slight species (rabbit). Skin irritation: slight species (rabbit).

P 93–353

Manufacturer. The Dow Chemical USA.

Chemical. (G) Alkylated, sulfonated diphenyl oxide, amine salt.

Use/Production. (S) Mineral flotation collector. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 2,000 mg/kg species (rat). Acute dermal toxicity: LD50 2,000 mg/kg species (rabbit). Eye irritation: slight species (rabbit).

P 93–354

Importer. Confidential.

Chemical. (S) Fatty acids, C_{18}-unsaturated trimers, compound with 9-octadecen-1-amine, (Z).

Use/Import. (G) Additive, open, nondispersive use. Import range: Confidential.

P 93–355

Importer. Confidential.

Chemical. (S) Fatty acids, tall oil, compound with 9-octadecen-1-amine, (Z)-.

Use/Import. (G) Additive, open, nondispersive use. Import range: Confidential.

P 93–356

Manufacturer. The Dow Chemical Company.

Chemical. (G) Alkylated phenoxy benzene.

Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

P 93–357

Manufacturer. Confidential.

Chemical. (G) Substituted aniline.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

P 93–358

Manufacturer. Confidential.

Chemical. (G) Substituted anline.

Use/Import. (G) Chemical intermediate. Import range: Confidential

P 93–359

Importer. The Prince Manufacturing Company, Inc.

Chemical. (S) 1-Pentene, 4-methyl-, homopolymer chloride.

Use/Import. (G) Binder in printing use. Import range: 10–20 kg/yr.

P 93–360

Manufacturer. Confidential.

Chemical. (G) Asymmetric ester of cycloaliphatic acid.

Use/Production. (G) A polymer resin ingredient for floors and grouts. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 2,000 mg/kg species (rat). Acute dermal toxicity: LD50 2,000 mg/kg species (rat). Static acute toxicity: LC50 96-h 74.8 mg/l species (carp). Eye irritation: none species (rabbit). Skin irritation: negligible species (rabbit). Skin sensitization: negative species (rabbit).

P 93–361

Manufacturer. Confidential.

Chemical. (S) *N*-alkylated heteroaromatic amine

Use/Production. (G) Polymerization catalyst which may be an open, nondispersive application. Prod. range: Confidential.

Toxicity Data. Acute dermal toxicity: LD50 > 1000 mg/kg species (rats). Eye irritation: strong species (rabbit). Skin irritation: negligible species (rabbit).

P 93–362

Importer. Confidential.

Chemical. (G) Alkylene diol alkyd ether.

Use/Import. (G) Solvent agent for industrial application. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 5.0 g/kg species (rat). Static acute toxicity: LC50 96-h 200 mg/l species (zebra fish). Eye irritation: none species (rabbit). Skin irritation: negligible species (rabbit). Mutagenicity: negative. Skin sensitization: negative species (guinea pig).

P 93–363

Importer. Wacker Chemicals (USA), Inc.

Chemical. (S) Beta-cyclodextrin, methyl ethers.

Use/Import. (S) Viscosity reducing agent for thickners in paints. Import range: Confidential.

Dated: February 9, 1993.

George A. Bonina,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 93–3799 Filed 2–17–93; 8:45 am]

BILLING CODE 6560–50–F

[FRL–4599–1]

Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as Amended by the Superfund Amendments and Reauthorization Act; Union Scrap Iron & Metal Site

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act ("CERCLA"), notice is hereby given that a proposed administrative settlement concerning the Union Scrap Iron & Metal Site in Minneapolis, Minnesota, was issued by the Agency on December 24, 1992. The proposed settlement would provide for the release of the Superfund Lien covering the Union Scrap Iron & Metal Site located at 1600 Washington Avenue North, Minneapolis, Hennepin County, Minnesota. The settlement requires Santino's Deli Foods, Inc. to pay fifteen thousand dollars ($15,000.00) to the Hazardous Substances Superfund.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency's response to any comments received will be available for public inspection at the Minneapolis Public Library, 300 Nicolett Mall, Minneapolis, Minnesota and the United States Environmental Protection Agency Region V Records Center, 77 West Jackson Blvd., Chicago, Illinois.

DATES: Comments must be provided on or before March 22, 1993.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at the United States Environmental Protection Agency, Region V, Records Center, 77 West Jackson Blvd., Chicago, Illinois. A copy of the proposed settlement may be obtained from John H. Tielsch (CS–3T), U.S. Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, IL 60604, (312) 353–7447. Comments should reference the Union Scrap Iron & Metal (Washington Avenue) Site and EPA Docket No. G7 and should be addressed to John H. Tielsch (CS–3T), Assistant Regional Counsel, U.S. Environmental Protection

Agency, Region V, 77 West Jackson Boulevard, Chicago, IL 60604.

FOR FURTHER INFORMATION CONTACT: John H. Tielsch (CS–3T), U.S. Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, IL 60604, (312) 353–7447.

Dated January 12, 1993.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 93–3789 Filed 2–17–93; 8:45 am]

BILLING CODE 6560–50–M

[OPPTS–59959; FRL–4570–9]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of 2 such PMN(s) and provides a summary of each.

DATES: Close of review periods:

Y 93–48, February 11, 1993.

Y 93–49, February 14, 1993.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC, 20460 (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office, NE–G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

Y 93–48

Manufacturer. Mace Adhesives & Coatings Co, Inc.

Chemical. (G) Polyester polymer with dihydroxyalkanoic acid, diisocyantoalkane, and diaminalkane, compound with trisubstituted amine.

Use/Production. (S) Adhesives, industrial laminates, binder industrial paints/coatings. Prod. range: Confidential.

Y 93–49

Manufacturer. Confidential.

Chemical. (G) Acrylic polymer.

Use/Production. (G) Open, nondispersive, binder. Prod. range: 17,500–35,000 kg/yr.

Dated: February 9, 1993.

George A. Bonina,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 93–3800 Filed 2–17–93; 8:45 am]

BILLING CODE 6560–50–F

FARM CREDIT ADMINISTRATION

Final Order Cancelling Charter of the Farm Credit System Assistance Board and Dissolving the National Special Asset Council

AGENCY: Farm Credit Administration.

ACTION: Notice.

On February 5, 1993, the Chairman of the Farm Credit Administration Board executed a Final Order cancelling the charter of the Farm Credit System Assistance Board (Assistance Board) and dissolving the National Special Asset Council. The text of the Final Order is set forth below:

Final Order Cancelling Charter of the Farm Credit System Assistance Board and Dissolving the National Special Asset Council

Whereas, On January 21, 1988, the Farm Credit Administration (FCA) chartered the Farm Credit System Assistance Board, pursuant to section 6.0, title VI, subtitle A of the Farm Credit Act of 1971, as amended (Act), to carry out a program to provide assistance to, and protect the stock of borrowers of, the institutions of the Farm Credit System, and to assist in restoring System institutions to economic viability and permitting such institutions to continue to provide credit to farmers, ranchers, and the cooperatives of such, at reasonable and competitive rates;

Whereas, Pursuant to title IV, part C, section 4.14C(c) of the Act, the Assistance Board established the National Special Asset Council in June 1988, to ensure that Federal financial assistance to financially distressed farmers provided loan restructuring measures as alternatives to foreclosure;

Whereas, On January 6, 1988, the Farm Credit System Insurance Corporation was established pursuant to section 5.58 of the Act and succeeds to the rights of the Assistance Board under agreements between the Assistance Board and Farm Credit System institutions certifying the institutions as eligible to issue preferred stock pursuant to title VI upon the termination of the Assistance Board under section 6.12 of the Act; and

Whereas, The Assistance Board and the authority provided the Assistance Board did terminate on December 31, 1992 pursuant to section 6.12 of the Act;

Now, therefore, it is hereby ordered that:

1. The charter of the Farm Credit System Assistance Board is hereby cancelled retroactive to December 31, 1992.

2. The National Special Asset Council is hereby dissolved retroactive to December 31, 1992.

Signed February 5, 1993.

By Harold B. Steele,

Chairman, Farm Credit Administration Board.

Dated: February 11, 1993.

Nan P. Mitchem,

Acting Secretary, Farm Credit Administration Board.

[FR Doc. 93–3725 Filed 2–17–93; 8:45 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

Februry 8, 1993.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857–3800. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235

NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: 3060–0134
Title: Application for Renewal of Private Radio Station License
Form Number: FCC Form 574–R
Action: Revision of a currently approved collection
Respondents: Individuals or households, state or local governments, non-profit institutions and businesses or other for-profit (including small businesses)
Frequency of Response: On occasion reporting
Estimated Annual Burden: 84,000 responses; .33 hours average burden per response; 27,720 hours total annual burden
Needs and Uses: In accordance with FCC Rules, radio station licensees are required to apply for renewal of their radio station authorization every five years. The FCC Form 574–R is being revised to allow licensees the opportunity to reinstate or change the number of Land Mobile mobile units at time of renewal, in lieu of filing FCC Form 574. The revised FCC Form 574–R will provide applicants with a full license print to verify or modify. PR Docket 92–78 states that licensees may change the number of mobile units at time of renewal, and need not file for frequency coordination in accordance with Rule Section 90.175. The Anti-Drug Abuse Act of 1988 certification was also included in this revision.

Federal Communications Commission.
Donna R. Searcy,
Secretary
[FR Doc. 93–3704 Filed 2–17–93; 8:45 am]
BILLING CODE 6712–01–M

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

February 9, 1993.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, suite 140, Washington, DC 20037, (202) 857–3800. For further information on these submissions contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: 3060–0318
Title: Notification of Status of Facilities
Form Number: FCC Form 489
Action: Extension of a currently approved collection
Respondents: Businesses or other for-profit (including small businesses)
Frequency of Response: On occasion reporting
Estimated Annual Burden: 2,567 responses; 3.62 hours average burden per response; 9,273 hours total annual burden
Needs and Uses: The FCC Form 489 is a multi-purpose fund used by common carriers subject to 47 CFR part 22 to notify the Commission of completion of construction, of minor modifications and to request an extension of time to complete constructions. In addition to the requirements specified in the form, applicants may be required to file exhibits and showings as specified in part 22. The requested information by FCC Form 489 is used by the Mobile Services Division, Common Carrier Bureau, in carrying out its duties as set forth in sections 308 and 309 of the Communications Act of 1934, as amended. The data is used to verify compliance with construction requirements and to update the Commission database.

OMB Number: 3060–0319
Title: Application for Assignment or Transfer of Control
Form Number: FCC Form 490
Action: Extension of a currently approved collection
Respondents: Businesses or other for-profit (including small businesses)
Frequency of Response: On occasion reporting
Estimated Annual Burden: 1,000 responses; 3 hours average burden per response; 3,000 hours total annual burden
Needs and Uses: The FCC Form 490 is filed to solicit Commission approval to assign or transfer control of radio stations. In addition to the requirements specified in the form, applicants may be required to file exhibits and showings as required by part 22. The information collected in the application is used by the Mobile Services Division to determine whether the proposed sale of a common carrier station and the qualifications of the new carrier are in compliance with the requirements of FCC rules and regulations. Without such information the agency could not determine whether to issue a license or renewal.

Federal Communications Commission.
Donna R. Searcy,
Secretary.
[FR Doc. 93–3705 Filed 2–17–93; 8:45 am]
BILLING CODE 6712–01–M

Low Power Television and Television Translator Filing Window From March 29, Through April 2, 1993

AGENCY: Federal Communications Commission.
ACTION: Notice of Filing Window.

SUMMARY: This action gives notice of an application filing window for the tendering of applications for new construction permits and for major changes in existing facilities for low power television and television translator station. The filing window will be subject to certain geographic restrictions on the filing of applications for new power television and television translator station construction permits. This notice sets forth the geographic restrictions and the filing procedures, including when and where to file and the applicable application form to be used, and information concerning application filing fees.

DATES: March 29, 1993, through April 2, 1993.

FOR FURTHER INFORMATION CONTACT: Keith A. Larson or Molly Fitzgerald, Low Power Television Branch, Mass Media Bureau (202) 632–3894.

SUPPLEMENTARY INFORMATION:

Released: February 11, 1993.

Notice of Limited Low Power Television/Television Translator Filing Window From March 29, 1993 Through April 2, 1993

Commencing March 29, 1993, and continuing to and including April 2, 1993, the Commission will permit the filing of applications for new construction permits and for major changes in existing facilities for low power television and television translator stations (LPTV).

Filing Locations

All LPTV applications that are subject to the payment of a fee must be filed at the Pittsburgh, Pennsylvania locations specified herein. Those LPTV applicants that are fee exempt, as explained later in this Public Notice, must file their applications directly with the Federal Communications Commission at the location specified herein.

Georgraphic Restrictions

This filing window is subject to geographic restrictions on the filing of applications for new station

construction permits. The Commission will permit only new station applications that specify transmitting antenna site coordinates (geographic latitude and longitude) located more than 161 kilometers (100 miles) from the reference coordinates of the cities listed in Attachment I to this Notice. These restrictions are necessitated by the Commission's proceeding on Advanced Television Systems (ATV) and the large number of low power television and television translator stations already authorized in and around these metropolitan areas.[1]

Applications for new stations that specify sites within the restricted areas, except as provided below, will be considered unacceptable for filing and will be returned to applicants without refund of any fee required to be submitted with their applications. The Commission will consider requests for waiver of the geographic restrictions based on terrain shielding. Such waivers will be granted only in cases where applicants demonstrate that their proposed facilities are completely shielded by terrain barriers from the applicable television market areas.[2] The spectrum requirements for ATV systems will weigh heavily against the granting of requests for waiver of the restrictions based on reasons other than terrain shielding. Geographic restrictions will not apply to the filing of applications for major changes in authorized facilities or in construction permit applications now pending at the Commission. Major change applications may be filed in this window for all station locations.[3]

Five—Application Limit

No more than five (5) applications for new low power television or television translator stations may be tendered for filing by any applicant, or by any individual or entity having an interest of one percent (1%) or greater in any applicant(s) filing in the March 29–April 2, 1993, window.

This restriction does not apply to major change applications.

Applications Requiring a Fee

Generally, applicants seeking to construct a new low power television or television translator station or to make a major change in the facilities of an existing low power television or television translator station are required to pay and submit a fee with the filing of the application. Such applicants must complete and attach to their original applications the Fee Processing Form (FCC Form 155) and a remittance of $425.00 for the requisite fee. The February 1988 edition of FCC Form 346 is to be used during this window period.[4] See 53 FR 15225 (April 28, 1988). FCC Forms 346 and 155 can be obtained by calling the FCC's Forms Distribution Center at Telephone No. (202) 632–FORM and leaving your request on the answering machine provided for this purpose.

For applicants requiring a fee, the Commission will utilize the facilities of a Treasury Department lockbox bank. These filings can be made, either by mail or by person, at the following locations Only:

If mailed—Federal Communications Commission, Low Power Television Window Filing, P.O. Box 358992, Pittsburgh, PA 15251–5992.

If hand-delivered—Federal Communications Commission, Low Power Television Window Filing, Three Mellon Bank Center, 525 William Penn Way, Pittsburgh, PA 15259, Attn: Wholesale Lockbox Shift Supervisor.

Mailed applications must be actually received no later than April 2, 1993. Hand-carried or couriered applications can be delivered at the Three Mellon Bank Center location at any time during the window period up through 11:59 p.m. on Friday, April 2, 1993. Submissions tendered after 11:59 p.m. on Friday, April 2, 1993, will not be accepted. Detailed instructions to get to this location are included in this Public Notice as Attachment II. An original and two copies of the application and all required exhibits must be filed. To facilitate the initial processing of these applications, all applicants are requested to enclose in a single envelope the original and duplicate copies of the application, with each duplicate copy clearly denoted by the applicant. Where more than one new station or major change application is being filed, separate envelopes enclosing the individual application (*i.e.*, an original and two copies) can be mailed in a single package. Receipts will not be provided by the lockbox bank facility. However, a "stamp receipted copy" will be furnished by the lockbox bank facility *provided* the applicant clearly identifies the copy to be stamped, and the filing is submitted with the "stamp receipted copy" on top of the original application package. Requests for "stamp receipted copies" must include a stamped, self-addressed envelope of sufficient size to accommodate the stamp receipted copy to be returned. If the "stamp receipted copy" is submitted in any other format or the envelope is not of sufficient size, it will not be stamped and returned. For hand-carried or couriered applications delivered to the Three Mellon Bank Center location, bank personnel, if requested in person, will date stamp as received a proffered copy of the application and return it to the requester. Only one piece of paper per individual application will be stamped for receipt purposes.

As noted above, a separate fee payment of $425.00, attached (but not

[1] In 1987, the Commission imposed a freeze on full-service television applications and allotments in the vicinity of these urban areas. 52 FR 28346 (July 29, 1987). This freeze did not apply to low power TV and TV translator applications. The Commission then reasoned that, because of their secondary status, continued authorizations of these stations would not restrict its spectrum planning options in the ATV proceeding. See also First Report and Order in the ATV proceeding, MM Docket No. 87–268, 5 FCC Rcd 5627 (1990). Since then, however, numerous low power TV and TV translator stations have been authorized in and around these urban areas; areas for which available broadcast spectrum for future ATV systems is most limited. It is possible that some of these secondary stations may be displaced in channel if and when the spectrum is needed by full-service TV stations for ATV use. The restriction against additional new stations in and around these urban areas is intended to minimize the extent to which low power TV and TV translator service to the public may be disrupted. In this regard, low power TV and TV translator stations continue to have secondary status with regard to the introduction of ATV service. The geographic restrictions herein are comparable to those imposed in the 1987 television freeze; taking into account the typical differences in levels of full-service TV and low power TV station operating power.

[2] Through this extension of the Commission's policy on terrain shielding (See Policy Statement, 3 FCC Rcd 2664, *reconsideration granted in part*, 3 FCC Rcd 7105 (1988)), opportunities will not be foreclosed for additional low power TV and TV translator service in locales that are completely insulated from the applicable urban TV markets due to substantial terrain obstructions; for example, large mountain ranges in the Western States. Requests for terrain-related waivers must be supported by detailed profiles of the terrain in all pertinent directions toward the applicable urban market areas. Profiles should be prepared in accordance with the guidelines given in the Commission's terrain Policy Statement. In the context of geographic filing restrictions, the scope of terrain shielding waivers will not be limited to those applications that are not mutually exclusive with other applications. Prospective applicants are cautioned that such waivers will not be granted in cases where proposed facilities are only partially shielded from the listed market areas or in cases of marginal terrain shielding; for example, due to rolling hills.

[3] The need for major changes in authorized facilities often is compelled by unforeseen and unavoidable circumstances, such as the loss or unsuitability of a station's antenna site. Commission authorization of such changes may be vital to preserving an existing low power TV or TV translator service. Allowance for major changes also will facilitate the construction and operation of unbuilt and planned stations for which considerable resources may have been expended. Fairness dictates that station projects now underway be given the opportunity to be completed.

[4] OMB has approved a revised Form 346. However, since the revised form is not yet available, the February 1988 edition of Form 346 remains in use.

stapled) to the Fee Processing Form (FCC Form 155) of each original application, must be submitted for each new station or major change application filed during this window. Applicants required to submit the Fee Processing Form are instructed to enter "MOL" as the Fee Type Code in response to Column (A) of Section I of that form. The Fee Multiple for applicants in this low power television window is "0001" and that number should be entered in Column (B), Section I, FCC Form 155. A single fee payment for multiple applicants will not be accepted.

Payment of the required fee can be made by check, bank draft or money order payable to the Federal Communications Commission, denominated in U.S. dollars, and drawn upon a U.S. financial institution. No postdated, altered or third-party checks will be accepted. Do Not Send Cash.

Applications submitted without a required Fee Processing Form, with insufficient or inappropriate payments, or without any payments will be dismissed and returned to the applicant without processing. See Section 1.1107 of the Commission's Rules. Following the fee review process, applications that are found to be patently defective, not "complete and sufficient," or filed on an obsolete edition of the FCC Form 346 will be rejected and returned to the applicant.

Applications Not Requiring a Fee

Governmental entities are exempt from the $425.00 fee. As defined by the Commission's rules, governmental entities include "any possession, state, city, county, town, village, municipal corporation or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs." Also exempted from this fee are noncommercial educational FM and full-service television broadcast station licensees seeking to make major changes in the facilities of their existing low power television or television translator stations or to construct new low power television or television translator stations, provided those stations operate or will be operated on a noncommercial educational basis. A licensee or permittee of low power television or television translator station, which is filing a major change application and which earlier obtained either a fee refund because of a NTIA facilities grant for that station or a fee waiver because of demonstrated compliance with the eligibility and service requirements of Section 73.621 of the Commission's Rules, is similarly exempt from payment of the $425.00 fee. See Section 1.1112 of the Commission's Rules. To avail itself of any fee exemption an applicant must indicate its eligibility by checking the most appropriate box on page 1 of FCC Form 346 (February 1988 edition). Again, FCC Form 346 can be obtained by calling the FCC Forms Distribution Center at Telephone No. (202) 632–FORM.

Filing of LPTV window applications not requiring the payment of a fee can be made either by mail or by person, at the following locations Only:

If mailed—Federal Communications Commission, Low Power Television Window Filing, 1919 M Street, NW., Washington, DC 20554.

If hand-delivered—Federal Communications Commission, Secretary's Office, room 222, 1919 M Street, NW., Washington, DC 20554.

Mailed applications must be actually received no later than April 2, 1993. Hand-carried or couriered applications can be delivered daily during the filing window at the Secretary's Office from 8 a.m. to 5:30 p.m. Applications tendered after 5:30 p.m. on Friday, April 2, 1993, will not be accepted.

For further information concerning the filing window, contact Keith A. Larson or Molly Fitzgerald, Low Power Television Branch, Mass Media Bureau at Telephone No. (202) 632–3894.

Attachments.

Federal Communications Commission.

Donna R. Searcy,

Secretary

ATTACHMENT I.—REFERENCE COORDINATES FOR AREAS NOT ELIGIBLE FOR NEW STATION APPLICATIONS

[Source of Coordinates: Section 76.53 of FCC Rules]

	(Degrees-minutes-seconds)	
	Latitude	Longitude
New York, NY	40–45–06	73–59–39
Los Angeles, CA	34–03–15	118–14–28
Chicago, IL	41–52–28	87–38–22
Philadelphia, PA	39–56–58	75–09–21
San Francisco, CA	37–46–39	122–24–40
Boston, MA	42–21–24	71–03–25
Detroit, MI	42–19–48	83–02–57
Dallas, TX [1]	32–47–09	96–47–37
Ft Worth, TX [1]	32–44–55	97–19–44
Washington, DC	38–53–51	77–00–33
Houston, TX	29–45–26	95–21–37
Cleveland, OH	41–29–51	81–41–50
Pittsburgh, PA	40–26–19	80–00–00
Seattle, WA [1]	47–36–32	122–20–12
Tacoma, WA [1]	47–14–59	122–26–15
Miami, FL	25–46–37	80–11–32
Atlanta, GA	33–45–10	84–23–37
Minneapolis, MN [1]	44–58–57	93–15–43
St Paul, MN [1]	44–56–50	93–05–11
Tampa, FL [1]	27–56–58	82–27–26

ATTACHMENT I.—REFERENCE COORDINATES FOR AREAS NOT ELIGIBLE FOR NEW STATION APPLICATIONS—Continued

[Source of Coordinates: Section 76.53 of FCC Rules]

	(Degrees-minutes-seconds)	
	Latitude	Longitude
St Petersburg, FL [1]	27–46–18	82–38–16
Saint Louis, MO	38–37–45	90–12–22
Denver, CO	39–44–58	104–59–22
Sacramento, CA [1]	38–34–57	121–29–41
Stockton, CA [1]	37–57–30	121–17–16
Indianapolis, IN	39–46–07	86–09–46
Hartford, CT [1]	41–46–12	72–40–49
New Haven, CT [1]	41–18–25	72–55–30
Portland, OR	45–31–06	122–40–35
Milwaukee, WI	43–02–19	87–54–15
Cincinnati, OH	39–08–07	84–30–35
Kansas City, MO	39–04–56	94–35–20
Charlotte, NC	35–13–44	80–50–45
Nashville, TN	36–09–33	86–46–55
Columbus, OH	39–57–47	83–00–17
New Orleans, LA	29–56–53	90–04–10

[1] City is part of a hyphenated television market.

Attachment II—Directions to Three Mellon Bank Center

From Greater Pittsburgh International Airport and Interstate 79

Proceed east on Parkway (Interstate 279) towards downtown Pittsburgh. Go through the Fort Pitt tunnels and across the Fort Pitt Bridge. Follow signs to Parkway East (Monroeville). Travel approximately ¼ of a mile to the Grant Street Exit (Exit 3). Proceed on Grant Street to 6th Street. Make a left on 6th Street, go one block, make another left onto William Penn Way. The street address is 525 William Penn Way. Enter building at designated entrance and follow signs.

From Pennsylvania Turnpike

Take Exit 6 (Monroeville) to Parkway (Interstate 376). Go west on Parkway to the Grant Street Exit (Exit 3). Proceed on Grant Street to 6th Street. Make a left on 6th Street, go one block, make another left onto William Penn Way. The street address is 525 William Penn Way. Enter building at designated entrance and follow signs.

Parking

Parking is available in several parking garages which are within two blocks of Three Mellon Bank Center. Kaufman Department Store garage is located on Smithfield Street; and Mellon Square Garage is on 6th Avenue (across from the Alcoa Building). There is also a loading area located behind One Mellon Bank Center on Ross Street.

[FR Doc. 93–3744 Filed 2–17–93; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL ELECTION COMMISSION

[Notice 1993–7]

Filing Dates for the California Special Election

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special elections.

SUMMARY: California has scheduled a special election in the Seventeenth Congressional District to fill the U.S. House seat vacated by Representative Leon Panetta. There are two possible elections but only one may be necessary

- Special General Election: April 13, 1993

If no candidate wins a majority of votes in the Special General Election, those who receive sufficient votes as specified in State law will qualify to participate in a Special Runoff.

- Special Runoff Election: June 8, 1993

FOR FURTHER INFORMATION CONTACT: Ms. Bobby Werfel, Public Information Office, 999 E Street NW., Washington, DC 20463, Telephone: (202) 219–3420; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION: All principal campaign committees of candidates who participate in the California Special General Election and all other political committees not filing monthly which support candidates in this election shall file a 12-day Pre-General Report by April 1, 1993, with coverage dates from the close of the last report filed, or the date of the committee's first activity, whichever is later, through March 24, 1993. If there is a majority winner, committees must also file a Post-General Report by May 13, 1993, with coverage dates from March 25, 1993, through May 3, 1993, and a Mid-Year Report by July 31, 1993, with coverage dates from May 4, 1993, through June 30, 1993.

In the event that no candidate receives a majority of the votes in the Special General Election, a Special Runoff Election will be held on June 8, 1993. The following information only applies if a Special Runoff Election is held.

All principal campaign committees of candidates in the Special General Election only and all other political committees not filing monthly which support candidates in the Special General Election only shall file a 12-day Pre-General Report by April 1, 1993, with coverage dates from the close of the last report filed, or the date of the committee's first activity, whichever is later, through March 24, 1993, and a Mid-Year Report by July 31, 1993, with coverage dates from March 25, 1993, through June 30, 1993. All principal campaign committees of candidates who participate in the Special Runoff Election and all other political committees not filing monthly which support candidates in the Special Runoff and in the preceding Special General Election shall file a Pre-General Report by April 1, 1993, with coverage dates from the close of the last report filed, or the committee's first activity, whichever is later, through March 24, 1993, a 12-day Pre-Runoff Report by May 27, 1993, with coverage dates from March 25, 1993, through May 19, 1993, and a consolidated Post-Runoff Report and Mid-Year Report by July 8, 1993, with coverage dates from May 20, 1993, through June 30, 1993. Alternatively, in lieu of a consolidated report, committees must file two separate reports: the Post-Runoff by July 8, 1993 with coverage dates from May 20, 1993 through June 28, 1993; and the Mid-Year Report by July 31, 1993, which will cover June 29 through June 30, 1993.

All unauthorized political committees not filing monthly which support candidates in the Special Runoff only shall file a 12-day Pre-Runoff Report by May 27, 1993, with coverage dates from the close of the last report filed, or the date of the committee's first activity, whichever is later, through May 19, 1993, a consolidated Post-Runoff and Mid-Year Report by July 8, 1993, with coverages dates from May 20, 1993, through June 30, 1993. Alternatively, in lieu of a consolideted report, committees must file two separate reports: the Post-Runoff by July 8, 1993, with coverage dates from May 20, 1993 through June 28, 1993; and the Mid-Year report by July 31, 1993, which will cover June 29 through June 30, 1993.

CALENDAR OF REPORTING DATES FOR CALIFORNIA SPECIAL ELECTIONS

Report	Period Covered	Reg./cert. mailing date [1]	Filing date
If Only One Election (04/13) is Held, Committees Must File:			
Pre-General	[2] 01/01/93–03/24/93	03/29/93	04/01/93
Post-General	03/25/93–05/03/93	05/13/93	05/13/93
Mid-Year	05/04/93–06/30/93	07/31/93	07/31/93
If Two Elections Are Held, All Committees Involved in Only the General Election (04/13) Must File:			
Pre-General	[2] 01/01/93–03/24/93	03/29/93	04/01/93
Mid-Year	03/25/93–06/30/93	07/31/93	07/31/93
If Two Elections Are Held, Committees Involved in the General Election (04/13) and the Runoff Election (06/08) Must File:			
Pre-General	[2] 01/01/93–03/24/93	03/29/93	04/01/93
Pre-Runoff	03/25/93–05/19/93	05/24/93	05/27/93
Pre-Runoff & Mid-Year	05/20/93–06/30/93	07/08/93	07/08/93
If Two Elections Are Held, Committees Involved in Only the Runoff Election (06/08) Must File:			
Pre-Runoff	[2] 01/01/93–05/19/93	05/24/93	05/27/93
Post-Runoff & Mid-Year [3]	05/20/93–06/30/93	07/08/93	07/08/93

[1] Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.
[2] The period begins with the close of books of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

VOL 58 ISS 31 FE 18 1993 UMI

[3] The Commission recommends that committees filed a consolidated Post—Runoff and Mid-Year Report by the filing date of the Post-Runoff Report. Alternatively, in lieu of a consolidated report, committees must file two separate reports: the Post—Runoff by 7/8/93; and the Mid-year by 7/31/93, which will cover two days (6/29 and 6/30).

Dated: February 12, 1993.

Scott E. Thomas,

Chairman, Federal Election Commission.

[FR Doc. 93–3781 Filed 1–17–93; 8:45 am]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

Intent To Cancel Tariffs of Common Carriers by Water and To Suspend Licenses of Ocean Freight Forwarders for Failure To File Anti-Rebate Certifications

Notice is given that the common carriers by water and ocean freight forwarders shown in parts A, B and C respectively on the attached lists have not filed the anti-rebate certification which was due on or before December 31, 1992. The Federal Maritime Commission's regulations at 46 CFR 582.1(a) and 582.3(a) require every common carrier by water and ocean freight forwarder in the foreign commerce of the United States to file an anti-rebate certification by December 31, 1992 and thereafter by December 31 of each succeeding even numbered year.

The firms listed in parts A, B and C were notified by certified mail dated and mailed on February 9, 1993, that, if within 45 days of the date of such notice, they have not either filed an anti-rebate certification or established that it had been filed, their tariffs would be cancelled in accordance with 46 CFR 580.5(c)(2)(ii)(B) and their licenses would be suspended in accordance with 46 CFR 510.16(a)(6). This suspension shall remain in effect until such time as the license is reinstated by the Commission after an anti-rebate certification is filed.

Firms filing the anti-rebate certification during the 45-day notice period will not have their tariffs cancelled or licenses suspended, however these firms may be subject to a civil penalty of up to $5,000 for each day the firm is in violation.

Bryant L. VanBrakle,

Director, Bureau of Tariffs, Certification and Licensing

Federal Maritime Commission, Bureau of Tariffs, Certification and Licensing, Office of Tariffs

Part A: Common Carriers by Water in the Foreign Commerce of the United States that have not filed anti-rebate certifications

Acronym: A.I.F. Services, Inc.
Dba Name: Agency International Forwarding, Inc.
Organization No.: 005094

Acronym: Abacus Transports & Forwarder Ltd.
Dba Name: NA.
Organization No.: 010653

Acronym: Acmetrans Worldwide Cargo Services, Inc.
Dba Name: NA.
Organization No.: 008522

Acronym: ACS Freight Forwarders, Inc.
Dba Name: TCS Liner Service
Organization No.: 010958

Acronym: Aderight Shipping Limited
Dba Name: NA.
Organization No.: 010985

Acronym: African Atlantic Steamship Limited
Dba Name: NA.
Organization No.: 006188

Acronym: Air Express International (H.K.) Ltd.
Dba Name: NA.
Organization No.: 010422

Acronym: Air Power International Express (CHI) Inc.
Dba Name: NA.
Organization No.: 011159

Acronym: Air Sea Transport Co., Ltd.
Dba Name: NA.
Organization No.: 009804

Acronym: Airborne International Freight Co., Ltd.
Dba Name: NA.
Organization No.: 010709

Acronym: Alfons Koster
Dba Name: NA.
Organization No.: 010619

Acronym: All Caribbean Services, Inc.
Dba Name: NA.
Organization No.: 009451

Acronym: Aloyd International, Corp.
Dba Name: NA.
Organization No.: 011242

Acronym: Amcargo Line, Inc.
Dba Name: NA.
Organization No.: 008653

Acronym: Amcliff, Inc.
Dba Name: NA.
Organization No.: 000216

Acronym: America Niugini Shipping Co., Inc.
Dba Name: NA.
Organization No.: 008192

Acronym: American Intermodal Systems Inc.
Dba Name: NA.
Organization No.: 006194

Acronym: American Overseas Shipping Company
Dba Name: Niku Shipping Line
Organization No.: 010836

Acronym: Americargo Lines, Inc
Dba Name: NA.
Organization No.: 006613

Acronym: Amexcaribe, Inc
Dba Name: NA.
Organization No.: 009678

Acronym: Anr Inc.
Dba Name: NA.
Organization No.: 009482

Acronym: Antillean Marine Shipping Corporation
Dba Name: NA.
Organization No.: 000259

Acronym: Antilles Lloyd (Bermude) Ltd
Dba Name: NA.
Organization No.: 009670

Acronym: Asian Pacific Express, Inc
Dba Name: NA.
Organization No.: 011072

Acronym: Astro Air Express, Inc
Dba Name: Service Marine Line
Organization No.: 008976

Acronym: Atlantic Lines S.A
Dba Name: NA.
Organization No.: 000305

Acronym: Aust-Asia Worldwide Shipping Pty. Ltd.
Dba Name: Aust-Asia Shipping Services
Organization No.: 010650

Acronym: Bascar Cargo, Corp
Dba Name: NA.
Organization No.: 011257

Acronym: BCSL–U.S. Med Line Limited
Dba Name: NA.
Organization No.: 009397

Acronym: Bermuda Atlantic Lines, Ltd
Dba Name: NA.
Organization No.: 007672

Acronym: Bestway Ocean Express Transport, Inc.
Dba Name: NA.
Organization No.: 000374

Acronym: Betis Marine S.A.
Dba Name: NA.
Organization No.: 011031

Acronym: BIM Enterprises, Ltd.
Dba Name: NA.
Organization No.: 010947

Acronym: Black Sea Shipping Co.
Dba Name: Blasco
Organization No.: 008366

Acronym: Blue Caribe Line, Ltd.
Dba Name: NA.
Organization No.: 008002

Acronym: Brazilian Overseas Shipping Services Ltd.
Dba Name: Boss Line.
Organization No.: 090604

Acronym: Bridgeport Shipping Lines, Inc.

Dba Name: NA.
Organization No.: 009341
Acronym: Bulk International, Inc.
Dba Name: NA.
Organization No.: 010336
Acronym: C & F Worldwide Agency Corp.
Dba Name: NA.
Organization No.: 008135
Acronym: Calberson International Paris Nord II
Dba Name: Calocean
Organization No.: 008856
Acronym: Cali-America Inc.
Dba Name: NA.
Organization No.: 009522
Acronym: Calko Transport Co.
Dba Name: NA.
Organization No.: 007910
Acronym: Can-American (Can-Am) Line, Inc.
Dba Name: NA.
Organization No.: 010908
Acronym: Canal Barge Company, Inc.
Dba Name: NA.
Organization No.: 009592
Acronym: Capital Express Co.
Dba Name: NA.
Organization No.: 010340
Acronym: Capital Express International, Inc.
Dba Name: NA.
Organization No.: 011146
Acronym: Capitol Transportation, Inc.
Dba Name: NA.
Organization No.: 002698
Acronym: Caramerica S.r.1.
Dba Name: Caramerica
Organization No.: 006928
Acronym: Carib-Ocean Shipping, Inc.
Dba Name: NA.
Organization No.: 007486
Acronym: Caribtran, Inc.
Dba Name: NA.
Organization No.: 005751
Acronym: Castelletti S.P.A.
Dba Name: NA.
Organization No.: 010700
Acronym: CCAL (Canada) Inc.
Dba Name: Christensen Canadian African Lines
Organization No.: 000754
Acronym: Central America Shippers, Inc.
Dba Name: Juno Line
Organization No.: 008811
Acronym: Central American Transport, Inc.
Dba Name: NA.
Organization No.: 010668
Acronym: Central Container Lines, Inc.
Dba Name: NA.
Organization No.: 010902
Acronym: Certain Shipping Limited
Dba Name: NA.
Organization No.: 010487
Acronym: Challenge International S.A.
Dba Name: NA.
Organization No.: 008771
Acronym: Charles, Willmore A.
Dba Name: 7 Star Shipping
Organization No.: 011250
Acronym: China International Freight Forwarders Co. Ltd.
Dba Name: NA.
Organization No.: 008659
Acronym: China Trading Service Co. Ltd.
Dba Name: NA.
Organization No.: 008752
Acronym: Choice Container Corporation
DBA Name: Freight Container Line
Organization No.: 011060
Acronym: CIE Mazinter S.A.
DBA Name: Euro Express Cargo Services
Organization No.: 010483
Acronym: CL Consolidators Services Ltd.
DBA Name: CL Express Line
Organization No.: 010486
Acronym: Cleve & Zonen B.V.
DBA Name: NA.
Organization No.: 009739
Acronym: CLI Freight Systems Inc.
DBA Name: NA.
Organization No.: 010403
Acronym: Combitrama S.R.L.
DBA Name: Combimar Overseas Services
Organization No.: 010445
Acronym: Compagnie Generale Maritime
DBA Name: CGM
Organization No.: 000783
Acronym: Compagnie Maritime Marfret
DBA Name: NA.
Organization No.: 011279
Acronym: Compagnie Nationale Algerienne De Navigation
DBA Name: NA.
Organization No.: 000787
Acronym: Companhia De Navegacao Lloyd Brasileiro
DBA Name: NA.
Organization No.: 002183
Acronym: Con-Carriers Ltd.
DBA Name: NA.
Organization No.: 008936
Acronym: Confreight Belgium N.V.
DBA Name: Confreight Marine Line
Organization No.: 009734
Acronym: Container Services International, Inc.
DBA Name: NA.
Organization No.: 010810
Acronym: Conterm AB
DBA Name: NA.
Organization No.: 010360
Acronym: Continental Shipping Lines S.A.
DBA Name: NA.
Organization No.: 010977
Acronym: Costa Rica Shipping Co. Inc.
DBA Name: NA.
Organization No.: 011040
Acronym: Craco Logistics, Inc.
DBA Name: Craco International
Organization No.: 011033
Acronym: Cross World, Inc.
DBA Name: NA.
Organization No.: 008271
Acronym: Crown Groupage Ltd.
DBA Name: NA.
Organization No.: 010438
Acronym: Crusader Swire Container Service Limited
DBA Name: NA.
Organization No.: 000847
Acronym: CS Med Shipping (Bahamas) Ltd.
DBA Name: NA.
Organization No.: 008014
Acronym: CWI Container Line, Inc.
DBA Name: NA.
Organization No.: 006285
Acronym: Daeil Shipping Co., Ltd.
DBA Name: NA.
Organization No.: 010368
Acronym: Dafra-Lines AS
DBA Name: NA.
Organization No.: 002160
Acronym: Danam Express International Inc.
DBA Name: Danam Line
Organization No.: 008324
Acronym: Danish Cruise Lines, Inc.
DBA Name: NA.
Organization No.: 011086
Acronym: Dart Express (Los Angeles) Inc.
DBA Name: NA.
Organization No.: 008448
Acronym: DFDS Cheimer, Inc.
DBA Name: NA.
Organization No.: 009880
Acronym: Dynasty International, Inc.
DBA Name: NA.
Organization No.: 006929
Acronym: E.E.S. Shipping Pty Ltd.
DBA Name: NA.
Organization No.: 010378
Acronym: E.O.L., Inc.
Dba Name: NA.
Organization No.: 007480
Acronym: EAC Lines Transpacific . Service Ltd.
Dba Name: NA.
Organization No.: 000041
Acronym: EAS Express Shipping Limited
Dba Name: EAS Line
Organization No.: 009842
Acronym: Eastop Shipping Ltd.
Dba Name: NA.
Organization No.: 011246

Acronym: Edirsa International, Inc.
Dba Name: NA.
Organization No.: 009674

Acronym: EES Freight Services PTE Ltd.
Dba Name: NA.
Organization No.: 010558

Acronym: El Caribe Moving Van, Inc.
Dba Name: NA.
Organization No.: 009625

Acronym: Empresa Maritima, S.A.—Chile
Dba Name: Empremar
Organization No.: 008851

Acronym: Empresa Naviera Santa Ltd.
Dba Name: NA.
Organization No.: 009405

Acronym: Empresa Naviera Santa, S.A.
Dba Name: NA.
Organization No.: 001238

Acronym: Euram Lines and Navigation Ltd.
Dba Name: NA.
Organization No.: 001245

Acronym: Euram Lines and Navigation, Inc.
Dba Name: NA.
Organization No.: 011273

Acronym: Eurasia Express Co., Ltd.
Dba Name: NA.
Organization No.: 009316

Acronym: Europe-Overseas Steamship Lines N.V.
Dba Name: Eurolines
Organization No.: 006108

Acronym: Ever Concord Ltd.
Dba Name: NA.
Organization No.: 010805

Acronym: Expat International Services Company
Dba Name: NA.
Organization No.: 008753

Acronym: Express Transport Corp.
Dba Name: NA.
Organization No.: 010585

Acronym: Express-Line, Inc.
Dba Name: Express-Line
Organization No.: 007470

Acronym: Famous Freight Forwarding (S) Pte Ltd.
Dba Name: NA.
Organization No.: 010530

Acronym: Fashion Distribution Services, Inc.
Dba Name: NA.
Organization No.: 009463

Acronym: FEDNAV International Limited
Dba Name: Federal Pacific Lakes Line
Organization No.: 000411

Acronym: Flamingo International, Inc.
Dba Name: NA.
Organization No.: 011180

Acronym: Fly Dragon Shipping Ltd.
Dba Name: NA.
Organization No.: 010825

Acronym: Forest Product Carriers (Int'l), Ltd.
Dba Name: NA.
Organization No.: 005732

Acronym: Forward Concept, The
Dba Name: NA.
Organization No.: 009702

Acronym: Foss Maritime Company
Dba Name: NA.
Organization No.: 010863

Acronym: Freight Links Express PTE Ltd.
Dba Name: NA.
Organization No.: 010405

Acronym: Frontier Liner Services Inc.
Dba Name: NA.
Organization No.: 010779

Acronym: Galaxy Freight Service Ltd.
Dba Name: NA.
Organization No.: 010450

Acronym: Galaxy Transport Co., Ltd.
Dba Name: NA.
Organization No.: 010379

Acronym: Gateway Express Lines
Dba Name: NA.
Organization No.: 010957

Acronym: Gearbulk Ltd.,
Dba Name: Gearbulk Container Services
Organization No.: 000459

Acronym: General Agents of Miami Corp.
Dba Name: General Line
Organization No.: 011221

Acronym: General Merchandise Consolidators, Inc.
Dba Name: NA.
Organization No.: 008789

Acronym: Glorious Shipping
Dba Name: NA.
Organization No.: 009697

Acronym: Great Lakes South—America Line
Dba Name: NA.
Organization No.: 008225

Acronym: Gruenhut International Ltd.
Dba Name: NA.
Organization No.: 010375

Acronym: Gulf and Eastern Steamship & Chartering Corp.
Dba Name: NA.
Organization No.: 008901

Acronym: Gulf-Carib Lines Ltd.
Dba Name: NA.
Organization No.: 000487

Acronym: Gulfmex Lines, Inc.
Dba Name: NA.
Organization No.: 011252

Acronym: H&T Ocean Forwarding Co., Ltd.
Dba Name: NA.
Organization No.: 009631

Acronym: H.T. Cargo Incorporated
Dba Name: NA.
Organization No.: 010856

Acronym: Han Maritime Limited
Dba Name: NA.
Organization No.: 011150

Acronym: Hanjoo Shipping Int'l Co., Ltd.
Dba Name: Hanex Line
Organization No.: 010358

Acronym: Hanmi Shipping, Inc.
Dba Name: NA.
Organization No.: 008319

Acronym: Hawaii-Pacific Lines, Ltd.
Dba Name: NA.
Organization No.: 007326

Acronym: Heika Express International, Ltd.
Dba Name: NA.
Organization No.: 008783

Acronym: Hiton Express Inc.
Dba Name: NA.
Organization No.: 009380

Acronym: Horizon Freight Limited
Dba Name: NA.
Organization No.: 009939

Acronym: Industrial & Commercial Holdings Limited
Dba Name: Ventrinsa Line
Organization No.: 010686

Acronym: Industrial Maritime Carriers (Bahamas) Inc.
Dba Name: NA.
Organization No.: 010539

Acronym: Inter Ocean Shipping, Inc.
Dba Name: NA.
Organization No.: 011075

Acronym: Inter-Ocean Container Lines, Inc.
Dba Name: NA.
Organization No.: 010620

Acronym: Interamerican Consolidators & Carriers, Inc.
Dba Name: NA.
Organization No.: 008253

Acronym: Interflow (Tank Container System) Limited
Dba Name: NA.
Organization No.: 001347

Acronym: International Link Service Inc.
Dba Name: NA.
Organization No.: 009806

Acronym: International Marine Carriers, Inc.
Dba Name: NA.
Organization No.: 010537

Acronym: International Packing & Moving, Inc.
Dba Name: NA.
Organization No.: 009783

Acronym: International Transportation Network, Inc.
Dba Name: NA.
Organization No.: 006748

Acronym: Island Dominicana, Inc.
Dba Name: NA.
Organization No.: 010978

Acronym: ITL Shipping Co., Inc.

Dba Name: NA.
Organization No.: 011527
Acronym: JLK International
Dba Name: East Indies & Tropics Line
Organization No.: 008139
Acronym: Jacky Maeder Container Line, Inc.
Dba Name: NA.
Organization No.: 001399
Acronym: Jade Worldwide, Inc.
Dba Name: NA.
Organization No.: 010851
Acronym: Jet Compania Naviera S.A.
Dba Name: NA.
Organization No.: 011151
Acronym: Jugoslavenska Oceanska Plovidba
Dba Name: NA.
Organization No.: 001419
Acronym: Keflavik Shipping Agency, Ltd.
Dba Name: NA.
Organization No.: 006602
Acronym: Kenwa Shipping Co., Ltd.
Dba Name: NA.
Organization No.: 002141
Acronym: Kintetsu Intermodal (Taiwan) Inc.
Dba Name: NA.
Organization No.: 009664
Acronym: Kintetsu World Express (U.K.) Limited
Dba Name: NA.
Organization No.: 009663
Acronym: Koscargo Consolidators Corp.
Dba Name: NA.
Organization No.: 010673
Acronym: Kuwait Eastern Shipping Company
Dba Name: NA.
Organization No.: 010796
Acronym: L & C II, Ltd.
Dba Name: NA.
Organization No.: 008778
Acronym: L & C III, Ltd.
Dba Name: NA.
Organization No.: 008788
Acronym: L.C. Shipping Inc.
Dba Name: NA.
Organization No.: 008397
Acronym: La Naviera S.A.C. Linea Argentina De Navegaci
Dba Name: La Naviera S.A.C.
Organization No.: 006931
Acronym: Land Link Ltd.
Dba Name: NA.
Organization No.: 011034
Acronym: Leadway Express Co., Ltd.
Dba Name: NA.
Organization No.: 010880
Acronym: Levant Line S.A.
Dba Name: NA.
Organization No.: 008943
Acronym: Lineas Aereas Y Maritimas Ltda. (LINAMAR)
Dba Name: NA.
Organization No.: 009428
Acronym: M&M Militzer & Munch GMBH
Dba Name: NA.
Organization No.: 010420
Acronym: Madison Cargo Services
Dba Name: NA.
Organization No.: 009498
Acronym: Magnus International
Dba Name: NA.
Organization No.: 009382
Acronym: Manithorn Company Limited, The
Dba Name: NA.
Organization No.: 010592
Acronym: Mantraco Limited
Dba Name: NA.
Organization No.: 005950
Acronym: Marimed Shipping Company Limited
Dba Name: NA.
Organization No.: 010775
Acronym: Maritima Colombia Exporta Ltda.
Dba Name: MARCOMEX
Organization No.: 007344
Acronym: Maritimo Comercio Empresa, S.A.
Dba Name: Capital Lines
Organization No.: 007137
Acronym: Masters World Trans Co., Ltd.
Dba Name: Masters Container Line
Organization No.: 010966
Acronym: Mat Transport AG
Dba Name: NA.
Organization No.: 010462
Acronym: Matlack, Inc.
Dba Name: NA.
Organization No.: 007562
Acronym: Matrix Express, Inc.
Dba Name: NA.
Organization No.: 011311
Acronym: Mayer Shipping Ltd.
Dba Name: NA.
Organization No.: 001689
Acronym: MCC (Mercantile Europe) S.A.
Dba Name: NA.
Organization No.: 010446
Acronym: Medallion Shipping Lines, Inc.
Dba Name: Medallion Shipping Lines
Organization No.: 008577
Acronym: Meng Horng Shipping PTE Ltd.
Dba Name: NA.
Organization No.: 009789
Acronym: Mercury Express International
Dba Name: M.E.I. Liner Service
Organization No.: 007908
Acronym: Metro Consolidators
Dba Name: NA.
Organization No.: 010491
Acronym: Miami Worldwide Forwarders, Inc.
Dba Name: NA.
Organization No.: 011262
Acronym: Midwest International Shipping, Inc.
Dba Name: NA.
Organization No.: 009782
Acronym: Mitrans Shipping Co., Ltd.
Dba Name: NA.
Organization No.: 010729
Acronym: Montgomery Tank Lines, Inc.
Dba Name: NA.
Organization No.: 011073
Acronym: Myanmar Container Line
Dba Name: NA.
Organization No.: 010776
Acronym: Nantai Line Co., Ltd.
Dba Name: NA.
Organization No.: 006143
Acronym: National Express Forwarders Co., Ltd.
Dba Name: NA.
Organization No.: 010792
Acronym: Navale Et Commerciale Havraise Peninsulaire
Dba Name: NA.
Organization No.: 006810
Acronym: Navetrans USA, Ltd.
Dba Name: NA.
Organization No.: 011232
Acronym: Naviera Interamericana "Navicana", S.A.
Dba Name: NA.
Organization No.: 006809
Acronym: Naviera Lavinel C.A.
Dba Name: NA.
Organization No.: 006136
Acronym: Naviera Naviprobo C.A.
Dba Name: NA.
Organization No.: 007519
Acronym: Naviera Rama, S.A.
Dba Name: NA.
Organization No.: 010905
Acronym: Naviera Universal, S.A. (Uniline)
Dba Name: NA.
Organization No.: 001521
Acronym: Naviera Ven-Azul, C.A.
Dba Name: NA.
Organization No.: 010685
Acronym: Navieras Col-Caribe, Ltda.
Dba Name: NA.
Organization No.: 010656
Acronym: Navieros Inter-Americanos, S.A.
Dba Name: NA.
Organization No.: 011235
Acronym: Navtrans International Speditions Gmbh
Dba Name: NA.
Organization No.: 009869
Acronym: Net International Corp.
Dba Name: NA.
Organization No.: 010536

Acronym: Network Shipping Ltd.
Dba Name: NA.
Organization No.: 009630
Acronym: New Light Shipping
Dba Name: NA.
Organization No.: 008185
Acronym: New World Shipping Inc.
Dba Name: NA.
Organization No.: 011051
Acronym: New York Navigation Co., Inc.
Dba Name: NA.
Organization No.: 008974
Acronym: Newport Cargo Consolidators, Inc.
Dba Name: NA.
Organization No.: 008685
Acronym: Nexus International Express, Inc.
Dba Name: NA.
Organization No.: 011241
Acronym: Ninya Cargo Lines, Ltd.
Dba Name: NA.
Organization No.: 011039
Acronym: Northeast Consolidators, Inc.
Dba Name: NA.
Organization No.: 001564
Acronym: Northland Marine Corporation
Dba Name: NA.
Organization No.: 010870
Acronym: NSCC Transport Services, Inc.
Dba Name: NA.
Organization No.: 009551
Acronym: Ocean Bulk Transport Inc.
Dba Name: NA.
Organization No.: 009597
Acronym: Ocean Contract Carriers International Inc.
Dba Name: NA.
Organization No.: 005763
Acronym: Ocean Horizon Shipping Co.
Dba Name: Crescent Line
Organization No.: 010612
Acronym: Oceanaire International Services, Inc.
Dba Name: NA.
Organization No.: 007290
Acronym: Oceangate Container Line
Dba Name: NA.
Organization No.: 002789
Acronym. Oceanlink Forwarder Co., Ltd.
Dba Name: NA.
Organization No.: 010226
Acronym: Oceantower Forwarder Service Inc.
Dba Name: NA.
Organization No.: 010713
Acronym: Open Bulk Carriers, Ltd.
Dba Name: Open Bulk Carriers Limited
Organization No.: 000626
Acronym: Overseas International Corporation
Dba Name: NA.
Organization No.: 009618
Acronym: P&L Shipping Limited
Dba Name: NA.
Organization No.: 011284
Acronym: Pacific Cargo Lines
Dba Name: NA.
Organization No.: 008143
Acronym: Pacific Commerce Line
Dba Name: NA.
Organization No.: 007503
Acronym: Pacific Container Line
Dba Name: NA.
Organization No.: 009838
Acronym: Pan-Hispaniola Line, Ltd.
Dba Name: NA.
Organization No.: 00967
Acronym: Pan Caribbean Freight Consolidators, Inc.
Dba Name: NA.
Organization No.: 011492
Acronym: Panama Line, Inc.
Dba Name: NA.
Organization No.: 009474
Acronym: PBX Overseas Transport
Dba Name: NA.
Organization No.: 008094
Acronym: Pearcy Marine, Inc.
Dba Name: NA.
Organization No.: 006584
Acronym: Pennant Navigation Limited
Dba Name: NA.
Organization No.: 011309
Acronym: Parkins Shipping Pty Ltd.
Dba Name: NA.
Organization No.: 009344
Acronym: Phil-American International Inc.
Dba Name: NA.
Organization No.: 008166
Acronym: Phili-Orient Lines Ltd.
Dba Name: NA.
Organization No.: 009657
Acronym: Phoenix Shipping 1986, Inc.
Dba Name: NA.
Organization No.: 008968
Acronym: Phoenix Shipping Agency, Inc.
Dba Name: NA.
Organization No.: 001017
Acronym: Phoenix Transportation Systems
Dba Name: NA.
Organization No.: 009673
Acronym: Pirfreight Ltd.
Dba Name: NA.
Organization No.: 011254
Acronym: Polamer, Inc.
Dba Name: NA.
Organization No.: 010526
Acronym: Polynesia Express Line
Dba Name: NA.
Organization No.: 011323
Acronym: Poseidon Freight Forwarding Co., Ltd.
Dba Name: NA.
Organization No.: 010972
Acronym: Principal Lines, Ltd.
Dba Name: NA.
Organization No.: 010593
Acronym: Promotra De Navegacion
Dba Name: NA.
Organization No.: 006686
Acronym: Puerto Rico Freight Systems, Inc.
Dba Name: NA.
Organization No.: 006313
Acronym: Pusan Shipping Co., Ltd.
Dba Name: NA.
Organization No.: 010547
Acronym: Quality Express USA Inc.
Dba Name: NA.
Organization No.: 008962
Acronym: RAF International Forwarding Inc.
Dba Name: NA.
Organization No.: 009854
Acronym: Ranvar Corporation
Dba Name: NA.
Organization No.: 010818
Acronym: Rarotonga Line Ltd.
Dba Name: NA.
Organization No.: 008231
Acronym: Regent Express, Inc.
Dba Name: NA.
Organization No.: 007489
Acronym: Robbert, Roberta C.L.
Dba Name: Vintage Express
Organization No.: 010819
Acronym: RVS International Service s
Dba Name: NA.
Organization No.: 009447
Acronym: Safbank Line Limited
Dba Name: NA.
Organization No.: 008545
Acronym: SAFCO International Freight Corp.
Dba Name: NA.
Organization No.: 010545
Acronym: Sagatrans S.A.
Dba Name: NA.
Organization No.: 010430
Acronym: Samson Transport Company (UK) Ltd.
Dba Name: NA.
Organization No.: 010732
Acronym: Samson Transport Company A/S
Dba Name: NA.
Organization No.: 010400
Acronym: Sanwa Sampaku Kabushiki Kaisha
Dba Name: NA.
Organization No.: 001072
Acronym: Scan-Shipping, Inc.
Dba Name: NA.
Organization No.: 001081
Acronym: Scanfreight, Inc.
Dba Name: NA.
Organization No.: 001082

Acronym: Scotpac International (UK) Limited
Dba Name: NA.
Organization No.: 010720

Acronym: Sea Bridge Container Lines Inc.
Dba Name: NA.
Organization No.: 009548

Acronym: Sea Hawk, Inc.
Dba Name: NA.
Organization No.: 008355

Acronym: Sea Lanes Line Inc.
Dba Name: NA.
Organization No.: 006918

Acronym: Seabridge Freight, Inc.
Dba Name: NA.
Organization No.: 009365

Acronym: Seacor Ocean Lines Inc.
Dba Name: NA.
Organization No.: 011066

Acronym: Seair Cargo Agency
Dba Name: Seair Int'l Line
Organization No.: 010638

Acronym: Seamar Shipping Corporation
Dba Name: NA.
Organization No.: 010718

Acronym: Seasystems Container Line Inc.
Dba Name: NA.
Organization No.: 010884

Acronym: Seawinds, Limited
Dba Name: NA.
Organization No.: 001124

Acronym: Seven Stars Lines Corporation
Dba Name: NA.
Organization No.: 008949

Acronym: Shounsha U.S.A., Inc.
Dba Name: NA.
Organization No.: 010900

Acronym: Sino Ocean Shipping (HK) Co.
Dba Name: Sino Ocean Shipping
Organization No.: 010788

Acronym: Sino-MSL Lines, Inc.
Dba Name: MSL Line
Organization No.: 009651

Acronym: Skaarup Shipping Corporation
Dba Name: NA.
Organization No.: 007014

Acronym: Skyworld International Expediters, Inc.
Dba Name: NA.
Organization No.: 009841

Acronym: Societe Navale et Commerciale Delmas-Vieljeux
Dba Name: Delmas
Organization No.: 009520

Acronym: South China Consolidation Ltd.
Dba Name: NA.
Organization No.: 007835

Acronym: Southern Cargo Network, Inc.
Dba Name: NA.
Organization No.: 010861

Acronym: Southern Caribbean Shipping, Inc.
Dba Name: NA.
Organization No.: 011107

Acronym: Spear Line
Dba Name: NA.
Organization No.: 010499

Acronym: Special Line Limited
Dba Name: NA.
Organization No.: 011016

Acronym: Speedway Transportation (H.K.) Co.
Dba Name: NA.
Organization No.: 010344

Acronym: Star Caribbean, Inc.
Dba Name: NA.
Organization No.: 006061

Acronym: Steelcon Carriers, Inc.
Dba Name: NA.
Organization No.: 007082

Acronym: Straight Ocean Freight Ltd.
Dba Name: NA.
Organization No.: 010959

Acronym: Sunny International Shipping, Inc.
Dba Name: NA.
Organization No.: 007484

Acronym: Swat International Forwarding Inc.
Dba Name: NA.
Organization No.: 010808

Acronym: Taiseimaru Kaiun Kaisha, Ltd.
Dba Name: NA.
Organization No.: 009525

Acronym: Taiwan Consolidation Co., Ltd.
Dba Name: NA.
Organization No.: 010331

Acronym: Tampa Bay Shipping Ltd.
Dba Name: NA.
Organization No.: 009462

Acronym: TBI Limited
Dba Name: NA.
Organization No.: 005775

Acronym: Top Freight Systems, Inc.
Dba Name: NA.
Organization No.: 011142

Acronym: Top Harbour Limited
Dba Name: NA.
Organization No.: 009444

Acronym: Top Harbour Shipping Ltd.
Dba Name: NA.
Organization No.: 011196

Acronym: Total Ocean Marine Services Inc.
Dba Name: NA.
Organization No.: 008915

Acronym: Tradewind Connections Inc.
Dba Name: NA.
Organization No.: 009656

Acronym: Trans America International Services, Inc.
Dba Name: NA.
Organization No.: 007996

Acronym: Trans Caribbean Shipping Ltd.
Dba Name: NA.
Organization No.: 011026

Acronym: Trans-Atlantic Bulk Shipping Ltd.
Dba Name: NA.
Organization No.: 001115

Acronym: Trans-Global Cargo Services, Inc.
Dba Name: NA.
Organization No.: 010837

Acronym: Trans-Media International Forwarder Co., Ltd.
Dba Name: NA.
Organization No.: 010516

Acronym: Transfreight Express Lines
Dba Name: NA.
Organization No.: 010472

Acronym: Translink Pacific Shipping Limited
Dba Name: NA.
Organization No.: 011099

Acronym: Transport Maritime, Inc.
Dba Name: NA.
Organization No.: 010598

Acronym: Transportes Internacionales Munoz Y Cabrero
Dba Name: NA.
Organization No.: 010427

Acronym: Transportes Navieros Ecuatorianos (Transnave)
Dba Name: NA.
Organization No.: 000609

Acronym: Transworld Freight Services, Inc.
Dba Name: NA.
Organization No.: 007881

Acronym: Trio Express, Inc.
Dba Name: Trio Shipping System
Organization No.: 008591

Acronym: Tristar US-Med Line
Dba Name: NA.
Organization No.: 011068

Acronym: Turbo Express Int'l Corp.
Dba Name: NA.
Organization No.: 010716

Acronym: U.C.S. Group Inc.
Dba Name: NA.
Organization No.: 010574

Acronym: UCO Line GMBH
Dba Name: United Container Operators
Organization No.: 010549

Acronym: Ultimate Freight Services PTE. Ltd.
Dba Name: NA.
Organization No.: 011285

Acronym: United Transport Tankcontainer, Inc.
Dba Name: NA.
Organization No.: 009862

Acronym: United Tunisian Lines
Dba Name: NA.
Organization No.: 008824

Acronym: United Vancargo Inc.
Dba Name: NA.
Organization No.: 011218

Acronym: Unitrans Shipping Co., Ltd.
Dba Name: NA.
Organization No.: 010970

Acronym: Universal Container Line, Inc.
Dba Name: NA.
Organization No.: 011315

Acronym: Universal Freight System Co., Ltd.
Dba Name: UFS Container Line
Organization No.: 010579

Acronym: Unsworth International Container Line
Dba Name: Unsworth Containerline
Organization No.: 006163

Acronym: UTS International Forwarding Ltd.
Dba Name: Transocean Container Line
Organization No.: 010892

Acronym: Victoria Shipping Line, Inc.
Dba Name: NA.
Organization No.: 007625

Acronym: Viking Freight Consolidators, Inc.
Dba Name: NA.
Organization No.: 008239

Acronym: Vin-Shinyei (China) Limited
Dba Name: NA.
Organization No.: 011152

Acronym: W.L. Shipping Co., Ltd.
Dba Name: NA.
Organization No.: 007833

Acronym: W.T. Shipping Group Ltd.
Dba Name: NA.
Organization No.: 010495

Acronym: Webster Miller Freight Services Ltd.
Dba Name: NA.
Organization No.: 010822

Acronym: West Indies Shipping Corporation
Dba Name: NA.
Organization No.: 001762

Acronym: Wijsmuller Transport B.V.
Dba Name: NA.
Organization No.: 011123

Acronym: Winfull Sea Freight Forwarder Co., Ltd.
Dba Name: NA.
Organization No.: 011231

Acronym: Worldline, Incorporated
Dba Name: NA.
Organization No.: 010744

Acronym: Worldstar Shipping & Trading Co., Ltd.
Dba Name: Worldstar Shipping Co. Ltd.
Organization No.: 010337

Acronym: WTA Ocean Lines Ltd.
Dba Name: WTA Ocean Lines
Organization No.: 010181

Acronym: Y.F.K. Cargo Service, Inc.
Dba Name: NA.
Organization No.: 008171

Acronym: Yamato Transport (HK) Ltd.
Dba Name: NA.
Organization No.: 009339

Acronym: Yue Wah International Transportation Co. Ltd.
Dba Name: NA.
Organization No.: 008775

Part B: Licensed Ocean Freight Forwarders That Have Not Filed Anti-Rebate Certifications

Acronym: AAPKO Forwarders, Inc.
Dba Name: NA.
Organization No.: 005245

Acronym: Abraham, Daniel
Dba Name: Daniel Abraham Intl Freight Forwarders
Organization No.: 006631

Acronym: Active Commercial Trade Services, Corp.
Dba Name: NA.
Organization No.: 005367

Acronym: Agency International Forwarding, Inc.
Dba Name: NA.
Organization No.: 010184

Acronym: Agricultural Air Exports, Inc.
Dba Name: NA.
Organization No.: 004966

Acronym: Air Ship Packers, Inc.
Dba Name: NA.
Organization No.: 004936

Acronym: Alianza Enterprises, Inc.
Dba Name: NA.
Organization No.: 011182

Acronym: Aloyd Forwarding Co.
Dba Name: NA.
Organization No.: 005573

Acronym: American Family Circle, Inc., The
Dba Name: Pacific Removal Services, Inc.
Organization No.: 009768

Acronym: American Shipping Company, Inc.
Dba Name: NA.
Organization No.: 004355

Acronym: Amex International, Inc.
Dba Name: NA.
Organization No.: 002530

Acronym: Apex Group, Inc.
Dba Name: NA.
Organization No.: 006879

Acronym: Ask International, Inc.
Dba Name: NA.
Organization No.: 011000

Acronym: Atlant (USA), Inc.
Dba Name: NA.
Organization No.: 011509

Acronym: Avio International Forwarders Corp.
Dba Name: NA.
Organization No.: 004961

Acronym: Azuma Multi-Trans U.S.A., Inc.
Dba Name: NA.
Organization No.: 009731

Acronym: B & M International, Inc.
Dba Name: NA.
Organization No.: 009358

Acronym: B. H. Loveless & Co., Inc.
Dba Name: NA.
Organization No.: 004378

Acronym: Beverly Hills Transfer & Storage Company
Dba Name: NA.
Organization No.: 004532

Acronym: Bill Polkinhorn, Inc.
Dba Name: NA.
Organization No.: 004360

Acronym: Blaser & Mericle, Inc.
Dba Name: NA.
Organization No.: 004304

Acronym: Bruns, James Robert
Dba Name: J.I.B. International Transport
Organization No.: 004925

Acronym: C. Kramer & Associates, Inc.
Dba Name: NA.
Organization No.: 009425

Acronym: Campbell, Gene Ronald
Dba Name: Carolina Marine Services
Organization No.: 011482

Acronym: Carl Matusek, Inc.
Dba Name: NA.
Organization No.: 004474

Acronym: Carnisco International Custom House Brokers,
Dba Name: NA.
Organization No.: 009766

Acronym: Centra Worldwide Inc.
Dba Name: CWI Container Line
Organization No.: 006408

Acronym: Chatham Service Corporation
Dba Name: NA.
Organization No.: 004483

Acronym: Chicago Cargo Corporation
Dba Name: NA.
Organization No.: 005191

Acronym: Christian Bay Shipping Company
Dba Name: Fillette, Green & Co. of Tampa
Organization No.: 004351

Acronym: CMB (U.S.A.) Inc.
Dba Name: AMI Forwarding
Organization No.: 004294

Acronym: Copeland Co., Inc., The
Dba Name: NA.
Organization No.: 004260

Acronym: Craig International, Inc.
Dba Name: NA.
Organization No.: 011546

Acronym: David K. Lindemuth Co , Inc.
Dba Name: DKL Container Line
Organization No.: 005203

Acronym: Davis Freight Systems, Inc.
Dba Name: NA.
Organization No.: 011504

Acronym: Delgadillo, Frank
Dba Name: Gateway Forwarders International

Organization No.: 004704
Acronym: EDR International, Inc.
Dba Name: NA.
Organization No.: 006422
Acronym: Eng, Jennifer Y.C.
Dba Name: NA.
Organization No.: 010829
Acronym: Epstein, Jerrold C. Epstein
Dba Name: Epstein Forwarding Company
Organization No.: 004746
Acronym: Esposito, Edward J.
Dba Name: Edward J. Esposito & Co
Organization No.: 005073
Acronym: Express Service International, Inc.
Dba Name: Maryland Express Service International, I
Organization No.: 006170
Acronym: Expressair Cargo Services, Inc.
Dba Name: Expressair
Organization No.: 011502
Acronym: F.S.L. Transport, Inc.
Dba Name: NA.
Organization No.: 008721
Acronym: Farag, Nabil M.
Dba Name: Safeway Shipping Co.
Organization No.: 007465
Acronym: Fitch, William P.
Dba Name: Bill Fitch International FMC No. 2906
Organization No.: 006546
Acronym: Florida Worldwide Citrus Products Group, Inc.
Dba Name: NA.
Organization No.: 007541
Acronym: Flying Cloud Forwarding, Inc.
Dba Name: NA.
Organization No.: 008038
Acronym: Francesco Parisi, Inc.
Dba Name: NA.
Organization No.: 004358
Acronym: Fransz, Ernst A.
Dba Name: Indonesia Nusantara Forwarding
Organization No.: 002549
Acronym: Franz Kroll, Inc.
Dba Name: NA.
Organization No.: 009612
Acronym: Fred E. Gignoux, Inc.
Dba Name: NA.
Organization No.: 004455
Acronym: Full Service Forwarders, Inc.
Dba Name: NA.
Organization No.: 004777
Acronym: Future Freight System, Inc.
Dba Name: NA.
Organization No.: 008333
Acronym: Garden State Maritime Services, Inc
Dba Name: NA.
Organization No.: 005189
Acronym: General Air Freight Consolidators, Inc.
Dba Name: General Ocean Freight Container Line
Organization No.: 009489
Acronym: Genuine International Freight Forwarders, Inc.
Dba Name: NA.
Organization No.: 005172
Acronym: Globe Shipping Co., Inc.
Dba Name: NA.
Organization No.: 004177
Acronym: Golden Eagle International Forwarding, Inc.
Dba Name: NA.
Organization No.: 005153
Acronym: Hartford Despatch & Warehouse Company, Inc.
Dba Name: Hartford Despatch International
Organization No.: 009719
Acronym: Holzer, Peter Alexander
Dba Name: NA.
Organization No.: 009360
Acronym: Horizon Air Freight, Inc.
Dba Name: NA.
Organization No.: 004898
Acronym: IEC (America) Inc.
Dba Name: NA.
Organization No.: 010781
Acronym: Independent Cargo Services, Inc.
Dba Name: NA.
Organization No.: 004626
Acronym: Intercontinental Cargo Express, Ltd.
Dba Name: NA.
Organization No.: 011115
Acronym: International Activities Corporation
Dba Name: NA.
Organization No.: 004703
Acronym: International Freight Agency
Dba Name: NA.
Organization No.: 011500
Acronym: International Shipping Corporation
Dba Name: NA.
Organization No.: 004110
Acronym: Janel International Forwarding Company of LA
Dba Name: NA.
Organization No.: 005460
Acronym: JAS Pacific Inc.
Dba Name: NA.
Organization No.: 010681
Acronym: Jet-Mar, Corporation
Dba Name: NA.
Organization No.: 011506
Acronym: Johnson, Richard W.
Dba Name: American Paragon
Organization No.: 008578
Acronym: Joseph & Schiller, Inc.
Dba Name: NA.
Organization No.: 004963
Acronym: Jovanovic, Dusan
Dba Name: SAR Express International
Organization No.: 005248
Acronym: Keegan, Arthur
Dba Name: AMCO Customs Brokerage Company
Organization No.: 004263
Acronym: Kenehan, John W.
Dba Name: NA.
Organization No.: 005012
Acronym: Kennedy, Frank B.
Dba Name: Albatross Shipping Co.
Organization No.: 004450
Acronym: Kim, Young S.
Dba Name: Ace Young Co.
Organization No.: 005464
Acronym: Kogel Overseas, Inc.
Dba Name: NA.
Organization No.: 004525
Acronym: L.C. Forwarding International Co.
Dba Name: NA.
Organization No.: 005365
Acronym: LA Montana Moving & Storage, Inc.
Dba Name: NA.
Organization No.: 005605
Acronym: Lasha Enterprises, Inc.
Dba Name: Lasha Cargo
Organization No.: 008589
Acronym: M and H Brokerage, Inc.
Dba Name: NA.
Organization No.: 004562
Acronym: Maley, Donald T.
Dba Name: Empire Sea-Air Company
Organization No.: 004287
Acronym: Maribel International Freight Forwarders Inc.
Dba Name: NA.
Organization No.: 004751
Acronym: Mattice Construction, Inc.
Dba Name: Willis International
Organization No.: 008107
Acronym: Metro Freight Services Inc.
Dba Name: NA.
Organization No.: 006490
Acronym: Mighal International, Inc.
Dba Name: Pacific Container Line
Organization No.: 005433
Acronym: Moving & Packing Intl. Inc.
Dba Name: NA.
Organization No.: 006494
Acronym: New England Household International
Dba Name: NA.
Organization No.: 004920
Acronym: New York Customs Brokers Inc.
Dba Name: NA.
Organization No.: 006496
Acronym: New York Forwarding, Inc.
Dba Name: NA.
Organization No.: 010803
Acronym: Norvanco, Inc.
Dba Name: NA.
Organization No.: 004853
Acronym: Nowell, Karen L.

VOL 58 ISS 31 FE 18 1993 UMI

Dba Name: NA.
Organization No.: 008747
Acronym: Pacific Rim Shipbrokers Incorporated
Dba Name: Pacific Rim Forwarders
Organization No.: 010906
Acronym: Pan Am Cargo, Inc.
Dba Name: NA.
Organization No.: 011145
Acronym: Paula Lapoint
Dba Name: Lapointeco
Organization No.: 005593
Acronym: Phoenix International Forwarders, Inc.
Dba Name: NA.
Organization No.: 005179
Acronym: Professional Export Services, Inc.
Dba Name: NA.
Organization No.: 007865
Acronym: Ram-Forwarding, Inc.
Dba Name: NA.
Organization No.: 009887
Acronym: Rapid World Forwarders, Inc.
Dba Name: NA.
Organization No.: 004301
Acronym: Reliable International, Inc.
Dba Name: NA.
Organization No.: 004824
Acronym: Richard Murray and Company
Dba Name: NA.
Organization No.: 004131
Acronym: Roehlig Forwarding, Inc.
Dba Name: NA.
Organization No.: 005022
Acronym: S.A.I.M.A. America, Inc.
Dba Name: Mangilli Freight Forwarding/Sea-Lanes Fre
Organization No.: 004174
Acronym: Safe Ocean Forwarders, Inc.
Dba Name: NA.
Organization No.: 011547
Acronym: Sea Cargo International, Inc.
Dba Name: NA.
Organization No.: 005151
Acronym: Sequoia Forwarders Co.
Dba Name: Sequoia Forwarders Company
Organization No.: 004878
Acronym: SFFC, Inc.
Dba Name: South Florida Forwarding Company
Organization No.: 005197
Acronym: Sky-Sea Forwarding, Corp.
Dba Name: NA.
Organization No.: 005360
Acronym: Smith & Johnson (Warehouse) Inc.
Dba Name: NA.
Organization No.: 004927
Acronym: Southern Steamship Agency
Dba Name: NA.
Organization No.: 004323
Acronym: Southside Shipping Ltd.
Dba Name: NA.
Organization No.: 010798
Acronym: Stiebel International Shipping, Inc.
Dba Name: NA.
Organization No.: 005630
Acronym: Systems American Cargo Corp.
Dba Name: NA.
Organization No.: 007466
Acronym: Thornley and Pitt, Inc.
Dba Name: NA.
Organization No.: 004445
Acronym: Trans America Forwarders, Inc.
Dba Name: NA.
Organization No.: 004918
Acronym: Trans Continental Cargo, Inc.
Dba Name: Freight Forwarding Service
Organization No.: 007388
Acronym: Transfreight International Freight Services
Dba Name: NA.
Organization No.: 006596
Acronym: Transintra International Forwarding Co., Inc.
Dba Name: NA.
Organization No.: 005079
Acronym: Transoceanic Shipping Company, Inc.
Dba Name: Projects Shipping Co.
Organization No.: 005479
Acronym: U.S. Carriage International Inc.
Dba Name: Trident Ocean Services
Organization No.: 006534
Acronym: United States International Shipping Corp., Inc.
Dba Name: U.S. Saudi International Shipping Co.
Organization No.: 005235
Acronym: W.H. Wickersham and Co., Inc.
Dba Name: NA.
Organization No.: 004363
Acronym: Westfeldt Brothers Forwarders, Inc.
Dba Name: NA.
Organization No.: 004106
Acronym: Wood, Niebuhr and Co., Inc.
Dba Name: NA.
Organization No.: 004381
Acronym: World Commerce Services, Inc.
Dba Name: NA.
Organization No.: 004962
Acronym: Yoon, In Joong
Dba Name: NA.
Organization No.: 011459
Acronym: Zeller, William M.
Dba Name: Transport International Services
Organization No.: 010945

Part C: Common Carriers by Water in the Foreign Commerce of the United States That Are Also Licensed Ocean Freight Forwarders That Have Not Filed Anti-Rebate Certifications

Acronym: Air-Sea Forwarders, Inc.
Dba Name: ASF Container Line
Organization No.: 006323
Acronym: Ambassador International, Ltd.
Dba Name: NA.
Organization No.: 007855
Acronym: Blue Sky, Blue Sea, Inc.
Dba Name: American Export Lines
Organization No.: 004869
Acronym: C.S. Greene and Company, Inc.
Dba Name: Greene Seatrailer Line
Organization No.: 004430
Acronym: Cargo Express International, Inc.
Dba Name: NA.
Organization No.: 008357
Acronym: Cheung, Daniel H.
Dba Name: D. Cheung Intl.
Organization No.: 005627
Acronym: Immediate Transportation Company, Inc.
Dba Name: Immediate Container Line
Organization No.: 007787
Acronym: Interfreight Customs Clearance Inc.
Dba Name: Interfreight Consolidators
Organization No.: 010795
Acronym: MBC Freight Consultants (USA) Inc.
Dba Name: NA.
Organization No.: 008340
Acronym: Oceanair Inc.
Dba Name: Oasis
Organization No.: 006501
Acronym: Premier Shipping Company, Inc.
Dba Name: Premier Lines
Organization No.: 004388
Acronym: Pro-Service Forwarding Co., Inc.
Dba Name: NA.
Organization No.: 007342
Acronym: SCAC California Inc.
Dba Name: NA.
Organization No.: 009377
Acronym: Sonco International Corporation
Dba Name: American Drawback Agency
Organization No.: 008739
Acronym: Speed Cargo Service, Inc.
Dba Name: NA.
Organization No.: 009672
Acronym: Total Cargo Service, Inc.
Dba Name: NA.
Organization No.: 006598
Acronym: U.S.A. Shipping Corporation
Dba Name: NA.
Organization No.: 004930

Acronym: World Wide Air Marine Freight Forwarders Inc.
Dba Name: NA.
Organization No.: 004221

[FR Doc. 93-3713 Filed 2-17-93; 8:45 am]
BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Alternative Medicine Program Advisory Committee; Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 [Pub. L. 92-463, 86 Stat. 770-776] and section 402(b)(6), of the Public Health Service Act, as amended [42 U.S.C. 282(b)(6)], the Director, National Institutes of Health (NIH), announces the establishment of the Alternative Medicine Program Advisory Committee.

The Alternative Medicine Program Advisory Committee will provide advice and guidance to the Director, NIH, on the program through which the NIH will screen and select the procedures for investigation and the projects to be recommended in a research program to test fully the most promising alternative medical practices.

Unless renewed by appropriate action prior to its expiration, the Alternative Medicine Program Advisory Committee will terminate two years from the date of establishment.

Dated: February 11, 1993.

Bernadine Healy,

Director, National Institutes and Health.

[FR Doc. 93-3830 Filed 2-17-93; 8:45 am]
BILLING CODE 4140-01-M

National Institute on Alcohol Abuse and Alcoholism; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Immunology and AIDS Subcommittee of the Alcohol Biomedical Research Review Committee, National Institute on Alcohol Abuse and Alcoholism, March 4-5, 1993, Ramada Inn at Congressional Park, 1775 Rockville Pike, Rockville, MD 20852 which was published in the **Federal Register** on January 22, 1993, (58 FR 5744).

This committee was to have convened at 9 a.m. on March 4, but has been changed to 8:30 a.m. on March 5, 1993, Ramada Inn at Congressional Park.

The meeting will be open to the public from 8:30 a.m. to 9:30 a.m. and will be closed from 9:30 a.m. to adjournment for the review of grant applications.

Dated: February 11, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93-3829 Filed 2-7-93; 8:45 am]
BILLING CODE 4140-01-M

National Cancer Institute; Meeting of the Developmental Therapeutics Contracts Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Developmental Therapeutics Contracts Review Committee, National Cancer Institute, National Institutes of Health, on March 5, 1993, at the Executive Plaza North, Conference Room D, Rockville, Maryland 20892.

This meeting will be open to the public from 9 a.m. to 10 a.m. to discuss administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Public Law 92-463, the meeting will be closed to the public on March 5 from 10 a.m. to adjournment for the review, discussion, and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892, Tel. 301/496-5708, will provide summaries of the meeting and rosters of committee members upon request.

Dr. Susan E. Feinman, Scientific Review Administrator, Developmental Therapeutics Contracts Review Committee, 6130 Executive Boulevard, room 629, Rockville, Maryland 20892, Tel. 301/402-0944, will furnish substantive program information.

Individuals who plan to attend and need a special assistance as sign language interpretation or other reasonable accommodations, should contact Dr. Susan E. Feinman, (301) 402-0944 in advance of the meeting.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated February 11, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93-3823 Filed 2-17-93; 8:45 am]
BILLING CODE 4140-01-M

National Cancer Institute; Meeting of the Board of Scientific Counselors, Division of Cancer Biology, Diagnosis and Centers

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Biology, Diagnosis, and Centers, National Cancer Institute, March 22, 1993. The meeting will be held in Building 31C, Conference Room 10, National Institutes of Health, Bethesda, Maryland 20892.

This meeting will be open to the public from 8:30 a.m. to 11 a.m. for concept review of proposed research projects. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public from 11 a.m. until adjournment for the review and discussion of previous site visit reports and responses, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Office, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708) will provide summary minutes of the meeting and roster of committee members.

Dr. Ihor J. Masnyk, Deputy Director, Division of Cancer Biology, Diagnosis, and Centers, National Cancer Institute, Building 31, room 3A03, National Institutes of Health, Bethesda, Maryland 20892 (301/496-3251) will provide substantive program information.

Indivduals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Mrs. Sandra Carter, (301) 496-4345 in advance of the meeting.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support;

VOL
58
ISS
31
FE
18
1993
UMI

93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated: February 11, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–3825 Filed 2–17–93; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Frederick Cancer Research and Development Center Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Frederick Cancer Research and Development Center Advisory Committee, March 22–23, 1993, Building 549, Executive Board Room, NCI Frederick Cancer Research and Development Center, Frederick, Maryland.

This meeting will be open to the public on March 22 from 8:30 a.m. to approximately 10 a.m. to discuss administrative matters such as future meetings, budget, concept review of the NCI FCRDC system of contracts and informational items related to the operation of the NCI Frederick Cancer Research and Development Center. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 22 from approximately 10 a.m. to recess and on March 23 from 8:30 a.m. to adjournment for discussion of the previous site visit review of the Laboratory of Eukaryotic Gene Expression under contract with ABL–Basic Research Program. During the closed portion, a site visit review of the ABL–BRP Chemistry of Carcinogenesis Laboratory will also be conducted.

These discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contractor, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Carole Frank, Committee Management Officer, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892, Tel. (301) 496–5708, will provide a summary of the meeting and a roster of committee members upon request.

Dr. Cedric W. Long, Executive Secretary, Frederick Cancer Research and Development Center Advisory Committee, National Cancer Institute Frederick Cancer Research and Development Center, P.O. Box B, Frederick, Maryland 21702–1201, Tel. (301) 846–1108, will furnish substantive program information upon request.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dr. Cedric Long, Tel. (301) 846–1108 in advance of the meeting.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower, 93.399, Cancer Control)

Dated: February 11, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–3827 Filed 2–17–93; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Etiology on March 25–26, 1993. The meeting will be held in Building 31, C Wing, Conference Room 6, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public from 1 p.m. to recess on March 25 and from 9 a.m. to adjournment on March 26 for discussion and review of the Division budget and review of concepts for grants and contracts. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public from 9 a.m. to approximately 12 p.m. on March 25 for the review, discussion and evaluation of individual programs and projects conducted by the Division of Cancer Etiology. These programs, projects, and discussions could reveal personal information concerning individuals associated with the programs and projects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Ms. Carole A. Frank, Committee Management Officer, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. David McB. Howell, Executive Secretary of the Board of Scientific Counselors, Division of Cancer Etiology, National Cancer Institute, Building 31, rooom 11A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–6927) will furnish substantive program information. Individuals who plan to attend and need special assistance, such as sign language interpretation or other special accommodations, should contact Dr. David McB. Howell, (301) 496–6927, in advance of the meeting.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated: February 11, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–3826 Filed 2–17–93; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Notice of Meeting

Notice is hereby given of the meeting of the Thyroid/Iodine–131 Assessments Committee, National Cancer Institute, March 30, 1993, Building 31, A Wing, Conference Room 4, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland. The meeting will be open from 9 a.m. to adjournment. The purpose of the meeting will be to acquaint the Committee with the current status of efforts to retrospectively assess the exposure of the American people to I–131 from atmospheric nuclear weapons tests conducted at the Nevada Test Site.

Ms. Carole Frank, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. David McB. Howell, Executive Secretary of the Thyroid/Iodine–131 Assessments Committee, Division of Cancer Etiology, National Cancer Institute, Building 31, Room 11A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–6927) will provide substantive program information, upon request.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other special accommodations, should contact Dr.

David McB. Howell, (301) 496–6927, in advance of the meeting.

Dated: February 11, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc: 93–3821 Filed 2–17–93; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Meeting of the Cancer Center Support Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Cancer Center Support Review Committee, National Cancer Institute, on March 25–26, 1993, Holiday Inn Chevy Chase, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

This meeting will be open to the public on March 25 from 7 p.m. to 8 p.m., to review administrative details and other cancer center review issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public on March 25 from approximately 8 p.m. to recess and on March 26 from 8 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Carole Frank, the Committee Management Officer, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301–496–5708) will provide a summary of the meeting and the roster of committee members, upon request.

Dr. David E. Maslow, Scientific Review Administrator, Cancer Center Support Review Committee, National Cancer Institute, Westwood Building, room 804, National Institutes of Health, Bethesda, Maryland 20892 (301–496–2330) will furnish substantive program information.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dr. David Maslow, (301) 496–2330 in advance of the meeting.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.197, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control.

Dated: February 11, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–3824 Filed 2–17–93; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Drug Abuse; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the review committees of the National Institute on Drug Abuse for March 1993.

These meetings will be open to the public for approximately one-half hour at the beginning of the first day of the meeting for announcements and reports of administrative, legislative, and program development. Attendance by the public will be limited to space available.

As indicated below in accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Pub. L. 92–463, these meetings will be closed to the public for the review, discussion, and evaluation of individual grant applications on the dates indicated below. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of the meetings and rosters of committee members may be obtained from: Ms. Camilla L. Holland, NIDA Committee Management Officer, National Institutes of Health, Parklawn Building, room 10–42, 5600 Fishers Lane, Rockville, MD 20857 (Telephone: 301/443–2755).

Substantive program information may be obtained from the contracts whose names, room numbers, and telephone numbers are listed below.

Committee Name: Bioehavioral/Clinical Subcommittee, Drug Abuse AIDS Research Review Committee.

Meeting Date: March 9–11, 1993.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, Maryland 20814.

Open: March 9, 9 a.m. to 9:30 a.m.

Closed: 9:30 a.m., March 9, to adjournment on March 11.

Contact: Iris W. O'Brien, room 10–42, Parklawn Building, Telephone (301) 443–2620

Committee Name: Sociobehavioral Subcommittee, Drug Abuse AIDS Research Review Committee.

Meeting Date: March 9–11, 1993.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, Maryland 20814.

Open: March 9, 9 a.m. to 9:30 a.m.

Closed: 9:30 a.m., March 9, to adjournment on March 11.

Contact: H. Noble Jones, room 10–22, Parklawn Building, Telephone (301) 443–9042.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other special accommodations, should contact the persons listed above, in advance of the meeting.

(Catalog of Federal Domestic Assistance Program Numbers: 93.277, Drug Abuse Research Scientist Development and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs)

Dated: February 11, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–3828 Filed 2–17–93; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Mental Health; Notice of Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the review committees of the National Institute of Mental Health for March 1993.

These meetings will be open to the public as indicated below for the discussion of NIMH policy issues and will include current administrative, legislative, and program developments.

All meetings will be closed to the public as indicated below in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Joanna L. Kieffer, Committee Management Officer, National Institute of Mental Health, Parklawn Building, Room 9–105, 5600 Fishers Lane, Rockville, MD 20857, Area Code 301, 443–4333, will provide a summary of the meeting and a roster of committee members.

Other information pertaining to the meetings may be obtained from the contact person indicated.

Committee Name: Epidemiology Review Committee.

VOL 58 ISS 31 FE 18 1993 UMI

Contact: Tammye M. Cross, Room 9C–14, Parklawn Building, Telephone: 301, 443–1367.

Meeting Date: March 1–3, 1993.

Place: Embassy Suites Hotel, 4300 Military Road, NW., Washington, DC 20015.

Open: March 1, 1993, 9 a.m.–10 a.m.

Closed: March 1, 1993, 10 a.m. –5 p.m.; March 2, 1993, 9 a.m.–5 p.m.; March 3, 1993, 9 a.m.–adjournment.

Committee Name: Biological Psychopathology Review Committee.

Contact: Helen D. Craig, Room 9C–18, Parklawn Building, Telephone: 301, 443–3857.

Meeting Date: March 3–4, 1993.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Open: March 3, 1993, 9 a.m.–10 a.m.

Closed: March 3, 1993, 10 a.m.–5 p.m.; March 4, 1993, 9 a.m.–adjournment.

Committee Name: Clinical Subcommittee, Mental Health Special Projects Review Committee.

Contact: Gwen C. Artis, Room 9C–08, Parklawn Building, Telephone: 301, 443–1367.

Meeting Date: March 3–5, 1993.

Place: Grand Hyatt Hotel, Park Avenue at Grand Central, New York, NY 10017.

Open: March 3, 1993, 7 p.m.–8 p.m.

Closed: March 3, 1993, 8 p.m.–10 p.m.; March 4, 1993, 9 a.m.–5 p.m.; March 5, 1993, 9 a.m.–adjournment.

Committee Name: Psychobiology and Behavior Review Committee.

Contact: Shirley H. Maltz, Room 9C–18, Parklawn Building, Telephone: 301, 443–3944.

Meeting Date: March 4–5, 1993.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Open: March 4, 1993, 8:30 a.m.–9:30 a.m.

Closed: March 4, 1993, 9:30 a.m.–5 p.m.; March 5, 1993, 8:30 a.m.–adjournment.

Committee Name: Treatment Assessment Review Committee.

Contact: Barbara W. Campbell, Room 9C–02, Parklawn Building, Telephone: 301, 443–4868.

Meeting Date: March 4–5, 1993.

Place: Embassy Suites Hotel, 4300 Military Road, NW., Washington, DC 20015.

Open: March 4, 1993, 8:30 a.m.–9:30 a.m.

Closed: March 4, 1993, 9:30 a.m.–5 p.m.; March 5, 1993, 8:30 a.m.–adjournment.

Committee Name: Behavioral, Clinical, and Psychosocial Subcommittee of Mental Health AIDS and Immunology Review Committee.

Contact: Regina M. Thomas, Room 9C–15, Parklawn Building, Telephone: 301, 443–6470.

Meeting Date: March 10–11, 1993.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda Metro Center, Bethesda, MD 20814.

Open: March 10, 1993, 8:30 a.m.–9 a.m.

Closed: March 10, 1993, 9 a.m.–5 p.m.; March 11, 1993, 8:30 a.m.–adjournment.

Committee Name: Clinical Subcommittee, Mental Health Special Projects Review Committee.

Contact: Gwen C. Artis, Room 9C–08, Parklawn Building, Telephone: 301, 443–1367.

Meeting Date: March 10–12, 1993.

Place: Campus Inn, 615 East Huron, Ann Arbor MI, 48104.

Open: March 10, 1993, 7:00 p.m.–8:00 p.m.

Closed: March 10, 1993, 8:00 p.m.–10:00 p.m.; March 11, 1993, 9:00 a.m.–5:00 p.m., March 12, 1993, 9:00 a.m.–adjournment.

Committee Name: Psychobiological, Biological, and Neuroscience Subcommittee of the Mental Health AIDS and Immunology Review Committee.

Contact: Rehana A. Chowdhury, Room 9C–15, Parklawn Building, Telephone: 301, 443–6470.

Meeting Date: March 11–12, 1993.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Open: March 11, 1993, 2:00 p.m.–2:30 p.m.;

Closed: March 11, 1993, 2:30 p.m.–5 p.m.; March 12, 1993, 8:30 a.m.–adjournment.

Committee Name: Clinical Subcommittee, Mental Health Special Projects Review Committee.

Contact: Gwen C. Artis, Room 9C–08, Parklawn Building, Telephone: 301, 443–1367.

Meeting Date: March 17–19, 1993.

Place: Holiday Inn, 30 Whalley Avenue, New Haven, CT 06511.

Open: March 17, 1993, 7 p.m.–8 p.m.

Closed: March 17, 1993, 8 p.m.–10 p.m.; March 18, 1993, 9 a.m.–5 p.m.; March 19, 1993, 9 a.m.–adjournment.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the contact person named above in advance of the meeting.

(Catalog of Federal Domestic Assistance Program Numbers 93.126, Small Business Innovation Research; 93.176, ADAMHA Small Instrumentation Program Grants; 93.242, Mental Health Research Grants; 93.281, Mental Research Scientist Development Award and Research Scientist Development Award for Clinicians; 93.282, Mental Health Research Service Awards for Research Training; and 93.921, ADAMHA Science Education Partnership Award)

Dated: February 11, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–3822 Filed 2–17–93; 8:45 am]

BILLING CODE 4140–01–M

COMMISSION ON IMMIGRATION REFORM

Commission on Immigration Reform Consultation

AGENCY: Commission on Immigration Reform.

ACTION: Announcement of Consultation.

SUMMARY: The Commission on Immigration Reform will hold an expert consultation to assess U.S. immigration policies relating to the various categories of people now classified as unskilled workers: Childcare workers, elderly caregivers, home healthcare workers and others. The consultation will be held on Friday, February 26, 1993 from 9 a.m. to 1 p.m. in the Senate Judiciary Committee hearing room.

The Commission was established by the Immigration Act of 1990 under Section 141.

DATES: 9a.m.–1p.m., February 26, 1993.

ADDRESSES: U.S. Senate Judiciary Committee Hearing Room, Senate Dirksen Building, room 226

FOR FURTHER INFORMATION CONTACT: Beth Bickley or Brett Endres, Telephone: (202) 673–5348.

Dated: February 12, 1993.

Susan Forbes Martin,

Executive Director.

[FR Doc. 93–3809 Filed 2–17–93; 8:45 am]

BILLING CODE 3820–97–M

DEPARTMENT OF THE INTERIOR

National Park Service

Cape Cod National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App 1 § 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, March 30, 1993.

The Commission was reestablished pursuant to Public Law 99–349, Amendment 24. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of the Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The meeting will convene at 1 p.m. for the following purposes:

1. Adoption of Agenda.
2. Approval of Minutes of Previous Meeting.
3. Reports of Officers.
4. Old Business.
5. Superintendent's Report.
6. Improved Properties.
7. NPS Educational Activities—NEED.
8. Nickerson Fellowship Status Report.
9. New Business.
10. Agenda for next meeting.
11. Date for next meeting.
12. Communications/Public Comment.
13. Adjournment.

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to the Commission members.

Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from the Superintendent, Cape Cod National Seashore, South Wellfleet, MA 02663.

Dated: February 11, 1993.

Marie Rust,

Regional Director.

[FR Doc. 93-3805 Filed 2-17-93; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Land Management

[CO-050-4830-01]

Cañon City District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Public Law 94-579 that the Cañon City District Advisory Council (DAC) Meeting will be held Tuesday, March 9, 1993, 1 p.m. to 5 p.m. and Wednesday, March 10, 1993, 8 a.m. to 11:30 a.m., at the Cañon City District Office, 3170 East Main, Cañon City, Colorado.

The meeting agenda will include:

1 Briefing and work session on the Garden Park Fossil Area.

2 Update on the Arkansas River Draft Rationing Plan.

3 Public presentations to the Council (open invitation). The meeting is open to the public. Persons interested may make oral presentations to the Council at 4:30 p.m., March 9, or they may file written statements for the Council's consideration. The District Manager may limit the length of oral presentations depending on the number of people wishing to speak.

ADDRESSES: Anyone wishing to make oral or written presentation to the Council should notify the District Manager, Bureau of Land Management, P.O. Box 2200, 3170 East Main, Cañon City, Colorado 81215-2200, by March 8, 1993.

FOR FURTHER INFORMATION CONTACT: Ken Smith (719) 275-0631.

SUPPLEMENTARY INFORMATION: Summary of minutes of the meeting will be available for public inspection and reproduction during regular working hours at the District Office approximately 30 days following the meeting.

Dated: February 8, 1993.

Stuart L. Freer,

Associate District Manager.

[FR Doc. 93-3708 Filed 2-17-93; 8:45 am]

BILLING CODE 4310-JB-M

[CO-070-4320-02-241A]

Grand Junction District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of meeting of Grand Junction District Grazing Advisory Board.

SUMMARY: Notice is hereby given that a meeting of the Grand Junction District Grazing Advisory Board will be held on Thursday, March 11, 1993. The meeting will convene in the conference room at the Bureau of Land Management, 2815 H Road, Grand Junction, Colorado at 9 a.m.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

(1) Introduction;
(2) Minutes of the previous meeting;
(3) Colorado Range Update;
(4) RPS Update;
(5) Grand Junction Resource Area Update;
(6) Glenwood Springs Resource Area Update;
(7) Public Presentations;
(8) Status of Current Range Projects;
(9) Proposed Grazing Advisory Board Projects;
(10) Arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Board between 1 p.m. and 1:30 p.m. or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 2815 H Road, Grand Junction, Colorado 81506 by March 9, 1993. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Minutes of the Board Meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) after thirty (30) days following the meeting.

Further information on the meeting may be obtained at the above address, or by calling (303) 244-3076.

Tim Hartzell,

District Manager.

[FR Doc. 93-3709 Filed 2-17-93; 8:45 am]

BILLING CODE 4310-JB-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-317]

Commission Determination Not to Review an Initial Determination Terminating the Investigation on the Basis of a Settlement Agreement

In the Matter of Certain Internal Mixing Devices and Components Thereof.

AGENCY: U.S. International Trade Commission

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) of the presiding administrative law judge (ALJ) terminating the above-captioned investigation on the basis of a settlement agreement between the parties.

ADDRESSES: Copies of the nonconfidential version of the presiding ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-205-2000.

FOR FURTHER INFORMATION CONTACT: Scott D. Andersen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC, telephone 202-205-3099. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at 202-205-3810.

SUPPLEMENTAL INFORMATION: On December 17, 1992, complainant Farrel Corporation and respondents Pomini S.p.A. and Pomini, Inc. ("the Parties") filed a Joint Motion to Terminate Based on Settlement Agreement. On December 29, 1992, the Commission investigative attorney filed a response in support of the motion. On January 14, 1993, the presiding ALJ issued an ID terminating the investigation with prejudice as to all respondents. No petitions for review of the ID or agency or public comments were received.

The ALJ noted that "[t]he public interest favors settlement to avoid needless litigation and to conserve public resources," and concluded that "the settlement agreement does not appear to prejudice the public."

Issued: February 11, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93-3803 Filed 2-17-93; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-319-332, 334, 336-342, 344, 347-353 and 731-TA-573-579, 581-592, 594-597, 599-609, and 612-619 (Final)]

Certain Flat-Rolled Carbon Steel Products From Argentina, et al.

AGENCY: United States International Trade Commission.

ACTION: Institution and scheduling of final antidumping investigations and scheduling of the ongoing countervailing duty investigations.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping duty investigations Nos. 731-TA-573-579, 581-592, 594-597, 599-609, and 612-619 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of certain flat-rolled carbon steel products (as indicated in the table below), provided for in headings/subheadings 7208, 7209, 7210.31, 7210.39, 7210.41, 7210.49, 7210.60, 7210.70, 7210.90, 7211, 7212.21, 7212.29, 7212.30, 7212.40, 7212.50, 7212.60, 7214, 7215, and 7217 of the Harmonized Tariff Schedule of the United States, that the U.S. Department of Commerce (Commerce) has preliminarily found to have been sold at less than fair value by firms in the following countries:

Country	Cut-to-length plate	Hot-rolled sheet and strip	Cold-rolled sheet and strip	Corrosion-resistant sheet
Argentina			731-TA-597	
Australia				731-TA-612
Austria			731-TA-599	
Belgium	731-TA-573	731-TA-588	731-TA-600	
Brazil	731-TA-574	731-TA-589	731-TA-601	731-TA-613
Canada	731-TA-575	731-TA-590	731-TA-602	731-TA-614
Finland	731-TA-576			
France	731-TA-577	731-TA-591	731-TA-603	731-TA-615
Germany	731-TA-578	731-TA-592	731-TA-604	731-TA-616
Italy	731-TA-579		731-TA-605	
Japan		731-TA-594	731-TA-606	731-TA-617
Korea	731-TA-581	731-TA-595	731-TA-607	731-TA-618
Mexico	731-TA-582			731-TA-619
Netherlands		731-TA-596	731-TA-608	
Poland	731-TA-583			
Romania	731-TA-584			
Spain	731-TA-585		731-TA-609	
Sweden	731-TA-586			
United Kingdom	731-TA-587			

The Commission also gives notice of the schedule to be followed in these antidumping investigations and the ongoing countervailing duty investigations regarding imports of certain flat-rolled carbon steel products from Austria, Belgium, Brazil, France, Germany, Italy, Korea, Mexico, New Zealand, Spain, Sweden, and the United Kingdom (invs. Nos. 701-TA-319-332, 334, 336-342, 344, and 347-353 (Final), which the Commission instituted effective December 18, 1992 (57 FR 60247). The schedules for the subject investigations will be identical, pursuant to Commerce's alignment of its final subsidy and dumping determinations (57 FR 57730-57821, December 7, 1992).

For further information concerning the conduct of these investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: February 4, 1993.

FOR FURTHER INFORMATION CONTACT: Jonathan Seiger (202-205-3183) or Vera Libeau (202-205-3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

SUPPLEMENTARY INFORMATION:

Background

The subject antidumping investigations are being instituted as a result of affirmative preliminary determinations by the Department of Commerce that imports of certain carbon steel flat-rolled products (cut-to-length plate, hot-rolled sheet and strip, cold-rolled sheet and strip, and/or corrosion-resistant sheet and strip) from Argentina, Australia, Austria, Belgium, Brazil, Canada, Finland, France, Germany, Italy, Japan, Korea, Mexico, the Netherlands, Poland, Romania, Spain, Sweden, and the United Kingdom are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The Commission instituted the subject countervailing duty investigations on December 18, 1992 (57 FR 60247). The investigations were requested in a petition filed on June 30, 1992, by counsel for Armco Steel Co., L.P.; Bethlehem Steel Corp., Geneva Steel; Gulf States Steel, Inc. of Alabama; Inland Steel Industries, Inc.; Laclede Steel Co.; LTV Steel Co., Inc.; Lukens Steel Co.; National Steel Corp.; Sharon Steel Corp.; USX Corp./U.S Steel Group; and WCI Steel, Inc. (not all companies are petitioners in all cases). On November 25, 1992, the United Steelworkers of America, AFL-CIO/CLC, entered an appearance as a co-petitioner in these investigations.

Participation in the Investigations and Public Service List

Any person having already filed an entry of appearance in the countervailing duty investigations is considered a party in the antidumping investigations. Any other persons wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, not

later than twenty-one (21) days after publication of this notice in the **Federal Register**. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these final investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in these investigations will be placed in the nonpublic record on April 6, 1993, and a public version will be issued thereafter, pursuant to § 207.21 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with these investigations beginning at 9:30 a.m. on April 19, 1993, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before April 2, 1993. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on April 9, 1993, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by §§ 201.6(b)(2), 201.13(f), and 207.23(b) of the Commission's rules. Parties are strongly encouraged to submit as early in the investigations as possible any requests to present a portion of their hearing testimony *in camera*.

Written Submissions

Each party is encouraged to submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.22 of the Commission's rules; the deadline for filing is April 13, 1993. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.23(b) of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.24 of the Commission's rules. The deadline for filing posthearing briefs is April 27, 1993; witness testimony must be filed no later than three (3) days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before April 27, 1993. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules.

Issued: February 11, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–3802 Filed 2–17–93; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. The parent corporation is Thor Industries, Inc., 419 W. Pike Street, Jackson Center, Ohio.

2. The wholly owned subsidiaries of Thor Industries, Inc. and their states of incorporation are Dutchmen Manufacturing, Inc., Delaware, and Air Stream, Inc., Nevada.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–3760 Filed 2–17–93; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–167 (Sub-No. 1111)]

Consolidated Rail Corp.—Abandonment Between Union City and Redkey in Jay and Randolph Counties, IN; Findings

The Commission has issued a certificate authorizing Consolidated Rail Corporation to abandon its line of railroad between milepost 103.9, at Union City, IN, and milepost 123.4, near Redkey, IN, a distance of 19.5 miles, located in Jay and Randolph Counties, IN.

The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served on the applicant no later than 10 days from publication of this Notice. The following notation must be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Section of Legal Counsel, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Dated: February 10, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–3762 Filed 2–17–93; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–3 (Sub-No. 108X)]

Missouri Pacific Railroad Co.—Abandonment Exemption—Near Everman in Tarrant County, TX

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—Exempt Abandonments to abandon approximately 1.62-mile line of railroad in Tarrant County, TX. The segment to be abandoned, a portion of the Everman Branch, extends from the end of the line at milepost 263.60 near Everman, to milepost 265.22.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line; (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7, 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to government agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 18, 1993, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by February 26, 1993.[3] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 8, 1993, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representatives: Joseph D. Anthofer and Jeanna L. Regier, 1416 Dodge St., room 830, Omaha, NE 68179.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses the abandonment's effects, if any, on the environmental and historic resources.

The Section of Energy and Environment (SEE) will issue an environmental assessment (EA) by February 19, 1993. Interested persons may obtain a copy of the EA from SEE by writing to it (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEE, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: February 8, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–3761 Filed 2–17–93; 8:45 am]

BILLING CODE 7035–01–M

[1] A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement as long as it retains jurisdiction to do so.

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to Clean Water Act; Thomas, et al.

In accordance with Departmental policy, 28 CFR § 50.7, notice is hereby given that a consent decree in *United States* v. *Thomas, et al.*, Civ. No. 89–1550–S (D. Mass.), was lodged with the United States District Court for the District of Massachusetts on November 17, 1992.

The proposed consent decree concerns alleged violations of sections 301, 309, and 404 of the Clean Water Act, 33 U.S.C. §§ 1311, 1319, 1344, as a result of discharges of fill material onto portions of property located in Rochester, Massachusetts, which are alleged to constitute "waters of the United States." The consent decree requires that the defendants conduct a restoration plan at the Site to restore its wetland nature, as well as payment of stipulated penalties for violations of its provisions. The defendants have signed the Consent Decree.

The Department of Justice will receive, until thirty (30) days from the date of this notice, written comments relating to the proposed Consent Decree. Comments should be addressed to the United States Department of Justice, Assistant Attorney General, Environment and Natural Resources Division, 10th Street and Pennsylvania Avenue, NW 20530, to the attention of Gary I. Rubin, Attorney, Environmental Defense Section, and should refer to *United States* v. *Thomas, et al.*, Civ. No. 89–1550–S (D. Mass.), and DJ Reference No. 90–5–1–1–3336.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the District of Massachusetts, John W. McCormack Post Office & Courthouse, Room 707, Boston, Massachusetts 02109, during regular business hours, or a copy may be requested from Gary I. Rubin (202) 514–3698.

Roger Cregg,

Acting Assistant Attorney General, Environment and Natural Resources Division

[FR Doc. 93–3731 Filed 2–17–93; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, Resource Conservation and Recovery Act, and the Clean Water Act; Petersen Sand and Gravel Inc.

In accordance with Departmental policy, 28 CFR § 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Petersen Sand & Gravel Inc.*, Civil Action No. 91 C 5835, was lodged on December 22, 1992 with the United States District Court for the Northern District of Illinois. Under the proposed consent decree Petersen Sand and Gravel would pay $590,000 to the Hazardous Substances Superfund in reimbursement of remedial costs incurred by the United States at the Petersen Sand and Gravel Site in Libertyville, Illinois. Under the proposed consent decree, Petersen Sand and Gravel would also pay civil penalties of $110,000 in resolution of claims that the company failed to properly respond to requests for information pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, the Resource, Conservation and Recovery Act and the Clean Water Act.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Petersen Sand & Gravel Inc.*, DOJ Ref. #90–11–3–677.

The proposed consent decree may be examined at the Office of the United

States Attorney, 219 South Dearborn Street, Chicago, Illinois 60604; the Region V Office of the Environmental Protection Agency, 77 West Jackson Blvd., Chicago, Illinois 60604; and at the Consent Decree Library, 601 Pennsylvania Avenue, N.W., Washington, D.C. 20044, 202–347–2072. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 601 Pennsylvania Avenue, NW., Box 1097, Washington, D.C. 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $5.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division

[FR Doc. 93–3740 Filed 2–17–93; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984; Program to Conduct Studies and Research Pertaining to Zirconium Alloys

Notice is hereby given that, on November 24, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the participants in the Program to Conduct Studies and Research Pertaining to Zirconium Alloys have filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the program. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties and its general area of planned activities are ABB Atom AB, Vasteras, Sweden; Combustion Engineering, Inc., Stamford, CT; AB Sandvik Steel, Sandviken, Sweden; Sandvik Special Metals Corporation, Kennewick, WA; and Teledyne Wah Chang Albany, a Division of Teledyne Industries Inc., Albany, OR. The objectives of the program are to conduct studies and research pertaining to zirconium alloys, particularly as they may be utilized in nuclear power reactors, by (i) collection of data and information, (ii) development of improved zirconium alloys and the processing thereof, and (iii) experimentation and tests on materials resulting from such development.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–3736 Filed 2–17–93; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984—High Definition Television Cooperation—General Instrument Corporation/Massachusetts Institute of Technology/American Telephone and Telegraph Company/Zenith Electronics Corporation

Notice is hereby given that, on October 15, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), General Instrument Corporation/Massachusetts Institute of Technology/American Telephone and Telegraph Company/Zenith Electronics Corporation filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are General Instrument Corporation, Chicago, IL; Massachusetts Institute of Technology, Cambridge, MA; American Telephone and Telegraph Company, Berkeley Heights, NJ; and Zenith Electronics Corporation, Glenview, IL.

The venture was formed pursuant to an Agreement for High Definition Television Cooperation (the "Agreement") dated July 17, 1992, by and among such parties. The FCC has assigned two test slots for determining the terrestrial broadcast high definition television ("HDTV") standard in the United States to General Instrument Corporation and Massachusetts Institute of Technology and has assigned one such test slot to American Telephone and Telegraph Company and Zenith Electronics Corporation.

The main purposes of the Agreement are: (1) potential cooperation on the research necessary to develop an HDTV system that uses the intellectual property rights of one or more parties for possible submission to the FCC; (2) licensing of intellectual property rights and thereby sharing of the risks and rewards of each of the parties' interests in the HDTV systems that have been and may be submitted to the FCC for such test slots; and (3) cooperation with the FCC in the FCC's selection process for determining the terrestrial broadcast HDTV standard in the United States and thereby assistance in the timely completion of such selection process based on the technical merits of the proposed HDTV systems themselves.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–3734 Filed 2–17–93; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984—National Center for Manufacturing Sciences, Inc.

Notice is hereby given that, on November 2, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the National Center for Manufacturing Sciences, Inc. ("NCMS") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following companies were recently accepted as active members of NCMS: Allied Screw Products, Inc., Mishawaka, IN; Eitel Presses, Inc., Orwigsburg, PA; Intellisys, Inc., Liverpool, NY; Manteq International, Inc., Midland, MI; Mechatronic Technologies, Inc., Fremont, CA; Montronix, Inc., Raleigh, NC; Santech Industries, Inc., Fort Worth, TX; and Thesis Group, Inc., Dallas, TX. In addition, the following organizations were recently accepted as affiliate members of NCMS: Gear Research Institute, Lisle, IL; ITT Research Institute, Chicago, IL; Texas Department of Commerce, Office of Advanced Technology, Austin, TX; University of Texas at Arlington, Arlington, TX; Wayne State University, Detroit, MI; and Wisconsin Department of Development, Madison, WI. Lastly, NCMS affiliate member Metalworking Technology, Inc., merged with National Defense Environmental Corporation and changed its name to Concurrent Technologies Corporation, which continues as an affiliate member of NCMS.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NCMS intends to file additional written

notification disclosing all changes in membership.

On February 20, 1987, NCMS filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 17, 1987 (52 FR 8375).

The last notification was filed with the Department on July 28, 1992. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on September 11, 1992, (57 FR 41784).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–3738 Filed 2–17–93; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984; Semiconductor Research Corp.

Notice is hereby given that, on November 30, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Semiconductor Research Corporation ("SRC"), has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, SRC has added Famtech International, Inc., Chicago, IL as an affiliate member. The following companies have been deleted from SRC membership: Unit Instruments, Inc.; Varian Associates, Inc.; and Rapro Technology, Inc. The membership of CVC Products, Inc., has been replaced by its parent company, CVC Holdings, Inc., Rochester, NY.

No other changes have been made in either the membership or planned activities of the group research project. Membership in this group research project remains open, and SRC intends to file additional written notification disclosing all changes in membership.

On January 7, 1985, SRC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on January 30, 1985, (52 FR 4281).

The last notification was filed with the Department on July 13, 1992. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 19, 1992, (57 FR 37557–558).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–3737 Filed 2–17–93; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984; Joint Venture for Advanced Technology Program of NIST

Notice is hereby given that, on December 28, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Westinghouse Electric Corp., has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damage under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are: Westinghouse Electric Corp., Pittsburgh, PA; and SGS Tool Co., Munroe Falls, OH. The parties' general area of planned activity is to develop plasma technology for low-cost diamond production that would incorporate diamond films into products such as tooling, heatsinks and infrared optics.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–3735 Filed 2–17–93; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), considers comments on the reporting/recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and/or Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Kenneth A. Mills ((202) 219–5095). Comments and questions about the items on this list should be directed to Mr. Mills, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 3001, Washington, DC 20503 ((202) 395–6880).

Any member of the public who wants to comment on recordkeeping/reporting requirements which have been submitted to OMB should advise Mr. Mills of this intent at the earliest possible date.

Extension

Employment and Training Administration, Attestation by Facilities Temporarily Employing Nonimmigrant Aliens as Registered Nurses, 1205–0305, ETA 9029.

On occasion.

Individuals or households; State or local governments; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations 1,024 respondents; 11 hours 8 minutes per response; 11,415 total hours; 1 form.

Congress enacted the Nursing Relief Act (P.L. 101.238) on December 18,

1989, requiring health care facility employers seeking access to temporary foreign registered nurses to file an "attestation with accompanying document" with the Department of Labor on an annual basis. The information provided on the ETA 9029 by health care facilities will permit the Department to meet these responsibilities for program administration, management and oversight.

Signed at Washington, DC, this 10th day of February 1993.

Kenneth A. Mills,

Departmental Clearance Officer.

[FR Doc. 93–3782 Filed 2–17–93; 8:45 am]

BILLING CODE 4510–30–M

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 93–9; Exemption Application No. D–9182, et al.]

Grant of Individual Exemptions; Building Services 32B–J Health Fund, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Building Services 32B–J Health Fund (the Plan) Located in New York, New York

[Prohibited Transaction Exemption 93–9; Exemption Application No. D–9182]

Exemption

The restrictions of section 406(a) of the Act shall not apply to the proposed extension of credit (the Loan) to the Plan by the Chase Manhattan Bank, N.A. (the Bank), under the terms described in the notice of proposed exemption, provided:

(a) The terms of the Loan are not less favorable to the Plan than those which the Plan could obtain in an arm's-length transaction with an unrelated party;

(b) The Loan exercised no discretion with respect to the Plan's decision to enter into the proposed transaction; and

(c) The Plan's trustees, who are unrelated to the Bank, have determined that the proposed transaction is appropriate for the Plan and in the best interests of its participants and beneficiaries.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on November 30, 1992 at 57 FR 56596.

Temporary Nature of the Exemption: The exemption will extend to all advances of funds made by the Bank to the Plan through August 31, 1993.

Written Comments: In addition to numerous telephone inquiries from interested persons, the Department has received more than 100 written comments with respect to the proposed exemption. In this regard, a majority of the comments did not focus on the merits of the transaction, but rather expressed concern that the proposed transaction would have a negative impact on the participant's retirement benefits. However, the transaction involves only the Building Services 32B–J Health Fund and not the Building Services 32B–J Pension Fund (the Pension Plan). Therefore, the transaction has no effect on the receipt of retirement benefits by the Pension Plan participants.

Several commentators were opposed to the proposed exemption, citing a conflict of interest because the Loan is to be made to the Plan by the Bank, which has investment control with respect to approximately one-half of the Plan's assets. In this regard, the Department notes that the decision to enter into the transaction was made on behalf of the Plan by its trustees, who are independent of and unrelated to the Bank. Furthermore, the Bank is held to a strict degree of fiduciary responsibility under the provisions of the Act with respect to the Plan's assets that it has under management.

Several interested persons wrote to request a hearing with respect to the proposed exemption. The Department notes that in its final regulation on procedures for filing and processing prohibited transaction exemption applications, 29 CFR 2570.46, there is no provision for a hearing unless the proposed exemption is from the fiduciary self-dealing prohibitions of section 406(b) of the Act. This exemption does not grant relief from section 406(b). Further, after careful consideration of the entire record, including the written comments, the Department does not believe that any issues have been raised which would require the convening of a hearing.

Accordingly, the Department has determined to grant the exemption as it was proposed.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

California Association of Hospitals and Health Systems Retirement and Tax Savings Investment Plan (the Plan) Located in Sacramento, CA

[Prohibited Transaction Exemption 93–10; Exemption Application No. D–8958]

Exemption

The restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) shall not apply to the proposed sale by

the Plan to the California Association of Hospitals and Health Systems (CAHHS), the Plan sponsor, of its residual investment in a trust rate account pool (the Trust Rate Account Pool) comprised of a portfolio of student loans that had been established by the Plan's former trustee, provided:

(1) The sale is a one-time transaction for cash;

(2) The Plan is not required to pay any fees or commissions in connection therewith;

(3) The Plan receives an amount which is not less than the balance of its residual interest in the Trust Rate Account Pool;

(4) The Plan receives interest on its total investment in the Trust Rate Account Pool from May 19, 1989 to the date the exempted transaction is consummated; and

(5) Any additional amounts that CAHHS receives from the Superintendent of Banks of the State of California which are above the Plan's investment of $76,988 in the Trust Rate Account Pool, will be rebated to the Plan.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on December 17, 1992 at 57 FR 60007.

FOR FURTHER INFORMATION CONTACT: Ms. Jan D. Broady of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Plan of Wachovia Corporation Diversified Funds for Retirement Trusts and the South Carolina National Bank Collective Investment Fund for Corporate Employee Benefit Trust Declaration of Trusts Located in Winston-Salem, NC and Columbia, SC, Respectively [Prohibited Transaction Exemption 93–11; Exemption Application Nos. D–9143 and D–9144]

Exemption

The restrictions of section 406(b)(2) of the Act shall not apply to:

(1) The merger of the SCNB Short Maturity Bond Fund (the SCNB Bond Fund) into the Wachovia Short-Term Bond Fund (the Wachovia Bond Fund)

(2) The merger of the SCNB Managed Guaranteed Investment Contract Fund (the Managed GIC Fund) into the Wachovia Guaranteed Investment Contract Fund (the Wachovia GIC Fund), or

(3) The merger of the SCNB Growth Stock Fund (the Growth Stock Fund) into the SCNB Stock Fund (the Stock Fund)[1]

The proposed exemption is conditioned on the following requirements:

(1) Upon completion of the merger of the SCNB Bond Fund into the Wachovia Bond Fund, the Managed GIC Fund into the Wachovia GIC Fund and SCNB's Growth Stock Fund into its Stock Fund, the aggregate fair market value of the interest of an employee benefit plan (the Plan) participating in the transferee Fund immediately following the merger, together with any cash received in lieu of fractional units in the transferee Fund, equals the aggregate fair market value of such Plan's interest in the transferor Fund immediately before the merger.

(2) Neither Wachovia Bank of North Carolina, N.A., South Carolina National Bank nor any of their affiliates receives a fee or commission in connection with the mergers.

(3) The assets of each participating Plan are invested in the same type of investments both before and after the proposed merger.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on December 17, 1992 at 57 FR 60011.

FOR FURTHER INFORMATION CONTACT: Ms. Jan D. Broady of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Gilead Sciences 401(k) Plan (the Plan) Located in Foster City, California

[Prohibited Transaction 93–12; Exemption Application No. D–9222]

Exemption

The restrictions of sections 406 (a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the extension of credit (the Loan) to the Plan by Gilead Sciences, Inc., the sponsor of the Plan, with respect to two guaranteed investment certificates (the GICs) issued by Mutual Benefit Life Insurance Company of New Jersey (Mutual Benefit); and (2) the potential repayment of the Loan (the Repayments) by the Plan; provided that the following conditions are satisfied:

(A) All terms of such transactions are no less favorable to the Plan than those which the Plan could obtain in arm's-length transactions with an unrelated party;

(B) No interest and/or expenses are paid by the Plan;

(C) The Repayments shall not exceed the amount of the Loan;

(D) The Repayments shall not exceed the amounts actually received by the Plan from Mutual Benefit, any state guaranty fund, and other responsible third party payors with respect to the GICs (the GIC Proceeds); and

(E) The Repayment of the Loan shall be waived to the extent that the amount of the Loan exceeds the total GIC Proceeds.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on December 29, 1992 at 57 FR 61929.

FOR FURTHER INFORMATION CONTACT: Ronald Willett of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

[1] For purposes of this proposed exemption, the Funds described herein are collectively referred to as the Funds.

Signed at Washington, DC, this 12th day of February, 1993.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, Department of Labor.

[FR Doc. 93–3786 Filed 2–17–93; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–9105, et al.]

Proposed Exemptions; NationsBank Corp., et. al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restriction of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** notice. Comments and request for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, room N–5649, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, room N–5507, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

NationsBank Corporation (NationsBank) Located in Charlotte, North Carolina

[Application No. D–9105]

Proposed Exemption

I. Transactions

A. Effective June 1, 1992, the restrictions of sections 406(a) and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the following transactions involving trusts and certificates evidencing interests therein:

(1) The direct or indirect sale, exchange or transfer of certificates in the initial issuance of certificates between the sponsor or underwriter and an employee benefit plan when the sponsor, servicer, trustee or insurer of a trust, the underwriter of the certificates representing an interest in the trust, or an obligor is a party in interest with respect to such plan;

(2) The direct or indirect acquisition or disposition of certificates by a plan in the secondary market for such certificates; and

(3) The continued holding of certificates acquired by a plan pursuant to subsection I.A. (1) or (2).

Notwithstanding the foregoing, section I.A. does not provide an exemption from the restrictions of sections 406(a)(1)(E), 406(a)(2) and 407 for the acquisition or holding of a certificate on behalf of an Excluded Plan by any person who has discretionary authority or renders investment advice with respect to the assets of that Excluded Plan.[1]

B. Effective June 1, 1992, the restrictions of sections 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1)(E) of the Code shall not apply to:

(1) The direct or indirect sale, exchange or transfer of certificates in the initial issuance of certificates between the sponsor or underwriter and a plan when the person who has discretionary authority or renders investment advice with respect to the investment of plan assets in the certificates is (a) an obligor with respect to 5 percent or less of the fair market value of obligations or receivables contained in the trust, or (b) an affiliate of a person described in (a); if:

(i) The plan is not an Excluded Plan;

(ii) Solely in the case of an acquisition of certificates in connection with the initial issuance of the certificates, at least 50 percent of each class of certificates in which plans have invested is acquired by persons independent of the members of the Restricted Group and at least 50 percent of the aggregate interest in the trust is acquired by persons independent of the Restricted Group;

(ii) A plan's investment in each class of certificates does not exceed 25 percent of all of the certificates of that class outstanding at the time of the acquisition; and

(iv) Immediately after the acquisition of the certificates, no more than 25 percent of the assets of a plan with respect to which the person has discretionary authority or renders investment advice are invested in certificates representing an interest in a trust containing assets sold or serviced by the same entity.[2] For purposes of this

[1] Section I.A. provides no relief from sections 406(a)(1)(E), 406(a)(2) and 407 for any person rendering investment advice to an Excluded Plan within the meaning of section 3(21)(a)(ii) and regulation 29 CFR 2510.3–21(c).

[2] For purposes of this exemption, each plan participating in a commingled fund (such as a bank

Continued

paragraph B(1)(iv) only, an entity will not be considered to service assets contained in a trust if it is merely a subservicer of that trust;

(2) The direct or indirect acquisition or disposition of certificates by a plan in the secondary market for such certificates, provided that the conditions set forth in paragraphs B.(1) (i), (iii) and (iv) are met; and

(3) The continued holding of certificates acquired by a plan pursuant to subsection I.B. (1) or (2).

C. Effective June 1, 1992, the restrictions of sections 406(a), 406(b) and 407(a) of the Act, and the taxes imposed by sections 4975(a) and (b) of the Code by reason of section 4975(c) of the Code, shall not apply to transactions in connection with the servicing, management and operation of a trust; provided:

(1) Such transactions are carried out in accordance with the terms of a binding pooling and servicing arrangement; and

(2) The pooling and servicing agreement is provided to, or described in all material respects in the prospectus or private placement memorandum provided to, investing plans before they purchase certificates issued by the trust.[3]

Notwithstanding the foregoing, section I.C. does not provide an exemption from the restrictions of section 406(b) of the Act or from the taxes imposed by reason of section 4975(c) of the Code for the receipt of a fee by a servicer of the trust from a person other than the trustee or sponsor, unless such fee constitutes a "qualified administrative fee" as defined in section III.S.

D. Effective June 1, 1992, the restrictions of sections 406(a) and 407(a) of the Act, and the taxes imposed by sections 4975(a) and (b) of the Code by reason of sections 4975(c)(1)(A) through (D) of the Code, shall not apply to any transactions to which those restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest or disqualified person (including a fiduciary) with respect to a plan by virtue of providing services to the plan (or by virtue of having a relationship to such service provider described in section 3(14)(F), (G), (H) or (I) of the Act or section 4975(e)(2)(F), (G), (H) or (I) of the Code), solely because of the plan's ownership of certificates.

II. General Conditions

A. The relief provided under Part I is available only if the following conditions are met:

(1) The acquisition of certificates by a plan is on terms (including the certificate price) that are at least as favorable to the plan as they would be in an arm's length transaction with an unrelated party;

(2) The rights and interests evidenced by the certificates are not subordinated to the rights and interests evidenced by other certificates of the same trust;

(3) The certificates acquired by the plan have received a rating at the time of such acquisition that is in one of the three highest generic rating categories from either Standard & Poor's Corporation (S&P's), Moody's Investors Service, Inc. (Moody's), Duff & Phelps Inc. (D&P) or Fitch Investors Service, Inc. (Fitch);

(4) The trustee is not an affiliate of any member of the Restricted Group. However, the trustee shall not be considered to be an affiliate of a servicer solely because the trustee has succeeded to the rights and responsibilities of the servicer pursuant to the terms of a pooling and servicing agreement providing for such succession upon the occurrence of one or more events of default by the servicer;

(5) The sum of all payments made to and retained by the underwriters in connection with the distribution or placement of certificates represents not more than reasonable compensation for underwriting or placing the certificates; the sum of all payments made to and retained by the sponsor pursuant to the assignment of obligations (or interests therein) to the trust represents not more than the fair market value of such obligations (or interests); and the sum of all payments made to and retained by the servicer represents not more than reasonable compensation for the servicer's services under the pooling and servicing agreement and reimbursement of the servicer's reasonable expenses in connection therewith; and

(6) The plan investing in such certificates is an "accredited investor" as defined in Rule 501(a)(1) of Regulation D of the Securities and Exchange Commission under the Securities Act of 1933.

B. Neither any underwriter, sponsor, trustee, servicer, insurer, or any obligor, unless it or any of its affiliates has discretionary authority or renders investment advice with respect to the plan assets used by a plan to acquire certificates, shall be denied the relief provided under Part I, if the provision of subsection II.A.(6) above is not satisfied with respect to acquisition or holding by a plan of such certificates, provided that (1) such condition is disclosed in the prospectus or private placement memorandum; and (2) in the case of a private placement of certificates, the trustee obtains a representation from each initial purchaser which is a plan that it is in compliance with such condition, and obtains a covenant from each initial purchaser to the effect that, so long as such initial purchaser (or any transferee of and such initial purchaser's certificates) is required to obtain from its transferee a representation regarding compliance with the Securities Act of 1933, any such transferees will be required to make a written representation regarding compliance with the condition set forth in subsection II.A.(6) above.

III. Definitions

For purposes of this exemption:

A. "Certificate" means:

(1) A certificate—

(a) that represents a beneficial ownership interest in the assets of a trust; and

(b) that entitles the holder to pass-through payments of principal, interest, and/or other payments made with respect to the assets of such trust; or

(2) A certificate denominated as a debt instrument—

(a) that represents an interest in a Real Estate Mortgage Investment Conduit (REMIC) within the meaning of section 860D(a) of the Internal Revenue Code of 1986; and

(b) that is issued by and is an obligation of a trust; with respect to certificates defined in (1) and (2) for which NationsBank or any of its affiliates is either (i) the sole underwriter or the manager or co-manager of the underwriting syndicate, or (ii) a selling or placement agent.

For purposes of this exemption, references to "certificates representing an interest in a trust" include certificates denominated as debt which are issued by a trust.

B. "Trust" means an investment pool, the corpus of which is held in trust and consists solely of:

(1) Either—

(a) secured consumer receivables that bear interest or are purchased at a

---

collective trust fund or insurance company pooled separate account) shall be considered to own the same proportionate undivided interest in each asset of the commingled fund as its proportionate interest in the total assets of the commingled fund as calculated on the most recent preceding valuation date of the fund.

[3] In the case of a private placement memorandum, such memorandum must contain substantially the same information that would be disclosed in a prospectus if the offering of the certificates were made in a registered public offering under the Securities Act of 1933. In the Department's view, the private placement memorandum must contain sufficient information to permit plan fiduciaries to make information investment decisions.

discount (including, but not limited to, home equity loans and obligations secured by shares issued by a cooperative housing association);

(b) secured credit instruments that bear interest or are purchased at a discount in transactions by or between business entities (including, but not limited to, qualified equipment notes secured by leases, as defined in section III.T);

(c) obligations that bear interest or are purchased at a discount and which are secured by single-family residential, multi-family residential and commercial real property, (including obligations secured by leasehold interests on commercial real property);

(d) obligations that bear interest or are purchased at a discount and which are secured by motor vehicles or equipment, or qualified motor vehicle leases (as defined in section III.U);

(e) "guaranteed governmental mortgage pool certificates," as defined in 29 CFR 2510.3–101(i)(2);

(f) fractional undivided interests in any of the obligations described in clauses (a)–(e) of this section B.(1);

(2) Property which had secured any of the obligations described in subsection B.(1);

(3) Undistributed cash or temporary investments made therewith maturing no later than the next date on which distributions are to be made to certificateholders; and

(4) Rights of the trustee under the pooling and servicing agreement, and rights under any insurance policies, third-party guarantees, contracts of suretyship and other credit support arrangements with respect to any obligations described in subsection B.(1).

Notwithstanding the foregoing, the term "trust" does not include any investment pool unless: (i) The investment pool consists only of assets of the type which have been included in other investment pools, (ii) certificates evidencing interests in such other investment pools have been rated in one of the three highest generic rating categories by S&P's, Moody's, D&P, or Fitch for at least one year prior to the plan's acquisition of certificates pursuant to this exemption, and (iii) certificates evidencing interests in such other investment pools have been purchased by investors other than plans for at least one year prior to the plan's acquisition of certificates pursuant to this exemption.

C. "Underwriter" means:

(1) NationsBank;

(2) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by or under common control with NationsBank; or

(3) Any member of an underwriting syndicate or selling group of which NationsBank or a person described in (2) is a manager or co-manager with respect to the certificates.

D. "Sponsor" means the entity that organizes a trust by depositing obligations therein in exchange for certificates.

E. "Master Servicer" means the entity that is a party to the pooling and servicing agreement relating to trust assets and is fully responsible for servicing, directly or through subservicers, the assets of the trust.

F. "Subservicer" means an entity which, under the supervision of and on behalf of the master servicer, services receivables contained in the trust, but is not a party to the pooling and servicing agreement.

G. "Servicer" means any entity which services receivables contained in the trust, including the master servicer and any subservicer.

H. "Trustee" means the trustee of the trust, and in the case of certificates which are denominated as debt instruments, also means the trustee of the indenture trust.

I. "Insurer" means the insurer or guarantor of, or provider of other credit support for, a trust. Notwithstanding the foregoing, a person is not an insurer solely because it holds securities representing an interest in a trust which are of a class subordinated to certificates representing an interest in the same trust.

J. "Obligor" means any person, other than the insurer, that is obligated to make payments with respect to any obligation or receivable included in the trust. Where a trust contains qualified motor vehicle leases or qualified equipment notes secured by leases, "obligor" shall also include any owner of property subject to any lease included in the trust, or subject to any lease securing an obligation included in the trust.

K. "Excluded Plan" means any plan with respect to which any member of the Restricted Group is a "plan sponsor" within the meaning of section 3(16)(B) of the Act.

L. "Restricted Group" with respect to a class of certificates means:

(1) Each underwriter;

(2) Each insurer;

(3) The sponsor;

(4) The trustee;

(5) Each servicer;

(6) Any obligor with respect to obligations or receivables included in the trust constituting more than 5 percent of the aggregate unamortized principal balance of the assets in the trust, determined on the date of the initial issuance of certificates by the trust; or

(7) Any affiliate of a person described in (1)–(6) above.

M. "Affiliate" of another person includes:

(1) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such other person;

(2) Any officer, director, partner, employee, relative (as defined in section 3(15) of the Act), a brother, a sister, or a spouse of a brother or sister of such other person; and

(3) Any corporation or partnership of which such other person is an officer, director or partner.

N. "Control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

O. A person will be "independent" of another person only if:

(1) Such person is not an affiliate of that other person; and

(2) The other person, or an affiliate thereof, is not a fiduciary who has investment management authority or renders investment advice with respect to any assets of such person.

P. "Sale" includes the entrance into a forward delivery commitment (as defined in section Q below), provided:

(1) The terms of the forward delivery commitment (including any fee paid to the investing plan) are no less favorable to the plan than they would be in an arm's length transaction with an unrelated party;

(2) The prospectus or private placement memorandum is provided to an investing plan prior to the time the plan enters into the forward delivery commitment; and

(3) At the time of the delivery, all conditions of this exemption applicable to sales are met.

Q. "Forward delivery commitment" means a contract for the purchase or sale of one or more certificates to be delivered at an agreed future settlement date. The term includes both mandatory contracts (which contemplate obligatory delivery and acceptance of the certificates) and optional contracts (which give one party the right but not the obligation to deliver certificates to, or demand delivery of certificates from, the other party).

R. "Reasonable compensation" has the same meaning as that term is defined in 29 CFR 2550.408c–2.

S. "Qualified Administrative Fee" means a fee which meets the following criteria:

(1) The fee is triggered by an act or failure to act by the obligor other than the normal timely payment of amounts owing in respect of the obligations;

(2) The servicer may not charge the fee absent the act or failure to act referred to in (1);

(3) The ability to charge the fee, the circumstances in which the fee may be charged, and an explanation of how the fee is calculated are set forth in the pooling and servicing agreement; and

(4) The amount paid to investors in the trust will not be reduced by the amount of any such fee waived by the servicer.

T. "Qualified Equipment Note Secured By a Lease" means an equipment note:

(a) Which is secured by equipment which is leased;

(b) Which is secured by the obligation of the lessee to pay rent under the equipment lease; and

(c) With respect to which the trust's security interest in the equipment is at least as protective of the rights of the trust as the trust would have if the equipment note were secured only by the equipment and not the lease.

U. "Qualified Motor Vehicle Lease" means a lease of a motor vehicle where:

(a) The trust holds a security interest in the lease;

(b) The trust holds a security interest in the leased motor vehicle; and

(c) The trust's security interest in the leased motor vehicle is at least as protective of the trust's rights as the trust would receive under a motor vehicle installment loan contract.

V. "Pooling and Servicing Agreement" means the agreement or agreements among a sponsor, a servicer and the trustee establishing a trust. In the case of certificates which are denominated as debt instruments, "Pooling and Servicing Agreement" also includes the indenture entered into by the trustee of the trust issuing such certificates and the indenture trustee.

EFFECTIVE DATE: This exemption, if granted, will be effective for transactions occurring on or after June 1, 1992, the date of filing of the exemption application.

Summary of Facts and Representations

1. NationsBank is a bank holding company incorporated in the State of North Carolina on July 5, 1968. NationsBank Capital Markets, Inc., formerly NCNB Capital Markets, Inc. (Capital Markets), a registered broker-dealer, is an indirect subsidiary of NationsBank. Capital Markets was incorporated in North Carolina on January 8, 1990, and is the surviving corporation in a merger with Sovran Investment Corporation of Virginia on January 2, 1992. Through its subsidiaries and affiliates, including Capital Markets, NationsBank is a financial services organization serving the financial needs of individuals, businesses, governments and financial institutions.[4] Capital Markets has participated in the placement of certain publicly offered asset-backed certificates as part of the underwriting syndicate for PNC Grantor Trust 1991–A consisting of automobile loan certificates sold to the trust by Pittsburgh National Bank. The underwriting syndicate consisted of Morgan Stanley & Co., PNC Securities Corp. and Capital Markets.

NationsBank represents that Capital Markets has the legal authority to underwrite asset-backed securities. In orders dated May 19, 1989, and August 6, 1990, the Federal Reserve Board granted Capital Markets the power to underwrite and deal in residential mortgage related and consumer-receivable related securities, subject to the condition that Capital Markets does not derive more than a certain percentage of its total gross revenues from such activities. Also, NationsBank's banking affiliates have the power to sell interests in their own assets in the form of asset-backed securities.

Trust Assets

2. NationsBank seeks exemptive relief to permit plans to invest in pass-through certificates representing undivided interests in the following categories of trusts: (1) Single and multi-family residential or commercial mortgage investment trusts;[5] (2) motor vehicle receivable investment trusts; (3) consumer or commercial receivables investment trusts; and (4) guaranteed governmental mortgage pool certificate investment trusts.[6]

3. Commercial mortgage investment trusts may include mortgages on ground leases of real property. Commercial mortgages are frequently secured by ground leases on the underlying property, rather than by fee simple interests. The separation of the fee simple interest and the ground lease interest is generally done for tax reasons. Properly structured, the pledge of the ground lease to secure a mortgage provides a lender with the same level of security as would be provided by a pledge of the related fee simple interest. The terms of the ground leases pledged to secure leasehold mortgages will in all cases be at least ten years longer than the term of such mortgages.[7]

Trust Structure

4. Each trust is established under a pooling and servicing agreement between a sponsor, a servicer and a trustee. The sponsor or servicer of a trust selects assets to be included in the trust. These assets are receivables which may have been originated, in the ordinary course of business, by a sponsor or servicer of the trust, an affiliate of the sponsor or servicer, or by an unrelated lender and subsequently acquired by the trust sponsor or servicer.

On or prior to the closing date, the sponsor acquires legal title to all assets selected for the trust, establishes the trust and designates an independent entity as trustee. On the closing date, the sponsor conveys to the trust legal title to the assets, and the trustee issues certificates representing fractional undivided interests in the trust assets. NationsBank, or one or more broker-dealers (which may include NationsBank), acts as underwriter or placement agent with respect to the sale of the certificates. All of the public offerings of certificates presently contemplated have been or are to be underwritten by NationsBank on a firm commitment basis. In addition, NationsBank anticipates privately placing certificates on both a firm commitment and an agency basis. NationsBank may also act as the lead

---

[4] As described herein, the term "NationsBank" refers to NationsBank and its affiliates unless the context otherwise requires.

[5] The Department notes that Prohibited Transaction Exemption (PTE) 83–1 (48 FR 895, January 7, 1983), a class exemption for mortgage pool investment trusts, would generally apply to trusts containing single-family residential mortgages, provided that the applicable conditions of PTE 83–1 are met. NationsBank and its affiliates request relief for single-family residential mortgages in this exemption because it would prefer one exemption for all trusts of similar structure. However, NationsBank and its affiliates have stated that they may still avail themselves of the exemptive relief provided by PTE 83–1.

[6] Guaranteed governmental mortgage pool certificates are mortgage-backed securities with respect to which interest and principal payable is guaranteed by the Government National Mortgage Association (GNMA), the Federal Home Loan Mortgage Corporation (FHLMC), or the Federal National Mortgage Association (FNMA). The Department's regulation relating to the definition of plan assets (29 CFR 2510.3–101(i)) provides that where a plan acquires a guaranteed governmental mortgage pool certificate, the plan's assets include the certificate and all of its rights with respect to such certificate under applicable law, but do not, solely by reason of the plan's holding of such certificate, include any of the mortgages underlying such certificate. The applicant is requesting exemptive relief for trusts containing guaranteed governmental mortgage pool certificates because the certificates in the trusts may be plan assets.

[7] Trust assets may also include obligations that are secured by leasehold interests on residential real property. See PTE 90–32 involving Prudential-Bache Securities, Inc. (55 FR 23147, June 6, 1990) at 23150.

underwriter for a syndicate of securities underwriters.

Certificateholders will be entitled to receive monthly, quarterly or semi-annually installments of principal and/or interest, or lease payments due on the receivables, adjusted, in the case of payments of interest, to a specified rate—the pass-through rate—which may be fixed or variable.

5. Some of the certificates will be multi-class certificates. NationsBank requests exemptive relief for two types of multi-class certificates: "Strip" certificates and "fast-pay/slow-pay" certificates. Strip certificates are a type of security in which the stream of interest payments on receivables is split from the flow of principal payments and separate classes of certificates are established, each representing rights to disproportionate payments of principal and interest.[8]

"Fast-pay/slow-pay" certificates involve the issuance of classes of certificates having different stated maturities or the same maturities with different payment schedules. Interest and/or principal payments received on the underlying receivables are distributed first to the class of certificates having the earliest stated maturity of principal and/or earlier payment schedule, and only when that class of certificates has been paid in full (or has received a specified amount) will distributions be made with respect to the second class of certificates. Distributions on certificates having later stated maturities will proceed in like manner until all the certificateholders have been paid in full. The only difference between this multiclass pass-through arrangement and a single class pass-through arrangement is the order in which distributions are made to certificateholders. In each case, certificateholders will have a beneficial ownership interest in the underlying assets. In neither case will the rights of a plan purchasing certificates be subordinated to the rights of another certificateholder in the event of default on any of the underlying obligations. In particular, if the amount available for distribution to certificateholders is less than the amount required to be so distributed, all senior certificateholders will share in the amount distributed on a pro rata basis.[9]

6. For tax reasons, the trust must be maintained as an essentially passive entity. Therefore, both the sponsor's discretion and the servicer's discretion with respect to asset included in a trust are severely limited. Pooling and servicing agreements provide for the substitution of receivables by the sponsor only in the event of defects in documentation discovered within a short time after the issuance of trust certificates (within 120 days, except in the case of obligations having an original term of 30 years, in which case the period will not exceed two years). Any receivable so substituted is required to have characteristics substantially similar to the replaced receivable and will be at least as creditworthy as the replaced receivable.

In some cases, the affected receivable would be repurchased, with the purchase price applied as a payment on the affected receivable and passed through to certificateholders.

Parties to Transactions

7. The originator of a receivable is the entity that initially lends money to a borrower (obligor), such as a homeowner or automobile purchaser, or leases property to a lessee. The originator may either retain a receivable in its portfolio or sell it to a purchaser, such as a trust sponsor.

Originators of receivables included in the trusts will be entities that originate receivables in the ordinary course of their businesses, including finance companies, for whom such origination constitutes the bulk of their operations, financial institutions from whom such origination constitutes a substantial part of their operations, and any kind of manufacturer, merchant, or service enterprise for whom such origination is an incidental part of its operations. Each trust may contain assets of one or more originators. The originator of the receivables may also function as the trust sponsor or servicer.

8. The sponor of a trust will be one of three entities: (1) A special-purpose corporation unaffiliated with the servicer, (ii) a special-purpose or other corporation affiliated with the servicer, or (iii) the servicer itself. Where the sponsor is not also the servicer, the sponsor's role will generally be limited to acquiring the receivables to be included in the trust, establishing the trust, designating the trustee, and assigning the receivables to the trust.

9. The trustee of a trust is the legal owner of the obligations in the trust. The trustee is also a party to or beneficiary of all the documents and instruments deposited in the trust, and as such is responsible for enforcing all the rights created thereby in favor of certificateholders.

The trustee will be an independent entity, and therefore will be unrelated to NationsBank, the trust sponsor or the servicer. NationsBank represents that the trustee will be a substantial financial institution or trust company experienced in trust activities. The trustee receives a fee for its services, which will be paid by the sponsor or servicer. The method of compensating the trustee will be specified in the pooling and servicing agreement and disclosed in the prospectus or private placement memorandum relating to the offering of the certificates.

10. The servicer of a trust administers the receivables on behalf of the certificateholders. The servicer's functions typically involve, among other things, notifying borrowers of amounts due on receivables, maintaining records of payments received on receivables and instituting foreclosure or similar proceedings in the event of default. In cases where a pool of receivables has been purchased from a number of different originators and deposited in a trust, it is common for the receivables to be "subserviced" by their respective originators and for a single entity to "master service" the pool of receivables on behalf of the owners of the related series of certificates. Where this arrangement is adopted, a receivable continues to be serviced from the perspective of the borrower by the local subservicer, while the investor's perspective is that the entire pool of receivables is serviced by a single, central master servicer who collects payments from the local subservicers and passes them through to certificateholders.

Receivables of the type suitable for inclusion in a trust invariably are serviced with the assistance of a computer. After the sale, the servicer keeps the sold receivables on the computer system in order to continue monitoring the accounts. Although the records relating to sold receivables are kept in the same master file as receivables retained by the originator, the sold receivables are flagged as having been sold. To protect the investor's interest, the servicer ordinarily convenants that this "sold flag" will be included in all records

[8] It is the Department's understanding that where a plan invests in REMIC "residual" interest certificates to which this exemption applies, some of the income received by the plan as a result of such investment may be considered unrelated business taxable income to the plan, which is subject to income tax under the Code. The Department emphasizes that the prudence requirement of section 404(a)(1)(B) of the Act would require plan fiduciaries to carefully consider this and other tax consequences prior to causing plan assets to be invested in certificates pursuant to this exemption.

[9] If a trust issues subordinate certificates, holders of such subordinate certificates may not share in the amount distributed on a pro rata basis. The Department notes that the exemption does not provide relief for plan investment in such subordinated certificates.

relating to the sold receivables, including the master file, archives, tape extracts, and printouts.

The sold flags are invisible to the obligor, and do not affect the manner in which the servicer performs the billing, posting and collection procedures relating to the sold receivables. However, the servicer uses the sold flag to identify the receivables for the purpose of reporting all activity on those receivables after their sale to the investors.

Depending on the type of receivable and the details of the servicer's computer system, in some cases the servicer's internal reports can be adapted for investor reporting with little or no modification. In other cases, the servicer may have to perform special calculations to fulfill the investor reporting responsibilities. These calculations can be performed on the servicer's main computer, or on a small computer with data supplied by the main system. In all cases, the numbers produced for the investors are reconciled to the servicer's books and reviewed by public accountants.

The underwriter will be a registered broker-dealer that acts as underwriter or placement agent with respect to the sale of the certificates. Public offerings of certificates are generally made on a firm commitment basis. Private placements of certificates may be made on a firm commitment or agency basis. It is anticipated that the lead or co-managing underwriter will make a market in certificates offered to the public.

In some cases, the originator and servicer of receivables to be included in a trust and the sponsor of the trust (though they themselves may be related) will be unrelated to NationsBank. However, affiliates of NationsBank may originate or service receivables included in a trust, or may sponsor a trust.

Certificate Price, Pass-Through Rate and Fees

11. In some cases, the sponsor will obtain the receivables from various originators pursuant to existing contracts with such originators under which the sponsor continually buys receivables. In other cases, the sponsor will purchase the receivables at fair market value from the originator or a finance company pursuant to a purchase and sale agreement related to the specific offering of certificates. In other cases, the sponsor will originate the receivables itself.

As compensation for the receivables transferred to the trust, the sponsor receives cash, or certificates representing the entire beneficial interest in the trust. The sponsor sells some or all of these certificates for cash to investors or securities underwriters.

12. The price of the certificates, both in the initial offering and in the secondary market, is affected by market forces including investor demand, the pass-through interest rate on the certificates in relation to the rate payable on investments of similar types and quality, expectations as to the effect on yield resulting from prepayment of underlying receivables, and expectations as to the likelihood of timely payment.

The pass-through rate for certificates is equal to the interest rate on receivables included in the trust minus a specified servicing fee.[10] This rate is generally determined by the same market forces that determine the price of a certificate. The price of a certificate and its pass-through, or coupon rate, together determine the yield to investors. If an investor purchases a certificate at less than par, that discount augments the stated pass-through rate; conversely, a certificate purchased at a premium yields less than the stated coupon.

13. As compensation for performing its servicing duties, the servicer (who may also be the sponsor or an affiliate thereof, and receive fees for acting as sponsor) will retain the difference between payments received on the receivables in the trust and payments payable (at the pass-through rate) to certificateholders, except that in some cases a portion of the payments on receivables may be paid to a third party, such as a fee paid to a provider of credit support. The servicer may receive additional compensation by having the use of the amounts paid on the receivables between the time they are received by the servicer and the time they are due to the trust (which time is set forth in the pooling and servicing agreement). The servicer, typically, will be required to pay the administrative expenses of servicing the trust, including in some cases the trustee's fee, out of its servicing compensation.

The servicer is also compensated to the extent it may provide credit enhancement to the trust or otherwise arrange to obtain credit support from another party. This "credit support fee" may be aggregated with other servicing fees, and is either paid in a lump sum at the time the trust is established, or out of the interest income received on the receivables in excess of the pass-through rate.

[10] The pass-through rate on certificates representing interests in trusts holding leases is determined by breaking down lease payments into "principal" and "interest" components based on an implicit interest rate.

14. The servicer may be entitled to retain certain administrative fees paid by a third party, usually the obligor. These administrative fees fall into three categories: (a) Prepayment fees; (b) late payment and payment extension fees; and (c) expenses, fees and charges associated with foreclosure or repossession, or other conversion of a secured position into cash proceeds, upon default of an obligation.

Compensation payable to the servicer will be set forth or referred to in the pooling and servicing agreement and described in reasonable detail in the prospectus or private placement memorandum relating to the certificates.

15. Payments on receivables may be made by obligors to the servicer at various times during the period preceding any date on which pass-through payments to the trust are due. In some cases, the pooling and servicing agreement may permit the servicer to place these payments in non-interest bearing accounts in itself or to commingle such payments with its own funds prior to the distribution dates. In these cases, the servicer would be entitled to the benefit derived from the use of the funds between the date of payment on a receivable and the pass-through date. Commingled payments may not be protected from the creditors of the servicer in the event of the servicer's bankruptcy or receivership. In those instances when payments on receivables are held in non-interest bearing accounts or are commingled with the servicer's own funds, the servicer is required to deposit these payments by a date specified in the pooling and servicing agreement into an account from which the trustee makes payments to certificateholders.

16. The underwriter will receive a fee in connection with the securities underwriting or private placement of certificates. In a firm commitment underwriting, this fee would consist of the difference between what the underwriter receives for the certificates that it distributes and what it pays the sponsor for those certificates. In a private placement, the fee normally takes the form of an agency commission paid by the sponsor. In a best efforts underwriting in which the underwriter would sell certificates in a public offering on an agency basis, the underwriter would receive an agency commission rather than a fee based on the difference between the price at which the certificates are sold to the public and what it pays the sponsor. In some private placements, the underwriter may buy certificates as principal, in which case its compensation would be the difference

between what it receives for the certificates that it sells and what it pays the sponsor for these certificates.

Purchase of Receivables by the Servicer

17. The applicant represents that as the principal amount of the receivables in a trust is reduced by payment, the cost of administering the trust generally increases, making the servicing of the trust prohibitively expensive at some point. Consequently, the pooling and servicing agreement generally provides that the servicer may purchase the receivables included in the trust when the aggregate unpaid balance payable on the receivables is reduced to a specified percentage (usually between 5 and 10 percent) of the initial balance.

The repurchase price for such an option is set at a level such that the certificateholders will receive the full amount on all of the receivables held by the trust plus the accrued interest at the pass-through rate plus the full amount of property, if any, that has been acquired by the trust through collections on or liquidations of the receivables.

Certificate Ratings

18. The certificates will have received one of the three highest ratings available from either S&P's, Moody's, D&P or Fitch. Insurance or other credit support (such as overcollateralization, surety bonds, letters of credit or guarantees) will be obtained by the trust sponsor to the extent necessary for the certificates to attain the desired rating. The amount of this credit support is set by the rating agencies at a level that is a multiple of the worst historical net credit loss experience for the type of obligations included in the issuing trust.

Provision of Credit Support

19. In some cases, the master servicer, or an affiliate of the master servicer, may provide credit support to the trust (i.e., act as an insurer). In these cases, the master servicer, in its capacity as servicer, will first advance funds to the full extent that it determines that such advances will be recoverable (a) out of late payments by the obligors, (b) from the credit support provider (which may be itself) or, (c) in the case of a trust that issues subordinated certificates, from amounts otherwise distributable to holders of subordinated certificates, and the master servicer will advance such funds in a timely manner. In some transactions, the master servicer may not be obligated to advance funds, but instead would be called upon to provide funds to cover defaulted payments to the full extent of its obligations as insurer. Moreover, a master servicer typically can recover advances either from the provider of credit support or from the future payment stream. When the servicer is the provider of the credit support and provides its own funds to cover defaulted payments, it will do so either on the initiative of the trustee, or on its own initiative on behalf of the trustee, but in either event it will provide such funds to cover payments to the full extent of its obligations under the credit support mechanism.

If the master servicer fails to advance funds, fails to call upon the credit support mechanism to provide funds to cover defaulted payments, or otherwise fails in its duties, the trustee would be required and would be able to enforce the certificateholders' rights, as both a party to the pooling and servicing agreement and the owner of the trust estate, including rights under the credit support mechanism. Therefore, the trustee, who is independent of the servicer, will have the ultimate right to enforce the credit support arrangement.

When a master servicer advances funds, the amount so advanced is recoverable by the master servicer out of future payments on receivables held by the trust to the extent not covered by credit support. However, where the master servicer provides credit support to the trust, there are protections in place to guard against a delay in calling upon the credit support to take advantage of the fact that the credit support declines proportionally with the decrease in the principal amount of the obligations in the trust as payments on receivables are passed through to investors. These safeguards include:

(a) There is often a disincentive to postponing credit losses because the sooner repossession or foreclosure activities are commenced, the more value that can be realized on the security for the obligation;

(b) The master servicer has servicing guidelines which include a general policy as to the allowable delinquency period after which an obligation ordinarily will be deemed uncollectible. The pooling and servicing agreement will require the master servicer to follow its normal servicing guidelines and will set forth the master servicer's general policy as to the period of time after which delinquent obligations ordinarily will be considered uncollectible;

(c) As frequently as payments are due on the receivables included in the trust (monthly, quarterly, or semi-annually as set forth in the pooling and servicing agreement), the master servicer is required to report to the independent trustee the amount of all past-due payments and the amount of all servicer advances, along with other current information as to collections on the receivables and draws upon the credit support. Further, the master servicer is required to deliver to the trustee annually a certificate of an executive officer of the master servicer stating that a review of the servicing activities has been made under such officer's supervision, and either stating that the master servicer has fulfilled all of its obligations under the pooling and servicing agreement or, if the master servicer has defaulted under any of its obligations, specifying any such default. The master servicer's reports are reviewed at least annually by independent accountants to ensure that the master servicer is following its normal servicing standards and that the master servicer's reports conform to the master servicer's internal accounting records. The results of the independent accountants' review are delivered to the trustee;

(d) The credit support has a "floor" dollar amount that protects investors against the possibility that a large number of credit losses might occur towards the end of the life of the trust, whether due to servicer advances or any other cause. Once the floor amount has been reached, the master servicer lacks an incentive to postpone the recognition of credit losses because the credit support amount becomes a fixed dollar amount, subject to reduction only for actual draws. From the time that the floor amount is effective until the end of the life of the trust, there are no proportionate reductions in the credit support amount caused by reductions in the pool principal balance. Indeed, since the floor is a fixed dollar amount, the amount of credit support ordinarily increases as a percentage of the pool principal balance during the period that the floor is in effect. The protection provided by a floor dollar amount to the credit support applies particularly where the master servicer and the insurer are affiliated or are the same entity. (An entity should not be considered an insurer solely because it holds subordinated certificates.)

Disclosure

20. In connection with the original issuance of certificates, the prospectus or private placement memorandum will be furnished to investing plans. The prospectus or private placement memorandum will contain information material to a fiduciary's decision to invest in the certificates, including:

(a) Information concerning the payment terms of the certificates, the rating of the certificates, and any material risk factors with respect to the certificates;

(b) A description of the trust as a legal entity and a description of how the trust was formed by the seller/servicer or other sponsor of the transaction;

(c) Identification of the independent trustee for the trust;

(d) A description of the receivables contained in the trust, including the types of receivables, the diversification of the receivables, their principal terms and their material legal aspects;

(e) A description of the sponsor and servicer;

(f) A description of the pooling and servicing agreement, including a description of the seller's principal representations and warranties as to the trust assets and the trustee's remedy for any breach thereof; a description of the procedures for collection of payments on receivables and for making distributions to investors, and a description of the accounts into which such payments are deposited and from which such distributions are made; identification of the servicing compensation and any fees for credit enhancement that are deducted from payments on receivables before distributions are made to investors; a description of periodic statements provided to the trustee, and provided to or made available to investors by the trustee; and a description of the events that constitute events of default under the pooling and servicing contract and a description of the trustee's and the investors' remedies incident thereto;

(g) A description of the credit support;

(h) A general discussion of the principal federal income tax consequences of the purchase, ownership and disposition of the pass-through certificates by a typical investor;

(i) A description of the underwriters' plan for distributing the pass-through certificates to investors; and

(j) Information about the scope and nature of the secondary market, if any, for the certificates.

21. Reports indicating the amount of payments of principal and interest are provided to certificateholders at least as frequently as distributions are made to certificateholders. Certificateholders will also be provided with periodic information statements setting forth material information concerning the underlying assets, including, where applicable, information as to the amount and number of delinquent and defaulted loans or receivables.

22. In the case of a trust that offers and sells certificates in a registered public offering, the trustee, the servicer or the sponsor will file such periodic reports as may be required to be filed under the Securities Exchange Act of 1934. Although some trusts that offer certificates in a public offering will file quarterly reports on Form 10–Q and Annual Reports on Form 10–K, many trusts obtain, by application to the Securities and Exchange Commission, a complete exemption from the requirement to file quarterly reports on Form 10–Q and a modification of the disclosure requirements for annual reports on Form 10–K. If such an exemption is obtained, these trusts normally would continue to have the obligation to file current reports on Form 8–K to report material developments concerning the trust and the certificates. While the Securities and Exchange Commission's interpretation of the periodic reporting requirements is subject to change, periodic reports concerning a trust will be filed to the extent required under the Securities Exchange Act of 1934.

23. At or about the time distributions are made to certificateholders, a report will be delivered to the trustee as to the status of the trust and its assets, including underlying obligations. Such report will typically contain information regarding the trust's assets, payments received or collected by the servicer, the amount of prepayments, delinquencies, servicer advances, defaults and foreclosures, the amount of any payments made pursuant to any credit support, and the amount of compensation payable to the servicer. Such report also will be delivered to or made available to the rating agency or agencies that have rated the trust's certificates.

In addition, promptly after each distribution date, certificateholders will receive a statement prepared by the trustee summarizing information regarding the trust and its assets. Such statement will include information regarding the trust and its assets, including underlying receivables. Such statement will typically contain information regarding payments and prepayments, delinquencies, the remaining amount of the guaranty or other credit support and a breakdown of payments between principal and interest.

Forward Delivery Commitments

24. NationsBank represents that, to date, it has not entered into any forward delivery commitments in connection with the offering of pass-through certificates. However, NationsBank states that it may contemplate entering into such commitments. NationsBank notes that the utility of forward delivery commitments has been recognized with respect to the offering of similar certificates backed by pools of residential mortgages. As such, NationsBank states that it may find it desirable in the future to enter into such commitments for the purchase of certificates.

Secondary Market Transactions

25. It is NationsBank's normal policy to attempt to make a market for securities for which it is lead or co-managing underwriter. NationsBank anticipates that it will make a market in certificates.

Retroactive Relief

26. NationsBank represents that it has not engaged in transactions related to mortgage-backed and asset-backed securities. However, relief is proposed as of June 1, 1992, the date of filing of the exemption application.

Summary

27. In summary, the applicant represents that the transactions for which exemptive relief is requested satisfy the statutory criteria of section 408(a) of the Act due to the following:

(a) The trusts contain "fixed pools" of assets. There is little discretion on the part of the trust sponsor to substitute receivables contained in the trust once the trust has been formed;

(b) Certificates in which plans invest will have been rated in one of the three highest rating categories by S&P's, Moody's, D&P or Fitch. Credit support will be obtained to the extent necessary to attain the desired rating;

(c) All transactions for which NationsBank seeks exemptive relief will be governed by the pooling and servicing agreement, which is made available to plan fiduciaries for their review prior to the plan's investment in certificates;

(d) Exemptive relief from sections 406(b) and 407 for sales to plans is substantially limited; and

(e) NationsBank anticipates that it will make a secondary market in certificates.

Discussion of Proposed Exemption

I. Differences Between Proposed Exemption and Class Exemption PTE 83–1

The exemptive relief proposed herein is similar to that provided in PTE 81–7 (46 FR 7520, January 23, 1981), Class Exemption for Certain Transactions Involving Mortgage Pool Investment Trusts, amended and restated as PTE 83–1 (48 FR 895, January 7, 1983).

PTE 83–1 applies to mortgage pool investment trusts consisting of interest-bearing obligations secured by first or second mortgages or deeds of trust on singe-family residential property. The

exemption provides relief from sections 406(a) and 407 for the sale, exchange or transfer in the initial issuance of mortgage pool certificates between the trust sponsor and a plan, when the sponsor, trustee or insurer of the trust is a party-in-interest with respect to the plan, and the continued holding of such certificates, provided that the conditions set forth in the exemption are met. PTE 83–1 also provides exemptive relief from section 406 (b)(1) and (b)(2) of the Act for the above-described transactions when the sponsor, trustee or insurer of the trust is a fiduciary with respect to the plan assets invested in such certificates, provided that additional conditions set forth in the exemption are met. In particular, section 406(b) relief is conditioned upon the approval of the transaction by an independent fiduciary. Moreover, the total value of certificates purchased by a plan must not exceed 25 percent of the amount of the issue, and at least 50 percent of the aggregate amount of the issue must be acquired by persons independent of the trust sponsor, trustee or insurer. Finally, PTE 83–1 provides conditional exemptive relief from section 406 (a) and (b) of the Act for transactions in connection with the servicing and operation of the mortgage trust.

Under PTE 83–1, exemptive relief for the above transactions is conditioned upon the sponsor and the trustee of the mortgage trust maintaining a system for insuring or otherwise protecting the pooled mortgage loans and the property securing such loans, and for indemnifying certificateholders against reductions in pass-through payments due to defaults in loan payments or property damage. This system must provide such protection and indemnification up to an amount not less than the greater of one percent of the aggregate principal balance of all trust mortgages or the principal balance of the largest mortgage.

The exemptive relief proposed herein differs from that provided by PTE 83–1 in the following major respects: (1) The proposed exemption provides individual exemptive relief rather than class relief; (2) The proposed exemption covers transactions involving trusts containing a broader range of assets than single-family residential mortgages; (3) Instead of requiring a system for insuring the pooled receivables, the proposed exemption conditions relief upon the certificates having received one of the three highest ratings available from S&P's, Moody's, D&P or Fitch (insurance or other credit support would be obtained only to the extent necessary for the certificates to attain the desired rating); and (4) The proposed exemption provides more limited section 406(b) and section 407 relief for sales transactions.

II. Ratings of Certificates

After consideration of the representations of the applicant and information provided by S&P's, Moody's, D&P and Fitch, the Department has decided to condition exemptive relief upon the certificates having attained a rating in one of the three highest generic rating categories from S&P's, Moody's, D&P or Fitch. The Department believes that the rating condition will permit the applicant flexibility in structuring trusts containing a variety of mortgages and other receivables while ensuring that the interests of plans investing in certificates are protected. The Department also believes that the ratings are indicative of the relative safety of investments in trusts containing secured receivables. The Department is conditioning the proposed exemptive relief upon each particular type of asset-backed security having been rated in one of the three highest rating categories for at least one year and having been sold to investors other than plans for at least one year.[11]

III. Limited Section 406(b) and Section 407(a) Relief for Sales

NationsBank represents that in some cases a trust sponsor, trustee, servicer, insurer, and obligor with respect to receivables contained in a trust, or an underwriter of certificates may be a pre-existing party in interest with respect to an investing plan.[12] In these cases, a direct or indirect sale of certificates by that party in interest to the plan would be a prohibited sale or exchange of property under section 406(a)(1)(A) of the Act.[13] Likewise, issues are raised under section 406(a)(1)(D) of the Act where a plan fiduciary causes a plan to purchase certificates where trust funds will be used to benefit a party in interest.

Additionally, NationsBank represents that a trust sponsor, servicer, trustee, insurer, and obligor with respect to receivables contained in a trust, or an underwriter of certificates representing an interest in a trust may be a fiduciary with respect to an investing plan. NationsBank represents that the exercise of fiduciary authority by any of these parties to cause the plan to invest in certificates representing an interest in the trust would violate section 406(b)(1), and in some cases section 406(b)(2), of the Act.

Moreover, NationsBank represents that to the extent there is a plan asset "look through" to the underlying assets of a trust, the investment in certificates by a plan covering employees of an obligor under receivables contained in a trust may be prohibited by sections 406(a) and 407(a) of the Act.

After consideration of the issues involved, the Department has determined to provide the limited sections 406(b) and 407(a) relief as specified in the proposed exemption.

FOR FURTHER INFORMATION CONTACT: Paul Kelty of the Department, telephone (202) 219–8883. (This is not a toll-free number.)

United Company Profit Sharing and Retirement Plan (the Plan) Located in Bristol, Virginia

[Application No. D–8978]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted the restrictions of sections 406(a)(1) (A) through (D) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code[14] shall not apply retroactively

---

[11] In referring to different "types" of asset-backed securities, the Department means certificates representing interests in trusts containing different "types" of receivables, such as single family residential mortgages, multi-family residential mortgages, commercial mortgages, home equity loans, auto loan receivables, installment obligations for consumer durables secured by purchase money security interests, etc. The Department intends this condition to require that certificates in which a plan invests are of the type that have been rated (in one of the three highest generic rating categories by S&P's, D&P, Fitch or Moody's) and purchased by investors other than plans for at least one year prior to the plan's investment pursuant to the proposed exemption. In this regard, the Department does not intend to require that the particular assets contained in a trust must have been "seasoned" (e.g., originated at least one year prior to the plan's investment in the trust).

[12] In this regard, we note that the exemptive relief proposed herein is limited to certificates with respect to which NationsBank or any of its affiliates is either (a) the sole underwriter or manager or comanager of the underwriting syndicate, or (b) a selling or placement agent.

[13] The applicant represents that where a trust sponsor is an affiliate of NationsBank, sales to plans by the sponsor may be exempt under PTE 75–1, Part III (relating to purchases and sales of securities by broker-dealers and their affiliates), if NationsBank is not a fiduciary with respect to plan assets to be invested in certificates.

[14] For purposes of this exemption, references to specific provisions of title I of the Act, unless otherwise specified, refer also to the corresponding provisions of the Code.

to a series of loans (the Past Loans) made on a revolving basis by the Plan to the Employer in accordance with the following conditions:

(1) The terms and conditions of the Past Loans were at least as favorable to the Plan as those obtainable by the Plan under similar circumstances in arm's length transactions with unrelated third parties;

(2) The exemption applies to the Past Loans up to an aggregate amount of the outstanding balances of such loans that did not exceed twenty-five percent (25%) of the assets of the Plan;

(3) Within sixty (60) days of the grant of this proposed exemption, the Employer will file with the Internal Revenue Service (IRS) the Form 5330, and will pay excise tax, if any is then deemed to be due and owing with respect to the amounts above twenty-five percent (25%) of the assets of the Plan borrowed by the Employer under the Past Loans;

(4) An independent fiduciary, on behalf of the Plan, negotiated, reviewed, and approved the terms and conditions of the Past Loans prior to entering into such Past Loans;

(5) An independent fiduciary, on behalf of the Plan, monitored the Employer's compliance with the terms of the Past Loans to ensure that the Plan and its participants and beneficiaries were protected throughout the duration of such Past Loans;

(6) The Past Loans were at all times secured by collateral which was valued at not less than 200 percent (200%) of the aggregate balance of all outstanding Past Loans from the Plan to the Employer;

(7) The Plan incurred no fees, commissions, or other charges as a result of the Past Loans; and

(8) The Plan suffered no loss as a result of the Past Loans.

EFFECTIVE DATES: If granted, this proposed exemption would be effective for the period beginning August 31, 1990, through December 29, 1991, the date by which all of the Past Loans were repaid.

1. The Plan is a defined contribution plan established in 1976. As of December 31, 1988, the Plan had assets totalling $21,093,286. It is represented that, as of June 30, 1988, and February 7, 1992, there were 823 and 685 participants, respectively in the Plan.

The administrator of the Plan is Jimmy D. Viers, who also serves as Vice President-Finance of the Employer. Investment recommendations for the Plan are made by an investment committee (the Committee) composed of participants of the Plan. This Committee also has authority, as named fiduciary under the Plan, to appoint an investment manager for the Plan. United Investment Corporation, a registered investment advisor, serves as the investment manager for the Plan (the Investment Manager) and was responsible for administering the Past Loans. In addition, Flat Top National Bank of Bluefield, West Virginia, the independent qualified fiduciary (the Independent Fiduciary), acted on behalf of the Plan with respect to the Past Loans.

2. The Employer is a Virginia corporation whose subsidiaries mine for oil and gas, invest in real estate and hotels, provide investment services, and engage in other related ventures. The Employers and its subsidiaries employ more than 1,300 persons in Virginia, West Virginia, Texas, and Kentucky. United Financial Services, Inc., a wholly-owned subsidiary of the Employer, serves as manager of the Employer's investment portfolio and also is the parent corporation of the Investment Manager for the Plan.

3. On August 8, 1989, the Department received an exemption application (D–8146) from the Employer requesting prospective relief for a series of loans to the Employer by the Plan on a revolving basis for a period of years. The notice of proposed exemption was published in the **Federal Register** on January 29, 1990, at 55 FR 2903. The final exemption (PTE 90–17) was published in the **Federal Register** on April 6, 1990, at 55 FR 12968. PTE 90–17 provided an exemption from the restrictions of section 406(a), (b)(1), and (b)(2) of the Act and the sanctions resulting from the application of section 4975(c)(1) (A) through (E) of the Code for a series of loans on a revolving basis for a term of five (5) years by the Plan to the Employer. The exemption was expressly conditioned on compliance with the limitations set forth therein. Among other conditions of PTE 90–17 was the provisions that the total outstanding balance of the loans were not to exceed twenty-five percent (25%) of the assets of the Plan on the date when such loans were entered.

On June 12, 1990, the Plan began making loans to the Employer, pursuant to PTE 90–17. Throughout most of 1990 and 1991, the outstanding principal on the loans upon maturity, plus interest on such loans, was rolled over, generally on a monthly basis, into new loans. It is represented that by December 31, 1990, the Plan had loaned $5,423,865 to the Employer, and that by August 31, 1991, the total outstanding balance of the loans, including accrued interest, amounted to $5,712,018 .

On September 12, 1991, during the course of an annual audit for the 1990 Plan Year, an independent qualified public accountant discovered that, as of December 31, 1990, the outstanding balance of the loans had exceeded by .35% the twenty-five percent (25%) limitation, as set forth in PTE 90–17, and involved a dollar amount of $74,884. After further investigation by the Employer, it was determined that the twenty-five percent (25%) limitation had first been exceeded on August 31, 1990, by .09% and involved a dollar amount of $21,132.

4. The Employer now seeks a retroactive exemption for the Past Loans by the Plan to the Employer from the point in time when the amount of the outstanding balance of the Past Loans first violated the twenty-five percent (25%) limitation, as set forth in PTE 90–17. In support of its request for retroactive relief, the Employer maintains that the amount of the Past Loans in excess of the twenty-five percent (25%) limitations on the maximum amount of the assets of the Plan that could have been involved in such loans was *de minimis*. During a two month period from August 31, 1990, to October 31, 1990, the excess above the twenty-five percent (25%) limitation, as set forth in PTE 90–17, ranged from a low of .09% on August 31, 1990, to a high of 2.93% on October 31, 1990.

5. The Employer maintains that the failure to meet the twenty-five percent (25%) limitation set forth in PTE 90–17 was unintentional and inadvertent. The Employer notes that the twenty-five percent (25%) plan asset limitation was exceeded primarily as a result of a reduction in work force and a corresponding decrease in the total assets of the Plan caused by an increase in participant lump sum distributions.

Once apprised that the twenty-five percent (25%) limitation, as set forth in PTE 90–17, had been exceeded, the Employer maintains that it acted promptly and in good faith. As such, on September 13, 1991, the day after the annual audit of the 1990 Plan Year was completed, the Employer sought advice from its outside benefits counsel as to the effect on the exemption of failing to comply with the twenty-five percent (25%) limitation. Accordingly, within three working days of the auditor's discovery, the Employer reduced the balance of the Past Loans to an amount under the maximum and within a few days thereafter terminated the loan program.

The Employer further represents that the termination of the loan program proceeded in an orderly fashion. During

the period between September 12, 1991, an December 29, 1991, the Employer repaid each of the past loans in full, with interest calculated on the basis of the earlier to occur of: (a) The date of maturity on each of the Past Loans, or (b) December 29, 1991. Thereafter, no new loans were made by the Plan to the Employer.[13]

6. The Employer maintains that it has taken timely steps to report to the Department and the IRS. In this regard, in a memorandum dated November 13, 1991, the Employer voluntarily disclosed to the Department the deviation from the terms and conditions of PTE 90–17, and on February 7, 1992, formally applied for an exemption for retroactive relief for the Past Loans.

7. The Employer represents that it has filed with the IRS Form 5330 for 1990, with respect to the period between December 4, through December 31, 1990, and has stated that, if this proposed exemption is not approved, an amended FORM 5330 for 1990 will be filed with respect to the period from August 31, 1990, through December 4, 1990. The Employer has also represented that FORM 5330 with respect to 1991 would be filed when due. Finally, the Employer notes that within sixty (60) days of the date of the grant of this proposed exemption, it will pay all applicable excise tax, if any is then deemed to be due and owing with respect to those amounts borrowed under the Past Loans above twenty-five percent (25%) of the assets of the Plan.

8. The Employer maintains that the interests of the Plan and its participants and the beneficiaries were fully protected throughout the duration of the Past Loans. In this regard, the Independent Fiduciary was engaged to act on behalf of the Plan with respect to the Past Loans. Prior to making each disbursement under the Past Loans, the Independent Fiduciary reviewed the terms and conditions of each loan and also reviewed the financial condition of the Employer. The Independent Fiduciary also represents that disbursements under the Past Loans were not made unless it found them to be appropriate and in the interest of the Plan and its participants and beneficiaries.

9. As further protection for the Plan and its participants and beneficiaries, the Past Loans were collateralized by recorded perfected security interests in accounts receivable (the Accounts Receivable) of the Employer. Prior to entering into any of the Past Loans, it is represented that the Independent Fiduciary received from the Employer any and all documentation needed to evidence the Plan's security interest in the collateral securing any Past Loans and the Independent Fiduciary ensured that appropriate documentation was recorded to perfect the Plan's security interest.

The Independent Fiduciary also represents that at not time while any Past Loans were outstanding was the fair market value of the Accounts Receivable securing such loans less than 200 percent (200%) of the outstanding face amount of such Past Loans. The Independent Fiduciary had the power to call upon the Employer to provide additional collateral to secure any of the Past Loans in the event the value of the collateral at any time fell below 200 percent (200%) of the aggregate balance of all outstanding Past Loans. Further, if the employer had defaulted on any of the Past loans, the Independent Fiduciary had the power to execute and levy on the collateral securing such Past Loans.

10. Finally, it is represented that the Plan suffered no loss as a result of the loan program and no term or condition of any of the Past Loans was inconsistent with the terms and conditions described in PTE 90–17, except for the period that the amount of the Past Loans exceeded twenty-five percent (25%) of the assets of the Plan by the de minimis amounts described above.

11. In summary, the applicant represents that the proposed transactions meet the statutory criteria for retroactive exemption because: (a) The terms and conditions of the Past Loans were at least as favorable to the Plan as those obtainable by the Plan under similar circumstances in arm's length transactions with unrelated third parties; (b) except for the fact that the total outstanding balance of the Past Loans exceeded twenty-five percent (25%) of the assets of the Plan, the Past Loans satisfied all other conditions of PTE 90–17; (c) within sixty (60) days of the grant of this proposed exemption, the Employer will file the Form 5330 with the Internal Revenue Service (IRS), and will pay excise tax, if any is then deemed to be due and owing with respect to the amounts above twenty-five percent (25%) of the assets of the Plan borrowed by the Employer under the Past Loans during 1990 and 1991; (d) an independent fiduciary, on behalf of the Plan, represents that it negotiated, reviewed, and approved the terms and conditions of the Past Loans prior to entering into such Past Loans and determined that such loans were in the interest of, and protective of the Plan and its participants and beneficiaries; (e) an independent fiduciary, on behalf of the Plan, monitored the Employer's compliance with the terms of the Past Loans to ensure that the Plan and its participants and beneficiaries were protected throughout the duration of such Past Loans; (f) the Past Loans were at all times secured by collateral which was valued at not less than 200 percent (200%) of the aggregate balance of all outstanding Past Loans from the Plan to the Employer; (g) the Plan incurred no fees, commissions, or other charges as a result of the Past Loans; and (h) the Plan suffered no loss as a result of the Past Loans.

FOR FURTHER INFORMATION CONTACT: Angelena C. Le Blanc of the Department, telephone (202) 219–8883. (This is not a toll-free number.

Welborn Clinic Employees' Retirement Plan (the Plan) Located in Evansville, Indiana

[Application No. D–9211]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1), (A) through (E) of the Code, shall not apply to (1) the proposed transfer by the Plan of a parcel of real property (Parcel A) to the WANC Leasing Company (WANC), a party in interest with respect to the Plan; (2) the Plan's acquisition of another parcel of real property (Parcel B) and a cash payment from WANC, in exchange for Parcel A; and (3) the proposed modification of a lease (the Employer Lease) between the Plan and the Welborn Clinic (the Employer), the sponsor of the Plan; provided the following conditions are satisfied:

(A) All terms and conditions of the proposed transaction are at least as favorable to the Plan as those the Plan could obtain in an arm's-length transaction with an unrelated party;

(B) The Plan is represented for all purposes in the transactions by the

[13] It is represented the Employer decided to repay the Past Loans as they matured, rather than immediately, because interest rates on similar investments during this period were declining. According to the Employer, the interest rates paid on the Past Loans, on average, exceeded the fair market interest rates on comparable investments by 200 basis points. Thus, it is represented that the Plan benefitted from the gradual phasing out of the Past Loans as they matured.

Citizens National Bank of Evansville, Indiana, the trustee of the Plan;

(C) The Plan receives a purchase price for Parcel A which is no less than the fair market value of Parcel A, and which consists of Parcel B plus a cash payment of at least $10,000;

(D) The plan continues to receive rent under the Employer Lease of no less than the fair market rental value of the leased premises; and

(E) The plan does not incur any expenses with respect to the transaction.

Summary of Facts and Representations

1. The plan is a defined contribution plan with 512 participants and total net assets of $39,854,956 as of December 31, 1991. The Plan is sponsored by the Welborn Clinic (the Employer) a multi-specialty group medical practice with its principal place of business located in the Welborn Clinic Building (the Clinic Building) at 421 Chestnut Street in the downtown sector of Evansville, Indiana. The Employer is an Indiana business trust which is controlled by the physicians who hold staff memberships with the Employer. The trustee of the Plan is the Citizens National Bank of Evansville (the Trustee), which represents itself to be independent of and unrelated to the Employer, except as Plan Trustee. WANC is an Indiana general partnership in which all of the 65 general partners are staff member physicians of the Employer.

2. The Clinic Building is owned by the Plan and leased to the Employer (the Employer Lease) pursuant to an individual administrative exemption, PTE 89–4 (54 FR 2241, January 19, 1989). The rights of the Plan with respect to the Clinic Building, including the Employer Lease and PTE 89–4, are represented for all purposes by the Trustee. The Employer represents that its operations in the Clinic Building have grown significantly since the Department issued PTE 89–4, and the number of Clinic physicians practicing in the Clinic Building has grown from 48 in 1988 to 65 as of September 1992. The Employer projects that the Clinic's operations will continue to expand and will require a total of 80 Clinic physicians practicing in the Clinic Building by 1995. The Employer represents that the Clinic Building is already operating at the limit of its capacity and that without expansion, the Clinic Building will be unable to accommodate the operational growth and additional physicians which the Employer foresees.

3. The Employer represents that the Trustee has been advised of the need for expanded Clinic Building facilities, and has engaged with the Employer in discussions and negotiations in an effort to provide for expanded Clinic facilities in a way mutually acceptable to the Trustee and the Employer. The Trustee and the Employer agree that a new section to be added to the northeast side of the Clinic Building (the Addition), designed and proposed by the Employer, would adequately provide the Employer with the necessary additional space, in a way which is acceptable to the Trustee and the Employer. It is proposed that WANC will construct the Addition and lease it to the Employer. The Addition is proposed for construction on Parcel A, which is immediately adjacent to the northeast side of the Clinic Building, and which is owned by the Plan and leased to the Employer under the Employer Lease and PTE 89–4. In order to accomplish WANC's construction of the Addition on Parcel A, it is proposed that the Plan transfer Parcel A to WANC in exchange for another parcel of real property (Parcel B) and cash. The Trustee is requesting an exemption for the proposed exchange of the Parcels between WANC and the Plan, including the payment of cash to the Plan, and for the proposed modification of the Employer Lease to reflect these transactions, under the terms and conditions described herein.

4. Parcel A is a rectangular-shaped tract of level land, 15,549 square feet in area, used as a Clinic parking lot, on which there are no building improvements. It is paved, marked and curbed for automobile parking, and it is located between and abuts the Clinic Building and other improved property owned by WANC on the northeast side of Parcel A (the WANC Building). The zoning status of Parcel A is C–2, allowing for a variety of commercial and office uses including its current use. Parcel A had a fair market value of $110,000 as of August 17, 1992, according to C. David Matthews, MAI, SRPA (Matthews), an independent professional real estate appraiser in Evansville, Indiana.

Parcel B, currently owned by WANC, is a 17,533 square-foot tract of level land which lacks any building improvements. It is paved, marked and curbed for use as a parking lot, and is leased to and used by the Employer as additional parking space for the Clinic. Parcel B abuts the northwest side of another Clinic Building parking lot which is adjacent to the Clinic Building, owned by the Plan, and leased to the Employer under the Employer Lease and PTE 89–4. The zoning status of Parcel B is C–4, general commercial, allowing for a variety of commercial uses including its current use. Matthews determined that as of August 17, 1992, Parcel B had a fair market value of $135,000.

The Trustee represents that in order to ascertain further the relative values of Parcels A and B, arrangements were made for an additional appraisal of the Parcels by George K. Cox, MAI, SRA, and his associate, Berry K. Fry, SRA. Messrs. Cox and Fry determined that as of August 20, 1992, Parcel A had a fair market value of $101,000 and Parcel B had a fair market value of $114,000.

5. The terms and conditions of the proposed exchange of the Parcels between the Plan and WANC are embodied in a written agreement (the Exchange Agreement). Under the Exchange Agreement, the Plan will convey the title to Parcel A to WANC, and WANC will convey the title to Parcel B to the Plan. Because the use of Parcel A is crucial to the Employer's expansion needs and WANC's plans to utilize the Addition as a connector building between the Clinic Building and the WANC Building which abuts Parcel A, the Trustee represents that it perceived a need to utilize the Plan's strong negotiating position to obtain in the Exchange Agreement a premium for the Parcel exchange. Accordingly, as consideration for the Parcel exchange, WANC has agreed to transfer Parcel B to the Plan, with a higher value than Parcel A, and also to make a cash payment to the plan of at least $10,000.

Based on the December 31, 1991 valuation of Plan assets, the Trustee represents that the appraised value of all real estate held by the Plan subsequent to the proposed Parcel exchange will constitute 15.10 percent of the fair market value of all Plan assets, using the Matthews appraisals. Using the appraisals of Messrs. Cox and Fry, the Trustee represents that the appraised value of the Plan's real estate holdings subsequent to the proposed Parcel exchange will constitute 15.08 percent of the fair market value of all Plan assets, based on the December 31, 1991 asset valuation.

6. The Trustee represents that it has determined that the proposed exchange of the Parcels would be more advantageous to the Plan than an outright cash sale of Parcel A to WANC. The Trustee notes that parking space in the downtown sector of Evansville is at a premium. As a result of the proposed exchange transaction, the Plan will gain approximately 2,000 square feet of additional parking space (the excess of Parcel B's 17,533 square feet over Parcel A's 15,549 square feet) to be leased to the Employer. An outright sale of Parcel A to WANC, instead of the proposed exchange, would represent a net loss of

VOL 58 ISS 31 FE 18 1993 UMI

15,553 square feet of Clinic Building parking space. The Trustee represents that in the event it is determined to be in the best interests of the Plan to sell the Clinic Building, the Clinic Building will be more easily and profitably marketable with adequate adjacent parking space, such as that provided by Parcel B.

7. WANC and the Employer intend that immediately after the proposed Parcel exchange, WANC will commence construction of the Addition on Parcel A. Proposed to eventually serve as a connector building between the Clinic Building and the WANC Building, and designed to serve as the Clinic's main entrance and reception area, the Addition will provide 44,016 square feet of space, which will also house new facilities for radiology, pharmacy, pathology, and physicians' offices. The Addition is proposed as a two-story brick, metal and glass structure which is designed to remain adaptable to other professional office uses. Pursuant to the architect's recommendation, and as required by the terms of the Exchange Agreement, the Addition will be constructed and maintained as a completely independent building. The Addition and the Clinic Building will each have separate walls, and the abutting walls will be constructed as "two hour" fire rated walls. No portion of the existing Clinic Building walls which abut the Addition will be utilized for the Addition. There will be connecting corridors between the Clinic Building and the Addition on the first and second stories, but the Clinic Building will remain physically separated from the Addition at the boundary line with "two hour" fire rated doors. Construction of the Addition will accommodate later total separation of the two buildings, if necessary, which would be accomplished by the erection of permanent walls in the corridors of each floor at the boundary lines. The mechanical, heating, air conditioning, plumbing and electrical systems of the Clinic Building and the Addition will remain completely independent of each other. The Trustee retains the right under the Exchange Agreement to require at any time, with 30 days written notice, that WANC erect a permanent wall, closing the corridors to separate the two buildings.

8. In addition to the Trustee's right to require WANC to effect a severance of the corridors and a separation of the buildings at any time, the Trustee represents that the Exchange Agreement establishes two additional procedural safeguards for the Plan, to remain effective for the duration of the Employer Lease or any renewal thereof, and which contribute to the Trustee's decision to proceed with the exchange of the Parcels:

(a) In the event that WANC, at any time during the term of the Employer Lease (or any renewal thereof) desires to sell Parcel A and/or the Addition, and begins negotiations with a potential buyer, WANC must notify the Trustee and provide the Trustee the right, in the Trustee's discretion, to sell the Clinic Building, including adjacent parking lot property, to the same buyer for not less than fair market value. If the Trustee's efforts to sell the Clinic Building in accordance with this provision are unsuccessful, then the Trustee may require WANC to purchase such property from the Plan for its fair market value.

(b) In the event that the Trustee desires at any time during the Employer Lease (or any renewal thereof) to sell the Clinic Building, the Trustee may require WANC to sell the Addition and/or Parcel A to the same buyer at fair market value, if such sale is necessary to the Trustee's sale of the Clinic Building.

9. Since the proposed exchange of Parcel A for Parcel B will require a change in the description of the leased premises in the Employer Lease, and since the Exchange Agreement would provide for connecting corridors between the Addition and the Clinic Building, the Trustee and the Employer propose that the Employer Lease be modified to reflect these changes. The terms of the proposed First Modification of Lease Agreement (the Modification) substitute a new legal description of the lease premises in place of the original legal description in the Employer Lease, to reflect the removal of Parcel A from the leased premises and the addition of Parcel B to the leased premises. The Modification calls for a rental increase of $75.00 per month, to reflect the additional of five parking spaces which Parcel B will provide over the number of parking spaces provided by Parcel A, in accordance with the Trustee's determination that the parking spaces have a current fair market value of $15.00 per space. Subsequent to the Modification, the rental for the additional parking spaces will be reviewed and determined on the same basis as all of the other Clinic Building property subject to the Employer Lease. In this regard, the Modification requires an increase in the frequency of the Employer Lease rental reevaluations, from every five years to every three years. The Modification also reflects agreement between the Trustee and the Employer on the opening of existing Clinic Building walls to enable construction of corridors connecting the Addition and the Clinic Building, and it incorporates and reiterates the requirements of the Exchange Agreement providing for the continuing separation of the two buildings.

10. In summary, the applicant represents that the proposed transaction satisfies the criteria of section 408(a) of the Act for the following reasons: (a) The Plan will not incur any expenses related to the proposed transactions; (b) The Plan will acquire real property, Parcel B, with more square footage and a higher fair market value than the property which it is giving in exchange, Parcel A, as determined by Matthews and confirmed by Cox and Fry; (c) The Plan will receive an additional payment of $10,000 cash for the proposed Parcel exchange; (d) The Plan will continue to hold sufficient parking lot property adjacent to the Clinic Building, which will enhance the marketability of the Clinic Building; (e) The Addition will be constructed and maintained independently from the Clinic Building, and the connecting corridors may be permanently closed to totally separate the two buildings any time at the Trustee's discretion; (f) For the duration of the Employer Lease, the Trustee will remain able to offer the Clinic Building at fair market value to any buyer seeking to purchase the Clinic Building or Parcel A, or to require WANC to purchase the Clinic Building if such efforts fail; and (g) For the duration of the Employer Lease, the Trustee will remain able to require WANC to sell the Addition and/or Parcel A at fair market value to any buyer seeking to purchase the clinic Building from the Plan, if such sale is necessary to the Plan's sale of the Clinic Building.

FOR FURTHER INFORMATION CONTACT: Ronald Willett of the Department (202) 219–8881. (This is not a toll-free number.)

International Rectifier Corporation Profit Sharing and Retirement Plan (the Plan) Located in El Segundo, California

[Application No. D–8747]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a) and 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of

VOL 58 ISS 31 FE 18 1993 UMI

the Code, shall not apply (1) effective September 30, 1988, to the past leasing of two parcels of real property (the Properties) from the Plan to International Rectifier Corporation (the Employer), a party in interest with respect to the Plan, and (2) to the proposed sale for cash of the Properties from the Plan to the Employer, in accordance with the following conditions:

(1) The terms and conditions of the past leasing of the Properties were at least as favorable to the Plan as those obtainable under similar circumstances in arm's-length transactions with unrelated third parties;

(2) The exemption for the past leasing of the Properties applies with respect to twenty-five percent (25%) of the Plan's assets only, as determined by reference to the combined fair market values of the Properties;

(3) The terms and conditions of the leases were reviewed, approved and monitored by an independent fiduciary on behalf of the Plan;

(4) Within 60 days of the grant of this proposed exemption, the Employer will file with the Internal Revenue Service the Form 5330 and will pay an excise tax if any is deemed to be due with respect to the amounts above 25 percent of the assets of the Plan involved in the leases of the Properties to the Employer on or after September 30, 1988;

(5) The sale of the Properties will be for cash and the Plan will receive no less than the greater of $2,150,000 or the fair market value of the Properties at the time of sale;

(6) The fair market value of the Properties will be established by a real estate appraiser independent of the Employer; and

(7) The Plan will pay no commissions or other expenses in regard to the sale.

EFFECTIVE DATE: If granted, this proposed exemption will be effective as of September 30, 1988

Summary of Facts and Representations

1. The Employer is a worldwide supplier of power semiconductors whose stock is traded on the New York Stock Exchange. The Plan is a profit sharing plan which had 1,264 participants and beneficiaries and total assets of $7,602,618 as of June 30, 1991. The investment decisions for the Plan are made by the Plan's Committee which is comprised of current and former officers of the Employer.

2. The Properties are two parcels of real property in El Segundo, California, which are owned by the Plan and are currently leased to the Employer. A previous exemption granted by the Department, Prohibited Transaction Exemption (PTE) 84–70 (49 FR 26164, June 26, 1984), provided for the leasing of five properties, including the subject Properties, located in El Segundo by the Plan to the Employer. Under the conditions of the exemption, the Plan was to either dispose of or lease some of the five properties to unrelated parties such that, as of December 31, 1987, the remaining properties leased to the Employer accounted for no more than 25 percent of Plan assets. In order to comply with this condition, prior to December 31, 1987, the Plan sold or leased to third parties three of the five properties which had been leased to the Employer pursuant to PTE 84–70, leaving the subject Properties as the sole parcels leased to the Employer under the exemption.

The Properties, consisting of two adjacent parcels of land and improvements, are used as industrial buildings in the business of the Employer. According to the representations of PTE 84–70, the Properties have been leased to the Employer under separate leases and each lease is a triple net lease under which the Employer is responsible for insurance, taxes, utilities and maintenance.

The Properties were purchased in 1956 and 1969 from parties unrelated to the Plan or the Employer. The combined cost to the Plan of acquiring the Properties was $81,000. In addition, the Plan constructed a building on one of the parcels of land in 1957 (prior to passage of the Act) at a cost of $239,220. No other assets of the Plan have been used to maintain or improve the Properties.

3. As of September 30, 1988, the fair market value of the Properties exceeded by a de minimis amount (0.99 percent) the requirement of PTE 84–70 that the combined value of all properties leased pursuant to the exemption account for no more than 25 percent of the assets of the Plan. The excess over the 25 percent limitation was discovered during the routine preparation of quarterly financial statements for the Plan. Prior to that time, according to the applicant, there was no indication that the 25 percent limitation had been exceeded. The Properties accounted for 28.8 percent of Plan assets when the Plan year ended on June 30, 1989, compared with 24.3 percent a year earlier. The applicant represents that this increase was caused mainly by the inflationary Southern California real estate market at that time and by a large number of cash distributions to terminating employees and that all other terms and conditions of PTE 84–70 have been met. Also, for several years in the 1980's the Employer did not operate at a profit and no contributions were made to the Plan during those years. The applicant represents that since September 30, 1988, the terms of the lease agreements have at all times been at least as favorable as the Plan could obtain in similar transactions with unrelated parties.

4. When the Employer first learned on October 28, 1988, that the 25 percent limitation of PTE 84–70 had been exceeded, the Plan attempted to reduce the percentage of Plan assets involved by marketing the Properties to unrelated parties. By March 1989, the Plan was able to enter into an agreement with a third party to sell the Properties. An escrow was opened but was later canceled. The sale could not be completed because a soil and hazardous substance report subsequently revealed that substantial environmental clean-up work would be required on the larger of the two Properties, rendering sale of the Properties to a third party unlikely. The clean-up work involves seepage from a storage tank which since has been removed from the Properties.

Union Bank of Los Angeles (Union), the independent fiduciary under PTE 84–70, stated in a letter dated September 25, 1992, that it was aware of the ratio of the value of the Properties to total Plan assets through the quarterly balance sheets submitted by Union to the Plan. Union represents that it was kept fully informed about the attempts to market the Properties to third parties and the March 1989 escrow. Union represents also that it agreed with the actions being taken by the Employer with respect to the Properties. Union did not take separate independent action with respect to these matters because it was Union's judgment at the time that the Employer was taking all steps necessary through the attempted sale to ensure fairness to Plan participants. For example, termination of the lease between the Employer and the Plan at the time would have been detrimental to the interests of the Plan.

5. The Employer represents that it did not have the financial resources to purchase the Properties from the Plan and thereby reduce the Plan assets involved in the lease of the Properties until April 1991 when additional capital was raised through a public offering of shares of the corporation. The Employer is now in a position to purchase the Properties and a sale to the Employer could occur before the clean-up work is commenced. The transaction will be entirely for cash and the Plan will pay no fees or commissions in regard to the sale. The Employer also represents that it will file Form 5330 with the Internal

Revenue Service and pay an excise tax if any is deemed to be due with respect to the amounts above 25 percent of Plan assets involved in the leases of the Properties to the Employer on or after September 30, 1988.

6. The Plan obtained an appraisal on the Properties on May 2, 1991, updated as of June 30, 1992, from R.A. Eigenbrodt, MAI (Eigenbrodt), a real estate appraiser and consultant located in Sherman Oaks, California. The applicant represents that Eigenbrodt is independent of the Employer and the Plan and has had significant experience in providing real property valuations to major corporations. Eigenbrodt's valuation of the Properties does not take into account any subsurface or hazardous substance conditions, as mentioned above.

According to Eigenbrodt, the Properties are located in a light industrial and manufacturing area in central El Segundo, which is about 14 miles southwest of downtown Los Angeles. The two Properties are contiguous and together comprise some 60,275 square feet. The improvements on the first parcel include a one-story industrial building currently used for research and development purposes. The second parcel contains a small one-story building which is used as a computer facility. Eigenbrodt believes that the highest and best use of the Properties would be a continuation of their present usage as industrial buildings.

Placing emphasis on the income approach and comparable sales approach to value, Eigenbrodt concludes that the Properties had a combined fair market value of $2,150,000 as of June 30, 1992. The applicant represents that Eigenbrodt took into account in the appraisal that the Properties are located within close proximity of other properties owned by the Employer and that the Employer was a potential buyer of the Properties. Also, Eigenbrodt valued the Properties as though the environmental problems did not exist. Accordingly, the Employer proposes to purchase the Properties for no less than the greater of $2,150,000 or the fair market value of the Properties at the time of sale valued as though the environmental problems do not exist and taking into account the proximity of other properties owned by the Employer.

7. In summary, the applicant represents that the transactions will satisfy the statutory criteria of section 408(a) of the Act because: (1) All the requirements of PTE 84–70 for the leasing of the Properties have been met except for a nominal excess over the 25 percent plan asset limitation; (2) the fair market value of the Properties for the sale will be established by an independent real estate appraiser; (3) the Employer will pay no less than the greater of $2,150,000 or the current fair market value for the Properties; (4) a sale of the Properties to an unrelated third party would be difficult because of the required environmental clean-up work; and (5) the transaction will be entirely for cash and no commissions or other transfer expenses will be charged to the Plan.

FOR FURTHER INFORMATION CONTACT: Paul Kelty of the Department, telephone (202) 219–8883. (This is not a toll-free number.)

James F. Volpe Electrical Contracting Corp. Pension Plan (the Pension Plan) and James F. Volpe Profit Sharing Plan (the P/S Plan; Together, the Plans) Located in Brooklyn, New York

[Application Nos. D–9155 and D–9156]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) The proposed loan (the Loan) by the Plans of no more than $180,000 to Salmieri-Matrone Partnership (the Partnership), a party in interest with respect to the Plans; and (2) the proposed personal guarantees of the Partnership's obligations under the Loan by Salvatore Salmieri (Mr. Salmieri) and Anthony Matrone (Mr. Matrone), parties in interest with respect to the Plans; provided that the following conditions are met:

(a) The amount of each Plan's assets involved in the Loan does not exceed 25% of such Plan's total assets at any time during the transaction;

(b) All terms and conditions of the Loan are at least as favorable to the Plans as those which the Plans could obtain in an arm's-length transaction with an unrelated party;

(c) An independent, qualified fiduciary determines on behalf of the Plans that the Loan is feasible, in the best interests of the Plans as an investment for each Plan's portfolio, and protective of the Plans and their participants and beneficiaries; and

(d) The independent, qualified fiduciary monitors compliance by the Partnership with the terms and conditions of the Loan throughout the duration of the transaction, taking any action necessary to safeguard the Plans' interest, and monitors compliance by all parties with the terms and conditions of the exemption.

Summary of Facts and Representations

1. The Pension Plan is a money purchase pension plan and the P/S Plan is a discretionary profit sharing plan, both of which are sponsored by James F.Volpe Electrical Contracting Corp. (the Employer). The Employer is a New York corporation licensed by New York City as an electrical contractor. As of December 31, 1991, the Pension Plan had total assets of $559,516, the P/S Plan had total assets of $336,885, and each Plan had seven participants.

The assets of the Plans are held in the James F. Volpe Electrical Contracting Corp. Retirement Trust (the Trust), which is currently invested in various government securities, corporate bonds and common stocks. The trustees of the Trust are Mr. Salmieri and Mr. Matrone (the Trustees), each of whom is an employee and 50% shareholder of the Employer and a participant in the Plans.

2. The Partnership is a New York general partnership established on August 1, 1979 to own the land and building which is used as the Employer's principal place of business (the Property). As of December 31, 1991, there were two partners in the Partnership (Mr. Salmieri and Mr. Matrone) each holding a 50% ownership interest in the capital and profits of the Partnership.

The Property is an improved parcel of land consisting of approximately 4,000 square feet in size and a 2-story building with approximately 3,800 square feet of interior space, located at 729 46th Street, Brooklyn, New York. The Property was recently renovated and produces an annual income of $66,000 under a triple net lease to the Employer. The Trustees propose the Loan from the Plans to the Partnership to finance certain additional improvements to the Property. All previous mortgages on the Property have been paid in full and the Property is currently unencumbered.

3. The Loan will be in a principal amount not to exceed $180,000. Participation in the Loan will be allocated between the Plans in amounts which represent the same percentage of each Plan's total assets. The applicant states that at no time will the amount of the Loan allocated to either Plan represent more than 25% of such Plan's total assets. The Loan will be secured by

a duly filed first mortgage on the Property, which had a fair market value of $285,000 as of November 2, 1992, according to Roderick T. Hunt, SRPA, a qualified, independent real estate appraiser in Brooklyn, New York (the Appraisal). The Property will be kept fully insured against fire, theft, casualty and other hazards at no expense to the Plans, with the Plans named as insured-beneficiary under such insurance.

The Loan will have a 15-year term and will be evidenced by a promissory note (the Note) reflecting all terms of the Loan. The Loan repayment will consist of principal and interest, payable monthly, at an annually-adjusted rate of no less than the prevailing market rate for such loans as determined by the Plans' independent fiduciary. The Loan's interest rate will be the greater of (a) 2% above the prime commercial lending rate charged by Extebank, a commercial lender with branch offices throughout Long Island, New York, or (b) 12%. The Loan principal will be repaid in monthly installments amortized over the 15-year term.

Under the Note, the Partnership will be liable for all costs of collection, including reasonable attorney's fees, in the event of default on the Loan. The Note provides that the entire amount of the Loan shall become immediately due and payable, at the option of the Note holder, upon any failure to make a payment when due, the failure to deliver additional collateral when demanded, any change in the condition of the Partnership which poses a substantial security risk, or the death, insolvency or business failure of the Partnership or its partners. The Note will be guaranteed as to interest and principal by the Trustees in their individual capacities. The applicant has provided financial statements which indicate that Mr. Salmieri's net worth was $1,496,000 and Mr. Matrone's net worth was $1,418,200, as of December 31, 1991, exclusive of the market value of their respective assets held in the Plans and various individual retirement accounts (IRAs) as of such date.

4. The Plan's interests with respect to the Loan are represented by an independent fiduciary, Christi Cook Thompson (the Fiduciary). The Fiduciary is a financial consultant and NASD Registered Representative with the firm of Planned Financial Programs Inc. in Plainview, New York. The Fiduciary states that she is knowledgeable of the fiduciary provisions of the Act and understands her duties, responsibilities and liabilities in acting as a fiduciary for the Plans under the Act. The Fiduciary represents that she has no professional or personal relationship with the Employer and its affiliates, other than representing the Plans as an independent fiduciary.

5. The Fiduciary has reviewed the terms of the Loan and all the documents and relevant information in connection with the Loan, including the Appraisal. The Fiduciary represents that the terms of the Loan would be at least as favorable to the Plans as an arm's-length transaction with an unrelated party. The Fiduciary states that Extebank would consider making a similar loan on these terms as a commercial lender. The Fiduciary has reviewed letters from Thomas J. Crane, Vice President of Extebank, which discuss the terms of a similar loan which would be made by Extebank to the Partnership. The Fiduciary notes that the terms offered by Extebank differ from the terms of the Loan because Extebank's loan offers only a floating interest rate while the Loan provides the Plans with a minimum interest rate of 12% per annum. The Fiduciary states further that the terms of the Loan do not provide the Plans with any pre-paid interest or "points" at the beginning of the transaction as compensation for making the Loan, which would normally be charged by Extebank. However, the Fiduciary states that the 12% minimum interest rate on the Loan coupled with the rate escalator provision will more than compensate for the lack of "points" being charged on the Loan.

The Fiduciary believes that the Loan will offer the Plans an excellent rate of return in comparison with other investment opportunities involving similar risk. The Fiduciary has reviewed the current investment portfolios of the Plans and considered the diversification of each Plan's assets as well as the liquidity needs of the Plans. Based on this analysis, the Fiduciary represents that the Loan would be a proper investment for the Plans and would be in the best interests of the Plans and their participants and beneficiaries.

6. The Fiduciary represents that she will monitor the Loan and will take any appropriate action necessary to protect the interests of the Plans and their participants and beneficiaries, including a foreclosure on the Property in the event of default. The Fiduciary represents that the Loan will be well secured by the Plans' first mortgage interest in the Property in the event of default. The Fiduciary will monitor the condition and adequacy of the Property as collateral for the Loan to ensure that the Loan remains secured by collateral worth at least 150% of the Loan at all times. In this regard, the Fiduciary states that the Property has experienced consistent growth in value in the past few years. The Fiduciary notes that the Property has been recently renovated and that a portion of the Loan proceeds will be used to make further improvements to the Property.

The Fiduciary has conducted an independent evaluation of the financial stability of the Employer. The Fiduciary concludes that the Employer is well capitalized and has sufficient cash flow to cover its expenses, including the payments on the lease of the Property from the Partnership. The Fiduciary has also analyzed the financial statements for Mr. Salmieri and Mr. Matrone and believes that their net worth would be more than sufficient to personally guarantee the Partnership's obligations under the Loan.

The Fiduciary will monitor the Plans' assets to insure that the amount of each Plan's assets involved in the Loan will at all times remain less than 25% of such Plan's total assets. The Fiduciary will require the Partnership to provide additional payments on the Loan to the Plans, if necessary, to reduce the principal amount of the Loan to maintain an appropriate ratio between the outstanding principal balance of the Loan and each Plan's total assets. The Fiduciary has acknowledged her responsibility to monitor compliance by all parties with the terms and conditions of the proposed exemption, including the 25% limitation. The Fiduciary understands that the effectiveness of the exemption, if granted, will be dependent on such compliance.

7. In summary, the applicant represents that the proposed transaction will satisfy the criteria of section 408(a) of the Act because: (a) The Plans will receive a fair market rate of return on the Loan which is commensurate with the prevailing rate offered by Extebank for a similar loan; (b) the Loan will be secured by a first mortgage interest on the Property, which has a fair market value in excess of 150% of the Loan principal; (c) the Partnership's obligations under the Loan will be personally guaranteed by the Trustees, each of whom has a net worth in excess of $1.4 million; (d) the Plans' interests with respect to the Loan will be represented by an independent fiduciary (i.e. the Fiduciary) who will monitor the Loan as well as the conditions of the exemption, and will take any appropriate action necessary to safeguard the best interests of the Plans and their participants and beneficiaries; (e) the Fiduciary has analyzed the Loan as an investment for the Plans and has concluded that the transaction would be in the best interests of the Plans and their participants and beneficiaries; and

(f) the amount of each Plan's assets involved in the Loan will represent less than 25% of such Plan's total assets throughout the duration of the transaction.

FOR FURTHER INFORMATION CONTACT:

Mr. E.F. Williams of the Department, telephone (202) 219–8883. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not a derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 12th day of February, 1993.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 93–3787 Filed 2–17–93; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Radio/Audio Projects Section) to the National Council on the Arts will be held on March 17, 1993 from 9 a.m.–6:30 p.m. and March 18 from 9 a.m.–5:30 p.m. in room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506.

Portions of this meeting will be open to the public on March 17 from 9 a.m.–9:30 a.m. and March 18 from 5 p.m.–5:30 p.m. for introductory remarks and guidelines discussion.

The remaining portions of this meeting on March 17 from 9:30 a.m.–6:30 p.m. and March 18 from 9 a.m.–5 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated: February 10, 1993.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–3706 Filed 2–17–93; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Biological Instrumentation and Resources; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: Monday, March 8, 1993; 8:30 a.m.–6:00 p.m. Tuesday, March 9, 1993; 8:30 a.m.–12:00 noon.

Place: Room V–500C, National Science Foundation, 1800 G St. N.W., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Thomas S. Quarles, Deputy Division Director, Biological Instrumentation and Resources, room 312, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7567.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Minority Postdoctoral Research Fellowship proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 12, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–3745 Filed 2–17–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Earth Sciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: March 19, 1993; 8 a.m. to 6 p.m.

Place: Room 1243, National Science Foundation, 1800 G Street, NW. Washington, DC 20550

Type of Meeting: Closed
Contact Person: Dr. John Maccini, Program Director, Division of Earth Sciences, room 602, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7866.
Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.
Agenda: To review and evaluate Geologic Record of Global Change proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 12, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–3747 Filed 2–17–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Earth Sciences; Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: March 10, 11, and 12, 1993; 8 a.m. to 6 p.m. each day.
Place: Room 543, National Science Foundation, 1800 G Street, NW, Washington, DC 20550.
Type of Meeting: Closed.
Contact Person: Dr. Ian D. MacGregor, Section Head, Division of Earth Sciences, room 602, National Science Foundation, Washington, DC, (202) 357–9591.
Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.
Agenda: To review and evaluate earth sciences proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 12, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–3748 Filed 2–17–93; 8:45 am]

BILLING CODE 7555–01–M

Committee of Visitors of the Advisory Committee for Electrical and Communications Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: March 15–16, 1993
Place: Rooms 1243, 523 and 536, 1800 G Street, NW., Washington, DC
Type of Meeting: Closed
Contact Person: Dr. Irene C. Peden, National Science Foundation, 1800 G St., NW., Washington, DC 20550. Telephone: (202)357–9618
Purpose of Meeting: To carry out Committee of Visitors (COV) review, including examination of decisions on proposals, reviewer comments, and other privileged materials.
Agenda: To provide oversight review of the Engineering Systems, Quantum Electronics, Waves and Beams; Solid State & Microstructures and Communications & Computational Systems.
Reason for Closing: The meeting is closed to the public because the committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: February 12, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–3746 Filed 2–17–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Molecular and Cellular Biosciences; Meetings11In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: March 15–16, 1993–8:30 a.m.–5 p.m.
Place: Room 1242, 1800 G Street, NW., Wash., DC.
Type of Meeting: Closed.
Contact Person: Brenda Flam, Program Manager for Special Projects, National Science Foundation, 1800 G St. NW., room 325, Washington, DC 20550. Telephone: (202) 357–9400.
Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.
Agenda: To review and evaluate Research Planning Grant (RPG) and Career Advance Award (CAA) proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 12, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–3749 Filed 2–17–93; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Studies of Plant Components Using Yankee-Rowe Nuclear Plant; Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The staff of the Nuclear Regulatory Commission will meet with the staffs of the Yankee Atomic Electric Co., Nuclear Management and Resources Council (NUMARC), DOE, EPRI and other representatives of the nuclear industry to begin coordination of aging research studies using generic plant systems, structures and components of the Yankee Rowe reactor plant to improve our knowledge of aging and degradation.

DATES: Thursday, March 11, 1993.

TIME: 9 a.m.–5 p.m.

LOCATION: One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, room 4 B 11.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Z. Serpan, Jr., Chief, Materials Engineering Branch, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 492–3835.

SUPPLEMENTARY INFORMATION: Aging degradation of the systems, structures and components (SSC) of nuclear power plants has been an issue of increased concern to operators and regulators of nuclear power plants in recent years The USA and virtually all other countries have initiated programs to monitor, detect, and mitigate the effects of aging degradation, so as to improve current plant operations and enhance plant safety. Because an exceptionally valuable resource for such studies is a shut-down nuclear plant, use of the Yankee-Rowe nuclear plant has become an attractive option for such studies On January 12, 1993, a meeting was convened by NRC to explore the possibility of using the Yankee Rowe reactor plant for such aging studies. The favorable response generated from that meeting has resulted in this noticed meeting of potential sponsors of research work at NRC Headquarters in Rockville, Maryland, to present and discuss specific proposals for studies, and to begin coordination of joint

research studies on appropriate aging topics.

Dated at Rockville, Maryland, this 10th day of February, 1993, for the Nuclear Regulatory Commission.

Lawrence C. Shao,

Director, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 93–3755 Filed 2–17–93; 8:45 am]

BILLING CODE 7590–01–M

Impact of Fluence Evaluation Methodology Improvements on RPV Embrittlement Estimates; Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The staff of the Nuclear Regulatory Commission will meet with the staff of the Nuclear Management and Resources Council (NUMARC) and other members of the nuclear industry to discuss reactor pressure vessel fluence evaluation technical issues, as related to their impact on estimation of radiation embrittlement of the reactor pressure vessel.

DATES: Wednesday, February 24, 1993.

TIME: 8 a.m.–5 p.m.

ADDRESS: 11555 Rockville Pike, room 1F7–9, Rockville, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. Allen L. Hiser, Jr., Materials Engineering Branch, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 492–3988.

SUPPLEMENTARY INFORMATION: The NRC has recently initiated a research program to develop improved irradiation embrittlement correlations using data available from irradiation surveillance programs conducted by US nuclear power plant licensees in accordance with 10 CFR part appendix H. The goals of this research program are to increase the accuracy and reduce the uncertainty in the estimates of irradiation embrittlement of reactor pressure vessel (RPC) steels. Since neutron fluence is a key parameter in estimating irradiation embrittlement, this meeting has been scheduled to provide a public discussion of the technical issues involved in the evaluation of neutron fluences, with particular emphasis on the use of irradiation surveillance data in the NRC's irradiation embrittlement correlation program, the need and possibilities for re-evaulating the fluences for "old" surveillance capsules, and an assessment of current methods for calculating fluence values and uncertainties.

Dated at Rockville, Maryland, this 10th day of February, 1993, for the Nuclear Regulatory Commission.

Lawrence C. Shao,

Director, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 93–3757 Filed 2–17–93; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards Meeting of the Subcommittee on Thermal Hydraulic Phenomena; Meeting

The ACRS Subcommittee on Thermal Hydraulic Phenomena will hold a meeting on March 4 and 5, 1993, at the Westbank Inn, in the Targhee/Bonneville Room, 475 River Parkway, Idaho Falls, ID.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed to discuss information deemed proprietary to the Westinghouse Electric Corporation (*W*) pursuant to 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Thursday, March 4, 1993—8:30 a.m. until the conclusion of business

Friday, March 5, 1993—8:30 a.m. until the conclusion of business

The Subcommittee will review the status of the PWR version of the RELAP5/MOD–3 code with emphasis on analytical and test programs in support of the AP600 design certification effort. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, its contractors, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff engineer, Mr. Paul Boehnert (telephone 301/492–8558) between 7:30 a.m. and 5 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: February 11, 1993.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 93–3758 Filed 2–17–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–424 and 50–425]

Georgia Power Co., Oglethorpe Power Corp., and Municipal Electric Authority of Georgia; City of Dalton, GA Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF–68 and NPF–81 issued to the Georgia Power Company, et al. (the licensee), for operation of the Vogtle Electric Generating Plant, Units 1 and 2, located in Burke County, Georgia.

The proposed amendments supersede previous amendments proposed by the licensee August 31, 1992 (see 57 FR 45084 dated September 30, 1992).

The Vogtle Electric Generating Plant (VEGP) Unit 1 and Unit 2 Technical Specifications (TS) require, in part, that the diesel generators (DGs) be tested at least once per 18 months, during shutdown, by operating the DGs at specified loads for 24 hours (Surveillance Requirement (SR) 4.8.1.1.2.h.7). Within 5 minutes after completing this 24-hour test, the DGs are to be subjected to another test by simulating a loss of offsite power (LOOP) in conjunction with an engineered safety feature actuation system (ESFAS) test signal and verifying the loading sequence. The DG is to be operated for at least 5 minutes while loaded with the emergency loads (SR 4.8.1.1.2.h.6). However, if the second

test is not successfully completed, the 24-hour test does not have to be repeated. Instead, the DG may be operated at the load specified by SR 4.8.1.1.2.a.5 (6800–7000 kW) for 1 hour or until the DG operating temperature has stabilized, prior to reperforming the LOOP/ESFAS test.

The proposed change would revise TS 4.8.1.1.2.h.7 and its associated footnote ##. The change would remove the requirement to perform the LOOP/ESFAS test within 5 minutes after completing the 24-hour test and substitute the requirement to start the DG in accordance with TS 4.8.1.1.2.a.4 within 5 minutes after the 24-hour test. TS 4.8.1.1.2.a.4 requires that the DGs be verified to start using one of several specified start signals and that the generator achieve specified voltage and frequency within a certain time. The proposed change to footnote ## to TS 4.8.1.1.2.h.7 would require that, if the start after the 24-hour test was unsuccessful, then prior to repeating the start pursuant to SR 4.8.1.1.2.a.4, the DG is to be operated at the load specified by SR 4.8.1.1.2.a.5 "for a minimum of 2 hours." This footnote presently specifies an operating period of "1 hour or until operating temperature has stabilized." As provided in the existing footnote, the 24-hour test would not have to be repeated simply because the subsequent start was unsuccessful.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. Separating the 24-hour test from the LOOP/ESFAS test and revising footnote ## will have no effect on the initiating events assumed for any existing accident analysis. The basis for the existing requirement is to ensure the hot restart capability of the DGs: The proposed change in requirements will continue to demonstrate that capability, and the DGs will remain able to perform their safety function as assumed in the accident analyses. Should the hot restart test subsequent to the 24-hour test fail, the change to footnote ## will provide additional assurance that the DG has achieved full-loed operating temperature prior to repeating the hot restart test. Therefore, the DGs will continue to be able to perform their safety function and there will be no effect on the consequences of any existing accident analysis.

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. The change does not introduce any new equipment into the plant or require any existing equipment to be operated in a manner different than that for which it was designed to operate. The proposed change will continue to demonstrate the hot restart capability of the DGs. Therefore, the performance, reliability, or capability of the DGs to peform their design function will not be affected.

The proposed change does not involve a significant reduction in a margin of safety. The basis for the existing requirement is to ensure the hot restart capability of the DGs. The proposed change will continue to ensure that capability, thereby maintaining the margin of safety afforded by the existing surveillance requirements.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules Review & Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 22, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Burke County Public Library, 412 Fourth Street, Waynesboro, Georgia 30830. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a

supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to David B. Matthews: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Arthur H. Domby, Esquire, Troutman Sanders, NationasBank Plaza, suit 5200, 600 Peachtree Street, NW., Atlanta, Georgia 30308–2210, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated August 31, 1992, as superseded February 2, 1993, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Burke County Public Library, 412 Fourth Street, Waynesboro, Georgia 30830.

Dated at Rockville, Maryland, this 11th day of February 1993.

For the Nuclear Regulatory Commission.

Darl S. Hood,

Project Manager, Project Directorate II–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–3759 Filed 2–17–93; 8:45 am]

BILLING CODE 7590–01–M

POSTAL RATE COMMISSION

[Docket No. A93–10; Order No. 962]

In the Matter of: Beaverlett, Virginia 23016 (Mildred L. Diggs, *et al.*, Petitioners)

Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Issued February 11, 1993.

Docket Number: A93–10

Name of Affected Post Office:
Beaverlett, Virginia 23016

Name(s) of Petitioner(s): Mildred L. Diggs and others

Type of Determination: Closing

Date of Filing of Appeal Papers:
February 8, 1993

Categories of Issues Apparently Raised:

1. Effect on the community [39 U.S.C. 404(b)(2)(A)].

2. Effect on postal services [39 U.S.C. 404(b)(2)(C)].

Other legal issues may be disclosed by the record when it is filed; or, conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition, in light of the 120-day decision schedule [39 U.S.C. 404(b)(5)], the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the petitioner. In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memoranda previously filed.

The Commission orders:

(A) The record in this appeal shall be filed on or before February 23, 1993.

(B) The Secretary shall publish this Notice and Order and Procedural Schedule in the **Federal Register**.

By the Commission.

Charles L. Clapp,

Secretary.

February 8, 1993 Filing of Petition
February 11, 1993 Notice and Order of Filing of Appeal
March 5, 1993 Last day of filing of petitions to intervene [see 39 CFR 3001.111(b)]
March 15, 1993 Petitioners' Participant Statement or Initial Brief [see 39 CFR 3001.115 (a) and (b)]

April 5, 1993 Postal Service Answering Brief [see 39 CFR 3001.115(c)]
April 20, 1993 Petitioners' Reply Brief should Petitioners choose to file one [see 39 CFR 3001.115(d)]
April 27, 1993 Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 CFR 3001.116]
June 8, 1993 Expiration of 120-day decisional schedule [see 39 U.S.C. 404(b)(5)]

[FR Doc. 93–3719 Filed 2–17–93; 8:45 am]
BILLING CODE 7715–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–31849; File No. SR–CBOE–93–02]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Designated Reporting Authorities for Indexes Underlying Exchange Traded Options

February 10, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 13, 1991, the Chicago Board Options Exchange ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to add Interpretation and Policy .01 to Exchange Rule 24.1, to list the designated reporting authorities for the various indexes which underlie index options contracts traded on the Exchange.

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to incorporate directly into Exchange rules the designations, previously made by the Exchange, of the official reporting authority for each index that underlies an index options contract traded on the Exchange.[1] The CBOE proposes to add this list of designated reporting authorities to Exchange rules as Interpretation and Policy .01 to Exchange Rule 24.1.

The Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Act in that it is designed to foster cooperation and coordination with persons engaged in clearing, settling, processing information with respect to, and facilitating transactions in, index option contracts, and to remove impediments to and perfect the mechanism of a free and open market in index option contracts.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposal is a stated practice of the Exchange with respect to the meaning, administration, and enforcement of existing Exchange Rule 24.1(h) since the proposed rule change merely codifies, in Exchange rules, designations previously made by the Exchange. The proposed rule change does not make any substantive changes to Exchange rules. Accordingly, the proposal has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder. At any time within 60 days of the date of filing of this proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

[1] Exchange Rule 24.1(h) defines the term "reporting authority" as the institution of reporting service designated by the Exchange as the official source for calculating and disseminating the current value of the index.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 5, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3715 Filed 2–17–93; 8:45 am]
BILLING CODE 8010–01–M

[Release No. 34–31827; File No. SR–CBOE–92–40]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to the Size of Orders Eligible for Entry in Retail Automated Execution System

February 5, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934

[2] 17 CFR 200.30–3(a)(12) (1992).

("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange"), on December 16, 1992, filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to add Interpretations .01 and .02 to CBOE Rule 6.8 relating to the operation of its Retail Automated Execution System ("RAES") in equity options. Interpretation .01 will permit the CBOE to increase, in one or more classes of multiply-traded equity options, the size of orders eligible for entry into RAES to the extent necessary to match the size of orders eligible for entry into any other exchange's automated execution system. Interpretation .02 provides that bids or offers entered into RAES at prices inferior to the current best bid or offer in any other market will be rerouted for non-automated handling.

The text of the proposed rule change is available at the Office of the Secretary, CBOE, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to make the RAES system more competitive in its application to multiply-traded equity options in anticipation of the expansion of multiple trading. To accomplish this, the proposed rule change would effect two modifications to the rules governing the operation of RAES with respect to multiply-traded equity options. First, new Interpretation and Policy .01 to CBOE Rule 6.8 authorizes the CBOE's Equity Floor Procedure Committee to expand the size eligibility for RAES orders in multiply-traded equity options to the extent necessary to match the size of orders in such options eligible for entry into the automated execution system of other options markets. Currently, in accordance with CBOE Rule 6.8(e), the maximum size for an equity option order eligible for entry in RAES is twenty contracts.

Proposed Interpretation and Policy .01 authorizes the Equity Floor Procedure Committee to increase the maximum size of RAES-eligible orders in one or more classes of multiply-traded equity options, but only if and to the extent that other options exchanges permit such larger-size orders in multiply-traded equity options of the same class or classes to be entered into their own automated execution systems. This proposed rule change is intended to permit CBOE to compete for order flow in multiply-traded equity options on an equal basis with other exchanges.

Second, new Interpretation and Policy .02 to Rule 6.8 revises the description of the operation of RAES to reflect proposed system changes which, when implemented, will reroute RAES orders in multiply-traded equity options and prevent their automatic execution at prices inferior to prices quoted in other markets. Proposed new Interpretation and Policy .02 and related systems modifications are intended to minimize the possibility that automatic executions of customer orders in multiply-traded equity options will take place in RAES at prices inferior to those quoted in other markets ("trade-throughs").[1] The proposed rule change provides that when a potential trade-through in RAES is identified, the order in question, instead of being automatically executed, will be rerouted to the Designated Primary Market-Maker or Order Book Official for that class of options for non-automated processing.

This rule change is being proposed in conjunction with the implementation of systems modifications to RAES that will enable it to monitor quotations for multiply-traded equity options in other markets, and reroute orders as described in the event of a potential trade-through. Interpretation and Policy .02 will become effective, subject to Commission approval, as soon as these systems modifications have been completed, which is expected to take several months.

The Exchange believes that the proposed rule change is consistent with section 11A(a)(i)(C) of the Act, in that it will assure economically efficient execution of securities transactions, the practicality of brokers executing investors' orders in the best market, and fair competition among exchange markets.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section 450 Fifth Street NW.,

[1] The CBOE states that proposed Interpretation .02 is in response to a letter from Chairman Breeden to Alger B. Chapman, Chairman and Chief Executive Officer, CBOE, dated June 30, 1992.

Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 5, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-3716 Filed 2-17-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-31850; File No. SR-Amex-92-27]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to the Number of Consecutive Terms Which an Exchange Governor May Serve

February 10, 1993.

I. Introduction

On November 25, 1992, the American Stock Exchange, Inc. ("Amex" or "Exchange") submitted to the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b—4 thereunder,[2] a proposed rule change to amend Article II, Section 1(e) of the Amex Constitution to increase, under certain circumstances, the number of consecutive elected terms which a governor may serve on the Amex Board of Governors ("Board").[3]

The proposed rule change was published for comment in Securities Exchange Act Release No. 31616 (December 17, 1992), 57 FR 61130 (December 23, 1992). No comments were received on the proposal.

II. Description of the Proposal

Article II, Section 1(e) of the Amex Constitution currently specifies that a governor who has served all or part of two consecutive terms shall not be eligible for election again except after an interval of two years for a governor who is a member, or one year for a public governor. Governors are elected to serve three year terms on the Board. The Amex proposal would permit the Exchange's Nominating Committee ("Committee") to nominate an incumbent governor for a third term if the Committee members find that the individual has made an extraordinary contribution to the Exchange and the Committee determines that such nomination is in the best interest of the Exchange. Similarly, the proposal would permit twenty-five regular members to nominate an incumbent governor for a third term in accordance with current Amex independent nomination procedures,[4] provided that the nominating members determine that the individual has made an extraordinary contribution to the Exchange and that the nomination is in the best interest of the Exchange.

The proposal, however, would restrict the number of governors that may be nominated for a third consecutive term, under the circumstances described above, at each annual election. Amended Article II, Section 1(e) would specify that, at any one time, no more than four members of the Board may serve a third consecutive term, and of the four, no more than two may be public governors and no more than two may be members, only one of which may be a member who spends a substantial part of his or her time on the Floor of the Exchange and one of which may be an upstairs member.[5]

The Amex states that the proposal is designed to provide the Committee and the membership with added flexibility to assure that the Exchange is served by the best people available. The Amex states that, although the current term limitation probably does force a greater number of members to become involved in the governance of the Exchange, the current rule also has several disadvantages. According to the Exchange, the existing term limitation may deprive the Exchange of the services of an effective governor who is making a significant contribution to the Board. In particular, Amex is concerned that under current rules, governors who have extensive involvement in important matters may be forced to leave the Board while these matters are still pending and while their expertise is still needed. In support of its proposal, the Amex notes that, while the New York Stock Exchange limits members of its Board to three two-year terms, the Chicago Board Options Exchange and the Philadelphia Stock Exchange have no Board term limitations, the Boston Stock Exchange permits four two-year terms, and the Pacific and Midwest Stock Exchanges, while limiting member governors to two three-year terms, do not limit public governor terms.[6]

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of section 6(b).[7] Section 6(b)(3) of the Act requires that the rules of an exchange assure a fair representation of its members in the selection of its directors and administration of its affairs and provide that one or more directors represent issuers and investors and not be associated with a member of the exchange or a broker-dealer. Section 6(b)(5) requires, among other things, that the rules of an exchange be designed, in general, to protect investors and the public interest.

The Commission believes that the Amex proposal appropriately balances the Exchange's competing interests and need to retain certain governors with special levels of expertise on its Board, while at the same time continuing to promote diversity of Board representation among the different categories of member firms and the public. Specifically, the Commission

---

[2] 17 CFR 200.30-3(a)(12) (1992).

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b-4 (1991).

[3] On November 25, 1992, the Amex submitted this proposed rule change, File No. SR-Amex-92-27, as a substitute to a proposed rule change the Amex had submitted to the Commission on August 13, 1992, also File No. SR-Amex-92-27. Accordingly, the Commission withdrew the proposed rule change submitted on August 13, 1992, and replaced it with the proposal filed on November 25, 1992. The August 13, 1992, submission is substantially similar to the November 25, 1992, proposal, except the latter limits the number and type of governors who may simultaneously serve a third consecutive term, and makes members' independent nominations subject to the same requirements placed on the Nominating Committee with regard to nominating a governor for a third consecutive term in office. See letter from Linda Tarr, American Stock Exchange, Inc. to Diana Luka-Hopson, Esq., Securities and Exchange Commission, dated November 24, 1992.

[4] See Article III, Section 7(f) of the Amex Constitution.

[5] The Amex Board is comprised of twenty-five governors—twelve member representatives, twelve public representatives, and the Chief Executive Officer of the Exchange. Of the twelve member governors, at least four must represent firms which do business involving substantial direct contact with public securities customers, two of whom must reside and have their principal place of business more than 100 miles from New York City. Five member governors must spend a substantial part of their time on the Exchange Floor, two of whom must be registered specialists. None of the twelve public governors may be affiliated with a broker or dealer, and at least three of the public governors must be principal executive officers of corporations listed on the Exchange. See Article II of the Amex Constitution.

[6] See generally, Article IV of the New York Stock Exchange Constitution, Article VI of the Chicago Board Options Exchange Constitution, Article IV of the Philadelphia Stock Exchange By-Laws, Article II of the Boston Stock Exchange Constitution, Article III of the Pacific Stock Exchange Constitution, and Article IV of the Midwest Stock Exchange Constitution.

[7] 15 U.S.C. 78f(b) (1988).

believes that by allowing nominations of governors for third consecutive terms only when either the Committee or independent nominating members determine that the incumbent governor has made an extraordinary contribution to the Exchange and that the nomination is in the best interests of the Exchange, the proposal will help to ensure that only qualified member and public representatives serve a third consecutive term on the Board.

Further, the Commission believes that the proposal should ensure fair representation of Exchange members and further the protection of investors and the public interest by placing limitations on the number of governors that may be nominated for a third consecutive term at each annual election, thereby ensuring diversity of interests on the Amex's Board. For example, as noted above, the proposal would allow a maximum of four governors to serve third consecutive terms simultaneously, and would further limit the number and type of member and public governors who may serve in those extended terms. The Commission, therefore, believes that the limitations should help to ensure continued diversity of viewpoints on the Exchange's Board, while giving the Exchange certain flexibility to extend the number of terms of its Board members for sound business reasons. Finally, the Commission notes that the proposal would not alter the current overall structure or composition requirements for the Amex Board.[6] In summary, the Commission believes that the current composition requirements of the Amex Board, the proposed "extraordinary contribution" standard, and the proposed restrictions on the number and representative categories of governors who may serve a third consecutive term, should continue to result in an appropriate balance between the various constituencies of the Amex and of the public on the Board.

Moreover, Amex members will continue to have the opportunity to vote for all Board members, including those nominated for a third consecutive term. Accordingly, the Commission believes that the proposal is consistent with the requirements of section 6(b)(3) of the Act.

IV. Conclusion

For the reasons set forth above, the Commission finds that the proposed rule change is consistent with sections 6(b)(3) and 6(b)(5) of the Act.

[6] See note 5, *supra*.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[9] that the proposed rule change (SR-Amex-92-27) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-3814 Filed 2-17-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-31856; File No. 600-24]

Self-Regulatory Organizations; Delta Government Options Corp.; Filing and Order Granting Approval of Application for Extension of Temporary Registration as a Clearing Agency

February 11, 1993.

On February 8, 1993, Delta Government Options Corp. ("Delta") filed with the Securities and Exchange Commission ("Commission") a request pursuant to section 19(a) of the Securities Exchange Act of 1934 ("Act") for extension of its registration as a clearing agency under section 17A of the Act for a period of twenty-four months.[1] The Commission is publishing this notice to solicit comments from interested persons and to grant temporary approval of the application.

On January 12, 1993, the Commission granted Delta's application for registration as a clearing agency, pursuant to sections 17A(b)(2) and (19)(a) of the Act[2] on a temporary basis for a period of thirty-six months.[3] Due to an administrative error by Delta, a request to extend Delta's registration was not made until after the January 12, 1993, expiration date. Therefore, on February 8, 1993, Delta requested that the Commission approve Delta's request for extension of its registration as a clearing agency from January 12, 1993, until January 12, 1995.[4]

As discussed in detail in the order granting Delta's registration as a clearing agency, [5] one of the primary reasons for Delta's registration was to enable it to provide for the safe and efficient clearance and settlement of transactions involving the over-the-counter ("OTC") trading of options on U.S.Treasury securities. Delta has functioned effectively in this capacity as a registered clearing agency for the past three years. In light of Delta's past performance the Commission believes that Delta has the capacity to comply with the statutory obligations set forth under section 17A(b)(3)(A) of the Act[6] as the prerequisites for registration as a clearing agency. Moreover, to provide continuity in the OTC market for options on U.S. Treasury securities, the Commission believes that good cause exists to grant Delta's request retroactive to January 12, 1993. Comments received concerning Delta's temporary registration will be considered in determining whether Delta should receive permanent registration as a clearing agency under section 17A(b) of the Act.[7]

Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of Delta. All submissions should refer to File No. SR-DGOC-600-24 and should be submitted by December 31, 1994.

Conclusion

On the basis of the foregoing, the Commission finds that granting Delta's request is consistent with the Act and in particular with section 17A of the Act.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[8] that Delta's registration as a clearing agency (File No. SR-DGOC-600-24) be, and hereby is, extended until January 12, 1995.

[9] 15 U.S.C. 78s(b)(2) (1988).

[10] 17 CFR 200.30-3(a)(12) (1991).

[1] Letter from Robert C. Mendelson, Partner, Morgan, Lewis & Bockius, to Jerry W. Carpenter, Branch Chief, Division of Market Regulation, Commission (February 8, 1993).

[2] 15 U.S.C. 78q-1(b)(2) and 78s(a) (1988).

[3] Securities Exchange Act Release No. 27611 (January 12, 1990), 55 FR 1890.

[4] *Supra* note 1.

[5] *Supra* note 3.

[6] 15 U.S.C. 78q-1(b)(3)(A) (1988).

[7] 15 U.S.C. 78q-1(b) (1988).

[8] 15 U.S.C. 78s(b)(2) (1988).

VOL 58 ISS 31 FE 18 1993 UMI

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-3812 Filed 2-17-93; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-19262; 812-8014]

American Capital Comstock Fund, Inc., et al.; Application for Exemption

February 10, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: American Capital Comstock Fund Inc., American Capital Corporate Bond Fund, Inc., American Capital Emerging Growth Fund, Inc., American Capital Enterprise Fund, Inc., American Capital Equity Income Fund, Inc., American Capital Federal Mortgage Trust, American Capital Government Securities, Inc., American Capital Growth and Income Fund, Inc., American Capital Harbor Fund, Inc., American Capital High Yield Investments, Inc., American Capital Municipal Bond Fund, Inc., American Capital Pace Fund, Inc., American Capital Tax-Exempt Trust, American Capital Texas Municipal Securities, Inc., American Capital U.S. Government Trust for Income, American Capital World Portfolios Series, Inc., and each portfolio thereof, and any future portfolios thereof that will issue multiple classes of shares that are identical in all material respects to the classes described herein, and any other open-end management investment companies established or acquired in the future that are in the same "group of investment companies" as that term is defined in rule 11a-3 under the Act and which issue multiple classes of shares that are identical in all material respects to the classes described herein (the "Funds"); American Capital Reserve Fund, Inc. ("Reserve Fund"), American Capital Asset Management, Inc. (the "Adviser"); and American Capital Marketing, Inc. (the "Distributor").

RELEVANT ACT SECTIONS: Exemption requested under section 6(c) from sections 2(a)(32), 2(a)(35), 18(f), 18(g), 18(i), 22(c), and 22(d) of the Act, and rule 22c-1 thereunder.

SUMMARY OF APPLICATION: Applicants seek to amend a prior order that permitted the Funds to issue two classes of shares, impose a contingent deferred sales charge ("CDSC"), and waive the CDSC in certain circumstances. The amended order would (a) permit the Funds to issue an unlimited number of classes of shares, (b) expand an investor's exchange privileges, and (c) permit the Funds to waive the imposition of the CDSC in four additional circumstances.

FILING DATE: The application was filed on July 29, 1992; amended and restated applications were filed on September 2, 1992, October 28, 1992, and January 8, 1993. Applicants have agreed to file a fourth amended and restated application during the notice period, the substance of which is incorporated herein.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 8, 1993, and should be accompanied by proof of service on applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, 2800 Post Oak Blvd., Houston, Texas 77056.

FOR FURTHER INFORMATION CONTACT: Barry A. Mendelson, Senior Attorney, at (202) 504-2284, or C. David Messman, Branch Chief, at (202) 272-3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. Each of the existing Funds and Reserve Fund is an open-end management investment company registered under the Act. Reserve Fund is a money-market fund consisting of a single class of shares. The Adviser provides investment advisory, administrative, and management services to each of the Funds and Reserve Fund. The Distributor acts as principal underwriter to each of the Funds and Reserve Fund.

2. Under an order previously issued to the applicants (the "Prior Order"),[1] certain of the Funds currently offer investors the option of purchasing either Class A shares subject to a front-end sales load or Class B shares subject to a CDSC. For any given Fund, the two classes represent interests in the same portfolio of investments, and are identical except that (a) the Distribution Fee (defined below) payable by a Fund to the Distributor pursuant to a rule 12b-1 plan is higher for Class B shares; (b) transfer agency costs are higher for Class B shares; (c) Class B shares will bear any other subsequently identified expenses that result from the deferred sales arrangement and that shall be approved by the SEC pursuant to an amended order; (d) the two classes have different exchange privileges; (e) only Class B shares have a conversion feature; and (f) each class votes separately as a class with respect to its particular rule 12b-1 distribution plan.

3. Investors may purchase Class A shares at net asset value plus a front-end sales load, which may be reduced for large volume purchases and in other circumstances set forth in the registration statement of each Fund. Class A shares are subject to a plan of distribution adopted pursuant to rule 12b-1 providing for a fee, payable to the Distributor, at an annual rate of up to 0.25% of Class A's average daily net assets. (Any payment made by a Fund pursuant to a rule 12b-1 plan hereinafter is referred to as a "Distribution Fee.")

4. Investors may purchase Class B shares at net asset value per share without the imposition of a sales load at the time of purchase. Each Fund's Class B shares are subject to a rule 12b-1 plan providing for a Distribution Fee, payable to the Distributor, at an annual rate of up to 1% of Class B's average daily net assets. In addition, an investor's proceeds from a redemption of Class B shares made within a specified period (which may not exceed six years) of his or her purchase (the "CDSC Period") may be subject to a CDSC that is paid to the Distributor. Currently, the percentage varies from a maximum of 5% for redemptions made during the first year after purchase to 1% for redemptions made during the fifth year after purchase. The Prior Order, however, permits the Funds to impose other schedules with a lower initial percentage and different periods over

---

[9] 17 CFR 200.30-3(a)(12) (1992)

[1] American Capital California Tax Exempt Trust, Investment Company Act Release Nos. 18324 (Sept. 18, 1991) (notice) and 18370 (Oct. 17, 1991) (order).

which the CDSC is charged on Class B shares.

5. Applicants now propose to amend the Prior Order to allow each of the Funds to create an unlimited number of classes of shares. Applicants refer to this proposal as the "Multiple Pricing System." One new class of shares, designated as "Class C" shares, will be sold either with or without a front-end sales load and subject, in either case, to a CDSC and a rule 12b–1 plan providing for a Distribution Fee at an annual rate of up to 1% of Class C's average daily new assets. An investor's proceeds from a redemption of Class C shares made within the applicable CDSC Period (expected to be not more than five years) may be subject to a CDSC payable to the Distributor. The CDSC is expected to be up to 4% (but may be higher or lower) on shares redeemed during the first year after purchase and will be reduced at a rate of 1% per year (but this figure may be higher or lower) over the applicable CDSC Period, so that redemptions of shares held after that period will not be subject to a CDSC.

6. Proceeds from the front-end sales load (in the case of the Class A shares and perhaps Class C shares), the CDSC (in the case of the Class B and C shares) and the Distribution Fee are used by the Distributor to pay initial commissions and ongoing service fees or trail commissions to financial institutions, securities dealers, and other industry professionals selling shares of the Funds. The level of Distribution Fees will be reviewed quarterly by each Fund's Board of Directors (which term is used also to refer to persons serving as trustees of the Funds organized as business trusts), and may be adjusted periodically to ensure that, in any fiscal year, the amount paid by the Fund to the Distributor does not exceed the unreimbursed expenses previously incurred by the Distributor in providing distribution-related services.

7. Class B shares will convert into Class A shares four to eight years after issuance. Class C shares, if subject to conversion, will convert into Class A shares within twelve years after issuance. The existence of a conversion feature for additional classes that may be created in the future will be determined on a class-by-class basis. In no event will shares of a particular class convert into shares of a different class with a higher Distribution Fee.

8. For purposes of conversion to Class A, all Class B and Class C shares in a shareholder's account that were purchased through the reinvestment of dividends and distributions will be considered to be held in a separate sub-account. Each time any Class B or Class C shares in the shareholder's account (other than those in the sub-account) convert to Class A, an equal *pro rata* portion of Class B or Class C shares in the sub-account also will convert to Class A.

9. On a daily basis, a Fund's investment income will be allocated *pro rata* to each class on the basis of the relative net assets of the respective classes. All expenses incurred by a Fund not attributable to a specific class will be allocated *pro rata* to each class on the basis of the relative net assets of the respective classes, except for the expenses of the distribution plan and incremental transfer agency costs, which will be borne directly by Class B and Class C. Because of the additional expenses that will be borne solely by Class B or Class C, the net income attributable to and the dividends payable on Class B shares and Class C shares are expected to be lower than the net income attributable to and the dividends payable on Class A shares. The net asset values per share of the Class A, Class B, and Class C shares are expected to be substantially the same. Under certain circumstances, however, the per share net asset values of the Class B and Class C shares may differ from the per share net asset value of the Class A shares, due to the daily expense accruals of the distribution and transfer agency fees attributable to the Class B and Class C shares and the differential in the dividends paid on the three classes of shares.

10. From time to time the Funds may create additional classes of shares. These new classes may differ from the classes specifically described above only insofar as the new classes (a) may be subject to different Distribution Fees; (b) will bear different identifying designations; (c) will have exclusive voting rights with respect to any rule 12b–1 plan adopted exclusively with respect to such class, except as set forth in condition 15 below; (d) will have different exchange privileges, (e) may be subject to incremental transfer agency costs attributable to such class, and (f) may have a conversion feature. No Fund will be required to offer any additional classes, and it is contemplated that many existing Funds will choose not to create any new classes.

11. Applicants also seek to amend the Prior Order to change the classes' exchange privileges. Currently, Class A shares of a Fund are exchangeable for Class A shares of other Funds and for shares of Reserve Fund, a money market fund, upon payment of the excess (if any) of the sales charge applicable to the newly acquired shares over the sales charge previously paid. Class B shares of a Fund are exchangeable only for Class B shares of other Funds. It is proposed under the Multiple Pricing System that shares of each class of a Fund be exchangeable not only for shares of the same class of other Funds, but also for shares of Reserve Fund. Shares of Class B or Class C would be exchangeable into Reserve Fund without incurring the CDSC that otherwise would be due upon redemption. Such shares will remain subject to the CDSC imposed by the original fund upon their redemption from the American Capital complex. The CDSC is based on the holding period requirements of the original fund without regard to the period during which such shares were held in Reserve Fund. Reserve Fund shares will be exchangeable for either Class A, Class B, or Class C shares only if Reserve Fund shares originally were acquired through an exchange, in which case they will be exchangeable only for the class of shares involved in the original exchange into Reserve Fund shares. The exchange privileges applicable to the various classes will comply with rule 11a–3 under the Act.

12. Finally, applicants seek to amend the Prior Order to permit, in addition to categories described in the Prior Order, waiver of the CDSC on (a) redemptions made pursuant to a Fund's systematic withdrawal plan, but limited to 12% annually of the shareholder's account balance at the time he or she elects to participate in the plan; (b) redemptions effected pursuant to a Fund's right to liquidate a shareholder's account if the value of the shares held in the account is less than the designated account size described in the prospectus of each Fund; (c) redemptions effected by the Adviser of its investment in a Fund; and (d) redemptions in connection with a shareholder's exercise of the reinvestment privilege. Under the reinvestment privilege, a shareholder who has redeemed shares of a Fund may reinvest some or all of the redemption proceeds in shares of the same Fund within 120 days after the redemption, and the Distributor will credit the shareholder for any CDSC paid on the redeemed shares, to the extent the redemption proceeds are being reinvested.

Applicants' Legal Conclusions

1. Applicants are requesting an order pursuant to section 6(c) of the Act exempting them from sections 18(g), 18(f)(1), and 18(i) to the extent the proposed Multiple Pricing System might be deemed (a) to result in a "senior security" within the meaning of section 18(g), the issuance and sale of which is

prohibited by section 18(f)(1), and (b) to violate the equal voting provisions of section 18(i).

2. The Multiple Pricing System does not create the potential for the abuses that section 18 was designed to redress. It does not involve borrowing and does not affect the Funds' existing assets or reserves. It will not increase the speculative character of the Funds' shares. No class of shares will have a distribution or liquidation preference with respect to particular assets of a Fund and no class will be protected by any reserve or other account. The Funds' capital structures will not induce any group of shareholders to invest in risky securities and will not enable insiders to manipulate the expenses and profits among the various classes of shares. The concerns that complex capital structures may facilitate control without equity or other investment and may make it difficult for investors to value Fund shares are not present under the proposed Multiple Pricing System. Finally, the classes of securities that were present in the capital structures that prompted the SEC to recommend the adoption of section 18 (funded debt, preferred stock, and convertible securities) are not present in the Multiple Pricing System.

3. Applicants believe that the Multiple Pricing System will better enable them to meet the competitive demands of today's financial services industry. It will also benefit investors by providing them with a broader choice as to the method of purchasing shares, without requiring the Funds to incur the expense of organizing separate investment portfolios. To the extent the adoption of the Multiple Pricing System maintains and expands the shareholder base, all shareholders irrespective of class will benefit, since the Fund's operating expenses per share will be lower than they would be otherwise. Applicants contend that the proposed allocation of expenses and voting rights relating to the rule 12b–1 distribution plans is equitable and will not discriminate against any group of shareholders.

4. Applicants also are requesting an exemption pursuant to section 6(c) from sections 2(a)(32), 2(a)(35), 22(c), and 22(d) of the Act, and rule 22c–1 thereunder, to the extent necessary to permit the Funds to assess a CDSC on redemptions of certain classes of shares and to waive the CDSC with respect to certain types of redemptions.

5. Applicants believe that waiver of the CDSC in the circumstances described above would be fair, reasonable, and in the best interest of shareholders, and otherwise consistent with the standards of section 6(c). Such waivers will not harm the Funds or their shareholders, or unfairly discriminate among shareholders or purchasers.

Applicants' Conditions

Applicants agree that the order granting the requested relief shall be subject to the following conditions:

1. Each class of shares will represent interests in the same portfolio of investments of the Funds, and be identical in all respects, except as set forth below. The only differences among various classes of shares of the same Fund will relate solely to: (a) The impact of the respective rule 12b–1 distribution plan payments allocated to each class of shareholders, the incremental transfer agency costs attributable to the respective classes resulting from the various distribution alternatives, and any other incremental expenses that should be properly allocated to one class which shall be approved by the SEC pursuant to an amended order, (b) the fact that each class will vote separately as a class with respect to its particular Fund's rule 12b–1 distribution plans, except as set forth in condition 15 below, (c) the different exchange privileges of the various classes of shares, (d) the fact that each class of shares that is subject to a rule 12b–1 fee, other than Class A shares, may have a conversion feature, and (e) the designation of each class of shares of the Funds.

2. The Directors of a Fund, including a majority of the independent Directors, shall have approved the Multiple Pricing System, and the amendments thereto, prior to the implementation of the Multiple Pricing System by the Fund. The minutes of the meetings of the Directors of the Funds regarding the deliberations of the Directors with respect to the approvals necessary to implement or amend the Multiple Pricing System will reflect in detail the reasons for the Directors' determination that the Multiple Pricing System, or the amendment thereof, is in the best interests of both the Funds and their respective shareholders.

3. On an ongoing basis, the Directors of the Funds, pursuant to their fiduciary responsibilities under the Act and otherwise, will monitor the Funds for the existence of any material conflicts between the interests of the various classes of shares. The Directors, including a majority of the independent Directors, shall take such action as is reasonably necessary to eliminate any such conflicts that may develop. The Adviser and the Distributor will be responsible for reporting any potential or existing conflicts to the Directors. If a conflict arises, the Adviser and the Distributor at their own cost will remedy such conflict up to and including establishing a new registered management investment company.

4. The Directors of the Funds will receive quarterly and annual statements concerning distribution expenditures complying with paragraph (b)(3)(ii) of rule 12b–1, as it may be amended from time to time. In the statements, only distribution expenditures properly attributable to the sale of a particular class of shares will be used to justify the Distribution Fee charged to shareholders of such class of shares. Expenditures not related to the sale of a particular class of shares will not be presented to the Directors to justify any Distribution Fee attributable to that class. The statements, including the allocation upon which they are based, will be subject to the review and approval of the independent Directors in the exercise of their fiduciary duties.

5. Dividends paid by a Fund with respect to each class of its shares, to the extent any dividends are paid, will be calculated in the same manner, at the same time, on the same day, and will be in the same amount, except that Distribution Fee payments relating to each respective class of shares will be borne exclusively by that class and any incremental transfer costs relating to a particular class of shares will be borne exclusively by that class.

6. The methodology and procedures for calculating the net asset value and dividends and distributions of the various classes and the proper allocation of expenses among such classes have been reviewed by an expert (the "Expert") who has rendered a report to applicants, which has been provided to the staff of the SEC, that such methodology and procedures are adequate to ensure that such calculations and allocations will be made in an appropriate manner. On an ongoing basis, the Expert, or an appropriate substitute Expert, will monitor the manner in which the calculations and allocations are being made and, based upon such review, will render at least annually a report to the Funds that the calculations and allocation are being made properly. The reports of the Expert shall be filed as part of the periodic reports filed with the Commission pursuant to sections 30(a) and 30(b)(1) of the Act. The work papers of the Expert with respect to such reports, following request by a Fund (which each Fund agrees to provide), will be available for inspection by the SEC staff upon the written request to the Fund for such work papers by a senior member of the

Division of Investment Management or of a Regional Office of the SEC, limited to the Director, an Associate Director, the Chief Accountant, the Chief Financial Analyst, an Assistant Director and any Regional Administrators or Associate and Assistant Administrators. The initial report of the Expert will be a "Special Purpose" report on the "Design of a System" and the ongoing reports will be "Special Purpose" reports on the "Design of a System and Certain Compliance Tests" as defined and described in SAS No. 70 of the AICPA, as it may be amended from time to time, or in similar auditing standards as may be adopted by the AICPA from time to time.

7. Applicants have adequate facilities in place to ensure implementation of the methodology and procedures for calculating the net asset value and dividends and distributions among the various classes of shares and the proper allocation of expenses among such classes of shares and this representation will be concurred with by the Expert in the initial report referred to in condition (6) above and will be concurred with by the Expert, or an appropriate substitute Expert, on an ongoing basis at least annually in the ongoing reports referred to in condition (6) above. Applicants will take immediate corrective measures if this representation is not concurred in by the Expert or appropriate substitute Expert.

8. The prospectus of each Fund will contain a statement to the effect that a salesperson and any other person entitled to receive compensation for selling Fund shares may receive different compensation for selling one particular class of shares over another in the Fund.

9. The Distributor will adopt compliance standards as to when a particular class of shares may appropriately be sold to particular investors. Applicants will require all persons selling shares of the Funds to agree to conform to such standards.

10. The conditions pursuant to which the exemptive order is granted and the, duties and responsibilities of the Directors of the Funds with respect to the Multiple Pricing System will be set forth in guidelines which will be furnished to the Directors.

11. Each Fund will disclose the respective expenses, performance data, distribution arrangements, services, fees, sales loads, deferred sales load, and exchange privileges applicable to each class of shares in every prospectus, regardless of whether all classes of shares are offered through each prospectus. The shareholder reports of each Fund will disclose the respective expenses and performance data applicable to each class of shares. The shareholder reports will contain, in the statement of assets and liabilities and statement of operations, information related to the Fund as a whole generally and not on a per class basis. Each Fund's per share data, however, will be prepared on a per class basis with respect to all classes of shares of such Fund. To the extent any advertisement or sales literature describes the expenses or performance data applicable to a particular class of shares, it will also disclose the expenses and/or performance data applicable to all classes of shares. The information provided by applicants for publication in any newspaper or similar listing of the Funds' net asset values and public offering prices will separately present each class of share.

12. The applicants acknowledge that the grant of the exemptive order requested by this application will not imply SEC approval, authorization or acquiescence in any particular level of payments that the Funds may make pursuant to their rule 12b–1 distribution plans in reliance on the exemptive order.

13. Any class of shares with a conversion feature ("Purchase Class") will convert into another class ("Target Class") of shares on the basis of the relative net asset values of the two classes, without the imposition of any sales load, fee, or other charge. After conversion, the converted shares will be subject to an asset-based sales charge and/or service fee (as those terms are defined in Article III, Section 26 of the NASD's Rules of Fair Practice), if any, that in the aggregate are lower than the asset-based sales charge and service fee to which they were subject prior to the conversion.

14. Applicants will comply with the provisions of proposed rule 6c–10 under the Act, as such rule is currently proposed and as it may be reproposed, adopted or amended.

15. If a Fund implements any amendment to a rule 12b–1 plan (or, if presented to shareholders, adopts or implements any amendment of a non-rule 12b–1 shareholder services plan) that would increase materially the amount that may be borne by the Target Class shares under the plan, Purchase Class shares will stop converting into Target Class shares unless shareholders of the Purchase Class, voting separately as a class, approve the proposal. The Directors shall take such action as is necessary to ensure that existing Purchase Class shares are exchanged or converted into a new class of shares ("New Target Class"), identical in all material respects to the Target Class as it existed prior to implementation of the amendment, no later than the date such shares previously were scheduled to convert into Target Class shares. If deemed advisable by the Directors to implement the foregoing, such action may include the exchange of all existing Purchase Class shares for a new class ("New Purchase Class"), identical to such existing Purchase Class in all material respects except that the New Purchase Class will convert into the New Target Class. The New Target Class and New Purchase Class may be formed without further exemptive relief. Exchanges or conversions described in this condition shall be effected in a manner that the Directors reasonably believe will not be subject to federal taxation. In accordance with condition 3, any additional cost associated with the creation, exchange, or conversion of the New Target Class or New Purchase Class shall be borne solely by the Adviser and the Distributor. Purchase Class shares sold after the implementation of the proposal may convert into Target Class shares subject to the higher maximum payment, provided that the material features of the Target Class plan and the relationship of such plan to the Purchase Class are disclosed in an effective registration statement.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3811 Filed 2–17–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19264; 812–8444]

Fortis Advantage Portfolios, Inc., et al.; Application Exemption

February 11, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: All current and future series of Fortis Advantage Portfolios, Inc. ("Advantage"), Fortis Equity Portfolios, Inc., Fortis Fiduciary Fund, Inc. ("Fiduciary"), Fortis Growth Fund, Inc., Fortis Income Portfolios, Inc. ("Income"), Fortis Tax Free Portfolios, Inc. ("Tax-Free"), Fortis Worldwide Portfolios, Inc., and all other registered open-end investment companies or series thereof for which Fortis Advisers, Inc. ("Advisers") in the future serves as investment adviser, which are in the

same group of investment companies, as defined in rule 11a–3 under the Act, and which offer their shares for sale to the public at their net asset value per share plus a front-end sales load (the "Funds"); Advisers; and Fortis Investors, Inc. ("Investors"), the principal underwriter of each Fund's shares.

RELEVANT ACT SECTIONS: Conditional order requested under section 6(c) of the Act for an exemption from the provisions of sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the Act and rule 22c–1 thereunder.

SUMMARY OF APPLICATION: Applicants seek a conditional order that would permit them to impose, and in certain circumstances to waive, a contingent deferred sales charge ("CDSC") on redemptions of Fund shares sold with no initial sales charge because of a volume discount.

FILING DATE: The application was filed on January 25, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 8, 1993, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicants, 500 Bielenberg Drive, Woodbury, Minnesota 55125.

FOR FURTHER INFORMATION CONTACT: Barry A. Mendelson, Senior Attorney, at (202) 504–2284, or C. David Messman, Branch Chief, at (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. Each of the named Funds is an open-end management investment company registered under the Act. Advisers serves as the investment adviser for each Fund, and Investors serves as the principal underwriter of the shares of each Fund.

2. Each of the Funds offers its shares to the public at net asset value plus a front-end sales charge ("FESC") that decreases at specified breakpoints for large volume purchases. Investors receives the FESC with respect to each sale and reallows all or a substantial portion thereof to dealers that have entered into selling agreements with Investors. Each of the Funds (other than Income and Tax-Free) assists in financing the distribution of its shares pursuant to a plan adopted under rule 12b–1 under the Act. Under these plans, each such Fund is authorized to pay Investors a distribution fee based on a percentage of the average daily net assets of the Fund.

3. Applicants now propose to eliminate the FESC, and impose a CDSC, on sales of shares in the amount of $1 million or more. The CDSC may be in an amount of up to 1% (the "CDSC Percentage") and will be imposed only on shares redeemed within a period of up to 24 months after purchase (the "CDSC Period"). The CDSC Percentage may be less than 1% and the CDSC Period may be less than 24 months in the discretion of applicants. Applicants may institute break points so that Fund shareholders that hold shares for a specified period of time or invest a specified amount may qualify for a reduction or a waiver of the maximum permitted CDSC Percentage.

4. To calculate the amount of the CDSC, the CDSC Percentage will be multiplied by the lesser of the net asset value of shares subject to the CDSC at the time of purchase, or the net asset value of such shares at the time of redemption. The CDSC will not be applied to (i) amounts attributable to increases in the value of a shareholder's account due to capital appreciation, (ii) shares acquired through reinvestment of income dividends or capital gain distributions, or (iii) shares held for longer than the CDSC Period. In determining whether the CDSC is payable with respect to any redemption, it will be assumed that shares that are not subject to the CDSC are redeemed first, shares subject to a reduced CDSC (i.e., a CDSC that is less than the 1% maximum, assuming one or more break points are instituted) are redeemed next (in the order of the lowest CDSC first, the next lowest CDSC next, etc.), and that other shares or amounts are then redeemed on a last-in, first-redeemed basis.

5. Applicants intend to waive the CDSC with respect to the following classes of purchasers: (a) Officers and directors of the Funds; (b) officers, directors, employees, and sales representatives of Fortis, Inc. (the parent company of Advisers and Investors) and its subsidiaries; (c) representatives and employees of broker-dealers having a sales agreement with Investors; (d) spouses and children under age 21 of the persons referenced in clauses (a), (b), and (c); (e) pension, profit-sharing and other retirement plans of the persons referenced in clauses (a), (b), and (c) (this waiver category will not apply to Tax-Free); (f) registered investment companies; (g) registered investment advisers, trust companies, and bank trust departments exercising discretionary authority with respect to the money invested in Fund shares. Applicants further intend that persons listed in clauses (a) and (b), and spouses and children under age 21 of such persons, may continue to purchase shares of the Funds at net asset value, without the imposition of the CDSC, even after their company relationships have ended.

6. Applicants (other than Tax-Fee) intend to waive the CDSC on purchases that are funded by the proceeds from the plans referenced in clause (e) of the preceding paragraph upon the retirement or employment termination of such persons, or purchases by such plans where the registered representative is prohibited for regulatory reasons for receiving a sales commission.

7. Certain of the Funds, as set forth below, intend to waive the CDSC with respect to each of the following additional classes of purchasers:

(a) The Asset Allocation Portfolio of Advantage will waive the CDSC for shares sold to former officers and directors of Morison Asset Allocation Fund, Inc. and to officers, directors, and employees of Morison Asset Management, Inc. and its affiliates.

(b) The Government Total Return Portfolio of Advantage will waive the CDSC for shares sold to officers and trustees of the Olympus Funds Trust; officers, directors, and employees of Furman Selz Capital Management, Inc. and Furman Selz Mager Dietz & Birney, Incorporated; members of the Xerox Employees' Credit Union and members of their immediate family; and persons owning shareholder accounts that were in existence and entitled to purchase shares of Olympus U.S. Government Plus Fund at net asset value, without the imposition of a FESC, at the time that such fund's assets were acquired by Advantage.

(c) Each current series of Advantage and the U.S. Government Securities Fund Series of Income will waive the CDSC for shares sold to persons owning

shareholder accounts of the applicable series of Carnegie-Capiello Trust or Carnegie Government Securities Trust that was acquired by the corresponding Fortis series if, at the time of such acquisition, such shareholder accounts were in existence and entitled to purchase shares of the applicable Carnegie series at net asset value, without the imposition of a FESC.

(d) The U.S. Government Securities Fund Series of Income and the New York Portfolio Series of Tax-Free will waive the CDSC for shares sold to persons owning shareholder accounts of the applicable series of The Pathfinder Heritage Funds that was acquired by the corresponding Fortis series if, at the time of such acquisition, such shareholder accounts were in existence and entitled to purchase shares of the applicable Pathfinder series at net asset value, without the imposition of a FESC.

(e) Fiduciary will waive the CDSC for shares sold to persons having a Fiduciary account on April 30, 1986.

8. Applicants further intend to waive the CDSC in connection with purchases of Fund shares funded by the proceeds from the redemption of shares of any unrelated open-end investment company that charges an FESC, provided that such unrelated investment company has not imposed any deferred sales load, fee, or other charge in connection with such redemption. In order to exercise this privilege, the order for a Fund's shares must be received by the Fund within 60 days after the redemption of shares of the unrelated investment company. Prior to waiving the CDSC in this context, the Funds and Investors will take such steps as may be necessary to determine that the shareholder had not paid a deferred sales load, fee, or other charge in connection with such redemption. These steps include, without limitation, requiring the shareholder to provide a written representation that no deferred sales load, fee, or other charge was imposed in connection with the redemption and, in addition, either requiring the shareholder to provide an activity statement that supports the shareholder's representation or reviewing a copy of the current prospectus of the unrelated investment company and determining that such company does not impose a deferred sales load, fee, or other charge in connection with the redemption of its shares.

9. Applicants also intend to waive the CDSC in connection with purchases of Fund shares funded by the proceeds from the surrender of a fixed annuity contract within 60 days of the purchase of Fund shares, provided such fixed annuity contract is not a "security" under the securities laws.

10. Investors will provide a *pro rata* refund, out of its own assets, of any CDSC paid in connection with a redemption of any Fund's shares if, within 60 days of such redemption, all or any portion of the redemption proceeds are reinvested in shares of one or more of the Funds. A FESC will not be imposed on such a reinvestment, which will be subject to the same CDSC and the same CDSC Period to which such amount was subject prior to the redemption.

11. Finally, applicants intend to waive the CDSC on redemptions of shares in the event of the death of a Fund shareholder. Applicants will apply this waiver to shares held at the time of death of either an individual shareholder or of a shareholder who owns the shares as a joint tenant with the right of survivorship or as a tenant-in-common.

12. The CDSC will not be imposed at the time of an exchange of one Fund's shares for shares of another Fund, but the acquired Fund shares will continue to be subject to the CDSC and to the CDSC Period applicable to the Fund shares being exchanged therefor.

Applicants' Legal Analysis

1. Section 2(a)(32) defines a "redeemable security" as "any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer * * * is entitled (whether absolutely or only out of surplus) to receive approximately his proportionate share of the issuer's current assets, or the cash equivalent thereof." In addition, section 5(a)(1) defines an "open-end company," in relevant part, as a management company that offers for sale any redeemable security of which it is the issuer. Applicants contend that the CDSC will in no way restrict a shareholder from receiving his or her proportionate share of the current net assets of any Fund, but merely will defer the deduction of a sales charge and make it contingent upon an event that may never occur. Nevertheless, to avoid any question regarding whether the CDSC would cause shares of any Fund not to be "redeemable securities," thereby jeopardizing the Fund's status as an open-end management company, applicants seek relief from section 2(a)(32) to the extent necessary to impose the CDSC.

2. Section 2(a)(35) defines "sales load" as "the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer * * *." Applicants believe that the CDSC is consistent with the intent of the section 2(a)(35) definition to describe charges used to pay for sales of an investment company's shares. But for the timing of the imposition of the charge, the CDSC clearly would come within that definition. Because the timing of the deduction might be deemed to take the CDSC outside the definition of sales charge, however, applicants seek an exemption from the provisions of section 2(a)(35) to the extent necessary to implement the CDSC.

3. Section 22(c) and rule 22c–1 thereunder require a registered investment company issuing redeemable securities to redeem those securities at a price based on the current net asset value of the securities that is next computed after receipt of the tender of the securities for redemption. When a redemption of Fund shares subject to the CDSC is effected, the price of the shares on redemption will be based on their current net asset value. The CDSC merely will be deducted from the redemption proceeds in arriving at the shareholder's net proceeds payable on redemption. To avoid any possible questions about whether such a redemption would be at a price based on current net asset value, however, applicants seek relief from section 22(c) and rule 22c–1 to the extent necessary to permit the implementation of the CDSC.

4. Section 22(d) prohibits an investment company registered under the Act from selling its redeemable securities other than at a current public offering price described in the company's prospectus. Rule 22d–1 exempts a registered investment company from the provisions of section 22(d) to the extent necessary to permit the sale of those securities to particular classes of investors or in various kinds of transactions at prices that reflect scheduled variations in, or elimination of, the sales load. The requested exemptive relief would be consistent with the policies underlying rule 22d–1 because each Fund will fully disclose the CDSC and associated waivers in its prospectus and Statement of Additional Information. Applicants seek an exemption from section 22(d) to the extent necessary to implement the CDSC and waivers thereof as described above.

5. Section 6(c) provides in part that, upon application, the SEC may conditionally exempt any transaction from the provisions of the Act to the extent the exemption is necessary or appropriate in the public interest and consistent with the protection of

investors and the purposes fairly intended by the policy and provisions of the Act. Applicants believe that the requested exemptions meet the standards of section 6(c).

Applicants' Condition

Applicants agree that the exemptive order requested herein will be subject to the following condition:

Applicants will comply with the provisions of proposed rule 6c–10 under the Act, Investment Company Act Release No. 16619 (Nov. 2, 1988), as currently proposed and as it may be reproposed, adopted or amended.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3813 Filed 2–17–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19263; No. 811–7996]

Galaxy VIP Fund, et al.; Application for an Order

February 10, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for an order under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: Galaxy VIP Fund ("VIP Fund"), Fleet Investment Advisors, Inc. ("Fleet") and certain life insurance companies and their separate accounts investing now or in the future in the VIP Fund (collectively "Applicants").

RELEVANT 1940 ACT SECTIONS: Order requested under section 6(c) of the 1940 Act for exemptions from the provisions of sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15).

SUMMARY OF APPLICATION: Applicants seek an order to the extent necessary to permit shares of any current or future series of the VIP Fund to be sold to and held by separate accounts funding variable annuity and variable life insurance contracts issued by both affiliated and unaffiliated life insurance companies.

FILING DATE: The application was filed on July 23, 1992. An amendment to the application was filed on December 14, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 8, 1993, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requester's interest, the reason for the request and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants: The Galaxy VIP Fund, 440 Lincoln Street, Worcester, Massachusetts 01605–1959; and Fleet Investment Advisors, Inc., 45 East Avenue, Rochester, New York 14604.

FOR FURTHER INFORMATION CONTACT: Yvonne M. Hunold, Senior Attorney, at (202) 272–2676, or Wendell Faria, Deputy Chief, at (202) 272–2060, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. The VIP Fund is an open-end management investment company organized as a Massachusetts business trust on May 27, 1992. On July 7, 1992, VIP Fund filed its Notification of Registration on Form N–8A under the 1940 Act. The VIP Fund also filed its Registration Statement on Form N–1A under the 1940 Act and the Securities Act of 1933, as amended, on July 7, 1992, which it amended on September 21, 1992 and November 16, 1992. The Registration Statement on Form N–1A was declared effective on November 17, 1992.

2. The VIP Fund currently consists of four series of shares: (1) The Money Market Fund; (2) the Equity Fund; (3) the Asset Allocation Fund; and (4) High Quality Bond Fund (collectively the "Funds"). VIP Fund's Board of Trustees ("Board") may establish additional series of shares at any time, each with its own investment objectives and policies.

3. Shares of the Funds initially will be offered only to American Skandia Life Assurance Corporation Variable Account E, a separate account of American Skandia Life Assurance Corporation ("Skandia"), to serve as an investment vehicle for the Galaxy VIP Annuity, a variable annuity contract issued by Skandia. Shares of the Funds and of any future series of the VIP Fund ("Other Funds") also will be offered to separate accounts of insurance companies that are affiliated and unaffiliated with Skandia (together with Skandia, the "Participating Insurance Companies"). Such shares will serve as investment vehicles for various types of variable insurance contracts, including variable annuity contracts, single premium variable life insurance contracts, scheduled premium variable life insurance contracts, and flexible premium variable life insurance contracts ("Variable Contracts").

4. Fleet, a wholly-owned subsidiary of Fleet Financial Group, Inc., will serve as investment adviser to each Fund. Fleet is registered as an investment adviser under the Investment Advisers Act of 1940. The 440 Financial Group of Worcester, Inc., and Allmerica Investments, Inc., each a wholly owned subsidiary of State Mutual Life Assurance Company of America, will serve as administrator and distributor, respectively, of each Fund.

Applicants' Legal Analysis

1. In connection with the funding of scheduled premium variable life insurance contracts issued through a separate account registered under the 1940 Act as a unit investment trust ("Trust Account"), Rule 6e–2(b)(15) provides partial exemptions from sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act. The relief provided by Rule 6e–2 is also available to a separate account's investment adviser, principal underwriter, and sponsor or depositor. The exemptions granted by Rule 6e–2(b)(15) are available only where the management investment company underlying the Trust Account ("underlying fund") offers its shares "exclusively to variable life insurance separate accounts of the life insurer, or of any affiliated life insurance company." Therefore, the relief granted by Rule 6e–2(b)(15) is not available with respect to a scheduled premium variable life insurance separate account that owns shares of an underlying fund that also offers its shares to a variable annuity or a flexible premium variable life insurance separate account of the same company or of any affiliated life insurance company. The use of a common management investment company as the underlying investment medium for both variable annuity and variable life insurance separate accounts of the same life insurance company or of any affiliated life insurance company is referred to herein as "mixed funding."

2. In addition, the relief granted by Rule 6e–2(b)(15) is not available with respect to a scheduled premium variable

life insurance separate account that owns shares of an underlying fund that also offers its shares to separate accounts funding variable contracts of one or more unaffiliated life insurance companies. The use of a common management investment company as the underlying investment medium for variable life insurance separate accounts of one insurance company and separate accounts funding variable contracts of one or more unaffiliated life insurance companies is referred to herein as "shared funding."

3. In connection with the funding of flexible premium variable life insurance contracts issued through a Trust Account, Rule 6e–3(T)(b)(15) provides partial exemptions from sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act. The relief provided by Rule 6e–3(T) is also available to a separate account's investment adviser, principal underwriter, and sponsor or depositor. The exemptions granted by Rule 6e–3(T) are available only where the Trust Account's underlying fund offers its shares "exclusively to separate accounts of the life insurer, or of any affiliated life insurance company, offering either scheduled contracts or flexible contracts, or both; or which also offer their shares to variable annuity separate accounts of the life insurer or of an affiliated life insurance company." Therefore, Rule 6e–3(T) permits mixed funding with respect to a flexible premium variable life insurance separate account, subject to certain conditions. However, Rule 6e–3(T) does not permit shared funding because the relief granted by Rule 6e–3(T)(b)(15) is not available with respect to a flexible premium variable life insurance separate account that owns shares of a management company that also offers its shares to separate accounts (including variable annuity and flexible premium and scheduled premium variable life insurance separate accounts) of unaffiliated life insurance companies.

4. Applicants therefore request that the Commission, under its authority in section 6(c) of the 1940 Act, grant relief from sections 9(a), (13(a), 15(a) and 15(b) of the 1940 Act and rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder for themselves and for variable life insurance separate accounts of Participating Life Insurance Companies, and the principal underwriters and depositors of such separate accounts, to the extent necessary to permit mixed funding and shared funding.

5. Section 9(a) of the 1940 Act makes it unlawful for any company to serve as an investment adviser to, or principal underwriter for, any registered open-end investment company if an affiliated person of that company is subject to any disqualification specified in sections 9(a)(1) or 9(a)(2). Rule 6e–2(b)(15)(i) and (ii) and Rule 6e–3(T)(b)(15)(i) and (ii) provide exemptions from section 9(a) under certain circumstances, subject to limitations on mixed and shared funding. The relief provided by Rules 6e–2(b)(15)(i) and 6e–3(T)(b)(15)(i) permits a person disqualified under section 9(a) to serve as an officer, director, or employee of the life insurer, or any of its affiliates, so long as that person does not participate directly in the management or administration of the underlying fund. The relief provided by Rules 6e–2(b)(15)(ii) and 6e–3(T)(b)(15)(ii) permits the life insurer to serve as the underlying fund's investment adviser or principal underwriter, provided that none of the insurer's personnel who are ineligible pursuant to section 9(a) are participating in the management or administration of the fund.

6. Applicants state that the partial relief granted in Rules 6e–2(b)(15) and 6e–3(T)(b)(15) from the requirements of section 9(a), in effect, limits the monitoring of an insurer's personnel that would otherwise be necessary to ensure compliance with section 9 to that which is appropriate in light of the policy and purposes of section 9. Applicants state that Rules 6e–2 and 6e–3(T) recognize that it is not necessary for the protection of investors or for the purposes of the 1940 Act to apply the provisions of section 9(a) to the many individuals in an insurance company complex, most of whom typically will have no involvement in matters pertaining to an investment company in that organization. Applicants submit that there is no regulatory reason to apply the provisions of section 9(a) to the many individuals in various unaffiliated insurance companies (or affiliated companies of Participating Insurance Companies) that may utilize a Fund or Other Fund as the funding medium for variable contracts.

7. Rules 6e–2(b)(15)(iii) and 6e–3(T)(b)(15)(iii) provide partial exemptions from sections 13(a), 15(a), and 15(b) of the 1940 Act to the extent that those sections have been deemed by the Commission to require "pass-through" voting with respect to management investment company shares held by a separate account, to permit the insurance company to disregard the voting instructions of its contractowners in certain limited circumstances.

Rules 6e–2(b)(15)(iii)(A) and 6e–3(T)(b)(15)(iii)(A) provide that the insurance company may disregard voting instructions of its contractowners in connection with the voting of shares of an underlying fund if such instructions would require such shares to be voted to cause such companies to make, or refrain from making, certain investments which would result in changes in the subclassification or investment objectives of such companies, or to approve or disapprove any contract between a fund and its investment advisers, when required to do so by an insurance regulatory authority, subject to the provisions of paragraphs (b)(5)(i) and (b)(7)(ii)(A) of each Rule.

Rules 6e–2(b)(15)(iii)(B) and 6e–3(T)(b)(15)(iii)(B) provide that the insurance company may disregard contractowners' voting instructions if the contractowners initiate any change in such company's investment policies or any principal underwriter or investment adviser, provided that disregarding such voting instructions is reasonable and subject to the other provisions of paragraphs (b)(5)(ii) and (b)(7)(ii) (B) and (C) of each Rule.

Applicants believe that the limits on pass-through voting privileges contained in Rules 6e–2(b)(15)(iii) and 6e–3(T)(b)(15)(iii) should continue to apply under mixed and shared funding.

8. Applicants submit that shared funding by unaffiliated insurance companies does not present any issues that do not already exist where a single insurance company is licensed to do business in several or all states. In this regard, Applicants state that a particular state insurance regulatory body could require action that is inconsistent with the requirements of other states in which the insurance company offers its policies. Accordingly, Applicants submit that the fact that different insurers may be domiciled in different states does not create a significantly different or enlarged problem.

9. Applicants state further that, under Rules 6e–2(b)(15)(iii) and 6e–3(T)(b)(15(iii), the rights of the insurance company to disregard the voting instructions of its contractowners does not raise any issues different from those raised by the authority of state insurance administrators over separate accounts, and that affiliation does not eliminate the potential, if any, for divergent judgments as to the advisability or legality of a change in investment policies, principal underwriter, or investment adviser initiated by contractowners. The potential for disagreement is limited, state Applicants, by the requirements in Rules 6e–2 and 6e–3(T) that the insurance company's disregard of voting

instructions be reasonable and based on specific good faith determinations.

10. Applicants submit that mixed funding and shared funding should benefit variable contractowners by: (a) Eliminating a significant portion of the costs of establishing and administering separate funds; (b) allowing for a greater amount of assets available for investment by the Funds or Other Funds, thereby promoting economies of scale, permitting greater safety through greater diversification, and/or making the addition of new portfolios more feasible; and (c) encouraging more insurance companies to offer variable contracts, resulting in increased competition with respect to both variable contract design and pricing, which can be expected to result in more product variation and lower charges. Each Fund and Other Fund will be managed to attempt to achieve its investment objectives and not to favor or disfavor any particular Participating Insurance Company or type of insurance product.

11. Applicants believe that there is no significant legal impediment to permitting mixed and shared funding. Applicants state that separate accounts organized as UITs have historically been employed to accumulate shares of mutual funds which have not been affiliated with the depositor or sponsor of the separate account. Applicants also believe that mixed and shared funding will have no adverse federal income tax consequences.

Applicants' Conditions

The Applicants have consented to the following conditions:

1. A majority of the Board of Trustees of the Trust ("Board") shall consist of persons who are not "interested persons," as defined by section 2(a)(19) of the 1940 Act and rules thereunder and as modified by any applicable orders of the Commission, except that, if this condition is not met by reason of death, disqualification, or bona fide resignation of any trustee or trustees, then the operation of this condition shall be suspended: (i) For a period of 45 days, if the vacancy or vacancies may be filled by the Board; (ii) for a period of 60 days, if a vote of shareholders is required to fill the vacancy or vacancies; or (iii) for such longer period as the Commission may prescribe by order upon application.

2. The Board will monitor the VIP Fund for the existence of any material irreconcilable conflict between the interests of the contractowners of all separate accounts investing in any Fund or Other Fund. A material irreconcilable conflict may arise for a variety of reasons, including: (a) State insurance regulatory authority action; (b) a change in applicable federal or state insurance, tax, or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretive letter, or any similar action by insurance, tax, or securities regulatory authorities; (c) an administrative or judicial decision in any relevant proceeding; (d) the manner in which the investments of a Fund or Other Fund are being managed; (e) a difference in voting instructions given by variable annuity and variable life insurance contractowners; or (f) a decision by a Participating Insurance Company to disregard contractowner voting instructions.

3. Participating Insurance Companies and the investment adviser to the VIP Fund will report any potential or existing conflicts to the Board. Participating Insurance Companies will be obligated to assist the Board in carrying out its responsibilities by providing the Board with all information reasonably necessary for it to consider any issues raised. This responsibility includes, but is not limited to, an obligation by each Participating Insurance Company to inform the Board whenever contractowner voting instructions are disregarded. These responsibilities will be contractual obligations of all Participating Insurance Companies investing in a Fund or Other Fund under their agreements governing participation therein, and such agreements shall provide that such responsibilities will be carried out with a view only to the interests of the contractowners.

4. If a majority of the Board, or a majority of the disinterested members of the Board, determine that a material irreconcilable conflict exists, the relevant Participating Insurance Companies shall, at their expense and to the extent reasonably practicable (as determined by a majority of disinterested members of the Board), take whatever steps necessary to remedy or eliminate the irreconcilable material conflict, up to and including: (a) Withdrawing the assets allocable to some or all of the separate accounts from a Fund or Other Fund and reinvesting such assets in a different investment medium (including another fund, if any), or submitting the question whether such segregation would be implemented to a vote of all affected contractowners and, as appropriate, segregating the assets of any appropriate group (*i.e.*, annuity contractowners, life insurance contractowners, or variable contractowners of one or more Participating Insurance Companies) that votes in favor of such segregation, or offering to the affected contractowners the option of making such a change; and (b) establishing a new registered management investment company or managed separate account. If a material irreconcilable conflict arises because of a Participating Insurance Company's decision to disregard contractowner voting instructions, and that decision represents a minority position or would preclude a majority vote, the Participating Insurance Company may be required, at the election of the Fund or Other Fund, to withdraw its separate account's investment therein, and no charge or penalty will be imposed as a result of such withdrawal. The responsibility to take remedial action in the event of a Board determination of an irreconcilable material conflict and to bear the cost of such remedial action shall be a contractual obligation of all Participating Insurance Companies under their agreements governing participation in a Fund or Other Fund and these responsibilities will be carried out with a view only to the interests of the contractowners.

For the purposes of condition (4), a majority of disinterested members of the Board shall determine whether or not any proposed action adequately remedies any irreconcilable material conflict, but in no event will the VIP Fund or the investment adviser be required to establish a new funding medium for any variable contract. No Participating Insurance Company shall be required by this condition (4) to establish a new funding medium for any Variable Contract if an offer to do so has been declined by a vote of a majority of contractowners materially affected by the irreconcilable material conflict.

5. The determination by the Board of the existence of an irreconcilable material conflict and its implications shall be made known promptly in writing to all Participating Insurance Companies.

6. Participating Insurance Companies will provide pass-through voting privileges to all variable contractowners so long as the Commission continues to interpret the 1940 Act as requiring pass-through voting privileges for variable contractowners. Accordingly, each Participating Insurance Company will vote shares of each Fund and Other Fund held in its separate accounts in a manner consistent with timely voting instructions received from contractowners. Each Participating Insurance Company also will vote shares of each Fund and Other Fund held in its separate accounts for which no timely voting instructions from contractowners are received, as well as

shares its owns, in the same proportion as those shares for which voting instructions are received. Each Participating Insurance Company shall be responsible for assuring that each of their separate accounts participating in the Fund or Other Fund calculates voting privileges in a manner consistent with the other Participating Insurance Companies. The obligation to calculate voting privileges in a manner consistent with all other separate accounts investing in a Fund or Other Fund shall be a contractual obligation of all Participating Insurance Companies under their agreements governing participation in the Fund or Other Fund.

7. Each Fund and Other Fund will notify all Participating Insurance Companies that prospectus disclosure regarding potential risks of mixed and shared funding may be appropriate. Each Fund and Other Fund shall disclose in its Prospectus that: (a) Its shares may be offered to separate accounts that fund both annuity and life insurance contracts of affiliated and unaffiliated Participating Insurance Companies; (b) due to differences of tax treatment or other considerations, the interests of various contract owners participating in the Fund or Other Fund might at some time be in conflict; and (c) the Board will monitor the VIP Fund for any material conflicts and determine what action, if any, should be taken.

8. All reports received by the Board regarding potential or existing conflicts, and all Board action with respect to determining the existence of a conflict, notifying Participating Insurance Companies of a conflict, and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the Board or other appropriate records, and such minutes or other records shall be made available to the Commission upon request.

9. If and to the extent Rule 6e–2 and Rule 6e–3(T) are amended, or Rule 6e–3 is adopted, to provide exemptive relief from any provision of the 1940 Act or the rules thereunder with respect to mixed and shared funding on terms and conditions materially different from any exemptions granted in the order requested, then each Fund and Other Fund, and/or the Participating Insurance Companies, as appropriate, shall take such steps as may be necessary to comply with Rule 6e–2 and Rule 6e–3(T), as amended, and Rule 6e–3, as adopted, to the extent such Rules are applicable.

10. The VIP Fund will comply with all provisions of the 1940 Act requiring voting by shareholders (which, for these purposes, shall be the persons having a voting interest in the shares of the VIP Fund), and in particular the VIP Fund either will provide for annual meetings (except insofar as the Commission may interpret section 16 of the 1940 Act not to require such meetings) or comply with section 16(c) (although the VIP Fund is not one of the trusts described in this section) as well as with sections 16(a) and, if and when applicable, section 16(b). Further, the VIP Fund will act in accordance with the Commission's interpretation of the requirements of section 16(a) with respect to periodic elections of directors (or trustees) and with whatever rules the Commission may promulgate with respect thereto.

11. The Participating Insurance Companies and/or the investment adviser, at least annually, shall submit to the Board such reports, materials or data as the Board may reasonably request so that it may fully carry out the obligations imposed upon it by these stated conditions, and said reports, materials, and data shall be submitted more frequently if deemed appropriate by the Board. The obligations of the Participating Insurance Companies to provide these reports, materials, and data to the Board when it so reasonably requests, shall be a contractual obligation of all Participating Insurance Companies under their agreements governing participation in each Fund or Other Fund.

Conclusion

For the reasons stated above, Applicants believe that the requested exemptions, in accordance with the standards of section 6(c), are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3810 Filed 2–17–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

Bureau of Oceans and International Environmental and Scientific Affairs

[Public Notice 1763]

Revised Guidelines for Determining Comparability of Foreign Programs for the Protection of Turtles in Shrimp Trawl Fishing Operations

SUMMARY: Section 609 of Public Law 101–162 provides that shrimp harvested with technology that may adversely affect certain sea turtles may not be imported into the United States unless there is a certification to Congress by May 1, 1991, and annually thereafter, that the harvesting nation has a regulatory program and an incidental take rate comparable to that of the United States. This notice revises guidelines originally established on January 10, 1991 used by the Department of State in making that certification (56 FR 1051, January 10, 1991).

EFFECTIVE DATE: February 18, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Gibbons-Fly, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520–7818, Telephone number: (202) 647–3940.

SUPPLEMENTARY INFORMATION: Section 609 of Public Law 101–162 provides that shrimp harvested with technology that may adversely affect certain sea turtles may not be imported into the United States unless the President certifies to Congress by May 1, 1991 and annually thereafter that the harvesting nation has a regulatory program and an incidental take rate comparable to that of the United States or, alternatively, that the fishing environment in the harvesting nation does not pose a threat to the incidental taking of sea turtles. The President has delegated this authority to the Secretary of State (Memorandum of December 19, 1990; 56 FR 357, January 4, 1991).

The Department of State has determined that the import restriction does not apply to aquaculture shrimp, since the harvesting of such shrimp does not adversely affect sea turtles. The Department has also determined that the scope of section 609 is limited to the wider Caribbean/western Atlantic region. Section 609 refers to sea turtles whose conservation is the subject of U.S. regulations that require, among other things, that shrimp trawl vessels fishing in U.S. waters of the Atlantic and the Gulf of Mexico from North Carolina to Texas use turtle excluder

VOL
58
ISS
31
FE
18
1993
UMI

devices (TEDs) or reduced tow times to reduce the incidental mortality of sea turtles in trawl operations. In passing section 609, Congress recognized that these conservation measures taken by U.S. shrimp fishermen would be of limited effectiveness unless a similar level of protection is afforded throughout the turtles' migratory range across the Gulf of Mexico, Caribbean and western Atlantic Ocean.

It has been determined that nations in the wider Caribbean and western Atlantic with commercial shrimp trawl operations, through whose waters these sea turtles migrate, are: Mexico, Belize, Guatemala, Honduras, Nicaragua, Costa Rica, Panama, Colombia, Venezuela, Trinidad and Tobago, Guyana, Suriname, French Guiana, and Brazil.

The foundation of the U.S. program is the requirement that shrimp trawl vessels use approved TEDs in areas where and at times when there is a likelihood of intercepting sea turtles. The goal of the program is to protect sea turtle populations from further decline by reducing their incidental mortality in shrimp trawl operations. Regulations first published by the Department of Commerce on June 29, 1987, and that became effective on May 1, 1990, required U.S. shrimpers to use TEDs at certain times in certain areas where the incidental capture of sea turtles was believed to be the highest. TEDS were not initially required on U.S. vessels in all areas at all times.

The Department of State's original guidelines published on January 10, 1991, were based on the U.S. domestic regulations in effect at that time and established a similar requirement for foreign countries in developing a program comparable to the U.S. program. The guidelines provided two ways to meet the criteria for reduction in incidental taking in paragraph I(A)(3). The first option was to require the use of TEDS on all vessels at all times. The second option was "to engage in a statistically reliable and verifiable scientific program to determine times and areas of turtle abundance; to develop and assess technologies to reduce the impact of the shrimp trawl fishery on sea turtles; and to require the use of fishing technologies and techniques that will reduce the incidental mortality of sea turtles in the shrimp trawl fishery to insignificant levels."

Under the second option, it was anticipated that TEDs might not be required in some areas and times if it could be determined that the level of the incidental capture in those areas and times did not warrant their use. For the reasons outlined below, the revised guidelines contained in this notice eliminate the second option as a basis for certification and establish clearly the use of TEDs in all areas at all times as the principal, but not the only, requirement for the mandated certification.

The primary reason for the change in the guidelines is to bring them into line with the U.S. domestic program in light of recent changes in U.S. regulations which considerably expanded the TEDs requirement in the United States shrimp fishery. With the limited exemptions noted below, beginning January 1, 1993, all U.S. commercial shrimp trawl vessels in the waters of the Gulf of Mexico and the Atlantic Ocean from North Carolina to Texas must use TEDs at all times in all areas.

The new U.S. regulations provide some very limited exemptions to the TEDs requirement (one of which is only temporary), which the Department has incorporated into the revised guidelines. The first exemption is a temporary provision for vessels in inshore waters (bays and estuaries) pulling a single net with a headrope length of less than 35 feet (10.7m) and a footrope length of less than 44 feet (13.4m). These vessels may restrict tow times instead of using a TED until December 1, 1994. After that date, TED use will be mandatory.

A second exemption is granted for vessels using exclusively the following special types of fishing gear: barred beam trawls and/or roller trawls, wing nets, skimmer trawls, and pusher-head trawls. Vessels using exclusively these types of gear are not required to use TEDs because the nature of their operations does not pose a threat of the incidental drowning of sea turtles. With the exception of barred beam or roller trawls, shrimpers using these gear types must however adhere to restricted tow times.

Finally, the TED requirement does not apply to any vessel that retrieves its nets exclusively by manual rather than mechanical means. This exemption is provided because the lack of a mechanical retrieval system necessarily restricts tow times to a short duration that does not pose a threat of the incidental drowning of sea turtles. This exemption applies only to those vessels that have no power or mechanical-advantage trawl retrieval system. Any vessel that has on board any mechanical device used to haul any part of the net aboard does not qualify for this exemption and must use a TED.

With these limited exemptions, all other vessels in inshore and offshore waters must use TEDs year-round. (For more information on the changes to U.S. domestic TED regulations, see Department of Commerce, NOAA, final rule (50 CFR parts 217 and 227), published December 4, 1992, in the **Federal Register** (57 FR 57348).)

The expanded requirement for affected foreign countries to use TEDs will also assist the Department in reviewing the degree to which these countries implement and enforce the TED requirement. Any TED program adopted by an affected country for the purpose of receiving a certification must contain enforcement provisions to compel compliance with the TED requirement. The expanded TED requirement will facilitate the Department's review of the enforcement provisions and eliminate the need to review compliance with complicated season and area requirements and other exemptions that might have been adopted by each country.

These revisions to the Department's guidelines also bring the guidelines in line with the Department's policy for the past several months. The Department has made clear in its discussions with the affected countries that modifications to the U.S. domestic regulations to require TEDs at all times were likely to come into effect in the coming months. In anticipation of this requirement, the Department based its May 1, 1992, certifications on a commitment from the affected countries to require TEDs on all vessels by May 1, 1994, and to have TEDs in place and in use on a significant number of vessels by May 1, 1993.

Many countries affected by this law have argued that existing data do not justify requiring TEDs at all times in areas in the Caribbean and western Atlantic and that there are times and areas where they are not needed. Although information regarding the actual level of incidental capture of sea turtles in many parts of the Gulf of Mexico, Caribbean and western Atlantic is limited, information that is available strongly suggests that turtles are present in all waters where trawling takes place and are, therefore, vulnerable to capture and mortality in shrimp trawls. While it is possible that turtles may be not present in certain areas at certain times of the year, there is currently no way to predict accurately whether and, if so, when and where this occurs.

Therefore, the Department has determined that protective measures for sea turtles should be implemented throughout the year in all of areas of the Caribbean and western Atlantic. The Department will continue to follow and review the results of research efforts and, if it is demonstrated conclusively that there are times and areas where sea turtles are not present, will consider

modifying the certification requirements for that particular area. (As has been its practice in the past, the Department will make any such decisions after technical consultations with the National Marine Fisheries Service.) However, no such areas or times can be delineated at the present time and in the absence of any such data, 100 percent TEDs use is the standard by which the Department will determine comparability of foreign programs with the U.S. program.

Accordingly, the revised guidelines provide that, to receive a certification in 1993, affected nations must maintain their commitment to require TEDs on all commercial shrimp trawl vessels by May 1, 1994. In addition, they must be able to demonstrate the use of TEDs on a significant number of shrimp trawl vessels by May 1, 1993. To receive a certification in 1994 and in subsequent years, affected nations must require the use of TEDs on all of their shrimp trawl vessels.

The revised guidelines retain other elements necessary for certification established in the original guidelines concerning enforcement and scientific cooperation.

I. Regulatory Program

The Department will assess each affected nation's described regulatory program for comparability with the U.S. program. A certification will be made if the government of the affected nation provides documentary evidence of the adoption of a program that is consistent with the following guidelines.

In all cases, the use of the term turtle excluder device, or TED, refers to an approved TED as defined and specified in the U.S. domestic regulations published by the Department of Commerce, NOAA, National Marine Fisheries Service on December 4, 1992 (57 FR 57348), the specifications of which are described in that document for each of the TEDs approved by the Department of Commerce for use in the United States. Design modifications to the TED other than those permitted in the U.S. domestic regulations will mean that any TED so modified is not an approved TED and does not meet the standard of comparability required for a certification under section 609 of P.L. 101–162.

A. Required Use of TEDs

(1) For 1993, the affected nations must require, at a minimum, that TEDs be installed and in use on a significant number of shrimp trawl vessels by May 1, 1993 and must commit to require that TEDs be installed and in use on all commercial shrimp trawl vessels by May 1, 1994.

(2) For 1994 and subsequent years, the affected nations must require that all commercial shrimp trawl vessels use TEDs at all times.

(3) Notwithstanding subparagraphs (1) and (2), above, the affected countries may allow exemptions to the required use of TEDs in the following cases:

(a) Any vessel whose nets are retrieved exclusively by manual rather than mechanical means. This exemption is not available to any vessel on which any mechanical device is used to haul aboard any part of the net.

(b) Any vessels which use exclusively the following specific gear: Barred-beam trawls or roller trawls, pusher-head trawls, wing nets, bait shrimpers and skimmer trawls. The definition of each of the above gear types is the same as that specified in U.S. domestic regulations.

(c) Until December 1, 1994, any vessel operating in inshore waters (bays and estuaries) and pulling a single net with a headrope length of less than 35 feet (10.7m) and a footrope length of less than 44 feet (13.4m) may, as an alternative to using a TED, limit tow times to no more than 75 minutes. After December 1, 1994, affected nations must require the use of TEDs on all such vessels.

B. *Enforcement*—a credible enforcement effort that includes appropriate sanctions.

C. *Scientific Cooperation*—reasonable accommodation of requests by the United States for scientific data and fisheries data, as well as requests for specific scientific and technological cooperation.

II. Incidental Take

A. For 1993, if affected nations require that TEDs be installed and in use on a significant number or commercial shrimp trawl vessels, it will be assumed that their take rates are comparable in that year.

B. For 1994 and subsequent years, take rates will be deemed comparable if the affected nations require that all shrimp trawl vessels use TEDs at all times, subject to the exemptions provided in section I(A)(3), above.

III. Additional Considerations

A. *Form*. A program may be in the form of regulations promulgated by the government and having the force of law. If the nation's legal system and industry structure permit voluntary government-industry arrangements, then such an arrangement may be acceptable so long as there is a governmental mechanism to monitor compliance with the arrangement and to impose penalties for noncompliance, and confirmation that the fishing industry is complying with the arrangement.

B. *Documentary Evidence*. Documentary evidence may be in the form of copies of the relevant laws, regulations or decrees. If the program is in the form of a government-industry arrangement, then a copy of the arrangement is required. For 1993, if the certification relies in part upon a government commitment, documentary evidence might include a governmental decree, diplomatic correspondence, or some other expression of the government's intentions.

C. *Additional Turtle Protection Measures*. The Department recognizes that sea turtles require protection throughout their habitat and life cycle. In making the comparability determination, the Department will also take into account, as a means of judging a nation's commitment to turtle protection:

(1) Other measures the nation undertakes to protect sea turtles, including national programs to protect nesting beaches and other habitat, national enforcement and compliance programs.

(2) The extent to which affected nations implement and enforce prohibitions on the directed take of sea turtles and the retention of sea turtles caught incidental to commercial fishing operations (including other than shrimp trawl operations) and requirements to resuscitate comatose turtles that are incidentally caught.

(3) For countries with commercial shrimp fisheries outside the wider Caribbean and western Atlantic region, the extent to which the affected countries have initiated efforts to introduce the use of TEDs and other relevant measures into commercial shrimp trawl fisheries in these areas.

D. *Consultations*. The Department will engage in ongoing consultations with affected nations. The Department recognizes that, as turtle protection programs develop, additional information will be gained about the interaction between turtle populations and the shrimp fishery in the Wider Caribbean Region. These guidelines may be revised in the future to take into consideration that and other information.

Classification

As a matter relating to the foreign affairs function, these guidelines are exempt from the notice, comment, and delayed effectiveness provisions of the Administrative Procedures Act. This action is exempt from Executive Order 12291, and is not subject to the requirements of the Regulatory

Flexibility Act. It does not contain any collection of information requirement, as defined in the Paperwork Reduction Act.

For the Secretary of State.

Dated: February 5, 1993.

David A. Colson,

Deputy Assistant Secretary for Oceans and International Environmental and Scientific Affairs.

[FR Doc. 93–3743 Filed 2–17–93; 8:45 am]

BILLING CODE 4710–09–M

THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

National Advisory Board Meeting

AGENCY: Thrift Depositor Protection Oversight Board.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app., announcement is hereby published for a meeting of the National Advisory Board. The meeting is open to the public. Please note that elsewhere in this issue of the **Federal Register** is a meeting notice for the National Housing Advisory Board which will meet in the afternoon following the National Advisory Board meeting.

DATES: The meeting is scheduled for Thursday, March 4, 9 a.m. to 12 noon.

ADDRESSES: The meeting will be held at the Federal Deposit Insurance Corporation, Board Room 6010, 550 17th St., NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jill Nevius, Committee Management Officer, Thrift Depositor Protection Oversight Board, 1777 F Street NW., Washington, DC 20232, 202/786–9675.

SUPPLEMENTARY INFORMATION: Pursuant to section 21A (d) of the Federal Home Loan Bank Act, the Thrift Depositor Protection Oversight Board had established a National Advisory Board and six Regional Advisory Boards to advise the Oversight Board and the Resolution Trust Corporation (RTC) on the disposition of real property assets of the Corporation.

Agenda

A detailed agenda will be available at the meeting. The meeting will include briefings from the chairs of the six regional advisory boards on their respective meetings held throughout the country between January 14 and February 25, 1993. Discussion will focus on the key topics from the regional meetings: Local real estate market impact, RTC hard-to-sell real estate asset strategies, appraisal policies, bulk sales and the implementation status of National Advisory Board recommendations.

Statements

Interested persons may submit, in writing, data, information or views on the issues pending before the National Advisory Board prior to or at the meeting. Seating is available on a first come first served basis for this open meeting.

Dated: February 12, 1993.

Jill Nevius,

Committee Management Officer.

[FR Doc. 93–3727 Filed 2–17–93; 8:45 am]

BILLING CODE 2222–01–M

National Housing Advisory Board Meeting

AGENCY: Thrift Depositor Protection Oversight Board.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act 5 U.S.C. app., announcement is hereby published for a meeting of the National Housing Advisory Board. The meeting is open to the public. Please note that elsewhere in this issue of the **Federal Register** is a meeting notice for the National Advisory Board which will meet in the morning prior to the National Housing Advisory Board meeting.

DATES: The meeting is scheduled for Thursday, March 4, from 1 to 3 p.m.

ADDRESSES: The meeting will be held at the Federal Deposit Insurance Corporation, Board Room 6010, 550 17th St., NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jill Nevius, Committee Management Officer, Thrift Depositor Protection Oversight Board, 1777 F Street NW., Washington, DC 20232, 202/786–9675.

SUPPLEMENTARY INFORMATION: In accordance with section 21A(d)(2) of the Federal Home Loan Bank Act, as amended by the Resolution Trust Corporation (RTC) Thrift Depositor Protection Reform Act of 1991, the Thrift Depositor Protection Oversight Board has established a National Housing Advisory Board to advise the Oversight Board on policies and programs related to the provision of affordable housing. The National Housing Advisory Board consists of the Secretary of the Housing and Urban Development and the chairs of the regional advisory boards established under section 21A(d)(3) of the Federal Home Loan Bank Act.

Agenda

A detailed agenda will be available at the meeting. The meeting will include briefings from the Board's chair and from the chairs of the six regional advisory boards on their respective meetings held throughout the country between January 14, and February 25, 1993. Discussions will focus on the RTC's single-family and multi-family housing dispositions programs.

Statements

Interested persons may submit, in writing, data, information, or views on the issues pending before the National Advisory Board prior to or at the meeting. Seating for the open meeting is available on a first come first served basis.

Dated: February 12, 1993.

Jill Nevius,

Committee Management Officer.

[FR Doc. 93–3728 Filed 2–17–93; 8:45 am]

BILLING CODE 2222–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Petition for Hearing on Whether Manufacturer has Reasonably met Obligation To Remedy Motor Vehicle Defect

This notice sets forth the reasons for the denial of a petition submitted to the National Highway Traffic Safety Administration (NHTSA) under section 156 of the National Traffic and Motor Vehicle Safety Act of 1966 (the Act) (15 U.S.C. § 1416).

Mrs. Elaine McCullough petitioned the agency on November 19, 1992, to conduct a hearing on whether National RV, Inc. (National RV), has reasonably met its obligation to remedy a safety-related defect that it determined to exist in approximately 8,000 micro-mini motorhomes that it manufactured from 1978 through 1986. These vehicles were built on model year 1977 through 1985 Toyota chassis equipped with rear axles that National RV modified through the addition of "aftermarket" dual rear wheels. This modification placed increased stress on the rear axle, wheel bearings, and lug studs, which could potentially result in wheel bearing failure and, in some instances, axle shaft failure and wheel separation. In April 1991, National RV filed a defect information report with NHTSA, indicating the manufacturer had concluded a safety defect exists in certain of these vehicles. In accordance

with the Act, National RV agreed to notify owners and remedy this defect.

To remedy this defect, National RV is installing new rear axles supplied by Toyota. These axles are designed to accommodate dual rear wheels and the forces associated with motorhome axle loading. In keeping with the company's obligation under section 154 of the Act (15 U.S.C. § 1414), to provide a remedy without charge for all vehicles first purchased within 8 years of the date that the defect notification was furnished to NHTSA, National RV is assuming the costs for repairs to all of its micro-mini motorhomes first purchased on or after April 11, 1983. Owners of recalled vehicles first purchased before that date are being notified by National RV, but are being charged for these repairs.

In her petition, Mrs. McCullough expressed concern that she had received an initial notification concerning the defect from National RV approximately 2 years ago, but that the company had yet to schedule her vehicle for repair. Because NHTSA had received similar complaints from other owners of micro-mini motorhomes manufactured by National RV, in May 1992 the agency commenced an inquiry into the manner in which the company is conducting its safety recall campaign. As a result of that inquiry, and subsequent negotiations with National RV, the company has agreed to take steps to improve the safety recall campaign. National RV will notify all owners, who have contacted National RV to obtain the remedy but whose vehicles have yet to be repaired, of the date on which replacement axles will be available for immediate installation on their units and the location where the replacement axle will be installed. National RV has also agreed to send a second recall notification letter to all known owners of the recalled vehicles who have not responded to the original notification. When a response is obtained from these owners, National RV will provide them with the date a replacement axle will be available and the location for repair. Additionally, National RV has informed NHTSA that it has increased its axle orders from Toyota from 120 to 200 per month, which will allow National RV to provide a remedy at a substantially greater pace.

NHTSA notes that a recall campaign of this nature places substantial demands on a small company such as National RV, which operates in an industry that has experienced low annual sales in recent years. Approximately 6 hours of labor are required to install a replacement axle on each vehicle subject to the recall. Given the large number of vehicles included in the recall, this has required, and will continue to require, a significant commitment of resources by the company. If an order compelling National RV to accelerate the pace of its remedy campaign were to cause the company to go out of business, as have two other manufacturers of recalled micro-mini motorhomes, owners would not be able to obtain a cost free remedy. Further, no company could ensure that repairs would be performed on the vehicles manufactured by National RV that were yet to be remedied.

Based on these considerations and its analysis of all pertinent factors specified at 49 CFR 557.6(a) for determining whether a hearing under section 156 of the Act should be held, NHTSA has concluded that no benefit would be served by conducting a hearing on whether National RV has reasonably met its obligation to remedy the defect that it determined to exist in its micro-mini motorhomes. The steps taken by National RV to notify owners and provide a date when the vehicle will be repaired and its efforts to increase the pace of the safety recall indicate that the manufacturer is attempting to reasonably meet its obligation to remedy the defect. Accordingly, Mrs. McCullough's petition is denied.

Authority: 15 U.S.C. 1416; 49 CFR 557.6(c); delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 8, 1993.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 93-3702 Filed 2-17-93; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: February 11, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0819

Regulation ID Number: 26 CFR 601.201

Type of Review: Extension

Title: Instructions for Requesting Rulings and Determination Letters

Description: The National Office issues ruling letters and District Directors issue determination letters to taxpayers interpreting and applying tax laws to a specific set of facts. The National Office also issues other types of letters. The procedural regulations set forth the instructions for requesting ruling and determination letters.

Respondents: Individuals or households, State or local governments, Farms, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations

Estimated Number of Respondents: 271,914

Estimated Burden Hours Per Respondent:

Regulations (by group)	
A	1 hour.
B	15 minutes.
C	no longer in effect due to changes.
D	15 minutes.
E	1 hour.
F	1 hour.

Frequency of Response: On occasion

Estimated Total Reporting Burden: 248,496 hours

Clearance Officer: Garrick Shear, (202) 622-3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 93-3718 Filed 2-17-93; 8:45 am]

BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

Dated: February 10, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed

and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–1038
Form Number: IRS Form 8703
Type of Review: Revision
Title: Rental Residential Project Annual Certification by an Operator
Description: Operators of qualified residential projects will use this form to certify annually that their projects meet the requirements of Internal Revenue Code (IRC) section 142(d). Operators are required to file this certification under section 142(d)(7).
Respondents: Businesses or other for-profit
Estimated Number of Respondents/ Recordkeepers: 6,000
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—4 hours, 4 minutes
Learning about the law or the form—30 minutes
Preparing and sending the form to the IRS—35 minutes
Frequency of Response: Annually
Estimated Total Reporting/ Recordkeeping Burden: 30,960 hours
Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 93–3717 Filed 2–17–93; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

February 11, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171, Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Comptroller of the Currency

OMB Number: 1557–0176
Form Number: None
Type of Review: Reinstatement
Title: Record and Disclosure Requirements—Fed Regs B, C, E, M and Z
Description: Burden was allocated to OCC by OMB. This burden is attributable to Fed Regs B (Equal Credit Opportunity), C (Home Mortgage Disclosure), E (Electronic Funds Transfer), M (Consumer Leasing), and Z (Truth-in-Lending)
Respondents: Businesses or other for-profit, Small businesses or organizations
Estimated Number of Recordkeepers: 3,650
Estimated Burden Hours Per Respondent: 1,558 hours
Frequency of Response: On occasion
Estimated Total Reporting Burden: 5,842,600 hours
Clearance Officer: John Ference, (202) 874–4697, Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.
OMB Reviewer: Gary Waxman, (202) 395–7340, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 93–3783 Filed 2–17–93; 8:45 am]

BILLING CODE 4810–33–M

Public Information Collection Requirements Submitted to OMB for Review

February 11, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171, Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0731
Regulation ID Number: PS–1–83 NPRM, PS–259–82 TEMP and PS–262–82 NPRM
Type of Review: Extension
Title: Certain Elections Under the Subchapter S Revision Act of 1982 (PS–1–83 NPRM) Certain Elections Under the Subchapter S Revision Act of 1982 (PS–259–82 TEMP) Definition of S Corporations (PS–262–82 NPRM)
Description: The regulations provide the procedures and the statements to be filed by certain individuals for making the election under section 1361(d)(2), the refusal to consent to that election, or the revocation of that election. The statements required to be filed would be used to verify that taxpayers are complying with requirements imposed by Congress.
Respondents: Individuals or households, Businesses or other for-profit
Estimated Number of Respondents: 1,250
Estimated Burden Hours Per Respondent: 30 minutes
Frequency of Response: Other (non-recurring)
Estimated Total Reporting Burden: 1,252 hours
OMB Number: 1545–0865
Form Number: IRS Form 8264
Type of Review: Revision
Title: Application for Registration of a Tax Shelter
Description: Organizers of certain tax shelters are required to register them with the IRS using Form 8264. (Other persons may have to register the tax shelter if the organizer doesn't.) We use the information to give the tax shelter a registration number. Sellers of interests in the tax shelter furnish the number of investors who report the number of their tax returns.
Respondents: Individuals or households, Businesses or other for-profit, Small business or organizations
Estimated Number of Respondents/ Recordkeepers: 1,000
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—33 hours, 14 minutes
Learning about the law or the form—2 hours, 35 minutes
Preparing, copying, assembling, and sending the form to the IRS—3 hours, 14 minutes
Frequency of Response: On occasion
Estimated Total Reporting/Recording Burden: 39,060 hours
Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 93–3784 Filed 2–17–93; 8:45 am]

BILLING CODE 4830–01–M

UNITED STATES INFORMATION AGENCY

Public and Private Non-Profit Organizations in Support of International Educational and Cultural Activities

Freedom Support Act—Secondary School Exchange Initiative for Washington DC Enhancement Program

AGENCY: United States Information Agency.

ACTION: Notice—request for proposals.

SUMMARY: The United States Information Agency (USIA) invites applications from non-profit U.S. educational, cultural, and other institutions to provide a Washington DC enhancement program for the Academic Year Program participants of the Secondary School Exchange Initiative with the Newly Independent States (NIS), as authorized by the Freedom Support Act. Approximately $600,000 is available for this activity. Requests for proposals in support of other programs sponsored under the Freedom Support Act have been published separately.

DATES: Deadline for proposals: All copies of proposals for grants under this request must be received at the U.S. Information Agency by 5 p.m. Washington DC time on Friday, April 2, 1993. Faxed documents will not be accepted, nor will documents postmarked on April 2 but received at a later date. It is the responsibility of each grant applicant to ensure that its proposal is received by the above deadlines. Grant funding should be available after July 1, 1993.

ADDRESSES: The original and 14 copies of the completed application, including required forms, should be submitted in the format described in the Bureau's application package and mailed to: U.S. Information Agency, Ref: FY–93–13, F.S.A.-Washington DC Enhancement Program, Office of Grants Management, E/XE, 301 4th Street SW., room 336, Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested organizations/institutions should contact David Dallas, Division for the Secondary School Initiative, E/PY, room 357, (202) 619–6299; FAX (202) 619–5311, to request detailed application packets, which include award criteria additional to this announcement, all necessary forms, and guidelines for preparing proposals, including specific budget preparation information.

SUPPLEMENTARY INFORMATION: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life.

Overall authority for these exchanges is contained in the Freedom Support Act (Pub. L. 102–391).

Overview

Grant funding is intended to provide a program in Washington, DC on the American political system for high school students from the Newly Independent States (NIS) of the former Soviet Union attending school in the United States during academic year 1993–94. The Washington program should enable the students to learn about the federal system, observe institutions of government, hear about and discuss issues on the federal agenda, and interact with government officials. The program should also address the principles of the Constitution and the history of federalism.

The number of students to be served is 1,200. Programming for students placed in communities east of the Mississippi River (approximately 600) will take place between January 15 and February 28, 1994. Programming for students placed west of the Mississippi (approximately 600) will take place between June 1 and July 15, 1994, immediately prior to their departure for their home countries.

The program should be arranged for five days and four nights, including arrival and departure. Students will be assigned to participate in groups of approximately one hundred at a time. USIA will confirm actual numbers of students and groups 6 months in advance of their program.

Guidelines

Proposals must effectively describe the organization's ability to accomplish the following essential components of the program:

- Provide a Washington, DC enhancement program as described above during the time slots indicated.
- Provide housing and meals for the students throughout the program.
- Provide ground transportation for students as part of the program, including to and from airports in the area.
- Provide opportunities to attend cultural events and visit museums and monuments.
- Coordinate with placement organizations (those responsible for supervising the students during their stay in the US) for domestic travel arrangements.
- Coordinate with recruitment/selection organizations (which are responsible for international travel) to coordinate travel for those students returning to their home countries following the Washington program.
- Coordinate with USIA's Division for the Secondary School Initiative (E/PY) and Congressional Liaison Office (CL) in arranging Congressional meetings.
- Provide staff to assist in case of medical emergencies.
- Provide a mechanism for evaluation of the program in terms of its impact on the students and its success in fulfilling the objectives

Budget

Organizations may bid on arranging a program for all of the 1200 students or a part of total. One or more grants will be awarded for this activity. Participant travel to and from Washington is not covered by this grant.

It is anticipated that the total costs of the Washington, DC Enhancement program will average $500 per NIS participant for a five-day/four-night program. The organization must submit a comprehensive line item budget. Details are available in the application packet.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the appropriate geographic area office, and the budget and contract offices. Proposals may also be reviewed by the Agency's Office of the General Counsel. Funding decisions are at the discretion of the Associate Director of Educational and Cultural Affairs. Final technical authority for grant awards resides with the Agency's Office of Contracts.

Review Criteria

Technically eligible applications will be competitively reviewed according to the following criteria:

1. Quality of the Program Idea

Proposals should exhibit originality, substance, rigor and relevance to Agency mission and adherence to the criteria and conditions described above.

VOL
58
ISS
31
FE
18
1993
UMI

2. Reasonable, Feasible, and Flexible Objectives

Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

3. Cost Effectiveness

The overhead and administrative components of grants, as well as salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should minimize cost-sharing through other private sector support as well as institutional direct funding contributions.

4. Institutional Capacity

Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.

5. Institution's Track Record/Ability

Proposals should demonstrate a track record of successful programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts (M/KG). The Agency will consider the past performance of prior grantees and the demonstrated potential new applicants.

6. Evaluation Plan

Proposals should provide a plan for evaluation by the grantee institution.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. Final award cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about June 30, 1993. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: February 10, 1993.

Barry Fulton,

Acting Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 93-3589 Filed 2-16-93; 8:45 am]

BILLING CODE 8230-01-M

Sunsh

This section contains noti the "Governm L 94-409) 5

FEDERAL EL

DATE AND TI 1993 at 10

PLACE: 999 DC

STATUS: Th the public

ITEMS TO BE

Compliance § 437g

Audits cond § 437g, § 4

Matters conc actions or Internal pers matters aff

DATE AND TI 1993 at 2 p

PLACE: 999 DC (Ninth

STATUS: Th public

ITEMS TO BE

Correction a

Title 26 Cert

Proposed Fi and Staten Michael S. President

Advisory Op Bauer on b Senatorial

Voting Age P 1993 Texa (Continue 1993).

Petition for R Against Da

Notice of Pro Amendme Committe

Administrati

PERSON TO Mr. Fred Ei Telephone:

Delores Har

Administrat

[FR Doc. 93-

BILLING CODE

NATIONAL C

Notice of M

TIME AND DA February 2

Sunshine Act Meetings

Federal Register
Vol. 58, No. 31
Thursday, February 18, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, February 23, 1993 at 10 a.m.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, February 25, 1993 at 2 p.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.
Title 26 Certification Matters.
Proposed Final Repayment Determination and Statement of Reasons—Governor Michael S. Dukakis and the Dukakis for President Committee, Inc.
Advisory Opinion 1993-2: Mr. Robert F. Bauer on behalf of the Democratic Senatorial Campaign Committee.
Voting Age Population (VAP) Figures for the 1993 Texas Senate Special Election (Continued from the meeting of February 4, 1993).
Petition for Rulemaking Filed by Citizens Against David Duke.
Notice of Proposed Rulemaking on Amendments to the Multicandidate Committee Rules.
Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 219-4155.

Delores Hardy,
Administrative Assistant.

[FR Doc. 93-3978 Filed 2-16-93; 3:08 pm]
BILLING CODE 6715-01-M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Meetings

TIME AND DATE: 1:30 p.m., Wednesday, February 24, 1993.

PLACE: Filene Board Room, 7th Floor, 1776 G Street NW., Washington, DC 20456.

STATUS: Open.

BOARD BRIEFINGS:

1. Central Liquidity Facility Report and Report on CLF Lending Rate.
2. Insurance Fund Report.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Request by Steel Works Community Federal Credit Union, Weirton, West Virginia, for a Community Charter Expansion.
3. Request for Assistance to Foreign Credit Unions.
4. Proposed Rule: Amendment to Part 711, NCUA's Rules and Regulations, Management Official Interlocks.
5. Semiannual Agenda of Regulations.

TIME AND DATE: 9:30 a.m., Wednesday, February 24, 1993.

PLACE: Filene Board Room, 7th Floor, 1776 G Street NW., Washington, DC 20456.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Request by Credit Unions for Waivers from Part 704, NCUA's Rules and Regulations. Closed pursuant to exemption (8).
3. Requests by Credit Unions for NCUSIF Share Insurance. Closed pursuant to exemption (8).
4. Policy Determination under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).
5. Administrative Action under Part 709, NCUA's Rules and Regulations. Closed pursuant to exemptions (6) and (8).
6. Administrative Actions under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (5), (7), (8), (9)(A)(ii), (9)(B), and (10).
7. Administrative Action under Part 745, NCUA's Rules and Regulations. Closed pursuant to exemptions (6) and (8).
8. Personnel Actions. Closed pursuant to exemptions (2) and (6).

RECESS: 12 p.m.

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 682-9600.

Becky Baker,
Secretary of the Board.

[FR Doc. 93-3957 Filed 2-16-93; 2:00 p.m.]
BILLING CODE 7535-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of February 15, 22, March 1, and 8, 1993.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of February 15

Thursday, February 18

10:00 a.m.
Briefing by Executive Branch (Closed—Ex. 1)

Friday, February 19

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)
2:00 p.m.
Briefing on Status of Issues and Approach to GEIS Rulemaking for Part 51 (Public Meeting)
(Contact: Donald Cleary, 301-492-3936)
4:00 p.m.
Briefing on Investigative Matters (Closed—Ex. 5 & 7)

Week of February 22—Tentative

Monday, February 22

9:00 a.m.
Briefing by Advisory Committee on Medical Uses Of Isotopes (Public Meeting)
(Contact: John Glenn, 301-504-3415)

Friday, February 26

9:00 a.m.
Periodic Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting)
(Contact: Richard Major, 301-492-8109)
10:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)
2:00 p.m.
Briefing on Status of Nuclear Safety Issues in Eastern Europe and Former Soviet Union (Public Meeting)
(Contact: Michael Congdon, 301-504-2744)

Week of March 1—Tentative

Tuesday, March 2

2:00 p.m.
Briefing on NRC Financial Management Matters (Public Meeting)
(Contact: Ron Scroggins, 301-492-4750)

Wednesday, March 3

10:00 a.m.
Briefing by NARUC on Issues Associated with Nuclear Power Plant Operations and HLW Programs (Public Meeting)
(Contact: Spiros Droggitis, 301-504-2367)
11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

2:00 p.m.

Briefing on Activities of Nuclear Waste Technical Review Board (Public Meeting)

(Contact: Seth Coplan, 301–504–1850)

3:30 p.m.

Discussion of Internal Management Issues (Closed—Ex. 2)

Thursday, March 4

2:00 p.m.

Briefing on License Renewal Issues (Public Meeting)

(Contact: William Travers, 301–504–1117)

Friday, March 5

10:00 a.m.

Briefing by Executive Branch (Closed—Ex. 1)

Week of March 8—Tentative

Monday, March 8

2:30 p.m.

Discussion of NRC Policy Options Concerning Nuclear Safety Issues in Eastern Europe and Former Soviet Union (Public Meeting)

(Contact: Michael Congdon, 301–504–2744)

Tuesday, March 9

10:00 a.m.

Briefing on Activities of the Center for Nuclear Waste Regulatory Analysis (CNWRA) (Public Meeting)

(Contact: Malcolm Knapp, 301–504–3324)

11:00 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

2:00 p.m.

Briefing on Proposed Rulemaking for Preparation and Use of Radiopharmaceuticals (Public Meeting)

(Contact: Anthony Tse, 301–492–3797)

ADDITIONAL INFORMATION: Affirmation of "Final Amendments to 10 CFR Part 61, 'Licensing Requirements for Land Disposal of Radioactive Waste'" (Public Meeting) scheduled for February 9 was postponed.

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

TO VERIFY THE STATUS OF MEETING CALL: (Recording)—(301) 504–1292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 504–1661.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 93–3886 Filed 2–16–93; 10:21 am]

BILLING CODE 7590–01–M

VOL 58 ISS 31 FE 18 1993 UMI

Federal Register

Thursday
February 18, 1993

Part II

Environmental Protection Agency

40 CFR Part 280
Underground Storage Tanks Containing Petroleum; Financial Responsibility Requirements; Final Rule

VOL 58 ISS 31 FE 18 1993 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 280

[FRL–4128–9]

RIN 2050–AC67

Underground Storage Tanks Containing Petroleum; Financial Responsibility Requirements

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA, or the Agency) is promulgating financial responsibility requirements applicable to local governmental owners and operators of underground storage tanks containing petroleum. EPA promulgates these requirements under the authority of section 9003 (c) and (d) of the Resource Conservation and Recovery Act as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA) and the Superfund Amendments and Reauthorization Act of 1986 (SARA). This rule establishes four alternative mechanisms for use by local governments to demonstrate financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental underground storage tank releases. The Agency is adding these local governmental financial assurance mechanisms to the existing mechanisms contained in the financial responsibility rule promulgated October 26, 1988. These additional mechanisms will allow a greater number of local governmental entities to comply with the financial assurance requirements and will result in a net cost savings to local governments estimated at approximately $32 million over a ten year period.

EFFECTIVE DATE: This rule becomes effective on March 22, 1993.

FOR FURTHER INFORMATION CONTACT: The RCRA/Superfund Hotline at (800) 424–9346 (toll free) or (703) 412–9810 in Virginia, or Sammy Ng in EPA's Office of Underground Storage Tanks at (703) 308–8882.

SUPPLEMENTARY INFORMATION: The contents of today's preamble are listed in the following outline:

I. Authority

II. Background

A. Legislative and Regulatory Overview
1. RCRA Subtitle I
2. October 26, 1988 Rule
3. Discussion of the Financial Responsibility Requirements for Governments in the October 26, 1988 Rule
4. The Proposed Rule

B. Key Provisions in Today's Rule

C. Rationale for Agency's Approach

D. Description of the Regulated Community

III. Section-by-Section Analysis

A. Applicability

B. Definition of Terms
1. Bond Ratings
2. Investment Grade Bonds
3. General Obligation Bonds
4. Revenue Bonds
5. Substantial Governmental Relationship

C. Amount and Scope

IV. New Mechanisms for Demonstrating Financial Responsibility

A. Description of Mechanisms
1. Bond Rating Test
2. Local Government Financial Test (§ 280.105)
3. Governmental Guarantee (§ 280.106)
4. Maintenance of a Fund Balance (§ 280.107)
5. Combinations of Mechanisms

B. Reporting by Owner or Operator

C. Recordkeeping

D. Bankruptcy or Other Incapacity of the Owner or Operator

V. Economic Impact Analysis

A. Economic Impact Analysis
1. Compliance with Executive Order 12291
2. The Affected Community
3. Assumptions and Methodology Used in the EIA
4. Cost Impacts
5. Environmental Impacts

B. Regulatory Flexibility Act

C. Paperwork Reduction Act

VI. Supporting Documents

I. Authority

These regulations are issued under the authority of sections 2002, 9001, 9002, 9003, 9004, 9005, 9006, 9007, and 9009 of the Solid Waste Disposal Act, as amended. The principal amendments to this Act have been under the Resource Conservation and Recovery Act of 1976, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616) and the Superfund Amendments and Reauthorization Act of 1986 (Pub. L. 99–499) (42 U.S.C. 6912, 6991, 6991a, 6991b, 6991c, 6991d, 6991e, 6991f, and 6991h).

II. Background

This section provides the legislative and regulatory background for this rule and summarizes today's additional mechanisms for financial responsibility for local government entities.

A. Legislative and Regulatory Overview

This section discusses the statutory authority for financial responsibility regulations for UST owners and operators, the provisions of the financial responsibility regulations promulgated on October 26, 1988 and the scope of the financial responsibility regulations being promulgated today.

1. RCRA Subtitle I

The Hazardous and Solid Waste Amendments of 1984 (HSWA) extended and strengthened the provisions of the Resource Conservation and Recovery Act (RCRA). HSWA added Subtitle I to RCRA, establishing provisions for the development and implementation of a regulatory program for underground storage tanks (USTs) containing certain substances, including petroleum and other regulated substances (such non-petroleum regulated substances are hereinafter referred to as "hazardous substances"). Section 9003(a) of Subtitle I requires the EPA Administrator to promulgate requirements for release detection, prevention, and correction as necessary to protect human health and the environment. These technical standards were promulgated at 53 FR 37082 (September 23, 1988).

The Superfund Amendments and Reauthorization Act of 1986 (SARA) amended sections 9003 (c) and (d) of Subtitle I to mandate that the Agency establish financial responsibility requirements for UST owners and operators to assure the costs of corrective action and third-party liability caused by sudden and nonsudden accidental releases from USTs. SARA also modified Subtitle I by specifying the minimum statutory levels of financial responsibility for petroleum marketers and the factors that EPA may consider in setting minimum levels for non-marketers. The objective of the financial responsibility requirements is to ensure that owners and operators can respond promptly to clean up releases and to compensate third parties for any injuries or damages associated with UST releases.

2. October 26, 1988 Rule

The final financial responsibility rule, promulgated on October 26, 1988 applies to owners or operators of "petroleum UST systems" with the following exceptions:

(1) Federal or State entities that own or operate USTs containing petroleum; and

(2) Owners and operators of tank systems excluded from the technical standards.

To cover the potential costs of corrective action and third-party

liability claims from sudden and nonsudden accidental releases from USTs, the rule requires the following parties to obtain financial assurance of at least $1 million per occurrence:

(1) All owners or operators of petroleum USTs at facilities engaged in petroleum production, refining, or marketing; and

(2) Owners or operators of USTs with an average monthly throughput of more than 10,000 gallons.

Owners or operators of USTs at facilities not engaged in petroleum production, refining, or marketing with an average monthly throughput of 10,000 gallons or less must maintain financial assurance of at least $500,000 per occurrence. All owners or operators must maintain an annual aggregate of $1 million or $2 million, depending on the number of USTs assured. The responsibility for cleanup and third-party compensation in the event of UST releases was established under the technical standards published in September 1988. The October 1988 financial responsibility rule made owners and operators responsible for complying with the financial responsibility requirements, but otherwise imposed no new liability; rather, the rule was intended to verify that local government owners or operators of USTs would be able to meet their liabilities in the event of an UST release. It is important to note that exemption from the financial responsibility requirements would not exempt an owner or operator from their liabilities in the event of an UST release.

UST owners or operators may use the following mechanisms to satisfy the requirements: Insurance or risk retention group coverage, surety bond, guarantee, letter of credit, financial test of self-insurance, trust fund, a State-required mechanism, or a State fund or other State assurance. (Under the October 26, 1988 rule, only private companies reporting to credit reporting agencies, publicly-held companies reporting to the Securities and Exchange Commission, and public utilities reporting to specified agencies are eligible to use the financial test of self-insurance.) Mechanisms can be used alone or in combination to cover the costs of taking corrective action and compensating third parties as long as a mechanism or a combination of mechanisms provides the full amount of required assurance. The only combination of mechanisms that is not allowed is the financial test of self-insurance and a guarantee where the financial statements of the owner or operator and the guarantor are consolidated.

The October 26, 1988 final rule requires owners or operators to submit documentation of financial responsibility to the implementing agency for three occurrences: (1) After a known or suspected release occurs, (2) when a provider becomes incapable of providing assurance, and (3) when a provider revokes a mechanism and the owner or operator is unable to obtain alternate coverage. Owners or operators must also submit documentation of financial responsibility if requested by the implementing agency. In addition, UST owners or operators must notify the implementing agency of their methods of demonstrating financial responsibility upon installation of new tanks. Owners or operators must also maintain records of the financial assurance mechanisms used to satisfy these requirements on-site or at their place of business.

The October 26, 1988 rule also contains provisions that require third-party providers of financial assurance (i.e., sureties, insurance companies, risk retention groups, guarantors, and providers of letters of credit) to provide notice of cancellation with an adequate time period for the UST owners and operators to seek alternative coverage and to determine whether there has been a release that would trigger the third-party mechanism. On November 9, 1989, EPA published an interim final rule that modified the required language of endorsements required for insurance policies as they relate to cancellation (54 FR 47077).

The State program approval objective for financial responsibility of owners and operators of petroleum UST systems was also promulgated October 26, 1988. This objective outlines two general provisions: (1) The considerations used to determine whether States' financial responsibility requirements will be considered "no less stringent" than the corresponding Federal requirements standard, and (2) the standards that must be met to demonstrate adequate enforcement of compliance.

3. Discussion of the Financial Responsibility Requirements for Governments in the October 26, 1988 Rule

Although the final financial responsibility rule (53 FR 43322, October 26, 1988) exempts those government entities whose debts and liabilities are the debts and liabilities of Federal or State governments, local government entities are required to provide financial assurance for USTs that they own or operate. Under the Agency's schedule for phased compliance with the final rule, local government entities have been given until February 18, 1994, one year from the promulgation of today's rule, to comply. In the October 1988 final rule, the Agency stated its intention to develop a financial test in the interim that would allow local governments to demonstrate that they have the requisite financial strength and stability to pay the costs associated with UST releases. After passing this financial self-test, local government entities will be allowed to demonstrate financial responsibility in a manner similar to private companies that meet the criteria of the corporate financial test of self-insurance.

Under the compliance schedule, Indian tribes are required to comply with financial responsibility requirements under the same schedule as local governments; that is, within one year from the promulgation of today's rule (i.e., before February 18, 1994).

4. The Proposed Rule

The proposed rule was published on June 18, 1990. The Agency received comments from 23 commenters. Most supported the development of the new financial responsibility mechanisms, stating that these additional mechanisms allow more local governments to comply with the financial assurance requirements, and that they would be able to do so at lower cost. Some commenters suggested changes or additions to the mechanisms proposed. Where appropriate, the Agency has adopted these suggestions. The specific issues raised and the Agency's responses are addressed in "Summary of Comments and Responses on Proposed Additional Financial Responsibility Mechanisms for Local Governments Subject to Subtitle I of the Resource Conservation and Recovery Act."

One commenter proposed as a new alternative mechanism that EPA issue regulations allowing implementing agencies to redirect funds from Federal- or State-funded programs to pay for the expenses associated with corrective actions. The Agency rejected this suggestion because it has no statutory authority to redirect funds from other State or Federal programs.

B. Key Provisions in Rule

In today's rule, the Agency is providing additional mechanisms that will allow local governments to comply with the financial responsibility requirements. These mechanisms do not replace the existing methods; rather, they supplement them. These mechanisms are similar in intent to the corporate guarantee and the financial

test of self-insurance now allowed as mechanisms for corporations. Local governments eligible to use the mechanisms may use them alone or in combination with other mechanisms, as described below.

One commenter questioned the language indicating that all local governments "may use" the new financial assurance mechanisms, since the criteria associated with using the mechanisms by definition restricts their use by certain entities. The Agency emphasizes that all local governments may seek to use all mechanisms, but only those that meet all qualifying criteria may use a specific mechanism to demonstrate financial responsibility.

EPA is promulgating four additional mechanisms for use by local government entities to demonstrate financial responsibility:

(1) Bond rating test. Local government entities with $1 million or more of total outstanding issues of general obligation bonds (excluding refunded obligations) and having investment-grade ratings would be eligible to demonstrate financial responsibility. Non-general purpose local governments (e.g., special districts and school districts) with $1 million or more of investment-grade revenue bonds may also use this mechanism if they do not have the authority to issue general obligation bonds. General obligation bonds that are backed by credit enhancement mechanisms other than bond insurance may not be included in the bond rating test. Revenue bonds that are backed by any type of credit enhancement mechanism may not be included in the bond rating test. Bonds with investment grade ratings are defined as those having a Moody's bond rating of Baa or higher (i.e., Aaa, Aa or A), or a Standard and Poor's bond rating of BBB or higher (i.e., AAA, AA, or A). Passing the bond rating test will be considered a sufficient demonstration of financial responsibility.

(2) Worksheet test. A worksheet test has been developed for use by local government entities that do not have general obligation or revenue bond ratings or that have less than $1 million in outstanding issues of investment-grade-rated general obligation or revenue bonds. (Governments meeting the requirements of both the bond rating test and the worksheet test may use either mechanism but are assumed to use the bond rating test as a matter of administrative convenience.) Local governmental entities having outstanding issues of general obligation or revenue bonds that are rated as less than investment grade are not eligible to use the worksheet test. The worksheet incorporates several financial criteria designed to measure a local government entity's financial stability. Passing the worksheet test will be a sufficient demonstration of financial responsibility.

(3) Guarantee. A local government entity can demonstrate financial responsibility by obtaining a binding guarantee from another governmental entity able to demonstrate financial responsibility assurance through the alternative mechanisms. The guarantor must have the authority to provide a guarantee to the local government entity seeking financial assurance. For example, a town may serve as the guarantor for a special district, a county may serve as the guarantor for a school district, a State may serve as the guarantor for a county, or a city may act as a guarantor to a special district (e.g., a transportation authority or a government utility). A guarantee for the entire aggregate limit for which a local government must demonstrate financial responsibility will be a sufficient demonstration of financial responsibility. A guarantee for a lesser amount may be used in combination with one or more other allowable mechanisms to demonstrate financial responsibility.

(4) Maintenance of a funded balance. Local government entities may satisfy the financial responsibility regulations by developing a self-administered emergency response fund to finance an UST corrective action and pay for third-party damages. A fund balance established for the entire aggregate limit for which a local government must demonstrate financial responsibility will be a sufficient demonstration of financial responsibility. A fund balance established for a lesser amount may be used in combination with one or more other allowable mechanisms to demonstrate financial responsibility.

The October 1988 rule allows the use of combinations of financial responsibility mechanisms. This feature is extended to include the financial self-test mechanisms being promulgated today. For example, a local government entity may use the guarantee or funded balance mechanisms to satisfy the deductible amounts of insurance policies. Local governmental entities may use the mechanisms being promulgated today in addition to the mechanisms allowed by the October 1988 rule: insurance, risk retention group (RRG) coverage, surety bond, letter of credit, State-required mechanisms, or a State fund or other State assumption of responsibility.

In contrast to the specifications for the corporate self-test, EPA does not believe that local governments will use consolidated financial statements to support both the worksheet and the guarantee mechanisms. Local governments are separate legal and financial entities from States and from each other. The situation wherein a local government will consolidate its financial statements with a State, or vice versa, and use the consolidated statements to support both the worksheet and the guarantee, cannot occur. In addition, most local governments are independently chartered. By the nature of the local government charters, local government operations that are consolidated, such as utility operations accounted for as enterprise funds, never issue stand-alone financial statements, because they have no independent standing. Thus, there is no potential that the consolidated entities could first use their own financial statements for the worksheet, and then rely on the consolidated financial statements for a guarantee, because they have no independent financial statements. Independent authorities (e.g., independent school districts) are independent because they have separate charters and/or articles of incorporation; they operate independently and their financial statements are never consolidated with the statements of the nearby general purpose governments.

To support this rule, the Agency has prepared a Background Document, "Background Document in Support of Financial Self-Test for Local Governments Subject to the Financial Responsibility Requirements of Subtitle I of the Resource Conservation and Recovery Act," that describes in detail the methodology and analyses used to evaluate potential financial responsibility mechanisms.

C. Rationale for Agency's Approach

The Agency had four main goals in developing the additional alternatives being promulgated today for local governments to demonstrate financial responsibility under Subtitle I. First, the Agency wanted to recognize fundamental differences between governmental entities and private entities. Second, the Agency wanted to keep the rule as flexible as possible to allow local governments a variety of choices in demonstrating financial responsibility. Thus, the Agency is promulgating several financial assurance mechanisms for local governments. Third, the Agency wanted to keep the mechanisms as simple as possible to minimize the administrative burden on local governments as well as the implementing agency. Thus, the

Agency is promulgating options that use data believed to be readily available to local governmental entities or that are consistent with governmental practices and is maintaining the same approach to reporting requirements adopted in the regulations published in the October 1988 rule. Fourth, the Agency wanted financial responsibility mechanisms that could realistically be used by local governments.

In the October 1988 rule, the Agency provided a mechanism whereby financially secure corporations can self-insure. The rule provided two alternatives for corporations. Under Alternative I, a firm can self-insure if it meets four criteria: (1) Tangible net worth equal to 10 times the sum of its financial responsibility amounts for underground storage tanks, its closure, post-closure care, liability coverage, and/or corrective action costs for Subtitle C facilities, and its plugging and abandonment costs for Class I Hazardous Waste Injection Wells, (2) tangible net worth equal to at least $10 million, (3) annual filing of its financial statements with the Securities and Exchange Commission (SEC), the Rural Electrification Administration (REA), the Energy Information Administration (EIA), or Dun & Bradstreet (which must have assigned a financial strength rating of 4A or 5A), and (4) annual reports which, if independently audited, did not include an adverse auditor's opinion or a disclaimer of opinion. Under Alternative II, a corporation can self-insure if it meets four criteria: (1) Tangible net worth of at least $10 million, (2) tangible net worth at least six times its UST obligation, (3) U.S. assets equal to at least 90 percent of total assets, or at least six times its UST obligations, and (4) net working capital equal to at least six times the required amount of UST aggregate coverage, or a current Standard and Poor's bond rating of AAA, AA, A, or BBB, or a current Moody's bond rating of Aaa, Aa, A, or Baa. In addition, a firm using Alternative II must either report its financial information to the SEC, the EIA, or the REA or obtain a special auditor's report.

Local government entities, however, differ in several important characteristics from corporations, which makes the application of the corporate self-test mechanism in the October 1988 rule impractical for local governments. For example, "general purpose" local governments (counties, municipalities, and townships) generally use accounting systems that do not recognize assets in a manner similar to private companies. For example, municipal buildings and infrastructure (e.g., streets and utility lines) are not generally carried as assets on the local government financial statements. Thus, a test based on "tangible net worth" is, by definition, unworkable for many local governments. (It should be noted, however, that government-owned utilities that provide financial data to the Rural Electrification Administration or the Energy Information Administration are allowed to use the corporate financial test under the October 1988 rule.) Also, the accounting standards used by most local governmental entities are not the same as the Generally Accepted Accounting Principals ("GAAP") used by private entities. Most local governments use either cash basis accounting (often mandated by State law) or "modified" accrual accounting, where the recognition of revenues may be delayed. Consequently, a test based on "net working capital" may be unworkable for most local governmental entities. In addition, local governments are not generally required to report financial information to a regulatory agency similar to the Securities and Exchange Commission. Thus, it is impossible to incorporate mandatory reporting to an independent organization into a self-test.

Nevertheless, the Agency believes that a mechanism parallel to self-insurance is particularly appropriate for local government entities. The Agency has determined that local government entities are, in general, more financially stable than private companies. Most local governments, unlike private entities, have the authority to levy taxes or to independently set rates, which provide a consistent, reliable source of income. In contrast to corporations, they are less likely to dissolve or merge with other entities which means that they are less likely to have abrupt changes in financial structure. They are, by definition, geographically fixed, eliminating potential concerns that they may move and abandon their USTs. They rarely go bankrupt, suggesting that they are, as a class, more financially stable. As discussed in the background document, the available literature suggests that even bankruptcy does not allow local government entities to void their legal obligations. Additionally, unlike some private companies, local governments are generally required to make their financial data publicly available.

These factors suggest that a self-test for municipalities does not necessarily require the same level of built-in safeguards as required of private entities. Assurance that local government owners and operators will be financially responsible for their UST-related obligations, therefore, can be demonstrated more easily than assurance for private entities. Consequently, the primary concern of the Agency in developing this rule is that local governments show evidence of financial stability and prudent financial management.

D. Description of the Regulated Community

This section describes the nature of the local governmental entities that would be regulated under today's rule, including a description of their UST ownership characteristics, a brief description of their operation, and an overview of the considerations the Agency has used in developing today's rule.

The Agency estimates that about 62,000 petroleum USTs that are subject to Subtitle I jurisdiction are owned or operated by approximately 25,000 local government entities. Most of these USTs store petroleum products for purposes other than retail motor fuel sales. A local government entity may, for example, own USTs that store gasoline to fill police and fire vehicle tanks.

Local government entities include both general purpose local governments and special purpose local government entities. General purpose local government entities include municipalities, counties, townships, towns, villages, parishes, and New England towns. Special purpose local governments include entities that perform a single function or a limited range of functions. Special purpose local governments are generally designated as either public authorities or special districts such as school districts, water and sewer authorities, transit authorities, redevelopment authorities, irrigation districts, or power authorities. All local governments, both general and special purpose, are subject to this rule and are eligible to use the new financial assurance mechanisms described in today's rule. Several commenters requested an expansion or clarification of the definition of local government entities to include local public transit systems and redevelopment authorities. The Agency originally intended these types of local government entities to be included in the definition, and has clarified the definition as requested by the commenters.

The Agency's research has shown an extremely low rate of fiscal emergencies among governmental entities through the 1970s and 1980s. A 1983 study by the Advisory Council on Intergovernmental Relations (ACIR)

found only three incidents of bankruptcy among general purpose governments, only one of which caused a general purpose governmental body to void a legally binding agreement. In all other cases, even local government entities that entered bankruptcy were forced to make full restitution, although sometimes over a stretched-out payment term. Since 1983, only five additional general purpose governments are known to have declared bankruptcy. There has been a similarly low rate of bankruptcy among special purpose districts. Between 1972 and 1989, 29 utility special districts, two school districts, and six other special purpose districts and hospitals filed for bankruptcy (out of a total of more than 40,000 school districts and special purpose districts).

Although bankruptcy is an extreme condition, the Agency believes this very low incidence (0.003 percent per year) reflects general stability of local government entities. In contrast, 56,423 (1.3 percent) of the 4,256,243 private companies in operation filed bankruptcy petitions in 1982.[1] This number increased to 88,278 in 1987. Combined with the relatively low costs of UST financial responsibility obligations (relative to other environmental obligations and most governmental activities in general), the relative stability of local governments is interpreted by EPA to indicate a general ability to meet financial obligations under Subtitle I.

In addition, the Agency's research has shown relatively few cases where releases were known to have come from local government-owned USTs. For releases that did occur, local government entities were generally able to clean up and to pay for the costs of corrective actions associated with the releases. Because of the limited data regarding local government responses to UST releases, however, the Agency has relied primarily on data and analyses regarding the overall financial health of local governments. One commenter indicated that cleanups of UST releases at airports are generally funded from operations or funds for construction projects. The Agency interprets this statement as additional support for allowing local governments to demonstrate financial responsibility based on their internal financial condition, rather than requiring the use of third-party mechanisms.

[1] "Statistical Abstract of the United States," 109th Edition. United States Department of Commerce, Washington, D.C., 1989; and "General Report on Industrial Organization," 1982 Enterprise Statistics. Issued October 1986.

III. Section-by-Section Analysis

A. Applicability

Today's rule would apply to all non-exempt governmental owners and operators of underground storage tanks containing petroleum. 40 CFR § 280.90(c) exempted from financial responsibility requirements State and Federal government entities whose debts and liabilities are the debts and liabilities of a State or the United States. Although the October 1988 rule excluded State and Federal governments, it required local government entities to demonstrate financial assurance for USTs that are owned or operated by the government.

Data available to the Agency in preparing the Regulatory Impact Analysis for the October 1988 rule suggest that local government entities collectively own approximately 62,000 USTs. Additional analysis of the New York State tank notification data base suggests that larger local government entities are more likely to own USTs and are more likely to own multiple USTs, but a specific breakdown of how many of each type of local government own USTs is not available from the data available to EPA. Overall, EPA estimates that about approximately 25,000 local governments own USTs.

Local government entities are created under State law, and consequently vary significantly from State to State. All local government entities recognized under State law may seek to use the financial assurance mechanisms being promulgated today. As recognized by the Bureau of the Census, local government entities generally fall into the following categories:

County Governments: Organized county governments are found throughout the nation except for Connecticut, Rhode Island, the District of Columbia, and limited portions of other States. In Louisiana, the county governments are officially designated as "parish" governments, and the "borough" governments of Alaska resemble county governments in other States. In general, county governments are defined in terms of a geographical area served, rather than a specific population.

Municipal Governments: Municipal governments include active government units officially designated as cities, boroughs (except in Alaska), towns (except in the six New England States and Minnesota, New York, and Wisconsin), and villages. This concept corresponds to the "incorporated places" that are recognized in Census Bureau reporting of population and housing statistics.

Township Governments: Township governments exist to serve inhabitants of areas without regard to population concentrations. This category includes governments officially designated as "towns" in the six New England States, New York, and Wisconsin, some "plantations" in Maine, and "locations" in New Hampshire, as well as governments called townships in other areas. In Minnesota, the terms "town" and "township" are used interchangeably.

School Districts Governments: Forty-five States have established public school systems with sufficient autonomy and fiscal authority that they can be classified as independent local government entities.

Special Purpose Districts: Special purpose districts are governmental entities created to perform a single or limited range of functions (e.g., school districts, park and recreation districts, libraries, fire protection districts, cemeteries, transit districts, redevelopment authorities, etc.). These districts may be subdivided into any of the following distinct categories: (1) Local or metropolitan districts; (2) districts dependent on or independent of a municipality for their creation or operation; and (3) districts created by State enactment or by municipal resolution. They have sufficient administrative and fiscal autonomy to qualify as separate governments.

Indian Tribes: Indian Tribes are included in the statutory definition of municipality in RCRA Section 1004(13) and are, therefore, required to comply with the financial responsibility requirements by the same compliance date as other local government entities. This rule treats Indian Lands as local government entities and allows them to use the self-test mechanisms to demonstrate financial responsibility.

Several commenters requested exemptions from the UST financial responsibility requirements for local governments. Commenters gave the following reasons for such an exemption: (1) Local governments, as a class, have sufficient financial strength and stability to pay for corrective actions without the need to demonstrate financial responsibility; and (2) the adverse effects on the ability of local governments to fund emergency services if required to divert funds to pay for assurance mechanisms. One commenter, a small rural town, indicated that it cannot qualify to self-insure and added that the financial responsibility regulations impose financial burdens with which the town, and presumably other towns, could not possibly comply.

EPA believes that commenters may have failed to distinguish between: (1) The need for local governments to pay for costs associated with UST releases, as required under the technical standards; and (2) the financial responsibility regulations, which merely require that UST owners be able to demonstrate that they will be able to meet such costs if they occur. Even if EPA were to exempt local governments from the requirement to demonstrate financial responsibility, such an exemption would not, under Subtitle I, relieve them from the legal liability to pay for the costs of UST releases and to compensate third parties for damages caused by releases.

The Agency agrees that most local government entities do have the resources and the will to meet financial responsibilities. This belief underlies the effort to develop mechanisms by which local governments can demonstrate compliance with the financial responsibility requirements without the need to obtain insurance or the use of other third-party mechanisms.

The Agency also agrees with commenters who noted that some local governments may not have the resources to meet their UST-related financial obligations. Consequently, it would not be appropriate to exempt all local governments from the need to demonstrate financial responsibility. Further, EPA believes that exempting all local governments from the requirement to demonstrate financial responsibility would not be consistent with statutory intent as discussed in 9003(d)(5).

The Agency notes the concern about the potential impact on local governmental services. The Agency believes, however, that the mechanisms provided will allow any fiscally solvent local government to demonstrate financial responsibility and continue to operate its USTs, and will do so at minimum cost to the affected local governments. EPA encourages governments unable to demonstrate financial responsibility using the worksheet, bond rating, or fund balance mechanisms to seek guarantees from neighboring jurisdictions or from county governments. EPA believes that such entities are better able to determine the strengths of the government seeking the guarantee, and to measure how essential are the services offered, than the Agency would be in developing a uniform national standard.

B. Definition of Terms

1. Bond Ratings

A bond rating is an "evaluation of the credit quality of notes and bonds usually made by independent rating services . . . Ratings generally measure the probability of the timely repayment of principal and interest of municipal bonds."[2] In this rule, only ratings made by Moody's Investors Service and Standard & Poor's will be considered eligible for use in demonstrating financial responsibility.

2. Investment Grade Bonds

As defined by the Comptroller of the Currency, investment grade bonds are generally regarded as eligible for bank investment. In addition, the legal investment laws of various States may impose certain ratings or other standards for obligations eligible for investment by savings banks, trust companies, and fiduciaries generally. For purposes of this rule, investment grade bonds are considered to include bonds rated Aaa, Aa, A, and Baa by Moody's, or AAA, AA, A, and BBB by Standard and Poor's.[3]

3. General Obligation Bonds

General obligation (G.O.) bonds, also known as "full faith and credit" bonds, are secured by their issuers' ability to levy ad valorem taxes or to draw from other unrestricted revenue sources, such as sales or income taxes. These bonds are important mechanisms for financing municipal capital improvements such as schools, streets, and municipal buildings. The bond issuer's ability to generate revenues is evaluated by analyzing factors in four categories: socioeconomic, finance, debt, and administration.[4]

4. Revenue Bonds

A revenue bond is a long-term debt instrument that is issued to finance a specific public enterprise and that is payable solely from enterprise earnings or from a dedicated tax.[5] The Agency has determined that most revenue bonds issued by general purpose governments (i.e., counties, municipalities, and townships) are issued to fund specific projects with dedicated revenue streams not necessarily central to the operations of that government, and that the evaluation criteria associated with these revenue bonds may not fully reflect the socioeconomic, financial, and administrative condition of a general purpose government. Instead, the ratings reflect a more limited set of criteria pertaining to the specific project financed. In contrast, the Agency has determined that revenue bonds issued by special districts are generally used to finance projects central to the operations of the special districts, so that the ratings encompass a broader view of the overall financial condition of the issuing entities. In this rule, the Agency allows only special districts and school districts that do not have the authority to issue general obligation debt to use investment-grade ratings on revenue bonds to demonstrate financial responsibility.

5. Substantial Governmental Relationship

The October 26, 1988 rule authorized owners and operators to obtain a corporate guarantee to meet their financial responsibility requirements. The corporate guarantor must: (a) Have a controlling interest in the owner or operator or in a specified related firm; or (b) issue the guarantee as an act incident to a "substantial business relationship" with the owner or operator (§ 280.96). The object of the corporate guarantee is a valid and enforceable contract. Additionally, to insure that State insurance laws will not impair the enforceability or validity of the mechanism, a corporate guarantee may be used only if it is certified for use by the Attorney General of the State in which the USTs are located.

Local governments, however, do not have "controlling interests" in one another, and their interactions may not be of an economic nature constituting a "substantial business relationship." As with the corporate guarantee, the Agency is concerned that local governmental guarantees be valid and enforceable, and that they do not conflict with State insurance laws. Thus, a municipality using a local governmental guarantee must certify that there is a "substantial governmental relationship" underlying the guarantee. Such a relationship must include a clear commonality of interests, such as common constituencies served, overlapping geographical jurisdiction, or mutual impact in the event of an UST release. In addition, a local government acting as a guarantor must have the authority to enter into such agreements.

Examples of governmental guarantees could include: (1) A guarantee offered

---

[2] Moody's Investors Service, Inc., "Moody's on Municipals: An Introduction to Issuing Debt," 1989, p. 75.

[3] Both Standard and Poor's and Moody's recognize groupings within the major bond rating classes. Moody's signifies higher ranking bonds within a class with a "1" (e.g., Baa1), while Standard and Poor's uses a +/− system to designate higher and lower ranking bonds. This proposed rule does not consider these groupings. Thus, a Baa1 rating is classified as a Baa rating for the purposes of the test, while an AA+ or AA− rating is classified as an AA rating.

[4] Standard & Poor's Corporation, "Standard & Poor's Debt Ratings Criteria: Municipal Overview," 1986.

[5] Standard & Poor's Corporation, "Standard & Poor's Municipal Finance Criteria," 1989.

by a county to an incorporated city located partially or entirely within the limits of the county; (2) a guarantee offered by one county to another if both counties cover a common aquifer subject to contamination by UST releases; (3) a guarantee offered by the State to a local government within the State; or (4) a guarantee offered by a general purpose local government to an independent school district, water district, utility district, or other special district serving the guarantor in whole or in part. One commenter questioned what types of publicly owned utilities would be eligible to receive a guarantee. Any special district is eligible to receive a guarantee if it has its own governing body and an independent accounting system.

Additional examples of appropriate intergovernmental relationships for a governmental guarantee would be joint operating agreements for emergency responses across jurisdictional boundaries, or purchase of non-UST-related services such as water or education.

One commenter asked three questions pertaining to activities that constitute a "substantial governmental relationship": (1) Whether a governmental entity may act as a guarantor for more than one entity; (2) whether a contractual relationship (under an intergovernmental pooling arrangement) of a pool to provide safety and risk management services in addition to risk pooling will be recognized as a "substantial governmental relationship"; and (3) what criteria determine that a relationship is "sufficiently non-monetary."

The Agency concludes that a local government may act as guarantor for multiple entities. A guarantee from a risk pool, however, is not considered a governmental guarantee for the purposes of establishing financial responsibility. The role of a risk pool is almost exclusively monetary, similar to that of insurance. Issuance of a guarantee would not change the nature of that relationship. The Agency recognizes that participation in a risk pool provides a means for local governments to reduce their liability for large unforeseen events. However, risk pools have not been approved as a Federal financial responsibility mechanism because no comprehensive yet manageable set of Federal guidelines could be developed to ensure that all risk pools would have adequate oversight to make them comparable to the other financial responsibility mechanisms allowed.

The Agency notes that, under § 280.100, risk pools can be adopted as Federal financial responsibility mechanisms by individual States as State-required mechanisms. That is, a State may allow or require local governments to demonstrate financial responsibility through participation in a risk pool if the State can demonstrate to the Agency that the risk pool would be at least equivalent to the other financial responsibility mechanisms allowed.

C. Amount and Scope

The amount and scope of financial responsibility is not being changed from the requirements established in the October 1988 rule. Governmental entities owning or operating USTs at facilities with a monthly throughput of less than 10,000 gallons must demonstrate financial responsibility in the amount of $500,000 per occurrence. Governmental owners and operators owning or operating one or more USTs at facilities with a monthly throughput of 10,000 gallons or more must demonstrate financial responsibility in the amount of $1 million. In addition, owners and operators of USTs must demonstrate financial responsibility in the amount of an appropriate annual aggregate. Owners and operators of 100 or fewer USTs must demonstrate financial responsibility in the annual aggregate amount of $1 million, and owners and operators of more than 100 USTs must demonstrate financial responsibility in the annual aggregate amount of $2 million.

One commenter suggested incorporating a mechanism in the rule that would allow for reductions in the required level of assurance when tanks are replaced with intrinsically safe tanks or upgraded to be intrinsically safe. The commenter believed that this proposal would result in more equitable and less burdensome requirements for assurance. The Agency disagrees with the commenter's suggestion for the reasons cited in the October 1988 final rule and the June 1990 proposed rule.

Another commenter indicated that disclosing the amount of money that will be paid per release by an assurance mechanism may adversely affect a local government's position in litigation or settlement negotiations. The commenter recommended deleting this provision from the financial officer's letter. EPA believes that the commenter may have misinterpreted the intent of the financial officer's letter. The amount assured, as cited in the financial officer's letter, is not meant to be a minimum amount that must be paid in the event of a release, but rather the minimum amount that a local government must be able to pay if required to meet corrective action costs and third-party liabilities. EPA assumes that governments will use all defenses and mechanisms to ensure that payments for third-party liabilities are fair and equitable. Conversely, the amount of financial assurance demonstrated does not limit a local government's potential liability in the event of a release. Local governments are liable for all costs resulting from a release, regardless of the amount for which they demonstrate financial responsibility. EPA requires that an amount be specified in the financial officer's letter to ensure that senior officials of the government are aware of their potential obligations as UST owners.

IV. New Mechanisms for Demonstrating Financial Responsibility

A. Description of New Mechanisms

Today's rule promulgates four additional financial assurance mechanisms for use by local government entities that own or operate USTs containing petroleum: A bond rating test, a worksheet test, a governmental guarantee, and maintenance of a funded balance. These additional mechanisms are described below. In addition to these mechanisms, local governments that are owners and operators of USTs may use any of the financial responsibility mechanisms authorized under 40 CFR § 280.94 (i.e., insurance, Risk Retention Group (RRG) coverage, surety bonds, letters of credit, fully-funded trust funds, State-required mechanisms, a State fund, or other State assumption of responsibility). The Background Document prepared in conjunction with this rule explains in more detail the data and methodology used to develop the new mechanisms now being finalized.

1. Bond Rating Test (§ 280.104)

In order to pass the bond rating test, local government entities must have outstanding issues of general obligation bonds that are currently rated at least "investment grade" by Moody's or Standard & Poor's. Special districts, such as school districts or airport authorities, that do not have the authority to issue general obligation bonds may substitute investment grade revenue bonds for general obligation debt to satisfy the bond rating test. In both cases, the municipality's total outstanding obligation must be $1 million or more, excluding refunded obligations. Investment grade bonds are those with a current Standard and Poor's bond rating of AAA, AA, A, or

BBB, or a current Moody's bond rating of Aaa, Aa, A, or Baa. If a local government has multiple outstanding issues of general obligation or revenue bonds with different ratings, or if the ratings assigned to a single class or issue of bonds by different ratings agencies differ, the *lowest* rating must satisfy the criterion of the test.

If a local government owner or operator using the bond rating test to provide financial assurance finds that it no longer meets the bond rating test requirements, the local government owner or operator must obtain alternative coverage within 150 days of the change in status.

The Agency is aware that municipal bonds are often insured by third-party insurance companies, and that the rating assigned to such insured bonds is established primarily by the credit-worthiness of the insurer. After examining the criteria used by the rating companies to evaluate bond insurance companies, however, the Agency has concluded that the provisions for on-going review and intervention granted to the bond insurance companies under the insurance agreements provides a level of third-party oversight comparable to that provided directly by the bond rating companies. For purposes of this rule, therefore, the Agency is not distinguishing between general obligation bonds that are uninsured or insured by a bond insurance company.

EPA has not found evidence that other providers of other methods of credit enhancement, such as letters of credit, provide a degree of oversight equivalent to that provided by bond insurers. Consequently, ratings that are supported by means of credit enhancement other than bond insurance may not be used to demonstrate financial responsibility.

The Agency has selected the existence of investment-grade bond ratings on general obligation debt as an option for demonstrating financial responsibility for several reasons. First, EPA took into consideration the use of bond ratings as a standard measure of risk by banks and other fiduciary entities. As a result of a 1938 agreement issued jointly by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System and the Executive Committee of the National Association of Supervisors of State Banks, these agencies have given municipal bonds in the first four rating categories (Aaa through Baa or AAA through BBB) privileged status as investment securities. Banks are permitted to hold only a certain number of low or unrated bonds, and they must balance such holdings with higher rated or more credit-worthy securities. Second, bond ratings serve as one of the only independent evaluations of local government entities' financial health. To perform their evaluations, the bond rating companies must consider a variety of factors that affect both local government entities' current ability to pay and the likelihood of continued ability to pay in the future. In particular, the costs of environmental obligations are included in the evaluations. Thus, the costs of underground storage tanks, solid waste landfills, hazardous waste landfills, sewage treatment plants, and associated environmental liabilities are factored into the rating analysis.[6] Third, general obligation bonds are secured by the full faith and credit of the borrower, and backed by the issuers' ability to levy taxes or make legislative appropriations. The Agency considers this underlying security equivalent to the requisite level of financial responsibility intended under Subtitle I. Fourth, bonds are re-rated on a periodic basis. Local governments are required to provide current financial data annually; failure to do so can result in removal of the bond rating. Also, the rating agencies receive local newspapers from around the country to monitor local conditions.[7]

Today's rule allows the use of insured issues of general obligation bonds. Information from bond rating companies indicates that local governments do not purchase insurance as a means of earning an investment grade rating, but rather to increase the rating from a lower investment grade (e.g., Baa, Baa1, or A) to the very highest (Aaa). In exchange for the cost of the insurance, the local governments obtain a lower interest rate for the life of the bond. Analysis undertaken by Moody's of four major bond insurers shows that virtually all of the insured debt would have earned an investment grade rating without the insurance, and so would qualify under the bond rating test.[8] In addition, bond insurers, unlike bond rating agencies, have a strong financial interest in the soundness of the local governments. If a local government defaults on a payment, the bond insurers must meet the payment. Consequently, bond insurers track the financial obligations of insured local governments closely and often have covenants that allow them to intervene in local government operations. Insurers, for example, may insist on more conservative fiscal policies to preserve the financial strength of a community, which in turn, lowers the risk and cost associated with the bond insurance. Although the bond rating of insured bonds does not directly indicate a local government's financial condition, it does demonstrate both that the government has assured the insurance company of its ability to meet its debts, and that a third party has a strong confidence in the financial health of the local government.

Two commenters agreed with and endorsed the methodology of the bond rating test, stating that the test will serve as a simple method for demonstrating financial responsibility and will provide the Agency with the assurance it seeks without imposing too great a burden on the regulated community.

Several commenters suggested that the Agency expand the bond rating test to include revenue bonds and other sorts of debt instruments as well as general obligation bonds. The Agency has researched the criteria used to assign credit ratings on short-term notes, certificates of participation, lease rental debt, and revenue bonds, and examined how well the credit rating addresses the financial health and fiscal management practices of local governments. The Agency also reviewed the default rates of these types of securities.

EPA is expanding the bond rating mechanism to allow non-general purpose governments (i.e., special districts and school districts) that do not have the authority to issue general obligation bonds to demonstrate financial responsibility if they have earned an investment-grade rating on at least $1 million in outstanding revenue bond issues not backed by any form of credit enhancement.

EPA has determined that revenue bond financing is central to the operation of most special districts and that the ratings on revenue bonds issued by special districts therefore provide an adequate representation of their financial strength. Special districts are created for a specific purpose, such as to provide airport services to a community. The revenue stream underlying the strength of a special district is the same as the base underlying its associated revenue

---

[6] Linda Reidt Critchfield, EPA Office of Underground Storage Tanks, memorandum to the record, "Conversation with Al Medioli, Moody's Investor Services on August 29, 1989," September 15, 1989.

[7] Ibid.

[8] Memorandum from Kate Donaldson, James Dickson, and Tony Bansal, ICF Incorporated, to Stephanie Bergman, EPA Office of Underground Storage Tanks, "Municipal Bond Insurance," May 31, 1989; memorandum from Kate Donaldson, James Dickson, and Tony Bansal, ICF Incorporated, to Stephanie Bergman, EPA Office of Underground Storage Tanks, "Municipal Bond Insurance Companies," June 22, 1989.

bonds. Ratings on revenue bonds are, therefore, appropriate measures of special districts' financial capabilities. (This is not the case for a general purpose government that issues revenue bonds, such as a city, because the revenue stream supporting a specific revenue bond is not equivalent to the overall tax base supporting the local government.) In addition, EPA determined that there has been a low incidence of default of investment-rated revenue bonds not enhanced by third-party support—e.g., bond insurance or a letter of credit. EPA examined information on revenue bond defaults between January 1989 and May 1991. Over that time period, approximately 150 issues defaulted. EPA estimates that no more than five of these issues had unenhanced investment-grade bond ratings from Moody's at the time of default, representing a default rate of less than 0.1 percent per year of rated bonds. Eight of the defaulted issues were backed by letters of credit, and two were insured by bond insurance companies.

Because the credit rating for revenue bonds issued by general purpose governments (e.g., townships, cities, and counties) would not measure the financial health and fiscal management practices of that type of government as a whole, and because revenue bonds are not usually used to finance projects central to the operation of a general purpose government, the Agency has determined that general purpose governments with the authority to issue general obligation debt may not use revenue bonds to demonstrate financial responsibility.

Similarly, because the credit rating for short-term notes, lease rental debt, and certificates of participation does not provide sufficient information on the financial strength of local governments, local governments may not use these instruments to demonstrate financial responsibility.

Two commenters asserted that the bond rating test is unavailable to many local governments simply because the amount of outstanding debt is less than one million dollars and suggested that the required amount of outstanding debt should be decreased. EPA intends the bond rating mechanism to be used by local governments that have shown their capability to sustain debts comparable in size to the minimum level of financial assurance as determined by statute. Governments that are not able to demonstrate such capability may use another mechanism to demonstrate financial responsibility. Based on the analysis conducted for the proposed rule, the Agency estimates that approximately 87 percent of general obligation bonds are issued for aggregate amounts greater than $1 million.

One commenter endorsed the bond rating test, but noted that a governmental entity will no longer qualify for the bond rating test if it reduces its total debt below $1 million. The commenter suggested that the amount of unused debt capacity may be more important than the amount of debt. Another commenter stated that the essential factor in the test should not be the dollar limit outstanding, but rather the statutory right of the authority to issue bonds and the credit ratings which have been established for that particular government entity on debt which has or could be issued. Because a local government entity does not have a credit rating from Standard and Poor's or Moody's unless it has outstanding debt, the commenter urged the Agency to devise some test, presumably a worksheet test, to measure credit worthiness if bond ratings have not been issued.

The Agency has determined that it is appropriate to require $1 million in outstanding debt as part of the bond rating mechanism. The requirement ensures that the bond rating used to demonstrate financial responsibility is based on a level of outstanding debt consistent with the amount of financial responsibility being demonstrated. Although there may be merit in the argument that the level of debt capacity is an indicator of potential financial abilities, EPA does not believe that incorporating available debt capacity would be feasible. First, calculating levels of available capacity is more difficult than applying the bond rating test as written, and is subject to greater uncertainties. Second, the fact that the local government has available debt capacity does not ensure that it will be able to issue the debt and maintain its bond rating, particularly if the amount of outstanding debt is substantially less than the amount of required financial assurance. The Agency notes that excess bond authority may be used as one part of one alternative of the fund balance mechanism.

Because bond rating information is easily obtainable, the use of bond ratings as a self-test mechanism will impose minimal administrative burden in determining a local government entity's eligibility. Many local government entities, however, do not currently have general obligation bond ratings. As of July, 1991 Moody's had ratings for a total of 7,653 investment-rated general obligation bonds issued by local government entities that were "investment grade" and were not insured.[9] (Because some local government entities may have multiple issues of general obligation bonds, the number of local governments with rated bonds may be lower.) Although Standard & Poor's rates additional entities, there is a substantial overlap—one study found that 94 percent of cities of 2,500 or more residents with a rating from Standard & Poor's also had a rating from Moody's.[10] In contrast, there are more than 80,000 local government entities in the United States, of which an estimated 25,000 own USTs. To provide local governments with as many compliance choices as possible to meet the requirement, the Agency has also developed additional self-test mechanisms to demonstrate financial responsibility.

2. Local Government Financial Test (§ 280.105)

As part of the underground storage tank requirements proposed on June 18, 1990, EPA included a local government financial test that could be used by local government owners and operators of USTs to satisfy the financial responsibility requirements of § 280.93. The local government financial test, or "worksheet test", was designed for local governments that cannot use the bond rating test (§ 280.104) because they have less than $1 million in outstanding investment grade bonds. As described in the preamble to the proposed rule, however, local government entities that have applicable outstanding debt rated lower than investment grade, even if this amount is less than $1 million, cannot use the worksheet test. This limitation on the use of the worksheet test applies, therefore, to the general obligation debt of general purpose local governments and to outstanding revenue bonds of those local government entities that are legally restricted from issuing general obligation bonds.

As described in the preamble to the proposed rule, the Agency designed and developed the worksheet test to capture local government variation using an index of financial strength. The index assigns a rank to each of the general purpose governments in the Census of Governments. After arraying the governments according to their rank on the index, the test establishes a cut-off

[9] Brenda Ramos, Moody's Investors Service, Public Finance Department, letter to Linda Critchfield, EPA, July, 1991.

[10] Cluff, George S., and Farnham, Paul G., "Standard & Poor's vs. Moody's: Which City Characteristics Influence Bond Ratings?", Quarterly Review of Economics and Business, Board of Trustees of the University of Illinois, Volume 24, No. 3, 1984.

point that, in the Agency's opinion, excludes that bottom fraction of local governmental entities that might not be able to meet their financial obligations in the event of an UST release. The procedures used to develop the index and establish the threshold cut-off are discussed in the preamble to the proposed rule, the background documents to this rulemaking, and in subsequent sections.

The test was designed to isolate the fraction of governmental entities that are in poor financial condition from those other governments that, in general, have sufficient resources and flexibility to respond to an UST release. Consequently, the Agency is not establishing the worksheet test as a precedent for other Agency regulations affecting local governments, because other regulations may require either larger required levels of funds or more certain cash flows.

Features of the Proposed Local Government Financial Test

The proposed worksheet test had the following features:

- Using a worksheet, an eligible local governmental entity would calculate nine financial ratios using easily available financial data. The nine ratios were:

—Debt service to total revenues,
—Total funds to total expenses,
—Total revenues to total expenses,
—Debt service to population,
—Total revenues to population,
—Total expenses to population,
—Total funds to total revenues,
—Total funds to population, and
—Local revenues to current expenditures.

- Each of the nine ratios was compared to the national distribution of that ratio to calculate a z-score, which is a measure of how far above or below the national average the municipality's ratio lies.

- The individual z-scores for the nine ratios were then weighted and added to calculate a total score, or index.

- Governments with a total score that passed the specified threshold could use the test as a mechanism for demonstrating financial responsibility for UST corrective action and third-party liability claims. To simplify the use of the worksheet test, the threshold value was incorporated into the calculation of the final score, so that governments achieving a final score greater than zero passed the worksheet test.

Comments on the Proposed Local Government Financial Test

EPA received several comments on its proposed financial test for local governments. The comments focused on (1) the exclusion of local governments with less than investment grade debt; (2) use of the term "self-insurance"; (3) updating the worksheet test using 1987 Census of Governments data; (4) deleting specific ratios from the test; (5) lowering the threshold level; and (6) the appropriateness of the worksheet test for non-general purpose local governments. The substance of the major comments received is briefly summarized below, followed by the Agency's rationale for accepting or rejecting the commenters' recommendations in the final worksheet test requirements.

(1) *Exclusion of Local Governments with Less than Investment Grade Debt.* One commenter believed the worksheet test should be available to all local governments, even those with outstanding debt rated below investment grade. The commenter reasoned that bond rating entities are not always accurate and, moreover, provide ratings that allow investors to assess a potential investment, a different purpose than assessing financial responsibility to respond to an UST release. The commenter stated that allowing use of the worksheet test would recognize these realities without undercutting the purpose of the test.

For reasons cited in the preamble to the proposed rule, however, EPA does not agree that local governments with bond ratings of less than investment grade should be eligible to use the worksheet test. The Agency notes that (1) failure to earn an investment rating is costly to local governments, (2) local governments have the incentive and ability to work with bond rating agencies to establish policies and procedures that would raise the bond ratings, and (3) the bond rating process involves a more detailed examination of local government financial condition than can be accomplished through a simple worksheet test.

(2) *Use of the Term "Self-insurance."* One commenter stated that State law might prohibit certain otherwise eligible government entities from using the worksheet test. The commenter noted that New York State law authorizes specific programs for self-insurance and that, because they have not been specially authorized for this purpose, component school districts cannot use the worksheet test (or, indeed, the bond rating test) to demonstrate the ability to self-insure.

EPA understands that the term "self-insurance" has specific legal meanings that may be limiting and has, therefore, modified the rule to delete references to "self-insurance." The modifications clarify that the use of the worksheet test mechanism is to demonstrate compliance with the financial responsibility regulations, and not to "self-insure."

(3) *Updating the Worksheet Test Using 1987 Census of Governments.* Although not proposing specific amendments to the worksheet, two commenters criticized the use of data from the 1982 Census of Governments in developing the worksheet test. One commenter believed that use of decade-old data could introduce inaccuracies in the results of the worksheet test. As an example, the commenter pointed out that changes in the financial practices of local governments, such as an increase in the size of new debt issues, could mean that the reality of what makes a local government financially strong is different now than it was in 1982.

EPA agrees with the commenter and, in response, has updated the analyses used to develop the worksheet test using data from the 1987 Census of Governments, which was not available when this rule was proposed. As further described below and in the Background Document, the new analyses show that the ratios included in the proposed worksheet test were highly correlated with similar factors in the analyses of both the 1982 and 1987 Census of Governments data, and that incorporation of the 1987 data did not significantly alter the structure of the worksheet test. In particular, EPA confirmed that ratios incorporating population (for example, total revenues per capita) and fiscal autonomy (e.g., local revenues to current expenditures) are important indicators of the relative financial strengths of governments. In addition, EPA has updated the worksheet to reflect changes in the means, standard deviations, and weights associated with each of the ratios.

(4) *Deleting Specific Ratios from the Worksheet Test.* One commenter urged the Agency to delete Factor 5, "local coverage" (local revenue to current expenses), from the worksheet test as inappropriate for use in assessing a local government's level of financial responsibility. The commenter argued that Factor 5 disadvantages those local governments that rely more heavily on State funding than others. While this factor is designed to measure local autonomy and the ability of local governments to redirect funds to meet the cost of UST releases, the commenter argued that a significant proportion of

the funds that local governments receive from States is not tied to specific purposes and may be used as the local government deems appropriate.

EPA believes that, because local governments do not control and cannot assure the continuance of State or Federal aid, local governments with a high dependence on non-local sources are less assured of the ability to respond to UST releases, whether the funds are dedicated to specific programs or not. The Agency notes that a local government may be weak in a particular variable but still pass the worksheet test. For example, a government with a high reliance on intergovernmental aid may still pass the worksheet test if its overall financial situation is predominantly sound as measured by the remaining variables. The selection of factors was developed through extensive statistical analysis of local government financial conditions. For reasons described below, however, the Agency has modified the proposed worksheet test to replace the ratio of local revenues to current expenditures with the ratio of local revenues to total revenues, an alternate ratio representative of "local coverage".

(5) *Lowering the Threshold Level.* One commenter recommended that the threshold value should be reduced from 15 to a maximum of 10 percent. The commenter argued that EPA's own statements in the preamble that local governments rarely go bankrupt, are not permitted to void obligations through bankruptcy, and generally possess the ability to meet financial obligations through taxation were inconsistent with the finding that 15 percent of local governments should be disqualified from using the worksheet test to demonstrate financial responsibility. In addition, the commenter believed that the worksheet analysis exaggerated the actual impacts likely to occur by not including consideration of incidence of UST ownership. The commenter reasoned that small local governments, the ones that are most likely to rely on a worksheet test, are much less likely to own USTs than larger local governments. Thus, the average impacts assumed exaggerate actual impacts likely to occur. The commenter concluded that these factors suggested that a 15 percent failure rate was too stringent, but that a maximum cutoff of 10 percent would recognize the reality of the financial strength of local governments.

The Agency notes that costs associated with clean-ups can range widely and that different standards cannot be applied to different owners. In fact, if standards were based on size of the local government, proportionately fewer smaller governments would be able to demonstrate financial responsibility because of the more limited total resources of small local governments. As shown in the background document, however, EPA believes that smaller governments are more likely to pass the worksheet test than are their larger counterparts. Consequently, the Agency believes its overall approach used to set the threshold is appropriate.

Two commenters pointed out that the difference between the 10 and 15 percent cutoffs in the Agency's analysis was not great. Another commenter stated that the threshold should be reconsidered or justified because the commenter did not believe the preamble or supporting documents contained evidence that 15 percent of local government entities are, in fact, financially unstable and, even if they are generally unstable, that they will be incapable of meeting their UST obligations.

As described below, the Agency has updated the worksheet test using the 1987 Census of Governments, including updated means, standard deviations, and weights for each ratio, as well as a reevaluation of the threshold level. Based on its review of the updated information, the Agency has determined that a threshold level that allows 90 percent of local governments to demonstrate financial responsibility based on the worksheet test represents a reasonable balance between the statutory requirement that UST owners demonstrate financial responsibility and the demonstrated stability of most local governments. Consequently, the Agency agrees with the commenters that a 10 percent threshold offers adequate safeguards.

(6) *Appropriateness of the Worksheet Test for Non-general Purpose Local Governments.* Two commenters stated that a financial test, such as the worksheet, designed to measure the financial strength of general purpose governments, is unsuitable for special purpose organizations such as airports, bridge and toll road authorities, and publicly-owned utilities. Unlike general purpose governments, one commenter argued, these so-called "proprietary" government entities conform to generally accepted accounting procedures similar to accounting systems employed in the private sector, rather than the modified accrual accounting terms and criteria appropriate to measure the success of a traditional government. Because the corporate test is similarly inappropriate for these special-purpose entities, the commenter requested that the Agency develop an alternative financial test for government entities required to use accrual accounting. The commenter suggested that the corporate test in 40 CFR 280.95, based on the accrual method, might be modified to take into account the substantially greater financial stability of publicly-owned utilities.

The Agency recognizes that specific data requirements preclude most special districts from using the worksheet test. In limited cases, however, some special districts (e.g., school districts that serve a specific population) may have the information necessary to complete the worksheet test (e.g., they can measure population). EPA believes that the new mechanisms, particularly with the inclusion of revenue bonds issued by special districts using the bond rating test, will allow most UST-owning governments to demonstrate financial responsibility without the need for an additional financial test targeted specifically at special districts.

Update of Worksheet Test Using 1987 Census of Governments

Although its basic features have not been modified, the Agency has updated the worksheet test using the 1987 Census of Governments. The procedures used to conduct the new analyses were the same as for the proposed rule, as documented in the preamble to the proposed rule and the background documents to this rulemaking, and as summarized below.

Starting with 78 different financial ratios and variables commonly used in financial analysis, the Agency used a statistical technique called "factor analysis" to group the variables. Factor analysis serves two purposes. First, it identifies underlying characteristics, or factors, that differentiate between the members of a population (in this case, between different counties, municipalities, and townships). Second, it tells how much of the difference (the "percent of variance explained") between the members of the population is accounted for by each factor. The Background Document contains a more detailed explanation of the statistical analyses performed, including the factor analysis.

The factor analysis identified a total of 15 factors that distinguish between local government entities. Based on its review of the results of the factor analysis, the Agency identified six factors that (1) captured the variation in financial performance of local governments and (2) appeared appropriate for the UST financial test. As with the proposed worksheet test,

the final worksheet test includes the following six factors: (1) Debt burden, (2) funds coverage, (3) outlays per capita, (4) funds per capita, (5) local coverage, and (6) revenues to expenses. In selecting the factors and variables to be included in the worksheet test, however, the Agency rejected size, because the Agency did not wish to exclude financially strong smaller local government entities simply because of size.

After selecting the factors to be represented in the worksheet, it was necessary to select the specific ratios to represent the factors. In choosing ratios, the Agency wished to (1) keep the total number of ratios to a manageable level, while (2) retaining as large a number of specific indicators as feasible. The final worksheet uses nine ratios, which include the variables (1) debt service, (2) total revenues, (3) total expenditures, (4) population, (5) total funds, and (6) local revenues. The ratios selected and the factors that they represent are presented below.

Factor 1—debt burden: debt service to total revenues.
Factor 2—funds coverage: total funds to total revenues; total funds to total expenses.
Factor 3—outlays per capita: total revenues per capita; total expenses per capita.
Factor 4—funds per capita: total funds per capita; debt service per capita.
Factor 5—local coverage: local revenues to total revenues.
Factor 6—revenues to expenses: total revenues to total expenses.

EPA found that, in general, the same ratios included in the proposed worksheet test were important in the factor analyses of both the 1982 and 1987 Census of Governments data. There is, however, one change to the worksheet test ratios as a result of the updated factor analysis. Factor 5, "local coverage", is now represented by the ratio of local revenues to total revenues rather than the ratio of local revenues to current expenses. The factor analysis of 1987 Census of Governments data found that the ratio of local revenues to total revenues was very highly correlated with Factor 5, while the ratio of local revenues to current expenses was correlated less highly and was also correlated with several different factors. The preamble to the proposed rule provides a detailed description of the importance of each of these factors. One other minor addition to the final test is inclusion of payments for retirement of debt principal (not just interest payments) in the calculation of total expenses. This was inadvertently omitted from the proposed rule. (EPA has modified the parameters of the test to reflect the revised definition of total expenses.)

Together, these factors provide a balanced view of the stability and financial strength of a local government entity. The Agency does not believe that any single factor or variable can provide a sufficient indication of overall financial stability. Specifically, EPA does not believe a focus on funds alone, without adequate safeguards, would provide as good an indication of the ability of local government entities to provide financial assurance for an UST release.

These factors serve to achieve the Agency's goal of identifying and eliminating those local government entities that have overall financial characteristics that are in the bottom fraction of all local government entities, and that may, therefore, be at sufficient risk of experiencing financial distress that would prevent them from meeting their UST obligations.

As described at proposal, in developing the worksheet the Agency determined that performance on the specific ratios selected to represent the six factors should be standardized so that all ratios are placed on an equal basis. This is done by calculating the "z-score" for each of the ratios in the test. The z-score of an individual ratio is calculated by first subtracting the mean, and then dividing by the standard deviation:

$$z = \frac{(\text{ratio} - \text{mean})}{\text{standard deviation}}$$

The distribution of the z-scores will always have a mean of 0 and a standard deviation of 1, thereby placing each variable in the index on a common level. To calculate a single index value, the z-scores are then weighted and added together; the weights are based on the percentage of variance explained by the underlying factors.

Selection of the Final Threshold Value

Having updated the financial index, the Agency then examined different threshold levels to determine a cut-off for selecting those local governments that have fiscal characteristics adequate to demonstrate financial responsibility to meet UST obligations. As described in the preamble to the proposed rule, EPA evaluated the impacts of a $1 million release to determine an appropriate threshold for allowing local governments to demonstrate financial responsibility through the worksheet test. In selecting a threshold, the Agency was guided by two important considerations: (1) most local governmental entities are expected to be able to meet their financial obligations under Subtitle I, so a cut-off threshold in the lower range (i.e., 1 to 30 percent) is appropriate, and (2) local governmental entities on the margin of the selected threshold should clearly be able to pay the emergency response and corrective action costs of an average UST release.

For purposes of the evaluation, EPA assumed that the release costs would be financed by a mortgage-type loan over a 20 year period at an interest rate of 10 percent. This interest rate is meant to be illustrative; local governments may be able to borrow at rates lower than 10 percent. Under a mortgage-type loan, repayment is made in equal annual installments consisting of both interest payments and principal repayment. The annual payment of a $1 million loan over 20 years at an interest rate of 10 percent is $117,459; the first year's payment consists of $100,000 interest and $17,459 principal repayment.

To evaluate whether a debt of $1 million would be too burdensome, the Agency considered the post-release performance on the nine ratios used to develop the index. The Agency paid specific attention to two financial parameters that financial institutions regularly use to evaluate prospective debtors: Debt service capability and accumulated funds. The Agency felt that it is important to consider the potential debtor's debt servicing capability because excessive debt would require excessive funds for debt servicing, which could result in a negative cash flow (expenditures greater than revenues) for weak debtors. Continuous negative cash flows increase the risk of financial instability in the short run and financial insolvency in the long run. It is important to consider the amount of accumulated funds available to a prospective debtor because a reserve of accumulated funds provides an extra "cushion" for those emergencies when routine cash flows are disrupted as a result of unforeseen circumstances. As long as a local government that is on the margin of the cut-off threshold being evaluated can demonstrate that it can service its debts and has a "cushion" of accumulated funds for emergencies, the Agency feels comfortable that it will be able to perform its routine business when faced with an UST release.

In its evaluation, however, the Agency did not use a precise yardstick for evaluating the impacts of a $1 million release. It is the Agency's belief that proposing a cut-off threshold that is applicable to the majority of local

governments with diverse size, demographic, and financial characteristics is more a matter of informed judgment than one of precise measurement.

Impacts were evaluated on the bottom 30 percent of all general purpose local governments in the 1987 Census of Governments with data sufficient to calculate the index score (11,487 governments). For each government, the following adjustments were made to 1987 financial performance in accordance with the definitions of terms used in calculating the index:

- Total expenses were increased by $117,459 (total incremental debt service);
- Current expenses were increased by $117,459 (total incremental debt service);
- Total debt was increased by $982,451 (loan amount of $1 million minus first-year principal repayment);
- Total funds were reduced by $117,459 (total incremental debt service); and
- Debt service was increased by $117,459 (total incremental debt service).

In essence, the evaluation was made as if the release had been incurred in 1987 and reflected in end-of-year financial data, with no adjustments made by the local government to redirect funds or to increase revenues.

After adjusting the financial values, each of the nine ratios in the index test was recalculated. Impacts were examined by looking at the "marginal" local governments at each threshold in one percent increments. That is, to evaluate the effects of selecting a threshold of −6.425 (the index value exceeded by 95 percent of all general purpose local governments), EPA examined the 383 local governments scoring between −6.425 and −6.043 (the index value exceeded by 94 percent of all local governments). The remainder of this discussion presents results of the "post-release" ratios for each of five different threshold levels: −6.425, −4.937, −3.990, −3.242, and −2.586. Details of the results are provided in the Background Document supporting this rule.

It should be noted that no attempt was made to weight the potential impacts in terms of the likelihood of UST ownership. That is, although only about 2,764 of the 26,189 general purpose local governments serving fewer than 2,500 residents are believed to own USTs, the release costs were imposed on all local governments.[11] Consequently, the average impacts shown exaggerate the actual impacts likely to occur. (Nevertheless, an individual government experiencing an UST release may experience the full effects assumed in estimating the average impacts.) Also, the results assume that the local governments make no efforts to mitigate the financial impacts, either through increasing taxes and fees or reducing other expenditures.

Because the index ranks local governments in terms of a smooth array, there is unlikely to be a single value at which clear differences in performance appear. Instead, an evaluation of impacts is likely to show increasing performance and ability to accommodate the costs of an UST release with increasing threshold value.

Evaluation of Threshold of −6.425. The marginal local governments meeting a threshold of −6.425 (those between the fifth and sixth percentiles on the index test) have an average post-release fund balance of about $3,052,000 and a median post-release fund balance of about −$49,000.[12,13] About 62 percent of the marginal local governments have a negative fund balance, with the median of total funds per capita equal to −$46. The median debt service per capita is $167. The median ratio of local revenues to total revenues equals 32 percent. For the median local government, total revenues are about 47 percent of total expenditures.

Evaluation of Threshold of −4.937. With an increase in threshold to −4.937 (corresponding to the 10 percentile value), the average post-release fund balance of the marginal local governments is $1,673,000 and the median post-release fund balance increases to −$34,400. The percentage of local governments with negative cash balances improves to about 56 percent. The median ratio of total funds per capita improves marginally to −$25. The median annual debt service per capita decreases to $131. The median ratio of locally derived revenues to total revenues increases to 40 percent, whereas the median ratio of total revenues to total expenses increases slightly to about 49 percent.

Evaluation of Threshold of −3.990. When the minimum score is changed to −3.990 (corresponding to the 15 percentile value), the average post-release fund balance is $4,180,000 and the median fund balance decreases slightly to about −$35,000. The percentage of local governments with negative fund balances increases slightly, to about 58 percent, while the median ratio of funds per capita improves slightly to −$24. The median ratio of debt service per capita decreases to $127. The median ratio of local revenues to revenues increases to 47 percent, whereas the median of total revenues to total expenses decreases slightly to 48 percent.

Evaluation of Threshold of −3.242. At a threshold of −3.242 (corresponding to the 20 percentile value), the average post-release fund balance is $5,693,000 and the median post-release fund balance increases to about −$20,000. The percentage of local governments with negative fund balances decreases to 55 percent, while the median fund balance per capita increases to −$14. The median ratio of debt service per capita decreases to $119. The median ratio of local revenues to total revenues increases to 52 percent, whereas the ratio of total revenues to total expenses remains steady at 48 percent.

Evaluation of Threshold at −2.586. At a threshold of −2.586 (corresponding to the 25 percentile value), the average post-release fund balance is $6,651,000 and the median post-release fund balance improves to about −$15,000. The percentage of local governments with negative fund balances decreases to 52 percent. The median ratio of fund balance to population improves to $10. The median value of debt service per capita increases slightly to $123. Local governments show increasing coverage of their expenses, including an increase in the median ratio of local revenues to total revenues to 57 percent and in the median ratio of total revenues to total expenses to about 54 percent.

Analysis of Impacts on Households. EPA has considered the impacts of tank closures that may be caused by the inability of local governments to demonstrate financial responsibility. EPA estimated the impacts on households of compliance with the financial responsibility requirements for the median size, marginal government at each threshold examined. EPA estimates that the median "marginal" general purpose government (by population) at the 5 percentile threshold serves

[11] EPA, "Economic Impact Analysis of Additional Mechanisms for Local Government Entities to Demonstrate Financial Responsibility for Underground Storage Tanks," EPA Office of Underground Storage Tanks, November 1992.

[12] A threshold value set at the 5 percentile would exclude the local governments with index values in the lowest five percent and would include the remaining 95 percent. A threshold value set at the 10 percentile would be more stringent—it would exclude the local governments with index values in the lowest 10 percent, and allow only those local governments with index values in the upper 90 percent to pass the worksheet test.

[13] The median value is the value for which half of the local governments have a higher value, and half have a lower value.

approximately 1,011 residents, or 389 households. EPA's analysis of UST ownership patterns suggests that governments of this size own an average of 1.1 USTs. Based on an average present value cost per UST closure of $7,000, the residents would incur an estimated present value cost of $19.80 per household.[14] The present value of closure costs are estimated to range from $18.00 to $54.00 per household for residents served by median governments owning one to three USTs, respectively.

Based on the average number of USTs owned by the median "marginal" general purpose local government at the 10 percentile, the costs to governments required to close their USTs are estimated to be $15.81 per household. Costs may range from $14.37 to $43.11 per household for residents served by median governments owning one to three USTs, respectively.

Based on the average number of USTs owned by the median "marginal" general purpose local government at the 15 percentile, the costs to governments required to close their USTs are estimated to be $16.81 per household. Costs may range from $15.28 to $45.86 per household for residents served by median governments owning one to three USTs, respectively.

Based on the average number of USTs owned by the median "marginal" general purpose local government at the 20 percentile, the costs to governments required to close their USTs are estimated to be $14.95 per household. Cost may range from $13.59 to $40.78 per household for residents served by median governments owning one to three USTs, respectively.

Based on the average number of USTs owned by the median "marginal" general purpose local government at the 25 percentile, the costs to governments required to close their USTs are estimated to be $13.90 per household. Costs may range from $12.64 to $37.91 per household for residents served by median governments owning one to three USTs, respectively.

These estimates tend to exaggerate the costs per household, because they use the total estimated aggregate cost over a ten-year period. Consequently, they represent the cost to households if the entire cost associated with closing USTs were incurred and levied in a single year, rather than paid out over time.

Summary. Based on its review, the Agency has concluded that there are significant improvements in the "post-release" financial conditions of governments as the threshold is increased to about the 10 percentile, modest improvements as the threshold is increased from about the 10 percentile to the 20 percentile, and further increases beyond the 20 percentile. Because the extent of the increases from the 10 to the 15 percentile is minor, the Agency has determined that a threshold level of 10 percent provides adequate safeguards, and is consistent with statutory intent.

3. Governmental Guarantee (§ 280.106)

In today's rule, EPA is providing for the use of a guarantee mechanism for governmental entities. This mechanism, although not strictly a "self-test" mechanism, provides local government entities with a financial assurance mechanism comparable to the corporate guarantee allowed for private owners and operators of USTs. To be eligible to act as a guarantor, a local government entity must pass the bond rating or worksheet test.

The governmental guarantee differs in several respects from the current corporate guarantee. Under the governmental guarantee, local governments would be allowed to choose between a guarantee with or without a standby trust requirement. Under the corporate guarantee, firms are required to use a standby trust. If a local government chooses the governmental guarantee without the standby trust option, it is required to pay for corrective actions as needed and as directed by the implementing agency. Under the standby trust option, local governments will be required to fund a separate trust fund to the full amount of coverage upon discovery of a release. Again, the Agency's decision to allow local governments the option of a guarantee without the standby trust fund is based on local governments' history of meeting obligations and on their ability to consistently raise revenue through taxation. In addition, the governmental guarantee requires that the local governments entering into the agreement demonstrate a "substantial governmental relationship." This parallels the requirement in the corporate guarantee for a "substantial business relationship," while recognizing that the types of relationships between governments is fundamentally different than business relationships and that they are primarily based on common or overlapping constituencies.

The requirement of a "substantial governmental relationship" reflects two concerns of the Agency. First, EPA wishes to ensure that the guarantee contract is founded on a sufficient basis to be held valid and enforceable. Second, EPA seeks to avoid conflict with State insurance laws and regulations. The existence of a "substantial governmental relationship" should provide sufficient nonmonetary consideration to address these concerns.

One commenter supported the requirement for a substantial governmental relationship, stating that the governmental guarantee mechanism needs to be based on a substantial governmental relationship, and that the relationship should incorporate the full faith and credit of the guaranteeing agency.

One commenter asked whether, in States that allow intergovernmental risk pooling, the contractual relationship of a pool to provide safety and risk management services in addition to risk pooling would be recognized as a "substantial governmental relationship," thereby allowing existing pools to act as guarantors to their members. EPA does not believe that a risk pool should be allowed to operate as a guarantor, because the nature of the relationship is strictly monetary and does not necessarily involve a substantial governmental relationship. It should also be noted that risk pools can be included as compliance mechanisms on a state-by-state basis as state-required mechanisms.

Another commenter claimed that EPA should explicitly recognize the relationship between a "joint action agency" and its member publicly-owned utilities as a "substantial governmental relationship", thus allowing these entities to qualify for use of the governmental guarantee mechanism. The commenter reasoned that these agencies, not-for-profit entities created by State law to allow publicly-owned utilities to combine resources for various purposes, could include the provision of a guarantee of UST financial responsibility within their operation. EPA has concluded that because joint action agencies are non-profit organizations and not governmental entities, they are not eligible to act as guarantors.

A guarantee is a promise by one party (the guarantor) to pay specified debts or satisfy the specified obligations of another party (the principal) in the event that the principal fails to satisfy its debts or obligations. In the corporate guarantee, if the owner or operator fails

[14] As discussed in the EIA, the present value cost of closure includes the costs of closure associated with the technical standards (e.g., tank excavation and removal, product removal, and site assessment), plus the present value of the incremental cost of fuel purchased at retail service stations, minus the present value of the expected cost of corrective action for UST releases if the USTs were not closed.

VOL 58 ISS 31 FE 18 1993 UMI

to perform corrective action or satisfy third-party claims, the guarantor agrees to fund a standby trust from which the implementing agency will direct the payment of corrective action costs or third-party claims.

EPA believes that the guarantee mechanism would work well for governments, and is establishing two possible constructions for such a mechanism (discussed below). Using this mechanism, a municipality, for example, might obtain a guarantee from the State, a town might obtain a guarantee from the surrounding county or parish, or a special district might obtain the guarantee of the sponsoring local government entity. Guarantors must demonstrate that they are qualified to provide financial assurance by satisfying the bond rating test under 40 CFR 280.104, the worksheet test under 40 CFR 280.105, or the fully-funded fund balance test under 40 CFR 280.107.

Several commenters supported the inclusion of the governmental guarantee mechanism, although some also noted specific cases where the mechanism might not be applicable. Two commenters did not believe that the mechanism would be used by certain classes of government entities, arguing that special districts would be unable to obtain guarantees from local governments and that local governments would be unable to obtain guarantees from their State governments.

EPA believes that the guarantee is likely to be used primarily by governments with close and long-standing ties. The Agency emphasizes that the guarantee mechanism was developed to allow governments with common interests to cooperate to keep necessary USTs in operation. The mechanism is not intended to require any government to act as a guarantor. Nevertheless, if even a small number of governments are able to qualify using this mechanism, it will serve the purpose intended.

Commenters agreed that the guarantor should not be required to fund a standby trust, arguing that (1) a standby trust is not appropriate for local governments, given their strong history of meeting their financial obligations and their ability to raise revenue consistently, (2) a standby trust was unnecessary for guarantees among governmental entities, and would add unnecessary paperwork and administrative costs that were contrary to the Agency's goal of reducing the burden on local government, and (3) the governmental guarantee would not necessarily be similar to a corporate guarantee because of State-by-State differences in statutory restrictions. EPA agrees with the commenters and has allowed for use of a governmental guarantee with or without a stand-by trust fund.

One commenter stated that certification by a State Attorney General was necessary because some States could presumably prohibit or restrict the ability of a municipal government to make such a guarantee. Another commenter supported the Agency's decision not to require a State Attorney General's certificate attesting to the legality of the governmental guarantee. The commenter agreed with the Agency that the added degree of certainty provided by this requirement was appropriate in the case of a corporate guarantee, but was unnecessary for guarantees among governmental entities, and would burden local governments with unnecessary paperwork and costs.

The Agency is not requiring certification by the State Attorney General prior to offering the guarantee. Local governments have strictly defined and enforced limitations on their abilities to enter into contracts. These limitations are codified in State law and constitution and vary by State. The Agency believes that these restrictions imposed on local government entities should, in general, act as a sufficient check to prevent local governments from entering into invalid guarantees, and that the nature and purpose of local governments will prevent the issuance of guarantees unless there is a clear governmental interest.

Because the Agency wants to avoid unnecessary paperwork and burden on the part of local governments, EPA intends to keep the rule as proposed. EPA encourages governments wishing to use the guarantee to seek clarification of their authority if they are unsure of whether they may issue guarantees.

EPA solicited comments on whether passing the fund balance test should qualify governmental entities to act as guarantors. The sole commenter on this issue stated that a government passing the fund balance test should qualify to act as a guarantor, assuming that State statute permitted a governmental entity to be a guarantor. After further review, EPA has decided that allowing governments using the fund balance mechanism to act as guarantors would be consistent with the overall approach taken in the development of the new mechanisms. The Agency has, therefore, modified the proposed rule to allow the fully-funded fund balance mechanism to serve as the basis for a governmental guarantee.

Government Guarantee With Standby Trust

The first alternative governmental guarantee parallels the corporate guarantee, in that it must include a pledge to fund a standby trust in the event of failure by the UST owner or operator to pay corrective action or third-party liability claims. In today's rule, the guarantor must have legal authority to issue the guarantee. The Agency anticipates that most guarantees will be based on a clear and significant governmental relationship such as overlapping geographical boundaries, taxing or service constituencies, or shared impact from an UST release

Government Guarantee Without Standby Trust Requirements

In a governmental guarantee without a standby trust requirement, the guarantor agrees to provide funds for corrective action and third-party compensation as directed by the implementing agency on an on-going basis, up to the limits of the guarantee. Rather than fully funding a standby trust, the guarantor would make the payments directly as funds are required.

The current corporate guarantee requires the establishment of a standby trust, and requires a guarantor to fund the trust (1) after notification that a guarantee will be cancelled if a release has been detected and no alternate coverage has been obtained, or (2) when a release has occurred and the owner or operator has failed to perform corrective action or payment of a settlement or judgment for third-party liability. The corporate guarantee requires funding of a standby trust for several reasons. First, the issuance of a guarantee is founded on the existence of a substantial business relationship; such relationships are subject to change over time. Second, the underlying mechanism used by the guarantor depends primarily on the existence of readily liquidated assets, rather than on-going financial strength. Consequently, the Agency wishes to insure that the funds are made available before adverse events can occur. Third, the Agency wishes to reduce the potential delay involved in enforcing first against the UST owner or operator, and then against the guarantor for payment.

These concerns are mitigated under the governmental guarantee. First, the Agency believes that the governmental relationships that are likely to lead to the issuance of guarantees will be founded on geographical proximity and service to a common constituency. These relationships are not subject to rapid change. Second, the Agency

recognizes in this rule that local government entities, as a class, have greater financial stability than private corporations. It is, therefore, less critical to obtain funds immediately to pay for contingent liabilities (such as payment of third-party claims) that may not occur. Third, the Agency recognizes the difference in purpose between governmental and private organizations, specifically the role of local governments to serve the public. This service orientation may make local governments more likely to fulfill their financial obligations. Consequently, the Agency has less concern that the absence of a standby trust will result in a delay in securing cleanup actions by local government owners or operators. With its modified structure, the mechanism permits a "pay-as-you-go" approach. These provisions allow a guarantor to fund corrective action costs as they are incurred, instead of requiring the guarantor to fund the standby trust fully in advance of anticipated expenditures.

Commenters on this issue agree that the governmental guarantee provides adequate safeguards without the need for creation of a standby trust fund.

4. Maintenance of a Fund Balance (§ 280.107)

Under this option, the UST owner or operator would create a dedicated fund specifically for UST releases or general catastrophic events. The dedicated fund must meet the local government's aggregate financial responsibility requirements (or such amount needed to fulfill gaps in financial responsibility from other mechanisms used in combination with the funded balance). Use of the fund balance mechanism requires local governmental entities to establish irrevocable trusts pledged to use for UST response or use in responding to catastrophic events, including UST releases.

Control of the fund would continue to rest with the local government entity. Control and accounting for these funds would be administered following the standards appropriate for other insurance trusts already maintained by local government entities, including pension trusts and worker's compensation funds.

The fund balances must be held as cash or investment securities that will be available in the event of an UST release and must be irrevocably dedicated to use for UST response or for responding to catastrophic events, including UST releases. As discussed below, the Agency is providing three alternatives that may be used in establishing the fund.

Based on an analysis of Census data and data on Minnesota cities, the Agency believes that the fund balance mechanism is unlikely to be used widely by general purpose governments, because few who require an alternative mechanism to the bond rating and worksheet tests have adequate funds.[15] The fund balance mechanism may prove more useful for special districts and school districts that may not be able to use the worksheet test. The inclusion of a fund balance mechanism as a financial assurance option should increase the flexibility provided owners and operators in demonstrating financial assurance. Today EPA is providing the following three sub-options, any one of which may be used to demonstrate financial responsibility.

Fully-Funded Dedicated Fund

Under this alternative, the local government would establish a separate fund, dedicated to payment of UST corrective actions and third-party liability claims, in the amount of its aggregate financial responsibility requirements. The fund balance must be established as an irrevocable fiduciary or trust account, with proceeds invested in cash or readily marketable securities. This mechanism would be the most similar to the corporate trust fund option (§ 280.102 of subpart H) and is intended to be similar to "trust accounts" and "insurance accounts" held by local governments for pensions and insurance. Although there are currently no restrictions to local governments using the trust fund option under § 280.102, the fully-funded dedicated fund option would not require the local government to establish a third-party trustee for the fund. Instead, the fund would be administered by the treasurer or chief financial officer of the local government entity as a separate trust account.

Catastrophic Events Contingency Fund

Under this option, a municipality would be able to use a dedicated fund used for general emergency response and third-party liability (e.g., flood relief, hurricane relief, or other environmental cleanups) as evidence of UST financial responsibility. In the proposed rule, EPA required that a fund used to cover both UST costs and other emergency costs incurred by local governments be funded in the amount of $10 million to qualify as a mechanism for demonstrating financial responsibility. Numerous commenters requested that EPA reduce the required size of a combined emergency response fund. EPA conducted a limited survey of nine governments to determine the prevalence and typical size of emergency response funds.[16] The Agency found that most funds are relatively small (less than $5 million). Based on those findings, EPA has reduced the required size of a combined emergency response fund to $5 million. In making this determination, the Agency considered that, when a local government draws upon its emergency response fund, it must replenish the fund in order to be prepared to meet the costs of the next emergency that may arise. It should be noted that local governments may establish a dedicated fund equal to their aggregate annual UST liability if doing so requires sequestering less money.

A combined fund balance of $5 million will equal or exceed five times the aggregate financial assurance level for most local government entities, based on the number of USTs owned and operated. This requirement is analogous to the requirement in the corporate self-test that firms must have tangible net worth equal to at least ten times their aggregate financial assurance level. The fund balance must be established as an irrevocable fiduciary or trust account, with proceeds invested in cash or readily marketable securities. The fund may be administered by the treasurer or chief financial officer of the local government entity as a separate trust account.

In establishing this option, the Agency recognizes that States often permit local governments to administer fiduciary and trust accounts, such as pension funds and workers' compensation funds, while requiring private companies to establish third-party trustees or to subscribe to State-maintained funds. EPA believes the distinction between local government entities and private companies reflects differences in State oversight (e.g., State requirements that local government entities submit budgets or financial statements), differences in purpose (i.e., companies exist to make profits, whereas local government entities are created to provide a public service), and differences in financial stability.

The Agency is including this option to allow municipalities flexibility in establishing emergency response funds while ensuring that adequate funds are

[15] State Auditor of Minnesota, "Report of the State Auditor of Minnesota on the Revenues, Expenditures, and Debt of the Cities in Minnesota for the Fiscal Year Ended December 1987," November 1988.

[16] Memorandum from James Dickson, Rebecca Holmes, and William Driscoll, ICF Incorporated, to Andrea Osborne, EPA Office of Underground Storage Tanks, "Local Government Emergency Response Funds," October 13, 1992.

available to respond to an UST release. Although the Agency lacks data on municipal expenditures for general emergency response and third-party liability, it believes the $5 million requirement will assure the availability of funds for any number of UST releases should other catastrophic events occur in the same year. Thus, although the fund would not be solely dedicated to responding to UST releases, the required fund balance of five times the requirement for a dedicated UST fund will assure adequate resources to respond to an UST emergency. (UST clean-up costs currently average between $100,000–$150,000.)

Three commenters criticized the $10 million fund balance that would have been required in the proposed rule, arguing that (1) the funding level required by the catastrophic events contingency fund was too inflexible for local governments to use the option, (2) only a handful of existing utility funds that are or can be used to respond to releases currently meet the $10 million requirement, and (3) a fund balance level of $10 million would be infeasible for most transit systems. Some commenters argued that a lesser amount (e.g., three times the requirement for a dedicated UST fund) would be adequate for a general catastrophic events contingency fund.

The Agency emphasizes that the combined fund balance alternative was developed as an administrative convenience for those governments that already maintain large contingency funds. The Agency's primary concern is to ensure that funds will be available to meet the costs associated with UST releases. The Agency notes that a government able to reserve only three times the required amount (i.e., $3 million), as suggested by one commenter, could establish a $1 million UST emergency response fund and a separate $2 million catastrophic events fund. If commenters are correct that a combined $3 million fund would be adequate to meet all requirements of the catastrophic events fund while reserving the $1 million necessary to demonstrate financial responsibility, then a $2 million fund reserved for catastrophic events other than UST releases would be adequate to meet those costs. As discussed below, the Agency has determined that local governments have minimal financial incentives to commingle funds designated for UST-related costs with other funds.

Incrementally Funded Trust Fund Combined With Unused Bonding Authority

Under this option, a municipality would be required to fund a dedicated fund for UST releases incrementally, making payments equal to at least one-seventh of the aggregate liability each year. A municipality using this alternative must fully fund the trust fund by the beginning of the seventh year. The fund balance must be established as an irrevocable fiduciary or trust account, with proceeds invested in cash or readily marketable securities. The fund may be administered by the treasurer or chief financial officer of the local government entity as a separate trust account.

In addition, until the dedicated fund is fully funded, the municipality is required to demonstrate the authority to issue a specified amount of general obligation bonds to respond to an UST release. The authority may consist of either a voter-approved bond referendum specifically targeted for payment of the costs associated with an UST release, or certification from the State Attorney General that the government has the authority to issue the bonds without voter approval and that the proceeds of these bonds can be used to respond to an UST release. The Agency is requiring the unused bonding authority to ensure that municipalities have resources to respond to UST releases while allowing them to develop a dedicated fund over time.

The Agency believes this mechanism is appropriate for local government entities, but not private companies, for several reasons. First, local governments operate under statutory and constitutional limitations on debt issuance. By requiring prior voter approval or certification that such approval is not necessary, the Agency is relying on safeguards that do not exist for private companies. Second, local government entities exist to provide public services, whereas private companies do not. Third, local government entities have historically been much more stable than private companies. Fourth, local government entities have an ability to levy taxes or raise fees and charges that is not available to private companies.

In developing this option, the Agency learned that local government entities will frequently obtain a bond referendum before incurring costs related to specific projects, such as construction projects, and will delay the issuance of the bonds until the funds are needed. The Agency was also informed that New York law allows local governments to issue debt to pay certain obligations without passing a bond referendum. The Agency is also considering that the Tax Reform Act of 1986 penalizes local government entities for investing the proceeds of tax exempt bond issues. Thus, the Agency recognizes that there is both a precedent for having unused bonding authority and an incentive not to issue bonds unless necessary for actual payment of debts.

Commenters support the option of allowing use of a funded balance. One commenter noted that the availability of this option would give public entities greater flexibility in meeting their responsibilities under the financial responsibility requirements. Another commenter favored an incrementally funded trust fund as a possible financial assurance mechanism for local governments.

Two commenters identified particular situations in which local governments could be prohibited by State law from using a funded balance as a financial assurance mechanism. The Agency reiterates that it has provided multiple financial responsibility mechanisms to increase the options available to local governments so that each governmental entity can choose the mechanism most appropriate to its needs. EPA believes that State laws prohibiting the use of any of the mechanisms is consistent with the State Program Approval process, which allows States to set more stringent standards. EPA recognizes that limitations imposed by some States may act to disallow some or all of the mechanisms provided in the rule.

One commenter requested the Agency to clarify that an order or resolution of the governing body of a publicly-owned electric utility satisfies the requirement for an "order dedicating the fund." The commenter noted that this governing body would be the same entity which, for the vast majority of publicly-owned utilities, sets customer rates (e.g., a board of directors, commissioners or supervisors, or a city council).

EPA has determined that the legal authority of a municipal utility or other municipal corporation is specified in the State charter establishing the municipal corporation. Therefore, a dedicated fund for UST corrective actions may be established through a local government order by any municipal utility, or other municipal corporation, or special district whose State charter grants the authority to issue an order establishing such a fund. In their State charters, municipal corporations are granted express powers to conduct their primary business, and implied powers to carry out those

actions that are incidental and essential to the conduct of their business. Because meeting statutory and regulatory requirements are both incidental and essential to the operation of a municipal utility, it would appear that, in general, the board of directors of a municipal utility would have the legal authority to establish an UST trust fund. Because the specific authorities of municipal utilities may vary from State to State, however, and because within a State, each charter may be unique, it may be appropriate for the board of a municipal utility to obtain the advice of legal counsel before voting to establish a dedicated fund for UST corrective actions. The Agency notes, for example, that public comments on the proposed rule claim that a New York statute expressly prohibits the creation of emergency response funds by school districts and Boards of Cooperative Education.

One commenter requested clarification of the requirement that dedicated funds cannot be commingled or otherwise used in normal operations, presumably because the term "normal operations" is not defined or described in the rule or preamble. The commenter also points out that, while the commingling requirement appeared in the preamble, it was not written into the rule itself.

EPA's intent in allowing local governments to establish a dedicated fund for UST corrective actions was to reduce the burden on and cost to local governments by not requiring a third-party trust fund. Whereas a third-party trust fund was authorized for use by non-governmental owners and operators, a third-party requirement for local governments was not considered necessary because of the experience of local governments in establishing and administering such funds. Nevertheless, EPA is concerned that funds reserved for meeting the costs of corrective actions and third-party liabilities associated with UST releases be easily identifiable and readily available.

On the issue of commingling funds, EPA has found that the investment options typically available to local governments offer minimally higher returns with larger deposits. Moreover, deposits larger than $100,000 would not be insured by the Federal Deposit Insurance Corporation, exposing a commingled fund to the risk of bank failure unless alternative insurance were obtained (e.g., from an agency or State government). Commingling funds may not be practical for local governments that seek to obtain higher returns on deposits by having a bank's trust department actively manage their assets, because the timing of cash needs from an operational fund and from a trust fund are so widely divergent that a prudent manager would select a different mix of investment instruments for the two funds, and consequently would establish separate funds.

Because of the minimum income gains potentially available through commingling funds, as well as insurance and asset management considerations, EPA has concluded that the potential gains from commingling accounts do not outweigh the associated costs. EPA has modified the language in the rule to reflect this concern: money held for the purposes of demonstrating financial responsibility must be held in a separate account dedicated either to UST responses in particular or to emergency and catastrophic events in general.

5. Combinations of Mechanisms

The mechanisms being provided today may be used by themselves or in combination with other mechanisms. Local governments qualifying for use of the bond rating or worksheet test mechanisms are not required to obtain additional evidence of financial responsibility, but may do so if they so choose. A guarantee or dedicated fund balance may be used to demonstrate financial responsibility for amounts not assured by other mechanisms.

B. Reporting by Owner or Operator

Each government demonstrating financial assurance using the mechanisms promulgated today must notify the implementing agency at the times specified in § 280.110.

C. Recordkeeping

Owners and operators are required to maintain evidence of all financial assurance mechanisms used to demonstrate financial responsibility under this subpart until the tank has been properly closed or, if corrective action is required, until corrective action has been completed and the tank has been properly closed as required by 40 CFR Part 280, Subpart G. In general, the recordkeeping requirements for the mechanisms being promulgated today are equivalent to those required for the mechanisms promulgated in the October 1988 rule. Because local governments are not uniformly required to submit data to third-party agencies, however, local governments using the worksheet test must maintain a copy of the underlying financial statements or other data used to support the use of the worksheet test. Also, local government owners and operators must maintain evidence of the authority that is used to establish dedicated funds for use in responding to UST releases. An owner or operator using the mechanisms promulgated today is required to maintain at his UST site or his office the following types of evidence for mechanisms used to demonstrate financial responsibility:

Bond Rating Test. Each local government using the bond rating test must maintain

(1) A letter signed by the chief financial officer (e.g., comptroller, controller, or treasurer) certifying the eligibility to use the bond rating test, and

(2) Originally signed and dated transmission from Moody's or Standard & Poor's, showing the amount, the type of bond and the bond rating assigned.

Such evidence must be on file on site or at the place of business no later than 120 days after the close of each fiscal year.

Worksheet Test. Each local government using the worksheet test must maintain

(1) A letter signed by the chief financial officer (e.g., comptroller, controller, or treasurer) certifying the accuracy of the calculations and the underlying data,

(2) A copy of the completed worksheet, and

(3) A copy of the underlying financial data (e.g., year-end financial statements) used to compute the worksheet.

Such evidence must be on file on site or at the place of business no later than 120 days after the close of each fiscal year.

Guarantee. Each local government using the guarantee must maintain

(1) A letter signed by the chief financial officer (e.g., comptroller, controller, or treasurer) certifying the use of the guarantee,

(2) An originally signed and dated guarantee contract, showing the addresses of all tanks for which financial assurance is guaranteed, the nature of the guarantee (third-party liability, corrective action, or both), and the limits of the guarantee,

(3) A letter signed by the chief financial officer (e.g., comptroller, controller, or treasurer) of the guarantor certifying (1) the eligibility to use the bond rating test (unless the guarantor is a State), (2) the eligibility to use the worksheet test (unless the guarantor is a State), or (3) the existence of a dedicated UST or emergency response trust fund meeting the requirements of § 280.107,

(4) For guarantors other than States, a copy of the documentation supporting

VOL 58 ISS 31 FE 18 1993 UMI

the bond rating or worksheet test, including (a) a copy of the originally signed and dated transmission from Moody's or Standard & Poor's to the guarantor, showing the issue size, the type of bond and the bond rating assigned, or (b) a copy of the completed worksheet and underlying financial data, and

(5) Originally signed duplicates of the standby trust funds worded as specified in this rule for guarantees, surety bonds, or letters of credit (as necessary).

Such evidence must be on file on site or at the place of business no later than 120 days after the close of each fiscal year.

Fund Balance. Each local government using the fund balance mechanism must maintain

(1) A letter signed by the chief financial officer (e.g., comptroller, controller, or treasurer) certifying the use of the fund balance mechanism,

(2) Originally-signed letter certification from the comptroller or treasurer worded as specified in the rule and letters or certificates from municipalities regarding coverage by municipal funds or other municipal assurances,

(3) A copy of the authorizing statute or resolution that clearly restricts use of the funds to the designated purposes,

(4) A financial statement showing the balance of cash or liquid investments in the fund, and

(5) A copy of either (a) the authorized bond resolution in an amount equalling or exceeding the unfunded portion of the fund or (b) State Attorney General's opinion showing that such authorization is unnecessary.

Such evidence must be on file on site or at the place of business no later than 120 days after the close of each fiscal year.

One commenter asserted that the proposed recordkeeping provisions were generally reasonable and did not represent an undue hardship to local government entities. Another commenter stated that the recordkeeping requirements of the proposed rule would be burdensome. The commenter indicated that requiring local government entities to be able to present evidence of financial capability upon request would be a suitable substitute for the proposed recordkeeping and reporting requirements.

The Agency emphasizes that there is no routine reporting requirement, but that the need to determine compliance with the requirements on an annual basis is considered to be a fundamental part of the rule. Records are to be retained by local governments and must be provided only when (1) a release occurs, (2) the local government becomes ineligible for a financial responsibility mechanism that it is using, (3) the local government installs a new tank, or (4) records are requested by the implementing agency.

D. Bankruptcy or Other Incapacity of the Owner or Operator

Any owner or operator named as a debtor in voluntary or involuntary bankruptcy proceedings (under Title 9 of the U.S. Code) is required to notify the Regional Administrator or the implementing agency within 10 days after commencement of such proceeding. In addition, any guarantor or indemnitor is required to notify the owner or operator by certified mail within 10 days after commencement of a voluntary or involuntary proceeding under Title 9 (Bankruptcy) of the U.S. Code that names such guarantor or indemnitor as debtor. Any owner who demonstrates financial responsibility using a third-party mechanism will be deemed to be without the required financial assurance in the event of a bankruptcy or incapacity of its provider of financial assurance, or a suspension or revocation of the authority of a provider to issue the mechanism relied upon (e.g., guarantee, indemnity contract, surety bond, insurance policy, risk retention group coverage policy, letter of credit, or State-required mechanism). Finally, municipalities are required to notify the Director of the implementing agency within 30 days of being notified that a provider of financial assurance (e.g., a guarantor) has declared bankruptcy or is otherwise incapable to cover assured costs, unless they are able to obtain alternative coverage.

V. Economic Impact Analysis

In conjunction with this rule, the Agency has performed three impact analyses: an Economic Impact Analysis, a Federalism Assessment, and a Paperwork Reduction Act estimate. Summaries of these analyses are presented below:

A. Economic Impact Analysis

This section describes the methodology and results of an Economic Impact Analysis of the rule. EPA estimates that about 2,300 local governmental entities will be able to demonstrate financial responsibility using the mechanisms promulgated today that would not be able to demonstrate financial responsibility using only the mechanisms allowed by the October 1988 rule. The Agency estimates that the use of these mechanisms will result in approximately 5,700 fewer USTs being closed because of a lack of financial assurance. The Agency estimates the total annualized cost savings to be about $4.5 million, with a present value of about $32 million over ten years, in constant 1987 dollars.

1. Compliance With Executive Order 12291

Executive Order 12291 (46 FR 13193, February 19, 1981) requires that a regulatory agency examine the potential impact of regulations. The regulatory agency must determine whether a new regulation will be "major." If it is, the regulatory agency must conduct a regulatory impact analysis (RIA). A major rule is defined as one that is likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in the costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA has analyzed the local government financial responsibility rule. Based on this analysis, the Agency has concluded that this regulation will have an annual effect of less than $100 million. The rule is expected to reduce costs to the regulated community; these reductions are estimated to be less than $100 million on an annual basis. Accordingly, the regulation being promulgated today is not a major rule, as defined by Executive Order 12291. Nonetheless, the Agency is interested in the potential economic effects of the regulation and has developed an Economic Impact Analysis (EIA) to examine them. The following four sections summarize the results of the EIA: Section 2 describes the regulated community affected by this regulation; Section 3 presents some of the methods and assumptions used to produce the EIA; Section 4 discusses the regulation's cost impacts; and Section 5 describes its environmental impacts.

2. The Affected Community

EPA estimates that approximately 25,000 local government entities own more than 62,000 petroleum-containing USTs. For the purpose of this analysis, the regulated community is divided into eight categories: very large, large,

medium, and small general purpose governments (i.e., cities, counties, and townships); and very large, large, medium, and small special purpose districts (including, for example, independent school districts and water districts). General purpose governments were grouped according to population: very large governments serve more than 50,000 persons; large governments serve more than 10,000 and fewer than 50,000 persons; medium governments serve more than 2,500 and fewer than 10,000 persons; and small governments serve fewer than 2,500 persons. These population categories are the same categories used in other EPA economic impact analyses, and have been used here at the suggestion of one commenter.

For this analysis, school districts were categorized by estimated population, assuming that the enrollment of a school district is one-sixth of the total population. Other special districts, which do not always have well-defined populations, were grouped according to annual revenues: very large districts have annual revenues of more than $100 million; large districts have annual revenues of more than $5 million and less than $100 million; medium districts have revenues of more than $200,000 and less than $5 million; and small districts have revenues of less than $200,000.

Table 1 shows the estimated total number of governments in each category, the number of UST-owning governments in each category, and the number of USTs owned. (A summary of the method used to develop these estimates is provided below.)

TABLE 1.—PROFILE OF LOCAL GOVERNMENTS

Category	Number of entities	Number of entities owning USTs	Total USTs owned
Very large governments	1,360	1,360	13,813
Large governments	4,351	3,870	9,580
Medium governments	7,054	3,643	5,126
Small governments	26,189	2,764	2,921
Very large special districts	862	840	3,148
Large special districts	4,930	4,785	17,359
Medium special districts	12,558	6,617	9,399
Small special districts	26,480	646	654
Total	83,784	24,525	62,000

Source: EPA Analysis.

EPA estimates that 1,360 very large general purpose local governments own approximately 13,800 USTs, 4,350 large general purpose governments own approximately 9,580 USTs, approximately 7,000 medium general purpose governments own approximately 5,100 USTs, and more than 26,000 small governments collectively own fewer than 3,000 USTs. That is, most small governments are not estimated to own any USTs. EPA estimates that about 860 very large districts (including school districts) own about 3,100 USTs, approximately 4,900 large districts own about 17,000 USTs, about 12,500 medium districts own roughly 9,400 USTs, and more than 26,000 small districts own about 650 USTs. All very large local government entities are assumed to own at least one UST. The Agency used probability theory and an estimate of the total number of USTs owned by all UST-owning entities to calculate the percentage of large, medium, and small government entities that own USTs.

3. Assumptions and Methodology Used in the EIA

The analysis uses several key assumptions to estimate the costs and other impacts of this regulation:

- The baseline used to estimate incremental costs and economic impacts of the self-test rule is the cost of complying with the financial responsibility rule published on October 26, 1988. EPA assumes that local government entities will comply using the options available under the October 1988 rule in the absence of the alternative mechanisms. Local governments unable to use the financial mechanisms available under the October 1988 rule are assumed to close their USTs, in compliance with the regulations.
- Cost impacts were evaluated on an annualized basis. To develop annual costs for insurance and UST closure, EPA calculated the equivalent annual payment having the same "present value" as the cost estimates developed for the UST technical standards regulations, using a ten-year period and a real discount rate of 7 percent.
- The estimated number of USTs owned by local governments is based on a derived relationship between the annual revenues of local governments and the number of USTs owned.
  —The 1985 "Summary of State Reports on Releases From Underground Storage Tanks" provides data on the percentage of releases occurring in places of different populations.
  —EPA assumes that release incidents are not biased towards places of different size and that the distribution of release incidents is the same as the distribution of USTs among local government entities.
  —The analysis assumes that there are about 62,000 local government USTs, as estimated in the financial responsibility rule published in October 1988.
- The analysis uses budget data obtained from the 1982 Census of Governments to develop a relationship between budget and population and then between budget and number of USTs. (EPA used population statistics and budgets from 1982 to develop relationships between UST ownership, population, and budget, because these data provided information consistent with the UST ownership data used in this report. Estimated ownership patterns were not updated to reflect 1987 data. First, the relationship between population and UST ownership was assumed to remain stable from 1982 to 1987. Second, the relationship between constant-dollar budgets and UST-ownership was also assumed to remain stable. Third, the estimates of total UST ownership are based on 1987 data.)
- All local governments using insurance or mandatory State assurance funds to meet financial responsibility requirements for corrective action and compensation of third parties in the baseline are assumed to continue to use those mechanisms to comply with the financial responsibility requirements, rather than using the mechanisms promulgated today.
- All other local government entities that qualify for financial responsibility using the new mechanisms are assumed to incur costs ranging from $75 (for the bond rating test) to $253 (for the guarantee) per government per year to develop and maintain the required records and reports.
- Because local governments that do not qualify for financial responsibility under the worksheet test are assumed to be unable to obtain insurance or otherwise demonstrate financial responsibility, the analysis assumes that they close their UST systems and purchase fuel from retail petroleum dealers.

EPA estimated the fraction of local government entities that will be able to demonstrate financial assurance under the promulgated rules by assuming that governments not able to obtain insurance and not required to use State mechanisms will use the least onerous method for which they qualify:

- Local governments able to obtain insurance under the baseline are assumed to do so, rather than use the mechanisms being promulgated today.

in order to minimize their exposure to potentially large UST-related costs.

• Local governments in States with mandatory assurance programs are assumed to use them rather than the mechanisms being promulgated today.

• Local governments with outstanding issues of investment grade bonds in amounts greater than $1 million (about 87 percent of all governments with investment grade ratings) are assumed to use the bond rating test. Analysis of data on Minnesota cities suggest that virtually all cities with populations of more than 10,000 have investment-rated general obligation bonds, and that virtually no cities with populations less than 2,000 have such bonds.

• Local governments not eligible to use the bond rating test are assumed to use the worksheet test, if they qualify. The Agency used the 1987 Census of Governments to estimate the fraction of governments with populations less than 200,000 or annual revenues less than $100 million (i.e., those that may not qualify to use the bond rating test) that qualify at the 10 percentile threshold.

• The Agency assumes that local governments with total fund balances greater than $4 million that do not qualify to use the worksheet test will establish a dedicated fund meeting the requirements. Data from the 1987 Census of Governments were used to estimate the percentage of governments having more than $4 million in funds that would not qualify under the worksheet test.

• The Agency assumes that 90 percent of school districts unable to demonstrate financial responsibility will obtain guarantees from surrounding general purpose governments. This assumption is based on the assumption that education will be deemed to be of sufficient importance that the general purpose governments served by school districts will act to insure that the USTs remain in operation.

• The Agency also assumes that half of all other special districts unable to otherwise demonstrate financial responsibility will be able to obtain guarantees from the general purpose governments served by the districts.

• All other general purpose governments and districts not able to demonstrate financial responsibility are assumed to close their USTs and purchase fuel from retail petroleum stations.

Figure 1 shows the estimated fraction of local governments using each financial assurance mechanism under today's rule. It should be noted that the assumed availability of guarantees represents just one of many plausible outcomes. Other possible outcomes range from (1) all governments failing to obtain insurance or qualify using one of the self-test mechanisms will be able to continue to operate their USTs, either by obtaining guarantees or by transferring ownership of their USTs to the State or to local governments able to demonstrate financial responsibility, (2) some other fraction of all governments, without regard to purpose, will be able to obtain guarantees, or (3) no governments will be able to obtain guarantees. The EIA discusses the sensitivity of the results to alternative assumptions about the availability of guarantees.

BILLING CODE 6560-50-M

VOL 58 ISS 31 FE 18 1993 UMI

Figure 1

Estimated Use of Financial Assurance Mechanisms

(Counties, Municipalities, Townships, School Districts, and Special Districts) [a]

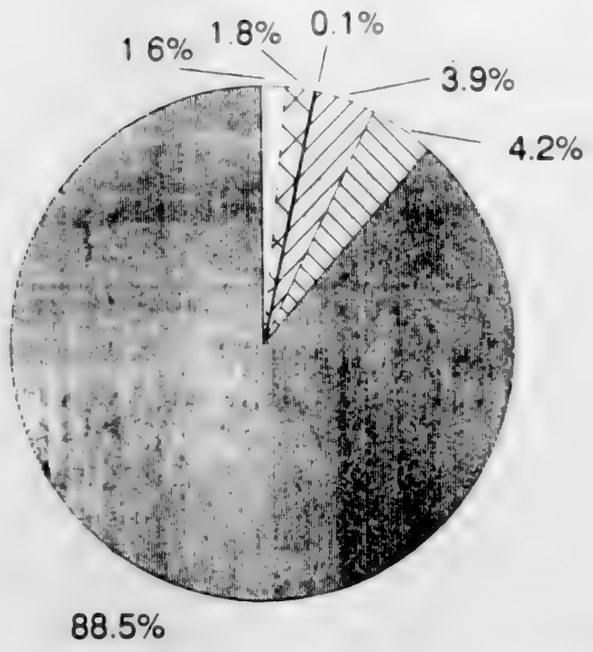

Percentage of Governments

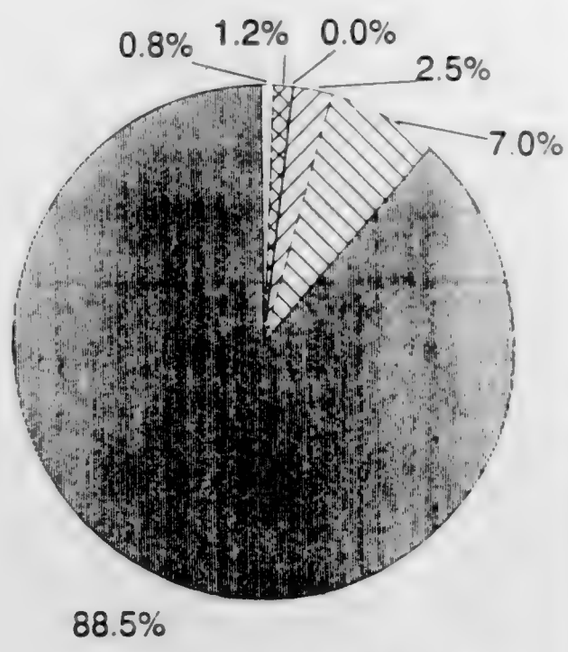

Percentage of USTs

State Fund, Insurance, Risk Retention Group
Fund Balance Mechanism
Bond Rating
Guarantee
Worksheet Test
Closure/Retail Fuel Purchase

[a] Percentages may not add up to 100 percent due to rounding.

Source: EPA, "Economic Impact and Regulatory Flexibility Analysis of Additional Mechanisms for Local Government Entities to Demonstrate Financial Responsibility for Underground Storage Tanks." EPA Office of Underground Storage Tanks, 1992.

Table 2
Summary of Results of
Economic Impact Analysis

	General Purpose Governments				Special Districts			
	Very Large	Large	Medium	Small	Very Large	Large	Medium	Small
Number of UST-Owning Governments	1,360	3,870	3,643	2,764	840	4,785	6,617	646
Response Under October 1988 Rule								
Number of Governments Demonstrating Financial Responsibility	1,259	3,452	3,249	2,447	778	4,269	5,902	568
Number of USTs Covered By Financial Responsibility	12,791	8,546	4,573	2,585	2,915	15,485	8,384	575
Number of USTs Closed	1,022	1,034	553	336	233	1,874	1,015	80
Annual Cost ($ millions)	2.2	1.6	1.0	0.4	0.7	2.7	1.8	0.0
Response Under This Rule								
Additional Governments Demonstrating Financial Responsibility	101	396	365	283	62	509	501	47
Additional USTs Remaining in Operation	1,022	977	517	298	230	1,856	715	47
Annual Cost Savings ($ millions)	1.0	0.7	0.5	0.1	0.4	1.2	0.7	0.0

Source: EPA, Economic Impact Analysis of Additional Mechanisms for Local Government Entities to Demonstrate Financial Responsibility for Underground Storage Tanks (December, 1992).

BILLING CODE 6560-50-C

4. Cost Impacts

The cost impacts of the rule are measured as the difference between the costs of complying with the October 1988 financial responsibility rule and with this rule. Table 2 shows the estimated change from the baseline by type and size of local government.

The annualized total costs of complying with the October 1988 financial responsibility rule are estimated to be about $10 million, whereas the costs of complying with this rule are about $5.9 million. The rule, therefore, is estimated to result in an annual net savings of approximately $4.5 million.[17] Most of the savings result from fewer mandatory closures under the rule than in the baseline, with additional savings earned from the difference between wholesale and retail prices for fuel.[18] EPA estimates that the average annualized savings per local government entity (irrespective of UST ownership) will be about $54, with an average saving of about $185 per UST-owning government. Most of the total savings will be realized in the first year, because the revised compliance schedule requires that local governments without financial assurance close their USTs within one year of promulgation of this rule. The Agency estimates that very large general purpose governments will save about $1.0 million and very large special districts will save approximately $445,000 under the rule. Very large UST-owning governments are expected to realize savings of more than $700 each, or about 0.001 percent of their typical annual budgets. The Agency expects that all very large entities estimated to close their USTs in the absence of the rule will be able to demonstrate financial responsibility through the alternative mechanisms promulgated under today's rule.

Small general purpose governments save more relative to their budgets for two reasons: (1) The costs of closure are a larger percentage of their budgets; and (2) those entities with USTs spend proportionately more on fuel than medium and large entities and, therefore, save proportionately more by reduced fuel costs.[19] In the absence of the rule, EPA estimates that 85 percent of small governments and 90 percent of small districts would be unable to demonstrate financial responsibility and would be forced to close their USTs; under the rule, only an estimated one percent of small general purpose governments and five percent of small special districts are estimated to be forced to close their USTs.

5. Environmental Impacts

The rule has potential environmental impacts as well as economic impacts. As a result of the rule, more local governments may be able to demonstrate financial responsibility through the alternative mechanisms and more tanks may remain in operation. All local government USTs, however, are subject to the requirements established by the UST technical standards rule, which is designed to minimize the human health and environmental risks from underground storage tank operations. In addition, the rule requires local governments to demonstrate the ability to respond to UST releases to minimize potential environmental damages. EPA believes, therefore, that any negative human health and environmental effects resulting from the rule will be minimal.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires all Federal agencies to review the impact of their regulations to determine whether they will have a significant economic impact on a substantial number of small entities. If so, the Agency must prepare a regulatory flexibility analysis. As discussed in the economic impact analysis, EPA has determined that this rule will provide a net benefit to small local governments by reducing their costs of compliance with the financial responsibility provisions of Subtitle I. For this reason, the Agency has concluded that a regulatory flexibility analysis is not necessary.

Nevertheless, EPA, as part of its on-going effort to be responsive to small entities affected by its regulations, has expanded its analysis of the economic effects associated with this rule. The additional findings support EPA's conclusions that local governments benefit from the mechanisms promulgated today. The analysis shows, in fact, that small local governments receive an even greater benefit as compared with their larger counterparts.

The Agency estimates that this rule will result in a net savings for local governments of $4.5 million per year. Most of the savings realized by local governments will be due to a significant decrease in the number of UST closures. In developing this rule, the Agency has sought to reduce the impacts on all governments regardless of size. The worksheet test, however, was specifically designed to recognize that even small local governments may be able to demonstrate the requisite financial strength needed to pay for an UST release. Based on an analysis presented in the EIA, approximately 89 percent of all small general purpose governments (including 98 percent of small counties, 91 percent of small municipalities, and 87 percent of small townships) will be able to demonstrate financial responsibility using the worksheet test.

The use of the governmental guarantee is also particularly suited to small local governments, such as school districts, which often have a substantial governmental relationship with a nearby city or county. EPA has estimated that approximately 59 percent of small school and special districts will be able to obtain guarantees.

Overall, the proportion of USTs owned by small local governments which will be unable to meet the financial responsibility requirement drops from about 12 percent to 2 percent as a result of the additional mechanisms promulgated today.

EPA is also considering adoption of another rule which would provide even more flexibility to small local governments. As described in the Federal Register on December 23, 1991 (56 FR 66369), an option considered but not yet proposed would extend the financial responsibility compliance date to 1998 for certain facilities that meet Federal economic criteria. This rule would be designed to benefit the small, possibly rural local governments which provide essential emergency or community services and which may be most in need of an additional extension. Despite these efforts, the Agency recognizes that some small local governments may still have difficulty complying with the financial responsibility and other requirements for underground storage tanks. Therefore, the Agency plans to conduct a study of the overall costs of these requirements and the potential impact of these costs on the ability of small

[17] The estimated costs for a municipal government using a state fund to demonstrate financial responsibility may not accurately reflect the true costs to society for providing state fund coverage. Most state funds impose a mandatory per-gallon fee on all petroleum products used in the state. Thus, all users of petroleum products in the state share in paying the costs associated with the state fund.

[18] The only entities that save under the rule are those that would have closed their USTs in the baseline and choose the self-test under the rule and those entities that use a third party mechanism in the baseline (other than insurance and state funds) and the less costly alternative mechanisms under the rule. Far more entities are in the former category than the latter.

[19] In general, small entities do not own USTs; the Agency estimates that fewer than 3,600 of the more than 50,000 small entities own USTs. EPA infers from this that those entities that do own USTs use them intensively, incurring fuel costs as high as seven percent of their annual budgets.

VOL 58 ISS 31 FE 18 1993 UMI

local governments to retain their USTs. The study would also look into the feasibility of alternative methods of providing fuel (for essential public services) without requiring the ownership of USTs by these governments. In addition, the study would assess the continued availability of State financial assistance and assurance funds and their effects on local governments that own USTs. EPA will use the findings from this study to help monitor the effects of the UST requirements on local governments and to help assess the need for any further Agency guidance or action.

It should be noted that UST closures do not necessarily result in a loss of availability of fuel. Local governments have several means of assuring a continuing fuel supply: Purchase of fuel from retail outlets, use of above-ground tanks (where fire codes permit), and "pooling" of fuel sources with neighboring governments (local or State) that are able to demonstrate financial responsibility. The concern expressed by local governments is the availability of fuel for emergency vehicles when retail stations may be closed. EPA understands that some local governments are participating in "card-lock" arrangements. Under a card-lock arrangement, participants are issued magnetic cards that can then unlock the fuel pump; fuel withdrawal is monitored and charged to the card owner. With this arrangement, no attendant is necessary, and there is 24-hour access to fuel. Some of these alternatives have the added benefit of removing the costs and liability of maintaining USTs from local governments.

One commenter contended that EPA's rationale for not developing a regulatory flexibility analysis for the proposed rule is flawed, arguing that because the proposed rule simply amends the financial responsibility requirement, which initially imposed a burden on the regulated community, the benefits of the proposed rule cannot be accurately assessed in isolation of these requirements. As discussed above, the Agency has used this rule to provide additional flexibility to local governments, and particularly small local governments.

EPA does not, however, consider a baseline of no financial responsibility requirement to be a reasonable baseline for analyzing this rule. After review with regard to the 1988 financial responsibility rule, the Agency determined that although most local governments have adequate stability and financial strength to respond to an UST release, not all local governments have the resources to meet their UST-related obligations. Given these concerns, EPA believes that exempting all local governments from the financial responsibility requirement would not be consistent with statutory intent.

C. Paperwork Reduction Act

The information collection requirements in this rule have been approved by the Office of Management and Budget (OMB) under the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* and have been assigned control number 2050–0066. An Information Collection Request document has been prepared by EPA (ICR No. 1359.04) and a copy may be obtained from Sandy Farmer, Information Policy Branch, EPA, 401 M Street, SW. (PM–223Y), Washington, D.C. 20460 or by calling (202) 260–2740. The information collection requirements were approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. and assigned OMB control number 2050–0066. The Agency estimated the total annual burden on the regulated community of local governments to be 28,518 hours. The Agency estimated the burden on local government entities for reading the requirements to be 24,188 hours, the reporting or disclosure burden to be 218 hours, and the total recordkeeping burden to be 4,112 hours. The average burden for reading the requirements was estimated to be one hour. The average burden for reporting or disclosure was estimated to be two hours, while only 0.45 percent of all local government UST owners and operators were expected to be required to report each year. The average annual burden to maintain records of the alternative mechanisms was estimated to be 0.17 hours. These burden estimates included all aspects of the collection effort and included time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM–223Y, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, marked "Attention: Jonathan Gledhill."

VI. Supporting Documents

In addition to supporting material found in the rulemaking docket, EPA has prepared the following supporting documents to support this rule:

EPA, "Background Document in Support of Financial Self-Test for Local Governments Subject to the Financial Responsibility Requirements of Subtitle I of the Resource Conservation and Recovery Act," U.S. Environmental Protection Agency, Office of Underground Storage Tanks (November, 1992).

EPA, "Economic Impact Analysis of Additional Mechanisms for Local Government Entities to Demonstrate Financial Responsibility for Underground Storage Tanks," EPA Office of Underground Storage Tanks (November, 1992).

EPA, "Response to Comments on the June 18, 1990 Proposed Rule to Provide Additional Mechanisms for Local Government Entities to Demonstrate Financial Responsibility for Underground Storage Tanks," EPA Office of Underground Storage Tanks (November, 1992).

List of Subjects in 40 CFR Part 280

Administrative practice and procedure, Environmental protection, Hazardous materials insurance, Hazardous substances, Insurance, Oil pollution, Penalties, Petroleum, Reporting and recordkeeping requirements, State program approval, Surety bonds, Underground storage tanks, Water pollution control, Water supply.

Dated: January 15, 1993.

William K. Reilly,

Administrator.

For the reasons set forth in the preamble, part 280 of title 40 of the Code of Federal Regulations is amended as follows:

PART 280—TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS

1. The authority citation for part 280 continues to read as follows:

Authority: 42 U.S.C. 6912, 6991, 6991a, 6991b, 6991c, 6991e, 6991f, and 6991h.

2. Section 280.92 is amended by removing the paragraph designations (a) through (o) and adding in alphabetical order three definitions reading as follows:

§ 280.92 Definition of terms.

* * * * *

Chief Financial Officer, in the case of local government owners and operators, means the individual with the overall authority and responsibility for the

collection, disbursement, and use of funds by the local government.

* * * * *

Local government shall have the meaning given this term by applicable state law and includes Indian tribes. The term is generally intended to include: (1) Counties, municipalities, townships, separately chartered and operated special districts (including local government public transit systems and redevelopment authorities), and independent school districts authorized as governmental bodies by state charter or constitution; and (2) Special districts and independent school districts established by counties, municipalities, townships, and other general purpose governments to provide essential services.

* * * * *

Substantial governmental relationship means the extent of a governmental relationship necessary under applicable state law to make an added guarantee contract issued incident to that relationship valid and enforceable. A guarantee contract is issued "incident to that relationship" if it arises from a clear commonality of interest in the event of an UST release such as coterminous boundaries, overlapping constituencies, common ground-water aquifer, or other relationship other than monetary compensation that provides a motivation for the guarantor to provide a guarantee.

* * * * *

3. § 280.94 is amended by revising paragraphs (a) and (b) to read as follows:

§ 280.94 Allowable mechanisms and combinations of mechanisms.

(a) Subject to the limitations of paragraphs (b) and (c) of this section,

(1) An owner or operator, including a local government owner or operator, may use any one or combination of the mechanisms listed in §§ 280.95 through 280.103 to demonstrate financial responsibility under this subpart for one or more underground storage tanks, and

(2) A local government owner or operator may use any one or combination of the mechanisms listed in §§ 280.104 through 280.107 to demonstrate financial responsibility under this subpart for one or more underground storage tanks.

(b) An owner or operator may use a guarantee under § 280.96 or surety bond under § 280.98 to establish financial responsibility only if the Attorney(s) General of the state(s) in which the underground storage tanks are located has (have) submitted a written statement to the implementing agency that a guarantee or surety bond executed as described in this section is a legally valid and enforceable obligation in that state.

* * * * *

4. The following sections are redesignated according to the following table:

Old section no.	New section no.
§ 280.104	§ 280.108.
§ 280.105	§ 280.109.
§ 280.106	§ 280.110.
§ 280.107	§ 280.111.
§ 280.108	§ 280.112.
§ 280.109	§ 280.113.
§ 280.110	§ 280.114.
§ 280.111	§ 280.115.
§ 280.112	§ 280.116.

5. Newly designated §§ 280.109, 280.110, 280.111, 280.112, 280.114, and 280.115 are revised to read as follows:

§ 280.109 Cancellation or nonrenewal by a provider of financial assurance.

(a) Except as otherwise provided, a provider of financial assurance may cancel or fail to renew an assurance mechanism by sending a notice of termination by certified mail to the owner or operator.

(1) Termination of a local government guarantee, a guarantee, a surety bond, or a letter of credit may not occur until 120 days after the date on which the owner or operator receives the notice of termination, as evidenced by the return receipt.

(2) Termination of insurance or risk retention coverage, except for non-payment or misrepresentation by the insured, or state-funded assurance may not occur until 60 days after the date on which the owner or operator receives the notice of termination, as evidenced by the return receipt. Termination for non-payment of premium or misrepresentation by the insured may not occur until a minimum of 10 days after the date on which the owner or operator receives the notice of termination, as evidenced by the return receipt.

(b) If a provider of financial responsibility cancels or fails to renew for reasons other than incapacity of the provider as specified in § 280.114, the owner or operator must obtain alternate coverage as specified in this section within 60 days after receipt of the notice of termination. If the owner or operator fails to obtain alternate coverage within 60 days after receipt of the notice of termination, the owner or operator must notify the Director of the implementing agency of such failure and submit:

(1) The name and address of the provider of financial assurance;

(2) The effective date of termination; and

(3) The evidence of the financial assistance mechanism subject to the termination maintained in accordance with § 280.107(b).

§ 280.110 Reporting by owner or operator.

(a) An owner or operator must submit the appropriate forms listed in § 280.111(b) documenting current evidence of financial responsibility to the Director of the implementing agency:

(1) Within 30 days after the owner or operator identifies a release from an underground storage tank required to be reported under § 280.53 or § 280.61;

(2) If the owner or operator fails to obtain alternate coverage as required by this subpart, within 30 days after the owner or operator receives notice of:

(i) Commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a provider of financial assurance as a debtor,

(ii) Suspension or revocation of the authority of a provider of financial assurance to issue a financial assurance mechanism,

(iii) Failure of a guarantor to meet the requirements of the financial test,

(iv) Other incapacity of a provider of financial assurance; or

(3) As required by § 280.95(g) and § 280.109(b).

(b) An owner or operator must certify compliance with the financial responsibility requirements of this part as specified in the new tank notification form when notifying the appropriate state or local agency of the installation of a new underground storage tank under § 280.22.

(c) The Director of the Implementing Agency may require an owner or operator to submit evidence of financial assurance as described in § 280.111(b) or other information relevant to compliance with this subpart at any time.

(The information requirements in this section have been approved by the Office of Management and Budget and assigned OMB control number 2050–0066).

§ 280.111 Recordkeeping.

(a) Owners or operators must maintain evidence of all financial assurance mechanisms used to demonstrate financial responsibility under this subpart for an underground storage tank until released from the requirements of this subpart under § 208.113. An owner or operator must maintain such evidence at the underground storage tank site or the owner's or operator's place of work. Records maintained off-site must be made available upon request of the implementing agency.

VOL 58 ISS 31 FE 18 1993 UMI

(b) An owner or operator must maintain the following types of evidence of financial responsibility:

(1) An owner or operator using an assurance mechanism specified in §§ 280.95 through 280.100 or § 280.102 or §§ 280.104 through 280.107 must maintain a copy of the instrument worded as specified.

(2) An owner or operator using a financial test or guarantee, or a local government financial test or a local government guarantee supported by the local government financial test must maintain a copy of the chief financial officer's letter based on year-end financial statements for the most recent completed financial reporting year. Such evidence must be on file no later than 120 days after the close of the financial reporting year.

(3) An owner or operator using a guarantee, surety bond, or letter of credit must maintain a copy of the signed standby trust fund agreement and copies of any amendments to the agreement.

(4) A local government owner or operator using a local government guarantee under § 280.106(d) must maintain a copy of the signed standby trust fund agreement and copies of any amendments to the agreement.

(5) A local government owner or operator using the local government bond rating test under § 280.104 must maintain a copy of its bond rating published within the last twelve months by Moody's or Standard & Poor's.

(6) A local government owner or operator using the local government guarantee under § 280.106, where the guarantor's demonstration of financial responsibility relies on the bond rating test under § 280.104 must maintain a copy of the guarantor's bond rating published within the last twelve months by Moody's or Standard & Poor's.

(7) An owner or operator using an insurance policy or risk retention group coverage must maintain a copy of the signed insurance policy or risk retention group coverage policy, with the endorsement or certificate of insurance and any amendments to the agreements.

(8) An owner or operator covered by a state fund or other state assurance must maintain on file a copy of any evidence of coverage supplied by or required by the state under § 280.101(d).

(9) An owner or operator using a local government fund under § 280.107 must maintain the following documents:

(i) A copy of the state constitutional provision or local government statute, charter, ordinance, or order dedicating the fund, and

(ii) Year-end financial statements for the most recent completed financial reporting year showing the amount in the fund. If the fund is established under § 280.107(a)(3) using incremental funding backed by bonding authority, the financial statements must show the previous year's balance, the amount of funding during the year, and the closing balance in the fund.

(iii) If the fund is established under § 280.107(a)(3) using incremental funding backed by bonding authority, the owner or operator must also maintain documentation of the required bonding authority, including either the results of a voter referendum (under § 280.107(a)(3)(i)), or attestation by the State Attorney General as specified under § 280.107(a)(3)(ii).

(10) A local government owner or operator using the local government guarantee supported by the local government fund must maintain a copy of the guarantor's year-end financial statements for the most recent completed financial reporting year showing the amount of the fund.

(11)(i) An owner or operator using an assurance mechanism specified in §§ 280.95 through 280.107 must maintain an updated copy of a certification of financial responsibility worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

Certification of Financial Responsibility

[Owner or operator] hereby certifies that it is in compliance with the requirements of subpart H of 40 CFR part 280.

The financial assurance mechanism(s) used to demonstrate financial responsibility under subpart H of 40 CFR part 280 is (are) as follows:

[For each mechanism, list the type of mechanism, name of issuer, mechanism number (if applicable), amount of coverage, effective period of coverage and whether the mechanism covers "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases."]

[Signature of owner or operator]
[Name of owner or operator]
[Title]
[Date]
[Signature of witness or notary]
[Name of witness or notary]
[Date]

(ii) The owner or operator must update this certification whenever the financial assurance mechanism(s) used to demonstrate financial responsibility change(s).

(The information requirements in this section have been approved by the Office of Management and Budget and assigned OMB control number 2050–0066.)

§ 280.112 Drawing on financial assurance mechanisms.

(a) Except as specified in paragraph (d) of this section, the Director of the implementing agency shall require the guarantor, surety, or institution issuing a letter of credit to place the amount of funds stipulated by the Director, up to the limit of funds provided by the financial assurance mechanism, into the standby trust if:

(1)(i) The owner or operator fails to establish alternate financial assurance within 60 days after receiving notice of cancellation of the guarantee, surety bond, letter of credit, or, as applicable, other financial assurance mechanism; and

(ii) The Director determines or suspects that a release from an underground storage tank covered by the mechanism has occurred and so notifies the owner or operator or the owner or operator has notified the Director pursuant to subparts E or F of a release from an underground storage tank covered by the mechanism; or

(2) The conditions of paragraph (b)(1) or (b)(2) (i) or (ii) of this section are satisfied.

(b) The Director of the implementing agency may draw on a standby trust fund when:

(1) The Director makes a final determination that a release has occurred and immediate or long-term corrective action for the release is needed, and the owner or operator, after appropriate notice and opportunity to comply, has not conducted corrective action as required under 40 CFR part 280, subpart F; or

(2) The Director has received either:

(i) Certification from the owner or operator and the third-party liability claimant(s) and from attorneys representing the owner or operator and the third-party liability claimant(s) that a third-party liability claim should be paid. The certification must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

Certification of Valid Claim

The undersigned, as principals and as legal representatives of [insert: owner or operator] and [insert: name and address of third-party claimant], hereby certify that the claim of bodily injury [and/or] property damage caused by an accidental release arising from operating [owner's or operator's] underground

storage tank should be paid in the amount of $[_____].
[Signatures]
Owner or Operator
Attorney for Owner or Operator
(Notary)
Date
[Signatures]
Claimant(s)
Attorney(s) for Claimant(s)
(Notary)
Date

or (ii) A valid final court order establishing a judgment against the owner or operator for bodily injury or property damage caused by an accidental release from an underground storage tank covered by financial assurance under this subpart and the Director determines that the owner or operator has not satisfied the judgment.

(c) If the Director of the implementing agency determines that the amount of corrective action costs and third-party liability claims eligible for payment under paragraph (b) of this section may exceed the balance of the standby trust fund and the obligation of the provider of financial assurance, the first priority for payment shall be corrective action costs necessary to protect human health and the environment. The Director shall pay third-party liability claims in the order in which the Director receives certifications under paragraph (b)(2)(i) of this section, and valid court orders under paragraph (b)(2)(ii) of this section.

(d) A governmental entity acting as guarantor under § 280.106(e), the local government guarantee without standby trust, shall make payments as directed by the Director under the circumstances described in § 280.112 (a), (b), and (c).

* * * * *

§ 280.114 Bankruptcy or other incapacity of owner or operator or provider of financial assurance.

(a) Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming an owner or operator as debtor, the owner or operator must notify the Director of the implementing agency by certified mail of such commencement and submit the appropriate forms listed in § 280.111(b) documenting current financial responsibility.

(b) Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a guarantor providing financial assurance as debtor, such guarantor must notify the owner or operator by certified mail of such commencement as required under the terms of the guarantee specified in § 280.96.

(c) Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a local government owner or operator as debtor, the local government owner or operator must notify the Director of the implementing agency by certified mail of such commencement and submit the appropriate forms listed in § 280.111(b) documenting current financial responsibility.

(d) Within 10 days after commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming a guarantor providing a local government financial assurance as debtor, such guarantor must notify the local government owner or operator by certified mail of such commencement as required under the terms of the guarantee specified in § 280.106.

(e) An owner or operator who obtains financial assurance by a mechanism other than the financial test of self-insurance will be deemed to be without the required financial assurance in the event of a bankruptcy or incapacity of its provider of financial assurance, or a suspension or revocation of the authority of the provider of financial assurance to issue a guarantee, insurance policy, risk retention group coverage policy, surety bond, letter of credit, or state-required mechanism. The owner or operator must obtain alternate financial assurance as specified in this subpart within 30 days after receiving notice of such an event. If the owner or operator does not obtain alternate coverage within 30 days after such notification, he must notify the Director of the implementing agency.

(f) Within 30 days after receipt of notification that a state fund or other state assurance has become incapable of paying for assured corrective action or third-party compensation costs, the owner or operator must obtain alternate financial assurance.

§ 280.115 Replenishment of guarantees, letters of credit, or surety bonds.

(a) If at any time after a standby trust is funded upon the instruction of the Director of the implementing agency with funds drawn from a guarantee, local government guarantee with standby trust, letter of credit, or surety bond, and the amount in the standby trust is reduced below the full amount of coverage required, the owner or operator shall by the anniversary date of the financial mechanism from which the funds were drawn:

(1) Replenish the value of financial assurance to equal the full amount of coverage required, or

(2) Acquire another financial assurance mechanism for the amount by which funds in the standby trust have been reduced.

(b) For purposes of this section, the full amount of coverage required is the amount of coverage to be provided by § 280.93 of this subpart. If a combination of mechanisms was used to provide the assurance funds which were drawn upon, replenishment shall occur by the earliest anniversary date among the mechanisms.

6. New § 280.104 is added to read as follows:

§ 280.104 Local government bond rating test.

(a) A general purpose local government owner or operator and/or local government serving as a guarantor may satisfy the requirements of § 280.93 by having a currently outstanding issue or issues of general obligation bonds of $1 million or more, excluding refunded obligations, with a Moody's rating of Aaa, Aa, A, or Baa, or a Standard & Poor's rating of AAA, AA, A, or BBB. Where a local government has multiple outstanding issues, or where a local government's bonds are rated by both Moody's and Standard and Poor's, the lowest rating must be used to determine eligibility. Bonds that are backed by credit enhancement other than municipal bond insurance may not be considered in determining the amount of applicable bonds outstanding.

(b) A local government owner or operator or local government serving as a guarantor that is not a general-purpose local government and does not have the legal authority to issue general obligation bonds may satisfy the requirements of § 280.93 by having a currently outstanding issue or issues of revenue bonds of $1 million or more, excluding refunded issues and by also having a Moody's rating of Aaa, A, A, or Baa, or a Standard & Poor's rating of AAA, AA, A, or BBB as the lowest rating for any rated revenue bond issued by the local government. Where bonds are rated by both Moody's and Standard & Poor's, the lower rating for each bond must be used to determine eligibility. Bonds that are backed by credit enhancement may not be considered in determining the amount of applicable bonds outstanding.

(c) The local government owner or operator and/or guarantor must maintain a copy of its bond rating published within the last 12 months by Moody's or Standard & Poor's.

(d) To demonstrate that it meets the local government bond rating test, the chief financial officer of a general purpose local government owner or

operator and/or guarantor must sign a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted:

Letter from Chief Financial Officer

I am the chief financial officer of [insert: name and address of local government owner or operator, or guarantor]. This letter is in support of the use of the bond rating test to demonstrate financial responsibility for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage"] caused by [insert: "sudden accidental releases" and/or "nonsudden accidental releases"] in the amount of at least [insert: dollar amount] per occurrence and [insert: dollar amount] annual aggregate arising from operating (an) underground storage tank(s).

Underground storage tanks at the following facilities are assured by this bond rating test: [List for each facility: the name and address of the facility where tanks are assured by the bond rating test].

The details of the issue date, maturity, outstanding amount, bond rating, and bond rating agency of all outstanding bond issues that are being used by [name of local government owner or operator, or guarantor] to demonstrate financial responsibility are as follows: [complete table]

Issue date	Maturity date	Outstanding amount	Bond rating	Rating agency
				[Moody's or Standard & Poor's]

The total outstanding obligation of [insert amount], excluding refunded bond issues, exceeds the minimum amount of $1 million. All outstanding general obligation bonds issued by this government that have been rated by Moody's or Standard & Poor's are rated as at least investment grade (Moody's Baa or Standard & Poor's BBB) based on the most recent ratings published within the last 12 months. Neither rating service has provided notification within the last 12 months of downgrading of bond ratings below investment grade or of withdrawal of bond rating other than for repayment of outstanding bond issues.

I hereby certify that the wording of this letter is identical to the wording specified in 40 CFR Part 280.104(d) as such regulations were constituted on the date shown immediately below.

[Date] _____
[Signature] _____
[Name] _____
[Title] _____

(e) To demonstrate that it meets the local government bond rating test, the chief financial officer of local government owner or operator and/or guarantor other than a general purpose government must sign a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted:

Letter from Chief Financial Officer

I am the chief financial officer of [insert: name and address of local government owner or operator, or guarantor]. This letter is in support of the use of the bond rating test to demonstrate financial responsibility for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage"] caused by [insert : "sudden accidental releases" and/or "nonsudden accidental releases"] in the amount of at least [insert: dollar amount] per occurrence and [insert: dollar amount] annual aggregate arising from operating (an) underground storage tank(s). This local government is not organized to provide general governmental services and does not have the legal authority under state law or constitutional provisions to issue general obligation debt.

Underground storage tanks at the following facilities are assured by this bond rating test: [List for each facility: the name and address of the facility where tanks are assured by the bond rating test].

The details of the issue date, maturity, outstanding amount, bond rating, and bond rating agency of all outstanding revenue bond issues that are being used by [name of local government owner or operator, or guarantor] to demonstrate financial responsibility are as follows: [complete table]

Issue date	Maturity date	Outstanding amount	Bond rating	Rating agency
				[Moody's or Standard & Poor's]

The total outstanding obligation of [insert amount], excluding refunded bond issues, exceeds the minimum amount of $1 million. All outstanding revenue bonds issued by this government that have been rated by Moody's or Standard & Poor's are rated as at least investment grade (Moody's Baa or Standard & Poor's BBB) based on the most recent ratings published within the last 12 months. The revenue bonds listed are not backed by third-party credit enhancement or are insured by a municipal bond insurance company. Neither rating service has provided notification within the last 12 months of downgrading of bond ratings below investment grade or of withdrawal of bond rating other than for repayment of outstanding bond issues.

I hereby certify that the wording of this letter is identical to the wording specified in 40 CFR Part 280.104(e) as such regulations were constituted on the date shown immediately below.

[Date] _____
[Signature] _____
[Name] _____
[Title] _____

(f) The Director of the implementing agency may require reports of financial condition at any time from the local government owner or operator, and/or local government guarantor. If the Director finds, on the basis of such reports or other information, that the local government owner or operator, and/or guarantor, no longer meets the local government bond rating test requirements of § 280.104, the local government owner or operator must obtain alternative coverage within 30 days after notification of such a finding.

(g) If a local government owner or operator using the bond rating test to provide financial assurance finds that it no longer meets the bond rating test requirements, the local government owner or operator must obtain alternative coverage within 150 days of the change in status.

7. New § 280.105 is added to read as follows:

§ 280.105 Local government financial test.

(a) A local government owner or operator may satisfy the requirements of § 280.93 by passing the financial test specified in this section. To be eligible to use the financial test, the local government owner or operator must have the ability and authority to assess and levy taxes or to freely establish fees and charges. To pass the local government financial test, the owner or operator must meet the criteria of paragraphs (b)(2) and (b)(3) of this section based on year-end financial statements for the latest completed fiscal year.

(b)(1) The local government owner or operator must have the following information available, as shown in the year-end financial statements for the latest completed fiscal year:

(i) *Total revenues:* Consists of the sum of general fund operating and non-operating revenues including net local taxes, licenses and permits, fines and forfeitures, revenues from use of money and property, charges for services, investment earnings, sales (property, publications, etc.), intergovernmental revenues (restricted and unrestricted), and total revenues from all other governmental funds including enterprise, debt service, capital projects, and special revenues, but excluding revenues to funds held in a trust or agency capacity. For purposes of this test, the calculation of total revenues shall exclude all transfers between funds under the direct control of the local government using the financial test (interfund transfers), liquidation of investments, and issuance of debt.

(ii) *Total expenditures:* Consists of the sum of general fund operating and non-operating expenditures including public safety, public utilities, transportation, public works, environmental protection, cultural and recreational, community development, revenue sharing, employee benefits and compensation, office management, planning and zoning, capital projects, interest payments on debt, payments for retirement of debt principal, and total expenditures from all other governmental funds including enterprise, debt service, capital projects, and special revenues. For purposes of this test, the calculation of total expenditures shall exclude all transfers between funds under the direct control of the local government using the financial test (interfund transfers).

(iii) *Local revenues:* Consists of total revenues (as defined in paragraph (b)(1)(i) of this section) minus the sum of all transfers from other governmental entities, including all monies received from Federal, state, or local government sources.

(iv) *Debt service:* Consists of the sum of all interest and principal payments on all long-term credit obligations and all interest-bearing short-term credit obligations. Includes interest and principal payments on general obligation bonds, revenue bonds, notes, mortgages, judgments, and interest bearing warrants. Excludes payments on non-interest-bearing short-term obligations, interfund obligations, amounts owed in a trust or agency capacity, and advances and contingent loans from other governments.

(v) *Total funds:* Consists of the sum of cash and investment securities from all funds, including general, enterprise, debt service, capital projects, and special revenue funds, but excluding employee retirement funds, at the end of the local government's financial reporting year. Includes Federal securities, Federal agency securities, state and local government securities, and other securities such as bonds, notes and mortgages. For purposes of this test, the calculation of total funds shall exclude agency funds, private trust funds, accounts receivable, value of real property, and other non-security assets.

(vi) *Population* consists of the number of people in the area served by the local government.

(2) The local government's year-end financial statements, if independently audited, cannot include an adverse auditor's opinion or a disclaimer of opinion. The local government cannot have outstanding issues of general obligation or revenue bonds that are rated as less than investment grade.

(3) The local government owner or operator must have a letter signed by the chief financial officer worded as specified in paragraph (c) of this section.

(c) To demonstrate that it meets the financial test under paragraph (b) of this section, the chief financial officer of the local government owner or operator, must sign, within 120 days of the close of each financial reporting year, as defined by the twelve-month period for which financial statements used to support the financial test are prepared, a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted:

Letter From Chief Financial Officer

I am the chief financial officer of [insert: name and address of the owner or operator]. This letter is in support of the use of the local government financial test to demonstrate financial responsibility for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage"] caused by [insert: "sudden accidental releases" and/or "nonsudden accidental releases"] in the amount of at least [insert: dollar amount] per occurrence and [insert: dollar amount] annual aggregate arising from operating [an] underground storage tank[s].

Underground storage tanks at the following facilities are assured by this financial test [List for each facility: the name and address of the facility where tanks assured by this financial test are located. If separate mechanisms or combinations of mechanisms are being used to assure any of the tanks at this facility, list each tank assured by this financial test by the tank identification number provided in the notification submitted pursuant to 40 CFR Part 280.22 or the corresponding state requirements.]

This owner or operator has not received an adverse opinion, or a disclaimer of opinion from an independent auditor on its financial statements for the latest completed fiscal year. Any outstanding issues of general obligation or revenue bonds, if rated, have a Moody's rating of Aaa, Aa, A, or Baa or a Standard and Poor's rating of AAA, AA, A, or BBB; if rated by both firms, the bonds have a Moody's rating of Aaa, Aa, A, or Baa and a Standard and Poor's rating of AAA, AA, A, or BBB.

Worksheet for Municipal Financial Test

Part I: Basic Information

1. Total Revenues

a. Revenues (dollars) _____
Value of revenues excludes liquidation of investments and issuance of debt. Value includes all general fund operating and non-operating revenues, as well as all revenues from all other governmental funds including enterprise, debt service, capital projects, and special revenues, but excluding revenues to funds held in a trust or agency capacity.

b. Subtract interfund transfers (dollars)_____

c. Total Revenues (dollars)_____

2. Total Expenditures

a. Expenditures (dollars) _____
Value consists of the sum of general fund operating and non-operating expenditures including interest payments on debt, payments for retirement of debt principal, and total expenditures from all other governmental funds including enterprise, debt service, capital projects, and special revenues.

b. Subtract interfund transfers (dollars)_____

c. Total Expenditures (dollars)_____

3. Local Revenues

a. Total Revenues (from 1c) (dollars) _____

b. Subtract total intergovernmental transfers (dollars)_____

c. Local Revenues (dollars)_____

4. Debt Service

a. Interest and fiscal charges (dollars)_____

b. Add debt retirement (dollars)_____

c. Total Debt Service (dollars)_____

5. Total Funds (Dollars)_____
(Sum of amounts held as cash and investment securities from all funds, excluding amounts held for employee retirement funds, agency funds, and trust funds)

6. Population (Persons)_____

Part II: Application of Test

7. Total Revenues to Population

a. Total Revenues (from 1c)_____

b. Population (from 6)_____

c. Divide 7a by 7b _____

d. Subtract 417_____

e. Divide by 5.212_____
f. Multiply by 4.095_____

8. Total Expenses to Population

a. Total Expenses (from 2c)_____
b. Population (from 6)_____
c. Divide 8a by 8b _____
d. Subtract 524 _____
e. Divide by 5.401_____
f. Multiply by 4.095_____

9. Local Revenues to Total Revenues

a. Local Revenues (from 3c)_____
b. Total Revenues (from 1c)_____
c. Divide 9a by 9b _____
d. Subtract .695_____
e. Divide by .205_____
f. Multiply by 2.840 _____

10. Debt Service to Population

a. Debt Service (from 4d) _____
b. Population (from 6)_____
c. Divide 10a by 10b _____
d. Subtract 51 _____
e. Divide by 1,038_____
f. Multiply by −1.866_____

11. Debt Service to Total Revenues

a. Debt Service (from 4d)_____
b. Total Revenues (from 1c)_____
c. Divide 11a by 11b _____
d. Subtract .068 _____
e. Divide by .259 _____
f. Multiply by −3.533 _____

12. Total Revenues to Total Expenses

a. Total Revenues (from 1c)_____
b. Total Expenses (from 2c)_____
c. Divide 12a by 12b_____
d. Subtract .910 _____
e. Divide by .899 _____
f. Multiply by 3.458 _____

13. Funds Balance to Total Revenues

a. Total Funds (from 5) _____
b. Total Revenues (from 1c)_____
c. Divide 13a by 13b _____
d. Subtract .891 _____
e. Divide by 9.156_____
f. Multiply by 3.270 _____

14. Funds Balance to Total Expenses

a. Total Funds (from 5)_____
b. Total Expenses (from 2c)_____
c. Divide 14a by 14b_____
d. Subtract .866 _____
e. Divide by 6.409 _____
f. Multiply by 3.270 _____

15. Total Funds to Population _____

a. Total Funds (from 5) _____
b. Population (from 6)_____
c. Divide 15a by 15b _____
d. Subtract 270 _____
e. Divide by 4,548 _____
f. Multiply by 1.866 _____

16. Add 7f + 8f + 9f + 10f + 11f + 12f + 13f + 14f + 15f + 4.937_____

I hereby certify that the financial index shown on line 16 of the worksheet is greater than zero and that the wording of this letter is identical to the wording specified in 40 CFR Part 280.105(c) as such regulations were constituted on the date shown immediately below.

[Date]
[Signature]
[Name]
[Title]

(d) If a local government owner or operator using the test to provide financial assurance finds that it no longer meets the requirements of the financial test based on the year-end financial statements, the owner or operator must obtain alternative coverage within 150 days of the end of the year for which financial statements have been prepared.

(e) The Director of the implementing agency may require reports of financial condition at any time from the local government owner or operator. If the Director finds, on the basis of such reports or other information, that the local government owner or operator no longer meets the financial test requirements of § 280.105 (b) and (c), the owner or operator must obtain alternate coverage within 30 days after notification of such a finding.

(f) If the local government owner or operator fails to obtain alternate assurance within 150 days of finding that it no longer meets the requirements of the financial test based on the year-end financial statements or within 30 days of notification by the Director of the implementing agency that it no longer meets the requirements of the financial test, the owner or operator must notify the Director of such failure within 10 days.

8. New § 280.106 is added to read as follows:

§ 280.106 Local government guarantee.

(a) A local government owner or operator may satisfy the requirements of § 280.93 by obtaining a guarantee that conforms to the requirements of this section. The guarantor must be either the state in which the local government owner or operator is located or a local government having a "substantial governmental relationship" with the owner and operator and issuing the guarantee as an act incident to that relationship. A local government acting as the guarantor must:

(1) demonstrate that it meets the bond rating test requirement of § 280.104 and deliver a copy of the chief financial officer's letter as contained in § 280.104(c) to the local government owner or operator; or

(2) demonstrate that it meets the worksheet test requirements of § 280.105 and deliver a copy of the chief financial officer's letter as contained in § 280.105(c) to the local government owner or operator; or

(3) demonstrate that it meets the local government fund requirements of § 280.107(a), § 280.107(b), or § 280.107(c) and deliver a copy of the chief financial officer's letter as contained in § 280.107 to the local government owner or operator.

(b) If the local government guarantor is unable to demonstrate financial assurance under any of §§ 280.104, 280.105, 280.107(a), 280.107(b), or 280.107(c), at the end of the financial reporting year, the guarantor shall send by certified mail, before cancellation or non-renewal of the guarantee, notice to the owner or operator. The guarantee will terminate no less than 120 days after the date the owner or operator receives the notification, as evidenced by the return receipt. The owner or operator must obtain alternative coverage as specified in § 280.114(c).

(c) The guarantee agreement must be worded as specified in paragraph (d) or (e) of this section, depending on which of the following alternative guarantee arrangements is selected:

(1) If, in the default or incapacity of the owner or operator, the guarantor guarantees to fund a standby trust as directed by the Director of the implementing agency, the guarantee shall be worded as specified in paragraph (d) of this section.

(2) If, in the default or incapacity of the owner or operator, the guarantor guarantees to make payments as directed by the Director of the implementing agency for taking corrective action or compensating third parties for bodily injury and property damage, the guarantee shall be worded as specified in paragraph (e) of this section.

(d) If the guarantor is a state, the local government guarantee with standby trust must be worded exactly as follows, except that instructions in brackets are to be replaced with relevant information and the brackets deleted:

Local Government Guarantee With Standby Trust Made by a State

Guarantee made this [date] by [name of state], herein referred to as guarantor, to [the state implementing agency] and to any and all third parties, and obliges, on behalf of [local government owner or operator].

Recitals

(1) Guarantor is a state.

(2) [Local government owner or operator] owns or operates the following underground storage tank(s) covered by this guarantee: [List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to 40 CFR Part 280 or the corresponding state requirement, and the name and address of the facility.] This guarantee satisfies 40 CFR

Part 280, Subpart H requirements for assuring funding for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases"; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the above-identified underground storage tank(s) in the amount of [insert dollar amount] per occurrence and [insert dollar amount] annual aggregate.

(3) Guarantor guarantees to [implementing agency] and to any and all third parties that:

In the event that [local government owner or operator] fails to provide alternative coverage within 60 days after receipt of a notice of cancellation of this guarantee and the [Director of the implementing agency] has determined or suspects that a release has occurred at an underground storage tank covered by this guarantee, the guarantor, upon instructions from the [Director] shall fund a standby trust fund in accordance with the provisions of 40 CFR part 280.112, in an amount not to exceed the coverage limits specified above.

In the event that the [Director] determines that [local government owner or operator] has failed to perform corrective action for releases arising out of the operation of the above-identified tank(s) in accordance with 40 CFR part 280, subpart F, the guarantor upon written instructions from the [Director] shall fund a standby trust fund in accordance with the provisions of 40 CFR part 280.112, in an amount not to exceed the coverage limits specified above.

If [owner or operator] fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by ["sudden" and/or "nonsudden"] accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor, upon written instructions from the [Director], shall fund a standby trust in accordance with the provisions of 40 CFR part 280.112 to satisfy such judgment(s), award(s), or settlement agreement(s) up to the limits of coverage specified above.

(4) Guarantor agrees to notify [owner or operator] by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code naming guarantor as debtor, within 10 days after commencement of the proceeding.

(5) Guarantor agrees to remain bound under this guarantee notwithstanding any modification or alteration of any obligation of [owner or operator] pursuant to 40 CFR part 280.

(6) Guarantor agrees to remain bound under this guarantee for so long as [local government owner or operator] must comply with the applicable financial responsibility requirements of 40 CFR part 280, Subpart H for the above identified tank(s), except that guarantor may cancel this guarantee by sending notice by certified mail to [owner or operator], such cancellation to become effective no earlier than 120 days after receipt of such notice by [owner or operator], as evidenced by the return receipt.

(7) The guarantor's obligation does not apply to any of the following:

(a) Any obligation of [local government owner or operator] under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of [insert: local government owner or operator] arising from, and in the course of, employment by [insert: local government owner or operator];

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaded to, in the care, custody, or control of, or occupied by [insert: local government owner or operator] that is not the direct result of a release from a petroleum underground storage tank;

(e) Bodily damage or property damage for which [insert owner or operator] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 40 CFR part 280.93.

(8) Guarantor expressly waives notice of acceptance of this guarantee by [the implementing agency], by any or all third parties, or by [local government owner or operator].

I hereby certify that the wording of this guarantee is identical to the wording specified in 40 CFR part 280.106(d) as such regulations were constituted on the effective date shown immediately below.

Effective date: _____

[Name of guarantor]

[Authorized signature for guarantor]

[Name of person signing]

[Title of person signing]

Signature of witness or notary: _____

If the guarantor is a local government, the local government guarantee with standby trust must be worded exactly as follows, except that instructions in brackets are to be replaced with relevant information and the brackets deleted:

Local Government Guarantee With Standby Trust Made by a Local Government

Guarantee made this [date] by [name of guaranteeing entity], a local government organized under the laws of [name of state], herein referred to as guarantor, to [the state implementing agency] and to any and all third parties, and obliges, on behalf of [local government owner or operator].

Recitals

(1) Guarantor meets or exceeds [select one: the local government bond rating test requirements of 40 CFR Part 280.104, the local government financial test requirements of 40 CFR Part 280.105, or the local government fund under 40 CFR Part 280.107(a), 280.107(b), or 280.107(c)].

(2) [Local government owner or operator] owns or operates the following underground storage tank(s) covered by this guarantee: [List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to 40 CFR Part 280 or the corresponding state requirement, and the name and address of the facility.] This guarantee satisfies 40 CFR Part 280, Subpart H requirements for assuring funding for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases"; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the above-identified underground storage tank(s) in the amount of [insert dollar amount] per occurrence and [insert: dollar amount] annual aggregate.

(3) Incident to our substantial governmental relationship with [local government owner or operator], guarantor guarantees to [implementing agency] and to any and all third parties that:

In the event that [local government owner or operator] fails to provide alternative coverage within 60 days after receipt of a notice of cancellation of this guarantee and the [Director of the implementing agency] has determined or suspects that a release has occurred at an underground storage tank covered by this guarantee, the guarantor, upon instructions from the [Director] shall fund a standby trust fund in accordance with the provisions of 40 CFR Part 280.112, in an amount not to exceed the coverage limits specified above.

In the event that the [Director] determines that [local government owner or operator] has failed to perform corrective action for releases arising out of the operation of the above-identified tank(s) in accordance with 40 CFR Part 280, Subpart F, the guarantor upon written instructions from the [Director] shall fund a standby trust fund in accordance with the provisions of 40 CFR Part 280.112, in an amount not to exceed the coverage limits specified above.

If [owner or operator] fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by ["sudden" and/or "nonsudden"] accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor, upon written instructions from the [Director], shall fund a standby trust in accordance with the provisions of 40 CFR Part 280.112 to satisfy such judgment(s), award(s), or settlement agreement(s) up to the limits of coverage specified above.

(4) Guarantor agrees that, if at the end of any fiscal year before cancellation of this guarantee, the guarantor fails to meet or exceed the requirements of the financial responsibility mechanism specified in paragraph (1), guarantor shall send within 120 days of such failure, by certified mail,

notice to [local government owner or operator], as evidenced by the return receipt.

(5) Guarantor agrees to notify [owner or operator] by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code naming guarantor as debtor, within 10 days after commencement of the proceeding.

(6) Guarantor agrees to remain bound under this guarantee notwithstanding any modification or alteration of any obligation of [owner or operator] pursuant to 40 CFR Part 280.

(7) Guarantor agrees to remain bound under this guarantee for so long as [local government owner or operator] must comply with the applicable financial responsibility requirements of 40 CFR Part 280, Subpart H for the above identified tank(s), except that guarantor may cancel this guarantee by sending notice by certified mail to [owner or operator], such cancellation to become effective no earlier than 120 days after receipt of such notice by [owner or operator], as evidenced by the return receipt.

(8) The guarantor's obligation does not apply to any of the following:

(a) Any obligation of [local government owner or operator] under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of [insert: local government owner or operator] arising from, and in the course of, employment by [insert: local government owner or operator];

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by [insert: local government owner or operator] that is not the direct result of a release from a petroleum underground storage tank;

(e) Bodily damage or property damage for which [insert: owner or operator] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 40 CFR Part 280.93.

(9) Guarantor expressly waives notice of acceptance of this guarantee by [the implementing agency], by any or all third parties, or by [local government owner or operator].

I hereby certify that the wording of this guarantee is identical to the wording specified in 40 CFR Part 280.106(d) as such regulations were constituted on the effective date shown immediately below.

Effective date: ———————

[Name of guarantor]

[Authorized signature for guarantor]

[Name of person signing]

[Title of person signing]

Signature of witness or notary:

———————

(e) If the guarantor is a state, the local government guarantee without standby trust must be worded exactly as follows, except that instructions in brackets are to be replaced with relevant information and the brackets deleted:

Local Government Guarantee Without Standby Trust Made by a State

Guarantee made this [date] by [name of state], herein referred to as guarantor, to [the state implementing agency] and to any and all third parties, and obliges, on behalf of [local government owner or operator].

Recitals

(1) Guarantor is a state.

(2) [Local government owner or operator] owns or operates the following underground storage tank(s) covered by this guarantee: [List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to 40 CFR Part 280 or the corresponding state requirement, and the name and address of the facility.] This guarantee satisfies 40 CFR Part 280, Subpart H requirements for assuring funding for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the above-identified underground storage tank(s) in the amount of [insert: dollar amount] per occurrence and [insert: dollar amount] annual aggregate.

(3) Guarantor guarantees to [implementing agency] and to any and all third parties and obliges that:

In the event that [local government owner or operator] fails to provide alternative coverage within 60 days after receipt of a notice of cancellation of this guarantee and the [Director of the implementing agency] has determined or suspects that a release has occurred at an underground storage tank covered by this guarantee, the guarantor, upon written instructions from the [Director] shall make funds available to pay for corrective actions and compensate third parties for bodily injury and property damage in an amount not to exceed the coverage limits specified above.

In the event that the [Director] determines that [local government owner or operator] has failed to perform corrective action for releases arising out of the operation of the above-identified tank(s) in accordance with 40 CFR Part 280, Subpart F, the guarantor upon written instructions from the [Director] shall make funds available to pay for corrective actions in an amount not to exceed the coverage limits specified above.

If [owner or operator] fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by ["sudden" and/or "nonsudden"] accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor, upon written instructions from the [Director], shall make funds available to compensate third parties for bodily injury and property damage in an amount not to exceed the coverage limits specified above.

(4) Guarantor agrees to notify [owner or operator] by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code naming guarantor as debtor, within 10 days after commencement of the proceeding.

(5) Guarantor agrees to remain bound under this guarantee notwithstanding any modification or alteration of any obligation of [owner or operator] pursuant to 40 CFR Part 280.

(6) Guarantor agrees to remain bound under this guarantee for so long as [local government owner or operator] must comply with the applicable financial responsibility requirements of 40 CFR Part 280, Subpart H for the above identified tank(s), except that guarantor may cancel this guarantee by sending notice by certified mail to [owner or operator], such cancellation to become effective no earlier than 120 days after receipt of such notice by [owner or operator], as evidenced by the return receipt. If notified of a probable release, the guarantor agrees to remain bound to the terms of this guarantee for all charges arising from the release, up to the coverage limits specified above, notwithstanding the cancellation of the guarantee with respect to future releases.

(7) The guarantor's obligation does not apply to any of the following:

(a) Any obligation of [local government owner or operator] under a workers' compensation disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of [insert local government owner or operator] arising from, and in the course of, employment by [insert: local government owner or operator];

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaded to, in the care, custody, or control of, or occupied by [insert: local government owner or operator] that is not the direct result of a release from a petroleum underground storage tank;

(e) Bodily damage or property damage for which [insert: owner or operator] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 40 CFR Part 280.93.

(8) Guarantor expressly waives notice of acceptance of this guarantee by [the implementing agency], by any or all third parties, or by [local government owner or operator].

I hereby certify that the wording of this guarantee is identical to the wording specified in 40 CFR Part 280.106(e) as such regulations were constituted on the effective date shown immediately below.

Effective date: ———————

[Name of guarantor]

[Authorized signature for guarantor]

[Name of person signing]

[Title of person signing]

Signature of witness or notary:

———————

If the guarantor is a local government, the local government guarantee without standby trust must be worded exactly as follows, except that instructions in brackets are to be replaced with relevant information and the brackets deleted:

Local Government Guarantee Without Standby Trust Made by a Local Government

Guarantee made this [date] by [name of guaranteeing entity], a local government organized under the laws of [name of state], herein referred to as guarantor, to [the state implementing agency] and to any and all third parties, and obliges, on behalf of [local government owner or operator].

Recitals

(1) Guarantor meets or exceeds [select one: the local government bond rating test requirements of 40 CFR part 280.104, the local government financial test requirements of 40 part CFR 280.105, the local government fund under 40 CFR part 280.107(a), 280.107(b), or 280.107(c).

(2) [Local government owner or operator] owns or operates the following underground storage tank(s) covered by this guarantee: [List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to 40 CFR Part 280 or the corresponding state requirement, and the name and address of the facility.] This guarantee satisfies 40 CFR part 280, subpart H requirements for assuring funding for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the above-identified underground storage tank(s) in the amount of [insert: dollar amount] per occurrence and [insert: dollar amount] annual aggregate.

(3) Incident to our substantial governmental relationship with [local government owner or operator], guarantor guarantees to [implementing agency] and to any and all third parties and obliges that:

In the event that [local government owner or operator] fails to provide alternative coverage within 60 days after receipt of a notice of cancellation of this guarantee and the [Director of the implementing agency] has determined or suspects that a release has occurred at an underground storage tank covered by this guarantee, the guarantor, upon written instructions from the [Director] shall make funds available to pay for corrective actions and compensate third parties for bodily injury and property damage in an amount not to exceed the coverage limits specified above.

In the event that the [Director] determines that [local government owner or operator] has failed to perform corrective action for releases arising out of the operation of the above-identified tank(s) in accordance with 40 CFR part 280, Subpart F, the guarantor upon written instructions from the [Director] shall make funds available to pay for corrective actions in an amount not to exceed the coverage limits specified above.

If [owner or operator] fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by ["sudden" and/or "nonsudden"] accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor, upon written instructions from the [Director], shall make funds available to compensate third parties for bodily injury and property damage in an amount not to exceed the coverage limits specified above.

(4) Guarantor agrees that if at the end of any fiscal year before cancellation of this guarantee, the guarantor fails to meet or exceed the requirements of the financial responsibility mechanism specified in paragraph (1), guarantor shall send within 120 days of such failure, by certified mail, notice to [local government owner or operator], as evidenced by the return receipt.

(5) Guarantor agrees to notify [owner or operator] by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code naming guarantor as debtor, within 10 days after commencement of the proceeding.

(6) Guarantor agrees to remain bound under this guarantee notwithstanding any modification or alteration of any obligation of [owner or operator] pursuant to 40 CFR part 280.

(7) Guarantor agrees to remain bound under this guarantee for so long as [local government owner or operator] must comply with the applicable financial responsibility requirements of 40 CFR Part 280, Subpart H for the above identified tank(s), except that guarantor may cancel this guarantee by sending notice by certified mail to [owner or operator], such cancellation to become effective no earlier than 120 days after receipt of such notice by [owner or operator], as evidenced by the return receipt. If notified of a probable release, the guarantor agrees to remain bound to the terms of this guarantee for all charges arising from the release, up to the coverage limits specified above, notwithstanding the cancellation of the guarantee with respect to future releases.

(8) The guarantor's obligation does not apply to any of the following:

(a) Any obligation of [local government owner or operator] under a workers' compensation disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of [insert: local government owner or operator] arising from, and in the course of, employment by [insert: local government owner or operator];

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaded to, in the care, custody, or control of, or occupied by [insert: local government owner or operator] that is not the direct result of a release from a petroleum underground storage tank;

(e) Bodily damage or property damage for which [insert: owner or operator] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 40 CFR Part 280.93.

(9) Guarantor expressly waives notice of acceptance of this guarantee by [the implementing agency], by any or all third parties, or by [local government owner or operator].

I hereby certify that the wording of this guarantee is identical to the wording specified in 40 CFR Part 280.106(e) as such regulations were constituted on the effective date shown immediately below.

Effective date: _____

[Name of guarantor]

[Authorized signature for guarantor]

[Name of person signing]

[Title of person signing]

Signature of witness or notary:

---

9. New § 280.107 is added to read as follows:

§ 280.107 Local government fund.

A local government owner or operator may satisfy the requirements of § 280.93 by establishing a dedicated fund account that conforms to the requirements of this section. Except as specified in paragraph (b), a dedicated fund may not be commingled with other funds or otherwise used in normal operations. A dedicated fund will be considered eligible if it meets one of the following requirements:

(a) The fund is dedicated by state constitutional provision, or local government statute, charter, ordinance, or order to pay for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks and is funded for the full amount of coverage required under § 280.93, or funded for part of the required amount of coverage and used in combination with other mechanism(s) that provide the remaining coverage; or

(b) The fund is dedicated by state constitutional provision, or local government statute, charter, ordinance, or order as a contingency fund for general emergencies, including taking corrective action and compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks, and is funded for five times the full amount of coverage required under § 280.93, or funded for part of the required amount of coverage and used

in combination with other mechanism(s) that provide the remaining coverage. If the fund is funded for less than five times the amount of coverage required under § 280.93, the amount of financial responsibility demonstrated by the fund may not exceed one-fifth the amount in the fund; or

(c) The fund is dedicated by state constitutional provision, or local government statute, charter, ordinance or order to pay for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks. A payment is made to the fund once every year for seven years until the fund is fully-funded. This seven year period is hereafter referred to as the "pay-in-period." The amount of each payment must be determined by this formula:

$$\frac{TF - CF}{Y}$$

Where TF is the total required financial assurance for the owner or operator, CF is the current amount in the fund, and Y is the number of years remaining in the pay-in-period, and;

(1) The local government owner or operator has available bonding authority, approved through voter referendum (if such approval is necessary prior to the issuance of bonds), for an amount equal to the difference between the required amount of coverage and the amount held in the dedicated fund. This bonding authority shall be available for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks, or

(2) The local government owner or operator has a letter signed by the appropriate state attorney general stating that the use of the bonding authority will not increase the local government's debt beyond the legal debt ceilings established by the relevant state laws. The letter must also state that prior voter approval is not necessary before use of the bonding authority.

(d) To demonstrate that it meets the requirements of the local government fund, the chief financial officer of the local government owner or operator and/or guarantor must sign a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted:

Letter from Chief Financial Officer

I am the chief financial officer of [insert: name and address of local government owner or operator, or guarantor]. This letter is in support of the use of the local government fund mechanism to demonstrate financial responsibility for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage"] caused by [insert: "sudden accidental releases" and/or "nonsudden accidental releases"] in the amount of at least [insert: dollar amount] per occurrence and [insert: dollar amount] annual aggregate arising from operating (an) underground storage tank(s).

Underground storage tanks at the following facilities are assured by this local government fund mechanism: [List for each facility: the name and address of the facility where tanks are assured by the local government fund].

[Insert: "The local government fund is funded for the full amount of coverage required under § 280.93, or funded for part of the required amount of coverage and used in combination with other mechanism(s) that provide the remaining coverage." or "The local government fund is funded for ten times the full amount of coverage required under § 280.93, or funded for part of the required amount of coverage and used in combination with other mechanisms(s) that provide the remaining coverage," or "A payment is made to the fund once every year for seven years until the fund is fully-funded and [name of local government owner or operator] has available bonding authority, approved through voter referendum, of an amount equal to the difference between the required amount of coverage and the amount held in the dedicated fund" or "A payment is made to the fund once every year for seven years until the fund is fully-funded and I have attached a letter signed by the State Attorney General stating that (1) the use of the bonding authority will not increase the local government's debt beyond the legal debt ceilings established by the relevant state laws and (2) that prior voter approval is not necessary before use of the bonding authority"].

The details of the local government fund are as follows:

Amount in Fund (market value of fund at close of last fiscal year): _____

[If fund balance is incrementally funded as specified in § 280.107(c), insert:

Amount added to fund in the most recently completed fiscal year: _____

Number of years remaining in the pay-in period: _____]

A copy of the state constitutional provision, or local government statute, charter, ordinance or order dedicating the fund is attached.

I hereby certify that the wording of this letter is identical to the wording specified in 40 CFR 280.107(d) as such regulations were constituted on the date shown immediately below.

[Date]

[Signature]

[Name]

[Title]

[FR Doc. 93–2824 Filed 2–17–93; 8:45 am]

BILLING CODE 6560-50-P

VOL 58 ISS 31 FE 18 1993 UMI

Federal Register

Thursday
February 18, 1993

Part III

Environmental Protection Agency

40 CFR Parts 168 and 169
Final Pesticide Export Policy Statement; Rule

VOL
58
ISS
31
FE
18
1993
UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 168 and 169

[OPP–170003; FRL 4000–1]

RIN 2070–AC09

Pesticide Export Policy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final policy statement.

SUMMARY: This document sets forth the final version of EPA's revised pesticide export policy. This policy replaces EPA's existing pesticide export policies, which were published in the **Federal Register** on May 14, 1975 and on July 28, 1980. This policy eliminates an exemption provided in the 1980 policy from the requirement to obtain a purchaser acknowledgement statement, clarifies the requirements for labeling exported pesticides, and clarifies the requirements affecting the export of research and development pesticides. EPA believes that these changes and clarifications will increase the usefulness of information on exported U.S. pesticides sent to other countries, and simplify compliance with the export requirements. The policy also discusses whether certain information about unregistered pesticides submitted to EPA will be considered confidential. Changes to EPA's program to notify countries of U.S. pesticide regulatory actions are discussed. EPA is broadening the scope of actions which will trigger international notifications, and is prioritizing the timing of transmitting these notices to other governments. The policy also presents a new system for transmittal of international notices, whereby EPA will be transmitting advance copies of the notices directly to countries and the State Department will notify the appropriate embassies.

EFFECTIVE DATE: This policy is effective April 19, 1993, except for § 168.75 which will be effective June 1, 1993

FOR FURTHER INFORMATION CONTACT: For information about the FIFRA section 17(a) requirements regarding labeling of pesticides intended for export and procedures for exporting unregistered pesticides contact: Stephen Howie, Office of Compliance Monitoring (EN–342W), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460 U.S.A.; telephone (703) 308–8290; facsimile (703) 308–8218.

For further information about FIFRA section 17(b) notification programs or EPA's international pesticide activities contact: Deborah Hartman, Office of Pesticide Programs (H–7501C), U.S Environmental Protection Agency, 401 M St., SW., Washington, DC 20460 U.S.A.; telephone (703) 305–7102; facsimile (703) 305–6244.

SUPPLEMENTARY INFORMATION:

Electronic Availability: This document is available as an electronic file on *The Federal Bulletin Board* at 9 a.m. on the date of publcation in the **Federal Register**. By modem dial (202) 512-1387 or call (202) 512-1530 for disks or paper copies. This file is also available in Postscript, Wordperfect and ASCII.

The contents of this policy are listed in the following outline:

I. Summary
II. Background
A. Statement of EPA's Goals for International Pesticide Activities
B. Legal Authority
C. Global Pesticide Market; Exports from the United States; Pesticide Usage; Agricultural Imports
D. Reasons for Review of EPA's 1980 Policy Statement
III. Discussion of the 1980 Policy, the 1990 Proposal, Public Comments, and Responses to Comments
A. 17(a)(1)-Label and Labeling Requirements for Exported Pesticides
B. FIFRA Section 17(a)(2)-Procedures for Exporting Unregistered Pesticides--Purchaser Acknowledgement Statement
C. Confidentiality
D. FIFRA Section 17(b) Notification Programs
E. Section 17(d) Activities
IV. Technical Amendment
V. Public Record
VI. Other Regulatory Requirements
A. Executive Order 12991
B. Regulatory Flexibility Act
C. Paperwork Reduction Act
VII. Export Policy and Procedures for Exporting Unregistered Pesticides

I. Summary

This policy discusses the requirement to obtain a purchaser acknowledgement statement for exporters of unregistered pesticides. This policy also allows certain unregistered pesticides to be exported for research and development (R&D) purposes without meeting the purchaser acknowledgement statement requirement, if the use in the country of import does not exceed the limits specified in criteria provided in this policy. Exporters are required to maintain records to substantiate claims that their products fit the exemption for R&D products.

EPA is also clarifying certain labeling requirements. Certain label statements which in the past had to be bilingual, may now be required to be multilingual, if applicable. The policy clarifies that all unregistered pesticides must have labels/labeling with the statement "Not Registered for Use in the United States of America." The policy also clarifies that research and development pesticide products must meet the labeling requirements of section 17(a)(1). The policy allows exporters to add explanatory language to use classification statements to explain the restricted status of the product.

The policy sets new procedures that exporters must follow to obtain and transmit purchaser acknowledgement statements. The final policy requires per-shipment purchaser acknowledgement statements, but also provides an alternative means for satisfying this statutory requirement. More information is required in the purchaser acknowledgement statements, and the policy also discusses new procedures for the transmittal of purchaser acknowledgement statements.

EPA's notifications to other countries about pesticide regulatory actions are discussed. The policy provides that EPA will immediately notify countries about all regulatory actions taken on the basis of health or environmental concerns, and also provide countries with an annual summary of all pesticide regulatory actions. The policy explains that EPA will directly notify countries of the actions in advance and the State Department will notify embassies.

The policy also describes EPA's projects to support environmental protection and safe pesticide use in other countries. The policy discusses the scope of EPA's international technical assistance projects to support environmental protection and safe pesticide use in other countries. The United Nations' Prior Informed Consent procedures concerning banned and severely restricted pesticides are also discussed.

II. Background

A. Statement of EPA's Goals for International Pesticide Activities

EPA has two major goals for its international pesticide activities: To ensure the safety of the U.S. food supply; and to enhance the protection of public health and the environment from unreasonable adverse effects of pesticides, both in the United States and throughout the world, by promoting the sound management and regulation of pesticides. Specifically, EPA intends to take actions:

1. To protect the American consumer from illegal residues of pesticides on imported food products by informing countries who export food to the United States of our regulatory requirements, and by working with other U.S. agencies to ensure the quality of imported food.

2. To encourage international adoption of standards consistent with sound scientific risk assessment and to coordinate U.S. approaches, to the extent permitted by U.S. law, with those of other governments and international organizations.

3. To inform other governments about U.S. pesticide regulations and to assist them in the development of their own regulatory programs so as to better protect their public's health and environment.

4. To consider the work of other governments' regulatory programs in conducting our own regulatory reviews, so that we may benefit from this work, and promote internationally consistent regulations.

B. Legal Authority

This notice sets forth EPA's final policy concerning the export of pesticide products and the notification to other countries of significant regulatory actions affecting pesticide sale and use in the United States. Section 17 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) contains the legal authority for EPA to carry out these policies. The provisions of FIFRA section 17 concerning exports of pesticides were first enacted in the Federal Environmental Pesticide Control Act of 1972, (Pub. L. 92–516) which amended FIFRA. The provisions for export notification (section 17(a)) were added in amendments to FIFRA through the Federal Pesticide Act of 1978 (Pub. L. 95–396).

An important part of section 17 is the provision of information to foreign purchasers and other governments concerning the registration status of pesticide products in the United States and EPA's conclusions regarding the safety of certain pesticide products. Section 17 of FIFRA currently mandates three systems of notification:

(1) Labeling on exported products.

(2) A notice to the foreign purchaser as well as the importing country of the export of an unregistered pesticide.

(3) A notice to all countries of certain regulatory control actions taken by EPA. Section 17 also directs EPA to participate in international efforts in pesticide research and regulation. The provisions of section 17 concerning pesticide exports are presented below.

1. *FIFRA section 17(a).* FIFRA section 17(a) provides as follows:

(a) *Pesticides and Devices Intended for Export.*-Notwithstanding any other provision of this Act, no pesticide or device or active ingredient used in producing a pesticide intended solely for export to any foreign country shall be deemed in violation of this Act-

(1) when prepared or packed according to the specifications or directions of the foreign purchaser, except that producers of such pesticides and devices and active ingredients used in producing pesticides shall be subject to sections 2(p), 2(q)(1)(A), (C), (D), (E), (G), and (H), 2(q)(2)(A), (B), (C) (i) and (iii), and (D), 7, and 8 of this Act; and

(2) in the case of any pesticide other than a pesticide registered under section 3 or sold under section 6(a)(1) of this Act, if prior to export, the foreign purchaser has signed a statement acknowledging that the purchaser understands that such pesticide is not registered for use in the United States and cannot be sold in the United States under this Act. A copy of that statement shall be transmitted to an appropriate official of the government of the importing country.

EPA interprets section 17(a) to provide authority for EPA to establish the specific requirements for labeling of exported pesticides and to establish the specific requirements and procedures for obtaining and distributing purchaser acknowledgement statements set forth in this policy.

2. *FIFRA section 17(b).* FIFRA section 17(b) provides as follows:

(b) *Cancellation Notices Furnished to Foreign Governments.*— Whenever a registration, or a cancellation or suspension of the registration of a pesticide becomes effective, or ceases to be effective, the Administrator shall transmit through the State Department notification thereof to the governments of other countries and to appropriate international agencies. Such notification shall, upon request, include all information related to the cancellation or suspension of the registration of the pesticide and information concerning other pesticides that are registered under section 3 of this Act and that could be used in lieu of such pesticide.

3. *FIFRA section 17(d).* FIFRA section 17(d) provides as follows:

(d) *Cooperation in International Efforts.*- The Administrator shall, in cooperation with the Department of State and any other appropriate Federal agency, participate and cooperate in any international efforts to develop improved pesticide research and regulations.

C. Global Pesticide Market; Exports from United States; Pesticide Usage; Agricultural Imports

EPA estimates that 4 billion pounds of conventional pesticides (measured as active ingredients) are produced and used in the world annually. (Conventional pesticides include chemicals (other than wood preservatives) produced for, and marketed primarily as pesticides: this estimate excludes sulfur, petroleum distillates, and chlorine, all of which have substantial use both as pesticides and non-pesticides.) About three-fourths of the pesticides produced world-wide (3 billion pounds) is used for agricultural purposes. The remainder (about 1 billion pounds) is used for non-agricultural purposes.

The United States, along with other industrialized countries such as Germany and the United Kingdom, is a major exporter of pesticides. In 1989, the United States exported approximately 380 million pounds of active ingredient pesticides; this figure represents approximately 29 percent of overall U.S. pesticide production, and approximately 10 percent of the total world pesticide consumption, not including wood preservatives or disinfectants. An analysis conducted by the U.S. Department of Agriculture's Economic Research Service (ERS) estimates that in 1989, total U.S. pesticide sales were $6.5 billion, of which $2.0 billion were identified as export sales. The United States is also a major importer of agricultural commodities. In general, imports comprise about 15 percent of total U.S. agricultural product consumption. For certain items--coffee, bananas and cocoa, for example — imports are a much higher percentage of the total U.S. consumption. Pesticides are used in the production and storage of many of the imported food commodities that Americans consume.

D. Reasons for Review of EPA's 1980 Export Policy

1. *Health/environmental concerns.* EPA undertook a review of its export policy at a time of growing public concern both about pesticide residues, particularly in imported foods, and also about the contribution of American-made pesticides to health and environmental problems in the developing world. EPA is concerned about food safety, the quality of the global environment and about public health around the world, and believes that it was appropriate to review its policies to see how it could better address these health and environmental concerns.

In the United States and the international community, some have expressed the view that the United States should not permit the export of pesticides that are not registered for use in the United States. This view appears to be based on the perception that pesticides which are not registered for use in the United States, and which are manufactured in the United States for export to other countries, are inherently more dangerous than those that are registered for use here.

FIFRA provides EPA with only limited authority to prohibit pesticide exports. As a matter of policy, however, the Agency's position is that banning

exports of unregistered pesticides will not necessarily solve the problems associated with pesticide use and misuse in other countries. The Agency's views in this regard have been based, in part, on the following four premises. First, controlling the export of products from the United States alone will not resolve the problems associated with pesticide use in developing countries. The United States is one of many pesticide exporters-exporting approximately 10 percent of the total world pesticide consumption. Many countries, including some developing countries, have the manufacturing capability to produce and export pesticides which have been banned or which are unregistered in the United States.

Second, EPA believes that it may be more effective to concentrate on controlling the management and use of all pesticide products, in order to reduce unnecessary exposure, rather than categorically banning certain classes of U.S. pesticides from international trade. Third, EPA's regulatory decisions are based upon risk/benefit evaluations specific to the United States. The risk/benefit balance in other countries may differ from the United States due to differences in growing conditions and pest control problems, as well as public health and environmental considerations. Thus, the fact that a pesticide is not registered in the United States may provide little indication of whether the pesticide poses a serious health or environmental threat when used in other countries. Fourth, pesticide manufacturers may not seek to register a product in the United States simply because there is no need for it here. For example, the product may control a pest that is not a problem in this country or may be used on crops not commonly grown here. For these reasons, EPA strongly supports upgrading information and technical assistance to other countries to help them make sound decisions on pesticide use and regulation.

Concern about the export of banned or unregistered pesticides has been linked to fears that food imported into the United States will contain illegal residues of pesticides which cannot be used here. This possibility has been termed the "Circle of Poison." Data gathered from residue monitoring programs, however, do not lend support to the "Circle of Poison" theory. Although the data base is not as extensive as many would like, the results of food monitoring programs show that imported foods generally do not contain either elevated levels or a large number of pesticide residues, relative to domestic food samples. Furthermore, the levels that are found do not generally present any significant public health threat. (See statistics from food import monitoring programs, discussed below.) EPA, the Food and Drug Administration (FDA), and the U.S. Department of Agriculture (USDA) have several programs in place to ensure the safety of imported food. These agencies are working together to address public concerns about the "Circle of Poison" and to share information to strengthen their monitoring and enforcement programs. These programs will be discussed briefly below.

a. *FDA's programs.* Under the Federal Food, Drug, and Cosmetic Act (FFDCA), EPA is responsible for setting tolerances (maximum permissible residue levels) for pesticides in or on food and feed crops and in processed foods. While EPA establishes these tolerances, the FDA is responsible for enforcing tolerances. Under a surveillance monitoring program, FDA samples individual lots of domestically produced and imported foods and analyzes them for pesticide residues. Using five multi-residue testing methods routinely, FDA can detect and measure about half of the pesticides with EPA tolerances, as well as others that have no tolerances, plus numerous metabolites, impurities, and alteration products of both registered and non-registered products. For those pesticides with U.S. tolerances, single residue testing methods are available to test for those residues not detected by the multi-residue methods. Single residue methods are also used for surveys for specific pesticides of concern. The analytical methods used to measure the residues are generally capable of determining levels well below tolerance values. EPA's policy is that the Agency will not grant a food use registration under FIFRA or a tolerance under FFDCA unless there is a validated analytical method for detecting and measuring residues.

The FDA imposes various sanctions on domestic and imported foods found to contain illegal residues of pesticides. Domestic foods are subject to seizure or injunction and imported foods may be detained at the port of entry when illegal residues are found. In the case of imports, "automatic detention" may also be invoked as a result of a single violative shipment. Automatic detention presumes that the violative condition may persist in subsequent shipments of the same food (same shipper or grower, same growing season). For this reason, subsequent shipments are automatically detained and required to be accompanied by a valid certificate of analysis from a private laboratory before they are allowed to enter the country.

The most recent statistics on FDA monitoring activities, which were compiled for Fiscal Year 1991 (October 1, 1990 through September 30, 1991) show that 19,082 samples were analyzed under the regulatory monitoring approach. Of these, 8466 were domestic and 10,616 were imports.

FDA collects two categories of samples-"surveillance" and "compliance" samples. Most samples gathered are surveillance samples-collected when there is no reason to suspect that a particular shipment contains illegal residues. Compliance samples are taken for follow-up when a residue problem is known or suspected.

Of the 9,933 import surveillance samples analyzed, 69% had no residues detected, less than 1% had over-tolerance residues, and 2% had residues for which there was no tolerance for that particular pesticide/commodity combination. Fruits and vegetables accounted for 78% of the import surveillance samples. Of the fruits and vegetables tested, 65% and 68% of samples, respectively, had no residues detected. Each group had less than 1% of samples with over-tolerance residues. One percent of the fruit samples and 3% of the vegetables samples had residues for which there was no tolerance. No residues were found in 90% of the milk/dairy products group, and no samples were violative.

The majority of illegal residues found result from use of a pesticide on a particular commodity for which there is no tolerance, although tolerances for residues of that pesticide may exist for other commodities. In cases where no tolerance existed, or where the residues were over the tolerance level, sanctions were imposed.

FDA acquires information on pesticide usage in countries exporting food to the United States for use in planning and conducting its pesticide monitoring activities. FDA's primary source for such data has been the Battelle World Agrochemical Data Bank, a computer data base containing foreign usage data for about 20–25 countries. The Pesticide Monitoring Improvements Act of 1988 requires FDA to negotiate with the governments of major exporting countries for pesticide usage data, with the aim of enhancing FDA's ability to direct analysis toward those residues of specific pesticides known or thought to have been used on particular commodities. Since the passage of the Pesticide Monitoring Improvements Act, FDA has expanded its coverage of imported foods sampled, testing a wider range of foods. EPA will also be able to

regularly provide FDA and USDA with information concerning which countries are receiving certain pesticides from exporters in the United States, in accordance with the provisions of EPA's Class Determination 1–91, Identity of the Importing Country, (included in today's policy), FIFRA section 17(a)(2), and the regulations governing disclosure of business information to other Federal agencies at 40 CFR 2.209. (The confidential status of information submitted to EPA in purchaser acknowledgement statements is discussed in Unit III.C. of this preamble.)

b. *USDA's programs.* Responsibility for monitoring meat and poultry exported to the United States to ensure that it is wholesome and accurately labeled, in accordance with U.S. standards, belongs to USDA. The Food Safety and Inspection Service (FSIS) of USDA implements inspection and sampling programs as required by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act.

Federal meat and poultry inspection laws require countries exporting meat or poultry to the United States to impose inspection requirements at least equal to U.S. requirements. USDA's Foreign Programs Division evaluates foreign meat and poultry inspection programs through system reviews, including on-site reviews of plants in exporting countries. FSIS also conducts port of entry reinspection of meat and poultry products exported to the United States. Imported meat and poultry products are sampled for food chemistry and microbiological hazards as well as chemical residues (including pesticides) and drug residues. During 1990, 14,170 residue samples of imported product were analyzed for drug and chemical residues. Only 11 samples were found to contain violative levels.

2. *Congressional oversight.* In April 1989, the General Accounting Office issued a report to the Chairman of the Environment, Energy, and Natural Resources Subcommittee, Committee on Government Operations, of the U.S. House of Representatives, entitled, PESTICIDES: Export of Unregistered Pesticides is not Adequately Monitored by EPA (GAO/RCED–89–128). GAO identified problems in EPA's monitoring program regarding the section 17(a) purchaser acknowledgement statement requirement and reported that foreign countries were not being adequately notified on pesticides of concern in the United States pursuant to section 17(b). GAO recommended to the EPA Administrator that EPA take actions to strengthen its oversight of pesticide exports, including: (1) monitoring compliance with purchaser acknowledgement statement requirements; (2) changing its enforcement policy concerning the export of unregistered pesticides under section 17(a); and (3) developing criteria and procedures to improve preparation and issuance of section 17(b) notices of control actions, specifically addressing the issue of what constitutes a "significant action" involving a pesticide.

GAO was critical of an exemption to the purchaser acknowledgement statement requirement of section 17(a), established in a 1980 Policy Statement (45 FR 50274), July 28, 1980. This 1980 policy exempted exporters of unregistered pesticide products which were "similar in composition and use pattern to a federally registered product" from the purchaser acknowledgement requirements of section 17(a)(2). GAO concluded that this policy exempted the majority of pesticide exports from the notice requirement, and also concluded that the exemption made it extremely difficult for EPA to monitor compliance with section 17(a).

On May 3, 1989, the Environment, Energy, and Natural Resources Subcommittee, held a hearing on the topic of pesticide exports. In addition to the issues raised in the GAO report, the Subcommittee requested that EPA officials discuss: trends in U.S. pesticide production and exports; EPA's performance and policies relating to the implementation, monitoring, and enforcement of section 17 of FIFRA; EPA's responsibilities under the FFDCA to establish pesticide tolerances (maximum level of pesticide residue permitted on food or feed); efforts by EPA to assist FDA and USDA in the identification of potentially adulterated food imports; U.S. involvement in international discussions relating to the Prior Informed Consent (PIC) concept (57 FR 58390, December 9, 1992); and EPA's efforts to provide technical assistance to foreign countries.

EPA officials testified at the hearing that EPA's implementation of the notification procedures needed improvement and agreed to review its program and propose alternatives that would be more effective in communicating to other governments the potential risks associated with certain pesticides. EPA also indicated that it had already concluded that notification systems alone would not resolve the types of problems associated with the use of pesticides in developing countries and therefore had also allocated a portion of its limited resources to providing technical assistance to developing countries. This export policy review was initiated at the conclusion of that hearing. On February 12, 1990 (55 FR 4956), EPA published proposed policy changes entitled the Pesticide Export Policies Review and proposed amendments to the 1980 policy. The proposals discussed possible revisions to export labeling requirements, confidentiality provisions, and international pesticide notifications.

On March 28, 1990, the Committee on Agriculture, Nutrition, and Forestry, of the U.S. Senate held a hearing on pesticide exports. The Committee invited EPA to address proposed legislation, the proposed Pesticide Export Reform Act of 1990 (S. 2227), as well as EPA's February 12, 1990 export policy proposals. At the hearing, EPA officials testified in support of strengthening the provisions of FIFRA governing the export of pesticides to address growing concerns about international trade in banned and severely restricted pesticides. EPA expressed support for amending section 17 of FIFRA to enable EPA to more fully implement the prior informed consent procedure of the United Nations Food and Agriculture Organization (FAO) and Environment Programme (UNEP).

At the hearing, the February 12, 1990 proposed policy changes were discussed, along with EPA's efforts to develop education and training workshops in pesticide regulation and management for other countries, especially developing countries. EPA also stated its wish to be consistent with the international Prior Informed Consent (PIC) procedures. (See 55 FR 4962.) PIC procedures are described in more detail in Unit III.E. of this preamble. (Copies of EPA's testimony for this and subsequent Congressional hearings on the export of pesticides are included in the public record for this policy statement, as discussed in Unit V of this preamble.)

EPA believes that improvements to current law are necessary to improve or help to ensure FDA and USDA have the ability to monitor imported food for illegal pesticide residues, regardless of the origin of the pesticide. Suggestions proposed to Congress by EPA would help to ensure that unregistered pesticides have been reviewed and approved by an OECD country, and that the data supporting the approval are available to potential importing countries to assist their decision-making. While EPA supports improvements to the current law, this policy statement is based upon current FIFRA requirements.

VOL 58 ISS 31 FE 18 1993 UMI

III. Discussion of the 1980 Policy, the 1990 Proposal, Public Comments, and Responses to Comments

EPA received 40 sets of comments on its February 12, 1990 policy proposals: 18 from pesticide companies and industry, including trade associations; 2 from environmental organizations; 16 from foreign governments, 1 from a representative of the Organization for Economic Cooperation and Development (OECD); 1 from a consulting firm, and 2 from United States government agencies. The comments addressed all of the general areas of the proposed policy revisions. A brief discussion of the 1980 Export Policy, EPA's 1990 proposal, comments received and EPA's responses are presented below.

A. Section 17(a)(1)-Label and Labeling Requirements for Exported Pesticide Products

1. *Applicability of the label statement "Not Registered for Use in the United States of America" required by section 17(a)(1).* — a. *1980 policy.* EPA's 1980 policy provided that in accordance with FIFRA section 17(a)(1), all unregistered pesticides must have labels or labeling which contain the statement "Not Registered for Use in the United States of America." The statement must be conspicuous and readable. The 1980 policy also required that this statement appear in both English and the language of the importing country.

b. *1990 proposal.* EPA proposed clarifying that all unregistered products must comply with the labeling provisions of section 17(a)(1), and that all products not bearing a valid EPA registration number must state "Not Registered for Use in the United States of America" on their labels or labeling. The statement must be conspicuous and readable, and meet the requirements for multilingual labels as defined in § 168.65(b)(4) of this policy.

c. *Comments.* A number of industry representatives commented on the applicability of this requirement and ways to improve its utility. Three commentors thought that the "Not Registered for Use in the United States" labeling statement requirement did not currently apply to products which are claimed to be similar in composition and use to a U.S. registered product, and favored continuing that approach. Three other commentors also supported this approach. Two commentors suggested that EPA allow the statement to be expanded either to account for variations or to be reworded or supplemented, e.g., "this product is similar to a registered product..." The remaining commentors on this issue stated that the language "Not Registered for Use in the United States of America" should not be required on immediate product packaging since it would require relabeling in the importing country or the country of distribution. They suggested that exporters should be allowed to place this statement on the outside labeling, i.e., on the shipping or packaging containers.

d. *Response.* Section 2(q)(1)(H) of FIFRA requires that each unregistered exported product have the statement "Not Registered for Use in the United States of America" on the product label. Due to the range of interpretations expressed in the comments, EPA believes there is a need to clarify that point in this policy.

The statute prescribes that the label of an exported unregistered product must bear the statement "Not Registered for Use in the United States of America." Alternative statements which do not clearly inform the reader that the product is unregistered would not meet this requirement. EPA agrees, however, that certain additional clarifying language could improve the usefulness of this statement, since the meaning of the term "not registered" may be unclear to handlers and users of pesticides in other countries. Therefore, EPA has decided that exporters may add language to the label to explain why the product is not considered to be a registered product in the United States. For example, where a particular product is unregistered because a labeled exported use includes a crop not included in the U.S. registration, it would be acceptable to add the statement "Not registered for Use on [unregistered use crop] in the United States of America." It would also be permissible to add clarifying language after the statement "Not Registered for Use in the United States of America" such as "For research use only."

In addition, EPA would not object to language which clarifies the registration status, such as adding the statement "No Longer Registered for Use in the United States of America" or adding information regarding the reason why the registration was dropped. The labeling statement must not, however, obscure the fact that the product is not registered for use in the United States and cannot be sold for use in the United States. EPA will consider as misbranded any exported unregistered product which does not contain the basic statement "Not Registered for Use in the United States of America" or to which any added labeling language is false or misleading, as in suggesting that the product is in fact registered.

As described elsewhere in this policy, the statement "Not Registered For Use in the United States of America" may be included on the supplemental labeling, rather than on the immediate product packaging.

2. *Applicability of the labeling requirement to research and development products.*— a. *1980 policy.* The 1980 policy specifically stated that research quantities of pesticides are subject to the policy's labeling provisions.

b. *1990 proposal.* EPA proposed to clarify that the labeling requirements of section 17(a)(1) applied to all exported pesticides without exception. EPA believed that clarification was necessary to ensure that exported R&D pesticide products that are exempted from other provisions of section 17 of FIFRA still meet the labeling requirements of section 17(a)(1).

c. *Comments.* Some commentors stated that it was their understanding that research and development (R&D) pesticides were not considered to be pesticides under FIFRA, according to the provisions of 40 CFR part 172 (Experimental Use Permits), and that such substances would therefore not be subject to any FIFRA requirements including labeling. Commentors also stated that since these chemicals would be used under highly controlled conditions by highly skilled individuals there would be little need for the required labeling. Commentors noted that since these products were still in the developmental stage, many of the required statements could not be made.

Two environmental groups disagreed with the concept of exempting R&D chemicals from any labeling requirements. They believed that there should be tighter regulation of R&D chemicals because less is known about them than is known about commercial products.

d. *Response.* EPA disagrees with those commentors who stated that R&D pesticides are not pesticides regulated under FIFRA. The Agency does regulate R&D pesticides under FIFRA, even though the Agency may have determined that certain R&D pesticides would not be subject to all the requirements of FIFRA (e.g., See 40 CFR part 152).

In addition, EPA does not find any of the arguments against labeling requirements for R&D pesticides to be compelling. The minimal identity and safety information required on export labeling in section 17(a)(1), is useful in ensuring that such pesticides are properly identified during shipment and upon arrival in the importing country. The Agency believes that it is important

to treat R&D pesticides that are exported consistently with our treatment of R&D pesticides in the United States. Therefore, when R&D pesticides are exported, such R&D pesticides are subject to the FIFRA section 17(a)(1) labeling requirements described in this policy.

In addition, the Agency has determined that in order to protect confidentiality, the exporter may choose to use coded information to identify the ingredients on the labeling of exported pesticide products shipped for R&D purposes. (See 40 CFR 168.65(b)(1)(iv) of this document.)

3. *Supplemental labeling.* Under section 2(p) of FIFRA, labels are written, printed, or graphic material "on or attached to the pesticide...or any of its containers or wrappers." Labeling, including supplemental labeling, refers to labels and any written, printed, or graphic material accompanying the pesticide or device at any time or to which reference is made on the label.

a. *1980 policy.* In the 1980 policy, exporters were allowed to use supplemental labeling to meet label requirements when there were conflicts between United States and foreign label requirements. The 1980 policy provided that supplemental labeling may be attached to or accompany the product container or shipping container. The policy emphasized that the Agency intended to be as flexible as possible on this issue. Exporters were permitted to use a variety of types of labeling to comply with the requirements of FIFRA, as long as the labels or labeling, when taken together, conform to the FIFRA section 17(a)(1) requirements.

b. *1990 proposal.* EPA proposed maintaining its 1980 policy regarding supplemental labeling of exported pesticides. This policy allows the placement of label statements either on the label or on the labeling (i.e., attached material) as long as the labels and labeling, taken together, fulfill the requirements of FIFRA section 17(a)(1). EPA alternatively proposed to clarify that certain language had to appear on the immediate container unless there was a direct conflict with foreign labeling requirements.

c. *Comments.* The majority of commentors favored continuing the 1980 policy, but also indicated a need for clarification of when supplemental labeling is allowed, what may be included in supplemental labeling, and what supporting documentation may be needed to allow the Agency to ensure compliance.

While one foreign government commented in favor of continuing the existing policy, most of the comments on supplemental labeling were received from industry. All of the comments from industry representatives supported reducing the label requirements for exported pesticide products, and allowing exporters to place the majority of the required statements on attached labeling. Two commentors stated that exporters should be allowed to place all bilingual or multilingual statements on supplemental labeling, and that it should be permissible to place on immediate containers, labels only in the language of the country of intended use. One commentor stated that the policy should explicitly allow this. Two commentors stated that if the purchasing country was different from the country of final destination, the purchaser would never see the immediate containers and thus labeling in their language would be of no use. The commentors said that placing U.S.-required statements on immediate containers would simply mean that those containers would have to be relabeled at a later date.

Three commentors stated that the proposed multilingual requirement for labels (55 FR 4971) would cause problems unless supplemental labeling were generally allowed. Two cited situations where such products would have to be repackaged or reprocessed overseas before final sale and use. The other commentors mentioned that having several translations on the label would take up too much space and crowd the labels. Two commentors stated that imposing U.S. product label requirements would interfere with the ability of foreign governments to regulate pesticides. One of these commentors suggested that requiring U.S. labeling statements on exported products would insult foreign national sovereignty. The other stated that their customers were incredulous that certain FIFRA-required statements would have to be on the immediate container labels of products they purchased from U.S. manufacturers. Two commentors said that once a product is exported, EPA would not be able to enforce label provisions.

d. *Response.* The Agency continues to support the position stated in its 1980 policy statement that EPA will allow exporters to meet the labeling requirements in FIFRA by the use of supplemental labeling. By this policy, EPA makes it possible for exporters to also meet the label and labeling requirements of foreign purchasers and regulatory authorities.

EPA agrees with commentors who state that it should be permissible to label immediate containers in accordance with the requirements of the country of intended use, and to include any FIFRA required statements on supplemental labeling which must accompany shipping containers. EPA also agrees that the multilingual labeling requirements may be met through supplemental labeling. The multilingual requirement is intended to ensure that appropriate information is available to all persons who come in contact with a pesticide, and attaching that information to shipping containers will accomplish this purpose while the pesticide is being transported. This also allows the product to be labeled in a manner that is considered appropriate by the importing country.

Finally, EPA believes that it is not appropriate to require evidence that a FIFRA label actually conflicts with the labeling requirements of a foreign country in order to allow supplemental labeling. The government of a foreign country may prefer or require that the label be only in the language of their country, that the label present certain information in a specified format, or that the label conform to an accepted international label scheme.

Consequently, EPA has decided that the labeling requirements under section 17(a)(1) may be met either with a label attached to the product container or with supplemental labeling attached to the shipping containers. The supplemental labeling must be attached to the immediate product container or the shipping container at all times when it is shipped or held for shipping in the United States. For example, placing required information on the supplemental labeling of exported pesticides would be considered appropriate in the following situations: where the immediate pesticide containers are labeled to meet foreign purchaser requirements or international labeling conventions; where the producer uses supplemental labeling to meet multilingual labeling requirements; or where the producer believes there may be problems meeting the labeling requirements of foreign countries if U.S. labeling information is included on the immediate product containers. The exporter must only determine which labeling provisions are not met through information on the label attached to the immediate container and meet those requirements through supplemental labeling. Where the supplemental labeling and container labeling taken together meet the FIFRA requirements, the shipment will be considered to be in compliance with FIFRA.

4. *Expansion of Language Requirements for Labels from Bilingual to Multilingual* — a. *1980 policy.* FIFRA

VOL
58
ISS
31
FE
18
1993
UMI

section 2(q)(1)(E) requires that "any word, statement, or other information" required pursuant to its authority must be "...in such terms as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use." EPA's 1980 policy statement interpreted this language to require bilingual statements, in English and the language of the importing country, for: (i) The warning and caution statements, (ii) the ingredient statement, (iii) where required, the word "poison" and the statement of practical treatment, and if required, (iv) the statement "Not Registered for Use in the United States of America."

The 1980 policy stated that "any language in which official government business is conducted in the country or which is the predominantly spoken language of the country is acceptable as the second language on the label." 45 FR 50275 (July 28, 1980.)

EPA's authority to establish bilingual labeling requirements for exported pesticides was affirmed by an EPA administrative law judge. See In the Matter of Shield-Brite Corporation, (Docket No. FIFRA–90–H–02, June 28, 1991).

b. *1990 Proposal.* EPA proposed to require that labeling statements, which are currently required to be bilingual, be multilingual. As such, the labeling statements would have to appear in English, in the language of the purchaser's country, and if different, in the language of the country of final destination. This was done to address those situations where a product is exported to more than one country, as well as when the country of final destination is different from the country to which it is initially exported.

c. *Comments.* EPA received a number of comments on this issue. Approximately 12 commentors supported retaining the current bilingual labeling requirements. Two environmental groups and two countries strongly supported multilingual labeling. One commentor suggested that all precautionary statements be multilingual. Nine industry commentors strongly objected to multilingual labeling as impractical, unnecessary, burdensome, and stated that it would put the United States at a competitive disadvantage. Two countries favored multilingual labeling, stating the importance of readable labels at use sites. Another country stated that it had its own strict requirements for labeling to be in its own language, but did not explain whether bilingual or multilingual label statements were permitted. One country responded that it expected labels to be in its own language.

Pesticide industry commentors expressed strong objections to this proposal and expressed a preference for bilingual labeling. Several stated that only English and the language of the country of final destination should be on the label since the intermediate country only transfers the pesticide. Other industry commentors stated that the label should be bilingual but not in the language of the country of final destination because this is often not known.

Several commentors stated that this requirement would cause problems in the case of reformulated technical active ingredients, since labeling of technical products would not be sent with the reformulated products. In addition, it is often difficult to anticipate the final destinations when technical products are shipped from the United States.

d. *Response.* EPA believes that multilingual labeling is required for the communication of important information on the safe and effective handling of pesticides. However, EPA acknowledges that there are likely to be situations where it is impractical for the U.S. exporter to know the identity of each country to which a pesticide may eventually be shipped. Therefore, an exporter must only include the language of each country to which the exporter knows, or can reasonably be expected to know, that the product will be shipped. For this reason, EPA is qualifying the requirement by adding the phrase "if known, or reasonably ascertainable" when referring to the need to include the language of the country of final destination.

Examples of when the exporter can reasonably be expected to know the destinations of a shipment, include but are not limited to the following: there is documentation in the exporter's files, e.g., sales or shipping contracts, which specify the destination of the specific shipment; an exporter's history of transactions with a particular customer would indicate where particular pesticides have been shipped and indicate where this shipment is likely to go; there is documentation in the exporter's files which indicates that a pesticide is being shipped to a country as an intermediate destination and will be reshipped to other countries for importation, in which case the other countries are considered the final destination.

EPA acknowledges that where a product is a concentrated active ingredient shipped to a foreign purchaser for reformulation, the U.S. exporter may not be able to anticipate all possible reformulations and their destination. For example, if a technical grade active ingredient is exported for reformulation into end-use products in the importing country, the exporter may not know where the end-use products will be shipped. In this case, the exporter would only be required to label the product in English, and the language of the importing country. Note, however, that if the exporter knows, or can be reasonably expected to know, that the active ingredient is being shipped to an intermediary who will ship it to another country where reformulation would take place, multilingual labeling would be required in English, in the language of the country of the intermediary, and in the language of the country of the reformulator, who is considered to be the final destination.

Although EPA believes that multilingual labeling will help to communicate more information to people who come into contact with pesticides during shipment, handling, and use, EPA also recognizes that there are limitations to the usefulness of multilingual labeling. Some users of pesticides may not be able to read, and for those people, pictures or symbols may be more effective in conveying use and safety information. As such, EPA has reviewed and strongly supports the Guidelines on Good Labeling Practice developed by the Food and Agriculture Organization of the United Nations, March 1985. These guidelines were prepared with the intention of assisting people who prepare pesticide labels, in communicating the essential elements of the safe and effective use of pesticides to end-users.

The FAO guidelines recommend communicating information on hazard by using the pictorial representations indicating toxicity, flammability, explosiveness, oxidation, irritancy, and corrosiveness. In addition, international symbols used to indicate various physical properties have been combined with short hazard classification statements, used in the World Health Organization (WHO) Hazard Classification System. WHO's hazard classification is based on the hazard presented by the formulated product (e.g., a WHO Class Ia pesticide active ingredient could be in Class II when formulated.)

The guidelines also recommend using color coding, based on the toxicity of the product, and should be linked to the WHO Recommended Classification of Pesticides by Hazard. The FAO guidance suggests placing a band at the bottom of the label, occupying not less than 15% of the label area, in the

appropriate color for the hazard classification. For pesticides which fall into the WHO Class Ia or Ib, red is recommended. Pesticides which are classified as WHO Class II should have a yellow band, and pesticides in WHO Class III, a blue band. Pesticides in WHO Class III which are technical products unlikely to present hazard in normal use (Table 5 of WHO classification Guidance), should have a green band.

EPA is considering whether to also require the WHO hazard classification, along with the appropriate color code and pictograms, on the label or labeling of pesticides for export. This issue may be addressed in a future **Federal Register**.

Producers of pesticide products for export are reminded that they may label products according to WHO guidelines in order to meet the requirements of foreign purchasers, as long as the labeling requirements of section 17(a)(1) as described in this policy are met. If necessary, supplemental labeling as described in this policy may be used in order to meet the labeling requirements of section 17(a)(1) when immediate containers are labeled in accordance with WHO guidelines.

5. *Modification of the use classification statements.*— a. *1980 policy.* FIFRA section 2(q)(2) requires that pesticide product labels contain a statement of the use classification under which the product is registered. The 1980 policy stated that the use classification must appear on the labeling of the pesticide; e.g., for restricted use pesticides, the statement "Restricted Use Pesticide" must appear on the label or labeling. However, summary statements regarding the terms of the restriction, e.g., "For retail sale to and application only by Certified Applicators..." were not required.

b. *1990 proposal.* EPA did not propose any changes to the use classification statement labeling requirement.

c. *Comments.* A number of commentors requested clarification of what information EPA might allow to explain use classification statements to make them more understandable in other countries. Several commentors both from industry and environmental groups stated that terminology normally included in the use classification statement of products registered in the United States would be confusing to importing countries. Some commentors stated that the term "restricted use pesticide" might be confused with the UNEP/FAO term "severely restricted" which has a different meaning from "restricted use pesticide" under FIFRA. A suggested modification was that EPA allow the exporter to include the terms of the restriction with this statement.

d. *Response.* In the 1980 policy statement, EPA stated that all of the conditions applicable to a use classification need not be listed on the labeling. EPA believed that such conditions may not have much meaning outside of the United States. For example, the statement "For retail sale to and use only by Certified Applicators..." would have little meaning to someone not familiar with U.S. pesticide regulations. The comments EPA received suggested that even the basic terms used in use classifications (e.g., "restricted use pesticide"can result in confusion. Therefore, EPA agrees that some clarifications should be allowed, as long as they do not obscure the classification statement. Thus, it is permissible to add explanatory language which accurately explains the meaning of a use classification. For example, the statement "restricted use pesticide" may be expanded to read: "Restricted in the United States of America to use by certified applicators" or "Restricted Use Pesticide. In the United States this product is restricted to use by applicators determined by each state to be competent in pesticide application, and human health and environmental consequences of misuse." Note, however, that if such explanatory language falsely represents or is misleading regarding the use classification in the United States, the product will be considered misbranded. EPA also wishes to point out that a use classification should only be listed if one has been assigned pursuant to the U.S. registration.

6. *Identities of parties required on the label.* The 1990 proposal provided guidance on elements which must appear on the label or labeling of each exported product (55 FR 4971, February 12, 1990.) Under "Identity of Parties," the proposal read: "Name and address of the producer, registrant (if any), and the person for whom the pesticide was produced, must appear in the labeling." This sentence should have read "Name and address of the producer, registrant (if any), or the person for whom the pesticide was produced must appear in the labeling." The correct language is being used in the final policy.

B. FIFRA Section 17(a)(2)-Procedures for Exporting Unregistered Pesticides—Purchaser Acknowledgement Statements

1. *Similar in composition and use exemption.* — a. *1980 policy.* The 1980 policy created an exemption from the requirement to obtain a purchaser acknowledgement statement for unregistered pesticides which were minor variations on formulations registered in the United States, which contained only active ingredients registered in the United States, and which had similar use patterns to U.S. registered products. To be considered similar to a U.S. registered product in composition and use pattern, a pesticide product had to contain the same active ingredient or combination of active ingredients, and be in the same category of toxicity as a federally registered product. The use pattern also had to be similar to the use pattern of the federally registered product to which it was being compared.

b. *1990 proposal.* EPA proposed to modify or to eliminate the existing exemption from the purchaser acknowledgement requirement for products substantially similar in composition and use to currently registered products. If the exemption were retained, EPA proposed that the burden of substantiating the claim remain with the exporter, and that any similarity claims be supported by documentation. The Agency was also considering whether such documentation should be maintained in records which would be made available to EPA upon request, or whether the documentation should be submitted to the Agency.

c. *Comments.* Two environmental groups advocated eliminating the exemption, citing the ambiguity of the exemption criteria, the burden of proving compliance with whatever criteria might be adopted, and the opinion that the exemption appears to be a "loophole" for unregistered products. The commentors suggested that the regulated community should not decide which products did and did not require notification. One foreign government also supported eliminating the exemption due to the ambiguity of the exemption criteria. One industry commentor stated that the exemption created problems for the regulated community and stated that if the exemption were retained, it must be better defined.

One foreign government and an OECD representative supported keeping the exemption to preserve the utility of notices sent to foreign governments. However, they expressed enforcement concerns if the exemption is maintained, since they felt that it would be difficult to ensure that the exemption is properly used.

Most of the industry commentors were in favor of maintaining the exemption. Several of these commentors

said that removal of the exemption would result in increased burden but they did not elaborate beyond the estimates EPA published in its proposed policy. In addition, some commentors believed that eliminating the exemption would result in potential trade disadvantages since foreign firms would not be required by their governments to obtain such notifications. Several stated that they did not perceive any potential benefits from the elimination of the exemption.

Proponents of the exemption cited instances where products, which are otherwise identical to U.S. registered pesticides, would be subject to notification as "unregistered" because of: (1) Relabeling or repackaging to conform with metric weight formulations, including possible rounding-off differences resulting in slightly different technical active or inert concentrations; (2) minor inert modifications including color or odor modifications to meet customer specifications; and (3) labeling for uses for which there are no U.S. applications such as for certain tropical crops. Some commentors pointed out that in these cases the relevant safety data which would apply to registered pesticides are just as applicable to the unregistered "similar" products. It was stated that custom blending to meet foreign formulation requirements would often result in products that are not identical to the U.S. product, although the product is otherwise the same.

Many proponents of the exemption stated that a clearer definition of "similar" was needed. Several asked that explicit criteria be made available. One stated that EPA needed to propose such a clarification for public comment. Most commentors from industry did not object to the proposal that exporters maintain records to substantiate similarity claims, but many objected to a reporting requirement.

d. *Response.* EPA has concluded that the exemption should be eliminated. As was pointed out by some commentors, the exemption creates compliance problems for industry and has also proven to be difficult for the Agency to enforce. EPA believes that elimination of the exemption is the best way to resolve the difficulties associated with compliance, both for the regulated community and for EPA. In addition, the Agency believes that elimination of the exemption will provide the importing countries with better information on pesticides exported from the United States.

At the time that EPA published the proposed policy it believed that compliance and enforcement problems could be partially solved by clarifying that the burden of proof lies with the person asserting similarity. However, even with such provisions, including requiring the exporter to substantiate claims of similarity, EPA has determined that arriving at consistent interpretations would still be extremely burdensome for the Agency, and confusing to the regulated community and other governments.

In the proposed policy, EPA expressed concern about whether eliminating the exemption would raise problems in terms of increased burden on exporters and the governments of countries receiving the purchaser acknowledgement statements in terms of the number of notices that may be required. EPA explicitly requested comments on this issue, including any potential benefits to importing countries. While several commentors mentioned increased burden, none provided information beyond the estimates presented by EPA. Those burden estimates were small and not judged to be important enough to offset the compliance and clarity problems associated with the exemption. EPA believes that only a small number of additional notices would be required annually, and the burden imposed by each notice is not large. EPA does not, therefore, find the arguments based on increased burden on exporters to be compelling.

EPA was concerned that eliminating the exemption might detract from the usefulness of the purchaser acknowledgements statements to receiving governments. Since transmittals of statements to foreign governments will be made by EPA, (See discussion of EPA's transmittal of section 17(a) notices, in Unit III.B.6. of this preamble) the Agency intends to continue to review its internal procedures to determine if there are ways to increase the usefulness of the statements to other governments, and to make them easier to process. For example, EPA is considering attaching a revised cover sheet, with more detailed information than the one currently used, which would explain the purpose of the purchaser acknowledgement statements to help countries distinguish them from other international notifications, such as section 17(b) and PIC notices. EPA may also specially identify statements which the Agency has reason to believe may be of specific interest to importing countries, such as statements associated with chemicals which are identified on international lists as posing special concerns. EPA believes that such steps may largely offset any potential burden or loss of utility to other governments that could otherwise result from elimination of the exemption.

For the purposes of FIFRA section 17(a), EPA will consider products to be registered if they are registered under section 3 of FIFRA, or if they were once registered and are being sold under section 6(a)(1) of FIFRA. Except as discussed in this policy, any variations in the formula of the export product from the formula of the U.S. registered product, or any uses or claims on the export product's label which are not consistent with the uses or claims stated on the label of the U.S. registered product, render the export product "unregistered" and subject to all the requirements for exporting an unregistered product pursuant to FIFRA section 17(a). As discussed later in this section, certain modifications to the labeling, packaging, or composition will not cause an otherwise registered product produced solely for export to be considered unregistered.

Applications for pesticide registrations under FIFRA must be accompanied by a copy of the product's proposed labeling, including uses and claims, and a full description of tests made and results thereof in support of such claims. A pesticide's formulation, uses and claims which are stated on its labeling are all essential components of the pesticide's U.S. registration. EPA believes that the product labeling is an important reference point for determining whether or not any pesticide product, including one produced for export, is registered in the United States. EPA's pesticide labeling regulations specifically require that an approved product label must be attached to the immediate pesticide product container. This is to ensure that the label information is transmitted and understood under customary conditions of sale and use.

EPA understands that when pesticide products are exported, it may not be practical to label the immediate container with the U.S. label without defeating the packaging or labeling needs of the foreign purchaser. For example, the purchaser may need to label the product container with a label meeting the requirements of the country of import. Although EPA believes that the labeling is critical in identifying a product as registered, it is not EPA's intent to consider exported products unregistered simply for failing to attach the U.S. approved label to the immediate product container. Therefore, EPA will allow registered products to still be considered registered for the purposes of this policy when the labeling approved under the U.S. registration is not directly attached to

the immediate product container, as long as that labeling accompanies the product at all times, i.e., as supplemental labeling. If an exported product does not bear the FIFRA section 3 labeling either on the immediate product container or as supplemental labeling, it will not be considered registered for the purposes of this policy. The sale or distribution of such a product without meeting the acknowledgement statement requirements of section 17(a)(2) will constitute the sale and distribution of an unregistered pesticide in violation of FIFRA section 12(a). (Note: section 2(q)(1)(C) of FIFRA precludes any person from exporting a product that is in imitation of, or is offered for sale under the name of, another pesticide. This means that a person cannot use the pesticide product labeling approved under another person's registration in order to export their own product as a "registered" product.)

When a product is claimed to be a registered product, and is accompanied with the approved U.S. labeling, any labeling material which is in addition to the U.S. label (as would be the case when the immediate container is labeled in accordance with foreign purchaser specifications) must be compatible with the U.S. labeling. Except as discussed in this policy, if the product labeling indicates a different formulation from the registered product, or states new uses or claims, the product will be considered to be a different product and not registered under FIFRA. The presence of contradictory labeling statements associated with the same product will also render that product misbranded.

Export product labeling that states information concerning composition, claims or uses which are within the scope allowed by the U.S. label will not be considered to be in conflict with the U.S. label. For example, if the export label of a U.S. registered product lists some, but not all, of the U.S. registered uses or crop applications, the registration status for purposes of this policy would not be affected. Similarly, if the export product label states application rates that are allowed under FIFRA when the registered product is used in the United States, the product would still be considered registered.

If the export labeling states application rates in metric units, the product's regulatory status will not change if the metric measurements are an accurate conversion from the U.S. units. An exporter of a U.S. registered pesticide may add new uses to the label of that product for export purposes, without triggering the requirements of section 17(a)(2), as long as the new uses are within the same general use patterns as those for the registered product. (Pesticide use patterns are listed in Appendix A to part 158-Data Requirements for Registration: Use Pattern Index. The general pesticide use patterns are: terrestrial food crop and terrestrial nonfood crop; greenhouse food crop and greenhouse nonfood crop; aquatic food crop and aquatic nonfood crop; indoor use; and forestry use.) Adding new uses to the label which change the use pattern, such as changes from non-food to food use, outdoor to indoor use, or terrestrial to aquatic use, render the product unregistered and subject to the requirements of section 17 for unregistered products. If the new use added to the label is a food or feed use, a tolerance must already be established for the use of that pesticide in or on that commodity or the product will be considered unregistered and subject to the requirements of section 17(a)(2).

If the export product label contains statements regarding the formulation or composition of the product which differ from that allowable under the U.S. registration (i.e. statements that differ from the statement of ingredients listed in the certified statement of formula), the product will be considered unregistered. For example, EPA will consider any stated concentrations of any active ingredients which fall outside the certified limits for that product to render that product unregistered. EPA will also consider the product to be unregistered when the label statements indicate the presence of active or inert ingredients which are not in the U.S. registered product, or when the label does not list active or inert ingredients which are in the U.S. registered product. EPA may determine such products to be misbranded and adulterated. EPA wishes to emphasize that except as provided in this policy, any differences in formulation or composition between the exported product and that indicated in the confidential statement of formula for the registered product, including inert ingredients, will cause the exported product to be considered unregistered. In addition, any differences in formula or composition must be reflected in records which show the complete formula of the export product, in accordance with the requirements of 40 CFR 169.2 and this policy.

EPA recognizes that certain modifications to the composition of an export product should not render the export product "unregistered" and thus subject to the requirements of FIFRA section 17(a)(2). Therefore, EPA has decided that a change in the color or fragrance of the export product will not affect the product's registration status, as long as certain conditions are met. The change in color must result only from the addition of a dye included on the list of the chemicals exempted from the requirement of a tolerance at 40 CFR 180.1001, and the dye must not be a List 1 inert. (List 1 inerts are those inerts which the Agency has identified as presenting toxicological concerns. The classification of inerts is explained in EPA's Policy Statement on Inert Ingredients in Pesticide Products, 52 FR 13305, April 22, 1987.) The change in fragrance must result only from the addition of a chemical included on the list of chemicals exempted from the requirement of a tolerance (40 CFR 180.1001) and the added chemial must not be a List 1 inert. In addition, the change in fragrance must not result in a pesticide product containing a food or food-like fragrance. (See "Food Fragrances in Pesticide Formulations," EPA's Office of Pesticide Programs Policy and Criteria Notice number 2155.1, November 20, 1975.)

EPA also recognizes that there are instances where a company may need to slightly modify the composition of one of its U.S. registered products for export purposes. EPA will not consider a company's modification of its registered product to render that product "unregistered" in the following situation. An exporter, who is also the registrant and/or manufacturer of a U.S. registered pesticide, (other than pesticide products intended for public health uses which are required or conditionally required to submit efficacy data pursuant to section 158.640), may decrease the percentage of the active ingredient(s) of that product by adding a List 4 inert ingredient, without causing that product to be considered "unregistered" and triggering the requirement to obtain a purchaser acknowledgement statement. In EPA's Policy Statement on Inert Ingredients in Pesticide Products, EPA included inert ingredients on List 4-a list of inert ingredients posing minimal hazard or risk-if the inert ingredients were generally regarded as innocuous. (52 FR 13305, April 22, 1987.)

Such limited modifications may only be made by the registrant and/or the manufacturer of the U.S. registered product. As discussed above, EPA's 1980 Pesticide Export Policy exempted exporters of unregistered pesticide products from the purchaser acknowledgement statement requirement for products which the exporter claimed were "similar in composition and use pattern to a federally registered product." EPA has

concluded that only the registrant and/or the manufacturer of the product may be able to legitimately claim that its export product is the same composition as its own federally registered product, except for the addition of List 4 inert ingredients. EPA has concluded this because only the registrant and/or manufacturer have access to the product's confidential statement of formula thereby making it possible for them to know the extent to which the modified product differs from the registered product. Pesticide exporters are no longer permitted to claim that their product is similar to another company's registered product and thereby exempt themselves from the purchaser acknowledgement statement requirement.

EPA's pesticide registration regulations also provide that certain changes may be made to a product's composition, labeling or packaging, without notification to or approval by the Agency. (See 40 CFR 152.46(b)). These changes include any changes in package size and label net contents, provided no change in use directions or requirement for child-resistant packaging would be necessary for the product to be registered for use in the United States. For example, if child-resistant packaging is required for a particular pesticide product in the United States, and the product will be exported without child-resistant packaging, the product would be considered unregistered and therefore subject to all the requirements of FIFRA section 17(a), including the requirement for a purchaser acknowledgement statement.

If an exporter needed to repackage a product in a size to meet a foreign purchaser's specifications, that modification would not affect the registration status of the export product. Other modifications to the label used for export purposes which will not affect the export product's registration status are. the use of metric units for net contents, dosages, and other numeric expressions; the use of a different format for the label, provided that the information does not contradict the U.S. label; revision of non-mandatory U.S. label statements, consistent with 40 CFR part 156, including additions or changes required by other Federal statutes or regulations; a change of the name or address of the registrant, except for a change resulting from transfer of ownership, which requires that a registrant keep his name and address current with the Agency; and any correction of typographical or printing errors that appeared on the U.S. labeling. (See 40 CFR 152.46(b)).

Finally, EPA recognizes that there may be situations where minor discrepancies between an export label and the U.S. registered label result from the translation of statements or the conversion of units. Where such differences are not significant, EPA does not believe that they should affect the registration status of the product for purposes of export. However, except as provided in this policy, differences which indicate new uses or claims would be considered to be significant and to render the product unregistered. EPA wishes to emphasize particularly that warning or cautionary statements that translate to a lower level of warning or caution than that indicated on the U.S. labeling will be considered to be significantly different.

EPA believes that in addition to the flexibility discussed above, this policy will provide importing countries with clearer, more accurate information on the registration status of the pesticides being exported from the United States, consistent with the requirements of the statute.

2. *EPA treatment of exports of unregistered pesticides for research purposes.* — a. *1980 policy.* The 1980 policy stated that experimental use products will be considered unregistered, therefore requiring signed purchaser acknowledgement statements prior to export. However, small amounts of pesticides exported only for research purposes would be considered exempt from the purchaser acknowledgement statement requirement.

b. *1990 proposal.* EPA proposed that pesticide products exported solely for research purposes would not be considered to be in violation if no purchaser acknowledgement statement was sent if the exporter met certain recordkeeping requirements to substantiate the claim that a product is shipped for research purposes. In addition, EPA proposed that the exporter should bear the burden of demonstrating that the pesticide qualifies for the research exemption.

c. *Comments.* Two environmental groups stated that research and development (R&D) products should not be exempt from the requirements of section 17(a)(2). They stated that such products constitute "unknowns" and that consequently it is very important that foreign governments be aware of their importation. Other commentors stated that R&D chemicals tended to be small quantities which would not cause great potential health or environmental risks.

One industry commentor stated that it would be simpler to obtain the purchaser acknowledgement statement than to substantiate R&D use abroad, and consequently supported eliminating the exemption. However, all other industry commentors who addressed this issue stated that the exemption should be maintained, and that export for small scale R&D use could be substantiated. Several supporters of the exemption mentioned that requiring purchaser acknowledgement statements where R&D chemicals are being exported for testing, would provide the locations of potential markets to their competitors, and cause a company competitive harm. Several commentors stated that it was their belief that R&D pesticides were not "pesticides" under the meaning of FIFRA, as stated at 40 CFR 172.3, and hence were exempt from any of the requirements of section 17 including both labeling and acknowledgement statements. (See discussion in Unit III.A.2.d. of this preamble.) Some commentors stated that they did not believe that there was a great need for notification of other governments of R&D exports because R&D products are used in tightly controlled situations by highly qualified persons. They did not believe that there was a significant chance for misuse or other risks.

Finally, some commentors were concerned that if there is no exemption for the export of R&D products, particularly if notices are made publicly available, product confidentiality could be jeopardized. These commentors pointed out that proprietary knowledge is treated differently in some foreign countries than it is in the United States. Therefore disclosure of the identity of research products carries a much greater risk of competitive harm internationally than would be the case in the United States.

d. *Response.* As discussed earlier, EPA disagrees with the commentors who stated that exported R&D pesticides are not considered to be pesticides under FIFRA. Research pesticidal products are considered to be pesticides regulated under FIFRA, unless EPA makes determinations otherwise that are applicable to the specific products in question.

EPA does, however, believe that under many research conditions involving small quantities, R&D pesticides will be used in a manner that renders the risk of potential adverse effects to human health or the environment negligible.

EPA acknowledges the concerns that some commentors had regarding the export of "unknown" pesticides to countries without their governments having the benefit of purchaser acknowledgement statements. EPA

believes that governments should be notified when there are large-scale research and development applications or applications where there is a strong potential for direct human or dietary exposure. For the reasons stated above, however, EPA does not believe that it is useful to impose this requirement in the case where only small scale controlled uses are intended.

Consequently, EPA will not consider exports of R&D pesticides intended for small-scale research application (as defined below) to be in violation of section 17(a)(2) if no purchaser acknowledgement statement was sent. EPA believes that it is critical to define what is meant by small-scale research applications and is addressing this issue in this policy.

3. *Definition of small-scale research application.* —a. *1980 policy.* The 1980 policy did not include any specific definition of small-scale research product application.

b. *1990 proposal.* EPA proposed to provide specific criteria to define when an R&D export would not be considered to be in violation of the purchaser acknowledgement requirements of section 17(a)(2) of FIFRA. These criteria were based on the scope of the application and other factors relating to possible human contact or dietary exposure rather than on the physical quantity involved since the actual amounts of pesticide could vary considerably based on type of pesticide, concentration, and other factors. Exports of pesticides for research purposes in quantities that would not normally require notification of EPA and issuance of an experimental use permit if the use were in the United States, would not be considered to be subject to the purchaser acknowledgement requirement of section 17(a)(2).

c. *Comments.* One foreign government and several industry commentors expressed general approval of EPA's proposed criteria for defining small-scale R&D quantities based on use, although one of the commentors suggested that a closer adherence to the criteria cited at 40 CFR 172.3 should be used. Another stated that there needed to be some further clarification of what was intended in the criteria, i.e., that the limits on proposed use be on a "per-country" rather than a "per-pesticide" basis.

One commentor suggested that it was not appropriate to use the proposed criteria. The commentor stated that these criteria were designed for the United States, and only accurately define research applications in the United States. They would not, therefore, necessarily be applicable worldwide.

d. *Response.* EPA acknowledges that the regulation of R&D pesticides may vary in different countries, but believes that the advantages of using a single set of criteria that are consistent with those in place for similar testing of R&D pesticides in the United States outweigh any disadvantages. The Agency did not wish to use significantly different criteria from those used in the United States unless there were compelling reasons to do so.

EPA agrees that it is necessary to clarify how to interpret these criteria when there are multiple shipments to multiple countries. EPA believes that the most consistent approach is to consider separately product shipments within a calendar year to multiple countries. If the R&D use of the product shipped within a given calendar year by an exporter to a particular country exceeds the criteria stated in this policy, EPA will consider failure to submit a purchaser acknowledgement statement to be a violation of section 17(a)(2). For example, if within a calendar year, an exporter is shipping a pesticide for research purposes, and the product may be used on more than 10 acres (4.05 hectares) within the country of import, EPA would consider failure to submit purchaser acknowledgment statements regarding those shipments to be violations of section 17(a)(2). If a shipment, or series of shipments over the course of a calendar year to a foreign purchaser for R&D use in one country meets the criteria outlined above, separate shipments to other countries would be considered separately.

The comments generally favored the proposed criteria, and EPA is therefore including the proposed criteria in the final policy. EPA is clarifying that these criteria concern only the acknowledgement requirements and are not pertinent to other FIFRA requirements, such as labeling required under section 17(a)(1).

4. *Substantiation and/or verification of small-scale R&D exports.* — a. *1980 policy.* The 1980 policy did not include any specific criteria for defining small-scale pesticide export for research purposes only.

b. *1990 Proposal.* EPA proposed that records substantiating claims for small-scale R&D pesticide exports be retained for 3 years and be available for inspection, or, alternatively, that information substantiating such claims be submitted to the Agency.

c. *Comments.* Several commentors stated a strong preference for a recordkeeping requirement rather than any new reporting requirements. One commentor stated that reporting on a case-by-case basis could be acceptable. Another commentor stated that the small quantities of R&D shipments would in themselves indicate the R&D nature of the intended use.

d. Response. Since EPA has limited ability to review actual use once pesticides are exported, the Agency must rely on records substantiating the intended use. EPA may determine that any shipment or series of shipments of an unregistered pesticide, for which small-scale R&D purposes cannot be substantiated, is in violation of the requirements of section 17(a)(2).

EPA believes that examination of appropriate records will be adequate to determine whether small-scale R&D criteria are met. Records to support claims of this neture must contain at least the following information: (1) identify the product and quantity shipped in a given year to a given purchaser in a specified county; (2) include a detailed description of use patterns (i.e., application rates, sites, dosages, etc.) which are consistent with the premise that the shipped quantity would be used within the R&D criteria; and (3) contain confirmation, such as signed statements from the purchaser, letters of transmittal, etc., which indicates that the shipment(s) of the product were to be used for R&D purposes consistent with the quantity shipped and the described uses. EPA does not believe that records which only show the quantity of product shipped are sufficient for substantiating R&D intent, since a quantity that would qualify as "research" for one type of product or use may represent a commercial-sized quantity for a different product or use.

EPA has reconsidered the proposed 3–year duration for record retention and instead is requiring that the records must be retained for the period specified at 40 CFR 169.2(h). This is being done to be consistent with other recordkeeping requirements for these products. At the time of publication of this notice, this period is 2 years.

5. *Timing of Purchaser Acknowledgement Statements.* — a. *1980 policy.* Section 17(a)(2) requires that before exporting a pesticide which is not registered for use in the United States, the purchaser must acknowledge in writing its understanding that the product is not registered for use in the United States and cannot be sold in the United States.

Under EPA's existing policy, an exporter of an unregistered product must have a copy of the signed statement prior to the export of the first shipment each year of an unregistered

product to a particular purchaser for each country.

b. *1990 proposal.* In the 1990 proposal, EPA stated that it was examining its policy of requiring annual submissions of the purchaser acknowledgement statement. EPA proposed maintaining the current system of annual submissions, as described above, but also requested comment on the option of requiring purchaser acknowledgement statements for each shipment.

c. *Comments.* Twelve commentors strongly supported maintaining the current system. Most commentors believed that the current system of annual submissions should be continued. They contended that per-shipment notification would create a large paperwork burden, delays in shipment, and trade disadvantages. One foreign government commented that annual submissions would meet their needs.

One commentor supported per-shipment notifications, or alternatively, the requirement of a detailed annual summary, specifying the quantity shipped and the dates, to show the flow of shipments over the entire year. The commentor suggested that EPA could require the information to be provided at the beginning of the year's shipments and updated if anticipated shipments deviate from the initial projections. The commentor stated that such a notification system has worked reasonably well under the hazardous waste export program pursuant to the Resource, Conservation and Recovery Act (RCRA), and has the significant additional benefit of providing much more useful information to other governments, U.S. agencies, and the public.

Another commentor requested that EPA require exporters to submit the signed statements to EPA within 10 working days of receipt or prior to the first shipment, not within 7 days of receipt as currently required.

d. *Response.* EPA has decided that purchaser acknowledgement statements must be submitted on a per-shipment basis unless the exporter complies with all of the provisions of an alternative approach as provided in this policy. The alternative approach requires the exporter to obtain a purchaser acknowledgement statement prior to the first shipment of each unregistered pesticide to a particular purchaser in a foreign country, and to submit to EPA an annual summary of all shipments of that product to that purchaser.

EPA believes that the Congressional intent underlying the purchaser acknowledgement statement requirement was that countries receive information concerning each shipment of unregistered pesticides to their country. Section 17(a)(2) requires that the foreign purchaser sign a statement acknowledging awareness of the registration status of the product and that the exporter submit this statement to EPA prior to export of an unregistered pesticide. Since section 17(a)(2) specifies that no unregistered pesticide shall be exported without a signed purchaser acknowledgement statement, it is EPA's interpretation that this section requires that there be a purchaser acknowledgement statement for every shipment.

At one time, EPA believed that annual submission of a notice for the first shipment in the calendar year to each purchaser in each country was adequate to meet this requirement, because it would provide regular notification to foreign governments. In the 1980 policy, EPA did not consider per-shipment submissions to be advantageous and therefore exercised its enforcement discretion and allowed one submission per year per purchaser per country for the first shipment. However, EPA agrees with the commentor who stated that per-shipment notifications would provide useful information. Consequently, EPA is changing its policy to require per-shipment notifications, so that more information about shipments of unregistered pesticides will be available to purchasers and other governments.

EPA recognizes that per-shipment purchaser acknowledgement statements would present a greater burden than the current system. EPA therefore believes that an alternative approach would provide essential information while minimizing the administrative and paperwork burden.

Under the alternative approach, rather than submitting per-shipment purchaser acknowledgement statements, exporters would be permitted to satisfy the purchaser acknowledgement statement requirement as follows. The exporter would submit to EPA a signed purchaser acknowledgement statement for the first shipment each calendar year of an unregistered pesticide to a particular purchaser in a particular country. The exporter would attach to that first purchaser acknowledgement statement sent to EPA, a certification signed by the exporter that export did not take place until a signed acknowledgement statement was received, and provide information which can be used to identify any research and development products (other than those exempt from the purchaser acknowledgement statement requirement, as described at 40 CFR 168.75(b)(2)) referred to by code names in the purchaser acknowledgement statement. In addition, the exporter must include in the signed certification a statement certifying that, for that calendar year, the exporter will submit an annual summary using the procedures detailed in this policy.

Under this alternative approach, the exporter would be required to submit to EPA an annual shipping summary at the end of the year, which summarizes the dates and destinations of all shipments of that pesticide to each particular purchaser exported during the previous calendar year. The annual summary must include the purchaser's name and address, the date of the purchaser's signature in the purchaser acknowledgement statement submitted to EPA during the previous calendar year, the known destinations of the shipment, and the identity of the product and active ingredient(s). The annual summary must be submitted to EPA by March 1st of each year. EPA does not believe the annual summary would be very burdensome because the information should be readily available to exporters in their records of shipments, which they are already required to maintain under 40 CFR 169.2.

EPA will send a copy of the annual shipping summary to the appropriate government officials after it is received.

EPA considered requesting that information on the quantity of pesticides exported be included in the annual summary. EPA believes that while quantity information may be useful in providing more information about exports, it is not necessary to implement section 17(a)(2). In addition, EPA has concluded that this information may be entitled to protection as confidential business information, as discussed in Unit III.C. of this preamble. For these reasons, and for the reasons discussed in Unit III.B.8 of this preamble (Information Requirements for the Purchaser Acknowledgement Statement), EPA has decided not to require it.

In summary, the section 17(a)(2) requirement for a purchaser acknowledgement statement can be met by exporters complying with either of the following two options: (1) Submit a purchaser acknowledgement statement for each shipment of unregistered pesticides; or (2) submit a purchaser acknowledgement statement for the first shipment each year of a particular pesticide to a particular purchaser for each importing country, including the appropriate certification, and submit a report to EPA which lists the dates and

destinations of all shipments exported during the previous calendar year.

The procedures that an exporter of unregistered pesticides must follow in obtaining and transmitting the foreign purchaser acknowledgement statements are set forth in 40 CFR 168.75.

e. *Effective date for 40 CFR 168.75.* Under both the per-shipment option and the annual reporting option for complying with section 17(a)(2), the schedule for obtaining and transmitting purchaser acknowledgement statements is based on the calendar year. However, because this policy has been published several months into a new calendar year, exporters may have already sent EPA purchaser acknowledgement statements under the provisions of EPA's 1980 Pesticide Export Policy. In order to facilitate compliance with this policy, the effective date for the new purchaser acknowledgement statement requirements is June 1, 1993. Thus, all the requirements of 40 CFR 168.75 will be applicable as if June 1 was the start of the 1993 calendar year. Beginning June 1, 1993, exporters must submit purchaser acknowledgement statements on a per-shipment basis, unless the exporter complies with the provisions of the alternative approach of annual reporting procedures as provided in this policy. Under the per-shipment approach, the exporter will have to obtain, prior to each shipment of an unregistered pesticide product to a country, a signed purchaser acknowledgment statement, in accordance with 40 CFR 168.75(c)(2)(i). The exporter must submit the signed purchaser acknowledgement statement to EPA in accordance with the requirements of this policy.

If the exporter chooses the annual reporting procedures, he or she must comply with all the requirements specified in 40 CFR 168.75(c)(2)(ii) effective June 1, 1993. The exporter must obtain, prior to the first shipment occurring after June 1, 1993, of an unregistered pesticide product to a particular purchaser in a country, a signed purchaser acknowledgement statement in accordance with 40 CFR 168.75(c)(2)(ii).

In addition to the purchaser acknowledgement statement for the first shipment, the exporter must submit a certification that he or she is choosing the annual summary compliance option. The exporter must submit the signed purchaser acknowledgement statement and certification in accordance with the requirements of this policy. In March 1994, the exporter choosing the annual reporting option for the June 1, 1993 through the December 31, 1993 period must submit to EPA a summary of shipments of each pesticide to each purchaser sent during that period.

In subsequent years, the period for exporters choosing the annual reporting option will be the calendar year. (Purchaser acknowledgement statements submitted to EPA during the period January 1, 1992 through May 31, 1993, will be governed by the policy published in 1980 (45 FR 50274, July 28, 1980).

6. *EPA's transmittal of purchaser acknowledgement statements.* — a. *1980 policy.* The 1980 policy did not discuss EPA's transmittal of purchaser acknowledgement statements. Under that policy, EPA sent copies of the purchaser acknowledgement statement to the Department of State. Along with the purchaser acknowledgement statement, EPA sent a cover sheet which identified the registration status of the pesticide. (The status is identified as: not registered; denied registration; canceled; or registration status unknown.) The State Department then transmitted the purchaser acknowledgement statement with EPA's cover sheet, to the U.S. diplomatic post in the importing country, which in turn sent it to an appropriate government official in that country.

b. *1990 proposal.* EPA proposed sending purchaser acknowledgement statements directly from EPA to officials in importing countries, and if different, the country or countries of final destination, if known.

c. *Comments.* All commentors supported the idea of direct transmittal of purchaser acknowledgement statements to foreign governments, citing improved timeliness and efficiency.

d. *Response.* EPA intends to implement this approach and has made arrangements to do so. These notices will, therefore, be transmitted directly by EPA to appropriate officials of the country of import and, where reported, to the countries of final destination or intended use. EPA will also send a copy of the annual shipping summary, as discussed in the response to the previous comment, to the appropriate officials after it is received.

EPA has decided that the appropriate governmental official to receive section 17(a) notifications will be the person named as the designated national authority (DNA) for pesticide notifications in the international prior informed consent program (PIC). The DNA has the responsibility for both receiving and disseminating information associated with the PIC procedures. Countries may participate in PIC as either an importing country or an exporting country. Exporting countries are expected to participate in PIC for the purposes of participating in information exchange procedures and export control features. For countries which are not participating in PIC, EPA will ascertain the names of the appropriate persons to receive the section 17(a) notifications.

7. *Format of the purchaser acknowledgement statement.*—a. *1980 policy.* The 1980 policy set forth a recommended content for purchaser acknowledgement statements, but did not recommend or require a specific format.

b. *1990 proposal.* The Agency solicited comments on whether the purchaser acknowledgement statement would be more useful if a specific format were required, or if a particular form were provided, e.g., a form similar to the accepted international form for notification under the PIC program.

c. *Comments.* Nine commentors supported the idea of a standardized format. Four industry commentors expressed strong reservations with using a form or format that closely resembles PIC notification forms for banned or severely restricted pesticides. They pointed out that not all unregistered products are banned or severely restricted and that using a form that closely resembled the PIC notification for banned or severely restricted chemicals would be confusing and misleading. Two commentors suggested following a format designated by FAO/UNEP as the basis for a standardized format for the purchaser acknowledgement statement.

d. *Response.* EPA believes that standardization of purchaser acknowledgement statements would improve the consistency of submitted information and the familiarity of foreign governments with a given format thus expediting review and reducing misunderstandings. Purchaser acknowledgement statements vary greatly in quality and content. Many do not adequately identify the pesticide being shipped or the country of the purchaser. Even though this information is currently required, the lack of a standardized format may make compliance more difficult. EPA believes that a specific format will facilitate compliance, improve information transmittal from exporters, and strengthen the Agency's ability to manage the information contained in purchaser acknowledgement statements.

One of the reasons EPA is considering a format or form for the purchaser acknowledgement statement is to improve the utility of the information provided by the purchaser acknowledgement statements to foreign governments. The Agency agrees with

those commentors who suggested that it would be misleading for the form or format to closely resemble another form which transmits different information. Any forms and/or format which EPA may develop will be reviewed to assure that they cannot be mistaken for PIC notification forms dealing with banned or severely restricted chemicals.

EPA is considering developing and making available purchaser acknowledgement forms in different languages. EPA believes that multilingual purchaser acknowledgement statements would ensure that the documents could be understood by the widest possible audience. If these forms are developed, it is EPA's intent that they will be published in the **Federal Register** for comment. Until the forms are available, any format that is clearly understandable and includes the required information is acceptabl e. In the interim, EPA plans to provide a cover sheet in French, English or Spanish (the official languages of the PIC system) with each purchaser acknowledgement statement EPA transmits to importing governments. EPA believes that cover sheets in the appropriate language will aid countries in understanding and using the information in the purchaser acknowledgement statement.

8. *Information requirements for the purchaser acknowledgement statement.* — a. *1980 policy.* In EPA's 1980 Policy, the Agency stated that the purchaser acknowledgment statement must include the following information:

(1) The exporter's name and address.

(2) The foreign purchaser's name and address.

(3) The name of the product and the active ingredient.

(4) An indication that the purchaser understands that the product is not registered for use in the United States and cannot be sold in the United States.

(5) The destination of the export shipment if different from the purchaser's address.

(6) The foreign purchaser's signature.

(7) The date of the signature.

b. *1990 proposal.* EPA proposed that more information be provided in purchaser acknowledgement statements. Specifically, EPA proposed that the country or countries of final destination be identified in the purchaser acknowledgement statement, so that EPA could begin to send these notices directly to the regulatory officials in these countries. In some instances, this would represent a broadening of the requirement in the 1980 policy, which only required "the destination" of the shipment to be included.

c. *Comments.* There were only a few comments specifically addressing this issue. One commentor supported the proposed expansion to include the country of final destination, while another commentor proposed that the purchaser acknowledgement statements be expanded to include information about the quantity and frequency of the shipments. Commentors from both industry and other governments stated that the country of final destination will often not be known by the exporter at the time of shipment.

d. *Response.* EPA considered other information which could be included in a purchaser acknowledgement statement in order to make the notifications clearer and more useful to other governments. EPA is requiring, as part of this final policy, that exporters provide the Chemical Abstracts Service (CAS) registry number for each active ingredient in a product, the International Union of Pure and Applied Chemists (IUPAC) chemical name for each active ingredient, and other known chemical or common names by which the product is known. The Agency believes this information is necessary for adequate identification of the product and active ingredients. In addition, the identity of the country of final destination should be included in the purchaser acknowledgement statement, to the extent this information is known to, or reasonably ascertainable by, the exporter.

On April 25, 1991, EPA issued a class determination finding that the identity of the country of final destination is not entitled to confidential treatment. A copy of the class determination is reprinted in Unit III.C. of this preamble.

EPA acknowledges that the country of final destination may not be known by the exporter at the time of shipment. As with requirements regarding multilingual language on labels, this requirement is contingent on the exporter having actual knowledge of the country of final destination, or if it can be determined that the information was reasonably ascertainable to the exporter.

In response to the comment received, EPA considered requiring information about the quantity of shipments in purchaser acknowledgement statements. EPA agrees that information about the quantity of unregistered pesticides exported would be useful to other countries, to EPA and to other agencies, and in responding to inquiries from Congress and the public. Information about the quantity of pesticides shipped would give importing countries valuable information for regulating pesticide use in their countries. However, EPA's authority to require quantity information under FIFRA section 17(a)(2) is subject to question and requiring this information could create difficulties in protecting confidential business information from release as required by FIFRA. Therefore, EPA will not require quantity information to be included in the purchaser acknowledgement statements.

9. *Language requirements for purchaser acknowledgement statements.* — a. *1980 policy.* The 1980 policy did not contain any language requirements for the exporter to meet to satisfy the purchaser acknowledgement statement requirement of section 17(a)(2).

b. *1990 proposal.* EPA proposed requiring that purchaser acknowledgement statements be written in English, the language of the purchaser's country, and the languages of the country or countries of final destination. In the case where more than one language is involved because the product is shipped to more than one destination, EPA proposed that the exporter must submit either a multilingual statement to EPA, or multiple statements in all required languages. EPA believed that these changes would assist the purchasers and the importing governments in understanding the contents and significance of the purchaser acknowledgement statements.

c. *Comments.* EPA received many comments on its proposal to make the purchaser acknowledgement statement multilingual. Four governments and the OECD representative supported the proposal, although the latter wondered how EPA would know all of the intended destinations and hence required languages. One environmental group and one industry commentor also supported the proposal.

Most of the commentors from industry objected to the proposal that purch ser acknowledgement statements be multilingual, and some objected to the minimal bilingual proposal as well. Many of the arguments were identical to those raised regarding the proposal that labeling be multilingual. (See 55 FR 4971.) For example, it was pointed out that the country of final destination would not always be known as in the case of an active ingredient exported for reformulation. One commentor stated that the burden of translating the purchaser acknowledgement statements might be disproportionately high on small businesses who may not have multilingual or bilingual staff. Another stated that a foreign purchaser may be reluctant to sign a statement which included language which the purchaser cannot read. This commentor believed

that the requirement of multilingual or bilingual purchaser acknowledgement statement would in practice require foreign purchasers to be adept in all of the languages on the purchaser acknowledgement statement. Most of the industry commentors did not object to the minimal proposed bilingual requirement.

d. *Response.* EPA believes that multilingual purchaser acknowledgement statements would be very useful in communicating necessary information as evidenced by the support for this proposal from foreign governments. However, the numerous comments raised by industry indicate that there are practical problems which need to be addressed. EPA also recognizes that requiring exporters to translate purchaser acknowledgement statements into different languages would place a new burden on industry, particularly small businesses. As noted earlier, EPA is considering developing forms for exporters to use as purchaser acknowledgement statements which are already in different languages. The forms could be developed in English, French, and Spanish, which are the official languages of the PIC program. EPA believes that this approach would be more efficient than requiring each exporter to develop its own multilingual purchaser acknowledgement statements. Due to the number of practical problems to be worked out, EPA does not have such forms at this time, and EPA is considering publication of a proposal on this issue at a later date.

As discussed above in Unit III.B.7. on format of the purchaser acknowledgement statement, until multilingual purchaser acknowledgement statement forms can be developed, EPA plans to include a cover sheet in the appropriate language with each purchaser acknowledgement statement the Agency transmits. There will be no requirement for the purchaser acknowledgement statement to be in multiple languages at this time. However, if the foreign purchaser signs a purchaser acknowledgement statement in their own language, it must be accompanied by an English translation when it is submitted to EPA by the exporter.

C. Confidentiality

1. *Information treated as confidential.*— a. *1980 policy.* EPA's 1980 policy statement permitted exporters to claim all the information required in the purchaser acknowledgement statement as trade secrets or confidential business information (CBI). In the past, and in accordance with its 1980 policy statement, EPA treated information submitted in purchaser acknowledgement statements as confidential within the meaning of its regulations on business confidentiality at 40 CFR part 2, subpart B, when such information had been claimed confidential by the exporter.

b. *January 12, 1990 policy statement.* In the **Federal Register** Notice regarding the confidentiality of certain information submitted under sections 7 and 17(a)(2) of FIFRA, dated January 12, 1990 (55 FR 1261), EPA clarified that section 7(d) of FIFRA excludes the names of the pesticides or active ingredients used in producing pesticides produced, sold, or distributed at an establishment, from protection as confidential business information. In addition, EPA stated that the names of producers of unregistered pesticides are a matter of public record under FIFRA section 4. The notice also explained that since unregistered pesticides generally may be manufactured only for the export market, the fact that a company has submitted a purchaser acknowledgement statement to EPA under section 17(a)(2) for a given pesticide could therefore be determined from public information. Accordingly, the identity of the producer of the unregistered pesticide product, and if applicable, the name of the active ingredient would no longer be accorded confidential treatment by EPA.

c. *Comments and response.* Several commentors in response to the January 12, 1990 notice stated that no information in a purchaser acknowledgement statement should be confidential, asserting that the information was readily accessible to interested parties either in published reports or upon request.

d. *1990 proposal.* The proposed policy on section 17(a) clarified that certain information contained in purchaser acknowledgement statements will not be entitled to confidential treatment. Specifically, the proposed policy clarified that the name and address of the exporter, and the name of the product and the active ingredient will not be considered confidential. In addition, EPA proposed to issue a class determination under 40 CFR 2.207 concerning the confidentiality of country of final destination as reported on purchaser acknowledgement statements. EPA also requested comment on whether a similar determination should be made for information identifying the foreign purchaser

e. *Comments* Several commentors stated that disclosure of the country of import and the country of destination coupled with the non-confidential name of the exported product would be an unfair public disclosure of a company's marketing position. They stated that this would provide an unfair advantage to foreign-based competitors. Some commentors explained in detail the public sources for this information. They explained that the cost of obtaining the information from other sources would not be prohibitively high for well-financed exporters. Exporters stated that while public sources of the information existed, they were not as accurate or as detailed as the information which EPA would make available, should the information be deemed non-confidential.

f. *Response.* EPA's research and inquiries suggest that destination information is generally already a matter of public record. Some countries publish lists identifying monthly pesticide imports, including information on the name or type of pesticide, the exporting company, and the exporting country. Other countries make this information available on request. Information on international markets for particular pesticides is widely available through advertising by U.S. exporters.

In addition, compilations exist which list pesticides and their regulatory status throughout the world, such as volumes published jointly by the Agricultural Requisites Scheme for Asia and the Pacific and the International Cooperation Center for Agricultural Research and Development. Private publishers provide information on pesticide exports at a substantial cost. Battelle publishes "World Pesticide Programs" reports which provide detailed information on pesticide use in foreign countries. "Agrow World Crop Protection News" offers market planning and development information and lists pesticides registered in various countries. The Port Import/Export Reporting Service (PIERS) database of the Journal of Commerce provides information on all shipments leaving the United States. Information available to customers of PIERS includes commodity exported (although the precise identity of the pesticide may not be given), manufacturer or shipper, destination and estimated quantity.

In addition to the availability of destination information in many public sources, EPA believes that treating the country of destination as non-confidential would have public health and environmental benefits. EPA intends to send copies of the purchaser acknowledgement statements to all the countries of destination identified by the exporters on the statement.

Information that particular pesticides are being shipped to their country should provide countries with information useful in monitoring and controlling imported pesticides.

One commentor stated that information on quantities shipped should not be confidential. The 1980 policy did not require information on the quantity of pesticides exported to be submitted as part of the purchaser acknowledgement statement. EPA considered requiring information on quantity in the purchaser acknowledgement statement, and treating this information as non-confidential. Many companies objected to the disclosure of any information on the quantity of pesticide exported. Several companies were concerned that information about quantity sold would substantially harm their companies' competitive positions by revealing information about their market share. These companies claim that any public data about quantity is either estimated or in obscure sources and not currently available in a form that would provide the significant advantage to competitors that EPA's reports would provide.

After research and analysis of this issue, EPA has concluded that while quantity information may be useful in providing more information about exports, it is not necessary to implement section 17(a)(2).

EPA also requested comment on whether a similar determination should be made for information identifying the foreign purchaser. The name and address of the foreign purchaser may be entitled to confidential treatment if it reveals information about the customer list of the pesticide company. However, if the foreign purchaser is merely a distributor for the pesticide company in the foreign country, then this information would not generally be considered privileged.

Several groups commented that there should be no confidential information in a purchaser acknowledgement statement. They claimed that this information may be publicly available or estimated in international trade magazines or other services. EPA believes that companies have a valid interest in protecting information which could divulge their customers or marketing strategies, and thus not all information in a purchaser acknowledgement statement should be treated as non-confidential. One commentor stated that only financial information should be protected as confidential. EPA believes that this is too narrow an interpretation, For example, courts have held that any information that could reveal market share is confidential business information.

Many commentors were concerned about the release of any information on research and development products. Companies indicated that confidentiality would be essential for such shipments to avoid revealing information which could be invaluable to competitors. These commentors stated that information about R&D products including the chemical identity of the research product, the quantity being shipped, the potential use pattern, and the country of final destination should be confidential. Several exporters explained that new products are often developed simultaneously in different countries before the patent status of new research materials has been settled. Most countries, unlike the United States, have a first-to-file patent law, not a first-event law. This means that the identity of an unpatented research compound could be patented without proving that the filer discovered the compound first. Therefore, premature release of R&D information could jeopardize the U.S. producer's patent rights to a new product. Companies also commented that public disclosure would allow competitors to learn about the new areas of chemistry being explored by the exporter. Competitors could explore these new areas and compromise the exporter's competitive advantage in research.

Other commentors stated that R&D information relevant to public health and the environment should not be withheld from the public in the country of import or the public in the United States.

2. *Confidentiality of R&D information.* EPA believes that companies' concerns that the premature release of information about research and development products may lead to a potential loss of patent rights are valid concerns. Therefore, EPA has concluded that information about research and development products is generally entitled to confidential treatment.

3. *Class determination.* Based on the considerations discussed above, and in accordance with its regulations at 40 CFR 2.207, on April 25, 1991, EPA issued a Class Determination (1–91, Identity of Importing Country Under FIFRA section 17(a)(2).), concluding that information on the identity of the importing country, reported to EPA in purchaser acknowledgement statements, is not entitled to confidential treatment under 5 U.S.C. 552(b)(4) of the Freedom of Information Act or FIFRA. The effect of a class determination is to make known the Agency's position regarding the manner in which information within the class will be treated in accordance with the provisions of EPA's confidentiality regulations. Publication of this class determination is not sufficient grounds to release information claimed confidential since both 40 CFR 2.204(e)(1) and 40 CFR 2.205(f)(2) require that before release of information claimed to be confidential, notice must be given by certified mail or by other means by which the date of receipt of the notice can be verified.

Any companies who have previously claimed information about the destination of their export shipments to be confidential, will receive the notice provided for in EPA's regulations before the Agency releases this information. (40 CFR 2.204(d)(2) or 40 CFR 2.205(f).

Persons submitting the information specified in the purchaser acknowledgement statement may assert a claim of business confidentiality by marking the information claimed confidential as "FIFRA Confidential Business Information." Information so claimed will not be disclosed, with the exception of disclosure to the foreign governments, except in accordance with the procedures set forth in 40 CFR part 2, 7 U.S.C. 136(h), and this policy statement. Notwithstanding any claim of confidentiality, the purchaser acknowledgement statement will continue to be forwarded to the appropriate foreign government officials in its entirety, as required by section 17(a)(2).

In summary, the following information will generally not be considered confidential: (a) The fact that a producer makes a registered or unregistered pesticide product; (b) the fact that an acknowledgement statement or other notice of export has been filed by an exporter; (c) the identity of the unregistered exported product; and, if applicable, the identity of the active ingredients of the pesticide; and (d) the identity of the importing country and the country or countries of final destination, if known. Information subject to the following class determination 1–91 will not be considered confidential and claims of confidentiality for this information will be denied.

Class Determination 1-91

Identity of Importing Country Under FIFRA Section 17(A)(2)

I. Background

Section 17(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) sets out the conditions under which pesticides not registered for use in the United States may be exported to other countries. Under that provision and the Environmental

Protection Agency (EPA) statement of policy governing its implementation (45 FR 50274, July 28, 1980), a pesticide which is not registered under section 3 or sold under section 6(a)(1) of FIFRA may be exported only if, prior to export, (1) the foreign purchaser signs a statement acknowledging it understands that the pesticide is unregistered and cannot be sold in the United States and (2) a copy of the acknowledgement statement has been transmitted to EPA for sending to the government of the importing country Under EPA's policy, these requirements apply only to the first shipment of each unregistered pesticide to a particular purchaser in a given country annually.

EPA's 1980 policy statement permitted exporters to claim as confidential business information required to be reported to EPA on the foreign purchaser's acknowledgement statement. The information required to be reported is as follows:

(a) Name and address of the exporter;

(b) Name and address of the foreign purchaser;

(c) Name of the product and the active ingredient and an indication that the purchaser understands that the product is not registered for use in the United States;

(d) Destination of the export shipment if different than purchaser's address;

(e) Signature of the foreign purchaser; and

(f) Date of the foreign purchaser's signature.

In the past, and in accordance with that policy statement, EPA has treated this information as confidential when so claimed by the exporter. However, EPA issued another policy statement on January 12, 1990 (55 FR 1261) addressing the confidential status of information reported to EPA under section 7 of FIFRA which necessarily affected the confidentiality of certain information reported under section 17(a)(2).

Specifically, because section 7 mandates that certain information is not entitled to confidential treatment, the fact that a company has submitted a notice under section 17(a)(2) for a given pesticide is necessarily public as well. (The active ingredient of that pesticide is also public information).

This class determination addresses the confidentiality of the identity of the importing country of the unregistered pesticide export. It does not address the status of information about the foreign purchaser, information reported about research and development products, or quantity of shipment information which may be recorded on the purchaser acknowledgement statement.

II. Findings

Under EPA's regulations on business confidentiality at 40 CFR 2.207, I have authority to issue class determinations concerning entitlement of business information to confidential treatment. In the case of the information reported to EPA under FIFRA section 17(a)(2) concerning the identity of importing country I have found:

(1) EPA possesses numerous notices filed under FIFRA section 17(a)(2) and will continue to receive such notices in the future.

(2) The information reported concerning importing country is of the same nature and therefore can be treated similarly for the purpose of this determination.

(3) A class determination will serve a useful purpose by simplifying EPA responses to Freedom of Information Act (FOIA) requests for information contained in the notices, reducing the burden of individual determinations and informing requesters and affected businesses of EPA's position in advance.

EPA may withhold information from disclosure under the FOIA if the information falls within one of the exemptions in the Act. One exemption is for "trade secrets" and commercial or financial information obtained from a person and privileged or confidential. 5 U.S.C. 552(b)(4). The matter to be decided in this class determination is whether the identities of importing countries reported under FIFRA section 17(a)(2) are entitled to be withheld from disclosure under this exemption of the FOIA.

The information in question is clearly commercial information obtained from a person. The issue is whether this information is trade secret or otherwise confidential within the meaning of 5 U.S.C. 552(b)(4) and EPA's business confidentiality regulations at 40 CFR part 2, Subpart B.

Before EPA may conclude that information is exempt from disclosure as trade secret or confidential commercial information, the Agency must find that the information is in fact maintained in confidence by the business and is not publicly available. If it is not maintained in confidence or is publicly available, it is not entitled to confidential treatment and EPA must disclose the information.

The weight of evidence shows that destination information on unregistered pesticides is publicly available for many such exports. For example, some countries publish lists identifying monthly imports including information on the name or type of pesticide, the exporting country and the exporting company. Other countries make this information available on request.

Also widely available is information on international markets for particular pesticides. There is widespread advertising by United States exporters on billboards and in stores in foreign countries for pesticides sold in those countries but not registered in the United States. Similar advertising appears in domestic and foreign publications.

There also exist compilations listing pesticides and their regulatory status throughout the world, such as three volumes published jointly by the Agricultural Requisites Scheme for Asia and the Pacific and the International Co-operation Centre for Agricultural Research and Development covering Asia, the Pacific, and Africa.

In addition, considerable information on destination of pesticide exports is available from private publishers at a cost which is high but not prohibitively so for pesticide manufacturers. For example, Battelle publishes "World Pesticide Programme" reports which provide detailed information on pesticide use in foreign countries. "Agrow World Crop Protection News" offers market planning and development information and lists pesticides registered in various countries.

Finally, the Port Import/Export Reporting Service (PIERS) database of the Journal of Commerce provides information on all shipments leaving the United States. Information available to customers of PIERS varies in the level of detail provided, but may include commodity exported, manufacturer or shipper, destination and quantity.

Therefore, it appears that in many instances destination information on unregistered pesticide exports is not maintained in confidence and is in fact available to the public. For those exports, destination information is not entitled to confidential treatment by EPA. Since this determination must cover all notices received under section 17(a)(2), however, it is necessary to continue the confidentiality analysis to apply to those exports for which destination information may in fact be held in confidence.

Information that has been kept in confidence may be entitled to confidential treatment under 5 U.S.C. 552(b)(4) if it meets one of the tests set out in *National Parks Conservation Association v. Morton*, 498 F.2d 765 (D.C. Cir. 1974). Under Morton, commercial or financial information may be withheld from disclosure if revealing the information would be likely (1) to impair the ability of the government to obtain necessary information in the future or (2) to cause substantial harm to the competitive position of the submitter of the information.

The first test is not applicable to export destination information because such information is required to be submitted to EPA under FIFRA 17(a)(2) and EPA's policy statement. Therefore, the information is not voluntarily submitted and EPA's ability to obtain it in the future would not be impaired by disclosure. Accordingly, the applicable Morton test is the second one, whether disclosure of this information would be likely to cause substantial harm to the competitive position of the submitter

Country of destination information other than information concerning pesticides in the research and development stage is not the type of information that would likely cause substantial competitive harm to a submitter if it were released. If not coupled with information about quantity shipped, the identity of the country of destination does not reveal specific information about the company's customer list or market share While an argument can be made that releasing information concerning research products could enable competitors to learn new areas of chemistry being explored by the exporter and thwart "first to file" patent laws, no similar argument can be made for pesticides in an established market Therefore, under the second Morton test information identifying the country of destination of unregistered pesticide exports is not entitled to confidential treatment

III Conclusion

For the foregoing reasons, I find that information reported to EPA under FIFRA section 17(a)(2) on unregistered pesticide exports identifying the importing country is not entitled to confidential treatment under 5 U.S.C 552(b)(4) or FIFRA

VOL 58 ISS 31 FE 18 1993 UMI

Date April 25, 1991.

Craig B. Annear

Associate General Counsel

D. FIFRA Section 17(b) Notification Programs

1. *Background.* — a. *EPA's 1975 notice.* In 1975, EPA issued a **Federal Register** notice interpreting the section 17(b) international notification requirement to apply to "information having international significance." (40 FR 20987, May 14, 1975). In that notice, EPA indicated that notices to foreign governments would be sent under two conditions: (1) whenever the Agency registers, under the authority of section 3, a pesticide that contains any new active ingredient or entails a new use, and (2) when cancellation or suspension of a pesticide becomes effective and is determined to be of international significance. In the latter instances, EPA indicated that such determinations would be made by applying general guidance on a case-by-case basis.

In the 1975 notice, EPA also indicated what types of action would be considered to be of international significance.

1. Actions resulting from a review of the pesticide; actions resulting from findings of risk.

2. Actions resulting from decisions to reduce or revoke tolerances under the FFDCA.

3. Actions involving issuance of a new policy applicable to the entire pesticide industry.

4. Actions which may have widespread environmental, economic or political implications.

b. *Current practice.* EPA has generally limited section 17(b) notices to cancellations or suspensions undertaken for health or environmental reasons, and for selected actions which place significant restrictions on a pesticide's use, usually at the conclusion of a Special Review. The section 17(b) notices, as currently designed, discuss in general the health or environmental concerns which prompted the action, and offer to provide additional information upon request. The notices are fairly brief, about three pages in length, and are written in terms easily understood by people who may not be familiar with the U.S. pesticide regulatory program or laws.

Under the current system, EPA's Office of Pesticide Programs prepares a notice and sends it to the Department of State for transmittal to other governments. The State Department transmits a cable to all diplomatic posts, directing embassies to inform the host government of the information in the cable. The embassy then contacts an appropriate government office in the host country and informs the office of the information contained in the cable. Each embassy may handle the notification differently, depending upon individual circumstances. Some notify the Environment Ministry, some inform the Agricultural Ministry, while others may inform the Foreign Ministry which then in turn is expected to inform the pesticide regulatory body. Some embassies may simply provide a copy of the cable, some may set up a meeting to discuss the notice, while others may prepare a formal diplomatic communique to transmit the information.

c. *EPA's goals.* EPA wants to ensure that other governments have information on regulatory actions taken on the basis of public health or environmental concerns involving a pesticide's use. Such information can assist other governments in making informed decisions on the continued use of pesticides in their own countries. EPA believes that providing increased information on pesticide regulatory actions will also help further health and environmental protection goals worldwide. EPA also believes that informing other governments will assist with efforts toward international harmonization, as information about EPA's pesticide regulatory activities may prompt similar actions abroad.

EPA has reviewed the section 17(b) notification program to determine how it fits in with EPA's international goals. EPA wants to inform foreign growers of any U.S. pesticide regulatory action which may affect their ability to export food legally to the United States. If the United States informs other governments of the regulatory actions that the United States has taken with respect to pesticides, those governments may use that information to inform exporting producers or to regulate the application of pesticides on crops destined for export to the United States.

EPA has determined that revisions to its international notification system are warranted. Revisions to the final policy focus on the following areas: The scope of the international section 17(b) transmittals; the frequency of such transmittals and the content of the notifications; and the transmittal process itself. These areas are discussed in greater detail below.

d. *1990 proposal.* EPA requested comment on proposed revisions to its policy on notification of foreign governments of certain types of pesticide regulatory actions. FIFRA section 17(b) requires international notifications whenever a registration, cancellation, or suspension of a pesticide's registration becomes effective, or ceases to be effective. Since a major objective of EPA's review of its section 17(b) policy was to improve the utility of the notification process to recipients, EPA sent copies of the proposal out for comment to foreign countries and international organizations.

EPA proposed to broaden the scope of section 17(b) notifications to include all actions taken on the basis of health or environmental concerns, to increase the frequency and to amend the transmittal process for the notifications.

1. *Scope of section 17(b) notification program.* EPA proposed to expand the scope of actions subject to international notification to include all regulatory actions taken on the basis of health and environmental criteria so that countries receive important information about pesticide risks. EPA also proposed that countries should be notified of all major actions which affect pesticide use, including actions which eliminate all registrations for an active ingredient or substantially change a pesticide tolerance.

a. *Types of regulatory decisions.* Every year, EPA takes thousands of different types of regulatory actions affecting pesticide products. These actions encompass routine, noncontroversial decisions, as well as regulatory actions that involve highly contentious issues, and those which address serious concerns about public health and environmental risks. EPA considered a number of factors in determining which regulatory actions should be subject to the notification requirement, and in determining how the information should be transmitted. Among the factors to be considered are: statutory requirements; EPA's policy goals for international pesticide efforts; consistency with international activities; the value of the information to the recipient; and competing demands on EPA's and other agencies' resources.

b. *Legislative mandate.* A literal reading of section 17(b) (see Unit II.B.2 of this preamble) could require thousands of notifications annually: every time EPA amends a registration; cancels a registration for failure to pay maintenance fees; or cancels a registration at the request of a registrant. EPA believes that this requirement should be interpreted consistent with the intent of Congress to provide meaningful information to other countries (S. Rept. No. 92–1540, 92nd Cong. 2d Sess. at 33 (1972)).

In the 1975 Notice, EPA noted that the legislative history of section 17(b)

indicates that notices should serve a useful purpose. EPA went on to conclude that it would not serve a useful purpose to transmit notices for all of the actions which could conceivably fall within the scope of this requirement, and in fact, that notification of routine actions would likely lessen the impact of information having international significance. This interpretation has guided EPA in its decisions to transmit notices.

In the February 1990 **Federal Register** notice, EPA proposed that section 17(b) notices should encompass all actions taken on the basis of health or environmental considerations. EPA also proposed that section 17(b) should encompass all major actions which affect pesticide use. This would include actions affecting foreign growers who wish to export food to the United States.

c. *Comments.* All commentors on this issue supported expanding the scope of actions subject to section 17(b) notifications. Two commentors supported the scope of actions for section 17(b) actions as proposed, including an annual summary of the actions that meet EPA's criteria. Two commentors suggested sending notices for all new registrations. Another commentor suggested sending notices for all partial cancellations and suspensions. Three commentors supported sending notices on those pesticides withdrawn from the market for other than health or environmental reasons.

d. *Response.* EPA proposed that section 17(b) notices should be sent for proposed and final suspensions and cancellations taken as a result of the pesticide's potential to cause unreasonable adverse effects (FIFRA sections 6(b) and 6(c).) EPA believes that information about final actions taken on the basis of health and environmental criteria would be the most critical for timely international notifications and will continue to send such notices under section 17(b).

However, EPA will continue to advise other nations about major proposed actions so that they will be aware of emerging health and safety concerns, and will have an opportunity to participate in the regulatory process. These notices allow other countries an opportunity to participate in our decisions, and they set an example we are encouraging other countries to follow. Moreover, sending these notices would be consistent with the U S. negotiating positions in the General Agreement on Tariffs and Trade (GATT) and the North American Free Trade Agreement (NAFTA), and such notifications would be required once these agreements are adopted.

Partial cancellations or suspensions which occur for administrative reasons, e.g., failure of the registrant to pay the fee required would not impart particularly significant information to the recipients of the notices. However, because this information may still be of interest to other countries, a summary of all pesticide regulatory actions will be sent annually, including the actions for which no section 17(b) notices would be prepared on a routine basis, as described in this section.

EPA has decided to expand the scope of actions which will trigger section 17(b) notifications, to include a general category of other actions which EPA determines to be of international significance. This addition is designed to provide the Agency with the flexibility to report on any regulatory actions which may not clearly fit into other categories on the list of actions triggering a section 17(b) notice, as listed below.

(1) Final suspensions/cancellations as a result of the potential to cause unreasonable adverse effects (sections 6(b) and 6(c)).

(2) Denial of a tolerance following a formal finding that the tolerance does not meet the statutory safety standard.

(3) Denial of an application to register a pesticide product following a formal finding that the risks outweigh the benefits.

(4) Voluntary cancellations of a registration where there is evidence of health or environmental concerns (section 6(f)).

(5) Voluntary withdrawals of registration applications, registrations, or tolerance petitions, where there is evidence of health or environmental problems prior to the withdrawal.

(6) Reregistration actions-issuance of a reregistration eligibility decision document (section 4(g)(2)).

(7) Final actions to establish a new tolerance or exemption from a tolerance, to revoke a tolerance or exemption, or to amend a tolerance.

(8) All registrations of a new active ingredient and (if different) the first food use registration of an active ingredient.

(9) All other actions which eliminate all or virtually all significant registrations for an active ingredient including:

(i) Final cancellations for failure of a registrant to meet conditions of registration.

(ii) Voluntary cancellations.

(iii) Cancellations for failure to pay the fee required to reregister or maintain registration.

(iv) Cancellations resulting from other activity under FIFRA section 4.

(12) Any other pesticide regulatory actions which EPA deems to be of international significance.

No section 17(b) notices would be prepared on a routine basis for the following actions. However, these actions will still be included in the annual summary of pesticide regulatory actions.

(1) Registrations of new uses of a pesticide.

(2) Registration of new products with uses similar to existing registered uses (known as "me-too" registrations).

(3) Suspensions for failure to submit data under FIFRA section 3(c)(2)(B) that do not result in the elimination of all or virtually all uses of an active ingredient.

(4) Cancellation/suspensions that do not result in elimination of the registration of all or virtually all uses of the active ingredient or are not taken for health and environmental reasons (eg., voluntary cancellation of a product by a company because of insufficient funds or unwillingness to meet data requirements for reregistration.)

(5) Voluntary withdrawals of petitions for tolerances within 75 days after receipt of a notification from EPA of deficiencies in the data required to support the petition. (See EPA's notice of policy concerning abandoned and incomplete pesticide petitions for tolerances or food and feed additive petitions, 56 FR 43759 (September 4, 1991).

2. *Timing and frequency of section 17(b) notifications.*-(a) *1990 Proposal.* EPA proposed that the timing of section 17(b) notices should depend upon the potential effect of the action taken. Notifications of regulatory actions based on health and/or environmental concerns should be transmitted as soon as possible after such actions are taken. The Agency also proposed to send an annual summary of pesticide regulatory actions taken during the year.

(b) *Comments.* Ten commentors supported the option EPA proposed-to transmit notices of urgent health and environment concerns immediately and to prepare an annual report summarizing these notices and listing less urgent actions taken during the year. One commentor supported maintaining the current system of sending section 17(b) notices as soon as possible after the action occurs.

(c) *Response.* EPA will prioritize the section 17(b) notices to ensure that those dealing with significant health and/or environmental concerns are transmitted immediately. The Agency will also prepare an annual summary of all pesticide regulatory actions and

transmit it to countries. The annual summary will list pesticide regulatory actions published in the **Federal Register** during the year.

3. *Transmittal of section 17(b) notices.* — (a) *Current practice.* EPA transmits both section 17(a) and section 17(b) notices through the State Department. The section 17(a) notices are sent by the State Department to the appropriate embassy for the country of import. The State Department also sends copies of section 17(b) notices to all embassies for delivery to contacts within each country. FIFRA section 17(b) provides that EPA shall transmit section 17(b) notifications through the State Department.

The current practice of transmittal has proved to be a timeconsuming and somewhat inefficient process. The State Department orders all the cables it transmits in terms of priority. Information about domestic regulatory actions is usually of a lower priority than diplomatic activities. Further, embassies may lack sufficient staff to forward the notices quickly to the appropriate government officials in the receiving countries. The current process often delays receipt by foreign governments of information about U.S. pesticide actions.

(b) *1990 proposal.* The Agency proposed to transmit section 17(b) notices directly to the appropriate officials in other governments, with copies of the notices provided to the State Department to keep them informed about the communication.

(c) *Comments.* All commentors except one supported the direct transmittal of section 17(b) notices. The commentor who opposed EPA's direct transmittal of the notices stated that since the statute requires EPA to go through the State Department in transmitting notices, they could not condone EPA's proposal to act on discretionary authority and not follow the explicit statutory provision.

(d) *Response.* EPA will continue to send section 17(b) notices to the State Department for transmittal to embassies. In addition, EPA will send advance notices of actions covered by section 17(b) requirements directly to the appropriate officials in other governments. EPA will also prepare an annual summary of actions covered by section 17(b). EPA will send the annual summary of actions directly to appropriate officials in other governments and simultaneously to the State Department.

4. *Content and format of the section 17(b) notices.* The section 17(b) notices currently contain a summary of the action taken, an explanation of the health or environmental reasons prompting the action, and the legislative and regulatory background for the action. The notices state that additional information is available upon request, usually in the form of a technical support document or fact sheet. There is no current standardized format for section 17(b) notices.

a. *1990 proposal.* In the proposed policy statement, EPA proposed expanding the content of the section 17(b) notifications and solicited comment on the kinds of information which should be included in the notices and the appropriate format, particularly for the annual summary that will include listings of all actions taken during a calendar year. EPA stated that it intends to comply with recommendations for formats made by international organizations when revising the EPA notices, and requested comments on this point.

b. *Comment.* The Agency received few comments on this issue. Two commentors stated that the information in section 17(b) notices should be easily understood, not just a copy of the **Federal Register** notice describing the action. In addition, the same commentors agreed with EPA's proposal to follow an internationally agreed upon format, when possible. Three commentors suggested including the name, address, telephone and Facsimile (FAX) number of EPA contacts with the notice.

c. *Response.* EPA agrees with all comments on this issue. EPA believes it would be useful to expand the information contained in section 17(b) notices. For example, in some cases more information about alternative pesticides, handling, storage and disposal could be provided. EPA has decided to expand the information it includes in section 17(b) notifications to the extent it is available, and consistent with the need for prompt notification. EPA is also considering providing Spanish and French translations of section 17(b) notices upon request. (English, Spanish, and French are the official languages FAO/UNEP will use in implementing PIC notification procedures.)

EPA plans to incorporate, to the extent possible, some of the information used in the FAO/UNEP notification of control action form for section 17(b) notifications. EPA will clearly indicate that the notice is pursuant to section 17(b) of FIFRA, so as not to confuse the recipient. The FAO/UNEP form includes the following information: the Chemical Abstract System registry number of each active ingredient, trade names and the chemical nomenclature used by the International Union of Pure and Applied Chemists (IUPAC), a description of the regulatory action to ban or severely restrict the active ingredient and a reference to the national document ordering such action, a description of reasons for the action relevant to protection of health and the environment, and a discussion of known alternatives.

EPA will also notify the FAO/UNEP Secretariat, using notification of control action forms, of all final actions which meet the internationally-agreed upon definitions of "banned or severely restricted for health or environmental reasons." This will place all relevant information into an international data base and information exchange procedure.

E. Section 17(d) Activities

1. *Prior Informed Consent System.* In 1989, FAO and UNEP jointly adopted procedures to augment their existing guidelines for notification and information exchange among countries. The procedures are known as Prior Informed Consent (PIC) for trade in pesticides and industrial chemicals which have been banned or severely restricted (57 FR 58390, December 9, 1992). FAO will manage the program for pesticides, while UNEP will manage the program for industrial chemicals. The information exchange system, of which PIC is a part, also includes procedures for information exchange on regulatory actions which do not fall within the definitions of banned or severely restricted.

The primary objective of the PIC procedure is to establish a system in which participating importing countries will get information concerning chemicals whose use is banned or severely restricted in other countries; decide whether to allow, restrict, or stop the future imports of such chemicals; and notify other countries on a formal basis of their decision concerning importation and use. The fundamental principle of the PIC system is that international shipment of a chemical that is banned or severely restricted in order to protect human health or the environment should not proceed without the agreement or contrary to the decision of the designated national authority in the importing country.

The PIC procedures require that countries banning or severely restricting a pesticide or industrial chemical for health or environmental reasons (including voluntary withdrawals and refusal to grant first registration when these actions are taken for health or environmental reasons) notify the FAO/UNEP joint program.

All participating countries will receive information on the health or environmental reasons why bans or severe restrictions have been placed on the use of chemicals or pesticides. Upon request, they may also receive further information and/or technical assistance that may be helpful as they make a decision regarding continued use in their countries. Participating importing countries then notify FAO/UNEP of their decisions on whether the import of a PIC chemical will be allowed in the future, and if so, under what conditions. The PIC system provides a mechanism for formal dissemination of the decisions of importing countries to exporting countries. Exporting countries are requested to share the responsibility for controlling the export of such chemicals, and to communicate the decisions of participating importing countries to their export industries.

The United States is a strong supporter of the PIC procedures. In the February 12, 1990 proposal, EPA requested comment on how best to facilitate industry compliance with PIC under FIFRA, which as noted above, provides limited authority for EPA to prohibit pesticide exports if section 17 labeling and notification requirements are met. EPA received two comments on this issue. One country, and one private group commented that self-policing or self-auditing techniques would not be adequate to ensure shipments do not occur contrary to the decisions of importing countries. One of the commentors stated that statutory obligations, supported by official inspections and audits are necessary to ensure compliance with PIC.

EPA agrees that FIFRA should be amended to provide EPA with statutory authority to implement PIC fully with respect to United States pesticide exports. Acknowledging that under current FIFRA authority, the Agency has limited authority to prohibit pesticide exports, EPA intends to implement the PIC system as fully as possible, consistent with U.S. law.

On December 9, 1992, EPA published a **Federal Register** notice announcing the Agency's participation in the PIC procedures, and discussing EPA's submission of two lists of chemicals which are either banned or severely restricted in the United States. The notice also discusses EPA's plan to hold a public forum to discuss U.S. involvement—that of government, industry, and the public—in the PIC process, as well as the Agency's international notification programs under FIFRA and TSCA. (57 FR 58390.)

2. *Consistency between section 17(b) notifications and PIC implementation.* Generally, EPA's section 17(b) notification program covers a much broader range of regulatory actions than the notices which countries will be required to submit under the PIC procedures. The PIC system focuses on two categories of regulatory actions: pesticides and industrial chemicals which are "banned" or "severely restricted."

The *FAO International Code of Conduct on the Distribution and Use of Pesticides* defines "banned" as "a pesticide for which all registered uses have been prohibited by final governmental regulatory action, or for which all requests for registration or equivalent action for all uses have, for health or environmental reasons, not been granted."

The *Code of Conduct* defines "severely restricted" as "a limited ban-a pesticide for which virtually all registered uses have been prohibited by final governmental regulatory action but certain specified registered uses remain authorized."

Countries are not to report on proposed actions. Only pesticides and industrial chemicals which have been banned or severely restricted by a final government action, or due to voluntary cancellation by industry, may be listed. (However, voluntary cancellations should only be reported to FAO/UNEP where there is clear evidence that the pesticide is withdrawn for health and/or environmental reasons.)

EPA plans to review draft section 17(b) notices as they arise to see whether the actions described in the notices would also trigger notification under the PIC system. EPA has considered whether notification through the PIC procedures can or should substitute for direct notification to foreign governments of section 17(b) notices. EPA believes that allowing this substitution in those cases where the regulatory action described in the section 17(b) notice would also trigger a PIC notice will reduce the burden and cost to EPA and avoid possible confusion to those receiving and managing duplicative information. Therefore, the Agency intends to use PIC procedures to transmit notices to countries participating in PIC who have established a designated national authority on the FAO/UNEP list, rather than send duplicative section 17(b) notices.

For countries which do not have a designated national authority, EPA will obtain information on the appropriate person to contact and transmit section 17(b) notices as described in this final policy statement.

3. *Supporting environmental protection in other countries.* EPA's efforts to assist in the protection of public health and the environment in other nations follow two tracks. First, EPA provides information through the notification programs mandated by FIFRA section 17. Secondly, EPA supports the development of decision-making capabilities and regulatory infrastructures in pesticide importing countries.

There are many ongoing projects designed to assist the development of effective pesticide regulatory systems and to promote safer pesticide use in developing countries.

One example is EPA's work with the U.S. Agency for International Development (AID) to develop a comprehensive pilot program to improve pest and pesticide management in Central America. The overall goals of the project are to enhance public health, environmental protection and food safety in both the United States and Central American countries. The project will be coordinated with ongoing activities under the auspices of FAO to establish an international system of information exchange and "prior informed consent" with respect to international trade in pesticides and other efforts to strengthen the regulatory capabilities of developing countries.

Collaboration between EPA and AID will focus on the following three areas:

(a) Strengthening Regulatory Institutions by providing training, technical assistance, and information to the Central American national and regional entities involved in the regulation of pesticide importation, distribution, use and disposal.

(b) Support for AID Food Export Programs by providing information that will assist Central American countries in meeting U.S. pesticide tolerance requirements.

(c) Pesticide management and safety training, including the development of training and technical assistance programs designed to promote and encourage the adoption of appropriate pest management practices.

In connection with the development of the pilot project, EPA organized and conducted a workshop with AID in San Jose, Costa Rica in November 1990. The workshop focused on the U.S. pesticide regulatory system, with the aim of familiarizing Central American countries with regulatory requirements and procedures, particularly as they apply to foods intended for export to the United States. The Agency for International Development, the U.S. Food and Drug Administration, and the

VOL 58 ISS 31 FE 18 1993 UMI

U.S. Department of Agriculture all participated.

Another component of the Central American project is the development of joint FDA-EPA laboratory assessment and enhancement activities, which will include a survey of current laboratory capabilities in the region, technical assistance and training in analytical methods and quality control, access to pesticide reference standards, and other forms of technical cooperation.

During 1991, EPA officials participated in interagency meetings with Mexican governmental officials in Mexico City and in Washington, DC to exchange information on regulatory procedures as well as specific chemicals of concern, to discuss plans for upgrading pesticide regulation and enforcement, and to explore proposals for reducing violative residues on food imported into the United States.

In 1990, EPA, at the request of AID and USDA, participated in a AID-organized disposal workshop for West African countries in Niamey, Niger. The focus of the workshop was mitigation of environmental problems resulting from storage and disposal of pesticides. In 1990, EPA provided technical assistance in storage and disposal to Guinea Bissau.

Other examples of EPA's recent international pesticide activities include: co-sponsoring regional workshops with the United Nations' FAO, on strengthening pesticide regulation in Asia and the Pacific Islands, Latin America and the Caribbean; participation in an international meeting in Beijing, China, on international harmonization of pesticide tolerance levels; and numerous other international technical meetings. EPA continues to host numerous international visitors to provide training in a variety of areas, including regulatory development, data evaluation, decision methods and procedures for pesticide regulation; and to provide expert staff participation in international workshops and technical assistance activities.

EPA has also developed projects jointly with the U.S. Peace Corps. Through a Memorandum of Understanding (MOU) signed with the U.S. Peace Corps in September of 1989, EPA has provided technical assistance through the provision of EPA expert trainers and training materials and participation in training needs assessments. EPA participated in an assessment of pesticide use and regulation in Ecuador and Paraguay, particularly with respect to the Peace Corps volunteer sites and positions. In 1990, EPA conducted training on pesticide safety for 28 Peace Corps volunteers in Ecuador, and provided bilingual training materials on pesticide application and safety, for this and future training.

4. *Harmonizing U.S. and international standards.* EPA recognizes that protecting the global environment and the public health of all peoples must be a truly cooperative international effort. Through participation in the activities of international organizations, EPA promotes the development of consistent methods and standards to meet these common objectives. Encouraging the development of pesticide standards which promote effective environmental and public health protection world-wide also serve to minimize unnecessary disruption of international trade. While EPA recognizes that environmental regulation which is not based on sound science and risk management policy should not be used to enact unfair trade barriers, EPA will not relax science-based standards which protect public health or the environment in order to harmonize them with standards established elsewhere.

EPA participates in activities aimed at promoting harmonization of science-based pesticide regulatory requirements and resolving problems that may result from differing standards that may raise allegations of unjustified restrictions on international trade. Examples of these activities are: the provision of information on proposed regulatory actions (e.g., cancellations, suspensions, tolerances or tolerance revocations); EPA's participation in the General Agreement on Trade and Tariffs (GATT) Uruguay Round negotiations on sanitary and phytosanitary measures; discussions in connection with the negotiation of a North American Free Trade Agreement; the Rome Conference on Food Standards, Chemicals in Food and Trade, (an international meeting jointly sponsored by FAO and the World Health Organization (WHO) in March 1991); and in numerous FAO expert meetings and Government Consultations. In addition, EPA actively supports the Joint Meeting on Pesticide Residues (JMPR) and the Codex Committee on Pesticide Residues (CCPR), providing resources and temporary expert advisors to assist in scientific deliberations. EPA also participates in periodic meetings with its counterparts in Canada, the United Kingdom, and the European Community to discuss pesticide regulation and food safety issues.

IV. Technical Amendment

A. Revising Section 169.2(h)(3) to Conform With the Requirements of this Policy

Section 169.2(h) contains recordkeeping requirements for exporters of pesticides, devices, and active ingredients used in producing pesticides intended solely for export to any foreign country. The second sentence of paragraph 3 of section 169.2(h) discusses the requirement to obtain a foreign purchaser acknowledgement statement pursuant. EPA is deleting this sentence in order to make section 169.2(h) consistent with this policy.

V. Public Record

EPA has established a public record for this final policy statement under docket number OPP–170003. Included in the record are two proposed policies (dockets number OPP–170000 and 170001), as well as copies of public comments received on the proposed policy statements. The record is available for inspection in Room 1128, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

VI. Other Regulatory Requirements

A. Executive Order 12991

Under Executive Order 12291, EPA must judge whether an action is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. EPA has determined that this policy does not constitute a major action because it does not meet any of the criteria set forth and defined in section 1(b) of the Order. Costs were estimated based on existing program experience, including the number of annual submissions presently made to EPA that would be affected by changes.

This policy was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the public file at the Public Docket location listed under the Public Record section cited above.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, (5 U.S.C. 605(b)), EPA has determined that this policy will not have a significant economic impact on a substantial number of small businesses. The recordkeeping required would easily be satisfied by the normal invoices that are a necessary part of all overseas transactions. The purchaser acknowledgement statements required

to be signed could be included with sales contracts signed by the foreign purchaser. The cost of reporting to the Agency as shown in the information collection burden statement is minimal. A requirement that the purchaser acknowledgement statement be multilingual was not included in the final policy for a number of reasons, including comments that the cost to small businesses could be prohibitive.

C. Paperwork Reduction Act

This policy amends provisions of the foreign purchaser acknowledgement statement requirement of the export policy for unregistered pesticides, which is currently cleared by the Office of Management and Budget (OMB) under control number 2070–0027. The information collection requirements imposed by this policy statement have been submitted to OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. A copy of the information collection request (ICR) document may be obtained from the Information Policy Branch of the Office of Policy, Planning and Evaluation (OPPE) of EPA at the address given below.

Annual respondent burden for this collection of information is estimated to average .92 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An estimated 976 responses annually are anticipated, for a total annual burden of 895 hours. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM–223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

List of Subjects 40 CFR Parts 168 and 169

Advertising, Exports, Labeling, Pesticides and pests, Policy statements, Reporting and recordkeeping requirements.

Dated: January 19, 1993.

William K. Reilly,

Administrator.

Therefore, 40 CFR chapter I, parts 168 and 169 are amended as follows:

PART 168—[AMENDED]

In part 168;

a. The authority citation for part 168 continues to read as follows:

Authority: 7 U.S.C. 136–136y.

Subpart C [Reserved]

b. Subpart C is added and reserved.

3. Subpart D is added to read as follows.

Subpart D — Export Policy and Procedures for Exporting Unregistered Pesticides

Sec.

168.65 Pesticide export label and labeling requirements.
168.75 Procedures for exporting unregistered pesticides— purchaser acknowledgement statement requirement.
168.85 Other export requirements.

§ 168.65 Pesticide export label and labeling requirements.

(a) *General.* This section describes how EPA interprets and will enforce the requirements of FIFRA section 17(a)(1). Every exported pesticide, device, and active ingredient used in producing a pesticide (see § 152.3 of this chapter for the definition of "active ingredient" and "pesticide") must bear a label or labeling which meets the requirements of FIFRA section 17(a)(1). This requirement applies to all such pesticides, devices, or active ingredients, regardless of whether the export is for commercial or research use. In the case of unregistered pesticides, including research substances which are being exported for testing, the labeling requirements of this section continue to apply independently of whether the exporter must submit a purchaser acknowledgement statement under FIFRA section 17(a)(2) as described at § 168.75 of this chapter. In addition, information which will satisfy FIFRA section 2(q)(1)(E), (G), and (H) and section 2(q)(2)(A) and (D) must appear in English and in the appropriate foreign languages, on the label or labeling as described in paragraph (b)(4) of this section. The required label and labeling statements may be met through either immediate container labels, accompanying supplemental labeling as described in paragraph (c) of this section, or a combination of the two.

(b) *Specific requirements.* The labels and labeling of any exported pesticides, devices, and active ingredients used in producing pesticides must meet the requirements regarding label and labeling content, correct representation, and understandability as stated in this paragraph.

(1) *Label contents.* The term "label" means the written, printed, or graphic matter on or attached to the immediate container of the pesticide, device, or active ingredient used in producing a pesticide. In the case that the immediate container is enclosed in an outer container or wrapper through which the label cannot be read, the label must also be on such outer container or wrapper. Except as provided in paragraph (c) of this section, the immediate container of the pesticide, device, or active ingredient used in producing a pesticide must bear a conspicuous and readable label which includes:

(i) *EPA pesticide producing establishment number.* The producing establishment registration number must be present but may appear anywhere on the label or immediate container in accordance with the establishment registration labeling requirements set forth in § 156.10(f) of this chapter.

(ii) *Warning or caution statements.* Warning or caution statements must appear on the label and must be adequate for the protection of persons handling the pesticide, device, or active ingredients including warnings regarding general toxicological hazards and environmental, physical, or chemical hazards. Warning and caution statements must appear in English and in the appropriate foreign languages, as described in paragraph (b)(4) of this section. Where the U.S. warning or caution statement, as translated, is obviously inappropriate to protect residents of the importing country, (for example, where a statement calls for a gas mask meeting the specification of the U.S. Bureau of Mines) an equivalent caution must be substituted.

(iii) *The statement "Not Registered for Use in the United States of America."* The labels of all pesticides, devices, and active ingredients which are not registered for use in the United States under FIFRA section 3 must prominently display the following statement: "Not Registered for Use in the United States of America." The statement must appear in English and in appropriate foreign languages, as described in paragraph (b)(4) of this section. It is permissible to append explanatory text which qualifies the statement by pointing out the reasons for the unregistered status. Examples of possible additional statements are "Not Registered for Use on...", "No Longer Registered for Use...", or "Not Registered...because..." Such additions must not be misleading or misrepresent the registration status of the pesticide. The statement "Not Registered For Use in the United States of America" must also be present.

(A) A pesticide is considered registered for the purposes of the section 17(a)(1) requirement only when:

(*1*) A label and labeling approved under a current FIFRA section 3 registration for the product is either attached to the immediate product container or accompanies the product at all times as supplemental labeling as provided in paragraph (c) of this section.

(*2*) The formula of the exported product is the same as the formula of the U.S. registered product (within certified limits). In addition, a change in the color or fragrance of the export product will not affect the product's registration status, as long as the following conditions are met:

(*i*) The change in color must result only from the addition of a dye included on the list of the chemicals exempted from the requirement of a tolerance at § 180.1001, and the dye must not be a List 1 inert. (List 1 inerts are those inerts which the Agency has identified as presenting toxicological concerns. The classification of inerts is explained in EPA's Policy Statement on Inert Ingredients in Pesticide Products, which can be obtained from the Office of Pesticide Programs public docket, Room 1128, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202.

(*ii*) The change in fragrance must result only from the addition of a chemical included on the list of chemicals exempted from the requirement of a tolerance (§ 180.1001) and the chemical must not be a List 1 inert.

(*iii*) The change in fragrance must not result in a pesticide product containing a food or food-like fragrance. (See "Food Fragrances in Pesticide Formulations," EPA's Office of Pesticide Programs Policy and Criteria Notice number 2155.1, November 20, 1975 which can be obtained from the Office of Pesticide Programs public docket, Room 1128, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202.).

(*iv*) Any differences in color or fragrance of the export product in accordance with this section must be reflected in records which show the complete formula of the export product in accordance with the requirements of § 169.2 and this policy.

(*3*) No statements which appear on any of the product labels or labeling add new uses or claims or in any way contradict the approved FIFRA section 3 labeling. However, certain minor changes may be made to a product's labeling or packaging without affecting the registration status of the product, as specified in § 152.46(b) of this chapter.

(iv) *The ingredient statement.* The ingredient statement must appear on the label in English and in appropriate foreign languages (as described in paragraph (b)(4) of this section). If the English language description of the ingredients is easily identifiable and likely to be understood by the ordinary individual, the foreign language ingredient statement need not be included on the label. In the case of pesticide products, devices and active ingredients shipped solely for research and development purposes, it is permissible to use coded identification of ingredients on the label in order to protect confidentiality, in accordance with the requirements of §§ 168.75(c) and 168.85(a).

(v) *Identity of parties.* The name and address of the producer, registrant (if any), or the person for whom the pesticide was produced, must appear on the label.

(vi) *Weight or measure.* The net weight must appear on the label in either English or metric units.

(vii) *Additional warning for highly toxic pesticides.* If the pesticide, device or active ingredient is highly toxic to humans, the skull and crossbones, the word "Poison", and a statement of practical treatment must appear on the label. The word "Poison" and the statement of practical treatment shall be in English and in the appropriate foreign languages, as described in paragraph (b)(4) of this section. The skull and crossbones may be in red or black. For criteria on what pesticides are highly toxic, see § 156.10(h) of this chapter.

(2) *Use classification statement.* In addition to the label contents described in paragraph (b)(1) of this section, the labeling must include a use classification statement, if a use classification has been assigned under a FIFRA section 3 registration. The use classification shall accurately describe the use classification applicable to the U.S. registered use of the pesticide, device or active ingredient (e.g., "Restricted Use Pesticide"). Summary statements describing the use classification, e.g., "For retail sale to and use only by Certified Applicators...", or explaining what such terms mean are not required, but may be included if such statements do not result in false representation of the U.S. regulatory status of the pesticide. The use classification information may appear on the product label or on the labeling accompanying the pesticide product during shipment.

(3) *Misrepresentation.* The labeling shall not make false or misleading representations or represent the product as an imitation of other products.

(4) *Understandability.* The required statements must be expressed in such terms as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use. To satisfy this section, certain information described in paragraph (b)(4)(i) of this section, which appears on the labeling of all exported pesticide products, devices and active ingredients must appear in English, in an acceptable language of the country of import as defined in paragraph (b)(4)(ii) of this section, and in an acceptable language of the country of final destination, if known or reasonably ascertainable by the exporter. When there are several official languages or dialects in a country, the language which is predominately spoken or written, or a language in which official government business is conducted, will be acceptable.

(i) *Information required to be multilingual.* The following labeling information must be multilingual:

(A) The warning and caution statements.

(B) Where required, the statement "Not Registered for Use in the United States of America."

(C) The ingredient statement.

(D) Where required in accordance with paragraph (b)(1)(vii) of this section, the word "Poison" and the statement of practical treatment in case of poisoning.

(ii) *Acceptable languages.* In all cases, English must be one of the languages used on the label or labeling. In addition, either the language which is used to conduct official government business, or the predominantly spoken or written language of the country of import must appear on the labeling. In each case where a country of final destination is known, the language which is used to conduct official government business or which is predominantly spoken in that country, if different from the language of the country of import, shall also appear on the labeling. In any case where English is predominantly spoken or written or is the language used to conduct official government business in a country, no other language need be included to meet the multiple language requirement of this paragraph.

(c) *Supplemental labeling.* A pesticide, device or active ingredient intended for export will not be considered in violation of the labeling requirements of FIFRA when the label and/or labeling requirements stated in paragraph (b) of this section are met by supplemental labeling. Supplemental labeling must be attached to the

immediate product container or the shipping container of the pesticide, device or active ingredient at all times when it is shipped or held for shipment to meet export label requirements. Supplemental labeling must meet all of the label requirements in paragraph (b) of this section which are not met by the immediate product labels. Supplemental labeling will satisfy the labeling requirements of FIFRA only if the following conditions are met:

(1) *Applicability.* The use of supplemental labeling applies to any situation where the labeling requirements specified in this section are not met fully on the product label which is attached to the immediate product container. Any required label or labeling statement not met on the immediate container may be met through supplemental labeling.

(2) *Labeling contents and relation to shipment.* If supplemental labeling is used to meet any of the labeling requirements of FIFRA section 17(a)(1), it must meet all of the requirements in paragraph (b) of this section which are not met by the label on the immediate product container. Thus, the supplemental labeling, together with the immediate product container label will meet all of the requirements of paragraph (b) of this section. Where used, supplemental labeling must be attached to or accompany the product shipping container of the pesticide, device, or active ingredient used in producing a pesticide at all times when shipped or held for shipment in the United States.

§ 168.75 Procedures for exporting unregistered pesticides-purchaser acknowledgement statements.

This section describes how EPA interprets and will enforce requirements of FIFRA section 17(a)(2). Section 17(a)(2) provides that any person exporting a pesticide other than a pesticide registered for use under FIFRA section 3 or sold under FIFRA section 6(a)(1), shall obtain a statement signed by the foreign purchaser prior to export, acknowledging that the purchaser understands that such pesticide is not registered for use in the United States and cannot be sold in the United States. Section 17(a)(2) requires that a copy of the statement be transmitted to an appropriate official of the government of the importing country.

(a) *Products subject to the requirement.* EPA will not consider an exporter of an unregistered pesticide to be in violation of FIFRA section 17(a)(2) if, prior to export of the pesticide, the exporter submits to EPA a statement signed by the foreign purchaser which affirms that the purchaser is aware that the pesticide is not registered for use in the United States and cannot be sold for use in the United States. The exporter must also include with the submission of the purchaser acknowledgement statement to EPA, a certification signed by the exporter affirming that the export did not occur until the statement signed by the foreign purchaser was obtained by the exporter. Except as provided in paragraph (b) of this section, all pesticide products produced for export which cannot be sold for use in the United States in the form that they are produced for export, are considered to be unregistered pesticides. This includes pesticides which are of a different formulation, including composition (except for variation within certified limits), or type of formulation, and pesticides which are packaged for use patterns for which they are not registered, which may be evidenced by package type or label use statements. This also includes unregistered products which are under development as pesticidal products and which are being exported for research testing.

(b) *Exceptions.* Under the specific circumstances discussed below, EPA will not treat a registered product which has been modified slightly for export purposes, as unregistered for the purposes of the purchaser acknowledgement statement requirement. Any changes to the registered product for export purposes must be documented in accordance with the record-keeping requirements at § 169.2 of this chapter and this policy.

(1) *Labeling on Immediate Product.* EPA will not treat as unregistered for the purposes of section 17(a)(2), a registered pesticide product which cannot be sold or distributed for use in the United States because its immediate product container does not bear a label approved under a FIFRA section 3 registration, but which could be sold or distributed in the United States with the approved label attached to the immediate product container, provided that the label and labeling approved under a current FIFRA section 3 registration for the product is either attached to the immediate product container or accompanies the product at all times as supplemental labeling as provided in paragraph (c) of this section.

(2) *Packaging.* (i) Certain changes may be made to a product's labeling or packaging without affecting the registration status of the product, as specified in § 152.46(b) of this chapter and this policy. These changes include any changes in package size and label net contents, provided no change in use directions or requirement for child-resistant packaging would be necessary for the product to be registered for use in the United States. For example, if child-resistant packaging is required for a particular pesticide product in the United States, and the product will be exported without child-resistant packaging, the product would be considered unregistered and therefore subject to all the requirements of FIFRA section 17(a), as described in § 168.75 of this chapter including the requirement for a purchaser acknowledgement statement.

(ii) If an exporter needed to repackage a product in a size to meet a foreign purchaser's specifications, that modification would not affect the registration status of the export product. Other modifications to the label used for export purposes which will not affect the export product's registration status are: the use of metric units for net contents, dosages, and other numeric expressions; the use of a different format for the label, provided that the information does not contradict the U.S. label; revision of non-mandatory U.S. label statements, consistent with 40 CFR part 156, including additions or changes required by other Federal statutes or regulations; a change of the name or address of the registrant, except for a change resulting from transfer of ownership, which requires that a registrant keep his name and address current with the Agency; and any correction of typographical or printing errors that appeared on the U.S. labeling. (See § 152.46(b)).

(3) *Labeling statements.* The following statements which appear on any of the product labels or labeling will not affect the status of the product, provided that they do not contradict the approved FIFRA section 3 labeling:

(i) It is permissible to add explanatory language which accurately explains the meaning of a use classification. For example, the statement "restricted use pesticide" may be expanded to read: "Restricted in the United States of America to use by certified applicators" or "Restricted Use Pesticide. In The United States this product is restricted to use by applicators determined by each state to be competent in pesticide application and the human health and environmental consequences of misuse." If the explanatory language falsely represents or is misleading regarding the U.S. use classification, the product will be considered misbranded. In addition, a use classification can only be listed if one has been assigned pursuant to the U.S. registration.

(ii) An exporter who is also the manufacturer of a U.S. registered

pesticide may add new uses to the label of that product for export purposes, without triggering the requirements of section 17(a)(2), as long as the new uses are within the same general use patterns as those for the registered product. (Pesticide use patterns are listed in Appendix A to 40 CFR part 158-Data Requirements for Registration: Use Pattern Index. The general pesticide use patterns are: terrestrial food crop and terrestrial nonfood crop; greenhouse food crop and greenhouse nonfood crop; aquatic food crop and aquatic nonfood crop; indoor use; and forestry use.) Adding new uses to the label which change the use pattern, such as changes from non-food to food use, outdoor to indoor use, or terrestrial to aquatic use, render the product unregistered and subject to the requirements of section 17 for unregistered products. If the new use added to the label is a food or feed use, a tolerance must already be established for the use of that pesticide in or on that commodity.

(4) *Composition.* EPA will not treat a registered product as unregistered for the purposes of the purchaser acknowledgement statement requirement under the following specific circumstances:

(i) The formula of the exported product is within certified limits of the formula of the U.S. registered product.

(ii) An exporter, who is also the manufacturer of a U.S. registered pesticide, may decrease the percentage of the active ingredient(s) of that product by adding a List 4 inert ingredient, without causing the product to be treated as "unregistered" and triggering the requirement to obtain a purchaser acknowledgement statement as a condition for export. In EPA's Policy Statement on Inert Ingredients in Pesticide Products, EPA included inert ingredients on List 4-a list of inert ingredients posing minimal hazard or risk-if the inert ingredients were generally regarded as innocuous. The provisions of this paragraph do not apply to those pesticide products intended for public health uses which are required or conditionally required to submit efficacy data pursuant to § 158.640 of this chapter. Any differences in formula or composition caused by adding a List 4 inert must be reflected in records which show the complete formula of the export product in accordance with the requirements of § 169.2 and this policy.

(iii) A change in the color or fragrance of the export product will not affect the product's registration status as long as the following conditions are met. The change in color must result only from the addition of a dye included on the list of the chemicals exempted from the requirement of a tolerance at § 180.1001, and the dye must not be a List 1 inert. (List 1 inerts are those inerts which the Agency has identified as presenting toxicological concerns. The classification of inerts is explained in EPA's Policy Statement on Inert Ingredients in Pesticide Products. The change in fragrance must result only from the addition of a chemical included on the list of chemicals exempted from the requirement of a tolerance (§ 180.1001) and the chemical must not be a List 1 inert. The change in fragrance must not result in a pesticide product containing a food or food-like fragrance. (See "Food Fragrances in Pesticide Formulations," EPA's Office of Pesticide Programs Policy and Criteria Notice number 2155.1, November 20, 1975.) Any difference in color or fragrance of the export product in accordance with this section must be reflected in records which show the complete formula of the export product in accordance with the requirements of § 169.2 and this policy.

(5) *Research and development products.* An unregistered pesticide product exported only for research and development purposes is subject to the notification requirements of this section, unless its use fits within the criteria described in this paragraph.

(i) An unregistered pesticide product exported solely for research and development purposes will not be considered to be in violation of the notification requirements if the export of the research and development product:

(A) Would not involve land uses of more than 10 acres (4.05 hectares), or be used on or affect food or feed crops which are intended for consumption.

(B) Would not involve aquatic uses of more than 1 acre (0.405 hectares), or any aquatic uses which involve water used for irrigation, drinking or recreation, or be used on or affect plants or animals taken for food or feed from such waters.

(C) Would not involve tests on animals intended for food or feed.

(ii) Shipments to different purchasers, to different countries of final destination, or which occur more than a calendar year apart will be evaluated separately. When determining whether total shipments exceed the criteria described in this paragraph, EPA will evaluate the total amount of shipments by a single exporter during a calendar year for use in a particular country.

(iii) An exporter bears the burden of demonstrating that the product meets these criteria before the research product is shipped. This may be met by documenting before the product is shipped and maintaining records for the time period required by § 169.2(h) of this chapter from the date of the last shipment relevant to such records. The records to be maintained consist of:

(A) The identity of the purchaser and country of intended use of the research product.

(B) The amount shipped.

(C) The intended research use by the purchaser, including the type of application site, rate of application, and measures taken for protection of humans from direct or dietary exposure.

(c) *Procedures.* An exporter of an unregistered pesticide product must submit a purchaser acknowledgement statement to EPA containing the information stated in paragraph (c)(1) of this section, and a statement signed by the exporter certifying that the exportation did not occur until the signed acknowledgement statement had been obtained from the purchaser. If the foreign purchaser signs a purchaser acknowledgement statement in their own language, it must be accompanied by an English translation when it is submitted to EPA by the exporter. These statements shall be submitted in accordance with one of the two options for submission described in paragraph (c)(2) of this section.

(1) *Contents of the purchaser acknowledgement statements.* The purchaser acknowledgement statement must include the following information in a format that is clearly understandable:

(i) Name, address, and EPA identification number, if applicable, of the exporter.

(ii) Name and address of the foreign purchaser.

(iii) Identity of the product and the active ingredient(s), including:

(A) The Chemical Abstract Services (CAS) Registry number for each active ingredient.

(B) The chemical nomenclature for each active ingredient as used by the International Union of Pure and Applied Chemists (IUPAC).

(C) Other known chemical or common names; or if the export involves a research product, a code name or identification number that can be used by EPA to identify the product from the exporter's records. If a code name or identification number is used, additional information must be attached to the certification statement submitted with the purchaser acknowledgement statement which will enable EPA to identify the product. This attached information may be claimed as confidential, and EPA will not forward this information with the purchaser

acknowledgement statement to foreign governments.

(iv) If known or reasonably ascertainable, the country or countries of final destination of the export shipment, i.e., where the exported pesticide is intended to be used, if different from the country of the foreign purchaser's address.

(v) A statement that indicates that the foreign purchaser understands that the product is not registered for use in the United States and cannot be sold in the United States.

(vi) The signature of the foreign purchaser.

(vii) The date of the foreign purchaser's signature.

(2) *Reporting options.* At the discretion of the exporter, the requirements of paragraph (c)(1) of this section may be met on a per-shipment or annual basis, as stated in paragraphs (c)(2)(i) and (c)(2)(ii) of this section. If the procedures in paragraph (c)(2)(ii) of this section are not followed, EPA will consider paragraph (c)(2)(i) of this section, requiring pershipment purchaser acknowledgement statements, to be applicable in full. Where paragraph (c)(2)(i) of this section is applicable, each shipment which does not meet the requirements of that paragraph will be considered to be a separate violation of FIFRA.

(i) *Per-shipment purchaser acknowledgment statement.* Unless the exporter chooses to follow the procedures described in paragraph (c)(2)(ii) of this section for the annual reporting procedures, the exporter must obtain and submit to EPA, a signed purchaser acknowledgement statement prior to each shipment of an unregistered pesticide according to the following procedures:

(A) Prior to each shipment in a calendar year of an unregistered pesticide product to a particular purchaser in a foreign country, the exporter must provide the foreign purchaser with instructions about the required information on a purchaser acknowledgement statement, and inform the foreign purchaser that the pesticide product cannot be exported from the United States until the exporter has received from the foreign purchaser a properly completed, signed, and dated acknowledgment statement.

(B) The exporter must obtain, prior to each shipment in a calendar year of an unregistered pesticide product to a particular purchaser in a foreign country, a signed purchaser acknowledgment statement which contains the information set forth in paragraph (c)(1) of this section.

(C) The exporter must sign a statement certifying that export did not take place until a signed purchaser acknowledgement statement was received. The exporter must also specify the chemical identity of any research product which is referred to by code in the purchaser acknowledgement statement. The information regarding the specific identity of research products, which may be included in the statement or consist of an attachment to the certification, may be claimed as confidential.

(D) The exporter must submit the signed acknowledgement statement from the foreign purchaser, and the accompanying certification by the exporter including attachments, to EPA within 7 working days of the exporter's receipt of the purchaser acknowledgement statement, or by the date of export, whichever occurs first. This information must be transmitted to the following address:
U.S. Environmental Protection Agency, Office of Pesticide Programs, (H–7501C), 401 M Street, SW, Washington, DC 20460, Attention: Purchaser Acknowledgement Statement.

(ii) *Annual reporting procedures.* Unless the exporter chooses to follow the per-shipment reporting option described in paragraph (c)(2)(i) of this section, the exporter must follow the procedures for annual summary reporting which include the requirement of a purchaser acknowledgement statement for the first shipment each calendar year of an unregistered pesticide product to a particular purchaser, and an annual summary of shipments to that purchaser. The annual summary reporting procedures are as follows:

(A) Prior to the first shipment each calendar year of an unregistered pesticide product to a particular purchaser in a foreign country, the exporter must provide the foreign purchaser with instructions about the required information on a purchaser acknowledgement statement, and inform the foreign purchaser that the pesticide product cannot be exported from the United States until the exporter has received from the foreign purchaser a properly completed, signed, and dated purchaser acknowledgement statement.

(B) The exporter must obtain, prior to the first shipment each calendar year of an unregistered pesticide product to a particular purchaser in a foreign country, a signed purchaser acknowledgement statement which contains the information set forth in paragraph (c)(1) of this section.

(C) The exporter must sign a statement certifying that export did not take place until a signed purchaser acknowledgement statement was received, indicating that this statement is for the first shipment to a particular purchaser in a specific country for that calendar year, and that the exporter will meet all the purchaser acknowledgement statement requirements as described in this paragraph (c)(2)(ii) of this section. The exporter must also specify the chemical identity of any research product which is referred to by code in the purchaser acknowledgement statement. The information regarding the specific identity of research products, which may be included in the statement or consist of an attachment to the certification, may be claimed as confidential.

(D) The exporter must submit the signed acknowledgement statement from the foreign purchaser, and the accompanying certification by the exporter including attachments, to EPA within 7 working days of the exporter's receipt of the purchaser acknowledgement statement, or by the date of export, whichever occurs first. This information must be transmitted to the following address:
U.S. Environmental Protection Agency, Office of Pesticide Programs, (H–7501C), 401 M Street, SW, Washington, DC 20460, Attention: Purchaser Acknowledgement Statement.

(E) The exporter, who has chosen to comply with the requirements of this paragraph instead of providing per-shipment purchaser acknowledgement statements in accordance with paragraph (c)(2)(i) of this section, must submit an annual summary report to EPA. An annual summary report is required for each unregistered pesticide exported within the preceding calendar year. The report must be in writing, signed by the exporter, and include the following information:

(*1*) Name, address, and EPA identification number if applicable, of the exporter.

(*2*) Name and address of the foreign purchaser, and the date the purchaser acknowledgement statement, submitted to EPA during the previous calendar year, was signed by the purchaser.

(*3*) The identity of the product and the active ingredients, including: the Chemical Abstract Services (CAS) registry number for each active ingredient, the chemical nomenclature for each active ingredient used by the International Union of Pure and Applied Chemists (IUPAC), and other known chemical or common names, or if the export involves a research product, the code name or identificatior. number that can be used by EPA to

identify the product from the exporter's records.

(4) The dates of each shipment of the pesticide exported to the foreign purchaser during that calendar year.

(5) If known, or reasonably ascertainable, the country or countries of final destination of the export shipments, i.e., where the exported pesticide was intended to be used, if different from the foreign purchaser's address.

(F) The exporter shall submit the annual summary no later than March 1st of the following calendar year. The annual summary shall be sent to the following address:

U. S. Environmental Protection Agency, Office of Pesticide Programs, H–7501C, 401 M Street, SW., Washington, DC 20460, Attention: Annual Summary of Exports.

(iii) *Confidentiality claims.* Persons submitting the information specified in the purchaser acknowledgement statement may assert a claim of business confidentiality by marking the information claimed confidential as "FIFRA Confidential Business Information." Information so claimed will not be disclosed, with the exception of disclosure to the foreign governments, except in accordance with the procedures set forth in 40 CFR part 2, 7 U.S.C. 136(h), and this policy statement. If such claim is not asserted, EPA may disclose the information to the public without providing further notice prior to disclosure or an opportunity to object. Notwithstanding any claim of confidentiality, the purchaser acknowledgement statement will continue to be forwarded to the appropriate foreign government officials in its entirety, as required by section 17(a)(2).

(3) *Recordkeeping.* Except as specifically stated, the requirement to retain records under part 169 of this chapter applies to all pesticide producers, regardless of whether a particular product is intended for export. All records shall be maintained in accordance with the time period required by § 169.2(h) of this chapter. Producers must also maintain certain records pertaining to pesticide products intended for export. In addition to the requirement that a copy of the purchaser acknowledgement statement be kept, as stated at § 169.2(h)(3) of this chapter, the following records must be maintained:

(i) Copies of the instructions provided to foreign purchasers in accordance with paragraphs (c)(2)(i)(A) and (c)(2)(ii)(A) of this section.

(ii) Copies of signed purchaser acknowledgement statements obtained according to paragraphs (c)(2)(i)(B) and (c)(2)(ii)(B) of this section.

(iii) Copies of the certification from the exporter; and copies of any accompanying information regarding the identity of coded R&D products.

(d) *Agency transmission of purchaser acknowledgement statements.* EPA will transmit a copy of each purchaser acknowledgement statement to the appropriate government official in each of the intended destination countries. After receipt of the Annual Summary the following calendar year, EPA will also transmit a copy of that document to the appropriate government official in each of the intended destination countries. In the case that no Annual Summary has been received within 30 days of the date at which such summary is required to be submitted, EPA will send written notification to the appropriate government official indicating that no summary was submitted, and may also take enforcement action against the exporter.

§ 168.85 Other export requirements.

This section describes other requirements found in regulations that apply to exporters of pesticides, devices, and active ingredients used in producing a pesticide.

(a) *Recordkeeping and inspection.* Exporters of pesticides, devices and active ingredients must keep records and permit inspections of those records in accordance with part 169 of this chapter. Exporters must keep records of the product labeling used, including the EPA registered labeling, any foreign labeling on or attached to the product when shipped, and, as applicable, any supplemental labeling used. Producers of pesticides for export shall maintain these records in a manner that shows exactly which labels and labeling accompanied each shipment of a pesticide product to a foreign country. As stated at § 168.75(c), when research product identity information appears on the labeling in an encoded manner, information translating the code shall be maintained in records. These records shall be maintained for the time period required by § 169.2(h) of this chapter following the last export of such pesticides. All records required by part 169 of this chapter shall be made available for inspection and copying by EPA or its duly authorized representatives.

(b) *Pesticide production establishment requirements.* Exporters of pesticides, devices, and active ingredients must submit annual reports to EPA in accordance with part 167 of this chapter, concerning those products that are exported. All products required to be labeled "Not Registered for Use in the United States of America" must be reported as unregistered production regardless of whether a purchaser acknowledgement statement is required.

PART 169 [AMENDED]

2. In part 169

a. The authority citation for part 169 continues to read as follows:

Authority: 7 U.S.C. 136f and 136w.

b. Section 169.2 is amended by revising paragraph (h)(3) and the flush text that immediately follows paragraph (h)(3) to read as follows:

§ 169.2 Maintenance of records.

* * * * *

(h)* * *

(3) For any pesticide other than a pesticide registered under section 3 or sold under section 6(a)(1) of the Act, copies of a statement signed by the foreign purchaser of the pesticide acknowledging that the purchaser understands that such pesticide is not registered for use in the United States and cannot be sold in the United States under this Act.

These records shall be retained for a period of 2 years after expiration of the contract.

* * * * *

[FR Doc. 93–3703 Filed 2–17–93; 8:45 am]

BILLING CODE 6560–50–F

VOL 58 ISS 31 FE 18 1993 UMI

federal register

Thursday
February 18, 1993

Part IV

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for DECEMBER 1992

VOL 58 ISS 31 FE 18 1993 UMI

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-53162; FRL-4184-4]

Premanufacture Notices; Monthly Status Report for DECEMBER 1992

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxics Substance Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for December 1992.

Nonconfidential portions of the PMNs and exemption request may be seen in the TSCA Public Docket Office NE-G004 at the address below between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

ADDRESSES: Written comments, identified with the document control number "(OPPTS-53162)" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. 201ET, Washington, DC 20460 (202) 260-1532.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460 (202) 260-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during December; (b) PMNs received previously and still under review at the end of December; (c) PMNs for which the notice review period has ended during December; (d) chemical substances for which EPA has received a notice of commencement to manufacture during December; and (e) PMNs for which the review period has been suspended. Therefore, the December 1992 PMN Status Report is being published.

Dated: February 9, 1993.

Frank V. Caesar,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

Premanufacture Notice Monthly Status Report for DECEMBER 1992

I. 146 Premanufacture notices and exemption requests received during the month:

PMN No.

P 93-0206 P 93-0207 P 93-0208 P 93-0209 P 93-0210 P 93-0211 P 93-0212 P 93-0213 P 93-0214 P 93-0215 P 93-0216 P 93-0217 P 93-0218 P 93-0219 P 93-0220 P 93-0221 P 93-0222 P 93-0223 P 93-0224 P 93-0225 P 93-0226 P 93-0227 P 93-0228 P 93-0229 P 93-0230 P 93-0231 P 93-0232 P 93-0233 P 93-0234 P 93-0235 P 93-0236 P 93-0237 P 93-0238 P 93-0239 P 93-0240 P 93-0241 P 93-0242 P 93-0243 P 93-0244 P 93-0245 P 93-0246 P 93-0247 P 93-0248 P 93-0249 P 93-0250 P 93-0251 P 93-0252 P 93-0253 P 93-0254 P 93-0255 P 93-0256 P 93-0257 P 93-0258 P 93-0259 P 93-0261 P 93-0265 P 93-0266 P 93-0267 P 93-0268 P 93-0269 P 93-0270 P 93-0271 P 93-0272 P 93-0273 P 93-0274 P 93-0275 P 93-0276 P 93-0277 P 93-0278 P 93-0279 P 93-0280 P 93-0281 P 93-0282 P 93-0283 P 93-0284 P 93-0285 P 93-0286 P 93-0287 P 93-0288 P 93-0289 P 93-0290 P 93-0291 P 93-0292 P 93-0293 P 93-0294 P 93-0295 P 93-0296 P 93-0297 P 93-0298 P 93-0299 P 93-0300 P 93-0301 P 93-0302 P 93-0303 P 93-0304 P 93-0305 P 93-0306 P 93-0307 P 93-0308 P 93-0309 P 93-0310 P 93-0311 P 93-0312 P 93-0313 P 93-0315 P 93-0317 P 93-0318 P 93-0319 P 93-0320 P 93-0321 P 93-0322 P 93-0323 P 93-0324 P 93-0325 P 93-0332 P 93-0333 P 93-0334 P 93-0335 P 93-0354 P 93-0355 P 93-0356 P 93-0357 P 93-0358 P 93-0359 P 93-0360 P 93-0361 Y 93-0024 Y 93-0026 Y 93-0027 Y 93-0028 Y 93-0029 Y 93-0030 Y 93-0031 Y 93-0032 Y 93-0033 Y 93-0034 Y 93-0035 Y 93-0036 Y 93-0037 Y 93-0038 Y 93-0039 Y 93-0040 Y 93-0041 Y 93-0042 Y 93-0043 Y 93-0044

II. 264 Premanufacture notices received previously and still under review at the end of the month:

PMN No.

P 83-0370 P 84-0660 P 84-0704 P 84-1145 P 85-0619 P 85-1331 P 86-0066 P 86-1315 P 86-1489 P 86-1662 P 87-0323 P 88-0998 P 88-0999 P 88-1272 P 88-1460 P 88-1616 P 88-1937 P 88-1938 P 88-1980 P 88-1982 P 88-1984 P 88-1985 P 88-1999 P 88-2000 P 88-2001 P 88-2212 P 88-2213 P 88-2228 P 88-2229 P 88-2230 P 88-2236 P 88-2484 P 88-2518 P 88-2529 P 88-2540 P 89-0321 P 89-0396 P 89-0632 P 89-0721 P 89-0769 P 89-0775 P 89-0867 P 89-0957 P 89-0958 P 89-0959 P 89-1038 P 89-1058 P 89-1093 P 90-0009 P 90-0158 P 90-0211 P 90-0261 P 90-0262 P 90-0263 P 90-0372 P 90-0441 P 90-0550 P 90-0564 P 90-0581 P 90-0608 P 90-1280 P 90-1318 P 90-1319 P 90-1320 P 90-1321 P 90-1322 P 90-1358 P 90-1422 P 90-1454 P 90-1527 P 90-1564 P 90-1592 P 90-1687 P 90-1745 P 90-1893 P 91-0043 P 91-0107 P 91-0108 P 91-0109 P 91-0110 P 91-0111 P 91-0112 P 91-0113 P 91-0228 P 91-0242 P 91-0243 P 91-0244 P 91-0245 P 91-0246 P 91-0247 P 91-0248 P 91-0503 P 91-0548 P 91-0572 P 91-0619 P 91-0659 P 91-0689 P 91-0701 P 91-0818 P 91-0826 P 91-0914 P 91-0915 P 91-0939 P 91-0940 P 91-0941 P 91-1000 P 91-1009 P 91-1010 P 91-1013 P 91-1015 P 91-1116 P 91-1117 P 91-1118 P 91-1131 P 91-1163 P 91-1190 P 91-1191 P 91-1206 P 91-1210 P 91-1297 P 91-1298 P 91-1299 P 91-1324 P 91-1367 P 91-1368 P 91-1369 P 91-1386 P 91-1394 P 91-1409 P 92-0003 P 92-0031 P 92-0032 P 92-0033 P 92-0044 P 92-0048 P 92-0129 P 92-0168 P 92-0217 P 92-0244 P 92-0245 P 92-0246 P 92-0247 P 92-0248 P 92-0249 P 92-0250 P 92-0251 P 92-0314 P 92-0396 P 92-0412 P 92-0471 P 92-0477 P 92-0478 P 92-0545 P 92-0546 P 92-0547 P 92-0548 P 92-0549 P 92-0550 P 92-0551 P 92-0552 P 92-0595 P 92-0599 P 92-0606 P 92-0624 P 92-0625 P 92-0649 P 92-0652 P 92-0660 P 92-0688 P 92-0714 P 92-0776 P 92-0777 P 92-0787 P 92-0804 P 92-0813 P 92-0918 P 92-0919 P 92-0998 P 92-0999 P 92-1003 P 92-1009 P 92-1029 P 92-1048 P 92-1055 P 92-1079 P 92-1086 P 92-1116 P 92-1117 P 92-1118 P 92-1119 P 92-1125 P 92-1136 P 92-1222 P 92-1255 P 92-1294 P 92-1295 P 92-1296 P 92-1298 P 92-1307 P 92-1308 P 92-1313 P 92-1316 P 92-1324 P 92-1337 P 92-1345 P 92-1352 P 92-1357 P 92-1364 P 92-1369 P 92-1394 P 92-1447 P 92-1449 P 92-1454 P 92-1455 P 92-1485 P 92-1488 P 92-1489 P 92-1503 P 92-1504 P 92-1505 P 92-1506 P 93-0002 P 93-0014 P 93-0015 P 93-0017 P 93-0036 P 93-0037 P 93-0038 P 93-0040 P 93-0050 P 93-0066 P 93-0067 P 93-0068 P 93-0083 P 93-0094 P 93-0096 P 93-0097 P 93-0122 P 93-0123 P 93-0124 P 93-0126 P 93-0136 P 93-0153 P 93-0161 P 93-0165 P 93-0168 P 93-0173 P 93-0174 P 93-0175 P 93-0177 P 93-0184 P 93-0185 P 93-0186 P 93-0187 P 93-0188 P 93-0189 P 93-0190 P 93-0191 P 93-0193 P 93-0200 P 93-0201 P 93-0202 P 93-0204 P 93-0205

III. 129 Premanufacture notices and exemption request for which the notice review period has ended during the month. (Expiration of the notice review period does not signify that the chemical has been added to the Inventory).

PMN No.

P 90-1511 P 90-1797 P 91-0051 P 91-1206 P 91-1288 P 92-0066 P 92-0067

P 92-0068 P 92-0177 P 92-0396 P 92-0804 P 92-1052 P 92-1053 P 92-1054 P 92-1103 P 92-1377 P 92-1378 P 92-1411 P 92-1412 P 92-1413 P 92-1414 P 92-1415 P 92-1416 P 92-1417 P 92-1418 P 92-1419 P 92-1420 P 92-1421 P 92-1422 P 92-1423 P 92-1424 P 92-1425 P 92-1426 P 92-1427 P 92-1428 P 92-1429 P 92-1430 P 92-1431 P 92-1432 P 92-1433 P 92-1434 P 92-1435 P 92-1436 P 92-1437 P 92-1438 P 92-1439 P 92-1440 P 92-1441 P 92-1442 P 92-1443 P 92-1444 P 92-1445 P 92-1446 P 92-1448 P 92-1450 P 92-1451 P 92-1452 P 92-1453 P 92-1456 P 92-1457 P 92-1458 P 92-1459 P 92-1460 P 92-1461 P 92-1462 P 92-1463 P 92-1464 P 92-1465 P 92-1466 P 92-1467 P 92-1468 P 92-1469 P 92-1470 P 92-1471 P 92-1472 P 92-1473 P 92-1474 P 92-1475 P 92-1476 P 92-1477 P 92-1478 P 92-1479 P 92-1480 P 92-1481 P 92-1482 P 92-1483 P 92-1484 P 92-1486 P 92-1487 P 92-1490 P 92-1492 P 92-1493 P 92-1494 P 92-1495 P 92-1496 P 92-1497 P 92-1498 P 92-1499 P 92-1500 P 92-1501 P 92-1502 P 92-1507 P 92-1508 P 92-1509 P 92-1510 P 92-1511 P 93-0001 Y 93-0013 Y 93-0014 Y 93-0015 Y 93-0016 Y 93-0017 Y 93-0018 Y 93-0019 Y 93-0020 Y 93-0021 Y 93-0022 Y 93-0023 Y 93-0024 Y 93-0025 Y 93-0026 Y 93-0027 Y 93-0028 Y 93-0029 Y 93-0030 Y 93-0031 Y 93-0032 Y 93-0033 Y 93-0034

IV. 45 Chemical substances for which EPA has received notices of commencement to manufacture

PMN No.	Identity/Generic Name	Date of Commencement
P 83-0370	8-Acetyl-3-dodecyl-7,7,9,9-tetramethyl-1,3,8-triazaspiro 4,5 decane-2,4-dione	December 7, 1983.
P 84-0660	G Substituted aryl olefin	February 9, 1988.
P 84-0704	G Substituted alkyl arene	January 24, 1988.
P 85-0296	G Silicone ester polyacrylate	November 4, 1992.
P 85-1211	Benzoic acid, 2-(3-phenyl, butylidene) amino, methyl ester	November 2, 1992.
P 88-0998	G Fluorene-containing diaromatic amine	March 3, 1992.
P 88-1616	G Carboxylated novolak acrylate	January 5, 1989.
P 89-0134	G Aspergillus oryzae	November 4, 1992.
P 89-0837	Phosphorylated polyester	March 5, 1990.
P 90-0159	*N*-(2,4,6-tribromophenyl) maleimide	November 5, 1992.
P 90-1635	Benzenepropanoic acid, 3-(2*H*-benenzotriazol-2-yl-)-5-(1,1-dimethylethylethyl)-4-hydroxyl-, C_{7-9} alkyl, branched and linear, esters	January 18, 1991
P 90-1731	G Substituted triazole	June 3, 1992.
P 91-0043	G Aromatic amine	April 16, 1992.
P 91-0895	G Zirconium IV (di neoalkanolate, di) parp amino benzoato-O	November 24, 1992.
P 91-0968	G Silylated polyazamide	November 10, 1992.
P 91-1112	G Basic dye toner SM	January 21, 1992.
P 91-1154	Bacillus substilis	November 4, 1992.
P 91-1321	G Methyl polychloro aliphatic ketone	August 29, 1992.
P 92-0144	G Cross-linked resorcinal resin	November 11, 1992.
P 92-0212	G Azo-substituted naphthalene trisulfonic acid	November 12, 1992.
P 92-0343	G 1,3,5-Triazin-2-amine, 4-dimethylamino-6-substituted-	July 28, 1992.
P 92-0344	G 1,3,5-Triazin-2-amine, 4-dimethylamino-6-substituted-	September 22, 1992.
P 92-0416	G *N*-Butyl methacrylate,polymer with methacrylic acid,methyl methacrylate, glycidyl methacrylate derivative and 2-hydroxyethyl methacrylate derivative	October 23, 1992.
P 92-0417	G Ester of diazo naphthoquinone	October 23, 1992.
P 92-0594	G Alkanedioic acid, product with substituted anhydrides and alkine diols	November 13, 1992.
P 92-0786	G Aryl alkyl alcohol	October 23, 1992.
P 92-0790	G Metal complex of azo dye	October 13, 1992.
P 92-0858	G Substituted aromatic azo dye	November 7, 1992.
P 92-1022	G Modified acrylate polymer	October 1, 1992.
P 92-1099	G Rubber modified polyamide	October 3, 1992.
P 92-1114	G Hexamethylolmelamine condensate with alcohols and their ethoxylates, stearamide and polyester	November 6, 1992.
P 92-1205	G Amino-function alkoxysilane	November 2, 1992.
P 92-1217	G Polyester polyether modified polyurethane with basic groups, compound with carboxylic acid	November 25, 1992.
P 92-1220	G Polymeric aromatic diimide with substituted tetracarboxylic acid	November 10, 1992.
P 92-1224	Maleic anhydride; butoxyethoxyethanol; diethylene glycol	November 4, 1992
P 92-1235	G Substituted aniline substituted aromaticing haloaromaticpyrazole	November 10, 1992.
P 92-1289	G Alkyl methacrylates, aminoalkyl methacrylate copolymer, partial salt	November 12, 1992.
P 92-1290	G Amide/acrylate copolymer	November 5, 1992.
P 92-1334	G Diazonaphtoquinone sulfonic esters with aromatic polyhydroxy compound	November 17, 1992.
P 92-1336	G Cresol novolak	November 18, 1992.
P 92-1349	Tall oil, maleated, esters with triethanolamine	November 24, 1992.
P 92-1397	G Polyamide adduct	November 30, 1992.
Y 92-0002	Tall oil fatty acids; distilled tall oil sylvatol;sorbitol; glycerine; mono pentaerythritol; phthalic anhydride; maleic anhydride	November 17, 1992.
Y 92-0078	G Olefin copolymer	October 23, 1992.
Y 92-0190	Adipic acid and phthalic anhydride, polymer with propylene glycol-, coco fatty acid ester	November 16, 1992.

V. 22 Premanufacture notices for which the period has been suspended.

PMN No.

P 91-0818 P 92-0003 P 92-0217 P 92-0652 P 92-0755 P 92-0998 P 92-1447 P 92-1449 P 92-1454 P 92-1455 P 92-1485 P 92-1488 P 92-1489 P 92-1503 P 92-1504 P 92-1505 P 92-1506 P 93-0014 P 93-0036 P 93-0037 P 93-0038 Y 93-0022

[FR Doc. 93-3797 Filed 2-17-93; 8:45 am]

BILLING CODE 6560-50-F

VOL 58 ISS 31 FE 18 1993 UMI

federal register

Thursday
February 18, 1993

Part V

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for January 1993

VOL 58 ISS 31 FE 18 1993 UMI

[OPPTS-53163; FRL-4571-3]

Premanufacture Notices; Monthly Status Report for January 1993

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for January 1993.

Nonconfidential portions of the PMNs and exemption request may be seen in the TSCA Public Docket Office NE-G004 at the address below between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

ADDRESSES: Written comments, identified with the document control number "[OPPT-53163]" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. 201ET, Washington, DC 20460 (202) 260-1532.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460 (202) 260-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during January; (b) PMNs received previously and still under review at the end of January; (c) PMNs for which the notice review period has ended during January; (d) chemical substances for which EPA has received a notice of commencement to manufacture during January; and (e) PMNs for which the review period has been suspended. Therefore, the January 1993 PMN Status Report is being published.

Dated: February 11, 1993.

Frank V. Caesar,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

Premanufacture Notice Monthly Status Report for JANUARY 1993

I. 138 Premanufacture notices and exemption requests received during the month:

PMN No.

P 93-0326 P 93-0362 P 93-0363 P 93-0364 P 93-0365 P 93-0366 P 93-0367 P 93-0368 P 93-0369 P 93-0370 P 93-0371 P 93-0372 P 93-0373 P 93-0374 P 93-0375 P 93-0376 P 93-0377 P 93-0378 P 93-0379 P 93-0380 P 93-0381 P 93-0382 P 93-0383 P 93-0384 P 93-0385 P 93-0386 P 93-0387 P 93-0388 P 93-0389 P 93-0390 P 93-0391 P 93-0392 P 93-0393 P 93-0394 P 93-0395 P 93-0396 P 93-0397 P 93-0398 P 93-0399 P 93-0400 P 93-0401 P 93-0402 P 93-0403 P 93-0404 P 93-0405 P 93-0406 P 93-0407 P 93-0408 P 93-0409 P 93-0410 P 93-0411 P 93-0412 P 93-0413 P 93-0414 P 93-0415 P 93-0416 P 93-0417 P 93-0418 P 93-0419 P 93-0420 P 93-0421 P 93-0422 P 93-0423 P 93-0424 P 93-0425 P 93-0426 P 93-0427 P 93-0428 P 93-0429 P 93-0430 P 93-0431 P 93-0432 P 93-0433 P 93-0434 P 93-0435 P 93-0436 P 93-0437 P 93-0438 P 93-0439 P 93-0440 P 93-0441 P 93-0442 P 93-0444 P 93-0445 P 93-0446 P 93-0447 P 93-0449 P 93-0450 P 93-0451 P 93-0452 P 93-0453 P 93-0454 P 93-0455 P 93-0456 P 93-0457 P 93-0459 P 93-0460 P 93-0461 P 93-0462 P 93-0463 P 93-0464 P 93-0465 P 93-0466 P 93-0467 P 93-0468 P 93-0469 P 93-0470 P 93-0471 P 93-0472 P 93-0473 P 93-0474 P 93-0475 P 93-0476 P 93-0477 P 93-0478 P 93-0479 P 93-0480 P 93-0481 P 93-0482 P 93-0483 P 93-0484 P 93-0485 P 93-0486 P 93-0487 P 93-0488 P 93-0489 P 93-0490 P 93-0491 P 93-0492 P 93-0493 P 93-0494 P 93-0495 P 93-0498 Y 93-0045 Y 93-0046 Y 93-0047 Y 93-0048 Y 93-0049

II. 293 Premanufacture notices received previously and still under review at the end of the month:

PMN No.

P 83-0370 P 84-0660 P 84-0704 P 84-1145 P 85-0619 P 85-1331 P 86-0066 P 86-1315 P 86-1489 P 86-1662 P 87-0323 P 88-0998 P 88-0999 P 88-1616 P 88-1937 P 88-1938 P 88-1980 P 88-1982 P 88-1984 P 88-1985 P 88-1999 P 88-2000 P 88-2001 P 88-2212 P 88-2213 P 88-2228 P 88-2229 P 88-2230 P 88-2236 P 88-2484 P 88-2518 P 88-2529 P 88-2540 P 89-0321 P 89-0632 P 89-0721 P 89-0769 P 89-0775 P 89-0867 P 89-0957 P 89-0958 P 89-0959 P 89-1038 P 89-1058 P 90-0009 P 90-0158 P 90-0211 P 90-0261 P 90-0262 P 90-0263 P 90-0372 P 90-0441 P 90-0550 P 90-0559 P 90-0564 P 90-0581 P 90-0608 P 90-1280 P 90-1318 P 90-1319 P 90-1320 P 90-1321 P 90-1322 P 90-1422 P 90-1454 P 90-1527 P 90-1564 P 90-1592 P 90-1687 P 90-1745 P 90-1893 P 91-0043 P 91-0107 P 91-0108 P 91-0109 P 91-0110 P 91-0111 P 91-0112 P 91-0113 P 91-0228 P 91-0242 P 91-0243 P 91-0244 P 91-0245 P 91-0246 P 91-0247 P 91-0248 P 91-0503 P 91-0514 P 91-0548 P 91-0572 P 91-0619 P 91-0659 P 91-0689 P 91-0701 P 91-0818 P 91-0826 P 91-0914 P 91-0915 P 91-0939 P 91-0940 P 91-0941 P 91-1009 P 91-1010 P 91-1014 P 91-1015 P 91-1116 P 91-1117 P 91-1118 P 91-1131 P 91-1163 P 91-1190 P 91-1191 P 91-1206 P 91-1210 P 91-1297 P 91-1298 P 91-1299 P 91-1324 P 91-1367 P 91-1368 P 91-1369 P 91-1386 P 91-1394 P 91-1409 P 92-0003 P 92-0031 P 92-0032 P 92-0033 P 92-0044 P 92-0048 P 92-0129 P 92-0217 P 92-0244 P 92-0245 P 92-0246 P 92-0247 P 92-0248 P 92-0249 P 92-0250 P 92-0251 P 92-0314 P 92-0396 P 92-0412 P 92-0471 P 92-0477 P 92-0478 P 92-0545 P 92-0546 P 92-0547 P 92-0548 P 92-0549 P 92-0550 P 92-0551 P 92-0552 P 92-0595 P 92-0599 P 92-0606 P 92-0624 P 92-0625 P 92-0649 P 92-0652 P 92-0660 P 92-0688 P 92-0714 P 92-0776 P 92-0777 P 92-0787 P 92-0804 P 92-0813 P 92-0918 P 92-0919 P 92-0998 P 92-0999 P 92-1003 P 92-1009 P 92-1029 P 92-1079 P 92-1086 P 92-1116 P 92-1117 P 92-1118 P 92-1119 P 92-1125 P 92-1136 P 92-1222 P 92-1255 P 92-1294 P 92-1295 P 92-1296 P 92-1298 P 92-1307 P 92-1308 P 92-1313 P 92-1316 P 92-1324 P 92-1337 P 92-1345 P 92-1352 P 92-1357 P 92-1364 P 92-1369 P 92-1394 P 92-1447 P 92-1449 P 92-1454 P 92-1455 P 92-1485 P 92-1489 P 92-1503 P 92-1504 P 92-1505 P 92-1506 P 93-0002 P 93-0014 P 93-0015 P 93-0017 P 93-0036 P 93-0037 P 93-0038 P 93-0040 P 93-0050 P 93-0066 P 93-0067 P 93-0068 P 93-0083 P 93-0094 P 93-0096 P 93-0097 P 93-0122 P 93-0123 P 93-0124 P 93-0126 P 93-0136 P 93-0153 P 93-0161 P 93-0168 P 93-0173 P 93-0174 P 93-0175 P 93-0177 P 93-0184 P 93-0185 P 93-0186 P 93-0187 P 93-0188 P 93-0189 P 93-0190 P 93-0191 P 93-0193 P 93-0200 P 93-0201 P 93-0202 P 93-0204 P 93-0205 P 93-0212 P 93-0213 P 93-0214 P 93-0215 P 93-0226 P 93-0227 P 93-0228 P 93-0246 P 93-0251 P 93-0252 P 93-0253 P 93-0254 P 93-0255 P 93-0256 P 93-0257 P 93-0276 P 93-0277 P 93-0282 P 93-0305 P 93-0307 P 93-0313 P 93-0314 P 93-0315 P 93-0316 P 93-0317 P 93-0318 P 93-0333 P 93-0339 P 93-0341 P 93-0343 P 93-0349 P 93-0352 P 93-0353 P 93-0357 P 93-0358 P 93-0360 P 93-0361 Y 93-0035

III. 131 Premanufacture notices and exemption request for which the notice review period has ended during the month. (Expiration of the notice review period does not signify that the chemical has been added to the inventory).

PMN No.

P 88–2212 P 88–2213 P 88–2228 P 88–2229 P 88–2230 P 88–2236 P 88–2529 P 89–0321 P 91–1000 P 91–1011 P 91–1012 P 91–1013 P 91–1324 P 92–0168 P 92–0471 P 92–0509 P 92–0755 P 92–1055 P 92–1079 P 92–1112 P 92–1113 P 92–1136 P 92–1316 P 92–1337 P 92–1449 P 92–1488 P 93–0002 P 93–0003 P 93–0004 P 93–0005 P 93–0006 P 93–0007 P 93–0008 P 93–0009 P 93–0010 P 93–0011 P 93–0012 P 93–0013 P 93–0016 P 93–0017 P 93–0018 P 93–0019 P 93–0020 P 93–0021 P 93–0022 P 93–0023 P 93–0024 P 93–0025 P 93–0026 P 93–0027 P 93–0028 P 93–0029 P 93–0030 P 93–0031 P 93–0032 P 93–0033 P 93–0034 P 93–0035 P 93–0039 P 93–0041 P 93–0042 P 93–0043 P 93–0044 P 93–0045 P 93–0046 P 93–0047 P 93–0048 P 93–0049 P 93–0050 P 93–0051 P 93–0052 P 93–0053 P 93–0054 P 93–0055 P 93–0056 P 93–0057 P 93–0058 P 93–0059 P 93–0060 P 93–0062 P 93–0063 P 93–0064 P 93–0065 P 93–0069 P 93–0070 P 93–0071 P 93–0072 P 93–0073 P 93–0074 P 93–0075 P 93–0076 P 93–0077 P 93–0078 P 93–0079 P 93–0080 P 93–0081 P 93–0082 P 93–0084 P 93–0085 P 93–0086 P 93–0087 P 93–0088 P 93–0089 P 93–0090 P 93–0091 P 93–0092 P 93–0093 P 93–0095 P 93–0096 P 93–0097 P 93–0099 P 93–0100 P 93–0101 P 93–0102 P 93–0103 P 93–0104 P 93–0105 P 93–0106 Y 93–0035 Y 93–0036 Y 93–0037 Y 93–0038 Y 93–0039 Y 93–0040 Y 93–0041 Y 93–0042 Y 93–0043 Y 93–0044 Y 93–0045 Y 93–0046 Y 93–0047

IV. 83 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Identity/Generic Name	Date of Commencement
P 85–0054	G organotungsten compound	January 15, 1988.
P 85–0090	G polymer of dimethyl terephthalate; ethylene glycol; dimethyl 5-sulfoisophthalate, sodium salt; and polyethylene glycol	June 17, 1985.
P 85–1060	1-oxaspiro (4,5) deca-3,6-diene, 2,7-dimethyl-10-(1-methylethyl)-	December 2, 1992.
P 87–0001	G aliphatic polycarboxilic acid metal salt	December 31, 1988.
P 87–0002	G substituted polyester of neophentyl glycol	February 10, 1988.
P 87–0003	G polymer of styrene with substituted acrylate and methacrylate	February 10, 1988.
P 87–0645	G blocked catalyst	June 2, 1987.
P 87–0855	G phenymethyl substituted bis(phenyl)isobenzofuranone	November 19, 1992.
P 88–1907	G Urethane modified epoxy resin dispersion	November 24, 1992.
P 88–1958	G Alkyl capped polyethylene glycol fatty acid ester	December 3, 1992.
P 88–2042	G Substituted-substituted-substituted-benzene polymer, aminomethylated, quarternized, chloride salt	December 19, 1992.
P 88–2458	G Tin chelate	September 18, 1992.
P 88–2613	G Organic rare earth salt	December 18, 1992.
P 89–0396	G Sulfur bridged substituted phenols	October 23, 1990.
P 89–0460	Mixed esters of 1,6-hexanedioic acid, isodecyl alcohol and alhenes, C_6-C_{10} hydroformylation products high boiling	November 5, 1992.
P 90–0002	G Disubstituted diheteropolycle, metal salt	September 19, 1990.
P 90–0274	G Alkylamine carboxylate	October 22, 1990.
P 90–0333	2-(2'-Hydroxy-5'-methacryfyloxyethylphenyl)-2*H*-benzotriazole	November 24, 1992.
P 90–0335	G 2-substituted benzotriazole	November 19, 1992.
P 90–0419	G Poly(oxy-1,2,-alkane)*a*-Hydrox-*w*-hydroxy, ester with rosin	November 19, 1992.
P 90–1339	G Amine functional polyurethane polyol	December 1, 1992.
P 90–1840	G Aromatic aminoether	November 19, 1992.
P 91–0144	G Organotin compound	February 12, 1991.
P 91–0172	G Metal alkyl dione diaquo	February 20, 1991.
P 91–0358	G Maleinized polyalkene	December 10, 1992.
P 91–0663	G Aromatic polyamic acid	November 23, 1992.
P 91–1248	G Modified butadiene-vinylidene chloride polymer	December 7, 1992.
P 91–1291	G Polysulfide acrylate	November 20, 1992.
P 92–0028	G Phosphorothioic acid ester branched amine salts	October 18, 1992.
P 92–0205	G Substituted phosphoric acid	February 11, 1992.
P 92–0235	G Polyester resin solution	November 30, 1992.
P 92–0295	G Acrylic copolymer	November 12, 1992.
P 92–0442	G Aryl-alkyl substituted nitrogen heterocycle	December 10, 1992.
P 92–0467	Aluminium, hydroxy[*29H,31H*-phthalocyanato(2-)-*N29,N20, N32, N32*]-, chloro sulfo derivs., sodium salts	November 19, 1992.
P 92–0614	G Styrene acrylic oxayoline copolymer	November 17, 1992.
P 92–0667	G Oligoester of aliphatic acid glycidylester and inorganic acid	November 13, 1992.
P 92–0671	2-Methylpropanoic acid, sodium salt	November 5, 1992.
P 92–0693	G Acrylic resin	July 14, 1992.
P 92–0750	G Polymer of a mixed aryl epoxide with a bis aryl pyrrole-2,5-dione	November 13, 1992.

IV. 83 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture—Continued

PMN No.	Identity/Generic Name	Date of Commencement
P 92–0807	G Azo dyestuff	September 12, 1992.
P 92–0820	G Polymer of alkyl methacrylates	November 17, 1992.
P 92–0848	G Fatty acids,a few C_5, C_{7-10}, straight chain and branched, esters with poly(hydroxymethyl) alkanes	November 11, 1992.
P 92–0847	G Aliphatic polymide	November 19, 1992.
P 92–0860	G Substituted polyolefin	December 1, 1992.
P 92–0882	G 2-Hydroxyethyl cellulose, vinyl phosphonic acid graft polymer	December 22, 1992.
P 92–0912	G 1,3-Benzenedicarboxylic acid polymer, with hexanedioic acid and 1,2-hexanediol, poly(oxy(methyl-1,2-ethanediyl)-*A*-hydroxy-*W*-hydroxy-,3-hydroxy-2-(hydroymethyl)-2-ethyl	September 16 1992.
P 92–0916	G Organosilyl-functional silica	November 17, 1992.
P 92–0929	G Polymer salt of alkyl propenoates, substituted alkyl propenoates, ethenyl benzene and ethylene carboxilic acid	November 18, 1992.
P 92–1010	G Substituted alkoxycyclohexadiene	November 23, 1992.
P 92–1030	G Alkyl substituted urea	November 15, 1992.
P 92–1037	G Aminofunctional siloxanecopolymer	October 20, 1992.
P 92–1080	G Vinyltoluene methacrylate resin	October 31, 1992.
P 92–1100	G Polyester polycarbonate	December 12, 1992.
P 92–1105	G Modified rosin, hydrocarbon resin	November 10, 1992.
P 92–1124	G Polymer of formaldehyde-methyl phenol and diazo salt	October 14, 1992.
P 92–1130	G Acrylic resin	October 14, 1992.
P 92–1158	G Fluoromethylene-vinylether copolymer	December 2, 1992.
P 92–1196	Vanadium oxide	November 30, 1992.
P 92–1235	G Substitutedaniline substitutedaromaticing haloaromaticpyrazole	November 10, 1992.
P 92–1238	G Amino substituted heteromonocycle, hydrochloride salt	November 10, 1992.
P 92–1251	2,5-Furandione, polymer with ethenylbenzene,(1-methyl ethyl)benzene 6 bis (1-methyl-1-phenyl ethyl)pyroxide; aqueous ammonia	November 30, 1992.
P 92–1277	G Bis(amidesubstituted thio benzene)	November 23, 1992.
P 92–1278	G Copolymer of acrylic and methacrylic esters	November 14, 1992.
P 92–1301	G Acrylic resin	November 15, 1992.
P 92–1312	G Alkoxylated alcohol	November 19, 1992.
P 92–1314	Reaction product of 1,3-butadiene, homopolymer, oligomeric with 2,5-furandione	December 5, 1992.
P 92–1339	G Enthoxylated thiol ether	December 1, 1992.
P 92–1350	Tall oil, maleated, compounds with diethylenetriamine tall oil reaction products	December 23, 1992.
P 92–1351	G Polyol ester	November 18, 1992.
P 92–1356	Benzene,chloromethyl reaction products with toluene	November 19, 1992.
P 92–1360	G Trialkoxylated amidocarboxylic silane	December 14, 1992.
P 92–1367	G Amino acrylate copolymer	December 5, 1992.
P 92–1396	G Mono azo benzene sulfonated naihthalene substituted triazine dyestuff	December 4, 1992
P 92–1424	G Polyurethanebesed on polyisocyanates, polyols and polyamines	December 14, 1992.
P 92–1442	G Modified polymer of butyl acrylate and ethyl acrylate	December 18, 1992.
Y 92–0104	Conjugated linoleic acid; styrene; acrylic acid;methyl methacrylate	April 4, 1992.
Y 92–0138	G Polyester	December 19, 1992.
Y 92–0185	G Modified acrylic resin	November 20, 1992.
Y 92–0193	G Vinyl acetate-ethylene-acrylate copolymer	November 27, 1992.
Y 93–0003	G Hydroxy functional acrylic polymer	December 18, 1992.
Y 93–0004	G Fatty acid isophthalate alkyd polymer	December 4, 1992.
Y 93–0005	G Acrylated, styrenated alkyl polymer	December 15, 1992.
Y 93–0010	G Hydroxy functional acrylic polymer	November 23, 1992.

VOL 58 ISS 31 FE 18 1993 UMI

V. 19 Premanufacture notices for which the Period has been suspended.

PMN No.

P 92–1055 P 92–1324 P 92–1337 P 92–1503 P 92–1504 P 92–1505 P 92–1506 P 93–0014 P 93–0015 P 93–0040 P 93–0050 P 93–0066 P 93–0067 P 93–0068 P 93–0094 P 93–0161 P 93–0173 P 93–0174 P 93–0175

[FR Doc. 93–3798 Filed 2–17–93; 8:45 am]

BILLING CODE 6560–50–F

VOL
58

ISS
31

FE
18

1993

UMI

federal register

Thursday
February 18, 1993

Part VI

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research: Actions Under the Guidelines; Notice

VOL 58 ISS 31 FE 18 1993 UMI

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research: Actions Under the Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of Actions Under the *NIH Guidelines for Research Involving Recombinant DNA Molecules.*

SUMMARY: This notice sets forth seven actions to be taken by the Director, National Institutes of Health (NIH), under the May 7, 1986, *NIH Guidelines for Research Involving Recombinant DNA Molecules* (51 FR 16958).

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Dr. Nelson A. Wivel, Director, Office of Recombinant DNA Activities (ORDA), Office of Science Policy and Legislation, National Institutes of Health, Building 31, room 4B11, Bethesda. Maryland 20892, (301) 496–9838.

SUPPLEMENTARY INFORMATION: Today seven actions are being promulgated under the *NIH Guidelines for Research Involving Recombinant DNA Molecules.* These seven proposed actions were published for comment in the **Federal Register** of January 3, 1992 (57 FR 316), May 6, 1992 (57 FR 19512), and August 19, 1992 (57 FR 37680), and reviewed and recommended for approval by the NIH Recombinant DNA Advisory Committee (RAC) at its meetings on February 10, 1992, June 1–2, 1992, and September 14–15, 1992

I. Background Information and Decisions on Actions Under the NIH Guidelines

A. Addition to the Points to Consider in the Design and Submission of Protocols for the Transfer of Recombinant DNA into the Genome of Human Subjects Regarding Submission Requirements for Human Gene Transfer/Gene Therapy Protocols (March 1, 1990, 55 FR 7443)

Dr. Donald Krogstad, member of the RAC, suggested an outline for submission requirements for human gene transfer/gene therapy protocols during the RAC meeting of February 11, 1992. This outline reads as follows:

"Suggestions for Focusing Discussion at the RAC.

"I. Investigator-Submitted Material

"Format. Consider having both written and oral material presented in similar formats—e.g., following the *Points to Consider*—with a 150–250 word Abstract at the beginning of written material. When a proposal has been presented previously, there should be a short section (≤150 words) detailing the major revisions since the previous submission.

"Length of Written Material and Time for Oral Presentation. Only on rare occasion is there significant new information after 20 pages of written material or 20 minutes of oral presentation. To expedite both written and oral review, written material could be limited to approximately 20 pages per proposal (not counting references, tables and figures), and oral presentations to 25 minutes.

"II. Reviewers' Responses

"Format. Reviewers' comments should state explicitly whether the *Points to Consider* have been addressed satisfactorily, and whether questions of Safety and Efficacy have been resolved. They should state also whether a proposal is:

"(a) Acceptable as written,

"(b) Acceptable with specific revisions, or

"(c) Unacceptable in its present form.

"Discussion of Written Reviews. Discussion among the various reviewers and with the Principal Investigator should help to clarify substantive questions about the protocols, which currently occupies a substantial amount of time at the RAC.

"Length of Time for Oral Presentation of Reviews. After discussion with other reviewers and the Principal Investigator, it should be possible to present most reviews orally in ≤5 minutes."

This request was published for comment in the **Federal Register** of May 6, 1992 (57 FR 19512).

On June 2, 1992, the Committee reviewed and recommended approval of the following guidelines by a vote of 18 in favor, 0 opposed, and no abstentions.

"Guidelines for the Submission and Review of Human Gene Transfer/Therapy Protocols for Review by the Recombinant DNA Advisory Committee

"I. INVESTIGATOR-SUBMITTED MATERIAL:

"Written proposals should begin with the lay and scientific abstracts, followed by the Points to Consider and the material provided in the body of an R01 (sections A–D). When a proposal has been submitted previously, there should be a short section (≤200 words) immediately following the abstracts that summarizes major revisions since the last review. Length limitations are 4–5 pages for the *Points to Consider*, 2 pages each for CVs (Biosketch format) and 20 pages for the body of the proposal (excluding tables, figures, appendices, and manuscripts). Data provided must include a description of the elements in the vector, the source of that information, and the method by which sequence data were compiled, plus 3 diskettes with the vector sequence in ASCII format. Written material from Principal Investigators must be submitted ≥8 weeks before the meeting at which it will be reviewed; written comments from the primary reviewers ≥4 weeks before the RAC meeting; and written responses from the Principal Investigators ≥2 weeks before the meeting.

"Oral Presentations at RAC Meetings provide only a brief overview of the proposal; they should concentrate on questions raised by the reviewers before and at the meeting. Oral presentations should be ≤20 minutes: ≤10 minutes for the overview and ≤10 minutes for responses to the reviewers' questions.

"II. Reviewers' Responses:

"Written Reviews should emphasize issues related to gene marking, gene transfer or gene therapy. They should state explicitly whether the *Points to Consider* have been addressed satisfactorily, and should examine the scientific rationale, scientific context (relative to other proposals reviewed by the RAC), whether the preliminary *in vitro* and *in vivo* data were obtained in appropriate models and are sufficient, and whether questions related to safety, efficacy, and social and ethical context have been resolved. Whenever possible, criticisms of Consent Forms should include suggested revisions for the RAC to consider—provided as written alternatives. Reviews should also state whether the proposal is:

"(a) Acceptable as written,

"(b) Acceptable with specific revisions or after satisfactory responses to specific questions raised on review, or

"(c) Unacceptable in its present form.

"Oral Discussion of Reviews at the RAC Meeting. It should be possible to present most reviews orally within ≤5 minutes."

I accept this recommendation and the *Points to Consider* of the *NIH Guidelines* will be amended accordingly.

B. Addition of Appendix D–XXXIV to the NIH Guidelines

In a letter dated May 1, 1992, Dr. Michael T. Lotze, University of Pittsburgh, Pittsburgh, Pennsylvania, indicated his intention to submit a human gene therapy protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: *Gene Therapy of Cancer: A Pilot Study of IL–4 Gene Modified Antitumor Vaccines.* This

request was published for comment in the **Federal Register** of August 19, 1992 (57 FR 37680).

The protocol was reviewed and recommended for approval during the RAC meeting on September 14–15, 1992, by a vote of 20 in favor, 0 opposed, and no abstentions, with the following stipulations: (1) Submission of the G1IL4SvNa.25 vector sequence on a 3½ inch disk to be screened for open reading frames that code for unwanted gene products, and (2) the term "vaccine" should be deleted from the protocol and informed consent document.

On October 16, 1992, Dr. Lotze provided the information to ORDA. The data was reviewed by Drs. Leventhal, DeLeon, and Miller. Additional data was received from Dr. Lotze on December 10. After reviewing the data, it was determined that it meets the request of the RAC. The following section may be added to Appendix D:

"Appendix D–XXXIV.

"Dr. Michael T. Lotze, University of Pittsburgh, Pittsburgh, Pennsylvania, can conduct experiments on twenty patients with metastatic, and/or unresectable, locally advanced melanoma, renal cell carcinoma, breast cancer, or colon cancer who have failed standard therapy. Patients will receive multiple subcutaneous injections of autologous tumor cells combined with an autologous fibroblast cell line that has been transduced *in vitro* with the gene coding for Interleukin-4 (IL–4) to augment the *in vivo* antitumor effect. Patients will be monitored for antitumor effect by PCR analysis and multiple biopsy of the injection site."

I accept this recommendation and Appendix D–XXXIV of the *NIH Guidelines* will be added accordingly.

C. Addition of Appendix D–XXXV to the NIH Guidelines

In a letter dated July 17, 1992, Dr. Friedrich G. Schuening, Fred Hutchinson Cancer Research Center, Seattle, Washington, submitted two human gene transfer protocols to the Recombinant DNA Advisory Committee for formal review and approval. The titles of these protocols are: (1) *Phase I/II Study of the Use of Recombinant Human Interleukin 3 (rhIL3) Stimulated Peripheral Blood Progenitor Cell Supplementation in Autologous Bone Marrow Transplantation in Patients with Breast Carcinoma or Hodgkin's Disease*, and (2) *Evaluation of the Use of Recombinant Human G–CSF Stimulated Peripheral Blood Progenitor Cell Supplementation in Autologous Bone Marrow Transplantation in Patients with Lymphoid Malignancies*. This request was published for comment in the **Federal Register** of August 19, 1992 (57 FR 37680).

These protocols were reviewed and recommended for approval during the RAC meeting on September 14–15, 1992, by a vote of 12 in favor, 4 opposed, and 1 abstention, with the notation that the Food and Drug Administration (FDA) will possibly convey revised standards of approval regarding vector testing for helper virus contamination. The following section may be added to Appendix D:

"Appendix D–XXXV.

"Dr. Friedrich G. Schuening, Fred Hutchinson Cancer Research Center, Seattle, Washington, can conduct human gene transfer experiments on patients ≥ 18 years of age with breast cancer, Hodgkin's disease, or non-Hodgkin's lymphoma. A total of 10 patients per year will be enrolled in the studies over a period of four years. Patients will undergo autologous bone marrow transplantation with a selected population of Interleukin-3 (IL–3) or granulocyte colony-stimulating factor (G–CSF) stimulated CD34(+) peripheral blood repopulating cells (PBRC) that have been transduced with the gene coding for neomycin resistance (neo^R) using the retroviral vector, LN. Patients will be continuously monitored for neo^R to determine the relative contribution of autologous PBRCs to long-term hematopoietic reconstitution. Demonstration of long-term contribution of autologous PBRC to hematopoiesis will enable the use of PBRC alone for autologous transplants and suggest the use of PBRC as long-term carriers of therapeutically relevant genes."

I accept this recommendation and Appendix D–XXXV of the *NIH Guidelines* will be added accordingly.

D. Addition of Appendix D–XXXVI to the NIH Guidelines

In a letter dated July 17, 1992, Dr. Friedrich G. Schuening, Fred Hutchinson Cancer Research Center, Seattle, Washington, submitted a human gene transfer protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of the protocol is *A Trial of G–CSF Stimulated Peripheral Blood Stem Cells for Engraftment in Identical Twins*. This request was published for comment in the **Federal Register** of August 19, 1992 (57 FR 37680).

The protocol was reviewed and recommended for approval during the RAC meeting on September 14–15, 1992, by a vote of 11 in favor, 2 opposed, and 4 abstentions, with the notation that the FDA will possibly convey revised standards of approval regarding vector testing for helper virus contamination. The following section may be added to Appendix D:

"Appendix D–XXXVI.

"Dr. Friedrich G. Schuening, Fred Hutchinson Cancer Research Center, Seattle, Washington, can conduct human gene transfer experiments on patients ≥18 years of age with breast cancer, Hodgkin's disease, or non-Hodgkin's lymphoma. A total of 5 patients per year will be enrolled in the study over a period of four years. Patients will undergo allogeneic bone marrow transplant with granulocyte colony-stimulating factor (G–CSF) stimulated CD34(+)PBRC harvested from an identical twin that have been transduced with neo^R using the retroviral vector, LN. Patients will be continuously monitored for neo^R to determine the relative contribution of G–CSF stimulated allogeneic PBRCs to long-term bone marrow engraftment. Demonstration of long-term contribution of allogeneic PBRC to hematopoiesis will enable the use of PBRC alone for allogeneic transplants and suggest the use of PBRC as long-term carriers of therapeutically relevant genes."

I accept this recommendation and Appendix D–XXXVI of the *NIH Guidelines* will be added accordingly.

E. Addition of Appendix D–XXXVII to the NIH Guidelines

In a letter dated June 5, 1992, Dr. Malcolm K. Brenner of St. Jude Children's Research Hospital, Memphis, Tennessee, and Dr. Bonnie J. Mills of Baxter Healthcare Corporation, Santa Ana, California, indicated their intention to submit a human gene transfer protocol to the Recombinant DNA Advisory Committee for formal review and approval. The title of this protocol is: *A Phase II Trial of the Baxter Neuroblastoma Bone Marrow Purging System Using Gene Marking to Assess Efficacy*. This request was published for comment in the **Federal Register** of August 19, 1992 (57 FR 37680).

The protocol was reviewed and recommended for approval during the RAC meeting on September 14–15, 1992, by a vote of 19 in favor, 0 opposed, and no abstentions. The following section may be added to Appendix D:

"Appendix D–XXXVII.

"Dr. Malcolm K. Brenner of St. Jude Children's Hospital, Memphis, Tennessee, and Dr. Bonnie J. Mills of Baxter Healthcare Corporation, Santa Ana, California, can conduct a multicenter uncontrolled human gene transfer experiment on 12 patients >21 years of age with Stage D Neuroblastoma

VOL
58
ISS
31
FE
18
1993
UMI

in first or second marrow remission. Autologous bone marrow cells will be separated into two fractions, purged and unpurged. Each fraction will be transduced with the neo^R gene by either LNL6 or G1Na. Patients will be monitored by the polymerase chain reaction (PCR) for the presence of neo^R. The protocol is designed to evaluate the safety and efficacy of the Neuroblastoma Bone Marrow Purging System following high dose chemotherapy."

I accept this recommendation and Appendix D–XXXVII of the *NIH Guidelines* will be added accordingly.

F. Addition of Appendix D–XXXVIII to the NIH Guidelines

In a letter dated July 1, 1992, Drs. Carolyn Keierleber and Ann Progulske-Fox of the University of Florida, Gainesville, Florida, requested permission to conduct experiments which involve the introduction of a gene coding for tetracycline resistance into *Porphyromonas gingivalis* at Biosafety Level 2. This request was published for comment in the **Federal Register** of August 19, 1992 (57 FR 37680).

The protocol was reviewed and recommended for approval during the RAC meeting on September 14–15, 1992, by a vote of 15 in favor, 0 opposed, and 1 abstention. The following section may be added to Appendix D:

"Appendix D–XXXVIII.

"Drs. Carolyn Keierleber and Ann Progulske-Fox of the University of Florida, Gainesville, Florida, can conduct experiments involving the introduction of a gene coding for tetracycline resistance into *Porphyromonas gingivalis* at a physical containment level of Biosafety Level-2 (BL–2)."

I accept this recommendation and Appendix D–XXXVIII of the *NIH Guidelines* will be added accordingly.

G. Addition of Appendix D–XXXIX to the NIH Guidelines

In a letter dated May 10, 1990, Dr. Scott M. Freeman of the University of Rochester School of Medicine, Rochester, New York, indicated his intention to submit a human gene therapy protocol to the Human Gene Therapy Subcommittee (HGTS) and the RAC for formal review and approval. The title of this protocol is: "Gene Transfer for the Treatment of Cancer." This request was published for comment in the **Federal Register** on July 2, 1991 (56 FR 30398).

The protocol was reviewed during the HGTS meeting on July 29–30, 1991. Provisional approval was given with the stipulation that the PA–1 ovarian cancer cell line be tested for potential pathogens as per FDA guidelines. Further, it was requested that more preclinical studies on the MFG vector should be performed in order to assure the absence of replication-competent retroviruses. Dr. Freeman submitted the requested documentation to ORDA. The HGTS forwarded the protocol to the RAC for consideration during the October 7–8, 1991, meeting. This request was published for comment in the **Federal Register** on September 3, 1991 (56 FR 43686).

The protocol was reviewed during the RAC meeting on October 7–8, 1991. The RAC passed a motion to defer approval of the protocol by a vote of 19 in favor, 0 opposed, and no abstentions. The RAC stated that the protocol may be considered again when the following criteria have been met:

(i) Improve the animal model so that it has some relevance to the malignancy that is observed in patients;

(ii) Examine the animal model for the tumor specificity of cytotoxic T lymphocytes;

(iii) Demonstrate the efficacy of this proposed treatment by measuring the tumor burden in patients and state whether this will be done by laparoscopy, imaging, or both;

(iv) Refine safety tests; and

(v) Eliminate every reference to the term cancer vaccine in the patient consent form.

In a telephone conversation with Dr. Wivel on January 2, 1992, and a follow-up letter dated January 7, 1992, Dr. Scott M. Freeman indicated his intention to resubmit his revised protocol to the RAC for formal review and approval. The request was published for comment in the **Federal Register** on January 3, 1992 (57 FR 316).

During the meeting on February 10, 1992, the RAC met to review the protocol. There was discussion regarding the safety data, and the use of the term *vaccine*. The investigator agreed to delete all reference to the term *vaccine* since the protocol is designed to evaluate the effect of TK+ on TK− cells, not an immune response. After lengthy discussion, the RAC, by a vote of 10 in favor, 4 opposed and no abstentions, approved the protocol pending receipt of additional safety data that demonstrates transduced, irradiated cells are not producing replication-competent helper viruses or generating rescued TK+ virus.

On December 10, 1992, Dr. Freeman submitted to ORDA the additional safety data relative to the cell line, PA–1–STK. The data was reviewed by the RAC primary reviewer, and it was determined that it meets the request of the RAC. The following section may be added to Appendix D:

"Appendix D–XXXIX.

"Dr. Scott M. Freeman of Tulane University Medical Center, New Orleans, Louisiana, can conduct experiments on patients with epithelial ovarian carcinoma who have clinical evidence of recurrent, progressive, or residual disease who have no other therapy available to prolong survival. Patients will be injected intraperitoneally with the irradiated PA–1 ovarian carcinoma cell line which has been transduced with the herpes simplex thymidine kinase (HSV–TK) gene. The patients will then receive ganciclovir therapy. Previous data indicates that HSV–TK+ tumor cells exhibit a killing effect on HSV–TK– cells when exposed to ganciclovir therapy. Patients will be evaluated for safety and side effects of this treatment."

I accept this recommendation and Appendix D–XXXIX of the *NIH Guidelines* will be added accordingly.

II. Summary of Actions

A. Addition to the Points to Consider in the Design and Submission of Protocols for the Transfer of Recombinant DNA into the Genome of Human Subjects Regarding Submission Requirements for Human Gene Transfer/Gene Therapy Protocols

The following section is added to the *Points to Consider:*

"Guidelines for the Submission and Review of Human Gene Transfer/Therapy Protocols for Review by the Recombinant DNA Advisory Committee

"I. Investigator-Submitted Material:

"Written proposals should begin with the lay and scientific abstracts, followed by the *Points to Consider* and the material provided in the body of an R01 (sections A–D). When a proposal has been submitted previously, there should be a short section (≤200 words) immediately following the abstracts that summarizes major revisions since the last review. Length limitations are 4–5 pages for the *Points to Consider*, 2 pages each for CVs (Biosketch format) and 20 pages for the body of the proposal (excluding tables, figures, appendices, and manuscripts). Data provided must include a description of the elements in the vector, the source of that information, and the method by which sequence data were compiled, plus 3 diskettes with the vector sequence in ASCII format. Written material from Principal Investigators must be submitted ≥8 weeks before the meeting

at which it will be reviewed; written comments from the primary reviewers ≥4 weeks before the RAC meeting; and written responses from the Principal Investigators ≥2 weeks before the meeting.

"Oral Presentations at RAC Meetings provide only a brief overview of the proposal; they should concentrate on questions raised by the reviewers before and at the meeting. Oral presentations should be ≤20 minutes: ≤10 minutes for the overview and ≤10 minutes for responses to the reviewers' questions.

"II. Reviewers' Responses:

"Written Reviews should emphasize issues related to gene marking, gene transfer or gene therapy. They should state explicitly whether the *Points to Consider* have been addressed satisfactorily, and should examine the scientific rationale, scientific context (relative to other proposals reviewed by the RAC), whether the preliminary *in vitro* and *in vivo* data were obtained in appropriate models and are sufficient, and whether questions related to safety, efficacy, and social and ethical context have been resolved. Whenever possible, criticisms of Consent Forms should include suggested revisions for the RAC to consider—provided as written alternatives. Reviews should also state whether the proposal is:

"(a) Acceptable as written,

"(b) Acceptable with specific revisions or after satisfactory responses to specific questions raised on review, or

"(c) Unacceptable in its present form.

"Oral Discussion of Reviews at the RAC Meeting. It should be possible to present most reviews orally within ≤5 minutes."

B. Addition of Appendix D–XXXIV to the NIH Guidelines

The following section is added to Appendix D:

"Appendix D–XXXIV.

"Dr. Michael T. Lotze, University of Pittsburgh, Pittsburgh, Pennsylvania, can conduct experiments on twenty patients with metastatic, and/or unresectable, locally advanced melanoma, renal cell carcinoma, breast cancer, or colon cancer who have failed standard therapy. Patients will receive multiple subcutaneous injections or autologous tumor cells combined with an autologous fibroblast cell line that has been transduced *in vitro* with the gene coding for Interleukin–4 (IL–4) to augment the *in vivo* antitumor effect. Patients will be monitored for antitumor effect by PCR analysis and multiple biopsy of the injection site."

C. Addition of Appendix D–XXXV to the NIH Guidelines

The following section is added to Appendix D:

"Appendix D–XXXV.

"Dr. Friedrich G. Schuening, Fred Hutchinson Cancer Research Center, Seattle, Washington, can conduct human gene transfer experiments on patients ≥18 years of age with breast cancer, Hodgkin's disease, or non-Hodgkin's lymphoma. A total of 10 patients per year will be enrolled in the studies over a period of four years. Patients will undergo autologous bone marrow transplantation with a selected population of Interleukin–3 (IL–3) or granulocyte colony-stimulating factor (G–CSF) stimulated CD34(+) peripheral blood repopulating cells (PBRC) that have been transduced with the gene coding for neomycin resistance (neo^R) using the retroviral vector, LN. Patients will be continuously monitored for neo^R to determine the relative contribution of autologous PBRCs to long-term hematopoietic reconstitution. Demonstration of long-term contribution of autologous PBRC to hematopoiesis will enable the use of PBRC alone for autologous transplants and suggest the use of PBRC as long-term carriers of therapeutically relevant genes."

D. Addition of Appendix D–XXXVI to the NIH Guidelines

The following section is added to Appendix D:

"Appendix D–XXXVI.

"Dr. Friedrich G. Schuening, Fred Hutchinson Cancer Research Center, Seattle, Washington, can conduct human gene transfer experiments on patients ≥ 18 years of age with breast cancer, Hodgkin's disease, or non-Hodgkin's lymphoma. A total of 5 patients per year will be enrolled in the study over a period of four years. Patients will undergo allogeneic bone marrow transplant with granulocyte colony-stimulating factor (G–CSF) stimulated CD34(+) PBRC harvested from an identical twin that have been transduced with neo^R using the retroviral vector, LN. Patients will be continuously monitored for neo^R to determine the relative contribution of G–CSF stimulated allogeneic PBRCs to long-term bone marrow engraftment. Demonstration of long-term contribution of allogeneic PBRC to hematopoiesis will enable the use of PBRC alone for allogeneic transplants and suggest the use of PBRC as long-term carriers of therapeutically relevant genes."

E. Addition of Appendix D–XXXVII to the NIH Guidelines

The following section is added to Appendix D:

"Appendix D–XXXVII.

"Dr. Malcolm K. Brenner of St. Jude Children's Hospital, Memphis, Tennessee, and Dr. Bonnie J. Mills of Baxter Healthcare Corporation, Santa Ana, California, can conduct a multicenter uncontrolled human gene transfer experiment on 12 patients ≤21 years of age with Stage D Neuroblastoma in first or second marrow remission. Autologous bone marrow cells will be separated into two fractions, purged and unpurged. Each fraction will be transduced with the neo^R gene by either LNL6 or G1Na. Patients will be monitored by the polymerase chain reaction (PCR) for the presence of neo^R. The protocol is designed to evaluate the safety and efficacy of the Neuroblastoma Bone Marrow Purging System following high dose chemotherapy."

F. Addition of Appendix D–XXXVIII to the NIH Guidelines

The following section is added to Appendix D:

"Appendix D–XXXVIII.

"Drs. Carolyn Keierleber and Ann Progulske-Fox of the University of Florida, Gainesville, Florida, can conduct experiments involving the introduction of a gene coding for tetracycline resistance into *Porphyromonas gingivalis* at a physical containment level of Biosafety Level-2 (BL–2)."

G. Addition of Appendix D–XXXIX to the NIH Guidelines

The following section is added to Appendix D:

"Appendix D–XXXIX.

"Dr. Scott M. Freeman of Tulane University Medical Center, New Orleans, Louisiana, can conduct experiments on patients with epithelial ovarian carcinoma who have clinical evidence of recurrent, progressive, or residual disease who have no other therapy available to prolong survival. Patients will be injected intraperitoneally with the irradiated PA–1 ovarian carcinoma cell line which has been transduced with the herpes simplex thymidine kinase (HSV–TK) gene. The patients will then receive ganciclovir therapy. Previous, data indicates that HSV–TK+ tumor cells exhibit a killing effect on HSV–TK – cells when exposed to ganciclovir therapy. Patients will be evaluated for safety and side effects of this treatment."

OMB's "Mandatory Information Requirements for Federal Assistance

VOL
58
ISS
31
FE
18
1993
UMI

Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every Federal research program in which DNA recombinant molecule techniques could be used. It has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the *NIH Guidelines*. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

Effective Date: February 5, 1993.

Bernadine Healy,

Director, National Institutes of Health.

[FR Doc. 93–3820 Filed 2–17–93; 8:45 am]

BILLING CODE 4140–01–M

Reade

INFORMAT

Federal Reg
Index, findi
Public inspe
Corrections
Document d
Machine rea

Code of Fe
Index, findi
Printing sch

Laws
Public Laws
Additional

Presidentia
Executive o
Public Pape
Weekly Com

The United
General info

Other Servi
Data base a
Guide to Re
Legal staff
Privacy Act
Public Laws
TDD for the

FEDERAL

6601–6678...
6679–6874...
6875–7046...
7047–7184...
7185–7476...
7477–7714...
7715–7860...
7861–7952...
7953–8200...
8201–8516...
8517–8690...
8691–8892...
8893–9106...

Reader Aids

Federal Register

Vol. 58, No. 31

Thursday, February 18, 1993

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection desk	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

6601–6678.....1
6679–6874.....2
6875–7046.....3
7047–7184.....4
7185–7476.....5
7477–7714.....6
7715–7860.....9
7861–7952.....10
7953–8200.....11
8201–8516.....12
8517–8690.....16
8691–8892.....17
8893–9106.....18

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive orders:
12837.....8205
12838.....8207
12839.....8515
12800 (Revoked by EO 12836).....7045
12818 (Revoked by EO 12836).....7045
12836.....7045

Administrative Orders:

Memorandums:
January 22, 1993.....7455
January 22, 1993.....7457
January 22, 1993.....7459
January 29, 1993.....8201
February 3, 1993.....8203

Proclamations:
6527.....7477
6528.....8691

5 CFR

Proposed Rules:
410.....8912
970.....7052

7 CFR

52.....7607
301.....8517, 8820
318.....7953
319.....8524
907.....7964
908.....7964
911.....8533
915.....7972, 8533
916.....8534
918.....8209
925.....8893
1106.....8894
927.....8536
932.....8538
948.....8539
1097.....5679
1099.....5679
1209.....8194

Proposed Rules:
52.....7296
275.....7296
283.....7296
907.....8912
908.....8912
932.....8558
1106.....8559
1139.....7996

9 CFR

161.....8820

Proposed Rules:
317.....8560
381.....8560

10 CFR

19.....7715
20.....7715
30.....7715
36.....7715
40.....7715
51.....7715
70.....7715
170.....7715

Proposed Rules:
20.....8560
30.....6730
40.....6730
50.....6730, 7757
70.....6730
72.....6730

11 CFR

201.....6875

12 CFR

203.....6601
207.....6602
208.....7973
220.....6602
221.....6602
224.....6602
225.....7973
303.....8210
325.....8220
611.....6604
612.....6605
796.....6605
1605.....8220

Proposed Rules:
205.....8714
208.....8007
225.....8007
900.....8563

13 CFR

121.....7479

14 CFR

21.....8222
23.....8222
33.....6875
39.....6703–6707, 6877–6881, 7185, 7479–7482, 7737, 7861, 7862, 7982, 7983, 8224, 8693
71.....6709, 6884–6886, 7179, 7484, 7738, 8896
73.....6884
95.....6887
97.....6709, 6712, 7485, 7746

Proposed Rules:
Ch. I.....8244, 8719
39.....6740–6746, 6906, 7196, 7494, 7495, 7759, 8719–8723, 8914, 8916
61.....7197

VOL 58 ISS 31 FE 18 1993 UMI

63.....7197
65.....7197
71.....6911, 8244, 8724, 8725
93.....7950
121.....7197, 8917
129.....8917
135.....7197
300.....7040
399.....7053

15 CFR

Proposed Rules:
1200.....8564

16 CFR

4.....7047
Proposed Rules:
Ch. II.....8013–8023
305.....7852
1210.....8565

17 CFR

4.....8226
140.....6677
145.....7040
150.....6854
200.....8541
270.....7984
Proposed Rules:
1.....6748, 7056
3.....6748
10.....6748
145.....6748

18 CFR

3c.....7486
154.....7984
157.....6893
365.....8897
381.....7488, 8897
385.....7984

19 CFR

Proposed Rules:
10.....6677

21 CFR

177.....8820
520.....7864, 8541
522.....8542
1308.....7186

23 CFR

140.....6713
Proposed Rules:
625.....6914

24 CFR

770.....8186
882.....8186
889.....8186
890.....8186
941.....8186
Proposed Rules:
770.....8187
882.....8187
889.....8187
890.....8187
941.....8187

25 CFR

501.....8449
515.....8449
519.....8449
522.....8449
523.....8449
524.....8449
531.....8449
533.....8449
535.....8449
537.....8449
539.....8449
556.....8449
558.....8449
571.....8449
573.....8449
575.....8449
577.....8449

26 CFR

1.....6678, 7041, 7296, 7747, 7865, 7987, 7988, 8098
602.....6678, 7987, 7988
Proposed Rules:
1.....6854, 6922, 6923, 7179, 7497, 7845, 8027
26.....6854, 7497
31.....8726
52.....8099
301.....6854, 7497, 7761

27 CFR

Proposed Rules:
9.....8726

29 CFR

2616.....6605
2617.....6605
2619.....8230
2676.....8231
Proposed Rules:
103.....7149
2619.....7921
2676.....7921

30 CFR

77.....8543
218.....8907
254.....7489
701.....8655
785.....8655
Proposed Rules:
14.....8028
18.....8028
75.....8028
870.....7761, 8655

31 CFR

103.....7047

32 CFR

201.....7865
592.....6715
606.....6715
608.....6715
612.....6715
616.....6715
706.....8694

33 CFR

1.....8864
3.....6716
100.....7492, 8543
117.....6717
150.....7330
154.....7330
155.....7376
165.....8543
334.....6718
Proposed Rules:
117.....6766, 6767, 7497, 7498
154.....8918
155.....8918
165.....7500
334.....6768

34 CFR

8.....7860
Proposed Rules:
361.....8688
300.....7938

35 CFR

Proposed Rules:
1191.....6924

37 CFR

301.....8655
304.....7051, 8820
311.....8655

38 CFR

1.....7296

39 CFR

Proposed Rules:
111.....8921
3001.....6769

40 CFR

2.....7187
52.....6606, 8545
58.....8252
60.....7189
82.....8136, 8820
168.....9062
169.....9062
180.....6893, 8695–8699
232.....8172
233.....8172
260.....8658
261.....6854
264.....8658
265.....8658
266.....6607
268.....8658
270.....8658
271.....6854, 7865, 8232, 8658
280.....9026
281.....6894
300.....7189, 7492
305.....7704
721.....7190
Proposed Rules:
Ch. I.....6609, 7501, 8565
52.....7762, 8245, 8246, 8565
54.....7870
81.....7762
112.....8824
144.....7924, 8028
180.....8695–8699
191.....7924, 8028
194.....8029
260.....8102
261.....6925, 8102, 8504
262.....8102
264.....8102
265.....8102
268.....8102
270.....8102
273.....8102
372.....6609
700.....7646
720.....7661
721.....7676
723.....7646, 7679
763.....8926

41 CFR

302–11.....8547

42 CFR

59.....7462
Proposed Rules:
59.....7464
417.....8568
434.....8568
1003.....8568

43 CFR

Public Land Order:
6956.....6719
6957.....7867

44 CFR

65.....8551–8553
67.....8549
Proposed Rules:
67.....8568

45 CFR

303.....7040
1626.....6608
Proposed Rules:
1607.....6611
1609.....6612

46 CFR

571.....7190
586.....7988
Proposed Rules:
502.....7199
505.....7199
510.....7199
514.....7501
540.....7199

47 CFR

1.....6895, 8701
61.....7867, 8908
69.....7867, 8908
73.....7194, 7195, 7869, 8233–8235
76.....7990
Proposed Rules:
Ch. I.....6937, 7062, 8248, 8927, 8928
1.....8731
2.....6769, 8731
15.....6769, 7205
43.....7764
73.....6677, 7874, 7875, 8248
76.....7205, 7875
88.....8731
90.....8731
94.....8731

48 CFR

Ch. 20.....8449
552.....8235
701.....8701
706.....8701
716.....8701
719.....8701
726.....8701
733.....8701
752.....8701
925.....8909
952.....8909
Proposed Rules:
Ch. 53.....67

49 CFR

1.....
9.....
171.....
172.....
173.....
174.....
176.....
229.....
390.....
394.....
1002.....
1017.....
1018.....
1312.....
1313.....
1314.....
Proposed Rul
40.....
199.....
213.....
217.....
219.....
350.....
382.....
383.....

49 CFR

1.....6896–6898
9.....6719
171.....6864
172.....6864, 8820
173.....6864
174.....6864
176.....6864
229.....6899
390.....6726
394.....6726
1002.....7748
1017.....7748
1018.....7748
1312.....7748
1313.....7748
1314.....7748

Proposed Rules:

40.....7197, 7506
199.....7197
213.....8928
217.....7197
219.....7197
350.....7197
382.....7197
383.....7197
391.....7197
392.....6937, 7197
395.....6937, 7197
531.....6939
571.....7206, 7506
572.....7506
611.....6948
653.....7197
654.....7197
1039.....8030
1180.....6612

50 CFR

17.....8235
217.....8554
227.....8554
625.....8557
650.....7040
611.....8703
675.....7040, 8703–8712

Proposed Rules:

17.....8032, 8249, 8250
226.....7206
663.....7525
672.....6677

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last List February 11, 1993

ELECTRONIC BULLETIN BOARD

Free Electronic Bulletin Board Service for Public Law Numbers is available on 202–275–1538 or 275–0920.

VOL
58
ISS
31
FE
18
1993
UMI

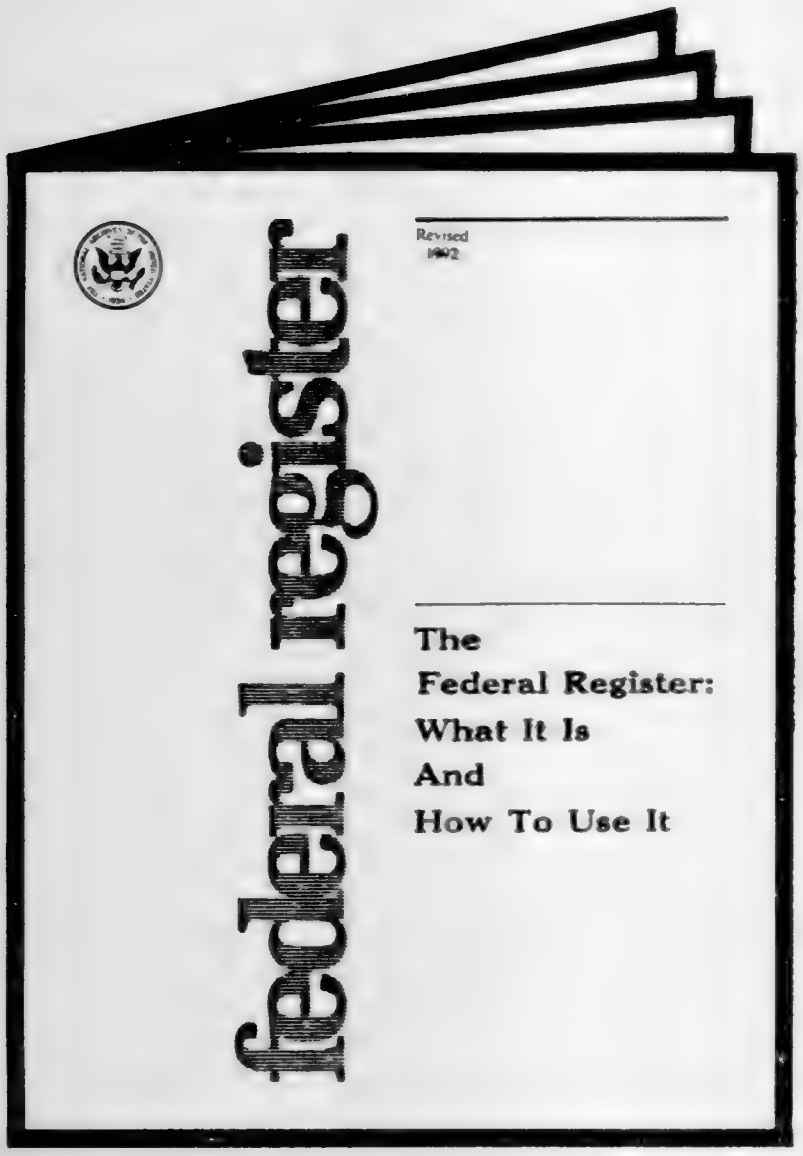

Announcing the Latest Edition

The Federal Register: What It Is and How to Use It

A Guide for the User of the Federal Register—Code of Federal Regulations System

This handbook is used for the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide guidelines for using the *Federal Register* and related publications, as well as an explanation of how to solve a sample research problem.

Price $7.00

Superintendent of Documents **Publications** Order Form

P3

Order processing code.
*6173

Charge your order. It's Easy! MasterCard VISA

To fax your orders (202)-512-2250

☐ **YES**, please send me the following:

_____ copies of **The Federal Register - What It Is and How To Use It**, at $7.00 per copy. Stock No. 069-000-00044-4

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

_____
(Company or Personal Name) (Please type or print)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

_____
(Daytime phone including area code)

_____
(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date)

Thank you for your order!

_____
(Authorizing Signature) (Rev. 1-93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

dition

d

It

gister —

onal
the
able to
l provide
er and
lanation
blem.

P3

VISA

02)-512-2250

nestic

f Documents
□□□□-□

□□□□□□

Thank you for your order!

(Rev. 1-93)

Documents
15250-7954

VOL
58

ISS
31

FE
18

1993

UMI

Printed on recycled paper

VOL
58

ISS
32

FE
19

1993

UMI

U·M·I

THE PAPER AND INK USED IN THE ORIGINAL MATERIAL AFFECT THE QUALITY OF THE MICRO-EDITION. THIS REPRODUCTION IS MADE FROM THE BEST COPY AVAILABLE.

2–19–93
Vol. 58

United State
Governmen
Printing Offi
SUPERINTENDENT
OF DOCUMENTS
Washington DC 204

OFFICIAL BUSINESS
Penalty for private u

2–19–93
Vol. 58 No. 32

Federal Register

Friday
February 19, 1993

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 93 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
58

ISS
32

FE
19

1993

UMI

2-19-93
Vol. 58
Pages 910

2–19–93
Vol. 58 No. 32
Pages 9107–9516

federal register

Friday
February 19, 1993

Briefings on How To Use the Federal Register
For information on briefings in New York, NY, and Los Angeles, CA, see announcement on the inside cover of this issue.

VOL 58 ISS 32 FE 19 1993 UMI

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche format and magnetic tape. The annual subscription price for the **Federal Register** paper edition is $375, or $415 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $353; and magnetic tape is $37,500. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $4.50 for each issue, or $4.50 for each group of pages as actually bound; or $1.50 for each issue in microfiche form; or $175.00 per magnetic tape. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 58 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3238
Magnetic tapes	512–1530
Problems with public subscriptions	512–2303

Single copies/back copies:

Paper or fiche	783–3238
Magnetic tapes	512–1530
Problems with public single copies	512–2457

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5243
Magnetic tapes	512–1530
Problems with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

NEW YORK, NY

WHEN: March 26, at 12:30 pm
WHERE: 26 Federal Plaza
Conference Room 305C
New York, NY
RESERVATIONS: Federal Information Center
1–800–347–1997

LOS ANGELES, CA

WHEN: March 31, at 9:00 am
WHERE: 300 North Los Angeles Street
Conference Room 8041
Los Angeles, CA
RESERVATIONS: Federal Information Center
1–800–726–4995

Printed on recycled paper containing 100% post consumer waste

Cont

Agricultu
See Comm
See Forest
See Soil C
NOTICES
Agency in
review

Air Force
NOTICES
Meetings:
Air Forc
Patent lice
exclus
Beam T

Arts and
See Natio

Blind or S
Peopl
See Comm
Sever

Civil Righ
NOTICES
Meetings;
North C
North D

Coast Gu
RULES
Regattas a
14th An
Crawfor

Commerc
See Econo
See Expor
See Intern
See Minor
See Natio

Commissi
NOTICES
Grants an
National

Committe
Sever
NOTICES
Procureme

Committe
NOTICES
Export vis
Bahrain
Textile an
Correlat

Contents

Federal Register

Vol. 58, No. 32

Friday, February 19, 1993

Agriculture Department
See Commodity Credit Corporation
See Forest Service
See Soil Conservation Service
NOTICES
Agency information collection activities under OMB review, 9143

Air Force Department
NOTICES
Meetings:
Air Force University Board of Visitors, 9151
Patent licenses; non-exclusive, exclusive, or partially exclusive:
Beam Tech Corp., 9152

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
North Carolina, 9144
North Dakota, 9144

Coast Guard
RULES
Regattas and marine parades:
14th Annual Safety-at-Sea Seminar, 9118
Crawford Bay Crew Classic, 9118

Commerce Department
See Economics and Statistics Administration
See Export Administration Bureau
See International Trade Administration
See Minority Business Development Agency
See National Oceanic and Atmospheric Administration

Commission of Fine Arts
NOTICES
Grants and cooperative agreements; availability, etc.:
National Capital arts and cultural affairs program, 9149

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement list; additions and deletions, 9150, 9151

Committee for the Implementation of Textile Agreements
NOTICES
Export visa requirements; certification, waivers, etc.:
Bahrain, 9149
Textile and apparel categories:
Correlation with U.S. Harmonized Tariff Schedule, 9150

Commodity Credit Corporation
RULES
Loan and purchase programs:
Disaster payment program and tree assistance program (1990-1992), 9107

Commodity Futures Trading Commission
NOTICES
Meetings; Sunshine Act, 9242

Conservation and Renewable Energy Office
RULES
Schools, hospitals, and buildings owned by local government units and public care institutions; grant programs, 9424

Defense Department
See Air Force Department
See Navy Department

Economics and Statistics Administration
NOTICES
Meetings:
Designing the Year 2000 Census and Census-Related Activities for 2000-2009 Task Force Advisory Committee, 9144

Education Department
RULES
Postsecondary education:
Federal family education loan (FFEL) program, 9119
Special education and rehabilitative services:
Individuals with Disabilities Education Act; implementation—
Regional resource and Federal centers, 9462
PROPOSED RULES
Special education and rehabilitative services:
State vocational rehabilitation services program, 9458
NOTICES
Grants and cooperative agreements; availability, etc.:
Indian education program—
Even Start program, 9152
National Institute on Disability and Rehabilitation Research—
Rehabilitation research and training centers; correction, 9422
Meetings:
National Assessment Governing Board, 9152

Energy Department
See Conservation and Renewable Energy Office
See Federal Energy Regulatory Commission
NOTICES
Floodplain and wetlands protection; environmental review determinations; availability, etc.:
Wabash River Generating Station, IN, 9153
Meetings:
Environmental Restoration and Waste Management Advisory Committee, 9154

VOL 58 ISS 32 FE 19 1993 UMI

Environmental Protection Agency
RULES
Air pollution control; new motor vehicles and engines:
On-board diagnostic systems on 1994 and later model year light-duty vehicles and trucks, 9468
Hazardous waste program authorizations:
Georgia, 9120
Solid wastes:
Sewage sludge; use and disposal standards, 9248
Water pollution control:
National pollutant discharge elimination system—
State sewage sludge management program requirements, 9248
NOTICES
Environmental statements; availability, etc.:
Agency statements—
Comment availability, 9172
Weekly receipts, 9173
Meetings:
Emergency Planning and Community Right-to-Know Act; Train-the-Trainers workshops, 9173
Toxic and hazardous substances control:
Chemical testing—
Data receipt, 9174

Executive Office of the President
See National Education Goals Panel

Export Administration Bureau
NOTICES
Meetings:
Electronics Technical Advisory Committee, 9144

Federal Aviation Administration
RULES
Airworthiness directives:
Beech, 9113
British Aerospace, 9114, 9115
SAAB-SCANIA, 9117
PROPOSED RULES
Air traffic operating and flight rules:
Aircraft flight simulator and flight training devices use in pilot training, testing, and checking at training centers
Correction, 9514
Airworthiness directives:
Boeing, 9131
McDonnell Douglas, 9133
VOR Federal airways, 9134
NOTICES
Airport noise compatibility program:
Glynco Jetport, GA, 9230
Committees; establishment, renewal, termination, etc.:
Aviation Rulemaking Advisory Committee, 9230
Meetings:
Aviation Rulemaking Advisory Committee, 9230
Passenger facility charges; applications, etc.:
Capital Airport, IL; correction, 9245
Pangborn Memorial Airport, WA, 9231

Federal Communications Commission
RULES
Commercial radio operator licenses; privatization of examinations, 9123
Practice and procedure:
Telecommunication Authorization Act—
Schedule of charges; amendment, 9128
PROPOSED RULES
Common carrier services:
GTE Corp.; enhanced services; open network architecture and nondiscrimination safeguards application, 9137
NOTICES
Lottery for 220-222 MHz radio land mobile nationwide commercial channels, 9174

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 9242

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
Texas et al., 9121

Federal Energy Regulatory Commission
NOTICES
Natural Gas Policy Act:
Self-implementing transactions, 9155
Applications, hearings, determinations, etc.:
Bridgeline Gas Distribution System, 9171
Florida Gas Transmission Co., 9171
Massachusetts REFUSETECH, Inc., 9171
South Carolina Generating Co., Inc., 9172
Tex-La Electric Cooperative of Texas, Inc., 9172
West Texas Gas, Inc., 9172

Federal Financial Institutions Examination Council
NOTICES
Community Reinvestment Act; interagency questions and answers, 9176

Federal Maritime Commission
NOTICES
Agreements filed, etc., 9182
Casualty and nonperformance certificates:
Sun Line Cruises Inc. et al., 9183
Complaints filed:
Best Homeware, Inc., et al., 9183

Federal Railroad Administration
NOTICES
Exemption petitions, etc.:
Massachusetts Bay Transportation Corp., 9231
Tri County Commuter Rail Authority, 9232
Union Pacific Railroad Co., 9233
Traffic control systems; discontinuance and removal:
Burlington Northern Railroad Co., 9233
Duluth Missabe & Iron Range Railway Co. et al., 9233

Federal Reserve System
NOTICES
Meetings; Sunshine Act, 9243
Applications, hearings, determinations, etc.:
Commerce Bancshares, Inc.; correction, 9183
Community Independent Bancorp, Inc., et al., 9184
Meridian Bancorp, Inc., et al., 9184
Stuart, Jon R., et al.; correction, 9184

Financial Management Service
See Fiscal Service

Fine Arts Commission
See Commission of Fine Arts

Fiscal Service
PROPOSED RULES
Book-entry Treasury bonds, notes, and bills held in Treasury/Reserve Automated Debt Entry System (TRADES), 9134

Fish and Wildlife Service
NOTICES
Endangered and threatened species:
Recovery plans—
Florida panther, 9220

Food and Drug Administration
NOTICES
Meetings:
Chemical contaminants in seafood; conference, 9185

Forest Service
NOTICES
Environmental statements; availability, etc.:
Inyo National Forest, CA, 9143

Health and Human Services Department
See Food and Drug Administration
See Health Care Financing Administration

Health Care Financing Administration
RULES
Medicaid:
Eligibility and coverage requirements for needy groups; delay of effective and compliance dates, 9120
NOTICES
Medicare and medicaid:
Program issuances and coverage decisions; quarterly listing; correction, 9244

Housing and Urban Development Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Facilities to assist homeless—
Excess and surplus Federal property, 9185

Indian Affairs Bureau
NOTICES
Tribal-State Compacts approval; Class III (casino) gambling:
Lower Elwha Klallam Tribe, WA, 9212
Swinomish Indian Tribal Community, WA, 9466

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See Minerals Management Service

Internal Revenue Service
RULES
Income taxes:
Policy acquisition expenses; capitalization; correction, 9245

International Trade Administration
NOTICES
Antidumping:
New steel rail, except light rail, from—
United Kingdom, 9145

Interstate Commerce Commission
NOTICES
Railroad operation, acquisition, construction, etc.:
Wheeling & Lake Erie Railway Co., 9220

Justice Department
See Prisons Bureau
NOTICES
Pollution control; consent judgments:
Ebasco Constructors, Inc., 9221
GNB Inc., 9221
New York, NY, 9221
U.S. Oil Co. et al., 9222

Labor Department
See Labor-Management Standards Office

Labor-Management Standards Office
PROPOSED RULES
Labor organization annual financial reports; and small labor organization abbreviated annual financial reports, 9418

Land Management Bureau
NOTICES
Classification of public lands:
Oregon, 9212
Coal leases, exploration licenses, etc.:
Montana, 9213
Environmental statements; availability, etc.:
Arizona rivers; national wild and scenic river systems; recommendations, 9213
Royal East Joint Venture Exploration Project, MT, 9214
Meetings:
Craig District Advisory Council, 9214
Las Cruses District Grazing Advisory Board, 9214
Realty actions; sales, leases, etc.:
California, 9214
Idaho, 9215
Nevada, 9215
Oregon, 9216
Resource management plans, etc.:
Gunnison Resource Area, CO, 9217
Yuma District, AZ, 9218
Survey plat filings:
Idaho, 9219
Withdrawal and reservation of lands:
Alaska; correction, 9244
California, 9219
Colorado; correction, 9244

Legal Services Corporation
NOTICES
Grant and cooperative agreement awards:
Legal Aid Society of Hawaii, Inc., 9223

Maritime Administration
PROPOSED RULES
National Shipping Authority:
Agency agreements and appointments of agents, 9135

Minerals Management Service
NOTICES
Outer Continental Shelf operations:
Central Gulf of Mexico—
Lease sale, 9490
Leasing systems, 9512

Minority Business Development Agency
NOTICES
Business development center program applications:
California, 9147

National Advisory Council on the Public Service
NOTICES
Meetings, 9223

National Aeronautics and Space Administration
NOTICES
Meetings:
Space Science and Applications Advisory Committee, 9223

National Education Goals Panel
NOTICES
Meetings, 9153

National Foundation on the Arts and the Humanities
NOTICES
Grants and cooperative agreements; availability, etc.:
Museum leadership initiatives program, 9223

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
Blue Bird Body Co., 9235
General Motors, 9236

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Bering Sea and Aleutian Islands groundfish, 9129
PROPOSED RULES
Fishery conservation and management:
Pacific halibut, 9138
NOTICES
Meetings:
Gulf of Mexico Fishery Management Council, 9148
New England Fishery Management Council, 9149

Navy Department
NOTICES
Meetings:
Chief of Naval Operations Executive Panel task forces, 9152

Nuclear Regulatory Commission
NOTICES
Applications, hearings, determinations, etc.:
Oncology Services Corp., 9224
Wisconsin Public Service Corp. et al., 9224

Occupational Safety and Health Review Commission
NOTICES
Meetings; Sunshine Act, 9243

Postal Service
NOTICES
Meetings; Sunshine Act, 9243

Prisons Bureau
NOTICES
Environmental statements; availability, etc.:
King County, WA, 9222

Public Health Service
See Food and Drug Administration

Research and Special Programs Administration
NOTICES
Applications, hearings, determinations, etc.:
New York, NY, 9237

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
Midwest Stock Exchange, Inc., 9227
National Association of Securities Dealers, Inc.; correction, 9244
New York Stock Exchange, Inc.; correction, 9244

Small Business Administration
RULES
Small business size standards:
Nonmanufacturer rule; waivers—
Mainframe computers and associated peripheral equipment, 9112
Xerographic printing paper, 9113
PROPOSED RULES
Small business size standards:
Fixed size standard levels, 9131

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
South East Middle Suwannee River Area Watershed, FL, 9143

State Department
NOTICES
Meetings:
International Telegraph and Telephone Consultative Committee, 9228
Shipping Coordinating Committee, 9228

Tennessee Valley Authority
NOTICES
Agency information collection activities under OMB review, 9229

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Railroad Administration
See Maritime Administration
See National Highway Traffic Safety Administration
See Research and Special Programs Administration
NOTICES
International cargo rate flexibility level:
Standard foreign fare level—
Index adjustment factors, 9229

Treasury Department
See Fiscal Service
See Internal Revenue Service

United States Information Agency
NOTICES
Grants and cooperative agreements; availability, etc.:
University development program in business management for selected regions in Eastern and Central Europe, 9238

Separate Parts In This Issue

Part II
Environmental Protection Agency, 9248

Part III
Labor Department, 9418

Part IV
Education Department, 9422

Part V
Energy Department, 9424

Part VI
Education Department, 9458

Part VII
Education Department, 9462

Part VIII
Interior Department, Land Management Bureau, 9466

Part IX
Environmental Protection Agency, 9468

Part X
Interior Department, Minerals Management Service, 9490

Part XI
Transportation Department, Federal Aviation Administration, 9514

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free **Electronic Bulletin Board** service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

VOL
58
ISS
32
FE
19
1993
UMI

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
1477.....9107
1478.....9107

10 CFR
455.....9424

13 CFR
121 (2 documents).....9112, 9113

Proposed Rules:
121.....9131

14 CFR
39 (4 documents).....9113–9117

Proposed Rules:
39 (2 documents).....9131, 9133
61.....9514
71.....9134
142.....9514

25 CFR
1.....9245
602.....9245

29 CFR

Proposed Rules:
402.....9418
403.....9418

31 CFR

Proposed Rules:
357.....9134

33 CFR
100 (2 documents).....9118

34 CFR
305.....9462
682.....9119

Proposed Rules:
361.....9458

40 CFR
86.....9458
122.....9404
123.....9404
257.....9248
271.....9120
403.....9248
501.....9404
503.....9248
435.....9120
436.....9120
440.....9120

44 CFR
64.....9121

46 CFR

Proposed Rules:
315.....9135

47 CFR
0.....9123
1.....9128
13.....9123

Proposed Rules:
64.....9137

50 CFR
675.....9129

Proposed Rules:
301.....9138

Rule

This secti
contains r
applicabili
are keyed
Federal R
50 titles p

The Code
the Super
new books
REGISTE

DEPART

Commod

7 CFR P

RIN 0560-

**Disaster
Assistan
and 1992**

AGENCY:
USDA.
ACTION:

SUMMARY
regulatio
Disaster
Assistan
by the Fo
and Trad
Dire Eme
Appropr
and the S
Supplem
Fiscal Ye

This fi
aquacult
assistanc
changes
administ
forth the
applicati
the funds
will be c

EFFECTIV

FOR FURT
Diane Sh
Adjustm
Rice Pric
Agricultu
Conserva
States De
(USDA),
20013–2

SUPPLEM

**Executiv
Regulati**

This fi
under US

Rules and Regulations

Federal Register
Vol. 58, No. 32
Friday, February 19, 1993

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Parts 1477 and 1478

RIN 0560–AD04

Disaster Payment Program and Tree Assistance Program for 1990, 1991, and 1992

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations for the 1990, 1991, and 1992 Disaster Payment Program and Tree Assistance Program (TAP) as authorized by the Food, Agriculture, Conservation, and Trade Act of 1990 (1990 Act), the Dire Emergency Supplemental Appropriations Act of 1992 (1992 Act), and the Second Dire Emergency Supplemental Appropriations Act, Fiscal Year 1992.

This final rule: Includes an aquaculture provision for the disaster assistance program; makes technical changes to TAP to enhance the administration of the program; and sets forth the manner in which the application period for disbursement of the funds made available by these Acts will be conducted.

EFFECTIVE DATE: February 16, 1993.

FOR FURTHER INFORMATION CONTACT: Diane Sharp, Chief, Production Adjustment Branch, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA), P.O. Box 2415, Washington, DC 20013–2415, telephone: 202–720–4696.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Department Regulation 1512–1

This final rule has been reviewed under USDA procedures established in accordance with provisions of Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "major" since the program will have an annual effect on the economy exceeding $100 million. A final regulatory impact analysis is available from the above-named individual.

Regulatory Flexibility Act and Environmental Evaluation

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of the law to publish a notice of proposed rulemaking with respect to the subject matter of this rule. An Environmental Evaluation with respect to the Disaster Payment Program has been completed. It has been determined that this action is not expected to have a significant impact on the quality of the human environment. In addition, it has been determined that this action will not adversely affect environmental factors such as wildlife habitat, water quality, air quality, and land use and appearance. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Federal Assistance Program

The titles and numbers of the Federal assistance programs, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are: Cotton Production Stabilization—10.052; Feed Grain Production Stabilization—10.055; Wheat Production Stabilization—10.058; and Rice Production Stabilization—10.065.

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Paperwork Reduction Act

The amendment to 7 CFR 1477.5 set forth in this final rule contains one new information collection, Form CCC–441 Income, Crop Disaster Program Certification, that requires clearance by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35. A request for emergency clearance has been submitted to OMB, requesting review of the information collection requirements by February 26, 1992.

The reporting requirements of the current regulations at 7 CFR part 1477 have been approved through March 1995, by the OMB and assigned OMB No. 0560–0050. These reporting requirements have also been submitted for review under this final rule. Form CCC–441, Application for Disaster Payment, was revised from that previously approved by OMB under the current regulations. No other reporting forms were modified. Public reporting burden for these collections is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, room 404–W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project, (OMB No. 0560–0050), Washington, DC 20503.

5 U.S.C. 553

The 1990 Act provides that the regulations necessary for implementation of these programs are to be issued as soon as practicable and without regard to the requirements for notice and public participation in rule making prescribed in 5 U.S.C. 553 or in any directive of the Secretary of Agriculture.

Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778. The provisions of this final rule do not preempt State law, and are not retroactive. Before any judicial action may be brought regarding the provisions of this final rule, the administrative appeal remedies at 7 CFR part 780 must be exhausted.

Background

Title XXII of the 1990 Act (Pub. L. 101–624) sets forth provisions for implementing a disaster assistance program for prevented planting and low yield losses to eligible producers of

VOL
58
ISS
32
FE
19
1993
UMI

1990 wheat, feed grain, upland and extra long staple cotton, rice, peanuts, sugar, tobacco, soybeans and sunflowers, minor oilseeds, nonprogram crops, including ornamental and nursery crops. In addition, tree owners who experienced losses of commercial orchard trees due to freeze or earthquake, or losses of commercial forest trees due to drought or earthquake who intend to re-establish their stands may also be eligible for cost-share payment under the TAP.

The 1992 Act (Pub. L. 102–229) made available $1.75 billion for losses associated with 1990 crops and trees as authorized by the 1990 Act and for losses associated with 1991 and 1992 crops and trees under the same terms and conditions as for 1990 crop losses. Of the $1.75 billion, $995 million is made available for payments to eligible producers for losses on either 1990 or 1991 crops on a farm, at the producer's option. The remaining $755 million has been made available as the result of an official budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985. Accordingly, this $755 million shall be available for crop and tree losses on a farm for one of the years 1990, 1991, or 1992, at the producer's option, but shall not be available for a year for which disaster payments were previously provided. As required by the 1992 Act, $100 million of the $755 million is for program crops planted in 1991 for harvest in 1992. The Second Dire Emergency Supplemental Appropriations Act, fiscal year 1992 (Pub. L. 103–368) authorized additional funds to cover crop and tree losses including aquaculture associated with natural disasters such as Hurricanes Andrew and Iniki or Typhoon Omar. Generally, the definitions used with respect to aquaculture are based upon the National Aquaculture Act of 1980, as amended. Also, Public Law 103–368 authorized a separate appropriation of $48 million to cover just losses under TAP due to hurricanes and typhoons. These additional funds will also be used to make assistance available for producers for losses of nursery inventory.

A final rule was published in the **Federal Register** on March 31, 1992, (57 FR 10960) to set forth at 7 CFR parts 1477 and 1478 the regulations necessary for implementing the Disaster Program and TAP. The provisions of this final rule: (1) includes an aquaculture provision for the disaster assistance program; (2) makes technical changes to TAP to enhance the administration of the program; and (3) sets forth the manner in which the application period for disbursement of the funds made available by these Acts will be conducted.

List of Subjects

7 CFR Part 1477

Agriculture commodities, Disaster assistance, Fraud, Grant programs—agriculture, Reporting and recordkeeping requirements.

7 CFR Part 1478

Disaster assistance, Grant programs—Agriculture, Reporting and recordkeeping requirements, Trees.

Accordingly, 7 CFR parts 1477 and 1478 are amended as follows:

PART 1477—DISASTER PAYMENT PROGRAM FOR 1990 AND SUBSEQUENT CROPS

1. The authority citation for 7 CFR part 1477 is revised to read as follows:

Authority: 15 U.S.C. 714b and 714c; Pub. L. 101–624 (7 U.S.C. 1421 note); Pub. L. 102–229, 105 Stat. 1701; Pub. L. 102–368, 106 Stat. 117.

2. Section 1477.3 is amended by:

A. Revising the definitions of "Actual production", "Crop year", "Eligible crop", "Nonprogram crop", "Person", and "Subsequent sign-up period";

B. Adding definitions for "Aquaculture", "Aquaculture facility", "Aquatic species", and "Final sign-up period";

C. Revising paragraphs (3) and (4) of the definition of "Disaster payment yield"; and

D. Revising the introductory text of paragraph (2) of the definition of "Expected production".

§ 1477.3 Definitions.

* * * * *

Actual production means the quantity of the crop actually harvested or which could have been harvested as determined by the county and ASC committee in accordance with instructions issued by the Deputy Administrator, State and County Operations (Deputy Administrator), Agricultural Stabilization and Conservation Service (ASCS). In the case of sugarcane, the quantity of sugar produced from such crop and shall exclude acreage harvested for seed.

Aquaculture means the propagation and rearing of aquatic species in controlled or selected environments, including, but not limited to, ocean ranching (except private ocean ranching of Pacific salmon for profit in those States where such ranching is prohibited by law).

Aquaculture facility means any land, structure, or other appurtenance that is used for aquaculture and is located in any State. Such term includes, but is not limited to, any laboratory, hatchery, rearing pond, raceway, pen, incubator, or other equipment used in aquaculture.

Aquatic species means any finfish, mollusk, crustaceans, or other aquatic invertebrate, amphibian, reptile, or aquatic plant.

Crop year means the year harvest begins for the crop. However, for valencia oranges harvested in 1991, 1992, and 1993, respectively, the crop shall be considered to be a 1990, 1991, and 1992 crop respectively.

Disaster payment yield means:

* * * * *

(3) For all kinds of tobacco, the county average yield of the 5 years prior to the applicable disaster year, as determined by NASS, excluding the year in which the yield was the highest and the year in which the yield was the lowest;

(4) For soybeans, sugarcane, sugar beets, and sunflowers, the average of the county average yield for the 5 years prior to the applicable disaster year as determined by NASS, adjusted for adverse weather conditions, in accordance with instructions issued by the Deputy Administrator; such county average yield for sugarcane shall exclude normal seed cane production;

* * * * *

Eligible crop means any of the 1990 through 1992 crops of wheat, feed grains, upland cotton, extra long staple cotton, rice, peanuts, oilseeds, sugarcane, sugar beets, tobacco, or nonprogram crops including ornamentals, nursery crops, and aquaculture.

* * * * *

Expected production means:

* * * * *

(2) For target price commodities on farms not enrolled in the applicable year's acreage reduction program and for acreage of program crops planted on farms enrolled in such programs which is in excess of the permitted acreage established for the crop in accordance with 7 CFR 1413.11; peanuts; sugarcane excluding seed cane acreage; sugar beets; soybeans; sunflowers; tobacco other than burley tobacco; and nonprogram crops, except as provided in paragraphs (3) through (5) of this definition, the disaster payment yield times the sum of:

* * * * *

Final sign-up period means the sign-up period beginning October 13, 1992, and ending on February 12, 1993, (or other such date as established by CCC)

for assistance to eligible producers who have incurred losses in 1990, 1991, or 1992 but shall not be for a year for which disaster payments were earned under the initial sign-up period.

* * * * *

Nonprogram crop means a crop (including ornamentals such as flowering shrubs, flowering trees, field or container grown roses, or turf, aquaculture and sweet potatoes) produced on a farm for sale or exchange on a commercial basis in a large enough quantity to have a substantial impact on the producer's income, as determined by the county ASC committee in accordance with instructions issued by the Deputy Administrator, which is not a crop of a target price commodity, quota or additional peanuts, sugarcane, sugar beets, tobacco subject to marketing quotas, soybeans or sunflowers.

* * * * *

Person shall mean a person as defined in part 1497 of this chapter, and all rules with respect to the determination of a person found in such part shall be applicable to this part. However, the determinations made in accordance with 7 CFR part 1497, subpart B, Person Determinations, shall include all entities in which an individual or entity has an interest, whether or not such entities are engaged in farming.

* * * * *

Subsequent sign-up period means the sign-up period beginning September 8, 1992, and ending on February 12, 1993, (or other such date as established by CCC) for assistance to eligible producers who have incurred losses on program crops planted in 1991 for harvest in 1992.

* * * * *

3. Section 1477.4 is revised to read as follows:

§ 1477.4 Availability of disaster payments.

(a) A person as defined in § 1477.3 who has qualifying gross revenues in excess of $2 million for the most recent tax year preceding the crop year for which benefits are requested shall not be eligible to receive disaster benefits under this part.

(b) Eligible producers with 1992 losses of production in excess of 65 percent of expected production must agree to obtain crop insurance, if available, any time during the subsequent or final disaster sign-up periods, under the Federal Crop Insurance Act for the 1993 crop of the commodity, unless one of the following exists:

(1) The sales closing date passed for the 1992 crop before October 13, 1992;

(2) Crop insurance is not available with respect to the commodity with respect to which a disaster payment is requested;

(3) The amount of the producer's annual premium rate is greater than 125 percent of the average premium rate on that commodity in the county in which the producer is located;

(4) The amount of the premium is greater than 25 percent of the amount of the disaster payment, deficiency forgiveness, or FmHA loans; or

(5) The county committee determines, based on an appeal by the producer, that the purchase of crop insurance would impose an undue financial hardship on the producer.

4. Section 1477.5 is amended by removing the word "and" at the end of paragraph (a)(3), by removing the period at the end of paragraph (a)(4)(ii) and replacing it with the words "; and", and by adding paragraph (a)(5) to read as follows:

§ 1477.5 Disaster benefits.

(a) * * *

(5) The farm operator submits a Certification of Income Eligibility (Form CCC–441 Income) in accordance with § 1477.4.

* * * * *

5. Section 1477.7 is amended by:

A. Revising paragraphs (b) and (d), and

B. Adding paragraphs (e) and (f) to read as follows:

§ 1477.7 Filing application for payment.

* * * * *

(b)(1) An application for payment must have been filed as soon as practical after the producer's eligibility has been established in accordance with § 1477.5(a).

(2) Applications for payments made during the initial sign-up period for 1990 and 1991 crop losses must be filed from February 3 through March 13, 1992.

(3) Applications for payments made during the subsequent sign-up period with respect to program crops planted in 1991 for harvest in 1992 must be filed from September 8, 1992, through February 12, 1993.

(4) Applications for payments made during the final sign-up period with respect to all other 1990, 1991, and 1992 crop losses must be filed from October 13, 1992, through February 12, 1993.

* * * * *

(d) For applications filed during the initial sign-up period, if a farm was operated in 1990 by an operator who was not the same operator on the farm in 1991, CCC will accept an application for disaster from both operators, but both operators must agree in writing by March 27, 1992, as to the year for which payment will be provided. If the operators cannot agree with respect to such selection, no payments will be made to any producer on the farm for either year.

(e) For applications filed during the subsequent or final sign-up periods, if a farm was operated in 1990, 1991, or 1992 by an operator who was not the same operator on the farm all years 1990, 1991, and 1992, CCC will accept an application in accordance with paragraphs (b)(2) and (b)(3) of this section from all operators, but all operators must agree in writing by February 12, 1993, as to the year for which payment will be provided. If the operators cannot agree with respect to such selection, no payments shall be made to any producer on the farm for any year.

(f) An operator who was approved to receive disaster benefits during the initial sign-up period and who only operated the farm for the year benefits were received, shall not be required to agree to the year for which payments shall be provided under paragraphs (b)(2) and (b)(3) of this section.

6. Section 1477.8 is revised to read as follows:

§ 1477.8 Availability of funds.

In the event the total amount of claims submitted under this part or part 1478 of this chapter during the initial sign-up period, the subsequent sign-up period, or final sign-up period respectively, exceeds the applicable funds available for such period such payments shall be reduced by a uniform national percentage. Such payment reductions shall be applied after the imposition of applicable payment limitation provisions.

7. Section 1477.9 is amended by revising paragraph (a)(1) to read as follows:

§ 1477.9 Report of acreage, production disposition, and indemnity payments.

(a)(1) Eligible producers shall report, in accordance with instructions issued by the Deputy Administrator, the acreage, production, and disposition of all commodities produced in an applicable year on an acreage for which an application for a disaster payment is filed. Such production reports submitted with respect to the initial sign-up period must be submitted by March 27, 1992; with respect to the subsequent sign-up period must be submitted by February 26, 1993; and with respect to the final sign-up period

must be submitted by February 26, 1993.

* * * * *

8. Section 1477.10 is amended by revising paragraphs (d)(2) and (e) to read as follows:

§ 1477.10 Payment limitations.

* * * * *

(d)(1) * * *

(2) Persons filing an application during the initial sign-up period who are subject to the provisions of paragraph (d)(1) of this section must elect the provisions under which such payments or benefits shall be received by notifying the county ASCS office by March 13, 1992. Persons filing an application during the subsequent or final sign-up period who are subject to the provisions of paragraph (d)(1) of this section must elect the provisions under which such payments or benefits shall be received by notifying the county office by February 26, 1993.

(e) All disaster program applications submitted in accordance with this part shall be totaled at the end of the application period. In order to ensure that there is no duplication of benefits, deficiency payments made in accordance with part 1413 of this title and emergency livestock feed program benefits made in accordance with part 1475 of this title shall not be made with respect to any loss of production for which assistance is requested under this part. Accordingly, the quantity of the loss of production otherwise eligible for disaster assistance under this part on which a producer had previously obtained a deficiency payment or an emergency livestock feed program benefit shall be reduced. In order to make such a reduction, the deficiency payments and emergency livestock feed program benefits shall be adjusted by a national factor obtained by:

(1) Dividing the sum of the applicable fund available and such reduced payments by

(2) The total amount of claims submitted during each applicable sign-up period. If the total amount of funds is insufficient to result in payments to producers at the rate of .5004, the Secretary shall use such funds of the Commodity Credit Corporation as are necessary to make payments at such a rate.

* * * * *

9. Section 1477.12 is amended by revising paragraph (c) to read as follows:

§ 1477.12 Misrepresentation, scheme and device, and fraud.

* * * * *

(c) If the county committee determines that any producer has adopted or participated in any practice which tends to defeat the purpose of the program established in accordance with this part, the county committee request the refund of all or part of the payments which otherwise would be due the producer under this part.

PART 1478—TREE ASSISTANCE PROGRAM

10. The authority citation for 7 CFR part 1478 is revised to read as follows:

Authority: 15 U.S.C. 714b and 714c; Pub. L. 102–624 (7 U.S.C. 1421 note); Pub. L. 102–229, 105 Stat. 1701; and Pub. L. 102–368, 106 Stat. 117.

11. Section 1478.1 is amended by revising paragraph (a) to read as follows:

§ 1478.1 General statement.

(a) The regulations in this part set forth the terms and conditions of the Tree Assistance Program (TAP) authorized by title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (the 1990 Act). Within specified limits, the Commodity Credit Corporation (CCC) is authorized by the 1990 Act to:

(1) Reimburse eligible owners for part of the cost of replanting seedlings to offset losses by an eligible orchardist for trees that were planted in any year to produce annual crops for commercial purposes but were lost due to freeze, earthquake, or related condition in 1990, 1991, or 1992, or hurricane, typhoon, or related conditions in 1992; and

(2) Reimburse eligible owners for part of the cost of replanting seedlings which would have produced trees to be harvested for commercial purposes which were either planted in 1989 or 1990 and were lost due to drought, earthquake, or related condition in 1990 (1990 losses), or planted in 1990 or 1991 and were lost due to drought, earthquake, or related condition in 1991 (1991 losses), or planted in 1991 or 1992 and were lost due to drought, earthquake, or related condition in 1992 (1992 losses), or were lost due to hurricane, typhoon, or related condition in 1992. However:

(i) Such trees, seedlings or nursery inventory must be planted for commercial purposes and they may not be:

(A) Grasses or legumes grown in open field conditions; or

(B) Plants grown for shelterbelts and wildlife enhancement plantings; and

(ii) If the request for assistance is for:

(A) Trees planted to produce annual crops, the losses must be due to freeze, earthquake, hurricane, typhoon, or related condition;

(B) Seedlings planted to produce trees for harvest, the losses must be due to drought, earthquake, hurricane, typhoon, or related condition;

(C) Nursery inventory, the losses must be due to hurricane, typhoon, or related condition;

(D) Aquatic plants, the losses must be due to hurricane, typhoon, or related condition; and

(E) Trees which qualify as either nursery inventory or orchard trees, the owners must elect whether such trees shall be considered to be either, but not both, nursery inventory or orchard trees.

* * * * *

12. Section 1478.3 is amended in paragraph (b) by:

A. Revising the definitions of "Individual stand" and "Seedling",

B. Adding definition of "Nursery inventory", and

C. Revising the introductory text and adding paragraph (iii) in the definition of "Normal mortality" to read as follows:

§ 1478.3 Definitions.

* * * * *

(b) * * *

Individual stand means an area of eligible trees which are tended to by an eligible owner as a single operation, whether or not such trees or plants are planted in the same field or similar location, as determined by CCC. Differing species of trees or plants in the same field or similar area may be considered to be separate individual stands if CCC determines that the species have significantly differing levels of freeze, drought, earthquake, hurricane, or typhoon susceptibility.

* * * * *

Normal mortality means:

* * * * *

(iii) With respect to nursery inventory planted for commercial purposes, the average extent of plant death on the individual stand which normally would have occurred with respect to eligible nursery inventory during the 12 months previous to the loss with respect to which assistance is requested under this part without regard to any detrimental conditions which do not regularly affect nursery inventory survival rates in the local area, as determined by the county committee in accordance with instructions issued by DASCO.

Nursery inventory means all nursery crops grown for transplant or sale including ornamentals and field grown plants, and excluding open field grown sod, grasses, legumes, and similar plants as determined by DASCO.

* * * * *

Seedling means a tree or plant which was planted in the ground for commercial purposes.

* * * * *

13. Section 1478.4 is revised to read as follows:

§ 1478.4 Program availability.

A request for assistance under this part made available during the initial sign-up period must be submitted to CCC at the county office in the county where the farm is located by March 13, 1992, (or such other date as established by CCC). A request for assistance under this part made available during the subsequent sign-up period must be by February 12, 1993. Eligible owners shall not receive assistance under this part with respect to losses of seedlings or nursery plants:

(a) That were planted under the Conservation Reserve Program;

(b) That were the subject of any cost-share assistance or other assistance under any other Federal program, unless approved in writing by DASCO; and

(c) As determined eligible for benefits under part 1477 of this chapter.

14. Section 1478.5 is revised to read as follows:

§ 1478.5 Qualifying loss.

(a) A person shall be eligible to receive assistance under this part with respect to losses due to drought, freeze, earthquake, or related condition in 1990, 1991, 1992; in addition, losses due to hurricane, typhoon, or related condition in 1992, only if such owner is an eligible owner, as defined in this part and has sustained a qualifying loss or eligible trees, tree seedlings or nursery inventory as determined by CCC. The only type of losses which may be considered qualifying are the following:

(1) A loss by an eligible owner who is an orchardist who is the owner of eligible trees planted in any year for commercial purposes which are lost as a result of a freeze, earthquake, or related condition in 1990, 1991, or freeze, earthquake, hurricane, typhoon, or related condition in 1992 as determined by the county committee in accordance with instructions of DASCO;

(2) A loss by an eligible tree farmer who grows trees for harvest for commercial purposes and is the owner of eligible tree seedlings which were either planted in 1989 or 1990 and were lost due to drought, earthquake, or related condition in 1991, or planted in 1991 or 1992 and were lost due to drought, earthquake, or hurricane, typhoon, or related condition in 1992 as determined by the county committee in accordance with instructions of DASCO; or

(3) A loss by an eligible owner who grows nursery inventory for commercial purposes which is lost as a result of freeze, drought, earthquake, hurricane, typhoon, or related condition in 1992 as determined by the county committee in accordance with instructions of DASCO.

(b) Qualifying loss determinations shall be made on an individual stand basis. A qualifying loss shall be the loss for the individual stand of eligible tree seedlings, eligible trees, or eligible nursery inventory, as appropriate, after taking into account the normal mortality of such seedlings, trees or nursery inventory, as appropriate, on such stand, in excess of 35 percent mortality (adjusted for normal mortality). Qualifying losses shall not include losses which could have been prevented through readily-available horticultural measures.

(c) When visible evidence of losses no longer exists on the site where the trees were planted, acceptable evidence as determined in accordance with instructions issued by DASCO must be established for COC to qualify the individual stand for the program.

15. Section 1478.6 is revised to read as follows.

§ 1478.6 Eligible costs.

(a) Payments under this part shall be made by CCC and may be made only to the extent that payment is specifically provided for in this part. CCC shall, under this part, to the extent of the availability of funds, reimburse an eligible owner for 65 percent of the eligible costs of re-establishing seedlings, trees, or nursery plants, not in excess of the number of seedlings, trees, or nursery plants constituting the qualifying loss. Such reimbursement may be based on average costs or the actual costs for the replanting practices, as determined by CCC. If the costs are to replace lost trees, or nursery plants, the costs shall only be for replacement seedlings or plants of a size and quality determined by CCC to be sufficient for that purpose. The costs for which cost-sharing shall be permitted shall only be the costs which are the cost of the seedlings or nursery plants, tree or plant rehabilitation measures, site preparation measures that are both normal cultural practices for the type of individual stand being re-established and necessary to ensure successful plant survival, chemicals and nutrients if needed to ensure successful plant survival, labor used to physically plant or rehabilitate such seedlings as based on standard labor rates as determined by the county committee and nursery plant containers and tree wraps. Eligible costs specifically exclude items such as fencing, irrigation, irrigation equipment, measures to protect seedlings from wildlife, and general land and tree stand improvements, and re-establishing greenhouse structures and windscreens.

(b) Eligible costs shall not include costs incurred for replanting species of seedlings or nursery plants differing significantly from the species of the seedlings, trees, or nursery plants constituting the qualifying loss except as approved by CCC. If such substitution is approved, eligible costs shall be the lesser of:

(1) The actual eligible costs incurred; or

(2) The estimated eligible costs which otherwise would have been incurred.

(c) Eligible costs shall only include costs approved within the limits set by this part including, but not limited to, those limits set forth in paragraph (a) of this section. Eligible costs include costs incurred before an application for payment is submitted to CCC. Eligible costs shall only include those costs for which the eligible owner has submitted documentation determined by CCC to adequately document such costs.

(d) The amount of assistance which shall be paid by CCC, shall not exceed the lesser of 65 percent of the eligible costs actually incurred by an eligible applicant from replanting the qualifying loss, or 65 percent of the estimated average cost to replant or rehabilitate the qualifying loss, as established by CCC.

16. Section 1478.8 is amended by revising paragraphs (d) and (e) to read as follows:

§ 1478.8 Obligations of an eligible owner.

* * * * *

(d) Eligible owners are not required to implement replanting practices before payment is provided by CCC. Eligible owners who are paid before they implement their practices will be given 24 months after the end of the applicable sign-up period to complete their practices. In cases where delays beyond this practice expiration date occur, State committees may grant up to an additional 24 months. Further extensions may be provided by DASCO. Eligible owners who have been paid who choose not to implement their practices by the final practice expiration date are required to refund their payments with interest. Such refund amounts may be reduced by CCC, at CCC's discretion, when only part of the required replanting practice is not implemented.

(e) Eligible owners must allow representatives of CCC to visit the site for the purposes of quantifying mortality and certifying practice completion.

VOL 58 ISS 32 FE 19 1993 UMI

17. Section 1478.9 is revised to read as follows:

§ 1478.9 Payment limitations.

(a) The amount of payments which any person, as determined in accordance with part 1497 of this chapter, may receive under this part in connection with losses of trees planted to produce annual crops shall not exceed $25,000 for 1990 losses due to freeze, earthquake, and related condition; $25,000 for 1991 losses due to freeze, earthquake, and related condition; $25,000 for 1992 losses due to freeze, earthquake, and related condition, and $25,000 for 1992 losses due to hurricane, typhoon, and related condition, respectively.

(b) The amount of payments which any person, as determined in accordance with part 1497 of this chapter, may receive under this part in connection with losses of trees planted to produce trees for harvest shall not exceed $25,000 for 1990 losses due to drought, earthquake, and related conditions; $25,000 for 1991 losses due to drought, earthquake, and related condition, $25,000 for 1992 losses due to drought, earthquake, and related condition, and $25,000 for 1992 losses due to hurricane, typhoon, and related condition, respectively.

(c) The amount of payments which any person, as determined in accordance with part 1497 of this chapter, may receive under this part in connection with losses of nursery inventory shall not exceed $25,000 for 1992 losses due to hurricane, typhoon, and related condition.

Signed at Washington, DC, on February 12, 1993.

Bruce R. Weber,

Acting Executive Vice-President, Commodity Credit Corporation.

[FR Doc. 93–3853 Filed 2–16–93; 12:19 pm]

BILLING CODE 3410–05–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Regulations; Termination of Waiver of the Nonmanufacturer Rule

AGENCY: Small Business Administration.

ACTION: Notice to terminate the waiver of the Nonmanufacturer Rule for mainframe computers and certain associated peripheral equipment acquired on the same procurement.

SUMMARY: The Small Business Administration (SBA) is terminating its waiver of the Nonmanufacturer Rule for mainframe computers and certain associated peripheral equipment acquired on the same procurement. The SBA is terminating the waiver due to the potential difficulties in formulating a workable definition of the term mainframe computer. The SBA now believes that the confusion surrounding the term and varying marketing strategies used by computer manufacturers could result in an uneven application of the waiver and the possibility that small business manufacturers of computers may be harmed by the existence of the waiver.

DATES: May 20, 1993.

FOR FURTHER INFORMATION CONTACT: James Parker, Procurement Analyst, phone (703) 695–2435.

SUPPLEMENTARY INFORMATION: Public Law 100–656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set aside for small businesses or SBA 8(a) Program procurement must provide the product of a small business manufacturer or processor. The SBA regulations imposing this requirement are found at 13 CFR 121.906(b) and 121.1106(b). Section 303(h) of the law provides for a waiver of this requirement by the SBA for any "classes of products" for which there are no small business manufacturers or processors in the Federal market. Section 210 of Public Law 101–574 further amended the law to allow for waivers for classes of products for which there are no small business manufacturers or processors available to participate in the Federal procurement market.

The SBA published a notice of a decision to waive the Nonmanufacturer Rule for the class of products of mainframe computers under Product and Service Code (PSC) 7021 in the **Federal Register** on August 28, 1991, p. 42524–42526.

Our decision to terminate the waiver earlier issued on August 28, 1991, for mainframe computers as a class of products has been made after careful consideration of facts which have recently become apparent to the SBA. Since the waiver for mainframe computers was published, the SBA has been asked on a number of occasions for a definition of "mainframe computer" and for descriptions of the type of equipment covered by the waiver. The SBA has also been asked if the waiver covers mainframe-class or mainframe-like products, and items such as supercomputers and superminicomputers that are marketed as mainframe-equivalents or in the mainframe "family." Further, the SBA has been asked if additional peripheral equipment can be purchased "after the fact" for a mainframe computer where the waiver was originally applied.

In an effort to provide a consistent and clear response to requestors for this information, the SBA has reviewed existing definitions for the term "mainframe computer" found in such publications as the Encyclopedia of Computer Science and Engineering and the McGraw-Hill Encyclopedia of Science and Technology. The SBA also contacted individuals at other Federal agencies such as the National Institute of Standards and Technology, the Department of Commerce, and the General Services Administration for advice and assistance on this matter. While some references on computer terminology use words relating to computer architecture, amount of computing power, numbers of potential users, means of cooling, cost, type of application, etc., there seems to be no uniform or clear definition available.

The SBA also found a lack of agreement on how and whether the term "mainframe computer" could or should be defined. There appears to be a general consensus that the development of a uniform definition for mainframe computer which would be widely accepted as a useful, working definition within the Federal procurement market and the computer industry is not possible. There also seems to be a growing consensus that, given rapid changes in technology with respect to computer architecture, capabilities, physical configuration, types and terminology used in marketing computer equipment, the term "mainframe computer" is fast becoming anachronistic, if not obsolete. It has also been the SBA's experience that in many cases, Federal agencies have specified requirements for computer hardware which can be met by minicomputer and superminicomputers as well as traditional mainframe computers. Further, given the competitive nature of the computer industry, the SBA has found that some computer manufacturers use different terminology (super-minicomputer, mainframe-class, mainframe-equivalent, etc.) to market the same product depending on the nature of the procurement.

Without a specific definition, the existing waiver for mainframe computers will continue to cause confusion and ultimately work to the detriment of small business manufacturers. Yet, for the reasons indicated above, a specific definition would not be possible (without the agency simply being arbitrary), nor

particularly useful, given the changing nature of the computer industry.

Therefore, the waiver of the Nonmanufacturer Rule for mainframe computers and certain associated peripheral equipment acquired on the same procurement is terminated, effective ninety days from the date of this notice. Small business set-aside or SBA 8(a) contracts for mainframe computers may rely on the waiver where the solicitation is dated before the ninetieth day after the date of **Federal Register** publication of this termination.

Dated: January 22, 1993.

Robert J. Moffitt,

Associate Administrator for Procurement Assistance.

[FR Doc. 93–3645 Filed 2–18–93; 8:45 am]

BILLING CODE 8025–01–M

---

13 CFR Part 121

Small Business Size Standards; Termination of Waiver of the Nonmanufacturer Rule

AGENCY: Small Business Administration.

ACTION: Notice of the Termination of a Waiver of the Nonmanufacturer Rule for xerographic printing paper.

SUMMARY: The Small Business Administration (SBA) is terminating the waiver of the Nonmanufacturer Rule for xerographic printing paper. The decision to terminate this waiver of the Nonmanufacturer Rule is based on evidence provided to the SBA that there is a small business which manufactures xerographic printing paper and is available to provide it to the Federal Government. Terminating the waiver will require recipients of contracts set aside for small or 8(a) businesses to provide the products of small business manufacturers or processors.

DATES: May 20, 1993.

FOR FURTHER INFORMATION CONTACT: James Parker, Procurement Analyst, phone (703) 695–2435.

SUPPLEMENTARY INFORMATION: Public Law 100–656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set aside for small businesses or SBA 8(a) Program procurements must provide the products of small business manufacturers or processors. The SBA regulations imposing this requirement are found at 13 CFR 121.906(b) and 121.1106(b). Section 210 of Public Law 101–574 further amended the law to allow for waivers for classes of products for which there are no small business manufacturers or processors available to participate in the Federal procurement market.

SBA announced the waiver for xerographic printing paper in the **Federal Register** on April 22, 1992 (57 FR 14638). Xerographic printing paper is identified under Product and Service Code (PSC) 7530 and Standard Industrial Classification (SIC) Code 2621. Subsequently, through contacts with the General Services Administration (GSA) the SBA was made aware of contracts awarded to a small business that manufactures xerographic printing paper. Our knowledge of the existence of a small business manufacturer available to participate in the Federal procurement market requires us to terminate the waiver. Therefore, the waiver previously granted for xerographic paper under PSC 7530 and SIC 2621 is terminated, effective ninety days from the date of this notice. Small business set-aside or SBA 8(a) contracts for xerographic printing paper may rely on this waiver where the solicitation is dated before the ninetieth day after the date of **Federal Register** publication of this termination.

In addition, on July 24, 1992, SBA published a Notice of Intent to waive the Nonmanufacturer Rule for the class of products of printing paper (SIC Code 2621, PSC Code 7510). This class of products consists of, but is not restricted to index, mimeographic, duplicating and manifold paper. The same small business which manufactures xerographic paper also manufactures these products. The SBA will not, therefore, grant a waiver for printing paper.

Dated: January 29, 1993.

Robert J. Moffitt,

Associate Administrator for Procurement Assistance.

[FR Doc. 93–3646 Filed 2–18–93; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–NM–183–AD; Amendment 39–8495; AD 93–02–12]

Airworthiness Directives; Beech Model 400A Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Beech Model 400A airplanes, that requires an inspection of certain circuit breaker wiring, and correction of any discrepancies found. This amendment is prompted by a recent report that, apparently during production, one of two bus wires on a Model 400A airplane was inadvertently connected to the incorrect side of a circuit breaker, leaving the circuit unprotected by its circuit breaker; this situation could result in the overheating of the wiring. The actions specified by this AD are intended to prevent the loss of standby power and the possibility of an electrical fire.

DATES: Effective March 26, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 26, 1993

ADDRESSES: The service information referenced in this AD may be obtained from Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. C. Dale Bleakney, Aerospace Engineer, Systems and Equipment Branch, ACE–130W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4135; fax (316) 946–4407.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Beech Model 400A airplanes was published in the **Federal Register** on November 9, 1992 (57 FR 53299). That action proposed to require an inspection of certain circuit breaker wiring, and correction of any discrepancies found.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 15 Model 400A airplanes of the affected design in the worldwide fleet. The FAA estimates

VOL 58 ISS 32 FE 19 1993 UMI

that 15 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,650, or $110 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93-02-12. Beech Aircraft Corporation: Amendment 39-8495. Docket 92-NM-183-AD.

Applicability: Model 400A airplanes; serial numbers RK-2 through RK-29, inclusive, RK-31, and RK-32; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the loss of standby power and the possibility of an electrical fire, accomplish the following:

(a) Within 100 hours time-in-service after the effective date of this AD, inspect the left-hand interstage turbine temperature (LH ITT) circuit breaker wiring, in accordance with Beechcraft Service Bulletin No. 2458 (ATA Code 39-10), dated August 1992. Prior to further flight, correct any discrepancies found, in accordance with the service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Wichita Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The inspection shall be done in accordance with Beechcraft Service Bulletin No. 2458 (ATA Code 39-10), dated August 1992.

(**Note:** The issue date of Beechcraft Service Bulletin No. 2458 is indicated only on "page 1 of 5"; no other page is dated.) This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on March 26, 1993.

Issued in Renton, Washington, on February 2, 1993.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-3851 Filed 2-18-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 92-NM-188-AD; Amendment 39-8493; AD 93-02-10]

Airworthiness Directives; British Aerospace Model BH/DH/HS/BAe 125 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain British Aerospace Model BH/DH/HS/BAe 125 series airplanes, that currently requires repetitive inspections of certain battery supply cables to detect chafing and local damage, and replacement, if necessary. This amendment adds an optional modification of the wiring installation at Panel ZL, which, if accomplished, constitutes terminating action for the repetitive inspections. This amendment is prompted by the development of a modification that will reduce the possibility of battery wire chafing damage at Panel ZL. The actions specified by this AD are intended to prevent a circuit from overheating and resulting in a fire.

DATES: Effective March 26, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 26, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 87-12-08, Amendment 39-5652 (52 FR 23427, June 22, 1987), which is applicable to certain British Aerospace Model BH/DH/HS/BAe 125 series airplanes, was published in the Federal Register on November 12, 1992 (57 FR 53616). The action proposed to add an

optional modification of the wiring installation at Panel ZL, which, if accomplished, constitutes terminating action for the repetitive inspections.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 416 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $22,880, or $55 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–5652 (52 FR 23427, June 22, 1987), and by adding a new airworthiness directive (AD), amendment 39–8493, to read as follows:

93–02–10. British Aerospace: Amendment 39–8493. Docket 92–NM–188–AD. Supersedes AD 87–12–08, Amendment 39–5652.

Applicability: Model BH/DH/HS/BAe 125 series airplanes; as listed in British Aerospace Alert Service Bulletin S.B. 24–A261, Revision 1, dated August 17, 1987; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

Note: Paragraphs (a) and (b) of this AD restate the requirements of AD 87–12–08, Amendment 39–5652, paragraphs (a) and (b). As allowed by the phrase, "unless accomplished previously," if the requirements of AD 87–12–08 have been accomplished previously, paragraph (a) of this AD does not require that the initial inspection be repeated.

To prevent a circuit from overheating and a resultant fire, accomplish the following:

(a) Within 10 days after July 7, 1987 (the effective date of AD 87–12–08, Amendment 39–5652): Inspect the battery cables to detect chafing and local damage, in accordance with British Aerospace Telex Alert Service Bulletin S.B. 24–A261, dated March 6, 1987; or British Aerospace Alert Service Bulletin S.B. 24–A261, dated March 9, 1987, or Revision 1, dated August 17, 1987. If chafing or damage is found, prior to further flight, replace the affected cable, in accordance with the applicable service bulletin.

(b) Repeat the inspection required by paragraph (a) of this AD at intervals not to exceed one year, and, if chafing or damage is found, replace the affected cable prior to further flight.

(c) Modification of the wiring installation at Panel ZL (Modification No. 253204A or B), in accordance with British Aerospace Service Bulletin SB.24–261–3204A&B, Revision 1, dated March 24, 1988, constitutes terminating action for the repetitive inspections required by paragraph (b) of this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The modification shall be done in accordance with British Aerospace Service Bulletin SB.24–261–3204A&B, Revision 1, dated March 24, 1988. (**Note:** The issue date of this British Aerospace Service Bulletin SB.24–261–3204A&B is only indicated on "page 1 of 12"; no other page is dated.) This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on March 26, 1993.

Issued in Renton, Washington, on February 2, 1993.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–3849 Filed 2–18–93; 8:45 am]

BILLING CODE 4910–13–P

---

14 CFR Part 39

[Docket No. 92–NM–140–AD; Amendment 39–8494; AD 93–02–11]

Airworthiness Directives; British Aerospace Model HS 125–700A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all British Aerospace Model HS 125–700A series airplanes, that requires a one-time visual inspection of both upper wing skins for corrosion, and repair of corroded parts; and submission of an inspection report. This amendment is prompted by reports of corrosion on the left and right wing top skins under the boundary layer fence. The actions specified by this AD are intended to prevent reduced structural integrity of the wings.

DATES: Effective March 26, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 26, 1993.

VOL 58 ISS 32 FE 19 1993 UMI

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to all British Aerospace Model HS 125–700A series airplanes was published in the **Federal Register** on November 12, 1992 (57 FR 53615). That action proposed to require a one-time visual inspection of both upper wing skins for corrosion, and repair of corroded parts; and submission of an inspection report.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 176 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 workhours per airplane to accomplish the required actions, and that the average labor rate is $55 per workhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $19,360, or $110 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. app. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [AMENDED]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93–02–11. British Aerospace: Amendment 39–8494. Docket 92–NM–140–AD.

Applicability: All Model HS 125–700A series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the wings, accomplish the following:

(a) Within 6 months after the effective date of this AD, visually inspect left and right wing upper skins for corrosion beneath the boundary layer fence, in accordance with British Aerospace Service Bulletin S.B. 57–73, Revision 1, dated May 29, 1992.

(1) If any corroded parts are found in which the corrosion is within the limits described in British Aerospace Service Bulletin S.B. 57–73, Revision 1, dated May 29, 1992, prior to further flight, repair in accordance with that service bulletin.

(2) If any corroded parts are found in which the corrosion exceeds the limits described in British Aerospace Service Bulletin S.B. 57–73, Revision 1, dated May 29, 1992, prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(b) Within 10 days after accomplishing the inspection required by paragraph (a) of this AD, submit a report of inspection findings to British Aerospace, in accordance with Appendix A of British Aerospace Service Bulletin S.B. 57–73, Revision 1, dated May 29, 1992. Report all findings, including nil defects, to: Service Support Manager, BAe 125, Corporate Jets Limited (H121), Customer Support Department, Comet Way, Hatfield, Hertfordshire, AL10 9TL, England; fax 0707 253959 or 252367; telex 21429 (BAA HPS-G). Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The inspection, repair, and report submission shall be done in accordance with British Aerospace Service Bulletin S.B. 57–73, Revision 1, dated May 29, 1992, which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1–2	1	May 29, 1992.
3–5, A1, A2, A3	Original	July 30, 1991.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on March 26, 1993.

Issued in Renton, Washington, on February 2, 1993.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–3869 Filed 2–18–93; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 92–NM–121–AD; Amendment 39–8492; AD 93–02–09]

Airworthiness Directives; SAAB–SCANIA Models SAAB SF340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain SAAB–SCANIA Models SAAB SF340A and SAAB 340B series airplanes, that requires relocation of the sensor loops of the bleed air leak detection system. This amendment is prompted by reports of bleed air leak detection systems failing to indicate leaks in the bleed air duct. The actions specified by this AD are intended to prevent damage/disbonding of the fuselage skin due to overheat, and subsequent reduced structural capability.

DATES: Effective March 26, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 26, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from SAAB–SCANIA AB, SAAB Aircraft Product Support, S–581 88, Linköping, Sweden. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2145; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain SAAB–SCANIA Models SAAB SF340A and SAAB 340B series airplanes was published in the **Federal Register** on November 20, 1992 (57 FR 54731). That action proposed to require relocation of the sensor loops of the bleed air leak detection system.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 180 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $39,600, or $220 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93–02–09. SAAB-SCANIA: Amendment 39–8492. Docket 92–NM–121–AD.

Applicability: Model SAAB SF340A series airplanes, serial numbers 004 through 159, inclusive; and Model SAAB 340B series airplanes, serial numbers 160 through 339, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent damage/disbonding of the fuselage skin due to overheat, and subsequent reduced structural capability, accomplish the following:

(a) Within 3 months after the effective date of this AD, relocate the sensor loops of the bleed air leak detection system, in accordance with SAAB-SCANIA Service Bulletin SAAB 340–36–006, dated August 6, 1992.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The relocation shall be done in accordance with SAAB-SCANIA Service Bulletin SAAB 340–36–006, dated August 6, 1992. This incorporation by reference was approved by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from SAAB-SCANIA AB, SAAB Aircraft Product Support, S–581 88, Linköping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the **Federal Register**, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on March 26, 1993.

Issued in Renton, Washington, on February 1, 1993.

James V. Devany,

Acting Manager, Transport Airplane Directorate Aircraft Certification Service.

[FR Doc. 93–3850 Filed 2–18–93; 8:45 am]

BILLING CODE 4910–13–P

Coast Guard

33 CFR Part 100

[CGD 05–93–07]

Special Local Regulations for Marine Events; 14th Annual Safety-at-Sea Seminar, Severn River, Annapolis, MD

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of 33 CFR 100.511.

SUMMARY: This notice implements 33 CFR 100.511 for the 14th Annual Safety-at-Sea Seminar, an annual event to be held April 3, 1993, and April 4, 1993 on the Severn River, at Annapolis Maryland. These special local regulations are necessary to control vessel traffic within the immediate vicinity of the U.S. Naval Academy during the Pyrotechnic Display, Helicopter Rescue Demonstration, and Sail Training Craft Maneuver Demonstration. The effect will be to restrict general navigation in this area for the safety of the spectators and the participants in these events.

EFFECTIVE DATE: The regulations in 33 CFR 100.511 are effective for the following periods:

11 a.m. to 2:30 p.m., April 3, 1993.
11 a.m. to 2:30 p.m., April 4, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Phillips, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004 (804) 398–6204, or Commander, Coast Guard Group Baltimore (410) 576–2516.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are QM1 Kevin R. Connors, project officer, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and LT John B Gately, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Regulation

The U.S. Naval Academy, Annapolis, Maryland, submitted an application to hold the 14th Annual Safety-at-Sea Seminar on April 3, 1993 and April 4, 1993 in the Severn River just off the Robert Crown Sailing Center, U.S. Naval Academy, Annapolis, Maryland. The event includes demonstrations of life rafts, pyrotechnics, use of anti-exposure suits, man overboard procedures, and a helicopter rescue. Since this event is of the type contemplated by these regulations, the safety of the participants will be enhanced by the implementation of the special local regulations. Commercial traffic should not be severely disrupted.

Dated: February 8, 1993.

W.T. Leland,

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 93–3907 Filed 2–18–93; 8:45 am]

BILLING CODE 4910–14–M

---

33 CFR Part 100

[CGD 05–93–06]

Special Local Regulations for Marine Events; Crawford Bay Crew Classic, Southern Branch, Elizabeth River, Portsmouth, VA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special Local Regulations are being adopted for the Crawford Bay Crew Classic, an annual event to be held on the Southern Branch of the Elizabeth River at Portsmouth, Virginia. These special local regulations are necessary to control vessel traffic in the immediate vicinity of this event. The effect will be to restrict general navigation in the regulated area for the safety of spectators and participants.

EFFECTIVE DATE: This regulation will be effective from 12 noon to 7 p.m. on the third Friday of March and from 6 a.m. to 6 p.m. on the third Saturday of March, unless otherwise specified in the Coast Guard Local Notice to Mariners and a **Federal Register** Notice.

FOR FURTHER INFORMATION CONTACT: Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, (804) 398–6204.

SUPPLEMENTARY INFORMATION: The Coast Guard published a notice of proposed rulemaking concerning this regulation in the **Federal Register** on November 25, 1992 (57 FR 55492). Interested persons were requested to submit comments and none were received.

Drafting Information

The drafters of this notice are QM1 Kevin R. Connors, project officer, Boating Affairs Branch, Fifth Coast Guard District, and LT John B. Gately, project attorney, Fifth Coast Guard District Legal Staff.

Background and Purpose

The Crawford Bay Crew Classic, sponsored by Ports Events Inc., is an annual rowing regatta that attracts collegiate rowing teams nationwide. As part of the application, Ports Events Inc. requested that the Coast Guard provide control of spectator and commercial traffic within the regulated area.

Discussion of Regulations

This regulation will regulate the area surrounding the Crawford Bay Crew Classic on the Southern Branch of the Elizabeth River. Crew racing shells will be racing in heats starting in the vicinity of the Mobil Oil Docks and will finish in the vicinity of Portside, Portsmouth. This regulation is necessary to control spectator craft and to provide for the safety of life and property on navigable waters during the event. Marine traffic will be allowed to transit the regulated area between races. Since the main shipping channel will not be closed for extended periods of time, commercial traffic should not be severely disrupted.

Regulatory Evaluation

This regulation is not considered major under Executive Order 12291 and not significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This regulation will only be in effect for several hours each day of the event, and the impacts on routine navigation are expected to be minimal, since traffic will be allowed to pass between heats.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small Entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Since the impact of this regulation on non-participating small entities is expected to be minimal, the Coast Guard will certify, under 5 U.S.C. 604(b), that this regulation will not have a significant economic impact on a substantial number of small entities.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that

this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

This regulation has been thoroughly reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and been placed in the rulemaking docket, and is available for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Proposed Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A new § 100.523 is added to read as follows:

§ 100.523 Southern Branch, Elizabeth River, Portsmouth, Virginia.

(a) *Definitions*—(1) *Regulated area.* The waters of the Southern Branch, Elizabeth River from shoreline to shoreline bounded to the south by a line drawn from latitude 36°49′11.0″ North, longitude 76°17′33.0″ West to latitude 36°49′11.0″ North, longitude 76°17′22.0″ West and bounded to the north by a line drawn from latitude 36°50′17.5″ North, longitude 76°17′45.0″ West to latitude 36°50′17.5″ North, longitude 76°17′30.0″ West

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Hampton Roads.

(b) *Special Local Regulations.* (1) Except for participants in the Crawford Bay Crew Classic and vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area without the permission of the Patrol Commander.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately when directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard ensign.

(3) The Coast Guard Patrol Commander may allow vessels to transit the regulated area whenever a race heat is not being run.

(4) Vessel operators are advised to remain clear of the advisory area during the effective periods of this regulation.

(c) *Effective periods.* This regulation will be effective from 12 noon to 7 p.m. on the third Friday of March and from 6 a.m. to 6 p.m. on the third Saturday of March, unless otherwise specified in the Coast Guard Local Notice to Mariners and a **Federal Register** notice.

Dated: February 8, 1993.

W. T. Leland,

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 93–3906 Filed 2–18–93; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

34 CFR Part 682

RIN 1840–AA96

Federal Family Education Loan Programs

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends regulations on Federal Family Education Loan Programs to add Office of Management and Budget (OMB) control numbers to certain sections of the regulations. Those sections contain information collection requirements approved by OMB. The Secretary takes this action to inform the public that these requirements have been approved.

EFFECTIVE DATE: These regulations are effective on February 19, 1993.

FOR FURTHER INFORMATION CONTACT: Patricia Beavan or Pamela Moran, Loans Branch, Division of Policy Development, Policy, Training, and Analysis Service, U.S. Department of Education, 400 Maryland Avenue, SW. (room 4310, ROB–3), Washington, DC 20202. Telephone Number (202) 708–8242. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 in (Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m. eastern time.

SUPPLEMENTARY INFORMATION: On December 18, 1992, final regulations for the Federal Family Education Loan Programs were published in the **Federal Register** at 57 FR 60280. The effective date of certain sections of these regulations was delayed until information collection requirements contained in those sections were approved by OMB under the Paperwork Reduction Act of 1980, as amended. OMB has approved the information collection requirements, and those sections of the regulations are now effective.

Waiver of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the publication of OMB control numbers is purely technical and does not establish substantive policy. Therefore, the Secretary has determined under 5 U.S.C. 553(b)(B), that proposed rulemaking is unnecessary and contrary to the public interest and that a delayed effective date is not required under 5 U.S.C. 553(d)(3).

List of Subjects in 34 CFR Part 682

Administrative practice and procedure, Colleges and universities, Education, Loan programs-education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Dated: February 9, 1993.

Richard W. Riley,

Secretary of Education.

The Secretary amends part 682 of title 34 of the Code of Federal Regulations as follows:

PART 682—FEDERAL FAMILY EDUCATION LOAN PROGRAMS

1. The authority citation for part 682 continues to read as follows:

Authority: 20 U.S.C. 1071 to 1087–2, unless otherwise noted.

2. The OMB control number for §§ 682.205, 682.208, 682.411, 682.507, 682.511, 682.604, 682.606, and 682.610 continues to read as follows:

"(Approved by the Office of Management and Budget under control number 1840–0538)".

§§ 682.206, 682.209, 682.214, 682.305, 682.404, 682.406, 682.410, 682.605, 682.711, 682.712, 682.713, 682.802, Appendix B [Amended].

3. Sections 682.206, 682.209, 682.214, 682.305, 682.404, 682.406, 682.410, 682.605, 682.711, 682.712, 682.713, 682.802, and 682 Appendix B are amended by adding the OMB control number at the end of these sections to read as follows:

"(Approved by the Office of Management and Budget under control number 1840–0538)"

§§ 682.210, 682.211, 682.301, 682.401, 682.402, 682.407, 682.409, 682.412, 682.414, 682.508, 682.515, 682.601, 682.602, 682.603, 682.803 [Amended]

4. Sections 682.210, 682.211, 682.301, 682.401, 682.402, 682.407, 682.409, 682.412, 682.414, 682.508, 682.515, 682.601, 682.602, 682.603, and 682.803 are amended by revising the OMB control number following these sections to read as follows:

"(Approved by the Office of Management and Budget under control number 1840–0538)"

[FR Doc. 93–3843 Filed 2–18–93; 8:45 am]

BILLING CODE 4000–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–4558–1]

Georgia; Final Authorization of State's Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule; correction.

SUMMARY: This action corrects the list of authorities previously published in the **Federal Register** dated July 24, 1990, (55 FR 30000) for final authority. Approval of Georgia's program revision for requirements promulgated between July 1, 1985 and June 30, 1989 became effective on September 24, 1990; however, two rule corrections were inadvertently omitted from the July 24, 1990, **Federal Register** document.

DATES: Final authorization for Georgia shall be effective retroactively to September 24, 1990, unless EPA publishes a **Federal Register** action withdrawing this immediate final rule. All comments on this correction must be received by close of business by March 8, 1993.

ADDRESSES: Comments should be directed to Leonard W. Nowak at the address listed below.

FOR FURTHER INFORMATION CONTACT: Leonard W. Nowak, Acting Chief Waste Planning Section, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365; (404) 347–2234.

SUPPLEMENTARY INFORMATION: These provisions were made publicly available for review during the public comment period in the original application and are still available at Georgia Environmental Protection Division and Environmental Protection Agency, Region IV listed in the address section of the July 24, 1990, **Federal Register** Notice. Public comments on the two omitted provisions will be received until the close of business March 8, 1993. If there are no adverse public comments, final authority for Georgia for these provisions will be effective retroactively to September 24, 1990.

In the immediate final rule published on July 24, 1990, at 55 FR 3000, insert the following entries in the table which begins on Page 330001.

Provision	FR reference	FR date	State authority
Listings of spent pickle liquor	51 FR 33612	9/22/86	391–3–11–.07
Standards for hazardous waste storage and treatment tank systems; correction	51 FR 29430	8/15/86	391–3–11–.10

Dated: January 12, 1993.

J. Barker,

Regional Administrator.

[FR Doc. 93–3790 Filed 2–18–93; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 435, 436, and 440

[MB–001–N]

RIN 0938–AA58

Medicaid Program; Eligibility and Coverage Requirements

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of delay of effective dates and compliance dates.

SUMMARY: This notice delays by 6 months the effective dates and compliance dates of the final rule with comment period on Medicaid Eligibility and Coverage Requirements published January 19, 1993 in the **Federal Register** (58 FR 4908).

DATES: Effective February 18, 1993, the Effective and Compliance Dates are delayed as follows:

Effective Dates: These regulations are effective on August 18, 1993, except for §§ 435.604, 435.606, 436.604, and 436.606, which are effective October 19, 1993.

Compliance Dates: We will not hold a State out of compliance with the requirements of this final rule if the State submits preprinted plan amendments and required attachments by October 19, 1993, for all provisions other than §§ 435.604, 435.606, 436.604, and 436.606. States must comply with §§ 435.604, 435.606, 436.604, and 436.606, and submit preprinted plan amendments and required attachments for these sections, by the latest of: (1) January 19, 1994; (2) the first day of the next fiscal year in which appropriations apply following July 19, 1993 if State legislation is needed to appropriate funds to implement the provisions of these sections; or (3) the first day of the calendar quarter following the end of the next session of the State legislature that convenes after July 19, 1993 if the State needs authorizing legislation to implement the provisions of these sections.

FOR FURTHER INFORMATION CONTACT: Marinos Svolos, (410) 966–4451.

SUPPLEMENTARY INFORMATION: On January 19, 1993, we published in the **Federal Register** a final rule with comment period that amends the requirements for coverage of certain groups of individuals under Medicaid and the requirements for determining Medicaid eligibility. Because the new administration wants to fully review the policies in these regulations, we are delaying the effective dates and compliance dates for 6 months.

These regulations incorporate into the Medicaid regulations substantive changes made in the composition of eligibility groups of individuals and in the criteria used to determine their financial eligibility under Medicaid. The substantive changes were initially made by the Omnibus Budget Reconciliation Act of 1981 (OBRA '81), Public Law 97–35 and the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), Public Law 97–248 and further amended by the Deficit Reduction Act of 1984 (DRA), Public Law 98–369; the Consolidated Omnibus

Budget Reconciliation Act of 1985 (COBRA), Public Law 99–272; the Omnibus Budget Reconciliation Act of 1986 (OBRA '86), Public Law 99–509; the Medicare and Medicaid Patient and Program Protection Act of 1987, Public Law 100–93; the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), Public Law 100–203; the Medicare Catastrophic Coverage Act of 1988 (MCCA), Public Law 100–360; the Family Support Act of 1988, Public Law 100–485; the Omnibus Budget Reconciliation Act of 1989 (OBRA '89), Public Law 101–239; and the Omnibus Budget Reconciliation Act of 1990 (OBRA '90), Public Law 101–508. In addition, the document contains changes made as a result of administrative decisions to improve program administration and efficiency.

(Catalog of Federal Domestic Assistance Program No. 93.778—Medical Assistance Program)

Dated: February 17, 1993.

William Toby,

Acting Deputy Administrator, Health Care Financing Administration.

Approved: February 17, 1993.

Donna E. Shalala,

Secretary.

[FR Doc. 93–4092 Filed 2–17–93; 5:10 pm]

BILLING CODE 4120–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7564]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The dates listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 457, Lanham, MD 20706, (800) 638–7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, 500 C Street, SW., room 417, Washington, DC 20472, (202) 646–2717.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

Regulatory Impact Analysis

This rule is not a major rule under Executive Order 11291, Federal Regulation, February 17, 1981, 3 CFR, 1981 Comp., p. 127. No regulatory impact analysis has been prepared.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date of authorization/cancellation of sale of flood insurance in community	Current effective map date
New Eligibles—Emergency Program			
Texas: Ross, city of McLennan County	481317	Jan. 6, 1993	May 30, 1978.
Massachusetts: Washington, town of Berkshire County	250044	....do	Oct. 6, 1978.

State and location	Community No.	Effective date of authorization/cancellation of sale of flood insurance in community	Current effective map date
New Eligibles—Regular Program			
Florida:			
Dade County, unincorporated areas	120635	Aug. 14, 1970, Emerg.; Sept. 29, 1972, Reg	Jan. 20, 1993.
Bal Harbour, city of Dade County	120636	do	Do.
Bay Harbor, town of Dade County	120637	do	Do.
Biscayne Park, village of Dade County	120638	do	Do.
Coral Gables, city of Dade County	120639	do	Do.
El Portal, village of Dade County	120640	do	Do.
Florida City, city of Dade County	120641	do	Do.
Golden Beach, town of Dade County	120642	do	Do.
Hialeah, city of Dade County	120643	do	Do.
Hialeah Gardens, city of Dade County	120644	do	Do.
Homestead, city of Dade County	120645	do	Do.
Indian Creek, village of Dade County	120646	do	Do.
Islandia, city of Dade County	120647	do	Do.
Key Biscayne, city of Dade County	120648	do	Do.
Medley, town of Dade County	120649	do	Do.
Miami, city of Dade County	120650	do	Do.
Miami Beach, city of Dade County	120651	do	Do.
Miami Shores, village of Dade County	120652	do	Do.
Miami Springs, city of Dade County	120653	do	Do.
North Bay Village, city of Dade County	120654	do	Do.
North Miami, city of Dade County	120655	do	Do.
North Miami Beach, city of Dade County	120656	do	Do.
Opa-Locka, city of Dade County	120657	do	Do.
South Miami, city of Dade County	120658	do	Do.
Surfside, town of Dade County	120659	do	Do.
Sweetwater, city of Dade County	120660	do	NSFHAs.[2]
Virginia Gardens, village of Dade County	120661	do	Jan. 20, 1993.
West Miami, city of Dade County	120662	do	NSFHAs.[2]
Reinstatements—Regular Program			
New York:			
Brownville, village of Jefferson County	361576	Nov. 21, 1975, Emerg.; Mar. 18, 1986, Reg.; Nov. 4, 1992, Susp.; Jan. 6, 1993, Rein.	Mar. 18, 1986.
Fairfield, town of Herkimer County	360302	Sept. 1, 1976, Emerg.; July 30, 1982, Reg.; Nov. 4, 1992, Susp.; Jan. 6, 1993, Rein.	Oct. 18, 1988.
Genoa, town of Cayuga County	360111	Feb. 1, 1977, Emerg.; Nov. 4, 1983, Reg.; Nov. 4, 1992, Susp.; Jan. 6, 1993; Rein.	Nov. 4, 1983.
Morrisville, village of Madison County	360406	Nov. 26, 1976, Emerg.; Apr. 15, 1982, Reg.; Nov. 4, 1992, Susp.; Jan. 6, 1993, Rein.	Apr. 15, 1982.
North Hudson, town of Essex County	361391	July 30, 1976, Emerg.; May 15, 1985, Reg.; Nov. 4, 1992, Susp.; Jan. 6, 1993, Rein.	May 15, 1985.
Wolcott, town of Allegany County	360901	June 8, 1976, Emerg.; July 23, 1982, Reg.; Nov. 4, 1992, Susp.; Jan. 19, 1993, Rein.	June 2, 1992.
Walcott, town of Allegany County	360291	Dec. 11, 1979, Emerg.; Nov. 4, 1983, Reg.; Nov. 4, 1992, Susp.; Jan. 28, 1993, Rein.	Nov. 4, 1983.
West Virginia: Marmet, city of Kanawha County	540079	June 12, 1975, Emerg.; Apr. 15, 1985, Reg.; Nov. 18, 1992, Susp.; Jan. 28, 1993, Rein.	Apr. 3, 1985.
Region II			
New Jersey: Stow Creek, township of Cumberland County	340174	Jan. 20, 1993, Suspension withdrawn	Jan. 20, 1993.
New York: Busti, town of Chautauqua County	361106	do	Do.
Region III			
West Virginia: Ranson, city of Jefferson County	540068	do	Do.
Florida:			
Bay Harbor Islands, town of Dade County	120637	do	Do.
Florida City, city of Dade County	120641	do	Do.
Hialeah Gardens, city of Dade County	120644	do	Do.
Homestead, city of Dade County	120645	do	Do.
Indian Creek, village of Dade County	120646	do	Do.
Islandia, city of Dade County	120647	do	Do.
Key Biscayne, city of Dade County	120648	do	Do.
Medley, town of Dade County	120649	do	Do.
North Bay Village, city of Dade County	120654	do	Do.
Opa-Locka, city of Dade County	120657	do	Do.
Surfside, town of Dade County	120659	do	Do.
Sweetwater, city of Dade County	120660	do	NSFHAs.[2]
West Miami, city of Dade County	120662	do	NSFHAs.[2]

[1] Effective January 20, 1993, Metropolitan Dade County under CID No. *125098* is no longer a participating community in the NFIP.
Effective January 20, 1993, Dade County (for its unincorporated areas only) and the 27 municipalities formerly included under Metropolitan Dade County are now participating as separate communities with new CID numbers. All 28 communities have submitted applications and adopted compliant floodplain management measures that meet the specified requirements under 60.3 of the NFIP regulations. A countywide map for Dade County and 25 municipalities has been issued effective January 20, 1993. Two of the municipalities have no special flood hazard areas.
[2] No Special Flood Hazard Areas (NSFHAs).
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension, Rein.—Reinstatement.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: February 11, 1993.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 93-3904 Filed 2-18-93; 8:45 am]

BILLING CODE 6718-21-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 13

[FO Docket No. 92-206; FCC 93-33]

Privatization of the Administration of Examinations for Commercial Operator Licenses and Clarification of Certain Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends title 47 of the Code of Federal Regulations to privatize commercial license examinations and establishes rules for implementing the new system. It also clarifies and updates the rules as proposed. This action is necessary to establish a private sector operator examination system that meets the need of applicants for more frequent examination opportunities at convenient locations, the need of industry for examinations that reflect state of the art technology and modern operating conditions, and the need of the Commission to reduce the resources it must expend on commercial operator licensing. The intended effect of this action is to promote excellence and efficiency in the licensing of commercial radio operators, to increase the availability and effectiveness of examinations, and to reduce government expenses.

EFFECTIVE DATE: March 29, 1993.

FOR FURTHER INFORMATION CONTACT: William T. Cross, Federal Communications Commission, Private Radio Bureau, Personal Radio Branch, Washington, DC 20554, (202) 632-4964.

SUPPLEMENTARY INFORMATION: 1. In 1986, we released a Notice of Inquiry seeking comment on whether privatizing commercial radio operator license examinations would serve the public interest. 51 FR 36415, September 24, 1986. As a result of that proceeding, we sought and received statutory authority to delegate preparation and administration of operator examinations to one or more private entities. Subsequently, we adopted a Notice proposing to amend the Commercial Radio Operator Rules, 47 CFR part 13, to privatize the six Commission-issued certificates, licenses, permits, or endorsements (licenses) that require an applicant to pass an examination. 57 FR 41718, September 11, 1992. In the Notice we noted the continuing demand for commercial operator licenses and the problems associated with the current testing system, including limited opportunities to take the tests and out-of-date examination questions. We also stated our belief that these problems will continue in the foreseeable future due to ongoing Commission resource constraints. To resolve these problems, we proposed turning the commercial operator examination function over to the private sector.

2. In response to the Notice, we received 22 comments and 11 reply comments. The comments uniformly support our proposal to privatize commercial radio operator examinations. They differ widely, however, in the details of how this should be accomplished. All of the commenters agree with our analysis of the problems and contend that the private sector can offer more up-to-date tests and more frequent examinations in many more diverse and accessible locations than the Commission. We agree. Accordingly, we are amending our rules to privatize commercial radio operator examinations.

3. The Commission's Report and Order, adopted January 14, 1993, and released February 12, 1993, is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 239) 1919 M Street, NW., Washington, DC. The complete text of this decision, including the rule amendments, may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Summary of Report and Order

1. This action amends the rules for commercial radio operator examinations. The rule changes are set forth at the end of this document.

2. The following collection of information contained in the rules has been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act of 1980. Copies of the submission may be purchased from the Commission's copy contractor, International Transcription Service, Inc. (address and telephone number are given above). Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814. A copy of comments made should also be sent to the Federal Communications Commission, Office of Managing Director, Washington, DC 20554. For further information contact Judy Boley, Federal Communications Commission, (202) 632-7513.

OMB Number: none.
Title: 13.217 Records—FO Docket No. 92-206.
Action: New collection.
Respondents: Businesses.
Estimated Annual Burden: 15 recordkeepers × 1 hour per response for a total of 15 burden hours.
Needs and Uses: Rule needed to assure that expenses and revenues collected by examination managers are necessary and prudent. We do not expect examination managers to collect this information until October 1, 1993.

3. Pursuant to the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), 5 U.S.C. 604, our final analysis is as follows:

Need and purpose of this Action. This rule making proceeding was needed to obtain comments regarding our proposal to privatize examinations for licenses specified under part 13 of the Commission's Rules. The purpose of this action is to promote excellence and efficiency in the licensing of commercial radio operators by increasing the availability, relevance, and validity of commercial radio operator examinations and reducing government expenses.

Summary of issues raised by the public comments in response to the Initial Regulatory Flexibility Analysis. The commenters agree that the potential impact of these rule changes is to improve the efficiency in licensing commercial radio operators, thereby making it easier for small entities to hire licensed commercial radio operators. The commenters also recognize that the rule changes adopted in this proceeding may affect entities that voluntarily apply to become commercial radio operator license examination managers and entities that are engaged in training individuals to pass commercial radio operator examinations.

Significant alternatives considered and rejected. Alternatives include the Commission continuing to give examinations or contracting with another entity or entities to perform examination functions. The proposed alternative is adopted to minimize the impact on small entities.

4. This Report and Order and rule amendments are issued under the

VOL 58 ISS 32 FE 19 1993 UMI

authority of sections 4(f)(5), 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(f)(5), 154(i) and 303(r).

5. A copy of this Memorandum Opinion and Order will be forwarded to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 0

Organization and functions (Government agencies).

47 CFR Part 13

Commercial radio operator examinations, Privatization of license examinations, Radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

Parts 0 and 13 of chapter I of title 47 of the Code of Federal Regulations are amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.)

2. Section 0.131 is amended by adding new paragraphs (h) and (i) to read as follows:

§ 0.131 Functions of the Bureau.

* * * * *

(h) Establishes the number of examination managers necessary to manage commercial operator license examinations under part 13 of the rules; executes in the name of the Commission agreements pertaining to certification and employment of services of entities found qualified to prepare and administer commercial operator license examinations under part 13 of the rules; considers requests for review of certified manager's decisions; engages in oversight of manager actions and practices; and decertifies entities that do not perform satisfactorily.

(i) Revises the common question pool, the required Elements and topics, and the number of questions in each Element for commercial radio operator license examinations, as appropriate.

3. Section 0.485 is revised to read as follows:

§ 0.485 Commercial radio operator examinations.

Generally, written and telegraphy examinations for commercial radio operator licenses shall be conducted at locations and times specified by commercial operator license examination managers. (See § 13.209 of this Chapter). When the FCC conducts these examinations, they shall take place at locations and times specified by the FCC.

1. Part 13 is revised to read as follows:

PART 13—COMMERCIAL RADIO OPERATORS

General

13.1 Basis and purpose.
13.3 Definitions.
13.5 Licensed commercial radio operators required.
13.7 Classification of operator licenses and endorsements.
13.9 Eligibility and application for new license or endorsement.
13.11 Holding more than one commercial radio operator license.
13.13 Application for renewed or modified license.
13.15 License term.
13.17 Replacement license.
13.19 Operator's responsibility.

Examination System

13.201 Qualifying for a commercial operator license or endorsement.
13.203 Examination elements.
13.205 Examination credit for licenses held.
13.207 Preparing an examination.
13.209 Examination procedures.
13.211 Commercial radio operator license examination.
13.213 COLEM qualifications.
13.215 Question pools.
13.217 Records.

Authority: Secs. 4, 303, 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154, 303.

§ 13.1 Basis and purpose.

(a) *Basis.* The basis for the rules contained in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party.

(b) *Purpose.* The purpose of the rules in this part is to prescribe the manner and conditions under which commercial radio operators are licensed by the Commission.

§ 13.3 Definitions.

The definitions of terms used in part 13 are:

(a) *COLEM.* Commercial operator license examination manager.

(b) *Commercial radio operator.* A person holding a license or licenses specified in § 13.7(b).

(c) *GMDSS.* Global Maritime Distress and Safety System.

(d) *FCC.* Federal Communications Commission.

(e) *International Morse Code.* A dot-dash code as defined in International Telegraph and Telephone Consultative Committee (CCITT) Recommendation F.1 (1984), Division B, I. Morse code.

(f) *ITU.* International Telecommunication Union.

(g) *PPC.* Proof-of-Passing Certificate.

(h) *Question pool.* All current examination questions for a designated written examination element.

(i) *Question set.* A series of examination questions on a given examination selected from the current question pool.

(j) *Radio Regulations.* The latest ITU *Radio Regulations* to which the United States is a party.

§ 13.5 Licensed commercial radio operator required.

Rules that require FCC station licensees to have certain transmitter operating, maintenance, and repair duties performed by a commercial radio operator are contained in parts 23, 73, 74, 80, and 87 of this Chapter.

§ 13.7 Classification of operator licenses and endorsements.

(a) Commercial radio operator licenses issued by the FCC are classified in accordance with the Radio Regulations of the ITU.

(b) There are nine types of commercial radio operator licenses, certificates and permits (licenses). The license's ITU classification, if different from its name, is given in parenthesis.

(1) First Class Radiotelegraph Operator's Certificate.

(2) Second Class Radiotelegraph Operator's Certificate.

(3) Third Class Radiotelegraph Operator's Certificate (radiotelegraph operator's special certificate).

(4) General Radiotelephone Operator License (radiotelephone operator's general certificate).

(5) Marine Radio Operator Permit (radiotelephone operator's restricted certificate).

(6) Restricted Radiotelephone Operator Permit (radiotelephone operator's restricted certificate).

(7) Restricted Radiotelephone Operator Permit-Limited Use (radiotelephone operator's restricted certificate).

(8) GMDSS Radio Operator's License (general operator's certificate).

(9) GMDSS Radio Maintainer's License (technical portion of the first-class radio electronic certificate).

(c) There are six license endorsements affixed by the FCC to provide special authorizations or restrictions. Endorsements may be affixed to the license(s) indicated in parenthesis.

(1) Ship Radar Endorsement (First and Second Class Radiotelegraph Operator's Certificates, General Radiotelephone Operator License, GMDSS Radio Maintainer's License).

(3) Restrictive endorsements relating to physical handicaps, English language or literacy waivers, or other matters (all licenses).

(4) Marine Radio Operator Permits shall bear the following endorsement: This permit does not authorize the operation of AM, FM or TV broadcast stations.

(5) General Radiotelephone Operator Licenses issued after December 31, 1985, shall bear the following endorsement: This license confers authority to operate licensed radio stations in the Aviation, Marine and International Fixed Public Radio Services only. This authority is subject to: any endorsement placed upon this license; FCC orders, rules, and regulations; United States statutes; and the provisions of any treaties to which the United States is a party. This license does not confer any authority to operate broadcast stations. It is not assignable or transferable.

(6)(i) If a person is afflicted with an uncorrected physical handicap which would clearly prevent the performance of all or any part of the duties of a radio operator, under the license for which application is made, at a station under emergency conditions involving the safety of life or property, that person still may be issued the license if found qualified. Such a license shall bear a restrictive endorsement as follows:

This license is not valid for the performance of any operating duties, other than installation, service and maintenance duties, at any station licensed by the FCC which is required, directly or indirectly, by any treaty, statute or rule or regulation pursuant to statute, to be provided for safety purposes.

(ii) In the case of a license that does not require an examination in technical radio matters, the endorsement specified in paragraph (c)(6)(i) of this section will be modified by deleting the reference therein to installation, service, and maintenance duties.

(iii) In any case where an applicant who normally would receive or has received a commercial radio operator license bearing the endorsement prescribed by paragraph (c)(6)(i) of this section, indicates a desire to operate a station falling within the prohibited terms of the endorsement, the applicant may request in writing that such endorsement not be placed upon, or be removed from his or her license, and may submit written comments or statements from other parties in support thereof

(iv) An applicant who shows that he has performed satisfactorily the duties of a radio operator at a station required to be provided for safety purposes during a period when he or she was afflicted by uncorrected physical handicaps of the same kind and to the same degree as the physical handicaps shown by his or her current application shall not be deemed to be within the provisions of paragraph (c)(6)(i) of this section.

(d) A Restricted Radiotelephone Operator Permit-Limited Use issued by the FCC to an aircraft pilot who is not legally eligible for employment in the United States is valid only for operating radio stations on aircraft.

(e) A Restricted Radiotelephone Operator Permit-Limited Use issued by the FCC to a person under the provision of Section 303(1)(2) of the Communications Act of 1934, as amended, is valid only for the operation of radio stations for which that person is the station licensee.

§ 13.9 Eligibility and application for new license or endorsement.

(a) If found qualified, the following persons are eligible to apply for commercial radio operator licenses:

(1) Any person legally eligible for employment in the United States.

(2) Any person, for the purpose of operating aircraft radio stations, who holds:

(i) United States pilot certificates; or

(ii) Foreign aircraft pilot certificates which are valid in the United States, if the foreign government involved has entered into a reciprocal agreement under which such foreign government does not impose any similar requirement relating to eligibility for employment upon United States citizens.

(3) Any person who holds a FCC radio station license, for the purpose of operating that station.

(4) Notwithstanding any other provisions of the FCC's rules, no person shall be eligible to be issued a commercial radio operator license when

(i) The person's commercial radio operator license is suspended, or

(ii) The person's commercial radio operator license is the subject of an ongoing suspension proceeding, or

(iii) The person is afflicted with complete deafness or complete muteness or complete inability for any other reason to transmit correctly and to receive correctly by telephone spoken messages in English.

(b)(1) Each application for a new General Radiotelephone Operator License, Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, Ship Radar Endorsement, Six Months Service Endorsement, GMDSS Radio Operator's License or GMDSS Radio Maintainer's License must be made on FCC Form 756.

(2) Each application for a Restricted Radiotelephone Operator Permit must be made on FCC Form 753.

(3) Each application for a Restricted Radiotelephone Operator Permit-Limited Use must be made on FCC Form 755.

(c) Each application for a new General Radiotelephone Operator License, Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, Ship Radar Endorsement, GMDSS Radio Operator's License or GMDSS Radio Maintainer's License must include an original PPC(s) from a COLEM(s) showing that the applicant has passed the necessary examination element(s). The applicant must submit the application to the address specified in the part 1 of the rules.

(d) Each application for a new six month radiotelegraph endorsement must include documentation showing the applicant has satisfied the requirements of § 13.201(c). The applicant must submit the application to the address specified in part 1 of the rules.

(e) No person shall alter, duplicate for fraudulent purposes, or fraudulently obtain or attempt to obtain an operator license. No person shall use a license issued to another or a license that he or she knows to be altered, duplicated for fraudulent purposes, or fraudulently obtained. No person shall obtain or attempt to obtain, or assist another person to obtain or attempt to obtain, an operator license by fraudulent means.

§ 13.11 Holding more than one commercial radio operator licenses.

(a) An eligible person may hold more than one commercial operator license except as follows:

(1) No person may hold two or more unexpired radiotelegraph operator's certificates at the same time;

(2) No person may hold any class of radiotelegraph operator's certificate and a Marine Radio Operator Permit;

(3) No person may hold any class of radiotelegraph operator's certificate and a Restricted Radiotelephone Operator Permit.

(b) Each person who is not legally eligible for employment in the United States, and certain other persons who were issued permits prior to September 13, 1982, may hold two Restricted Radiotelephone Operator Permits

VOL 58 ISS 32 FE 19 1993 UMI

simultaneously when each permit authorizes the operation of a particular station or class of stations.

§ 13.13 Application for a renewed or modified license.

(a) Each application to renew a First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, Marine Radio Operator Permit, GMDSS Radio Operator's License, or GMDSS Radio Maintainer's License must be made on FCC Form 756. The application must be accompanied by the original document or a legible photocopy unless it has been lost, mutilated, or destroyed. If the license has been lost, mutilated, or destroyed, submit a written explanation. The application must be accompanied by the appropriate fee and submitted to the address specified in part 1 of the rules.

(b) A licensee may submit an application for renewal of an unexpired license during the last year of the license term. If a license expires, application for renewal may be made during a grace period of five years after the expiration date without having to retake the required examinations. The application must be accompanied by the required fee and submitted to the address specified in part 1 of the rules. During the grace period, the expired license is not valid. A license renewed during the grace period will be effective as of the date of the renewal. Licensees who fail to renew their license within the grace period must apply for a new license and take the required examination(s).

(c) Each application involving a change in operator class must be made on FCC Form 756. Each application for a commercial operator license involving a change in operator class must include original PPC(s) from a COLEM showing that the applicant has passed the necessary examination element(s). The application must be accompanied by the required fee, if any, and submitted to the address specified in part 1 of the rules.

(d) The holder of a First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, General Radiotelephone Operator License, Marine Radio Operator Permit, GMDSS Radio Operator's License, or GMDSS Radio Maintainer's License whose name is legally changed may obtain a modified license by filing a FCC Form 756 with a written explanation. The application must be accompanied by the required fee and submitted to the address specified in part 1 of the rules.

(e) A licensee who has made application for a renewed or modified operator license or permit may exhibit a photocopy of their license in lieu of the original document.

§ 13.15 License term.

(a) Commercial radio operator licenses are normally valid for a term of five years from the date of issuance, except as provided in paragraph (b) of this section.

(b) General Radiotelephone Operator Licenses, Restricted Radiotelephone Operator Permits, and Restricted Radiotelephone Operator Permits-Limited Use are normally valid for the lifetime of the holder. The terms of all Restricted Radiotelephone Operator Permits issued prior to November 15, 1953, and valid on that date, are extended to the lifetime of the operator.

§ 13.17 Replacement license.

(a) Each licensee or permittee whose original document is lost, mutilated, or destroyed must request a replacement. The application must be accompanied by the required fee and submitted to the address specified in part 1 of the rules.

(b) Each application for a replacement General Radiotelephone Operator License, Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, GMDSS Radio Operator's License, GMDSS Radio Maintainer's License, must be made on FCC Form 756 and must include a written explanation as to the circumstances involved in the loss, mutilation, or destruction of the original document.

(c) Each application for a replacement Restricted Radiotelephone Operator Permit must be on FCC Form 753.

(d) Each application for a replacement Restricted Radiotelephone Operator Permit-Limited Use must be on FCC Form 755.

(e) A licensee who has made application for a replacement license may exhibit a copy of the application submitted to the FCC or a photocopy of the license in lieu of the original document.

§ 13.19 Operator's responsibility.

(a) The operator responsible for maintenance of a transmitter may permit other persons to adjust that transmitter in the operator's presence for the purpose of carrying out tests or making adjustments requiring specialized knowledge or skill, provided that he or she shall not be relieved thereby from responsibility for the proper operation of the equipment.

(b) In every case where a station operating log or service and maintenance log is required, the operator responsible for the station operation or maintenance shall make the required entries in the station log. If no station log is required, the operator responsible for service or maintenance duties which may affect the proper operation of the station shall sign and date an entry in the station maintenance records giving:

(1) Pertinent details of all service and maintenance work performed by the operator or conducted under his or her supervision;

(2) His or her name and address; and

(3) The class, serial number and expiration date of the license:

(c) When the operator is on duty and in charge of transmitting systems, or performing service, maintenance or inspection functions, the license or permit document, or a photocopy thereof, must be posted or in the operator's personal possession, and available for inspection upon request by a FCC representative.

(d) The operator on duty and in charge of transmitting systems, or performing service, maintenance or inspection functions, shall not be subject to the requirements of paragraph (b) of this section at a station, or stations of one licensee at a single location, at which the operator is regularly employed and at which his or her license, or a photocopy, is posted.

Examination System

§ 13.201 Qualifying for a commercial operator license or endorsement.

(a) To be qualified to hold any commercial radio operator license, an applicant must have a satisfactory knowledge of FCC rules and must have the ability to send correctly and receive correctly spoken messages in the English language.

(b) An applicant must pass an examination for the issuance of a new commercial radio operator license, other than the Restricted Radiotelephone Operator Permit and the Restricted Radiotelephone Operator Permit-Limited Use, and for each change in operator class. An applicant must pass an examination for the issuance of a new Ship Radar Endorsement. Each application for the class of license or endorsement specified below must pass, or otherwise receive credit for, the corresponding examination elements:

(1) First Class Radiotelegraph Operator's Certificate.

(i) Telegraphy Elements 3 and 4;

(ii) Written Elements 1, 5, and 6;
(iii) Applicant must be at least 21 years old;
(iv) Applicant must have one year of experience in sending and receiving public correspondence by radiotelegraph at a public coast station, a ship station, or both.
(2) Second Class Radiotelegraph Operator's Certificate.
(i) Telegraphy Elements 1 and 2;
(ii) Written Elements 1, 5, and 6.
(3) Third Class Radiotelegraph Operator's Certificate.
(i) Telegraphy Elements 1 and 2;
(ii) Written Elements 1 and 5.
(4) General Radiotelephone Operator License: Written Elements 1 and 3.
(5) Marine Radio Operator Permit: Written Element 1.
(6) GMDSS Radio Operator's License: Written Elements 1 and 7.
(7) GMDSS Radio Maintainer's License: Written Elements 1, 3, and 9.
(8) Ship Radar Endorsement: Written Element 8.
(c) An applicant for the six months service endorsement must show that:
(1) The applicant was employed as a radio operator on board a ship or ships of the United States for a period totaling at least six months;
(2) The ships were equipped with a radio station complying with the provisions of part II of title III of the Communications Act, or the ships were owned and operated by the U.S. Government and equipped with radio stations;
(3) The ships were in service during the applicable six month period and no portion of any single in-port period included in the qualifying six months period exceeded seven days;
(4) The applicant held a FCC-issued First or Second Class Radiotelegraph Operator's Certificate during this entire six month qualifying period; and
(5) The applicant holds a radio officer's license issued by the U.S. Coast Guard at the time the six month endorsement is requested.

§ 13.203 Examination elements.

(a) A written examination (written Element) must prove that the examinee possesses the operational and technical qualifications to perform the duties required by a person holding that class of commercial radio operator license. Each written examination must be comprised of a question set as follows:
(1) Element 1 (formerly Elements 1 and 2): Basic radio law and operating practice with which every maritime radio operator should be familiar. 24 questions concerning provisions of laws, treaties, regulations, and operating procedures and practices generally followed or required in communicating by means of radiotelephone stations. The minimum passing score is 18 questions answered correctly.
(2) Element 3: General radiotelephone. 76 questions concerning electronic fundamentals and techniques required to adjust, repair, and maintain radio transmitters and receivers at stations licensed by the FCC in the aviation, maritime, and international fixed public radio services. The minimum passing score is 57 questions answered correctly.
(3) Element 5: Radiotelegraph operating practice. 50 questions concerning radio operating procedures and practices generally followed or required in communicating by means of radiotelegraph stations primarily other than in the maritime mobile services of public correspondence. The minimum passing score is 38 questions answered correctly.
(4) Element 6: Advanced radiotelegraph. 100 questions concerning technical, legal and other matters applicable to the operation of all classes of radiotelegraph stations, including operating procedures and practices in the maritime mobile services of public correspondence, and associated matters such as radio navigational aids, message traffic routing and accounting, etc. The minimum passing score is 75 questions answered correctly.
(5) Element 7: GMDSS radio operating practices. 76 questions concerning GMDSS radio operating procedures and practices sufficient to show detailed practical knowledge of the operation of all GMDSS sub-systems and equipment; ability to send and receive correctly by radio telephone and narrow-band direct-printing telegraphy; detailed knowledge of the regulations applying to radio communications, knowledge of the documents relating to charges for radio communications and knowledge of those provisions of the International Convention for the Safety of Life at Sea which relate to radio; sufficient knowledge of English to be able to express oneself satisfactorily both orally and in writing; knowledge of and ability to perform each function listed in § 80.1081; and knowledge covering the requirements set forth in IMO Assembly Resolution on Training for Radio Personnel (GMDSS), Annex 3. The minimum passing score is 57 questions answered correctly.
(6) Element 8: Ship radar techniques. 50 questions concerning specialized theory and practice applicable to the proper installation, servicing and maintenance of ship radar equipment in general use for marine navigational purposes. The minimum passing score is 38 questions answered correctly.
(7) Element 9: GMDSS radio maintenance practices and procedures. 50 questions concerning the requirements set forth in IMO Assembly on Training for Radio Personnel (GMDSS), Annex 5 and IMO Assembly on Radio Maintenance Guidelines for the Global Maritime Distress and Safety System related to Sea Areas A3 and A4. The minimum passing score is 38 questions answered correctly.
(b) A telegraphy examination (telegraphy Elements) must prove that the examinee has the ability to send correctly by hand and to receive correctly by ear texts in the international Morse code at not less than the prescribed speed, using all the letters of the alphabet, numerals 0–9, period, comma, question mark, slant mark, and prosigns *AR*, *BT*, and *SK*.
(1) Telegraphy Element 1: 16 code groups per minute.
(2) Telegraphy Element 2: 20 words per minute.
(3) Telegraphy Element 3: 20 code groups per minute.
(4) Telegraphy Element 4: 25 words per minute.

§ 13.205 Examination credit for licenses held.

(a) The COLEM must give credit as specified below to an examine holding any of the following documents:
(1) An unexpired (or within the grace period) FCC-issued commercial radio operator license: the written examination and telegraphy Element(s) required to obtain the license held.
(2) A PPC: Each element the PPC indicates the examinee passed within the previous 365 days.
(3) An unexpired or within the grace period FCC-issued Amateur Extra Class operator license: Telegraphy Elements 1 and 2.
(b) No examination credit, except as herein provided, shall be allowed on the basis of holding or having held any other license, permit, or certificate.

§ 13.207 Preparing an examination.

(a) Each telegraphy message and each written question set administered to an examinee for a commercial radio operator license must be provided by a COLEM.
(b) Each question set administered to an examinee must utilize questions taken from the applicable Element question pool. The COLEM may obtain the written question sets from a supplier or other COLEM.
(c) A telegraphy examination must consist of a plain language text or code group message sent in the international

Morse code at no less than the prescribed speed for a minimum of five minutes. The message must contain each required telegraphy character at least once. No message known to the examinee may be administered in a telegraphy examination. Each five letters of the alphabet must be counted as one word or one code group. Each numeral, punctuation mark, and prosign must be counted as two letters of the alphabet. The COLEM may obtain the telegraphy message from a supplier or other COLEM.

§ 13.209 Examination procedures.

(a) Each examination for a commercial radio operator license must be administered at a location and a time specified by the COLEM. The COLEM is responsible for the proper conduct and necessary supervision of each examination. The COLEM must immediately terminate the examination upon failure of the examinee to comply with its instructions.

(b) Each examinee, when taking an examination for a commercial radio operator license, shall comply with the instructions of the COLEM.

(c) No examination that has been compromised shall be administered to any examinee. Neither the same telegraphy message nor the same question set may be re-administered to the same examinee.

(d) Passing a telegraphy examination.

(1) To pass a receiving telegraphy examination, an examinee is required to receive correctly the message by ear, for a period of 1 minute without error at the rate of speed specified in § 13.203 for the class of license sought.

(2) To pass a sending telegraphy examination, an examinee is required to send correctly for a period of 1 minute at the rate of speed prescribed in § 13.203(b) for the class of license sought.

(e) Passing a telegraphy receiving examination is adequate proof of an examinee's ability to both send and receive telegraphy. The COLEM, however, may also include a sending segment in a telegraphy examination.

(f) The COLEM is responsible for determining the correctness of he examinee's answers. When the examinee does not score a passing grade on an examination element, the COLEM must inform the examinee of the grade.

(g) When the examinee is credited for all examination elements required for the commercial operator license sought, the examinee may apply to the FCC for the license.

(h) No applicant who is eligible to apply for any commercial radio operator license shall, by reason of any physical handicap, be denied the privilege of applying and being permitted to attempt to prove his or her qualifications (by examination if examination is required) for such commercial radio operator license in accordance with procedures established by the COLEM.

(i) The COLEM must accommodate an examinee whose physical disabilities require a special examination procedure. The COLEM may require a physician's certification indicating the nature of the disability before determining which, if any, special procedures are appropriate to use. In the case of a blind examinee, the examination questions may be read aloud and the examinee may answer orally. A blind examinee wishing to use this procedure must make arrangements with the COLEM prior to the date the examination is desired.

(j) The FCC may:

(1) Administer any examination element itself.

(2) Readminister any examination element previously administered by a COLEM, either itself or by designating another COLEM to readminister the examination element.

(3) Cancel the commercial operator license(s) of any licensee who fails to appear for re-administration of an examination when directed by the FCC, or who fails any required element that is re-administered. In case of such cancellation, the person will be issued an operator license consistent with completed examination elements that have not been invalidated by not appearing for, or by failing, the examination upon re-administration.

§ 13.211 Commercial radio operator license examination.

(a) Each session where an examination for a commercial radio operator license is administered must be managed by a COLEM or the FCC.

(b) Each examination for a commercial radio operator license must be administered as determined by the COLEM.

(c) The COLEM may limit the number of candidates at any examination.

(d) The COLEM may prohibit from the examination area items the COLEM determines could compromise the integrity of an examination or distract examinees.

(e) Within 10 days of completion of the examination element(s), the COLEM must provide the results of the examination to the examinee and the COLEM must issue a PPC to an examinee who scores a passing grade on an examination element.

(f) A PPC is valid for 365 days from the date it is issued.

§ 13.213 COLEM qualifications.

No entity may serve as a COLEM unless it has entered into a written agreement with the FCC. In order to be eligible to be a COLEM, the entity must:

(a) Agree to abide by the terms of the agreement;

(b) Be capable of serving as a COLEM;

(c) Agree to coordinate examinations for one or more types of commercial radio operator licenses and/or endorsements;

(d) Agree to assure that, for any examination, every examinee eligible under these rules is registered without regard to race, sex, religion, national origin or membership (or lack thereof) in any organization;

(e) Agree to make any examination records available to the FCC, upon request.

(f) Agree not to administer an examination to an employee, relative, or relative of an employee.

§ 13.215 Question pools.

The question pool for each written examination element will be composed of questions acceptable to the FCC. Each question pool must contain at least 5 times the number of questions required for a single examination. The FCC will issue public announcements detailing the questions in the pool for each element. COLEMs must use only the most recent question pool made available to the public when preparing a question set for a written examination element.

§ 13.217 Records.

Each COLEM recovering fees from examinees must maintain records of expenses and revenues, frequency of examinations administered, and examination pass rates. Records must cover the period from January 1 to December 31 of the preceding year and must be submitted as directed by the Commission. Each COLEM must retain records for 1 year and the records must be made available to the FCC upon request.

[FR Doc. 93–3895 Filed 2–18–93; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 1

[FCC 93–56]

Telecommunications Authorization Act of 1992

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this action, the Commission amends the Schedule of

Charges to establish a separate section governing fees for the processing of applications related to Low-Earth Orbit Satellite Systems and to modify the fee for the inspection of vessels under the Great Lakes Agreement. These amendments are necessary to bring the Commission's rules into statutory compliance with the Telecommunications Authorization Act of 1992.

EFFECTIVE DATE: February 19, 1993.

FOR FURTHER INFORMATION CONTACT: Thomas Holleran, Office of Managing Director, Federal Communications Commission, (202) 632–5316.

Accordingly, it is ordered, that the Schedule of Charges, 47 CFR 1.1102 *et seq.*, is amended as set forth below.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

Part 1 of title 47 of the U.S. Code of Federal Regulations is amended to read as follows:

PART 1—PRACTICE AND PROCEDURE

1. The authority citation for part 1 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 *U.S.C.* 154, 303; Implement. 5 U.S.C. 552, unless otherwise noted.

2. Section 1.1103 is amended by revising number 16a to read as follows:

§ 1.1103 Schedule of Charges for equipment authorization, experimental radio services, international telecommunications settlements, radio operator examinations, and ship inspections.

* * * * *

Action	FCC form No.	Fee amount	Fee type code	Address
16. Great Lakes Agreement: a. Inspection	FCC 801, FCC 155 ..	75.00	FDS	Federal Communications Commission, P.O. Box 358110, Pittsburgh, PA 15251–5110.

* * * * *

3. Section 1.1105 is amended by adding number 22 to read as follows:

§ 1.1105 Schedule of Charges for common carrier services.

* * * * *

Action	FCC form No.	Fee amount	Fee type code	Address
22. Low-Earth Orbit Satellite Systems:				
a. Application for Authority to Construct (per system of technologically identical satellites).	Written Request & FCC 155.	6,000.00	CZW	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
b. Application for Authority to Launch and Operate (per system of technologically identical satellites).	Written Request & FCC 155.	210,000.00	CLW	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
c. Assignment or Transfer (per request)	Written Request & FCC 155.	6,000.00	CZW	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
d. Modification (per request	Written Request & FCC 155.	15,000.00	CQW	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
e. Special Temporary Authority or Waiver of Prior Construction Authorization (per request).	Written Request & FCC 155.	1,500.00	CXW	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
f. Amendment of Application (per request	Written Request & FCC 155.	3,000.00	CAW	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.
g. Extension of Construction Permit/Launch Authorization (per request).	Written Request & FCC 155.	1,500.00	CXW	Federal Communications Commission, Common Carrier Dom. Earth Stations, P.O. Box 358160, Pittsburgh, PA 15251–5160.

[FR Doc. 93–3369; Filed 2–18–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 921185–3021]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for aggregate species in the rock sole/"other flatfish" fishery category by vessels using trawl gear in Bycatch Limitation Zone 1 (Zone 1) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the prohibited species bycatch allowance of red king crab to the trawl rock sole/"other flatfish" fishery category in Zone 1.

EFFECTIVE DATES: Effective 12 noon, Alaska local time (A.l.t.), February 16,

VOL
58
ISS
32
FE
19
1993
UMI

1993, through 12 midnight, A.l.t., December 31, 1993.

FOR FURTHER INFORMATION CONTACT: Martin Loefflad, Resource Management Specialist, Fisheries Management Division, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

The 1993 prohibited species bycatch allowance of red king crab in Zone 1 for the trawl rock sole/"other flatfish" fishery category, which is defined at § 675.21(b)(4)(ii)(B), was established as 80,000 crabs by the 1993 final specifications filed with the Office of the Federal Register and effective on February 11, 1993, to be published in the **Federal Register** on February 17, 1993.

The Director of the Alaska Region, NMFS, has determined, in accordance with § 675.21(c)(1)(i), that the prohibited species bycatch allowance of red king crab for the trawl rock sole/"other flatfish" fishery in Zone 1 has been reached. Therefore, NMFS is prohibiting directed fishing for aggregate species in the rock sole/"other flatfish" fishery category by vessels using trawl gear in Zone 1 of the BSAI from 12 noon, A.l.t., February 16, 1993, through 12 midnight, A.l.t., December 31, 1993.

Directed fishing standards for applicable gear types may be found in the regulations at § 675.20(h).

Classification

This action is taken under 50 CFR 675.20 and is in compliance with E.O. 12291.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 12, 1993.

David S. Crostin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93–3870 Filed 2–16–93; 12:34 pm]

BILLING CODE 3510–22–M

Propo

This section c
contains notic
issuance of ru
purpose of the
persons an op
rule making p
rules.

SMALL BUS

13 CFR Par

Small Busi
Size Stand

AGENCY: Sm

ACTION: Pro

SUMMARY: C
Small Busi
proposed to
regulations
fixed size st
62515). SBA
proposal so
developmen
may be give

FOR FURTHE
K. Sinha, S
205–6618.

SUPPLEMENT
December 3
SBA publis
Rulemakin
revise SBA
the numbe
to nine. Th
retaining th
based level
receipts-ba

By this N
that public
review the
standards.
publication
needed to
be made af

Dated: Feb

Dayton J. W

Acting Adm

[FR Doc. 93-

BILLING CODE

Proposed Rules

Federal Register
Vol. 58, No. 32
Friday, February 19, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards; Fixed Size Standard Levels

AGENCY: Small Business Administration.

ACTION: Proposed rule; withdrawal.

SUMMARY: On December 31, 1992, the Small Business Administration (SBA) proposed to revise its size standards regulations by reducing the number of fixed size standard levels to nine (57 FR 62515). SBA is hereby withdrawing this proposal so that the entire issue of the development of revised size standards may be given further consideration.

FOR FURTHER INFORMATION CONTACT: Ajoy K. Sinha, Size Standards Staff at (202) 205–6618.

SUPPLEMENTARY INFORMATION: On December 31, 1992, at 57 FR 62515, SBA published a Notice of Proposed Rulemaking (Notice) which proposed to revise SBA's size standards by reducing the number of fixed size standard levels to nine. This was to be achieved by retaining the five existing employee-based levels and establishing four new receipts-based levels.

By this Notice, SBA is withdrawing that publication in order to further review the issue of changes in its size standards. It is expected that publication of proposed rules which are needed to accomplish such changes will be made after that review is complete.

Dated: February 9, 1993.

Dayton J. Watkins,

Acting Administrator.

[FR Doc. 93–3854 Filed 2–18–93; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–NM–238–AD]

Airworthiness Directives; Boeing Model 737–200C Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Model 737–200C series airplanes. This proposal would require a one-time external detailed visual inspection to detect cracks of the fuselage skin in the lower lobe cargo compartment; repetitive internal detailed visual inspections to detect cracks of the frames in the lower lobe cargo compartment; and repair of cracked parts. This proposal is prompted by reports of cracking in the body frames between Body Stations 360 to 500B and between stringers 19 left and 25 left. The actions specified by the proposed AD are intended to prevent a cargo door from opening while the airplane is in flight, which could result in rapid decompression of the airplane.

DATES: Comments must be received by April 14, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–238–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Thomas Rodriguez, Aerospace Engineer, Seattle Aircraft Certification Office, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2779; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–238–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–238–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion:

The manufacturer has reported that several operators of Boeing Model 737–200C series airplanes have recently discovered cracks on eight airplanes. The cracks were located in the body frames between Body Stations 360 to 500B and between stringers 19 left and 24 left, just below the main cargo door. One airplane had cracks in eight out of ten frames; the fail-safe chords on this airplane were also cracked at Bod

VOL
58
ISS
32
FE
19
1993
UMI

Stations 400, 420 and 460. The affected airplanes had accumulated between 31,400 and 63,900 flight cycles and between 29,500 and 59,500 flight hours. The cracks are believed to have been caused by fatigue and damage from cargo handling. Fatigue cracking in this area could result in severed frames, fuselage skin damage, and loss of structural integrity of the remaining structure. This condition, if not corrected, could lead to a cargo door opening while the airplane is in flight, resulting in rapid decompression of the airplane.

The FAA has reviewed and approved Boeing Alert Service Bulletin 737–53A1160, dated October 24, 1991, that describes procedures for a one-time external detailed visual inspection to detect cracks of the fuselage skin between stringers 19 left and 25 left and at Body Stations 360 to 540; and a one-time internal detailed visual inspection to detect cracks of the frames between stringers 19 left and 25 left and at Body Stations 360 to 500B, in the lower lobe cargo compartment.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require a one-time external detailed visual inspection to detect cracks of the fuselage skin between stringers 19 left and 25 left and at Body Stations 360 to 540. The proposed AD would also require repetitive internal detailed visual inspections to detect cracks of the frames between stringers 19 left and 25 left and at Body Stations 360 to 500B, in the lower lobe cargo compartment. The inspection procedures would be required to be accomplished in accordance with the service bulletin described previously. The repair of cracked parts would be required to be accomplished either in accordance with the Boeing 737 Structural Repair Manual or in accordance with a method approved by the FAA, depending upon the size of the crack.

Operators should note that the proposed requirement for repetitive internal detailed visual inspections differs from the recommendations of the related service bulletin, which recommends only a one-time inspection. In consideration of the circumstances and all available information related to the findings described above, and based on the nature and location of the subject cracking, the FAA has determined that repetitive internal detailed visual inspections are necessary to ensure the continued operational safety of these airplanes.

There are approximately 100 Model 737 series 200C airplanes of the affected design in the worldwide fleet. The FAA estimates that 18 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 12 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $11,880, or $660 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 92–NM–238–AD.

Applicability: All Model 737–200C series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent a cargo door from opening in flight, resulting in rapid decompression of the airplane, accomplish the following:

(a) Prior to the accumulation of 29,000 flight cycles or within 250 flight cycles after the effective date of this AD, whichever occurs later, accomplish a one-time external detailed visual inspection to detect cracks of the fuselage skin between stringers 19 left and 25 left and at Body Stations 360 to 540, in accordance with Boeing Alert Service Bulletin 737–53A1160, dated October 24, 1991. If any crack is found, prior to further flight, accomplish the requirements of paragraph (a)(1) and (a)(2) of this AD:

(1) Perform an internal detailed visual inspection to detect cracks of the frames between stringer 19 left and 25 left and Body Stations 360 to 500B, in accordance with the service bulletin.

(2) Repair all cracks in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(b) Within 3,000 flight cycles after completing the requirements of paragraph (a) of this AD, unless accomplished within the last 6,000 flight cycles prior to the effective date of this AD, perform an internal detailed visual inspection to detect cracks of the frames between stringers 19 left and 25 left and at Body Stations 360 to 500B in accordance with Boeing Alert Service Bulletin 737–53A1160, dated October 24, 1991. Thereafter, repeat the internal detailed visual inspection at intervals not to exceed 9,000 flight cycles. If any crack is found, prior to further flight, accomplish the requirements of paragraph (b)(1) or (b)(2) of this AD, as applicable:

(1) If any crack is found that does not exceed the limits specified in the Boeing 737 Structural Repair Manual (SRM), repair the crack in accordance with the Boeing 737 SRM.

(2) If any crack is found that exceeds the limits specified in the Boeing 737 SRM, repair the crack in accordance with a method approved by the Manager, Seattle ACO, FAA, Transport Airplane Directorate.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the

requirements of this AD can be accomplished. Issued in Renton, Washington, on February 12, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–3875 Filed 2–18–93; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 92–NM–246–AD]

Airworthiness Directives; McDonnell Douglas Model DC–9 and DC–9–80 Series Airplanes, and Model C–9 (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–9 and DC–9–80 series airplanes, and Model C–9 (military) airplanes. This proposal would require installing a water drain system in the slant pressure panel. This proposal is prompted by several reports of water runoff from the slant pressure panel which froze on the control assemblies. The actions specified by the proposed AD are intended to prevent freezing of water on the control cables, which could restrict the movement of the cables and result in reduced controllability of the airplane.

DATES: Comments must be received by April 14, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–246–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846–1771, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1–L5B. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office (ACO), 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Ms. Dorenda Baker, Aerospace Engineer, Los Angeles Aircraft Certification Office, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806–2425; telephone (310) 988–5231; fax (310) 988–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–246–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–246–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

Recently, a McDonnell Douglas Model DC–9–32 series airplane experienced "frozen" aileron controls while in flight. Attempts to free the controls during flight were unsuccessful. Results of an inspection of the airplane after landing disclosed a large accretion of ice on the aileron and wing spoiler control cables located in the left main landing gear wheel well. The ice restricted movement of the aileron and speed brake cables, effectively disabling these controls. The ice was attributed to the freezing of water, which had pooled forward of the slant pressure panel and was blown onto the cables when the airplane was pressurized.

In addition, three operators of McDonnell Douglas Model DC–9 series airplanes have reported several instances of water runoff from the slant pressure panels in the left and right main landing gear wheel wells, which subsequently froze on the lateral control mixer and control cable assemblies.

Freezing of water on the control cables could restrict the movement of the cables and result in reduced controllability of the airplane.

The FAA has reviewed and approved McDonnell Douglas DC–9 Service Bulletin 53–179, dated January 18, 1985, as amended by Service Bulletin Change Notification 53–179 CN1, dated February 28, 1985, and Service Bulletin Change Notification 53–179 CN2, dated May 30, 1985, that describe procedures for installation of a water drain system in the slant pressure panels in the left and right main landing gear wheel wells. Installing a water drain system will allow water trapped forward of the panels to be drained overboard.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require installing a water drain system in the slant pressure panel. The actions would be required to be accomplished in accordance with the service bulletin and change notifications described previously.

There are approximately 1,109 McDonnell Douglas Model DC–9 and DC–9–80 series airplanes, and Model C–9 (military) airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,071 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 14 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $680 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,552,950, or $1,450 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order

12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 92–NM–246–AD.

Applicability: Model DC–9–10, –20, –30, –40, and –50 series airplanes, Model DC–9–81 and –82 series airplanes, and Model C–9 (Military) airplanes; as listed in McDonnell Douglas DC–9 Service Bulletin 53–179, dated January 18, 1985, as amended by Service Bulletin Change Notification 53–179 CN1, dated February 28, 1985, and Service Bulletin Change Notification 53–179 CN2, dated May 30, 1985; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent freezing of water on the control cables, which could restrict the movement of the cables and result in reduced controllability of the airplane, accomplish the following:

(a) Within 12 months after the effective date of this AD, install a water drain system in the slant pressure panel in accordance with McDonnell Douglas DC–9 Service Bulletin 53–179, dated January 18, 1985, as amended by Service Bulletin Change Notification 53–179 CN1, dated February 28, 1985, and Service Bulletin Change Notification 53–179 CN2, dated May 30, 1985.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 12, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–3876 Filed 2–18–93; 8:45 am]

BILLING CODE 4910–13–P

---

14 CFR Part 71

[Airspace Docket No. 92–AEA–7]

Proposed Alteration of VOR Federal Airway V–106

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws the Notice of Proposed Rulemaking (NPRM), Airspace Docket No. 92–AEA–7, which was published in the **Federal Register** on August 19, 1992 (57 FR 37489). The NPRM proposed to alter VOR Federal Airway V–106 by extending that airway from the Johnstown, PA, VHF Omnidirectional Range/Tactical Air Navigation (VORTAC) to the Morgantown, WV, VORTAC. The FAA proposed to extend V–106 in support of a new arrival route to serve the Pittsburgh, PA, terminal area. The FAA has determined that this action is not necessary and withdrawing the proposal at this time is warranted. This action will provide an opportunity to reexamine the operations in the Pittsburgh, PA, terminal area.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9255.

SUPPLEMENTARY INFORMATION: On August 19, 1992, a Notice of Proposed Rulemaking was published in the **Federal Register** to amend 14 CFR part 71 of the Federal Aviation Regulations to alter V–106 by extending the airway from the Johnstown, PA, VORTAC to the Morgantown WV, VORTAC (57 FR 37489). This action was proposed to allow for a new arrival route in the Pittsburgh, PA, terminal area. No comments were received on the proposed amendment.

The FAA has decided to withdraw the proposal at this time to provide an opportunity to reexamine the operations in the Pittsburgh, PA, terminal area. This proposal was initiated in support of the new arrival route to serve the Pittsburgh, PA, terminal area. The FAA has determined that relocating an existing holding fix in lieu of this proposed action would better meet the needs of the airspace users.

List of Subjects in 14 CFR Part 71

Aviation safety, Domestic VOR Federal airways, Incorporation by reference.

The Withdrawal

In consideration of the foregoing, the Notice of Proposed Rulemaking, Airspace Docket No. 92–AEA–7, as published in the **Federal Register** on August 19, 1992 (57 FR 37489), is hereby withdrawn.

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O.10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

Issued in Washington, DC, on February 10, 1993.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 93–3956 Filed 2–18–93; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 357

[Department of the Treasury Circular, Public Debt Series, No. 2–86]

Regulations Governing Book-Entry Treasury Bonds, Notes, and Bills

AGENCY: Fiscal Service, Treasury.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document extends until November 30, 1993, the deadline for submission of comments on the proposed rule to govern Treasury bonds, notes, and bills ("securities") held in the commercial book-entry system, also known as the Treasury/Reserve Automated Debt Entry System, or TRADES. The proposed rule was last published in the **Federal Register** on April 9, 1992 (57 FR 12244), as amended by notice published on May 13, 1992 (57 FR 20572).

DATES: Comments must be received on or before November 30, 1993.

ADDRESSES: Comments should be sent to: Office of the Chief Counsel, Bureau of the Public Debt, room 503, E Street Building, Washington, DC 20239–0001. Comments received will be available for public inspection and copying at the Department of the Treasury Library, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Calvin Ninomiya, Chief Counsel (202) 319–3320, or Cynthia Reese, Deputy Chief Counsel (202) 219–3320.

SUPPLEMENTARY INFORMATION: In 1986, Treasury published for comment proposed rules to govern Treasury marketable securities held in the commercial book-entry system or "TRADES" (see 51 FR 8846; 51 FR 43027). A revised proposal was published on April 9, 1992 (57 FR 12244), with September 8, 1992, as the deadline for submission of comments. The comment period was extended to March 8, 1993, by notice published July 29, 1992 (57 FR 33470).

The preamble to the April 9 proposal noted the efforts by several groups examining issues in this area of the law, notably the work of the National Conference of Commissioners on Uniform State Laws ("NCCUSL") Drafting Committee to Revise Uniform Commercial Code, Article 8. The preamble also expressed Treasury's view that it would ultimately be desirable, to the extent possible, to have the same law apply to U.S. Treasury book-entry securities as applies to other securities held in similar fashion. To that end, the comment period on the proposal was extended to March 8, 1993, taking into account the longer time frame foreseen for developing rules that will govern securities transactions under a uniform State law, and for assessing their suitability for Treasury securities.

The Article 8 revision effort is proceeding rapidly; it is expected that a final version of the new uniform law will be considered and approved at NCCUSL's annual meeting in August. This has prompted requests from various groups and market participants to further extend the comment period on the proposed TRADES rule to permit its fuller analysis in the light of the final NCCUSL product. Treasury agrees, given the advantages of uniformity, that this would be both desirable and appropriate. It would be consistent with Treasury's original interest in fostering uniformity and certainty in the rules governing book-entry securities, given the lack thereof under State law.

For these reasons, the comment period on the proposed rule on TRADES is being further extended to November 30, 1993. Assuming that the revised Article 8 is considered and approved by NCCUSL this summer, the new deadline should provide sufficient time for the preparation of comments on the TRADES rule, taking account of the revised Article. Those who are able to do so are encouraged to submit comments in advance of the deadline. Treasury requests commenters to include, in particular, their views on the issue as to whether, and to what extent, the revised Article 8 rules on the holding of securities through intermediaries should be adopted by Treasury as the law for Treasury securities held in the commercial book-entry system, explaining their reasons therefor.

Dated: February 12, 1993.

Richard L. Gregg,

Commissioner of the Public Debt.

[FR Doc. 93–3893 Filed 2–18–93; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 315

[Docket No. R–138]

RIN 2133–AA91

Agency Agreements and Appointment of Agents

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The National Shipping Authority (NSA) within the Maritime Administration (MARAD) proposes to revise its regulations on Agency Agreements, to broaden its scope to include appointment of agents as ship managers and to incorporate therein provisions now found in other regulatory parts which are being removed in separate rulemaking actions. This rulemaking would state MARAD's policy and procedure for appointing agents and administering Service Agreements and Ship Manager Contracts. This includes a change in the citizenship requirements for appointment as an agent to harmonize with less restrictive requirements of the Department of Defense.

DATES: Comments must be received on or before April 20, 1993.

ADDRESSES: Send an original and two copies of comments to the Secretary, Maritime Administration, room 7300, Department of Transportation, 400 7th Street, SW., Washington, DC 20590. To expedite review of the comments, the Agency requests, but does not require, the submission of an additional ten (10) copies. All documents will be made available for inspection during normal business hours at the above address. Commenters wishing MARAD to acknowledge receipt of comments should enclose a stamped self-addressed envelope.

FOR FURTHER INFORMATION CONTACT: Tim Roark, Chief, Division of Marine Acquisition, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590, Tel. (202) 366–1943.

SUPPLEMENTARY INFORMATION: The NSA is a continuing entity within MARAD, and the Maritime Administrator serves as the Director. In peacetime, the NSA does not have a distinct organizational structure, and the authority of the Director is delegated to the Associate Maritime Administrators, respectively, for Shipbuilding and Ship Operations, and for Marketing. The NSA operates as a separate component of MARAD when necessary to meet the requirements of national security emergencies. NSA regulations are published at 46 CFR parts 315 through 340, and 345 through 347. These regulations govern the activities of General Agents, Berth Agents, Ship Managers and Federal Port Controllers in emergency ship operation and related activities, as well as in the control and utilization of ports during national emergencies.

The existing regulations at 46 CFR part 315 set forth the terms of Agency Agreements (Service Agreements), either in the form of a General Agency Agreement or a Berth Agency Agreement, between the United States, acting by and through the Director, NSA, and private business organizations. Under these Agreements, the private organizations act as either General Agent or Berth Agent. Part 316 now prescribes requirements for an applicant to become a General Agent or Berth Agent, while part 319 now defines the duties of Berth Agents and General Agents. Part 331 sets forth the

responsibilities of an operator (Agent) to strip and deactivate MARAD-owned ships preparatory to permanent layup in the National Defense Reserve Fleet (NDRF). An Agent is a person, firm or corporation that conducts the business of one or more vessels assigned to it under the terms of a Service Agreement with the United States. A General Agent has the responsibility to operate, manage and conduct the business of one or more vessels, of which the United States is owner or owner *pro hac vice*, pursuant to the terms of a Service Agreement with the United States, and must meet the criteria for ownership of vessels eligible for documentation under the laws of the United States, as set forth at 46 U.S.C. 12102. A Berth Agent must meet the same criteria to conduct the shoreside business of vessels assigned to a General Agent at one or more specified locations while operating in one or more specific services or trades, under the terms of a Service Agreement.

MARAD has adopted a revised Service Agreement for General Agents and has adopted a Ship Manager Contract. Pursuant to the terms of the Service Agreement, the United States appoints a General Agent, as its agent and not as an independent contractor, to manage and conduct the business of one or more vessels of which the Government is owner or owner *pro hac vice*, as may, from time to time, be assigned for urgent or compelling reasons to the General Agent. Pursuant to the terms of the Ship Manager Contract, the United States appoints a Ship Manager as its agent, in some respects, and as an independent contractor to manage and conduct the business of ope or more vessels of which the Government is owner or owner *pro hac vice*. The terms of the revised Service Agreement do, and will continue to, incorporate by reference pertinent clauses contained in the Federal Acquisition Regulation (48 CFR chapter 1) and Department of Transportation Acquisition Regulation (48 CFR chapter 12). MARAD has also adopted an Application for Appointment as General Agent.

As proposed to be revised, the regulations at 46 CFR part 315 would formalize MARAD's revised policy for appointing agents and administering Service Agreements and Ship Manager Contracts. It would reflect a change in policy with respect to the citizenship requirements for appointment as an agent to harmonize with that of the Department of Defense with respect to the appointment of agents performing services related to the operation and management of vessels. Specifically, it would eliminate the requirement that an agent be a citizen of the United States as defined at 46 App. U.S.C. 802. Thus, for example, a corporation eligible to document a vessel under the provisions of 46 U.S.C. 12102 would be deemed eligible to be appointed by MARAD as an agent.

Parts 316, 319 and 331 are being removed by other rulemaking and their subject matter, incorporating revised procedures adopted by MARAD, would be merged into revised part 315.

Rulemaking Analyses and Notices

Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures

This rulemaking has been reviewed under Executive Order 12291, and it has been determined that this is not a major rule. It will not result in an annual effect on the economy of $100 million or more. There will be no increase in production costs or prices for consumers, individual industries, Federal, State or local governments, agencies, or geographic regions. Furthermore, it will not adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rulemaking does not involve any change in important Department policies, and it is considered non-significant under the DOT regulatory policies and procedures (44 FR 11034, February 25, 1979). Since the magnitude of the economic impact will be minimal, further regulatory evaluation is unnecessary.

Federalism

MARAD has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612 and has determined that these regulations do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

MARAD certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

Environmental Assessment

The Maritime Administration has considered the environmental impact of this rulemaking and has concluded that there is no environmental impact and an environmental impact statement is not required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act

This rulemaking contains no reporting requirements that require approval by the Office of Management and Budget pursuant to provision of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 46 CFR Part 315

Government contracts, vessels.

Accordingly, MARAD hereby proposes to revise 46 CFR part 315 to read as follows:

PART 315—AGENCY AGREEMENTS AND APPOINTMENT OF AGENTS

315.1 Purpose.
315.3 Definitions.
315.5 Appointment of agents.
315.7 Administration of agency agreements.
315.9 Duties of agents.
315.11 Vessel deactivation procedure.

Authority: 50 U.S.C. App. 1744; 49 CFR 1.66.

§ 315.1 Purpose.

This part summarizes the procedures governing the award and administration of Agency Agreements in the form of Service Agreements and Ship Manager Contracts entered into between the United States of America, acting by and through the Director, National Shipping Authority (NSA) and the Maritime Administration, Department of Transportation, and Agents who will manage or otherwise conduct the business of one or more vessels owned, controlled or time-chartered by the United States, which vessel(s) may be assigned to Agents from time to time pursuant to the specific provisions of a Service Agreement or Ship Manager Contract.

§ 315.3 Definitions.

(a) *Agent* includes a General Agent, Berth Agent and Ship Manager designated as such under a standard form of Service Agreement or Ship Manager Contract to manage and conduct the business of vessels of which the United States is owner, owner *pro hac vice* or time charterer.

(b) *Citizen of the United States* means an individual who is a citizen of the United States by birth, naturalization or as otherwise authorized by law.

(c) *Director, National Shipping Authority, or Director* means the Maritime Administrator. It also means the Associate Administrator for Shipbuilding and Ship Operations, or the Associate Administrator for Marketing, respectively, when the NSA is operating under authority delegated by the Maritime Administrator.

(d) *NDRF* means a National Defense Reserve Fleet site.

(e) *United States* means the States of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Commonwealth of the northern Mariana Islands and any other territory or possession of the United States.

§ 315.5 Appointment of agents.

(a) *Eligibility.* The Director shall restrict appointment as Agent to qualified applicants. Each applicant shall establish eligibility according to procedures that may be obtained from MARAD, shall demonstrate the necessary ability, experience and resources as an operator of vessels or ports, or shoreside husbander of vessels, and shall continue to meet all such requirements throughout the term of the appointment. In addition, an applicant shall meet the following criteria, depending on its characteristics as an individual or other form of business entity:

(1) *Individual.* An individual who is a Citizen of the United States;

(2) *Partnership.* A partnership whose general partners are Citizens of the United States, and the controlling interest in the partnership is owned by Citizens of the United States;

(3) *Corporation.* A corporation established under the laws of the United States or of a State, whose president or other chief executive officer and chairman of its board of directors are Citizens of the United States and no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum; and

(4) *Other entities.* An association, trust, joint venture, or other entity—

(i) All of whose members are Citizens of the United States; and

(ii) That is capable of holding title to a vessel under the laws of the United States or of a State;

(b) *Procedures.* Information about procedures for appointment as General Agent, Berth Agent or Ship Manager may be obtained from, and inquiries and other written communications shall be submitted to, the Maritime Administration, Attn: Office of Acquisition, MAR–383, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, tel. (202) 366–1943. Inquiries should be made during normal business hours.

(c) *Approval.* After final approval of an Agent by MARAD, the contracting office shall transmit the Service Agreement or Ship Manager Contract to the Agent for execution and return to MARAD.

(d) *Agreements.* The standard text of the Service Agreement and Ship Manager Contract may be obtained from the Office of Acquisition at the address appearing in paragraph (b) of this section, by mail or in person during normal business hours.

§ 315.7 Administration of agency agreements.

(a) *Amendments.* The MARAD contracting office shall prepare modifications to all Service Agreements and Ship Manager Contracts that are required due to changes in the Federal Acquisition Regulation or Transportation Acquisition Regulation, or changes in MARAD policy or procedure.

(b) *Annual review of General Agent representations and certifications.* The contracting office shall require that each General Agent certify annually that all representations and certifications incorporated in a Service Agreement are current, complete and accurate, or provide new representations and certifications.

§ 315.9 Duties of agents.

The Agent shall perform all duties prescribed in the Service Agreement or Ship Manager Contract and shall be guided by such directions, orders or regulations as may be issued by MARAD.

§ 315.11 Vessel deactivation procedure.

When an Agent is responsible as vessel operator to decommission and deliver a vessel to the NDRF, that Agent shall observe all the procedures and requirements prescribed by MARAD contained in instructions which may be obtained from the MARAD Division of Reserve Fleet (MAR–743) at the address specified in section 315.5(b) of this part. Tel. (202) 366–5752.

By Order of the Director, National Shipping Authority.

Dated: February 12, 1993.

James E. Saari,

Secretary, Maritime Administration.

[FR Doc. 93–3865 Filed 2–18–93; 8:45 am]

BILLING CODE 4910–81–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 92–256; DA 93–89]

Application of Open Network Architecture and Nondiscrimination Safeguards to GTE Corporation

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This order extends the time to file comments and reply comments in response to the Commission's Notice of Proposed Rulemaking in CC Docket No. 92–256 (Application of Open Network Architecture and Nondiscrimination Safeguards to GTE Corporation, 57 FR 62544 (12/31/92)). GTE requested a thirty-day extension of time to file comments and reply comments. The order grants in part GTE's request by extending the comment and reply comment deadlines by twenty-one days.

DATES: Comments must be submitted on or before February 22, 1993 and reply comments must be submitted on or before March 24, 1993.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John S. Morabito, (202) 632–1290, Policy and Program Planning Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION:

Summary

1. On November 5, 1992, the Commission adopted a Notice of Proposed Rulemaking (NPRM) proposing to apply to GTE Corporation (GTE) the same regulatory framework of Open Network Architecture and nondiscrimination safeguards that applies to the Bell Operating Companies' participation in the enhanced services market. See Application of Open Network Architecture and Nondiscrimination Safeguards to GTE Corporation, Notice of Proposed Rulemaking, CC Docket No. 92–256, FCC 92–495, adopted November 5, 1992. The Commission requested comment on the NPRM by February 1, 1993 and reply comment by March 3, 1993.

2. On January 25, 1993, GTE requested a thirty-day extension of time to file comments and reply comments. GTE stated that it was critically important to them that a carefully prepared and complete submission be made. GTE also stated that the personnel working on GTE's comments in this proceeding are heavily committed to working on comments in other proceedings. See Transport Rate Structure and Pricing, CC Docket No. 91–213 (comments due February 1, 1993); Expanded Interconnection with Local Telephone Companies, CC Docket No. 91–141 (petition for reconsideration comments due February 3, 1993).

3. In light of the importance of the issues presented in this proceeding, we conclude that the public interest would be served by allowing GTE and other

interested parties some additional time for filing comments. A brief extension additionally would not unduly delay the timely completion of this proceeding. We therefore grant in part GTE's request for an extension of time. We will extend by 21 days the deadline for interested parties to file comments and reply comments in this proceeding.

4. Accordingly, *it is ordered that*, Pursuant to the authority contained in sections 4(i) and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 155(c), and sections 0.91, 0.291, and 1.46 of the Commission's rules, 47 CFR 0.91, 0.291, and 1.46, the times for filing comments and reply comments in this proceeding are extended to February 22, 1993 and March 14, 1993, respectively.

List of Subjects in 47 CFR Part 64

Communications common carriers, Radio, Reporting and recordkeeping requirements, Telegraph, telephone, and computer technology.

Federal Communications Commission.

James D. Schlichting,

Chief, Policy and Program Planning Division.

[FR Doc. 93-3847 Filed 2-18-93; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 301

[Docket No. 930219-3019]

Pacific Halibut Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule; notice of proposed catch sharing plan; request for comments.

SUMMARY: NMFS proposes to approve and implement a 1993 Catch Sharing Plan (Plan) developed by the Pacific Fishery Management Council (Council) in accordance with the Northern Pacific Halibut Act of 1982 to allocate the total allowable catch (TAC) of Pacific halibut between treaty Indian, non-Indian commercial, and non-Indian sport fishermen off the coasts of Washington, Oregon, and California (International Pacific Halibut Commission (IPHC) statistical Area 2A). The Plan also divides the sport fisheries allocation into geographic areas and times. In addition, NOAA is proposing a rule to specify the seasons, quotas, and bag limits in each of the sport fishery areas necessary to achieve the allocations in the Plan. The proposed rule also provides for flexible inseason management measures for the sport fisheries to achieve the allocations in each geographic area. The intent of this action is to carry out the responsibility of the Council to allocate the 1993 TAC of Pacific halibut among commercial, sport, and treaty Indian fishermen.

DATES: Comments on the catch sharing plan must be received on or before February 26, 1993, and comments on the proposed rule must be received by March 5, 1993.

ADDRESSES: Send comments to Rolland A. Schmitten, Director, Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115.

FOR FURTHER INFORMATION CONTACT: Joe Scordino, 206-526-6140.

SUPPLEMENTARY INFORMATION: The Northern Pacific Halibut Act of 1982 (Halibut Act) at 16 U.S.C. 773c provides that the Secretary of Commerce (Secretary) shall have general responsibility to carry out the Halibut Convention between the United States and Canada, and that the Secretary shall adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. The Halibut Act at 16 U.S.C. 773c(c) also authorizes the Regional Fishery Management Council having authority for the geographic area concerned to develop regulations governing the Pacific halibut catch in U.S. Convention waters that are in addition to, but not in conflict with, regulations of the IPHC. Pursuant to this authority, NOAA directed the Pacific and North Pacific Fishery Management Councils to allocate halibut catches should such allocation be necessary. In compliance with this directive, the Council has developed catch sharing plans since 1988 to allocate the TAC of Pacific halibut between treaty Indian, non-Indian commercial, and non-Indian sport fisheries in Area 2A off Washington, Oregon, and California.

For 1993, the Council, at its September 1992 public meeting, proposed to continue the 1992 allocation approved by the Assistant Administrator for Fisheries, NOAA, (Assistant Administrator), on the behalf of the Secretary, with some minor revisions within the sport fisheries to season dates and bag limits. The Council advised the public of its intent to continue the Plan in its September 1992 newsletter and invited public comments for consideration at its November 1992 public meeting when final action would be taken. At its November 1992 public meeting, after considering public comments and recommendations from the states developed during state-sponsored public workshops on Pacific halibut sport fisheries, the Council took final action on its recommendation for a 1993 Catch Sharing Plan that retained the 1992 percentage allocations of the Area 2A TAC between user groups. All aspects of the Council's 1993 Plan are the same as the 1992 Plan except for some revisions to the sport fisheries provisions that were necessary to better achieve the allocations between sport fishery areas.

The Council made several changes to the Washington sport fishery portion of the 1992 Plan (applicable to the ocean fishery from inside Puget Sound, and south as far as Cape Falcon, Oregon) to address an unanticipated increased catch success in the south coast area (Queets River, Washington, to Cape Falcon). Until 1992, sport catches of halibut were incidental to other fisheries and the Council's allocation objective was to provide anglers the opportunity to retain halibut caught incidental to other target species. This changed in 1992 when sport fishermen had success in targeting on halibut. In order to acknowledge that targeted sports fishing does occur off the south Washington coast, the Council proposed the following two revisions to the 1992 Plan beginning in 1993: (1) The Washington allocation objective for the south coast area would be modified because the sport halibut fishery in this area is not only an incidental catch fishery, and to stipulate that the allocation intent is to provide stability and maximize season length; and (2) the division of the Washington sport allocation between the three Washington areas would be revised to provide additional harvest opportunity to the south coast area if the 1993 TAC is above the 1992 level. This approach provides additional opportunity in the south coast area only if the TAC increases, thereby maintaining the status quo (1992 level) fishing opportunity in the other two areas. The 1993 Plan provides that all of the increased allocation to the Washington sport fisheries at TAC's above the 1992 level of 650,000 pounds (294.8 mt) up to a TAC of 672,000 pounds (304.8 mt) would be allocated to the south coast area. If the Area 2A TAC is above 672,000 pounds (304.8 mt), the division of the Washington sport allocation between the three areas would change from 32.5 to 31 percent for the Washington inside waters (Puget Sound/Straits) area, from 62.3 to 61 percent for the Washington north coast area, and from 5.2 to 8 percent for the

southern Washington/northern Oregon (north of Cape Falcon) area.

The Council made several changes to the Oregon sport fishery portion of the 1992 Plan (applicable to the fishery off California and Oregon south of Cape Falcon) to address unused allocations in 1991 and 1992. Low harvests during the later seasons (July and August) in the Oregon sport fisheries in 1991 and 1992 resulted in unused allocation that could have been better utilized to provide additional fishing opportunity to the early (May) Oregon sport seasons. For example, the July sport fishery (in the area inside the 30-fathom curve) had harvests of 834 pounds (0.38 mt) in 1991 and 706 pounds (0.32 mt) in 1992, while the allocation was 8,100 and 8,333 pounds (3.7 and 3.8 mt) respectively. To address the problem of underutilized allocations and provide additional opportunity to all Oregon sport users, the Council revised the 1992 division of the Oregon sport allocation for the area between Cape Falcon and the California border as follows beginning in 1993: (1) The early season opening in May would be changed from 68 percent to 80 percent; (2) the July season in the area inside 30 fathoms would be changed from 9 percent to 3 percent; and (3) the August season would be changed from 23 percent to 17 percent.

The Council reduced the bag limit in the Washington north coast area to one fish per person consistent with inseason changes made in 1992 to better achieve allocation objectives for this area. The Washington inside waters sport fishing season exceeded its catch projection in 1992 due to increased catch success, so the 1993 Plan would reduce the sport season to ensure that the catch projections are not exceeded in 1993. Lastly, the Council stipulated the opening dates, days open per week, and season lengths for each sport fishing area in the 1993 Plan at the 1992 TAC level as well as if the TAC increased or decreased.

The Council developed the 1993 proposed catch sharing plan before the IPHC set the 1993 TAC for Area 2A and included specific measures for various levels of TAC. The IPHC subsequently approved an Area 2A TAC of 600,000 pounds (272.2 mt) at its annual meeting on January 25–28, 1993, in Vancouver, British Columbia. The 1993 Catch Sharing Plan adopted by the Council for a TAC of 600,000 pounds (272.2 mt) and proposed for approval by the Secretary is as follows.

Proposed 1993 Catch Sharing Plan

The proposed 1993 Catch Sharing Plan (Plan) would allocate 25 percent of the Area 2A TAC to Washington treaty Indian tribes in Subarea 2A–1, and 75 percent to non-Indian fishermen in Area 2A. The allocation to non-Indian fishermen would be divided 50 percent to commercial users and 50 percent to sport users. The sport allocation would be further divided 61 percent to areas off Washington and 39 percent to areas off Oregon and California. The sport fisheries are divided into geographic areas, each having separate seasons, quotas, bag limits, and other restrictions. The Washington sport allocation applies to the coastal and inland waters off Washington, as well as waters off the coast of Oregon north of Cape Falcon. The Oregon sport allocation applies to waters off Oregon south of Cape Falcon and includes the California coast. The allocations are distributed as sub-quotas to ensure that any overage or underage by any one user group will not affect achievement of the allocation of TAC for other user groups. The Plan distributes the 600,000 pound (272.2 metric tons) TAC in Area 2A as sub-quotas between users as follows:

Treaty Indian sub-quota.	150,000 pounds (68.0 mt).
Non-Indian commercial sub-quota.	225,000 pounds (102.1 mt).
Washington sport sub-quota.	137,250 pounds (62.3 mt).
Oregon sport sub-quota.	87,750 pounds (39.8 mt).
Total	600,000 pounds (272.2 mt).

The specific allocative measures proposed at the 1993 TAC of 600,000 pounds (272.2 mt) in the treaty Indian, non-Indian commercial and non-Indian sport fisheries in Area 2A is described below.

Treaty Indian Fisheries

Twenty-five percent of the Area 2A TAC would be allocated to 12 treaty Indian tribes in Subarea 2A–1 as defined in 50 CFR 301.19(b) (57 FR 12884, April 14, 1992). The treaty Indian allocation is to provide for a tribal commercial fishery and a ceremonial and subsistence fishery. These two fisheries are to be managed separately; any overages in the commercial fishery would not affect the ceremonial and subsistence fishery. The commercial fishery will be managed to achieve an established sub-quota, while the ceremonial and subsistence fishery will be managed for a year-round season. The tribal ceremonial and subsistence fishery will commence on January 1 and continue year-round through December 31. No size or bag limits will apply to the ceremonial and subsistence fishery, except that when the tribal commercial fishery is closed, treaty Indians may take and retain not more than two halibut per day per person. The tribal estimate of ceremonial and subsistence catch for a year-round fishery in 1993 is 14,000 pounds (6.4 mt). The tribal commercial fishery is allocated a sub-quota of 136,000 pounds (61.7 mt) which is equal to the tribal allocation of 150,000 pounds (68.0 mt) less the tribal estimate of ceremonial and subsistence catch for a year-round season. The tribal commercial fishery will commence on March 1 and continue through October 31 or until the tribal commercial sub-quota is taken, whichever occurs first. Any halibut sold by treaty Indians during the commercial fishing season must comply with the IPHC regulations on size limits for the non-Indian fishery. Halibut taken for ceremonial and subsistence purposes may not be offered for sale or sold. Regulations necessary for the treaty Indian allocative measures will be implemented in the 1993 IPHC regulations.

Commercial Fisheries (Non-Indian)

The non-Indian commercial fisheries would be allocated 37.5 percent of the Area 2A TAC. The proposed Plan does not address the structuring of the commercial season(s). The commercial fishery opening date(s), duration and vessel trip limits for Area 2A, as necessary to ensure that the sub-quota for this fishery is not exceeded, are determined by the IPHC.

Sport Fisheries (Non-Indian)

The non-Indian sport fisheries would be allocated 37.5 percent of the Area 2A TAC. The sport fishery allocation is further divided with 22.9 percent of the Area 2A TAC to areas off Washington/northern Oregon and 14.6 percent to areas off Oregon/California. The sport fisheries are divided into five geographic areas, each having separate seasons, sub-quotas, bag limits, and other restrictions as necessary to achieve allocation objections. The Washington sport allocation applies to the coastal and inland waters off Washington and includes the north coast of Oregon, north of Cape Falcon. The Oregon sport allocation applies to waters off Oregon south of Cape Falcon and includes the California coast.

The Washington sport fisheries structuring is based on the following allocation objectives adopted by the Council.

1. Provide a stable sport opportunity for anglers in inside waters, and provide incentive to anglers to fish in Puget Sound with a two fish bag limit.

2. Maximize the season length for viable fishing opportunity on the remote

halibut grounds off northwest Washington and stagger the seasons to spread out this opportunity to maximize the benefit to anglers who utilize these grounds.

3. On the south coast, structure the season to ensure stability and maximize the season length during time periods when sport salmon fishing opportunities are not available.

The Oregon sport fisheries structuring is based on the following allocation objectives adopted by the Council.

1. Provide special opportunity for anglers out of Pacific City and Garibaldi, where a long-standing relatively small fishery has existed.

2. Provide early opportunity to anglers along the central and south coast of Oregon especially Newport anglers.

3. Provide opportunity for anglers out of all Oregon ports south of Cape Falcon, especially small boat anglers.

4. Provide a short period of opportunity for all ports south of Cape Falcon and allow charterboats and larger private boats to fish productive areas in deeper water off Newport.

5. Provide anglers in California the opportunity to fish in a fixed season.

The details of the sport fisheries structuring for the five sport fishery areas are as follows.

Washington Inside Waters (Puget Sound and Straits)

This area is allocated 32.5 percent of the Washington sport sub-quota at the 1993 TAC level of 600,000 pounds (272.2 mt). The season in this area is open 6 days per week (closed Wednesdays) from about May 10 to July 17 for a projected catch of 44,606 pounds (20.2 mt). Due to the inability to monitor the catch in this area inseason, no inseason adjustments will be made and estimates of actual catch will be made post-season. The daily bag limit is two halibut per person per day with no size limit.

Washington North Coast Between the Straits and Queets River

This area is allocated 62.3 percent of the Washington sport sub-quota at the 1993 Area 2A TAC of 600,000 pounds (272.2 mt). The area allocation is further divided with 85 percent to be used in a spring fishery (opening in May) and 15 percent for a summer fishery (opening in July). The spring fishery will open on May 1 and continue 7 days per week until 85 percent of the sub-quota is taken. The summer fishery will open on July 2 for 2 days per week (Fridays and Saturdays) and continue until September 30 or until the area sub-quota is taken, whichever occurs first. The daily bag limit is one halibut per person per day with no size limit.

Southern Washington/Northern Oregon (Between Queets River and Cape Falcon, OR)

This area is allocated 5.2 percent of the Washington sport sub-quota at the 1993 Area 2A TAC of 600,000 pounds (272.2 mt). The season will open 2 days per week (Thursdays and Fridays) from about May 20 to June 10. If allowable harvest for this area remains after this season, it will open again on July 2 on Fridays only and continue until September 30 or until the area sub-quota is taken, whichever occurs first. The daily bag limit is one halibut per person per day with no size limit.

South of Cape Falcon to the California Border

This area is allocated 97.4 percent of the Oregon sport sub-quota. The daily bag limit for all seasons in this area is two halibut per person per day, one with a minimum 32-inch size limit and the second with a minimum 50-inch size limit. Eighty percent of this area sub-quota is for a May 1 opening that is divided into two regions, each with a sub-quota. The remainder is for a July 12 opening (3 percent) and a August 4 opening (17 percent). At the 1993 Area 2A TAC of 600,000 pounds (272.2 mt), the four seasons are as follows.

1. The region south of Cape Falcon and north of the Nestucca Bay entrance (latitude 45°09′45″ N.) is allocated 3 percent of the area sub-quota for a May 1 opening. The season will open on May 1 and continue every day until July 11 or until 3 percent of the sub-quota is estimated to have been taken, whichever occurs first.

2. The region south of Nestucca Bay entrance and north of California border is allocated 77 percent of the area sub-quota for a May 1 opening. The season will open on May 1 and continue 5 days per week (Wednesday through Sunday) until July 11 or until 77 percent of the sub-quota is estimated to have been taken, whichever occurs first.

3. This season, applying to the entire area, will open on July 12 in waters inside the 30-fathom curve and will continue every day until August 3 or until 3 percent of the sub-quota is estimated to have been taken, whichever occurs first.

4. The last season, also applying to the entire area, will open on August 4, with no depth restrictions. The fishery is open 5 days per week, Wednesday through Sunday until September 30 or until the area sub-quota is estimated to have been taken, whichever occurs first.

Any poundage remaining after the earlier seasons will be added to the next season. If poundage added to the last season is sufficient to allow for additional fishing opportunity, an inseason action should be taken to add additional open days to each week.

California—South of the California Border

This area is allocated 2.6 percent of the Oregon sport sub-quota. The daily bag limit is one halibut per person per day with a minimum 32-inch size limit. At the 1993 Area 2A TAC of 600,000 pounds (272.2 mt), the season will commence on May 1 and continue every day until September 30. Due to the inability to monitor inseason, no inseason adjustments will be made and estimates of actual catch will be made post-season.

Specific regulations to implement portions of the proposed 1993 Plan will be promulgated by the IPHC and published by NMFS in the **Federal Register**. The IPHC, consistent with its responsibilities under the international convention, will implement the sub-quotas based on its final determination of a 1993 Area 2A TAC of 600,000 pounds (272.2 mt) made at its annual meeting on January 25–28, 1993, in Vancouver, British Columbia. NMFS proposes to implement the sport fishery portion of the above-described catch sharing plan, as applied to the Area 2A TAC, through this rulemaking proceeding.

In the past, the Plan has been implemented by the regulations of the IPHC, the international body that administers the Halibut Convention. This proposed rule would bring allocation measures for the 1993 non-Indian sport fishery in Area 2A under the regulations of the Secretary. This change is warranted because most of the sport fishery structuring (i.e., seasons, days of the week, and bag limits) is necessary only for purposes of allocating to sport fishery participants. Because the IPHC is primarily responsible for conservation and ensuring that quotas and sub-quotas are not exceeded, while the Secretary is responsible for domestic allocation, this proposed rule places the responsibility for sport fishery seasons and bag limits with the Secretary consistent with the Secretary's responsibility for domestic allocation actions. With this change in regulatory responsibility, the Council also recommended that the Secretary implement an inseason management process for sport fisheries whereby minor inseason changes to fishing periods, fishing days, and bag and size limits could be made by NMFS in

consultation with the affected states, the Council Chairman and staff, and IPHC staff. The inseason adjustments contemplated by this process are intended to better achieve the allocation objectives without affecting the established sub-quotas. Public notice of any inseason modifications to the sport regulations will be published in the **Federal Register**. The text of this inseason flexibility framework is in paragraph (d)(3) of the proposed rule. The responsibility for closing a fishery based on achievement of a sub-quota will remain with the IPHC. Paragraph (d)(1) of the proposed rule is reserved for the 1993 sport catch limits to be specified under IPHC regulations.

Classification

A regulatory impact review prepared by the Council for the 1992 Plan to fulfill the requirements of E.O. 12291 indicates that actions taken under the Plan are not "major" and a Regulatory Impact Analysis is not required. These findings also apply to the proposed 1993 Plan because it is a continuation of the prior Plans approved in 1990, 1991, and 1992. Because the proposed 1993 Plan is consistent with catch sharing plans that have been in place since 1990, it will not have a significant economic impact on a substantial number of small entities and, therefore, does not require a regulatory flexibility analysis under the Regulatory Flexibility Act. An Environmental Assessment (EA) was prepared for the 1990 IPHC regulations incorporating the 1990 Catch Sharing Plan in accordance with the National Environmental Policy Act (NEPA), and the Assistant Administrator determined that there would be no significant impact on the human environment resulting from the regulations and that preparation of an environmental impact statement was not required by section 102(2)(C) of NEPA or its implementing regulations. The environmental impacts of the proposed 1993 Catch Sharing Plan and alternatives are no different from those evaluated in the 1990 EA and, therefore, this action is categorically excluded from the NEPA requirements to prepare another EA in accordance with NOAA Administrative Order 216–6, section 6.02a.3. This action does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612. Copies of the 1990 environmental assessment and the 1992 regulatory impact review are available (see **ADDRESSES**). This action has been determined to be consistent to the maximum extent practicable with applicable state coastal management programs and has been submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act.

List of Subjects in 50 CFR Part 301

Fisheries, Treaties.

Dated: February 12, 1993.

Samuel W. McKeen,

Program Management Officer.

For the reasons set out in the preamble, 50 CFR part 301 is proposed to be amended as follows:

PART 301—PACIFIC HALIBUT FISHERIES

1. The authority citation for part 301 continues to read as follows:

Authority: 5 U.S.T. 5; T.I.A.S. 2900; 16 U.S.C. 773–773k.

2. In § 301.20, paragraphs (d) through (k) are removed, paragraphs (l) through (t) are redesignated (e) through (m), and a new paragraph (d) is added to read as follows:

§ 301.20 Sport fishing for halibut.

* * * * *

(d) Area 2A sport fisheries.

(1) Area 2A sport catch limits. [Reserved for International Pacific Halibut Commission]

(2) Area 2A seasons and bag limits are as follows except as modified under the inseason actions in paragraph (d)(3) of this section.

(i) In Puget Sound and the U.S. waters in the Strait of Juan de Fuca, east of a line from Bonilla Point (latitude 48°35′44″ N., longitude 124°43′00″ W.) to Tatoosh Island (latitude 48°23′30″ N., longitude 124°44′00″ W.) to Cape Flattery (latitude 48°22′55″ N., longitude 124°43′42″ W.), there is no sub-quota. The daily bag limit is two halibut of any size per day per person. The fishing season is May 10 through July 17, 6 days a week (closed Wednesdays).

(ii) In the area off the north Washington coast, west of the line described in paragraph (d)(2)(i) of this section and north of the Queets River (latitude 47°31′42″ N.), the sub-quota is 85,507 pounds (38.8 mt). The daily bag limit is one halibut of any size per day per person and the sport fishing seasons are:

(A) May 1 through July 1, 7 days a week, or until 72,681 pounds (33.0 mt) are estimated to have been taken and the season is closed by the Commission; and

(B) July 2 through September 30, 2 days a week (Friday and Saturday), or until the area sub-quota of 85,507 pounds (38.8 mt) is estimated to have been taken and the season is closed by the Commission, whichever occurs first.

(iii) In the area between the Queets River, Washington, and Cape Falcon, Oregon (latitude 45°46′00″ N.), the sub-quota is 7,137 pounds (3.2 mt). The daily bag limit is one halibut of any size per day per person. The fishing season is from May 20 through June 10, 2 days a week (Thursday and Friday). Immediately after the season closes, the Regional Director, in consultation with the affected states and Commission staff, will determine if the sub-quota for this area was taken. If the sub-quota was not taken and sufficient harvest remains for at least 1 day of fishing, the Regional Director will re-open the fishery on July 2 through September 30, 1 day a week (Friday), or until 7,137 pounds (3.2 mt) are estimated to have been taken and the season is closed by the Commission, whichever occurs first.

(iv) In the area off Oregon between Cape Falcon and the California border (latitude 42°00′00″ N.), the sub-quota is 85,469 pounds (38.8 mt). The daily bag limit is two halibut, one with a minimum overall size limit of 23 inches (81.3 centimeters) and the second with a minimum overall size limit of 50 inches (127.0 centimeters). The fishing seasons are:

(A) May 1 through July 11, 7 days a week, between Cape Falcon and Nestucca Bay (latitude 45°09′45″ N), or until 2,564 pounds (1.2 mt) are estimated to have been taken and the season is closed by the Commission, whichever occurs first;

(B) May 1 through July 11, 5 days a week (Wednesday through Sunday), between Nestucca Bay and the California border, or until 65,811 pounds (29.9 mt) are estimated to have been taken and the season is closed by the Commission, whichever occurs first;

(C) July 12 through August 3, 7 days a week, in the area inside the 30-fathom curve nearest to the coastline as plotted on National Ocean Service charts numbered 18520, 18580, and 18600 from Cape Falcon to the California border, or until 2,564 pounds (1.2 mt) are estimated to have been taken (except that any poundage remaining unharvested after the earlier seasons will be added to this season) and the season is closed by the Commission, whichever is earlier; and

(D) August 4 through September 30, 5 days a week (Wednesday through Sunday), from Cape Falcon to the California border, or until a total of 85,469 pounds (38.8 mt) for this area are estimated to have been taken and the season is closed by the Commission, whichever is earlier.

(v) In the area off the California coast, there is no sub-quota. The daily bag limit is one halibut with a minimum overall size limit of 32 inches (81.3 centimeters). The fishing season in this area is May 1 through September 30, 7 days a week.

(3) Flexible inseason management provisions in Area 2A.

(i) The Regional Director, after consultation with the Chairman of the Pacific Fishery Management Council, the Commission Executive Director, and the Fisheries Director(s) of the affected state(s), is authorized to modify regulations during the season after determining that such action:

(A) is necessary to allow allocation objectives to be met; and

(B) will not result in exceeding the catch limit established preseason for each area.

(ii) Flexible inseason management provisions include, but are not limited to, the following:

(A) Modification of sport fishing periods;

(B) Modification of sport fishing bag limits;

(C) Modification of sport fishing size limits; and

(D) Modification of sport fishing days per calendar week.

(iii) Notice procedures.

(A) Actions taken under paragraph (d)(3) of this section will be published in the **Federal Register**.

(B) Actual notice of inseason management actions will be provided by a telephone hotline administered by the Northwest Region, NMFS, 206–526–6667 or 800–662–9825 (May through September) and by U.S. Coast Guard broadcasts. These broadcasts are announced on Channel 16 VHF–FM and 2182 KHz at frequent intervals. The announcements designate the channel or frequency over which the Notice to Mariners will be immediately broadcast Since provisions of these regulations may be altered by inseason actions, sport fishermen should monitor either the telephone hotline or Coast Guard broadcasts for current information for the area in which they are fishing.

(iv) Effective dates.

(A) Any action issued under paragraph (d)(3)(iii) of this section is effective on the date specified in the publication or at the time that the action is filed for public inspection with the Office of the Federal Register, whichever is later.

(B) If time allows, NMFS will invite public comment prior to the effective date of any inseason action filed with the **Federal Register**. If the Regional Director determines, for good cause, that an inseason action must be filed without affording a prior opportunity for public comment, public comments will be received for a period of 15 days after the filing of the action with the **Federal Register**.

(C) Any inseason action issued under paragraph (c)(3) of this section will remain in effect until the stated expiration date or until rescinded, modified, or superseded. However, no inseason action has any effect beyond the end of the calendar year in which it is issued.

(v) Availability of data. The Regional Director will compile in aggregate form all data and other information relevant to the action being taken and will make them available for public review during normal office hours at the Northwest Regional Office, NMFS, Fisheries Management Division, 7600 Sand Point Way NE., Seattle, Washington.

(4) When the Commission has determined that a sub-quota under paragraph (d)(2) of this section is estimated to have been taken and announced a date on which the season will close, no person shall sport fish for halibut in that area after that date for the rest of the year, unless a reopening of that area for sport halibut fishing is scheduled under paragraph (d)(2) or (d)(3) of this section, or announced by the Commission.

* * * * *

[FR Doc. 93–3871 Filed 2–16–93; 12:34 pm]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 58, No. 32
Friday, February 19, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

February 12, 1993.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404–W Admin. Bldg., Washington, DC 20250, (202) 690–2118.

Revision (Emergency)

- Agricultural Stabilization and Conservation Service 7 CFR 1413, 1477, and 1478—Disaster Payments and Disaster Assistance Program

CCC–441, 441A, 441W, 441 Income, 440, ASCS–574, 574–1, 658, 441WR, 441SU

On occasion

Farms; 16,318,003 responses; 4,079,501 hours

Diane Sharp (202) 720–4667

New Collection (Emergency)

- Farmers Home Administration

Survey of Labor Housing Borrowers

One-time only

Individuals or households; Non-profit institutions; Small businesses or organizations; 1,000 responses; 1,500 hours

Jack Holston (202) 720–9736

- Food And Nutrition Service

Evaluation of the Expanded EBT Demonstration in Maryland

On occasion

Individuals or households, State or local governments, Businesses or other for-profit, Federal agencies or employees, Small businesses or organizations, 29,938 responses; 4,932 hours

Margaret Andrews (703) 305–2115

Larry K. Roberson,

Deputy Department Clearance Officer.

[FR Doc. 93–3944 Filed 2–18–93; 8:45 am]

BILLING CODE 3410–01–M

Forest Service

Monache Off-Highway Vehicle Plan

AGENCY: Forest Service, USDA.

ACTION: Cancellation notice.

SUMMARY: The Forest Service has cancelled its proposal to prepare a single off-highway vehicle (OHV) plan for the Monache area on the Mt. Whitney Ranger District, Inyo National Forest, Tulare County, California. The preparation of an environmental impact statement for this proposal is cancelled. The Monache proposal is being combined with the ongoing effort to prepare the Interagency Motor Vehicle Use Plan covering National Forest and Public lands in the eastern Sierra Nevada.

The Notice of Intent, published in the **Federal Register** on December 28, 1990 is hereby rescinded (55 FR 53318).

FOR FURTHER INFORMATION CONTACT: Direct questions about this cancellation to Bill Bramlette, Recreation Staff Officer, Inyo National Forest, 873 North Main Street, Bishop, CA 93514–2494, phone 619–873–2400.

Dated: February 12, 1993.

Dennis W. Martin,

Forest Supervisor.

[FR Doc. 93–3915 Filed 2–18–93; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

South East Middle Suwannee River Area Watershed, Suwannee County, FL; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environment Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture gives notice that an environmental impact statement is not being prepared for the South East Middle Suwannee River Area Watershed, Suwannee County, Florida.

FOR FURTHER INFORMATION CONTACT: T. Niles Glasgow, State Conservationist, Soil Conservation Service, Federal Building, 401 SE First Ave., room 248, Gainesville, Florida 32601; Telephone: 904–377–0946.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action, developed by the Soil Conservation Service, indicates that the project will not cause significant local, regional, or national impacts on the environment.

As a result of these findings, T. Niles Glasgow, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan to relieve threats to human health and contamination of ground and surface waters by nitrate leaching from intensive agricultural operations. The planned works of improvement consist of agricultural Best Management Practices to safely collect, store, transport and utilize agricultural waste.

This Notice of A Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed for the environmental assessment are on file and may be reviewed by contacting T. Niles Glasgow.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local Officials.)

Dated: February 12, 1993.

T. Niles Glagow,

State Conservationist.

[FR Doc. 93–3911 Filed 2–18–93; 8:45 am]

BILLING CODE 3410–16–M

COMMISSION ON CIVIL RIGHTS

Agenda and Public Meeting of the North Carolina State Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the North Carolina State Advisory Committee to the Commission will convene at 12 p.m. and adjourn at 5 p.m. on Wednesday, March 10, 1993, at the Wake Forest University, Benson Center, room 401B, Winston-Salem, North Carolina. The purpose of this meeting is: (1) To discuss the status of the Commission; (2) to hear reports on civil rights progress and/or problems in the State; (3) to discuss the current project on racial tensions in North Carolina with mayors from several key NC cities; and, (4) to discuss racial tensions in Winston-Salem with community leaders.

Persons desiring additional information, or planning a presentation to the Committee should contact North Caroline Acting Chairperson, Asa Spaulding, Jr. at 919/469–9099 or Bobby D. Doctor, Regional Director, Southern Regional Office of the U.S. Commission on Civil Rights at (404/730–2476, TDD 404/730–2481). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Southern Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 11, 1993.

Carol-Lee Hurley,

Regional Programs Coordination Unit.

[FR Doc. 93–3912 Filed 2–18–93; 8:45 am]

BILLING CODE 6335–01–M

Agenda and Public Meeting of the North Dakota Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the North Dakota Advisory Committee to the Commission will be held from 10 a.m. until 1 p.m. on Wednesday, March 10, 1993, at the Radisson Inn, 800 S. Third St., in Bismarck. The purpose of this meeting is to brief Advisory Committee members on Commission and regional activities, discuss current civil rights issues, and plan for future activities.

Persons desiring additional information should contact Acting Committee Chairperson Betty L. Mills or William F. Muldrow, Director of the Rocky Mountain Regional Office, 303–866–1040 (TDD 303–866–1049). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 11, 1993.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 93–3913 Filed 2–18–93; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Electronics Technical Advisory Committee; Notice of Closed Meeting

A meeting of the Electronics Technical Advisory Committee will be held March 5, 1993, at 9 a.m., in the Herbert C. Hoover Building, room 1617M–2, 14th Street and Pennsylvania Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to electronics and related equipment or technology. The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 5, 1992, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC. For further information, call 202–482–4959.

Dated: February 12, 1993.

Lee Ann Carpenter,

Acting Director, Technical Advisory Committee Unit.

[FR Doc. 93–3877 Filed 2–18–93; 8:45 am]

BILLING CODE 3510–DT–M

Economics and Statistics Administration

Advisory Committee of the Task Force for Designing the Year 2000; Census and Census-Related Activities for 2000–2009

AGENCY: Economics and Statistics Administration, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, as amended by Public Law 94–409) we are giving notice of a meeting of the Advisory Committee of the Task Force for Designing the Year 2000 Census and Census-Related Activities for 2000–2009. The meeting will convene on Friday, March 5, 1993, at the Bureau of Census, room 1630, Federal Building 3, Suitland, Maryland.

The Advisory Committee is composed of a Chairperson, twenty-five member organizations, and eight ex officio members, all appointed by the Secretary of Commerce. The Advisory Committee will consider the goals of the census and user needs for information provided by the census, and provide a perspective from the standpoint of the outside user community on how proposed designs for the year 2000 Census realize those goals and satisfy those needs. The Advisory Committee shall consider all aspects of the conduct of the census of population and housing for the year

2000, and shall make recommendations for improving that census.

DATES: The meeting will begin at 9:30 a.m. and adjourn at 4:30 p.m. on Friday, March 5, 1993.

ADDRESSES: The meeting will take place at the Bureau of Census, room 1630, Federal Building 3, Suitland, Maryland.

FOR FURTHER INFORMATION CONTACT: Persons wishing additional information regarding this meeting, or who wish to submit written statements or questions, may contact Thomas P. DeCair, Department of Commerce, Bureau of the Census, Room 2066, Federal Building 3, Washington, DC 20233. Telephone: (301) 763–7298.

SUPPLEMENTARY INFORMATION: The agenda for the meeting includes continuing consideration of a final set of potential designs for the 2000 census, a presentation on the Barriers to Enumeration, a Summary of Ethnographic Studies, and other items that the Chair and Advisory Committee members deem appropriate for this meeting. The meeting is open to the public. A brief period will be set aside for public comment and questions. However, persons with extensive questions or statements for the record must submit them in writing to the Commerce Department official named below at least three working days prior to the meeting.

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Susan Knight on (301) 763–7298.

Dated: February 10, 1993.

Jeffrey Mayer,

Acting Under Secretary for Economic Affairs, Economics and Statistics Administration.

International Trade Administration

[A–412–812]

Notice of Final Determination of Sales at Less Than Fair Value: New Steel Rail, Except Light Rail, From the United Kingdom

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: February 18, 1993.

FOR FURTHER INFORMATION CONTACT: Michelle Frederick or Erik Warga, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0186 or 482–0922, respectively.

FINAL DETERMINATION: We determine that imports of new steel rail, except light rail, (steel rail) from the United Kingdom are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since our October 8, 1992, preliminary determination (57 FR 47450, October 16, 1992), the following events have occurred:

On November 12, 1992, we published a notice postponing our final determination until February 10, 1992 (57 FR 53692).

We conducted verification of respondent's (British Steel plc's) questionnaire response from October 19 through October 21, 1992, (at the Workington, Cumbria, United Kingdom, offices of British Steel Track Products) and on October 30, 1992 (at the Schaumburg, Illinois, offices of British Steel Inc.).

Petitioners, Bethlehem Steel Corporation and CF&I Steel Corporation, and respondent requested a public hearing on October 22 and October 26, 1992, respectively. Both parties subsequently withdrew their hearing requests on November 10 (respondent) and November 23, 1992 (petitioners).

Petitioners and respondent filed case briefs on November 23, 1992, and rebuttal briefs on November 25, 1992.

Scope of Investigation

The merchandise subject to this investigation is new steel rail, except light rail and girder rail, of other than alloy steel, and over 30 kilograms per meter. Standard and premium carbon steel T rail, crane rail and contact rail (electrical rail) covered by the scope of this investigation are currently classifiable under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 7302.10.1010, 7302.10.1015, 7302.10.1035, 7302.10.1045, and 8548.00.0000. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Period of Investigation

The period of investigation (POI) is December 1, 1991, through May 31, 1992.

Such or Similar Comparisons

We based our such or similar comparisons on the same methodology described in the preliminary determination.

Fair Value Comparisons

To determine whether British Steel made sales of steel rail from the United Kingdom in the United States at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

We calculated USP using the methodology described in the preliminary determination, with the following exceptions: cargo superintendent charges, deadfreight, demurrage, and ocean freight were revised for certain sales based on verification findings (see *Comment 4* in the "Interested Party Comments" section of this notice); the amount reported as foreign dunnage was not deducted because it was found to be already included in another reported charge amount (see *Comment 5* in the "Interested Party Comments" section of this notice).

Foreign Market Value

We calculated FMV using the methodology described in the preliminary determination, with the following exceptions: we recalculated credit based on verification findings for purposes of making a circumstance-of-sale adjustment pursuant to 19 CFR 353.56, for differences in credit expenses. In addition, at verification, respondent did not adequately support the figure reported for purposes of adjusting for physical differences in merchandise. As a result, the issue of how to make this adjustment was resolved by using best information available.

Currency Conversion

We made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

Verification

As provided in section 776(b) of the Act, we verified information provided by the respondent by using standard verification procedures, including examination of relevant sales and financial records, as well as relevant original documentation that supported information provided in the questionnaire response.

Interested Party Comments

Comment 1

Respondent argues that the Department of Commerce (the Department) did not select the proper

home market (HM) model as the most similar merchandise to the one model sold in the U.S. during the POI. Respondent specifically contends that its proposed match is the most appropriate based on profile (the outline of a rail's cross-section) and end use. Even though the profiles of all three products (the U.S. model, the HM model match selected by the Department, and respondent's proposed HM model match) are "symmetric," respondent contends that the Department did not give enough weight to web thickness. Respondent further contends that the HM model match selected by the Department is specially produced for reprocessing into switch and crossing rail and thus is an inappropriate match to the U.S. model, which is used as standard running rail. Finally, respondent contends that size is less important a criterion than profile, and that its proposed model match is more comparable based on length and quantity sold.

Petitioners contend that comparisons of rails with different profiles are possible. They also suggest that respondent's definition of use is too narrow, and that the Department has in practice determined products to be comparable "where component materials and general uses are similar * * *" (See, e.g., Tapered Roller Bearings, Finished and Unfinished, and Parts Thereof from Japan, (56 FR 41508, 1991) (Final Results of Administrative Review).) Petitioners also argue that there is no statutory basis for including quantity sold as a matching criterion. Given the hierarchy that the Department has used, the preliminary determination matching methodology should not change.

DOC Position

We disagree with respondent, and we have not revised our matching criteria or our selection of similar merchandise.

For our preliminary determination, we revised the matching criteria to include profile because respondent argued that profile, which it defined as symmetric or asymmetric, was an important characteristic of rail. Respondent now implies that web thickness also should be considered in selecting similar merchandise. Respondent did not provide web thickness (or any other characteristic distinguishing among symmetric profiles) in either its product matching concordance or its sales listings. Thus, even if we were to consider web thickness as an additional matching criterion, we would be unable to determine which home market model or models would be most similar to the U.S. model.

With respect to respondent's argument that the model match it proposes is more similar to the U.S. model based on length, respondent fails to recognize that size, which precedes length in our matching hierarchy, was the basis for our selection in this instance. Thus, the comparability of other models based on less important criteria will not alter the model match selection.

Finally, end use and quantity sold are not factors considered in determining appropriate product matches within a such or similar category.

Comment 2

Respondent contends that a quantity adjustment should be made, as provided for under 19 CFR 353.55, in the event that the Department rejects respondent's argument that selection of an alternate home market model match is appropriate. The appropriate adjustment is the amount that sales documentation examined at verification listed as a quantity extra for a sale of the model match used in the preliminary determination.

Respondent contends that it is the general industry practice to charge quantity extras, noting that respondent's price list, submitted with its questionnaire response, lists quantity extras. Respondent also notes that rail producers in other countries charge quantity extras. Respondent further contends that standard cost data examined at verification (to support reported information on adjustments for similar merchandise) demonstrate that the quantity extra amount approximately represents the additional per-unit costs associated with producing the quantity actually sold instead of a "standard" quantity.

Petitioners counter that respondent has not satisfied the regulatory requirements for such an adjustment, and that respondent's claim for such an adjustment should in any case be rejected as untimely since it was first made after verification.

DOC Position

We agree with petitioners. Because respondent first requested a quantity adjustment in its case brief, well after verification, the Department was not able to examine supporting facts in the context of a verification.

Further, respondent's argument is inadequate when examined on its merits. Under 19 CFR 353.55, an adjustment for differences in quantity will be made if respondent shows that "the amount of any price differential is wholly or partly due to that difference in quantities." If the Department decides an adjustment is appropriate, it will consider, among other things, respondent's normal quantity discount policy in determining how to quantify any adjustment.

Respondent has not demonstrated adequately that a price differential exists (*see* December 22, 1992, concurrence memorandum). Further, assuming that a price differential had been adequately demonstrated, respondent has not satisfied either of the criteria set forth in 19 CFR 353.55(b). That section permits a quantity adjustment when respondent demonstrates a consistent pricing practice in the home market (*i.e.*, the granting of quantity discounts of at least the same magnitude on 20 percent or more of sales within the such or similar category) or when cost differentials directly associated with the different quantities are clearly demonstrated. Respondent has not made an adequate showing as to either criterion.

Comment 3

Petitioners contend that section 772(d)(1)(C) of the Act calls for the Department to apply the same value-added-tax (VAT) percentage to the home market price and the U.S. price, not the same VAT amount. Petitioners cite, *inter alia, Zenith Electronics Corp.* v. *United States*, 633 F. Supp. 1382, 1389 (CIT 1986) (*"Zenith I"*); and *Zenith Electronics Corp.* v. *United States*, 14 CIT _____, 755 F. Supp. 397, 405–406 (1990) (*"Zenith II"*). Petitioners further contend that the VAT amount added to USP should be based on a USP that is net of all "appropriate adjustments" (*e.g.*, selling expenses and movement charges).

Respondent counters that it is the Department's policy to add the same absolute VAT adjustment to both the home market and U.S. prices, and that similar arguments by petitioners have been rejected in numerous other recently issued determinations. With respect to the appropriate VAT base, respondent notes that the Department calculated hypothetical U.S. VAT correctly inasmuch as VAT in the United Kingdom is applied to price charged to the customer.

DOC Position

We agree with respondent. We do not agree with the Court of International Trade's (CIT's) decision in *Zenith II* concerning the circumstance-of-sale adjustment (COS) and further note again that none of the *Zenith* decisions is binding upon the Department in this proceeding. Significantly, the rationale

underlying these decisions conflicts with a binding Federal Circuit precedent and a recent CIT decision. *See Smith-Corona Group* v. *United States*, 713 F.2d 1568 (Fed. Cir. 1983) (*"Smith-Corona"*) (COS deduction of indirect selling expenses from foreign market value to achieve an "apples to apples" comparison upheld); *see also Budd Co.* v. *United States*, Slip Op. 90–85 (CIT 1990) (COS adjustment made to correct artificial distortion to foreign currency upheld).

Furthermore, the statute, as implemented by the regulation, provides that the Department "shall" make "due allowance" for any price difference between foreign market value and United States price that is "wholly or partly due to" circumstances of sale that are directly related to the sale of the subject merchandise (section 773(a)(4)(B) of the Act; 19 CFR 353.56 (1992)). The price difference between the foreign market value and the United States price of the subject merchandise is "partly due" to differences in taxation: only home market merchandise is subject to U.K. VAT.

Because the VAT COS adjustment comports with the statutory and regulatory requirements, the statute mandates that the Department make the adjustment. Failure to do so, when adding to the United States price the hypothetical VAT forgiven on exportation, would have artificially inflated the respondent's dumping margins. Such a result would have conflicted not only with a binding Federal Circuit precedent (*i.e.*, the *Smith-Corona* case cited above), but also with congressional intent and the General Agreement on Tariffs and Trade (GATT).

We therefore have not changed our preliminary determination methodology, and have followed our normal and longstanding practices of basing hypothetical U.S. VAT on the price to which it would be applied in the home market and accounting for VAT differences through a circumstance-of-sale adjustment.

Comment 4

Respondent contends that, where appropriate, the Department should revise the U.S. sales listing to reflect amounts paid to unrelated parties for movement charges rather than the reported figures. The reported movement charges were the amounts paid to a related party.

DOC Position

Normally, we will make corrections to the sales listings for minor discrepancies found at verification. For the U.S. sales selected for examination at verification, we noted that certain charges were actually less than the figures reported. We have therefore revised reported figures to reflect any different actual figures found during verification only for those sales that were selected for examination. For those U.S. sales not examined at verification, we have made no adjustment since the sales examined supported respondent's contention that payments to a related party for movement charges were arm's length transactions.

Comment 5

Respondent contends that the amount reported as foreign dunnage for U.S. sales was included in another reported movement charge and thus should not be deducted from U.S. price.

Petitioners counter that there are no grounds for granting respondent's request.

DOC Position

We agree with respondent. Since we verified that foreign dunnage was included in an amount reported for other movement charges, we have not deducted the amount reported under the foreign dunnage field.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the Customs Service to continue to suspend liquidation of all entries of steel rail from the United Kingdom that are entered, or withdrawn from warehouse, for consumption on or after October 16, 1992, the date of publication in the **Federal Register** of our preliminary determination. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated margins, as shown below. The suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Manufacturer/producer/exporter	Weighted-average margin percentage
British Steel plc	69.28
All others	69.28

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. The ITC will now determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry within 45 days. If the ITC determines that material injury, or threat of material injury, does not exist with respect to the steel rail, the proceeding will be terminated and all securities posted will be refunded or cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of steel rail from the United Kingdom entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notice to Interested Parties

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility, pursuant to 19 CFR 353.34(d), concerning the return or destruction of proprietary information disclosed under APO. Failure to comply is a violation of the APO.

This determination is published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)) and 19 CFR 353.20(a)(4).

Dated: February 10, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–3817 Filed 2–18–93; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Business Development Center Applications: California IBDC

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625, the Minority Business Development Agency (MBDA) is soliciting competitive applications under its American Indian Program to operate an Indian Business Development Center (IBDC) for approximately a 3-year period, subject to Agency priorities, recipient performance, and the availability of funds. The cost of performance for the first budget period (12 months) is estimated at $310,575 in Federal funds. The Federal funds consist of a base amount of $303,000 and a $7,575 allowance for an audit fee. The period of performance will be from June 1, 1993 to May 31, 1994. The IBDC will operate in the California Geographic Service Area.

The award number for this IBDC will be 09–10–93002–01.

The funding instrument for the IBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations,

state and local governments, American Indian Tribes and educational institutions.

The American Indian program is designed to provide business development services to the American Indian business community for the establishment and operation of viable American Indian businesses. To this end, MBDA funds organizations that can identify and coordinate public and private sector resources on behalf of American Indian individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding American Indian business.

Applications will be evaluated initially by regional staff on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of American Indian businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at 70% of the points assigned by one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the American Indian program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The Director will consider past performance of the applicant on previous Federal awards.

IBDCs performing satisfactorily may continue to operate after the initial competitive year for up to 2 additional budget periods. IBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an IBDC be funded for more than 5 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an IBDC's performance, the availability of funds and Agency priorities.

Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

In accordance with OMB Circular A–129, "Managing Federal Credit Programs," applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Department of Commerce are made to pay the debt.

Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26.

The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the IBDC has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are unsatisfactory performance of IBDC work requirements; and reporting inaccurate or inflated claims of client assistance or client certification. Such inaccurate or inflated claims may be deemed illegal and punishable by law. False information on the application can be grounds for denying or terminating funding.

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, title V, subtitle D). The statute requires contractors and grantees of Federal agencies to certify that they will provide a drug-free workplace. Pursuant to these requirements, the applicable certification form must be completed by each applicant as a precondition for receiving Federal grant or cooperative agreement awards.

15 CFR part 28 is applicable and prohibits recipients of Federal contracts, grants, and cooperative agreements from using appropriated funds for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a specific contract, grant, or cooperative agreement. Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying" and, when applicable, the SF–LLL, "Disclosure of Lobbying Activities," are required.

CLOSING DATE: The closing date for submitting an application is March 3, 1993. Applications must be postmarked on or before March 3, 1993.

Proposals will be reviewed by the San Francisco Regional Office. The mailing address for submission is: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, room 1280, San Francisco, California 94105, 415/744–3001.

A pre-application conference to assist all interested applicants will be held at the following address and time: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, room 1280, San Francisco, California 94105, February 10, 1993 at 10 a.m.

FOR FURTHER INFORMATION CONTACT: Xavier Mena, Regional Director San Francisco Regional Office at 415/744–3001.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained from the San Francisco Regional Office.

11.801 American Indian Program
(Catalog of Federal Domestic Assistance)

Dated: January 20, 1993.

Xavier Mena,

Regional Director, San Francisco Regional Office.

[FR Doc. 93–3916 Filed 2–18–93; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council's Law Enforcement Advisory Panel (Panel) will meet on March 17, 1993, from 1 p.m. until 5 p.m., at the Brazilian Court Hotel, 301 Australian Avenue, Palm Beach, FL; telephone: (407) 655–7740.

The Panel will review the following: (1) Access limitation enforcement issues; (2) general State/Federal compatibility and enforceability issues; and (3) the Coast Guard Fishery Enforcement study.

For more information contact Steven M. Atran, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, suite 331, Tampa, FL; telephone: (813) 228–2815.

Dated: February 12, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93–3872 Filed 2–18–93; 8:45 am]

BILLING CODE 3510–22–M

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The New England Fishery Management Council will hold a public meeting on February 25–26, 1993, at the King's Grant Inn, Route 128 at Trask Lane, Danvers, MA., telephone: 508–774–6800. The meeting will begin at 10 a.m. on February 25 and at 9 a.m. on February 26.

The first day will begin with reports from: The Council Chairman, the Executive Director, the National Marine Fisheries Service, the Regional Director, the Northeast Fisheries Science Center liaison, the Mid-Atlantic Council liaison, and representatives from the Coast Guard, the Fish and Wildlife Service, and the Atlantic States Marine Fisheries Commission. Following the reports, there will be a presentation by the Northeast Fisheries Science Center on the most recent Stock Assessment Workshop held in late January. In the afternoon the Council will discuss the upcoming Magnuson Fisheries Conservation and Management Act reauthorization and possible amendments.

On the second day of the meeting, the Groundfish Committee will report on the preparation of the public hearing document for Amendment #5 to the Multispecies Fishery Management Plan. The Council will then discuss the Conservation Law Foundation's emergency action request to NMFS to conserve overfished cod and haddock stocks in the Northeast. Reports from the Interspecies and the Monkfish Committees will complete the day's agenda.

For more information contact Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906; telephone: (617) 231–0422.

Dated: February 12, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93–3873 Filed 2–18–93; 8:45 am]

BILLING CODE 3510–22–M

THE COMMISSION OF FINE ARTS

1993 National Capital Arts and Cultural Affairs Program

Notice is hereby given that Public Law 99–190, as amended, authorizing the National Capital Arts and Cultural Affairs Program, has been funded for 1993 in the amount of $7,000,000. All requests for information and applications for grants should be addressed to: Charles H. Atherton, Secretary, Commission of Fine Arts, Pension Building, Suite 312, 441 F Street NW., Washington, DC 20001 Phone: 202–504–2200.

Deadline for receipt of submission of grants applications is 19 March 1993.

This program provides grants for general operating support of organizations whose primary purpose is performing, exhibiting, and/or presenting the arts. To be eligible for these grants, organizations must be located in the District of Columbia, must be not-for-profit, non-academic institutions of demonstrated national repute, and must have annual income, exclusive of federal funds, in excess of one million dollars for the current year and for the past three years.

Charles H. Atherton,

Secretary.

[FR Doc. 93–3832 Filed 2–18–93; 8:45 am]

BILLING CODE 6330–01–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amendment of Export Visa Requirements for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Bahrain

February 12, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs amending visa requirements to require manufacturer's identification.

EFFECTIVE DATE: April 1, 1993.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The existing export visa arrangement between the Governments of the United States and Bahrain is being amended, for goods produced or manufactured in Bahrain and exported from Bahrain on and after April 1, 1993, to require that the complete name and address of a company actually involved in the manufacturing process of the textile product covered by the visa be provided on the textile visa document.

The name and address of the company should be placed somewhere on the front of the original export visa document, not within the visa stamp. It should be preceded by the label "manufacturer's identification" or "M.I.D." The name is the full name of the company which performs the substantial part of the manufacturing of the product. The address should include the street name or P.O. Box number (if available), and the city and/or province where the manufacturing occurs. In the case of a shipment covered by a single export visa document containing products which are each manufactured by a number of different companies, the name and address of each company involved should be listed on the export visa document. If additional space is needed for listing the name and address of the firms, the back of the export visa document may be used. Responsible officials will make their best efforts to determine the name and address of a firm or firms which best meet the basic criterion of being an actual manufacturer of the product. This information should appear on the export visa document prior to export from Bahrain. However, for goods exported during the period April 1, 1993 through April 30, 1993, the importer may type this required information on the front of the original visa document. For goods exported on or after May 1, 1993 without the M.I.D. on the export visa document, a new visa containing this information must be obtained.

See 57 FR 19113, published on May 4, 1992.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 12, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on April 29, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive directs you to prohibit entry of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products,

produced or manufactured in Bahrain which were not properly visaed by the Government of Bahrain.

Effective on April 1, 1993, for goods produced or manufactured in Bahrain and exported from Bahrain on and after April 1, 1993, you are directed to require that the complete name and address of a company actually involved in the manufacturing process of the textile product covered by the visa be placed on the textile visa document. This information shall appear on the export visa document prior to export from Bahrain. However, for goods exported during the period April 1, 1993 through April 30, 1993, the importer may type this required information on the front of the original visa document.

Shipments entered for consumption, or withdrawn from warehouse for consumption according to this directive which are not accompanied by an appropriate export visa which includes the identification of the manufacturer on the visa document shall be denied entry and a new visa containing this information must be obtained.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–3909 Filed 2–18–93; 8:45 am]

BILLING CODE 3510–DR–F

Textile and Apparel Categories With the Harmonized Tariff Schedule of the United States; Changes to the 1993 Correlation

February 12, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Changes to the 1993 Correlation.

FOR FURTHER INFORMATION CONTACT: Lori E. Goldberg, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

SUPPLEMENTARY INFORMATION:

The Correlation: Textile and Apparel Categories based on the Harmonized Tariff Schedule of the United States (1993) presents the harmonized tariff numbers under each of the cotton, wool, man-made fiber, silk blend and other vegetable fiber categories used by the United States in monitoring imports of these textile products and in the administration of the bilateral agreement program. In the 1993 Correlation for Category 352, the descriptions for the following HTS numbers should be amended as follows:

HTS number	Description
6107.11.0010	Men's underpants and briefs of cotton fibers, knit
6107.11.0020	Boys' underpants and briefs of cotton fibers, knit

The 1993 Correlation should be amended further to reflect the following administrative changes which were effective on February 1, 1993:

Obsolete number	New number
6201.91.2010 (434)	6201.91.2011 (434)
6201.91.2020 (434)	6201.91.2021 (434)
6201.92.2020 (334)	6201.92.2021 (334)
6201.92.2030 (334)	6201.92.2031 (334)
6201.92.2040 (334)	6201.92.2041 (334)
6201.92.2050 (334)	6201.92.2051 (334)
6201.92.2060 (334)	6201.92.2061 (334)
6201.93.2510 (434)	6201.93.2511 (434)
6201.93.2520 (434)	6201.93.2521 (434)
6201.93.3510 (634)	6201.93.3511 (634)
6201.93.3520 (634)	6201.93.3521 (634)
6201.99.0010 (334)	6201.99.0011 (334)
6201.99.0020 (434)	6201.99.0021 (434)
6201.99.0030 (634)	6201.99.0031 (634)
6201.99.0050 (834)	6201.99.0051 (834)
6201.99.0060 (834)	6201.99.0061 (834)
6202.91.2010 (435)	6202.91.2011 (435)
6202.91.2020 (435)	6202.91.2021 (435)
6202.92.2025 (335)	6202.92.2026 (335)
6202.92.2030 (335)	6202.92.2031 (335)
6202.92.2060 (335)	6202.92.2061 (335)
6202.92.2070 (335)	6202.92.2071 (335)
6202.93.4010 (435)	6202.93.4011 (435)
6202.93.4020 (435)	6202.93.4021 (435)
6202.93.5010 (635)	6202.93.5011 (635)
6202.93.5020 (635)	6202.93.5021 (635)
6202.99.0010 (334)	6202.99.0011 (334)
6202.99.0020 (335)	6202.99.0021 (335)
6202.99.0030 (435)	6202.99.0031 (435)
6202.99.0040 (635)	6202.99.0041 (635)
6202.99.0050 (835)	6209.99.0051 (835)
6202.99.0060 (835)	6209.99.0061 (835)
.....	6211.31.0045—Jackets and jacket-type garments excluded from heading 6201 (434)
6211.31.0050 (459)	6211.31.0051 (459)
.....	6211.32.0075—Jackets and jacket-type garments excluded from heading 6201 (334)
6211.32.0080 (359)	6211.32.0081 (359)
.....	6211.33.0058—Jackets and jacket-type garments excluded from heading 6201 (634)
6211.33.0060 (659)	6211.33.0061 (659)
.....	6211.39.0075—Jackets and jacket-type garments excluded from heading 6202 (834)
6211.39.0080 (859)	6211.39.0081 (859)
.....	6211.41.0055—Jackets and jacket-type garments excluded from heading 6202 (435)
6211.41.0060 (459)	6211.41.0061 (459)
.....	6211.42.0075—Jackets and jacket-type garments excluded from heading 6202 (335)
6211.42.0080 (359)	6211.42.0081 (359)
.....	6211.43.0078—Jackets and jacket-type garments excluded from heading 6202 (635)
6211.43.0090 (659)	6211.43.0091 (659)
.....	6211.49.0085—Jackets and jacket-type garments excluded from heading 6202 (835)
6211.49.0090 (859)	6211.49.0091 (859)

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–3908 Filed 2–18–93; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to the Procurement List services to be furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: March 22, 1993.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On November 6, December 18 and 29, 1992 the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (57 FR 53098, 60176 and 61884) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning the capability of a qualified nonprofit agency to provide the services, fair market price, and the impact of the additions on the current or most recent contractor, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

Administrative Services, Marine Corps Systems Command, Quantico, Virginia.
Janitorial/Custodial, Ozark Lake Park, Pool #13 and Lake Dardanelle Area, Ozark, Arkansas.
Janitorial/Custodial, U.S. Army Reserve Center, 1001 & 1005 Lakecrest Drive, Grand Prairie, Texas.
Laundry Service, Military Entrance Processing Station, 1222 Spruce Street, St. Louis, Missouri.
Mailroom Operation, U.S. Army Engineer District, Prytania Street and Leake Avenue, New Orleans, Louisiana.

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 93–3887 Filed 2–18–93; 8:45 am]

BILLING CODE 6820–33–M

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List a commodity and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 22, 1993.

ADDRESS: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodity and service listed below from nonprofit agency employing persons who are blind or have other severe disabilities.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and service to the Government.

2. The action will result in authorizing small entities to furnish the commodity and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and service proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following commodity and service to the Procurement List for production by the nonprofit agencies listed:

Commodity

Clamp, Loop.
5340–01–259–4151
Nonprofit Agency: United Cerebal Palsy of King-Snohomish Counties, Seattle, Washington.

Service

Janitorial/Custodial, U.S. Customhouse, 200 East Bay Street, Charleston, South Carolina.
Nonprofit Agency: Goodwill Industries of Lower South Carolina, Inc., Charleston, South Carolina.

Beverly L. Milkman,

Executive Director.

[FR Doc. 93–3888 Filed 2–18–93; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Air Force Institute of Technology Board of Visitors; A Subcommittee of the Air University Board of Visitors; Meeting

The Air Force Institute of Technology Board of Visitors, a Subcommittee of the Air University Board of Visitors, will hold an open meeting at 8:30 a.m. on 3 March 1993, in the Commandant's Conference Room (ten seats available), Building 125, Wright-Patterson Air Force Base, Ohio.

The purpose of the meeting is to give the board the opportunity to present to the Commandant, Air Force Institute of Technology, a report of findings and recommendations concerning the Institute's educational programs. The findings of the subcommittee will also be reported to the Commander, Air University, at the next regularly scheduled meeting of the Air University Board of Visitors.

For further information on this meeting, contact Major Leslie M. Keffel, Chief, Graduate Programs, Directorate of Operations and Plans, Air Force Institute of Technology, (513) 255–5402 or 4219.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–3833; Filed 2–18–93; 8:45 am]

BILLING CODE 3910–01–M

Air University Board of Visitors; Meeting

The Air University Board of Visitors will hold an open meeting on 18–21 April 1993, beginning at 0815 in the Air University Conference Room, Headquarters Air University, Maxwell Air Force Base, Alabama (10 seats available).

The purpose of the meeting is to give the board an opportunity to review Air University educational programs and to present to the Commander, Air University, a report of their findings and recommendations concerning these programs.

For further information on this meeting, contact Dr. Dorothy Reed, Coordinator, Air University, Maxwell Air Force Base, Alabama 36112–6335, telephone (205) 953–5159.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–3834 Filed 2–18–93; 8:45 am]

BILLING CODE 3910–01–M

VOL
58
ISS
32
FE
19
1993
UMI

Intent to Grant Exclusive Patent License

Pursuant to the provisions of part 404 of title 37, Code of Federal Regulations, which implements Public Law 96–517, the Department of the Air Force announces its intention to grant Beam Tech Corporation, San Antonio, Texas 78268, an exclusive, domestic license under United States Letters Patent No. 4,948,975, which matured from application Serial No. 07/241,992 filed 8 September 1988 in the names of David N. Erwin, Johnathan L. Kiel, Charles R. Batishko, and Kurt A. Stahl for "Quantitative Luminescence Imaging System."

The license described above will be granted unless an objection thereto, together with a request for an opportunity to be heard, if desired, is received in writing by the addressee set forth below within sixty (60) days from the date of publication of this Notice. Copies of the patent may be obtained upon request from the same addressee.

All communications concerning this Notice should be sent to: Mr. Donald J. Singer, Chief, Patents Division, Air Force Legal Services Agency, AFLSA/JACP, 1501 Wilson Blvd., room 805, Arlington, VA 22209–2403, Telephone No. (703) 696–9047.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–3938 Filed 2–18–93; 8:45 am]

BILLING CODE 3910–01–M

Department of the Navy

CNO Executive Panel; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Domestic Issues Task Force will meet March 10–11, 1993, from 9 am to 5 pm, in Alexandria, Virginia.

The purpose of this meeting is to continue efforts to forecast emerging demographic and sociological trends and their effect on the Navy of the future. The agenda of the meeting will consist of discussions of key issues related to domestic changes in response to demographic, sociological, cultural, and political phenomena.

For further information concerning this meeting, contact: Judith A. Holden, Executive Secretary to the CNO Executive Panel, 4401 Ford Avenue, room 601, Alexandria, Virginia 22302–0268, Phone (703) 756–1205.

Dated: February 10, 1993.

Michael P. Rummel,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 93–3835 Filed 2–18–93; 8:45 am]

BILLING CODE 3810–AE–F

DEPARTMENT OF EDUCATION

[CFDA No. 84.258A]

Even Start; Extending the Closing Date for New Awards

AGENCY: Department of Education.

ACTION: Notice extending the closing date for new awards under the Even Start Program for federally recognized Indian tribes and tribal organizations for fiscal year (FY) 1993.

SUMMARY: On September 21, 1992, the Department of Education published in the **Federal Register** a notice inviting applications under the Even Start Program for federally recognized Indian tribes and tribal organizations for FY 1993. The purpose of this notice is to extend the closing date for transmittal of those applications from March 19, 1993, to April 27, 1993, to provide applicants additional time to submit applications. In the original notice, it was estimated that there would be sufficient funds to make two new awards for FY 1993 of an estimated average size of $150,000 each. However, the Department now anticipates that, after funding continuation applications, there will be sufficient funds for only one new award for FY 1993.

FOR APPLICATIONS OR INFORMATION CONTACT: Patricia McKee, Compensatory Education Programs, U.S. Department of Education, 400 Maryland Avenue SW., room 2017, Washington, DC 2202–6132. Telephone: (202) 401–1692. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 2741–2749.

Dated: February 12, 1993.

Mary Jean LeTendre,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 93–3855 Filed 2–18–93; 8:45 am]

BILLING CODE 4000–01–U

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: March 4–6, 1993.

TIME: March 4, Achievement Levels Committee Meeting, 2 p.m.–4 p.m., (closed); Subject Area committee #2, 4 p.m.–6 p.m., (open); Nominations Committee, 4 p.m.–6 p.m., (closed) Executive Committee, 7 p.m.–9 p.m. (open). March 5, Full Board, 8 a.m.–5:30 p.m., (open). March 6, Full Board, 8 a.m.–11:30 a.m., (open); 11:30 a.m.–12 noon, (closed).

LOCATION: Madison Hotel, 15th and M Streets, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mary Ann Wilmer, Operations Officer, National Assessment Governing Board, suite 825, 800 North Capitol Street, NW., Washington, DC, 20002–4823, Telephone: (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 406(i) of the General Education Provisions Act (GEPA) as amended by section 3403 of the National Assessment of Educational Progress Improvement Act (NAEP Improvement Act), title III–C of the Augustus F. Hawkins—Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (Pub. L. 100–297), (20 U.S.C. 1221e–1).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons.

On March 4, the Achievement Levels Committee will meet to discuss the writing achievement levels. The discussion will include references to specific items for the assessment, the disclosure of which might significantly frustrate implementation of the NAEP. This session must be closed to the public because reference may be made to data which may be misinterpreted, incorrect, or incomplete. Premature disclosure of this data might significantly frustrate implementation of a proposed agency action. Such matters

are protected by exemption 9(B) of section 552b(c) of title 5 U.S.C.

The Subject Area committee #2 will meet in open session from 4 to 6 p.m. to hear a panel presentation on the relation among the National Arts Standards, Arts Partnership Project, and the NAEP Arts Consensus. The Committee will also receive a briefing on the status of the Arts Consensus Project.

The Nominations Committee will meet in closed session from 4 to 6 p.m. to review and discuss qualifications of nominees for vacancies in the membership of the National Assessment Governing Board. The review and subsequent discussions of this information relate solely to the internal rules and practices of an agency and will disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemptions (2) and (6) of section 552b(c) of title 5 U.S.C.

Also, on March 4, the Executive Committee will meet in open session from 7 p.m. to 9 p.m. The agenda items for this meeting include the review and approval of the recommendations for Future NAEP II; review of the 1994 budget; and update on the reauthorization of State NAEP.

On March 5, the full Board will meet in open session from 8:30 a.m. to 9:30 a.m. The agenda will be reviewed; a new member will be administered the oath of office; the Executive Director's report will be presented. During the period from 9:30 a.m. to 11 a.m., there will be open meetings of the Reporting and Dissemination Committee, Subject Area Committee #1, and the Design and Analysis Committee. At 12 noon, the full Board will reconvene and be in session until 5 p.m. The agenda includes a briefing and discussion on the writing achievement levels; update on NAEP activities, a symposium on linking test results, and a presentation on the International Education Association Study on Reading.

On March 6, the full Board will meet from 9 a.m. until adjournment. The proposed agenda for this portion of the meeting includes a presentation from the National Commission on Time and Learning, and reports from the NAGB committees. Beginning at 11:30 a.m. through adjournment; 12 noon, the meeting will be closed to the public. During the closed portion, the Board will consider the recommendations from the Nominations Committee of candidates for Board membership. Discussion of the candidates' qualifications relate solely to the internal personnel rules and practices of an agency and will disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemptions (2) and (6) of section 552b(c) of title 5 U.S.C.

A summary of the activities of the closed sessions and related matters, which are informative to the public and consistent with the policy of section 5 U.S.C. 552b, will be available to the public within 14 days after the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, suite 825, 800 North Capitol Street, NW., Washington, DC, from 8:30 a.m. to 5 p.m.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 93–3880 Filed 2–18–93; 8:45 am]

BILLING CODE 4000–01–M

National Education Goals Panel; Meeting

AGENCY: National Education Goals Panel: Education.

ACTION: Notice of cancellation.

SUMMARY: Notice is hereby given of the cancellation of the National Education Goals Panel meeting scheduled for February 19, 1993, at the Hyatt Regency Washington on Capitol Hill, 400 New Jersey Avenue, NW., Washington, DC, as published in the **Federal Register** on Friday, January 22, 1993, Volume 58, Number 13, page 5718. See notice in the Federal Register for the rescheduled date and times of this meeting.

FOR FURTHER INFORMATION, CONTACT: Public Information Officer, 1850 M Street, NW., suite 270, Washington, DC 20036. Telephone: (202) 632–0952.

Dated: February 17, 1993.

Ann V. Bailey,

Committee Management Officer, U.S. Department of Education.

[FR Doc. 93–4038 Filed 2–17–93; 2:21 pm]

BILLING CODE 4000–01–M

National Education Goals Panel; Meeting

AGENCY: National Education Goals Panel: Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date and location of a forthcoming meeting of the National Education Goals Panel. This notice also describes the functions of the Panel. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES: March 3, 1993 from 10 a.m. to 1 p.m.

ADDRESSES: Hyatt Regency Washington on Capitol Hill, 400 New Jersey Avenue, NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Public Information Officer, 1850 M Street, NW., suite 270, Washington, DC 20036. Telephone: (202) 632–0952

SUPPLEMENTARY INFORMATION: The National Education Goals Panel was created to monitor and report annually to the President, Governors and Congress on the progress of the nation toward meeting the six National Education Goals adopted by the President and Governors in 1989.

The meeting of the Panel is open to the public. The agenda includes discussion of feedback to the 1992 National Education Goals Report and suggestions for improvement of format.

The public is given less than 15 days notice due to scheduling conflicts. Records are kept of all Panel proceedings, and are available for public inspection at the Office of the Goals Panel at 1850 M Street, NW., suite 270, Washington, DC 20036, from the hours of 10 a.m. to 5 p.m.

Dated: February 17, 1993.

Ann V. Bailey,

Committee Management Officer, U.S. Department of Education.

[FR Doc. 93–4039 Filed 2–17–93; 2:21 pm]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Notification of Floodplain Involvement for the Proposed Clean Coal Technology Project at the Wabash River Generating Station, West Terre Haute, IN

AGENCY: U.S. Department of Energy.

ACTION: Notice of floodplain involvement.

SUMMARY: As part of DOE's Clean Coal Technology (CCT) Demonstration Program, DOE proposes to provide cost-shared financial assistance to the Wabash River Coal Gasification Repowering Project Joint Venture (WRJV) for the construction and operation of a project entitled, "Wabash River Coal Gasification Combined Cycle (CGCC) Repowering Project." The WRJV partners are Public Service Company of Indiana (PSI) Energy, Inc., of Plainfield, Indiana, and Destec Energy, Inc., of

VOL
58
ISS
32
FE
19
1993
UMI

Houston, Texas. The project would be located in Vigo County, Indiana. The southern portion of the ash pond system, within which storage of the gasification slag material is proposed, is included in the 100-year floodplain as depicted on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM). In accordance with 10 CFR part 1022, DOE will prepare a floodplain assessment and will perform this proposed financial assistance action in a manner so as to avoid or minimize potential impacts on the affected floodplain. The assessment will be included in the Environmental Assessment (EA) being prepared for the proposed project in accordance with the requirements of the National Environmental Policy Act (NEPA). A floodplain statement of findings will be included in any Finding of No Significant Impact (FONSI) that is issued following completion of the EA.

COMMENT PERIOD: Written comments or questions concerning this project should be directed to the address noted below. Comments are due no later than March 8, 1993.

ADDRESSES: Mr. Bruce Buvinger, Environmental Project Manager, Morgantown Energy Technology Center (METC), U.S. Department of Energy, P.O. Box 880, Morgantown, WV 26505, Telephone: (304) 291–4379 and Fax: (304) 291–4469.

FOR FURTHER INFORMATION CONTACT: For general information on DOE floodplain review requirements, or for information on the environmental assessment required by the National Environmental Policy Act (NEPA), please contact: Carol M. Borgstrom, Director, Office of NEPA Oversight, EH–25, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: (202) 586–4600 or (800) 472–2756 and Fax: (202) 586–7031.

SUPPLEMENTARY INFORMATION: The proposed project would be constructed at the Wabash River Generating Station of PSI Energy, Inc., which consists of six coal-fired boiler units, and is located on an approximately 400 acre tract of land along the west bank of the Wabash River, west of the City of Terre Haute, in Vigo County, Indiana. The proposed project would demonstrate and evaluate a coal gasification combined cycle (CGCC) oxygen-blown, two-stage, entrained-flow, repowering technology. Synthetic gas produced by this process would be cleaned of sulfur and particulates and burned in a new, 191 Megawatt-electric (MWe) power output, gas turbine. A heat recovery steam generator would use heat from the gas turbine exhaust to produce high pressure steam. This steam and the steam generated in the gasification process would be used to repower an existing 100 MWe steam turbine (Wabash Station Unit 1).

Project construction would involve a retrofit to the existing Wabash Station power plant. All construction would take place on the grounds of the existing station. Once the equipment is installed, the CGCC demonstration and evaluation project would operate for a period of three years, followed by commercial operation for approximately 17 years.

One of the by-products of the coal gasification process is slag, which is glassy, sand-like, material that is considered non-toxic and does not leach contaminants to soil. This slag would be stored in the southeast corner of the existing Wabash Station ash pond system. While operating, the gasifier would generate up to 105,000 tons of slag per year. PSI plans to market the slag as structural fill or asphalt road aggregate, thereby limiting the amount of storage required. In any event, the proposed ash pond storage site has the capacity for 20 years of storage of the entire quantity of slag material that would be generated.

The ash pond system is located immediately south of the Wabash Station, and now receives about 150,000 tons of combined fly ash and bottom ash per year from the six existing generating units. The ash pond system includes a series of cells where dewatered ash is managed, and three settling ponds are used to control total suspended solids prior to discharge to the river. The entire ash pond system is surrounded by a levee constructed to contain settling pond waters and protect the managed ash from flood waters of the Wabash River.

The levee surrounding the ash pond system was constructed after a Certificate of Approval for Construction in a Floodway was granted by the Indiana Department of Natural Resources. The 100-year base flood elevation depicted on FEMA's FIRM is approximately 476 feet. The crest of the levee is approximately 483.5 feet, maintaining 7.5 feet of freeboard (height above the base flood elevation of a 100-year flood event) throughout its length. However, the current FEMA FIRM does not recognize the protection afforded by the levee, and shows the delineation of the 100-year floodplain as if the levee did not exist. Consequently, the southern portion of the ash pond system, within which storage of the gasification slag material is proposed, is included in the 100-year floodplain as depicted on the FEMA FIRM. Slag storage is the only proposed project activity within FEMA's designated 100-year floodplain. PSI has not requested that FEMA amend or revise the FIRM because, to date, no structures for which flood insurance would be required have been constructed in the area protected by the levee. Only under circumstances where PSI would want to avoid flood insurance requirements would it be necessary to request such a revision or map amendment. Consequently, although the proposed slag storage area is shown within the 100-year floodplain on FEMA's FIRM, actually it would be protected from floodwaters by the levee system which has a crest height of a minimum of 7.5 feet above the 100-year flood elevation.

In accordance with DOE regulations for compliance with floodplain and wetland environmental review requirements (10 CFR part 1022), DOE will prepare a floodplain assessment for this proposed DOE action. The assessment will be included in the Environmental Assessment (EA) being prepared for the proposed project in accordance with the requirements of NEPA. A floodplain statement of findings will be included in any Finding of No Significant Impact (FONSI) that is issued following the completion of the EA.

Maps and additional information are available from METC as provided in the **ADDRESS** section of this Notice.

Issued in Washington, DC, this 10th day of February 1993, for the United States Department of Energy.

Jack S. Siegel,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 93–3959 Filed 2–18–93; 8:45 am]

BILLING CODE 6450–01–M

Advisory Committee on Environmental Restoration and Waste Management; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following Advisory Committee Meeting:

Name: Environmental Restoration & Waste Management Advisory Committee (EMAC).

Date and Time: Tuesday, March 16, 1993, 7:30 p.m. to 10:30 p.m. Wednesday, March 17, 1993, 8:30 a.m. to 5:15 p.m. Thursday, March, 18, 1993, 8 a.m. to 6 p.m.

Place: Tennessee Army National Guard Armory, 1780 Oak Ridge Turnpike, Oak Ridge, Tennessee 37830

Contact: James T. Melillo, Executive Secretary, EMAC, EM–1, 1000

Independence Avenue, SW.
Washington, DC 20585, (202) 479–1191.

Purpose of the Committee: The purpose of the Committee is to provide the Assistant Secretary, Environmental Restoration and Waste Management (EM) with advice and recommendations on both the substance and the process of the EM Programmatic Environmental Impact Statement (PEIS) and other EM projects from the perspectives of affected groups and State and local Governments. The EMAC will help to improve the Environmental Restoration and Waste Management Program by assisting in the process of securing consensus recommendations, and providing the department's numerous publics with opportunities to make their views known on the Environmental Restoration & Waste Management Program.

Tentative Agenda

Tuesday, March 16, 1993

7:30 p.m. Public Comment Session
10:30 p.m. Meeting Adjourns

Wednesday, March 17, 1993

8:30 a.m.
Chairman Glenn Paulson Opens Meeting
Environmental Restoration and Waste Management Advisory Committee Mission Discussion
12:15 p.m. Lunch
1:45 p.m. Technology Development/ Contamination Issue at Oak Ridge Discussion
5:15 p.m. Meeting Adjourns

Thursday, March 18, 1993

8:30 a.m.
Chairman Paulson Reconvenes Public Meeting
Public Participation Discussion—Media Panel
Committee Business
12:15 p.m. Lunch
1:45 p.m. EPA Advisory Committee on Federal Facility Environmental Restoration (Keystone) Discussion
4 p.m. Committee Business
6 p.m. Meeting Ends

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact James T. Melillo at the address or telephone number listed above. Individuals wishing to orally address the Committee should contact Ms. Sandy Perkins by phone in Oak Ridge at (615) 576–1590 or call (800) 862–8860 and leave a message. Individuals may also register on March 16, 1993, at the meeting. Every effort will be made to hear all those wishing to speak to the Committee, on a first come, first serve basis. Those who call in and reserve time will be given the opportunity to speak first. The Committee Chairperson is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on February 16, 1993.

Marcia L. Morris,
Deputy Advisory Committee Management Officer.

[FR Doc. 93–3960 Filed 2–18–93; 8:45 am]
BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ST93–1390–000 through ST93–2020–000]

ANR Pipeline Co.; Self-Implementing Transactions

February 12, 1993.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to part 284 of the Commission's regulations, sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA), section 7 of the NGA and section 5 of the Outer Continental Shelf Lands Act.[1]

The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction.

A "B" indicates transportation by an interstate pipeline on behalf of an intrastate pipeline or a local distribution company pursuant to § 284.102 of the Commission's regulations and section 311(a)(1) of the NGPA.

A "C" indicates transportation by an intrastate pipeline on behalf of an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.122 of the Commission's regulations and section 311(a)(2) of the NGPA.

A "D" indicates a sale by an intrastate pipeline to an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline to any interstate pipeline or local distribution company pursuant to § 284.163 of the Commission's regulations and section 312 of the NGPA.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.222 and a blanket certificate issued under § 284.221 of the Commission's regulations.

A "G–I" indicates transportation by an intrastate pipeline company pursuant to a blanket certificate issued under § 284.227 of the Commission's regulations.

A "G–S" indicates transportation by interstate pipelines on behalf of shippers other than interstate pipelines pursuant to § 284.223 and a blanket certificate issued under § 284.221 of the Commission's regulations.

A "G–LT" or "G–LS" indicates transportation, sales or assignments by a local distribution company on behalf of or to an interstate pipeline or local distribution company pursuant to a blanket certificate issued under § 284.224 of the Commission's regulations.

A "G–HT" or "G–HS" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.224 of the Commission's regulations.

A "K" indicates transportation of natural gas on the Outer Continental Shelf by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.303 of the Commission's regulations.

A "K–S" indicates transportation of natural gas on the Outer Continental Shelf by an interstate pipeline on behalf of shippers other than interstate pipelines pursuant to § 284.303 of the Commission's regulations.

Lois D. Cashell,
Secretary.

[1] Notice of a transaction does not constitute a determination that the terms and conditions of the proposed service will be approved or that the noticed filing is in compliance with the Commission's regulations.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Estimate maximum daily quantity[2]	Aff. Y/A/N[3]	Rate Sch.	Date commenced	Projected termination date
ST93-1390	ANR Pipeline Co	Northern Indiana Public Service Co.	12-01-92	G-S	12,261	N	I	11-01-92	Indef.
ST93-1391	ANR Pipeline Co	Ohio Gas Co	12-01-92	G-S	3,100	N	I	11-01-92	Indef.
ST93-1392	ANR Pipeline Co	Northern Indiana Fuel & Light Co.	12-01-92	G-S	14,319	N	I	11-01-92	Indef.
ST93-1393	ANR Pipeline Co	Midwest Gas	12-01-92	G-S	2,318	N	I	11-01-92	10-31-93.
ST93-1394	ANR Pipeline Co	Michigan Gas Utilities	12-01-92	G-S	42,262	N	I	11-01-92	10-31-93.
ST93-1395	ANR Pipeline Co	Midwest Gas	12-01-92	G-S	1,800	N	I	11-01-92	10-31-93.
ST93-1396	ANR Pipeline Co	Wisconsin Gas Co	12-01-92	G-S	7,445	N	I	11-01-92	Indef.
ST93-1397	ANR Pipeline Co	Wisconsin Power & Light Co.	12-01-92	G-S	81,418	N	I	11-01-92	Indef.
ST93-1398	ANR Pipeline Co	Wisconsin Natural Gas Co	12-01-92	G-S	258,000	N	I	11-01-92	Indef.
ST93-1399	ANR Pipeline Co	Iowa Electric Light & Power Co.	12-01-92	G-S	2,621	N	I	11-01-92	10-31-93
ST93-1400	ANR Pipeline Co	Illinois Power Co	12-01-92	G-S	8,315	N	I	11-01-92	10-31-93.
ST93-1401	ANR Pipeline Co	Associated Natural Gas Co.	12-01-92	G-S	7,000	N	I	11-01-92	10-31-93.
ST93-1402	ANR Pipeline Co	Ohio Valley Gas Corp	12-01-92	G-S	7,500	N	I	11-01-92	10-31-93.
ST93-1403	ANR Pipeline Co	Michigan Gas Utilities	12-01-92	G-S	42,262	N	I	11-01-92	10-31-93.
ST93-1404	ANR Pipeline Co	Michigan Gas Co	12-01-92	G-S	50,136	N	I	11-01-92	10-31-93
ST93-1405	ANR Pipeline Co	Madison Gas & Electric Co.	12-01-92	G-S	59,150	N	I	11-01-92	Indef.
ST93-1406	ANR Pipeline Co	Iowa Southern Utilities Co	12-01-92	G-S	15,600	N	I	11-01-92	10-31-93
ST93-1407	ANR Pipeline Co	United Cities Gas Co	12-01-92	G-S	8,800	N	I	11-01-92	Indef.
ST93-1408	ANR Pipeline Co	Wisconsin Fuel & Light Co.	12-01-92	G-S	72,000	N	I	11-01-92	Indef.
ST93-1409	ANR Pipeline Co	Wisconsin Gas Co	12-01-92	G-S	676,700	N	I	11-01-92	Indef.
ST93-1410	Williston Basin Inter. P/L Co.	Montana-Dakota Utilities Co.	12-01-92	[illegible]	53,833	A	F	11-01-92	06-30-97
ST93-1411	Williston Basin Inter. P/L Co.	Koch Hydrocarbon Co	12-01-92	G-S	16,744	A	F	11-01-92	02-28-93.
ST93-1412	Williston Basin Inter. P/L Co.	Amerada Hess Corp	12-01-92	G-S	35,000	N	F	11-01-92	11-30-92
ST93-1413	Williston Basin Inter. P/L Co.	Koch Hydrocarbon Co	12-01-92	G-S	672	A	F	11-01-92	03-31-93.
ST93-1414	United Gas Pipe Line Co.	Polaris Pipeline Corp	12-01-92	G-S	20,960	N	I	10-28-92	02-25-93.
ST93-1415	United Gas Pipe Line Co.	MG Natural Gas Corp	12-01-92	G-S	41,920	N	I	11-17-92	03-17-93.
ST93-1416	United Gas Pipe Line Co.	TXO Gas Ventures Corp.	12-01-92	G-S	157,200	N	I	11-19-92	03-19-93.
ST93-1417	Tennessee Gas Pipline Co.	Conoco Inc	12-01-92	G-S	217,175	N	I	11-01-92	Indef.
ST93-1418	Tennessee Gas Pipline Co.	Public Service Electric & Gas Co.	12-01-92	[illegible]	10,234	N	F	11-01-92	Indef.
ST93-1419	Tennessee Gas Pipline Co.	Southern Connecticut Gas Co.	12-01-92	[illegible]	50,000	N	I	11-01-92	Indef.
ST93-1420	Tennessee Gas Pipline Co.	Alabama-Tennessee Natural Gas Co.	12-01-92	G-S	10,000	N	F	11-01-92	Indef.
ST93-1421	Tennessee Gas Pipline Co.	City of Decatur	12-01-92	G-S	6,000	N	F	11-01-92	Indef.
ST93-1422	Transwestern Pipeline Co.	Aquila Energy Marketing Corp.	12-01-92	G-S	200,000	N	I	11-01-92	Indef.
ST93-1423	Transwestern Pipeline Co.	Energas Co	12-01-92	[illegible]	200	N	I	11-01-92	Indef.
ST93-1424	Transwestern Pipeline Co.	Enron Gas Marketing, Inc.	12-01-92	G-S	100,000	[illegible]	I	11-06-92	Indef.
ST93-1425	Transwestern Pipeline Co.	Cimarron Gas Co., Inc	12-01-92	G-S	100,000	N	I	11-01-92	Indef.
ST93-1426	Transwestern Pipeline Co.	New Mexico Natural Gas, Inc.	12-01-92	G-S	2,000	N	I	11-01-92	Indef.
ST93-1427	Northern Natural Gas Co.	Northern States Power Co.	12-01-92	[illegible]	249,807	N	F/I	11-01-92	Indef.
ST93-1428	Northern Natural Gas Co.	City of Duluth	12-01-92	G-S	11,450	N	F/I	11-01-92	Indef.
ST93-1429	Northern Natural Gas Co.	Sheehan's Gas Co	12-01-92	G-S	260	N	F/I	11-01-92	Indef.
ST93-1430	Northern Natural Gas Co.	Prairielands Energy Marketing, Inc.	12-01-92	G-S	250,000	Y	I	11-04-92	10-31-93.
ST93-1431	Transcontinental Gas P/L Corp.	United Gas Pipe Line Co.	12-01-92	G	156,500	N	I	11-01-92	Indef.
ST93-1432	Kentucky P/L & Storage Co., Inc.	Columbia Gas of Ohio, Inc.	12-01-92	G-NT	20,000	N	I	10-13-92	03-31-01.
ST93-1433	Noark Pipeline Systems, L.P.	MS River Trans. Corp., et al.	12-01-92	C	60,000	N	I	10-29-92	09-30-94.
ST93-1434	Noark Pipeline Systems, L.P.	MS River Trans. Corp., et al.	12-01-92	C	141,000	N	I	11-01-92	08-31-93.
ST93-1435	Noark Pipeline Systems, L.P.	MS River Trans. Corp., et al.	12-01-92	C	30,000	N	I	10-06-92	08-31-94.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Estimate maximum daily quantity[2]	Aff. Y/A/N[3]	Rate Sch.	Date commenced	Projected termination date
ST93–1436	Noark Pipeline Systems, L.P.	MS River Trans. Corp., et al.	12–01–92	C	140,000	N	I	10–26–92	08–31–94.
ST93–1437	Noark Pipeline Systems, L.P.	MS River Trans. Corp., et al.	12–01–92	C	141,000	N	I	10–04–92	09–30–93.
ST93–1438	East Texas Gas Systems.	Texas Gas Transmission.	12–01–92	C	50,000	N	I	11–01–92	Indef.
ST93–1439	Overland Trail Transmission Co.	Kern River Gas Transmission.	12–01–92	C	50,000	N	I	11–01–92	Indef.
ST93–1440	Peoples Natural Gas Co.	CNG Trading Co	12–01–92	G–HT	4,808	Y	I	11–01–92	03–31–93.
ST93–1441	Questar Pipeline Co	Colorado Interstate Gas Co., et al.	12–01–92	G	15,000	Y	F	11–01–92	Indef.
ST93–1442	Channel Industries Gas Co.	Texas Eastern Transmission Corp.	12–01–92	C	50,000	N	I	11–01–92	Indef.
ST93–1443	Delhi Gas Pipeline Corp.	Black Marlin Pipeline Co.	12–01–92	C	250,000	N	I	11–01–92	Indef.
ST93–1444	Natural Gas P/L Co. of America.	Iowa Electric Light & Power Co.	12–01–92	B	25,000	N	I	11–01–92	Indef.
ST93–1445	Natural Gas P/L Co. of America.	Midcon Marketing Corp	12–01–92	G–S	200,000	A	I	11–13–92	Indef.
ST93–1446	Natural Gas P/L Co. of America.	Midcon Marketing Corp	12–01–92	G–S	100,000	A	I	11–01–92	Indef.
ST93–1447	Natural Gas P/L Co. of America.	Midcon Marketing Corp	12–01–92	G–S	300,000	A	I	11–01–92	Indef.
ST93–1448	Natural Gas P/L Co. of America.	Tristar Gas Co	12–01–92	G–S	50,000	N	I	11–01–92	Indef.
ST93–1449	Natural Gas P/L Co. of America.	Arcadian Corp	12–01–92	G–S	55,000	N	I	11–01–92	Indef.
ST93–1450	Natural Gas P/L Co. of America.	Catex Energy, Inc	12–01–92	G–S	100,000	N	I	11–01–92	Indef.
ST93–1451	Natural Gas P/L Co. of America.	Oxy USA Inc	12–01–92	G–S	50,000	Y	I	11–01–92	Indef.
ST93–1452	Natural Gas P/L Co. of America.	Texpar Energy, Inc	12–01–92	G–S	250,000	N	I	11–01–92	Indef.
ST93–1453	Natural Gas P/L Co. of America.	Hadson Gas Systems, Inc.	12–01–92	G–S	10,000	N	F	11–01–92	10–31–93.
ST93–1454	Natural Gas P/L Co. of America.	Transok Gas Co	12–01–92	G–S	25,000	N	I	11–01–92	Indef.
ST93–1455	Trunkline Gas Co	Ultramar Oil & Gas Limited.	12–01–92	G–S	10,000	N	I	11–02–92	Indef.
ST93–1456	Trunkline Gas Co	Panhandle Trading Co	12–01–92	G–S	50,000	Y	I	11–01–92	Indef.
ST93–1457	Trunkline Gas Co	National Steel Corp	12–01–92	G–S	3,500	N	F	11–01–92	Indef.
ST93–1458	Trunkline Gas Co	Miami Valley Resources, Inc.	12–01–92	G–S	4,629	N	F	11–01–92	Indef.
ST93–1459	Trunkline Gas Co	Miami Valley Resources, Inc.	12–01–92	G–S	846	N	F	11–01–92	Indef.
ST93–1460	Trunkline Gas Co	Michigan Gas Utilities .	12–01–92	G–S	3,500	N	F	11–01–92	Indef.
ST93–1461	Trunkline Gas Co	Interstate Gas Supply, Inc.	12–01–92	G–S	2,000	N	F	11–01–92	Indef.
ST93–1462	Nueces Co	Colorado Interstate Gas Co.	12–02–92	C	1,000	N	F	11–05–92	Indef.
ST93–1463	ANR Pipeline Co	Wisconsin Public Service Corp.	12–02–92	G–S	184,400	N	I	11–01–92	Indef.
ST93–1464	Viking Gas Transmission Co.	Great Plains Natural Gas Co.	12–02–92	B	3,000	N	F	11–03–92	Indef.
ST93–1465	Tennessee Gas Pipeline Co.	Pennsylvania Gas & Water Co.	12–02–92	G–S	23,000	N	F	11–03–92	Indef.
ST93–1466	Tennessee Gas Pipeline Co.	United States Gypsum Co.	12–02–92	G–S	8,900	N	I	11–02–92	Indef.
ST93–1467	East Ohio Gas Co	Washington Gas Light Co.	12–02–92	C	23,000	N	I	11–01–92	03–31–93
ST93–1468	Transcontinental Gas P/L Corp.	Panhandle Eastern Pipe Line Co.	12–02–92	B	1,100	N	I	11–03–92	Indef.
ST93–1469	Transcontinental Gas P/L Corp.	Virginia Natural Gas Co.	12–02–92	B	355,900	N	I	11–10–92	Indef.
ST93–1470	Gulf Coast Natural Gas Co.	United Gas Pipe Line Co.	12–02–92	C	15,000	N	I	11–01–92	Indef.
ST93–1471	Panhandle Eastern Pipe Line Co.	Northern Indiana Fuel & Light Co.	12–02–92	G–S	8,018	N	I	10–01–92	Indef.
ST93–1472	CNG Transmission Corp.	Parker-Hannifin Corp ..	12–02–92	G–S	1,500	N	I	11–02–92	Indef.
ST93–1473	CNG Transmission Corp.	AGF Direct Sales, Inc .	12–02–92	G–S	5,000	N	I	11–06–92	Indef.
ST93–1474	CNG Transmission Corp.	Georgia Pacific Corp ...	12–02–92	G–S	2,000	N	I	11–11–92	Indef.
ST93–1475	Tennessee Gas Pipeline Co.	AGF, Inc	12–03–92	G–S	5,000	N	I	11–05–92	Indef.
ST93–1476	Transamerican Natural Gas Corp.	Natural Gas P/L Co. of America.	12–03–92	C	15,000	N	I	10–22–92	Indef.
ST93–1477	Transamerican Natural Gas Corp.	United Gas Pipe Line Co.	12–03–92	C	50,000	N	I	11–05–92	Indef.

VOL 58 ISS 32 FE 19 1993 UMI

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Estimate maximum daily quantity[2]	Aff. Y/A/N[3]	Rate Sch.	Date commenced	Projected termination date
ST93–1478	Transamerican Natural Gas Corp.	United Gas Pipe Line Co.	12–03–92	C	100,000	N	I	11–04–92	Indef.
ST93–1479	Transamerican Natural Gas Corp.	Trunkline Gas Co	12–03–92	C	100,000	N	I	11–01–92	Indef.
ST93–1480	Gulf Energy Pipeline Co.	United Gas Pipe Line Co.	12–03–92	C	6,000	N	I	11–01–92	Indef.
ST93–1481	Lone Star Gas Co	Transcontinental Gas P/L Corp.	12–03–92	C	50,000	N	I	11–04–92	Indef.
ST93–1482	Trunkline Gas Co	MEGA Natural Gas Co	12–03–92	G–S	50,000	N	I	11–04–92	Indef.
ST93–1483	Trunkline Gas Co	Miami Valley Resources, Inc.	12–03–92	G–S	5,000	N	I	11–06–92	Indef.
ST93–1484	Trunkline Gas Co	Eastex Hydrocarbons, Inc.	12–03–92	G–S	20,000	N	I	11–04–92	Indef.
ST93–1485	Florida Gas Transmission Co.	Transok Gas Co	12–03–92	G–S	20,000	N	I	11–02–92	Indef.
ST93–1486	Northern Natural Gas Co.	Foster Wheeler Twin Cities, Inc	12–03–92	G–S	9,000	N	F/I	11 -01–92	Indef.
ST93–1487	Northern Natural Gas Co.	Cimarron Gas Cos., Inc.	12–03–92	G–S	100,000	N	F/I	10–01–92	Indef.
ST93–1488	Northern Natural Gas Co.	Metropolitan Utilities District.	12–03–92	G–S	46,200	N	F/I	11–01–92	Indef.
ST93–1489	Northern Natural Gas Co.	City of Sac City	12–03–92	G–S	893	N	F/I	11–01–92	Indef.
ST93–1490	Northern Natural Gas Co.	City of Round Lake	12–03–92	B	38	N	F/I	11–01–92	Indef.
ST93–1491	Northern Natural Gas Co.	Terra International Inc	12–03–92	B	9,000	N	F/I	11–01–92	03–31–93.
ST93–1492	Northern Natural Gas Co.	Peoples Natural Gas Co.	12–03–92	B	2,568	N	F/I	11–01–92	Indef.
ST93–1493	Northern Natural Gas Co.	Iowa-Illinois Gas & Elec. Co.	12–03–92	G–S	15,000	N	F/I	11–01–92	Indef.
ST93–1494	Northern Natural Gas Co.	Great Plains Natural Gas Co	12–03–92	G–S	4,250	N	F/I	11–01–92	03–31–97.
ST93–1495	Northern Natural Gas Co.	Bridgegas U.S.A., Inc ..	12–03–92	G–S	200,000	N	F/I	11–01–92	Indef.
ST93–1496	Northern Natural Gas Co.	Western Gas Marketing Inc.	12–03–92	G–S	100,000	N	F/I	11–01–92	Indef
ST93–1497	Transcontinental Gas P/L Corp.	Texas-Ohio Gas, Inc ..	12–03–92	G–S	30,000	N	I	11–13–92	Indef
ST93–1498	Arkla Energy Resources.	Centennial Natural Gas Corp.	12–03–92	G–S	75,000	N	I	11–29–92	Indef
ST93–1499	Arkla Energy Resources.	Anadarko Trading Co ..	12–03–92	G–S	50,000	N	I	11–29–92	Indef
ST93–1500	Arkla Energy Resources.	Arkla Energy Marketing Co.	12–03–92	G–S	4,000	A	F	09–01–92	Indef
ST93–1501	Arkla Energy Resources.	Tidewest Trading & Transport Co.	12–03–92	G–S	100,000	N	F	11–25–92	Indef.
ST93–1502	Lone Star Gas Co	United Gas Pipe Line Co.	12–04–92	C	50,000	N	I	11–25–92	Indef.
ST93–1503	Williston Basin Inter. P/L Co.	Hiland Partners	12–04–92	G–S	76,350	A	I	11–05–92	05–31–93
ST93–1504	Jackson Pipeline Co ...	Citizens Gas & Coke Utility.	12–04–92	G–HT	34,035	N	I	11–01–92	03–31–93.
ST93–1505	Colorado Interstate Gas Co.	Consolidated Fuel Corp.	12–04–92	G–S	24,000	N	I	11–16–92	Indef.
ST93–1506	Colorado Interstate Gas Co.	Texaco Gas Marketing Co.	12–04–92	G–S	30,000	N	I	11–16–92	Indef
ST93–1507	Southern Natural Gas Co.	Cullman-Jefferson Counties Gas Dist	12–04–92	G–S	4,000	N	I	11–16–92	03–16–93.
ST93–1508	Southern Natural Gas Co.	United Gas Pipe Line Co.	12–04–92	G–S	100,000	N	I	11–17–92	Indef.
ST93–1509	Southern Natural Gas Co.	City of Tallahassee	12–04–92	G–S	5,611	N	I	10–01–92	09–30–96.
ST93–1510	Arkla Energy Resources.	Transok Gas Co	12–04–92	G–S	25,000	N	F	12–01–92	Indef.
ST93–1511	Arkla Energy Resources.	Associated Natural Gas Inc.	12–04–92	G–S	120,000	N	F	12–01–92	Indef.
ST93–1512	Arkla Energy Resources.	Coastal Gas Marketing Co.	12–04–92	G–S	3,000	N	F	12–01–92	Indef.
ST93–1513	Channel Industries Gas Co.	Trunkline Gas Co	12–04–92	C	100,000	N	I	11–06–92	Indef.
ST93–1514	Kern River Gas Transmission Co.	Berry Petroleum Co	12–04–92	G–S	25,000	N	I	11–07–92	Indef.
ST93–1515	Tennessee Gas Pipeline Co.	Nashville Gas Co	12–04–92	B	10,000	N	F	11–17–92	Indef.
ST93–1516	Tennessee Gas Pipeline Co.	Amerada Hess Corp ...	12–04–92	G–S	100,000	N	I	11–04–92	Indef.
ST93–1517	Tennessee Gas Pipeline Co.	Middle Tennessee Gas Utility Dist.	12–04–92	G–S	40,000	N	I	11–20–92	Indef.
ST93–1518	Tennessee Gas Pipeline Co.	Citizens Gas Supply Corp.	12–04–92	G–S	3,200,000	N	I	11–06–92	Indef.

Docket No.
ST93–1519
ST93–1520
ST93–1521
ST93–1522
ST93–1523
ST93–1524
ST93–1525
ST93–1526
ST93–1527
ST93–1528
ST93–1529
ST93–1530
ST93–1531
ST93–1532
ST93–1533
ST93–1534
ST93–1535
ST93–1536
ST93–1537
ST93–1538
ST93–1539
ST93–1540
ST93–1541
ST93–1542
ST93–1543
ST93–1544
ST93–1545
ST93–1546
ST93–1547
ST93–1548
ST93–1549
ST93–1550
ST93–1551
ST93–1552
ST93–1553
ST93–1554
ST93–1555
ST93–1556
ST93–1557
ST93–1558
ST93–1559
ST93–1560
ST93–1561

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Estimate maximum daily quantity[2]	Aff. Y/A/N[3]	Rate Sch.	Date commenced	Projected termination date
ST93-1519	Northern Natural Gas Co.	Peoples Natural Gas Co., Utilitcorp.	12-04-92	G-S	6,000	N	F/I	11-18-92	03-31-93.
ST93-1520	Northern Natural Gas Co.	Peoples Natural Gas Co., Utilitcorp.	12-04-92	G-S	5,000	N	F/I	11-18-92	02-28-93
ST93-1521	Natural Gas P/L Co. of America.	Tenngasco Corp	12-04-92	G-S	50,000	N	I	11-04-92	Indef.
ST93-1522	Natural Gas P/L Co. of America.	Transok Gas Co	12-04-92	G-S	25,000	N	F	11-13-92	03-31-93.
ST93-1523	Natural Gas P/L Co. of America.	Equitable Resources Marketing Co.	12-04-92	G-S	500,000	N	I	10-09-92	Indef.
ST93-1524	Mid Louisiana Gas Co	Schuller Industries, Inc	12-07-92	B	6,000	N	I	11-05-92	10-31-93.
ST93-1525	Arkla Energy Resources.	Arkla Energy Marketing Co.	12-07-92	G-S	15,000	A	I	12-01-92	Indef.
ST93-1526	Acadian Gas Pipeline System.	United Gas Pipe Line Co.	12-07-92	C	15,300	N	I	11-09-92	Indef.
ST93-1527	Pontchartrain Natural Gas System.	Shell Gas Services Co	12-07-92	G-HT	15,300	N	I	11-09-92	Indef.
ST93-1528	ANR Pipeline Co	Polaris Pipeline Corp ..	12-07-92	G-S	1,500	N	I	11-12-92	Indef
ST93-1529	ANR Pipeline Co	Reynolds Metals Co	12-07-92	G-S	1,300	N	I	11-16-92	Indef.
ST93-1530	ANR Pipeline Co	Cibola Corp	12-07-92	G-S	100,000	N	I	11-18-92	Indef.
ST93-1531	ANR Pipeline Co	Paris-Henry County Pub. Util. Dist.	12-07-92	G-S	614	A	F	11-11-92	10-31-93
ST93-1532	Panhandle Eastern Pipe Line Co.	Central Illinois Public Service Co.	12-07-92	G-S	27,500	N	F	11-01-92	Indef.
ST93-1533	Panhandle Eastern Pipe Line Co.	Stand Energy Corp	12-07-92	G-S	150	N	F	11-12-92	Indef.
ST93-1534	Algonquin Gas Transmission Co.	Iroquois Gas Transmission System.	12-07-92	G-S	250,000	N	F	11-12-92	Indef.
ST93-1535	Algonquin Gas Transmission Co.	Distrigas of Massachusetts Corp.	12-07-92	G-S	10,200,000	N	I	11-15-92	Indef.
ST93-1536	Tennessee Gas Pipeline Co.	Access Energy Corp ...	12-07-92	G-S	500,000	N	I	11-21-92	Indef
ST93-1537	Tennessee Gas Pipeline Co.	Virginia Natural Gas, Inc.	12-07-92	G-S	7,675	N	F	11-14-92	Indef.
ST93-1538	Tennessee Gas Pipeline Co.	Cogen Energy Technology, L.P.	12-07-92	G-S	950	N	F	11-14-92	Indef.
ST93-1539	Delhi Gas Pipeline Corp.	Natural Gas P/L Co. of America.	12-07-92	C	20,000	N	I	11-06-92	Indef.
ST93-1540	Enogex, Inc	Arkla Energy Resources.	12-07-92	C	50,000	N	I	11-01-92	Indef.
ST93-1541	Enogex, Inc	Northern Natural Gas Co.	12-07-92	C	50,000	N	I	11-26-92	Indef.
ST93-1542	Enogex, Inc	Northern Natural Gas Co.	12-07-92	C	10,000	N	I	11-19-92	Indef.
ST93-1543	Enogex, Inc	Natural Gas P/L Co. of America.	12-07-92	C	50,000	N	I	11-13-92	Indef.
ST93-1544	K N Energy, Inc	Mississippi River Trans. Corp.	12-07-92	G-S	1,500	N	I	10-04-92	Indef.
ST93-1545	Texas Gas Transmission Corp.	O & R Energy, Inc	12-07-92	G-S	20,000	Y	I	11-26-92	Indef.
ST93-1546	Texas Gas Transmission Corp.	Arco Natural Gas Marketing, Inc.	12-07-92	G-S	30,000	Y	I	11-18-92	Indef.
ST93-1547	Houston Pipe Line Co .	Transcontinental Gas P/L Corp.	12-07-92	C	50,000	N	I	11-03-92	Indef.
ST93-1548	Houston Pipe Line Co .	Black Marlin Pipeline Co.	12-07-92	C	50,000	N	I	11-01-92	Indef.
ST93-1549	Houston Pipe Line Co .	Northern Natural Gas Co.	12-07-92	C	100,000	N	I	11-01-92	Indef.
ST93-1550	Houston Pipe Line Co .	United Gas Pipe Line Co.	12-07-92	C	15,000	N	I	11-06-92	Indef.
ST93-1551	Houston Pipe Line Co .	United Gas Pipe Line Co.	12-07-92	C	50,000	N	I	11-14-92	Indef.
ST93-1552	Houston Pipe Line Co .	Seagull Interstate Corp	12-07-92	C	50,000	N	I	11-02-92	Indef.
ST93-1553	Houston Pipe Line Co .	Seagull Interstate Corp	12-07-92	C	50,000	N	I	11-01-92	Indef.
ST93-1554	Houston Pipe Line Co .	Texas Eastern Transmission Corp.	12-07-92	C	50,000	N	I	11-18-92	Indef.
ST93-1555	Houston Pipe Line Co .	Texas Eastern Transmission Corp.	12-07-92	C	20,000	N	I	11-07-92	Indef.
ST93-1556	Houston Pipe Line Co .	Texas Eastern Transmission Corp.	12-07-92	C	50,000	N	I	11-02-92	Indef.
ST93-1557	Houston Pipe Line Co .	Texas Eastern Transmission Corp.	12-07-92	C	25,000	N	I	11-04-92	Indef.
ST93-1558	Houston Pipe Line Co .	Tennessee Gas Pipeline Co.	12-07-92	C	50,000	N	I	11-11-92	Indef.
ST93-1559	Houston Pipe Line Co .	Tennessee Gas Pipeline Co.	12-07-92	C	50,000	N	I	11-12-92	Indef.
ST93-1560	Natural Gas P/L Co. of America.	Northern Indiana Public Service Co.	12-07-92	G-S	16,800	N	F	12-01-92	11-30-97.
ST93-1561	Natural Gas P/L Co. of America.	Polaris Corp	12-07-92	G-S	15,000	N	I	03-18-88	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Estimate maximum daily quantity[2]	Aff. Y/A/N[3]	Rate Sch.	Date commenced	Projected termination date
ST93-1562	Natural Gas P/L Co. of America.	Valero Gas Marketing, L.P.	12-07-92	G-S	10,000	N	F	12-01-92	12-31-92.
ST93-1563	Natural Gas P/L Co. of America.	Penford Products Co ...	12-07-92	G-S	8,000	N	F	12-01-92	11-30-93.
ST93-1564	Natural Gas P/L Co. of America.	Geo. A. Hormel & Co ..	12-07-92	G-S	1,150	N	F	12-01-92	11-30-93.
ST93-1565	Natural Gas P/L Co. of America.	Iowa Southern Utilities Co.	12-07-92	G-S	675	N	F	12-01-92	11-30-95.
ST93-1566	Natural Gas P/L Co. of America.	Illinois Power Co	12-07-92	G-S	1,095	N	F	12-01-92	11-30-95.
ST93-1567	Natural Gas P/L Co. of America.	Central Illinois Public Service Co.	12-07-92	G-S	440	N	F	12-01-92	11-30-95.
ST93-1568	Transcontinental Gas P/L Corp.	American Central Gas Cos., Inc.	12-07-92	G-S	10,365,000	N	I	11-24-92	Indef.
ST93-1569	Louisiana Resources Pipeline Co.	Stingray Pipeline Co ...	12-07-92	C	20,000	N	I	11-06-92	Indef.
ST93-1570	United Gas Pipe Line Co.	Ledco Inc	12-07-92	G-S	486,629	N	I	11-17-92	11-17-93.
ST93-1571	United Gas Pipe Line Co.	Delhi Gas Pipeline Corp.	12-07-92	G-S	104,800	N	I	11-19-92	11-19-93.
ST93-1572	United Gas Pipe Line Co.	Direct Gas Supply Corp.	12-07-92	G-S	5,240	N	I	11-17-92	11-17-93.
ST93-1573	Iroquois Gas Trans. System, L.P.	American Central Gas Cos., Inc.	12-07-92	G-S	576,000	N	I	11-25-92	Indef.
ST93-1574	Iroquois Gas Trans. System, L.P.	Central Hudson Gas & Electric Corp.	12-07-92	B	20,000	N	I	11-24-92	Indef.
ST93-1575	Iroquois Gas Trans. System, L.P.	Dartmouth Power Associates, L.P.	12-07-92	G-S	14,150	N	I	11-01-92	10-31-12.
ST93-1576	Tennessee Gas Pipeline Co.	Direct Gas Supply Corp.	12-08-92	G-S	51,550	N	I	11-19-92	Indef.
ST93-1577	CNG Transmission Corp.	Transport Gas, Inc	12-08-92	G-S	1,100	N	I	11-19-92	Indef.
ST93-1578	CNG Transmission Corp.	O & R Energy, Inc	12-08-92	G-S	100,000	N	I	11-13-92	Indef.
ST93-1579	CNG Transmission Corp.	O & R Energy, Inc	12-08-92	G-S	100,000	N	I	11-13-92	Indef.
ST93-1580	CNG Transmission Corp.	O & R Energy, Inc	12-08-92	G-S	100,000	N	I	11-13-92	Indef.
ST93-1581	CNG Transmission Corp.	O & R Energy, Inc	12-08-92	G-S	100,000	N	I	11-13-92	Indef.
ST93-1582	CNG Transmission Corp.	Transport Gas, Inc	12-08-92	G-S	1,100	N	I	11-19-92	Indef.
ST93-1583	CNG Transmission Corp.	Transport Gas, Inc	12-08-92	G-S	1,100	N	I	11-19-92	Indef.
ST93-1584	CNG Transmission Corp.	Transport Gas, Inc	12-08-92	G-S	1,100	N	I	11-19-92	Indef.
ST93-1585	CNG Transmission Corp.	O & R Energy, Inc	12-08-92	G-S	100,000	N	I	11-13-92	Indef.
ST93-1586	CNG Transmission Corp.	O&R Energy, Inc	12-08-92	G-S	100,000	N	I	11-13-92	Indef.
ST93-1587	CNG Transmission Corp.	O&R Energy, Inc	12-08-92	G-S	100,000	N	I	11-13-92	Indef.
ST93-1588	CNG Transmission Corp.	Virginia Natural Gas, Inc.	12-08-92	G-S	6,700	N	I	11-14-92	Indef.
ST93-1589	CNG Transmission Corp.	Virginia Natural Gas, Inc.	12-08-92	G-S	2,500	N	I	11-14-92	Indef.
ST93-1590	CNG Transmission Corp.	Virginia Natural Gas, Inc.	12-08-92	G-S	6,650	N	I	11-14-92	Indef.
ST93-1591	Williams Natural Gas Co.	Rangeline Corp	12-08-92	G-S	8,000	N	I	11-16-92	04-01-93
ST93-1592	Natural Gas P/L Co. of America.	Phillips Petroleum Co ..	12-08-92	G-S	15,000	N	I	10-01-92	Indef.
ST93-1593	Natural Gas P/L Co. of America.	Midcon Marketing Corp	12-08-92	G-S	250,000	A	I	11-25-92	Indef.
ST93-1594	Natural Gas P/L Co. of America.	North Shore Gas Co ...	12-08-92	G-S	5,000	N	F	12-01-92	11-30-95.
ST93-1595	Natural Gas P/L Co. of America.	Peoples Gas Light and Coke Co.	12-08-92	G-S	20,000	N	F	12-01-92	11-30-95.
ST93-1596	Natural Gas P/L Co. of America.	Northern Illinois Gas Co.	12-08-92	G-S	91,000	N	F	12-01-92	12-01-95.
ST93-1597	Natural Gas P/L Co. of America.	Northern Illinois Gas Co.	12-08-92	G-S	45,348	N	F	12-01-92	12-01-95.
ST93-1598	Columbia Gas Transmission Corp.	National Fuel Gas Supply Corp.	12-08-92	G-S	500	N	I	11-24-92	Indef.
ST93-1599	Columbia Gas Transmission Corp.	United States Gypsum—Gemco Plant.	12-08-92	G-S	50,000	Y	I	11-24-92	Indef.
ST93-1600	Florida Gas Transmission Co.	Florida Power Corp	12-08-92	G-S	4,800	N	I	11-06-92	11-05-93.
ST93-1601	Florida Gas Transmission Co.	Hadson Gas Systems, Inc.	12-08-92	G-S	100,000	N	I	11-01-92	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Estimate maximum daily quantity[2]	Aff. Y/A/N[3]	Rate Sch.	Date commenced	Projected termination date
ST93–1602	Texas Eastern Transmission Corp.	New England Power Co.	12–09–92	G–S	500,000	N	I	02–21–92	Indef.
ST93–1603	Texas Eastern Transmission Corp.	Equitable Gas Co	12–09–92	B	200,000	N	I	02–29–92	Indef.
ST93–1604	ANR Pipeline Co	Total Minatome Corp	12–09–92	G–S	30,000	N	I	11–14–92	Indef.
ST93–1605	ANR Pipeline Co	PPG Industries, Inc	12–09–92	G–S	300	N	F	11–20–92	11–30–93.
ST93–1606	ANR Pipeline Co	Enermax, Div. of Nukem, Inc.	12–09–92	G–S	40,000	N	I	11–20–92	Indef.
ST93–1607	ANR Pipeline Co	Transok Gas Co	12–09–92	G–S	50,000	N	I	11–21–92	Indef.
ST93–1608	ANR Pipeline Co	EMC Gas Transmission Co.	12–09–92	G–S	30,000	N	I	11–20–92	Indef.
ST93–1609	Northern Natural Gas Co.	Wisconsin Gas Co	12–09–92	G–S	565	N	F/I	11–12–92	Indef.
ST93–1610	Kern River Gas Transmission Co.	Meridian Oil Trading Inc.	12–09–92	G–S	100,000	N	I	11–09–92	Indef.
ST93–1611	Columbia Gulf Transmission Co.	Enron Gas Marketing, Inc.	12–09–92	G–S	130,000	N	I	11–21–92	Indef.
ST93–1612	Columbia Gulf Transmission Co.	Exxon Corp	12–09–92	G–S	30,000	N	I	11–20–92	Indef.
ST93–1613	Columbia Gulf Transmission Co.	Mid Louisiana Marketing Co.	12–09–92	G–S	5,000	N	I	12–02–92	Indef.
ST93–1614	Columbia Gulf Transmission Co.	Oryx Gas Marketing L.P.	12–09–92	G–S	70,000	N	I	11–25–92	Indef.
ST93–1615	Columbia Gulf Transmission Co.	Yuma Gas Corp	12–09–92	G–S	70,000	N	I	11–11–92	Indef.
ST93–1616	Columbia Gulf Transmission Co.	Citizens Gas Supply Corp.	12–09–92	G–S	40,000	N	I	12–03–92	Indef.
ST93–1617	Columbia Gulf Transmission Co.	Mobil Natural Gas Inc	12–09–92	G–S	60,000	N	I	11–24–92	Indef.
ST93–1618	Columbia Gulf Transmission Co.	Neste Trading (USA) Inc.	12–09–92	G–S	300,000	N	I	11–12–92	Indef.
ST93–1619	Columbia Gulf Transmission Co.	Torch Gas, L.C	12–09–92	G–S	75,000	N	I	12–01–92	Indef.
ST93–1620	Columbia Gas Transmission Corp.	River Gas Co	12–10–92	G–S	10,000	Y	I	12–01–92	Indef.
ST93–1621	Columbia Gas Transmission Corp.	Columbia Gas of Kentucky, Inc.	12–10–92	G–S	14,640	Y	F	12–01–92	02–28–93.
ST93–1622	Columbia Gas Transmission Corp.	Honda of America Manufacturing.	12–10–92	G–S	5,000	Y	F	12–01–92	03–31–93.
ST93–1623	Columbia Gas Transmission Corp.	Entrade Corp	12–10–92	G–S	1,000	Y	F	12–01–92	03–31–93.
ST93–1624	Columbia Gas Transmission Corp.	Entrade Corp	12–10–92	G–S	2,500	Y	F	12–01–92	03–31–93.
ST93–1625	Columbia Gas Transmission Corp.	NGO Development Corp.	12–10–92	G–S	5,000	Y	F	12–01–92	03–31–93.
ST93–1626	Columbia Gas Transmission Corp.	Ford Motor Co	12–10–92	G–S	1,500	Y	I	12–01–92	Indef.
ST93–1627	Transok Gas Transmission Co.	ANR Pipeline Co., et al	12–10–92	C	50,000	Y	I	12–01–92	Indef.
ST93–1628	Colorado Interstate Gas Co.	Associated Intrastate Pipeline Co.	12–10–92	G–S	39,820	N	I	11–13–92	Indef.
ST93–1629	Arkla Energy Resources.	Torch Gas, L. C	12–10–92	G–S	75,000	N	I	11–15–92	Indef.
ST93–1630	Enogex Inc	Panhandle Eastern Pipeline Co.	12–10–92	C	50,000	N	I	12–01–92	Indef.
ST93–1631	Natural Gas P/L Co. of America.	Transok Gas Co	12–10–92	G–S	50,000	N	I	10–01–92	Indef.
ST93–1632	Tennessee Gas Pipeline Co.	City of Holyoke Gas & Elect. Dept.	12–10–92	G–S	685	N	F	11–14–92	Indef.
ST93–1633	Tennessee Gas Pipeline Co.	Piedmont Natural Gas Co.	12–10–92	B	10,000	N	F	11–14–92	11–01–00.
ST93–1634	Tennessee Gas Pipeline Co.	Louis Dreyfus Energy Corp.	12–10–92	G–S	16,800	N	F	11–14–92	11–01–93.
ST93–1635	United Gas Pipe Line Co.	Rally Pipeline Corp	12–10–92	G–S	59,736	N	I	12–03–92	04–02–93.
ST93–1636	United Gas Pipe Line Co.	Enermax, Div. Nukem, Inc.	12–10–92	G–S	104,800	N	I	11–30–92	03–30–93.
ST93–1637	United Gas Pipe Line Co.	Citizens Gas Supply Corp.	12–10–92	G–S	20,960	N	I	12–03–92	04–02–93.
ST93–1638	United Gas Pipe Line Co.	Shell Gas Trading Co	12–10–92	G–S	209,600	N	I	12–02–92	04–01–93.
ST93–1639	Lone Star Gas Co	Tennessee Gas Pipeline Co.	12–11–92	C	30,000	N	I	12–02–92	04–01–93.
ST93–1640	Peoples Natural Gas Co.	CNG Transmission Corp.	12–11–92	C	4,093	Y	I	11–13–92	11–30–92.
ST93–1641	Corpus Christi Transmission Co.	Texas Eastern Transmission Co.	12–11–92	C	15,000	N	I	01–01–92	Indef.
ST93–1642	El Paso Natural Gas Co.	Nevada Cogeneration Associates #1.	12–11–92	G–S	30,900	N	I	11–11–92	Indef.
ST93–1643	El Paso Natural Gas Co.	Nevada Cogeneration Associates #2.	12–11–92	G–S	30,900	N	I	11–11–92	Indef.

VOL 58 ISS 32 FE 19 1993 UMI

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Estimate maximum daily quantity[2]	Aff. Y/A/N[3]	Rate Sch.	Date commenced	Projected termination date
ST93-1644	El Paso Natural Gas Co.	Amoco Energy Trading Corp.	12-11-92	G-S	10,300	N	I	11-11-92	Indef.
ST93-1645	El Paso Natural Gas Co.	Hadson Gas Systems, Inc.	12-11-92	G-S	10,000	N	I	11-27-92	Indef.
ST93-1646	El Paso Natural Gas Co.	Belven Corp	12-11-92	G-S	11,845	N	I	11-14-92	11-30-92.
ST93-1647	Williston Basin Inter. P/L Co.	Rainbow Gas Co	12-11-92	G-S	304,447	A	I	11-27-92	07-31-94.
ST93-1648	Texas Eastern Transmission Corp.	Texas Southeastern Gas Co.	12-11-92	B	15,000	N	I	11-13-92	Indef.
ST93-1649	Texas Eastern Transmission Corp.	Gasiantic Corp	12-11-92	G-S	30,000	N	I	11-25-92	Indef.
ST93-1650	Transcontinental Gas P/L Corp.	Gasmark, Ltd	12-11-92	G-S	1,093,000	N	I	11-25-92	Indef.
ST93-1651	Transcontinental Gas P/L Corp.	Texaco Gas Marketing, Inc.	12-11-92	G-S	4,516,425	N	I	12-04-92	Indef.
ST93-1652	Northern Natural Gas Co.	Wisconsin Power and Light Co.	12-11-92	G-S	5,600	N	F/I	11-15-92	Indef.
ST93-1653	Northern Natural Gas Co.	Koch Hydrocarbon Co .	12-11-92	G-S	35,000	N	F/I	11-19-92	01-10-12.
ST93-1654	Natural Gas P/L Co. of America.	Bridgegas U.S.A. Inc ...	12-11-92	G-S	200,000	N	I	11-19-92	Indef.
ST93-1655	Natural Gas P/L Co. of America.	Midwest Power Systems, Inc.	12-11-92	B	1,833	N	F	12-01-92	11-30-95.
ST93-1656	Natural Gas P/L Co. of America.	Oryx Gas Marketing L.P.	12-11-92	G-S	17,500	N	F	12-01-92	01-31-93.
ST93-1657	Natural Gas P/L Co. of America.	United Cities Gas Co ..	12-11-92	G-S	4,550	N	F	12-01-92	11-30-95.
ST93-1658	Natural Gas P/L Co. of America.	Enron Gas Marketing, Inc.	12-11-92	G-S	25,000	N	F	12-01-92	02-28-93.
ST93-1659	Natural Gas P/L Co. of America.	Aquila Energy Marketing Corp.	12-11-92	G-S	30,000	N	F	12-01-92	12-31-92.
ST93-1660	Natural Gas P/L Co. of America.	North Shore Gas Co ...	12-11-92	G-S	4,000	N	F	12-01-92	11-30-95.
ST93-1661	Sabine Pipe Line Co ...	Eastex Hydrocarbons, Inc.	12-14-92	G-S	50,000	N	I	11-20-92	Indef.
ST93-1662	Questar Pipeline Co	Colorado Interstate Gas Co.	12-14-92	G	150,000	N	I	11-12-92	Indef.
ST93-1663	Rocky Mountain Natural Gas Co.	Northwest Pipeline Corp.	12-14-92	G-HT	5,000	N	I	05-05-92	Indef.
ST93-1664	Transok, Inc	Arkla Energy Resources.	12-14-92	C	50,000	N	I	12-01-92	Indef.
ST93-1665	Kern River Gas Transmission Co.	Redwood Resources, Inc.	12-14-92	G-S	50,000	N	I	11-15-92	Indef.
ST93-1666	Tennessee Gas Pipeline Co.	CNG Transmission Corp.	12-14-92	G-S	32,431	N	F	11-19-92	Indef.
ST93-1667	Tennessee Gas Pipeline Co.	Coastal Gas Marketing Co.	12-14-92	G-S	6,700	N	F	11-21-92	03-31-93.
ST93-1668	Tennessee Gas Pipeline Co.	Berkshire Gas Co	12-14-92	B	15,000	N	I	11-13-92	Indef.
ST93-1669	Tennessee Gas Pipeline Co.	Nycotex Gas Transport	12-14-92	B	10,000	N	F	11-14-92	Indef.
ST93-1670	Transok, Inc	Arkla Energy Resources.	12-14-92	C	50,000	N	I	12-01-92	Indef.
ST93-1671	Monterey Pipeline Co ..	United Gas Pipe Line Co.	12-14-92	C	20,000	N	I	10-09-92	Indef.
ST93-1672	Monterey Pipeline Co ..	Columbia Gulf Transmission Co.	12-14-92	C	20,000	N	I	11-01-92	Indef.
ST93-1673	Monterey Pipeline Co ..	ANR Pipeline Co	12-14-92	C	20,000	N	I	08-01-90	Indef.
ST93-1674	Monterey Pipeline Co ..	Trunkline Gas Co	12-14-92	C	20,000	N	I	03-01-90	Indef.
ST93-1675	Panhandle Eastern Pipe Line Co.	Stand Energy Corp	12-14-92	G-S	225	N	I	11-12-92	Indef.
ST93-1676	Arkla Energy Resources.	American Central Gas Cos., Inc.	12-14-92	G-S	10,000	N	F	012-01-92	Indef.
ST93-1677	Gastel Pipeline System Inc.	Amerada Hess Corp ...	12-11-92	G-S	26,350	N	I	11-04-92	Indef.
ST93-1678	Louisiana Intrastate Gas Corp.	ANR Pipeline Co., ET AL.	12-14-92	C	60,000	N	I	12-01-92	Indef.
ST93-1679	National Fuel Gas Supply Corp.	Connecticut Natural Gas Corp.	12-14-92	G-S	9,300	N	F/I	11-01-91	02-29-92.
ST93-1680	Northern Natural Gas Co.	Northwestern Public Service Co.	12-14-92	B	960	N	F	08-01-92	05-31-93.
ST93-1681	Northern Natural Gas Co.	Centran Corp	12-14-92	G-S	50,000	N	F/I	11-01-92	Indef.
ST93-1682	Texas Gas Transmission Corp.	City of South Fulton	12-14-92	G-S	1,678	N	I	12-01-92	Indef.
ST93-1683	Texas Gas Transmission Corp.	City of Drakesboro	12-14-92	G-S	1,547	N	I	12-01-92	Indef.
ST93-1684	Texas Gas Transmission Corp.	Commonwealth Energy Services.	12-14-92	G-S	10,000	N	I	12-01-92	Indef.

Docket No.
ST93-1685
ST93-1686
ST93-1687
ST93-1688
ST93-1689
ST93-1690
ST93-1691
ST93-1692
ST93-1693
ST93-1694
ST93-1695
ST93-1696
ST93-1697
ST93-1698
ST93-1699
ST93-1700
ST93-1701
ST93-1702
ST93-1703
ST93-1704
ST93-1705
ST93-1706
ST93-1707
ST93-1708
ST93-1709
ST93-1710
ST93-1711
ST93-1712
ST93-1713
ST93-1714
ST93-1715
ST93-1716
ST93-1717
ST93-1718
ST93-1719
ST93-1720
ST93-1721
ST93-1722
ST93-1723
ST93-1724
ST93-1725
ST93-1726

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Estimate maximum daily quantity[2]	Aff. Y/A/N[3]	Rate Sch.	Date commenced	Projected termination date
ST93–1685	Texas Gas Transmission Corp.	Amerada Hess Corp ...	12–14–92	G–S	100,000	N	I	12–04–92	Indef.
ST93–1686	Tennessee Gas Pipeline Co.	Mississippi Valley Gas Co.	12–15–92	B	30,000	N	I	11–21–92	Indef.
ST93–1687	Tennessee Gas Pipeline Co.	Mid Texas Natural Gas	12–15–92	G–S	400	N	I	12–01–92	Indef.
ST93–1688	Montana Power Co	Colorado Interstate Gas Co.	12–15–92	G–HT	20,000	N	I	09–01–92	10–31–02.
ST93–1689	Montana Power Co	Colorado Interstate Gas Co.	12–15–92	G–HT	30,000	N	I	09–01–92	10–31–02.
ST93–1690	Florida Gas Transmission Co.	Mobil Natural Gas, Inc	12–15–92	G–S	100,000	N	I	12–01–92	Indef.
ST93–1691	Columbia Gas Transmission Corp.	Stand Energy Corp	12–15–92	G–S	30	A	F	11–15–92	03–31–93
ST93–1692	Natural Gas P/L Co. of America.	City of Nashville	12–15–92	B	750	N	F	12–01–92	02–28–97.
ST93–1693	Phillips Gas Pipeline Co.	Phillips Texas Border Pipeline Co.	12–15–92	B	25,000	Y	F	01–01–89	12–31–94.
ST93–1694	Phillips Gas Pipeline Co.	Phillips Texas Border Pipeline Co.	12–15–92	B	10,000	Y	I	12–01–87	Indef.
ST93–1695	K N Energy, Inc	Nebraska Public Gas Agency.	12–16–92	G–S	35,000	N	I	11–20–92	Indef.
ST93–1696	K N Energy, Inc	Western Gas Resources, Inc.	12–16–92	G–S	25,000	N	I	08–01–92	Indef.
ST93–1697	TransTexas Pipeline ...	Florida Gas Transmission Co.	12–16–92	C	5,000	N	I	12–01–92	Indef.
ST93–1698	TransTexas Pipeline ...	Natural Gas P/L Co. of America.	12–16–92	C	10,000	N	I	12–01–92	Indef.
ST93–1699	TransTexas Pipeline ...	Texas Gas Transmission Corp.	12–16–92	C	15,000	N	I	12–01–92	Indef.
ST93–1700	Valero Transmission, L.P.	Texas Eastern Transmission Corp.	12–16–92	C	20,000	N	I	11–01–92	Indef.
ST93–1701	Valero Transmission, L.P.	Tennessee gas Pipeline Co.	12–16–92	C	3,000	N	I	12–01–92	Indef.
ST93–1702	Valero Transmission, L.P.	Texas Gas Transmission Corp.	12–16–92	C	15,000	N	I	12–01–92	Indef.
ST93–1703	Valero Transmission, L.P.	United Gas Pipe Line Co.	12–16–92	C	12,000	N	I	11–01–92	Indef.
ST93–1704	Tennessee Gas Pipeline Co.	Stellar Gas Co	12–16–92	G–S	1,000,000	N	I	11–19–92	Indef
ST93–1705	Tennessee Gas Pipeline Co.	Scana hydrocarbons, Inc.	12–16–92	G–S	50,000	N	I	11–26–92	Indef.
ST93–1706	Tennessee Gas Pipeline Co.	City of Holyoke Gas & Elect. Dept.	12–16–92	G–S	18,250,000	N	I	11–21–92	Indef.
ST93–1707	Channel Industries Gas Co.	Tennessee Gas pipeline Co.	12–16–92	C	200,000	Y	I	11–20–92	Indef.
ST93–1708	Sabine Pipe Line Co ...	Stellar Gas Co	12–16–92	G–S	100,000	N	I	12–03–92	Indef.
ST93–1709	Texas Eastern Transmission Corp.	Mt. Carmel Public Utility.	12–16–92	B	50,000	N	I	12–03–92	Indef.
ST93–1710	Texas Eastern Transmission Corp.	Midcon Marketing Corp	12–16–92	G–S	50,000	N	I	12–03–92	Indef.
ST93–1711	Texas Eastern Transmission Corp.	Monterey Pipeline Co ..	12–16–92	B	70,000	N	I	12–05–92	Indef.
ST93–1712	Texas Eastern Transmission Corp.	Global Petroleum Corp	12–16–92	G–S	75,000	N	I	12–01–92	Indef.
ST93–1713	Trunkline Gas Co	Panhandle Trading Co	12–16–92	G–S	50,000	Y	I	12–01–92	Indef.
ST93–1714	Trunkline Gas Co	Coastal Gas Marketing Co.	12–16–92	G–S	100,000	N	I	12–01–92	Indef.
ST93–1715	Trunkline Gas Co	Polaris Pipeline Corp ..	12–16–92	G–S	75,000	N	I	12–01–92	Indef.
ST93–1716	Trunkline Gas Co	Suburban Natural Gas Co.	12–16–92	G–S	1,024	N	I	12–01–92	Indef.
ST93–1717	Trunkline Gas Co	Fuel Services Group, Inc.	12–16–92	G–S	11,000	N	I	12–01–92	Indef.
ST93–1718	Trunkline Gas Co	Centran Corp	12–16–92	G–S	30,000	N	I	12–01–92	Indef.
ST93–1719	Trunkline Gas Co	American Central Gas Cos., Inc.	12–16–92	G–S	10,000	N	F	12–01–92	Indef.
ST93–1720	Natural Gas P/L Co. of America.	Iowa-Illinois Gas & Elect. Co.	12–16–92	B	5,000	N	I	12–15–92	03–31–93
ST93–1721	Columbia Gas Transmission Corp.	Columbia Gas of Maryland, Inc.	12–16–92	G–S	3,500	Y	F	12–01–92	02–28–93.
ST93–1722	Columbia Gas Transmission Corp.	Braxton Oil and Gas Corp.	12–16–92	G–S	1,558	N	F	12–01–92	Indef.
ST93–1723	Columbia Gas Transmission Corp.	SGS Gas Purchasing Co.	12–16–92	G–S	3,000	N	I	12–01–92	Indef.
ST93–1724	Columbia Gas Transmission Corp.	Suburban Natural Gas Co.	12–16–92	B	1,000	N	I	12–01–92	10–31–93.
ST93–1725	Texas Gas Transmission Corp.	Texaco Gas Marketing, Inc.	12–16–92	G–S	830	N	I	12–01–92	Indef.
ST93–1726	Texas Gas Transmission Corp.	Coastal Gas Marketing Co.	12–16–92	G–S	20,000	N	I	12–01–92	Indef.

VOL 58 ISS 32 FE 19 1993 UMI

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Estimate maximum daily quantity[2]	Aff. Y/A/N[3]	Rate Sch.	Date commenced	Projected termination date
ST93–1727	Texas Gas Transmission Corp.	Enron Gas Marketing, Inc.	12–16–92	G–S	100,000	Y	I	12–01–92	Indef.
ST93–1729	National Fuel Gas Supply Corp.	United Gas Gypsum Co	12–16–92	B	10,000	N	I	11–02–92	10–31–12.
ST93–1730	National Fuel Gas Supply Corp.	United Gas Gypsum Co.	12–16–92	B	10,000	N	I	11–02–92	10–31–12.
ST93–1731	National Fuel Gas Supply Corp.	Media Power Co	12–16–92	B	3,000	N	I	12–04–92	11–30–12.
ST93–1732	National Fuel Gas Supply Corp.	Mark Resources Corp	12–16–92	G–S	3,000	N	I	11–01–92	10–31–12.
ST93–1733	Texas Eastern Transmission Corp.	Columbia Gas of Pennsylvania	12–17–92	B	2,485,630	N	I	12–01–92	Indef.
ST93–1734	Texas Eastern Transmission Corp.	Samedan Oil Corp	12–17–92	G–S	300,000	N	I	12–01–92	Indef.
ST93–1735	Tennessee Gas Pipeline Co.	New York State Electric and Gas.	12–17–92	G–S	5,117	N	F	12–02–92	10–31–93.
ST93–1736	Tennessee Gas Pipeline Co.	Shell Gas Trading Co	12–17–92	G–S	500,000	N	I	11–20–92	Indef.
ST93–1737	Tennessee Gas Pipeline Co.	Entrade Corp	12–17–92	G–S	4,300	N	I	12–01–92	02–28–93.
ST93–1738	ONG Transmission Co	Panhandle Eastern Pipe Line Co.	12–17–92	C	50,000	N	I	11–24–92	Indef.
ST93–1739	Transcontinental Gas P/L Corp.	Western Gas Resources.	12–17–92	G–S	60,000	A	I	12–04–92	Indef.
ST93–1740	Transcontinental Gas P/L Corp.	Nortech Energy Corp	12–17–92	G–S	150,000	N	I	12–01–92	Indef.
ST93–1741	Transcontinental Gas P/L Corp.	Morgan Stanley Capital Group, Inc.	12–17–92	G–S	620,000	A	I	12–01–92	Indef.
ST93–1742	Transcontinental Gas P/L Corp.	Public Service Electric & Gas Co.	12–17–92	B	11,515,192	N	I	12–08–92	Indef.
ST93–1743	Transcontinental Gas P/L Corp.	Health Petra Resources, Inc.	12–18–92	G–S	846,000	N	I	12–09–92	Indef.
ST93–1744	Natural Gas P/L Co. of America.	Sioux Pointe Inc	12–17–92	G–S	50,000	N	I	12–01–92	Indef.
ST93–1745	Natural Gas P/L Co. of America.	United Texas Trans. Co.	12–17–92	B	200,000	N	I	12–04–92	Indef.
ST93–1746	Natural Gas P/L Co. of America.	Signal Fuels Trading Corp.	12–17–92	G–S	200	N	I	12–04–92	Indef.
ST93–1747	Natural Gas P/L Co. of America.	Brooklyn Interstate Nat. Gas Corp.	12–17–92	G–S	50,000	N	I	11–26–92	Indef.
ST93–1748	Natural Gas P/L Co. of America.	North Canadian Marketing.	12–17–92	G–S	150,000	N	I	11–01–92	Indef.
ST93–1749	Alabama-Tennessee Nat. Gas Co.	Gasmark, Ltd	12–17–92	G–S	50,000	N	I	11–20–92	02–28–93.
ST93–1750	Westar Transmission Co.	El Paso Natural Gas Co.	12–18–92	C	10,000	N	I	11–01–92	Indef.
ST93–1751	Phillips Gas Pipeline Co.	Anadarko Trading Co	12–17–92	B	50,000	A	I	10–01–92	Indef.
ST93–1752	Delhi Gas Pipeline Corp.	Williams Natural Gas Co.	12–18–92	C	2,000	N	I	11–19–92	Indef.
ST93–1753	Algonquin Gas Transmission Co.	Consolidated Edison Co. of New York.	12–18–92	G–S	150,000	N	I	11–25–92	Indef.
ST93–1754	Algonquin Gas Transmission Co.	New England Power Co.	12–18–92	G–S	200,000	N	I	11–20–92	Indef.
ST93–1755	Algonquin Gas Transmission Co.	Southern Connecticut Gas Co.	12–18–92	G–S	79,000	N	I	11–25–92	Indef.
ST93–1756	Algonquin Gas Transmission Co.	Narragansett Electric Co.	12–18–92	G–S	150,000	N	I	11–20–92	Indef.
ST93–1757	Algonquin Gas Transmission Co.	Town of Middleborough	12–18–92	G–S	100,000	N	I	11–21–92	Indef.
ST93–1758	Algonquin Gas Transmission Co.	Providence Gas Co	12–18–92	G–S	100,000	N	I	11–20–92	Indef.
ST93–1759	Algonquin Gas Transmission Co.	Distrigas of Massachusetts Corp.	12–18–92	G	3,000	N	F	12–01–92	02–28–93.
ST93–1760	Algonquin Gas Transmission Co.	Distrigas of Massachusetts Corp.	12–18–92	G–S	10,200,000	N	I	11–21–92	Indef.
ST93–1761	Algonquin Gas Transmission Co.	Boston Gas Co	12–18–92	G–S	150,000	N	I	11–30–92	Indef.
ST93–1762	Kern River Gas Transmission Co.	Union Pacific Fuels, Inc.	12–18–92	G–S	100,000	N	F	12–01–92	Indef.
ST93–1763	Tennessee Gas Pipeline Co.	Rochester Gas & Electric Corp.	12–18–92	B	35,000	N	I	12–01–92	Indef.
ST93–1764	Tennessee Gas Pipeline Co.	Stellar Gas Co	12–18–92	G–S	10,000	N	I	12–01–92	Indef.
ST93–1765	Tennessee Gas Pipeline Co.	Midcoast Venture 1, a Joint Venture.	12–18–92	B	1,200	N	I	11–26–92	Indef.
ST93–1766	Tennessee Gas Pipeline Co.	National Fuel Gas Supply Corp.	12–18–92	B	15,000	N	I	12–01–92	03–01–93.
ST93–1767	Tennessee Gas Pipeline Co.	Distrigas of Massachusetts Corp.	12–18–92	G	110,000	N	I	12–02–92	Indef.
ST93–1768	Olympic Pipeline Co	ANR Pipeline Corp	12–18–92	C	50,000	N	I	12–10–91	Indef.

Docket No.
ST93–1769
ST93–1770
ST93–1771
ST93–1772
ST93–1773
ST93–1774
ST93–1775
ST93–1776
ST93–1777
ST93–1778
ST93–1779
ST93–1780
ST93–1781
ST93–1782
ST93–1783
ST93–1784
ST93–1785
ST93–1786
ST93–1787
ST93–1788
ST93–1789
ST93–1790
ST93–1791
ST93–1792
ST93–1793
ST93–1794
ST93–1795
ST93–1796
ST93–1797
ST93–1798
ST93–1799
ST93–1800
ST93–1801
ST93–1802
ST93–1803
ST93–1804
ST93–1805
ST93–1806
ST93–1807
ST93–1808
ST93–1809
ST93–1810
ST93–1811

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Estimate maximum daily quantity[2]	Aff. Y/A/N[3]	Rate Sch.	Date commenced	Projected termination date
ST93–1769	Olympic Pipeline Co	Sabine Pipeline Co	12–18–92	C	10,000	N	I	10–07–92	Indef.
ST93–1770	Olympic Pipeline Co	Sabine Pipeline Co	12–18–92	C	100,000	N	I	10–28–92	Indef.
ST93–1771	Olympic Pipeline Co	Sabine Pipeline Co	12–18–92	C	30,000	N	I	08–25–92	Indef.
ST93–1772	Olympic Pipeline Co	Natural Gas P/L Co. of America.	12–18–92	C	50,000	N	I	09–05–92	Indef.
ST93–1773	Olympic Pipeline Co	Sabine Pipeline Co	12–18–92	C	10,000	N	I	10–01–92	Indef.
ST93–1774	Northern Border Pipeline Co.	Western Natural Gas Trans. Corp.	12–18–92	G–S	25,000	N	I	12–01–92	11–30–94.
ST93–1775	ANR Pipeline Co	Michigan Consolidated Gas Co.	12–18–92	G–S	275,000	N	I	12–01–92	10–31–93
ST93–1776	ANR Pipeline Co	NGC Transportation, Inc.	12–18–92	G–S	100,000	N	I	12–02–92	Indef.
ST93–1777	ANR Pipeline Co	Northwestern Mutual Life Ins. Co.	12–18–92	G–S	100,000	N	I	12–01–92	Indef.
ST93–1778	ANR Pipeline Co	Mobil Natural Gas Inc .	12–18–92	G–S	100,000	N	I	12–01–92	Indef.
ST93–1779	Williams Natural Gas Co.	Brock Gas Systems & Equipment.	12–18–92	G–S	180	N	I	12–01–92	03–01–93.
ST93–1780	Williams Natural Gas Co.	Vesta Energy Co	12–18–92	G–S	8,706	N	I	12–01–92	03–01–93.
ST93–1781	Williams Natural Gas Co.	Rangeline Corp	12–18–92	G–S	3,927	N	I	12–01–92	03–01–93
ST93–1782	Williams Natural Gas Co.	Energy Dynamics, Inc .	12–18–92	G–S	2,060	N	I	12–01–92	03–01–93
ST93–1783	Williams Natural Gas Co.	Certainteed Corp	12–18–92	G–S	2,000	N	I	12–02–92	04–01–93
ST93–1784	Transwestern Pipeline Co.	Coastal Gas Marketing Co.	12–18–92	G–S	100,000	N	I	12–01–92	Indef.
ST93–1785	Transwestern Pipeline Co.	Pacific Gas and Electric Co.	12–18–92	G–S	300,000	N	I	11–01–92	Indef.
ST93–1786	Transwestern Pipeline Co.	Pacific Gas and Electric Co.	12–18–92	G–S	300,000	N	I	11–01–92	Indef.
ST93–1787	Transwestern Pipeline Co.	Meridian Oil Trading, Inc.	12–18–92	G–S	300,000	N	I	12–01–92	Indef.
ST93–1788	Transwestern Pipeline Co.	Enron Gas Marketing, Inc.	12–18–92	G–S	200,000	A	I	12–01–92	Indef.
ST93–1789	Northern Natural Gas Co.	City of Duluth	12–18–92	G–S	1,000	N	F/I	11–01–92	Indef.
ST93–1790	Northern Natural Gas Co.	KN Energy, Inc	12–18–92	G–S	83	N	F/I	11–01–92	Indef.
ST93–1791	Northern Natural Gas Co.	Texaco Gas Marketing, Inc.	12–18–92	G–S	50,000	N	F/I	11–01–92	Indef.
ST93–1792	Northern Natural Gas Co.	Amoco Energy Trading Corp.	12–18–92	G–S	100,000	N	F/I	10–28–92	Indef.
ST93–1793	Northern Natural Gas Co.	Chevron USA Inc	12–18–92	G–S	20,000	N	F/I	11–01–92	Indef.
ST93–1794	Northern Natural Gas Co.	Amerada Hess Corp .	12–18–92	G–S	10,000	N	F/I	11–04–92	Indef.
ST93–1795	Stingray Pipeline Co ...	Seneca Resources Corp.	12–18–92	K–S	50,000	N	I	12–01–92	Indef.
ST93–1796	Moraine Pipeline Co	Wisconsin Natural Gas Co.	12–18–92	B	12,000	Y	F	11–18–92	11–17–02
ST93–1797	Natural Gas P/L Co. of America.	Northern Illinois Gas Co.	12–18–92	B	99,500	N	F	12–01–92	11–30–95.
ST93–1798	Natural Gas P/L Co. of America.	Aquila Energy Marketing Corp.	12–18–92	G–S	150,000	N	I	12–03–92	Indef.
ST93–1799	Natural Gas P/L Co. of America.	Midcon Marketing Corp	12–18–92	G–S	50,000	A	F	12–01–92	03–31–93
ST93–1800	Natural Gas P/L Co. of America.	Midcon Marketing Corp	12–18–92	G–S	25,000	A	F	12–01–92	01–31–93
ST93–1801	Natural Gas P/L Co. of America.	Midcon Marketing Corp	12–18–92	G–S	100,000	N	I	11–23–92	Indef.
ST93–1802	Natural Gas P/L Co. of America.	Associated Natural Gas, Inc.	12–18–92	G–S	2,000	K	F	12–01–92	02–28–93
ST93–1803	Natural Gas P/L Co. of America.	Midcon Marketing Corp	12–18–92	G–S	20,000	A	I	12–01–92	01–31–93
ST93–1804	Natural Gas P/L Co. of America.	Wisconsin Natural Gas Co..	12–18–92	B	12,000	N	F	11–18–92	11–17–02
ST93–1805	Panhandle Eastern Pipe Line Co.	National Steel Corp	12–18–92	G–S	20,000	N	I	12–01–92	Indef.
ST93–1806	Panhandle Eastern Pipe Line Co.	Louis Dreyfus Energy Corp.	12–18–92	G–S	50,000	N	I	12–01–92	Indef.
ST93–1807	Panhandle Eastern Pipe Line Co.	Walnut Ridge Health Care.	12–18–92	G–S	[illegible]	N	I	12–02–92	Indef.
ST93–1808	Panhandle Eastern Pipe Line Co.	Illinois Power Co	12–18–92	G–S	18,709	N	I	12–01–92	Indef.
ST93–1809	Panhandle Eastern Pipe Line Co.	Fidelity Natural Gas, Inc.	12–18–92	G–S	1,026	N	I	12–01–92	Indef.
ST93–1810	Panhandle Eastern Pipe Line Co.	Suburban Natural Gas Co.	12–18–92	G–S	1,029	N	I	12–01–92	Indef.
ST93–1811	Panhandle Eastern Pipe Line Co	Tarpon Gas Marketing Ltd.	12–18–92	G–S	7,300,000	N	I	12–01–92	Indef.

VOL 58 ISS 32 FE 19 1993 UMI

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Estimate maximum daily quantity[2]	Aff. Y/A/N[3]	Rate Sch.	Date commenced	Projected termination date
ST93–1812	Gateway Pipeline Co ..	Yuma Gas Corp	12–18–92	G–S	75,000	N	I	12–09–92	04–08–93.
ST93–1813	Gateway Pipeline Co ..	Catex Energy Inc	12–18–92	G–S	100,000	N	I	12–01–92	03–31–93.
ST93–1814	United Gas Pipe Line Co.	Mobil Natural Gas Inc .	12–18–92	G–S	52,400	N	I	12–10–92	04–09–93.
ST93–1815	United Gas Pipe Line Co.	Seagull Marketing Services, Inc.	12–18–92	G–S	524,000	N	I	12–07–92	04–06–93.
ST93–1816	Northern Border Pipeline Co.	Suncor Inc	12–18–92	G–S	25,000	N	I	12–01–92	12–01–93.
ST93–1817	United Gas Pipe Line Co.	Mississippi Valley Gas Co.	12–18–92	G–S	10,000	N	F	12–01–92	03–31–93.
ST93–1818	United Gas Pipe Line Co.	Western Gas Resources, Inc.	12–18–92	G–S	71,500	N	F	12–01–92	03–31–93.
ST93–1819	United Gas Pipe Line Co.	Catex Energy Inc	12–18–92	G–S	100,000	N	I	12–01–92	03–31–93.
ST93–1820	United Gas Pipe Line Co.	Louis Dreyfus Energy Corp.	12–18–92	G–S	100,000	N	I	12–01–92	03–31–93
ST93–1821	United Gas Pipe Line Co.	FEC Marketing, Inc	12–18–92	G–S	3,000	N	F	12–01–92	03–31–93
ST93–1822	United Gas Pipe Line Co.	Entex, Division of Arkla, Inc.	12–18–92	G–S	10,000	N	I	11–21–92	03–21–93
ST93–1823	United Gas Pipe Line Co.	Bay-Tech Operating Co., Inc.	12–18–92	G–S	1,153	N	I	11–21–92	03–21–93.
ST93–1824	United Gas Pipe Line Co.	Chevron U.S.A. Inc	12–18–92	G–S	104,800	N	I	12–10–92	04–09–93
ST93–1825	United Gas Pipe Line Co.	Aquila Energy Marketing Corp.	12–18–92	G–S	52,400	N	I	12–10–92	04–09–93.
ST93–1826	United Gas Pipe Line Co.	Arkla Energy Marketing Co.	12–18–92	G–S	20,960	N	I	12–07–92	04–06–93.
ST93–1827	United Gas Pipe Line Co.	Endevco Oil & Gas Co	12–18–92	G–S	26,200	N	I	12–10–92	04–09–93.
ST93–1828	United Gas Pipe Line Co.	Endevco Gas Marketing, Inc.	12–18–92	G–S	524,000	N	I	12–07–92	04–06–93.
ST93–1829	United Gas Pipe Line Co.	FEC Marketing, Inc	12–18–92	G–S	10,000	N	I	12–10–92	04–09–93.
ST93–1830	K N Energy, Inc	K N Gas Marketing, Inc	12–21–92	G–S	5,000	A	F	11–17–92	Indef.
ST93–1831	Texas Gas Corp	Texas Eastern Transmission Corp.	12–21–92	C	6,500	N	I	09–01–92	Indef.
ST93–1832	Valero Transmission, L.P.	Trunkline Gas Co	12–21–92	C	5,000	N	I	12–01–92	Indef.
ST93–1833	Brooklyn Union Gas Co.	Municipal Gas Authority of Georgia.	12–21–92	G–HT	4,900	N	I	12–06–92	03–31–93.
ST93–1834	Gulf Energy Pipeline Co.	Tennessee Gas Pipeline Co.	12–21–92	C	5,000	N	I	12–01–92	Indef.
ST93–1835	Gulf Energy Pipeline Co.	Trunkline Gas Co	12–21–92	C	10,000	N	I	12–03–92	Indef.
ST93–1836	Williams Natural Gas Co.	Coastal Gas Marketing Co.	12–21–92	G–S	3,000	N	F	12–01–92	03–01–93.
ST93–1837	Williams Natural Gas Co.	City of Iola	12–21–92	G–S	5,100	N	F	12–01–92	04–01–93.
ST93–1838	Williams Natural Gas Co.	Nimrod Natural Gas Corp.	12–21–92	G–S	640	N	F	12–01–92	11–01–93.
ST93–1839	Northern Natural Gas Co.	Peoples Natural Gas Co.	12–21–92	G–S	77,122	N	F/I	12–01–92	02–28–93.
ST93–1840	Northern Natural Gas Co.	Iowa Southern Utilities Co.	12–21–92	G–S	525	N	F/I	12–01–92	Indef.
ST93–1841	Northern Natural Gas Co.	City of Duluth	12–21–92	G–S	1,000	N	F/I	12–01–92	Indef.
ST93–1842	Northern Natural Gas Co.	GPM Gas Corp	12–21–92	G–S	100,000	N	F/I	11–01–92	Indef.
ST93–1843	Transok, Inc	Arkla Energy Resources.	12–21–92	C	5,000	N	I	12–04–92	Indef.
ST93–1844	Transok, Inc	ANR Pipeline Co	12–21–92	C	10,000	N	I	12–08–92	Indef.
ST93–1845	Transok, Inc	Williams Natural Gas Co.	12–21–92	C	15,000	N	I	12–08–92	Indef.
ST93–1846	Transok, Inc	Williams Natural Gas Co.	12–21–92	C	50,000	N	I	12–04–92	Indef.
ST93–1847	Transok Gas Transmission Co.	ANR Pipeline Co., ET AL.	12–21–92	C	25,000	N	I	12–06–92	Indef.
ST93–1848	Columbia Gas Transmission Corp.	New York State Electric & Gas Corp.	12–21–92	B	19,281	Y	F	12–01–92	Indef.
ST93–1849	Columbia Gas Transmission Corp.	Stand Energy Corp	12–21–92	G–S	25	Y	F	12–01–92	03–31–93.
ST93–1850	Columbia Gas Transmission Corp.	Stand Energy Corp	12–21–92	G–S	396	N	F	12–01–92	03–31–93.
ST93–1851	Columbia Gas Transmission Corp.	Global Petroleum Corp	12–21–92	G–S	10,000	N	I	12–01–92	Indef.
ST93–1852	Columbia Gulf Transmission Co.	Chevron USA, Inc	12–21–92	G–S	200,000	N	I	12–06–92	Indef.
ST93–1853	Columbia Gulf Transmission Co.	CMS Gas Marketing Co.	12–21–92	G–S	100,000	N	I	12–11–92	Indef.

Docket No.[1]
ST93–1854
ST93–1855
ST93–1856
ST93–1857
ST93–1858
ST93–1859
ST93–1860
ST93–1861
ST93–1862
ST93–1863
ST93–1864
ST93–1865
ST93–1866
ST93–1867
ST93–1868
ST93–1869
ST93–1870
ST93–1871
ST93–1872
ST93–1873
ST93–1874
ST93–1875
ST93–1876
ST93–1877
ST93–1878
ST93–1879
ST93–1880
ST93–1881
ST93–1882
ST93–1883
ST93–1884
ST93–1885
ST93–1886
ST93–1887
ST93–1888
ST93–1889
ST93–1890
ST93–1891
ST93–1892
ST93–1893
ST93–1894
ST93–1895

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Estimate maximum daily quantity[2]	Aff. Y/A/N[3]	Rate Sch.	Date commenced	Projected termination date
ST93-1854	Columbia Gulf Transmission Co.	Eagle Natural Gas Co .	12-21-92	G-S	30,000	N	I	12-11-92	Indef.
ST93-1855	Tennessee Gas Pipeline Co.	Fitchburg Gas & Electric Light Co.	12-21-92	G-S	2,012	N	F	12-01-92	Indef.
ST93-1856	Tennessee Gas Pipeline Co.	East Tennessee Natural Gas Co.	12-21-92	G-ST	75,770	N	F	12-07-92	Indef.
ST93-1857	Tennessee Gas Pipeline Co.	NGC Transportation, Inc.	12-21-92	G-S	15,000	N	F	12-01-92	01-01-93
ST93-1858	Tennessee Gas Pipeline Co.	Continental Energy Marketing Inc.	12-21-92	G-S	50,000	N	I	12-01-92	Indef.
ST93-1859	Tennessee Gas Pipeline Co.	AGF, Inc	12-21-92	G-S	10,000	N	I	12-05-92	Indef.
ST93-1860	Mississippi River Trans. Corp.	National Steel Corp	12-21-92	G-S	7,500	N	F	12-01-92	02-28-93.
ST93-1861	Mississippi River Trans. Corp.	Monsanto Co	12-21-92	G-S	273	N	F	12-04-92	Indef.
ST93-1862	Mississippi River Trans. Corp.	Monsanto Co	12-21-92	G-S	211	N	F	12-04-92	Indef.
ST93-1863	Mississippi River Trans. Corp.	Vesta Energy Co	12-21-92	G-S	586	N	F	12-01-92	Indef.
ST93-1864	Trunkline Gas Co	Samedan Oil Corp	12-21-92	G-S	50,000	N	I	12-01-92	Indef.
ST93-1865	Trunkline Gas Co	Coastal Gas Marketing Co.	12-21-92	G-S	100,000	N	I	12-11-92	Indef.
ST93-1866	Trunkline Gas Co	CNG Producing Co	12-21-92	G-S	60,000	N	I	12-09-92	Indef.
ST93-1867	Trunkline Gas Co	Memphis Light, Gas & Water Division.	12-21-92	B	10,000	N	I	12-01-92	Indef.
ST93-1868	Trunkline Gas Co	Mississippi River Trans. Corp.	12-21-92	G	50,000	N	I	12-01-92	Indef.
ST93-1869	Trunkline Gas Co	Chevron U.S.A., Inc	12-21-92	G-S	50,000	N	I	12-01-92	Indef.
ST93-1870	CNG Transmission Corp.	Access Energy Corp ...	12-21-92	G-S	100,000	N	I	11-20-92	Indef.
ST93-1871	CNG Transmission Corp.	Cogen Energy Technology.	12-21-92	G-S	1,600	N	I	11-24-92	Indef.
ST93-1872	CNG Transmission Corp.	Access Energy Corp ...	12-21-92	G-S	100,000	N	I	12-01-92	Indef.
ST93-1873	CNG Transmission Corp.	Access Energy Corp ...	12-21-92	G-S	9,125	N	I	11-30-92	Indef.
ST93-1874	CNG Transmission Corp.	Indeck Energy Services.	12-21-92	G-S	1,825	N	I	11-25-92	Indef.
ST93-1875	CNG Transmission Corp.	American Central Gas Co.	12-21-92	G-S	1,825	N	I	11-25-92	Indef.
ST93-1876	CNG Transmission Corp.	American Central Gas Co.	12-21-92	G-S	1,825	N	I	11-25-92	Indef.
ST93-1877	CNG Transmission Corp.	American Central Gas Co.	12-21-92	G-S	1,825	N	I	11-25-92	Indef.
ST93-1878	CNG Transmission Corp.	American Central Gas Co.	12-21-92	G-S	34,675	N	I	11-25-92	Indef.
ST93-1879	CNG Transmission Corp.	U.S. Gypsum Co	12-21-92	G-S	1,500	N	I	12-01-92	Indef.
ST93-1880	CNG Transmission Corp.	New Jersey Natural Gas Co.	12-21-92	G-S	10,000	N	I	12-01-92	Indef.
ST93-1881	CNG Transmission Corp.	Virginia Natural Gas Co.	12-21-92	G-S	7,500	N	I	12-01-92	Indef.
ST93-1882	CNG Transmission Corp.	Centran Corp	12-21-92	G-S	1,500	N	I	12-01-92	Indef.
ST93-1883	CNG Transmission Corp.	Cogen Energy Technology.	12-21-92	G-S	740	N	I	12-03-92	Indef.
ST93-1884	CNG Transmission Corp.	KCS Energy Marketing	12-21-92	G-S	30,000	N	I	12-02-92	Indef.
ST93-1885	CNG Transmission Corp.	Continental Energy Marketing.	12-21-92	G-S	30,000	N	I	12-02-92	Indef.
ST93-1886	CNG Transmission Corp.	Access Energy Corp ...	12-21-92	G-S	8,760	N	I	12-05-92	Indef.
ST93-1887	CNG Transmission Corp.	Access Energy Corp ...	12-21-92	G-S	8,760	N	I	12-05-92	Indef.
ST93-1888	CNG Transmission Corp.	Access Energy Corp ...	12-21-92	G-S	8,760	N	I	12-05-92	Indef.
ST93-1889	CNG Transmission Corp.	Access Energy Corp ...	12-21-92	G-S	8,760	N	I	12-05-92	Indef.
ST93-1890	CNG Transmission Corp.	Access Energy Corp ...	12-21-92	G-S	8,760	N	I	12-05-92	Indef.
ST93-1891	CNG Transmission Corp.	Access Energy Corp ...	12-21-92	G-S	8,760	N	I	12-05-92	Indef.
ST93-1892	CNG Transmission Corp.	Access Energy Corp ...	12-21-92	G-S	8,760	N	I	12-05-92	Indef.
ST93-1893	CNG Transmission Corp.	Access Energy Corp ...	12-21-92	G-S	8,760	N	I	12-05-92	Indef.
ST93-1894	CNG Transmission Corp.	Access Energy Corp ...	12-21-92	G-S	8,760	N	I	12-05-92	Indef.
ST93-1895	CNG Transmission Corp.	New Jersey Natural Gas Co.	12-21-92	G-S	10,000	N	I	12-01-92	Indef.

VOL
58
ISS
32
FE
19
1993
UMI

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Estimate maximum daily quantity[2]	Aff. Y/A/ N[3]	Rate Sch.	Date commenced	Projected termination date
ST93-1896	CNG Transmission Corp.	Continental Energy Marketing.	12-21-92	G-S	30,000	N	I	12-08-92	Indef.
ST93-1897	K N Energy, Inc	K N Gas Marketing, Inc	12-21-92	G-S	100,000	N	I	11-25-92	Indef.
ST93-1898	K N Energy, Inc	Bridgegas USA, Inc	12-22-92	B	50,000	N	I	12-01-92	Indef.
ST93-1899	Tennessee Gas Pipeline Co.	Seagull Marketing Services, Inc.	12-22-92	G-S	250,000	N	I	12-03-92	Indef.
ST93-1900	Tennessee Gas Pipeline Co.	New York State Electric & Gas Corp.	12-22-92	G-S	3,072	N	F	12-01-92	Indef.
ST93-1901	Tennessee Gas Pipeline Co.	Pennsylvania & Southern Gas Co.	12-22-92	G-S	4,717	N	F	12-01-92	Indef.
ST93-1902	Viking Gas Transmission Co.	Great Plains Natural Gas Co.	12-22-92	G-S	3,921	N	I	12-09-92	10-31-02.
ST93-1903	Delhi Gas Pipeline Corp.	Texas Eastern Transmission Corp.	12-22-92	C	250,000	N	I	12-03-92	Indef.
ST93-1904	Arkla Energy Resources	Arkla Energy Marketing Co.	12-22-92	G-S	50,000	A	F	11-01-92	Indef.
ST93-1905	Colorado Interstate Gas Co.	Public Service Co. of Colorado.	12-22-92	G-S	10,000	N	I	11-23-92	Indef.
ST93-1906	Natural Gas P/L Co of America.	Seagull Marketing Services, Inc.	12-22-92	G-S	410,000	N	I	12-05-92	Indef.
ST93-1907	Viking Gas Transmission Co.	Peoples Natural Gas Co.	12-23-92	G-S	1,584	N	I	12-03-92	10-01-02.
ST93-1908	Tennessee Gas Pipeline Co.	Middle TN Nat. Gas Utility, et al.	12-23-92	G-S	1,020	N	F	12-01-92	03-31-93.
ST93-1909	Tennessee Gas Pipeline Co.	United States Gypsum Co.	12-23-92	G-S	1,200	N	F	12-01-92	04-01-93.
ST93-1910	Tennessee Gas Pipeline Co.	Capitol District Energy Center.	12-23-92	G-S	3,200	N	F	12-02-92	02-28-93.
ST93-1911	Columbia Gas Transmission Corp.	Jones-Hamilton Co	12-23-92	G-S	154	Y	F	12-15-92	11-30-93.
ST93-1912	Columbia Gas Transmission Corp.	Columbia Gas of Kentucky, Inc.	12-23-92	G-S	9,400	Y	F	12-09-92	Indef.
ST93-1913	Delhi Gas Pipeline Corp.	Natural Gas P/L Co. of America.	12-23-92	C	65,000	N	I	11-25-92	Indef.
ST93-1914	Delhi Gas Pipeline Corp.	Natural Gas P/L Co. of America.	12-23-92	C	3,500	N	I	12-02-92	Indef.
ST93-1915	ANR Pipeline Co	Mobil Natural Gas Inc	12-23-92	G-S	100,000	N	F	12-01-92	Indef.
ST93-1916	ANR Pipeline Co	Premier Gas Co	12-23-92	G-S	100,000	N	F	12-01-92	Indef.
ST93-1917	ANR Pipeline Co	Commonwealth Gas Services, Inc.	12-23-92	B	50,000	N	I	12-01-92	Indef.
ST93-1918	ANR Pipeline Co	Michigan Gas Co	12-23-92	B	100,000	N	I	12-01-92	Indef.
ST93-1919	ANR Pipeline Co	Helmerich & Payne Energy Service.	12-23-92	G-S	50,000	N	F	12-01-92	Indef.
ST93-1920	ANR Pipeline Co	Greenwood Comm. of Public Works.	12-23-92	B	20,354	A	I	11-26-92	Indef.
ST93-1921	ANR Pipeline Co	Land O' Lakes, Inc	12-23-92	G-S	265	A	F	12-01-92	Indef.
ST93-1922	ANR Pipeline Co	Battlecreek Gas Co	12-23-92	B	4,700	A	F	12-01-92	10-31-02.
ST93-1923	Colorado Interstate Gas Co.	Western Natural Gas & Trans. Corp.	12-23-92	G-S	10,000	N	I	11-26-92	11-30-93.
ST93-1924	Natural Gas P/L Co. of America.	Mississippi River Trans Corp.	12-23-92	G	67,600	N	F	12-01-92	11-30-93.
ST93-1925	Natural Gas P/L Co. of America.	Vesta Energy Co	12-23-92	G-S	50,000	N	I	03-16-92	Indef.
ST93-1926	Panhandle Eastern Pipe Line Co.	Central Illinois Public Service Co.	12-23-92	G-S	10,000	N	F	11-01-92	Indef.
ST93-1927	Panhandle Eastern Pipe Line Co.	Indiana Gas Co	12-23-92	G-S	50,241	N	F	12-01-92	Indef.
ST93-1928	Panhandle Eastern Pipe Line Co.	American National Can Co.	12-23-92	G-S	1,841	N	F	12-01-92	Indef.
ST93-1929	Panhandle Eastern Pipe Line Co.	Anadarko Trading Co	12-23-92	G-S	150,000	N	F	12-01-92	Indef.
ST93-1930	Panhandle Eastern Pipe Line Co.	Missouri Public Service	12-23-92	G-S	1,200	N	F	12-01-92	Indef.
ST93-1931	Panhandle Eastern Pipe Line Co.	MG Natural Gas Corp	12-23-92	G-S	21,030	N	F	12-01-92	Indef.
ST93-1932	Panhandle Eastern Pipe Line Co.	Tarpon Gas Marketing Ltd.	12-23-92	G-S	19,880	N	F	12-01-92	Indef.
ST93-1933	United Gas Pipe Line Co.	Fina Natural Gas Co	12-23-92	G-S	42,107	N	F	12-10-92	04-09-93.
ST93-1934	United Gas Pipe Line Co.	MG Natural Gas Corp	12-23-92	G-S	29,000	N	F	11-29-92	03-23-93.
ST93-1935	United Gas Pipe Line Co.	International Paper Co	12-23-92	G-S	16,125	N	F	12-01-92	03-31-93.
ST93-1936	Gateway Pipeline Co	MG Natural Gas Corp	12-23-92	G-S	40,000	N	I	12-18-92	04-17-93.
ST93-1937	Webb/Duval Gathering	Natural Gas P/L Co. of America.	12-23-92	C	13,000	N	I	10-01-92	Indef.
ST93-1938	Webb/Duval Gathering	Texas Eastern Transmission Co.	12-23-92	C	75,000	N	I	11-01-92	Indef.
ST93-1939	Webb/Duval Gathering	Tennessee Gas Pipeline Co.	12-23-92	C	75,000	N	I	11-01-92	Indef.

Docket No.	Projected termination date
ST93-1940	
ST93-1941	
ST93-1942	
ST93-1943	
ST93-1944	
ST93-1945	
ST93-1946	
ST93-1947	
ST93-1948	
ST93-1949	
ST93-1950	
ST93-1951	
ST93-1952	
ST93-1953	
ST93-1954	
ST93-1955	
ST93-1956	
ST93-1957	
ST93-1958	
ST93-1959	
ST93-1960	
ST93-1961	
ST93-1962	
ST93-1963	
ST93-1964	
ST93-1965	
ST93-1966	
ST93-1967	
ST93-1968	
ST93-1969	
ST93-1970	
ST93-1971	
ST93-1972	
ST93-1973	
ST93-1974	
ST93-1975	
ST93-1976	
ST93-1977	
ST93-1978	
ST93-1979	
ST93-1980	
ST93-1981	
ST93-1982	
ST93-1993	

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Estimate maximum daily quantity[2]	Aff. Y/A/N[3]	Rate Sch.	Date commenced	Projected termination date
ST93–1940	Webb/Duval Gathering	Texas Eastern Transmission Co.	12–23–92	C	30,000	N	I	07–01–92	Indef.
ST93–1941	Webb/Duval Gathering	Natural Gas P/L Co. of America.	12–23–92	C	30,000	N	I	08–01–92	Indef.
ST93–1942	Webb/Duval Gathering	Tennessee Gas Pipeline Co.	12–23–92	C	30,000	N	I	09–01–92	Indef.
ST93–1943	Sonat Intrastate-Alabama Inc.	Southern Natural Gas Co.	12–23–92	C	200	N	I	11–26–92	Indef.
ST93–1944	Gas Transport, Inc	Hope Gas, Inc	12–23–92	B	5,102	N	I	12–01–92	02–28–93.
ST93–1945	Gas Transport, Inc	Hope Gas, Inc	12–23–92	B	5,000	N	I	12–01–92	11–30–93.
ST93–1946	Northern Natural Gas Co.	Feagan Gathering Co	12–23–92	G–S	20,000	N	F/I	12–02–92	Indef.
ST93–1947	Northern Natural Gas Co.	Mobil Natural Gas Inc	12–23–92	G–S	30,000	N	F/I	12–01–92	Indef.
ST93–1948	Northern Natural Gas Co.	Cibola Corp	12–23–92	G–S	200,000	N	F/I	12–21–92	Indef.
ST93–1949	El Paso Natural Gas Co.	Western Natural Gas & Trans. Corp.	12–23–92	G–S	8,755	N	I	12–01–92	Indef.
ST93–1950	Webb/Duval Gathering	Tennessee Gas Pipeline Co.	12–23–92	C	13,000	N	I	10–01–92	Indef.
ST93–1951	Tennessee Gas Pipeline Co.	Distrigas of Massachusetts Corp.	12–24–92	G	11,470	N	F	12–01–92	03–31–93.
ST93–1952	Questar Pipeline Co	Grand Valley Gas Co	12–28–92	G–S	20,000	N	I	12–03–92	Indef.
ST93–1953	Gasdel Pipeline System, Inc.	Total Minatone Corp	12–28–92	G–S	5,665	N	I	12–02–92	Indef.
ST93–1954	Gasdel Pipeline System, Inc.	FMI Hydrocarbons Co	12–28–92	G–S	512	N	I	12–01–92	Indef.
ST93–1955	Trunkline Gas Co	Magic Chef Division of Maytag.	12–28–92	G–S	500	N	F	12–01–92	Indef.
ST93–1956	Panhandle Eastern Pipe Line Co.	Archer Daniels Midland Co.	12–28–92	G–S	7,229	N	F	12–01–92	Indef.
ST93–1957	Panhandle Eastern Pipe Line Co.	Central Illinois Light Co	12–28–92	G–S	22,000	N	I	11–01–92	Indef.
ST93–1958	ANR Pipeline Co	Transok Gas Co	12–28–92	G–S	50,000	N	F	12–04–92	Indef.
ST93–1959	ANR Pipeline Co	Boston Edison	12–28–92	B	200,000	Y	I	10–24–92	Indef.
ST93–1960	ANR Pipeline Co	Unigas Energy, Inc	12–28–92	G–S	50,000	N	F	12–31–92	Indef.
ST93–1961	Algonquin Gas Transmission Co.	Distrigas of Massachusetts Corp.	12–28–92	G–S	10,200,000	N	I	12–06–92	Indef.
ST93–1962	Algonquin Gas Transmission Co.	Citizens Gas Supply Corp.	12–28–92	G–S	857,000	N	I	04–01–92	Indef.
ST93–1963	Algonquin Gas Transmission Co.	V.H.C. Gas Systems, L.P.	12–28–92	G–S	822,525	N	I	12–05–92	Indef.
ST93–1964	Algonquin Gas Transmission Co.	Equitable Resource Marketing Co.	12–28–92	G–S	500,000	N	I	10–31–92	Indef.
ST93–1965	Algonquin Gas Transmission Co.	O&R Energy, Inc	12–28–92	G–S	300,000	N	I	11–25–92	Indef.
ST93–1966	Algonquin Gas Transmission Co.	O&R Energy, Inc	12–28–92	G–S	10,000	N	I	12–09–92	Indef.
ST93–1967	Algonquin Gas Transmission Co.	Citizens Gas Supply Corp.	12–28–92	G–S	200,000	N	I	12–02–92	Indef.
ST93–1968	Algonquin Gas Transmission Co.	Distrigas of Massachusetts Corp.	12–28–92	B	77,500	N	F	12–07–92	11–01–02.
ST93–1969	ANR Pipeline Co	Michigan Gas Utilities	12–28–92	B	5,000	A	I	12–01–92	Indef.
ST93–1970	Tennessee Gas Pipeline Co.	CNG Producing Co	12–29–92	G–S	6,500	N	F	12–02–92	Indef.
ST93–1971	Tennessee Gas Pipeline Co.	Continental Energy Marketing, Inc.	12–29–92	G–S	715	N	F	12–01–92	12–31–92.
ST93–1972	East Tennessee Natural Gas Co.	Middle Tennessee Utility District.	12–29–92	G–S	1,000	N	F	12–01–92	03–31–93.
ST93–1973	Peoples Natural Gas Co.	CNG Transmission Corp.	12–29–92	C	8,000	Y	I	12–02–92	12–31–92.
ST93–1974	Colorado Interstate Gas Co.	Enron Gas Marketing, Inc.	12–29–92	G–S	100,000	N	I	12–11–92	Indef.
ST93–1975	Colorado Interstate Gas Co.	Vesgas Co	12–29–92	G–S	3,000	N	F	12–01–92	06–30–95.
ST93–1976	Colorado Interstate Gas Co.	Western Natural Gas & Trans. Corp.	12–29–92	G–S	10,000	N	I	12–01–92	Indef.
ST93–1977	Colorado Interstate Gas Co.	Gasmark, Ltd	12–29–92	G–S	25,000	N	I	12–08–92	12–31–93.
ST93–1978	Colorado Interstate Gas Co.	Louis Dreyfus Energy Corp.	12–29–92	G–S	50,000	N	I	12–09–92	Indef.
ST93–1979	Colorado Interstate Gas Co.	Texaco Gas Marketing Inc.	12–29–92	G–S	50,000	N	I	12–12–92	Indef.
ST93–1980	Natural Gas P/L Co. of America.	Midcon Marketing Corp	12–29–92	G–S	2,500	A	F	12–01–92	02–28–93.
ST93–1981	Natural Gas P/L Co. of American.	North American Resources Co.	12–29–92	G–S	36,400	N	F	11–01–92	12–31–95.
ST93–1982	Arkla Energy Resources.	Cross Oil & Refining Co.	12–29–92	G–S	3,000	N	F	12–21–92	Indef.
ST93–1993	Valero Transmission, L.P.	Transwestern Pipeline Co.	12–30–92	C	20,000	N	I	12–01–92	Indef.

VOL 58 ISS 32 FE 19 1993 UMI

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Estimate maximum daily quantity[2]	Aff. Y/A/N[3]	Rate Sch.	Date commenced	Projected termination date
ST93-1984	Transamerican Natural Gas Corp.	Tennessee Gas P.L. Co., Et Al..	12-30-92	C	50,000	N	I	12-01-92	Indef.
ST93-1985	Transamerican Natural Gas Corp.	Trunkline Gas Co	12-30-92	C	20,000	N	I	12-11-92	Indef.
ST93-1986	ONG Transmission Co	Phillips Gas Pipeline Co.	12-30-92	C	50,000	N	I	12-09-92	Indef.
ST93-1987	ONG Transmission Co	Northern Natural Gas Co.	12-30-92	C	50,000	N	I	12-05-92	Indef.
ST93-1988	ONG Transmission Co	Williams Natural Gas Co.	12-30-92	C	50,000	N	I	12-05-92	Indef.
ST93-1989	Trunkline Gas Co	Catex Energy, Inc	12-30-92	G-S	50,000	N	I	11-30-92	Indef.
ST93-1990	Williston Basin Inter. P/L Co.	Retex Gathering Co., Inc.	12-30-92	G-S	33,112	N	I	12-30-92	09-30-94.
ST93-1991	Williston Basin Inter. P/L Co.	Koch Hydrocarbon Co .	12-30-92	G-S	244,650	A	I	12-23-92	05-01-93.
ST93-1992	Black Marlin Pipeline Co.	Union Carbide Chemicals & Plastics.	12-30-92	G-S	20,000	N	I	12-01-92	Indef.
ST93-1993	Arida Energy Resources.	Polaris Pipeline Corp ..	12-30-92	G-S	20,000	N	I	11-29-92	Indef.
ST93-1994	Tennessee Gas Pipeline Co.	Boston Gas Co	12-30-92	G-S	41,687	N	F	08-28-92	Indef.
ST93-1995	Tennessee Gas Pipeline Co.	O&R Energy, Inc	12-30-92	G-S	2,750,000	N	I	11-01-92	Indef.
ST93-1996	Tennessee Gas Pipeline Co.	Entrade Corp	12-30-92	G-S	2,800	N	F	12-08-92	03-31-93.
ST93-1997	Tennessee Gas Pipeline Co.	Entrade Corp	12-30-92	G-S	10,000	N	F	12-01-92	02-01-93.
ST93-1998	Tennessee Gas Pipeline Co.	Valley Gas Co	12-30-92	G-S	4,255	N	F	12-02-92	Indef.
ST93-1999	Tennessee Gas Pipeline Co.	Connecticut Natural Gas Corp.	12-30-92	G-S	15,390	N	F	12-01-92	Indef.
ST93-2000	Tennessee Gas Pipeline Co.	T.W. Phillips Gas & Oil Co.	12-30-92	G-S	3,892	N	F	12-01-92	Indef.
ST93-2001	Tennessee Gas Pipeline Co.	City of Huntsville, Et Al	12-30-92	G-S	12,328	N	F	11-04-92	Indef.
ST93-2002	Tennessee Gas Pipeline Co.	New York State Electric & Gas Corp.	12-30-92	G-S	9,744	N	F	10-02-92	Indef.
ST93-2003	ANR Pipeline Co	Ohio Gas Co	12-30-92	B	19,800	N	F	12-05-92	03-31-97.
ST93-2004	Williston Basin Inter. P/L Co.	Koch Hydrocarbon Co .	12-31-92	G-S	235	A	F	12-01-92	03-31-93.
ST93-2005	Williston Basin Inter. P/L Co.	Koch Hydrocarbon Co .	12-31-92	G-S	2,055	A	F	12-01-92	02-01-93.
ST93-2006	Williston Basin Inter. P/L Co.	Amerada Hess Corp ...	12-31-92	G-S	37,500	N	F	12-01-92	12-01-93.
ST93-2007	Williston Basin Inter. P/L Co.	Exxon Corp	12-31-92	G-S	320	A	F	12-01-92	02-28-93.
ST93-2008	Delhi Gas Pipeline Corp.	Transwestern Pipeline Co.	12-31-92	C	375,000	N	I	12-02-92	Indef.
ST93-2009	Natural Gas P/L Co. of America.	North Shore Gas Co ...	12-31-92	G-S	10,000	N	F	12-01-92	11-30-93.
ST93-2010	Tennessee GAs Pipeline Co.	Berkshire Gas Co	12-31-92	G-S	7,222	N	F	12-01-92	Indef.
ST93-2011	Tennessee Gas Pipeline Co.	Amerada Hess Corp ...	12-31-92	G-S	100,000	N	I	12-02-92	Indef.
ST93-2012	Channel Industries Gas Co.	Florida Gas Transmission Co.	12-31-92	C	20,000	N	I	12-01-92	Indef.
ST93-2013	Channel Industries Gas Co.	Northern Natural Gas Co.	12-31-92	C	20,000	N	I	12-01-92	Indef.
ST93-2014	Iroquois Gas Trans. System, L.P.	Tarpon Gas Marketing Ltd.	12-30-92	G-S	576,000	N	I	12-01-92	Indef.
ST93-2015	Iroquois Gas Trans. System, L.P.	Direct Energy Marketing Ltd.	12-30-92	G-S	400,000	N	I	12-02-92	Indef.
ST93-2016	Iroquois Gas Trans. System, L.P.	Colonial Gas Co	12-30-92	B	450,000	N	I	12-19-92	Indef.
ST93-2017	Lone Star Gas Co	Transwestern Gas Pipeline Co.	12-31-92	C	30,000	N	I	12-04-92	Indef.
ST93-2018	ONG Transmission Co	Panhandle Eastern Pipe Line Co.	12-31-92	C	50,000	N	I	12-05-92	Indef.
ST93-2019	Sea Robin Pipeline Co	Sonat Marketing Co	12-31-92	G-S	7,224	A	I	12-01-92	12-31-92.
ST93-2020	Panhandle Eastern Pipe Line Co.	Dayton Power & Light Co.	12-31-92	G-S	8,350	N	F	12-01-92	Indef.

[1] Notice of transactions does not constitute a determination that filings comply with commission regulations in accordance with order No. 436 (Final rule and notice requesting supplemental comments, 50 FR 42,372, 10/19/85).
[2] Estimated maximum daily volumes includes volumes reported by the filing company in MMBTU, MCF and DT.
[3] Affiliation of reporting company to entities involved in the transaction. A "Y" indicates affiliation, an "A" indicates marketing affiliation, and a "N" indicates no affiliation.

[FR Doc. 93-3897 Filed 2-18-93; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. PR93-8-000]

Bridgeline Gas Distribution System; Petition for Rate Approval

February 12, 1993.

Take notice that on February 1, 1993, Bridgeline Gas Distribution Company (Bridgeline) filed pursuant to § 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable maximum rates for the transportation and storage of natural gas to be performed under a blanket certificate issued pursuant to § 284.224 of the Commission's regulations. Bridgeline requests Commission approval of the following rates:

Firm Transportation—36.75 cents/MMBtu/day
Interruptible Transportation—36.75 cents/MMBtu
Firm Storage:
Storage Charges—20.21 cents/MMBtu/month
Deliverability Charge—50.97 cents/MMBtu/month
Injection/Withdrawal Charge—3.37 cents/MMBtu
Interruptible Storage:
Storage Charge—$2.43/MMBtu/average monthly balance
Injection/Withdrawal Charge—3.37 cents/MMBtu

Bridgeline states that it is a local distribution company that operates within the State of Louisiana. Concurrent with this petition, Bridgeline has applied for a blanket certificate under § 284.224 in Docket No. CP93-190-000 which, if granted, would allow Bridgeline to engage in the sale, transportation (including storage) and assignment of natural gas as permitted intrastate pipelines under subparts C, D and E of part 284.

Pursuant to § 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150 day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data and arguments.

Bridgeline states that its system is composed of approximately 700 miles of pipe and it currently performs firm and interruptible service to end-users in southern Louisiana. In addition, Bridgeline has an underground gas storage (salt dome) cavern in Ascension Parish, Louisiana with a total capacity of 8 million MMBtu which interconnects with its pipeline system.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before February 26, 1993. The petition for rate approval is on file with the Commission and is available for public inspection.

Lois D. Cashell,
Secretary.
[FR Doc. 93-3900 Filed 2-18-93; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP93-75-000]

Florida Gas Transmission Co.; Petition for Limited Waiver of Tariff Provisions

February 12, 1993.

Take notice that on February 10, 1993, Florida Gas Transmission Company (FGT) hereby petitions the Federal Energy Regulatory Commission (Commission) for a limited waiver of Commission policy and FGT's FERC Tariff, to the extent necessary, to permit the City of Gainesville, Florida d/b/a Gainesville Regional Utilities (Gainesville) to retain its existing priority date while adding a new delivery point to an agreement for firm transportation service under Rate Schedule PTS-1 and to an agreement for preferred transportation service under Rate Schedule PTS-1.

FGT states that good cause exists for granting the requested waivers in that (i) FGT will continue to serve the same customer, Gainesville; (ii) the new delivery point will be located in the same geographic location as other existing delivery points at which FGT presently serves Gainesville; and (iii) the new delivery point will not interfere with FGT's ability to render firm service to FGT's other customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1993 file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 a motion to intervene or protest in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with the Commission's rules.

Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.
[FR Doc. 93-3898 Filed 2-18-93; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. ES93-19-000, ES93-19-001 and ES93-19-002]

Massachusetts REFUSETECH, Inc.; Issuance of Commission Letter Order and Comment Period

February 12, 1993.

Take notice that on February 12, 1993, the Chief Accountant, pursuant to delegated authority, issued a Letter Order to Massachusetts REFUSETECH, Inc. (MRI) conditionally granting blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liabilities by MRI.

The February 12, 1993 Letter Order, in ordering paragraphs (B)(1), (B)(2) and (B)(3), reads as follows:

(B)(1) Within 30 days of the date of this letter order, any person desiring to be heard or to protest this blanket approval of issuances of securities or assumptions of liabilities by MRI should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

(B)(2) Absent a request for hearing within the period set forth above, MRI is authorized to issue securities and assume obligations or liabilities as guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

(B)(3) The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of MRI's issuances of securities or assumption of liabilities.

Notice is hereby given that the deadline for filing a motion to intervene or protest, as set forth above, is March 15, 1993.

Copies of the full text of the Letter Order are available from the Commission's Public Reference Branch,

VOL 58 ISS 32 FE 19 1993 UMI

room 3308, 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3901 Filed 2–18–93; 8:45 am]

BILLING CODE 6717–01–M

Docket No. FA92–35–001

South Carolina Generating Co. Inc.; Filing

February 12, 1993.

Take notice that on January 21, 1993, South Carolina Generating Company, Inc. tendered for filing its refund report in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before February 26, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3902 Filed 2–18–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TX93–1–000]

Tex-La Electric Cooperative of Texas, Inc.; Amended Filing

February 12, 1993.

Take notice that on February 9, 1993, Tex-La Electric Cooperative of Texas, Inc. (Tex-La) filed an amendment to its January 19, 1993 application in this docket. The January 19, 1993 application was filed pursuant to section 211 of the Federal Power Act, 16 U.S.C. 824j, as amended by the Energy Policy Act of 1992, Pub. L. No. 102–486, 106 Stat. 2776 (1992), for an order requiring Texas Utilities Electric Company to provide transmission services to Tex-La. Tex-La states that, since its original filing, it has learned of additional facts relevant to its application, some of which change, and others of which elaborate upon, the situation described in Tex-La's original filing.

Any person desiring to be heard or to protest said amended filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 15, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3903 Filed 2–18–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–135–002]

West Texas Gas, Inc.; Filing

February 12, 1993.

Take notice that on February 9, 1993, West Texas Gas, Inc. ("WTG") filed Fifth Revised Sheet No. 4 to its FERC Gas Tariff, Revised Volume No. 1, proposed to be effective March 1, 1993. WTG states that Fifth Revised Sheet No. 4 is filed in compliance with the Commission's letter order in the captioned proceeding issued on December 28, 1992, and that the rates set forth therein are the settlement rates approved by the Commission in this proceeding.

WTG states that copies of the filing were served upon WTG's customers and interested state commissions.

WTG's transmittal letter requests waiver of the Commission's regulations to permit the settlement rates to become effective on less than 30 days' notice. WTG states that good cause exists for such waiver because the settlement rates are lower than the rates WTG presently is collecting subject to refund.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 22, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to makes protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–3899 Filed 2–18–93; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–4596–7]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260–5076 OR (202) 260–5075.

Availability of Environmental Impact Statements Filed February 8, 1993 Through February 12, 1993 Pursuant to 40 CFR 1506.9.

EIS No. 930037, REVISED FINAL EIS, AFS, CA, Red Hill Planning Area Timber Sale, Implementation, Sequoia National Forest, Tule River Ranger District, Tulare County, CA, Due: March 22, 1993, Contact: Raul Contreras (209) 539–2607.

EIS No. 930038, FINAL EIS, FHW, VA, Downtown Norfolk Corridor Improvement, I–264/Berkley Bridge to St. Paul's Boulevard/ Brambleton Avenue Corridor, Funding, VA, Due: March 22, 1993, Contact: James M. Tumlin (804) 771–2371.

EIS No. 930039, DRAFT EIS, UAF, TX, Carswell Air Force Base (AFB) Disposal and Reuse, Implementation, Tarrant County, TX, Due: April 5, 1993, Contact: Ltc. Gary Baumgartel (512) 536–3869.

EIS No. 930040, DRAFT SUPPLEMENT, AFS, WA, OR, Pacific Northwest Region National Forests, Nursery Pest Control Management Plan, New Information concerning the Use of Additional Chemical at Wind River Nursery, Gifford Pinchot National Forest and J. Herbert Stone Nursery, Rogue River National Forest, Implementation, WA and OR, Due: April 5, 1993, Contact: Ed Olson (509) 427–5679.

EIS No. 930041, DRAFT EIS, FRC, FL, MS, AL, LA, Florida Gas Transmission Phase III Expansion Project, Construction and Operation, Special Use Permits, Section 10 and 404 Permits and NPDES Permit, extending through Fl, AL, MS and LA , Due: April 5, 1993, Contact: Mark Jensen (202) 208–1121.

Amended Notices

EIS No. 920429, DRAFT EIS, DOE, TX, MS, AL, LA, Strategic Petroleum Reserve Expansion Plan, Implementation and Site Selection, Brazoria and Jefferson Counties, TX;

Iberia and St. Mary Parishes, LA or Perry County, MS with Associated Pipeline and Terminals located in several counties and parishes of TX, LA, MS and AL, Due: March 5, 1993, Contact: Hal Delaplane (703) 934–3320.

Published FR—11–6–92—Review Period Reopened.

Dated: February 16, 1993.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 93–3993 Filed 2–18–93; 8:45 am]

BILLING CODE 6560–50–U

(ER–FRL–4596–8)

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared February 1, 1993 through February 5, 1993 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260–5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1992 (57 FR 12499).

Draft EISs

ERP No. D–AFS–K61124–CA Rating EC2, Echo Summit Ski Area Site, Operation and Management, Issue Special Use Permit, El Dorado National Forest, Placerville Ranger District, El Dorado County, CA.

Summary: EPA commended the Forest Service for selecting an alternative which provides a wide range of year round recreational opportunities to the public. EPA expressed concerns with potential impacts to water quality and wetlands. EPA urged the Forest Service to include stringent specifications for sewage treatment, the water supply source, and wetland protection in the FEIS and special use permit prospectus.

ERP No. D–DOE–L61195–AK Rating EC2, Healy 50 Megawatt-Electric Coal Fired Power Plant Construction and Operation, Clean Coal Technologies Demonstration, Funding, NPDES and Section 404 Permits, Borough of Denali, AK.

Summary: EPA raised concerns with the cumulative air emissions associated with the proposed project and the existing Healy Power Plant. The FEIS should accurately reflect revised air impact analyses being prepared for the Prevention of Significant Deterioration permit application. Additional information was requested to support EPA's review of the National Pollution Discharge Elimination System permit application.

ERP No. D–FTA–C51014–NJ Rating EC2, Hudson River Waterfront Transportation Corridor Improvements, Funding, Transportation Systems Management, Light Rail Transit, Hudson and Bergen Counties, NJ.

Summary: EPA expressed environmental concerns about the proposed project's hazardous waste site and wetlands impacts. Accordingly, EPA requested additional information be presented in the final EIS to address these issues.

ERP No. D–USN–G11007–TX Rating LO, Chase Field Naval Air Station Disposal and Reuse, Implementation, Permits and Approval, City of Beeville, Bee County, TX.

Summary: EPA had no objections to the Navy's preferred alternative of conveying the majority of the buildings and non-aviation developed areas to the Texas Department of Criminal Justice, and the airfield and related facilities to the Beeville/Bee County Economic Development Corporation.

ERP No. DS–COE–A36247–PR Rating EC2, Portugues and Bucana Rivers Flood Control Project, Rio Portugues Dam and Reservoir Construction, Updated Information concerning Project Modifications, Municipality of Ponce, PR.

Summary: EPA had environmental concerns about the proposed project's potential water quality impacts, wetlands impacts, and habitat loss with respect to catadromous fish and requested that additional information be presented in the final supplemental EIS.

ERP No. DS–NOA–C64003–00 Rating LO, Shallow-Water Reeffish Fishery Management Plan, Updated Information, Amendment 2, Puerto Rico and U.S. Virgin Islands.

Summary: EPA believed that this project will result in several beneficial environmental impacts and does not object to its implementation.

Final EISs

ERP No. F–COE–K32046–CA, Los Angeles and Long Beach Harbors Navigation Improvements and Landfill Development Project, Construction and Approval of Master Plan Amendment, San Pedro Bay, Los Angeles County, CA.

Summary: EPA noted that the FEIS has legally incorrect conclusions regarding project conformity under the Clean Air Act; did not contain adequate information on air emissions; did not contain plans for mitigation to compensate for the loss of 510 acres of nearshore marine habitat; and did not adequately address EPA's comments on modification of the proposed alternative to reduce impacts to marine habitat and water quality. EPA strongly urged the Corps of Engineers to prepare a supplemental EIS, but if a supplemental is not issued, then EPA's comments on the FEIS should be addressed in the EIS Record of Decision.

ERP No. F–COE–K35034–CA, San Joaquin Hills Transportation Corridor Improvements, CA–73 Extension between I–5 in San Juan Capistrano City to Jamboree Road in Newport Beach City, Funding and Section 404 Permit, Orange County, CA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing Agency.

ERP No. F–USN–C11007–00, US East Coast Homeporting Program, (two AOE–6 Class) Fast Combat Support Ships, Implementation, Site Selection, Naval Weapons Station Earle, Colts Neck, Monmouth Co., NJ; Yorktown Naval Weapons Station, Gloucester County, VA or Charleston Naval Weapons Station, Charleston County, SC.

Summary: EPA had no objection to the implementation of the project. However, EPA recommended that the FEIS's commitments to update the facility's spill response and control plan and to conduct appropriate sampling for future dredging operations be reflected in the Record of Decision (ROD).

ERP No. FS–FHW–F40239–MN, MN–TH–33 Improvements, I–35 to US TH–53, Additional Information Urban Section near the City of Cloquet, Approval of COE Permit, St. Louis River, Carlton and St. Louis Counties, MN.

Summary: EPA continued to express concerns with the wetland mitigation plan for the preferred alternative.

Dated: February 16, 1993.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 93–3992 Filed 2–18–93; 8:45 am]

BILLING CODE 6560–50–U

[OPPTS–400076; FRL–4189–1]

Emergency Planning and Community Right-to-Know Act; Train-the-Trainers Workshops

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA will hold a series of 2–day train-the-trainers workshops on section 313 of the Emergency Planning and Community Right-to-Know Act

(EPCRA) reporting requirements. The purpose of these workshops is to present a model course to persons who plan to train others to comply with the reporting requirements of section 313. Additionally, these workshops will address in detail the reporting requirements under EPCRA section 313 on source reduction and recycling activities which have been added pursuant to the Pollution Prevention Act of 1990.

DATES: The conferences will be held on the following dates: February 24–25, March 9–10, March 24–25, April 1–2, April 12–13, April 15–16, April 21–22, and May 12–13, 1993. The meetings will start at 9 a.m. on the first day and end at approximately 5 p.m. on the last day.

ADDRESSES: The conferences will be held at the following locations:

1. February 24–25, at the EPA Region VIII Office, 999 18th St., Denver, CO 80202.
2. March 9–10, at The Fairmont Hotel, 1717 N. Akard St., Dallas TX 75201.
3. March 24–25, at the EPA Region IV Office, 345 Courtland St. NE, Atlanta, GA 30365.
4. April 1–2, at the Stouffer Riviere Hotel, 1 West Whacker Dr., Chicago, IL 60601.
5. April 12–13, at the EPA Region IX Office, 75 Hawthorne St., San Francisco, CA 94105.
6. April 15–16, at the EPA Region X Office, 1200 Sixth Avenue, Seattle, WA 98101.
7. April 21–22, at the EPA Region I Office, One Congress St., Boston, MA 02203.
8. May 12–13, at EPA Headquarters Education Center Auditorium, 401 M St., SW., Washington DC 20460.

FOR FURTHER INFORMATION CONTACT: Tami McNamara, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 1–703–218–2555, Fax: 1–703–934–3156.

SUPPLEMENTARY INFORMATION: Registration will be taken on a first-come-first-served basis until 1 week prior to the start of each conference. Persons who should consider attending are representatives from industry, trade associations, consulting firms, or university continuing education departments. Attendance is restricted to those organizations that intend to provide training on a regular basis and expect to conduct a minimum of two training courses on section 313 prior to July 1, 1993. Persons who successfully complete the course will obtain a certification of proficiency. There is limited space available. To register, contact either by telephone, fax, or in writing, the person listed under FOR FURTHER INFORMATION CONTACT. Notification will be sent to each applicant regarding their acceptance for the training session. There is no registration fee for this training. If there is insufficient interest in any of the conferences, they may be canceled. The Agency bears no responsibility for attendees' decision to purchase non-refundable transportation tickets or accommodation reservations.

Dated: February 11, 1993.

Mark A. Greenwood.

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 93–3949 Filed 2–18–93; 8:45 am]

BILLING CODE 6560–50–F

[OPPTS–44596; FRL–4571–4]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the receipt of test data on octabromodiphenyl oxide (CAS No. 32536–52–0), 1,2-bis(tribromophenoxy)ethane (CAS No. 37853–59–1), and o- phenylenediamine (o-pda) (CAS No. 95–54–5) submitted pursuant to a final test rule under the Toxic Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: Section 4(d) of TSCA requires EPA to publish a notice in the **Federal Register** reporting the receipt of test data submitted pursuant to test rules promulgated under section 4(a) within 15 days after it is received.

I. Test Data Submissions

Test data for octabromodiphenyl oxide were submitted by Ameribrom Inc., pursuant to a test rule at 40 CFR Part 766. They were received by EPA on January 11, 1993. The submission describes the analytical protocol for the determination of polybrominated dibenzo-p-dioxins and dibenzofurans by high-resolution gas chromatography/medium high resolution mass spectrometry in octabromodiphenyl oxide.

Test data for 1,2-bis-(tribromophenoxy)ethane were submitted by the Great Lakes Chemical Corporation pursuant to a test rule at 40 CFR Part 766. They were received by EPA on February 2, 1993. The submission describes the analytical protocol for the determination of polybrominated dibenzo-p-dioxins and dibenzofurans by high-resolution gas chromatography/medium resolution mass spectrometry in 1,2-bis-(tribromophenoxy)ethane.

Test data for o-pda were submitted by E. I. Du Pont de Nemours and Company pursuant to a test rule at 40 CFR 799.3300. They were received by EPA on January 19, 1993. The submissions describe (1) the static-renewal acute 48-hour EC_{50} of o-pda to fed *Daphnia magna*, (2) flow-through 21-day toxicity of o-pda to water fleas, *Daphnia magna*, and (3) the static renewal 21-day toxicity of o-pda to *Daphnia magna*. This chemical is used in aramid fibers, rubber and plastic antioxidants, photographic chemicals, dye intermediates, corrosion inhibitors and pesticides.

EPA has initiated its review and evaluation process for these data submissions. At this time, the Agency is unable to provide any determination as to the completeness of the submissions.

II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPPTS–44596). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 12 noon, and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Public Docket Office, Rm. NE–G004, 401 M St., SW., Washington, DC 20460.

Authority: 15 U.S.C. 2603.

Dated:February 10, 1993.

Charles M. Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 93–3948 Filed 2–18–93; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

[DA 93–159]

Lottery for 220–222 MHz Private Radio Land Mobile Nationwide Commercial Channels

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Commission has announced the date and time for a

lottery to be conducted for the purpose of selecting nationwide commercial 220–222 MHz band licensees. The Public Notice issued by the Commission contains a list of those applicants for 220 MHz nationwide commercial licenses that will be included in the lottery. Any applicant that believes there is an error in this listing will have an opportunity to contact the Commission's licensing facility in Gettysburg, Pennsylvania and provide corrected information.

FOR FURTHER INFORMATION CONTACT: Marty Liebman, Private Radio Bureau, (202) 634–2443.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission will conduct a lottery on March 31, 1993 at 10 a.m. in room 856, 1919 M Street NW., Washington, DC for the purpose of selecting nationwide commercial 220–222 MHz band licensees. Applications for nationwide commercial frequencies in the 220–222 MHz band were filed in response to a Report and Order adopted March 14, 1991 in PR Docket No. 89–552, FCC 91–74, 56 FR 19598 (1991) (Report and Order). The Commission began accepting applications for nationwide commercial frequencies in the 220–222 MHz band starting on May 1, 1991 and ceased accepting such applications on May 24, 1991. A total of 140 applications for commercial nationwide licenses were received on May 1, 1991.

The Commission's Report and Order provided that applicants for nationwide commercial frequencies in the 220–222 MHz band would have to satisfy the requirements set forth in 47 CFR 90.713. Applicants for these frequencies, however, were not required, at the time of application, to submit the supporting information needed to satisfy these requirements. Instead, in accordance with the Memorandum Opinion and Order in this proceeding (Memorandum Opinion and Order, PR Docket No. 89–552, FCC 92–261, 57 FR 32448 (1992), Second Erratum, PR Docket No. 89–552, DA 92–1234, 57 FR 44339 (1992)), the Commission established November 19, 1992 as the date for nationwide commercial applicants to amend their applications to provide all certifications, schedules, and financial documentation required by 47 CFR 90.713. On October 1, 1992, the Commission issued a Public Notice (DA 92–1321, 57 FR 49475 (1992)) indicating that failure by an applicant to timely amend its nationwide commercial application with the required information would result in the automatic dismissal of the application. (See 47 CFR 1.961(b)).

The following eleven (11) applicants filed applications for nationwide commercial frequencies in the 220–222 MHz band on May 1, 1991, and either withdrew their application or failed to timely file the necessary documentation required by 47 CFR 90.713. These applications will not be included in the lottery scheduled for March 31, 1993.

Applicant

ARDIS Company
Chronos Tracking Systems, Ltd.
Cleartel Communications Mobile Operations Limited Partnership
Ronald H. Hyder
Millard V. Oakley
Petroleum Communications, Inc.
Potomac Corporation
Trimble Navigation, Ltd.
Union Pacific Railroad Company
Universal Portable Communications L. P.
Marilyn Warren Vandever

In addition, the application filed by GTE Mobile Communications, Incorporated (GTE) will not be included in the lottery because GTE is not eligible to be a licensee in the 220 MHz commercial nationwide service. See 47 CFR 90.703.

The following applicants filed application for nationwide commercial frequencies in the 220–222 MHz band on May 1, 1991 and timely filed all of the necessary documentation required by 47 CFR 90.713.

Applicant	ID Number
AAT RSA Company L P	001
ACC Network Corp	002
Advanced Mobilecomm Inc	003
Air Cable Limited Partnership	004
All American Communications Partners	005
American Telephone & Telegraph Co	006
Andersen Group Inc	007
Associated Information Services Corp	008
Autoinfo Inc	009
Bagley, Smith	010
BammComm Inc	011
Bandy III, William: Mizell, Kenneth dba 428 Cellular Associates	012
Bell Communications Inc	013
Bellwether Partners Inc	014
Blankenship, Elizabeth	015
Boyce, William J	016
C K Limited Partnership	017
Capital Communications Group	018
Cellular Data Inc	019
Century Radio Corp	020
Chronicle Publishing Company	021
Chukker National SMR Partnership	022
Clinton, Susan	023
Coast To Coast SMR Partnership	024
Columbia Communications Group	025
Comel 220, Inc	026
Comnet USA A General Partnership	027
Comtech Inc	028
Cone Jr, S. E	029
Consolidated Freightways Inc	030
Contra Costa SMR Partners	031
D & K Joint Venture	032
Delta Nationwide SMR Partnership	033
Dial Page Inc	034
Dirico, Frank	035
Dowdy 220 MHz Nationwide, Inc	036
ECHO General Partnership	037
Echo Group LP	038
Echo Two Way National Partners	039
Ericsson GE Mobile Communications Inc	040
Fleet Call Inc	041
Fleet Maintenance Inc	042
Florida Cellular RSA LP	043
Flynn, Barry B.: Joseph, Jerome E. dba F.G. Associates	044
Fonvu Partners IV	045
Fortification Two Way Partners	046
G and S Communications Inc	047
Glenayre Electronics Inc	048
Global Cellular Communications Inc	049
Goodman, Bill: Page, Carter dba G&P Partnership	050
Great Hopes, a Kentucky General Partnership	051
Hamlin, Bruce S. and Beaulieu, Roger dba Walnut Hill Associates	052
Harry H. Diamond Inc	053
Hartford Low Power Translator Inc	054
Heritage Two Way SMR Partnership	055
High Point Enterprises Inc	056
Horrigan, John J: Burka, James M.: Cohen, Robert dba MicCom Partners	057
Hughes, Kingdon R	058
JBSMR Inc	059
JDG Inc	060
John and James Pinto Partners	061
KMC Cellular Inc	062
KRSMR Inc	063
Kier Brothers Investment	064
L D Data Inc	065
LDG Inc	066
Larry Gladysz Group	067
Linney, Douglas A.: Chaudhuri, Bobby dba Nationwide Mobility	068
Linney, Warren T: Mehta, Vivek dba National Telephone	069
Lonesome Dove Communications Partners	070
MP Communications Partners	071
Maxcell Telecom Plus Inc	072
McDonald Investment Company Inc	073
McDonald Management Inc	074
McGraw Hill Inc	075
Memphis National Two Way Partners	076
Message Center Inc	077
Minerich Cellular Inc	078
Mobile Telecommunications Technologies Corp	079
Namaqua Limited Partnership	080
National Communications Group	081
National RSA Company	082
Nationwide PLMRS Group	083
Newsweb Corporation	084
O R Estman Inc	085
P&C Wireless Partners	086
PLMRS Narrowband Corp	087
Page America of New York, Inc	088
PageMart Inc	089
Paging Network of America Inc	090
Palmer Communications Incorporated	091
Petrucci, Gary: Kurtz, Gary dba Minnesota SMR Partnership	092
Proez, Inc	093
Providence Journal Company	094
Rockland SMR Group, Inc	095
Russell H. Fox: M3P Corporation dba 220 Phone LP	096
Security Trend Partners	097
Sentinel Corporation	098
Shiner Bock Group	099
Sinclair Broadcast Group Inc	100
Singh, Roy, and Patel Joint Venture	101
Smackover Nationwide SMR Partnership	102
Solomon, Harold: Levings Jr, Sanford dba Technium 220 General Partnership	103
St. John Nationwide Partnership	104
Stoneman Investor Partnership	105
Suburban Partners	106
Sun Telesystems Partners	107

VOL 58 ISS 32 FE 19 1993 UMI

Applicant	ID Number
Sun Wireless Partners	108
Sundown General Partnership	109
Sunseri, Jack A; Ramsey, Kenneth dba Metro Nationwide Communications	110
TT&P Communications Limited Partnership	111
Time Warner Entertainment Company LP	112
Trilogy Management Ltd	113
Tucker, Elizabeth; Ramsey, Sara dba Continental Nationwide Communications	114
220 Commercial Inc	115
U S Central Inc	116
UPS Telecommunications Inc	117
USA Mobile Radio	118
UV Corp.	119
Utility Cooperative Communications Service	120
Venable Cellular Inc	121
WHF Inc	122
Warren Cellular Inc	123
Warren, Jean M	124
Warren, Stephen K	125
Warren, William Johnston	126
Whelan, Donald B	127
Word SMR Inc	128

These applicants will be included in the lottery scheduled for March 31, 1993. In this regard, applications for nationwide commercial frequencies in the 220–222 MHz band were accepted on a "first come, first served" basis, with all applications received on the same day being considered filed at the same time. As set forth in 47 CFR 90.717, there are four nationwide, commercial channel blocks (*i.e.*, Channels 21–25, Channels 26–30, Channels 151–155, and Channels 156–160). There are consequently more applications for licenses then can be accommodated with available frequencies. Accordingly pursuant to 47 CFR 90.711(a), the applications for nationwide commercial frequencies in the 220–222 MHz band are subject to lottery proceedings, which will be conducted in accordance with the provisions of 47 CFR 1.972.

As indicated, the lottery to be held on March 31, 1993, will be for the purpose of selecting licensees for nationwide commercial 220–222 MHz channels from among the 128 applicants that filed applications on the first day that applications were accepted for filing, *i.e.*, May 1, 1991, and that submitted timely-filed documentation as required by 47 CFR 90.713. Any applicant that timely filed an application for nationwide commercial frequencies in the 220–222 MHz band and the subsequent amendment as required by 47 CFR 90.713, but whose name is not shown on the list of applicants to be included in the March 31, 1993 lottery, must provide persuasive evidence that such an application and appropriate amendments were timely filed. At a minimum, an example of persuasive evidence would be United States Postal Service "Certified Mail" receipts stapled to a copy of both the application and associated amendments thereto. Additionally, pursuant to 47 CFR 1.41, any interested party may file information with the Commission that may reflect on the suitability of an applicant to be a licensee. Only allegations pertaining to applicants later granted tentative selectee status will be investigated and all allegations directed toward a given tentative selectee will be resolved prior to the issuance of a license to that tentative selectee. Corrections to the listing of applicants to be included in the lottery and information relating to the suitability of these applicants must be received by the Commission within 30 days of the publication of this Public Notice in the Federal Register at the following address by 4:30 PM EST: Licensing Division, Private Radio Bureau, Federal Communications Commission, P.O. Box 3441, Gettysburg, PA 17325–7245.

As shown above, a three-digit Identification (ID) Number is associated with each application to be included in the March 31, 1993 lottery. The lottery will be conducted by selecting four three-digit numbers, with the numbers generated through the use of forced-air ping pong balls. The first three-digit number drawn will identify the applicant that will be granted tentative selectee status for licensing on Channels 21–25; the second three-digit number drawn will identify the applicant that will be granted tentative selectee status for licensing on Channels 26–30; the third three-digit number drawn will identify the applicant that will be granted tentative selectee status for licensing on Channels 151–155; the fourth three-digit number drawn will identify the applicant that will be granted tentative selectee status for licensing on Channels 156–160.

For a more complete discussion of lottery procedures, see FCC INST 1159.1, released August 13, 1992. Additional information regarding the applicants for this lottery session may be obtained from the Private Radio Bureau's Consumer Assistance Branch at (717) 337–1212. Procedural questions regarding the lottery may be directed to Donna Searcy at (202) 632–6410.

Beverly G. Baker,

Acting Chief, Private Radio Bureau.

[FR Doc. 93–3963 Filed 2–18–93; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Community Reinvestment Act

Interagency Questions and Answers

AGENCY: Federal Financial Institutions Examination Council.

ACTION: Adoption of the Interagency Questions and Answers regarding community reinvestment.

SUMMARY: The Consumer Compliance Task Force of the Federal Financial Institutions Examination Council (FFIEC) today has adopted revised Interagency Questions and Answers Regarding Community Reinvestment. To help financial institutions meet their responsibilities under the Community Reinvestment Act (CRA) and to increase public understanding of the regulations and examination procedures, the staffs of the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, and the Office of the Comptroller of the Currency have prepared answers to the most commonly asked questions about community reinvestment. The Questions and Answers should not be regarded as official interpretations. Their purpose is to provide useful guidance to agency personnel, financial institutions and the public.

The document includes four new questions, which address the following:

- The agencies' emphasis on lending and investment rather than documentation (23);
- State CRA performance evaluations and the public file (13);
- Outside activities and CRA performance (22); and
- Institutions' targeting specific ethnic groups and CRA considerations (5).

The Questions and Answers are now organized by subject matter with the previously assigned numbers appearing in parentheses. Questions and answers previously numbered 4 and 5 were deleted because they were basically a reiteration of the regulation, and those previously numbered 11 and 19 were deleted because other questions and answers address the same issues. Other minor modifications were made as necessary to improve clarity.

ADDRESSES: Federal Financial Institutions Examination Council, 2100 Pennsylvania Avenue, NW., suite 200, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Debra D. Clements, Compliance Analyst, Federal Financial Institutions Examination Council, 2100 Pennsylvania Avenue, NW., suite 200.

Washington, DC 20037. Specific agency related questions should be directed to the following: Federal Reserve Board—Divison of Consumer and Community Affairs (202) 452–2631; Federal Deposit Insurance Corporation—Office of Consumer Affairs (202) 898–3536, or Division of Special Supervision (202) 898–7155; Office of Thrift Supervision—Specialized Programs (202) 906–6000; Office of the Comptroller of the Currency—Compliance Management (202) 874–4446.

EFFECTIVE DATE: February 17, 1993.

SUPPLEMENTARY INFORMATION:

Interagency Questions and Answers Regarding CRA Scope of the CRA's Coverage

1. (26) Are there any "regulated financial institutions" that are excluded from the scope of CRA?

In general, the CRA defines a "regulated financial institution" as one that meets the definition of an insured depository institution, under Section 3 of the Federal Deposit Insurance Act. However, the banking agency CRA "Interpretation 101" (12 CFR 25.101, 12 CFR 228.100, and 12 CFR 345.101) excludes from CRA requirements certain institutions that serve solely as correspondent banks, trust companies, or clearing agents. The banking agencies have also excluded from CRA certain financial institutions whose activities are limited to providing cash management controlled disbursement services. The rationale used in allowing certain financial institutions to be excluded from the scope of CRA is that these institutions are only incidentally involved, if at all, in granting credit to the public. The financial supervisory agencies periodically review the applicability of CRA to other types of financial institutions.

2. (1) What does the term "office" mean as used in the regulation?

Office refers generally to a facility of an institution that accepts deposits, including an electronic deposit facility. It does not include purely administrative offices, agencies, loan production offices or facilities used, for example, only for the check collection process. In delineating a local community, an institution need not consider shared electronic deposit facilities, unless otherwise directed by the appropriate financial supervisory agency.

3. (24) How are bank and savings association holding companies affected by the CRA?

The CRA applies to applications filed by holding companies to merge or to acquire banks and savings associations. When decisions on such applications are made, the Federal Reserve Board and the Office of Thrift Supervision will consider the CRA records of all the bank or savings association subsidiaries of the applicant holding company. The parent holding company need not prepare a CRA Statement or public notice, or maintain public comment files; but are encouraged to ensure that subsidiary financial institutions have expanded CRA statements that include a description of the institution's CRA performance. The holding company must conform to the requirements of the applicable regulation for media notices of corporate applications filed to acquire a bank or savings association.

Delineation of the CRA Community

4. (2) What is meant by "local community" and how detailed a map should be used to portray it?

The term "local community" refers to the contiguous area surrounding each office or group of offices of an institution. Although the geographic areas served by an institution may vary with the type of service, only one local community is to be delineated for a particular office or group of offices. Any map which depicts an institution's local community or communities with reasonable clarity may be used. The map need not show each street in the community, nor be prepared professionally by a cartographer. Low- and moderate-income neighborhoods should not be specifically indicated on the map. The community delineation, however, must not unreasonably exclude such neighborhoods. An institution may delineate several local communities on one map. However, each local community, comprising the entire community, must be delineated with sufficient clarity so that the areas included in those local communities are obvious. If the entire community is made up of more than a few local communities, or the local communities are separated by significant distances, it may be easier and clearer to use a separate map for each local community. Furthermore, the locations of the institution's offices need not be shown on the maps.

5. (new) Can a financial institution identify a specific ethnic group, rather than a geographic area, as its delineated community; and can this financial institution target a specific ethnic group in designing and marketing products and services?

As indicated in the answer to Question four of this series, an institution must geographically delineate its local community(ies) on the basis of the locations of its offices. A delineation that does not have a geographic basis would be inconsistent with the CRA and implementing regulation. (The only permissible exception involves an institution's ability to delineate a "military community" in addition to the geographic communities surrounding its offices.)

If an institution can maintain compliance with the Fair Housing and Equal Credit Opportunity Acts (and this may not always be possible), it may direct the marketing of its products and services to one or more specific ethnic groups. However, institutions that target a single ethnic group, while having offices located in multi-ethnic areas, often exhibit significant lending disparities and unsatisfactory CRA performance.

6. (3) How should an institution deal with low- and moderate-income neighborhoods in its local community delineation?

The CRA regulation requires that low- and moderate-income neighborhoods not be unreasonably excluded from a delineation of the local community. Institutions are expected to be generally aware of low- and moderate-income neighborhoods within their community, without undertaking extensive research. No attempt need be made to distinguish between low-income neighborhoods and moderate-income neighborhoods. If institutions desire further information about low- and moderate-income neighborhoods, they should consult such sources as state and local community development and planning agencies.

The CRA Statement

7. (6) If an institution is prepared to offer particular types of credit only at some of its offices in a local community, should those types of credit be listed on the CRA Statements of all of its offices in that community?

Yes. Because the institution is willing to extend that type of credit to any creditworthy borrower in the community, the institution should list the same types of credit on the CRA Statement available at each office within a particular local community even though a prospective borrower at one office may be referred to another when seeking to make application. The institution should recognize, however, that public complaints may arise

VOL 58 ISS 32 FE 19 1993 UMI

because of such practices; and the financial supervisory agencies will have to decide whether the practice significantly discourages applications for such credit or otherwise adversely affects the institution's CRA performance.

The CRA Public Notice

8. (13) Are there any requirements relating to the size and placement of the Community Reinvestment Act Notice?

The notice must be placed in the public lobby of the financial institution but the size and placement may vary. For example, if the notice takes the form of a poster, the poster must be placed within the lobby where it will be seen by customers and be of sufficient size to be easily read from a normal distance. If the notice is provided in the form of a brochure, a supply of such brochures printed in easily read type and placed where they will be noticed will suffice.

The CRA and Public Comment

9. (14) What information and avenues of communication are available to members of a community who are concerned about the CRA performance of financial institutions in their community?

Financial institutions are encouraged to communicate with members of their community. The CRA regulations require financial institutions to make their CRA Statement and the public CRA Performance Evaluation available to the public. The statement contains a copy of the Community Reinvestment Act Notice which must be placed in the offices of all financial institutions. The notice states that the public may write to the financial institution or the appropriate supervisory agency about the institution's performance in helping to meet community credit needs.

The public may also review letters received by the financial institution regarding its CRA performance and the public CRA Performance Evaluation prepared by the institution's financial supervisory agency. Announcements of CRA-covered applications may be obtained by writing to the institution's financial supervisory agency. Anyone may comment on the filing of an application by writing to the appropriate financial supervisory agency listed either in the applicant's newspaper notice or its CRA notice. The financial supervisory agencies have varying comment periods for applications. Therefore, any questions about the comment period should be directed to the financial supervisory agency. Comments received within the appropriate period will be considered by the financial supervisory agency in the application process.

10. (9) Are all signed, written CRA comment letters to be placed in the public comment file?

The regulations state that the institution must put into a public comment file, all signed, written comments relating to the CRA Statement or to the institution's performance in helping to meet community credit needs. The only exceptions are comments that reflect adversely on the reputation of any person, or which would violate a law. The institution must use its own judgment in deciding which comments should be placed in the public comment file. Signed, written comments which might harm a person's reputation should be retained in a confidential file for inspection by the examiner.

Comments received by a financial supervisory agency will be on file at that agency. Those comments are also available to the public unless the Freedom of Information Act prohibits their disclosure.

11. (10) If a letter is addressed in part to an institution's overall CRA performance, but contains information which is harmful to an individual or violates a law, should the institution withhold the entire letter from the public file?

The institution may do so. Alternatively, the statements which reflect adversely on an individual or violate a law may be deleted from the letter and the balance included in the public file. In any event, the entire original letter should be retained in a confidential file for inspection by the examiner.

12. (21) In assessing an institution's CRA performance, does an examiner consider and evaluate information outside of the institution being examined?

Yes, an examiner should seek and consider any information that is necessary to complete a fair and accurate picture of the institution's CRA performance. Contacts will be made, for example, with persons who have commented on an institution's performance, local officials, local business owners, community residents, real estate brokers, or others who may be able to provide information concerning local financial institutions in helping to meet those needs. In addition, if the examiner believes that the institution's description of its community is unreasonable, the examiner may review the delineations of other, similar institutions in the community.

13. (new) May a State-chartered financial institution place a copy of a community reinvestment performance evaluation prepared by a State regulatory agency in the comment file(s) maintained for public inspection pursuant to Federal rules?

A signed written comment, that addresses an institution's CRA Statement or performance in helping to meet the credit needs of its community, received from the public during the past two years should be placed in the public comment file. For the purposes of the Federal financial supervisory agencies' CRA implementing rules, any comment not prepared by the institution itself or its Federal financial supervisory agency may be considered to be from "the public." Institutions should consider the answers to Questions 10 and 11 of this series if they are concerned that the disclosure of information received from a State regulatory agency or other source would violate Federal rules. Institutions are also advised to consult with their State regulatory agencies if they are unsure of what material received from the State is intended for public availability.

14. (12) Must the institution respond to any or all comments received from the public?

There is no requirement that the institution respond. However, the institution may find it helpful to respond to certain comments to foster a dialogue with members of the community or to present relevant information to a financial supervisory agency. If any institution responds to a letter in the public comment file, the response must also be placed in that file, unless it reflects adversely on any person or violates a law.

15. (8) How should past and current CRA Statements and public comment files be made available to the public in each office of an institution, particularly an institution that has offices in more than one local community?

An institution that has offices in more than one local community should maintain current CRA Statements for all its local communities at its head office and current CRA Statements for each local community in each office of the institution in that local community, except off-premises electronic deposit facilities. Any CRA Statements that were in effect during the past two years should be retained with the public comment letters in the public comment file. A comment file for the entire institution must be maintained at the head office, and a comment file

pertaining to a particular local community must be retained at a designated office in that community. A copy of the most recent public CRA Performance Evaluation prepared by the institution's Federal financial supervisory agency must be maintained in each of the public comment files.

Assessing the Record of Performance Under the CRA

16. (17) Will an institution's performance in helping to meet community credit needs be assessed even if an institution does not intend to make an application covered by the CRA?

Yes. While Congress directed that the approval or rejection of applications be used to encourage community reinvestment by banks and savings associations on a safe and sound basis, it also sought to have each financial supervisory agency use its examination process "to encourage" institutions to be sensitive to their responsibilities to help meet local credit needs.

17. (16) Will activities in addition to lending be considered in the CRA assessment?

Yes. Although the principal focus is on lending, the financial supervisory agencies recognize that other activities and efforts contribute toward the CRA's goals. The financial supervisory agencies will consider the extent to which an institution's activities foster local community revitalization. For example, the agencies will consider the institution's purchase of state or municipal bonds or involvement through investment or other contributions in a local community development project. The agencies also will consider activities such as:

- Efforts to establish meaningful dialogue with community members concerning credit needs of the community;
- The institution's record of opening and closing branches and offering services (including noncredit services);
- Marketing and special credit-related programs to make community members aware of credit services offered at its offices;
- The extent of participation by the institution's board of directors in formulating policies and reviewing its CRA performance.

18. (29) In addition to traditional direct lending activities, what activities can financial institutions consider in meeting obligations and responsibilities under the Community Reinvestment Act?

The answer to this question is primarily designed to provide guidance to regulated financial institutions that are not "full service" providers. The guidance herein can also be utilized by full service institutions as a means of augmenting their traditional lending activities as part of a comprehensive CRA program. Some of these activities may require prior financial supervisory agency approval.

The following are some nontraditional activities that financial institutions may consider to help meet their responsibilities under the Community Reinvestment Act.

Debt Investments and Related Securities

- Purchase of mortgage-backed securities or collateral trust notes from lenders or other community development finance intermediaries serving primarily low- and moderate-income areas or persons.
- Purchase of housing, community and economic development loans, or participations in loans or loan pools from other financial institutions, state and local government agencies, nonprofit community-based development corporations, community loan funds, or other community development intermediaries originating loans to help meet the needs of low- and moderate-income persons or small businesses.
- Purchase of government guaranteed loans (or participations in pools representing such loans) made to low- and moderate-income persons, or to small farm and small business owners, such as:

—SBA guaranteed loans or loan pools;
—FmHA guaranteed farm, business or housing loans;
—FHA insured loans;
—EDA (U.S. Economic Development Administration) guaranteed loans;
—State housing or economic development agency guaranteed loans.

- Purchase of state and local government agency housing mortgage revenue bonds or industrial revenue bonds.

Equity Investments

Some activities to serve community credit needs may be carried out through certain federal and state supervisory agencies' programs to promote community development investments. Such investments are required to serve predominantly a public or community purpose. Activities that might be carried out directly by an institution under these programs include:

- Purchase of limited partnership shares to provide the equity financing for public purpose projects such as construction of low- and moderate-income housing or provision of small business seed capital. General partners could be quasi-public or private, for-profit or nonprofit organizations;
- Investment in the stock of a public purpose corporation, either for-profit or nonprofit, chartered to carry out activities to benefit low- and moderate-income areas and residents or small businesses.

For certain banks and holding companies, the formation of, or investment in, a community development corporation may, in accordance with applicable laws and restrictions, be a viable way to address certain credit needs in the communities of banks or holding company subsidiary banks.

Limited service or specialized banks in a holding company that owns a community development corporation operating in the bank's community could take advantage of the CDC's activities in planning and executing its own CRA responsibilities. Activities that could be carried out through a community development corporation subsidiary include, for example:

- Acting as a general partner, joint venture partner and/or equity investor in projects that have a clear public purpose, particularly projects focused on assisting low- and moderate-income housing or small business, and on the redevelopment of deteriorating or blighted areas where private developers are not interested in the opportunities;
- Carrying out a program to provide needed technical assistance on financial matters to small businesses or public-purpose organizations;
- Financing and managing a public-purpose revolving loan fund to provide financing that cannot normally be provided through the private market. An example is a fund to lend monies for pre-development costs involved in evaluating and packaging projects for financing by financial institutions and/or public sector investors.

An activity that could be carried out by the institution, directly or through establishment of a separate corporation, is an investment in a wholly-owned or multi-bank/multi-investor Small Business Investment Company (SBIC) or Minority Enterprise Small Business Investment Company (MESBIC) licensed by the U.S. Small Business Administration.

Other Services and Activities

- Letters/lines of credit to community-based organizations, private developers, nonprofit development corporations or other community

VOL 58 ISS 32 FE 19 1993 UMI

finance intermediaries to support financing of low- and moderate-income housing or small business development.

• Highly targeted corporate contributions (monetary and in-kind) to support the personnel, facilities, marketing and finance activities of community-based nonprofit organizations or other financial intermediaries that explicitly focus on helping meet credit needs of low- and moderate-income persons or small businesses. Such organizations might include:

—Nonprofit, neighborhood development corporations;
—Housing and other credit counseling organizations;
—Community foundations and loan funds;
—Neighborhood Housing Services organizations;
—SBA 504 Certified Development Companies.

• Technical assistance to community-based nonprofit groups, state and local government agencies and community development finance and secondary market intermediaries which focus on helping to meet the credit needs of low- and moderate-income persons or areas, or small businesses. Examples of such technical assistance activities might include:

—Serving on the board of directors or loan review committee;
—Development of loan application and underwriting standards;
—Development of loan processing systems;
—Development of secondary market vehicles or programs;
—Marketing assistance, including development of advertising and promotions, publications, workshops and conferences;
—Training for staff and management;
—Accounting/bookkeeping services;
—Fund-raising, including soliciting or arranging investments;
—Consumer education to broaden knowledge and use of credit and deposit services.

• Assistance to community development credit unions in the institution's local community through, for example, provision of technical assistance or stable deposits to fund the credit union's lending.

19. (15) Must an institution document that is actually extending the types of credit listed in its CRA statement as being offered in the local community?

The CRA regulations do not require the maintenance of any documentation other than the public comment files, CRA Statements and CRA Notices. However, an institution's level of CRA performance depends far more on its credit activities than it does on strict regulatory compliance. In assessing CRA performance, examiners will review:

• Any analyses of the geographic distribution of the institution's credit extensions, applications, and denials prepared by the institution;

• Disclosure statements, aggregation tables and Loan Application Registers, if the institution is subject to the Home Mortgage Disclosure Act;

• Periodic financial reports filed by the institution with its supervisory agency;

• Records such as credit files required to be maintained under Federal Reserve Regulation B implementing the Equal Credit Opportunity Act;

• Other loan documentation that may be required under agency regulations and other information that the institution may have compiled for internal reporting and monitoring purposes;

• Marketing materials such as advertising copy.

The documentation that the agencies expect to be maintained is primarily that which is useful to the institution's own management in administering a successful CRA program.

20. (30) When assessing CRA performance, do the financial supervisory agencies consider a financial institutions' lending, investment, development and general support activities outside of the institution's delineated community?

In general, the assessment of an institution's performance under CRA focuses on its record in helping to meet credit needs within its delineated community. The agencies are aware, however, that financial institutions may organize, support, or use a wide variety of programs, organizational mechanisms or intermediaries that help finance such things as low- and moderate-income housing, small and minority businesses and other community projects on a statewide, regional or even national basis. Although these programs or mechanisms may be available to support loans and investments within an institution's delineated community, they often provide the bulk of their financial support in other geographical areas.

Under certain circumstances, the agencies will give positive consideration in assessing CRA performance for active participation by a financial institution in such programs and mechanisms, even where most of all of the financing provided may ultimately benefit low- and moderate-income borrowers or neighborhoods located outside of the institution's delineated community. In determining whether and to what extent positive consideration will be given, the agencies assess the activities undertaken in the context of an institution's overall CRA program. Where such participation augments or complements an overall CRA program that is directly responsive to the credit needs in an institution's delineated community, it will be considered favorably in reaching an overall CRA conclusion. However, such activities and involvements will be insufficient to compensate for an otherwise deficient record of addressing the credit needs of an institution's delineated community.

Examples of such programs or intermediary organizations (other than traditional direct lending) are:

• Lending consortia or loan pools that provide community development financing and technical assistance for low- and moderate-income housing, small and minority business development, or other neighborhood revitalization projects;

• Multi-investor community development corporations;

• Limited partnerships that invest in low- and moderate-income housing;

• Secondary market corporations and programs which explicitly target loans for low- and moderate-income housing, small and minority businesses, or small farms;

• Quasi-public housing, community development or economic development finance corporations in which state or local government agencies participate, often with financial institutions or other contributors;

• State bond programs for housing, community and economic development, or public infrastructure projects;

• Public or private intermediaries which provide loan guarantees or other credit enhancements used by financial institutions to support community development lending and investment;

• Capital investment, loan participation and other co-ventures undertaken with minority and women-owned financial institutions.

These and similar vehicles help institutionalize and support community development lending and investment. In general, they enhance the capacity of financial institutions to help meet community credit needs, including those of low- and moderate-income neighborhoods.

21. (20) May an institution use a policy of making certain loans only to existing customers, without

adversely affecting its CRA performance?

In examining an institution, the financial supervisory agencies will pay particular attention to any restrictions placed on the availability of those types of credit that an institution has indicated on its CRA Statement that it would extend in its local community. Examiners will focus on whether any such restrictions have or would have a significantly greater impact on low- and moderate-income neighborhoods. In every case, examiners will consider:

- The business rationale for adopting a particular policy;
- Whether other policies would serve the same business purpose with less adverse impact;
- The relative ease of becoming a customer eligible for credit under the restriction;
- Whether the institution has adopted a policy of limiting certain loans to customers as a temporary response to tight money conditions or as a permanent policy.

Loans available on any restrictive basis should be listed on the CRA Statement with the restrictions noted. However, the agencies recognize that institutions occasionally make certain specialized loans to "good" customers. This type of spot lending activity need not be listed on the CRA Statement.

Any restrictive lending policies or practices found to be discriminatory on a prohibited basis will have a substantial adverse impact on an institution's CRA performance.

22. (new) What criteria do examiners use to determine whether a director's, officer's or employee's outside activities contribute to an institution's CRA performance? What criteria do the examiners use to determine whether an institution's charitable donations contribute to its CRA performance?

To contribute to an institution's CRA performance, an activity or charitable donation should fall into one of the following categories:

- It resulted in the sharing of information about the institution's lending services;
- Information was obtained regarding the community's credit needs;
- Community members were informed about how to get or use credit;
- The activity or charitable donation assisted in providing credit services or information to the community;
- The activity or donation assisted a community development or redevelopment effort.

23. (new) Some parties have commented that the financial supervisory agencies emphasize assessment criteria relating to the CRA process over results such as lending. What is the current emphasis of the agencies in their supervisory efforts?

The principal focus of the financial supervisory agencies and the activity most encouraged through an examination continues to be lending and other activities within the community that result in extensions of credit that help meet identified credit needs. The answers to Questions 20 and 30 in this series also address this issue. A conclusion that performance is satisfactory or better generally requires that the community delineation is reasonable; that credit extensions are consistent with the capacity of the institution and the identified needs of the community; and that lending activity reflects a reasonable penetration of all segments of the community, including its low- and moderate-income neighborhoods.

When the above characteristics are not found to be present in an institution's reinvestment record, the underlying causes identified by the financial supervisory agencies' examiners are likely related to deficiencies in the institution's community reinvestment process. Agency recommendations for improving the institution's CRA performance usually involve:

- Oversight by the board of directors and management;
- The establishment of goals and objectives;
- Community outreach, product development and marketing;
- Management and employee training;
- Regular monitoring of the institution's progress and performance.

Process-oriented corrective measures should be implemented to make the institution more responsive to local credit needs on a regular, ongoing basis. However, no level of emphasis by an institution on the CRA process can make upon for a seriously deficient record of lending and investment in the community.

24. (7) What is a "small" business or farm?

For CRA purposes, the term "small" refers to the absolute size of the business and farm rather than the relative size in their industries. Because a major concern of CRA is that all creditworthy borrowers have reasonable access to loans from banks and savings associations, small businesses and farms generally are viewed as those which do not have access to regional and national credit markets and must rely on their local lending institutions for credit.

25. (31) What effect would an institution's selling loans it has originated within its delineated community have on the institution's CRA performance?

The agencies have found that the sale of loans in the secondary market enhances CRA performance where such sales enable an institution to recycle funds for origination of additional loans within its delineated community.

Where loans are part of a comprehensive CRA program designed to ascertain and help meet credit needs within the institution's delineated community, such loans clearly help demonstrate CRA performance, whether or not they are ultimately sold on the secondary market. To ensure that appropriate consideration under CRA is given for loans sold, however, institutions should consider retaining information concerning when and where the loans were originated.

26. (27) To what extent will a "regulated financial institution" which is subject to statutory and/or regulatory constraints that prevent it from operating as a "full service" financial institution be expected to meet CRA performance requirements?

The institution has an affirmative obligation to seek out ways consistent with its permitted activities to assist, directly or indirectly, in helping to meet the credit needs identified in its local community, with appropriate attention to low- and moderate-income neighborhoods. As indicated in the answers to Questions 20 and 21 of this series, many services other than direct credit services can be developed to benefit the local community in a manner consistent with the intent of the CRA. Currently the financial supervisory agencies are reviewing the applicability of CRA to financial institutions that have statutory restrictions placed on their loan or deposit activities.

The CRA implementing regulations of the Federal financial supervisory agencies include twelve factors to be considered in assessing CRA performance. Every institution's overall CRA performance record should compare favorably, consistent with its resources and capabilities, with the issues expressed through these twelve factors. A financial institution's inability to provide specific credit products or services because of statutory or regulatory limitations does not preclude a positive CRA performance evaluation.

An institution's board of directors should assure that CRA performance is an integral part of the institution's business strategy. Expected activities will include, at minimum, meeting the basic obligations to define a local community, to ascertain the credit needs within that Community, and to demonstrate responsiveness, directly or indirectly, to the needs identified.

27. (28) What do the financial supervisory agencies expect from institutions that have voluntarily limited or specialized their services to target particular markets?

Such an institution has the same continuing and affirmative obligation as a "full service" institution to help meet the credit needs of its entire local community, consistent with safe and sound operations. An institution's self-imposed service or market limitations may not be used as justification for a failure to define its local community or to help, directly or indirectly, meet the credit needs within that community, including low- and moderate-income neighborhoods.

Whether or not an institution operates as a "full service" entity is not a determining factor in evaluating its CRA performance. Every institution should be able to demonstrate that it is fulfilling its CRA responsibilities, either within the context of its chosen service specialties or in other ways. The final measure of CRA performance is in the credit benefits accruing to the institution's local community as a result of that institution's activities, irrespective of the vehicle by which those credit benefits are provided.

28. (18) How will the agencies "encourage" institutions to help meet the credit needs of their local communities?

Encouragement will be provided in four ways. First, within the limits of the agencies' resources, their staffs will provide information and technical assistance and will meet with representatives of industry and the management of individual institutions to explain the CRA, regulations, and examination procedures. This exchange of information will help institutions understand the purposes of the CRA and how the financial supervisory agencies implement the act. Second, as part of each CRA examination, financial supervisory agency staff will discuss with management their findings about the institution's CRA performance. Where appropriate, the financial supervisory agency staff may suggest ways in which the institution can improve its performance. Third, in decisions on applications, where CRA is a material factor, the agencies will publicly comment on an institution's record of performance. Fourth, the financial supervisory agencies believe that the availability the public CRA Performance Evaluations serve as an additional encouragement for institutions to help meet local credit needs on an ongoing basis.

The Effect of an Institution's CRA Performance on Applications

29. (22) What sanctions are available to the financial supervisory agencies under the CRA?

A poor CRA performance record may result in denial of corporate application. The financial supervisory agencies may also use the full range of their enforcement powers to ensure compliance with the requirements of the CRA regulation, including preparing a CRA Statement, maintaining public comment files and making them available, and providing the CRA Notice. In addition, widespread, repeat/uncorrected, or otherwise substantive violations of anti-discrimination laws and regulations are significant adverse factors in an institution's CRA performance record, and they will prompt enforcement actions under the Equal Credit Opportunity Act, Fair Housing Act, or other applicable fair lending rules.

30. (23) Are applications for electronic deposit facilities covered by the CRA?

Generally, such applications are covered. The financial supervisory agencies have different rules regarding the processing of applications for electronic deposit facilities, and institutions should, therefore, consult their financial supervisory agency before filing.

31. (25) How does the CRA affect applications by banks and savings associations that are subsidiaries of holding companies?

Applications by a bank or savings association that is a subsidiary of a holding company will be treated by the financial supervisory agencies in the same manner as those filed by any bank or savings association. Only the CRA record of the applying bank or savings association and the activities of their subsidiaries will be taken into account. The bank or savings association may request, however, that the financial supervisory agency consider the contribution of any of the bank's or savings association's non-depository affiliates in helping to meet the credit needs of the community or communities of the applicant bank or savings association. For example, if the applicant bank or savings association has an affiliate community development corporation operating in the same community as the applicant, the applicant may ask that the contributions of that corporation in helping to meet the credit needs of the particular community be considered by the financial supervisory agency in assessing the overall CRA record of the applicant.

Dated: February 12, 1993.

Joe M. Cleaver,

Executive Secretary, Federal Financial Institutions Examination Council.

[FR Doc. 93-3856 Filed 2-18-93; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; City of Los Angeles/Distribution and Auto Services, Inc. (DAS) Preferential Berth Assignment Agreement, et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200100-005.

Title: City of Los Angeles/Distribution and Auto Services, Inc. (DAS) Preferential Berth Assignment Agreement.

Parties:

The City of Los Angeles,
Distribution and Auto Services, Inc. (DAS).

Synopsis: The modification proposes that all storage charges be retained by DAS and that only wharfage charges be contributed toward Incremental Monthly Payment ("IMP") and Minimum Annual Guarantee ("MAG"). The modification also proposes that the IMP and MAG be adjusted proportionately to changes in the tariff rates for wharfage on self-propelled motor vehicles set up on wheels and that areas used for automobile storage

purposes located outside the permit premises be chargeable at $.105 per square foot per each thirty-day period of use.

Agreement No.: 224–200486–001.
Title: City of Los Angeles/Pasha Properties, Inc. Terminal Agreement.
Parties:

City of Los Angeles, by its Board of Harbor Commissioners
Pasha Properties, Inc. ("Pasha").

Synopsis: This modification permits Pasha to retain storage charges accrued at its assigned premises; provides for the assignment of additional storage space and compensation payable for that space at other than assigned premises; and establishes a compensation settlement procedure for any difference in the amounts received and the amounts payable.

Agreement: 224–200609–002.
Title: Jacksonville Port Authority and Columbus Line, Inc. Marine Terminal Agreement.
Parties:

The Jacksonville Port Authority ("JPA")
Columbus Line, Inc.

Synopsis: The agreement stipulates that a crane rate for Columbus Line will remain at the 1991–1992 rate level until a new crane has been installed and is operational.

Agreement: 202–011375–004
Title: Trans-Atlantic Agreement.
Parties:

A.P. Moller-Maersk Line
Polish Ocean Lines
Orient Overseas Container Line (UK) Ltd.
DSR-Senator Joint Service
P&O Containers Limited
Cho Yang Shipping Co.
Atlantic Container Line AB
Sea-Land Service, Inc.
Nedlloyd Lijnen BV
Hapag Lloyd AG
Mediterranean Shipping Co.

Synopsis: The proposed amendment permits any party to charter space in pure car carrier or pure car/truck carrier vessels ("PCCs") to another carrier operating PCCs in the trade, or participating in a joint service, pursuant to such an agreement which transports uncontainerized cargo in PCCs.

Dated: February 16, 1993.

By Order of the Federal Maritime Commission.

Ronald D. Murphy,
Assistant Secretary.

[FR Doc. 93–3881 Filed 2–18–93; 8:45 am]
BILLING CODE 6730–01–M

Security for the Protection of the Public Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89–777 (46 U.S.C. 817(d)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Sun Line Cruises Inc., Sun Line Limited and Stella Cruises Limited
One Rockefeller Plaza, Suite 315
Vessel: STELLA SOLARIS

Dated: February 16, 1993.

Joseph C. Polking,
Secretary.

[FR Doc. 93–3961 Filed 2–18–93; 8:45 am]
BILLING CODE 6730–01–M

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89–777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Sun Line Cruises Inc., Sun Line Limited and Stella Cruises Limited
One Rockefeller Plaza, Suite 315, New York, NY 10020
Vessel: STELLA SOLARIS

Dated: February 16, 1993.

Joseph C. Polking,
Secretary.

[FR Doc. 93–3962 Filed 2–18–93; 8:45 am]
BILLING CODE 6730–01–M

[Docket No. 93–04]

Best Homeware, Inc., v. Orient Overseas Container Line, Inc., et al.; Notice of Filing of Complaint and Assignment

Notice is given that a complaint filed by Best Homeware, Inc. ("Complainant") against Orient Overseas Container Line, Inc. and Orient Overseas Container (USA), Inc. (collectively "OOCL") and Asia North America Eastbound Rate Agreement ("ANERA" herein collectively referred to as "Respondents") was served February 12, 1993. Complainant alleges that Respondent engaged in violations of sections 8 (c) and (d) and 10(a)(1), (b)(1), (2), (3), (4), (5), (6), (8), (9), (10), (11) and (12), by luring Complainant, through Respondents' fraud and misrepresentation, into a sham service contract specifically designed and intended to circumvent the lower IA tariffs of ANERA's members and failing to guarantee Complainant assured space or a defined level of service, and by continued fraudulent conduct in assuring Complainant that its shipments under the IA tariff constituted full compliance of the service contract's minimum volume requirements.

This proceeding has been assigned to the Office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by February 11, 1994, and the final decision of the Commission shall be issued by June 13, 1994.

Ronald D. Murphy,
Assistant Secretary.

[FR Doc. 93–3878 Filed 2–18–93; 8:45 am]
BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Commerce Bancshares, Inc; Formations of; Acquisitions by; and Mergers of Bank Holding Companies; Correction

This notice corrects a previous notice (FR Doc. 93-2486) published at page 6971 of the issue for Wednesday, February 3, 1993.

Under the Federal Reserve Bank of Kansas City heading, the entry for Commerce Bancshares, Inc. is revised to read as follows:

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Commerce Bancshares, Inc., Kansas City, Missouri, and its subsidiary, CBI Security Corp., Kansas City, Missouri; to acquire Republic Bancshares, Inc., Neosho, Missouri, and thereby indirectly acquire Security State Bank, Republic, Missouri. In connection with this application, CBI Security Corp. has applied to become a bank holding company by merging with Republic Bancshares, Inc.

Board of Governors of the Federal Reserve System, February 12, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-3889 Filed 2-18-93; 8:45 am]

BILLING CODE 6210-01-F

Meridian Bancorp, Inc., et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 10, 1993.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. Meridian Bancorp, Inc., Reading, Pennsylvania; to engage *de novo* through its subsidiary, Meridian Securities, Inc., Reading, Pennsylvania, in providing securities brokerage services in combination with investment advisory services pursuant to §§ 225.25(b)(4) and 225.25(b)(15)(ii) of the Board's Regulation Y.

B. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Huntington Bancshares Incorporated, Columbus, Ohio; to engage *de novo* through its subsidiary, The Huntington National Life Insurance Company, Columbus, Ohio, acting as principal, agent or broker for home mortgage redemption insurance that is directly related to an extension of credit by the bank holding company or its subsidiaries and is limited to ensuring repayment of the outstanding balance due on the extension of credit in the event of death, disability, or involuntary unemployment of the debtor pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 12, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-3891 Filed 2-18-93; 8:45 am]

BILLING CODE 6210-01-F

Community Independent Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 15, 1993.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Community Independent Bancorp, Inc., Maysville, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of May's Lick, May's Lick, Kentucky.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Bridgeport Bancorp, Inc., Bridgeport, Illinois; to become a bank holding company by acquiring at least 80 percent of the voting shares of First National Bank of Bridgeport, Bridgeport, Illinois.

2. Union Planters Corporation, Memphis, Tennessee; to acquire 100 percent of the voting shares of Erin Bank & Trust Company, Erin, Tennessee.

Board of Governors of the Federal Reserve System, February 12, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-3890 Filed 2-18-93; 8:45 am]

BILLING CODE 6210-01-F

Jon R. Stuart, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Correction

This notice corrects a previous notice (FR Doc. 93-3122) published at page 7892 of the issue for Wednesday, February 10, 1993.

Under the Federal Reserve Bank of Kansas City heading, the entry for John R. Stuart is revised to read as follows:

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Jon R. Stuart, Tulsa, Oklahoma, to acquire an additional 7.63 percent for a total 31.31 percent; and E.R. Albert, Jr., living trust, Tulsa, Oklahoma, to acquire an additional 6.79 percent for a total of 26.05 percent; and E.R. Albert, Jr., Trustee of the E.R. Albert, Jr., living trust, Tulsa, Oklahoma, to acquire an

additional 6.79 percent for a total of 26.05 percent of the voting shares of Tulbancorp, Inc., Tulsa, Oklahoma, and thereby indirectly acquire Bank of Tulsa, Tulsa, Oklahoma.

Board of Governors of the Federal Reserve System, February 12, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-3892 Filed 2-18-93; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Conference on Chemical Contaminants in Seafood; Notice of Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting.

SUMMARY: The Food and Drug Administration's (FDA) Office of Seafood in the Center for Food Safety and Applied Nutrition will hold a conference on contaminants in seafood—both marine and fresh water species. The purpose of this conference is to bring together representatives of Federal and State regulatory agencies, researchers, consumers, industry representatives, and others from throughout the United States to discuss issues relating to chemical contaminants in seafood. FDA will use the information that it obtains from the conference as part of its risk assessment, risk management, and risk communication activities involving chemical contaminants in seafood.

DATES: The conference will be held on Wednesday and Thursday, April 21 and 22, 1993, 8 a.m. to 5 p.m. Those interested in making oral presentations must submit one page abstracts of their presentations by March 15, 1993. Written comments and supplementary information by May 21, 1993.

ADDRESSES: The conference will be held at the Washington, DC Renaissance Hotel, 999 Ninth St. NW., Washington, DC 20001-9000. Written comments and one page abstracts should be submitted to Sharon Kirksey (address below).

FOR FURTHER INFORMATION CONTACT: Regarding oral presentations at the conference, written comments, one page abstracts, and all preregistration and hotel accommodation arrangements:

Sharon Kirksey, Crosspaths Management Systems, Inc., Two Wisconsin Circle, suite 660, Chevy Chase, MD 20815, 301-654-4600, FAX 301-654-6334.

Regarding any other questions relating to the conference:

Gregory Cramer, Center for Food Safety and Applied Nutrition (HFS-416), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-3888.

Those persons interested in attending this conference should call the contact person listed above to preregister. Early registration is suggested because space for the conference is limited. The closing date for preregistration is March 15, 1993. Limited onsite registration will be allowed each day at 8 a.m., provided attendance does not exceed a maximum of 250 people.

SUPPLEMENTARY INFORMATION: FDA is sponsoring a conference on chemical contaminants in seafood. The agency is holding this conference to obtain information on a broad range of issues involving chemical contaminants, including the significance of the quality of the environment from which the seafood is harvested, and the potential for harm from consuming seafood containing contaminants at levels below those presently considered to be of concern. The Office of Seafood believes that this conference will provide it with significant new information on chemical contaminants in seafood. The meeting is not intended to establish consensus or to formulate agency policy. In addition, the conference is not intended to consider substances, such as additives and microbiological and natural toxins, that are not chemical contaminants.

Information that is gathered at the meeting and that is received in written comments will be used by FDA in risk assessment, risk management, and risk communication activities involving chemical contaminants in seafood.

The conference will include presentations on Federal, regional, and local monitoring efforts with respect to chemical contaminants in seafood. Workgroup sessions will address risk assessment, risk management, and risk communication. Because of time constraints, these workgroup sessions will occur concurrently.

Interested persons are encouraged to provide written comments on issues involving chemical contaminants in seafood, such as risk assessment, risk management, and risk communication as well as the related issues of monitoring priorities, toxicology, exposure, chemical form, breakdown products, area closures, bans, advisories, tolerances, action levels, effectiveness of warnings, and other related topics. Written comments should be submitted to Sharon Kirksey (address above) by May 21, 1993.

Part of the meeting will be devoted to presentations by conference attendees. Persons wishing to make oral presentations on any of the topics outlined above will be permitted up to 10 minutes each during the general session if they submit a one page camera-ready abstract of their presentation by March 15, 1993. Audiovisual equipment will be available for these presenters as needed. Presenters will be scheduled on a first-come, first-served basis as time for presentations permits.

State representatives, members of industry, representative of professional and consumer groups, academics, and any other person interested in issues involving chemical contaminants in seafood are invited to attend. A nominal registration fee of $50 will be charged to help defray expenses. In addition, a block of rooms has been reserved at the meeting site for conference attendees at government rates of $110 single and $130 double, inclusive of District of Columbia sales and occupancy tax.

Persons wishing to make oral presentations must submit written comments and abstracts of their presentations by March 15, 1993. All other written comments, including supplementary information developed by those wishing to make presentations, should be submitted by May 21, 1993. All written comments and abstracts should be submitted to Sharon Kirksey (address above). Audiovisual need requests, as well as any questions about the meeting, registration, and hotel reservation requests, should also be directed to Sharon Kirksey. Any other questions related to the conference should be directed to Gregory Cramer (address above).

Dated: February 12, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93-3964 Filed 2-16-93; 3:50 pm]

BILLING CODE 4160-01-F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-93-1917; FR-3350-N-19]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

VOL 58 ISS 32 FE 19 1993 UMI

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–4300; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD:

(1) Its intention to make the property available for use to assist the homeless,

(2) Its intention to declare the property excess to the agency's needs, or

(3) A statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A–10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses:

Corps of Engineers: Pete Digel, Headquarters, Army Corps of Engineers, Attn: CERE–MC, room 4224, 20 Massachusetts Ave. NW., Washington, DC 20314–1000; (202) 272–1753;

U.S. Navy: John J. Kane, Deputy Division Director, Dept. of Navy, Real Estate Operations, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332–2300; (703) 325–0474;

U.S. Air Force: John Carr, Realty Specialist, HQ–AFBDA/BDR, Pentagon, Washington, DC 20330–5130; (703) 614–9692;

Dept. of Veterans Affairs: Michael Reynolds, Management Analyst, Dept. of Veterans Affairs, room 414 Lafayette Bldg., 811 Vermont Ave. NW., Washington, DC 20420; (202) 233–8474;

Dept. of Transportation: Ronald D. Keefer, Director, Administrative Services & Property Management, DOT, 400 Seventh St. SW., room 10319, Washington, DC 20590; (202) 366–4246;

Dept. of Interior: Lola D. Knight, Property Management Specialist, Dept. of Interior, 1849 C St. NW., Mailstop 5512–MIB, Washington, DC 20240; (202) 208–4080;

Dept. of Energy: Tom Knox, Realty Specialist, AD223.1, 1000 Independence Ave. SW., Washington, DC 20585; (202) 586–1191; (These are not toll-free numbers).

Dated: February 12, 1993.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

Suitable/Available Properties

Buildings (by State)

Alabama

Bldg. TU–43
Millers Ferry Lock and Dam
Route 1, Box 102
Camden Co: Wilcox AL 36726–
Landholding Agency: COE
Property Number: 319011549
Status: Unutilized
Comment: 1000 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU–22
Selden Lock and Dam
Route 1
Sawyerville Co: Hale AL 36776–
Landholding Agency: COE
Property Number: 319011551
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU–21
Selden Lock and Dam
Route 1
Sawyerville Co: Hale AL 36776–
Landholding Agency: COE
Property Number: 319011552
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU–23
Selden Lock and Dam
Route 1
Sawyerville Co: Hale AL 36776–
Landholding Agency: COE
Property Number: 319011553
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU–24
Selden Lock and Dam
Route 1

Sawyerville Co: Hale AL 36776–
Landholding Agency: COE
Property Number: 319011554
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU–15
Coffeeville Lock and Dam
Star Route Box 77
Blandon Springs Co: Choctaw AL 36919–
Landholding Agency: COE
Property Number: 319011556
Status: Unutilized
Comment: 1547 sq. ft.; 1 story frame residence; most recent use—lock tender's dwelling.

Bldg. 19, VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 979220006
Status: Underutilized
Comment: Portion of a 5320 sq. ft. 4-story structure.

California

199 Military Family Housing
Savannah Project
Long Beach Naval Station
Long Beach Co: Los Angeles CA 90801–
Landholding Agency: Navy
Property Number: 779240001
Status: Excess
Base closure Number of Units: 398
Comment: 1405 sq. ft., 2-family duplexes, 1-story woodframe stucco, 144 units scheduled to be vacated 1/31/93; 254 units scheduled to be vacated 10/1/93.

Utility Bldg.
Savannah Project
Long Beach Naval Station
Long Beach Co: Los Angeles CA 90801–
Landholding Agency: Navy
Property Number: 779240002
Status: Excess
Base closure Number of Units: 1
Comment: 237 sq. ft., 1-story woodframe stucco, most recent use-gas meter bldg., scheduled to be vacated 10/93.

100 Military Family Housing
Cabrillo Project
Long Beach Naval Station
Long Beach Co: Los Angeles CA 90801–
Landholding Agency: Navy
Property Number: 779240003
Status: Excess
Base closure Number of Units: 684
Comment: 2550 sq ft. to 3024 sq. ft., 16-duplexes, 72-four plexes, and 12-six plexes totaling 684 units, 3 to 4 bedrooms, 1 to 2 story, scheduled to be vacated 10/94.

49 Detached Carports
Cabrillo Project
Long Beach Naval Station
Long Beach Co: Los Angeles CA 90801–
Landholding Agency: Navy
Property Number: 779240004
Status: Excess
Base closure Number of Units: 49
Comment: size varies, 1-story concrete block wall, scheduled to be vacated 10/94.

Convenience Store
Cabrillo Project
Long Beach Naval Station
Long Beach Co: Los Angeles CA 90801–
Landholding Agency: Navy
Property Number: 779240005
Status: Excess
Base closure Number of Units: 1
Comment: 4830 sq. ft., 1-story woodframe stucco, scheduled to be vacated 10/94.

Youth Center
Cabrillo Project
Long Beach Naval Station
Long Beach Co: Los Angeles CA 90801–
Landholding Agency: Navy
Property Number: 779240006
Status: Excess
Base closure Number of Units: 1
Comment: 6576 sq. ft., 1-story woodframe stucco, scheduled to be vacated 10/94.

Utility Bldg.
Cabrillo Project
Long Beach Naval Station
Long Beach Co: Los Angeles CA 90801–
Landholding Agency: Navy
Property Number: 779240007
Status: Excess
Base closure Number of Units: 1
Comment: 416 sq. ft., 1-story woodframe stucco, most recent use-gas meter building, scheduled to be vacated 10/94.

Child Care Center & Storage
Cabrillo Project
Long Beach Naval Station
Long Beach Co: Los Angeles CA 90801–
Landholding Agency: Navy
Property Number: 779240008
Status: Excess
Base closure Number of Units: 2
Comment: 6641 sq. ft. child care center and 400 sq. ft. storage bldg. 1-story woodframe stucco, scheduled to be vacated 10/94.

Maintenance Bldg.
Cabrillo Project
Long Beach Naval Station
Long Beach Co: Los Angeles CA 90801–
Landholding Agency: Navy
Property Number: 779240009
Status: Excess
Base closure Number of Units: 1
Comment: 900 sq. ft., 1-story steel panel bldg., scheduled to be vacated 10/94.

Laundromat
Cabrillo Project
Long Beach Naval Station
Los Angeles Co: Los Angeles CA 90801–
Landholding Agency: Navy
Property Number: 779240010
Status: Excess
Base closure Number of Units: 1
Comment: 1320 sq. ft. each unit, 1-story woodframe stucco, scheduled to be vacated 10/94.

24 Bldgs.
San Pedro Complex, Taper Avenue
Long Beach Naval Station
Los Angeles Co: Los Angeles CA
Landholding Agency: Navy
Property Number: 779240021
Status: Excess
Base closure Number of Units: 48
Comment: 2550 sq. ft. each unit, 2-unit family residences, 1–2 story, totaling 48 units, scheduled to be vacated 9/30/94.

24 Bldgs.
San Pedro Complex, Taper Avenue
Long Beach Naval Station
Los Angeles Co: Los Angeles CA
Landholding Agency: Navy
Property Number: 779240021
Status: Excess
Base closure Number of Units: 48
Comment: 2550 sq. ft. each unit, 2-unit family residences, 1–2 story, totaling 48 units, scheduled to be vacated 9/30/94.

23 Bldgs.
San Pedro Complex, Taper Avenue
Long Beach Naval Station
Los Angeles Co: Los Angeles CA
Landholding Agency: Navy
Property Number: 779240022
Status: Excess
Base closure Number of Units: 92
Comment: 5980 sq. ft. each unit, 4-unit family residences, 1–2 story, totaling 92 units, scheduled to be vacated 9/30/94.

16 Detached Carports
San Pedro Complex, Taper Avenue
Long Beach Naval Station
Los Angeles Co: Los Angeles CA
Landholding Agency: Navy
Property Number: 779240023
Status: Excess
Base closure Number of Units: 16
Comment: Holds 4 to 16 vehicles, concrete block frame, 1-story, scheduled to be vacated 9/30/94.

16 Detached Carports
San Pedro Complex, Taper Avenue
Long Beach Naval Station
Los Angeles Co: Los Angeles CA
Landholding Agency: Navy
Property Number: 779240023
Status: Excess
Base closure Number of Units: 16
Comment: Holds 4 to 16 vehicles, concrete block frame, 1-story, scheduled to be vacated 9/30/94.

Bldg. 20—VA Medical Center
Wilshire & Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979210003
Status: Unutilized
Comment: 8758 gross square ft., one story wooden, requires complete restoration meeting standards of national preservation laws and guidelines.

Bldg. 13, VA Medical Center
Wilshire & Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979220001
Status: Underutilized
Comment: portion of 66,165 sq. ft. bldg., needs major rehab, no util., pres. of asbestos, in historic district, potential to be hazardous due to storage of radioactive material nearby.

Bldg. 156, VAMC
Wilshire & Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979230015
Status: Underutilized
Comment: Portion of 39,454 sq. ft. bldg., presence of asbestos, needs rehab, seismic reinforcement deficiencies, in his. district, potentially hazardous due to nearby radioactive material.

Florida

Bldg. CN–3
1651 S. Franklin Lock Road

Alva Co: Lee FL 33920–
Landholding Agency: COE
Property Number: 319130006
Status: Unutilized
Comment: 1500 sq. ft., 1 story concrete block residence, off-site use only.

Bldg. CN–43
Port Mayaca Lock and Spillway
Okeechobee Waterway
Port Mayaca Co: Martin FL 33438–
Location: Located approx. 9 mi n/o Canal Pt. at the intersection of US 441 and SR 76
Landholding Agency: COE
Property Number: 319210004
Status: Unutilized
Comment: 1700 sq. ft., 1 story concrete block/stucco structure, possible asbestos, off-site use only

Hawaii

Bldg. S87, Radio Trans, Fac.
Lualualei, Naval Station, Eastern Pacific
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779240011
Status: Unutilized
Comment: 7566 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only.

Bldg. 466, Radio Trans. Fac.
Lualualei, Naval Station, Eastern Pacific
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779240012
Status: Unutilized
Comment: 100 sq. ft., 1-story, needs rehab, most recent use—gas station, off-site use only.

Indiana

Bldg. 01, Monroe Lake
Monroe Cty. Rd. 37 North to Monroe Dam Rd.
Bloomington Co: Monroe IN 47401–8772
Landholding Agency: COE
Property Number: 319140002
Status: Unutilized
Comment: 1312 sq. ft., 1 story brick residence, off-site use only.

Bldg. 02, Monroe Lake
Monroe Cty, Rd. 37 North to Monroe Dam Rd.
Bloomington Co: Monroe IN 47401–8772
Landholding Agency: COE
Property Number: 319140003
Status: Unutilized
Comment: 1312 sq. ft., 1 story brick residence, off-site use only.

Bldg. 140, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230007
Status: Underutilized
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house, access restrictions.

Kentucky

Green River Lock & Dam #3
Rochester Co: Butler KY 42273–
Location: SR 70 west from Morgantown, KY., approximately 7 miles to site.
Landholding Agency: COE
Property Number: 319010022
Status: Unutilized
Comment: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab.

Maine

Naval Air Station
Transmitter Site
Old Bath Road
Brunswick Co: Cumberland ME 04053–
Landholding Agency: Navy
Property Number: 779010110
Status: Underutilized
Comment: 7,270 sq ft., 1 story bldg, most recent use—storage, structural deficiencies.

Bldg. 523—Transmitter Site
Naval Air Station
East Brunswick Co. Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 779230002
Status: Excess
Comment: 7,270 sq. ft., 1-story bldg., most recent use—storage, needs rehab on 66 acres of land.

Bldg. 524—Transmitter Site
Naval Air Station
East Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 779230003
Status: Excess
Comment: 384 sq. ft., 1-story, most recent use—storage, needs rehab.

Bldg. 332, Naval Air Station
Topsham Annex
Brusnwick Co: Sagadahoc ME
Landholding Agency: Navy
Property Number: 779240013
Status: Excess
Comment: 1,248 sq. ft., 1-story, most recent use—office building, off-site use only.

Bldg. 333, Naval Air Station
Topsham Annex
Brusnswick Co: Sagadahoc ME
Landholding Agency: Navy
Property Number: 779240014
Status: Excess
Comment: 12,672 sq. ft., 2-story, most recent use—office building, off-site use only.

New Mexico

Old Helium Plant
Gallup Co: McKinley NM 87301–
Location: 1/4 mile north of Gallup, adjacent to Old US Highway 666.
Landholding Agency: Interior
Property Number: 619010002
Status: Excess
Comment: 7,653 sq. ft., 1 story office and warehouse space, possible asbestos, on 4.65 acres, secured area with alternate access.

North Carolina

Dwelling 1
USCG Coinjock Housing
Coinjock Co: Currituck NC 27923–
Landholding Agency: DOT
Property Number: 879120083
Status: Unutilized
Comment: one story wood residence, periodic flooding in garage and utility room occurs in heavy rainfall.

Dwelling 2
USCG Coinjock Housing
Coinjock Co: Currituck NC 27923–
Landholding Agency: DOT
Property Number: 879120084
Status: Unutilized
Comment: one story wood residence, periodic flooding in garage and utility room occurs in heavy rainfall.

Dwelling 3
USCG Coinjock Housing
Coinjock Co: Currituck NC 27923–
Landholding Agency: DOT
Property Number: 879120085
Status: Unutilized
Comment: one story wood residence, peribdic flooding in garage and utility room occurs in heavy rainfall.

Ohio

Barker Historic House
Willow Island Locks and Dam
Newport Co: Washington OH 45768–9801
Location: Located at lock site, downstream of lock and dam structure
Landholding Agency: COE
Property Number: 319120018
Status: Unutilized
Comment: 1600 sq. ft. bldg. with ½ acre of land, 2 story brick frame, needs rehab. on Natl Register of Historic Places, no utilities, off-site use only.

Pennsylvania

Mahoning Creek Reservoir
New Bethlehem Co: Armstrong PA 16242–
Landholding Agency: COE
Property Number: 319210008
Status: Unutilized
Comment: 1015 sq. ft., 2 story brick residence, off-site use only.

Bldg. 25—VA Medical Center
Delafield Road
Pittsburgh Co: Allegheny PA 15215–
Landholding Agency: VA
Property Number: 979210001
Status: Unutilized
Comment: 133 sq. ft., one story brick guard house, needs rehab.

South Carolina

Bldg. 1
J. S. Thurmond Dam and Reservoir
Clarks Hill Co: McCormick SC 29821–
Location: ½ mile east of Resource Managers Office.
Landholding Agency: COE
Property Number: 319011544
Status: Excess
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage.

Bldg. 2
J. S. Thurmond Dam and Reservoir
Clarks Hill Co: McCormick SC 29821–
Location: ½ mile east of Resource Managers Office.
Landholding Agency: COE
Property Number: 319011545
Status: Excess
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage.

Bldg. 3
J.S. Thurmond Dam and Reservoir
Clarks Hill Co: McCormick SC 29821–
Location: ½ mile east of Resource Managers Office.
Landholding Agency: COE
Property Number: 319011546
Status: Excess

Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage.

Bldg. 4
J.S. Thurmond Dam and Reservoir
Clarks Hill Co: McCormick SC 29821–
Location: ½ mile east of Resource Managers Office.
Landholding Agency: COE
Property Number: 319011547
Status: Excess
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage.

Bldg. 5
J.S. Thurmond Dam and Reservoir
Clarks Hill Co: McCormick SC
Location: ½ mile east of Resource Managers Office.
Landholding Agency: COE
Property Number: 319011548
Status: Excess
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage.

Tennessee

Bldg. 16, VAMC Mountain Home
Johnson Co: Washington TN 37604–
Landholding Agency: VA
Property Number: 979220007
Status: Unutilized
Comment: 3215 sq. ft., 3-story wood frame residence, needs repair, subject to historic preservation requirements.

Texas

208 Off-base Capehart Housing
Naval Air Station, Chase Field
Beeville Co: Bee TX 78103–
Landholding Agency: Navy
Property Number: 779210001
Status: Excess
Base closure Number of Units: 208
Comment: 1320 sq. ft., 1 story brick/wood frame, 2 bedrooms/1 bath, needs routine maintenance, scheduled to be vacated 10/93.

54 Off-base Family Housing
Naval Air Station, Chase Field
Beeville Co: Bee TX 78103–
Landholding Agency: Navy
Property Number: 779210002
Status: Excess
Base closure Number of Units: 54
Comment: 1,000 to 2,000 sq. ft., 1 and 2 bedroom units, 1 and 2 story, brick/wood frame, routine maintenance required, scheduled to be vacated 10/93.

19 Off-base Capehart Housing
Naval Air Station, Chase Field
Beeville Co: Bee TX 78103–
Landholding Agency: Navy
Property Number: 779210003
Status: Excess
Base closure Number of Units: 19
Comment: 1320 sq. ft., 1 story brick/wood frame, 1 and 2 bedrooms, needs routine maintenance, scheduled to be vacated 10/93.

3 Recreational Facilities
Naval Air Station, Chase Field
Beeville Co: Bee TX 78103–
Landholding Agency: Navy
Property Number: 779210004
Status: Excess
Base closure Number of Units: 3
Comment: 2100 to 13900 sq. ft., 1 story, concrete masonry frame, needs routine maintenance, includes theatre, bowling, racquetball, scheduled to be vacated 10/93.

4 Dining Facilities
Naval Air Station, Chase Field
Beeville Co: Bee TX 78103–
Landholding Agency: Navy
Property Number: 779210005
Status: Excess
Base closure Number of Units: 4
Comment: 6000 to 21900 sq. ft., 1 story, concrete masonry frame, needs routine maintenance, scheduled to be vacated 10/93.

5 Bachelor Quarters
Naval Air Station, Chase Field
Beeville Co: Bee TX 78103–
Landholding Agency: Navy
Property Number: 779210006
Status: Excess
Base closure Number of Units: 5
Comment: 16800 to 62200 sq. ft., 3 story, metal/brick frame, needs routine maintenance, scheduled to be vacated 10/93.

9 Administration Buildings
Naval Air Station, Chase Field
Beeville Co: Bee TX 78103–
Landholding Agency: Navy
Property Number: 779210007
Status: Excess
Base closure Number of Units: 9
Comment: 1300 to 29500 sq. ft., 1 and 2 story, concrete masonry frame, needs routine maintenance, scheduled to be vacated 10/93.

Hospital (clinic)
Naval Air Station, Chase Field
Beeville Co: Bee TX 78103–
Landholding Agency: Navy
Property Number: 779210008
Status: Excess
Base closure Number of Units: 1
Comment: 31000 sq. ft., 1 story, brick/concrete masonry frame, needs routine maintenance, scheduled to be vacated 10/93.

4 Miscellaneous Facilities
Naval Air Station, Chase Field
Beeville Co: Bee TX 78103–
Landholding Agency: Navy
Property Number: 779210009
Status: Excess
Base closure Number of Units: 4
Comment: 900 to 55600 sq. ft., 2 story, concrete masonry frame, needs routine maintenance, scheduled to be vacated 10/93.

4 Warehouses
Naval Air Station, Chase Field
Beeville Co: Bee TX 78103–
Landholding Agency: Navy
Property Number: 779210010
Status: Excess
Base closure Number of Units: 4
Comment: 800 to 40300 sq. ft., 1 story, concrete masonry frame, needs routine maintenance, used for storage, scheduled to be vacated 10/93.

16 Industrial Facilities
Naval Air Station, Chase Field
Beeville Co: Bee TX 78103–
Landholding Agency: Navy
Property Number: 779210011
Status: Excess
Base closure Number of Units: 16
Comment: 200 to 10900 sq. ft., 1 story, metal/concrete masonry frame, needs routine maintenance, scheduled to be vacated 10/93.

3 Fire/Security Facilities
Naval Air Station, Chase Field
Beeville Co: Bee TX 78103–
Landholding Agency: Navy
Property Number: 779210012
Status: Excess
Base closure Number of Units: 3
Comment: 5533 sq. ft., 1 story, wood/concrete masonry frame, needs routine maintenance, scheduled to be vacated 10/93.

5 Air Traffic Control Facs.
Naval Air Station, Chase Field
Beeville Co: Bee TX 78103–
Landholding Agency: Navy
Property Number: 779210013
Status: Excess
Base closure Number of Units: 5
Comment: 3200 sq. ft., 1 story, concrete masonry frame, needs routine maintenance, scheduled to be vacated 10/93.

3 Aircraft Related Facilities
Naval Air Station, Chase Field
Beeville Co: Bee TX 78103–
Landholding Agency: Navy
Property Number: 779210014
Status: Excess
Base closure Number of Units: 3
Comment: 42000 to 89300 sq. ft., 2 story, concrete masonry/metal frame, needs routine maintenance, used for storage/aircraft maintenance, scheduled to be vacated 10/93.

Virginia

Housing
Rt. 637—Gwynnville Road
Gwynn Island Co: Mathews VA 23066–
Landholding Agency: DOT
Property Number: 879120082
Status: Unutilized
Comment: 929 sq. ft., one story residence.

Admin. Bldg.
Group Eastern Shores
Coast Guard Station, South Main Street
Chinoteague Co: Accomack VA 23336–1510
Landholding Agency: DOT
Property Number: 879230006
Status: Unutilized
Comment: 3795 sq. ft., 1-story wood structure, off-site use only, scheduled to be vacated 6/93.

Repair Shop
Group Eastern Shores
Coast Guard Station, South Main Street
Chinoteague Co: Accomack VA 23336–1510
Landholding Agency: DOT
Property Number: 879230007
Status: Unutilized
Comment: 3025 sq. ft., 1-story wood structure, off-site use only, scheduled to be vacated 6/93.

Wisconsin

Former Lockmaster's Dwelling
Cedar Locks
4527 East Wisconsin Road
Appleton Co: Outagamie WI 54911–

Landholding Agency: COE
Property Number: 319011524
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 4th Lock
905 South Lowe Street
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Nubmer: 319011525
Status: Unutilized
Comment: 908 sq. ft.; 2 story wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Kaukauna 1st Lock
301 Canal Street
Kaukauna Co: Outagamie WI 54131–
Landholding Agency: COE
Property Number: 319011527
Status: Unutilized
Comment: 1290 sq. ft., 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 1st Lock
905 South Oneida Street
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Number: 319011531
Status: Unutilized
Comment: 1300 sq. ft.; potential utilities; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Rapid Croche Lock
Lock Road
Wrightstown Co: Outagamie WI 54180–
Location: 3 miles southwest of intersection State Highway 96 and Canal Road.
Landholding Agency: COE
Property Number: 319011533
Status: Unutilized
Comment: 1952 sq. ft.; 2 story wood frame residence; potential utilities; needs rehab.

Former Lockmaster's Dwelling
Little KauKauna Lock
Little KauKauna
Lawrence Co: Brown WI 54130–
Location: 2 miles southeasterly from intersection of Lost Dauphin Road (County Trunk Highway "D") and River Street.
Landholding Agency: COE
Property Number: 319011535
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Little Chute, 2nd Lock
214 Mill Street
Little Chute Co: Outagamie WI 54140–
Landholding Agency: COE
Property Number: 319011536
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; potential utilities; needs rehab; secured area with alternate access.

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 979010056
Status: Underutilized
Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Wyoming

Glendale Microwave Bldg.
Section 1
Cody Co: Park WY 82414–
Landholding Agency. Energy
Property Number: 419220001
Status: Excess
Comment: 223 sq. ft., metal frame, communication equipment bldg., limited utilities, off-site removal only.

Land (by State)

Alabama

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 979010053
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

Arkansas

Parcel 01
DeGray Lake
Section 12
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010071
Status: Unutilized
Comment: 77.6 acres

Parcel 02
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010072
Status: Unutilized
Comment: 198.5 acres

Parcel 03
DeGray Lake
Section 18
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010073
Status: Unutilized
Comment: 50.46 acres

Parcel 04
DeGray Lake
Section 24, 25, 30 and 31
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010074
Status: Unutilized
Comment: 236.37 acres

Parcel 05
DeGray Lake
Section 16
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010075
Status: Unutilized
Comment: 187.30 acres

Parcel 06
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010076
Status: Unutilized
Comment: 13.0 acres

Parcel 07
DeGray Lake
Section 34
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 319010077
Status: Unutilized
Comment: 0.27 acres

Parcel 08
DeGray Lake
Section 13
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 319010078
Status: Unutilized
Comment: 14.6 acres

Parcel 09
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 319010079
Status: Unutilized
Comment: 6.60 acres

Parcel 10
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 319010080
Status: Unutilized
Comment: 4.5 acres

Parcel 11
DeGray Lake
Section 19
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 319010081
Status: Unutilized
Comment: 19.50 acres

Lake Greeson
Section 7, 8, and 18
Murfreesboro Co: Pike AR 71958–9720
Landholding Agency: COE
Property Number: 319010083
Status: Unutilized
Comment: 46 acres

California

Lake Mendocino
1160 Lake Mendocino Drive
Ukiah Co: Mendocino CA 95482–9404
Landholding Agency: COE
Property Number: 319011015
Status: Unutilized
Comment: 20 acres, steep, dense brush; potential utilities

NAVAIR Manor
Naval Air Station, Off-site component
Moffett Field
Sunnyvale Co: Santa Clara CA 94035–
Landholding Agency: Navy
Property Number: 779240020
Status: Excess
Base closure Number of Units: 1
Comment: 7.19 acres, improved w/paved streets and sidewalks.

Land
4150 Clement Street
San Francisco Co: San Francisco CA 94121–
Landholding Agency: VA
Property Number: 979240001
Status: Underutilized
Comment: 4 acres; landslide area.

Georgia

Naval Submarine Base

Grid R–2 to R–3 to V–4 to V–1
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010229
Status: Underutilized
Comment: 111.57 acres; areas may be environmentally protected; secured area with alternate access.

Illinois

Lake Shelbyville
Shelbyville Co: Shelby & Moultr IL 62565–9804
Landholding Agency: COE
Property Number: 319240004
Status: Unutilized
Comment: 5 parcels of land equalling 0.70 acres, improved w/4 small equipment storage bldgs. and a small access road, easement restrictions.

Kansas

Parcel 1
El Dorado Lake
Section 13, 24, and 18
(See County) Co: Butler KS
Landholding Agency: COE
Property Number: 319010064
Status: Unutilized
Comment: 61 acres; most recent use—recreation.

Kentucky

Tract 2625
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211–
Location: Adjoining the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010025
Status: Excess
Comment: 2.57 acres; rolling and wooded.

Tract 2709–10 and 2710–2
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010026
Status: Excess
Comment: 2.00 acres; steep and wooded.

Tract 2708–1 and 2709–1
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010027
Status: Excess
Comment: 3.59 acres; rolling and wooded; no utilities.

Tract 2800
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 4½ miles in a southeasterly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010028
Status: Excess
Comment: 5.44 acres; steep and wooded.

Tract 2915
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 6½ miles west of Cadiz.
Landholding Agency: COE
Property Number: 319010029
Status: Excess
Comment: 5.76 acres; steep and wooded; no utilities.

Tract 2702
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 1 mile in a southerly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010031
Status: Excess
Comment: 4.90 acres; wooded; no utilities.

Tract 4318
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: Trigg Co. adjoining the city of Canton, KY. on the waters of Hopson Creek.
Landholding Agency: COE
Property Number: 319010032
Status: Excess
Comment: 8.24 acres; steep and wooded.

Tract 4502
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 3½ miles in a southerly direction from Canton, KY.
Landholding Agency: COE
Property Number: 319010033
Status: Excess
Comment: 4.26 acres; steep and wooded.

Tract 4611
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 5 miles south of Canton, KY.
Landholding Agency: COE
Property Number: 319010034
Status: Excess
Comment: 10.51 acres; steep and wooded; no utilities.

Tract 4619
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 319010035
Status: Excess
Comment: 2.02 acres; steep and wooded; no utilities.

Tract 4817
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 6½ miles south of Canton, KY.
Landholding Agency: COE
Property Number: 319010036
Status: Excess
Comment: 1.75 acres; wooded.

Tract 1217
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: On the north side of the Illinois Central Railroad.
Landholding Agency: COE
Property Number: 319010042
Status: Excess
Comment: 5.80 acres; steep and wooded.

Tract 1906
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 4 miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010044
Status: Excess
Comment: 25.86 acres; rolling steep and partially wooded; no utilities.

Tract 1907
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038–
Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010045
Status: Excess
Comment: 8.71 acres; rolling steep and wooded; no utilities.

Tract 2001 #1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010046
Status: Excess
Comment: 47.42 acres; steep and wooded; no utilities.

Tract 2001 #2
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010047
Status: Excess
Comment: 8.64 acres; steep and wooded; no utilities.

Tract 2005
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location Approximately 5½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010048
Status: Excess
Comment: 4.62 acres; steep and wooded; no utilities.

Tract 2307
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 7½ miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010049
Status: Excess
Comment: 11.43 acres; steep; rolling and wooded; no utilities.

Tract 2403
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 7 miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010050
Status: Excess
Comment: 1.56 acres; steep and wooded; no utilities.

Tract 2504
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 9 miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010051
Status: Excess
Comment: 24.46 acres; steep and wooded; no utilities.

Tract 214
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–

Location: South of the Illinois Central Railroad, 1 mine east of the Cumberland River.
Landholding Agency: COE
Property Number: 309010052
Status: Excess
Comment: 5.5 acres; wooded; no utilities.

Tract 215
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 319010053
Status: Excess
Comment: 1.40 acres; wooded; no utilities.

Tract 241
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319010054
Status: Excess
Comment: 1.26 acres; steep and wooded; no utilities.

Tracts 306, 311, 315 and 325
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 2.5 miles southwest of Kuttawa, KY. on the waters of Cypress Creek.
Landholding Agency: COE
Property Number: 319010055
Status: Excess
Comment: 38.77 acres; steep and wooded; no utilities.

Tracts 2305, 2306, and 2400–1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 6½ miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010056
Status: Excess
Comment: 97.66 acres; steep rolling and wooded; no utilities.

Tract 500–2
Barkley Lake, Kentucky and Tennessee
Kuttawa Co: Lyon KY 42055–
Location: Situated on the waters of Poplar Creek, approximately 1 mile southwest of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319010057
Status: Excess
Comment: 3.56 acres; hillside ridgeland and wooded; no utilities

Tracts 5203 and 5204
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Location: Village of Linton, KY state highway 1254.
Landholding Agency: COE
Property Number: 319010058
Status: Excess
Comment: 0.93 acres; rolling, partially wooded; no utilities.

Tract 5240
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Location: 1 mile northwest of Linton, KY.
Landholding Agency: COE
Property Number: 319010059
Status: Excess
Comment: 2.26 acres; steep and wooded; no utilities.

Tract 4628
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 319011621
Status: Excess
Comment: 3.71 acres; steep and wooded; subject to utility easements.

Tract 4619–B
Barkley Lake, Kentucky and Tennessee
Cantno Co: Trigg KY 42212–
Location: 4½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 319011622
Status: Excess
Comment: 1.73 acres; steep and wooded; subject to utility easements.

Tract 2403–B
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038–
Location: 7 miles southeasterly from Eddyville, KY.
Landholding Agency: COE
Property Number: 319011623
Status: Unutilized
Comment: 0.70 acres, wooded; subject to utility easements.

Tract 241–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319011624
Status: Excess
Comment: 11.16 acres; steep and wooded; subject to utility easements.

Tracts 212 and 237
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: Old Henson Ferry road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319011625
Status: Excess
Comment: 2.44 acres; steep and wooded; subject to utility easements.

Tract 215–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 319011626
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements

Tract 233
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 319011627
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract N–819
Dale Hollow Lake & Dam Project
Illwill Creek, Hwy 90
Hobart Co: Clinton KY 42601–
Landholding Agency: COE
Property Number: 319140009
Status: Underutilized
Comment: 91 acres, most recent use—hunting, subject to existing easements.

Louisiana

Wallace Lake Dam and Reservoir
Shreveport Co: Caddo LA 71103–
Landholding Agency: COE
Property Number: 319011009
Status: Unutilized
Comment: 11 acres; wildlife/forestry; no utilities.

Bayou Bodcau Dam and Reservoir
Haughton Co: Caddo LA 71037–9707
Location: 35 miles Northeast of Shreveport, LA.
Landholding Agency: COE
Property Number: 319011010
Status: Unutilized
Comment: 203 acres; wildlife/forestry; no utilities.

Land—8.27 acres
VA Medical Center
2501 Shreveport Highway
Alexandria Co: Rapides LA 71301–
Landholding Agency: VA
Property Number: 979010009
Status: Unutilized
Comment: 8.27 acres, heavily wood with natural drainage ravine across property, most recent use—recreation/buffer area.

Maine

Naval Air Station
Transmitter Site
Old Bath Road
Brunswick Co: Cumberland ME 04053–
Landholding Agency: Navy
Property Number: 779010111
Status: Underutilized
Comment: 66.13 acres, most recent use—transmitter station.

Maryland

VA Medical Center
9500 North Point Road
Fort Howard Co: Baltimore MD 21052-
Landholding Agency: VA
Property Number: 979010020
Status: Underutilized
Comment: Approx. 10 acres, wetland and periodically floods, most recent use—dump site for leaves.

Minnesota

Parcel D
Pine River
Cross Lake Co: Crow Wing MN 56442-
Location: 3 miles from city of Cross Lake, between highways 6 and 371.
Landholding Agency: COE
Property Number: 319011038
Status: Excess
Comment: 17 acres; no utilities.

Tract 92
Sandy Lake
McGregor Co: Aitkins MN 55760-
Location: 4 miles west of highway 65, 15 miles from city of McGregor.
Landholding Agency: COE
Property Number: 319011040
Status: Excess
Comment: 4 acres; no utilities.

Tract 98
Leech Lake
Benedict Co: Hubbard MN 56641-
Location: 1 mile from city of Federal Dam, Mn.
Landholding Agency: COE
Property Number: 319011041

Status: Excess
Comment: 7.3 acres; no utilities.

Mississippi

Parcel 7
Grenada Lake
Sections 22, 23, T24N
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011019
Status: Underutilized
Comment: 100 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 8
Grenada Lake
Section 20, T24N
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011020
Status: Underutilized
Comment: 30 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 9
Grenada Lake
Sections 20, T24N, R7E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011021
Status: Underutilized
Comment: 23 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 10
Grenada Lake
Sections 16, 17, 18 T24N R8E
Grenada Co: Calhoun MS 38901–0903
Landholding Agency: COE
Property Number: 319011022
Status: Underutilized
Comment: 490 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 2
Grenada Lake
Section 20 and T23N, R5E
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 319011023
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 3
Grenada Lake
Section 4, and T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011024
Status: Underutilized
Comment: 120 acres; no utilities; most recent use—wildlife and forestry management; (13.5 acres/agriculture lease).

Parcel 4
Grenada Lake
Section 2 and 3, T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011025
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 5
Grenada Lake
Section 7, and T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011026
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management; (14 acres/agriculture lease).

Parcel 6
Grenada Lake
Section 9, and T24N, R6E
Grenada Co: Yalobusha MS 38903–0903
Landholding Agency: COE
Property Number: 319011027
Status: Underutilized
Comment: 80 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 11
Grenada Lake
Section 20 and T24N, R8E
Grenada Co: Calhoun MS 38901–0903
Landholding Agency: COE
Property Number: 319011028
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 12
Grenada Lake
Section 25, T24N, R7E
Grenada Co: Yalobusha MS 38390–10903
Landholding Agency: COE
Property Number: 319011029
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 13
Grenada Lake
Section 34 and T24N, R7E
Grenada Co: Yalobusha MS 38903–0903
Landholding Agency: COE
Property Number: 319011030
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management; (11 acres/agriculture lease).

Parcel 14
Grenada Lake
Section 3, T23N, R6E
Grenada, Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011031
Status: Underutilized
Comment: 15 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 15
Grenada Lake
Section 4, T24N, R6E
Grenada, Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011032
Status: Underutilized
Comment: 40 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 16
Grenada Lake
Section 9, T23N, R6E
Grenada, Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011033
Status: Underutilized
Comment: 70 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 17
Grenada Lake
Section 17, T23N, R7E
Grenada, Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 319011034
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 18
Grenada Lake
Section 22, T23N, R7E
Grenada, Co: Grenada MS 28902–0903
Landholding Agency: COE
Property Number: 319011035
Status: Underutilized
Comment: 10 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 19
Grenada Lake
Section 9, T22N, R7E
Grenada, Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 319011036
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management.

Missouri

Harry S Truman Dam & Reservoir
Warsaw Co: Benton MO 65355–
Location: Triangular shaped parcel southwest of access road "B", part of Bledsoe Ferry Park Tract 150.
Landholding Agency: COE
Property Number: 319030014
Status: Underutilized
Comment: 1.7 acres; potential utilities.

Ohio

Hannibal Locks and Dam
Ohio River
P.O. Box 8
Hannibal Co: Monroe OH 43931–0008
Location: Adjacent to the new Martinsville Bridge.
Landholding Agency: COE
Property Number: 319010015
Status: Underutilized
Comment: 22 acres; river bank

Oklahoma

Pine Creek Lake
Section 27
(See County) Co: McCurtain OK
Landholding Agency: COE
Property Number: 319010923
Status: Unutilized
Comment: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3.

Pennsylvania

Mahoning Creek Lake
New Bethlehem Co: Armstrong PA 16242–9603
Location: Route 28 north to Belknap, Road #4
Landholding Agency: COE
Property Number: 319010018
Status: Excess
Comment: 2.58 acres; steep and densely wooded.

Tracts 610, 611, 612
Shenango River Lake
Sharpsville Co: Mercer PA 16150–
Location: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue.
Landholding Agency: COE
Property Number: 319011001

VOL 58 ISS 32 FE 19 1993 UMI

Status: Excess
Comment: 24.09 acres; subject to flowage easement

Tracts L24, L26
Crooked Creek Lake
(See County) Co: Armstrong PA 03051–
Location: Left bank—55 miles downstream of dam.
Landholding Agency: COE
Property Number: 319011011
Status: Unutilized
Comment: 7.89 acres; potential for utilities.

Tennessee

Tract 6827
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2½ miles west of Dover, TN.
Landholding Agency: COE
Property Number 319010927
Status: Excess
Comment: .57 acres; subject to existing easements.

Tracts 6002–2 and 6010
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 3½ miles south of village of Tabaccoport.
Landholding Agency: COE
Property Number: 319010928
Status: Excess
Comment: 100.86 acres; subject to existing easements.

Tract 11516
Barkley Lake
Ashland City Co: Dickson TN 37015–
Location: ½ mile downstream from Cheatham Dam
Landholding Agency: COE
Property Number: 319010929
Status: Excess
Comment: 26.25 acres; subject to existing easements.

Tract 2319
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: West of Buckeye Bottom Road
Landholding Agency: COE
Property Number: 319010930
Status: Excess
Comment: 14.48 acres; subject to existing easements.

Tract 2227
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: Old Jefferson Pike
Landholding Agency: COE
Property Number: 319010931
Status: Excess
Comment: 2.27 acres; subject to existing easements.

Tract 2107
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: Across Fall Creek near Fall Creek camping area.
Landholding Agency: COE
Property Number: 319010932
Status: Excess
Comment: 14.85 acres; subject to existing easements.

Tracts 2601, 2602, 2603, 2604
Cordell Hull Lake and Dam Project
Doe Row Creek
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 56
Landholding Agency: COE
Property Number: 319010933
Status: Unutilized
Comment: 11 acres; subject to existing easements.

Tract 1911
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: East of Lamar Road
Landholding Agency: COE
Property Number: 319010934
Status: Excess
Comment: 15.31 acres; subject to existing [illegible].

Tract 2321
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: South of Old Jefferson Pike
Landholding Agency: COE
Property Number: 319010935
Status: Excess
Comment: 12 acres; subject to existing [illegible].

Tract 7206
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2½ miles SE of Dover, TN.
Landholding Agency: COE
Property Number: 319010936
Status: Excess
Comment: 10.15 acres; subject to existing [illegible].

Tracts 8813, 8814
Barkley Lake
Cumberland Co: Stewart TN 37050–
Location: 1½ miles East of Cumberland City.
Landholding Agency: COE
Property Number: 319010937
Status: Excess
Comment: 96 acres; subject to existing easements.

Tract 8911
Barkley Lake
Cumberland City Co: Montgomery TN 37050–
Location: 4 miles East of Cumberland City.
Landholding Agency: COE
Property Number: 319010938
Status: Excess
Comment: 7.7 acres; subject to existing easements.

Tract 11503
Barkley Lake
Ashland City Co: Cheatham TN 37015–
Location: 2 miles downstream from Cheatham Dam.
Landholding Agency: COE
Property Number: 319010939
Status: Excess
Comment: 1.1 acres; subject to existing easements.

Tracts 11523, 11524
Barkley Lake
Ashland City Co: Cheatham TN 37015–
Location: 2½ miles downstream from Cheatham Dam.
Landholding Agency: COE
Property Number: 319010940
Status: Excess
Comment: 19.5 acres; subject to existing easements.

Tract 6410
Barkley Lake
Bumpus Mills Co: Stewart TN 37028–
Location: 4½ miles SW of Bumpus Mills.
Landholding Agency: COE
Property Number: 319010941
Status: Excess
Comment: 17 acres; subject to existing easements.

Tract 9707
Barkley Lake
Palmyer Co: Montgomery TN 37142–
Location: 3 miles NE of Palmyer, TN. Highway 149
Landholding Agency: COE
Property Number: 319010943
Status: Excess
Comment: 6.6 acres; subject to existing easements.

Tract 6949
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 1½ miles SE of Dover, TN.
Landholding Agency: COE
Property Number: 319010944
Status: Excess
Comment: 29.67 acres; subject to existing easements.

Tracts 6005 and 6017
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 3 miles south of Village of Tobaccoport.
Landholding Agency: COE
Property Number: 319011173
Status: Excess
Comment: 5 acres; subject to existing easements.

Tracts K–1191, K–1135
Old Hickory Lock and Dam
Hartsville Co: Trousdale TN 37074–
Landholding Agency: COE
Property Number: 319130007
Status: Underutilized
Comment: 92 acres (38 acres in floodway), most recent use—recreation.

Tract A–102
Dale Hollow Lake & Dam Project
Canoe Ridge, State Hwy 52
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 319140006
Status: Underutilized
Comment: 351 acres, most recent use—hunting, subject to existing easements.

Tract A–120
Dale Hollow Lake & Dam Project
Swann Ridge, State Hwy No. 53
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 319140007
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements

Tracts A–20, A–21
Dale Hollow Lake & Dam Project
Red Oak Ridge, State Hwy No. 53
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 319140008
Status: Underutilized
Comment: 821 acres, most recent use—recreation, subject to existing easements

Tract D–185
Dale Hollow Lake & Dam Project
Ashburn Creek, Hwy No. 53

Livingston Co: Clay TN 38570–
Landholding Agency: COE
Property Number: 319140010
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements.

Texas

Parcel #222
Lake Texoma
(See County) Co: Grayson TX
Location: C. Meyerheim survey A–829, J. Hamilton survey A–529
Landholding Agency: COE
Property Number: 319010421
Status: Excess
Comment: 52.80 acres; most recent use—recreation.

Peary Point #2
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5000
Landholding Agency: Navy
Property Number: 779030001
Status: Excess
Comment: 43.48 acres; 60% of land under lease until 8/93.
GSA Number: 7–N–TX–402–V.

Land
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 979010079
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.

VA. Medical Center
4800 Memorial Drive
Waco Co: McLennan TX 76711–
Landholding Agency: VA
Property Number: 979010081
Status: Underutilized
Comment: 2.3 acres, leased to Owens-Illinois Glass Plant, expiration date 10/31/92, most recent use—parking lot.

Wisconsin

VA. Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 979010054
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities.

Suitable/Unavailable Properties

Buildings (by State)

California

Santa Fe Flood Control Basin
Irwindale Co: Los Angeles CA 91706–
Landholding Agency: COE
Property Number: 319011298
Status: Unutilized
Comment: 1400 sq. ft.; 1 story stucco; needs rehab; termite damage; secured area with alternate access.

Bldg. 116
VA Medical Center
Wilshire and Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979110009
Status: Underutilized
Comment: 60309 sq. ft., 3 story brick frame, seismic reinforcement defics., underutil. port of bldg. used intermitly., needs rehab, poss. asbestos in pipes/floor tiles, site access lim.

Bldg. 263
VA Medical Center
Wilshire and Sawtelle Blvds.
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979110010
Status: Unutilized
Comment: 1600 sq. ft., 1 story wood frame w/ stucco exterior, needs rehab, poss. asbestos on pipes/floor tiles, site access limitations, no operating utilities.

Florida

Bldg. CN7
Ortona Lock Reservation, Okeechobee Waterway
Ortona Co: Glades FL 33471–
Location: Located off Highway 78 approximately 7 miles west of intersection with Highway 27.
Landholding Agency: COE
Property Number: 319010012
Status: Unutilized
Comment: 1468 sq. ft.; one floor wood frame; most recent use—residence; secured with alternate access.

Bldg. CN8
Ortona Lock Reservation, Okeechobee Waterway
Ortona Co: Glades FL 33471–
Location: Located off Highway 78 approximately 7 miles west of intersection with Highway 27.
Landholding Agency: COE
Property Number: 31900013
Status: Unutilized
Comment: 1468 sq. ft.; one floor wood frame; most recent use—residence; secured with alternate access.

Bldg. 24, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 979230008
Status: Underutilized
Comment: portion of 6150 sq. ft., 3 story concrete frame bldg., needs rehab, presence of asbestos, listed on Natl Register of Historic Places, access restrictions.

Bldg. 36, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas Fl 33504–
Landholding Agency: VA
Property Number: 979230009
Status: Underutilized
Comment: portion of 15,984 sq. ft., 1 story concrete frame bldg., needs rehab, presence of asbestos, listed on Natl Register of Historic Places, access restrictions.

Bldg. 37, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 979230010
Status: Underutilized
Comment: Third floor of a concrete frame bldg. (13,900 sq. ft.), presence of asbestos, listed on Natl Register of Historic Places, access restrictions.

Georgia

Lot 3
Lake Forrest Subdivision
Woodframe House
Hartwell Co: Hartwell GA
Landholding Agency: COE
Property Number: 319110026
Status: Excess
Comment: 896 sq. ft.; 2 story wood frame residence; off-site removal only.

Guam

Bldg. 99, Loran Station—C
Barrigada GU 96913–
Landholding Agency: DOT
Property Number: 879220002
Status: Excess
Comment: 3960 sq. ft. concrete block transmitting station with tower

Idaho

Bldg.
Albeni Falls Dam
U.S. Highway 2, Priest River
Bonner Co: Bonner ID 83856–
Location: 3½ miles west of Priest River.
Landholding Agency: COE
Property Number: 319110028
Status: Unutilized
Comment: 2989 sq. ft.; 3 story log construction with wood frame; off-site removal only; needs rehab.

Bldg. 705, Ditchrider House
Boise Project
Notus Co: Cayon ID 83656–
Location: T5N, R3W, Sec 2, SE¼, SW¼, SW¼
Landholding Agency: Interior
Property Number: 619120010
Status: Unutilized
Comment: 586 sq. ft., 1 story residence, needs major rehab, off-site use only.

Illinois

Bldg. 7
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010001
Status: Unutilized
Comment: 900 sq. ft.; 1 floor wood frame; most recent use—residence.

Bldg. 6
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010002
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 5
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010003
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 4
Ohio River Locks & Dam No. 53

Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010004
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 3
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010005
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame.

Bldg. 2
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010006
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 1
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010007
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Indiana

Cagles Mill Lake
Cagles Mill Lake Dam
Poland Co: Putnam IN 47868–
Location: Midway between Indianapolis and Terre Haute, 5 miles west of Poland on SR42.
Landholding Agency: COE
Property Number: 319011046
Status: Unutilized
Comment: 1066 sq. ft.; wood frame residence; minor rehab.

Dwelling #2
Cagles Mill Lake
Poland Co: Putnam IN 47868–
Location: 5 miles west of Polano on SR 42
Landholding Agency: COE
Property Number: 319011686
Status: Unutilized
Comment: 872 sq. ft.; 1 story wood frame residence; fair condition.

Bldg. 24, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230005
Status: Underutilized
Comment: portion of 4135 sq. ft. 2-story wood structure, needs major rehab, no sanitary or heating facilities, presence of asbestos, access restrictions.

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230006
Status: Underutilized
Comment: 310 sq. ft., 1 story stone structure, needs major rehab, no sanitary or heating facilities, access restrictions.

Kentucky

Kentucky River Lock and Dam 3
Pleasureville Co: Henry KY 40057–
Location: SR 421 North from Frankfort, KY. to highway 561, right on 561 approximately 3 miles to site.
Landholding Agency: COE
Property Number: 319010060
Status: Unutilized
Comment: 897 sq. ft.; 2 story wood frame; structural deficiencies.

Kentucky River Lock and Dam 3
Pleasureville Co: Henry KY 40057–
Location: SR 421 north from Frankfort, KY. to highway 561, right on 561 approximately 3 miles to site.
Landholding Agency: COE
Property Number: 319010061
Status: Unutilized
Comment: 1060 sq. ft.; 2 story wood frame; needs rehab.

Bldg. 1
Kentucky River Lock and Dam
Carrolton Co: Carroll KY 41008–
Location: Take I–71 to Carrolton, KY exit, go east on SR #227 to Highway 320, then left for about 1.5 miles to site.
Landholding Agency: COE
Property Number: 319011628
Status: Unutilized
Comment: 1530 sq. ft.; 2 story wood frame house; subject to periodic flooding; needs rehab.

Bldg. 2
Kentucky River Lock and Dam
Carrolton Co: Carroll KY 41008–
Location: Take I–71 to Carrolton, KY exit, go east on SR #227 to Highway 320, then left for about 1.5 miles to site.
Landholding Agency: COE
Property Number: 319011629
Status: Unutilized
Comment: 1530 sq. ft.; 2 story wood frame house; subject to periodic flooding; needs rehab.

Maine

Mount Desert Rock Light
U.S. Coast Guard
Southwest Harbor Co: Hancock ME 04679–
Landholding Agency: DOT
Property Number: 879240023
Status: Unutilized
Comment: 1600 sq. ft., 2-story wood frame dwelling, needs rehab, limited utilities, limited access, property is subject to severe storms.

Mount Desert Rock Light
U.S. Coast Guard
Southwest Harbor Co: Hancock ME 04679–
Landholding Agency: DOT
Property Number: 879240023
Status: Unutilized
Comment: 1600 sq. ft., 2-story wood frame dwelling, needs rehab, limited utilities, limited access, property is subject to severe storms.

Little River Light
U.S. Coast Guard
Cutler Co: Washington ME
Landholding Agency: DOT
Property Number: 879240026
Status: Unutilized
Comment: 1100 sq. ft., 2-story wood frame dwelling, well is contaminated, limited utilities.

Burnt Island Light
U.S. Coast Guard
Southport Co: Lincoln ME 04576–
Landholding Agency: DOT
Property Number: 879240027
Status: Unutilized
Comment: 750 sq. ft., 2-story wood frame dwelling.

Massachusetts

Keepers Dwelling
Cape Ann Light, Thachers Island
U.S. Coast Guard
Rockport Co: Essex MA 01966–
Landholding Agency: DOT
Property Number: 879240024
Status: Unutilized
Comment: 1000 sq. ft., 2-story brick dwelling, large wave action with severe ocean storms.

Assistant Keepers Dwelling
Cape Ann Light, Thachers Island
U.S. Coast Guard
Rockport Co: Essex MA 01966–
Landholding Agency: DOT
Property Number: 879240025
Status: Unutilized
Comment: 1100 sq. ft., 2-story wood frame dwelling, large wave action with severe ocean storms.

Minnesota

Bldg. 43
VA Medical Center
Minneapolis Co: Hennepin MN 55441–7
Location: 54th Street and 48th Avenue S.
Landholding Agency: VA
Property Number: 979010032
Status: Underutilized
Comment: 26000 sq. ft., 8 story brick/steel frame, asbestos present on pipe insulation, most recent use—office/storage.

Bldg. 227
VA Medical Center
Fort Snelling
St. Paul Co: Hennepin MN 55111–
Landholding Agency: VA
Property Number: 979010033
Status: Unutilized
Comment: 850 sq. ft., 2 story wood frame and brick residence, utilities disconnected.

New Mexico

Bldg. 814, Kirtland AFB
Adjacent to Sandia Natl. Labs
Albuquerque Co: Bernailillo NM 97185–
Landholding Agency: Energy
Property Number: 419220002
Status: Unutilized
Comment: 6900 sq. ft., one story wood frame, needs rehab, presence of asbestos, off-site use only, most recent use—office, secured area w/alternate access.

New York

Bldg. 5
VA Medical Center
Redfield Parkway
Batavia Co: Genesee NY 14020–
Landholding Agency: VA
Property Number: 979030001
Status: Underutilized

Comment: Portion of 16800 sq. ft., 3 story, brick and masonry bldgs., needs minor repairs.

Bldg. 144, VAECC
Linden Blvd. and 179th St.
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979210004
Status: Unutilized
Comment: 5215 sq. ft., 2 story wood frame residence, needs rehab, potential utilities.

Bldg. 143, VAECC
Linden Blvd. and 179th St.
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979210005
Status: Unutilized
Comment: 5215 sq. ft., 2 story wood frame residence, needs rehab, potential utilities.

Bldgs. 142/146, VAECC
Linden Blvd. and 179th St.
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979210006
Status: Unutilized
Comment: 5215 sq. ft., 2 story wood frame residence with 380 sq. ft. attached garage, needs rehab, potential utilities.

Pennsylvania

Conemaugh River Lake
Road #1, Box 702
Saltsburg Co: Indiana PA 15681–
Landholding Agency: COE
Property Number: 319010019
Status: Unutilized
Comment: 2642 sq. ft.; one unit of brick/frame duplex; most recent use—residence.

Bldg. 3—VA Medical Center
University Drive C
Pittsburgh Co: Allegheny PA 14240–
Landholding Agency: VA
Property Number: 979210002
Status: Unutilized
Comment: Approx. 2765 sq. ft., two story brick residence, needs rehab.

Bldg. 2, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 979230011
Status: Unutilized
Comment: portion of 16,360 sq. ft. 3-story structure, most recent use—storage.

Bldg. 3, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 979230012
Status: Unutilized
Comment: portion of bldg. (3850 and 4360 sq. ft.), most recent use—storage.

Bldg. 27, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 979230013
Status: Unutilized
Comment: Second floor of bldg. (3,410 sq. ft.)

Bldg. 103, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 979230014
Status: Unutilized
Comment: portion of 1215 sq. ft. 2-story farm house, needs repair.

Tennessee

Transiet Quarters
Dale Hollow Lake and Dam Project
Dale Hollow Resource Mgr Office, Rt 1, Box 64
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 319140005
Status: Unutilized
Comment: 1400 sq. ft., concrete block, possible security restrictions, subject to existing easements.

Texas

Bldg. 2435
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010161
Status: Underutilized
Comment: 1730 sq. ft.; 1 story residence.

Bldg. 2436
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010162
Status: Underutilized
Comment: 3352 sq. ft.; 1 story residence.

Bldg. 2460
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010163
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2462
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010164
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2464
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010165
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2466
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010166
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence.

Bldg. 2467
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010167
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence.

Bldg. 2468
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010168
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2472
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010169
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2476
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010170
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2482
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010171
Status: Underutilized
Comment: 1760 sq. ft.; 1 story residence

Bldg. 2495
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010172
Status: Underutilized
Comment: 1760 sq. ft.; 1 story residence.

Bldg. 2514
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010173
Status: Underutilized
Comment: 1730 sq. ft.; 1 story residence.

Bldg. 2518
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010174
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2520
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010175
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2522
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010176
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2526
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–

Landholding Agency: Navy
Property Number: 779010177
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2423
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010178
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence.

Bldg. 2427
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010179
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence.

Bldg. 2431
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010180
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence.

Bldg. 2424
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010181
Status: Underutilized
Comment: 3352 sq. ft.; 1 story residence.

Bldg. 2433
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010182
Status: Underutilized
Comment: 3352 sq. ft.; 1 story residence.

Bldg. 2428
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010183
Status: Underutilized
Comment: 3352 sq. ft.; 1 story residence.

Bldg. 2429
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010184
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2454
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010185
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2477
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010186
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2485
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010187
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2499
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010188
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2503
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010189
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2507
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010190
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2513
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010191
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2521
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010192
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2451
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010193
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2458
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010194
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2461
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010195
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2473
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010196
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2478
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010197
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2480
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010198
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2484
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010199
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2486
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010200
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2487
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010201
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2488
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010202
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2494
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010203
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2500
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010204
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2502
Laguna Housing Area

NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010205
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2506
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010206
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence

Bldg. 2508
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010207
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2525
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010208
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2452
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010209
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2475
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010210
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2479
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010211
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2497
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010212
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2501
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010213
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2505
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010214
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2515
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010215
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2517
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010216
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2519
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010217
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2523
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010218
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2465
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010219
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence.

Bldg. 2493
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010220
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence.

Bldg. 2510
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010221
Status: Underutilized
Comment: 1,576 sq. ft.; 1 story residence.

Bldg. 2474
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010222
Status: Underutilized
Comment: 3,528 sq. ft.; 1 story residence.

Bldg. 2481
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010223
Status: Underutilized
Comment: 3,528 sq. ft.; 1 story residence.

Bldg. 2509
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010224
Status: Underutilized
Comment: 1,676 sq. ft.; 1 story residence.

Bldg. 2511
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010225
Status: Underutilized
Comment: 1,676 sq. ft.; 1 story residence.

Bldg. 2512
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010226
Status: Underutilized
Comment: 1,676 sq. ft.; 1 story residence.

Bldg. 2527
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010227
Status: Underutilized
Comment: 1,676 sq. ft.; 1 story residence.

Brownsville Urban System
(Grantee)
700 South Iowa Avenue
Brownsville Co: Cameron TX 78520–
Landholding Agency: DOT
Property Number: 879010003
Status: Unutilized
Comment: 3,500 sq. ft., 1 story concrete block, (2nd floor of Admin. Bldg.) on 10750 sq. ft. land, contains underground diesel fuel tanks

Utah

Bryce Canyon Admin. Site
Near Bryce Canyon National Park
Bryce Canyon Co: Garfield UT 84717–
Landholding Agency: Interior
Property Number: 619140005
Status: Underutilized
Comment: 7 houses and other bldgs. on 66 acre site, seasonal use, one story wood frame structures, 48 thru 1400 sq. ft., environmentally protected.

Virginia

Tract HH 3331–E
John H. Kerr Reservoir
Woodframe House
South Boston Co: Halifax VA
Landholding Agency: COE
Property Number 319110027
Status: Excess
Comment: 1,040 sq. ft.; 1 story wood frame residence; off-site removal only.

Naval Medical Clinic
6500 Hampton Blvd.
Norfolk Co: Norfolk VA 23508–
Landholding Agency: Navy
Property Number 779010109
Status Unutilized
Comment: 3,665 sq ft., 1 story, possible asbestos, most recent use-laundry.

Washington

Naval Station Puget Sound
7500 Sand Point Way, NE
Seattle Co: King WA 98115–
Landholding Agency: 779120002
Status: Excess
Base closure, Number of Units: 1
Comment: 144 sq. ft. ammunition bunker, most recent use-storage, secured area with alternate access.

West Virginia

Naval & Marine Corps Res. Ctr.
N. 13th St & Ohio River
Wheeling Co: Ohio WV 26003–
Landholding Agency: Navy
Property Number 779010077
Status: Excess
Comment: 32,000 sq. ft.; 1 floor; most recent use—offices; 15% of total space occupied; needs rehab; land leased from city—expires September 1990.

Wisconsin

Former Lockmaster's Dwelling
DePere Lock
100 James Street
De Pere Co: Brown WI 54115–
Landholding Agency: COE
Property Number 319011526
Status: Unutilized
Comment: 1,224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access.

Wyoming

Administration Bldg.
Fontenelle Camp
Fontenelle Co: Lincoln WY
Location: Approximately 24 miles southeast of Labarge, off State Road 372 and on County Road 316.
Landholding Agency: Interior
Property Number: 619030017
Status: Excess
Comment: 4,464 sq. ft., 2 story brick structure with a 2800 sq. ft. wood frame addition, needs rehab, possible asbestos, off-site use only.

Bldg. 13
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number 979110001
Status: Unutilized
Comment: 3,613 sq. ft., 3 story wood frame masonry veneered, potential utilities, possible asbestos, needs rehab.

Bldg. 79
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number 979110003
Status: Unutilized
Comment: 45 sq. ft., 1 story brick and tile frame, limited utilities, most recent use-reservoir house, use for storage purposes.

Land (by State)

Arizona

Tract No. APO–HR–12–N–GSA–001
Central Arizona Project
Scottsdale Co: Maricopa AZ 85251–
Landholding Agency: Interior
Property Number: 619230002
Status: Excess
Comment: 16.22 acres, powerline and road easements, access subject to a private road, land near a historic landmark.

California

New Hogan Lake
2713 Hogan Dam Road
Valley Springs Co: Calaveras CA 95252–0128
Landholding Agency: COE
Property Number: 319011017
Status: Unutilized
Comment: 3.08 acres; potential utilities; brush covered.

Remote Transmitter
Section 35
Red Bluff Co: Tehema CA 96080–
Landholding Agency: DOT
Property Number: 879010010
Status: Unutilized
Comment: 4 acres, paved road, current use—storage.

Land
VA Medical Center
Wilshire and Sawtelle Boulevards
Los Angeles Co: Los Angeles CA 90073–
Landholding Agency: VA
Property Number: 979010077
Status: Underutilized
Comment: Approx. 30 acres of 80 acre tract, 7 acre portion contaminated, portions may be environmentally protected.

Florida

Naval Public Works Center
Naval Air Station
Pensacola Co: Escambia FL 32508–
Location: Southeast corner of Corey station—next to family housing.
Landholding Agency: Navy
Property Number: 779010157
Status: Unutilized
Comment: 22 acres.

Parcel A & B
U.S. Coast Guard Light Station
Lots 1, 8 & 11, Section 31
Jupiter Inlet Co: Palm Beach FL 33420–
Location: Township 40 south, range 43 east.
Landholding Agency: DOT
Property Number: 879010009
Status: Unutilized
Comment: 56.61 acres, area is uncleared, vegetation growth is heavy, no utilities.

Buffer Zone, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 979230016
Status: Underutilized
Comment: Approx. 20 acres, storm water retention area.

Compound, VAMC
10,000 Bay Pines Blvd
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 979230017
Status: Underutilized
Comment: Approx. 7 acres, storage compound, partially wooded.

Georgia

E. O. Tract A
J. Strom Thurmond Dam and Reservoir
(See County) Co: Columbia GA
Location: 3 miles east of GA 104 and Ridge Road intersection.
Landholding Agency: COE
Property Number: 319011516
Status: Unutilized
Comment: 17 acres; potential utilities; most recent use—forest and wildlife reserve.

E. O. Tract B
J. Strom Thurmond Dam and Reservoir
(See County) Co: Columbia GA
Location: 3 miles east of GA 104 and Ridge Road intersection.
Landholding Agency: COE
Property Number: 319011517
Status: Unutilized
Comment: 88 acres; potential utilities; most recent use—forest and wildlife reserve.

E. O. Tract F
J. Strom Thurmond Dam and Reservoir
(See County) Co: Columbia GA
Location: Approximately 2 miles east of GA 104 and Keg Creek Road intersection.
Landholding Agency: COE
Property Number: 319011519
Status: Unutilized
Comment: 29 acres; potential utilities; most recent use—forest and wildlife reserve.

E. O. Tract E
J. Strom Thurmond Dam and Reservoir
(See County) Co: Columbia GA
Location: Approximately 1½ miles east of GA 104 and Keg Creek Road intersection.
Landholding Agency: COE
Property Number: 319011520
Status: Unutilized
Comment: 12 acres; potential utilities; most recent use—forest reserve and wildlife management.

E. O. Tract G
J. Strom Thurmond Dam and Reservoir
(See County) Co: Columbia GA
Location: 4 miles east of GA 104 and Ridge Road intersection.
Landholding Agency: COE
Property Number: 319011521
Status: Unutilized
Comment: 8 acres; potential utilities; most recent use—forest and wildlife reserve.

E. O. Tract I
J. Strom Thurmond Dam and Reservoir
(See County) Co: Columbia GA
Location: 4 miles east of GA 104 and Ridge Road intersection.
Landholding Agency: COE
Property Number: 319011523
Status: Unutilized
Comment: 8 acres; potential utilities; most recent use—forest and wildlife reserve.

Naval Submarine Base
Grid AA–1 to AA–4 to EE–7 to FF–2
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010255
Status: Underutilized
Comment: 495 acres; 86 acre portion located in floodway; secured area with alternate access.

Illinois

VA Medical Center
3001 Green Bay Road
North Chicago Co: Lake IL 60064–
Landholding Agency: VA
Property Number: 979010082
Status: Underutilized
Comment: 2.5 acres, currently being used as a construction staging area for the next 6–8 years, potential utilities.

Kentucky

Carr Fork Lake
5 miles SE of Hindman, Ky., Hwy. 60
Hindman Co: Knott KY
Landholding Agency: COE
Property Number: 319240003
Status: Unutilized
Comment: 2.81 acres, most recent use—drainage area for bank stabilization for adjacent cemetary.

Michigan

VA Medical Center
5500 Armstrong Road
Battle Creek Co: Clahoun MI 49016–
Landholding Agency: VA
Property Number: 979010015
Status: Underutilized
Comment: 20 acres, used as exercise trails and storage areas, potential utilities.

Minnesota

Bldg. 43 Land Site
VA Medical Center
54th Street & 48th Avenue South
Minneapolis Co: Hennepin MN 55417–
Landholding Agency: VA
Property Number: 979010005
Status: Underutilized
Comment: 8.9 acres, most recent use—parking, potential utilities.

Bldg. 227–229 Land
VA Medical Center
Fort Snelling
St Paul Co: Hennepin MN 55111–
Landholding Agency: VA
Property Number: 979010006
Status: Underutilized
Comment: 2.0 acres, potential utilities, buildings occupied, residence/garage.

VA Medical Center
Near 5629 Minnehaha Avenue
Minneapolis Co: Hennepin MN 55417–
Location: Land (Site of Building 15, 16, 21, 48, 64, T10)
Landholding Agency: VA
Property Number: 979010024
Status: Underutilized
Comment: 12.1 acres, most recent use—parking, potential utilities.

Land-12 acres
VAMC
Near 5629 Minnehaha Avenue
Minneapolis Co: Hennepin MN 55417–
Landholding Agency: VA
Property Number: 979010031
Status: Underutilized
Comment: 12 acres, possible asbestos, leased to Department of Natural Resources as a park walking trail.

New York

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Landholding Agency: VA
Property Number: 979010017
Status: Underutilized
Comment: 27.5 acres, used for school ballfield and parking, existing utilities easements, portion leased.

Oklahoma

45 acre parcel, Sardis Lake
SE¼ NE¼ Section 4, T 2 N, R 18 E Co: Pushmataha OK 74521–
Landholding Agency: COE
Property Number: 319140004
Status: Excess
Comment: approx. 45 acres, most recent use—fish and wildlife conservation.

Pennsylvania

East Branch Clarion River Lake
Wilcox Co: Elk PA
Location: Free camping area on the right bank off entrance roadway.
Landholding Agency: COE
Property Number: 319011012
Status: Underutilized
Comment: 1 acre; most recent use—free campground.

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001–
Landholding Agency: VA
Property Number: 979010016
Status: Underutilized
Comment: Approx. 9.29 acres, used for patient recreation, potential utilities.

Land No. 645
VA Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206–
Location: Between Campania and Wiltsie Streets.
Landholding Agency: VA
Property Number: 979010080
Status: Unutilized
Comment: 52.42 acres, heavily wooded, property includes dump area and numerous site storm drain outfalls.

South Carolina

E.O. Tract J
J. Strom Thurmond Dam and Reservoir
(See County) Co: McCormick SC
Location: 4 miles southwest of Plum Branch SC on road to Clarks Mill Marina.
Landholding Agency: COE
Property Number: 319011514
Status: Unutilized
Comment: 57 acres; potential utilities; most recent use—forest and wildlife reserve.

E.O. Tract C
J. Strom Thurmond Dam and Reservoir
(See County) Co: McCormick SC
Location: Approximately 1 mile north of US 221 and SC 28 intersection.
Landholding Agency: COE
Property Number: 319011515
Status: Unutilized
Comment: 70 acres; potential utilities; most recent use—forest and wildlife reserve.

Texas

Part of Tract A–10
(See County) Co: Tarrant TX
Location: Off FM 2499 at north end of dam embankment
Landholding Agency: COE
Property Number: 319010390
Status: Excess
Comment: 0.29 acres; most recent use—parking lot.

Part of Tract 340
Joe Pool Lake
(See County) Co: Dallas TX
Landholding Agency: COE
Property Number: 319010400
Status: Unutilized
Comment: 1 acre; future use—recreation.

Virginia

Naval Base
Norfolk Co: Norfolk VA 23508–
Location: Northeast corner of base, near Willoughby housing area.
Landholding Agency: Navy
Property Number: 779010156
Status: Unutilized
Comment: 60 acres; most recent use—sandpit; secured area with alternate access.

Suitable/To Be Excessed

Buildings (by State)

California

Bldg. 100
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010259
Status: Unutilized
Comment: 2628 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; use—office space.

Bldg. 102
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010260
Status: Unutilized
Comment: 580 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—office.

Bldg. 103
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010261
Status: Unutilized
Comment: 3675 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—dinning hall.

Bldg. 109
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010262
Status: Unutilized
Comment: 1045 sq. ft.; 2 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—barracks

Bldg. 110
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010263
Status: Unutilized
Comment: 4439 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—shop.

Bldg. 113
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010264
Status: Unutilized
Comment: 100 sq. ft.; 1 story permanent bldg; possible secured facility with alternate access; most recent use—storage.

VOL 58 ISS 32 FE 19 1993 UMI

Bldg. 138
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010265
Status: Unutilized
Comment: 110 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—filing station.

Bldg. 144
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010266
Status: Unutilized
Comment: 4320 sq. ft.; 1 story permanent bldg, possible asbestos; secure facility with alternate access; most recent use—bowling alley.

Bldg. 145
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey Ca 93940–
Landholding Agency: Navy
Property Number: 779010267
Status: Unutilized
Comment: 4000 sq. ft.; 1 story semi-permanent bldg; possible asbestos secure facility with alternate access; most recent use—recreation building.

Massachusetts

Cuttyhunk Boathouse
South Shore of Cuttyhunk Pond
Gosnold Co: Dukes MA 02713–
Landholding Agency: DOT
Property Number: 879310001
Status: Unutilized
Comment: 2700 sq. ft., wood frame, one story, needs rehab, limited utilities, off-site use only.

Michigan

Former C. G. Lightkeeper Sta.
Little Rapids Channel Project
St. Marys River
Sault Ste. Marie Co: Chippewa MI 49783–
Location: 3 miles east of downtown Sault Ste. Marie.
Landholding Agency: DOE
Property Number: 319011573
Status: Excess
Comment: 1411 sq. ft.; 2 story; wood frame on .62 acres; needs rehab; secured area with alternate access.

New York

Former Damtender's House
East Sidney Lake
Franklin Co: Delaware NY 13775–
Location: Located on the corner of Triverfold Rd. and County Rd. 44
Landholding Agency: COE
Property Number: 319210007
Status: Excess
Comment: 1605 sq. ft., 2 story wood frame residence with 1 acre of land, asbestos shingle siding.

South Carolina

Bldg. #1 U.S. Coast Guard
Folly Island Loran Station
Folly Island Co: Charleston SC 29401–
Landholding Agency: DOT
Property Number: 879120096
Status: Unutilized
Comment: 2050 sq. ft., 1 story concrete block, most recent use—communications station.

Bldg. #2 U.S. Coast Guard
Folly Island Loran Station
Folly Island Co: Charleston SC 29401–
Landholding Agency: DOT
Property Number: 879120097
Status: Unutilized
Comment: 2050 sq. ft., 1 story concrete block, most recent use—communications station.

Land (by State)

Arizona

Land—APO–GR–12–26A–09
120 Street and Mountain View
Scottsdale Co: Maricopa AZ 85259–
Location: South of Shea Boulevard and East of 120th Street
Landholding Agency: Interior
Property Number: 619240002
Status: Unutilized
Comment: 4.75 acres, easement restrictions, most recent use—acquired for construction of CAP canal.

Illinois

Libertyville Training Site
Libertyville Co: Lake IL 60048–
Landholding Agency: Navy
Property Number: 779010073
Status: Excess
Comment: 114 acres; possible radiation hazard; existing FAA use license.

Indiana

Cecil M. Harden Lake Project
Rockville Co: Parke IN 47872–
Location: Route 57 at intersection w/county road 910E.
Landholding Agency: COE
Property Number: 319011689
Status: Excess
Comment: 2.68 acres; narrow triangular shaped area of land.

Tracts 903, 905, 905–C
Patoka Lake Project
Taswell Co: Crawford IN 47527–
Location: From French Lick, IN, take SR 145S for 10 miles. to intersection with SR 164, property lies east and adjacent to highway 145.
Landholding Agency: COE
Property Number: 319030003
Status: Excess
Comment: 22.35 acres; limited utilities.

Tracks 142–A, 143
Patoka Lake Project
Dubois Co: Dubois IN 47527–9661
Location: From French Lick, IN take SR 145 S. for 20 miles to SR 164, go west on 164 for 7 miles to Celestine Road, go North on Celestine for 5 miles to Dubois Co. Road 475, then right for 1/4 mile to property.
Landholding Agency: COE
Property Number: 319030004
Status: Excess
Comment: 21.30 acres; limited utilities; subject to periodic flooding

Track 142–B
Patoka Lake Project
Dubois Co: Dubois IN 47527–9661
Location: From French Lick, IN take SR 145 S for 20 miles to SR 164, go west on 164 for 7 miles to Celestine Road, go North on Celestine for 5 miles to Dubois Co. Road 475, then right for 1/4 mile to property.
Landholding Agency: COE
Property Number: 319030005
Status: Excess
Comment: 4.74 acres; limited utilities; subject to periodic flooding.

Track 801
Patoka Lake Project
French Lick Co: Orange IN 47527–
Location: IN. State Highway 145 south to Jordan Branch Road, Property abuts east right-of-way for Jordan Road.
Landholding Agency: COE
Property Number: 319030006
Status: Excess
Comment: 0.41 acre; limited utilities.

Kansas

Parcel #1
Fall River Lake
Section 26
(See County) Co: Greenwood KS
Landholding Agency: COE
Property Number: 319010065
Status: Excess
Comment: 155 acres; most recent use—recreation and leased cottage sites.

Parcel #2
Fall River Lake
Section 25 and 26
(See County) Co: Greenwood KS
Landholding Agency: COE
Property Number: 319010066
Status: Excess
Comment: 38.62 acres; most recent use-recreation

Parcel #3
Fall River Lake
Section 26
(See County) Co: Greenwood KS
Landholding Agency: COE
Property Number: 319010067
Status: Excess
Comment: 22.44 acres; most recent use-recreation.

Parcel No. 2, El Dorado Lake
Approx. 1 mi east of the town of El Dorado
Co: Butler KS
Landholding Agency: COE
Property Number: 319210005
Status: Unutilized
Comment: 11 acres, part of a relocated railroad bed, rural area.

Kentucky

Tract B—Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin KY 41095–
Landholding Agency: COE
Property Number: 319130002
Status: Unutilized
Comment: 10 acres, most recent use—recreational, possible periodic flooding.

Tract A—Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin KY 41095–
Landholding Agency: COE
Property Number: 319130003
Status: Unutilized
Comment: 8 acres, most recent use—recreational, possible periodic flooding.

Tract C—Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin KY 41095–

Landholding Agency: COE
Property Number: 319130005
Status: Unutilized
Comment: 4 acres, most recent use—recreational, possible periodic flooding.

Massachusetts

Buffumville Dam
Flood Control Project
Gale Road
Carlton Co: Worcester MA 01540–0155
Location: Portion of tracts B–200, B–248, B–251, B–204, B–247, B–200 and B–256
Landholding Agency: COE
Property Number: 319010016
Status: Excess
Comment: 1.45 acres.

Conant Brook Dam
Flood Control Dam
Wales Road
Monson Co: Hampden MA 01057–
Location: Portion of Tract 211
Landholding Agency: COE
Property Number: 319010017
Status: Excess
Comment: 5.27 acres.

Hodges Village
Dam Flood Control Project
Old Howarth Road
Oxford Co: Worcester MA 01540–0500
Location: Portion of Tract A–108, See Project Manager at Hodges Village Dam, Oxford, MA (508) 987–2600.
Landholding Agency: COE
Property Number: 319011006
Status: Excess
Comment: 6.02 acres; 3 acres paved road, subject to utility easement.

Michigan

Marine Corps Reserve Center
3109 Collingwood Parkway
Flint MI 48502–
Landholding Agency: Navy
Property Number: 779240019
Status: Excess
Comment: 5 acres, previously had four bldgs on it.

Marine Corps Reserve Center
3109 Collingwood Parkway
Flint MI 48502–
Landholding Agency: Navy
Property Number: 779240019
Status: Excess
Comment: 5 acres, previously had four bldgs on it.

U.S. Coast Guard—Air Station
Traverse City Co: Grand Traverse MI 49684–
Landholding Agency: DOT
Property Number: 879120099
Status: Underutilized
Comment: 21.7 acres, most recent use—helo landings.

Minnesota

Land around Bldg. 204–249, 253
VA Medical Center
Fort Snelling
St. Paul Co: Hennepin MN 55111–
Landholding Agency: VA
Property Number: 979010007
Status: Unutilized
Comment: 3.76 acres, potential utilities.

Montana

0.01 acre, Fort Peck Lake Proj Co: Valley MT
Location: Twp 27 north, RNG 41 east, Section 33, E/2SE/4NW/4NE/4
Landholding Agency: COE
Property Number: 319220002
Status: Excess
Comment: 0.01 acre, small triangular parcel, rough/steep terrain.

0.05 acre, Fort Peck Lake Proj Co: Valley MT
Location: Twp 27 north, RNG 41 east, Section 33, E/2SE/4NW/4NE/4
Landholding Agency: COE
Property Number: 319220003
Status: Excess
Comment: 0.05 acre, narrow strip next to highway, steep/rough terrain.

122.60 acres
Fort Peck Lake Project Co: McCone MT
Location: Twp 26 north, RNG 42 east, Section 4, Lot 3, SW/4NE/4SE/4NW/4
Landholding Agency: COE
Property Number: 319220004
Status: Excess
Comment: 122.60 acres, rough & rugged terrain, grazing allotment administered by Bureau of Land Management.

120 acres, Fort Peck Lake Proj Co: McCone MT
Location: Twp 21 north, RNG 43 east, Section 34, N/2NE/4, Section 35, NW/4NW/4
Landholding Agency: COE
Property Number: 319220005
Status: Unutilized
Comment: 120.00 acres, rough & rugged terrain.

Ohio

Middleport Public Access Site
Gallipolis Locks & Dam
Middleport Co: Meigs OH 45760–
Landholding Agency: COE
Property Number: 319230001
Status: Underutilized
Comment: Approximately 17.23 acres including parking lot, flowage easement, right-of-way for city street and utilities.

Oklahoma

Parcel No. 7
Kaw Lake
Section 27
(See County) Co: Kay OK
Landholding Agency: COE
Property Number: 319010842
Status: Excess
Comment: 21 acres; potential utilities; most recent use—recreation.

Pennsylvania

Dashields Locks and Dam
(Glenwillard, PA)
Crescent Twp. Co: Allegheny PA 15046–0475
Landholding Agency: COE
Property Number: 319210009
Status: Unutilized
Comment: 0.58 acres, most recent use—baseball field.

South Carolina

Land—U.S. Coast Guard
Folly Island Loran Station
Folly Island Co: Charleston SC 29401–
Landholding Agency: DOT
Property Number: 879120098
Status: Unutilized
Comment: 55 acres (88 acres submerged) tidal marshland, potential utilities.

Tennessee

Tract D–456
Cheatham Lock and Dam
Ashland Co: Cheatham TN 37015–
Location: Right downstream bank of Sycamore Creek.
Landholding Agency: COE
Property Number: 319010942
Status: Excess
Comment: 8.93 acres; subject to existing easements.

Texas

Tract J–957
Whitney Lake
Bosque Co: Bosque TX
Location: Via Avenue B within the community of Kopperl.
Landholding Agency: COE
Property Number: 319110029
Status: Unutilized
Comment: .18 acres; potential utilities; encroachments on large portion of property.

Tract J–936
Whitney Lake
Bosque Co: Bosque TX
Location: Off F. M. Highway 56 within the community of Kopperl.
Landholding Agency: COE
Property Number: 319110032
Status: Unutilized
Comment: 5.4 acres; potential utilities.

Tract F–516 O.C. Fisher Lake
Parallel with Grape Creek Road
San Angelo Co: Tom Green TX 76902–3085
Landholding Agency: COE
Property Number: 319120002
Status: Unutilized
Comment: 2.13 acres, potential limited utilities.

Part of Tract 102 Segment 1
Bardwell Dam Road
Ennis Co: Ellis TX 75119–
Landholding Agency: COE
Property Number: 319140014
Status: Unutilized
Comment: Approx. 6.38 acres.

Parts of Tracts
B–143, B–144, B–146, B–148, B–179
Downstream of Lewisville Dam embankment
Lewisville Co: Denton TX 75067–
Location: Along State Hwy 121
Landholding Agency: COE
Property Number: 319140015
Status: Underutilized
Comment: Approx. 94.28 acres in 3 parcels, most recent use—wildlife and low density recreation.

Corpus Christi Ship Channel
Corpus Christi Co: Nueces TX
Location: East side of Carbon Plant Road, approx. 14 miles NW of downtown Corpus Christi
Landholding Agency: COE
Property Number: 319240001
Status: Unutilized
Comment: 4.4 acres, most recent use—farm land.

Unsuitable Properties

Buildings (by State)

Alabama

Dwelling A

USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120001
Status: Excess
Reason: Floodway.

Dwelling B
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120002
Status: Excess
Reason: Floodway.

Oil House
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87912003
Status: Excess
Reason: Floodway.

Garage
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120004
Status: Excess
Reason: Floodway.

Shop Building
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120005
Status: Excess
Reason: Floodway.

Alaska

Sand Shed, Map Grid 45024
Naval Air Station
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779120004
Status: Unutilized
Reason: Secured Area.

LORAN Station, Map Grid 09L11
Naval Air Station
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779120006
Status: Unutilized
Reason: Secured Area.

Bldg. 28
USGC Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210126
Status: Excess
Reason: Within airport runway clear zone; secured area.

Bldg. 24
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210127
Status: Excess
Reason: Within airport runway clear zone; secured area; within 2000 ft. of flammable or explosive material.

Bldg. 19
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210128
Status: Excess
Reason: Within airport runway clear zone; secured area; other
Comment: Extensive deterioration.

Bldg. 94
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210129
Status: Excess
Reason: Secured area; other
Comment: Extensive deterioration.

Bldg. 85
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210130
Status: Excess
Reason: Secured area; other
Comment: Extensive deterioration.

Bldg. 18
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210132
Status: Excess
Reason: Secured area; within airport runway clear zone
GSA Number: U–ALAS–655A.

Bldg. A512
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210133
Status: Excess
Reason: Secured area; within airport runway clear zone; within 2000 ft. of flammable or explosive material.

California

Bldg. 4310–A
Redwood National Park
1409 P.J. Murphy Memorial Drive
Klamath Co: Del Norte CA 95548–
Landholding Agency: Interior
Property Number: 619240001
Status: Unutilized
Reason: Other
Comment: Extensive deterioration.

Wilsonia Lodge Rental Cabins
Grant Grove
Kings Canyon National Park Co: Tulare CA 93633–
Landholding Agency: Interior
Property Number: 619310001
Status: Unutilized
Reason: Other
Comment: Structural damage.

Bldg. 105
Naval FPS, CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010159
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 165
Naval FPS, CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010160
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 146
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010268
Status: Unutilized
Reason: Other
Comment: Sewer treatment facility.

Naval Hospital (10 bldgs.)
Long Beach Naval Hospital
Long Beach Co: Los Angeles CA 90822–5199
Landholding Agency: Navy
Property Number: 779310038
Status: Excess
Base closure Number of Units: 10
Reason: Floodway.

Bldg. 10, USCG Support Center
Coast Guard Island
Alameda Co: Alameda CA 94501–5100
Landholding Agency: DOT
Property Number: 879210134
Status: Excess
Reason: Secured area.

Colorado

Former Spickerman House
Bear Creek Lake
Lakewood Co: Jefferson CO
Landholding Agency: COE
Property Number: 319240013
Status: Unutilized
Reason: Floodway; other
Comment: Extensive deterioration.

Alemeda Facility
350 S. Santa Fe Drive
Denver Co: Denver CO 80223–
Landholding Agency: DOT
Property Number: 879010014
Status: Unutilized
Reason: Other environmental
Comment: Contamination.

Connecticut

Falkner Island Light
U.S. Coast Guard
Guilford Co: New Haven CT 06512–
Landholding Agency: DOT
Property Number: 879240031
Status: Unutilized
Reason: Floodway.

Florida

East Martello Bunker #1
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 779010101
Status: Excess
Reason: Within airport runway clear zone.

Bldg. #3, Recreation Cottage
USCG Station
Marathon Co: Monroe FL 33050–
Landholding Agency: DOT
Property Number: 879210008
Status: Unutilized
Reason: Secured Area; floodway.

Bldg. 103, Trumbo Point
Key West Co: Monroe FL 33040–
Landholding Agency: DOT
Property Number: 879230001
Status: Unutilized
Reason: Floodway; secured area.

LORAN "A" Station
Radio Beacon Hobe Sound
Jupiter Island Co: Martin FL

Landholding Agency: DOT
Property Number: 879230003
Status: Unutilized
Reason: Other
Comment: Extensive deterioration.

Fuel Facility, Coast Guard
Miami Air Station, OPA Locka Airport
OPA Locka Co: Dade FL 33054–2397
Landholding Agency: DOT
Property Number: 879240004
Status: Unutilized
Reason: Secured area.

Pyro & Paint Locker Bldgs.
Key West Co: Monroe FL 33040–
Landholding Agency: DOT
Property Number: 879240017
Status: Unutilized
Reason: Floodway; secured area.

Georgia

Naval Submarine Base—Kings Bay
1011 USS Daniel Boone Avenue
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010107
Status: Unutilized
Reason: Secured area.

Guam

Bldg. 96
U.S. Naval Ship Repair Facility
PSC 455 Co: Box 191, FPO AP GU 96540–1400
Landholding Agency: Navy
Property Number: 779240018
Status: Unutilized
Reason: Other
Comment: Extensive deterioration.

Hawaii

Bldg. 126, Naval Magazine
Waikele Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 779230012
Status: Unutilized
Reason: Secured Area; within 2000 ft. of flammable or explosive material; other
Comment: Extensive deterioration.

Bldg. Q75, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 779230013
Status: Unutilized
Reason: Secured Area; other
Comment: Extensive deterioration.

Bldg. 7, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 779230014
Status: Unutilized
Reason: Secured area; other
Comment: Extensive deterioration.

Bathhouse—Wailupe Quarters
U.S. Coast Guard
Honolulu Co: Honolulu HI 96821–
Landholding Agency: DOT
Property Number: 879240033
Status: Unutilized
Reason: Other; secured area.
Comment: Extensive deterioration.

Maint. Shop—Wailupe Quarters
U.S. Coast Guard
Honolulu Co: Honolulu HI 96821–
Landholding Agency: DOT
Property Number: 879240034
Status: Unutilized
Reason: Other; secured area.
Comment: Extensive deterioration.

Illinois

Bldg. 928
Naval Training Center
Great Lakes
Great Lakes Co: Lake IL 60088–
Landholding Agency: Navy
Property Number: 779010120
Status: Underutilized
Reason: Secured area.

Bldg. 28
Naval Training Center
Great Lakes
Great Lakes Co: Lake IL 60088–
Landholding Agency: Navy
Property Number: 779010123
Status: Unutilized
Reason: Secured area.

Bldg. 25
Naval Training Center
Great Lakes
Great Lakes Co: Lake IL 60088–
Landholding Agency: Navy
Property Number: 779010126
Status: Unutilized
Reason: Secured area.

South Wing—Building No. 62
Great Lakes Co: Lake IL 60088–5000
Landholding Agency: Navy
Property Number: 779110001
Status: Underutilized
Reason: Secured area.

Bldg. 235
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310039
Status: Unutilized
Reason: Secured area.

Bldg. 2B
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310040
Status: Unutilized
Reason: Secured area.

Bldg. 90
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310041
Status: Unutilized
Reason: Secured Area.

Bldg. 232
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310042
Status: Unutilized
Reason: Secured Area.

Bldg. 233
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310043
Status: Unutilized
Reason: Secured Area.

Bldg. 234
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310044
Status: Unutilized
Reason: Secured Area.

Indiana

Loran Station DANA
Dana Co: Vermillion IN 47847–
Landholding Agency: DOT
Property Number: 879240016
Status: Unutilized
Reason: Other
Comment: Extensive deterioration.

Bldg. 21, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230001
Status: Underutilized
Reason: Other
Comment: Extensive deterioration.

Bldg. 22, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230002
Status: Underutilized
Reason: Other
Comment: Extensive deterioration.

Bldg. 62, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230003
Status: Underutilized
Reason: Other
Comment: Extensive deterioration.

Kentucky

Spring House
Kentucky River Lock and Dam No. 1
Highway 320
Carrollton Co: Carroll KY 41008–
Landholding Agency: COE
Property Number: 219040416
Status: Unutilized
Reason: Other
Comment: Spring House.

Building
Kentucky River Lock and Dam No. 4
1021 Kentucky Avenue
Frankfort Co: Franklin KY 40601–9999
Landholding Agency: COE
Property Number: 219040417
Status: Unutilized
Reason: Other
Comment: Coal storage.

Building
Kentucky River Lock and Dam No. 4
1021 Kentucky Avenue
Frankfort Co: Franklin KY 40601–9999
Landholding Agency: COE
Property Number: 219040418
Status: Unutilized
Reason: Other
Comment: Coal storage.

Barn
Kentucky River Lock and Dam No. 3
Highway 561
Pleasureville Co: Henry KY 40057–
Landholding Agency: COE
Property Number: 219040419
Status: Underutilized
Reason: Other

Comment: 110 year old barn with crumbled foundation.

Tract 111—Building
Martins Fork Lake
Smith Co: Harlan KY 40867–
Location: 13 miles southeast of Harlan on Highway 987.
Landholding Agency: COE
Property Number: 319010062
Status: Unutilized
Reason: Floodway.

Latrine
Kentucky River Lock and Dam Number 3
Highway 561
Pleasureville Co: Henry KY 40057–
Landholding Agency: COE
Property Number: 319040009
Status: Unutilized
Reason: Other
Comment: Detached latrine.

6-Room Dwelling
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 319120010
Status: Unutilized
Reason: Floodway.

2-Car Garage
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 319120011
Status: Unutilized
Reason: Floodway.

Office and Warehouse
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 319120012
Status: Unutilized
Reason: Floodway.

2 Pit Toilets
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Landholding Agency: COE
Property Number: 319120013
Status: Unutilized
Reason: Floodway.

Maine

Bldg. 7, Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 779230004
Status: Excess
Reason: Within airport runway clear zone; secured area.

Bldg. 10, Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 779230005
Status: Excess
Reason: Within airport runway clear zone; floodway.

Bldg. 93, Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 779230006
Status: Excess
Reason: Secured area.

Bldg. 614, Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 779230007
Status: Excess
Reason: Secured area.

Bldgs. 101–107
Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 779230008
Status: Excess
Reason: Secured area.

Bldg. 186
Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 779230009
Status: Excess
Reason: Secured area.

Bldg. 192
Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 779230010
Status: Excess
Reason: Secured area.

Bldgs. 202–208
Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 779230011
Status: Excess
Reason: Secured area.

Bldg. 293, Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 779240015
Status: Excess
Reason: Secured area.

Supply Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240005
Status: Unutilized
Reason: Floodway.

Base Exchange, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240006
Status: Unutilized
Reason: Floodway.

Engineering Shop, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240007
Status: Unutilized
Reason: Floodway.

Storage Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240008
Status: Unutilized
Reason: Floodway.

Herron Neck Light
U.S. Coast Guard
Southwest Harbor
Vinalhaven Co: Knox ME 04841–
Landholding Agency: DOT
Property Number: 879240028
Status: Unutilized
Reason: Other
Comment: Extensive deterioration.

Burnt Coat Harbor Light
U.S. Coast Guard
Swans Island Co: Hancock ME 04685–
Landholding Agency: DOT
Property Number: 879240030
Status: Unutilized
Reason: Floodway.

Squirrel Point Light
U.S. Coast Guard
Phippsburg Co: Sayadahoc ME 04530–
Landholding Agency: DOT
Property Number: 879240032
Status: Unutilized
Reason: Floodway.

Keepers Dwelling
Heron Neck Light, U.S. Coast Guard
Vinalhaven Co: Knox ME 04841–
Landholding Agency: DOT
Property Number: 879240035
Status: Unutilized
Reason: Other
Comment: Extensive deterioration.

Massachusetts

Bldg. 4, USCG Support Center
Commercial Street
Boston Co: Suffolk, MA 02203–
Landholding Agency: DOT
Property Number: 879240001
Status: Underutilized
Reason: Secured area.

Eastern Point Light
U.S. Coast Guard
Gloucester Co: Essex MA 01930–
Landholding Agency: DOT
Property Number: 879240029
Status: Unutilized
Reason: Floodway; secured area.

Michigan

Bldg. 402, U.S. Air Station
Traverse City Co: Grand Traverse MI 49684–3586
Landholding Agency: DOT
Property Number: 879220001
Status: Unutilized
Reason: Other
Comment: Extensive deterioration.

Bldg. 2, Sardet Holland
Coast Guard
2388 Ottawa Beach Rd. SW
Holland Co: Ottawa MI 49424–
Landholding Agency: DOT
Property Number: 879240002
Status: Unutilized
Reason: Secured Area.

Bldg. 1, Sardet Holland
Coast Guard
2388 Ottawa Beach Rd., SW
Holland Co: Ottawa MI 49424–
Landholding Agency: DOT
Property Number: 879240003
Status: Unutilized
Reason: Secured Area.

Missouri

Bldg. 67, Storage Bunker
2000 East 95th Street

Kansas City Co: Jackson MO 64131–
Landholding Agency: Energy
Property Number: 419220004
Status: Unutilized
Reason: Floodway.

Nebraska

Papio Dam Site 18
Papio Creek and Tributaries
Omaha Co: Douglas NE 68130–
Landholding Agency: COE
Property Number: 319240009
Status: Unutilized
Reason: Floodway; other
Comment: Extensive deterioration.

New Jersey

Piers and Wharf
Station Sandy Hook
Highlands Co: Monmouth NJ 07732–5000
Landholding Agency: DOT
Property Number: 879240009
Status: Unutilized
Reason: Other; secured area
Comment: Extensive deterioration.

New Mexico

Farmington Office and Yard
900 La Plata Highway
Farmington Co: San Juan NM 87499–
Landholding Agency: Interior
Property Number: 619010001
Status: Unutilized
Reason: Within airport runway clear zone.

New York

Bldg. 204
Naval Underwater Systems Center
Fisher's Island Annex Detachment
Fisher's Island Co: Suffolk NY 06390–
Landholding Agency: Navy
Property Number: 779010270
Status: Excess
Reason: Secured Area.

Bldg. 255
Naval Underwater Systems Center
Fisher's Island Annex Detachment
Fisher's Island Co: Suffolk NY 06390–
Landholding Agency: Navy
Property Number: 779010271
Status: Excess
Reason: Secured Area.

Bldg. T–370
Naval Underwater Systems Center
Fisher's Island Annex Detachment
Fisher's Island Co: Suffolk NY 06390–
Landholding Agency: Navy
Property Number: 779010272
Status: Excess
Reason: Secured Area.

2 Buildings
Ant Saugerties
Saugerties Co: Ulster NY 12477–
Landholding Agency: DOT
Property Number: 879230005
Status: Unutilized
Reason: Other
Comment: Extensive deterioration.

Bldg. 605, USCG Station
Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240010
Status: Excess
Reason: Secured Area.

Bldg. 606, USCG Station
Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240011
Status: Excess
Reason: Secured Area.

Bldg. 607, USCG Station
Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240012
Status: Excess
Reason: Secured Area.

Bldg. 606, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240020
Status: Unutilized
Reason: Secured Area.

Bldg. 607, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240021
Status: Unutilized
Reason: Secured Area; other
Comment: Extensive deterioration.

Bldg. 605, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240022
Status: Unutilized
Reason: Secured Area; other
Comment: Extensive deterioration.

Eatons Neck Station
U.S. Coast Guard
Huntington Co: Suffolk NY 11743–
Landholding Agency: DOT
Property Number: 879310003
Status: Unutilized
Reason: Other; secured area
Comment: Extensive deterioration.

North Carolina

Group Cape Hatteras
Boiler Plant
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879240018
Status: Unutilized
Reason: Secured Area.

Group Cape Hatteras
Bowling Alley
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879240019
Status: Unutilized
Reason: Secured Area.

Bldg. 9
VA Medical Center
1100 Tunnel Road
Asheville Co: Buncombe NC 28805–
Landholding Agency: VA
Property Number: 979010008
Status: Underutilized
Reason: Other
Comment: Friable asbestos.

Ohio

William H. Harsha Lake Bldg.
3782 Williamsburg-Bantam Road
Batavia Co: Clermont OH 45106–
Landholding Agency: COE
Property Number: 319240011
Status: Unutilized
Reason: Other
Comment: Structural damage.

Oregon

Eugene District Office Site
751 South Danebo
Eugene Co: Lane OR 97402–
Landholding Agency: Interior
Property Number: 619010003
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material.

Pennsylvania

Bldg. 62
Philadelphia Naval Shipyard
Philadelphia Co: Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 779010112
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area.

Rhode Island

Bldg. 32
Naval Underwater Systems Center
Gould Island Annex
Middletown Co: Newport RI 02840–
Landholding Agency: Navy
Property Number: 779010273
Status: Excess
Reason: Secured Area.

Tennessee

Bldg. 204
Cordell Hull Lake and Dam Project
Defeated Creek Recreation Area
Carthage Co: Smith TN 37030–
Location: US Highway 85
Landholding Agency: COE
Property Number: 319011499
Status: Unutilized
Reason: Floodway.

Tract 2618 (Portion)
Cordell Hull Lake and Dam Project
Roaring River Recreation Area
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 135
Landholding Agency: COE
Property Number: 319011503
Status: Underutilized
Reason: Floodway.

Water Treatment Plant
Dale Hollow Lake & Dam Project
Obey River Park, State Hwy 42
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 319140011
Status: Excess
Reason: Other
Comment: Water treatment plant.

Water Treatment Plant
Dale Hollow Lake & Dam Project
Lillydale Recreation Area, State Hwy 53
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 319140012
Status: Excess
Reason: Other
Comment: Water treatment plant.

Water Treatment Plant
Dale Hollow Lake & Dam Project
Willow Grove Recreational Area, Hwy No. 53
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 319140013
Status: Excess
Reason: Other

Comment: Water treatment plant.

Bldg. 60, VAMC Mountain Home
Johnson Co: Washington TN 37604–
Landholding Agency: VA
Property Number: 979220005
Status: Unutilized
Reason: Other
Comment: Extensive deterioration.

Texas

Bldg. (off-site installation)
Bergstrom Air Force Base
Off Farm to Market Road 812
Austin Co: Travis TX 78743–5000
Landholding Agency: Air Force-BC
Property Number: 199310003
Status: Excess
Base closure—Number of units: 1
Reason: Other
Comment: Extensive deterioration.

Bldg. 2426
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010279
Status: Underutilized
Reason: Floodway.

Bldg. 2432
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010280
Status: Underutilized
Reason: Floodway.

Bldg. 2476
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010281
Status: Underutilized
Reason: Floodway.

Bldg. 2498
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010282
Status: Underutilized
Reason: Floodway.

Bldg. 2504
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010283
Status: Underutilized
Reason: Floodway.

Bldg. 1730
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010284
Status: Underutilized
Reason: Floodway.

Bldg. 2422
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010285
Status: Underutilized
Reason: Floodway.

Bldg. 2425
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010286
Status: Underutilized
Reason: Floodway.

Bldg. 2430
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010287
Status: Underutilized
Reason: Floodway.

Bldg. 2434
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010288
Status: Underutilized
Reason: Floodway.

Bldg. 2449
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010289
Status: Underutilized
Reason: Floodway.

Bldg. 2450
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010290
Status: Underutilized
Reason: Floodway.

Bldg. 2453
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010291
Status: Underutilized
Reason: Floodway.

Bldg. 2455
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010292
Status: Underutilized
Reason: Floodway.

Bldg. 2456
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010293
Status: Underutilized
Reason: Floodway.

Bldg. 2463
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010294
Status: Underutilized
Reason: Floodway.

Bldg. 2483
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010295
Status: Underutilized
Reason: Floodway.

Bldg. 2516
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010296
Status: Underutilized
Reason: Floodway.

Bldg. 2524
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010297
Status: Underutilized
Reason: Floodway.

Bldg. 2528
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010298
Status: Underutilized
Reason: Floodway.

Bldg. 2137, Aircraft Hangar
Naval Air Station, Chase Field
Beeville Co. Bee TX 78103–
Landholding Agency: Navy
Property Number: 779210015
Status: Excess
Base closure—Number of Units: 1
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 1032, Warehouse
Naval Air Station, Chase Field
Beeville Co: Bee TX 78103–
Landholding Agency: Navy
Property Number: 779210016
Status: Excess
Base closure—Number of Units: 1
Reason: Other
Comment: Structural deterioration.

Bldg. 24
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 979010050
Status: Unutilized
Reason: Other
Comment: Friable asbestos.

Bldg. 25
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 979010051
Status: Unutilized
Reason: Other
Comment: Friable asbestos.

Bldg. 26
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 979010052
Status: Unutilized
Reason: Other
Comment: Friable asbestos.

Vermont

Depot Street
Downtown at the Waterfront
Burlington Co: Chittenden VT 05401–5226
Landholding Agency: DOT
Property Number: 879220003
Status: Excess
Reason: Floodway.

Virginia

Bldg. 052 & Tennis Court
USCG Reserve Training Center
Yorktown Co: York VA 23690–
Landholding Agency: DOT
Property Number: 879230004
Status: Excess
Reason: Secured area.

Damage Control Bldg.

Coast Guard, Group Eastern Shores
Chincoteague Co: Accomack VA 23361–510
Landholding Agency: DOT
Property Number: 879240013
Status: Unutilized
Reason: Secured area.

Admin. Bldg.
Coast Guard, Group Eastern Shores
Chincoteague Co: Accomack VA 23361–510
Landholding Agency: DOT
Property Number: 879240014
Status: Unutilized
Reason: Secured area.

Storage Bldg.
Coast Guard, Group Eastern Shores
Chincoteague Co: Accomack VA 23361–510
Landholding Agency: DOT
Property Number: 879240015
Status: Unutilized
Reason: Secured area.

Washington

Norin Residence
Point of Arches, Olympic National Park Co: Clallam WA
Landholding Agency: Interior
Property Number: 619240003
Status: Excess
Reason: Other
Comment: Extensive deterioration.

Bldg. 57
Naval Supply Center Puget Sound
Manchester Co: Kitsap WA 98353–
Landholding Agency: Navy
Property Number: 779010091
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; secured area.

Bldg. 47 (Report 1)
Naval Supply Center, Puget Sound
Manchester Co: Kitsap WA 98353–
Landholding Agency: Navy
Property Number: 779010230
Status: Unutilized
Reason: Secured Area.

West Virginia

Mary Conrad Roadside Park Bldg
Brownsville Road
Weston Co: Lewis WV 26452–9677
Landholding Agency: COE
Property Number: 319240012
Status: Underutilized
Reason: Floodway.

Wyoming

Bldg. 95
Medical Center
NW. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110004
Status: Unutilized
Reason: Other
Comment: Sewage digester for disposal plant.

Bldg. 96
Medical Center
NW. of town at end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110005
Status: Unutilized
Reason: Other
Comment: Pump house for sewage disposal plant.

Structure 99
Medical Center
NW. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110006
Status: Unutilized
Reason: Other
Comment: Mechanical screen for sewage disposal plant.

Structure 100
Medical Center
NW. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110007
Status: Unutilized
Reason: Other
Comment: Dosing tank for sewage disposal plant.

Structure 101
Medical Center
NW. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110008
Status: Unutilized
Reason: Other
Comment: Chlorination chamber for sewage disposal plant.

Land (by State)

California

Salton Sea Test Range
ElCentro Co: Imperial CA 93555–
Landholding Agency: Navy
Property Number: 779010068
Status: Excess
Reason: Secured Area.

DVA Medical Center
4951 Arroyo Road
Livermore Co: Alameda CA 94550–
Landholding Agency: VA
Property Number: 979010023
Status: Unutilized
Reason: Other
Comment: 750,000 gallon water reservoir.

Florida

Boca Chica Field
Naval Air Station
Key West Co: Monroe FL 23040–
Landholding Agency: Navy
Property Number: 779010097
Status: Unutilized
Reason: Floodway.

East Martello Battery #2
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 779010275
Status: Excess
Reason: Within airport runway clear zone.

Wildlife Sanctuary, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 979230004
Status: Underutilized
Reason: Other
Comment: Inaccessible.

Georgia

Naval Submarine Base
Grid G–5 to G–10 to Q–6 to P–2
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010228
Status: Underutilized
Reason: Secured Area.

Indiana

Portion of Tract No. 1224
Salamonie Lake
Huntington Co: Huntington IN 46750–
Landholding Agency: COE
Property Number: 319310001
Status: Unutilized
Reason: Other
Comment: Landlocked.

Kentucky

Tract 4626
Barkley, Lake, Kentucky and Tennessee
Donaldon Creek Launching Area
Cadiz Co: Trigg KY 42211–
Location: 14 miles from US Highway 68.
Landholding Agency: COE
Property Number: 319010030
Status: Underutilized
Reason: Floodway.

Tract AA–2747
Wolf Creek Dam and Lake Cumberland
US HWY. 27 to Blue John Road
Burnside Co: Pulaski KY 42519–
Landholding Agency: COE
Property Number: 319010038
Status: Underutilized
Reason: Floodway.

Tract AA–2726
Wolf Creek Dam and Lake Cumberland
KY HWY. 80 to Route 769
Burnside Co: Pulaski KY 42519–
Landholding Agency: COE
Property Number: 319010039
Status: Underutilized
Reason: Floodway.

Tract 1358
Barkley Lake, Kentucky and Tennessee
Eddyville Recreation Area
Eddyville Co: Lyon KY 42038–
Location: US Highway 62 to state highway 93.
Landholding Agency: COE
Property Number: 319010043
Status: Excess
Reason: Floodway.

Red River Lake Project
Stanton Co: Powell KY 40380–
Location: Exit Mr. Parkway at the Stanton and Slade Interchange, then take SR Hand 15 north to SR 613.
Landholding Agency: COE
Property Number: 319011684
Status: Unutilized
Reason: Floodway.

Barren River Lock & Dam No. 1
Richardsville Co: Warren KY 42270–
Landholding Agency: COE
Property Number: 319120008
Status: Unutilized
Reason: Floodway.

Green River Lock & Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy. 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 319120009
Status: Unutilized
Reason: Floodway.

Green River Lock & Dam No. 4
Woodbury Co: Butler KY 42288–

Location: Off State Hwy 403, which is off State Hwy 231
Landholding Agency: COE
Property Number: 319120014
Status: Underutilized
Reason: Floodway.

Green River Lock & Dam No. 5
Readville Co: Butler KY 42275–
Location: Off State Highway 185
Landholding Agency: COE
Property Number: 319120015
Status: Unutilized
Reason: Floodway.

Green River Lock & Dam No. 6
Brownsville Co: Edmonson KY 42210–
Location: Off State Highway 259
Landholding Agency: COE
Property Number: 319120016
Status: Underutilized
Reason: Floodway.

Vacant land west of locksite
Greenup Locks and Dam
5121 New Dam Road
Rural Co: Greenup KY 41144–
Landholding Agency: COE
Property Number: 319120017
Status: Unutilized
Reason: Floodway.

Tract 6404, Cave Run Lake
U.S. Hwy 460
Index Co: Morgan KY
Landholding Agency: COE
Property Number: 319240005
Status: Underutilized
Reason: Floodway.

Tract 6803, Cave Run Lake
State Road 1161
Pomp Co: Morgan KY
Landholding Agency: COE
Property Number: 319240006
Status: Underutilized
Reason: Floodway.

Louisiana

Land—3.4 acres
VA Medical Center
2501 Shreveport Highway
Alexandria Co: Rapides LA 71301–
Landholding Agency: VA
Property Number: 979010010
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Maryland

Tract 131R
Youghiogheny River Lake, Rt. 2, Box 100
Friendsville Co: Garrett MD
Landholding Agency: COE
Property Number: 319240007
Status: Underutilized
Reason: Floodway.

5,635 sq. ft. of Land
Solomon's Annex
Solomon's MD
Landholding Agency: Navy
Property Number: 779230001
Status: Excess
Reason: Other
Comment: Drainage Ditch.

Michigan

Middle Marker Facility
Yipsilanti Co: Washtenaw MI 48198–
Location: 549 ft. north of intersection of Coolidge and Bradley Ave. on East side of street
Landholding Agency: DOT
Property Number: 879120006
Status: Unutilized
Reason: Within airport runway clear zone.

Minnesota

Parcel G
Pine River
Cross Lake Co: Crow Wing MN 56442–
Location: 3 miles from city of Cross Lake between highways 6 and 371.
Landholding Agency: COE
Property Number: 319011037
Status: Excess
Reason: Other
Comment: Highway right of way.

VAMC
VA Medical Center
4801 8th Street No.
St. Cloud Co: Sterns MN 56303–
Landholding Agency: VA
Property Number: 979010049
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material.

Mississippi

Parcel 1
Grenada Lake
Section 20
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 319011018
Status: Underutilized
Reason: Within airport runway clear zone.

Missouri

Ditch 19, Item 2, Tract No. 230
St. Francis Basin Project
2½ miles west of Malden Co: Dunklin MO
Landholding Agency: COE
Property Number: 319130001
Status: Unutilized
Reason: Floodway.

Union Lake
Sec 7, Twshp 42 north, Ranger West
Beaufort Co: Franklin MO
Landholding Agency: COE
Property Number: 319240008
Status: Unutilized
Reason: Floodway.

New York

Tract 1
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 979010011
Status: Unutilized
Reason: Secured Area.

Tract 2
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 979010012
Status: Underutilized
Reason: Secured Area.

Tract 3
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 979010013
Status: Underutilized
Reason: Secured Area.

Tract 4
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 979010014
Status: Unutilized
Reason: Secured Area.

North Carolina

Land
Atlantic Intracoastal Waterway
(See County) Co: Corrituck NC
Location: Near old Coinjack Bridge.
Landholding Agency: COE
Property Number: 319011537
Status: Unutilized
Reason: Floodway.

Ohio

Ohio River
Pike Island Lock and Dam
RD #1, Box 33
Tiltonsville Co: Jefferson OH
Landholding Agency: COE
Property Number: 319011561
Status: Underutilized
Reason: Floodway.

Pennsylvania

Land
Raystown Lake
Huntingdon Co: Huntingdon PA
Location: Downstream of Raystown Lake.
Landholding Agency: COE
Property Number: 219040420
Status: Excess
Reason: Other
Comment: Property Landlocked.

Lock and Dam #7
Monongahela River
Greensboro Co: Greene PA
Location: Left hand side of entrance roadway to project.
Landholding Agency: COE
Property Number: 319011564
Status: Unutilized
Reason: Floodway.

Lock and Dam #3
Monongahela River
Elizabeth Co: Allegheny PA 15037–0455
Landholding Agency: COE
Property Number: 319240014
Status: Unutilized
Reason: Floodway.

Puerto Rico

119.3 acres
Culebra Island PR 00775–
Landholding Agency: Interior
Property Number: 619210001
Status: Excess
Reason: Floodway.

Destino Tract
Eastern Maneuver Area
Vieques PR 00765–
Landholding Agency: Navy
Property Number: 779240016
Status: Excess
Reason: Other
Comment: Inaccessible.

Punta Figueras—Naval Station

VOL 58 ISS 32 FE 19 1993 UMI

Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 779240017
Status: Excess
Reason: Floodway.

Tennessee

McClure Bend
Cordell Hull Dam and Reservoir
Carthage Co: Smith TN 37030–
Location: Highway 85 to McClure Bend Road.
Landholding Agency: COE
Property Number: 219040412
Status: Underutilized
Reason: Floodway.

Brooks Bend
Cordell Hull Dam and Reservoir
Highway 85 to Brooks Bend Road
Gainesboro Co: Jackson TN 38562–
Location: Tracts 800, 802–806, 835–837, 900–902, 1000–1003, 1025
Landholding Agency: COE
Property Number: 219040413
Status: Underutilized
Reason: Floodway.

Cheatham Lock and Dam
Highway 12
Ashland City Co: Cheatham TN 37015–
Location: Tracts E–513, E–512–1 and E–512–2
Landholding Agency: COE
Property Number: 219040415
Status: Underutilized
Reason: Floodway.

Tract 6737
Blue Creek Recreation Area
Barkley Lake, Kentucky and Tennessee
Dover Co: Stewart TN 37058–
Location: U.S. Highway 79/TN Highway 761
Landholding Agency: COE
Property Number: 319011478
Status: Underutilized
Reason: Floodway.

Tracts 3102, 3105 and 3106
Brimstone Launching Area
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 319011479
Status: Excess
Reason: Floodway.

Tract 3507
Proctor Site
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551–
Location: TN Highway 52
Landholding Agency: COE
Property Number: 319011480
Status: Unutilized
Reason: Floodway.

Tract 3721
Obey
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 319011481
Status: Unutilized
Reason: Floodway.

Tracts 608, 609, 611 and 612
Sullivan Bend Launching Area
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 319011482
Status: Underutilized
Reason: Floodway.

Tract 920
Indian Creek Camping Area
Cordell Hull Lake and Dam Project
Granville Co: Smith TN 38564–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 319011483
Status: Underutilized
Reason: Floodway.

Tracts 1710, 1716 and 1703
Flynns Lick Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Whites Bend Road
Landholding Agency: COE
Property Number: 319011484
Status: Underutilized
Reason: Floodway.

Tract 1810
Wartrace Creek Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 319011485
Status: Underutilized
Reason: Floodway.

Tract 2524
Jennings Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 319011486
Status: Unutilized
Reason: Floodway.

Tracts 2905 and 2907
Webster
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 319011487
Status: Unutilized
Reason: Floodway.

Tracts 2200 and 2201
Gainesboro Airport
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 319011488
Status: Underutilized
Reason: Within airport runway clear zone; floodway.

Tracts 710C and 712C
Sullivan Island
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 319011489
Status: Unutilized
Reason: Floodway.

Tract 2403, Hensley Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 319011490
Status: Unutilized
Reason: Floodway.

Tracts 2117C, 2118 and 2120
Cordell Hull Lake and Dam Project
Trace Creek
Gainesboro Co: Jackson TN 38562–
Location: Brooks Ferry Road
Landholding Agency: COE
Property Number: 319011491
Status: Unutilized
Reason: Floodway.

Tracts 424, 425 and 426
Cordell Hull Lake and Dam Project
Stone Bridge
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 319011492
Status: Unutilized
Reason: Floodway.

Tract 517
J. Percy Priest Dam and Reservoir
Suggs Creek Embayment
Nashville Co: Davidson TN 37214–
Location: Interstate 40 to S. Mount Juliet Road
Landholding Agency: COE
Property Number: 319011493
Status: Underutilized
Reason: Floodway.

Tract 1811
West Fork Launching Area
Smyrna Co: Rutherford TN 37167–
Location: Florence road near Enon Springs Road
Landholding Agency: COE
Property Number: 319011494
Status: Underutilized
Reason: Floodway.

Tract 1504
J. Perry Priest Dam and Reservoir
Lamon Hill Recreation Area
Smyrna Co: Rutherford TN 37167–
Location: Lamon Road
Landholding Agency: COE
Property Number: 319011495
Status: Underutilized
Reason: Floodway.

Tract 1500
J. Perry Priest Dam and Reservoir
Pools Knob Recreation
Smyrna Co: Rutherford TN 37167–
Location: Jones Mill Road
Landholding Agency: COE
Property Number: 319011496
Status: Underutilized
Reason: Floodway.

Tracts 245, 257, and 256
J. Perry Priest Dam and Reservoir
Cook Recreation Area
Nashville Co: Davidson TN 37214–
Location: 2.2 miles south of Interstate 40 near Saunders Ferry Pike
Landholding Agency: COE
Property Number: 319011497
Status: Underutilized
Reason: Floodway.

Tracts 107, 109 and 110
Cordell Hull Lake and Dam Project
Two Prong
Carthage Co: Smith TN 37030–
Location: US Highway 85
Landholding Agency: COE
Property Number: 319011498

Status: Unutilized
Reason: Floodway.

Tracts 2919 and 2929
Cordell Hull Lake and Dam Project
Sugar Creek
Gainesboro Co: Jackson TN 38562–
Location: Sugar Creek Road
Landholding Agency: COE
Property Number: 319011500
Status: Unutilized
Reason: Floodway.

Tracts 1218 and 1204
Cordell Hull Lake and Dam Project
Location: Granville—Alvin Yourk Road
Granville Co: Jackson TN 38564–
Landholding Agency: COE
Property Number: 319011501
Status: Unutilized
Reason: Floodway.

Tract 2100
Cordell Hull Lake and Dam Project
Galbreaths Branch
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 319011502
Status: Unutilized
Reason: Floodway.

Tract 104 et. al.
Cordell Hull Lake and Dam Project
Horshoe Bend Launching Area
Carthage Co: Smith TN 37030–
Location: Highway 70 N
Landholding Agency: COE
Property Number: 319011504
Status: Underutilized
Reason: Floodway.

Tracts 510, 511, 513 and 514
J. Percy Priest Dam and Reservoir Project
Lebanon Co: Wilson TN 37087–
Location: Vivrett Creek Launching Area, Alvin Sperry Road
Landholding Agency: COE
Property Number: 319120007
Status: Underutilized
Reason: Floodway.

Tract A–142, Old Hickory Beach
Old Hickory Blvd.
Old Hickory Co: Davidson TN 37138–
Landholding Agency: COE
Property Number: 319130008
Status: Underutilized
Reason: Floodway.

Texas

Land—40.50 acres
Bergstrom Air Force Base
East Highway 71
Austin Co: Travis TX 78743–5000
Landholding Agency: Air Force-BC
Property Number: 199310001
Status: Excess
Base closure—Number of Units: 1
Reason: Within airport runway clear zone
Comment: Scheduled to be vacated 09/30/93.

Land—46.27 acres
Bergstrom Air Force Base
East Highway 71
Austin Co: Travis TX 78743–5000
Landholding Agency: Air Force-BC
Property Number: 199310002
Status: Excess
Base closure—Number of Units: 1
Reason: Within airport runway clear zone
Comment: Scheduled to be vacated 09/30/93.

Tracts 104, 105–1, 105–2 & 118
Joe Pool Lake
(See County) Co: Dallas TX
Landholding Agency: COE
Property Number: 319010397
Status: Underutilized
Reason: Floodway.

Part of Tract 201–3
Joe Pool Lake
(See County) Co: Dallas TX
Landholding Agency: COE
Property Number: 319010398
Status: Underutilized
Reason: Floodway.

Part of Tract 323
Joe Pool Lake
(See County) Co: Dallas TX
Landholding Agency: COE
Property Number: 319010399
Status: Underutilized
Reason: Floodway.

Tract 702–3
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 319010401
Status: Unutilized
Reason: Floodway.

Tract 706
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 319010402
Status: Unutilized
Reason: Floodway.

Virginia

0.07 Acre, Dismal Swamp Canal
West of U.S. Rt. 17
Chesapeake VA
Landholding Agency: COE
Property Number: 319210012
Status: Unutilized
Reason: Other
Comment: Inaccessible.

Washington

Land (Report 2), 234 acres
Naval Supply Center, Puget Sound
Manchester Co: Kitsap WA 98353–
Landholding Agency: Navy
Property Number: 779010231
Status: Unutilized
Reason: Secured Area.

West Virginia

Ohio River
Pike Island Locks and Dam
Buffalo Creek
Wellsburg Co: Brooke WV
Landholding Agency: COE
Property Number: 319011529
Status: Unutilized
Reason: Floodway.

Morgantown Lock and Dam
Box 3 RD #2
Morgantown Co: Monongahelia WV 26505–
Landholding Agency: COE
Property Number: 319011530
Status: Unutilized
Reason: Floodway.

London Lock and Dam
Route 60 East
Rural Co: Kanawha WV 25126–
Location: 20 miles east of Charleston, W. Virginia.
Landholding Agency: COE
Property Number: 319011690
Status: Unutilized
Reason: Other
Comment: .03 acres; very narrow strip of land located too close to busy highway.

[FR Doc. 93–3831 Filed 2–18–93; 8:45 am]
BILLING CODE 4310–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Tribal-State Compact for Class III Gaming Between the Lower Elwha Klallam Tribe and the State of Washington, enacted on December 21, 1992.

DATES: This action is effective on February 19, 1993.

FOR FURTHER INFORMATION CONTACT: Hilda Manuel, Interim Staff Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240; (202) 219–4068.

Dated: February 11, 1993.

Stan Speaks,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 93–3867 Filed 2–18–93; 8:45 am]
BILLING CODE 4310–02–M

Bureau of Land Management

[OR–110–6310–11–257A; G2–099]

Termination of Recreation and Public Purposes Act Classification; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Termination of Recreation and Public Purposes Act Classification (ORE 017524); Oregon.

SUMMARY: This notice announces termination of Recreation and Public Purposes Act Classification (ORE 017524); Oregon.

FOR FURTHER INFORMATION CONTACT: Ann Ramage, Acting Grants Pass Area

Manager, Medford District Office, 3040 Biddle Road, Medford, Oregon 97504; Telephone 503–770–2200.

SUPPLEMENTARY INFORMATION: The Oregon State Director, Bureau of Land Management, classified pursuant to section 7 of the Act of June 28, 1934 (48 Stat. 1272), the following lands as suitable for recreation and public purposes.

T. 36 S., R. 5 W.,
Section 7, SW1/4SW1/4,
Willamette Meridian, Josephine County, Oregon (ORE 017524).

This parcel was leased to the City of Grants Pass, Oregon in 1966 under the Recreation and Public Purposes Act to be utilized as a city park. The park was never developed as proposed and the lease subsequently expired on October 4, 1991.

Since the lease has expired and since the land is no longer needed for recreational and public purposes, the classification is hereby terminated in its entirety.

Dated: February 9, 1993.

David A. Jones,

District Manager.

[FR Doc. 93–3924 Filed 2–18–93; 8:45 am]

BILLING CODE 4310–33–M

[MT–020–93–4120–03; MTM 80697]

Application for Lease of Federal Coal Deposits Within the Powder River Coal Production Region, MT

AGENCY: Bureau of Land Management, Department of the Interior, Miles City District, Montana.

ACTION: Notice of intent to prepare an Environmental Impact Statement on the proposed potential coal lease tracts, Western Energy's Coal Lease Application, MTM 80697.

SUMMARY: On January 29, 1992, Western Energy Coal Company filed a coal lease application, MTM 80697, for federal coal resources with the Powder River Coal Production Region.

The coal lands included in this application are located in Rosebud County, Montana, and are described as follows:

T. 1 N., R. 39 E., P.M.M.
Sec. 2: S½NW¼, N½NE¼SE¼
T. 1 N., R. 40 E., P.M.M.
Sec. 6: Lots 1, 2, 3, 4, S½N½, S½
Sec. 8: E½, N½NW¼
Sec. 14: S½SW¼, SE¼
T. 2 N., R. 40 E., P.M.M.
Sec. 32: All

The 2,061.0 acre tracts contain an estimated 39.3 million tons of recoverable coal reserves.

The initial public scoping period was from June 11, 1992, through August 1, 1992. Three public meetings were held in Colstrip, Hardin, and Lame Deer, Montana. Because of the lack of public participation, the scoping period was extended through August 28, 1992, and two additional public meetings were held in Lame Deer and Colstrip, Montana.

Concerns and issues expressed by the public centered on social, economic, and cultural impacts to the Northern Cheyenne and Crow Tribes, hydrologic impacts to the area and the need to do an Environmental Impact Statement (EIS) as the appropriate level of environmental documentation for the project.

Two alternatives being considered for the EIS are the proposed action which addresses the leasing and mining of these federal coal lands and the no action which addresses denial of the lease application and no mining of these federal coal lands.

FOR FURTHER INFORMATION CONTACT: All comments and requests for additional information should be addressed to Bill Matthews, Project Manager, Bureau of Land Management, Powder River Resource Area, Miles City Plaza, Miles City, Montana 59301, telephone number (406) 232–7000.

Donald E. Nelson,

Acting District Manager.

[FR Doc. 93–3923 Filed 2–18–93; 8:45 am]

BILLING CODE 4310–DN–M

[AZ–931–4333–02–2600]

Intent to Prepare a Legislative Environmental Impact Statement for Suitability/Nonsuitability Recommendations for Inclusion of Arizona Rivers in the National Wild and Scenic Rivers System; Arizona State Office, Phoenix, AZ

AGENCY: Bureau of Land Management. Interior.

ACTION: Notice of Intent to Prepare a Legislative Environmental Impact Statement.

SUMMARY: The Bureau of Land Management in Arizona is preparing a Legislative Environmental Impact Statement for suitability recommendations for inclusion of Arizona Rivers in the National Wild and Scenic Rivers System. This Legislative Environmental Impact Statement complies with Public Laws 90–542 (Wild and Scenic Rivers Act), 91–190 (National Environmental Policy Act), and 94–579 (Federal Land Policy and Management Act).

Management actions proposed in the Legislative Environmental Impact Statement include recommending suitability determinations or other appropriate alternatives including nonsuitability (no action) for approximately 17 to 20 river segments associated with lands administered by the Arizona BLM.

DATES: Comments related to the identification of issues will be accepted until March 22, 1993.

ADDRESSES: Send comments to Bureau of Land Management, Arizona State Office, 3707 North 7th Street, P.O. Box 16563, Phoenix, Arizona 85011, Attention: Wild and Scenic River Project Manager (931).

FOR INFORMATION CONTACT: Wild and Scenic Rivers Project Manager, Arizona State Office, Phoenix, Arizona. Telephone 602–640–5509.

SUPPLEMENTARY INFORMATION: The Legislative Environmental Impact Statement will identify a proposed action, a no action, and other appropriate alternatives for each river segment identified as eligible and classified as wild, scenic or recreational in Resource Management Plans or Resource Management Plan Amendments prepared in accord with the Bureau Planning System.

An analysis of specific direct and indirect impacts, and cumulative impacts of the identified alternatives will be documented in the Legislative Environmental Impact Statement.

Public scoping meetings will be held in the Resource Areas and Districts that have management responsibilities over lands associated with the subject river segments. The times and places of the meetings, which will be held in March and April 1993 will be announced in local media.

A draft Legislative Environmental Impact Statement will be issued for a 60-day public review and comment period.

Complete records of the environmental analysis process will be available for public review at the Arizona State Office, 3707 North 7th Street, and for specific river segments in the appropriate BLM Resource or District Office. These are located in St. George, Utah; Safford, Arizona; Yuma, Arizona; and Phoenix, Arizona.

Bruce Conrad,

Associate State Director.

[FR Doc. 93–3921 Filed 2–18–93; 8:45 am]

BILLING CODE 4310–84–P

VOL 58 ISS 32 FE 19 1993 UMI

[MT-060-03-4191-03]

Draft Royal East Joint Venture Exploration Project Environmental Impact Statement; Availability

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: Notice of availability of the Draft Royal East Joint Venture Exploration Project Environmental Impact Statement.

SUMMARY: In accordance with section 202 of the National Environmental Policy Act of 1969, a draft environmental impact statement (EIS) has been prepared on the impact of a proposal by Manhattan Minerals (US) Ltd. to perform hardrock mineral exploration work on East Butte, in the Sweet Grass Hills, Liberty County, Montana. The EIS analyzes the environmental consequences of three management alternatives: The proposed action and preferred alternative, a modified proposed action and a no action alternative.

PUBLIC PARTICIPATION: A copy of the EIS will be available at the Liberty County Library in Chester, Montana. In addition, copies will be available from the Lewistown District Office, Airport Road, P.O. Box 1160, Lewistown, Montana 59457; phone (406) 538-7461. Public reading copies will be available for review at the following BLM locations:

Office of External Affairs, Main Interior Building, room 5600, 18th and C Streets, NW, Washington, DC 20240

External Affairs Office, Montana State Office, 222 North 32nd Street, Billings, MT 59107

Lewistown District Office, Airport Road, P.O. Box 1160, Lewistown, MT 59457-1160

Great Falls Resource Area, 812 14 Street North, Great Falls, MT 59403

Written comments on the draft EIS will be accepted for 60 days following the date the Environmental Protection Agency publishes the Notice of Filing of the draft in the **Federal Register**. Comments can also be presented at these public meetings:

Date	City	Time	Location
March 16, 1993	Chester, MT	7:00 p.m	Chester High School.
March 17, 1993	Browning, MT	6:00 p.m	Blackfeet Tribal Conference Room.
March 18, 1993	Rocky Boy, MT	3:30 p.m	Stone Child College.

ADDRESSES: Comments should be sent to the District Manager, Bureau of Land Management, P.O. Box 1160, Lewistown, MT 59457-1160.

FOR FURTHER INFORMATION CONTACT: Richard Hopkins, Area Manager, Great Falls Resource Area, 812 14 St., N., Great Falls, MT 50403, 406-727-0503.

SUPPLEMENTARY INFORMATION: Manhattan Minerals (US) Ltd. has submitted to the Lewistown District Office, Bureau of Land Management and the Montana Department of State Lands, a proposal to perform hardrock mineral exploration work on East Butte in the Sweet Grass Hills. Manhattan Minerals (US) Ltd. is proposing to build approximately 28,000 feet of access road in the Tootsie Creek area on East Butte. Once constructed, the access road would serve as location for approximately 38 inroad drill sites as well as for exploration trenches.

Dated: February 10, 1993.

David L. Mari,

District Manager.

[FR Doc. 93-3925 Filed 2-18-93; 8:45 am]

BILLING CODE 4310-DN-M

[CO-010-03-4320-01]

Craig Colorado Advisory Council Meeting

Time and Date: 9 a.m., April 7, 1993.

Place: Craig District Office, 455 Emerson, Street, Craig, Colorado 81625.

Status: Open to public; interested persons may make oral statements at 9:30 a.m. Summary minutes of the meeting will be maintained in the Craig District Office.

Matters To Be Considered

1. Grazing Fee Initiative.
2. Ecosystem Management.
3. Proposed Wilderness Designations in the Craig District.
4. Other Updates—Coal royalty resolution; Yampa River Wild and Scenic Study; Black-footed ferret reintroduction.
5. Current Status of Council Resolutions.
6. Field Trip to Axial Basin.

Contact Person for More Information: Mary Pressley, Craig District Office, 455 Emerson Street, Craig, Colorado 81625-1129, *Phone:* (303) 824-8261.

Dated: February 3, 1993.

Robert W. Schneider,

Associate District Manager.

[FR Doc. 93-3943 Filed 2-18-93; 8:45 am]

BILLING CODE 4310-JB-M

[NM-030-4320-01]

Las Cruces District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The meeting will be held at the Las Cruces District Office, Bureau of Land Management, 1800 Marquess, Las Cruces, New Mexico 88005. The agenda is:

10 a.m. Meeting called to order
10:05 a.m. Election of new officers
10:30 a.m. Approval of minutes
10:45 a.m. General discussion
11 a.m. Public comment period
12 noon Break for lunch
1 p.m. Update on the Range Improvement Program
1:15 p.m. Presentation of new projects
3 p.m. Meeting adjourned

MEETING DATE: April 6, 1993, beginning at 10 a.m.

FOR FURTHER INFORMATION CONTACT: Jim McCormick, District Range Specialist, Bureau of Land Management, 1800 Marquess, Las Cruces, New Mexico or at (505) 525-4366.

Dated: February 10, 1993.

Linda S.C. Rundell,

District Manager.

[FR Doc. 93-3926 Filed 2-18-93; 8:45 am]

BILLING CODE 4310-FB-M

[CA-010-4212-05; CACA 31354]

Realty Action; Recreation and Public Purposes (R&PP) Act Classification; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Initiation of a 45 day public comment period on the proposed classification of public lands for recreation and public purpose.

SUMMARY: Pursuant to the authority in the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*) a 45 day public comment period is initiated on the following land proposed to be classified as suitable for lease and sale to the State of California, Yosemite High School District and Coarsegold Elementary School District, Madera County, California.

Mount Diablo Meridian

T. 8 S., R. 21 E.,
Sec. 32: MS 6929
Sec. 33: MS 6929
Sec. 33: MS 2251

Containing 80 acres more or less.

SUPPLEMENTARY INFORMATION: The lands are not needed for Federal purposes. Lease or conveyance is consistent with current BLM land use planning and would be in the public interest.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. It has been requested that the Mineral Survey be removed and a Supplemental Plat survey be prepared for the purpose of lotting the above described Federal Land.

For a period of 45 days from the date of publication of this notice, interested persons may submit comments regarding the proposed or classification of the lands to the District Manager, c/o Area Manager, Hollister Resource Area, 20 Hamilton Court, Hollister, CA 95023. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments the classification will become effective 60 days from the date of publication of this notice.

Dated: February 11, 1993.

Robert E. Beehler,

Area Manager.

[FR Doc. 93-3927 Filed 2-18-93; 8:45 am]

BILLING CODE 4310-40-M

[ID-060-03-4210-04; IDI-27240]

Realty Action; Exchange of Public and Private Lands in Bonner, Shoshone, and Kootenai Counties, ID

AGENCY: Bureau of Land Management, Interior

ACTION: Notice of realty action; exchange of public lands in Bonner, Shoshone, and Kootenai Counties, Idaho.

SUMMARY: This notice is to advise the public that the Emerald Empire Resource Area, Coeur d'Alene District of the Bureau of Land Management has determined that the following described public lands are suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Boise Meridian

T.48N., R.1W.,
Sec. 6, lots 2,3
T.49N., R.1W.,
Sec. 31, lots 1,2, NW¼NE¼, W½SW¼
T.56N., R.1W.,
Sec. 6, lots 4,5, SE¼NW¼

The area described above contains approximately 381.53 acres.

In exchange for these lands, the United States will acquire the following described lands from Idaho Forest Industries, Inc.:

Boise Meridian

T.47N., R.1E.,
Sec. 13, SW¼NE¼, S½NW¼
Sec. 14, SE¼NE¼
Sec. 26, NW¼, W½SW¼, SE¼SW¼
Sec. 27, E½E½, SW¼NE¼, W½SE¼
Sec. 35, NE¼NW¼
T.47N., R.2E.,
Sec. 5, lot 1, SE¼NE¼
T.48N., R.2E.,
Sec. 32, S½SE¼SE¼
Sec. 33, SW¼SW¼

The area described above contains approximately 894.21 acres.

The purpose of the land exchange is to benefit the public interest by obtaining important resource values. The public lands to be exchanged are isolated and difficult to manage parcels with limited resource values. The private lands being offered have important values for access, wildlife, and recreation that merit acquisition for public ownership. There are no grazing leases, grazing permits, or range improvements on any of the above described public lands. The exchange is consistent with the Bureau of Land Management land use plans and the public interest will be served by completing this exchange. Final determination on disposal will await completion of an environmental analysis, which will be made available to the public. The value of the lands to be exchanged will be approximately equal.

Lands to be transferred from the United States will be subject to the following reservations, terms, and conditions:

1. All valid existing rights, including any right-of-way, easement, permit or lease of record.

2. A reservation to the United States of a right-of-way for ditches and canals constructed by the authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant. The segregative effect of this notice will terminate upon issuance of patent or in two years, whichever occurs first.

ADDRESSES: Detailed information concerning the exchange is available for review at the Coeur d'Alene District Office, 1808 North Third Street, Coeur d'Alene, Idaho 83814

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager at the above address. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: February 9, 1993.

Fritz U. Rennebaum,

District Manager.

[FR Doc. 93-3931 Filed 2-18-93; 8:45 am]

BILLING CODE 4310-GG-M

[NV-930-03-4210-04; Nv 50964]

Realty Action; Exchange of Public and Private Lands, Lyon County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, Proposed Land Exchange NV 50964.

SUMMARY: The following described federal land in Lyon County, Nevada, has been proposed for disposal by exchange under section 206 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716):

Mount Diablo Meridian (MDM), Nevada

T. 11 N., R. 26 E.

Sec. 4: Lots 1, 8, and 10;
Sec. 5: N½S½NW¼;
Sec. 9: Lots 1, 3, 8, 10, and 16;
Sec. 10: S½NW¼SW¼NW¼, SW¼SW¼NW¼, W½SE¼SW¼;

T. 12 N., R. 26 E.

Sec. 30: SW¼NE¼SW, S½N½SW¼SE¼, S½SW¼SE¼;
Sec. 32: S½NE¼NE¼, NE¼NW¼;
Sec. 33: SW¼NW¼NW¼, SW¼NW¼, W½SW¼SE¼NW¼, NE¼SW¼, W½SW¼SE¼, W½SE¼SW¼SE¼;

aggregating approximately 598.49 acres.

In exchange, the United States would acquire the following described private land in Lyon County, Nevada:

T. 11 N., R. 26 E., MDM

Sec. 14: NW¼SW¼;
Sec. 15: N½SE¼;

aggregating approximately 120 acres.

SUPPLEMENTARY INFORMATION: The purpose of this exchange is to acquire private land adjacent to public land on both sides of the East Walker River which is characterized by high public resource values of scenery, wildlife habitat, and outdoor recreation. The federal land to be exchanged comprises several semi-arid desert parcels adjacent to private lands owned by Pitchfork Ranch, Inc. The exchange would be consistent with provisions of the Walker Resource Management Plan and would serve the public interest. An environmental assessment will be prepared.

The proposed exchange would be based on equal land values determined by fair market value appraisals. Acreages of either the private land or the public land would be reduced as needed to equalize values.

Land transferred from Federal ownership would be subject to the following reservations and rights-of-way:

1. A reservation of right-of-way to the United States of ditches and canals, pursuant to the Act of August 30, 1890 (43 U.S.C. 945);

2. Powerline Right-of-Way NEV 044376, 100 feet wide, granted by the United States to Sierra Pacific Power Company, its successors or assigns, under the authority of the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 96);

3. Powerline Right-of-Way NEV 061404, 40 feet wide, granted by the United States to Sierra Pacific Power Company, its successors or assigns, under the authority of the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 96); and

4. Buried telephone line Right-of-Way N 48789, six feet wide, granted by the United States to Contel of Nevada, its successors or assigns, under the authority of the Act of October 21, 1976 (90 Stat. 2776; U.S.C. 1761).

Publication of this notice in the **Federal Register** segregates the public lands from appropriation under the public land laws, including the mining laws, until the first of the following events occurs (1) issuance of patent as proposed, or (2) the expiration of two years from the date this notice is published in the **Federal Register** or (3) publication of a notice in the **Federal Register** that the segregation is terminated.

FOR FURTHER INFORMATION CONTACT: More detailed information is available from the Area Manager or Steep Weiss, Bureau of Land Management, Walker Resource Area, 1535 Hot Springs Road, suite 300, Carson City, Nevada 89706; telephone (702) 885–6000.

DATES: Interested parties may submit comments, including issues and alternatives to be analyzed in an environmental assessment, to the Area Manager at the address above by April 5, 1993.

Dated: February 8, 1993.

John Matthiessen,

Area Manager.

[FR Doc. 93–3836 Filed 2–18–93; 8:45 am]

BILLING CODE 4310–HC–M

[OR–110–6310–11–257A; G2–098]

February 9, 1993.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Termination of Recreation and Public Purposes Act Classification (ORE 015650); Oregon.

SUMMARY: This notice announces termination of Recreation and Public Purposes Act Classification (ORE 015650); Oregon.

FOR FURTHER INFORMATION CONTACT: Ann Ramage, Acting Grants Pass Area Manager, Medford District Office, 3040 Biddle Road, Medford, Oregon 97504; Telephone 503–770–2200.

SUPPLEMENTARY INFORMATION: The Oregon State Director, Bureau of Land Management, classified pursuant to section 7 of the Act of June 28, 1934 (48 Stat. 1272), the following lands as suitable for recreation and public purposes:

T. 36 S., R. 6 W., Section 27, SW¼ SE¼, Willamette Meridian, Josephine County, Oregon (ORE 015650).

The lands were originally used as the location of the Fort Vannoy Job Corps Center and were later leased to Josephine County under the Recreation and Public Purposes Act for use as a community college. Through Public Law 101–419 of October 12, 1990 the lands were conveyed to Josephine County. Subsequently the Recreation and Public Purposes Act lease was terminated.

Since the lease has been terminated and since the land is no longer needed for recreational and public purposes, the classification is hereby terminated in its entirety.

David A. Jones,

District Manager.

[FR Doc. 93–3922 Filed 2–18–93; 8:45 am]

BILLING CODE 4310–33–M

[OR–110–4212–13; G–3–112]

Realty Action; Exchange of Public and Private Lands in Jackson County, OR

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

Pursuant to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), the Bureau of Land Management, Ashland Resource Area, is considering the following described land in Jackson County as suitable for exchange.

Selected Public Land

Willamette Meridian, Oregon

T. 37 S., R. 2 E.
Sec. 5, all;
Sec. 7, Lots 3, 4, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 18, Lot 1, NE¼NE¼, NE¼NW¼;

Aggregating approximately 1,240 acres, more or less.

Offered Private Land

Willamette Meridian, Oregon

T. 40 S., R. 4 E.
Sec. 21, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 22, W½W½;
Sec. 27, W½W½;
Sec. 28, all;
Sec. 33, NE¼NW¼;

Aggregating approximately 1,200.00 acres, more or less.

FOR FURTHER INFORMATION AND PUBLIC COMMENT:
The Environmental Assessment and other information concerning this exchange is available for review at the Medford District Office, 3040 Biddle Road, Medford, Oregon 97504. For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager at the above address. Any adverse comments will be evaluated by the State Director, who may sustain, vacate, or modify this Realty Action.

SUPPLEMENTARY INFORMATION: The purpose of this exchange is to facilitate resource management opportunities. The private lands being offered have important values for timber management, wildlife habitat, recreation, and livestock grazing.

The exchange will be completed on an equal value basis. Full equalization of values will be achieved through acreage adjustment or by cash payment of an amount not to exceed 25 percent of the lands being transferred out of Federal ownership.

The following reservations will be made in a patent issued for the public lands:

1. A reservation to the United States of a right-of-way of ditches or canals

constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. A reservation to the United States for existing roads.

3. A reservation of a conservation easement to include a bat cave in Section 7.

4. All other valid, existing rights, including but not limited to any right-of-way, easement, or Lease of Record.

Publication of this notice in the **Federal Register** segregates the public lands from operation of the public land laws and the mining law, except for mineral leasing and exchange under section 206 of FLPMA. For a period of two years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied, canceled, or the exchange is approved prior to that date.

Dated: February 9, 1993.

David A. Jones,

District Manager.

[FR Doc. 93-3932 Filed 2-18-93; 8:45 am]

BILLING CODE 4310-33-M

[CO-030-06-4410-02]

Record of Decision, Approved Resource Management Plan, and Rangeland Program Summary for the Gunnison Resource Area, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of Record of Decision, Approved Resource Management Plan, and Rangeland Program Summary for the Gunnison Resource Area.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (40 CFR 1550.2), and the Federal Land Policy and Management Act of 1976, the Department of Interior, Bureau of Land Management (BLM), Montrose District provides notice of the Record of Decision, Approved Resource Management Plan, and Rangeland Program Summary (ROD/RMP) for the Gunnison Resource Area. This document is now available to the public. This ROD/RMP supersedes the existing land use plan and other related documents for managing BLM-administered lands. Located in south-central Colorado, the Gunnison Resource Area (GRA) encompasses 585,012 acres of federal surface estate and a total of 728,567 acres of federal subsurface mineral estate within Gunnison, Hinsdale, Montrose, Saguache, and Ouray Counties.

DATES: February 5, 1993.

ADDRESSES: Copies of the ROD/RMP are available upon request by writing Gunnison RMP Project, Bureau of Land Management, 2465 Townsend Avenue, Montrose, Colorado 81401. The phone number is (303) 249-7791 (Ext. 232). Copies may also be obtained from the Gunnison Resource Area Office, 216 N. Colorado, Gunnison, Colorado 81230. The Gunnison office phone number is (303) 641-0471.

FOR FURTHER INFORMATION CONTACT: Bill Bottomly, RMP Project Manager, Montrose, Colorado. His phone number is (303) 249-6047.

SUPPLEMENTARY INFORMATION: The Gunnison ROD/RMP is essentially the same as the Gunnison Proposed RMP and Final EIS (PRMP). No changes to the proposed decisions have been made. However, some clarifying language has been included as a result of three protests the BLM received on the PRMP. The clarifying language concerned livestock grazing guidelines in riparian areas, sheep grazing in the Silver creek drainage, and the use of the term "biological year" as it pertains to elk management in the planning area. In addition, total, active, and suspended preference for livestock grazing, expressed in animal unit months (AUMs), has been updated for publication in this RMP to more accurately portray the current livestock grazing program. To update this information, consideration was given to agreements or decisions made prior to the completion of this RMP, loss of federal ownership, allotments being combined or separated, and the transfer of administration of some allotments to the adjacent San Juan Resource Area.

Four alternatives that encompass a spectrum of realistic management options were considered in the planning process. The final plan is a mixture of management objectives and actions that, in the opinion of BLM, best resolves the issues and concerns that drove the preparation of the plan. Major aspects of the plan include the following:

Minerals

The vast majority of land is open to fluid mineral leasing under standard lease terms, to locatable mineral entry, and to sale of mineral materials. protective actions such as seasonal restrictions, no surface occupancy, or withdrawal have been prescribed to protect important wildlife, recreation, and natural resources.

Soil and Water Resources

Reducing soil erosion and increasing plan basal cover on soils with moderate to severe erosion potential are high priorities.

Vegetation

The identification of desired plant communities will be made that best meet the total resource objectives and needs for a given piece of public land.

Riparian

Riparian areas are to be properly functioning. To meet this objective, restrictions or conditions to uses have been made such as limitations on timber harvesting and off-road vehicle restrictions. The use of stubble heights have been incorporated to help direct proper livestock utilization in riparian areas.

Wildlife Habitat

Measures will be taken to protect or enhance wildlife habitat for deer, elk, bighorn sheep, antelope, sage grouse, and other species. BLM will continue to participate in the Colorado Habitat Partnership Program which is designed to help mitigate conflicts between livestock and wildlife forage utilization.

Special Plants and Animals

Habitat that supports existing populations would be maintained and protected.

Livestock Management

About 470,460 acres of public land suitable for grazing would be available for grazing. Utilization levels of livestock, including minimum stubble height requirements, are identified to meet vegetation and watershed goals in riparian and upland areas.

Forest Management

About 41,347 acres of suitable commercial forest lands and 23,615 acres of woodlands would be available for harvest. Restrictions on timber harvesting would be employed to protect riparian areas, soils, crucial wildlife habitat and elk calving areas, and other valuable resources.

Transportation and Access

New access would be pursued into eleven areas.

Land Tenure

A total of 43 tracts containing 3,120 acres would be available for disposal by sale. The balance of the area would be retained but can be considered for exchange, boundary adjustment, state indemnity selection, Recreation and Public Purpose applications or other appropriate authority if disposal serves the public interest. Acquisition in the unit can be considered on a case-by-case basis.

Rights-of-Way

About 448,219 acres would be open for right-of-way consideration. About 85,387 acres would be avoidance areas and 51,406 acres would be exclusion areas to rights-of-ways. A right-of-way corridor is designated that parallels the existing 230 Kv transmission line from Curecanti to Salida. A second right-of-way corridor is designated that parallels the existing 115 Kv transmission line from Blue Mesa Reservoir to Lake City.

Fire Management

Wildfires on most of the area would be conditionally suppressed. Wildfires on about 76,624 acres would be under a full suppression policy.

Recreation

Three (3) areas are designated as Special Recreation Management Areas (SRMAs) where most recreation management will be focused:

- Alpine Triangle SRMA: Encompasses land along the Lake Fork of the Gunnison River south of Blue Mesa Reservoir and lands south and west of Lake City. The area has valuable fisheries, historical features, riparian, natural and scenic values.
- Powderhorn Primitive Area SRMA: The area has valuable natural and scenic values in a non-motorized setting.
- Cochetopa Canyon SRMA: This riparian corridor has valuable scenic and river-related values.

Off-Highway Vehicles (OHV)

About 49,000 acres of the resource area (including the Powderhorn Primitive Area SRMA) will be closed to OHV use; 173,000 acres will be limited to OHV use; the remaining public lands will be open to OHV use.

Wild and Scenic Rivers

Pursuant to the Wild and Scenic Rivers Act, the plan analyzed 131 creek/river segments for potential designation as wild and scenic rivers. One segment of the Lake Fork of the Gunnison River (13.3 miles) met eligibility criteria, was given a potential classification as "recreational," and was analyzed for suitability for inclusion into the Wild and Scenic Rivers System. This segment was not determined suitable for inclusion into the system.

Wilderness Study Areas

Six (6) Wilderness Study Areas encompassing approximately 114,247 acres will be managed according to interim policy and guidelines until Congress acts upon them.

Areas of Critical Environmental Concern (ACEC)

The plan designates six (6) areas of BLM-administered lands (42,261 acres) as Areas of Critical Environmental Concern (ACEC):

- American Basin: 1,595 acres, located in all or part of T.42N., R.6W., Sections 3, 4, 9, 10, 15, and 16, and T.43N., R.6W., Sections 33 and 34; to protect visual and related recreation opportunities.
- Redcloud Peak: 5,947 acres, located in all or part of T.43N., R5W., Sections 20–23, 36–29, and 32–35; to protect and enhance the Uncompahgre fritillary butterfly and related habitat. The butterfly has been listed as an endangered species by the U.S. Fish and Wildlife Service.
- Slumgullion Earthflow National Landmark: 1,407 acres, located in all or part of T.43N., R.4W., Sections 1 and 10–15; to protect visual and natural values.
- West Antelope Creek: 28,215 acres, located in all or part of T.49N., R.1W., Sections 2–10; T.50N., R.1W., Sections 13, 14, 21–28, and 31–35, T.49N., R.2W., Sections 1–24 and 30; T.50N., R.2W., Sections 12–14, 23–26, and 35 and 36; T.49N., R.3W., Sections 1–26; and T.49N., R.4W., Sections 13, 14, 23, and 24; to protect and enhance wintering big game and related habitat.
- South Beaver Creek: 4,565 acres, located in part or all of T.48N., R.1W., Sections 2–5, 9–11, and 13–15; and T.49N., R.1W., Sections 16, 20–22, 27–29, and 32–34; to protect and enhance populations of skiff milkvetch, a special status species.
- Dillon Pinnacles: 532 acres, located in part or all of T.49N., R.4W.; to protect and enhance scenic and recreational opportunities. Special management will be provided to minimize surface disturbing activities (e.g., motorized vehicle limitations, mineral development restrictions, etc.) that would adversely affect the significant values within these six areas. Coordinated resource management activity plans will be prepared to detail these protective measures.

Dated: February 12, 1993.

Gary McVicker,

Acting State Director.

[FR Doc. 93–3928 Filed 2–18–93; 8:45 am]

BILLING CODE 4310–JB–M

[AZ–050–03–4210–01; 1614]

Intent To Prepare a Resource Management Plan Amendment and Public Invitation To Participate in the Identification of Issues and Planning Criteria, Yuma District, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: The Bureau of Land Management (BLM) Yuma District is preparing an Amendment and Environmental Assessment to the Final Yuma District Resource Management Plan.

The management actions proposed in the Draft Amendment will include: determination of eligibility of portions of the Bill Williams River for inclusion in the National Wild and Scenic River System, consideration of authorization for an additional competitive-use off-highway vehicle race event, opening of additional lands for utility rights-of-way, and availability of additional lands for disposal.

DATES: Comments related to the identification of issues and planning criteria will be accepted until March 31, 1993.

ADDRESSES: Send comments to Herman L. Kast, District Manager, Yuma District, Bureau of Land Management, 3150 Winsor Avenue, Yuma, Arizona 85365.

FOR FURTHER INFORMATION CONTACT: Dave Curtis, Planning and Environmental Coordinator, Yuma District Office, telephone (602) 726–6300.

SUPPLEMENTARY INFORMATION:

1. The BLM is proposing to change the Resource Management Plan by determining the eligibility of portions of the Bill Williams River to be studied further for suitability and recommendation to Congress for inclusion in the National Wild and Scenic River System. At least two alternatives will be developed:

(a) Proposed eligibility classifications for various segments of the river.

(b) No action.

2. The BLM is considering changing the Resource Management Plan to allow the authorization of an additional site for a competitive-use off-highway vehicle race event to be located in Townships 12 and 13 North, Ranges 18 and 19 West, Gila and Salt River Meridian, Arizona. Approval for the race event would be contingent upon the completion of appropriate public involvement and environmental compliance documentation as part of the plan amendment process.

3. The BLM is proposing to change the Resource Management Plan to open the Crossman Peak Special Management Area to applications for utility rights-of-way. Approval of case-by-case applications for utility rights-of-way in this area would be contingent upon the completion of appropriate public involvement and site-specific environmental compliance documentation.

4. The BLM is proposing to change the Resource Management Plan to make additional Bureau of Reclamation-withdrawn lands located in Township 11 South, Range 25 West, Gila and Salt River Meridian, Arizona, available for disposal.

Approval of any disposal action would be on a case-by-case basis and would require Bureau of Reclamation approval. Any action would also be contingent upon the completion of appropriate public involvement and site-specific environmental compliance documentation.

A team of interdisciplinary specialists, whose backgrounds are in the resources to be affected, will be involved in the review and development of these proposals and in the preparation of an Environmental Assessment analyzing the potential impacts.

Public scoping meetings will be held to allow full participation in the plan amendment process. A public meeting will be held on March 17, 1993, at 7 p.m. at the Ramada London Bridge Resort, 1477 Queens Bay, Lake Havasu City, Arizona. The purpose of the meeting will be to identify the issues related to the proposed competitive-use off-highway vehicle event.

A public meeting will be held to identify the issues associated with the Crossman Peak utility rights-of-way proposal. This meeting is scheduled for March 18, 1993, at 7 p.m. at the same location as mentioned above.

Complete records of all phases of the planning process will be available for public review at the BLM Havasu Resource Area Office, 3189 Sweetwater Avenue, Lake Havasu City, Arizona 86403, and at the BLM Yuma District Office, 3150 Winsor Avenue, Yuma, Arizona 85365.

This Notice is published under the authority of title 43, Code of Federal Regulations, subpart 1610.2(c).

Dated: February 10, 1993.

Bill Watters,

Acting District Manager.

[FR Doc. 93-3929 Filed 2-18-93; 8:45 am]

BILLING CODE 4310-32-M

[ID-942-03-4730-02]

Filing of Plats of Survey; Idaho

The plat of survey of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., on February 12, 1993.

The plat representing the dependent resurvey of portions of the south and west boundaries and subdivisional lines, and the subdivision of section 31, and the survey of Tract 37, Township 2 North, Range 4 West, Boise Meridian, Idaho, Group No. 853, was accepted February 3, 1993.

This survey was executed to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above-described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Dated: February 12, 1993.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 93-3933 Filed 2-18-93; 8:45 am]

BILLING CODE 4310-GG-M

[ID-942-03-4730-02]

Filing of Plats of Survey; Idaho

The plat of survey of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., February 12, 1993.

The plat representing the dependent resurvey of a portion of the subdivisional lines, subdivision of section 13, and Lot 4 in section 13, and a metes-and-bounds survey in section 13, Township 10 North, Range 4 East, Boise Meridian, Idaho, Group No. 839, was accepted on February 3, 1993.

This survey was executed to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above-described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Dated: February 12, 1993.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 93-3934 Filed 2-18-93; 8:45 am]

BILLING CODE 4310-GG-M

[CA-940-4210-06; CACA 31210]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Department of Agriculture, Forest Service, has filed an application to withdraw 640 acres of National Forest System lands for protection of the Sugar Pine Point Research Natural Area near Cisco Grove. This notice closes the lands for up to 2 years from location and entry under the United States mining laws. The lands will remain open to all other uses which may be made of National Forest System lands.

DATE: Comments and requests for meeting should be received on or before May 20, 1993.

ADDRESSES: Comments and meeting requests should be sent to the California State Director, BLM, 2800 Cottage Way, room E-2845, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Viola Andrade, BLM California State Office, 916-978-4820.

SUPPLEMENTARY INFORMATION: On December 1, 1992, the United States Department of Agriculture filed an application to withdraw the following described National Forest System lands from location and entry under the United States mining laws, subject to valid existing rights:

Mount Diablo Meridian

Tahoe National Forest

T. 16 N., R. 13 E.,
Sec. 20, all.

The area described contains 640 acres in Placer County.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the California State Director of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the California State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a

notice of time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date.

Dated: February 9, 1993.

Nancy J. Alex,

Chief, Lands Section.

[FR Doc. 93–3837 Filed 2–18–93; 8:45 am]

BILLING CODE 4310–40–M

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Notice of Availability of Draft Florida Panther Habitat Protection Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Under the guidance of the Florida Panther Interagency Committee, a draft "Florida Panther Habitat Protection Plan" for panther habitat in south Florida has been developed. A detailed "Overview" of the draft plan has been developed and is available for those who would prefer to conduct a more general review of the document. Those preferring to conduct a detailed review may obtain copies of the complete plan. Comments from all groups are welcome.

DATES: Comments from all interested parties must be received by April 20, 1993 in order to be considered in the development of the final habitat protection plan.

ADDRESSES: Please send correspondence concerning this notice to the Regional Director, U.S. Fish and Wildlife Service, 75 Spring Street, SW, Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis B. Jordan, Florida Panther Coordinator, U.S. Fish and Wildlife Service, 117 Newins-Ziegler Hall, University of Florida, Gainesville, Florida 32611–0307, telephone 904/392–1861.

SUPPLEMENTARY INFORMATION:

Background

The Florida panther (*Felis concolor coryi*) represents one of this Nation's most critically endangered animals—presently consisting of a single population in south Florida estimated to number 30 to 50 adults. The Florida panther's existence is severely threatened by both rapid and gradual extinction processes. Factors of concern include habitat loss, environmental contaminants, highways, prey resources, human activities, disease, and genetic erosion. Recent population viability analysis projections indicate that under existing demographic and genetic conditions the Florida panther will likely be extinct in 25–40 years. Actual time to extinction could be accelerated significantly by the occurrence of a catastrophic population reducing event.

Extinction of the Florida panther can be avoided only if programs to enhance existing genetic conditions and expand the existing population are successful. Programs to enhance genetic conditions must include actions to preserve existing genetic diversity, manage for inbreeding problems and restore historic gene flow. Programs to expand the population must include actions to preserve habitats that are considered essential to meeting the needs of a self-sustaining population in south Florida and actions to reestablish populations elsewhere within the panther's historic range. Population viability analysis data indicate that from a demographic and genetic standpoint a self-sustaining population should consist of a minimum of 50 adult panthers. The goal of the subject plan, therefore, is to bring about actions that will assure the long-term protection of landscapes in south Florida capable of supporting no fewer than 50 adult panthers.

Author

The primary author of this notice is Dennis B. Jordan, U.S. Fish and Wildlife Service, 117 Newins-Ziegler Hall, University of Florida, Gainesville, Florida 32611–0307, telephone 904/392–1861.

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531–1544).

Dated: February 8, 1993.

James W. Pulliam, Jr.,

Regional Director, Fish and Wildlife Service.

[FR Doc. 93–3682 Filed 2–18–93; 8:45 am]

BILLING CODE 4310–55–P

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32244]

The Wheeling & Lake Erie Railway Co.—Trackage Rights Exemption—Carey Short Line Corp.; Notice of Exemption

Carey Short Line Corporation (CSLC) has agreed to grant local trackage rights to The Wheeling & Lake Erie Railway Company (Wheeling) over the approximately 1.0-mile Carey Industrial Track, including sidings and industrial sidetracks, between milepost ±49.50 and milepost ±48.50, in Carey, OH, upon CSCL's acquisition of the line from Consolidated Rail Corporation (Conrail).[1] The trackage rights will provide Wheeling with direct access to shippers located on the line that it had previously served through a reciprocal switching agreement with Conrail. The trackage rights were to be effective on February 8, 1993.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: William C. Sippel, Oppenheimer Wolff & Donnelly, Two Illinois Center, Suite 2400, 233 North Michigan Avenue, Chicago, IL 60601.

As a condition to the use of this exemption, any employees affected by the trackage rights will be protected pursuant to Norfolk and Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980).

Decided: February 12, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–3918 Filed 2–18–93; 8:34 am]

BILLING CODE 7035–01–M

[1] On January 19, 1993, CSLC filed a notice of exemption under 49 CFR 1150.31 for its acquisition of the Carey Industrial Track from Conrail. See Finance Docket No. 32236, Carey Short Line Corporation—Acquisition Exemption—Consolidated Rail Corporation. The parties intended to consummate the acquisition transaction after January 26, 1993, the effective date of that notice.

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Ebasco Constructors, Inc.*, Civil Action No. 93–0101–PHX–SMM, was lodged on January 15, 1993 with the United States District Court for the District of Arizona. Defendants own and operate a rock processing facility near Lake Pleasant, Maricopa County, Arizona, in connection with defendants' construction of the New Waddell Dam. The complaint alleges that defendants violated the Clean Air Act by constructing the rock crushing facility without obtaining a permit as required by Arizona's State Implementation Plan and the Act, and by failing to comply with the New Source Performance Standards applicable to the rock crushing facility under the Act.

Under the proposed consent decree, defendants will pay a civil penalty of $320,000. Defendants must also comply with the injunctive provisions of the consent decree which are designed to ensure that emissions from the facility remain below permissible levels. Those measures include installation of containment and water spraying devices, and wind speed indicators. Defendants must also monitor emissions from the facility and inspect the emissions control equipment in accordance with the schedule set forth in the consent decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Ebasco Constructors, Inc. et al.*, DOJ Ref. #90–5–2–1–1677.

The proposed consent decree may be examined at the Office of the United States Attorney, 4000 U.S. Courthouse, 320 N. First Avenue, Phoenix, AZ 85025; the Region IV Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94103; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, 202–624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $5.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 93–3935 Filed 2–18–93; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Resource Conservation and Recovery Act (RCRA)

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029 (July 17, 1973), notice is hereby given that on February 4, 1993 a proposed Consent Decree in *United States of America* v. *GNB Inc.*, Civil Action No. 3:91–CV–1521–D, was lodged with the United States District Court for the Northern District of Texas.

In 1991, a Compliant in this action was filed by the United States of America against GNB Inc. under section 3008(a), (c) and (g) of RCRA, 42 U.S.C. 6928(a), (c) and (g), in connection with GNB's failure to implement proper groundwater monitoring at their lead-acid battery manufacturing plant in Farmers Branch, Texas.

The proposed Consent Decree entered between the United States and GNB Inc. provides for injunctive relief requiring GNB to implement a groundwater monitoring program in accordance with RCRA, and payment of a $135,000 civil penalty to the United States.

The Department of Justice will receive, for thirty (30) days from the date of publication of this notice, written comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *United States* v. *GNB Inc.*, DOJ Ref. No. 90–7–1–627.

The proposed Consent Decree may be examined at the office of the United States Attorney, Northern District of Texas, U.S. Courthouse and Federal Building, 1100 Commerce St., Dallas, Texas 75242; the Region VI Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202; and at the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005, 202–624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of $8.50 (25 cents per page reproduction charge) payable to the Consent Decree Library.

Myles E. Flint,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 93–3936 Filed 2–18–93; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *New York City*, Civil Action No. 93–436, was lodged on January 22, 1993 with the United States District Court for the Southern District of New York. The Consent Decree resolves the City of New York's violations of the Clean Air Act 42 U.S.C. 7400 et seq. (the "Act") and the requirements of 6 NYCRR part 230. At 41 facilities, the City is in violation of 6 NYCRR parts 230.2(a) and (c) for transferring gasoline into storage tanks without the requisite Stage I vapor recovery equipment and/or for transferring gasoline into motor vehicle fuel tanks without proper Stage II vapor collection systems. The Consent Decree requires the City of New York to pay a civil penalty of $200,000.00. The Decree also requires the City to award contracts to construction managers to undertake and complete the retrofitting or initial installation of Stage I and Stage II vapor collection systems as required by NYCRR part 230 of the federally enforceable New York State Implementation Plan.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20005 and should refer to *United States* v. *New York City*, D.O.J. Reference No. 90–5–2–1–1577.

The proposed consent decree may be examined at the Office of the United States Attorney, One St. Andrews Place, New York, New York 10007; the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278; and the Consent Decree Library, 1120 G Street, NW, 4th Floor, Washington, DC 20005, 202–624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the

referenced case and enclose a check in the amount of $5.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93-3936 Filed 2-18-93; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Consent Decree Pursuant to Clean Water Act and Oil Pollution Act of 1990

In accordance with United States Department of Justice policy, as set out in 28 CFR 50.7, notice is hereby given of the lodging of proposed consent decrees in *United States* v. *U.S. Oil Company*, Civil Action No. C93-5068B, (W.D. Wash.) and *United States* v. *Texaco Refining and Marketing, Inc.*, Civil Action No. C93-181C, (W.D. Wash.). Both actions were brought on February 10, 1993 to address violations of the Clean Water Act (CWA), 33 U.S.C. 1251, *et seq.*, as amended by the Oil Pollution Act of 1990 (OPA), 33 U.S.C. 2701, *et seq.*, and OPA itself, arising out of the discharge of oil into waters of the United States and the adjoining shoreline by U.S. Oil from its refinery at Tacoma, Washington and by Texaco Refining and Marketing Inc. from its refinery at Anacortes, Washington.

Pursuant to the proposed decree in *United States* v. *U.S. Oil*, U.S. Oil is required to: (1) Complete the spill cleanup at a cost of approximately $4 million; (2) install and maintain state-of-the-art spill prevention equipment at a cost of approximately $800,000; (3) pay the government's removal costs (approximately $60,000); and (4) pay a civil penalty of $425,000 to the United States (in addition to a $45,000 civil penalty already paid to the State of Washington.)

Pursuant to the proposed decree in *United States* v. *Texaco*, Texaco is required to: (1) Complete the spill cleanup at a cost of approximately $8 million; (2) install and maintain state-of-the-art spill prevention equipment at a cost of approximately $800,000; (3) pay the government's removal costs (approximately $125,000 already paid plus all future removal costs); and (4) pay a civil penalty of $480,000 to the United States (in addition to a $20,000 civil penalty already paid to the State of Washington.)

Both consent decrees contain reopener provisions authorizing the United States to reopen the cases in the event that additional oil attributable to the spills is found and the actions taken under the decrees do not adequately protect the public and the environment.

The United States Department of Justice will receive comments on the proposed decrees for a period of thirty days after publication. Comments should be addressed to the Acting Assistant Attorney General of the Environment and Natural Resources Division, United States Department of Justice, Washington, DC, 20530. Comments on the U.S. Oil decree should reference *United States* v. *U.S. Oil Company*, DJ Ref. #90-5-1-1-3790; comments on the Texaco decree should reference *United States* v. *Texaco Refining and Marketing Inc.*, DJ Ref. #90-5-1-1-3766.

The proposed decrees may be examined at the offices of the United States Attorney for the Western District of Washington, 3600 Seafirst 5th Avenue Plaza, 800-5th Avenue, Seattle, Washington 98104; the United States Environmental Protection Agency-Region 10, 1200-6th Avenue, Seattle Washington, 98101; the District Legal Officer of the 13th Coast Guard District, Jackson Federal Building, 915-2nd Avenue, room 3460, Seattle, Washington, 98174; or the United States Department of Justice Consent Decree Library, 1120 G Street, NW 4th Floor, Washington, DC 20005 (202-624-0892). When requesting copies, please enclose a check in the amount of $10.50 (twenty-five cents per page reproduction cost) for the U.S. Oil decree and $10.75 for the Texaco decree, payable to the Consent Decree Library. When requesting copies, please refer to either *United States* v. *U.S. Oil Company*, DJ Ref. #90-5-1-1-3790, or *United States* v. *Texaco Refining and Marketing Inc.*, DJ Ref. #90-5-1-1-3766.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93-3937 Filed 2-18-93; 8:45 am]

BILLING CODE 4410-01-M

Federal Bureau of Prisons

Intent to Prepare a Draft Environmental Impact Statement (DEIS) for the Construction of a Metropolitan Detention Center in King County, WA

AGENCY: Federal Bureau of Prisons, U.S. Department of Justice.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY:

1. Proposed Action

The United States Department of Justice, Federal Bureau of Prisons has determined that a new Metropolitan Detention Center (MDC) is needed in its system. The Bureau of Prisons will evaluate two proposed sites located in King County, Washington.

The proposed sites are:

(A) The "Wheelabrator Site", approximately 12 acres, located at 80 South Hudson Street, Seattle, Washington.

(B) The "SeaTac Site", approximately 25 acres, bordered on the north by South 200th Street, on the south by South 204th Street, on the west by South 24th Avenue, and on the east by South 28th Avenue, SeaTac, Washington.

The Federal Bureau of Prisons proposes to construct a 500-unit detention facility for individuals who are awaiting trial, sentencing, or having other business before the United States District Court. As such, the facility is considered an extension of the Federal judiciary and law enforcement activity in Seattle, Washington.

It is anticipated that both of the sites are of sufficient size to provide space for detainee housing, programs, services and support areas, as well as administration, staff training and parking.

2. The Process

In the process of evaluating the two sites, several aspects will receive detailed examination including: utilities, traffic patterns, noise levels, visual intrusion, threatened and endangered species, cultural resources and socio-economic impacts.

3. Alternatives

In developing the DEIS, the options of no action and alternative sites for the proposed facility will be fully and thoroughly examined.

4. Scoping Process

During the preparation of the DEIS, there will be numerous opportunities for public involvement in order to determine the issues to be examined. A Scoping Meeting will be held at 1:30 p.m. on March 16, 1993, at the Jackson Federal Building, located at 915 Second Avenue, Fourth Floor North Auditorium, Seattle, Washington. The meeting will be well publicized and will be held at a time which will make it possible for the public and interested agencies or organizations to attend. In addition, a number of Public Information Meetings will be conducted by representatives of the Bureau of Prisons with interested citizens, officials and community leaders.

5. DEIS Preparation

Public notice will be given concerning the availability of the DEIS for public review and comment.

6. Address

David J. Dorworth, Sr. Site Selection Specialist, Site Selection and Environmental Review Branch.

Federal Bureau of Prisons, 320 First Street, Northwest, Washington, DC 20534. (202) 514–6470.

Dated: February 12, 1993.

David J. Dorworth,

Senior Site Selection Specialist, Site Selection and Environmental Review Branch, U.S. Department of Justice.

[FR Doc. 93–3848 Filed 2–18–93; 8:45 am]

BILLING CODE 4410–05–M

LEGAL SERVICES CORPORATION

Grant Award for Legal Service State Support Center In Hawaii

AGENCY: Legal Services Corporation.

ACTION: Announcement of intention to award grant.

SUMMARY: The Legal Services Corporation hereby announces its intention to award a one-time, non-recurring grant to provide substantive and training support to legal service programs in the State of Hawaii. The Corporation plans to award a grant in the amount of $144,282 to Legal Aid Society of Hawaii, Inc.

This one-time grant will be awarded pursuant to authority conferred by section 1006(a)(3) of the Legal Services Corporation Act of 1974, as amended. This public notice is issued with a request for comments and recommendations within a period of 30 days from the date of publication of this notice. The grant award will not become effective and grant funds will not be distributed prior to expiration of this 30-day period.

DATES: All comments and recommendations must be received on or before 5 p.m. March 22, 1993.

ADDRESSES: Comments are to be sent to the Office of Field Services, Legal Services Corporation, 750 First Street, NE., 11th Floor, Washington, DC 20002–4250.

FOR FURTHER INFORMATION CONTACT: Phyllis Doriot, Manager, Grants and Budgets Division, Office of Field Services, (202) 336–8825.

Dated: February 16, 1993.

Charles T. Moses III,

Deputy Director, Office of Field Services.

[FR Doc. 93–3958 Filed 2–18–93; 8:45 am]

BILLING CODE 7050–01–M

NATIONAL ADVISORY COUNCIL ON THE PUBLIC SERVICE

Meetings

AGENCY: National Advisory Council on the Public Service (NACPS).

ACTION: Notice of meeting.

DATE AND TIME: Monday, March 15, 1993, 9 a.m. to 3 p.m.

PLACE: Dupont Plaza Hotel, 1500 New Hampshire Avenue, NW., Washington, DC.

STATUS: Open.

SUMMARY:

Agenda:

9 a.m.–10 a.m.

Council Business

- Summary of February public hearing
- Review of Committee Activities to date
- Selection of publications committee

10 a.m.–10:15 a.m.
Break
10:15 a.m.–11:15 a.m.
Presentation by Mark Abramson, President, The Council for Excellence in Government
11:15 a.m.–11:45 a.m.
Public Comment
11:45 a.m.–1:15 p.m.
Members Only Working Lunch—Presenter: Dr. Paul Lorentzen, University of Southern California
1:30 p.m.–3 p.m.

Committee meetings

- Workforce Status
- Recruitment and Retention
- Student Interest
- Motivation and Excellence

3 p.m. Adjournment

FOR FURTHER INFORMATION CONTACT: Jane Riddleberger, NACPS, Suite 420, National Press Building, 529 14th Street, NW., Washington, DC 20045 (202–724–0796).

Dated: February 16, 1993.

Jean M. Curtis,

Executive Director.

[FR Doc. 93–3896 Filed 2–18–93; 8:45 am]

BILLING CODE 7525–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 93–01]

NASA Advisory Council (NAC), Space Science and Applications Advisory Committee (SSAAC), Astrophysics Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting change.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 58 FR 7158, Notice Number 93–009, February 4, 1993.

PREVIOUSLY ANNOUNCED DATES AND ADDRESSES OF MEETING: February 18, 1993, 9:30 a.m. to 5:15 p.m.; and February 19, 1993, 8:15 a.m. to 4:30 p.m.; The National Aeronautics and Space Administration, room MIC–5, 300 E Street, SW., Washington, DC 20546.

CHANGES IN THE MEETING: Dates changed to March 30, 1993, 9:30 a.m. to 5:15 p.m.; and March 31, 1993, 8:15 a.m. to 4:30 p.m. Address changed to BDM Conference Center Auditorium, 9705 Patuxent Woods Drive, Columbia, MD 21046.

FOR FURTHER INFORMATION CONTACT: Ms. Lia LaPiana, Code SZ, National Aeronautics and Space Administration, Washington, DC 20546 (202/358–0346).

Dated: February 12, 1993.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 93–3883 Filed 2–18–93; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum Services

Museum Leadership Initiatives; Grant Application Availability

AGENCY: Institute of Museum Services, NFAH.

ACTION: Notice of grant application availability for museum leadership initiatives program.

SUMMARY: This grant application announcement applies to a new funding category offered by the Institute of Museum Services (IMS), the Museum Leadership Initiatives award under 45 CFR part 1180 for Fiscal Year 1993.

DEADLINE DATES FOR TRANSMITTAL OF APPLICATIONS: An application for a new grant must be mailed or hand-delivered by Friday, May 7, 1993.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the Institute of Museum Services, 1100 Pennsylvania Avenue, NW., Room 609, Washington, DC 20506.

An applicant must be prepared to show one of the following as proof of timely mailing:

(1) A legibly dated U.S. Postal Service Postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other dated proof of mailing acceptable to the Director of IMS.

If any application is mailed through the U.S. Postal Service, the Director does not accept the either of the following as proof of mailing: (1) A private metered postmark; or (2) a mail receipt that is not date-canceled by the U.S. Postal Service.

APPLICATIONS DELIVERED BY HAND: Applications that are hand-delivered must be taken to the Institute of Museum Services, 1100 Pennsylvania Avenue, NW., room 609, Washington, DC 20506. Hand-delivered applications will be accepted between 9 a.m. and 4:30 p.m. (Washington DC time) daily, except Saturdays, Sundays, and Federal holidays. An application that is hand-delivered will not be accepted after 4:30 p.m. on the deadline date.

ADDRESSES: Institute of Museum Services, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Mamie Bittner, IMS Public Information Officer, (202) 606–8536. Deaf and hearing impaired individuals may call the TDD Line, (202) 606–8636.

SUPPLEMENTARY INFORMATION: The purpose of this award is to support projects that develop and implement mentoring relationships for paid or volunteer museum staff that will result in a gain of knowledge, skills and abilities which can be applied to improve museum operations and services. For the purposes of this request for proposals, a mentoring relationship is one that is characterized by a substantial commitment of resources over time from at least two parties, one of whom is a staff member (paid or unpaid) of a museum. Successful proposals will be those which can be expected to be replicated successfully.

Eligibility

Applicants may include museums, museum organizations, individuals, universities, consortia of museums, or other organizations, depending on the specifications outlined in the proposal.

Available Funds

An award made through the Museum Leadership Initiatives program may not exceed $248,000; awards are likely to be less. Awards are for projects that will be completed within an eighteen month period. IMS reserves the option of awarding multiple, single, or no awards as a result of this request for proposals

Application Forms

Applicants may obtain application packets for the Museum Leadership Initiatives program by writing or telephoning the Institute of Museum Services, 1100 Pennsylvania Avenue, NW., room 609, Washington, DC 20506, (202) 606–8539. Deaf and hearing impaired individuals may call the TDD Line, (202) 606–8636.

Applicable Regulations: None.

(Catalogue of Federal Domestic Assistance No. 45.301, Institute of Museum Services)

Dated: January 27, 1993.

Linda Bell,

Acting Director, Institute of Museum Services.

[FR Doc. 93–3707 Filed 2–18–93; 8:45 am]

BILLING CODE 7036–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–31765–EA; ASLBP No. 93–674–03–EA]

Oncology Services Corp.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding.

Oncology Services Corporation, Harrisburg, PA

Byproduct Material License No. 37–28540–01 EA 93–006

This Board is being established pursuant to the request by the Oncology Services Corporation (the Licensee), dated February 2, 1993, for a hearing regarding an Order issued by the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support, dated January 20, 1993, entitled "Order Suspending License (Effective Immediately)" (58 FR 6825–27, February 2, 1993). The Order suspends License No. 37–28540–01 pending further Order. This suspension precludes the performance of any licensed activity at any of the Licensee's facilities authorized by the License.

An Order designating the time and place of any hearing will be issued at a later date.

All correspondence, documents and other materials shall be filed in accordance with 10 CFR 2.701. The Board is comprised of the following administrative judges:

G. Paul Bollwerk, III, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dr. Charles N. Kelber, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dr. Peter S. Lam, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Issued at Bethesda, Maryland, this 10th day of February 1993.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 93–3885 Filed 2–18–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–305]

Wisconsin Public Service Corp., Wisconsin Power and Light Co., Madison Gas and Electric Co.; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License No. DPR–43 issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, Madison Gas and Electric Company (the licensees), for operation of the Kewaunee Nuclear Power Plant, located in Kewaunee County, Wisconsin.

The proposed amendment would provide interim alternate plugging criteria for the Kewaunee steam generators based on eddy current test indications in the tube support plate regions. Technical changes are also proposed for the affected bases sections, and administrative changes are proposed for both the affected Technical Specifications and the bases.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences or an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR

50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change was reviewed in accordance with the provisions of 10 CFR 50.92 to show no significant hazards exist. The proposed change will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The probability of an accident previously evaluated will not be significantly increased by this proposed change to incorporate an IPC [interim plugging criteria] of 1.0 volt for the 1993–1994 operating cycle. The IPC repair limit will be applied to ODSCC [outside diameter stress corrosion cracking] occurring within the thickness of the TSPs [tube support plates]. A tube integrity assessment performed in accordance with the criteria of RG 1.121 demonstrates that the tubes in the Kewaunee SGs [steam generators] maintain a safety factor of three times normal operating pressure differential for crack indications with voltages up to 4.05 volts, regardless of indicated depth, with no credit taken for potential constraint of the TSP under normal and postulated accident condition loadings. This structural limit is based on the lower 95% confidence level limit of the burst pressure versus voltage correlation. The proposed 1.0 volt repair criteria provides an extremely conservative margin of safety to the structural limit considering the NDE [non-destructive evaluation] uncertainty and expected growth rates of ODSCC at Kewaunee.

The consequences of an accident previously evaluated will not be significantly increased by application of an IPC. Although tubes are not expected to burst under accident conditions, it cannot be assured that the cracks will not leak during postulated accident condition loadings as discussed in the USAR [Updated Safety Analysis Report]. Of the accidents that are affected by primary-to-secondary leakage and steam release to the environment, the SLB [steam line break] is most limiting relative to the potential for offsite doses. Upon implementation of the IPC, it will be verified that the distribution of ODSCC indications at the TSP intersections left in service for the 1993–1994 operating cycle are such that primary-to-secondary leakage will not exceed 1.0 gpm in the affected loop during an SLB event. This level of tube leakage will result in radiological consequences that are well within a small fraction of the 10 CFR 100 limit at the site boundary.

(2) Create the possibility of a new or different kind of accident from any previously evaluated.

Implementation of the proposed IPC for ODSCC for the SG TSPs does not reduce the overall safety and functional requirements of the SG tube bundles. The SG tube bundles will continue to sustain, in accordance with the criteria of RG 1.121, the loads during normal operation and the various postulated accident conditions without loss of safety function.

Implementation of the IPC will be supplemented by a reduced operating leakage requirement of 150 gpd per SG. The 150 gpd restriction will provide for leakage detection and plant shutdown in the event of the occurrence of an unexpected single crack resulting in leakage that is associated with the longest permissible crack length. The operating leakage limit is based on leak-before-break considerations, critical crack length and predicted leakage. Therefore, the proposed change does not create the possibility of a new or different kind of accident.

(3) Involve a significant reduction in the margin of safety.

Application of the IPC repair limit for the Kewaunee SGs has been demonstrated to maintain tube integrity commensurate with the RG 1.121 criteria. RG 1.121 describes a method acceptable to the NRC staff for meeting GDCs [General Design Criteria] 2, 14, 15, 31, and 32. This is accomplished by determining the limiting condition of degradation of SG tubing, as established by inservice inspection, for which tubes with unacceptable cracking should be removed from service. Upon implementation of the IPC, even under worst case conditions, the occurrence of ODSCC at the TSPs is not expected to lead to an SG tube rupture event during normal or faulted plant conditions. The most limiting event would be a potential increase in leakage during an SLB event. Excessive leakage during an SLB is precluded by verifying that the expected EOC [end of cycle] crack distribution of ODSCC indications at TSP intersections would result in primary-to-secondary leakage less than 1.0 gpm. With this level of leakage, the radiological consequences from tubes remaining in service is a small fraction of the 10 CFR 100 limits.

The combined effects of a LOCA [loss-of-coolant accident] plus SSE [safe shutdown earthquake] on the SGs were assessed as required by GDC 2. This issue was addressed for the Kewaunee SGs through the application of leak-before-break (LBB) principles to the primary loop piping. A detailed LBB analysis has been performed for Kewaunee. Based on the results, it is concluded that the LBB (as permitted by GDC 4) is applicable to the Kewaunee RCS [reactor coolant system] primary loops and, thus, the probability of breaks in the primary loop piping is sufficiently low that they need not be considered in the structural design basis of the plant. Excluding breaks in the RCS primary loops, the LOCA loads from the large branch line breaks were also assessed and found to be of insufficient magnitude to result in SG tube collapse. Based on recent analysis results, no tubes are expected to collapse or deform to the degree that secondary-to-primary in-leakage would be increased over current expected levels. On this basis no tubes need to be excluded from the IPC for reasons of deformation resulting from combined LOCA and SSE loadings.

Addressing the RG 1.83 considerations, implementation of the IPC will include a 100% bobbin coil inspection of the TSPs. This will be supplemented by a reduced operating leak rate limit, eddy current inspection guidelines to provide the methodology for reporting field bobbin voltage measurements consistent with the development of the alternate repair limit, and RPC [rotating pancake coil] probe inspection requirements.

Therefore, the proposed change will not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and based on this review it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 22, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301. If a request for a hearing or petition for leave to intervene is filed by the above date, the

Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1 (800) 325–6000 (in Missouri 1 (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John N. Hannon: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Foley and Lardner, Attention: Mr. Bradley D. Jackson, One South Pinckney Street, P.O. Box 1497, Madison, Wisconsin 53701–1497, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request, should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 8, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

Dated at Rockville, Maryland, this 12th day of February, 1993.

For the Nuclear Regulatory Commission.

John N. Hannon,

Project Director, Project Directorate III–3, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 93–3884 Filed 2–18–93; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–31857; File No. SR–MSE–93–01]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change of the Midwest Stock Exchange, Incorporated Requesting a Sixty Day Extension of the SuperMAX and Enhanced SuperMAX Pilot Programs

February 12, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act"), notice is hereby given that on February 9, 1993, the Midwest Stock Exchange, Incorporated ("MSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons, and simultaneously publishing an order granting accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The MSE proposes to extend its SuperMAX and Enhanced SuperMAX pilot programs for an additional sixty day period. The SuperMAX program guarantees the execution price of small agency market orders received over the Midwest Automated Execution System ("MAX") at an automatically improved price over the consolidated best bid or offer according to certain pre-defined criteria. The Commission first approved the pilot program for SuperMAX on May 14, 1990.[1] Subsequent extensions were requested and approved. The current extension of the pilot program expires on February 14, 1993.

The enhanced version of SuperMAX ("Enhanced SuperMAX") operates as a separate system and is available to MSE specialists as an addition, or as an alternative, to SuperMAX. The pilot program for the Enhanced version of SuperMAX was first approved on December 10, 1991.[2] Subsequent extensions were requested and approved. The current extension of the pilot program is set to expires on February 14, 1993.

The MSE proposes to extend the pilot programs for the SuperMAX and the Enhanced SuperMAX systems until April 14, 1993.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in section (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The sixty day extension of the pilot period is sought to allow the Exchange to determine which system it intends to implement. The Exchange will supply the Commission with requested trading data regarding both systems and also will seek to implement one version of SuperMAX on a permanent basis.

The proposed rule change is consistent with section 6 of the Securities Exchange Act of 1934 in that it will promote just and equitable principles of trade and will help to perfect the mechanism of free and open markets and a national market system and will foster competition among markets.

(B) Self-Regulatory Organization's Statement on Burden on Competition

Midwest Stock Exchange, Incorporated believes that no burden will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants or Others

No comments were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The MSE requests that the Commission find good cause for approving the proposed rule change extending its pilot programs until April 14, 1993, prior to the thirtieth day after publication of the notice in the **Federal Register**. The proposed rule change implementing the pilot programs has been published for comment in the **Federal Register** previously, and there have been no adverse comments on it. The MSE believes it appropriate to approve the extension of the pilot programs so that the Exchange may have additional time to consider which system it intends to implement.

The Commission finds that the proposed rule change extending the pilot programs is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSE and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change on an accelerated basis prior to the thirtieth day after the date of publication of the notice of filing thereof in that additional time for consideration of the two systems is required.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 25, 1993.

It is Therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change extending the pilot program for the SuperMAX and Enhanced SuperMAX systems until April 14, 1993, be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3950 Filed 2–18–93; 8:45 am]

BILLING CODE 8010–01–M

---

[1] See Securities Exchange Act Release No. 28014 (May 14, 1990), 55 FR 20990 (order approving SR–MSE–90–05).

[2] See Securities Exchange Act Release No. 30058 (December 10, 1991), 56 FR 65765 (order approving SR–MSE–91–12).

VOL 58 ISS 32 FE 19 1993 UMI

DEPARTMENT OF STATE

[Public Notice 1766]

United States Organization for the International Telegraph and Telephone Consultative Committee (CCITT), Study Group B Meeting

The Department of State announces that Study Group B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on Tuesday, April 6, 1993 in room 1912 from 9:30 a.m. to 5 p.m., Department of State: 2201 C Street NW., Washington, DC 20520.

The Agenda of the April meeting will review the results of the January, 1993 meeting of Study Group XVIII. The meeting will also consider Contributions for CCITT Study Group XI Meeting, May 3–19, 1993, proposed structure and questions proposed for Study Groups XI and XVIII during the 1993–1996 Plenary Period, and consider any other business raised within the terms of reference of U.S. Study Group B. The Delegation for Study Group XI will also be considered.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chair. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Persons who plan to attend should so advise the Office of Gary Fereno, Department of State, (202) 647–0201, FAX (202) 647–7407. The above includes government and non-government attendees. Public visitors will be asked to provide their date of birth and Social Security number at the time they register their intention to attend and must carry a photo ID with them to the meeting in order to be admitted. All attendees must use the C Street entrance.

Dated: February 2, 1993.

Earl S. Barbely,

Director, Telecommunications and Information Standards, Chairman U.S. CCITT, National Committee.

[FR Doc. 93–3917 Filed 2–18–93; 8:45 am]

BILLING CODE 4710–45–M

[Public Notice 1764]

Shipping Coordinating Committee Sub-Committee on Safety of Life at Sea and Associated Bodies; Working Group on Stability and Load Lines and on Fishing Vessels Safety, Meeting

The Working Group on Stability and Load Lines and on Fishing Vessels Safety of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting at 10:30 a.m. on March 11, 1993, in room 2415, at U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593. The purpose of the meeting is to finalize preparations for the International Conference on the Development of the Protocol to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (SFV 77), which is scheduled for March 22, 1993, at Torremolinos Spain.

The items of particular interest are:

a. The Draft Protocol to the Torremolinos International Convention for the SFV 77.

b. The draft U.S. position papers for the use of survival craft and immersion suits on fishing vessels greater than 79 feet (24 meters) in length.

Members of the public may attend these meetings up to the seating capacity of the room. Interested persons may seek information by writing: Commandant (G–MVI–4), U.S. Coast Guard, room 1405, 2100 Second Street, SW., Washington, DC 20593 or by calling: (202) 267–2307.

Dated: February 11, 1993.

Geoffrey Ogden,

Chairman, Shipping Coordinating Committee.

[FR Doc. 93–3919 Filed 2–18–93; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice 1765]

Shipping Coordinating Committee, International Maritime Organization (IMO) Legal Committee; Meeting

The U.S. Shipping Coordinating Committee (SHC) will conduct an open public meeting at 10 a.m., on Wednesday, March 10, 1993, in room 2415 of U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC.

The primary purpose of this meeting is to prepare for the 68th Session of the International Maritime Organization (IMO) Legal Committee, scheduled to convene March 15, 1993, in London, and the Diplomatic Conference on Maritime Liens and Mortgages, which will be held in Geneva, April 19 through May 7, 1993.

To facilitate the attendance of those participants who may be interested in only certain aspects of the public meeting, the first subject addressed will be the various issues before the IMO Legal Committee with particular focus on the draft Convention on Liability and Compensation for Damages Arising from the Maritime Carriage of Hazardous and Noxious Substances (the HNS Convention). The second subject, which will be considered at approximately 12:30 p.m., will be a discussion on preparations for the April Diplomatic Conference on Maritime Liens and Mortgages.

By way of background, since 1987, the Legal Committee has been working to develop a draft HNS Convention. At the 67th Session held last October, the Legal Committee continued a final reading of the draft text, which it began at the 66th Session in March of 1992. The work will resume at the 68th Session of the Committee, March 15, 1993.

As originally envisioned in 1969 when first discussed, and at the 1984 Diplomatic Conference which rejected a draft HNS convention, the HNS regime was originally intended to apply to catastrophes caused by substances other than oil. For example, it would have applied to incidents such as the Texas City disaster in 1947 which resulted in over 500 deaths and 3000 injuries from explosions and fires caused by ammonium nitrate. While today's draft HNS Convention would still cover such catastrophes, it would also extend to smaller incidents caused by a broader range of substances and currently would include oil pollution damage to the extent not already covered by the international oil pollution liability regimes.

The draft HNS Convention would impose strict liability upon the shipowner for damages arising from hazardous substances up to a yet-to-be-determined limit of liability with a second-tier international fund available to provide compensation for catastrophic damages or when the shipowner, for one reason or another, could not pay. The second-tier international fund, modeled after the International Oil Pollution Compensation Fund, would be financed by levies imposed upon hazardous cargo shipments.

The draft convention would provide compensation for environmental damage as well as personal injury and property damage. Environmental damages would include, at a minimum, response and clean-up costs, restoration costs, and economic losses. The convention would provide compensation for damage caused by a broad range of substances including oils (those not covered under the oil

regimes), bulk liquid cargo, bulk soil cargo, bulk gases, packaged cargo, and flammable residues.

(1) Important questions remain to be decided which include:

Whether the two-tier system is workable and can be implemented with an acceptable balance between equity and practicality; (2) which substances would be included within the scope of the convention's coverage—for purposes of both compensating damage as well as for contributing to the financing of the second-tier fund; (3) how the levy amounts imposed upon cargo would be determined; and (4) how the levies would be collected.

The views of the public, and particularly those of affected maritime commercial and environmental interests, are requested. While the views of the public and affected interests are encouraged on all relevant issues underlying the draft HNS Convention, comment is specifically requested regarding the following subjects: (1) The definition of "HNS" (those substances to which the draft HNS Convention would apply for purposes of shipowner liability as described in document LEG 67/3, Article 1(5)(d)); the definition of "contributing cargo" (those substances to which the draft HNS Convention would apply for purposes of financing the second-international fund as described in document LEG 67/3 Article 1(10)); the definition of shipper (the party responsible for levy payment in Article 1(4)); and the definition of "carriage by sea" (defining when the convention would be applicable in Article 1(9)).

By way of background on the draft convention on Maritime Liens and Mortgages, the April Diplomatic Conference is the culmination of work commenced by an International Subcommittee of the Comite' Maritime Internationale (from 1972 through 1984) and a joint group of experts (JIGE) from IMO and the United Nations Conference on Trade and Development (UNCTAD) to revise the 1967 Convention on Maritime Liens and Mortgages (from 1986 through 1989).

The U.S. Shipping Coordinating Committee discussed the draft Maritime Liens and Mortgages Convention at its last two meetings (September 2, 1992 and November 19, 1992). The March meeting will focus on expectations for the Diplomatic Conference itself and review any papers for the Conference that have been received.

Copies of the draft texts and other relevant documents have been distributed previously by way of regular mailings. Persons requesting to be added to the mailing list should contact Lieutenant Commander Mark Yost or Lieutenant Lee Handford at the telephone/fax number below.

Members of the public are invited to attend the SHC meeting, up to the seating capacity of the room.

For further information or to submit views concerning the SHC meeting, contact either Captain David J. Kantor or Lieutenant Lee Handford, U.S. Coast Guard (G–LMI), 2100 Second Street, SW., Washington, DC 20593, telephone (202) 267–1527, telefax (202) 267–4496. For information or to submit views regarding the draft Maritime Liens and Mortgages Convention, contact Lieutenant Commander Mark J. Yost, U.S. Coast Guard (G–LCL), telephone (202) 267–2245, telefax (202) 267–4163.

Dated: February 10, 1993.

Geoffrey Ogden,

Chairman, Shipping Coordinating Committee.

[FR Doc. 93–3920 Filed 2–18–93; 8:45 am]

BILLING CODE 4710–07–M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980, as Amended by Public Law 99–591; Information Collection Under Review by the Office of Management and Budget (OMB)

AGENCY: Tennessee Valley Authority.

ACTION: Information collections under review by the Office of Management and Budget (OMB).

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), as amended by Public Law 99–591.

Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be made within 30 days directly to the Agency Clearance Officer and also to the Desk Officer for the Tennessee Valley Authority, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; Telephone: (202) 395–3084.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, 1101 Market Street (MR 2F), Chattanooga, TN 37402–2801; (615) 751–2523.

Type of Request: Regular submission.

Title of Information Collection: Federal Financial Assistance Compliance Programs.

Frequency of Use: On occasion.

Type of Affected Public: State or local governments, farms, businesses or other for-profit, non-profit institutions, small businesses or organizations.

Small Businesses or Organizations Affected: Yes.

Federal Budget Functional Category Code: 999.

Estimated Number of Annual Responses: 550.

Estimated Total Annual Burden Hours: 165.

Estimated Average Burden Hours Per Response: .3.

Need For and Use of Information: TVA organizations' compliance officers conduct pre-award reviews of all TVA assistance contracts to ensure compliance with title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title IX of the Education Amendments of 1972.

John J. O'Donnell,

Vice President, Facilities Services.

[FR Doc. 93–3910 Filed 2–18–93; 8:45 am]

BILLING CODE 8120–08–M

DEPARTMENT OF TRANSPORTATION

Notice of Order Adjusting; International Cargo Rate Flexibility Level

Policy Statement PS–109, implemented by Regulation ER–1322 of the Civil Aeronautics Board and adopted by the Department, established geographic zones of cargo pricing flexibility within which certain cargo rate tariffs filed by carriers would be subject to suspension only in extraordinary circumstances.

The Standard Foreign Rate Level (SFRL) for a particular market is the rate in effect on April 1, 1982, adjusted for the cost experience of the carriers in the applicable ratemaking entity. The first adjustment was effective April 1, 1983. By Order 92–12–20, the Department established the currently effective SFRL adjustments.

In establishing the SFRL for the two-month period beginning February 1, 1993, we have projected non-fuel costs based on the year ended September 30, 1992 data, and have determined fuel prices on the basis of the latest available experienced monthly fuel cost levels as reported to the Department.

By Order 93–2–31 cargo rates may be adjusted by the following adjustment factors over the April 1, 1982 level:

Atlantic	1.2655
Western hemisphere	1.1993
Pacific	1.5881

For further information contact: Keith A. Shangraw (202) 366–2439.

VOL 58 ISS 32 FE 19 1993 UMI

By the Department of Transportation:
February 11, 1993.
Patrick V. Murphy,
Acting Assistant Secretary for Policy and International Affairs.
[FR Doc. 93–3840 Filed 2–18–93; 8:45 am]
BILLING CODE 4910–62–M

Federal Aviation Administration

Receipt of Noise Compatibility Program and Request for Review; Glynco Jetport, Brunswick, GA

AGENCY: Federal Aviation Administration, DOT.
ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed noise compatibility program that was submitted for Glynco Jetport under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) (hereinafter referred to as "the Act") and 14 CFR part 150 by Glynn County Airport Commission. This program was submitted subsequent to a determination by FAA that associated noise exposure maps submitted under 14 CFR part 150 for Glynco Jetport were in compliance with applicable requirements effective February 4, 1993. The proposed noise compatibility program will be approved or disapproved on or before August 3, 1993.

EFFECTIVE DATE: The effective date of the start of FAA's review of the noise compatibility program is February 4, 1993. The public comment period ends April 5, 1993.

FOR FURTHER INFORMATION CONTACT: Mrs. Catherine Nelmes, 1680 Phoenix Parkway, suite 101, Atlanta, Georgia 30349, telephone number (404) 994–5306. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed noise compatibility program for Glynco Jetport which will be approved or disapproved on or before August 3, 1993. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has formally received the noise compatibility program for Glynco Jetport effective on February 4, 1993. It was requested that the FAA review this material and that the noise mitigation measures to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before August 3, 1993.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden in interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., room 617, Washington, DC 20591.
Federal Aviation Administration, Atlanta Airports District Office, 1680 Phoenix Parkway, Suite 101, Atlanta, Georgia 30349.
Mr. Gary Moore, Managing Director, Glynn County Airport Commission, 500 Connole Street, Brunswick, Georgia 31520.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Atlanta, Georgia, February 4, 1993.
Thomas M. Roberts,
Assistant Manager, Planning and Program Development.
[FR Doc. 93–3952 Filed 2–18–93; 8:45 am]
BILLING CODE 4910–13–M

Aviation Rulemaking Advisory Committee

AGENCY: Federal Aviation Administration, DOT.
ACTION: Notice of Aviation Rulemaking Advisory Committee renewal.

SUMMARY: Notice is hereby given of the renewal of the Aviation Rulemaking Advisory Committee. The Administrator is the sponsor of the committee, which will consist of members appointed by the Administrator as representatives of a broad spectrum of the aviation community. The committee will provide the aviation public a means by which to have its interests in aviation safety rulemaking taken into consideration in the development of regulatory actions. The committee will provide the FAA with the benefit of obtaining the input of affected parties before a proposal is ever issued, thus enabling the agency to produce better documents. The functions of the committee are solely advisory.

The Secretary of Transportation has determined that the information and use of the committee are necessary in the public interest in connection with the performance of duties imposed on the FAA by law. Meetings of the committee and executive committee will be open to the public except as authorized by section 10(d) of the Federal Advisory Committee Act.

FOR FURTHER INFORMATION CONTACT: Office of Rulemaking (ARM–1), 800 Independence Avenue, SW., Washington, DC 20591, Telephone: 202–267–9677.

Issued in Washington, DC, on February 9, 1993.
Chris A. Christie,
Executive Director, Aviation Rulemaking Advisory Committee.
[FR Doc. 93–3954 Filed 2–18–93; 8:45 am]
BILLING CODE 4910–13–M

Aviation Rulemaking Advisory Committee Meeting on Air Traffic Issues

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the FAA's Aviation Rulemaking Advisory Committee on air traffic issues.

DATES: The meeting will be held on March 4, 1993, at 9:30 a.m.

ADDRESS: The meeting will be held at the Helicopter Association International, 1619 Duke Street, Alexandria, VA.

FOR FURTHER INFORMATION CONTACT: Mr. Aaron Boxer, Air Traffic Rules and Procedures Service, Federal Aviation Administration, telephone: 202–267–8783.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee on air traffic issues to be held on March 4, 1993, at the Helicopter Association International, 1619 Duke Street, Alexandria, VA. The agenda for this meeting will include:

- Status of the recommendation to the FAA from the Unmanned Airspace Vehicle working group;
- Status of the recommendation to the FAA from the Pilot Procedures at Non-towered Airports working group;
- Status of the Mode S ground sensor evaluation study; and
- A status of the request to assign the Mode C veil petition to the subcommittee.

Attendance is open to the interested public but will be limited to the space available. The public may present written statements to the subcommittee at any time by providing 30 copies to the Assistant Executive Director, or by bringing the copies to him at the meeting. Arrangements may be made by contacting the person listed under the heading "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Washington, DC, on February 11, 1993.

Aaron Boxer,

Assistant Executive Director for Air Traffic, Aviation Rulemaking Advisory Committee.

[FR Doc. 93–3953 Filed 2–18–93; 8:45 am]

BILLING CODE 4910–13–M

Intent to Rule on Application to Impose and Use a Passenger Facility Charge (PFC) at Pangborn Memorial Airport, Wenatchee, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use a PFC at Pangborn Memorial Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before March 22, 1993.

ADDRESS: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: J. Wade Bryant, Manager, Seattle Airports District Office, SEA–ADO, Federal Aviation Administration, 1601 Lind Avenue SW., Suite 250, Renton, WA 98055–4056.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Colin A. Clarke, Airport Manager, at the following address: One Pangborn Drive, East Wenatchee, Washington 98802.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Ports of Chelan and Douglas Counties under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Vargas, (206) 227–2660; Seattle Airports District Office, SEA–ADO; Federal Aviation Administration; 1601 Lind Avenue SW., Suite 250; Renton, Washington 98055–4056. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use a PFC at Pangborn Memorial Airport, under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On February 10, 1993, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Ports of Chelan & Douglas Counties was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 29, 1993.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00

Proposed charge effective date: August 1, 1993

Proposed charge expiration date: September 30, 1995

Total estimated PFC revenue: 280,500.00

Brief description of proposed project: Reimbursement of bond funds used to finance the eligible portion of construction of the new terminal complex.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

Any person may inspect the application in person at the FAA office listed above under "**FOR FURTHER INFORMATION CONTACT**" and at the FAA regional Airports office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM–600, 1601 Lind Avenue SW., Suite 540, Renton, WA 98055–4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Pangborn Memorial Airport.

Issued in Renton, Washington on February 10, 1993.

Matthew J. Cavanaugh,

Acting Manager, Airports Division, Northwest Mountain Region.

[FR Doc. 93–3955 Filed 2–18–93; 8:45 am]

BILLING CODE 4910–13–M

Federal Railroad Administration

Petition for Waiver for Test Program

In accordance with 49 CFR 211.51, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of the federal safety laws and regulations in order to conduct a test program. The individual petition is described below, including the parties seeking relief, the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

Massachusetts Bay Transportation Corporation

Docket No. H–93–2

The Massachusetts Bay Transportation Authority (MBTA), along with its contract operator, the National Railroad Passenger Corporation (Amtrak), has petitioned the Federal Railroad Administration (FRA) for a temporary waiver of compliance with certain requirements of 49 CFR part 232, Railroad Power Brakes and Drawbars, in order to conduct a test.

The MBTA is seeking relief from 49 CFR section 232.1, Power brakes, minimum percentage, which states in part: * * * All railroads used in interstate commerce, as required by the Safety Appliance Act, as amended March 2, 1903, any train is operated with power or train brakes, not less than 85 percent of the cars of such train shall have their brakes used * * * and from 49 CFR section 232.12(d)(2), Initial terminal road train air brake tests, which states in part * * * [when the brakes are applied] Inspection of the train brakes must then be made to determine if brakes are applied on each car * * *

The MBTA plans to conduct a series of tests on a Kawasaki Rail Car bilevel passenger coach, MBTA 1719, to determine the operating characteristics of the number 2 truck. The passenger coach has been fitted with a special instrumented truck and wheel sets in order to determine wheel to rail static and dynamic characteristics. MBTA says that the test equipment is extremely sensitive which is the reason for its request to operate MBTA 1719 with the air brake equipment on the number two truck disconnected [cut-out]. The MBTA 1719 would only be operated in this manner in non-revenue service and only during the testing.

The test project is originating from the Boston Engine Terminal with specific tests to be run along lines emanating from that point. The location of the tests are as follows:

Lowell Line—from Boston Engine Terminal to Lowell Station
Shore Line—from South Station to Providence
West Cambridge non-Revenue Service Test Track (Switch at M.P. 5.57 of the Fitchburg Line to non-revenue track newly constructed).

During the tests on the Lowell and Shore Lines, the MBTA 1719 will be the control car of a train made up of seven (7) coaches and one (1) locomotive. Maximum speed of this test is proposed to be normal service speed. The tests at the West Cambridge Non-Revenue Service Test track is proposed to be conducted with the MBTA 1719 as part of a train with two (2) coaches and one (1) locomotive and the maximum speed is planned to be 15–20 mph. All testing is anticipated to be performed between February 14, 1993 and March 10, 1993. Any additional testing beyond March 10 would be outlined in a supplemental request.

MBTA states that the safety of the operations will not be compromised by this waiver. The FRA will permit the test to begin during the comment period, and it will be allowed to continue unless opposition from any interested party is received.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., FRA Docket No. H–93–2) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

Communications received before March 13, 1993 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) in room 8201, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

Issued in Washington, DC on February 11, 1993.

Phil Olekszyk,

Deputy Associate Administrator for Safety.

[FR Doc. 93–3861 Filed 2–18–93; 8:45 am]

BILLING CODE 4910–06–M

Petition for Waivers of Compliance

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of the Federal safety laws and regulations. The petition is described below, including the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

The Tri County Commuter Rail Authority

FRA Docket Number SA–92–3

The Tri County Commuter Rail Authority (TCCX) seeks a waiver of compliance from certain sections of 49 CFR part 231, Railroad Safety Appliance Standards. The TCCX is requesting that it be permitted to operate ten "GO Transit" bi-level commuter passenger cars which do not comply with § 231.14 "Passenger-train cars without platforms."

The intermediate tread of the sill step does not allow for sufficient clearance as required by § 231.14(b)(2). There is also an obstruction by a plastic condensate pipe.

The handbrake handles at certain locations have a very small clearance so that the handbrake cannot be safely operated as required by § 231.14(a)(2).

The securement of the side door vertical handhold is secured with 5/16 inch bolts, whereas the FRA standards require ½ inch bolts or rivets.

The vertical handhold at the side corners are in excess of 24 inches above the top of the centerline of the coupler as required by § 231.14(c)(3)(ii).

FRA Docket Number RSGM–92–23

The TCCX seeks a one year temporary waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR part 223) for ten passenger cars. The cars, which will be leased from GO Transit, are equipped with safety glass. TCCX is requesting a temporary waiver pending the securement of a purchase agreement with GO Transit, at which time FRA certified glazing will be installed.

The TCCX now operates 30 daily (M–F), 18 Saturday, and 10 Sunday scheduled passenger commuter passenger trains on that portion of the CSX Transportation (CSXT), Atlanta Division, Miami Subdivision, which extends 66.4 miles from West Palm Beach (MP SX 969.9) to Miami, Florida (MP SX 1036.3). This section of trackage is owned by the Florida Department of Transportation and maintained by CSXT.

Due to the devastation caused by Hurricane Andrew there has been a demographic shift in TCCX's ridership since August 24, 1992. This shift has created capacity restraints on the present fleet of 15 trailer coaches and 6 cab cars. In order to provide continued reliable service and meet mandated inspections and servicing, the waivered equipment will be utilized as a maintenance rotational set to protect service and allow for timely servicing of the remaining 5 trainsets. If approval is granted TCCX will operate the waivered equipment in dedicated service which will not be intermingled with the remaining five sets of equipment. A transportation and mechanical bulletin will be issued to all employees addressing this equipment.

Interested parties are invited to participate in these proceedings by submitting written reviews, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number's—SA–92–3, RSGM–92–23, and must be submitted in triplicate to the Docket Clerk, Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. Communications received before

March 13, 1993 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) in room 8201, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

Issued in Washington, DC on February 12, 1993.

Grady C. Cothen, Jr.,

Associate Administrator for Safety.

[FR Doc. 93–3863 Filed 2–18–93; 8:45 am]

BILLING CODE 4910–06–M

[BS–AP–No. 3174]

Union Pacific Railroad Co.; Public Hearing

The Union Pacific Railroad Company has petitioned the Federal Railroad Administration (FRA) seeking approval of the proposed discontinuance and removal of the automatic block signal system on the single main track, between Osawatomie, Kansas, milepost 335.0 and Herington, Kansas, milepost 451.5 on the Hoisington Subdivision; consisting of the discontinuance and removal of 106 automatic block signals, the retention of 4 automatic block signals as operative approach signals, and the removal of the high water detector at milepost 340.4.

This proceeding is identified as FRA Block Signal Application Number 3174.

The FRA has issued a public notice seeking comments of interested parties and has conducted a field investigation in this matter. After examining the carrier's proposal and the available facts, the FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 10 a.m. on Thursday, March 25, 1993, at Memorial Hall, located at 11th and Main Streets, in Osawatomie, Kansas 66064. Interested parties are invited to present oral statements at the hearing.

The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR part 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC on February 11, 1993.

Phil Olelszyk,

Deputy Associate Administrator for Safety.

[FR Doc. 93–3864 Filed 2–18–93; 8:45 am]

BILLING CODE 4910–06–M

[BS–AP–Nos. 3197 and 3209]

Burlington Northern Railroad Co., Public Hearing

The Burlington Northern Railroad Company has petitioned the Federal Railroad Administration (FRA) seeking approval of the proposed discontinuance and removal of the traffic control system on the single main track, between Appleton, Minnesota, milepost 578.93 and Ortonville, Minnesota, milepost 602.2, on the Dakota Division, 12th Subdivision, a distance of approximately 23 miles and approval of the proposed discontinuance and removal of the traffic control and automatic block signal system on the single main track, between Stateline, milepost 602.2 and Mobridge, South Dakota, milepost 805.1, on the Dakota Division, 12th Subdivision and between Mobridge, milepost 805.1 and Terry, Montana, milepost 1078.9, on the Montana Division, 27th Subdivision, a distance of approximately 477 miles; including the conversion of control points "Aberdeen" and "Big Stone" to remote controlled interlockings.

These proceedings are identified as FRA Block Signal Application Numbers 3197 and 3209 respectively.

The FRA has issued a public notice seeking comments of interested parties and is conducting a field investigation in this matter. After examining the carrier's proposal and the available facts, the FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 10 a.m. on Thursday, April 22, 1993, at the Best Western Ramkota Inn, located at 1400 8th Avenue NW., Aberdeen South Dakota. Interested parties are invited to present oral statements at the hearing.

The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR part 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC on February 11, 1993.

Phil Olelszyk,

Deputy Associate Administrator for Safety.

[FR Doc. 93–3859 Filed 2–18–93; 8:45 am]

BILLING CODE 4910–06–M

Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of 49 CFR Part 236

Pursuant to 49 CFR part 235 and 49 U.S.C. app. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

Block Signal Application (BS–AP)–No. 3215

Applicant: Duluth Missabe and Iron Range Railway Company, Mr. W.H. Harrison, Chief Engineer, 329 Second Street, Proctor, Minnesota 55810–1091.

The Duluth Missabe and Iron Range Railway Company seeks approval of the proposed discontinuance and removal of the traffic control system on the Wye track, near milepost 51.0, at Colby Yard, on the Iron Range Division, near Aurora, Minnesota; consisting of the discontinuance and removal of three controlled signals and the conversion of one power-operated switch to hand operation.

The reason given for the proposed changes is the termination of natural ore shipments have resulted in low traffic volume.

BS–AP–No. 3216

Applicant: CSX Transportation, Mr. W. J. Scheerer, Chief Engineer—Train Control, 500 Water Street, Jacksonville, Florida 32202.

CSX Transportation seeks approval of the proposed modification of the traffic control system on the single main track

VOL
58
ISS
32
FE
19
1993
UMI

between South Sellers, milepost A275.5 and WN, milepost S156.9, South Carolina, on the Florence Division, South End Subdivision; consisting of the discontinuance and removal of two controlled signals and the relocation of two automatic signals.

The reason given for the proposed changes is to eliminate a set of hold out signals no longer needed for present day operation.

BS–AP–No. 3217

Applicant: Union Pacific Railroad Company, Mr. P.M. Abaray, Chief Engineer—Signals, 1416 Dodge Street, room 920, Omaha, Nebraska 68179.

The Union Pacific Railroad Company seeks approval of the proposed modification of the traffic control system on the main track, between Craig Junction, Texas, milepost 235.9, Austin Subdivision and milepost 112.4, San Antonio Subdivision, on the San Antonio Division; consisting of the conversion of one power-operated switch to hand operation, the conversion of four controlled signals (6SA, 6SB, 6NA, and 6NB) to automatic signals, and the conversion of the traffic control system between Craig Junction and milepost 112.4 to an automatic block signal system.

The reason given for the proposed changes is to improve operations.

BS–AP–No. 3218

Applicant: Southeastern Pennsylvania Transportation Authority, Mr. John LaForce, P.E., Assistant Chief Engineer Power, Signals and Communications, 200 West Wyoming Avenue, Philadelphia, Pennsylvania, 19140.

The Southeastern Pennsylvania Transportation Authority seeks approval of the proposed modification of the signal system, on the main tracks, between CP Valley, milepost 4.0 and Cynwyd, milepost 6.1, on the Ivy Ridge Line, near Philadelphia, Pennsylvania; consisting of the conversion of the traffic control system to an automatic block signal system.

The reason given for the proposed changes is that the installation will permit greater efficiency and flexibility in operations.

BS–AP–No. 3219

Applicant: New Orleans Public Belt Railroad, Mr. A. C. Marinello, Jr., Manager Engineering and Maintenance, P.O. Box 51658, New Orleans, Louisiana 70151–1658.

The New Orleans Public Belt Railroad seeks approval of the proposed modification of the signal system on the two main tracks between milepost J3.3 and milepost J8.3, near New Orleans, Louisiana; consisting of the discontinuance and removal of 8 automatic signals and 1 controlled signal and the installation of electronic coded track circuits and 16 automatic signals.

The reason given for the proposed changes is to renew, refurbish and improve the original installation by providing a safer, simplified and modern system for improved train handling and operation.

BS–AP–No. 3220

Applicant: Union Pacific Railroad Company, Mr. P. M. Abaray, Chief Engineer—Signals, 1416 Dodge Street, room 920, Omaha, Nebraska 68179.

The Union Pacific Railroad Company seeks approval of the proposed reduction to the limits of North and South Tower Interlockings (Browder, milepost 215.6 and Terminal Junction, milepost 214.8), on the Ft. Worth Division, Dallas Subdivision, near Dallas Texas; consisting of the removal of six power-operated switches (54, 73, 67, 6, 1, and 3), the removal of nine controlled signals (L80, LA78, LB78, L70, RA10, RB10, RC10, R12, and L10), and the installation of controlled signal L60.

The reason given for the proposed changes is to improve operations.

BS–AP–No. 3221

Applicants: Southern Pacific Transportation Company, Mr. J. A. Turner, Engineer—Signals, Southern Pacific Building, One Market Plaza, San Francisco, California 94105.

Atchison, Topeka and Santa Fe Railway Company, Mr. W. S. Seery, Director Signal Systems, System Communications and Signal Building, 4515 Kansas Avenue, Kansas City, Kansas 66106.

The Southern Pacific Transportation Company (SP) and the Atchison, Topeka and Santa Fe Railway Company jointly seek approval of the proposed modification of the traffic control system on the single main track, near milepost 349.0, Woodford, California, on the SP Tehachapi Division, Mohave District, Bakersfield Line; consisting of the conversion of power-operated switch (49) to hand operation and the discontinuance and removal of three controlled signals (50L, 50RA, and 50RB).

The reason given for the proposed changes is that train operation is such that the power switch is no longer needed and operations will be improved.

BS–AP–No. 3222

Applicant: Burlington Northern Railroad Company, Mr. W. G. Peterson, Chief Engineer—Control Systems, 9401 Indian Creek Parkway, P. O. Box 29136, Overland Park, Kansas 66201–9136.

The Burlington Northern Railroad Company seeks approval of the proposed discontinuance and removal of S. E. Junction Interlocking milepost 7.2, on the River Division, Cuba and River Subdivisions, and the discontinuance and removal of the automatic block signal system on the main track between milepost 7.4 and milepost 9.0 on the River Subdivision, near St. Louis, Missouri; consisting of the conversion of one power-operated switch to hand operation, the discontinuance and removal of three controlled signals (2L, 2RA, and 2RB), and the conversion of controlled signals 12R and 134R to automatic signals.

The reason given for the proposed changes is that the location is no longer needed due to local traffic volume and changes to train operations over the years.

BS–AP–No. 3223

Applicant: Burlington Northern Railroad Company, Mr. W. G. Peterson, Chief Engineer—Control Systems, 9401 Indian Creek Parkway, P. O. Box 29136, Overland Park, Kansas 66201–9136.

The Burlington Northern Railroad Company seeks approval of the proposed discontinuance and removal of the automatic block signal system on the single main track, between Moore, milepost 5.1 and Gunn, Minnesota, milepost 805.1, on the Dakota Division, 6th Subdivision, a distance of approximately 26.2 miles, and operate movements over the trackage by Track Warrant Control Rules.

The reason given for the proposed changes is that reduced traffic patterns do not justify the high cost to maintain the aging signal system.

BS–AP–No. 3224

Applicant: CSX Transportation, Mr. W.J. Scheerer, Chief Engineer—Train Control, 500 Water Street, Jacksonville, Florida 32202.

CSX Transportation seeks approval of the proposed modification of "SRO" Interlocking, milepost CFP109.8, on the Baltimore Division, RF&P Subdivision, near Arlington, Virginia; consisting of the discontinuance and removal of one power-operated derail.

The reason given for the proposed change is to eliminate a power-operated derail no longer needed for present day operation.

BS–AP–No. 3225

Applicant: CSX Transportation, Mr. W.J. Scheerer, Chief Engineer—Train Control, 500 Water Street, Jacksonville, Florida 32202.

CSX Transportation seeks approval of the proposed modification of traffic control system on the single main track between Dalton, milepost WA99.3 and Tunnel Hill, Georgia, milepost WA106.7, on the Corbin Division, W&A Subdivision; consisting of the discontinuance and removal of two controlled signals (80R and 80L) and four automatic signals (105–5, 105–6, 103–1 and 103–2) and the relocation of two automatic signals (104.3 and 101.9).

The reason given for the proposed changes is to eliminate a set of hold out signals no longer needed for present day operation.

BS–AP–No. 3226

Applicant: Dallas, Garland and Northeastern Railroad Company, Mr. Edwin E. Ellis, General Manager, 425 N. Fifth Street, Garland, Texas 75040.

The Dallas, Garland and Northeastern Railroad Company seeks approval of the proposed modification of the signal system at Tower 19 Zone "C" and Lamar Street Interlockings, between milepost 51.8 and milepost 52.7, near Dallas, Texas, on the old Atchison Topeka and Santa Fe Railway Company's Dallas District, Southern Region; consisting of the following:

1. The discontinuance and removal of controlled signals 62, 79, 80, 81, 81A, 85, 96, 97, 103, 109, 112, 112A, and 112B at Lamar Street Interlocking;

2. The discontinuance and removal of power-operated switches 92, 94, 94X, 99, and 104 at Lamar Street Interlocking;

3. The discontinuance and removal of controlled signals 10RA, 10RB, 10L, 12R, 12L, 14R, 14L, 44R, 44L, 46R, 46L, 48R, 48L, 52R, 52L, 54R, 54L, and 47 at Tower 19 Zone "C" Interlocking;

4. The discontinuance and removal of power-operated switches 45, 45X, 49, 49X, and 51 at Tower 19 Zone "C" Interlocking; and

5. The removal of switch lock 47 at Tower 19 Zone "C" Interlocking and the installation of a manual-operated gate at SP crossing at "Old Tower 10".

The reason given for the proposed changes is that the controlled signals and switches are no longer needed due to the discontinued through train operations in the area and the sale of the right of way to the Dallas Area Rapid Transit Authority.

Rules Standards & Instructions Application (RS&I–AP)–No. 1062 Reconsideration

Applicant: Burlington Northern Railroad Company, Mr. W.G. Peterson, Chief Engineer—Control Systems, 9401 Indian Creek Parkway, P.O. Box 29136, Overland Park, Kansas 66201–9136.

The Burlington Northern Railroad Company seeks relief from § 236.23 of the Rules, Standards, and Instructions (49 CFR part 236) to the extent that a single white light is used as an indicator to inform train crews that they should remain clear of grade crossings, while waiting for the dispatcher to line a route for conflicting train movements.

The applicant's justification for relief: For the good of the motoring public and the installation of wayside train signals in lieu of these "indicators" is not warranted from either a safety, train operations, or legal standpoint.

RS&I–AP–No. 1086

Applicant: Burlington Northern Railroad Company, Mr. W.G. Peterson, Chief Engineer—Control Systems, 9401 Indian Creek Parkway, P.O. Box 29136, Overland Park, Kansas 66201–9136.

The Burlington Northern Railroad Company (BN) seeks relief from § 235.5 of 49 CFR part 235, Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System or Relief from the Requirements of part 236; to the extent that BN be allowed to install, relocate, and remove wayside intermediate signals when done to facilitate the installation of electronic coded track circuits to replace pole mounted signal circuits, without filing an application.

The applicant's justification for relief: Such applications waste valuable resources within both the FRA and the BN, delaying pole line elimination projects that improve safety of train operations.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. The original and two copies of the protest shall be filed with the Associate Administrator for Safety, FRA, 400 Seventh Street, SW., Washington, DC 20590 within 45 calendar days of the date of issuance of this notice. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on February 11, 1993.

Phil Olekszyk,

Deputy Associate Administrator for Safety.

[FR Doc. 93–3860 Filed 2–18–93; 8:45 am]

BILLING CODE 4910–06–M

National Highway Traffic Safety Administration

[Docket No. 92–49; Notice 2]

Blue Bird Body Company; Grant of Petition for Determination of Inconsequential Noncompliance

Blue Bird Body Company (Blue Bird) of Fort Valley, Georgia, determined that some of its vehicles are equipped with seats that fail to comply with 49 CFR 571.222, "School Bus Passenger Seating—Crash Protection" (Federal Motor Vehicle Safety Standard (FMVSS) No. 222), and filed an appropriate report pursuant to 49 CFR part 573. Blue Bird also petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) on the basis that the noncompliance was inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on October 5, 1992, and an opportunity afforded for comment (57 FR 45863). This notice grants that petition.

During the period of November 1, 1984, to April 28, 1992, Blue Bird manufactured 2,250 Micro Bird school buses, with a gross vehicle weight rating (GVWR) of 10,000 pounds or less, which may have passenger seat back heights less than 20 inches above the seating reference point. Paragraph S5.1.2 Seat Height and Surface Area requires that the seat back height on each school bus passenger seat be at least 20 inches above the seating reference point.

Blud Bird supported its petition for inconsequential noncompliance with the following:

Based on data provided on page 32 of a compliance test performed by NHTSA (Report No. 222/210/208–MSE–92–01–TR92037–01), the average height of the eight seats in the (Blue Bird Micro Bird School bus) was 19.84 inches above the seating reference point. This is only 0.16 inch (less than 1 percent) below the 20 inch requirement of section 5.1.2. Blue Bird Body Company sincerely believes that the noncompliance discussed

VOL
58
ISS
32
FE
19
1993
UMI

herein is inconsequential as it relates to motor vehicle safety because the discrepancy in seat back height is so small.

School buses with a GVWR of 10,000 pounds or less are required to have seat belts that meet FMVSS 208, 209, and 210. These small school buses, therefore, rely on occupant restraint systems rather than on compartmentalization for occupant protection. Since these small school buses are not required to meet the seat spacing and barrier requirements of compartmentalization and are equipped with seat belts at all designated seating positions (Blue Bird believes) that have seats with seat back heights slightly below the (seating reference point) plus 20 inches dimension is not a safety related noncompliance.

No comments were received on the petition.

After receiving the petition, NHTSA asked Blue Bird whether the eight seats measured by the agency were representative of the total population of Micro Bird buses. The company replied, indicating that measurements had been taken on three additional buses at the plant, and that no seat back height was less than 19.5 inches above the seating reference point. Measurements were also taken on four additional buses in the field, with seat back heights of 19.75 to 19.875 inches recorded. In Blue Bird's opinion, the seat back stops on the affected buses have a lower limit such that no seat back height less than 19.5 inches could occur.

The original purpose of the seat back height requirement was to protect children from whiplash injuries incurred as a result of rear impact collision. However, since data on school bus accidents did not indicate a significant whiplash problem, the agency concluded that a minimum 20-inch seat back height would provide adequate crash protection. In evaluating the merits of this petition, the agency examined more recent data, which were collected in the National Accident Sampling System (NASS) for the years 1982 through 1986. (NASS does not differentiate between smaller school buses and other vans after 1986). There was one report of a person of student age who had an Abbreviated Injury Scale (AIS) 1 level (minor) neck injury. This indicates that the minor deviation of seat back height represented by the Micro Birds is not likely to have any consequential effect upon safety.

Further, as the petitioner noted, school buses with a GVWR of 10,000 pounds or less are required to have seat belts, and, therefore, rely on occupant restraint systems for occupant protection rather than compartmentalization. The Micro Birds were all equipped with all seat belts required by Standard No. 208.

Accordingly, in consideration of the foregoing, it is hereby found that the petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is granted.

Authority: 15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

Issued: February 12, 1993.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 93-3941 Filed 2-18-93; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. 92-56; Notice 2]

General Motors; Grant of Petition for Determination of Inconsequential Noncompliance

General Motors (GM) of Warren, Michigan, determined that some of its vehicles failed to comply with the labeling requirements of 49 CFR 571.105, Federal Motor Vehicle Safety Standard No. 105, "Hydraulic Brake Systems," and filed an appropriate report pursuant to 49 CFR part 573. GM also petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) on the basis that the noncompliance was inconsequential as it related to motor vehicle safety.

Notice of receipt of the petition was published on October 21, 1992 (FR 48079), and an opportunity afforded for comment. This notice grants that petition.

In Standard No. 105, Paragraph S5.4.3 *Reservoir labeling* states that "[e]ach vehicle shall have a brake fluid warning statement that reads as follows, in letters at least one-eighth of an inch high: 'WARNING, Clean filler cap before removing. Use only—fluid from a sealed container. (Inserting the recommended type of brake fluid as specified in 49 CFR 571.116, e.g. 'DOT3'). The lettering shall be * * * (b) [l]ocated so as to be visible by direct view, either on or within four inches of the brake fluid reservoir filler plug or cap."

During the model years 1984 through 1992, GM manufactured 239,392 'P' Series motor home chassis that may not comply with the labeling requirements of Standard No. 105, especially after motor home manufacturers add bodies. The brake fluid warning statement required by Standard No. 105 is present, but may not be "located so as to be visible by direct view" as required. The information is embossed on the brake fluid reservoir cap. The brake fluid reservoir itself is mounted under the floor of the chassis on the driver's side of the engine. An access hole is provided in the splash adjacent to the reservoir to allow the brake fluid level to be checked and replenished as necessary. However, depending on whether the chassis is placed on a hoist for service, the design of the completed motor home, and the diligence of the person attempting to read the warning statement, a varying number of words comprising the warning statement may be obscured from "direct view."

GM supports its petition for inconsequential noncompliance with the following:

Due to the nature of the vehicle and the location of the brake fluid reservoir, brake system service work on motor homes is typically performed by trained service personnel. The typical nature of motor home construction, including the chassis, is such that the brake fluid reservoir is not conspicuously located for casual inspection. Inspection and servicing of the brake fluid on the subject vehicles is best accomplished with the vehicle on a hoist, frequently with a wheel and/or body component removed, depending on the design of the final stage manufacturer's completed motor home. These factors contribute to the likelihood that this brake service will be performed by trained personnel. By virtue of their training and experience, such people are familiar with the information provided on the brake fluid warning statement. That is, service technicians know to avoid contaminating the inside of the reservoir, and to add the correct type of brake fluid when necessary.

The information contained on the brake fluid reservoir cap is also provided in the service manuals for the subject vehicles.

As required by FMVSS 105, sufficient brake fluid is provided to operate the brakes across the range from a new lining, fully retracted position to a fully worn, fully applied position. Since brake fluid is not consumed in use, the only necessity to check or add fluid arises from either a leak in the brake system or when the system has to be evacuated to replace worn brakes. Due to the relatively obscure location of the reservoir, the frequency at which the reservoir cap is removed for reasons other than these two is extremely low. With respect to these two events (system leak and worn out brakes), it is highly likely that whoever is capable of repairing the brake system or replacing the friction surfaces would use the

correct fluid and know to avoid contamination.

The brake fluid warning statement contains two pieces of information. One of these is: "Use only (DOT designation) fluid from a sealed container." With regard to this information, we note that it is not possible to add brake fluid to the reservoir until after the reservoir cap has been removed. After the cap has been removed, the statement is "visible by direct view" given that the person servicing the brake fluid would be holding the reservoir cap which contains the statement. We believe this noncompliance is especially inconsequential to motor vehicle safety with respect to the portion of the warning statement that specifies the type of brake fluid that should be added.

The other piece of information contained in the warning statement is: "WARNING, Clean filler cap before removing."

GM states that this statement is unnecessary if the area around the reservoir cap is clean, and that the statement may be illegible to the extent that the area around the reservoir cap is dirty (because the dirt itself can conceal the statement). GM believes that this anomaly in the FMVSS 105 requirement is not of practical concern, however, since virtually anyone with the wherewithal to check and add brake fluid in these vehicles will also have sufficient understanding to avoid contaminating the inside of the reservoir.

GM has no record of any owner complaints related to the lack of viability of the brake fluid warning statement, nor any complaints of brake fluid contamination in the subject vehicles.

No comments were received on the petition.

GM has attempted to minimize the effects of the noncompliance by stating that "[a]fter the cap has been removed, the statement is 'visible by direct view' given that the person servicing the brake fluid would be holding the reservoir cap which contains the statement." Clearly, the warning to clean the cap before removing is of such a nature that it must be read before the cap is removed, and compliance with S5.4.3 must be judged with the filler cap in place.

It is not critical that the advisory to use DOT 3 brake fluid be read before the cap is removed. Further, the effects of GM's failure to comply with this requirement of S5.4.3 appear to present only minimal safety problems. There remains to be considered the effect upon safety of the fact that the advisory to clean the filler cap before removing cannot be read until after the cap has been removed. GM has made a plausible argument that the configuration of the motor home and chassis, and its servicing, are so complex that brake fluid replacement ordinarily will be performed with equipment not ordinarily available to the usual owner of a motor home (a hoist), and that this service will be performed by trained personnel who are familiar with the necessity to avoid contamination of the fluid. NHTSA also notes that the information contained on the filler cap is also available in the service manuals for the motor homes.

Accordingly, the petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is granted.

Authority: 15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

Issued: February 12, 1993.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 93-3939 Filed 2-18-93; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

[Docket No. WPDA-2; Notice No. 93-1]

City of New York: Application for Waiver of Preemption Concerning Transportation of Radioactive Materials

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of availability of study and request for comments.

SUMMARY: This is a proceeding to consider the application of the City of New York for a waiver of statutory preemption under the Hazardous Materials Transportation Act of the City's ordinance that effectively bans the transportation of certain radioactive materials through City limits. A study on the issue, entitled "Support for the U.S. Department of Transportation Response in the New York City Radioactive Materials Routing Case," has been conducted for RSPA, and RSPA is inviting comment on the study and other aspects of this proceeding.

DATES: Comments received on or before April 20, 1993, and rebuttal comments filed on or before June 21, 1993, will be considered before an administrative decision is issued by the Associate Administrator for Hazardous Materials Safety, RSPA. Rebuttal comments may discuss only those issues raised by comments during the initial comment period and may not raise new issues.

ADDRESSES: New York City's application, the study, and any comments received may be reviewed in the Dockets Unit, Research and Special Programs Administration, room 8421, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590-0001 (telephone 202-366-4453). Comments and rebuttal comments may be submitted to the Dockets Unit at the above address, and should include the Docket Number (WPDA-2). Three copies of each comment should be submitted. A copy of each comment and rebuttal comment must also be sent to: (a) Susan M. Kath, Esq., Assistant Corporation Counsel, City of New York, 100 Church Street, room 326H, New York, NY 10007; (b) Mindy A. Buren, Esq., EEI-UWASTE, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037; and (c) Cornelius F. Tuohy, Esq., Assistant Attorney General, State of Connecticut, 55 Elm Street, Hartford, CT 06106. A certification that a copy has been sent to each person must also be included with the comment. (The following format is suggested: "I hereby certify that copies of this comment have been sent to Ms. Kath, Ms. Buren, and Mr. Tuohy at the addresses specified in the Federal Register.")

A copy of the study, which is entitled "Support for the U.S. Department of Transportation. Response in the New York City Radioactive Materials Routing Case," is available upon request from the Office of Hazardous Materials Planning and Analysis, room 8108, (202) 366-4484, 400 Seventh St., SW., Washington, DC 20590-0001.

FOR FURTHER INFORMATION CONTACT: Mary M. Crouter, Special Counsel, Office of the Chief Counsel (DCC-3), Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590-0001, telephone 202-366-4400.

SUPPLEMENTARY INFORMATION:

Background

In 1976, the City of New York (City) adopted an ordinance that effectively bans the transportation of certain radioactive materials, including spent nuclear fuel, through the City. The City's ordinance is preempted by section 112(a) of the Hazardous Materials Transportation Act (HMTA) (49 app. U.S.C. 1811(a)).

The City filed an application with the Department seeking a nonpreemption determination (now referred to as waiver of preemption) in accordance with 49 app. U.S.C. 1811(d). The

VOL
58
ISS
32
FE
19
1993
UMI

Department denied the application, and the City sought judicial review of that decision in the United States District Court for the Southern District of New York. In a December 8, 1988 decision, the Court vacated the Department's decision and remanded the matter to the Department for a new decision. *City of New York* v. *DOT*, 700 F. Supp. 1294 (S.D.N.Y. 1988).

The Department reopened the record on March 28, 1989 (54 FR 12732), to allow the filing of comments to update and supplement the record. At the City's request, the Department postponed further consideration of the application to allow the City to supplement the record in response to several points raised by the Department in correspondence dated March 23, 1989.

In June 1990, the City filed a response to that correspondence, and on July 16, 1990, the Department invited public comment on the City's new submission (55 FR 28982). The comment period closed August 15, 1990. On September 5, 1990, at the request of the State of Connecticut, RSPA extended the comment period until October 5, 1990.

In order to fully evaluate the City's application, RSPA contracted with ICF incorporated to conduct a study of the City's safety analysis of proposed routes to be used to transport radioactive material around, instead of through, the City. In doing its analysis, the City used the Department of Transportation's Guidelines for Selecting Preferred Highway Routes for Highway Route Controlled Quantity Shipments of Radioactive Materials. During the preparation of the ICF study, an error was discovered in the guidelines. On July 2, 1992, RSPA published a notice discussing the error in the Guidelines, and a method for correcting the error (57 FR 29557).

In addition, since the City's application was originally filed, other developments have occurred that are directly relevant to this matter. In 1990, RSPA amended the Hazardous Materials Regulations, 49 CFR 177.825(b)(2), to provide that a motor vehicle containing highway route controlled quantity (HRCQ) radioactive materials must transport those materials directly from pickup points to preferred routes and directly from preferred routes to delivery points using a shortest distance criterion. 55 FR 19210, May 8, 1990. The City's analysis of its proposed alternative routes was conducted prior to the 1990 rule changes. In addition, one of the alternative routes analyzed by the City included a segment (Connecticut State Route 2) that was neither an Interstate System highway nor a State-designated route selected by a State routing agency in accordance with 49 CFR 177.825(b)(1).

On July 2, 1992 (57 FR 29556), RSPA announced that it was conducting a study on the issue, including the study of an alternative route selected in accordance with 49 CFR 177.825(b), and would reopen the comment period when the study was completed.

In the July 2, 1992 notice, RSPA also observed that the HMTA had been amended in 1990 by the Hazardous Materials Transportation Uniform Safety Act, Public Law 101–615. On February 28, 1991, RSPA amended its regulations to convert its existing procedures for inconsistency rulings and non-preemption determinations to procedures for preemption and waiver of preemption determinations. 56 FR 8616. On May 13, 1992, RSPA further amended its procedures for preemption and waiver of preemption determinatons by streamlining the appellate process. 57 FR 20424. Under the new procedures, RSPA has provided that a petition for reconsideration may be filed with the Associate Administrator for Hazardous Materials Safety. Because these developments occurred after the 1988 remand of this matter to the Department for a new decision, RSPA announced that it intended to apply the new standards and procedures for making waiver of preemption determinations to this proceeding. As a result, this proceeding, previously identified as Docket NPDA–2, is now Docket WPDA–2 (Waiver of Preemption Determination Application No. 2).

Study

ICF Incorporated has now completed the study for RSPA. The study, which is entitled, "Support for the U.S. Department of Transportation Response in the New York City Radioactive Materials Routing Case," consists of an Executive Summary and three volumes. Volume I is a technical analysis of a safety analysis by Arthur D. Little, Inc., which was commissioned by the City to support its application. Volume II is a routing risk analysis of three alternative routes from Brookhaven National Laboratories on Long Island to the Department of Energy reprocessing plant in Idaho, using the DOT Guidelines methodology as revised in the August 1992 edition. Volume III is an examination of the City's ordinance to determine whether its restriction on radioactive materials shipments poses an unreasonable burden on commerce.

Public Comment

Comments are requested on the City's application and supporting documentation, and on the study conducted for RSPA by ICF Incorporated. Comments should specifically address the following issues: (1) Whether the specified City ordinance affords an equal or greater level of protection to the public than is afforded by the requirements of the HMTA or regulations issued under the HMTA; (2) whether that ordinance does not unreasonably burden commerce, and (3) whether RSPA should grant the waiver request if it makes affirmative findings on issues (1) and (2).

Because of the extensive lapse of time since the City filed its application in 1984, the considerable changes in Federal and State laws and regulations since that time, and the recently-completed study, RSPA is limiting the record on which the decision will be based to the following:

(1) The City's application and supporting documentation, memoranda, and correspondence.

(2) Comments, memoranda, and other documents, including the ICF study and comments received in response to this notice, that are or have been filed in the docket since 1988, when the District Court remanded the decision to the Department.

A commenter who wishes to rely upon or reference a comment submitted prior to January 1, 1989, must submit an additional copy of the earlier document, or clearly identify the earlier document by date, author, and title. The commenter also must explain the relevance of the earlier document.

Persons intending to comment on the application should review the standards and procedures governing the Department's consideration of applications for waiver of preemption determinations found at 49 CFR 107.215–107.223.

Issued in Washington, DC on February 5, 1993.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 93–3866 Filed 2–18–93; 8:45 am]

BILLING CODE 4910–60–M

UNITED STATES INFORMATION AGENCY

University Development Program in Business Management for Selected Countries in Central and Eastern Europe

AGENCY: United States Information Agency.

ACTION: Notice—request for proposals.

SUMMARY: Subject to the availability of funds, The Bureau of Educational and Cultural Affairs of the United States Information Agency invites applications from accredited U.S. educational institutions to conduct exchange programs with selected post-secondary educational institutions in Albania, Bulgaria, Croatia, Czech Republic, Slovak Republic, Macedonia, Hungary, Poland, Romania and Slovenia to develop curricula and teaching methodologies for foreign faculties in the field of business management.

DATES: Deadline for proposals: Proposals must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on Friday, April 23, 1993. Proposals received by the Agency after this deadline will not be eligible for consideration. Faxed documents will not be accepted, nor will documents which are postmarked on April 23, 1993, but received at a later date. It is the responsibility of all grant applicants to ensure that their proposals are received by the above deadline. Grants should begin not later than October 1, 1993, and must be a minimum of one semester and a maximum of one year in length. Priority will be given to programs with an early start date.

ADDRESS: The original and 14 complete copies of the proposal should be submitted by the deadline to: U.S. Information Agency, Ref.: University Development in Business Management for Eastern and Central Europe, Office of Grants Management, E/XE, room 357, 301 4th St., SW., Washington, DC 20547.

CONTACTS FOR FURTHER INFORMATION: For general information and requests for application packets, which include all necessary forms and guidelines for preparing budgets as well as award criteria additional to this announcement, those interested should telephone Ms. Robin Kline or Ms. Deborah Trent at (202) 619–5289, or write to either of them at the following address: Specialized Programs Unit, Office of Academic Programs, U.S. Information Agency, 301 4th Street, SW., room 349, Washington, DC 20547.

SUPPLEMENTARY INFORMATION: Overall authority for these exchanges is contained in the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87–256 (Fulbright-Hays Act). The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and other countries of the world."

Pursuant to the legislation authorizing the Bureau of Educational and Cultural Affairs, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life. Programs shall also "maintain their scholarly integrity and shall meet the highest standards of academic excellence or artistic achievement."

Public Reporting Burden—Public reporting burden for this collection of information is estimated to average 30 hours per response, including the time for reviewing instructions, searching existing data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden estimate, to USIA Clearance Officer, M/ADD, room 624, U.S. Information Agency, 301 4th Street, SW., Washington, DC 20547; and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503.

(Information collection involved in this program has been cleared by OMB Approval Number 3116–0179, expiration date 12/31/95.)

Overview

Recent dramatic changes in Central and Eastern Europe provide an historic opportunity to contribute to the region's successful transition to a free market economy. Under the auspices of the U.S. assistance program for Central and Eastern Europe, USIA is offering this program to help foster greater expertise in business management in selected states of the region.

The specific purpose of this program is to assist Central and East European countries in their transformation to free market economies through the development of business management training capabilities in selected academic institutions. In an effort to make the program more responsive to the needs of the countries, programs will be focused on key institutions [identified by U.S. Information Service (USIS) posts] which have had limited contact with the U.S. and wish to develop linkages with U.S. institutions or with key institutions whose existing or past linkages we wish to further develop. Therefore, proposals that are extensions or enhancements of past or current relationships with a partner institution will be acceptable.

[**Note:** A list of foreign partner institutions to which priority will be given is available with the application package and guidelines.]

Guidelines

Eligibility

Institutions

In the U.S., participation in the program is open to accredited two-year and four-year colleges and universities, including graduate schools. Consortia of universities and/or community colleges, individually or as systems, are also eligible. Each partnership which includes one or more U.S. community college must be led by a four-year institution. U.S. colleges and universities or consortia applying under this program may collaborate with U.S. scholarly, professional, or international educational associations and organizations. Proposals from a consortium may be submitted by a single member institution with authority to represent the consortium. Overseas, participation is limited to recognized degree-granting institutions of higher education and internationally recognized and highly regarded independent research institutes.

Special Note—The Agency encourages proposals from eligible Historically Black Colleges and Universities (HBCUs) and other institutions in the U.S. with significant minority student enrollment. Consortia of universities including such institutions are also strongly encouraged to apply.

Institution Representatives

Participants representing the U.S. institution, traveling under funding from this grant, must be U.S. citizens. Participants representing the foreign institution must be citizens, nationals, or permanent residents of the eligible foreign country in which the foreign partner institution is located.

Grant Activities

Grant activities must include placement of U.S. faculty at Central and East European institutions for in-country training of foreign faculty and for development of sustainable programs to educate future foreign business management teachers and business people. Targeted program activities may include: Faculty development and enrichment; curriculum design; modernization of the administrative structures within the foreign institution; outreach to the private sector; and direct teaching.

VOL 58 ISS 32 FE 19 1993 UMI

Components for the development of university-to-private sector linkages and the development of appropriate materials are encouraged. Orientation, seminar, workshop and semester-long course formats will be acceptable. Visits to partner institutions by staff or consultants to plan joint projects may be funded under this grant but should be a relatively small part of the overall exchange. An important goal of the program is to create enduring linkages between the designated foreign institutions and U.S. universities. Preference will be given to proposals in which a U.S. faculty member is placed at the foreign partner institutions for at least an academic semester.

Courses developed may include, but are not limited to, marketing, production management, economics, industrial relations, finance, accounting, and international business. Proposals should provide for a two-way exchange; however, preference will be given to programs in which the majority of the grant activity occurs at the foreign institution.

Ineligibility

A proposal will be deemed technically ineligible if:

1. It does not fully adhere to the guidelines established herein and in the application packet, including budgetary requirements.
2. The applicant is not an accredited U.S. four-year college or university;
3. The project does not constitute a direct partnership with a post-secondary business management program in Albania, Bulgaria, Croatia, the Czech Republic, the Slovak Republic, Hungary, Macedonia, Poland, Romania or Slovenia;
4. The project involves partnerships in more than one country;
5. The project does not seek to address the faculty, curriculum, and administrative aspects entailed in developing the business management program identified;
6. The project does not provide for in-country presence of American faculty; or
7. The project includes profits or fee.

Proposed Budget

Project awards to the U.S. institutions will be made in a range of amounts but will not exceed $200,000. USIA anticipates awarding from six to ten grants in amounts ranging from $50,000 to $200,000. The Agency reserves the right to reduce, increase or otherwise modify proposal budgets in accordance with the needs of the program. For organizations with less than four years of experience in international exchange activities, grants will be limited to a maximum of $60,000. All organizations must submit a comprehensive line item budget, the details and format of which are contained in the application packet.

Allowable Costs

Program Costs

1. International travel (via U.S. flag carriers);
2. Domestic travel;
3. Maintenance (including lodging, meals and incidental expenses);
4. Educational materials (including books, reference materials, computers, costs related to workshops, seminars, etc.);
5. Honoraria or compensation for in-country work, which must not exceed $150 per day per person.
6. Visa fees; and
7. Limited medical insurance for foreign participants during U.S. visits.

*Administrative Costs—Not To Exceed 20% of the Requested Budget**

1. Salaries and benefits;
2. Communications (e.g. fax, telephone, postage);
3. Office Supplies;
4. Other Direct Costs; and
5. Indirect Costs based on administrative and non-participant program expenses. [Please refer to the Application Package.]

Application should demonstrate substantial cost-sharing (dollar and in-kind) in both program and administrative expenses, including overseas partner contributions. No grants funded under this program will include profit or fee.

*Please Note: The amount of administrative funds requested should not exceed 20 percent of the total amount requested, including administrative expenses for orientation and indirect costs applied to administrative and program costs. Administrative expenses should be cost-shared.

Institutional Commitment

In making award decisions, USIA will focus especially on evidence of an ongoing commitment by the U.S. partner to internationalizing its educational programs as well as a commitment by both partner institutions to the success of this particular exchange program. Each proposal must include documentation of institutional support for the proposed program in the form of signed letters of endorsement from the president, chancellor, or director of the U.S. and foreign institution(s) involved. The documentation may also be submitted in the form of a signed agreement by the same persons. Each agreement or letter of endorsement must describe the institution's commitment to an on-going partnership and make specific reference to the proposed program and how it will fit into and be supported by the institution's current activities in internationalizing its educational programs. Proposals should comment on how the partnership might be continued beyond the period of the grant award. Documentation of support from foreign institutions must be received by 5 p.m. Washington, DC time on May 7, 1993, addressed to Robin Kline or Deborah Trent, E/ASU, room 349, U.S. Information Agency, 301 4th Street SW., Washington, DC 20547. Organizations not submitting foreign institutional commitment documentation with the original proposal must describe in the proposal measures taken to secure the documentation by May 7. Applicant institutions are expected to make their own arrangements with the appropriate foreign institutions regarding institutional commitment.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the appropriate geographic area office, and the budget and contracts offices. Proposals may also be reviewed by the Agency's Office of General Counsel. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the following criteria:

a. Quality of program plan—including academic rigor, thorough conception of project, potential to address partner needs, understanding of the needs of the partner institution, and proposed follow-up.

b. Feasibility of the program plan and the capacity of the organization to conduct the exchange; e.g., qualifications of program staff and participants, commitment of the institution's administration to internationalizing its faculty outlook and curricula.

Each proposal should clearly demonstrate how the institution will meet the program objectives and execute the program plan.

c. Track record—relevant Agency and outside assessments of the

organization's experience with international exchanges; for organizations that have not worked with USIA, the demonstrated potential to achieve program goals will be evaluated.

d. Multiplier effect/impact—the impact of the exchange activity on the wider community and on the establishment of continuing ties, as well as the contribution of the proposed activity in promoting mutual understanding.

e. Value to U.S.-partner country relations—the assessment by USIA's geographic area office of the potential impact and significance of the project with the partner country.

f. Cost effectiveness—greatest return on each grant dollar; degree of cost-sharing exhibited.

g. Adherence of proposed activities to the criteria and conditions described above.

h. Institutional commitment as demonstrated by financial and in-kind support of the program.

i. Follow-on Activities—each proposal should provide a plan for follow-on activity (without USIA support) which ensures that the USIA-supported program is not an isolated event. Each proposal must clearly demonstrate long-term commitment from all partners.

j. Evaluation plan—proposals should provide a plan for evaluation by the grantee institution.

Options for Renewal

Subject to the availability of funding in FY 1994 and satisfactory program implementation, USIA may invite selected grantees to submit proposals for renewals of current grants.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Federal Government. Final award cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about July 30, 1993. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: February 12, 1993.

Barry Fulton,

Acting Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 93-3852 Filed 2-18-93; 8:45 am]

BILLING CODE 8230-01-M

VOL 58 ISS 32 FE 19 1993 UMI

Sunshine Act Meetings

Federal Register
Vol. 58, No. 32
Friday, February 19, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 2 p.m., Thursday, February 25, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Judicial Session.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–4021 Filed 2–17–93; 10:50 am]

BILLING CODE 6351–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 10:03 a.m. on Tuesday, February 16, 1993, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Application of FirstWest Bank, Glendive, Montana, an insured State nonmember bank, for consent to purchase certain assets of and to assume certain liabilities of Richey National Bank, Richey, Montana, and for consent to establish the sole office of Richey National Bank as a branch of the resultant bank.

Request for a review of previous denials of a bank's requests for relief from reimbursement under the Truth in Lending Simplification and Reform Act.

Recommendation regarding the Corporation's corporate and liquidation activities.

Matters relating to the Corporation's resolution activities.

In calling the meeting, the Board determined, on motion of Director Stephen R. Steinbrink (Acting Comptroller of the Currency), seconded by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), concurred in by Acting Chairman Andrew C. Hove, Jr., that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Dated: February 16, 1993.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 93–3999 Filed 2–16–93; 4:40 pm]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10 a.m. on Tuesday, February 23, 1993, to consider the following matters:

Summary Agenda:

No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Reports of actions approved by the standing committees of the Corporation and by officers of the Corporation pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Memorandum and resolution re: Proposed Federal Financial Institutions Examination Council policy statement concerning money laundering which would encourage domestic banking offices to include in electronic funds transfer messages, to the extent possible, customer information suggested by the Financial Action Task Force.

Memorandum and resolution re: Final amendments to Part 325 of the Corporation's rules and regulations, entitled "Capital Maintenance," regarding presold residential construction loans.

Memorandum and resolution re: Proposed amendments to Part 346 of the Corporation's rules and regulations, entitled "Foreign Banks," which would set forth application procedures for the Corporation's permission for an insured state branch to engage in, or continue, an activity which is not permissible for a federal branch.

Memorandum re: Corporation's Strategic Plan.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, DC.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 898–6745 (Voice); (202) 898–3509 (TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–6757.

Dated: February 16, 1993.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 93–4000 Filed 2–16–93; 4:40 pm]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Tuesday, February 23, 1993, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Summary Agenda:

No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Matters relating to the Corporation's corporate and supervisory activities.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured depository institutions or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of depository institutions authorized to be

exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), (c)(9)(A)(ii)).

Note: Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Matter relating to the possible closing of certain insured depository institutions:

Names and locations of depository institutions authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–6757.

Dated: February 16, 1993.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 93–4018 Filed 2–17–93; 10:34 am]

BILLING CODE 6714–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Wednesday, February 24, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 18, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–4009 Filed 2–17–93; 9:56 am]

BILLING CODE 6210–01–M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., Thursday, March 4, 1993.

PLACE: Room 410, 1825 K Street, NW., Washington, DC 20006.

STATUS: Open Meeting.

MATTERS TO BE CONSIDERED: Oral Argument before the Commission in *Wheeling-Pittsburgh Steel Corporation* and *United Steelworkers of America, District 23, Local Union No. 1190;* OSHRC Docket No. 89–3389.

CONTACT PERSON FOR MORE INFORMATION: Patrick Moran, (202) 634–4015.

Dated: February 17, 1993.

Earl R. Ohman, Jr.,

General Counsel.

[FR Doc. 93–4042 Filed 2–17–93; 2:28 pm]

BILLING CODE 7600–01–M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of a Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. Section 552b), hereby gives notice that it intends to hold a meeting at 1 p.m. on Monday, March 1, 1993, and at 8:30 a.m. on Tuesday, March 2, 1993, in Washington, DC. By telephone vote on February 11, 1993, a majority of the members contacted and voting, the Board of Governors voted to close to public observation its meeting scheduled for March 1, which will involve consideration of temporary changes to the Domestic Mail Classification Schedule as proposed by the Postal Service in Postal Rate Commission Docket No. MC93–2. The Board determined that pursuant to section 552b(c)(3) and (10) of Title 5, United States Code, and section 7.3(c) and (j) of Title 39, Code of Federal Regulations, discussion of this matter is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)).

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in her opinion the meeting may properly be closed to public observation, pursuant to section 552b(c)(3) and (10) of Title 5, United States Code; and section 7.3(c) and (j) of Title 39, Code of Federal Regulations.

The March 2 meeting is open to the public and will be held at U.S. Postal Service Headquarters, 475 L'Enfant Plaza SW., in the Benjamin Franklin Room. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.

Agenda

Monday Session

March 1—1:00 p.m. (Open)

1. Consideration of Temporary Changes to the Domestic Mail Classification Schedule as Proposed by the Postal Service in Postal Rate Commission Docket No. MC93–2.

Tuesday Session

March 2—8:30 a.m. (Open)

1. Minutes of the Previous Meeting, February 1–2, 1993
2. Remarks of the Postmaster General and CEO. (Marvin Runyon)
3. Establishment of Committees and Appointment of Members. (Bert H. Mackie, Chairman, Board of Governors)
4. Annual Report on Processing and Distribution. (Peter A. Jacobson, Vice President, Processing and Distribution)
5. Annual Report on Customer Services. (Samuel Green, Jr., Vice President, Customer Services)
6. Tentative Agenda for the April 5–6, 1993, meeting in Washington, DC.

David F. Harris,

Secretary.

[FR Doc. 93–4025 Filed 2–17–93; 11:06 am]

BILLING CODE 7710–12–M

VOL 58 ISS 32 FE 19 1993 UMI

Corrections

Federal Register
Vol. 58, No. 32
Friday, February 19, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[OIS-019-N]

Medicare and Medicaid Programs; Quarterly Listing of Program Issuances and Coverage Decisions

Correction

In notice document 93-276 beginning on page 3028 in the issue of Thursday, January 7, 1993, make the following correction:

On page 3030, in Table II, under Carriers Manual Part 3, in the second column, in the fourth line, "Completion" should read "Home".

BILLING CODE 1506-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-932-4210-06; F-88329]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Alaska

Correction

In notice document 93-2069 beginning on page 6417 in the issue of Thursday, January 28, 1993, make the following corrections:

1. On page 6417, in the 3d column, under the heading "*Parcel 2*", in the 9th line, "N. 60° E.," should read "N. 60° W.," and in the 13th line, insert "close at" after "to".

2. On the same page, in the same column, under the heading "*Parcel 3*", in the fifth line, insert "S." after "Thence,".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO-930-4214-10; COC-54072]

Proposed Withdrawal; Opportunity for Public Meeting; Colorado

Correction

In notice document 92-23882 appearing on page 45639 in the issue of Friday, October 2, 1992, make the following corrections:

1. In the 1st column, in the 1st paragraph, in the 10th line, "mining laws of" should read "mining laws for".

2. In the same column, in land description T. 39 N., R. 9 W.., in the first line, "No. 2" should read "No. 1", and in the fifth line "S. 1°00′37″E.," should read "S. 1°00′37″E.,".

3. In the second column, in land description T. 39 N., R. 9 W., in the fifth line, "3131.00 ft.;" should read "3132.00 ft.;"

BILLING CODE 1505-01-D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-31763; File No. SR-NASD-91-73]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Granting Approval of Proposed Rule Change Relating to Suspension or Cancellation of Membership or Registration for Failure to Comply With Arbitration Awards

Correction

In notice document 93-2358 beginning on page 6829 in the issue of Tuesday, February 2, 1993, make the following correction:

On page 6829, in the first column, insert "January 26, 1993," after the heading.

BILLING CODE 1505-01-D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-31795; File No. SR-NYSE-93-07]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc., Relating to Decreases Affecting Transaction Charges, Reduction of the Odd-Lot Specialist Charge and Creation of a New Specialist Charge

Correction

In notice document 93-2767 beginning on page 7281 in the issue of Friday, February 5, 1993, make the following corrections:

On page 7281, in the second column, in the table, two entries were omitted from the 1992 and 1993 columns for the fourth entry. In addition, the footnotes should appear directly beneath the table. The table is correctly printed as follows:

	1992	1993
Transaction charges:		
Charge on floor brokerage commission earned	1.1%	0.0%
Credit on floor brokerage:		
Paid Out	1.2%	1.2%
Give-ups	1.1%	0.0%
*System credit on all executed orders from 100 to 2,099 shares	$0.30	$0.30
*Additional system credit on all individual and Agency executed market orders from 100 to 2,099 shares (I and A orders as defined by the Exchange for audit trail purposes).[4]	—	$1.30
System processing charges:		
Specialist Odd-Lot Charge- per share		
Odd Lots	$0.02	$0.004
Partial Round-Lots	$0.00135	$0.00135
**Specialist system charge per execution of system order on individual and agency market orders from 100 to 2,099 shares		$0.65

[4] Orders with the following descriptions are excluded and not eligible for this credit:

An order of a member or member organization trading as agent for the account of a non-member competing market maker.

Competing Market Maker: A specialist or market maker registered as such on a registered stock exchange (other than the NYSE), or a market-maker bidding and offering over-the-counter, in a NYSE-traded security.

*Combined credits are limited to Total Transaction Charge.

**Total charges levied not to exceed $9 million per annum in aggregate.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Application To Use the Revenue From a Passenger Facility Charge (PFC) at Capital Airport, Springfield, IL

Correction

In notice document 93-2928 appearing on page 7602 in the issue of Monday, February 8, 1993, in the second column, in the second full paragraph, in the sixth line "effective" should read "expiration" and in the eighth line "$641.056" should read "$641,056".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[T.D. 8456]

RIN 1545-AQ14

Capitalization of Certain Policy Acquisition Expenses

Correction

In rule document 92-30943 beginning on page 61813 in the issue of Tuesday, December 29, 1992, make the following corrections:

1. On page 61817, in the first column, in the second and third lines, remove "The net negative foreign capitalization amount."; and in the fourth line, remove "remaining portion of a".

§ 1.848-1 [Corrected]

2. On page 61820, in the second column, in § 1.848-1(h)(2)(vi), in the third line, "of" should read "or".

BILLING CODE 1505-01-D

VOL
58
ISS
32
FE
19
1993
UMI

Federal Register

Friday
February 19, 1993

Part II

Environmental Protection Agency

40 CFR Part 257 et al.
Standards for the Use or Disposal of Sewage Sludge; Final Rules

VOL
58
ISS
32
FE
19
1993
UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 257, 403 and 503

[FRL–4203–3]

Standards for the Use or Disposal of Sewage Sludge

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Under authority of Sections 405(d) and (e) of the Clean Water Act (CWA), as amended (33 U.S.C.A. 1251, *et seq.*), the Environmental Protection Agency (EPA) is promulgating regulations to protect public health and the environment from any reasonably anticipated adverse effects of certain pollutants that may be present in sewage sludge. The regulations establish requirements for the final use and disposal of sewage sludge in three circumstances. First, the regulations establish requirements for sewage sludge when the sludge is applied to the land for a beneficial purpose (including sewage sludge or sewage sludge products that are sold or given away for use in home gardens). Second, the regulations establish standards for sludge when the sludge is disposed on land by placing it on surface disposal sites (including sewage sludge-only landfills). Third, the regulations establish requirements for sewage sludge when incinerated. The standards for each end use and disposal practice consist of general requirements, numerical limits on the pollutant concentrations in sewage sludge, management practices and, in some cases, operational requirements. The final rule also includes monitoring, recordkeeping and reporting requirements.

Standards apply to publicly and privately owned treatment works that generate or treat domestic sewage sludge, as well as to any person who uses or disposes of sewage sludge from such treatment works. The rule requires compliance with these standards as expeditiously as possible but no later than 12 months from the date the rule is published, or within 24 months of publication if construction of new pollution control facilities is required to comply with the regulations. The final rule also includes conforming amendments to 40 CFR parts 257 and 403.

DATES: The effective date is March 22, 1993. Additional comments and data will be accepted until May 20, 1993.

The incorporation by reference of certain publications listed in this regulation is approved by the Director of the Federal Register as of May 20, 1993.

ADDRESSES: This Notice is requesting comments and data the Agency will consider for Round Two part 503 rulemaking. Send written comments and data described in this Notice to Round Two Part 503 Sewage Sludge Use and Disposal Rule; Comment Clerk; Water Docket MC–4101; Environmental Protection Agency; 401 M Street, SW; Washington, DC 20460. Respondents are also requested to submit an original and 3 copies of their written information. Respondents who want receipt of their information acknowledged should include a self-addressed, stamped envelope. All submissions must be postmarked or delivered by hand, no facsimiles (faxes) will be accepted.

A copy of the comments and supporting documents cited in the reference section of this Notice are available for review at EPA's Water Docket; 401 M Street, SW.; Washington, DC 20460. The Docket is located in room L–102. For access to Docket materials, call (202) 260–3027 between 9 a.m. and 3:30 p.m. for an appointment. The EPA public information regulation (40 CFR part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Further information on the part 503 rule may be obtained by writing or calling Dr. Alan Rubin, U.S. Environmental Protection Agency, Office of Water, Sludge Risk Assessment Branch (WH–586), 401 M Street, SW., Washington, DC 20460, (202) 260–1306. Information on the availability of single copies of the final rule, technical support documents, and copies of the data, analyses and models discussed in today's final rule is provided in part XIV of **SUPPLEMENTARY INFORMATION.**

SUPPLEMENTARY INFORMATION: The preamble to this Notice is organized as follows:

Overview
Part I: Generation, Use and Disposal of Sewage Sludge
Part II: Federal and State Requirements
Part III: Selection of Pollutants Considered for Regulation
Part IV: February 6, 1989 Proposed Rule
Part V: November 9, 1990 Notice of Availability of Information and Data, and Anticipated Impacts on Proposed Rule
Part VI: Risk Assessment Methodology
Part VII: Risk Management Approach
Part VIII: Exposure Assessment Methodology and Other Risk Management Issues for Sewage Sludge Use and Disposal Practices for the Final Rule
Part IX: Selection of Pollutants for Regulation
Part X: Aggregate Risk Assessment for the Final Part 503 Regulation
Part XI: Description of the Final 40 CFR Part 503 Regulation
Subpart A: General Provisions
Subpart B: Land Application
Subpart C: Surface Disposal
Subpart D: Pathogens and Vector Attraction
Subpart E: Incineration
Part XII: Implementation of 40 CFR Part 503
Part XIII: Benefits and Cost of the Amendments to Parts 257 and 403 and the Final Part 503 Regulation
Part XIV: Availability of Technical Information on the Final Rule
Part XV: Description of the Amendments to 40 CFR Parts 257 and 403

Overview

With the publication of today's rule, EPA has now met its longstanding obligation to promulgate regulations to establish standards for the use and disposal of sewage sludge. EPA's undertaking required an unprecedented effort to assess the potential for pollutants in sewage sludge to affect public health and the environment through a number of different routes of exposure. As a result, EPA's effort, an enormously complex one, has required it to address issues that affect many of the Agency's other major regulatory responsibilities. For example, evaluation of the risks posed by pollutants that may be present in sludge applied to land required the Agency to consider human exposure through inhalation, direct ingestion of soil fertilized with sewage sludge and through consumption of crops grown on this soil, among others. EPA also assessed the potential risk to human health through contamination of drinking water sources or surface water when sludge is disposed of on the land. EPA also evaluated the potential effects directly on crops, on cattle, on surface water aquatic species and wildlife. EPA also evaluated the effect of emissions from sewage sludge incinerators on human health. Thus, development of the sewage sludge regulation had obvious implications for Agency activities under the Clean Air Act, the Resource Conservation and Recovery Act, the Toxic Substances Control Act, the Comprehensive Environmental Response, Compensation and Liability Act and the Safe Drinking Water Act.

Development of this rule presented the Agency with a number of specific challenges in addition to those associated with coordinating these standards with other Agency programs. Not the least of these was assessing the potential for adverse effects on public health and the environment from pollutants in sludge. This is particularly difficult with respect to non-human health effects, given the limited

information available to the Agency in this area. This evaluation was further complicated by the fact that the methods for evaluating non-human health effects are less well-developed than those the Agency has traditionally relied on for evaluating human health effects.

Nevertheless, EPA is confident that the regulations it is promulgating today adequately protect public health and the environment from all reasonably anticipated adverse effects, as required by section 405(d), for several reasons. First, EPA has evaluated its regulations for aggregate national health impact. As explained in more detail below, even given very conservative assumptions that probably overstate exposure, there are virtually no effects when sludge is disposed of on the land or used as a soil conditioner or fertilizer in compliance with these rules. Further, even when sludge is incinerated and the population potentially exposed to the incinerator emissions is greater, the effects are small.

Second, use and disposal of sewage sludge is not new in this country. In the process of developing these regulations, EPA reviewed the available scientific and technical literature for information on sewage sludge. That search did not turn up any evidence that the use of sewage sludge is causing any significant or widespread adverse effects. While anecdotal, this evidence tends to confirm what EPA's risk assessment review showed more scientifically.

Finally, the Agency's sewage sludge assessment effort is not over. This is the first stage of EPA's sewage sludge regulatory program—"Round One." The statute under which these regulations are issued requires the Agency to develop regulations in two steps and to revise these regulations periodically if additional information suggests the need for regulation of other pollutants. The Agency has committed to identifying in May, 1993, the additional pollutants it will consider for regulation in "Round Two" and announcing its schedule for completion of the second stage effort. The Agency is comfortable that the regulations promulgated here are adequately protective because most of the effects that these regulations are designed to prevent are largely chronic, not acute ones. Even in the unlikely event that new information dictates reconsideration of some of the determinations on which EPA has based its health conclusions for this rule, there would be no adverse short-term human health consequences since standards to protect against chronic effects are well below acute effects levels. Moreover, the Agency is committed to an effort that investigates many of the assumptions it used in determining what levels of pollutants in sewage sludge were consistent with broad protection of public health and the environment as discussed below. Based on the results of this study or any new information showing an increased potential for adverse effects on public health, the Agency is prepared to move aggressively to address any problems with sewage sludge use should the evidence warrant.

Clean Water Act

Congress adopted the Clean Water Act (CWA) to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Section 101(a), 33 U.S.C. 1251(a). To achieve this goal, the CWA prohibits the discharge of pollutants into navigable waters except in compliance with the statute. The CWA directs EPA to promulgate regulations establishing limits on the types and amounts of pollutants discharged from various industrial, commercial, and public sources of wastewater.

Congress recognized that regulating only those sources discharging effluent directly into the nation's waters alone would not sufficiently achieve the CWA's goals. Consequently, the CWA requires EPA to promulgate nationally applicable pretreatment standards which restrict pollutant discharges for those who discharge wastewater indirectly through sewers flowing to publicly owned treatment works (POTWs). Section 307 (b) and (c), 33 U.S.C. 1317 (b) & (c). Generally, these national pretreatment standards are designed to ensure that wastewaters from direct and indirect industrial dischargers are subject to similar levels of treatment. In addition, POTWs are required to implement local treatment limits applicable to their industrial indirect dischargers to satisfy any local requirements. 40 CFR 403.5.

Direct dischargers must comply with effluent limitations in National Pollutant Discharge Elimination System ("NPDES") permits; indirect dischargers must comply with pretreatment standards. These limitations and standards are established by regulation for categories of industrial dischargers and are based on the degree of control that can be achieved using various levels of pollution control technology. In addition, pretreatment standards must be established for those pollutants which are not susceptible to treatment by POTWs or which would interfere with POTW operations. CWA Sections 301(b), 304(b), 306, 307 (b)–(d), 33 U.S.C. 1311(b), 1314(b), 1316, and 1317 (b)–(d).

POTWs receive wastewater from industrial facilities, domestic wastes from private residences, and run-off from various sources that must be treated prior to discharge. Treatment results in an effluent that may be discharged and a residual material, sewage sludge. The sewage sludge, usually more than 90 percent water, also contains solids and dissolved substances. The chemical composition and biological constituents of the sludge depend upon the composition of the wastewater entering the treatment facilities and the subsequent treatment processes. Typically these constituents may include volatile organics, organic solids, nutrients, disease-causing pathogenic organisms (e.g., bacteria, viruses, and others), heavy metals and inorganic ions, and toxic organic chemicals from industrial wastes, household chemicals, and pesticides.

Implementation of the CWA has resulted in greater levels of treatment of and pollutant removal from wastewater before discharge to surface waters, and the generation of large quantities of residual sewage sludge as a by-product of this treatment. Proper management of ever-growing amounts of sewage sludge is becoming increasingly important as efforts to remove pollutants from wastewater have become more effective. In the United States, the quantity of municipal sewage sludge has almost doubled since the enactment of the Clean Water Act in 1972. Municipalities currently generate over 5.3 million dry metric tons of wastewater sludge per year, or approximately 47 pounds per person per year (dry weight basis).

A POTW has a number of options to dispose of sewage sludge, including applying it to land, incineration, disposing of it in a landfill, or selling it to the public for use as a fertilizer or soil nutrient. However, the composition of the sludge can limit these choices.

One important avenue for sewage sludge disposal is through beneficial use and recycling projects. Sewage sludge is a valuable resource. The nutrients and other properties commonly found in sludge make it useful as a fertilizer and a soil conditioner. Sludge has been used for its beneficial qualities on agricultural lands, in forests, for landscaping projects, and to reclaim strip-mined land.

At the same time, in some situations, disposal of sewage sludge may present an environmental concern because of contamination by harmful pollutants. Greater focus on surface water toxics control, as well as Resource Conservation and Recovery Act (RCRA) provisions such as the ban on land disposal of certain hazardous wastes

(section 3004(d)) and the exclusion of discharges into municipal sewers from RCRA requirements (section 1004(27)), may result in increased volumes of toxic and hazardous pollutants that reach POTWs and consequently may adversely affect sludge quality when these pollutants are removed from the wastewater.

Proper disposal of sewage sludge is important because contaminated or improperly handled sludge can result in pollutants in the sludge re-entering the environment, and possibly contaminating a number of different media through a variety of exposure routes. Further, improper sludge management could lead to environmental degradation of land and air. Failure to dispose of sludge properly or contaminated sludge could also have adverse effects on surface and ground water and wetlands, as well as human health. For example, sewage sludge disposed on land where there is minimal depth to ground water is of concern because contaminants in the sludge may leach out and reach an existing or potential potable water source. Concern for air quality necessitates proper controls over sludge incineration. The interrelationship among these media requires a tightly coordinated, comprehensive approach to encourage the beneficial use of sludge and to avoid creating environmental loopholes, thereby helping to assure that solving problems in one media will not create problems for another.

Section 405 of the Clean Water Act

The CWA, as enacted in 1972, addressed sewage sludge use and disposal in only one limited circumstance: when the use or disposal posed a threat to navigable waters. Thus, section 405(a) of the Act prohibited the disposal of sludge if it would result in any pollutant from the sludge entering navigable waters unless in accordance with a permit issued by EPA. In 1977, Congress amended section 405 to add a new section 405(d) which required EPA to develop regulations containing guidelines for the use and disposal of sewage sludge. These guidelines must: (1) Identify uses, for sludge including disposal; (2) specify factors to be taken into account in determining the methods and practices applicable to each of these identified uses; and (3) identify concentrations of pollutants that would interfere with each use.

In 1987, Congress amended section 405 and for the first time set forth a comprehensive program for reducing the potential environmental risks and maximizing the beneficial use of sludge. Amended section 405(d) established a timetable for the development of the sewage sludge use and disposal guidelines. H. Rep. No. 1004, 99th Cong. 2d. Sess., 158 (1986). The basis of the program Congress mandated to protect public health and the environment is the development of technical requirements or standards for sewage sludge use and disposal and the implementation of these standards, in part, through a permit program.

Under section 405(d), EPA must first identify, based on available information, toxic pollutants which may be present in sewage sludge in concentrations which may affect public health and the environment. Next, for each identified use or disposal method, EPA must promulgate regulations that specify acceptable management practices and numerical limitations for sludge that contains these pollutants. These regulations must be "adequate to protect human health and the environment from any reasonably anticipated adverse effect of each pollutant." Section 405(d)(2)(D). The statute requires EPA to promulgate sewage sludge regulations in two stages and periodically to review these regulations for the purpose of identifying additional toxic pollutants for regulation.

After the technical standards have been promulgated, section 405 directs that any permit under section 402 of the CWA (NPDES permits) issued to a POTW or any other treatment works treating domestic sewage must include conditions to implement the technical standards unless these conditions are included in a permit issued under: Subtitle C of the Resource Conservation and Recovery Act; Part C of the Safe Drinking Water Act; the Marine Protection, Research, and Sanctuaries Act or the Clean Air Act; or under State permit programs approved by EPA, where EPA determines that such programs assure compliance with any applicable requirements of section 405. 33 U.S.C. 1345(f)(1). Section 405 also provides that EPA may issue permits that implement the sludge requirements to treatment works that are not subject to NPDES permitting or to any of the other enumerated programs or approved State programs. 33 U.S.C. 1345(f)(2). These permits are referred to in this preamble as "sludge-only" permits.

Congress provided little guidance for the Agency in carrying out its broad mandate to protect public health and the environment. For example, Congress did not speak directly or provide the Agency guidance about how to interpret certain key phrases in the statute. Consequently, the Agency in determining appropriate sludge standards has faced a number of difficult policy issues. The Agency has addressed the following issues in determining what standards adequately protected public health and the environment from pollutants in sewage sludge when used or disposed.

Regulatory Issues

In determining what standards adequately protected public health and the environment from pollutants in sewage sludge when used or disposed of, the Agency needed to address a myriad of issues including the following:

Scope of the Regulation. Different types of sewage sludge are generated and there are different ways of using or disposing of it. Given the different types of sludge that are generated, which types should the Agency regulate? Of the methods used by communities to dispose of their sewage sludge, which types of methods should the Agency regulate?

Pollutant Coverage. On what basis should the Agency select the pollutants (metals, pesticides, organic contaminants, pathogenic organisms) which are regulated in today's rule?

Pathways of Exposure. What media (air, water, soil) transport the pollutants in sewage sludge into and through the environment?

Target Organisms. What individuals or groups of individuals, plants, or animals are most likely to be affected by the pollutants in sewage sludge?

Models. How will the Agency simulate the movement of the pollutants in sewage sludge into and through the various environmental media to the target organisms?

Type of Risks. What are the potential human health and environmental risks posed by the use or disposal of sewage sludge (e.g., breathing air around a sewage sludge incinerator, drinking water from a well near a monofill, eating food grown on soil to which sludge has been applied, plants growing on sludge-enriched soil, etc.) that the Agency should examine?

Effect Levels. At what concentrations does a pollutant adversely affect human health and the environment? Pollutants from sewage sludge potentially may move through the environment to reach a plant, animal, or human. Plant, animal and human systems may "respond" to the presence of the pollutant. That is, biological systems within the plant, animal or human, may exhibit variations from normal conditions. At what point does this variation constitute an adverse effect? Must the standards protect against all adverse effects or only significant adverse effects? What

are the effects the standards should be designed to prevent (e.g., increased risk of developing cancer or hypertension, phytotoxicity, animal toxicity)?

Acceptable Level of Risk. The statute requires that the sludge regulations "adequately protect human health and the environment from reasonably anticipated adverse effects." What level of risk adequately protects human health and the environment? By requiring "adequate protection" of public health and the environment did Congress intend to leave to EPA's discretion the determination of what adverse effects public health and environmental protection required? Is a consideration of whether the effects are widespread, particularly with respect to non-public health effects, part of the determination of what constitutes adequate protection?

Background Pollutant Levels. What are the sources of pollutant exposure other than sludge (e.g., lead from gasoline or from water supply pipes, etc.)?

Uncertainties. How should the Agency measure and account for the unavoidable uncertainties in its analyses (e.g., use conservative assumptions, add a margin of safety)?

Types of Effects to be Evaluated. Should the Agency evaluate the human health and environmental effects on the most exposed target organisms (individual, plant, or animal) or should the Agency also examine the incidence of adverse effects on the total population associated with sewage sludge use or disposal?

Pollutant Limits. Should a single pollutant limit be established for all use or disposal practices or should a separate pollutant limit be established for each use or disposal method?

Form of the Pollutant Limits. How should the pollutant limits be expressed (e.g., a limitation on pollutant concentrations in sewage sludge, a limitation on pollutant loading rates to land, a limitation on pollutant emission rates, etc.)?

Regulatory Responsibility. Who should be responsible for meeting the requirements in the rule (end user, treatment work)?

Impacts. Who is affected by the rule? What are the benefits and costs of the rule?

Since 1984, the Agency has been conducting an extensive information-gathering and analytical program to support the development of today's regulation. Subsequent to the 1987 amendments to the CWA, the Agency redoubled its efforts. This preamble, the technical support documents, and related analyses of the regulation's impact are the product of that effort and explain the basis for the determinations the Agency has made in establishing these standards.

Fundamental Regulatory Principles

The fundamental assumptions underlying today's final rule are discussed below:

Control Sewage Sludge Quality

Section 405(d) of the CWA directs the Agency to control the quality of sewage sludge by establishing limits for pollutants in sludge applicable to methods of use or disposal. Preventing the contamination of sewage sludge before it is used or disposed of is more equitable than requiring others to contain the contaminated sewage sludge or to deal with the consequences. When it is not feasible for the Agency to set pollutant limits, section 405(d)(3) authorizes EPA to establish a design or equipment standard, management practice, or operational standard or combination of these in lieu of numerical limitations. This is the approach EPA took in the criteria promulgated for municipal solid waste landfills (MSWLFs). There, EPA adopted a containment approach rather than numerical limitations for solid waste, including sewage sludge disposed of in MSWLFs, in part because of the infeasibility of developing and enforcing numerical limitations for mixtures of sewage sludge and other solid waste materials disposed of in MSWLFs (56 FR 50978, October 9, 1991).

By setting limits on sewage sludge quality, this regulation creates incentives for treatment works to generate less contaminated sewage sludge. Treatment works with sewage sludge that does not meet the sludge quality conditions under the standards for a use and disposal practice must clean up the influent (e.g., strengthen the pretreatment programs), improve the treatment of sewage sludge (e.g., reduce the densities of pathogenic organisms), or select another use or disposal method.

Emphasize Waste Reduction and the Beneficial Reuse of Sewage Sludge

Achieving desired national levels of environmental quality depends on the reduction and elimination of the substantial volumes of waste and wastewater generated at home and at work. Without a significant reduction in these volumes (e.g., by home composting food scraps rather than putting them down a garbage disposal), and a corresponding reduction in the residual from wastewater treatment (sewage sludge is also often referred to as "biosolids") that must then be either used or disposed of, attaining these goals is severely hampered.

EPA's policy (i.e., the 1984 Beneficial Reuse Policy and the 1991 Interagency Policy on Beneficial Use of Sewage Sludge) of strongly supporting the beneficial reuse of sewage sludge is closely linked to its objective of reducing the volume of waste generated. The term biosolids has been used to distinguish sewage sludge that has been treated and can be beneficially recycled. Improving the productivity of our land using the soil conditioning properties and nutrient content of sewage sludge has human health and environmental advantages beyond those that are directly associated with applying sewage sludge to the land. Secondary or related benefits of reusing sewage sludge result from a reduction in the adverse human health effects of incineration, a decreased dependence on chemical fertilizers, a reduction in the emissions associated with incineration that may contribute to the "greenhouse effect" and a reduction in fuel or energy costs associated with incineration. In finalizing the rule, the Agency carefully considered, and placed heavy emphasis on, those approaches that supported its policy of beneficial reuse.

Preserve a Local Community's Choice of a Disposal Practice

Although the Agency prefers local communities to use their sewage sludge for its beneficial properties rather than simply disposing of it, EPA's responsibility is to set standards for each practice that are adequate to protect public health and the environment. While the choice of a use or disposal practice is reserved to local communities by section 405(e) of the CWA, protection of public health and the environment, where risks are significant, dictate stringent pollutant limits. One result is that in certain cases communities may be unlikely to meet the limits the Agency has promulgated.

Base the Rule on Minimizing Risks to Individuals and to the Population as a Whole

In developing today's rule, the Agency evaluated the effect of a pollutant on a highly exposed individual, plant, or animal (HEI) and on populations at higher risk. It also examined regulatory options that would have resulted in a rule based on aggregate incidence analyses only (the effect on the whole population), on the most exposed individual, plant, or animal (MEI) analyses only, and a rule

VOL
58
ISS
32
FE
19
1993
UMI

based on a combination of aggregate and MEI analyses. Today's final rule uses an HEI analysis supported by an aggregate risk assessment on higher risk populations or special subpopulations (e.g., children) to ensure protection of public health and the environment.

Promulgate Reasonable Standards

Section 405(d)(2)(D) of the CWA requires the Agency to establish standards adequate to protect public health and the environment from any reasonably anticipated adverse effects of each pollutant found in sewage sludge. In establishing standards, the Agency examined the effect of long-term pollutant exposure and circumstances that could: (1) Increase the toxicity and potency of a pollutant in the environment, (2) speed the movement of a pollutant into and through the environment, and (3) intensify the adverse effect that the pollutant may have on human health or the environment.

This approach is used throughout the rule but it does not protect against every conceivable combination of adverse conditions. In taking such an approach, the Agency recognizes that some risks may not have been fully evaluated and that some risks may remain after regulation. For example, the Agency used the average background value of metals in agricultural soils for applying sewage sludge to agricultural lands and assumed that users of sewage sludge products, such as compost, would follow simple label instructions. EPA expects that few, if any, individuals will receive higher doses of a pollutant than the doses used to establish the standards. Therefore, the Agency has determined that today's rule meets the statutory directive that the standards protect against reasonably anticipated adverse effects of the pollutants. EPA concluded that adequate protection of public health and the environment did not require the adoption of standards designed to protect human health or the environment under exposure conditions that are unlikely and where effects were not significant or widespread.

Promulgate an Implementable Rule

The final rule balances the flexibility associated with site-specific analyses against the simplicity of national numerical limits and self-implementing regulations. A rule that allows exceptions for every conceivable contingency would prove difficult to understand. Moreover, implementation of such a rule would require an unwarranted commitment of the Agency's limited resources without any offsetting increased benefits to public health or the environment. Therefore, the limited exceptions to national pollutant limits are restricted to circumstances in which site-specific conditions may make a significant difference in the pollutant limits without any compromise to public health and environmental protection.

In those cases where site-specific conditions are appropriate, persons disposing of sewage sludge may use EPA approved models and recalculate numerical pollutant limits for sewage sludge disposed of at their site. The modeling analysis, supporting information and recalculated numerical limits are to be submitted to the permitting authority for approval, and if approved, become the numerical limits for sludge quality disposed of at the site.

Section 405(e) of the CWA requires any person that uses or disposes of sewage sludge generated by a treatment works to comply with part 503 standards. Realistically, the Agency cannot issue permits to every user of sewage sludge. Therefore, primary responsibility, and liability, is placed on treatment works for ensuring that sewage sludge is disposed in accordance with the rule's requirements. The final part 503 rule is designed to be self-implementing, and therefore, clearly spells out how the requirements apply to persons using or disposing of sewage sludge. When sewage sludge or sewage sludge products are sold or given away to the general public, sewage sludge must generally meet higher standards of quality. However, the national limits were not designed to protect the public against every conceivable misuse of the product that is distributed and marketed. Rather, the rule assumes that simple instructions on proper use will be followed.

Coordinate With Other Programs

The use and disposal of sewage sludge affects air, soil, and water. In preparing the final rule, the Agency carefully examined the requirements of other media programs and media-specific statutes. Where possible for consistency, the Agency used the tools and standards developed under these other programs. For example, the air models used in developing the limits for incinerating sewage sludge are similar to the models used under EPA's air program. The pollutant limit for incinerating sewage sludge containing lead is designed to be consistent with the National Ambient Air Quality Standard (NAAQS) for lead. This principle is followed throughout the rule. As another example, when the pollutant limits are designed to protect ground water, the Agency used the drinking water standards (maximum contaminant levels—MCLs), where available. Further, when protecting surface water, the Agency used the Water Quality Criteria developed for individual pollutants. In some cases, Agency regulatory standards are undergoing revision. If a new standard is promulgated, the numerical pollutant limit for a use or disposal practice will be revised in later rulemakings.

Expand the Standards Later

The scope of the part 503 standards is necessarily constrained by the adequacy of information on sewage sludge pollutants and means of use or disposal. However, rather than wait for more complete information in order to promulgate all-inclusive regulations, the Agency is promulgating standards for those pollutants and use or disposal practices for which sufficient information exists. The Agency may expand and refine these standards in future rulemakings. Section 405 specifically contemplates that the Agency will issue these standards in stages and revise them periodically.

To remedy information gaps, the Agency conducted the National Sewage Sludge Survey (NSSS) which gathered, among other things, additional information on the pollutants in sewage sludge, how sludge is used and disposed, and information on POTW management of sludge. See, 55 FR 47210 (November 9, 1990). Furthermore in cooperation with other Agency offices and outside expert reviewers, EPA has gathered data on the movement of certain pollutants into and through the environment (e.g., cadmium), refined and expanded its modeling capability for specific pollutants or disposal practices (e.g., surface disposal sites), supplemented its information on other disposal practices (e.g., sewage sludge incinerators), and further examined the characteristics of domestic septage. Sewage sludge pollutants and methods of use or disposal not covered by today's final rule are candidates for coverage under subsequent phases of the part 503 rulemaking process as adequate data are developed.

In addition, EPA had experts from both inside and outside the Agency review the scientific and technical bases of the rule. This review included the EPA Science Advisory Board, the Cooperative State Research Service, the Regional Research Technical Committee (sometimes called the W–170 committee), representatives of academia, and other scientific/technical bodies with experience in the areas covered by the rule. With the additional

data and the scientific and technical review, the Agency was able to expand and refine the standards for today's final rule.

The preamble summarizes the major scientific peer review and public comments and provides the Agency's response and actions taken in developing today's final part 503 rule. A complete description of all the public comments is provided in Reference No. 109. Information on this and other documents used in developing the final part 503 regulation may be found in Part XIV—Availability of Technical Information on the Final Rule.

Coverage of Today's Rule and the Round Two Rule

Today's rule establishes standards for those pollutants and sludge use or disposal methods for which the Agency had sufficient information to establish protective numerical limits, management practices, and other requirements. The Agency recognizes that today's rule may not regulate all pollutants in sewage sludge that may be present in concentrations that may adversely affect public health and the environment.

Section 405(d) of the CWA specifically contemplates a phased approach to establishing numerical limits for sewage sludge pollutants. Moreover, section 405(d)(2)(D) of the CWA provides that "(f)rom time to time, but not less often than every 2 years, the Administrator shall review the regulation * * * for the purpose of identifying additional toxic pollutants and promulgating regulations for such pollutants * * *." EPA will be using data from the NSSS to identify additional pollutants in sewage sludge that may interfere with the safe use or disposal of the sludge for a second round of rulemaking (Round Two).

For the NSSS, EPA analyzed sewage sludge samples for 419 toxic pollutants. Many of these pollutants were undetected in the samples, infrequently detected or present at levels below detection limits. Consequently, the first step in the process of identifying what additional pollutants EPA may regulate in Round Two is to determine what pollutants are present in sludge in a sufficient number of samples or at concentrations that warrant further examination for national regulation. EPA statisticians have now reviewed the analytical data and completed their initial screening assessment for each pollutant by frequency and level of occurrence.

The next step with respect to Round Two will be review of the scientific literature for toxicity, fate, effect and transport information on the pollutants identified by the initial statistical screening. EPA will use data from the scientific literature on the adverse human health and environmental effects of these pollutants to calculate pollutant concentrations in sludge that would be associated with the identified adverse effects. Through a comparison of the calculated sludge levels associated with adverse effects with the NSSS screening data on actual level and frequency of occurrence, EPA can make a preliminary determination of the pollutants that it should propose for regulation.

If, based on the results of the exposure assessment models, the pollutant presents an unreasonable human health or environmental risk, the Agency would propose numerical limits or other standards (if numerical limits are infeasible or unenforceable) for the pollutant appropriate to a particular method of use or disposal.

Summary of the Final Rule

Today's rule establishes standards for the final use or disposal of sewage sludge when the sewage sludge is applied to agricultural and non-agricultural land (including sewage sludge and sewage sludge products sold or given away—described in the proposed rule as distributed and marketed sludge), placed in or on surface disposal sites, or incinerated. The rule does not apply to the processing of sewage sludge before its ultimate use or disposal. In addition, EPA, in this rule, is not specifying process operating methods or requirements for sludge entering or leaving a particular treatment process.

EPA has not established standards in this rule for sewage sludge that is disposed with municipal solid waste in MSWLFs or that is used as a cover material at MSWLF sites. Under the joint authority of sections 4004 and 4010 of RCRA and section 405(d) of the CWA, the Agency has adopted requirements for MSWLFs that apply to sewage sludge that is placed in these landfills. The disposal of sewage sludge in MSWLFs is regulated under 40 CFR part 258 (see, 56 FR 50978, October 9, 1991). The Agency adopted this approach for reasons explained in more detail below. Treatment works using a MSWLF to dispose of their sewage sludge must ensure that their sewage is non-hazardous and passes the Paint Filter Liquid Test. If these requirements are met, treatment works will be in compliance with section 405(e) of the CWA.

The standards also do not apply to sewage sludge that is co-incinerated with large amounts of solid waste (see, 56 FR 5507, February 11, 1991). However, the standards established in the rule do apply to sewage sludge that is incinerated in a sewage sludge incinerator with incidental amounts of solid waste used as an auxiliary fuel (i.e., 30 percent or less solid waste by weight).

The rule applies to sewage sludge that is generated or treated by publicly owned and privately owned treatment works treating domestic sewage and municipal wastewater. The rule does not apply to domestic sewage that is treated along with industrial wastewater by privately owned industrial facilities. The Agency has the authority under section 405(d) of the CWA to regulate industrial sludges with a domestic sewage component, and it plans to consider regulating these sludges in future part 503 rulemakings. However, until the Agency develops part 503 regulations to cover industrial sludges produced by privately owned facilities from the treatment of industrial wastewater with a domestic sewage component, those sludges (as well as non-hazardous industrial sludges without a domestic sewage component) will be regulated under 40 CFR part 257.

The regulations promulgated here today do not establish disposal standards for sewage sludge that is determined to be hazardous under procedures in appendix II of 40 CFR part 261. Hazardous sewage sludge must be disposed of in compliance with the hazardous waste regulations in 40 CFR parts 261–268. Compliance with these requirements will constitute compliance for purposes of section 405. Also, sewage sludge found to contain 50 ppm or more of PCBs is excluded from this rule. Sewage sludge with 50 ppm or more of PCBs must be disposed of according to the requirements established in 40 CFR part 761. Similarly, while EPA has not established standards the disposal of PCB-contaminated sludge, a disposer complying with 40 CFR part 761 would not violate section 405.

Finally, no standards are established for the ocean disposal of sewage sludge regulated by the Marine Protection, Research, and Sanctuaries Act (MPRSA). The Ocean Dumping Ban Act of 1988, Public Law 100–688, amended MPRSA to prohibit any person from dumping sewage sludge into ocean waters after December 31, 1991. In addition, Congress limited ocean dumping during the interim period to those who were authorized as of September 1, 1988, to dump either under an MPRSA permit or a court order. Further, Congress prohibited

dumping after August 15, 1989, unless an MPRSA permit had been obtained by that time. All remaining communities that dumped their sewage sludge in the ocean ceased dumping at the end of June, 1992.

The rule includes specific numerical limits (or equations for calculating these limits) for 10 pollutants when sewage sludge is used or disposed by one or more methods. Not every pollutant is regulated under each practice. EPA developed these numerical limits by using exposure assessment models designed to protect individuals, plants, animals or other organisms potentially at greater risk from pollutants in sewage sludge. In the case of sewage sludge that is incinerated, in addition to numerical limits, the Agency is also establishing an operational standard for total hydrocarbons rather than for individual organic pollutants.

The numerical limits derived from the exposure assessment models are designed to protect public health or the environment from reasonably anticipated adverse effects. These models incorporated well-established measures of human health or environmental protectiveness as their design end-point. Thus, EPA based its environmental assessment on human health or environmental criteria already published or promulgated by the Agency, on human health criteria developed by the Agency, or on plant and animal toxicity values published in the scientific literature. Thus, for example, when sewage sludge is incinerated, the numerical limit for lead is based on the NAAQS for lead. When the objective is to protect sources of drinking water, pollutant limits were developed which would ensure that drinking water MCLs established under the Safe Drinking Water Act are not violated. When the objective is to protect surface water, Water Quality Criteria issued under section 304 of the Clean Water Act are used. In its exposure assessment, if the Agency had not published or promulgated criteria for specific pollutants, EPA evaluated non-cancer human health risks from pollutant exposure using reference doses. EPA evaluated cancer risk using cancer potency factors—so-called Q_1* or Q* values—listed in the Agency's computerized Integrated Risk Information System (IRIS). In all cases, EPA used cancer potency values corresponding to an incremental carcinogenic risk level of 1×10^{-4} to evaluate the risk from pollutants found in sewage sludge. (The exposure level of a pollutant associated with a 1×10^{-4} cancer risk implies that one additional cancer case will occur in a population of 10,000 exposed at that level for 70 years.) For purposes of establishing the numerical limits for incinerators promulgated today, EPA did, however, evaluate exposure at different incremental cancer risk levels (i.e., 1×10^{-4} through 1×10^{-6}). In the case of human health, the final limits for pollutants in sewage sludge ensure that the use and disposal of sludge does not result in ambient concentrations of the regulated pollutants that exceed an incremental carcinogenic risk level of 1×10^{-4}.

For sewage sludge disposed of in or on surface disposal sites (including sludge-only landfills, often referred to as "monofills") or incinerated, treatment works may submit modeling and data analyses (for certain physical parameters related to the site) used to recalculate site-specific numerical limits. The permitting authority will review and approve the treatment works' site-specific modeling and data analyses used to recalculate numerical limits using EPA-approved exposure assessment methods. Since these recalculated numerical limits are based on EPA-approved models and the same human health and environmental criteria as the national numerical limits, the recalculated limits will also adequately protect human health and the environment from reasonably anticipated adverse effects of pollutants found in sewage sludge.

EPA has also acted today to amend 40 CFR part 403 to authorize treatment works to authorize removal credits for certain pollutants. The amendment lists those pollutants for which removal credits may be authorized. In addition to the pollutants for which specific numerical limits are established, removal credits may be available for pollutants that EPA evaluated for regulation and for which EPA decided not to establish numerical limits.

In the case of sewage sludge applied to the land or disposed of in or on surface disposal sites, the final rule establishes requirements for pathogenic organisms or pathogenic indicator organisms such as fecal coliform. The rule also includes requirements for destroying or reducing those characteristics of sewage sludge that attract birds, insects, rats and other animals (so-called "vectors"). "Vector" exposure to the pathogenic organisms in sludge can cause transfer of pathogens (and consequently spread disease) from these disease vectors to humans. The final rule consequently requires measures for reducing the attraction of vectors to sewage sludge. These measures could include destruction of the odor causing properties of sludge that lure insects and animals.

Supplementing the numerical pollutant limits are management practices and general requirements to protect human health and to prevent gross abuse of the environment. In the case of small quantity sludge that is sold or given away in a bag or other container, the rule requires the treatment works (or other person, if different from the treatment works) to label the product. The label is to provide instructions on properly using the product.

The rule also includes monitoring, recordkeeping, and reporting requirements. The frequency with which sewage sludge is to be monitored depends on the quantity of sludge used or disposed by a treatment works. The pollutants for which treatment works must monitor their sewage sludge similarly depend on the use or disposal method selected. The recordkeeping and reporting requirements are also specific to a particular method of use or disposal.

The final rule is expected to cover nearly 35,000 entities. These entities include: primary treatment POTWs, secondary and advanced treatment POTWs, privately owned treatment works, Federally owned treatment works, and domestic septage haulers.

Based on the NSSS, this rule is expected to affect approximately 6,300 of the 12,750 secondary, advanced, and primary POTWs that use one or more of the disposal practices included in the rule. These 6,300 facilities generate or treat approximately 60 percent of the sewage sludge produced in the United States. Of the remaining POTWs, an estimated 2,700 dispose of their sewage sludge (34 percent of the total sewage sludge generated) in MSWLFs that are to be regulated under 40 CFR part 258 (56 FR 50978, October 9, 1991). The remaining 3,750 POTWs use other disposal practices not covered in either this regulation or the MSWLF rule. In some cases, compliance with the requirements for those other practices constitutes compliance with 405(d) of the CWA.

The aggregate risk assessment estimates that current use and disposal practices contribute from less than one up to five cancer cases annually, with a lifetime cancer risk to a highly exposed individual ranging from 6×10^{-4} for land application and surface disposal of sludge and from 6×10^{-4} to 7×10^{-3} for incineration. The other health effects associated with sewage sludge use and disposal are primarily related to lead exposure and result in approximately 2,000 individuals who exceed a

threshold blood lead level associated with adverse health effects and 700 instances of hypertension in adult males or diminished learning capacity in children. The Agency estimates that the rule reduces cancer cases by 0.09–0.7, exceedences of lead adverse health threshold by 600–2,000 and instances of lead cases by 90–600.

For the purpose of the regulatory impact analysis, the Agency estimated that approximately 130 of the 6,300 affected POTWs may have sewage sludge which does not meet the numerical limits. This estimate does not take into consideration the possibility that some POTWs may come into compliance by using site-specific data to calculate new numerical limits and by imposing more stringent pretreatment requirements on their industrial dischargers. The Agency estimates annual compliance costs of $45.9 million or an increase of less than $1 annually for each household served by the affected POTWs. The total annual incremental compliance costs include costs for sludge monitoring, management practices, and in some cases, incremental costs of changing a practice for POTWs that fail to meet the numerical pollutant limits for a practice.

The technical support documents, aggregate human health risk analyses, the regulatory impact analyses, and the preamble discuss the factors that EPA considered, the data and comments it evaluated, and the determinations that it made in developing the final rule. The preamble summarizes this information in 15 parts.

Part I briefly describes the generation, volume, and constituents of sewage sludge and the factors that communities must consider in using or disposing of the sewage sludge that results from the treatment of domestic sewage and municipal wastewater. Part I also identifies the ways in which communities commonly use or dispose of their sewage sludge, the benefits of reusing sewage sludge, and the risks associated with its disposal.

Part II lists existing Federal and State requirements for the use and disposal of sewage sludge including the relationship of the existing requirements to today's rule.

In part III, the preamble begins to describe how the Agency developed the final rule. Initially, the Agency selected pollutants most likely to interfere with the safe use or disposal of sewage sludge and then refined the list of pollutants based on the availability of information on the toxic effects of the pollutants. In refining the initial list of pollutants, the Agency simulated the movement of pollutants into and through the environment with a series of exposure assessment models to determine the concentrations of pollutants reaching an individual, plant, or animal.

In part IV, the preamble briefly describes the February 6, 1989 proposed rule.

In part V, the preamble discusses the Agency's effort to develop current data on sewage sludge quality and an accurate characterization of current methods of sludge use and disposal employed by treatment works. This part describes EPA activity following the proposal including efforts to obtain additional information on sewage sludge incinerators and domestic septage. This part also describes the November 9, 1990 Notice of Availability of Information and Data, and Anticipated Impacts on Proposed Regulations.

Parts VI and VII discuss the alternative regulatory approaches and public comments the Agency considered in developing the risk assessment methodology for the final rule. Included in the discussion are the factors on which the Agency based its risk management decisions and its selection of a risk assessment methodology that would adequately protect public health and the environment.

Part VIII discusses the proposed exposure assessment methodology and public comments the Agency considered in developing the exposure assessment methodology for the final rule. This part also describes the (1) critical exposure assessment models, pathways, parameters and assumptions; (2) other risk management issues evaluated by the Agency; and (3) the human health and environmental criteria used to establish numerical limitations for each sewage sludge use and disposal practice.

Part IX describes the criteria the Agency used to select pollutants for regulation in the final part 503 rule.

Prior to selecting its approach for establishing standards for a particular use or disposal practice, the Agency examined the aggregate human health effects on highly exposed individuals and the nation from the use and disposal of sewage sludge. The methods used to conduct these analyses and the results are described in part X.

Part XI describes, in separate subparts, the requirements that apply to the use and disposal of sewage sludge. In addition, part XI describes the requirements for septage use and disposal, the pathogen and vector attraction requirements; and the monitoring, record-keeping and reporting requirements.

Part XII briefly discusses the implementation of the final rule through Federal and State permit programs and the self-implementing nature of the regulations. Under a separate rulemaking, the Agency promulgated State program management requirements and changes in the National Pollutant Discharge Elimination System permitting requirements (54 FR 18716, May 2, 1989).

The benefits, costs, and regulatory impact of the rule are described in part XIII. This part also discusses the data limitations and assumptions, and determinations that the Agency made in fulfilling its responsibilities under Executive Order 12291.

Part XIV provides information on where interested persons may obtain copies of today's rule, the technical support documents, the aggregate risk assessment, and the regulatory impact analysis. Included in this part is the list of references cited throughout the preamble.

Part XV describes the changes in 40 CFR parts 257 and 403. These changes are limited to revisions to part 403 and to removing from coverage in part 257 sewage sludge use and disposal methods which will be subject to the new standards the Agency is establishing in 40 CFR part 503. Finally, part XV lists the subjects in 40 CFR parts 257, 403 and 503.

Part I: Generation, Use, and Disposal of Sewage Sludge

Generation of Sewage Sludge

The CWA requires municipalities to clean their wastewater prior to discharging it. Wastewater treatment generates sludge which in turn must either be disposed of or used. Sludge management begins with sludge generation and continues through sludge processing and ultimate disposal.

Domestic wastewater contains material flushed into household drains through toilets, sinks, and tubs. Components of domestic sewage include soaps, shampoos, human excrement and tissue, food stuffs, detergents, pesticides, household hazardous waste, and oil and grease. Typically a family of four discharges 300 to 400 gallons of wastewater per day.

Domestic wastewater is treated (or partially treated) at its source in septic tanks, cesspools, portable toilets, or in publicly or privately owned wastewater treatment works. These treatment works may treat domestic wastewater alone or a combination of domestic wastewater and industrial wastewater.

Municipal wastewater treatment works may use one or more levels of treatment (i.e., primary, secondary, or tertiary) to clean this wastewater. Each level of treatment provides both greater wastewater cleanup and greater amounts of sewage sludge.

Primary treatment processes remove the solids that settle out of the wastewater by gravity. This generates 2,500 to 3,500 liters of sludge per million liters of wastewater treated. Primary sludge contains 3 to 7 percent solids, 60 to 80 percent of which is organic matter. The water content of primary sludge can easily be reduced by thickening or by removing water.

Secondary treatment produces a sludge generated by biological treatment processes. Biological treatment processes (e.g., activated sludge systems, trickling filters, and other attached growth systems) utilize microbes to break down and convert the organic substances in the wastewater to microbial residue. These processes remove up to 90 percent of the organic matter in the wastewater and produce a sludge that typically contains from 0.5 to 2 percent solids. These solids are generally more difficult to de-water than primary sludges. The organic content of the solids ranges from 50 to 60 percent. Secondary treatment processes increase the volume of sludge generated over primary treatment by 15,000 to 20,000 liters of sludge per million liters of wastewater treated.

Advanced wastewater treatment processes, such as chemical precipitation and filtration, produce an advanced or tertiary sludge. Chemical precipitation uses chemicals to remove organics and nutrients and to separate the solids from the wastewater. Characteristics of these sludges vary, depending upon the type of advanced treatment process used and the type of wastewater entering the treatment process. Since these sludges typically contain considerable amounts of added chemicals, the solids content will vary from 0.2 to 1.5 percent, while the organic content of the solids will be in the 35 to 50 percent range. Tertiary treatment increases the volume of sludge generated over secondary treatment by another 10,000 liters of sludge per million liters of wastewater treated.

Unprocessed sewage sludge contains from 93 to 99.5 percent water, as well as the solids and dissolved substances that were present in the wastewater or that were added or cultured by the wastewater treatment process. While virtually all sewage sludge contains nutrients (e.g., nitrogen, phosphorus) and significant numbers of pathogens (e.g., bacteria, viruses, protozoa, and eggs of parasitic worms), some sludges also contain more than trace amounts of organic chemicals (e.g., chloroform) and inorganic chemicals (e.g., iron). These pollutants come from domestic wastewater, from the discharge of industrial wastewater to municipal sewers, and from the runoff from parking lots and lawns and fields where fertilizers and pesticides were incorrectly applied.

Sludge Processing

Prior to reusing or disposing of sewage sludge, treatment works generally thicken, stabilize, and de-water the sewage sludge. Sludge thickening is the removal of water from sludge to achieve a volume reduction. The reduction in sludge volume decreases the capital and operating costs of subsequent sludge processing and disposal operations. For example, lowering the volume of sewage sludge reduces transportation costs. EPA estimates that the cost of transporting sewage sludge with a 22 percent solids content over a 20-mile trip is about one-half the cost of transporting sewage sludge with a 6 percent solids content over the same distance.

Treatment works frequently digest or compost their sewage sludge to reduce the level of pathogens and odors. The degree to which a sludge is processed is very important when applying sewage sludge to land, when distributing and marketing it, and when placing sewage sludge in monofills or on surface disposal sites in order to eliminate the spread of pathogenic diseases.

Amount of Sewage Sludge Generated

Approximately 12,750 POTWs generate 5.4 million dry metric tons of sludge annually (see Table I–1), or 47 pounds of sewage sludge (dry weight basis) for every individual in the United States (based on Questionnaire Survey and other sources).

Unless the volume of sludge is reduced, the nation cannot achieve its environmental quality objectives. Treatment alone is not the answer. Communities should consider the following additional measures to reduce the quantity of sludge generated by wastewater treatment: implement waste separation and water conservation programs, encourage the recycling of garbage in compost piles, separate household hazardous waste prior to collection and handling, and separate storm water from wastewater sewer systems. These measures have proved successful in reducing the volume of wastewater generated and in improving the quality of the sewage sludge that is ultimately used or disposed.

Use and Disposal Methods

Sewage sludge is commonly used or disposed of in a number of ways. These include the following: Application of sludge to agricultural and non-agricultural lands; sale or give-away of sludge for use in home gardens (often referred to as distribution and marketing of sludge); disposal of sludge in municipal landfills, sludge-only landfills (known as monofills), and surface disposal sites; and incineration of sludge.

Table I–1 shows the amount of sludge that is generated based on the size of a facility and on the amount of sewage sludge that is disposed of by a use or disposal practice. Table I–2 shows the number of facilities using a particular method of use or disposal.

TABLE I–1.—ESTIMATED MASS OF SEWAGE SLUDGE DISPOSED ANNUALLY BY PRIMARY, SECONDARY, OR ADVANCED TREATMENT POTWS BY SIZE OF POTW AND USE/DISPOSAL PRACTICE

[Thousands of dry metric tons]

Use or disposal practice	Reported flow rate (MGD)				Total (percent of total)
	>100	>10 to 100	>1 to 10	≤1	
Incineration	382.9	346.5	124.8	10.5	864.7 (16.1)
Land application:					
Agricultural	203.0	400.8	423.9	143.2	1 170.9 (21.9)
Compost	22.4	65.3	31.7	30.8	150.2 (2.8)

TABLE I–1.—ESTIMATED MASS OF SEWAGE SLUDGE DISPOSED ANNUALLY BY PRIMARY, SECONDARY, OR ADVANCED TREATMENT POTWS BY SIZE OF POTW AND USE/DISPOSAL PRACTICE—Continued

[Thousands of dry metric tons]

Use or disposal practice	Reported flow rate (MGD)				Total (percent of total)
	>100	>10 to 100	>1 to 10	≤1	
Forests	4.5	24.5	1.0	1.3	32.3 (0.6)
Public contact	62.1	80.5	40.3	8.3	166.1 (3.1)
Reclamation	52.6	9.8	2.4	1.0	[illegible] (1.2)
Sale	30.8	27.8	11.9	[illegible]	71.1 (1.3)
Undefined	12.7	76.4	27.2	13.0	129.3 (2.4)
Co-disposal: Landfill	518.6	674.0	495.6	110.4	1,818.7 (34.0)
Surface disposal:					
Dedicated site	34.2	124.9	63.2	36.5	258.8 (4.8)
Monofill	13.8	79.8	41.6	22.2	157.4 (2.9)
Other	31.5	60.0	17.4	28.5	137.5 (2.6)
Unknown:					
Ocean*	166.1	157.9	8.0	3.4	335.5 (6.3)
Other	0	0	[illegible]	0	[illegible]
Transfer	N/A	N/A	N/A	N/A	N/A
Total	1,532.0	2,128.3	1,284.1	407.7	5,357.2
(Percent of total)	(28.6)	(39.7)	(24.1)	(7.6)	(100.0)

Note: *This survey was conducted before the Ocean Dumping Ban Act of 1988, generally prohibited the dumping of sewage sludge into the ocean after December 31, 1991. Ocean dumping of sewage sludge ended in June, 1992. Numbers may not add up to 100 percent because of rounding.
Source: Prepared by ERG for EPA—1988 National Sewage Sludge Survey and 1988 Needs Survey.

TABLE I–2.—NUMBER OF PRIMARY, SECONDARY, AND ADVANCED TREATMENT POTWS AND THE QUANTITY OF SEWAGE SLUDGE DISPOSED ANNUALLY BY USE OR DISPOSAL PRACTICE

[Thousands of dry metric tons]

Use/disposal practice	POTWs using a use/disposal practice		Quantity of sewage sludge disposed	
	Number	Percent of POTWs	Quantity (1,000 dmt)	Percent of sludge
Incineration	381	2.8	864.7	16.1
Land application	4,657	34.6	1,785.3	33.3
Co-disposal: Landfill	2,991	22.2	1,818.7	33.9
Surface disposal	1,351	10.0	553.7	10.3
Unknown:				
Ocean disposal*	133	1.0	335.5	6.3
Other	3,920	29.1	[illegible]	0.0
Transfer	25	0.2	N/A	N/A
All POTWs	13,458	100.0	5,357.2	100.0

Note: The total number of POTWs does not equal the number in the text because some of the POTWs utilize more than one use or disposal practice and are counted twice in this table.
*The National Sewage Sludge Survey was conducted before the Ocean Dumping Ban Act of 1988, generally prohibited the dumping of sewage sludge into the ocean after December 31, 1991. Ocean dumping of sewage sludge ended in June, 1992. Numbers may not add up to 100 percent because of rounding.
Source: Prepared by ERG for EPA—1988 National Sewage Sludge Survey (Questionnaire Survey) and 1988 Needs Survey, and ERG estimates.

Benefits of Reusing Sewage Sludge

The organic and nutrient content of sewage sludge (biosolids) makes it a valuable resource to use both in improving marginal lands and as a supplement to fertilizers and soil conditioners. A study of sewage sludge and effluent use on selected agricultural crops in one area of Oregon found that the return per acre of sludge application ranged from a loss of $6 to an increase of $15 per acre. This was compared to traditional fertilizer sources and depended on crop rotation, previous soil management practices, soil type, and level of sludge application. The farmer gained net savings in the cost of fertilizers, taking into account the fact that the sludge was available at no cost (Reference No. 10).

The beneficial uses of sludge are not limited to the production of agricultural commodities. Sewage sludge is used in silviculture to increase forest productivity and to re-vegetate and stabilize harvested forest land and forest land devastated by fires, landslides, or other natural disasters. The application of sewage sludge to forest land shortens wood production cycles by accelerating tree growth, especially on marginally productive soils. Studies at the University of Washington on the use of sludge as a fertilizer in silviculture show height increases of up to 1,190 percent and diameter increases of up to 1,250 percent compared to controls in certain tree species. University of Washington research has also shown

that trees grow twice as fast on sludge-amended soil. This means that a tree which would typically be cut after 60 years could be cut after only 30 years to supply lumber for a variety of purposes.

Sludge is productively used to stabilize and re-vegetate areas destroyed by mining, dredging, and construction activities. Air-dried sludge that looks like compost is frequently used to fertilize highway median strips, cloverleaf exchanges, and for covering expired landfills. Historically, land reclamation has been very successful and comparable in cost to other commercial methods. In a strip-mined area in Fulton County, IL, reclamation using municipal sewage sludge cost $3,660 an acre, as compared with a range of $3,395 to $6,290 an acre using commercial methods (Reference No. 49). Pennsylvania has used the sludge Philadelphia generates to reclaim more than 3,000 acres of devastated lands. Sludge, in combination with fly ash, is currently used in the re-vegetation of soils that have become highly contaminated from the operation of a zinc smelter in Palmerton, PA, over the past 90 years.

EPA analyses show that current beneficial use practices (i.e., land application, and sale and give-away) pose less carcinogenic risk than disposal practices. On a per ton basis, carcinogenic risks from reusing sewage sludge range from 8×10^{-8} to 4×10^{-7}, while those from incinerating and disposing of sewage sludge in monofills range from 2×10^{-7} to 5×10^{-6}.

Studies using Philadelphia sludge have shown that the microbial communities in reclaimed mined soils revert to those of normal soils within 2 to 3 years. Conventional reclamation could take as long as 10 to 15 years, or even longer (Reference No. 49).

Forest soils have been found to be well suited to sludge application because they have high rates of infiltration (which reduce run-off and ponding), large amounts of organic material (which immobilize metals from the sludge), and perennial root systems (which allow year-round application in mild climates). Although forest soils are frequently quite acidic, research at the University of Washington has found no problems with metal leaching following sludge application (Reference No. 14). In addition, studies of animals living on sludge-treated sites have found that the animals are healthier than those on control sites because of the increased production of vegetative matter.

The sale of sewage sludge products can be used to defray the costs of de-watering and composting the sewage sludge, but no similar mechanism exists to defray the costs of de-watering sewage sludge placed in landfills or incinerated. Further, the labor, capital, and operating and maintenance costs of incinerating sewage sludge are substantially higher.

The Municipality of Metropolitan Seattle (METRO), which treats wastewater in the Seattle-King County region, began using sludge to improve soil in several Seattle area parks, restore land disturbed during strip mining, restore a gravel pit used for Interstate 90 construction, and enhance grass growth at the King County International Airport at Boeing Field. In October 1983, the METRO Council adopted a sludge management plan that outlined a goal to use at least eight alternative sludge recycling or disposal methods through the year 2000. METRO reports that its plants produced 65,000 tons of sludge in 1985 and more than 91,000 tons in 1987. Sludge production is expected to increase dramatically in the next decade after METRO's Puget Sound plants are upgraded from primary to secondary treatment. METRO says that by creating a demand for sludge and developing a variety of recycling options, it reduced program expenses from $227 per ton of sludge solids in 1983 to $148 in 1987.

The benefits of using sewage sludge to improve land productivity are substantial. However, if sewage sludge containing high levels of pathogenic organisms (e.g., viruses, bacteria) or high concentrations of pollutants is improperly handled, the sludge could contaminate the soil, water, crops, livestock, fish, and shellfish. The major human health, environmental, and aesthetic factors of concern in the land application of sewage sludge are related to pathogens, metals and persistent organic chemicals content, and odors. The standards promulgated today would prevent the contamination of soil and crops by pathogens, as well as the contamination of food and animal feed crops when sewage sludge is applied to lands used in the production of agricultural crops or to lands that may be converted to residential use.

While the use of sewage sludge for beneficial purposes is primarily related to farm and home garden use, use of sewage sludge to aid in the growth of a final vegetative cap for municipal solid waste landfills is also considered a beneficial use of sewage sludge and should be encouraged. By taking advantage of the nutrient content and soil amendment characteristics of sewage sludge, a vegetative cover or cap can be quickly grown to facilitate the municipal solid waste closure plan.

In spite of the benefits of reusing sludge, only one-third of the sewage sludge generated in the United States is effectively reused by applying it to the land, or sold or given away for use in home gardens (see Table I–2). In comparison, Japan uses 42 percent of its sewage sludge for coastal reclamation and home garden or farming uses. The United Kingdom applies 51 percent of its sewage sludge to the land (Reference No. 4).

While section 405(e) of the CWA reserves the choice of use and disposal practices to local communities, EPA's preference is for local communities to reuse this resource in beneficial ways. On June 12, 1984, the EPA published its policy on the management of sewage sludge stating that the Agency will actively promote those municipal sludge management practices that provide for the beneficial use of sludge while maintaining or improving environmental quality and protecting public health (see 49 FR 24358).

When the quality of the sewage sludge appears to be a limiting factor for an otherwise desirable use, POTWs can establish discharge limits for non-domestic users discharging wastewater to the POTW. Controlling the quality of non-domestic wastewater discharged into municipal sewers is an important element in managing the quality of sewage sludge.

All dischargers of non-domestic wastewaters are required to meet all applicable National Pretreatment Standards. These may include general and specific prohibited discharge standards, categorical pretreatment standards, and local limits.

In addition, POTWs designed to accommodate design flows of more than 5 million gallons per day and smaller POTWs with significant industrial discharges are required to establish local pretreatment programs. Currently 2,015 of the nation's POTWs operated by 1,528 authorities have local pretreatment programs. The local program must include adequate legal authorities, industrial user permitting, compliance monitoring, enforcement, and public participation. These 1,528 approved programs are estimated to receive 80 percent of the national wastewater flow discharged to POTWs.

In addition to wastewater reduction and the separation of contaminated waste from uncontaminated wastes, pretreatment of non-domestic wastewater is another key step in managing the quality of sewage sludge. If pretreatment does not reduce the pollutant levels sufficiently, communities may have to dispose rather than use their sludge and, depending on the disposal method, add pollution

controls and thereby increase the cost of sludge disposal.

Use of Sewage Sludge

Land Application to Agricultural Lands

Some 66 percent of the sludge applied to land (approximately 1.2 million dry metric tons) is used to improve the condition and nutrient content of soil for agricultural crops, including row and feed crops and pastures. The method of applying sludge to agricultural land depends on the physical characteristics of the sludge and soil and on the crops grown. Liquid sludge may be applied with tractors, tank wagons, irrigation systems, or special application vehicles. Liquid sludge may also be injected under the surface layer of the soil. Dewatered sludge, on the other hand, is typically applied to cropland by equipment similar to that used for applying limestone, animal manures, or commercial chemical fertilizers. Generally, the dewatered sludge is applied to the land surface and then incorporated by plowing or disking. When applied to pasture land, sludge is usually not incorporated into the soil.

Land Application to Non-Agricultural Lands

Ten or more States have undertaken sludge application to forest land, at least on an experimental field-scale level. The most extensive experience with this practice is in the Pacific Northwest. Sludge is most often sprayed from mobile equipment into established forest stands as a partially dewatered, but still liquid, material. Other types of non-agricultural land application include sewage sludge applied to public contact sites (e.g., parks, cemeteries, golf courses) and reclamation sites.

When sewage sludge is used to stabilize and re-vegetate land at reclamation sites, typically large amounts of sludge (up to 112 metric tons per hectare or more) are applied on a one-time basis. This large amount is necessary to ensure that sufficient organic matter and nutrients are introduced into the soil to support vegetation until a self-sustaining ecosystem is established.

Land Application—Sale or Give-Away of Sewage Sludge

Approximately 12 percent of the sewage sludge generated is sold or given away for use on home gardens. As a method of managing sewage sludge, this is a highly beneficial practice and one the Agency encourages.

Usually, sewage sludge that is sold or given away is composted, or heat dried and formed into pellets. In composting sewage sludge, the sludge is dewatered; mixed with a bulking agent, such as wood chips, bark, rice hulls, straw, or previously composted sludge; and allowed to decompose aerobically for a period of time. In this form, the sewage sludge is dry, practically odorless, and easier to distribute. It is also easier for the user to handle. Sewage sludge that is distributed and marketed is used as a substitute for topsoil and peat on lawns, golf courses, parks, and in ornamental and vegetable gardens. Yield improvements have been valued at $35 to $50 per dry ton over other potting media.

Risks of Disposal Methods

Communities should consider alternatives other than burying or burning their sludge. These are wasteful practices that pose risks and incur costs. Some methods of sewage sludge disposal, such as incineration and uncovered landfills, may contribute to global warming (i.e., the "greenhouse effect") by releasing carbon dioxide and methane.

Sewage sludge with high concentrations of certain organic and metal pollutants may pose human health problems when disposed of in sludge-only landfills (often referred to as monofills) or simply left on the land surface, if the pollutants leach from the sludge into the ground water. Therefore, the pollutant concentration may need to be limited or other measures such as impermeable liners must be taken to ensure that ground water is not contaminated.

For the incineration of sewage sludge, municipalities must take sufficient measures to control the emissions from sewage sludge incinerators. Otherwise, particulates, heavy metals, toxic organic compounds, and hydrocarbons will add to a community's air pollution problems.

Ocean dumping of sludge, which Congress banned after 1991, may result in the destruction of biota that influence the balance between oxygen and carbon dioxide. In ocean disposal, certain pollutants often associated with municipal sludge, including mercury, cadmium, and polychlorinated biphenyls, can bioaccumulate. High levels of these pollutants can interfere with the reproductive systems of certain marine organisms, may produce toxic effects in aquatic life, or may present public health problems if individuals eat contaminated fish and shellfish.

Disposal Methods

Surface Disposal

Sewage sludge surface disposal—a term used to describe what are essentially piles of sludge left on the land surface and includes land application to dedicated non-agricultural land and disposal in sludge only landfills—is a common means of sludge disposal. The majority of surface disposal sites are smaller than 1 acre and receive less than 50 gallons per day of waste.

Generally, surface disposal sites do not have a vegetative or soil cover. Depending on the State in which they are located, surface disposal sites may be regulated in a manner similar to monofills or landfills. In other cases, surface disposal sites are areas of land where sewage sludge has been placed for many years with little or no consideration given to its ultimate disposal.

Disposal on Dedicated Sites

Contained in the surface disposal subpart of today's final rule is the provision for applying sewage sludge at greater than agronomic rates to grow food, feed and fiber crops. These crops may be grown and animals grazed if the owner/operator demonstrates to the permitting authority, that through management practices, public health and the environment are protected from reasonably anticipated adverse effects of pollutants in sludge.

Municipal sewage sludge is often applied at greater than agronomic rates at sites specifically set aside for municipal sludge management. Such application rates are needed to reclaim and restore marginal and disturbed soils, such as strip mines, to full agricultural productivity. Sludge contains organic matter typically in the range of 30 to 50 percent. Barren and strip-mine soils contain organic matter levels of less than one-half percent which is considerably less than the three to five percent needed for full agricultural productivity. In addition, such sites may likely be barren, very erodible and acidic, and a threat to ground and surface waters. Sludge applications greater than agronomic rates and even cumulative rate limits can overcome the barren, erosion and acid problems. Moreover, these applications can restore the organic matter levels to that needed to produce such commercial agricultural crops such as corn which would have been impossible to produce otherwise.

Sites which use sludge application at greater than agronomic rates are generally owned, operated, and

controlled by, or are controlled under long-term leases to, the municipal sludge operator. Generally, public access to these sites is strictly controlled. Sites may range in size from ten acres to greater than 10,000 acres. Sludges applied to such dedicated beneficial use sites apply nitrogen, phosphorus, and other macro- and micro-nutrients to crops and as was already stated may also be used to condition soils at sites containing disturbed lands. For example, the Metropolitan Water Reclamation District of Greater Chicago has been operating a 15,600 acre site for 20 years in Fulton County, Illinois. Sewage sludge is applied to condition and fertilize strip-mine spoils to produce crops, such as corn, which are sold as animal feed or for alternative fuel production, and is also used to reclaim acid coal refuse piles with vegetative cover.

In contrast to their large, rural, Fulton County site, the Metropolitan Water Reclamation District of Greater Chicago also operates a site in the Village of Hanover Park, one of Chicago's residential suburbs. The site lies on the property of the District's Hanover Park Water Reclamation Plant and the entire annual sludge production is utilized to fertilize row crops and nursery stock. This 120 acre farm, complete with a tile drainage system for recirculation of field percolate, has been successfully operated for 13 years and has harmoniously coexisted with its "across the fence" neighbors, a grade school and a community of single family homes.

However, the primary objective of this practice is to employ the land as a treatment system by using soil to bind metals and by using soil microorganisms, sunlight, and oxidation to destroy the organic matter and pathogens in the sludge. These sites are generally owned by, or are under long-term leases to, a treatment work. Frequently, the dedicated land disposal site has a non-food chain vegetative cover crop (e.g., sod, pulpwood) to reduce the potential for runoff or leaching of the pollutants to surface or ground water. In some cases, as discussed above, an attempt is made to use the nutrient and soil conditioning properties of the sewage sludge to grow crops for methanol production or for other purpose.

Landfilling

Landfilling is a sludge disposal method in which sludge is deposited in a dedicated area, alone or with solid waste, and buried beneath a soil cover. Landfilling is another disposal method that does not attempt to recover the nutrient content of the sludge for beneficial uses. However, the decomposition of organic matter in sewage sludge that is landfilled produces methane gas. The methane gas can be recovered and yields an energy value more than half as great as that of natural gas.

Thirty-three percent of the sewage sludge disposed of by 22 percent of the POTWs is landfilled with municipal solid waste. In co-disposal, the absorption characteristics of the solid waste and soil conditioning characteristics of the sludge complement each other. The solid waste absorbs excess moisture from sludge and reduces leachate migration. Sewage sludge usually makes up 5 percent or less of the material in a solid waste landfill.

Slightly less than 3 percent of the sewage sludge generated is disposed of in monofills (landfills only accepting sewage sludge). EPA has identified approximately 320 POTWs that dispose of their sewage sludge in monofills. Most monofills consist of a series of trenches, dug into the ground, into which dewatered sludge is deposited and then covered with soil. Other monofill designs, in which the sludge is deposited on the ground surface (area fill mounds, area fill layers, and diked containment), do exist but are not commonly used.

Incineration

Incineration is a method of disposal that destroys the organic pollutants and reduces the volume of sewage sludge. Incineration takes place in a closed device using a controlled flame. EPA estimates that approximately 0.9 million dry metric tons of sewage sludge are incinerated each year, accounting for more than 16 percent of the sewage sludge disposed of by POTWs.

If the sewage sludge contains 20 percent solids, incinerators reduce the volume of sewage sludge by about 90 percent, on a wet weight basis. While this reduces the amount of material that must be landfilled, owners or operators must control the concentration of the pollutants in the incinerator emissions to prevent exacerbation of a community's air pollution control problems. They must also allocate sufficient funds to pay for the labor, capital, operating, and maintenance costs of sewage sludge incinerators.

Approximately 110 (52 percent) of the sewage sludge incinerators operated by secondary and advanced treatment works in the United States were built prior to 1973, when the New Source Performance Standards for Sewage Sludge Incinerators were published (40 CFR part 60, subpart O). Multiple hearth incinerators are the most commonly used sewage sludge incinerators with 156 multiple hearth incinerators (74 percent firing sewage sludge). Other types include 49 fluidized bed incinerators (23 percent of the total), 3 flash drying incinerators, and 2 electric furnaces. A description of these incinerators is included in the Technical Support Document for Incineration (Reference No. 100).

The total estimated volume of sewage sludge fired in incinerators operated by POTWs in 1988 was approximately 860,000 dry metric tons. Not represented in this estimate are incinerators which fire sewage sludge with solid waste in municipal waste combustors. The Agency estimates that seven facilities practice co-incineration of sewage sludge with municipal solid waste.

Part II: Federal and State Requirements

The use or disposal of sewage sludge is currently subject to some Federal regulation. Existing Federal regulations are authorized under several statutes and have been developed independently along media-specific concerns. State regulations generally are keyed to Federal regulatory requirements, primarily those in 40 CFR part 257, covering the land application and landfilling of sewage sludge, and those in 40 CFR part 60, subpart O, covering sewage sludge incinerators.

This part starts with a discussion of the requirements of the CWA, followed by a description and summary of other Federal and State regulatory requirements and how they relate to today's rule.

Clean Water Act Statutory Requirements

Sewage sludge has been an important concern of the Agency since 1972, when EPA, through the Federal Water Pollution Control Act construction grants program, began assisting in the financing of wastewater treatment facilities. The Clean Water Act of 1977 amended section 405, mandating that EPA develop guidelines for the use and disposal of sewage sludge. As previously explained, under section 405(d), EPA was required to issue regulations that:

(1) Identify uses for sewage sludge, including disposal;

(2) Specify factors to be taken into account in determining the measures and practices applicable to each such use or disposal (including publication of information on costs); and

(3) Identify concentrations of pollutants which interfere with each such use or disposal.

Responding to this mandate, in 1979, EPA adopted criteria that provided guidelines for sewage sludge use and disposal when sewage sludge was applied to land or disposed of in landfills. These criteria were included in regulations co-promulgated under Subtitle D of RCRA and section 405(d) of the CWA and are found in 40 CFR part 257. These regulations contain a number of specific requirements for the management of sewage sludge. To protect the ground water, the regulations prohibit any use or disposal of sewage sludge that causes the concentration of 10 heavy metals and 6 organic chemicals in an underground drinking water source to exceed maximum contaminant levels (MCLs) specified in the criteria. The criteria also included management standards applicable to sewage sludge use or disposal methods to protect surface waters, flood plains, and endangered species. The criteria contain limitations on the concentration of two pollutants (cadmium and PCBs) in sewage sludge when the sewage sludge is applied to the surface of land used for the production of animal feed or food-chain crops. In addition, the requirements in part 257 restrict sewage sludge use and disposal except in compliance with certain measures to control pathogens and disease-carrying rodents, insects, and birds. The regulation provided for different levels of pathogen reduction, depending on whether crops for direct human consumption were grown or animals for human consumption were allowed to graze on the sewage sludge-amended soil. The processes for reducing the levels of pathogens include aerobic and anaerobic digestion, composting, lime stabilization, and heat treatment and drying.

As part of its sludge regulatory program, EPA has prepared a number of documents which provide guidance and direction to local POTWs on the proper management and handling of sewage sludge. EPA has actively encouraged and assisted in the development and implementation of various practices and processes leading to the beneficial use of sewage sludge. In addition to supporting long-term research and demonstration projects, the Agency has also assisted in the development of detailed design guidance for various beneficial methods of disposal and such technologies as digestion, composting, and lime stabilization. The Agency has also supported development of improved de-watering systems, pyrolysis, and other technologies to improve energy recovery from thermal conversion systems, methane recovery from anaerobic digestion systems, and the recovery of various potentially marketable by-products from sewage sludge.

To aid in developing the comprehensive sewage sludge regulations promised in the preamble to the 40 CFR part 257 rule (44 FR 53439, September 13, 1979), EPA created an Intra-Agency Sludge Task Force in 1982. The task force was assigned the following tasks: (1) Conduct a multimedia examination of sewage sludge management, focusing on sewage sludge generated by POTWs; and (2) develop a cohesive Agency policy on sewage sludge management, designed to guide the Agency in implementing sewage sludge regulatory and management programs. Numerous Agency offices and *ad hoc* groups had wrestled with sewage sludge management, but none of these groups had been able to decide how to equitably regulate nationally a complex and variable waste in an environmentally protective and cost-effective manner. Sewage sludge use or disposal involved a myriad of site-specific circumstances, could result in multimedia effects, and depended on proper planning and decision-making at the local level. The Agency lacked experience in developing performance standards for solid waste that would attenuate multimedia environmental effects. Furthermore, at that time, Congress had not provided a compliance mechanism for the regulations.

The task force, which included representatives from all parts of the Agency, recommended that the Agency develop an integrated, comprehensive regulatory structure for sewage sludge use or disposal using the combined authorities of section 405 of the CWA and other laws. This structure would also incorporate existing regulations and, where appropriate, new regulations to complete regulatory coverage where important gaps remained.

While the Agency was working on a regulatory approach consistent with the recommendations of the Task Force, the Natural Resources Defense Council sued the Agency over EPA's pretreatment regulation (40 CFR part 403). In that suit, the U.S. Court of Appeals for the Third Circuit ruled that the pretreatment regulation was invalid in four respects. [*Natural Resources Defense Council* v. *EPA*, 790 F.2d 289 (3rd Cir. 1986)]. Most relevant here is the court's fourth holding:

> We hold that, despite EPA's contention that sludge regulations are in place, EPA's device of incorporating other regulations does not meet the statute's command for a comprehensive framework to regulate the disposal and utilization of sludge and that EPA cannot, in the absence of section 405(d) regulations authorize the issuance of removal credits under section 307(b)(1).

Throughout its lengthy consideration of the amendments to the CWA, some members of Congress expressed concern that, without sewage sludge regulations, industry would continue to discharge toxic pollutants into wastewater for POTWs to treat, making it more difficult for a city to find sewage sludge management alternatives. They believed sludge criteria would stimulate effective pretreatment programs and would encourage recycling and reuse of toxic pollutants by industry. In the Water Quality Act of 1987 (Pub. L. 100–4, February 4, 1987), Congress reaffirmed its directive that EPA develop comprehensive sewage sludge regulations and set forth a schedule for the Agency to do so. The Water Quality Act amended section 405(d) to include requirements that:

> (1) By November 30, 1986, EPA propose regulations establishing numerical limits and acceptable management practices for toxic pollutants that EPA identified as present in sewage sludge in concentrations which, on the basis of information available on their toxicity, persistence, concentration, mobility, or potential for exposure, may adversely affect public health or the environment;
>
> (2) By August 31, 1987, EPA promulgate regulations specifying acceptable management practices and establishing numerical limits for these pollutants that "shall be adequate to protect public health and the environment from any reasonable anticipated adverse effects of each pollutant";
>
> (3) By July 31, 1987, EPA identify and propose regulations for those toxic pollutants not identified in the regulations promulgated August 31, 1987, and promulgate regulations for those toxic pollutants by June 15, 1988; and
>
> (4) From time to time, but no less often than every two years, EPA review the regulations for the purpose of identifying additional toxic pollutants and promulgating regulations.

The amendments specify that compliance with the regulations' requirements must occur not later than 1 year after publication of the regulations, unless the regulations require the construction of new pollution control facilities. In this latter case, compliance must occur no later than 2 years from the date of publication of the regulations.

Section 405(d)(5) also provides that nothing in the section is intended to waive more stringent requirements in the CWA or in any other law. This means that States and local communities remain free to impose more stringent requirements than those

included in today's rule. In addition, as described later in the preamble, where EPA has established requirements applicable to sewage sludge under other statutes, compliance with regulations established under those statutes also constitutes compliance with part 503.

Section 405(e) was further amended to read as follows:

> The determination of the manner of disposal for use of sludge is a local determination, except that it shall be unlawful for any person to dispose of sludge from a publicly owned treatment works or any other treatment works treating domestic sewage for any use for which regulations have been established pursuant to subsection (d) of this section, except in accordance with such regulations.

The implications of this section are discussed later in the preamble.

CERCLA Liability

Questions have been raised about conditions under which sewage sludge disposed at a Superfund site might give rise to liability under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Section 107 of CERCLA generally imposes liability for cleanup costs on, among others, persons who own or operate facilities at which hazardous substances are disposed. Section 107 liability extends to the costs of cleanup necessitated by a release or threat of release of a hazardous substance. However, section 101(22) defines "release" to exclude the "normal application of fertilizer."

If the placement of sludge on land were considered to be "the normal application of fertilizer," that placement could not give rise to liability under CERCLA. Today's rule, as previously noted, establishes standards for sewage sludge when applied to the land for a beneficial purpose (i.e., as a fertilizer substitute or soil conditioner). Sludge placed on the land for such beneficial purpose and applied in compliance with the requirements for land application of sewage sludge provided in §§ 503.13(b) (2) and (4), § 503.14 and § 503.15 (where applicable) of the final rule today, and in accordance with accepted agricultural practices using appropriate application rates, which constitutes the normal application of fertilizer, does not constitute a "release."

Under CERCLA, protection from liability is also provided when there is a release of a CERCLA hazardous substance and the release occurs pursuant to Federal authorization. Thus under CERCLA, in defined circumstances, the application of sewage sludge to land in compliance with a permit required by section 405 of the Clean Water Act is a Federally permitted release as defined in CERCLA. Recovery for response costs or damages under section 107 of CERCLA is not authorized for Federally permitted releases. The Act defines Federally permitted releases as, among others, discharges in compliance with an NPDES permit under section 402 of the Clean Water Act. (See, *Idaho* v. *Hanna Mining Co.* 699 F. Supp. 827 (D. Idaho 1987) (State cannot recover under CERCLA for damages resulting from releases authorized by NPDES permit) *aff'd*, 882 F.2d 392 (9th Cir. 1989)). Consequently, releases of hazardous substances from the land application of sewage sludge authorized under and in compliance with an NPDES permit would constitute a Federally permitted release.

Other Federal Requirements

Traditionally, the Agency has used the standards, definitions, and approaches developed under other Federal public health and environmental programs in responding to the broad mandate of section 405(d) when they are consistent with the goals and objectives of the CWA. The use of other Federal standards is desirable in order to minimize duplicative, overlapping, and conflicting policies and programs. Further, as discussed above, section 405(d)(5) provides that nothing in section 405(d) is intended to waive more stringent requirements established under other statutes. Therefore, as previously indicated, in developing today's rule EPA based pollutant limits on human health or environmental criteria established under other statutory authorities.

Under section 304(a) of the CWA, the Agency publishes Water Quality Criteria. For the purposes of part 503, these criteria are used in determining whether a pollutant limit for a particular use or disposal practice would not exceed a freshwater quality criterion, should the pollutant reach the surface water. When the concern is to protect the drinking water supplies, the basis of the pollutant limits is the MCLs promulgated under authority of the Safe Drinking Water Act.

The NAAQS for lead, promulgated under authority of section 109 of the Clean Air Act, was used in developing the pollutant limit for lead when sewage sludge is incinerated. The National Emission Standards for Hazardous Air Pollutants (NESHAPs) for beryllium and mercury, used in the part 503 proposal to develop the numerical pollutant limits for these pollutants when sewage sludge is incinerated, have been omitted from the final part 503 regulations because these pollutants are already regulated under the authority of section 112 of the Clean Air Act and found at 40 CFR part 61. Other applicable regulatory requirements for the incineration of sewage sludge include the New Source Performance Standards for Sewage Sludge Incinerators promulgated under section 111 of the Clean Air Act and found at 40 CFR part 60, subpart O. Owners or operators of sewage sludge incinerators also must ensure that their operations, including the location of new incinerators, conform to state implementation plans approved under the regulations authorized by section 110 of the Clean Air Act and are found at 40 CFR parts 50–51.

State Requirements

The information on existing State requirements summarized below was gathered as part of EPA's effort in developing guidance for writing sewage sludge interim permits prior to promulgation of the part 503 standards. Under section 510 of the CWA, States, political subdivisions of States and interstate agencies retain the authority to adopt or enforce more stringent standards than those provided in today's part 503 regulations.

At present, 42 States have regulations or guidelines covering the land application of sewage sludge which set either a maximum allowable concentration or maximum pollutant loading rate for at least one pollutant. Paralleling the requirements in 40 CFR part 257, 41 States have set restrictions on the growing of crops on soil to which sludge has been applied (e.g., human food chain crops cannot be grown on sludge-amended soil until 18 months after the application of the sewage sludge). In addition, 41 States have established management practices for the land application of sewage sludge.

The give-away or sale of composted sludge is regulated under State land application requirements. Eleven States have set numerical limits on the concentration of pollutants in sewage sludge that is distributed and marketed and 22 States have established management practices regulating this use.

Many States enforce landfilling restrictions for nonhazardous sludge that follow the requirements in 40 CFR part 257. While States have not set maximum pollutant concentrations for sewage sludge that is landfilled, 31 States do have some site restrictions or other management practices governing landfills.

Many States regulate the emissions of sewage sludge incinerators. State implementation plans under the Clean Air Act limit emissions of various pollutants subject to NAAQS or NESHAPs. Twenty States have established opacity limits as well as emission limits for beryllium, mercury, particulates, sulfur dioxide, and carbon monoxide. No State has established a limitation on lead emissions from sewage sludge incinerators. Twenty-nine States have regulations or guidelines governing operation of incinerators, including disposal of ash.

In one State, the development and enforcement of controls on all methods of sewage sludge use and disposal are delegated entirely to local agencies, as is the issuance of permits. In other States, local as well as State controls are imposed on the use and disposal of sewage sludge.

Part III: Selection of Pollutants Considered for Regulation

This part describes how the Agency selected the initial list of pollutants for which numerical limits are promulgated in today's rule and data bases used to collect information about the pollutants. Additional information may be found in "The Record of Proceedings on the OWRS Municipal Sewage Sludge Committees" and "Summary of the Environmental Profiles" (Reference Nos. 62 and 67).

Initial List of Pollutants

In the spring of 1984, EPA enlisted the assistance of Federal, State, academic, and private sector experts to determine which pollutants likely to be found in sewage sludge should be examined closely as possible candidates for numerical limits. These experts screened a list of approximately 200 pollutants in sewage sludge that, if disposed of improperly, could cause adverse human health or environmental effects. The experts were requested to revise the list, adding or deleting pollutants. The test for inclusion or exclusion was the potential risk to human health and the environment when sewage sludge containing a particular pollutant was applied to the land, placed in a landfill, or incinerated. The Agency also requested that the experts identify the most likely route which a pollutant could travel to reach target organisms, whether human, plant, or wild or domestic animals. The experts attending the meetings recommended that the Agency gather additional environmental information on approximately 50 pollutants. These pollutants are listed in Table III–1.

TABLE III–1.—POLLUTANTS SELECTED FOR ENVIRONMENTAL PROFILES/HAZARDS INDICES

Pollutants	Land application	Landfill	Incineration
Aldrin/Dieldrin	X		X
Arsenic	X	X	X
Benzene		X	X
Benzidine			
Benzo(a)anthracene	X		X
Benzo(a)pyrene	X	X	X
Beryllium			X
Bis(2-ethylhexyl) phthalate	X	X	X
Cadmium	X	X	X
Carbon tetrachloride			X
Chlordane	X	X	X
Chlorinated dibenzodioxins			X
Chlorinated dibenzofurans			X
Chloroform			X
Chromium	X	X	X
Cobalt	X	X	
Copper	X	X	X
Cyanide	X	X	
DDT/DDD/DDE	X	X	X
3,3'-Dichlorobenzidine			
2,4-Dichlorophenoxy-acetic acid		X	X
Dimethylnitrosamine	X		
Fluoride	X		
Heptachlor	X		X
Hexachlorobenzene	X		
Hexachlorobutadiene	X		
Iron	X		
Lead	X	X	X
Lindane	X	X	X
Malathion		X	X
Mercury	X	X	X
Methylene bis(2-chloroaniline)	X		
Methylene chloride	X	X	X
Methylethyl ketone		X	
Molybdenum	X	X	
Nickel	X	X	X
PCBs	X	X	X
Pentachlorophenol	X		X
Phenanthrene		X	X
Phenol			X
Selenium	X		
Tetrachloroethylene			X
Toxaphene	X	X	X
Trichloroethylene	X		X
Trichlorophenol			X
Tricresyl phosphate	X		
Vinyl chloride			X
Zinc	X	X	X

Environmental Profiles

During 1984 and 1985, the Agency collected data and information from published scientific reports on the toxicity, persistence, means of transport, and environmental fate of these 50 pollutants. EPA also developed preliminary information on their relative frequency of concentration in sewage sludge by analyzing the sewage sludge of 43 to 45 POTWs (depending on the pollutant) in 40 cities ("Fate of Priority Pollutants in Publicly Owned Treatment Works"—the "40 City Study"—Reference No. 60). The sewage sludge data from the "40 City Study" consist of concentrations of 40 pollutants (12 metals, 6 base neutral organic compounds, 6 volatile organic compounds, 9 pesticides, and 7 PCBs) in sewage sludge analyzed from the target POTWs.

Using this preliminary information on the relative frequency and concentration of pollutants in sewage sludge, their toxicity and persistence, the pathways by which the pollutants travel through the environment to a receptor organism (plant, animal, or human), the mechanisms that transport or bind the pollutants in the pathway, and the effects of the pollutants on the target organism, EPA made an assessment of the likelihood that each pollutant would adversely affect human health or the environment. For this analysis, EPA relied on simple screening models and calculations to predict the concentration of a pollutant that would occur in surface or ground water, soil, air, or food. EPA then compared the predicted concentration with an Agency human health criterion, such as a drinking water standard promulgated under the Safe Drinking Water Act, to determine whether the pollutant could be expected to have an adverse effect on human health. For purposes of this initial screening, EPA assumed conditions that would maximize the pollutant exposure of an individual, animal, or a plant, as well as the worst possible pollutant-related effects.

Based on the factors previously listed (concentration, toxicity, persistence, and others), EPA scored each pollutant and ranked them for more rigorous analysis. EPA excluded two categories of pollutants for further evaluation. First, EPA excluded pollutants which, when compared to a simple index, presented no risk to human health or the environment at the highest concentration that the Agency found in the "40 City Study" or in other available data bases. Second, EPA deferred consideration of pollutants for which EPA lacked human health criteria or sufficient data.

Information on each pollutant, the simple screening models and calculations used to describe the pollutant's path through the environment, and the indices used to evaluate the pollutant are compiled in an environmental profile for each pollutant. The summary of the environmental profiles is listed as Reference No. 64 in part XIV of the preamble.

Table III–2 shows the pollutants EPA did not analyze further because the pollutant did not exceed an EPA human health or environmental criterion at the highest concentrations shown in the "40 City Study." The pollutants listed in Table III–2 are also included in the list of pollutants for which eligible POTWs, complying with the requirements in part 503, may under 40 CFR part 403, apply for authorization to grant removal credits to their industrial dischargers (see Part XV—Description of the Amendments to 40 CFR Parts 257 and 403).

Table III–3 shows the pollutants for which a lack of data at the time of developing these regulations precluded the Agency from promulgating numerical limits at this time.[1] Included on the list in Table III–3 is dioxin. When EPA initiated these pollutant assessments in 1984, the Agency did not include dioxin as a pollutant evaluated for this rule. At that time, EPA lacked the data required to assess numerical limitations for dioxin in sewage sludge. In addition, adequate data were not available on the levels of dioxin or its pervasiveness in sewage sludge.

TABLE III–2.—POLLUTANTS EVALUATED AND FOUND NOT TO INTERFERE WITH SEWAGE SLUDGE USE OR DISPOSAL

Pollutants	Use/disposal practice (concentration)
Chlordane	Monofill over Class II, III ground water (12 mg/kg).
Chromium	Monofill over Class II, III ground water (1,499.7 mg/kg).
Copper	Incineration (1,427 mg/kg).
Cyanide*	Land Application, Distribution and Marketing, Monofill (2,686.6 mg/kg).
Dimethyl nitrosamine*	Distribution and Marketing (2.55 mg/kg).
2,4–Dichlorophenoxy-acetic acid	Monofill (7.16 mg/kg).
Fluoride*	Land Application, Distribution and Marketing (738.7 mg/kg).
Heptachlor	Incineration (0.09 mg/kg).
Iron*	Land Application, Distribution and Marketing (8,700 mg/kg).
Malathion	Monofill (0.63 mg/kg).
Molybdenum	Monofill (40 mg/kg).
Nickel	Monofill over Class II, III ground water (662.7 mg/kg).
Pentachlorophenol	Land Application, Distribution and Marketing (30.43 mg/kg).
Phenol	Monofill (82.06 mg/kg).
Selenium	Monofill, Incineration (4.85 mg/kg).
Tetrachloroethylene*	Distribution and Marketing (13.07 mg/kg).
Zinc	Monofill, Incineration (4,580 mg/kg)

*Exposure assessment models were used in determining that these pollutants, at the concentrations shown, do not interfere with the use or disposal of sewage sludge.

[1] Some of the organic pollutants for which development of regulatory limits were deferred are, in fact, regulated in this rule. As explained, incinerator organic pollutant emissions are limited by an operational standard for total hydrocarbons. Thus, because the emissions of total hydrocarbons are regulated, emissions of the following Table III–3 pollutants are, in actuality, regulated in the final rule: benzo(a)anthracene, phenanthrene and vinyl chloride.

TABLE III–3.— POLLUTANTS DEFERRED BECAUSE OF INSUFFICIENT DATA

Pollutants	Use/Disposal Practice
Benzo(a) anthracene	Land Application, Distribution and Marketing, Incineration.
Bis(2-ethylhexyl) phthalate.	Distribution and Marketing.
Chlorinated dibenzo-dioxins.	Land Application, Distribution and Marketing, Monofills.
Chlorinated dibenzo-furans.	Land Application, Distribution and Marketing, Monofills.
Cobalt	Land Application, Distribution and Marketing, Monofills.
Methylene bis (2-chloroaniline).	Land Application, Distribution and Marketing.
Methylene chloride	Land Application, Distribution and Marketing, Monofills.
Methylethyl ketone	Monofills.
Pentachlorophenol	Land Application, Distribution and Marketing.
Phenanthrene	Monofills, Incineration.
Tricresyl phosphate	Land Application, Distribution and Marketing.
Vinyl chloride	Incineration.

The Agency did not analyze sewage sludge for dioxins as part of the "40 City Study" because, at the time the samples were collected (1979–1980), methodologies did not exist for analyzing trace quantities (parts per trillion) of dioxins in sewage sludge. Since better analytical methods now exist, the Agency has collected sewage sludge samples for dioxins analyses as part of the National Sewage Sludge Survey (NSSS) (see discussion below).

EPA will use the NSSS data and the results of recent scientific studies to complete its analysis of dioxins in sewage sludge—a likely candidate for regulation in the second round of sewage sludge regulation. In the interim, as explained later in the preamble, the Agency is limiting the emission of dioxins from sewage sludge incinerators by establishing operating standards for total hydrocarbons.

Part IV: February 6, 1989 Proposed Rule

This part describes the sewage sludge use and disposal standards EPA proposed in February, 1989. In that notice, EPA proposed to include septage from septic tanks in the definition of sewage sludge and thus within the scope of the proposed requirements. A more detailed explanation of the proposed rule is found at 54 *FR* 5746, 5791–5855 (February 6, 1989).

The proposed standards included numerical pollutant limits, management practices, and other requirements that defined a level of control which owners or operators of treatment works and users or disposers of sewage sludge must attain over the use or disposal of sewage sludge in order to protect human health and the environment. EPA proposed pollutant limits, management practices, and other requirements that were specific to the method of use or disposal employed by treatment works use.

EPA proposed requirements that owners or operators of treatment works and users or disposers of sewage sludge would have to meet whenever they ultimately used or disposed of the sludge. The use or disposal methods included in the proposal were: (1) application to agricultural or non-agricultural land, (2) distribution and marketing (now referred to as sale or give-away of sewage sludge), (3) disposal in monofills, (4) disposal on surface disposal sites, and (5) incineration. EPA did not propose separate standards for septage from septic tanks. Rather, septage, when used or disposed of by any method regulated under the proposal (e.g., applied to land, placed in a monofill or surface disposal site) would have to meet the applicable requirements in the same manner as those for sewage sludge.

Land Application

EPA proposed standards for the spreading of liquid, de-watered, dried, or composted sewage sludge on or just below the surface of agricultural and non-agricultural land. Sewage sludge applied to agricultural land was subject to different numerical pollutant limits from those limits proposed for sludge applied to non-agricultural lands.

EPA based the numerical limits for sewage sludge when applied to agricultural land on a modelled assessment of potential risk to public health and the environment through 14 pathways of exposure. The numerical limits for sewage sludge when applied to agricultural land were expressed in terms of a limitation on the cumulative loading of 10 metals and an annual pollutant loading of 12 organic pollutants. The cumulative loading rate for each of the metals represented the limit on how much of a given metal in sludge could be added to the soil. The additional "load" of the metal could be applied all at once or over a period of years from repeated applications of sludge. No further application of sludge containing the metal would be allowed, however, once the cumulative loading is reached. In addition, the proposed rule also limited, on an annual basis, the quantity of 12 organic pollutants that could be applied to land. In order to ensure that the cumulative loading level and annual pollutant rates would not be exceeded, the proposal required owners and operators of treatment works to keep records on the amount of organic and inorganic pollutants applied to each land application site. In addition, before sewage sludge could be applied to the land by any one other than the treatment works, under the proposal the treatment works would have to enter into an agreement with the distributor or applier of the sludge to provide that they must comply with the standards.

In the case of non-agricultural land, EPA developed pollutant ceilings for the concentration in sewage sludge of these 22 organic and inorganic pollutants. The standards were premised on the assumption that pollutants in sludge applied to non-agricultural land would not reach individuals through the food chain. The ceiling concentrations were based on 98th-percentile values for pollutant concentrations in municipal sewage sludge based on data from a 1981–82 study.

Distribution and Marketing

Different requirements were proposed for sewage sludge which is distributed and marketed—what is now denominated sludge that is sold or given away—for use as a fertilizer and soil conditioner for potting medium, lawns, ornamental plants and gardens. In the case of distributed and marketed sludge, the Agency proposed to limit the quantity of sludge (or a product derived from the sludge) of a given concentration that could be applied to land in one year. When a treatment works was not the distributor of the sludge or sludge product, the proposal required an agreement between the distributor and treatment works to ensure compliance with the requirements.

An important difference between the proposed land application requirements and the proposed distribution and marketing requirements was in the numerical limits for some of the organic pollutants and some metals. In the exposure assessment pathway scenarios for both, it was assumed that the sewage sludge is used in the production of crops intended for human consumption. The numerical limits for the application of sewage sludge to agricultural land were based on crops intended for direct human consumption or fed to animals intended for direct human consumption, whichever was the more stringent loading rate. For the organic pollutants, which tend to bioaccumulate through the food chain, the limiting numerical limit was based on crops fed to animals intended for human consumption. However, the distribution and marketing scenario was designed to protect a fruit and vegetable home garden, not a garden in which feed is raised for animals intended for human consumption. Therefore, the numerical limits for organic pollutants in

distribution and marketing tended to be higher than those for agricultural land application.

Another major difference in the proposed requirements between the land application standards and the distribution and marketing standards was that for the land application requirements to apply, as noted, there had to be an agreement between the treatment works and the distributor or applier of the sewage sludge to abide by the requirements, such as the access and use restrictions. In the absence of an agreement, the proposal required the treatment works to comply with the requirements for the distribution and marketing standards.

Monofills

EPA also proposed requirements that would apply to landfills receiving only sewage sludge (monofills) and any person disposing of sewage sludge in a monofill. EPA developed numerical limits on the concentration of 16 pollutants in sludge that could not be exceeded if the sludge was disposed of in a monofill. These limits, derived from a modelled exposure pathway analysis, would vary depending the type of ground water under the unit. Moreover, the proposal provided for the determination of site-specific limits for monofills in defined circumstances.

Surface Disposal

In addition to the disposal of sewage sludge in sludge-only landfills, EPA also developed standards for another widely practiced means of sludge land disposal. EPA called this disposal method "surface disposal"—typically piles of sludge placed on the land—and defined them as areas of land where sludge is placed for a year or longer. Because EPA concluded that surface disposal sites are generally small and in rural areas, these sites did not expose individuals to significant concentrations of pollutants. EPA proposed pollutant concentration limits for sludge placed on a surface disposal site based on the 98th-percentile values derived from the data on sewage sludge quality. The effect of using 98th-percentile data was to cap pollutant concentrations at the level of quality represented by the data base. EPA concluded that this would protect public health and the environment because analysis of aggregate effects of sewage sludge use and disposal showed a low incidence of adverse health effects associated with this method of disposal. Because surface disposal and monofills shared a number of common characteristics, where the most stringent numeric monofill limits exceeded the 98th-percentile concentration, these were substituted for the 98th-percentile concentrations.

In addition, because of the similarity of surface disposal to non-agricultural land application of sludge and to monofills, EPA committed to revisiting for the final rule the issue of whether distinguishing these different use and disposal methods was appropriate. Furthermore, EPA committed to develop exposure assessment models to evaluate potential risk to health and the environment from surface disposal units for the final rule.

Pathogen and Vector Attraction Reduction Requirements

As noted, sewage sludge typically includes contaminants like bacteria, viruses, protozoa and helminth ova. These organisms can cause diseases, usually enteric diseases through direct human contact with the organism or through the ingestion of an infected animal. These contaminants may be spread by birds, rats and other animals exposed to them. The proposal included requirements for control of the pathogens in sludge as well as measures for reducing the contact of the disease "vectors" with the sludge pathogens. The proposal included pathogen reduction and vector attraction reduction requirements for sewage sludge that is applied to agricultural and non-agricultural land, distributed and marketed or disposed of on a monofill or surface disposal site.

In the proposal, treatment works could use any one of three levels of pathogen reduction when sewage sludge is applied to either agricultural or non-agricultural land as long as the treatment works or applier complied with the applicable restrictions on public access to the land and on growing crops or raising animals on the sludge-amended soil. In addition, two sets of numerical limits were included in this part. The applicability of these limits depended on whether the sewage sludge is used in the production of crops intended, directly or indirectly, for human consumption or for animals raised for human consumption.

One key difference between the proposed requirements of subpart B (land application) and subpart C (distribution and marketing) was the level of pathogen reduction in sludge required for a treatment works. Under the proposal, treatment works that distribute and market their sewage sludge to the general public had to process their sludge to attain the highest level of pathogen reduction provided. In contrast, the land application subpart of the proposal allowed a treatment works the option of selecting alternative pathogen reduction standards as long as the landowner imposed public access and animal grazing controls and restricted the growing and harvesting of crops in accordance with the standards of the class of pathogen reduction selected.

In developing the requirements for the land application of sewage sludge, the Agency assumed that, except for the applier, there would be little public contact with the sewage sludge itself or with the land receiving the sewage sludge. EPA also assumed that public access restrictions could be imposed on either agricultural or non-agricultural land for a period of time. The underlying premise in developing sewage sludge distribution and marketing requirements was that the sludge would be used in a home garden where there would be immediate and continuous human contact with the sewage sludge or with the land receiving it. Under such circumstances, the Agency could not restrict access.

Incineration

EPA proposed the following requirements for sewage sludge that is incinerated in an incinerator firing only sewage sludge. First, the proposed rule required a sludge incinerator to comply with the National Emission Standards for Hazardous Air Pollutants for mercury and beryllium. Second, in the case of lead, arsenic, cadmium, chromium and nickel, the proposal established a limit on the sludge concentration of these metals that could be incinerated. That concentration would vary depending principally on two factors: The control efficiency of the incinerator, and the dispersion factor (i.e., the relationship between ground level concentrations and pollutant emissions). These limits were designed to ensure that ground level concentrations (called the "risk-specific concentration") for a given pollutant did not exceed a value associated with protection of human heath at a cancer risk level of 10^{-5}. In the case of lead, the standard was designed to ensure that the National Ambient Air Quality Standard for lead was not violated. For purposes of this calculation, sewage sludge incinerators were assigned 25 percent of the air-shed loading for lead.

Third, the February 6, 1989 notice proposed a limit for maximum allowable total hydrocarbon concentration in sewage sludge. Again, this limitation, like the metal limits would vary with dispersion factors and control efficiency. Similarly, it was designed to ensure that ground level concentrations of total hydrocarbon emissions from the incinerator stack

would not exceed a level associated with a cancer risk of 10^{-5}. In order to determine the risk-specific concentration for total hydrocarbons, EPA made a number of assumptions about which organic pollutants comprised the total hydrocarbon mixture and at what levels these organics were present.

Monitoring, Recordkeeping and Reporting

The proposal required owners and operators of treatment works to sample and analyze their sludge and keep certain records. The pollutants for which monitoring was required depended on the method of sludge use or disposal employed. The frequency of monitoring would vary with the design capacity of the treatment works. In addition, treatment works were to monitor the sewage sludge for compliance with the pathogen reduction requirements when the sludge was used or disposed of other than by incineration. Further, the proposal required owners or operators of sewage sludge incinerators to monitor continuously for incinerator stack hydrocarbon concentrations, sludge feed rate, combustion temperature, and oxygen content of the exit gas.

As noted, the proposal required an agreement between the treatment works and the distributor or land applier. The information needed for the proposed reporting requirements would be contained in these agreements. EPA proposed that treatment works applying sewage sludge to agricultural lands keep the records for the life of the treatment works to ensure that the cumulative pollutant loading rate is not exceeded for a particular parcel of land receiving sewage sludge.

The monitoring, recordkeeping, and reporting requirements proposed for non-agricultural lands were similar to those required for agricultural lands. One difference was that treatment works did not have to keep track of annual and cumulative pollutant loading rates. Therefore, retention was only required for 5 years.

The proposal required retention of the analytical data on sewage sludge concentrations and pathogen reduction for 10 years for monofills and for five years for surface disposal sites. Incinerator records under the proposal were required to be kept for 5 years.

Part V: November 9, 1990 Notice of Availability of Information and Data, and Anticipated Impacts on Proposed Rule

Subsequent to publication of the proposed part 503 regulation in the **Federal Register**, three data gathering efforts were undertaken to gather information for the final part 503 regulation. They include the National Sewage Sludge Survey, a sewage sludge incinerator study, and a domestic septage sample collection and analytical study. This part of today's preamble describes those efforts briefly.

Background

Public Comment and Scientific Peer Review

In the preamble to the part 503 proposal, the Agency solicited public comment on a wide range of issues including the fundamental principles of the rule, the carcinogenic risk levels used, other human health and environmental criteria that could be used in establishing the numerical limits, changes that may occur because of other Agency actions (e.g., changes in MCLs and air standards for lead), the models, the MEI and aggregate risk analyses, the anticipated benefits and costs of the rule, and data deficiencies. In addition, EPA committed to seek and support scientific peer review of the technical bases of the rulemaking package during the public comment period on the proposed rule (54 FR 5747):

> EPA will have experts from both inside and outside the Agency review the scientific and technical bases of the proposal. This review may include the Agency's Science Advisory Board, the Cooperative State Research Service, Regional Research Technical Committee (sometimes called the W–170 Committee), representatives of academia, and/or other scientific/technical bodies with expertise in the areas covered by this proposed rule. With the additional data and the scientific and technical review of the proposal, the Agency should be able to expand and refine the standards.

The Agency worked with two peer review groups during the public comment period to review in detail the scientific and technical bases of the proposed rule. These two peer review groups were as follows:

1. Land Practices Peer Review Committee—The land application, distribution and marketing, monofill and surface disposal provisions of the proposal were reviewed in depth by a specially convened group of sewage sludge experts. This group included many nationally known experts on sludge use and disposal including several members of the U.S. Department of Agricultural W–170 Committee and represented a broad diversity of views. A representative of the Natural Resources Defense Council served on this committee. The final report was officially submitted to EPA on July 24, 1989 (Reference No. 58). Members of the committee and their organizations volunteered their time for this effort. Contributions to travel expenses for committee members were provided by several outside organizations (Association of metropolitan Sewerage Agencies, Water Environment Federation).

2. EPA Science Advisory Board (SAB)—The SAB reviewed the technical bases of the sludge incineration regulations. In the past, various SAB committees have reviewed the technical bases of similar EPA incineration regulations, most notably municipal solid waste combustion and hazardous waste incineration. The final report was submitted on August 7, 1989 (Reference No. 97). A representative of the Natural Resource Defense Council served on this committee.

In addition to the two peer review reports, EPA received in excess of 5,500 pages of comments from 656 commenters during the 183-day public comment period on the proposed rule. The type and number of commenters are broken down as follows:

Municipalities	278
Industry	81
States	36
Septage haulers	36
Septage association	3
Consultants	34
Associations	29
Federal agencies	17
Individuals	16
Academic	12
Public interest	9
Congressional	72
Public hearing	63
Total:	656

The public and scientific peer review groups provided a comprehensive range of opinions, comments, and recommendations. Many of the comments were critical of the Agency's risk assessment methodology (stating it was overconservative for some use and disposal practices, and under conservative for others); the risk levels used by the Agency (questioning which risk levels are most appropriate, 10^{-4}/10^{-5} versus 10^{-6}); the selection of data and parameters used in the exposure assessment analyses (providing additional/better data and parameters); and the impacts the proposed rule would have on beneficial reuse of sewage sludge.

On November 9, 1990, EPA provided public notice of the availability of the National Sewage Sludge Survey data. That notice described some of the results of the survey. In addition, the notice contained information and data from the Sewage Sludge Incinerator Study and the Domestic Septage Study, and described the changes the Agency

VOL 58 ISS 32 FE 19 1993 UMI

was considering making to the proposed part 503 regulation as a result of these studies. Further, the notice requested comments on a number of changes to the use and disposal standards that were being considered for the part 503 proposal in light of the comments submitted earlier, peer review of the Agency's effort and new information developed since the February 6, 1989 proposal. (55 FR 47210–47823).

The 60-day public comment period for the notice closed on January 8, 1991. During that time, the Agency received more than 1,000 pages of comments from 153 commenters. Many of the comments made by the commenters supported the changes identified in the notice as revisions that the Agency was considering for the final part 503 rule.

Need for Information on Current Sewage Sludge Quality and Use and Disposal Practices

The "40 City Study" Data Base

As required by section 405(d), EPA relied on available information in developing proposed 40 CFR part 503. The primary source of information on the occurrence and concentration of pollutants in sewage sludge was determined from analyzing data on 40 pollutants from POTWs in 40 cities ("40 City Study"—Reference No. 60).

As discussed earlier, at the time of proposal the Agency relied on the "40 City Study" data as the primary source of information on the pollutant concentrations in municipal sewage sludge. The "40 City Study" provided the most comprehensive and best documented nationwide data base on the concentrations of pollutants in sewage sludge. Consequently, EPA concluded these data were an appropriate basis for developing the proposal. However, EPA recognized several deficiencies in using the "40 City Study" data. Key among them was the fact that data on final processed sewage sludge was generally not available from the "40 City Study." Further, the procedure used to select POTWs in the "40 City Study" did not follow the statistical methods required to support unbiased national estimates of pollutant concentrations in POTW sewage sludge.

The study was designed not to measure pollutant concentrations in the sewage sludge leaving a POTW, but to determine what happened to section 307(a)(1) priority toxic pollutants in POTWs employing secondary or advanced treatment. The study approach required that some sewage sludge samples be taken at points within the POTW prior to final sewage sludge processing in order to account for organic pollutants that may be transformed into more elementary compounds or gases before final sewage sludge processing, as in anaerobic digestion. However, the study did include information that enabled the Agency to estimate the dry weight concentrations of pollutants in POTW sewage sludge.

Another deficiency of the data from the "40 City Study" is that they are not current. Sewage sludge quality had changed since 1978, because of the initiation of many pretreatment programs, development of new industrial facilities discharging wastewater to the POTW, and changes in wastewater treatment processes. Therefore, pollutant concentrations from the "40 City Study" did not reflect the current quality of sewage sludge. Moreover, analytical method advancements since the "40 City Study" allow for more accurate analyses of pollutants in the presence of suspended solids.

Although other sources of data on sewage sludge quality existed, these also suffered from deficiencies rendering them unsuitable for regulatory purposes. Some data were drawn from too narrow a geographic area or were drawn from POTWs of a particular size. Frequently, these data were not collected systematically and different sampling and analytical protocols were used in the same survey. In addition, many of these other data were collected prior to the "40 City Study" data.

While EPA believed that the "40 City Study" data were the appropriate data to use in developing the proposed part 503 regulations, EPA concluded the data needed to be replaced, or at a minimum, be supplemented to support the final regulations. Therefore, EPA undertook the NSSS to obtain a current and reliable data base for developing the final part 503 rule. This data base, as previously explained, will also be used in developing a list of pollutants from which the Agency will select additional pollutants for further analyses and potential regulation under section 405(d) of the CWA.

The NSSS data collection effort began in August 1988 and was completed in September 1989. EPA collected sewage sludge samples at 180 POTWs and analyzed them for more than 400 pollutants. In addition, through the use of detailed questionnaires, the survey collected information on sewage sludge use and disposal practices from 475 public treatment facilities with at least secondary treatment of wastewater. The results of the NSSS have provided EPA current data and information essential to establishing numerical pollutant limits in the final part 503 rule that will encourage the beneficial reuse of sewage sludge and provide a greater degree of public health and environmental protection than the February 6, 1989, proposal.

The National Sewage Sludge Survey

The NSSS, a massive undertaking, was conducted to obtain credible analytical data in order to characterize the quality of final process sewage sludge (55 FR 47210, November 9, 1990). These data were used to develop national estimates for the probability distribution of pollutant concentrations in sewage sludge. The estimates of pollutant distribution were used in developing the regulatory impact analysis for the final part 503 rule. EPA augmented sewage sludge quality data with information concerning sewage sludge generation and treatment processes, current and alternative sewage sludge use and disposal practices, and treatment and disposal cost data. These data, from a national sampling of POTWs employing secondary or advanced treatment of wastewater, were necessary for a number of essential analyses required for promulgating the final part 503 regulations including the aggregate risk analysis (ARA) and the regulatory impact analysis (RIA) which project the benefits and expected effects associated with the final part 503 rule. The ARA and the RIA are discussed later in part XIII.

In establishing numerical limits, pollutant concentration data from the NSSS were required to estimate the level of risk posed by current sewage sludge quality and current use or disposal practices. EPA also used the data from the survey to test the reasonableness of its analyses and regulatory approach. Some areas of earlier concern included the accuracy of anticipated risks and analyzed characteristics of increased incidence of chemically induced disease in proximity to particular use or disposal practices. The survey information assisted the Agency in further evaluating its regulatory approach and in capping those pollutants at the 99th-percentile pollutant concentration where the Agency believes the strictly risk-based numerical limitations do not provide an adequate margin of safety to protect public health and the environment.

The results of the survey were also used to assess the potential shifts among the various use or disposal practices as a result of the final regulations. The effect of the rule is an important

element in determining how rapidly to implement the regulations. For instance, if there is likely to be only a slight impact from a particular numerical limitation, immediate implementation of the regulations may be appropriate. If, on the other hand, wide shifts in current methods of use or disposal are anticipated from the numerical limits, the POTWs may need assistance in developing more stringent pretreatment limits for their industrial dischargers or in the adoption of alternative use or disposal practices.

In addition, EPA will study the analytical results of the NSSS to identify a preliminary list of pollutants for second round rulemaking. Potential candidate pollutants are those that have elevated concentrations in sewage sludge. A final decision to regulate pollutants in the second round will significantly depend on the availability of sufficient information on a pollutant's toxicity and environmental fate, effect, and transport properties. As explained earlier, the process EPA will follow to identify these pollutants will be similar to the process used in developing the pollutants controlled in this rulemaking.

Description of the National Sewage Sludge Survey

The NSSS was a data collection effort relying on analytical sampling and an informational questionnaire to obtain data on sewage sludge quality and management. The NSSS was designed to collect information and data necessary to produce national estimates of: (1) Concentrations of toxic pollutants in municipal sewage sludge, (2) sewage sludge generation and treatment processes, (3) sewage sludge use and disposal practices and alternative use and disposal practices, and (4) sewage sludge treatment and disposal costs.

Participants in the NSSS were selected from 11,407 POTWs in the United States, Puerto Rico, and the District of Columbia, identified in the EPA 1986 Needs Survey as having at least secondary wastewater treatment. Secondary treatment was defined as a primary clarification process followed by biological treatment and secondary clarification. In identifying POTWs for the NSSS, EPA excluded POTWs with "Present Effluent Characteristics" codes of "No Discharge," "Raw Discharge," and "Advanced Primary" from the 1986 Needs Survey.

As noted above, the NSSS effort consisted of a questionnaire and analytical survey. The sample of POTWs for each component was selected from the 11,407 secondary treatment POTWs identified by the Agency. The POTWs included in the two samples were selected according to stratified probability design. The two POTW samples are related in that all POTWs in the analytical survey were selected from among those POTWs that were already selected to receive the questionnaire.

The questionnaire survey was designed to allow survey results to be analyzed separately by flow rate group and by sewage sludge use and disposal practice. The secondary treatment POTWs identified by the Agency were divided into 24 mutually exclusive groups. Membership in these groups is based on four categories of wastewater flow rate and six primary use and disposal practices. The flow rates and use and disposal categories are as follows:

1. POTW average daily flow rate categories:
   a. Flow less than or equal to one million gallons per day (MGD).
   b. Flow more than one MGD but less than or equal to 10 MGD.
   c. Flow more than 10 MGD but less than or equal to 100 MGD.
   d. Flow greater than 100 MGD.
2. POTW sewage sludge use and disposal practice groups:
   a. Land application.
   b. Distribution and marketing.
   c. Incineration.
   d. Monofill (sewage sludge only landfill).
   e. Ocean disposal.
   f. Co-disposal landfill and other.

A 50-page questionnaire was mailed to every POTW selected for the NSSS. A total of 479 POTWs were selected to receive the questionnaire. General information gathered by the questionnaire concerned service area, POTW operating information, general sewage sludge use and disposal practices, pretreatment activities, wastewater and sewage sludge testing frequencies, and POTW financial information. POTWs also supplied use and disposal practice specific information and indicated which practice(s) would be likely alternatives to current use and disposal practices.

POTWs in the analytical survey were restricted to the contiguous States and the District of Columbia. The POTWs in the analytical survey were drawn from those included in the questionnaire survey. A total of 208 POTWs from the four flow rate categories were selected for sampling and analysis. EPA contract personnel collected sewage sludge samples just prior to disposal from each POTW according to sampling and preservation protocols.

Samples were analyzed for a total of 412 analytes. These analytes included every organic, pesticide, dibenzofuran, dioxin and PCB for which EPA has gas chromatography and mass spectrometry (GC/MS) standards. The remaining pollutants are inorganics. The pollutants were also selected in consideration of: (1) The CWA section 307(a) priority pollutants, (2) toxic compounds highlighted in the Domestic Sewage Study, and (3) Resource Conservation and Recovery Act (RCRA, Pub. L. 94–580) appendix VIII pollutants.

Sewage sludge sampling, preservation, and analytical protocols were specifically developed for this survey. Analytical methods 1624 and 1625 were adapted from methods to deal specifically with the sludge matrix for volatile and semivolatile organics, respectively, and utilize gel permeation chromatography sample clean-up followed by isotope dilution gas chromatography-mass spectrometry analyte identification and quantification. Pesticides and PCBs, and dibenzofurans and dioxins were analyzed using analytical methods 1618 and 1613, respectively. Metals and other inorganics and classicals were analyzed by standard EPA methods. The analytical methods were either developed, chosen, or adapted specifically for the sludge matrix to give the most reliable, accurate, and precise measurements of the 412 analytes undertaken in any previous analytical survey.

All raw analytical results were subjected to a two-step quality assurance/quality control (QA/QC) procedure. In the first step, each result and analytical procedure was checked against analytical method specifications. If this step was satisfied, then the result was evaluated for potential outlier characteristics by checking on laboratory identification number validity as well as sample origin. If the sample raw data passed both of these checks, it was certified and reported to EPA. Information on the availability of the NSSS data base and analytical protocols is provided in Part XIV—Availability of Technical Information on the Final Rule.

Sewage Sludge Incinerator Field Studies

In 1987, the Agency initiated a series of field studies on sewage sludge incinerators to support the part 503 rulemaking effort. The purposes of the on-site tests were to obtain: (1) Information about the percentage of hexavalent chromium in the total chromium in the exit gas from a sewage sludge incinerator, (2) information on the percentage of nickel subsulfide in the total nickel in the exit gas from a sewage sludge incinerator, (3) total

hydrocarbon (THC) emissions data for the sewage sludge incinerators, and (4) information about organic compounds in the exit gas from a sewage sludge incinerator.

As part of the studies, information was collected at 10 sewage sludge incinerators. Eight of the incinerators were multiple hearth incinerators and one was a fluidized bed incinerator. The incinerators had various combinations of air pollution control devices including wet scrubbers and wet electrostatic precipitators.

For the final rule, risk-specific concentrations are used to develop allowable pollutant concentrations for metals in sewage sludge. The risk-specific concentration for chromium depends on the percentage of hexavalent chromium in the total chromium in the exit gas. Based on tests at several sewage sludge incinerators, the Agency determined that the conversion to hexavalent chromium varies with the type of sewage sludge incinerator and air pollution controls. From the results, EPA derived different risk-specific concentration values (shown in Table 2 of section 503.43 of today's final part 503 regulation) based on four combinations of sewage sludge incinerators and air pollution control technologies.

The results of the nickel speciation tests revealed that nickel subsulfide is not emitted from sewage sludge incinerators above the level of detection for the analytical methods used in the tests. In order to be protective, EPA decided to base the standard risk-specific concentration for nickel on the higher of two detection limit values for nickel subsulfide. The risk-specific concentration for nickel in Table 1 of section 503.43 of today's final part 503 regulation is based on there being 10 percent nickel subsulfide in total nickel emitted from a sewage sludge incinerator.

Data from the studies on the total hydrocarbon concentration in the exit gas from sewage sludge incinerators were used, along with the aggregate risk analysis, as the basis for the THC operational standard in today's final part 503 regulation. This standard is technology-based in that it is based on performance data from sewage sludge incinerators. The THC operational standard is partly based on THC emissions measured using a heated sampling line and corrected to seven percent oxygen and zero percent moisture.

Information on total organic pollutants and THC in the exit gas from the sewage sludge incinerator was the basis for THC being used as a surrogate for measuring organic compounds in the exit gas. These tests showed that there is a significant correlation between THC and organic compounds, which is important because sampling and analysis techniques are not available to identify or quantify all potential organic compounds emitted from sewage sludge incinerators, nor are toxicity data available for all compounds. In addition, THC is easier and less expensive to monitor than are total organics, and THC can be measured on a continuous basis, which enhances operating and management practices.

Further, information on the organic pollutants in the exit gas from the sewage sludge incinerator was used to judge whether the technology-based THC limit protects public health and the environment from the reasonably anticipated adverse effects of organic pollutants in sewage sludge. Knowing which organic pollutants are in the exit gas (or potentially in the exit gas) allowed the Agency to develop an ambient risk-specific concentration for the organic compounds. This value was then used to estimate the risk level for the technology-based THC limits, which is an exit gas concentration.

The sewage sludge incinerator tests were also used to demonstrate that (1) wet electrostatic precipitators were effective at controlling metals emissions, (2) improved incinerator operating procedures and afterburners were effective at controlling THC emissions, and (3) THC analyzers were reliable instruments for measuring THC in the exit gas. More details on the sewage sludge incinerator field studies may be found in the Technical Support Document for Incineration. Information on the availability of single copies of this and other technical support documents is provided in part XIV.

Domestic Septage Study

In 1991, EPA initiated a sampling and analysis study for domestic septage. The purpose of this study was to characterize domestic septage. It was conducted because data on organic pollutants in domestic septage were not available.

As part of the study, nine samples of domestic septage were collected and analyzed for over 400 pollutants. These samples were collected and preserved in accordance with approved protocols.

Analytical results from this study were used for two purposes. First, the total Kjeldahl nitrogen and ammonia concentrations in the domestic septage were used to calculate the factor in the annual application rate equation for domestic septage in the final part 503 regulation. Second, the data were used in the justification of the domestic septage annual application rate.

More details on the domestic septage study and how it was used in developing the final regulation may be found in the Technical Support Document for Land Application. Information on the availability of single copies of this and other technical support documents is provided in Part XIV—Availability of Technical Information on the Final Rule.

Part VI: Risk Assessment Methodology

The purpose of risk assessment for EPA is to identify the potential for adverse effects associated with a pollutant in order to determine what, if any, measures are needed to protect public health and the environment. EPA, in developing these use and disposal standards, evaluated the potential risk to public health or the environment from individual pollutants present in sewage sludge. In performing this assessment, EPA relied on its traditional risk assessment processes and tools.

The methods for performing a risk assessment used by EPA were originally outlined by the National Academy of Sciences (NAS, 1983—Risk Assessment and Management: Framework for Decision Making. Washington, DC) and published in the **Federal Register**. EPA followed the following guidelines in its work in developing these regulations: U.S. EPA, 1986a—Guidelines for Carcinogen Assessment; Guidelines for Estimating Exposure; Guidelines for Mutagenicity Risk Assessment; Guidelines for Health Assessment of Suspect Developmental Toxicants; and Guidelines for Health Risk Assessment of Chemical Mixtures. FR Vol. 51, No. 185.

EPA's methodology for risk assessment may be broken down into four stages: hazard identification, dose-response evaluation, exposure evaluation, and characterization of risks. These are explained below.

Hazard Identification

The first element in this process is hazard identification—a determination of the nature of the effects that may be experienced by an exposed human or ecosystem from an identified pollutant. Hazard identification is used to determine whether the pollutant poses a hazard and whether sufficient information exists to perform a quantitative risk assessment. Hazard identification consists of gathering and evaluating all relevant data that help determine whether a pollutant poses a specific hazard, then qualitatively evaluating those data on the basis of the

type of health effect produced, the conditions of exposure, and the metabolic processes that govern pollutant behavior within the body or organism. It may also involve characterization of the behavior of a pollutant in the environment (or within an organism) as well as interactions the pollutant may undergo within the environment or within an organism. Thus, hazard identification helps to determine whether it is appropriate scientifically to infer that effects observed under one set of conditions (e.g., in experimental animals) are likely to occur in other settings (e.g., in human beings), and whether data are adequate to support a quantitative risk assessment.

The first step in hazard identification is to gather information on the toxic properties of pollutants through animal studies and controlled epidemiological investigations of exposed human populations.

The use of animal toxicity studies is based on the longstanding assumption that effects in human beings can be inferred from effects in animals. Three categories of animal bioassay are: Acute exposure tests, subchronic tests, and chronic tests. The usual starting point for such investigations is the study of acute toxicity in experimental animals. Acute exposure tests expose animals to high doses for short periods of time, usually 24 hours or less. The most common measure of acute toxicity is the median lethal dose (LD_{50}), defined as the dose level that is lethal to 50 percent of the test animals. This dose is usually experimentally determined by administering the test compound orally or intraperitoneally to mice or rats. Less commonly, tests can also be conducted by administering the pollutant by inhalation, dermal exposure or intravenously. LD_{50} is also used for aquatic toxicity tests and refers to the concentration of the test substance in the water that results in 50 percent mortality in the test species. Substances exhibiting a low LD_{50} (e.g., for sodium cyanide, 6.4 mg/kg) are more acutely toxic than those with higher values (e.g., for sodium chloride, 3,000 mg/kg) (NIOSH, 1979—Registry of Toxics Effects of Chemical Substances).

Subchronic tests for pollutants involve repeated exposures of test animals for 5 to 90 days, depending on the animal, by exposure routes corresponding to human exposures. The tests are used to determine the No Observed Adverse Effect Level (NOAEL), the Lowest Observed Adverse Effect Level (LOAEL), and the Maximum Tolerated Dose (MTD). The MTD is the largest dose a test animal can receive for most of its lifetime without demonstrating adverse effects other than cancer. In studies of chronic effects of pollutants, test animals receive daily doses of the test agent for approximately 2 to 3 years. The doses are lower than those used in acute and subchronic studies and the number of animals is larger because these tests are trying to detect effects that will be observed in only a small percentage of animals.

The second method of evaluating health effects uses epidemiology—the study of patterns of disease in human populations and the factors that influence these patterns. In general, scientists view well-conducted epidemiological studies as the most valuable information from which to draw inferences about human health risks. Unlike the other approaches used to evaluate health effects, epidemiological methods evaluate the direct effects of hazardous substances on human beings. These studies also help identify human health hazards without requiring prior knowledge of what causes disease, and they complement the information gained from animal studies.

Epidemiological studies compare the health status of a group of persons who have been exposed to a suspected causal agent with that of a comparable nonexposed group. Most epidemiological studies are either case-control studies or cohort studies. In case-control studies, a group of individuals with a specific disease is identified (cases) and compared with individuals not having the disease (controls) in an attempt to find past commonalities in exposures. Cohort studies start with a group of people (a cohort) considered free of the specific disease. The health status of the cohort known to have a common exposure is examined over time to determine whether any specific condition or cause of death occurs more frequently than might be expected from other causes.

Epidemiological studies are well suited to situations in which exposure to the risk agent is relatively high; the adverse health effects are unusual (e.g., rare forms of cancer); the symptoms of exposure are known; the exposed population is clearly defined; the link between the causal risk agent and adverse effects in the affected population is direct and clear; the risk agent is present in the bodies of the affected population; and high levels of the risk agent are present in the environment.

The next step in hazard identification is to combine the pertinent data to ascertain the degree of hazard associated with each pollutant. In general, EPA uses different approaches for qualitatively assessing the risk or hazard associated with carcinogenic versus noncarcinogenic effects. For noncarcinogenic health effects (e.g., mutagenic effects, systemic toxicity), the Agency's hazard identification/weight-of-evidence determination has not been formalized and is based on qualitative assessment.

EPA's guidelines for carcinogenic risk assessment (U.S. EPA, 1986a) group all human and animal data reviewed into the following categories based on degree of evidence of carcinogenicity:

- Sufficient evidence.
- Limited evidence (e.g., in animals, an increased incidence of benign tumors only).
- Inadequate evidence.
- No data available.
- No evidence of carcinogenicity.

Human and animal evidence of carcinogenicity in these categories is combined into the following weight-of-evidence classification scheme:

- Group A—Human carcinogen
- Group B—Probable human carcinogen
  - B1—Higher degree of evidence
  - B2—Lower degree of evidence
- Group C—Possible human carcinogen
- Group D—Not classifiable as to human carcinogenicity
- Group E—Evidence of noncarcinogenicity

Group B, probable human carcinogen, is usually divided into two subgroups: B1—pollutants for which some limited evidence of carcinogenicity from epidemiology studies exists, and B2—pollutants for which sufficient evidence exists from animal studies but inadequate evidence exists from epidemiology studies. EPA treats pollutants classified in categories A and B as suitable for quantitative risk assessment. Pollutants classified as Category C receive varying treatment with respect to dose-response assessment (see discussion below), and they are determined on a case-by-case basis. Pollutants in Groups D and E do not have sufficient evidence to support a quantitative dose-response assessment.

The following factors are evaluated by judging the relevance of the data for a particular pollutant:

- Quality of data.
- Resolving power of the studies (significance of the studies as a function of the number of animals or subjects).
- Relevance of route and timing of exposure.
- Appropriateness of dose selection.
- Replication of effects.
- Number of species examined.

VOL 58 ISS 32 FE 19 1993 UMI

• Availability of human epidemiologic study data.

Although the information gathered during the course of identifying each pollutant hazard is not used to estimate risk quantitatively, hazard identification enables researchers to characterize the body of scientific data in such a way that two questions can be answered: (1) Is a pollutant a hazard? and (2) Is a quantitative assessment appropriate? The following two sections discuss how such quantitative assessments are conducted.

Dose-Response Evaluation

Estimating or evaluating the dose-response relationships—what "dose" of a chemical produces a given "response"—for the pollutant under review is the second step in the risk assessment methodology. Evaluating dose-response data involves quantitatively characterizing the connection between exposure to a pollutant (measured in terms of quantity and duration) and the extent of toxic injury or disease. Most dose-response relationships are estimated based on animal studies, because even good epidemiological studies rarely have reliable information on exposure. Therefore, this discussion focuses primarily on dose-response evaluations based on animal data.

Two general approaches to dose-response evaluation are used, depending on whether the health effects are based on threshold or nonthreshold characteristics of the pollutant. In this context, "threshold" refer to exposure levels below which no adverse health effects are assumed to occur. For effects that involve altering genetic material (including carcinogenicity and mutagenicity), the Agency's position is that effects may take place at very low doses; therefore, they are modeled with no thresholds. For most other biological effects, it is usually, but not always, assumed that threshold levels exist.

For nonthreshold effects, the key assumption is that the dose-response curve for such pollutant exhibiting these effects in the human population achieves zero risk only at zero dose. A mathematical model is used to extrapolate response data from doses in the observed (experimental) range to response estimates in the low-dose ranges. Scientists have developed several mathematical models to estimate low-dose risks from high-dose experimental risks. Each model is based on general theories of carcinogenesis rather than on data for specific pollutants. The choice of extrapolation model can have a significant impact on the dose-response estimate. For this reason, the Agency's cancer assessment guidelines recommend the use of the multistage model, which yields estimates of risk that are conservative, representing a plausible upper limit of risk. With this approach, the estimate of risk is not likely to be lower than the true risk (U.S. EPA, 1986a).

The potency value, referred to by the Carcinogenic Assessment Group as Q_1^* (also referred to as Q^*), is the quantitative expression derived from the linearized multistage model that gives a plausible upper-bound estimate to the slope of the dose-response curve in the low-dose range. The Q_1^* is expressed in terms of risk-per-dose and has units of $(mg/kg/day)^{-1}$. These values should be used only in dose ranges for which the statistical dose-response extrapolation is appropriate. EPA's Q_1^* values can be found in the Integrated Risk Information System (IRIS), accessible through the National Library of Medicine. IRIS is EPA's computerized data base on health effects for carcinogenic and non-carcinogenic pollutants and contains the Agency's Q_1^* and RfD values for these pollutants.

Systemic toxicants or other compounds exhibiting noncarcinogenic and nonmutagenic health effects are assumed to exhibit threshold effects. Dose-response evaluations for substances exhibiting threshold responses involve calculating what is known as the Reference Dose (oral exposure) or Reference Concentration (inhalation exposure), abbreviated to RfD and RfC, respectively. RfDs and RfCs are estimates of a daily exposure to the human population that is likely to be without appreciable risk of deleterious effects during a lifetime. The RfDs and RfCs developed by EPA can be found in IRIS.

No Observed Effect Level (NOEL), No Observed Adverse Effect Level (NOAEL), Lowest Observed Effect Level (LOEL), or Lowest Observed Adverse Effect Level (LOAEL) can be used to calculate RfDs and RfCs values. Each value is stated in mg/kg/day, and all the values are derived from laboratory animal and human epidemiology data. Uncertainty factors are applied to RfD and RfC values depending on the level of confidence the Agency has in the data used to derive them. The magnitude of uncertainty factors varies according to the nature and quality of the data from which the NOAEL or LOAEL is derived. The uncertainty factors range from 10 to 10,000. They are used to extrapolate from acute to chronic effects, to account for differences in species sensitivity or variation in sensitivity in human populations and, when appropriate, to extrapolate from a LOAEL to a NOAEL. Ideally, route-specific (e.g., exposure through dermal contact, inhalation, etc.) RfDs and RfCs should be developed. If information is available for only one route of exposure, this information is used to extrapolate to other routes. Once an RfD or RfC is derived, the next step in the risk assessment is to estimate actual human (or animal) exposure.

Exposure Evaluation

The first step in exposure evaluation is to estimate environmental concentrations of pollutants. The Agency relies on two methods to determine pollutant concentration:

(1) Directly monitoring levels of pollutants, and

(2) Using mathematical models to predict pollutant concentrations.

Once environmental pollutant concentrations are determined, the Agency must then determine the severity of the exposure. In this step, the Agency evaluates data on the nature and size of the population exposed to a pollutant, the route of exposure (i.e., oral, inhalation, dermal), the extent of exposure (concentration times time), and the circumstances of exposure.

Monitoring

Monitoring involves collecting and analyzing environmental samples. These data provide the most accurate information about pollutant concentrations. The two kinds of exposure monitoring are personal monitoring and ambient (or site and location) monitoring.

Most exposure assessments are complicated in that people move from place to place and are therefore exposed to different pollutants throughout the day. Some exposure assessments attempt to compensate for this variability by personal monitoring. Personal monitoring uses one or more techniques to measure the actual concentrations of hazardous substances to which individuals are exposed. One technique is sampling air and water. The amount of time spent in various microenvironments (i.e., home, car, or office), may be combined with data on environmental concentrations of risk agents in those mircroenvironments to estimate exposure.

Personal monitoring may also include the sampling of human body fluids (e.g., blood, urine, or semen). This type of monitoring is often referred to as biological monitoring or biomonitoring. Biological markers (also called biomarkers) can be classified as markers of exposure, of effect, and of susceptibility. Biological markers of exposure measure exposure either to the exogenous material, its metabolite(s), or

to the interaction of the xenobiotic agent with the target cell within an organism. An example of a biomarker of exposure is lead concentration in blood. In contrast, biologic markers of effect measure some biochemical, physiologic, or other alteration within the organism that points to impaired health. (Sometimes the term biomonitoring is also used to refer to the regular sampling of animals, plants, or microorganisms in an ecosystem to determine the presence and accumulation of pollutants, as well as their effects on ecosystem components.)

Ambient monitoring (or site or location monitoring) involves collecting samples from the air, water, soil, or sediments at fixed locations, then analyzing the samples to determine environmental concentrations of hazardous substances at the locations. Exposures can be further evaluated by modeling the fate and transport of the pollutants.

Modeling

Measurements are a direct and preferred source of information for exposure analysis. However, such measurements are expensive and are often limited geographically. The best use of such data is to calibrate mathematical models that simulate the movement of pollutants into and through the environment with mathematical equations or algorithms that can be more widely applied. Estimating concentrations using mathematical models must account not only for physical and chemical properties related to fate and transport, but must also document mathematical properties (e.g., analytical integration vs. statistical approach), spatial properties (e.g., one, two, or three dimensions), and time properties (steady-state vs. nonsteady-state).

Hundreds of models for fate, transport, and dispersion from the source are available for all media. Models can be divided into five general types by media: atmospheric models, surface-water models, ground water and unsaturated-zone models, multimedia models, and food-chain models. These five types of models are primarily applicable to pollutants or to radioactive materials associated with dusts and other particles.

Selecting a model for a given situation depends on the following criteria: Capability of the model to account for important transport, transformation, and transfer mechanisms; fit of the model to site-specific and substance-specific parameters; data requirements of the model, compared to availability and reliability of off-site information; and the form and content of the model output that allow it to address important questions regarding human exposures.

To the extent possible, selection of the appropriate fate and transport model should follow guidelines specified for particular media where available; for example, the Guidelines on Air Quality Models (U.S. EPA, 1986b—Guidelines on Air Quality Models (Revised), EPA/OAQPS–450/2–78–027R.).

Population Analysis

Population analysis involves describing the size and characteristics (e.g., age/sex distribution), location (e.g., workplace), and habits (e.g., food consumption) of potentially exposed human and nonhuman populations. Census and other survey data often are useful in identifying and describing populations exposed to a pollutant.

Integrated exposure analysis involves calculating exposure levels, along with describing the exposed populations. An integrated exposure analysis quantifies the contact of an exposed population to each pollutant under investigation via all routes of exposure and all pathways from the sources to the exposed individuals. Finally, uncertainty should be described and quantified to the extent possible.

Risk Characterization

It is EPA policy to describe statements about risks in major regulatory and policy documents to convey the extent of the Agency's confidence in those risk estimates. Risk assessment information must be clearly presented, separate from any risk management considerations. EPA seeks to present information on the range of exposures and risks and to identify all major uncertainties and address their influence on the assessment.

One way to identify uncertainties in risks is to evaluate how exposure assessments were conducted. For example, in human health risk assessment for this rule, the technical support documents define several exposure pathways for the three sludge management practices. EPA used point estimates for each exposure pathway and did not consider variability of the parameters describing exposure among individuals.

EPA's confidence in the risk assessment is necessarily limited by the data available to the EPA and by the lack of accepted risk assessment methodologies in certain areas. Overall, it is difficult to judge whether the point estimates in the human health risk assessment and assumptions made in the ecological effects assessment are likely to underestimate or overestimate actual risks. Some aspects of the risk analysis may contain conservative or protective assumptions, while other factors may bias results in the opposite direction. In addition, some assumptions are based on longstanding Agency policy and reflect risk management choices. Again, some of these assumptions are conservative while others are less conservative.

The sections that follow examine the uncertainties in several important aspects of the risk assessment: human health, human exposure pathway, plant toxicity and uptake, effects on wildlife, and ground water impacts.

Human Health Assessment

In accordance with standard Agency practice, human-health dose-response assessments are based on reference doses (RfDs) for non-carcinogens and cancer potency factors (Q_1^*) for carcinogens. Both of these measures are generally considered conservative, that is, they predict a greater impact on human health than is likely to actually occur. The reference dose is defined as "an estimate (with uncertainty spanning perhaps an order of magnitude) of a daily exposure to the human population (including sensitive subgroups) that is likely to be without appreciable risk of deleterious effects during a lifetime". It is calculated by taking the most sensitive adverse effect found in toxicological testing and applying a series of uncertainty factors, so that higher exposures may also not present any appreciable risk. It is assumed, for example, that humans may be an order of magnitude more sensitive than the animals tested, but in fact humans may also be less sensitive. It is also assumed, except as noted, in the risk assessments relied on for these regulations that exposures may last an entire lifetime, whereas they may in fact be much shorter.

Similarly, calculated cancer risks are described in the Agency's risk assessment guidelines as "plausible upper bounds" to the actual risk. Conservative assumptions are used in the calculations, such as use of the most sensitive animal data in bioassays, linear extrapolation to low doses, species-to-species conversion based on surface area, and use of an upper confidence limit for the dose-response slope. Thus, it is unlikely that the cancer risk would be greater than is calculated, but it could be orders of magnitude less or even zero.

Human Exposure Assessment

There are uncertainties concerning the long-term behavior of metals in sludge. The sludge experts that EPA

relied on conclude, based on field studies, that iron oxides and manganese oxides found in sludge as a result of wastewater treatment and metal oxides naturally found in soils may form complexes with the metals and significantly reduce their bioavailability. Documentation to support these conclusions is limited. At a minimum, when the organic component of the sludge breaks down, it is possible that average concentrations of pollutants may increase or they may become more bioavailable.

The risk assessment for the soil ingestion pathway assumes the child ingests 0.2 grams of undiluted sludge every day for a five-year period, and has a "typical" background intake of the contaminants. The Agency has determined that this assumption is conservative and will protect children who inadvertently ingest sewage sludge.

The exposure assessment for many pathways assumes that the sludge will be fully incorporated into the top six inches of soil, although there is no labeling requirement to provide these instructions on sludge products.

Home Garden Scenario

The Agency characterized the data and assumptions used for exposure analysis in the human food chain pathway; specifically the calculations for production of crops for home consumption by gardeners and farmers. The population assessed for this pathway were individuals who use sludge products to produce crops for their own consumption. Ideally, the Agency would like to describe the distribution of exposures within this population. However, the available data are insufficient for such an analysis. The Agency made specific assumptions about a number of variables addressing human behavior and properties of sludge.

Plant Uptake of Metals

The slope of the line for the plant uptake was used to estimate metal concentration in plants. Plant uptake of metals was considered proportional to the cumulative application rates. An uncertainty exists whether it is appropriate to calculate plant concentration as a slope of plant uptake times an application rate. Some data on plant concentration versus application rate suggest non-linearities. EPA's assessment assumes that the linear approximation is conservative because application rates allowed under the rule are in general well in excess of test plot application rates, and metals concentration in plants is thought to reach a plateau at higher sludge application rates.

Another uncertainty in the plant uptake calculation is the use of a geometric mean value of all slopes calculated from individual sludge studies. If a distribution is lognormal, the geometric mean provides an estimate of the median (50th percentile) slope. Such a value is useful in estimating uptake for a "typical sludge". The individual sludge studies that EPA used to calculate plant uptake used sludges with higher metals concentrations than the "typical sludges" on the market today. Sludges with higher metals concentration are most likely to produce higher plant concentrations. It is possible that the geometric mean value of uptake slopes that EPA used is higher than the mean value would be if the studies used in calculations were repeated using currently produced sludge.

Another uncertainty exists as a result of the way that the geometric mean calculations were done. A value of 0.001 was used as the uptake slope from individual studies when there was no significant increase in metal uptake by the crops raised on the sludge. A geometric mean calculation is very sensitive to the inclusion of low values. From the inspection of several data sets it appears that 0.001 is substantially smaller than the upper bound on uptake that would be obtained from "no significant increase in metal uptake" studies. The use of the default slope of 0.001 may underestimate the typical slope for crop uptake.

Dietary Consumption

The pollutant limits were calculated based on population average food consumption estimates derived in a study by Pennington. These estimates are based on United States government survey data from short term food consumption reports of large surveyed populations. Such survey data is an accepted basis to estimate population average food consumption rates.

Two limitations exist with the way that the food consumption estimates were presented. First, the calculations presented address the average g/day food consumption rate. In the sludge dietary exposure assessment food consumption values are normalized for adult body weight. This does not reflect the higher food consumption rates per unit body weight of young children compared with adults. The dietary assessment does not separately consider exposures to children as a population subgroup.

A second limitation of the food consumption estimates is that they apply to the United States general population rather than individuals raising crops for home consumption. It is possible that individuals who raise a particular crop may have a higher consumption rate than individuals who only obtain the item from commercial sources. This would introduce an underestimation of the consumption rates in the population considered in the assessment. On the other hand, home gardens do not produce year-round, which may offset this bias.

Fraction of Food Raised on Sludge Treated Land.

To complete the analysis of the human food chain pathway it is necessary to estimate how much food comes from sludge treated land. USDA survey data on average percentage food consumption from home grown crops was used. While these estimates are average values for this population, EPA estimated that large garden plots are required to produce the amount of home grown crops assumed in the assessment. EPA believes that a relatively small percentage of gardens are that large. Secondly, because of seasonal factors, it may be difficult for most gardeners to produce the quantities of leafy vegetables that are assumed in the assessment. Leafy vegetables are important to the assessment as these crops tend to have high metal uptake slopes.

Plant Toxicity and Uptake

The phytotoxicity assessment was based on the relationships between sludge application rate and tissue residue, between tissue residues and reduction in growth, and between reduction in growth and reduction in yield. The relationship between reduction in growth and reduction in yield is particularly uncertain. The uncertainties will vary with chemical, crop species, and toxic endpoint; the best data were available for zinc, corn, and growth reduction. Some crops (e.g., beans) and endpoints (e.g., reproduction) may be more sensitive to the effects of sludge, although other crops (e.g. sudangrass) and endpoints (e.g., mortality) may be less sensitive. In addition, there are limited data about non-cultivated forest species and perennials, which may differ in their response to contaminants.

Phytotoxicity of metals is particularly sensitive to soil pH and the degree of binding to the sludge matrix. Most metals are more bioavailable in acidic soil, but molybdenum and selenium may be more available in alkaline soils. Since forest soils in some areas of the country may have pH below 5.5, the

assumption that the analysis represents a "reasonably worst case" may not apply to all forest land application.

While some data shows that cadmium uptake plateaus at a certain concentration in the soil, other evidence indicates copper and zinc may continue to increase. In addition, uptake varies among plant species; e.g. beets take up copper more readily than 38 other crops studied.

However, based upon results from several field studies, EPA believes that metals are bound to the sludge matrix and remain relatively unavailable biologically.

Wildlife

EPA has no standard methodology for assessing risks to wildlife. There are many uncertainties about how sludge application affects terrestrial wildlife and soil biota. The analysis presented, while utilizing available data and methodologies, only described direct toxicity to a few species. Uncertainties exist about how to extrapolate this information to other birds, mammals, amphibians, and soil invertebrates whose relative sensitivity to the compounds of concern is unknown. The ecotoxicological analyses focused on cadmium and lead because the most data are available for them. Other chemicals, particularly selenium, may also be of concern.

The criteria are based on direct toxicity, and impacts at population and community levels are not addressed. In addition, EPA used a simple linear model of bioaccumulation or bioconcentration from soil to earthworms to shrews and did not model the more complex effects of sludge contaminants on the terrestrial food chain. The analysis evaluates effects on shrews as an indicator of ecotoxicological effects, but there may be other highly exposed or sensitive organisms in the forest or field systems. Other uncertainties arise from the assumption that 33% of the shrew's diet consists of contaminated soil biota (represented solely by earthworms).

Because no standard methodologies exist, EPA did not consider how sludge amendment of forest soils or edges of agricultural fields may change the composition of species in the plant community, through either nutrient enhancement or phytotoxicity. Such changes, in turn, could change the species of herbivorous and granivorous insects, mammals, and birds with subsequent ramifications throughout the food web.

Uncertainty also exists about the impact of sludge on soil biota. The criteria are based solely on a NOAEL for the earthworm *Eisenia foetida*, which may not be the most sensitive or appropriate species to evaluate for many of the chemicals. Additionally, the analysis did not address the influence on the soil flora and fauna (nematodes, protozoa, bacteria, fungi, viruses) of adding nutrients to the soil or possible increased exposure to organisms that feed in the litter layer due to the organic matter in the sludge.

Aggregate Risk

The statistical approximations and assumptions used in the aggregate risk analysis are extensive and several are important contributors to uncertainty. While the model used for assessment of national aggregate risk has not been validated in comparison to actual exposure data, the Agency's aggregate risk assessment models generally reflect assumptions similar to those described here.

(1) The assessment assumes that population exposure is lognormally distributed before and after exposure to sludge. As the assessment addresses many low probability events in the far tail of the population distribution, a strict lognormal model may not be appropriate but no other data were available.

(2) The effect of sludge use on the distribution is assessed by making a small shift to the geometric mean of the United States population distribution without changing the geometric standard deviation. In principle, both the geometric mean and standard deviation may be expected to change. The geometric standard deviation is a highly sensitive parameter in lognormal models, so this assumption may be important in aggregate risk calculations.

(3) For lack of adequate data, the inherent variability in individual exposure to pollutants in sludge is not addressed.

Ground Water

Sensitivity analysis for the ground water model indicates that numerical criteria are very sensitive to values selected for equilibrium partition coefficients for each pollutant, and the range of plausible values for these coefficients spans several orders of magnitude. However, the Agency believes that it has chosen reasonable assumptions for the modeling, resulting in numerical criteria that are sufficiently protective of public health.

An additional source of uncertainty for partition coefficients is the speciation of metals within soils. For its calculations, the Agency used single lumped partition coefficients to represent the behavior of potential mixes of metal species within the soil. These coefficients are based on studies of sandy loam soils treated with wastewater sludge and are believed to provide appropriate and protective values for the calculations. However, under certain local conditions (e.g., highly acidic soils), differences in the speciation of metals could lead to partitioning that differs by one or more orders of magnitude from that predicted by the ground water model. They could also affect the toxicity of metals in groundwater.

EPA assumed that sludge would be uniformly mixed to a depth of 15 cm. Uneven distribution of contaminants in soil could lead to "hot spots" and variation in the amount of leaching to ground water. However, because the criteria are based on exposure averaged over many years of an individual's lifetime, the Agency believes that this variation will not significantly affect total exposure.

Monitoring Study to Address Land Application Risk Assessment Issues for Round Two Standards

Section 405 requires EPA to develop standards for sludge use or disposal which are adequate to protect public health and the environment from reasonably anticipated adverse effects of pollutants in sludge, present in concentrations that may adversely affect public health and the environment. The statute directs the Agency to promulgate these standards in two stages and to revise the standards periodically. The Agency has concluded that the standards adopted today are adequately protective based on its assessment of the available data. However, to verify its conclusions about the adequacy of today's standards, the Agency is committing to develop a comprehensive environmental evaluation and monitoring study. The results of the study will provide a useful data base for the Round Two sludge standards. Such a study will also aid the Agency in its efforts to develop a comprehensive ecological risk assessment methodology, and to correct any uncertainties in subsequent part 503 rulemakings.

As a minimum this study will address:

(1) Transport and transformation of inorganic and organic constituents of sludge considering leaching, surface runoff, and soil and sludge binding capacity (the variability in the binding capacity of different sludge/soil matrices will be considered). Ground water monitoring will be included in the study to assess whether leaching of inorganics is occurring;

(2) Variability of real-world sludge application practices;

(3) Bioavailability of sludge constituents to both plants and animals under different environmental conditions;

(4) Ecological effects of organic and inorganic constituents as well as pathogens, including effects to wildlife and non-cultivated crops and impacts on unmanaged plant and animal communities, endpoints chosen in the risk assessment for phytotoxicity and alternative endpoints;

(5) Confirmation of the distribution and variability in the concentration of constituents and binding capacity of sludge matrices; and

(6) Long-term temporal changes; for example, changes in binding capacity as sludge ages and sensitivity of the results to changes in site condition such as degradation of the sludge matrix, pH changes, and land-use changes.

EPA will develop a plan for the study and submit it to external experts for comment and refinement. The final plan including study design will be available for public comment at the time that the Round Two regulation is proposed. The Agency is seeking comment at this time on the priority of the various elements of the study and suggestions for alternative cost-effective approaches to address the uncertainties in the human health and ecological risk assessment. This information will be used in development of the study design.

As the Agency develops its ecological risk assessment methodology and as it obtains results from the monitoring study, the risk assessment decisions made in this final rule may need revision. The Agency will consider necessary revisions when the results of the monitoring study are available.

The Agency will also further evaluate the potential risks and benefits of nutrients contained in sludge in the Round Two sludge regulations. Although sludge, like other fertilizers applied to agricultural land, provides valuable nutrients needed for crop growth, over application can degrade ground and surface water quality. An extensive evaluation of the effects from nutrients in sludge was not performed in Round One. Because sewage sludge has relatively low nutrient content as compared to other unregulated commercial fertilizers, EPA did not consider nutrients a problem if sewage sludge is applied at agronomic rates.

Excessive loadings of nutrients from the use of fertilizers, both organic and inorganic, pose significant ecological risks by stimulating the over-enrichment of estuaries, lakes, reservoirs, bays, and slower streams in a process known as eutrophication. Eutrophication occurs when excess nutrients stimulate the growth of algae and alter the biological composition of ecological communities. In general, nitrogen is the limiting factor for plant growth in marine ecosystems and phosphorus is the limiting factor in fresh water. In some estuarine systems, both nitrogen and phosphorus can limit plant growth.

Nitrogen in the form of nitrate is highly mobile and moves with water. If nitrate finds its way to ground water and then to drinking water wells, it may pose a human health risk. EPA has set a drinking water standard of 10 mg/l to protect against the most sensitive health effect endpoint, methemoglobinemia (blue baby syndrome) in infants.

The Agency will consider sludge management practices in the context of risks and benefits posed by nutrients in the Round Two regulations. In addition, representatives of the U.S. Department of Agriculture have raised concerns about the standard for cadmium contained in these regulations. EPA believes, based on its current analyses, that the regulations promulgated today satisfy the requirements of Section 405 of the Clean Water Act. However, EPA welcomes additional data and analyses related to this particular sludge standard and will consider any such additional information received by the Agency within 90 days from the publication of today's rule. Should significant additional data or analyses be presented to the Agency demonstrating that a different standard is warranted, the Agency will expeditiously modify this rule.

Part VII: Risk Management Approach

Agency Risk Management Approach

Armed with the risk characterization information, the Agency can determine if a "significant" or "unreasonable" risk exists, what to do about it or what controls are necessary, and how to communicate the risk to the public and regulated community. Implicit in this analysis is that the simple identification of risk is not necessarily sufficient to justify action. In addition, non-risk factors such as the availability and effectiveness of controls, the existence of alternatives, and any benefits that would be lost or gained as a result of controls must be considered by the Agency in the process of reaching a decision. In some cases, the weight of the risk and benefits will be such that the benefits outweigh the risks. In such a case, the Agency's risk management decision may be to take no regulatory action. In other cases, risks relative to benefits are such that the reasonable action is to reduce the risk or control the environmental effect.

This process is interactive and affects earlier components in the risk assessment. Under each exposure scenario, the Agency identifies a range of control strategies and regulatory requirements that usually reduce exposure so that the risk or identified effect is put back into balance with the benefits. Using the information provided in the risk management step, the Agency can select the appropriate control strategy and means for communicating it to the public and regulated community.

Alternative Regulatory Approaches Considered in Developing the Final Rule

Introduction

This part of the preamble discusses alternatives the Agency considered in developing today's part 503 rule. EPA solicited public comments on these proposed approaches and sought suggestions for other appropriate approaches that the Agency could consider in developing its risk assessment methodology used to establish standards for the use and disposal of sewage sludge. Over the years, EPA has developed different regulatory approaches, depending on the legal requirements of a particular statute, surrounding issues, uncertainties, and information bases. Other EPA statutes covering the same pollutants or activities have very different legal requirements from section 405(d) of the CWA. The following discussion examines how different statutes mandate how EPA establishes standards under different regulatory regimes.

Title III of the 1990 Clean Air Act Amendments establishes a program to reduce emissions of hazardous air pollutants from stationary sources. Title III requires EPA to develop standards for sources of hazardous air emissions based on maximum achievable control technology for controlling these emissions. Section 112 includes a list of nearly 200 chemicals and chemical classes for which National Emission Standards for Hazardous Air Pollutants may be set. The standards promulgated under section 112 require the maximum achievable reduction in emissions, considering cost and other relevant factors. Categories and subcategories of sources are subject to regulation according to a specified schedule, with the first set of sources regulated by 1992.

EPA proposed listing sewage sludge incinerators as a category of major

sources as required under title III of the 1990 Clean Air Act Amendments (54 FR 28548, June 21, 1991). At this time, the Administrator has decided that listing this category of sources under the Clean Air Act is required by the legislation. Regulatory review of this category will take into account the final requirements being promulgated today under part 503. The regulatory review of this category is not expected to take place for seven years because comprehensive controls on this category are in the incineration subpart of the part 503 rule being promulgated today.

The EPA may promulgate additional standards, if needed, to protect health with an ample margin of safety or to prevent adverse environmental effects. Unless new legislation is enacted, health-based standards will be mandatory for categories of sources that pose an estimated cancer risk of greater than 1×10^{-6} to the most exposed individual. The schedule for these "residual risk" standards is nine years after promulgation of control technology standards for the first set of source categories and eight years post-promulgation for the remaining source categories.

Under the Safe Drinking Water Act (SDWA), the Agency first defines a goal to limit the concentration of the pollutant in drinking water (maximum contaminant level, goal—MCLG; for carcinogens, the concentration goal is zero). After setting a goal, the Agency sets an enforceable standard (maximum contaminant level) based on feasibility. Under the SDWA, the enforceable standard may not necessarily achieve the goal set for the pollutant, but it is established at a level that is safe for human health. The carcinogenic risk levels for drinking water MCLs generally range from 1×10^{-6} to 1×10^{-4}

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Toxic Substances Control Act (TSCA) explicitly provide for balancing health and costs in decisionmaking. The carcinogenic risk levels established under FIFRA range from 1×10^{-6} to 1×10^{-4}, depending on the type of exposure involved. Applier exposure is generally in the range of 1×10^{-4} and dietary exposure is generally in the range of 1×10^{-6}. The regulatory limits under TSCA are driven by balancing economic analyses and exposure analyses, with the exposure analyses also considering adverse health effects other than carcinogenicity.

Under the Resource Conservation and Recovery Act (RCRA), Subtitle D (non-hazardous wastes), the Agency sets standards to protect human health and the environment based on the reasonable probability that municipal solid waste landfills will cause adverse effects. The standards are established considering the "practical capability" of the facilities. The Agency is requiring that States establish ground water protection standard remedies for carcinogens in the range of 1×10^{-6} to 1×10^{-4} (see, 56 *FR* 50978, October 9, 1991).

However, Subtitle C of RCRA (hazardous wastes) contains no provision to consider costs or the practical capability of a facility to meet the standards. The standards developed by the Agency under RCRA Subtitle C are necessary to protect human health and the environment. The Agency has standards that prohibit hazardous waste incinerator emissions for metals from exceeding a summed carcinogenic risk level of 1×10^{-5}.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) directs the Agency to set standards for cleanup by considering the relative degree of risk to human health and the environment. Under CERCLA, the Agency has set standards based on carcinogenic risk levels of 1×10^{-7} to 1×10^{-4}, with 1×10^{-6} as the departure point for the analysis.

As shown, each statute is unique. Therefore, the regulatory approach and limits developed under one statute may not be appropriate for those developed under another statute. Before comparing regulatory requirements, the legal requirements of the authorizing statute must be examined.

In developing a regulatory approach, one of the principles guiding EPA is to establish reasonable standards. Section 405(d)(2)(D) of the CWA requires the Agency to establish management practices and numerical limits that are "adequate to protect public health and the environment from any reasonably anticipated adverse effects of each pollutant." EPA used exposure assessment models to derive these numerical pollutant limits. EPA determined that the exposure assessment assumptions used in its models protect individuals from events that are likely to occur and meets the statutory standard to protect public health and the environment from "reasonably anticipated adverse effects of a pollutant."

Selecting a Regulatory Approach for Part 503

In developing a regulatory approach for establishing the management practices and numerical limits (standards) that would safeguard public health and the environment, the Agency examined the use or disposal practices and the probability that individuals would be exposed to pollutants from these practices. EPA identified the type of the risks involved (e.g., breathing air with higher levels of pollutants, drinking water with pollutant levels exceeding the MCLs for drinking water, and others). It also examined the possibility of special populations at greater risk (e.g., small children playing in gardens where sewage sludge products had been applied or the effect of lead on adult males). The Agency also examined whether individuals voluntarily incurred the risks. For example, risks associated with breathing more contaminated air by individuals living in close proximity to an incinerator are involuntarily incurred and, therefore, more unacceptable than risks associated with using a properly labeled sewage sludge product in a garden. Finally, before developing alternative approaches, EPA used exposure assessment models to project the effect on an individual receiving a maximum dose throughout an average lifespan of 70 years. Aggregate effects analyses were used to project the incidence of adverse health effects from sewage sludge use or disposal on the population as a whole (i.e., the resulting number of cancer cases, carcinogenic risk, number of people exposed to lead at levels producing adverse health effects, and the number of people exposed to concentrations of non-carcinogenic pollutants above a reference dose—RfD).

In considering a regulatory approach, in the proposal EPA primarily focused on two types of risks—risks to individuals receiving the maximum dose (most exposed individual, plant or animal—MEI) and risks to the population as a whole (aggregate risk). The Agency considered four regulatory approaches for the use and disposal of sewage sludge. Each of the approaches places greater emphasis on reducing an individual or other organism's exposure to a pollutant. However, the Agency examined both the individual and aggregate effect of each alternative to balance the uncertainties in the analyses. The data available resulted in greater emphasis being placed on public health rather than environmental effects. However, where environmental effects could be identified, even qualitatively, they were considered in the determination of what constituted "adequate" protection of public health and the environment.

Opinions are divided concerning the emphasis that should be placed on individual or aggregate risk. There are some who maintain that individual cancer risk is the most, or the only,

VOL 58 ISS 32 FE 19 1993 UMI

important measure. Arguments that favor addressing individual risk assert that no individual should be at high risk and that consideration of the number of people at risk leads to acceptance of higher individual risk when few people are exposed. Furthermore, the latter approach leads to the inequity of having the acceptable risk to an individual depend on the number of people similarly exposed. The limitation of using maximum individual risk alone is that the measure does not indicate how many people may be affected. It only relates the carcinogenic risk to the MEI.

Arguments in favor of examining the aggregate risk are that incidence is an appropriate measure of total public health impact. Therefore, incidence is a good indicator of whether an approach adequately protects public health.

A rule that covers both carcinogenic and non-carcinogenic pollutants, such as today's rule, presents another disadvantage to using only an MEI or an aggregate analysis as a single measure of whether an approach adequately protects public health and the environment. Methodologies and data do not yet exist, except for lead, to correlate differing levels of exposure to non-carcinogenic pollutants with incidence of an effect. The only measure for threshold pollutants other than lead is the number of people exposed to a level above a RfD. This, in fact, may have little meaning for individual risk since risk above the RfD cannot be determined using the RfD methodology. The RfD is established such that there is a very low probability that exposure to a pollutant at or below the RfD will cause an individual health case. This also implies that there is no certainty that exposure above the RfD will cause an individual health case. Therefore, while any exposure to carcinogens can be considered a case, the same assumption can not be made for non-carcinogens.

In addition, the Agency typically weighs the aggregate effects estimates along with maximum individual or average cancer risk estimates when evaluating a particular category of like risks (i.e., the number of individuals exposed to a particular pollutant from a particular type of facility). Some observers question the relevance of adding risks, in a rule such as today's rule, when risks from different types of pollutants present different types of risks (i.e., inhalation, ingestion, and others) from different types of sources (i.e., incineration, land application for agricultural purposes, among others).

The following discussion describes the proposed alternative regulatory approaches considered by the Agency in developing the risk assessment methodology used in today's rule. The first two approaches accept the aggregate effects of current sewage sludge quality. Approach III is directed solely to protecting the MEI and Approach IV uses a combination of MEI exposure and aggregate effects of current sewage sludge quality.

Although the combination of approaches in Option IV was the Agency's selection for purposes of the part 503 proposal, it was revised for the final rule based on current Agency policy, public comment and scientific peer review.

Approach I: Use Existing Regulations (Aggregate Approach)

The first approach considered by the Agency was to use existing regulations to establish numerical limits and management practices. In establishing numerical limits for sewage sludge that is incinerated, the Agency would use the NESHAPs for mercury and beryllium in 40 CFR part 61, subparts C and E, respectively; 25 percent of the NAAQSs for lead; and the particulate limitations and monitoring requirements in 40 CFR part 60, subpart O. In addition, the Agency would have also used numerical limits for cadmium and PCBs and the pathogen reduction process requirements in 40 CFR part 257 when sewage sludge is applied to the land. Under this approach, if existing regulations did not address a particular pollutant, EPA would have used the toxicity characteristic pollutant concentrations in 40 CFR part 261 to determine if a sewage sludge was hazardous. Therefore, standards for hazardous sewage sludge would not be established in part 503. All approaches considered by the Agency similarly exclude hazardous sewage sludge from the part 503 standards. As discussed later in the preamble, for purposes of section 405, EPA is regulating hazardous sewage sludge under the requirements in 40 CFR parts 261 through 268 and sewage sludge with 50 ppm or more PCBs under the requirements in 40 CFR part 761.

The first approach was rejected immediately by the Agency because it would misuse the toxicity characteristic concentrations. The toxicity characteristic concentrations were developed to identify pollutant concentrations in wastes that, if placed in improperly managed MSWLFs have the potential to cause an unacceptably high level of ground water contamination. The regulatory thresholds do not purport to define a concentration that would be safe if used for growing food or feed crops. The toxicity characteristic concentrations, if used in the exposure assessment models, would result in concentrations exceeding the human health criteria for the disposal practice. Limiting emission levels of sewage sludge incinerators to 25 percent of the NAAQS for lead would require some incinerators to install wet electrostatic precipitators (ESPs). At present, many States are not controlling lead emissions from sewage sludge incinerators.

Approach II: Use the 98th-Percentile Pollutant Concentration (Aggregate Approach)

The second approach considered by the Agency was to use existing EPA regulations, as in the first approach. However, if existing regulations do not establish numerical limits, numerical limits would be established corresponding to the 98th-percentile pollutant concentration in the Agency's national data base on sewage sludge. The 98th-percentile pollutant concentrations would be calculated from a regression analysis of the values of each pollutant in the national data base and would be used as a cap on allowable pollutant concentrations. This would preclude potential deviations from the pollutant concentrations shown in the national data base and prevent increases in any risks associated with current use and disposal practices. In addition to management practices specified in existing regulations, such as pathogen reduction processes for the land application of sewage sludge in 40 CFR part 257, the Agency would require that labels or information sheets accompany sewage sludge products that are distributed and marketed. These would inform users about the proper use of the product.

Approach III: Use the Exposure Assessment Models for All Practices (MEI Approach)

The third approach that the Agency considered was to use the exposure assessment models in establishing numerical limits for all use or disposal practices. The exposure assessment models allow the Agency to limit not only the concentration of a pollutant in sewage sludge, but also the annual and cumulative loading rates for pollutants when sewage sludge is applied to land used for growing food-chain crops or distributed and marketed.

In the MEI approach, the target organism is a most exposed individual, plant, or animal that remains for an extended period of time at or adjacent to the site where the maximum exposure occurs. EPA used models and 14 exposure pathways to determine the

concentration of sludge-borne pollutants that may be utilized or disposed of in each use and disposal practice without exceeding human health or environmental criteria.

The human health and the environmental criteria used to protect the MEI from the adverse effects of specific pollutants were taken from criteria already published or promulgated by the Agency, from human health criteria developed by the Agency, or from plant and animal toxicity values published in scientific literature. For example, when the objective was to protect sources of drinking water, pollutant limits were developed which would ensure the Agency's maximum contaminant levels were not violated. When the objective was to protect surface water, Water Quality Criteria were used. If the Agency had not published or promulgated criteria for specific pollutants, reference doses listed in the Agency's computerized Integrated Risk Information System were used.

For carcinogens, the risk-specific doses corresponding to an incremental carcinogenic risk level of 1×10^{-5} were used for all use and disposal practices except when sewage sludge was distributed and marketed. For the distribution and marketing of sewage sludge, numerical limits were established to ensure pollutant levels do not exceed a risk-specific concentration corresponding to an incremental carcinogenic risk level of 1×10^{-6}.

For all pathways, the human MEIs were assumed to be the most sensitive individuals continuously exposed over a 70-year lifetime. Ecological MEI endpoints were also conservatively constructed, using the most sensitive species with steady-state duration and concentration of exposure over a critical life period.

Approach IV: Use the Exposure Assessment Models and the 98th-Percentile Pollutant Concentration (The Approach Used in the Part 503 Proposal)

The final approach that the Agency considered, and the one on which the Agency based the part 503 proposal, used a combination of aggregate and MEI analyses (i.e., the second and third approaches). The Agency used existing regulations, the NESHAPs for mercury and beryllium and 25 percent of the NAAQS for lead when sewage sludge is incinerated. EPA also used the exposure assessment models to establish numerical limits, as in the third approach, when individuals are likely to be exposed to high levels of pollutants in sewage sludge or when significant scientific uncertainties exist about the effect of a particular sewage sludge use or disposal practice.

However in this approach, the Agency selected an incremental carcinogenic risk target of 1×10^{-4} for sewage sludge used in the production of agricultural crops, the sale or give-away of sewage sludge products, and the disposal of sewage sludge in monofills. This target was selected because Agency analyses did not indicate a significant aggregate populational carcinogenic risk for these practices. The Agency's analyses did indicate, however, that incineration posed significantly more aggregate populational carcinogenic risk than other use or disposal methods. To reduce this aggregate carcinogenic risk, the Agency proposed regulating the incineration of sewage sludge such that the carcinogens in the emissions would not exceed an incremental unit risk of 1×10^{-5}.

The Agency did consider an incremental carcinogenic risk level of 1×10^{-6} for all practices. This option was rejected because EPA's analyses indicated that such an approach may lead to the incineration of greater volumes of sewage sludge with a potential for increased human health risks. Furthermore, considerable uncertainty remained in projecting the number of cancer cases. Since the number was already small (for other than incineration), increased uncertainty exists in projecting further reductions.

Carcinogenic risk targets were applied pollutant-by-pollutant in all use or disposal practices, except for the organic pollutants in the emissions of sewage sludge incinerators. For incinerators, the Agency set a limit on the total hydrocarbon emissions from a sewage sludge incinerator rather than on each individual organic pollutant. To do this, the Agency developed a weighted average risk-specific concentration for the carcinogenic organic compounds listed in IRIS. The Agency believed that this was comparable to setting a pollutant-by-pollutant risk-specific concentration for the metals in incinerator emissions.

When individuals were unlikely to be exposed to the pollutants in sewage sludge, the Agency proposed setting numerical limits that correspond to the 98th-percentile pollutant concentration in the Agency's national data base on sewage sludge. As in the second approach, the 98th-percentile concentration is a cap on the allowable concentration of a pollutant in sewage sludge that precludes significant deviations from the concentrations shown in the national data base to avoid increased risk from the disposal of sewage sludge.

The 98th-percentile pollutant concentration applied to the application of sewage sludge to land used for non-agricultural purposes (i.e., forests, reclaiming lands, and others), a practice on which human dietary impacts are negligible. The 98th-percentile pollutant concentration also applied to the disposal of sewage sludge on surface disposal sites, which are generally small, located away from population centers, and usually located on property owned by the treatment work. The Agency believed that little, if any, likelihood of exposure to the pollutants from these two use and disposal methods would result.

Comments on the Alternative Regulatory Approaches

The Agency received extensive scientific peer review and public comments on the proposed alternative regulatory approaches. These comments focused on the MEI exposure scenario used to determine human health impacts and on the use of the 98th-percentile technique for deriving numerical pollutant limits for sewage sludge. A description of the commenters' major concerns is presented below.

The Most Exposed Individual Approach

The risk and exposure assessment assumptions and data used in the model pathways for the MEI approach were criticized by many commenters as being inappropriate or too conservative to mirror "real world" situations. For example, many commenters took issue with the Agency's exposure assessment scenario posing an MEI who lives near a sewage sludge disposal site and is exposed continuously (i.e., 24 hours per day) for a 70-year lifetime—used to establish numerical pollutant concentrations in sewage sludge that protect public health. Commenters maintained that such exposures were unrealistic and should be considerably less than 70 years, and that few individuals would be expected to live in the same location for their entire lives. Commenters suggested that the Agency revise the MEI exposure assessment assumptions to reflect more realistic exposure conditions.

Commenters were divided on which risk levels should be used by the Agency to protect the MEI. As discussed earlier, the Agency traditionally establishes standards within a range of 1×10^{-7} to 1×10^{-4}, depending on the statute, surrounding issues, uncertainties, and information bases. Many commenters argued that the risk

levels selected by the Agency (i.e., 1×10^{-4} for all use and disposal practices, except 1×10^{-3} for incineration) were too conservative, while other commenters felt that the Agency was not stringent enough and should lower the risk level to the 1×10^{-6} to 1×10^{-7} range. Some commenters maintained that the same risk level should be used for all use and disposal practices, and that the different risk levels (i.e., 10^{-4} vs. 10^{-5}) used in the proposal were not scientifically justifiable, do not reflect an ample "margin of safety," and fail to consider non-carcinogenic effects. Other commenters suggested that the risk for all regulated pollutants destined for incineration (i.e., four metals and total hydrocarbons) be additive to allow facilities the flexibility to trade off their emissions and still meet an overall additive risk level for the five pollutants of 5×10^{-5}. Still other commenters were supportive of the proposal, stating that the risk levels selected by the Agency to protect the MEI were appropriate for the use and disposal practices regulated and that no change was needed.

Even though many commenters were critical of the risk policy decisions and exposure assessment assumptions and data (e.g., duration of exposure, use of salt/pot studies, soil ingestion rates, and others) used by the Agency in the MEI approach, none of the commenters suggested an alternative regulatory approach that they believed would be more scientifically defensible and provide an adequate level of protection of public health and the environment.

The 98th-Percentile Approach

Many commenters were critical of the 98th-percentile approach stating that the approach had scientific and technical deficiencies and either over or under regulated the use and disposal of sewage sludge, depending on the pollutants of concern and the practice. Further, the commenters maintained that the numerical limits derived from the 98th-percentile approach were not supported by adequate risk assessments and were not substantiated by field studies. These limits could not be considered a substitute for plant and animal exposure pathway analysis and subsequent calculation of numerical limitations by consideration of the pathway analysis.

In addition, may commenters felt that the 98th-percentile approach would reduce the desirability of beneficial use practices because of the increased public perception of a human health or environmental risk. Some commenters suggested that all beneficial use practices should be consistent and use the same risk assessment methodology.

Response to Comments

The Agency agrees with many of the comments provided by the public and scientific peer review committees concerning the risk assessment approach used to develop numerical limitations for the part 503 proposal. The proposed approach (a combination of MEI and 98th-percentile approaches) was necessarily constrained by the adequacy of information and data on the fate, transport and effects of sewage sludge pollutants, parameters and assumptions used in the model pathways and exposure assessment analyses, and on the use and disposal practices.

Furthermore, there is no clear guidance in section 405, which provides only that standards must be adequate to protect public health and the environment against reasonably anticipated adverse effects. There is only limited discussion of how to establish pollutant limits under section 405(d) of the Clean Water Act in the legislative history of the Act (U.S. Congress, Senate, Senator Stafford, 16 October 1986, Congressional Record S16427). Senator Stafford in debate on the legislation stated:

> * * * EPA's rules must also establish numerical limitations for each such pollutant. EPA's rules must protect public health and the environment with an ample margin of safety, and must take care to protect the health of individuals or populations which are at higher risk than the population as a whole.

EPA concluded that its statutory duty to protect against reasonably anticipated adverse effects required it to consider reasonable risks to exposed populations and not the risk associated with highly unlikely or unusual circumstances. Accordingly, the Agency decided to evaluate the risk to a highly exposed individual (HEI), instead of the most exposed individual (MEI), for the final part 503 regulation risk assessment. This more realistically reflects protection of the health of individuals or populations which are at higher risk than the population as a whole.

EPA also decided to retain a 70 year exposure for the HEI in the risk assessment for the final part 503 regulation. The Agency recognizes that the exposure assessment assumption of 70 years of continuous exposure is conservative in the context of a highly mobile society. Further, EPA is aware that the assumption constitutes a simplification of actual conditions. The decision to assume 70-year exposure for standards setting purposes represents, in part, a policy judgment by EPA. EPA believes this assumption is preferable to the less conservative alternatives suggested. Although releases of pollutants from sewage sludge use and disposal practices would reasonably be expected to change over time, such changes cannot be predicted with any degree of certainty. In lieu of discontinuing a practice, facilities may elect to replace or even expand their use or disposal practice and subsequently increase their release of pollutants to the environment. The 70-year exposure duration represents a steady-state exposure assessment assumption that is consistent with the way in which the measure of carcinogenic risk is expressed (i.e., as the probability of contracting cancer based upon a lifetime [70 year] exposure to a unit concentration). Constraining the analysis to an "average" lifetime exposure carries the implication that no one could be exposed for a period longer than the average. Since, by definition, approximately half the population would be expected to be exposed longer than the average, this assumption would tend to underestimate the possible risk to highly exposed individuals and populations.

The Agency agrees that the U.S. population, in general, is highly mobile. However, adjusting the exposure assumptions to constrain the possibility of exposure to pollutant releases from sewage sludge use and disposal practices implies that everyone has the same degree of mobility (e.g., children, the elderly and handicapped) and that exposure during the periods away from the residence are zero. EPA knows this is not the case. In addition, a less-than-lifetime exposure assumption would also have a proportional impact on the estimated risk to highly exposed individuals, suggesting that no individual could be exposed for 70 years. On balance, EPA believes that the present exposure assessment assumption of continuous exposure is consistent with (1) the steady-state nature of the analysis and with (2) the stated purpose of providing an adequate level of public health and environmental protection from any reasonably anticipated adverse effects of pollutants found in sewage sludge. In the Agency's opinion, this exposure assessment assumption, while representing in part a policy judgment by EPA, continues to be preferable to the less conservative alternatives suggested and represents an appropriate one, given the Agency's obligation to protect public health. This is true both in view of the shortcomings of such alternatives and in the absence of

compelling evidence to the contrary. Further, retaining 70-year assumption gives EPA confidence that the population of highly exposed individuals will remain extremely small.

To remedy information gaps in preparing the MEI risk assessment analyses for the part 503 proposal, the Agency used what it believed were "reasonable worst-case" assumptions. Each parameter or assumption has a "margin of safety" associated with it, depending on the accuracy of the data and information supporting it. For example, if the Agency lacked data from sludge/field studies on metals uptake in crops grown for human consumption, data from sludge/pot studies or salt/pot studies was used in the MEI risk assessment analysis. The margin of safety associated with the data from salt/pot studies is greater than the margin of safety associated with data from sludge/pot studies and far greater than the margin of safety associated with data from sludge/field studies. However, given the availability of the data at the time of proposal, the Agency believed that the use of data from salt/pot studies in the absence of data from sludge/pot or sludge/field studies was a reasonable worst-case assumption and provided an adequate level of public health and environmental protection. The problem occurs when a series of parameters and assumptions, each having a large margin of safety, are used in the same exposure pathway assessment. This results in an extremely conservative analysis where the margin of safety for each parameter and assumption has a compounding effect resulting in numerical limitations that appear to be unrealistic and could conceivably over-regulate a use and disposal practice.

A number of commenters supported the Agency's policy decision on setting the acceptable risk level to the MEI at 1×10^{-4} for all use and disposal practices except incineration, which was set at 1×10^{-5}. The Agency disagrees with commenters who proposed that the risk levels selected by the Agency may not be stringent enough, may be too conservative, or may lead to an inconsistent policy allowing different acceptable risk decisions for different use and disposal practices. For the final part 503 regulations, EPA established standards after an evaluation of risks at the same risk levels as those used for the proposed rule. Based on this evaluation, which included new information gathered during and after the public comment period for the proposal, the Agency concluded that the risk levels selected for the proposal were protective of public health, and that different human health effects levels (i.e., the different human health effects for incineration vs. other use and disposal practices) could appropriately result in different acceptable risk decisions but that the proposed risk level for incineration was unnecessarily protective and burdensome.

Information provided by the NSSS, the sludge incinerator study, the scientific peer review committees and the public was incorporated into the aggregate risk assessment for the final rule and showed minimal risk from current sludge management methods (referred to as "pre-Part 503" or "baseline" risk). Sludge incineration, which EPA had believed based on its earlier analysis posed the greatest risk to the widest population, exhibited low baseline risk. Consequently, the Agency decided to evaluate standards for the final part 503 rule that would achieve an HEI risk level no higher than 1×10^{-4} for all use and disposal practices. The Agency disagrees with commenters that argued that our assumptions in describing and protecting the HEI are not conservative enough. For example, in the incineration pathway scenario the Agency assumed that the HEI was exposed to incinerator emissions 24 hours a day for 70 years, and that the HEI was physically located where it would receive the highest annual ground level concentration of pollutant emissions for the entire exposure period. The aggregate risk assessment, which included the effects on highly exposed individuals and subpopulations (HEIs) as well as the population as a whole, was based on many conservative exposure assumptions such as these, and verified that the 1×10^{-4} risk level provided an adequate level of public health protection across all use and disposal practices including incineration. In addition to providing an adequate level of public health and environmental protection, the 1×10^{-4} risk level reduces the regulatory impact of the rule allowing the Agency to regulate the use and disposal of sewage sludge without needlessly burdening the regulated community or negatively impacting beneficial reuse.

In addition, the Agency disagrees that the risk levels for pollutants in sewage sludge that is incinerated should be additive to allow facilities the flexibility to trade-off emissions to meet a higher risk level (e.g., adding a 1×10^{-4} risk level for each of four carcinogenic metals and total hydrocarbons to establish a higher risk level for compliance of 5×10^{-4}). The Agency evaluated the potential for the summed risk of pollutants in sewage sludge to exceed the proposed risk level. Sewage sludge from 30 facilities was evaluated to determine if the total carcinogen risk of the pollutant mixture exceeded the carcinogen risk from the single highest risk pollutant found in the mixture. In all but three cases, a single pollutant dominated the risk. Therefore, the Agency believes that summing the risk would not make a significant difference in complying with the final Part 503 rule regardless of the risk level chosen. Neither does the Agency believe that it would justify the increased administrative burden it would impose on regulatory authorities and permit writers who would need to constantly readjust permits to account for varying mixtures of pollutant concentrations and for new pollutants regulated under future rulemakings.

The Agency agrees with the public and the scientific peer review committees that the 98th-percentile approach is inconsistent with the MEI approach and that numerical limitations derived from the 98th-percentile approach do not ensure protection of public health and the environment because they lack a formal pathway risk assessment.

In preparing the part 503 proposal, the Agency relied on the 98th-percentile approach because it did not have reliable exposure assessment models nor the input data and information needed to conduct a formal pathway risk assessment for certain practices. The Agency believed at the time of the proposal that the 98th-percentile approach would adequately protect public health and the environment because the 98th-percentile pollutant limitations would apply to: (1) The application of sewage sludge to land used for non-agricultural purposes (i.e., forests, reclaimed lands, and others), a practice on which human dietary impacts are negligible and other forms of human and environmental exposure appeared to be low; and (2) the disposal of sewage sludge on surface disposal sites, which are generally small, located away from populated centers and usually located on property owned by the treatment works, and therefore should present little, if any, likelihood of exposure. In addition, the 98th-percentile approach was supported by the Agency's aggregate risk assessment which showed low exposure and minimal human health impacts on the population as a whole from these use and disposal practices. This information further supported the Agency's belief that the 98th-percentile approach was protective of public health and the

environment and acceptable for purposes of proposal.

Since the proposal, the Agency has worked with experts from inside and outside EPA to develop, then refine, the modeling techniques and supporting data to conduct a formal pathway risk assessment for these practices. In addition, the public comments and scientific peer review reports have provided EPA with better data and information that improved the precision and accuracy of certain modeling parameters and assumptions used in the risk assessment to derive numerical limitations for all sewage sludge use and disposal practices. This allowed EPA to establish more realistic numerical limitations without compromising the level of protection of public health and the environment.

Final Action—Risk Assessment Methodology for the Part 503 Rule

Based on public comments, scientific peer review and the record developed in the rulemaking, EPA has selected an approach based on risk to highly exposed individuals (HEIs) and consideration of health protection for higher risk populations (aggregate risk assessment), not an unrealistic worst-case MEI approach. The Agency has decided to use a risk assessment methodology consistent with EPA guidelines and based on (or supported by—in the case of the operational standard for sludge incineration) an exposure pathway assessment using an array of assumptions and modeling parameters some of which are worst-case and others that are more reasonably based. EPA believes that this approach is consistent with the Congressional intent to establish standards "adequate to protect public health and the environment from reasonably anticipated adverse effects of each pollutant."

Thus, EPA evaluated the risk to highly exposed individuals and populations from pollutants found in sewage sludge using different exposure assessment pathways The aggregate risk assessment (which assessed risk to the HEI as well as the population as a whole) showed minimal risk from the use and disposal of sewage sludge under current (pre-part 503) sludge management methods. Therefore, the Agency concluded that if the standards developed under the final part 503 regulations protect the HEI to a cancer risk level no higher than 1×10^{-4} for all sewage sludge use and disposal practices, that risk level is considered an adequate level of public health protection.

Further, EPA also evaluated as part of its risk assessment (also using exposure assessment pathways) other non-carcinogenic health risks and environmental effects from pollutants found in sewage sludge. The risk level of 1×10^{-4} established by the Agency for this rule provided a benchmark for judging the level of protection to the HEI and populations at greater risk from carcinogenic pollutants, but did not constitute a rigid line for making the determination that such risk is adequate to protect public health and the environment from "all reasonably anticipated adverse effects." The Agency recognized early on that consideration of non-cancer risk to individuals and other environmental effects were critical in evaluating the protectiveness of standards promulgated in today's rule.

As a result, in evaluating standards for today's final rule that provide an adequate level of protection of public health and the environment, the Agency set standards not only based on cancer risk but on a series of other health and environmental effects. These include the overall incidence of other serious health effects as well as cancer within the exposed population as a whole (including average exposed and highly exposed individuals) and within special subpopulations, such as children. The Agency also considered effects on plants and animals from exposure to pollutants found in sewage sludge, science policy assumptions, estimation of uncertainties and margin of safety associated with the risk assessment parameters and assumptions, weight of the scientific evidence for human health and environmental effects, other quantified or unquantified health and environmental effects, and other impacts associated with the use and disposal of sewage sludge before selecting the final standards.

Section 405 of the CWA requires EPA to develop regulations for sewage sludge, when used or disposed of, that are protective of public health and the environment. In today's action, the Agency has selected an HEI approach with consideration of the health effects on higher risk individuals and subpopulations and the population as a whole (aggregate risk assessment) to establish numerical pollutant limitations, operational standards and management practices for the use and disposal of sewage sludge. The Agency has concluded that the numerical pollutant limitations, operational standards and management practices will provide an adequate level of protection of public health and the environment from any reasonably anticipated adverse effects of the pollutants found in sewage sludge.

As noted above, EPA employed exposure assessment models to develop risk-based numerical pollutant limits for sewage sludge when it is applied to the land or placed on a surface disposal site. EPA has determined that its statutory duty to ensure adequate protection of public health and the environment requires the Agency to add safety factors to the numerical criteria derived from the exposure assessments.

The decision to include additional safety factors in its protective numerical pollutant limitations serves a second critical objective in this rulemaking. That objective is to promote the use of sewage sludge for its beneficial properties. An important component in promoting the beneficial use of sludge is building public confidence that sewage sludge used to grow the food the public eats is safe. Adding a margin of safety to the model-derived criteria should help courage this.

There are two reasons for adding safety factors to the model-derived numerical criteria.

First, designing these models has required EPA to make a number of assumptions to characterize the exposure to an HEI. Given current modeling tools, in developing the Agency's exposure assessments, it would have been impossible to account for all of the variables in the real-world movement of pollutants from sewage sludge to environmental end points. EPA, as a consequence, made a number of assumptions to reduce the complexity of actual experience. EPA is confident that its exposure assessments (and the resulting risk-derived numerical limitations) generate numerical criteria consistent with protection of public health and the environment. At the same time, EPA recognizes that modelling is not an exact science. Of necessity, there are aspects of its exposure assessment about which the Agency has greater confidence and areas in which, because of data limitations or because the analytical tools are not highly developed, less certainty.

Second, through its exposure assessments, EPA derived numerical limitations for metals that represented the total quantity of metals that could be added to the soil. So long as the total quantity (loading) for the metal is not exceeded, the exposure assessment models predict that there will be no injury to the HEI. The model is unconcerned whether the total quantity of the pollutant is received in a single load or over time. Thus, adopting purely a cumulative loading approach could mean that sewage sludge with extremely

high metals concentrations could be applied to the land so long as the cumulative load is not exceeded.

In developing the final numerical pollutant limitations, the Agency concluded that adoption of a strictly risk-based numerical pollutant limitation may allow degradation of current sewage sludge quality. EPA's aggregate risk assessment shows only small public health effects associated with current use and disposal practices. This confirms what EPA's exhaustive review of data on sludge usage revealed, that is, sludge used at current pollutant concentration levels presents a low risk to public health and that such pollutant levels already have an inherent level of protection. However, its exposure assessment models relied, in part, on data from field studies on sewage sludge applied to agricultural land that represented a range of sewage sludge of different concentrations. The models do not look exclusively at data from the most heavily contaminated sludges or consider ecological systems impacts from sludges applied to non-agricultural lands.

In order to ensure continued protection of public health and the environment, EPA concluded that existing quality of sewage sludge that is applied to land should be "protected" and not allowed to deteriorate above current concentration levels. Implicit in EPA's numerical pollutant limits for land application (and its conclusion that such limits are safe) is the assumption that sludge with low concentrations of pollutants is safe and to downgrade the quality of sludge reduces the protective levels inherent in such limits. In these circumstances, EPA has concluded that its certainty about the protectiveness of the numerical criteria derived from its exposure assessment models for land application is increased by adding margins of safety to the numerical criteria.

Accordingly, the Agency has placed a "ceiling" on the concentration of pollutants in sewage sludge that may be applied to land at the 99th-percentile pollutant concentration from the NSSS survey. The ceiling concentration is the *higher* of the 99th-percentile pollutant concentration or risk-based pollutant limitation and acts as a trigger, dictating when sludge quality is no longer suitable for beneficial use (regardless how it is applied to the land) and must be disposed of. An important purpose of the "ceiling" is to direct the "cleanest" sludges into beneficial use practices, thereby preventing the "dirtiest" sludges from being applied to agricultural land under the veil of beneficial use. In addition, the Agency has "capped" the numerical pollutant limits for land application at the 99th-percentile pollutant concentration found in the NSSS if that concentration is *lower* than the risk-based numerical pollutant limit. The "cap" determines when sludge quality is suitable for beneficial use under the alternative pollutant limit concept or must be applied using cumulative pollutant loading rates (alternative pollutant limits and cumulative pollutant loading rates are discussed below in parts VIII and XI).

The Agency has made these risk policy decisions (i.e., the "capping and ceiling" policies) to provide an additional margin of safety to protect public health and the environment beyond the risk-based standards developed for today's rule, while maintaining sewage sludge quality to encourage sludge utilization consistent with the Agency's beneficial use policy.

In today's action, the Agency has selected an HEI approach with consideration of the health effects on higher risk individuals and subpopulations and the population as a whole (aggregate risk assessment) to establish numerical pollutant limitations, operational standards and management practices for the use and disposal of sewage sludge. It is the Agency's belief that the numerical pollutant limitations, operational standards and management practices will provide an adequate level of protection of public health and the environment from any reasonably anticipated adverse effects of the pollutants found in sewage sludge. The following part, part VIII, describes the exposure assessment methodology for each sewage sludge use and disposal practice that was an outgrowth of the public comments and scientific peer review on the proposed regulatory approach.

Part VIII: Exposure Assessment Methodology and Other Risk Management Issues for Sewage Sludge Use and Disposal Practices for the Final Rule

This part of today's preamble discusses how EPA evaluated exposure and assessed the risk in determining what pollutant limits in the final part 503 rule were needed to protect public health and the environment from pollutants in sewage sludge that is applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator. Included in this part is a discussion of the exposure assessment approach used to develop pollutant limits in both the proposed and final part 503 rule, as well as a discussion of the basis of other technical and non-technical assumptions used in the regulations.

Exposure Assessment Methodology and Risk Management Issues for the Proposed Rule

For the proposed rule, EPA adapted existing models and developed new models to determine the concentration of sewage sludge-borne pollutants that may be applied to the land, placed in sewage sludge-only landfills (monofills), or incinerated without exceeding human health or environmental criteria (Reference Nos. 71, 72, and 79). The models simulate the movement of pollutants into and through the environment with a series of mathematical equations or algorithms. These equations or algorithms link the pollutant disposal or release rates to the concentration of the pollutant that moves into the air, water, or land and, subsequently, reaches a target organism (i.e., plants, animals, and humans). Each algorithm in a model represents one exposure pathway through which sewage sludge-borne pollutants enter and pass through or effect an environmental medium.

The exposure pathways modeled for each use and disposal practice in the part 503 proposal were as follows:

1. Land Application to Agricultural Land
   - Sludge-soil-plant-human (Pathway 1)
   - Sludge-soil-plant-human-future use change (Pathway 1F)
   - Sludge-soil-human-future use change (Pathway 2F)
   - Sludge-soil-plant-animal-human (Pathway 3)
   - Sludge-soil-animal-human (Pathway 4)
   - Sludge-soil-plant-animal toxicity (Pathway 5)
   - Sludge-soil-animal toxicity (Pathway 6)
   - Sludge-soil-plant toxicity (Pathway 7)
   - Sludge-soil-soil biota toxicity (Pathway 8)
   - Sludge-soil-soil biota-predator of soil biota toxicity (Pathway 9)
   - Sludge-soil-airborne dust-human (Pathway 10)
   - Sludge-soil-surface water-contaminated water-toxicity to fish-toxicity to humans (Pathway 11)
   - Sludge-soil-air-human (Pathway 12A)
   - Sludge-soil-ground water-human (Pathway 12W)
2. Distribution and Marketing
   Pathway 1F, 2F, 7, 8, 9, and 11
3. Land Application to Non-Agricultural Land
   Pathway 11 and 12W
4. Monofilling
   Pathway 12A and 12W
5. Surface Disposal
   Pathway 12A and 12W
6. Incineration
   Inhalation of incineration particulates by humans (Pathway 12A)

Both current and future exposures were considered with respect to

conversion of agricultural lands to home gardens (Pathways 1F and 2F). Future conversions of non-agricultural lands to either agricultural lands or home gardens were considered by imposing a 5-year waiting period. However, growth of practices to accommodate future increases in sludge volume or shifting between practices were not considered in establishing the numerical limits.

For all these pathways, the target organism was the most exposed individual, plant, or animal that remained for an extended period of time at or adjacent to the site where the maximum exposure occurred. The models calculate individual pollutant exposure, relying on certain fixed assumptions about the exposure route. For example, the models assumed inhalation of 20 cubic meters of air per day—an individual diet representative of extreme upper-end food consumption—and consumption of two liters of drinking water per day. Other assumptions included in the models were the location of the MEI relative to the site where the sewage sludge is placed and the source of food in the diet of the MEI. The same duration of exposure was used as that assumed in developing the applicable human health or environmental toxicological criteria (allowable doses). For example, where cancer risks were evaluated, the MEI was assumed to be continuously exposed for 70 years. Ecological MEIs were also conservatively constructed, using the most sensitive species with steady-state duration and concentration of exposure.

The Agency selected numerical values for the parameters in the algorithms of each model, translated the models into computer programs, and where appropriate, used the models to calculate the numerical limits in the proposal. The numerical limits derived from the exposure assessment models and pathways were based on human health or environmental criteria already published or promulgated by the Agency, on human health criteria developed by the Agency, or on plant and animal toxicity values published in the scientific literature. The numerical pollutant limits were designed to protect a most exposed individual (MEI) for a lifetime of exposure (except the pathway that addresses exposure of a child) to a pollutant in sewage sludge that is used or disposed. The dose that the MEI could receive for the exposure was the dose allowed by established Agency health criteria (e.g., an RfD for inorganic pollutants for a person who consumes plants grown on sewage sludge-amended soils or a threshold toxic soil concentration for an animal that grazes on sewage sludge-amended soils). Use of these values protects the MEI against the reasonably anticipated effect of a pollutant (e.g., in the case of the cadmium RfD, this represents a level in the human renal cortex not associated with significant proteinuria).

The risk level for the carcinogenic pollutants controlled in the proposed part 503 regulation varied by use or disposal practice. When sewage sludge is incinerated, the numerical limits for beryllium and mercury were based on the NESHAPs for these pollutants, and the numerical limit for lead was based on the NAAQS for lead. When the objective was to protect sources of drinking water, pollutant limits were developed which would ensure the MCLs were not violated. When the objective was to protect surface water, EPA Water Quality Criteria were used.

If the Agency had not published or promulgated criteria for specific pollutants in the proposal, EPA used reference doses listed in IRIS and risk-specific doses corresponding to an incremental carcinogenic risk level of 1×10^{-4}, except when sewage sludge was incinerated. For the incineration of sewage sludge, numerical limits were established to ensure pollutant levels did not exceed a risk-specific concentration corresponding to an incremental carcinogenic risk level of 1×10^{-3}. Terrestrial criteria designed to protect plants or animals were based on toxicity values determined from the appropriate scientific literature.

A complete description of the exposure assessment methodology and risk management issues for the proposal is found at 54 FR 5764–5791. The following sections discuss the exposure assessment pathways modeled in the final part 503 rule, the major comments received on the proposed exposure assessment approach and risk management issues, the critical modifications and risk management decisions made in developing the final exposure assessment approach for each sewage sludge use and disposal practice. A detailed discussion of the exposure assessment methodology (i.e., models, pathways, parameter values, assumptions, and others) and the risk management decisions used to develop numerical limitations for the final part 503 rule can be found in the technical support documents for each sewage sludge use and disposal practice. Information on obtaining these documents is provided in Part XIV—Availability of Technical Informational on the Final Rule.

Exposure Assessment Pathways and Risk Management Issues Evaluated for the Final Part 503 Rule

EPA evaluated 14 pathways of potential exposure to pollutants in sewage sludge for the final part 503 rule. The rule distinguishes between sewage sludge that is applied to the land for a beneficial purpose and sludge disposed of on the land. For the final regulation, EPA looked at potential exposure when sludge is used as a fertilizer or soil conditioner under two generic categories: agricultural land and non-agricultural land. Agricultural land application would include use by a farmer to grow food or feed crops, on pasture and rangeland, use by large agri-business enterprises as well as use by the home gardener. Home garden use was formerly described as "distribution and marketing" but for the final rule is "sewage sludge sold or given away in a bag or container." Non-agricultural uses include use on forest land, reclamation sites and public contact sites. In the case of agricultural land, EPA evaluated 14 pathways of exposure, for non-agricultural land, 12 of the applicable 14. EPA evaluated 2 pathways of exposure for surface disposal sites. This is the descriptive term the rule uses for sludge that is merely disposed on land either in piles or in sludge-only landfills (also referred to as monofills). For sewage sludge that is incinerated, EPA evaluated a single pathway of exposure—inhalation. Below are the 14 exposure assessment pathways evaluated in the final part 503 rule, followed by a brief description of each pathway:

1. Land Application (Beneficial Use)
   - Sludge-soil-plant-human (Pathway 1)
   - Sludge-soil-plant-home gardener (Pathway 2)
   - Sludge-soil-child (Pathway 3)
   - Sludge-soil-plant-animal-human (Pathway 4)
   - Sludge-soil-animal-human (Pathway 5)
   - Sludge-soil-plant-animal toxicity (Pathway 6)
   - Sludge-soil-animal toxicity (Pathway 7)
   - Sludge-soil-plant toxicity (Pathway 8)
   - Sludge-soil-soil biota toxicity (Pathway 9)
   - Sludge-soil-soil biota-predator of soil biota toxicity (Pathway 10)
   - Sludge-soil-airborne dust-human (Pathway 11)
   - Sludge-soil-surface water-contaminated water-fish toxicity- human toxicity (Pathway 12)
   - Sludge-soil-air-human (Pathway 13)
   - Sludge-soil-ground water-human (Pathway 14)
2. Surface Disposal
   - Sludge-soil-air-human (Pathway 13)
   - Sludge-soil-ground water-human (Pathway 14)
3. Incineration

VOL 58 ISS 32 FE 19 1993 UMI

Sludge-incineration particulate-air-human (Pathway 13)

In situations where the Agency determined that the exposure assessment pathways analyzed for a particular use or disposal practice did not yield adequately protective results, additional management practices were imposed to prevent environmental abuses and to protect public health.

For the assessment, all pathways, except Pathways 3, 5, and 7), assumed the mixing of sewage sludge with 15 centimeters (i.e., 6-inch plow depth) of the surface soil layer (having a mass of 2 million kilograms per hectare) either by mechanical incorporation or by weathering processes. This allowed conversions between pollutant concentrations in soil (in mass of pollutant per unit mass of soil), and cumulative pollutant loading rates for metals (in mass of pollutant per hectare of land) and annual pollutant loading rates for organics (in mass of pollutant per hectare of land per 365-day period).

After first determining the pollutant concentration in the soil that would be allowed (i.e., the maximum pollutant concentration in the soil that, when taken up by a plant and consumed by a target organism, does not produce undue risk) for a particular pathway, the model determines the allowable pollutant loading rate in one of two ways. For metals, the model determines the cumulative pollutant loading rate, the total quantity of metal consistent with no undue risk. This equals the allowable pollutant concentration in the soil multiplied by the mass of the soil in the top 15 centimeters of a hectare of land. The Agency assumed that metals remain in the sludge-soil matrix and that, over time, they become less biologically available to plants.

For organic pollutants, the model determines an annual pollutant loading rate (in kilograms per hectare per 365-day period) by considering the rate of pollutant loss or decay. The model assumes first order decay of organic pollutants; that is, the quantity of an organic pollutant lost per year is directly proportional to the quantity present. With continual annual applications, the concentration of a pollutant gradually approaches a plateau at which the quantity lost each year equals the quantity applied. The annual pollutant loading rate is determined such that the concentration levels off at the allowable soil concentration when sewage sludge is applied over a long period of time.

For all human exposure pathways in the final rule, the maximum allowable intake of pollutants was based on the following EPA health effects criteria: A reference dose (RfD), recommended daily allowance (RDA) or concentration (RfC) for non-carcinogens; a risk-specific dose for carcinogens based on a risk level of 1×10^{-4} for all use and disposal practices; a daily dietary intake derived from a drinking water standard; or a drinking water standard (MCL). The only exception to this is the dust inhalation pathway (Pathway 11).

In Pathway 11, the pollutant concentration in the soil is not permitted to exceed the National Institute of Occupational Safety and Health (NIOSH) workplace air quality criteria if significant quantities of soil become airborne. Assuming that the total airborne dust does not exceed the NIOSH criterion, this pathway was not a limiting pathway for any pollutant in the final rule.

Currently, 100 percent of a Maximum Contaminate Level (MCL) or other health-based standard is used as the reference point in developing numerical pollutant limits in the final part 503 rule. Because the numerical pollutant limits are based on assumptions designed to be protective of highly exposed individuals and the final part 503 regulations control sludge quality before it is used or disposed of, the Agency did not believe that MCLs or other health-based standards used in the exposure pathway assessment required any additional margin of safety beyond the margin of safety provided by parameters used in the pathway to protect against reasonably anticipated worst-case conditions. However, EPA's 1991 Ground Water Protection Strategy emphasizes prevention and recognizes that reaching an MCL or other health-based standard in ground water that is currently or reasonably expected to be used as a drinking water source is a failure of policy. Using a percentage of the MCL or health-based standard (e.g., 50 percent) as the reference point provides a margin of safety that makes the reference point consistent with the prevention policy in the 1991 Ground Water Protection Strategy (i.e., MCL is not reached).

With the publication of the final part 503 regulation, the Agency is soliciting public comment on the use of a percentage of the reference point (i.e., an MCL or other health-based standard) to develop the allowable concentration of pollutants in sewage sludge for the ground water pathway in both the land application and surface disposal risk assessments. EPA is requesting public comments within 90 days of the date of publication of the final part 503 regulation on the use of a percentage of the MCL or other health-based standard as the reference point for the ground water pathway in the land application risk assessment. The Agency will consider the public comments in future amendments to part 503 for the ground water pathway.

The following is a brief summary of each of the pathways analyzed for the final part 503 rule. As discussed previously, a more detailed description of the pathways and the entire risk/exposure assessment methodology can be found in the technical support documents for the rule.

Pathway 1

This pathway evaluates human exposure to crops grown with sludge fertilizer. It is designed to protect consumers who eat produce grown in soil using sewage sludge. The environmental endpoint is an HEI assumed to live in a region where a relatively high percentage of the available cropland receives sewage sludge applications. All crops in the diet could be presumed to be affected. However, it is assumed that the HEI ingests a mix of crops from land on which sewage sludge was applied and from land on which sewage sludge was not applied. For this pathway, 2.5 percent of a consumer's intake of grains, vegetables, potatoes, legumes, and garden fruits is assumed to be grown on sludge-enriched soil.

Pathway 1 evaluates crops grown for human consumption when sewage sludge is applied. Uptake of sewage sludge pollutants is assumed to occur through the plant roots. Direct adherence of sewage sludge or soil to crop surfaces is assumed to be minimal, and crops are assumed to be washed before consumption. The relevant practices for this pathway include agricultural use in commercial enterprises where crops for human consumption are raised, whether in pots (e.g., hothouse production) or in the field (e.g., truck farming).

The exposure evaluated for Pathway 1 in a non-agricultural setting is the exposure of a person who ingests wild berries and mushrooms grown in sludge-amended soils. The exposure to a pollutant in sewage sludge in Pathway 1 is based on (1) the uptake of a pollutant by each type of wild berry and mushroom; (2) a daily consumption of wild berries and mushrooms; and (3) the fraction of different wild berries and mushrooms grown in sewage sludge-amended soil. The HEI for Pathway 1 is a person who lives in a region where sewage sludge is applied to forest, a public contact site, or a reclamation site. The dose for this pathway is the RfD for an inorganic pollutant. Organic

pollutants were not evaluated for this pathway because they do not concentrate in wild berries and mushrooms.

Pathway 2

This pathway evaluates the case in which sludge is added to the soil in a home garden. The major difference between Pathways 1 and 2 is the fraction of food groups produced on sewage sludge-amended soil. For this pathway, as much as 60 percent of the HEI's diet of certain food groups is assumed to be grown in the home garden in which sludge is used as fertilizer.

The HEI for Pathway 2 is the home gardener who produces and consumes potatoes, leafy vegetables, legume vegetables, root vegetables, and garden fruits. These are also consumed, but not produced, by the HEI in Pathway 1. Unlike the HEI in Pathway 1, grains and cereals and peanuts are not included in the crops grown and consumed by the HEI in Pathway 2 because home gardeners do not usually consume grains and cereals and peanuts they grow themselves on sewage sludge-amended soils. For these individuals, the percentage of their diet grown on sewage sludge-amended soil is the percentage of their diet that is homegrown.

Pathway 3

This pathway assesses the hazard to a child ingesting undiluted sewage sludge. The HEI is the child who ingests sewage sludge from storage piles or from the soil surface. It is assumed that the sewage sludge is not diluted with soil when exposure occurs. The sewage sludge ingestion rate used was 0.2 grams (dry weight) per day for 5 years based on the 1989 Agency soil ingestion directive suggesting this value for children at higher risk (U.S. EPA, 1989). For this rule, EPA assumed ingestion at this level would be limited to 5 years.

In Pathway 3, EPA used the integrated uptake biokinetic model (IUBK) instead of extrapolating from cattle data, as had been done earlier for the proposal, to evaluate the effects from lead on children ingesting sewage sludge. The IUBK model used a lead blood level not to exceed 10 micrograms per deciliter, a 30 percent absorption value and a 95th-percentile population distribution to protect the HEI. Using these values in the model results in an allowable sewage sludge lead concentration of 500 parts per million (ppm) generated by the IUBK model. The lead pollutant limit calculated by the Peer Review Committee was based on the observation that body burdens (absorption) of animals fed up to 10 percent of their diet as sewage sludge did not change until the lead concentration in the sewage sludge exceeded 300 ppm. The Agency, therefore, decided to select the more conservative numerical limit for the final part 503 rule to minimize lead exposure to children and set the allowable lead concentration in sewage sludge at 300 ppm for this pathway.

Several reasons support this determination. First, setting the allowable lead concentration at 300 ppm provides an additional margin of safety with respect to lead soil contamination and any threat to the systems of developing children. Because childhood ingestion of dirt is so widespread a phenomenon and the potential consequence so severe, a high order of conservatism is warranted on this point, especially in the context of regulatory decisions authorizing the addition of a threshold pollutant like lead to the environment. In addition, a 300 ppm lead concentration in sludge is consistent with current sewage sludge quality at all but a small number of POTWs. As a result, the societal cost of an additional safety factor is small in comparison to the potential benefits.

Pathway 4

The analysis developed for this pathway is designed to evaluate human exposure from the consumption of animal products. Pollutant limits calculated for this pathway protect a highly exposed human being consuming the tissue of foraging animals that have consumed feed crops or vegetation grown on sewage sludge-amended soils. The HEI is assumed to consume daily quantities of the various animal tissue food groups. The HEI is also assumed to be exposed to a background intake of a pollutant.

Animals may consume forage and grain produced on sewage sludge-amended soil. This pathway depends on plant uptake of a contaminant being proportional to soil concentration of the contaminant. Uptake can occur through the roots with transport to shoots or other edible feedstuffs, or by volatilization from soil to above ground parts of plants.

The allowable pollutant concentration in the soil is the quotient of the allowable pollutant concentration in the feed crop and a crop uptake factor (partition coefficient). The allowable pollutant concentration in the feed crop is determined from: (1) the human intake of pollutant that can be allowed without causing undue risk, (2) typical consumption rates of various classes of animal products, (3) the percentage of each class of animal product assumed to be raised on sludge-amended soil, and (4) a set of uptake factors relating the pollutant concentration in each animal product to the pollutant concentration in the feed consumed by the animal. Forty percent of the HEI's diet of meat, dairy products and eggs is assumed to come from animals consuming feed from soil to which sludge was applied. This is especially warranted in the context of regulatory decisions involving the addition of threshold pollutants to the environment.

For Pathway 4 in a non-agricultural setting, a human consumes meat or products from wild animals that consume plants grown in sewage sludge-amended soil. The meat is assumed to be obtained from hunting wild animals (herbivores) that forage vegetation grown in sewage sludge-amended soil on forest and reclamation sites. The allowable dose for this pathway is the RfD for an inorganic pollutant adjusted for a 70 kilogram person minus the background contribution of the pollutant from air, water, and food. The exposure for this pathway is based on (1) uptake factors relating the pollutant concentration in each animal product to the pollutant concentration in the plant consumed by the wild animal, (2) typical consumption rates of various classes of animal products, and (3) the percentage of each class of animal product assumed to forage on sludge-amended soil.

Pathway 5

This pathway involves the application of sewage sludge to the land, the direct ingestion of this sewage sludge by animals, and finally, the consumption of contaminated animal tissue by humans. The analysis developed for this pathway evaluated pollutant loading limits to protect a highly exposed human consuming the tissue of foraging animals that have incidentally ingested sewage sludge. The HEI is assumed to consume daily quantities of the various animal-tissue food groups as determined by an EPA analysis of the diet. The HEI is also assumed to be exposed to a background intake of pollutant.

A grazing animal can be exposed to direct ingestion of sewage sludge by two quite different methods. The first involves direct ingestion of sewage sludge by livestock, where sewage sludge has been surface-applied to pasture crops. Livestock can ingest sewage sludge adhering to the crops or lying on the soil surface. Each year the grazing livestock are presumed to be exposed to freshly applied sewage sludge with no time for dissipation of the organic pollutants. Alternatively,

sewage sludge can be injected into the soil or mixed with the plow-layer soil, and the grazing livestock ingest the soil sewage sludge mixture. Livestock exposure will obviously be maximized when sewage sludge is directly ingested, and hence this ingestion route is considered in this analysis.

It is assumed that only a small percentage of the grazing livestock's diet is sewage sludge, and that not all of the animal tissue consumed by the HEI is derived from livestock that have been feeding on sewage sludge-amended land. Background pollutant intake by the HEI (i.e., the ingestion of pollutants from all sources other than that associated with the application of sewage sludge to the land) is taken into consideration through data derived by EPA for total background intake.

Pathway 6

This pathway evaluates what level of pollutants in sludge is protective of animals that ingest plants grown on sewage sludge-amended soil. Pathway 6 is designed to assist in setting pollutant loading limits that protect the highly sensitive/highly exposed herbivorous livestock that consumes plants grown on sewage sludge-amended soil. It is assumed that the livestock diet consists of 100 percent forage grown on sewage sludge-amended land and that the animal is exposed to a background pollutant intake. In this pathway, different animals are affected by different pollutants; thus, when a sensitive species has been identified for a pollutant, that species is used in the exposure assessment. Among the species looked at for this pathway were livestock, domestic grazing animals, birds and rodents although not all were reviewed for each pollutant.

Pathway 7

This pathway is designed to evaluate pollutant loading limits that are associated with protection of the highly sensitive/highly exposed herbivorous livestock, which incidentally consumes sewage sludge adhering to forage crops and/or sewage sludge on the soil surface. It is assumed that the percent of sewage sludge in the livestock diet is 1.5 percent and that the animal is exposed to a background pollutant intake. Again, different animals are considered in this pathway when evaluating the different pollutants; thus, when a sensitive species has been identified for a pollutant, that species is used in the exposure assessment.

Pathway 8

This pathway evaluates the risk posed by pollutants in sludge to plant growth. For the plant toxicity pathway, the Agency determined an allowable pollutant concentration in the soil that would be associated with a low probability (1×10^{-4}) of a 50 percent reduction in young plant growth. This value was derived from scientific data relating the growth of young plants and soil contaminant levels. Thus, the allowable pollutant load for this pathway is that load which, after dilution with 15 centimeters of soil, does not exceed the threshold value.

The Agency has determined that the relationship between reduction in growth and reduction in yield is particularly uncertain for metals such as chromium. Phytotoxicity resulting from metals is sensitive to changes in soil pH, plant species and to the degree of metals' binding in the sludge matrix. Based on data provided during the public comment period, EPA concluded that metals remain bound in the sludge matrix and are relatively unavailable biologically. However, the Agency determined that its data base on soil types and plant species sensitivity was limited and that pollutants regulated by this pathway should be "capped" (as discussed earlier) at the 99th-percentile pollutant concentration from the NSSS to provide an additional margin of safety to protect sensitive plant species not fully evaluated in its risk assessment.

Pathway 9

The analysis developed for this pathway is designed to assist in setting pollutant loading limits that protect the highly exposed/highly sensitive soil biota. At this time, limited sludge field data exists that indicate the level at which inorganic pollutants become toxic to soil biota. However, Hartenstein et al. (1980) routinely raised earthworms using sewage sludges, which provided a limited source of data. Evidence does not prove that they are highly sensitive species; however, because of the lack of data for other species, the criteria for this pathway have been set using earthworm data. The criteria are based on a No Observed Adverse Effect Level (NOAEL) for the earthworm *Eisenia foetida*.

Pathway 10

The analysis developed for Pathway 10 is designed to assist in setting pollutant loading limits that protect highly sensitive/highly exposed soil biota predators. Of concern in this pathway, therefore, are sensitive wildlife that consume soil biota that have been feeding on sewage sludge-amended soil. No predator has been singled out as being particularly sensitive to cadmium and lead, but rather the literature has been reviewed to identify what the Agency determined is a pollutant intake level protective of sensitive species in general. This is not the case for PCBs, where clear evidence exists that chickens are a highly sensitive species. Chronic exposure assumes that 33 percent of the sensitive species' diet is soil biota.

Pathway 11

This pathway evaluates human exposure to sludge pollutants through inhalation. The HEI for this pathway is the tractor driver tilling the field. This pathway evaluates the impact of particles that have been resuspended by the tilling of dewatered sewage sludge. The particles are inhaled by a tractor operator.

This pathway assumes that the distance from the driver to the soil surface is one meter, sewage sludge is incorporated to a depth of 15 centimeters, and sewage sludge and soil are well mixed. This HEI is not expected to be exposed to more than 10 milligrams per cubic meter (g/m^3) of total dust. At dust levels at or above this level, the American Conference of Governmental Industrial Hygienists (ACGIH) recommends that individuals work within a closed cab.

Pathway 12

The surface run-off pathway, Pathway 12, is intended to protect beneficial use of surface waters in order to protect human health and aquatic life. This pathway evaluates the risk to surface water associated with run-off of pollutants from soil on which sludge has been applied. The exposure assessment calculates the pollutant concentration in sludge-amended soil that would not result in exceeding a Water Quality Criterion for a pollutant if the soil enters a relatively small stream. The rate at which the soil enters the stream was based on the Universal Soil Loss Equation and a sediment delivery ratio. Water Quality Criteria are designed to protect human health, assuming exposure through consumption of drinking water and resident fish, and to protect aquatic life.

Pathway 13 (Land Application)

In model Pathway 13 for land application practices, the Agency evaluated the exposure of members of a farm household inhaling vapors of any volatile pollutants that may be in the sewage sludge when it is applied to the land. This pathway was considered for six pollutants: benzo(a)pyrene, bis(2-ethylhexyl)phthalate, chlordane, DDT, dimethylnitrosamine, and

polychlorinated biphenyls. These pollutants were originally selected by the Agency as pollutants of concern from the hazard indices screen because of their semi-volatile nature. The Agency did not evaluate the vapor pathway for organic pollutants like benzene, lindane, trichloroethylene, or toxaphene because these pollutants, which are highly volatile, would volatilize in wastewater treatment processes before sewage sludge disposal—either during wastewater aeration or during sludge processing and dewatering—and thus were not considered to be of concern. In addition, non-volatile metals were not evaluated in the vapor pathway.

The vapor pathway assumes that the total amount of pollutant spread in each year would vaporize during that year. Thus, the allowable annual pollutant loading rate is equal to the flux (mass of pollutant per unit area per unit time) that may be allowed to enter the atmosphere without exceeding the allowable pollutant concentration in the air. This concentration corresponds to the RfC, risk-specific dose, or an acceptable daily dose derived from an MCL. A plume model was used to relate the flux to the resulting pollutant concentration in the air. The allowable flux is determined by: (1) the allowable pollutant concentration in the air, (2) the size of the sewage sludge application site, (3) the assumed distance of an individual from the site where the air concentration must be attained, (4) the wind speed; and (5) the degree of atmospheric mixing. The wind direction is assumed never to change, so the HEI always remains in the center line of the plume.

Pathway 13 (Surface Disposal)

In exposure Pathway 13 for surface disposal sites, the Agency evaluated the exposure of an individual inhaling vapors of any volatile pollutants that may be in the sewage sludge disposed at a surface disposal site. The individual (HEI) is assumed to be living at the downwind edge of the site and is inhaling air, at a rate of 20 cubic meters per day for 70 years, that has been contaminated with volatile organic compounds from sewage sludge disposed of at the site.

Volatilization rate coefficients for uncovered cells are calculated with equations that consider constituent parameters including the Henry's Law coefficient, molecular weight and distribution coefficient. The rate of contaminant release through volatilization is estimated separately for a covered site. Contaminant loss to the vapor pathway is diluted into the total volume of air passing within two meters over the site during the period of contaminant release. This box model is used to determine the expected air concentrations to which the HEI is exposed for each unit of concentration vaporized at the downwind edge of the site. The allowable lifetime exposure to each contaminant (based on a risk level of 1×10^{-4}) is then used to back-calculate the allowable loss rate to the vapor pathway. This value is then divided by the fraction of contaminant vaporized to determine the allowable pollutant concentration at the site.

Pathway 13 (Incineration)

In model pathway 13 for incineration, the Agency evaluated the exposure of an individual living in close proximity to a sewage sludge incinerator. This individual is assumed to inhale particulates and gases from the incinerator 24 hours per day, 365 days per year for 70 years. This highly exposed individual is located at a point where the highest annual ground level concentration of incinerator emissions occurs. This pathway was evaluated for five heavy metals: arsenic, cadmium, chromium, lead and nickel and approximately 70 organics which are represented by a surrogate measure of total hydrocarbons.

Risk-specific concentrations of the four carcinogenic metals are established from cancer potency values found in IRIS. An acceptable ground level concentration of lead is established at 10 percent of the NAAQS for lead. Allowable stack emission rates for these five heavy metals are calculated by use of site-specific air dispersion models. Allowable concentrations of the five heavy metals in sewage sludge are calculated by determining the metal removal efficiency across the incinerator and air pollution control device site-specifically and considering the whole sludge feed rate to the incinerator.

Pathway 14 (Land Application)

In this pathway, the Agency evaluated the exposure of individuals who would obtain their drinking water from ground water located directly below a field to which sewage sludge had been applied. The leachate concentration formed in the sewage sludge-amended soil layer is related by a partition coefficient to the pollutant concentration in the soil. In moving down through the unsaturated zone, the peak leachate concentration is reduced by the modeled processes of vertical dispersion (primarily caused by detention of sorbed pollutant), chemical degradation, and metal precipitation.

The allowable pollutant loading rate was thus determined from the MCL that must be met at the ground water interface with no allowance for dilution, the rate of decay of a pollutant, and other factors that affect either the time period for decay or the dispersive smoothing of the peak concentration. These other factors include the recharge or infiltration rate, hydraulic characteristics of the soil, depth to ground water, and the chemical partition coefficient. For some metals, the net ground water electromotive potential (Eh) and ground water pH influence metallic species precipitation out of aqueous solution.

Pathway 14 (Surface Disposal)

In exposure Pathway 14 for surface disposal sites, the Agency evaluated the exposure of individuals who would obtain their drinking water from ground water contaminated by the surface disposal site. Exposure concentrations are predicted based on well locations 150 meters or less downgradient of the site for facilities located over a source of drinking water. Reference drinking water criteria are either MCLs or are based on a risk level of 1×10^{-4} for an HEI who consumes two liters of water per day over a 70-year lifetime.

Numerical pollutant limits for the ground water pathway are derived for both covered (sludge-only landfills—monofills) and uncovered surface disposal sites. Pollutant losses are first partitioned among the three competing loss processes: Volatilization, leaching to ground water, and on-site contaminant degradation. For surface disposal sites other than monofills, the relatively high water content of the sewage sludge received at the site results in an increased rate of seepage from the facility as compared to that estimated for monofills. Once the fraction of contaminant lost to leaching has been determined, a module is used to estimate flow and transport through the unsaturated zone and is linked to a three dimensional analytical model to depict fate and transport in the saturated zone. The linked model considers the extent to which constituent transport in the saturated zone if affected by local mounding of the water table beneath the site. The module accounts for a number of processes including advection, dispersion, adsorption, and degradation. The mass flux into the saturated zone is used as input to the model which couples this source term with aquifer characteristics to predict concentrations.

Comments on the Proposed Exposure Assessment Approach and Risk Management Issues for Land Application Practices

Land Application—Agricultural Practices

As a result of public comments and scientific peer review, many of the assumptions and data used in the exposure assessment methodology to generate numerical limitations for the proposed rule have been changed to reflect more up-to-date information and more realistic exposure scenarios describing the expected conditions on which sewage sludge will be land-applied for agricultural purposes. The following is a discussion of the major comments, responses and actions taken by the Agency in developing the final part 503 regulations for agricultural land application of sewage sludge. A complete discussion of all the comments and the Agency's responses can be found in the Response to Comments Document for the Proposed Part 503 Rule (Reference No. 109). In addition, a more detailed explanation of the Agency's scientific approach can be found in the Technical Support Document for Land Application.

Information on obtaining single copies of these documents can be found in Part XIV—Availability of Technical Information on the Final Rule.

1. Reconstructing Proposed Pathways 11 and 12

Comment: Many commenters suggested that EPA completely reconstruct the surface run-off (proposed Pathway 11), vapor (proposed Pathway 12A), and ground water (proposed Pathway 12W) exposure pathways for agricultural land application practices. They recommended that EPA incorporate better fate and transport models and different modeling assumptions into the exposure assessment (e.g., some commenters criticized the Universal Soil Loss Equation model used in Pathway 11 as too simplistic). In addition, commenters argued (1) that 100 percent of a constituent cannot be available both to volatilize from the site and simultaneously to leach into ground water and (2) that a mass balance methodology should be used to account for partitioning of pollutants across multiple pathways.

Response: The Agency agrees that proposed Pathways 11, 12A, and 12W (Pathways 12, 13, and 14 in the final rule) should be revised to make use of improved models and more realistic modeling assumptions and that a mass balance methodology should be used to account for partitioning of pollutants across these pathways. EPA has made numerous revisions to its exposure assessment pathway models for the final rule. The previous section (Exposure Assessment Approach for the Final Part 503 Rule) briefly summarizes exposure pathways 12, 13, and 14 as well as the other 11 pathways used in the final rule to calculate numerical limits for sewage sludge applied to agricultural land.

The land application exposure assessment is complex and made up of a large number of pathways and parameters. At the time of proposal, the Agency realized that the models used in assessing the risks in developing the proposed limits for the land application of sewage sludge involved a number of uncertainties and technical issues. Consequently, the proposal identified many of these issues and asked for comment. However, in the absence of data or compelling evidence to the contrary, the Agency selected the models and parameters, and constructed the pathways in the proposal to ensure protection of public health and the environment from pollutants found in sewage sludge applied to agricultural land. Based on information and data gathered during the public comment period, the Agency determined that many of the assumptions used in the exposure pathways for the proposal were overconservative, resulting in numerical pollutant limits with an unnecessarily high margin of safety.

Final Action: Exposure pathways 11, 12A and 12W were revised (Pathways 12, 13, and 14 in the final rule) and EPA developed a new methodology that accounts for the partitioning of pollutants between these pathways in response to scientific peer review and public comments. To partition contaminant losses among competing processes, all losses are treated as first-order, and a rate-loss coefficient is calculated for each. The first-order loss rate, the decay or degradation rate for a pollutant, is proportional to the concentration of the pollutant at any point in time. The higher the concentration of the pollutant, the greater the rate of loss. A first-order rate loss coefficient is calculated for each competing environmental process; soil erosion, leaching to ground water and for volatile pollutants, vaporization. Using the rate-loss coefficient a fraction of pollutant lost to each pathway is then determined.

For the land application exposure assessment, EPA partitioned pollutants based on the rate of leaching to ground water, volatilization to air, erosion to surface water, pollutant decay and retention on the land surface. The Agency did not include plant uptake in the mass balance equations since much of the contaminant taken up by plants is not actually removed from the site and may therefore remain available for leaching, erosion or volatilization. The reconstructed pathways for land application practices follow (These pathways also have been reconstructed and the mass balance methodology applied to non-agricultural land application and to surface disposal practices):

Pathway 12—Criteria for the surface water erosion pathway are determined based on the fraction of contaminant lost to surface waters, the dilution of sewage sludge-amended soil with soil from the rest of the watershed, partitioning between the aqueous and adsorbed phases in the stream, and the bioconcentration of the contaminant by aquatic species. The Universal Soil Loss Equation (USLE) is used to describe erosion for both the Sludge Management Area (SMA) and the watershed. While some commenters criticized the use of this model as too simplistic, the Agency believes that USLE provides the most accepted method for developing such a national regulation. This equation incorporates the effect of cover, land topography, support practices, and soil erodibility. USLE is implemented by assuming that land use practices and other characteristics are similar for the SMA and watershed. An allowable reference water concentration is derived based on exposure from ingestion of contaminated fish and drinking water. Criteria are designed to protect an individual who drinks 2 liters of water and eats 40 grams of fish and shellfish per day. The consumption of 40 grams per day represents the 95th-percentile weighted lifetime diet for individuals consuming fish and shellfish.

Pathway 13—The vapor pathway is designed to protect members of a farm household living at the down-wind edge of the site and inhaling volatile organic pollutants from land-applied sewage sludge. The amount of contaminant released into the air per second is estimated as the fraction of contaminant lost to the vapor pathway (determined by the mass balance model) divided by the period of release. A box model is used to dilute the pollutant releases by the amount of additional air which enters a box within 2 meters height above the site. Wind speed is assumed to be 10 miles per hour (about 4.5 meters per second). Maximum contaminant loadings are back-calculated based on a reference air concentration that corresponds to a HEI lifetime cancer risk of 1×10^{-4}.

Pathway 14—This pathway is designed to protect individuals who obtain their drinking water from ground water sources, and it assumes that a well may be located within the treated site. The model assumes that sewage sludge is incorporated into the top 15 centimeters of the surface soil layer. In addition, a reasonable worst-case depth to ground water is assumed to be 1 meter. The allowable pollutant loading is derived from the health-based standard, and it accounts for pollutant degradation and dilution within the aquifer directly below the site. The VADOFT finite element module, a fate and transport mathematical model used for this evaluation, (Reference Nos. 98 and 99) is used to estimate flow and transport through the unsaturated zone and linked to a three dimensional analytical model AT123D (Reference No. 117) to depict fate and transport in the saturated zone. AT123D is used to simulate the horizontal transport of contaminant from the entire land surface to the down-gradient edge of the site. For contaminants entering the saturated zone at the down-gradient edge, no further horizontal transport is simulated.

The Agency believes that revisions made to proposed Pathways 11, 12A, and 12W represent refinements to the models, modeling parameters and assumptions. The Agency also believes that these revisions improve exposure assessment precision and accuracy, yielding results that are consistent with protection of public health and the environment and well within acceptable risk levels established by the Agency. As has been previously noted, the effect of using very conservative assumptions for model parameters is to compound the conservatism resulting in an unreasonably worst-case approach that yields numerical pollutant limits more stringent than required to protect public health and the environment from reasonably anticipated adverse effects.

2. Human Exposure From Diet

Comment: Several commenters stated that the human dietary exposure scenario for agricultural land application and distribution and marketing (D&M—referred to as sewage sludge sold or given away in the final rule) was not properly constructed with respect to the daily dry matter intake of various food groups. Under conditions of long-term exposure, commenters felt that it was not appropriate to use data from the age and sex group having the highest daily consumption in each food group. Some commenters advocated using the approach taken in the human health aggregate risk assessment for the part 503 proposal. This approach used national averages from the Agency Dietary Risk Evaluation System (DRES) dietary data base. DRES is a computerized data base used by EPA's pesticides program to develop pesticide tolerances on crops. The system accounts for total commodity production (both vegetables and animals) in the United States. The Agency's pesticide program uses this data with census information to develop national estimates, grouped by age and sex, of commodity consumption.

One commenter objected to the Agency's assumption that 2.5 percent of the human MEI's vegetable, fruit, and grain diet was from sewage sludge-amended fields in the agricultural land practices exposure scenario. The commenter stated that the Agency estimated that approximately 0.02 percent of the nation's agricultural land was treated with sewage sludge each year. Therefore, no more than 0.02 percent of an individual's diet could originate from food grown on sewage sludge-amended soil. Since the Agency recognized that some individuals would have greater exposure than others, EPA assumed 2.5 percent of the MEI's vegetable, fruit, and grain diet was grown on sewage sludge-amended fields. The commenter maintained that this 100-fold increase based on potentially high consumption of foods grown on sewage sludge-amended fields and obtained from roadside stands was too high and, therefore, unnecessarily conservative. However, another commenter provided limited data showing potentially high consumption of foods grown on sludge-amended fields by farm families.

Response: EPA agrees that a more realistic human dietary exposure scenario should be used in calculating human food-chain risk from consuming plant or animal products that have been grown or raised on sewage sludge-amended fields.

In the proposed rule, the quantity of each of eight food groups in the human diet assumed in the analysis was taken from the Pennington data base for the age and gender group with the highest daily consumption. While the assumed diet includes an average mix of meats, fruits, legumes, grains, and dairy products, the consumption rates were higher than would be expected for a single individual over a lifetime.

In the risk assessment for the proposal, EPA used the highest consumption for all age and sex groups to represent the human diet from 0 to 70 years. As a result, the diet of the teenage male (14–16 years of age) was used to represent the consumption of grains, potatoes, root vegetables, dairy products, and dairy fat. The diet of the adult female (25–30 years of age) was used to represent lamb and lamb fat consumption. Consumption of legumes, garden fruits, beef, beef fat, poultry, poultry fat, pork, and pork fat was represented by the data for adult males (25–30 years of age). The diet of the adult male (60–65 years of age) was used to represent consumers of beef liver, beef liver fat, and eggs. Depending on whether the pollutant being evaluated was organic or inorganic, either total meat consumption or only meat fat was considered in the evaluation. It was assumed that the metals would collect in the total tissue mass, but organic pollutants would be found only in the lipid portion of the exposed animals' tissues. The Agency now believes that the additive effects of these conservative assumptions yielded an unreasonably worst-case exposure assessment approach for the proposed rule.

However, EPA disagrees with the comment that the Agency's assumption for agricultural land practices stating that 2.5 percent of the MEI's diet comes from vegetables, fruits, and grains grown on sewage sludge-amended soil is too conservative. The data from one commenter shows farm families do exist that consume a higher amount of their diet (i.e., vegetables, meat and milk) from fields fertilized with sludge. The Agency reviewed information (Reference No. 9) that estimated the percentage of total available cropland that would be required, based on nitrogen content, to dispose of the total United States sewage sludge production. Estimates for 1985 (based on 1975 data) ranged from 0.49 to 1.98 percent. This estimate could be much higher on a statewide basis, especially in areas where available cropland is small compared to the population size (such as in New Jersey). This assumption was also supported by the EPA Science Advisory Board, which recommended the Agency use 2.5 percent as a reasonably protective value. To date, the Agency has not received any study or data that would suggest a more reasonable or accurate estimate for a national regulation. The Agency believes that it can use a more reasonable assumption for the fraction of food groups grown on sludge-amended fields because other parameters in the exposure assessment for this pathway (e.g., the oral reference dose, the total background intake of pollutants from all other sources of exposure except sludge, the uptake response slope of pollutants in plant

VOL 58 ISS 32 FE 19 1993 UMI

tissue, etc.) are bounding, and to use overconservative assumptions for every model parameter compounds the conservatism beyond "reasonable" worst-case conditions. This is why the Agency did not construct exposure pathways for agricultural land application based solely on data from farm families that consume a higher amount of their diet from crops or animals raised on sludge-amended fields. The Agency believes the agricultural pathways used in the final rule adequately protect farm families because of the compounding affect bounding parameters used in the exposure pathway have en less conservative ones.

As part of EPA's exposure assessment for land application, the Agency evaluated Pathway 2, which is specifically designed to protect HEIs that consume very large portions of their diet (as much as 60 percent) from crops grown in a garden fertilized with sewage sludge. In the final land application regulation, EPA used numerical pollutant limits from Pathway 2 when those limits were more protective of human health and the environment than pollutant limits from other pathways. Therefore, the Agency evaluated each of the 14 exposure pathways for land application but only used the numerical pollutant limit from the pathway that was most protective of public health and the environment regardless of which pathway produced that limit. For example, if a pathway protecting earthworms produced a more protective (lower) pollutant limit than a pathway protecting humans, the final part 503 regulation would use the numerical pollutant limit from the earthworm pathway as the pollutant limit in the final rule. By taking the most protective pollutant limit from the most sensitive pathway, the Agency is assured of protecting both public health and the environment under a variety of reasonably worst-case exposure scenarios.

Final Action: EPA has revised its human dietary exposure scenario for agricultural land application and sewage sludge sold or given away (referred to as D&M in the proposal) to produce more realistic values representing a lifetime average consumption for both sexes analyzed for each food group. This approach is similar to the approach used in the human health aggregate risk assessment for the proposed rule and to the dietary analysis the Agency uses to evaluate risks from pesticides used on human food-chain crops.

The approach for the final rule involves integrating the consumption rates for each sex over their lifespan and calculating a weighted lifetime average value. This approach is based on the same Food and Drug Administration (FDA) data used in the proposal. However in the revised approach, each age-by-sex sample is used to assign food intakes to different age ranges of the population. These ranges are then summed to provide a lifetime average daily intake of each food group in the dietary exposure pathways.

The aggregate risk assessment for the final part 503 rule uses the Agency's DRES dietary data base. The Agency did not use the DRES system in its exposure pathway assessment to develop numerical pollutant limits for the final part 503 rule because the exposure pathways developed by the Agency for sludge required dry weights of vegetables and animal tissue consumed by the HEI and the DRES data is based on wet (fresh) weights. In order to use the DRES system in the exposure pathway assessment for sludge the Agency would have had to convert each vegetable and animal food group to dry weight, which would have introduced another area of uncertainty in the exposure assessment.

In Round Two, EPA is committed to adopting the DRES system for both the aggregate risk assessment and the exposure pathway assessment. The Agency will make the necessary changes in its exposure assessment for sludge to adopt the DRES dietary data base. The Agency is adopting the DRES system to ensure consistency between future part 503 rulemakings and other regulations being developed by the Agency but does not believe that this change will make a significant difference in the numerical pollutant limits compared to the approach used for today's final rule.

3. Fraction of Vegetable Food Groups Home-Produced with Home Garden Fertilizer Products

Comment: Many commenters maintained that the EPA's choice of values representing the fraction of vegetable food groups home-produced with home garden fertilizer products is too conservative. Several of the commenters stated that the data taken from the U.S. Department of Agriculture (USDA) 1965–1966 market-basket survey of U.S. food consumption used to calculate the values in the part 503 proposal were outdated, with the percentage of homegrown foods showing a decreasing trend over time.

One commenter contended that the availability of sewage sludge products is greater in urban areas; therefore, households in these areas have a greater opportunity to use those products in their vegetable gardens than the rural farm dweller. For this reason, the commenter felt that the urban household dweller should be used by the Agency instead of the rural farm dweller. Another commenter argued that the Agency was inconsistent—it assumed the exposed individual was a rural farm dweller growing a high percentage of his own vegetables; but the daily intake values for these vegetables were based on an urban diet. In this case, the commenter felt that either a rural or urban setting should be assumed in both cases for consistency in the final rule. One commenter suggested that the Agency use data for the rural non-farm household instead of the rural farm family because the Agency assumed that the land would be converted from agricultural to residential use in five years.

Response: The Agency agrees that its choice of values representing the fraction of vegetable food groups produced with sewage sludge home garden products was too conservative. It also agrees that it would be preferable to use more recent data to estimate these values for the final rule. The USDA 1965–1966 market-basket survey data used as the basis for the exposure assessment aggregated all U.S. households into rural farm, rural non-farm, and urban categories (Reference No. 56). To be conservative, the Agency chose the rural farm household in the exposure assessment for the proposal. The Agency now believes that this assumption was too conservative because farmers are more likely to use chemical fertilizers or sewage sludge cake rather than the typical bagged sewage sludge products distributed and marketed in commerce.

As indicated by the public comments, the rural non-farm household having a large amount of property but not operating a commercial agricultural farm business would be a more appropriate category for the exposure assessment scenario. However, the latest market-basket survey conducted in 1978 by USDA (Reference No. 57) aggregates the data differently than the 1965–1966 survey. The 1978 survey divides the U.S. population into non-metropolitan, suburban, and central city household categories. The non-metropolitan category merges the rural farm and the rural non-farm households together; but because of the way the survey data was collected, these two sub-categories cannot be easily separated for use in the exposure assessment for the final part 503 rule.

If the Agency were to use the data from the non-metropolitan category to represent the rural non-farm household,

this again would be unnecessarily conservative since the category includes rural farm households who consume a much higher percentage of homegrown food than rural non-farm families. However, data shows that 46 percent of U.S. households produce some of their own food from home gardens (Reference No. 38a), and this information could be used as a conservative method for segregating rural farm and the rural non-farm sub-categories. In addition, the Agency does not believe that the 1965–1966 survey data for urban dwellers or the 1978 survey data for suburban or central city household categories would protect public health if used in the exposure assessment scenario to protect individuals using D&M products to produce homegrown food for personal consumption. The Agency desires that data used in the exposure assessment for the final part 503 rule be suited for the purpose intended and scientifically defensible, and that the results obtained from the data adequately protective of public health and the environment.

Final Action: Based on scientific peer review and public comments, the Agency has decided to adjust the fraction of food groups from the non-metropolitan category of the 1978 USDA survey data by a multiplication factor of 2.17. This factor was derived from the fraction of U.S. households (46 percent) that produce some of their own food from home gardens; it is the basis for deriving the fraction of vegetable food groups homegrown with D&M products used in the exposure assessment for the final part 503 rule. This replaces the rural farm family exposure scenario from the USDA 1965–1966 market-basket survey (Reference No. 56) used in the proposal with the more recent 1978 USDA survey data; it uses a reasonable worst-case estimate of the fraction of vegetable food groups for non-rural farm families that was included in the non-metropolitan category.

4. Fraction of Animal Product Food Groups Derived From Sludge-Amended Soil

Comment: Several commenters argued that the values representing the fraction of meat products derived from sewage sludge-amended soil in the proposed part 503 regulations for agricultural land practices are unrealistically high and based on outdated information from the USDA 1965–1966 market-basket survey (Reference No. 56). The commenters contended that current data on food consumption by rural farm families may show a lower fraction of locally grown livestock consumed by the highest consuming households.

Response: The Agency agrees that it would be preferable to use the most recent information possible to estimate the values representing the fraction of animal product food groups derived from sewage sludge-amended soil in the exposure assessment for agricultural land practices. These values in the proposed regulations were estimated as an average percent of the annual consumption of food which is homegrown by rural farm households. These values were calculated from the USDA 1965–1966 market-basket survey data found in Table 4–14 of the proposed Land Application Methodology. The exposed individual in this assessment was conservatively assumed to consume 44 percent of meat (beef, lamb, and pork), 34 percent of dairy products, 34 percent of poultry, and 48 percent of eggs from farms raising livestock on sewage sludge-amended soil.

The USDA 1965–1966 survey data, used as the basis for estimating the values in the exposure assessment, aggregated all U.S. households into rural farm, rural non-farm, and urban categories. To be conservative, the Agency chose the rural farm household to use in the exposure assessment for the proposal. However, the latest USDA market-basket survey conducted in 1978, aggregates the data differently than the 1965–1966 survey. The 1978 survey divides the U.S. population into non-metropolitan, suburban, and central city household categories. The non-metropolitan category merges the rural farm and the rural non-farm households together; but because of the way the survey data was collected, these two sub-categories cannot be separated for use in the exposure assessment for the final part 503 rule. In addition, the Agency lacks any national information on the consumption of homegrown meat products that would enable it to adjust the data in the non-metropolitan category, previously done for vegetable food groups.

If the Agency were to use the data from the non-metropolitan category to represent the rural farm household, this would not be as conservative as the proposal since it includes rural non-farm families who are not expected to consume a significant portion of animal products raised on sewage sludge-amended lands. However, the Agency believes that using the unadjusted data from the non-metropolitan category would be adequate to protect public health, given other reasonable worst-case assumptions used in the exposure scenario. Further, the Agency does not believe that the 1978 survey data for suburban or central city households would protect public health if used in the exposure assessment to protect individuals consuming meat products from farms raising livestock on sewage sludge-amended soil. As stated earlier, the Agency believes that data, used in the exposure assessment for the final part 503 rule should be suited for the purpose intended, scientifically defensible, and protective of public health and the environment.

Final Action: The Agency has decided not to retain for the final rule the values representing the fraction of animal product food groups based on the USDA 1965–1966 market-basket survey because more recent data are available from the USDA 1978 survey. The Agency believes that while the 1978 data are not as conservative as the 1965–1966 data, they do provide a reasonable worst-case estimate of animal product food groups consumed by rural farm families and are protective of public health given other conservative assumptions used in the exposure assessment.

5. Soil Ingestion Rate for Children

Comment: In the proposal, Pathway 2F (Pathway 3 of the final part 503 rule) used an estimated soil ingestion rate for children of 0.1 grams per day to derive numerical limits for agricultural land practices and D&M. Comments were received on both sides of this issue. Some commenters stated that the rate was too high and that not all the soil ingested would be sewage sludge-amended soil, while others felt it was too low. The range of soil ingestion rates suggested by the commenters was from 0.1 to 0.5 grams per day. The values offered for percent of soil that should be considered sewage sludge ranged from 10 to 50 percent of the total soil ingested. One commenter suggested that the soil ingestion rate should be 0.2 grams per day, because this was the value given in a recent EPA health advisory (Reference No. 96).

In addition, several commenters maintained that the Agency's 10 kilogram body weight assumption is too low for a child, ages 1 to 6, ingesting sewage sludge-amended soil. The commenters felt that it was unreasonable for the Agency to assume a constant body weight of 10 kilograms for a child during a 5-year period in which the body weight usually increases drastically. The commenters maintained that a child MEI typically weighs 10 kilograms for only 1 year, and suggested that the Agency use a 15 kilogram body weight as a more realistic value that would not over estimate the average daily dose for the 5-year period of exposure.

Response: In the exposure assessment approach for the proposed rule, the Agency felt that using children exhibiting pica behavior (i.e., ingesting 0.5 to 5.0 grams of soil per day) as the MEI for the children-eating-soil pathways (Pathway 2F) was too conservative. Instead, the Agency used the average value of 0.1 grams per day as the soil ingestion rate for children. For the proposal, the Agency considered this to be a good estimate of the mean value (Reference No. 101) because all studies of soil ingestion by children were short-term measurements, with no way to estimate (long-term) time-averaged soil ingestion by a child either with pica behavior or who inadvertently ingests soil. The observed variability between children overstates the true variability of long-term exposure.

In addition, EPA did not specifically evaluate the long-term ingestion of pure sewage sludge because the Agency believed that the sewage sludge and soil would be mixed together by mechanical or natural weathering processes (i.e., a mixture ranging from 0.25 to 2.5 percent sewage sludge after dilution with 15 centimeters of soil). Therefore, long-term ingestion of 0.1 grams of sewage sludge-amended soil per day was considered a reasonable expectation.

While the use of an average soil ingestion rate of sewage sludge-amended soil, rather than the use of an ingestion rate associated with a pica child (0.5 to 5.0 grams per day) and pure sewage sludge might be construed as under-protective, other factors suggested that the Agency's analysis may be over-protective. First, the entire 0.1 grams of soil ingested per day was assumed to be composed of sewage sludge-amended soil. In real situations, only a portion of the 0.1 grams per day of soil is likely to be from sewage sludge-amended soil since children are exposed to other sources of household dust and dirt, and from sources of soil outside the home environment. Second, it is unlikely that a child would ingest 0.1 grams of a sewage sludge-soil mixture every day. Third, and possibly most important, the biological availability of sewage sludge-soil-bound pollutants was assumed to be equal to that of the pollutants in food and drinking water. However, evidence indicates that desorption from the soil particles is a very slow process, generally requiring more time than available to material that is traversing the alimentary canal. Such desorption would have to take place before the pollutant could cross the membranes into the blood stream and be transported to sites in the body where it could cause toxic effects. Fourth, because the Agency does not have RfDs for pollutants representing a short term exposure (i.e., a 5-year exposure), lifetime RfDs representing a 70-year chronic exposure were used for pollutants evaluated in this pathway. This over predicts the pollutant-dose the child receives relative to the toxic threshold (RfD) used, because the lifetime RfDs protects the child for 70 years from ingesting pollutants in sludge when in actuality the child would grow out of this "pica-like" behavior in approximately 5 years.

The Agency agrees that the 10-kilogram body weight assumption is too low and may overestimate the average daily dose for a child, ages 1 to 6, ingesting sewage sludge-amended soil. At the time of proposal, studies on blood lead concentrations in children exposed to lead-containing dusts indicate that maximum exposure via hand-to-mouth contacts occur at about 18 months of age where the child's body weight would be approximately 10 kilograms (Reference No. 101).

Final Action: Since the proposal, several groups have examined the ingestion rate and body weight issues and supported research efforts to resolve them. A recent directive from the Agency's Office of Solid Waste and Emergency Response suggested a range of soil ingestion rates of 0.1 to 0.2 grams per day (Reference No. 96) for a 16-kilogram child. For the final Part 503 rule, the Agency has selected 0.2 grams per day as a best estimate of daily sewage sludge ingestion by children with a body weight of 16 kilograms. The Scientific Peer Review Committee on land application recommended that 0.5 grams per day soil ingestion (at the 95th-percentile) would be a more reasonable worst-case exposure level for children (Reference No. 58). However, after further evaluation, the committee agreed that this is an overestimation of chronic risk associated with soil ingestion by children ages 1 to 6.

The Agency believes that using either a sewage sludge ingestion rate of 0.2 grams per day for 5 years or 0.5 grams per day for 2 years will result in the same amount of exposure and will be suitable for modeling children at higher risk. Therefore, the Agency has selected a sewage sludge ingestion rate for children of 0.2 grams per day to use in exposure Pathway 3 to derive numerical limitations for agricultural land practices in the final rule. In addition, the Agency has decided to use the 16-kilogram body weight assumption for children ingesting sewage sludge in this pathway.

6. Ingestion of Soil by Animals

Comment: Seven commenters took issue with the EPA's assumption that 8 percent of a grazing animal's diet contains sewage sludge-amended soil. The commenters considered that the 8 percent sewage sludge/soil ingestion used for Pathways 4 and 6 in the land application exposure assessment for the proposed rule was too high based on chronic sewage sludge ingestion by cattle in field studies where sewage sludge or compost was surface applied to growing pasture. They suggested that a value based on long-term grazing under average field conditions was more appropriate than assuming short-term grazing under poor field conditions. They further stated that in order for pasture-fed livestock to ingest 8 percent of their diet as sewage sludge-amended soil over a lifetime would require an extremely underdeveloped pasture as their sole source of food. In a normal pasture setting, livestock eat the ends of the grass which contains little adhering soil. Pulling up plants with roots and adhering soil attached usually occurs only when adequate developed mature grass is not available. This could occur during extreme drought conditions, but it is not likely for the entire lifespan of the animals. The commenters suggested a range from 1 to 5 percent of the grazing animals' diet be composed of sewage sludge-amended soil.

In addition, the commenters noted that in any one year, the maximum fraction of a farm treated with sewage sludge ranges from 10 to 33 percent, rather than the 100 percent assumed in the proposed exposure assessment. The commenters suggested that the Agency multiply its values by one-tenth to one-third to reflect the actual fraction of acreage set aside for sewage sludge application.

Response: The Agency agrees that the 8 percent ingestion of sewage sludge-amended soil by grazing animals considered in Pathways 4 and 6 for the land application proposed regulations was too conservative (Pathways 5 and 7 in the final rule). EPA assumed that relatively large amounts of soil would be ingested by grazing animals because some studies reviewed prior to developing the proposal had reported these or higher values. The Agency also assumed a dilution of sewage sludge with 15 centimeters of soil when the sewage sludge is applied to pastures. Since the sewage sludge applied to pastures is generally not incorporated into the soil (as it is for row crops), the Agency's assumption relied on climatic conditions and biological factors to assure mixing to the 15-centimeter

depth. The Agency feared that this assumption may underestimate grazing animals ingesting sewage sludge in even greater concentrations than those determined in the exposure assessment model because this assumption depended on incorporation through weathering.

Based on the submission of new information from a long-term study reported by Chaney et. al. (Reference No. 11), the Agency has revised its sewage sludge-amended soil ingestion assumption for grazing animals (Reference No. 58). In the study, sewage sludge ingestion was estimated from season-long analyses of feces of animals grazing in pastures receiving surface-applied liquid sludge or compost. The study concluded that the average intake of sewage sludge was 2.5 percent of a grazing animal's dry diet. Other information indicated that in any one year the maximum fraction of a farm treated with sludge was 33 percent. Therefore, the actual fraction of the grazing animals' diet which is sewage sludge would be lower than 2.5 percent if the animals are rotated among several pasture fields.

The Agency believes that exposure from surface-applied sewage sludge, as shown in the study, represents a much greater potential for ingestion than sewage sludge mixed with the top 15 centimeters of soil used in the exposure assessment pathways for the proposed rule. In addition, whole season data are more appropriate than using single highest results in the exposure assessment because prolonged exposure is usually required before toxic levels can cause adverse effects. The Agency also believes that animals are rotated among several fields and that many farms do not apply sewage sludge to 100 percent of their land in any one year. This would tend to lower the fraction of the livestock's diet affected by recent sewage sludge applications.

Final Action: Based on new information and data submitted during the public comment period, the Agency has revised the maximum fraction of a farm treated with sewage sludge and the sewage sludge-amended soil ingestion assumption for grazing animals used in exposure assessment Pathways 5 and 7 (Pathways 4 and 6 in the proposed rule). The exposure assessment for the final rule used 33 percent as the maximum fraction of a farm treated with sewage sludge and 1.5 percent sewage sludge (season-long average) in the diet of livestock grazing pastures amended 30 days before the animals enter the field. The Agency believes that over time (1) the freshly applied sewage sludge will become mixed with the previously applied sludge and soil surface and (2) grazing livestock can ingest the sewage sludge on the soil surface. The Agency believes, however, that the fraction of farmland treated and the rate of sludge ingestion is significantly less than the 100 percent and 8 percent assumptions used in the proposed rule.

7. Plant Uptake and Phytotoxicity

Comment: Many commenters recommended that Pathway 7 (Pathway 8 in the final rule) be completely removed from the land application exposure assessment model. Commenters stated that because of the complex nature of the soil-plant-sludge interacting system, pinpointing the exact cause of the crop yield response is difficult. Since sewage sludge contains a mixture of potentially toxic chemicals, predicting with a high degree of confidence that any observed adverse effect is a result of a particular pollutant acting alone or the result of synergistic effects from a combination of pollutants acting together is difficult. Furthermore, some commenters believed that this pathway should not be evaluated because it is essentially self-limiting. If a particular quality of sewage sludge caused phytotoxic effects, such as yield reductions, farmers and the public would cease using it.

In the risk assessment evaluation for the proposed rule, phytotoxicity and plant uptake data were chosen based on a selection hierarchy. This hierarchy grouped data from most preferred (i.e., "most like the conditions being regulated") to least preferred (i.e., "least like the expected conditions to be regulated"). For example, the most preferred studies from which to extract data points were performed under sludge/field conditions followed by sludge/pot conditions and the least preferred were pure organic compounds or salt/pot studies.

Numerous public comments were received on this approach. The majority stated that the use of salt or pot studies was an unreasonably worst-case situation that would drastically over-estimate plant uptake and phytotoxicity of sewage sludge pollutants. Studies using salt spikes instead of sewage sludge result in greater bioavailability of the metallic pollutants because they are not bound to an organic matrix and are, therefore, more freely taken up by plant roots.

Likewise, greenhouse studies where plants are grown in pots are known to often over predict uptake compared to field conditions. This is because pots tend to restrict the area of root growth and the small amount of contained soil tends to concentrate and retain the sewage sludge pollutants around the roots, thus accelerating uptake. Under field conditions, precipitation can disperse pollutants into the soil profile so that they are less available to the plants. In fact, numerous differences exist between the pot and field environments, such as the molecular form of the pollutant under consideration.

Response: The EPA disagrees that the phytotoxicity pathway (Pathway 8 in the final rule) should be removed from the land application exposure assessment model because it is self-limiting (i.e., farmers would not use a product that diminishes or eliminates plant productivity). The Agency believes phytotoxic effects should continue to be modeled even if they could become self-limiting. This is because the phytotoxicity effects could be harmful and cause economic losses initially before these effects could be observed. In addition, sewage sludge could be applied to areas that do not have commercially valuable plant species but could still have pollutant-sensitive plant species that exhibit phytotoxicity resulting in secondary environmental impacts, such as erosion. The Agency believes that the public should not have to determine the adverse impacts of using sewage sludge by conducting their own field trials. The potential for adverse outcomes might cause the public to stop using sewage sludge products, thus confounding the Agency's stated policy of encouraging beneficial reuse.

The Agency, however, agrees that sewage sludge/field studies should be used in place of salt or pot studies when such data is available and technically defensible. At proposal, incomplete information was available concerning sewage sludge pollutants, fate, transport and effects, and the means of sewage sludge use and disposal. However, rather than wait for more complete information in order to propose the regulations, the Agency proposed standards for those pollutants and use or disposal practices for which it had sufficient information, and solicited additional information from the public and scientific community during the public comment period. Section 405 specifically contemplates that the Agency will issue regulations based on existing information in stages and revise them periodically.

To remedy information gaps, EPA worked with experts from both inside and outside the Agency during the public comment period to review the basis of the proposal's scientific and technical data. As a result, new information obtained from the scientific

peer review experts and submissions from the public have improved the data used as the basis for the final part 503 rule, which employs mostly sewage sludge/field studies.

Final Action: In the final rule, the Agency has decided to continue to evaluate the phytotoxicity pathway (Pathway 8) as part of the exposure assessment for land application practices and to use, in all possible cases, field data derived from sewage sludge to develop the pollutant transfer co-efficients for this pathway. Much of the field data was provided by scientific peer review and public comment on the proposed rule. This approach has resulted in more realistic values and higher allowable sewage sludge application rates and higher pollutant loading rates for the actual sewage sludge-field conditions regulated. The Agency believes that continuing to evaluate Pathway 8 provides a greater degree of public health and environmental protection, and demonstrates less pollutant uptake in crops as well as a lower incidence of plant phytotoxicity.

8. Minimum Soil pH Requirements

Comment: Many commenters suggested that lack of soil pH control in the proposed rule was a gross oversight on the part of the Agency, because many studies have shown a direct relationship between pH and plant uptake of metals. The commenters maintained that if the Agency used studies conducted at certain pH levels in the exposure assessment models for agricultural land application practices, then those same pH levels should be imposed in the final part 503 rule to ensure consistency between the results predicted from the modeling analysis and those achieved in actual practice. The range of pH levels suggested for the part 503 rule varied from 5.5 to 6.5. However, some commenters objected to pH controls, arguing that higher plant uptake with lower pH is not always the case and that such controls may not be necessary for all agricultural land practices.

Response: The Agency agrees that prudence may require pH control for certain agricultural land practices to ensure that exposure assessment model assumptions and results reflect actual field conditions. In developing the exposure assessment pathways for agricultural land practices, the Agency used data on the plant species most sensitive to pollutants. Depending on the pollutant, the more sensitive species were generally leafy green vegetables, root crops, or legumes. Data taken from phytotoxicity studies generally had soil pH at 6.5 or greater because farmers generally used this condition to maximize crop productivity. A recent review of available data indicates that metal absorption by plants at a soil pH of 5.7 to 6.0 is the same as at a pH of 6.4 oz. greater (Reference Nos. 28 and 113).

The Agency recognizes that soil pH is one of the strongest influences on the capability of plants to absorb pollutants from the sewage sludge/soil matrix. However in some cases, data from low pH studies were also used in the exposure assessment model to develop the numerical limitations for agricultural land practices. Therefore, the Agency believes the numerical limits protect a majority of U.S. soil conditions without requiring pH control for all agricultural land practices regulated under the part 503 rule.

Final Action: The Agency has decided to continue to use studies conducted at pH levels that reflect a majority of U.S. soil conditions to derive the numerical limitations for agricultural land practices as part of the final part 503 rule. The Agency believes that these numerical limitations protect public health and the environment without soil pH control for all agricultural land application practices. The exposure assessment includes data that reflects low pH soil conditions so resulting numerical limits provide an adequate level of protection under a range of soil conditions. The Agency recognizes that unusual conditions not fully outside modeled parameters may not be as protected but believes that this is mitigated by the conservatism of other factors used in the exposure assessment including sensitive species. The result of not regulating minimum soil pH would simply mean that under some unreasonably worst-case conditions the numeric limitations would not be as protective as the reasonably worst-case conditions selected for the final rule.

9. Relative Effectiveness of Exposure

Comment: Several commenters objected to the Agency using a relative effectiveness of exposure value (RE) of one for all pollutants in the exposure assessment for agricultural land and D&M (referred to as "sale or give-away" in the final rule) practices. The commenters felt that sewage sludge-borne inorganic and organic pollutants do not have the same toxic effects on humans and animals when ingested from forage or food grown on sewage sludge-amended fields and that such an assumption is overconservative. Further, the commenters noted that this assumption implies that no observed differences exist in absorption among various exposure routes and that 100 percent of a pollutant from an exposure route is absorbed and taken up by the target tissue. They urged the Agency to try to develop more reasonable estimates of the RE value for the various exposure routes.

Response: The relative effectiveness of exposure value as used in the exposure assessments for agricultural or D&M practices is a unitless factor that shows the relative toxicological effectiveness of an exposure by a given route when compared with another route. (i.e., the relative effectiveness of exposure value relates the toxicological effect of a pollutant to a receiving organism through a specific exposure pathway (e.g., inhalation) instead of a reference pathway (e.g., ingestion through food) used to develop an RfD or Q* value for a pollutant.) For example, carbon tetrachloride and chloroform were estimated to be 40 and 65 percent as effective when exposure occurs, respectively, by inhalation as by ingestion. In addition to route differences, RE can also reflect differences in the exposure conditions (e.g., absorption of nickel ingested in water has been estimated to be five times greater than when ingested in food).

The Agency agrees that it should develop reasonable estimates of the RE value for the various exposure assessment pathways. However, it is widely recognized that the RE factor should only be applied where well-documented and referenced information is available on the pollutant's pharmacokinetics. When such information is not available, the Agency's policy is to conservatively set RE equal to one to ensure protection of public health and the environment. Since these data were not sufficiently well-documented at the time of the proposal, all of the RE factors used in the risk assessment were assumed to be one.

Final Action: After proposal of the part 503 regulations, the Agency undertook a more extensive literature search to identify the correct RE values for land application practices. For example, studies by Hinesly et al. (1985), in which female chickens were fed diets containing three levels of biologically incorporated cadmium, demonstrated that after 80 weeks the hens retained only 1.3, 0.98, and 0.87 percent of the total ingested cadmium (Reference No. 33). Similar results were obtained from studies with pheasant and sows (Reference Nos. 34 and 30).

Recent data from long-term field studies have shown that sewage sludge properties influence pollutant bioavailability through binding of the

pollutants by the sewage sludge itself. However, the research data base on the fate of many sewage sludge-borne pollutants is still extremely limited. As a result, uncertainties about the health effects and threshold exposures of these pollutants has made the risk/exposure assessment for these pollutants difficult. Therefore, the Agency has decided to continue to use RE values equal to one for those pollutants with limited data but has revised its RE values where sufficient scientifically defensible information was available indicating the bioavailability of the pollutant was less than 100 percent. The Agency recognizes that in some cases this may result in numerical limits that may be more protective than necessary; however, EPA believes that it is prudent to have a balance of mid-range and bounding parameters in order to protect highly exposed individuals.

10. Soil Incorporation and Density

Comment: Three commenters argued that for EPA to assume that surface-applied sewage sludge would be fully mixed in the top 15 centimeters of soil due to climatic conditions and biological factors was unrealistic. They suggested that EPA consider sewage sludge/soil incorporation of less than 15 centimeters. The commenters felt that biological and physical processes would result in some mixing of surface-applied sewage sludge so that animals and humans would not be exposed to undiluted sewage sludge, but they submitted no data to support a particular value.

One commenter criticized EPA for failing to describe how the soil incorporation depth and bulk density values were derived for the proposed rule. The commenter also questioned why these parameters were not evaluated in the proposal's sensitivity analysis.

Response: EPA disagrees that its soil incorporation assumptions are unrealistic. In the proposed rule for agricultural land and D&M practices, the Agency assumed that sewage sludge is incorporated into the top 15 centimeters of the soil. For pathways involving plant absorption of a pollutant, the actual depth of soil incorporation should make relatively little difference. This is true because the mean concentration in the root zone is likely to be more important than the distribution of the pollutant within the root zone. However, for pathways involving direct ingestion of soil by animals or children, the assumed depth of incorporation has greater importance.

EPA recognized that homeowners fertilizing their lawns are unlikely to incorporate the sewage sludge product into an already established lawn. Instead, they would just spread it on the surface where small children could be exposed. Alternatively, animals grazing on pastures may pull up shallow roots with the foliage, thereby ingesting greater concentrations of a pollutant than those assumed in the model. Nevertheless, homeowners or farmers may water the lawn after applying the sewage sludge product, causing the pollutants to migrate into the soil profile. Further dilution may occur as normal precipitation occurs or as worms and small mammals (e.g., moles) burrow into the soil. Emergent vegetation would also tend to disperse the pollutants and make direct exposure to the sludge/soil mixture more unlikely. The Agency believes that man-made and natural conditions are sufficient to ensure soil incorporation of sewage sludge and that the average soil incorporation depth of 15 centimeters is adequate to protect public health and the environment. However, for certain pathways that tend to exhibit a greater exposure to the pollutants in sewage sludge, the Agency assumed 100 percent ingestion of sewage sludge. These pathways are Pathway 3 (child ingesting sludge used in a home garden), Pathway 5 (human who consumes dairy products and meat from animals that ingest sewage sludge), and Pathway 7 (animals consuming sewage sludge adhering to forage crops or on the soil surface).

The Agency agrees that the final rule should show how the values for soil incorporation depth and soil bulk density were derived. However, a sensitivity analysis was not performed on these two parameters for the proposed rule because the Agency did not consider these parameters candidates for site-specific modeling—the test for whether site-specific modeling was appropriate. If site-specific modeling for these factors had been allowed for agricultural land practices, the Agency would have needed to establish the soil type and incorporation depth for each sewage sludge-amended field and to perform exposure assessment modelling based on these local conditions to ensure compliance. The Agency therefore rejected site-specific modelling of these factors for agricultural land practices as being too burdensome to implement and instead established national numerical limitations based on average values for soil incorporation and soil bulk density, 15 centimeters and 1.33 grams per cubic centimeters, respectively.

Final Action: In the absence of new information and data, the Agency has decided to retain the average value for soil incorporation depth (15 centimeters) except for Pathways 3, 5, and 7, and for soil bulk density (1.33 grams per cubic centimeters) in the final part 503 regulations for agricultural land practices and sewage sludge sold or given away for use in home gardens. In addition, the Technical Support Document for Land Application shows the derivation of these two parameters.

11. Background Pollutant Levels in Soil

Two commenters suggested that EPA should establish site-specific inorganic pollutant background levels in soil rather than use a single background level as input into the exposure assessment model for agricultural land practices because background levels of inorganic pollutants vary widely across geographical areas. The commenters said that establishing site-specific background levels for inorganic pollutants would provide more regulatory flexibility and foster beneficial reuse.

One commenter stated that urban soils, where D&M sludge products are widely used, contain higher background concentrations of inorganic pollutants than agricultural soils and that EPA's applying agricultural soil data to urban settings in the exposure assessment for the part 503 proposal was inappropriate.

Another commenter argued that assuming zero background levels for organic pollutants in soil underestimates risk, especially for agricultural soils which could have received heavy applications of chlorinated pesticides before sewage sludge-amendment occurred. In some cases, the background levels of these insecticides in agricultural soils (rarely found in urban settings) can approach the concentrations found in sewage sludge. The commenter suggested that the Agency use average background levels for organic pollutants in soil as the baseline for estimating exposure from further additions of organic pollutants in sewage sludge.

Response: The Agency disagrees that any of its exposure assessment assumptions concerning the background levels of inorganic and organic pollutants are inappropriate for establishing national numerical limitations for agricultural land and D&M practices.

For metals, the Agency used an estimated nationwide median concentration for agricultural lands as the background level of metals in soil. In some cases, the background concentration of a metal is a significant fraction of the maximum allowable soil concentration. In addition, for the terrestrial Pathways 1 through 9

(Pathways 1 through 10 in the final rule), the Agency assumed that once the metal is applied, it remains on the land indefinitely. Since no accounting is made for removal by (1) soil erosion, (2) leaching, (3) volatilization, or (4) absorption of the plant and removal of the harvested portion of the plant, the Agency believes that this assumption offsets the less conservative assumption of using an average value to represent background metals concentrations.

The ability of plants to absorb metals from the soil was assumed to be the same as their ability to absorb metals in sewage sludge. If higher background concentrations of metals were assumed, those numerical limits based on plant toxicity would be more stringent for copper, zinc, and nickel. However in some cases, the higher background concentrations of metals would exceed the allowable pollutant concentration in the soil. At this time, the Agency believes that selecting more stringent background levels is unnecessary and that the levels used in the final rule protect plants from metal toxicity. However, as discussed earlier in the preamble, the Agency plans to investigate the impact sludge has on plants in its monitoring study to determine what role background levels and pH play in the uptake of metals by plants grown on sludge-amended fields.

The Agency also assumed that chromium in sewage sludge and soils is generally in the trivalent, *not* hexavalent, state. According to the EPA publication, "Application of Sewage Sludge to Cropland: Appraisal of Potential Hazards of the Heavy Metals to Plants and Animals," by Council for Agricultural Science and Technology, Report No. 64, November 15, 1976, p. 25 (EPA–430/9–76–013):

> Haxavalent chromium remains as such in a soluble form in soil for a short time but is eventually reduced to trivalent chromium and then changed to forms of low solubility. Haxavalent chromium is toxic to plants, but sludges contain little, if any, haxavalent chromium because it is reduced to the trivalent state during the sewage sludge digestion process.

This conclusion is also supported by the findings of Patterson and Kodukula (JWPCF 56: 432, 1984) who determined metal distributions in activated sewage sludge systems.

For organic pollutants, the exposure assessments for agricultural land and D&M practices were performed to measure only the incremental carcinogenic risk over background levels of organic pollutants, making measuring or estimating the actual organic pollutant background levels unnecessary. In addition, the majority of organic pollutants regulated in the proposed rule have short half-lives (i.e., less than one year) and are not expected to remain in the environment for long periods of time; therefore, they should volatilize or degrade between sewage sludge applications.

Final Action: The Holmgren (1985) database, upon which the median background metal concentration levels for the proposal were based, is considered one of the most thorough analyses of national uncontaminated soils available (Reference No. 35). The Agency has decided, based on reasons discussed previously, to continue to use this database in the final rule to estimate the national median background concentrations for inorganic pollutants in soil. In addition, the Agency has decided to continue to use a zero background concentration level for organic pollutants evaluated in the final rule for agricultural land and D&M practices.

The Agency recognizes that using a national median concentration for inorganic pollutants and zero concentration for organic pollutants to represent all agricultural background pollutant levels would over predict exposure in some cases while under-predicting it in others. However, EPA believes that these assumptions, including other conservative assumptions concerning the fate and transport of metals and organic pollutants in soil, are adequate to protect public health and the environment.

Land Application—Non-Agricultural Practices

In the part 503 proposal, the Agency did not conduct a pathway exposure assessment for non-agricultural land. Instead, EPA proposed to regulate non-agricultural uses through capping sewage sludge concentrations. EPA established numerical pollutant limitations for non-agricultural land application practices using data on existing sewage sludge quality from the "40 City Study." This approach followed a preliminary risk assessment which determined that those practices did not result in high levels of human exposure. Aggregate risk analyses using the proposed numerical limitations did not show significant human health effects on the population as a whole.

The Agency's aggregate risk analysis for non-agricultural land application was based upon the assumption that sludge would be applied to non-agricultural land under the conditions provided in the rule. Among these were restrictions on growing crops and grazing animals. Consequently, these proposed management practices would eliminate any potential for exposure through many of the 14 potential pathways of exposure that had been identified for sewage sludge applied to agricultural land. Moreover, other pathways were not considered because, of their nature, they would not be applicable (e.g., protection of children in a home garden setting). Therefore, the Agency estimated aggregate effects from human exposure to pollutants in sewage sludge applied to non-agricultural land using only two pathways of exposure:

1. Sludge-Soil-Surface Water-Human (Pathway 11); and
2. Sludge-Soil-Ground Water-Human (Pathway 12W)

Using data on national application rates and the two exposure pathways, the Agency estimated that application of sewage sludge to non-agricultural land would result in a maximum individual cancer risk of 2×10^{-8} based upon the 98th-percentile pollutant concentrations shown in the "40 City Study." The 98th-percentile pollutant concentrations were calculated from a regression analysis of the values of 25 pollutants in the "40 City Study." The Agency selected the 98th-percentile concentration to prevent potential deviations from the pollutant concentrations in the "40 City Study" and to prevent increases in any risks associated with the application of sewage sludge to non-agricultural land. The Agency believed that this approach would ensure that sewage sludge quality would not get worse and, therefore, assure the continued validity of the risk assumptions underlying the Agency's regulatory control decisions.

Peer review and public comments raised a number of concerns with permitting the application of sewage sludge to non-agricultural land at 98th-percentile pollutant concentrations. Many commenters were concerned that the proposed approach was arbitrary (an artifact of the "40 City Study") and did not adequately protect public health and the environment. A complete description of the 98-percentile approach and the proposed regulations for non-agricultural land application is found in the proposal at 54 FR 5785–5789, 5798–5800, 5804–5807, 5860–5861, 5868–5871, 5879–5880, 5895.

Comment: Many commenters questioned the Agency's use of the 98th-percentile approach, stating that the approach has scientific and technical deficiencies and either over- or underregulates non-agricultural land application of sewage sludge, depending on the pollutants of concern and the practice. Some commenters stated that the proposed approach would reduce the desirability of the non-agricultural

land practices because of the increased public perception of a human health or environmental risk. Many commenters suggested that the Agency divide non-agricultural land application into different practice categories. This would allow the Agency to tailor its exposure assessment to each non-agricultural land practice category, thereby maximizing alternatives for encouraging beneficial use while protecting public health and the environment.

Many commenters were concerned that the numerical limitations derived from the 98th-percentile approach were not supported by adequate risk assessments or substantiated by field studies. In addition, commenters stated that the 98th-percentile based numerical limitations could not be considered a substitute for evaluating plant and animal exposure pathways. Some commenters stated that the approach for agricultural and non-agricultural land application practices should be consistent.

Response: The Agency agrees with public and scientific peer review comments. The Agency's objective is to encourage the beneficial use of sewage sludge wherever consonant with adequate protection of public health and the environment. To be consistent with other beneficial reuse practices within the final part 503 rule, the Agency developed numerical limitations for non-agricultural land application of sewage sludge after an exposure assessment evaluation similar to that for "agricultural" land application (see earlier discussion in this part). Based on scientific peer review and public comments, the Agency now believes that adequate data is available from direct studies of plants and animals in non-agricultural sewage sludge scenarios (or reasonably interpolated from other sludge studies) to yield valid results when evaluating risk for different non-agricultural land practice categories.

The Agency evaluated all 14 pathways assessed for agricultural land practices for their applicability to use of sewage sludge on non-agricultural land. The Agency believes that not all the pathways (or assumptions used in characterizing these pathways) for agricultural practices are appropriate for non-agricultural land practices. Thus, the Agency has deleted some of the pathways and revised the assumptions used in others to be better suited to a risk assessment for each non-agricultural land practice category. However, the Agency has determined that the new mass balance methodology and revised Pathways 11, 12A, 12W (Pathways 12, 13, and 14 in the final rule) used to establish final numerical limits for "agricultural" land application are also appropriate for non-agricultural practices and do not require further modification.

Final Action: Based on public comments and scientific peer review, the Agency has revised its exposure assessment approach for regulating sewage sludge applied to non-agricultural land (a practice covered under land application). The approach for the final part 503 rule uses an HEI exposure pathways assessment for three categories of non-agricultural land practices: (1) Forest lands, (2) soil reclamation sites (e.g., lands devastated by such situations as natural disasters, strip mined areas, construction sites), and (3) public contact sites (e.g., parks, golf courses, campuses, playgrounds, highway medians, among others).

The Agency recognizes that some of these categories differ from others regarding the method of sewage sludge application (e.g., soil reclamation sites may have only one or more high rate sewage sludge applications over a short time period while public contact sites may have many low rate sludge applications over multiple years). For this reason, the Agency conducted a separate exposure assessment for each non-agricultural land application category. In addition to meeting the numerical limitations, the application of sewage sludge must also meet specific management practices that the Agency is requiring for non-agricultural land application.

The final exposure assessment approach for non-agricultural land practices uses many of the same modeling assumptions, exposure pathways, and target organisms (i.e., HEIs) as were used for agricultural land practices. However, because the Agency recognizes that the two practices do differ, some of the exposure pathways for agricultural land application have been modified for non-agricultural land practices. In addition, different assumptions used within each non-agricultural practice category have resulted in the Agency tailoring the HEI for each exposure pathway specific to the practice category. A detailed discussion of the exposure assessment methodology (i.e., models, pathways, parameter values, assumptions, and others) used for non-agricultural land practices in the final part 503 rule can be found in the Technical Support Document for Land Application. Information on obtaining this and other technical support documents is provided in Part XIV—Availability of Technical Informational on the Final Rule.

Comments on the Proposed Exposure Assessment Approach and Risk Management Issues for Surface Disposal

Surface Disposal—All Practices Except Monofills

In the February 6, 1989, proposal, EPA proposed requirements for the disposal of sewage sludge on a surface disposal site. EPA did not perform a pathway-by-pathway exposure assessment for this method of sludge disposal for purposes of the proposal. The Agency defined "surface disposal site" as an area of land on which only sewage sludge is placed for a period of one year or longer. Surface disposal sites have no vegetative or other cover, are not part of the POTW's treatment process, and are not sites used for temporary storage of sewage sludge prior to final use or disposal. In addition, the proposal did not include monofills under the surface disposal practice and regulated the two practices separately.

As proposed, owners or operators of sewage sludge surface disposal sites would not need to comply with extensive management requirements. This is because the Agency concluded that surface disposal sites generally are small, located in rural areas on lands owned or controlled by local governments, and do not pose a significant threat to public health or the environment. The Agency proposed numerical pollutant limitations for sewage sludge disposed at surface disposal sites based on "current sludge quality" (i.e., the 98th-percentile pollutant concentration shown in the "40 City Study").

Comments/Response: For many of the same reasons explained previously (Land Application—Non-Agricultural Practices—EPA determined that it would be more appropriate to evaluate pollutants destined for use or disposal using an exposure pathway risk assessment methodology), the Agency revised its approach for regulating sewage sludge surface disposal sites. Instead of establishing pollutant limitations based on 98th-percentile sewage sludge quality, which many commenters felt was arbitrary and not adequately protective, EPA used exposure assessment models and pathways to develop numerical pollutant limitations based on risk. The EPA's revised approach for surface disposal sites is very similar to the two-tiered approach used for sewage sludge monofills. A description of the exposure assessment approach for sewage sludge monofills is provided in this part, Surface Disposal—Monofills.

Final Action: In the part 503 proposal, the Agency proposed to establish numerical pollutant limitations based on existing sewage sludge quality for sewage sludge surface disposal sites. This was because of the Agency's preliminary conclusion that such a disposal would not result in high levels of pollutant exposure to potentially exposed individuals. Further, the Agency's aggregate risk analysis did not show significant human health effects on the population as a whole from this disposal practice. To derive numerical limitations based on existing sewage sludge quality, EPA used the 98th-percentile pollutant concentrations from the "40 City Study."

Peer review and public comments suggested scientific or technical deficiencies in using the 98th-percentile pollutant concentrations. Many commenters were concerned that the proposed approach was arbitrary (an artifact of the "40 City Study") and not adequately protective of public health and the environment. As a result, today's final part 503 rule regulates both monofills and surface disposal sites in one category called "surface disposal." The rule uses an exposure assessment approach (similar to the two-tiered approach for sewage sludge monofills) for deriving numerical pollutant limitations for sewage sludge disposed of in piles or trenches at surface disposal sites.

The Agency also evaluated the potential risks to wildlife from monofills and other surface disposal practices as part of today's final rule, and found that wildlife exposure was not significant enough to develop numerical limits using the wildlife exposure pathways for these practices. The Agency has concluded that there could be exposure and potential risk to wildlife that actively forage on surface disposal sites. However, current evidence does not indicate significant levels of foraging or other biological activities that would lead to significant exposure for these practices, and that the management practices required for surface disposal by the final part 503 rule were adequate to protect wildlife. In addition, significant ecological differences generally exist between these disposal practices and land application practices where sewage sludge is applied directly into wildlife habitats and feeding areas (and for which the Agency is promulgating numerical limits and management practices under today's final rule). However, EPA has no reason to believe that exposure is significant for land application practices either, but as discussed earlier in the preamble is committed to studying these practices to ensure that the part 503 regulation protects wildlife.

The conditions within sewage sludge surface disposal sites are physically and biologically different from the conditions at land application sites. For example, because of the physical nature of these sites, active monofills and other surface disposal sites do not appear to provide a suitable habitat (i.e., a place to live) for many species. Daily disposal operations, using trucks, bulldozers, pipelines, and other types of sludge spreaders, are expected to further reduce the likelihood that individual surface disposal sites would be available for wildlife as a feeding source. Therefore, wildlife would generally have to come from habitat areas outside the surface disposal site to feed. Surface disposal sites are often at least partially separated from habitat areas by industrial activity and structures, which would impede access to these sites. Thus, wildlife are not expected to have significant exposure from these practices. Therefore, wildlife exposure pathways for surface disposal practices (including monofills) were evaluated but not used to establish numerical pollutant limitations for use in the two-tiered approach for the final part 503 rule.

Under the two-tiered approach for surface disposal sites, sludge whose concentration would not permit disposal under the first tier would be subject to alternative limitations established under the second tier. The first tier derives one set of national numerical limitations for pollutants found in sewage sludge based on a HEI exposure scenario using two exposure pathways: air, and ground water. The national numerical limitations are established for surface disposal sites without a liner. The models and assumptions used in the exposure pathways to develop the national numerical pollutant limitations are similar to those used to derive the monofill limitations, with certain modifications described below. EPA believes such an approach is reasonable in view of the similarities in likely environmental effects between disposal of sewage sludge disposed of on surface sites and in monofills.

The Agency also evaluated, using the aggregate risk assessment, a second set of national numerical limits for "lined" surface disposal practices. The Agency determined that national numerical limits for "lined" surface disposal sites including monofills were unnecessary because the aggregate risk assessment showed very low baseline risk from current sludge surface disposal methods and the exposure-based national pollutant limits for "lined" practices far exceeded pollutant concentrations found in sewage sludge from the NSSS. The Agency concluded from its evaluation that "lined" surface disposal practices provide more than an adequate level of public health and environmental protection, even in the absence of national numerical limits.

The second tier applies to "unlined" surface disposal sites receiving sewage sludge that contains any pollutant that violates the national numerical limitations established for the first tier. In addition, the second tier also applies to those "unlined" sites where the sewage sludge is disposed within 150 meters of the property line. For those surface disposal sites, the owner or operator of the site or treatment works (if different from that of the surface disposal site), would submit site-specific data to EPA to use in calculating alternative pollutant concentrations for that particular site. The owner or operator (or applicant) will use the same exposure pathways and EPA approved models to calculate alternative pollutant concentrations. A more detailed discussion of the second tier is presented below in the monofill section of this part.

The two exposure pathways modeled by the Agency for evaluating national pollutant limitations or to be used by the applicant to calculate alternative case-by-case pollutant concentrations (using site-specific data) for surface disposal sites are listed below. These pathways are similar to the reconstructed Pathways 13 and 14 (Pathways 12A and 12W in the proposed rule) used for agricultural land practices and monofills, and they employ the same mass balance methodology.

Pathway 13—In exposure Pathway 13, the Agency evaluated the exposure of an individual inhaling vapors of any volatile pollutants that may be in the sewage sludge disposed at a surface disposal site. The exposed individual (HEI) is assumed to be living at the downwind edge of the site and is inhaling air, at a rate of 20 cubic meters per day for 70 years, that has been contaminated with volatile organic compounds from sewage sludge disposed of at the site.

Volatilization rate coefficients for uncovered cells are calculated with equations that consider constituent parameters including the Henry's Law coefficient, molecular weight and distribution coefficient. The rate of contaminant release through volatilization is estimated separately for a covered and uncovered surface

disposal site. Contaminant loss to the vapor pathway is diluted into the total volume of air passing within two meters over the site during the period of contaminant release. This box model is used to determine the expected air concentrations to which the HEI is exposed for each unit of concentration vaporized at the downwind edge of the site. The allowable lifetime exposure to each contaminant (based on a risk level of 1×10^{-4}) is then used to back-calculate the allowable loss rate to the vapor pathway. This value is then divided by the fraction of contaminant vaporized to determine the allowable pollutant concentration at the site.

Calculation of criteria for surface disposal sites through this pathway is similar to the methods described later for monofills. One difference is that the equations used to model emissions are different for surface disposal sites, reflecting the fact that these facilities have a liquid surface throughout their active lifetime. Another difference is that surface disposal facilities are not assumed to receive a soil cover. As with monofills, pollutant contributions are allocated to different media using a mass-balance approach. This calculates the fraction of constituent loss caused by volatilization, leaching, and degradation.

Pathway 14—In exposure Pathway 14, the Agency evaluated the exposure of individuals who would obtain their drinking water from ground water contaminated by the surface disposal site. Numerical pollutant limits for the ground water pathway are derived for surface disposal sites with methods similar to those used for monofills.

Contaminant losses are first partitioned among the three competing loss processes: Volatilization, leaching to ground water, and on-site contaminant degradation. For surface disposal sites, the relatively high water content of the sewage sludge received at the site results in an increased rate of seepage from the facility as compared to that estimated for monofills. Once the fraction of contaminant lost to leaching has been determined, the VADOFT finite element module (a critical fate and transport model used in assessing this pathway) is used to estimate flow and transport through the unsaturated zone and is linked to a three dimensional analytical model AT123D to depict pollutant fate and transport in the saturated zone. For surface disposal sites, the linked model considers the extent to which constituent transport in the saturated zone is affected by local mounding of the water table beneath the site (i.e., increased hydroaulic pressure within the sludge pile on the water table below the site). VADOFT accounts for a number of processes including advection, dispersion, adsorption, and degradation. The mass flux into the saturated zone is used as input to AT123D which couples this source term with aquifer characteristics to predict concentrations. Exposure concentrations are predicted based on well locations 150 meters or less downgradient of the site for facilities located over a source of drinking water. Reference drinking water criteria are either MCLs or are based on a risk level of 1×10^{-4} for an HEI who consumes two liters of water per day over a 70-year lifetime.

Surface Disposal—Monofill Practice

In the part 503 proposal, EPA evaluated two exposure pathways for sludge monofills (also referred to as sludge-only landfills): (1) human exposure to sludge pollutants that infiltrate the ground water and are subsequently ingested from drinking the water (Pathway 12W); and (2) human exposure through vaporization of pollutants from the fill material and their subsequent inhalation (Pathway 12A). The analysis considered the long-term exposure that an MEI would receive from drinking two liters of ground water per day and from inhaling 20 cubic meters of air per day at the property boundary of the monofill. The Agency calculated the combined water and air exposure to the MEI and compared the combined exposure to a MCL, RfC, RfD, or pollutant risk-specific dose. As described as follows, the analytical framework for the ground water model has four components: (1) a calculation of contaminated leachate pulse duration, (2) a model of pollutant behavior and movement in the unsaturated zone, (3) an evaluation of metal solubility in ground water, and (4) a model of pollutant behavior and movement in the saturated zone.

The analysis begins with assumptions on the monofill size and fill thickness, the pollutant concentrations in the sewage sludge, the pollutant concentrations in the leachate, and the net recharge (infiltration) rate. The duration of time, T (years), over which the fill releases a metal pollutant to the unsaturated zone (leachate pulse duration) is then calculated from the following factors: the metal concentration in sewage sludge, CS (milligrams per kilogram); the sewage sludge solids content, SS (kilograms per liter); the fill thickness, D (meters); the assumed leachate concentration, CL (milligrams per liter); the ground water recharge rate, R (meters per year); and the excess liquid in the original sewage sludge volume, EL (liters per liter). The result is:

$$T = ((CS \times SS/CL) - EL) \times D/R$$

The EL term merely adjusts the recharge water budget for excess water in the sewage sludge. For degradable organic pollutants, the above calculation is modified to account for the rate of decay within the fill, as described in the support documents (Reference Nos. 72 and 102).

The above calculation of the leachate pulse duration assumes that leachate concentration remains constant over time until the sewage sludge is completely depleted of the pollutant, thereby modeling the leachate pulse as a mathematical square wave. For any particular inorganic pollutant, the leachate concentration is determined by a solid/liquid partition coefficient and the concentration CS in the sewage sludge.

The leachate pulse (i.e., the initial volume of liquid entering the unsaturated zone containing the initial concentrations of pollutants in that liquid volume from the fill) was then used in the unsaturated zone model, CHAIN (Reference No. 112). CHAIN assumes a steady rate of percolation through the unsaturated zone and calculates the concentrations in the leachate as affected by sorption to the underlying soil and decay (of organic pollutants). The effect of sorption is to reduce peak concentration of the leachate and to slow its movement through the soil. For both metals and organics, sorption to soil is determined by a solid/liquid partition coefficient. The effect of decay is to reduce the overall amount of organic pollutant in the leachate. For organic compounds, decay includes the processes of hydrolysis and anaerobic biodegradation.

In evaluating exposure to the MEI, in the proposal, the depth to ground water is assumed to be zero over Class I ground water and one meter over Class II and Class III ground water. CHAIN is bypassed in assessing exposure to an MEI for monofills located over Class I ground water, but it is used for assessing exposure to an MEI when a monofill is located over Class II or Class III ground water.

At the bottom of the unsaturated zone, the peak concentrations of metals in the leachate pulse, attenuated as calculated by CHAIN (where applicable), are then adjusted for solubility constraints, based on the calculations of MINTEQ. MINTEQ is a computer model which calculates the fraction of metals remaining in solution, and the fraction of metals precipitating out of solution

and attaching to the aquifer-rock matrix (Reference No. 20). The CHAIN model does not actually operate the MINTEQ model but rather, in an iterative manner, uses the results of previous MINTEQ calculations at various conditions of pH and Eh to calculate pollutant concentrations in the aquifer. The MINTEQ solubility adjustments are applied only to the six metals (arsenic, cadmium, copper, lead, mercury, and nickel). At the low pH and high Eh used in the proposed exposure assessment analysis, MINTEQ predicted that copper would be the only metal to precipitate in amounts that would reduce greatly the ground water concentration.

The flux of pollutants entering the aquifer in the area beneath the monofill was then input as a square wave (i.e., the entire pollutant mass or flux entering the aquifer enters it all at the same concentration) at the peak concentration to the saturated zone fate and transport model, AT123D (Reference No. 117). This model calculates the behavior and movement of the contaminant plume, as affected by advection (ground water flow), diffusion and dispersion (mixing), sorption, decay, and distance from the sewage sludge unit to the property boundary of the monofill or 150 meters (whichever is less). For Class II and Class III ground water, the MCL must be met at the property boundary of the monofill or 150 meters, whichever is less. The effect of diffusion and dispersion is to spread the pollutant plume vertically and horizontally, thereby further reducing the peak concentration. AT123D was only operated for Class II and Class III aquifers, since in Class I aquifers the leachate must meet the MCL upon entry to the aquifer.

The components of the model (leachate pulse—CHAIN—MINTEQ—AT123D) were operated in an iterative trial-and-error mode to determine the sewage sludge concentration that produced a peak concentration equal to the MCL at the point of compliance.

The Agency evaluated exposure to pollutant vapors even though dewatered municipal sewage sludge is unlikely to contain significant quantities of highly volatile material. Most volatile pollutants would vaporize before sewage sludge disposal, particularly during wastewater aeration or during sewage sludge dewatering. The model used here (Reference No. 65) has two key components: (1) Calculation of the flux of volatile pollutants into the atmosphere, and (2) determination of the peak air concentration at the property boundary.

The model is formulated so that the vaporization flux depends on the initial concentration of a pollutant in the sewage sludge and on the monofill's cover material. During the time the sewage sludge is assumed to be uncovered, the rate of vaporization is controlled by the rate of diffusion into the air (as opposed to diffusion up through the sludge). The flux is thus formulated to depend primarily on the wind speed and Henry's Law constant (concentration of the pollutant in air divided by the concentration of the pollutant in water at equilibrium).

During the time the monofill is temporarily or permanently covered, the rate of vaporization depends on the rate of diffusion up through air-filled pores in the cover material. The rate thus depends primarily on the cover material's porosity and thickness and on the Henry's Law constant.

The mean flux from the monofill is determined by considering the areas of the monofill expected to be uncovered and temporarily or permanently covered at any time. The concentration at the centerline of a plume downwind of the monofill depends on the size of the monofill, the distance to the point of compliance at the property boundary, the wind speed, and the degree of atmospheric mixing. The wind direction is assumed never to change so that the MEI always remains in the centerline of the plume. The predicted vapor exposure was combined with the predicted drinking water exposure and then compared to the exposure allowed by the MCL, RfD, or risk-specific dose.

Comment: Many commenters maintained that liners should either be required for monofills—thus making the national numerical limitations less stringent or eliminating them—or that site-specific numerical limits be established when physical parameters (e.g., synthetic liners) at the site differ from those used in the exposure assessment pathway. Other commenters advocated requiring liners and eliminating the national numerical limitations.

Response: For many of the same reasons explained previously (Land Application—Agricultural Practices), the Agency revised exposure Pathways 12A and 12W (Pathways 13 and 14 in the final rule) for calculating numerical limits for disposal of sewage sludge in monofills. The reconstructed pathways make use of improved models and more realistic modeling assumptions, and they include a mass balance methodology to account for partitioning of pollutants across the pathways. The Agency believes that these changes should improve the precision and accuracy of model outputs (i.e., numerical pollutant limits) for these pathways and satisfy many of the criticisms received from commenters.

The Agency disagrees that liners should be required for all monofills. However, the Agency agrees that national numerical limitations could be less stringent or even eliminated for sludge-only landfills that have liners provided the exposure pathway and aggregate risk assessments show that such pollutant limits are unnecessary to adequately protect public health and the environment.

A fundamental regulatory principle used in developing the proposed rule was pollution prevention. The Agency believes that it is more protective and equitable to prevent sewage sludge contamination by controlling pollutants at the source than it is to require clean-up of the contaminated ground water. Therefore, controlling the quality of the sludge being used or disposed of is an over-riding objective of the rule. By controlling the source, subsequent contamination of the ground water from sludge-only landfills is of less concern. With this principle in mind, the Agency decided to calculate the proposed national numerical concentrations of pollutants based on the monofill being unlined. However, for the proposal, the Agency did not consider whether a liner would provide such an effective means of pollution control that national numerical pollutant limits would become meaningless as a way of encouraging pollution prevention because the numerical limits would far exceed those pollutant concentrations ever found in sewage sludge. Sludge-only landfills having a minimum EPA liner are just such a case, rendering national numerical limits ineffective as a means of encouraging pollution prevention.

The EPA agrees that owner or operators (or applicants) of monofills should have the option to establish alternative (site-specific) numerical limits when certain physical and ground water quality parameters at the site differ from those used in the exposure assessment pathway. In the proposal, alternative numerical limits were established under three case-by-case circumstances when the physical parameters at a monofill site (excluding all other surface disposal practices) differed from those used in the exposure assessment models. The three circumstances (proposed only for monofills) were as follows:

Case #1—When a monofill has a sewage sludge unit that is less than 150 meters from the property boundary of the monofill, site-specific numerical limits for the pollutants in the sludge would be recalculated. The applicant

would use the actual distance to the property boundary as a factor to estimate the amount of dilution used in the EPA-approved exposure assessment model so that numerical limits would not exceed the human health criteria at the point of compliance (i.e., the property boundary).

Case #2—Numerical limits for those monofills over ground water categorized as Class III(2) could be calculated if the background ground water concentration of one or more pollutants exceeds the EPA MCLs, the risk-specific doses corresponding to an incremental carcinogenic risk level of 1×10^{-4}, or the RfDs, as appropriate. For those pollutants whose background ground water concentrations did not exceed the EPA human health criteria, the national pollutant limits in the proposal applied.

Case #3—If the concentration of one or more pollutants in the sludge exceeded the national limits, the owner or operator could submit documentation showing that site-specific data, rather than the parameters used by the Agency in the model to establish the national limits, could be used in calculating the pollutant concentrations for sewage sludge placed in the monofill. Under the proposal, the numerical limits would be recalculated for all pollutants using the site-specific data that the owner or operator substituted for the EPA parameters used in the model.

The proposal allowed site-specific modeling to derive the numerical pollutant limits for sewage sludge disposed of in monofills. This approach did not preclude the applicant from incorporating into the model the site's artificial characteristics (e.g., a synthetic liner) in addition to its natural characteristics (e.g., a natural clay liner). The applicant was thus not prevented from incorporating the effect that containment measures would have on infiltration or recharge flow rates through the fill material and on the porosity and pollutant sorption beneath the fill. For the proposal, the numerical limits were thus capable of being modified to account for the effect of containment measures such as liners.

Final Action: In order to simplify the final rule and ease the administrative burden on the regulated community, the Agency has broadened the definition of "surface disposal" to include sludge-only landfills (also referred to as monofills) and has developed one set of national numerical pollutant limitations for all "unlined" surface disposal practices.

As discussed earlier in this part, national numerical poliutant limits were evaluated for surface disposal sites with "liners" but were not included in the final rule because EPA determined that "lined" surface disposal practices provide more than an adequate level of public health and environmental protection, even in the absence of national numerical limits, and that such limits would not encourage pollution prevention. This revision condenses the regulations and retains the site-specific modeling option set forth in the proposal for monofills for "all unlined" surface disposal practices meeting certain criteria (the part 503 proposal only allowed the site-specific option for monofills).

In the final rule, EPA used exposure assessment Pathways 13 and 14 to establish national numerical limits. If the physical and ground water quality parameters at the surface disposal site differ from those used in the exposure assessment to derive the national limits, site-specific numerical limits may be recalculated for the site. There are two circumstances in which these site-specific limits are available:

Case #1—When a surface disposal site has a sewage sludge unit that is less than 150 meters from the property boundary of the site, site-specific numerical limits for the pollutants in the sludge may be recalculated. The applicant can use the actual distance to the property boundary as a factor to estimate the amount of dilution used in the EPA-approved exposure assessment model so that numerical limits would not exceed the human health criteria at the point of compliance (i.e., the property boundary).

Case #2—If the concentration of one or more pollutants in the sludge exceeds the national limits, the owner or operator can submit documentation showing that site-specific data (i.e., parameters other than the parameters used by the Agency in the model to establish the national limits) should be used in recalculating the pollutant concentrations for sewage sludge placed in the surface disposal site. In the final rule, the numerical limits may be recalculated for all pollutants using the site-specific data that the owner or operator substituted for the EPA parameters used in the model.

Using an EPA-approved model and the site-specific parameters, the owner and operator (or applicant) will calculate for Agency review and approval alternative pollutant concentrations for the surface disposal site. This approach does not preclude the applicant from incorporating into the model the site's artificial characteristics (e.g., a synthetic liner that does not meet EPA specified minimum requirements) in addition to its natural characteristics (e.g., a natural clay cover or depth to ground water). The site-specific numerical limits are thus capable of being modified to account for the effect of containment measures such as liners.

In addition, in the final rule, the Agency has established one set of national numerical limitations using two revised exposure assessment pathways (Pathways 13 and 14). The national pollutant limits are established for all surface disposal practices without an EPA specified minimum liner including sludge-only landfills without a liner. As discussed above, the final part 503 rule does not require sewage sludge to meet national numerical pollutant limits if disposed of in or on a surface disposal site with an EPA specified minimum liner. If the sewage sludge that a treatment works wishes to place in an unlined surface disposal site (i.e., a site without the EPA specified minimum liner) continues to exceed the national numerical limits or the site-specific numerical limits calculated for the site on a case-by-case basis, the treatment works must either reduce the concentration of the pollutants through more stringent local pretreatment limits, install an EPA specified minimum liner, or find an alternative way of managing the sewage sludge. The revised exposure pathways used in the final rule to evaluate and develop national numerical pollutant limits for sludge-only landfills (a practice cover under the definition of "surface disposal") are as follows:

Pathway 13—The vapor pathway is designed to protect an HEI living at the downwind edge of the site and inhaling air at a rate of 20 cubic meters per day for 70 years that has been contaminated with volatile organic compounds. Volatilization rate coefficients for uncovered or covered landfill cells are calculated with equations that consider constituent parameters, including the Henry's Law coefficient, molecular weight, and distribution coefficient. The rate of contaminant release through volatilization is estimated separately for its covered and uncovered states. Contaminant loss to the vapor pathway is diluted to the total volume of air passing within two meters over the site, during the period of contaminant release. This box model is used to determine the expected air concentrations to which the HEI is exposed for each unit of concentration vaporized. The allowable lifetime exposure to each contaminant (based on a risk level of 1×10^{-4}) is then used to back-calculate the allowable loss rate to the vapor pathway. This value is then divided by the fraction of contaminant

vaporized to determine the allowable concentration at the site.

Pathway 14—As in Pathway 13, the first step in calculations for this pathway is to partition contaminant losses among the three competing loss processes: volatilization, leaching, and contaminant degradation. This calculation requires an estimated first-order loss coefficient for leaching, calculated based on an assumed equilibrium partitioning of pollutant between adsorbed and dissolved phases within the monofill, and on an assumed rate of seepage from the facility. Once the fraction of pollutant lost to leaching has been determined, the VADOFT finite element module is used to estimate flow and transport through the unsaturated zone and is linked to a three-dimensional analytical model (AT123D) to depict fate and transport in the saturated zone. VADOFT accounts for a number of processes including advection, dispersion, adsorption, and degradation. The mass flux in the saturated zone is used as input to AT123D, which couples this source term with aquifer characteristics and chemical properties. Exposure concentrations are predicted based on well locations 150 meters or less downgradient of the site for facilities located over a source of drinking water. Reference drinking water criteria are based on either MCLs or an HEI who consumes two liters of water per day and a risk level of 1×10^{-4}.

Comments on the Proposed Exposure Assessment Approach and Risk Management Issues for Incineration

The Agency used a single exposure pathway, inhalation of sewage sludge incinerator emissions, in analyzing exposure to the MEI for the proposed rule. In developing the proposal, the Agency evaluated the inhalation of sewage sludge incinerator emissions of arsenic, beryllium, cadmium, chromium, lead, mercury, nickel, and total hydrocarbons. Total hydrocarbons were used as a surrogate for all organic pollutants.

The Agency performed air quality modeling to determine allowable concentrations in sludge that translate to pollutant emission rates (mass per unit time) that would not impose undue risks to an MEI in the vicinity of the incinerator. In the case of total hydrocarbons, the allowable emission rate determined by modeling was the numerical limit for the purpose of the proposed standard. For metals, an allowable sewage sludge concentration was derived from the allowable emission rate.

The Agency evaluated the inhalation of beryllium and mercury during development of National Emission Standards for Hazardous Air Pollutants, which specify allowable emission rates. For the proposed rule, the Agency took the NESHAPs values to be the allowable emission rates of beryllium and mercury for sludge incinerators.

The analysis of the inhalation of incinerator emissions employed atmospheric dispersion modeling to relate emission rates to ground level exposure concentrations. As discussed below, the allowable emission rate was determined from (1) the allowable ambient air quality concentration at ground level (the risk-specific concentration), (2) the stack height of the incinerator and other physical characteristics of the site, and (3) the meteorological conditions of the site. The allowable sewage sludge quality was then determined by the above allowable emission rate, the rate of sludge incineration, and emission control efficiency.

For the proposal, the allowable ambient air concentration was set to correspond to a risk-specific dose for four carcinogenic metals (arsenic, cadmium, chromium, and nickel), assuming that the MEI inhales 20 cubic meters of air per day and that indoor and outdoor air concentrations are essentially equal. Sewage sludge incinerators were allocated an air-shed contribution of lead that corresponded to 25 percent of the National Ambient Air Quality Standard.

The allowable ambient air concentration for total hydrocarbons was based on (1) statistical relationships between the concentration of total hydrocarbons and the concentrations of specific organic pollutants emitted by the four sewage sludge incinerators that were tested and (2) the assumed cancer potency of the specific organic pollutants. To develop a site-specific risk-based concentration for total hydrocarbons in the proposal, the Agency developed a weighted carcinogenic potency (referred to as Q_1* or Q*) value for the organic compounds that were projected to be in the emissions of a sewage sludge incinerator. In developing the Q* value, the Agency multiplied the Q* value of every carcinogenic organic pollutant listed in IRIS by the weighted fraction of the compound in the emissions of sewage sludge incinerators. Calculating a weighted fraction of a compound in the emission required a two step process.

First, the Agency determined the concentration in micrograms per cubic meter (ug/m^3) for the pollutant in the emissions in one of three ways. If the compound was measured in the emissions of a sewage sludge incinerator during one or more EPA tests, the 95th-percentile of the measured concentrations for the compound was used. In the case of compounds expected to be present because they are commonly found in other combustion emissions (e.g., emissions from municipal waste combustors or hazardous waste incinerators) but not detected, the concentrations of these compounds in emissions from these sources (ug/m^3) were used. Finally, for the remaining pollutants listed in IRIS and not detected in the emissions of sewage sludge incinerators, an analytical detection limit of 0.1 ug/m^3 was assigned to those pollutants. The Agency then calculated a weighted fraction for each pollutant by dividing the sum of all the pollutant concentrations into each individual pollutant concentration. Then the weighted fraction of each pollutant was multiplied by the pollutant's cancer potency value (Q*) and the resulting product was summed to give a weighted carcinogenic potency value for all carcinogenic pollutants detected or not detected.

Weighted fractions were also calculated for all non-carcinogens that have a reference dose in IRIS. However, the Agency assumed that the actual ambient air concentration of the non-carcinogens (i.e., threshold pollutants) would not exceed their inhalation RfDs and, therefore, do not contribute to the weighted Q* value or cause adverse health effects. The weighted Q* value was calculated as 0.013 (milligrams per kilogram per day)$^{-1}$.

From the Q* value, the Agency developed a risk-based concentration (RSC) for THC of 2.69 ug/m^3 used in the proposal. This value represents the lifetime average exposure to THC that would yield a risk of 1×10^{-5} for the most exposed individual. The proposal used the RSC in a simple equation to develop a site-specific numerical limit for the maximum allowable THC concentration in the facilities incinerator emissions. This calculated numerical limit is compared to the oxygen-corrected total hydrocarbon reading from the flame ionization detector to determine if the incinerator would be in compliance with the facility's permit.

Three models were used in the proposal for incineration to derive emission dispersion factors: ISCLT, LONGZ, and COMPLEX I (Reference No. 74). ISCLT is intended for urban or rural situations where the terrain elevations do not exceed the stack height. It

considers the aerodynamic effect of building downwash, which is likely to be significant for many sewage sludge incinerators with short stacks. The other two models do not evaluate building downwash but are more appropriate in situations where terrain elevations exceed the stack height. Such terrain is termed complex terrain. LONGZ is intended for complex urban terrain, while COMPLEX I is intended for complex rural terrain.

All three models require data on the incinerator, the surrounding terrain, and the meteorology of the site where the incinerator is located. Incinerator data included stack height, stack exit diameter, gas flow, and gas temperature. Meteorological data included joint frequency distributions of wind direction, wind speed, and atmospheric stability. The location of the MEI was not specified beforehand, but it was set at the location predicted by the model to have the highest long-term average ground level concentration.

In assessing the exposure to the MEI, ISCLT was used because of its ability to simulate building downwash. Since the MEI location for facilities with significant downwash tends to be close to the incinerator, the inability to simulate complex terrain accurately was not considered a serious shortcoming. Side-by-side comparisons of the three models indicated that, where downwash is significant, ISCLT predicts higher concentrations than LONGZ or COMPLEX I, even in complex terrain.

Evaluation of the effect of model parameters on the results indicated that stack height was a key parameter. Consequently, the Agency found that the dispersion factor (maximum long-term exposure concentration per unit rate of emission) varies with stack height. By modeling a number of facilities having various stack heights, the Agency was able to generate a correlation between dispersion factor and stack height. Although the stack diameter and gas velocity also varied among these facilities, these parameters were not important and had little effect on the correlation. Other parameters were held constant and were applied to all facilities: wind characteristics of Atlanta, Georgia (which had the worst combination of parameters in any U.S. city examined); flat terrain; gas temperature (38 degrees Celsius); building height (5.5 meters); and building effective diameter (39.5 meters) (Reference No. 45). The results of this analysis were presented in Table 9 of the proposal, which correlated stack heights to national dispersion factors for use in establishing numerical pollutant limits for sewage sludge incinerators (except in the case where stack height exceeded 65 meters, the proposal would have required use of a "good engineering practice" height to correlate to a dispersion factor in Table 9).

The metals emission control efficiencies assumed in assessing the exposure to the MEI corresponded to the worst 10 percent of EPA's data on sewage sludge incinerators. These control efficiencies were as follows: arsenic, 96 percent; beryllium, 99 percent; cadmium, 65 percent; chromium, 96 percent; lead, 67 percent; mercury, 0 percent; and nickel, 95 percent. Control efficiencies were not assumed for organic compounds. Instead, total hydrocarbons were used to control organic emissions.

The Agency proposed a THC operational standard of 20 ppm as one of several options it was considering for regulating sewage sludge incinerators in the November 9, 1990, notice of the NSSS. At the time, the Agency concluded that the 20 ppm THC option was acceptable for sewage sludge incinerators because it was consistent with the 20 ppm THC standard used for hazardous waste incinerators and was within the operating range for incinerators tested by the Agency. Because the Agency had only tested 9 sewage sludge incinerators and was basing its THC standard for sludge incinerators on incinerators designed to fire hazardous waste, EPA requested comment on what level the operational standard for THC should be set (i.e., 10 ppm, 20 ppm, 30 ppm, etc.).

Comments: The Agency received numerous comments on the exposure assessment approach used to establish numerical pollutant limitations for sewage sludge incinerators. Many commenters argued that EPA lacked adequate data on the scientific basis for establishing metals emission control efficiencies for sewage sludge incinerators. Commenters further stated that selecting the worst 10 percent (10th-percentile) from such limited data lacked adequate justification and was an arbitrary decision on the Agency's part. In addition, many commenters were critical of EPA's table of national air dispersion factors. The commenters cited the Agency's use of an outdated ISCLT model and inappropriate or overconservative modeling assumptions as the major problems with the analysis used to develop the dispersion factors. Several commenters felt that the table of dispersion factors was unnecessary and that the Agency should require site-specific modeling using Clean Air Act procedures to determine the air dispersion factor for a sewage sludge incinerator.

Several commenters (including the Agency's Science Advisory Board and other scientific review) took issue with the methodology used to establish THC limitations contending that too many scientific uncertainties exist in the calculation of a single weighted carcinogenic potency value representing the risk of organic compounds emitted from sewage sludge incinerators. Other commenters opposed certain other aspects of the Agency's proposed method for calculating hydrocarbon limitations, including assigning a detection limit of 0.1 $\mu g/m^3$ for both carcinogens and threshold compounds not detected in any of the incinerators tested by EPA but included in EPA's IRIS data base. Many commenters pointed out that the correlation between THC readings and the total concentration of detected organics in the four incinerators EPA tested was poor and that EPA should conduct more testing before it tries to calculate a risk for total hydrocarbon emissions.

Commenters supported a single operational standard for THC emitted from sewage sludge incinerators but questioned EPA's proposed 20 ppm THC standard as being unrealistically low and outside the normal operating range for existing sludge incinerators.

Response: The Agency has concluded that it is infeasible to establish a risk-based numerical pollutant limits for THC emissions from sewage sludge incinerators and that it should adopt an operational standard for total hydrocarbon emissions. The uncertainties identified by the Agency's SAB and commenters have convinced the Agency that site-specific, risk-related THC emission limits cannot be technically supported.

In addition, with respect to metal control limits, the Agency agrees that adequate data on sewage sludge incinerators are not available to establish national metals emission control efficiencies, and that its simplified air model (an outdated ISCLT model) and assumptions were not adequate to develop national air dispersion factors for sewage sludge incinerators. Control efficiency refers to the effectiveness of an incinerator and its air pollution control system in preventing the release of metals to the atmosphere. The air dispersion factor relates the maximum allowable emission rate of a pollutant from a sewage sludge incinerator stack to a maximum allowable increase in the ground level ambient air concentration for that pollutant at a specific distance from the incinerator. The air dispersion factor and the combined metal control efficiencies of the incinerator and the air

pollution control system are key variables in calculating safe numerical limits for pollutants in sewage sludge destined for incineration.

In the part 503 proposal, the Agency established metals emission control efficiencies and air dispersion factors to provide owners and operators of sewage sludge incinerators greater flexibility in complying with the regulations. Under the proposal, owners and operators had the option of (1) site-specific testing to determine the metal emission control efficiency and the air dispersion factor for the incinerator or (2) using the control efficiency and dispersion factor established by the Agency to calculate the maximum allowable concentrations of pollutants in the sewage sludge to be incinerated.

Further, the Agency agrees with many of the comments provided by the public and the scientific peer review committees concerning the limitations of its approach for establishing site-specific THC limitations for sewage sludge incinerators, and that an operational standard(s) for THC is more appropriate given data and scientific limitations. In the part 503 proposal, the Agency proposed to establish site-specific numerical limitations for THCs and required continuous monitoring of THC as a technique for controlling toxic organic emissions from sewage sludge incinerators. Total hydrocarbons were used as a surrogate for organic pollutants emitted from sewage sludge incinerators. The Agency proposed limiting the concentration of total hydrocarbons in the emissions in lieu of specifying the concentration of organic pollutants in sewage sludge that may be fed into the incinerator. The Agency performed air quality modeling to determine the emission rates for organic pollutants (as measured by THC) and inorganic pollutants that can be allowed without imposing undue risks to the most exposed individual in the vicinity of the incinerator. As discussed above, for organic pollutants the allowable emission rate determined by modeling is the numerical limit for THC emissions from sewage sludge incinerators. This is not the case for inorganic pollutants or metals, where the allowable emission rate was used to derive a safe inorganic pollutant concentration in the sewage sludge on a pollutant-by-pollutant basis.

EPA had originally considered controlling the concentration of organic pollutants fed into an incinerator on a pollutant-by-pollutant basis, similar to the approach proposed for metals. However, the approach was not feasible for organic pollutants because the Agency could not establish a destruction and removal efficiency (DRE) for sewage sludge incinerators. DREs of an incinerator are needed to relate the emission of an organic pollutant to its risk-specific concentration and to an allowable safe concentration of organic pollutant in the sewage sludge to be incinerated.

EPA proposed to limit the concentration of total hydrocarbons in the emissions of sewage sludge incinerators for two reasons. First, the approach controls the emission of individual organic compounds found in sludge fed into the incinerator; and second, the approach controls the emission of organic compounds that are created during the combustion process (i.e., products of incomplete combustion, PICs). The Agency recognized setting limitations on total hydrocarbons was an innovative approach that might stimulate considerable scientific debate as to its use in the proposed rule and to its applicability to other Agency incinerator programs.

Final Action: The Agency agrees with many of the findings and recommendations made during scientific review of the proposal and public comment period. As a result, the Agency has used an updated ISCLT model for exposure evaluations for the four carcinogenic metals and lead, and has revised its approach for determining air dispersion factors, control efficiencies for inorganic pollutants (i.e., metals) and its THC approach for controlling organic pollutant emissions from sewage sludge incinerators. The Agency has not established air dispersion factors and metal control efficiencies for sewage sludge incinerators because it currently lacks adequate data to establish dispersion factors and control efficiencies on a national basis. However, in the final rule the Agency has required owners and operators of sewage sludge incinerators to conduct site-specific modeling and performance tests of their facilities to calculate the air dispersion factor and the control efficiency with which the incinerators and air pollution control systems control the emissions of one or more of the pollutants listed in the final rule. The Agency has determined that the updated ISCLT model is the preferred air dispersion model for evaluating pollutants of concern for the final rule, and that the dispersion factor modeling and emission control tests are to be conducted using models and procedures specified by the permitting authority with jurisdiction over the incinerator.

In addition, the Agency has replaced its proposed THC approach with an operational standard similar (but not identical) to the technology-based Tier II approach being used by the Agency for hazardous waste combustion systems [40 CFR Parts 260, 261, 264 and 270, Standards for Emission Monitoring for Owners and Operators of Hazardous Waste Incinerators; and 40 CFR Part 260, Burning of Hazardous Wastes in Boilers and Industrial Furnaces (Reference Nos. 104 & 95)].

The CWA specifically authorizes alternatives to establishing numerical limitations for pollutants in sewage sludge in certain circumstances. Section 405(d)(3) of the CWA states:

> Alternative standards—For purposes of this subsection, if, in the judgment of the Administrator, it is not feasible to prescribe or enforce a numerical limitation for a pollutant identified under paragraph (2), the Administrator may instead promulgate a design, equipment, management practice, or operational standard, or combination thereof, which in the Administrator's judgment is adequate to protect public health and the environment from any reasonably anticipated adverse effect of such pollutant.

Congress recognized that circumstances would arise where it would *not* be feasible for EPA to prescribe numerical limits for pollutants in sewage sludge for certain sewage sludge use and disposal practices. Since a scientifically defensible methodology currently does not exist that can accurately link the concentration of organic pollutants in sewage sludge to organic pollutants emitted from the stack of a sewage sludge incinerator, EPA has concluded that establishing "site-specific" organic pollutant limits for sewage sludge incinerators is just such a case. Thus, for the final rule, the Agency has established a national operational standard for THC emissions of 100 ppm (measured as a monthly average) to ensure that good operating practices at sewage sludge incinerators achieve an adequate level of public health and environmental protection. EPA has selected a regulatory limit of 100 ppm THC (measured on a monthly average—corrected to 7 percent oxygen) for sewage sludge incinerators because: (1) it is within the range of values reported in our data base for incinerators burning sewage sludge; (2) the monthly average excursion policy ensures good operating practice at sludge incinerators on a continuous basis; and (3) the aggregate risk assessment for this practice showed low "baseline" risk to the HEI and the population as a whole.

The final part 503 approach requires owners and operators of sewage sludge incinerators to monitor continuously to ensure that the THC level does not

exceed a good operating practice-based THC limit (i.e., an operational standard for THC emissions) of 100 ppm THC. As discussed later, continuous THC monitoring is required using a flame ionization detection (FID) system over the life of the permit.

EPA has adopted an operational standard of 100 ppm for all sewage sludge incinerators because it concluded that all POTWs should achieve this emission level. Data in the record clearly establish that fluidized bed incinerator will have no difficulty in complying with this standard and that most multiple hearth units can also comply. In the case of some multiple hearth incinerators, POTWs will need to implement process and "good engineering practice" controls to meet the prescribed limits. Requiring compliance with the 100 ppm standard will require some reduction from current levels of sewage sludge incinerator emissions but the Agency cannot estimate how such changes from current practice might reduce human exposure.

The aggregate risk assessment shows that, in the case of organic emissions, current emissions represented a risk of 0.2 (based on "best estimate" emission levels) to 4 cancer case (based on 99th-percentile "worst case" emission levels) annually and a risk to a HEI of 4×10^{-4} to 7×10^{-3}. EPA concluded that any reduction in risk associated with reducing THC emissions below 100 ppm could not be justified in terms of increased protection of public health and the environment. EPA based this conclusion on the fact that the risk assessment for incinerator included very conservative assumptions. These assumptions yielded results that the Agency has concluded probably overstate the risk associated with current levels of sewage sludge incinerator organic emissions.

The risk assessment numbers are based on estimations of organic emissions from sewage sludge incinerators. In order to develop these estimations, a number of very conservative assumptions were made for both the best estimate and worst case scenarios, that probably results in overstating THC emissions for purposes of this analysis. These include assuming that *all* organic compounds that were sampled and analyzed for at seven sewage sludge incinerators—the organic compounds included in the Agency's risk assessment data base, IRIS—are present in the organic emissions of 172 POTW incinerators. In fact, the data establish that many of these compounds (including aldrin/dieldrin and hexachlorobenzene) were not detected at all in the samples. Fifty one percent of the calculated aggregate risk is based on risk associated with three compounds, not found in the sewage sludge samples and that will not be created in the process of combustion. Furthermore, organic compounds not detected in the sampling at concentrations below the detection limits were assigned emission levels that corresponded to the detection limit concentrations. This overstates THC emissions because the true level is below the detection limit and may be significantly lower or non-existent. Moreover, organic compounds that were not detected in the samples were still assumed to be emitted by an incinerator. The emission level assigned for these compounds is either the detection limit value or average values based on detection limits for other compounds. Again, this represents an assumption that results in overstatement of the level of risk.

After calculating risk associated with sewage sludge incinerator emission for THC using the assumptions discussed above, for its "worst-case" scenario, the aggregate assessment increased these estimates by a factor of 5 to account for organic emissions from the stack that have not been identified or quantified. This was done on the assumption that there are unidentified and unquantified organic emissions from sludge incinerators. EPA, in its recent report to Congress on municipal waste combustion concluded that a significant portion of organics emissions (80 percent or more) have not been identified and quantified. However, the report went on to explain that the portion of the mixture that is carcinogenic and its potency is not known. (The Municipal Waste Combustion Study Report to Congress (U.S. EPA 1987a).) Consequently, increasing the risk calculations by a factor of five overstates risk to the extent that the unaccounted for and unquantified portion of the emissions' stream does not include carcinogenic organics.

In light of this and the fact that over half the calculated risk is associated with compounds not detected in sewage sludge, EPA determined that there is no basis for limiting emissions to a level below 100 ppm. As previously explained, EPA considered requiring sewage sludge incinerators to achieve a 20 ppm emission level. However, the Agency had not considered how much variability (i.e., excursions above the THC standard) it would allow in measuring THC emissions from sewage sludge incinerators for purposes of compliance. Obviously, requiring a 20 ppm THC operational standard on a quarterly or yearly basis is significantly different from enforcing the same standard on a daily or monthly basis. For example, if the Agency used a yearly average as its excursion policy for enforcing the 20 ppm THC standard, emissions from sewage sludge incinerators could be significantly above the THC standard for periods up to six months.

However, the Agency has decided to adopt a monthly averaging period for the purpose of determining compliance. If the Agency enforced the 20 ppm THC standard on a monthly basis, such a policy would be over protective given the "baseline" aggregate risks associated with sewage sludge incinerators, and many sludge incinerators would be out of compliance (even though 20 ppm is within their operating range) because they are unable to consistently achieve that level of operation on a monthly basis. Data reviewed by the Agency established that many sewage sludge incinerators have greater variability in their THC emissions than do other waste incinerators because sewage sludge, in general, has a high moisture content and that moisture content can vary widely during operation.

Other Risk Management Issues, Comments, Responses and Final Action

A number of comments were received from commenters that are specific to various risk management aspects of the part 503 regulations. A synopsis of the major comments and the Agency's responses and final actions is given here. More comments and responses on these and other topics may be found in the Response to Comments Document for the Proposed part 503 rule (Reference No. 109). Information on obtaining single copies of this document is provided in part XIV of the preamble.

Domestic Septage

Comments on the Proposed Approach

The Agency received over 130 comments concerning the proposed treatment of septage. A majority of the commenters opposed the regulation of septage as sewage sludge. Commenters indicated the proposed regulations were too costly to implement and would have a negative effect on the environment. The commenters maintained that the regulations, if adopted as proposed, could eliminate the land application of septage or could cause illegal or reduced pumping of septage systems by homeowners or illegal dumping.

Many comments were received from small communities and septage pumpers and haulers disagreeing with

the Agency's proposed approach. They argued that applying the proposed regulations for sewage sludge from POTWs to domestic septage collected from private homes was over stringent, burdensome, and would have little or no environmental benefit. They were particularly concerned about the proposed requirements for pathogen and vector attraction reduction, and the frequency of monitoring pollutants, recordkeeping and reporting.

Response to Comments

The Agency, after reviewing the public comments, agrees that the regulations as proposed, if applied to septage, would have been exceedingly difficult to implement and therefore, unlikely to achieve the public health and environmental statutory objectives. The proposed part 503 rule regulated septage that is pumped and collected for use or disposal (septic tank pumpings) in the same manner as municipal wastewater sewage sludge. Even though a comprehensive national data base on septage quality did not exist at the time of the proposal, EPA believed that septage, like sewage sludge, had the potential to adversely impact public health and the environment because septage was suspected of having very similar properties to sewage sludge and containing the same types of pollutants and pathogenic organisms. Moreover, the legislative history of section 405 evidences Congressional intent that EPA's regulations should address domestic septage as well as sewage sludge. S. Rep. No. 50, 99th Cong., 1st Sess., p. 47 (1985). It was for these reasons that EPA decided to regulate septage in the part 503 proposal.

Under the proposed approach, the same numerical pollutant limits and management practices applicable to sewage sludge would have also applied to septage. In addition, septage would have been required to be analyzed to determine the amount and presence of inorganic and organic pollutants covered by the regulations. This information was required to allow the septage pumper or hauler to determine the appropriate use or disposal practice. If, as is generally the case, septage is to be applied to agricultural or non-agricultural land, pollutant concentration data would be needed to determine the allowable pollutant application rate or maximum pollutant concentrations for applying the septage to the land. EPA believed that concentrations of inorganic and organic pollutants in septage would be lower than concentrations of these pollutants in sewage sludge because of the septage's predominately domestic sewage nature and the lack of significant industrial wastewater contribution to it. Because septage quality should be better than sewage sludge quality, the Agency believed that it would prove easier for septage than for sewage sludge to comply with the requirements of the part 503 proposal.

Because of the comments and information EPA received on the proposal, the Agency evaluated alternative regulatory strategies that would similarly protect public health and the environment but are less complex and easier to implement. One such strategy was put forth in the 1990 notice of the NSSS (55 FR 47240–47242, November 9, 1990). This approach replaced pollutant monitoring and cumulative pollutant loading limits used for sewage sludge with a single hydraulic loading rate (30,000 gallons per acre per year) for septage applied to the land. In addition, the approach used short term lime stabilization to control pathogens and vector attraction, and other requirements such as crop, use and access restrictions to ensure adequate protection of public health and the environment. This approach received many favorable comments from reviewers.

The Agency recognized, as a result of comments on the proposal and 1990 notice, that several factors must be taken into account when regulating septage. Most septage collection businesses are small operations, usually three or fewer trucks. Each truck generally has a storage capacity of about 2,000 gallons which will contain the wastewater from, at most, two typical home septic tanks. Under these circumstances, it is readily apparent how difficult it would be to require sampling and testing of septage for organics, metals and nitrogen, and then regulate land application based on septage quality. Such an approach appears particularly onerous for small and marginal businesses in the septage service industry.

While the Agency believes domestic septage has many of the same chemical and biological constituents as sewage sludge and septage requirements must protect public health and the environment to the same degree as sewage sludge requirements, it has also concluded that septage presents less of a risk to public health and the environment than sludge may because these constituents are found at very low concentrations. Presently, a number of States and local governments regulate land application of septage by controlling the amount of septage that may be applied on a gallons per acre per year basis—a hydraulic loading rate approach similar to the approach considered in the 1990 notice.

The Agency believes the use of a hydraulic loading rate is an attractive alternative for small volumes of septage with low levels of pollutants. Such a regulatory approach is easily understood and implemented by small communities and septage pumpers and haulers. Moreover, it does not require specific testing of septage loads and land application based on the analysis of septage quality. This approach also lends itself to a simple recordkeeping system. Regulatory agencies would merely check the haulers' records which would indicate the gallons of septage hauled to a specific site.

To validate the hydraulic loading rate approach for the final rule, the Agency, using data on domestic septage quality, compared calculated reasonable hydraulic loading rates for septage to the risk-based pollutant loading rates for sewage sludge. The first step was to calculate reasonable hydraulic loading rates based on the nitrogen requirements of various crops and vegetation expected to be grown on land application sites. Based on the available nitrogen content from domestic septage and varying the crop uptake rate in pounds of nitrogen per acre per year, a range of annual septage application rates were calculated as a function of crop nitrogen requirements. Determining the annual septage application rate based on nitrogen uptake was considered reasonable because it provides only the amount of nitrogen needed to satisfy the growth requirements of crops and vegetation grown on the land application site.

To verify that hydraulic loading rates for domestic septage protect public health and the environment, the Agency reviewed the pollutant content of domestic septage from data gathered during the public comment period (Reference number 107). Using this information, the Agency calculated the cumulative pollutant loads for each pollutant in domestic septage and compared them to the risk-based cumulative pollutant loads developed for the land application of sewage sludge in the final part 503 rule. Based on this analysis the Agency concluded that a hydraulic loading rate approach for septage applied to land would provide a similar level of public health and environmental protection as cumulative pollutant loading limits provide for sewage sludge.

The Agency also evaluated the adequacy of site restrictions and pH controls as a means of protecting public health and the environment from pathogens found in and vector attraction

to domestic septage. Domestic septage contains pathogens and is capable of attracting vectors when untreated septage is applied to the land surface. Based on a university study (Ronner, A.B., Cliver, D.O. 1987. "Disinfection of Viruses in Septic Tank and Holding Tank Waste by Calcium Hydroxide." University of Wisconsin, Madison) and on several States' experience with lime stabilized septage, the Agency found that raising the pH of septage with an alkaline material to 12 or above for 30 minutes stabilizes domestic septage and equals the minimum pathogen reduction requirements for a Class B sewage sludge described in the part 503 proposal. In addition, the Agency found that (based on States' experience) the vector attraction reduction requirement for septage is also satisfied by pH control because odors are drastically reduced.

Site use and access restrictions were also evaluated as a way of protecting public health and the environment when pH control was not used to reduce pathogens and vector attraction to land applied septage. The Agency determined that use and access restrictions were an appropriate means of protecting public health and the environment in the absence of pH control by ensuring that exposure to untreated septage is minimized. Thus, for the final rule, the Agency concluded that either pH control or use and access restrictions would provide an adequate level of public health and environmental protection from land applying domestic septage.

In addition to the above changes, the Agency simplified many of the monitoring, recordkeeping, and reporting requirements for domestic septage. EPA believes that these changes result in domestic septage requirements for the final part 503 rule that are more implementable than the requirements in the proposal, and that protect public health and the environment from reasonably anticipated adverse effects of pollutants found in domestic septage.

Final Action

As a result of public comments, the Agency has revised its approach for regulating domestic septage applied to land or surface disposed for inclusion in the final part 503 rule. It is the Agency's conclusion that the revised approach will be less burdensome and still protect public health and the environment. The requirements in today's final rule apply only to *domestic* septage as defined and not to sewage sludge. These requirements also do not apply to domestic septage that is co-mingled with industrial or commercial wastewaters, sludges or greases. A description of the requirements for the final part 503 rule is provided below:

1. *Domestic septage land application rate limit.* The rate of septage applied to land would be limited to an annual septage application rate (gallons per acre per year—hydraulic loading rate) depending on the crops or vegetation grown on the land application site. The Agency has determined that limiting the hydraulic loading of septage, based on the nitrogen requirements of crops and vegetation, will adequately protect public health and the environment. This approach, based on the data on pollutant concentrations in septage reviewed by the Agency, ensures that the application of septage will not result in exceeding the cumulative pollutant loadings for metals that the Agency has found to be protective. In addition, septage applied at the appropriate hydraulic loading rate will satisfy nitrogen demands for growing crops without adversely affecting surface or ground water because available inorganic nitrogen will be taken up by the crops and organic nitrogen will be released too slowly (over a period of years) to cause contamination of surface or ground waters.

In contrast to land application, when domestic septage is disposed of on a surface disposal site, the final rule does not limit the application of septage by a hydraulic loading rate. Based on its review of data on metal concentrations in septage, the Agency has determined that a loading limitation is not required to protect public health and the environment. Metal concentrations in septage are well below safe numerical pollutant limits for sewage sludge when disposed at a surface disposal site. Moreover, the volume of domestic septage being disposed is small in comparison to sewage sludge.

2. *Pathogen and vector attraction reduction.* Short term alkaline stabilization (pH adjustment) is required to reduce pathogens and vector attraction prior to land application of septage. Short term stabilization with lime or equivalent alkaline products would be accomplished by raising the pH of septage to 12 or greater for 30 minutes. When domestic septage is disposed of at a surface disposal site, alkaline stabilization is required if the surface disposal site does not inject or incorporate the septage into the soil, or cover the septage by the end of the operating day. These requirements are similar (but not identical) to the pathogen and vector attraction reduction Criteria for Classification of Solid Waste Disposal Facilities (40 CFR part 257). The Agency has concluded that raising the pH of domestic septage reduces pathogens, indicator organisms and vector attraction and thereby decreases the risk of disease to the public. In cases where alkaline stabilization is not possible, restrictions on crops, use and access are required to protect public health and the environment.

3. *Crop restrictions.* When alkaline stabilization is not possible and domestic septage is applied to agricultural land, the planting of crops whose edible portions may contact the surface soil and of root crops grown in the soil would be prohibited after septage application for 14 and 38 months, respectively. The Agency has found that short term alkaline stabilization does not sterilize the septage but does significantly reduce the number of pathogens and indicator organisms. The 14 and 38 month planting delay would allow further die-off of these organisms from exposure to sunlight and frequent drying to levels the Agency believes is protective of public health.

4. *Use and access restrictions.* When alkaline stabilization is not possible, access to sites where the potential for public exposure is high (e.g., parks and recreational areas) is restricted for 12 months after application of domestic septage to those sites. This is the same period in the current Criteria for Classification of Solid Waste Disposal Facilities (40 CFR part 257) for septage that is applied to the land if the septage is not treated in a Process to Significantly Reduce Pathogens. The main purpose of the 12 month restriction is to protect children who may ingest septage-amended soil while playing in the areas where domestic septage is applied. The Agency believes that the 12 month period is reasonable based on pathogen die-off information for septage-amended soil. For agricultural and non-agricultural lands (i.e., forest and reclamation sites) where the potential for exposure to the septage-soil mixture is low, public access would be restricted for 30 days. In addition, animals will not be allowed to graze or feed crops harvested for a period of 30 days after the application of septage. EPA concluded that the use of different time periods for access restrictions is appropriate because those time periods reflect the potential for different exposures. The Agency also believes, based on available information, that the different time periods help protect the public from the effects of pathogens in domestic septage.

Site-Specificity for Use and Disposal Practices

Comments on the Proposed Approach

Many commenters maintained that the part 503 rule should provide greater flexibility in establishing numerical pollutant limitations and management practices for sewage sludge use and disposal by allowing for variances based on site, state or regional specific factors. The commenters argued that since site-specificity is currently a basis for EPA's National Pollutant Discharge Elimination System (NPDES) permitting program under the Clean Water Act and the part 503 regulations are an extension of this program, the same type of site-specific evaluation should be allowed for sewage sludge use and disposal. Treatment works or individuals using or disposing of sewage sludge would then have the option of complying with the national standards, or requesting a variance or waiver based on meeting state design standards or site-specific conditions. The commenters believed that this approach would increase the beneficial reuse of sewage sludge but recognized it would also increase the burden on the permitting authority. One commenter suggested that EPA allow site-specific soil testing for metals once cumulative inorganic pollutant limitations are reached in order to determine if the site-life for agricultural land practices is actually exhausted. Another commenter felt that the monofill model should be modified, on a case-by-case basis, to remove that quantity of pollutant taken up by plants and animals on the site from the quantity of pollutants available for leaching to the ground water.

Response to Comments

The Agency agrees that the part 503 regulations, to the extent feasible, given limited Agency resources, should provide the flexibility to modify the standards in appropriate circumstances. In the part 503 rule, the Agency used pollutant fate and transport models in 14 exposure assessment pathways to predict the long-term human health and environmental effects of using or disposing of sewage sludge by the practices covered in the regulations. Sensitivity analyses were performed on the models to identify those factors that were most significant in determining the model results. In conducting the sensitivity analyses for the proposal, the Agency found for certain disposal practices that varying certain parameters made a significant difference in a numerical limit for a pollutant, without causing the pollutant to exceed the human health or environmental endpoint from which the limit is calculated. However, the Agency did not find any physical parameters in the land application model made a significant difference in the pollutant limits.

For the proposal, the Agency also considered developing a "tiered" regulatory approach for treatment works that could not meet the national numerical limits and did not want to conduct site-specific exposure assessment modeling for all the parameters in the 14 exposure pathways. Such an approach would establish intermediate numerical limits based on varying a few pathways and parameters at each tier. Treatment works would submit for the appropriate tier their site-specific numerical limits, exposure pathway assessment and supporting data to the permitting authority, and the permitting authority would review and approve the data, exposure assessment and site-specific limits.

One reason the Agency rejected the "tiered" regulatory approach was its complexity. Such an approach would be inconsistent with the Agency's principle of developing a rule that could be implemented easily (i.e., a self-implementing rule). It would be impossible to include in the rule all possible variations occuring at a site. Another reason for rejecting the approach was that the Agency did not believe that treatment works would use the intermediate tiers. Rather than varying only a single parameter, the Agency felt it more likely that a treatment works would collect data on as many parameters as possible to determine if, by doing so, their sludge could meet recalculated numerical limits for their site. This would further complicate implementation of the rule, increase the burden on the permitting authority and the treatment works, and based on the Agency's analysis for the proposal, provide no significant difference in the pollutant limits for land application practices.

For the final part 503 rule, the Agency reexamined whether or not to allow site-specific pollutant limits for land application practices beneficially using sewage sludge as a fertilizer or soil amendment. As discussed above, EPA evaluated 14 exposure assessment pathways to establish national numerical pollutant limits for practices that beneficially land apply sewage sludge. The Agency considered allowing a treatment works the flexibility to conduct site-specific exposure assessments and recalculate pollutant limits for each land application site using the 14 exposure pathways evaluated in the final rule, but decided not to allow the site-specific option for land application practices for several reasons.

First, site-specific pollutant limits would have to be developed on a site-by-site basis for possibly thousands of land application sites. Given the complexity of the 14 exposure pathways and the amount of data needed to field validate and verify each exposure assessment, the Agency determined that it would not be economically practical for a treatment works to conduct as many as 14 exposure pathway assessments for each land application site. In addition, the Agency believes that the administrative burden on permitting authorities to review and approve site-specific numerical limits on a case-by-case basis for thousands of land application sites would not be feasible and is beyond the self-implementing nature of today's final rule.

Second, many of the parameters in the 14 exposure pathways are based on Agency risk policy decisions (e.g., an RfD for an inorganic pollutant). EPA does not believe that values for these parameters should be changed regardless of site-specific conditions and that any variation in these pathways or parameters could result in numerical pollutant limits that are not adequate to protect public health and the environment. Finally, if the Agency restricts which pathways and parameters can be used or varied in a site-specific exposure assessment to those that are not critical from an EPA risk policy standpoint, the Agency does not believe that the numerical limits recalculated from such a "limited" exposure assessment would result in less stringent cumulative pollutant loading rates. Therefore, conducting or evaluating a site-specific exposure assessment based on varying only a few parameters in a few pathways would not be a prudent use of limited resources since it would not make a significant difference in the numerical limits for the site.

In support of site-specific soil testing for land application practices, it is possible that inorganic pollutant concentrations measured in the soil may be less than the allowable pollutant concentrations from the exposure pathway assessment after the cumulative inorganic pollutant loading limits are reached because of losses due to leaching and plant uptake. However, EPA believes that these losses would be small and would not significantly increase site-life beyond pathway predicted values. Further, any small anticipated increase in site-life would

not justify the administrative burden of conducting and evaluating site-specific soil tests and exposure assessments. For the above reasons, the final part 503 regulations do not allow site-specific soil testing for land on which sewage sludge is applied.

The Agency also considered for the final rule whether to allow site-specific pollutant limits for surface disposal practices including sludge-only landfills. Because the part 503 surface disposal limits are based only on the results of the vapor and ground water pathways, EPA determined that site-specific pollutant limits are feasible for all surface disposal practices. However, the Agency does not believe it is feasible, on a site-specific basis or otherwise, to modify Pathway 13 (surface disposal vapor pathway) or Pathway 14 (surface disposal ground water pathway) to account for the amount of a pollutant that may be taken up by animals or vegetation on the site from the quantity of pollutant available for vaporizing to air or leaching to ground water. The Agency believes that such losses would be insignificant, if quantified, having little effect on site-specific numerical pollutant limits for those pathways.

As discussed earlier, the Agency also evaluated the potential risks to wildlife from surface disposal practices and found that wildlife exposure was not significant enough to develop numerical limits using the wildlife exposure pathways for these practices. Because of the physical nature of these sites, active surface disposal sites do not provide a suitable habitat for many plant or animal species. This is supported by current evidence that does not indicate significant levels of foraging or other biological activities that would lead to significant exposure for these practices. For these reasons, the final part 503 regulation allows site-specific pollutants limits for surface disposal practices but does not allow the exposure pathways to be modified to reduce the amount of pollutants vaporizing to air or leaching to ground water after accounting for pollutant uptake by plants and animals on the site.

Final Action

In today's rule, the option of recalculating numerical pollutant limits based on certain site-specific conditions would be available for treatment works that dispose of their sewage sludge in surface disposal sites (including monofills) on a case-by-case basis.

The final rule balances the flexibility associated with site-specific analyses against the simplicity of national numerical limits. A rule that allows exceptions for every conceivable contingency would prove difficult to understand. Moreover, implementation of such a rule would require an unwarranted commitment of the Agency's limited resources. Therefore, exceptions to national pollutant limits are based on certain site-specific conditions that would make a significant difference in the pollutant limits but not their protectiveness.

Although the Agency's preference is for treatment works to use sewage sludge for its beneficial properties, EPA's responsibility is to set standards, for each practice, that are adequate to protect public health and the environment. Section 405(e) of the CWA requires treatment works generating or treating sewage sludge, as well as persons using or disposing of sewage sludge, to comply with the technical standards. Realistically, the Agency cannot issue permits to every user of sewage sludge. Therefore, the site-specific option is not allowed for land application practices and primary responsibility is placed on treatment works for ensuring that sewage sludge meets the requirements of the rule.

The approach that the Agency is promulgating in the final rule utilizes a combination of national numerical limits and case-by-case site-specific exposure modeling for surface disposal practices. Under certain conditions the treatment works would calculate new numerical limits based on the physical and environmental conditions at the surface disposal site. The treatment works will not have to collect data on all model parameters at the site. To ensure that site-specific limits are protective of public health and the environment, the Agency will not allow the treatment works to vary long-established Agency human health or environmental criteria such as RfDs, RfCs, MCLs, etc., or other parameters that would reduce the level of protectiveness in the site-specific limit. The conditions, exposure pathway models and site-specific parameters (e.g., depth to ground water, soil type and permeability, etc.) for which a treatment works may submit site-specific data and exposure pathway assessments will be provided in supplemental guidance issued by EPA shortly after promulgation of the final part 503 rule.

Application of Sewage Sludge to Frozen or Snow-Covered Land

Comments on the Proposed Approach

Many commenters objected to EPA restricting the application of sewage sludge to frozen or snow-covered land. The commenters maintained that sewage sludge could be applied to frozen or snow-covered land in an environmentally sound manner if certain precautions were taken at the site, such as considering slope, separation distance, soil type, conservation practice, and hydraulic loading.

Response to Comments

The Agency agrees that good management practices, such as vegetative cover and run-off containment can control pollutant migration from frozen or snow-covered lands where sewage sludge is applied. In the part 503 proposal, the Agency proposed to prohibit the application of sewage sludge to frozen, snow-covered, or flooded land unless the applier could demonstrate that the sewage sludge could be applied in a manner that will not cause a discharge of pollutants into waters or wetlands in violation of any requirements set forth by the Clean Water Act. The Agency believes that sewage sludge applied to frozen, snow-covered, or flooded lands could readily be transported off the site with the first melt or rainfall into a river, stream, lake, or wetland. These uncontrolled releases could result in adverse impacts to sensitive environmental areas such as spawning habitats located in wetlands. In addition, 26 States already impose similar restrictions on the land application of sewage sludge to prevent such environmental abuse.

Final Action

The final part 503 rule prohibits the application of sewage sludge to frozen or snow-covered land if the sewage sludge will cause a discharge of pollutants into waters or wetlands in violation of Clean Water Act requirements. This requirement does not apply to sewage sludge or sewage sludge products that are sold or given away for use in home gardens. In addition, bulk sewage sludge and bulk products containing sewage sludge may not be applied to flooded land. Shortly after promulgation, the Agency will issue separate guidance explaining how appliers can demonstrate compliance with this and other Clean Water Act requirements.

Set-Back Requirements

Comments on the Proposed Approach

Several commenters requested the Agency to include in the final part 503 regulations additional set-back requirements for distances from sewage sludge land application sites to ground water, bedrock, residences, property

lines, drinking wells and surface water bodies. One commenter stated that these set-back requirements should depend on site-specific conditions, such as soil type, pH, and slope, while limiting applications during adverse conditions. Other commenters suggested set-back distances between land application sites and private and public wells of 200 and 1000 feet, respectively. One commenter felt that the 10 meter set-back used in the proposed rule was not sufficient to protect surface waters from pollutants in sewage sludge. Another commenter suggested prohibiting sewage sludge application sites where the depth to ground water is less than one meter.

Response to Comments

The Agency disagrees that the part 503 rule should include additional or more stringent set-back requirements, or prohibit the land application of sewage sludge if the depth to ground water is less than one meter. The numerical limits established by the exposure assessment models are based on "reasonable worst-case" parameters such as one meter depth to ground water and 10-meter set-back from surface water. Under these conservative conditions the Agency believes the numerical limitations are adequate to protect public health and the environment from reasonably anticipated adverse effects of pollutants found in sewage sludge that is land applied. In addition, the Agency has required other management practices and siting restrictions to further protect public health and to prevent environmental abuse.

Anyone using or disposing of sewage sludge is obligated to comply with the requirements set forth in the part 503 rule. Moreover, in the case of surface water, section 405(a) of the CWA already prohibits, except in accordance with an NPDES permit, any disposal of sewage sludge if the disposal would result in any pollutant from the sludge entering navigable waters. However, as provided in section 405(d)(5) and section 510 of the Clean Water Act, States may impose more stringent requirements than those included in the part 503 regulations. In fact, many States and local governments already have zoning and set-back requirements that address many of the concerns raised by the commenters.

Final Action

The Agency has decided to retain the proposed set-back requirements in the final part 503 regulations for all land application practices, and not to expand or increase their stringency. However, the Agency has removed the proposed set-back requirements for sewage sludge and sewage sludge products that are sold or given away (referred to as distribution and marketing in the proposal) in the final part 503 rule because data provided during the public comment period showed that distributed and marketed sludge products do not pose a significant surface water pollution problem from run-off. The Agency believes the numerical limitations derived from the exposure pathway analyses for land application practices, in addition to the set-back, siting and management practice requirements contained in the final rule are adequate to protect public health and the environment. In addition, States are free to impose more stringent requirements if needed, and in many cases already have set-back and zoning laws that address the issues identified in the public comments.

Nitrogen Limitations for Non-Agricultural Land Application

Comments on the Proposed Approach

Many commenters argued that the proposed requirement for the application of sewage sludge to non-agricultural land, which states that the amount of nitrogen applied may not exceed the nutrient needs of the vegetation grown on the site, would prevent the beneficial use of sewage sludge for many of the non-agricultural land practice categories such as forest land, soil reclamation, and other beneficial use practices. The commenters maintained that, since non-agricultural land application encompasses a number of very different practice categories each having a different nitrogen management philosophy, the Agency should revise its agronomic rates requirement.

Response to Comments

The Agency agrees that the agronomic rates requirement may not be consistent with certain beneficial non-agricultural land practices such as land reclamation. As noted, the proposal included a provision that sewage sludge could not be applied at rates in excess of the nitrogen requirements of the vegetation (e.g., trees, grasses, etc.) and at rates that would cause the excess nitrogen in the sewage sludge to leach to the ground water. The objective of such a requirement is to satisfy the removal of the nitrogen requirements for optimal plant growth and to minimize nitrate contamination of ground water.

Sewage sludge contains three to five percent nitrogen. Nitrogen may be in the form of organic nitrogen, nitrogen as ammonia, and nitrogen as nitrate. Organic nitrogen is the predominant form of nitrogen in sewage sludge and decomposes into ammonia and nitrate. Ammonia is the form of nitrogen absorbed by the plant. Ammonia not absorbed by the plant may volatilize or has the potential to oxidize and form nitrate, a water soluble anion that moves readily downward into the soil profile. High levels of nitrate in drinking water supplies may result in health problems for both infants and livestock. The drinking water standard is 10 milligrams of nitrogen as nitrate per liter of water.

The nitrogen requirements of different plants can range from 50 to over 350 kilograms per hectare (45–312 pounds per acre). The nitrogen content of the sewage sludge, cropping patterns, plant-available nitrogen in the soil, supplemental fertilizers used, climatic conditions, and method of sewage sludge application also affect the amount of nitrogen that plants can effectively absorb from the sewage sludge.

Final Action

The Agency has decided to revise the agronomic rates requirement in the final regulations for land application practices. The final part 503 rule allows the application of bulk sewage sludge at rates designed to minimize the amount of nitrogen that passes below the root zone of the crop or vegetation grown on the site to ground water. For land reclamation, the permitting authority may authorize (by permit) a variance from this requirement provided the owner or operator of the site can demonstrate that nitrogen application in excess of crop and vegetative requirements would not contaminate ground or surface water. The Agency recognizes that allowing such a variance may cause a temporary pulse of nitrogen to occur in ground water or surface water near the site. However, the Agency believes that any minor excursion granted by the permitting authority would not be of sufficient duration or magnitude to produce adverse public health or environmental effects. Any slight potential for negative impacts from a temporary nitrogen pulse would be more than offset by the beneficial effects of land reclamation such as decreased acid run-off, erosion control, attenuation of inorganic and organic pollutants, and increased soil nutrient levels.

Rather than establish a national numerical limit for nitrogen for all land application practices, the Agency is requiring that the agronomically appropriate sewage sludge application rate be established by the permitting

VOL 58 ISS 32 FE 19 1993 UMI

authority based on site-specific land management practices. Guidance is available to assist in establishing the appropriate application rate from the "Process Design Manual—Land Application of Municipal Sludge" (Reference number 61) and from County Extension Service agents, State Extension soil fertility specialists, and State and local Soil Conservation Service agents.

Part 503 Vs. Part 258

Comments on the Proposed Approach

Several commenters recommended that, in the part 503, EPA regulate monofills (now regulated with surface disposal practices) in the same way as 40 CFR part 258 regulates MSWLFs in areas such as location criteria, closure requirements, long-term care, monitoring, and financial responsibility. They felt that the proposed part 503 regulations failed to recognize the importance of these areas and of: (1) Proper liner design or other engineering measures necessary to prevent pollutant migration; (2) engineering controls that allow for efficient collection and management of leachate; (3) ground water monitoring to assure that the monofill maintains its integrity; (4) a mechanism for triggering "corrective action" when the integrity of a monofill is compromised; (5) and a financial assurance mechanism to assure that the monofill can be closed properly at the end of its useful life. Some commenters were especially concerned that the proposed part 503 rule only regulated 16 pollutants in sewage sludge while the part 258 regulations addresses monitoring requirements for over 200 constituents. Other commenters maintained that allowing sewage sludge to be co-disposed with municipal solid waste without developing the numerical limitations for the co-disposed sludge did not comply with section 405 of the Clean Water Act.

Response to Comments

The Agency disagrees that, in the part 503 regulations, EPA must regulate surface disposal practices (that now includes sludge-only landfills—monofills) in the same way it has regulated municipal solid waste landfills and include the pollution containment requirements adopted in the part 258 rule in addition to the numerical pollutant concentration limits. The 40 CFR part 258 rule is a pollutant containment rule that specifies minimum Federal criteria for municipal solid waste landfills (including landfills that accept sewage sludge along with municipal solid waste). Among these requirements are location restrictions, facility design and operating criteria, ground water monitoring, and corrective action, closure and post-closure care, along with financial assurance requirements. The part 258 rule regulates municipal solid waste landfills using all these technical considerations.

In contrast to the part 258 rule, the part 503 rule seeks to limit the addition to the environment of pollutants from sewage sludge rather than contain the pollution on site. Thus, part 503 requires a quality of sewage sludge such that there will be no unacceptable impacts from the migration of pollutants. Therefore, conservative risk and exposure models were utilized to establish numerical limitations with an adequate margin of safety for pollutants in sewage sludge so that the resulting pollutant concentrations reaching a highly exposed individual through ground water are below human health criteria (maximum contaminant levels). Ground water monitoring and corrective action would be redundant and are, therefore, not needed for this controlled release approach. This approach depends on accurately characterizing the quality of sewage sludge through monitoring and controlling the sewage sludge quality through programs such as categorical pretreatment standards and local pretreatment programs. States may, of course, impose additional requirements if they desire.

By contrast, provisions of the part 258 regulations for municipal solid waste landfills control sewage sludge that is placed in these facilities through a facility design and management practice approach. The part 503 regulations adopted today for surface disposal sites include numerical pollutant limits that are adequate to protect public health and the environment from any adverse effects from pollutants found in sewage sludge and to control the quality of sewage sludge through these limits for each use and disposal practice. By setting risk-based pollutant limits to control sewage sludge quality, the Agency ensures that public health and the environment are adequately protected for those use and disposal methods regulated in part 503.

For purposes of section 405 of the CWA, in part 503, EPA has adopted the part 258 criteria as the appropriate standard under section 405 for sewage sludge disposed of with municipal waste. EPA concluded that if sewage sludge is disposed of in a MSWLF complying with part 258 criteria, public health and the environment are protected. Although section 405 of the Clean Water Act indicates a preference for numerical pollutant concentration limits to protect public health and the environment, the statute recognizes that development of scientifically defensible pollutant limits may not always be possible for all sewage sludge use and disposal practices. Thus, section 405(d)(3) provides:

> Alternative Standards—For purposes of this subsection if, in the judgment of the Administrator, it is not feasible to prescribe or enforce a numerical limitation for a pollutant identified under paragraph (2), the Administrator may instead promulgate a design, equipment, management practice, or operational standard, or combination thereof, which in the Administrator's judgment is adequate to protect public health and the environment from any reasonably anticipated adverse effects of such pollutants (CWA 405(d)(3)).

In developing the part 258 criteria, the Agency evaluated the technical feasibility of establishing numerical limits for sewage sludge that is co-disposed with solid waste in municipal solid waste landfills. In that rulemaking, EPA determined that it is not technically feasible to establish numerical criteria for sewage sludge being disposed at these facilities since any potential environmental or human health affects clearly be dominated by the solid waste component in the disposal facility. Therefore, EPA adopted, for purposes of co-disposed sludge regulation, the part 258 design and management criteria. Sewage sludge co-disposed with solid waste at landfills meeting the requirements of part 258 will satisfy the statutory directive of the Clean Water Act because the part 258 regulations have been determined to be as protective of public health and the environment as the part 503 regulations. Even though the approaches used in parts 258 and 503 are different, both approaches accomplish their statutory directive to protect public health and the environment.

Final Action

Standards for sewage sludge that is disposed of in a landfill with municipal solid waste are established in 40 CFR part 258. Compliance by treatment works with requirements of 40 CFR part 258 constitutes compliance with section 405. The part 258 standards are jointly promulgated under the authorities of sections 4004 and 4010 of RCRA and section 405(d) of the CWA. To meet these standards, treatment works must ensure that: (1) The sewage sludge sent to MSWLFs is not hazardous, as defined by the regulatory limits in 40 CFR part 261; and (2) the sewage sludge passes the Paint Filter Liquids Test (i.e., it contains no free liquids).

In the preamble to the MSWLF rule, EPA explained its judgment that it is not technically feasible to establish numerical limitations for the pollutants which may be present in sewage sludge that is co-disposed in municipal landfills. 56 FR 50978, 50996–50997 (October 9, 1991). In lieu of such numerical limitations, EPA promulgated an extensive set of rules pertaining to the design, management practices, and engineering standards for MSWLFs which co-dispose sewage sludge. (56 FR 50978–51119, October 9, 1991). As required under CWA section 405(d)(3), EPA determined that these alternative standards were adequate to protect public health and the environment. *Id.*, at 50997.

EPA has provided a sound technical and scientific basis for its CWA section 405(d)(3) determination that numerical limitations could not be set for sludge co-disposed in municipal landfills. In the proposed part 258 rule, EPA made a tentative determination under CWA section 405(d)(3) that it was not feasible to prescribe numerical limitations for pollutants in co-disposed sludge. EPA based this determination on the conclusion that sludge constitutes only a minor portion of all waste that is disposed of in municipal landfills (e.g., 5 percent by volume) and that is not scientifically possible to separate out the fate, transport, and environmental effects of pollutants in sludge from those contaminants contained in the vast amount of other waste disposed of in the landfill. 53 FR 33314, 33320, 33322 (August 20, 1988).

In the final part 258 rule (56 FR 50978, 50996–50997), EPA explained that there were no scientifically adequate mathematical models which could be used to assess the movement of sewage sludge pollutants from disposal facilities which also accept other types of waste, such as municipal landfills. *Id.*, at 50997. EPA determined that, in contrast to disposal situations where sewage sludge is disposed of in a sludge-only facility, there were too many scientific uncertainties concerning the chemical interactions between sludge pollutants and those pollutants contained in garbage and other household waste when all were mixed in a municipal landfill. *Id.*

Given these uncertainties, EPA concluded that no existing model, including the model which had been utilized to propose numerical limitations for sludge pollutants when the sludge is used or disposed of on its own (54 FR 5764–5778 (February 6, 1989)), could track the fate of sludge pollutants in a municipal landfill. As a consequence, the Agency determined that it could not prescribe with any degree of scientific certainty the appropriate numerical limitations for such sludge pollutants in co-disposed situation. *Id.*

Moreover, EPA concluded that there was a significant absence of data on the typical levels of pollutants contained in household waste which is co-disposed with sludge in municipal landfills. *Id.* Without some knowledge about the character of the household waste component in a co-disposal facility and its effect on the potential of toxic pollutants to leach from the landfill, the Agency determined that it was "impossible to calculate limitations for the sludge pollutants." *Id.*

The information EPA considered for part 258 fully supports EPA's determination under CWA section 405(d)(3) that the operational, design, and engineering standards which are incorporated into the MSWLF rule are adequate to protect public health and the environment from any reasonably anticipated adverse effects of toxic pollutants in sewage sludge co-disposed in municipal landfills. 56 FR 50978, 50997 (October 9, 1991).

Ground Water Monitoring and Degradation

Comments on the Proposed Approach

Several commenters maintained that a mechanism to ensure ground water protection was not provided in the part 503 proposal because ground water monitoring provisions were not required for monofills. The commenters stated that the only way to guarantee compliance, and to ensure that design and construction controls work is to require ground water monitoring. Another commenter advocated requiring ground water monitoring for all sewage sludge monofills, land application sites, and surface disposal sites unless conditions warranting an exemption could be demonstrated.

Other commenters suggested that the Agency develop a national "non-degradation policy" for all ground waters underlying monofills rather than establishing national numerical limitations, and that national regulations should not allow the deliberate pollution of ground waters. However, another commenter argued that EPA does not have the statutory authority under the Clean Water Act to establish a national ground water non-degradation policy as part of the part 503 rulemaking.

Response to Comments

The Agency disagrees that it must require ground water monitoring to ensure ground water protection. Further, the EPA disagrees that a national "non-degradation policy" is needed to protect all ground waters underlying monofills or that it lacks the statutory authority under the Clean Water Act to establish such a policy if in the future the Agency determines that such a policy is necessary to protect public health and the environment.

A fundamental regulatory principle used in developing the part 503 rule is prevention of environmental harm. The Agency believes that it is more protective and cost effective to prevent sewage sludge contamination by controlling pollutants at the source than it is to require clean-up of the contaminated ground water. Therefore, controlling the quality of sewage sludge placed in the monofill is an overriding objective of the part 503 standards.

This up-front sewage sludge pollution prevention approach is different from the alternative approach taken in the "Solid Waste Disposal Facility Criteria" 40 CFR part 258 (see 56 FR 50978, October 9, 1991). The criteria for MSWLFs use location, design, and operating criteria to achieve a ground water protection performance standard. In addition to those criteria, the Agency also requires that owners or operators of MSWLFs monitor the ground water and take corrective action when necessary. This ground water monitoring serves as a method of verifying the adequacy of the design and operation of a particular MSWLF. Ground water monitoring and corrective action were mandated for the regulations by section 4010 of RCRA "as necessary to detect contamination."

Consistent with its pollution prevention objective, the part 503 rule requires that treatment works monitor the quality of sewage sludge before the sewage sludge is used or disposed of at any site. EPA's analysis based on the available scientific and technical information, indicates that if the pollutant concentrations do not exceed the limits in the part 503 regulations, the pollutants are unlikely to migrate to the ground water, especially at levels that exceed the drinking water standards. In such circumstances, the Agency believes that requiring ground water monitoring and corrective action, in addition to sewage sludge testing, is not justified or necessary to protect public health and the environment.

Final Action

The Agency has decided to retain the proposed pollution prevention approach and numerical pollutant limitations for sewage sludge quality to ensure protection of ground waters underlying sewage sludge use and disposal sites.

The Agency has not established a national non-degradation policy for all ground waters but will consider such a policy in future rulemakings if the Agency determines it is necessary to further protect public health and the environment from the use or disposal of sewage sludge.

The Agency used exposure assessment models to simulate the movement of the pollutant into and through the soil profile to the ground water. The models calculate a pollutant concentration that will not exceed an MCL at the point of compliance. For land application practices, the point of compliance is the point where the leachate enters the aquifer. For surface disposal practices, the point of compliance is immediately below the property boundary or 150 meters from the sewage sludge unit boundary, whichever is less.

The Agency's objective in establishing the pollutant limits for the use and disposal of sewage sludge is to ensure that the pollutant concentrations reaching the ground water do not exceed the drinking water standard or, if no drinking water standard exists, other appropriate human health criteria. This ground water protection standard is the basis for the Agency's determination that the pollutant limits are adequate to protect public health and the environment from any reasonably anticipated adverse effect of a pollutant.

Surface Disposal Vs. Treatment/Storage

Comments on the Proposed Approach

Numerous commenters argued that the one year cut-off for designation as a sewage sludge surface disposal site (as opposed to a treatment or storage site) is unrealistic and should be changed. Many commenters felt that interim storage and treatment should be excluded from the definition of surface disposal, and that the definition did not clearly differentiate between long and short-term storage or between treatment and disposal. Several of the commenters suggested cut-off limits for storage and treatment ranging from two to 10 years. Other commenters maintained that surface disposal sites should be regulated the same as monofills, or that exceptions should be made for facilities with adequate ground water protection such as liners.

Response to Comments

The Agency agrees that the one year time period may not adequately differentiate surface disposal from treatment or storage. As modified in the final rule, the Agency believes that the definition accurately captures the critical elements distinguishing treatment from storage. For treatment works, the final rule provides an opportunity to demonstrate that storage may require retention for a greater period than the regulatory baseline. EPA concluded that, applying these standards, regulatory authorities and permit writers can distinguish among facilities used for sewage sludge treatment, storage and disposal.

In the proposal, the Agency defined a surface disposal site as an area of land on which only sewage sludge is placed for a period of one year or longer. The one year time period was used to differentiate surface disposal from treatment or storage practices not covered under the part 503 rule.

In 1984, when the Agency initiated the part 503 rulemaking process, surface disposal sites were considered surface impoundments that were used for treatment or interim storage, not permanent disposal facilities. Subsequently, the Agency has learned that some communities use surface impoundments for extended periods of time, suggesting that the practice is, in fact, the community's method of disposal. When surface impoundments are used for the final disposal of sewage sludge, they are surface disposal sites and are subject to the CWA's requirements as a disposal method. The CWA requires the Agency to develop standards for use or disposal methods that are adequate to protect public health and the environment from any adverse effect of each pollutant.

Sewage sludge is applied to the land for use or disposal. Sewage sludge is applied to agricultural and non-agricultural land, and sewage sludge products are distributed in commerce for use in home gardens, to take advantage of the nutrient and soil conditioning properties of sewage sludge. However, surface disposal practices do not use the nutrient and soil conditioning properties for a beneficial use. Rather, many of these disposal practices use the soil simply to bind the metals and use soil microorganisms, sunlight, and oxidation to destroy the organic matter in the sludge. Disposing of sewage sludge in monofills is also a method of surface disposal that does not use the beneficial characteristics of sewage sludge.

Final Action

Based on public comment and information obtained from the National Sewage Sludge Survey, the Agency has decided to increase the one year time period used to differentiate sewage sludge surface disposal from treatment or storage to two years. The Agency believes a two year time period is appropriate for differentiating sewage sludge surface disposal from treatment and storage, and has made this change to the definition of surface disposal because certain treatment practices (e.g., composting, sludge drying beds, etc.) and storage facilities may process and store sewage sludge for periods exceeding the proposed one year time limit. The Agency believes that permit writers will be better able to distinguish between those facilities legitimately treating and storing sewage sludge and those practicing surface disposal if EPA specifies a general time limitation. For the purpose of the final rule, the Agency has also merged application of sludge to dedicated land and disposal in monofills (i.e., sludge-only landfills) under the definition of surface disposal.

The two year time limit will reduce the burden on the regulated community operating legitimate treatment and storage facilities. The yardstick permit writers must apply to distinguish between legitimate use and disposal practices is the two year time limitation. If retained and not treated for more than two years, the sewage sludge is presumed to be disposed. If the practice does not meet this simple test it is subject to the part 503 surface disposal regulations. If stored or treated the sludge is not subject to these regulations. For flexibility in cases where the facility legitimately treats or stores for periods longer than two years, the owner or operator of the facility can prepare an explanation (for review by the permitting authority, if requested) as to why treatment or storage must continue beyond the two year limit and gain relief from this requirement.

Feasibility of THC Monitoring

Comments on the Proposed Approach

Many commenters indicated that total hydrocarbon (THC) monitoring has not been shown to be practical for sewage sludge incinerators and carbon monoxide (CO) monitoring should be used instead. These commenters suggested CO monitoring since it has been demonstrated in other incinerator applications and is simpler to operate and maintain. Some commenters argued that THC monitoring is more costly than EPA estimated and would result in many sewage sludge incinerators having to install afterburners unnecessarily. Other commenters recommended that EPA should use THC monitoring to determine overall combustion efficiency of the incinerator and set minimum temperatures, or specify afterburners to

ensure complete destruction or organic pollutants.

Response to Comments

The Agency disagrees that THC monitoring is not feasible for sewage sludge incinerators or that afterburners need to be required to ensure complete destruction of organic pollutants. Because of questions raised about the feasibility and reliability of the THC monitoring of sewage sludge incinerator emissions, EPA sponsored a long-term demonstration of a heated flame ionization detection (FID) system for use as a THC monitor at the Metropolitan Waste Control Commission (MWCC), Metropolitan Wastewater Treatment Plant in St. Paul, Minnesota. The plant has six multiple hearth sludge furnaces, with wet venturi scrubbing systems and waste heat recovery boilers. A heated total hydrocarbon measuring instrument, a Beckman Model 402, was installed on incinerator No. 9 on June 19, 1989.

The MWCC plant was selected for this study because the plant's management approached the Agency about conducting a cooperative research activity and the incinerator facility has a sophisticated computer control system that allows for the collection and analysis of incinerator and air pollution control device operating data.

The objectives of the study were as follows:

1. Demonstrate the feasibility and long term reliability of an FID system on a full scale sewage sludge incinerator.
2. Determine the costs of operation and maintenance of the FID monitor.
3. Evaluate the effects of various incinerator operating parameters on THC emissions such as operating temperatures, excess air rates, transient operating conditions, and scrubber operation.
4. Correlate the organic emissions from the incinerator with the THC readings to strengthen the Agency incinerator emission data base and to further support the regulation of total organic compound emissions through the regulation of THC emissions.

The heated FID system operated satisfactorily over the two year study. Several modifications to the standard gas sampling system were made that contributed to the success of the project.

a. A 180-degree shroud was installed on the upstream side of the sintered metal stack sampling probe. This has the effect of reducing the direct impact of stack gas stream particles on the sintered metal sampling probe and is believed to greatly reduce plugging of the sampling probe.

b. The sintered metal sample probe is routinely back purged with calibration gases during the bi-weekly instrument calibration and maintenance check.

c. The temperature of the sampling system instrument was raised from 150 °C to 190 °C. At 190 °C, erratic behavior of the system ceased and stable operation was achieved. It is theorized that at the 150 °C operating temperature, moisture in the stack gas was causing the unstable operation. It appears that at least for the St. Paul incinerator system, which has a stack temperature of 90–100 °F (32–38 °C), 190 °C is necessary for successful operation. Based on this experience, each facility will be able to arrive at its own optimum operating temperature of at least 150 °C.

With these modifications of the FID system, the system performed quite well. During the study, the THC system was operational approximately 95 percent of the time. Most of the instrument down time was due to the normal maintenance shut-down of the incinerator itself.

The hot FID instrument collected data which were used in a number of analyses. For example, the THC levels in the stack have been found to correlate very well (correlation co-efficient, r^2=0.90) with the top hearth gas temperatures. Carbon monoxide instrument data do not show as good a correlation with either top hearth gas temperatures or THC data. A second heated FID system was put into operation on October 10, 1989. The readouts of both instruments correlate very well, with only a 10 percent difference between the two THC readouts. Additional parametric tests on upset operating conditions and scum burning were conducted. Also measurements of emissions of individual semi-volatile and volatile organic compounds were conducted so that EPA could better correlate THC measurements with total organic compound emissions and better understand the health risks associated with THC readings.

The operating and maintenance costs of the hot FID system at St. Paul have been documented. For the period of June 19, 1989 to December 31, 1989, 160 labor hours were spent on operation and maintenance of the system. The Agency feels that this is a reasonable effort to ensure that emissions of organic pollutants are controlled to acceptable health risk levels.

EPA conducted additional demonstrations of THC and CO monitoring on sewage sludge incinerators in fiscal years 1991 and 1992. Results of these demonstrations further showed the viability of continuous THC/CO monitoring of sludge combustion systems (Reference number 110). EPA is now convinced that THC monitoring is a viable regulatory tool.

Final Action

Based on study data, the Agency has decided to require THC monitoring using a heated flame ionization detection system to control organic emissions from sewage sludge incinerators. The results of the study demonstrate the feasibility and long term reliability of THC monitoring using a heated (150 °C) FID system. Operating and maintenance costs are competitive with other monitoring systems used in sewage sludge incinerators such as carbon monoxide monitors. In addition, THC reading from the FID system showed excellent correlation with organic pollutant emissions for the sewage sludge incinerators tested.

Incinerator Stack Height Option

Comments on the Proposed Approach

Nine commenters supported a part 503 provision that would allow owners and operators of sewage sludge incinerators the flexibility of raising their stack heights using "good engineering practice" (GEP) to meet numerical pollutant limits before requiring the installation of best available control technology (BACT) air pollution control equipment. Many of the commenters felt that this would be an appropriate provision for the risk-based part 503 rule because many existing facilities have relatively short stacks that can result in downwash exposing incinerator operators and nearby citizens to high levels of incinerator emissions. Two commenters opposed the raising of incinerator stacks arguing that deposition exposure and the overall aggregate risk from incinerator emissions would not be reduced by increasing stack height.

Response to Comments

The Agency agrees that owners and operators of sewage sludge incinerators should have the option of raising the height of their stacks using GEP (as required under 40 CFR 51.100) to meet part 503 numerical pollutant limitations before taking other corrective measures such as installing expensive air pollution equipment. In the proposal, the Agency solicited comments on whether to deny owners and operators of incinerators an opportunity to raise the height of their stacks after the effective date of the rule, as the means of complying with the numerical limits in the rule. Raising the stack height

increases the amount of dispersion, thereby reducing the concentration of the pollutants that reach the MEI. However, increasing the height of stacks does not reduce the mass emissions of the pollutants. Therefore, national cancer incidence (the number of cancer cases due to the pollutants being emitted) may not change significantly, if owners or operators choose to meet these requirements by merely increasing the height of their stacks.

The legislative history of section 405 of the CWA directs the Agency to establish numerical limits that protect the health of individuals or populations which are at higher risk than the population as a whole (Cong. Rec., S1624, October 16, 1986). If, in complying with pollutant limitations, all incinerators in the regulated universe install pollution control equipment (such as afterburners and wet electrostatic precipitators), EPA's analysis showed that in addition to protecting the HEI, reductions would occur in the total number of projected cancer cases as well as the number of projected adverse lead health effects. The Agency has concluded that allowing credit for actual stack height up to GEP stack height would protect the HEI and would not increase the projected number of cancer cases (incidence) nationwide.

Final Action

The Agency has decided to allow owners and operators of sewage sludge incinerators the flexibility of increasing the height of their stacks up to GEP height (see 40 CFR 51.100) in determining allowable numerical pollutant limits in the final part 503 rule. The Agency believes that this approach will continue to protect highly exposed individuals and will not increase the aggregate risk to the population as a whole from incinerator emissions at facilities that chose the stack height option as a means of complying with part 503 numerical pollutant limitations.

Incinerator Lead Emissions Limitation

Comments on the Proposed Approach

Commenters were divided on how the Agency should establish the lead emissions limitation for sewage sludge incinerators. Three commenters advocated setting the allowable lead emissions limit based on the ambient air lead levels at each facility. Another commenter argued that since lead emissions from other sources were being reduced by the Agency under other regulations, a lead emissions standard for sewage sludge incinerators was premature. One commenter questioned the Agency's logic for the 25 percent of the National Ambient Air Quality Standard (NAAQS) assumption used to derive the lead emissions limit. Still other commenters were supportive of the proposed lead emissions limit and agreed with the Agency's 25 percent portion of the National Ambient Air Quality Standard for lead as the basis for the incinerator lead emissions standard.

Response to Comments

A number of commenters supported the Agency's approach for establishing the lead emissions limitation for sewage sludge incinerators. However, the Agency concluded that some modifications to the proposed approach were necessary to take into account site-specific ambient lead levels in order to protect highly exposed individuals and populations from incinerator lead emissions. The Agency disagrees that a lead emissions standard for sewage sludge incinerators is premature because of lead reductions imposed by other EPA regulations, or that the Agency's logic used in establishing the lead emissions limitation is flawed.

In the proposal, EPA designed the standard to limit lead emissions from sewage sludge incinerators so that the ground level concentration of lead would not exceed 25 percent of the NAAQS for lead. The current NAAQS for lead is 1.5 micrograms per cubic meter (ug/m^3) maximum arithmetic mean averaged over a calendar quarter (see 40 CFR 50.12).

In deriving an allowable ground level concentration for lead from the incineration of sewage sludge, the Agency evaluated the following two alternatives: 10 percent of the NAAQS, the percent used in the revisions to the Hazardous Waste Incinerator regulation, and 25 percent of the NAAQS. States allocate a percentage of the NAAQS to various sources of lead emissions in non-attainment areas through State Implementation Plans (SIPs). At the time of proposal, most States had not included limits for sewage sludge incinerators in their SIPs, leading the Agency to believe that States did not consider sewage sludge incinerators a significant source of lead emissions.

However, allocation of a large quantity of the air-shed loading to sewage sludge incinerators is inconsistent with the Agency's goal to minimize lead exposure from all sources because of the significant biological changes that occur across a broad range of exposures to lead (down to very low levels). Limiting the contribution of lead from sewage sludge incinerators to 10 percent of the NAAQS level (i.e., 0.15 ug/m^3) would be consistent with this goal. However, allowing sewage sludge incinerators alone to contribute potentially up to 25 percent of the NAAQS may be excessive since allowing that increment could allow ambient lead levels in some areas to rise substantially from the present average background level of 0.1 ug/m^3. In addition, EPA's aggregate risk assessment showed lead emissions from sewage sludge incinerators to be the primary source of potential adverse health effects from lead when compared to other sludge use and disposal practices. The Agency's proposed approach to use 25 percent of the NAAQS was EPA's initial step in regulating lead from sewage sludge incinerators and to ensure that the increase in ground level ambient concentration of lead would not exceed the current lead NAAQS.

Final Action

The Agency has decided to revise its standard for limiting lead emissions from sewage sludge incinerators to 10 percent of the NAAQS for lead because the Agency's aggregate risk assessment shows lead emissions from sludge incinerators are the primary source of potential adverse health effects from lead, especially in small children, compared to other sewage sludge use and disposal practices.

In the final rule, the ground level concentration of lead contributed from the sewage sludge incinerator [exposure concentration to the highly exposed individual (HEI)] may not exceed 10 percent of the NAAQS for lead. The minimum ground level concentration of lead being contributed by a sewage sludge incinerator that must be achieved regardless of the ambient air lead concentration is 10 percent of the NAAQS for lead. However, States may wish to further limit the emission of lead from sewage sludge incinerators if it is warranted in non-attainment areas.

The 1978 NAAQS for lead was designed to ensure that 99.5 percent of the population has blood lead levels below 30 micrograms per deciliter (ug/dl), the level then judged to provide an adequate margin of safety from adverse health effects. The Agency now has data indicating that much lower blood lead levels are associated with a variety of adverse health effects in men, women, and particularly, in the very young. EPA is currently reviewing the current NAAQS for lead and will incorporate this new information. Until a new NAAQS is promulgated for lead, the current NAAQS will be the basis of the numerical limit when sewage sludge is

incinerated. When EPA revises the current NAAQS of 1.5 ug/m^3, the owner or operator of the sewage sludge incinerator is required under the part 503 regulations to revise the numerical limit for lead for the sewage sludge incinerator. The EPA believes that the revised standard used in the final part 503 rule is consistent with new information about low-level adverse health effects and the Agency's goal to minimize lead exposure from all sources.

Alternative Pollutant Limits

Comments on the Proposed Approach

Many commenters on both the proposal and the 1990 NSSS notice urged EPA to develop standards for a "clean sludge" (i.e., a sewage sludge that receives minimal regulation if the sewage sludge meets certain quality requirements).

Response to Comments

The Agency concurs in the view that protection of public health and the environment does not require the same level of regulatory control for "clean sludge." The requirements that a sewage sludge has to meet under this concept are discussed below and the reduction in regulatory requirements for that sewage sludge are discussed in the section on Final Action.

Results of the exposure pathway assessment for land application of sewage sludge provide cumulative pollutant loading rates for inorganic pollutants. These rates are the maximum amount of a pollutant that can be applied to a unit area of land consistent with protection of public health and the environment from reasonably anticipated adverse effects of pollutants in sewage sludge.

EPA also considered an alternative to a cumulative pollutant loading rate: determination of a pollutant concentration that, if not exceeded in the sewage sludge, would provide adequate protection. EPA derived the pollutant concentration from calculations using the already established cumulative pollutant loadings. Then, by applying certain conservative assumptions, EPA back-calculated to a pollutant concentration. Because the pollutant concentration is based on the cumulative pollutant loading rate and includes conservative safety factors, it provides the same degree of protection to human health and the environment as provided by the cumulative pollutant loading rate. Calculation of the pollutant concentration and the other parts of the "clean sludge concept" are discussed below.

To convert a cumulative pollutant loading rate to a pollutant concentration, two things must be done. First, the cumulative pollutant loading rate must be converted to an annual pollutant loading rate. For today's final rule, this was done by assuming that the entire cumulative load for a pollutant is applied to a hectare of land in one year. Thus, to convert the cumulative pollutant loading rates to annual pollutant loading rates, the cumulative pollutant loading rates were divided by one year. EPA believes this is a conservative assumption because it is unlikely that the cumulative load for the inorganic pollutants controlled in today's final rule will be applied to a hectare of land in one year.

Second, the annual pollutant loading rates calculated above were converted to pollutant concentrations using the following equation:

$$C = \frac{APLR}{AWSAR \times 0.001} \quad (1)$$

Where:

C = pollutant concentration in mg/kg (dry weight basis).

APLR = annual pollutant loading rate in kg/hectare/365 day period (dry weight basis).

AWSAR = annual whole sludge application rate in metric tons/hectare/365 day period (dry weight basis).

0.001 = a conversion factor.

The annual pollutant loading rate used in equation (1) is the cumulative pollutant loading rate divided by 100 years. The other variable in the equation is the annual whole sludge application rate (AWSAR).

The Agency assumed the AWSAR used in equation (1) is 10 metric tons per hectare per year for 100 consecutive years. EPA believes that the pollutant concentrations derived from this equation are conservative because it is unlikely that any one site will receive 10 metric tons of sewage sludge per hectare per year for 100 consecutive years. In addition, the nutrient requirements of crops grown on agricultural land most likely will not require that sewage sludge be applied to the land every year for 100 consecutive years. A typical AWSAR for agricultural land based on crop nutrient requirements is 7 metric tons per hectare. Typical AWSARs for a public contact site, forest, and a reclamation site are 18, 26, and 74 metric tons per hectare, respectively. Thus, for agricultural land, a public contact site, forest, or a reclamation site, the Agency has determined based on the following analysis that pollutant concentrations derived from equation (1) provide an adequate level of public health and environmental protection because sewage sludge could be applied for significantly more consecutive years than would actually occur at such sites given their nutrient requirements.

If sewage sludge is applied to agricultural land at an AWSAR of 7 metric tons per hectare; to a public contact site at an AWSAR of 18 metric tons per hectare; to forest at an AWSAR of 26 metric tons per hectare; and to a reclamation site at an AWSAR of 74 metric tons per hectare and if the sewage sludge meets the pollutant concentrations calculated using equation (1), approximately 142 years, 55 years, 38 years, and 13 years, respectively, are required before the cumulative loading rate for a pollutant is exceeded. The Agency has concluded that it is unlikely that sewage sludge will be applied to those types of land for greater than the above number of years for each type of land.

As discussed above, the Agency believes the pollutant concentrations calculated using equation (1) only should be part of the "clean sludge concept." The other parts of that concept are pathogen requirements and vector attraction requirements. To minimize the regulatory requirements for a sewage sludge that meets certain requirements, EPA believes that a sewage sludge should meet the highest quality requirements in today's final rule for pathogens. Those are the Class A requirements. If Class A pathogen requirements are met, no restrictions are imposed on the site where the sewage sludge is applied.

The Agency also believes that certain vector attraction requirements should be met to minimize the regulatory requirements for a sewage sludge. This is achieved if the sewage sludge meets one of eight vector attraction requirements in the final regulations. If a sewage sludge meets the pollutant concentrations calculated using equation (1), the more stringent Class A pathogen requirements in today's regulations, and one of eight vector attraction requirements in the final rule, EPA believes that the regulatory requirements for that sewage sludge can be reduced if the sewage sludge is applied to the land. This reduction is discussed below.

Final Action

Today's final rule indicates that if a sewage sludge or material derived from sewage sludge meets the pollutant concentrations for high quality sludge in Table 3 of section 503.13, the more

VOL 58 ISS 32 FE 19 1993 UMI

stringent Class A pathogen requirements, and one of eight vector attraction requirements; the general requirements and management practices in the final regulations for land application do not apply if the sewage sludge or material derived from sewage sludge is applied to the land. The minimum frequency of monitoring, recordkeeping, and reporting requirements in the land application subpart do apply, however, if the sewage sludge or material derived from sewage sludge is applied to the land. These requirements apply because the Agency has to have information to determine whether the sewage sludge or material derived from sewage sludge meets the above three quality requirements.

The reduction in the applicability of the land application general requirements and management practices applies both to bulk sewage sludge applied to the land and to sewage sludge sold or given away in a bag or similar enclosure for application to the land. As mentioned above, it also applies to a material derived from a sewage sludge. The material in this case is derived from a sewage sludge that does not meet the three quality requirements discussed above.

The final regulations address another situation for the "clean sludge concept." That situation concerns a material derived from a sewage sludge that meets the pollutant concentrations in Table 3 of section 503.13, the Class A pathogen requirements, and one of the eight vector attraction requirements. Because the sewage sludge meets those three requirements, neither the land application standards (i.e., general requirements and management practices) the minimum frequency of monitoring requirements, the recordkeeping requirements, nor the reporting requirements in the land application subpart apply if the material derived from the sewage sludge is applied to the land. This is true for both a material applied to the land and to a material sold or given away in a bag or similar enclosure for application to the land.

Part IX: Selection of Pollutants for Regulation

The final sludge use and disposal regulations establish numerical pollutant limits for 10 metals and an operational standard for total hydrocarbons emitted from sewage sludge incinerators. The proposed regulation would have established numerical pollutant limits for 28 inorganic and organic pollutants, as well as total hydrocarbons. After further analysis of information provided on the proposal and the data from the NSSS, the Agency decided not to establish numerical pollutant limits in the final part 503 rule for certain pollutants which the Agency had proposed to regulate for the reasons explained below.

Section 405 does not direct EPA to establish use and disposal standards for all pollutants. Rather, the statute requires EPA to develop numerical pollutant standards for pollutants "which, on the basis of available information on their toxicity, persistence, concentration, mobility, or potential for exposure, may be present in sewage sludge in concentrations which may adversely affect public health or the environment." 33 U.S.C. 1345. EPA applied these criteria when it identified pollutants that it evaluated and proposed for regulation. However, in the final rule, the Agency determined that certain pollutants should not be regulated because they either are not present in sludge, or if present in the sewage sludge, the potential for exposure (and consequent health or environmental risk) is small.

EPA concluded a pollutant is not present in concentrations which pose a public health or environmental risk using the following criteria:

(1) The pollutant is banned or restricted by the Agency or no longer manufactured or used in manufacturing a product. Or,

(2) The pollutant is not present in sewage sludge at significant frequencies of detection based on data gathered from the NSSS. Or,

(3) The Agency's risk assessment for the pollutant shows no reasonably anticipated adverse effects on public health or the environment at the 99th-percentile concentration found in sewage sludge from the NSSS.

Initially the Agency selected pollutants for regulation in the part 503 proposal based on a comparison of the highest observed concentration of the pollutant found in the "40 City Study" with a safe pollutant concentration derived from its screening assessment (i.e., an exposure assessment based on a very simple and over protective exposure model). If the highest observed concentration of the pollutant from the "40 City Study" was less than the pollutant concentration from the screening assessment, the pollutant was not proposed for regulation in "Round One."

As discussed in part V, the Agency determined prior to proposal that POTWs selected for analysis in the "40 City Study" were not representative of all the POTWs in the United States because the study was not statistically designed for that purpose. Moreover, the Agency concluded that pollutant concentrations from the study did not accurately represent sludge quality and that some sludges may be more contaminated than those observed. As a result of these and other deficiencies, the Agency conducted the National Sewage Sludge Survey. The NSSS was specifically designed to resolve the deficiencies in the "40 City Study" data base and to allow EPA to accurately estimate percentile concentrations of pollutants in sludge throughout the United States. However, the NSSS was not perfect in every respect.

In developing the above criteria, the Agency selected pollutant concentrations based on the 99th-percentile from the NSSS because of uncertainty in higher percentile concentrations. Because sludge quality had improved since the "40 City Study", the Agency found when it conducted the NSSS that many pollutants were at such low concentrations that they were not detectable, even using advanced analytical methods. Because of the large number of nondetectable readings for organics, extrapolation to higher concentration values for those pollutants would create a high degree of uncertainty in the pollutant concentrations. For example, N-nitrosodimethylamine was not detected in any of the samples analyzed for the NSSS. However, the calculated highest value based on use of detection limit estimates is 1,090 mg/kg. The Agency determined that the 99th-percentile pollutant concentration estimates significantly reduced this uncertainty and used this percentile in its criteria to select pollutants for regulation in the final rule.

The Agency determined that it would not establish numerical pollutant limits for any pollutant meeting one of the three criteria. For example, if a pollutant is banned from production, it is highly unlikely that it will be present in sewage sludge, and there is no consequent need to establish numerical limits for that pollutant. In the case of a number of banned and no longer manufactured pesticides that EPA had proposed to regulate, examination of the NSSS data also confirmed that these pesticides were not present in sewage sludge.

One advantage of the approach the Agency has adopted for the final rule is that it will save monitoring resources so that POTWs can focus on looking for only those pollutants of concern. Fourteen pollutants met the criteria detailed above and are no longer

regulated in the final part 503 rule: Aldrin/dieldrin, benzene, benzo(a)pyrene, bis(2-ethylhexyl) phthalate, chlordane, DDT (and its derivatives DDD and DDE), dimethyl nitrosamine, heptachlor, hexachlorobenzene, hexachlorobutadiene, lindane, polychlorinated biphenyls, toxaphene, and trichloroethylene. Further details on the analysis used in deciding not to regulate these pollutants is provided in Appendix A (Justification for the Deletion of Pollutants from the Final Standards for the Use or Disposal of Sewage Sludge) of the Technical Support Document for Land Application.

Table IX–1 lists the 11 pollutants for which the Agency is promulgating numerical limits when a particular use or disposal practice is employed.

TABLE IX–1.—POLLUTANTS FOR WHICH NUMERICAL LIMITS ARE PROMULGATED IN PART 503

Pollutants	LA	SD	I
Arsenic	X	X	X
Cadmium	X		X
Chromium	X	X	X
Copper	X		
Lead	X		X
Mercury	X		
Molybdenum	X		
Nickel	X	X	X
Selenium	X		
Total hydrocarbons [1]			X
Zinc	X		
	10	3	6

[1] Total hydrocarbon emissions encompass all organic compounds in the emissions of an incinerator.

Key:
LA—land application.
SD—surface disposal (including monofill).
I—incineration.

Part X: Aggregate Risk Assessment for the Final Part 503 Regulation

This part of the preamble discusses the aggregate risk assessment conducted to evaluate the effects of the final part 503 regulation on public health. EPA performed this evaluation by first estimating the "baseline" public health impacts of sewage sludge use and disposal without the part 503 regulation. Next, EPA assessed the public health impacts after implementing the final part 503 regulation. The difference between these two estimates is the public health "benefit" of the final part 503 regulation.

The aggregate risk assessment was designed to estimate both the expected national human health risks associated with current baseline use and disposal of sludge and the benefits of the regulation measured in terms of estimated reductions in human health risks. Methods for determining these risks differ for each of the management practices (incineration, surface disposal and land application). In general, the Agency used a sample of plants from the analytical component of the National Sewage Sludge Survey to represent the larger universe of actual facilities and used additional information on these plants from the questionnaire portion of the NSSS. EPA then developed a profile of national sewage sludge use and disposal practices based on the information obtained in the NSSS. Further, EPA also used NSSS data to assign pollutant concentrations under baseline conditions to plants in different categories.

Data describing cancer potency or other types of dose-response effects were then used to translate estimated exposure to each pollutant into measures of individual risk. Results were then aggregated to determine the likely number of individuals experiencing each relevant health effect expected per year in the affected populations as a result of exposure to sludge pollutants. For those pollutants for which dose-response relationships could not be obtained, predicted exposure was compared to risk reference doses, describing thresholds of exposure below which adverse health effects are not expected. Estimated health risks from these plants under current practices were extrapolated using weighting factors from the survey and other data describing the current inventory of sludge incinerators to calculate risks at the national level. More details on the aggregate risk assessment may be obtained from the document entitled "Human Health Risk Assessment for the Use and Disposal of Sewage Sludge: Benefits of Regulation." Information on obtaining single copies of this document is provided in part XIV.

Surface Disposal

For those plants reporting the use of surface disposal for managing their sludge, data describing the volume and quality of the sludge disposed were obtained from the NSSS. Other sources provided data describing location, topography, design and operation of surface disposal sites. These two types of data were used by the Agency to examine the possible migration of pollutants from these sites to nearby ground water or ambient air in order to determine baseline health effects. Data for the density of human populations and drinking water wells in each county containing a sampled surface disposal facility were used to determine the size of the population likely to be exposed to various levels of pollutants near the surface disposal sites. Next, the Agency estimated the likely dose of each pollutant to subgroups of exposed populations. These estimates of exposure were combined with available dose-response data and the estimated sizes of exposed populations to predict likely individual and aggregate health risks resulting from the disposal of sludge. Finally, results were extrapolated to the national level using weighting factors developed from the surveyed facilities to estimate aggregate risks from surface disposal practices under current conditions.

Results of the baseline assessment indicate less than 0.1 cancer case, less than 1 individual who exceeded a threshold blood lead level associated with adverse lead effects, and less than 1 individual experiencing lead-induced hypertension or learning disabilities associated with the placement of sewage sludge on a surface disposal site. Post-part 503 effects remain less than 0.1 cancer case, less than 1 individual who exceeds a threshold blood lead level, and less than 1 individual with a lead case from the placement of sewage sludge on a surface disposal site. This indicates a low impact on public health from placement of sewage sludge on a surface disposal site before promulgation of the rule and even a greater level of protection after implementation of the final part 503 regulation.

Land Application

For predicting the impacts from land applying sewage sludge, the Agency used average values for the concentrations of each pollutant measured in the sludge of facilities practicing land application from the NSSS. Again, the Agency used mathematical models to predict the transport of pollutants to nearby ground water and ambient air for the baseline assessment. However, additional models were used to predict the uptake of pollutants from treated soil to agricultural crops and animal tissues and to estimate contamination of surface water. Based on average population densities and assumptions about the distribution of treated produce in national markets, the Agency estimated current human exposure to and risk from each pollutant in sludge and through each relevant pathway of exposure from prototype facilities. As with surface disposal, the final step in the assessment of current risks was to extrapolate results to the national level, based on the estimated number of facilities practicing land application and the quantity of sludge applied.

As explained earlier, the basic strategy for calculating health benefits is to estimate health risks under current conditions, estimate health risk after regulation, and subtract to estimate health benefits achieved by the regulation. The above analysis was done to determine the aggregate effects before implementation of the final part 503 regulation (i.e., at baseline) and after implementation of the final part 503 regulation. The baseline assessment resulted in less than 1 cancer case, approximately 1000 individuals for whom a threshold lead concentration is exceeded, and approximately 500 individuals experiencing lead-related effects (i.e., hypertension in adult males and children with reduced Intelligence Quotient) associated with the application of sewage sludge to the land. In no case did the average exposure to the other inorganic pollutants for which limits are included in the land application exceed the reference dose for the pollutant during the baseline assessment.

Results of the aggregate risk assessment after implementation of the final part 503 land application regulations are less than 1 cancer case, less than one individual who exceeds a blood lead level, and less than one lead case. This establishes that the rule adopted today will protect public health and ensure that continued disposal of sludge will not jeopardize public health in the future.

Sewage Sludge Incineration

For those plants reporting the use of incineration for managing their sludge, data describing the volume and quality of the sludge incinerated were obtained from the NSSS. Other sources provided data describing local meteorology and likely emissions of pollutants from these facilities. These two types of data were combined as inputs for mathematical models to predict (on a site-specific basis) the fate and transport of emitted pollutants. Resulting estimates for expected concentrations of pollutants in ambient air were next combined with site-specific data describing the locations and sizes of human populations residing near the facilities sampled. By mapping predicted ground-level concentrations of each pollutant (by geographic location) onto the locations and sizes of human populations near each facility, the Agency determined the expected dose of each pollutant received by exposed individuals under current conditions.

For estimating benefits from the regulation of sewage sludge incineration, the Agency estimated expected response of individual facilities that are expected to be out of compliance with the regulation. The Agency then assumed that those facilities would choose to install and operate pollution control equipment in order to comply with the rule. Estimated emissions for each individual incinerator in the survey were adjusted for the estimated efficacy of that facility's expected control measures to estimate emissions after compliance with the part 503 regulation. After these adjustments, all calculations were repeated to determine expected exposure and risk to surrounding populations. As before, these results were extrapolated to the national level based on the estimated volume of sludge incinerated annually and results from dispersion modeling of the full inventory of known incinerators.

Results of the assessment prior to implementation of the final part 503 regulation indicated 0.3–4 cancer cases, 700 people with blood lead levels that exceed threshold levels for identified adverse health effects, and 100 people with lead-related adverse health effects because of the firing of sewage sludge in sewage sludge incinerators. Implementation of the final part 503 regulation would reduce these risks to 0.2–4 cancer cases, 90 people with blood lead levels that exceed a threshold blood lead level, and 30 people with other lead-related health effects cases because of firing of sewage sludge in a sewage sludge incinerator.

Conclusions

The aggregate risk assessment estimates that current use and disposal practices contribute 0.9–5 cancer cases annually, with a lifetime cancer risk to a highly exposed individual ranging from 6×10^{-4} for land application and surface disposal of sludge to 7×10^{-3} for incineration. The other health effects associated with sewage sludge use and disposal are primarily related to lead exposure and result in approximately 2,000 individuals who exceed a threshold blood lead level associated with adverse health effects and 700 instances of hypertension or diminished learning capacity in children. The Agency estimates that the rule reduces cancer cases by 0.09–0.7, exceedences of lead adverse health threshold by 600–2,000 and instances of lead cases by 90–600.

These results indicate that current use and disposal practices for sewage sludge pose little risk to public health. Because of uncertainties in estimated emissions of organic pollutants from incinerators, estimates of baseline risks are reported as ranges, where the lower extreme of each range is based on "best estimates" of emissions, and the higher extreme is based on "worst case" estimates. For "best estimates" of emissions, the Agency used mean reported values of emissions for each organic pollutant tested. For samples in which a particular pollutant was not detected, limits of detection were used in calculating the mean. "Worst case" estimates are based on these same values and limits of detection, except they represent a 99th-percentile confidence limit for the mean. In addition, "worst case" estimates of cancer risks have been adjusted by a factor of five to account for the possibility that up to 80 percent of the carcinogenic pollutants in organic emissions may not have been identified and quantified and could possibly pose risks comparable to those included in the study. Use of "worst case" estimates for emissions yields risk estimates about a factor of 10 higher than those based on "best estimates."

Because of uncertainties about the likely response of individual POTWs to the regulation, expected health benefits from the regulation cannot be quantified precisely. For incinerators, reductions in emissions of metals have been estimated from the assumed removal efficiencies of additional pollution control devices expected to be installed at selected incinerator facilities. For organic pollutants, however, sufficient data were not available to determine to what extent, if any, the standard for total hydrocarbons will reduce emissions. In the absence of such data, the estimated benefits are based on the assumption that emissions of organic pollutants are not reduced; if emissions are indeed reduced, benefits may have been underestimated. Similarly, sufficient data were not available for determining how the regulation will reduce human exposure and risk from land application and surface disposal. Estimates of benefits from regulating these practices therefore range from zero to 100 percent of estimated baseline risks. Even though the estimated baseline risks from all three practices are very low, the assessment shows that the adoption of the final standards for land application, surface disposal and incineration will ensure that these methods of sludge use and disposal will not pose any significant threat to public health in the future.

Part XI: Description of the Final Part 503 Regulation

Introduction

This part describes the standards EPA is promulgating in the final part 503 regulation for the use or disposal of

sewage sludge. The standards consist of general requirements, pollutant limits, management practices, operational standards, and requirements that address frequency of monitoring, recordkeeping, and reporting. Today's regulation requires that the following persons maintain certain records: Any person who generates sewage sludge or derives a material from sewage sludge, any person who applies sewage sludge to the land, any owner/operator of a surface disposal site, and any person who fires sewage sludge in a sewage sludge incinerator. The final regulation also establishes reporting requirements for Class I sludge management facilities, publicly owned treatment works (POTWs) with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve 10,000 people or more.

In the part 503 regulation, EPA uses the phrases "land application," "apply sewage sludge," and "sewage sludge applied to the land" in a more restrictive sense than their traditional meaning to delineate sharply between different regulatory requirements. As previously explained, sewage sludge is not only disposed on land as a waste material but, in many cases, also is used to condition the soil or to provide nutrients. Thus, while sewage sludge disposed on the land is obviously "applied" to the land, the part 503 regulation uses the phrase "land application", apply sewage sludge, or "sewage sludge applied to the land" only when referring to sewage sludge used for its beneficial properties. When sewage sludge is disposed by placing it on the land, the part 503 regulation refers to this disposal practice as "surface disposal."

Additionally, requirements for sewage sludge applied to the land differ depending on whether the sewage sludge is "bulk sewage sludge" or "sewage sludge sold or given away in a bag or other container." EPA employs these terms of art to distinguish the situations in which bagged sewage sludge is typically applied in small amounts in a single application (e.g., home gardens)—called in today's rule "sewage sludge sold or given away in a bag or other container"—from those in which sewage sludge may be applied in large quantities over wide areas (e.g., agricultural use and reclamation programs)—called "bulk sewage sludge" for this regulation. In the proposed rule, EPA described this small quantity sewage sludge use as "distribution and marketing" of sewage sludge (54 FR 5745 at 5880).

Further, many of the requirements in the regulation apply to the "person who prepares sewage sludge." The regulation uses this term to describe the person or entity that effectively controls the quality of the sewage sludge or material derived from sewage sludge that is ultimately either used or disposed. In cases where a treatment works' sewage sludge is used or disposed without further treatment or mixing with other materials, the treatment works that generates the sewaqe sludge is the "person who prepares the sewage sludge." In cases, for example, where a treatment works generates sewage sludge that is blended with other substances, the person blending the sewage sludge is the "person who prepares the sewage sludge" because the blender controls the quality of the material that is ultimately used or disposed.

The structure of the final part 503 regulation follows closely the structure of the proposed part 503 regulation. The final regulation includes standards for: (1) Sewage sludge applied to the land (including sewage sludge sold or given away in a bag or other container for application to the land—described in the proposed rule as "distribution and marketing"), (2) sewage sludge placed on a surface disposal site (including sewage sludge placed in a monofill), and (3) sewage sludge fired in a sewage sludge incinerator. The final part 503 regulation also contains a subpart on pathogens and vector attraction reduction.

The subpart on distribution and marketing—now described as sewage sludge sold or given away in a bag or other container—in the proposed part 503 regulation now is incorporated into the subpart on land application for the final part 503 regulation. In addition, the subpart on monofills and the subpart on surface disposal are combined in today's part 503 regulation. Further, the subpart on removal credits was moved from the part 503 regulation to the pretreatment regulations in 40 CFR part 403.

EPA incorporated the proposed subpart on distribution and marketing into the land application subpart in the final part 503 regulation to avoid confusion. Sewage sludge that is sold or given away in a bag or other container (including sewage sludge sold or given away in small quantities such as pick-up truck loads) is obviously still "applied to the land." Further, the part 503 regulation no longer employs the phrase "distribution and marketing". EPA concluded that the phrase "sold or given away in a bag or other container for application to the land" is a more accurate description of the final use of the sewage sludge. Distribution and marketing implies that the sale or give away of sewage sludge is its final use rather than application to the land.

EPA combined the subparts on monofills and surface disposal in the proposal in the surface disposal subpart in the final part 503 regulation because the differences in characteristics between surface disposal sites and monofills did not merit separate treatment. In either case, sewage sludge is placed on the land for final disposal. Both disposal practices may present essentially similar potential threats to public health and the environment.

EPA moved the subpart on removal credits from the final part 503 regulation because it logically belongs with the pretreatment requirements. Lists of pollutants eligible for a removal credit with respect to the use or disposal of sewage sludge are in the amendment to the General Pretreatment Regulations (40 CFR part 403) in today's rulemaking.

The final part 503 regulation contains frequency of monitoring requirements that are spelled out for each use or disposal practice rather than in a separate subpart as in the proposal. Each subpart similarly includes recordkeeping requirements and reporting requirements for Class I sludge management facilities, POTWs with a design flow rate equal to or less than one million gallons per day, and POTWs that serve 10,000 people or more.

The final part 503 regulation also contains two appendices. Appendix A explains how to determine the annual whole sludge application rate for sewage sludge applied to the land. This new appendix is included in the regulation because the final part 503 regulation establishes limits based on annual pollutant loading rates for sewage sludge sold or given away in a bag or other container that does not meet the pollutant concentrations for high quality sewage sludge in Table 3 of section 503.13 of the regulation. The annual pollutant loading rates are used in the procedure described in appendix A to determine the annual whole sludge application rate for the sewage sludge.

Appendix B in today's part 503 regulation contains a description of processes used to reduce pathogens in sewage sludge. These processes are similar to the pathogen reduction processes described in appendix II of 40 CFR part 257. The vector attraction reduction requirements in the process descriptions in appendix II were deleted from the process descriptions in appendix B of today's regulation. Separate requirements are included in part 503 for vector attraction reduction.

Appendix D in the part 503 proposal explained how to calculate the

VOL 58 ISS 32 FE 19 1993 UMI

maximum combustion gas flow rate. This appendix has been deleted from the final part 503 regulation because of a change in the requirements for incineration of sewage sludge.

General Provisions (Subpart A)

Purpose and Applicability (Section 503.1)

The purpose of the final part 503 regulation is to establish standards that must be met when sewage sludge is used or disposed. The standards in the part 503 regulation consist of general requirements, pollutant limits, management practices, operational standards, and requirements for frequency of monitoring, recordkeeping, and reporting. The part 503 regulation establishes standards for sewage sludge applied to the land or disposed either by placing on a surface disposal site or firing in a sewage sludge incinerator. The part 503 regulation also includes requirements for reducing organisms in the sewage sludge that cause disease (pathogens). Either the Class A or Class B pathogen requirements must be met when sewage sludge is applied to the land or placed on a surface disposal site. Further, the regulation requires reduction of vector attraction—control of those characteristics of sewage sludge that attract disease-spreading agents like flies or rats—when sewage sludge is applied to the land or placed on a surface disposal site. There are no pathogen or vector attraction reduction requirements for sewage sludge fired in a sewage sludge incinerator because pathogen and vector attraction reduction is achieved during incineration.

The Agency established limits for pollutants in sewage sludge that could adversely affect public health and the environment and for which sufficient information exists to evaluate risk associated with those pollutants and to develop numerical limits. For land application, the pollutant limits along with the management practices protect public health and the environment from the reasonably anticipated adverse effects of arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc in the sewage sludge. EPA also evaluated the risks associated with organic pollutants and other inorganic pollutants applied to or placed on the land in sewage sludge and concluded that numerical pollutant limits for those pollutants are not required for the reasons explained in part IX of today's preamble.

In the case of surface disposal, the pollutant limits and management practices in this subpart protect public health and the environment from the reasonably anticipated adverse effects of arsenic, chromium, and nickel in the sewage sludge. For incineration of sewage sludge in a sewage sludge incinerator, the pollutant limits and management practices protect public health from the reasonably anticipated adverse effects of arsenic, beryllium, cadmium, chromium, lead, mercury, and nickel in the sewage sludge.

Also included in this part are operational standards for pathogen reduction and operational standards to reduce vector attraction in sewage sludge that is either land applied or placed on a surface disposal site. In addition, EPA is today establishing an operational standard for sewage sludge incinerators that limit the total hydrocarbons (THC) in the exit gas from a sewage sludge incinerator stack. The absence of rigorous analytical tools and pertinent data make the development of numerical limitations infeasible for pathogens, vector attraction reduction, and organic pollutants in sewage sludge that is incinerated.

Section 405((d)(3) authorizes the Administrator to promulgate a design, equipment, or operational standard when in the judgment of the Administrator it is not feasible to prescribe or enforce a numerical limitation for a pollutant. The Administrator concluded that it is not feasible, based on current information and the state of analytical capability, to develop numerical limitations for pathogens, vector attraction reduction, and THC at this time using the type of exposure assessment employed to develop numerical limitation for other pollutants.

In the judgment of the Administrator, the operational standards for pathogens and for vector attraction reduction protect public health and the environment from the reasonably anticipated adverse effect of pathogenic organisms (e.g., certain bacteria, enteric viruses, and helminth ova) in sewage sludge and from the characteristics (e.g., odor) of the sewage sludge that attract vectors (e.g., mosquitos and flies), respectively. In the judgment of the Administrator, the operational standard for THC protects public health from the reasonably anticipated adverse effects of organic pollutants in the exit gas from a sewage sludge incinerator stack.

The part 503 regulation also contains frequency of monitoring requirements for sewage sludge that is used or disposed and recordkeeping requirements for any person who prepares sewage sludge or applies it to the land, for the owner/operator of a surface disposal site and for any person who fires sewage sludge in a sewage sludge incinerator. In addition, reporting requirements for Class I sludge management facilities, POTWs with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve 10,000 people or more are included in the final part 503 regulation.

The recordkeeping requirements indicate who must develop and retain information, the information that must be developed, and the period that the information must be kept. These requirements are included in part 503 to make the rule self-implementing. This is discussed further in other parts of this preamble.

The final part 503 regulation requires only Class I sludge management facilities, POTWs with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve 10,000 people or more to report collected information. Other treatment works must collect and retain information for the specified period of time. Those treatment works may have to report the information to the permitting authority on request.

Some of the requirements in part 503 apply to a person who prepares sewage sludge (i.e., the person who either generates sewage sludge during the treatment of domestic sewage in a treatment works or derives a material from sewage sludge), applies sewage sludge to the land, or fires sewage sludge in a sewage sludge incinerator. Other requirements apply to the owner/operator of a surface disposal site. Still others apply to (1) sewage sludge applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator, (2) the exit gas from a sewage sludge incinerator stack, (3) land on which sewage sludge is applied, (4) a surface disposal site, or (5) a sewage sludge incinerator.

Compliance Period (Section 503.2)

Section 405(d)(2)(D) of the Clean Water Act, as amended, requires compliance with the part 503 regulation as expeditiously as practicable but in no case later than 12 months after publication of the final part 503 regulation, unless the final regulation requires construction of new pollution control facilities. If the final part 503 regulation requires construction of new pollution control facilities, compliance with the part 503 regulation is required as expeditiously as practicable but in no case later than two years from the date of publication of the final part 503 regulation.

The Agency chose to apply the full 12 month and two year compliance periods

to the standards in the part 503 regulation, but not to the frequency of monitoring, recordkeeping, or reporting requirements, except for total hydrocarbons. The only way to obtain information about whether the standards are met by the statutory deadline is to start monitoring the sewage sludge and keeping records before the end of the 12 month compliance period. For this reason, the part 503 regulation indicates that the frequency of monitoring, recordkeeping, and reporting requirements, except for total hydrocarbons in the exit gas from a sewage sludge incinerator stack, are effective 120 days after the effective date of the regulation (i.e., 150 days after the date of publication of the part 503 regulation).

The frequency of monitoring, recordkeeping, and reporting requirements for total hydrocarbons in the exit gas from a sewage sludge incinerator stack are effective 12 months after the date of publication of this part, unless compliance with the operational standard for total hydrocarbons in the part 503 regulation requires construction of new pollution control facilities. In that case, the frequency of monitoring, recordkeeping, and reporting requirements for total hydrocarbons are effective two years after the date of publication of the part 503 regulation.

The "date of publication" for the final part 503 regulation is the date the regulation is published in the **Federal Register.** This date is different from the "effective date" of the final regulation, which is 30 days after the date of publication of the final part 503 regulation in the **Federal Register.**

Permits and Direct Enforceability (Section 503.3)

Section 405(f) of the CWA provides that each permit issued under section 402 of the CWA to a publicly owned treatment works or to any treatment works treating domestic sewage shall include conditions to implement the part 503 regulation, unless included in permits issued under other enumerated Federal or approved State programs. In addition, the statute authorizes EPA to issue permits to treatment works treating domestic sewage solely to impose conditions to implement the regulation where none of the listed permit programs apply. Thus, the part 503 requirements may be implemented through a CWA permit, a subtitle C Solid Waste Disposal Act permit, a part C Safe Drinking Water Act permit, a Marine Protection, Research, and Sanctuaries Act permit, a Clean Air Act permit, a permit under an approved State program, or an EPA-issued "sludge only" permit. However, the requirements in part 503 must be met even in the absence of a permit for the use or disposal of sewage sludge (i.e., part 503 is self-implementing). Consequently, the responsible person must become aware of the standards in part 503, comply with the standards, monitor the sewage sludge, keep the appropriate records, and, if applicable, report information to the permitting authority even when a permit is not issued.

The standards in part 503 also are enforceable directly against any person who uses or disposes of sewage sludge through one of the practices addressed in today's final regulation. As mentioned previously, the person who uses or disposes of sewage sludge by one of the part 503 practices must become aware of the appropriate part 503 requirements and must comply with those requirements. An enforcement action can be taken against a person who does not meet those requirements even when that person does not have a permit for the use or disposal of sewage sludge.

Relationship to Other Requirements (Section 503.4)

The conditions under which sewage sludge may be disposed in a municipal solid waste landfill unit are not provided, for the most part, in part 503. These standards are established in 40 CFR part 258. In that rule, the Agency determined that public health and the environment are protected from reasonably anticipated adverse effects of pollutants in sewage sludge when sewage sludge is disposed in a municipal solid waste landfill unit that meets the criteria in part 258, as discussed earlier. Disposal of sewage sludge in a municipal solid waste landfill unit (MSWLF) that meets the part 258 criteria constitutes compliance with section 405(d) of the Clean Water Act, as amended. EPA promulgated part 258 under both the authority of section 405(d) of the CWA, as amended, and sections 1008, 2002, 4004, and 4010 of the Resource Conservation and Recovery Act of 1978 (RCRA).

Part 503 also requires that the person who prepares sewage sludge that is disposed in a municipal solid waste unit ensure that the sewage sludge meets the part 258 requirements for materials disposed in a municipal solid waste landfill unit. The sewage sludge must not be hazardous (§ 258.20) and must pass the paint filter test (§ 258.28). In addition, sewage sludge used to cover a municipal solid waste landfill unit must be suitable for that purpose (§ 258.21). Implementation of the part 258 regulations with regard to siting and operating the municipal solid waste landfill unit must be done in accordance with part 258 and subtitle D of RCRA (56 FR 50978).

Another regulation that addresses sewage sludge is EPA's storm water regulation. Even though the final part 503 regulation does not have a storm water requirement for sewage sludge that is used or disposed, the Agency concluded that it is important to recognize the storm water regulation in this preamble.

On November 16, 1990, EPA published a final rule implementing section 402(p) of the CWA, which required the Agency to establish a regulation setting forth NPDES permit application requirements for, among other sources, storm water discharges associated with industry activity. One of the 11 categories of storm water associated with industrial activity required to be controlled under this regulation is the following:

> Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge, that are located within the confines of the facility, with a design flow of 1.0 MGD or more, or required to have an approved pretreatment program under 40 CFR part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA. (40 CFR 122.26(b)(14)(ix))

In establishing this category, EPA viewed facilities such as large treatment works that engage in activities that may experience spills and bubbleovers (e.g. on-site composting and storage of chemicals) as suitable candidates for storm water permits. Such treatment works are considered to be engaged in activities whose scope and size are more akin to industry activity and, hence, should be required to obtain an NPDES permit for storm water discharges. Treatment works that fit the above description are required to pursue, by the regulatory deadlines, one of the application options provided under the Agency's storm water regulation (individual applications, group application, or notice of intent to be covered under a general permit) and to comply with the terms and conditions of any permit issued to cover discharge of "storm water associated with industrial activity".

More Stringent Standards (Section 503.5)

This section of the part 503 regulation provides the permitting authority the authority to impose more stringent standards for the use or disposal of sewage sludge than the standards in the part 503 regulation or to impose additional requirements for the use or disposal of sewage sludge. To impose more stringent standards or additional requirements, the permitting authority (i.e., either EPA or a State with an EPA-approved sludge management program) must determine that the more stringent standards or additional requirements are needed to protect public health and the environment from any adverse effect of a pollutant in the sewage sludge.

One example of when a more stringent standard may be imposed by the permitting authority concerns land applied bulk sewage sludge that meets the pollutant concentrations in 503.10(b)(3), the Class A pathogen requirements in 503.32(a), and one of the vector attraction reduction requirements in 503.33(b)(1) through 503.33(b)(8). Part 503 indicates that the general requirements and management practices in the land application subpart do not apply when the bulk sewage sludge meets these three requirements. One of the management practices that, in the general case, would apply to bulk sewage sludge meeting the defined requirements is the requirement to apply the sewage sludge at an agronomic rate. The permitting authority may decide that, because of conditions at a particular site, to protect public health and the environment from the nitrogen in the bulk sewage sludge, the bulk sewage sludge should be applied to the land at an agronomic rate even though the bulk sewage sludge is not subject to this requirement. Section 503.5(a) of part 503 allows the permitting authority to impose the agronomic rate requirement on the bulk sewage sludge that is applied to the land in defined circumstances.

As provided in section 510 of the CWA, as amended, States or political subdivisions thereof or an interstate agency also may impose more stringent standards for the use or disposal of sewage sludge than the standards in today's final rule. A State or political subdivisions thereof or an interstate agency also may establish additional requirements for the use or disposal of sewage sludge as authorized by State law.

Exclusions (Section 503.6)

This section of the final regulation discusses exclusions from the part 503 regulation. These include treatment processes, selection of a sewage sludge use or disposal practice, co-firing of sewage sludge, industrial wastewater sludge, hazardous sewage sludge, sewage sludge with a high PCB concentration, incinerator ash, grit and screenings, drinking water treatment sludge, and commercial and industrial septage.

Treatment of domestic sewage and sewage sludge was addressed in the applicability section in the part 503 proposal. That discussion was moved to the section on exclusions in today's final part 503 regulation to group all exclusions in the same section.

The final part 503 regulation does not establish requirements for the treatment of domestic sewage. The standards apply to the final use or disposal of sewage sludge generated during the treatment of domestic sewage in a treatment works. For this reason, processes used to treat domestic sewage (e.g., the activated sludge process) are not subject to the part 503 requirements.

The final regulation also does not establish requirements for the treatment of sewage sludge, except in the case of those properties of sewage sludge, other than its chemical composition, that may pose a threat to public health and the environment. Thus, requirements to reduce pathogens and vector attraction are provided in subpart D. Processes used to prepare sewage sludge for final use or disposal, such as composting, are not subject to the standards in the final part 503 regulation.

The pathogen requirements in the part 503 regulation are not based on the results of an exposure assessment. Instead, the requirements are performance standards based on the demonstrated ability of treatment processes to reduce pathogens in the sewage sludge. For this reason, some of the pathogen requirements in the part 503 regulation address the treatment of sewage sludge (e.g., raise the temperature of the sewage sludge and maintain the temperature for a specific period of time).

Selection of a use or disposal practice also was addressed in the applicability section in the part 503 proposal. That discussion was moved to the section on exclusions in the part 503 regulation for the reason mentioned above.

Although EPA encourages the beneficial use of sewage sludge (e.g., through land application), the selection of a sewage sludge use or disposal practice, whether land application or some other use or disposal practice, is a local determination (e.g., the responsibility of the municipality or authority responsible for the use or disposal of sewage sludge). For this reason, the final part 503 regulation does not establish requirements for the selection of a sewage sludge use or disposal practice. However, when the selected use or disposal practice is subject to the part 503 regulation, the standards in the part 503 regulation for that practice must be met when the sewage sludge is used or disposed.

The final part 503 regulation also do not establish requirements for co-firing of sewage sludge with other wastes or to the incinerator in which sewage sludge and other wastes are co-fired. Other wastes do not include auxiliary fuel used in a sewage sludge incinerator.

Auxiliary fuel is fuel used to augment the fuel value of sewage sludge. This includes, but is not limited to, natural gas, fuel oil, coal, and other fuels such as gas generated during anaerobic digestion of sewage sludge and municipal solid waste. The municipal solid waste must be equal to or less than 30 percent of the weight of the material, including the sewage sludge, fired in the sewage sludge incinerator on a dry weight basis. When municipal solid waste is greater than 30 percent of the dry weight of the total material fired in the incinerator, the part 503 regulation does not apply to the material or to the incinerator.

The final part 503 regulation does not establish requirements for the use or disposal of sludge generated at an industrial facility during the treatment of industrial wastewater because those sludges are not sewage sludge. Sewage sludge is generated during the treatment of domestic sewage in a treatment works. The appropriate requirements (e.g., the requirements in 40 CFR part 257 when the sludge is disposed on the land) must be met when industrial sludges are used or disposed.

The Water Quality Act of 1987 expanded the applicability of section 405(d) of the CWA to industrial manufacturing and private processing facilities that treat domestic sewage combined with industrial wastewater. Although the legislative history of the 1987 Water Quality Act indicates that the Agency should impose requirements on any treatment works that treats domestic sewage, sufficient time was not available to develop standards for the use or disposal of sewage sludge generated at industrial facilities during the treatment of industrial wastewater combined with domestic sewage. EPA does not have sufficient information at this time on the number of industrial facilities that generate sewage sludge, the amount of sewage sludge generated at those facilities, and the practices through which the sewage sludge is

used or disposed to evaluate the impact of part 503 numerical limits for the sewage sludge. In addition, the Agency questions whether the models and data used to develop the numerical limits in the final part 503 regulation are appropriate for industrial sludge with a domestic sewage sludge component. For these reasons, the part 503 regulation does not establish requirements for the use or disposal of sewage sludge generated at an industrial facility during the treatment of industrial wastewater combined with domestic sewage (i.e., either domestic sewage generated at the industrial facility or domestic sewage generated off-site and transported to the industrial facility for treatment). The Agency may consider this sewage sludge in future revisions to the part 503 regulation.

The part 503 regulation does apply to sewage sludge generated at an industrial facility during the treatment of only domestic sewage. When domestic sewage generated at an industrial facility is treated at the industrial facility without combining the domestic sewage with industrial wastewater, sewage sludge generated during the treatment of the domestic sewage is subject to the part 503 requirements. Part 503 also applies to sewage sludge generated when domestic sewage generated off-site is treated only with the domestic sewage generated at the industrial facility or is treated at the industrial facility by itself.

It is important to note that all industrial wastewater treatment facilities that treat domestic sewage—whether the domestic sewage is generated on-site or off-site—are considered treatment works treating domestic sewage and may be required to apply for a permit under 40 CFR 122.21. A detailed discussion of whether an industrial wastewater treatment facility needs a permit is presented in the preamble to the sewage sludge permitting regulations promulgated on May 2, 1989 (54 FR 18716, 18725).

The part 503 regulation also does not establish requirements for sewage sludge determined to be hazardous in accordance with 40 CFR part 261. A hazardous sewage sludge must be used or disposed in accordance with the applicable requirements in 40 CFR parts 260 through 268.

The part 503 regulation does not establish requirements for the use or disposal of sewage sludge that has a concentration of polychlorinated biphenyls equal to or greater than 50 milligrams per kilogram of total solids (dry weight basis). Sewage sludge with a polychlorinated biphenyls concentration equal to or greater than 50 milligrams per kilograms of total solids (dry weight basis) must be used or disposed in accordance with the requirements of 40 CFR part 761, not the part 503 requirements.

Ash generated during the incineration of sewage sludge in a sewage sludge incinerator also is not subject to the part 503 regulation. Ash from a sewage sludge incinerator must be used or disposed in accordance with the appropriate requirements (e.g., 40 CFR part 257 when the ash is disposed on the land).

Grit (e.g., small pebbles, sand, and material with a high specific gravity) and screenings (e.g., large materials such as rags) generated during the preliminary treatment of domestic sewage in a treatment works that are used or disposed are not subject to the part 503 regulation. These materials have characteristics that are different than the characteristics of sewage sludge. Grit and screenings also must be used or disposed in accordance with the appropriate requirements (e.g., 40 CFR part 257 when the grit or screenings are disposed on the land).

Sludge generated during the treatment of either surface water or ground water used for drinking also is not subject to the part 503 regulation. That sludge is not generated during the treatment of domestic sewage in a treatment works.

The part 503 regulation does not establish requirements for the use or disposal of commercial and industrial septage, a mixture of commercial and domestic septage, or a mixture of industrial and domestic septage. Because the characteristics of domestic septage and the characteristics of commercial septage (e.g., grease from a grease trap at a restaurant) and industrial septage (e.g., liquid or solid material removed from a septic tank or similar treatment works that receives industrial wastewater) are different, the part 503 requirements for domestic septage do not apply to commercial or industrial septage. For this reason, commercial and industrial septage are excluded from the part 503 regulation.

Requirement for a Person Who Prepares Sewage Sludge (Section 503.7)

Under the final part 503 regulation, a person who prepares sewage sludge must ensure that the applicable requirements in part 503 are met when the sewage sludge prepared by the person is applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator. The preparer could be the person who generates sewage sludge during the treatment of domestic sewage in a treatment works or a person who derives a material derived from sewage sludge. Examples of a person who derives a material from sewage sludge are a treatment works that blends sewage sludge with some other material or a private contractor who receives sewage sludge from a treatment works and then blends the sewage sludge with some other material (e.g., mixes the sewage sludge with a bulking agent). When sewage sludge is part of a material, the person derived the material from sewage sludge. Any time the quality of sewage sludge is changed, a material is derived from sewage sludge.

The purpose of this general provision is to ensure the part 503 requirements are met. The Agency concluded that the person who generates the sewage sludge or the person who derives a material from sewage sludge should be responsible for ensuring the sewage sludge is used or disposed properly. For this reason, the final part 503 regulation makes that person responsible for ensuring the applicable part 503 requirements are met when sewage sludge prepared by the person is applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator. This is discussed further in part XII of today's preamble.

Sampling and Analysis (Section 503.8)

This section of the final part 503 regulation requires that representative samples of sewage sludge applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator be collected and analyzed. The purpose of this requirement is to ensure that samples of sewage sludge that are collected are representative of the sewage sludge that is used or disposed. In some cases, grab samples may represent the sewage sludge adequately while in other cases a composite sample may have to be collected. Whatever the situation, a representative sample must be collected and that sample must be analyzed to show compliance with the part 503 requirements.

This section also contains the methods used to analyze representative samples of sewage sludge to show compliance with the part 503 requirements. Analytical methods are specified in part 503 for enteric viruses, fecal coliform, helminth ova, inorganic pollutants, *Salmonella* sp. bacteria, specific oxygen uptake rate, and total, fixed, and volatile solids. In addition, part 503 references a document that contains procedures that can be used to calculate the percent volatile solids reduction for a sewage sludge. This document, "Environmental Regulations and Technology-Control of Pathogens and Vectors, EPA–625/R–92/013, U.S.

Environmental Protection Agency, Washington, D.C., 1992, also discusses how to collect samples that are analyzed for pathogens.

Analytical methods in the final regulation are the same as the analytical methods in the part 503 proposal, except for inorganic pollutants and viable helminth ova. The numbers of the parts in "Standard Methods for the Examination of Water and Wastewater" referred to in the final regulation for various parts are different from the numbers for those parts in the proposal because a later edition of that document was referenced in the final regulation. Even though the part numbers are different, the methods are the same.

The final rule specifies that Method SW–846 be used to analyze samples of sewage sludge for inorganic pollutants. This method is used to prepare sediment, sludge, and soil samples for analysis by flame or furnace atomic absorption spectroscopy. The Agency decided to specify this method instead of the method in the proposal (i.e., Method 1620 from the Analytical Methods for the National Sewage Sludge Survey) because Method SW–846 is more widely accepted than is Method 1620, which is a draft method.

The analytical method for viable helminth ova in the final regulation is different from the analytical method for helminth ova in the proposal. EPA considers the proposed and final ova methods to be conceptually similar when floatation or similar techniques are used to separate ova from the sewage sludge. Both the proposed and final methods use microscopic ova particle visualization and characterization to enumerate the helminth ova after the sewage sludge is processed for analysis. The ova method in the final regulation was selected because it is more current that the proposed method and is more accepted in current practice.

General Definitions (Section 503.9)

Definitions included in this section of the part 503 regulation are applicable to more than one subpart in the regulation. Each subpart also includes special definitions that apply only to that subpart.

Many of the definitions in this subpart are definitions taken either directly from section 502 of the CWA or other Agency regulations. These definitions are not discussed here. The definitions developed specifically for this rule are discussed below.

Domestic septage. Domestic septage is either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. The term "domestic septage" is used in the final part 503 regulation instead of the term "septage", which was used in the proposed part 503 regulation, to distinguish domestic septage from liquid or solid material that contains domestic septage mixed with other materials (e.g., grease from a grease trap). These other materials are commercial or industrial septage and are not included in the definition of domestic septage.

The definition of domestic septage also makes it clear that domestic septage includes liquid and solid material removed from portable toilets or Type III marine sanitation devices. When these materials are applied to agricultural land, forest, or a reclamation site, the domestic septage requirements in the land applications subpart have to be met. When these materials are placed on an active sewage sludge unit, the appropriate requirements in the surface disposal subpart have to be met.

Domestic sewage. Domestic sewage is waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works. This is a key definition because the standards in the part 503 regulation apply to sewage sludge generated during the treatment of domestic sewage in a treatment works. When domestic sewage is in the influent to a treatment works, even if the influent also contains industrial wastewater, sewage sludge is generated during the treatment of the domestic sewage.

Dry weight basis. Dry weight basis means calculated on the basis of having been dried at 105 degrees Celsius until reaching a constant mass (i.e., essentially 100 percent solids content). This definition is in the final part 503 regulation because all of the numerical limits and operational standards in the part 503 regulation are on a dry weight basis. The dry weight basis allows an "apples to apples" comparison of the value for a parameter in sewage sludge to the numerical limit or operational standard in the part 503 regulation for that parameter. The procedure used to convert wet weight to dry weight varies depending on the type of unit measurement. For example, to convert a wet weight concentration (i.e., milligrams per liter) to a dry weight concentration, divide the wet weight concentration by the percent solids (expressed in hundredths) in the sewage sludge. To convert an application rate (i.e., metric tons per hectare) expressed in wet weight to a dry weight application rate, multiply the wet weight rate by the percent solids (expressed in hundredths) in the sewage sludge.

Feed crops. Feed crops are crops produced primarily for consumption by animals. These include, but are not limited to, corn and grass. Note that for a crop to be considered a feed crop, it has to be produced for consumption by animals. A crop such as grass that is not produced primarily for consumption by animals (e.g., grass grown to prevent erosion or to stabilize an area or as a cover) is not a feed crop. The term animals includes domestic animals and wild animals. The key to this definition is whether the crop is produced for consumption by animals.

Fiber crops. Fiber crops are crops such as flax and cotton. This definition is included in the final part 503 regulation because products from these crops (e.g., cotton seed oil) may be consumed by humans or may be used to prepare food consumed by humans. Because of the potential exposure to the fiber crop or product of the fiber crop, the Agency concluded that the part 503 requirements should apply when sewage sludge is applied to land on which a fiber crop is grown.

Food crops. Food crops are crops consumed by humans. These include, but are not limited to, fruits, vegetables, and tobacco. Tobacco is considered a food crop, even though usually not ingested by humans, because of the potential for direct human exposure to tobacco. Because of this exposure, the Agency determined that the part 503 requirements must be met when sewage sludge is applied to land on which tobacco is grown. Food crops can be either crops grown below the land surface, crops that touch the land surface, or crops that do not touch the land surface. When a crop is consumed by humans, it is a food crop.

Ground water. Ground water is water below the land surface in the saturated zone. The saturated zone is that part of the earth's crust in which all voids in the porous materials are filled with water. The water that fills those voids is ground water.

Person who prepares sewage sludge. A person who prepares sewage sludge is either the person who generates the sewage sludge during the treatment of domestic sewage in a treatment works or a person who derives a material from sewage sludge. This definition is included in the final part 503 regulation because the regulation contains a general provision that requires any person who prepares a sewage sludge to ensure that the requirements in the part 503 regulation are met. This general provision applies only when the sewage sludge prepared by a person (i.e., the

sewage sludge generated by a person or the material derived from sewage sludge) is applied to the land, placed on a surface disposal site, fired in a sewage sludge incinerator, or placed on a municipal solid waste landfill. Other requirements for a person who prepares sewage sludge also are included in the final part 503 regulation.

Pollutant. A pollutant is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or a pathogenic organism that, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food-chain, could, on the basis of information available to the Administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations in either organisms or offspring of the organisms. This definition is similar to the definition of "toxic pollutant" included in section 502(13) of the CWA, as amended.

The term "toxic pollutant" is not used in the final part 503 regulation because this generally is limited to the list of priority toxic pollutants developed by EPA. The Agency concluded that Congress intended that EPA develop the part 503 pollutant limits for a broader range of substances that might interfere with the use or disposal of sewage sludge, not just the 126 priority toxic pollutants.

Sewage sludge. The definition of sewage sludge in the part 503 regulation is similar to the definition in the proposed part 503 regulation. Besides editorial changes, the major differences between today's definition and the definition of sewage sludge in the part 503 proposal concern domestic septage and materials not considered sewage sludge.

The final part 503 regulation defines sewage sludge as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum and solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the incineration of sewage sludge or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

Domestic septage is included in the definition of sewage sludge because it is generated during the treatment of domestic sewage in a treatment works (e.g., septic tank). It also has characteristics similar to the characteristics of sewage sludge. The legislative history of section 405 reflects congressional intent that the section 405(d) requirements apply to domestic septage. S. Rep. No. 50, 99th Cong. 1st Sess. p. 47 (1985). The term "domestic septage" distinguishes domestic septage from septage, which includes commercial and industrial septage (e.g., grease from grease traps).

Scum is the material that floats on top of the wastewater in a treatment process and is removed by skimming. Scum shares many characteristics with the other residues generated during the treatment of wastewater and often is disposed with sewage sludge. For this reason, scum is included in the definition of sewage sludge.

Today's definition of sewage sludge also indicates that any material derived from sewage sludge (e.g., composted sewage sludge blended with another material) is sewage sludge. When that material is used or disposed through one of the practices regulated in the final part 503 regulation, the requirements for that practice must be met.

Ash generated during the incineration of sewage sludge is not included in today's definition of sewage sludge. Incinerator ash, which is disposed typically in landfills, is sterile and dry like other ash material. It does not have the same characteristics as other residues from wastewater treatment processes.

Grit and screenings also are not included in the definition of sewage sludge. Grit is the material, such as sand and gravel, that settles out before primary treatment. Screenings are relatively large pieces of solid material caught on bar screens at the headworks of the treatment works. These wastes are small in quantity; have characteristics that are different from the characteristics of sewage sludge; and usually are handled and disposed separately.

Storage of sewage sludge. Storage of sewage sludge is the placement of sewage sludge on land on which the sewage sludge remains for two years or less. Storage does not include placement of sewage sludge on the land for treatment.

An issue related to the definition of storage of sewage sludge concerns the length of time (i.e., two years) sewage sludge is stored before storage becomes final disposal. The length of time can be expressed in two ways. First, the period of time can be related to how long the land is used for the storage of sewage sludge. It is difficult to define storage in terms of the length of time the land is used to store sewage sludge because the land may be used to store sewage sludge for a long period of time even though a particular sewage sludge only remains on the land for a short period of time (e.g., 120 days).

The second way to express length of time for storage is the age of the sewage sludge on the unit area of land. The Agency determined that this parameter is more appropriate to use to distinguish between storage and final disposal than is the period of time the land is used to store sewage sludge. The older the sewage sludge, the higher the potential that the sewage sludge may cause an adverse impact.

The definition of storage in today's final part 503 regulation does not indicate whether the two year storage period is the period the land is used to store sewage sludge or the age of the sewage sludge. Either parameter can be used to define the storage period.

Treatment of sewage sludge. Treatment of sewage sludge is the preparation of sewage sludge for final use or disposal. This includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge. Treatment of sewage sludge is not storage of sewage sludge.

This definition is included in the part 503 regulation to distinguish treatment from final use or disposal. Requirements in the part 503 regulation apply to sewage sludge that is used or disposed. For this reason, when the sewage sludge is treated, the part 503 standards do not apply to the sewage sludge, except when treated for pathogen or vector attraction reduction, or, in the case where land is used to treat the sewage sludge, to the land on which sewage sludge is treated.

Treatment works. Treatment works is either a Federally owned, publicly owned, or privately owned device or system used to treat (including recycle and reclaim) either domestic sewage or a combination of domestic sewage and industrial waste of a liquid nature. This includes septic tanks and other types of on-site treatment systems and holding tanks because domestic sewage can be treated in these types of devices. Note that, by definition, devices or systems used to treat a combination of domestic sewage and industrial waste of a liquid nature are a treatment works. Sludge generated by the treatment works is sewage sludge.

Land Application (Subpart B)

This part of the preamble discusses the part 503 requirements for land application of sewage sludge. More

details on each of the requirements can be found in the technical support document for the part 503 land application requirements.

The final regulation recognizes two broad categories of sewage sludge applied to the land and establishes requirements for each category. For both categories, the sewage sludge must meet ceiling concentrations. If those concentrations are not met, the sewage sludge cannot be applied to the land.

The first category is bulk sewage sludge applied to the land. Bulk sewage sludge is sewage sludge that is not sold or given away in a bag or other container. Bulk sewage sludge must meet one of two pollutant limits to be applied to the land. The sewage sludge must meet pollutant concentration limits, which are in addition to the ceiling concentrations discussed above, or the amount of a pollutant applied to the land in bulk sewage sludge must not exceed a cumulative pollutant loading rate. In addition, pathogen and vector attraction reduction requirements must be met when bulk sewage sludge is applied to the land. General requirements and management practices also may have to be met when bulk sewage sludge is applied to the land depending on the quality of the bulk sewage sludge.

The second category is sewage sludge sold or given away in a bag or other container for application to the land. One of two pollutant limits also must be met when sewage sludge is sold or given away in a bag or other container. The sewage sludge must meet the same pollutant concentrations mentioned above for bulk sewage sludge, or the amount of pollutant applied to the land annually must not exceed an annual pollutant loading rate. The annual pollutant loading rates are used to calculate an application rate that is placed on a label on the bag or other container in which the sewage sludge is sold or given away. The application rate cannot be exceeded when the sewage sludge is applied to the land. In addition to meeting the pollutant limits, the sewage sludge must meet the highest quality pathogen requirements (i.e., Class A requirements) and a vector attraction reduction requirement must be met. Sewage sludge sold or given away in a bag or other container also is subject to general requirements and a management practice depending on the quality of the sewage sludge.

Applicability (Section 503.10)

The applicability section for land application in the proposed part 503 regulation indicated that the requirements apply to the application of sewage sludge to the land and to any person who applies sewage sludge to land. That section has been edited to be more explicit. The final part 503 regulation indicates that the land application requirements apply to any person who prepares sewage sludge that is applied to the land, to any person who applies sewage sludge to the land, to sewage sludge applied to the land, and to the land on which sewage sludge is applied.

Some of the requirements in this subpart apply to the sewage sludge that is land applied. These requirements address the quality of sewage sludge applied to the land and the amount of pollutants that can be applied to the land in sewage sludge.

Other requirements in this subpart apply to a person who prepares sewage sludge that is applied to the land. A person who prepares sewage sludge is either the generator of the sewage sludge or a person who derives a material from sewage sludge. Still other requirements apply to the person who applies sewage sludge to the land (e.g., recordkeeping requirements depending on which pollutant limits are met). All of these requirements are discussed in more detail later in this preamble.

As mentioned previously, the part 503 use or disposal standards include general requirements, pollutant limits, management practices, operational standards, and requirements for frequency of monitoring, recordkeeping, and reporting. For land application of sewage sludge, there are three cases where not all requirements must be met to comply with the standards. These three cases concern bulk sewage sludge applied to the land and sewage sludge sold or given away in a bag or other container for application to the land.

In the first two cases, the sewage sludge or material derived from sewage sludge must meet certain pollutant limits and certain operational standards for pathogens and vector attraction reduction. In addition, the frequency of monitoring, recordkeeping, and reporting requirements in the land application subpart must be met. The general requirements and management practices do not apply when the sewage sludge or material derived from sewage sludge meets the three quality requirements.

The rationale for not imposing the general requirements and management practices on bulk sewage sludge and sewage sludge sold or given away in a bag or other container for application to the land is that the sewage sludge that meets the three identified quality requirements is a valuable commercial product. Because of this, EPA concluded that the probability of improper application of the sewage sludge is low and the additional requirements are not necessary to protect public health and the environment. In addition, the Agency determined that over-application of the sewage sludge will not occur because over-application reduces crop yield, which nullifies the main reason to apply sewage sludge to the land in the first instance. The Agency concluded that when the sewage sludge meets the three quality requirements, it is a fertilizer material and should be treated similarly to other fertilizers. For these reasons, EPA does not require that the general requirements and management practices be met when high quality sewage sludges are applied to the land. The circumstances in which these requirements need not be met are discussed further below.

For both the first and second cases, the EPA Regional Administrator (or, in the case of a State with an approved sludge management program, the State Director) could still, acting under authority in section 405(d)(4), decide to require that any or all of the general requirements and management practices be met, on a case-by-case basis, even when a sewage sludge or bulk material derived from sewage sludge meets the three quality requirements. However, this requires a finding by the Regional Administrator that the general requirements or management practices are needed to protect public health and the environment from any reasonably anticipated adverse effect of a pollutant in the sewage sludge.

An example of a management practice that could be imposed is the requirement to apply the sewage sludge or material derived from sewage sludge to the land at a whole sludge application rate (i.e., the amount of sewage sludge that can be applied to an area of land) that does not exceed the agronomic rate. When the Regional Administrator concludes this requirement is needed to protect public health and the environment from the reasonably anticipated adverse effect of nitrogen in the sewage sludge, the Regional Administrator could impose that requirement to the bulk sewage sludge. Under this provision, the control over the site where the sewage sludge is applied, which was foregone because of the general requirements and management practices do not apply, may be re-established.

In the third case, the part 503 requirements in the land application subpart do not apply to a bulk material derived from sewage sludge when the sewage sludge used to produce the

derived material meets the pollutant concentrations in 503.13(b)(3), the Class A pathogen requirements in 503.32(a), and one of the vector attraction reduction requirements in 503.33(b)(1) through 503.33(b)(8). In this case, the sewage sludge used to produce the bulk material already meets the three quality requirements.

The final part 503 regulation does not authorize the EPA Regional Administrator or the State Director to impose the general requirements and management practices on a bulk material derived from a sewage sludge that meets the three quality requirements because the part 503 requirements do not apply to sewage sludge used to make that material once the sewage sludge meets the identified quality requirements. No records have to be kept on who receives that sewage sludge or what happens to the sewage sludge after the three quality requirements are met.

The three cases for sewage sludge sold or given away in a bag or other container for application to the land are the same as the three cases for bulk sewage sludge applied to the land. In the first two cases, the general requirements in 503.12 and the management practices in 503.14 do not apply either to sewage sludge or a material derived from sewage sludge when the sewage sludge or material is sold or given away in a bag or other container for application to the land and when the sewage sludge or material meets the pollutant concentrations for high quality sewage sludges in 503.13(b)(3), the more stringent Class A pathogen requirements in 503.32(a), and one of the vector attraction requirements in 503.33(b)(1) through 503.33(b)(8). The frequency of monitoring, recordkeeping, and reporting requirements in this subpart do apply, however, to the sewage sludge or material derived from sewage sludge.

In the third case, the final part 503 regulation indicates that the part 503 requirements do not apply to a material derived from sewage sludge that is sold or given away in a bag or other container when the sewage sludge used to derive that material meets the pollutant concentrations for high quality sewage sludges in 503.13(b)(3), the more stringent Class A pathogen requirements in 503.32(a), and one of the vector attraction requirements in 503.33(b)(1) through 503.33(b)(8). The sewage sludge used to derive that material already meets the applicable quality requirements.

The provision authorizing the imposition of the general requirements and management practices after a sewage sludge or material derived from sewage sludge meets the three quality requirements does not apply to sewage sludge sold or given away in a bag or other container for application to the land. As mentioned above, this provision in part allows control over the site where the sewage sludge is applied to be re-established. The underlying assumption for sewage sludge sold or given away in a bag or other container is that there is no direct control over the user of the sewage sludge. It is virtually impossible in the case of a widely distributed sewage sludge that is essentially equivalent to fertilizer to impose controls on the end user of the sewage sludge. When there is no control over the user initially, there is no way to re-establish that control through the imposition of general requirements or management practices. For this reason, the provision concerning re-imposing certain requirements is not applicable in this case.

Special Definitions (Section 503.11)

In this section of the final part 503 regulation, the Agency defines terms used in this subpart. Those terms include: agricultural land, agronomic rate, annual pollutant loading rate, annual whole sludge application rate, bulk sewage sludge, cumulative pollutant loading rate, forest, land application, other container, pasture, public contact site, range land, and reclamation site.

Agricultural land. Agricultural land is land on which a food crop, a feed crop, or a fiber crop is grown. This includes range land and land used as pasture. When the crop grown on the land is not consumed by humans; not produced primarily for consumption by animals; or not a fiber crop, the land on which the crop is grown is not agricultural land.

Range land and pasture are included in the definition of agricultural land because feed crops (e.g., grasses and other types of vegetation) are grown on the land. These crops are consumed by animals that graze on the land.

Agronomic rate. Agronomic rate is defined as the whole sludge application rate designed: (1) to provide the amount of nitrogen needed by the crop or vegetation grown on the land and (2) to minimize the amount of nitrogen in the sewage sludge that passes below the root zone of the crop or vegetation grown on the land to the ground water. A key aspect of this definition is the design of the whole sludge application rate. To design this rate, the nitrogen needs of the crop or vegetation grown on the land, the available nitrogen in the sewage sludge, the soil conditions at the site, and the geology of the site have to be known, among other things.

Agronomic rate is used in the final part 503 regulation to limit the amount of sewage sludge applied to the land to fertilize the crop or vegetation grown on the land. The purpose of limiting the application rate to the agronomic rate is to minimize contamination of the ground water beneath the application site by the nitrogen in the sewage sludge.

Annual pollutant loading rate. The annual pollutant loading (APLR) is the maximum amount of a pollutant that can be applied to a unit area of land during a 365-day period. In the final part 503 regulation, this rate is calculated by dividing the cumulative pollutant loading rate for an inorganic pollutant by 20 years. This is discussed further below.

Annual whole sludge application rate. The annual whole sludge application rate (AWSAR) is the maximum amount of sewage sludge on a dry weight basis that can be applied to a unit area of land during a 365-day period. This rate is for the whole sludge and not just for a single pollutant. An explanation of how to calculate an annual whole sludge application rate is in appendix A of the final regulation.

Bulk sewage sludge. Bulk sewage sludge is sewage sludge that is not sold or given away in a bag or other container for application to the land. This definition is included in the final part 503 regulation because the requirements in this subpart differ for bulk sewage sludge and for sewage sludge sold or given away in a bag or other container for application to the land.

Cumulative pollutant loading rate. A cumulative pollutant loading rate is the maximum amount of an inorganic pollutant that can be applied to an area of land. This loading rate is not an annual rate. Rather, it is the maximum amount of an inorganic pollutant that can be applied to an area of land. When the cumulative pollutant loading rate for a pollutant is reached for a particular land application site, no more of that pollutant can be applied to the site in bulk sewage sludge.

Forest. Forest is a tract of land thick with trees and underbrush. A forest includes, but is not limited to, land used for silviculture purposes and unmanaged land thick with indigenous vegetation.

Land application. Land application is the spraying or spreading of sewage sludge onto the land surface; the injection of sewage sludge below the land surface; or the incorporation of sewage sludge into the land so that the

sewage sludge can either condition the soil or fertilize crops or vegetation grown in the soil. One important aspect of this definition is "* * * so that the sewage sludge can condition the soil or fertilize crops or vegetation grown on the land." Sewage sludge is not disposed on the land in this case. Rather, the sewage sludge is used beneficially.

The definition of land application includes such things as using the sewage sludge to grow plants or flowers in a pot and using sewage sludge in the hole where a tree is planted. In such cases, the sewage sludge is used to fertilize the plant or tree even though the sewage sludge is not spread over a large area of land. Sewage sludge used for these purposes must meet the applicable requirements in the land application subpart of the final part 503 regulation.

When the sewage sludge is not used to condition the soil or to fertilize crops or vegetation grown on the land, the sewage sludge is not being land applied. It is being disposed on the land. In that case, the requirements in the subpart on surface disposal in the final part 503 regulation must be met.

Other container. The part 503 regulation differentiates between sewage sludge sold or given away in large quantities to users such as manufacturers of sewage sludge fertilizer products and sewage sold or given away in a bag or other container for direct use by the purchaser or receiver of the sewage sludge. Thus, the part 503 regulation distinguishes between bulk sewage sludge and sewage sludge sold or given away in a bag or other container. An "other container" is either an open or a closed receptacle and may include, but is not limited, to a bucket, a box, a carton, or a vehicle that has a load capacity of one metric ton or less.

An "other container" could be any type of receptacle in which sewage sludge, usually in small amounts, is sold or given away for application to the land. In most cases, the sewage sludge is used to fertilize a lawn or a home garden; to grow flowers in pots; to fertilize the ball of a tree that is planted, or for a similar type use. The sewage sludge usually is not applied to those types of land in several applications in the same year.

The Agency also chose to include in the definition of "other container" a vehicle that has a load capacity of one metric ton or less. The vehicle could be, among other things, a pick-up truck or a trailer pulled by an automobile.

A vehicle load capacity of one metric ton was chosen as the cut-off because of the assumptions EPA used to develop the standards for sewage sludge sold or given away in a bag or other container for application to the land. The Agency assumed that sewage sludge sold or given away is applied to the land in small amounts and that the sewage sludge is not applied to the land in several applications in the year.

EPA considers one metric ton of sewage sludge to be a small amount, particularly considering the types of land on which the Agency concluded that is sold or given away will be applied (i.e., a lawn, a home garden, or a public contract site). In addition, EPA does not believe that a vehicle with a load capacity of one metric ton or less will be used to haul the amount of sewage sludge needed on other types of land (e.g., agricultural land) and that such a vehicle will not be used to make several trips to the same site, particularly for several applications of sewage sludge. Most likely, a vehicle with a load capacity of one metric ton will be used to haul sewage sludge that is applied to a lawn, a home garden, or a public contact site.

Pasture. Pasture is land on which animals feed directly on feed crops such as legumes, grasses, grain stubble, or stover. For the purpose of the final part 503 regulation, pasture is considered agricultural land because a feed crop is grown on the land.

Public contact site. A public contact site is land with a high potential for contact by the public. Included in this type of land are public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses. All of these lands have a high potential for contact by the public. This definition is included in part 503 because the final regulation contains specific requirements for sewage sludge applied to a public contact site.

Range land. Range land is open land with indigenous vegetation. This type of land differs from a forest in that range land is more open. Range land has indigenous vegetation, but is not thick with trees and underbrush.

Reclamation site. A reclamation site is drastically disturbed land that is reclaimed using sewage sludge. The drastically disturbed land may be a strip mine, a construction site, or some other land that has been cleared of most of its vegetation. Sewage sludge is applied to the land to help establish vegetation. The sewage sludge provides organic material and nutrients needed for the vegetation to grow.

General Requirements (Section 503.12)

The proposed regulation contained six general requirements for land application of sewage sludge. Two of those general requirements are addressed in the general requirements in the final regulation (i.e., meet the requirements in this subpart when sewage sludge is applied to the land and provide notice and information when the generator of the sewage sludge is not the applier of the sewage sludge), two are management practices in the final regulation (i.e., those concerning threatened and endangered species and application of sewage sludge to flooded, snow-covered, or frozen land), one is now addressed in the frequency of monitoring requirement in the final regulation (i.e., comply with the monitoring requirements), and one was deleted from the final regulation.

The proposed general requirement that was deleted from the final regulation concerns restricting the flow of a base flood, reducing the temporary storage capacity of a floodplain, or posing a hazard to human health, wildlife, or land or water resources because of sewage sludge in the runoff from the base flood. When sewage sludge is applied to the land, it is applied in large amounts over while areas. The sewage sludge is not piled high on the land in a small ares. In this case, the sewage sludge cannot restrict the flow of a base flood or reduce the temporary storage capacity of a floodplain. In addition, pollutant limits in the land application subpart are designed to protect run-off of pollutants into surface waters (i.e., the surface water pathway was evaluated during the land application exposure assessment). For these reasons and because the probability that sewage sludge will be land applied to a 100-year floodplain is low, the Agency concluded that this general requirement is not needed in the final regulation (it would be a management practice if included in the final regulation) to protect public health and the environment when sewage sludge is applied to the land.

There are 10 general requirements for land application of sewage sludge in the final part 503 regulation. The first general requirement is that no person shall apply sewage sludge to the land except in accordance with the requirements in this subpart. This general requirement is an explicit statement of obligation not to violate the requirements in this subpart when sewage sludge is applied to the land.

The second general requirement indicates that no person shall apply bulk sewage sludge subject to the cumulative pollutant loading rates in 503.13(b)(2) to land where any of the cumulative pollutant loading rates have been reached. This general requirement

establishes an explicit requirement not to exceed any of the cumulative pollutant loading rates at a land application site. It does not apply when the sewage sludge meets the pollutant concentrations in 503.13(b)(3).

The third general requirement concerns the application of domestic septage to agricultural land, forest, or a reclamation site. A person may not apply domestic septage to those types of land during a 365-day period when the annual application rate for domestic septage in 503.13(c) has been reached during that period. This general requirement does not apply to a public contact site because the final part 503 regulation prohibits the application of domestic septage to a public contact site at the annual application rate in 503.13(c).

The fourth general requirement concerns providing the concentration of total nitrogen (as N on a dry weight basis) in bulk sewage sludge to the person who applies the bulk sewage sludge to the land. The person who prepares the bulk sewage sludge is required to provide the applier written notification of the nitrogen concentration in the bulk sewage sludge, except for the bulk sewage sludge and bulk material that meet the three quality requirements discussed above. The purpose of this general requirement is to ensure that the person who applies the bulk sewage sludge is aware of the nitrogen concentration in the bulk sewage sludge. Without that concentration, the agronomic rate for the crop grown on the land application site cannot be designed properly.

The fifth general requirement requires any person who applies sewage sludge to the land to obtain the information needed to comply with the part 503 requirements. This general requirement establishes an explicit requirement for the person who applies the sewage sludge to become aware of the requirements (e.g., site restrictions when the sewage sludge meets the less stringent Class B pathogen requirements) that must be met when sewage sludge is applied to the land. This is a logical extension of the part 503 requirements because without the information a person cannot comply with those requirements.

The fifth general requirement also contains more detailed requirements for the applier when the bulk sewage sludge meets the pollutant ceiling concentrations in 503.13(b)(1) and is applied to a site under the cumulative pollutant loading rate concept in 503.13(b)(2). In that case, the applier must contact the permitting authority in the State where the bulk sewage sludge will be applied to determine whether bulk sewage sludge subject to the cumulative pollutant loading rates has been applied to the site since [insert 120 days after the effective date of this part]. Note that the purpose of contacting the permitting authority is to determine whether bulk sewage sludge subject to the above requirements has been applied to the site and not to determine the amount of each pollutant applied to the site in bulk sewage sludge.

When results of the above search indicate that bulk sewage sludge subject to the cumulative pollutant loading rates has not been applied to the site, the cumulative amount of each pollutant in Table 2 of section 503.13 of the final regulation can be applied to the site. In this case, the applier must keep a record of the amount of each pollutant in the bulk sewage sludge applied to the site by the applier.

When results of the above search indicate that bulk sewage sludge subject to the cumulative pollutant loading rates has been applied to the site since [insert 120 days after the effective date of this part], the applier must look for the records of the amount of each pollutant applied to the site in bulk sewage sludge since that date. When those records are available, the applier must use that information to determine the additional amount of each pollutant that can be applied to the site so as not to violate the cumulative pollutant loading rate for the pollutant. In this case, the applier must keep the records of the amount of each pollutant applied previously by other appliers and also must keep a record of the amount of each pollutant in the bulk sewage sludge the applier applies to the site. When the records of the amount of each pollutant applied previously cannot be found, an additional amount of each pollutant cannot be applied to the site in bulk sewage sludge because that may violate the cumulative pollutant loading rate for the pollutant.

One purpose of the last part of the fifth general requirement is to ensure that only the permissible total quantity for each pollutant is applied to a site in bulk sewage sludge after [insert 120 days after the effective date of this part]. Without knowing the previous amounts applied, this requirement cannot be met. Note that the requirements to contact the permitting authority and search for records, if appropriate, apply only when bulk sewage sludge subject to the cumulative pollutant loading rates is applied to the land. These requirements do not apply when the bulk sewage sludge that meets the high quality pollutant concentrations in 503.13(b)(3) is applied to the land.

Another purpose of the last part of the fifth general requirement is to prevent two people from applying bulk sewage sludge to the same site without either person knowing the amount of each pollutant listed in Table 2 of section 503.13 that the other person applies to the site in bulk sewage sludge. Under this general requirement, all persons who apply bulk sewage sludge subject to cumulative pollutant loading rates to a site must contact the permitting authority to determine whether bulk sewage sludge subject to that requirement has been applied to a site since [insert 120 days after the effective date of this part].

In the proposed regulation, EPA included requirements for the owner/operator of a treatment works to keep records of the amount of inorganic pollutants applied to each site (54 FR 5745 at 5895). The purpose of that requirement was to ensure that the cumulative pollutant loading rates were not violated at each land application site. The final regulation has the same requirement for the same reason: To ensure no violation of the cumulative pollutant loading rates.

In the final regulation, EPA extended the requirements to keep records of the amount of pollutants applied to a site in bulk sewage sludge to landowners who apply the bulk sewage sludge. This is a logical extension of the need for recordkeeping to prevent violations of the cumulative pollutant loading rates. The availability of the records to new owners of the land (or the prohibition on the application of bulk sewage sludge to a site in its absence) is a necessary measure to protect against exceeding cumulative pollutant loading rates on land application sites.

The sixth general requirement concerns a person who prepares bulk sewage sludge that is applied to the land by a different person. In this case, the person who prepares the bulk sewage sludge (i.e., the generator of the sewage sludge or the person who derives a material from sewage sludge) must provide notice and necessary information to the person who applies the bulk sewage sludge to the land to comply with the part 503 requirements. An example of the information that should be provided is the site restrictions that have to be met when the sewage sludge meets the less stringent Class B pathogen requirements.

The seventh general requirement, which is similar to the sixth general requirement, addresses the situation where the person who prepares sewage sludge provides the sewage sludge to another person who prepares the sewage

sludge (e.g., the person derives a material from the sewage sludge). In this case, the person who prepares the sewage sludge must provide the receiver of the sewage sludge notice and necessary information to comply with the requirements in this part. An example of when this general requirement applies is when a person receives sewage sludge from more than one person who prepares sewage sludge and then derives a material from the sewage sludges, either through mixing of the bulk sewage sludges or some other operation. In this situation, each person who prepares sewage sludge must provide the person who derives the material information (e.g., information on the quality of the sewage sludge) to comply with the requirements in this subpart.

The eighth general requirement requires the applier of the sewage sludge to provide notice and necessary information to the owner or lease holder of the land on which bulk sewage sludge is applied to comply with the requirements in the land application subpart. The land owner or lease holder has to know about requirements for the land application site (e.g., site restrictions when a sewage sludge meeting the less stringent Class B pathogen requirements is applied to the land and management practices) to ensure that those requirements are met. This general requirement ensures that the owner or lease holder of the land receives that information. It only applies, however, when bulk sewage sludge is applied to the land. It does not apply when sewage sludge sold or given away in a bag or other container for application to the land.

The ninth general requirement addresses a notice that must be provided when bulk sewage sludge, except bulk sewage sludge meeting the high quality requirements discussed above, is transported across State lines for land application in another State. When bulk sewage sludge is generated in one State (the generating State) and transferred to another State (the receiving State), the person who prepares the bulk sewage sludge must notify the permitting authority in the receiving State in which the bulk sewage sludge is proposed to be applied. The permitting authority for the receiving State is the EPA Regional Administrator or the State Director of the receiving State when that State has an approved sewage sludge program. Note that there are no approved State sludge programs as of the publication date of part 503.

EPA adopted this requirement so that the permitting authority can determine whether a permit application, or other appropriate oversight, for the land application site is needed. The notice must be given prior to transporting the sewage sludge so that the permitting authority has time to make this determination. Generally, permit applications are not required for land application sites because they are not automatically considered treatment works treating domestic sewage. In a May 2, 1989, notice, EPA stated that "under the Federal program, permits will not be required for owners or operators of land where sludge is beneficially reused such as farm lands and home gardens" (54 FR 18726)). However, the Agency went on to say that Part 122 contains a second part to the definition of treatment works treating domestic sewage that allows the Regional Administrator to designate a facility a treatment works treating domestic sewage "where necessary to protect public health and the environment from poor sludge quality, use, handling, or disposal practices, or to ensure compliance with 40 CFR part 503" (54 FR 18726)). To determine whether a permit, or other appropriate oversight is necessary, the permitting authority must first know that sewage sludge will be applied to a site.

In the proposed regulation, EPA required that the owner/operator of the treatment works to keep the location of the land application site and to submit the location to the permitting authority (54 FR 5745 at 5895). The requirement in this general requirement to notify the permitting authority when sewage sludge is applied to land in a State other than in the State where it is prepared and to provide the permitting authority the location of the land application site is a logical outgrowth of the proposed requirement to provide the permitting authority the location of the land application site.

The notice required by this general requirement is a one-time notification for each applier to any particular land application site. The notice includes information on the approximate time period sewage sludge will be applied to the site to preserve some flexibility as to exactly when sewage sludge will be applied to the site and to allow multiple applications to the same site over a period of time without requiring a separate notice for each application.

In addition to the approximate time period sewage sludge will be applied to a site, the notice must include the location of the site and information on both the person who prepares the bulk sewage sludge and the person who will apply the bulk sewage sludge. The permitting authority may request additional information or a full permit application as noted above. EPA does not expect that many permits will be issued to these land application sites. This notice requirement provides the permitting authority the flexibility to impose additional requirements, if needed, and to ensure compliance with part 503.

The last general requirement also addresses a notice that must be provided. When bulk sewage sludge subject to the cumulative pollutant loading rates is applied to the land, the person who applies the bulk sewage sludge must notify the permitting authority for the State in which the bulk sewage sludge will be applied. This must be done prior to the initial application of bulk sewage sludge to a site by each applier. The purpose of this general requirement is to ensure that a record is kept of the sites where sewage sludge subject to the cumulative pollutant loading rates is applied. Without that information, there is no way for a person who intends to apply bulk sewage sludge to know whether bulk sewage sludge has been applied to a site previously. When it is not known whether bulk sewage sludge subject to cumulative pollutant loading rates has been applied to a site, the cumulative pollutant loading rates in 503.13(b)(2) cannot be enforced. Note that this notice only provides information about whether bulk sewage sludge has been applied to a site. It does not include the amount of each pollutant applied to a site in bulk sewage sludge. Once the person who proposes to apply the bulk sewage sludge determines that bulk sewage sludge subject to cumulative pollutant loading rates has been applied to the site, that person must then contact the previous appliers to determine the amount of each pollutant applied to the site previously in bulk sewage sludge.

The notice required by the last general requirement also is a one-time notice for a land application site for each applier. Information that must be provided in the notice includes the location of the land application site and the name, address, telephone number, and National Pollutant Discharge Elimination System permit number, if appropriate, of the person who will apply the bulk sewage sludge.

Pollutant Limits (Section 503.13)

The final part 503 regulation contains ceiling concentration (Table 1), cumulative pollutant loading rates (Table 2), pollutant concentrations (Table 3), and annual pollutant loading rates (Table 4). Any sewage sludge that does not meet the ceiling concentrations

in Table 1 cannot be applied to the land. Other pollutant limits also are included in 503.13 for bulk sewage sludge and for sewage sludge sold or given away in a bag or other container. Bulk sewage sludge that is applied to the land is subject to cumulative pollutant loading rates if the sewage sludge does not meet the pollutant concentrations for high quality sewage sludge. Sewage sludge sold or given away in a bag or other container is subject to annual pollutant loading rates if it does not meet the pollutant concentrations for high quality sewage sludges.

Ceiling concentrations are included in the final part 503 regulation because EPA is concerned about the potential impact of a "dirty" sewage sludge on public health and the environment (e.g., phytotoxicity to plants). As mentioned above, if the pollutant concentrations in sewage sludge exceed the ceiling concentrations, sewage sludge cannot be applied to the land.

The ceiling concentrations in Table 1 are the less stringent of two values. They are the concentrations calculated using the cumulative pollutant loading rules from the land application exposure assessment, an assumed 100-year site life, and an assumed annual whole sludge application rate of 10 metric tons per year or the 99th percentile concentration from the National Sewage Sludge Survey (NSSS), whichever is less stringent. EPA concluded that when the pollutant concentrations in the sewage sludge do not exceed the ceiling concentrations, the potential for short-term impacts on the environment from land application of the sewage sludge are reduced greatly.

The final part 503 regulation contains two pollutant limits for bulk sewage sludge applied to the land. The first limit for bulk sewage sludge applied to the land consists of cumulative pollutant loading rates. A cumulative pollutant loading rate is the cumulative amount of an inorganic pollutant that can be applied to an area of land. Cumulative pollutant loading rates must be met when bulk sewage sludge that does not meet the pollutant concentrations for high quality sewage sludge is applied to the land.

The final part 503 regulation requires that the cumulative amount of each pollutant listed in Table 2 of section 503.13 from bulk sewage sludge applied to the land shall not exceed the cumulative pollutant loading rate for the pollutant in Table 2. To comply with this requirement, the amount of each pollutant in the bulk sewage sludge applied to a site must be known. Records have to be kept of the amount of each pollutant applied to each site. When the cumulative pollutant loading rate for any of the pollutants in Table 2 of section 503.13 is reached for a site, no more bulk sewage sludge may be applied to that site. The ceiling concentrations and cumulative pollutant loading rates may be met when bulk sewage sludge is applied to agricultural land, forest, a public contact site, or a reclamation site.

The following procedure can be used to estimate site life for a bulk sewage sludge with a particular quality and for a certain annual whole sludge application rate (AWSAR) when the cumulative pollutant loading rates are met. When either the quality of the bulk sewage sludge or the AWSAR changes, the site life for the land also changes.

Procedure

1. Measure the concentration of arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc in the bulk sewage sludge.

2. Determine the AWSAR for the bulk sewage sludge. Usually, the AWSAR is equal to the agronomic rate for the bulk sewage sludge.

3. Calculate an annual pollutant loading rate (APLR) for each inorganic pollutant using equation (1) below.

$$APLR = C \times AWSAR \times 0.001 \quad (1)$$

Where:

APLR=Annual pollutant loading rate for an inorganic pollutant in kilograms-pollutant per hectare per 365-day period.

C=Measured pollutant concentration in the bulk sewage sludge in milligrams-pollutant per kilogram of total solids (dry weight basis).

AWSAR=Annual whole sludge application rate in metric tons-sewage sludge per hectare per 365-day period (dry weight basis).

0.001=A conversion factor.

4. Calculate the years an inorganic pollutant can be applied to the land by dividing the cumulative pollutant loading rate in Table 2 of the final regulation by the APLR calculated from Step 3 of this procedure.

5. Determine the lowest number of years calculated in Step 4 of this procedure. This is the period that this bulk sewage sludge can be applied to the land without causing any of the cumulative pollutant loading rates in Table 2 of section 503.13 to be exceeded.

6. This procedure is used only to estimate the number of years a bulk sewage sludge can be applied to a site. This estimate changes when the inorganic pollutant concentrations in the bulk sewage sludge change or when the annual whole sludge application rate changes.

EXAMPLE:

Given:

• Step 1—Pollutant concentrations in bulk sewage sludge (dry weight basis):

Pollutant	Concentration (mg/kg)
Arsenic	10
Cadmium	7
Chromium	850
Copper	741
Lead	134
Mercury	5
Molybdenum	9
Nickel	42
Selenium	5
Zinc	1201

• Step 2—Assume the annual whole sludge application rate for the bulk sewage sludge is 10 MT/ha/365 day period base on agronomic requirements.

• Step 3—Calculate the annual pollutant loading rates for the pollutants using equation (1):

Pollutant	Concentration (mg/kg)	APLR (kg/ha)
Arsenic	10	0.10
Cadmium	7	0.07
Chromium	850	8.50
Copper	741	7.40
Lead	134	1.30
Mercury	5	0.05
Molybdenum	9	0.09
Nickel	42	0.42
Selenium	5	0.05
Zinc	1201	12.00

• Step 4—Calculate the years an inorganic pollutant can be applied to the land:

Pollutant	CPLR (kg/ha)	APLR (kg/ha/yr)	Years (CPLR/APLR)
Arsenic	41	0.10	410
Cadmium	39	0.07	557
Chromium	3000	8.5	353
Copper	1500	7.4	202
Lead	300	1.3	231
Mercury	17	0.05	340
Molybdenum	18	0.09	200
Nickel	420	0.42	1000
Selenium	100	0.05	2000
Zinc	2800	12.0	233

• Step 5—Determine the lowest number of years calculated in Step 4:

For this example, the lowest number of years is 200 for molybdenum. Bulk sewage sludge with the inorganic pollutant concentrations given in Step 1 of this procedure can be applied to the land at an AWSAR of 10 MT/ha for 200 years. After that period, the cumulative pollutant loading rate for molybdenum is exceeded.

The values for the cumulative pollutant loading rates in the final part 503 regulation are different from the values for those rates in the proposal. They are different because values for the input parameters for the models used in the exposure assessment to develop the loading rates were updated using information received during the public comment period on the proposal and other information obtained subsequent

to the proposal. This is discussed in more detail in the land application technical support document.

The second pollutant limit for bulk sewage sludge consists of pollutant concentrations in Table 3 of section 503.13 that designate high quality sewage sludges. These concentrations were called "alternative pollutant limits (APL)" in the November 1990 National Sewage Sludge Survey notice (55 FR 47210, November 9, 1990). The Agency chose not to call the pollutant concentrations "alternative pollutant limits" in the final part 503 regulation because the other pollutant limits in the land application subpart (i.e., cumulative pollutant loading rates) also are alternative limits. Any of the alternative pollutant limits can be met when bulk sewage sludge is applied to the land. The APLs in the 1990 notice are called pollutant concentrations in the final part 503 regulation.

To develop the pollutant concentrations in Table 3 of section 503.13, the cumulative pollutant loading rates for inorganic pollutants established in the land application exposure assessment were converted to annual pollutant loading rates. Next, the calculated annual pollutant loading rates and an assumed annual whole sludge application rate (AWSAR) were used in the following equation to calculate a pollutant concentration:

$$C = \frac{APLR}{AWSAR \times 0.001} \quad (1)$$

Where:

C=pollutant concentration in mg/kg (dry weight basis).
APLR=annual pollutant loading rate in kg-pollutant/hectare/365 day period.
AWSAR=annual whole sludge application rate in metric tons/hectare/365 day period (dry weight basis).
0.001=a conversion factor.

Finally, the pollutant concentrations calculated using equation (1) were compared to the 99th percentile concentration values for the pollutants from the NSSS. The pollutant concentrations in Table 3 of section 503.13 are either the concentration calculated using equation (1) or the 99th percentile concentration, whichever is more stringent. The rationale for the use of the 99th percentile concentration is presented in part VII of today's preamble.

To convert the cumulative pollutant loading rates for inorganic pollutants to annual pollutant loading rates, the Agency assumed that the life of the site where the bulk sewage sludge is applied is 100 years. Annual pollutant loading rates were calculated by dividing the cumulative pollutant loading rates in Table 2 of section 503.13 by 100 years. EPA concluded that using a site life of 100 years is conservative because bulk sewage sludge most likely will not be applied to a site for 100 years, particularly 100 years in a row.

For the purpose of calculating the pollutant concentrations using equation (1), EPA also assumed that the AWSAR is 10 metric tons/hectare/365 day period. This rate is a conservative application rate for agricultural land based on nitrogen requirements of the crop and the nitrogen concentration in the sewage sludge.

Because the annual whole application rates for other types of land differ from the assumed rate for agricultural land, the Agency estimated the site life for the other types of land using the pollutants concentrations in Table 3 of section 503.13 and the different AWSARs in equation (1) above. An annual whole sludge application rate of 26, 18, and 74 metric tons/hectare/365 day period was used for forest, a public contact site, and a reclamation site, respectively. These rates were obtained from the NSSS.

The estimated site lives for a forest, a public contact site, and a reclamation site calculated using the above AWSARs, the pollutant concentration from Table 3 of section 503.13, and the cumulative pollutant loading rates from Table 2 of section 503.13 (i.e., cumulative pollutant loading rate divided by site life) in equation (1) are 38 years, 55 years, and 13 years, respectively. This means that when the pollutant concentrations in the sewage sludge are equal to or less than the concentrations in Table 3 of section 503.13 bulk sewage sludge can be applied to the different types of land at the above application for the above years without causing any of the cumulative pollutant loading rates in Table 2 of section 503.13 to be exceeded. The Agency concluded that it is unlikely that bulk sewage sludge will be applied to a forest for 38 years, to a public contact for 55 years, or to a reclamation site for 13 years. EPA also concluded that bulk sewage sludge will not be applied to those types of land at substantially higher application rates than 26, 18, and 74 metric tons/per hectare/365 day period for a forest, a public contact site, or a reclamation site, respectively, because of the management practice in the land application subpart that requires the sewage sludge to be applied to the land at a rate that is equal to or less than the agronomic rate.

Another reason a 13 year site life for a reclamation site is conservative is that 13 years are not needed to reclaim a site. Available information indicates that, at most, three or four years are needed to reclaim land. This does not mean that sewage sludge cannot be applied to the land after three or four years. It means that after that period, the land is no longer a reclamation site. It becomes a different type of land (e.g., agricultural land). In that case, the part 503 requirements for the other type of land have to be met when sewage sludge is applied to the land after it is reclaimed.

EPA is applying the 99th percentile concentration "cap" to designate high quality sewage sludges because certain parts of the land application subpart (i.e., general conditions and management practices) do not apply when the sewage sludge meets the pollutant concentrations and other requirements. This is the case when the sewage sludge meets the pollutant concentrations in Table 3 of section 503.13, the more stringent Class A pathogen requirements, and one of the appropriate vector attraction requirements.

Using the above approach, the concentration values for three of the pollutants in Table 3 of section 503.13 (i.e., chromium, nickel, and selenium) are "capped" at the 99th percentile value. Concentration values for the other pollutants in Table 3 of section 503.13 are the values for those pollutants calculated using equation (1).

The calculated annual pollutant loading rates for the inorganic pollutants based on a 100 year site life protect public health and the environment from reasonably anticipated adverse effects of pollutants in sewage sludge because they are derived from cumulative pollutant loading rates that provide the same protection. Pollutant concentrations (i.e., the values in Table 3 of section 503.13) based on the calculated annual pollutant loading rates provide equal protection to public health and the environment. In the case of the pollutant concentrations that are "capped", public health and the environment also are protected because those concentrations are more stringent than the pollutant concentrations calculated using equation (1).

Because the pollutant concentrations in Table 3 of section 503.13 are based on conservative site lives and typical AWSARs, the Agency concluded that records do not have to be kept of the amount of each inorganic pollutant in the bulk sewage sludge applied to a site. It is unlikely that any of the cumulative pollutant loading rates in Table 2 of section 503.13 will be exceeded at a site when the bulk sewage sludge applied to

the site meets the pollutant concentrations in Table 3 of section 503.13. The pollutant concentrations in Table 3 of section 503.13 are monthly average concentrations. The monthly average concentration of the pollutant in the sewage sludge that is applied to the land cannot exceed the value for the pollutant in Table 3 of section 503.13.

The Agency considered allowing site-specific cumulative pollutant loading rates to be developed for land application of bulk sewage sludge but decided not to allow that type of pollutant limit for several reasons. First, to develop site-specific cumulative pollutant loading rates, a site-specific exposure assessment has to be conducted. For many of the pathways in the exposure assessment, the terms in the algorithm used to calculate the allowable loading rate are based on policy decisions (e.g., the RfD for a pollutant and the soil ingestion rate). EPA does not believe that values for those terms should be changed in a site-specific assessment. For this reason, when the limiting cumulative pollutant loading rate for a pollutant is based on a pathway for which the algorithm only contains terms based on a policy decision, a site-specific cumulative pollutant loading rate could not be calculated for that pollutant. This is the case for four of the 10 inorganic pollutants for which cumulative pollutant loading rates are included in the land application subpart.

Another reason is the information that must be developed to conduct a site-specific pathway risk assessment. This includes, among other things, pollutant uptake slopes for each crop grown on each site, information on the uptake of a pollutant by a grazing animal for each application site, and variables for the ground-water pathway (e.g., depth to ground water) for each application site. Much of this information is difficult and expensive to obtain, particularly for every land application site.

A third reason the Agency decided not to allow site-specific cumulative pollutant loading rates is that site-specific cumulative pollutant loading rates have to be developed for each land application site. A person who prepares sewage sludge does not just develop one set of site-specific cumulative pollutant loading rates and use those rates for all application sites. Instead, a different site-specific cumulative pollutant loading rate has to be developed for each site. Considering the information that has to be developed to conduct site-specific exposure assessment and the cost to obtain that information, the Agency concluded that it is not feasible to conduct such an assessment for each application site.

The final part 503 regulation also contains two pollutant limits for sewage sludge sold or given away in a bag or other container for application to the land. The first group is the pollutant concentrations designating high quality sewage sludge in Table 3 of section 503.13. If the concentration of any pollutant listed in Table 3 of section 503.13 in the sewage sludge sold or given away in a bag or other container for application to the land exceeds the concentration for the pollutant in Table 3 of section 503.13, the annual pollutant loading rates have to be met.

The annual pollutant loading rates for sewage sludge sold or given away in a bag or other container are presented in Table 4 of section 503.13. The final rule requires that the product of the concentration for each pollutant listed in Table 4 of section 503.13 in sewage sludge sold or given away in a bag or other container for application to the land and the annual whole sludge application rate for the sewage sludge not cause the annual pollutant loading rate for the pollutant in Table 4 of section 503.13 to be exceeded. The procedure used to determine the annual whole sludge application rate for a sewage sludge that does not cause any of the annual pollutant loading rates in Table 4 to be exceeded is presented in appendix A of the final part 503 regulation.

The person who prepares sewage sludge that is sold or given away in a bag or other container has to determine the rate at which the sewage sludge may be applied to the land and not violate any of the cumulative pollutant loading rates in Table 2 of section 503.13. EPA has simplified that decision by calculating an annual pollutant loading rate for each pollutant using conservative assumptions, as discussed below. Using the procedure in appendix A, the person who prepares the sewage sludge calculates the rate that does not cause any of the annual pollutant loading rates in Table 4 of section 503.13 to be exceeded and places that rate on a label or information sheet.

The annual pollutant loading rates in Table 4 of section 503.13 were calculated using the cumulative pollutant loading rates in Table 2 of section 503.13 and an assumed site life of 20 years for the land where the sewage sludge is applied. The Agency concluded that 20 years is a conservative assumption because most likely sewage sludge sold or given away in a bag or other container will be applied to a lawn, a home garden, or a public contact site. EPA does not believe sewage sludge will be applied to those types of land for longer than 20 years, particularly 20 years in a row.

The annual pollutant loading rates in Table 4 of section 503.13 protect public health and the environment from the reasonably anticipated adverse effect of the pollutants in sewage sludge because they are calculated using the cumulative pollutant loading rates in Table 2 of section 503.13. The cumulative pollutant loading rates in Table 2 of section 503.13 are based on the results of the land application exposure assessment.

The final part 503 regulation contains a separate pollutant limit for domestic septage applied to agricultural land, forest, or a reclamation site. This requirement is an annual application rate.

The annual application rate for domestic septage is related to the amount of nitrogen needed by the crop grown on the application site by the following equation:

$$N = ANC \times AAR \times 8.34 \qquad (2)$$

Where:

N=pounds of nitrogen needed by the crop per acre per 365 day period.

ANC=available nitrogen concentration in milligrams per liter.

AAR=annual application rate in million gallons per acre per year.

8.34=a conversion factor.

Rearranging equation (2) to solve for the annual application rate results in the following equation:

$$AAR = \frac{N}{ANC \times 8.34} \qquad (3)$$

The part 503 regulation requires that the allowable annual application rate for a site be calculated using the following equation, which is equation (3) with a value substituted for ANC×8.34:

$$AAR = \frac{N}{0.0026} \qquad (4)$$

The amount of nitrogen, N, needed depends on the crop grown on the land. Values for the amount of nitrogen needed by crops may be obtained from various sources (e.g., Agricultural Extension Services). Once the value for the crop grown on the land is known, that value is divided by 0.0026 to obtain the allowable annual application for a particular site. The amount of nitrogen needed could vary from year-to-year depending on the type of crop grown on the land.

As mentioned above, 0.0026 in equation (4) is the product of an

available nitrogen concentration and a conversion factor (i.e., 8.34/1,000,000). This concentration was calculated using values for Total Kjeldahl Nitrogen (TKN) and ammonia-N in domestic septage obtained from the results of the analysis of nine samples of domestic septage collected in Madison, Wisconsin. In addition, the following assumptions were made to calculate the available nitrogen concentrations:

- Domestic septage is applied to a site every year.
- The domestic septage is injected below the land surface.
- None of the ammonia-N in the domestic septage is lost through volatilization.
- Most of the organic nitrogen (i.e., TKN—ammonia) in the domestic septage becomes available over a three year period. Fifty percent is available the year domestic septage is applied to the land, 20 percent is available in the second year, and 10 percent is available in the third. The remaining organic-N, which was assumed to become available at three percent per year until no more organic-N remains, was not considered in the calculation of the available nitrogen concentration.
- "Steady state" conditions are achieved with respect to the available nitrogen concentration in the third year after application of the domestic septage.

Details for the calculation of the available nitrogen concentration used to calculate the 0.0026 value in equation (4) and the justification that the annual application rate for domestic septage protects public health and the environment from the reasonably anticipated adverse effects of pollutants in domestic septage are presented in the technical support document for the part 503 land application requirements.

EPA chose to limit the annual application rate to domestic septage for two reasons. First, available data indicate that domestic septage has pollutant concentrations that are lower than the pollutant concentrations in commercial/industrial septage (e.g., grease from grease traps). Second, the concentrations in commercial/industrial septage vary greatly. The higher pollutant concentrations and the variability of those concentrations requires that samples of commercial/industrial septage be analyzed periodically to determine the quality of the commercial/industrial septage prior to use or disposal. For these reasons, the annual application rate limit for domestic septage is not appropriate for commercial/industrial septage.

EPA also chose to allow the annual application rate to be used only when domestic septage is applied to agricultural land, forest, or a reclamation site because certain site restrictions are imposed on the site where the domestic septage is applied. EPA's determination is based on the assumption that the applier has control over the application site. Because of the difficulty of imposing site restrictions on a public contact site, a lawn, or a home garden, the Agency is prohibiting the application of domestic septage to a public contact site, a lawn, or a home garden at an annual application rate.

Management Practices (Section 503.14)

Two of the management practices for land application of bulk sewage sludge in the proposed part 503 regulation were deleted from the final part 503 regulation. One of those management practices concerned the limit on the annual amount of bulk sewage sludge that can be applied (i.e., 50 metric tons per hectare). The 50 metric ton per hectare restriction was included in the proposal because the exposure assessment models used to develop the annual pollutant loading rates could not be used for an annual whole sludge application rate greater than 50 metric tons per hectare. Subsequent to the proposal, the models were changed so that application rates greater than 50 metric tons per hectare can be used and protection of public health and the environment is still ensured. For this reason, the 50 metric ton per hectare restriction is no longer needed.

The second management practice no longer found in the land application subpart of the final part 503 regulation concerns crop and access restrictions for pathogen reduction. Those restrictions are now included in subpart D of the final part 503 regulation, which addresses both pathogen and vector attraction reduction.

The following management practices are included in the final part 503 regulation and apply when bulk sewage sludge is applied to agricultural land, forest, a public contact site, or a reclamation site. These management practices do not apply when bulk sewage sludge is applied to a lawn or a home garden because EPA determined that large amounts of bulk sewage sludge will not be applied to a lawn or a home garden for several applications. For this reason, the Agency concluded the management practices are not needed to protect public health and the environment when bulk sewage sludge is applied to a lawn or a home garden. Moreover, the pollutant limits already ensure a high degree of protection. Further, the management practices in many cases have no relevance in a lawn or home garden setting. The following discussion explains the management practices EPA requires when bulk sewage sludge is applied to other than lawns or home gardens.

Part 503 requires that application of sewage sludge to the land is prohibited if it is likely to adversely affect a threatened or endangered species listed under section 4 of the Endangered Species Act or its designated critical habitat (§ 503.14(a)). EPA will develop guidance to carry out this provision consistent with the Endangered Species Act.

Bulk sewage sludge cannot be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge enters a wetland or other waters of the United States, except as provided in a permit issued pursuant to section 402 or section 404 of the Clean Water Act, as amended. This provision codifies the prohibition in section 405(a) that prohibits disposal of sewage sludge that results in pollutants in the sewage sludge entering navigable waters. This management practice does not prohibit the application of bulk sewage sludge to flooded, frozen, or snow-covered land in all cases. It only prohibits application of bulk sewage sludge to flooded, frozen, or snow-covered land when the bulk sewage sludge enters a wetland or other waters of the United States, except as provided in a section 402 or section 404 permit. EPA did not calculate pollutant limits in this subpart that protect waters of the United States from runoff from flooded, frozen, or snow-covered land on which bulk sewage sludge is applied The Agency's assessment did not model that scenario. Instead, that protection is provided through this management practice.

Section 301 of the CWA includes a prohibition against the discharge of pollutants into wetlands or other waters of the United States, unless in compliance with relevant provisions of the CWA. As mentioned above, section 405(a) of the CWA specifically prohibits discharge of pollutants in sewage sludge into navigable water, except in compliance with a permit issued under section 402. Most point source discharges of dredged or fill material into waters of the United States must be authorized by a permit issued by the U.S. Army Corps of Engineers (COE) under section 404. Other point source discharges of pollutants into waters of the United States must be authorized by a permit issued by EPA or a delegated State under section 402.

At times, it may be difficult to determine whether a particular

pollutant constitutes "fill" material subject to section 404 or a waste product more appropriately regulated under section 402. To provide guidance on this issue, EPA and the COE signed a Memorandum of Agreement Concerning Regulation of Discharges of Solid Waste Under the Clean Water Act (MOA) in 1986 (51 FR 8871, March 14, 1986). For additional guidance on this issue, contact the appropriate EPA Regional wetlands representative.

Another management practice in the land application subpart requires that bulk sewage sludge be applied to the agricultural land, forest, or a public contact site at a rate that does not exceed an agronomic rate. This requirement also applies to a reclamation site, unless the permitting authority authorizes larger amounts of bulk sewage sludge to be applied to a reclamation site.

An agronomic rate is the whole sludge application rate for a bulk sewage sludge designed: (1) To provide the amount of nitrogen needed by the crop or vegetation grown on the land and (2) to minimize the amount of nitrogen in the bulk sewage sludge that passes below the root zone for the crop or vegetation grown on the land to the ground water. The key to the definition is the design of the whole sludge application rate.

Several factors must be considered to design an agronomic rate for a land application site. These include, but are not limited to, the amount of nitrogen needed by the crop or vegetation grown on the land; the amount of organic nitrogen from previous applications of nitrogen-containing materials that becomes available each year; the type of soil at the site; and the geologic conditions of the site. As previously mentioned, the regulation includes a general requirement that requires information needed to determine the agronomic rate be provided to the appropriate person.

Note that the agronomic rate is designed to minimize the amount of nitrogen that passes below the root zone of the crop or vegetation grown on the land to the ground water. This recognizes that some of the nitrogen in the bulk sewage sludge may reach the ground water. However, the Agency concluded that by designing the rate to minimize that amount, long-term contamination of the ground water is not reasonably likely to occur because substantially all of the nitrogen is taken up by the crop or vegetation grown on the land.

The final part 503 regulation also contains one management practice for sewage sludge sold or given away in a bag or other container for application to the land. This management practice requires labelling of the bag or other container in which the sewage sludge is sold or given away or that an information sheet be provided to the person who receives the sewage sludge that is sold or given away in another container. The label or information sheet must contain the name and address of the person who prepares the sewage sludge that is sold or given away, a statement that prohibits application of the sewage sludge to the land except in accordance with the instructions on the label or information sheet, and the application rate for the sewage sludge. The requirements for the label or information sheet are minimum requirements. The person who prepares sewage sludge that is sold or given away in a bag or other container may include additional information on the label or information sheet (e.g., information required by a state or local government).

Operational Standard—Pathogens and Vector Attraction Reduction (Section 503.15)

This section indicates the class of pathogen reduction a sewage sludge must meet when applied to a certain type of land, the pathogen requirements that must be met when domestic septage is applied to agricultural land, a forest, or a reclamation site, and the alternative vector attraction reduction requirements that can be met when sewage sludge is applied to the land. The description of the different pathogen and vector attraction reduction requirements is presented in subpart D of the final part 503 regulation.

The final part 503 regulation requires that bulk sewage sludge applied to agricultural land, forest, a public contact site, or a reclamation site meet either the Class A pathogen requirements or the Class B pathogen requirements. When the sewage sludge is Class B with respect to pathogens, restrictions (e.g., growing of root crops) are imposed on the site where the sewage sludge is applied. Under this approach, the sewage sludge can be treated to reduce pathogens (Class A) or a combination of treatment and environmental attenuation (i.e. Class B with site restrictions) can be used to reduce pathogens. In the judgment of the Administrator of EPA, in either case public health and the environment are protected against the reasonably anticipated adverse effects of pathogens in sewage sludge that is applied to the land.

Bulk sewage sludge applied to a lawn or a home garden must meet the Class A pathogen requirements. The reason for this requirement is that it is not feasible to impose site restrictions on a lawn or a home garden on which bulk sewage sludge is applied. In lieu of having to impose site restrictions, which would be needed if the bulk sewage sludge only meets the Class B pathogen requirements, the bulk sewage sludge has to meet the Class A pathogen requirements. Sewage sludge sold or given away in a bag or other container for application also must meet the Class A pathogen requirements for the same reasons.

When domestic septage is applied to agricultural land, forest, or a reclamation site, either site restrictions (i.e., the same site restrictions that must be met when a Class B sewage sludge is applied to the land) must be met or a pH requirement for the domestic septage has to be met along with site restrictions concerning the harvesting of crops. The first requirement relies on the environment to reduce pathogens during the time that certain activities on the site are restricted. These restrictions prohibit harvesting of crops, grazing of animals, and public access to the site for a certain period. The second requirement relies on treatment of the domestic septage (i.e., pH adjustment) and restrictions on harvesting crops to reduce pathogens. Restrictions on harvesting of crops are part of the second requirement because the Agency does not believe adequate pathogen reduction is achieved by pH adjustment to allow crops to be harvested immediately after applying the domestic septage. These provisions are consistent with the provisions currently in 40 CFR part 257 (Criteria for Classification of Solid Waste Disposal Facilities and Practices) for septic tank pumpings applied to the land.

One of 10 vector attraction reduction requirements also must be met when bulk sewage sludge is applied to the agricultural land, forest, a public contact site, or a reclamation site. These requirements are designed to reduce the characteristics of the sewage sludge that attract vectors such as rats, mosquitos, and flies. In the judgment of the EPA, any of the 10 alternative vector attraction requirements protect public health and the environment from the reasonably anticipated adverse effects of the characteristics in sewage sludge that attract vectors. Note that the vector attraction requirement is in addition to the pathogen requirement discussed above. Both requirements must be met.

One of the first eight vector attraction reduction requirements for bulk sewage sludge applied to agricultural land, forest, a public contact site, or a reclamation site must be met when bulk

sewage sludge is applied to a lawn or a home garden. Injection of sewage sludge below the land surface and incorporation sewage sludge into the soil cannot be used to achieve vector attraction reduction in these cases. Implementation of these requirements for bulk sewage sludge applied to a lawn or a home garden would be difficult, if not impossible. For this reason, these alternative are not available for achieving vector attraction reduction when bulk sewage sludge applied to a lawn or a home garden.

One of the first eight vector attraction reduction requirements for bulk sewage sludge applied to agricultural land, forest, a public contact site, or a reclamation site also must be met when sewage sludge is sold or given away in a bag or other container for application to the land. Again, in this situation it is not feasible to inject the sewage sludge below the land surface or to incorporate the sewage sludge into the soil.

Vector attraction reduction is achieved when domestic septage is applied to agricultural land, forest, or a reclamation site when the domestic septage is injected below the surface of the land, incorporated into the soil after being applied to the land surface, or the pH of the domestic septage is raised to 12 or higher and remains at 12 or higher for 30 minutes. When vector attraction reduction is achieved by raising the pH of the domestic septage, each container (e.g., each tank truck load) of domestic septage that is applied to the land must be monitored to demonstrate compliance with that requirement. Again, these provisions are consistent with those for septic tank pumpings in 40 CFR part 257.

Frequency of Monitoring (Section 503.16)

The final part 503 regulation contains the frequency of monitoring requirements for pollutant concentrations in sewage sludge and for compliance with the pathogen density and certain vector attraction reduction requirements. Frequency of monitoring requirements, which also are included in the subparts on surface disposal and incineration, are needed to make the part 503 regulation self-implementing.

The frequency of monitoring requirements in this subpart for pollutant concentrations, pathogen density requirements, and vector attraction reduction requirements vary with the amount of bulk sewage sludge used or disposed annually. In the case of sewage sludge sold or given away in a bag or other container for application to the land, the frequency of monitoring requirements are based on the amount of sewage sludge received by the person who prepares the sewage sludge that is sold or given away in a bag or other container.

The amount of sewage sludge used or disposed was chosen as the unit of measurement on which the frequency of monitoring is based because the requirements in the final part 503 regulation apply to sewage sludge that is used or disposed. The amounts in the frequency table are based on dry weight because all of the pollutant limits in the final part 503 regulation are on a dry weight basis.

Before the derivation of the frequencies of monitoring is discussed, one other aspect of the frequencies needs to be addressed. This concerns the lowest range for the frequencies of monitoring (i.e., greater than zero but less than 290 metric tons per 365-day period). This range indicates that when sewage sludge is not used or disposed during a 365-day period, the sewage sludge does not have to be monitored for the requirements in the part 503 regulation. The sewage sludge must be monitored only when an amount is used or disposed.

The amount of sewage sludge used or disposed in the frequency of monitoring requirements is related to the flow rate for the treatment works. For example, the range of "greater than 290 metric tons per 365-day period to equal to or less than 1,500 metric tons per 365-day period" corresponds to a wastewater flow rate range of "greater than one MGD to equal to or less than five MGD". The Agency made various assumptions concerning the influent and effluent five-day biochemical oxygen demand and total suspended solids wastewater concentrations; the percent removal for total suspended solids in the primary clarifier; the percent removal of five-day biochemical oxygen demand through secondary treatment; the percent fixed solids in the sewage sludge in the influent to the stabilization process; and the percent volatile solids removed in the sewage sludge stabilization process to calculate the amount of sewage sludge used or disposed. Details of these calculations are presented in the technical support document for the part 503 land application requirements.

The final part 503 regulation allows the permitting authority to reduce the frequency of monitoring for pollutant concentrations and the pathogen density requirements for enteric viruses and viable helminth ova in 503.32(a)(5)(ii) and 503.32(a)(5)(iii), respectively, after monitoring for two years at the frequency in the final part 503 regulation. However, in no case should the frequency of monitoring be less than once per year when sewage sludge is applied to the land. Requiring the sewage sludge to be monitored at least once per year when sewage sludge is applied to the land is consistent with the frequency of monitoring requirement in EPA's state sludge management program requirement regulation (i.e., 40 CFR 501.15(b)(10)).

In deciding whether to reduce the frequency of monitoring, the permitting authority should consider the variability of the pollutant concentrations, the magnitude of the pollutant concentrations, and the frequency of detection of enteric viruses and viable helminth ova in the sewage sludge. The Agency concluded that data collected over a two-year are adequate to calculate the variability of pollutant concentrations and to determine the magnitude of the pollutant concentrations before deciding whether to change the frequency of monitoring.

As mentioned above, the frequency of monitoring for the pathogen density requirements in 503.32(a)(5)(ii) and 503.32(a)(5)(iii) may be reduced. These requirements address enteric viruses and viable helminth ova, respectively, in sewage sludge. As part of those requirements, the sewage sludge must be analyzed for enteric viruses and viable helminth ova every time the sewage sludge is monitored. After those two organisms are found in the influent to the pathogen treatment process and after the required reduction for those organisms is demonstrated through the pathogen treatment process, the sewage sludge does not have to be monitored for enteric viruses and viable helminth ova when values for the process operating parameters are consistent with the documented values for those parameters. Because the costs and complexity of the analytical methods for enteric viruses and viable helminth ova, the Agency decided to allow the permitting authority to judge whether to reduce the frequency of monitoring after monitoring at the frequency in the final part 503 regulation for two years. The Agency concluded that two years of monitoring should provide enough information to make that judgment. Note that the potential reduction in frequency of monitoring applies only to the pathogen density reduction requirements for enteric viruses and viable helminth ova mentioned above. The frequency of monitoring cannot be reduced for the other pathogen density requirements.

The final part 503 regulation requires that every container of domestic septage applied to agricultural land, forest, or a reclamation site be monitored to determine compliance with the pH

adjustment requirement when that requirement is met. Every container (e.g., each tank truck load applied to the land) must be monitored because there is no way to ensure that the domestic septage in each container meets the pH requirement by monitoring domestic septage in only a certain number of containers.

Recordkeeping (Section 503.17)

The final part 503 regulation contains recordkeeping requirements for: (1) Bulk sewage sludge that meets the pollutant concentrations for high quality sewage sludge in 503.13(b)(3), the more stringent Class A pathogen requirements in 503.32(a), and one of vector attraction reduction requirements in 503.33(b)(1) through 503.33(b)(8); a bulk material derived from sewage sludge that meets those three requirements; and sewage sludge sold or given away in a bag or other container for application to the land that meets those three requirements; (2) bulk sewage sludge applied to the land that does not meet the above requirements; (3) sewage sludge sold or given away in a bag or other container for application to the land that does not meet the above requirements; and (4) domestic septage applied to agricultural land, forest, or a reclamation site. Recordkeeping requirements are included in the final regulation to make the regulation self-implementing.

The recordkeeping requirements for bulk sewage sludge and sewage sludge sold or given away in a bag or other container for application to the land specify the information that must be developed, the person who must develop and retain the information, and the period that the information must be retained. The information that must be developed varies depending on which pollutant limits are met and on which pathogen and vector attraction reduction requirements are met. This information is needed to show that the requirements in this subpart are met.

The recordkeeping requirements for domestic septage applied to agricultural land, forest, or a reclamation site also specify the information that must be developed, the person who develops and retains the information, and the period the information has to be retained. This information indicates whether the requirements in this subpart for domestic septage are met.

The person who develops and retains the information for bulk sewage sludge that meets the pollutant concentrations for high quality sewage sludges in 503.13(b)(3), the more stringent Class A pathogen requirements in 503.32(a), and one of the vector attraction requirements in 503.33(b)(1) through 503.33(b)(8); a material derived from bulk sewage sludge that meets those requirements; or sewage sludge sold or given away in a bag or other container that meets those requirements is the person who prepares the sewage sludge. That person may be the treatment works or some other person.

The persons who develop and keep the information for bulk sewage sludge that does not meet the above requirements and is applied to agricultural land, forest, a public contact site, a reclamation site, a lawn, or a home garden are the person who prepares the bulk sewage sludge and the person who applies the bulk sewage sludge to the land. The person who prepares the bulk sewage sludge must develop certain information (e.g., pollutant concentrations in the sewage sludge) and the applier must develop other information (e.g., the record of the amount of each pollutant applied to the land). Those persons may be the treatment works, an agent of the treatment works, a private contractor, or some other person.

An example of when the person who prepares the bulk sewage sludge does not develop and keep the information is when the bulk sewage sludge meets the pollutant concentrations for high quality sewage sludge in 503.13(b)(3) and the less stringent Class B pathogen requirements. In those situations, the person who applies the bulk sewage sludge to the land must develop information concerning certain part 503 requirements (e.g., the restrictions on the application site). The Agency concluded that the person who applies the bulk sewage sludge to the land is the appropriate person to develop that information and keep the records.

For sewage sludge sold or given away in a bag or other container for application to the land, the recordkeeping responsibility lies with the person who prepares the sewage sludge that is sold or given away in a bag or other container for application to the land. For domestic septage applied to agricultural land, forest, or a reclamation site, the responsible person is the one who applies the domestic septage to those types of land.

The period that information must be retained varies depending on which pollutant limits are met. In most cases (including the requirements for domestic septage), the time is five years (i.e., the usual period for a NPDES permit). However, when cumulative pollutant loading rates are met, records for certain information have to be retained indefinitely. The reason for this requirement is that a cumulative pollutant loading rate is the cumulative amount of an inorganic pollutant that can be applied to the land. To know how much of an inorganic pollutant has been applied to the land in bulk sewage sludge, a record must be retained indefinitely.

Reporting (Section 503.18)

The final part 503 regulation requires that Class I sludge management facilities, POTWs with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve 10,000 people or more to report the information developed in the recordkeeping section, except the information developed and retained by an applier, to the permitting authority once every 365 day period. Class I sludge management facilities, POTWs with a design flow rate equal to or greater than one million gallons, and POTWs that serve 10,000 people or more must report the information on cumulative pollutant loading rates, which is developed and retained by the applier, when 90 percent or more of any of the cumulative pollutant loading rates are reached at a site. The Agency chose only to require Class I sludge management facilities, POTWs with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve 10,000 people or more to report information to the permitting authority. This was done because Class I sludge management facilities are either a publicly owned treatment works (POTW) required to have a pretreatment program or a treatment works treating domestic sewage (TWTDS) that has the potential to affect public health and the environment adversely because of the TWTDS's sewage sludge use or disposal practice.

Pretreatment POTWs are POTWs that receive industrial wastewater and, thus, are more likely to generate sewage sludge that contains the pollutants controlled in the final part 503 regulation. For this reason, the Agency concluded that those POTWs should report the information on sewage sludge use or disposal to the permitting authority at least once every 365 days. The reporting requirement also applies to TWTDS for the same reason they are classified as a Class I facility (i.e. the potential of the TWTDS's sewage sludge use or disposal practice to affect public health and the environment adversely).

The reporting requirement applies to POTW's that are not a Class I facility and either have a design flow rate equal to or greater than one million gallons per day or serve 10,000 people or more because of the potential for those POTWs to have industrial wastewater in

the influent to the POTW. Sewage sludge generated at those POTW's is more likely to have the pollutants controlled in the part 503 regulation. For this reason, the Agency concluded those POTWs also should report the information in the recordkeeping section to the permitting authority.

Surface Disposal (Subpart C)

This part of today's preamble discusses the part 503 requirements for surface disposal of sewage sludge. More details on these requirements can be found in the technical support document for the part 503 surface disposal requirements.

Applicability (Section 503.20)

The applicability section indicates that this subpart contains requirements for a person who prepares sewage sludge that is placed on a surface disposal site, the owner/operator of the surface disposal site, sewage sludge placed on a surface disposal site, and a surface disposal site. Sewage sludge is placed on an active sewage sludge unit for final disposal, not for treatment, storage, or to condition the soil or fertilize crops grown in the soil.

This subpart does not apply to sewage sludge stored or treated on the land or to the land on which the sewage sludge is stored or treated. As indicated above, sewage sludge is placed on an active sewage sludge unit for final disposal, not for storage or treatment.

This subpart also does not apply to sewage sludge that remains on the land for longer than two years when the person who prepares the sewage sludge demonstrates that the land on which the sewage sludge remains is not an active sewage sludge unit. The demonstration must explain why sewage sludge needs to remain on the land for longer than two years prior to final disposal and must discuss the approximate period the sewage sludge will be used or disposed. In addition, the person who prepares the sewage sludge must retain the information required for the demonstration for the period that the sewage sludge remains on the land. Note that the person who prepares the sewage sludge does not have to report the information in the demonstration unless requested to do so by the permitting authority.

The purpose of allowing sewage sludge to remain on the land for a period longer than two years and not having to meet the requirements in this subpart apply is to address unique situations. In such a situation, mitigating factors may justify the longer period. Without mitigating factors, EPA concluded that a two year period provides enough time to store sewage sludge for most purposes prior to final use or disposal.

Special Definitions (Section 503.21)

Definitions for the following terms are included in this subpart of the final part 503 regulation: Active sewage sludge unit, aquifer, contaminate an aquifer, cover, displacement, fault, final cover, holocene time, leachate collection system, liner, lower explosive limit for methane gas, qualified ground water scientist, seismic impact zone, sewage sludge unit, sewage sludge unit boundary, surface disposal site, and unstable area. The following discussions provide additional information on some of these definitions.

Active sewage sludge unit. An active sewage sludge unit is a sewage sludge unit that is not closed. This definition is included in the final part 503 regulation because requirements in the regulation differ for a sewage sludge unit that is active and a sewage sludge unit that is closed. To distinguish between the two sewage sludge units, the term active sewage sludge unit is used.

Aquifer. An aquifer is a geologic formation, a group of geologic formations, or a portion of a geologic formation capable of yielding ground water to wells or springs. This definition parallels the definition found in the current regulation controlling disposal of sewage sludge on the land in 40 CFR part 257. It is included in the final part 503 regulation because of the requirement in the regulation not to contaminate an aquifer.

Contaminate an aquifer. Contaminate an aquifer means to introduce a substance that causes the maximum contaminant level (MCL) for nitrate in 40 CFR 141.11 to be exceeded in ground water or that causes the existing concentration of nitrate in ground water to increase when the existing concentration of nitrate in the ground water already exceeds the maximum contaminant level for nitrate in 40 CFR 141.11. This definition is included in the final part 503 regulation because the regulation requires that sewage sludge placed on an active sewage sludge unit shall not contaminate an aquifer. Note that this requirement only applies to nitrate. The limits for the pollutant controlled in the surface disposal subpart in part 503 are designed not to cause the maximum contaminant level for the pollutants to be exceeded in the ground water. For this reason, monitoring of the ground water for these pollutants is not necessary.

Cover. Cover is soil or other material used to cover sewage sludge placed on an active sewage sludge unit. The purpose of the cover is to reduce the attraction of vectors to the sewage sludge after the sewage sludge is placed on the surface disposal site.

Holocene time: Holocene time is the most recent epoch of the Quaternary period, extending from the end of the Pleistocene epoch to the present. The most recent epoch of the Quaternary period covers approximately the last 11,000 years.

Leachate collection system. A leachate collection system is a system or device installed immediately above a liner that is designed, constructed, maintained, and operated to collect and remove leachate from a sewage sludge unit. This definition assumes that a sewage sludge unit has a liner. It is included in the final part 503 regulation because the regulation contains a management practice that requires the leachate to be collected and disposed in accordance with the applicable requirements when the sewage sludge unit has a liner and leachate collection system.

Liner. A liner is soil or synthetic material that has a hydraulic conductivity of 1×10^{-7} centimeters per second or less. The liner retards the downward movement of liquid by limiting the rate at which the liquid moves to 1×10^{-7} centimeters per second or less.

Lower explosive limit for methane gas. The lower explosive limit for methane gas is the lowest percentage of methane gas and air, by volume, that propagates a flame at 25 degrees Celsius and atmospheric pressure. This definition is included in the final part 503 regulation because of the requirement for air in any structures within a surface disposal site and air at the property line of the surface disposal site not to exceed a percentage of the lower explosive limit or the lower explosive limit, respectively.

Qualified groundwater scientist. A qualified groundwater scientist is an individual qualified to make sound professional judgments regarding groundwater monitoring, pollutant fate and transport, and corrective action. This definition is included in the final part 503 regulation because if a certification is provided to demonstrate an aquifer is not contaminated, the certification must be made by a qualified groundwater scientist.

Sewage sludge unit. A sewage sludge unit is land on which only sewage sludge is placed for final disposal. Land does not include waters of the United States, as defined in 40 CFR 122.2. When sewage sludge is placed on the land for either treatment or storage, the land is not a sewage sludge unit.

A sewage sludge unit does not include land where sewage sludge is applied to condition the soil or to fertilize crops or vegetation grown on the land. Using sewage sludge for these purposes is land application. In those cases, the requirements in subpart B (Land Application) must be met.

Sewage sludge unit boundary. The sewage sludge unit boundary is the outermost perimeter of the sewage sludge unit. This is different from the property line of the surface disposal site. This definition is needed because part 503 requires that the distance from the sewage sludge unit boundary to the surface disposal site property line be known.

Surface disposal site. A surface disposal site is a discrete area of land that contains one or more active sewage sludge units. This definition is needed because some of the requirements in this subpart apply to a surface disposal site. Other requirements in this subpart apply to active sewage sludge units in a surface disposal site.

Unstable area. An unstable area is area of land subject to natural or human-induced forces that may damage the structural components of an active sewage unit. An example of an unstable area is an area subject to earthquakes.

General Requirements (Section 503.22)

Several of the general requirements in this subpart proposed for the part 503 regulation were deleted from the final rule. They are discussed below.

The proposed regulation contained a requirement that a surface disposal site comply with National Pollutant Discharge Elimination System (NPDES) permit requirements in addition to the requirements in this subpart. The part 503 regulation does not apply to activities subject to a NPDES permit at a surface disposal site other than those that relate to the placement of sewage sludge on an active sewage sludge unit. For this reason, the proposed general requirement concerning compliance with other NPDES requirements was deleted from the final regulation. EPA notes, however, that section 405(a) prohibits the disposal of sewage sludge when it results in pollutants from the sewage sludge entering navigable waters, except in compliance with an NPDES permit.

The general requirement in the proposed regulation concerning a hazard to human health, wildlife, land, or water resources because of sewage sludge in the runoff from a base flood was deleted from the final part 503 regulation. The Agency concluded that the management practice in this subpart of the final part 503 regulation that requires the runoff from an active sewage sludge unit for a 24-hour, 25-year storm event be collected and disposed in accordance with the applicable requirements protects surface waters adequately. Similarly, as noted above, section 405(a) already prohibits the discharge of pollutants to navigable waters, except under certain circumstances.

The general requirement in this subpart of the proposal concerning a hazard to aircraft from birds was deleted from the final regulation. That general requirement was included in the proposal because of the vector attraction potential of sewage sludge placed on an active sewage sludge unit. The final regulation contains a requirement to reduce the vector attraction of sewage sludge before the sewage sludge is placed on an active sewage sludge unit or to cover the sewage sludge unit daily to reduce vector attraction. For this reason, this general requirement is no longer needed.

The general requirement in the proposed regulation concerning reduction of the temporary water storage capacity of a floodplain by a surface disposal site was deleted from the final regulation because that requirement is addressed by a management practice in the final part 503 regulation. The management practice requires that an active sewage sludge unit not restrict the flow of a base flood.

By definition, a floodplain is the lowland and relatively flat area inundated by a base flood. Not reducing the temporary water storage capacity of a floodplain means not reducing the temporary storage capacity of the area inundated by the base flood. This is the same as not restricting the flow of a base flood. Because these two requirements address the same issue, the general requirement in the proposal concerning not reducing the temporary storage capacity of a floodplain was deleted from the final regulation. As mentioned above, the requirement not to restrict the flow of a base flow is a management practice in the final part 503 regulation.

The requirements in the proposed regulation concerning threatened or endangered species, restriction of the flow of a base flood, seismic impact zone, distance from a fault or fracture, location in a wetland, and runoff from a 24-hour, 25-year storm event are classified as management practices rather than general requirements in the final part 503 regulation.

The final part 503 regulation contains four general requirements for placement of sewage sludge on a surface disposal site. The first requirement is that no person shall place sewage sludge on a surface disposal site unless the requirements for the sewage sludge and for the surface disposal site in this subpart are met. EPA concluded that, in most cases, the person who places sewage sludge on a surface disposal site will be a treatment worker. However, they may be some situations where some other person places sewage sludge on a surface disposal site. This general requirement applies to any person who places sewage sludge on a surface disposal site.

The second general requirement concerns active sewage sludge units that must close. This requirement applies to an active sewage sludge unit located within 60 meters of a fault or stress fracture with displacement in Holocene time; located in an unstable area; or located in a wetland, except as provided in a permit issued pursuant to either section 402 or 404 of the CWA, as amended. The Agency concluded that to protect public health and the environment from reasonably anticipated adverse effects of pollutants in sewage sludge, no additional amount of sewage sludge should be placed on those active sewage sludge units and that those active sewage sludge units should close by [insert one year after the effective date of this part], unless, in the case of an active sewage sludge unit located within 60 meters of a fault or stress fracture with displacement in Holocene time, otherwise specified by the permitting authority. The permitting authority may conclude after further review that an active sewage sludge unit located within 60 meters of the above fault or stress fracture need not close. One year was chosen for the time period within which the above active sewage sludge units should close because that is the compliance period for the final part 503 regulation specified in section 405(d) of the Clean Water Act, as amended.

The third general requirement in this subpart is that the owner/operator of an active sewage sludge unit must submit a written closure and post closure plan to the permitting authority 180 days prior to the date that the active sewage sludge unit closes. The plan must discuss how the active sewage sludge unit will be closed. Also included in this general requirement is the minimum information that should be included in the closure plan.

The last general requirement in this subpart of the final regulation requires the owner of the surface disposal site to provide written notification to the subsequent owner of the surface disposal site. That notification must indicate that sewage sludge was placed on the land. EPA concluded that the

subsequent owner of a surface disposal site should know that sewage sludge was placed on the land so that they can become aware of any requirements that result from placement of sewage sludge on the land (e.g., to monitor methane gas for three years after the last active sewage sludge unit in a surface disposal unit closes).

Pollutant Limits—Other Than Domestic Septage (Section 503.23)

Pollutant limits in the final part 503 regulation for sewage sludge (other than domestic septage) placed on a surface disposal site are expressed as pollutant concentrations. The pollutant concentrations protect public health and the environment from reasonably anticipated adverse effects of arsenic, chromium, and nickel in the sewage sludge. These pollutants were identified by the Agency as pollutants that affect public health and the environment adversely when sewage sludge is placed on a surface disposal site. The final rule does not establish pollutant limits for organic pollutants and some inorganic pollutants for which the Agency proposed pollutant limits. An explanation of why limits are not established in the final regulation for those pollutants are presented in the technical support document for the part 503 surface disposal requirements.

There are no pollutant limits in this subpart for domestic septage placed on an active sewage sludge unit because the Agency concluded they are not needed to protect public health and the environment when domestic septage is placed on an active sewage sludge unit. This is discussed further in the technical support document for the part 503 surface disposal requirements.

When an active sewage sludge unit does not have a liner and leachate collection system, the allowable pollutant concentrations in the sewage sludge are presented in Table 1 of section 503.23 in the final regulation. Pollutant concentrations in Table 1 of section 503.23 are based on the results of an exposure assessment for the ground-water and vapor pathways. For the ground-water pathway, the assessment assumes that the MCL for a pollutant is not exceeded 150 meters from the boundary for the active sewage sludge unit. The 150-meter distance is the distance used in the model for the ground-water exposure assessment for active sewage sludge units.

The final part 503 regulation requires that the actual distance from the active sewage sludge unit boundary to the surface disposal site property line be used to determine the allowable concentration for each pollutant listed in Table 1 of section 503.23. This applies when (1) an active sewage sludge unit does not have a liner and leachate collection system and (2) the active sewage sludge unit boundary is less than 150 meters from the property line of the surface disposal site. When the actual distance is less than 150 meters, the allowable pollutant concentrations may be different. Table 2 of section 503.23 contains the concentration for the pollutants for different unit boundary to property line distances.

The final part 503 regulation includes an alternative to the pollutant concentrations discussed above for an active sewage sludge unit that does not have a liner and leachate collection. When requested by the owner/operator of a surface disposal site at the time of permit application, site-specific pollutant limits may be developed under the final regulation for an active sewage sludge unit without a liner and leachate collection system if the existing values for site parameters specified by the permitting authority are different from the values for those parameters used to develop the pollutant limits in Table 1 of section 503.23. In addition, the permitting authority must determine that site-specific pollutant limits are appropriate for the active sewage sludge unit. An important aspect of these conditions is that the permitting authority will specify the site parameters that can be used to develop a rationale for site-specific pollutant limits. Examples of the site parameters are depth to ground water and soil type.

If the permitting authority agrees that site-specific pollutant limits are appropriate, the limits must be based on the results of a site-specific assessment, as specified by the permitting authority, or must be equal to the existing concentration of the pollutant in the sewage sludge that will be placed on the active sewage sludge unit. The lower of the above two values shall be the limit for the pollutant that cannot be exceeded in the sewage sludge.

When an active sewage sludge unit has a liner and leachate collection system, the liner retards the movement of pollutants in sewage sludge to the ground water. Results of the ground-water pathway exposure assessment for an active sewage sludge unit with a liner and leachate collection system indicate that, because of the impact of the liner, sewage sludge with essentially an unlimited concentration of the inorganic pollutants can be placed on the active sewage sludge unit. The liner ensures that the inorganic pollutants do not reach the ground water. For this reason, there are no pollutant limits for arsenic, cadmium, chromium, copper, lead, mercury, and nickel for an active sewage sludge unit with a liner and leachate collection system in the final part 503 regulation. There also are no pollutant limits for organic pollutants for sewage sludge placed on an active sewage sludge unit with a liner and leachate collection system in part 503 because all organic pollutants were deleted from the final part 503 regulation.

Management Practices (Section 503.24)

The management practices for a surface disposal of sewage sludge in the proposed part 503 regulation are included in the final part 503 regulation with some editorial changes. In addition, several new management practices were added to the final regulation.

The final regulation provides that placement of sewage sludge on an active sewage sludge unit is prohibited if it is likely to adversely affect a threatened or endangered species listed under section 4 of the Endangered Species Act or its designated critical habitat (§ 503.24(a)). EPA will develop guidance to carry out this provision consistent with the Endangered Species Act.

The second management practice requires that an active sewage sludge unit not restrict the flow of a base flood. A base flood is a flood that has a one percent chance of occurring in any given year (i.e., a flood with a magnitude equalled once in 100 years). Thus, an active sewage sludge unit cannot restrict the flow in an area that carries the 100-year flood. This management practice reduces the potential for the area that carries the 100-year flood to experience problems related to the location of the surface disposal site (e.g., restriction of the flow) in that area. It also protects the surface disposal site and sewage sludge placed on active sewage sludge units from the impacts of a base flood.

Flood insurance rate maps (FIRM) developed by the Federal Emergency Management Agency (FEMA) should be used to determine whether an active sewage sludge unit is located in an area that carries the base flood (i.e., the 100-year floodplain). FEMA has developed maps for approximately 99 percent of the flood-prone communities in the United States. Other sources of information on the 100-year floodplain include the U.S. Army Corps of Engineers, the Soil Conservation Service, the National Oceanic and Atmospheric Administration, the U.S. Geologic Survey, the Bureau of Land Management, the Bureau of Reclamation, the Tennessee Valley

Authority, and State and local flood control agencies.

The third management practice requires that an active sewage sludge unit be designed to withstand the maximum recorded horizontal ground level acceleration when an active sewage sludge unit is located in a seismic impact zone. One purpose of this management practice is to protect the foundation of an active sewage sludge unit from cracks caused by ground motion that could lead to collapse of the active sewage sludge unit. Maps depicting the potential seismic activity in the United States at a constant probability are available from the U.S. Geological Survey.

The fourth management practice requires that an active sewage sludge unit be located 60 meters or more from a fault that has displacement in Holocene time, unless otherwise specified by the permitting authority. The Holocene is a geologic time, known as an epoch, that extends from the end of the Pleistocene to the present (approximately the last 11,000 years).

Geologic evidence indicates that faults that moved in recent times (i.e., during the last 11,000 years) are most likely to move in the future. Faults that moved in Holocene time are easier to identify and date than are older faults because this epoch produced recognizable geological deposits. The U.S. Geological Survey mapped the location of Holocene faults in the United States in 1978. Maps of identified Holocene faults in the United States also are available from the States of California and Nevada.

EPA is prohibiting the location of an active sewage sludge unit within 60 meters of a Holocene fault, unless otherwise specified by the permitting authority, because results of studies suggest that most of deformation takes place within that distance. Effects of the deformation decrease rapidly as distance from the fault increases. The permitting authority may allow an active sewage sludge unit to be located within 60 meters of a Holocene fault after concluding that public health and the environment are protected if an active sewage sludge unit is located within that distance. This is consistent with the approach taken in 40 CFR part 258 for municipal solid waste landfills.

The fifth management practice requires that an active sewage sludge unit not be located in an unstable area. An unstable area is an area of land subject to natural or human-induced forces that may damage the structural components of the active sewage sludge. The purpose of this management practice is to protect the structural components (e.g., the foundation) of an active sewage sludge unit from forces that could damage the components. For example, when the foundation of an active sewage sludge unit fails, sewage sludge could be released and cause harm to the environment. This also is the reason that part 503 regulation requires that an active sewage sludge unit located in an unstable area close within one year of the effective date of the regulation.

To determine whether an area is unstable, the following factors should be considered, among other things: (1) Soil conditions that cause differential settling; (2) geologic or geomorphologic features such as areas prone to mass movement, Karst terrains, or fissures; (3) surface areas weakened by the withdrawal of oil, gas, or water; and (4) other features that indicate protective measures cannot be designed to withstand a natural event such as a volcanic eruption.

The management practice concerning not locating an active sewage sludge unit in an unstable area replaces the general requirement in the proposed part 503 regulation concerning location of an active sewage sludge unit in areas where adequate support exists for the structural components of the sewage sludge unit. The Agency concluded that the management practice and general requirement provide the same protection. For this reason, there in no need to have both requirements in the final part 503 regulation.

Editorial changes were made to the management practice concerning location of an active sewage sludge unit in a wetland. The final part 503 regulation requires that an active sewage sludge unit not be located in a wetland, except as provided in a permit issued pursuant to either section 402 or 404 of the CWA, as amended.

Editorial changes also were made to the management practice concerning runoff from a 24-hour, 25-year storm event. These changes clarify that the 24-hour, 25-year storm event is from a storm with a frequency of occurrence of 25 years and that the collection system must have the capacity to handle run-off from the 24-hour, 25-year storm event. The runoff from this storm event must be collected and disposed in accordance with National Pollutant Discharge Elimination System permit requirements and any other applicable requirements. This management practice protects surface waters from pollutants in the run-off. The surface water pathway was not evaluated in the exposure assessment used to develop the pollutant limits for sewage sludge placed on a surface disposal site.

The Agency chose the 24-hour, 25-year storm event for this management practice to be consistent with the requirements for hazardous waste landfills in 40 CFR 264.301(g) and the requirements for municipal solid waste landfills in 40 CFR 258.26(a)(2). Both of these provisions require that runoff from the 24-hour, 25-year storm event be collected and controlled. For the final part 503 regulation, control of the runoff means disposed in accordance with the applicable requirements.

Water that runs on an active sewage sludge unit was considered during the development of the pollutant concentrations for the ground-water pathway in the surface disposal exposure assessment. For this reason, part 503 does not have a requirement concerning water that runs on an active sewage sludge unit.

Other management practices in the final part 503 regulation address collection and treatment of leachate, concern for the build-up of methane gas in the air inside a structure within a surface disposal site and in the air at the property line of a surface disposal site, growing of crops, grazing of animals, restricting public access to a surface disposal site, and contamination of an aquifer. These are discussed below.

As mentioned above, because a liner retards the movement of pollutants in sewage sludge to the ground water, results of the ground-water pathway analysis for an active sewage sludge unit with a liner and leachate collection system indicate that sewage sludge with essentially an unlimited concentration of inorganic pollutants can be placed on an active sewage sludge unit that has a well-maintained liner and leachate collection system. For this reason, there are no pollutant limits for inorganic pollutants for an active sewage sludge unit with a liner and leachate collection system. The liner insures that the inorganic pollutants do not reach the ground water.

The part 503 regulation requires that the leachate collection system for a sewage sludge unit with a liner and leachate collection system be operated and maintained for the period that the sewage sludge unit is active and for three years after the sewage sludge unit closes. This management practice ensures that the leachate collection system is operated and maintained. Because the Agency has no pollutant limits for an active sewage sludge unit that has a liner and leachate collection system, protection of ground water obviously depends on proper operation of the unit, including the leachate collection system, to prevent pollutant build-up and in the event of liner

failure, a treat to ground water. EPA chose to require that the leachate collection system be operated and maintained for three years after the sewage sludge unit closes because that is the period that the leachate has to be collected. This is discussed further below.

The final regulation requires that the leachate from a sewage sludge unit that has a liner and leachate collection system be collected and disposed in accordance with the applicable requirements for the period the sewage sludge unit is active and for three years after the sewage sludge unit closes. This management practice is included in the final part 503 regulation to prevent damage to the liner caused by hydraulic pressure from the leachate. The pressure is reduced when the leachate is collected and removed from the active sewage sludge unit.

The three-year period after a sewage sludge unit closes during which leachate has to be collected and disposed is based on the period that methane gas must be monitored after a sewage sludge unit closes. This is discussed further below.

The final part 503 regulation contains a management practice that addresses the explosive potential of methane gas generated in a sewage sludge unit. Methane gas is generated in a sewage sludge because of the anaerobic conditions in the sewage sludge unit that result when the sewage sludge is covered. For this reason, the management practice concerning methane gas applies when a cover is placed on an active sewage sludge unit (e.g., to control vectors). When an active sewage sludge unit is not covered, the requirement to monitor methane gas does not apply.

The methane gas management practice protects public health from the explosive potential of methane gas generated during the stabilization of sewage sludge after placement on a sewage sludge unit. This is done by limiting the percent of methane gas in the air in any structure within the property line of the surface disposal site and by limiting the percent of methane gas in the air at the property line of the surface disposal site. The value for the percent of methane gas in the air in any structure within the property line of the surface disposal site is 25 percent of the lower explosive limit for methane gas, which is the lowest percent by volume of methane gas in air that propagates a flame at 25 degrees Celsius and atmospheric pressure. The value for the percent of methane gas in the air at the property line of a surface disposal site is the lower explosive limit for methane.

Methane gas also must be monitored for three years after a sewage sludge unit closes when a final cover is placed on the sewage sludge unit, unless otherwise specified by the permitting authority. This period is based on results of a study titled "Pilot Scale Evaluation of Sludge Landfilling—Four Years of Operation" conducted in 1987 by EPA's Water Research Engineering Laboratory in Cincinnati, Ohio. In this study, sewage sludge was placed in simulated landfill cells and methane production was monitored for three years and seven months. Results of this study indicate that methane production for the sewage sludge, which had been stabilized in an anaerobic digester, leveled off after approximately two years. Because the study was a laboratory simulation instead of a field study, the Agency decided to increase to the period that air must be monitored for methane gas after a sewage sludge unit closes to three years. The 10 year period for monitoring methane gas in the proposed part 503 regulation was not used in the final part 503 regulation because EPA concluded that a three year period is adequate to protect public health and the environment based on results of EPA's research. The Agency concluded that for sewage sludge that has been stabilized through either anaerobic or aerobic digestion, the 10-year period is not required.

As mentioned above, the period that methane gas must be monitored after a sewage sludge unit closes is three years, unless specified otherwise by the permitting authority. An example of when a longer monitoring period may be necessary is when a sewage sludge that has not been treated in either an anaerobic or aerobic process (e.g., a lime stabilized sewage sludge) is placed in the sewage sludge unit. In this case, the potential for methane gas generation for periods longer than three years exists. For this reason, the permitting authority may extend the period that the air in structures within a surface disposal site and at the property line of the surface disposal site must be monitored for methane gas.

Other management practices in this subpart of the final regulation address growing of crops, grazing of animals, restricting public access to a surface disposal site, and contamination of an aquifer. Unless authorized by the permitting authority, a food crop, a feed crop, and a fiber crop cannot be grown on an active sewage sludge unit. The exposure assessment on which the pollutant limits for surface disposal are based did not consider growing crops on the land where the sewage sludge is placed. This management practice protects public health and the environment by prohibiting the growing of food, feed, and fiber crops. However, in certain circumstances, the permitting authority may authorize the owner/operator of a surface disposal site to grow food crops, feed crops, and fiber crops on an active sewage sludge unit when alternative requirements (i.e., management practices) are imposed to protect public health and the environment.

The management practices concerning animals grazing on an active sewage sludge unit and public access restrictions are included in the final regulation because grazing of animals and exposure of the public to sewage sludge placed on the active sewage sludge unit (e.g., ingestion of the sewage sludge/soil mixture) were not considered in the exposure assessment used to develop the pollutant limits for surface disposal. These management practices are required, consequently, to protect public heath and the environment. In the case of grazing animals, the permitting authority may allow animals to graze on an active sewage sludge unit when the owner/operator of the surface disposal unit demonstrates that through management practices (e.g., monitor the concentration of the pollutants in animal products) public health and the environment are protected from any reasonably anticipated adverse effects of pollutants in sewage sludge when animals grazed.

Public access to a sewage sludge unit must be restricted for the period the sewage sludge unit is active and for three years after the sewage sludge unit closes. The three year period was chosen to parallel the period that air must be monitored for methane gas at a closed sewage sludge unit that receives a final cover. As mentioned above, the reason for this management practice is that the exposure assessment for the surface disposal pollutant limits did not consider contact by the public with the sewage sludge placed on an active sewage sludge unit (e.g., ingestion of the sewage sludge/soil mixture). Protection for the public is provided by restricting access to the active sewage sludge unit. In addition, this management practice keeps the public away from an area where the potential for explosions from methane gas exists (i.e., when a final cover is placed on the sewage sludge unit.

The last management practice is that the owner/operator of a surface disposal site must demonstrate that the sewage sludge does not contaminate an aquifer after placement on an active sewage sludge unit. The owner/operator may

demonstrate compliance in one of two ways. Compliance may be demonstrated through a ground-water monitoring program. Alternatively, the owner/operator may demonstrate compliance through the certification of a qualified ground-water scientist that an aquifer is not contaminated.

When the owner/operator chooses to demonstrate compliance through ground-water monitoring, EPA recommends that the owner/operator develop a formal ground-water monitoring plan. Such a plan should include the following elements: (1) A description of the location of the active sewage sludge unit; (2) a description of the ground-water monitoring system, including the number, spacing, and depths of the monitoring wells; (3) a description of how the existing level of nitrate in the ground water was determined; and (4) the frequency of sampling, sampling protocol, and sample analytical methods.

In the preamble to the proposed part 503 rule, EPA explained its approach for regulating monofills (i.e., surface disposal sites in the final part 503 regulation). EPA stated that the proposal modified and expanded the approach used in the "Criteria for Classification of Solid Waste Disposal Facilities and Practice," 40 CFR part 257. The part 257 regulation, issued under the joint authority of section 4004 of the Research Conservation and Recovery Act and section 405 of the Clean Water Act, among other things, contained a general prohibition (257.3–4) on the contamination of an underground drinking water source beyond the solid waste boundary specified in accordance with the requirements of the rule.

In the proposed part 503 rule, the Agency adopted a prevention rather than containment approach for the proposed standards for sewage sludge disposed in a monofill (i.e., surface disposal site in the final part 503 regulation). As EPA explained, this approach builds on the ground-water protection concept by establishing limits for sewage sludge on a pollutant-by-pollutant basis to ensure that the concentration of the pollutant reaching the ground water does not cause the MCL for a pollutant or other appropriate standard to be exceeded in the ground water. EPA concluded that controlling pollutants at the source was more protective and equitable to prevent sewage sludge contamination of the ground water. The proposed part 503 rule established pollutant concentration limits for 16 pollutants when sewage sludge is disposed in a monofill.

The final part 503 regulation promulgated today for sewage sludge disposed in a surface disposal site is based on the approach in the proposed part 503 rule. Based on available scientific and technical information, EPA concluded that when the pollutant concentrations in today's rule are not exceeded, the probability is small that pollutants in the sewage sludge placed on a surface disposal site will migrate to the ground water, especially at levels that cause the MCLs to be exceeded in the ground water. Consequently, the part 503 standards for surface disposal sites replace 40 CFR part 257 requirements for sewage sludge disposed on a surface disposal site, except for nitrate.

In the proposed part 503 rule, EPA requested comment on whether EPA should retain the generic prohibition on contamination of the ground water provided in part 257 as an additional protective measure and check on the efficacy of the pollutant-specific sewage sludge pollutant limits. EPA concluded that retention of the prohibition in part 257 is generally not required because the Agency has identified the pollutants that present the greatest potential for adversely affecting public health and the environment when sewage sludge is placed on active sewage sludge units. These pollutants were evaluated and assessed for determining the appropriate standards promulgated here today. However, one pollutant for which EPA has established an MCL that numerous commenters suggested may present a problem for ground-water contamination was not evaluated: Nitrate. For this pollutant, EPA decided to retain the general prohibition in part 257 on contamination of underground drinking water sources (i.e., contaminate an aquifer). The last general requirement in the surface disposal subpart incorporates the existing requirement in part 257 prohibiting nitrate contamination.

As explained above, EPA adopted a preventive policy in establishing today's surface disposal standards, which are designed to ensure that contamination of the ground water does not occur. For this reason, the part 503 rule does not require ground-water monitoring to establish the absence of contamination and, if and when contamination of the ground water is identified, does not require corrective action to clean up the ground water or to take other measures to protect public health and the environment. The proposed part 503 rule had requested comment on whether ground-water monitoring and corrective action should back-stop EPA's pollution prevention approach.

Since EPA first proposed the sewage sludge use or disposal standards, EPA has developed a formal statement of ground-water protection principles in a document titled "Protecting the Nation's Ground Water: EPA's Strategy for the 1990s" (EPA Publication 21Z–1020, July 1991). This policy addresses approaches to preventing contamination and clean-up of contaminated ground water, including early detection monitoring and recognition of the primary role of States in ground water protection. The policy concludes that development of a "Comprehensive State Ground Water Protection Program" (CSGWPP) is the most coherent current approach to draw together the many Federal ground water protection authorities administered by States and to implement these programs in a more effective, efficient and coordinated manner. At this time, EPA is in the process of preparing detailed guidance for CSGWPPs under various Federal legislative statutes addressing water quality management and ground water protection. As envisioned, under a CSGWPP, States will develop and implement ground-water protection programs tailored to their unique hydrogeologic settings and institutional arrangements, including establishing priorities for uses of ground water for drinking water supply and ecological sustainability.

At the present time, 25 States have already adopted Wellhead Protection Programs under the Safe Drinking Water Act to protect wellhead areas within their jurisdiction from contaminants that may have an adverse effect on public health. Some of these programs may include various control measures, including siting restrictions on the location of facilities. Additionally, approximately 30 States have, or are in the process of developing, a system for categorizing State ground water by use or vulnerability. EPA expects that the policies adopted in the Wellhead Protection Programs and State classification systems will be incorporated in the CSGWPPs. EPA urges those contemplating disposal of sewage sludge on surface disposal sites to contact their State authorities to determine any restrictions under State Wellhead Protection Programs or State ground-water classification schemes (or the State CSGWPP when developed) that may impose further limitations on either the siting or operation of surface disposal sites.

The standards EPA has adopted today, as noted above, include certain restrictions on the siting of surface disposal sites to protect ground water. In Round Two, EPA will consider whether also to include in the surface disposal standards an explicit requirement to comply with either State

siting, ground-water monitoring or other requirements that are part of a State's Wellhead Protection Program or applicable State CSGWPP.

Pathogens and Vector Attraction Reduction (Section 503.25)

The pathogen requirements in the final part 503 regulation for sewage sludge (other than domestic septage) placed an active sewage sludge unit are similar to the existing requirements for the disposal of sewage sludge on the land in 40 CFR part 257. Sewage sludge (other than domestic septage) placed on a surface disposal site must meet either the Class A pathogen requirements in 503.32(a) or the Class B pathogen requirements in 503.32(b), except the site restrictions in 503.32(b)(5), unless a cover is placed on the active sewage sludge unit at the end of each operating day. When a daily cover is placed on an active sewage sludge unit, the sewage sludge does not have to meet a separate pathogen requirement. The daily cover isolates the sewage sludge and allows the environment to reduce the pathogens in the sewage sludge.

The site restrictions in 503.33(b)(5) do not have to be met when the sewage sludge meets the Class B pathogen requirements because site restrictions are already imposed on an active sewage sludge unit for other than pathogen reduction. Management practices that already address site restrictions are included in this subpart because, as previously mentioned, the exposure assessment for the surface disposal pollutant limits did not address activities such as growing of crops, grazing of animals, and exposure to the sewage sludge by the public.

Domestic septage placed on a surface disposal site does not have to meet a specific pathogen requirement. The existing requirements in part 257 for septic tank pumpings indicate that septic tank pumpings applied to the land must be treated in a Process to Significantly Reduce Pathogens (PSRP) or restrictions concerning grazing of animals and access by the public must be imposed on the site where the domestic septage is applied. Because site restrictions for those two activities, as well as a restriction on the growing of crops, are imposed on all active sewage sludge units for other than pathogen reduction, the part 257 site restrictions for applying domestic septage to the land are met at every active sewage sludge unit. For this reason, domestic septage placed on an active sewage sludge unit does not have to meet an additional pathogen requirement.

The vector attraction reduction requirements in the final part 503 regulation also are similar to the part 257 vector attraction reduction requirements for sewage sludge disposed on the land. Part 257 requires that the sewage sludge be covered daily or that other appropriate techniques be used to reduce vector attraction. The final part 503 regulations requires that 1 of 10 vector attraction reduction requirements (i.e., "other techniques") be met when sewage sludge (other than domestic septage) is placed on an active sewage sludge unit or that daily cover be placed on the active sewage sludge unit. When daily cover is placed on an active sewage sludge unit, the sewage sludge does not have to meet a separate pathogen requirement. The daily cover prevents access to the sewage sludge by vectors.

Vector attraction reduction is achieved when domestic septage is placed on a surface disposal site when the domestic septage is injected below the land surface, incorporated into the soil, or the pH of the domestic septage is raised to a certain level and remains at that level for 30 minutes (i.e., "other techniques"), or when the active sewage sludge unit receives a daily cover. The "other techniques" for domestic septage are limited to injection, incorporation, and pH adjustment because the Agency does not believe that "other techniques" available for sewage sludge (e.g., volatile solids reduction and percent moisture) are feasible for each container of domestic septage placed on an active sewage sludge unit. When daily cover is placed on an active sewage sludge unit, access to domestic septage placed on the unit by vectors is prevented.

Frequency of Monitoring (Section 503.26)

The final part 503 regulation contains the frequency of monitoring requirements for pollutants in sewage sludge (other than domestic septage) placed on an active sewage sludge unit, pathogen density requirements, and vector attraction reduction requirements. The permitting authority may establish more stringent frequency of monitoring requirements, if necessary. The frequency of monitoring for sewage sludge placed on an active sewage sludge unit is based on the amount of sewage sludge placed on an active sewage sludge unit annually. Calculation of the amounts of sewage sludge in the various ranges in table 1 of section 503.26 is discussed in the section on land application in this preamble. The calculations also are discussed in the technical support document for the part 503 surface disposal requirements.

The final part 503 regulation also allows the permitting authority to reduce the frequency of monitoring for pollutants and for the pathogen density requirements in 503.32(a)(5)(ii) and 503.32(a)(5)(iii) after two years of monitoring at the frequencies in table 1 of 503.26. In deciding whether to reduce the minimum frequency of monitoring, the permitting authority shall consider, among other things, the variability of the pollutant concentrations over the two years, the magnitude of the pollutant concentrations, and the frequency of detection of enteric viruses and viable helminth ova in the sewage sludge. Note that only the permitting authority can reduce the frequency of monitoring.

As mentioned above, the frequency of monitoring for the enteric viruses density requirements in 503.32(a)(5)(ii) and the viable helminth ova density requirements in 503.32(a)(5)(iii) may be reduced. The reasons the Agency concluded the frequency of monitoring for these requirements may be reduced are discussed in the section on land application in this preamble.

The final part 503 regulation requires that each container (e.g., each tank truck load) of domestic septage placed on a surface disposal site be monitored for pH when vector attraction reduction is achieved by raising the pH of the domestic septage. Each container must be monitored because there is no other way to know whether the domestic septage meets the pH requirement.

The final regulation also requires that methane gas in all structures within a surface disposal site and at the property line of the surface disposal site be monitored continuously under certain situations. For this reason, the frequency of monitoring for methane gas for those situation is continuously.

Recordkeeping (Section 503.27)

The final part 503 regulation contains recordkeeping requirements for sewage sludge (other than domestic septage) and for domestic septage placed on a surface disposal site. The person who prepares the sewage sludge must develop certain information (e.g., the concentration of pollutants in the sewage sludge) and retain the information for five years. In addition, the owner/operator of a surface disposal site also must develop certain information (e.g., a certification that the management practices for an active sewage sludge unit are met) and retain that information for five years.

When domestic septage is placed on an active sewage sludge unit, the person

who applies the domestic septage must develop certain information and the owner/operator of the surface disposal site must develop certain information. In both cases, the information has to be retained for five years.

Recordkeeping requirements are included in this subpart because the regulation is self-implementing (i.e., the requirements apply even when a person does not receive a permit). Without the requirement to keep records, there is no way to demonstrate that the part 503 requirements are met.

Reporting (Section 503.28)

The part 503 regulation requires Class I sludge management facilities, POTWs with a design flow rate equal to or greater than 1 million gallons per day, and POTWs that serve 10,000 people or more to report the information developed in 503.27(a) for sewage sludge (other than domestic septage) to permitting authority once every 365 days. Only Class I sludge management facilities, POTWs with a design flow rate equal to or greater than 1 million gallons per day, and POTWs that serve 10,000 people or more must report information for the reasons discussed in the land application section in today's preamble.

Pathogens and Vector Attraction Reduction (Subpart D)

This section of the preamble discusses pathogen and vector attraction reduction requirements in the final part 503 regulation for sewage sludge that is applied to the land or placed on an active sewage sludge unit. More details on these requirements may be obtained from the technical support document for the part 503 pathogen and vector attraction reduction requirements.

Scope (Section 503.30)

This subpart in the final part 503 regulations establishes the requirements that must be met for a sewage sludge to classified either Class A or Class B with respect to pathogens and the alternative vector attraction reduction requirements. Either the Class A or Class B pathogen requirements must be met and one of the alternative vector attraction reduction requirements must be met when sewage sludge is applied to the land or placed on a surface disposal site. The circumstance under which either the Class A or Class B requirements must be met (e.g., sewage sludge sold or given away in a bag or other container for application to the land must meet the Class A requirements) is addressed in the part 503 subparts on land application (subpart B) and surface disposal (subpart C).

This subpart also contains site restrictions that must be met when a Class B sewage sludge is applied to the land and the pathogen requirements for domestic septage applied to agricultural land, forest, or a reclamation site. As discussed previously, there are no pathogen requirements in the final part 503 regulation for domestic septage placed on a surface disposal site.

Special Definitions (Section 503.31)

Five of the 11 special definitions in this subpart in the proposed regulation were deleted from the final part 503 regulation. Also, six new definitions were added to the final part 503 regulation and editorial changes were made to the definitions in the proposal that are included in the final regulation. Definitions for the following terms are in the final regulation: aerobic digestion, anaerobic digestion, density of microorganisms, land with a high potential for public exposure, land with a low potential for public exposure, pathogenic organisms, pH, specific oxygen uptake rate, total solids, unstabilized solids, vector attraction, and volatile solids. The definitions that were deleted from and added to the final regulation are discussed below.

The terms "food crops" and "feed crops" are defined in the general definitions in the final regulation. For this reason, the definitions for those terms are not included in this subpart of the final regulation.

The term "indicator organism" is not used in the final part 503 regulation. For this reason, the definition of indicator organism was deleted from the final regulation.

Pathogen reduction was defined in the proposed regulation as the elimination or reduction of pathogenic bacteria (*Salmonella* sp.), protozoa, viruses, and helminth ova in sewage sludge. This definition was deleted from the final regulation because the pathogen requirements in the final regulation are not expressed in terms of quantity of pathogen reduction. They are expressed in terms of values that cannot be exceeded in the sewage sludge.

In the proposed regulation, the pathogen requirements were expressed in terms of per gram of volatile suspended solids. Comments on the proposal indicated that those requirements should be expressed in terms of total solids because volatile suspended solids change in the sewage sludge during treatment. The Agency agrees with the comments and is expressing the pathogen requirements in the final regulation in terms of per gram of total solids (dry weight basis). Because the term "volatile suspended solids" is not used in the final regulation, the definition for that term was deleted from the final part 503 regulation.

The final part 503 regulation includes a definition for land with a high potential for public exposure because the site restrictions for a Class B sewage sludge that is applied to the land differ depending on the potential exposure of the public to the land. Land with a high potential for public exposure is land used frequently by the public. This includes, but is not limited to, parks, ball fields, and a reclamation site located in a populated area (e.g., a construction site). This type of land has a stringent public access restriction (i.e., one year) when a Class B sewage sludge is applied to the land.

Land with a low potential for public exposure is land used infrequently by the public. This includes, but is not limited to, agricultural land and forest. The Agency does not believe that the public will use these types of land frequently. Note that the public does not include people who apply the sewage sludge to the land or farm workers.

The final part 503 regulation also includes a definition of pathogenic organisms. Pathogenic organisms are disease-causing organisms. These include, but are not limited to, certain bacteria, protozoa, viruses, and viable helminth ova.

The definition of total solids is in the final regulation because, as mentioned above, the requirements for pathogenic organisms in sewage sludge are expressed in terms of per gram of total solids in the sewage sludge. Total solids are the materials in sewage sludge that remain as residue when the sewage sludge is dried at 103 to 105 degrees Celsius.

The final part 503 regulation includes the definition of unstabilized solids because two of the vector attraction reduction requirements in the final regulation depend on whether the sewage sludge that is used or disposed of contains unstabilized solids. Unstabilized solids are organic materials in sewage sludge that have not been decomposed biochemically or have been treated only with chemicals (e.g., lime stabilized).

Pathogens (Section 503.32)

There are several differences between the pathogen requirements in the proposed part 503 regulation and the pathogen requirements in the final regulation. These changes are discussed below.

The first change concerns the pathogen requirement for protozoa in the proposal. Protozoa are no longer included as one of the organisms subject to pathogen requirements because of the lack of an analytical method for protozoa. In addition, EPA concluded that protozoa are unlikely to survive wastewater treatment and sewage sludge treatment processes and, thus, should not cause a reasonably anticipated adverse effect in sewage sludge that is used or disposed of.

Second, the unit of measurement for density of pathogenic organisms was changed for volatile suspended solids to total solids. As mentioned previously, several commenters stated that the use of volatile suspended solids is not appropriate because the volatile suspended solids concentration changes significantly when the sewage sludge is treated. The Agency agrees and changed the unit of measurement to total solids.

A third change is not expressing the fecal coliform requirements in terms of a log reduction. Several commenters on the proposed regulation stated that requiring a log reduction may not protect public health and the environment. For example, reducing the fecal coliform from a log of 6 (i.e., 1,000,000) to a log of 4 (i.e., 10,000) is a two log reduction. A reduction for log of 4 (i.e., 10,000) to log of 2 (i.e., 100) also is a two log reduction. The final fecal coliform density is different, however, for each example (10,000 versus 100). The Agency agrees with the commenters and eliminated the log reduction requirement in the final part 503 regulation. Instead, the final regulation requires that the density of fecal coliform in the sewage sludge be equal to or less than a specific value.

Another change is the elimination of the requirement to reduce fecal streptococci in the sewage sludge. EPA concluded that the use of fecal coliform is sufficient to indicate the presence of pathogenic organisms in the sewage sludge. A requirement for both fecal streptococci and fecal coliform is redundant. Fecal coliform was selected for the final part 503 regulation because an analytical method exists for fecal coliform and because treatment works conduct fecal coliform analyses routinely.

One of the major changes in the pathogen requirements in the final regulation is that the regulation only has two classes of pathogen requirements instead of the three classes in the proposed regulation. Several commenters indicated that the requirements in the proposal for Class B and Class C are essentially the same. The Agency agrees with the commenters and only included Class A and Class B pathogen requirements in the final regulation. Changes also were made to the Class A and Class B pathogen requirements and to the site restrictions when a Class B sewage sludge is applied to the land.

The final regulation requires that the Class A pathogen requirements be met either prior to or at the same time certain vector attraction reduction requirements are met. Typically, after the Class A pathogen requirement is met, the sewage sludge is left without an adequate density of predator or competitive organisms to compete with pathogenic bacteria such as *Salmonella* sp. bacteria. As a result, regrowth of pathogenic bacteria in the sewage sludge will occur if a small number of those bacteria survive treatment or when bacteria are introduced into the sewage sludge inadvertently. When vector attraction reduction precedes treatment for pathogens, regrowth of the pathogenic bacteria can occur. When vector attraction reduction occurs after treatment for pathogens, competitive organisms are re-introduced into the sewage sludge during vector attraction reduction and regrowth of pathogenic bacteria is inhibited.

The above requirement does not apply when the vector attraction requirement concerning adjustment of sewage sludge pH is met. In that case, alkali material used to raise the pH remains in the sewage sludge after treatment. This material inhibits growth of pathogenic bacteria even when the density of predator or competitive organisms is too low to resist regrowth of the bacteria. For this reason, the order of vector attraction reduction and pathogen treatment is not relevant when the vector attraction reduction requirement is met by raising the pH of the sewage sludge to 12 or higher with alkali addition and, without the addition of more alkali, the pH of the mixture remains at 12 or higher for two hours and then remains at 11.5 or higher for an additional 22 hours.

The above requirement concerning the order of pathogen reduction also does not apply when vector attraction reduction is achieved by drying the sewage sludge to the specified percent solid values. In this case, EPA concluded that re-growth of *Salmonella* sp. bacteria is not a problem.

The requirement to reduce pathogens either prior to or at the same time as vector attraction is reduced applies only to a sewage sludge that meets the Class A pathogen requirements. A Class B sewage sludge usually has an adequate density of predator and competitive organisms even when the vector attraction reduction requirement is met before the Class B pathogen requirement is met.

The final part 503 has six alternative requirements that can be met for a sewage sludge to be classified Class A with respect to pathogens. Each alternative requirement is discussed below.

The objective of the alternative pathogen reduction requirements is to protect public health and the environment from the reasonably anticipated adverse effects of pathogens in sewage sludge that is used or disposed. The Agency concluded that the best way to meet that objective is for the sewage sludge that is used or disposed to meet certain pathogen density requirements and for that sewage sludge to meet other pathogen density requirements at the time of use or disposal. Sewage sludge generated at every treatment works and each material derived from sewage sludge should be analyzed for pathogens to show that the density of pathogenic organisms in the sewage sludge or material derived from sewage sludge are below the specified value.

The first Class A pathogen alternative in the final part 503 regulation is based on raising the temperature of the sewage sludge to a specific value and keeping the temperature at that value for a specific time. *Salmonella* sp. bacteria, enteric viruses, and viable helminth ova in the sewage sludge are expected to be reduced to acceptable levels (i.e., to below detectable levels) when the temperature and time requirements are met.

For the final part 503 regulation, the temperature and time requirements vary depending on the percent solids in the sewage sludge. When the percent solids is equal to or greater than seven percent and the sewage sludge is not heated by warmed gases or an immiscible liquid, the temperature must be 50 degrees Celsius or higher and the time period must be 20 minutes or longer. The temperature and time period are determined using equation (2) in the final regulation. The 20 minute minimum time period helps ensure uniform heating is achieved throughout the sewage sludge.

When the percent solids in the sewage sludge is equal to or greater than seven percent and the sewage sludge is heated by warmed gases or an immiscible liquid, the temperature must be 50 degrees Celsius or higher and the time period must be 15 seconds or longer. The temperature and time period in this case also are determined using equation (2) in the final regulation. Sewage sludge heated in this manner usually is

in the form of small droplets or particles (e.g., less than one millimeter in diameter) that are dispersed throughout the gas or liquid. Because of this small size, uniform heating can be achieved in a short time at a high temperature.

When the percent solids of the sewage sludge is less than seven percent and the sewage sludge is heated for 15 seconds or longer, but for less than 30 minutes, the temperature and time are determined using equation (2). Uniform heating of this sewage sludge is achieved under these conditions.

When the percent solids of the sewage sludge is less than seven percent, the temperature of the sewage sludge is 50 degrees Celsius or higher, and time period is 30 minutes or longer, the temperature and time period are determined using equation (3) in the final regulation. The Agency concluded that uniform heating of sewage sludge that has a percent solids of less than seven can be achieved at lower temperatures for shorter times. The lower percent solids allows the heat to be dispersed throughout the sewage sludge in a shorter time and not as much heat (i.e., high temperature) is needed to ensure that the temperature of the solids in the sewage sludge is raised to an adequate level.

To use the temperature and time equations, either the temperature at which the sewage sludge will be maintained or the time the temperature will be maintained has to be known. The known value is then used in the appropriate equation to obtain the other value.

In addition to the temperature and time requirements, this alternative requires that either the density of fecal coliform in the sewage sludge or the density of *Salmonella* sp. bacteria in the sewage sludge must be below a specific value at the time the sewage sludge is used or disposed, at the time the sewage sludge is prepared for sale or give away in a bag or other container for application to the land, or at the time the sewage sludge is prepared to meet the requirements in 503.10 concerning sewage sludge that is not subject to the general requirements and management practices in the land application subpart. This insures that *Salmonella* sp. bacteria do not regrow in the sewage sludge subsequent to when the temperature of the sewage sludge is raised to the specific level for the specific period. EPA will provide more guidance on the terms "at the time of use or disposal", "at the time the sewage sludge is prepared for sale or give away in a bag or other container for application to the land", and "at the time the sewage sludge is prepared to meet the requirements in 503.10 concerning sewage sludges not subject to the general requirements and management practices in the land application subpart".

The Agency concluded that when the temperature of the sewage sludge is raised to the value determined using equation (2) or equation (3) and maintained at that value for the specified period, the densities of *Salmonella* sp. bacteria, enteric viruses and viable helminth ova in the sewage are reduced to below detectable levels. Because enteric viruses and viable helminth ova are not expected to regrow over time, there is no requirement in this Class A alternative to measure the density of those organisms in the sewage sludge after the temperature and time requirements are met.

The second alternative in the final part 503 regulation for a sewage sludge to classified Class A with respect to pathogens also requires that the density of fecal coliform or the density of *Salmonella* sp. bacteria in the sewage sludge be below a specified level at the time the sewage sludge is used or disposed, at the time the sewage sludge is prepared for sale or give away in a bag or other container for application to the land, or at the time the sewage sludge is prepared to meet the requirements in 503.10 concerning the exemption of the sewage sludge from the general requirements and management practices in the land application subpart. This requirement ensures that *Salmonella*, sp. bacteria does not regrow in the sewage sludge between the time the sewage sludge is treated and the time the sewage sludge is used or disposed.

In addition to the regrowth requirement, the second Class A alternative requires that the pH of the sewage sludge that is used or disposed be raised to above 12 and remain above 12 for 72 hours. During at least 12 hours of the 72-hour period, the temperature of the sewage sludge has to be greater than 52 degrees Celsius. At the end of the 72-hour period, the sewage sludge must be air dried to achieve a percent solids of greater than 50 percent. When these requirements are met, the Agency concluded that the density of *Salmonella*, sp. bacteria, enteric viruses, and viable helminth ova in the sewage sludge are reduced to below detectable levels.

The requirements in Alternative 2 are a generic description of a process that has been classified a Process To Further Reduce Pathogens (PFRP) by EPA. Because that process has already been classified a PFRP (i.e., a process that produces a Class A sewage sludge), the Agency concluded that sewage sludges that meet these requirements should be classified Class A. For this reason, this Class A alternative was added to the final part 503 regulation.

The third alternative in the final regulation for a sewage sludge to be classified Class A with respect to pathogens also addresses the regrowth issue by requiring that the density of either fecal coliform or *Salmonella*, sp. bacteria in the sewage sludge be below a specified value at the time the sewage sludge is used or disposed, at the time the sewage sludge is prepared for sale or give away in a bag or other container for application to the land, or at the time the sewage sludge is prepared to meet the requirements in 503.10 concerning sewage sludge not subject to the general requirements and management practices in the land application subpart. In addition, this alternative requires that the sewage sludge be monitored for enteric viruses and viable helminth ova prior to being treated in a pathogen process. The number of times the sewage sludge must be monitored for those microorganisms varies, as discussed below.

As mentioned above, enteric viruses must be monitored in the sewage sludge in the influent to the pathogen treatment process during each monitoring episode for the sewage sludge. When enteric viruses are not found in influent (i.e., the density of enteric viruses is less than one Plaque-forming Unit per four grams of total solids), the sewage sludge is Class A with respect to enteric viruses until the next monitoring episode for the sewage sludge.

When the density of enteric viruses in the influent to the pathogen treatment process is equal to or greater than one Plaque-forming Unit per four grams of total solids, the density of the enteric viruses in the sewage sludge that is used or disposed (i.e., after the pathogen treatment process) must be below one Plaque-forming Unit per four grams of total solids. In addition, values for the operating parameters for the pathogen treatment process that produces the sewage sludge that meets the enteric virus density requirement must be documented. At this time, the sewage sludge is Class A with respect to enteric viruses.

For the sewage sludge to continue to be Class A with respect to enteric viruses, the values for the process operating parameters must be consistent with the values documented above at all times. Although the term "consistent with" allows the actual values for the operating parameter to be different from the documented values for the operating parameters, the Agency does not expect

VOL
58
ISS
32
FE
19
1993
UMI

there will be a large variation in those values.

The approach discussed above for enteric viruses also is part of this alternative for viable helminth ova. The sewage sludge is Class A with respect to viable helminth ova when viable helminth ova are not found (i.e., less than one per four grams of total solids) in the influent to the pathogen treatment process. When viable helminth ova are found in the influent, the density of viable helminth ova in the sewage sludge that is used or disposed must be less than one per four grams of total solids and the operating parameters for the pathogen treatment process must be documented for the sewage sludge to be Class A with respect to viable helminth ova. After the viable helminth ova reduction is demonstrated, values for the process operating parameters must be consistent with the documented values for those parameters for the sewage sludge to continue to be classified Class A with respect to viable helminth ova.

Alternative 3 is designed to reduce the analytical costs for pathogenic organisms after pathogen reduction is demonstrated for the pathogen treatment process. The Agency concluded that after pathogen reduction is demonstrated for a process, the effluent from the process (i.e., the sewage sludge that is used or disposed) does not have to be monitored for the pathogenic organisms as long as the process operating parameters are consistent with the documented values. This is similar to the temperature and time requirement in Alternative 1. In Alternative 1, as long as the temperature and time requirement is met, pathogens are reduced to acceptable levels. In this alternative, when the values for operating parameters are consistent with the documented values after pathogen reduction is demonstrated, enteric viruses and viable helminth ova are reduced to below detectable levels.

The Agency recognizes that, under this alternative, the sewage sludge may have to be analyzed for enteric viruses and viable helminth ova during each monitoring episode when enteric viruses and viable helminth ova are never found in the influent to the pathogen treatment process. The Agency also recognizes that the analyses for these organisms are costly and that only a limited number of laboratories can perform those analyses. For these reasons, the permitting authority may reduce the frequency of monitoring for those organisms in the final part 503 regulation after two years of monitoring at the specified frequency. In deciding whether to reduce the frequency of monitoring for those two microorganisms in the influent to the pathogen treatment process, the permitting authority may consider, among other things, the frequency of detection of enteric viruses and viable helminth ova during the two year period.

The fourth alternative for a sewage sludge to be classified Class A with respect to pathogens is for the sewage sludge to be monitored for fecal coliform or *Salmonella* sp. bacteria, enteric viruses, and viable helminth ova at the time the sewage sludge is used or disposed, at the time the sewage sludge is prepared for sale or give away in a bag or other container for application to the land, or at the time the sewage sludge is prepared to meet the requirements in 503.10 concerning exemption from the general requirements and management practices in the land application subpart. When the density values for the above organisms in the sewage sludge are equal to or less than the values for those organisms in this alternative, the sewage sludge is Class A with respect to pathogens.

The fourth Class A pathogen alternative can be used for sewage sludges for which there is no historical knowledge about how the sewage sludge was treated. For example, when a sewage sludge has been stored for a period and is now going to be used or disposed, this alternative can be used to determine whether the sewage sludge is Class A with respect to pathogens. Because there is no information about how the sewage sludge was treated prior to storage, one of the first three Class A pathogen alternatives cannot be used to determine whether the sewage sludge is Class A. Under this alternative, samples of the sewage sludge can be collected at the time of use or disposal and analyzed to determine whether the density values for the pathogenic organisms are equal to or less than the density values for those organisms in today's regulation. When the density values for the organisms are equal to or less than the values in this alternative, the sewage sludge is Class A. The density values in this alternative for fecal coliform or *Salmonella* sp. bacteria, enteric viruses, and viable helminth ova are the same as the density values for those organisms in Alternative 3.

The fifth and sixth alternatives also address the regrowth issue by requiring that the density of either fecal coliform or *Salmonella* sp. bacteria in the sewage sludge be below a specified value at the time the sewage sludge is used or disposed, at the time the sewage sludge is prepared for sale or give away in a bag or other container for application to the land, or at the time the sewage sludge is prepared to meet the requirements in 503.10 concerning sewage sludge that is not subject to the general requirements and management practices in the land application subpart. In addition, under the fifth alternative, a sewage sludge must be treated in a Process to Further Reduce Pathogens (PFRP) to be classified Class A. Processes classified PFRPs are described in appendix B. These processes are the same processes described in appendix II to 40 CFR part 257. The descriptions in Appendix B were edited to remove any requirements for vector attraction (e.g., reduce volatile solids by 38 percent). A sewage sludge must meet one of the vector attraction requirements discussed below in addition to the pathogen requirements in the final part 503 regulation.

For the sixth Class A pathogen alternative, the regrowth requirements mentioned above must be met and the sewage sludge must be treated in a process that is equivalent to a Process to Further Reduce Pathogens, as determined by the permitting authority. The Agency currently has a group that advises the permitting authority whether a process is equivalent to a PFRP. That group is the Pathogen Equivalency Committee (PEC). The final decision on whether a process is equivalent to PFRP is made by the permitting authority based on recommendations by the PEC. The sewage sludge also must meet one of the vector attraction reduction requirements discussed below in addition to this pathogen requirement.

The Class B pathogen requirements in the final part 503 regulation also are different from the Class B requirements in the proposed regulation. In the proposal, either of two requirements had to be met. First, the densities of *Salmonella* sp. bacteria and viruses in the influent to the treatment works had to be reduced to below specific values. The second requirement was that when the wastewater is treated in physical or biological processes and the sewage sludge generated in those processes is treated in a physical, biological, or chemical addition process or stored for at least one day, the densities of fecal coliform and fecal streptococci in the sewage sludge had to be below a specific value. In addition, site restrictions were imposed when a Class B sewage sludge was applied to the land.

There are three alternatives in the final part 503 regulation for a sewage sludge to be classified Class B with respect to pathogens. The first Class B alternative requires that seven samples of sewage sludge that is used or

disposed be collected each time the sewage sludge is monitored. In addition, the geometric mean of the density of fecal coliform (expressed as either Most Probable Number or Colony Forming Units) in those samples must be less than 2,000,000. A geometric mean is the anti-logarithm of the arithmetic average of the logarithms for a certain number of values (in this case, values for the seven samples).

The second Class B alternative is that the sewage sludge be treated in a Process to Significantly Reduce Pathogens (PSRP). Appendix B contains a description of processes currently classified as PSRPs. Those processes are the same as the PSRP processes described in appendix II of 40 CFR part 257 with some editorial changes. One editorial change is that the vector attraction reduction requirements in the Appendix II descriptions were deleted in today's description. As mentioned above, a sewage sludge must meet one of the vector attraction reduction requirements discussed below in addition to the pathogen requirements in the final part 503 regulation.

The third Class B pathogen alternative in the final regulation is that the sewage sludge that is used or disposed be treated in a process that is equivalent to a Process to Significantly Reduce Pathogens, as determined by the permitting authority. The Pathogen Equivalency Committee (PEC) discussed above helps the permitting authority decide whether a process is equivalent to a PSRP. The final decision on such a determination is the responsibility of the permitting authority.

The final part 503 regulation also contains site restrictions that must be met when a Class B sewage sludge is applied to the land. These restrictions provide time for the natural environment to reduce the pathogenic organisms in the sewage sludge.

Site restrictions in the final regulation for a Class B sewage sludge that is applied to the land are different from the site restrictions for that practice in the proposed regulation. These differences are discussed below.

The first site restriction pertains to food crops that touch the sewage sludge/soil mixture and are above ground totally. The proposed regulation restricted the growing of those crops for 18 months after the sewage sludge is applied to the land. The final regulation restricts the harvesting of those crops for 14 months after the application of the sewage sludge. The 14 month harvesting restriction assumes that crops will not be grown for 12 months and that the crops grow for two months before harvesting. This access restriction prevents exposure to viable helminth ova that survive for long periods in the soils on the land surface when the viable helminth ova are sheltered from sunlight and desiccation.

The second restriction pertains to food crops with harvested parts below the surface of the ground (i.e., root crops). The proposed regulation restricted the growing of those crops for five years after application of the sewage sludge. The final regulation contains two requirements for root crops depending on how long the sewage sludge remains on the land surface before incorporation into the soil.

The first requirement restricts the harvesting of food crops with harvested parts below the surface of the land for 20 months after application of the sewage sludge when the sewage sludge remains on the land surface for four months prior to incorporation into the soil. The Agency concluded that exposure of the sewage sludge to the natural environment during the four month period promotes die-off of viable helminth ova, which is the most persistent pathogen in a sewage sludge/soil mixture. This justifies the reduction in the period before a root crop can be harvested discussed below. The 20 month restriction assumes that food crops with harvested parts below the surface of the land will not be grown for 18 months and that the crops grow for two months before harvesting.

The other restriction for food crops with harvested parts below the surface of the land is that those crops cannot be harvested for 38 months after sewage sludge is applied to the land when the sewage sludge does not remain on the land surface for four months after application. In this case, the pathogenic organisms are not reduced as much by the natural environment (i.e., air and sunlight). For this reason, the restriction on harvesting root crops is 38 months to allow for die-off of viable helminth ova. This restriction assumes that the crops will not be grown for three years after application of the sewage sludge and that the crops grow for two months before they are harvested.

The site restrictions in the proposed regulation concerning the harvesting of feed crops and the grazing of animals are the same in the final regulation. Feed crops shall not be harvested and animals shall not be grazed for 30 days after application of sewage sludge to the land. The Agency concluded this is a long enough period to allow die-off of pathogens that may affect animals. This restriction also applies to the harvesting of food crops and fiber crops because the 30-day exposure to the environment is needed to allow die-off of pathogens that may affect humans.

A new site restriction concerning the harvesting of turf was added to the final regulation. The purpose of this site restriction is to prevent public exposure to turf grown on land where a Class B sewage sludge is applied. Most likely, turf grown on the land will be used on a lawn or on land with a high potential for public exposure (e.g., a public contact site). To restrict public exposure to that turf for one year, which is the same public access restriction for land with a high potential for public exposure (see below), the final part 503 regulation requires that turf grown on land where a Class B sewage sludge is applied not be harvested for one year after application of the sewage sludge when the harvested turf is placed on a lawn or on land with a high potential for public exposure, unless otherwise specified by the permitting authority.

The public access restriction for land on which a Class B sewage sludge is applied in the proposed regulation was expanded in the final part 503 regulation. The restriction in the final regulation recognizes that the potential for exposure to the sewage sludge is not the same for all types of land.

Some lands have a high potential for exposure to the public. Those lands include, but are not limited to, parks, ball fields, and a reclamation site located in a populated area (e.g., a construction site next to a high school). When a Class B sewage sludge is applied to those types of land, the final part 503 regulation requires that public access be restricted for one year after application of the sewage sludge. This period allows the pathogenic organisms to die off in the natural environment.

Other lands have a low potential for exposure because they are used infrequently by the public. These lands include, but are not limited to, land used for silviculture purposes, agricultural land, and a reclamation site located in an unpopulated area (e.g., a strip mine). Public access to lands with a low potential for exposure has to be restricted for 30 days after application of sewage sludge to the land.

The final part 503 regulation also contains alternative pathogen requirements for domestic septage applied to agricultural land, forest, or a reclamation site. The first requirement is that the site restrictions discussed above be met. When these restrictions are met, the domestic septage does not have to meet an additional pathogen requirement.

The second requirement is to raise the pH of the domestic septage to 12 or higher by alkali addition and, without

the addition of more alkali, maintain the pH at 12 or higher for 30 minutes. In addition, the site restrictions discussed above concerning harvesting of crops must be met. The site restrictions are needed because domestic septage is not considered Class A with respect to pathogens after the pH requirement is met. Site restrictions are needed to allow die-off of pathogens through exposure to the environment before crops are harvested.

The above pH requirement is based on the results of a study conducted at the University of Wisconsin on pathogens in domestic septage (Ronner, Amy B. and Dean O. Cliver, Ph.D., "Disinfection of Viruses in Septic Tank and Holding Waste by Calcium Hydroxide (Lime)", Small Scale Waste Management Project, University of Wisconsin, Madison, Wisconsin, June 1987). The Agency concluded that when the above pH requirement is met and site restrictions concerning harvesting of crops are met, public health and the environment are protected from the pathogenic organisms in domestic septage.

Vector Attraction Reduction (Section 503.33)

The vector attraction reduction requirements in the proposed regulation are adopted in the final regulation. Editorial changes were made to several of the proposed requirements. In addition, several new vector attraction reduction requirements were added to the final part 503 regulation. The vector attraction reduction requirements in the final regulation address: the reduction in the mass of volatile solids in sewage sludge that is used or disposed; an additional reduction in the mass of volatile solids for an anaerobically digested sewage sludge that is digested anaerobically for an additional period in the laboratory; an additional reduction in the mass of volatile solids for an aerobically digested sewage sludge that is digested aerobically for an additional period in the laboratory; the specific oxygen uptake rate for a sewage sludge digested aerobically; a sewage sludge treated in an aerobic process for a specific period during which the temperature of the sewage sludge is raised; an increase in the pH of the sewage sludge; the percent solids of the sewage sludge; injection of the sewage sludge below the land surface; incorporation of the sewage sludge into the soil; cover for a surface disposal site; and pH adjustment for domestic septage. These alternative requirements are discussed below.

Not all of the vector attraction reduction requirements in the final part 503 regulation pertain to the different sewage sludge use or disposal practices. For example, when sewage sludge is sold or given away in a bag or other container for application to the land, the vector attraction reduction requirement concerning injection below the land surface does not apply. Section 503.33 (a) in the final part 503 regulation indicates which vector attraction reduction requirements pertain to which use or disposal practices.

One vector attraction reduction requirement is that the mass of volatile solids in the sewage sludge be reduced by a minimum of 38 percent. The 38 percent reduction is determined by subtracting the mass of volatile solids in the sewage sludge that is used or disposed from the mass of volatile solids in the influent to the sewage sludge digestion process and dividing that value by the mass of volatile solids in the influent to the sewage sludge digestion process. This value is then multiplied by 100 to obtain the percent reduction. By reducing the volatile solids of the sewage sludge, the "source of food" for a vector is reduced, which reduces the attractiveness of the sewage sludge to the vector.

Editorial changes were made to the proposed vector attraction reduction requirement concerning a 17 percent volatile solids reduction for anaerobically digested sewage sludge that is digested anaerobically further in the laboratory. These changes clarify that the additional anaerobic digestion should occur in a bench-scale unit in the laboratory for 40 days at a temperature between 30 and 37 degrees Celsius and that the 17 percent reduction or less is the reduction of the volatile solids in the sewage sludge at the beginning of the 40 day period. This alternative requirement is included in the final regulation because the volatile solids content of some sewage sludges is low before the sewage sludge is treated in the anaerobic digester. In this case, it is very difficult to achieve a 38 percent volatile solids reduction during digestion. The Agency concluded that when the percent volatile solids reduction after the additional digestion period is 17 percent or less, vectors will not be attracted to the sewage sludge.

The above requirement for additional treatment of a sample of the sewage sludge in the laboratory also pertains to an aerobically digested sewage sludge. A similar requirement is included in the final regulation for an aerobically digested sewage sludge.

When an aerobically digested sewage sludge cannot meet the above 38 percent volatile solids reduction requirement, a portion of the previously digested sewage sludge that has a percent solids of two percent or less can be digested aerobically in the laboratory in a bench-scale unit for 30 additional days at 20 degrees Celsius. When at the end of the 30 days, the volatile solids in the sewage sludge at the beginning of that period is reduced by less than 15 percent, vector attraction reduction is achieved for the sewage sludge.

The percent solids requirement (i.e., two percent or less) and temperature requirement are part of the above alternative because they affect the rate of digestion. When the percent solids is greater than two percent, the rate of digestion is slower than the rate of digestion when the percent solids is two percent or less. To ensure that the sewage sludge is digested fully during the 30 day period, the percent solids requirement and the temperature requirement are included in this alternative. A percent solids requirement is not included in the above alternative for additional digestion of an anaerobically digested sewage sludge because percent solids does not affect the rate of digestion during anaerobic digestion of a sewage sludge.

The percent volatile solids reduction in the above two alternative vector attraction reduction requirements is different for anaerobic digestion (i.e., 17 percent) and aerobic digestion (i.e., 15 percent). These percentages are based on experiences with the different types of digested sewage sludge.

The proposed vector attraction reduction requirement concerning the specific oxygen uptake rate (SOUR) also was changed in the final regulation. The changes are a different value for SOUR and the addition of a temperature requirement. In the final regulation, the SOUR of the sewage sludge treated in an aerobic process has to be equal to or less than 1.5 milligrams (instead of 1.0 in the proposal) of oxygen per hour per gram of total solids at 20 degrees Celsius for the sewage sludge to meet the vector attraction reduction requirement.

After reviewing the available information and comments on the proposal, the Agency concluded that vector attraction reduction can be achieved when the value for SOUR is equal to or less than 1.5. The temperature requirement is included in the SOUR vector attraction reduction requirement because the temperature of the sewage sludge affects the rate of digestion. The Agency concluded that for the sewage sludge to digested fully during aerobic digestion, the temperature of the sewage sludge should be 20 degrees Celsius.

Another vector attraction reduction requirement was added to the final

regulation for sewage sludge treated in an aerobic process. This requirement addresses the vector attraction of sewage sludges treated in processes such as composting and aerobic digestion. EPA concluded, based on available information, that when a sewage sludge is treated in an aerobic process for 14 days or longer during which time the temperature of the sewage sludge is higher than 40 degrees Celsius and the average temperature is higher than 45 degrees Celsius, volatile solids in the sewage sludge are reduced to a level that reduces the attractiveness of the sewage sludge to vectors.

The vector attraction reduction requirement in the proposal concerning raising the pH of the sewage sludge and maintaining the elevated pH for a period is the same in the final regulation. Only editorial changes were made to this requirement for the final regulation. Raising the pH of the sewage sludge reduces bacterial activity in the sewage sludge. This results in a reduction in the putrefaction of the sewage sludge, which reduces the odors from the sewage sludge. Because of the reduction in odors, vectors are not attracted to the sewage sludge.

One of the new vector attraction reduction requirements in the final part 503 regulation concerns the percent solids of the sewage sludge. In the proposal, when the percent solids of the sewage sludge was 75 or greater, based on the moisture and solids content of the sewage sludge prior to mixing with other materials, the vector attraction reduction requirement was met. The final part 503 regulation contains two percent solids requirements for vector attraction reduction.

One of the percent solids requirements is the same as in the requirement in the proposal (i.e., 75 percent). This requirement only applies, however, when the sewage sludge does not contain unstabilized solids generated in a primary wastewater treatment process. When the sewage sludge contains unstabilized solids generated in a primary wastewater treatment process, the percent solids of the sewage sludge has to be equal to or greater than 90 percent. This change was made because the Agency is concerned that regrowth of *Salmonella* sp. bacteria may occur when the sewage sludge contains unstabilized solids such as food products that *Salmonella* sp. bacteria can use for nutrients. When the percent solids of the sewage sludge is equal to or greater than 90, EPA concluded that the regrowth problem is mitigated even if the sewage sludge contains unstabilized solids.

The vector attraction reduction requirement in the proposal concerning injection of the sewage sludge below the land surface was edited and expanded in the final regulation. First, this vector attraction reduction requirement now clarifies that no significant amount of sewage sludge can be visible on the land surface within one hour after the sewage sludge is injected. Second, this requirement addresses the time during which a Class A sewage sludge has to be injected after discharge from the pathogen reduction process. Injection of a Class A sewage sludge within a specific time period was addressed in the Class A pathogen requirement in the proposal. The Agency chose to include this requirement in the section on vector attraction reduction in the final regulation to make the final part 503 regulation consistent.

In addition to changing the location of the vector attraction requirement for the injection of a Class A sewage sludge, the requirement itself was changed. The proposed regulation required that the density of fecal coliform and fecal streptococci in the Class A sewage sludge not exceed three logarithms per gram of volatile suspended solids prior to injection. EPA decided to change this requirement to "the sewage sludge shall be injected below the land surface within eight hours after the sewage sludge is discharged from the pathogen reduction process(es)". The Agency concluded that significant regrowth of *Salmonella* sp. bacteria will not occur when the sewage sludge is injected within the eight hour period.

Another vector attraction reduction requirement in the final part 503 regulation concerns incorporation of sewage sludge into the soil. EPA concluded that vector attraction reduction is minimal during the first six hours after sewage sludge is applied to or placed on the land surface. After that time, the potential for vector attraction increases. For this reason, this vector attraction reduction requirement requires that the sewage sludge be incorporated into the soil within six hours after application to or placement on the land. Incorporation into the soil reduces the opportunity for vectors to contact the sewage sludge.

The vector attraction reduction requirement concerning incorporation of the sewage sludge into the soil also requires that sewage sludge that is Class A with respect to pathogens be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process. After that, the sewage sludge must be incorporated into the soil within six hours after being applied to or placed on the land. The purpose of this requirement is to ensure that regrowth of *Salmonella* sp. bacteria do not occur between the time the sewage sludge is discharged from the pathogen treatment process and the time the sewage sludge is applied to or placed on the land.

Also included in the final part 503 regulation is an alternative vector attraction reduction requirement when sewage sludge is placed on an active sewage sludge unit. When the sewage sludge is covered with soil or other material at the end of each operating day, vector attraction reduction is achieved. Vectors do not have the opportunity to contact the sewage sludge when the sewage sludge is covered. This requirement was in the subpart on monofills in the proposed part 503 regulation. Because the purpose of covering the sewage sludge is to reduce vector attraction, the Agency decided to include this requirement in the section on vector attraction reduction in the final part 503 regulation.

A new vector attraction reduction requirement concerning domestic septage also was added to the final regulation. This requirement is in response to comments that domestic septage cannot meet the vector attraction reduction requirement for sewage sludge. To meet this new requirement, the pH of the domestic septage must be raised to 12 or higher using alkali and, without the addition of more alkali, must remain at 12 or higher for 30 minutes. This requirement is based on results from the University of Wisconsin Study mentioned previously in the discussion on the pathogen requirements.

Incineration (Subpart E)

This part of today's preamble discusses the requirements in the final part 503 regulation for firing of sewage sludge in a sewage sludge incinerator. More details on these requirements may be obtained from the technical support document for the part 503 sewage sludge incineration requirements.

Applicability (Section 503.40)

The applicability section for this subpart in the final part 503 regulation is the same, with the exception of some editorial changes, as the applicability section for this subpart in the proposed regulation. This subpart applies to any person who fires sewage sludge in a sewage sludge incinerator, to a sewage sludge incinerator, to sewage sludge fired in a sewage sludge incinerator, and to the exit gas from a sewage sludge incinerator stack.

Special Definitions (Section 503.41)

Definitions for the following terms are included in this section of the final regulation: Air pollution control device, auxiliary fuel, control efficiency, dispersion factor, fluidized bed incinerator, incineration, hourly average, monthly average, risk specific concentration, sewage sludge feed rate, sewage sludge incinerator, stack height, total hydrocarbons, wet electrostatic precipitator, and wet scrubber. The definitions in this subpart discussed below amplify and reinforce the incineration requirements in the final part 503 regulation.

Auxiliary fuel. The definition of auxiliary fuel is included in the final regulation because a sewage sludge incinerator is defined as an incinerator in which sewage sludge and auxiliary fuel are fired. Auxiliary fuel is fuel used to augment the fuel value of sewage sludge. This includes, but is not limited to, natural gas, fuel oil, coal, gas generated during anaerobic digestion of sewage sludge, or municipal solid waste (not to exceed 30 percent of the sewage sludge and auxiliary fuel together by dry weight). Auxiliary fuel does not include hazardous wastes.

As mentioned above, auxiliary fuel may be municipal solid waste if the municipal solid waste is less than 30 percent by weight (dry weight basis) of the material, including sewage sludge, fired in the sewage sludge incinerator. In that case, the part 503 requirements for the incineration of sewage sludge in a sewage sludge incinerator have to be met. When 30 percent or greater of the material fired in an incinerator is municipal solid wastes, the incinerator is a municipal waste combustor and the regulations that address firing of materials in a municipal waste combustor must be met.

Control efficiency. Control efficiency is the mass of a pollutant in the sewage sludge fed to an incinerator minus the mass of that pollutant in the exit gas from the incinerator stack divided by the mass of the pollutant in the sewage sludge fed to the incinerator. The final regulation requires that control efficiency be determined from a performance test of the sewage sludge incinerator, as specified by the permitting authority.

Dispersion factor. The definition of dispersion factor in the proposed regulation is clarified in the final regulation. Dispersion factor is the increase in the ground level ambient air concentration for a pollutant at a specific distance from the sewage sludge incinerator stack because of the incineration of sewage sludge divided by the mass emission rate for the pollutant from the sewage sludge incinerator stack. The units for a dispersion factor are micrograms per cubic meter per gram per second.

Incineration. Incineration is the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device. The phrase "controlled flame combustion" is not included in that definition because high temperatures may be achieved in an enclosed device without controlled flame combustion. Today's definition ensures that the requirements in the final regulation for incineration apply to any enclosed device in which organic material and inorganic matter in sewage sludge are combusted by high temperatures and not just to those that employ controlled flame combustion.

Hourly average. An hourly average is the arithmetic mean of the number of measurements taken during an hour. To determine an hourly average, at least two measurements must be taken during the hour. This definition is in the final regulation because this term is used in the definition of a monthly average.

Monthly average. A monthly average is the arithmetic mean of the hourly averages for the hours a sewage sludge incinerator operates during the month. Note that only the hourly averages for the hours a sewage sludge incinerator operates during the month are used to calculate a monthly average. This definition is included in the final regulation because the allowable total hydrocarbons concentration in the exit gas from a sewage sludge incinerator stack is a monthly average concentration.

Risk specific concentration. Risk specific concentration is the allowable increase in the average daily ground level ambient air concentration for a pollutant from the incineration of sewage sludge at or beyond the property line of the site where the sewage sludge incinerator is located. A risk specific concentration is either provided in the final regulation for each pollutant controlled in this subpart, except total hydrocarbons, or can be calculated using an equation in the final regulation.

Sewage sludge feed rate. The difference in the definition of sewage sludge feed rate in the proposal and the definition in the final regulation is the amount of sewage sludge fed to the incinerator. The proposed regulation indicated that the feed rate was either the average amount of sewage sludge fed to the incinerator or the design capacity of the incinerator.

In the final part 503 regulation, the feed rate is either the average daily amount of sewage sludge fired for all sewage sludge incinerators within the property line of the site where the sewage sludge incinerators are located for the number of days in a 365 day period that each incinerator operates, or the average daily design capacity for all of the sewage sludge incinerators within the property line of the site where the sewage sludge incinerators are located. When there is more than one sewage sludge incinerator located at a site, the pollutant limits for each incinerator are calculated using the same sewage sludge feed rate.

When the design capacity of the sewage sludge incinerators is not used to determine the sewage sludge feed rate, the average daily amount of sewage sludge fired in all sewage sludge incinerators is the sewage sludge feed rate. This change clarifies how the average daily amount should be determined. This rate is based on the average daily amount of sewage sludge fired for the days in a 365 period that each incinerator operates. This results in an average daily amount of sewage sludge fired based on actual operating days for each incinerator. This value would be lower if the days the incinerators do not operate (i.e., zero amount fired on those days) are considered in developing the average daily amount fired.

Sewage sludge incinerator. The definition of sewage sludge incinerator in the final part 503 regulation is an incinerator in which sewage sludge and auxiliary fuel are fired. The term "auxiliary fuel" was added to today's definition to clarify that a sewage sludge incinerator is an incinerator in which sewage sludge and auxiliary fuel are fired. As mentioned previously, hazardous wastes are not auxiliary fuel.

General Requirements (Section 503.42)

For the final part 503 rule, EPA reorganized the general requirements and management practices in the proposal for subpart E. Only one of the general requirements in this subpart for the proposal is still a general requirement in the final part 503 regulation; one is included in the general provisions in the final part 503 regulation; four are management practices in this subpart; one is included in the section on pollutant limits in this subpart; one is included in a definition in the final regulation; one is in the section on frequency of monitoring in this subpart of the final regulation; and one was deleted from the final regulation. These changes are discussed below.

The first general requirement concerns a person who fires sewage sludge in a sewage sludge incinerator. The final part 503 regulation requires that no person shall fire sewage sludge in a sewage sludge incinerator unless the requirements in this subpart are met. As mentioned above, this is the only general requirement in the incineration subpart.

The general requirement concerning access to sewage sludge fed to a sewage sludge incinerator was modified and is included in 503.6—Sampling and analysis. The general provision requires that representative samples of sewage sludge fired in a sewage sludge incinerator be collected and analyzed.

EPA proposed general requirements for this subpart concerning: (1) An instrument that measures and records the total hydrocarbons in the exit gas from a sewage sludge incinerator stack; (2) an instrument that measures and records the oxygen content in the exit gas from a sewage sludge incinerator stack; (3) an instrument that measures and records information used to determine the moisture content in the sewage sludge incinerator stack exit gas; (4) an instrument that measures and records combustion temperatures. These proposed general requirements are management practices in the final part 503 regulation.

One of the other proposed general requirements required that a sewage sludge incinerator comply with the requirements promulgated under the authority of the Clean Air Act in 40 CFR 61.30 through 61.34 for beryllium and 40 CFR 61.50 through 61.55 for mercury. These requirements are now included in the section on pollutant limits in the final part 503 regulation. This proposed general requirement also required that the requirements in 40 CFR 60.150 through 60.154 for new sources be met. The Agency decided not to include this part of the proposed general requirement in the final part 503 regulation because those requirements are not needed to protect public health and the environment from the reasonably anticipated adverse effects of pollutants in sewage sludge. Those requirements still have to be met, however. They are just not a requirement in part 503.

Another general requirement in the proposal required that the sewage sludge feed rate for all incinerators within the property line of the treatment works be used to calculate the pollutant limits for incineration of sewage sludge. Because the definition of sewage sludge feed rate in the final part 503 regulation is based on the calculation for all incinerators at the facility, the general requirement was deleted from the final regulation.

The general requirement in the proposal concerning the monitoring requirements are now included in a separate section in the final regulation. For this reason, this general requirement was deleted from the final regulation.

Another general requirement in the proposed regulation required that incinerator ash be disposed in accordance with the requirements in 40 CFR parts 257, 258, or 261 through 268, as appropriate. Because the final part 503 regulation does not apply to incinerator ash, the Agency decided not to address the disposal of incinerator ash in this subpart.

Pollutant Limits (Section 503.43)

Several changes were made in the final part 503 regulation to the proposed pollutant limits. These changes are discussed below.

In the proposed regulation, equations were presented to calculate pollutant limits for beryllium and mercury. These equations are deleted from the final regulation. Instead, beryllium and mercury in sewage sludge fired in a sewage sludge incinerator are controlled through the National Emission Standards for each of those pollutants. The final part 503 regulation requires that firing of sewage sludge in a sewage sludge incinerator shall not violate the requirements in the National Emission Standard for Beryllium in subpart C of 40 CFR part 61 and the National Emission Standard for Mercury in subpart E of 40 CFR part 61.

The proposed regulation also contained equations used to establish pollutant limits for lead, arsenic, cadmium, chromium, and nickel. Those equations are modified in the final regulation. The equation in the final regulation used to calculate the pollutant limit for lead is:

$$C = \frac{0.1 \times (NAAQS) \times 86.400}{DF \times (1 - CE) \times SF}$$

Where:

C=Allowable daily concentration of lead in milligrams per kilogram of total sewage sludge solids (dry weight basis).

NAAQS=National Ambient Air Quality Standard for lead in micrograms per cubic meter.

DF=Dispersion factor in micrograms per cubic meter per gram per second.

CE=Sewage sludge incinerator control efficiency for lead in hundredths.

SF=Sewage sludge feed rate in metric tons per day (dry weight basis).

The 0.1 value in the above equation allocates 10 percent of the NAAQS for lead to the firing of sewage sludge in a sewage sludge incinerator. This is discussed further in other parts of today's preamble.

One of the terms in the above equation is the control efficiency (i.e., percent removal of the pollutant) for the sewage sludge incinerator. The value for control efficiency could be obtained from a table in the proposed regulation (i.e., national value) or could be determined from a performance test of the incinerator (i.e., case-by-case limit). The final regulation requires that the control efficiency be obtained from a performance test of the incinerator, as specified by the permitting authority. Consequently, the table in the proposal with the control efficiencies used to calculate the national pollutant limits was deleted from the final part 503 regulation.

Another parameter in the above equation is the dispersion factor. In the proposal, the dispersion factor could be obtained from a table in the proposed regulation (i.e., used to calculate a national limit) or could be determined using an air dispersion model (i.e., used to calculate a case-by-case limit), as specified by the permitting authority. Again, like control efficiency, the final regulation requires that the dispersion factor be determined specifically for the site using either the height of the incinerator stack or the creditable stack height in an air dispersion model, as specified by the permitting authority. The final part 503 regulation does not contain values for dispersion factor.

The above changes concerning pollutant control efficiencies and dispersion factors allow the actual performance of the sewage sludge incinerator for a particular sewage sludge and the actual site conditions (e.g., actual topography) to be considered in developing the incinerator control efficiency for a pollutant and dispersion factor, respectively. The Agency concluded this is more appropriate than prescribing the pollutant control efficiencies and dispersion factors in the final part 503 regulation.

The equation in the final regulation used to calculate the pollutant limits for arsenic, cadmium, chromium, and nickel is:

$$C = \frac{RSC \times 86.400}{DF \times (1 - CE) \times SF}$$

Where:

C=Allowable daily concentration of arsenic, cadmium, chromium, or nickel in milligrams per kilogram of total sewage sludge solids (dry weight basis).

CE=Sewage sludge incinerator control efficiency for arsenic, cadmium, chromium, or nickel in hundredths.
DF=Dispersion factor in micrograms per cubic meter per gram per second.
RSC=Risk specific concentration for a pollutant in micrograms per cubic meter.
SF=Sewage sludge feed rate in metric tons per day (dry weight).

As mentioned above, values for control efficiency are determined from a performance test of the incinerator, as specified by the permitting authority. The dispersion factor is determined using either the incinerator stack height or the creditable stack height in an air dispersion model, as specified by the permitting authority. The risk specific concentration for arsenic, cadmium, and nickel is obtained from a table in this subpart of the final regulation.

In the proposed regulation, the value for the risk specific concentration for chromium was given in a table. In the final part 503 regulation, the risk specific concentration for chromium either can be obtained from a table in the final part 503 regulation or can be calculated using an equation provided in the regulation.

Different values for the risk specific concentration for chromium are presented in Table 2 of section 503.43 depending on the type of incinerator with attendant air pollution control devices used to fire the sewage sludge. These values are based on data for the different types of incinerators with attendant air pollution control devices and the percentage of hexavalent chromium in the exit gas from the sewage sludge incinerator stack. For example, available information indicates that the percentage of hexavalent chromium in the stack exit gas from a fluidized bed incinerator with a wet scrubber and a wet electrostatic precipitator is approximately 3.8 percent. This percentage was used to calculate the risk specific concentration for chromium in Table 2 of section 503.43 for that type of incinerator.

The percentage of hexavalent chromium in the exit gas from a sewage sludge incinerator is important because the hexavalent chromium has the most effect on public health. As the percentage of hexavalent chromium increases, the risk specific concentration, which is the allowable increase in the average daily ground level ambient air concentration of a pollutant from the incineration of sewage sludge, for total chromium decreases.

When the risk specific concentrations in Table 2 of section 503.43 are not used, the risk specific concentration for chromium can be calculated using equation (6) in the final regulation. The value 0.0085 in equation (6) is the risk specific concentration for chromium when the percentage of hexavalent chromium in total chromium emitted is 100 percent. To use the equation, the percent of hexavalent chromium in the exit gas from the sewage sludge incinerator stack has to be measured. That value is then used in the equation.

Operational Standard (Section 503.44)

Under the proposed rule, the allowable emissions of total hydrocarbons in the exit gas from the sewage sludge incinerator stack were controlled. This approach was adopted because EPA concluded that it is infeasible to establish a limit that protect public health for each organic pollutant in the exit gas. Consequently, EPA proposed a risk-based operational standard that limited total hydrocarbons in the exit gas using site-specific factors. In the final part 503 regulation, the pollutant limit for total hydrocarbons is similarly an operational standard. This operational standard is based, however, on the demonstrated performance of sewage sludge incinerators using available technology. The operational standard includes a THC concentration that cannot be exceeded in the exit gas from the incinerator. The total hydrocarbons concentration measured in the stack exit gas must be corrected for zero percent moisture and to seven percent oxygen using equations provided in the final regulation. The corrected value cannot exceed the monthly average concentration for total hydrocarbons specified in the final regulation.

The allowable THC concentration is a monthly average. Such an average is consistent with the assumptions made in the cancer risk assessment that supports the regulation. Implicit in the monthly average are excursions that recognize that the THC value may not be met every second of every day. This is satisfactory as long as the monthly average does not exceed 100 parts per million on a volumetric basis. EPA concluded that in the case of sewage sludge incinerators, the monthly average THC concentration is appropriate.

As mentioned above, the operational standard for THC in the final regulation is based on the performance of an incinerator with an instrument that measures a "hot" THC. For this reason, a management practice (i.e., 503.45(a)) is included in the final regulation that requires THC to be measured using an instrument that measures "hot" THC.

In the judgment of the Administrator of EPA, the operational standard for THC in the final regulation protects public health from reasonable anticipated adverse effects of organic pollutants in the incinerator stack exit gas when sewage sludge is fired in a sewage sludge incinerator. More details on how the risks associated with the total hydrocarbons operational standard were calculated are presented in part VIII of this preamble.

Management Practices (Section 503.45)

The final part 503 regulation contains seven management practices for the firing of sewage sludge in a sewage sludge incinerator. The management practices are generally intended to ensure that a sewage sludge incinerator operates within the defined parameters associated with the calculation of the pollutant limits for inorganic pollutants and with the achievement of the THC regulatory level.

The first management practice requires that an instrument that measures and records the total hydrocarbons concentration in the sewage sludge incinerator stack exit gas continuously be installed, calibrated, operated, and maintained for each sewage sludge incinerator. The total hydrocarbons instrument must employ a flame ionization detector; must have a heated sampling line maintained at a temperature of 150 degrees Celsius or higher at all times; and must be calibrated at least once every 24-hour operating period using propane. More discussion on the requirement to monitor THC continuously is presented in other parts of today's preamble.

The second management practice requires installation of an instrument that measures and records the oxygen concentration in the sewage sludge incinerator stack exit gas continuously. Such an instrument must be calibrated, operated, and maintained for each sewage sludge incinerator. This management practice is needed to obtain the information to correct the THC concentration to seven percent oxygen.

The third management practice requires the installation of an instrument that measures and records information used to determine the moisture content in the sewage sludge incinerator stack exit gas continuously. Such an instrument must be calibrated, and maintained for each sewage sludge incinerator. Information obtained through this management practice is used to correct the measured THC concentration for zero percent moisture.

The fourth management practice requires the installation of an instrument that measures and records combustion temperatures continuously.

Such an instrument must be calibrated, operated, and maintained for each sewage sludge incinerator, as specified by the permitting authority. This management practice is needed to obtain information about combustion temperatures and to ensure that the sewage sludge incinerator is operated in a manner similar to how it was operated during the performance test to determine pollutant control efficiencies.

The fifth management practice indicates that the permitting authority will specify the maximum combustion temperature for the sewage sludge incinerator. That temperature will be based on information obtained during the performance test of the incinerator to determine pollutant control efficiencies. This management practice ensures that the maximum combustion temperature does not exceed the maximum combustion temperature during the performance test.

The sixth management practice indicates that the permitting authority will specify the values for the operating parameters for the sewage sludge incinerator air pollution control device. Those values also will be based on information obtained during the performance test to determine pollutant control efficiencies. The purpose of this management practice is to ensure that the air pollution control device is operated in a manner similar to how it was operated during the performance test.

The final regulation provides that firing of sewage sludge in a sewage sludge incinerator is prohibited if it is likely to adversely affect a threatened or endangered species listed under section 4 of the Endangered Species Act or its designated critical habitat (503.45(g)). EPA will develop guidance to carry out this provision consistent with the Endangered Species Act.

Frequency of Monitoring (Section 503.46)

This section contains the frequency of monitoring requirement that apply when sewage sludge is fired in a sewage sludge incinerator. This includes the frequency of monitoring for pollutant concentrations, total hydrocarbons concentration and oxygen concentration in the exit gas from a sewage sludge incinerator stack, information used to calculate the moisture content in the exit gas, combustion temperatures, and the air pollution control device operating parameters.

The frequency of monitoring for pollutant concentrations is based on the amount of sewage sludge fired in a sewage sludge incinerator during a 365 day period. The larger the amount fired, the more frequently the sewage sludge fed to the sewage sludge incinerator must be monitored for pollutant concentrations. A discussion of the amounts of sewage sludge in the frequency of monitoring table is presented in the section in today's preamble on land application and in the technical support document for the part 503 incineration requirements.

Part 503 also requires that the THC concentration and oxygen concentration in the exit gas from the sewage sludge incinerator stack, information used to calculate the moisture content in the exit gas, and combustion temperatures be monitored continuously. In addition, the final regulation indicates that the frequency of monitoring for the air pollution control device parameters shall be determined by the permitting authority.

The final regulation allows the permitting authority to reduce the frequency of monitoring for pollutant concentrations after two years of monitoring at the required frequency, as long as the frequency of monitoring is at least once per year when sewage sludge is fired in a sewage sludge incinerator. In deciding whether to reduce the frequency of monitoring, the permitting authority should consider, among other things, the variability of the pollutant concentrations and the magnitude of the pollutant concentrations. The Agency concluded that two years is an adequate period to collect data to make the judgment about reducing the frequency of monitoring. Note that only the permitting authority can reduce the frequency of monitoring.

Recordkeeping (Section 503.47)

The final part 503 regulation requires the person who fires sewage sludge in a sewage sludge incinerator to develop the information specified in this section and to retain the information for five years. The information that has to be developed is information needed to calculate pollutant limits for lead, arsenic, cadmium, chromium, and nickel; information needed to ensure the limits for those pollutants are met; and information needed to ensure the standards for beryllium and mercury are met. In addition, records of the total hydrocarbons and oxygen concentrations in the exit gas from a sewage sludge incinerator, the information needed to calculate moisture content of the exit gas, and information on combustion temperatures and air pollution control device operating parameters must be kept.

Reporting (Section 503.48)

Class I sludge management facilities, POTWs with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve 10,000 people or more must report the information in 503.47(b) through 503.47(h) to the permitting authority once per 365 day period. The section in today's preamble on land application explains the reasons for requiring Class I sludge management facilities, POTWs with a design flow rate of one MGD or greater, and POTWs that serve 10,000 people or more to report information.

Part XII: Implementation of 40 CFR Part 503

Clean Water Act

The 1987 amendments to the Clean Water Act included significant changes to section 405 regarding the implementation of standards for the use or disposal of sewage sludge. Prior to the 1987 amendments, the CWA required that EPA develop standards for the use and disposal of sewage sludge applicable to POTWs, but it did not specify how the standards were to be implemented, whether through permits and, if so, under what authority. Traditionally, National Pollutant Discharge Elimination System (NPDES) jurisdiction under the CWA arises when a point source discharges pollutants to navigable waters. Thus questions arose about the applicability of NPDES permits to regulate sewage sludge disposal that did not involve discharges to navigable waters. Likewise, other permits either are medium-specific (e.g., permits issued under the Clean Air Act) or regulate particular substances or methods of disposal (e.g., Subtitle D of the Resource Conservation and Recovery Act (RCRA)); therefore, they also were ill-equipped to regulate comprehensively the use and disposal of sewage sludge across all media.

The 1987 CWA amendments establish a program to protect public health and the environment from the reasonably anticipated adverse effects of pollutants in sewage sludge. In addition to requiring development of standards that establish pollutant limits and management practices for each use and disposal method, the CWA establishes requirements for inclusion of these standards in specified permits issued to treatment works treating domestic sewage. Thus, section 405(f) requires inclusion of conditions to implement the sewage sludge standards in NPDES permits, unless these conditions are included in a permit issued either under one of the listed Federal programs or by an approved State sewage sludge

VOL 58 ISS 32 FE 19 1993 UMI

program. Section 405(f)(1), as amended, provides:

> Through Section 402 Permits.—Any permit issued under Section 402 of this Act to a publicly owned treatment works or any other treatment works treating domestic sewage shall include requirements for the use and disposal of sludge that implement the regulations established pursuant to subsection (d) of this section, unless such requirements have been included in a permit issued under the appropriate provisions of subtitle C of the Solid Waste Disposal Act, part C of the Safe Drinking Water Act, the Marine Protection, Research, and Sanctuaries Act of 1972, or the Clean Air Act, or under State permit programs approved by the Administrator, where the Administrator determines that such programs assure compliance with any applicable requirements of this section * * *

Thus the CWA requires EPA to implement the standards through NPDES permits unless the standards are not included in a Clean Air Act permit, a RCRA subtitle C permit, a Marine Protection, Sanctuaries, and Research Act permit, an Underground Injection Control permit under the Safe Drinking Water Act, or an approved State program permit. It is clear that permit coverage among the programs is to be complementary, not duplicative. However, it also is clear from the statutory scheme that Congress contemplated comprehensive coverage of publicly owned treatment works and other treatment works treating domestic sewage through the permit program. No facilities are to go unpermitted merely because they fall outside the traditional jurisdiction of medium-specific programs. Thus, if a POTW or other treatment works treating domestic sewage does not have an NPDES permit, or any of the other permits listed in section 405(f)(1) that implements the sewage sludge standards, the CWA provides that EPA may issue a permit solely to implement the sewage sludge standards, commonly referred to as a "sludge-only permit." (See CWA section 405(f)(2).)

Another important provision of section 405(f)(1) allows a State to issue permits to implement the technical standards where the State permit program has been approved by the Administrator. The Administrator may approve a State program upon determining that the State program will assure compliance with the requirements of section 405. EPA interpreted the CWA to provide for optional, not mandatory, State programs, even if the State already has an approved NPDES program. In the absence of an approved State program, the appropriate EPA Regional Office will be the permit issuance authority for that State.

In addition, section 405(e) of the statute is clear that the obligation to comply with sewage sludge standards is independent of any permit or permit conditions.

> The determination of the manner of disposal or use of sludge is a local determination except that it shall be unlawful for any person to dispose of sludge from a publicly owned treatment works or any other treatment works treating domestic sewage for any use for which regulations have been established pursuant to [section 405(d)], except in accordance with such regulations.

Sewage Sludge Management Program Regulations

On May 2, 1989, EPA promulgated regulations outlining the criteria for approving State sludge permit programs and establishing permitting requirements for sewage sludge management (54 FR 18726). These regulations implement two CWA requirements: first, that permits issued to POTWs and other treatment works treating domestic sewage contain the sewage sludge standards; and second, the requirement that EPA promulgate procedures for the approval of State programs. The purpose of the State program and permitting rules is to provide the implementation framework for the sewage sludge technical standards by: (1) Providing permit conditions to incorporate the standards into permits, as well as additional requirements to track compliance with the standards; and (2) setting approval requirements for State sewage sludge programs so that States can implement the section 405 requirements.

The May 2, 1989, regulations contained three principal sections. First, the rules revised the existing NPDES permitting regulations at 40 CFR parts 122 and 124 to include sewage sludge conditions in NPDES permits and established these regulations as the basis for issuing sludge-only permits. Second, the rules contained revisions to 40 CFR part 123 for States with NPDES authority that wish to modify their existing NPDES programs to include the regulation of sewage sludge. Third, the May 2, 1989, rules contained a separate part, part 501, establishing procedures for approving State sludge management programs that are not part of a State's NPDES program. In addition, part 501 specifies the requirements for State non-NPDES sewage sludge programs. These regulations reflect the intention of CWA section 405(f) that the sewage sludge standards may be included in any of a number of permits under different programs, so long as they are addressed in a permit issued to a POTW or other treatment works treating domestic sewage. When EPA is the permitting authority (i.e., where the State has not sought and obtained approval of its sewage sludge permitting program), the sewage sludge requirements will be implemented primarily through NPDES permits, unless the requirements are contained in one of the other listed Federal permits.

Requirements Prior to Promulgation of the Technical Standards

The CWA also requires that, prior to promulgation of the technical standards, NPDES permits issued to POTWs are to contain sewage sludge conditions. Moreover, the Administrator is authorized to take other appropriate measures to protect public health and the environment from the adverse effects of sewage sludge (see CWA section 405(d)(4)). In response to this call for controls before promulgation of the technical standards, EPA developed an interim strategy for sewage sludge permitting, in a document entitled "Strategy for Interim Implementation of Sludge Requirements in Permits Issued to POTWs" (September 1989).

Now that the part 503 standards are promulgated in today's action, EPA will regulate the use and disposal of sewage sludge by those standards. The interim program, however, will continue to apply to those facilities, pollutants, and use and disposal methods not covered by today's standards. EPA retains authority to impose permit limits developed on a case-by-case basis or to take other appropriate action necessary to protect public health and the environment regarding pollutants and management practices not regulated by the part 503 standards, and to impose more stringent limits and requirements where the part 503 standards are not sufficiently protective at a particular site.

Relationship Between the Sewage Sludge Program Regulations and Today's Standards for Sewage Sludge Use or Disposal

The standards for sewage sludge use or disposal promulgated today apply to various final use or disposal practices that may be carried out by numerous parties. Before the 1987 CWA amendments, the standards applied only to POTWs. Recognizing that parties other than POTWs are likely to use or dispose of sewage sludge, Congress amended section 405(e) to make the standards applicable to any person who uses or disposes of sewage sludge. Thus, the Clean Water Act provides that

POTWs and other treatment works treating domestic sewage, as well as other users and disposers, are subject to the standards. Moreover, section 405(e) makes these standards independently enforceable even if conditions to implement the standards have not been included in a permit as provided in section 405(f).

EPA's program for implementing and enforcing today's standards follows the two-pronged approach established by the Clean Water Act. First, the standards are directly enforceable against any user or disposer of sewage sludge. POTWs and other generators of sewage sludge are users and disposers of sewage sludge even if final use or disposal is provided by some other party. Under the existing regulations and in accordance with the Interim Permitting Strategy, permits reissued to POTWs after the 1987 amendments should include conditions specifying that POTWs are expected to comply with the part 503 standards by the statutory deadlines even if the permits themselves are not modified to incorporate those standards. EPA will enforce the final part 503 standards in accordance with the Agency's existing Enforcement Management System (EMS). Second, the standards will be implemented through permits issued to POTWs and other treatment works treating domestic sewage (discussed more fully in the following section on "who must apply for a permit"). Initially, EPA will rely strongly on the direct enforceability of the standards. Over the long term, however, EPA intends that permits will become the primary mechanism for implementing the standards for POTWs and other treatment works treating domestic sewage.

The following discussion addresses several key issues related to implementation of the standards using the programmatic framework established by the permitting requirements and State program rules promulgated on May 2, 1989: (1) Who must apply for a permit, (2) permit application requirements, (3) permitting priorities, (4) requirements in the absence of a permit, (5) who issues the permit and the role of existing State programs, and (6) EPA's plans for outreach and training to foster implementation of the standards. Many of the permitting issues, as well as others related to the national sewage sludge program, are discussed in more detail in the May 2, 1989, **Federal Register** notice (54 FR 18716).

Who Must Apply for a Permit

The CWA requires today's technical standards to be included in permits issued to the key actors involved in generating, treating, and disposing of sewage sludge. Section 405(f)(1) defines the permitting universe to include POTWs and other treatment works treating domestic sewage, including facilities that are not required to obtain NPDES permits pursuant to section 402 of the CWA (section 405(f)(2)). "Treatment works treating domestic sewage" is defined at 40 CFR 122.2 to mean:

> A POTW or any other sewage sludge or waste water treatment devices or systems, regardless of ownership (including Federal facilities) used in the storage, treatment, recycling and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. This definition does not include septic tanks or similar devices. For purposes of this definition, "domestic sewage" includes waste and waste water from humans or household operation that are discharged to or otherwise enter a treatment works. In States where there is no approved State sludge management program under section 405(f) of the CWA, the Regional Administrator may designate any person subject to the standards for sewage sludge use and disposal in 40 CFR part 503 as a "treatment works treating domestic sewage," where he or she finds that there is a potential for adverse effects on public health and the environment from poor sludge quality or poor sludge handling, use or disposal practices, or where he or she finds that such designation is necessary to ensure that such person is in compliance with 40 CFR part 503.

As explained in the preamble to the sludge permitting regulations, the purpose of this definition is to capture all those facilities that "generate sewage sludge or otherwise effectively control the quality of sewage sludge or the manner in which it is disposed (and hence its effect on the environment.)" 54 FR 18725–6 (May 2, 1989). Thus, all POTWs must have permits that implement applicable technical standards. Generally, the permit issued to the POTW must include standards applicable to sewage sludge quality as well as the other permit conditions required by 40 CFR part 122 (e.g., standard conditions and compliance monitoring requirements). In addition, the permit may include conditions related to any aspect of sewage sludge management developed on a case-by-case basis where the permitting authority determines that such conditions are necessary to protect public health and the environment. For example, today's rule does not establish standards for temporary storage of sewage sludge. The permitting authority may develop permit requirements to address potential problems at temporary storage facilities such as contamination of surface water or ground water or unrestricted public access to temporary storage locations.

The permit may also include conditions establishing a POTW's responsibilities when it sends its sewage sludge to other facilities for final use or disposal. As a general rule, a permit issued to a POTW that sends its sewage sludge to another treatment works treating domestic sewage should specify the conditions under which that POTW would be relieved of its responsibility for use or disposal of its sewage sludge in compliance with section 405(d) standards. Generally, a POTW retains responsibility for use and disposal of its sewage sludge (i.e., compliance with part 503 standards applicable to its use or disposal practices) unless it transfers its sewage sludge to another treatment works treating domestic sewage. For example, a permit issued to a POTW that sends its sewage sludge to an incinerator owned by another municipality would not necessarily include all standards applicable to incineration. The permit for the generating POTW would generally have standard conditions, while the permit issued to the incinerator would contain standard conditions and other specific conditions relating to the operation of the incinerator and the quality of sewage sludge going into the incinerator.

The scheme contemplates that facilities other than POTWs may also be required to apply for permits. Treatment works treating domestic sewage, as noted above, include facilities dedicated to the disposal of sewage sludge (i.e., surface disposal sites and incinerators). In addition, certain facilities that handle sewage sludge may be required to apply for a permit, particularly where they alter the nature of the sewage sludge before ultimate use or disposal. EPA considers that the sewage sludge has undergone a change in quality if, through processes such as stabilization, composting, digestion, or heat treatment, a change has occurred in pollutant concentrations, pathogen levels, or vector attraction properties of the sewage sludge (on a dry weight basis) sufficient to change its regulatory status under part 503. A sewage sludge also changes in quality if it is blended permanently with bulking agents (such as sawdust or wood chips) or with sewage sludge from another treatment works (as a material derived from sewage sludge, a sewage sludge product remains subject to the definition of sewage sludge under section 503.9).

EPA does not consider dewatering, of itself, to constitute a change in sludge quality. Dewatering increases the solids content of sewage sludge without

VOL 58 ISS 32 FE 19 1993 UMI

necessarily changing its dry-weight pollutant concentrations, pathogen levels, or vector attraction properties; in addition, because sewage sludge monitoring information is reported on a dry weight basis, the solids content of the sewage sludge is irrelevant to its quality under part 503. EPA also does not consider the placement of sewage sludge in a bag or other container for sale or giveaway to constitute treatment or a change in sludge quality, since the sludge has not been modified with respect to pollutant concentrations, pathogen levels, or vector attraction properties. Thus a person who simply dewaters the sewage sludge or who places the sewage sludge in a bag or similar enclosure for sale or distribution, would not be a treatment works treating domestic sewage.

If the treatment works generating the sewage sludge transfers sewage sludge to a person who changes the quality of the sewage sludge, the entity changing the quality is a treatment works treating domestic sewage. That entity is not only subject to part 503 standards but is also required to apply for a permit. If, however, the treatment works generating the sewage sludge provides sewage sludge to a person who does not change the quality, the generating treatment works retains the responsibility for the ultimate use or disposal of the sludge and must ensure that the part 503 requirements are met.

Generally, as noted above, facilities other than POTWs that do not change the quality of sewage sludge would not be required to apply for permits. Among such facilities or operations are contract sludge haulers or land appliers. However, as previously explained, EPA retains the authority under section 405(d)(4) of the CWA to take such action as it determines is appropriate to protect public health and the environment from adverse effects from the pollutants in sewage sludge. EPA's current regulations at 40 CFR 122.1(b)(4) provide that the Regional Administrator may designate any person subject to the standards for sewage sludge use and disposal as a treatment works treating domestic sewage where necessary to protect public health and the environment from the adverse effects of sewage sludge or to ensure compliance with the sewage sludge technical standards. Exercising this authority, in special circumstances, EPA may conclude that protection of public health and the environment requires a facility or operation to apply for a permit that otherwise would not need one.

The discussion below elaborates upon the foregoing and addresses who must apply for a permit and how other users and disposers might be regulated by use and disposal practice.

Land Application

Land application, under § 503.11 of today's rule, essentially refers to the beneficial use of sewage sludge through placement in or on the soil, in a manner that utilizes the fertilizing and soil conditioning properties of the sewage sludge. The definition of land application covers a number of scenarios. Sewage sludge may be applied to the land in bulk form, directly by the treatment works or by a commercial enterprise. Land application of bulk sewage sludge may take place on land owned by the treatment works or on privately-held land. Sewage sludge may also be packaged and distributed, in some cases after further processing, for sale or give-away to the general public.

Land application may involve any or all of the following parties: The treatment works generating the sewage sludge (or other person who prepares the sewage sludge for application to the land), a distributor of the sewage sludge, a person who applies the sewage sludge to the land, and the owner or leaseholder of the land to which the sewage sludge is applied. In the simplest case, where the treatment works (or a commercial land applier that does not change the quality of the sewage sludge) applies the sewage sludge to land owned by the treatment works, the treatment works retains control over the entire process of sewage sludge generation, treatment, and application to the land. In other cases, the treatment works provides the sewage sludge to another party for further treatment (such as composting) or blending with sewage sludges from other treatment works and by so doing the treatment works at some point effectively relinquishes control over the quality of the sludge.

Subpart B of today's regulation applies to a person who applies sewage sludge to the land, to a person who prepares sewage sludge for application to the land, to the sewage sludge applied to the land, and to the land on which sewage sludge is applied. Any person who generates sewage sludge or who changes the quality of sewage sludge and controls the ultimate use or disposal of sewage sludge is a treatment works treating domestic sewage and must apply for a permit containing sewage sludge conditions. Typically, owners or occupants of land on which sewage sludge is applied are not considered treatment works treating domestic sewage and need not apply for a permit. They would, however, be expected to comply with any standards that apply to management of the site after the sewage sludge is applied (e.g., any access restrictions associated with sewage sludge meeting Class B pathogen requirements).

If the treatment works is the party that applies sewage sludge to the land, the treatment works will be issued a permit that spells out the conditions for land application contained in today's rule. If the treatment works uses a commercial sewage sludge applier that does not change the quality of the sewage sludge for land application, the treatment works will still be held accountable under today's rule and through its permit for the commercial applier's compliance with the part 503 standards, since the Agency considers that the treatment works still retains control over the quality of the sewage sludge. In this case, as the generator of sewage sludge, the treatment works cannot limit its responsibility for the use and disposal of the sewage sludge in compliance with the standards merely by transferring the sludge to a commercial applier. The applier would, however, also be governed directly by the part 503 standards. If the treatment works applies its sewage sludge to the land in another jurisdiction, it may also need to apply for a State or local permit in that jurisdiction (to enable that jurisdiction to impose compliance monitoring and facilitate any necessary enforcement actions). On the other hand, if the treatment works transfers the sewage sludge to another treatment works treating domestic sewage (such as a commercial treatment facility, fertilizer manufacturer, or disposal service), that second treatment works treating domestic sewage would be required to apply for a permit that essentially picks up control where the generating treatment works' permit leaves off.

Subpart B of today's rule includes general requirements, pollutant limits, management practices, pathogen requirements, and vector attraction requirements. As described elsewhere in today's rulemaking, in certain cases a sewage sludge or sewage sludge product that meets certain minimum quality requirements is not required to meet some or all of the controls under part 503. The Agency believes that if sewage sludge (or material derived from sewage sludge) meets these requirements prior to land application, no further controls are needed on the sewage sludge or on the land where the sewage sludge is applied in order to protect public health and the environment from reasonably anticipated adverse effects of pollutants

in the sewage sludge. The rationale for not applying the general requirements and management practices is that sewage sludge that meets the three quality requirements has a comparatively higher value. Because of this, the sludge most likely will not be applied to the land inappropriately (i.e., "wasted"). In addition, the Agency does not expect over application to occur because it could reduce crop yield, which is counter to the main reason to apply sewage sludge to the land. When the sewage sludge meets the three quality requirements, it is a fertilizer material and should be regulated similarly to other fertilizers.

Under § 503.10 of today's rule, the general requirements of § 503.12 and the management practices of § 503.14 do not apply to a bulk or bagged sewage sludge if the sewage sludge meets the pollutant concentrations in § 503.13(b)(2), the Class A pathogen requirements in § 503.32(b), and one of the vector attraction requirements in 503.33(b)(1)–(8). The general requirements and management practices do not apply to a material derived from bulk or bagged sewage sludge if the material meets the minimum concentration, pathogen, and vector attraction requirements. All Subpart B standards, including monitoring, recordkeeping, and reporting requirements are inapplicable to material derived from bulk or bagged sewage sludge, if the sewage sludge used to produce that material meets the minimum concentration, pathogen, and vector attraction requirements described above. The treatment works generating the sewage sludge from which the material is derived remains responsible for any monitoring, recordkeeping, and reporting requirements, however.

After it is generated, sewage sludge generally will be land applied according to one of the following three scenarios: (1) The treatment works (or a commercial applier that does not change the quality of the sewage sludge) applies the sewage sludge to the land (i.e., under the wording of today's rule, the "person who prepares" is also the "person who applies"); (2) the treatment works provides the sewage sludge to another treatment works treating domestic sewage that further changes sludge quality and assumes responsibility for ultimate land application (i.e., the "person who prepares" provides the sewage sludge to another "person who prepares"); or (3) the treatment works demonstrates that the sewage sludge meets certain minimum quality requirements and that, as described above, no further sewage sludge management requirements (except for certain monitoring, recordkeeping and reporting requirements) apply.

An explanation for each scenario follows:

(1) If the treatment works applies its sewage sludge to the land (or sends it to a commercial applier that does not change the quality of the sludge), the treatment works retains direct control over the quality of the sewage sludge and is responsible for ensuring that the part 503 standards are met. In its permit application, the treatment works must announce its intent to apply its sewage sludge to the land either directly or through the use of a commercial applier. In the permit application, the treatment works must either identify all land application sites in advance, or submit a copy of its land application plan, which includes the geographical area covered, the site selection criteria, site management practices, and a provision for public notice (including at a minimum notice to the permitting authority and adjacent landholders) (§ 501.15(a)(2)(ix)).

The permit issued to the treatment works will contain the part 503 requirements that address the land application practices described in the permit application. EPA has determined that, when Congress amended section 405(e) to extend the obligation to comply with the sludge standards to each person using or disposing of sewage sludge, Congress did not intend to limit or transfer the responsibility of the generating POTW for ensuring compliance with the standards except insofar as the generating POTW sends the sewage sludge to another treatment works treating domestic sewage. In other words, a treatment works generating sewage sludge retains its duty to comply with the sewage sludge use and disposal standards except where it transfers its sludge to another treatment works treating domestic sewage that is itself subject to permitting requirements under section 405(f) of the CWA.

The treatment works generating the sewage sludge must apply for a permit and must identify, in the permit application, the person(s) who will apply sewage sludge to the land. In its application, the treatment works generating the sewage sludge must also identify the land application sites or submit a land application plan. EPA expects that although the treatment works generating the sewage sludge does not actually apply the sewage sludge to the land, the treatment works generating the sewage sludge will exert sufficient control over the land applier to enable the applier to comply with the part 503 standards. For this reason, § 503.12 requires the treatment works to provide the applier with the information necessary to comply with the standards.

Since under this scenario the land applier does not treat the sewage sludge or otherwise change sludge quality, the land applier is not a treatment works treating domestic sewage and is not required to apply for a permit. In this case the part 503 standards apply directly to the land applier. The permit issued to the treatment works generating the sewage sludge must contain sufficient controls to ensure that the treatment works informs the land applier of what requirements must be met, and that the treatment works is held responsible for compliance with part 503 by the land applier.

Certain part 503 requirements apply to the treatment works generating the sewage sludge, and certain requirements apply to the land applier. Generally, they can be summarized as follows:

- Under § 503.12, the generating treatment works must provide both the land applier and the site owner with the information necessary to comply with part 503.
- The generating treatment works must ensure that the sewage sludge meets the pollutant limits in § 503.13.
- The sewage sludge must be applied to the land in accordance with the management practices in § 503.14. The treatment works generating the sewage sludge will be responsible for informing the land applier of applicable management practices, and the land applier will be responsible for compliance with those management practices.
- The generating treatment works is responsible for providing all necessary treatment to meet the pathogen and vector attraction requirements in § 503.15. The land applier and site owner will together be responsible for carrying out any necessary site access restrictions.
- The generating treatment works must monitor the sewage sludge according to the requirements in § 503.16.
- The generating treatment works must keep records as required in § 503.17.
- The generating treatment works must report to the permitting authority as required in § 503.18 if it is a Class I sludge management facility or if it is required to do so in its permit. (Conceivably, a land applier could be designated by the permitting authority as Class I or otherwise subject to reporting.)

(2) Under the second scenario, the sewage sludge is not applied to the land by the treatment works generating the

sewage sludge, but it is provided to a person who provides further treatment or otherwise changes the quality of the sewage sludge (i.e., another "person who prepares"). The person who changes the quality of the sewage sludge may apply it to the land in bulk form, place it in a bag or similar enclosure for sale or distribution to the public, or provide it to another facility for further distribution and marketing.

Both the treatment works generating the sewage sludge and the person who changes the sewage sludge quality must apply for a permit. In its permit application, the generating treatment works must identify the person who will change the quality of the sewage sludge; under § 503.12, it must provide that person with the information necessary to comply with part 503. The person who changes sewage sludge quality must comply with the part 503 requirements in its permit (or, pending permit issuance, with part 503 directly).

(3) Certain part 503 requirements are inapplicable to the treatment works generating the sewage sludge if the sewage sludge meets certain minimum criteria regarding pollutant concentrations, pathogen levels, and vector attraction properties. If the sewage sludge (or the material derived from sludge) meets the pollutant concentrations in § 503.13(b)(3), the Class A pathogen reduction requirements in § 503.32(a), and one of the vector attraction requirements of § 503.33 (b) (1)–(8), the treatment works generating the sewage sludge not required to meet the general requirements of § 503.12 and the management practices of § 503.14. Furthermore, if a material is derived from a sewage sludge that meets the pollutant concentrations in § 503.13(b)(3), the Class A pathogen reduction requirements in § 503.32(a), and one of the vector attraction requirements of § 503.33 (b) (1)–(8), the material is not required to meet the subpart B requirements, including monitoring, recordkeeping, and reporting requirements.

Surface Disposal

Surface disposal, under today's regulation, is the placement of sewage sludge on an area of land dedicated to the disposal of sewage sludge and containing one or more active "sewage sludge units." A surface disposal site is, by definition, a treatment works treating domestic sewage. Subpart C of today's rulemaking applies to any person who prepares sewage sludge for placement on a surface disposal site, to the owner/operator of a surface disposal site, to the sewage sludge placed on a surface disposal site, and to a surface disposal site.

As a treatment works treating domestic sewage, a surface disposal site is subject to permitting requirements under part 122, 124 or 501. If a surface disposal site is owned or operated by the treatment works generating the sewage sludge (i.e., the "person who prepares"), the part 503 requirements for the disposal site will be contained in the permit issued to the generating treatment works. If, however, the surface disposal site is owned or operated by another party, both parties must apply for permits containing applicable part 503 requirements. Applicable requirements are in subpart C of part 503 and consist of general requirements (§ 503.22); pollutant limits (§ 503.23); management practices (§ 503.24); pathogen and vector attraction requirements (§ 503.25); and monitoring, recordkeeping, and reporting requirements (§§ 503.26–503.28).

Incineration

Subpart E of today's regulation applies to any person who fires sewage sludge in a sewage sludge incinerator, to sewage sludge fired in a sewage sludge incinerator, and to a sewage sludge incinerator. Subpart E includes general requirements (§ 503.42); pollutant limits (§ 503.43); operational standards (§ 503.44); management practices (§ 503.45); and monitoring, recordkeeping, and reporting requirements (§ 503.46 through § 503.48). Under § 503.43, site-specific variables (incinerator type, dispersion factor, control efficiency, feed rate, stack height) must be used to calculate allowable daily concentrations of arsenic, cadmium, chromium, lead, and nickel in the sewage sludge fed to the incinerator.

A sewage sludge incinerator is considered to be a treatment works treating domestic sewage under 40 CFR 122.2 and therefore must obtain a permit. If, as is mostly the case, a sewage sludge incinerator is operated by the treatment works generating the sewage sludge, the permit issued to the generating treatment works will contain the part 503 requirements applicable to its sewage sludge incinerator. In those instances where a treatment works generating sewage sludge sends its sewage sludge to another sewage sludge incinerator, the permit issued to the generating treatment works would generally contain standard conditions. The sewage sludge incinerator's permit, meanwhile, would include the sewage sludge pollutant limits, emission limits, operational standards, and management practices required by the part 503 incinerator standards.

Septage Haulers

Domestic septage is considered sewage sludge under today's rule; therefore, users and disposers of domestic septage must comply with the standards applicable to their use or disposal practices. However, EPA generally does not expect to issue permits to septage haulers because they are not considered to be treatment works treating domestic sewage (unless specifically designated by the Regional Administrator). (54 FR 18726, May 2, 1989). Instead, EPA will rely on the direct enforceability of today's rule to implement the standards with respect to septage haulers.

Septage haulers will be required to keep records of basic information about their use and disposal practices. (Note: Septage taken to a POTW for treatment is not considered use or disposal and, therefore, is not covered by today's standards.) The person applying the domestic septage to the land must comply with requirements for annual application rate (§ 503.13(c)), pathogen and vector attraction (§ 503.15 (b) and (d)), monitoring (§ 503.16(b)), and recordkeeping (§ 503.17(b)). (Alternately, the person applying the domestic septage may comply with the subpart B requirements for sewage sludge unless specifically indicated otherwise. Because the sewage sludge standards are more stringent, EPA does not expect many septage haulers to select them.)

Surface disposal of domestic septage is subject to the vector attraction requirements of subpart D. Under § 503.26, each container of domestic septage placed on a sewage sludge unit shall be monitored for compliance with the vector attraction requirement of § 503.33(b)(12), if the vector attraction requirement in § 503.33(b)(12) is met when domestic septage is placed on an active sewage sludge unit.

Permit Application Requirements

Currently, under §§ 122.22(c)(2)(i) and 501.15(d)(1)(ii)(A) of the sewage sludge permit program regulations, any POTW or other treatment works treating domestic sewage with an existing NPDES permit must submit sewage sludge permit application information when its next application for NPDES permit renewal is due, or within 120 days of promulgation of an applicable part 503 standard for sewage sludge use or disposal, whichever comes first. If a treatment works treating domestic sewage is not subject to the NPDES permitting program (i.e., it is a "sludge

only facility"), it is required under §§ 122.21(c)(2)(ii) and 501.15(d)(1)(ii)(B) to submit permit application information within 120 days of promulgation of an applicable part 503 standard or upon request of the Director. If a treatment works treating domestic sewage commences operation after promulgation of an applicable part 503 standard, it is required under §§ 122.21(c)(2)(iii) and 501.15(d)(1)(ii)(C) to submit a permit application at least 180 days prior to the date proposed for commencing operations.

EPA estimates that approximately 16,000 POTWs are in operation nationwide and that between 3,000 and 5,000 other facilities also meet the definition of treatment works treating domestic sewage because they exert control over the quality or disposal of sewage sludge. Under existing regulations, therefore, up to 20,000 POTWS and other treatment works treating domestic sewage would be expected to submit sewage sludge permit application information by June 21, 1993.

On May 27, 1992, EPA proposed a phased approach to the submittal of sewage sludge permit applications, which would reduce the number of applications received during the period immediately following promulgation of the part 503 standards. (57 FR 22197). EPA proposed this approach to manage permit applications more efficiently and to prioritize permitting activities among different types of facilities and sewage sludge use or disposal activities. EPA expects to promulgate the revised permit application requirements after promulgation of these standards.

Under the phased approach, as proposed in EPA's May 27, 1992 notice, the Agency would only require sewage sludge permit applications during the initial period following promulgation of part 503 from treatment works treating domestic sewage that are expected to have site-specific pollutant limits in their permits. Certain treatment works treating domestic sewage are required to have site-specific permit limits. Other treatment works treating domestic sewage may request site-specific permit limits under certain circumstances, as discussed below.

Site-specific permit limits are required for sewage sludge that is fired in a sewage sludge incinerator or placed on certain types of surface disposal sites. Applicants intending to incinerate sewage sludge in sewage sludge incinerators are required, under § 503.43 of today's rule, to use site-specific variables (incinerator type, dispersion factor, control efficiency, feed rate, stack height) to calculate allowable daily concentrations of arsenic, cadmium, chromium, lead, and nickel in the sewage sludge fed to the incinerator. Pollutant limits for surface disposal sites may be calculated on a site-specific basis where the site-specific parameters at the site are different from the national model (§ 503.23(b)). Under the proposed application deadline rule, requests for site-specific limits will be considered beyond the first round of permit applications only for good cause. Good cause includes instances where an applicant does not have information when the part 503 standards are promulgated to indicate that site-specific pollutant limits will be necessary (e.g., it changes use or disposal practices).

For treatment works treating domestic sewage that currently have NPDES permits and will not need site-specific pollutant limits, the sewage sludge information would be submitted when their applications for permit renewal are due. Sludge-only facilities (i.e., those without existing NPDES permits) would submit a subset of application information within one year after promulgation of an applicable part 503 use or disposal standard. Based on this information, the permitting authority would be able to determine whether additional information was needed and whether to issue a permit.

In its May 27, 1992 notice EPA also proposed to extend the time period over which permit applications must be submitted by these "first phase" facilities, from within 120 days after promulgation of part 503 to within 180 days after promulgation of part 503, to provide adequate time for applicants to compile necessary information.

Application Information Required.

Application requirements related to sewage sludge use or disposal were established by the May 2, 1989, sewage sludge permit program regulations. Section 122.21(c)(2) requires all treatment works treating domestic sewage to submit sewage sludge permit application information to the director. Section 122.21(d)(3)(ii) specifies which information must be submitted, namely, the information at § 501.15(a)(2).

Section 501.15(a)(2) requires two types of information: general facility information (paragraphs (i)–(vi)) and information on sewage sludge use and disposal practices (paragraphs (vii)–(xii)). The information requirements are as follows:

(2) *Information requirements.* All treatment works treating domestic sewage shall submit to the Director within the time frames established in paragraph (d)(1)(ii) of this section the following information:

(i) The activities conducted by the applicant which require it to apply for a permit;

(ii) Name, mailing address, and location of the treatment works treating domestic sewage for which the application is submitted;

(iii) The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity;

(iv) Whether the facility is located on Indian lands;

(v) A listing of all permits of construction approvals received or applied for under any of the following programs:

(A) Hazardous Waste Management program under RCRA.

(B) UIC program under SDWA.

(C) NPDES program under CWA.

(D) Prevention of Significant Deterioration (PSD) program under the Clean Air Act.

(E) Nonattainment program under the Clean Air Act.

(F) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.

(G) Ocean dumping permits under the Marine Protection, Research, and Sanctuaries Act.

(H) Dredge or fill permits under section 404 of CWA.

(I) Other relevant environmental permits, including State or local permits.

(vi) A topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the treatment works treating domestic sewage, depicting the location of the sludge management facilities (including disposal sites), the location of all water bodies, and the location of wells used for drinking water listed in the public records or otherwise known to the applicant within ¼ mile of the property boundaries;

(vii) Any sludge monitoring data the applicant may have, including available ground water monitoring data, with a description of the well locations and approximate depth to ground water, for landfills or land application sites (see appendix I to 40 CFR part 257);

(viii) A description of the applicant's sludge use and disposal practices (including, where applicable, the location of any sites where the applicant transfers sludge for treatment and/or disposal, as well as the name of the applier or other contractor who applies the sludge to land if different from the applicant, and the name of any distributors when the sludge will be disposed of through distribution and marketing, if different from the applicant);

(ix) For each land application site the applicant will use during the life of the permit, the applicant will supply information necessary to determine if the site is appropriate for land application and a description of how the site is (or will be) managed. Applicants intending to apply sludge to land application sites not identified at the time of application must submit a land application plan which at a minimum:

(A) Describes the geographical area covered by the plan;

(B) Identifies site selection criteria;
(C) Describes how sites will be managed;
(D) Provides for advance notice to the permit authority of specific land application sites and reasonable time for the permit authority to object prior to the sludge application; and
(E) Provides for advance public notice as required by State and local law, but in all cases requires notice to landowners and occupants adjacent to or abutting the proposed land application site.
(x) Annual sludge production volume;
(xi) Any information required to determine the appropriate standards for permitting under 40 CFR part 503; and
(xii) Any other information the Program Director may request and reasonably require to assess the sludge use and disposal practices, to determine whether to issue a permit, or to ascertain appropriate permit requirements.

For purposes of today's rule and permit applications triggered by promulgation of today's rule, the most significant information requirement is the requirement in paragraph (xi) to submit "any information required to determine the appropriate standards for permitting under 40 CFR part 503." The information requirements related to the part 503 standards were kept general in the May 2, 1989, rule because part 503 had not yet been promulgated. Today's rule establishes more specific information requirements for each use and disposal practice. Permit applicants must identify their chosen use and disposal practices and submit information which will enable the permitting authority either to determine compliance with the standards or to derive site-specific pollutant limits where the applicant seeks site-specific limits as provided in today's rule. EPA expects to issue additional guidance detailing what information is needed for each use and disposal practice. EPA also is in the process of revising the NPDES application form for POTWs, which will include requirements for submitting sewage sludge use and disposal information. (Prior to rulemakings affecting application forms, EPA intends to issue interim application guidance to facilitate the collection of this information.) EPA does not anticipate issuing or reissuing permits to all existing POTWs and other treatment works treating domestic sewage at one time. This approach, which was in the proposed permitting rule, was abandoned as impractical given the severe resource burden that would result. Instead, EPA expects that all permits reissued after promulgation of part 503 will contain today's standards and that other permits will be reopened to incorporate today's standards as described in the discussion below on permitting priorities. The permitting authority will use information submitted with the application (as well as from other sources, such as monitoring data submitted under the interim permitting strategy or pursuant to a POTW's pretreatment program) to determine whether to issue a permit or revoke and reissue an existing EPA-issued NPDES permit to incorporate today's standards.

As discussed later in the section on who issues the permit, EPA expects to be the permitting authority initially. Therefore, all applications should be submitted to the appropriate EPA Regional office unless the applicant is notified otherwise by EPA.

Permitting Priorities

The process of developing and issuing permits provides the permitting authority an opportunity to evaluate each facility's use and disposal practice(s) and to develop permit conditions incorporating part 503 standards as well as additional requirements, either as required by parts 122 or 501 or as tailored to site-specific circumstances (e.g., more frequent monitoring). Permit issuance also provides additional certainty to the permitted facility of its legal obligations, and compliance with permit terms may provide a defense against actions based on violations of the part 503 standards (see 40 CFR § 122.5 and preamble discussion at 54 FR 18735, May 2, 1989). Thus, permits will be the primary mechanism for implementing the national sewage sludge program in the long run.

As discussed above, EPA has determined that it is not feasible to develop and issue permits to the estimated 16,000 to 20,000 treatment works treating domestic sewage which may be subject to the part 503 standards. Consequently, EPA has proposed revisions to parts 122 and 501 to allow phased submission of permit applications over time (57 FR 22197, May 27, 1992). Permitting authorities must establish priorities for permit issuance based on consideration of the nature of the universe of facilities ultimately required to have the part 503 standards reflected in permits.

Today's rule does not establish priorities for issuance of permits to treatment works treating domestic sewage. Nonetheless, today's rule, in combination with existing policies and regulations, will allow permitting authorities to establish permitting priorities.

The Sewage Sludge Interim Permitting Strategy (September 1989) recommended that the following types of POTWs be considered priorities for purposes of interim sewage sludge permitting: Class I sludge management facilities (as defined by 40 CFR 122.2); POTWs that fire sewage sludge in a sewage sludge incinerator; and POTWs with known or suspected problems with their sewage sludge quality or sludge use or disposal practices.

EPA encourages permitting authorities to establish permitting priorities to implement part 503 standards similar to those established by the interim strategy, but modified in consideration of today's rule. In general, the general requirements, management practices, pollutant limitations, pathogen and vector requirements, and monitoring, recordkeeping, and reporting requirements in today's rule will apply in the absence of permits. The exception would be those facilities that either require or seek site-specific pollutant limitations as provided in today's rule.

EPA believes that sewage sludge permitting priorities should be established as follows. In the first round of permitting following today's rule, permitting authorities should rely to the maximum extent possible on the self-implementing aspects of the part 503 standards. Permits should be issued during the initial period after part 503 is published to those treatment works treating domestic sewage in the following high-priority categories, for which the Agency believes self-implementation is not sufficient: Sewage sludge incinerators; surface disposal sites requiring or requesting site-specific permit limits; facilities designated by the permitting authority as posing a threat to human health and the environment and that need to be fully evaluated in the context of permit development; facilities for which a permit is deemed necessary to fully support or promote beneficial use; and facilities whose NPDES permits come up for reissuance during the course of the normal five-year permit cycle.

EPA considers sewage sludge incinerators a high priority for permit issuance for two principal reasons. First, sewage sludge incinerators present a wider exposure to sewage sludge pollutants and therefore, are presumed to pose a greater potential threat to public health and the environment than other use or disposal methods. In addition, some of the requirements for sewage sludge incinerators can only be fully applied on a case-specific basis (e.g., allowable pollutant concentrations for sludge fed to incinerators must be calculated from results of air dispersion models and control efficiencies of the unit). Similarly, certain surface disposal

sites under subpart C will be required to apply for site-specific permit limits, and these are being targeted for immediate attention as part of the first phase of permit applications.

Treatment works treating domestic sewage that have been designated by the permitting authority as posing a threat to public health and the environment should also be considered a high priority for submission of application information and for permitting during the initial period following the effective date of today's rule. Although the part 503 technical standards are designed to protect public health and the environment, EPA envisions certain cases where it may be necessary for the permitting authority to work closely with the treatment works treating domestic sewage to ensure that the technical standards are properly applied and reinforced in the context of permit development and issuance. For example, where the treatment works treating domestic sewage must build new pollution control facilities to meet the standards, the permit can establish compliance schedules (see § 122.47). (Note, however, that no compliance schedule can extend the compliance deadline established under section 405(d)(2)(D) of the CWA.)

EPA believes that for certain treatment works treating domestic sewage, permit issuance will help promote beneficial use and is, therefore, establishing a high priority for addressing these facilities. For such facilities, the additional certainty provided by a permit may aid in reinforcing the requirements of the applicable technical standards and may act to reassure other parties or members of the general public that the beneficial use of sewage sludge is in strict accordance with the part 503 technical standards.

Finally, all facilities whose NPDES permits come up for reissuance during the normal permit cycle should include applicable sewage sludge standards in their permits. In addition to the above-described categories, a large number of sludge-only permits may be issued in the first permit cycle following promulgation of the part 503 standards. The priority in which these facilities are addressed will be based on the permitting authorities' determination of the threat posed to public health and the environment by these facilities' sludge use or disposal.

Requirements in the Absence of a Permit

Most requirements in today's standards are fully enforceable and can be easily understood and applied without translation into permit conditions. Compliance with the standards will be verified through the review of self-monitoring information and through inspection of facility records required to be created and maintained by the rule. However, because some standards may be established or adjusted based on site-specific factors, identification of which standards apply is necessary while development of these site-specific requirements is pending (e.g., after a permit application has been submitted but before issuance of a permit).

The part 503 standards comprise several sets of requirements for each use and disposal method: general requirements, management practices, pollutant limits, pathogen and vector attraction requirements, monitoring requirements, recordkeeping requirements, and reporting requirements. The standards applicable to each use and disposal practice are described in detail in this rule. In practice, most facilities will be able to determine from today's rule which specific pollutant concentrations apply to their use or disposal practices. In addition, facilities will be able to determine other applicable requirements such as management practices (e. g., to prevent sewage sludge applied to land from entering waters of the U.S.), monitoring requirements based on the amount of sewage sludge used or disposed, and recordkeeping designed to track the various use or disposal practices.

In the case of sewage sludge incinerators, today's rule does not establish national, uniform pollutant limits for sludge quality; instead, these limits are developed based on site specific factors. Similarly, under certain circumstances, pollutant limits for surface disposal sites must be developed based on site-specific factors. Today's rule also allows adjustment to national uniform pollutant limits for certain surface disposal practices if established in a permit. In all cases where site-specific standards are mandated or sought, the treatment works treating domestic sewage must submit a permit application with complete and accurate information supporting the site-specific pollutant limits. Submission of such applications does not relieve the applicant of the responsibility to comply with all other applicable portions of today's rule. In addition, as a matter of policy, the applicant must meet those numerical pollutant levels which appear in its application for site-specific pollutant concentrations during the period after submission of a complete permit application but prior to the issuance of a permit containing site-specific limits.

Who Issues the Permit

As discussed above, EPA is responsible for issuing permits that implement the technical standards for sewage sludge use and disposal unless those standards are implemented through certain other Federal permits or permits issued by a State with an EPA approved sludge management program. Currently, the only Federal program listed in section 405(f) with comparable permits is the Subtitle C program under RCRA. Today's rule adopts Subtitle C requirements as standards under section 405(f). Thus, sewage sludge that is a hazardous waste and facilities accepting such sludge will continue to be regulated under Subtitle C of RCRA. None of the other listed Federal permit programs is expected to implement the standards for sewage sludge use or disposal promulgated today.

As discussed previously, today's standards may also be implemented through permits issued by State programs approved by the Administrator as adequate to assure compliance with section 405 of the CWA. Under the May 2, 1989 regulations, States may seek approval of a modified NPDES program (Part 123) or a separate, non-NPDES program (Part 501). The basic requirements for either approach are essentially the same. Approved State programs will share several important features with an EPA administered program: authority to issue and enforce permits to POTWs and other treatment works treating domestic sewage that implement the Federal technical standards and other requirements for sewage sludge use and disposal; authority to enforce the technical standards against any user or disposer of sewage sludge; and general authority to take action to protect public health and the environment from any reasonably anticipated adverse effects of sewage sludge use and disposal.

Currently, no States have received EPA approval of their State sludge management programs. At least initially, EPA Regions will be responsible for implementing the technical standards promulgated today in all States using the permitting requirements and procedures in 40 CFR parts 122 and 124. Where EPA is the NPDES permitting authority, it will implement the standards through NPDES permits. Where a State has an approved NPDES program, EPA must issue a separate NPDES or sludge-only permit to implement the standards. (EPA is considering issuing guidance on joint issuance of permits in States with

approved NPDES programs). EPA may choose to issue general permits for sewage sludge use and disposal as an alternative to the requirement to impose sewage sludge conditions in individual permits. However, until States seek and apply for program approval, dual State and Federal permitting programs may be in effect. EPA encourages States to seek program approval as soon as possible and has published a State Sludge Management Program Guidance (EPA 1990) to assist their efforts.

The permitting program focuses primarily on generators of sewage sludge. Thus, in most cases the permitting authority will be the Region or State in which the treatment works treating domestic sewage is located. The sewage sludge from these facilities that is transported to another State will have to meet any part 503 requirements related to the use or disposal site unless the sludge is transferred to a treatment works treating domestic sewage. In this case, the receiving treatment works treating domestic sewage must apply for a permit and comply with part 503 standards. When a generating treatment works sends its sludge out of state to a user or disposer not defined or designated as a treatment works treating domestic sewage, the receiving State or local jurisdiction, may, but need not, issue a permit. (Some States under their own laws and programs require sludge exporters to obtain any necessary approvals from importing States, although this currently is not required by Federal regulation. Today's rulemaking does, however, require notification to the permitting authority in the receiving State in cases where bulk sewage sludge is sent out of State.)

EPA administration of the new sewage sludge permitting program will not displace existing State sewage sludge management programs (unless a State so chooses by seeking EPA approval of its program). Likewise, under section 510 of the CWA, States may impose more stringent requirements than those promulgated in today's technical standards and those in the permitting requirements and State program rule. However, more stringent State requirements generally will not be considered a part of the Federal program (i.e., they may not be Federally enforceable and would not be considered a part of an EPA-approved State sludge management program). The only exception will be where an EPA permit writer makes a determination in an individual permit proceeding that, in the particular special circumstances more stringent State requirements are necessary to protect public health and the environment as provided in section 405(d)(4) of the CWA.

EPA encourages States to adopt the part 503 standards as part of State law. The part 503 standards result from years of data gathering and analysis and represent a comprehensive and extensive evaluation of the fate and effect of sewage sludge in the environment. Today's standards have undergone extensive scrutiny by the public and scientific community. Adoption of the part 503 standards as a minimum baseline for sewage sludge use or disposal will protect public health and the environment. In addition, widespread adoption of part 503 standards would facilitate beneficial use of sewage sludge (biosolids) by establishing uniform standards from State to State.

Implementation Strategy

EPA has developed and is carrying out an overall strategy to help ensure that today's rule is implemented expeditiously and in a manner that protects public health and the environment. This strategy includes a commitment to conduct public outreach to ensure that the regulated community and the public have an opportunity to become familiar with the part 503 standards and to ask questions regarding the implementation and enforcement of the rule.

As indicated previously, the Agency will rely heavily on the self-implementing nature of the part 503 standards during the initial period after promulgation and will phase in permits incorporating the standards over a 5-year period. To familiarize affected facilities with the part 503 requirements applicable to them before standards are incorporated into their permits, EPA will mail informational material on the standards and permit application requirements directly to treatment works treating domestic sewage. Outreach will also include co-sponsoring public workshops with several national trade associations, making presentations at various other conferences, and responding to individual inquiries.

Another key element of EPA's implementation strategy will be educating EPA and State personnel on the new standards. This effort will entail training courses and issuance of guidance documents and other materials covering various aspects of implementation. For example, EPA will issue a permit writer's guidance, updating the Guidance for Developing Case-by-Case Permit Conditions for Municipal Sewage Sludge issued by EPA in 1990. The new guidance document will provide direction for incorporating the part 503 technical standards into permits. In addition, the Agency will develop and issue various documents (and, in some cases, revisions to existing materials) covering the compliance and enforcement components of its sludge implementation strategy.

Part XIII: Benefits and Costs of the Amendments to Parts 257 and 403 and the Final Part 503 Regulation

Data used to calculate estimates reported in this preamble are detailed in the Regulatory Impact Analysis (RIA). This work relies heavily on data collected during the National Sewage Sludge Survey but it is also augmented, as appropriate, by relevant data from the 1988 Needs Survey and other available sources of information.

The data presented here differ from that presented in the 1990 Notice of Data Availability for several reasons. First, the final regulatory definitions for use or disposal practices were developed after publication of the notice and these regulatory definitions are somewhat different than those definitions used in development of the survey and publication of the notice. For example, the practices of land application and distribution and marketing were combined under one definition. Second, detailed analyses conducted after publication of the notice indicated that responses meeting case by case quality control checks did not appear to be correct when considered in relation to responses at other POTWs. For example, survey responses for the amount of sewage sludge used or disposed were investigated for several POTWs after comparison of responses with those of POTWs with similar flow rates indicated a potential problem. These investigations are documented in the "Statistical Support Document for the 40 CFR part 503 Rule for Sewage Sludge Use or Disposal". Third, the statistical weighting scheme for the survey was not fully implemented when the notice was published; those summary statistics not using the weighting scheme were presented by reported flow group. Finally, the summary statistics published in the notice were based on information from the NSSS. The NSSS was only designed to cover POTWs that practice secondary and better wastewater treatment. However, this regulation also covers POTWs that only practice primary treatment, privately owned treatment works, Federally owed treatment works, and domestic septage haulers.

This part of the preamble discusses the benefits and costs of the amendments in today's rulemaking to Parts 257 and 403 and the benefits and costs of the final part 503 regulation. More details on the benefits and costs of the final part 503 regulation are presented in the Regulatory Impact Analysis for the part 503 Regulation (see Part XIV for information on how to obtain a copy).

This part of the preamble is divided into three sections. The first and second sections provide information on the generation of sewage sludge and the use or disposal of sewage sludge, respectively. The third section discusses the benefits and costs of the amendments to parts 257 and 403 and the benefits and costs of the final part 503 regulation.

Generation of Sewage Sludge

The Clean Water Act requires that municipal wastewater meet certain requirements before it can be discharged to the nation's waters. To meet those requirements, the wastewater usually must be treated. Solid, semi-solid, and liquid residues generated during wastewater treatment must be used or disposed properly. These residues must be managed properly through final use or disposal.

Municipal wastewater contains materials discharged into household drains through toilets, sinks, and tubs. These materials are domestic sewage. Components of domestic sewage include soaps, shampoos, human excrement and tissue, food stuffs, detergents, pesticides, household hazardous waste, and oil and grease. Typically, a family of four generates 300 to 400 gallons of domestic sewage wastewater per day.

Domestic sewage may be treated (or partially treated) at its source in such devices as septic tanks and portable toilets or domestic sewage may be treated in publicly owned, privately owned, or federally owned treatment works. A treatment works may treat domestic sewage alone or in combination with liquid industrial wastewater. Residues generated during the treatment of domestic sewage are, by definition, sewage sludge.

Treatment works treat municipal wastewater to a certain level of treatment (i.e., primary, secondary, or tertiary). Each level of treatment results in greater amounts of sewage sludge.

Primary treatment processes remove the solids that settle out of the wastewater by gravity. This level generates 2,500 to 3,500 liters of sewage sludge per million liters of wastewater treated. Primary sewage sludge contains 3 to 7 percent solids, 60 to 80 percent of which is organic matter. The water content of primary sewage sludge can easily be reduced by dewatering the sewage sludge.

Secondary treatment produces a sewage sludge generated by biological treatment processes. These processes (e.g., activated sewage sludge systems and trickling filters) use microbes to break down and convert the organic substances in the wastewater to microbial residue. Biological treatment processes remove up to 90 percent of the organic matter in the wastewater and produce a sewage sludge that typically contains from 0.5 to 2 percent solids. Sewage sludges produced during secondary treatment generally are more difficult to dewater than are primary sewage sludges. The organic content of secondary treatment sewage sludge ranges from 50 to 60 percent. Secondary treatment processes increase the volume of sewage sludge generated over the volume generated in primary treatment by 15,000 to 20,000 liters of sewage sludge per million liters of wastewater.

Advanced wastewater treatment processes (e.g., chemical precipitation and filtration) also increase the volume of sewage sludge to be used or disposed. In chemical precipitation, chemicals are added to the wastewater to remove organic materials and nutrients and to separate the solids from the wastewater. Characteristics of these sewage sludges vary, depending on the type of advanced treatment process used and the characteristics of the wastewater in the influent to the treatment process. The solids content of advanced treatment sewage sludges varies from 0.2 to 1.5 percent, while the organic content of the sewage sludge ranges from 35 to 50 percent.

Advanced treatment increases the volume of sewage sludge generated over the volume generated during secondary treatment by 10,000 liters of sewage sludge per million liters of wastewater. Before dewatering, sewage sludge contains from 93 to 99.5 percent water. The remaining portion is the solids and dissolved material removed from the wastewater, added in the treatment process, or cultured by the wastewater treatment process. Virtually all sewage sludges contain nutrients (e.g., nitrogen, phosphorus) and pathogens (e.g., bacteria, viruses, protozoa, and viable helminth ova). Some sewage sludges also contain more than trace amounts of organic chemicals (e.g., chloroform) and inorganic chemicals (e.g., iron). These pollutants occur in domestic sewage, industrial wastewater discharge to municipal sewers, and runoff from parking lots and other areas that enters the sewers.

Before using or disposing of sewage sludge, treatment works generally thicken, stabilize, and dewater the sewage sludge. This thickening is a process in which water from the sewage sludge is removed to achieve a volume reduction. The reduction in sewage sludge volume decreases the capital and operating costs of subsequent sewage sludge processing and use or disposal practices by decreasing the volume of sewage sludge to be processed. For example, lowering the volume of sewage sludge to be used or disposed reduces transportation costs. EPA estimates that the cost to transport sewage sludge with a 22 percent solids content over a 20-mile trip is about one-half the cost to transport sewage sludge with a 6 percent solids content over the same distance.

Treatment works frequently digest sewage sludge to reduce the level of pathogens and odors. The degree to which a sewage sludge is processed is very important when it is applied to land or placed on a surface disposal site.

Use or Disposal of Sewage Sludge

Three of the more common use or disposal practices for sewage sludge are application to the land, placement on a surface disposal site, and firing in a sewage sludge incinerator. Sewage sludge is applied to the land either to condition the soil or to fertilize crops or vegetation grown on the land. In contrast, sewage sludge is placed on the land in surface disposal for final disposal. In most cases, crops are not grown on surface disposal sites. In incineration, the organic and inorganic materials in sewage sludge are combusted in the incinerator.

As mentioned previously, the purpose of applying sewage sludge to the land is to condition the soil using the organic material in the sewage sludge or to fertilize crops or vegetation grown on the land. Approximately 33 percent of the sewage sludge used or disposed annually is applied to land. The method of applying sewage sludge to the land depends on the physical characteristics of the sewage sludge (e.g., liquid or dried) and the site conditions. Liquid sewage sludge can be applied with tractors, tank wagons, irrigation systems, or special application vehicles. Liquid sewage sludge also can be injected under the surface layer of the soil. Dewatered sewage sludge, on the other hand, typically is applied to the land by equipment similar to that used for applying limestone, animal manures, or commercial chemical fertilizers. Generally, the dewatered sewage sludge

is applied to the land surface and then incorporated by plowing or disking, except when applied to pasture. Sewage sludge is applied to areas such as agricultural land, forest, public contact sites, reclamation sites, lawns, and home gardens.

Sewage sludge is a valuable source of fertilizer when applied to agricultural land. Results of a study of sewage sludge and effluent use on selected agricultural crops in one area of Oregon found that the return per acre associated with sewage sludge application ranged from a loss of $6 to an increase of $15 per acre when compared to traditional fertilizer sources. The return per acre depended on crop rotation, previous soil management practices, soil type, and level of sewage sludge application. The savings were net savings in the cost of fertilizers, taking into account the fact that the sewage sludge was available at no cost to the farmer (Reference No. 10).

Sewage sludge has been applied to forests, at least on an experimental field-scale level, in 10 or more States. The most extensive experience with this practice is in the pacific Northwest. Liquid sewage sludge is most often sprayed from mobile equipment into established forest stands. Application of sewage sludge to forest shortens wood production cycles by accelerating tree growth, especially on marginally productive soils. Results of studies at the University of Washington on the use of sewage sludge as a fertilizer in silviculture operations show height increases of up to 1,190 percent and diameter increases of up to 1,250 percent compared with controls in certain tree species. These results have also shown that trees grow twice as fast on sewage sludge-amended soil. Thus, a tree that typically would be cut after 60 years could be cut after only 30 years.

If sewage sludge is used to stabilize and revegetate land at a reclamation site, typically large amounts of sewage sludge (usually 50 to 100 or more metric tons per hectare) are applied to the site on a short-term basis. Sewage sludge may be applied only one time or may be applied as many as two to three times. A large amount of sewage sludge is applied to a reclamation site to provide the amount of organic matter needed to establish a self-sustaining ecosystem.

Costs to reclaim land with sewage sludge are comparable to the costs of land reclamation using other commercial materials. For example, in a strip-mined area in Fulton County, IL, sites reclaimed using sewage sludge cost $3,660 an acre; costs for sites reclaimed using other commercial materials range from $3,395 to $6,290 an acre. Other examples include the use of Philadelphia's sewage sludge to reclaim more than 3,000 acres of devastated lands in Pennsylvania and the use of sewage sludge, in combination with fly ash, to revegetate contaminated soils in Palmerton, PA.

Sewage sludge may be placed on the land for final disposal. Land where the sewage sludge is placed for this purpose is a surface disposal site. The surface disposal site may contain a series of trenches, dug into the ground, into which dewatered sewage sludge is deposited. Sewage sludge also may be placed on the land surface (e.g., a sewage sludge pile). In surface disposal, usually no attempt is made to use nutrients in the sewage sludge. As mentioned previously, sewage sludge is placed on a surface disposal site for final disposal.

Approximately one-third of the sewage sludge used or disposed by POTWs (NSSS Questionnaire Survey) is landfilled with municipal solid waste. In co-disposal, the absorption characteristics of the solid waste and soil conditioning characteristics of the sewage sludge complement each other. The solid waste absorbs excess moisture from the sewage sludge and reduces leachate migration. Sewage sludge usually makes up 5 percent or less of the material in a municipal solid waste landfill.

Incineration is a disposal practice in which organic and inorganic material in sewage sludge are combusted in an enclosed device. Estimates from the NSSS Questionnaire Survey show approximately 52 percent (110) of the existing secondary and advanced treatment sewage sludge incinerators were built prior to 1973. Multiple hearth incinerators are the most common type of sewage sludge incinerator with 156 multiple-hearth incinerators (74 percent of the incinerators firing sewage sludge), 49 fluidized-bed incinerators (23 percent of the total), 3 flash-drying incinerators, and 2 electric furnaces. The estimated amount of sewage sludge fired in secondary and advanced treatment sewage sludge incinerators in 1988 was 736,000 dry metric tons, which is approximately 16 percent of all sewage sludge used or disposed by secondary or advanced treatment works. An additional 128,000 dry metric tons is estimated to be incinerated by primary treatment works. Not represented in this estimate are incinerators that fire sewage sludge with solid waste in municipal waste combustors. The Agency estimates that seven facilities practice co-incineration of sewage sludge with municipal solid waste.

Approximately 12,750 POTWs use or dispose 5.4 million dry metric tons of sewage sludge annually (NSSS Questionnaire Survey) or 47 pounds of sewage sludge (dry weight basis) for every individual in the United States.

Privately owned and federally owned treatment works also use or dispose of sewage sludge. The amount of sewage sludge used or disposed by these treatment works is unknown, but it is estimated to be no more than 0.1 million dry metric tons per year.

The volume of domestic septage used or disposed annually is significant. EPA estimates that up to 8.6 billion gallons of domestic septage are used or disposed annually, of which approximately half is discharged to POTWs and half is either land applied, placed on a surface disposal site, or placed in a lagoon for treatment.

Tables XIII–1 and XIII–2 present the amount of sewage sludge used or disposed annually by use or disposal practice for secondary and advanced treatment POTWs and for primary treatment POTWs, respectively, based on the flow rate of the POTWs as presented in the 1988 NSSS. Table XIII–3 presents the number of POTWs employing each use or disposal practice, as estimated in the 1988 National Sewage Sludge Survey for secondary and advanced treatment POTWs. The number of primary treatment POTWs employing each use or disposal practice, based on information from the 1988 Needs Survey, is presented in Table XIII–4.

TABLE XIII–1.—AMOUNT OF SEWAGE SLUDGE USED OR DISPOSED BY SECONDARY AND ADVANCED TREATMENT POTWS BY USE OR DISPOSAL PRACTICE AND FLOW RATE

[Thousands of Dry Metric Tons]

Use or disposal practice	Flow rate group				Total amount used or disposed	Use or disposal practice as percent of total
	>100 MGD	>10–100 MGD	>1–10 MGD	≤1 MGD		
Incineration	320.0	308.5	106.1	1.7	736.3	16.1
Land Application	255.0	586.7	499.9	178.1	1,519.7	33.3
Agriculture	117.8	349.3	398.6	131.3	997.0	21.9
Compost	11.5	58.7	28.5	29.3	128.0	2.8
Forests	2.3	23.1	0.3	1.0	26.7	0.6
Public Contact	47.0	53.2	36.7	4.6	141.4	3.1
Reclaimed	47.8	6.9	1.0	0.3	56.1	1.2
Sale	25.4	24.7	10.4	0.1	60.5	1.3
Undefined	3.3	70.8	24.4	11.7	110.1	2.4
Surface Disposal	39.2	240.4	110.2	81.6	471.4	10.3
Landspreading	15.3	113.5	57.6	33.9	220.4	4.8
Monofill	2.4	72.9	38.2	20.6	134.0	2.9
Other	21.5	54.0	14.5	27.1	117.0	2.6
Not Regulated	386.2	614.2	456.3	91.9	1,548.6	33.9
Unknown	141.7	143.2	0.7	0.0	285.7	6.3
Ocean Disposal*	141.7	143.2	0.7	0.0	285.7	6.3
Other	0.0	0.0	0.0	0.0	0.0	0.0
Transfer	N/A	N/A	N/A	N/A	N/A	N/A
Total	1,142.0	1,893.1	1,173.3	353.4	4,561.8	100
Percent of Total	25.0	41.5	25.7	7.7	100	

Note: Numbers may not add up to 100 percent because of rounding.
N/A indicates the value was not available.
*The NSSS data reflects use or disposal practices at the time the data was collected. The Ocean Dumping Ban Act of 1988 generally banned ocean dumping of sewage sludge by December, 1991. The last dumping ceased in June 1992.
Source: 1988 National Sewage Sludge Survey (Questionnaire), EPA.

TABLE XIII–2.—AMOUNT OF SEWAGE SLUDGE USED OR DISPOSED BY PRIMARY TREATMENT POTWS BY USE OR DISPOSAL PRACTICE AND FLOW RATE

[Thousands of Dry Metric Tons]

Use or disposal practice	Flow rate group				Total amount	Percent of total
	>100 MGD	>10–100 MGD	>1–10 MGD	≤1 MGD		
Incineration	62.9	38.0	18.7	8.8	128.4	16.1
Land Application	129.9	78.3	38.6	18.1	265.0	33.3
Surface Disposal	40.3	24.3	12.0	5.6	82.2	10.3
Not Regulated	132.4	79.9	39.3	18.5	270.0	34.0
Unknown	24.4	14.7	7.3	3.4	49.8	6.3
Total	390.0	235.2	115.8	54.4	795.4	100
Percent of Total	49.0	29.6	14.6	6.8	100	

Note: Numbers may not add up to 100 percent because of rounding.
Source: Estimated from 1988 Needs Survey and 1988 National Sewage Sludge Survey (Questionnaire), EPA.

TABLE XIII–3.—NUMBER OF POTWS USING A USE OR DISPOSAL PRACTICE AND THE AMOUNT OF SEWAGE SLUDGE USED OR DISPOSED BY SECONDARY AND ADVANCED TREATMENT POTWS

Use or disposal practice	POTWs using a practice		Sewage sludge used disposed	
	Number	Percentage of POTWs	Amount (thousands of dry metric tons)	Percentage of total amount
Incineration	327	3.0	736.3	16.1
Land Application	3,988	36.6	1,519.7	33.3
Agriculture	3,246	29.8	997.0	21.9
Compost	146	1.3	128.0	2.8
Forests	30	0.3	26.7	0.6
Public Contact	254	2.3	141.4	3.1
Reclaimed	69	0.6	56.1	1.2
Sale	199	1.8	60.5	1.3
Undefined	487	4.5	110.1	2.4
Surface Disposal	1,157	10.6	471.4	10.3
Landspreading	383	3.5	220.4	4.8
Monofill	320	2.9	134.0	2.9
Other	455	4.2	117.0	2.6
Not Regulated	2,595	23.8	1,548.6	33.9
Unknown	3,535	32.5	285.7	6.3
Ocean Disposal*	115	1.1	285.7	6.3

TABLE XIII–3.—NUMBER OF POTWs USING A USE OR DISPOSAL PRACTICE AND THE AMOUNT OF SEWAGE SLUDGE USED OR DISPOSED BY SECONDARY AND ADVANCED TREATMENT POTWs—Continued

Use or disposal practice	POTWs using a practice		Sewage sludge used disposed	
	Number	Percentage of POTWs	Amount (thousands of dry metric tons)	Percentage of total amount
Other	3,398	31.2	0	0.0
Transfer	22	0.2	N/A	N/A
Total	12,046	100	4,561.8	100

Notes: The total 12,046 indicates the total number of subpractices at the 10,893 POTWs. For Land Application and Surface Disposal practices, the numbers of subpractices do not total the number of POTWs practicing a use or disposal practice because some POTWs use more than one subpractice. Percentage of POTWs is the percentage of the 10,893 Secondary and Advanced Treatment POTWs. Numbers may not add up to 100 percent because of rounding. N/A indicates the value is not available.

*The NSSS data reflects use or disposal practices at the time the data was collected. The Ocean Dumping Ban Act of 1988 generally banned ocean dumping of sewage sludge by December, 1991. The last dumping ceased in June 1992.

Source: 1988 National Sewage Sludge Survey (Questionnaire), EPA.

TABLE XIII–4.—NUMBER OF POTWs USING A USE OR DISPOSAL PRACTICE AND THE AMOUNT OF SEWAGE SLUDGE USED OR DISPOSED BY THE POTWs PRIMARY TREATMENT POTWs

Use or disposal practice	POTWs using a practice		Sewage sludge used or disposed	
	Number	Percent of POTWs	Amount (thousands of dry metric tons)	Percent of total amount
Incineration	53	2.9	128.4	16.1
Land application	669	36.1	265.0	33.3
Surface Disposal	193	10.4	82.2	10.3
Not Regulated	395	21.3	270.0	34.0
Unknown	545	29.4	49.8	6.3
Total	1,855	100	795.4	100

Note: Numbers may not add up to 100 percent because of rounding.

Source: Estimated from 1988 Needs Survey and 1988 National Sewage Sludge Survey (Questionnaire), EPA.

Benefits and Costs of Today's Rulemaking

As mentioned previously, today's rulemaking contains an amendment to 40 CFR part 257, an amendment to 40 CFR part 403, and the final part 503 regulation (40 CFR part 503). Benefits and costs of each of these actions are presented in this part of the preamble.

Executive Order 12291 requires EPA to prepare a Regulatory Impact Analysis (RIA) for major regulations, which are defined by certain levels of costs and impacts. For example, the Executive Order specifies that a regulation imposing an annual cost and benefits to the economy of $100 million or more is considered "major" under the terms of the Order. According to the Executive Order, the RIA should contain descriptions of both potential costs and benefits.

Amendment to 40 CFR Part 257

The amendment to part 257 in today's rulemaking removes sewage sludge subject to the standards in the part 503 from the part 257 requirements. The final part 503 regulation now contains the requirements to be met if sewage sludge is applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator.

The part 257 amendment in today's rulemaking has no costs because this action only amends the applicability of the part 257 regulation; therefore, the requirements in Executive Order 12291 do not apply to the amendment.

Amendment to 40 CFR Part 403

The amendment to part 403 in today's rulemaking adds two lists of pollutants to part 403 that are eligible for a removal credit with respect to the use or disposal of sewage sludge. A POTW may grant a removal credit for the pollutants on the two lists if all other applicable requirements are met.

The part 403 amendment in today's rulemaking has no costs. This amendment is expected to result in cost savings to industrial dischargers who receive a removal credit for a pollutant; therefore, the requirements in Executive Order 12291 do not apply to the amendment.

40 CFR Part 503

Based on EPA's estimate of the incremental costs of complying with the final part 503 regulation, the Agency does not consider the final part 503 regulation to be a major rule as defined in Executive Order 12291. However, EPA has prepared an extensive analysis of the benefits, costs, and other impacts associated with the final part 503 regulation. This analysis, "Regulatory Impact Analysis of the part 503 Regulation for Sewage Sludge Use or Disposal," is part of the administrative record for the final part 503 regulation. Copies of the RIA may be obtained from the National Technical Information Service (see section XIV of this preamble).

The part 503 RIA was forwarded to the Office of Management and Budget (OMB) with today's rulemaking. OMB's comments are presented in the part 503 administrative record.

As mentioned previously, the part 503 RIA contains an analysis of the benefits, costs, and economic impact associated with the final part 503 regulation. The analysis begins with an assessment of the sewage sludge use or disposal practices currently used by publicly owned, privately owned, and federally owned treatment works and by domestic septage haulers. The RIA then evaluates the impact of new or additional requirements imposed by the final part 503 regulation.

The Agency's overall approach to the RIA recognizes that, in addition to compliance costs for management practices and monitoring, record-keeping, and reporting, a POTW or other affected entity may be required to alter a current practice for sewage sludge use or disposal to achieve compliance with the final part 503 regulation. These changes could include shifts to a new or different combination of use or disposal practices or increased reliance on industrial pretreatment. The costs of these changes are evaluated for each part 503 use or disposal practice for which changes must occur. The benefits associated with complying with the regulation in the form of reduced health risks are also evaluated. The RIA presents quantitative estimates of these benefits, expressed as a reduction in the number of cancer cases and other health effects.

For the use or disposal practices subject to the final part 503 regulation, the Agency projects incremental annual compliance costs of $45.9 million annually (in 1992 dollars), or an average

of less than $1 per household served. Total annual costs include management practice costs; monitoring, record keeping, and reporting costs, and in a few cases, costs for a change in use or disposal practices.

Benefits of the final part 503 regulation are reduced effects on public health resulting from reduced exposure to pollutants in sewage sludge. EPA estimates that the benefits of the final part 503 are an annual reduction of less than 1 cancer case and 90 to 600 cases of identified adverse health effects. The final regulation also is expected to create certain environmental benefits as a consequence of improvements in managing the use or disposal of sewage sludge. Table XIII–5 presents a summary of the costs and benefits of regulating land application (subpart B), surface disposal (subpart C), and incineration (subpart E). Subpart D (pathogen and vector attraction reduction) costs are incorporated in the costs for subparts B and C, as appropriate. Benefits of subpart D are not calculated because no methodology has yet been developed to quantify the risks from pathogens in sewage sludge.

TABLE XIII–5.—ESTIMATED ANNUAL COSTS AND BENEFITS FOR ALL AFFECTED TREATMENT WORKS AND FIRMS TO COMPLY WITH THE PART 503 REGULATION

($000)

	Benefits		
	Costs	Cancer	Non-cancer
Subpart B*	$14,182	0–0.5	0–500
Subpart C*	18,335	0–0.07	<1
Subpart E	11,703	0.09	90
Other Costs*	1,675		
Total Costs/Benefits	$45,895	0.09–0.7	90–600

*Costs for Subpart D are incorporated into the costs of meeting Subparts B and C.
*Costs of reading and interpreting the regulation and obtaining copies of Part 258 permits.
Source: Prepared by ERG and Abt for EPA.

The feasibility of pretreatment by industrial dischargers as a compliance alternative was evaluated as part of the final part 503 RIA. Land applying POTWs that failed the ceiling limits were analyzed to determine whether their host industries were likely to be causing high levels of the pollutant or pollutants that failed ceiling limits. In all cases, firms could be identified, based on the NSSS, that are considered likely contributors of these problem pollutants. Costs for more aggressive pretreatment programs at these firms were developed and used in the identification of the most likely compliance strategy. Where EPA determined that pretreatment was the most likely compliance strategy, the cost of pretreatment was used as the cost of compliance in the RIA. Furthermore, some POTWs practicing land application of sewage sludge currently cannot meet the part 503 pollutant concentration limits for land application of sewage sludge. Additionally, a few POTWs that fire sewage sludge in sewage sludge incinerators must install state-of-the-art pollution control equipment for metals to meet the part 503 requirements. These POTWs have a strong motivation to institute pretreatment to make the use or disposal of sewage sludge easier and less expensive.

In the RIA for the proposed part 503 regulation, the Agency conducted a limited number of case studies on the effect of industrial pretreatment on sewage sludge quality. Results of this study are presented as an appendix in the RIA for the final part 503 regulation. In this study, pollutant removals were estimated for all industrial dischargers subject to covered categorical pretreatment standards. EPA found, in these cases, that an increase in industrial pretreatment provides a significant reduction in the concentration of pollutants in sewage sludge in cases where the pollutant concentrations are high (it becomes increasingly difficult to reduce pollutant concentrations as the pollutant concentrations decline). The percentage reduction in pollutant concentrations in the case studies ranged from 6 to 96 percent. Most likely, many POTWs currently predicted to be unable to meet pollutant concentration limits in the land application subpart (and thus required to maintain records of the cumulative loadings of pollutants for each site to which sewage sludge is applied) could reduce the pollutant concentrations in the sewage sludge through a more stringent pretreatment program. This program would focus on the one or two pollutants for which the part 503 pollutant concentration cannot be met (most POTWs fail land application pollutant concentrations only for one or two pollutants).

Any reduction in pollutant concentrations because of pretreatment, however slight, achieved by POTWs firing sewage sludge in a sewage sludge incinerator that fails limits for metals could reduce the costs of compliance and make achieving compliance with subpart E of the final part 503 regulation easier overall. Without reductions in certain pollutants, several POTWs may need to monitor operations of the sewage sludge incinerator very closely to ensure that subpart E requirements are met.

The RIA for the final part 503 regulation contains some data limitations. The NSSS solved many of the data problems associated with the RIA for the proposed part 503 regulation. In addition, data gathering activities for privately and Federally owned treatment works and for domestic septage haulers that apply domestic septage to agricultural land, forest, or a reclamation site reduced some other limitations of the RIA for the proposed regulation. Some data limitations still exist, however.

Data for privately and Federally owned treatment works are still very limited. Numbers of privately owned treatment works were estimated from permits. Since only a few states collect data on use or disposal practices for privately owned treatment works, the Agency had to extrapolate the distribution of use or disposal practices using data from relatively few states to apply to the total population of privately owned treatment works.

Information on Federally owned treatment works, outside of numbers of treatment works, is unavailable. For this reason, the distribution of use or disposal practices estimated for privately owned treatment works was applied to Federally owned treatment works. In terms of flow rates, these two types of treatment works are similar. For this reason, EPA assumed that similar

sewage sludge use or disposal options are available to both types of treatment works.

Information on domestic septage haulers also is very limited. The Agency now has estimates of numbers of domestic septage haulers and typical use or disposal practices, but it has had to make estimates of the distribution of use or disposal practices based on limited information from a relatively few states where data on domestic septage haulers are collected.

Another limitation of the RIA is that, in some cases, EPA had to make assumptions about how POTWs would comply with the regulation. For example, the Agency assumed that nearly all POTWs that fire sewage sludge in a sewage sludge incinerator would elect to continue the practice of incineration. Some POTWs may decide, however, that it is less expensive to cease incineration and shift, for example, to land application. (Several POTWs that fire sewage sludge in sewage sludge incinerators generate sewage sludge that could meet the pollutant concentration limits for land application, and many could meet the cumulative limits using reasonable agronomic application rates.) For simplicity, the Agency calculated the costs of installing and operating pollution control equipment for metals needed for these POTWs to comply with the regulation, which in some cases might overstate the expense of the regulation if POTWs do decide to shift to another use or disposal practice. In all cases where simplifying assumptions such as this were made, the assumptions tended to overestimate costs of the regulation slightly, rather than underestimate costs.

A number of limitations affect the estimates of risk reduction (i.e., benefits) in the part 503 regulation. These limitations include the exclusion of certain exposure pathways, pollutants, and health effects from the estimates and the lack of ability to account for population growth and mobility.

Overall, however, EPA is confident that the compliance costs presented in the part 503 RIA reflect decisions POTWs and other entities are likely to make, as well as costs associated with these decisions. EPA also is confident that the benefits presented in the RIA are reasonable estimates of reductions in risk associated with the final part 503 regulation. In presenting the part 503 RIA, EPA divided the regulated entities into the five major groups: primary treatment POTWs, secondary and advanced treatment POTWs, privately owned treatment works, Federally owned treatment works, and domestic septage haulers. Most of the analysis focuses on secondary and advanced treatment POTWs, for which the Agency has the most information (i.e., information from the NSSS).

As noted in part III of today's preamble, data on sewage sludge quality were collected from about 200 secondary or advanced treatment POTWs during the NSSS. These data were compared to the applicable pollutant limits in the final part 503 regulation to determine whether the sewage sludge used or disposed at each POTW could meet those limits. Results of this comparison were extrapolated to the national level using the NSSS statistical weighing factors.

Any survey POTW that failed the part 503 pollutant limits given existing conditions, such as sewage sludge feed rates or land application rates, were then evaluated further to develop a compliance strategy for the POTW. Costs of the compliance strategy were then developed. A failure could be either regulatory or economic. For example, in the case of land application, if either application rates or site lives had to be reduced, a cost to deal with reductions in site lives or application rates had to be incurred. Costs to make changes to current use or disposal practices to meet part 503 requirements were then added to costs estimated for management practices, monitoring, record keeping, and reporting and then extrapolated to the national level.

To determine costs of compliance for primary treatment POTWs, the Agency determined that compliance costs for primary treatment POTWs are similar to costs for secondary or advanced treatment POTWs. This is based on the Agency's determination that pollutant concentrations in sewage sludge from primary treatment POTWs are likely to be no worse than those in sewage sludge from secondary or advanced treatment POTWs for the part 503 pollutants of concern. (SAIC 1991 Memorandum from Kathleen Stralka and Scott Henderson, to Chuck White, EPA, re: Nonparametric tests of hypothesis concerning pollutant concentrations in primary and secondary sewage sludge for 40-City Study Data, August 28). Compliance costs developed for each use or disposal practice and for each reported flow rate group investigated in the RIA (greater than 100 million MGD, greater than 10 MGD but equal to or less than 100 MGD, greater than 1 MGD but equal to or less than 10 MGD, and equal to or less than 1 MGD) were applied to the appropriate primary treatment POTWs. For example, per-POTW costs were estimated for secondary and advanced treatment POTWs with a flow rate greater than 10 MGD but equal to or less than 100 MGD that practice land application. These per-POTW costs included management practice, monitoring, record keeping, and reporting costs, as well as any compliance costs associated with sewage sludge quality. The per-POTW cost was then applied to all primary treatment POTWs with a flow rate greater than 10 MGD but equal to or less than 100 MGD and that practice land application (data on flow rate and use or disposal practice for primary treatment POTWs were estimated based on EPA's 1988 Needs Survey because the NSSS did not survey that type of treatment works).

To estimate costs of compliance for privately and Federally owned treatment works, the Agency assumed that the sewage sludge quality of these treatment works is similar to that of the smallest POTWs surveyed in the NSSS because both privately and Federally owned treatment works typically have a flow rate less than 1 MGD. The per-POTW costs developed for the smallest POTWs in the NSSS were applied, based on use or disposal practice, to the estimated number of privately and Federally owned treatment works that employ each use or disposal practice in the same way discussed previously for primary POTWs.

Compliance costs for domestic septage haulers were calculated differently because the final part 503 regulation imposes different requirements for the use or disposal of domestic septage. Part 503 does not require domestic septage applied to agricultural land, forest, or a reclamation site to meet pollutant concentration limits. Part 503, however, does require either ground-water monitoring or a certification that ground-water is not contaminated with nitrogen as a result of domestic septage placed on a surface disposal site. Because of the cost of this requirement, EPA estimates that the smallest domestic septage haulers will most likely find shifting to land application less expensive than continuing to surface dispose (EPA estimates that larger domestic septage haulers, however, will continue to practice surface disposal). Compliance costs for domestic septage haulers are estimated per-firm or per-tankload, as outlined in the discussions below, covering the impacts from the part 503 regulation for the use or disposal practice employed by a domestic septage hauler.

As mentioned previously, the RIA discusses both the benefits and the costs of the part 503 regulation. The presentation on benefits in the part 503 RIA is limited to a description of the

methodology used to estimate benefits and a summary of the results of the benefit analysis. More details on the aggregate risk assessment may be obtained from the document entitled "Human Health Risk Assessment for the Use and Disposal of Sewage Sludge: Benefits of Regulation." Information on obtaining single copies of this document is provided in part XIV.

The risk assessment for the benefits analysis follows the process outlined by the National Academy of Sciences. The assessment begins with a hazard identification and a source assessment and continues with fate and transport estimates, exposure assessments, pharmacokinetics analysis, and dose-response assessments. These components are used to estimate changes in public health, measured as morbidity and mortality.

The first step in estimating the benefits of the final part 503 regulation involves estimating the baseline public health risks of sewage sludge use or disposal. These risks are presented as cases of cancer and other adverse health effects, such as lead-related adverse effects. The key inputs for estimating baseline risks include source (POTW) information, sewage sludge pollutants, and ultimate use or disposal site characteristics.

Baseline risks from sewage sludge use or disposal practices are characterized using (1) sewage sludge quality as determined from the analytical portion of the NSSS, (2) the amount of sewage sludge used or disposed of by each POTW, and (3) the fate and transport of the pollutants subsequent to use or disposal, depending on a number of different environments that vary with each use or disposal practice.

Using the above inputs, the analysis estimates the potential pathways of human exposure and models the fate and transport of the key sewage sludge pollutants for these pathways. The analysis then estimates the potential population exposed. This information, along with dose-response data for each of the sewage sludge pollutants of concern, is used to characterize baseline public health risks.

After baseline risks were estimated, risk estimates were developed assuming the final part 503 requirements are met. The regulatory compliance strategies for the public health risk analysis assessment paralleled the strategies used to estimate the compliance cost. The same risk assessment process is used to derive the change in the baseline risk as a result of the requirements for each part 503 use or disposal practice. This change in the baseline is the measure of benefit.

Estimates of the benefits for each use or disposal practice are expressed as the number of disease cases avoided. These disease cases include cancer cases avoided and noncancer human health effects avoided. Estimated costs and benefits for the part 503 requirements for each part 503 use or disposal practice are discussed later.

Land Application

Cost and benefit analyses for the part 503 land application requirements were conducted by type of treatment works or other entity. Results of the analyses for secondary and advanced treatment works, primary treatment works, privately owned treatment works, federally owned treatment works, and domestic septage haulers are presented as follows.

For secondary and advanced treatment works, compliance with the final part 503 regulation was determined by comparing the sewage sludge quality of the POTWs in the NSSS with either pollutant concentration limits or the cumulative pollutant loading rate limits. For the cumulative pollutant loading rate limits, EPA assumed the sewage sludge application rate for a POTW is the application rate from the NSSS. The Agency also assumed that an application site has a 20-year site life (determined to be a site life that would impose no economic impacts to a POTW). Results of this analysis were extrapolated from the survey POTWs to the entire population of secondary and advanced treatment POTWs. The analysis indicated that of the 4,328 secondary and advanced treatment POTWs estimated to practice land application, 49 POTWs, or 1 percent, fail the ceiling concentrations. An additional 3,216 POTWs, or 74 percent, pass the pollutant concentration limits. Of the remaining 1,063 POTWs, most are able to meet the cumulative pollutant loading rate limits. Nearly all of these POTWs, even though they have to meet more extensive recordkeeping requirements, are expected to comply with the land application requirements with no additional compliance costs associated with pollutant limits (i.e., the POTWs will incur no costs to shift to an alternative use or disposal practice or need to change current application rates because of the life of the application site).

Of the 49 POTWs that fail the pollutant ceiling limits, 30 are expected to institute more stringent pretreatment requirements and were estimated to continue to practice land application. The remaining 19 POTWs are expected to shift to codisposal.

The total quantity of sewage sludge that fails ceiling limits is 80,000 dmt. Of this, 63,000 dmt is expected to be shifted to codisposal. Costs to POTWs for pretreatment are $2.9 million. Total costs to POTWs for shifting to codisposal are $6.0 million. Thus, the costs associated with sewage sludge that fails to meet ceiling concentrations is estimated to be $8.9 million.

Of those POTWs whose sewage sludge meets the ceiling limits but that does not meet the pollutant concentration limits, 49 POTWs are estimated to dispose of sewage sludge that is expected to fail to meet the cumulative limits with existing application rates and a 20-year site life. However, all but two of the representative survey POTWs were out of compliance with existing state regulations at the time of the NSSS. Changes made to use or disposal practice because the POTW is out of compliance with either existing state or Federal requirements are not considered a cost of part 503. Furthermore, following discussions with one of the two surveyed POTWs that failed the cumulative pollutant loading rate limits, the Agency determined that impacts on this POTW (which represents six nationwide) would be very small because of the easy availability of large amounts of additional land for application of sewage sludge and the ability of the POTW to shift among various other use or disposal practices at virtually no incremental cost.

One other POTW whose sewage sludge is estimated to fail the part 503 land application pollutant limits (represented by one POTW in the survey) is expected to dispose of a portion of the sewage sludge that is currently land applied in a municipal solid waste landfill, a practice employed by another POTW operated by the same authority. The estimated incremental cost of shifting 1,800 dry metric tons from land application to codisposal is approximately $9,000 annually.

Total compliance costs for meeting all land application pollutant limits are estimated to be $8.9 million. The quantity of sewage sludge shifted from land application to codisposal is estimated at approximately 4 percent of the total quantity land applied.

Management practices in the land application subpart are expected to impose a negligible cost on secondary and advanced treatment POTWs. General requirements are estimated to cost $0.2 million annually. Monitoring costs based on the frequency of monitoring requirements in the part 503 regulation are expected to be $1.6 million annually. Record keeping costs are estimated to be $0.9 million

annually. Finally, reporting costs are estimated at about $20,000 annually. Thus, the total estimated compliance costs associated with land application for secondary and advanced treatment POTWs are estimated to be $11.6 million annually.

As discussed previously, per-POTW costs by flow rate for secondary and advanced treatment POTWs that land apply sewage sludge were applied to the 948 primary treatment POTWs estimated to land apply sewage sludge. These per-POTW costs ranged from $426 to $43,507 annually. Total costs for primary treatment works that practice land application are expected to be $1.9 million annually.

Per-POTW costs developed for the smallest POTWs in the NSSS that land applied sewage sludge were applied to privately owned treatment works. An estimated cost of $426 per treatment works was applied to the 1,029 privately owned treatment works to estimate the cost of the part 503 land application requirements. Total costs of the part 503 land application requirements for this group of treatment works is estimated to be $0.4 million annually.

The $426 per treatment works cost for small treatment works also was applied to 53 Federally owned treatment works to estimate the cost of the land application requirements. Estimated costs for Federally owned treatment works using the $426 per treatment works cost is $ 0.02 million annually.

Monitoring costs discussed above for the different groups of treatments works include some costs for monitoring needed to show compliance with the operational standards for pathogen and vector attraction reduction in part 503. No other costs are included for the part 503 pathogen and vector attraction reduction requirements because of the current requirements in 40 CFR part 257 for pathogen and vector attraction reduction. The requirements in part 503 are either identical to current part 257 requirements (i.e., class requirements that can include meeting PSRP) or are similar to those current requirements in part 257 but expressed differently (i.e., part 503 indicates pathogen density requirements that must be met, but properly operated PFRP processes, which can be used to meet Class A requirements, should be able to meet the limits specified). Since the part 257 requirements currently apply, no additional costs, aside from some monitoring cost, for the part 503 pathogen and vector attraction reduction requirements are expected.

Domestic septage haulers practicing land application are required either (1) to inject or incorporate the septage into the soil and meet harvesting and site access restrictions or (2) to add alkali to raise the pH of domestic septage to 12 for 30 minutes. In addition, the annual application rate for an application site is limited based on the amount of nitrogen needed by the crop or vegetation grown on the land.

Domestic septage haulers that apply domestic septage to agricultural land, forest, or a reclamation site must meet certain record keeping requirements including noting the amount of septage applied to each site. The only cost of the land application requirements for domestic septage haulers is this record keeping cost, which is estimated at $0.2 million annually.

Based on the previous figures, the Agency estimates that the total cost of complying with land application requirements in the final part 503 regulation will be $14.2 million annually.

Baseline risks associated with land application of sewage sludge (i.e., the risks associated with current practices) are estimated to be less than 1 cancer case and about 500 cases of other health effects. The benefits of complying with the final part 503 regulation are expressed as reductions in the risk—the number of baseline cases that are avoided. For land application, the benefits are estimated to be less than 1 cancer case avoided and 0 to 500 cases of other adverse health effects avoided.

Surface Disposal

The final part 503 regulation for surface disposal of sewage sludge requires that sewage sludge meet certain pollutant concentrations before being placed on an active, unlined sewage sludge unit. The pollutant concentration limits vary, depending on the distance from the site to the property boundaries. Management practices, monitoring frequency, record keeping, and reporting requirements also are included in part 503 for surface disposal of sewage sludge, regardless of whether the site is lined or unlined. Costs and benefits of the part 503 surface disposal requirements on the different groups of treatment works and other entities are discussed as follows.

Data on quality of sewage sludge placed on a surface disposal site were obtained from the NSSS and compared to the appropriate pollutant limits presented in the surface disposal subpart. The Agency made several assumptions necessary to select appropriate pollutant limits to compare sewage sludge quality.

First, EPA assumed all active sewage sludge units are located more than 150 feet from the property boundary of the surface disposal site (a reasonable worse-case assumption). Second, the Agency assumed that all active sewage sludge units are unlined (based on the finding that no monofills in the NSSS were reported to be lined). The part 503 pollutant limits for units located 150 ft. or more from the property boundary were thus determined to be the appropriate limits for comparison with pollutant concentrations from the NSSS.

Because of the expense of installing ground-water monitoring wells, the Agency determined that most POTWs reporting in the NSSS incorporated sewage sludge into the land for disposal (called dedicated land application in the NSSS) would shift to land application rather than continue to use the land strictly for disposal. The Agency identified POTWs that would shift by assuming that any POTW with an application rate that allowed it to meet the cumulative pollutant loading rates in the land application subpart, while applying the sewage sludge at an agronomic rate, would shift to land application. The Agency estimates that this assumption results in no costs to the POTWs that could meet the land application requirements (the POTW only has to be permitted for land application rather than for surface disposal). Out of 1,936 surface disposers, 526 were estimated to be permitted as land appliers. The remaining 1,410 POTWs were estimated to be permitted as surface disposers. Included in this count are 301 POTWs that store sewage sludge for more than two years. Two additional survey POTWs, representing 60 nationwide, are expected to discontinue long-term storage and codispose more of their sewage sludge. Costs for increasing the quantity of sewage sludge disposed annually are estimated to be $0.4 million.

Results of the pass/fail analysis for the 1,410 surface disposers indicate that all but eight POTWs have sewage sludge that meets the pollutants limits. The eight POTWs are expected to request site-specific pollutant limits. If site-specific pollutant limits are allowed, sewage sludge from all of the POTWs is expected to meet the site-specific pollutant limits based on the difference between the actual depth to ground water at the active sewage sludge unit and the depth to ground water assumed when the part 503 pollutant limits were developed. Thus, no surface disposers are expected to fail pollutant limits.

Costs for meeting general requirements will apply. These include a requirement to provide a closure plan when the surface disposal site closes. Based on an assumption that one-

twentieth of all surface disposal units close each year, total costs for this requirement are expected to be about $30,000 annually.

Management practice costs will also be incurred. Most of the management practice requirements are very similar to those in part 257 and are expected to result in negligible costs. However, unlined surface disposal units (which all are assumed to be) are unlikely to be certified that they will not contaminate ground water. Thus, EPA assumes ground-water monitoring must be performed. The total cost to plan the monitoring program, install monitoring wells, and sample and test ground water is expected to total $1.5 million per year.

Pathogen and vector attraction reduction requirements will have an impact on surface disposers. A number of POTWs are estimated to require further sewage sludge processing or to use daily cover in order to meet these requirements. Annual costs for all these changes are estimated at $9.6 million.

The part 503 regulation also has frequency of monitoring, record keeping, and reporting requirements when sewage sludge is placed on an active sewage sludge unit. Costs for these activities are estimated at $0.6 million annually. Total costs for secondary and advanced treatment POTWs to comply with surface disposal requirements in the final part 503 regulation are estimated at $12.1 million annually.

The per-POTW costs for placement of sewage sludge on a surface disposal site developed using the NSSS were applied to the 273 primary treatment POTWs estimated to practice surface disposal. These costs ranged from $3,925 to $96,922 per POTW. Total costs for primary treatment POTWs to meet the surface disposal requirements in the final part 503 regulations are estimated to be $1.8 million annually.

A per-POTW cost of $3,925 for the smallest POTWs in the NSSS that place sewage sludge on an active sewage sludge unit was used to estimate the costs of compliance for the 551 privately owned treatment works which place sewage sludge on a surface disposal site. The estimated cost of complying with surface disposal requirements for privately owned treatment works is $2.2 million annually.

The per-POTW cost of $3,925 for the smallest POTWs in the NSSS that place sewage sludge on an active sewage sludge unit also was used to estimate compliance costs for Federally owned treatment works which place sewage sludge on an active sewage sludge unit. Multiplying that unit cost times 28 Federally owned treatment works results in an estimated cost $110,000 annually for Federally owned treatment works to meet the part 503 surface disposal requirements.

Domestic septage placed on an active sewage sludge unit must meet only the general requirements management practices, vector attraction reduction requirements, monitoring requirements (only if alkali addition is to meet vector attraction reduction requirements), and record keeping requirements. The largest cost is for management practices, which includes ground-water monitoring. Because of this expense, 884 small domestic septage haulers are expected to shift to land application. Costs for ground-water monitoring are $1.3 million, costs for the shift to land application are $0.9 million, and costs for record keeping and reporting are $0.06 million. The total cost for the 1,360 domestic septage haulers that currently place domestic septage on an active sewage sludge unit is estimated at $2.2 million per year, costing approximately $981 to $2,798 per firm, depending on the size of the firm (in gallons per year of domestic septage pumped). The total cost of the part 503 surface disposal requirements to all types of treatment works and to other entities is estimated to be $18.3 million per year.

The baseline risks associated with surface disposal (i.e., the risks associated with current practice) are estimated to be less than one cancer or other health effects case. The benefits of complying with the surface disposal requirement, expressed as the number of baseline cases that are avoided, are estimated to be 0 to 0.07 cancer cases avoided and less than one other health effects avoided.

Sewage Sludge Incineration

The part 503 requirements for firing sewage sludge in a sewage sludge incinerator require that the allowable concentration of selected inorganic pollutants in the sewage sludge be calculated using equations in the regulation. Terms in the equation must be determined on a case-by-case basis, except for the risk specific concentration for the pollutants. The Agency developed these concentrations using a pathway risk assessment. The only pathway evaluated was the inhalation pathway. For this reason, the pollutant limits in the incineration subpart protect public health from the reasonably anticipated adverse effect of the pollutants if the pollutants are inhaled.

Also included in this subpart is an operational standard for total hydrocarbons (THC). The value for THC in the final part 503 regulation can not be exceeded in the exit gas from the sewage sludge incinerator stack. Management practices and frequency of monitoring, record keeping and reporting requirements are also included in this subpart.

The impacts of the part 503 incineration requirements on secondary and advanced treatment POTWs and primary treatment POTWs are investigated in this part of the preamble because only those groups of treatment works are believed to operate sewage sludge incinerators. However, other treatment works (both privately owned and publicly owned) transfer sewage sludge to POTWs that operate sewage sludge incinerators. Since costs of the incinerator subpart are based on costs to POTWs operating sewage sludge incinerators, cost-passthrough associated with sewage sludge transferred to treatment works operating sewage sludge incinerators is discussed in the regulatory flexibility analysis to avoid double counting of total cost.

A pass/fail analysis was conducted on the NSSS POTWs using the site-specific information necessary to calculate whether, with existing sewage sludge quality, the risk-specific concentrations in the incineration subpart could be met without any changes in feed rate, dispersion factor, or incinerator control efficiencies. Results of this analysis were extrapolated to the entire population of POTWs that operate sewage sludge incinerators nationally (these numbers are based on the analytical survey weights).

Of 185 POTWs that operate 284 sewage sludge incinerators, 171 can meet the part 503 requirements for inorganic pollutants, and all can meet the THC operational standard. Of those failing the limits on inorganic pollutants (14 POTWs), all were assumed to retrofit wet electrostatic precipitators (WESPs). When added to the existing pollution control equipment, WESPs result in pollutant control efficiencies needed without changing the existing sewage sludge quality or dispersion factor (i.e., raising stack height) and without reducing sewage sludge feed rates. The cost of retrofitting and operating WESPs is estimated to be $3.6 million annually. No cost of complying with the THC operational standard will be incurred.

Costs to test a sewage sludge incinerator for pollutant control efficiencies, costs to develop a dispersion factor, and management practice costs, which include costs to install and operate different equipment, are estimated at $7.3 million annually. Frequency of monitoring, record

keeping and reporting costs are estimated to total $0.3 million annually. Total estimated costs to comply with the part 503 requirements for firing sewage sludge in a sewage sludge incinerator for secondary and advanced treatment POTWs are $11.2 annually.

Estimated costs to comply with the part 503 incineration requirements for the NSSS POTWs range from $37,000 to $315,000 per POTW. If these costs are applied to the 11 primary treatment POTWs estimated to operate sewage sludge incinerators, the estimated cost of complying with the part 503 incineration requirements is $0.5 million annually for primary treatment POTWs. Total costs for secondary and advanced treatment works and for primary treatment works to comply with the part 503 incinerator requirements is $11.7 million annually.

Baseline risks associated with incineration (i.e., current practice risks) of sewage sludge are estimated to be 0.3 to 4 cancer cases and 100 other health effects. The benefits of complying with the part 503 incineration requirements are expressed as reductions in number of baseline cases avoided. For sewage sludge incineration, the benefits are estimated to be 0.09 cancer cases avoided and 90 other adverse health effects avoided.

A few additional costs of part 503 are not associated with the part 503 use or disposal practice employed. These costs are associated with (1) reading and interpreting the final part 503 regulation, which are assumed to be incurred whether a part 503 use or disposal practice is used for the use or disposal of sewage sludge, and (2) obtaining copies of part 258 permits, which are assumed to be needed to show that the municipal solid waste landfill meets the part 258 requirements. Costs of these activities are estimated to be $1.7 million per year.

The final part 503 regulation is expected to result in environmental benefits other than the benefits associated with reducing the incidence of adverse human health effects. These environmental benefits are an outgrowth of the general reduction in the amount and toxicity of sewage sludge used or disposed in ways that damage the environment, particularly sewage sludge that is placed in environmentally sensitive areas. These environmental benefits consist mainly of improved habitats for wildlife and other species in the areas where incineration of sewage sludge occurs.

For example, emissions reductions in the vicinities of sewage sludge incinerators may reduce particulate and other types of deposits on buildings, automobiles, and structures, reducing the extent to which these items are damaged by air pollution. Commercial farms and home gardens located in areas affected by deposits from sewage sludge incinerators may experience some increase in crop vitality because of lower levels of discharged pollutants.

The regulation may account for some cost savings as well. Many POTWs whose sewage sludge meets the pollutant concentration limits are currently practicing disposal (e.g., incineration, codisposal). EPA believes that part 503 regulation may help to ease misapprehensions about the quality of sewage sludge and that a more receptive market for high-quality sewage sludge now being disposed might develop. If the regulation helps to encourage the shift from disposal to land application for just 10 percent of all high-quality sewage sludge now disposed, a savings of nearly $1 million in fertilizer costs might be realized by farmers.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act requires all Federal agencies to analyze the impact of a regulation on small businesses, small governmental jurisdictions, and small organizations. The purpose of this analysis is to determine the extent to which the regulation has an impact on small entities and the nature of those impacts. For the purpose of the final part 503 regulation, the Agency defines a small entity as a POTW with a flow rate equal to or less than one MGD that corresponds to a service area of approximately 10,000 residents; a privately owned treatment works (nearly all of which have a flow rate of one MGD or less); and all domestic septage haulers, regardless of size (most domestic septage firms are operated by one self-employed person and possibly another part-time or full time employee).

Approximately 90 percent of all entities potentially subject to the final part 503 regulation are considered small by this definition. However, only a portion of small entities employ use or disposal practices covered by the part 503 regulation. Only about 40 percent of all small entities potentially subject to the part 503 regulation employ a use or disposal practice covered by part 503.

The total estimated compliance costs for the final part 503 regulation for small entities is $14.1 million, the majority of which is attributed to land application and surface disposal of sewage sludge. Of the total estimated costs for all small entities, 73 percent is attributed to entities (treatment works and septage haulers) that place sewage sludge on a surface disposal site.

Estimated compliance costs for the part 503 regulation for small publicly and privately owned treatment works are $11.0 million for direct and indirect costs including $0.4 million for cost of reading and interpreting the regulation. Thus, compliance costs for small treatment works are only about 23 percent of the total estimated compliance costs for all treatment works and firms. EPA has judged that small privately or publicly owned treatment works are not subject to substantial compliance costs under part 503 and thus focused attention on domestic septage haulers, some of which bear the largest portion of compliance costs as a ratio of revenue among small entities.

Domestic septage haulers will incur $2.4 million in compliance costs to meet the requirements in part 503. Domestic septage haulers that practice land application or surface disposal (6,120 businesses) handle about 3.1 billion gallons of domestic septage annually. Prices charged on average for domestic septage pumping are approximately $70 per 1,000-gallon septic tank. Total annual revenues for this group are thus estimated to be $217 million annually. The incremental costs of this regulation are thus only about 1 percent of the total annual revenues for this group of businesses. Total operating costs are calculated to be approximately $156.6 million for land appliers and $44.7 for surface disposers. The annual costs of complying with the part 503 regulation ($0.2 million for land appliers and $2.2 million for surface disposers) are therefore estimated to increase operating costs by about 1 percent. Only the smallest surface-disposing domestic septage haulers are considered to be potentially affected significantly by the part 503 regulation (compliance cost as a percentage of revenues are expected to be 14 percent for these firms. Most small entities are associated with ratios of one percent or less).

The Agency is not requiring domestic septage haulers to meet the more stringent and costly pathogen and vector requirements for POTWs and privately owned treatment works. Domestic septage haulers are exempted from testing domestic septage for inorganic and organic pollutants, a major cost item for POTWs and privately owned treatment works. Record keeping requirements also have been kept as simple as possible, and no reporting is required. Thus, EPA believes it has provided domestic septage haulers with the least burdensome regulation

compatible with its mandate to protect public health and the environment.

Prices charged by domestic septage pumpers vary widely by region. These prices range from $35 per septic tank to more than $200 per septic tank. If costs to comply with the part 503 requirements are passed directly through to the estimated 4.3 million homeowners who have a septic tank pumped in any one year, the pumping costs could rise by about $1.30 each. This is an increase of 0.7 percent to 4 percent (averaging 2 percent) over current prices for tank pumping. Even if prices increase to an average of $71.30, or about $36 per year per household (based on a tank pumping schedule of every two years), this is considerably less, on average, than typical per-household charges for sewage treatment at POTWs.

Domestic septage haulers that practice land application are estimated to incur $0.2 million annually to comply with part 503 requirements. All of these costs are associated with meeting the record keeping requirements. Small surface disposers, on the other hand, are expected to shift to land application and larger domestic septage haulers are expected to install ground-water monitoring wells and meet other requirements of subpart C. The major costs to these firms to shift practices are the costs to monitor ground water or to acquire additional land. The major cost to continue to surface dispose is the cost to install wells and monitor ground water. The cost to shift to land application and to monitor ground water account for nearly 97 percent of all costs to surface-disposing domestic septage haulers. Average incremental costs per firm are $48 for land appliers and $1,602 for surface disposers. Based on an analysis of net present value for the most affected small surface disposing septage haulers, EPA concludes that septage hauling firms are unlikely to close because of part 503 requirements.

Paperwork Reduction Act

The annual public reporting burden for the collection of information imposed by this final rule, averaged over a 3-year period, is estimated to be 133,198 hours for 11,056 respondents (5,088 publicly owned treatment works, 1,208 privately owned treatment works, and 4,768 domestic septage haulers) practicing land application; 65,295 hours for the 6,188 respondents (2,071 publicly owned treatment works, 547 privately owned treatment works, and 3,570 domestic septage haulers) disposing of sewage sludge on surface disposal sites; and 207,294 hours for the 186 respondents (publicly owned treatment works) which fire sewage sludge in a sewage sludge incinerator. The average time per response per respondent is estimated to be 36.4 hours. Respondent reporting and recordkeeping burden for this collection of information includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and revising the collection of information.

The information collection requirements in this rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and have been assigned control number 2040–0157.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Chief, Information Policy Branch, EPA, 401 M Street, SW. (PM–223Y), Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

Part XIV: Availability of Technical Information on the Final Rule

Availability of the Final Rule and Preamble

The final rule and preamble may be obtained by contacting: Dr. Alan Rubin, Sludge Risk Assessment Branch (WH–586), United States Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 260–1306.

Availiability of Technical Support Documents

The following technical support documents are available:

(1) Technical Support Document for Land Application of Sewage Sludge—Volume I—PB93–110575
(2) Technical Support Document for Land Application of Sewage Sludge—Volume II—PB93–110583
(3) Technical Support Document for Surface Disposal of Sewage Sludge—PB93–110591
(4) Technical Support Document for Incineration of Sewage Sludge—PB93–110617
(5) Technical Support Document for Pathogen and Vector Attraction Reduction in Sewage Sludge—PB93–110609
(6) Human Health Risk Assessment for Use and Disposal of Sewage Sludge: Benefits of Regulation—PB93–111540
(7) The Regulatory Impact Analysis—PB93–110625

These documents may be ordered from: National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, ATTN: Sales, Telephone No. (703) 487–4650.

Please specify PB number when ordering.

Availability of Data and Information on the National Sewage Sludge Survey

Data and information from the National Sewage Sludge Survey are available as computer files and printed documents. These items can also be ordered from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, ATTN: Sales, telephone number (703) 487–4650. Please specify PB number when ordering.

Computer files of the database for the National Sewage Sludge Survey are available in three different formats. Persons requesting computer files, under any option, will want the National Sewage Sludge Survey: Data Element Dictionary for the Questionnaire and Analytical Databases (PB90–198961) and they may want the Data Element Dictionary for the Data Conventions Database (PB93–500403). These dictionaries contain definitions and specifications for all variables in each referenced database. The three computer file formats are as follows:

(1) ASCII Format Databases for the 1988 National Sewage Sludge Survey (PB93–500403) are available. These are IBM PC compatible files containing the Questionnaire Database, the Analytical Database, and the Data Conventions Database for the National Sewage Sludge Survey. These databases come on fourteen 3.5" 1.44 Mb floppy diskettes and approximately 20 Mb of hard drive space is required for installation.

(2) SAS format tapes (PB–90–501834) are also available. Databases available in this format include the Questionnaire Database and the Analytical Database. These are nine track tapes, written in SAS transportable code at 1600 bpi, with logical record lengths of 80 and block sizes of 8000. The tapes were written under the OS operating system, but they should also be readable by CMS, VSE, AOS/VS, PRIMOS, and VMS.

(3) Computer access to the EPA National Computer Center (NCC), which houses the reference copy of the database in the format of the SAS system for statistical analysis, is available on a fee for service basis. In order to open an account with NTIS on the NCC system, state that you wish to access the database for the National Sewage Sludge Survey. No specia!

passwords are required and the dataset identifiers are listed in the appropriate data element dictionaries.

Printed copies of the Analytical Database (PB90–107491), and Questionnaire Database (PB90–107509) are also available from NTIS.

Availability of Other Documents Used in Developing the Final Part 503 Rule

A copy of the documents (e.g., Response to Comments Document for the proposed part 503 Rule, Analytical Methods for the National Sewage Sludge Survey, Statistical Support Documentation for part 503, etc.) cited in the reference section of this Notice are available for review at EPA's Water Docket; 401 M Street, SW; Washington, DC 20460. The Docket is located in room L–102. For access to Docket materials, call (202) 260–3027 between 9 a.m. and 3:30 p.m. for an appointment. The EPA public information regulation (40 CFR part 2) provides that a reasonable fee may be charged for copying.

List of References Used in Preamble

1. Abron-Robinson, L.A. and L.W. Weinberger. 1984. Sewage Sludge Versus Commercial Methods for Reclaiming Strip Mine Soil. U.S. EPA, Municipal Environmental Research Laboratory and Peer Consultants. Cincinnati, OH. EPA/600/2–84/155.
2. American Petroleum Institute (API). 1983. Land Treatment Practices in the Petroleum Industry. Environmental Research and Technology, Inc., Concord, MA.
3. Anthony, R.G. and G.W. Wood. 1979. Effects of Municipal Wastewater Irrigation on Wildlife and Wildlife Habitat. Pp. 213–223. In: Sopper, William E. and Sonja N. Kerr. 1979. Utilization of Municipal Sewage Effluents and Sludge on Forest and Disturbed Land. Pennsylvania State University Press, University Park, PA.
4. Association for Utilization of Sewage Sludge. 1988. Proceedings-Second International Symposium on Land Application of Sewage Sludge. Tokyo, Japan.
5. Baxter, H.C., M. Aquiler, and K. Brown. 1983. Heavy Metals and Persistent Organics at a Sewage Sludge Disposal Site. J. Environ. Qual. 12(3):311–316.
6. Baxter, J.C., D.E. Johnson, and E.W. Kienholz. 1980. Uptake of Trace Metals and Persistent Organics Into Bovine Tissues from Sewage Sludge—Denver Project. pp. 285–309. *In* G. Bittion, B.L. Damron, G.T. Edds, and J.M. Davidson (eds.) Sludge—Health Risks of Land Application. Ann Arbor Science Publ. Inc., Ann Arbor, MI.
7. Brown, D.S., and J.D. Allison. 1987. MINTEQAI, An Equilibrium Metal Speciation Model: User's Manual. U.S. Environmental Research Laboratory, Athens, GA. EPA/600/3–87–012.
8. Brown, R.E. 1975. Significance of Trace Metals and Nitrates in Sludge Soils. J. Water Pollut. Control Fed. 47:2863–2875.
9. CAST (Council for Agricultural Science and Technology). 1976. Application of Sewage Sludge to Cropland: Appraisal of Potential Hazards of the Heavy Metals to Plants and Animals. EPA 430/9–76–013.
10. Chaney, R.L. 1973. Crop and Food Chain Effects of Toxic Elements in Sludges and Effluents. Pp. 129–141. In: Proc. of the Joint Conf. on Recycling Municipal Sludges and Effluents on Land, Champaign, IL. (July 9–13, 1973). National Assoc. State Univ. and Land Grant Colleges, Washington, D.C.
11. Chaney, R.L., R.J.F. Bruins, D.E. Baker, R.F. Horcak, J.E. Smith Jr., and D.W. Cole. 1987. Transfer of Sludge-Applied Trace Elements to the Food-Chain. Pp. 67–99. *In*: A.L. Page, T.J. Logan and J.A. Ryan (eds.). Land Application of Sludge—Food Chain Implications. Lewis Publishers, Inc. Chelsea, MI.
12. Chang, A.C. and A.L. Page. 1985. Personal Communication. Dept. of Soil and Environmental Sciences, Univ. of California, Riverside, CA. (As cited in Page, A.L., T.G. Logan, J.A. Ryan. 1987.)
13. Cohen, A. Clifford, Jr. 1959. "Simplified Estimators for the Normal Distribution When Samples are Singly Censored or Truncated." *Technometrics*. Vol. 1, No. 3 (August). 217–237.
14. Cole, D.W. 1980. Response of Forest Ecosystems to Sludge and Wastewater Applications—A Case Study in Western Washington. In: U.S. EPA. 1980. Utilization of Municipal Wastewater and Sludge for Land Reclamation and Biomass Production. Washington, D.C. EPA 430/9–81–012.
15. Cools, A., et al. 1976. Biochemical Response of Male Volunteers Ingesting Inorganic Lead for 49 Days. Int. Arch. Occup. Environ. Health 38:129–139.
16. Delos, C.G., et al. 1984. Toxic Substances. Technical Guidance Manual for Performing Waste Load Allocations, Book II–Streams and Rivers, Toxic Substances. U.S. EPA, Office of Water Regulations and Standards, Washington, D.C. EPA–440/4–84–022.
17. Dowdy, R.H., and W.E. Larson. 1975. The Availability of Sludge-Borne Metals to Various Vegetable Crops. J. Environ. Qual. 4:278–282.
18. Dowdy, R.H., et al. 1978. Growth and Metal Uptake of Snap Beans Grown on Sewage Sludge—Amended Soils, a Four-Year Field Study. J. Environ. Qual. 7:252–257.
19. Drees, L.M. 1988. Effect of Lime and Other Precipitants or Sludge Conditioners on Conversion of Chromium to the Hexavalent State When Sludge is Incinerated. Final Report. EPA Contract 68–03–3346.
20. Felmy, A.R., D.C. Girvin, and E.A. Jenne. 1984. MINTEQ—A Computer Program for Calculating Aqueous Geochemical Equilibrium. EPA–600/3–84–032.
21. Fries, G.F. 1989. Potential Polychlorinated Biphenyl Residues in Animal Products from Application of Contaminated Sewage Sludge to Land. J. Environ. Qual. 11:14–20.
22. Fries, G.G., G.S. Marrow and C.H. Gordon. 1973. Long-Term Studies of Residues in Animal Products from Application of Contaminated Sewage Sludge to Land. J. Environ. Qual. 11(1):14–20.
23. Genstle, R.W., and D.M. Albrinck. 1982. Atmospheric Emissions of Metals from Sewage Sludge Incineration. Air Poll. Control Assoc. 32(11) (November).
24. Gilliom, Robert J. and D.R. Helsel. 1986. "Estimation of Distributional Parameters for Censored Trace Level Water Quality Data. 2. Verification and Applications." *Water Resources Research*. Vol. 22, No. 2. (February). 135–146.
25. Goring, C.A.I., and J.W. Hanaker. 1972. Organic Chemicals in the Soil Environment. Vol. 1. Marcel Dekker, Inc., N.Y.
26. Guenzi, W.D., et al. (ed.). 1974. Pesticides in Soil and Water. (Listed. Soil Sci. Soc. Amer., Madison, WI.)
27. Haghiri, F. 1974. Plant Uptake of Cadmium as Influenced by Cation Exchange Capacity, Organic Matter, Zinc, and Soil Temperature. J. Environ. Qual. 3:180–183.
28. Hajjar, L.M. 1985. Effect of Soil pH and the Residual Effect of Sludge Loading Rate on the Heavy Metal Content of Tobacco and Peanut and the Effect of Cd SO_4 on the Cd Content of Various Cultivars of Grass. M.S. Thesis, North Carolina State U., Raleigh. (As Cited in: Page, A.L., T.H. Logan, and J.A. Ryan, 1987.)
29. Hallden, J.A., C.J. Pederson, and J.P. St. John. 1987. Steele Brook Pilot Study for Implementing EPA's Toxic Control Policy. Phase II Technical Analysis. U.S. EPA, Office of Water Regulations and Standards, Washington, D.C.
30. Hansen, K.G. and T.D. Hinesly. 1981. Cadmium and Soil Amended with Sewage Sludge: Effects of Residues in Swine. Environ. Health Perspect. 28:51–57.
31. Helsel, Dennis R., and R.J. Gilliom. 1986. "Estimation of Distributional Parameters for Censored Trace Level Water Quality Data. 2. Verification and Applications." *Water Resources Research*. Vol. 22, No. 2. (February). 147–155.
32. Helsel, D.R. and T.A. Cohn. 1988. "Estimation of Descriptive Statistics for Multi-Censored Water Quality Data." *Water Resources Research*. Vol. 24, No. 12. (December). 1997–2004.
33. Hinesly, T.D., L.G. Hansen, D.J. Bray and K.E. Redborg, 1985. Transfer of Sludge-Borne Cadmium Through Plants to Chickens. J. Agr. Food Chem. 33:173–180.
34. Hinesly, T.D., E.L. Ziegler, J.J. Tyler. 1976. Selected Chemical Elements in Tissues of Pheasants Fed Corn Grain from Sewage Sludge-Amended Soil. Agro/Ecosystems. 3:11–26.

35. Holmgren, G. 1985. Personal Communication to Randy Bruins, U.S. EPA. Office of Research and Development. Cincinnati, OH.
36. Honeyman, B.D., and P.H. Santschi. 1988. Metals in Aquatic Systems. Environ. Sci. Technol. 22:862.
37. Hyde, H.C., et al. 1979. Effect of Heavy Metals in Sludge on Agricultural Crops. J. Water Pollut. Control Fed. 51:2475–2486.
38. HydroQual, Inc. 1986. Technical Guidance Manual for Performing Waste Load Allocations, Book IV: Lakes, Reservoirs and Impoundments. Toxic Substances Impact. U.S. EPA, Office of Water Regulations and Standards, Washington, D.C. EPA–440/4–87–002.
38a. Kaitz, E.F. 1978. Home Gardening National Report. 1975–1977. Presented at the American Seed Trade Association, Inc., 95th Annual Convention. Kansas City, Missouri. June 1978.
39. LaGoy, P.K. 1987. Estimated Soil Ingestion Rates for Use in Risk Assessment. Risk Analysis 7:355.
40. Majima, T., et al. 1977. Studies of Pyrolysis Process of Sewage Sludge. Pp. 381–396. In: Prog. Wat. Tech. (Vol. 9). Pergaman Press, Great Britain.
41. National Center for Health Statistics. 1981. Plan and Operation of the Second National Health and Nutrition Examination Survey (1976–1980). Vital and Health Statistics Series 1(15).
42. National Well Water Association. 1985. DRASTIC: A Standardized System for Evaluating Ground Water Pollution Potential Using Hydrogeologic Settings. Ada, OK.
43. O'Connor, G.A., et al. 1989. Plant Uptake of Sludge Borne PCBs. J. Environ. Qual.
44. Page, A.L., T.G. Logan, and J.A. Ryan. 1987. Land Application of Sludge. Lewis Publishers, Inc., Chelsea, MI.
45. PEI Associates, Inc. 1987. Sewer Sludge Incineration: ISCLT Model Sensitivity Analysis. U.S. EPA, Office of Water Regulations and Standards, Washington, D.C.
46. Pennington, J.A.T. 1983. Revision of the Total Diet Study Food Lists and Diets. J. Am. Diet. Assoc. 82:166–173.
47. Peterson, M.S., L.W. Lion, and C.A. Shoemaker. 1988. Influence of Vapor-Phase Sorption and Diffusion on the Fate of Trichloroethylene in an Unsaturated Aquifer System. Environ. Sci. Technol. 22:571.
48. Pirkle, J.L., et al. 1985. The Relationship Between Blood Lead Levels and Blood Pressure and Its Cardiovascular Risk Implications. Amer. J. Epidemiol. 121(2).
49. Seaker, Eileen M., and W.E. Sopper. Reclamation of Bituminous Strip-mine Spoil Banks with Municipal Sewage Sludge. Reclamation and Revegetation Research. 3:87–100 (As cited in Seaker, Eileen M. 1985. Uses of Philadelphia Mine Mix for Strip-mine Reclamation in Western Pennsylvania. City of Philadelphia Water Department, Philadelphia, PA.)
50. Sherlock, J., et al. 1982. Assessment of Lead Intakes and Dose-Response for a Population in Ayr Exposed to a Plumbsolvent Water Supply. Hum. Toxicol. 1:115–122.
51. Singh, D. 1983. The Effect of Land Application of Sludge on Concentrations of Certain Sludge-Associated Toxic Chemicals in Michigan Soils and Crops (Report). MI Dept. of Ag., Toxic Substances Division, Lansing, MI.
52. Sopper, William E., and Sonja N. Kerr. 1980. Mine Land Reclamation with Municipal Sludge—Pennsylvania's Demonstration Program. (As cited in Cole, 1980. pp. 55–87.)
53. Strek, H.J. and J.B. Weber. 1980. Absorption and Translocation of Polychlorinated Biphenyls. Proc. South Weed, Sci, Soc. 33:226–232.
54. Taylor, D. 1988. Results of PCB Research Conducted by Madison Metropolitan Sewerage District (Madison, WI). Personal Communication to Alan Rubin. U.S. EPA. Office of Water. Washington, D.C.
55. Touchton, J.T., et al. 1976. Residual Effect of Liquid Sludge on Coastal Bermuda Grass and Soil Chemical Properties. J. Environ. Qual. 5:161–164.
56. U.S. DA. 1972. Food Consumption: Households in the United States, Seasons and Year 1965–1966. Nationwide Food Consumption Survey 1965–1966, Report No. 12.
57. U.S. DA. 1982. Food Consumption: Households in the United States, Seasons and Year 1975–1978. Nationwide Food Consumption Survey 1975–1978, Report No. H–6.
58. U.S. DA. 1989. Peer Review—Standards for the Disposal of Sewage Sludge U.S. EPA Proposed Rule 40 CFR Parts 257 and 503.
59. U.S. EPA. 1979. Process Design Manual for Sludge Treatment and Disposal. EPA 625/1–79–011.
60. U.S. EPA. 1982. Fate of Priority Pollutants in Publicly-Owned Treatment Works. Vol. I. Effluent Guidelines Division, Washington, D.C. EPA 440/1–82–303.
61. U.S. EPA. 1983. Process Design Manual for the Land Application of Municipal Sludge. Municipal Environmental Research Laboratory, Cincinnati, OH. EPA–625/1–83–016.
62. U.S. EPA. 1983. The Record of Proceedings on the OWRS Municipal Sewage Sludge Committees. Washington, D.C.
63. U.S. EPA. 1984. Environmental Regulations and Technology. Use and Disposal of Municipal Wastewater Sludge. Washington, D.C.
64. U.S. EPA. 1984. Ground-Water Protection Strategy. Washington, DC.
65. U.S. EPA. 1985. Chromium Emissions from Sewage Sludge Incinerators. Office of Air and Radiation, Emission Standards and Engineering Division.
66. U.S. EPA. 1985. Chromium Screening Study Test Report, Sewage Sludge Incinerator No. 13, Detroit Water and Sewer Department, Detroit Michigan. Office of Air Quality Planning and Standards. EMB Report 85–CHM–5.
67. U.S. EPA. 1985. Environmental Profiles and Hazard Indices for Constituents of Municipal Sludge. Washington, DC.
68. U.S. EPA. 1985. Environmental Science and Engineering. Exposure to Airborne Contaminants Released from Land Disposal Facilities—A Proposed Methodology.
69. U.S. EPA. 1985. Guideline for Determination of Good Engineering Practice Stack Height. EPA–450/4–80–023R.
70. U.S. EPA. 1986. Air Quality Criteria for Lead (volumes I–IV). Environmental Criteria and Assessment Office, Research Triangle Park, NC. EPA–600/8–83/028aF.
71. U.S. EPA. 1986. Development of Risk Assessment Methodology for Municipal Sludge Incineration. Environmental Criteria and Assessment Office, Cincinnati, OH. ECAO–CIN–486.
72. U.S. EPA. 1986. Development of Risk Assessment Methodology for Municipal Sludge Landfilling. Environmental Criteria and Assessment Office, Cincinnati, OH. ECAO–CIN–485.
73. U.S. EPA. 1986. Development of a Qualitative Pathogen Risk Assessment Methodology for Municipal Sludge Landfilling. Environmental Criteria and Assessment Office, Office of Research and Development, Washington, DC.
74. U.S. EPA. 1986. Guideline on Air Quality Models (revised). Office of Air Quality Planning and Standards, Research Triangle Park, NC. EPA–450/2–18–027R.
75. U.S. EPA. 1986. Reducing Lead in Drinking Water: A Benefits Analysis (draft final report). Office of Policy, Planning, and Evaluation.
76. U.S. EPA. 1986. Sludge Incinerator Air Quality Modeling. Office of Air Quality Planning and Standards, Research Triangle Park, NC.
77. U.S. EPA. 1986. Chromium Emissions from a Sewage Sludge Incinerator, (Draft Report). EPA Contract No. 68–03–3346.
78. U.S. EPA. 1987. Descriptive Statistics on Contaminants in Municipal Sludge Based on the EPA 40–POTW Study. Science Applications International Corporation. EPA Contract No. 68–01–6912.
79. U.S. EPA. 1987. Development of Risk Assessment Methodology for Land Application and Distribution and Marketing of Municipal Sludge. Office of Health and Environmental Assessment, Environmental Criteria and Assessment Office, Cincinnati, OH. ECAO–CIN–489.
80. U.S. EPA. 1987. Integrated Risk Information System Supportive Documentation, volume I. Office of Health and Environmental Assessment, Washington, DC. EPA/600/8–86/032a.

81. U.S. EPA. 1987. Review of Technical Documents Supporting Proposed Revisions to EPA Regulations for the Disposal/Reuse of Sewage Sludge under section 405(d) of the Clean Water Act. Science Advisory Board, Environmental Engineering Committee, Washington, D.C. SAB–EEC–87–015.
82. U.S. EPA. 1987. Task Report: Cyanide Levels in Municipal Sewage Sludge In: U.S. EPA. Water Engineering Research Laboratory Monthly Report. Office of Research and Development. Cincinnati, OH.
83. U.S. EPA. 1987. The Effects of Municipal Wastewater Sludge on Leachates and Gas Production from Sludge-Refuse Landfills and Sludge Monofills. Water Engineering Research Laboratory, Office of Research and Development. Cincinnati, OH.
84. U.S. EPA. 1988. Analytical Methods for the National Sewage Sludge Survey. Washington, D.C.
85. U.S. EPA. 1988. Guidance for Writing Case-by-Case Permit Requirements for Municipal Sewage Sludge. Draft. Office of Water Experiment. Permits Division.
86. U.S. EPA. 1988. Guidelines for Ground-Water Classification Under the EPA Ground-Water Protection Strategy. Washington, D.C.
87. U.S. EPA. 1988. Location Restrictions (Subpart B) Criteria for Municipal Solid Waste Landfills (40 CFR Part 258)—Subtitle D of the Resource Conservation and Recovery Act (RCRA). Office of Solid Waste. Washington, D.C.
88. U.S. EPA. 1988. Operating Criteria (Subpart C)—Criteria for Municipal Solid Waste Landfills (40 CFR part 258)—Subtitle D of the Resource Conservation and Recovery Act (RCRA). Office of Solid Waste. Washington, D.C.
89. U.S. EPA. 1988. Personal Communication of E.P. Crumpler with Shireo Co., Dallas, TX., April 6, 1988.
90. U.S. EPA. 1988. POTW Sludge Sampling and Analysis Document (Draft). Washington, D.C.
91. U.S. EPA. 1988. Probabilistic Ground-Water Classification at the Forty-Six Currently Active Sewage Sludge Monofills. Washington, D.C.
92. U.S. EPA. 1988. Review of the National Ambient Air Quality Standards for Lead: Exposure Analysis Methodology and Validation (Draft). Washington, D.C.
93. U.S. EPA. 1988. Sampling Procedures and Protocols for the National Sewage Sludge Survey. Washington, D.C.
94. U.S. EPA. 1988. Supporting Statement for the National Sewage Sludge Survey. Washington, D.C.
95. U.S. EPA. 1989. Burning of Hazardous Waste in Boilers and Industrial Furnaces (40 CFR Part 260)—Subtitle C of the Resource Conservation and Recovery Act (RCRA). Washington, D.C.
96. U.S. EPA. 1989. Interim Final Guidance for Soil Ingestion Rates. Office of Solid Waste and Emergency Response. Washington, D.C. (January). Directive Number 9850.4.
97. U.S. EPA. 1989. Review of Proposed Sewage Sludge Incineration Rules (40 CFR Part 257 and 503). EPA–SAB–EEC–89–035.
98. U.S. EPA. 1989a. Risk of Unsaturated/Saturated Transport and Transformation Interactions for Chemical Concentrations (RUSTIC), Volume 1: Theory and Code Verification. Office of Research and Development, Environmental Research Laboratory, Athens, GA. EPA Contract No. 68–03–6304.
99. U.S. EPA. 1989b. RUSTIC Documentation, Volume II: User's Guide. Office of Research and Development, Environmental Research Laboratory, Athens, GA. EPA Contract No. 68–03–6304.
100. U.S. EPA. 1989. Technical Support Document: Incineration of Sewage Sludge (Proposal). Office of Water.
101. U.S. EPA. 1989. Technical Support Document: Land Application and Distribution and Marketing of Sewage Sludge (Proposal). Office of Water Regulations and Standards, Washington, D.C.
102. U.S. EPA. 1989. Technical Support Document: Landfilling of Sewage Sludge (Proposal). Washington, D.C.
103. U.S. EPA. 1989. Technical Support Document: Pathogens and Vectors. (Proposal). Office of Water Regulations and Standards. Washington, D.C.
104. U.S. EPA. 1989. Technical Support Document: Surface Disposal of Sewage Sludge (Proposal). Office of Water Regulations and Standards. Washington, D.C.
105. U.S. EPA. 1990. Guidance Document for Testing and Permitting Sewage Sludge Incinerators. EPA Contract No. 68–03–3533.
106. U.S. EPA. 1990. Standards for Owners and Operators of Hazardous Waste Incinerators (40 CFR Part 260, 261, 264 and 270)—Subtitle C of the Resource Conservation and Recovery Act (RCRA). Washington, D.C.
107. U.S. EPA. 1990. Supplemental Guidance on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program (Draft). Office of Water. Washington, D.C.
108. U.S. EPA. 1991. Memorandum of James A. Ryan to Alan Rubin Committee Report on 503 Regulations. Washington, D.C. March 28, 1991.
109. U.S. EPA. 1992. Response to Public Comments on the Proposed Part 503 Sewage Sludge Use and Disposal Regulations and the National Sewage Sludge Notice of Availability. Washington, D.C.
110. U.S. EPA. 1992. Sewage Sludge Incinerator Total Hydrocarbon Analyzer Evaluation. Office of Research and Development, Wastewater Research Division, Cincinnati, OH. EPA Contract No. 60–CO–0027.
111. U.S. Geological Survey. 1981. Facing Geologic and Hydrologic Hazards. Geologic Survey Professional Paper 1240–B. Washington, D.C.
112. Van Genuchten, M. 1985. Convective-Dispersive Transport of Solutes Involved in Sequential First-order Decay Reactions. J. Computers Geosci. 11:129.
113. Vlamis, J., D.E. Williams, J.E. Corey, A.L. Page and T.J. Ganje. 1985. Zinc and Cadmium Uptake by Barley in Field Plots Fertilized Seven Years with Urban and Suburban Sludge. Soil Sci. 139:81–87. (As cited in: Page, A.L., T.H. Logan, and J.A. Ryan, 1987.)
114. Water Pollution Control Federation. 1988 Incineration, Manual of Practice No. OM–11. Alexandria, VA.
115. Water Resources Council. 1977. Guidelines for Determining Flood Flow Frequency. Bulletin Number 17A.
116. Webber, L.R., and E.G. Beauchamp. 1979. Cadmium Concentrations and Distribution in Corn (*Zea mays* L.) Grown on a Calcareous Soil for Three Years After Three Annual Sludge Applications. J. Environ. Sci. Health B14(5):454–474.
117. Yeh, G.T. 1981. AT123D: Analytical Transient One-, Two-, and Three-Dimensional Simulation of Waste Transport in the Aquifer System. Oak Ridge National Laboratory, Environmental Sciences Division, Oak Ridge, TN. ORNL–5602.

Part XV: Description of the Amendments to 40 CFR Parts 257 and 403

Amendment to 40 CFR Part 257

The existing requirements in 40 CFR part 257 are applicable to all solid waste disposal facilities and practices regulated under sections 4004 and 4010 of the Resource Conservation and Recovery Act. With certain exceptions, the requirements in 40 CFR part 257 apply to all types of facilities (e.g., landfills, surface disposal sites, land application units, and waste piles) used for the disposal of solid waste and all types of non-hazardous solid wastes (i.e., municipal, industrial, commercial, agricultural, mining, and oil and gas wastes). Part 257 also applies to the disposal of sewage sludge.

Included with the 1989 part 503 proposal was a proposed amendment to part 257. The purpose of the amendment was to delete the requirements in part 257 that pertain to sewage sludge. This included deleting section 405(d) from the part 257 authority, deleting references to sewage sludge in 257.1, revising the definitions for "sludge" and "solid waste" in 257.2, deleting the reference to sections 405(d) and 405(e) from 257.3–4, and deleting paragraphs (b) and (c) from 257.3–6. These proposed changes are discussed below with respect to the final amendment to part 257 in today's rulemaking. No comments were received from the public on the proposed part 257 amendment during

the comment period for the 1989 proposal.

The final part 503 regulation contains requirements for sewage sludge applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator. There is one case, however, that the part 503 requirements do not apply to sewage sludge used or disposed through those practices. Part 503 does not apply to the use or disposal of sewage sludge generated at an industrial facility during the treatment of industrial wastewater combined with domestic sewage generated at the industrial facility. That sewage sludge has to meet the part 257 requirements if it is disposed on the land. Because the part 257 requirements continue to apply to certain sewage sludges, today's amendment does not delete section 405(d) from the part 257 authority.

Section 257.1(b)(1) was proposed to be changed in the 1989 proposal to indicate the part 257 criteria do not apply to the use or disposal of sewage sludge under section 405(d) of the Clean Water Act. Because certain sewage sludges are subject to the part 257 requirements, today's rulemaking amends 257.1(b)(1) to indicate that part 257 contains guidelines for the disposal of sewage sludge not used or disposed through a practice regulated in 40 CFR part 503. This means that part 257 applies if sewage sludge is disposed on the land and if the sewage sludge is not used or disposed in accordance with part 503.

The 1989 proposal also proposed to amend 257.1(c)(3) and 257.1(c)(4) by deleting the last sentence in each subsection. Today's part 257 amendment deletes the final sentence in 257.1(c)(3), but does not delete the final sentence in 257.1(c)(4).

The last sentence in the current 257.1(c)(3) indicates that the part 257 criteria apply to disposal of sludges generated by treatment of domestic sewage. Because the applicability of part 257 to disposal of sewage sludge is addressed in the amended 503.1(b)(1) and in a new 503.1(c)(11), the last sentence no longer applies. For this reason, it was deleted from 257.1(c)(3).

The last sentence in 257.1(c)(4) concerning disposal of septic tank pumpings is not being deleted in today's amendment because part 257 still applies to the disposal of pumpings from septic tanks that receive commercial or industrial wastewaters. Use or disposal of pumpings from septic tanks that receive only domestic sewage (i.e., domestic septage) is addressed in part 503.

The second revision to 257.1(c) in today's amendment adds a new provision at 257.1(c)(11). This provision indicates that the part 257 criteria do not apply to the use or disposal of sewage sludge, including domestic septage, on the land when the sewage sludge is used or disposed in accordance with 40 CFR part 503. Note that domestic septage does not include pumpings from septic tanks that receive commercial or industry wastewater. As mentioned above, if those pumpings are disposed on the land, the part 257 criteria apply. The Agency decided to include this provision in 257.1(c) to make it clear that sewage sludge used or disposed in accordance with part 503 is not subject to the part 257 requirements.

Another revision to part 257 in today's rulemaking amends the definition section (i.e., 257.2). In the 1989 proposal, 257.2 was proposed to be changed by amending the terms "sludge" and "solid waste" to indicate that sewage sludge is not a sludge or a solid waste. The Agency decided not to amend those definitions in today's amendment because certain sewage sludges are still subject to the part 257 requirements. Instead, the definition of "domestic septage" and "sewage sludge" are being added to 257.2. These terms are used in the revisions to 257.1.

The final revision in today's part 257 amendment concerns 257.3–4. This subsection is being changed by adding the phrase "with respect to sewage sludge that is not used or disposed through a practice regulated in 40 CFR part 503" after "* * * a violation of section 405(e) * * * ". Section 405(e) indicates that the determination of the manner of disposal or use of sewage sludge is a local determination. However, if the selected use or disposal practice is regulated under section 405(d) of the CWA, the requirements in 405(d) have to be met. Because part 257 is promulgated under the authority of 405(d) for sewage sludges that are not regulated under part 503, section 257.3–4(b)(1) is being amended to make it clear that a party charged with a violation of section 405(e) only with respect to sewage sludge not regulated under 40 CFR part 503 may demonstrate that compliance be determined at an alternative boundary in lieu of the solid waste boundary. This amendment does not apply to a party charged with open dumping.

The proposed part 257 amendment also indicated that the Agency was considering deleting paragraphs (b) and (c) in 257.3–6. Because part 257 continues to apply to certain sewage sludge disposed on the land, EPA decided not to delete those paragraphs. Paragraphs (b) and (c) still apply if sewage sludge is disposed on the land and if that sewage sludge is not used or disposed in accordance with part 503.

Amendment to 40 CFR Part 403

Today's amendment to 40 CFR part 403 contains an appendix with two lists of pollutants eligible for a removal credit with respect to the use or disposal of sewage sludge. The first list, G–I, contains the pollutants controlled for the various use or disposal practices regulated by the part 503 regulation. If a POTW complies with the part 503 pollutant limit for a part 503 use or disposal practice and complies with the other requirements in part 503 for that practice, the pollutant is eligible for a removal credit so long as other EPA procedural and substantive requirements found at 40 CFR 403.7 are met.

For an inorganic pollutant listed in G–I to be eligible for a removal credit when present in sewage sludge that is fired in a sewage sludge incinerator, the concentration of the pollutant in the sewage sludge cannot exceed the concentration calculated using the applicable equation in part 503. In addition, part 503 requires that the National Emission Standards for Beryllium and Mercury in subparts C and D of 40 CFR part 61, respectively, and the Standards of Performance for Sewage Treatment Plants in subpart O of 40 CFR part 60 not be violated if sewage sludge is fired in a sewage sludge incinerator. These requirements must be met before a removal credit can be granted for the inorganic pollutants.

Part 503 also limits total hydrocarbon (THC) in the exit gas from sewage sludge incinerator stacks. Although the THC limit is a technology-based operational standard, in the judgment of the Administrator of EPA that limit protects public health and the environment from the reasonably anticipated adverse affects of certain organic pollutants in the incinerator stack exit gas. The 503 proposal listed all of the organic pollutants for which there were Q^* values at that time. The final part 503 regulation also includes all organic pollutants for which there are Q^* values, including those for which the values were developed after the proposal. These pollutants are eligible for a removal credit with respect to the use or disposal of sewage sludge if the THC limit is met; if the Standards of Performance for Sewage Treatment Plants in subpart O of 40 CFR part 60 are not violated; and if the other removal credit requirements are met.

The second list, G–II in the appendix, lists certain pollutants by use or disposal practice and a concentration for each pollutant. The Agency

determined that the pollutants on the second list do not pose an unreasonable risk to public health and the environment if the concentrations for those pollutants in the sewage sludge are below the concentrations for the pollutants in G–II list.

Pollutants were placed on the list in G–II for one of two reasons. First, available data, which were based in large part on the results of the 40 City Study (Fate of Priority Pollutants in Publicly Owned Treatment Works. Vol. I, Washington, DC, U.S. EPA, 1984), at the time the original list of pollutants of concern for the part 503 regulation was developed indicated that the concentrations of the pollutants in sewage sludge do not exceed the concentrations for those pollutants on the G–II list. EPA determined that, at those concentrations, the pollutants do not pose a threat to public health and the environment at the highest levels detected, and that it was not necessary to expend additional resources to determine what the highest possible "safe level" would be. EPA decided that those pollutants are eligible for a removal credit with respect to the use or disposal of sewage sludge if the concentration of a pollutant in the sewage sludge does not exceed the concentration for the pollutant in G–II and if the treatment works complies with the applicable requirements in 40 CFR 403.7.

The second reason a pollutant was placed on the list in G–II is that, after determining a risk level for the pollutant, EPA decided not to regulate it in the final part 503 regulation. The concentration for those pollutants in G–II is the concentration developed during the risk assessment for the final part 503 regulation. A removal credit is available for those pollutants with respect to the use or disposal of sewage sludge if the concentration of the pollutant in the POTW's sewage sludge is less than or equal to the concentration for the pollutant in G–II and if the treatment works complies with the applicable requirements in 40 CFR 403.7. These pollutants are designated with an asterisk on the G–II list.

Proof that the pollutant concentrations in a POTW's sewage sludge do not exceed the pollutant concentrations on the G–II list must be provided in the Sludge Management Certification portion of a POTW's removal credit application (see 40 CFR 403.7(e)(4)(v)). No further monitoring of these pollutants is required unless required by a sewage sludge permit. If subsequent monitoring reveals that the concentration of the pollutant in the POTW's sewage sludge exceeds the levels in the G–II list or any more stringent limit in the POTW's sewage sludge permit, the POTW is no longer eligible for removal credit authority for that pollutant. See 40 CFR 403.7(f)(4).

If the concentration listed in G–II is below the limit of detection for the pollutant (i.e., for N-Nitrosodimethylamine), a POTW may be granted removal credit authority for that pollutant if the POTW shows that the actual concentration in the sewage sludge is below the detection limit, unless a sewage sludge permit imposes an actual limit below the detection limit.

Today's amendment also indicates that removal credit authority can be granted to POTWs whose sewage sludge is disposed of in a municipal solid waste landfill (MSWLF) that meets the criteria in 40 CFR part 258. Any pollutant in sewage sludge for which a categorical pretreatment standard has been developed is eligible for a removal credit because disposal of sewage sludge in a MSWLF that meets the criteria in 40 CFR part 258 constitutes compliance with section 405 of the Clean Water Act, as amended. EPA published the final part 258 regulations on October 11, 1991 (56 FR 50977).

To receive removal credit authority for a pollutant, a POTW also must comply with the limits in a sewage sludge permit. A permit writer might apply such limits if site-specific circumstances vary from the assumptions underlying the pollutant limits in today's rule. The POTW also must comply with any applicable provisions of the Clean Air Act and any more stringent State or local regulations to receive removal credit authority.

The remainder of the discussion on today's amendment to part 403 reviews the options considered during the development of the appendix G lists. Implementation of today's amendment also is discussed further below.

When the proposal for part 503 regulation was published in February 1989, the Agency proposed that removal credits be available with respect to the use or disposal of sewage sludge for two groups of pollutants. The first group included pollutants regulated in part 503; removal credits would be available for POTWs that complied with the part 503 requirements for the applicable use or disposal practice. The second group included pollutants not controlled in part 503 because at the highest concentrations detected in sewage sludge, these pollutants did not present an unreasonable risk to public health or the environment.

In a Notice of Availability of Information and Data from the National Sewage Sludge Survey and Request for Comments published in the **Federal Register** in November 1990, the Agency addressed whether removal credits should be available for pollutants not addressed in the initial part 503 regulation (known as "round one" regulation). The Agency proposed and invited comment in the Notice on four options concerning the eligibility of a pollutant for a removal credit with respect to the use or disposal of sewage sludge for a second round (i.e., round two) of pollutants and for pollutants not on either the "round one" or "round two" lists. The four options were:

Option 1—A categorical pretreatment standard pollutant is eligible for a removal credit only if EPA has either established a specific numerical limit for that pollutant in part 503 or has evaluated the pollutant and concluded that it does not threaten public health and the environment in sewage sludge that is used or disposed.

Option 2—A categorical pretreatment standard pollutant not controlled in the part 503 regulation for either "round one" or "round two" becomes eligible for a removal credit with respect to the use or disposal of sewage sludge when the part 503 "round two" regulation is promulgated.

Option 3—A categorical pretreatment standard pollutant not controlled in the part 503 regulation for "round one" becomes eligible for a removal credit with respect to the use or disposal of sewage sludge if not identified by EPA in the **Federal Register** as a pollutant that may be regulated in "round two."

Option 4—A categorical pretreatment standard pollutant not controlled in the part 503 regulation for "round one" becomes eligible for a removal credit with respect to the use or disposal of sewage sludge when the "round one" regulation is promulgated.

After consideration of all of the options and the comments addressing those options, EPA selected Option 1, which is included in today's amendment to part 403. Removal credit eligibility is limited to those pollutants regulated specifically in part 503 and to pollutants that the Agency determines do not threaten public health and the environment at specified concentrations. Many commenters supported Option 1 because that option provides such a clear statement as to which pollutants are eligible for a removal credit.

As mentioned previously, section 307(b) authorizes removal credits only if the resulting industrial discharges do "not prevent sludge use or disposal by such [POTW] in accordance with section 405 * * *". Section 307(b), 33

U.S.C. 1317(b). The Third Circuit in *NRDC* v. *EPA* interpreted this language to mean that removal credits only can be granted if the comprehensive standards under section 405(d) of the CWA, as amended, are in place. Congress affirmed the Third Circuit's holding by adopting section 406(e) of the Water Quality Act. The legislative history for section 406(e) indicates that Congress wanted standards to be developed and met prior to removal credits being authorized. As Senator Stafford, one of the sponsors of the Water Quality Act of 1987, pointed out (132 Cong. Rec. S16427, daily ed. October 16, 1986):

> * * * Congress intended the existence of sludge regulations, and compliance with those regulations, to be a precondition to the granting of removal credits.

Only then can it be determined if the granting of a removal credit for a specific pollutant results in contamination of the POTW's sewage sludge.

Although section 405 does not require a limit to be developed for pollutants that do not pose a risk, section 307(b) requires compliance with a section 405 standard for a POTW to be granted removal credit authority. The Agency has resolved the potential conflict between sections 307(b) and 405 by allowing a removal credit for pollutants not controlled in the part 503 regulation provided EPA determines that regulation is unnecessary to accomplish the objective of section 405 to protect public health and the environment from the reasonably anticipated adverse effects of the pollutant. Such a determination has been made with respect to the pollutants listed by use or disposal practice on the G–II list in today's amendment to part 403.

Note: Table 22 of the proposed rule erroneously listed cyanide among the pollutants for which removal credits would be available for sludge that is land applied or distributed and marketed; EPA has not evaluated the risk of cyanide in these practices and removal credits are not available for them. To correct this error, Table G–II in the final rule does not indicate that removal credits for cyanide are available where sewage sludge is land applied. The final rule also clarifies that "total cyanide", not "cyanide", is the parameter for which removal credits may be available for surface disposal.

EPA did not select Options 2 through 4, which would have made removal credits available for additional pollutants. Those options were premised on the assumption that "round one" and "round two" regulations address substantially all the universe of pollutants in sewage sludge that may pose a threat to public health and the environment. Whether that in fact will be the case is not known at this time. EPA will consider addressing in "round two" the remaining priority pollutants controlled by categorical pretreatment standards. If those pollutants are regulated in part 503, Options 2, 3, and 4 become obsolete.

EPA cannot make removal credits available for pollutants other than those listed in appendix G at this time because the Agency has not controlled other pollutants in part 503. EPA has not analyzed all of the data to determine whether other pollutants present a risk to public health and the environment in sewage sludge that is used or disposed.

Several comments were received on the four removal credit options in the 1990 Notice. The major comments are discussed below and a response to those comments is presented.

Some commenters recommended that removal credits be abolished altogether. Various reasons were given for these recommendations including that removal credits are inconsistent with pollution prevention, erode public confidence in sewage sludge quality, and are unnecessary because industry is already required to be in compliance with categorical pretreatment standards. Others opposed removal credits for any use or disposal practice except for beneficial use practices. Others opposed removal credits if the removal credits result in any deterioration of sewage sludge quality.

The above commenters misconstrued the scope of the removal credit amendment in today's rule. Moreover, regardless of the validity of the comments, section 307(b) of the Clean Water Act, as amended, provides that the owner or operator of a POTW may revise pretreatment standards, given compliance with the statute.

One environmental group commented that EPA could not make removal credits available for any pollutant until a limit is established for the pollutant. EPA believes it is consistent with the intent of CWA sections 307(b) and 405(d) to make removal credits available for pollutants present in sewage sludge at levels that EPA has determined do not affect public health and the environment adversely. The Agency decided not to regulate pollutants for which the concentration that protects public health and the environment is above any concentration that has been detected in sewage sludge. Such regulation would result in costly monitoring for no foreseeable benefit.

This same commenter stated that EPA could not make removal credits available unless EPA subjected the pollutant to the same analysis to which regulated pollutants were subjected. The Agency does not believe it is necessary to perform an equally intensive risk assessment for every pollutant for the pollutant to be eligible for a removal credit. The resources devoted to assessing a pollutant should be increased when there is an indication that a pollutant presents an unreasonable risk to public health and the environment. Relatively little information collection and analysis may be necessary if there is little or no evidence that a pollutant presents a risk when present in sewage sludge.

The CWA, as amended, does not specify the types or amount of studies that must be performed to support a decision to regulate a pollutant under section 405. It also does not require that limits be developed for pollutants that do not present a risk to public health or the environment or are not likely ever to be present in sewage sludge in concentrations that could present such a risk. The Agency does believe, however, that for the purposes of authorizing a removal credit under section 307(b), EPA must distinguish those pollutants that do not present a risk from those for which adequate data do not exist to allow such a determination. Although it is not necessary to develop section 405 standards for every pollutant for which a removal credit may be authorized, it is necessary for EPA to consider whether section 405 requires a pollutant to be regulated. The Agency believes that it has met this requirement with respect to the pollutants listed on the G–II list in today's amendment to part 403.

Commenters argued that EPA could not make any removal credits available based on EPA's analysis of data from the 40 City Study. Removal credits are available for the pollutants listed in G–II because, at the highest values shown, EPA determined they do not present an unreasonable risk for one or more use or disposal practices. Many of the pollutant concentrations in G–II are the highest concentrations detected in the 40 City Study. At the time of the February 1989 proposal, EPA decided not to subject these pollutants to the full-scale risk assessment to which pollutants proposed for regulation were subjected. Because EPA had already determined that the pollutants do not pose a threat to public health and the environment at the highest levels detected, it was not necessary to expend additional resources to determine what the highest possible "safe level" would be. EPA decided it should instead concentrate its resources on studying those pollutants that EPA's preliminary

assessments indicated might pose a risk at existing levels.

EPA recognizes that the data from the National Sewage Sludge Survey (NSSS) is more reflective of current sewage sludge quality than the data from the 40 City Study. It may in fact be the case that EPA's analysis of the NSSS data during "round two" will indicate that certain pollutants on the G–II list are present in concentrations that merit regulation. The fact that the 40 City Study may have given an inaccurate indication of the maximum concentration of a pollutant present in any sewage sludge does not, however, change EPA's conclusion that the pollutants are "safe" at the 40 City Study levels. Examination of the NSSS data on the concentrations of these pollutants may lead to a conclusion that the "safe level" may be higher than the 40 City Study levels or may lead to a conclusion that these pollutants need to be regulated. This will not, in the absence of other information, change EPA's determination that the lower levels detected in the 40 City Study are "safe".

Also included on the G–II list are concentrations for organic pollutants based on the results of the risk assessment for the part 503 regulation. These pollutants were deleted from the part 503 regulation for various reasons after the part 503 risk assessment was completed. The concentrations for these pollutants in G–II are the concentrations based on the results of the part 503 risk assessment. If the concentration for the pollutant is below the concentration on the G–II list, public health and the environment are protected from the reasonably anticipated adverse effects of the pollutants in sewage sludge that is used or disposed. These pollutants are marked with an asterisk on the G–II list.

Some commenters argued that removal credits must be made available for any pollutant not regulated by the final part 503 regulation. The Agency believes, however, that the CWA, as amended, only allows removal credits for the pollutants in appendix G. When read together, sections 307(b) and 405 permit removal credits only when it can be determined that the increased concentrations or amounts allowed by the removal credit does not affect sewage sludge use or disposal adversely It may in fact be the case that the use or disposal of sewage sludge is not affected adversely by some pollutants for which standards are not being promulgated today. For pollutants other than those in appendix G, it cannot be determined, however, whether pollutants were not selected for regulation because they were believed to be "safe" or because there are not adequate data to determine a "safe level". As previously noted, for example, dioxin is not a pollutant that is regulated in this rulemaking today. Dioxins, which may be present in sewage sludge, are not regulated not because they are believed safe but because at the time EPA initially screened pollutants for regulation it lacked data to evaluate dioxins for regulation.

Some commenters assumed incorrectly that the pollutants on Table III–3 in the preamble for the proposed part 503 regulation were the only pollutants for which EPA lacked adequate data to establish a "safe level". Table III–3 listed the pollutants that were recommended for further study but for which a positive determination was made subsequently that EPA lacked sufficient data to establish a safe level. There are other pollutants that may have not been recommended for study because EPA lacked data regarding the risk they presented.

In the view of some commenters, this approach excludes unfairly from removal credit eligibility pollutants that may represent little or no threat to public health and the environment simply because EPA has not evaluated them formally for environmental threat. EPA recognizes that the part 503 pollutants regulated in "Round One" generally represent those pollutants in sewage sludge with the greatest potential for threatening public health and the environment. However, it must be recognized that the decision to regulate some pollutants and not others was in part based on the availability of information on the pollutants. EPA solicited comments and data to support whether additional or fewer pollutants should be regulated but received little response. The decision not to regulate does not necessarily mean that the unregulated pollutants may not threaten public health and the environment.

EPA solicited comment on whether, in those cases where the Agency regulates 4AAP (a test measurement) as an indicator for various phenolic compounds, removal credits should be allowed for all of the compounds represented by 4AAP although only the parent compound phenol and certain other phenolic compounds were subject to environmental assessments in this rulemaking. Commenters did not provide EPA with data that 4AAP reflects the different phenolic compounds in wastewater. Therefore, removal credits only are available for the specific phenolic compounds listed on the G–II in the appendix to today's part 403 amendment.

EPA solicited comment whether a specific categorical pretreatment standard pollutant not regulated in part 503 should be eligible for a removal credit and whether the concentrations on the G–II list were appropriate. One commenter noted that the demonstration procedure is so costly and time consuming that it is unlikely that additional chemicals would be added before the deadline for categorical standards. EPA notes that the degree of information and expense required should increase with evidence of risk, but that in any case, EPA's decisions must be based on such information. The only detailed data submitted to EPA addressed the adequacy of the cap for chromium. After further analysis of all available data regarding chromium in sewage sludge, EPA decided to regulate chromium in part 503. For this reason, chromium is listed on the G–I lists rather than on the G–II list.

The concentrations listed on the G–II list are a cap for the availability of removal credits for the pollutants by use or disposal practice. EPA will study the NSSS data during "Round Two" for the part 503 regulation to determine whether these levels should be raised or if the pollutants should be regulated at some other level. If an industrial discharger believes that removal credit authority should be made available for a pollutant that is present in a POTW's sewage sludge at a higher level than the level on the G–II list, the industry should provide to EPA information on those concentrations and any information of the risk presented by such concentrations.

One commenter recommended that removal credits be available for pollutants that cannot be detected in a POTW's sewage sludge. The "safe level" might be below the detection limit for some or all test procedures. The Agency believes, therefore, that it must determine the "safe level" of a pollutant before removal credit authority can be granted for that pollutant.

This commenter listed several pollutants found rarely in sewage sludge sampled in the National Sewage Sludge Survey. EPA has not yet analyzed the data on these pollutants to determine if it is adequate to support a decision not to regulate the pollutants. Before a removal credit can be authorized, EPA has to at least establish that the highest detected levels do not present a risk. The Agency hopes to perform that analysis for the "Round Two" part 503 regulation. Before that time, removal credits only are available for the pollutants listed in G–I or G–II.

Another commenter recommended that EPA consider allowing a POTW to grant a removal credit for any pollutant that cannot be detected in the POTW's effluent. This is not within the scope of this rulemaking. The Agency notes, however, that the burden of proof is on the POTW that seeks removal credit authority to establish that it is accomplishing consistent removal of the pollutant. The methods by which consistent removal can be established is not the subject of today's rule (see 40 CFR 403.7(b)(1)).

Prior to 1986, one POTW was authorized to grant removal credits for ammonia and oil and grease. This POTW commented that EPA should clarify that removal credits are available for conventional and non-conventional pollutants. As discussed above, EPA has determined that before it can make removal credits available for a particular pollutant not regulated under Part 503, it needs to determine that regulation of that pollutant is not necessary to protect public health and the environment from the reasonably anticipated adverse effects of that pollutant. Ammonia and oil and grease are not regulated under today's final part 503 standards and EPA has not made the necessary determination that regulation is not necessary. Removal credits for ammonia and oil and grease, therefore, are not available at this time. However, as previously explained, EPA will evaluate a number of pollutants for regulation in "Round Two." Its conclusions about which pollutants may be proposed for regulation in "Round Two" must be made by late May, 1993. EPA is considering at this time not only which pollutants may be proposed for regulation but also the process for determining how to evaluate unregulated pollutants for removal credit purposes.

With respect to implementation of a removal credit, publication of the part 503 regulation does not entitle a POTW automatically to removal credit authority for a pollutant. The POTW must manage all of the sewage sludge in compliance with the use or disposal practice covered by part 503; removal credits may not be authorized before the part 503 requirements are met. To be eligible for removal credit authority, the POTW must comply, with the substantive use or disposal practice requirements and any requirement related to sewage sludge use or disposal for each pollutant for which it seeks removal credit authority. POTWs that dispose of sewage sludge in a municipal solid waste landfill that complies with the criteria in 40 CFR part 258 also may obtain removal credit authority for any categorical pretreatment standard pollutant in the sewage sludge placed in the MSWLF.

To obtain removal credit authority, a POTW must apply to EPA or to a State that has been approved to administer the Pretreatment Program. The application for removal credit authority must demonstrate that the POTW is in compliance with the removal credit regulations in 40 CFR 403.7. Only POTWs may submit the application; industrial facilities cannot apply, although they may assist the POTW in preparing an application. A POTW must have an approved pretreatment program at the time removal credit authority is granted and may extend all or part of any authorized removal credit to an industrial user.

In addition to establishing compliance with the conditions applicable to the use or disposal of sewage sludge, the POTW's removal credit application must provide data on the percentage of each pollutant removed from the wastewater consistently by the POTW. Removal credits cannot be granted if they cause the POTW to violate its NPDES permit. If the POTW is subject to combined sewer overflows, the application must establish that the POTW is taking certain actions to eliminate the combined sewer overflows. Each of these requirements is described more fully in 40 CFR 403.7.

Complete applications are reviewed by EPA or a State that has been approved to administer the Pretreatment Program. When the application is submitted to an Approved State, EPA Regions have the right to review and object to a State's approval of a submission, unless the right has been waived in the Region's Memorandum of Agreement with the State. After a period of review and public comment, removal credit authority may be granted to any POTW that complies with the procedural and substantive requirements of the removal credits regulations. Following approval, POTWs must continue to sample monthly to demonstrate continued removal of the pollutant. The POTW's demonstrated consistent pollutant removal becomes an enforceable part of its NPDES permit. Authority to grant a removal credit can be modified or withdrawn if a POTW fails to continue to achieve consistent removal, fails to comply with part 503 requirements, or no longer satisfies any other requirement of 40 CFR 403.7.

List of Subjects

40 CFR Part 257

Facilities and practices, Sewage sludge, Sludge, and Solid waste.

40 CFR Part 403

Incineration, Land application, Pollutants, Removal credits, Sewage sludge, and Surface disposal.

40 CFR Part 503

Frequency of monitoring, Incineration, Incorporation by reference, Land application, Management practices, Pathogens, Pollutants, Reporting and recordkeeping requirements, Sewage sludge, Surface disposal, and Vector attraction.

Dated: November 25, 1992.

F. Henry Hubicht II,

Acting Administrator.

For reasons set out in the preamble, title 40 of the Code of Federal Regulations is amended as set forth below:

PART 257—CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES AND PRACTICES

1. The authority citation for 40 CFR part 257 continues to read as follows:

Authority: 42 U.S.C. 6907(a)(3), 6944(a) and 6949(c), 33 U.S.C. 1345 (d) and (e).

2. Section 257.1 is amended by revising paragraphs (b) and (c)(3) to read as follows and by adding a new paragraph (c)(11) to read as follows:

§ 257.1 Scope and purpose.

* * * * *

(b) These criteria also provide guidelines for the disposal of sewage sludge on the land when the sewage sludge is not used or disposed through a practice regulated in 40 CFR part 503.

(c) * * *

(3) The criteria do not apply to the land application of domestic sewage or treated domestic sewage.

* * * * *

(11) The criteria do not apply to the use or disposal sewage sludge on the land when the sewage sludge is used or disposed in accordance with 40 CFR part 503.

3. Section 257.2 is amended by adding definitions in alphabetical order for "domestic septage" and "sewage sludge" to read as follows:

§ 257.2 Definitions.

* * * * *

Domestic septage is either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar

VOL 58 ISS 32 FE 19 1993 UMI

treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

* * * * *

Sewage sludge means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

* * * * *

4. Section 257.3–4 is amended by revising paragraph (b)(1) introductory text to read as follows:

§ 257.3–4 Ground water.

* * * * *

(b)(1) For purposes of section 1008(a)(3) of the Act or section 405(d) of the CWA, a party charged with open dumping or a violation of section 405(e) with respect to sewage sludge that is not used or disposed through a practice regulated in 40 CFR part 503 may demonstrate that compliance should be determined at an alternative boundary in lieu of the solid waste boundary. The court shall establish an alternative boundary only if it finds that such a change would not result in contamination of ground water which may be needed or used for human consumption. This finding shall be based on analysis and consideration of all of the following factors that are relevant:

* * * * *

PART 403—GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

1. The authority citation for 40 CFR part 403 continues to read as follows:

Authority: Sec. 54(c)(2) of the Clean Water Act of 1977, (Pub. L. 95–217) sections 204(b)(1)(C), 208(b)(2)(C)(iii), 301(b)(1)(A)(ii), 301(b)(2)(A)(ii), 301(b)(2)(C), 301(h)(5), 301(i)(2), 304(e), 304(g), 307, 308, 309, 402(b), 405 and 501(a) of the Federal Water Pollution Control Act (Pub. L. 92–500) as amended by the Clean Water Act of 1977 and the Water Quality Act of 1987 (Pub. L. 100–4).

2. Section 403.7 is amended by adding a sentence to the end of paragraph (a)(3)(iv) and by adding paragraphs (a)(3)(iv) (A) through (C) to read as follows:

§ 403.7 Removal credits.

(a) * * *

(3) * * *

(iv) * * * Removal credits may be made available for the following pollutants.

(A) For any pollutant listed in appendix G section I of this part for the use or disposal practice employed by the POTW, when the requirements in 40 CFR part 503 for that practice are met.

(B) For any pollutant listed in appendix G section II of this part for the use or disposal practice employed by the POTW when the concentration for a pollutant listed in appendix G section II of this part in the sewage sludge that is used or disposed does not exceed the concentration for the pollutant in appendix G section II of this part.

(C) For any pollutant in sewage sludge when the POTW disposes all of its sewage sludge in a municipal solid waste landfill unit that meets the criteria in 40 CFR part 258.

* * * * *

3. 40 CFR part 403 is amended by adding appendix G to read as follows:

Appendix G to Part 403—Pollutants Eligible for a Removal Credit

I. Regulated Pollutants in Part 503 Eligible for a Removal Credit

Pollutants	Use or disposal practice		
	LA	SD	I
Arsenic	X	X	X.
Beryllium	.....	.....	X.
Cadmium	X	.....	X.
Chromium	X	X	X.
Copper	X	.....	
Lead	X	.....	X.
Mercury	X	.....	X.
Molybdenum	X	.....	
Nickel	X	X	X.
Selenium	X	.....	
Zinc	X	.....	
Total hydrocarbons	.....	.....	X(1).

Key: LA—land application, SD—surface disposal site without a liner and leachate collection system, I—firing of sewage sludge in a sewage sludge incinerator.

(1) The following organic pollutants are eligible for a removal credit if the requirements for total hydrocarbons in subpart E in 40 CFR part 503 are met when sewage sludge is fired in a sewage sludge incinerator: Acrylonitrile, Aldrin/Dieldrin (total), Benzene, Benzidine, Benzo(a)pyrene, Bis(2-chloroethyl)ether, Bis(2-ethylhexyl)phthalate, Bromodichloromethane, Bromoethane, Bromoform, Carbon tetrachloride, Chlordane, Chloroform, Chloromethane, DDD,DDE,DDT, Dibromochloromethane, Dibutyl phthalate, 1,2-dichloroethane, 1,1-dichloroethylene, 2,4-dichlorophenol 1,3-dichloropropene, Diethyl phthalate, 2,4-dinitrophenol, 1,2-diphenylhydrazine, Di-n-butyl phthalate, Endosulfan, Endrin, Ethylbenzene, Heptachlor, Heptachlor epoxide, Hexachlorobutadiene, Alpha-hexachlorocyclohexane, Betahexachlorocyclohexane, Hexachlorocyclopentadiene, Hexachloroethane, Hydrogen cyanide, Isophorone, Lindane, Methylene chloride, Nitrobenzene, N-Nitrosodimethylamine, N-Nitrosodi-n-propylamine, Pentachlorophenol, Phenol, Polychlorinated biphenyls, 2,3,7,8-tetrachlorodibenzo-p-dioxin, 1,1,2,2,-tetrachloroethane, Tetrachloroethylene, Toluene, Toxaphene, Trichloroethylene, 1,2,4-Trichlorobenzene, 1,1,1-Trichloroethane, 1,1,2-Trichloroethane, and 2,4,6-Trichlorophenol.

II. Additional Pollutants Eligible for a Removal Credit (milligrams per kilogram—dry weight basis)

Pollutant	Use or disposal practice			
	LA	(SD)		I
		Unlined[1]	Lined[2]	
Arsenic	.....	.....	[3]100	.....
Aldrin/Dieldrin (Total)	2.7	.....	.....	.....
Benzene	[3]16	140	3400	.....
Benzo(a)pyrene	15	[3]100	[3]100	.....
Bis(2-ethylhexyl)phthalate	.....	[3]100	100	.....
Cadmium	.....	[3]100	[3]100	.....
Chlordane	66	[3]100	[3]100	.....

Pollutant	Use or disposal practice			
	LA	(SD)		I
		Unlined [1]	Lined [2]	
Chromium	.....	.....	[3]100	.....
Copper	.....	[3]46	[3]100	1400
DDD, DDE, DDT (Total)	1.2	2000	2000	.....
2,4 Dichlorophenoxy-acetic acid	.....	7	7	.....
Fluoride	730	.....	.....	.....
Heptachlor	7.4	.....	.....	.....
Hexachlorobenzene	29	.....	.....	.....
Hexachlorobutadiene	600	.....	.....	.....
Iron	[3]78	.....	.....	.....
Lead	.....	[3]100	[3]100	.....
Lindane	54	[3]28	[3]28	.....
Malathion	.....	0.63	0.63	.....
Mercury	.....	[3]100	[3]100	.....
Molybdenum	.....	40	40	.....
Nickel	.....	.....	[3]100	.....
N-Nitrosodimethylamine	2.1	0.088	[redacted]	.....
Pentachlorophenol	30	.....	.....	.....
Phenol	.....	82	82	.....
Polychlorinated biphenyls	4.6	<50	<50	.....
Selenium	.....	4.8	4.8	4.8
Toxaphene	10	[3]26	[3]26	.....
Trichloroethylene	[3]10	9500	[3]10	.....
Zinc	.....	4500	4500	4500

Key: LA—land application, SD—surface disposal, I—incineration.
[1] Sewage sludge unit without a liner and leachate collection system.
[2] Sewage sludge unit with a liner and leachate collection system.
[3] Value expressed in grams per kilogram—dry weight basis.

Subchapter O in chapter I of title 40 of the Code of Federal Regulations is amended by adding part 503, which reads as follows:

SUBCHAPTER O—SEWAGE SLUDGE

PART 503—STANDARDS FOR THE USE OR DISPOSAL OF SEWAGE SLUDGE

Subpart A—General Provisions

Sec.
503.1 Purpose and applicability.
503.2 Compliance period.
503.3 Permits and direct enforceability
503.4 Relationship to other regulations.
503.5 Additional or more stringent requirements.
503.6 Exclusions.
503.7 Requirement for a person who prepares sewage sludge.
503.8 Sampling and analysis.
503.9 General definitions.

Subpart B—Land Application

503.10 Applicability.
503.11 Special definitions.
503.12 General requirements.
503.13 Pollutant limits.
503.14 Management practices.
503.15 Operational standards—pathogens and vector attraction reduction.
503.16 Frequency of monitoring.
503.17 Recordkeeping.
503.18 Reporting.

Subpart C—Surface Disposal

503.20 Applicability.
503.21 Special definitions.
503.22 General requirements.
503.23 Pollutant limits (other than domestic septage).
503.24 Management practices.
503.25 Operational standards—pathogens and vector attraction reduction.
503.26 Frequency of monitoring.
503.27 Recordkeeping.
503.28 Reporting.

Subpart D—Pathogens and Vector Attraction Reduction

503.30 Scope.
503.31 Special definitions.
503.32 Pathogens.
503.33 Vector attraction reduction.

Subpart E—Incineration

503.40 Applicability.
503.41 Special definitions.
503.42 General requirements.
503.43 Pollutant limits.
503.44 Operational standard—total hydrocarbons.
503.45 Management practices.
503.46 Frequency of monitoring.
503.47 Recordkeeping.
503.48 Reporting.

Appendix A to Part 503—Procedure to Determine the Annual Whole Sludge Application Rate for a Sewage Sludge

Appendix B to Part 503—Pathogen Treatment Processes

Authority: Sections 405 (d) and (e) of the Clean Water Act, as amended by Pub. L. 95–217, Sec. 54(d), 91 Stat. 1591 (33 U.S.C. 1345 (d) and (e)); and Pub. L. 100–4, Title IV, Sec. 406 (a), (b), 101 Stat., 71, 72 (33 U.S.C. 1251 *et seq.*).

Subpart A—General Provisions

§ 503.1 Purpose and applicability.

(a) *Purpose.* (1) This part establishes standards, which consist of general requirements, pollutant limits, management practices, and operational standards, for the final use or disposal of sewage sludge generated during the treatment of domestic sewage in a treatment works. Standards are included in this part for sewage sludge applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator. Also included in this part are pathogen and alternative vector attraction reduction requirements for sewage sludge applied to the land or placed on a surface disposal site.

(2) In addition, the standards in this part include the frequency of monitoring and recordkeeping requirements when sewage sludge is applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator. Also included in this part are reporting requirements for Class I sludge management facilities, publicly owned treatment works (POTWs) with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve 10,000 people or more.

(b) *Applicability.* (1) This part applies to any person who prepares sewage sludge, applies sewage sludge to the land, or fires sewage sludge in a sewage sludge incinerator and to the owner/operator of a surface disposal site.

(2) This part applies to sewage sludge applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator.

(3) This part applies to the exit gas from a sewage sludge incinerator stack.

VOL 58 ISS 32 FE 19 1993 UMI

(4) This part applies to land where sewage sludge is applied, to a surface disposal site, and to a sewage sludge incinerator.

§ 503.2 Compliance period.

(a) Compliance with the standards in this part shall be achieved as expeditiously as practicable, but in no case later than February 19, 1994. When compliance with the standards requires construction of new pollution control facilities, compliance with the standards shall be achieved as expeditiously as practicable, but in no case later than February 19, 1995.

(b) The requirements for frequency of monitoring, recordkeeping, and reporting in this part for total hydrocarbons in the exit gas from a sewage sludge incinerator are effective February 19, 1994 or, if compliance with the operational standard for total hydrocarbons in this part requires the construction of new pollution control facilities, February 19, 1995.

(c) All other requirements for frequency of monitoring, recordkeeping, and reporting in this part are effective on July 20, 1993.

§ 503.3 Permits and direct enforceability.

(a) Permits. The requirements in this part may be implemented through a permit:

(1) Issued to a "treatment works treating domestic sewage", as defined in 40 CFR 122.2, in accordance with 40 CFR parts 122 and 124 by EPA or by a State that has a State sludge management program approved by EPA in accordance with 40 CFR part 123 or 40 CFR part 501 or

(2) Issued under subtitle C of the Solid Waste Disposal Act; part C of the Safe Drinking Water Act; the Marine Protection, Research, and Sanctuaries Act of 1972; or the Clean Air Act. "Treatment works treating domestic sewage" shall submit a permit application in accordance with either 40 CFR 122.21 or an approved State program.

(b) Direct enforceability. No person shall use or dispose of sewage sludge through any practice for which requirements are established in this part except in accordance with such requirements.

§ 503.4 Relationship to other regulations.

Disposal of sewage sludge in a municipal solid waste landfill unit, as defined in 40 CFR 258.2, that complies with the requirements in 40 CFR part 258 constitutes compliance with section 405(d) of the CWA. Any person who prepares sewage sludge that is disposed in a municipal solid waste landfill unit shall ensure that the sewage sludge meets the requirements in 40 CFR part 258 concerning the quality of materials disposed in a municipal solid waste landfill unit.

§ 503.5 Additional or more stringent requirements.

(a) On a case-by-case basis, the permitting authority may impose requirements for the use or disposal of sewage sludge in addition to or more stringent than the requirements in this part when necessary to protect public health and the environment from any adverse effect of a pollutant in the sewage sludge.

(b) Nothing in this part precludes a State or political subdivision thereof or interstate agency from imposing requirements for the use or disposal of sewage sludge more stringent than the requirements in this part or from imposing additional requirements for the use or disposal of sewage sludge.

§ 503.6 Exclusions.

(a) *Treatment processes.* This part does not establish requirements for processes used to treat domestic sewage or for processes used to treat sewage sludge prior to final use or disposal, except as provided in § 503.32 and § 503.33.

(b) *Selection of a use or disposal practice.* This part does not require the selection of a sewage sludge use or disposal practice. The determination of the manner in which sewage sludge is used or disposed is a local determination.

(c) *Co-firing of sewage sludge.* This part does not establish requirements for sewage sludge co-fired in an incinerator with other wastes or for the incinerator in which sewage sludge and other wastes are co-fired. Other wastes do not include auxiliary fuel, as defined in 40 CFR 503.41(b), fired in a sewage sludge incinerator.

(d) *Sludge generated at an industrial facility.* This part does not establish requirements for the use or disposal of sludge generated at an industrial facility during the treatment of industrial wastewater, including sewage sludge generated during the treatment of industrial wastewater combined with domestic sewage.

(e) *Hazardous sewage sludge.* This part does not establish requirements for the use or disposal of sewage sludge determined to be hazardous in accordance with 40 CFR part 261.

(f) *Sewage sludge with high PCB concentration.* This part does not establish requirements for the use or disposal of sewage sludge with a concentration of polychlorinated biphenyls (PCBs) equal to or greater than 50 milligrams per kilogram of total solids (dry weight basis).

(g) *Incinerator ash.* This part does not establish requirements for the use or disposal of ash generated during the firing of sewage sludge in a sewage sludge incinerator.

(h) *Grit and screenings.* This part does not establish requirements for the use or disposal of grit (e.g., sand, gravel, cinders, or other materials with a high specific gravity) or screenings (e.g., relatively large materials such as rags) generated during preliminary treatment of domestic sewage in a treatment works.

(i) *Drinking water treatment sludge.* This part does not establish requirements for the use or disposal of sludge generated during the treatment of either surface water or ground water used for drinking water.

(j) *Commercial and industrial septage.* This part does not establish requirements for the use or disposal of commercial septage, industrial septage, a mixture of domestic septage and commercial septage, or a mixture of domestic septage and industrial septage.

§ 503.7 Requirement for a person who prepares sewage sludge.

Any person who prepares sewage sludge shall ensure that the applicable requirements in this part are met when the sewage sludge is applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator.

§ 503.8 Sampling and analysis.

(a) *Sampling.* Representative samples of sewage sludge that is applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator shall be collected and analyzed.

(b) *Methods.* The materials listed below are incorporated by reference in this part. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The materials are incorporated as they exist on the date of approval, and notice of any change in these materials will be published in the **Federal Register**. They are available for inspection at the Office of the Federal Register, 7th Floor, suite 700, 800 North Capitol Street, NW., Washington, DC, and at the Office of Water Docket, room L–102, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC. Copies may be obtained from the standard producer or publisher listed in the regulation. Methods in the materials listed below shall be used to analyze samples of sewage sludge.

(1) *Enteric viruses.* ASTM Designation: D 4994–89, "Standard Practice for Recovery of Viruses From Wastewater Sludges", 1992 Annual Book of ASTM Standards: Section 11—Water and Environmental Technology, ASTM, 1916 Race Street, Philadelphia, PA 19103–1187.

(2) *Fecal coliform.* Part 9221 E. or Part 9222 D., "Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992, American Public Health Association, 1015 15th Street, NW., Washington, DC 20005.

(3) *Helminth ova.* Yanko, W.A., "Occurrence of Pathogens in Distribution and Marketing Municipal Sludges", EPA 600/1–87–014, 1987. National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (PB 88–154273/AS).

(4) *Inorganic pollutants.* "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW–846, Second Edition (1982) with Updates I (April 1984) and II (April 1985) and Third Edition (November 1986) with Revision I (December 1987). Second Edition and Updates I and II are available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (PB–87–120–291). Third Edition and Revision I are available from Superintendent of Documents, Government Printing Office, 941 North Capitol Street, NE., Washington, DC 20002 (Document Number 955–001–00000–1).

(5) *Salmonella sp. bacteria.* Part 9260 D., "Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992, American Public Health Association, 1015 15th Street, NW., Washington, DC 20005; or

Kenner, B.A. and H.P. Clark, "Detection and enumeration of *Salmonella* and *Pseudomonas aeruginosa*", Journal of the Water Pollution Control Federation, Vol. 46, no. 9, September 1974, pp. 2163–2171. Water Environment Federation, 601 Wythe Street, Alexandria, Virginia 22314.

(6) *Specific oxygen uptake rate.* Part 2710 B., "Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992, American Public Health Association, 1015 15th Street, NW., Washington, DC 20005.

(7) *Total, fixed, and volatile solids.* Part 2540 G., "Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992, American Public Health Association, 1015 15th Street, NW., Washington, DC 20005.

§ 503.9 General definitions.

(a) *Apply sewage sludge or sewage sludge applied to the land* means land application of sewage sludge.

(b) *Base flood* is a flood that has a one percent chance of occurring in any given year (i.e., a flood with a magnitude equalled once in 100 years).

(c) *Class I sludge management facility* is any publicly owned treatment works (POTW), as defined in 40 CFR 501.2, required to have an approved pretreatment program under 40 CFR 403.8(a) (including any POTW located in a State that has elected to assume local program responsibilities pursuant to 40 CFR 403.10(e)) and any treatment works treating domestic sewage, as defined in 40 CFR 122.2, classified as a Class I sludge management facility by the EPA Regional Administrator, or, in the case of approved State programs, the Regional Administrator in conjunction with the State Director, because of the potential for its sewage sludge use or disposal practice to affect public health and the environment adversely.

(d) *Cover crop* is a small grain crop, such as oats, wheat, or barley, not grown for harvest.

(e) *CWA* means the Clean Water Act (formerly referred to as either the Federal Water Pollution Act or the Federal Water Pollution Control Act Amendments of 1972), Public Law 92–500, as amended by Public Law 95–217, Public Law 95–576, Public Law 96–483, Public Law 97–117, and Public Law 100–4.

(f) *Domestic septage* is either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

(g) *Domestic sewage* is waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

(h) *Dry weight basis* means calculated on the basis of having been dried at 105 degrees Celsius until reaching a constant mass (i.e., essentially 100 percent solids content).

(i) *EPA* means the United States Environmental Protection Agency.

(j) *Feed crops* are crops produced primarily for consumption by animals.

(k) *Fiber crops* are crops such as flax and cotton.

(l) *Food crops* are crops consumed by humans. These include, but are not limited to, fruits, vegetables, and tobacco.

(m) *Ground water* is water below the land surface in the saturated zone.

(n) *Industrial wastewater* is wastewater generated in a commercial or industrial process.

(o) *Municipality* means a city, town, borough, county, parish, district, association, or other public body (including an intermunicipal Agency of two or more of the foregoing entities) created by or under State law; an Indian tribe or an authorized Indian tribal organization having jurisdiction over sewage sludge management; or a designated and approved management Agency under section 208 of the CWA, as amended. The definition includes a special district created under State law, such as a water district, sewer district, sanitary district, utility district, drainage district, or similar entity, or an integrated waste management facility as defined in section 201(e) of the CWA, as amended, that has as one of its principal responsibilities the treatment, transport, use, or disposal of sewage sludge.

(p) *Permitting authority* is either EPA or a State with an EPA-approved sludge management program.

(q) *Person* is an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

(r) *Person who prepares sewage sludge* is either the person who generates sewage sludge during the treatment of domestic sewage in a treatment works or the person who derives a material from sewage sludge.

(s) *Place sewage sludge or sewage sludge placed* means disposal of sewage sludge on a surface disposal site.

(t) *Pollutant* is an organic substance, an inorganic substance, a combination of organic and inorganic substances, or a pathogenic organism that, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food chain, could, on the basis of information available to the Administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations in either organisms or offspring of the organisms.

(u) *Pollutant limit* is a numerical value that describes the amount of a pollutant allowed per unit amount of sewage sludge (e.g., milligrams per kilogram of total solids); the amount of a pollutant that can be applied to a unit area of land (e.g., kilograms per hectare); or the volume of a material that can be

applied to a unit area of land (e.g., gallons per acre).

(v) *Runoff* is rainwater, leachate, or other liquid that drains overland on any part of a land surface and runs off of the land surface.

(w) *Sewage sludge* is solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

(x) *State* is one of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and an Indian Tribe eligible for treatment as a State pursuant to regulations promulgated under the authority of section 518(e) of the CWA.

(y) *Store or storage of sewage sludge* is the placement of sewage sludge on land on which the sewage sludge remains for two years or less. This does not include the placement of sewage sludge on land for treatment.

(z) *Treat or treatment of sewage sludge* is the preparation of sewage sludge for final use or disposal. This includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge. This does not include storage of sewage sludge.

(aa) *Treatment works* is either a federally owned, publicly owned, or privately owned device or system used to treat (including recycle and reclaim) either domestic sewage or a combination of domestic sewage and industrial waste of a liquid nature.

(bb) *Wetlands* means those areas that are inundated or saturated by surface water or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Subpart B—Land Application

§ 503.10 Applicability.

(a) This subpart applies to any person who prepares sewage sludge that is applied to the land, to any person who applies sewage sludge to the land, to sewage sludge applied to the land, and to the land on which sewage sludge is applied.

(b)(1) *Bulk sewage sludge.* The general requirements in § 503.12 and the management practices in § 503.14 do not apply when bulk sewage sludge is applied to the land if the bulk sewage sludge meets the pollutant concentrations in § 503.13(b)(3), the Class A pathogen requirements in § 503.32(a), and one of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8).

(2) The Regional Administrator of EPA or, in the case of a State with an approved sludge management program, the State Director, may apply any or all of the general requirements in § 503.12 and the management practices in § 503.14 to the bulk sewage sludge in § 503.10(b)(1) on a case-by-case basis after determining that the general requirements or management practices are needed to protect public health and the environment from any reasonably anticipated adverse effect that may occur from any pollutant in the bulk sewage sludge.

(c)(1) The general requirements in § 503.12 and the management practices in § 503.14 do not apply when a bulk material derived from sewage sludge is applied to the land if the derived bulk material meets the pollutant concentrations in § 503.13(b)(3), the Class A pathogen requirements in § 503.32(a), and one of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8).

(2) The Regional Administrator of EPA or, in the case of a State with an approved sludge management program, the State Director, may apply any or all of the general requirements in § 503.12 or the management practices in § 503.14 to the bulk material in § 503.10(c)(1) on a case-by-case basis after determining that the general requirements or management practices are needed to protect public health and the environment from any reasonably anticipated adverse effect that may occur from any pollutant in the bulk sewage sludge.

(d) The requirements in this subpart do not apply when a bulk material derived from sewage sludge is applied to the land if the sewage sludge from which the bulk material is derived meets the pollutant concentrations in § 503.13(b)(3), the Class A pathogen requirements in § 503.32(a), and one of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8).

(e) *Sewage sludge sold or given away in a bag or other container for application to the land.* The general requirements in § 503.12 and the management practices in § 503.14 do not apply when sewage sludge is sold or given away in a bag or other container for application to the land if the sewage sludge sold or given away in a bag or other container for application to the land meets the pollutant concentrations in § 503.13(b)(3), the Class A pathogen requirements in § 503.32(a), and one of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8).

(f) The general requirements in § 503.12 and the management practices in § 503.14 do not apply when a material derived from sewage sludge is sold or given away in a bag or other container for application to the land if the derived material meets the pollutant concentrations in § 503.13(b)(3), the Class A pathogen requirements in § 503.32(a), and one of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8).

(g) The requirements in this subpart do not apply when a material derived from sewage sludge is sold or given away in a bag or other container for application to the land if the sewage sludge from which the material is derived meets the pollutant concentrations in § 503.13(b)(3), the Class A pathogen requirements in § 503.32(a), and one of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8).

§ 503.11 Special definitions.

(a) *Agricultural land* is land on which a food crop, a feed crop, or a fiber crop is grown. This includes range land and land used as pasture.

(b) *Agronomic rate* is the whole sludge application rate (dry weight basis) designed:

(1) To provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation grown on the land; and

(2) To minimize the amount of nitrogen in the sewage sludge that passes below the root zone of the crop or vegetation grown on the land to the ground water.

(c) *Annual pollutant loading rate* is the maximum amount of a pollutant that can be applied to a unit area of land during a 365 day period.

(d) *Annual whole sludge application rate* is the maximum amount of sewage sludge (dry weight basis) that can be applied to a unit area of land during a 365 day period.

(e) *Bulk sewage sludge* is sewage sludge that is not sold or given away in a bag or other container for application to the land.

(f) *Cumulative pollutant loading rate* is the maximum amount of an inorganic pollutant that can be applied to an area of land.

(g) *Forest* is a tract of land thick with trees and underbrush.

(h) *Land application* is the spraying or spreading of sewage sludge onto the land surface; the injection of sewage sludge below the land surface; or the incorporation of sewage sludge into the soil so that the sewage sludge can either condition the soil or fertilize crops or vegetation grown in the soil.

(i) *Monthly average* is the arithmetic mean of all measurements taken during the month.

(j) *Other container* is either an open or closed receptacle. This includes, but is not limited to, a bucket, a box, a carton, and a vehicle or trailer with a load capacity of one metric ton or less.

(k) *Pasture* is land on which animals feed directly on feed crops such as legumes, grasses, grain stubble, or stover.

(l) *Public contact site* is land with a high potential for contact by the public. This includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

(m) *Range land* is open land with indigenous vegetation.

(n) *Reclamation site* is drastically disturbed land that is reclaimed using sewage sludge. This includes, but is not limited to, strip mines and construction sites.

§ 503.12 General requirements.

(a) No person shall apply sewage sludge to the land except in accordance with the requirements in this subpart.

(b) No person shall apply bulk sewage sludge subject to the cumulative pollutant loading rates in § 503.13(b)(2) to agricultural land, forest, a public contact site, or a reclamation site if any of the cumulative pollutant loading rates in § 503.13(b)(2) has been reached.

(c) No person shall apply domestic septage to agricultural land, forest, or a reclamation site during a 365 day period if the annual application rate in § 503.13(c) has been reached during that period.

(d) The person who prepares bulk sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site shall provide the person who applies the bulk sewage sludge written notification of the concentration of total nitrogen (as N on a dry weight basis) in the bulk sewage sludge.

(e)(1) The person who applies sewage sludge to the land shall obtain information needed to comply with the requirements in this subpart.

(2)(i) Before bulk sewage sludge subject to the cumulative pollutant loading rates in § 503.13(b)(2) is applied to the land, the person who proposes to apply the bulk sewage sludge shall contact the permitting authority for the State in which the bulk sewage sludge will be applied to determine whether bulk sewage sludge subject to the cumulative pollutant loading rates in § 503.13(b)(2) has been applied to the site since July 20, 1993.

(ii) If bulk sewage sludge subject to the cumulative pollutant loading rates in § 503.13(b)(2) has not been applied to the site since July 20, 1993, the cumulative amount for each pollutant listed in Table 2 of § 503.13 may be applied to the site in accordance with § 503.13(a)(2)(i).

(iii) If bulk sewage sludge subject to the cumulative pollutant loading rates in § 503.13(b)(2) has been applied to the site since July 20, 1993, and the cumulative amount of each pollutant applied to the site in the bulk sewage sludge since that date is known, the cumulative amount of each pollutant applied to the site shall be used to determine the additional amount of each pollutant that can be applied to the site in accordance with § 503.13(a)(2)(i).

(iv) If bulk sewage sludge subject to the cumulative pollutant loading rates in § 503.13(b)(2) has been applied to the site since July 20, 1993, and the cumulative amount of each pollutant applied to the site in the bulk sewage sludge since that date is not known, an additional amount of each pollutant shall not be applied to the site in accordance with § 503.13(a)(2)(i).

(f) When a person who prepares bulk sewage sludge provides the bulk sewage sludge to a person who applies the bulk sewage sludge to the land, the person who prepares the bulk sewage sludge shall provide the person who applies the sewage sludge notice and necessary information to comply with the requirements in this subpart.

(g) When a person who prepares sewage sludge provides the sewage sludge to another person who prepares the sewage sludge, the person who provides the sewage sludge shall provide the person who receives the sewage sludge notice and necessary information to comply with the requirements in this subpart.

(h) The person who applies bulk sewage sludge to the land shall provide the owner or lease holder of the land on which the bulk sewage sludge is applied notice and necessary information to comply with the requirements in this subpart.

(i) Any person who prepares bulk sewage sludge that is applied to land in a State other than the State in which the bulk sewage sludge is prepared shall provide written notice, prior to the initial application of bulk sewage sludge to the land application site by the applier, to the permitting authority for the State in which the bulk sewage sludge is proposed to be applied. The notice shall include:

(1) The location, by either street address or latitude and longitude, of each land application site.

(2) The approximate time period bulk sewage sludge will be applied to the site.

(3) The name, address, telephone number, and National Pollutant Discharge Elimination System permit number (if appropriate) for the person who prepares the bulk sewage sludge.

(4) The name, address, telephone number, and National Pollutant Discharge Elimination System permit number (if appropriate) for the person who will apply the bulk sewage sludge.

(j) Any person who applies bulk sewage sludge subject to the cumulative pollutant loading rates in § 503.13(b)(2) to the land shall provide written notice, prior to the initial application of bulk sewage sludge to a land application site by the applier, to the permitting authority for the State in which the bulk sewage sludge will be applied and the permitting authority shall retain and provide access to the notice. The notice shall include:

(1) The location, by either street address or latitude and longitude, of the land application site.

(2) The name, address, telephone number, and National Pollutant Discharge Elimination System permit number (if appropriate) of the person who will apply the bulk sewage sludge.

§ 503.13 Pollutant limits.

(a) Sewage sludge. (1) Bulk sewage sludge or sewage sludge sold or given away in a bag or other container shall not be applied to the land if the concentration of any pollutant in the sewage sludge exceeds the ceiling concentration for the pollutant in Table 1 of § 503.13.

(2) If bulk sewage sludge is applied to agricultural land, forest, a public contact site, or a reclamation site, either:

(i) The cumulative loading rate for each pollutant shall not exceed the cumulative pollutant loading rate for the pollutant in Table 2 of § 503.13; or

(ii) The concentration of each pollutant in the sewage sludge shall not exceed the concentration for the pollutant in Table 3 of § 503.13.

(3) If bulk sewage sludge is applied to a lawn or a home garden, the concentration of each pollutant in the

sewage sludge shall not exceed the concentration for the pollutant in Table 3 of § 503.13.

(4) If sewage sludge is sold or given away in a bag or other container for application to the land, either:

(i) The concentration of each pollutant in the sewage sludge shall not exceed the concentration for the pollutant in Table 3 of § 503.13; or

(ii) The product of the concentration of each pollutant in the sewage sludge and the annual whole sludge application rate for the sewage sludge shall not cause the annual pollutant loading rate for the pollutant in Table 4 of § 503.13 to be exceeded. The procedure used to determine the annual whole sludge application rate is presented in appendix A of this part.

(b) Pollutant concentrations and loading rates—sewage sludge.

(1) Ceiling concentrations.

TABLE 1 OF § 503.13.—CEILING CONCENTRATIONS

Pollutant	Ceiling concentration (milligrams per kilogram)[1]
Arsenic	75
Cadmium	85
Chromium	3000
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
Selenium	100
Zinc	7500

[1] Dry weight basis.

(2) Cumulative pollutant loading rates.

TABLE 2 OF § 503.13.—CUMULATIVE POLLUTANT LOADING RATES

Pollutant	Cumulative pollutant loading rate (kilograms per hectare)
Arsenic	41
Cadmium	39
Chromium	3000
Copper	1500
Lead	300
Mercury	17
Molybdenum	18
Nickel	420
Selenium	100
Zinc	2800

(3) Pollutant concentrations.

TABLE 3 OF § 503.13.—POLLUTANT CONCENTRATIONS

Pollutant	Monthly average concentrations (milligrams per kilogram)[1]
Arsenic	41
Cadmium	39
Chromium	1200
Copper	1500
Lead	300
Mercury	17
Molybdenum	18
Nickel	420
Selenium	36
Zinc	2800

[1] Dry weight basis.

(4) Annual pollutant loading rates.

TABLE 4 OF § 503.13.—ANNUAL POLLUTANT LOADING RATES

Pollutant	Annual pollutant loading rate (kilograms per hectare per 365 day period)
Arsenic	2.0
Cadmium	1.9
Chromium	150
Copper	75
Lead	15
Mercury	0.85
Molybdenum	0.90
Nickel	21
Selenium	5.0
Zinc	140

(c) Domestic septage.

The annual application rate for domestic septage applied to agricultural land, forest, or a reclamation site shall not exceed the annual application rate calculated using equation (1).

$$AAR = \frac{N}{0.0026} \quad \text{Eq. (1)}$$

Where:

AAR=Annual application rate in gallons per acre per 365 day period.

N=Amount of nitrogen in pounds per acre per 365 day period needed by the crop or vegetation grown on the land.

§ 503.14 Management practices.

(a) Bulk sewage sludge shall not be applied to the land if it is likely to adversely affect a threatened or endangered species listed under section 4 of the Endangered Species Act or its designated critical habitat.

(b) Bulk sewage sludge shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge enters a wetland or other waters of the United States, as defined in 40 CFR 122.2, except as provided in a permit issued pursuant to section 402 or 404 of the CWA.

(c) Bulk sewage sludge shall not be applied to agricultural land, forest, or a reclamation site that is 10 meters or less from waters of the United States, as defined in 40 CFR 122.2, unless otherwise specified by the permitting authority.

(d) Bulk sewage sludge shall be applied to agricultural land, forest, a public contact site, or a reclamation site at a whole sludge application rate that is equal to or less than the agronomic rate for the bulk sewage sludge, unless, in the case of a reclamation site, otherwise specified by the permitting authority.

(e) Either a label shall be affixed to the bag or other container in which sewage sludge that is sold or given away for application to the land, or an information sheet shall be provided to the person who receives sewage sludge sold or given away in an other container for application to the land. The label or information sheet shall contain the following information:

(1) The name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container for application to the land.

(2) A statement that application of the sewage sludge to the land is prohibited except in accordance with the instructions on the label or information sheet.

(3) The annual whole sludge application rate for the sewage sludge that does not cause any of the annual pollutant loading rates in Table 4 of § 503.13 to be exceeded.

§ 503.15 Operational standards—pathogens and vector attraction reduction.

(a) *Pathogens—sewage sludge.*

(1) The Class A pathogen requirements in § 503.32(a) or the Class B pathogen requirements and site restrictions in § 503.32(b) shall be met when bulk sewage sludge is applied to agricultural land, forest, a public contact site, or a reclamation site.

(2) The Class A pathogen requirements in § 503.32(a) shall be met when bulk sewage sludge is applied to a lawn or a home garden.

(3) The Class A pathogen requirements in § 503.32(a) shall be met when sewage sludge is sold or given away in a bag or other container for application to the land.

(b) *Pathogens—domestic septage.*

The requirements in either § 503.32 (c)(1) or (c)(2) shall be met when domestic septage is applied to agricultural land, forest, or a reclamation site.

(c) *Vector attraction reduction—sewage sludge.*

(1) One of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(10) shall be met when bulk sewage sludge is applied to agricultural land, forest, a public contact site, or a reclamation site.

(2) One of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8) shall be met when bulk sewage sludge is applied to a lawn or a home garden.

(3) One of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8) shall be met when sewage sludge is sold or given away in a bag or other container for application to the land.

(d) *Vector attraction reduction—domestic septage.* The vector attraction reduction requirements in § 503.33(b)(9), (b)(10), or (b)(12) shall be met when domestic septage is applied to agricultural land, forest, or a reclamation site.

§ 503.16 Frequency of monitoring.

(a) *Sewage sludge.* (1) The frequency of monitoring for the pollutants listed in Table 1, Table 2, Table 3 and Table 4 of § 503.13; the pathogen density requirements in § 503.32(a) and in § 503.32(b)(2) through (b)(4); and the vector attraction reduction requirements § 503.33 (b)(1) through § 503.33(b)(8) shall be the frequency in Table 1 of § 503.16.

TABLE. 1 OF § 503.16.—FREQUENCY OF MONITORING—LAND APPLICATION

Amount of sewage sludge[1] (metric tons per 365 day period)	Frequency
Greater than zero but less than 290.	Once per year.
Equal to or greater than 290 but less than 1,500.	Once per quarter (four times per year).
Equal to or greater than 1,500 but less than 15,000.	Once per 60 days (six times per year).
Equal to or greater than 15,000.	Once per month (12 times per year).

[1] Either the amount of bulk sewage sludge applied to the land or the amount of sewage sludge received by a person who prepares sewage sludge that is sold or given away in a bag or other container for application to the land (dry weight basis).

(2) After the sewage sludge has been monitored for two years at the frequency in Table 1 of § 503.16, the permitting authority may reduce the frequency of monitoring for pollutant concentrations and for the pathogen density requirements in § 503.32 (a)(5)(ii) and (a)(5)(iii), but in no case shall the frequency of monitoring be less than once per year when sewage sludge is applied to the land.

(b) *Domestic septage.* If either the pathogen requirements in § 503.32(c)(2) or the vector attraction reduction requirements in § 503.33(b)(12) are met when domestic septage is applied to agricultural land, forest, or a reclamation site, each container of domestic septage applied to the land shall be monitored for compliance with those requirements.

(Approved by the Office of Management and Budget under control number 2040–0157)

§ 503.17 Recordkeeping.

(a) *Sewage sludge.* (1) The person who prepares the sewage sludge in § 503.10(b)(1) or (e) shall develop the following information and shall retain the information for five years:

(i) The concentration of each pollutant listed in Table 3 of § 503.13 in the sewage sludge.

(ii) The following certification statement:

"I certify, under penalty of law, that the Class A pathogen requirements in § 503.32(a) and the vector attraction reduction requirement in [insert one of the vector attraction reduction requirements in § 503.33(b)(1) through § 503.33(b)(8)] have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(iii) A description of how the Class A pathogen requirements in § 503.32(a) are met.

(iv) A description of how one of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8) is met.

(2) The person who derives the material in § 503.10 (c)(1) or (f) shall develop the following information and shall retain the information for five years:

(i) The concentration of each pollutant listed in Table 3 of § 503.13 in the material.

(ii) The following certification statement:

"I certify, under penalty of law, that the Class A pathogen requirements in § 503.32(a) and the vector attraction reduction requirement in [insert one of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8)] have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements and the vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(iii) A description of how the Class A pathogen requirements in § 503.32(a) are met.

(iv) A description of how one of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8) is met.

(3) If the pollutant concentrations in § 503.13(b)(3), the Class A pathogen requirements in § 503.32(a), and the vector attraction reduction requirements in either § 503.33 (b)(9) or (b)(10) are met when bulk sewage sludge is applied to agricultural land, forest, a public contact site, or a reclamation site:

(i) The person who prepares the bulk sewage sludge shall develop the following information and shall retain the information for five years.

(A) The concentration of each pollutant listed in Table 3 of § 503.13 in the bulk sewage sludge.

(B) The following certification statement:

"I certify, under penalty of law, that the pathogen requirements in § 503.32(a) have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(C) A description of how the pathogen requirements in § 503.32(a) are met.

(ii) The person who applies the bulk sewage sludge shall develop the following information and shall retain the information for five years.

(A) The following certification statement:

"I certify, under penalty of law, that the management practices in § 503.14 and the vector attraction reduction requirement in [insert either § 503.33 (b)(9) or (b)(10)] have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

(B) A description of how the management practices in § 503.14 are met for each site on which bulk sewage sludge is applied.

(C) A description of how the vector attraction reduction requirements in either § 503.33(b)(9) or (b)(10) are met for each site on which bulk sewage sludge is applied.

(4) If the pollutant concentrations in § 503.13(b)(3) and the Class B pathogen requirements in § 503.32(b) are met when bulk sewage sludge is applied to agricultural land, forest, a public contact site, or a reclamation site:

(i) The person who prepares the bulk sewage sludge shall develop the following information and shall retain the information for five years:

VOL
58
ISS
32
FE
19
1993
UMI

(A) The concentration of each pollutant listed in Table 3 of § 503.13 in the bulk sewage sludge.

(B) The following certification statement:

"I certify under, penalty of law, that the Class B pathogen requirements in § 503.32(b) and the vector attraction reduction requirement in [insert one of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8) if one of those requirements is met] have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements [and vector attraction reduction requirements if applicable] have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(C) A description of how the Class B pathogen requirements in § 503.32(b) are met.

(D) When one of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8) is met, a description of how the vector attraction reduction requirement is met.

(ii) The person who applies the bulk sewage sludge shall develop the following information and shall retain the information for five years.

(A) The following certification statement:

"I certify, under penalty of law, that the management practices in § 503.14, the site restrictions in § 503.32(b)(5), and the vector attraction reduction requirements in [insert either § 503.33 (b)(9) or (b)(10), if one of those requirements is met] have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices and site restrictions [and the vector attraction reduction requirements if applicable] have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(B) A description of how the management practices in § 503.14 are met for each site on which bulk sewage sludge is applied.

(C) A description of how the site restrictions in § 503.32(b)(5) are met for each site on which bulk sewage sludge is applied.

(D) When the vector attraction reduction requirement in either § 503.33 (b)(9) or (b)(10) is met, a description of how the vector attraction reduction requirement is met.

(5) If the requirements in § 503.13(a)(2)(i) are met when bulk sewage sludge is applied to agricultural land, forest, a public contact site, or a reclamation site:

(i) The person who prepares the bulk sewage sludge shall develop the following information and shall retain the information for five years.

(A) The concentration of each pollutant listed in Table 1 of § 503.13 in the bulk sewage sludge.

(B) The following certification statement:

"I certify, under penalty of law, that the pathogen requirements in [insert either § 503.32(a) or § 503.32(b)] and the vector attraction reduction requirement in [insert one of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8) if one of those requirements is met] have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements [and vector attraction reduction requirements] have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(C) A description of how the pathogen requirements in either § 503.32 (a) or (b) are met.

(D) When one of the vector attraction requirements in § 503.33 (b)(1) through (b)(8) is met, a description of how the vector attraction requirement is met.

(ii) The person who applies the bulk sewage sludge shall develop the following information, retain the information in § 503.17 (a)(5)(ii)(A) through (a)(5)(ii)(G) indefinitely, and retain the information in § 503.17 (a)(5)(ii)(H) through (a)(5)(ii)(M) for five years.

(A) The location, by either street address or latitude and longitude, of each site on which bulk sewage sludge is applied.

(B) The number of hectares in each site on which bulk sewage sludge is applied.

(C) The date and time bulk sewage sludge is applied to each site.

(D) The cumulative amount of each pollutant (i.e., kilograms) listed in Table 2 of § 503.13 in the bulk sewage sludge applied to each site, including the amount in § 503.12(e)(2)(iii).

(E) The amount of sewage sludge (i.e., metric tons) applied to each site.

(F) The following certification statement:

"I certify, under penalty of law, that the requirements to obtain information in § 503.12(e)(2) have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the requirements to obtain information have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

(G) A description of how the requirements to obtain information in § 503.12(e)(2) are met.

(H) The following certification statement:

"I certify, under penalty of law, that the management practices in § 503.14 have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

(I) A description of how the management practices in § 503.14 are met for each site on which bulk sewage sludge is applied.

(J) The following certification statement when the bulk sewage sludge meets the Class B pathogen requirements in § 503.32(b):

"I certify, under penalty of law, that the site restrictions in § 503.32(b)(5) have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the site restrictions have been met. I am aware that there are significant penalties for false certification including fine and imprisonment."

(K) A description of how the site restrictions in § 503.32(b)(5) are met for each site on which Class B bulk sewage sludge is applied.

(L) The following certification statement when the vector attraction reduction requirement in either § 503.33 (b)(9) or (b)(10) is met:

"I certify, under penalty of law, that the vector attraction reduction requirement in [insert either § 503.33(b)(9) or § 503.33(b)(10)] has been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the vector attraction reduction requirement has been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(M) If the vector attraction reduction requirements in either § 503.33 (b)(9) or (b)(10) are met, a description of how the requirements are met.

(6) If the requirements in § 503.13(a)(4)(ii) are met when sewage sludge is sold or given away in a bag or

other container for application to the land, the person who prepares the sewage sludge that is sold or given away in a bag or other container shall develop the following information and shall retain the information for five years:

(i) The annual whole sludge application rate for the sewage sludge that does not cause the annual pollutant loading rates in Table 4 of § 503.13 to be exceeded.

(ii) The concentration of each pollutant listed in Table 4 of § 503.13 in the sewage sludge.

(iii) The following certification statement:

"I certify, under penalty of law, that the management practice in § 503.14(e), the Class A pathogen requirement in § 503.32(a), and the vector attraction reduction requirement in [insert one of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8)] have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practice, pathogen requirements, and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(iv) A description of how the Class A pathogen requirements in § 503.32(a) are met.

(v) A description of how one of the vector attraction requirements in § 503.33 (b)(1) through (b)(8) is met.

(b) *Domestic septage.* When domestic septage is applied to agricultural land, forest, or a reclamation site, the person who applies the domestic septage shall develop the following information and shall retain the information for five years:

(1) The location, by either street address or latitude and longitude, of each site on which domestic septage is applied.

(2) The number of acres in each site on which domestic septage is applied.

(3) The date and time domestic septage is applied to each site.

(4) The nitrogen requirement for the crop or vegetation grown on each site during a 365 day period.

(5) The rate, in gallons per acre per 365 day period, at which domestic septage is applied to each site.

(6) The following certification statement:

"I certify, under penalty of law, that the pathogen requirements in [insert either § 503.32(c)(1) or § 503.32(c)(2)] and the vector attraction reduction requirements in [insert § 503.33(b)(9), § 503.33(b)(10), or § 503.33(b)(12)] have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(7) A description of how the pathogen requirements in either § 503.33 (c)(1) or (c)(2) are met.

(8) A description of how the vector attraction reduction requirements in § 503.33 (b)(9), (b)(10), or (b)(12) are met.

(Approved by the Office of Management and Budget under control number 2040–0157)

§ 503.18 Reporting.

(a) Class I sludge management facilities, POTWs (as defined in 40 CFR 501.2) with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve 10,000 people or more shall submit the following information to the permitting authority:

(1) The information in § 503.17(a), except the information in § 503.17 (a)(3)(ii), (a)(4)(ii) and in (a)(5)(ii), for the appropriate requirements on February 19 of each year.

(2) The information in § 503.17 (a)(5)(ii)(A) through (a)(5)(ii)(G) on [insert the month and day from the date of publication of this rule] of each year when 90 percent or more of any of the cumulative pollutant loading rates in Table 2 of § 503.13 is reached at a site.

(Approved by the Office of Management and Budget under control number 2040–0157)

Subpart C—Surface Disposal

§ 503.20 Applicability.

(a) This subpart applies to any person who prepares sewage sludge that is placed on a surface disposal site, to the owner/operator of a surface disposal site, to sewage sludge placed on a surface disposal site, and to a surface disposal site.

(b) This subpart does not apply to sewage sludge stored on the land or to the land on which sewage sludge is stored. It also does not apply to sewage sludge that remains on the land for longer than two years when the person who prepares the sewage sludge demonstrates that the land on which the sewage sludge remains is not an active sewage sludge unit. The demonstration shall include the following information, which shall be retained by the person who prepares the sewage sludge for the period that the sewage sludge remains on the land:

(1) The name and address of the person who prepares the sewage sludge.

(2) The name and address of the person who either owns the land or leases the land.

(3) The location, by either street address or latitude and longitude, of the land.

(4) An explanation of why sewage sludge needs to remain on the land for longer than two years prior to final use or disposal.

(5) The approximate time period when the sewage sludge will be used or disposed.

(c) This subpart does not apply to sewage sludge treated on the land or to the land on which sewage sludge is treated.

§ 503.21 Special definitions.

(a) *Active sewage sludge unit* is a sewage sludge unit that has not closed.

(b) *Aquifer* is a geologic formation, group of geologic formations, or a portion of a geologic formation capable of yielding ground water to wells or springs.

(c) *Contaminate an aquifer* means to introduce a substance that causes the maximum contaminant level for nitrate in 40 CFR 141.11 to be exceeded in ground water or that causes the existing concentration of nitrate in ground water to increase when the existing concentration of nitrate in the ground water exceeds the maximum contaminant level for nitrate in 40 CFR 141.11.

(d) *Cover* is soil or other material used to cover sewage sludge placed on an active sewage sludge unit.

(e) *Displacement* is the relative movement of any two sides of a fault measured in any direction.

(f) *Fault* is a fracture or zone of fractures in any materials along which strata on one side are displaced with respect to strata on the other side.

(g) *Final cover* is the last layer of soil or other material placed on a sewage sludge unit at closure.

(h) *Holocene time* is the most recent epoch of the Quaternary period, extending from the end of the Pleistocene epoch to the present.

(i) *Leachate collection system* is a system or device installed immediately above a liner that is designed, constructed, maintained, and operated to collect and remove leachate from a sewage sludge unit.

(j) *Liner* is soil or synthetic material that has a hydraulic conductivity of 1×10^{-7} centimeters per second or less.

(k) *Lower explosive limit for methane gas* is the lowest percentage of methane gas in air, by volume, that propagates a flame at 25 degrees Celsius and atmospheric pressure.

(l) *Qualified ground-water scientist* is an individual with a baccalaureate or

post-graduate degree in the natural sciences or engineering who has sufficient training and experience in ground-water hydrology and related fields, as may be demonstrated by State registration, professional certification, or completion of accredited university programs, to make sound professional judgments regarding ground-water monitoring, pollutant fate and transport, and corrective action.

(m) *Seismic impact zone* is an area that has a 10 percent or greater probability that the horizontal ground level acceleration of the rock in the area exceeds 0.10 gravity once in 250 years.

(n) *Sewage sludge unit* is land on which only sewage sludge is placed for final disposal. This does not include land on which sewage sludge is either stored or treated. Land does not include waters of the United States, as defined in 40 CFR 122.2.

(o) *Sewage sludge unit boundary* is the outermost perimeter of an active sewage sludge unit.

(p) *Surface disposal site* is an area of land that contains one or more active sewage sludge units.

(q) *Unstable area* is land subject to natural or human-induced forces that may damage the structural components of an active sewage sludge unit. This includes, but is not limited to, land on which the soils are subject to mass movement.

§ 503.22 General requirements.

(a) No person shall place sewage sludge on an active sewage sludge unit unless the requirements in this subpart are met.

(b) An active sewage sludge unit located within 60 meters of a fault that has displacement in Holocene time; located in an unstable area; or located in a wetland, except as provided in a permit issued pursuant to section 402 of the CWA, shall close by [insert date one year after the effective date of this Final rule], unless, in the case of an active sewage sludge unit located within 60 meters of a fault that has displacement in Holocene time, otherwise specified by the permitting authority.

(c) The owner/operator of an active sewage sludge unit shall submit a written closure and post closure plan to the permitting authority 180 days prior to the date that the active sewage sludge unit closes. The plan shall describe how the sewage sludge unit will be closed and, at a minimum, shall include:

(1) A discussion of how the leachate collection system will be operated and maintained for three years after the sewage sludge unit closes if the sewage sludge unit has a liner and leachate collection system.

(2) A description of the system used to monitor for methane gas in the air in any structures within the surface disposal site and in the air at the property line of the surface disposal site, as required in § 503.24(j)(2).

(3) A discussion of how public access to the surface disposal site will be restricted for three years after the last sewage sludge unit in the surface disposal site closes.

(d) The owner of a surface disposal site shall provide written notification to the subsequent owner of the site that sewage sludge was placed on the land.

§ 503.23 Pollutant limits (other than domestic septage).

(a) Active sewage sludge unit without a liner and leachate collection system.

(1) Except as provided in § 503.23 (a)(2) and (b), the concentration of each pollutant listed in Table 1 of § 503.23 in sewage sludge placed on an active sewage sludge unit shall not exceed the concentration for the pollutant in Table 1 of § 503.23.

TABLE 1 OF § 503.23.—POLLUTANT CONCENTRATIONS—ACTIVE SEWAGE SLUDGE UNIT WITHOUT A LINER AND LEACHATE COLLECTION

Pollutant	Concentration (milligrams per kilograms [1])
Arsenic	73
Chromium	600
Nickel	420

[1] Dry weight basis.

(2) Except as provided in § 503.23(b), the concentration of each pollutant listed in Table 1 of § 503.23 in sewage sludge placed on an active sewage sludge unit whose boundary is less than 150 meters from the property line of the surface disposal site shall not exceed the concentration determined using the following procedure.

(i) The actual distance from the active sewage sludge unit boundary to the property line of the surface disposal site shall be determined.

(ii) The concentration of each pollutant listed in Table 2 of § 503.23 in the sewage sludge shall not exceed the concentration in Table 2 of § 503.23 that corresponds to the actual distance in § 503.23(a)(2)(i).

TABLE 2 OF § 503.23.—POLLUTANT CONCENTRATIONS—ACTIVE SEWAGE SLUDGE UNIT WITHOUT A LINER AND LEACHATE COLLECTION SYSTEM THAT HAS A UNIT BOUNDARY TO PROPERTY LINE DISTANCE LESS THAN 150 METERS

Unit boundary to property line	Pollutant concentration [1]		
Distance (meters)	Arsenic (mg/kg)	Chromium (mg/kg)	Nickel (mg/kg)
0 to less than 25	30	200	210
25 to less than 50	34	220	240
50 to less than 75	39	260	270
75 to less than 100	46	300	320
100 to less than 125	53	360	390
125 to less than 150	62	450	420

[1] Dry weight basis.

(b) Active sewage sludge unit without a liner and leachate collection system—site-specific limits.

(1) At the time of permit application, the owner/operator of a surface disposal site may request site-specific pollutant limits in accordance with § 503.23(b)(2) for an active sewage sludge unit without a liner and leachate collection system when the existing values for site parameters specified by the permitting authority are different from the values for those parameters used to develop the pollutant limits in Table 1 of § 503.23 and when the permitting authority determines that site-specific pollutant limits are appropriate for the active sewage sludge unit.

(2) The concentration of each pollutant listed in Table 1 of § 503.23 in sewage sludge placed on an active sewage sludge unit without a liner and leachate collection system shall not exceed either the concentration for the pollutant determined during a site-specific assessment, as specified by the permitting authority, or the existing concentration of the pollutant in the sewage sludge, whichever is lower.

§ 503.24 Management practices.

(a) Sewage sludge shall not be placed on an active sewage sludge unit if it is likely to adversely affect a threatened or endangered species listed under section 4 of the Endangered Species Act or its designated critical habitat.

(b) An active sewage sludge unit shall not restrict the flow of a base flood.

(c) When a surface disposal site is located in a seismic impact zone, an active sewage sludge unit shall be designed to withstand the maximum recorded horizontal ground level acceleration.

(d) An active sewage sludge unit shall be located 60 meters or more from a fault that has displacement in Holocene

time, unless otherwise specified by the permitting authority.

(e) An active sewage sludge unit shall not be located in an unstable area.

(f) An active sewage sludge unit shall not be located in a wetland, except as provided in a permit issued pursuant to section 402 or 404 of the CWA.

(g)(1) Run-off from an active sewage sludge unit shall be collected and shall be disposed in accordance with National Pollutant Discharge Elimination System permit requirements and any other applicable requirements.

(2) The run-off collection system for an active sewage sludge unit shall have the capacity to handle run-off from a 24-hour, 25-year storm event.

(h) The leachate collection system for an active sewage sludge unit that has a liner and leachate collection system shall be operated and maintained during the period the sewage sludge unit is active and for three years after the sewage sludge unit closes.

(i) Leachate from an active sewage sludge unit that has a liner and leachate collection system shall be collected and shall be disposed in accordance with the applicable requirements during the period the sewage sludge unit is active and for three years after the sewage sludge unit closes.

(j)(1) When a cover is placed on an active sewage sludge unit, the concentration of methane gas in air in any structure within the surface disposal site shall not exceed 25 percent of the lower explosive limit for methane gas during the period that the sewage sludge unit is active and the concentration of methane gas in air at the property line of the surface disposal site shall not exceed the lower explosive limit for methane gas during the period that the sewage sludge unit is active.

(2) When a final cover is placed on a sewage sludge unit at closure, the concentration of methane gas in air in any structure within the surface disposal site shall not exceed 25 percent of the lower explosive limit for methane gas for three years after the sewage sludge unit closes and the concentration of methane gas in air at the property line of the surface disposal site shall not exceed the lower explosive limit for methane gas for three years after the sewage sludge unit closes, unless otherwise specified by the permitting authority.

(k) A food crop, a feed crop, or a fiber crop shall not be grown on an active sewage sludge unit, unless the owner/operator of the surface disposal site demonstrates to the permitting authority that through management practices public health and the environment are protected from any reasonably anticipated adverse effects of pollutants in sewage sludge when crops are grown.

(l) Animals shall not be grazed on an active sewage sludge unit, unless the owner/operator of the surface disposal site demonstrates to the permitting authority that through management practices public health and the environment are protected from any reasonably anticipated adverse effects of pollutants in sewage sludge when animals are grazed.

(m) Public access to a surface disposal site shall be restricted for the period that the surface disposal site contains an active sewage sludge unit and for three years after the last active sewage sludge unit in the surface disposal site closes.

(n)(1) Sewage sludge placed on an active sewage sludge unit shall not contaminate an aquifer.

(2) Results of a ground-water monitoring program developed by a qualified ground-water scientist or a certification by a qualified ground-water scientist shall be used to demonstrate that sewage sludge placed on an active sewage sludge unit does not contaminate an aquifer.

§ 503.25 Operational standards—pathogens and vector attraction reduction.

(a) *Pathogens—sewage sludge (other than domestic septage).* The Class A pathogens requirements in § 503.32(a) or one of the Class B pathogen requirements in § 503.32 (b)(2) through (b)(4) shall be met when sewage sludge is placed on an active sewage sludge unit, unless the vector attraction reduction requirement in § 503.33(b)(11) is met.

(b) *Vector attraction reduction—sewage sludge (other than domestic septage).* One of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(11) shall be met when sewage sludge is placed on an active sewage sludge unit.

(c) *Vector attraction reduction—domestic septage.* One of the vector attraction reduction requirement in § 503.33 (b)(9) through (b)(12) shall be met when domestic septage is placed on an active sewage sludge unit.

§ 503.26 Frequency of monitoring.

(a) *Sewage sludge (other than domestic septage).*

(1) The frequency of monitoring for the pollutants in Tables 1 and 2 of § 503.23; the pathogen density requirements in § 503.32(a) and in § 503.32 (b)(2) through (b)(4); and the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8) for sewage sludge placed on an active sewage sludge unit shall be the frequency in Table 1 of § 503.26.

TABLE 1 OF § 503.26.—FREQUENCY OF MONITORING—SURFACE DISPOSAL

Amount of sewage sludge [1] (metric tons per 365 day period)	Frequency
Greater than zero but less than 290.	Once per year.
Equal to or greater than 290 but less than 1,500.	Once per quarter (four times per year).
Equal to or greater than 1,500 but less than 15,000.	Once per 60 days (six times per year).
Equal to or greater than 15,000.	Once per month (12 times per year).

[1] Amount of sewage sludge placed on an active sewage sludge unit (dry weight basis).

(2) After the sewage sludge has been monitored for two years at the frequency in Table 1 of § 503.26, the permitting authority may reduce the frequency of monitoring for pollutant concentrations and for the pathogen density requirements in § 503.32 (a)(5)(ii) and (a)(5)(iii), but in no case shall the frequency of monitoring be less than once per year when sewage sludge is placed on an active sewage sludge unit.

(b) *Domestic septage.* If the vector attraction reduction requirements in § 503.33(b)(12) are met when domestic septage is placed on an active sewage sludge unit, each container of domestic septage shall be monitored for compliance with those requirements.

(c) *Air.* Air in structures within a surface disposal site and at the property line of the surface disposal site shall be monitored continuously for methane gas during the period that the surface disposal site contains an active sewage sludge unit on which the sewage sludge is covered and for three years after a sewage sludge unit closes when a final cover is placed on the sewage sludge.

(Approved by the Office of Management and Budget under control number 2040–0157)

§ 503.27 Recordkeeping.

(a) When sewage sludge (other than domestic septage) is placed on an active sewage sludge unit:

(1) The person who prepares the sewage sludge shall develop the following information and shall retain the information for five years.

(i) The concentration of each pollutant listed in Table 1 of § 503.23 in the sewage sludge when the pollutant concentrations in Table 1 of § 503.23 are met.

(ii) The following certification statement:

"I certify, under penalty of law, that the pathogen requirements in [insert § 503.32(a), § 503.32(b)(2), § 503.32(b)(3), or § 503.32(b)(4) when one of those requirements is met] and the vector attraction reduction requirements in [insert one of the vector attraction

reduction requirements in § 503.33(b)(1) through § 503.33(b)(8) when one of those requirements is met] have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine the [pathogen requirements and vector attraction reduction requirements if appropriate] have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(iii) A description of how the pathogen requirements in § 503.32 (a), (b)(2), (b)(3), or (b)(4) are met when one of those requirements is met.

(iv) A description of how one of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8) is met when one of those requirements is met.

(2) The owner/operator of the surface disposal site, shall develop the following information and shall retain that information for five years.

(i) The concentration of each pollutant listed in Table 2 of § 503.23 in the sewage sludge when the pollutant concentrations in Table 2 of § 503.23 are met or when site-specific pollutant limits in § 503.23(b) are met.

(ii) The following certification statement:

"I certify, under penalty of law, that the management practices in § 503.24 and the vector attraction reduction requirement in [insert one of the requirements in § 503.33 (b)(9) through (b)(11) if one of those requirements is met] have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices [and the vector attraction reduction requirements if appropriate] have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(iii) A description of how the management practices in § 503.24 are met.

(iv) A description of how the vector attraction reduction requirements in § 503.33 (b)(9) through (b)(11) are met if one of those requirements is met.

(b) When domestic septage is placed on a surface disposal site:

(1) If the vector attraction reduction requirements in § 503.33(b)(12) are met, the person who places the domestic septage on the surface disposal site shall develop the following information and shall retain the information for five years:

(i) The following certification statement:

"I certify, under penalty of law, that the vector attraction reduction requirements in § 503.33(b)(12) have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the vector attraction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(ii) A description of how the vector attraction reduction requirements in § 503.33(b)(12) are met.

(2) The owner/operator of the surface disposal site shall develop the following information and shall retain that information for five years:

(i) The following certification statement:

"I certify, under penalty of law, that the management practices in § 503.24 and the vector attraction reduction requirements in [insert § 503.33(b)(9) through § 503.33(b)(11) when one of those requirements is met] have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices [and the vector attraction reduction requirements if appropriate] have been met. I am aware that there are significant penalties for false certification including the possibility of fine or imprisonment."

(ii) A description of how the management practices in § 503.24 are met.

(iii) A description how the vector attraction reduction requirements in § 503.33(b)(9) through § 503.33(b)(11) are met if one of those requirements is met.

(Approved by the Office of Management and Budget under control number 2040–0157)

§ 503.28 Reporting.

Class I sludge management facilities, POTWs (as defined in 40 CFR 501.2) with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve 10,000 people or more shall submit the information in § 503.27(a) to the permitting authority on February 19 of each year.

(Approved by the Office of Management and Budget under control number 2040–0157)

Subpart D—Pathogens and Vector Attraction Reduction

§ 503.30 Scope.

(a) This subpart contains the requirements for a sewage sludge to be classified either Class A or Class B with respect to pathogens.

(b) This subpart contains the site restrictions for land on which a Class B sewage sludge is applied.

(c) This subpart contains the pathogen requirements for domestic septage applied to agricultural land, forest, or a reclamation site.

(d) This subpart contains alternative vector attraction reduction requirements for sewage sludge that is applied to the land or placed on a surface disposal site.

§ 503.31 Special definitions.

(a) *Aerobic digestion* is the biochemical decomposition of organic matter in sewage sludge into carbon dioxide and water by microorganisms in the presence of air.

(b) *Anaerobic digestion* is the biochemical decomposition of organic matter in sewage sludge into methane gas and carbon dioxide by microorganisms in the absence of air.

(c) *Density of microorganisms* is the number of microorganisms per unit mass of total solids (dry weight) in the sewage sludge.

(d) *Land with a high potential for public exposure* is land that the public uses frequently. This includes, but is not limited to, a public contact site and a reclamation site located in a populated area (e.g, a construction site located in a city).

(e) *Land with a low potential for public exposure* is land that the public uses infrequently. This includes, but is not limited to, agricultural land, forest, and a reclamation site located in an unpopulated area (e.g., a strip mine located in a rural area).

(f) *Pathogenic organisms* are disease-causing organisms. These include, but are not limited to, certain bacteria, protozoa, viruses, and viable helminth ova.

(g) *pH* means the logarithm of the reciprocal of the hydrogen ion concentration.

(h) *Specific oxygen uptake rate (SOUR)* is the mass of oxygen consumed per unit time per unit mass of total solids (dry weight basis) in the sewage sludge.

(i) *Total solids* are the materials in sewage sludge that remain as residue when the sewage sludge is dried at 103 to 105 degrees Celsius.

(j) *Unstabilized solids* are organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

(k) *Vector attraction* is the characteristic of sewage sludge that attracts rodents, flies, mosquitos, or other organisms capable of transporting infectious agents.

(l) *Volatile solids* is the amount of the total solids in sewage sludge lost when the sewage sludge is combusted at 550 degrees Celsius in the presence of excess air.

§ 503.32 Pathogens.

(a) *Sewage sludge—Class A.* (1) The requirement in § 503.32(a)(2) and the requirements in either § 503.32(a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) shall be met for a sewage sludge to be classified Class A with respect to pathogens.

(2) The Class A pathogen requirements in § 503.32 (a)(3) through (a)(8) shall be met either prior to meeting or at the same time the vector attraction reduction requirements in § 503.33, except the vector attraction reduction requirements in § 503.33 (b)(6) through (b)(8), are met.

(3) *Class A—Alternative 1.* (i) Either the density of fecal coliform in the sewage sludge shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the sewage sludge shall be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed; at the time the sewage sludge is prepared for sale or give away in a bag or other container for application to the land; or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements in § 503.10 (b), (c), (e), or (f).

(ii) The temperature of the sewage sludge that is used or disposed shall be maintained at a specific value for a period of time.

(A) When the percent solids of the sewage sludge is seven percent or higher, the temperature of the sewage sludge shall be 50 degrees Celsius or higher; the time period shall be 20 minutes or longer; and the temperature and time period shall be determined using equation (2), except when small particles of sewage sludge are heated by either warmed gases or an immiscible liquid.

$$D = \frac{131{,}700{,}000}{10^{0.1400t}} \quad \text{Eq. (2)}$$

Where,
D=time in days.
t=temperature in degrees Celsius.

(B) When the percent solids of the sewage sludge is seven percent or higher and small particles of sewage sludge are heated by either warmed gases or an immiscible liquid, the temperature of the sewage sludge shall be 50 degrees Celsius or higher; the time period shall be 15 seconds or longer; and the temperature and time period shall be determined using equation (2).

(C) When the percent solids of the sewage sludge is less than seven percent and the time period is at least 15 seconds, but less than 30 minutes, the temperature and time period shall be determined using equation (2).

(D) When the percent solids of the sewage sludge is less than seven percent; the temperature of the sewage sludge is 50 degrees Celsius or higher; and the time period is 30 minutes or longer, the temperature and time period shall be determined using equation (3).

$$D = \frac{50{,}070{,}000}{10^{0.1400t}} \quad \text{Eq. (3)}$$

Where,
D=time in days.
t=temperature in degrees Celsius.

(4) *Class A—Alternative 2.* (i) Either the density of fecal coliform in the sewage sludge shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the sewage sludge shall be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed; at the time the sewage sludge is prepared for sale or give away in a bag or other container for application to the land; or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements in § 503.10 (b), (c), (e), or (f).

(ii) (A) The pH of the sewage sludge that is used or disposed shall be raised to above 12 and shall remain above 12 for 72 hours.

(B) The temperature of the sewage sludge shall be above 52 degrees Celsius for 12 hours or longer during the period that the pH of the sewage sludge is above 12.

(C) At the end of the 72 hour period during which the pH of the sewage sludge is above 12, the sewage sludge shall be air dried to achieve a percent solids in the sewage sludge greater than 50 percent.

(5) *Class A—Alternative 3.* (i) Either the density of fecal coliform in the sewage sludge shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in sewage sludge shall be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed; at the time the sewage sludge is prepared for sale or give away in a bag or other container for application to the land; or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements in § 503.10 (b), (c), (e), or (f).

(ii) (A) The sewage sludge shall be analyzed prior to pathogen treatment to determine whether the sewage sludge contains enteric viruses.

(B) When the density of enteric viruses in the sewage sludge prior to pathogen treatment is less than one Plaque-forming Unit per four grams of total solids (dry weight basis), the sewage sludge is Class A with respect to enteric viruses until the next monitoring episode for the sewage sludge.

(C) When the density of enteric viruses in the sewage sludge prior to pathogen treatment is equal to or greater than one Plaque-forming Unit per four grams of total solids (dry weight basis), the sewage sludge is Class A with respect to enteric viruses when the density of enteric viruses in the sewage sludge after pathogen treatment is less than one Plaque-forming Unit per four grams of total solids (dry weight basis) and when the values or ranges of values for the operating parameters for the pathogen treatment process that produces the sewage sludge that meets the enteric virus density requirement are documented.

(D) After the enteric virus reduction in paragraph (a)(5)(ii)(C) of this section is demonstrated for the pathogen treatment process, the sewage sludge continues to be Class A with respect to enteric viruses when the values for the pathogen treatment process operating parameters are consistent with the values or ranges of values documented in paragraph (a)(5)(ii)(C) of this section.

(iii)(A) The sewage sludge shall be analyzed prior to pathogen treatment to determine whether the sewage sludge contains viable helminth ova.

(B) When the density of viable helminth ova in the sewage sludge prior to pathogen treatment is less than one per four grams of total solids (dry weight basis), the sewage sludge is Class A with respect to viable helminth ova until the next monitoring episode for the sewage sludge.

(C) When the density of viable helminth ova in the sewage sludge prior to pathogen treatment is equal to or greater than one per four grams of total solids (dry weight basis), the sewage sludge is Class A with respect to viable helminth ova when the density of viable helminth ova in the sewage sludge after pathogen treatment is less than one per four grams of total solids (dry weight basis) and when the values or ranges of values for the operating parameters for the pathogen treatment process that produces the sewage sludge that meets the viable helminth ova density requirement are documented.

(D) After the viable helminth ova reduction in paragraph (a)(5)(iii)(C) of this section is demonstrated for the pathogen treatment process, the sewage

VOL 58 ISS 32 FE 19 1993 UMI

sludge continues to be Class A with respect to viable helminth ova when the values for the pathogen treatment process operating parameters are consistent with the values or ranges of values documented in paragraph (a)(5)(iii)(C) of this section.

(6) *Class A—Alternative 4.* (i) Either the density of fecal coliform in the sewage sludge shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the sewage sludge shall be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed; at the time the sewage sludge is prepared for sale or give away in a bag or other container for application to the land; or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements in § 503.10 (b), (c), (e), or (f).

(ii) The density of enteric viruses in the sewage sludge shall be less than one Plaque-forming Unit per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed; at the time the sewage sludge is prepared for sale or give away in a bag or other container for application to the land; or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements in § 503.10 (b), (c), (e), or (f), unless otherwise specified by the permitting authority.

(iii) The density of viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed; at the time the sewage sludge is prepared for sale or give away in a bag or other container for application to the land; or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements in § 503.10 (b), (c), (e), or (f), unless otherwise specified by the permitting authority.

(7) *Class A—Alternative 5.* (i) Either the density of fecal coliform in the sewage sludge shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella*, sp. bacteria in the sewage sludge shall be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed; at the time the sewage sludge is prepared for sale or given away in a bag or other container for application to the land; or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements in § 503.10(b), (c), (e), or (f).

(ii) Sewage sludge that is used or disposed shall be treated in one of the Processes to Further Reduce Pathogens described in appendix B of this part.

(8) *Class A—Alternative 6.* (i) Either the density of fecal coliform in the sewage sludge shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella*, sp. bacteria in the sewage sludge shall be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed; at the time the sewage sludge is prepared for sale or given away in a bag or other container for application to the land; or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements in § 503.10(b), (c), (e), or (f).

(ii) Sewage sludge that is used or disposed shall be treated in a process that is equivalent to a Process to Further Reduce Pathogens, as determined by the permitting authority.

(b) *Sewage sludge—Class B.* (1)(i) The requirements in either § 503.32(b)(2), (b)(3), or (b)(4) shall be met for a sewage sludge to be classified Class B with respect to pathogens.

(ii) The site restrictions in § 503.32(b)(5) shall be met when sewage sludge that meets the Class B pathogen requirements in § 503.32(b)(2), (b)(3), or (b)(4) is applied to the land.

(2) *Class B—Alternative 1.*

(i) Seven samples of the sewage sludge shall be collected at the time the sewage sludge is used or disposed.

(ii) The geometric mean of the density of fecal coliform in the samples collected in paragraph (b)(2)(i) of this section shall be less than either 2,000,000 Most Probable Number per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

(3) *Class B—Alternative 2.* Sewage sludge that is used or disposed shall be treated in one of the Processes to Significantly Reduce Pathogens described in appendix B of this part.

(4) *Class B—Alternative 3.* Sewage sludge that is used or disposed shall be treated in a process that is equivalent to a Process to Significantly Reduce Pathogens, as determined by the permitting authority.

(5) *Site Restrictions.* (i) Food crops with harvested parts that touch the sewage sludge/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of sewage sludge.

(ii) Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of sewage sludge when the sewage sludge remains on the land surface for four months or longer prior to incorporation into the soil.

(iii) Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of sewage sludge when the sewage sludge remains on the land surface for less than four months prior to incorporation into the soil.

(iv) Food crops, feed crops, and fiber crops shall not be harvested for 30 days after application of sewage sludge.

(v) Animals shall not be allowed to graze on the land for 30 days after application of sewage sludge.

(vi) Turf grown on land where sewage sludge is applied shall not be harvested for one year after application of the sewage sludge when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by the permitting authority.

(vii) Public access to land with a high potential for public exposure shall be restricted for one year after application of sewage sludge.

(viii) Public access to land with a low potential for public exposure shall be restricted for 30 days after application of sewage sludge.

(c) *Domestic septage.* (1) The site restrictions in § 503.32(b)(5) shall be met when domestic septage is applied to agricultural land, forest, or a reclamation site; or

(2) The pH of domestic septage applied to agricultural land, forest, or a reclamation site shall be raised to 12 or higher by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for 30 minutes and the site restrictions in § 503.32 (b)(5)(i) through (b)(5)(iv) shall be met.

§ 503.33 Vector attraction reduction.

(a)(1) One of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(10) shall be met when bulk sewage sludge is applied to agricultural land, forest, a public contact site, or a reclamation site.

(2) One of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8) shall be met when bulk sewage sludge is applied to a lawn or a home garden.

(3) One of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(8) shall be met when sewage sludge is sold or given away in a bag or other container for application to the land.

(4) One of the vector attraction reduction requirements in § 503.33 (b)(1) through (b)(11) shall be met when sewage sludge (other than domestic

septage) is placed on an active sewage sludge unit.

(5) One of the vector attraction reduction requirements in § 503.33 (b)(9), (b)(10), or (b)(12) shall be met when domestic septage is applied to agricultural land, forest, or a reclamation site and one of the vector attraction reduction requirements in § 503.33 (b)(9) through (b)(12) shall be met when domestic septage is placed on an active sewage sludge unit.

(b)(1) The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38 percent (see calculation procedures in "Environmental Regulations and Technology—Control of Pathogens and Vector Attraction in Sewage Sludge", EPA–625/R–92/013, 1992, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268).

(2) When the 38 percent volatile solids reduction requirement in § 503.33(b)(1) cannot be met for an anaerobically digested sewage sludge, vector attraction reduction can be demonstrated by digesting a portion of the previously digested sewage sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30 and 37 degrees Celsius. When at the end of the 40 days, the volatile solids in the sewage sludge at the beginning of that period is reduced by less than 17 percent, vector attraction reduction is achieved.

(3) When the 38 percent volatile solids reduction requirement in § 503.33(b)(1) cannot be met for an aerobically digested sewage sludge, vector attraction reduction can be demonstrated by digesting a portion of the previously digested sewage sludge that has a percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20 degrees Celsius. When at the end of the 30 days, the volatile solids in the sewage sludge at the beginning of that period is reduced by less than 15 percent, vector attraction reduction is achieved.

(4) The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20 degrees Celsius.

(5) Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40 degrees Celsius and the average temperature of the sewage sludge shall be higher than 45 degrees Celsius.

(6) The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for two hours and then at 11.5 or higher for an additional 22 hours.

(7) The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75 percent based on the moisture content and total solids prior to mixing with other materials.

(8) The percent solids of sewage sludge that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90 percent based on the moisture content and total solids prior to mixing with other materials.

(9)(i) Sewage sludge shall be injected below the surface of the land.

(ii) No significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected.

(iii) When the sewage sludge that is injected below the surface of the land is Class A with respect to pathogens, the sewage sludge shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

(10)(i) Sewage sludge applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land.

(ii) When sewage sludge that is incorporated into the soil is Class A with respect to pathogens, the sewage sludge shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

(11) Sewage sludge placed on an active sewage sludge unit shall be covered with soil or other material at the end of each operating day.

(12) The pH of domestic septage shall be raised to 12 or higher by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for 30 minutes.

Subpart E—Incineration

§ 503.40 Applicability.

(a) This subpart applies to a person who fires sewage sludge in a sewage sludge incinerator, to a sewage sludge incinerator, and to sewage sludge fired in a sewage sludge incinerator.

(b) This subpart applies to the exit gas from a sewage sludge incinerator stack.

§ 503.41 Special definitions.

(a) *Air pollution control device* is one or more processes used to treat the exit gas from a sewage sludge incinerator stack.

(b) *Auxiliary fuel* is fuel used to augment the fuel value of sewage sludge. This includes, but is not limited to, natural gas, fuel oil, coal, gas generated during anaerobic digestion of sewage sludge, and municipal solid waste (not to exceed 30 percent of the dry weight of sewage sludge and auxiliary fuel together). Hazardous wastes are not auxiliary fuel.

(c) *Control efficiency* is the mass of a pollutant in the sewage sludge fed to an incinerator minus the mass of that pollutant in the exit gas from the incinerator stack divided by the mass of the pollutant in the sewage sludge fed to the incinerator.

(d) *Dispersion factor* is the ratio of the increase in the ground level ambient air concentration for a pollutant at or beyond the property line of the site where the sewage sludge incinerator is located to the mass emission rate for the pollutant from the incinerator stack.

(e) *Fluidized bed incinerator* is an enclosed device in which organic matter and inorganic matter in sewage sludge are combusted in a bed of particles suspended in the combustion chamber gas.

(f) *Hourly average* is the arithmetic mean of all measurements, taken during an hour. At least two measurements must be taken during the hour.

(g) *Incineration* is the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.

(h) *Monthly average* is the arithmetic mean of the hourly averages for the hours a sewage sludge incinerator operates during the month.

(i) *Risk specific concentration* is the allowable increase in the average daily ground level ambient air concentration for a pollutant from the incineration of sewage sludge at or beyond the property line of the site where the sewage sludge incinerator is located.

(j) *Sewage sludge feed rate* is either the average daily amount of sewage sludge fired in all sewage sludge incinerators within the property line of the site where the sewage sludge incinerators are located for the number of days in a 365 day period that each sewage sludge incinerator operates, or the average daily design capacity for all sewage sludge incinerators within the property line of the site where the sewage sludge incinerators are located.

(k) *Sewage sludge incinerator* is an enclosed device in which only sewage sludge and auxiliary fuel are fired.

(l) *Stack height* is the difference between the elevation of the top of a sewage sludge incinerator stack and the

VOL 58 ISS 32 FE 19 1993 UMI

elevation of the ground at the base of the stack when the difference is equal to or less than 65 meters. When the difference is greater than 65 meters, stack height is the creditable stack height determined in accordance with 40 CFR 51.100 (ii).

(m) *Total hydrocarbons* means the organic compounds in the exit gas from a sewage sludge incinerator stack measured using a flame ionization detection instrument referenced to propane.

(n) *Wet electrostatic precipitator* is an air pollution control device that uses both electrical forces and water to remove pollutants in the exit gas from a sewage sludge incinerator stack.

(o) *Wet scrubber* is an air pollution control device that uses water to remove pollutants in the exit gas from a sewage sludge incinerator stack.

§ 503.42 General requirements.

No person shall fire sewage sludge in a sewage sludge incinerator except in compliance with the requirements in this subpart.

§ 503.43 Pollutant limits.

(a) Firing of sewage sludge in a sewage sludge incinerator shall not violate the requirements in the National Emission Standard for Beryllium in subpart C of 40 CFR part 61.

(b) Firing of sewage sludge in a sewage sludge incinerator shall not violate the requirements in the National Emission Standard for Mercury in subpart E of 40 CFR part 61.

(c) *Pollutant limit—lead.*

(1) The daily concentration of lead in sewage sludge fed to a sewage sludge incinerator shall not exceed the concentration calculated using Equation (4).

$$C = \frac{0.1 \times NAAQS \times 86,400}{DF \times (1 - CE) \times SF} \quad \text{Eq. (4)}$$

Where:

C=Daily concentration of lead in sewage sludge in milligrams per kilogram of total solids (dry weight basis).

NAAQS=National Ambient Air Quality Standard for lead in micrograms per cubic meter.

DF=Dispersion factor in micrograms per cubic meter per gram per second.

CE=Sewage sludge incinerator control efficiency for lead in hundredths.

SF=Sewage sludge feed rate in metric tons per day (dry weight basis).

(2)(i) When the sewage sludge stack height is 65 meters or less, the actual sewage sludge incinerator stack height shall be used in an air dispersion model specified by the permitting authority to determine the dispersion factor (DF) in equation (4).

(ii) When the sewage sludge incinerator stack height exceeds 65 meters, the creditable stack height shall be determined in accordance with 40 CFR 51.100(ii) and the creditable stack height shall be used in an air dispersion model specified by the permitting authority to determine the dispersion factor (DF) in equation (4).

(3) The control efficiency (CE) in equation (5) shall be determined from a performance test of the sewage sludge incinerator, as specified by the permitting authority.

(d) Pollutant limit—arsenic, cadmium, chromium, and nickel.

(1) The daily concentration for arsenic, cadmium, chromium, and nickel in sewage sludge fed to a sewage sludge incinerator each shall not exceed the concentration calculated using equation (5).

$$C = \frac{RSC \times 86,400}{DF \times (1 - CE) \times SF} \quad \text{Eq. (5)}$$

Where:

C=Daily concentration of arsenic, cadmium, chromium, or nickel in sewage sludge in milligrams per kilogram of total solids (dry weight basis).

CE=Sewage sludge incinerator control efficiency for arsenic, cadmium, chromium, or nickel in hundredths.

DF=Dispersion factor in micrograms per cubic meter per gram per second.

RSC=Risk specific concentration in micrograms per cubic meter. S

F=Sewage sludge feed rate in met,ric tons per day (dry weight basis).

(2) The risk specific concentrations for arsenic, cadmium, and nickel used in equation (6) shall be obtained from Table 1 of § 503 .43.

TABLE 1 OF § 503.43.—RISK SPECIFIC CONCENTRATION ARSENIC, CADMIUM, AND NICKEL

Pollutant	Risk specific concentration (micrograms per cubic meter)
Arsenic	0.023
Cadmium	0.057
Nickel	2.0

(3) The risk specific concentration for chromium used in equation (5) shall be obtained from Table 2 of § 503.43 or shall be calculated using equation (6), as specified by the permitting authority.

TABLE 2 OF § 503.43.—RISK SPECIFIC CONCENTRATION—CHROMIUM

Type of incinerator	Risk specific concentration (micrograms per cubic meter)
Fluidized bed with wet scrubber	0.65
Fluidized bed with wet scrubber and wet electrostatic precipitator	0.23
Other types with wet scrubber	0.064
Other types with wet scrubber and wet electrostatic precipitator	0.016

$$RSC = \frac{0.0085}{r} \quad \text{Eq. (6)}$$

Where:

RSC=risk specific concentration for chromium in micrograms per cubic meter used in equation (5).

r=decimal fraction of the hexavalent chromium concentration in the total chromium concentration measured in the exit gas from the sewage sludge incinerator stack in hundredths.

(4)(i) When the sewage sludge incinerator stack height is equal to or less than 65 meters, the actual sewage sludge incinerator stack height shall be used in an air dispersion model, as specified by the permitting authority, to determine the dispersion factor (DF) in equation (5).

(ii) When the sewage sludge incinerator stack height is greater than 65 meters, the creditable stack height shall be determined in accordance with 40 CFR 51.100(ii) and the creditable stack height shall be used in an air dispersion model, as specified by the permitting authority, to determine the dispersion factor (DF) in equation (5).

(5) The control efficiency (CE) in equation (5) shall be determined from a performance test of the sewage sludge incinerator, as specified by the permitting authority.

§ 503.44 Operational standard—total hydrocarbons.

(a) The total hydrocarbons concentration in the exit gas from a sewage sludge incinerator shall be corrected for zero percent moisture by multiplying the measured total hydrocarbons concentration by the correction factor calculated using equation (7).

$$\text{Correction factor (percent moisture)} = \frac{1}{(1 - X)} \quad \text{Eq. (7)}$$

Where:

X=decimal fraction of the percent moisture in the sewage sludge incinerator exit gas in hundredths.

(b) The total hydrocarbons concentration in the exit gas from a sewage sludge incinerator shall be corrected to seven percent oxygen by multiplying the measured total hydrocarbons concentration by the correction factor calculated using equation (8).

$$\text{Correction factor (oxygen)} = \frac{14}{(21-Y)} \quad \text{Eq. (8)}$$

Where:

Y=Percent oxygen concentration in the sewage sludge incinerator stack exit gas (dry volume/dry volume).

(c) The monthly average concentration for total hydrocarbons in the exit gas from a sewage sludge incinerator stack, corrected for zero percent moisture using the correction factor from equation (7) and to seven percent oxygen using the correction factor from equation (8), shall not exceed 100 parts per million on a volumetric basis when measured using the instrument required by § 503.45(a).

§ 503.45 Management practices.

(a)(1) An instrument that measures and records the total hydrocarbons concentration in the sewage sludge incinerator stack exit gas continuously shall be installed, calibrated, operated, and maintained for each sewage sludge incinerator, as specified by the permitting authority.

(2) The total hydrocarbons instrument shall employ a flame ionization detector; shall have a heated sampling line maintained at a temperature of 150 degrees Celsius or higher at all times; and shall be calibrated at least once every 24-hour operating period using propane.

(b) An instrument that measures and records the oxygen concentration in the sewage sludge incinerator stack exit gas continuously shall be installed, calibrated, operated, and maintained for each sewage sludge incinerator, as specified by the permitting authority.

(c) An instrument that measures and records information used to determine the moisture content in the sewage sludge incinerator stack exit gas continuously shall be installed, calibrated, operated, and maintained for each sewage sludge incinerator, as specified by the permitting authority.

(d) An instrument that measures and records combustion temperatures continuously shall be installed, calibrated, operated, and maintained for each sewage sludge incinerator, as specified by the permitting authority.

(e) The maximum combustion temperature for a sewage sludge incinerator shall be specified by the permitting authority and shall be based on information obtained during the performance test of the sewage sludge incinerator to determine pollutant control efficiencies.

(f) The values for the operating parameters for the sewage sludge incinerator air pollution control device shall be specified by the permitting authority and shall be based on information obtained during the performance test of the sewage sludge incinerator to determine pollutant control efficiencies.

(g) Sewage sludge shall not be fired in a sewage sludge incinerator if it is likely to adversely affect a threatened or endangered species listed under section 4 of the Endangered Species Act or its designated critical habitat.

§ 503.46 Frequency of monitoring.

(a) *Sewage sludge.*

(1) The frequency of monitoring for beryllium and mercury shall be specified by the permitting authority.

(2) The frequency of monitoring for arsenic, cadmium, chromium, lead, and nickel in sewage sludge fed to a sewage sludge incinerator shall be the frequency in Table 1 of § 503.46.

TABLE 1 OF § 503.46.—FREQUENCY OF MONITORING—INCINERATION

Amount of sewage sludge[1] (metric tons per 365 day period)	Frequency
Greater than zero but less than 290.	Once per year.
Equal to or greater than 290 but less than 1,500.	Once per quarter (four times per year).
Equal to or greater than 1,500 but less than 15,000.	Once per 60 days (six times per year).
Equal to or greater than 15,000	Once per month (12 times per year).

[1] Amount of sewage sludge fired in a sewage sludge incinerator (dry weight basis).

(3) After the sewage sludge has been monitored for two years at the frequency in Table 1 of § 503.46, the permitting authority may reduce the frequency of monitoring for arsenic, cadmium, chromium, lead, and nickel, but in no case shall the frequency of monitoring be less than once per year when sewage sludge is fired in a sewage sludge incinerator.

(b) Total hydrocarbons, oxygen concentration, information to determine moisture content, and combustion temperatures.

The total hydrocarbons concentration and oxygen concentration in the exit gas from a sewage sludge incinerator stack, the information used to measure moisture content in the exit gas, and the combustion temperatures for the sewage sludge incinerator shall be monitored continuously.

(c) Air pollution control device operating parameters.

The frequency of monitoring for the sewage sludge incinerator air pollution control device operating parameters shall be specified by the permitting authority.

(Approved by the Office of Management and Budget under control number 2040–0157)

§ 503.47 Recordkeeping.

(a) The person who fires sewage sludge in a sewage sludge incinerator shall develop the information in § 503.47(b) through § 503.47(n) and shall retain that information for five years.

(b) The concentration of lead, arsenic, cadmium, chromium, and nickel in the sewage sludge fed to the sewage sludge incinerator.

(c) The total hydrocarbons concentrations in the exit gas from the sewage sludge incinerator stack.

(d) Information that indicates the requirements in the National Emission Standard for beryllium in subpart C of 40 CFR part 61 are met.

(e) Information that indicates the requirements in the National Emission Standard for mercury in subpart E of 40 CFR part 61 are met.

(f) The combustion temperatures, including the maximum combustion temperature, for the sewage sludge incinerator.

(g) Values for the air pollution control device operating parameters.

(h) The oxygen concentration and information used to measure moisture content in the exit gas from the sewage sludge incinerator stack.

(i) The sewage sludge feed rate.

(j) The stack height for the sewage sludge incinerator.

(k) The dispersion factor for the site where the sewage sludge incinerator is located.

(l) The control efficiency for lead, arsenic, cadmium, chromium, and nickel for each sewage sludge incinerator.

(m) The risk specific concentration for chromium calculated using equation (6), if applicable.

(n) A calibration and maintenance log for the instruments used to measure the total hydrocarbons concentration and oxygen concentration in the exit gas from the sewage sludge incinerator stack, the information needed to determine moisture content in the exit gas, and the combustion temperatures

(Approved by the Office of Management and Budget under control number 2040–0157)

§ 503.46 Reporting.

Class I sludge management facilities, POTWs (as defined in 40 CFR 501.2) with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve a population of 10,000 people or greater shall submit the information in § 503.47(b) through § 503.47(h) to the permitting authority on February 19 of each year.

(Approved by the Office of Management and Budget under control number 2040–0157)

Appendix A to Part 503—Procedure to Determine the Annual Whole Sludge Application Rate for a Sewage Sludge

Section 503.13(a)(4)(ii) requires that the product of the concentration for each pollutant listed in Table 4 of § 503.13 in sewage sludge sold or given away in a bag or other container for application to the land and the annual whole sludge application rate (AWSAR) for the sewage sludge not cause the annual pollutant loading rate for the pollutant in Table 4 of § 503.13 to be exceeded. This appendix contains the procedure used to determine the AWSAR for a sewage sludge that does not cause the annual pollutant loading rates in Table 4 of § 503.13 to be exceeded.

The relationship between the annual pollutant loading rate (APLR) for a pollutant and the annual whole sludge application rate (AWSAR) for 1a sewage sludge is shown in equation (1).

$$APLR = C \times AWSAR \times 0.001 \quad (1)$$

Where:

APLR=Annual pollutant loading rate in kilograms per hectare per 365 day period.

C=Pollutant concentration in milligrams, per kilogram of total solids (dry weight basis).

AWSAR=Annual whole sludge application rate in metric tons per hectare per 365 day period (dry weight basis).

0.001=A conversion factor.

To determine the AWSAR, equation (1) is rearranged into equation (2):

$$AWSAR = \frac{APLR}{C \times 0.001} \quad (2)$$

The procedure used to determine the AWSAR for a sewage sludge is presented below.

Procedure:

1. Analyze a sample of the sewage sludge to determine the concentration for each of the pollutants listed in Table 4 of § 503.13 in the sewage sludge.

2. Using the pollutant concentrations from Step 1 and the APLRs from Table 4 of § 503.13, calculate an AWSAR for each pollutant using equation (2) above.

3. The AWSAR for the sewage sludge is the lowest AWSAR calculated in Step 2.

Appendix B to Part 503—Pathogen Treatment Processes

A. Processes to Significantly Reduce Pathogens (PSRP)

1. Aerobic digestion—Sewage sludge is agitated with air or oxygen to maintain aerobic conditions for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature shall be between 40 days at 20 degrees Celsius and 60 days at 15 degrees Celsius.

2. Air drying—Sewage sludge is dried on sand beds or on paved or unpaved basins. The sewage sludge dries for a minimum of three months. During two of the three months, the ambient average daily temperature is above zero degrees Celsius.

3. Anaerobic digestion—Sewage sludge is treated in the absence of air for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature shall be between 15 days at 35 to 55 degrees Celsius and 60 days at 20 degrees Celsius.

4. Composting—Using either the within-vessel, static aerated pile, or windrow composting methods, the temperature of the sewage sludge is raised to 40 degrees Celsius or higher and remains at 40 degrees Celsius or higher for five days. For four hours during the five days, the temperature in the compost pile exceeds 55 degrees Celsius.

5. Lime stabilization—Sufficient lime is added to the sewage sludge to raise the pH of the sewage sludge to 12 after two hours of contact.

B. Processes to Further Reduce Pathogens (PFRP)

1. Composting—Using either the within-vessel composting method or the static aerated pile composting method, the temperature of the sewage sludge is maintained at 55 degrees Celsius or higher for three days.

Using the windrow composting method, the temperature of the sewage sludge is maintained at 55 degrees or higher for 15 days or longer. During the period when the compost is maintained at 55 degrees or higher, there shall be a minimum of five turnings of the windrow.

2. Heat drying—Sewage sludge is dried by direct or indirect contact with hot gases to reduce the moisture content of the sewage sludge to 10 percent or lower. Either the temperature of the sewage sludge particles exceeds 80 degrees Celsius or the wet bulb temperature of the gas in contact with the sewage sludge as the sewage sludge leaves the dryer exceeds 80 degrees Celsius.

3. Heat treatment—Liquid sewage sludge is heated to a temperature of 180 degrees Celsius or higher for 30 minutes.

4. Thermophilic aerobic digestion—Liquid sewage sludge is agitated with air or oxygen to maintain aerobic conditions and the mean cell residence time of the sewage sludge is 10 days at 55 to 60 degrees Celsius.

5. Beta ray irradiation—Sewage sludge is irradiated with beta rays from an accelerator at dosages of at least 1.0 megarad at room temperature (ca. 20 degrees Celsius).

6. Gamma ray irradiation—Sewage sludge is irradiated with gamma rays from certain isotopes, such as Cobalt 60 and Cesium 137, at room temperature (ca. 20 degrees Celsius).

7. Pasteurization—The temperature of the sewage sludge is maintained at 70 degrees Celsius or higher for 30 minutes or longer.

[FR Doc. 93–2 Filed 2–18–93; 8:45 am]

BILLING CODE 6560–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122, 123, and 501

[FRL–4515–7]

National Pollutant Discharge Elimination System Sewage Sludge Permit Regulations; State Sludge Management Program Requirements

AGENCY: Environmental Protection Agency.

ACTION: Final rule; technical amendment.

SUMMARY: Under existing regulations that establish sewage sludge permitting and State sewage sludge program requirements, approximately 20,000 publicly owned treatment works and other treatment works treating domestic sewage are required to submit permit applications within 120 days after the promulgation of standards applicable to their sewage sludge use or disposal practice(s). The final sewage sludge use and disposal standards will be published in the **Federal Register** on or near the same date as this final rule. To facilitate the management of these applications, on May 27, 1992, EPA proposed to revise these rules to stagger the submission of permit applications. Additionally, EPA proposed to extend the time period during which the initial set of applications must be submitted from 120 days to 180 days after promulgation of the technical standards. In response to comments received on the May 27, 1992, proposal, EPA is issuing a final rule which requires permit applications in phases and extends the time period in which the initial applications are due following the publication of the final use or disposal standards.

On July 28, 1986, EPA promulgated final regulations for application requirements for facilities that discharge only non-process wastewater, which resulted in internal recodification of § 122.21. Conforming changes were not made to § 123.25(a)(4) which refers to the relevant portions of section 122. These technical corrections are being made as part of this rule.

EFFECTIVE DATE: The effective date of this final rule is March 22, 1993.

ADDRESSES: The public record is located at EPA Headquarters, Environmental Protection Agency, room 220 NE., 401 M Street SW., Washington, DC 20460. For access to the record, call (202) 260–6599 between 9 a.m. and 3:30 p.m. for an appointment.

FOR FURTHER INFORMATION CONTACT: Pamela Mazakas, Permits Division (EN–336), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 260–6599.

SUPPLEMENTARY INFORMATION:

I. Background
A. Water Quality Act of 1987
B. EPA's Sewage Sludge Management Program
C. Discussion of May 27, 1992, Proposed Rule
II. Discussion of Today's Final Rule and Response to Comments
A. General
B. Applicability
C. Permit Application Deadlines
D. Time Period for Compiling Application Data
E. Compliance with the CWA and Part 503
F. State Programs and the Permitting Authority
G. Technical Correction to Section 123.25
III. Regulatory Development Process
A. Executive Order 12291
B. Paperwork Reduction Act
C. Regulatory Flexibility Act
Appendix A—List of Regional Sewage Sludge Contacts

I. Background

Implementation of the Clean Water Act (CWA) has increased the extent to which wastewater is treated before being discharged to surface waters. At publicly owned treatment works (POTWs), implementation of secondary treatment requirements under the National Pollutant Discharge Elimination System (NPDES) program, under section 402 of the CWA, has improved effluent quality while increasing the amount of sewage sludge being generated. Proper management of this growing amount of sewage sludge is becoming increasingly important as efforts to remove pollutants from wastewater have become more effective.

Several options exist for dealing with these vast quantities of sewage sludge. One such option is beneficial use. The Agency considers sewage sludge a valuable resource since it contains nutrients and has physical properties that make it useful as a fertilizer and soil conditioner. Sewage sludge has been used for its beneficial qualities on agricultural lands, in forests, for landscaping projects, and to reclaim strip-mined land. EPA will continue to encourage such practices.

Regulation of the use or disposal of sewage sludge is important, however, because improper use or disposal can adversely affect surface water, ground water, wetlands, and public health through a variety of exposure pathways. The multi-media nature of the risks and exposure pathways requires a tightly coordinated comprehensive approach that protects public health and the environment, helps ensure that solving problems in one medium will not create problems for another, and encourages the beneficial use of sewage sludge.

A. Water Quality Act of 1987

Section 406 of the Water Quality Act of 1987, which amended section 405 of the CWA, established a comprehensive program for reducing the risks to public health and the environment from the use or disposal of sewage sludge. The 1987 revisions to the CWA reiterated EPA's obligation to promulgate standards for sewage sludge that protect public health and the environment from reasonably anticipated adverse effects of pollutants in sewage sludge during its use or disposal. Furthermore, the 1987 amendments required that all NPDES permits issued to POTWs and other treatment works treating domestic sewage contain conditions implementing sewage sludge standards, unless such conditions are included in a permit issued under subtitle C of the Solid Waste Disposal Act, part C of the Safe Drinking Water Act, the Marine Protection, Research and Sanctuaries Act, the Clean Air Act, or under a State program approved for administering a section 405(f) sewage sludge permitting program. The amendments also provided that the Administrator may issue separate permits that implement the sewage sludge requirements to treatment works treating domestic sewage that are not subject to section 402 of the CWA or to any of the other listed permit programs or approved State programs. Moreover, the amendments provided that the standards for use or disposal are enforceable directly against any user or disposer of sewage sludge under section 405(e) of the CWA. In other words, a treatment works treating domestic sewage, as well as any user or disposer, must comply with the standards by the statutory compliance deadlines whether or not a permit incorporating the standards has been issued to the treatment works treating domestic sewage.

B. EPA's Sewage Sludge Management Program

In response to the February 1987 amendments to the CWA, EPA: (1) Reproposed regulations for State sludge management programs (first proposed on February 4, 1986 (51 FR 4458)); and (2) proposed revisions to the NPDES program regulations to provide for including sewage sludge requirements in NPDES permits. This was done on March 9, 1988 (53 FR 7642). Final rules were promulgated on May 2, 1989 (54 FR 18716). These regulations establish permit requirements and procedures, as well as requirements for States wishing to implement approved sewage sludge management programs as either part of their NPDES programs or under separate authority. These regulations establish the programmatic framework for implementing the technical standards for sewage sludge use or disposal.

Central to the sewage sludge permitting program is the development of standards that protect public health and the environment from reasonably anticipated adverse effects of pollutants in sewage sludge that is used or disposed. On February 6, 1989 (54 FR 5746), EPA proposed standards for the use or disposal of sewage sludge if the sewage sludge is applied to the land, distributed and marketed, placed in sludge-only landfills (monofills) or surface disposal sites, or fired in a sewage sludge incinerator. These standards will be codified at 40 CFR part 503 and will be published in the **Federal Register** on or near the same date as today's final rule. Among other things, part 503 will likely replace the current part 257 for the disposal of sewage sludge if the sewage sludge is used or disposed in accordance with part 503.

On November 9, 1990 (55 FR 47210), EPA published a notice regarding the availability of information and data collected during the National Sewage Sludge Survey and the anticipated impacts of this information on the proposed part 503 standards. At that time, EPA proposed a number of changes to the part 503, regulation as a result of the survey and as a consequence of information and comments provided by scientific peer review panels and public comments on the proposed part 503 rule. As noted above, the final part 503 regulation will be published in the **Federal Register** on or near the same date as today's final rule.

C. Discussion of May 27, 1992, Proposed Rule

Under the current regulations, publicly owned treatment works (POTWs) and other treatment works treating domestic sewage are required to submit permit applications within 120 days after the promulgation of standards (40 CFR part 503) applicable to their sewage sludge use or disposal

VOL 58 ISS 32 FE 19 1993 UMI

practice(s). EPA estimates that up to 20,000 permit applications may be submitted to EPA at one time as a result of the current requirements. To facilitate the management of these applications, on May 27, 1992, EPA proposed to revise the existing rules to stagger the submission of permit applications. In the first phase, EPA proposed to require permit applications from treatment works treating domestic sewage required to have (or requesting) site-specific limits in the initial period following promulgation of part 503. (These are primarily sewage sludge incinerators.) The second phase would require limited background information from sludge-only treatment works treating domestic sewage (that were not addressed in the first phase). The last phase would require treatment works treating domestic sewage with NPDES permits (that were not addressed in the first phase) to submit sewage sludge information during the NPDES permit renewal process (i.e., over the five year permit cycle). Additionally, EPA proposed to extend the time period during which the initial ("first phase") set of applications must be submitted from 120 days to 180 days after promulgation of part 503.

II. Discussion of Today's Final Rule and Response to Comments

A. General

In developing the final rule, EPA carefully considered public comments received on the May 27, 1992, proposal. In total, EPA received comments from 12 commenters. The majority of comments were from POTWs and municipalities. EPA also received comments from one State agency, one industry, and one environmental group. EPA's response to comments will be included as part of the preamble to this final rule.

The proposed rule noted that applications were due within a certain period of time after the "promulgation" of applicable sewage sludge use or disposal standards. Since promulgation, for regulatory purposes, is generally synonymous with the date the rule is published in the **Federal Register**, EPA is clarifying the final regulations by stating that permit applications are due after the "publication" of applicable sewage sludge use or disposal standards. This clarification is also consistent with the CWA requirement that compliance with part 503 be within one year (or two years if construction is required) after "publication" of an applicable sewage sludge use or disposal standard.

B. Applicability

One commenter was uncertain about who would be affected by today's rule. Under the Federal program, all treatment works treating domestic sewage must apply for a permit. The May 27, 1992, proposal did not address who had to apply for a permit because this was not being changed. The proposal merely addressed the timing for submittal of permit applications. The final regulations addressing sewage sludge, which were promulgated in May 1989, addressed the scope of the permitting program in detail (54 FR 18725–18732). That discussion is summarized briefly below.

All treatment works treating domestic sewage must apply for a permit. A treatment works treating domestic sewage is defined in §§ 122.2 and 501.2 as "a POTW or any other sewage sludge or waste water treatment devices or systems, regardless of ownership (including federal facilities), used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. This definition does not include septic tanks or similar devices." For purposes of this definition, domestic sewage means "waste and waste water from humans or household operations that are discharged to or otherwise enter a treatment works."

In summary, as explained in the preamble to the May 2, 1989, regulations, the definition of treatment works treating domestic sewage includes facilities that generate sewage sludge or otherwise effectively control the quality of sewage sludge or the manner in which it is disposed. (Note that land application is not considered disposal since the sewage sludge is being beneficially reused.) Under this definition, "treatment works treating domestic sewage" consequently encompasses facilities that may process sewage sludge as would a generator, but that are separate from the generator's facilities. Thus, commercial sewage sludge handlers (like commercial composting operations) that process sewage sludge from POTWs for sale or give-away are included in the definition since they alter the quality of sewage sludge. However, commercial handlers that only distribute or land apply the sewage sludge without changing the quality are not automatically considered treatment works treating domestic sewage and are not required to submit permit applications unless specifically requested to do so by the permitting authority (54 FR 18726). (The permitting authority will be the EPA Regional Office or a State with an approved sewage sludge program.)

Also included in this definition is any treatment works which treats, in whole or in part, human-generated or household type wastes (domestic wastes or domestic sewage) as part of its wastewater treatment. This includes industrial treatment works that treat site-generated domestic wastes along with process or other wastes generated at the site. It does not, however, apply to sludges which are hazardous wastes, that are covered under subtitle C of RCRA. While industrial treatment works treating site-generated domestic wastes can be considered treatment works treating domestic sewage under the definition, EPA did not propose to address these facilities in the first round of part 503 and such facilities would not, therefore, be required automatically to submit permit applications after the first round of part 503 is published. EPA can, however, individually request permit applications and issue these facilities permits on a case-by-case basis when necessary to protect public health and the environment (54 FR 18726–18728). When technical standards are promulgated that do apply to these facilities, they will have to comply with the permit application requirements of today's rule. The extent to which industrial treatment works that treat domestic wastes generated off-site are covered by the part 503 rule, is addressed in the part 503 rulemaking, published in the **Federal Register** on or near the same date as today's final rule. If part 503 applies to these facilities, they will be required to submit permit applications according to the deadlines established in today's final rule.

Treatment works treating domestic sewage also include owners or operators of disposal facilities such as sewage sludge incinerators, monofills, and surface disposal sites. These facilities must also apply for a permit. Monofills and surface disposal sites are "lands dedicated to the disposal of sewage sludge" (54 FR 18726). Facilities that send the sewage sludge they generate to a treatment or disposal facility must also submit a permit application. The permitting authority has the flexibility to cover both the generator and the treatment/disposal facility in one permit or separate permits (including covering one or both under general permits). Under the Federal program, the definition of treatment works treating domestic sewage does not extend automatically to land where sewage sludge is beneficially used, such as farm land and home gardens (54 FR 18726). Thus, permits would not be required for such site owners (except in an unusual

situation where the site-owner was designated as a treatment works treating domestic sewage by EPA under § 122.1(b)(4)). EPA cannot envision a situation where it would issue a permit to a home gardener who uses sewage sludge products as a fertilizer or soil conditioner.

Another commenter was concerned about how this rule affects those facilities that send sewage sludge to municipal solid waste landfills (MSWLFs). These landfills are regulated under the part 258 regulations promulgated jointly under RCRA and the CWA (56 FR 50978). Part 258 establishes minimum criteria for MSWLFs, including location restrictions, facility design and operating criteria, groundwater monitoring requirements, corrective action requirements, financial assurance requirements, and closure and post-closure care requirements. Requirements differ for new and existing MSWLFs. Regulations for permitting MSWLFs will be contained in a separate rulemaking.

This commenter also pointed out that the CWA does not allow the issuance of a RCRA Subtitle D permit to operate as an adequate substitute for NPDES sewage sludge permit conditions for the sewage sludge generator. EPA generally agrees that a MSWLF's permit would not, in most circumstances satisfy the CWA requirements for the generator's permit to include conditions to implement the sewage sludge regulations. The actual MSWLF will continue to be covered under part 258 and will not be required to apply for a permit under the part 122, 123, or 501 permitting regulations. However, EPA expects sewage sludge generators who send their sewage sludge to MSWLFs to have some sewage sludge requirements in their NPDES permits. These facilities must submit permit applications in accordance with today's final rule. Part 503 proposed to address requirements for sewage sludge going to MSWLFs, but the Agency decided that it was not feasible to develop pollutant-specific limits for this sewage sludge. Consequently, EPA established, in the case of sewage sludge co-disposed with municipal solid waste, a performance standard under section 405(d)(3) of the CWA. EPA determined that the requirements established in part 258 (e.g., liners and leachate systems) will ensure that pollutants are not released into the environment and that public health and the environment are adequately protected.

Part 503 proposed to require that the generating facilities ensure that their sewage sludge meets the part 258 requirements and that the sewage sludge only be sent to State-permitted MSWLFs (54 FR 5794). In other words, each treatment works treating domestic sewage must ensure that the sewage sludge it sends to a MSWLF for disposal is not hazardous (§ 258.20) and does not violate the prohibition on disposal of liquids in landfills (§ 258.28). Furthermore, sewage sludge that is used as cover for a MSWLF must be suitable for that purpose (§ 258.21). Facilities that send their sewage sludge to MSWLFs must apply for permits in accordance with today's final rule.

C. Permit Application Deadlines

Prior to the promulgation of today's rule, any POTW with an existing NPDES permit had to submit permit application information when its next application for NPDES permit renewal was due, or within 120 days of publication of an applicable sewage sludge standard, whichever came first (§§ 122.21(c)(2)(i) and 501.15(d)(1)(ii)(A)). The preamble discussion to the May 2, 1989, notice (54 FR 18737), made it clear that all POTWs covered by the part 503 regulation had to submit permit applications within this 120-day period. Under §§ 122.21(c)(2)(ii) and 501.15(d)(1)(ii)(B), any other existing treatment works treating domestic sewage, not subject to the NPDES program (i.e., a "sludge-only facility"), had to also submit the permit application information within 120 days of publication of an applicable sewage sludge standard or when requested by the Director. For treatment works treating domestic sewage commencing operation after an applicable part 503 standard was published, §§ 122.21(c)(2)(iii) and 501.15(d)(1)(ii)(C) required that permit applications be submitted at least 180 days prior to the date proposed for commencing operations.

These application deadlines would have meant that approximately 16,000 POTWs and an estimated three to five thousand other treatment works treating domestic sewage would have had to submit application information within 120 days after publication of part 503. EPA did not intend to reopen existing permits immediately or issue new permits to all facilities who sent in the permit application information within this 120-day period. Rather, EPA's original intent was to use the information to identify priorities for permit modification or issuance. The May 27, 1992, proposal noted that several changes have occurred since promulgation of the permit requirements that make this approach less necessary and less practical.

First, EPA is working to enhance the direct enforceability of the part 503 standards. Section 405(e) of the CWA states that it will be unlawful for anyone to dispose of sewage sludge except in accordance with the regulations.

Second, as a result of the National Sewage Sludge Survey, as well as peer review and public comment on the proposed part 503 rulemaking, EPA has improved knowledge of the prevalence and relative risks of different sewage sludge use or disposal practices. Consequently, the Agency is better equipped to direct permitting activities to those treatment works treating domestic sewage that require priority attention.

Third, EPA is concerned about effectively using limited resources. Completing an initial screening of up to 20,000 applications would be a monumental task and the Agency does not believe it to be feasible within a short time period. Further, much of the information submitted within 120 days of when part 503 is published may be outdated by the time work can actually begin in evaluating the information and developing permits. Consequently, treatment works treating domestic sewage would likely need to submit new/updated information.

Several comments were received on the discussion of this new approach in the May 27, 1992, proposal. One commenter was concerned with how the self-implementing nature of part 503 would influence reporting, record keeping and enforcement. The monitoring, record keeping and reporting requirements expected to be established in part 503 will become effective within several months after the rule is published. (Note that part 503 will be published in the **Federal Register** on or near the same date as today's final rule.) These requirements will provide the baseline data from which compliance evaluations will be performed and, where required, upon which enforcement actions will be taken. Part 503 is expected to require the submittal of information necessary to ascertain compliance and the rule will outline the minimum requirements for data collection by the regulated facilities. These data are then required to be reported to the EPA after the effective date of part 503 at the frequency specified in the regulation. This will be true even in the absence of a permit. Therefore, inclusion of monitoring, record keeping, and reporting requirements in part 503 enhances the self-implementation or direct enforceability of part 503. Permits, when issued, will also include monitoring, record keeping, and

reporting requirements that, in appropriate circumstances, may be more comprehensive than part 503.

Other commenters were concerned about the reliance on the self-implementing provisions of part 503 and suggested this should not be a substitute for a strong permitting program. EPA agrees and will rely largely on the self-implementing nature of part 503 until permits can be issued. The CWA requires the Agency to include requirements to implement the part 503 standards in NPDES permits issued to treatment works treating domestic sewage. Furthermore, the Agency has the authority to issue permits to facilities without NPDES permits under section 405(f)(2) of the CWA. In addition, the Agency believes that permits are necessary for several other reasons. For sludge-only facilities, permits are an effective means of bringing newly-regulated facilities into the program. Permits add certainty to each party's obligations by spelling them out in a single document. Permits also facilitate compliance by specifying requirements, denoting how compliance will be measured, and providing a time for questions/challenges to be addressed through the permit issuance and public comment process rather than through an enforcement action. Additionally, a permit can provide a partial "permit as a shield" defense for compliance with the permit (§ 122.25(a) (2)). The process for public participation, which is a part of every permit, is also an important goal of the CWA and it helps to build public acceptance of the beneficial use of sewage sludge. Permits can allow consideration of site-specific factors to adjust national standards in appropriate instances (for incinerators, some standards must be set through a permit). Furthermore, permits clarify relationships between additional parties and the permittee's responsibilities when other parties are involved. Lastly, permit "boilerplate" provisions supplement the technical standards by establishing general duties for permittees and identifying additional specificity. For example, the boilerplate will contain provisions addressing the following: The duty to notify the permitting authority of changes in use or disposal practices; a reopener clause allowing the permit to be reopened when new technical standards are promulgated; a duty to report noncompliance and mitigate adverse environmental consequences of noncompliance; a duty of proper operation and maintenance; and detailed monitoring and reporting requirements.

One commenter requested that EPA include information on the interim program in the final rule, suggesting that if this program had been fully carried out, EPA would not experience the anticipated rush of permit applications soon after part 503 is published and hence, the regulations would not need to be changed. In response to this suggestion, EPA believes that it made it clear in the May 2, 1989, regulations that even if a permittee had sewage sludge limits in a permit when an applicable sewage sludge use or disposal standard was published, the permittee must apply for a new permit within 120 days of that standard's publication (54 FR 18737). In addition, permitting authorities would have received new information from each facility, since they would be looking for specific information to ensure compliance with the technical standards of part 503. (Although the interim program requires the placement of sewage sludge requirements in permits, the requirements could not possibly be the same as the requirements which will be promulgated under part 503 later this year.) Section 122.44 (c) (4) specifically states that permits issued to treatment works treating domestic sewage must include a reopener clause to include applicable standards for sewage sludge use or disposal. As noted in the proposed rule, today's final rule does not delay compliance with the part 503 standards—it merely requires permit applications to be submitted in phases.

Another commenter suggested that applications only be submitted when requested by EPA. EPA does not believe this is the best approach to requiring permit applications. The Clean Water Act generally envisions implementation of the sewage sludge program through permits. Since EPA contemplates the eventual permitting of all treatment works treating domestic sewage, the Agency prefers that the submittal of permit applications be triggered automatically rather than through individual letters sent to all treatment works treating domestic sewage. For those needing site-specific requirements to implement part 503, requiring permit applications within a reasonable time after part 503 will facilitate compliance with the statutory deadlines.

One commenter thought that it would be unwise to delay the submittal of permit applications if it meant that the development of "management plans" would also be delayed. (Because the proposed regulations did not discuss "management plans," we assume this refers to "land application plans" under §§ 122.21(d)(3)(ii) and 501.15(a)(2)(ix).) Instead, the commenter suggested that all treatment works treating domestic sewage that will be required to apply for a permit, develop and keep on file a "management plan" within one year of promulgation of part 503. The commenter suggested that if a State intended to apply for authorization, such a requirement would expedite and facilitate a smooth transition in issuing permits. Furthermore, the commenter suggested that EPA require notice from all treatment works treating domestic sewage when their plans were complete.

EPA does not agree that it is necessary to require treatment works treating domestic sewage to develop land application plans prior to submitting a permit application. Rather, EPA intended the plan to be submitted with the permit application and be subject to permit issuance procedures—including the public notice and comment procedures. By accommodating applicants that have not yet identified all land application sites, the land application plans are meant to fill the gap in the permit so that permit modifications are not necessary each time a new land application site is chosen. Therefore, EPA believes it is inappropriate to require the development of such plans until permit applications are filed. EPA recommends, however, that if a treatment works treating domestic sewage knows that it will need to do a land application plan, then it should begin developing the plan well in advance of filing the permit application.

As for State programs, nothing prohibits States from requiring these plans sooner than when permit applications are due. Furthermore, EPA would encourage States intending to submit programs for approval to establish State requirements that would make the transition process easier.

In light of the discussion above, and in response to comments received on the proposed rule, EPA is adopting the proposed approach to phase in permit application submittals as articulated below.

1. The First Phase

In the first phase, EPA proposed to focus on all treatment works treating domestic sewage required to have (or requesting) site-specific pollutant limits as provided in part 503. This first phase includes several types of treatment works treating domestic sewage but targets, in particular, sewage sludge incinerators.

The proposal stated that focusing on sewage sludge incinerators first is appropriate because available data indicate that, of the most common use or disposal practices, these facilities

pose the greatest risk to public health. Several commenters objected to this statement and requested to see supporting data. This statement was based upon the data developed for the February 6, 1989, proposed part 503 regulations. The supporting document, "Human Health Risk Assessment for Municipal Sludge Disposal: Benefits of Alternative Regulatory Options," is available for review as part of the docket to this rule. Appointments to review this document at EPA Headquarters can be made by calling Pamela Mazakas at 202/260–6599. This document may also be purchased through the National Technical Information Service (NTIS) at a cost of $43.00 plus shipping and handling (NTIS #PB89–136626). This information showed that incineration was associated with the largest number of cancer cases and lead-associated adverse health effects of the use or disposal practices evaluated at that time (54 FR 5782). It is important to note that none of the use or disposal practices were found to be a significant risk. Further, the final part 503 standards are designed to provide an equivalent level of protection from all use or disposal practices regulated under that rule.

Other commenters asked for clarification of what is considered a treatment works treating domestic sewage that is required to have (or able to request) site-specific limits. One commenter specifically requested how EPA would classify, for purposes of seeking site-specific limits, storage lagoons and injection of sewage sludge into the soil at a dedicated site on which no crops are grown. Although EPA appreciates the complexity of these issues, the availability of site-specific limits is determined under part 503 and these issues will be addressed in the preamble to part 503. (Note that part 503 will be published in the **Federal Register** on or near the same date as today's final rule.) As discussed below, today's rule lengthens the time during which permit applications may be submitted after part 503 is published. Permit applicants should have ample time after part 503 is published to determine whether site-specific limits are required or desired.

Under the proposal, EPA noted that requests for site-specific limits would be considered after this first round of permit applications only for good cause. One commenter disagreed and suggested that requests for site-specific limits should be available any time data supported them. To set permitting priorities and control the permit application process, EPA has determined that it is appropriate to limit the availability of site-specific requests. If available data support site-specific limits, the request should be made when such data are discovered. If additional data are discovered after the initial 180-day period after part 503 is published, then good cause may exist for consideration of site-specific limits. Other examples of good cause include instances when a treatment works treating domestic sewage changes its surface disposal site or switches from one practice to another (e.g., surface disposal to incineration).

One commenter raised the issue of defining "existing" facilities. Unlike the NPDES program, permits are not necessary for either existing or new facilities to operate. Furthermore, the technical standards are the same for new and "existing" treatment works treating domestic sewage. Existing facilities and new facilities will be responsible for ensuring compliance with part 503 within one year after part 503 is published (or two years if construction is required).

The only real difference between new and existing facilities is when they have to apply for permits. An existing facility must apply for a permit according to today's rule—within 180 days for a facility required to have or requesting site-specific requirements, at the time of its next NPDES permit renewal (for a facility with an NPDES permit), or, for a sludge-only facility, it must submit limited data within one year and a complete application within 180 days from when requested by the permitting authority. EPA is retaining existing requirements for new facilities which must apply for a permit 180 days prior to beginning operation. This provision also applies to new "sludge-only" facilities who must submit full permit applications 180 days prior to beginning operation.

The commenter mentioned that it had a facility under construction now which should be complete at about the same time as the publication of part 503. For purposes of today's rule, EPA will consider new treatment works treating domestic sewage as those which began construction after the publication of an applicable sewage sludge use or disposal standard. For this reason, the commenter's facility would be considered an existing facility and would be required to submit its application within 180 days for site-specific requirements, at the time of its next NPDES permit renewal, or it must submit limited data within one year and complete applications within 180 days from when requested by the permitting authority, as appropriate.

One commenter suggested that EPA at least require permit applications within 120 days for land application of sewage sludge that does not meet the "super clean" sewage sludge criteria anticipated in the part 503 rule (55 FR 47259). EPA does not agree with the suggestion to require permit applications within 120 days of when part 503 is published for land application unless sewage sludge meets "super clean" criteria. EPA expects that the direct enforceability of the part 503 standards together with associated record keeping and reporting requirements will provide protection. The standards for land application of sewage sludge which is not "super clean" will be as protective as the standards for land application of "super clean" sewage sludge. Furthermore, if the permitting authority anticipates a problem, it has the authority to request permit applications sooner than the time frames established under today's final rule.

For the reasons stated above, EPA is adopting the proposed requirement for treatment works treating domestic sewage required to have (or requesting) site-specific limits to submit permit applications within 180 days of when part 503 is published §§ 122.21(c)(2)(i) and 501.15(d)(1)(ii) (A). (See discussion below for further information on the extension of the time period from 120 days to 180 days.) (Note that part 503 will be published in the **Federal Register** on or near the same date as today's final rule.)

2. The Second Phase

Instead of requiring an immediate submittal of a complete application from sludge-only treatment works treating domestic sewage, EPA proposed that they submit limited background information within one year of publication of an applicable sewage sludge use or disposal standard. (To the extent these treatment works treating domestic sewage were required to have, or wanted to request, site-specific limits, EPA proposed that they come forward during the first phase and submit permit applications within 180 days of publication of an applicable sewage sludge use or disposal standard.)

EPA proposed that these sludge-only treatment works treating domestic sewage submit the following information to the Director:

(1) Name, mailing address and location of the treatment works treating domestic sewage;

(2) The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public or other entity;

(3) A description of the sewage sludge use or disposal practices (including,

VOL 58 ISS 32 FE 19 1993 UMI

where applicable, the location of any sites where sewage sludge is transferred for treatment, use, or disposal, as well as the name of the applicator or other contractor who applies the sewage sludge to land if different from the treatment works treating domestic sewage, and the name of any distributors if the sewage sludge is sold or given away in a bag or similar enclosure for application to the land, if different from the treatment works treating domestic sewage);

(4) Annual amount of sewage sludge generated, treated, used or disposed (dry weight basis); and

(5) The most recent data the treatment works treating domestic sewage may have on the quality of the sewage sludge.

Some treatment works treating domestic sewage are not currently subject to the existing NPDES program for effluent discharges (i.e., they are sludge-only facilities). EPA will use this second phase to create an inventory of these sludge-only treatment works treating domestic sewage and to set permitting priorities.

One commenter suggested that the limited information being submitted by sludge-only treatment works treating domestic sewage is inadequate to set priorities and that, at a minimum, they ought to be required to submit sewage sludge quality data. EPA agrees that sewage sludge quality data are important and proposed in §§ 122.21(c)(2)(iii)(E) and 501.15(d)(1)(ii)(C)(5) that existing data be submitted. EPA believes this provision is adequate since the proposed part 503 regulation had self-implementing monitoring and record keeping requirements which would generate data on sludge quality. If, as anticipated, these monitoring and record keeping requirements are in the final rule, they will be effective soon after part 503 is published and, therefore, all treatment works treating domestic sewage should be generating new data, which would be available data required under §§ 122.21(c)(2)(iii)(E) and 501.15(d)(1)(ii)(C)(5). EPA believes that receiving these data from "sludge-only" treatment works treating domestic sewage will provide adequate information to establish permitting priorities.

EPA believes that it is appropriate to only require limited data from "sludge-only" treatment works treating domestic sewage. As noted above, this data will serve to inventory the sludge-only facilities as well as provide the permitting authority with information to set permitting priorities. Additionally, the permitting authority maintains the ability to require any treatment works treating domestic sewage to submit full permit applications at any time if it determines a permit is necessary to protect public health and the environment. One commenter was not sure how the permitting authority would be able to require complete applications from sludge-only treatment works treating domestic sewage. Sections 122.21(c)(2)(iv) and 501.15(d)(1)(ii)(D) of today's final rule state that the permitting authority maintains the ability to require permit applications sooner than the times defined in the rule—for any treatment works treating domestic sewage. One commenter thought these provisions were inconsistent with the provision requiring only limited data from sludge-only treatment treating domestic sewage. The limited data submitted by the sludge-only treatment works treating domestic sewage is only preliminary data. This limited information will allow the permitting authority to set permitting priorities. If the permitting authority determines that the sludge-only facility needs to submit a full permit application, it may request a full application either after reviewing the limited data, or prior to the one year deadline for the submission of the limited data if necessary. It would not be necessary for the sludge-only facility to be in noncompliance before the permitting authority can request it to submit a full application. As noted earlier, the facility may become one of the permitting authority's priorities either by the nature of its practice or by the fact that other facilities already have permits.

To clarify when sludge-only facilities must submit their limited data, EPA is considering the ultimate use or disposal of a generator's sewage sludge to be the generator's use or disposal practice—even if the sewage sludge use or disposal is carried out by someone else. Therefore, sludge-only treatment works treating domestic sewage will have to submit their information within one year after publication of part 503 if the sewage sludge they generate is ultimately land applied, incinerated in a sewage sludge incinerator, placed in a surface disposal site, or disposed in a MSWLF. For example, if a sludge-only treatment works treating domestic sewage generates sewage sludge and sends that sewage sludge to someone else's sewage sludge incinerator, the generating treatment works treating domestic sewage will still have to submit its information within one year after publication of part 503. (In this case, the incinerator will also be considered a treatment works treating domestic sewage and will be required to submit permit application information as well.)

A few commenters were concerned about how sludge-only treatment works treating domestic sewage will know to submit information. The sewage sludge implementation regulations have been in existence since 1989. EPA has held numerous workshops in an attempt to reach most of the regulated community. EPA will continue its efforts to identify and notify sludge-only permittees of their obligations. Realizing that sludge-only facilities are not part of the existing NPDES program, EPA will be working with trade associations and other organizations to distribute information on the regulations to this group. Furthermore, many States already regulate sludge-only facilities and EPA intends to work closely with State agencies to ensure that such facilities are notified of their requirements under the Federal program.

In light of the above discussion, EPA is adopting the proposed changes to require sludge-only treatment works treating domestic sewage (not required to have or requesting site-specific limits) to submit limited data within one year after publication of part 503 (§§ 122.21(c)(2)(iii) and 501.15(d)(1)(ii)(C)). (Note that part 503 will be published in the **Federal Register** on or near the same date as today's final rule.)

3. The Third Phase

The third phase consists of treatment works treating domestic sewage with NPDES permits not addressed under the first phase. The proposal required that these treatment works treating domestic sewage submit the application information in accordance with NPDES permit renewal procedures. Such procedures require permit applications at least 180 days before the NPDES permit is due to expire. Thus, permit applications would be submitted over the course of a five year permit cycle. In the interim period, before permits are issued to these facilities, the part 503 standards will be directly enforceable, providing protection to public health and the environment. Furthermore, if EPA determines that it is necessary to require sewage sludge application information and to reopen a permit before renewal, it may do so at its discretion under the authority of 40 CFR 122.62(a) (3) and (7) to protect public health or the environment.

Several commenters wanted clarification for situations where an NPDES permit has been

administratively continued (or extended). Today's rule requires NPDES permittees (not required to have or seeking site-specific limits) to submit sewage sludge data at the time of their next NPDES permit renewal applications. NPDES permittees, however, should have been submitting general information on sewage sludge with their permit applications since 1989 when part 122 was revised to require this (54 FR 18716). Therefore, the permitting authority should already have basic sewage sludge information from any NPDES permittee who filed a permit application after 1989, and sewage sludge requirements should be included in the NPDES permit. Such permittees do not have to automatically resubmit new data during the term of an administratively continued permit until the next permit application is due. EPA, however, expects the permitting authority to use its authority to ask for additional sewage sludge information, which may be necessary to ensure compliance with part 503, sooner than the next regularly scheduled application deadline under § 122.21(c)(2)(iv). Likewise, for any facilities which may be operating under a permit that was administratively continued prior to 1989, sewage sludge data would not be required to be submitted until the next NPDES permit application is due. Again, the permitting authority should use its discretion to ensure that adequate information is included in the permit application process and to expeditiously incorporate part 503 requirements into reissued permits.

One commenter was concerned that permit applications with sewage sludge information would not be submitted for up to 6 or 8 years because of the backlog in permit issuance. Another commenter suggested that if States fail to seek program approval, it would take EPA "a decade or two to do the job which must surely exceed that envisioned by Congress." The Agency agrees that it will not be possible to issue all permits immediately given limited resources. EPA believes that sewage sludge management remains a local concern that should be handled at the State and local level. Until States obtain program approval, EPA will do its best to ensure that the sewage sludge program is being implemented in a manner that takes into account the risks posed by sewage sludge use or disposal. It is important to note that the Agency will also continue to encourage and assist States to assume responsibility for implementing the sewage sludge program. The CWA requires compliance with part 503 within one year after its publication (or two years if construction is required), regardless of what is embodied in an NPDES permit. Thus, EPA's ability to enforce compliance with the standards is not wholly dependent upon issuance of permits.

EPA is adopting the proposed language to require that permit applications from these treatment works treating domestic sewage be submitted in accordance with NPDES permit renewal procedures. Such procedures require permit applications at least 180 days before the NPDES permit is due to expire. (Sections 122.21(c)(2)(ii) and 501.15(d)(1)(ii)(B).)

D. Time Period for Compiling Application Data

EPA proposed to focus the application requirements on those treatment works treating domestic sewage required to have (or requesting) site-specific pollutant limits. Today's final rule has the same focus. Because 120 days may be insufficient to generate the necessary information for site-specific permits, EPA proposed to extend the time period to 180 days after publication of part 503.

Two commenters noted that they appreciated the increase from 120 days to 180 days but stated that they did not believe 180 days would be sufficient either. Similarly, one commenter suggested that EPA require the submission of all information except the site-specific analysis (unless already completed) within the 180-day period. This commenter suggested applicants be required to submit a rationale for the need for additional time to complete the site-specific analysis and a schedule for completing the analysis during the 180-day period but that the actual analysis could be submitted later. The Agency believes that part 503 will be explicit enough so that facilities will be able to gather the necessary information. EPA is driven by the compliance deadlines required by Congress in the CWA. EPA believes that the 180-day period established in today's rule strikes a balance between Congress's compliance date and EPA's need to receive complete information in permit applications for those facilities whose standards need to be established on a site-specific basis.

One commenter objected to the extension from 120 to 180 days for site-specific applications and wanted to see more clarification on which applicants fall into this group and the potential risk they pose. As noted earlier in this preamble, determining which facilities are required to have (or able to request) site-specific limits, is an issue that will be determined in the part 503 rule. Therefore, this will be discussed in the preamble which accompanies that rule. Furthermore, now that the Agency has a better understanding of the likely part 503 requirements, the Agency has determined that 120 days is too restrictive and that 180 days is more appropriate. For example, sewage sludge incinerators may need to submit air dispersion data and conduct control efficiency tests (trial burns) that could take a considerable period of time to complete. EPA believes the 180-day deadline will foster the submittal of complete and accurate applications.

EPA is adopting the changes as proposed to extend the time period from 120 days to 180 days after part 503 is published for treatment works treating domestic sewage to submit permit applications.

For consistency, EPA also proposed to modify § 122.1(b)(4). This provision states that a user or disposer of sewage sludge designated as a treatment works treating domestic sewage must submit a permit application within 120 days of being notified by the Regional Administrator that a permit is required. EPA proposed to extend this time period from 120 days to 180 days after a treatment works treating domestic sewage is notified that a permit is required. EPA received no comments on this change and it is being adopted as proposed.

For a summary of the general changes to the existing requirements for when permit applications have to be submitted (under parts 122, 123, and 501) made by today's rule, see Table II–1.

TABLE II–1.—SUMMARY OF GENERAL CHANGES MADE BY TODAY'S FINAL RULE

	Old requirements	New requirements
Facilities required to have (or requesting) site-specific limits: NPDES permittees.	Submit sewage sludge application information within 120 days after part 503 promulgation.	Submit sewage sludge application information within 180 days after part 503 publication.*†
Non-NPDES permittees ("sludge-only").	Submit sewage sludge application information within 120 days after part 503 promulgation.	Submit sewage sludge application information within 180 days after part 503 publication.*†

TABLE II–1.—SUMMARY OF GENERAL CHANGES MADE BY TODAY'S FINAL RULE—Continued

	Old requirements	New requirements
Facilities not required to have (or requesting) site-specific limits:NPDES permittees.	Submit sewage sludge application information within 120 days after part 503 promulgation.	Submit sewage sludge application information at the time of next NPDES permit renewal application †
Non-NPDES permittees ("sludge-only").	Submit sewage sludge application information within 120 days after part 503 promulgation.	Submit limited sewage sludge information within 1 year after part 503 publication †

* Applicant may request site-specific pollutant limits later upon a showing of good cause.

† The permitting authority may request that permit applications be submitted earlier than the times set forth in this table. Permit applications are due 180 days after the permitting authority makes such a request.

E. Compliance With the CWA and Part 503

Several commenters expressed concerns over the part 503 compliance deadlines (one year after publication or two years after publication if construction is required). EPA has no authority to provide additional time for compliance since these deadlines were specifically set by Congress in section 405(d)(2)(D) of the Clean Water Act.

F. State Programs and the Permitting Authority

For consistency, EPA proposed to include the above changes to the permitting procedures into 40 CFR 123.25(a)(4) by cross-referencing the part 122 provisions being amended today. This means that States which seek approval of a modification to their NPDES programs to regulate sewage sludge use or disposal would be expected to have comparable regulations as part of their programs. EPA received no comments on the proposed change and it is being adopted as proposed.

EPA will be responsible for issuing permits that implement the sewage sludge use or disposal standards, unless those standards are implemented through certain other Federal permits or permits issued by a State with an EPA-approved sewage sludge management program. Because no States have received EPA approval of their State sewage sludge management programs yet, EPA will be the permitting authority initially and all application information must be submitted directly to the appropriate EPA Regional offices, unless notified otherwise by the Regional office. (Appendix A lists the addresses for the EPA Regional offices and the States within each Region.)

One commenter was confused about where permit applications are to be sent in "approved States." In States with approved sewage sludge programs, the permit application information is submitted to the State agency which has been approved by EPA to administer the federal sewage sludge program in lieu of EPA. Treatment works treating domestic sewage should note that a State can have an approved sewage sludge program even if it does not have an approved NPDES program. Similarly, just because a State has an approved NPDES program, does not mean it has an approved sewage sludge program as well. Questions about the current status of State program approvals at any particular time should be directed to EPA Regional offices.

Currently there are no States with formally approved sewage sludge programs, although several are operating under Memoranda of Agreement with the EPA Regional Offices for interim sewage sludge programs. Once the part 503 regulations are final, the interim programs will no longer be effective and all sewage sludge data should be submitted to the Regional EPA Office, until a State receives formal sewage sludge program approval. In States with approved NPDES programs, the part of the permit application containing sewage sludge data must be sent to EPA, while the rest of the permit information is sent to the State, unless otherwise directed by the EPA Regional office. To clarify this further, the ending phrase of § 122.21(c)(2)(ii) has been modified to instruct treatment works treating domestic sewage with NPDES permits to submit sewage sludge data "at the time of their next NPDES permit renewal application" instead of "with their next NPDES permit renewal application."

Several commenters requested clarification on the interaction between the Federal program and State programs—specifically addressing permits, enforcement and reporting. The Federal program will not supersede or replace a State program. Rather, until a State receives formal program approval, the regulated community may be subject to both the State and Federal programs. This could mean that a treatment works treating domestic sewage could be required to obtain two permits, conduct monitoring, and report results—both under the Federal and State programs. The Federal permit may include more stringent requirements than a State permit, and vice versa. Section 122.1(f) allows States to have sewage sludge requirements that are different from, or more stringent than, those in the Federal regulations. The State will continue to enforce its requirements and EPA will enforce the Federal requirements. In States with approved sewage sludge programs, the States will be primarily responsible for enforcement while EPA will maintain enforcement and oversight authority.

Although in the short term treatment works treating domestic sewage may be subject to two separate programs, EPA is working to assist States in their applications to take on Federally approved programs so the requirements can be rolled into one program instead of two.

G. Technical Correction to § 123.25

On July 28, 1986, EPA promulgated final regulations for application requirements for facilities that discharge only non-process wastewater. At 51 FR 26991, EPA redesignated § 122.21(h)–(o) as (i)–(p) and added a new § 122.21(h). Conforming changes were not made to § 123.25(a)(4) which refers to relevant portions of section 122. These technical corrections are being made as part of today's rule.

III. Regulatory Development Process

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is major and, therefore, subject to the requirement of a Regulatory Impact Analysis. A major rule is defined as a regulation that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in the costs or prices for consumers, individual industries, Federal, State and local government agencies, or geographic regions; or

(3) A significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Today's final rule imposes no new criteria but rather lessens the burden for submitting permit applications. Instead of requiring the submission of all permit applications within 120 days after the publication of part 503, the submission of applications is to be done in phases. This avoids the potential for a treatment works treating domestic sewage to have to submit two applications because information became outdated before a permit could be written. Therefore, this final rule does not constitute a major

rulemaking. These regulations were submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act

The information collection requirements contained in this rule were detailed in Information Collection Request 226.10. These requirements have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. and are currently assigned OMB control number 2040–0086.

Public reporting burden for this collection of information is estimated at four to five hours per response, with an average burden of 4.83 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Chief, Information Policy Branch, PM–223Y, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and to the Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

C. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., EPA is required to prepare a Regulatory Flexibility Analysis to assess the impact of its rules on small entities. No Regulatory Flexibility Analysis is required, however, where the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Today's final rule most directly affects treatment works that use or dispose of sewage sludge that are already required to obtain permits under existing Federal or State programs. Today's rule merely changes existing regulations to provide for the submittal of permit applications in phases. In most cases, small facilities will have additional time to submit their applications. Accordingly, I hereby certify pursuant to 5 U.S.C. 605(b) that these amendments will not have a significant impact on a substantial number of small entities.

List of Subjects

40 CFR Part 122

Administrative practice and procedure, Confidential business information, Reporting and recordkeeping requirements, Sewage disposal, Waste treatment and disposal, Water pollution control.

40 CFR 123

Confidential business information, Hazardous materials, Reporting and recordkeeping requirements, Sewage disposal, Waste treatment and disposal, Water pollution control, Penalties.

40 CFR 501

Confidential business information, Environmental protection, Reporting and recordkeeping requirements, Publicly owned treatment works, Sewage disposal, Waste treatment and disposal.

Dated: November 25, 1992.

F. Henry Habicht II,

Acting Administrator.

For the reasons set out in the preamble, parts 122, 123, and 501 of title 40, chapter I of the Code of Federal Regulations are amended as follows:

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

1. The authority citation for part 122 continues to read as follows:

Authority: The Clean Water Act, 33 U.S.C. 1251 *et seq.*

2. Section 122.1 is amended by adding an OMB control number to the end of the section and by revising the second sentence of paragraph (b)(4) to read as follows:

§ 122.1 Purpose and scope.

* * * * *

(b) * * *

(4) * * * Any person designated as a "treatment works treating domestic sewage" shall submit an application for a permit under § 122.21 within 180 days of being notified by the Regional Administrator that a permit is required.

* * *

* * * * *

(Approved by the Office of Management and Budget under OMB control number 2040–0086.)

3. Section 122.21 is amended by redesignating paragraphs (c)(2) (i), (ii), and (iii) as (c)(2) (ii), (iii), and (v) respectively and revising newly redesignated paragraphs (c)(2) (ii) and (iii); and adding new paragraphs (c)(2)(i) and (c)(2)(iv) to read as follows:

§ 122.21 Application for a permit (applicable to State programs, see § 123.25).

* * * * *

(c) * * *

(2) *Permits under section 405(f) of CWA.* (i) Any existing "treatment works treating domestic sewage" required to have, or requesting site-specific pollutant limits as provided in 40 CFR part 503, must submit the permit application information required by paragraph (d)(3)(ii) of this section within 180 days after publication of a standard applicable to its sewage sludge use or disposal practice(s). After this 180 day period, "treatment works treating domestic sewage" may only apply for site-specific pollutant limits for good cause and such requests must be made within 180 days of becoming aware that good cause exists.

(ii) Any "treatment works treating domestic sewage" with a currently effective NPDES permit, not addressed under paragraph (c)(2)(i) of this section, must submit the application information required by paragraph (d)(3)(ii) of this section at the time of its next NPDES permit renewal application. Such information must be submitted in accordance with paragraph (d) of this section.

(iii) Any other existing "treatment works treating domestic sewage" not addressed under paragraphs (c)(2) (i) or (ii) of this section must submit the information listed in paragraphs (c)(2)(iii) (A)–(E) of this section, to the Director within 1 year after publication of a standard applicable to its sewage sludge use or disposal practice(s). The Director shall determine when such "treatment works treating domestic sewage" must apply for a permit.

(A) Name, mailing address and location of the "treatment works treating domestic sewage;"

(B) The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public or other entity;

(C) A description of the sewage sludge use or disposal practices (including, where applicable, the location of any sites where sewage sludge is transferred for treatment, use, or disposal, as well as the name of the applicator or other contractor who applies the sewage sludge to land, if different from the "treatment works treating domestic sewage," and the name of any distributors if the sewage sludge is sold or given away in a bag or similar enclosure for application to the land, if different from the "treatment works treating domestic sewage");

(D) Annual amount of sewage sludge generated, treated, used or disposed (dry weight basis); and

(E) The most recent data the "treatment works treating domestic sewage" may have on the quality of the sewage sludge.

(iv) Notwithstanding paragraphs (c)(2) (i), (ii), or (iii) of this section, the

Director may require permit applications from any "treatment works treating domestic sewage" at any time if the Director determines that a permit is necessary to protect public health and the environment from any potential adverse effects that may occur from toxic pollutants in sewage sludge.

* * * * *

PART 123—STATE PROGRAM REQUIREMENTS

4. The authority citation for part 123 continues to read as follows:

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

5. Section 123.25 is amended by revising paragraph (a)(4) to read as follows:

§ 123.25 Requirements for permitting.

(a) * * *

(4) § 122.21 (a)–(b), (c)(2), (e)–(k), and (m)–(p)—(Application for a permit);

* * * * *

PART 501—STATE SLUDGE MANAGEMENT PROGRAM REGULATIONS

6. The authority citation for part 501 continues to read as follows:

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

7. Section 501.15 is amended by redesignating paragraphs (d)(1)(ii) (A), (B) and (C) as paragraphs (d)(1)(ii) (B), (C) and (E) respectively and revising newly designated paragraphs (d)(1)(ii) (B) and (C); and adding new paragraphs (d)(1)(ii)(A) and (d)(1)(ii)(D) to read as follows:

§ 501.15 Requirements for permitting.

* * * * *

(d) * * *

(1) * * *

(ii) (A) Any existing "treatment works treating domestic sewage" required to have (or requesting) site-specific pollutant limits as provided under 40 CFR part 503, must submit the permit application information required by paragraph (a)(2) of this section within 180 days after publication of a standard applicable to its sewage sludge use or disposal practice(s). After this 180-day period, "treatment works treating domestic sewage" may only apply for site-specific pollutant limits for good cause and such requests must be made within 180 days of becoming aware that good cause exists.

(B) Any "treatment works treating domestic sewage" with a currently effective NPDES permit, not addressed under paragraph (d)(1)(ii)(A) of this section, must submit the application information required by paragraph (a)(2) of this section when the next application for NPDES permit renewal is due.

(C) Any other existing "treatment works treating domestic sewage" not addressed under paragraphs (d)(1)(ii) (A) or (B) of this section must submit the information listed in paragraphs (d)(1)(ii)(C)(*1*)–(*5*) of this section, to the Director within one year after publication of a standard applicable to its sewage sludge use or disposal practice(s). The Director shall determine when such "treatment works treating domestic sewage" must apply for a permit.

(*1*) Name, mailing address and location of the "treatment works treating domestic sewage";

(*2*) The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public or other entity;

(*3*) A description of the sewage sludge use or disposal practices (including, where applicable, the location of any sites where sewage sludge is transferred for treatment, use, or disposal, as well as the name of the applicator or other contractor who applies the sewage sludge to land if different from the "treatment works treating domestic sewage," and the name of any distributors if the sewage sludge is sold or given away in a bag or similar enclosure for application to the land, if different from the "treatment works treating domestic sewage");

(*4*) Annual amount of sewage sludge generated, treated, used or disposed (dry weight basis); and

(*5*) The most recent data the "treatment works treating domestic sewage" may have on the quality of the sewage sludge.

(D) Notwithstanding paragraphs (d)(1)(ii) (A), (B), or (C) of this section, the Director may require permit applications from any "treatment works treating domestic sewage" at any time if the Director determines that a permit is necessary to protect public health and the environment from any potential adverse effects that may occur from toxic pollutants in sewage sludge.

* * * * *

Editorial Note: This appendix will not appear in the Code of Federal Regulations.

Appendix A—List of Regional Sewage Sludge Contacts

Region 1

(Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island)
Thelma Hamilton, Municipal Evaluation Section (WMC), Water Management Division, U.S. EPA—Region I, JFK Federal Building, Boston, MA 02203, Phone: (617) 565–3569.

Region 2

(New York, New Jersey, Puerto Rico, Virgin Islands)
Alia Roufaeal, Water Management Division, U.S. EPA—Region II, 26 Federal Plaza, room 837, New York, NY 10278, Phone: (212) 264–8663.

Region 3

(Delaware, Virginia, West Virginia, District of Columbia, Maryland, Pennsylvania)
Ann Carkhuff, Permits Enforcement Branch, Water Management Division (3WM55), U.S. EPA—Region III, 841 Chestnut Street, Philadelphia, PA 19107, Phone: (215) 597–9406.

Region 4

(Alabama, Florida, Georgia, Kentucky, Mississippi, Tennessee, North Carolina, South Carolina)
Vince Miller, Municipal Facilities Branch, Water Management Division, U.S. EPA—Region IV, 345 Courtland Street, Atlanta, GA 30365, Phone: (404) 347–2391.

Region 5

(Indiana, Illinois, Michigan, Wisconsin, Ohio, Minnesota)
John Colletti, Water Quality Branch, Water Division (5WQP–16J), U.S. EPA—Region V, 77 West Jackson Boulevard, Chicago, IL 60604–3590, Phone: (312) 886–6106.

Region 6

(Arkansas, Louisiana, New Mexico, Oklahoma, Texas)
Stephanie Kordzi, Water Management Division (6–WPM), U.S. EPA—Region VI, 1445 Ross Avenue, 12th Floor, suite 1200, Dallas, TX 75202–2733, Phone: (214) 655–7520.

Region 7

(Iowa, Kansas, Missouri, Nebraska)
John Dunn, Water Compliance Branch, Water Management Division, U.S. EPA—Region VII, 726 Minnesota Avenue, Kansas City, KS 66101, Phone: (913) 551–7594.

Region 8

(Wyoming, Utah, North Dakota, South Dakota, Colorado, Montana)
Bob Brobst, NPDES Branch (8WM–C), Water Management Division, U.S. EPA—Region VIII, 999–18th Street, Denver Place—suite 500, Denver, CO 80202–2405, Phone: (303) 293–1627.

Region 9

(California, Nevada, Arizona, Hawaii, Guam, American Samoa, North Mariana Islands, Pacific Trust Territories)
Lauren Fondahl, Pretreatment Section (W–5–2), Water Management Division, U.S. EPA—Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Phone: (415) 744–1909.

Region 10

(Oregon, Washington, Idaho, Alaska)
Technology/Standards Questions:
Dick Hetherington, Water Permits Section (WD–134), Water Management Division, U.S. EPA—Region X, 1200 6th Avenue, Seattle, WA 98101, Phone: (206) 553–1941.
Permit Questions:

Laura Fe
134), Wate
EPA—Regi
WA 98101,
[FR Doc. 9
BILLING COD

VOL 58 ISS 32 FE 19 1993 UMI

Laura Felten, Water Permits Section (WD–134), Water Management Division, U.S. EPA—Region X, 1200 6th Avenue, Seattle, WA 98101, Phone: (206) 553–1647.

[FR Doc. 93–3 Filed 2–18–93; 8:45 am]

BILLING CODE 6560–50–M

VOL
58

ISS
32

FE
19

1993

UMI

federal register

Friday
February 19, 1993

Part III

Department of Labor

Office of Labor Management Standards

29 CFR Parts 402 and 403

Labor Organization Annual Financial Reports and Abbreviated Annual Financial Reports for Small Labor Organizations; Proposed Rule

VOL
58
ISS
32
FE
19
1993
UMI

DEPARTMENT OF LABOR

Office of Labor-Management Standards

29 CFR Parts 402 and 403

Labor Organization Annual Financial Reports and Abbreviated Annual Financial Reports for Small Labor Organizations

AGENCY: Office of Labor-Management Standards, Employment Standards Administration, Labor.

ACTION: Proposed extension of the effective date of final rules.

SUMMARY: The Office of Labor-Management Standards of the Employment Standards Administration is proposing to extend the effective date of the regulations pertaining to labor organizations' filing of annual financial reports required by the Labor-Management Reporting and Disclosure Act of 1959 (hereinafter the LMRDA). The final rules, published in the Federal Register on October 30, 1992, revised United States Department of Labor Forms LM–2 and LM–3 and issued the new Form LM–4.

The effective date of these final rules is December 31, 1993. Covered labor organizations filing financial reports for fiscal years beginning January 1, 1993, and thereafter would be required to use the newly revised Form LM–2 or LM–3, or the new Form LM–4. Because of problems encountered by labor organizations and the Department in connection with efforts to implement the revised reporting forms and because further study of the revisions may be necessary, the Office of Labor-Management Standards requests comments concerning the advisability of extending the December 31, 1993 effective date until December 31, 1994. If the effective date were extended, labor organizations filing financial reports for fiscal years ending before December 31, 1994 would continue to file their reports on the preexisting Form LM–2 or LM–3.

DATES: Interested parties may submit written comments on this proposal. All comments must be submitted by March 22, 1993.

ADDRESSES: Written comments should be submitted to John Kotch, Acting Director, Office of Labor-Management Standards, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue NW., room N–5605, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Kay H. Oshel, Chief, Division of Interpretations and Standards, Office of Labor-Management Standards, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue NW., room N–5605, Washington, DC 20210, (202) 219–7373. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Section 201(b) of the LMRDA (Pub.L. 86–257, 73 Stat. 519 (29 U.S.C. 401 *et seq.*)) requires each covered labor organization to file annually with the Secretary of Labor a financial report containing "information in such detail as may be necessary accurately to disclose its financial condition and operations for its preceding fiscal year." Section 208 of the LMRDA authorizes the Secretary to issue, amend, and rescind rules and regulations prescribing the form and publication of the annual financial reports and prescribing simplified reports for labor organizations for whom he finds that by virtue of their size a detailed report would be unduly burdensome.

Pursuant to this authority, the Secretary promulgated the regulations at 29 CFR parts 402 and 403, which require labor organizations to file either the detailed Form LM–2 or, for labor organizations with annual receipts totalling less than $100,000, the simplified Form LM–3. On October 30, 1992, the Secretary published final rules that revised Forms LM–2 and LM–3, added new Form LM–4, and amended 29 CFR parts 402 and 403 accordingly (57 FR 49282 and 49356). The effective date of these final rules is December 31, 1993, making them applicable to financial reports filed for fiscal years ending on or after that date.

The revised financial reporting Forms LM–2 and LM–3 add a requirement that labor organizations report expenditures by functional categories. Since such annual financial reports disclose details of each labor organization's financial condition and operations for the preceding year, labor organizations filing reports for fiscal years ending on or after the December 31, 1993 effective date would have to begin maintaining the required information on or shortly after the beginning of their fiscal year, which for the majority of labor organizations begins on January 1, 1993. The revisions to Forms LM–2 and LM–3 will also require many labor organizations to modify their recordkeeping systems in order to collect and report the required information. The effective date of the final rule thus compelled labor organizations to begin implementing new procedures as early as January 1, 1993 only two months after the publication of the final rules on October 30, 1992.

The changes in reporting categories required by the final rule were opposed in comments filed in response to the notice of proposed rulemaking by numerous labor organizations and accounting firms familiar with the financial reporting practices of the reporting organizations. In addition to indicating that the proposed changes would impose substantial costs without compensating benefits in terms of improved financial disclosure, all but one of the comments concerning an effective date for the new reporting forms stated that lead time of less than one year would be insufficient to enable labor organizations to establish and operate new accounting systems needed to comply with the proposed functional reporting requirements.

The Department has continued to receive such comments from labor organizations and accounting firms making inquiries regarding the interpretation or application of the new rules.

Such comments apparently arise not only from officials with limited accounting experience but also experienced officials and their professional advisors, suggesting that those who must prepare and file the new forms are experiencing difficulties in attempting to comply with the new requirements. The short time period for implementation also has made it more difficult than anticipated for the Department to sufficiently prepare its own staff to respond adequately to labor organizations' inquiries and to develop educational material for the guidance of reporting labor organizations.

Reexamination of the comments the Department received on proposed effective dates for the functional reporting requirements, the Department's own difficulties in being able to adequately respond to labor organizations' inquiries regarding the final rule, and labor organizations' continuing difficulties in preparing to comply with the new functional reporting requirements lead the Department to propose extending the effective date of the final rule until December 31, 1994. The purpose of the extension is to alleviate these compliance problems and allow for reevaluation of these new rules, including whether modification or rescission of some or all of the revisions may be appropriate.

The two final rules promulgated on October 30, 1992 also raised the annual receipts ceiling for use of the simplified Form LM–3 from $100,000 to $200,000 and issued a new abbreviated Form LM-

4 for use by small labor organizations with total annual receipts of less than $10,000. The regulations at 29 CFR 403.4 were amended to incorporate these two changes. Further, due to changes on item numbers on the revised forms, 29 CFR 402.4 was amended to refer to item 22 on revised Forms LM–2 and LM–3 instead of item 18 on the LM–3 and item 20 on Form LM–2. The final rules also permitted labor organizations to report on either a cash or accrual basis depending on how their records are maintained. These revisions have not created as many difficulties in their implementation; nonetheless, in order to avoid confusion that may result if portions of the October 30, 1992 rules were effective on December 31, 1993, while other portions were effective on December 31, 1994, the Department proposes to extend the effective date for both rules in their entirety.

Administrative Requirements

E.O. 12291

This rule does not constitute a "major rule" under E.O. 12291 in that it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition in the marketplace. Consequently, no regulatory impact analysis has been prepared or is necessary.

Regulatory Flexibility Act

In accordance with section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., the Agency Head certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule will only apply to labor organizations and the Department has determined that labor organizations regulated pursuant to the statutory authority granted under the LMRDA do not constitute small entities. Therefore, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

The proposed extension of the effective date of the subject final rules will result in a one-year continuation of the pre-existing labor organization reporting requirements. It will not result in any new collection of information requirement; therefore, it is not subject to section 3504(h) of the Paperwork Reduction Act, 44 U.S.C. 3504(h).

List of Subjects in 29 CFR Parts 402 and 403

Labor unions, Reporting and recordkeeping requirements.

Extension of Effective Date of Final Rules

In consideration of the foregoing, the Department of Labor proposes that the effective date for the final rules published in the **Federal Register** on October 30, 1992, 57 FR 49282 and 49356, which revised United States Department of Labor Forms LM–2 and LM–3, issued Form LM–4, and amended 29 CFR parts 402 and 403, be extended from December 31, 1993 until December 31, 1994.

Signed in Washington, DC, this 12th day of February, 1993.

Robert B. Reich,

Secretary of Labor.

John R. Fraser,

Acting Assistant Secretary for Employment Standards.

[FR Doc. 93–3862 Filed 2–16–93; 11:14 am]

BILLING CODE 4510–86–M

VOL
58

ISS
32

FE
19

1993

UMI

Federal Register

Friday
February 19, 1993

Part IV

Department of Education

Office of Special Education and Rehabilitative Services

National Institute on Disability and Rehabilitation Research; Notice Inviting Applications for New Awards Under Certain Programs for Fiscal Year 1993

VOL
58
ISS
32
FE
19
1993
UMI

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

[CFDA No. 84.133B]

National Institute on Disability and Rehabilitation Research; Notice Inviting Applications for New Awards Under Certain Programs for Fiscal Year (FY) 1993

AGENCY: Department of Education.

ACTION: Correction notice.

SUMMARY: On January 21, 1993 a notice inviting applications for new awards under certain programs for fiscal year 1993 was published in the **Federal Register** at 58 FR 5535. This notice corrects the deadline for transmittal of applications, available funds, and estimated average size of awards.

On page 5537, second column, lines five through nine are corrected to read as follows:

Deadline for Transmittal of Applications: March 24, 1993.
Available Funds: $7,450,000.
Estimated Average Size of Awards: $600,000–$650,000.

FOR FURTHER INFORMATION CONTACT: Yvonne Fleming, U.S. Department of Education, 400 Maryland Avenue SW., room 3418, Switzer Building, Washington, DC 20202–2572. Telephone (202) 205–8532. Deaf and hearing impaired individuals may call (202) 205–5516 for TDD services.

Authority: 29 U.S.C. 760–761.

Dated: February 11, 1993.

William L. Smith,

Acting Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 93–3841 Filed 2–18–93; 8:45 am]

BILLING CODE 4000–01–M

federal register

Friday
February 19, 1993

Part V

Department of Energy

Office of Conservation and Renewable Energy

10 CFR Part 455

Grant Programs for Schools and Hospitals and Buildings Owned by Units of Local Governments and Public Care Institutions; Final Rule

VOL
58
ISS
32
FE
19
1993
UMI

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 455

[Docket No. CE-RM-91-130]

Grant Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions

AGENCY: Office of Conservation and Renewable Energy, Department of Energy.

ACTION: Final rule.

SUMMARY: Today the Department of Energy (DOE) is publishing a final rule revising the regulations for its Grant Programs for Schools and Hospitals and for Buildings Owned by Units of Local Government and Public Care Institutions, also known as the Institutional Conservation Program (program, Institutional Conservation Program, or ICP). The program provides grants to institutions to fund detailed energy audits, called technical assistance programs (TAs), and energy conservation measures (ECMs). The purpose of the revisions is to provide States and institutional grantees more specific guidance in some areas of program operation and more flexibility in other areas. The revisions are also intended to improve the DOE ability to assist States, institutions, and other interested parties in improving energy efficiency, reducing energy costs, and leveraging available resources. In a number of cases, the revisions reflect changes to the program made by the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101-440)

EFFECTIVE DATE: March 22, 1993.

FOR FURTHER INFORMATION CONTACT: Thomas P. Stapp, U.S. Department of Energy, Institutional Conservation Program, Office of Conservation and Renewable Energy, CE-531, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 586-2096.

SUPPLEMENTARY INFORMATION:

I. Introduction and Description of the Program
II. Revisions to the Regulations
III. Review Under Executive Order 12291
IV. Review Under Executive Order 12778
V. Review Under the Regulatory Flexibility Act
VI. Review Under the Paperwork Reduction Act
VII. Review Under National Environmental Policy Act
VIII. Review Under Executive Order 12612
IX. Review Under the Federal Energy Administration Act
X. Catalog of Federal Domestic Assistance

I. Introduction and Description of the Program

The Department of Energy (DOE or Department) has revised the program regulations for the Institutional Conservation Program, 10 CFR part 455, authorized by title III of the Energy Policy and Conservation Act, as amended, (the Act) 42 U.S.C. 6371 et seq. The program is subject to the general DOE Assistance Regulations at 10 CFR part 600 which are cross-referenced in 10 CFR part 455 and sometimes discussed in this preamble.

The Act established a primary goal for the program of reducing energy use and costs in institutional buildings. To accomplish this goal, it authorized DOE to establish cost-shared energy conservation grant programs to fund TAs in public and private non-profit schools, hospitals, and buildings owned by units of local government and public care institutions and to fund the purchase and installation of ECMs in schools and hospitals.

Among other things, the TAs are used to identify changes in maintenance and operating procedures and new equipment or materials that could conserve energy in eligible buildings. Implementation of the maintenance and operating procedures and installation of the new ECMs contribute to energy conservation in the building where they are used.

The purpose of today's notice is to improve the operation and flexibility of the Institutional Conservation Program. The Department has based this notice on its experience in administering the program since fiscal year 1979, questions raised and suggestions made by participants in the program, and amendments to the Act by the State Energy Efficiency Programs Improvement Act of 1990 (Pub.L. 101-440) (1990 legislation). Other areas of program administration require revision due to evolution of the program. DOE has rearranged a number of the subparts to the rule and added some new subparts and new sections to provide a more logical sequence and to make the rule easier to use. DOE has also made a number of minor technical or grammatical corrections.

Another objective of today's rule is to facilitate the leveraging of ICP funds by encouraging States and institutions to identify additional sources of non-Federal funding for energy efficiency improvements and to obtain funding from those sources where feasible. Since ICP funding is limited, it is important that States and institutions utilize non-grant funding sources whenever possible. Finally, DOE believes that improved and more flexible regulations will have a positive influence on energy efficiency efforts.

II. Revisions to the Regulations

The principal revisions being made in this action are: Reorganizing the rule in more logical order and adding new sections and headings for clarity; redefining "building" to cover groups of structures that are centrally metered or are served by a central utility plant; changing the building eligibility date to May 1, 1989; simplifying the requirements for an energy audit; allowing demand-shifting ECMs if they do not use more energy than was used before their installation; adding definitions and other regulatory provisions for optional new grants to States for technical assistance, program assistance, and marketing; deleting the exclusion of educational agency administration buildings from eligibility; providing for various new or changed requirements that States must address in their State Plans or have the option to address; allowing States to specify the conversion factors to be used for various types of energy conservation measures involving changes in the use of electricity; incorporating into the rule the DOE deobligation/reobligation policy for various types of situations; deleting the requirement that TAs be long-term planning documents and allowing States to limit the range and types of ECMs to be considered in TAs (which are based on energy audits that meet the requirements of the rule) for particular types of buildings; encouraging States to use life-cycle costing procedures in the analysis and ranking of ECM applications, while permitting the continued use of simple payback if a State elects to do so; and adding regulatory provisions for States that want to use life-cycle costing.

Further revisions in this action are: Raising the upper limit on the cost effectiveness of eligible ECMs to 15 years if life-cycle costing is used; changing the calculation procedures for conversions to coal and renewables; revising hardship criteria to concentrate on financial need; raising the State administrative grant maximum base amount to $50,000 and eliminating the matching requirement for these grants; providing for administrative grants from appropriated funds where States fund ECMs from non-Federal sources; requiring a State to offer regular ICP grants to eligible religious institutions if such institutions would be ineligible for the non-Federal ECM funding due to

State constitutional prohibitions on providing State aid to religious institutions; providing for allowance of liens on grant-funded equipment where the matching contribution is borrowed, and requiring that DOE be notified if a lender sues to repossess the equipment; providing States the option of allowing applications for credit toward the grantee's share of the cost of ECMs; allowing States the option of permitting new grant applications for TAs and ECMs that were included in previous cycle grants but for which funds were never expended; providing for a sample energy use report, using a representative sampling technique, to replace the current requirement that all grantees file such reports; and allowing rebates to be used for the grantees' matching contribution up to specified limits.

Proposed Changes to Each Section, Comments Received, and the DOE Final Action

The following discussion describes the DOE proposed change(s) to each section, comments received regarding those proposed changes, and the DOE final action.

List of Subparts and Sections

DOE proposed rearranging the subparts to improve the organization and comprehensibility of the program regulations. Three favorable, and no unfavorable, comments were received on this change, and DOE has finalized the changes as proposed. A comparative listing of the old and new subparts was included in the discussion of proposed changes in the Notice of Proposed Rulemaking (NOPR) published in the **Federal Register** on January 6, 1992 (57 FR 433).

Section 455.2 Definitions

DOE proposed revising the definition of "building" to change the eligibility date to May 1, 1989, and to permit a group of structural units served by a central utility plant and centrally metered to be considered a "building." Several commenters liked the changes as proposed. Other commenters asked DOE to provide the States with additional flexibility so that, for instance, groups of structures which are connected by covered walkways, or which can be served by a single ECM, as well as structures served either by a central utility plant or by a central meter, could be considered "buildings." DOE is changing the definition to provide for structures served either by a central meter or by a central utility plant but is not going any further because DOE believes that structures not so connected cannot be considered buildings based on the definition in the Act.

DOE proposed revising the definition of "complex" to delete the reference to a central utility plant, which was added to the definition of building. One commenter wanted the old definition restored. DOE believes the revised definition, which covers a closely situated group of buildings, is sufficiently broad to include those that are, or are not, served by central utility plants, and DOE is not changing the definition. States now have considerable latitude via their State Plans to decide when and to what extent TAs need to cover groups of structures in various configurations.

DOE proposed revising the definition of "coordinating agency" to clarify that a State, as well as a private, non-profit entity, may serve in this role consistent with State laws and regulations. Six comments supported the proposed revision, and DOE is adopting this change as proposed. Two commenters said coordinating agencies should be able to serve in that capacity for either TA applications or ECM applications, or both. DOE agrees. One commenter objected to States that serve in this role hiring TA analysts or doing the TAs with State employees. Subject to State law, that decision, with respect to public institutions, is up to each State entity which serves as a coordinating agency. With respect to private, non-profit institutions, that decision could be made by a public coordinating agency with the acquiescence of those institutions.

DOE proposed revising the definition of "energy audit" (EA) to delete the reference to former § 455.19 (which DOE proposed to drop from the rule) and to add wording which reflects the definition in the Act. Five commenters supported this change and none opposed it. The final version of the definition tracks the proposed version with one significant addition. That addition ties the definition to the energy audit content requirements of 10 CFR 450.43, if the audit is conducted with financial assistance under 10 CFR part 455. This addition is necessitated by section 400B of the Act, 42 U.S.C. 6372 a, which requires DOE guidelines (codified at 10 CFR 450.43 and former § 455.19) for the conduct of energy audits with DOE financial assistance. However, since Congress has not provided appropriations for energy audits for many years and is not expected to do so in the future, this addition is not expected to be a significant set of binding requirements for such audits.

DOE did not propose revising the definition of energy conservation maintenance and operating procedures, but a commenter pointed out that by dropping former § 455.19, the rule no longer had a list of examples of such procedures. DOE has, therefore, added the list of examples of these procedures, included in former § 455.19, to the definition in § 455.2. This list of examples is not intended to be an exhaustive one but includes many examples of what DOE considers to be energy conservation maintenance and operating procedures (as distinct from ECMs). The distinction is an important one, and DOE believes having this list of examples in the rule helps clarify the differences.

DOE proposed revising the definition of "energy conservation measure" to reflect statutory amendments. One commenter felt it would help clarify the definition to add a reference to load management systems after the word "maintain," which DOE has done. Such systems are the only types of ECMs which are allowed to simply maintain energy consumption (others must save energy or, as discussed later, provide for conversion to a renewable source of energy). A number of commenters suggested that the definition should be broadened to include types of load management systems or other measures which cause more energy to be used than before their installation but which save money. DOE believes the legislative intent was clear that, at the very least, such ECMs must maintain energy usage to qualify, and DOE has not changed that requirement. One commenter asked if the comment in the preamble to the NOPR (57 FR 434, 1st column) relating to fuel switching meant that no ECMs designed to allow different fuels to be used were eligible. DOE intended this to refer to ECMs that do not achieve energy savings. Consistent with applicable U.S. House of Representatives report language, DOE does not interpret the revised definition to cover fuel switching that does not save energy. House Report No. 101–646, 101st Congress, 2nd Session 15 (1990), reprinted in 1990 U.S. Code Congressional and Administrative News 1656. However, ECMs that involve a cost-effective change in fuels (which would require the achievement of appropriate energy and cost savings, as discussed later) are eligible.

DOE also proposed revising new subsection (10) (old subsection (i)) under the definition of "energy conservation measure" to add, as an example of an eligible ECM, replacement or modification of exterior lights that are physically attached or

connected to an eligible building. Many commenters favored the proposed change, and none opposed it. However, almost all the commenters on this subject asked that the example be broadened to include additional exterior lights such as those in parking lots and stadiums if the institution paid the utility bills for those lights. DOE believes that exterior lights not attached or connected to "any structure * * * which includes a heating or cooling system or both" cannot be considered eligible ECMs because they are not part of a "building" as defined by section 391(1) of the Act, 42 U.S.C. 6371 (1).

DOE proposed deleting the definition of "energy use evaluation" (EUE) because the requirements for energy audits were being made more flexible. The feeling was that, with the States now being able to do simpler EAs, the EUE option would not be needed. One State asked that the definition of EUE be restored because the EUE requirements spelled out in former § 455.20 did not include looking at maintenance and operating procedures, while even the more flexible new EA requirements included a review of such procedures. DOE believes that it would be preferable to review such procedures prior to undertaking a TA in order to eliminate obviously unnecessary ECMs before incurring the expense of a TA. However, since 1985 DOE has interpreted and implemented the Act to allow such an undertaking without that prior review. There does not seem to be a compelling reason to alter that policy. DOE has decided therefore to restore a definition of EUE which includes the EUE elements set forth in former § 455.20.

Although DOE did not propose revising the definition of "hospital," one commenter asked that the definition be expanded to include rehabilitation hospitals that are not domiciliary or long-term care institutions. DOE believes the current definition allows for such hospitals under the conditions specified, and has not added them to the definition. As in other places in the definitions, an attempt has been made to include examples of allowable hospitals, but those examples are not intended either to cover all the possibilities or to exclude everything that is not mentioned.

DOE proposed adding a definition of "load management system" to provide for this type of equipment, newly allowable under the 1990 legislation. Comments on this change have already been discussed under "energy conservation measure," and DOE has adopted the change as proposed.

DOE proposed adding a definition for "marketing" to provide for this new type of State grant activity made allowable, under certain circumstances, by the 1990 legislation. One commenter suggested that the definition be broadened to allow activities "managed or performed" by the State (not just managed by the State). DOE agrees, and has added this wording to the definition. The intent here is to make clear that the State is responsible for the activities under this type of grant regardless of whether the State uses outside resources or State personnel to accomplish them.

Five commenters asked that the definition of "marketing" be broadened to include activities such as site visits to schools and hospitals and preparing articles about energy conservation. The proposed definition was based on the 1990 legislation which says "marketing and other costs associated with leveraging of non-Federal funds for carrying out this part." DOE has revised the proposed definition to include marketing activities specifically mentioned in the Senate and House reports on the 1990 legislation. The revision includes some types of site visits and articles. States must keep in mind, however, that they will need to report on their marketing program grant in terms of ultimate results—which means they need to assure that non-Federal financing is identified, made available to, and used by eligible institutions as part of their marketing program.

Several commenters suggested that a new definition be added for "non-Federal funds" relating to the new types of grants provided for under the 1990 legislation. Such non-Federal funds must be identified and used for ECMs in order for States to qualify for new grants for technical assistance, program assistance, and/or marketing. DOE believes this is a good idea and has added such a definition.

A number of commenters inquired about the types of funds that might be allowable under the definition of non-Federal funds. A State receiving a grant for marketing must be able to document that the marketing grant it received from DOE was used to identify and make available these non-Federal funds (whether they are direct State funds such as loans from the State, or funds from State-issued bonds, or funding sources the State has identified and arranged for in the public or private sector, such as funds from utilities or banks). Funds obtained by the State from the petroleum violation escrow settlements which are considered as non-Federal, such as those from the Stripper Well and Diamond Shamrock settlements, would qualify as non-Federal funds. Petroleum violation escrow funds which are required by statutes, court orders or settlement agreements to be treated as Federal funds (e.g., those under the court order in *U.S.* v. *Exxon Corp.*, 561 F.Supp. 816 (D.D.C. 1983) and those available due to the Warner Amendment, 96 Stat. 1830, 1919 (1982)) do not qualify as non-Federal funds for this purpose. Funds obtained by institutions without the assistance of the State program also do not qualify as non-Federal funds for the purposes of programs under § 455.20(j).

DOE proposed deleting the definition of "operations office manager" and to add a definition of "support office director" to reflect the realignment of the DOE Field Offices. There were no comments on these changes, and DOE has adopted them as proposed.

DOE proposed adding a definition of "program assistance" to provide for this new type of State grant activity made allowable, under certain circumstances, by the 1990 legislation. As discussed under the new definition of marketing, one commenter suggested adding that the activity can be managed or performed by the State. DOE agrees and has made this change. Several commenters suggested that more examples of allowable activities be provided such as in-depth reviews of TAs or maintenance and operating procedure training. As mentioned earlier, DOE does not intend definitional examples to be all-inclusive or to exclude all activities not mentioned, but DOE has added to the definition some clarifying language to cover TA reports and maintenance and operating procedure training. Beyond those clarifications, DOE believes the States have considerable flexibility to design these programs to help their institutions identify and achieve their energy efficiency goals.

DOE proposed revising the definition of "school facilities" by adding administrative facilities newly allowable due to the 1990 legislation. There were no negative comments on this change, and DOE has adopted it as proposed. DOE received several comments asking that administrative facilities be added elsewhere in the rule (such as under the definition of "school"). DOE believes that including it under school facilities is sufficient and has, therefore, not added this term elsewhere as an additional example.

One commenter suggested that the definition of "technical assistance" be broadened to provide for State-performed TAs. Subject to State law, a State can do, or arrange for, TAs either as a coordinating agency or under the new grants provided for by the 1990

legislation. DOE believes the current definition does not preclude State-performed TAs and has, therefore, not changed the definition.

Several commenters suggested that DOE add a definition for "technical assistance program update," since DOE has allowed States the option of providing credit for these. DOE agrees and has added this new definition. As the definition states, such updates are intended to be brief documents designed to provide current information on ECMs being proposed for funding. Updates should not be extensive or total revisions to existing TAs. (States will need to spell out their requirements for TA updates in their State Plans.)

Section 455.20 Contents of State Plan

DOE proposed a number of revisions to this section. The first three changes—revising the introductory wording to provide for new State grants for technical assistance, program assistance and marketing; adding a new paragraph (c) requiring States to set forth their procedures for notifying eligible institutions of funding availability each cycle; and deleting the former paragraph which required States to include results from PEAs—generated no comments (in the case of the first two) or only positive comments (in the case of the third), and DOE has adopted them as proposed.

One commenter asked that DOE waive the requirement that States solicit the views of eligible institutions if the State is required to amend the plan (such as due to a rule change). DOE believes that it is important for eligible institutions to be aware of such pending State Plan changes and that the State seek input from them when amending the State Plan. Therefore, DOE has not changed this requirement.

A number of commenters raised questions about paragraph (e) relating to ranking grant applications, pointing out that, if the States use a continuous cycle (provided for by the 1990 legislation for States that receive a grant from DOE for TAs), they would not be able to rank applications. In fact, DOE states in § 455.92(c) that ranking is not required for these grants.

DOE proposed adding a new paragraph (j) requiring a State to describe its programs for technical assistance, program assistance, marketing and non-Federally funded ECMs if the State elects to apply for these new grants provided for by the 1990 legislation. Several questions were raised about the requirements set forth in this paragraph, such as how States can assure that institutions that receive TAs or participate in program assistance and marketing activities under these grants later benefit from the State's program to fund ECMs from non-Federal sources, and how States can assure equitable availability/distribution of funds.

DOE believes that States need to design realistic programs for TAs, marketing and program assistance so that participants have a reasonable expectation of going on to the next logical step. For institutions that participate in the TA and/or marketing programs, the next step ought to be getting ECMs implemented with non-Federal funds. This may not happen in all cases, but States should work toward achieving that goal. DOE does not believe there is a single way to accomplish this and is not mandating one. But States need to avoid setting up programs that neglect or entirely miss segments of the eligible institutions (such as using all their appropriated funds for programs that assist only schools or only hospitals or targeting the non-Federal funds that way). States may receive useful feedback on this from their eligible institutions when they seek it pursuant to paragraph (a) of this section.

DOE proposed revising paragraph (k) to require States to describe their requirements for an EA that is to be used as a basis for a TA grant application. Four commenters viewed this change favorably (although one, as previously described, wanted the EUE option restored), and none opposed it. Consistent with the discussion above, the final version of paragraph (k) refers to the EUE option. Accordingly, the wording of this paragraph has been revised to delete the suggestion that the EA is an indispensable basis for a TA grant application.

One commenter suggested that States be able to decide what, of the information formerly required in the EAs, should be included in the new EAs. If DOE does not provide financial assistance for an EA, States have some discretion to specify EA elements. However, that discretion is subject to the minimum requirements in the statutory definition of an EA which is repeated in § 455.2. DOE has also added to paragraph (k) a requirement that States describe in their State Plans the qualifications needed for auditors who perform EAs and persons performing EUEs in the State. EAs or EUEs should be considered important first steps for institutions considering energy conservation improvements, and DOE wants to encourage development of State policies to ensure adequate quality.

DOE proposed revising paragraph (l) to simplify the maintenance and operating procedure provisions in the State Plan. One comment was received regarding this change, and it was positive. DOE has, therefore, adopted this change as proposed.

DOE proposed revising paragraph (m) to provide more specific examples of actions States might take to assure that financial assistance under this part supplements, but does not supplant, other available sources of funding. Several commenters objected to these revisions, suggesting that it would be too difficult to implement or it was too restrictive. DOE believes it is very important for States—and institutions—to investigate other possible funding sources before considering ICP grants, and DOE has consequently retained the revised wording. Several commenters suggested that States be allowed, pursuant to this paragraph, to exclude from eligibility certain ECMs that are being funded by other sources in the State (for instance, lighting improvements being funded by utilities), or to require that ICP grant applicants first seek other available sources of funding. DOE agrees and has added a third subparagraph to paragraph (m) to provide for any limitations States might elect to place on applicants because of other sources of funding that are available in the State. However, States should have a program to help eligible institutions identify and obtain such funding.

DOE proposed revising paragraph (o) to allow States the flexibility to establish requirements for TAs done in the State, including the option of varying the requirements depending upon the type, size, location, etc., of particular buildings. A few commenters objected to this revision because they felt the former requirement that all TAs be long-term planning documents based on extensive reviews of all buildings was still valid. Far more commenters felt the change would be helpful. DOE understands the concerns of those who want the TAs to continue to be complete reviews of buildings, and has allowed a State to continue requiring such a review if the State elects to do so. But DOE believes it is also valid to offer States the option of designing TAs for different building types, omitting detailed long-term plans, if appropriate.

In response to several comments, DOE has added to paragraph (o) a provision for States to specify situations where particular ECMs may, or may not, be considered appropriate for particular types of buildings or groups of structures that qualify as a building. A number of commenters pointed out that no matter how "building" is defined, some groups of structures might not

VOL 58 ISS 32 FE 19 1993 UMI

logically fit into a single TA even if they met the definition, and some ECMs might require special treatment in TAs under certain circumstances. DOE believes it is a good idea to allow States considerable flexibility in this regard.

In commenting on proposed paragraph (o), several commenters felt States should be able to dispense with TAs altogether if a single ECM is wanted or to limit TAs to a single targeted ECM. It is inappropriate to dispense with TAs because EUEs do not examine operation and maintenance changes and neither EUEs nor EAs require a cost effectiveness test. Furthermore, if a TA or the EA or EUE on which a TA is based do not examine a reasonable selection of ECM possibilities in light of the size and type of building, the TA may be inadequate to be eligible under § 455.71 which sets forth the eligibility requirements for an ECM grant application.

DOE proposed revising paragraph (q) to provide for a specification by a State of when an updated TA will be required. The comments were all favorable on this change, but several commenters suggested that the States also need to specify the required scope and contents of such TA updates. DOE agrees and has added this language to the paragraph which is being adopted as proposed with this revision added. As covered in the new definition of a TA update, these are intended to be brief revisions of particular data in existing TAs, not extensive or total revisions of entire documents.

DOE did not propose revising paragraph (r), but a number of commenters objected to this paragraph, with its prohibition on TA analysts having financial conflicts of interest (such as an interest in the ECMs which are installed after the TA is done). Some firms that install ECMs want to do their own TAs because they do not feel they should be held to estimates in TAs done by others, particularly if a guarantee of the savings is involved. DOE considered this issue, but decided that it was in the best interests of the program to retain the prohibition on conflict of interest. This decision was based both on the DOE conviction that independent TAs are the foundation of an effective ICP and on the provisions under 10 CFR 600.436(b)(3)(iv) and Office of Management and Budget Circular A–110 Attachment (O), section (b)(3), which stress the importance of avoiding real, apparent, or potential conflicts of interest where Federal grants are providing funding for projects (such as those undertaken by ICP grantees).

DOE proposed adding a new paragraph (s) to allow a State to specify whether it would accept applications for ECMs which had been included in previous grant awards but for which funds were never expended. Five commenters approved of this change and no one opposed it, but two commenters asked that TAs be added if they had been similarly included in a previous grant award but not done. DOE agrees that this would be reasonable and has, therefore, adopted this revision with that change.

DOE proposed revising paragraph (u)(1) to require that States use only 3,413 as the factor in conversion of kilowatt hours to Btus to ensure consistency. Many comments were received on this proposed change, 23 of 24 of which were opposed to the change. The primary objection was that it would have the effect of precluding consideration of some cogeneration projects and some conversions from electricity to other energy sources because such projects and conversions would not show energy savings if 3,413 were used. Some commenters asked DOE to retain the current option of using either 3,413 or 11,600, while others suggested that States be allowed to select whatever factors they felt appropriate for the particular measure and utility involved.

With regard to the conversion of kilowatt hours, DOE has decided to allow States the option of using either 3,413 or 11,600 for all of the ECMs reviewed in the State, or to use 3,413 for certain types of ECMs, and 11,600 for other types of ECMs. Where two factors are used, the State must specify the particular factor to be used for each type of ECM and must cite the source for the decision. There should be a valid basis for assigning a particular factor to a particular type of ECM, and States must apply each factor consistently once it has been assigned. DOE did not intend to preclude the funding of particular ECMs when it proposed the change and hopes the revision to the change discussed here will allow States the flexibility to evaluate all ECMs in an equitable manner.

DOE proposed adding a new subparagraph (u)(2) to allow States to select either simple payback or life-cycle costing as their cost-effectiveness testing approach for TAs. Several commenters felt the life-cycle costing approach was inappropriate to ICP (too complicated, too costly to do, too difficult to project costs, etc.), but the majority of the commenters felt it was worthwhile to offer the option. A few commenters suggested that DOE allow States to use simple payback for some ECMs and life-cycle costing for others. DOE does not believe there is any practical way to have two different cost-effectiveness tests used in a State at the same time and has not made that change.

Other commenters asked if States could use their own discount and fuel price escalation rates and other variables. DOE had always intended that States have some discretion to use their own factors for such data as discount and fuel cost escalation rates, and DOE has added language providing for that limited discretion in subparagraph (u)(2), subject to the limits specified in § 455.64(g)—namely, that the discount rate must equal or exceed that calculated under 10 CFR part 436, and the energy cost escalation rates may not exceed those calculated under 10 CFR part 436. DOE also requires a State to describe the procedures it intends to require for life-cycle cost analyses in the State including any limits a State elects to place on the degree to which non-energy cost savings can be used in life-cycle cost calculations. (Corresponding changes are being made to § 455.64, which will be discussed later.) DOE will make available annually tables, by DOE region, which set forth present worth factors which reflect the DOE discount and energy cost escalation rates.

DOE believes that life-cycle costing (LCC) is a more thorough method of determining the relative cost-effectiveness of ECMs than simple payback and, consequently, has provided this option in the final rule and encourages its use by States. The most important elements of life-cycle costing are the explicit consideration of cost savings over the full life of the ECM and the discounting of these savings to present value. The most appropriate way to display the results of such an analysis in the ranking of ECM applications is in the form of savings-to-investment ratios. States that wish to use life-cycle costing in the ranking of ECM applications will have to establish procedures for institutions to follow, but DOE will permit States considerable latitude in the establishment of such procedures as long as they follow the basic methodology provided in new § 455.64 including the calculation of savings-to-investment ratios. DOE has also eliminated the 10-year simple payback limit on ECMs for those States that adopt LCC procedures.

In order to provide consistency in the calculations for simple payback and life cycle costing, DOE has added a new subparagraph (u)(3) to provide for a State to specify if more than 50 percent of the savings used in calculating cost effectiveness shall be from the estimated value of the energy to be saved by the ECM. (As more fully discussed under

§§ 455.63 and 455.64, at least 50 percent of the savings used in such calculations shall always be from the value of the energy saved with the remainder coming from related non-energy cost savings.

DOE proposed adding a new paragraph (v) to require a State to describe its role as a coordinating agency. No one objected to this change, but commenters raised questions about how coordinating agencies would operate. DOE has revised paragraph (v) to require description of the role of any "coordinating agency" because the definition of that term allows for entities other than the State to perform that role. States could serve as coordinating agencies for TA applications or ECM applications or both. States could offer to select approved TA analysts or ECM contractors but could not require institutions legally independent of the State such as religiously affiliated institutions to restrict themselves to such selections. If there are State law prohibitions on State assistance to religiously affiliated institutions, then a State would have to restrict its coordinating role accordingly and make provision for DOE to issue direct grants to those institutions.

DOE is also providing guidance to its Support Offices on the coordinating agency function. It is important that the State work with its DOE Support Office to assure efficient operation of the coordinating agency process. A number of commenters said that States serving as coordinating agencies should be responsible for doing technical and other reviews of TAs, applications, and grantee reports. DOE agrees that any coordinating agency should be so responsible. On the other hand, DOE remains responsible for the program and intends to maintain necessary oversight.

DOE proposed adding new paragraph (w) to provide for a State to specify when it would consider applications for credit which would allow an applicant to apply costs incurred for TAs, ECMs, or TA updates against their non-Federal shares. Most commenters thought this was a good idea to offer as an option, but many objected to the 3-year limit placed on projects proposed for credit, which DOE proposed in § 455.102(b). DOE has consequently decided to drop that limit from § 455.102(b) (as will be discussed under that section) and the reference to it in this paragraph, and to add to paragraph (w) a provision that States can specify in their State Plans any time limits they propose to place on work proposed for credit. States can also limit credit to TAs, TA updates, ECMs, or a combination of some or all of these. Otherwise, DOE has adopted this revision as proposed.

A number of commenters asked whether a State could design its ICP program so that it required a non-Federal share of more than 50 percent (and consequently offered a Federal share of less than 50 percent) allowing the State to reach more institutions with assistance. Traditionally, ICP has offered 50/50 grants to most applicants (except those qualifying for severe hardship which could get up to 90 percent Federal share). However, the actual wording (for instance, in § 455.142(a) and (b), covering TA and ECM grants) is "DOE may make grants to schools, hospitals, and coordinating agencies for *up to* 50 percent of the costs * * *" (emphasis added). This language is consistent with section 396(b) of the Act, 42 U.S.C. 6371e(b). Since DOE is not legally required to make a 50 percent grant, DOE has no objection to allowing a State to offer applicants less than 50 percent Federal share grants. Therefore, DOE has added a new paragraph (x) to this section to provide for specification by a State of the level of Federal share funding it will offer applicants (i.e., what percent of the total cost will be provided by the Federal share and what percent must be provided by the grantee as the non-Federal share) if the State elects to offer less than 50 percent Federal share grants. Whatever percent the State elects to offer must apply to all grant applicants in the State except those qualifying for severe hardship.

Section 455.21 Submission and Approval of State Plans and State Plan Amendments

DOE proposed amending this section to provide a new paragraph (d) covering submission of State Plan amendments not required by DOE but wanted by the State and to provide in paragraph (e) for a 60-day review period for State Plan amendments by DOE. No one objected to those changes, and DOE has adopted them with some minor clarification to indicate when DOE acts through its Support Office Director. However, two commenters said they felt 90 days was not enough time to give States to submit revised Plans due to changes in regulations as provided in paragraph (a). Each of these commenters asked for 180 days to submit such revisions. DOE allows a State to seek an extension of time to submit such revisions in this section and consequently does not feel it is necessary to change the 90-day deadline. Another commenter asked why paragraph (e) said, "With the consent of DOE, the State may submit a new or amended plan at any time." That language comes from section 394(b) of the Act, 42 U.S.C. 6371c(b), but seems unnecessary in the rule in light of the extensive provisions for submittals of State Plans and amendments. Because the submission of an amendment may be considered a request for DOE consent, DOE has deleted the separate requirement for consent from the rule.

Section 455.30 Allocation of Funds

DOE proposed revising this section to provide for the State grants allowed by the 1990 legislation. There were no commenters opposed to this revision, and DOE has adopted it as proposed. However, there were a number of comments asking that coordinating agencies be specifically addressed, and DOE has, therefore, added a new § 455.30(b)(5) to cover such allocations which can be directed to TAs (up to the limit specified for TAs) and/or ECMs depending upon how the coordinating agency elects to operate.

Section 455.31 Allocation formulas

One commenter suggested that DOE should change the population figures annually in the allocation formulas. In fact, DOE does this using the most recent estimated census data which is revised annually by the Department of Commerce Bureau of the Census in years between each decennial census.

The sum of heating and cooling degree days is based on the National Oceanic and Atmospheric Administration most recent editions of "State, Regional, and National Monthly and Seasonal Heating Degree Days, Weighted by Population" and "State, Regional, and National Monthly and Seasonal Cooling Degree Days, Weighted by Population." The proposed rule referenced the source for census data and heating and cooling degree days. For technical, non-substantive reasons, DOE has deleted these references although the sources of data will continue to be the same. Copies of the source documents are available from DOE upon request.

Section 455.32 Reallocation of funds

DOE proposed a number of revisions to this section, partly to incorporate the new grants provided for by the 1990 legislation and partly to incorporate DOE policy on deobligation and reobligation of grant funds. There were many comments in response to these revisions most of which asked that States be allowed to retain and reobligate funds beyond the December 31 deadline provided for in the proposed revisions. Some commenters felt that States serving as coordinating agencies should be allowed more

flexibility in retaining and reobligating funds.

DOE believes that all grants should be treated in a consistent manner, and so has not established different deadlines for regular grants made to schools and hospitals and grants to coordinating agencies. A new paragraph (e) has been added covering grants provided through a coordinating agency. DOE has decided not to change the December 31 deadline for reobligation of funds which become available due to declined grants. DOE encourages States to evaluate all grant applications carefully to minimize the chances that grantees later decline their grant awards. Reobligation is a requirement under the Act, and DOE believes that there must be a limited amount of time for such funds to be reobligated within a State. After that time, such funds must be reallocated among all the States.

Subpart D—Preliminary Energy Audit and Energy Audit Grants

DOE invited public comment on the desirability of removing and reserving this entire subpart, because it was no longer being funded by DOE. Most comments on this possible deletion were favorable, and DOE has removed and reserved subpart D. Should funding ever become available for these activities in the future, DOE will restore those sections to the rule.

Section 455.61 Eligibility

DOE proposed a number of revisions to this section to provide for changes made by the 1990 legislation and by the proposed change to the EA requirements. There were no comments on these changes. DOE has revised this section in conformity with the discussion above explaining the DOE acceptance of a comment advocating continued use of EUEs as a prerequisite for TA grants.

One commenter asked that TAs be allowed for leased buildings. The Act generally precludes coverage of most leased buildings, 42 U.S.C. 6371(5). As mentioned in the definition for "owned or owns" at 10 CFR 455.2, the only type of lease that would be allowable is "a leasehold interest, which is, or shall become, a fee simple title in a building or complex."

Section 455.62 Contents of a Technical Assistance Program

DOE proposed a number of revisions to this section to provide the States the option of devising more flexible TA requirements, to require on-site analysis of buildings, to delete the separate calculations for coal and renewable conversions, and to require that demand charge data be provided where demand charge costs are included in energy costs. As already discussed under § 455.20, a number of commenters disagreed with allowing States to design TA requirements less complete than those in the old rule, while a few commenters thought TAs should be allowed to review a single ECM, or even be dispensed with altogether, if a clear-cut need for a single ECM is felt to exist. DOE continues to believe that even reduced TAs must appropriately examine a building's overall systems and a reasonable selection of possible ECMs, at least to the extent of verifying the findings in the EA or EUE; DOE has restored wording from the former rule relating to the reasonableness of the recommendations in the TA and the accuracy and completeness of the EA. DOE has not reduced the TA requirements for financially assisted TAs beyond what was proposed and has adopted that wording as proposed, with the revisions mentioned. DOE wants to emphasize the importance of a valid EA or EUE which should make a responsive TA much easier to do.

Three commenters felt the requirement for an on-site analysis was a good idea, and no one opposed that change; DOE has adopted it as proposed. One commenter suggested that States be allowed to specify when TAs might cover groups of structures or ECMs serving groups of structures or buildings, and DOE has so provided under the revisions already discussed in § 455.20.

A few commenters addressed the proposed change relating to deletion of the separate calculations for coal and renewable conversions. Because the calculations are now in § 455.63, this issue is discussed under that section. No commenters objected to the requirement to include demand charge data, and that change has been adopted as proposed.

A number of commenters asked why DOE performs technical reviews of TAs and other grantee documents since States already perform such reviews. DOE is responsible for oversight of the State reviews of the reasonableness and validity of TAs and grant applications before making a final funding decision. The DOE Support Offices work in close cooperation with the States in this regard but must use their own judgement as to the extent of DOE review. The better the State review, the less extensive should be the need for subsequent DOE review.

Section 455.63 Cost-Effectiveness Testing

As already discussed under § 455.20, DOE proposed allowing States the option of using either simple payback or life-cycle costing as their cost-effectiveness test for ECMs. This section was added to provide for the basic requirements for each approach. Most commenters were in favor of this option, but some felt States should be able to use both approaches, depending upon the ECM(s) involved. As discussed under § 455.20, DOE does not believe this would be workable and has not made this change.

DOE has, however, provided in the calculations for both simple payback and life-cycle costing that estimated non-energy cost savings may be taken into consideration in determining cost effectiveness as long as those non-energy savings do not exceed 50 percent of the savings used in the calculations. The estimated value of the energy to be saved by the ECM shall represent in all cases at least 50 percent of the savings used in cost-effectiveness calculations. Pursuant to § 455.20(u)(3), States may specify in their State Plans a greater than 50 percent requirement for the value of the energy saved (and a corresponding lower than 50 percent limit for non-energy savings). Non-energy savings could include net savings from maintenance and operating procedure changes related to the ECM and/or savings from changes in type of fuel used.

On the issue of the separate coal and renewable calculations, most of the commenters who addressed this proposed change disagreed with at least part of it. Some felt the coal calculation should be restored; others wanted the renewables calculation to continue. DOE has decided to add a new § 455.63(a)(2) to provide a new calculation approach for renewables which requires that the costs of the renewable fuel and any backup non-renewable fuel needed for the operation of the renewable ECM must be subtracted from the cost of the fuels displaced to determine the estimated savings from the ECM. This change would then permit renewables to be evaluated on the basis of net cost savings rather than on the value of the energy saved. As indicated in the definition of renewable resource energy conservation measure in § 455.2, to qualify for this calculation at least 50 percent of Btus produced after the conversion must be from the renewable energy source.

DOE believes this separate calculation approach for renewables is justified by the legislative definition of "energy conservation measure" as "an installation or modification of an installation in a building which is primarily intended to maintain or

reduce energy consumption and reduce energy costs or *allow the use of alternative energy source* * * *" (section 391(2) of the Act, 42 U.S.C. 6371, emphasis added). While the Act does not explicitly define "alternative energy source," section 301 of Public Law 95–619 (42 U.S.C. 6371 note) refers to the rapid depletion of "the Nation's non-renewable energy sources." Accordingly, DOE has decided not to restore the former calculation for coal conversions (i.e., allowing them to be based on the net cost savings without demonstrating energy savings).

However, DOE has added a new subparagraph (a)(3) to this section to provide a simple payback calculation for ECMs designed to shift demand to periods of lower demand and cost. As previously discussed, because of the 1990 legislation, such ECMs need only maintain previous energy usage and can be evaluated based on cost savings. The net result of these changes is to leave renewable conversions and ECMs that shift demand to periods of lower demand and cost as the only two types of ECMs funded by ICP whose calculations to determine simple payback need not consider the value of the energy saved. As previously discussed under the definition of "energy conservation measure," ECMs whose purpose is simply to switch from one non-renewable energy source to another non-renewable energy source, but which result in no energy savings, are not eligible under ICP.

Section 455.64 Life-Cycle Cost Methodology.

DOE proposed, in § 455.63, to use 10 CFR part 436 (the regulations for the Federal Energy Management Program) for life-cycle cost methodology. A number of commenters asked if DOE was going to provide further guidance on this subject. Upon further review of 10 CFR part 436, DOE has decided that, rather than a cross reference to that part, it would be preferable to include in the ICP regulations an adaptation of 10 CFR part 436 for use in doing life-cycle costing under ICP with States then permitted to develop their own procedures consistent with those basic requirements. DOE has, therefore, added new § 455.64 to cover the life-cycle cost methodology for ICP. There is a manual under 10 CFR part 436 which provides guidance and is available from DOE on request.

Several commenters asked if States could use their own discount rates and fuel cost escalation rates instead of those in 10 CFR part 436. Within the limitations set forth in § 455.64, States may use a higher discount rate and a lower energy cost escalation rate. States may also elect to use the figures provided annually by DOE pursuant to 10 CFR part 436.

In the preamble discussion to the Notice of Proposed Rulemaking, DOE indicated that it was considering limiting the savings to be used in life-cycle cost calculations under ICP to energy cost savings, and DOE asked for comments on this idea. One commenter suggested that DOE let each State decide. The statutory definition of "energy conservation measure" makes clear that, except for demand-shifters and renewables, such measures are primarily intended to conserve energy rather than just save money. Therefore, except for demand shifters and renewables, DOE has decided to require, in the life-cycle cost calculations under § 455.64, that the estimated value of the energy that will be saved by installing the ECM constitute at least 50 percent of the savings used to evaluate an energy conservation measure under the life-cycle costing approach. DOE has further allowed States to specify a higher percent for the value of the energy to be saved if they elect to do so in their State Plans. These provisions are consistent with the new provisions for calculating simple payback, already discussed under § 455.63.

DOE believes that the 50 percent minimum for the value of energy to be saved is a reasonable floor to place on this calculation in the context of a program intended primarily to foster energy conservation. Other estimated cost savings, such as from ECM-related maintenance and operating procedure changes or from changes in type of fuel used, can be included in these calculations up to the limit set by the State, but they may not exceed 50 percent of the estimated savings used in the calculations. Here again, this is consistent with the change already discussed under § 455.63 relating to calculations for simple payback.

Section 455.71 Eligibility

DOE proposed revising this section in a number of areas, including: Deleting the exclusion of administrative buildings used by local education agencies, as provided by the 1990 legislation; providing for TA updates where the States require them; and providing for the State option of using simple payback or life-cycle costing in cost-effectiveness testing of ECMs. These changes have already been discussed under other sections, and no commenters disagreed with them, so DOE has adopted them as proposed.

DOE also proposed extending the allowable payback range to 15 years (from 10 years) for States using the life-cycle costing approach. A number of commenters asked that other changes be made to the allowable payback range, including suggestions to make the range 2 to 12, 1 to 15, or 1 to 10 years for all applicants. Commenters urging a reduction in the minimum payback generally said that, even though it would appear reasonable that institutions should fund ECMs with less than 2-year paybacks (with a 50 percent match, that means the institution's payback would be 1 year), nevertheless, many institutions are not able to fund these lower-payback ECMs internally.

DOE continues to believe that institutions should make every effort to fund lower-payback ECMs on their own, and use grant funds only for the somewhat higher-payback ECMs which would be more difficult to fund internally. DOE has, therefore, not changed the 2-year minimum allowable payback. DOE has left the higher end of the allowable range at 10 years for simple payback and has limited the study period for life-cycle costing to 15 years. DOE has made this distinction because for study periods beyond 10 years the failure to discount to present value is a significant distortion in testing for cost effectiveness.

DOE proposed revising this section by adding the prohibition on leased equipment which was formerly in the definition of ECM. All the comments on this change were favorable, but several thought it should be made clearer that ECMs purchased through long-term purchase agreements were eligible as was explained in the preamble. DOE has added wording to § 455.71(c) to provide this clarification.

Although not proposed for change, one commenter said that DOE should drop the requirement that maintenance and operating procedure changes be implemented before an ECM application can be accepted because the requirement was unworkable. DOE continues to believe that ICP grantees should implement maintenance and operating procedure changes (and that States should constantly encourage this), because maintenance and operating procedure changes are low-cost, high-return items which can make ECMs unnecessary. DOE has, therefore, not changed the requirement in § 455.71(a)(5) that maintenance and operating procedure changes be implemented before ECMs can be eligible for funding. (To further help with this effort, DOE has also continued to require in § 455.62 that TA analysts assume that the maintenance and operating procedure changes have been implemented in doing calculations for

VOL 58 ISS 32 FE 19 1993 UMI

ECM applications; so it continues to behoove applicants to implement them.)

DOE has also added a new § 455.71(a)(6) that requires applicants to comply with any State requirements to avoid supplanting other funds, as specified in the State Plan pursuant to § 455.20 which was also discussed under that section.

Section 455.72 Scope of the Grant

DOE proposed revising this section by making a distinction between the design costs incurred as part of the TA and those incurred as part of the ECM installation. One commenter felt a further clarification was needed, and DOE has, therefore, revised the wording to state that allowable ECM design costs would exclude design costs funded under the TA.

Subpart G—State Administrative Expenses

DOE proposed adding this subpart with § 455.80, § 455.81 and § 455.82. There were no negative comments on this change, and DOE has adopted this revision as proposed. One commenter suggested that activities allowable under the new grants provided for by the 1990 legislation (such as marketing and program assistance) be added as examples of allowable activities under the State administrative grant in § 455.82. Although the State can use administrative funds to oversee such activities, as stated in the introductory paragraph to § 455.82, DOE does not believe it would be appropriate for States to perform the activities themselves using the administrative grant. States should apply for separate grants to carry out these activities, pursuant to § 455.121.

Subpart H—State Grants for Technical Assistance, Program Assistance and Marketing

DOE proposed adding this subpart (with § 455.90, § 455.91, and § 455.92) to provide for these new grants made allowable by the 1990 legislation. No comments were opposed to this change, but a number of commenters raised questions about the new grants. One commenter wondered if States could run both an appropriated grant program and a new grant program with non-Federally funded ECMs. That would be possible if a State elected to do this and met the respective requirements. DOE even alludes to such a situation by requiring that any State with a constitutional prohibition on direct State assistance to eligible religiously affiliated institutions continue to make appropriated fund grants available to such institutions if the State's non-Federal funding source(s) for ECMs would not be available to such institutions.

Another commenter asked whether only programs directly funded by the State would be counted as part of the aggregate program funds, for purposes of § 455.121(a)(3). DOE believes it is not realistic to expect that only State-provided funds qualify, but DOE believes it is essential that a State directly relate the non-Federal funds to the State program to obtain those funds. It would not be acceptable, for instance, to include in the aggregate figure ECMs done by institutions that received no financial assistance either directly from the State or through the State program to identify and get committed the non-Federal funding sources.

DOE takes very seriously a State obligation to obtain the non-Federal funds for ECMs and then relate such efforts to the ECMs done with the funding. If necessary, States can use part of their marketing grant to do this. The funds need not be direct State funds, but the State must be able to document that its program(s) identified them and made them available to the eligible institutions in the State for ECMs. Another commenter asked if TAs could be provided throughout the year under the new State-run TA grants. This is possible under these new grants and is covered in § 455.92(b). DOE has adopted this subsection as proposed.

A much more extensive discussion of the grants funded under Subpart H will be found in the preamble to the NOPR, 57 FR 438–439.

Subpart I—Cost Sharing

Section 455.100 Limits to Federal Share

DOE proposed adding this section as part of new Subpart I—Cost Sharing. None of the commenters opposed this change, and DOE has adopted it as proposed. However, a number of commenters asked if States could run cycles where they offer less than a 50 percent Federal share for ICP grants (thereby requiring a more than 50 percent non-Federal share). DOE has not changed the wording of this section which says "may not be used to pay more than 50 percent of the costs * * *". As discussed under § 455.20, a State may decide if it wants to offer less than 50 percent Federal share grants, and if so, to specify this in its State Plan. Two commenters also asked if TA grants could exceed a 50 percent Federal share for other than applicants qualifying for severe hardship. DOE has not made that change because DOE believes that TAs (whether funded directly by DOE or through a State grant for TAs as provided for by the 1990 legislation) need to be treated consistently, with no more than a 50 percent Federal or State share, unless a severe hardship grant is involved; the funding source for TAs in both cases is appropriated funds which must be administered pursuant to the Act which includes the 50 percent limitation for other than severe hardship grants.

Section 455.101 Borrowing the Non-Federal Share/Title to Equipment

DOE proposed adding this section as a result of the 1990 legislation. There were no negative comments on this revision, and DOE has adopted it as proposed. An extensive discussion of this section appears in the preamble to the NOPR published in the **Federal Register** on January 6, 1992, 57 FR 439–440. When applicants borrow their matching shares and have liens placed on grant-funded equipment, they should keep in mind that all applicable regulations and requirements apply to their grants. Grant applicants are cautioned to assure that any financing agreement or related equipment acquisition agreement is in compliance with all applicable rules and regulations.

Section 455.102 Energy Conservation Measure Cost-Share Credit

DOE proposed adding this section to provide for the new State option to allow credit for previously non-Federally-funded projects. All of the commenters on this section liked the idea of offering the States the option, but seven of the eight commenters objected to the 3-year time limit for projects to qualify for credit. They thought DOE should allow each State to decide on whatever time limits it feels is appropriate. DOE has decided to drop the 3-year time limit as a result of these comments and has adopted the change with that revision. As already discussed under § 455.20, States electing to accept applications for credit will have to specify in their State Plans the conditions for doing so and any time limits. One commenter asked that DOE allow credits for upgrades to ECMs formerly funded by an ICP grant. DOE has not made this change because many eligible institutions have not yet received ECM assistance and States should be concentrating on attracting those institutions to the program. (However, under § 455.140(e) DOE has provided for the funding of replacement ECMs in cases where a State has allocated funds left over after ranking all of its applications for new ECMs.)

Section 455.103 Requirements for Applications for Credit

DOE proposed adding this section to clarify the requirements and to provide for the new State option to allow credit as discussed under § 455.102. There were no comments on this section, and DOE has adopted it as proposed.

Section 455.104 Rebates from Utilities and Other Entities

DOE proposed adding this section to set forth the requirements for handling rebates received by ICP grantees. As proposed, the section allowed grantees to use such rebates for their non-Federal shares and did not require the rebates to be deducted from project costs. Most of the 12 commenters who addressed this section liked the idea of allowing rebates to be used for the non-Federal share, but about half of the commenters pointed out that, where rebates were especially generous, they could exceed the non-Federal share. If such a situation occurred, the combination of the rebate and the Federal share of the grant would exceed the cost of the ECM(s) being funded. DOE did not intend the Federal share to end up being greater than a grantee's net cost after application of any rebate(s). Therefore, DOE has revised § 455.104(b) and added a new § 455.104(c) to specify that, if rebates exceed the non-Federal share, they can be used to fund additional approved ECMs; if excess rebates cannot be used in this way, the ECM cost (and grant) must be reduced. Otherwise DOE has adopted this change as proposed.

Other commenters felt that States should be able to exclude from ICP eligibility certain ECMs that are also being funded by rebates or other sources of funding in the State. DOE agrees that this is a valid idea and has added that option for the States to include in their State Plans as previously discussed under § 455.20.

Subpart J—Applicant Responsibilities—Grants to Institutions and Coordinating Agencies

Section 455.110 Grant Application Submittals for Technical Assistance and Energy Conservation Measures

DOE proposed a number of changes to this section relating to TA grant applications, life-cycle costing, and TA updates. No one commenting on this section objected to the proposed changes, but, because of several questions about how coordinating agencies operate, DOE has added several clarifications on how such entities would apply for grants. Otherwise DOE has adopted the changes as proposed. There were, however, two questions raised about parts of the section not proposed for change. One commenter asked if ICP grant applications would be required for the non-Federally funded ECMs provided for under the 1990 legislation. The requirements in § 455.110 apply to ICP grants only, not to whatever programs States establish to non-Federally fund ECMs pursuant to the new programs. Applicants for those programs would have to submit whatever information is required by the State or other funding source. They would not submit ICP grant applications. By the close of each cycle, the State would need to submit to DOE the same data on buildings, ECMs, estimated costs, and energy cost savings for ECMs supported by non-Federal funds as are now submitted on all other appropriated and PVE fund grants as specified in § 455.123.

Two commenters asked about the wording of § 455.110(c)(6) which began "Unless waived by DOE, the report of the technical assistance analyst * * *" They thought this wording suggested that DOE could waive the need for a TA altogether. The intent of this sentence is to allow DOE to say it does not need another copy of the TA in cases where it has already received one (for instance, as a result of an earlier TA grant). Because this language caused confusion, DOE has revised it to make the intent clear.

Section 455.111 Applicant Certifications for Technical Assistance and Energy Conservation Measure Grants to Institutions and Coordinating Agencies

DOE proposed revising this section to provide for the new State EA requirements and for new certifications from grantees that have liens placed on grant-funded equipment; grantees would be required to assure that contracts provide for DOE notification should the grantee later be sued by a lender having a lien due to problems with repayment of the loan. One comment was received on this section asking what interest DOE had in ECMs funded under the ICP grants. Because ECM grants are made for very specific purposes which would be negated by a loss of the equipment, DOE needs to be advised if property funded with an ICP grant should subsequently be lost to a grantee such as through repossession. DOE has revised this section to require that the DOE interest in the equipment (i.e., the percent of the total cost provided by the ICP grant) be stated in the financing contract to make this interest clear. DOE has also revised this section slightly to conform to earlier changes made regarding the requirements for an EA and is adding coordinating agencies to the heading to make it clear that the certifications are required from such entities. DOE has otherwise adopted this section as proposed.

Section 455.112 Davis-Bacon Wage Rate Requirement

DOE proposed revising this section to clarify the language. No commenters opposed the revisions, and DOE has adopted them as proposed. However, three commenters were concerned about various aspects of the requirement (dollar threshold is too low; some contractors will not participate because of the requirement especially on small projects, etc.). DOE has not changed the requirement because it is in the Act. DOE indicated that this provision would not apply to non-Federally funded ECMs, and this was favorably received by commenters.

Section 455.113 Grantee Records and Reports for Technical Assistance and Energy Conservation Measure Grants to Institutions and Coordinating Agencies

DOE proposed a number of changes to this section. One of the changes involved having grantees send one copy of each report to the State and one copy to DOE (rather than having both copies go to the State with DOE getting its copy later from the State). All of the eight commenters who addressed this revision thought it was a bad idea: It would confuse grantees; both the State and DOE would be making corrections at once; grantees are used to hearing from their States about problems with reports, etc. On the other hand, DOE also heard that there were delays sometimes in getting reports from the States. DOE has decided to change this section to provide that each DOE Support Office will agree with its States on how reports are to be submitted. Some Support Offices may ask for copies of reports directly from grantees, while others may ask the State to get both copies from the grantees and later send DOE its copies on an agreed-upon schedule.

DOE also proposed revising this section by requiring final ECM costs in reports. One commenter thought this was a good idea, but two commenters felt it might be unduly burdensome in the case of final life-cycle costs. DOE believes it is important to have final cost information and has not changed this requirement. For States electing to use life-cycle costing, grantees should be able to include a requirement that the TA analyst provide the final life-cycle cost as part of the original TA contract.

VOL
58
ISS
32
FE
19
1993
UMI

Another commenter felt it would be unreasonable to require the same reports from institutions receiving non-Federal ECM funding. In fact, such institutions are not required to file these reports, although they may be required to file other reports needed by the entity providing the non-Federal funding. (States that have non-Federally funded ECM programs must file their own reports with DOE pursuant to § 455.123.)

One commenter suggested that DOE require, in final reports on ECMs, that grantees include descriptions of changes in scope. DOE believes that this is already required in both the semi-annual progress reports and in the final report, both of which require grantees to report on what has and what has not been accomplished. Scope changes would be an important development to describe in those reports.

DOE also proposed revising this section to replace the old energy use reports required of all ECM grantees, with a new sample report. DOE proposed a "statistically valid" sample. A number of commenters on this section objected to this idea either because they liked the old requirement or they thought the new one was unreasonable or unclear as to what was required. Other commenters thought the sample idea was a good one, although it was pointed out that statistical validity might be too difficult to achieve in this context. DOE has decided to retain the sample requirement in subparagraph 455.113(b)(2)(iii) but is changing "statistically valid" to "representative." DOE will work with States to develop a good report format, and DOE wants to emphasize the importance of gathering this sample data. A number of commenters also mentioned the need for obtaining valid data on program results.

DOE has added coordinating agencies to the title of this section to make it clear that they are included in these requirements. They have always been in the text of this section (paragraph (a)) but were not in the title. For clarity, DOE has inserted in paragraph (b)(2)(i) a sentence to reinforce the requirement on coordinating agencies to report semi-annually with regard to financial assistance unused as a result of scope changes as well as financial assistance declined.

Section 455.120 Grant Applications for State Administrative Expenses

DOE proposed revising this section to raise the minimum base administrative grant to $50,000 (from $30,000) and drop the matching requirement. There were 18 comments on this revision, many of which agreed with the change, while perhaps an equal number wanted the minimum base amount raised to $60,000 (some also wanted the 5 percent maximum amount, not proposed for change in the NOPR, raised to 10 percent of the schools and hospitals grants awarded in the cycle). DOE has not changed the amounts proposed in this section, but DOE will review these amounts 3 fiscal years after the effective date of this rule and annually thereafter. If warranted by inflation and other considerations, the amounts may be adjusted by DOE at that time.

A few commenters expressed concern that removal of the matching requirement might cause some State programs to get less funding than before, because some States would feel no obligation to contribute State funds to program administration without the matching requirement. DOE hopes this does not occur and may have to review this aspect of the rule at a later date if it appears this is, in fact, taking place. DOE also proposed revising this section by adding a provision for States to apply for administrative grants if they have programs to provide non-Federal funds for ECMs as allowed by the 1990 legislation. No commenter objected to this provision, and DOE has adopted it as proposed. One commenter suggested that States should be able to charge grantees a fee (up to 5 percent of the grant) in addition to receiving an administrative grant from DOE. DOE believes that States should not "tax" grantees in addition to receiving an administrative grant from DOE.

Several commenters felt that this section was confusing, as presented, and DOE has revised the section to clarify the process. As discussed more fully under § 455.134, applications for State administrative grants should be coordinated with applications for new grants for technical assistance, program assistance, and marketing.

Section 455.121 Grant Applications for State Technical Assistance, Program Assistance, and Marketing Programs

DOE proposed adding this new section to cover grants newly allowable under the 1990 legislation. A number of commenters objected to the requirement that funds have to be obligated or committed to ECMs in the same fiscal year in order to be counted toward the aggregate program funds for the purposes of paragraph (a)(3). Several commenters asked for more time, especially to get the non-Federally funded ECM programs established (3 to 5 years were suggested by many). DOE believes 3 to 5 years is an unacceptably long time, and also believes that the 1990 legislation clearly does not provide for such a delay in getting the non-Federal funds for the ECMs committed to eligible institutions. DOE has, therefore, not changed this section and has adopted it as proposed in this regard. States that intend to use their appropriated allocations for new grants for TAs, marketing, and/or program assistance need to assure that their non-Federally funded ECM programs are coordinated with their ICP grant programs in such a way that the non-Federal ECM funds get obligated or committed to eligible institutions during the same fiscal year as the appropriated funds are granted to, and used by, the State.

DOE also proposed in this section that non-Federally funded ECMs be completed in accordance with "all applicable Federal, State and local laws and regulations." Many commenters felt it was inappropriate to require such projects to comply with Federal requirements. DOE has retained the requirement because section 396(d)(2)(A) of the Act indicates that States must use non-Federal funds, as well as Federal funds, "* * * to implement energy conservation measures and otherwise carry out a program *pursuant to this part* * * *" (emphasis added).

A number of other areas of this section have been discussed earlier, such as the need to relate the non-Federally funded ECMs to the ICP-funded program(s) in order for them to be counted as aggregate program funds. DOE has not changed that requirement. One commenter asked how funds for marketing and program assistance could be "obligated" to recipients. DOE inadvertently left out of some sections of the proposed rule the complete phrase "legally committed or obligated," and has made this correction throughout to make clear that the State must be able to document that it has utilized these grant funds as intended (and that non-Federal ECM funds have likewise been appropriately obligated or committed through some legal means) during the fiscal year for which the funds were allocated and granted.

One commenter asked if the 30 percent schools/30 percent hospitals minimums applied to the non-Federally funded ECMs. DOE feels States need to design their non-Federally funded ECM programs to equitably serve all eligible institutions, and States must address this in their State Plans. While a strict 30/30 split may not always work out, a non-Federally funded ECM program that targeted only schools or only hospitals would clearly not be desirable.

Another commenter asked if DOE would review the non-Federally funded ECMs. DOE certainly reserves the right to do selective monitoring of these projects because they relate to appropriated funds, but DOE would not plan to review the projects at the proposal stage. States need to set up procedures for doing this, however, to ensure that the projects qualify.

As discussed more fully under § 455.134, a State application for a grant for technical assistance, program assistance and marketing should be coordinated with an application for a grant for State administrative expenses.

Section 455.122 Applicant Certifications for State Grants for Technical Assistance, Program Assistance, and Marketing

DOE proposed creating this new section to cover the certifications States must submit if they elect to apply for the new types of grants provided for by the 1990 legislation. There were many comments about the requirements for these grants relating to other sections, but only one commenter addressed the certifications and that commenter supported the idea of relating the new grants to non-Federally funded ECMs done in the same fiscal year. DOE has adopted this section as proposed and reiterates that it is crucial that States undertaking these new grant activities establish viable non-Federal financing programs as part of this effort.

Section 455.123 Grantee Records and Reports for State Grants for Administrative Expenses, Technical Assistance, Program Assistance and Marketing

DOE proposed creation of this new section to cover the reporting requirements for all types of grants to States. One commenter agreed with the requirement that DOE be provided with adequate documentation of institutions receiving assistance under the new grants or through the non-Federal funding for ECMs; no one opposed this section. DOE has added some clarifying language to require that DOE be provided with the same data on buildings, TAs, ECMs, costs and energy cost savings as is currently provided for both appropriated and PVE funded ICP grants. Otherwise DOE has adopted this section as proposed.

DOE is particularly concerned that the results of these new grant activities and their related non-Federally funded ECM programs be reported to DOE as required in this section, so that DOE can demonstrate the relationship between the use of its appropriated funds for the new activities and the installation of ECMs using non-Federal funds. DOE is also interested in assuring that its data base on all ICP-related TA and ECM projects is maintained in a consistent manner. Since a State sponsoring a non-Federally funded ECM program would need to gather this data anyway, to support the certification required under § 455.122 and to otherwise track the progress of its program, this requirement should not involve any additional data gathering burden for the State.

Subpart L—State Responsibilities

Section 455.130 State Evaluation of Grant Applications

DOE proposed revision of this section by providing for a State to specify whether it has requirements for review and certification of hospital applications. No one commented on this section, and it has been adopted as proposed.

Section 455.131 State Ranking of Grant Applications

DOE proposed a number of revisions to this section, including providing an exception from the ranking requirement for State-funded TAs, allowing for new EA requirements, and making several changes to the weighting of criteria for ranking.

There were a number of comments about various aspects of this section. Two commenters questioned what was meant by "on a percentage basis" in paragraph (b), covering TAs. What DOE means is that the conservation potential should be viewed as the percent of the total energy consumed or the total energy costs (or other relevant percentage savings parameter) that can be saved by making conservation improvements proposed in the EA. The intent is to assure that smaller buildings be given an equal opportunity to receive TA funding even if their potential dollar savings might be less when compared with larger buildings. DOE has adopted this revision with added wording to make that intent clear.

One commenter felt that DOE should drop the requirement for EA data used as a basis for the TA grant application. DOE believes the information included in the EA is the minimum necessary to evaluate TA applications and has not changed this requirement. States can now design simpler EAs, as discussed under § 455.2, and § 455.20, so that EAs need not be burdensome documents.

Another commenter wanted DOE to restore "directly involves," instead of the phrase "is physically connected to" proposed for the paragraph relating to ECMs in several buildings. DOE believes "is physically connected to" is the better description, as it is the minimum requirement for such ECMs to be considered a single measure serving several buildings; DOE has not changed this requirement.

DOE proposed revising the weighting requirements for ECMs to require that at least 50 percent of a measure's ranking be based on cost effectiveness. Many commenters objected to this change, indicating that States should be given the option of deciding the weighting factors. DOE continues to believe that the 50 percent weight for cost effectiveness is a valid one and is not changing that requirement. States should have sufficient flexibility with the remaining 50 percent of the weighting to target particular types of ECMs, etc., without unduly skewing the program away from its primary goal of providing institutions with cost-effective ECMs. It is important to note, however, that States may not adopt ranking procedures that have the effect of giving greater weight to non-energy related savings than to energy related savings.

DOE also proposed revising this section to drop the former priority ranking for coal and renewable conversions. Several commenters objected to this revision. DOE has not restored that priority in the rule, but States can design their weights to give such conversions some priority in the State ranking process.

One commenter said that ECMs that are non-Federally funded should not have to be ranked. In fact, they do not have to be ranked. As previously discussed, institutions doing such ECMs would have to meet whatever reporting and application requirements are established by the State or other source of financing. Such applications would not be submitted with appropriated fund grant applications. Another commenter suggested that the 30 percent for schools/30 percent for hospitals minimums be dropped so States could set their own minimums. Those percentages are in section 396(d)(1) of the Act (42 U.S.C. 6371e), and DOE has not changed this requirement.

DOE has added clarifying language to paragraph (e) to explain that if a State elects to allow applications for credit, the Federal share shall not exceed the cost of the work remaining to be done. This is not a new requirement; it has been a longstanding DOE policy. DOE believes it helps explain the process for credit to add this wording to the rule.

Section 455.132 State Evaluation of Requests for Severe Hardship Assistance

DOE proposed adding this section which was adapted from another section

in the old rule. DOE also proposed to revise the wording to provide that financial need be the primary criterion for severe hardship. A number of commenters felt it was unrealistic or too difficult to try to determine financial need and preferred the old criteria which included other considerations like local unemployment rates and median family income. DOE believes that any institution that applies for severe hardship (which can provide a Federal share of up to 90 percent of the cost of the TA or ECM) should be willing and able to document its financial need for such assistance to the State; DOE has not changed this requirement.

One commenter asked if States had to provide for hardship assistance under the non-Federally funded ECM program or if States could set aside more than 10 percent of the non-Federal funds for hardship. As has been previously discussed under other sections, DOE believes it is up to each State to design its non-Federally funded ECM program(s) to best meet the needs and resources of that State. Therefore, States would not have to provide for hardship or could provide more than 10 percent set aside for hardship. So that potential participants understand the State program(s), such aspects of the program(s) must be set forth in the State Plan. However, because the non-Federal funds for ECMs might not be in the form of grants, the mechanisms to direct the funds to hardship candidates might have to differ from the process in this rule. There is a more detailed discussion of the revisions to this section in the preamble to the NOPR published in the **Federal Register** on January 6, 1992 (57 FR 442–443).

Section 455.133 Forwarding of Institutional Applications for Technical Assistance and Energy Conservation Measure Grants

DOE proposed revising this section to distinguish it from the next section, which covers applications for grants to States, and then to require States to certify that the applications meet program requirements. One commenter felt it was unrealistic to require States to certify this, but DOE believes this is a reasonable requirement to make of States, and DOE has not changed this requirement.

Several commenters asked why applications had to be submitted once a cycle. That is a requirement in section 395(a) of the Act, 42 U.S.C. 6371d(a), and DOE has not revised this requirement.

Another commenter said that States serving as coordinating agencies should be responsible for reviewing applications submitted to them in that role. DOE agrees that is the ideal situation but points out that each State needs to specify its role as coordinating agency in its State Plan and work out the details of implementation with its DOE Support Office. Because the funds granted to coordinating agencies under ICP are appropriated funds, DOE is responsible for their oversight. A State should assume the primary management role when it is a coordinating agency, but, if a State cannot adequately carry out that responsibility, DOE will be obliged to require more DOE participation in the process. This is clearly a situation where a case-by-case, perhaps cycle-by-cycle, review of each situation will be necessary.

Section 455.134 Forwarding of Applications for State Grants for Technical Assistance, Program Assistance, and Marketing

DOE proposed adding this section to cover new grants provided for by the 1990 legislation. Several commenters asked if separate applications needed to be submitted for the new grants under the 1990 legislation and for the administrative expenses grant. In fact, a single application should cover all these grants, and the language of this section has been revised to clarify this. As provided for in §§ 455.143 and 455.144, separate grants will be issued for each activity or program included in such applications (such as administrative expenses, program assistance, marketing, or technical assistance). DOE has, therefore, specified that sufficient information (including a separate, specific budget, narrative description, and appropriate milestone dates for each activity or program) should be submitted for DOE to reasonably evaluate the application.

Section 455.140 Approval of Applications From Institutions and Coordinating Agencies for Technical Assistance and Energy Conservation Measures

DOE proposed revising this section in a number of areas. No commenters objected to the revision to clarify intent regarding cost overruns, and DOE has adopted it as proposed. Several commenters asked why DOE did not allow ECMs to be funded to replace earlier funded ECMs. DOE believes there are still many institutions that have never received ECM funding and should be served first. However, DOE has added a new sentence to paragraph (e) to allow States to fund ECMs that replace ECMs funded by ICP in earlier cycles only in cases where a State has funds remaining after providing for all grants for new ECMs which are not replacements. DOE believes this will avoid allowing an institution that has already had an ECM funded from taking precedence, in a replacement ECM application, over institutions that are applying for new ECMs.

A number of commenters also suggested that DOE allow second TAs to be funded. DOE has not made this change. With the limited amount of ICP funding available, and the large number of institutions that remain to be served, DOE does not believe second TAs are an appropriate use of program funds. DOE has made provisions for States to allow credit for TA updates, however, as previously discussed. DOE proposed revising this section to provide for the State option to allow applicants to resubmit applications for ECMs that were previously included in grants but for which no funds were expended. There were no negative comments on this revision, but several commenters asked that TAs be added if they were previously provided for in a grant but not done. DOE agrees that is reasonable, and has adopted this revision with that change.

DOE further proposed revising this section by providing for grantees to use funds from cost underruns for additional approved ECMs. Everyone commented favorably on this change, but several said that requiring DOE approval for the use of such funds would delay implementation of the additional ECMs. Since appropriated funds are involved, DOE has a responsibility to review and approve changes from original grant applications that involve spending the funds differently from what was first proposed and approved by DOE. Therefore, DOE has not changed the requirement that it approve scope changes or other changes in the use of ICP grant funds.

Section 455.141 Grant Awards for Units of Local Government and Public Care Institutions, and Coordinating Agencies

DOE proposed revising this section to delete the $500 limit for equipment purchases under this type of grant. One commenter liked this change, and no one opposed it; DOE has adopted it as proposed.

Section 455.142 Grant Awards for Schools, Hospitals, and Coordinating Agencies

DOE proposed making the same change to this section as was made for § 455.141 just discussed. With this change, meters could be purchased and installed using TA grant funds. There

were no negative comments, and DOE has adopted the section as proposed. As previously discussed under § 455.20, States are being provided the option of offering less than 50 percent Federal share grants. Several commenters raised this issue in commenting on § 455.142, but DOE does not believe any change is needed to this section because it now provides for "up to 50 percent of the costs * * *"

Section 455.142 deals with grant awards for TAs and ECMs. It may be useful for coordinating agencies to be aware that if they have applied for both TAs and ECMs, DOE intends to issue separate grants for TAs and ECMs because TAs typically closeout earlier. This management practice should not materially affect any significant interest of coordinating agencies.

Section 455.143 Grant Awards for State Administrative Expenses

DOE proposed revising this section to allow for the increased grants for State administrative expenses discussed previously and to delete the requirement for a matching contribution from the State. Most of the comments about these grants have already been covered in earlier sections. One commenter pointed out that DOE referred, in § 455.143(a)(3), to an incorrect citation. The correct citation is § 455.123(b)(2), and DOE has made that change. Otherwise DOE has adopted this section as proposed.

Section 455.144 Grant Awards for State Programs To Provide Technical Assistance, Program Assistance and Marketing

DOE proposed adding this section to cover the new types of grants provided for by the 1990 legislation. The comments on these new grants have already been covered earlier, and DOE has adopted this section as proposed.

Response to Additional Suggestions

DOE asked in the NOPR whether program participants preferred to have this rule made effective during the cycle in which it is published in the **Federal Register** or in the next cycle after publication. There were many responses to that question, most of which asked that DOE effectiveness not be delayed until the next cycle after publication in the **Federal Register**. DOE has, therefore, made this rule effective 30 days after publication in the **Federal Register**. States that are not yet sure how they want to address some or all of the new State options offered in this rule can wait to make those changes. Nondiscretionary changes must be made in accordance with the time limits in this rule. However, States that have already announced their next cycle before the rule is published may wait until the following cycle to incorporate changes into their State Plans if they do not want to implement such changes in the earlier cycle.

III. Review Under Executive Order 12291

Today's issuance was reviewed under Executive Order 12291. DOE has concluded that the rule is not a "major rule" because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete in domestic or export markets. In accordance with the requirements of the Executive Order, this notice has been reviewed by the Office of Management and Budget.

IV. Review Under Executive Order 12778

Section 2 of E.O. 12778 instructs each agency subject to E.O. 12291 to adhere to certain requirements in promulgating new regulations and reviewing existing regulations. These requirements, set forth in sections 2(a) and (b)(2), include eliminating drafting errors and needless ambiguity, drafting the regulation to minimize litigation, providing clear and certain legal standards for affected conduct, and promoting simplification and burden reduction. Agencies are also instructed to make every reasonable effort to ensure that the regulation: Specifies clearly any preemptive effect, effect on existing Federal law or regulation, and retroactive effect; describes any administrative proceedings to be available prior to judicial review and any provisions for the exhaustion of such administrative proceedings; and defines key terms. DOE certifies that today's final rule meets the requirements of sections 2 (a) and (b) of E.O. 12778.

V. Review Under the Regulatory Flexibility Act

These regulations were reviewed under the Regulatory Flexibility Act, Public Law 96–354, which requires preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities, i.e., small businesses and small government jurisdictions. The changes proposed in this action primarily clarify the regulations or add flexibility to the existing program. Thus, these changes have a minimal effect on small entities. DOE, therefore, certifies that there will not be a significant economic impact on a substantial number of small entities and that preparation of a regulatory flexibility analysis is not warranted.

VI. Review Under the Paperwork Reduction Act

The information collection requirements proposed in this Notice have been submitted to OMB in accordance with section 3504(b) of the Paperwork Reduction Act, Public Law 96–511, 94 Stat. 2812 (44 U.S.C. 3501 *et seq.*), and procedures implementing that Act (5 CFR 1320.1 *et seq.*).

VII. Review Under National Environmental Policy Act

Pursuant to the requirements of the National Environmental Policy Act of 1969, Public Law 91–190, 83 Stat. 852 (42 U.S.C. 4321 et seq.), DOE published a Notice of Availability of an Environmental Assessment (EA) of the entire Title III program on March 12, 1979, in the **Federal Register**, 44 FR 13554. Based on this assessment, DOE determined that the EPCA title III program did not constitute a major Federal action significantly affecting the quality of the human environment, and that, therefore, no Environmental Impact Statement (EIS) was required.

DOE has reviewed the environmental impacts for the program amendment issued today. It is the DOE judgment that the program amendment will result in no environmental impacts in addition to those previously analyzed for this program. It is, accordingly, the DOE determination that the environmental impacts of the program as modified by today's amendment have been adequately analyzed in the March 1979 EA and that these impacts are not significant. Hence, the previous negative determination is still applicable, and no additional EA or EIS is required.

VIII. Review Under Executive Order 12612

Executive Order 12612 requires that regulations be reviewed for any substantial direct effects on States, on the relationship between the National Government and the States, or in the distribution of power among various levels of Government. If there are sufficient substantial direct effects, the Executive Order requires preparation of a Federalism assessment to be used in decisions by senior policymakers in promulgating or implementing the regulation.

Today's regulatory amendments are intended to simplify the management of the program by providing the States with clearer, more specific guidance in a number of areas and greater flexibility in other areas. They will not, therefore, have a substantial direct effect on the traditional rights and prerogatives of States in relationship to the Federal Government.

IX. Review Under the Federal Energy Administration Act

The NOPR was submitted for comment to the Administrator of the Environmental Protection Agency under section 7(c)(2) of the Federal Energy Administration Act, as amended, 15 U.S.C. 766(c)(2). The Administrator did not submit any comments.

X. Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number for the Grant Program for Schools and Hospitals is 81.052.

List of Subjects in 10 CFR Part 455

Buildings, energy conservation, grant programs-energy, health facilities, hospitals, reporting and recordkeeping requirements, schools, and technical assistance.

In consideration of the foregoing, DOE hereby amends Chapter II, title 10, Code of Federal Regulations, as set forth below:

Issued in Washington, DC on February 5, 1993.

Robert L. San Martin,

Acting Assistant Secretary, Conservation and Renewable Energy.

Part 455 of chapter II, title 10, Code of Federal Regulations is revised to read as set forth below:

PART 455—GRANT PROGRAMS FOR SCHOOLS AND HOSPITALS AND BUILDINGS OWNED BY UNITS OF LOCAL GOVERNMENT AND PUBLIC CARE INSTITUTIONS

Subpart A—General Provisions

Sec.

455.1 Purpose and scope.
455.2 Definitions.
455.3 Administration of grants.
455.4 Recordkeeping.
455.5 Suspension and termination of grants.

Subpart B—State Plan Development and Approval

455.20 Contents of State Plan.
455.21 Submission and approval of State Plans and State Plan amendments.

Subpart C—Allocation of Appropriations Among the States

455.30 Allocation of funds.
455.31 Allocation formulas.
455.32 Reallocation of funds.

Subpart D—Preliminary Energy Audit and Energy Audit Grants [Reserved]

Subpart E—Technical Assistance Programs for Schools, Hospitals, Units of Local Government, and Public Care Institutions

455.60 Purpose.
455.61 Eligibility.
455.62 Contents of a technical assistance program.
455.63 Cost-effectiveness testing.
455.64 Life-cycle cost methodology.

Subpart F—Energy Conservation Measures for Schools and Hospitals

455.70 Purpose.
455.71 Eligibility.
455.72 Scope of the grant.

Subpart G—State Administrative Expenses

455.80 Purpose.
455.81 Eligibility.
455.82 Scope of the grant.

Subpart H—State Grants for Technical Assistance, Program Assistance, and Marketing

455.90 Purpose.
455.91 Eligibility.
455.92 State technical assistance awards.

Subpart I—Cost Sharing

455.100 Limits to Federal share.
455.101 Borrowing the non-Federal share/title to equipment.
455.102 Energy conservation measure cost-share credit.
455.103 Requirements for applications for credit.
455.104 Rebates from utilities and other entities.

Subpart J—Applicant Responsibilities—Grants to Institutions and Coordinating Agencies

455.110 Grant application submittals for technical assistance and energy conservation measures.
455.111 Applicant certifications for technical assistance and energy conservation measure grants to institutions and coordinating agencies.
455.112 Davis-Bacon wage rate requirement.
455.113 Grantee records and reports for technical assistance and energy conservation measure grants to institutions and coordinating agencies.

Subpart K—Applicant Responsibilities—Grants to States

455.120 Grant applications for State administrative expenses.
455.121 Grant applications for State technical assistance, program assistance, and marketing programs.
455.122 Applicant certifications for State grants for technical assistance, program assistance, and marketing.
455.123 Grantee records and reports for State grants for administrative expenses, technical assistance, program assistance, and marketing.

Subpart L—State Responsibilities

455.130 State evaluation of grant applications.
455.131 State ranking of grant applications.
455.132 State evaluation of requests for severe hardship assistance.
455.133 Forwarding of applications from institutions and coordinating agencies for technical assistance and energy conservation measure grants.
455.134 Forwarding of applications for State grants for technical assistance, program assistance, and marketing.
455.135 State liaison, monitoring, and reporting.

Subpart M—Grant Awards

455.140 Approval of applications from institutions and coordinating agencies for technical assistance and energy conservation measures.
455.141 Grant awards for units of local government, public care institutions, and coordinating agencies.
455.142 Grant awards for schools, hospitals, and coordinating agencies.
455.143 Grant awards for State administrative expenses.
455.144 Grant awards for State programs to provide technical assistance, program assistance, and marketing.

Subpart N—Administrative Review

455.150 Right to administrative review.
455.151 Notice requesting administrative review.
455.152 Transmittal of record on review.
455.153 Review by the Deputy Assistant Secretary.
455.154 Discretionary review by the Assistant Secretary.
455.155 Finality of decision.

Authority: 42 U.S.C. 6371 *et seq.*, and 42 U.S.C. 7101 *et seq.*

Subpart A—General Provisions

§ 455.1 Purpose and scope.

(a) This part establishes programs of financial assistance pursuant to Title III of the Energy Policy and Conservation Act, as amended, 42 U.S.C. 6371 *et seq.*

(b) This part authorizes grants to States or to public or non-profit schools and hospitals to assist them in conducting preliminary energy audits and energy audits, in identifying and implementing energy conservation maintenance and operating procedures, and in evaluating, acquiring, and installing energy conservation measures, including renewable resource measures, to reduce the energy use and anticipated energy costs of buildings owned by schools and hospitals.

(c) This part also authorizes grants to States or units of local government and public care institutions to assist them in conducting preliminary energy audits

and energy audits, in identifying and implementing energy conservation maintenance and operating procedures, and in evaluating energy conservation measures, including renewable resource measures, to reduce the energy use and anticipated energy costs of buildings owned by units of local government and public care institutions.

§ 455.2 Definitions.

Act, as used in this part, means the Energy Policy and Conservation Act, Public Law 94–163, 89 Stat. 871 (42 U.S.C. 6201, *et seq.*), as amended by title III of the National Energy Conservation Policy Act, Public Law 95–619, 92 Stat. 3238 (42 U.S.C. 6371), and the State Energy Efficiency Programs Improvement Act of 1990, Public Law 101–440, 104 Stat. 1011.

Assistant Secretary means the Assistant Secretary for Conservation and Renewable Energy or any official to whom the Assistant Secretary's functions may be redelegated by the Secretary.

Auditor means any person who is qualified in accordance with 10 CFR 450.44 and with State requirements pursuant to § 455.20(k), to conduct an energy audit.

Building means any structure, including a group of closely situated structural units that are centrally metered or served by a central utility plant, or an eligible portion thereof, the construction of which was completed on or before May 1, 1989, which includes a heating or cooling system, or both.

Civil rights requirements means civil rights responsibilities of applicants and grantees pursuant to the Nondiscrimination in Federally Assisted Programs regulation of the Department of Energy (10 CFR part 1040).

Complex means a closely situated group of buildings on a contiguous site such as a school or college campus or multibuilding hospital.

Construction completion means the date of issuance of an occupancy permit for a building or the date the building is ready for occupancy as determined by DOE.

Cooling degree days means the annual sum of the number of Fahrenheit degrees of each day's mean temperature above 65° for a given locality.

Coordinating agency means a State or any public or nonprofit organization legally constituted within a State which provides either administrative control or services for a group of institutions within a State and which acts on behalf of such institutions with respect to their participation in the program.

Deputy Assistant Secretary means the Deputy Assistant Secretary for Technical and Financial Assistance or any official to whom the Deputy Assistant Secretary's functions may be redelegated by the Assistant Secretary.

DOE means the Department of Energy.

Energy audit means a determination of the energy consumption characteristics of a building which:

(1) Identifies the type, size, and rate of energy consumption of such building and the major energy-using systems of such building;

(2) Determines appropriate energy conservation maintenance and operating procedures;

(3) Indicates the need, if any, for the acquisition and installation of energy conservation measures; and

(4) If paid for with financial assistance under this part, complies with 10 CFR 450.43.

Energy conservation maintenance and operating procedures means modifications in the maintenance and operations of a building and any installation therein which are designed to reduce the energy consumption in such building and which require no significant expenditure of funds, including, but not limited to:

(1) Effective operation and maintenance of ventilation systems and control of infiltration conditions, including:

(i) Repair of caulking or weatherstripping around windows and doors;

(ii) Reduction of outside air intake, shutting down ventilation systems in unoccupied areas, and shutting down ventilation systems when the building is not occupied; and

(iii) Assuring central or unitary ventilation controls, or both, are operating properly;

(2) Changes in the operation and maintenance of heating or cooling systems through:

(i) Lowering or raising indoor temperatures;

(ii) Locking thermostats;

(iii) Adjusting supply or heat transfer medium temperatures; and

(iv) Reducing or eliminating heating or cooling at night or at times when a building or complex is unoccupied;

(3) Changes in the operation and maintenance of lighting systems through:

(i) Reducing illumination levels;

(ii) Maximizing use of daylight;

(iii) Using higher efficiency lamps; and

(iv) Reducing or eliminating evening cleaning of buildings;

(4) Changes in the operation and maintenance of water systems through:

(i) Repairing leaks;

(ii) Reducing the quantity of water used, e.g., using flow restrictors;

(iii) Lowering settings for hot water temperatures; and

(iv) Raising settings for chilled water temperatures;

(5) Changes in the maintenance and operating procedures of the building's mechanical systems through:

(i) Cleaning equipment;

(ii) Adjusting air/fuel ratio;

(iii) Monitoring combustion;

(iv) Adjusting fan, motor, or belt drive systems;

(v) Maintaining steam traps; and

(vi) Repairing distribution pipe insulation; and

(6) Such other actions relating to operations and maintenance procedures as the State may determine useful or necessary. In general, energy conservation maintenance and operating procedures involve cleaning, repairing or adjusting existing equipment rather than acquiring new equipment.

Energy conservation measure means an installation or modification of an installation in a building which is primarily intended to maintain (in the case of load management systems) or reduce energy consumption and reduce energy costs, or allow the use of an alternative energy source, including, but not limited to:

(1) Insulation of the building structure and systems within the building;

(2) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective glazed and coated windows and door systems, additional glazing, reductions in glass area, and other window and door systems modifications;

(3) Automatic energy control systems which would reduce energy consumption;

(4) Load management systems which would shift demand for energy from peak hours to hours of low demand and lower cost;

(5) Equipment required to operate variable steam, hydraulic, and ventilating systems adjusted by automatic energy control systems;

(6) Active or passive solar space heating or cooling systems, solar electric generating systems, or any combination thereof;

(7) Active or passive solar water heating systems;

(8) Furnace or utility plant and distribution system modifications including:

(i) Replacement burners, furnaces, boilers, or any combination thereof which substantially increase the energy efficiency of the heating system;

(ii) Devices for modifying flue openings which will increase the energy efficiency of the heating system;

(iii) Electrical or mechanical furnace ignition systems which replace standing gas pilot lights; and

(iv) Utility plant system conversion measures including conversion of existing oil- and gas-fired boiler installations to alternative energy sources;

(9) Addition of caulking and weatherstripping;

(10) Replacement or modification of lighting fixtures (including exterior light fixtures which are physically attached to, or connected to, the building) to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless such increase in illumination is necessary to conform to any applicable State or local building code or, if no such code applies, the increase is considered appropriate by DOE;

(11) Energy recovery systems;

(12) Cogeneration systems which produce steam or forms of energy such as heat as well as electricity for use primarily within a building or a complex of buildings owned by an eligible institution and which meet such fuel efficiency requirements as DOE may by rule prescribe;

(13) Such other measures as DOE identifies by rule for purposes of this part as set forth in subpart D of 10 CFR part 450; and

(14) Such other measures as a grant applicant shows will save a substantial amount of energy and as are identified in an energy audit or energy use evaluation in accordance with § 455.20(k) or a technical assistance report in accordance with § 455.62.

Energy use evaluation means a determination of:

(1) Whether the building is a school facility, hospital facility, or a building owned and primarily occupied and used throughout the year by a unit of local government or by a public care institution.

(2) The name and address of the owner of record, indicating whether owned by a public institution, private nonprofit institution, or an Indian tribe;

(3) The building's potential suitability for renewable resource applications;

(4) Major changes in functional use or mode of operation planned in the next 15 years, such as demolition, disposal, rehabilitation, or conversion from office to warehouse;

(5) Appropriate energy conservation maintenance and operating procedures which have been implemented for the building;

(6) The need, if any, for the acquisition and installation of energy conservation measures including an assessment of the estimated costs and energy and cost savings likely to result from the purchase and installation of one or more energy conservation measures and an evaluation of the need and potential for retrofit based on consideration of one or more of the following:

(i) An energy use index or indices, for example, Btu's per gross square foot per year;

(ii) An energy cost index or indices, for example, annual energy costs per gross square foot; or

(iii) The physical characteristics of the building envelope and major energy-using systems; and

(7) Such other information as the State has determined useful or necessary, in accordance with § 455.20(k).

Fuel means any commercial source of energy used within the building or complex being surveyed such as natural gas, fuel oil, electricity, or coal.

Governor means the chief executive officer of a State including the Mayor of the District of Columbia or a person duly designated in writing by the Governor to act on her or his behalf.

Grant program cycle means the period of time specified by DOE which relates to the fiscal year or years for which monies are appropriated for grants under this part, during which one complete cycle of DOE grant activity occurs including fund allocations to the States; applications receipt, review, approval, or disapproval; and award of grants by DOE but which does not include the grantee's performance period.

Grantee means the entity or organization named in the Notice of Financial Assistance Award as the recipient of the grant.

Gross square feet means the sum of all heated or cooled floor areas enclosed in a building, calculated from the outside dimensions or from the centerline of common walls.

Heating or cooling system means any mechanical system for heating, cooling, or ventilating areas of a building including a system of through-the-wall air conditioning units.

Heating degree days means the annual sum of the number of Fahrenheit degrees for each day's mean temperature below 65° for a given locality.

Hospital means a public or nonprofit institution which is a general hospital, tuberculosis hospital, or any other type of hospital other than a hospital furnishing primarily domiciliary care and which is duly authorized to provide hospital services under the laws of the State in which it is situated.

Hospital facilities means buildings housing a hospital and related facilities including laboratories, laundries, outpatient departments, nurses' residence and training facilities, and central service facilities operated in connection with a hospital; it also includes buildings containing education or training facilities for health profession personnel operated as an integral part of a hospital.

Indian tribe means any tribe, band, nation, or other organized group or community of Indians including any Alaska native village or regional or village corporation, as defined in or established pursuant to, the Alaska Native Claims Settlement Act, Public Law 92–203; 85 Stat. 688, which (a) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or (b) is located on, or in proximity to, a Federal or State reservation or rancheria.

Load management system means a device or devices which are designed to shift energy use to hours of low demand in order to reduce energy costs and which do not cause more energy to be used than was used before their installation.

Local educational agency means a public board of education or other public authority or a nonprofit institution legally constituted within, or otherwise recognized by, a State either for administrative control or direction of, or to perform administrative services for, a group of schools within a State.

Maintenance means activities undertaken in a building to assure that equipment and energy-using systems operate effectively and efficiently.

Marketing means a program or activity managed or performed by the State including but not limited to:

(1) Obtaining non-Federal funds to finance energy conservation measures consistent with this part;

(2) Making site visits to school and hospital officials to review program opportunities;

(3) Giving presentations to groups such as school or hospital board officials and personnel; and

(4) Preparing and disseminating articles in publications directed to school and hospital personnel.

Native American means a person who is a member of an Indian tribe.

Non-Federal funds means financing sources obtained or arranged for by a State as a result of the State program(s) pursuant to § 455.20(j), to be used to pay for energy conservation measures for institutions eligible under this part, and

VOL 58 ISS 32 FE 19 1993 UMI

includes petroleum violation escrow funds except for those funds required to be treated as if they were Federal funds by statute, court order, or settlement agreement.

Operating means the operation of equipment and energy-using systems in a building to achieve or maintain specified levels of environmental conditions of service.

Owned or *owns* means property interest including without limitation a leasehold interest which is or shall become a fee simple title in a building or complex.

Preliminary energy audit means a determination of the energy consumption characteristics of a building including the size, type, rate of energy consumption, and major energy-using systems of such building which if paid for with financial assistance under this part, complies with 10 CFR 450.42.

Primarily occupied means that in excess of 50 percent of a building's square footage or time of occupancy is occupied by a public care institution or an office or agency of a unit of local government.

Program assistance means a program or activity managed or performed by the State and designed to provide support to eligible institutions to help ensure the effectiveness of energy conservation programs carried out consistent with this part including such relevant activities as:

(1) Evaluating the services and reports of consulting engineers;

(2) Training school or hospital personnel to perform energy accounting and to identify and implement energy conservation maintenance and operating procedures;

(3) Monitoring the implementation and operation of energy conservation measures; and

(4) Aiding in the procurement of energy-efficient equipment.

Public care institution means a public or nonprofit institution which owns:

(1) A facility for long-term care, rehabilitation facility, or public health center, as described in section 1624 of the Public Health Service Act (42 U.S.C. 300s–3; 88 Stat. 2270); or

(2) A residential child care center which is an institution, other than a foster home, operated by a public or nonprofit institution. It is primarily intended to provide full-time residential care, with an average length of stay of at least 30 days, for at least 10 minor persons who are in the care of such institution as a result of a finding of abandonment or neglect or of being persons in need of treatment or supervision.

Public or nonprofit institution means an institution owned and operated by:

(1) A State, a political subdivision of a State, or an agency or instrumentality of either; or

(2) A school or hospital which is, or would be in the case of such entities situated in American Samoa, Guam, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands, exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1954; or

(3) A unit of local government or public care institution which is, or would be in the case of such entities situated in American Samoa, Guam, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands, exempt from income tax under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1954.

Renewable resource energy conservation measure means an energy conservation measure which produces at least 50 percent of its Btu's from a non-depletable energy source.

School means a public or nonprofit institution which:

(1) Provides, and is legally authorized to provide, elementary education or secondary education, or both, on a day or residential basis;

(2) Provides, and is legally authorized to provide, a program of education beyond secondary education, on a day or residential basis and:

(i) Admits as students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate;

(ii) Is accredited by a nationally recognized accrediting agency or association; and

(iii) Provides an educational program for which it awards a bachelor's degree or higher degree or provides not less than a 2-year program which is acceptable for full credit toward such a degree at any institution which meets the preceding requirements and which provides such a program;

(3) Provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions cited in paragraph (2), and subparagraphs (2)(i), and (2)(ii) of this definition; or

(4) Is a local educational agency.

School facilities means buildings housing classrooms, laboratories, dormitories, administrative facilities, athletic facilities, or related facilities operated in connection with a school.

Secretary means the Secretary of the Department of Energy or his/her designee.

State means, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands.

State energy agency means the State agency responsible for developing State energy conservation plans pursuant to section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) or, if no such agency exists, a State agency designated by the Governor of such State to prepare and submit the State Plan required under section 394 of the Energy Policy and Conservation Act.

State hospital facilities agency means an existing agency which is broadly representative of the public hospitals and the nonprofit hospitals or, if no such agency exists, an agency designated by the Governor of such State which conforms to the requirements of this definition.

State school facilities agency means an existing agency which is broadly representative of public institutions of higher education, nonprofit institutions of higher education, public elementary and secondary schools, nonprofit elementary and secondary schools, public vocational education institutions, nonprofit vocational education institutions, and the interests of handicapped persons in a State or, if no such agency exists, an agency which is designated by the Governor of such State which conforms to the requirements of this definition.

Support office director means the Director of the DOE field support office with the responsibility for grant administration or any official to whom that function may be redelegated.

Technical assistance means: (1) The conduct of specialized studies to identify and specify energy savings or energy cost savings that are likely to be realized as a result of the modification of maintenance and operating procedures in a building, the acquisition and installation of one or more specified energy conservation measures in a building, or both; and

(2) the planning or administration of such specialized studies. For schools and hospitals which are eligible to receive grants to carry out energy conservation measures, the term also means the planning or administration of specific remodeling, renovation, repair, replacement, or insulation projects related to the installation of energy conservation or renewable resource measures in a building.

VOL 58 ISS 32 FE 19 1993 UMI

Technical assistance program update means a brief revision to an existing technical assistance program report designed to provide current information such as that relating to energy use, equipment costs, and other data needed to substantiate an application for an energy conservation measure grant. Such an update shall be limited to the particular measures included in the related grant application together with any relevant data regarding interactions or relationships to previously installed energy conservation measures.

Unit of local government means the government of a county, municipality, parish, borough, or township which is a unit of general purpose government below the State (determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes) and the District of Columbia. Such term also means the recognized governing body of an Indian tribe which governing body performs substantial governmental functions and includes libraries which serve all residents of a political subdivision below the State level (such as a community, district, or region) free of charge and which derive at least 40 percent of their operating funds from tax revenues of a taxing authority below the State level.

§ 455.3 Administration of grants.

Grants provided under this part shall comply with applicable law, regulation, or procedure including, without limitation, the requirements of:

(a) The DOE Financial Assistance Rules (10 CFR part 600 as amended) except as otherwise provided in this rule;

(b) Executive Order 12372 entitled "Intergovernmental Review of Federal Programs" (48 FR 3130, January 24, 1983; 3 CFR, 1982 Comp., p. 197) and the DOE regulation implementing this Executive Order entitled "Intergovernmental Review of Department of Energy Programs and Activities" (10 CFR part 1005);

(c) Office of Management and Budget Circular A–97 entitled "Rules and Regulations Permitting Federal Agencies to Provide Specified or Technical Services to State and Local Units of Government under title III of the Inter-Governmental Coordination Act of 1968" available from the Office of Management and Budget, Office of Publication Services, 725 17th Street, NW., Washington, DC 20503;

(d) DOE regulation entitled "Nondiscrimination in Federally Assisted Programs" (10 CFR part 1040) which implements the following public laws: Title VI of the Civil Rights Act of 1964; section 16 of the Federal Energy Administration Act of 1974; section 401 of the Energy Reorganization Act of 1974; title IX of the Education Amendments of 1972; The Age Discrimination Act of 1975; and section 504 of the Rehabilitation Act of 1973; and

(e) Such other procedures applicable to this part as DOE may from time to time prescribe for the administration of financial assistance.

§ 455.4 Recordkeeping.

Each State or other entity within a State receiving financial assistance under this part shall make and retain records required and specified by the DOE Financial Assistance Rules, 10 CFR part 600, and this part.

§ 455.5 Suspension and termination of grants.

Suspension and termination procedures shall be as set forth in the DOE Financial Assistance Rules, 10 CFR part 600.

Subpart B—State Plan Development and Approval

§ 455.20 Contents of State Plan.

Each State shall develop and submit to DOE a State Plan for technical assistance programs and energy conservation measures, including renewable resource measures and, to the extent appropriate, program assistance, and/or marketing. The State Plan shall include:

(a) A statement setting forth the procedures by which the views of eligible institutions or coordinating agencies representing such institutions, or both, were solicited and considered during development of the State Plan and any amendment to a State Plan;

(b) The procedures the State will follow to notify eligible institutions and coordinating agencies of the content of the approved State Plan or any approved amendment to a State Plan;

(c) The procedures the State will follow to notify eligible institutions and coordinating agencies of the availability (each funding cycle) of funding under this program and related funding available from non-Federal sources to fund technical assistance programs and energy conservation measures consistent with this part;

(d) The procedures for submittal of grant applications to the State;

(e) The procedures to be used by the State for evaluating and ranking technical assistance and energy conservation measure grant applications pursuant to § 455.130 and § 455.131, including the weights assigned to each criterion set forth in §§ 455.131 (c)(1), (c)(2), (c)(3), (c)(4) and (c)(5). In addition, the State shall determine the order of priority given to fuel types that include oil, natural gas, and electricity, under § 455.131(c)(2);

(f) The procedures that the State will follow to insure that funds will be allocated equitably among eligible applicants within the State including procedures to insure that funds will not be allocated on the basis of size or type of institution, but rather on the basis of relative need, taking into account such factors as cost, energy consumption, and energy savings, in accordance with § 455.131;

(g) The procedures that the States will follow for identifying schools and hospitals experiencing severe hardship and for apportioning the funds that are available for schools and hospitals in a case of severe hardship. Such policies and procedures shall be in accordance with § 455.132;

(h) A statement setting forth the extent to which, and by which methods, the State will encourage utilization of solar space heating, cooling and electric systems, and solar water heating systems;

(i) The procedures to assure that all financial assistance under this part will be expended in compliance with the requirements of the State Plan, in compliance with the requirements of this part, and in coordination with other State and Federal energy conservation programs;

(j) If a State is eligible and elects to use up to 100 percent of the funds provided by DOE under this part for any fiscal year for program and technical assistance and/or up to 50 percent of such funds for marketing:

(1) A description of each activity the State proposes, including the procedures for program operation, monitoring, and evaluation;

(2) The level of funding to be used for each program and the source of those funds;

(3) The amount of the State's allocated funds that the State proposes to use for each;

(4) A description of the non-Federal financing mechanisms to be used to fund energy conservation measures in the State during the fiscal year;

(5) A description of the evaluation/selection criteria to be used by the State in determining which institutions receive funding for energy conservation measures;

(6) The procedures for assuring that all segments of the State's eligible institutions, including religiously affiliated institutions receive an equitable share of the assistance provided both for program and technical

assistance, marketing, and energy conservation measures;

(7) A description of how the State will track: the amount of total available funds by source; the amount of funds obligated against those funds; and any limits on types of institutions eligible for particular funding sources; and

(8) The procedures for assisting institutions which initially receive program, technical, or marketing assistance (as part of the State's special program(s)) in later participating in the State's program(s) to provide energy conservation measure funding;

(k) The requirements for an energy audit or an energy use evaluation, and the requirements for qualifications for auditors or persons who will conduct energy use evaluations in the State;

(l) With regard to energy conservation maintenance and operating procedures:

(1) The procedures to insure implementation of energy conservation maintenance and operating procedures in those buildings for which financial assistance is requested under this part;

(2) A provision that all maintenance and operating procedure changes recommended in an energy audit pursuant to § 455.20(k), or in a technical assistance report under § 455.62, or a combination of these are implemented as provided under this part; or

(3) An assurance that the maintenance and operating procedures will be implemented in the future, or a reasonable justification for not implementing such procedures, as appropriate;

(m) The procedures to assure that financial assistance under this part will be used to supplement, and not to supplant, State, local or other funds, including at least:

(1) The screening of applicants for eligibility for available State funds;

(2) The identification of applicants which are seeking or have obtained private sector funds; and,

(3) Limiting or excluding (at the option of the State) the availability of financial assistance under this part for funding particular measures for which funding is being provided by other sources in the State (such as utility rebates) together with any requirements for potential applicants to first seek other sources of funding and document the results of that attempt before seeking financial assistance under this part and a description of the State's plan to assist potential applicants in identifying and obtaining other sources of funding;

(n) The procedures for determining that technical assistance programs performed without the use of Federal funds and used as the basis for energy conservation measure grant applications have been performed in compliance with the requirements of § 455.62, for the purposes of satisfying the eligibility requirements contained in § 455.71(a)(3);

(o) The State's policy regarding reasonable selection of energy conservation measures for study in a technical assistance program including any restrictions based on category of building or on groups of structures where measures may, or may not, be appropriate for all the structures and any additional State requirements for the conduct of such a program;

(p) The procedures for State management, monitoring, and evaluation of technical assistance programs and energy conservation measures receiving financial assistance under this part. This includes any State requirements for hospital certifications from a State agency with descriptions of the review procedures and coordination process applicable in such cases. If there is no school facilities agency in the State, or if the existing agency does not certify all types of schools, it also includes any State requirements for an alternative review and certification process for schools;

(q) The circumstances under which the State requires an updated technical assistance program report to accompany an application for an energy conservation measure grant and the scope and contents of such an update;

(r) A description of the State's policies for establishing and insuring compliance with qualifications for technical assistance analysts. Such policies shall require that technical assistance analysts be free from financial interests which may conflict with the proper performance of their duties and have experience in energy conservation and:

(1) Be a registered professional engineer licensed under the regulatory authority of the State;

(2) Be an architect-engineer team, the principal members of which are licensed under the regulatory authority of the State; or

(3) Be otherwise qualified in accordance with such criteria as the State may prescribe in its State Plan to insure that individuals conducting technical assistance programs possess the appropriate training and experience in building energy systems;

(s) The circumstances under which the State will or will not consider accepting applications for technical assistance programs or energy conservation measures which were included in earlier approved grant awards but which were not implemented and for which no funds were expended after the original grant award;

(t) A statement setting forth:

(1) An estimate of energy savings which may result from the modification of maintenance and operating procedures and installation of energy conservation measures;

(2) A recommendation as to the types of energy conservation measures considered appropriate within the State; and

(3) An estimate of the costs of carrying out technical assistance and energy conservation measure programs;

(u) For purposes of the technical assistance program pursuant to § 455.62:

(1) A statement setting forth uniform conversion factors to be used by all grant applicants in the technical assistance analysis for conversion of fuels to Btu equivalents. For the conversion of kilowatt hours to Btus, the State may use 3,413, representing consumption at the consumer's end, or 11,600, representing consumption at the producer's end, or may assign 3,413 to some types of energy conservation measures and 11,600 to other types of measures in which case the State shall specify the conversion factor to be used for each type of measure, providing a rationale and citing the sources used in making this decision, and the State shall always apply the specified factor consistently to all ECMs of a particular type;

(2) A statement setting forth the cost-effectiveness testing approach to be used to evaluate energy conservation measures pursuant to § 455.63. States may select either the simple payback approach or the life-cycle costing approach. Only one approach may be used for all technical assistance programs in the State. If the State elects to use the life-cycle costing approach, it must specify, consistent with § 455.64(g), whether it will use DOE-provided or its own energy cost escalation rate or annual discount rate, together with any other procedures required to be used (in addition to those specified in § 455.64); and

(3) A statement setting forth that 50 percent (or a higher percent) of total cost savings (used in calculating cost effectiveness pursuant to § 455.63(a)(1) for simple payback, or § 455.64(c) for life-cycle costing) must be from the cost of the energy to be saved.

(v) For any coordinating agency, a description of how it will operate including but not limited to:

(1) Name and address;

(2) Type of institutions covered;

(3) Application processing procedures;

(4) Whether TA applications, ECM applications, or both are covered;
(5) Intended schedule for soliciting and processing applications;
(6) Any special provisions for religiously affiliated institutions;
(7) Nature of subagreement to be used with institutions;
(8) Whether TA or ECM contractors selected by the coordinating agency will be offered incident to, or as a condition in, subagreements; and
(9) Other significant policies and procedures;
(w) If a State elects to allow credit toward the cost share for an energy conservation measure for the costs of technical assistance programs, technical assistance program updates, or energy conservation measures previously incurred and wholly paid for with non-Federal funds, the policies regarding such credit, including any time limits for the age of the earlier-funded work being proposed for credit; and
(x) The limit to the Federal share to be provided to applicants in the State if a State elects to provide less than a 50 percent Federal share to its applicants that do not qualify for severe hardship.

§ 455.21 Submission and approval of State Plans and State Plan amendments.

(a) Proposed State Plans or Plan amendments necessitated by a change in regulations shall be submitted to DOE within 90 days of the effective date of this subpart or any amended regulations. Upon request by a State, and for good cause shown, DOE may grant an extension of time.
(b) The Support Office Director shall, within 60 days of receipt of a proposed State Plan, review each plan and, if it is reasonable and found to conform to the requirements of this part, approve the State Plan. If the Support Office Director does not disapprove a State Plan within the 60-day period, the State Plan will be deemed to have been approved.
(c) If the Support Office Director determines that a proposed State Plan fails to comply with the requirements of this part or is not reasonable, DOE shall return the plan to the State with a statement setting forth the reasons for disapproval.
(d) Except for State Plan amendments covered by paragraph (a) of this section, if a State wishes to deviate from its approved State Plan, the State must submit and obtain DOE approval of the State Plan amendment.
(e) The Support Office Director shall, within 60 days or less of receipt of a proposed State Plan amendment review each amendment and, if it is found to conform to the requirements of this part, approve the amendment. If the Support Office Director determines that a proposed State Plan amendment fails to comply with the requirements of this part, or is not reasonable, DOE shall return the amendment to the State with a statement setting forth the reasons for disapproval.

Subpart C—Allocation of Appropriations Among the States

§ 455.30 Allocation of funds.

(a) DOE will allocate available funds among the States for two purposes: to award grants to schools, hospitals, units of local government, and public care institutions and coordinating agencies representing them to implement technical assistance and energy conservation measures grant programs and to award grants to eligible States for administrative expenses, technical assistance programs, program assistance, and marketing expenses in accordance with this part.
(b) DOE shall notify each Governor of the total amount allocated for grants within the State for any grant program cycle:
(1) For schools and hospitals, the allocation amount shall be for technical assistance programs, subject to any limitation placed on technical assistance, and energy conservation measures;
(2) For States that are eligible pursuant to § 455.91, up to 100 percent of the funds allocated to the State by DOE may be used for technical assistance programs and/or for program assistance and up to 50 percent of the funds allocated to the State by DOE may be used for marketing as defined in § 455.2;
(3) For States eligible under § 455.81, a portion of the allocation may be used for a grant to the State for administrative expenses as described in § 455.120;
(4) For unit of local government and public care institutions, the allocation amount shall be solely for technical assistance programs; and
(5) For coordinating agencies, the allocation amount shall be for either technical assistance programs subject to any limitation placed on technical assistance, or energy conservation measures, or both depending on how the coordinating agency elects to operate.
(c) DOE shall notify each Governor of the period for which funds allocated for a grant program cycle will be made available for grants within the State.
(d) Each State shall make available up to 10 percent of its allocation for schools and hospitals in each grant program cycle to provide financial assistance, not to exceed a 90 percent Federal share, for technical assistance programs and energy conservation measures for schools and hospitals determined to be in a class of severe hardship. Such determinations shall be made in accordance with § 455.132.

§ 455.31 Allocation formulas.

(a) Financial assistance for conducting technical assistance programs for units of local government and public care institutions shall be allocated among the States by multiplying the sum available by the allocation factor set forth in paragraph (c) of this section.
(b) Financial assistance for conducting technical assistance programs and acquiring and installing energy conservation measures, including renewable resource measures, for schools and hospitals, shall be allocated among the States by multiplying the sum available by the allocation factor set forth in paragraph (c) of this section.
(c) The allocation factor (K) shall be determined by the formula:

$$K = \frac{0.07}{N} + 0.1\,\frac{(Sfc)}{(Nfc)} + 0.83\,\frac{(SP)(SC)}{(NPC)}$$

where, as determined by DOE:
(1) Sfc is the projected average retail cost per million Btu's of energy consumed within the region in which the State is located as contained in current regional energy cost projections obtained from DOE.
(2) Nfc is the summation of the Sfc numerators for all States;
(3) N is the total number of eligible States;
(4) SP is the population of the State;
(5) SC is the sum of the State's heating and cooling degree days; and
(6) NPC is the summation of the (SP)(SC) numerators for all States.
(d) Except for the District of Columbia, Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands, no allocation available to any State may be less than 0.5 percent of all amounts allocated in any grant program cycle. No State will be allocated more than 10 percent of the funds allocated in any grant program cycle.

§ 455.32 Reallocation of funds.

(a) If a State Plan has not been approved and implemented by a State by the close of the period for which allocated funds are available as set forth in the notice issued by DOE pursuant to § 455.30(c), funds allocated to that State for technical assistance and energy conservation measures will be

reallocated among all States for the next grant program cycle, if available.

(b) Funds which have been allocated to States in a grant program cycle but which have not been obligated to eligible State, school, or hospital grant applicants by the end of that cycle shall be reallocated by DOE among all States in the next grant program cycle.

(c) Funds which become available due to deobligations resulting from funds returned by grantees due to cost underruns or scope-of-work reductions on completed projects shall be reallocated by DOE among all States in the next grant program cycle.

(d) Funds which become available because of declined grants to schools and hospitals within a State may be reobligated to other eligible applicants in the State until the December 31 following the close of the cycle for which the funds were allocated to the State. Such funds which have not been reobligated by that deadline shall be reallocated by DOE among all States in the next grant program cycle.

(e) Funds which become available because of declined or deobligated financial assistance provided through coordinating agencies to schools and hospitals within a State may be reobligated to other eligible applicants in the State until the December 31 following the close of the cycle for which the funds were allocated to the coordinating agency. Such funds which have not been reobligated by that deadline shall be reallocated by DOE among all States in the next grant program cycle.

(f) Funds granted to States for technical assistance, program assistance, and marketing pursuant to § 455.144 are subject to reallocation by DOE among all the States in the next program cycle if such funds are not committed by the State to their intended purposes by means of grants, contracts, or other legally binding obligations, or redirected to schools and hospitals grant applications pursuant to § 455.144(d), by the December 31 following the close of the cycle for which the funds were allocated to the State.

Subpart D—Preliminary Energy Audit and Energy Audit Grants [Reserved]

Subpart E—Technical Assistance Programs for Schools, Hospitals, Units of Local Government, and Public Care Institutions

§ 455.60 Purpose.

This subpart specifies what constitutes a technical assistance program eligible for financial assistance under this part and sets forth the eligibility criteria for schools, hospitals, units of local government, and public care institutions to receive grants for technical assistance to be performed in buildings owned by such institutions.

§ 455.61 Eligibility.

To be eligible to receive financial assistance for a technical assistance program, an applicant must:

(a) Be a school, hospital, unit of local government, public care institution, or coordinating agency representing them except that financial assistance for units of local government and public care institutions will be provided only for buildings which are owned and primarily occupied by offices or agencies of a unit of local government or public care institution and which are not intended for seasonal use and not utilized primarily as a school or hospital eligible for assistance under this program;

(b) Be located in a State which has an approved State Plan as described in subpart B of this part;

(c) Have conducted an energy audit or an energy use evaluation required pursuant to § 455.20(k) and adequate to estimate energy conservation potential for the building for which financial assistance is to be requested, subsequent to the most recent construction, reconfiguration, or utilization change which significantly modified energy use within the building;

(d) If an energy audit has been performed, give assurance that it has implemented all energy conservation maintenance and operating procedures required pursuant to § 455.20(k) or provide a written justification for not implementing them pursuant to § 455.20(l)(3); and

(e) Submit an application in accordance with the provisions of this part and the approved State Plan.

§ 455.62 Contents of a technical assistance program.

(a) The purpose of a technical assistance program is to provide a report based on an on-site analysis of the building which meets the requirements of this section and the State's procedures for implementing this section.

(b) A technical assistance program shall be designed to identify and document energy conservation maintenance and operating procedure changes and energy conservation measures in sufficient detail to support possible application for an energy conservation measure grant and to provide reviewers and decision makers handling such applications sufficient information upon which to base a judgment as to their reasonableness and a decision whether to pursue any or all of the recommended improvements.

(c) A technical assistance program shall be conducted by a technical assistance analyst who has the qualifications established in the State Plan in accordance with § 455.20(r).

(d) At the conclusion of a technical assistance program, the technical assistance analyst shall prepare a report which shall include:

(1) A description of building characteristics and energy data including:

(i) The results of the energy audit or energy use evaluation of the building together with a statement as to the accuracy and completeness of the energy audit or energy use evaluation data and recommendations;

(ii) The operation characteristics of energy-using systems; and

(iii) The estimated remaining useful life of the building;

(2) An analysis of the estimated energy consumption of the building, by fuel type in total Btus and Btu/sq.ft./yr., using conversion factors prescribed by the State in the State Plan, at optimum efficiency (assuming implementation of all energy conservation maintenance and operating procedures);

(3) A description and analysis of all identified energy conservation maintenance and operating procedure changes, if any, and energy conservation measures selected in accordance with the State Plan, including renewable resource measures, setting forth:

(i) A description of each energy conservation maintenance and operating procedure change and an estimate of the costs of adopting such energy conservation maintenance and operating procedure changes;

(ii) An estimate of the cost of design, acquisition and installation of each energy conservation measure, discussing pertinent assumptions as necessary;

(iii) Estimated useful life of each energy conservation measure;

(iv) An estimate of any increases or decreases in maintenance and operating costs that would result from each conservation measure, if relevant to the cost effectiveness test applicable under this part;

(v) An estimate of any significant salvage value or disposal cost of each energy conservation measure at the end of its useful life if relevant to the cost effectiveness test applicable under this part;

(vi) An estimate, supported by all data and assumptions used in arriving at the estimate, of the annual energy savings, the annual cost of energy to be saved,

VOL 58 ISS 32 FE 19 1993 UMI

and total annual cost savings using current energy prices including demand charges expected from each energy conservation maintenance and operating procedure change and the acquisition and installation of each energy conservation measure. In calculating the potential annual energy savings, annual cost of energy to be saved, or total annual cost savings of each energy conservation measure, including renewable resource measures, the technical assistance analyst shall:

(A) Assume that all energy savings obtained from energy conservation maintenance and operating procedures have been realized;

(B) Calculate the total annual energy savings, annual cost of energy to be saved, and total annual cost savings, by fuel type, expected to result from the acquisition and installation of the energy conservation measures, taking into account the interaction among the various measures;

(C) Calculate that portion of the total annual energy savings, annual cost of energy to be saved, and total annual cost savings, as determined in paragraph (d)(3)(vi)(B) of this section, attributable to each individual energy conservation measure; and

(D) Consider climate and other variables;

(vii) An analysis of the cost effectiveness of each energy conservation measure consistent with § 455.63 and, if applicable, § 455.64 of this part;

(viii) The estimated cost of the measure, which shall be the total cost for design and other professional service (excluding the cost of a technical assistance program), if any, and acquisition and installation costs. If required by the State in its State Plan, or if requested by the applicant, the technical assistance report shall provide a life-cycle cost analysis which is consistent with § 455.64 and states the discount and energy cost escalation rates that were used;

(ix) The simple payback period of each energy conservation measure, calculated pursuant to § 455.63(a);

(4) Energy use and cost data, actual or estimated, for each fuel type used for the prior 12-month period, by month, if possible;

(5) Documentation of demand charges paid by the institution for the prior 12-month period, by month if possible, when demand charges are included in current energy prices or when the technical assistance report recommends an energy conservation measure that shifts energy usage to periods of lower demand and cost; and

(6) A signed and dated certification that the technical assistance program has been conducted in accordance with the requirements of this section and that the data presented is accurate to the best of the technical assistance analyst's knowledge.

§ 455.63 Cost-effectiveness testing.

(a) This paragraph applies to calculation of the simple payback period of energy conservation measures.

(1) The simple payback period of each energy conservation measure (except measures to shift demand, or renewable resource measures) shall be calculated, taking into account the interactions among the various measures, by dividing the estimated total cost of the measure, as determined pursuant to § 455.62(d)(3)(ii), by the estimated annual cost savings accruing from the measure (adjusted for demand charges), as determined pursuant to § 455.62(d)(3)(vi), provided that:

(i) At least 50 percent of the annual cost savings used in this calculation shall be from the cost of the energy to be saved or a higher percent if required by a State in its State Plan pursuant to § 455.20(u)(3); and

(ii) No more than 50 percent of the annual cost savings used in this calculation shall be from other cost savings, such as those resulting from energy conservation maintenance and operating procedures related to particular energy conservation measures, or from changes in type of fuel used, or a lower percent if required by a State in its State Plan pursuant to § 455.20(u)(3).

(2) The simple payback period of each renewable resource energy conservation measure shall be calculated, taking into account the interactions among the various measures, by dividing the estimated total cost of the measure, as determined pursuant to § 455.62(d)(3)(ii), by the estimated annual cost savings accruing from the measure taking into account at least the annual cost of the non-renewable fuels displaced less the annual cost of the renewable fuel, if any, and the annual cost of any backup non-renewable fuel needed to operate the system, adjusted for demand charges, as determined pursuant to § 455.62(d)(3)(vi).

(3) The simple payback period of each energy conservation measure designed to shift demand to a period of lower demand and lower cost shall be calculated, taking into account the interactions among the various measures, by dividing the estimated total cost of the measure, as determined pursuant to § 455.62(d)(3)(ii), by the estimated annual cost savings accruing from the measure taking into account at least the annual cost of the energy used before the measure is installed less the estimated annual cost of the energy to be used after the measure is installed, adjusted for demand charges, as determined pursuant to § 455.62(d)(3)(vi).

(b) This paragraph applies, in addition to paragraph (a) of this section, if the State plan requires the cost effectiveness of an energy conservation measure to be determined by life-cycle cost analysis or if the applicant requests such an analysis.

(1) A life-cycle cost analysis, showing a savings-to-investment ratio greater than or equal to one over the useful life of the energy conservation measure or 15 years, whichever is less, shall be conducted in accordance with the requirements set forth in the State Plan pursuant to §§ 455.20(u)(2), 455.20(u)(3) and § 455.64.

(2) The resulting savings-to-investment ratio shall be used for the purpose of ranking applications.

§ 455.64 Life-cycle cost methodology.

(a) The life-cycle cost methodology under § 455.63(b) of this part is a systematic comparison of the relevant significant cost savings and costs associated with an energy conservation measure over its expected useful life, or other appropriate study period with future cost savings and costs discounted to present value. The format for displaying life-cycle costs shall be a savings-to-investment ratio.

(b) An energy conservation measure must be cost effective, and its savings-to-investment ratio must be greater than or equal to one no earlier than the end of the second year of the study period.

(c) A savings-to-investment ratio is the ratio of the present value of net cost savings attributable to an energy conservation measure to the present value of the net increase in investment, maintenance and operating, and replacement costs less salvage value or disposal cost attributable to that measure over a study period.

(d) Except for energy conservation measures to shift demand or to use renewable energy resources, the numerator of the savings-to-investment ratio shall include net cost savings, appropriately discounted and adjusted for energy cost escalation consistent with paragraph (g) of this section, subject to the limitation that the cost of the energy to be saved shall constitute at least 50 percent of the net cost savings unless the State specifies a higher percent in its State plan pursuant to § 455.20(u)(3).

(e) With respect to energy conservation measures to shift demand or to use renewable energy resources, the numerator of the savings-to-investment ratio shall be net cost savings appropriately discounted and adjusted for energy cost escalation consistent with paragraph (g) of this section.

(f) The study period for a life-cycle cost analysis, which may not exceed 15 years, shall be the useful life of the energy conservation measure or of the energy conservation measure with the longest life (for purposes of ranking buildings with multiple energy conservation measures).

(g) The discount rate must equal or exceed the discount rate annually provided by DOE under 10 CFR part 436. The energy cost escalation rates must not exceed those annually provided by DOE under 10 CFR part 436.

(h) Investment costs may be assumed to be a lump sum occurring at the beginning of the base year, or to the extent that there are future investment costs, discounted to present value.

(i) The cost of energy and maintenance and operating costs may be assumed to begin to accrue at the beginning of the base year or when they are actually projected to occur.

(j) It may be assumed that costs occur in a lump sum at any time within the year in which they are incurred.

Subpart F—Energy Conservation Measures for Schools and Hospitals

§ 455.70 Purpose.

This subpart sets forth the eligibility criteria for schools and hospitals to receive grants for energy conservation measures, including renewable resource measures, and the elements of an energy conservation measure program.

§ 455.71 Eligibility.

(a) To be eligible to receive financial assistance for an energy conservation measure, including renewable resource measures, an applicant must:

(1) Be a school, hospital, or coordinating agency representing them as defined in § 455.2;

(2) Be located in a State which has an approved State Plan as described in subpart B of this part;

(3) Have completed a technical assistance program consistent with § 455.62, as determined by the State in accordance with the State Plan, for the building for which financial assistance is to be requested subsequent to the most recent construction, reconfiguration, or utilization change to the building which significantly modified energy use within the building;

(4) Have completed an updated technical assistance program if required in the State Plan as specified in § 455.20(q);

(5) Have implemented all energy conservation maintenance and operating procedures which are identified as the result of a technical assistance program or have provided pursuant to the State plan a satisfactory written justification for not implementing any specific maintenance and operating procedures so identified;

(6) Have met any requirements set forth in the State Plan pursuant to § 455.20(m) regarding the avoidance of supplanting other funds in the financing of energy conservation measures under this part;

(7) Have no plan or intention at the time of application to close or otherwise dispose of the building for which financial assistance is to be requested within the simple payback period or useful life (depending on the State's requirement for determining cost effectiveness) of any energy conservation measure recommended for that building; and

(8) Submit an application in accordance with the provisions of this part and the approved State Plan;

(b) To be eligible for financial assistance:

(1) In States where simple payback has been selected as the cost-effectiveness test pursuant to § 455.20(u)(2), the simple payback period of each energy conservation measure for which financial assistance is requested shall not be less than 2 years nor greater than 10 years, and the estimated useful life of the measure shall be greater than its simple payback period; or

(2) In States where life-cycle costing has been selected as the cost-effectiveness test pursuant to § 455.20(u)(2), the savings-to-investment ratio of each energy conservation measure must be greater than or equal to one under § 455.63(b)(1), over a period for analysis which does not exceed 15 years, and the useful life of the energy conservation measure must be at least 2 years.

(c) Leased equipment is not eligible for financial assistance under this part. Equipment which becomes the property of the grantee at the conclusion of a long-term purchase agreement without any additional payment is eligible.

§ 455.72 Scope of the grant.

Financial assistance awarded under this subpart may be expended for the design (excluding design costs funded under the technical assistance program), acquisition, and installation of energy conservation measures to reduce energy consumption or measures to allow the use of renewable resources in schools and hospitals or to shift energy usage to periods of low demand and cost. Such measures include, but are not necessarily limited to, those included in the definition of "energy conservation measure" in § 455.2.

Subpart G—State Administrative Expenses

§ 455.80 Purpose.

This subpart describes what constitutes a State administrative expense that may receive financial assistance under this part and sets forth the eligibility criteria for States to receive grants for administrative expenses.

§ 455.81 Eligibility.

To be eligible to receive financial assistance for administrative expenses, a State must:

(a) Have in place a State Plan approved by DOE pursuant to § 455.21 and

(b) Be operating a program to provide technical assistance and energy conservation measure grants, or technical assistance, program assistance, and marketing (where energy conservation measures are funded non-Federally) to eligible institutions pursuant to this part.

§ 455.82 Scope of the grant.

A State's administrative expenses shall be limited to those directly related to administration of technical assistance programs, program assistance and marketing programs, and energy conservation measures including costs associated with:

(a) Personnel whose time is expended directly in support of such administration;

(b) Supplies and services expended directly in support of such administration;

(c) Equipment purchased or acquired solely for and utilized directly in support of such administration, subject to 10 CFR 600.436;

(d) Printing, directly in support of such administration; and

(e) Travel, directly related to such administration.

Subpart H—State Grants for Technical Assistance, Program Assistance, and Marketing

§ 455.90 Purpose.

This subpart describes what constitutes a State program for technical

VOL 58 ISS 32 19 1993 FE UMI

assistance, program assistance, and marketing that may receive financial assistance under this part and sets forth the eligibility criteria for States to receive grants for technical assistance, program assistance, and marketing.

§ 455.91 Eligibility.

To be eligible to receive financial assistance for technical assistance, program assistance, and marketing, a State must:

(a) Have in place a State Plan approved by DOE which includes a description of the State's program or programs to provide technical assistance, program assistance, and marketing, pursuant to § 455.20(j)(1);

(b) Have established a program consistent with this part to fund, from non-Federal sources, energy conservation measures for eligible institutions; and

(c) Provide to DOE a certification pursuant to § 455.122.

§ 455.92 State technical assistance awards.

Technical assistance awards by States under this subpart are subject to all requirements of this part which apply to DOE-awarded technical assistance program grants except that States:

(a) Are not required to award the funds in grant instruments;

(b) May award the funds throughout the fiscal year subject to § 455.144(a)(3); and

(c) Are not required to rank applications under § 455.131(b) of this part.

Subpart I—Cost Sharing

§ 455.100 Limits to Federal share.

Amounts made available under this part, together with any other amounts made available from other Federal sources, may not be used to pay more than 50 percent of the costs of technical assistance programs and energy conservation measures unless the grantee qualifies for the exceptions specified in §§ 455.141(a), 455.142(a), 455.142(b), or for severe hardship assistance specified in § 455.142(c). In cases of severe hardship, the Federal share of the cost cannot exceed 90 percent.

§ 455.101 Borrowing the non-Federal share/title to equipment.

The non-Federal share of the costs of acquiring and installing energy conservation measures may be provided by using financing or other forms of borrowed funds, such as those provided by loans and performance contracts, even if such financing does not provide for the grantee to receive clear title to the equipment being financed until after the grant is closed out. However, grantees in such cases must otherwise meet all the requirements of this part, and financing and loan agreements and performance contracts under this section are subject to the requirements of 10 CFR Part 600 and the certification requirements under § 455.111(e). Grantees must receive clear title to the equipment when the loan is paid off.

§ 455.102 Energy conservation measure cost-share credit.

To the extent a State provides in its State Plan, DOE may wholly or partially credit the costs of the following, with respect to a building, toward the required cost-share for an energy conservation measure grant in that building:

(a) A non-Federally funded technical assistance program;

(b) A non-Federally funded technical assistance program update to comply with § 455.20(q); and

(c) The non-Federally funded implementation of one or more energy conservation measures, which complies with the eligibility criteria set forth in § 455.71.

§ 455.103 Requirements for applications for credit.

(a) If a State has provided for credit in its State Plan pursuant to § 455.20(w), applications for credit will be considered only when the technical assistance programs or updates and the energy conservation measure projects for which credit is sought meet the applicable program requirements, such as those specified in § 455.61, § 455.62, § 455.71, and the relevant sections of 10 CFR part 600, except that the project need not comply with the Davis-Bacon Act regarding labor standards or wage rates.

(b) Credit for energy conservation measures will be considered only when supported by a technical assistance analysis that meets the requirements of § 455.62 and that was performed prior to the installation of the energy conservation measures.

§ 455.104 Rebates from utilities and other entities.

(a) Grantees which receive rebates or other monetary considerations from utilities or other entities for installing the energy conservation measures funded by a grant under this part may use such funds to meet their cost-sharing obligations pursuant to § 455.100.

(b) Where the rebate or monetary consideration does not exceed the non-Federal share of the cost of the measures applied for in a grant application, grantees are not required to deduct the amount of the rebate or monetary consideration from the cost of the measures, and DOE does not consider such rebates or monetary considerations to be program income which would have to be remitted to DOE upon receipt by the grantee.

(c) Where the rebate or monetary consideration does exceed the non-Federal share of the cost of the measures applied for in a grant application, grantees may use the excess to fund additional measures if such measures have been recommended in the technical assistance report. If it is not possible to use the excess funding in this way, the grantee must reduce the cost—and DOE will reduce the Federal share—by the amount of the excess above the non-Federal share.

Subpart J—Applicant Responsibilities—Grants to Institutions and Coordinating Agencies

§ 455.110 Grant application submittals for technical assistance and energy conservation measures.

(a) Each eligible applicant desiring to receive financial assistance (either from DOE directly, through a State serving as a coordinating agency, or through another organization serving as a coordinating agency) shall file an application in accordance with the provisions of this subpart and the approved State Plan of the State in which such building is located. The application, which may be amended in accordance with applicable State procedures at any time prior to the State's final determination thereon, shall be filed with the State energy agency designated in the State Plan. Coordinating agencies shall file a single application with DOE which includes all of the information required below for each building for which assistance has been requested and to which is attached a copy of each application from each building owner.

(b) Applications from schools, hospitals, units of local government, public care institutions, and coordinating agencies for financial assistance for technical assistance programs shall include the certifications contained in § 455.111 and:

(1) The applicant's name and mailing address;

(2) The energy audit or energy use evaluation required by the State pursuant to § 455.20(k) for each building for which financial assistance is requested;

(3) A project budget, by building, which stipulates the intended use of all Federal and non-Federal funds,

including in-kind contributions (valued in accordance with the guidelines in 10 CFR part 600), to be used to meet the cost-sharing requirements described in subpart I of this part;

(4) A brief description, by building, of the proposed technical assistance program, including a schedule, with appropriate milestone dates, for completing the technical assistance program;

(5) Additional information required by the applicable State Plan and any other information which the applicant desires to have considered, such as information to support an application from a school or hospital for financial assistance in excess of the 50 percent Federal share on the basis of severe hardship or an application which proposes the use of Federal funds, paid under and authorized by another Federal agreement to meet cost sharing requirements.

(c) Applications from schools and hospitals and coordinating agencies for financial assistance for energy conservation measures, including renewable resource measures, shall include the certifications contained in § 455.111 and:

(1) The applicant's name and mailing address;

(2) A description of each building for which financial assistance is requested sufficient to determine the building's eligibility, ownership, use, and size in gross square feet;

(3) A project budget, by measure or building, as provided in the State Plan which stipulates the intended use of all Federal and non-Federal funds and identifies the sources and amounts of non-Federal funds, including in-kind contributions (valued in accordance with the guidelines in 10 CFR part 600) to be used to meet the cost-sharing requirements described in subpart I of this part;

(4) A schedule, including appropriate milestone dates, for the completion of the design, acquisition, and installation of the proposed energy conservation measures for each building;

(5) For each energy conservation measure proposed for funding, the projected cost, the projected simple payback period, and if appropriate, the life-cycle cost savings-to-investment ratio calculated under § 455.64. Applications with more than one energy conservation measure per building shall include projected costs and paybacks, and if appropriate, the savings-to-investment ratios for each measure and the average simple payback period or overall savings-to-investment ratio for all measures proposed for the building;

(6) The report of the technical assistance analyst (unless waived by DOE because the report is already in its possession). This report must have been completed since the most recent construction, reconfiguration, or utilization change to the building which significantly modified energy use, for each building;

(7) An update of the technical assistance program report if required by the State in its State Plan and as specified in § 455.20(q);

(8) If the applicant is aware of any adverse environmental impact which may arise from adoption of any energy conservation measure, an analysis of that impact and the applicant's plan to minimize or avoid such impact; and

(9) Additional information required by the applicable State Plan, and any additional information which the applicant desires to have considered, such as information to support an application for financial assistance in excess of the non-Federal share set forth in the State plan on the basis of severe hardship, or an application which proposes the use of Federal funds paid under and authorized by another Federal agreement to meet cost sharing requirements.

§ 455.111 Applicant certifications for technical assistance and energy conservation measure grants to institutions and coordinating agencies.

Applications for financial assistance for technical assistance programs and energy conservation measures, including renewable resource measures, shall include certification that the applicant:

(a) Is eligible under § 455.61 for technical assistance or § 455.71 for energy conservation measures;

(b) Has satisfied the requirements set forth in § 455.110;

(c) For applications for technical assistance, has implemented all energy conservation maintenance and operating procedures recommended in the energy audit pursuant to § 455.20(k), if done, and for applications for energy conservation measures, those recommended in the report obtained under a technical assistance program pursuant to § 455.62. If any such procedure has not been implemented, the application shall contain a satisfactory written justification consistent with the State plan for not implementing that procedure;

(d) Will obtain from the technical assistance analyst, before the analyst performs any work in connection with a technical assistance program or energy conservation measure, a signed statement certifying that the technical assistance analyst has no conflicting financial interest and is otherwise qualified to perform the duties of technical assistance analyst in accordance with the standards and criteria established in the approved State Plan;

(e) When using borrowed funds for the non-Federal share of an energy conservation project where a lien is placed by the lender on equipment funded under the grant, will obtain clauses in the financing contract:

(1) Stating the percent of DOE interest in the equipment (i.e., the percent of the total cost provided by the grant); and

(2) Requiring lender notification, with certified return receipt requested, to the applicable Support Office Director of the filing of a lawsuit seeking a remedy for a default; and

(f) Will comply with all reporting requirements contained in § 455.113.

§ 455.112 Davis-Bacon wage rate requirement.

When an energy conservation measure or group of measures in a building, funded under this part, has a total estimated cost for acquisition and installation of more than $5,000, any construction contract or subcontract in excess of $2,000, using any grant funds awarded under this part must include:

(a) Those contract labor standards provisions set forth in 29 CFR 5.5 and

(b) A provision for payment of laborers and mechanics at the minimum wage rates determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a) as set forth in 29 CFR part 1.

§ 455.113 Grantee records and reports for technical assistance and energy conservation measure grants to institutions and coordinating agencies.

(a) Each unit of local government or public care institution which receives a grant for a technical assistance program and each school, hospital, and coordinating agency which receives a grant for a technical assistance program or an energy conservation measure, including renewable resource measures, shall keep all the records required by § 455.4 in accordance with this part and the DOE Financial Assistance Rules.

(b) Each grantee shall submit reports as follows:

(1) For technical assistance programs, two copies of a final report of the analysis completed on each building for which financial assistance was provided shall be submitted, either both to the State energy agency, or one to the State energy agency, and one to DOE as agreed upon between the State and the DOE Support Office no later than 90

VOL
58
ISS
32
FE
19
1993
UMI

days following completion of the analysis. These reports shall contain:

(i) The report submitted to the institution by the technical assistance analyst, and

(ii) The institution's plan to implement energy conservation maintenance and operating procedures;

(2) For energy conservation measure projects:

(i) Semi-annual progress reports. Two copies shall be submitted, either both to the State energy agency or one to the State energy agency and one to DOE, as agreed upon between the State and the DOE Support Office, no later than the end of July (for the period January 1 through June 30), and January (for the period July 1 through December 31) and shall detail and discuss milestones accomplished, those not accomplished, status of in-progress activities, and remedial actions if needed to achieve project objectives. Reports of coordinating agency grantees shall include financial assistance which an institution declines or does not use as a result of a change in scope. A final report may be submitted in lieu of the last semi-annual report if it satisfies the semi-annual progress report and final report designated time frames;

(ii) A final report. Two copies shall be submitted, either both to the State energy agency or one to the State energy agency and one to DOE, as agreed upon between the State and the DOE Support Office, within 90 days of the completion of the project and shall list and describe the energy conservation measures acquired and installed, contain a final actual cost and a final estimated simple payback period for each measure and the project as a whole, or a final savings-to-investment ratio for each measure and the project as a whole (depending on the State requirement), and include a statement that the completed energy conservation measures conform to the approved grant application;

(iii) Annual energy use reports from a representative sample to be selected by the State which will reflect the grantee's actual post-retrofit energy use experiences for 3 years after project completion. Two copies of these reports shall be submitted, either both to the State energy agency or one to the State energy agency and one to DOE, as agreed upon between the State and the DOE Support Office within 60 days after the end of each 12-month period covered in the reports and shall identify each building and provide data on energy use for that building for the relevant 12-month period. To the extent feasible, energy consumption data in each annual report should be the monthly usage data by fuel or energy type, and the reports should include brief descriptions of any changes in building usage, equipment, or structure occurring during the reporting period.

(3) Each copy of any technical assistance or energy conservation measure report shall be accompanied by a financial status report completed in accordance with the documents listed in § 455.3;

(4) In cases where both copies of the grantee technical assistance, energy conservation measure, and financial status reports are submitted to the State, as agreed upon between the State and the DOE Support Office, the State shall in turn submit copies to DOE on a mutually agreed-upon schedule; and

(5) Such other information as DOE may from time to time request.

Subpart K—Applicant Responsibilities—Grants to States

§ 455.120 Grant applications for State administrative expenses.

Each State desiring to receive grants to help defray State administrative expenses shall file an application in accordance with the provisions of this section.

(a) Where a State is operating a program solely to provide grants to schools and hospitals, the maximum amount of administrative expenses the State may apply for is $50,000 or 5 percent of the Federal share of its schools and hospitals grant awards, whichever is greater.

(1) At any time after notice by DOE of the amounts allocated to each State for a grant program cycle, each State may apply to DOE for an amount for administrative expenses not exceeding $50,000.

(2) After making a submittal to DOE as required under § 455.133, each State may apply for a further grant not exceeding 5 percent of the total Federal share of all grant awards for technical assistance and energy conservation measures within the State, less the $50,000 provided for in paragraph (a)(1) of this section if that was previously awarded to the State for administrative expenses in the same grant program cycle.

(b) Where a State is eligible and elects to apply to use its appropriated allocation for grants for technical assistance, program assistance, and/or marketing pursuant to § 455.121, the maximum amount of administrative expenses the State may apply for is $50,000 or 5 percent of the total amount obligated or legally committed to eligible recipients in the State pursuant to the State's program under this part, whichever is greater.

(1) At any time after notice by DOE of amounts allocated to each State for a grant program cycle, each State may apply to DOE for an amount for administrative expenses not exceeding $50,000.

(2) Once the total amount obligated or legally committed to the program in the cycle is known, a State may subsequently apply for a further grant, not exceeding 5 percent of the total amount (less the $50,000 provided for in paragraph (b)(1) of this section if that was previously awarded to the State for administrative expenses in the same fiscal year) obligated or legally committed to eligible recipients in the State during the fiscal year for technical assistance, program assistance, and marketing, and for energy conservation measures which are funded with non-Federal funds but which meet the certification and other requirements of this part for such energy conservation measures.

(3) The aggregate amount applied for to cover State administrative expenses, technical assistance, program assistance, and marketing cannot exceed the State's allocation for the fiscal year.

(c) In the event that a State cannot, or decides not to use the amount available to it for an administrative grant under this section for administrative purposes, these funds may, at the discretion of the State, be used for technical assistance and energy conservation measure grants to eligible institutions within that State in accordance with this part.

(d) Applications for financial assistance to defray State administrative expenses shall include:

(1) The name and address of the person designated by the State to be responsible for the State's functions under this part;

(2) An identification of intended use of all Federal and non-Federal funds to be used for the State administrative expenses listed in § 455.82; and

(3) Any other information required by DOE.

§ 455.121 Grant applications for State technical assistance, program assistance, and marketing programs.

(a) A State may apply for up to 100 percent of the amount allocated to it for a grant program cycle to fund administrative expenses under § 455.120 and technical assistance and program assistance programs, or for up to 50 percent of the amount allocated to it for a grant program cycle to fund marketing programs provided that:

(1) The State has established a program to fund technical assistance, program assistance, or marketing programs, and has described its program

or programs in its State Plan, as specified in § 455.20(j);

(2) The State has a program or programs established consistent with this part of that fund, from non-Federal sources, energy conservation measures eligible under this part;

(3) Not more than 15 percent of the aggregate amount of Federal and non-Federal funds legally committed or obligated to eligible recipients in the State to provide program assistance, marketing and technical assistance programs, implement energy conservation measures consistent with this part, and otherwise carry out a program pursuant to this part for the fiscal year concerned are expended for program assistance, technical assistance and marketing costs for such program;

(4) The energy conservation measures funded from non-Federal sources under this section would be eligible for funding under § 455.71; and

(5) The institutions undertaking the non-Federally funded energy conservation measures do so in accordance with all applicable Federal, State, and local laws and regulations with particular attention paid to applicable Federal and State non-discrimination laws and regulations.

(b) Applications for financial assistance to defray State technical assistance, program assistance, or marketing expenses shall include:

(1) The name and address of the person designated by the State to be responsible for the State's functions under this part;

(2) An identification of intended use of all Federal and non-Federal funds for the State administrative expenses listed in § 455.82, or the technical assistance, program assistance, or marketing programs pursuant to this section;

(3) Descriptions of the activities to be implemented together with a description of the State's program to provide non-Federal sources of funding to carry out the State's program(s) for energy conservation measures consistent with this part;

(4) A certification that the 15 percent limit specified in subparagraph (a)(3) of this section will not be exceeded; and

(5) Any other information required by DOE.

§ 455.122 Applicant certifications for State grants for technical assistance, program assistance, and marketing.

Applications from States for financial assistance for technical assistance programs, program assistance, and marketing shall include certifications that the State:

(a) Has established a program or programs to fund, from non-Federal sources, energy conservation measures for eligible buildings consistent with this part;

(b) Will not expend, for technical assistance, program assistance, and marketing, more than 15 percent of the aggregate amount of Federal and non-Federal funds legally obligated or committed to eligible recipients in the State to provide technical assistance, program assistance, marketing programs, implement energy conservation measures consistent with this part, and otherwise carry out a program pursuant to this part for the fiscal year concerned; and

(c) Has provided for regular DOE-funded grants to eligible religiously affiliated institutions if the State has a State constitutional or other legal prohibition on providing State assistance to such institutions and if such institutions would be ineligible to apply for the non-Federally funded energy conservation measures or State-funded technical assistance.

§ 455.123 Grantee records and reports for State grants for administrative expenses, technical assistance, program assistance, and marketing.

(a) Each State which receives a grant for administrative expenses, or a grant for technical assistance programs, program assistance, or marketing shall keep all the records required by § 455.4 in accordance with this part and the DOE Financial Assistance Rules.

(b) Each State shall submit a semi-annual program performance report to DOE by the close of each February and August, including, but not limited to:

(1) A discussion of administrative activities pursuant to § 455.82, if a State has received a grant to fund such activities, and a discussion of milestones accomplished, those not accomplished, status of in-progress activities, problems encountered, and remedial actions, if any, planned pursuant to § 455.135(f);

(2) A discussion of technical assistance, program assistance, and/or marketing programs pursuant to § 455.121, if the State has received grants to fund such activities, including a discussion of the results of the State's program to non-Federally fund energy conservation measures consistent with this part pursuant to § 455.121, with a list of buildings receiving assistance for technical assistance programs and a list of buildings which obtained energy conservation measures using non-Federal funds, including the name and address of each building, the amount and type of funding provided to each, and for energy conservation measures, the types of measures funded in each building together with each measure's total estimated cost and estimated annual cost savings, annual energy savings, and the annual cost of the energy to be saved (determined pursuant to § 455.62(d)) consistent with the data currently provided to DOE on all ICP grants;

(3) A summary of grantee reports received by the State during the report period pursuant to §§ 455.113(b)(1) and (b)(2);

(4) For the report due to be submitted to DOE by the close of each August, an estimate of annual energy use reductions in the State, by energy source, attributable to implementation of energy conservation maintenance and operating procedures and installation of energy conservation measures under this part. Such estimates shall be based upon a sampling of institutions participating in the technical assistance phase of this program and upon the energy use reports submitted to the State pursuant to § 455.113(b)(2)(iii); and

(5) Such other information as DOE may from time to time request.

(c) Each copy of any report covering grants for State administrative, technical assistance, program assistance, or marketing expenses shall be accompanied by a financial status report completed in accordance with the documents listed in § 455.3. In addition, States shall file quarterly financial status reports for the quarters which occur between the semi-annual report periods covered in their program performance reports. These quarterly reports are due within 30 days following the end of the applicable quarters.

Subpart L—State Responsibilities

§ 455.130 State evaluation of grant applications.

(a) If an application received by a State is reviewed and evaluated by that State and determined to be in compliance with subparts E, F, and J of this part, § 455.130(b), any additional requirements of the approved State Plan, State environmental laws, and other applicable laws and regulations, then such application will be eligible for financial assistance.

(b) Concurrent with its evaluation and ranking of grant applications pursuant to § 455.131, the State will forward applications for technical assistance or for energy conservation measures for schools to the State school facilities agency for review and certification that each school application is consistent with related State programs for educational facilities. For hospitals the certification requirement applies only it

VOL
58
ISS
32
FE
19
1993
UMI

there is a State requirement for it in which case the procedure should be described in the State Plan.

§ 455.131 State ranking of grant applications.

(a) Except as provided by § 455.92 of this part, all eligible applications received by the State will be ranked by the State in accordance with its approved State Plan.

(b) For technical assistance programs, buildings shall be ranked in descending priority based upon the energy conservation potential, on a savings percentage basis, of the building as determined in the energy audit or energy use evaluation pursuant to § 455.20(k). Each State shall develop separate rankings for all buildings covered by eligible applications for:

(1) Technical assistance programs for units of local government and public care institutions and

(2) Technical assistance programs for schools and hospitals.

(c) All eligible applications for energy conservation measures received will be ranked by the State on building-by-building or a measure-by-measure basis. If a State ranks on a building-by-building basis, several buildings may be ranked as a single building if the application proposes a single energy conservation measure which is physically connected to all of the buildings. If a State ranks on a measure-by-measure basis, a measure that is physically connected to a number of buildings may be ranked as a single measure. Buildings or measures shall be ranked in accordance with the procedures established by the State Plan on the basis of the information developed during a technical assistance program (or its equivalent) for the building and the criteria for ranking applications. The criterion set forth in paragraph (1) of this subsection shall receive at least 50 percent of the weight given to the criteria used to rank applications. Each State may assign weights to the other criteria as set forth in the State Plan pursuant to § 455.20(e). The criteria for ranking applications are:

(1) Simple payback or a life-cycle cost analysis, calculated in accordance with § 455.63 and § 455.64, as applicable;

(2) The types and quantities of energy to be saved, including oil, natural gas, or electricity, in a priority as established in the approved State Plan;

(3) The types of energy sources to which conversion is proposed, including renewable energy;

(4) The quality of the technical assistance program report; and

(5) Other factors as determined by the State.

(d) A State is exempt from the ranking requirements of this section when:

(1) The total amount requested by all applications for schools and hospitals for technical assistance and energy conservation measures in a given grant program cycle for grants up to 50 percent is less than or equal to the funds available to the State for such grants and the total amount recommended for hardship funding is less than or equal to the amounts available to the State for such grants and

(2) The total amount requested by all applications for buildings owned by units of local government and public care institutions in a given grant program cycle is less than or equal to the total amount allocated to the State for technical assistance program grants in the State;

(e) If a State elects to permit applications for credit pursuant to § 455.102, such applications for completed or partially completed energy conservation measures shall reflect both the work done and the work to be done and will be reviewed and ranked on the basis of the cost of all of the measures in the project. The credit shall not exceed the non-Federal share of the proposed additional energy conservation measures (and the Federal share shall not exceed the cost of the work remaining to be done).

(f) Within the rankings of school and hospital buildings for technical assistance and energy conservation measures including renewable resource measures to the extent that approvable applications are submitted, a State shall initially assure that:

(1) Schools receive at least 30 percent of the total funds allocated for schools and hospitals to the State in any grant program cycle and

(2) Hospitals receive at least 30 percent of the total funds allocated for schools and hospitals to the State in any grant program cycle.

(g) If there are insufficient applications from schools or hospitals to cover the respective 30 percent requirements specified in paragraph (f) of this section, then the State may recommend use of the remaining funds in those allocations for other qualified applicants.

§ 455.132 State evaluation of requests for severe hardship assistance.

(a) To the extent provided in § 455.30(d), financial assistance will be initially available for schools and hospitals experiencing severe hardship based upon an applicant's inability to provide the non-Federal share as specified in the State plan pursuant to § 455.20(g). This financial assistance will be available only to the extent necessary to enable such institutions to participate in the program.

(b) The State shall recommend funds for severe hardship applications wholly or partially from the funds reserved in accordance with § 455.30(d) and as stated in an approved State Plan.

(c) Applications for Federal funding in excess of the non-Federal share in the State plan pursuant to § 455.20(x) based on claims of severe hardship shall be given an additional evaluation by the State to assess on a quantifiable basis to the maximum extent practicable the relative need among eligible institutions. The minimum amount of additional Federal funding necessary for the applicant to participate in the program will be determined by the State in accordance with the procedures established in the State Plan. The primary consideration shall be the institution's inability to provide the non-Federal share of the project cost as specified in the State plan pursuant to § 455.20(x). Secondary criteria such as climate, fuel cost and fuel availability, borrowing capacity, median family income in the area, and other relevant factors as determined by the State may be addressed in the State Plan as specified in § 455.20(g).

(d) A State shall indicate, for those schools and hospitals with the highest rankings, determined pursuant to § 455.131(b) and (c):

(1) The amount of additional hardship funding requested by each eligible applicant for each building determined to be in a class of severe hardship and

(2) The amount of hardship funding recommended by the State based upon relative need, as determined in accordance with the State Plan, to the limit of the hardship funds available. The State must decide on a case-by-case basis whether, and to what extent, it will recommend hardship funding.

(e) If there are insufficient applications from hardship applicants to cover the 10 percent allocation provided for in § 455.30(d), then the State may recommend use of the remaining funds for other qualified applicants. The total amount recommended for hardship grants cannot exceed the 10 percent limit.

§ 455.133 Forwarding of applications from institutions and coordinating agencies for technical assistance and energy conservation measure grants.

(a) Except as provided by § 455.92 of this part, each State shall forward all applications recommended for funding within its allocation to DOE once each program cycle along with a listing of buildings or measures covered by

eligible applications for schools, hospitals, units of local government, and public care institutions ranked by the State if necessary pursuant to the provisions of § 455.131. If ranking has been employed, the list shall include the standings of buildings or measures.

(1) Measure-by-measure rankings will be recombined for the respective buildings with more than one recommended measure and

(2) Buildings will be consolidated under one grantee application.

(b) The State shall indicate the amount of financial assistance requested by the applicant for each eligible building and, for those buildings recommended for funding within the limits of the State's allocation, the amount recommended for funding. If the amount recommended is less than the amount requested by the applicant, the list shall also indicate the reason for that recommendation.

(c) The State shall indicate that it has reviewed and evaluated all of the submitted applications and that those applications meet the relevant requirements of the program, and shall certify that applications submitted are eligible pursuant to § 455.130(a).

§ 455.134 Forwarding of applications for State grants for technical assistance, program assistance, and marketing.

A State eligible to apply for grants for technical assistance, program assistance, or marketing, as described in § 455.121, may submit such an application to DOE any time after the allocations have been announced as part of, or in lieu of, an application for a grant for State administrative expenses. Such applications shall provide separate narrative descriptions, budgets and appropriate milestone dates, covering each activity or program, that are sufficiently detailed to enable DOE to reasonably evaluate the application.

§ 455.135 State liaison, monitoring, and reporting.

Each State shall be responsible for:

(a) Consulting with eligible institutions and coordinating agencies representing such institutions in the development of its State Plan;

(b) Notifying eligible institutions and coordinating agencies of the content of the approved State Plan and any amendment to a State Plan;

(c) Notifying each applicant how the applicant's building or measure ranked among other applications, and whether and to what extent its application will be recommended for funding or if not to be recommended for funding, the specific reasons(s) therefor;

(d) Certifying that each institution has given its assurance that it is willing and able to participate on the basis of any changes in amounts recommended for that institution in the State ranking pursuant to § 455.131;

(e) Reporting requirements pursuant to § 455.113; and

(f) Direct program oversight and monitoring of the activities for which grants are awarded as defined in the State Plan. States shall immediately notify DOE of any noncompliance or indication thereof.

Subpart M—Grant Awards

§ 455.140 Approval of applications from institutions and coordinating agencies for technical assistance and energy conservation measures.

(a) DOE shall review and approve applications submitted by a State in accordance with § 455.133 if DOE determines that the applications meet the objectives of the Act, and comply with the applicable State Plan and the requirements of this part. DOE may disapprove all or any portion of an application to the extent funds are not available to carry out a program or measure (or portion thereof) contained in the application, or for such other reason as DOE may deem appropriate.

(b) DOE shall notify a State and the applicant of the final approval or disapproval of an application at the earliest practicable date after the DOE receipt of the application, and, in the event of disapproval, shall include a statement of the reasons therefor.

(c) An application which has been disapproved for reasons other than lack of funds may be amended to correct the cause of its disapproval and resubmitted in the same manner as the original application at any time within the same grant program cycle. Such an application will be considered to the extent funds have not already been designated for applicants by the ranking process at the time of resubmittal. However, nothing in this provision shall obligate either the State or DOE to take final action regarding a resubmitted application within the grant program cycle. An application not acted upon may be resubmitted in a subsequent grant program cycle.

(d) DOE shall not provide supplemental funds to cover cost overruns or other additional costs beyond those provided for in the original grant award for technical assistance projects and shall fund only one technical assistance project per building.

(e) DOE shall not provide supplemental funds to cover cost overruns or other additional costs beyond those provided for in the original grant award for energy conservation measures funded under a grant in a given grant program cycle. DOE shall not provide funds to cover energy conservation measures intended to replace energy conservation measures funded in an earlier grant cycle unless the State has funds remaining after all applications for new energy conservation measures have been evaluated and submitted to DOE for funding.

(f) If provided for in the State Plan, an applicant may reapply for a technical assistance program or an energy conservation measure grant which was included in a prior grant application but which was not implemented and for which no funds were expended.

(g) An applicant may apply for, and DOE may make, grant awards in another grant program cycle for additional energy conservation measures which relate to a building which previously received grants for other energy conservation measures.

(h) Funds which become available to a grantee after the installation of all approved measures, due to cost underruns in the installed measures, may be used by the grantee for additional measures if such measures are approved in writing by the State and DOE.

(i) DOE may fund costs incurred by an applicant for technical assistance and energy conservation measure projects after the date of the grant application, so long as that date is no earlier than the close of the preceding grant program cycle. Such costs may be funded when, in the judgment of DOE, the applicant has complied with program requirements and the costs incurred are allowable under applicable cost principles and the approved project budget. The applicant bears the responsibility for the entire project cost unless the application is approved by DOE in accordance with this part.

(j) In addition to the prior approval requirements for project changes as specified in the DOE Financial Assistance Rules (10 CFR part 600), a grantee shall request prior written approval from DOE before:

(1) Transferring DOE or matching amounts between buildings included in an approved application when the State ranks applications on a building-by-building basis or

(2) Transferring DOE or matching amounts between energy conservation measures included in an approved application when the State ranks on a measure-by-measure basis.

VOL 58 ISS 32 FE 19 1993 UMI

§ 455.141 Grant awards for units of local government, public care institutions, and coordinating agencies.

(a) DOE may make grants to units of local government, public care institutions, and coordinating agencies representing them for up to 50 percent of the costs of performing technical assistance programs for buildings covered by an application approved in accordance with § 455.140 except that in the case of units of local government and public care institutions a majority of whose operating and capital funds are provided by the Government of the U.S. Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, a grant may be made for up to 100 percent of such costs.

(b) Total grant awards within any State to units of local government and public care institutions are limited to funds allocated to each State in accordance with § 455.30.

(c) Units of local government and public care institutions are not eligible for financial assistance for severe hardship.

§ 455.142 Grant awards for schools, hospitals, and coordinating agencies.

(a) DOE may make grants to schools, hospitals, and coordinating agencies for up to 50 percent of the costs of performing technical assistance programs for buildings covered by an application approved in accordance with § 455.140; except that in the case of schools and hospitals a majority of whose operating and capital funds are provided by the Government of the U.S. Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands a grant may be made for up to 100 percent of such costs. Grant awards for technical assistance programs in any State within any grant program cycle shall be limited to a portion of the total allocation as specified in § 455.30(b)(1).

(b) DOE may make grants to schools, hospitals and coordinating agencies for up to 50 percent of the costs of acquiring and installing energy conservation measures, including renewable resource measures, for buildings covered by an application approved in accordance with § 455.140, except that in the case of schools and hospitals a majority of whose operating and capital funds are provided by the Government of the U.S. Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, a grant may be made for up to 100 percent of such costs.

(c) DOE may award up to 10 percent of the total amount allocated to a State for schools and hospitals in cases of severe hardship, ascertained by the State in accordance with the State Plan, for buildings recommended and in amounts determined by the State pursuant to § 455.132(d)(2).

§ 455.143 Grant awards for State administrative expenses.

(a) For the purpose of defraying State expenses in the administration of technical assistance programs in accordance with subpart E and energy conservation measures in accordance with subpart F or energy conservation measures non-Federally funded pursuant to § 455.121, DOE may make grant awards to a State:

(1) Immediately following public notice of the amounts allocated to a State for the grant program cycle, and upon approval of the application for administrative costs, in an amount not exceeding $50,000;

(2) Concurrent with grant awards for approved applications for technical assistance or energy conservation measures for institutions in that State and upon approval of an application for administrative costs, in an amount not exceeding the difference between the amount granted pursuant to paragraph (a)(1) of this section and 5 percent of the Federal share of the total amount of grants awarded within the State for technical assistance programs and energy conservation measures in the applicable grant program cycle; or

(3) Upon receipt by DOE of documentation from the State demonstrating that sufficient non-Federal funding has been obligated or legally committed to schools and hospitals for energy conservation measures pursuant to § 455.121(a) and § 455.123(b)(2), and upon approval of an application for administrative costs, in an amount not exceeding the difference between the amount granted pursuant to paragraph (a)(1) of this section and 5 percent of the aggregate Federal and non-Federal funds obligated or legally committed to eligible recipients in the State to provide technical assistance, program assistance, and marketing programs and implement energy conservation measures consistent with this part, for the fiscal year concerned.

(b) Grants for such purposes may be made for up to 100 percent of the projected administrative expenses, not to exceed the State's allocation or the $50,000 or 5 percent limit, as approved by DOE.

(c) The total of all grants for State administrative costs, technical assistance programs, and energy conservation measures (or for State administrative costs, technical assistance, program assistance, and marketing, if the State elects and is eligible to apply for such grants) in that State shall not exceed the total amount allocated for that State for any grant program cycle.

(d) In the event that a State cannot or decides not to use the amount available to it for an administrative grant under this section for administrative purposes, these funds may, at the discretion of the State, be used for technical assistance and energy conservation grants to eligible institutions within that State in accordance with this part.

§ 455.144 Grant awards for State programs to provide technical assistance, program assistance, and marketing.

(a) For the purpose of defraying State expenses in the administration of special programs to provide technical assistance and program assistance pursuant to § 455.121, DOE may make a grant award to a State for up to 100 percent of the funds allocated to the State for the grant program cycle, provided that the State meets the requirements described in § 455.121(b). In addition:

(1) Funds for individual technical assistance programs provided by the State pursuant to this section shall not exceed 50 percent of the cost of the technical assistance program;

(2) Grants for program assistance may be made for up to 100 percent of a State's projected program assistance expenses; and

(3) Grants for State technical assistance, and program assistance programs may be awarded by DOE upon approval of an application from the State.

(b) For the purpose of defraying State expenses in the administration of a marketing program pursuant to § 455.121, DOE may make a grant award to a State for up to 50 percent of the funds allocated to the State for the grant program cycle, provided that the State meets the requirements described in § 455.121(b). In addition:

(1) Grants for marketing may be made for up to 100 percent of a State's projected marketing expenses; and

(2) Such grants may be awarded by DOE upon approval of an application from the State.

(c) If a State provides a certification under section 455.121(b) and is unable to document that the required non-Federal funding levels for energy conservation measures were achieved substantially for the previous fiscal year for which a similar certification was submitted, DOE may deny the application, accept it after the percentage of allocated funds is reduced

in light of past performance, or take other appropriate action.

(d) In the event that a State, after receiving a grant under this section, cannot or decides not to use all or part of the amount available to it for technical assistance, program assistance, and marketing, these funds may, at the discretion of the State and after appropriate application to and approval of DOE, be used for technical assistance and energy conservation grants to eligible institutions within that State in accordance with this part.

Subpart N—Administrative Review

§ 455.150 Right to administrative review.

(a) A State shall have a right to file a notice requesting administrative review of a decision under § 455.143 by a Support Office Director to disapprove an application for a grant award for State administrative expenses subject to special conditions or a decision under § 455.21 of this part by a Support Office Director to disapprove a State Plan or an amendment to a State Plan.

(b) A State shall have a right to file a notice requesting administrative review of a decision under § 455.144 by a Support Office Director to disapprove an application for a grant award for State technical assistance, program assistance, or marketing programs.

(c) A school, hospital, coordinating agency, or State acting as an institution's duly authorized agent shall have a right to file a notice requesting administrative review of a decision under § 455.140 by a Support Office Director to disapprove an application for a grant award to perform technical assistance programs or to acquire and install an energy conservation measure if the disapproval is based on a determination that:

(1) The applicant is ineligible, under § 455.61 or § 455.71 or for any other reason; or

(2) An energy use evaluation submitted in lieu of an energy audit is unacceptable under the State Plan; or

(3) A technical assistance program equivalent performed without the use of Federal funds does not comply with the requirements of § 455.62 for purposes of satisfying the eligibility requirements of § 455.71(a)(3).

§ 455.151 Notice requesting administrative review.

(a) Any applicant shall have 20 days from the date of receipt of a decision subject to administrative review under § 455.150 to disapprove its application for a grant award to file a notice requesting administrative review. If an applicant does not timely file such a notice, the decision to disapprove shall become final for DOE.

(b) A notice requesting administrative review shall be filed with the Support Office Director and shall be accompanied by a written statement containing supporting arguments.

(c) If the applicant is a State appealing pursuant to paragraph (a) of § 455.150, the State shall have the right to a public hearing. To exercise that right, the State must request such a hearing in the notice filed under paragraph (b) of this section. A public hearing under this section shall be informal and legislative in nature.

(d) A notice or any other document shall be deemed filed under this subpart upon receipt.

§ 455.152 Transmittal of record on review.

On or before 15 days from receipt of a notice requesting administrative review which is timely filed, the Support Office Director shall forward to the Deputy Assistant Secretary the notice requesting administrative review, the decision to disapprove as to which administrative review is sought, a draft recommended final decision for concurrence, and any other relevant material.

§ 455.153 Review by the Deputy Assistant Secretary.

(a) If a State requests a public hearing pursuant to paragraph (a) of § 455.150, the Deputy Assistant Secretary, within 15 days, shall give actual notice to the State and **Federal Register** notice of the date, place, time, and procedures which shall apply to the public hearing. Any public hearing under this section shall be informal and legislative in nature.

(b) The Deputy Assistant Secretary shall concur in, concur in as modified, or issue a substitute for the recommended decision of the Support Office Director:

(1) With respect to a notice filed pursuant to paragraph (a) of § 455.150, on or before 60 days from receipt of documents under § 455.152 or the conclusion of a public hearing, whichever is later; or

(2) With respect to a notice filed pursuant to paragraph (b) of § 455.150, on or before 30 days from receipt of documents under § 455.152.

§ 455.154 Discretionary review by the Assistant Secretary.

On or before 15 days from the date of the determination under § 455.153(b), the applicant for a grant award may file an application, with a supporting statement of reasons, for discretionary review by the Assistant Secretary. If administrative review is sought pursuant to paragraph (a) of § 455.150, the Assistant Secretary shall send a notice granting or denying discretionary review within 15 days and upon granting such review, shall issue a decision no later that 60 days from the date discretionary review is granted. If administrative review is sought pursuant to paragraph (b) of § 455.150, the Assistant Secretary shall send a notice granting or denying discretionary review within 15 days and upon granting such review shall issue a decision no later than 30 days from the date discretionary review is granted. The Assistant Secretary may not issue a notice or decision under this paragraph without the concurrence of the DOE Office of General Counsel.

§ 455.155 Finality of decision.

A decision under § 455.153 shall be final for DOE if there is no review sought under § 455.154. If there is review under § 455.154, the decision thereunder shall be final for DOE, and no appeal shall lie elsewhere in DOE.

[FR Doc. 93-3696 Filed 2-18-93; 8:45 am]
BILLING CODE 6450-01-P

VOL
58

ISS
32

FE
19

19 93

UMI

Federal Register

Friday
February 19, 1993

Part VI

Department of Education

34 CFR Part 361
The State Vocational Rehabilitation Services Program; Proposed Rule

VOL
58
ISS
32
FE
19
1993
UMI

DEPARTMENT OF EDUCATION

34 CFR Part 361

The State Vocational Rehabilitation Services Program

AGENCY: Department of Education.
ACTION: Notice of intent to regulate.

SUMMARY: The Secretary provides notice that the Department intends to amend the regulations implementing The State Vocational Rehabilitation Services Program authorized under title I of the Rehabilitation Act of 1973, as amended (the Act), to establish evaluation standards and performance indicators, required under the Rehabilitation Act Amendments of 1992. The standards and indicators would be used to measure the performance of each State's program and to provide information for the development of a program improvement plan for each State that does not meet the standards. The Secretary is publishing this notice of intent to regulate to solicit public comment on what the content of the standards and indicators should be prior to the development of specific proposed standards and indicators.

DATES: Comments, suggestions, or recommendations in response to this notice must be received on or before April 20, 1993.

ADDRESSES: All comments concerning this notice should be addressed to Commissioner, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue, SW., room 3028, Mary E. Switzer Building, Washington, DC 20202–2899.

FOR FURTHER INFORMATION CONTACT: Hubert Davis, U.S. Department of Education, 400 Maryland Avenue, SW., room 3018, Mary E. Switzer Building, Washington, DC 20202–2899. Telephone: (202) 205–8299. Individuals who are hearing impaired may call (202) 205–5896 for TDD services.

SUPPLEMENTARY INFORMATION:

Background

The Rehabilitation Act Amendments of 1992 (Pub. L. 102–569, enacted October 29, 1992) added a new section 106, which requires the Secretary, through the Commissioner of the Rehabilitation Services Administration (RSA), to establish evaluation standards and performance indicators for the title I vocational rehabilitation services program by September 30, 1994. The standards and indicators must be developed with input from State vocational rehabilitation agencies, related professional and consumer organizations, service recipients, and other interested parties. Each State is required to report annually the extent to which it is in compliance with the evaluation standards and to develop a program improvement plan if its performance falls below established standards. The Secretary is required to withhold funds if a State agency that does not comply substantially with the evaluation standards fails to enter into a program improvement plan or to comply substantially with a program improvement plan.

The concept of using standards to evaluate the performance of rehabilitation programs is not new to the Act. Section 401(b) of the Rehabilitation Act of 1973 required the Secretary to develop and publish general standards for evaluating whether programs were achieving the objectives of the Act and to consider whether programs had met the standards in making decisions regarding continued or increased funding. The 1978 amendments to the Act struck the language in section 401(b) and added a new section 14 that required the Secretary to evaluate the impact and effectiveness of all programs under the Act, but did not require the Secretary to establish standards for evaluation or to consider the results of program evaluations in making funding decisions under the Act. The concept of standards subsequently was added to section 14 in the 1984 amendments to the Act, but no provision was made for using the standards or evaluations in making funding decisions. Since 1984, the provisions in section 14(a) relating to evaluation standards have remained substantially the same.

Standards were developed in the 1970s and 1980s in response to these evolving legislative requirements. RSA collaborated with the Council of State Administrators of Vocational Rehabilitation (CSAVR) to develop and field test the first set of standards. RSA later awarded an evaluation contract to the Berkeley Planning Associates (BPA) to develop a revised set of standards. The BPA standards assessed program procedures as well as outcomes. CSAVR reviewed and modified the standards developed by BPA and in 1984 recommended that State agencies adopt the modified standards. Although additional efforts have been made since 1984 to revise the BPA standards and to develop new standards, no other standards have been used to date.

Compliance with the BPA evaluation standards was voluntary. The standards were never used as a basis for sanctions or funding decisions because there was no such authority in the statute.

Statutory Provisions and Legislative History of Section 106

Section 106 provides that the evaluation standards and performance indicators must include outcome and related measures of program performance that facilitate, and in no way impede, the purpose and policy of title I. The purpose of title I, as stated in section 100 of the Act, as amended, is to assist States in operating a comprehensive, coordinated, effective, efficient, and accountable program of vocational rehabilitation that is designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, and capabilities, so that those individuals may prepare for and engage in gainful employment. The policy of title I, as stated in the amended section 100, is that each State's vocational rehabilitation program be carried out in a manner that is consistent with the following principles:

(A) Individuals with disabilities, including individuals with the most severe disabilities, are generally presumed to be capable of engaging in gainful employment, and the provision of individualized vocational rehabilitation services can improve their ability to become gainfully employed.

(B) Individuals with disabilities must be provided opportunities to pursue meaningful careers by securing gainful employment commensurate with their abilities and capabilities and in integrated settings.

(C) Individuals with disabilities must be active participants in their own rehabilitation programs, including making meaningful and informed choices about the selection of their vocational goals and objectives and the vocational services they receive.

(D) Families and natural supports can play an important role in the success of a vocational rehabilitation program if an individual with a disability requests or needs these supports.

(E) Qualified vocational rehabilitation counselors and other qualified rehabilitation personnel facilitate the accomplishment of an individual's employment goals and objectives.

(F) Individuals with disabilities and their advocates are full partners in the vocational rehabilitation program and must be involved on a regular basis and in a meaningful manner with respect to policy development and implementation.

(G) Accountability measures must facilitate and not impede the accomplishment of the goals and

objectives of the program, including providing vocational rehabilitation services to, among others, individuals with the most severe disabilities.

The only additional guidance provided in the legislative history for section 106 is the suggestion in the Committee Report of the Senate Committee on Labor and Human Resources that the standards and indicators should include factors relating to consumer satisfaction and should emphasize gainful employment outcomes.

Examples of Possible Standards and Indicators

On the basis of the statutory language and legislative history of section 106 and the stated purposes and policies of title I, the Secretary is giving preliminary consideration to proposing standards and indicators that would assess each State's vocational rehabilitation services program. The Secretary intends to develop standards and indicators that focus on assessing the quality of outcomes, rather than procedural requirements, because the legislation emphasizes performance outcomes and because the Secretary does not intend to duplicate procedural requirements for which there are existing compliance monitoring mechanisms. The Secretary is interested in receiving comment on this decision.

Examples of some possible evaluation standards are listed below, along with examples of possible performance indicators for each standard. The examples of standards and indicators provided in this notice are derived in part from the previous standards developed by RSA, CSAVR, and BPA, to the extent those standards continue to be relevant in light of amendments to title I. These examples are meant to stimulate public comment regarding what the proposed standards and indicators should be. They are not the Secretary's proposed standards and indicators.

(1) Coverage and Accessibility

Compliance with a coverage and accessibility standard, for example, might be measured by the following types of indicators:

- The number of individuals accepted for services, including those with severe disabilities, in relation to the number who apply for services.
- The number of individuals served, including those with severe disabilities, in relation to the number accepted for services.
- The number of individuals served, including those with severe disabilities, in relation to the State's population.
- The extent to which individuals who are served are provided all of the services identified in their IWRP.
- The extent to which individuals exiting special education, including those with severe disabilities, are accepted for services.

(2) Effective Use of Resources

Compliance with an effective use of resources standard might be measured by the following types of indicators:

- The extent to which successful employment outcomes are attained in relation to the resources of the State vocational rehabilitation agency.
- The extent to which eligibility determinations are made and services delivered in a timely manner.
- The average rehabilitation rate of counselors.

(3) Attainment of High Quality Employment and Employment-Related Outcomes for Clients

Compliance with an attainment of high quality employment and employment-related outcomes standard might be measured by the following types of indicators:

- The ratio of rehabilitations, including those attained by individuals with severe disabilities, to other types of case closures.
- The ratio of competitive employment outcomes to the total number of rehabilitations that are attained by clients, including individuals with severe disabilities.
- The extent to which placements provide increases in hours worked and wages earned from pre-service hours and wages.
- The extent to which placements are in career ladder positions with the potential for promotion.
- The extent to which placements provide integrated working environments.
- The extent to which placements reduce the number of rehabilitated individuals who receive public assistance and other transfer payments.
- The extent to which placements provide rehabilitated individuals with employment-related fringe benefits, such as health insurance and retirement benefits.

(4) Retention of Program Benefits by Clients

Compliance with a retention of program benefits standard might be measured by the following type of indicator:

- The extent to which the employment and related outcomes of rehabilitated individuals, such as those suggested under possible standard (3), are maintained or improved over time.
- The proportion of rehabilitated individuals who return for services.

(5) Consumer Satisfaction

Compliance with a consumer satisfaction standard might be measured by the following types of indicators:

- The extent to which clients are satisfied with their treatment by the vocational rehabilitation agency and counselors.
- The extent to which clients are satisfied with their participation in the selection of their vocational goals and objectives.
- The extent to which clients are satisfied with the services they have received.
- The extent to which clients are satisfied with the providers of needed services.
- The extent to which clients are satisfied with the employment they have obtained.

The Secretary anticipates that some of the data that is currently collected to measure compliance with program procedural requirements will also be useful in measuring performance under the standards and indicators. However, the Secretary believes that certain standards and indicators may be adopted that would require the collection of additional data. For example, the Secretary is not aware of existing data sources that could be used to measure performance under possible consumer satisfaction and retention of benefits standards. The Secretary requests that commenters identify existing data sources that may provide useful information for measuring performance under possible standards and indicators that are proposed by the commenter or provided as examples in this notice.

If additional data is required to measure performance under the standards and indicators that are adopted, the Secretary intends to begin measuring performance under those standards and indicators that can be measured based on existing data sources prior to measuring performance under the standards and indicators that require the collection of additional data.

INVITATION TO COMMENT:

The Secretary is interested in receiving public comment on (1) whether the examples of standards contained in this notice are an appropriate basis for measuring program performance and, if not, what alternative standards should be used; (2) whether the types of indicators provided as examples in this notice would be measurable, and what other indicators would better implement specific standards (both those contained in this notice and those proposed in

comments); and (3) what weights should be given to specific standards (both those contained in this notice and those proposed in comments). The Secretary encourages commenters to propose standards and indicators that are measurable and are not unduly burdensome and to consider both qualitative and quantitative factors of vocational rehabilitation program performance. In addition, because program performance may be affected by factors such as the types of clients a State vocational rehabilitation agency serves and the economic environment within a State, the Secretary is interested in receiving comment on whether client and economic variables should be taken into account so that the measures of reported performance are standardized from State to State. Finally, the Secretary is interested in receiving comment on how acceptable levels of performance under each standard should be determined.

All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in room 3018, 330 C Street, SW., Washington DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

(Authority: 29 U.S.C. 726)

Dated: February 12, 1993.

Richard W. Riley,

Secretary of Education.

[FR Doc. 93–3842 Filed 2–18–93; 8:45 am]

BILLING CODE 4000–01–U

VOL 58 ISS 32 FE 19 1993 UMI

Federal Register

Friday
February 19, 1993

Part VII

Department of Education

34 CFR Part 305
Regional Resources and Federal Centers; Final Rule

VOL 58 ISS 32 FE 19 1993 UMI

DEPARTMENT OF EDUCATION

34 CFR Part 305

RIN 1820–AB00

Regional Resource and Federal Centers

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations implementing the Regional Resource and Federal Centers program authorized by section 621 of the Individuals with Disabilities Education Act (IDEA). These final regulatory changes are needed to implement the guidelines and criteria developed by the Secretary based on recommendations from a panel convened in accordance with section 621(f)(1) of the IDEA. These regulations add requirements for the Regional Resource and Federal Centers related to the identification of and the provision of technical assistance on emerging issues and trends; clarify responsibilities related to linking and coordinating with other technical assistance providers as well as certain other entities; and assure that Regional Resource Center (RRC) evaluation measures include State capacity for improving services for students with disabilities.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournment. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ms. Marie Roane, U.S. Department of Education, 400 Maryland Avenue, SW., room 3072, Switzer Building, Washington, DC 20202–2651. Telephone: (202) 205–8451. Deaf and hearing impaired individuals may call (202) 205–6170 for TDD services.

SUPPLEMENTARY INFORMATION: The Regional Resource and Federal Centers program provides assistance for projects designed to assist State educational agencies, and through those State educational agencies, local educational agencies and other appropriate agencies providing special education, related services, and early intervention services to infants, toddlers, children, and youth with disabilities and their families. Public Law 101–476, amending the IDEA, required that the Secretary convene a panel to develop, and publish in the **Federal Register** for review and comment, guidelines and criteria for the operation of the program.

This program supports the National Education Goals by improving services for infants, toddlers, children, and youth with disabilities and, by so doing, helping them reach the high levels of academic achievement called for by the National Education Goals.

On September 21, 1992, the Secretary published a notice of proposed rulemaking (NPRM) in the **Federal Register** (57 FR 43572). The NPRM included a discussion of the major issues.

Public Comment

In the NPRM the Secretary invited comments on the proposed regulations. Except for minor editorial revisions, there are no differences between the NPRM and these final regulations. The Secretary did not receive any substantive comments.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and on its own review, the Department has determined that the regulations in this document do not require transmission of any information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 305

Grant programs—education, State, State educational agencies, Infants, toddlers, children, and youth with disabilities, Early intervention, Special education and related services, Local educational agencies.

(Catalog of Federal Domestic Assistance Number 84.028, Regional Resource and Federal Centers)

Dated: February 4, 1993.

Richard W. Riley,

Secretary of Education.

The Secretary amends part 305 of title 34 of the Code of Federal Regulations as follows:

PART 305—REGIONAL RESOURCE AND FEDERAL CENTERS

1. The authority citation for part 305 continues to read as follows:

Authority: 20 U.S.C. 1421, unless otherwise noted.

2. Section 305.10 is amended by revising the heading, and adding after the words "identifying and solving persistent problems" in paragraph (b) a comma and the words "and in identifying emerging issues and trends", to read as follows:

§ 305.10 What kinds of services are provided by Regional Resource Centers under this part?

* * * * *

3. Section 305.11 is redesignated as § 305.12, and a new § 305.11 is added to read as follows:

§ 305.11 What kinds of services are provided by the Federal Center under this part?

The Federal Center shall—

(a) Provide a national perspective for establishing technical assistance activities within and across regions by identifying and synthesizing emerging issues and trends and establishing a panel to interpret this information. This panel must be broadly representative of the special education constituency, including representatives of State and local educational agencies, parent organizations, consumer and advocacy organizations, professional organizations, and consumers, with particular attention being given to individuals from minority backgrounds. This information must be shared with Regional Resource Centers and State educational agencies and may serve as a basis for multi-State and multi-regional technical assistance activities;

(b) Assist in linking and coordinating the Regional Resource Centers with each other and with other technical assistance providers, including health-

related entities as well as organizations representing persons with disabilities, professional organizations, and parent projects. Information from these activities must be shared with the Regional Resource Centers as well as the States;

(c) Provide information to, and training for, agencies, institutions, and organizations regarding techniques and approaches for submitting applications for grants, contracts, and cooperative agreements under Parts C through G of the Act, and make that information available to the Regional Resource Centers on request;

(d) Give priority to providing technical assistance concerning the education of children with disabilities from minority backgrounds and exchanging information with and, if appropriate, cooperating with other centers addressing the needs of these children; and

(e) Provide assistance to State educational agencies, through Regional Resource Centers, for the training of hearing officers.

(Authority: 20 U.S.C. 1421)

§ 305.30 [Amended]

4. Section 305.30 is amended by adding the words "and § 305.11" after "in § 305.10".

5. Section 305.31 is amended by revising the heading, paragraphs (a)(1) and (2), and paragraph (f)(2) and adding a parenthetical phrase at the end of the section immediately preceding the authority citation to read as follows:

§ 305.31 What are the selection criteria for evaluating applications under this program?

* * * * *

(a) * * *

(1) The Secretary reviews each application for a Regional Resource Center for information that shows the needs of the States in the region and support for the applicant's project by the agencies to be served by the project.

(2) The Secretary reviews each application for a Federal Center for information that identifies potential issues and trends of national concern and procedures for obtaining broad based input in validating, interpreting, synthesizing, and updating information on emerging issues and trends on a regular basis.

(f) * * *

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project, and, to the extent possible, are objective and produce data that are quantifiable. For Regional Resource Centers, evaluation methods must include evaluation of changes in State capacity to work with local educational agencies to improve services for students with disabilities.

* * * * *

(Approved by the Office of Management and Budget under control number 1820–0028)

(Authority: 20 U.S.C. 1421)

6. In § 305.40 the heading and undesignated introductory text are revised and a parenthetical phrase is added at the end of the section immediately preceding the authority citation to read as follows:

§ 305.40 What additional activities must each Center perform?

Each Regional Resource or Federal Center shall—

* * * * *

(Approved by the Office of Management and Budget under control number 1820–0028)

(Authority: 20 U.S.C. 1409(g); 20 U.S.C. 1421)

[FR Doc. 93–3839 Filed 2–18–93; 8:45 am]

BILLING CODE 4000–01–M

VOL
58

ISS
32

FE
19

1993

UMI

federal register

Friday
February 19, 1993

Part VIII

Department of the Interior

Bureau of Indian Affairs

Indian Gaming; Notice

VOL
58
ISS
32
FE
19
1993
UMI

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Tribal-State Compact for Class III Gaming Between the Swinomish Indian Tribal Community and the State of Washington, enacted on December 21, 1992.

DATES: This action is effective February 19, 1993.

FOR FURTHER INFORMATION CONTACT: Hilda Manuel, Interim Staff Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–0994.

Dated: February 11, 1993.

Stan Speaks,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 93–3868 Filed 2–18–93; 8:45 am]

BILLING CODE 4310–02–M

Federal Register

Friday
February 19, 1993

Part IX

Environmental Protection Agency

40 CFR Part 86
Control of Air Pollution From New Motor Vehicles; Final Rule

VOL 58 ISS 32 FE 19 1993 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS–FRL–4595–7]

RIN 2060–AC65

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Regulations Requiring On-Board Diagnostic Systems on 1994 and Later Model Year Light-Duty Vehicles and Light-Duty Trucks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule establishes requirements for on-board diagnostic (OBD) systems on light-duty vehicles and light-duty trucks beginning with the 1994 model year. Section 202(m) of the Clean Air Act (CAA) requires EPA to promulgate rules mandating OBD systems on such vehicles. This rulemaking requires manufacturers to install OBD systems which; monitor emission control components for any malfunction or deterioration causing exceedances of emission standards, and alert the vehicle operator to the need for repair. This rulemaking also requires that, when a malfunction occurs, diagnostic information must be stored in the vehicle's computer to assist the mechanic in diagnosis and repair. This rulemaking does not contain the final requirements under which information necessary to perform repair and maintenance service on on-board diagnostic systems and other emission-related vehicle components would be made available to the service and repair industry. Such requirements will be contained in a forthcoming Agency rulemaking.

DATES: This final rule is effective May 20, 1993. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 20, 1993.

The information collection requirements contained in § 86.094–21 have not been approved by the Office of Management and Budget (OMB) and are not effective until OMB has approved them. A technical amendment will be published in the **Federal Register** when OMB has approved the information collection requirements.

ADDRESSES: Materials relevant to this rulemaking are contained in Docket No. A–90–35. The docket is located at The Air Docket, 401 M Street, SW., Washington, DC 20460, and may be viewed in room M–1500—8:30 a.m. until noon and from 1:30 p.m. until 3:30 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket material.

FOR FURTHER INFORMATION CONTACT: Todd Sherwood, Certification Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Telephone (313) 668–4405.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction and Summary of Rule
II. Background and Development
III. Requirements of the OBD Final Rule
  A. General System Requirements
  B. Standardized Codes and Accessibility
  C. Anti-Tampering Measures
  D. Monitoring Frequency
  E. MIL Illumination
  F. Repair Information Availability
  G. Enforcement
IV. Public Participation
V. Discussion of Comments and Issues
  A. Acceptance of California OBD II Requirements
  B. Catalyst Monitoring
  C. Technological Feasibility of Evaporative Control System Leak Detection
  D. Phase-in of Leak Detection Within the Evaporative Emission Control System
  E. Emission Threshold Approach and Exhaust Emission Threshold Levels
  F. In-Use Enforcement
  G. Waiver Provisions
  H. Diesel-Fueled Vehicle Requirements
  I. Misfire Fuel Shut-Off
  J. Monitoring Limitation to Powertrain Components
  K. Limitation to Vapor Leaks on Evaporative Monitoring
  L. Durability Data Vehicle (DDV) Requirements
VI. Cost Effectiveness
  A. Emission Reductions and Air Quality Impacts
  B. Economic Impacts
  C. Cost Effectiveness
VII. Administrative Requirements
  A. Administrative Designation
  B. Reporting and Recordkeeping Requirements
  C. Impact on Small Entities
VIII. Authority

I. Introduction and Summary of Rule

Section 202(m) of the CAA, as amended by the Clean Air Act Amendments of 1990 (CAAA), directs EPA to promulgate regulations requiring 1994 and later model year light-duty vehicles (LDVs) and light-duty trucks (LDTs) to contain an OBD system which will monitor emission-related components for malfunctions or deterioration "which could cause or result in failure of the vehicles to comply with emission standards established" for such vehicles.[1] On September 24, 1991, EPA published a notice of proposed rulemaking[2] outlining the Agency's proposed OBD requirements. Today's document promulgates these regulations.

Under these regulations, a vehicle's OBD system must be capable of detecting a malfunction or deterioration of emission-related components or design elements before such a malfunction or deterioration individually causes an emission increase greater than certain thresholds set by EPA as outlined below. EPA will evaluate whether the OBD system is properly monitoring and identifying such malfunctions or deterioration using the Federal Test Procedure (FTP). When such a malfunction or deterioration is detected, a malfunction indicator light (MIL) must illuminate on the dashboard and codes identifying the malfunction must be stored in the computer for access by a repair technician.

For LDVs and LDTs with Otto cycle engines, the rule requires that the OBD system monitor the performance and detect malfunctions and deterioration of the catalyst and oxygen sensor and detect engine misfire. When the OBD system makes such a detection, a trouble code must be stored in the vehicle computer identifying the likely problem, and the MIL must be illuminated. The thresholds for OBD system identification of these emission-related malfunctions or deterioration are as follows:

(1) Catalyst deterioration before it results in both exhaust emissions greater than 0.6 g/mi HC and an exhaust emission increase of greater than 0.4 g/mi HC;

(2) Engine misfire before it results in an exhaust emission increase of greater than 0.4 g/mi HC, 3.4 g/mi CO, or 1.0 g/mi NOx; and,

(3) Oxygen sensor deterioration before it results in an exhaust emission increase of greater than 0.2 g/mi HC, 1.7 g/mi CO, or 0.5 g/mi NOx.

In addition to detecting misfire as described above, the system must store a code indicating which cylinder is misfiring or that multiple cylinders are misfiring. In addition to detecting oxygen sensor deterioration as described above, the system must detect any malfunction or deterioration of the sensor that renders it incapable of

[1] These regulations apply to all 1994 and later model year LDVs and LDTs for which emission standards are currently in place or are subsequently adopted. In addition to standards already in place, EPA is developing standards which would be applicable to vehicles when operating on natural gas and liquified petroleum gas (57 FR 52912, November 5, 1992).

[2] 56 FR 48272 (September 24, 1991).

satisfactorily performing its functions as part of the OBD system.

Additionally, manufacturers are required to detect the occurrence of a malfunction or deterioration of any other emission-related powertrain system or component that results in an FTP exhaust emission increase of 0.2 g/mi HC, 1.7 g/mi CO, or 0.5 g/mi NO_x. Rather than explicitly specifying what other components must be monitored, EPA is providing the manufacturer with the flexibility to determine the need to monitor. Finally, for all vehicles certified to the revised evaporative emissions test procedure,[3] the vehicle's OBD system must detect the occurrence of any leakage or other malfunction of the vapor recovery or purge systems that results in an evaporative emissions increase of 30.0 g/test where these emissions result from vapor leaks greater than or equal to a 0.04 inch (1 mm) diameter hole or equivalent sized leak. Manufacturers are required to detect these additional malfunctions only if they occur in actual use and result in the aforementioned emission levels or increases. In other words, if operational failure of components or systems other than the catalyst, the oxygen sensor, or anything causing engine misfire is avoidable or will not cause an emission increase greater than the thresholds discussed in this paragraph, such components or systems need not be monitored, nor their failures detected. However, to ensure compliance with these regulations, the Agency's in-use enforcement program will be structured to evaluate whether threshold-exceeding emission increases do, in fact, occur in-use.

For LDVs and LDTs with diesel cycle engines, this rulemaking does not require monitoring of the oxygen sensor and detection of engine misfire. However, catalyst malfunction or deterioration must be detected before emissions are greater than 0.6 g/mi HC and have increased 0.4 g/mi HC, and any other malfunction or deterioration of an emission-related powertrain component must be detected prior to an emission increase of 0.2 g/mi HC, 1.7 g/mi CO, or 0.5 g/mi NO_x. Manufacturers are required to detect these malfunctions (including malfunction of the catalyst) only if they occur in actual use and result in the aforementioned emission levels or increases. Therefore, if manufacturers are confident that any malfunction or deterioration will not result in threshold-exceeding emission increases, they may choose to forego OBD monitoring of emission control system performance. To ensure compliance with these regulations, the Agency's in-use enforcement program will be structured to evaluate whether threshold-exceeding emission increases do, in fact, occur in-use.

For the purpose of this rulemaking, the emission increases discussed above are measured from a baseline emission level equivalent to the emission level of the vehicle under normal and properly maintained operating conditions. In other words, the emission thresholds represent emission increases above the emission level of the vehicle prior to the malfunction occurring. If, by replacing a questionable component with a known good component the emissions decrease by the threshold level for that component, the OBD system should have detected a problem and flagged the questionable component as malfunctioning.

This rulemaking also requires that, for all LDVs and LDTs (including those with diesel cycle engines), the OBD system monitor and detect electrical failure or disconnection of the evaporative purge control or any emission-related powertrain component which, either directly or indirectly, sends information to, or receives information from, the vehicle's on-board computer. If electrical disconnection occurs that prevents or limits the operation of the component, regardless of the emission effect, the MIL must be illuminated and a trouble code stored. For obvious reasons, electrical functioning of the evaporative purge control need not be monitored on vehicles not equipped with an evaporative emission control system.

This rulemaking also contains anti-tampering provisions to protect the on-board computer from any form of tampering, and to make inspection of the OBD system an effective in-use enforcement measure during Inspection and Maintenance program testing.

The proposed requirements governing the accessibility of stored codes to persons servicing OBD equipped vehicles are also being finalized in this rulemaking. However, the proposed requirements under which manufacturers must make available, in a timely fashion and at a reasonable cost, all emission-related diagnostic and repair information necessary to properly use the OBD system and make emission-related repairs are not being made final in this rulemaking. A forthcoming Agency final rulemaking shall address these proposed requirements.

In accordance with the CAAA, all requirements will be implemented beginning with the 1994 model year, with the exception of vapor leak detection within the evaporative emission control system as noted below. Manufacturers can request waivers for OBD requirements for up to two years. EPA will consider each waiver request on a case-by-case basis.

These regulations adopt a two step phase-in of evaporative control system OBD requirements. Beginning with the 1994 model year, all vehicles not having been granted a waiver from OBD requirements by EPA will be expected to detect electrical failure within the evaporative purge control. In addition, EPA will implement the OBD criteria for vapor leak detection and non-electrical purge problems within the evaporative emissions control system for vehicles certified to the Agency's revised evaporative emission test procedure, which will be phased-in between model years 1996 and 1999.

Today's rulemaking makes an allowance for manufacturers to satisfy the Federal OBD requirements through the 1998 model year by installing systems satisfying the California OBD II requirements pertaining to those model years. This allowance means that manufacturers could concentrate on designing one system to meet the California OBD requirements and installing that system nationwide during allowable model years. The Agency will accept OBD systems which demonstrate compliance with California OBD II regulations as satisfying Federal OBD requirements for this period.

Despite EPA acceptance of OBD systems that meet the OBD II requirements, all existing Federal requirements and those being made final today will continue to apply, with the exception of the following: § 86.094–17, specifying the technical requirements of OBD; § 86.094–18, specifying the tampering prevention requirements; § 86.094–25(d), specifying the durability data vehicle requirements; and §§ 86.094–30(f) and 86.095–30(f), specifying the OBD certification requirements. For example, the Agency will conduct its own certification, selective enforcement audit, and in-use enforcement programs. However, for a 1994 through 1998 model year vehicle certified to OBD II regulations, compliance will be determined against the OBD II emission thresholds and other technical requirements. EPA will conduct its own enforcement programs separately from California, but the enforcement protocols used by the Agency for vehicles certified to the OBD II

[3] Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines: Evaporative Emission Regulations for Gasoline- and Methanol-Fueled Light-Duty Vehicles, Light-Duty Trucks and Heavy-Duty Vehicles, signed by the Administrator on January 20, 1993, and soon to appear in the Federal Register.

requirements will be those specified in the OBD II rule.

Today's final rulemaking is expected to result in substantial emission reductions at reasonable costs. The cost effectiveness, or total dollars per ton of pollutant reduced, has been estimated at $1,974 per ton of HC reduced, $124 per ton of CO reduced, and $1,974 per ton of NO_x reduced. The increased cost to the manufacturer is estimated at roughly $78 per vehicle. This reduces to an estimated net cost increase to the consumer of $36 per vehicle after accounting for fuel economy savings and other savings associated with replacement of current I/M tailpipe testing with OBD system checks.

Today's rulemaking applies to all 1994 and later model year light-duty vehicles and light-duty trucks manufactured on, or after, the effective date of these regulations, as indicated above.[4]

II. Background and Development

On November 15, 1990, the Clean Air Act Amendments of 1990 were signed into law. Section 207(a) of these amendments added paragraph (m) to section 202 of the Clean Air Act (CAA, or Act), which directs the EPA to promulgate regulations requiring manufacturers to install on all new 1994 and later model year LDVs and LDTs diagnostic systems capable of:

(a) Accurately identifying, for the vehicle's useful life, emission-related system deterioration or malfunction, including, at a minimum, the catalytic converter and oxygen (O_2) sensor, which could cause or result in failure of the vehicles to comply with emission standards;

(b) Alerting the vehicle's owner or operator to the likely need for emission-related component or system maintenance or repair;

(c) Storing and retrieving fault codes specified by the Administrator; and

(d) Providing access to stored information in a manner specified by the Administrator.

In addition, section 202(m)(5) of the amended Act requires manufacturers to make available to interested persons all necessary emission-related maintenance and repair information, including information needed to make use of the OBD system. Such information is to be provided according to regulations adopted by EPA.

As of August 1990, 96 urban areas were in violation of the National Ambient Air Quality Standard (NAAQS) for ozone and 41 areas could not attain the NAAQS for carbon monoxide (CO). EPA estimates that currently 60% of the total tailpipe HC emissions from LDVs are caused by the 20% of vehicles with serious emission control system malfunctions or degradation.[5] The more stringent new vehicle emission standards mandated by the Act are likely to increase further the proportion of total LDV emissions from malfunctioning vehicles.

Most OBD systems on current in-use vehicles target only those malfunctions causing driveability problems. However, many types of malfunctions may not cause driveability problems but may nonetheless lead to significant increases in emissions. Since emission-related malfunctions do not generally cause any outward indication of a problem (e.g., poor driveability or decreased fuel economy), these malfunctions would be difficult to detect and repair without OBD.

Inspection and Maintenance (I/M) programs target these malfunctions, but often cannot detect them because of the limited test conditions possible with current I/M programs. Because OBD can be operable during essentially the full operating range of the vehicle, problems with vehicle operation which may occur during only limited operating conditions but causing significant emission increases can more effectively be detected through OBD.

Both the California Air Resources Board (CARB) and EPA have studied ways to use OBD systems to detect emission problems. In 1985, CARB promulgated California state regulations which required the vehicle's on-board computer to monitor the oxygen sensor, the EGR valve, and the evaporative purge solenoid for proper operation and to provide a warning to the vehicle operator when any malfunctions occurred. That set of regulations is known as OBD I and took effect beginning with the 1988 model year.[6]

However, OBD I does not require monitoring of several critical emission-related components (e.g., catalyst, evaporative system vapor leaks) and does not require sufficient sensitivity to detect significant malfunctions of components that are monitored (e.g., electrical circuit continuity of the oxygen sensor was required, rather than a more complete check of actual oxygen sensor operating characteristics). CARB has promulgated new OBD regulations, OBD II,[7] which provide more stringent requirements and other improvements to the OBD system. Such requirements include catalyst monitoring, evaporative emission control system leak detection, monitoring of the operational characteristics of the oxygen sensor, and detection of engine misfire. These OBD II requirements would be implemented by manufacturers installing specific CARB mandated OBD systems in their LDVs and LDTs. OBD II is scheduled for phase-in beginning with the 1994 model year, with full compliance by the 1996 model year. EPA has worked closely with CARB in developing both the technology and the enforcement aspects of the OBD II regulations.

After passage of the CAAA, the Agency published a notice of proposed rulemaking on September 24, 1991, requiring OBD on all new vehicles beginning with the 1994 model year. This final rulemaking adopts the proposed regulations with some exceptions as discussed later in this preamble.

The regulations promulgated today differ from California's OBD II rule in some respects. The requirements being promulgated today are expressed as emission performance standards, rather than the more design-oriented approach taken in the OBD II requirements. Emission performance standards provide the manufacturer with flexibility in determining which components or systems the OBD system should monitor and how to monitor them. Manufacturers will be allowed to determine the most appropriate means of monitoring without seeking Agency regulatory approval. However, manufacturers may have the additional burden of selecting OBD system calibrations that ensure each unique design they produce complies with emission performance standards, and that their unique designs perform to the level required under these regulations.

The Agency expects that manufacturers will be able to develop identical systems to comply with both Federal and California regulations, but additional testing and calibrations development may be necessary for manufacturers to assure proper optimization of their systems. EPA has estimated these incremental costs and has included them under the category of "Application Costs" in the Regulatory Impact Analysis (RIA).

In response to concerns regarding this incremental burden, especially as it might impact implementation during the initial model years, EPA has decided to accept compliance with the California

[4] Memorandum from Todd Sherwood to OBD Docket No. A–90–35 regarding the Ninety Day Effective Date on OBD Final Rulemaking, January 12, 1993

[5] Regulatory Impact Analysis: On-Board Diagnostics, Appendix I; Air Docket No. A–90–35.

[6] Title 13 California Code § 1968 (p. 614.16.1)

[7] Title 13 California Code § 1968.1.

OBD II requirements as an alternative means of meeting certain portions of the Federal requirements through the 1998 model year. Beyond the 1998 model year, full compliance with the Federal OBD rule will be required.[8]

III. Requirements of the OBD Final Rule

A. General System Requirements

The primary purpose of section 202(m) is to require manufacturers to install OBD systems to detect malfunctioning or deteriorated performance of a vehicle's emission-related components. The OBD system's secondary purpose is to aid in the proper diagnosis and repair of those emission-related problems.

The Act requires EPA to promulgate regulations requiring OBD systems that are able to accurately identify any emission-related deterioration or malfunction that could cause or result in exceedance of an emission standard. EPA acknowledges that a properly designed and operating vehicle could have emission levels approaching or even equaling the emission standards. In such cases, a very slight malfunction or minor deterioration, which may be infeasible to detect using OBD, could result in failure to meet an emission standard.

In other situations, a vehicle might not experience much emission performance deterioration even though an individual component's performance has reached a detectable level of malfunction or deterioration. Replacement of the component at this stage would provide little emission benefit, especially considering the cost of the repair, and could, in fact, be inappropriate if the component was incorrectly identified as having reached a detectable level of malfunction or deterioration.

Therefore, EPA is adopting a threshold approach to define the performance requirements of the Federal OBD system. Under this threshold approach, when a malfunction or deterioration of a specific emission-related component or system causes emissions to increase significantly, compared to what the emissions would be if the malfunction had not occurred, the OBD system would be expected to detect and flag the component as malfunctioning. For example, under the regulations promulgated today, if deterioration or malfunction of a vehicle's oxygen sensor is resulting in an emission increase of 0.2 g/mi HC, 1.7 g/mi CO, or 0.5 g/mi NO_X, compared to what emissions would be if the oxygen sensor was working properly, then the vehicle's OBD system must detect this oxygen sensor malfunction and indicate that it has occurred. If the OBD system does not detect such malfunctions, it may be denied certification or be subject to recall. EPA's testing procedures for enforcing these regulations are discussed in section III.G below. EPA's reasons for using this approach are discussed further in section V.E.

The threshold approach also allows EPA to recognize both the technological feasibility of malfunction detection with OBD and the costs and emission benefits of subsequent repairs. EPA has required the OBD system to detect only those problems which can reliably be detected and whose repair would result in a significant improvement in emission performance. Thus, as discussed in detail in the NPRM, the threshold levels promulgated by EPA represent the minimum levels of significant emission impact which are technologically feasible to detect. As other information becomes available to EPA demonstrating the technological feasibility and appropriateness of setting lower threshold levels, EPA would plan to propose revisions to these thresholds.

The rulemaking places a minimum of specific monitoring requirements on the manufacturer. As required by the Act, the OBD system must monitor catalyst and oxygen sensor performance. In addition, the OBD system must monitor for and detect engine misfire and electrical disconnection of the evaporative purge control and any emission-related powertrain component or system which directly or indirectly sends information to or receives information from the vehicle's computer. The two requirements for misfire and electrical disconnection have changed slightly from the proposed requirements. For safety reasons, there will not be a requirement for fuel shut-off to misfiring cylinders, and detection of electrical disconnects and other malfunctions has been limited to powertrain components and electronic evaporative purge control as a result of EPA's conclusion, after extensive public comments, that the proposed language required broader monitoring than that contemplated under the CAA. These changes are discussed in more detail below.

These regulations also require a malfunction indicator light (MIL) on the vehicle dashboard that illuminates if component deterioration or malfunction causes emissions to increase above the threshold levels specified in these regulations, or if loss of electrical circuit continuity of a monitored component is detected. The purpose of the MIL is to inform the vehicle operator of the need for service when the vehicle is operating under potentially high emitting conditions.

Evaluation of a vehicle's OBD system at 75°F should be adequate for ensuring proper system operation at cold ambient temperatures. EPA believes that the advent of cold temperature CO standards will result in the development of emission control strategies at cold ambient temperatures that are more consistent with emission control strategies currently designed for 75°F standards. As a result of this enhanced control, it is anticipated that any significant emission increase occurring at cold temperatures due to component malfunction or deterioration will be detectable by a vehicle's OBD system at 75°F.

EPA expects that manufacturers will install OBD systems that are feasible and accurate, which will minimize false malfunction indications and potentially needless repairs, and thus will gain consumer credibility and acceptance. Consumer acceptance is a crucial aspect of the OBD program because OBD's effectiveness relies heavily on drivers responding positively to an illuminated MIL by taking the vehicle for repair. It is a workable system that will lead to the repair of malfunctioning vehicles that contribute to air quality problems throughout the nation. EPA intends to monitor closely the development of OBD technology, consumer acceptance, and emission control strategies. As appropriate, EPA will revisit these issues and revise its OBD regulations.

B. Standardized Codes and Accessibility

Section 202(m)(4) of the Act, as amended, requires that OBD system information be unrestricted and accessible to anyone via standardized connectors without requiring access codes or any device only available from the manufacturer. Further, the OBD system information must be usable without need for any unique decoding information or device. To satisfy these mandates, EPA is requiring that OBD systems conform to uniform industry

[8] Beginning with the 1999 model year, California will also accept systems meeting Federal requirements as automatically satisfying California OBD requirements for vehicles designed to meet Tier 1 standards, see CARB Mail-Out #92-56.

[9] See SAE standards ##J1850, J1877, J1892, J1962, J1979, J2012, and J2186 in effect at the time of publication of this rule. Copies of these standards have been placed in the docket for this rulemaking. Note that SAE standards ##J1978 and J2205, and ISO 9141, included in the proposed rulemaking, are not incorporated into this final rulemaking. These documents had not been published as final standards at the date of publication of this final rule; when these documents are published as final,

Continued

standards adopted through the Society of Automotive Engineers (SAE) and be accessible with the use of a standard hand-held diagnostic tool.[9] EPA has reviewed these SAE standards and believes they accurately and completely specify the needed requirements. In addition to "freeze-frame" information giving engine operating conditions at the time of the malfunction, the rulemaking requires that the following information be provided over the standard data link connector, if the information is available to the on-board computer or can be determined using information available to the on-board computer: calculated load value, diagnostic trouble codes, engine coolant temperature, fuel control system status, fuel trim, fuel pressure, ignition timing advance, intake air temperature, manifold air pressure, air flow rate from the mass air flow meter, engine RPM, throttle position sensor output value, secondary air status, and vehicle speed. EPA believes this information is valuable in diagnosing malfunctions and performing appropriate repairs, and it is also required by California's OBD II regulation. In addition, to increase vehicle repairability and specific to the Federal OBD rule, the regulations require that the vehicle be capable of performing bi-directional diagnostic control (i.e., the ability to not only receive information from the vehicle's computer but also control the status of various sensors by sending control signals to the vehicle's computer) based on SAE communication specifications on demand through the serial port on the standardized data link connector.

The final regulations for this requirement are identical to those in the proposed regulations, except that air flow rate and vehicle speed have been added to paragraph (f)(2) of § 86.094–17 after having been inadvertently excluded from the proposed regulations. EPA received no public comments specific to the proposed requirements for standardization and accessibility of stored computer information. Comments on the conditions for freeze-frame storage are discussed in section 3 of the Response to Comments document in the OBD docket.

C. Anti-Tampering Measures

With today's rulemaking, EPA is requiring that manufacturers protect their on-board diagnostic computers from tampering. The method employed is left to the manufacturer's choice. Such methods could include soldering chips to their circuit boards, enclosing ("potting") the computer in a material such as polyurethane, or otherwise permanently sealing the computer housing. Write-protect features are required for flash memory systems. This OBD regulation requires adherence to SAE standard #J2186, which has been developed to meet CARB's OBD II requirement for write-protection.

Today's rule also requires manufacturers to use a single dashboard MIL to indicate all emission-related problems detected by the OBD system. The purpose being to prevent a proliferation of warning lights that could lead to driver confusion. Manufacturers may install warning lights separate from the MIL intended to alert the driver to safety problems or problems related to engine operation which could result in immediate damage, such as low oil pressure or over temperature conditions. (Separate warning lights for engine temperature, oil level, and alternator performance will continue to be allowed). EPA believes the requirement to have a single MIL for all emission-related problems is consistent with California's OBD II requirement.

To discourage tampering, the MIL must illuminate when the vehicle's ignition is in the "key-on" position each time the vehicle is started. This will facilitate in-use inspection to determine that the system is functioning. The MIL will go off after the engine is started unless a malfunction has been detected. Illumination of warning lights during key-on is already common practice in the auto industry.

The regulations also require that a readiness code be stored in the on-board computer to indicate when the diagnostic system has completed all monitoring checks and determined that all monitored systems are functioning properly. The readiness code will ensure I/M testing personnel and service technicians that malfunction codes have not been cleared since the last OBD check of the vehicle's emission-related control systems. This code will be essential if OBD checks are ever to replace tailpipe tests in I/M programs, since I/M personnel must be sure that the OBD system has had sufficient time to completely check all components and systems. The readiness code is also crucial for indicating to service personnel whether any repairs have been conducted properly; if the readiness code appears indicating a full functional check has been completed without any malfunctions being detected, the repair has been successful. As noted in the following section on Monitoring Frequency, a full evaluation of the monitored systems may require extended vehicle operation to satisfactorily verify emission-related component or system performance.

In addition, aftermarket parts must be fully compatible with the OBD system. Installation of aftermarket parts which prevent the OBD system from performing its proper function will be considered tampering. Questions regarding potential tampering due to installation of aftermarket parts will be considered in the same manner as EPA considers devices or actions which could affect emission performance.

The anti-tampering provisions of the final regulations are identical to those proposed, except for the addition of paragraph (b) to section 86.094–18, which accepts demonstration of compliance with the OBD II tampering protection features through the 1998 model year.

D. Monitoring Frequency

EPA expects that the OBD system will evaluate component performance as often as possible. Therefore, EPA is requiring that all components monitored by the OBD system be evaluated at least once every trip, with one CVS–72[10] driving cycle qualifying as a trip. Manufacturers may monitor emission-related components more frequently to avoid component damage or assure a reliable assessment of component performance.

The monitoring frequency provisions of the final regulations are identical to those proposed.

E. MIL Illumination

Upon malfunction determination by the OBD system, EPA is requiring illumination of the MIL on the vehicle dashboard. Once illuminated to indicate a malfunction, the MIL must remain illuminated during all periods of engine operation until the trouble codes stored in the on-board computer are cleared by a service technician or after repeated re-evaluation by the OBD system fails to detect a reoccurrence of the problem (see discussion following). This will eliminate confusion caused by those OBD designs which turn off the MIL when the ignition key is turned off with no re-illumination upon restart.

EPA will allow manufacturers to extinguish the MIL only if no reoccurrence of the problem is detected As in California's OBD II regulations, EPA is allowing the manufacturer to extinguish the MIL after three subsequent sequential driving cycles of

the Agency intends to incorporate them into the Federal Regulations, perhaps in the forthcoming final rule on service information availability.

[10] The CVS–72 driving cycle is equivalent to the Urban Dynamometer Driving Schedule (UDDS) as defined in 40 CFR part 86, Appendix I, paragraph (a).

similar operation (as discussed below) in which a system fault did not reoccur. EPA will also allow the computer-stored fault code to be cleared after forty (40) engine warm-up cycles if the same fault is not reregistered. These requirements will serve as the minimum number of warm-up cycles without reoccurrence of a malfunction before extinguishing the MIL or clearing the computer of fault codes. Manufacturers may determine more extensive operation is appropriate for their particular vehicle designs.

EPA is requiring the same MIL illumination and extinguishing criteria for all malfunctions California has adopted for misfire and fuel system malfunctions. Specifically, before extinguishing the MIL, the vehicle must be operated over three subsequent sequential driving cycles under which similar operating conditions have been experienced. As with the OBD II rule, similar operating conditions are defined as being within ten (10) percent of the load condition and 375 rpm with the same engine warm-up status which existed when the malfunction was first determined.

Current OBD systems incorporate a MIL displaying a phrase such as "Service Engine Soon." EPA is not specifying the exact wording for the MIL, but EPA retains the right to disapprove any wording other than "Check Engine" or "Service Engine Soon" if EPA believes that wording does not adequately alert the driver of the need for repairs or makes an unfair indication of when or where to have repairs done (e.g., "Service Soon at Dealer").

EPA is requiring the MIL to blink continuously during periods of engine misfire that could potentially damage the catalyst. This requirement is changed from the proposed requirements under which the MIL was required to blink during any misfire condition. Public comment suggested, and EPA agrees, that requiring the MIL to blink under any misfire condition may result in the MIL blinking often enough that the driver may ignore the blinking effect. However, it is necessary to have the MIL blink when misfire conditions could damage the catalyst to alert the driver to the high emitting operating condition possible during these misfire conditions and to prevent catalyst damage from actually occurring. The regulations require the manufacturer to determine the misfire conditions under which catalyst damage would potentially occur and, thus, the conditions under which the MIL must blink.

F. Repair Information Availability

This rulemaking does not contain the final requirements under which information necessary to perform repair and maintenance service on OBD systems and other emission-related vehicle components would be made available to the service and repair industry. Such requirements will be contained in a forthcoming Agency rulemaking.

G. Enforcement

Certification

Certification enforcement of the OBD requirements is composed of three aspects: (1) Manufacturers are required to submit documentation of OBD system design for Administrator approval; (2) EPA will perform audit testing of emission data vehicles, fuel economy data vehicles, and assembly line vehicles; and (3) EPA will evaluate results of in-use testing programs, such as the in-use compliance and emission factors programs, for vehicles with similar OBD systems to that under certification evaluation. The proposal discussed a fourth aspect of certification addressing compliance with information availability requirements. This fourth aspect will be addressed in the forthcoming Agency rulemaking on Repair Information Availability.

Manufacturers shall be required to provide EPA with sufficient documentation on the OBD system design to permit the Agency to perform a thorough evaluation of the effectiveness of the proposed OBD system. Although the regulations do not require that a manufacturer supply information which supports the decision *not* to monitor specific components or systems, the manufacturer should have such information available and EPA retains the right to access such information consistent with section 208 of the Act.

EPA is not requiring manufacturers as part of the certification program to routinely demonstrate via test data that their vehicles conform to these OBD regulations. EPA retains the right to audit manufacturers' OBD designs by selectively evaluating individual designs over a wide range of potential malfunctioning conditions as described below. If a manufacturer's design fails this audit evaluation, the manufacturer will be denied certification for vehicles equipped with that OBD design.

During certification testing of vehicles certified to Federal OBD, EPA could individually cause one or more of the following malfunctions on any emission data vehicle or other vehicle approved by the Administrator. To evaluate a system's O_2 sensor, catalyst, or misfire monitoring, EPA could install or simulate a deteriorated O_2 sensor or catalyst or induce misfire. If the MIL illuminated and proper codes were set, the OBD system would comply with requirements to detect these malfunctions. If the MIL failed to illuminate, the OBD system would pass certification only if the increase in emissions due to the individual malfunction was less than the threshold levels being established by this rulemaking. During certification testing of vehicles certified to Federal OBD, EPA may electrically disconnect the evaporative purge control (if equipped) or any emission-related powertrain component (one at a time) that directly or indirectly receives information from or transmits information to the on-board computer, such as the auxiliary air system or engine coolant temperature sensor. The OBD system will pass certification if the MIL illuminated and proper codes were set for any electrical disconnection. Such electrical continuity audits may be done on any emission data vehicle or assembly line vehicle.

During certification of vehicles certified to California OBD II, EPA may conduct audit and confirmatory testing consistent with the provisions of the OBD II rule. Therefore, while the Agency will consider California certification in determining whether to grant a Federal certificate, EPA may also elect to conduct its own evaluation under OBD II rules for OBD systems the manufacturer is electing to voluntarily certify according to OBD II rules.

EPA also reserves the right to evaluate any other pertinent data or information in deciding whether to grant a vehicle a certificate. In determining whether an OBD system should be certified, EPA may take into consideration information on the system's previous performance in actual use should such performance exist, including emissions and MIL illumination on in-use vehicles tested under the in-use enforcement and emission factors programs or any other in-use testing program. Data from in-use vehicles would be particularly important in determining whether manufacturers would be allowed to "carryover" an OBD system from one model year to another.

The certification provisions of the final regulations are essentially the same as those proposed, except that the proposed requirements pertaining to information availability and service information plans have been deleted.

VOL 58 ISS 32 FE 19 1993 UMI

In-Use Compliance

In-use enforcement of the OBD regulations will focus on whether the OBD system detects an emission-related malfunction or deterioration that actually occurs in-use. In determining, under the provisions of section 207(c), the conformity of in-use vehicles with the performance requirements of the Federal OBD regulations, EPA will test any in-use vehicle, regardless of proper maintenance or use, as long as the vehicle's maintenance and use did not affect the proper functioning of the OBD system itself. Vehicles with detectable exhaust system leaks will first have these leaks repaired. Since the portion of the FTP used to measure exhaust emissions does not measure the emissions from such leaks, EPA's evaluation of OBD performance will not penalize a manufacturer for exhaust system leaks.

EPA will target in-use vehicles with emissions exceeding the applicable standards for further investigation of OBD system performance. For vehicles certified to OBD II, EPA will conduct in-use enforcement testing within the provisions of the OBD II rule; the following discussion is relevant for those vehicles certified to Federal OBD performance requirements.

If an in-use vehicle is tested and shown to have emissions exceeding applicable standards, an attempt will be made to diagnose and repair the problem or problems causing the high emissions. If any single and identical undetected malfunction of an emission-related powertrain component or the vapor recovery or purge control systems, regardless of whether the OBD system monitored for that malfunction, is repaired and reduces emissions by an amount greater than a threshold level on at least two vehicles of the same general OBD system design, that particular OBD system would be considered faulty.

In such a case, these vehicles will be in violation of the OBD regulations, and they may be recalled under section 207(c) of the Act for defective OBD systems, and certification carryover of that OBD system design could be denied for future model years. Also, if a malfunction found in use was not monitored by an OBD system EPA found to be faulty, future OBD systems by the same manufacturer may be required to monitor for that malfunction, unless the manufacturer could demonstrate to the Administrator's satisfaction that the malfunction will not occur in subsequent model years.

In-use evaluation of OBD system effectiveness at detecting potential evaporative system malfunction for vehicles certified to Federal OBD will be done using the emission threshold of 30 g/test measured over the first 24 hour period of the diurnal portion of the revised evaporative emission test procedure. If a vehicle with an unilluminated MIL or illuminated MIL with no appropriate trouble code is found to fail that threshold, any discernable problems will be repaired. Upon completing these repairs, a 0.04 inch orifice will be created within the vehicle's evaporative emission control system. If the MIL then illuminates during the FTP driving cycle and a proper trouble code is stored, the vehicle's OBD system will be considered acceptable. If the MIL fails to illuminate on at least two vehicles which fail both the threshold and the 0.04 inch evaluation, and both vehicles have the same type of "as received" evaporative system malfunction(s) and the same general OBD system design, that OBD system may be subject to EPA recall. The basis and rationale for the 30 g/test emission threshold and the 0.04 inch diameter orifice are explained in section V.C. of this preamble.

In the case of an OBD system failing to identify an infrequent component failure, the OBD system, not the component, would be the subject of the recall and that recall would occur only if the determination were made that the "failure to identify" would occur on at least two vehicles of the same general OBD design within EPA's limited test sample. In the Agency's opinion, if an identical malfunction occurs on two similar vehicles within EPA's test sample of a manufacturer's fleet (usually only 10 to 40 vehicles) without being flagged by the same OBD system design, that OBD system design is inadequate and has failed to detect a malfunction with considerable likelihood of occurring during in-use operation. As proposed, EPA could effectively have required a recall after finding just one such occurrance within the in-use fleet. However, public comment suggested that such a potentially one-in-a-million occurrence should not be considered sufficient for recall. By requiring two such occurrences within such a small sample, the Agency believes that the malfunction must be occurring with sufficient probability within the in-use fleet to warrant possible recall action. This issue is discussed further in section V of this preamble.

EPA recognizes the need to assure appropriately functioning OBD systems at high mileages. CARB's OBD II regulations do so by explicitly requiring OBD monitoring of essentially the entire emission control system and assuring proper performance at certification time. This way, CARB's OBD II regulations help guarantee the OBD system is capable of detecting problems that might not occur until very high mileage, e.g. over 100,000 miles. EPA's certification program similarly assures OBD designs which should function appropriately and detect high mileage problems with the catalyst, the oxygen sensor, misfire, and electrical disconnection. For other potential problems, EPA's program relies on manufacturer assessment of monitoring needs, backed up by EPA's in-use enforcement program.

The in-use compliance provisions of the final regulations have changed from those proposed, as discussed in detail in section V of this preamble and section 3 of the Response to Comments document in the OBD docket.

EPA's current in-use emission compliance program will continue to test properly maintained and used vehicles regardless of MIL illumination for compliance with existing regulations which require that vehicles conform to emission standards for their useful lives.

IV. Public Participation

On September 24, 1991, EPA published a Notice of Proposed Rulemaking (NPRM) which set forth proposed requirements for on-board diagnostic (OBD) systems on light-duty vehicles and light-duty trucks. The period for submission of comments on the NPRM was scheduled to close on December 9, 1991.

On November 6 and 7, 1991, a public hearing was held. The original comment period was then extended to January 10, 1992, for comments regarding the availability of service information only. In addition, on March 31, 1992, the comment period was reopened for comments relevant to the malfunction detection requirements associated with evaporative emission control system monitoring and for comments relevant to the acceptance of California OBD II requirements. The comment period concerning these two items closed on April 30, 1992.

The CAA requirements regarding the availability of service and repair industry information necessary to perform repair and maintenance service on on-board diagnostic systems and other emission-related vehicle components have elicited extensive comments. Because of the scope of the issues involved and raised by these comments, further analysis is required. As a result, the requirements for making information available to the service industry will be handled in a subsequent regulation.

Comments were received from manufacturers and their associations, mechanics and their trade associations, motor vehicle dealerships, state agencies, and private individuals. The following sections briefly summarize comments on the major issues. For the complete response to comments, see the Response to Comments on the Regulations Requiring On-Board Diagnostic Systems on 1994 and Later Model Year Light-Duty Vehicles and Light-Duty Trucks contained in the public docket for this rule.

V. Discussion of Comments and Issues

Comments on a wide range of issues concerning the proposed OBD system requirements were received. Summarized here are the comments concerning the major or controversial issues and the rationale behind EPA's final decisions. These issues are considered in more detail in the supplemental Response to Comments document prepared for this final rule and included in the docket noted earlier. Also in this Response to Comments document is consideration of other more minor issues whose resolution is reflected in this final rule.

A. Acceptance of California OBD II Requirements

Summary of Proposal

In the NPRM, EPA proposed that OBD designs satisfying the California OBD II rules would satisfy Federal OBD requirements for some initial model years. The purpose was to allow manufacturers sufficient leadtime to evaluate their designs intended to meet California's OBD II rules to assure they also meet Federal rules or are modified as necessary. The model years considered included 1994 through 2002, with the exact interim period to be determined on the basis of additional information from the industry on the necessary changes they anticipated and the resources available to them. After the close of the initial comment period on December 9, 1991, EPA reopened the comment period from March 31, 1992, until April 30, 1992, to take further comment on the issue of accepting California OBD II systems as satisfying Federal OBD requirements. In the notice announcing the reopening of the comment period, EPA stated that its analysis suggested acceptance of OBD II at least through the 1996 model year was appropriate to provide industry sufficient leadtime for incorporating OBD II into their product lines and for making any potential calibration changes deemed beneficial in meeting federal requirements by the 1997 model year, while satisfying the Agency's strong interest in having the more performance based aspects of the federal OBD rule in place as soon as practicable.

Comments: Overwhelmingly, vehicle manufacturers requested that EPA accept compliance with OBD II as satisfying Federal OBD requirements for some period of years. The comments from manufacturers varied as to the length of time during which OBD II should be accepted by EPA, with requests ranging from 1998 to 2002, and even indefinitely. Those requesting indefinite acceptance argued that if OBD II is acceptable at all, it should be acceptable indefinitely. Most based their recommendation on the general view that compliance with the Federal rules would require incremental investment in evaluation and potential redesign of systems satisfying California's OBD II regulations. Some vehicle manufacturers also expressed a need to conduct further in-use performance evaluation before being prepared to satisfy the Federal OBD requirements. Only the State of Colorado recommended Federal OBD implementation as soon as possible; however, its comments do not specifically object to acceptance of OBD II standards. Colorado did mention differences between the information availability requirements of the Agency's proposed rulemaking in comparison to OBD II. However, EPA's acceptance of OBD II requirements would not preclude the need to meet future Agency requirements for information availability. The State of California recommended accepting OBD II through the 1998 model year since the OBD II regulations provide for acceptance of Federally certified OBD systems beginning with the 1999 model year.[11]

Analysis of Comments: No information supplied in the comments supported manufacturers' contention that they would need to develop alternative designs or calibrations to meet Federal rules, compared to OBD II rules. Only one commenter quantified the incremental burden of complying with the Federal rules, and that analysis did not specifically state why the incremental costs were required. EPA believes, based on at least one manufacturer's comment, that manufacturers prefer a longer period of Federal acceptance of OBD II systems to provide additional in-use performance evaluation prior to being held responsible for compliance with the Federal OBD rules.

For the reasons given in the notice of proposed rulemaking, EPA anticipates manufacturers will not need to adopt different hardware to comply with the Federal rules compared to the hardware manufacturers have indicated they will adopt to meet the California OBD II rules. The comments have not persuaded EPA that its expectations are unreasonable. Therefore, the only necessary difference in design might be a need to recalibrate the OBD system to meet the Federal emission thresholds. In EPA's judgement, no more than one additional model year should be required for a manufacturer to conduct a design evaluation, test, and perhaps develop some modifications to OBD calibrations to assure their designs satisfy Federal requirements.

From an in-use durability perspective, manufacturers might perceive the Federal rules as requiring more emphasis on in-use emission performance than the California rules. The clear responsibility of the manufacturer to develop an OBD system capable of detecting in-use problems which result in vehicles exceeding in-use emission thresholds may, in the manufacturers' view, entail greater in-use performance responsibility, necessitating additional in-use evaluation. While EPA does not believe that an additional in-use performance evaluation is necessarily required due to the differences between the California and EPA regulations, Agency understands that this regulation and the OBD II regulation are forcing the development of new OBD technology, and that an in-use performance assessment program could be useful in determining the most appropriate OBD designs for the federal regulations. Given that manufacturers must develop and install the OBD technology across its entire product line within a short timeframe, the manufacturers may not have sufficient time to adequately assess the OBD system's performance under typical in-use conditions. Even under a program designed for rapid feedback, some years could be required to evaluate in-use performance and feed this information back into the design process. The Agency believes that as many as three or four years would be required for such in-use evaluation to allow a substantial number of vehicles to accumulate sufficient mileage to make the evaluation representative of the in-use fleet.

Most manufacturers have indicated they expect to have some portion of their product lines complying with the OBD II regulations for the 1994 and 1995 model years, although each manufacturer may have some designs

[11] CARB Mail-Out #91-57.

VOL 58 ISS 32 FE 19 1993 UMI

which will not comply with the OBD II regulations until the 1996 model year. Thus, manufacturers should be able to begin design evaluation (including in-use evaluation) beginning with the 1994 or 1995 model year. Due to human resource limitations, potential recalibration work by some manufacturers might have to be delayed until after the 1996 model year, after completing their work in developing systems capable of meeting the California OBD II regulations for the 1996 model year. Allowing additional years for in-use evaluation and concurrent work on potential recalibration as may be necessary to evaluate compliance with the Federal certification rules and make any beneficial calibration changes, manufacturers should be able to comply with the Federal rules beginning with the 1999 model year. This is also consistent with the recommendation of the State of California.

As mentioned, some vehicle manufacturers suggested that EPA accept OBD II systems indefinitely. This alternative was neither proposed by the Agency, nor is it an attractive alternative from the Agency's perspective. The Federal regulations contain enforcement approaches consistent with past EPA policies which rely on performance evaluations, rather than specific design requirements, to encourage innovative control strategies and improvements in technology. Also, having effectively two separate regulations mandating the same type of program is unnecessarily inefficient to enforce. Finally, EPA can establish no benefit to manufacturers from having two separate sets of OBD regulations in effect for federal purposes beyond the 1998 model year.

EPA Decision: For the 1994 through 1998 model years, EPA will enforce OBD requirements against either the California OBD II requirements in place as of the publication date of this rulemaking, or the Federal OBD requirements. Beginning with the 1999 model year, full compliance with the Federal OBD requirements will be required for all vehicles covered by this rulemaking. This will assure designs fully meeting the goals of the Federal OBD program, not only for preproduction certification but also during in-use operation.

B. Catalyst Monitoring

Summary of Proposal

The proposed rule required that the MIL must be illuminated upon detection of catalyst malfunction or deterioration before it results in an exhaust emission increase greater than 0.4 g/mi HC, 3.4 g/mi CO, or 1.0 g/mi NO_X as measured on the FTP.

Comments: Comments from several vehicle manufacturers suggested that EPA should set an emission threshold based on an absolute emission level exceedance (i.e., malfunction when emissions exceed a specified emission level, such as the OBD II threshold of 1.5 times the HC standard or roughly 0.6 g/mi) as opposed to a relative emission level increase (i.e., malfunction when emissions increase a specified level above the vehicle baseline) like the one proposed. Manufacturers argued their belief that engine-out emissions tend not to increase over the vehicle's life. Therefore, they believe that the catalyst emission threshold should be a constant, or absolute, emission level above which catalyst failure must be flagged.

Also, vehicle manufacturers argued that the dual oxygen sensor method, currently the most effective means of catalyst monitoring, which compares an oxygen sensor signal placed before the catalyst to one placed after the catalyst to determine the catalyst's operational status, is not capable of distinguishing loss of NO_X conversion capability, and does not distinguish the loss of CO conversion capability as effectively as it does the loss of HC conversion. Therefore, they believe that it would be inappropriate to require monitoring the catalyst for loss of CO or NO_X conversion capability; they believe that monitoring solely for HC conversion capability will lead to more accurate results.

Analysis of Comments: Based on analysis of the comments, the Agency agrees that, in those cases in which engine-out emissions tend to remain constant over the course of a vehicle's lifetime, it is most accurate to structure catalyst failure detection upon a constant emission level exceedance as opposed to an emission level increase. Such a constant emission level criterion also encourages manufacturers to design for low tailpipe emission levels since this would provide a greater margin for catalyst deterioration prior to requiring OBD detection. EPA views encouraging low emission designs as generally beneficial. However, there are circumstances in which engine-out emissions can increase; for example, due to the gradual loss in cylinder compression as the engine wears, especially after high mileage accumulation. In such cases, the vehicle's tailpipe emission level could approach the constant emission threshold criterion without the catalyst having experienced excessive deterioration. As the regulations are intended to monitor a malfunction or deterioration of specific emission-related components or systems, and as the fault codes are intended to accurately indicate the component or system that has malfunctioned, the requirements for catalyst monitoring cannot rely on general emission exceedances to signal catalyst deterioration. The catalyst monitor must be designed such that a trouble code signalling catalyst deterioration can actually be traced to catalyst deterioration. The regulations, therefore, must still require that catalyst-specific deterioration be monitored and that the emission threshold specifically be tied to catalyst deterioration. See the discussion of exhaust emission threshold levels in section V.E of this preamble for more discussion of this issue.

Therefore, EPA has developed a two-tiered approach for the catalyst monitoring threshold which should satisfy both the vehicle manufacturers' and EPA's concerns. Under this approach, the Agency will target vehicles with emissions exceeding 0.6 g/mi HC for catalyst evaluation. Any such vehicle without an illuminated MIL for which replacement of the catalyst decreases tailpipe emissions by 0.4 g/mi would be considered in violation of this OBD regulation.

This differs from the proposal only by the addition of the 0.6 g/mi HC flag. This emission level was chosen on the basis of EPA's belief that it represents the lower limit of reliable detectability, and its consistency with the OBD II regulation. The 0.6 g/mi HC flag has been added to the catalyst monitoring criteria to prevent the flagging of high efficiency catalysts at low mileage. As proposed, a low mileage vehicle with tailpipe emissions of 0.1 g/mi HC would have to flag a catalyst as malfunctioning if emissions had reached 0.5 g/mi HC, even though such a catalyst may still be converting at 75 percent efficiency. The Agency does not want to flag and replace such high efficiency catalysts. The two-tiered approach of the final regulation gives leeway at low mileages to prevent replacement of still high efficiency catalysts.

This catalyst emission threshold also differs from the proposal by eliminating CO and NO_X from the evaluation criteria. EPA agrees with vehicle manufacturers that correlation between the dual oxygen sensor monitoring method and CO conversion within the catalyst is very weak, and that a correlation with NO_X conversion using this monitoring method is not possible. The efficiency of CO conversion, and loss thereof, within the catalyst is

generally affected by the same mechanisms as is HC conversion; therefore, the Agency believes that detection of a loss in HC conversion will generally be indirectly detecting a loss in CO conversion. Additionally, because the correlation between the monitoring method and HC conversion is strong and that with CO conversion is weak, the chance for false diagnosis of CO conversion losses is higher than the chance for false diagnosis of HC conversion losses. For these reasons, the Agency believes that the CO threshold should be eliminated. Also, the Agency knows of no means by which loss of NO_x conversion can be detected; therefore, the Agency believes that the NO_x threshold should also be eliminated.

EPA Decision: On the basis of the comments and further EPA analysis, matched with industry requests for a threshold level consistent with OBD II, catalyst deterioration must be detected before it results in both an exhaust emission exceedance of 0.6 g/mi HC and an emission increase of 0.4 g/mi HC.

C. Technological Feasibility of Evaporative Control System Leak Detection

Summary of Proposal

The proposed rule did not explicitly require monitoring of the evaporative emission control system. However, the proposal required that the OBD system detect any evaporative system malfunction occurring in-use and causing an evaporative emissions increase greater than 2 g/test. Therefore, the manufacturer was given the flexibility to forego monitoring by equipping vehicles with evaporative emission control systems which would not fail during in-use operation. If the manufacturer was confident that no malfunction would occur in-use, there would be no need to monitor the evaporative emission control system using OBD.

Comments: Virtually every manufacturer stated that detection of a 2 g/test emission increase, or detection of a hole so small that emissions increased by such a small amount, was infeasible if measured using the enhanced evaporative test procedure, which is scheduled for phase-in beginning with the 1996 model year through the 1999 model year.[12] Vehicle manufacturers suggested alternative OBD requirements for evaporative monitoring such as detection of a specified orifice within the system consistent with OBD II, or detection of discrete failures such as missing gas caps or disconnected vapor lines. Many vehicle manufacturers also commented that, while preferring an orifice requirement consistent with OBD II, the OBD II requirement of 0.04 inches was both infeasible and unnecessary for improved air quality because, in their opinion, such small holes do not occur in-use.

Analysis of Comments: In developing the proposed 2 g/test evaporative emission threshold, EPA used the diurnal sequence from the current evaporative emission test procedure.[13] The Agency agrees that detection of a problem so slight as to cause no more than a 2 g/test emission increase over the much more rigorous enhanced evaporative emission test procedure is not practicable, if even feasible, since such a small emission increase over that test procedure would correspond to such a small opening in the system that the sensors required for detection would be prohibitively expensive. Therefore, the Agency considered raising the emission increase threshold to reflect the expected (at that time) revision of the diurnal test procedure or setting an orifice detection requirement consistent with OBD II. To gain further insight into the issue, the Agency reopened the comment period from March 31 to April 30, 1992, and participated in a CARB workshop geared largely toward the technological feasibility of evaporative monitoring.

The Agency views the California OBD II orifice detection requirement as a design requirement because it mandates that the evaporative system be monitored rather than allowing the manufacturer to forego OBD monitoring by designing the evaporative system to perform such that the chance for excessive emissions is unlikely. The Agency prefers an emission threshold approach like that proposed because it encourages manufacturers to design more robust evaporative emission control systems in lieu of monitoring through OBD. An emission threshold approach also facilitates in-use enforcement by providing an objective standard (the emission threshold) against which to measure in-use performance.

Considering these factors, the Agency will stay with an emission threshold requirement, realizing that a higher emission level is required to reflect the forthcoming revision of the evaporative emission test procedure and to balance technological feasibility and costs. The Agency believes that it is important to detect loss of system integrity within the evaporative system as soon as possible due to the large amount of fuel vapor which can escape through even very small holes.[14] Industry has argued that very small holes (i.e., less than 0.08 inches) do not occur in-use. However, independent EPA and CARB analyses[15,16] indicate that small holes are present on as many as 9 to 13 percent of in-use vehicles. This finding is consistent with EPA expectations since EPA believes that at least a portion of large leaks start as small leaks. The Agency also believes, like CARB, that detection of very small holes is feasible under proper operating conditions. In meetings held subsequent to publication of the proposed rule, several manufacturers have acknowledged that detection of small holes is feasible, and one automotive supplier has developed a monitoring system capable of detecting holes even smaller than 0.04 inches.[17]

Therefore, because EPA prefers a threshold approach but wants to minimize the development burden placed on manufacturers, EPA has chosen to use a two-tiered approach to the evaporative monitoring threshold, similar to that discussed for catalyst monitoring. This two-tiered approach will consist of a 30 g/test flag followed by a 0.04 inch evaluation test. The 30 g/test flag has been chosen because EPA believes that it represents the typical emission level that would escape from a 0.04 inch hole within the evaporative system according during the first 24 hours of the revised diurnal test procedure. This conclusion is based upon manufacturer-supplied data, which EPA finds to be reasonable, contained in the docket to this rulemaking. The 0.04 inch hole size has been chosen because it constitutes the minimum hole size which EPA and CARB believe can be practicably detected based on manufacturer and independently supplied data contained in the OBD docket. The Response to Comments document for this rulemaking discusses this data in detail.

---

[12] Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines: Evaporative Emission Regulations for Gasoline- and Methanol-Fueled Light-Duty Vehicles, Light-Duty Trucks and Heavy-Duty Vehicles, signed by the Administrator on January 20, 1993, and soon to appear in the Federal Register.

[13] 40 CFR part 86.

[14] See docket submittals from Toyota, Honda, GM and others in response to the March 31, 1992, reopening of the OBD public comment period, included in section IV–D of the docket for this rulemaking.

[15] Memorandum from Linc Wehrly to Robert Larson regarding Evaporative System Leaks In-Use, September 9, 1992.

[16] CARB Mail-Out #92–27, May 11, 1992.

[17] Memorandum from Linc Wehrly to OBD Docket No. A–90–35, regarding a Siemens Presentation to EPA, dated June 2, 1992.

VOL 58 ISS 32 FE 19 1993 UMI

For the purposes of in-use testing, any in-use vehicle with evaporative emissions of 30 g/test or higher measured over the revised evaporative test procedure will be flagged for OBD evaluation. This evaluation will consist of first making necessary repairs to the evaporative system, then placing a 0.04 inch orifice somewhere within the system. The vehicle will then be tested using the FTP. If the MIL then illuminates during the FTP, the OBD system will be considered in compliance. If the MIL fails to illuminate during the FTP, the OBD system will be considered in violation of this OBD regulation. EPA believes that demonstration of the OBD system's inability to detect evaporative emission malfunctions should be triggered by failure to detect a 0.04 inch orifice, rather than failure to detect evaporative emissions of 30 g/test, because the emissions of 30 g/test could have resulted from a defect other than a defect equivalent to a 0.04 inch hole, but as discussed above, EPA believes 0.04 inches is the minimum hole size that can be practicably detected.

The threshold approach allows the manufacturer either to design and produce an evaporative emission control system that will not fail or that upon failure will not cause exceedance of the emission threshold, or to install a system capable of malfunction detection at the feasibility limit, i.e., detection of a 0.04 inch hole. Manufacturers could meet this using the same OBD evaporative monitoring system as installed on California OBD II certified vehicles. The manufacturer may also elect to incorporate a discrete monitoring method (i.e., one that detects hose disconnections or loose gas caps, but not small leaks such as 0.04 inch holes), thereby reducing costs, by designing an evaporative system which will either not have small leaks or will not exceed the threshold under small leak conditions. The 30 g/test flag allows the Agency to evaluate whether a vehicle not equipped with OBD leak detection within the evaporative system is in compliance because there would otherwise be no performance criteria against which to evaluate the manufacturer's choice to forego such monitoring.

EPA Decision: The Agency has chosen to stay with a threshold approach using a threshold which reasonably approximates the amount of vapors which would leak from a 0.04 inch diameter hole under low pressure conditions. This threshold will be 30 g/test measured during the first 24 hours of the 3 day diurnal which constitutes the revised evaporative emission test procedure. Upon failure of this threshold without MIL illumination and appropriate trouble code storage, the evaporative system will be repaired and a 0.04 inch hole inserted. Failure of the MIL to illuminate during the FTP with this 0.04 inch hole would be considered a violation of OBD regulations. The 30 g/test threshold will thus be used as an evaluation flag, not a performance criterion. The 0.04 inch hole will be used as the performance criterion. Measurement for the 0.04 inch hole would be done during the dynamometer portion of the FTP, which will not be changed by the evaporative test procedure rulemaking.

It is important to note that this OBD evaluation in no way replaces current in-use enforcement procedures, rather it is an addition to those procedures. Therefore, vehicles with evaporative emissions below 30 g/test but exceeding the 2 g/test emission standard would still be considered in violation of emission standards and would potentially be targeted for a conventional emissions recall.

D. Phase-in of Leak Detection Within the Evaporative Emission Control System

Summary of Proposal

Under the proposed regulations, monitoring of the evaporative emission control system for problems would not be mandated, except for monitoring of electrical disconnect of evaporative system components which send information to or receive information from the vehicle's on-board computer. However, in-use enforcement of an evaporative leak detection emission threshold would begin with vehicles certified to the new evaporative emission test procedure being developed by EPA or by the 1996 MY, whichever occurred first.

Comments: All commenters requested that OBD requirements for evaporative emission control system problems be implemented to coincide with phase-in of the new evaporative emission test procedure. However, they did not want to implement OBD requirements beginning with the 1996 MY if the revised evaporative emission test procedures were not fully in effect by that time. Under California's OBD II rules, the phase-in of the evaporative emission monitoring requirement will coincide with the phase-in of the California revised evaporative emission test procedures. The automotive industry commented that full implementation by EPA of the evaporative emission monitoring requirement before full implementation of the new test procedure would be inconsistent with California's requirements and would unnecessarily increase the regulatory burden on manufacturers because development of monitoring techniques would be required for evaporative systems being phased-out within a year or two.

Analysis of Comments: Comments on this issue supported EPA's position that implementation of OBD requirements for evaporative system leak detection prior to phase-in of the revised evaporative emission test procedure would result in significant extra burden on the industry with a poor cost effective environmental benefit due to the high application costs and the relatively low potential total emission reductions. EPA seeks to avoid placing such burden on the industry. However, electrical problems with the purge flow, which fall under the requirement to detect loss of electrical circuit continuity, can be detected economically beginning as early as the 1994 model year. Such an element of an OBD system would not have to be redesigned with subsequent phase-in of the revised evaporative emission test procedure. Adopting such a requirement is also consistent with the Clean Air Act mandates to have OBD monitoring systems in place beginning with the 1994 model year unless technically infeasible. Additional requirements including those necessary to detect leaks or other problems which would disrupt the normal trapping of evaporative emissions could then be phased in with the new evaporative emission test procedure.

EPA Decision: Beginning with the 1994 model year, manufacturers will be responsible for detecting problems related to the purge control operation of their vehicles' evaporative emission control system as electrically monitored by each vehicle's on-board computer. Manufacturers will be responsible for detecting additional problems with malfunction or deterioration of the evaporative emission control system for vehicle designs as they are phased in to comply with the revised evaporative emission test procedures.

E. Emission Threshold Approach and Exhaust Emission Threshold Levels

Summary of Proposal

EPA proposed an emission threshold approach for determination of emission control system deterioration or malfunction, with exhaust emission threshold levels of:

g/mi			
HC	CO	NO_x	
.4	3.4	1.0	Misfire & Catalyst.
.2	1.7	.5	All other problems.

Comments: In general, vehicle manufacturers expressed concern that the threshold levels were too low, especially those for components other than catalyst and misfire. The manufacturers argued the levels are too low because they can require MIL illumination and component replacement for vehicles meeting the standard. Also, manufacturers stated that, because of vehicle-to-vehicle variabilities, malfunction detection is required at even lower emission levels than the thresholds, which will lead to excessive MIL illuminations. Some manufacturers stated that the thresholds require unique calibrations different than the OBD II calibrations and recommended that EPA use the CARB approach of 1.5x the standards. Some manufacturers stated that EPA's thresholds penalized vehicles with low baseline emissions (the design target emission performance of the vehicle) by requiring malfunction detection and MIL illumination at absolute emission levels lower than vehicles designed to have comparatively higher baseline emissions. Some suggested the use of thresholds for primary systems and only function checks for other systems. BMW called the thresholds a good compromise between expected emission reductions and technological reliability. The American Gas Association requested that the HC threshold be set as non-methane HC.

Analysis of Comments: Regarding the issue of thresholds being too low, EPA disagrees. As discussed in the NPRM and the Technical Support Document for the OBD rulemaking, the Agency believes that malfunction detection at the threshold levels is technologically feasible, and that the thresholds strike the appropriate balance between timely flagging of malfunctions and avoidance of false malfunction indications. The Agency also believes that, with the advent of Tier I emission standards and the potential for future reductions in those standards, the chance of OBD flagging of malfunctions on vehicles emitting below the standards is very low.

As for unique calibrations, EPA has carefully reviewed both California's OBD II regulations and the planned Federal OBD regulations and can determine no cases which would require different calibrations to simultaneously meet both sets of regulations. This is not to say that OBD calibrations which satisfy OBD II requirements will necessarily satisfy Federal requirements, or vice versa. For example, it is conceivable that one manufacturer's OBD design may be sufficiently sensitive to calibration such that one set of calibrations selected to meet OBD II rules, for example, may not be sufficient to meet Federal rules. As long as the manufacturer elects to sell the same OBD system in both California and the 49 states, the manufacturer will have to consider the compliance requirements of both sets of regulations. This is exactly the same case as has existed for some time with regard to emission compliance wherein Federal and California requirements have often differed for nominally the same vehicle design. However, the California and Federal OBD requirements are sufficiently similar to allow the manufacturer to design and calibrate an OBD system that meets both sets of requirements. Thus, one OBD design can be sold throughout the nation.

Concerning the issue of how the OBD proposal can variably impact vehicles depending on their baseline emission levels, the basis of OBD detection is on the impact of single component malfunction or deterioration. This approach differs from another possible approach, under which "emission-related system deterioration or malfunction" would be measured by determining a vehicle's total emissions and comparing those emissions to a specific total emission level. A fixed emission level OBD performance standard could be set for OBD performance evaluation; for example, a level above the exhaust emission standard equivalent to the proposed threshold could be used. Thus, for example, such a HC threshold for catalyst problems and misfire on Tier I vehicles could be 0.25+0.4 for light duty vehicles at 100,000 miles. If total emissions were greater than this absolute exhaust emission total, then the OBD system would be required to detect the emission-related system deterioration or malfunction resulting in that total emission level.

EPA believes that basing the standard on performance of individual components is preferable. One of the most important purposes of section 202(m) is to make diagnosis of emission-related problems easier for technicians. The regulations require fault codes to accurately indicate the part or system that has malfunctioned when a malfunction has occurred. In order to ensure that these codes accurately identify the system that has malfunctioned, the OBD system must accurately trace emissions increases to specific components or systems.

In developing the proposal, EPA recognized the significantly greater technological difficulty a manufacturer would have in attempting to detect emission-related system deterioration or malfunction by relying on tailpipe emission performance rather than just the incremental impact of single component deterioration, which should be considerably less variable than tailpipe emissions. Requiring that the OBD system monitor deterioration by using a fixed emission level threshold independent of baseline emissions (the vehicle's emissions under normal, properly operating conditions) would create feasibility and enforcement problems because manufacturers are currently only technologically capable of monitoring for individual component malfunction or deterioration and cannot necessarily detect the synergistic impact of multiple component deterioration as these determine exhaust emission levels. To make the manufacturer responsible for absolute exhaust emission performance would either require stringency potentially much more severe than proposed (due to the need to detect multiple component deterioration and their synergistic impact on exhaust emissions), or much less stringency if the thresholds were raised to compensate for an assumed worse case multiple component deterioration and interaction even though in many cases only single components deteriorate or malfunction.

However, in response to comments specifically referring to how the threshold approach in the OBD proposal would affect catalyst monitoring, EPA is revising its performance requirements for OBD catalyst monitoring. Catalysts function as percent reduction devices. That is, within typical levels of engine-out emissions, a given catalyst will have the same percent emission reduction impact (e.g., if a vehicle with 2 g/mi engine-out emissions has an 80 percent efficient catalyst, the tailpipe emissions for that vehicle would be 0.4 g/mi; if another vehicle with 1 g/mi engine-out emissions has the same catalyst, the tailpipe emissions would be 0.2 g/mi). Because of this, a vehicle designed for very low tailpipe emissions resulting from high catalyst conversion efficiency would be penalized under the proposed OBD requirements in that the OBD system on such a vehicle would have to flag as unacceptable a catalyst with higher absolute conversion efficiency compared to a vehicle having higher tailpipe resulting from lower catalyst conversion efficiencies (e.g., if a vehicle with 2 g/mi engine-out emissions suffers

catalyst deterioration from 80 to 60 percent, its tailpipe emissions would increase 0.4 g/mi, from 0.4 to 0.8 g/mi, causing MIL illumination under the proposed threshold; another vehicle with the same 2 g/mi engine-out emissions and a 90 percent efficient catalyst, or 0.2 g/mi tailpipe, would undergo a 0.4 g/mi emission increase upon loss of catalyst efficiency from 90 to 70 percent, thereby requiring OBD flagging at a higher absolute conversion efficiency). This phenomenon is explained more thoroughly in the technical support document accompanying this final rule. Therefore, EPA has decided to revise the catalyst threshold to help alleviate this concern. Under the final regulations, catalyst deterioration must be detected before it results in both an exhaust exceedance of 0.6 g/mi HC, and an emission increase of 0.4 g/mi HC. For further information, see section V.B.

As for setting non-methane HC thresholds for natural gas fueled vehicles, the Agency proposed total HC thresholds. There is not a universally accepted adjustment factor for a non-methane equivalent of a total HC level. Therefore, selecting any such non-methane OBD threshold would likely benefit from further EPA analysis and public comment. Currently, there are no Federal emission requirements for natural gas fueled vehicles. However, EPA expects vehicles fueled with natural gas to be capable of meeting the same exhaust emission standards as gasoline fueled vehicles (e.g., 0.25 HC at 100,000 miles). It seems reasonable that malfunctions of emission-related components on natural gas fueled vehicles should also be detectable within the same thresholds, regardless of whether this threshold is expressed as non-methane or total HC. Perhaps greater experience with natural gas fueled vehicles will suggest why non-methane HC-based thresholds are more appropriate, at which time EPA would plan to propose adopting such thresholds. Given that there are no natural gas vehicles being certified at this time, it is not appropriate to delay the applicability of these regulations until natural gas fueled vehicles are available and the need for non-methane OBD thresholds for these vehicles can be better established. All of the OBD mechanisms EPA anticipates will be used on gasoline fueled vehicles should work equally as well on natural gas fueled vehicles. Therefore, at this time EPA sees no reason to change the HC threshold for natural gas fueled vehicles.

EPA Decision: Upon consideration of the above discussion, EPA has chosen to change the catalyst threshold to require malfunction detection when the HC emissions have both exceeded 0.6 g/mi and increased 0.4 g/mi. The Agency sees no reason to change the other thresholds, except as discussed above regarding the evaporative monitoring threshold.

F. In-Use Enforcement

Summary of Proposal

During in-use testing, if any single emission-related repair of a malfunction or deterioration that had gone unflagged by OBD caused emission reductions equal to or greater than the thresholds, the OBD system on that vehicle would be considered faulty. The malfunction would then be induced on similar vehicles, or the malfunctioning component would be removed and placed on other vehicles. Emission increases exceeding the threshold without illuminating the MIL on a substantial number of other vehicles could lead to a recall and denial of certification carryover.

Comments: Some manufacturers stated that EPA should not have authority to recall for the redesign of OBD systems certified to Federal requirements. Ford stated that EPA must consider the manufacturer's ability to modify or redesign an OBD monitor. In addition, according to Ford, EPA must demonstrate that the manufacturer actually failed to make a reasonable engineering judgement in not monitoring certain components. Ford also suggested that since OBD, in its opinion, is designed to detect problems on properly maintained vehicles, in-use vehicles must be restored to properly maintained condition prior to evaluation.

Vehicle manufacturers also expressed concern that EPA would base a recall on a one-in-a-million malfunction which OBD had failed to identify. In the industry's opinion, the Agency's provision of flexibility regarding what must be monitored beside the catalyst, oxygen sensor, and engine misfire, is of no benefit because no system can be considered totally fail safe and the Agency's ability to base a recall on such a one-in-a-million malfunction provides too great a risk not to monitor.

Some vehicle manufacturers also expressed concern over the transfer of parts from malfunctioning vehicles to other vehicles, or inducing malfunctions in otherwise properly operating components or systems. Commenters suggested that induced malfunctions would not necessarily be identical to the original malfunction, and the transfer of parts could cause damage to the part or the receiving vehicle, thereby eliminating the validity of any emission effects.

Analysis of Comments: EPA sees no validity in Ford's comment that the Agency does not have the authority to recall OBD systems certified as complying with Federal regulations. Section 207(c) of the Act, which provides for recall of vehicles failing to conform in-use to regulations under section 202, which includes these regulations being promulgated today, gives EPA such authority. Ford also commented that EPA must demonstrate that the manufacturer failed to make a reasonable engineering judgement in choosing not to monitor certain components when making recall determinations. The Agency has purposefully left it up to the manufacturer to determine what components, other than the catalyst, oxygen sensor, and engine misfire, need monitoring based on the belief that the manufacturer is in the best position to know. EPA has also made the manufacturer responsible for the in-use performance of the OBD system providing the manufacturer the incentive to carefully consider what components should be monitored. It would seriously undercut this incentive if EPA had to establish that the manufacturer's judgement was unreasonable prior to conducting a recall. EPA believes the flexibility and the responsibility of its OBD program go hand-in-hand. Thus, the Agency considers that in-use testing indicating component malfunction or deterioration causing emission increases beyond the specified thresholds without OBD flagging is sufficient to establish in-use liability.

In addition, restoring vehicles to their properly maintained condition prior to in-use evaluations of OBD would undermine the purpose of in-use enforcement of OBD regulations. Because the OBD system is intended in part to flag the lack of proper maintenance, the effectiveness of OBD would be greatly diminished by allowing improper maintenance to go undetected.

On the issue of one-in-a-million malfunctions causing recalls, the Agency shares the industry concern. Although OBD is intended to detect both common and rare malfunctions, the Agency does not believe it is cost effective to initiate a recall based on a one-in-a-million problem. For example if the throttle position sensor is improperly wired or installed during production, it could cause intermittent short circuits within the electrical system of the vehicle. Such short

circuits could cause problems within the onboard computer and, hence, the OBD system itself while also causing increased emissions. Such a problem may go undetected by OBD and cannot realistically be predicted by the manufacturer during preproduction design and calibration work. Therefore, this type of malfunction should not be the basis of an OBD recall.

Considering these arguments, the Agency has revised its approach to in-use enforcement in these final regulations. If an identical type of malfunction is found to cause emission threshold exceedances on at least two similar vehicles with similar OBD systems (i.e., systems containing the same monitoring sensors and strategies) within EPA's limited test sample of a manufacturer's fleet without being properly detected by the OBD system, the Agency will consider recalling that OBD system. In the Agency's opinion, finding two identical malfunctions within a limited test sample (typically 10 to 40 vehicles) indicates that the malfunction is not a one-in-a-million problem. Also, the Agency views this approach as less stringent than the proposal because the proposal required finding the malfunction on only one vehicle and then transferring that part to, or otherwise inducing that malfunction in other vehicles. This transfer of parts or inducing of malfunctions was a serious concern for manufacturers. The Agency believes that the approach discussed here alleviates that concern since no such transfers or inducing of malfunctions would be required. The manufacturer would still have the opportunity to provide EPA with information and data on their behalf as is always allowed during recall investigations.

EPA Decision: An OBD recall would occur only if the determination is made that the failure to identify a malfunction would occur on at least two vehicles of the same general OBD design within EPA's test sample. If the identical type of malfunction occurs on two similar vehicles within EPA's test sample of the manufacturer's fleet without being flagged by the same OBD system, the system design will be considered inadequate.

G. Waiver Provisions

Summary of Proposal

Manufacturers may request waivers from OBD compliance during the 1994 and 1995 model years; EPA proposed no blanket waivers, except that manufacturers were not required to detect leaks within the evaporative system until the 1996 model year. EPA proposed that, upon being granted a waiver from full OBD compliance, the manufacturer would have to install, at a minimum, an OBD system equivalent to a California OBD I system, and provide EPA with a justification for why more than OBD I could not be done.

Comments: Some small volume manufacturers (SVM) and a manufacturer of diesel vehicles requested they be given waivers from complying with OBD regulations until the 1996 model year based on resource constraints and supplier delays. Virtually every vehicle manufacturer requested that upon being granted a waiver from full OBD compliance, EPA simply accept OBD I systems based on the poor cost effectiveness of incorporating small improvements over OBD I and the resource constraints that manufacturers will be experiencing during the next few years in their efforts to comply with OBD II and Federal OBD requirements.

Analysis of Comments: The CAA requires that vehicles comply with EPA's OBD regulations beginning with the 1994 model year unless EPA determines that it would be infeasible for any class or category of motor vehicles to meet the regulations in the 1994 or 1995 model years. The commenters did not provide EPA with information sufficient for EPA to determine that a blanket waiver is appropriate for either SVMs or diesel vehicles in the 1994 or 1995 model years. EPA cannot, on the basis of this record, grant such a waiver. However, a manufacturer may petition individually for a waiver and therein provide evidence that compliance would be infeasible for a class or category of vehicles that it manufactures.

After further consideration, EPA believes that making small improvements to OBD I systems is neither productive nor cost effective and, therefore, agrees that an OBD I system should be adequate upon being waived from full OBD compliance. Comments concerning waivers from evaporative system monitoring were covered in Section V.D, above.

EPA Decision: Considering the above analysis, no blanket waiver will be provided to SVMs or diesel vehicles. Also, OBD I will be considered acceptable upon being waived from full OBD compliance. Moreover, as there may be some engine families with very low sales volumes that have never been equipped with an OBD I or similar OBD system, EPA may make special considerations by granting waivers for the 1994 model year to a system less than OBD I. EPA will consider such factors as manufacturer projections of very low sales volume for an engine family (e.g., 5000 or less), scheduled phase-out of significant engine technology with the 1994 model year for that engine family, and whether or not the engine, or any similar engine within the manufacturer's product line, has ever been equipped with an OBD I or similar OBD system in making waiver decisions to a system less than OBD I.

H. Diesel-Fueled Vehicle Requirements

Summary of Proposal

Diesel-fueled vehicles were expected to comply with the same emission thresholds and enforcement criteria as were gasoline vehicles.

Comments: Mercedes-Benz commented that the proposed thresholds would either not apply to diesels (e.g., diesel vehicles have no evaporative system or oxygen sensor) or would not be reached in actual use (e.g., the catalyst threshold could never be exceeded). Therefore, they suggested that the regulatory language state that diesels need not monitor through OBD provided the manufacturer could demonstrate that there was no need.

Analysis of Comments: The Agency recognizes that certain provisions of the proposed rulemaking may not apply to some diesel vehicles. For example, light-duty diesels lack certain emission control components such as oxygen sensors and evaporative emission control systems. Also, the Agency believes that diesel-powered vehicles are capable of meeting the Federal emission standards without the use of a catalyst, making catalyst malfunction detection only a minor concern, if a catalyst is even present. EPA also believes that engine misfire within diesel engines is of very little concern since its effects on emissions are small, and its effects on catalysts and other aftertreatment devices is negligible due to the low exhaust gas temperatures inherent in diesel engines.

Therefore, EPA has revised the final regulations such that diesel vehicles have an explicit requirement to monitor only electrical disconnects within electrical systems sensed by an on-board computer (the same electrical disconnect requirement being adopted for gasoline-fueled vehicles). The only other requirements will be that in-use vehicles detect malfunctions prior to emissions exceeding the specified thresholds if such malfunctions are likely to occur or may cause such emission increases. A more thorough analysis is included in the Response to Comments document. *EPA Decision:* The Agency decision is stated in the above analysis.

I. Misfire Fuel Shut-off

Summary of Proposal

Upon detecting engine misfire in vehicles equipped with sequential fuel injection and causing a threshold-exceedance, the fuel supply to the misfiring cylinder must be shut off.

Comments: Many vehicle manufacturers expressed safety concerns with this proposed requirement, stating that shutting off the fuel during passing maneuvers could cause an unexpected power loss and potential accidents. Some vehicle manufacturers stated that emissions would actually increase during fuel shut-off.

Analysis of Comments: The Agency agrees with industry comments concerning safety, and agrees that on some vehicles emissions may, in fact, increase during fuel shut-off.

EPA Decision: The fuel shut-off requirement has been eliminated.

J. Monitoring Limitation to Powertrain Components

Summary of Proposal

The OBD system was expected to detect catalyst, oxygen sensor, and misfire problems, and any other emission-related malfunction or deterioration causing emissions to increase beyond specified thresholds.

Comments: Virtually every vehicle manufacturer requested that EPA be consistent with the wording of the California OBD II regulations and require detection of malfunction or deterioration of only emission-related powertrain components. This would eliminate concerns with the proposed requirements that the OBD system must detect malfunctions of components that are not considered part of the emission control system, such as a rear window defogger or seizing brakes which could cause emission threshold exceedances. Such an interpretation of the OBD requirements would go beyond the monitoring requirements anticipated by the Agency in developing these regulations.

Analysis of Comment: The Agency agrees with these comments and manufacturer requests. EPA believes it is reasonable to limit the monitoring requirements to powertrain components and the evaporative system because these systems comprise what is classically the emission control system and because current technology OBD systems cannot be expected to monitor and detect malfunctions occurring anywhere on the vehicle due to cost and computer memory constraints. Furthermore, at this time, EPA does not believe that problems such as rear window defogger failure or seizing brakes contribute substantially to the in-use emission problem.

EPA Response: OBD monitoring requirements will be limited to emission-related powertrain components, with other explicit requirements as discussed.

K. Limitation to Vapor Leaks on Evaporative Monitoring

Summary of Proposal

Leaks in the evaporative system must be detected prior to exceedance of a 2 g/test emission threshold.

Comments: Some vehicle manufacturers commented that the evaporative system leak detection requirement should be limited to vapor leaks, since detection of liquid leaks is not feasible with any known technologies.

Analysis of Comments: EPA agrees that liquid leaks within the evaporative system cannot be detected using currently available or foreseeable OBD methods. A manufacturer with consistent liquid leak problems would presumably suffer owner complaints (e.g., poor fuel economy, smell of gasoline fumes, etc.) and would likely fail emission testing under current in-use enforcement practices, both serving to encourage the manufacturer to improve its design and eliminate such problems.

EPA Response: The evaporative system emission threshold will be limited to vapor leaks.

L. Durability Data Vehicle (DDV) Requirements

Summary of Proposal

For DDVs equipped with OBD, unscheduled maintenance shall only be performed if the malfunction is detected by OBD and the MIL has illuminated.

Comments: General Motors commented that the proposed requirement should be changed such that, in addition to current maintenance criteria, unscheduled maintenance could be approved by EPA and performed by the manufacturer when, but not only when, the problem is detected by OBD and the MIL has illuminated. Without such a change, manufacturers would be precluded from conducting non-OBD flagged unscheduled maintenance if they chose to include an OBD system on a DDV. This would, in effect, discourage a manufacturer from installing an OBD system on a DDV and would unnecessarily limit the manufacturer's ability to request unscheduled maintenance for other reasons.

Analysis of Comments: EPA agrees with the comment from General Motors.

EPA Response: The final regulations include a provision such that, in addition to current maintenance criteria, unscheduled maintenance upon OBD detection and MIL illumination may be approved by the Administrator.

VI. Cost Effectiveness

The following is a summary of the analyses behind the cost effectiveness estimates generated for this final rulemaking. More detailed information is contained in the final version of the Regulatory Impact Analysis in the OBD docket, #A–90–35.

A. Emission Reductions and Air Quality Impacts

The analysis of the estimated emission reductions associated with OBD assumes that OBD will identify and cause to be repaired those vehicles in all I/M areas which are capable of being identified by an enhanced I/M test, specifically the IM240 test;[18] this assumption will be verified during the initial years of OBD implementation. Since OBD equipped vehicles will not constitute a significant portion of the fleet for several years, and because the existing I/M tests will be identifying malfunctioning vehicles during that time, emission reductions are not attributed to OBD until the year 2005. By that year, roughly 73 percent of the in-use fleet will be OBD equipped, and an increasingly significant number of these will be reaching higher mileages where repairs will be more typically required. Further, the existing I/M test equipment will likely be aged to the point of requiring significant maintenance and perhaps replacement. Therefore, instead of potentially investing large sums of money in updating all their I/M test equipment, this analysis presumes that I/M programs begin using a check of the OBD system to make pass/fail determinations on OBD equipped vehicles during I/M inspections. Pre-OBD vehicles would continue to be subject to the previous I/M procedures.

This cost effectiveness analysis presumes the I/M programs in the year 2005 and beyond rely on the OBD system to detect problems. The analysis presumes the current I/M program exhaust emission and evaporative control system leak detection tests are eliminated. As the year 2005 approaches, the Agency will evaluate both the I/M programs existing at that time, and the success of the OBD program to determine what program or

[18] 57 FR 52950 (November 5, 1992).

combination of programs should continue. The current analysis suggests the two programs should identify much the same problems. Therefore, the Agency may reevaluate the interrelationship of the two programs at that point.

The analysis also assumes that outside I/M areas, there are no emission reductions due to OBD. This constitutes an underestimate of the potential emission reductions of OBD. This differs from the analysis supporting the proposed rulemaking which assumed emission reductions in non-I/M areas would occur, but at lower levels due to lower driver response to an illuminated MIL and lower probability of a malfunctioning vehicle receiving proper repairs in the non-I/M areas.

Therefore, in this analysis, the baseline case represents all non-attainment areas without the emission reductions of tailpipe I/M programs being realized. The OBD case represents the reductions resulting from identification and repair of any vehicle which would fail the proposed IM240 tailpipe test and any vehicle which would fail the proposed IM240 pressure/purge test.

As Table I shows, when compared to the baseline case, OBD is estimated to result in annual emission reductions of 1.0 million tons of VOC and 7.6 million tons of CO in the year 2020. OBD will also reduce NO_X emissions. Assuming OBD will identify those same vehicles identified by an enhanced I/M program with NO_X cutpoints designed to fail 10% to 20% of the vehicles, OBD would yield NO_X emission reductions of 605 thousand tons in the year 2020 relative to emission levels with no I/M program in place. Emission reductions are presented for the 2005, 2010, and 2020 calendar years and illustrate the effect of fleet turnover on the estimated emission reductions. Therefore, 2020 represents the maximum annual emission reduction expected from OBD in I/M areas.

Table I.—I/M Area Emission Reductions Attributable to OBD

[Tons of emissions reduced compared to the baseline case]

	Percent of fleet OBD equipped	Thousand tons		
		VOC	CO	NO_X
2005	73	379	3151	256
2010	90	699	5359	428
2020	99	1024	7621	605

The total emission reduction between the years 2005 and 2020 are estimated to be roughly 12.2 million tons HC, 93.3 million tons CO, and 7.5 million tons NO_X. Discounting the annual emission reductions between the years 2005 and 2020 at a 7 percent rate and putting them in present value terms results in total discounted emission reductions attributable to OBD of roughly 4.0 million tons HC, 30.8 million tons CO, and 2.5 million tons NO_X.

B. Economic Impacts

1. Effect on Manufacturer Cost

To comply with many of the provisions made in this rulemaking, specific equipment will be required on new vehicles. In addition to these equipment requirements, the need for increased computer size and computing demand will necessitate an expansion of computing capacity, memory, and input/output (I/O) capabilities for the on-board computer. Due to the nature of this rulemaking and its basis on system performance without specific design requirements, manufacturers have considerable design flexibility. Therefore, it is difficult to develop cost estimates since a wide variety of approaches toward meeting compliance are available to the industry. The following discussion summarizes the impact on the cost of a new vehicle imposed by this rulemaking for what the Agency considers to be the most probable approach taken by industry to satisfy the Federal OBD requirements. The specific details of individual component costs are provided in the RIA which accompanies this rulemaking and has been placed in the public docket. The following describes the types of costs and the methodology employed in determining the effect on the new vehicle manufacturer cost.

a. Component and associated hardware costs. Based on the technical feasibility analysis, EPA identified the likely component and associated hardware (wiring, etc.) which a manufacturer would be likely to install to satisfy the Federal OBD requirements. These one-time costs for each of the components and associated hardware were then estimated. If EPA determined the necessary hardware would already be in place (i.e., not added due to these proposed OBD requirements) or that the incremental cost would be negligible, a zero dollar cost was assigned. These individual component and associated cost estimates are as follows:

Table II.—Manufacturer Component Cost Estimates [1]

Crankshaft sensor	$10.00
Camshaft Sensor	10.00
Oxygen sensor	20.00
Temperature/pressure sensor (EGR monitor)	5.00
Pressure sensor (evaporative monitor)	9.00
Solenoid (evaporative monitor)	5.00
Blower motor (evaporative monitor)	8.00

Table II.—Manufacturer Component Cost Estimates [1]—Continued

Computer chips	3–6
Microprocessor	3–6

[1] Costs include installation costs such as fittings and wiring.

EPA evaluated the likely vehicle designs and associated hardware which would be in place for the 1994 through 1996 model years without Federal OBD requirements. The incremental design impact of OBD on the 1994 through 1996 model year fleet was then estimated. The incremental design impact was used to predict the additional hardware and associated costs that the manufacturer would incur in building a fleet to conform to OBD requirements. These costs were averaged over the fleet to determine the following per vehicle hardware costs estimated for a typical manufacturer.

Table III.—Weighted Manufacturer Hardware Costs

Crankshaft sensor	$4.70
Camshaft sensor	1.85
Catalyst monitor	10.20
EGR monitor	2.50
Evaporative monitor	18.00
Computer	10.50
Total	59.75

This hardware cost is based on a prediction of design trends through the 1996 model year. These design trends are used to estimate the incremental impact of these OBD requirements. Although EPA expects these design trends would continue (for example, increasing use of downstream oxygen sensors and crank angle sensors), EPA has insufficient information to predict these trends beyond the 1996 model year. Consequently, EPA assumed no increase in the installation rate would occur except due to OBD. The incremental cost in these future years due to OBD, as estimated here by EPA, is overstated to the extent such equipment would have been more frequently installed anyway.

b. Research and development cost. Research and development costs constitute a one-time fixed cost to develop basic techniques for OBD. EPA has determined that the basic techniques necessary to meet California's OBD II regulations should be satisfactory for meeting Federal OBD regulations. No additional OBD techniques need to be developed. Consequently, manufacturers should incur no new research and development costs because of these Federal OBD rules. However, additional testing and calibration costs may be necessary and are estimated below under "application costs."

c. Application costs. Efforts to apply newly developed OBD techniques to meet these Federal requirements will include additional engineering, emission and durability testing, and potential recalibration of the OBD system compared to what the manufacturer would otherwise have to do to meet California OBD II requirements. EPA has estimated application engineering costs at $68 million per year, with the per vehicle cost dependent on annual sales. In a sales year of 15 million vehicles, application costs would be less than $5 per vehicle.

d. Certification costs. The OBD rulemaking requires manufacturers to submit complete documentation and logic diagrams on their OBD systems. The Agency estimates that the production, checking, and review of the required documentation would result in weighted average costs of $4.1 million per year, with per vehicle costs dependent on annual sales. In a sales year of 15 million vehicles, certification costs would be less than $.30 per vehicle.

e. Total manufacturer cost. Summing the above costs gives a total cost to manufacturers of roughly $65 per LDV and per LDT. Note that this per vehicle cost is dependent on vehicle sales because of the application and certification costs as discussed above. Note also that this $65 cost does not include any manufacturer or dealer mark-up.

2. Other Consumer Costs

EPA has developed estimates for other ways in which OBD will save the consumer money. These include the following: Reduced charges for undergoing an I/M inspection since the inspection would consist solely of a quickly conducted check of the OBD system for stored trouble codes; reduced costs to repair many malfunctioning vehicles, whether flagged by a tailpipe test or an OBD system check, resulting from reduced diagnostic time spent by repair technicians and the subsequent reduction in labor costs; and the fuel economy benefits associated with these repairs.

By the year 2005, this analysis estimates that there will be roughly 65 million OBD equipped LDVs and LDTs in 49-state I/M areas. EPA's cost effectiveness model shows that, for OBD equipped vehicles, total I/M inspection costs for that year, assuming inspection consists of an OBD system check, are expected to be roughly $98 million, with repairs totalling $611 million assuming biennial inspections. Without the cost savings of OBD, the inspection costs would have been $326 million, and the repair costs $696 million. Adding the differences in these numbers, respectively, results in consumer savings due to reduced inspection and repair costs of $313 million in the year 2005 alone.

In the year 2005, fuel economy benefits for OBD equipped vehicles would be $511 million, with $406 million attributable to identification of tailpipe emission-type problems and $101 million due to identification of evaporative emission-type problems.

EPA has not been able to adequately quantify some potential cost savings not included in these estimates. Potential cost savings can accrue due to early repairs of malfunctions which, if left undetected and unrepaired, could result in the need for even more costly repairs in the future. Also, improved repair effectiveness should reduce the potential for a part to be unnecessarily replaced in attempting to fix a problem. Repair facilities should also benefit from the availability of generic tools for accessing and using the OBD system in problem diagnosis and repair. These service facility benefits could be passed along to the consumer in the form of lower repair costs. While none of these cost savings have been quantified, all should reduce the cost of OBD implementation.

C. Cost Effectiveness

Based upon the inspection and repair costs and the fuel economy benefits described above, a biennial I/M program based on OBD inspections costs an estimated total of $6.95 billion between the years 2005 and 2020, or roughly an average of $464 million per year. This total cost reduces to roughly $6.71 billion by including the repair savings for OBD equipped vehicles between the years 1996 and 2004. Adding to this the annual costs of including OBD hardware on newly produced vehicles between the years 1996 and 2020 results in a total OBD cost of roughly $36.4 billion. Discounting these costs at a 7 percent rate and putting them in present value terms results in a total discounted cost of roughly $16.6 billion.

Allocating the hardware costs according to the pollutant most likely to be affected by each aspect of the OBD system (i.e., the cost of evaporative monitoring would be allocated 100% to HC control, EGR monitoring to NO_x control, etc.), results in the cost effectiveness estimates of $1974 per ton HC, $124 per ton CO, and $1974 per ton NO_x.

VII. Administrative Requirements

A. Administrative Designation

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement that a RIA be prepared. EPA has determined that this regulation is major; a RIA has been prepared and is available from the address shown at the beginning of this preamble.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB and any EPA response to those comments are in the public docket for this rulemaking.

B. Reporting and Recordkeeping Requirements

The information collection requirements in this rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. An Information Collection Request document has been prepared by EPA (ICR No. 783.25) and a copy may be obtained from Sandy Farmer, Information Policy Branch; EPA; 401 M Street, SW., (PM–223Y); Washington, DC, 20460 or by calling (202) 382–2740. These requirements are not effective until OMB approves them and a technical amendment to that effect is published in the **Federal Register**.

Public reporting burden for this collection of information is estimated to vary from 650 to 700 hours per response with an average of 675 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the collection of information. These estimates are an addition to the currently approved 15,850 hours per response for this collection.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Chief, Information Policy Branch; EPA; 401 M Street, SW., (PM–223Y); Washington, DC, 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC, 20503, marked "Attention: Desk Officer for EPA."

C. Impact on Small Entities

The Regulatory Flexibility Act of 1980 requires Federal agencies to identify potentially adverse impacts of Federal regulations upon small entities. In instances where significant impacts are possible on a substantial number of these entities, agencies are required to

perform a Regulatory Analysis. EPA has determined that the regulations finalized today will not have a significant impact on a substantial number of small entities. This regulation will affect manufacturers of motor vehicles and motor vehicle engines, a group which does not contain a substantial number of small entities. Further, small motor vehicle manufacturers typically purchase emission control components developed by larger organizations. Finally, waivers are available to any manufacturer, including small manufacturers, that is unable to meet these requirements in 1994 or 1995 model years. This waiver provision should assure that small manufacturers have adequate lead time to employ available technology.

This regulation will also positively affect independent repair shops and mechanics. The standardization requirements contained in these regulations will enhance the ability of independent mechanics to diagnosis and repair malfunctions.

Therefore, as required under section 605 of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. I certify that this regulation does not have a significant impact on a substantial number of small entities.

VIII. Authority

Statutory authority for the proposed emission standards is provided by sections 202(a), 202(m), 208(c) and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521(a), 7521(m), 7542(c), and 7601(a).

List of Subjects in 40 CFR Part 86

Administrative practice and procedure, Air pollution control, Gasoline, Incorporation by reference, Motor vehicles, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: January 29, 1993.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, part 86 of title 40 of the Code of Federal Regulations is amended as follows:

PART 86—CONTROL OF AIR POLLUTION FROM NEW AND IN-USE MOTOR VEHICLES AND NEW AND IN-USE MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

1. The authority citation for part 86 continues to read as follows:

Authority: Secs. 202, 203, 205, 206, 207, 208, 215, 216, 217, and 301(a), Clean Air Act, as amended (42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, 7552, and 7601(a)).

Subpart A—[Amended]

2. Section 86.094–2 is amended by adding a definition for "Engine warm-up cycle," in alphabetical order, to read as follows:

§ 86.094–2 Definitions.

* * * * *

Engine warm-up cycle means sufficient vehicle operation such that the coolant temperature has risen by at least 40 °F from engine starting and reaches a minimum temperature of 160 °F.

* * * * *

3. A new § 86.094–17 is added to read as follows:

§ 86.094–17 Emission control diagnostic system for 1994 and later light-duty vehicles and light-duty trucks.

(a) All light-duty vehicles and light-duty trucks shall be equipped with an emission control diagnostic system capable of identifying, for each vehicle's useful life, the following types of deterioration or malfunction which could cause emission increases greater than or exceeding the following threshold levels as measured and calculated in accordance with test procedures set forth in subpart B of this part. Paragraphs (a)(2) and (a)(3) of this section do not apply to diesel cycle light-duty vehicles or light-duty trucks.

(1) Catalyst deterioration before it results in both an exhaust emission exceedance of 0.6 g/mi HC and an exhaust emission increase of 0.4 g/mi HC.

(2) Engine misfire before it results in an exhaust emission increase of greater than 0.4 g/mi HC, 3.4 g/mi CO, or 1.0 g/mi NO_x.

(3) Oxygen sensor deterioration before it results in an exhaust emission increase of greater than 0.2 g/mi HC, 1.7 g/mi CO, or 0.5 g/mi NO_x.

(4) Any other deterioration or malfunction within the powertrain which occurs in actual use and which results in an exhaust emission increase of greater than 0.2 g/mi HC, 1.7 g/mi CO, or 0.5 g/mi NO_x, or any vapor leak which results in an evaporative emissions increase of greater than 30.0 g/test measured over the first 24 hours of the diurnal portion of the revised evaporative emissions test procedure, in accordance with test procedures set forth in subpart B of this part, for vehicles certified to that test procedure.

(b) (1) The electronic evaporative emission purge control, if equipped, and all emission-related powertrain components connected to a computer shall, at a minimum, be monitored for circuit continuity. All components required by these regulations to be monitored shall be evaluated periodically, but no less frequently than once per Urban Dynamometer Driving Schedule as defined in 40 CFR Part 86, Appendix I, paragraph (a), or similar trip.

(2) For non-diesel cycle light-duty vehicles and light-duty trucks, the emission control diagnostic system shall at a minimum, monitor catalytic converters and oxygen sensors and shall detect misfiring cylinders.

(3) Oxygen sensor deterioration or malfunction which renders that sensor incapable of performing its function as part of the OBD system shall be identified on vehicles so equipped.

(c) The emission control diagnostic system shall incorporate a malfunction indicator light (MIL) readily visible to the vehicle operator. When illuminated, it shall display "Check Engine," "Service Engine Soon," or a similar phrase approved by the Administrator. A vehicle shall not be equipped with more than one general purpose malfunction indicator light for emission-related problems; separate specific purpose warning lights (e.g. brake system, fasten seat belt, oil pressure, etc.) are permitted. The use of red for the OBD-related malfunction indicator light is prohibited.

(d) The MIL shall illuminate and remain illuminated when any of the conditions specified in paragraphs (a) and (b) of this section are met, or whenever the engine control enters a default or secondary mode of operation. The MIL shall blink under any period of operation during which engine misfire is occurring at a level likely to cause catalyst damage as determined by the manufacturer. The MIL shall also illuminate when the vehicle's ignition is in the "key-on" position before engine starting or cranking and extinguish after engine starting if no malfunction has previously been detected. If a malfunction has previously been detected, the MIL may be extinguished if the malfunction does not reoccur during three subsequent sequential trips during which engine speed is within 375 rpm, engine load is within 10 percent, and the engine's warm-up status is the same as that under which the malfunction was first detected, and no new malfunctions have been detected.

(e) (1) The emission control diagnostic system shall record code(s) indicating the status of the emission control system. Absent the presence of any fault codes, separate status codes shall be used to identify correctly functioning

emission control systems and those emission control systems which need further vehicle operation to be fully evaluated. Fault codes shall be stored for deterioration or malfunction causing MIL illumination; the fault code shall identify the type of malfunction.

(2) For a single misfiring cylinder, the fault code(s) shall identify the cylinder; multiple misfiring cylinders need not be uniquely identified if a distinct multiple misfire fault code is stored.

(3) A fault code shall be stored when the emission control system reverts to a default or secondary mode of operation.

(4) The diagnostic system may erase a fault code if the same fault is not re-registered in at least 40 engine warm-up cycles, and the malfunction indicator light (see paragraph (d) of this section) is not illuminated for that fault code.

(f) *Available Diagnostic Signals.* (1) Upon determination of the first malfunction of any component or system, "freeze frame" engine conditions present at the time shall be stored in computer memory. Should a subsequent fuel system or misfire malfunction occur, any previously stored freeze frame conditions shall be replaced by the fuel system or misfire conditions (whichever occurs first). Stored engine conditions shall include, but are not limited to: Engine speed, open or closed loop operation, fuel system commands, coolant temperature, calculated load value, fuel pressure, vehicle speed, air flow rate, and intake manifold pressure if the information needed to determine these conditions is available to the computer. For freeze frame storage, the manufacturer shall include the most appropriate set of conditions to facilitate effective repairs. If the fault code causing the conditions to be stored is erased in accordance with paragraph (c) of this section, the stored engine conditions may also be erased.

(2) The following signals in addition to the required freeze frame information shall be made available on demand through the serial port on the standardized data link connector, if the information is available to the on-board computer or can be determined using information available to the on-board computer: Diagnostic trouble codes, engine coolant temperature, fuel control system status (closed loop, open loop, other), fuel trim, ignition timing advance, intake air temperature, manifold air pressure, air flow rate, engine RPM, throttle position sensor output value, secondary air status (upstream, downstream, or atmosphere), calculated load value, vehicle speed, and fuel pressure. The signals shall be provided in standard units based on SAE specifications incorporated by reference in paragraph (h) of this section. Actual signals shall be clearly identified separately from default value or limp home signals. In addition, the capability to perform bi-directional diagnostic control based on SAE specifications shall be made available on demand through the serial port on the standardized data link connector per SAE specifications as referenced in paragraph (h) of this section.

(3) For all emission control systems for which specific on-board evaluation tests are conducted (catalyst, oxygen sensor, etc.), the results of the most recent test performed by the vehicle, and the limits to which the system is compared shall be available through the serial data port on the standardized data link connector per SAE specifications as referenced in paragraph (h) of this section.

(4) The OBD requirements to which the vehicle is certified (i.e., California OBD II or Federal OBD), and the major emission control systems monitored by the OBD system consistent with paragraph (h)(3) of this section, shall be available through the serial data port on the standardized data link connector per SAE specifications as referenced in paragraph (h) of this section.

(g) The emission control diagnostic system is not required to evaluate components during malfunction conditions if such evaluation would result in a risk to safety or component failure.

(h) The emission control diagnostic system shall provide for standardized access and conform with the following Society of Automotive Engineers (SAE) standards. The following SAE documents are incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the SAE documents may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096–0001. Copies may be inspected at Docket No. A–90–35 at EPA's Air docket (LE–131), room 1500 M, 1st Floor, Waterside Mall, 401 M Street, SW., Washington, DC, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(1) SAE J1850 "Class B Data Communication Network Interface," (AUG91) shall be used as the on-board to off-board communications protocol. All emission related messages sent to the scan tool over a J1850 data link shall use the Cyclic Redundancy Check and the three byte header, and shall not use inter-byte separation or checksums.

(2) Basic diagnostic data (as specified in § 86.094–17(f)) shall be provided in the format and units in SAE J1979 "E/E Diagnostic Test Modes," (DEC91). Basic bi-directional diagnostic capability shall be available and be consistent with SAE J1979 messages.

(3) Fault codes shall be consistent with SAE J2012 "Recommended Format and Messages for Diagnostic Trouble Code Definitions," (MAR92) Part C.

(4) The connection interface between the OBD system and test equipment and diagnostic tools shall meet the functional requirements of SAE J1962 "Diagnostic Connector," (JUN92).

(5) Limitation of Access—Any limitation of access to the diagnostic system shall be consistent with § 86.094–18. Access to vehicle calibration data, vehicle odometer, and keyless entry codes can be limited under the provisions of § 86.094.

(i) Upon application by the manufacturer, the Administrator may waive the requirements of this section for specific components of any class or category of light-duty vehicles or light-duty trucks for model years 1994 or 1995 (or both) if compliance would be infeasible or unreasonable considering such factors as, but not limited to, technical feasibility, lead time and production cycles including phase-in or phase-out of engines or vehicle designs and programmed upgrades of computers. At a minimum, all vehicles covered by these regulations, including those receiving a waiver as described in this paragraph, shall be equipped with an OBD system meeting the California OBD I requirements, except that for the 1994 model year EPA may grant a waiver to a system less than OBD I giving consideration to such factors as manufacturer projections of very low sales volume for an engine family (e.g., 5000 or less), scheduled phase-out of significant engine technology with the 1994 model year for that engine family, and whether or not the engine, or any similar engine within the manufacturer's product line, has ever been equipped with an OBD I or similar OBD system.

(j) Demonstration of compliance with California OBD II requirements shall satisfy the requirements of this section through the 1998 model year.

4. A new § 86.094–18 is added to read as follows:

§ 86.094–18 Tampering prevention.

(a) Any vehicle with emission control computer instructions shall include features to deter modification except as authorized by the manufacturer. Any reprogrammable computer codes or operating parameters must be resistant

to tampering and the computer and any related maintenance instructions must conform to the provisions in SAE J2186 "E/E Data Link Security," (SEP91). A removable calibration memory chip shall be potted or encased in a sealed container. The SAE J2186 documents are incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of SAE J2186 may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096–0001. A copy may be inspected at Docket No. A–90–35 at EPA's Air docket (LE–131), room 1500 M, 1st Floor, Waterside Mall, 401 M Street, SW., Washington, DC, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(b) Demonstration of compliance with the tampering protection section of the California OBD II requirements shall satisfy the requirements of this section through the 1998 model year.

5. Section 86.094–21 is amended by adding paragraphs (h) and (i) to read as follows:

§ 86.094–21 Application for certification.

* * * * *

(h) For each engine family incorporating an emission control diagnostic system, the manufacturer shall submit the following information:

(1) Detailed written information fully describing the functional operation characteristics of the diagnostic system.

(2) The general method of detecting malfunctions for each emission-related powertrain component.

(i) The manufacturer shall describe provisions taken to prevent tampering with emission control computer instructions.

* * * * *

6. Section 86.094–25 is amended by removing "; and" at the end of paragraph (d)(2)(i) and adding a period in its place and by adding paragraph (d)(2)(iii) to read as follows:

§ 86.094–25 Maintenance.

* * * * *

(d) * * *

(2) * * *

(iii) Has made a determination that the OBD system of a durability data vehicle representing an engine family certifying fully to the Federal OBD requirements as specified in § 86.094–17(a) through (h) has specifically detected the problem and has illuminated the malfunction indicator light.

* * * * *

7. Section 86.094–30 is amended by adding paragraph (f) to read as follows:

§ 86.094–30 Certification.

* * * * *

(f) For engine families required to have an emission control diagnostic system, certification will not be granted if, for any emission data vehicle or other test vehicle approved by the Administrator, the malfunction indicator light does not illuminate under any of the following circumstances, or if, for any assembly line vehicle, the malfunction indicator light does not illuminate under the circumstances described in paragraph (f)(4) of this section. Only paragraph (f)(4) of this section applies for diesel cycle vehicles.

(1) A catalyst is replaced with a deteriorated or defective catalyst or electronic simulation of such resulting in both an exhaust emission exceedance of 0.6 g/mi HC and an exhaust emission increase of 0.4 g/mi HC on a normal temperature (20 to 30 °C) emission certification test.

(2) A misfire condition is induced resulting in an increase in emissions of greater than 0.4 g/mi HC or 3.4 g/mi CO or 1.0 g/mi NO_x on a normal temperature (20 to 30 °C) emission certification test.

(3) Any oxygen sensor is replaced with a deteriorated or defective oxygen sensor, or the operation of such a sensor is simulated, resulting in an increase in emissions of 0.2 g/mi HC or 1.7 g/mi CO or 0.5 g/mi NO_x on a normal temperature (20 to 30 °C) emission certification test.

(4) The electronic evaporative purge control device (if equipped) or any emission-related powertrain component connected to a computer is electrically disconnected.

* * * * *

8. Section 86.094–35 is amended by adding paragraph (i) to read as follows:

§ 86.094–35 Labeling.

* * * * *

(i) All light-duty vehicles and light-duty trucks shall comply with SAE Recommended Practices J1877 "Recommended Practice for Bar-Coded Vehicle Identification Number Label," (MAY88), and J1892 "Recommended Practice for Bar-Coded Vehicle Emission Configuration Label," (MAY88) except that label characters 3 through 7 as specified in J1892 shall be consistent with the standardized engine family name as revised by EPA for the application model year. SAE J1877 and J1892 are incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096–0001. Copies may be inspected at Docket No. A–90–35 at EPA's Air Docket (LE–131), room 1500M, 1st Floor, Waterside Mall, 401 M Street, SW., Washington, DC, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

* * * * *

9. Section 86.095–30 is amended by adding paragraph (f) to read as follows:

§ 86.095–30 Certification.

* * * * *

(f) For engine families required to have an emission control diagnostic system, certification will not be granted if, for any emission data vehicle or other test vehicle approved by the Administrator, the malfunction indicator light does not illuminate under any of the following circumstances, or if, for any assembly line vehicle, the malfunction indicator light does not illuminate under the circumstances described in paragraph (f)(4) of this section. Only paragraph (f)(4) of this section applies for diesel cycle vehicles.

(1) A catalyst is replaced with a deteriorated or defective catalyst or electronic simulation of such resulting in both an exhaust emission exceedance of 0.6 g/mi HC and an exhaust emission increase of 0.4 g/mi HC on a normal temperature (20 to 30 °C) emission certification test.

(2) A misfire condition is induced resulting in an increase in emissions of greater than 0.4 g/mi HC or 3.4 g/mi CO or 1.0 g/mi NO_x on a normal temperature (20 to 30 °C) emission certification test.

(3) Any oxygen sensor is replaced with a deteriorated or defective oxygen sensor, or the operation of such a sensor is simulated, resulting in an increase in emissions of 0.2 g/mi HC or 1.7 g/mi CO or 0.5 g/mi NO_x on a normal temperature (20 to 30 °C) emission certification test.

(4) The electronic evaporative purge control device (if equipped) or any emission-related powertrain component connected to a computer is electrically disconnected.

* * * * *

10. Section 86.095–35 is amended by adding paragraph (i) to read as follows:

§ 86.095–35 Labeling.

* * * * *

(i) All light-duty vehicles and light-duty trucks shall comply with SAE Recommended Practices J1877

"Recommended Practice for Bar-Coded Vehicle Identification Number Label," (MAY88), and J1892 "Recommended Practice for Bar-Coded Vehicle Emission Configuration Label," (MAY88) except that label characters 3 through 7 as specified in J1892 shall be consistent with the standardized engine family name as revised by EPA for the applicable model year. SAE J1877 and J1892 are incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096–0001. Copies may be inspected at Docket No. A–90–35 at EPA's Air Docket (LE–131), room 1500M, 1st Floor, Waterside Mall, 401 M Street, SW., Washington, DC, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

* * * * *

[FR Doc. 93–3476 Filed 2–18–93; 8:45 am]

BILLING CODE 6560–50–P

VOL 58 ISS 32 FE 19 1993 UMI

federal register

Friday
February 19, 1993

Part X

Department of the Interior

Minerals Management Service

Outer Continental Shelf; Central Gulf of Mexico; Oil and Gas Lease Sale and Notice of Leasing Systems: Sale 142; Notices

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Central Gulf of Mexico
Oil and Gas Lease Sale 142

1. Authority. This Notice is published pursuant to the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331-1356, (1988)), as amended, and the regulations issued thereunder (30 CFR Part 256).

2. Filing of Bids. Sealed bids will be received by the Regional Director (RD), Gulf of Mexico Region, Minerals Management Service (MMS), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394. Bids may be delivered in person to that address during normal business hours (8 a.m. to 4 p.m., Central Standard Time (c.s.t.)) until the bid submission deadline at 10 a.m. Tuesday, March 23, 1993. Hereinafter, all times cited in this Notice refer to c.s.t. unless otherwise stated. Bids will not be accepted the day of bid opening, Wednesday, March 24, 1993. Bids received by the RD later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or written withdrawal request is received by the RD prior to 10 a.m. Tuesday, March 23, 1993. Bid opening time will be 9 a.m., Wednesday, March 24, 1993, at the Sheraton New Orleans Hotel, at 500 Canal Street, New Orleans, Louisiana. All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256. The list of restricted joint bidders which applies to this sale appeared in the Federal Register at 57 FR 46194, published on October 7, 1992.

3. Method of Bidding. A separate signed bid in a sealed envelope labeled "Sealed Bid for Oil and Gas Lease Sale 142, not to be opened until 9 a.m., c.s.t., Wednesday, March 24, 1993," must be submitted for each block or bidding unit bid upon. The sealed envelope and the bid should contain the following information; the company name, MMS qualification number, area number and/or name (abbreviations acceptable), and the block number of the block bid upon. For those blocks which must be bid upon as a bidding unit (see paragraph 12), all numbers of blocks comprising the bidding unit should appear on the sealed envelope and the bid. In addition, the total amount bid must be in whole dollar amounts. Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the U.S. Department of the Interior--Minerals Management Service. Also, for identification purposes, the company name and MMS qualification number, map area number and/or name (abbreviations acceptable) and the block number must appear on the check or bank draft. No bid for less than all of the unleased portions of a block or bidding unit, as referenced in paragraph 12, will be considered.

All documents must be executed in conformance with signatory authorizations on file. Partnerships also need to submit or have on file in the Gulf of Mexico regional office a list of signatories authorized to bind the partnership. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, e.g., 33.33333 percent. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding, Yearly Rental, and Royalty Systems. The following bidding, yearly rental, and royalty systems apply to this sale:

(a) Bidding Systems. All bids submitted at this sale must provide for a cash bonus in the amount of $25 or more per acre or fraction thereof.

(b) Yearly Rental. All leases awarded will provide for a yearly rental payment of $3 per acre or fraction thereof.

(c) Royalty Systems. All leases will provide for a minimum royalty of $3 per acre or fraction thereof. The following royalty systems will be used in this sale. Note that the 12 1/2-percent royalty rate applies to blocks in water depths of 400 meters or greater.

(1) Leases with a 12 1/2-Percent Royalty. This royalty rate applies to blocks in water depths of 400 meters or greater as shown on map 2 (see paragraph 12). Leases issued on the blocks and bidding units offered in this area will have a fixed royalty rate of 12 1/2 percent.

(2) Leases with a 16 2/3-Percent Royalty. This royalty rate applies to blocks in water depths of less than 400 meters (see map 2). Leases issued on the blocks and bidding units offered in this area will have a fixed royalty rate of 16 2/3 percent.

5. Equal Opportunity. Each bidder must qualify for the sale by submitting prior to the bid submission deadline stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form MMS-2033 (June 1985), and the Affirmative Action Representation Form, Form MMS-2032 (June 1985). See paragraph 14(e).

6. Bid Opening. Bid opening will begin at the bid opening time stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight on the day of Bid Opening, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in an interest-bearing account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

9. Acceptance, Rejection, or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any block or bidding unit will be awarded to any bidder, unless:

(a) the bidder has complied with all requirements of this Notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $25 or more per acre or fraction thereof. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, and other applicable regulations may be returned to the person submitting that bid by the RD and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease, pay the balance of the cash bonus bid along with the first year's annual rental for each lease issued, by electronic funds transfer in accordance with the requirements of 30 CFR 218.155, and satisfy the bonding requirements of 30 CFR 256, Subpart I.

11. Leasing Maps and Official Protraction Diagrams. Blocks or bidding units offered for lease may be located on the following Leasing Maps or Official Protraction Diagrams which may be purchased from the Gulf of Mexico regional office (see paragraph 14(a)):

(a) Outer Continental Shelf (OCS) Leasing Maps--Louisiana Nos. 1 through 12. This is a set of 29 maps which sells for $32.

(b) Outer Continental Shelf Official Protraction Diagrams. These diagrams sell for $2.00 each.

NH 15-12	Ewing Bank	(revised December 2, 1976).
NH 16-4	Mobile	(revised November 8, 1988).
NH 16-7	Viosca Knoll	(revised December 2, 1976).
NH 16-10	Mississippi Canyon	(revised December 2, 1976).
NG 15-3	Green Canyon	(revised December 2, 1976).
NG 15-6	Walker Ridge	(revised December 2, 1976).
NG 15-9	(No Name)	(revised April 27, 1989).
NG 16-1	Atwater Valley	(revised November 10, 1983).
NG 16-4	Lund	(revised August 22, 1986)
NG 16-7	(No Name)	(revised April 27, 1989).

(c) A complete set of all the above OCS Leasing Maps and Official Protraction Diagrams is available on microfiche for $5.00 per set.

12. Description of the Areas Offered for Bids.

(a) Acreages of blocks are shown on Leasing Maps and Official Protraction Diagrams. Some of these blocks, however, may be partially leased, or transected by administrative lines such as the Federal/State jurisdictional line. In these cases, the following supplemental documents to this Notice are available from the Gulf of Mexico regional office (see paragraph 14(a)).

Central Gulf of Mexico Lease Sale 142 - Final. Unleased Split Blocks and Unleased Acreage of Blocks with Aliquots or Irregular Acreage Under Lease.

(b) References to Maps 1, 2, and 3 in this Notice refer to the following maps which are available on request from the Gulf of Mexico regional office:

Map 1 entitled "Central Gulf of Mexico Lease Sale 142 - Final. Stipulations, Lease Terms, and Warning Areas."

Map 2 entitled "Central Gulf of Mexico Lease Sale 142 - Final. Bidding Systems and Bidding Units," refers largely to Royalty Rates and Bidding Units.

Map 3 entitled "Central Gulf of Mexico Lease Sale 142 - Final. Detailed Maps of Biologically Sensitive Areas," pertains to areas referenced in Stipulation No. 2.

(c) In several instances, two or more blocks have been joined together into bidding units totaling up to 5,760 acres. Any bid submitted for a bidding unit having two or more blocks must be for all of the unleased Federal acreage within all of the blocks in that bidding unit. The list of those bidding units with their total acreages appears on Map 2.

(d) The areas offered for leasing include all those blocks shown on the OCS Leasing Maps and Official Protraction Diagrams listed in paragraph 11(a), (b), and (c) except for those leased blocks described on pages 7 through 19.

January 20, 1993

Central Gulf of Mexico Leasing Update List

The following blocks have become available for leasing since publication of the preliminary notice of Sale 142 and the block update listing dated October 28, 1992. This list is being furnished for your convenience. If you have any questions regarding this please contact Ms. Pat Bryars at (504) 736-2763.

Central Planning Area

West Cameron

152
204*
217
219
220
235

West Cameron, West Addition

154
414
420

West Cameron, South Addition

521
544
612

East Cameron

80
84
85

East Cameron, South Addition

246
267
294

Vermilion South Addition

274

South Marsh Island

46

Eugene Island

9
25
115
116
(POR)

Eugene Island, South Addition

290
390
391
397

Ship Shoal

99
143
151
186

Ship Shoal, South Addition

260
261
267
286
304
305
332
346
354
362
365

South Timbalier

204

Grand Isle

67

Grand Isle, South Addition

107
108
114
120

West Delta, South Addition

125

South Pass, South and East Addition

90
92
95

Main Pass

106
(POR)
111
122
128

Main Pass, South and East Addition

231

Breton Sound

41

Viosca Knoll

987

Mississippi Canyon

25
69
113
118
329
496
518
519
539
579
580
637
926

Green Canyon

4
60
61
104
105

Atwater Valley

121
165

*District oversight caused this nonproducing lease to remain in an active status until January 1, 1993.

January 20 1993

CENTRAL GULF OF MEXICO LEASED LANDS

(1) Descriptions of blocks listed represent all Federal acreage leased unless otherwise noted.

Sabine Pass

3
6
8
9
10
11
12
13
14
15

West Cameron

17
18
(SW1/4)
19
20
21
22
23
24
27
28
33
34
35
36
38
40
41
43
44
45
46
47
48
49
53
54
55
56
(N1/2)
57
59
60
61
62
63
64
65
66
67
68
69
71
72
73
74
75
76
77
78
79
82
83
90
91
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
118
129
130
131
132
134
135
136
140
141
142
143
144
145
146
148
149
150
151
153
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
186
187
191
192
(S1/2)
193
194
195
196
197
198
202
203
205
206
207
210
211
212
213
214
215
218
221
222
223
225
226
228
229
230
231
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
258
259
261
262
263
264
269
272
276
277
279
280
282
283
284
285
286

West Cameron.
West Addition

155
157
161
163
164
289
290
291
292
293
294
295
298
299
301
305
306
310
312
313
314
315
318
319
320
321
323
324
328
331
332
333
334
337
338
340
342
343
344
351
352
359
360
383
385
388
389
370
379
380
382
383
385
390
391
392
397
400
401
404
405
406
407
408
409
410
411
412
413
416
419
421
422
423
424
425
426
427
430
431
432
433
434
435
436
437
438
442
444

West Came
South Addi

445
446
447
450
455
456
457
458
459
463
464
469
470
471
472
473
474
475
476
477
478
479
482
483
485
488
489
490
491
492
493
494

VOL 58 ISS 32 FE 19 1993 UMI

408	495	587	23	113
409	496	588	24	114
410	498	589	29	115
411	499	590	30	116
412	502	593	32	117
413	504	594	33	118
416	505	596	34	(N1/2)
419	507	600	36	120
421	509	601	37	123
422	510	604	38	124
423	512	605	39	125
424	513	606	40	126
425	515	607	41	132
426	517	609	42	134
427	518	613	43	135
430	522	615	44	136
431	523	616	45	137
432	524	618	46	140
433	526	619	47	141
434	528	620	48	142
435	529	621	49	143
436	531	622	50	144
437	532	623	51	145
438	533	624	53	148
442	534	625	56	151
444	535	628	57	152
	536	630	60	153
West Cameron	537	633	61	154
South Addition	538	634	62	155
	539	635	63	157
445	540	639	64	158
446	542	642	65	160
447	543	643	66	161
450	547	644	67	164
455	548	645	70	165
456	549	648	71	166
457	551	653	72	167
458	553	656	75	168
459	554	657	76	169
463	555	660	77	170
464	556	663	78	171
469	557		81	172
470	559	**East Cameron**	82	176
471	560		83	179
472	561	2	87	182
473	563	9	89	185
474	564	11	90	187
475	565	(Seaward of 8(g)	92	188
476	566	Line)	94	189
477	569	12	95	190
478	570	13	96	192
479	571	14	98	193
482	572	(E1/2 NW1/4;	99	194
483	574	NE1/4)	101	195
485	575	(Landward of 8(g)	102	(S1/2)
488	576	Line)	103	196
489	580	15	105	197
490	581	16	107	198
491	582	17	109	199
492	583	20	110	200
493	584	21	111	201
494	586	22	112	202

203
204
(N1/2 N1/2)
207
210
211
213
214
215
218
219
220
221
222
223
226
227
229
230
231
232
233
234
235

East Cameron, South Addition

236
237
239
240
242
243
245
249
250
251
254
255
256
257
259
260
261
262
263
264
265
266
268
270
271
272
274
275
276
277
278
279
280
281
282
283
284
285
286
287
289
292
293
297
298
299
300
303
304
305
306
307
308
309
310
311
313
316
317
318
320
321
322
323
324
325
327
328
330
331
332
334
335
336
337
338
339
341
346
347
348
349
351
352
353
354
356
357
359
360
361
362
363
364
367
368
369
370
371
376
378
379
381

Vermilion

12
16
17
18
19
20
21
22
23
24
25
26
27
29
30
31
32
34
(W1/2 NW1/4)
35
36
37
38
39
40
41
42
(E1/2)
44
45
46
47
48
49
50
52
54
55
56
57
58
59
60
62
63
64
65
66
67
68
70
71
73
75
76
78
80
82
83
84
85
86
87
88
89
90
92
94
95
96
99
100
101
102
103
104
(SE1/4; N1/2; E1/2 SW1/4; E1/2 W1/2 SW1/4)
107
108
109
112
114
115
117
119
122
123
124
125
126
127
129
130
131
132
133
143
144
145
146
147
148
152
153
155
156
157
158
159
160
161
162
163
164
165
166
167
168
170
171
175
176
179
180
182
185
186
187
188
189
190
191
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
213
214
215
217
218
(E1/2 NW1/4 SE1/4; NE1/4 SW1/4 SE1/4; E1/2 SE1/4)
219
220
221
222
223
225
226
227
228
229
230
232
233
237
241
244
245
246
247
249
250
251

Vermilion, South Addi

252
253
255
256
257
259
261
262
263
264
265
266
267
268
270
271
273
275
276
277
278
279
280
281
282
284
286
287
288
289
291
293
294
295
296
297
298
300
301
302
304
305
306
307
308
309
310
313
314
315
317
318

VOL 58 ISS 32 FE 19 1993 UMI

245
246
247
249
250
251

Vermilion, South Addition

252
253
255
256
257
259
261
262
263
264
265
266
267
268
270
271
273
275
276
277
278
279
280
281
282
284
286
287
288
289
291
293
294
295
296
297
298
300
301
302
304
305
306
307
308
309
310
313
314
315
317
318
320
321
324
325
327
328
329
330
331
332
335
338
339
340
342
344
346
348
349
351
354
355
357
358
359
360
362
363
364
365
367
368
369
370
371
373
374
375
376
377
378
379
380
385
386
394
395
397
398
399
401
404
407
408
409
410
411
412
413

South Marsh Island, North Addition

207
208
209
210
211
212
213
214
215
216
217
218
219
220
(Landward of lease 0310 stip. Line)
221
(Landward of lease 0310 stip. Line)
222
223
224
225
226
227
228
229
230
(Landward of lease 0310 stip. Line)
231
232
233
234
235
236
237
238
239
240
241
(Landward of lease 0310 stip Line)
242
(Landward of lease 0310 stip. Line)
243
244
245
249
250
251
252
253
255
256
257
258
260
261
264
265
266
267
268
269
270
271
273
274
275
277
278
281
282
283
285
286
287
288

South Marsh Island

2
4
5
6
8
10
11
12
13
14
15
16
17
18
19
22
23
25
26
27
28
29
30
33
35
36
37
38
39
40
41
44
45
47
48
49
50
51
53
54
55
57
58
59
60
61
66
68
69
70

South Marsh Island, South Addition

71
72
73
75
76
77
78
79
80
81
82
87
89
90
91
94
95
96
97
98
99
102
103
106
107
108
109
112
113
114
115
116
117
118
119
120
121
122

VOL
58
ISS
32
FE
19
1993
UMI

123
125
127
128
130
131
132
133
134
136
137
138
139
140
141
142
143
144
146
147
148
149
150
151
153
154
155
156
158
160
161
165
166
167
168
169
171
172
173
174
175
176
178
179
180
181
182
183
185
186
187
188
189
190
192
193
194
195
196
197
198
199
204
205

Eugene Island

10
18
19
20
22
23
24
26
27
28
29
30
31
(Seaward of 8(g) Line)
32
33
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
56
57
58
59
60
62
63
64
65
70
71
72
73
74
76
77
78
79
80
81
82
83
84
85
87
88
89
90
(SE1/4)
93
(E1/2)
94
95
97
98
99
100
101
102
105
106
107
108
109
110
111
113A
113B
116
(E1/2)
117
118
119
120
125
126
128
128A
129
129A
133
135
136
138
142
143
144
146
147
148
152
153
154
155
156
157
158
159
160
162
163
164
165
167
170
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
195
196
197
198
199
200
201
202
203
204
205
206
207
208
211
212
214
(W1/2 W1/2 E1/2; W1/2)
215
216
217
218
219
222
223
224
225
227
228
229
230
231
236
237
238
240
242
243
244
245
246
247
(N1/2)
248
249
251
252
253
254
(S1/2)
255
256
257
258
259
260
(SE1/4)
261
262
263
264
265
266

Eugene Island, South Addition

267
268
269
270
272
273
274
275
276
277
278
279
281
282
283
284
285
286
287
(S1/2; S1/2 N1/2)
288
289
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
312
313
314
315
316
317
318
319
320
322
323
324
325
326
327
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
370

303	371	69	149	233
304	372	71	150	235
305	374	(W1/2)	153	
306	375	72	154	Ship Shoal,
307	376	73	156	South Addition
308	380	75	157	
309	382	76	158	237
310	383	77	159	238
312	384	78	160	239
313	385	79	164	240
314	386	80	166	241
315	388	81	167	242
316	389	84	168	243
317	392	85	169	246
318	393	87	170	247
319	394	90	171	248
320	395	91	172	249
322	396	92	173	250
323		93	174	251
324	Ship Shoal	94	175	252
325		97	176	253
326	2	98	177	255
327	10	100	178	256
329	11	101	180	257
330	12	102	181	258
331	13	103	182	259
332	14	104	183	262
333	(S1/2 S1/2)	105	184	263
334	15	106	189	264
335	16	108	190	266
336	25	110	191	268
337	(Seaward of	111	196	269
338	Zone 2)	112	197	270
339	26	113	198	271
340	27	114	199	272
341	28	115	200	273
342	29	117	201	274
343	30	(N1/2)	202	275
344	31	118	203	276
347	32	(N1/2)	204	277
348	33	119	205	278
349	34	120	206	279
350	36	122	207	280
351	37	123	208	281
352	38	126	209	282
353	49	127	212	283
354	50	128	214	284
355	51	129	215	285
356	52	130	216	287
357	53	132	218	288
358	58	133	219	289
359	59	134	220	290
360	62	135	221	291
361	(Landward of 8(g)	136	222	292
362	Line)	137	223	293
363	63	138	224	296
364	64	140	225	299
365	(W1/2)	141	226	300
366	65	145	227	301
367	66	146	229	302
368	67	147	230	303
370	68	148	232	307

VOL 58 ISS 32 FE 19 1993 UMI

309
310
311
312
313
314
315
316
317
319
321
322
323
325
326
327
328
329
330
331
333
334
335
337
339
340
341
343
348
349
351
352
353
356
357
358
359
360
361
364
366
368

South Timbalier

10
21
22
23
24
25
26
27
(N1/2; N1/2 SW1/4)
28
29
33
34
35
36
37
38
50
51
52
53
54
55
58
59
62
63
66
67
68
69
70
72
73
74
76
77
78
79
81
82
85
86
(N1/2)
87
88
95
97
98
99
100
101
102
106
107
108
109
110
111
112
123
124
127
128
129
130
131
132
133
134
135
136
138
142
143
144
145
146
147
148
149
151
152
156
158
159
160
161
162
163
164
165
166
169
170
171
172
173
175
176
177
178
179
180
181
182
184
185
186
187
188
(NW1/4)
189
190
191
192
193
194
195
196
197
198
200
202
203
205
206
207
208
209

South Timbalier, South Addition

214
216
219
221
222
223
224
225
226
231
234
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
255
258
259
260
261
263
264
265
266
267
268
269
271
272
273
275
276
277
279
280
281
282
283
284
285
286
287
288
289
290
291
292
294
295
296
297
300
301
302
308
309
310
311
312
313
316
318
319
320

South Pelto

1
2
4
5
6
7
8
9
10
11
12
13
14
15
17
19
20
22
23
25

Bay Marchand

2
3
4
5

Grand Isle

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
(N1/2)
45
46
47
48
49
51
52
53
55
58
59
62
63
66
68
69
70
72
73
75
76
77
78
79
82
83
85

Grand Isle, Addition

86
88
89
90
91
93
94
95
99
100
101
102
103
106
109
111
113
115
117

34
35
36
37
38
39
40
41
42
43
44
(N1/2)
45
46
47
48
49
51
52
53
55
58
59
62
63
66
68
69
70
72
73
75
76
77
78
79
82
83
85

Grand Isle, South Addition

86
88
89
90
91
93
94
95
99
100
101
102
103
106
109
111
113
115
117

118
119
121

West Delta

17
18
19
20
21
(S1/2 N1/2 S1/2; S1/2 S1/2)
22
23
24
26
27
28
(N1/2; N1/2 S1/2)
29
30
31
32
33
34
35
37
39
40
41
42
43
44
45
46
47
48
49
50
57
58
59
60
61
62
63
64
67
68
69
70
71
72
73
74
75
76
79
80
85

88
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
103
104
105
106
107
108
109

West Delta, South Addition

110
112
114
115
117
118
120
121
122
123
124
126
128
129
130
131
132
133
135
138
140
143
144
145
147
148
149
152

South Pass

6
17
(Seaward of the 4th Supp. Decree to 1 ft. swd. of 3rd Supp. Decree)
27
28
33
34
35
36
37
38
42
43
44
45
46
47
48
49
50
51
52
(Seaward of 8(g) Line)
54
55
56
57
58
59
60
61

South Pass, South & East Addition

62
63
64
65
66
(Seaward of 1965 Decree Line)
67
68
70
71
72
73
74
75
76
77
78
82
83
86
87
88
89
93
94

Main Pass

6
7
(N1/2; N1/2 S1/2, in Zone 2)
18
(S1/2)
19
27
29
30
37
38
39
40
41
42
43
44
55
57
58
59
61
62
63
64
66
68
69
70
71
72
73
74
(Landward of Line 1 ft. swd. of 3rd Supp. Decree)
77
78
86
87
88
90
91
92
93
(Seaward of 8(g) Line)
94
95
97
98
99

100
(N1/2; N1/2 N1/2 S1/2; SE1/4 NE1/4 SE1/4; E1/2 SE1/4 SE1/4)
102
103
105
106
(SW1/4 SE1/4 NE1/4; S1/2 SW1/4 NE1/4; S1/2 S1/2 NW1/4; SW1/4; W1/2 SE1/4; W1/2 E1/2 SE1/4)
107
108
110
112
113
(E1/2 E1/2 NE1/4); E1/2 NE1/4 SE1/4)
116
117
118
119
120
121
123
124
125
126
127
(N1/2)
129
131
132
133
134
138
139
140
141
142
144
145
148
148
149
151
152
(Seaward of 1965 Decree Line)
153

Main Pass, South & East Addition

154
157
158
159
160
161
163
164
165
166
167
168
169
170
171
172
173
175
178
179
180
181
182
183
186
187
188
189
190
191
192
193
194
196
198
199
201
202
206
207
208
209
210
217
218
219
220
221
222
223
224
225
226
227
229
233
234
235
236
237
242
243
244
248
249
251
252
253
254
255
256
257
258
259
260
261
262
264
265
266
272
273
274
276
277
278
279
280
281
283
284
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
303
304
305
308
308
309
310
311
312
313
315

Breton Sound

859
860
39
861
53
862
(W1/2 Portion Seaward of 75 Decree Line)
863
864
865
54
867
55
868
56
869
870

Chandeleur

871
872
9
873
12
904
13
905
14
907
15
908
17
909
18
910
(Seaward of 8(g) Line)
911
912
19
913
20
914
21
915
22
916
23
917
24
918
25
945
28
947
29
948
30
949
(Seaward of 8(g) Line)
952
953
31
954
32
955
33
957
34
958
959

Chandeleur, East Addition

960
961
962
37
990
38
1002
40
1003
41
43

Mobile

778
779
819
820
821
822
823
824
826
827
828
830

Viosca Knoll

22
24
27
29
31
32
34
65
68
69
73
74
76
79

117
118
123
124
155
156
157
158
161
170
201
202
203
204
206
209
212
213
250
251
256
294
295
296
300
301
340
341
343
344
346
390
427
428
429
430
474
518
519
564
609
692
693
694
695
697
698
734
740
741
772
773
774
779
780
781
783
784
785
786
814
815

VOL 58 ISS 32 FE 19 1993 UMI

117
118
123
124
155
156
157
158
161
170
201
202
203
204
206
209
212
213
250
251
256
294
295
296
300
301
340
341
343
344
346
390
427
428
429
430
474
518
519
564
609
692
693
694
695
697
698
734
740
741
772
773
774
779
780
781
783
784
785
786
814
815
817
818
821
822
823
824
825
826
827
828
829
830
861
862
863
866
867
868
869
870
871
872
899
900
903
905
906
907
910
911
912
913
914
915
916
942
944
945
947
953
954
955
956
957
958
959
988
989
990
992
993
996
997
999
1000
1001
1002
1003

Ewing Bank

305
306
347
350
438
481
482
525
526
570
658
701
702
743
744
745
746
781
782
783
784
786
787
788
789
790
824
825
826
828
830
831
832
833
867
868
869
871
872
873
874
875
876
878
879
903
904
906
908
910
911
912
913
914
915
916
917
918
920
921
922
923
938
944
947
949
950
952
954
955
958
959
961
962
963
964
965
966
983
985
986
987
988
989
991
993
994
998
996
1003
1004
1005
1006
1007
1008
1010
1011

Mississippi Canyon

20
21
24
26
27
28
31
32
34
35
36
37
39
40
41
63
64
65
66
68
70
72
75
76
78
79
80
81
82
84
85
108
109
114
115
116
117
123
124
125
127
128
129
147
148
149
150
151
152
153
154
159
160
161
162
163
166
167
168
169
173
191
192
193
194
195
196
199
201
204
205
208
209
210
211
212
213
214
215
216
217
235
236
237
240
243

VOL 58 ISS 32 FE 19 1993 UMI

244
245
247
248
252
253
254
255
256
257
258
259
265
267
268
279
280
281
286
287
288
289
290
291
292
296
299
300
301
302
305
309
311
312
320
321
322
323
324
325
328
330
331
333
335
338
339
340
341
342
343
344
345
346
348
353
354
355
356
357
358
363
365
371
372
378
382
383
384
385
386
392
397
398
399
400
401
402
407
426
427
428
429
430
431
435
437
441
443
444
445
447
448
449
450
451
470
471
474
475
476
480
481
485
486
487
492
493
494
508
509
514
515
516
517
520
521
522
524
529
530
531
533
536
537
538
551
553
554
555
560
561
562
563
564
565
566
568
573
574
575
576
577
583
593
594
595
596
597
600
601
603
605
606
607
608
612
613
617
619
620
621
627
628
630
631
632
633
634
638
639
642
643
647
656
657
661
668
664
674
675
676
677
678
679
680
681
682
686
687
688
692
694
695
698
705
707
708
713
714
717
718
720
721
724
725
726
727
728
730
731
732
734
738
739
749
750
751
752
753
757
758
760
762
763
764
765
768
769
770
771
772
773
774
775
776
777
778
796
797
801
802
803
804
806
807
808
809
810
811
818
819
831
832
841
842
844
845
846
847
848
849
850
851
852
853
854
855
856
868
875
876
885
887
888
889
890
891
892
893
894
895
896
897
898
899
900
911
912
928
929
932
933
934
935
936
937
938
939
940
941
942
955
956
972
976
977
978
979
980
981
982
983
984
985
986
992
993
999
1000
1007
1008

Green Can

5
6
7
8
9
10
13
15
16
18
19
23
25
33
34
35
37
38
39
40
41
45
46
50
51
52
53
54
56
64
65
67
68
69
72
73
78
79
81
83
84
85
89
90
92
93
94

981	95	201	296	446
982	96	202	297	447
983	97	203	298	448
984	98	205	299	454
985	101	206	300	457
986	102	207	301	459
992	109	208	303	460
993	111	209	304	461
999	113	210	305	462
1000	114	211	309	463
1007	115	213	311	465
1008	116	214	312	466
	117	215	313	467
Green Canyon	119	216	314	468
	120	217	317	469
5	121	221	318	470
5	122	223	320	472
7	123	228	323	473
8	125	235	325	474
9	126	236	326	475
10	128	237	329	481
13	129	238	330	486
15	133	240	333	487
16	134	241	334	491
18	135	242	338	497
19	136	243	339	498
23	137	244	340	499
25	140	245	341	500
33	141	246	342	501
34	142	247	353	505
35	143	248	354	506
37	144	249	355	507
38	145	250	356	508
39	146	251	369	509
40	149	252	372	510
41	150	253	373	512
45	155	254	377	513
46	156	255	378	514
50	158	256	379	515
51	159	257	383	516
52	160	258	384	517
53	161	259	385	518
54	163	260	386	519
56	165	261	393	520
64	166	268	398	531
65	167	269	399	533
67	169	271	400	534
68	170	272	403	535
69	172	273	404	540
72	173	274	405	541
73	177	278	406	543
78	179	279	415	544
79	180	280	416	545
81	181	281	417	546
83	183	282	421	550
84	184	285	422	552
85	185	286	426	553
89	188	287	427	554
90	195	288	429	556
92	198	290	430	557
93	199	294	431	558
94	200	295	437	559

VOL
58
ISS
32
FE
19
1993
UMI

562
563
564
578
579
587
588
589
590
600
601
602
603
604
605
606
629
630
631
632
636
644
645
646
647
648
649
650
651
662
663
673
674
679
680
681
682
689
690
691
692
693
699
700
706
707
712
713
714
723
724
725
726
734
735
736
737
742
743
756
757
758
764
765
766
767
775
776
778
801
802
808
810
816
825
826
844
845
850
851
852
853
854
859
860
863
864
869
870
871
872
873
905
913
915
955
958
999
1001

Atwater Valley

1
7
8
11
12
13
15
16
17
18
19
20
21
22
23
24
25
26
50
51
52
55
56
57
58
59
60
61
62
63
64
66
67
68
70
71
79
84
85
90
91
92
93
98
99
100
101
103
104
105
106
107
108
112
113
114
115
116
117
118
119
122
123
127
128
133
134
135
136
137
141
142
143
145
146
150
151
152
153
157
158
160
161
162
163
177
178
179
180
181
182
189
190
209
210
217
222
223
224
225
226
233
234
253
254
256
257
258
261
266
267
268
276
277
284
299
300
310
311
312
313
321
327
334
343
344
346
353
370
371
377
378
379
397
401
405
406
408
414
415
441
444
445
446
450
457
486
489
490
573
574
575
617
618

Walker Ridge

22
45
46
66
120
121
164
189
197
198
205
206
207
234
249
250
251
425
426
469
470
663
678
707
723
724
766
767
768
811

13. Lease Terms and Stipulations.

(a) Leases resulting from this sale will have initial terms as shown on Map 1 and will be on Form MMS-2005 (March 1986). Copies of the lease form are available from the Gulf of Mexico regional office (see paragraph 14(a)).

(b) The applicability of the stipulations which follow is as shown on Map 1 and Map 3 and as supplemented by references in this Notice.

Stipulation No.1--Protection of Archaeological Resources.

(This stipulation will apply to all blocks offered for lease in this sale.)

(a) "Archaeological resource" means any prehistoric or historic district, site, building, structure, or object (including shipwrecks); such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object (16 U.S.C. 470w(5)). "Operations" means any drilling, mining, or construction or placement of any structure for exploration, development, or production of the lease.

(b) If the Regional Director (RD) believes an archaeological resource may exist in the lease area, the RD will notify the lessee in writing. The lessee shall then comply with subparagraphs (1) through (3).

(1) Prior to commencing any operations, the lessee shall prepare a report, as specified by the RD, to determine the potential existence of any archaeological resource that may be affected by operations. The report, prepared by an archaeologist and a geophysicist, shall be based on an assessment of data from remote-sensing surveys and of other pertinent archaeological and environmental information. The lessee shall submit this report to the RD for review.

(2) If the evidence suggests that an archaeological resource may be present, the lessee shall either:

(i) Locate the site of any operation so as not to adversely affect the area where the archaeological resource may be; or

(ii) Establish to the satisfaction of the RD that an archaeological resource does not exist or will not be adversely affected by operations. This shall be done by further archaeological investigation, conducted by an archaeologist and a geophysicist, using survey equipment and techniques deemed necessary by the RD. A report on the investigation shall be submitted to the RD for review.

(3) If the RD determines that an archaeological resource is likely to be present in the lease area and may be adversely affected by operations, the RD will notify the lessee immediately. The lessee shall take no action that may adversely affect the archaeological resource until the RD has told the lessee how to protect it.

(c) If the lessee discovers any archaeological resource while conducting operations on the lease area, the lessee shall report the discovery immediately to the RD. The lessee shall make every reasonable effort to preserve the archaeological resource until the RD has told the lessee how to protect it.

Stipulation No. 2--Topographic Features.

(This stipulation will be included in leases located in the areas so indicated on Maps 1 and 3 described in paragraph 12.)

The banks which cause this stipulation to be applied to blocks of the Central Gulf are:

Bank Name	No Activity Zone Defined by Isobath (meters)	Bank Name	No Activity Zone Defined by Isobath (meters)
McGrail Bank	85	Jakkula Bank	85
Bouma Bank	85	Sweet Bank[1]	85
Rezak Bank	85	Bright Bank	85
Sidner Bank	85	Geyer Bank[3]	85
Rankin Bank	85	MacNeil Bank[3]	82
Sackett Bank[2]	85	Alderdice Bank	80
Ewing Bank	85	Fishnet Bank[2]	76
Diaphus Bank[2]	85	29 Fathom Bank	64
Parker Bank	85	Sonnier Bank	55

[1]Only paragraph (a) of the stipulation applies.
[2]Only paragraphs (a) and (b) apply.
[3]Western Gulf of Mexico bank with a portion of its "3-Mile Zone" in the Central Gulf of Mexico.

(a) No activity including structures, drilling rigs, pipelines, or anchoring will be allowed within the listed isobath ("No Activity Zone" as shown on Map 3) of the banks as listed above.

(b) Operations within the area shown as "1,000-Meter Zone" on Map 3 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.

(c) Operations within the area shown as "1-Mile Zone" on Map 3 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom. (Where there is a "1-Mile Zone" designated, the "1,000-Meter Zone" in paragraph (b) is not designated.)

(d) Operations within the area shown as "3-Mile Zone" on Map 3 shall be restricted by shunting all drill cuttings and drilling fluids from development operations to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.

Stipulation No. 3--Live Bottoms.

(To be included only on leases in the following blocks: Main Pass Area, South and East Addition, Blocks 190, 194, 198, 219-226, 244-266, 276-290; Viosca Knoll, Blocks 473-476, 521, 522, 564, 565, 566, 609, 610, 654, 692-698, 734, 778.)

For the purpose of this stipulation, "live bottom areas" are defined as seagrass communities; or those areas which contain biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, or corals living upon and attached to naturally occurring hard or rocky formations with rough, broken, or smooth topography; or areas whose lithotope favors the accumulation of turtles, fishes, and other fauna.

Prior to any drilling activities or the construction or placement of any structure for exploration or development on this lease, including, but not limited to, anchoring, well drilling, and pipeline and platform placement, the lessee will submit to the Regional Director (RD) a live bottom survey report containing a bathymetry map prepared utilizing remote sensing techniques. The bathymetry map shall be prepared for the purpose of determining the presence or absence of live bottoms which could be impacted by the proposed activity. This map shall encompass such an area of the seafloor where surface disturbing activities, including anchoring, may occur.

If it is determined that the live bottoms might be adversely impacted by the proposed activity, the RD will require the lessee to undertake any measure deemed economically, environmentally, and technically feasible to protect the pinnacle area. These measures may include, but are not limited to, the following:

(a) the relocation of operations; and

(b) the monitoring to assess the impact of the activity on the live bottoms.

Stipulation No. 4--Military Areas.

(This stipulation will be included in leases located within the Warning Areas and Eglin Water Test Areas 1 and 3, as shown on Map 1 described in paragraph 12.)

(a) Hold and Save Harmless

Whether compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf (OCS) to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the OCS, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U. S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the command headquarters listed in the following table.

Notwithstanding any limitation of the lessee's liability in section 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of its officers, agents, or employees. The lessee further agrees to indemnify and hold and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, or to indemnify and hold and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of its

officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) Electromagnetic Emissions

The lessee agrees to control its own electromagnetic emissions and those of its agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the command headquarters listed in the following table to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing, or operational activities, conducted within individual designated warning areas. Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area; provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

(c) Operational

The lessee, when operating or causing to be operated on its behalf, boat or aircraft traffic in the individual designated warning areas shall enter into an agreement with the commander of the individual command headquarters listed in the following table, upon utilizing an individual designated warning area prior to commencing such traffic. Such an agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Warning Areas' Command Headquarters

Warning Areas	Command Headquarters
W-155-A W-155-B (For Agreement)	Chief, Naval Air Training Naval Air Station ATTN: Lieutenant Commander Velez, USN, or Lt. Joseph Corpus Christi, Texas 78419-5100 Telephone: (512) 939-3862/3902

Warning Areas	Command Headquarters
W-155-A W-155-B (For Operational Control)	Fleet Area Control & Surveillance Facility (FACSFAC) Naval Air Station ATTN: OS1 Reser Pensacola, Florida 32508 Telephone: (904) 452-2735/4671
W-92	Naval Air Station Air Operations Department Air Traffic Division/Code 52 ATTN: ACC Thrift New Orleans, Louisiana 70146-5000 Telephone: (504) 393-3100/3101
W-453	Air National Guard - CRTC Gulfport, Mississippi/ACMI ATTN: Tech. Sgt. D. Crawford or Staff Sgt. L. Wyche Gulfport, Mississippi 39507 Telephone: (601) 867-2433
Eglin Water Test Areas 1 and 3	Air Force Development Test Center XRI ATTN: Mr. Danny Pugh Eglin AFB, Florida 32542 Telephone: (904) 882-3899/9757

14. Information to Lessees.

(a) Supplemental Documents. For copies of the various documents identified as available from the Gulf of Mexico regional office, prospective bidders should contact the Public Information Unit, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, either in writing or by telephone at (504) 736-2519. For additional information, contact the Regional Supervisor for Leasing and Environment at that address or by telephone at (504) 736-2759.

(b) Navigation Safety. Operations on some of the blocks offered for lease may be restricted by designation of fairways, precautionary zones, anchorages, safety zones, or traffic separation schemes established by the U.S. Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.), as amended. Bidders are advised that the U.S. Coast Guard published a notice of petition for rulemaking to expand the existing safety zone around the Louisiana Offshore Oil Port (Federal Register, Vol. 57, No. 13, p.2238, January 21, 1992).

U.S. Army Corps of Engineers (COE) permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4(e) of the OCS Lands Act, as amended.

For additional information, prospective bidders should contact Lt. Commander Ken Parris, Assistant Marine Port Safety Officer, 8th Coast Guard District, Hale Boggs Federal Building, New Orleans, Louisiana 70130, (504) 589-6901. For COE information, prospective bidders should contact Mr. Ron Ventola CELMN-OD-S, Post Office Box 60267, New Orleans, Louisiana 70160-0267, (504) 862-2255.

(c) Offshore Pipelines. Bidders are advised that the Department of the Interior and the Department of Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(d) 8-Year Leases. Bidders are advised that any lease issued for a term of 8 years will be cancelled after 5 years, following notice pursuant to the OCS Lands Act, as amended, if within the initial 5-year period of the lease, the drilling of an exploratory well has not been initiated, or if initiated, the well has not been drilled in conformance with the approved exploration plan criteria, or if there is not a suspension of operations in effect. See 30 CFR 256.37.

(e) Affirmative Action. Revision of Department of Labor regulations on affirmative action requirements for Government contractors (including lessees) has been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should changes become effective at any time before the issuance of leases resulting from this sale, section 18 of the lease form (Form MMS-2005, March 1986), would be deleted from leases resulting from this sale. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this Notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1). Submission of Form MMS-2032 (June 1985) and Form MMS-2033 (June 1985) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing affirmative action forms.

(f) Ordnance Disposal Areas. Bidders are cautioned as to the existence of two inactive ordnance disposal areas in the Mississippi Canyon area, shown on Map 1. These areas were used to dispose of ordnance of unknown quantity and composition.

Water depths range from approximately 750 to 1,525 meters. Bottom sediments in both areas are soft, consisting of silty clays. Exploration and development activities in these areas require precautions commensurate with the potential hazards.

The U. S. Air Force has released an indeterminable amount of unexploded ordnance throughout Eglin Water Test Areas 1 and 3. The exact location of the unexploded ordnance is unknown, and lessees are advised that all lease blocks included in this sale within these water test areas should be considered potentially hazardous to drilling and platform and pipeline placement.

(g) Communications Towers. The Department of Defense, U.S. Air Force has installed seven military communications towers in the Chandeleur/Mobile/Viosca Knoll area which support Air Combat Maneuvering Instrumentation (ACMI). This project may impose certain restrictions on oil and gas activities in that area since no activity can take place within 500 feet of a tower site, and unobstructed lines of sight must be maintained between towers. The seven towers are located within Mobile, Blocks 769, 819 and 990; Viosca Knoll, Block 116; and Chandeleur Area, Blocks 33, and 61; and Chandeleur Area, East Addition, Block 39. Information and maps of the specific locations and line of sight crossings for ACMI towers may be obtained from Mr. Wallace Williams, Minerals Management Service, (504)736-2772.

(h) Archaeological Resources. Bidders are advised of the Notice to Lessees (NTL) affecting the historic shipwreck survey requirement published in the Federal Register on December 20, 1991, pages 66076-66082 with an effective date of February 17, 1992. This NTL details the survey methodology, including a more intensive survey with line spacing 50 meters apart, and report writing requirements. A Letter to Lessees (LTL) of November 30, 1990 lists those blocks identified as having a high probability for encountering historic shipwrecks. Copies of both the NTL and LTL are available from the MMS Public Information Unit. See paragraph 14(a).

(i) Proposed Rigs to Reefs. Bidders are advised that there are OCS artificial reef sites and planning sites for the Gulf of Mexico. These are generally located in water depths of less than 200 meters. While all existing and proposed sites require a permit from the U. S. Army Corps of Engineers, this "Rigs to Reefs" program is implemented through sponsorship by the affected States as listed below with the names of the designated State Artificial Reef Coordinators:

Alabama
Mr. Walter M. Tatum
(205) 968-7578

Louisiana
Mr. Rick Kasprzac
(504) 765-2375

Mississippi
Mr. Mike Buchanan
(601) 385-5860

Texas
Ms. Jan Coulbertson
(713) 474-2811

For more information, prospective bidders should contact the above listed Coordinators for their areas of interest.

Director, Minerals Management Service

Carolita Kallaur

Approved:

Assistant Secretary, Land and Minerals Management

Michael Dombeck

2/16/93
Date

28

[FR Doc. 93-4005 Filed 2-18-93; 8:45 am]
BILLING CODE 4310-MR-C
BILLING CODE 4310-MR-M

Billing Code: 4310-MR

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf
Central Gulf of Mexico

Notice of Leasing Systems, Sale 142

Section 8(a)(8) (43 U.S.C. 1337(a)(8)) of the Outer Continental Shelf Lands Act (OCSLA) requires that, at least 30 days before any lease sale, a Notice be submitted to the Congress and published in the Federal Register:

1. identifying the bidding systems to be used and the reasons for such use; and

2. designating the tracts to be offered under each bidding system and the reasons for such designation.

This Notice is published pursuant to these requirements.

1. Bidding systems to be used. In the Outer Continental Shelf (OCS) Sale 142, blocks will be offered under the following two bidding systems as authorized by section 8(a)(1) (43 U.S.C. 1337(a)(1)): (a) bonus bidding with a fixed 16 2/3-percent royalty on all unleased blocks in less than 400 meters of water; and (b) bonus bidding with a fixed 12 1/2-percent royalty on all remaining unleased blocks.

a. Bonus Bidding with a 16 2/3-Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA. This system has been used extensively since the passage of the OCSLA in 1953 and imposes greater risks on the lessee than systems with higher contingency payments but may yield more rewards if a commercial field is discovered. The relatively high front-end bonus payments may encourage rapid exploration.

b. Bonus Bidding with a 12 1/2-Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA. It has been chosen for certain deeper water blocks proposed for the Central Gulf of Mexico (Sale 142) because these blocks are expected to require substantially higher exploration, development, and production costs, as well as longer times before initial production, in comparison to shallow water blocks. Department of the Interior analyses indicate that the minimum economically developable discovery on a block in such high-cost areas under a 12 1/2-percent royalty system would be less than for the same blocks under a 16 2/3-percent royalty system.

As a result, more blocks may be explored and developed. In addition, the lower royalty rate system is expected to encourage more rapid production and higher economic profits. It is not anticipated, however, that the larger cash bonus bid associated with a lower royalty rate will significantly reduce competition, since the higher costs for exploration and development are the primary constraints to competition.

2. Designation of Blocks. The selection of blocks to be offered under the two systems was based on the following factors:

a. Lease terms on adjacent, previously leased blocks were considered to enhance orderly development of each field.

b. Blocks in deep water were selected for the 12 1/2-percent royalty system based on the favorable performance of this system in these high-cost areas as evidenced in our analyses.

The specific blocks to be offered under each system are shown on Map 2 entitled "Central Gulf of Mexico Lease Sale 142 - Final Bidding Systems and Bidding Units." This map is available from the Minerals Management Service, Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394.

Acting Director, Minerals Management Service
Carolita Kallaur

Approved:

Acting Assistant Secretary - Land and Minerals Management
Michael Dombeck

February 16, 1993

[FR Doc. 93-4006 Filed 2-18-93; 8:45 am]
BILLING CODE 4310-MR-C

federal register

Friday
February 19, 1993

Part XI

Department of Transportation

Federal Aviation Administration

14 CFR Parts 61 and 142

Aircraft Flight Simulator Use in Pilot Training, Testing, and Checking at Training Centers; Proposed Rule

VOL 58 ISS 32 FE 19 1993 UMI

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 61 and 142

[Docket No. 26933; Notice No. 92–10A; and Special Federal Aviation Regulation No. 58]

RIN 2120–AA83

Aircraft Flight Simulator Use in Pilot Training, Testing, and Checking and at Training Centers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); Correction.

SUMMARY: On August 11, 1992, the Department of Transportation published a Notice of Proposed Rulemaking (NPRM) (Notice 92–10; 57 FR 35888) on the use of aircraft flight simulation. This SNPRM revises the NPRM by clarifying or eliminating certain provisions found to be unclear or inappropriate for consideration at this time.

DATES: Comments on this SNPRM must be received on or before March 22, 1993.

ADDRESSES: Comments on this notice should be mailed, in triplicate, to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC–10), Docket No. 26933, 800 Independence Avenue SW., Washington, DC 20591. All comments must be marked: "Docket No. 26933." Comments may be examined in room 915G on weekdays except on Federal holidays between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Warren Robbins or Ron Myres, Regulations Branch, (AFS–850), General Aviation and Commercial Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC. 20591, Telephone (202) 267–8150.

SUPPLEMENTARY INFORMATION:

Comments Invited

Because the proposals in this SNPRM differ in some respects from the NPRM, Notice 92–10, the FAA encourages interested persons to file comments in response to this SNPRM even if they have already commented on the NPRM. The SNPRM supersedes four sections only of the NPRM; therefore, any comments previously received on those sections of the NPRM that are not being superseded will remain under consideration, while comments already received on the four sections being revised by this SNPRM will be considered but only if they relate to the revised sections. The comment period on the SNPRM will close March 22, 1993.

Interested persons are invited to comment on the proposed rule by submitting such written data, views, or arguments as they may desire. Comments should identify the regulatory docket or notice number and be submitted in triplicate to the Rules Docket at the address specified above. All comments received, as well as a report summarizing each substantive public contact with FAA personnel on this rulemaking, will be filed in the docket. The docket is available for public inspection before and after the comment closing date.

All comments received on or before the closing date will be considered by the Administrator before taking action on this proposed rulemaking. Late-filed comments will be considered to the extent practicable. The proposals contained in this notice may be changed in light of comments received.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include with their comments a pre-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 26933." When the comment is received, the postcard will be dated, time-stamped, and mailed to the commenter.

Availability of SNPRM

Any person may obtain a copy of this SNPRM and the NPRM, Notice No. 92–10, by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–200, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify Notice No. 92–10 for the NPRM and Notice No. 92–10A for the SNPRM. Persons interested in being placed on a mailing list for future proposed rules should request from the above office a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

On August 11, 1992, the Department of Transportation published an NPRM on the use of aircraft flight simulation. The regulatory language contained in four sections of the NPRM (Notice No. 92–10) is in need of revision. These revisions are explained more fully under the section-by-section analysis set forth below.

Section-by-Section Analysis

Section 61.187 Flight Proficiency

In the NPRM, the FAA proposed to revise paragraph (a) of § 61.187 to permit an applicant for a flight instructor certificate to receive the required instruction for the certificate in an aircraft, a flight simulator, or a flight training device. This proposed revision to paragraph (a) was inadvertent, for the FAA did not intend to revise any portion of that paragraph. Rather, it intended to add an additional provision that would permit an applicant to receive the required training in any one of the three ways described above. To accomplish this purpose, this SNPRM would restore paragraph (a) of § 61.187 without any change and would add a new paragraph (c) to § 61.187. The new paragraph would contain the proposed change that was set forth in § 61.187(a) of the NPRM, with the additional correction described below.

The NPRM incorrectly proposed that the flight instruction could be received in an aircraft, in a flight simulator, or in a flight training device used in accordance with an approved course at a training center certificated under part 142. The proposal is incorrect insofar as it fails to recognize that some or all of the training may be received in any of the following ways: (1) In an aircraft pursuant to a course given under part 61, part 121, part 135, part 141, or part 142; (2) in a flight simulator pursuant to a course approved under part 121 or part 142; or (3) in a flight training device pursuant to a course approved under part 142. This SNPRM amends the NPRM to clarify that the above options would be available to an applicant.

Section 61.197 Renewal of flight instructor certificates

The FAA inadvertently included in proposed § 61.197 certain new provisions. These provisions involve medical qualifications for the renewal of a flight instructor certificate (§ 61.197(a)(1) and (a)(2)), renewal of the certificate and its ratings without accomplishing a practical test (§ 61.197(b)(1)(i) and (ii), and (b)(2)(iv)(A) and (B)), and the use of a graduation certificate from a refresher course as a method of renewal (§ 61.197(c)). The FAA has initiated a program to review and update current part 61. The agency believes that the provisions inadvertently included in proposed § 61.197 are more appropriate for consideration in connection with its part 61 review. Accordingly, this SNPRM would withdraw the proposals described above. The FAA anticipates that these proposals, or others like them

will be part of a future rulemaking to revise part 61.

As stated in the NPRM, the purpose of proposed § 61.197 is to propose that the practical test for renewal of a flight instructor certificate be conducted, in whole or in part, in a flight simulator or flight training device. The above revisions would not affect this proposed change to § 61.197.

The other proposed changes to § 61.197 are for editorial purposes only.

Section 142.49 Training center instructor privileges and limitations

Proposed § 142.49(a) provides that a part 142 certificate holder may not allow an instructor to provide instruction "for which that instructor is qualified unless that instructor is qualified under the requirements of this subpart." On further consideration, the FAA believes that the phrase "for which that instructor is qualified" is confusing and does not add anything of substance to proposed § 142.49(a). Accordingly, this SNPRM deletes the above phrase from the proposal.

Section 142.53 Training center instructor training and testing requirements

Under proposed § 142.53(b)(2), an instructor who does not hold a medical certificate could not instruct in certain flight simulators. On reconsideration, the FAA believes that this restriction was inappropriate. The FAA has issued exemptions permitting instruction under these circumstances. It does not believe that a medical certificate is necessary provided that the instruction is conducted in a flight simulator rather than in an aircraft. Therefore, the restriction contained in the above paragraph is deleted from the proposal by this SNPRM.

Economic Evaluation

Executive Order 12291, dated February 17, 1981, directs Federal Agencies to promulgate new regulations or modify existing regulations only if potential benefits to society for each proposed change outweigh potential costs.

There are no costs associated with this SNPRM. It merely clarifies the intent of the NPRM by removing unintended restrictions, therefore, the FAA finds that further regulatory evaluation is not required. A copy of the regulatory evaluation to support the NPRM is filed in FAA Rules Docket 26933.

International Trade Impact Statement

This rule will not impose a competitive disadvantage to either U.S. air carriers doing business abroad or foreign air carriers doing business in the United States. This assessment is based on the fact that this rule will not impose additional costs on either U.S. or foreign air carriers.

Regulatory Flexibility Determination

In accordance with the Regulatory Flexibility Act of 1980, the FAA has determined that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities. This assessment is based on the regulatory evaluation of the NPRM published on August 11, 1992, and on the fact that this SNPRM will not impose any additional costs.

Federalism Implications

The regulations adopted herein will not have any direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Paperwork Reduction Act

The reporting and recordkeeping requirements associated with Notice 92–10 are being submitted to the Office of Management and Budget for approval in accordance with 44 U.S.C. chapter 35 under DOT NO: New; OMB NO: New; Title: Aircraft Flight Simulator Use in Pilot Training, Testing, and Checking and at Training Centers. Need for Information: To adhere to the requirements for records that would need to be generated and maintained under proposed part 142. Proposed Use of Information: To provide surveillance capability over proposed training centers to insure compliance with airman training, testing, and certification requirements. Frequency: Records would have to be kept of the training center initial application, of each student, of each instructor or evaluator, and of all air carrier certificate holder clients. These records would have to be annotated subsequent to any training, testing, or checking. Burden Estimate: 5450 hours for total annual burden. Respondents: Part 142 certificate holders and certificate holder applicants. Form(s): To be determined. Average Burden Hours per Respondent: The FAA estimates that there will be 32 certificate applicants during the first year. The average burden hours are estimated as follows:

(1) To file an application—50 hours per application.

(2) To maintain a record for each student and provide that record once per student—1 hour per record.

(3) To maintain a record for instructor and evaluator and provide that record once per instructor or evaluator, excluding the initial certificate application—1 hour per record.

(4) To provide a record to each POI for each course being instructed and the instructor's name—.25 hour per record.

For further information contact: The Information Requirements Division, M–34, Office of the Secretary of Transportation, 400 Seventh Street, SW., Washington DC 20590, (202) 366–4735. Comments may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, room 3228, Washington DC 20503, (202) 395–7340, Attention: Desk Officer for FAA. A copy of comments submitted to OMB also should be sent to the FAA Rules Docket listed under **ADDRESSES**.

Conclusion

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that, because this SNPRM makes minor technical changes that are mainly editorial in nature, it is not major under Executive Order 12291. Although this proposal is considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the technical changes that it proposes would result in an impact so minimal that the proposal does not warrant a full evaluation. Further, the proposal would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. An initial regulatory evaluation of the NPRM, which includes a Regulatory Flexibility Determination and Trade Impact Analysis, has been placed in the regulatory docket. A copy may be obtained by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects in 14 CFR Parts 61 and 142

Administrative practice and procedure, Aircraft, Airmen, Drug testing, Educational facilities, Reporting and recordkeeping requirements.

The Proposed Amendments

In consideration of the foregoing, the Federal Aviation Administration

proposes to amend parts 61 and 142 as follows:

PART 61—[AMENDED]

1. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1355, 1421, 1422, and 1427; 49 U.S.C. 106(g) (Revised Pub. L. 97–449; January 12, 1983).

2. Section 61.187 is amended by adding a new paragraph (c) to read as follows:

§ 61.187 Flight proficiency.

* * * * *

(c) An applicant for a flight instructor certificate may receive flight instruction—

(1) In an aircraft, in a flight simulator, or in a flight training device used in accordance with an approved course at a training center certificated under part 142 of this chapter;

(2) In an aircraft or in a flight simulator used in accordance with a course approved under part 121 of this chapter;

(3) In an aircraft used in accordance with subpart G of part 61 of this chapter if the flight instruction—

(i) Covers the subject listed in paragraph (a) of this section; and

(ii) Is given by a person authorized by the Administrator to instruct flight instructors; or

(4) In an aircraft used in accordance with a course approved under part 135 or part 141 of this chapter.

3. Section 61.197 is revised to read as follows:

§ 61.197 Renewal of flight instructor certificates.

(a) Except as provided in paragraph (b) of this section, the holder of a flight instructor certificate may renew that certificate for an additional period of 24 calendar months if that individual satisfactorily completes a practical test for—

(1) Renewal of the flight instructor certificate and rating sought; or

(2) An additional flight instructor rating.

(b) The holder of a flight instructor certificate may renew that certificate and its ratings without accomplishing a practical test, by presenting to an FAA Flight Standards District Office evidence of one of the following:

(1) A record showing that, during the preceding 24 calendar months, the instructor has served—

(i) As a company check pilot;

(ii) As a chief flight instructor;

(iii) As a company check airman or flight instructor in a part 121 or part 135 operation; or

(iv) In a comparable position involving the regular evaluation of pilots.

(2) A graduation certificate from an approved flight instructor refresher course, provided that—

(i) The course was completed prior to the expiration date of the flight instructor certificate; and

(ii) The course consists of not less than 24 hours of—

(A) Ground training;

(B) Flight training; or

(C) A combination of ground training and flight training.

(c) If an instructor satisfactorily completes the requirements of this section within 90 days prior to the expiration date of the flight instructor certificate, the instructor is considered to have completed the requirements of this section just prior to the expiration date, and the certificate will be renewed for an additional 24 calendar months beyond the expiration date.

(d) Except as allowed by paragraph (e) of this section, the practical test required by paragraph (a) of this section must be conducted in an aircraft.

(e) The practical test required by paragraph (a) of this section may be accomplished in an aircraft, in a flight simulator, or in a flight training device if it is accomplished in an approved course conducted by a training center certificated under part 142 of this chapter.

PART 142—[AMENDED]

Proposed part 142 is amended to read as follows:

4. Section 142.49(a) is revised to read as follows:

§ 142.49 Training center instructor privileges and limitations.

(a) A part 142 certificate holder may not allow an instructor to provide instruction in any course of training, testing, or checking unless that instructor is qualified under the requirements of this subpart.

* * * * *

5. Section 142.53(b)(2) is revised to read as follows:

§ 142.53 Training center instructor training and testing requirements.

* * * * *

(b) * * *

(2) An instructor may not instruct in a qualified and approved flight simulator that represents an airplane requiring two or more flight crewmembers unless that instructor has—

* * * * *

Issued in Washington, DC, on February 12, 1993.

Thomas C. Accardi,

Director, Flight Standards Service.

[FR Doc. 93–3951 Filed 2–18–93; 8:45 am]

BILLING CODE 4910–13–M

Reader Aids

Federal Register

Vol. 58, No. 32

Friday, February 19, 1993

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection desk	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

6601–6678	1
6679–6874	2
6875–7046	3
7047–7184	4
7185–7476	5
7477–7714	8
7715–7860	9
7861–7952	10
7953–8200	11
8201–8516	12
8517–8690	16
8691–8892	17
8893–9106	18
9107–9516	19

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive orders:

12837	8205
12838	8207
12839	8515
12800 (Revoked by EO 12836)	7045
12818 (Revoked by EO 12836)	7045
12836	7045

Administrative Orders:

Memorandums:	
January 22, 1993	7455
January 22, 1993	7457
January 22, 1993	7459
January 29, 1993	8201
February 3, 1993	8203

Proclamations:

6527	7477
6528	8691

5 CFR

Proposed Rules:

410	8912
970	7052

7 CFR

52	7607
301	8517, 8820
318	7953
319	8524
907	7964
908	7964
911	8533
915	7972, 8533
916	8534
918	8209
925	8893
927	8536
932	8538
948	8539
1097	6679
1099	6679
1106	8894
1209	8194
1477	9107
1478	9107

Proposed Rules:

52	7296
275	7296
283	7296
907	8912
908	8912
932	8558
1106	8559
1139	7996

9 CFR

161	8820

Proposed Rules:

317	8560
381	8560

10 CFR

19	7715
20	7715
30	7715
36	7715
40	7715
51	7715
70	7715
170	7715
455	9424

Proposed Rules:

20	8560
30	6730
40	6730
50	6730, 7757
70	6730
72	6730

11 CFR

201	6875

12 CFR

203	6601
207	6602
208	7973
220	6602
221	6602
224	6602
225	7973
303	8210
325	8220
611	6604
612	6605
796	6605
1605	8220

Proposed Rules:

205	8714
208	8007
225	8007
Ch. III	6903
900	8563

13 CFR

121	7479, 9112, 9113

Proposed Rules:

121	9131

14 CFR

21	8222
23	8222
33	6875
39	6703–6707, 6877–6881, 7185, 7479–7482, 7737, 7861, 7862, 7982, 7983, 8224, 8693, 9113–9117
71	6709, 6884–6886, 7179, 7484, 7738, 8896
73	6884
95	6887
97	6709, 6712, 7485, 7746

Proposed Rules:
Ch. I.....8244, 8719
39.....6740, 6742, 6743, 6745, 6746, 6906, 7196, 7494, 7495, 7759, 8719, 8721, 8723, 8914, 8916, 9131, 9133
61.....7197, 9514
63.....7197
65.....7197
71.....6911, 8244, 8724, 8725, 9134
93.....7950
121.....7197, 8917
129.....8917
135.....7197
142.....9514
300.....7040
399.....7053

15 CFR

Proposed Rules:
1200.....8564

16 CFR

4.....7047
Proposed Rules:
Ch. II...8013, 8016, 8020, 8023
305.....7852
1210.....8565

17 CFR

4.....8226
140.....6677
145.....7040
150.....6854
200.....8541
270.....7964
Proposed Rules:
1.....6748, 7056
3.....6748
10.....6748
145.....6748

18 CFR

3c.....7486
154.....7964
157.....6893
365.....8897
381.....7488, 8897
385.....7964

19 CFR

Proposed Rules:
10.....6677

21 CFR

177.....8820
520.....7864, 8541
522.....8542
1308.....7186

23 CFR

140.....6713
Proposed Rules:
625.....6914

24 CFR

770.....8186
882.....8186
889.....8186
890.....8186
941.....8186
Proposed Rules:
770.....8187
882.....8187
889.....8187
890.....8187
941.....8187

25 CFR

501.....8449
515.....8449
519.....8449
522.....8449
523.....8449
524.....8449
531.....8449
533.....8449
535.....8449
537.....8449
539.....8449
556.....8449
558.....8449
571.....8449
573.....8449
575.....8449
577.....8449

26 CFR

1.....6678, 7041, 7296, 7747, 7865, 7987, 7988, 8098, 9245
602.....6678, 7987, 7988, 9245
Proposed Rules:
1.....6854, 6922, 6923, 7179, 7497, 7845, 8027
26.....6854, 7497
31.....8726
52.....8099
301.....6854, 7497, 7761, 8098

27 CFR

Proposed Rules:
9.....8726

29 CFR

2616.....6605
2617.....6605
2619.....8230
2676.....8231
Proposed Rules:
103.....7199
402.....9418
403.....9418
2619.....7921
2676.....7921

30 CFR

77.....8543
218.....8907
254.....7489
701.....8655
785.....8655
Proposed Rules:
14.....8028
18.....8028
75.....8028
870.....7761, 8655

31 CFR

103.....7047
Proposed Rules:
357.....9134

32 CFR

201.....7865
592.....6715
606.....6715
608.....6715
612.....6715
616.....6715
706.....8694

33 CFR

1.....8884
3.....6716
100.....7492, 8543, 9118
117.....6717
150.....7330
154.....7330
155.....7376
165.....8543
334.....6718
Proposed Rules:
117.....6766, 6767, 7497, 7498
154.....8918
155.....8918
165.....7500
334.....6768

34 CFR

8.....7860
305.....9462
682.....9119
Proposed Rules:
300.....7938
361.....8688, 9458

36 CFR

Proposed Rules:
1191.....6924

37 CFR

301.....8655
304.....7051, 8820
311.....8655

38 CFR

1.....7296

39 CFR

Proposed Rules:
111.....8921
3001.....6769

40 CFR

2.....7187
52.....6606, 8545
58.....8252
60.....7189
82.....8136, 8820
86.....9468
122.....9404
123.....9404
168.....9062
169.....9062
180.....6893, 8695–8699
232.....8172
233.....8172
257.....9148
260.....8658
261.....6854
264.....8658
265.....8658
266.....6607
268.....8658
270.....8658
271.....6854, 7865, 8232, 8658, 9120
280.....9026
281.....6894
300.....7189, 7492
305.....7704
403.....9248
501.....9404
503.....9248
721.....7190
Proposed Rules:
Ch. I.....6609, 7501, 8565
52.....7762, 8245, 8247, 8565
54.....7870
81.....7762
112.....8824
144.....7924, 8028
180.....8728, 8729
191.....7924, 8028
194.....8029
260.....8102
261.....6925, 8102, 8504
262.....8102
264.....8102
265.....8102
268.....8102
270.....8102
273.....8102
372.....6609
700.....7646
720.....7661
721.....7676
723.....7646, 7679
763.....8926

41 CFR

302–11.....8547

42 CFR

59.....7462
435.....9120
436.....9120
440.....9120
Proposed Rules:
59.....7464
417.....8568
434.....8568
1003.....8568

43 CFR

Public Land Order:
6956.....6719
6957.....7867

44 CFR

64.....9121
65.....8551–8553
67.....8549
Proposed Rules:
67.....8568

45 CFR

303.....7040
1626.....6608
Proposed Rules:
1607.....6611
1609.....6612

46 CFR

571.....7190
586.....7988
Proposed Rules:
315.....9135
502.....7199
505.....7199
510.....7199
514.....7501
540.....7199

47 CFR

0.....9123
1.....6895, 8701, 9126
13.....9123
61.....7867, 8908

69.....7867, 8908
73.....7194, 7195, 7869, 8233–8235
76.....7990
Proposed Rules:
Ch. I.....6937, 7062, 8248, 8927, 8928
1.....8731
2.....6769, 8731
15.....6769, 7205
43.....7764
64.....9137
73.....6677, 7874, 7875, 8248
76.....7205, 7875
88.....8731
90.....8731
94.....8731

48 CFR

Ch. 20.....8449
552.....8235
701.....8701
706.....8701
716.....8701
719.....8701
726.....8701
733.....8701
752.....8701
925.....8909
952.....8909
Proposed Rules:
Ch. 53.....6771

49 CFR

1.....6896–6898
9.....6719
171.....6864
172.....6864, 8820
173.....6864
174.....6864
176.....6864
229.....6899
390.....6726
394.....6726
1002.....7748
1017.....7748
1018.....7748
1312.....7748
1313.....7748
1314.....7748
Proposed Rules:
40.....7197, 7506
199.....7197
213.....8928
217.....7197
219.....7197
350.....7197
382.....7197
383.....7197
391.....7197
392.....6937, 7197
395.....6937, 7197
531.....6939
571.....7206, 7506
572.....7506
611.....6948
653.....7197
654.....7197
1039.....8030
1056.....6912
1180.....6612

50 CFR

17.....8235
217.....8554
227.....8554
611.....8703
625.....8557
650.....7040
675.....7040, 8703–8712, 9129
Proposed Rules:
17.....8032, 8249, 8250
226.....7206
301.....9138
663.....7525
672.....6677

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last List February 11, 1993

ELECTRONIC BULLETIN BOARD

Free Electronic Bulletin Board Service for Public Law Numbers is available on 202–275–1538 or 275–0920.

VOL
58
ISS
32
FE
19
1993
UMI

FEDERAL REGISTER SUBSCRIBERS: IMPORTANT INFORMATION ABOUT YOUR SUBSCRIPTION

After 6 years without an adjustment, it has become necessary to increase the price of the **Federal Register** in order to begin recovering the actual costs of providing this subscription service. Effective October 1, 1992, the price for the **Federal Register** will increase and be offered as follows:

(1) FEDERAL REGISTER COMPLETE SERVICE—Each business day you can continue to receive the daily **Federal Register**, plus the monthly **Federal Register Index** and **Code of Federal Regulations List of Sections Affected (LSA)**, all for **$415.00** per year.

(2) FEDERAL REGISTER DAILY ONLY SERVICE—With this subscription service, you will receive the **Federal Register** every business day for **$375.00** per year.

HOW WILL THIS AFFECT YOUR CURRENT SUBSCRIPTION?

You will receive your current complete **Federal Register** service for the length of time remaining in your subscription.

AT RENEWAL TIME

At renewal time, to keep this important subscription coming—you can continue to receive the complete **Federal Register** service by simply renewing for the entire package, or you can select and order only the parts that suit your needs:

- renew your entire **Federal Register Service** (complete service)

or select. . .

- the daily only **Federal Register** (basic service)
- and complement the basic service with either of the following supplements: the monthly **Federal Register Index** or the monthly **LSA**

When your current subscription expires, you will receive a renewal notice to continue the complete **Federal Register** service. At that time, you will also receive an order form for the daily **Federal Register** basic service, the **Federal Register Index**, and the **LSA**.

To know when to expect the renewal notice, check the top line of your subscription mailing label for the month and year of expiration as shown in this sample:

A renewal notice will be sent approximately 90 days before the end of this month.

```
. A FR SMITH212J                    DEC 92   R .
. JOHN SMITH                                  .
. 212 MAIN ST                                 .
. FORESTVILLE      MD  20747                  .
```

Order processin

YES

1. The total co
All prices inclu

Please Type or

2. _____
(Company or

_____
(Additional ad

_____
(Street addres

_____
(City, State, Z

(_____)
(Daytime pho

4. **Mail To:** New

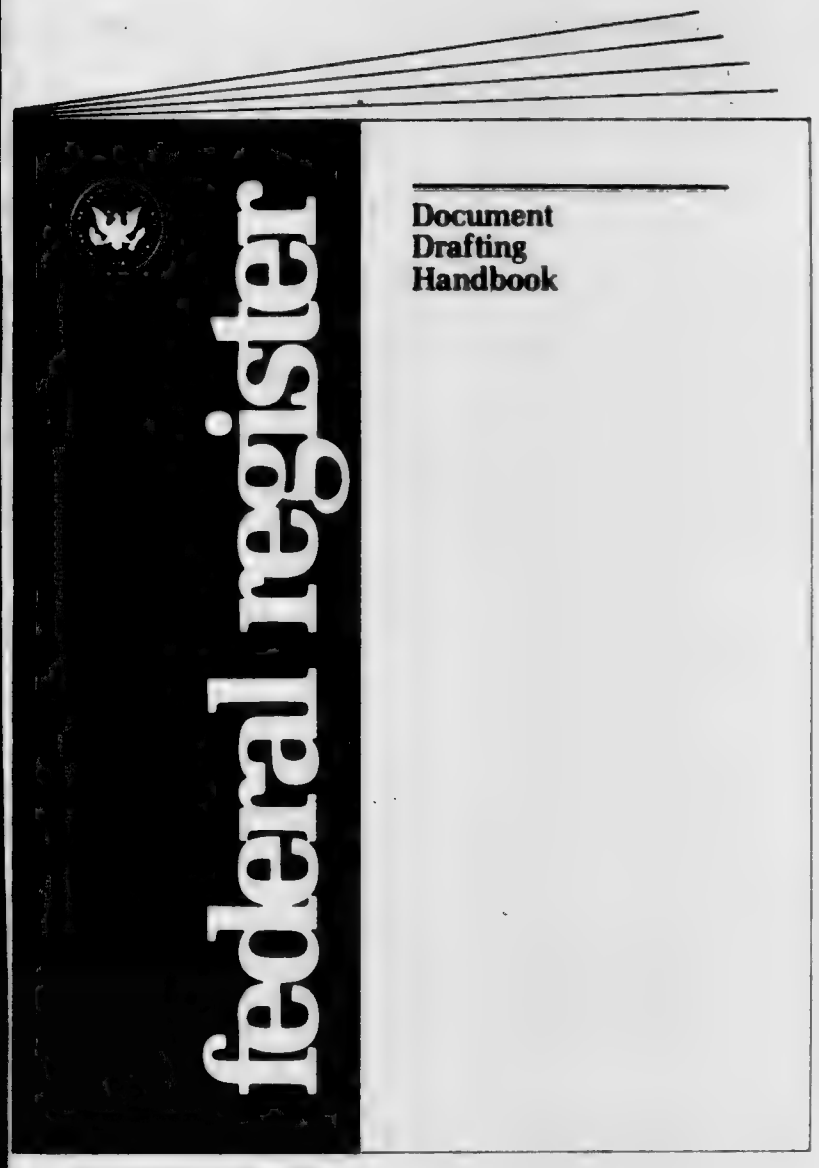

Federal Register Document Drafting Handbook

A Handbook for Regulation Drafters

This handbook is designed to help Federal agencies prepare documents for publication in the Federal Register. The updated requirements in the handbook reflect recent changes in regulatory development procedures, document format, and printing technology.

Price $5.50

Superintendent of Documents Publication Order Form

Order processing code: *6133

Charge your order. It's easy!

To fax your orders and inquiries – (202) 512-2250

☐ **YES,** please send me the following indicated publications:

_____ copies of **DOCUMENT DRAFTING HANDBOOK at $5.50 each.** S/N 069-000-00037-1

1. The total cost of my order is $_____ Foreign orders please add an additional 25%. All prices include regular domestic postage and handling and are subject to change.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____) _____
(Daytime phone including area code)

3. Please choose method of payment:

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

(Rev 12/91)

4. **Mail To:** New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954

VOL
58
ISS
32
FE
19
1993
UMI

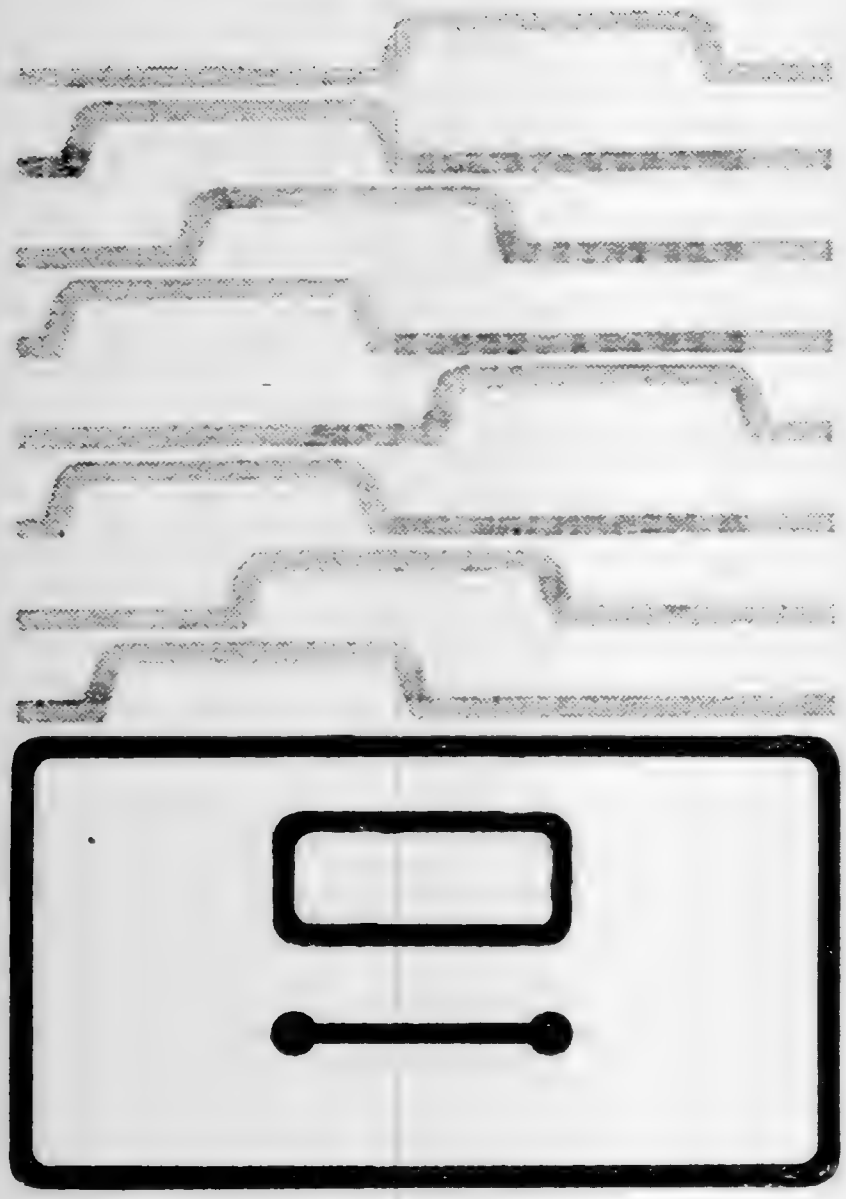

Guide to Record Retention Requirements

in the Code of Federal Regulations (CFR)

GUIDE: Revised January 1, 1992

The GUIDE to record retention is a useful reference tool, compiled from agency regulations, designed to assist anyone with Federal recordkeeping obligations.

The various abstracts in the GUIDE tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The GUIDE is formatted and numbered to parallel the CODE OF FEDERAL REGULATIONS (CFR) for uniformity of citation and easy reference to the source document.

Compiled by the Office of the Federal Register, National Archives and Records Administration.

Superintendent of Documents **Publications** Order Form

Order Processing Code:
*

PS

Charge your order. It's Easy! VISA

To fax your orders (202) 512-2250

☐ **YES**, please send me the following:

_____copies of the 1992 GUIDE TO RECORD RETENTION REQUIREMENTS IN THE CFR
S/N 069-000-00046-1 at $15.00 each.

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

_____
(Company or Personal Name) (Please type or print)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

_____
(Daytime phone including area code)

_____
(Purchase Order No.)

YES NO
May we make your name/address available to other mailers? ☐ ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐ (Credit card expiration date)

Thank you for your order!

_____
(Authorizing Signature)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

nts

CFR)

useful

with

ll the
ho must
e kept.
ered to
ATIONS
sy

ral
3

tic

ocuments
-

nk you for
your order!

cuments
50-7954

VISA

) 512-2250

May we make your name/address available to other mailers? ☐ ☐

P.O. Box 371954, Pittsburgh, PA 15250-7954

VOL
58

ISS
32

FE
19

1993

UMI

Printed on recycled paper

VOL
58

ISS
33

FE
22

1993

UMI

U·M·I

THE PAPER AND INK USED IN THE ORIGINAL MATERIAL AFFECT THE QUALITY OF THE MICRO-EDITION. THIS REPRODUCTION IS MADE FROM THE BEST COPY AVAILABLE.

2-22-93
Vol. 58

United S
Governm
Printing
SUPERINTEN
OF DOCUME
Washington

OFFICIAL BUS
Penalty for pr

2–22–93
Vol. 58 No. 33

Federal Register

Monday
February 22, 1993

Book 1 of 2 Books

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 93 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
58
ISS
33
FE
22
1993
UMI

2-22-93
Vol. 58
BOOK 1
Pages 9517
BOOK 2
Pages 1022

2-22-93

Vol. 58 No. 33

BOOK 1

Pages 9517–10228

BOOK 2

Pages 10229–10936

federal register

Monday
February 22, 1993

Briefings on How To Use the Federal Register
For information on briefings in New York, NY, and Los Angeles, CA, see announcement on the inside cover of this issue.

VOL
58
ISS
33
FE
22
1993
UMI

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche format and magnetic tape. The annual subscription price for the **Federal Register** paper edition is $375, or $415 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $353; and magnetic tape is $37,500. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $4.50 for each issue, or $4.50 for each group of pages as actually bound; or $1.50 for each issue in microfiche form; or $175.00 per magnetic tape. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 58 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	202–783–3238
Magnetic tapes	512–1530
Problems with public subscriptions	512–2303
Single copies/back copies:	
Paper or fiche	783–3238
Magnetic tapes	512–1530
Problems with public single copies	512–2457
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	523–5243
Magnetic tapes	512–1530
Problems with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

NEW YORK, NY

WHEN: March 26, at 12:30 pm
WHERE: 26 Federal Plaza
Conference Room 305C
New York, NY
RESERVATIONS: Federal Information Center
1–800–347–1997

LOS ANGELES, CA

WHEN: March 31, at 9:00 am
WHERE: 300 North Los Angeles Street
Conference Room 6041
Los Angeles, CA
RESERVATIONS: Federal Information Center
1–800–726–4995

Printed on recycled paper containing 100% post consumer w...

Cont

Agency f
NOTICES
Meetings:
Clinical
Cardi

Agricultu
See Packe

Agricultu
See Feder
See Fores
See Packe
See Soil C

Centers f
NOTICES
Meetings:
Vital an

Coast Gu
RULES
Anchorag
Wiscons
Ports and
Upper M
NOTICES
Meetings:
New Yo
Cor

Commerc
See Intern

Copyright
RULES
Digital au
accou

Defense D
NOTICES
Agency in
reviev
Privacy A
Systems

Education
NOTICES
Grants an
Individu
con

Energy De
See Federa

Environm
PROPOSED
Solid wast
Paper a
Fed

Contents

Federal Register

Vol. 58, No. 33

Monday, February 22, 1993

Agency for Health Care Policy and Research
NOTICES
Meetings:
Clinical practice guidelines development—
Cardiac rehabilitation, 9564

Agricultural Marketing Service
See Packers and Stockyards Administration

Agriculture Department
See Federal Grain Inspection Service
See Forest Service
See Packers and Stockyards Administration
See Soil Conservation Service

Centers for Disease Control and Prevention
NOTICES
Meetings:
Vital and Health Statistics National Committee, 9566

Coast Guard
RULES
Anchorage regulations:
Wisconsin, 9543
Ports and waterways safety:
Upper Mississippi River, MO; safety zone, 9543
NOTICES
Meetings:
New York Harbor Traffic Management Advisory Committee, 9589

Commerce Department
See International Trade Administration

Copyright Office, Library of Congress
RULES
Digital audio recording devices and media; statements of account, 9544

Defense Department
NOTICES
Agency information collection activities under OMB review, 9562
Privacy Act:
Systems of records, 10001

Education Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Individuals with disabilities education research program; correction, 9597

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
PROPOSED RULES
Solid wastes:
Paper and paper products containing recovered materials; Federal procurement guidelines; public forum, 9554
NOTICES
Air pollution control; new motor vehicles and engines:
Federal test procedure modifications; status report availability, 9563
Meetings:
Science Advisory Board, 9563

Executive Office of the President
See Trade Representative, Office of United States

Federal Aviation Administration
NOTICES
Airworthiness directives:
General Electric Co., 9552

Federal Communications Commission
RULES
Common carrier services:
Access charges—
800 service numbers, 9550

Federal Energy Regulatory Commission
NOTICES
Meetings; Sunshine Act, 9595

Federal Grain Inspection Service
NOTICES
Meetings:
Advisory Committee, 9557

Federal Highway Administration
NOTICES
Meetings:
National Recreational Trails Advisory Committee, 9589

Federal Railroad Administration
NOTICES
Exemption petitions, etc.:
Nimishillen & Tuscarawas Railway Co. et al., 9590

Federal Reserve System
RULES
Equal opportunity rules; complaint processing, 9517
NOTICES
Federal Open Market Committee:
Domestic policy directives, 9564
Meetings; Sunshine Act, 9596

Food and Drug Administration
RULES
Color additives:
C.I. Reactive Red 180 copolymer, 9539
NOTICES
Human drugs:
Export applications—
CO2 Angiographic Injection System, 9566
Elmiron (sodium pentosan polysulfite) 100 mg capsules, 9567
Gabapentin (bulk), 9567
Prolixin Decanoate (fluphenazine decanoate) 25 mg/ml Injection, 9566
Questran tablets (cholestyramine resin) 1g., 9568

VOL
58
ISS
33
FE
22
1993
UMI

New drug applications—
UpJohn Co. et al., 9568
Warner Chilcott Laboratories et al.; approval withdrawn, 9569

Forest Service
NOTICES
Environmental statements; availability, etc.:
Inyo National Forest, CA, 9557
Timber sales; national forest:
Payette National Forest, ID, 9557

Health and Human Services Department
See Agency for Health Care Policy and Research
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Resources and Services Administration
See Public Health Service
See Social Security Administration

Health Resources and Services Administration
See Public Health Service
NOTICES
Grants and cooperative agreements; availability, etc.:
Selected grant programs under Public Health Service Act, Titles VII and VIII; statutory general funding preference implementation methodology, 9570

Housing and Urban Development Department
RULES
Mortgage and loan insurance programs:
Resolution Trust Corporation multifamily properties; expedited processing procedures, 9541

Interior Department
See Land Management Bureau

Internal Revenue Service
PROPOSED RULES
Income taxes:
Income and loss allocations; periods before and after date of loss corporation ownership change
Hearing cancellation, 9553
Tax-exempt organizations' income from corporate sponsorship; taxation
Correction, 9597
Procedure and administration:
Taxpayers involved in administrative proceedings; reasonable administrative costs recovery; correction, 9597

International Trade Administration
NOTICES
Antidumping:
Corrosion-resistant carbon steel flat products from Mexico, 9559
Hot-rolled, cold-rolled, and corrosion-resistant carbon steel flat products from Japan, 9559
Racing plates (aluminum horseshoes) from Canada, 9559
Stainless steel cooking ware from—
Korea, 9560

Interstate Commerce Commission
NOTICES
Railroad operation, acquisition, construction, etc.:
Steuben County Industrial Development Agency et al., 9574

Labor Department
See Mine Safety and Health Administration

Land Management Bureau
NOTICES
Closure of public lands:
Nevada, 9573
Meetings:
Miles City District Office, MT, 9574
Realty actions; sales, leases, etc.:
Idaho; correction, 9597
Nevada, 9574

Library of Congress
See Copyright Office, Library of Congress

Mine Safety and Health Administration
PROPOSED RULES
Coal mine safety and health:
Underground coal mines—
Machinery and equipment operation and maintenance, 9554
NOTICES
Safety standard petitions:
Helen Mining Co. et al., 9575

Nuclear Regulatory Commission
PROPOSED RULES
Rulemaking petitions:
Envirocare of Utah, Inc., 9552
NOTICES
Environmental statements; availability, etc.:
Commonwealth Edison Co., 9576

Office of United States Trade Representative
See Trade Representative, Office of United States

Packers and Stockyards Administration
NOTICES
Central filing system; State certifications:
Oklahoma, 9558
Stockyards; posting and deposting:
Kinder Livestock Auction, LA, et al., 9558
Osborn Livestock Auction, MO, 9558

Personnel Management Office
NOTICES
Agency information collection activities under OMB review, 9576
Meetings:
Federal Salary Council, 9581

Public Health Service
See Agency for Health Care Policy and Research
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Resources and Services Administration
NOTICES
Organization, functions, and authority delegations:
Health Resources and Services Administration, 9573

Securities and Exchange Commission
NOTICES
Meetings; Sunshine Act, 9596
Self-regulatory organizations; proposed rule changes:
Midwest Clearing Corp., 9581
National Association of Securities Dealers, Inc., 9584
National Securities Clearing Corp., 9582

Applications, hearings, determinations, etc.:
Public utility holding company filings, 9586

Social Security Administration
RULES
Supplemental security income:
Children of overseas armed forces personnel; benefits eligibility
Correction, 9597

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
Town Fork Creek Watershed, NC, 9558

Trade Representative, Office of United States
NOTICES
Procurement; foreign government discrimination against U.S. products and services; annual report compilation, 9593

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Highway Administration
See Federal Railroad Administration

Treasury Department
See Internal Revenue Service
NOTICES
Agency information collection activities under OMB review, 9590
Bonds, Treasury:
2023 series, 9593
Notes, Treasury:
A-2003 series, 9593
X-1996 series, 9593

Separate Parts In This Issue

Part II
Defense Department, 10001

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

VOL
58
ISS
33
FE
22
1993
UMI

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

10 CFR
Proposed Rules:
150 9552

12 CFR
268 9517

14 CFR
Proposed Rules:
39 9552

20 CFR
416 9597

21 CFR
73 9539

24 CFR
207 9541

26 CFR
Proposed Rules:
1 (2 documents) 9553, 9597
301 9597

30 CFR
Proposed Rules:
75 9554

33 CFR
110 9543
165 9543

37 CFR
201 9544

40 CFR
Proposed Rules:
Ch. I 9554

47 CFR
69 9550

Rule

This sectio
contains re
applicabilit
are keyed
Federal Re
50 titles pu

The Code
the Superi
new books
REGISTER

FEDERA

12 CFR P

[Docket N

Rules Re

AGENCY: I
Federal R

ACTION: I
comment

SUMMARY:
Federal R
revised a
Equal Op
those Rul
Equal Em
Commiss
complain
"Federal
Opportun

These I
interim r
public co
complain
Board, an
be filed, a
following
Commiss
subject to

This in
Commiss
necessary
longstand
the previ
that issua
interim r
confusion
and to ins
Commiss

DATES: *Ef*
Comment
received

ADDRESSE
should re
be mailed
the Feder
Street, NV
Attention
Secretary

Rules and Regulations

Federal Register
Vol. 58, No. 33
Monday, February 22, 1993

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

FEDERAL RESERVE SYSTEM

12 CFR Part 268

[Docket No. R-0797]

Rules Regarding Equal Opportunity

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Interim Rule with request for comments.

SUMMARY: The Board of Governors of the Federal Reserve System (the Board) has revised and reissued its Rules Regarding Equal Opportunity (Rules) to conform those Rules as closely as possible to the Equal Employment Opportunity Commission's (the Commission's) new complaint processing regulation, "Federal Sector Equal Employment Opportunity" (effective October 1, 1992).

These Rules are hereby issued as an interim rule, with opportunity for public comment, to insure that all complaints currently pending at the Board, and which may in the near future be filed, are processed under procedures following those contained in the Commission's regulations for agencies subject to its jurisdiction.

This interim rule deviates from the Commission's procedures only where necessary consistent with the Board's longstanding practice as embodied in the previous Rules. The Board believes that issuance of these Rules as an interim rule is necessary to avoid confusion among management and staff and to insure full compliance with the Commission's new procedural model.

DATES: *Effective date.* February 18, 1993. *Comment date.* Comments should be received by April 19, 1993.

ADDRESSES: Written comments, which should refer to Docket No. R-0797, may be mailed to the Board of Governors of the Federal Reserve System, 20th and C Street, NW., Washington, DC 20551, Attention: Mr. William W. Wiles, Secretary, or may be delivered to the Board's mail room between 9:00 am and 5:00 pm. All comments received may be inspected at Room B-1122 between 9:00 am and 5:00 pm, Monday through Friday, except as provided in § 261.8(a) of the Board's Rules Regarding Availability of Information.

FOR FURTHER INFORMATION CONTACT: Stephen L. Siciliano, Special Assistant to the General Counsel for Administrative Law (202/452-3920), or J. Mills Williams, Senior Attorney (202/452-3701), Legal Division, Board of Governors of the Federal Reserve System. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), Dorothea Thompson (202/452-3544), Board of Governors of the Federal Reserve System, 20th and C Street, NW, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: The Board as a matter of policy has long recognized that it should afford to its employees, applicants for employment, and others the same substantive and procedural rights as are enjoyed by persons in their dealings with other government agencies. Pursuant to this policy, the previous part 268 was issued by the Board to provide equal opportunity in employment in compliance with the letter and spirit of Title VII of the Civil Rights Act of 1964, as amended. Also pursuant to this policy, part 268 was extensively amended in 1985 to provide for the Commission's review of Board decisions on individual and class complaints of discrimination, and to extend the Board's policy to rights granted federal employees by the Rehabilitation Act, 29 U.S.C. 791, the Age Discrimination in Employment Act, 29 U.S.C. 621 *et seq.* (ADEA), and the Equal Pay Act, 29 U.S.C. 206(d). Pursuant to this policy, the Board has designated an EEO Programs Officer, a Federal Women's Program Manager, a Hispanic Program Coordinator and a Handicapped Program Coordinator, and has formulated and implemented affirmative action plans which are routinely submitted to the Commission for review and guidance.

Part 268 has not been updated in several years. Except for the addition of subpart J regarding employment of non-citizens under the Immigration Reform and Control Act of 1986, part 268 has not been amended since 1985. During that time, however, the Commission has made several modifications to its federal agency complaint processing regulation, 29 CFR part 1613, culminating in the promulgation of a new complaint processing regulation which became effective October 1, 1992. 29 CFR part 1614, 57 FR 12633, April 10, 1992.

It continues to be the Board's policy to comply with the Commission's procedures to the greatest extent possible consistent with the provisions of the Federal Reserve Act that govern the Board's administration and the supervision of its staff. Accordingly, this interim rule deviates from the Commission's regulation only to the extent required by provisions of the Federal Reserve Act—principally Section 10(4), 12 U.S.C. 244, which provides that matters relating to employment are governed by the Federal Reserve Act rather than by provisions of Title 5, United States Code. *See, In the Matter of Federal Reserve Board—Applicability of Senior Executive Service*, 58 *Comp. Gen.* 687 (1979).

The Commission has indicated that part 1614 applies to all pending complaints, including those commenced before October 1, 1992. On November 9, 1992, the Board's Staff Director for Management through an announcement from its EEO Programs Officer, acting pursuant to 12 CFR 268.203(c), changed certain time limits and other technical aspects of the Board's complaint processing procedures to facilitate compliance with the Commission's new model pending the adoption of revisions to part 268.

No substantive changes have been made to Subpart J (Employment of Non-citizens) or to Subpart G (Prohibition Against Discrimination In Board Programs And Activities Because Of A Physical Or Mental Handicap), except that subpart J has been moved to § 268.304. Certain provisions of previous subpart G have been clarified, and other provisions have been deleted because those provisions, issued in 1985, committed the Board to take certain transition plan actions within time limits specified in that regulation, and those actions have been taken.

Section 268.204(f) establishes the relationship between the Board's EEO complaint procedures and the Board's Adjusted Work Related Problems ("grievance") procedure. This section applies only to the Board's Adjusted Work Related Problems procedures and not to the Board's PMP Appeal

Procedures, however. The PMP Appeal Procedures, which permit an employee to challenge his or her performance evaluation, are a unique procedure which is not suitable for the resolution of complaints of discrimination. The PMP Appeal Procedures state that appeals that rest on claims of prohibited discrimination must be addressed under part 268 rather than under the PMP Appeal Procedures.

Since the Board has no negotiated grievance procedure, the Board has not included a provision that parallels 29 CFR 1614.301.

These Rules contain no provision for mixed case complaints like those contained in 29 CFR part 1614, Subpart C. Merit System Protection Board jurisdiction over the Board and its employees is limited to certain complaints arising out of adverse actions. In addition, the Board is not subject generally to provisions governing the employment of government employees set out in Title 5, United States Code. Accordingly, many of the statutory and regulatory references set out in 29 CFR part 1614, Subpart C, regarding mixed case complaints, are simply not applicable to the Board. The Board believes that adoption of the provisions for mixed case complaints would be incorrect as a matter of law and would unnecessarily complicate and confuse the EEO complaint process. The Board believes, however, that in those rare cases in which the MSPB may have concurrent jurisdiction over a complaint of discrimination at the Board, processing of matters under the Board's Rules Regarding Equal Opportunity may be deferred to permit employees to pursue remedies before the MSPB consistent with the procedures established in the Commission's regulation. The Board's EEO Programs Officer may suspend processing of the complaint under the Board's revised Rules to facilitate processing of the matter before the MSPB, as appropriate.

For similar reasons, the revised provisions regarding enforcement and remedies (Subpart E) differs somewhat from the corresponding provision of 29 CFR part 1614. For example, the Commission's provision regarding actions by the Office of the Special Counsel is not included, since the Office of Special Counsel operates under statutory provisions that are not applicable to the Board. Other provisions of the Commission's regulation, such as § 1614.503(d) concerning Commission referrals, need not be included in a regulation of the Board.

The Board has revised the provision in its previous Rules regarding the ADEA statute of limitations. 12 CFR 268.505 (1985). This provision was adopted in 1985 on the recommendation of the Commission based upon the Commission's view of applicable law at the time. The Commission has reviewed this issue and has changed its view regarding the applicable limitation period based in large measure upon case law since the Board's Rules were last revised. *See* 57 FR 12639, April 10, 1992. Consistent with the views of the Commission, the Board believes that a 90 day statute of limitations may apply to lawsuits brought under the ADEA by individuals who have filed administrative complaints. The Board also believes, however, that determination of the applicable statute of limitations in the absence of a specific statutory provision is a matter for the courts. Accordingly, the Board does not include in these Rules a statement of the applicable statute of limitations. The Board concurs, however, with the Commission's views regarding the applicable statutes of limitations as set forth by the Commission when it issued 29 CFR part 1614, 57 FR 12633, April 10, 1992. In addition, the Board agrees with the Commission that agency regulations should not address the statute of limitations applicable when suit is brought by a complainant who has given the Commission a notice of intent to sue in lieu of filing an administrative complaint.

The Board has also adopted the Commission's view regarding reassignment as a remedy under Section 504 of the Rehabilitation Act. *See* 57 FR 12652, April 10, 1992.

Like the previous part 268, this interim rule does not apply generally to employees of Federal Reserve Banks. The only exception is § 268.304, which applies to bank and bank holding company examiners credentialed by the Board. Since 1964, Federal Reserve Banks have been subject to the prohibitions of discrimination in employment contained in Title VII of the Civil Rights Act of 1964. Complaints of discrimination against Federal Reserve Banks are routinely filed with regional offices of the Commission and processed in accordance with the Commission's regulations and procedures governing such complaints. *See Cooper v. Federal Reserve Bank of Richmond*, 467 U.S. 867 (1984).

Section 268.601 differs from 29 CFR 1614.601 by the addition of qualifying language to indicate that administration and disclosure of records regarding EEO complaints must be done in accordance with these Rules and other applicable laws and regulations such as, for example, the Privacy Act. 5 U.S.C. 552a.

Issuance of these Rules as an interim rule is appropriate because these Rules apply substantive law consistent with the Commission's regulations, and because having a conforming regulation in place will insure proper functioning of the Board's Equal Opportunity Program. Accordingly, the Board has determined that it is unnecessary and would not be in the public interest to solicit public comments prior to implementation of these Rules, and that good cause exists to make these Rules effective immediately as an interim rule rather than deferring the effective date by 30 days. 5 U.S.C. 553(b)(B) and (d)(3).

The Board will consider all public comments that are received and will revise these Rules in accordance with those comments as appropriate.

Regulatory Flexibility Act Analysis

Pursuant to Section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), the Board certifies that these Rules will not have a significant economic impact on a substantial number of small entities. These Rules govern the Board's dealings with its employees, applicants for employment and others affected in a like manner.

List of Subjects in 12 CFR Part 268

Administrative practice and procedure, Age, Americans with disabilities, Civil rights, Equal employment opportunity, Federal buildings and facilities, Federal Reserve System, Government employees, Religious discrimination, Sex discrimination, Wages.

For the reasons set out in the preamble, Chapter II of the Code of Federal Regulations is amended by revising 12 CFR part 268 to read as follows:

PART 268—RULES REGARDING EQUAL OPPORTUNITY

Subpart A—General Provisions and Administration

Sec.

268.101 Authority, purpose and scope.
268.102 Definitions.
268.103 Equal employment designations.

Subpart B—Board Program To Promote Equal Opportunity

268.201 General policy for equal opportunity.
268.202 Board program for equal employment opportunity.
268.203 Complaints of discrimination covered under this part.
268.204 Pre-complaint processing.

268.205 Individual complaints.
268.206 Dismissals of complaints.
268.207 Investigation of complaints.
268.208 Hearings.
268.209 Final decisions.

Subpart C—Provisions Applicable to Particular Complaints

268.301 Age Discrimination in Employment Act.
268.302 Equal Pay Act.
268.303 Rehabilitation Act.
268.304 Employment of noncitizens.
268.305 Class complaints.

Subpart D—Review by the Equal Employment Opportunity Commission

268.401 Review by the Equal Employment Opportunity Commission.
268.402 Time limits for review by the Equal Employment Opportunity Commission.
268.403 How to seek review.
268.404 Procedure on review.
268.405 Decisions on review.
268.406 Reconsideration.

Subpart E—Remedies, Enforcement and Civil Actions

268.501 Remedies and relief.
258.502 Compliance with EEOC decisions.
268.503 Enforcement of EEOC decisions.
268.504 Compliance with settlement agreements and final decisions.
268.505 Civil action: Title VII, Age Discrimination in Employment Act and Rehabilitation Act.
268.506 Civil action: Equal Pay Act.
268.507 Effect of filing a civil action.

Subpart F—Matters of General Applicability

268.601 EEO group statistics.
268.602 Reports to the Equal Employment Opportunity Commission.
268.603 Voluntary settlement attempts.
268.604 Filing and computation of time.
268.605 Representation and official time.
268.606 Joint processing and consolidation of complaints.

Subpart G—Prohibition Against Discrimination in Board Programs and Activities Because of a Physical or Mental Handicap

268.701 Purpose and application.
268.702 Notice.
268.703 Prohibition against discrimination.
268.704 Employment.
278.705 Program accessibility: Discrimination prohibited.
268.706 Program accessibility: Existing facilities.
268.707 Program accessibility: New construction and alterations.
268.708 Communications.
268.709 Compliance procedures.

Authority: 12 U.S.C. 244 and 248(i), (k) and (l).

Subpart A—General Provisions and Administration

§ 268.101 Authority, purpose and scope.

(a) *Authority.* The regulations in this part (12 CFR part 268) are issued by the Board of Governors of the Federal Reserve System under the authority of Sections 10(4) and 11(*i*),(k) and (l) of the Federal Reserve Act (partially codified in 12 U.S.C. 244 and 248(*i*),(k) and (l)).

(b) *Purpose and scope.* This part sets forth the Board's policy, program and procedures for providing equal opportunity to Board employees and applicants for employment without regard to race, color, religion, sex, national origin, age, or physical or mental handicap. It also sets forth the Board's policy, program and procedures for prohibiting discrimination on the basis of physical or mental handicap in programs and activities conducted by the Board. It also specifies the circumstances under which the Board will hire or decline to hire persons who are not citizens of the United States, consistent with the Board's operational needs, the requirements and prohibitions of the Immigration Reform and Control Act of 1986, as amended, and other applicable law.

§ 268.102 Definitions.

The definitions contained in this section shall have the following meanings throughout this part unless otherwise stated.

(a) *ADEA* means the Age Discrimination In Employment Act (29 U.S.C. 621 *et seq.*).

(b) *Agent of the class* means a class member who acts for the class during the processing of the class complaint under § 268.305 of this part.

(c) *Agreement of resolution* means the agreement referred to in § 268.305(f)(3) of this part.

(d) *Auxiliary aids* as used in subpart G of this part means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the Board. For example, auxiliary aids useful for persons with impaired vision include readers, Braille materials, audio recordings, telecommunication devices and other similar services and devices. Auxiliary aids useful for persons with impaired hearing include telephone handset amplifiers, telephones compatible with hearing aids, telecommunication devices for deaf persons (TDD's), interpreters, note takers, written materials, and other similar services and devices.

(e) *Board* means the Board of Governors of the Federal Reserve System.

(f) *Class* as used in § 268.305 of this part means a group of Board employees, former employees or applicants for employment who allegedly have been or are being adversely affected by a personnel policy or practice of the Board that discriminates against the group on the basis of their race, color, religion, sex, national origin, age or handicap.

(g) *Class complaint* means a written complaint of discrimination filed on behalf of a class by the agent of the class alleging that:

(1) The class is so numerous that a consolidated complaint of the members of the class is impractical;

(2) There are questions of fact common to the class;

(3) The claims of the agent of the class are typical of the claims of the class; and

(4) The agent of the class, or, if represented, the representative, will fairly and adequately protect the interests of the class.

(h) *Commission* means the Equal Employment Opportunity Commission.

(i) *Complainant* means an aggrieved person who files an individual complaint pursuant to § 268.205 of this part, except that *complainant* shall mean a complainant, agent of the class or individual class claimant for purposes of §§ 268.209, 268.402 through 268.406 and subparts E and F of this part.

(j) *Complete complaint* as used in subpart G of this part means a written statement that contains the complainant's name and address and describes the Board's alleged discriminatory actions in sufficient detail to inform the Board of the nature and date of the alleged violation. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

(k) *EEOC decision* means the written decision issued by the Commission's Office of Federal Operations as described in § 268.405 of this part.

(l) *Facility* means all or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock or other conveyances, or other real or personal property.

(m) *Final decision* means the Board's decision described in § 268.209 of this part.

(n) *Has a record of such an impairment* means has a history of, or has been classified (or misclassified) as having, a mental or physical impairment that substantially limits one or more major life activities.

(o) *Individual with handicap(s)* or *handicapped person* means a person who:

(1) Has a physical or mental impairment which substantially limits one or more of such person's major life activities;

(2) Has a record of such an impairment; or

(3) Is regarded as having such an impairment.

(p) *Investigator* means an investigative officer or complaint examiner selected or appointed pursuant to §§ 268.103(c)(11) and 268.305(e)(3) of this part.

(q) *Is regarded as having an impairment* means:

(1) Has a physical or mental impairment that does not substantially limit major life activities but is treated by the Board as constituting such a limitation;

(2) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(3) Has none of the impairments defined in § 268.102(s) of this part, but is treated by the Board as having such an impairment.

(r) *Major life activities* means functions, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(s) *Physical or mental impairment* means:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or

(2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(t) *Qualified handicapped person* means:

(1) With respect to a Board program or activity under which a person is required to perform services or to achieve a level of accomplishment, a handicapped person who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the Board can determine on the basis of a written record would result in a fundamental alteration in its nature; or

(2) With respect to any other program or activity, a handicapped person who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity.

(u) *Qualified individual with handicaps* means with respect to employment, an individual with handicaps who, with or without reasonable accommodation, can perform the essential functions of the position in question without endangering the health and safety of the individual or others, and who meets the experience or education requirements (which may include passing a written test) of the position in question.

(v) *Title VII* means Title VII of the Civil Rights Act (42 U.S.C. 2000e *et seq.*).

§ 268.103 Equal employment designations.

(a) *Administrative Governor.* The Administrative Governor, a member of the Board of Governors designated by the Chairman of the Board, is charged with overseeing the internal affairs of the Board and is empowered to make decisions and determinations on behalf of the Board when authority to do so is delegated to him or her.

(1) The Administrative Governor is hereby delegated the authority to make determinations adjudicating complaints of discrimination pursuant to §§ 268.206, 268.209, 268.305(i) and 268.709 of this part, unless a member of the Board of Governors has requested that the Board of Governors make the decision on the complaint pursuant to §§ 268.209(a) or 268.709(k) of this part, settlements pursuant to § 268.305(f) of this part and determinations regarding attorney fees pursuant to § 268.501(e) of this part. The Administrative Governor is further delegated the authority to order such corrective measures, including such remedial actions as may be required by subpart E of this part, as he or she may consider necessary, including such disciplinary action as is warranted by the circumstances when an employee has been found to have engaged in a discriminatory practice.

(2) The Administrative Governor may delegate to any officer or employee of the Board any of his or her duties or functions under this part.

(3) The Administrative Governor may refer to the Board of Governors for determination or decision any complaint of discrimination that the Administrative Governor would otherwise decide pursuant to §§ 268.206, 268.209, 268.305(i) and 268.709 of this part, settlements pursuant to § 268.305(f) of this part and determinations regarding attorney fees pursuant to § 268.501(e) of this part, and may make changes in programs and procedures designed to eliminate discriminatory practices or to improve the Board's programs under this part, and may make any recommendation for remedial or disciplinary action with respect to managerial or supervisory employees who have failed in their responsibilities, or employees who have been found to have engaged in discriminatory practices, or with regard to any other matter which the Administrative Governor believes merits the attention of the Board of Governors.

(b) *Staff Director for Management.* The Staff Director for Management shall perform the following functions under this part:

(1) When so authorized by the Administrative Governor, the Staff Director for Management shall make any determinations on complaints of discrimination that would otherwise be made by the Administrative Governor under §§ 268.206, 268.209, 268.305(i) and 268.709 of this part, settlement pursuant to § 268.305(f) of this part and determinations regarding attorney fees pursuant to § 258.501(e) of this part. The Staff Director for Management shall order such corrective measures, including such remedial actions as may be required by subpart E of this part as he or she may consider necessary, and including the recommendation for such disciplinary action as is warranted by the circumstances when an employee is found to have engaged in a discriminatory practice.

(2) The Staff Director for Management shall review the record on any complaint under this part before a determination is made by the Board of Governors or the Administrative Governor on the complaint and make such recommendations as to the determination as he or she considers desirable, including any recommendation for such disciplinary action as is warranted by the circumstances when an employee is found to have engaged in a discriminatory practice.

(3) When authorized by the Administrative Governor, the Staff Director for Management may make changes in programs and procedures designed to eliminate discriminatory practices and improve the Board's program for equal employment opportunity.

(c) *EEO Programs Officer.* The EEO Programs Officer is appointed by the Board of Governors and shall perform the following functions under this part:

(1) Administer the Board's equal employment opportunity program and advise the Board, the Administrative Governor and the Staff Director for Management with respect to the preparation of equal employment opportunity plans, goals, objectives, procedures, regulations, reports, and other matters pertaining to the Board's program established under § 268.202 of this part;

(2) Advise and consult with the Chairman of the Board of Governors, when necessary, on any matter pertaining to the Board's equal employment opportunity program and its administration;

(3) Evaluate from time to time the sufficiency of the Board's total program for equal employment opportunity and report to the Board of Governors, the Administrative Governor and the Staff Director for Management, with recommendations as to any improvement or correction needed, including remedial or disciplinary action with respect to managerial, supervisory or other employees who have failed in their responsibilities;

(4) Recommend to the Staff Director for Management and the Administrative Governor changes in programs and procedures designed to eliminate discriminatory practices and improve the Board's program for equal employment opportunity;

(5) Appoint a Federal Women's Program Manager, a Hispanic Program Coordinator, a Handicapped Program Coordinator, and such EEO Counselor(s) as may be necessary to assist the EEO Programs Officer in carrying out the functions described in this part. The EEO Programs Officer shall ensure such managers, coordinators and counselor(s) shall receive full and proper training to implement their duties and responsibilities under this part;

(6) Publicize to Board employees and applicants for employment and post at all times on official Board bulletin boards:

(i) The names, business telephone numbers, business addresses and the equal employment opportunity responsibilities of the Staff Director for Management, the EEO Programs Officer, the Federal Women's Program Manager, the Hispanic Program Coordinator, and the Handicapped Program Coordinator;

(ii) The names, business telephone numbers, business addresses of EEO Counselors, the segments of the Board for which they are responsible, the availability of EEO Counselors to counsel an employee or applicant for employment who believes that he or she has been discriminated against because or race, color, religion, sex, national origin, age, or physical or mental handicap, and the requirement that an employee or applicant for employment must consult an EEO Counselor as provided by §§ 268.204 and 268.305(a) of this part; and

(iii) The time limits for contacting EEO Counselors;

(7) Provide to each employee annually (and the Division of Human Resource Management shall provide to each applicant for employment) a copy of a notice summarizing the general purposes of this part and specifying where copies of this part can be obtained. The EEO Programs Officer shall ensure that copies of the summary of this part are posted in permanent locations in all Board facilities. The EEO Programs Officer shall, on the request of any employee or applicant for employment provide that employee or applicant for employment with a copy of this part;

(8) Provide for counseling of aggrieved individuals and for the receipt and processing of individual and class complaints of discrimination;

(9) Provide for the receipt and investigation of individual complaints of discrimination, subject to §§ 268.204 through 268.209 of this part, and provide for the acceptance and processing and/or dismissal of class action complaints in accordance with § 268.305 of this part;

(10) Act as the Board's designee under § 268.305(c) of this part;

(11) Appoint any investigators as necessary to administer this part. The EEO Programs Officer is authorized to request the loan or assignment of any investigators or administrative judges from any agency as necessary to administer this part. The EEO Programs Officer, with the concurrence of the Staff Director for Management, may engage the services of private contract investigators and authorize appropriate reimbursement to such contractors or agencies for the services of such investigators;

(12) Assure that individual complaints are fairly and thoroughly investigated and that final decisions of the Board are issued in a timely manner in accordance with this part;

(13) Dismiss a complaint, or a portion of a complaint, pursuant to §§ 268.206 and 268.305(c) of this part;

(14) Suspend the complaint process when appropriate for any matter that is before the Merit Systems Protection Board for a determination; and

(15) Make recommendations based upon investigative reports, hearings and EEOC decisions which require the Board's final decision pursuant to § 268.209 of this part.

(d) *EEO Counselors.* The EEO Counselor(s) are appointed by the EEO Programs Officer. EEO Counselors shall carry out the functions set forth in § 268.204 of this part.

(e) *Federal Women's Program Manager.* The EEO Programs Officer shall appoint a Federal Women's Program Manager. The Federal Women's Program Manager shall perform the following functions: Advise the Board of Governors, the Administrative Governor, the Staff Director for Management and the EEO Programs Officer on matters affecting, and administer the Board's program with respect to, the employment and advancement of women.

(f) *Hispanic Program Coordinator.* The EEO Programs Officer shall appoint a Hispanic Program Coordinator. The Hispanic Program Coordinator shall perform the following functions: Advise the Board of Governors, the Administrative Governor, the Staff Director for Management and the EEO Programs Officer on matters affecting, and administer the Board's program with respect to, the employment and advancement of Hispanics.

(g) *Handicapped Program Coordinator.* The EEO Programs Officer shall appoint a Handicapped Program Coordinator. The Handicapped Program Coordinator shall perform the following functions: Advise the Board of Governors, the Administrative Governor, the Staff Director for Management and the EEO Programs Officer on matters affecting, and administer the Board's program with respect to, the employment and advancement of handicapped persons.

Subpart B—Board Program To Promote Equal Opportunity

§ 268.201 General policy for equal opportunity.

(a) It is the policy of the Board to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, age or handicap, and to promote the full realization of equal opportunity in employment through a continuing affirmative program.

(b) It is also the policy of the Board to insure equal opportunity for the handicapped in Board programs and activities consistent with Section 504 of the Rehabilitation Act (29 U.S.C. 794) and to provide equal opportunity for all persons in accordance with the Immigration Reform and Control Act of 1986, as amended (8 U.S.C. 1324a).

(c) No person shall be subject to retaliation for opposing any practice prohibited by this part, or for participating in any stage of administrative or judicial proceedings under this part. The practices prohibited by this part include those made unlawful by Title VII, the ADEA, the Equal Pay Act (29 U.S.C. 206(d)) and the Rehabilitation Act (29 U.S.C. 791)

VOL 58 ISS 33 FE 22 1993 UMI

§ 268.202 Board program for equal employment opportunity.

(a) The Board, on the basis of a person's race, color, religion, sex or national origin, shall not:

(1) Fail or refuse to hire or discharge any person, or otherwise discriminate against any person with respect to his or her compensation, terms, conditions or privileges of employment; or

(2) Limit, segregate, or classify its employees or applicants for employment in any way which would deprive or tend to deprive any person of employment opportunities or otherwise adversely affect the person's status as an employee.

(b)(1) The Board, on the basis of a person's age, shall not:

(i) Fail or refuse to hire or discharge any person or otherwise discriminate against any person with respect to his or her compensation, terms, conditions or privileges of employment;

(ii) Limit, segregate or classify its employees or applicants for employment in any way which would deprive or tend to deprive any person of employment opportunities or otherwise adversely affect the person's status as an employee or applicant for employment;

(iii) Reduce the wage rate of any employee in order to comply with paragraph (b) of this section;

(iv) Discriminate against any employee or applicant for employment because such employee or applicant for employment has opposed any practice forbidden under paragraph (b) of this section, or because such employee or applicant for employment has made a charge, testified, assisted or participated in any manner in any investigation, proceeding or litigation involving paragraph (b) of this section or the ADEA; or

(v) Print or publish, or cause to be printed or published, any notice or advertisement relating to employment by the Board indicating any preference, limitation, specification or discrimination.

(2) An aggrieved person filing a complaint of discrimination on the basis of age under this subpart B or § 268.305 of this part must have been at least 40 years of age at the time the alleged discrimination occurred.

(c) The Board shall not discriminate among employees on the basis of sex by paying wages to employees at a rate less than the rate at which it pays wages to employees of the opposite sex for equal work on jobs the performance of which require equal skill, effort and responsibility, and which are performed under similar conditions, except where such payment is made pursuant to:

(1) A seniority system;

(2) A merit system;

(3) A system which measures earnings by quantity or quality or production; or

(4) A differential based on any factor other than sex or otherwise not prohibited by this part.

(d) The Board has established, maintains and carries out a continuing affirmative program designed to promote equal opportunity and to identify and eliminate discriminatory practices and policies. In support of its program, the Board:

(1) Provides sufficient resources to administer its equal opportunity program to ensure efficient and successful operation;

(2) Provides for the prompt, fair and impartial processing of complaints in accordance with this part, and consistent with guidance proffered by the Commission;

(3) Conducts a continuing campaign to eradicate every form of prejudice or discrimination from the Board's personnel policies, practices and working conditions;

(4) Communicates the Board's equal employment opportunity policy and program, and its employment needs to all sources of job candidates without regard to race, color, religion, sex, national origin, age, or physical or mental handicap, and solicits their recruitment assistance on a continuing basis;

(5) Reviews, evaluates and controls managerial and supervisory performance in such a manner as to insure a continuing affirmative application and vigorous enforcement of the policy of equal employment opportunity, and provides orientation, training and advice to managers and supervisors to assure their understanding and implementation of the Board's equal employment opportunity policy and program;

(6) Takes appropriate disciplinary action against employees who engage in discriminatory practices;

(7) Makes reasonable accommodation to the religious needs of employees and applicants for employment when those accommodations can be made without undue hardship on the operations of the Board;

(8) Makes reasonable accommodation to the known physical or mental limitations of qualified applicants and employees with handicaps unless the accommodation would impose an undue hardship on the operations of the Board;

(9) Reassigns, in accordance with § 268.303(f) of this part, nonprobationary employees who develop physical or mental limitations that prevent them from performing the essential functions of their positions even with reasonable accommodation;

(10) Provides recognition to employees, supervisors, managers and units demonstrating superior accomplishment in equal employment opportunity;

(11) Has established a system for periodically evaluating the effectiveness of the Board's overall equal employment opportunity effort;

(12) Provides the maximum feasible opportunity to employees to enhance their skills through on-the-job training, work-study programs and other training measures so that they may perform at their highest potential and advance in accordance with their abilities;

(13) Informs its employees and applicants for employment of the Board's affirmative equal opportunity policy and program, and enlists their cooperation; and

(14) Participates at the community level with other employers, with schools and universities and with other public and private groups in cooperative action to improve employment opportunities and community conditions that affect employability.

(e) In order to implement its program, the Board:

(1) Develops the plans, procedures and regulations necessary to carry out its program;

(2) Appraises its human resources management operations at regular intervals to assure their conformity with the Board's program and this part, consistent with guidance proffered by the Commission;

(3) Assigns equal employment opportunity responsibilities as appropriate to the Administrative Governor and the Staff Director for Management, and designates an EEO Programs Officer, EEO Counselors, a Federal Women's Program Manager, a Hispanic Program Coordinator and a Handicapped Program Coordinator, and clerical and administrative support, to carry out the functions of this part in all divisions and offices at the Board;

(4) Makes written materials available to all employees and applicants for employment informing them of the variety of equal employment opportunity programs, and administrative and judicial remedial procedures available to them, and prominently posts such written materials in its human resource management and EEO offices, and throughout the workplace;

(5) Ensures that full cooperation is provided by all Board employees to EEO Counselors, Board equal employment opportunity personnel and to investigators in the processing and

resolution of pre-complaint matters and complaints filed with the Board, and that cooperation is provided to the Commission in connection with review of Board decisions, including granting the Commission routine access to relevant records of the Board as appropriate and consistent with applicable law, regulations and policies of the Board; and

(6) Publicizes to all employees and posts at all times the names, business telephone numbers and business addresses of the EEO Counselors, a notice of the time limits and necessity of contacting an EEO Counselor before filing a complaint, and the telephone numbers and addresses of the Staff Director for Management, EEO Programs Officer, Federal Women's Program Manager, Hispanic Program Coordinator and Handicapped Program Coordinator.

§ 268.203 Complaints of discrimination covered under this part.

(a) Individual and class complaints of employment discrimination and retaliation prohibited by § 268.202(a) (discrimination on the basis of race, color, religion, sex and national origin), § 268.202(b) (discrimination on the basis of age when the aggrieved person is at least 40 years of age), § 268.303(a) (discrimination on the basis of handicap), or § 268.202(c) (sex-based wage discrimination) shall be processed in accordance with this part. Complaints alleging retaliation prohibited under this part are considered to be complaints of discrimination for purposes of this part.

(b) Except as set forth in § 268.304 and in subpart G of this part, this part applies to all Board employees and applicants for employment at the Board, and to all Board personnel policies or practices affecting Board employees or applicants for employment at the Board.

§ 268.204 Pre-complaint processing.

(a) Aggrieved persons who believe they have been discriminated against on the basis of race, color, religion, sex, national origin, age or handicap must consult an EEO Counselor prior to filing a complaint in order to try to informally resolve the matter.

(1) An aggrieved person must initiate contact with an EEO Counselor within 45 days of the date of the matter alleged to be discriminatory or, in the case of a personnel action, within 45 days of the effective date of the action.

(2) The Board shall extend the 45-day time limit in paragraph (a)(1) of this section when the individual shows that he or she was not notified of the time limits and was not otherwise aware of them, that he or she did not know and reasonably should not have known that the discriminatory matter or personnel action occurred, that despite due diligence he or she was prevented by circumstances beyond his or her control from contacting an EEO Counselor within the time limits, or for other reasons considered sufficient by the Board.

(b) At the initial counseling session, EEO Counselors must advise individuals in writing of their rights and responsibilities, including the right to request a hearing after the investigation by the Board, the right to file a notice of intent to sue pursuant to § 268.301(a) of this part and the procedures involving the filing of a lawsuit alleging a violation of the ADEA instead of an administrative complaint of age discrimination under this part, the duty to mitigate damages, administrative and court time frames, and that only the matter(s) raised in pre-complaint counseling (or issues like or related to issues raised in pre-complaint counseling) may be alleged in a subsequent complaint filed with the Board. EEO Counselors must advise individuals of their duty to keep the Board informed of their current address, to serve copies of requests for review by the Commission on the Board, and to keep the Commission informed of their current address in connection with any review of a Board action. The notice required by paragraphs (d) and (e) of this section shall include a notice of the right to file a class complaint. If the aggrieved person informs an EEO Counselor that he or she wishes to file a class complaint, the EEO Counselor shall explain the class complaint procedures and the responsibilities of the agent of the class.

(c) EEO Counselors shall conduct counseling activities in accordance with instructions promulgated by the EEO Programs Officer, which shall be consistent with the counseling guidelines contained in the Commission's "EEO Management Directives For 29 CFR Part 1614". When advised that a complaint has been filed by an aggrieved person, the EEO Counselor shall submit a written report within 15 calendar days to the EEO Programs Officer and to the aggrieved person concerning the issues discussed and actions taken during counseling.

(d) Unless the aggrieved person agrees to a longer counseling period under paragraph (e) of this section, the EEO Counselor shall conduct the final interview with the aggrieved person within 30 days of the date the aggrieved person brought the matter to the EEO Counselor's attention. If the matter has not been resolved, the aggrieved person shall be informed in writing by the EEO Counselor, not later than the 30th day after contacting the EEO Counselor, of the right to file a discrimination complaint with the Board. This notice shall inform the complainant of the right to file a discrimination complaint within 15 calendar days of receipt of the notice, of the appropriate official with whom to file a complaint and of the complainant's duty to assure that the EEO Programs Officer is informed immediately if the complainant retains counsel or a representative.

(e) Prior to the end of the 30-day period, the aggrieved person may agree in writing with the Board to postpone the final interview and extend the counseling period for an additional period of no more than 60 days. If the matter has not been resolved before the conclusion of the agreed extension, the notice described in paragraph (d) of this section shall be issued.

(f) In the event the aggrieved person has a work related problem which can be resolved under the Board's Adjusting Work-Related Problems Policy and the aggrieved person agrees to participate in the procedure that has been established under that Policy, the pre-complaint processing period of this section will be 90 days. If the matter has not been resolved before the 90th day, the notice described in paragraph (d) of this section shall then be issued.

(g) The EEO Counselor shall not attempt in any way to restrain the aggrieved person from filing a complaint. The EEO Counselor shall not reveal the identity of an aggrieved person who consulted the EEO Counselor, except when authorized to do so by the aggrieved person, or until the Board has received a discrimination complaint under this part from that person involving the same matter.

§ 268.205 Individual complaints.

(a) A complaint alleging that the Board discriminated against the complainant must be filed with the Board.

(b) A complaint must be filed within 15 calendar days of receipt of the notice required by §§ 268.204(d),(e) or (f) of this part.

(c) A complaint must contain a signed statement from the person claiming to be aggrieved or that person's attorney. This statement must be sufficiently precise to identify the aggrieved person and to describe generally the action(s) or practice(s) that form the basis of the complaint. The complaint must also contain a telephone number and address where the complainant or his/her representative can be contacted.

(d) The EEO Programs Officer shall acknowledge receipt of a complaint in writing and inform the complainant of the date on which the complaint was filed. Such acknowledgement shall also advise the complainant that:

(1) The complainant has the right to file a request for review with the Commission with regard to the Board's final decision or dismissal of all or a portion of a complaint; and

(2) The Board is required to conduct a complete and fair investigation of the complaint within 180 days of the filing of the complaint unless the parties agree in writing to extend the period.

§ 268.206 Dismissals of complaints.

(a) The Board shall dismiss a complaint or a portion of a complaint:

(1) That fails to state a claim under §§ 268.203 and 268.205(c) of this part, or states the same claim that is pending before or has been decided by the Board or the Commission;

(2) That fails to comply with the applicable time limits contained in §§ 268.204, 268.205(b) and 268.305(b) of this part, unless the Board extends the time limits in accordance with § 268.604(c) of this part, or that raises a matter that has not been brought to the attention of an EEO Counselor and is not like or related to a matter that has been brought to the attention of an EEO Counselor;

(3) That is the basis of a pending civil action in a United States District Court in which the complainant is a party, provided that at least 180 days have passed since the filing of the administrative complaint, or that was the basis of a civil action decided by a United States District Court in which the complainant was a party;

(4) That is moot or alleges that a proposal to take a personnel action, or other preliminary step to taking a personnel action, is discriminatory;

(5) Where the complainant cannot be located, provided that reasonable efforts have been made to locate the complainant and the complainant has not responded within 15 calendar days to a notice of proposed dismissal sent to his or her last known address;

(6) Where the Board has provided the complainant with a written request to provide relevant information or otherwise proceed with the complaint, and the complainant has failed to respond to the request within 15 calendar days of its receipt or the complainant's response does not address the Board's request, provided that the request included a notice of the proposed dismissal. Instead of dismissing for failure to cooperate, the complaint may be adjudicated if sufficient information for that purpose is available; or

(7) If, prior to the issuance of the notice required by § 268.207(f) of this part, the complainant refuses within 30 days of receipt of an offer of settlement to accept the Board's offer of full relief containing a certification from the Board's Staff Director for Management, the General Counsel or a designee reporting directly to the Staff Director for Management or General Counsel that the offer constitutes full relief, provided that the offer gave notice that failure to accept would result in dismissal of the complaint. An offer of full relief under this paragraph (a)(7) is the appropriate relief in § 268.501 of this part.

(b) The Board shall inform the complainant of the right to file a request for review with the Commission with regard to the dismissal of the individual complaint pursuant to § 268.401 of this part, or to file a civil action. A copy of EEOC Form 573, Notice of Appeal/Petition, shall be attached to the Board's decision to dismiss an individual complaint under this section.

§ 268.207 Investigation of complaints.

(a) The investigation of individual complaints shall be conducted by an investigator appointed by the EEO Programs Officer.

(b) Consistent with guidance proffered by the Commission, the Board, through the EEO Programs Officer, shall develop a complete and impartial factual record upon which to make findings on the matters raised by the written complaint. The investigator may use an exchange of letters or memoranda, interrogatories, investigations, fact-finding conferences or any other fact-finding methods that efficiently and thoroughly address the matters at issue. The EEO Programs Officer may incorporate alternative dispute resolution techniques into the investigation in order to promote early resolution of complaints.

(c) The procedures in paragraphs (c)(1) through (4) of this section apply to the investigation of complaints:

(1) The complainant, the Board and any employee of the Board shall produce such documentary and testimonial evidence as the investigator deems necessary, consistent with applicable laws, regulations and policies of the Board.

(2) The investigator may administer oaths. Statements of witnesses shall be made under oath or affirmation or, alternatively, by written statement under penalty of perjury.

(3) When the complainant, or the Board or its employees, fail without good cause shown to respond fully and in timely fashion to requests for documents, records, comparative data, statistics, affidavits or the attendance of witness(es), the investigator may note in the investigative record that the Board when rendering a final decision should, or the Commission on review may, in appropriate circumstances:

(i) Draw an adverse inference that the requested information, or the testimony of the requested witness, would have reflected unfavorably on the party refusing to provide the requested information;

(ii) Consider the matters to which the requested information or testimony pertains to be established in favor of the opposing party;

(iii) Exclude other evidence offered by the party failing to produce the requested information or witness;

(iv) Issue a decision fully or partially in favor of the opposing party; or

(v) Take such other actions as it deems appropriate.

(4) If documentary or testimonial evidence is needed by the investigator, and such documentary evidence is known to be contained in the files of another federal agency, or the testimony of an employee of another federal agency is needed, the EEO Programs Officer shall, if necessary, contact the Commission for assistance in obtaining such documentary or testimonial evidence.

(d) The investigation shall be conducted by an investigator with appropriate security clearances.

(e) The Board shall complete its investigation within 180 days of the date of the filing of an individual complaint or within the time period contained in the determination of the Commission on review of a dismissal pursuant to § 268.206 of this part. By written agreement within those time periods, the complainant and the Board may voluntarily extend the time period for not more than an additional 90 days. The Board may unilaterally extend the time period or any period of extension for not more than 30 days where it must sanitize a complaint file that may contain confidential information of the Board under 12 CFR part 261, or other privileged information of the Board, provided the Board notifies the complainant of the extension.

(f) Within 180 days from the filing of the complaint, within the time period contained in a determination of the Commission's Office of Federal Operations on review of a dismissal, or within any period of extension provided for in paragraph (e) of this section, the Board shall notify the complainant that the investigation has been completed, shall provide the complainant with a copy of the investigative file, and shall

notify the complainant that, within 30 days of the receipt of the investigative file, the complainant has the right to request a hearing before an administrative judge from the Commission or may receive an immediate final decision pursuant to § 268.209 of this part from the Board. In the absence of the required notice, the complainant may request a hearing under § 268.208 of this part at any time after 180 days has elapsed from the filing of the complaint.

§ 268.208 Hearings.

(a) *Requests.* When a complainant requests a hearing, the EEO Programs Officer shall request the Commission to appoint an administrative judge to conduct a hearing in accordance with this section. Any hearing will be conducted by an administrative judge or hearing examiner with appropriate security clearances. Where the administrative judge determines that the complainant is raising or intends to pursue issues like or related to those raised in the complaint, but which the Board has not had an opportunity to address, the administrative judge shall remand any such issue for counseling in accordance with § 268.204 of this part or for such other processing as may be ordered by the administrative judge.

(b) *Discovery.* The administrative judge shall notify the parties of the right to seek discovery prior to the hearing and may issue such discovery orders as are appropriate. Unless the parties agree in writing concerning the methods and scope of discovery, the party seeking discovery shall request authorization from the administrative judge prior to commencing discovery. Both parties are entitled to reasonable development of evidence on matters relevant to the issues raised in the complaint, but the administrative judge may reasonably limit the quantity and timing of discovery. Evidence may be developed through interrogatories, depositions, and requests for admissions, stipulations or production of documents. It shall be grounds for objection to producing evidence that the information sought by either party is irrelevant, overburdensome, repetitious, privileged, or that production would be unlawful.

(c) *Conduct of hearing.* The Board shall provide for the attendance at a hearing of all Board employees approved as witnesses by an administrative judge. Attendance at hearings will be limited to persons determined by the administrative judge to have direct knowledge relating to the complaint. Hearings are part of the investigative process and are thus closed to the public. The administrative judge shall have the power to regulate the conduct of a hearing, limit the number of witnesses where testimony would be repetitious, and exclude any person from the hearing for contumacious conduct or misbehavior that obstructs the hearing. The administrative judge shall receive into evidence information or documents relevant to the complaint. Rules of evidence shall not be applied strictly, but the administrative judge shall exclude irrelevant or repetitious evidence. The administrative judge or the Commission may refer to the Disciplinary Committee of the appropriate Bar Association any attorney or, upon reasonable notice and an opportunity to be heard, suspend or disqualify from representing complainants or agencies in hearings raising claims of discrimination any representative who refuses to follow the orders of an administrative judge, or who otherwise engages in improper conduct. The Board in such circumstances may take whatever action it deems appropriate to suspend or disqualify any such attorney or representative from appearing or practicing before the Board.

(d) *Evidentiary procedures.* The procedures in paragraphs (d)(1) through (3) of this section apply to hearings of complaints:

(1) The complainant, the Board and any employee of the Board shall produce such documentary and testimonial evidence as the administrative judge deems necessary, consistent with applicable laws, regulations and policies of the Board. If documentary or testimonial evidence is needed for the hearing, and such documentary evidence is known to be contained in the files of another federal agency, or if the testimony of an employee of another federal agency is needed, then the administrative judge may seek assistance from appropriate sources in obtaining such documentary or testimonial evidence for the hearing.

(2) Administrative judges are authorized to administer oaths. Statements of witnesses shall be made under oath or affirmation or, alternatively, by written statement under penalty of perjury.

(3) When the complainant, or the Board or its employees fail without good cause shown to respond fully and in timely fashion to requests for documents, records, comparative data, statistics, affidavits, or the attendance of witness(es), the administrative judge may, in appropriate circumstances:

(i) Draw an adverse inference that the requested information, or the testimony of the requested witness, would have reflected unfavorably on the party refusing to provide the requested information;

(ii) Consider the matters to which the requested information or testimony pertains to be established in favor of the opposing party;

(iii) Exclude other evidence offered by the party failing to produce the requested information or witness;

(iv) Issue a finding fully or partially in favor of the opposing party; or

(v) Take such other actions as appropriate.

(e) *Findings and conclusions without hearing.* (1) If a party believes that some or all material facts are not in genuine dispute and there is no genuine issue as to credibility, the party may, at least 15 calendar days prior to the date of the hearing or at such earlier time as required by the administrative judge, file a statement with the administrative judge prior to the hearing setting forth the fact or facts and referring to the parts of the record relied on to support the statement. The statement must demonstrate that there is no genuine issue as to any such material fact. The party shall serve the statement on the opposing party.

(2) The opposing party may file an opposition within 15 calendar days of receipt of the statement in paragraph (e)(1) of this section. The opposition may refer to the record in the case to rebut the statement that a fact is not in dispute or may file an affidavit stating that the party cannot, for reasons stated, present facts to oppose the request. After considering the submissions, the administrative judge may order that discovery be permitted on the fact or facts involved, limit the hearing to the issues remaining in dispute, issue findings and conclusions without a hearing or make such other ruling as is appropriate.

(3) If the administrative judge determines upon his or her own initiative that some or all facts are not in genuine dispute, he or she may, after giving notice to the parties and providing them an opportunity to respond in writing within 15 calendar days, issue an order limiting the scope of the hearing or issue findings and conclusions without holding a hearing.

(f) *Record of hearing.* The hearing shall be recorded and the Board shall arrange and pay for verbatim transcripts. All documents submitted to, and accepted by, the administrative judge at the hearing shall be made part of the record of the hearing. If the Board submits a document that is accepted, it shall furnish a copy of the document to the complainant. If the complainant

submits a document that is accepted, the administrative judge shall make the document available to the Board's representative for reproduction.

(g) *Findings and conclusions.* Unless the administrative judge makes a written determination that good cause exists for extending the time for issuing findings of fact and conclusions of law, within 180 days of a request for a hearing being received by the Commission, an administrative judge shall issue findings of fact and conclusions of law on the merits of the complaint, and shall order appropriate relief where discrimination is found with regard to the matter that gave rise to the complaint. The administrative judge shall send copies of the entire record, including the transcript, and the findings and conclusions to the parties by certified mail, return receipt requested. Within 60 days of receipt of the findings and conclusions, the Board may reject or modify the findings and conclusions or the relief ordered by the administrative judge and issue a final decision in accordance with § 268.209 of this part. If the Board does not, within 60 days of receipt of the findings and conclusions, accept, reject or modify the findings and conclusions of the administrative judge, then the findings and conclusions of the administrative judge and the relief ordered shall become the final decision of the Board and the Board shall notify the complainant of the final decision in accordance with § 268.209 of this part.

§ 268.209 Final decisions.

(a) The EEO Programs Officer shall notify the Board of Governors when a complaint is ripe for decision under this section. At the request of any member of the Board of Governors made within 7 calendar days of such notice, the Board of Governors shall make the decision on the complaint. If no such request is made, the Administrative Governor, or the Staff Director for Management if he or she is delegated the authority to do so under § 268.103(a)(2) of this part, shall make the decision on the complaint.

(b) The Board shall issue a final decision:

(1) Within 60 days of receiving notification that a complainant has requested an immediate decision in accordance with § 268.207(f) of this part;

(2) Within 60 days of the end of the 30-day period for the complainant to request a hearing or an immediate final decision where the complainant has not requested either a hearing or a final decision as provided by § 268.207(f) of this part;

(3) Within 60 days of receiving the findings and conclusions of an administrative judge under § 268.208(g) of this part;

(4) Within 30 days of receiving the written recommendation of an administrative judge to accept or reject the class complaint pursuant to § 268.305(c)(7) of this part;

(5) If it decides to vacate an agreement of resolution upon the selection of a member of the class pursuant to § 268.305(f)(4) of this part;

(6) Within 60 days of receiving findings and recommendations of an administrative judge following a class action hearing pursuant to the procedures stated under § 268.305(i) of this part;

(7) Within 90 days of receipt of a written claim by a class member pursuant to § 268.305(k)(3) of this part; or

(8) Within 30 days of receiving the EEOC decision pursuant to § 268.405(c) of this part.

(c) The final decision of the Board shall consist of findings by the Board on the merits of each issue in the complaint, or following review by the Commission, the reason or reasons for acceptance, modification or rejection of each finding in an EEOC decision. When discrimination is found and indicated in the final decision, appropriate remedies and relief in accordance with subpart E of this part will be addressed in the final decision.

(d) The final decision shall contain information regarding the right to file a request for review with the Commission of final decisions pursuant to paragraphs (b)(1) through (7) of this section and the procedures for filing a request for review with the Commission, the right to file a civil action in a United States District Court, including the name of the proper defendant in any such lawsuit, and the applicable time limits for reviews and lawsuits. A copy of EEOC Form 573, Notice of Appeal/Petition, shall be attached to the final decision pursuant to paragraphs (b)(1) through (7) of this section.

Subpart C—Provisions Applicable to Particular Complaints

§ 268.301 Age Discrimination in Employment Act.

(a) As an alternative to filing a complaint of discrimination on the basis of age under this part, an aggrieved person may file a civil action in a United States District Court against the Board of Governors. The aggrieved person must give notice of his or her intent to file such action with the Commission, with a copy to the Board's EEO Programs Officer, not less than 30 days prior to filing such civil action. The notice must be filed in writing with the Commission: Federal Sector Programs, Equal Employment Opportunity Commission, 1801 L Street, NW., Washington, DC 20507, within 180 days of the occurrence of the alleged unlawful practice.

(b) The Commission may exempt a position from the provisions of the ADEA if the Commission establishes a maximum age requirement for the position on the basis of a determination that age is a bona fide occupational qualification necessary to the performance of the duties of the position. The Board may adopt a Commission exemption for inclusion under this section.

(c) When an aggrieved person has filed a complaint under §§ 268.205 or 268.305 of this section alleging age discrimination, administrative remedies will be considered to be exhausted for purposes of filing a civil action:

(1) 180 days after the filing of an individual complaint if the Board has not issued a final decision and the complainant has not filed a request for review by the Commission, or 180 days after the filing of a class complaint if the Board has not issued a final decision;

(2) After the issuance of a final decision under § 268.209 of this part on an individual or class complaint if the individual has not filed a request for review with the Commission; or

(3) After the issuance of an EEOC decision under § 268.405 of this part, or 180 days after the filing of a request for review under subpart D of this part if the Commission has not issued an EEOC decision.

§ 268.302 Equal Pay Act.

(a) Any employee who believes he or she has received unequal pay due to discrimination based on sex may seek recovery of withheld wages by filing a complaint of discrimination under subpart B of this part, if a complaint of individual discrimination, or under § 268.305 of this part if a class action, except that civil actions shall be filed pursuant to paragraph (b) of this section.

(b) A complainant, agent of the class or individual class claimant under this section may file a civil action against the Board pursuant to § 268.506 of this part in a United States District Court should the complainant, agent of the class or individual class claimant believe he or she has been denied equal pay.

(c) The Board shall preserve any records that are made in the regular course of business which relate to the payment of wages, wage rates, job

evaluations, job descriptions, merit systems, seniority systems, description of practices, or other matters which describe or explain the basis for payment of any wage differential to employees of the opposite sex, and which may be pertinent to the determination of whether such differential is based on a factor other than sex. Such records are to be kept for at least 3 years.

(d) Wages withheld in violation of § 268.202(c) of this part have the status of unpaid minimum wage or unpaid overtime compensation.

§ 268.303 Rehabilitation Act.

(a) *General policy.* The Board shall give full consideration to the hiring, placement and advancement of qualified physically or mentally handicapped persons. The Board shall be a model employer of individuals with handicaps. The Board shall not discriminate against qualified physically or mentally handicapped persons.

(b) *Reasonable accommodation.* (1) The Board shall make reasonable accommodation to the known physical or mental limitations of an employee or applicant for employment who is a qualified individual with handicaps unless the Board can demonstrate that the accommodation would impose an undue hardship on its operations.

(2) Reasonable accommodation may include, but shall not be limited to:

(i) Making facilities readily accessible to and usable by individuals with handicaps; and

(ii) Job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, the provision of readers and interpreters, and other similar actions.

(3) In determining whether, pursuant to paragraph (b)(1) of this section, an accommodation would impose an undue hardship on the operation of the Board, factors to be considered include:

(i) The overall size of the Board's operations with respect to the number of employees, number and type of facilities and size of budget;

(ii) The type of Board operation, including the composition and structure of the Board's work force; and

(iii) The nature and the cost of the accommodation.

(c) *Employment criteria.* (1) The Board shall not make use of any employment test or other selection criterion that screens out or tends to screen out qualified handicapped persons or any class of handicapped persons unless:

(i) The test score or other selection criterion is job-related for the position in question and consistent with business necessity; and

(ii) There are no available alternative job-related tests that do not screen out or tend to screen out as many handicapped persons.

(2) The Board shall select and administer tests concerning employment so as to insure that, when administered to an employee or applicant for employment who has a handicap that impairs sensory, manual, or speaking skills, the test results accurately reflect the employee's or applicant's ability to perform the position or type of position in question rather than reflecting the employee's or applicant's impaired sensory, manual, or speaking skill (except where those skills are the factors that the test purports to measure).

(d) *Pre-employment inquiries.* (1) Except as provided in paragraphs (d)(2) and (3) of this section, the Board shall not conduct a pre-employment medical examination and shall not make pre-employment inquiry of an applicant as to whether the applicant is a person with handicaps or as to the nature or severity of a handicap. The Board may, however, make pre-employment inquiry into an applicant's ability to meet the essential functions of the job, or the medical qualification requirements if applicable, with or without reasonable accommodation, of the position in question, i.e., the minimum abilities necessary for safe and efficient performance of the duties of the position in question.

(2) Nothing in this section shall prohibit the Board from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, provided that:

(i) All entering employees are subjected to such an examination regardless of handicap or when the pre-employment medical questionnaire used for positions that do not routinely require medical examination indicates a condition for which further examination is required because of the job-related nature of the condition; and

(ii) The results of such an examination are used only in accordance with the requirements of this part.

(3) Nothing in this section shall be construed to prohibit the gathering of pre-employment medical information for the purpose of a special appointment for persons with handicaps.

(4) To enable and evaluate affirmative action to hire, place or advance individuals with handicaps, the Board may invite employees and applicants for employment to indicate whether and to what extent they are handicapped, if:

(i) The Board states clearly on any written questionnaire used for this purpose or makes clear orally if no written questionnaire is used, that the information requested is intended for use solely in conjunction with affirmative action; and

(ii) The Board states clearly that the information is being requested on a voluntary basis, that refusal to provide it will not subject the employee or applicant for employment to any adverse treatment, and that it will be used only in accordance with this part.

(5) Information obtained in accordance with this section as to the medical condition or history of the employee or applicant for employment shall be kept confidential except that:

(i) Managers, selecting officials, and others involved in the selection process or responsible for affirmative action may be informed that the employee or applicant for employment is a handicapped person;

(ii) Supervisors and managers may be informed regarding necessary accommodations;

(iii) First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment;

(iv) Government officials investigating compliance with laws, regulations, and instructions relevant to equal employment opportunity and affirmative action for individuals with handicaps shall be provided information upon request; and

(v) Statistics generated from information obtained may be used to manage, evaluate, and report on equal employment opportunity and affirmative action programs.

(e) *Physical access to buildings.* (1) The Board shall not discriminate against employees or applicants for employment who are qualified individuals with handicaps due to the inaccessibility of its facility.

(2) It shall be the policy of the Board to comply with the provisions of the Rehabilitation Act, the Architectural Barriers Act of 1968 (42 U.S.C. 4151 *et seq.*) and the Americans With Disabilities Act of 1990 (42 U.S.C. 12183 and 12204).

(f) *Reassignment.* When a nonprobationary employee becomes unable to perform the essential functions of his or her position even with reasonable accommodation due to a handicap, the Board shall offer to reassign the individual to a funded vacant position at the same grade level, the essential functions of which the

employee would be able to perform with reasonable accommodation if necessary unless the reassignment would impose an undue hardship on the operation of the Board. In the absence of a position at the same grade level, an offer of reassignment to a vacant position at the highest available grade level below the employee's current grade level shall be made, but availability of such a vacancy shall not affect the employee's entitlement, if any, to disability retirement pursuant to any retirement plan in which the employee is enrolled. If the Board has already posted a notice or announcement seeking applications for a specific vacant position at the time the Board has determined that the nonprobationary employee is unable to perform the essential functions of his or her position even with reasonable accommodation, then the Board does not have an obligation under this section to offer to reassign the individual to that position, but the Board shall consider the individual on an equal basis with those who applied for the position.

(g) *Exclusion from definition of "individual(s) with handicap(s)."* (1) The term "individual with handicap(s)" shall not include an individual who is currently engaging in the illegal use of drugs, when the Board acts on the basis of such use. The term "drug" means a controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812). The term "illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act, but does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of federal law. This exclusion, however, does not exclude an individual with handicaps who:

(i) Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

(ii) Is participating in a supervised rehabilitation program and is no longer engaging in such use; or

(iii) Is erroneously regarded as engaging in such use, but is not engaging in such use.

(2) Except that the Board may adopt and administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in paragraphs (g)(1)(i) and (ii) of this section is no longer engaging in the illegal use of drugs.

§ 268.304 Employment of noncitizens.

(a) *Definitions.* The definitions contained in this paragraph (a) shall apply only to this section.

(1) *Intending citizen* means a citizen or national of the United States, or a noncitizen who:

(i) Is a protected individual as defined in 8 U.S.C. 1324b(a)(3); and

(ii) Has evidenced an intention to become a United States citizen.

(2) *Noncitizen* means any person who is not a citizen of the United States.

(3) *Sensitive information* means:

(i)(A) Information that is classified for national security purposes under Executive Order No. 10450 (3 CFR, 1949-1953 Comp., p. 936), including any amendments or superseding orders that the President of the United States may issue from time to time;

(B) Information that consists of confidential supervisory information of the Board, as defined in 12 CFR 261.2(b); or

(C) Information the disclosure or premature disclosure of which to unauthorized persons may be reasonably likely to impair the formulation or implementation of monetary policy, or cause unnecessary or unwarranted disturbances in securities or other financial markets, such that access to such information must be limited to persons who are loyal to the United States.

(ii)For purposes of paragraph (a)(3)(i)(C) of this section, information may not be deemed sensitive information merely because it would be exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552) but sensitive information must be information the unauthorized disclosure or premature disclosure of which may be reasonably likely to impair important functions or operations of the Board.

(4) *Sensitive position* means any position of employment in which the employee will be required to have access to sensitive information.

(b) *Prohibitions*—(1) *Unauthorized aliens.* The Board shall not hire any person unless that person is able to satisfy the requirements of Section 101 of the Immigration Reform and Control Act of 1986.

(2) *Employment in sensitive positions.* The Board shall not hire any person to a sensitive position unless such person is a citizen of the United States or, if a noncitizen, is an intending citizen.

(3) *Preference.* Consistent with the Immigration Reform and Control Act of 1986, and other applicable law, applicants for employment at the Board who are citizens of the United States or intending citizens shall be preferred over equally qualified applicants who are neither United States citizens nor intending citizens.

(c) *Exception.* The prohibition of paragraph (b)(2) of this section does not apply to hiring for positions for which a security clearance is required under Executive Order No. 10450, including any subsequent amendments or superseding orders that the President of the United States may issue from time to time, where the noncitizen either has or can obtain the necessary security clearance. Any offer of employment authorized by this paragraph (c) shall be contingent upon receipt of the required security clearance in the manner prescribed by law.

(d) *Applicability.* This section applies to employment in all positions at the Board and to employment by Federal Reserve Banks of examiners who must be appointed, or selected and approved by the Board pursuant to 12 U.S.C. 325, 326, 338, or 625.

§ 268.305 Class complaints.

(a) *Pre-complaint processing.* An employee or applicant for employment who wishes to file a class complaint must seek counseling and be counseled in accordance with the procedures under § 268.204 of this part.

(b) *Filing and presentation of a class complaint.* (1) A class complaint must be signed by the agent of the class or representative, and must identify the personnel policy or practice adversely affecting the class as well as the specific action or matter affecting the agent of the class.

(2) The complaint must be filed with the Board not later than 15 calendar days after the agent of the class receives a notice from the EEO Counselor of the right to file a class complaint.

(3) The complaint shall be processed promptly by the Board, and the parties shall cooperate and shall proceed at all times without undue delay.

(c) *Acceptance or dismissal.* (1) Within 30 days of the Board's receipt of a class complaint, the Board shall designate a representative who shall monitor the class complaint on behalf of the Board and who shall be one of the individuals referenced in § 268.202(e)(3) of this part, and forward the class complaint, along with a copy of the EEO Counselor's report and any other information pertaining to timeliness or other relevant circumstances related to the class complaint, to the Commission's Office of Federal Operations. The Commission shall assign the class complaint to an administrative judge or complaints

examiner who shall, if required, have a proper security clearance. The administrative judge may require the agent of the class or the Board to submit additional information relevant to the complaint.

(2) The administrative judge may recommend that the Board dismiss the class complaint, or any portion, for any of the reasons listed in § 268.206 of this part, or because it does not meet the prerequisites of a class complaint under § 268.102(g) of this part.

(3) If an allegation of discrimination in the class complaint is not included in the EEO Counselor's report, the administrative judge shall afford the agent of the class 15 calendar days to state whether the matter was discussed with the EEO Counselor and, if not, explain why it was not discussed. If the explanation is not satisfactory, the administrative judge shall recommend that the Board dismiss the allegation under § 268.206 of this part. If the explanation is satisfactory, the administrative judge shall refer the allegation to the Board for further counseling by an EEO Counselor with the agent of the class. After counseling, the allegation shall be consolidated with the class complaint.

(4) If an allegation of discrimination in the class complaint lacks specificity and detail, the administrative judge shall afford the agent of the class 15 calendar days to provide specific and detailed information. The administrative judge shall recommend that the Board dismiss the class complaint if the agent of the class fails to provide such information within the specified time period. If the information provided contains new allegations outside the scope of the complaint, the administrative judge shall advise the agent of the class how to proceed on an individual or class basis concerning these allegations.

(5) The administrative judge shall recommend that the Board extend the time limits for filing a class complaint and for consulting with an EEO Counselor in accordance with the time limit extension provisions contained in §§ 268.204(a)(2) and 268.604 of this part.

(6) When appropriate, the administrative judge may recommend that a class be divided into subclasses and that each subclass be treated as a class, and the provisions of this section shall then be construed and applied accordingly.

(7) The administrative judge's written recommendation to the Board on whether to accept or dismiss a class complaint and the complaint file shall be transmitted to the Board, and notification of that transmittal shall be sent to the agent of the class. The administrative judge's recommendation to accept or dismiss shall become the Board's decision unless the Board accepts, rejects or modifies the recommended decision within 30 days of the receipt of the recommended decision and complaint file pursuant to § 268.209 of this part. The Board shall notify the agent of the class by certified mail, return receipt requested, and the administrative judge of its decision to accept or dismiss a class complaint. At the same time, the Board shall forward to the agent of the class copies of the administrative judge's recommendation and the complaint file. The dismissal of a class complaint shall inform the agent of the class either that the class complaint is being filed on that date as an individual complaint of discrimination and will be processed under subpart B of this part, or that the class complaint is also dismissed as an individual complaint in accordance with § 268.206 of this part. In addition, it shall inform the agent of the class of the right to file a request for review of the dismissal of the class complaint with the Commission pursuant to § 268.401 of this part, or to file a civil action. A copy of EEOC Form 573, Notice of Appeal/Petition, shall be attached to the Board's decision to dismiss a class complaint pursuant to § 268.209(b)(4) of this part.

(d) *Notification.* (1) Within 15 calendar days of accepting a class complaint, the Board shall use reasonable means, such as delivery, mailing to last known address or distribution, to notify all class members of the acceptance of the class complaint.

(2) Such notice shall contain:

(i) The date of acceptance of the class complaint by the Board;

(ii) A description of the issues accepted as part of the class complaint;

(iii) An explanation of the binding nature of the Board's dismissal, final decision or resolution of the class complaint on class members; and

(iv) The name, address and telephone number of the agent of the class or, if represented, the representative.

(e) *Obtaining evidence concerning the complaint.* (1) Upon the acceptance of a class complaint by the Board, the administrative judge shall notify the agent of the class and the Board's representative of the time period that will be allowed both parties to prepare their case. This time period will include at least 60 days and may be extended by the administrative judge upon the request of either party. Both parties are entitled to reasonable development of evidence on matters relevant to the issues raised in the class complaint. Evidence may be developed through interrogatories, depositions, and requests for admissions, stipulations or production of documents. It shall be grounds for objection to producing evidence that the information sought by either party is irrelevant, overburdensome, repetitious, privileged, or that production would be unlawful.

(2) If mutual cooperation fails, either party may request the administrative judge to rule on a request to develop evidence. If a party fails without good cause shown to respond fully and in timely fashion to a request made or approved by the administrative judge for documents, records, comparative data, statistics or affidavits, and the information is solely in the control of one party, such failure may, in appropriate circumstances, cause the administrative judge:

(i) To draw an adverse inference that the requested information would have reflected unfavorably on the party refusing to provide the requested information;

(ii) To consider the matters to which the requested information pertains to be established in favor of the opposing party;

(iii) To exclude other evidence offered by the party failing to produce the requested information;

(iv) To recommend that a decision be entered in favor of the opposing party; or

(v) To take such other actions as the administrative judge deems appropriate.

(3) During the period for development of evidence, the administrative judge may, in his or her discretion, direct that an investigation of facts relevant to the class complaint or any portion be conducted.

(4) Both parties shall furnish to the administrative judge copies of all materials that they wish to be examined and such other material as may be requested.

(f) *Opportunity for resolution of the class complaint.* (1) The administrative judge shall furnish the agent of the class and the Board's representative a copy of all materials obtained concerning the class complaint and provide opportunity for the agent of the class to discuss the materials with the Board's representative and to attempt resolution of the class complaint.

(2) The class complaint may be resolved by agreement of the Board and the agent of the class at any time as long as the agreement is fair and reasonable.

(3) If the class complaint is resolved, the terms of the resolution shall be reduced to writing and signed by the agent of the class and the Board.

(4) Notice of the agreement of resolution shall be given to all class members in the same manner as notification of the acceptance of the class complaint and shall state the relief, if any, to be granted by the Board. An agreement of resolution shall bind all members of the class. Within 30 days of the date of the notice of the agreement of resolution, any member of the class may petition the Commission to vacate the agreement of resolution because it benefits only the agent of the class or is otherwise not fair and reasonable. Such a petition will be processed in accordance with paragraph (c) of this section and if the administrative judge finds that the agreement of resolution is not fair and reasonable, he or she shall recommend that the agreement of resolution be vacated and that the original agent of the class be replaced by the petitioner or some other class member who is eligible to be the agent of the class during further processing of the class complaint. The Board may determine, with respect to the petition, that the agreement of resolution is not fair and reasonable, which vacates any agreement between the former agent of the class and the Board. The Board's decision to vacate the agreement of resolution shall be communicated to the former agent of the class and to the petitioner, and shall inform them of their right to file a request for review with the Commission under § 268.401 of this part. A copy of EEOC Form 573, Notice of Appeal/Petition, shall be attached to the Board's decision pursuant to § 268.209(b)(5) of this part.

(g) *Hearing.* On expiration of the period allowed for preparation of the case, the administrative judge shall set a date for a hearing. The hearing shall be conducted in accordance with §§ 268.208(a) through (f) of this part.

(h) *Report of findings and recommendations.* (1) The administrative judge shall transmit to the Board a report of findings and recommendations on the class complaint, including a recommended decision, systemic relief for the class and any individual relief, where appropriate, with regard to the personnel policy or practice that gave rise to the class complaint.

(2) If the administrative judge finds no class relief appropriate, he or she shall determine if a finding of individual discrimination is warranted and, if so, shall recommend appropriate relief.

(3) The administrative judge shall notify the Board of the date on which the report of findings and recommendations was forwarded to the Board.

(i) *Board decision.* (1) Within 60 days of receipt of the report of findings and recommendations issued under § 268.305(h) of this part, the Board shall issue a final decision pursuant to § 268.209 of this part, which shall accept, reject, or modify the findings and recommendations of the administrative judge.

(2) The final decision of the Board shall be in writing and shall be transmitted to the agent of the class by certified mail, return receipt requested, along with a copy of the report of findings and recommendations of the administrative judge.

(3) When the Board's final decision is to reject or modify the findings and recommendations of the administrative judge, the Board's final decision shall contain specific reasons for the Board's final decision.

(4) If the Board has not issued a final decision within 60 days of its receipt of the administrative judge's report of findings and recommendations, those findings and recommendations of the administrative judge shall become the Board's final decision. The Board shall transmit the final decision to the agent of the class within 5 calendar days of the expiration of the 60-day period.

(5) The final decision of the Board shall require any relief authorized by law and determined to be necessary or desirable to resolve the issue of discrimination.

(6) The final decision of the Board shall, subject to subpart E of this part, be binding on all members of the class and the Board.

(7) The final decision shall inform the class agent of the right to seek review by the Commission, or to file a civil action, in accordance with subpart E of this part, and of the applicable time limits.

(j) *Notification of decision.* The Board shall notify class members of the Board's final decision and relief awarded, if any, through the same media employed to give notice of the existence of the class complaint. The notice, where appropriate, shall include information concerning the rights of class members to seek individual relief, and of the procedures to be followed. Notice shall be given by the Board within 10 calendar days of the transmittal of the final decision to the agent of the class.

(k) *Relief for individual class members.* (1) When the Board finds class discrimination, the Board shall eliminate or modify the personnel policy or practice out of which the complaint arose and provide individual relief, including an award of attorney's fees and costs, to the agent of the class in accordance with § 268.501(e) of this part.

(2) When class-wide discrimination is not found, but it is found that the agent of the class is a victim of discrimination, § 268.501 shall apply. The Board shall also, within 60 days of the issuance of its final decision finding no class-wide discrimination, issue the acknowledgement of receipt of an individual complaint as required by § 268.205(d) and process in accordance with the provisions of subpart B of this part, each individual complaint that was subsumed into the class complaint.

(3) When class-wide discrimination is found in a final decision of the Board, and a class member believes that he or she is entitled to individual relief, the class member may file a written claim with the Board's EEO Programs Officer within 30 days of receipt of notification by the Board of its final decision. The claim must include a specific, detailed showing that the claimant is a class member who was affected by a action or matter resulting from the discriminatory personnel policy or practice, and that this discriminatory action took place within the period of time for which the Board found class-wide discrimination in its final decision. The period of time for which the Board finds class-wide discrimination shall begin not more than 45 days prior to the initial contact by the agent of the class with the EEO Counselor and shall end not later than the date when the Board eliminates the personnel policy or practice found to be discriminatory in the Board's final decision. The Board shall issue a final decision on each such claim within 90 days of filing. Such decision must include a notice of the right to file a request for review with the Commission or a civil action in accordance with subpart E of this part and the applicable time limits. A copy of EEOC Form 573, Notice of Appeal/Petition, shall be attached to the Board's decision pursuant to § 268.209(b)(7) of this part.

Subpart D—Review by the Equal Employment Opportunity Commission

§ 268.401 Review by the Equal Employment Opportunity Commission.

(a) An individual complainant may file a request for review with the Commission of a final decision issued by the Board under § 268.209 of this part, or a dismissal by the Board of all or a portion of an individual complaint under § 268.206 of this part.

(b) An agent of the class may file a request for review with the Commission of a dismissal of all or a portion of a class complaint rendered by the Board under § 268.305(c) of this part, or a final

decision of the Board accepting or rejecting all or a portion of a report of findings and recommendations of an administrative judge with regard to a class complaint pursuant to § 268.305(i) of this part. A class member may file a request for review with the Commission of a final decision by the Board on a claim for individual relief under a class complaint pursuant to § 268.305(k) of this part. Both an agent of the class and a class member may file a request for review with the Commission of a final decision of the Board on a petition pursuant to § 268.305(f)(4) of this part.

(c) A complainant, agent of the class or individual class claimant may file a request for review with the Commission of the Board's alleged noncompliance with a settlement agreement or final decision in accordance with § 268.504 of this part.

§ 268.402 Time limits for review by the Equal Employment Opportunity Commission.

(a) Any dismissal of a complaint or a portion of a complaint, or any final decision of the Board, as set forth in paragraphs (b)(1) through (7) of § 268.209 of this part, may be reviewed by the Commission if a request for review is filed with the Commission within 30 days of the complainant's receipt of the dismissal or final decision. In the case of class complaints, any final decision of the Board received by an agent of the class, petitioner or any individual class claimant may be reviewed by the Commission if a request for review is filed with the Commission within 30 days of its receipt. Where a complainant has notified the EEO Programs Officer of alleged noncompliance with a settlement agreement in accordance with § 268.504 of this part, the complainant may file a request for review with the Commission within 35 days after notification to the EEO Programs Officer under § 268.504(a) of this part of such noncompliance, but the complainant must file a request for review within 30 days of receipt of the Board's determination.

(b) If the complainant is represented by an attorney of record, then the 30-day time period provided in paragraph (a) of this section within which to file a request for review shall be calculated from the receipt of the notification required under § 268.504(a) of this part by the attorney. In all other instances, the time within which to file a request for review with the Commission shall be calculated from the receipt of the notification required under § 268.504(a) of this part by the complainant.

§ 268.403 How to seek review.

(a) The complainant must file a request for review with the Commission by sending EEOC Form 573, Notice of Appeal/Petition, to the Director, Office of Federal Operations, Equal Employment Opportunity Commission, P.O. Box 19848, Washington, DC 20036, or by personal delivery or facsimile. The complainant should indicate what matters he or she is requesting the Commission to review.

(b) The complainant shall furnish a copy of the request for review to the Board's EEO Programs Officer at the same time that he or she files the request for review with the Commission. In or attached to the request for review by the Commission, the complainant must certify the date and method by which service was made on the Board.

(c) If a complainant does not file a request for review with the Commission within the time limits of this subpart D, the request for review shall be untimely and shall be dismissed by the Commission.

(d) Any statement or brief in support of the request for review must be submitted to the Director, Office of Federal Operations, Equal Employment Opportunity Commission, and to the Board within 30 days of the filing of the request for review. Following receipt of the request for review, and any brief in support of the request for review, the Director, Office of Federal Operations, Equal Employment Opportunity Commission, shall request the complaint file from the Board. The Board shall submit the complaint file and any Board statement or brief in opposition to the request for review to the Director, Office of Federal Operations, Equal Employment Opportunity Commission, within 30 days of receipt of the Commission's request for the complaint file. A copy of the Board's statement or brief shall be served on the complainant at the same time.

§ 268.404 Procedure on review.

(a) The Commission's Office of Federal Operations shall review the complaint file and all written statements and briefs from either party. The Commission may supplement the record by an exchange of letters or memoranda, investigation, remand to the Board or other procedures.

(b) If the Commission's Office of Federal Operations requests information from one or both of the parties to supplement the record, each party providing information shall send a copy of the information submitted to the Commission to the other party.

§ 268.405 Decisions on review.

(a) The Commission's Office of Federal Operations shall issue a written decision (the EEOC decision) setting forth its reasons for the decision. The Commission shall dismiss requests for review in accordance with §§ 268.206, 268.403(c) and 268.507 of this part. The EEOC decision shall be based on the preponderance of the evidence. If the EEOC decision contains a finding of discrimination, appropriate remedy(ies) shall be included and, where appropriate, the entitlement to interest, attorney's fees or costs shall be indicated. The EEOC decision shall reflect the date of its issuance, inform the complainant of his or her civil action rights, and be transmitted to the complainant and to the Board by certified mail, return receipt requested.

(b) The EEOC decision issued under paragraph (a) of this section is final, subject to paragraph (c) of this section, within the meaning of § 268.406(d) of this part unless:

(1) Either party files a timely request for reconsideration pursuant to § 268.406 of this part; or

(2) The Commission on its own motion reconsiders the case.

(c) The Board, within 30 days of receiving the EEOC decision, shall issue a final decision pursuant to § 268.209 of this part based upon the EEOC decision.

§ 268.406 Reconsideration.

(a) Within a reasonable period of time, the Commission may, in its discretion, reconsider an EEOC decision issued under § 268.405(a) of this part, notwithstanding any other provisions of this part.

(b) A party may request reconsideration of an EEOC decision issued under § 268.405(a) of this part provided that such request is made within 30 days of receipt of an EEOC decision or within 20 days of receipt of another party's timely request for reconsideration. Such request, along with any supporting statement or brief, shall be submitted to the Commission's Office of Review and Appeals, and to all parties with proof of such submission. All other parties shall have 20 days from the date of service in which to submit to all other parties, with proof of submission, any statement or brief in opposition to the request.

(c) The request for reconsideration or the statement or brief in support of the request shall contain arguments or evidence which tend to establish that:

(1) New and material evidence is available that was not readily available when the EEOC decision was issued;

(2) The EEOC decision involved an erroneous interpretation of law,

regulation or material fact, or misapplication of established policy; or

(3) The EEOC decision is of such exceptional nature as to have substantial precedential implications.

(d) A decision on a request for reconsideration by either party is final and there shall be no further right by either party to request reconsideration of an EEOC decision.

Subpart E—Remedies, Enforcement and Civil Actions

§ 268.501 Remedies and relief.

(a) *General procedures.* When the Board finds discrimination when issuing its final decision pursuant to § 268.209 of this part, the Board shall consider the following elements in providing full relief to complainants:

(1) Notification to all employees of the Board of their right to be free of unlawful discrimination and assurance that the particular types of discrimination found will not recur;

(2) Commitment that corrective, curative or preventive action will be taken, or measures adopted, to ensure that violations of law and this part similar to those found unlawful will not recur;

(3) An unconditional offer to each identified victim of discrimination of placement in the position the person would have occupied but for the discrimination suffered by that person, or a substantially equivalent position;

(4) Payment to each identified victim of discrimination on a make whole basis for any loss of earnings the person may have suffered as a result of the discrimination; and

(5) Commitment that the Board shall cease from engaging in the specific unlawful employment practice found in the case.

(b) *Relief for an applicant.* (1) (i) When it is determined in a final decision that an applicant for employment has been discriminated against, the Board shall offer the applicant for employment the position that the applicant for employment would have occupied absent discrimination or, if justified by the circumstances, a substantially equivalent position unless clear and convincing evidence indicates that the applicant for employment would not have been selected even absent the discrimination. The offer to the applicant for employment shall be made in writing. The applicant for employment shall have 15 days from receipt of the offer within which to accept or decline the offer. Failure to accept the offer within the 15-day period will be considered a declination of the offer, unless the applicant for employment can show that circumstances beyond his or her control prevented a response within the time limit.

(ii) If the offer is accepted, appointment shall be retroactive to the date the applicant for employment would have been hired. Back pay, computed in the manner prescribed in 5 CFR 550.805 shall be awarded from the date the applicant for employment would have entered on duty until the date the applicant for employment actually enters on duty unless clear and convincing evidence indicates that the applicant would not have been selected even absent discrimination. Interest on back pay shall be included in the back pay computation where sovereign immunity has been waived. An applicant for employment shall be deemed to have performed service at the Board during such period for all purposes except for meeting service requirements for completion of a required probationary period.

(iii) If the offer of employment is declined, the Board shall award the applicant for employment a sum equal to the back pay he or she would have received, computed in the manner prescribed in 5 CFR 505.805 from the date he or she would have been appointed until the date the offer was declined, subject to the limitation of paragraph (b)(3) of this section. Interest on back pay shall be included in the back pay computation. The Board shall inform the applicant for employment, in its offer of employment, of the right to this award in the event the offer of employment is declined.

(2) When it is determined in a final decision that discrimination existed at the time the applicant for employment was considered for employment but also by clear and convincing evidence that the applicant would not have been hired even absent discrimination, the Board shall nevertheless take all steps necessary to eliminate the discriminatory practice and ensure it does not recur.

(3) Back pay under this paragraph (b) for complaints under Title VII or the Rehabilitation Act may not extend from a date earlier than two years prior to the date on which the complaint was initially filed by the applicant for employment.

(c) *Relief for an employee.* When it is determined in a final decision that an employee of the Board was discriminated against, the Board shall provide relief, which shall include, but need not be limited to, one or more of the following actions:

(1) Nondiscriminatory placement, with back pay computed in the manner prescribed in 5 CFR 505.805 unless clear and convincing evidence contained in the record demonstrates that the personnel action would have been taken even absent the discrimination. Interest on back pay shall be included in the back pay computation where sovereign immunity has been waived. The back pay liability under Title VII or the Rehabilitation Act is limited to the two years prior to the date the discrimination complaint was filed;

(2) If clear and convincing evidence indicates that, although discrimination existed at the time the personnel action was taken, the personnel action would have been taken even absent discrimination, the Board shall nevertheless eliminate any discriminatory practice and ensure it does not recur;

(3) Cancellation of an unwarranted personnel action and restoration of the employee;

(4) Expunction from the Board's records of any adverse materials relating to the discriminatory practice; and

(5) Full opportunity to participate in the employee benefit denied (*e.g.*, training, preferential work assignments, overtime scheduling).

(d) *Mitigation of damages.* The Board shall not decline to grant relief based upon failure to mitigate damages unless it has clear and convincing evidence that the employee or applicant for employment has failed to mitigate damages. The Board shall have the burden of proving by a preponderance of the evidence that the complainant has failed to mitigate his or her damages.

(e) *Attorney's fees or costs*—(1) *Awards of attorney's fees or costs.* The provisions of this paragraph (e) relating to the award of attorney's fees or costs shall apply to allegations of discrimination prohibited by Title VII and the Rehabilitation Act. In a notice of final action or a decision, the employee or applicant for employment may be awarded reasonable attorney's fees or costs (including expert witness fees) incurred in the processing of the complaint. In this regard:

(i) A finding of discrimination raises a presumption of entitlement to an award of attorney's fees;

(ii) Attorney's fees are allowable only for the services of members of the Bar and law clerks, paralegals or law students under the supervision of members of the Bar, except that no award is allowable for the services of any employee of the Federal Government; and

(iii) Attorney's fees shall be paid only for services performed after the filing of a written complaint and after the complainant has notified the Board that he or she is represented by an attorney, except that fees allowable for a reasonable period of time prior to the notification of representation for any services performed in reaching a determination to represent the complainant. Written submissions to the Board that are signed by the representative shall be deemed to constitute notice of representation.

(2) *Amount of awards.* (i) When the attorney's fees or costs are awarded, the complainant's attorney shall submit a verified statement of costs and attorney's fees (including expert witness fees), as appropriate, to the Board within 30 days of receipt of the final decision, unless a request for review or reconsideration is filed. A statement of attorney's fees shall be accompanied by an affidavit executed by the attorney of record itemizing the attorney's charges for legal services and both the verified statement and the accompanying affidavit shall be made a part of the complaint file. The amount of attorney's fees or costs to be awarded the complainant shall be determined by agreement among the complainant, the complainant's representative and the Board. Such agreement shall immediately be reduced to writing.

(ii) (A) If the complainant, the complainant's representative and the Board cannot reach an agreement on the amount of attorney's fees or costs within 20 days of the Board's receipt of the verified statement and accompanying affidavit, the Board shall issue a decision determining the amount of attorney's fees or costs due within 30 days of receipt of the statement and affidavit. The decision of the Board shall include the specific reasons for determining the amount of the award. The complainant or the complainant's representative may file a request for review with the Commission of the Board's decision, and the Board's notice to the complainant and his or her representative shall include EEOC Form 573, Notice of Appeal/Petition.

(B) The amount of attorney's fees shall be calculated in accordance with existing case law using the following standards: The starting point shall be the number of hours reasonably expended multiplied by a reasonable hourly rate. This amount may be reduced or increased in consideration of the following factors, although ordinarily many of these factors are subsumed within the calculation set forth in this paragraph (e)(2)(ii)(B): The time and labor required, the novelty and difficulty of the questions, the skill requisite to perform the legal service properly, the attorney's preclusion from other employment due to acceptance of the case, the customary fee, whether the fee is fixed or contingent, time limitations imposed by the client or the circumstances, the amount involved and the results obtained, the experience, reputation, and ability of the attorney, the undesirability of the case, the nature and length of the professional relationship with the client, and the awards in similar cases. Only in cases of exceptional success should any of these factors be used to enhance an award computed by the formula set forth in this paragraph (e)(2)(ii)(B).

(C) The costs that may be awarded are those authorized by 28 U.S.C. 1920 to include: Fees of the reporter for all or any of the stenographic transcript necessarily obtained for use in the case; fees and disbursements for printing and witnesses; and fees for exemplification and copies necessarily obtained for use in the case.

(iii) Witness fees shall be awarded in accordance with the provisions of 28 U.S.C. 1821, except that no award shall be made for a federal employee who is in a duty status when made available as a witness.

§ 268.502 Compliance with EEOC decisions.

(a) The relief ordered in an EEOC decision, if accepted pursuant to § 268.209 of this part as a final decision, or not acted upon by the Board within the time periods of § 268.209 of this part, shall be binding upon the Board. Failure to implement its final decision, or the EEOC decision in such circumstances, shall be grounds for the complainant to file a civil action under §§ 268.505 and 268.506 of this part.

(b) Notwithstanding paragraph (a) of this section,when the Board requests reconsideration, when the case involves an employee's removal, separation, or suspension continuing beyond the date of the request for reconsideration, and when the EEOC decision recommends retroactive restoration, the Board shall comply with the EEOC decision only to the extent of the temporary or conditional restoration of the employee to duty status in the position recommended by the Commission, pending the outcome of the Board's request for reconsideration.

(1) Service under the temporary or conditional restoration provisions of this paragraph (b) shall be credited toward the completion of a probationary or trial period, or eligibility for a within-grade increase, if the EEOC decision is upheld.

(2) The Board shall notify the Commission and the employee in writing, at the same time it requests reconsideration, that the relief it provides is temporary or conditional.

(c) Relief shall be provided in full no later than 60 days after all administrative proceedings have ended.

§ 268.503 Enforcement of EEOC decisions.

(a) *Petition for enforcement.* As set forth in this section, a complainant may petition the Commission for enforcement of an EEOC decision issued under the review process of this part. The petition shall be submitted to the Office of Federal Operations, Equal Employment Opportunity Commission. The petition shall specifically set forth the reasons that lead the complainant to believe that the Board is not complying with the EEOC decision.

(b) *Compliance.* The Commission's Office of Federal Operations may take appropriate action to ascertain whether the Board should have adopted the EEOC decision pursuant to § 268.209 of this part. If the Commission determines that the Board has failed to comply with the EEOC decision in full, the Commission may undertake the efforts set forth in paragraphs (c) and (d) of this section to obtain compliance by the Board.

(c) *Clarification.* The Commission's Office of Federal Operations may, on its own motion or in response to the petition for enforcement or in connection with a timely request for reconsideration, issue a clarification of an EEOC decision. A clarification may not change the result of a prior EEOC decision or enlarge or diminish the relief contained in the EEOC decision, but it may further explain the meaning or intent of the EEOC decision. The Commission may also send a notice to the Board seeking an explanation why the Board failed to adopt the EEOC decision as its final decision under § 268.209 of this part, and the Board shall respond to such request within 30 days of receipt of the notice addressing the issue raised by the Commission.

(d) *Notification to complainant of completion of administrative efforts.* Where the Commission has determined that the Board has failed to adopt the EEOC decision as its final decision, the Commission may notify the complainant who has petitioned the Commission under paragraph (a) of this section of his or her right to file a civil action under § 268.505 of this part for failure of the Board to adopt the EEOC decision as its final decision.

§ 268.504 Compliance with settlement agreements and final decisions.

(a) Any settlement agreement knowingly and voluntarily agreed to by the Board and a complainant, reached at any stage of the complaint process, shall be binding on both parties. A final decision of the Board that has not been the subject of review by the Commission, or in a civil action, shall nonetheless be binding on the Board. If the complainant believes that the Board has failed to comply with the terms of a settlement agreement or a final decision, the complainant shall notify the EEO Programs Officer, in writing, of the alleged noncompliance within 30 days of when the complainant knew or should have known of the alleged noncompliance. The complainant may request that the Board implement the terms of the settlement agreement or final decision or alternatively, that the complaint be reinstated for further processing from the point processing ceased.

(b) The Board shall attempt to resolve the matter brought to the Board's attention by the complainant in paragraph (a) of this section, and respond to the complainant, in writing. If the Board has not responded to the complainant, in writing, or if the complainant is not satisfied with the Board's attempt to resolve the matter, the complainant may request the Commission to review whether the Board has complied with the terms of the settlement agreement or the final decision. The complainant may file such request for review 35 days after he or she has served the Board with the notice of allegations of noncompliance, but must file the request for review with the Commission within 30 days of his or her receipt of a Board's determination. The complainant must serve a copy of the request for review on the Board and the Board may submit a response to the Commission within 30 days of receiving notice of request for review.

(c) Prior to rendering its determination, the Commission may request that the parties submit whatever additional information or documentation they deem necessary, or it may direct that an investigation or hearing on the matter be conducted. If the Commission determines that the Board is not in compliance and the noncompliance is not attributable to acts or conduct of the complainant, it may order that the complaint be reinstated for further processing from the point processing ceased. Allegations that subsequent acts of discrimination violate a settlement agreement shall be processed as separate complaints under §§ 268.205 or 268.305 of this part, as appropriate, rather than under this section.

§ 268.505 Civil action: Title VII, Age Discrimination in Employment Act and Rehabilitation Act.

A complainant who has filed an individual complaint, an agent of the class who has filed a class complaint or a claimant who has filed a claim for individual relief pursuant to a class complaint may file a civil action in an appropriate United States District Court alleging violations of Title VII, the ADEA or the Rehabilitation Act:

(a) Within 90 days of receipt of the Board's final decision on an individual or class complaint, whether or not a request for review has been filed with the Commission;

(b) After 180 days from the date of filing an individual or class complaint if a request for review by the Commission has not been filed and a final decision of the Board has not been issued;

(c) Within 90 days of receipt of an EEOC decision; or

(d) After 180 days from the date of filing a request for review with the Commission if an EEOC decision has not been issued by the Commission.

§ 268.506 Civil action: Equal Pay Act.

A complainant may file a civil action under section 16(b) of the Fair Labor Standards Act (29 U.S.C. 216(b)) in a court of competent jurisdiction within two years or, if the violation is willful, three years of the date of the alleged violation of the Equal Pay Act regardless of whether he or she pursued any administrative complaint processing (29 U.S.C. 225). Recovery of back wages under the Equal Pay Act is limited to two years prior to the date of filing suit, or to three years if the violation is deemed willful. Liquidated damages in an equal amount may also be awarded. The filing of a complaint or request for review with the Commission under this part shall not toll the time for filing a civil action.

§ 268.507 Effect of filing a civil action.

Filing a civil action under §§ 268.505 or 268.506 of this part shall terminate the Commission's processing of any request for review. If a private suit is filed subsequent to the filing of a request for review, the parties shall notify the Commission of such filing in writing.

Subpart F—Matters of General Applicability

§ 268.601 EEO group statistics.

(a) The Board shall collect and maintain accurate employment information on the race, national origin, sex and handicap(s) of its employees.

(b) Data on race, national origin and sex shall be collected by voluntary self-identification. If an employee does not voluntarily provide the requested information, the Board shall advise the employee of the importance of the data and of the Board's obligation to report it. If the employee still refuses to provide the information, the Board shall make a visual identification and inform the employee of the data it will be reporting. If the Board believes that information provided by an employee is inaccurate, the shall Board advise the employee that the purpose for which the data is being collected is solely statistical, of the need for accuracy, of the Board's recognition of the sensitivity of the information, and of the existence of procedures to prevent its unauthorized disclosure. If, thereafter, the employee declines to change the apparently inaccurate self-identification, the Board shall accept it.

(c) Subject to applicable law, the information collected under paragraph (b) of this section shall be disclosed only in the form of gross statistics. The Board will not collect or maintain any information on the race, national origin, or sex of individual employees except in accordance with applicable law and when an automated data processing system is used in accordance with standards and requirements prescribed by the Commission to insure individual privacy and the separation of that information from the employee's personnel record.

(d) The Board's system shall incorporate the following controls:

(1) Only those categories of race and national origin approved by the Commission shall be used; and

(2) Only the specific procedures for the collection and maintenance of data that are prescribed or approved by the Commission shall be used.

(e) The Board shall use the data only in studies and analyses that contribute affirmatively to achieving the objectives of the Board's equal employment opportunity program. The Board shall not establish quotas for the employment of persons on the basis of race, color, religion, sex, or national origin.

(f) Data on handicaps shall also be collected by voluntary self-identification. If an employee does not voluntarily provide the requested information, the Board shall advise the

employee of the importance of the data and of the Board's obligation to report it. If an employee who has been appointed pursuant to the Board's affirmative action program for hiring individuals with handicaps still refuses to provide the requested information, the Board shall identify the employee's handicap based upon the records supporting the appointment. If any other employee still refuses to provide the requested information or provides information that the Board believes to be inaccurate, the Board shall report the employee's handicap status as unknown.

(g) The Board shall report to the Commission on employment by race, national origin, sex and handicap in the form and at such times as the Board and Commission shall agree.

§ 268.602 Reports to the Equal Employment Opportunity Commission.

(a) The Board shall report to the Commission information concerning pre-complaint counseling and the status, processing, and disposition of complaints under this part at such times and in such manner as the Board and Commission shall agree.

(b) The Board shall advise the Commission whenever it is served with a federal court complaint based upon a complaint that is pending review at the Commission.

(c) The Board shall prepare annually equal employment opportunity plans of actions, in the form requested by the Commission, and shall submit such plans for review and advice by the Commission. The plans of action shall include:

(1) Provision for the establishment of training and education programs designed to provide maximum opportunity for employees to advance so as to perform at their highest potential;

(2) Description of the qualifications, in terms of training and experience relating to equal employment opportunity, of the principal and operating officials concerned with administration of the Board's equal employment opportunity program; and

(3) Description of the allocation of personnel and resources proposed by the Board to carry out its equal employment opportunity program.

§ 268.603 Voluntary settlement attempts.

The Board shall make reasonable efforts to settle, voluntarily, complaints of discrimination as early as possible in, and throughout, the administrative processing of complaints, including the pre-complaint counseling stage. Any settlement reached shall be reduced to writing and shall be signed by both parties and shall identify the allegations resolved.

§ 268.604 Filing and computation of time.

(a) All time periods in this part that are stated in terms of days are calendar days unless otherwise stated.

(b) A document shall be deemed timely filed if it is delivered in person or postmarked before the expiration of the applicable filing period; or, in the absence of a legible postmark, if it is received by mail within five days of the expiration of the applicable filing period.

(c) The time limits in this part are subject to waiver, estoppel, and equitable tolling.

(d) The first day counted shall be the day after the event from which the time period began to run and the last day of the period shall be included, unless it falls on a Saturday, Sunday, or Federal holiday, in which case the period shall be extended to include the next business day.

§ 268.605 Representation and official time.

(a) At any stage in the processing of a complaint, including the counseling stage under § 268.204 of this part, the complainant shall have the right to be accompanied, represented and advised by a representative of complainant's choice.

(b) If the complainant is an employee of the Board, he or she shall have a reasonable amount of official time, if otherwise on duty, to prepare the complaint and to respond to Board and Commission requests for information. If the complainant is an employee of the Board and he or she designates another employee of the Board as his or her representative, the representative shall have a reasonable amount of official time, if otherwise on duty, to prepare the complaint and respond to Board and Commission requests for information. The Board is not obligated to change work schedules, incur overtime wages, or pay travel expenses to facilitate the choice of a specific representative or to allow the complainant and representative to confer. The complainant and the representative, if employed by the Board and otherwise in a pay status, shall be on official time, regardless of their tours of duty, when their presence is authorized or required by the Board or the Commission during the investigation, informal adjustment, or hearing on the complaint.

(c) In cases where the representation of a complainant or the Board would conflict with the official or collateral duties of the representative, the Board may, after giving the representative an opportunity to respond, disqualify the representative.

(d) Unless the complainant states otherwise in writing, after the Board has received written notice of the name, address and telephone number of a representative, all official correspondence shall be with the representative with copies to the complainant. When the complainant designates an attorney as representative, service of documents and decisions on the complaint shall be made on the attorney and not on the complainant, and time frames for receipt of materials by the complainant shall be computed from the time of receipt by the attorney. The complainant must serve all official correspondence on the designated representative of the Board.

(e) The complainant shall at all times be responsible for proceeding with the complaint whether or not he or she has designated a representative.

(f) Witnesses who are Board employees shall be in a duty status when their presence is authorized or required in connection with a complaint.

§ 268.606 Joint processing and consolidation of complaints.

Complaints of discrimination filed by two or more complainants consisting of substantially similar allegations of discrimination or relating to the same matter, or two or more complaints of discrimination from the same complainant, may be consolidated by the Board for joint processing after appropriate notification to the parties. The date of the first filed complaint controls the applicable time frames under subpart B of this part.

Subpart G—Prohibition Against Discrimination in Board Programs and Activities Because of a Physical or Mental Handicap

§ 268.701 Purpose and application.

(a) *Purpose.* The purpose of this subpart G is to prohibit discrimination on the basis of handicap in programs or activities conducted by the Board.

(b) *Application.* (1)This subpart G applies to all programs and activities conducted by the Board. Such programs and activities include:

(i) Holding open meetings of the Board or other meetings or public hearings at the Board's office in Washington, D.C.;

(ii) Responding to inquiries, filing complaints, or applying for employment at the Board's office;

(iii) Making available the Board's library facilities; and

(iv) Any other lawful interaction with the Board or its staff in any official

VOL
58
ISS
33
FE
22
1993
UMI

matter with people who are not employees of the Board.

(2) This subpart G does not apply to Federal Reserve banks or to financial institutions or other companies supervised or regulated by the Board.

§ 268.702 Notice.

The Board shall make available to employees, applicants for employment, participants, beneficiaries, and other interested persons information regarding the provisions of this subpart G and its applicability to the programs and activities conducted by the Board, and make this information available to them in such manner as the Board finds necessary to apprise such persons of the protections against discrimination assured them by this subpart G.

§ 268.703 Prohibition against discrimination.

(a) No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity conducted by the Board.

(b)(1) The Board, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that provide to others;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons than is provided to others unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(vi) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) The Board may not deny a qualified handicapped person the opportunity to participate in programs or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) The Board may not, directly or through contractual or other arrangements, utilize criteria or methods of administration, the purpose or effect of which would:

(i) Subject qualified handicapped persons to discrimination on the basis of handicap; or

(ii) Defeat or substantially impair accomplishment of the objectives of a program or activity with respect to handicapped persons.

(4) The Board may not, in determining the site or location of a facility, make selections the purpose or effect of which would:

(i) Exclude handicapped persons from, deny them the benefits of, or otherwise subject them to discrimination under any program or activity conducted by the Board; or

(ii) Defeat or substantially impair the accomplishment of the objectives or a program or activity with respect to handicapped persons.

(5) The Board, in the selection of procurement contractors, may not use criteria that subject qualified handicapped persons to discrimination on the basis of handicap.

(6) The Board may not administer a licensing or certification program in a manner that subjects qualified handicapped persons to discrimination on the basis of handicap, nor may the Board establish requirements for the programs and activities of licensees or certified entities that subject qualified handicapped persons to discrimination on the basis of handicap. However, the programs and activities of entities that are licensed or certified by the Board are not, themselves, covered by this subpart G.

(c) The exclusion of non-handicapped persons from the benefits of a program limited by Federal statute or Board order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal statute or Board order to a different class of handicapped persons is not prohibited by this subpart G.

(d) The Board shall administer programs and activities in the most integrated setting appropriate to the needs of qualified handicapped persons.

§ 268.704 Employment.

No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity conducted by the Board. The requirements and procedures of § 268.303 of this part shall apply to discrimination in employment under this subpart G.

§ 268.705 Program accessibility: Discrimination prohibited.

Except as otherwise provided in § 268.706 of this part, no qualified handicapped person shall, because the Board's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity conducted by the Board.

§ 268.706 Program accessibility: Existing facilities.

(a) *General.* The Board shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph (a) does not:

(1) Necessarily require the Board to make each of its existing facilities accessible to and usable by handicapped persons; or

(2) Require the Board to take any action that it can determine, based on a written record, would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where the Board believes that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the Board shall establish a written record showing that compliance with this paragraph (a) would result in such alterations or burdens. The decision that compliance would result in such alterations or burdens shall be made by the Board of Governors or their designee after considering all Board resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, the Board shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that handicapped persons receive the benefits and services of the program or activity.

(b) *Methods.* The Board may comply with the requirements of this subpart G through such means as redesign of equipment, reassignment of services to

accessible buildings, assignment of aides to handicapped persons, home visits, delivery of service at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock, or any other methods that result in making its programs or activities readily accessible to and usable by handicapped persons. The Board is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this subpart G. In choosing among available methods for meeting the requirements of this subpart G, the Board gives priority to those methods that offer programs and activities to qualified handicapped persons in the most integrated setting appropriate.

(c) *Time period for compliance.* The Board shall comply with any obligations established under this subpart G as expeditiously as possible.

§ 268.707 Program accessibility: New construction and alterations.

Each building or part of a building that is constructed or altered by, on behalf of, or for the use of the Board, shall be designed, constructed, or altered so as to be readily accessible to and usable by handicapped persons.

§ 268.708 Communications.

(a) The Board shall take appropriate steps to ensure effective communication with applicants, participants, personnel of other Federal entities, and members of the public.

(1) The Board shall furnish appropriate auxiliary aids where necessary to afford a handicapped person an equal opportunity to participate in, and enjoy the benefits of, a program or activity conducted by the Board.

(i) In determining what type of auxiliary aid is necessary, the Board shall give primary consideration to the requests of the handicapped person.

(ii) The Board need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature.

(2) Where the Board communicates with employees and others by telephone, telecommunication devices for deaf persons (TDD's) or equally effective telecommunication systems shall be used.

(b) The Board shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

(c) The Board shall provide signs at a primary entrance to any inaccessible facility, directing users to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each primary entrance of an accessible facility.

(d) This subpart G does not require the Board to take any action that would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where the Board believes that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the Board shall establish a written record showing compliance with this subpart G would result in such alterations or burdens. The determination that compliance would result in such alterations or burdens shall be made by the Board of Governors or their designee after considering all Board resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this subpart G would result in such an alteration or such burdens, the Board shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, handicapped persons receive the benefits and services of the program or activity.

§ 268.709 Compliance procedures.

(a) *Applicability.* Notwithstanding any other provision of this part, this section, except as provided in paragraph (b) of this section, rather than subpart B and § 268.305 of this part, shall apply to all allegations of discrimination on the basis of handicap in programs or activities conducted by the Board.

(b) *Employment complaints.* The Board shall process complaints alleging discrimination in employment on the basis of handicap in accordance with subpart B and section 268.305 of this part.

(c) *Responsible official.* The EEO Programs Officer shall be responsible for coordinating implementation of this section.

(d) *Filing the complaint*—(1) *Who may file.* Any person who believes that he or she has been subjected to discrimination prohibited by this subpart G may, personally or by his or her authorized representative, file a complaint of discrimination with the EEO Programs Officer.

(2) *Confidentiality.* The EEO Programs Officer shall not reveal the identity of any person submitting a complaint, except when authorized to do so in writing by the complainant, and except to the extent necessary to carry out the purposes of this subpart G, including the conduct of any investigation, hearing, or proceeding under this subpart G.

(3) *When to file.* Complaints shall be filed within 180 days of the alleged act of discrimination. The EEO Programs Officer may extend this time limit for good cause shown. For the purpose of determining when a complaint is timely filed under this paragraph (d), a complaint mailed to the Board shall be deemed filed on the date it is postmarked. Any other complaint shall be deemed filed on the date it is received by the Board.

(4) *How to file.* Complaints may be delivered or mailed to the Administrative Governor, the Staff Director for Management, the EEO Programs Officer, the Federal Women's Program Manager, the Hispanic Program Coordinator, or the Handicapped Program Coordinator. Complaints should be sent to the EEO Programs Officer, Board of Governors of the Federal Reserve System, 20th and C Street, NW., Washington, DC 20551. If any Board official other than the EEO Programs Officer receives a complaint, he or she shall forward the complaint to the EEO Programs Officer.

(e) *Acceptance of complaint.* (1) The EEO Programs Officer shall accept a complete complaint that is filed in accordance with paragraph (d) of this section and over which the Board has jurisdiction. The EEO Programs Officer shall notify the complainant of receipt and acceptance of the complaint.

(2) If the EEO Programs Officer receives a complaint that is not complete, he or she shall notify the complainant, within 30 days of receipt of the incomplete complaint, that additional information is needed. If the complainant fails to complete the complaint within 30 days of receipt of this notice, the EEO Programs Officer shall dismiss the complaint without prejudice.

(3) If the EEO Programs Officer receives a complaint over which the Board does not have jurisdiction, the EEO Programs Officer shall notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate government entity.

(f) *Investigation/conciliation.* (1) Within 180 days of the receipt of a complete complaint, the EEO Programs Officer shall complete the investigation of the complaint, attempt informal resolution of the complaint, and if no informal resolution is achieved, the EEO

Programs Officer shall forward the investigative report to the Staff Director for Management.

(2) The EEO Programs Officer may request Board employees to cooperate in the investigation and attempted resolution of complaints. Employees who are requested by the EEO Programs Officer to participate in any investigation under this section shall do so as part of their official duties and during the course of regular duty hours.

(3) The EEO Programs Officer shall furnish the complainant with a copy of the investigative report promptly after completion of the investigation and provide the complainant with an opportunity for informal resolution of the complaint.

(4) If a complaint is resolved informally, the terms of the agreement shall be reduced to writing and made a part of the complaint file, with a copy of the agreement provided to the complainant. The written agreement may include a finding on the issue of discrimination and shall describe any corrective action to which the complainant has agreed.

(g) *Letter of findings.* (1) If an informal resolution of the complaint is not reached, the EEO Programs Officer shall transmit the complaint file to the Staff Director for Management. The Staff Director for Management shall, within 180 days of the receipt of the complete complaint by the EEO Programs Officer, notify the complainant of the results of the investigation in a letter sent by certified mail, return receipt requested, containing:

(i) Findings of fact and conclusions of law;

(ii) A description of a remedy for each violation found;

(iii) A notice of right of the complainant to appeal the letter of findings under paragraph (k) of this section; and

(iv) A notice of right of the complainant to request a hearing.

(2) If the complainant does not file a notice of appeal or does not request a hearing within the times prescribed in paragraph (h)(1) and (j)(1) of this section, the EEO Programs Officer shall certify that the letter of findings under this paragraph (g) is the final decision of the Board at the expiration of those times.

(h) *Filing an appeal.* (1) Notice of appeal, with or without a request for hearing, shall be filed by the complainant with the EEO Programs Officer within 30 days of receipt from the Staff Director for Management of the letter of findings required by paragraph (g) of this section.

(2) If the complainant does not request a hearing, the EEO Programs Officer shall notify the Board of Governors of the appeal by the complainant and that a decision must be made under paragraph (k) of this section.

(i) *Acceptance of appeal.* The EEO Programs Officer shall accept and process any timely appeal. A complainant may appeal to the Administrative Governor from a decision by the EEO Programs Officer that an appeal is untimely. This appeal shall be filed within 15 calendar days of receipt of the decision from the EEO Programs Officer.

(j) *Hearing.* (1) Notice of a request for a hearing, with or without a request for an appeal, shall be filed by the complainant with the EEO Programs Officer within 30 days of receipt from the Staff Director for Management of the letter of findings required by paragraph (g) of this section. Upon a timely request for a hearing, the EEO Programs Officer shall request that the Board of Governors, or its designee, appoint an administrative law judge to conduct the hearing. The administrative law judge shall issue a notice to the complainant and the Board specifying the date, time, and place of the scheduled hearing. The hearing shall be commenced no earlier than 15 calendar days after the notice is issued and no later than 60 days after the request for a hearing is filed, unless all parties agree to a different date.

(2) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554-557. The administrative law judge shall have the duty to conduct a fair hearing, to take all necessary actions to avoid delay, and to maintain order. He or she shall have all powers necessary to these ends, including (but not limited to) the power to:

(i) Arrange and change the dates, times, and places of hearings and prehearing conferences and to issue notice thereof;

(ii) Hold conferences to settle, simplify, or determine the issues in a hearing, or to consider other matters that may aid in the expeditious disposition of the hearing;

(iii) Require parties to state their positions in writing with respect to the various issues in the hearing and to exchange such statements with all other parties;

(iv) Examine witnesses and direct witnesses to testify;

(v) Receive, rule on, exclude, or limit evidence;

(vi) Rule on procedural items pending before him or her; and

(vii) Take any action permitted to the administrative law judge as authorized by this subpart G or by the provisions of the Administrative Procedure Act (5 U.S.C. 554-557).

(3) Technical rules of evidence shall not apply to hearings conducted pursuant to this paragraph (j), but rules or principles designed to assure production of credible evidence and to subject testimony to cross-examination shall be applied by the administrative law judge wherever reasonably necessary. The administrative law judge may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties, and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record.

(4) The costs and expenses for the conduct of a hearing shall be allocated as follows:

(i) Employees of the Board shall, upon the request of the administrative law judge, be made available to participate in the hearing and shall be on official duty status for this purpose. They shall not receive witness fees.

(ii) Employees of other Federal agencies called to testify at a hearing, at the request of the administrative law judge and with the approval of the employing agency, shall be on official duty status during any absence from normal duties caused by their testimony, and shall not receive witness fees.

(iii) The fees and expenses of other persons called to testify at a hearing shall be paid by the party requesting their appearance.

(iv) The administrative law judge may require the Board to pay travel expenses necessary for the complainant to attend the hearing.

(v) The Board shall pay the required expenses and charges for the administrative law judge and court reporter.

(vi) All other expenses shall be paid by the parties incurring them.

(5) The administrative law judge shall submit in writing recommended findings of fact, conclusions of law, and remedies to the complainant and the EEO Programs Officer within 30 days, after the receipt of the hearing transcripts, or within 30 days after the conclusion of the hearing if no transcripts are made. This time limit may be extended with the permission of the EEO Programs Officer.

VOL 58 ISS 33 FE 22 1993 UMI

(6) Within 15 calendar days after receipt of the recommended decision of the administrative law judge, the complainant may file exceptions to the recommended decision with the EEO Programs Officer. On behalf of the Board, the EEO Programs Officer may, within 15 calendar days after receipt of the recommended decision of the administrative law judge, take exception to the recommended decision of the administrative law judge and shall notify the complainant in writing of the Board's exception. Thereafter, the complainant shall have 10 calendar days to file reply exceptions with the EEO Programs Officer. The EEO Programs Officer shall retain copies of the exceptions and replies to the Board's exception for consideration by the Board. After the expiration of the time to reply, the recommended decision shall be ripe for a decision under paragraph (k) of this section.

(k) *Decision.* (1) The EEO Programs Officer shall notify the Board of Governors when a complaint is ripe for decision under this paragraph (k). At the request of any member of the Board of Governors made within 7 calendar days of such notice, the Board of Governors shall make the decision on the complaint. If no such request is made, the Administrative Governor, or the Staff Director for Management if he or she is delegated the authority to do so under § 268.103(a)(2) of this part, shall make the decision on the complaint. The decision shall be made based on information in the investigative record and, if a hearing is held, on the hearing record. The decision shall be made within 60 days of the receipt by the EEO Programs Officer of the notice of appeal and investigative record pursuant to paragraph (h)(1) of this section or 60 days following the end of the period for filing reply exceptions set forth in paragraph (j)(6) of this section, whichever is applicable. If the decision-maker under this paragraph (k) determines that additional information is needed from any party, the decision-maker shall request the information and provide the other party or parties an opportunity to respond to that information. The decision-maker shall have 60 days from receipt of the additional information to render the decision on the appeal. The decision-maker shall transmit the decision by letter to all parties. The decision shall set forth the findings, any remedial actions required, and the reasons for the decision. If the decision is based on a hearing record, the decision-maker shall consider the recommended decision of the administrative law judge and render a final decision based on the entire record. The decision-maker may also remand the hearing record to the administrative law judge for a fuller development of the record.

(2) The Board shall take any action required under the terms of the decision promptly. The decision-maker may require periodic compliance reports specifying:

(i) The manner in which compliance with the provisions of the decision has been achieved;

(ii) The reasons any action required by the final Board decision has not been taken; and

(iii) The steps being taken to ensure full compliance.

(3) The decision-maker may retain responsibility for resolving disputes that arise between parties over interpretation of the final Board decision, or for specific adjudicatory decisions arising out of implementation.

By order of the Board of Governors of the Federal Reserve System, February 11, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93-3753 Filed 2-19-93; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. 88C-0336]

Listing of Color Additives for Coloring Contact Lenses; Poly(hydroxyethyl Methacrylate)-C.I. Reactive Red 180 Copolymer

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations to provide for the safe use of the reaction product formed by chemically bonding the dye C.I. Reactive Red 180 [5-(benzoylamino)-4-hydroxy-3-((1-sulfo-6-((2-(sulfooxy)ethyl)sulfonyl)-2-naphthalenyl)azo)-2,7-naphthalenedisulfonic acid, tetrasodium salt] (CAS Reg. No. 98114-32-0) and poly(hydroxyethyl methacrylate) lens material for coloring contact lenses. This action is in response to a petition filed by Ciba Vision Corp.

DATES: Effective March 25, 1993, except as to any provisions that may be stayed by the filing of proper objections; written objections by March 24, 1993.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Mitchell Cheeseman, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9511.

SUPPLEMENTARY INFORMATION:

I. Introduction

In a notice published in the **Federal Register** of October 25, 1988 (53 FR 43042), FDA announced that a color additive petition (CAP 8C0212) had been filed by Ciba Vision Corp., P.O. Box 105069, Atlanta, GA 30348, proposing that 21 CFR part 73 of the color additive regulations be amended to provide for the safe use of the dye C.I. Reactive Red 180 [5-(benzoylamino)-4-hydroxy-3-((1-sulfo-6-((2-(sulfooxy)ethyl)sulfonyl)-2-naphthalenyl)azo)-2,7-naphthalenedisulfonic acid, tetrasodium salt] (CAS Reg. No. 98114-32-0) to color contact lenses. CIBA Vision Corp. has changed its address to 11460 Johns Creek Pky., Duluth, GA 30136-1518. Furthermore, FDA has changed the CIBA Vision Corp. color additive petition number from CAP 7C0212 to CAP 8C0212).

II. Applicability of the Act

With the passage of the Medical Device Amendments of 1976 (Pub. L. 94-295), Congress mandated the listing of color additives for use in medical devices when the color additive comes in direct contact with the body for a significant period of time (21 U.S.C. 376(a)). The use of the poly(hydroxyethyl methacrylate)-C.I. Reactive Red 180 copolymer as a color additive in contact lenses is subject to this listing requirement. The color additive is added to contact lenses in such a way that at least some of the color additive will come in contact with the eye when the lenses are worn. In addition, the lenses are intended to be placed on the eye for several hours a day, each day, for 1 year or more. Thus, the color additive will be in direct contact with the body for a significant period of time. Consequently, the use of the color additive currently before the agency is subject to the statutory listing requirement.

III. Identity

The color additive is the reaction product of the reactive dye C.I. Reactive Red 180 [5-(benzoylamino)-4-hydroxy-3-

VOL 58 ISS 33 FE 22 1993 UMI

((1-sulfo-6-((2-(sulfooxy)ethyl)sulfonyl)-2-naphthalenyl)azo)-2,7-naphthalenedisulfonic acid, tetrasodium salt] (CAS Reg. No. 98114–32–0) and poly(hydroxyethyl methacrylate). The dye is reacted with contact lenses fabricated from poly(hydroxyethyl methacrylate). During the reaction, the sulfate groups of the dye are replaced by ether linkages to the polymeric lens material. As a result, a thin layer of colored copolymeric material forms on the surface of the lenses. This copolymeric material colors the contact lenses. As part of the manufacturing process, the lenses are thoroughly washed to remove unbound dye.

IV. Safety Evaluation

The agency believes that, because the reactive dye C.I. Reactive Red 180 has a significantly lower molecular weight than the poly(hydroxyethyl methacrylate)-dye copolymer, it would be more readily absorbed into the body than the polymeric color additive and would thus be expected to show a greater toxic effect. Therefore, the safety evaluation of the subject color additive focused primarily on C.I. Reactive Red 180.

FDA concludes from the data submitted in the petition and from other relevant information that the exposure to C.I. Reactive Red 180 from its use to produce the color additive in contact lenses is 3.3 nanograms per person per day. The exposure calculated by the agency was based on two factors. First, from extraction studies conducted by the petitioner on contact lenses colored with the poly(hydroxyethyl methacrylate)-C.I. Reactive Red 180 copolymer, the agency has determined that the amount of dye that could migrate from the colored contact lenses is no more than 0.6 micrograms (μg) per lens. Second, the agency made two worst-case assumptions: (1) That a user will replace lenses colored with the poly(hydroxyethyl methacrylate)-C.I. Reactive Red 180 copolymer once each year with a new pair of lenses tinted with the same color additive; and (2) that 100 percent of the extractible reactive dye will migrate from the lenses into the eyes over the 1 year period. Because these assumptions are worst-case estimates, exposure to C.I. Reactive Red 180 from its use to produce the color additive in contact lenses is likely to be less than 3.3 nanograms per person per day (Ref. 1).

The petitioner conducted toxicity tests to establish that the poly(hydroxyethyl methacrylate)-C.I. Reactive Red 180 copolymer is safe for use in coloring contact lenses. The studies included two in vitro cytotoxicity studies on C.I. Reactive Red 180 by the direct-contact method. The maximum noncytotoxic concentration for the reactive dye was determined to be 10 μg per milliliter (mL) using mouse fibroblast cells. Further, three in vitro cytotoxicity studies were conducted on contact lenses colored with the subject additive, using the agar-overlay method. Diffusible components from the test lenses were found to be noncytotoxic to mouse fibroblast cells. An acute systemic toxicity study on mice using lens extracts, and two 21-day ocular irritation studies in rabbits using colored contact lenses were also conducted. These studies demonstrated no evidence of systemic toxicity or ocular irritation in the test animals.

To relate the no-effect level of 10 μg per mL, established in the direct-contact cytotoxicity studies on C.I. Reactive Red 180, to the 3.3 nanograms per person per day exposure from wearing the colored lenses, the agency calculated the maximum concentration level of reactive dye in each eye that would result from the use of the contact lens. The agency estimated that the daily exposure to the reactive dye in each eye would be 1.65 nanograms and that this would be diluted by the average daily tear film of 1.2 mL produced in each eye. This concentration is equal to a maximum daily concentration in the tear flow of the eye of 1.38 nanograms per mL. When this concentration is compared with the no-effect level of 10 μg per mL, this represents a 7,300-fold safety factor for this proposed use of C.I. Reactive Red 180.

Based upon the available toxicity data, the small amount of poly(hydroxyethyl methacrylate)-C.I. Reactive Red 180 copolymer in the contact lenses, and the agency's exposure calculation, FDA finds that the reaction product formed by chemically bonding the dye C.I. Reactive Red 180 to poly(hydroxyethyl methacrylate) is safe for use as a color additive in contact lenses. FDA further concludes that use of the color additive shall not exceed the minimum amount reasonably expected to accomplish the intended coloring effect. Batch certification is not required to ensure safety.

V. Conclusions

Based on data contained in the petition and other relevant information, FDA concludes that there is a reasonable certainty that no harm will result from the petitioned use of poly(hydroxyethyl methacrylate)-C.I. Reactive Red 180 copolymer as a color additive in contact lenses, that the color additive is safe and suitable for the intended use, and that the regulations should be amended by adding § 73.3121 (a)(10).

VI. Inspection of Documents

In accordance with § 71.15 (21 CFR 71.15), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in § 71.15, the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

VII. Environmental Impact

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

VIII. Reference

The following reference has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum from the Food and Color Additives Review Section to the Indirect Additives Branch, "CAP's 8C0212 and 9C0217—Cibe Vision Corp. Remazol Red 180 for use in Colored Contact Lenses. Validation of Limit of Detection. Submission of 7–8–91," dated February 24, 1992.

IX. Objections

Any person who will be adversely affected by this regulation may at any time on or before March 24, 1993, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual

information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 73 is amended as follows:

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

1. The authority citation for 21 CFR part 73 continues to read as follows:

Authority: Secs. 201, 401, 402, 403, 409, 501, 502, 505, 601, 602, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 376).

2. Section 73.3121 is amended by removing the word "and" at the end of paragraph (a)(8), by removing the period at the end of paragraph (a)(9) and adding in its place "; and", and adding new paragraph (a)(10) to read as follows:

§ 73.3121 Poly(hydroxyethyl methacrylate)-dye copolymers.

(a) * * *

(10) C.I. Reactive Red 180 [5-(benzoylamino)-4-hydroxy-3-((1-sulfo-6-((2-(sulfooxy)ethyl)sulfonyl)-2-naphthalenyl)azo)-2,7-naphthalenedisulfonic acid, tetrasodium salt] (CAS Reg. No. 98114–32–0).

* * * * *

Dated: February 7, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–3971 Filed 2–19–93; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing Federal Housing Commissioner

24 CFR Part 207

[Docket No. R–93–1635; FR–3393–I–01]

Expedited Procedures for RTC Multifamily Properties

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Interim rule.

SUMMARY: This interim rule implements section 512 of the Housing and Community Development Act of 1992. Section 512 requires that the Secretary promulgate interim regulations to expedite the procedure for processing applications for FHA insurance for multifamily residential properties purchased from and owned by the Resolution Trust Corporation (RTC).

DATES: Effective date: February 22, 1993.

Comment due date: April 23, 1993.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Rules Docket Clerk, room 10276, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0500. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address. Facsimile (FAX) comments are not acceptable.

FOR FURTHER INFORMATION CONTACT: Jessica Franklin, Director, Policies and Procedures Division, Office of Insured Multifamily Housing Development, 451 Seventh Street, SW., Washington, DC 20410–0500, telephone: voice (202) 708–2556; the telecommunications device for the deaf (TDD) telephone number is (202) 708–4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

I. Paperwork Reduction Act

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520). No person may be subjected to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register**.

II. Background

Section 512 of the Housing and Community Development Act of 1992, Pub. L. 102–550, approved October 28, 1992 (HCD Act of 1992), requires that HUD establish an expedited procedure to assist the RTC in disposing of property in which the RTC acquires title and to ensure the timely processing of applications for loans and mortgages that will be used to purchase multifamily residential property from the RTC.

Currently, upon receiving an application for mortgage insurance under section 207 pursuant to section 223(f), HUD performs an architectural inspection of the property. During this inspection, HUD determines the required repairs and replacements necessary to place the property in an acceptable condition; assesses additional sponsor proposed improvements; determines the cost of such work; performs an environmental assessment of the site and neighborhood; and performs a real estate appraisal of the property to establish the maximum mortgage amount.

The Department either performs these tasks with its own staff, or contracts, on a project basis, with a technical discipline contractor or a delegated processor to perform some or all of these tasks, except for the environmental assessment. HUD does not use contract services for the environmental assessment.

In addition to preparing the environmental assessment when the Department uses contract services, the Department also reviews the work of the contract technical discipline or delegated processor; makes any necessary corrections to the work; makes the final underwriting decision; and determines whether to issue a conditional or firm commitment, as applicable.

Currently, the RTC also performs an architectural inspection of the property to establish required repairs and repair costs, a phase 1 environmental site assessment, and a real estate appraisal of the property. To eliminate this duplication of work, the Department has agreed to accept the RTC-prepared reports—with some restrictions.

This rule allows the Commissioner to accept an RTC-prepared report of required repairs, additional improvements proposed by the sponsor, cost estimate of the work, and real estate appraisal—if the RTC-prepared report is

completed in accordance with HUD program requirements. HUD retains the absolute right to review the RTC-prepared report in the same manner as a report prepared under HUD contract with a technical discipline contractor or a delegated processor. If HUD determines that any RTC-prepared report is unacceptable, HUD will prepare a new report.

Although this rule allows the Department to use the RTC environmental assessment report, the Department will continue to perform its own environmental assessment. HUD is merely using the RTC-prepared report to assist the HUD appraiser in completing the HUD environmental assessment. The Department will also continue to make the final underwriting determination, as currently is done when the Department uses contract services.

Finally, this expedited procedure only applies to projects covered by section 512 of the HCD Act of 1992, i.e., multifamily residential properties purchased from the RTC. This rule does not make the RTC a delegated processor for projects that are not within the scope of section 512. However, this expedited procedure may apply to the refinancing of an RTC project to retire an RTC bridge loan on the initial purchase transaction.

III. Other Matters

A. Regulatory Impact—Executive Order 12291

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order of Federal Regulations issued by the President on February 17, 1981. An analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs in prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

B. Regulatory Flexibility Act

The Secretary in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this rule, and in so doing certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule only affects mortgagor entities that purchase multifamily properties from RTC. Such entities will not constitute a significant number of the mortgagors of FHA-insured mortgages.

C. Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The finding is available for public inspection during regular business hours in the Office of General Counsel, the Rules Docket Clerk room 10276, 451 Seventh Street, SW., Washington, DC 20410.

D. Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule will not have substantial direct effects on states or their political subdivisions, or the relationship between the Federal government and the states, or on the distribution of power and responsibilities among the various levels of government. Specifically, the rule is directed to borrowers and RTC, and will not impinge upon the relationship between the Federal Government and State and local governments. As a result, the rule is not subject to review under the order.

E. Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule does not have potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the order. No significant change in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns.

F. Regulatory Agenda

This rule was not listed in the Department's Semiannual Agenda of Regulations published on November 3, 1992 (57 FR 51392) in accordance with Executive Order 12291 and the Regulatory Flexibility Act.

(The Catalog of Federal Domestic Assistance program number is 14.134 and 14.555.)

The Department finds that prior public comment is unnecessary, and good cause exists for making the rule effective immediately because the HCD Act of 1992 contains its own rule making requirements, and requires that the Department publish an interim rule, effective upon issuance, within 90 days of the enactment of the HCD Act of 1992. However, in soliciting comments, the Department is also looking for comments for streamlining the application process, and will continue to examine ways to streamline the application process.

List of Subjects for 24 CFR Part 207

Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

Accordingly, 24 CFR part 207 is amended as follows:

PART 207—MULTIFAMILY MORTGAGE INSURANCE

1. The authority citation for 24 CFR part 207 is revised to read as follows:

Authority: 12 U.S.C. 1701z–11(e), 1713, 1715b, and 1735f–12; 42 U.S.C. 3535(d).

2. In § 207.32a, a new paragraph (n) is added, to read as follows:

§ 207.32a Eligibility of mortgages on existing projects.

* * * * *

(n) *Expedited procedures for Resolution Trust Corporation (RTC) sold rental housing projects.* All provisions of this section shall apply to multifamily residential properties purchased from the Resolution Trust Corporation (RTC), except as modified in this paragraph (n).

(1) The Commissioner may accept an architectural report of repairs, replacements and improvements, a cost estimate for such work, and a real estate appraisal report, prepared by the RTC in accordance with standards acceptable to the Commissioner, for the purchase of multifamily residential properties owned by the RTC. For the purpose of this § 207.32a(n), a report prepared by RTC includes a report prepared by an entity or person under contract with RTC for such services.

(2) The Commissioner may modify the RTC reports submitted in accordance with paragraph (n)(1) of this section, or may prepare supplemental reports as necessary to meet the applicable program requirements or underwriting standards of HUD.

(3) The RTC environmental site assessment report shall be submitted to HUD to assist HUD in preparing the HUD environmental assessment in accordance with 24 CFR part 50.

Dated: February 4, 1993.

James E. Schoenberger,

Associate General Deputy, Assistant Secretary for Housing.

[FR Doc. 93–3996 Filed 2–19–93; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD9 92-29]

Special Anchorage Area; Sturgeon Bay, Sturgeon Bay, WI

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is adding an editorial note to the current regulation designating the special anchorage area in Sturgeon Bay, Wisconsin. The note informs the public of the existence of a local ordinance of the City of Sturgeon Bay regulating use of the anchorage.

DATES: This rule is effective February 22, 1993.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) Scott Smith, Aids to Navigation Branch, room 2083, 1240 East Ninth Street, Cleveland, Ohio, 44199-2060, (216) 522-3994.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553(b)(3) a Notice of Proposed Rulemaking was not published for this regulation, because it is in the nature of an interpretive rule, and because it is unnecessary to have comments on a purely informative note.

Drafting Information

The drafters of these regulations are Lieutenant (Junior Grade) Scott Smith, U.S. Coast Guard, project officer, Ninth Coast Guard District Aids to Navigation Branch, and Commander M. Eric Reeves, U.S. Coast Guard, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

A "special anchorage area" is an area on the water in which vessels less than 20 meters (approximately 65 feet, 7.4 inches) in length are allowed to anchor without displaying the navigation lights which are otherwise required for anchored vessels under Rule 30 of the Inland Navigational Rules, codified at 33 U.S.C. 2030. The purpose of a special anchorage area is to promote safety by providing a place where small vessels can safely moor during night and restricted visibility without maintaining navigation lights and by putting other vessels on notice that such an area should be entered with caution during night and restricted visibility. A special anchorage area is open to the general public. However, use of the area may be regulated by State or local officials. The establishment of a special anchorage by the Coast Guard is merely the designation of an area in which a vessel less than 20 meters is allowed to anchor without lights under the Inland Navigation Rules. Such an action by the Coast Guard neither adds to nor subtracts from the independent authority which other Federal agencies or a State or local government may exercise over that area of water. Accordingly, the note to be added to the current regulations at 33 CFR 110.78 by this rule does not in any way add to or limit the authority of the City of Sturgeon Bay. The note will merely provide information which is likely to be useful to the public.

Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. These regulations do not impose any new regulatory requirements in an area not heretofore regulated by the Federal Government, and do not impose any requirements or restrictions on State or local authorities.

Environment

The Coast Guard has considered the environmental impact of these regulations and concluded that, under section 2.B.2.c of Coast Guard Commandant Instruction M16475.1B, they are categorically excluded from further environmental documentation.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034 of February 26, 1979). The impact of these regulations is expected to be minimal, and the Coast Guard therefore certifies that, if adopted, they will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.

Collection of Information

These regulations will require no collection of information requirements under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

List of Subject in 33 CFR Part 110

Anchorage grounds, Navigation (water).

Regulations

In consideration of the foregoing, the Coast Guard is amending part 110 of title 33, Code of Federal Regulations, as follows:

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g). Section 110.1a and each section listed in 110.1a are also issued under 33 U.S.C. 1223 and 1231.

2. At the end of § 110.78, a note is added to read as follows:

§ 110.78 Sturgeon Bay, Sturgeon Bay, Wis.

* * * * *

Note: An ordinance of the City of Sturgeon Bay, Wisconsin, requires moorings to be approved by the Harbor Master of the City of Sturgeon Bay and provides for other regulation of the use of vessels and moorings in this area.

Dated: January 22, 1993.

G.A. Penington,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 93-4011 Filed 2-19-93; 8:45 am]

BILLING CODE 4910-14-M

---

33 CFR Part 165

[COTP St. Louis Regulation 93-01]

Safety Zone Regulations; Upper Mississippi River Between Mile 58.0 and 103.0

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the Upper Mississippi River between mile 58.0 and 103.0. This action is required to ensure protection of commercial traffic and private vessels from hazards associated with construction of stone-filled weirs. During periods of construction, transit of the river past a stone-filled weir construction site within this safety zone is prohibited unless authorized by the Captain of the Port or his on-scene representative, the M/V TWYLA MARGE.

EFFECTIVE DATES: This regulation is effective from January 4, 1993 through March 29, 1993 between the hours of 7 a.m. and 5:30 p.m. daily.

FOR FURTHER INFORMATION CONTACT: Commander Scott Cooper, Captain of the Port, St. Louis, Missouri at 314-539-3823.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Publishing an NPRM and delaying the effective date would be

contrary to the public interest since immediate action is necessary to ensure the safety of vessels operating in the regulated area.

Drafting Information

The drafters of this regulation are MSTC M. G. Bryan, project officer for the Captain of the Port and CDR Walt Brawand, project attorney for the Second Coast Guard District.

Discussion of Regulation

This regulation is required to protect commercial traffic and private vessels from hazards associated with construction of stone-filled weirs. This construction will occur at various locations between mile 58.0 and 103.0 of the Upper Mississippi River. The construction will take place from January 4, 1993 through March 29, 1993, between the hours of 7 a.m. and 5:30 p.m. Whenever construction is taking place, the M/V TWYLA MARGE will be the on-scene representative of the Captain of the Port. During periods of construction, transit of the river, past the stone-filled weir construction site, is prohibited unless authorized by the Captain of the Port or his on-scene representative. Questions can be directed to the M/V TWYLA MARGE on VHF channel 13 and 16. Reopening broadcasts will be made by the M/V TWYLA MARGE. This regulation is issued pursuant to 33 U.S.C. 1231 as set out in the authority citation for all of 33 CFR part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation:

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. A new § 165.T0201 is added to read as follows:

§ 165.T0201 Safety Zone: Upper Mississippi River.

(a) *Location.* The following area is a safety zone: Upper Mississippi River between mile 58.0 and 103.0.

(b) *Effective date.* This regulation is effective from January 4, 1993 through March 29, 1993 between the hours of 7 a.m. and 5:30 p.m.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, transit of the river, past an area where stone-filled weir construction is taking place, is prohibited unless authorized by the Captain of the Port of his on-scene representative, the M/V TWYLA MARGE.

Dated: January 3, 1993.

Scott P. Cooper,

Commander, U.S. Coast Guard, Captain of the Port, St. Louis, Missouri.

[FR Doc. 93–4010 Filed 2–19–93; 8:45 am]

BILLING CODE 4910–14–M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 92–6]

Digital Audio Recording Devices and Media; Statements of Account

AGENCY: Copyright Office, Library of Congress.

ACTION: Interim regulation.

SUMMARY: This document is issued to advise the public that the U.S. Copyright Office in the Library of Congress is adopting interim regulations to implement portions of the Audio Home Recording Act of 1992. Section 1003 imposes an obligation to make royalty payments on persons who import and distribute in the United States, or manufacture and distribute in the United States, any digital audio recording device or digital audio recording medium. In addition to remitting the royalties to the Copyright Office, the importer or manufacturer must file Statements of Account with the Copyright Office. The effect of this interim regulation is to establish requirements governing the filing dates, frequency of filing, and content of the Statements of Account that must be filed pursuant to this Act.

DATES: This interim regulation is effective February 22, 1993. Public comments on the interim regulation should be received on or before March 24, 1993.

ADDRESSES: Ten copies of written comments should be addressed, if sent by mail to: Library of Congress, Department 100, Washington, DC 20540. If delivered by hand, copies should be brought to: Office of the Copyright General Counsel, James Madison Memorial Building, room 407, First and Independence Avenue, SE., Washington, DC 20557.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, DC 20540. Telephone (202) 707–8380.

SUPPLEMENTARY INFORMATION:

1. Background

Effective October 28, 1992, the Audio Home Recording Act (AHRA), Public Law 102–563, 106 Stat. 4237, creates new statutory obligations in a new chapter 10 of title 17 U.S.C. relating to digital audio recording devices and media. The AHRA provides three solutions to the policy problems presented by consumer products that make nearly perfect copies of digital audio recordings. It (1) provides consumers an exemption for private noncommercial home recording of analog or digital audio recordings, (2) mandates that digital audio recorders restrict serial copying by technological means, and (3) requires that manufacturers and importers of digital audio recorders and media must file an initial notice of distribution, file statements of account, and pay royalties upon distribution in the United States of digital audio recording devices and media.

Section 1003(a) of the Home Audio Recording Act of 1992 provides that: No person shall import into and distribute, or manufacture and distribute any digital audio recording device or digital audio recording medium unless such person records the notice specified by this section and subsequently deposits the statements of account and applicable royalty payments for such device or medium specified in section 1004.

Section 1003(b) directs the filing of an initial notice of distribution of digital audio recording devices or media in the United States. The Copyright Office issued interim regulations in a separate proceeding (RM 92–6) governing the filing of initial notices of distribution. 57 FR 55464 (November 25, 1992). Initial Notice of Distribution forms are available on request from the Licensing Division of the Copyright Office without any charge. Forms may be requested by telephone by calling (202) 707–8150.

The current proceeding relates to the filing of Statements of Account and payment of royalties due.

Paragraph (c)(1) of section 1003 provides that: Any importer or manufacturer that distributes any digital audio recording device or digital audio recording medium that it manufactured or imported shall file with the Register of Copyrights, in such form as the Register shall prescribe by regulation, such quarterly and annual statements of account with respect to such

distribution as the Register shall prescribe by regulation.

Royalty payments must be calculated in accordance with section 1004, and remitted to the Copyright Office pursuant to section 1003(c)(3).

Because the Audio Home Recording Act and its obligations relating to distribution of digital audio recording media and devices went into effect upon enactment, we issue the regulations on an interim basis. This permits parties who wish to satisfy the obligations of the Act on or after its effective date to do so, while permitting full public comment on the regulations. Final regulations will be issued after we have had full comment on the interim regulations.

2. Explanation of Interim Regulations

The interim regulations are for the most part self-explanatory. Of special note, however, are the following provisions:

a. Forms. The interim regulations prescribe use of a standard form for quarterly and annual statements of account. Four filings are required each fiscal or calendar year. The fourth quarter information shall be reported on the annual statement of account in addition to the information concerning the annual accumulation. The use of prescribed forms will assist manufacturers and importers in understanding and meeting their obligations under the Act, and record companies and music copyright owners in reviewing the information reported. In view of the novelty of the obligations to all persons involved, we plan to review the forms and may amend them in the light of future experience.

b. Filing dates and basis of filing. Statements of Account may be filed on either a calendar year or fiscal year basis at the election of the manufacturer or importer. Whichever filing basis is elected, the election stands for three years and may be changed for subsequent filings only by written request to the Copyright Office at least 60 days before the proposed effective date, which request must be approved by the Office in order to become effective.

Quarterly statements of account shall be filed at intervals of three months for the first three quarters of the calendar year or fiscal year cycle. As a transitional measure, no separate quarterly statement is required for the last part of 1992. The first quarterly statement shall cover the period from October 28, 1992 to the end of at least one full quarter. The first quarterly statement is due 45 days following the end of the first full quarter after October 28, 1992, or by May 15, 1993, whichever is later. Each subsequent quarterly statement is due 45 days following the end of the relevant quarter.

Annual statements of account, as noted, shall also contain the information relating to the fourth quarter, in addition to the accumulation for the year. Annual statements are due on or before two months after the close of the calendar or fiscal year covered by the statement.

c. Content of Statements of Account. These interim regulations aim to elicit information that satisfies the purpose of the statute. Accordingly, they reflect the view that quarterly statements of account should provide basic information regarding statutory royalties to be paid for that quarter and certain information pertinent to annual reconciliation of the quarterly statement, while annual statements of account should be somewhat more detailed and sufficient to ensure that statutory royalties have been paid on all digital audio recording products manufactured, imported, and distributed during the year.

Thus, although the interim regulations accept the possibility that royalties may not be reconciled until the end of the accounting year and that additional payments may be required at that time, they also provide that the delayed payment of such royalties does not require the copyright owner to forego any right, relief, or remedy which may be available under law.

d. Corrections and refunds. The interim regulations provide for refunds in connection with overpayments accompanying Annual Statements of Account. Refunds would not be made for overpayments accompanying Quarterly Statements of Account, since reconciliation of the appropriate royalty for the relevant accounting year is made in the Annual Statement of Account. Similarly, credits for returned digital audio recording devices can be taken as discussed below, but refunds will not be made in lieu of the credit.

The interim regulations do allow corrections of Quarterly (as well as Annual) Statements of Account to correct significant errors in underpayments of royalties. The scheme of the interim regulations is that errors resulting in relatively small underpayments can be corrected in the relevant Annual Statement of Account without the necessity of a supplemental quarterly filing, but that manufacturing parties may conclude that significant underpayments must be corrected as soon as they are discovered, without waiting until the filing of the Annual Statement of Account. The interim regulations accordingly allow for such correction in the case of significant underpayments.

e. Interest. Consistent with the Copyright Office position respecting royalties for the cable and satellite carrier licenses, (see 54 FR 14217 (1989)) we are imposing interest on underpayments and late payments of royalties due under the statutory obligation to remit royalties relating to manufacture and distribution or importation and distribution of digital audio recording devices and media. Manufacturers or importers submitting royalty payments in an untimely fashion should include the proper interest charge with their payments.

Under the AHRA, copyright owners receive compensation for private, noncommercial copying of their works while at the same time manufacture and distribution of digital audio recording devices and media is not impeded, if the obligations of the Act are satisfied. If royalty payments are not made on time, in accordance with the terms of the Act, the goal of compensation is frustrated and copyright owners suffer from loss of the present value of funds. The Copyright Office therefore concludes that it is consistent with the intention of Congress and within its authority to establish regulations requiring interest payments on underpaid or late royalties pursuant to the statutory obligations relating to digital audio recording devices and media.

The interest rate is that quoted in the Current Value of Funds to Treasury, as published quarterly in the **Federal Register**, and in Section 8025.40 of the Treasury Financial Manual, Department of the Treasury, Financial Management Service Bulletin, in effect on the first business day after the close of the relevant filing deadline for that accounting period. Manufacturers and importers must perform their own interest charge calculations but may also obtain the proper interest rate for the applicable period(s) by contacting the Licensing Division, United States Copyright Office, 101 Independence Avenue SE., Washington, DC 20557, Telephone: (202) 707–8150. No interest will be required where the interest due on a particular royalty sum paid by a manufacturer or importer is less than or equal to five dollars ($5.00).

f. Credits for returns of recording devices. The regulations permit a period of no more than two years during which manufacturers and importers may take a credit for digital audio recording devices that are returned as unsold or defective. That is, the credit may be taken in the first Annual Statement of Account covering the actual period

VOL
58
ISS
33
FE
22
1993
UMI

when the recording devices were returned, or in the next succeeding Annual Statement of Account. A credit may also be taken for digital audio recording devices that are never distributed in the United States, if the devices were originally imported for U.S. distribution and royalties paid on such devices. However, if the devices are later reimported and distributed, the statutory amount must be repaid and the reimportation must be reflected on the statement of account. Refunds will not be issued in connection with adjustments that are reflected as credits.

g. Access to Statements of Account. Pursuant to section 1003(c)(2) quarterly and annual statements of account will not be made part of the public records, nor disclosed to the general public, directly or indirectly. Specific regulations governing confidential access by interested copyright parties, as defined in the AHRA, will be issued later in a separate proceeding. Pending that proceeding, these interim regulations deny all public access for examination and copying of quarterly and annual statements of account.

h. Regulatory Flexibility Act Statement. With respect to the Regulatory Flexibility Act, the Copyright Office takes the position that this Act does not apply to Copyright Office rulemaking. The Copyright Office is a department of the Library of Congress and is part of the legislative branch. Neither the Library of Congress nor the Copyright Office is an "agency" within the meaning of the Administrative Procedure Act of June 11, 1946, as amended (title 5, chapter 5 of the U.S. Code, subchapter II and chapter 7). The Regulatory Flexibility Act consequently does not apply to the Copyright Office since the Act affects only those entities of the Federal Government that are agencies as defined in the Administrative Procedure Act.[1]

Alternatively, if it is later determined by a court of competent jurisdiction that the Copyright Office is an "agency" subject to the Regulatory Flexibility Act, the Register of Copyrights has determined and hereby certifies that this regulation will have no significant impact on small businesses.

[1] The Copyright Office was not subject to the Administrative Procedure Act before 1978, and it is now subject to it only in areas specified by section 701(d) of the Copyright Act (i.e., "all actions taken by the Register of Copyrights under this title (17))," except with respect to the making of copies of copyright deposits). (17 U.S.C. 706(b)). The Copyright Act does not make the Office an "agency" as defined in the Administrative Procedure Act. For example, personnel actions taken by the Office are not subject to APA–FOIA requirements.

List of Subjects in 37 CFR Part 201

Copyright, Digital audio recording products.

Interim Regulations

In consideration of the foregoing, the Copyright Office is amending part 201 of 37 CFR, chapter II in the manner set forth below.

PART 201—[AMENDED]

1. The authority citation for part 201 is revised to read as follows:

Authority: Sec. 702, 90 Stat. 2541; 17 U.S.C. 702; § 201.28 is also issued under Public Law 102–563, 106 Stat. 4237.

2. Section 201.28 is added to read as follows:

§ 201.28 Statements of Account for digital audio recording devices or media.

(a) *General.* This section prescribes rules pertaining to the deposit of Statements of Account and royalty fees in the Copyright Office as required by sections 1003(c) and 1004 of title 17 of the United States Code, as amended by Pub. L. 102–563, with respect to the manufacture and distribution or importation and distribution of digital audio recording devices and media in the United States. The manufacturing party as defined in this section is obligated to file statements of account and remit royalties to the Copyright Office.

(b) *Definitions.* For purposes of this section, the following definitions apply:

(1) An *Annual Statement of Account* is a cumulative statement accompanying annual royalty payments pursuant to 17 U.S.C. 1003 which is required to be filed no later than two months after the close of the accounting period covered by the Annual Statement.

(2) The term *digital audio recording product* means digital audio recording devices and digital audio recording media.

(3) The *product category* of a device or medium is a general class of products made up of functionally equivalent digital audio recording products with substantially the same use in substantially the same environment, including, for example, hand-held portable integrated combination units ("boomboxes"); portable personal recorders; stand-alone home recorders ("tape decks"); home combination systems ("rack systems"); automobile recorders; configurations of tape media (standard cassettes or microcassettes); and configurations of disc media, such as 2½", 3", or 5" discs.

(4) The *technology* of a device or medium is a digital audio recording product type distinguished by different technical processes for digitally recording musical sounds, such as digital audio tape recorders (DAT), digital compact cassette (DCC), or different disc-based technologies such as minidisc (MD).

(5) The *manufacturing party* is any person or entity who manufactures and distributes or imports and distributes any digital audio recording device or digital audio recording medium in the United States.

(6) A *Quarterly Statement of Account* is a statement accompanying royalty payments pursuant to 17 U.S.C. 1003, which is required to be filed on a quarterly basis, three times each accounting year and, in each case, no later than 45 days after the close of the quarterly period covered by the Statement.

(7) The terms *digital audio recording device, digital audio recording medium, distribute, manufacture, transfer price,* and *serial copying,* have the meanings set forth in section 1001 of title 17 of the United States Code, as amended by Pub. L. 102–563.

(c) *Accounting periods and filing deadlines.* (1) *Election of filing basis.* Statements of Account may be filed on either a calendar or fiscal year basis at the election of the manufacturing party. The initial election of a calendar or fiscal year basis must be made when filing the first Quarterly Statement of Account by appropriate designation on the form submitted. If a fiscal year basis is elected, the specific fiscal year accounting period must be designated on the initial and each successive Quarterly or Annual Statement of Account. The election of a basis of filing shall endure for a term of three years and may be changed only upon application at least 60 days before the end of the third accounting year period (or any later period) to the Register of Copyrights. The change in filing basis must be approved by the Register of Copyrights.

(2) *Quarterly filings.* Quarterly Statements of Account shall cover a three-month period corresponding to the calendar or fiscal year of the manufacturing party and shall be filed no later than 45 days after the close of the period covered by the statement. As a transitional measure, however, no separate quarterly statement is required for the last part of 1992. The first quarterly statement submitted in 1993 shall cover the entire period since October 28, 1992 and shall be submitted within 45 days following the end of the first full quarter after October 28, 1992, or by May 15, 1993, whichever is later. For each calendar or fiscal accounting year, quarterly filings shall be made for

the first three quarters of the year. The appropriate royalty payment shall accompany the quarterly filing.

(3) *Annual statements.* Annual Statements of Account shall cover the fourth quarter of an accounting year and the cumulation of the entire year corresponding to the calendar or fiscal accounting year elected and shall be filed no later than two months after the close of the period covered by the statement. As a transitional measure, however, the first Annual Statement of Account filed after October 28, 1992, is not due until March 1, 1994, or later depending upon the basis of filing elected. The first Annual Statement of Account shall cover the entire period since October 28, 1992. The appropriate royalty payment shall accompany the Annual Statement of Account, covering royalties due for the fourth quarter of the accounting period and any additional royalties that are due because of adjustments in the cumulative amounts of devices or media distributed during the relevant accounting year.

(4) *Early or late filings.* Statements of Account and royalty fees received before the end of the particular accounting period covered by the statement will not be processed by the Office. The Statement must be filed after the close of the relevant accounting period. Statements of Account and royalty fees received after the 45-day deadline for Quarterly Statements or the two-month deadline for Annual Statements will be accepted for whatever legal effect they may have, if any.

(d) *Forms.* (1) Each Quarterly or Annual Statement of Account shall be furnished on an appropriate form prescribed by the Copyright Office, and shall contain the information required by that form and its accompanying instructions. Computation of the copyright royalty fee shall be in accordance with the procedures set forth in the forms and this section. Copies of the Statements of Account forms are available free upon request to the Licensing Division, United States Copyright Office, Library of Congress, Washington, DC 20557.

(2) The forms prescribed by the Copyright Office are designated Quarterly Statement of Account for Digital Audio Recording Products and Annual Statement of Account for Digital Audio Recording Products.

(e) *Contents of Quarterly Statements of Account.* (1) *Quarterly period and filing.* Any Quarterly Statement of Account shall cover the full quarter of the calendar or fiscal accounting year for the particular quarter for which it is filed. A separate Quarterly Statement of Account shall be filed for each quarter of the first three quarters of the accounting year during which there is any activity relevant to the payment of royalties under section 1004 of title 17, United States Code, as amended by Pub. L. 102–563, and under this section. The Annual Statement of Account identified in paragraph (f) of this section incorporates the fourth quarter of the accounting year.

(2) *General content.* Each Quarterly Statement of Account shall be clearly and prominently identified as a "Quarterly Statement of Account for Digital Audio Recording Products" and shall include a clear statement of the following information:

(i) A designation of the period, including the beginning and ending day, month, and year of the period covered by the quarter;

(ii) A designation of the calendar or fiscal year annual reporting period;

(iii) The full legal name of the manufacturing party together with the fictitious or assumed name, if any, used by such person or entity for the purpose of conducting the business of manufacturing and distributing or importing and distributing digital audio recording products;

(iv) A designation of the manufacturing party status, i.e., "Manufacturer," "Importer," or "Manufacturer and Importer";

(v) The full mailing address of the manufacturing party, including a specific number and street name or rural route of the place of business of this person or entity. A post office box or similar designation will not be sufficient for this purpose except where it is the only address that can be used in that geographic location;

(vi) The designation "product category", together with the product category of the digital audio recording products manufactured and distributed or imported and distributed by the manufacturing party during the quarter covered by the Statement;

(vii) The designation "technology," together with the technology of the digital audio recording products manufactured and distributed or imported and distributed by the manufacturing party during the quarter covered by the Statement;

(viii) The designation "model number," followed by the model (or, in the case of media, series) numbers of the digital audio recording products manufactured and distributed or imported and distributed by the manufacturing party during the quarter covered by the Statement;

(ix) For each digital audio recording product manufactured and distributed or imported and distributed by the manufacturing party during the quarter covered by the Statement, a detailed statement of all the information called for in paragraph (e)(3) of this section;

(x) A computation of the total royalty payable for the quarter covered by the Statement; and

(xi) The name, address, business title, and telephone number of the individual or individuals to be contacted for information or questions concerning the content of the Statement of Account.

(3) *Specific content of quarterly statements: Enumeration and accounting of digital audio recording products.* The Quarterly Statement of Account shall, with respect to each digital audio recording product manufactured and distributed, or imported and distributed, by the manufacturing party for the period covered by the quarter, include the following information:

(i) The number and price of digital audio recording devices distributed as physically integrated units;

(ii) If the royalty amount is reduced pursuant to section 1004(a)(2) of Public Law 102–563, the number and price of any physically integrated units first distributed prior to this quarter;

(iii) The number and price of digital audio recording devices distributed as separate components according to the following:

(A) In the case where substantially similar separate components have been distributed separately at any time during the previous four quarters, the average transfer price of such devices during those quarters; or

(B) In the case where such separate components have not been distributed separately at any time during the preceding four quarters, the proportional value of such devices to the combination as a whole;

(iv) The total number of digital audio recording products, by device and medium, manufactured and distributed;

(v) The total number of digital audio recording products, by device and medium, imported and distributed; and

(vi) The designation "transfer price," followed by the transfer price of all digital audio recording products, as specified in paragraph (e)(4) of this section.

(4) *Royalty payments and accounting.* (i) The royalty payments specified in section 1004 of title 17 of the United States Code, as amended by Pub. L. 102–563 shall accompany the Quarterly Statement of Account and shall be payable on distribution by the manufacturer or importer of the particular digital audio recording product item. No royalty is payable for

redistribution of the same product item unless a credit has been taken for such items. Where royalties are payable for the period covered by the statement, the royalty accounting statement shall contain the following information:

(A) The total number of digital audio recording media distributed multiplied by the statutory royalty rate of three percent (3%) of the transfer price;

(B) The total number of digital audio recording devices for which the statutory royalty rate of two percent (2%) of the transfer price is payable multiplied by such percentage rate of the transfer price;

(C) The total number of digital audio recording devices for which the statutory maximum royalty is limited to eight dollars ($8.00), multiplied by such eight dollar amount;

(D) The total number of digital audio recording devices for which the statutory maximum royalty is limited to twelve dollars ($12.00), multiplied by such twelve dollar amount; and

(E) The total number of digital audio recording devices for which the statutory minimum royalty is limited to one dollar ($1.00), multiplied by such one dollar amount.

(ii) The amount of the royalty payment shall be calculated in accordance with the instructions on the relevant Statement of Account form.

(5) *Clear statements.* The information required by this section shall be set forth in an intelligible, legible, and unambiguous manner in the Quarterly Statement of Account itself without incorporation by reference of facts or information contained in other documents or records.

(6) *Oath and signature.* Each Quarterly Statement of Account shall include the handwritten signature of the manufacturing party. If the manufacturing party is a corporation, the signature shall be that of a duly authorized officer of the corporation; if the manufacturing party is a partnership, the signature shall be that of a partner. The signature shall be accompanied by:

(i) The printed or typewritten name of the person signing the Quarterly Statement of Account;

(ii) The date the document is signed;

(iii) If the manufacturing party is a partnership or corporation, the title or official position held in the partnership or corporation;

(iv) The following certification:

> I certify that I have examined this Quarterly Statement of Account and hereby declare under penalty of law that all statements of fact contained herein are true, complete, and accurate to the best of my knowledge, information, and belief, and are made in good faith.

(f) *Content of Annual Statements of Account.* (1) *Combined fourth quarter and annual filing.* The Annual Statement of Account shall cover the fourth quarter of an accounting year and the cumulation of the entire year corresponding to the calendar or fiscal year elected. The fourth quarter portion of the Annual Statement of Account shall contain the information prescribed in paragraphs (e)(1) through (e)(4) of this section.

(2) *General content.* An Annual Statement of Account shall be clearly and prominently identified as an "Annual Statement of Account for Digital Audio Recording Products," and shall include a clear statement of the following information:

(i) The calendar year or fiscal accounting year covered by the Annual Statement;

(ii) The full legal name of the manufacturing party, together with the fictitious or assumed name, if any, used by such person or entity for the purpose of conducting the business of manufacturing and distributing, or importing and distributing, digital audio recording devices and media;

(iii) A designation of the manufacturing party status, *i.e.*, "Manufacturer," "Importer," or "Manufacturer and Importer";

(iv) A statement of the nature of the business organization used by the manufacturing party in connection with the manufacture and distribution or importation and distribution of digital audio recording devices and media (for example, a corporation, a partnership, or an individual proprietorship);

(v) The full address, including a specific number and street name or rural route, or place of business of the manufacturing party. A post office box or similar designation will not be sufficient for this purpose except where it is the only address that can be used in that geographic location;

(vi) The total number, by product category or product categories, of the digital audio recording devices and media manufactured and distributed or imported and distributed during the period covered by the Annual Statement;

(vii) The total number by technology or technologies of such digital audio recording devices and media manufactured and distributed or imported and distributed during the period covered by the Annual Statement;

(viii) The total number by model number of such devices and media manufactured and distributed or imported and distributed during the period covered by the Annual Statement;

(ix) The total royalty payable for the calendar or fiscal accounting year covered by the Annual Statement computed in accordance with the instructions in the relevant Statement of Account form. For these purposes, the applicable royalty as specified in section 1004 of title 17 of the United States Code, as amended by Pub. L. 102–563, shall be payable for every digital audio recording device and medium distributed by the manufacturing party during the period covered by the Annual Statement;

(x) The total royalties previously paid under Quarterly Statements of Account by the manufacturing party during the period covered by the Annual Statement; and

(xi) For devices returned less than two years from the date of first distribution, the designation "credits" followed by the number of digital audio recording devices returned together with a statement of whether the devices were unsold, defective, or exported, and the amount credited for each device; and

(xii) A reconciliation of the cumulative and quarterly accounts, stating the total royalties payable, after deducting any appropriate credits or overpayments.

(3) *Clear statement.* Information provided should be intelligible, legible, and unambiguous, and should not incorporate by reference facts or information contained in other documents or records.

(4) *Signature and certification.*

(i) Each Annual Statement of Account shall include the handwritten signature of the manufacturing party. If the manufacturing party is a corporation, the signature shall be that of a duly authorized officer of the corporation; if the manufacturing party is a partnership, the signature shall be that of a partner. The signature shall be accompanied by:

(A) The printed or typewritten name of the person signing the Annual Statement of Account;

(B) The date of the signature;

(C) If the manufacturing party is a partnership or a corporation, by the title or official position held in the partnership or corporation by the person signing the Annual Statement of Account; and

(D) A certification of the capacity of the person signing.

(ii)(A) Each Annual Statement of Account or any amended Annual Statement shall be certified by a licensed Certified Public Accountant. Such certification shall consist of the following statement:

VOL 58 ISS 33 FE 22 1993 UMI

We have examined the attached "Annual Statement of Account for Digital Audio Recording Products" for the (fiscal) (calendar) year ended (date) of (name of the manufacturing party) applicable to devices and media manufactured and distributed under provisions of chapter 10 of title 17 of the United States Code, as amended by Pub. L. 102–563, and applicable regulations of the United States Copyright Office. Our examination was made in accordance with generally acceptable auditing standards, which included tests of the accounting records and such other auditing procedures as are considered necessary in the circumstances.

In our opinion the Annual Statement of Account referred to above presents fairly the number of digital audio recording devices and media and the transfer prices of such devices and media that were manufactured and distributed or imported and distributed by (name of the manufacturing party) during the (fiscal) (calendar) year ending (date) and the amount of royalties applicable thereto under the provisions of chapter 10 of title 17 of the United States Code on a consistent basis and in accordance with this law and the applicable regulations published thereunder.

(City and State of Execution)

(Signature of Certified Public Accountant or CPA Firm)

Certificate Number

Jurisdiction of Certificate

(Date of Opinion)

(B) The certificate shall be signed by an individual, or in the name of a partnership or a professional corporation with two or more shareholders. The certificate number and jurisdiction are not required if the certificate is signed in the name of a partnership or a professional corporation with two or more shareholders.

(5) *Filing dates and royalty payments.* (i) Each Annual Statement of Account shall be filed in the United States Copyright Office on or before two months after the close of the calendar or fiscal accounting year covered by the Annual Statement. An Annual Statement shall be filed for each year during which at least one Quarterly Statement was required to have been filed under section 1003(c)(1) of title 17, United States Code, as amended by Pub. L. 102–563.

(ii) In any case where the amount stated in the Annual Statement of Account pursuant to paragraph (f)(2)(ix) of this section is greater than the amount stated in the Annual Statement pursuant to paragraph (f)(2)(xii) of this section, the difference between such amounts shall accompany the Annual Statement.

(6) *Documentation.* All manufacturing parties shall, for a period of at least three years from the date of filing an Annual Statement of Account, keep and retain in their possession all records and documents necessary and appropriate to support fully the information set forth in such Annual Statements and in Quarterly Statements filed during the calendar or fiscal accounting year covered by such Annual Statements.

(g) *Royalty Fee Payment.* Except in the case of an electronic payment, the royalty fee payable for the period covered by the Quarterly or Annual Statement of Account shall accompany that Statement of Account, and shall be deposited at the Copyright Office with it. Payment must be in the form of a certified check, cashier's check, or money order, payable to the Register of Copyrights, or in the form of a United States Treasury electronic payment. All royalty fees may be paid by electronic transfer of funds, provided the payment is received in the designated United States Federal Reserve Bank by the filing deadline for the relevant accounting period and provided the amount of the royalty satisfies any minimum established by the Department of the Treasury.

(h) *Corrections, Supplemental Payments, and Refunds.* (1) *General.* Significant errors in the computation of the royalty payment accompanying a Quarterly Statement of Account that result in underpayment of royalties can be corrected upon compliance with the procedure established by paragraph (h)(3) below. An inadvertent or minor error in a Quarterly Statement of Account can be corrected in the Annual Statement of Account for the relevant accounting year. Corrections to Annual Statements of Account will be placed on record, and supplemental royalty fee payments will be received for deposit, or, as appropriate, refunds without interest will be issued in the following cases:

(i) Where, with respect to the accounting period covered by an Annual Statement of Account, any of the information given in the Statement filed in the Copyright Office is incorrect or incomplete; or

(ii) Where, for any reason except that mentioned in paragraph (h)(2), calculation of the royalty fee payable for a particular accounting period was incorrect, and the amount deposited in the Copyright Office for that period was either too high or too low.

(2) Corrections to Quarterly or Annual Statements of Account will not be placed on file, nor will supplemental royalty fee payments be received for deposit, nor refunds be issued, where the information in the Statements of Account, the royalty fee calculations, or the payments were correct as of the date on which the accounting period ended, but changes (for example, digital audio recording media were exported) took place later.

(3) Requests that corrections to a Statement of Account be placed on record, that fee payments be accepted, or requests for the issuance of refunds, shall be addressed to the Licensing Division of the Copyright Office, and shall meet the following conditions:

(i) The request shall be made in writing, must clearly identify its purpose, and, in the case of a request for a refund, must be received in the Copyright Office before the expiration of 60 days from the last day of the applicable Statement of Account filing period. A request made by telephone or by telegraphic or similar unsigned communication will be considered to meet this requirement if it clearly identifies the basis of the request, is received in the Copyright Office within the required 60-day period, and a written request meeting all the conditions of this paragraph (h)(3) is also received in the Copyright Office within 14 days after the end of such 60-day period;

(ii) The Statement of Account to which the request pertains must be sufficiently identified in the request (by inclusion of the name of the manufacturing party and the accounting period in question) so that it can be readily located in the records of the Copyright Office;

(iii) The request must contain a clear statement of the facts on which it is based, in accordance with the following requirements:

(A) In the case of a request filed under paragraph (h)(1)(i) of this section, where the information given in the Statement of Account is incorrect or incomplete, the request must clearly identify the erroneous or incomplete information and provide the correct or additional information;

(B) In the case of a request filed under paragraph (h)(1)(ii) of this section, where the royalty fee was miscalculated and the amount deposited in the Copyright Office was either too large or too small, the request must be accompanied by an affidavit under the official seal of any officer authorized to administer oaths within the United States, or a statement in accordance with section 1746 of title 28 of the United States Code, made and signed in accordance with paragraph (e)(6) of this section. The affidavit or statement shall

VOL 58 ISS 33 FE 22 1993 UMI

describe the reasons why the royalty fee was improperly calculated and include a detailed analysis of the proper royalty calculations;

(iv)(A) All requests filed under this paragraph (h) of this section must be accompanied by a filing fee in the amount of $20 for each Statement of Account involved. Payment of this fee may be in the form of a personal or company check, or of a certified check, cashier's check or money order, payable to the Register of Copyrights. No request will be processed until the appropriate filing fees are received.

(B) All requests that a supplemental royalty fee payment be received for deposit must be accompanied by a remittance in the full amount of such fee. Payment of the supplemental royalty fee must be in the form of a certified check, cashier's check, or money order, payable to the Register of Copyrights, or by electronic payment. No such request will be processed until an acceptable remittance in the full amount of the supplemental royalty fee has been received.

(v) All requests submitted under this paragraph (h) must be signed by the manufacturing party named in the Statement of Account, or the duly authorized agent of the manufacturing party, in accordance with paragraph (e)(6) of this section.

(vi) A request for a refund is not necessary where the Licensing Division, during its examination of an Annual Statement of Account or related document, discovers an error that has resulted in a royalty overpayment. In this case, the Licensing Division will forward the royalty refund to the manufacturing party named in the Statement of Account without regard to the time limitations provided for in paragraph (h)(3)(i) of this section. In no case, however, will the Copyright Office pay interest on any royalty refunds made to manufacturing parties.

(vii) No refunds will be made for alleged overpayments accompanying Quarterly Statements of Account. Any such overpayment can be reconciled in the Annual Statement of Account for the relevant accounting year.

(viii) No refunds will be made in connection with credits for returned digital audio recording devices.

(4) Following final processing, all requests submitted under this paragraph (h) will be filed with the original Statement of Account in the records of the Copyright Office. Nothing contained in this paragraph shall be considered to relieve manufacturing parties of their full obligations under title 17 of the United States Code, and the filing of a correction or supplemental payment shall have only such effect as may be attributed to it by a court of competent jurisdiction.

(i) *Examination of Statements of Account by the Copyright Office.* (1) Upon receiving a Statement of Account and royalty fee, the Copyright Office will make an official record of the actual date when such statement and fee were physically received in the Copyright Office. Thereafter, the Licensing Division will examine the statement for obvious errors or omissions appearing on the face of the documents, and will require that any such obvious errors or omissions be corrected before final processing of the document is completed. If, as the result of communications between the Copyright Office and the manufacturer or importer, an additional fee is deposited or changes or additions are made in the Statement of Account, the date that additional deposit or information was actually received in the Office will be added to the official record of the case.

(2) Completion by the Copyright Office of the final processing of a Statement of Account and royalty fee deposit shall establish only the fact of such completion and the date or dates of receipt shown in the official record. It shall in no case be considered a determination that the Statement of Account was, in fact, properly prepared and accurate, that the correct amount of the royalty fee had been deposited, that the statutory time limits for filing had been met, or that any other requirements of chapter 10 of title 17 of the United States Code have been satisfied.

(j) *Interest on Late Payments or Underpayments.* (1) Royalty fee payments submitted as a result of late or amended filings shall include interest, which shall begin to accrue on the first day after the close of the period for filing Statements of Account for all late payments or underpayments of royalties for the digital audio recording statutory license occurring within that accounting period. The accrual period shall end on the date appearing on the certified check, cashier's check, money order, or electronic payment submitted by the manufacturing party, provided that such payment is received by the Copyright Office within five business days of that date. If the payment is not received by the Copyright Office within five business days of its date, then the accrual period shall end on the date of actual receipt by the Copyright Office.

(2) The interest rate applicable to a specific accounting period shall be the Current Value of Funds rate, as published in the **Federal Register** in accordance with the Treasury Financial Manual, at 1 TFM 6–8025.40, in effect on the first business day after the close of the filing deadline for the relevant accounting period. The interest rate for a particular accounting period may be obtained by consulting the **Federal Register** for the applicable Current Value of Funds Rate, or by contacting the Licensing Division of the Copyright Office.

(3) Interest is not required to be paid on any royalty underpayment or late payment from a particular accounting period if the interest charge is less than or equal to five dollars ($5.00).

(k) *Confidentiality of Statements of Account.* Public access will be denied to the Copyright Office files of Statements of Account for Digital Audio Recording Products. Access will only be granted to interested copyright parties in accordance with regulations prescribed by the Register of Copyrights pursuant to section 1003(c) of title 17 United States Code, as amended by Pub. L. 102–563.

Dated: February 9, 1993.

Ralph Oman,

Register of Copyrights.

Approved:

James H. Billington,

The Librarian of Congress.

[FR Doc. 93–3995 Filed 2–19–93; 8:45 am]

BILLING CODE 1410–08–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 86–10; FCC 93–84]

Provision of Access for 800 Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission adopted an order that ruled that: "Area-of-service routing," which is the routing of 800 calls by local exchange carriers (LECs) to different interexchange carriers (IXCs) based on the local access transport area (LATA) in which the call originates, is a part of basic 800 access, rather than an optional vertical feature; access to the Service Management System (SMS) is a title II common carrier service that must be offered pursuant to tariff; and any entity that meets appropriate financial and technical eligibility requirements may serve as Responsible Organization (RESPORG) for an 800 number record at the customer's request. The Commission took these actions in response to a petition for declaratory ruling filed by the Competitive Telecommunications Association (CompTel) on June 19,

1992. These actions will promote competition in the provision of 800 services.

EFFECTIVE DATE: This order is effective March 5, 1993. This will ensure that SMS access tariffs are filed by March 5, 1993 so as to allow adequate time for their review.

FOR FURTHER INFORMATION CONTACT: Gary Phillips, (202) 632–4048 or Suzanne Tetreault, (202) 632–6374.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's order, adopted February 10, 1993, and released February 10, 1993. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street NW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street NW., suite 140, Washington, DC 20037, (202) 857–3800.

Summary of the Order

1. 800 service is an interexchange service in which a subscriber agrees in advance to pay for all calls made to its 800 number from a specified area. LECs must handle originating 800 access differently from originating access for ordinary interexchange calls because the LEC's must route 800 calls to the carrier selected by the 800 service subscriber (the called party), rather than the carrier presubscribed to the originating line or chosen by the calling party.

2. LECs currently provide originating 800 access through the so-called "NXX" screening methodology. Under this system, LECs identify the IXC by reading the three digits (the NXX digits) that immediately follow the 800 prefix of the called number. Consequently, the NXX system does not permit 800 number portability—that is, 800 service subscribers cannot switch carriers without changing their 800 numbers.

3. The BOCS, along with the Independent Telephone Companies (ITCs), will soon replace the NXX access system with a new "data base" system of 800 access. LECs will implement this data base system by linking their common channel signaling, or SS7, networks with data bases containing service information associated with each 800 number, including the carrier selected by the 800 subscriber for that number. Because the data base system permits LECs to use the entire 800 number, rather than just the NXX digits, to identify the 800 carrier, this system allows 800 number portability.

4. In addition to basic carrier identification functions, the 800 data base system will have the capability to perform more complex, "vertical" routing features or functions. These include: (1) Call validation, which ensures that calls originate from subscribed service areas; (2) translation of 800 numbers into "plain old telephone service" (POTS) numbers; (3) alternate POTS translation, which allows subscribers to vary the routing of 800 calls based on factors such as time of day, or place of origination of the call; and (4) multiple carrier routing, which allows subscribers to use different carriers based on similar types of factors.[1] The Commission has held that vertical features may be provided by LECs only to: (1) Their own intraLATA 800 subscribers for use with an intraLATA 800 service; and (2) purchasers of basic 800 access. LECs may not provide vertical features directly to IXCs' 800 services subscribers.[2] The Commission has also held that unless the cost of providing a particular vertical feature is inconsequential, LECs should unbundle that feature from basic 800 access service.[3]

5. On June 19, 1992, CompTel filed a petition for declaratory ruling on three issues relating to 800 data base service. First, CompTel requested that the Commission issue a declaratory ruling that area-of-service routing is a part of basic 800 access service, rather than a vertical feature. The Commission concluded, both on policy grounds and for technical reasons, that area-of-service routing is in fact a basic feature of 800 access.

6. Second, CompTel asked the Commission to require that SMS access service be tariffed, rather than offered pursuant to contract.[4] The Commission found that SMS access is incidental to the provision of 800 access service and that it should be treated as a common carrier service, subject to Title II of the Communications Act. The Commission required the BOCs, which, through Bellcore, run the SMS, to file SMS access tariffs. The Commission required that the BOCs file either a single joint tariff or that one BOC file a tariff in which the others concur. The Commission required that this tariff be filed by March 5, 1993, to be effective May 1, 1993 and that it contain SMS prices, terms, and conditions, including eligibility requirements for RESPORGs and rules governing RESPORG responsibilities.

7. Third, CompTel asked the Commission to clarify that any entity, including LECs and third parties, may act as a RESPORG for the purpose of providing SMS access to a provider of 800 services, whether or not the RESPORG or the service provider is a purchaser of interstate 800 access. The Commission found that any entity that meets appropriate financial and technical eligibility requirements may serve as a RESPORG at the customer's request, and that IXCs should be permitted to subcontract RESPORG services to any entity that meets the RESPORG eligibility requirements contained in the SMS access tariff.

Ordering Clauses

8. Accordingly, pursuant to the authority contained in sections 1, 3, 4, 201–205, and 208 of the Communications Act, 47 U.S.C. 151, 153, 154, 201–205, and 208, *it is ordered*, That the Petition for Declaratory Ruling filed June 19, 1992 by the Competitive Telecommunications Association is hereby granted as described in this order.

9. *It is ordered*, That the SMS access tariff shall be filed as described herein by March 5, 1993, with an effective date of May 1, 1993. Good cause exists for making this order effective on less than thirty days notice.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–3894 Filed 2–19–93; 8.45 am]

BILLING CODE 6712–01–M

[1] See Provision of Access for 800 Service, Memorandum Opinion and Order on Reconsideration and Second Supplemental Notice of Proposed Rulemaking, 6 FCC Rcd 5421 (1991) (Reconsideration Order), at para. 5.

[2] *Id.* at paras. 34–36.

[3] *Id. at paras. 47–51.*

[4] The Service Management System (SMS) is the centralized data base system that provides a national coordinated system for the assignment of 800 numbers, the entry of 800 customer records, and the loading of customer records into the regional data bases owned and operated by the LECs. For each 800 number, only one entity, the RESPORG, will have authority to access the SMS in order to input or change service information with respect to that number.

Proposed Rules

Federal Register
Vol. 58, No. 33
Monday, February 22, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 150

[Docket No. PRM 150–2]

Envirocare of Utah, Inc.; Filing of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing for public comment a notice of receipt of a petition for rulemaking. The petition, dated October 21, 1992, was filed with the Commission by Envirocare of Utah, Inc., and was assigned Docket No. PRM–150–2 on November 24, 1992. The petitioner requests that the NRC revise its regulations to exempt those persons who generate or dispose of very low specific activity wastes contaminated with special nuclear materials that are not capable of forming a critical reaction from the current possession limits specified in its regulations.

DATES: Submit comment by April 23, 1993. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch. For a copy of the petition, write: Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301–492–7758 or Toll Free: 1–800–368–5642.

SUPPLEMENTARY INFORMATION:

Background

Petitioner's Concern

The petitioner indicates that facilities where special nuclear material was previously handled and that are now contaminated with low concentrations of special nuclear material are being required to be remediated. The petitioner states that the remediation process generates large quantities of very low specific activity waste material which may consist of both soil and debris. The petitioner states that transport, storage, and disposal of the waste material involve large volumes of bulk waste that can exceed many times the amount of special nuclear material defined in 10 CFR 150.11 as a critical mass.

The petitioner notes that mass concentrations of the waste material may be as low as 0.0004 percent. However, even at very low concentrations, a bulk rail car or a large container of waste material may exceed the 350-gram limit for U–235. The petitioner states that the presence of higher concentrations requires shipping smaller amounts of the waste material so the 350-gram limit is not exceeded. According to the petitioner, this requirement creates onsite storage problems and results in a bottleneck that slows the remediation process.

Requested Amendment

Therefore, the petitioner is requesting that existing regulations, which were drafted before the advent of current remediation efforts, be amended to include a further exemption for persons who generate or dispose of very low specific activity wastes containing special nuclear material. The petitioner requests that this category of exemption be included in 10 CFR 150.10 and any other regulations in 10 CFR chapter I that specify possession limits. The petitioner asserts that the existing quantity limitation on possession of special nuclear material serves the purpose of preventing the accumulation of material that could inadvertently or through purposeful actions be sufficient to cause critical reaction. The petitioner believes that in the case of waste material containing diffuse special nuclear material that is destined for disposal, no accidental or purposeful act could cause a critical reaction.

Other Considerations

Under current NRC regulations, possession of special nuclear materials in amounts at or exceeding that defined in 10 CFR 150.11 as a critical mass is regulated by the NRC. Thus, licensees in Agreement States who desire to possess special nuclear material in quantities of a critical mass, or greater, need an NRC license (in addition to any Agreement State license for possession of byproduct or source material not exceeding the stated limitations). By granting this petition, the material in question would be regulated by the Agreement States alone.

The NRC is interested in receiving comments concerning the various approaches that might be used to exempt from NRC regulations those licensing materials containing very small amounts of specified nuclear material, but still greater than a critical mass as defined in 10 CFR 150.11, such as concentration or quantity limits. The NRC is also interested in knowing if there is a need for any additional controls on material of this type.

Dated at Rockville, Maryland, this 16th day of February, 1993.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 93–4016 Filed 2–19–93; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91–ANE–26]

Airworthiness Directives; General Electric Company Models CF6–45/–50 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to General Electric Company (GE) Models CF6–45/–50 series turbofan engines. That action

proposed to supersede an existing AD and would have required the incorporation of check valves in the seventh stage low pressure turbine cooling air manifold tubes. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has received reports that two check valves failed. The FAA has therefore reviewed its position on this safety issue, and has concluded that the proposed actions would not correct the unsafe condition. Accordingly, the proposed rule is withdrawn.

FOR FURTHER INFORMATION CONTACT: Robert J. Ganley, Aerospace Engineer, Engine Certification Office, ANE–140, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration (FAA), New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803–5299; telephone (617) 272–5047; fax (617) 270–2412.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to supersede an airworthiness directive (AD), applicable to General Electric Company (GE) Models CF6–45/–50 series turbofan engines, was published in the **Federal Register** on August 12, 1991 (56 FR 38090). The proposed rule would have superseded the existing AD that requires repetitive visual inspections of the seventh stage low pressure turbine (LPT) cooling air manifold tubes and attachment hardware. The proposed rule would have required check valves to be installed into the seventh stage LPT cooling air manifold tubes, in accordance with GE CF6–50/–45 Service Bulletin (SB) No. 75–063, dated July 5, 1990, as a terminating action to the required repetitive inspections. The incorporation of the check valves was intended to improve the reliability and durability of the seventh stage LPT cooling air system, thereby eliminating the requirement to inspect the seventh stage LPT cooling air manifold tubes at intervals now prescribed by the existing AD. The proposed actions were intended to prevent loss of LPT cooling air following manifold tube failure.

Since the issuance of the NPRM, the FAA has received reports that two check valves installed in accordance with GE CF6–50/–45 SB No. 75–063, dated July 5, 1990, have failed. The FAA has therefore reviewed its position on this safety issue, and has concluded that the proposed actions would not correct the unsafe condition, and that the requirements of the existing AD must remain in place.

Interested persons have been afforded an opportunity to comment on this proposed rule. Due consideration has been given to the three comments received.

One commenter has concerns over the reliability of the check valve, and requests that changes to improve the LPT cooling air system be required instead, since at the time of the comment, one check valve had failed in the field. The FAA acknowledges the commenter's concerns, but considers the repetitive visual inspections adequate to maintain system integrity.

One commenter recommends that the FAA withdraw the NPRM based on two recent field failures of a check valve installed in accordance with GE CF6–50/–45 SB No. 75–063, dated July 5, 1990. The commenter does not recommend mandatory incorporation of GE CF6–50/–45 SB No. 75–063, dated July 5, 1990, to alleviate the inspection requirements of AD 85–25–56R1, since a failure mode has been demonstrated which, without those inspections, could leave an engine unprotected from the conditions which lead to the issuance of the existing AD. The FAA agrees.

One commenter supports the rule as proposed. The FAA disagrees, based on the valve reliability concerns as stated above.

Upon further consideration, the FAA has determined that the proposed requirements do not correct the unsafe condition which prompted the issuance of the existing AD. Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket No. 91–ANE–26, published in the **Federal Register** on August 12, 1991 (56 FR 38090), is withdrawn.

Issued in Burlington, Massachusetts, on January 29, 1993.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 93–4034 Filed 2–19–93; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[CO–49–88]

RIN 1545–AL58

Allocation of Income and Loss to Periods Before and After the Change Date for Purposes of Section 382; Hearing Cancellation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Cancellation of notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to rules for allocating net operating loss or taxable income and net capital loss or gain between the period ending on the change date and the period beginning on the day after the change date for the taxable year in which a loss corporation has an ownership change.

DATES: The public hearing originally scheduled for Thursday, February 25, 1993, beginning at 10 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Carol Savage of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622–8452 or (202) 622–7190 (not toll-free numbers).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 382 of the Internal Revenue Code of 1986. A notice of public hearing appearing in the **Federal Register** for Thursday, November 19, 1992 (57 FR 54535), announced that the public hearing on the proposed regulations would be held on Thursday, February 25, 1993, beginning at 10 a.m., in the Commissioner's Conference Room, room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC.

The public hearing scheduled for Thursday, February 25, 1993, has been cancelled.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 93–3982 Filed 2–19–93; 8:45 am]

BILLING CODE 4830–01–M

VOL 58 ISS 33 FE 22 1993 UMI

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

RIN 1219–AA80

Safety Standards for Operation and Maintenance of Machinery and Equipment in Underground Coal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Extension of comment period.

SUMMARY: At the request of the mining community, the Mine Safety and Health Administration (MSHA) is extending the period for public comment regarding the Agency's proposed rulemaking on the operation and maintenance of equipment in underground coal mines.

DATES: Written comments must be received on or before March 26, 1993.

ADDRESSES: Send comments to the Office of Standards, Regulations and Variances, MSHA Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, 703–235–1910.

SUPPLEMENTARY INFORMATION: On December 24, 1992, MSHA published a proposed rule (57 FR 61538) to revise its existing safety standard that applies to mechanical work on equipment in underground coal mines. The proposed revision would clarify that adding or removing conveyor belting is a maintenance activity covered by the standard. The comment period was scheduled to close on February 22, 1993. The Agency is extending the comment period to March 26, 1993 in response to requests from the mining community. All interested parties are encouraged to submit comments prior to that date.

Dated: February 16, 1993.

Edward C. Hugler,

Acting Assistant Secretary for Mine Safety and Health.

[FR Doc. 93–4004 Filed 2–19–93; 8:45 am]

BILLING CODE 4510–43–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL–4599–4]

Public Forum on the Guideline for Federal Procurement of Paper and Paper Products Containing Recovered Materials

AGENCY: Environmental Protection Agency.

ACTION: Notice of public forum.

SUMMARY: The Environmental Protection Agency (EPA) is announcing a public forum for interested parties to express their views on the issues and options EPA should consider in revising the "Guideline for Federal Procurement of Paper and Paper Products Containing Recovered Materials".

The Agency is inviting principals representing Federal, state, and local government purchasing agencies; paper manufacturers and related industries; private sector paper purchasers; and environmental and other public interest organizations. The principals will set the agenda of issues to be discussed early on the first day. Each principal will be given an opportunity to make a brief opening statement and will discuss issues and options related to revising the guideline for procurement of paper and paper products. The forum will be open for attendance to all interested parties, who will also be provided an opportunity to participate in the discussions.

DATES: The public forum will be held on March 17 and 18, 1993, from 10 a.m. to 6 p.m. on the 17th and from 10 a.m. to 4 p.m. on the 18th.

ADDRESSES: The forum will be held at the Washington Hilton and Towers, 1919 Connecticut Avenue NW., Washington, DC, 20009, (202) 483–3000.

A summary of the discussions and any comments submitted at the public forum will be placed in a public docket and made available for viewing in the RCRA Information Center (RIC), which is located in room M2427, U.S. EPA, 401 M Street SW., Washington, DC 20460. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, except for Federal holidays. The public must make an appointment to review docket materials. Call (202) 260–9327 for an appointment. Copies cost $0.15 per page. The reference number for this docket is F–90–PGPP–FFFFF.

FOR FURTHER INFORMATION CONTACT: For information on substantive matters, contact Dana Arnold, Municipal and Industrial Solid Waste Division, U.S. Environmental Protection Agency (OS–301), 401 M Street SW., Washington, DC 20460, (202) 260–8518. For information on administrative matters or to advise of your intent to attend, contact Keith Lincoln of ERM-New England at (617) 742–8228.

SUPPLEMENTARY INFORMATION:

A. Background

Section 6002 of the Resource Conservation and Recovery Act (RCRA) requires EPA to issue, and from time to time revise, a procurement guideline for use by government agencies and their contractors in purchasing recycled paper and paper products. EPA issued a paper procurement guideline on June 22, 1988 (40 CFR part 250), and it became effective in June of 1989.

In general, when EPA issues a procurement guideline, "procuring agencies" are required to revise their specifications for items designated in the guideline to maximize the use of recovered materials. The agencies also must establish affirmative programs for procuring the designated items containing recovered materials to the maximum extent practicable. In the case of paper and paper products, RCRA requires agencies to maximize the use of "postconsumer recovered materials," as defined in the statute.

The term "procuring agency" refers to Federal agencies, state and local agencies using appropriated Federal funds, and contractors of such agencies. Section 6002 provides a $10,000 threshold for the affirmative procurement requirements to apply.

The paper procurement guideline recommends that agencies use minimum recovered materials content standards when purchasing paper and paper products. The guideline contains recommended minimum postconsumer content standards for newsprint, tissue products, unbleached packaging, and recycled paperboard. For printing and writing papers, however, EPA recommended "waste paper" minimum content standards because, at the time the guideline was issued, insufficient quantities of high grade papers were being produced with postconsumer content to satisfy procuring agencies' demand. "Waste paper" includes both postconsumer recovered materials and certain preconsumer recovered materials, such as converting scrap and printers' waste. It does not include materials generated during the papermaking process (e.g., mill broke).

On October 3, 1990, EPA published a **Federal Register** notice requesting information on the extent to which postconsumer materials were being used

in the manufacture of printing and writing papers and whether it would be feasible to recommend postconsumer content specifications for these grades (see 55 FR 40384). EPA also suggested that, if a postconsumer standard would not be feasible, perhaps an alternative "deinked fiber" standard could be established. "Deinked fiber" would be a broader category than postconsumer materials and would include all printed material, whether pre- or postconsumer. Over 60 comments were submitted in response to the October 1990 notice and are on file in the public docket (Docket reference number F–90–PGPP-FFFFF). Commenters included paper mills, wholesalers, trade associations, government agencies, and public interest groups.

In addition, over the past several years, a number of organizations have been evaluating the EPA paper procurement guidelines and their effectiveness in developing end-use markets for recovered paper. These groups have made numerous suggestions for possible revisions to the definitions and to the recommended minimum content standards included in the guideline. Among others, EPA has received suggestions from the American Paper Institute (recently renamed American Forest and Paper Association, or AFPA), the Recycling Advisory Council (RAC), the Paper Definitions Working Group (PDWG), and the Paper Recycling Coalition (PRC). These suggestions are on file in the docket for this forum (see **ADDRESSES** above).

EPA has become aware of a misconception that it might adopt one of these recommendations without first following public notice and comment procedures. This is not the case. In making revisions, EPA will follow its standard process of first proposing revisions; then, accepting and reviewing public comments; and finally, issuing final changes to the existing guideline. EPA wishes to emphasize that, in considering revisions to the existing guideline, it will make use of many sources of information, including the public comments submitted in response to the October 1990 **Federal Register** notice; comments received at the March 17 and 18, 1993 public forum; other comments submitted to the Agency; and its own research.

EPA recognizes that there are diverse opinions regarding revisions to the paper procurement guideline and believes that a public forum for expressing those opinions will be useful. Therefore, on September 28, 1992, EPA issued an advance notice that it would conduct a public forum (57 FR 44543). Today's notice announces the forum particulars.

B. Forum Goals and Format

EPA intends to invite to the public forum approximately 30 principals representing Federal, state, and local government purchasing agencies; paper manufacturers and related industries; private sector paper purchasers; and environmental and other public interest organizations. We anticipate that our careful selection of principals to participate in this forum will result in a reasonable cross section of diverse interests and opinions regarding if and how the Federal paper procurement guideline should be revised. Among others, representatives of the following organizations have been invited: American Society of Testing and Materials' Recycled Paper Subcommittee, AFPA, Congressional Joint Committee on Printing, Environmental Defense Fund, U.S. General Services Administration, U.S. Government Printing Office, National Association of State Purchasing Officials, National Recycling Coalition, PDWG, PRC, and RAC. (See Appendix A for a complete list of organizations to be represented.)

The public forum will be chaired by a professional facilitator, John McGlennon. The principals will be given an opportunity to make five-minute opening statements to articulate their views on possible revisions to the guideline and will then set the agenda for the remaining discussions. We expect that they then will discuss the options and issues that EPA should consider in revising its paper guideline, as well as suggestions for how those revisions could be incorporated into the guideline. EPA also will provide specified periods for other interested parties attending the forum to comment on the issues and options under consideration and voice their views regarding other issues EPA should consider.

EPA's goal in convening the forum is to (1) identify the full range of possible options for revising the paper procurement guideline and (2) understand the rationale for and likely impact of each option. EPA does not expect participants to reach consensus on the issues and options discussed.

EPA anticipates that, at a minimum, the following topics will be discussed:

- Should EPA focus only on printing and writing papers as outlined in the October 1990 **Federal Register** notice, or should the Agency reconsider the minimum content standards for all of the paper grades included in our guideline?
- What approach should EPA take if it decides to revise its minimum content standards—e.g., postconsumer only, deinked waste paper, a combination of total recycled content and postconsumer or deinked waste paper?
- How should recycled content be measured—by fiber weight only or by total weight of the product?
- Should estimates and certification of recycled content be based on specific production runs or should they be averaged over time? If the latter, over what period of time?
- The Federal government does not purchase, or purchases in small quantities, certain paper products such as lightweight coated groundwood. Although the affirmative procurement requirement under RCRA section 6002 applies only to government agencies and their contractors, should EPA provide guidance for use by private sector purchasers of these products in order to foster increased use of recovered materials in their manufacture?

C. Provisions for Written and Oral Comments

It is not necessary for participants to submit written statements before or during the public forum, although written comments will be accepted. EPA realizes that there are many and diverse opinions regarding revisions to the paper guideline. The Agency's goal in selecting principals for this forum was to obtain informed views from a representative range of interests. EPA wants to emphasize that all comments are welcome and to remind interested parties that there will be several opportunities to comment. The agenda for the public forum will include specified times set aside for attendees to express their views. Written comments can be submitted during the public comment period following publication in the **Federal Register** of proposed revisions to the paper guideline. In addition, written comments can be submitted to the Agency at any time.

Dated: February 12, 1993.

Jeffery D. Denit,

Acting Director, Office of Solid Waste.

Appendix A—List of Invitees

Federal Government

Joint Committee on Printing
General Services Administration
Government Printing Office
Office of Federal Procurement Policy
Office of Environmental Policy

State/Local Government

Michigan Dept. of Management & Budget
New York City Dept. of Sanitation, Recycling Office

Northeast Maryland Waste Disposal Authority
Wisconsin Dept. of Adminstration

Paper and Related Industries

American Forest and Paper Association
ASTM Recycled Paper Subcommittee
Conservatree Paper Company
Cross Pointe Paper Corp.
Fiber Options
Fort Howard Paper Company
Garden State Paper Company
International Paper Company
James River Corp.
Paper Recycling Coalition
Paper Stock Institute
P.H. Glatfelter Company
Proctor & Gamble
Scott Paper Company

Private Sector Purchasers

Magazine Publishers of America
Printing Industries of America

Public Interest

Environmental Defense Fund
National Recycling Coalition
Paper Definitions Working Group
Recycling Advisory Council

[FR Doc. 93-3987 Filed 2-19-93; 8:45 am]
BILLING CODE 6560-50-F

Noti

This sect
contains
proposed
public. No
committee
rulings, de
petitions
statement
examples
section.

DEPART

Federal

Cancella
Meeting

This n
25, 1993
Inspecti
announc
Federal

Dated:
David R.
Acting Ac
[FR Doc.
BILLING CO

Forest S

Interage

AGENCY:

ACTION:
prepare
statemer

SUMMARY
Bureau
revised
an envir
(EIS) to
vehicle
Inyo Na
Bishop
Mono a
and Mi
Nevada.
and is n
public r
addition
Monach
into the

FOR FUR
Direct q
action a
statemer
Recreati
873 Nor
93514-2

VOL 58 ISS 33 FE 22 1993 UMI

Notices

Federal Register
Vol. 58, No. 33
Monday, February 22, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Cancellation of Advisory Committee Meeting

This notice cancels the February 24–25, 1993, meeting of the Federal Grain Inspection Service Advisory Committee announced in the February 4, 1993, **Federal Register** (58 FR 7963).

Dated: February 17, 1993.

David R. Galliart,

Acting Administrator.

[FR Doc. 93–4060 Filed 2–19–93; 8:45 am]

BILLING CODE 3410–EN–M

Forest Service

Interagency Motor Vehicle Use Plan

AGENCY: Forest Service, USDA.

ACTION: Revised notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service and Bureau of Land Management have revised their joint proposal to prepare an environmental impact statement (EIS) to address the designation of motor vehicle use on National Forest lands, Inyo National Forest, and Public lands, Bishop Resource Area; Inyo, Madera, Mono and Tulare counties, California, and Mineral and Esmeralda counties, Nevada. The Draft EIS has been delayed and is not expected to be available for public review until May 1993. In addition, National Forest lands in the Monache area have been incorporated into the analysis.

FOR FURTHER INFORMATION CONTACT: Direct questions about the proposed action and environmental impact statement to Ernie DeGraff, Assistant Recreation Officer, Inyo National Forest, 873 North Main Street, Bishop, CA 93514–2494, phone 619–873–2400.

SUPPLEMENTARY INFORMATION: The Forest Service and Bureau of Land Management published a notice of intent to prepare an EIS in the **Federal Register** (55 FR 29645) on July 20, 1990, for a proposal to designate motor vehicle use on National Forest and Public lands. The Draft EIS was expected to be available for public review by July 1991, but its preparation has been delayed. It is now expected to be filed with the Environmental Protection Agency and available for public review in May 1993. At that time the EPA will publish a notice of availability of the Draft EIS in the **Federal Register**.

In addition, the area being analyzed by this proposal has been expanded to include the Monache area on the Mt. Whitney Ranger District. Originally a separate analysis was being conducted for the Monache area. The Forest Service published a notice of intent to prepare an EIS in the **Federal Register** (55 FR 53318) on December 28, 1990. The notice of intent for the Monache proposal is being cancelled. The analysis conducted to date has shown the Monache proposal to be similar enough to the Interagency Motor Vehicle Use Plan, that the two could be combined. Comments submitted by the public and other agencies, regarding the Monache area, will be incorporated into the Interagency Motor Vehicle Use Plan analysis.

Dated: February 12, 1993.

Dennis W. Martin,

Forest Supervisor.

[FR Doc. 93–3914 Filed 2–19–93; 8:45 am]

BILLING CODE 3410–11–M

Proposed Hazard Helicopter Timber Sale Within the French Creek/Patrick Butte Roadless Area, Payette National Forest, Idaho County, ID

AGENCY: Forest Service, USDA.

ACTION: Revised notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA Forest Service published a notice of intent to prepare an environmental impact statement (EIS) for proposed timber sales in the French Creek roadless area in the **Federal Register** on June 9, 1989 (Vol. 54, No. 110, pp. 24725–24726). That notice is hereby revised to show these changes: (1) Prepare separate EIS's for each proposed timber sale, (2) name of the EIS's, and (3) the schedule of the EIS's.

1. This notice of intent is for the proposed Hazard Helicopter timber sale which is one of six proposed timber sales within the French Creek/Patrick Butte Roadless Area. All six proposed sales are being analyzed by one interdisciplinary team.

2. This notice of intent covers the proposed Hazard Helicopter timber sale. Separate NOI revisions will appear in the **Federal Register** covering the other 5 proposed sales. They are the Fourmile, Freight Landing, French Creek, Jenkins, and Lower Elkhorn timber sales.

3. Public scoping has included several public meetings and written comments. The DEIS is scheduled to be released for public comments in March or April of 1993 and a FEIS to be released in June or July of 1993.

ADDRESSES: Send written comments to David Alexander, Forest Supervisor, Payette National Forest, P.O. Box 1026, McCall, Idaho 83638.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action should be directed to Mike Balboni, Team Leader, phone (208) 634–0629; or David Spann, District Ranger, phone (208) 347–2141.

SUPPLEMENTARY INFORMATION: The USDA Forest Service is proposing to re-construct roads, harvest and regenerate timber in the Hazard Helicopter timber sale area. This sale lies partially within the French Creek/Patrick Butte Roadless Area, Idaho County, Idaho. Within the proposed sale area, drainages include Hazard and Hard Creeks which are tributaries to the Little Salmon River.

Preliminary issues include effects on roadless characteristics, water quality, fisheries, biological diversity, and economics.

Preliminary alternatives being considered include no action, helicopter logging, intermediate harvest prescriptions, limited clearcutting, road re-construction, and no new road construction.

The Responsible Official is David F. Alexander, Forest Supervisor, Payette National Forest.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the

Federal Register. It is very important that those interested in this proposed action participate at that time. To be the most helpful, comments on the draft environmental impact statement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon* v. *Hodel* (9th Circuit, 1986), and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final.

Dated: February 11, 1993.

Gene Benedict,

Acting Forest Supervisor

[FR Doc. 93–3979 Filed 2–19–93; 8:45 am]

BILLING CODE 3410–11–M

Packers and Stockyards Administration

Amendment to Certification of Central Filing System—Oklahoma

The Statewide central filing system of Oklahoma has been previously certified, pursuant to section 1324 of the Food Security Act of 1985, on the basis of information submitted by Hannah D. Atkins, Secretary of State, for farm products produced in that State (52 FR 49056, December 29, 1987).

The certification is hereby amended on the basis of information submitted by John Kennedy, Secretary of State, for an additional farm product produced in that State as follows:

Buffalo

This is issued pursuant to authority delegated by the Secretary of Agriculture.

Authority: Sec. 1324(c)(2), Pub. L. 99–198, 99 Stat. 1535, 7 U.S.C. 1631(c)(2); 7 CFR 2.18(e)(3), 2.56(a)(3), 55 FR 22795.

Dated: February 16, 1993.

Calvin W. Watkins,

Acting Administrator, Packers and Stockyards Administration.

[FR Doc. 93–3994 Filed 2–19–93; 8:45 am]

BILLING CODE 3410–KD–M

Proposed Posting of Stockyards

The Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act (7 U.S.C. 202), and should be made subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*).

LA–143 Kinder Livestock Auction, Kinder, Louisiana

MN–189 All Phase Arena, Inc., Spring Grove, Minnesota

Pursuant to the authority under section 302 of the Packers and Stockyards Act, notice is hereby given that it is proposed to designate the stockyards named above as posted stockyards subject to the provisions of said Act.

Any person who wishes to submit written data, views or arguments concerning the proposed designation may do so by filing them with the Director, Livestock Marketing Division, Packers and Stockyards Administration, room 3408-South Building, U.S. Department of Agriculture, Washington, DC 20250 by March 3, 1993.

All written submissions made pursuant to this notice will be made available for public inspection in the office of the Director of the Livestock Marketing Division during normal business hours.

Done at Washington, DC, this 16th day of February, 1993.

Harold W. Davis,

Director, Livestock Marketing Division.

[FR Doc. 93–4030 Filed 2–19–93; 8:45 am]

BILLING CODE 3410–KD–M

Posting of Stockyards

Pursuant to the authority provided under section 302 of the Packers and Stockyards Act (7 U.S.C. 202), it was ascertained that the livestock markets named below are stockyards as defined by section 302(a). Notice was given to the stockyard owners and to the public as required by section 302(b), by posting notices at the stockyards on the dates specified below, that the stockyards are subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*).

Facility No., name and location of stockyard	Date of posting
MO–274 Osborn Livestock Auction, Osborn, Missouri.	January 28, 1993.

Done at Washington, DC, this 16th day of February, 1993.

Harold W. Davis,

Director, Livestock Marketing Division, Packers and Stockyards Administration.

[FR Doc. 93–4031 Filed 2–19–93; 8:45 am]

BILLING CODE 3410–30–M

Soil Conservation Service

Town Fork Creek Watershed; Stokes and Forsyth Counties, NC

AGENCY: The United States Department of Agriculture, Soil Conservation Service.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council of Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, United States Department of Agriculture gives notice that an environmental impact statement is not being prepared for the Town Fork Creek Supplemental Watershed Agreement No. 9 and Supplemental Work Plan, Stokes and Forsyth Counties, North Carolina.

FOR FURTHER INFORMATION CONTACT: Coy Garrett, State Conservationist, Soil Conservation Service, 4405 Bland Road, Suite 205, Raleigh, North Carolina 27609, Telephone (919) 790–2888.

SUPPLEMENTARY INFORMATION: The Environmental Assessment of this Federally assisted action indicates that the project will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Coy A. Garrett, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The supplemental watershed agreement and supplemental watershed plan addresses the removal of Structure No. 9 and No. 11A from the plan, the addition of multiple-purpose Structure No. 11B, and the impacts associated with its construction and operation.

The Notice of A Finding of No Significant Impact (FONSI) has been forwarded to the Environmental

Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Coy Garrett.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local officials)

Dated: February 9, 1993.

Coy A. Garrett,

State Conservationist.

[FR Doc. 93–4043 Filed 2–19–93; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

[A–201–808]

Postponement of Final Antidumping Duty Determination: Certain Corrosion-Resistant Carbon Steel Flat Products From Mexico

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce

ACTION: Notice.

EFFECTIVE DATE: February 22, 1993.

FOR FURTHER INFORMATION CONTACT: N. Gerard Zapiain or Robin Gray, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3793.

POSTPONEMENT OF FINAL DETERMINATION: Industrias Monterrey, S.A. de C.V (IMSA), the only respondent in this proceeding, represents a significant proportion of exports of corrosion-resistant carbon steel flat products (corrosion-resistant steel) from Mexico to the United States. On February 4, 1993, IMSA requested that the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determination, in accordance with section 735(a)(2) of the Tariff Act of 1930, as amended (the Act).

Pursuant to 19 CFR 353.20(b), if exporters who account for a significant proportion of exports of the merchandise under investigation request an extension subsequent to an affirmative preliminary determination, we are required, absent compelling reasons to the contrary, to grant the request. Such is the case with IMSA in this proceeding. Accordingly, we are postponing our final determination as to whether sales of corrosion-resistant steel from Mexico have been made at less than fair value until not later than June 21, 1993.

This notice is published pursuant to section 735(d) of the Act and 19 CFR 353.20(b)(2).

Dated: February 12, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–3976 Filed 2–19–93; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–588–824, A–588–825, and A–588–826]

Postponement of Final Antidumping Duty Determination: Certain Hot-Rolled, Cold-Rolled, and Corrosion-Resistant Carbon Steel Flat Products From Japan

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice.

EFFECTIVE DATE: February 22, 1993.

FOR FURTHER INFORMATION CONTACT: Jonathan Freilich, Stephen Jacques, or James Rice, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3793.

POSTPONEMENT OF FINAL DETERMINATION: NKK Steel Corporation (NKK), and Nippon Steel Corporation (Nippon) two respondents in this proceeding, represent a significant proportion of exports of certain hot-rolled carbon steel flat products (hot-rolled steel), certain cold-rolled carbon steel flat products (cold-rolled steel) and certain corrosion-resistant steel products (corrosion-resistant steel) from Japan to the United States. On February 2, 1993, NKK requested that the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determination, in accordance with section 735(a)(2) of the Tariff Act of 1930, as amended (the Act). On February 4, 1993, Nippon submitted a similar request to the Department.

Pursuant to 19 CFR 353.20(b), if exporters who account for a significant proportion of exports of the merchandise under investigation request an extension subsequent to an affirmative preliminary determination, we are required, absent compelling reasons to the contrary, to grant the request. NKK and Nippon together account fir a significant proportion of exports under investigation in this proceeding. Accordingly, we are postponing our final determination as to whether sales of hot-rolled, cold-rolled, and corrosion-resistant steel from Japan have been made at less than fair value until not later than June 21, 1993.

This notice is published pursuant to section 735(d) of the Act and 19 CFR 353.20(b)(2).

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–3983 Filed 2–19–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–122–050]

Racing Plates (Aluminum Horseshoes) From Canada; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Final results of administrative review of antidumping finding.

SUMMARY: On November 23, 1992, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on racing plates (aluminum horseshoes) from Canada. The review covers one manufacturer/exporter of this merchandise to the United States, Equine Forgings Limited, and the period February 1, 1991 through January 31, 1992.

We gave interested parties the opportunity to comment on the preliminary results; we received no comments. The final results of review are unchanged from the preliminary results, in which we determined the dumping margin to be 0.04 percent for Equine Forgings Limited.

EFFECTIVE DATE: February 22, 1993.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein, Anne D'Alauro, or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230;

telephone: (202) 482–0984, (202) 482–1487, or (202) 482–2786, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 23, 1992, the Department of Commerce (the Department) published in the **Federal Register** (57 FR 54970) the preliminary results of its administrative review of the antidumping finding on racing plates (aluminum horseshoes) from Canada (39 FR 7579; February 27, 1974). The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by the review are shipments of racing plates (horseshoes) that are made of aluminum, may have cleats or caulks, and come in a variety of sizes. They are used on race horses, polo, jumping, hunting and other performing horses, as differentiated from pleasure and work horses. During the review period, such merchandise was classifiable under Harmonized Tariff Schedule (HTS) item number 7616.90.00. The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

The review covers one manufacturer/exporter of Canadian aluminum racing plates, Equine Forgings Limited, and the period February 1, 1991 through January 31, 1992.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. We received no comments.

Final Results of Review

The final results remain the same as those published in the preliminary results. As a result of our comparison of United States price to foreign market value (FMV), we determine that the following margin exists for the period February 1, 1991 through January 31, 1992:

Manufacturer/exporter	Margin (percent)
Equine Forgings Limited	0.04

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and FMV may vary from the percentage stated above. The Department will issue appraisement instructions for this exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse for consumption, on or after the publication date, as provided by section 751(a)(1) of the Act:

(1) The cash deposit rate for the reviewed company will be zero, because the rate outlined above is *de minimis;*

(2) For previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period;

(3) If the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and

(4) The cash deposit rate for all other manufacturers or exporters will be zero. This rate represents the highest rate for any firm with shipments in this administrative review, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until the publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22 (1992).

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–3981 Filed 2–19–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–580–601]

Certain Stainless Steel Cooking Ware From the Republic of Korea; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On May 28, 1992, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on certain stainless steel cooking ware from the Republic of Korea. The review covers three manufacturers/exporters of the subject merchandise to the United States and the review period July 7, 1986 through December 31, 1987. We have now completed that review and determine the weighted-average dumping margins to range from 0.88 to 31.23 percent *ad valorem*.

EFFECTIVE DATE: February 22, 1993.

FOR FURTHER INFORMATION CONTACT: Anne D'Alauro or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On May 28, 1992, Department of Commerce (the Department) published in the **Federal Register** (57 FR 22458), the preliminary results of its administrative review of the antidumping duty order on certain stainless steel cooking ware from the Republic of Korea (52 FR 2139; January 20, 1987). We have now completed that review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Review

Imports covered by this review are shipments of certain Korean stainless steel cooking ware. During the review period, such merchandise was classifiable under Tariff Schedules of the United States Annotated (TSUSA) item number 653.94. This merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 7323.93.00 and 9604.00.00. The products covered by this order are skillets, frying pans, omelette pans, saucepans, double boilers, stock pots, dutch ovens, casseroles, steamers, and others stainless steel vessels, all for cooking on stove top burners except tea kettles and fish poachers. Excluded from the scope is stainless steel kitchen ware. The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers three manufacturers/exporters of the subject merchandise to the United States and

the period July 7, 1986 through December 31, 1987. One manufacturer, Dae Sung Industrial Co., Ltd., failed to respond to the Department's questionnaire. As a result, we used best information available (BIA) for that manufacturer. As BIA, we used the highest margin for any company in the original investigation of 31.23 percent.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received case and rebuttal briefs from the petitioner, the Fair Trade Committee of the Cookware Manufacturers Association, and two respondents, Kyung Dong Industrial Co., Ltd. (Kyung Dong) and Namil Metal Ltd. (Namil).

Comment 1: The petitioner states that many of the comparisons made between similar home market/third country merchandise and U.S. merchandise had difference in merchandise (difmer) adjustments in excess of 20 percent of the cost of manufacturing the U.S. merchandise. Pursuant to 19 U.S.C. 1677(16)(C)(iii), the Department has adopted a guideline to identify similar merchandise which may reasonably be compared to the subject merchandise sold in the United States. Any merchandise that requires a difmer adjustment above 20 percent of the cost of manufacturing the U.S. product is not considered a reasonable comparison. In Final Determination of Sales At Less Than Fair Value; Certain Small Business Telephone Systems and Subassemblies Thereof from Korea (54 FR 53145; December 27, 1989), the Department stated that if found it necessary to adopt a 20 percent guideline in order to minimize the effect of certain distortions created in calculating a difmer adjustment of greater than 20 percent.

The petitioner argues that the Department should follow its normal practice and limit the use of similar merchandise in making price comparisons to those comparisons where the difmer adjustment is less than or equal to 20 percent of the cost of manufacturing the U.S. merchandise. See, e.g., Tapered Roller Bearings Four Inches or Less in Outside Diameter and Certain Components Thereof from Japan; Final Results of Antidumping Duty Administrative Review, (55 FR 38720; September 20, 1990) and Cellular Mobile Telephones and Subassemblies from Japan; Final Results of Antidumping Duty Administrative Review, (55 FR 29395; July 19, 1990). For those comparisons where the difmer adjustment exceeds 20 percent of the cost of manufacturing the U.S. merchandise, the Department should use constructed value (CV) as the basis for determining foreign market value (FMV).

The petitioner further argues that, even if the Department decides not to use CV for all comparisons of cooking ware pieces involving a greater than 20 percent difmer, CV should be used at a minimum for those comparisons involving Namil's sales of cooking ware sets. For the preliminary results of review, third country sets were compared to sets sold in the United States because Namil did not provide data on the individual pieces within the set. The sets sold in each market, however, differ for many reasons, including the number and types of cooking ware items in each set. These differences between such sets conflict with the rationale behind the Department's previous allowance of a greater than 20 percent difmer in the 1989 review of this order where, in most instances, a specific material cost difference existed between otherwise identical or nearly identical products. (See Final Results of Antidumping Duty Administrative Review: Certain Stainless Steel Cooking Ware from the Republic of Korea (55 FR 38114; August 12, 1991) (hereinafter, Final Results of Cooking Ware from Korea)).

Respondents believe the Department has the authority to continue using the same product comparisons used in the preliminary results, and as were used in the 1989 review, but do not object to the use of a properly calculated CV for comparision purposes.

Department's Position: We agree with the petitioner. When comparing sales of similar merchandise, the Department has established practices for determining when and how to quantify adjustments for differences in merchandise. Under these practices, the Department normally does not consider merchandise to be reasonably comparable if the difmer adjustment is greater than 20 percent of the cost of manufacturing the product sold in the United States. Since we have the necessary information to use CV as the basis of FMV in accordance with Department practice, we have incorporated this change in our final results of this review.

Comment 2: The petitioner questions the amount calculated for Namil's selling, general, and administrative (SG&A) expenses used in their cost of production and CV. First, the petitioner questions the exclusion of certain direct expenses from SG&A. Petitioner states that, because Namil offers no rational justification for excluding any selling expenses from SG&A, the Department should include these direct selling expenses in their SG&A. Second, the Department should not allow Namil to offset their interest expenses with interest income or foreign exchange gains. Since there is no evidence on the record from which the Department can determine the allowable offsetting amoung specific to short-term interest income, the Department should not permit any offset for interest income. It is also established Department practice to adjust general interest expense only for foreign exchange gains or losses specifically related to the cost of manufacturing the subject merchandise (*e.g.*, Final Results of Antidumping Duty Review: Fresh Cut Flowers from Colombia (56 FR 32169; July 15, 1991)). Finally, contrary to Department practice, Namil incorrectly allocated its SG&A expenses by the cost of goods manufactured rather than the cost of goods sold (See Final Determination of Sales at Less than Fair Value: Certain Small Business Telephones Systems and Sabassemblies Thereof from Taiwan (54 FR 42543; October 17, 1989)).

Petitioner also notes that, to the extent that a recalculated amount is used for SG&A which exceeds the ten percent statutory minimum for general expenses that was used in Namil's CV for the preliminary results, Namil's actual SG&A amount should be used in the calculation of Namil's CV in the final results.

Department's Position: We agree in part with the petitioner. With the exception of two items, the direct selling expenses excluded from Namil's SG&A calculation are movement expenses. Since movement expenses are properly excluded from SG&A in deriving an ex-factory cost or CV comparison, no adjustment to Namil's SG&A is required for such expenses. For the two direct selling expenses which are not movement expenses, we have included these expenses in the recalculated SG&A used in these final results. We agree with the petitioner's additional comments about established Department practice, the reasons for which have been explained in the cases cited, regarding limiting offsets for interest income to short-term interest income, limiting foreign exchange gains/losses to those related to the cost of producing the subject merchandise, and preferring to allocate SG&A by the cost of goods sold. We followed the established practice for each of these items in calculating Namil's SG&A used in determining its cost of producing the subject merchandise. However, since these combined changes did not cause Namil's SG&A to exceed ten percent of its cost of manufacturing, we continued

to use the statutory ten percent minimum for general expenses in CV.

Comment 3: The petitioner states that the Department should use the highest margin calculated for any U.S. sale for each respondent as its choice of BIA for those U.S. sales for which no model match information was provided. In its preliminary results, the Department instead used the dumping margins found in the original investigation for Namil's and Kyung Dong's missing foreign market value information. Petitioner contends that the Department's choice is inappropriate and, consistent with the Final Results of Cooking Ware from Korea, the Department should apply the highest margin found on any U.S. sale to unmatched sales.

Department's Position: We disagree. Kyung Dong and Namil cooperated with the Department throughout this review, although both companies failed to supply foreign market value information for certain of their U.S. sales. The Department has, therefore, followed the hierarchy which was established in Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof from France, et al.; Final Results of Antidumping Duty Administrative Review (57 FR 28360; June 24, 1992), which would apply in instances of partial BIA. Specifically, the Department used the higher of the company's rate from the original fair value investigation or the highest calculated rate for a company in this review as the rate assigned to unmatched sales. The Department's use of the highest margin found on any U.S. sale in Final Results of Cooking Ware from Korea was appropriate in that review since this was used as its choice of BIA for Namil's unreported sales discovered at verification.

Comment 4: The petitioner asserts that either CV or BIA should be used when there is no contemporaneous sale found for comparison purposes. Although for most price-to-price comparisons the Department used home market sales that were contemporaneous with the U.S. sale, the Department looked outside the contemporaneous period to obtain a match for a small number of residual unmatched U.S. sales. This methodology, they argue, is contrary to the antidumping statute and the Department's practice regarding contemporaneity. Therefore, the Department should either use CV as the basis of FMV for these sales comparisons or, in the absence of CV information, should use BIA.

Department's Position: We agree with the petitioner. After exhausting all contemporaneous above cost price-to-price matches for U.S. sales followed by all CV matches, a small number of unmatched U.S. sales remained. For those U.S. sales for which no corresponding home market sales within the contemporaneous window or CV data were provided, we applied BIA as described in our response to Comment 3 above.

Comment 5: Respondents comment that the dumping rates from the original fair value investigation used in this review for unmatched sales were subsequently corrected by the Department. The rates used by the Department do not reflect this subsequent correction for clerical errors. Respondents request that the Department revise the rates used for unmatched sales to reflect the accurate rates established in the original less-than-fair-value investigation.

Department's Position: We agree and have revised our calculations accordingly. However, given this change, we have used the highest calculated rate in this review (*i.e.*, that of Kyung Dong) as the rate for Namil's unmatched sales since that rate now exceeds Namil's rate from the amended less-than-fair-value determination.

Final Results of Review

As a result of our review, we determine the weighted-average dumping margins to be:

Manufacturer/exporter	7/7/86–12/31/87 margin (percent)
Kyung Dong	2.95
Namil Metal	0.88
Dae Sung	31.23

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States price and FMV may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies (other than Namil Metal) will be those outlined above; (2) because Namil Metal was the only company reviewed during a subsequent (January 1, 1989 through December 31, 1989) administrative review, the cash deposit rate for Namil Metal will remain at 1.69 percent which was established in that administrative review (See Final Results of Cooking Ware from Korea); (3) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (4) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (5) the cash deposit rate for all other manufacturers or exporters will be 1.69 percent, the "all other" rate established in the final results of the administrative review of the more recent period. *Id.*

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certification regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with sections 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22 (1992).

Dated: February 10, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–3984 Filed 2–19–93; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title and Applicable OMB Control Number: Marine Corps Advertising Awareness and Attitude Tracking Study; OMB Number 0704–0155.

Type of Request: Expedited Submission—Approval Date Requested: 30 days after publication in the **Federal Register.**

Average Burden Hours/Minutes per Response: 21 minutes.

Responses per Respondent: 1.

Number of Respondents: 900.

Annual Burden Hours: 315.

Annual Responses: 900.

Needs and Uses: The Marine Corps Advertising Awareness and Attitude Tracking Study is used to measure the effectiveness of current Marine Corps advertising campaigns, and to plan future advertising campaigns.

Affected Public: Individuals or households.

Frequency: One-time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DoD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302.

Dated: February 16, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–3975 Filed 2–19–93; 8:45 am]

BILLING CODE 3810–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4599–6]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Federal Test Procedure (FTP) Modifications

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of an Environmental Protection Agency (EPA) status report summarizing the current status of the Agency's review of the Federal Test Procedure for measurement of motor vehicle emissions. This review was mandated by section 206(h) of the Clean Air Act (Act).

DATES: The status report has been released and is currently available to the public.

ADDRESSES: Materials relevant to this study are contained in Docket No. A–92–64. The docket is located at the Air Docket Room, room M–1500, Waterside Mall, 401 M Street SW., Washington, DC 20460. The docket may be inspected between the hours of 8:30 a.m. to 12 noon and from 1:30 to 3:30 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: John German, Certification Division, U.S. Environmental Protection Agency, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan, 48105. Telephone (313) 668–4214.

SUPPLEMENTARY INFORMATION: Section 206(h) of the Act requires EPA to "review and revise as necessary" the regulations governing the Federal Test Procedure (FTP) to "insure that vehicles are tested under circumstances which reflect the actual current driving conditions under which motor vehicles are used, including conditions relating to fuel, temperature, acceleration, and altitude." The status report describes regulatory actions the Agency has taken, or is in the process of developing, addressing fuel, temperature, and altitude. However, a review of the FTP with respect to acceleration, as well as several other areas under investigation by EPA, requires knowledge of the manner in which motor vehicles are currently operated. For driving conditions such as vehicle speed, acceleration, road grade, and time spent in warm-up modes, adequate quantifiable information did not exist when EPA initiated its review of the FTP. The status report describes several large scale data collection and analysis efforts undertaken by the Agency to assess in-use driving behavior and its impact on motor vehicle emissions.

While these efforts are still ongoing, the Agency has at this time completed and released a status report summarizing the relevant studies and analyses to date. This report is available to the public and may be inspected in the public docket, No. A–92–64, at the address provided in **ADDRESSES**. Copies may also be obtained by sending a written request to the contact person listed above. In addition, the report may be viewed at Regional EPA Air Offices. Duplication services at these facilities may be limited.

Dated: February 11, 1993.

Michael H. Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 93–4014 Filed 2–19–93; 8:45 am]

BILLING CODE 6560–50–P

[FRL–4599–5]

Science Advisory Board Environmental Engineering Committee Open Meeting

March 2–4, 1993.

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Science Advisory Board's (SAB's) Environmental Engineering Committee (EEC), will conduct a planning, coordination and review meeting on Tuesday, March 2 through Thursday, March 4, 1993. The meeting will be at the Washington Circle Hotel, One Washington Circle, Washington, DC 20037 (telephone number is (202) 872–1680). On Tuesday, March 2, 1993 and Wednesday, March 3, 1993 the EEC will meet at 9 a.m. and adjourn no later than 6 p.m. On Thursday, March 4, 1993 the EEC will meet starting at 8:30 a.m. and will adjourn no later than 4 p.m. The meeting is open to the public and seating will be on a first come basis.

At this meeting, the EEC will: (a) Be briefed on the results of the Radon Engineering Cost Subcommittee's (RECS) (of the SAB's Drinking Water Committee) review of February 8, 1993; (b) conduct a review of a draft report of the EEC's Modeling Project Subcommittee (MPS) pertaining its January 14 and 15, 1993 review of the Office of Solid Waste and Emergency Response (OSWER) assessment framework on ground-water modeling (See **Federal Register** notice Vol. 58, No. 1, Monday, January 4, 1993); (c) conduct a consultation on aqueous pathways ground-water modeling for radioactive wastes; (d) review the Agency's strategic plan for ground-water remediation at Superfund sites; and (e) review draft Agency guidance for conducting external peer review of environmental regulatory modeling prepared by the Agency-wide Task Force on Environmental Regulatory Modeling (ATFERM). The EEC will also receive a briefing from the Chemical Emergency Preparedness and Prevention Office (CEPPO) staff on the status of the Agency's Hydrogen Fluoride Report to Congress, with focus on the Agency's findings and recommendations. As time permits, the EEC will also discuss upcoming reviews for the remainder of Fiscal Year 1993. The charge for review of the ATFERM's draft guidance for conducting a peer review of model application and development will focus on examination of the overall approach to ensure that all topics relevant to peer review of modeling are considered in the guidance. The charge for review of OSWER's strategic plan for ground-

VOL 58 ISS 33 FE 22 1993 UMI

water remediation at Superfund sites will focus on a review of guidance focused on cleanup of contaminated ground-water, including the generic problem of removal of nonaqueous phase liquids (NAPL's).

Anyone wishing copies of the draft documents prepared by the Agency's program offices which are reviewed by the SAB should directly contact the program office responsible for that document. For OSWER's document entitled "Assessment Framework for Ground-Water Model Applications," please contact Ms. Mary Lou Melley of OSWER's Information Management Staff at (202) 260–6860. For OSWER's document pertaining to the strategic plan for ground-water remediation at Superfund Sites, please contact Mr. Kenneth A. Lovelace of OSWER's Hazardous Waste Management Division (HWMD) at (703) 603–8787. For a copy of the Agency's draft guidance for conducting external peer review of environmental regulatory modeling, please contact Dr. Michael P. Firestone, Science Advisor in the Office of Pollution Prevention and Toxic Substances (OPPTS), at (202) 260–2897. The SAB's report on Hydrogen Fluoride (EPA–SAB–EEC–93–004, dated December 9, 1992) may be obtained directly from the SAB, by calling (202) 260–4126, and requesting this report by its number. The report may also be obtained by writing to the following address: U.S. Environmental Protection Agency; Science Advisory Board (A–101); 401 M Street, SW.; Washington, DC 20460.

Any member of the public wishing further information, such as a proposed agenda on the meeting should contact Dr. K. Jack Kooyoomjian, Designated Federal Official, or Mrs. Diana L. Pozun, Staff Secretary, Science Advisory Board (A–101–F), U.S. Environmental Protection Agency, Washington, DC 20460. Phone: (202) 260–6552 or FAX (202) 260–7116. At this time, there are no draft SAB reports on any of the above review topics available to the public. Members of the public who wish to make a brief oral presentation should contact Dr. Kooyoomjian no later than February 26, 1993 in order to have time reserved on the agenda. The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. In general, each individual or group making an oral presentation will be limited to a total time of five minutes. Written comments received by the SAB by February 22, 1993 may be mailed to the SAB's EEC prior to the meeting; comments received after that date will be provided to the EEC at the meeting. Written comments of any length (at least 35 copies) may be provided to the Subcommittee up until the meeting.

Dated: February 5, 1993.

A. Robert Flaak,

Acting Staff Director, Science Advisory Board.

[FR Doc. 93–4013 Filed 2–19–93; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of December 22, 1992

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on December 22, 1992.[1] The Directive was issued to the Federal Reserve Bank of New York as follows:

The information reviewed at this meeting suggests that economic activity has been rising appreciably in the current quarter. Total nonfarm payroll employment has increased slightly since September, and the average workweek has moved higher. The civilian unemployment rate fell further in November to 7.2 percent. Industrial production posted solid gains in October and November. Retail sales increased sharply in October and rose further in November. Residential construction activity appears to have increased from the third-quarter pace. Indicators of business fixed investment have been mixed recently, but on balance they suggest further growth. The nominal U.S. merchandise trade deficit narrowed somewhat in October from its average rate in the third quarter. Recent data on wages and prices suggest on balance a possible slowing in the trend toward lower inflation.

Changes in short-term interest rates have been mixed since the Committee meeting on November 17 while bond yields have edged lower. In foreign exchange markets, the trade-weighted value of the dollar in terms of the other G-10 currencies was essentially unchanged on balance over the intermeeting period.

Over the course of recent months, M2 has expanded at a moderate pace, while M3 has continued to expand at a very slow rate. More recently, both aggregates have weakened somewhat. Both appear to have grown at rates a little below the lower ends of the ranges established by the Committee for the year.

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability and promote sustainable growth in output. In furtherance of these objectives, the Committee at its meeting on June 30-July 1 reaffirmed the ranges it had established in February for growth of M2 and M3 of 2-1/2 and 6-1/2 percent and 1 to 5 percent respectively, measured from the fourth quarter of 1991 to the fourth quarter of 1992. The Committee anticipated that developments contributing to unusual velocity increases could persist in the second half of the year. The monitoring range for growth of total domestic nonfinancial debt also was maintained at 4-1/2 to 8-1/2 percent for the year. For 1993, the Committee on a tentative basis set the same ranges as in 1992 for growth of the monetary aggregates and debt measured from the fourth quarter of 1992 to the fourth quarter of 1993. The behavior of the monetary aggregates will continue to be evaluated in the light of progress toward price level stability, movements in their velocities, and developments in the economy and financial markets.

In the implementation of policy for the immediate future, the Committee seeks to maintain the existing degree of pressure on reserve positions. In the context of the Committee's long-run objectives for price stability and sustainable economic growth, and giving careful consideration to economic, financial, and monetary developments, slightly greater reserve restraint or slightly lesser reserve restraint would be acceptable in the intermeeting period. The contemplated reserve conditions are expected to be consistent with M2 growing at a rate of around 1-1/2 percent and M3 about unchanged in the period from November through March.

By order of the Federal Open Market Committee, February 12, 1993.

Normand Bernard,

Deputy Secretary, Federal Open Market Committee.

[FR Doc. 93–3991 Filed 2–19–93; 8:45 am]

BILLING CODE 6210-01-F

[1] Copies of the Record of policy actions of the Committee for the meeting of December 22, 1992, are available upon request to The Board of Governors of the Federal Reserve System, Washington, DC 20551.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Public Meeting on the Clinical Practice Guideline for Cardiac Rehabilitation With the National Heart, Lung, and Blood Institute

The Agency for Health Care Policy and Research (AHCPR) and the National Heart, Lung, and Blood Institute (NHLBI) announce that a public meeting will be held for interested parties to present comments and information pertaining to the development of the clinical practice guideline for cardiac rehabilitation. The guideline is being developed by a non-profit contractor of AHCPR with the assistance of a panel of health care experts and consumers.

A Notice announcing that AHCPR and NHLBI were interested in awarding three contracts for development of clinical practice guidelines on diagnosis

and treatment of chest pain due to unstable angina, cardiac rehabilitation, and diagnosis and management of cardiac dysrhythmias was published in the **Federal Register** on May 18, 1992 (57 FR 21118). That notice invited nominations, on behalf of the contractors, for panels of experts and consumers to assist in the development of the guidelines. To date, AHCPR has awarded two contracts, unstable angina and cardiac rehabilitation.

A public meeting to address the guideline for cardiac rehabilitation and to provide an opportunity for interested parties to contribute relevant information and comments will be held as follows:

Friday, April 23, 1993, From: 9 a.m. to 12 noon. Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202. 703–418–1234.

Background

The Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101–239) added a new title IX to the Public Health Service Act (the Act), which established the Agency for Health Care Policy and Research (AHCPR) to enhance the quality, appropriateness, and effectiveness of health care services, and access to such services (See 42 U.S.C. 299–299c–6 and 1320b–12). The Agency for Health Care Policy and Research Reauthorization Act of 1992 (Pub. L. 102–410)—enacted on October 13, 1992, amended certain provisions of the Act.

In keeping with its legislative mandate, AHCPR is arranging for the development and periodic review and updating of clinically relevant guidelines that may be used by physicians, educators, other health care practitioners, and consumers to assist in determining how diseases, disorders, and other health conditions can most effectively and appropriately be prevented, diagnosed, treated, and managed clinically.

Section 912 of the Act (42 U.S.C. 299b–1(b)), as amended by Public Law 102–410, requires that the guidelines:

1. Be based on the best available research and professional judgment;
2. Be presented in formats appropriate for use by physicians, other health care practitioners, medical educators, medical review organizations, and consumers;
3. Be presented in treatment—specific or condition—specific forms appropriate for use in clinical practice, educational programs, and reviewing quality and appropriateness of medical care.
4. Include information on the risks and benefits of alternative strategies for prevention, diagnosis, treatment, and management of the particular health condition(s); and
5. Include information on the costs of alternative strategies for prevention, diagnosis, treatment, and management of the particular health condition(s), where cost information is available and reliable.

Section 914 of the Act (42 U.S.C. 299b–3(a)), as amended by Public Law 102–410, identifies factors to be considered in establishing priorities for guidelines, including the extent to which the guidelines would:

1. Improve methods for disease prevention;
2. Improve methods of diagnosis, treatment, and clinical management for the benefit of a significant number of individuals;
3. Reduce clinically significant variations among clinicians in the particular services and procedures utilized in making diagnoses and providing treatments;
4. Reduce clinically significant variations in the outcomes of health care services and procedures; and
5. Affect costs associated with the prevention, diagnosis, treatment, or management of the condition(s).

Also, in accordance with title IX of the PHS Act and section 1142 of the Social Security Act, the Administrator is to assure that the needs and priorities of the Medicare program are reflected appropriately in the agenda and priorities for development of guidelines.

Among the general purposes of the National Heart, Lung and Blood Institute (NHLBI) is the conduct of research, training, and information dissemination with respect to heart disease (Sec. 418 and Sec. 420 of the PHS Act, 42 U.S.C. 285b and 285b–2). Though primarily responsible for the support of biomedical research, NHLBI has been actively engaged during the past twenty years in patient and professional education. NHLBI has been instrumental in coordinating the development of numerous, professionally oriented clinical guidelines, including the "Joint National Committee Reports on the Detection, Evaluation, and Treatment of High Blood Pressure," and the "Report of the Expert Panel on Detection, Evaluation, the Treatment of High Blood Cholesterol in Adults." Neither NHLBI nor AHCPR has previously developed clinical guidelines on cardiac rehabilitation. Both are collaborating in this effort as a result of mutual commitment to the importance of this topic and the need for developing explicit guidelines, medical review criteria, standards of quality, and performance measures for cardiac rehabilitation.

Arrangements for the April 23, 1993 Public Meeting on Cardiac Rehabilitation

Representatives of organizations and other individuals are invited to provide relevant written comments and information and make a brief (5 minutes or less) oral statement to the panel. Individuals and representatives who would like to attend must register by April 2, 1993, with the American Association of Cardiovascular and Pulmonary Rehabilitation, the AHCPR non-profit contractor developing the guideline, at the address set out below, and indicate whether they plan to make an oral statement. A copy of the oral statement, comments, and information should be submitted to the American Association of Cardiovascular and Pulmonary Rehabilitation by April 2, 1993. If more requests to make oral statements are received than can be accommodated between 9 a.m. and 12 noon on April 23, 1993, the chairperson will allocate speaking time in a manner which ensures, to the extent possible, that a range of views of health care professionals, consumers, product manufacturers, and pharmaceutical manufacturers is presented. Those who cannot be granted their requested speaking time because of time constraints are assured that their written comments will be considered in developing the guidelines.

If sign language interpretation, or other reasonable accommodations for disability, is needed, please contact the American Association of Cardiovascular and Pulmonary Rehabilitation by April 2, 1993, at the address below.

Registration should be made with, and written materials submitted to, the following address: American Association of Cardiovascular and Pulmonary Rehabilitation, Cardiac Rehabilitation Guideline Project, Attn: Dorothy Seidman, 4800 North 22d Street, Phoenix, Arizona 85016. Phone: 602–956–5255. Fax: 602–956–5023.

For Additional Information

Additional information on the guideline development process is contained in the AHCPR Fact Sheet, "AHCPR-Commissioned Clinical Practice Guidelines," dated January 1992, and the Program Note, "Clinical Guideline Development," dated August 1990. These documents can be obtained from the AHCPR Publications Clearinghouse, P.O. Box 8547, Silver Spring, MD 20907; or call Toll-Free: 1–800–358–9295.

Also, information can be obtained by contacting Kathleen A. McCormick, Ph.D., Director, Office of the Forum For Quality and Effectiveness in Health Care, Agency for Health Care Policy and Research, at the following address: Kathleen A. McCormick, Ph.D., Director, Office of the Forum for Quality and Effectiveness in Health Care/AHCPR, 2101 E. Jefferson St., Suite 401W, Rockville, MD 20852. Phone: 301–227–6671. Fax: 301–227–8332.

Dated: February 11, 1993.

J. Jarrett Clinton,

Administrator.

[FR Doc. 93–3966 Filed 2–19–93; 8:45 am]

BILLING CODE 4160–90–M

Centers for Disease Control and Prevention

National Committee on Vital and Health Statistics: Meeting

Pursuant to Public Law 92–463, the National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC), announces the following committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS).

Times and Dates:

1 p.m.–5 p.m., March 9, 1993.
9 a.m.–5 p.m., March 10, 1993.
9 a.m.–1 p.m., March 11, 1993.

Place: Room 703A–729A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

Status: Open.

Purpose: The purpose of this meeting is for the committee to consider reports from each NCVHS subcommittee; to receive reports from offices of the Department of Health and Human Services; to explore information needs for health systems reform; and to address new business as appropriate.

Contact Person for More Information: Substantive program information as well as summaries of the meeting and a roster of committee members may be obtained from Gail F. Fisher, Ph.D., Executive Secretary, NCVHS, NCHS, room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436–7050.

Dated: February 16, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention.

[FR Doc. 93–4008 Filed 2–19–93; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

[Docket No. 93N–0067]

Drug Export; CO_2 Angiographic Injection System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Angio Dynamics, Division of E–Z–EM, Inc., has filed an application requesting approval for the export of the human drug CO_2 Angiographic Injection System to Australia.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD–313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Angio Dynamics, Division of E–Z–EM, Inc., P.O. Box 993, 266 Queensbury Ave., Glens Falls, NY 12801, has filed an application requesting approval for the export of the human drug CO_2 Angiographic Injection System to Australia. The drug is indicated for use as a CO_2 angiographic contrast media system for angiographic procedures. The application was received and filed in the Center for Drug Evaluation and Research on January 21, 1993, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 4, 1993, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: February 11, 1993.

Paul F. Vogel,

Acting Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 93–4022 Filed 2–19–93; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 93N–0066]

Drug Export; Prolixin Decanoate (Fluphenazine Decanoate) 25 mg/ml Injection

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Bristol-Myers Squibb Co. has filed an application requesting approval for the export of the human drug Prolixin Decanoate (fluphenazine decanoate) 25 mg/ml Injection as a 1 ml fill in a 3 ml vial.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD–313), Center

for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Bristol-Myers Squibb Co., P.O. Box 4000, Princeton, NJ 08543–4000, has filed an application requesting approval for the export of the human drug Prolixin Decanoate (fluphenazine decanoate) 25 mg/ml Injection as a 1 ml fill in a 3 ml vial. This drug is indicated for the treatment of schizophrenia. The firm has approval to market the same 25 mg/ml dosage, but packaged as a 5 ml fill in a 5 ml vial. The application was received and filed in the Center for Drug Evaluation and Research on November 23, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 4, 1993, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: February 11, 1993.

Paul F. Vogel,

Acting Director, Office of Compliance, Center for Drug Evaluation and Research

[FR Doc. 93–4023 Filed 2–19–93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 93N–0060]

Drug Export; Elmiron® (Sodium Pentosan Polysulfite) Capsules 100 mg

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Baker Norton Pharmaceuticals, Inc., has filed an application requesting approval for the export of the human drug Elmiron® (sodium pentosan polysulfite) Capsules 100 mg to Canada.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD–313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Baker Norton Pharmaceuticals, Inc., 800 Northwest 36th St., Miami, FL 33178–2404, has filed an application requesting approval for the export of the human drug Elmiron® (sodium pentosan polysulfite) Capsules 100 mg. This drug is indicated for the initial and maintenance treatment of interstitial cystitis. The application was received and filed in the Center for Drug Evaluation and Research on October 15, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 4, 1993, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: February 5, 1993.

Paul F. Vogel,

Acting Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 93–3973 Filed 2–19–93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 93–0061]

Drug Export; Gabapentin (Bulk)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Parke-Davis Holland Chemical Facility, Warner Lambert Co., has filed an application requesting approval for the export of the human drug Gabapentin in bulk.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

VOL 58 ISS 33 FE 22 1993 UMI

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD–313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Parke-Davis Holland Chemical Facility, Warner-Lambert Co., 2800 Plymouth Rd., Ann Arbor, MI 48105, has filed an application requesting approval for the export of the human drug Gabapentin in bulk to Germany. This drug is indicated for use as adjunctive therapy with standard antiepileptic drugs in patients who have not achieved adequate seizure control with these agents used alone or in combination. The application was received and filed in the Center for Drug Evaluation and Research on November 12, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 4, 1993, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: February 5, 1993.

Paul F. Vogel,

Acting Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 93–4024 Filed 2–19–93; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 93N–0059]

Drug Export; Questran Tablets (Cholestyramine Resin) 1 g

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Bristol-Myers Squibb Co. has filed an application requesting approval for the export of the human drug Questran Tablets (cholestyramine resin) 1g.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD–313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Bristol-Myers Squibb Co., P.O. Box 4000, Princeton, NJ 08543–4000, has filed an application requesting approval for the export of the human drug Questran Tablets (cholestyramine resin) 1g. This drug is indicated for use as adjunctive therapy to diet and exercise for the reduction of serum cholesterol in patients with primary hypercholesterolemia. The application was received and filed in the Center for Drug Evaluation and Research on November 23, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 4, 1993, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: February 5, 1993.

Paul F. Vogel,

Acting Director, Office of Compliance, Center for Drug Evaluation and Research

[FR Doc. 93–3972 Filed 2–19–93; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 93N–0062]

The Upjohn Co., et al.; Withdrawal of Approval of 9 Abbreviated Antibiotic Drug Applications and 17 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 9 abbreviated antibiotic drug applications (AADA's) and 17 abbreviated new drug applications (ANDA's). The holders of the AADA's and ANDA's notified the agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

EFFECTIVE DATE: March 24, 1993.

FOR FURTHER INFORMATION CONTACT: Lola E. Batson, Center for Drug Evaluation and Research (HFD–360), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8038.

SUPPLEMENTARY INFORMATION: The holders of the AADA's and ANDA's listed in the table in this document have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications. The applicants have also, by their request, waived their opportunity for a hearing.

Application no.	Drug	Applicant
AADA 61–036.	NEO–DELTA–CORTEF Ointment.	The Upjohn Co., 7000 Portage Rd., Kalamazoo, MI 49001–0199.
AADA 61–809.	CLEOCIN HCl Capsules.	The Upjohn Manufacturing Co., P.O. Box 11307, Barceloneta, PR 00617.
AADA 61–827.	CLEOCIN PEDIATRIC Flavored Granules.	Do.
AADA 61–828.	LINCOCIN Capsules and Pediatric Capsules.	Do.
AADA 61–839.	CLEOCIN PHOSPHATE Sterile Solution.	Do.
AADA 61–928.	Kanamycin Bulk, Sterile.	Bristol-Myers Squibb Co., P.O. Box 4755, Syracuse, NY 13221–4755.
AADA 62–388.	Azlin (azlocillin sodium).	Miles Inc., 400 Morgan Lane, West Haven, CT 06516–4175.
AADA 62–417.	Azlin (azlocillin sodium).	Do.
AADA 62–515.	Kanamycin Sulfate Bulk, Non-Sterile.	Bristol-Myers Squibb Co.
ANDA 70–138.	Disopyramide Phosphate Capsules, 100 milligrams (mg).	Mylan Pharmaceuticals Inc., P.O. Box 4310, Morgantown, WV 26504–4310.
ANDA 70–139.	Disopyramide Phosphate Capsules, 150 mg.	Do.
ANDA 70–592.	Indomethacin Capsules.	Pioneer Pharmaceuticals, Inc., 209 40th St., Irvington, NJ 07111.
ANDA 70–813.	Indomethacin Capsules.	Do.
ANDA 71–492.	Nitroglycerin Injection USP, 5 mg/milliliter (mL).	Luitpold Pharmaceuticals, Inc., One Luitpold Dr., Shirley, NY 11967.
ANDA 71–515.	Propranolol HCl Tablets USP, 10 mg.	Superpharm Corp., 1769 Fifth Ave., Bayshore, NJ 11706.
ANDA 71–516.	Propranolol HCl Tablets USP, 20 mg.	Do.
ANDA 71–808.	Metaproterenol Sulfate Inhalation Solution USP 0.33%.	Dey Laboratories, Inc., 2751 Napa Valley Corporate Dr., Napa, CA 94558.
ANDA 72–355.	Fenoprofen Calcium Capsules, 200 mg.	Halsey Drug Co., Inc., 1827 Pacific St., Brooklyn, NY 11233–3599.
ANDA 72–356.	Fenoprofen Calcium Capsules, 300 mg.	Do.
ANDA 72–357.	Fenoprofen Calcium Tablets, 600 mg.	Do.
ANDA 80–013.	Sulfoxe Tablets and Suspension.	Wyeth-Ayerst Laboratories, P.O. Box 8299, Philadelphia, PA 19101–1245.
ANDA 80–667.	Thiamine Hydrochloride Injection USP, 100 mg/mL.	Luitpold Pharmaceuticals, Inc.
ANDA 80–668.	Cyanocobalamin Injection USP, 0.03 mg/mL.	Do.
ANDA 80–669.	Pyridoxine Hydrochloride Injection USP, 100 mg/mL.	Do.
ANDA 83–239.	Pentobarbital Sodium Capsules USP, 100 mg.	Wyeth-Ayerst Laboratories.
ANDA 89–591.	Chlorthalidone Tablets, 50 mg.	Pioneer Pharmaceuticals, Inc.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), and under authority delegated to the Director of the Center for Drug Evaluation and Research (21 CFR 5.82), approval of the AADA's and ANDA's listed above, and all amendments and supplements thereto, is hereby withdrawn, effective March 24, 1993.

Dated: February 7, 1993.

Carl C. Peck,

Director, Center for Drug Evaluation and Research.

[FR Doc. 93–3970 Filed 2–19–93; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 93N–0063]

Warner Chilcott Laboratories, et al.; Withdrawal of Approval of 24 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 24 abbreviated new drug applications (ANDA's). The holders of the ANDA's notified the agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

EFFECTIVE DATE: March 24, 1993.

FOR FURTHER INFORMATION CONTACT: Lola E. Batson, Center for Drug Evaluation and Research (HFD–360), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8038.

SUPPLEMENTARY INFORMATION: The holders of the ANDA's listed in the table in this document have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications. The applicants have also, by their request, waived their opportunity for a hearing.

ANDA no.	Drug	Applicant
70–331	Methyldopa Tablets USP, 125 milligrams (mg)	Warner Chilcott Laboratories, 182 Tabor Rd., Morris Plains, NJ 07950.
70–429	Carbamazepine Tablets USP, 200 mg	Do.
71–774	Clorazepate Dipotassium Capsules, 3.75 mg	Do.
71–775	Clorazepate Dipotassium Capsules, 7.5 mg	Do.
71–776	Clorazepate Dipotassium Capsules, 15 mg	Do.
72–946	Fenoprofen Calcium Capsules USP, 200 mg	Do.
80–635	INH (isoniazid USP), 300 mg	CIBA–GEIGY Corp., Summit, NJ 07901.
83–364	Fernisone Prednisone Tablets, 5 mg	Ferndale Laboratories, Inc., 780 West Eight Mile Rd., Ferndale, MI 48220.
83–786	Propoxyphene Hydrochloride Capsules USP, 65 mg	Warner Chilcott Laboratories.
83–937	Amitriptyline Hydrochloride Tablets USP, 25 mg	Do.
83–938	Amitriptyline Hydrochloride Tablets USP, 50 mg	Do.
83–939	Amitriptyline Hydrochloride Tablets USP, 10 mg	Do.
83–941	Fernisolone-P (prednisolone) Tablets, 5 mg	Ferndale Laboratories, Inc.
84–957	Amitriptyline Hydrochloride Tablets USP, 75 mg	Warner Chilcott Laboratories.
85–093	Amitriptyline Hydrochloride Tablets USP, 100 mg	Do.

VOL 58 ISS 33 FE 22 1993 UMI

ANDA no.	Drug	Applicant
85–746	Diphenoxylate with Atropine Solution	Barre-National Inc., 7205 Windsor Blvd., Baltimore, MD 21207.
86–132	Nitro-BID Capsules, 2.5 mg	Marion Merrell Dow Inc., P.O. Box 9627, Kansas City, MO 64134–0627.
86–133	Nitro-BID Capsules, 6.5 mg	Do.
85–295	Amitriptyline Hydrochloride Tablets USP, 150 mg	Warner Chilcott Laboratories.
86–425	Nitro-BID Capsules, 9 mg	Marion Merrell Dow Inc.
87–515	Chlorthalidone Tablets USP, 25 mg	Warner Chilcott Laboratories.
87–516	Chlorthalidone Tablets USP, 50 mg	Do.
89–528	Procainamide Hydrochloride Injection USP, 100 mg/milliliter (mL)	Do.
89–529	Procainamide Hydrochloride Injection USP, 500 mg/mL	Do.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), and under authority delegated to the Director of the Center for Drug Evaluation and Research (21 CFR 5.82), approval of the ANDA's listed above, and all amendments and supplements thereto, is hereby withdrawn, effective March 24, 1993.

Dated: February 7, 1993.

Carl C. Peck,

Director, Center for Drug Evaluation and Research.

[FR Doc. 93–3969 Filed 2–19–93; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Final Methodology for Implementation of the Statutory General Funding Preference for Selected Grant Programs under Titles VII and VIII of the Public Health Service Act for Fiscal Year 1993

SUMMARY: The Health Professions Education Extension Amendments of 1992 and the Nurse Education and Practice Improvement Amendments of 1992 (Pub. L. 102–408, dated October 13, 1992) amend the Public Health Service Act (the Act) to include a general funding preference (sections 791(a) and 860(e)) for selected grant programs. For the purpose of making grant and cooperative agreement awards, funding preference is defined as the funding of a specific category or group of approved applications ahead of other categories or groups of approved applications. A notice which described the proposed methodology for implementing the statutory funding preference was published in the **Federal Register** on December 18, 1992 at 57 FR 60212. The public comment period closed on January 19, 1993. This notice will describe the public comments received and will include the final methodology for implementation of this statutory funding preference for FY 1993.

EFFECTIVE DATE: The methodology for implementing the statutory general funding preference which is described in this notice is for use in fiscal year (FY) 1993 grant cycles for the programs which are subject to this funding preference. It is expected that the methodology will change somewhat for use in FY 1994.

SUPPLEMENTARY INFORMATION: Sections 791(a) and 860(e) of the Act include a general funding preference for selected grant programs under titles VII and VIII. Grant programs which are subject to this funding preference are:

Departments of Family Medicine (section 747(b)),
+Grants for Predoctoral Training in Family Medicine (section 747(a)),
Grants for Graduate Training in Family Medicine (section 747(a)),
**Grants for Faculty Development in Family Medicine (section 747(a)),
*Grants for Predoctoral Training in General Internal Medicine and/or General Pediatrics Predoctoral Training (section 748),
Grants for Residency Training in General Internal Medicine and/or General Pediatrics (section 748),
**Grants for Faculty Development in General Internal Medicine and/or General Pediatrics (section 748),
Residency Training and Advanced Education in the General Practice of Dentistry (section 749),
*Grants for Physician Assistant Training Program (section 750),
*Podiatric Primary Care Residency Training (section 751),
*Grants for Preventive Medicine Residency Training (section 763),
*Allied Health Traineeships (section 766),
Allied Health Project Grants (section 767),
Advanced Nurse Education (section 821),
Nurse Practitioner and Nurse Midwife Education and Traineeships (section 822),
Professional Nurse Traineeships (section 830),
Nurse Anesthetist Education Programs (section 831(a)),
Nurse Anesthetist Traineeships (section 831(a)), and
Grants for Nurse Anesthetist Faculty Fellowships (section 831(b)).

Statutory General Funding Preference Provision

Under sections 791(a) and 860(e) of the Act, with respect to the above listed grant programs, preference will be given to any qualified applicant that—

(A) Has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or

(B) During the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings.

Preference will be given only for applications ranked above the 20th percentile of applications that have been recommended for approval by the appropriate peer review group.

Statutory Definition of "Graduate"

Under sections 791(c) and 860(e)(3), "graduate" is defined as an individual who has successfully completed all training (and residency requirements) necessary for full certification in the health profession selected by the individual.

Additional details concerning the definition of the word "graduate" will be included in the program materials for the grant programs which are subject to the general funding preference.

Proposed Methodology for Implementation

In the proposed notice, the public was invited to comment on (1) the definition of "high rate," (2) the definition of "significant increase in rate," (3) the definition of "medically underserved community," (4) access to lists of medically underserved work settings, and (5) ranking of applications when multiple preferences apply. HRSA received 26 public comments prior to

+ Preference not applied to FY 1993 cycle because the cycle was conducted before the law was passed and all applicants eligible for the preference were funded.

* There will be no competitive grant cycles in FY 1993.

** For these programs focused on the development of faculty members to teach, a method of implementing the intent of this preference will be developed in FY 1993 to be implemented in FY 1994.

the end of the comment period. Comments were received from 15 schools and 11 associations. A variety of disciplines and specialty groupings was represented by the comments including medicine, community medicine, general internal medicine, public health and preventive medicine, family medicine, dentistry, nursing, nurse-midwives, physician assistants, environmental and occupational health, and allied health. Some of the comments supported the proposed methodology.

Definition of "High Rate"

The proposed definition of "high rate" is 20 percent of graduates in academic year 1990–91 or academic year 1991–92, whichever is greater, who spend at least 50 percent of their worktime in clinical practice in the specified settings.

Fourteen respondents commented on the definition of "high rate." Several respondents objected to the requirement of 50 percent of worktime in clinical practice. One concern related to certain group of graduates who would not be expected to have a clinical practice. For example, preventive medicine graduates or local health officers may be serving an underserved population without clinically treating patients. One respondent suggested that the phrase "in clinical practice" be deleted. Another suggested that the word "clinical" be "defined broadly enough to encompass the spectrum of preventive medicine practice." A third suggested that the definition be revised to say, "at least 50 percent of their worktime in clinical practice or other related research or administrative activities in the specified settings."

In response to these comments, preventive medicine, public health, dental public health and public health nurse graduates can be counted if they identify a primary work affiliation at one of the qualified work sites.

Several respondents also expressed a concern about the use of a percentage to measure "high rate" when many of the programs have only 2 or 3 graduates each year. In these small programs, the rate of placing graduates in the specified settings may be very high one year, but very low the following year. Therefore, for small programs (i.e., those with less than 10 graduates per year), "high rate" will be determined by the percentage of the graduates from the most recent two years who are practicing in medically underserved communities.

A third concern related to the definition of "high rate" is the optimal time to determine the placement of graduates. For example, a residency graduate may go on for an additional fellowship prior to serving in an underserved area. One respondent suggested using the placement of graduates in the second year after graduation, another suggested the sixth year after graduation. For purposes of this preference, the placement of graduates from the 1990–91 or 1991–92 academic years will be used, except that for undergraduate medical education programs academic years 1987–88 and 1988–89 will be used. Using these earlier academic years for undergraduate medical education programs is supported by the law which defines a graduate as someone who has completed a residency. Also, graduates who are providing care in medically underserved communities, regardless of whether the care is provided in a clinical practice or as a part of a fellowship or other educational experience, will be counted.

In summary, the definition of "high rate" is 20 percent of graduates in academic year 1990–91 or academic year 1991–92, whichever is greater, who spend at least 50 percent of their worktime in clinical practice in the specified settings. For undergraduate medical education programs academic years 1987–88 and 1988–89 will be used. Preventive medicine, public health, dental public health, and public health nurse graduates can be counted if they identify a primary work affiliation at one of the qualified work sites. For small programs (i.e., those with less than 10 graduates per year), "high rate" will be determined by the percentage of the graduates from the most recent two years who are practicing in medically underserved communities. Graduates who are providing care in medically underserved communities as a part of a fellowship or other educational experience can be counted.

Definition of "Significant Increase in Rate"

The proposed definition of "significant increase in the rate" means that, between academic years 1990–91 and 1991–92, the rate of placing graduates in the specified settings has increased by at least 50 percent and that not less than 10 percent of graduates are working in these settings. Ten respondents commented on the definition of "significant increase in rate." In terms of this definition, it is important to note that to qualify for this funding preference, an applicant must meet the criteria for either part (A) or part (B) of the statutory provision cited above and be ranked above the 20th percentile of applications that have been recommended for approval by the appropriate peer review group. It is necessary for applicants to meet only one of these criteria, either the "high rate" *or* the "significant increase in rate" criteria. It is also important to note that the requirement for 10 percent of graduates to be working in the specified settings refers to the graduates for the most recent year only.

While several respondents had concerns about counting the graduates from small programs, this provision clearly states that graduates must be counted for the 2-year period preceding the fiscal year for which an award is sought.

New Programs

It was proposed that applications for the development of new programs should provide information about the placement of graduates from the entire school in medically underserved communities. Several respondents objected to providing information about the entire school rather than a single program. One suggested that new programs should be considered for the funding preference if their prospective graduates have signed commitments to practice in shortage areas after graduation. We agree with this recommendation, but we wish to assure that the intent to serve in a medically underserved community is independent of this preference. Therefore, only commitments signed prior to December 18, 1992 will be valid for purposes of this preference. New programs may either provide information about the placement of graduates from the entire school in medically underserved communities or provide assurance that 20 percent of their prospective graduates have signed, prior to December 18, 1992, commitments to practice in medically underserved communities after graduation.

Definition of "Medically Underserved Community"

Section 799(6) of the Act defines "medically underserved community" as an urban or rural area or population that—

(A) Is eligible for designation under section 332 as a health professional shortage area;

(B) Is eligible to be served by a migrant health center under section 329, a community health center under section 330, a grantee under section 340 (relating to homeless individuals), or a grantee under section 340A (relating to residents of public housing); or

(C) Has a shortage of personal health services, as determined under criteria issued by the Secretary under section

1861(aa)(2) of the Social Security Act (relating to rural health clinics).

It was proposed that a "medically underserved community" includes the following work settings:

Community Health Centers (section 330)
Migrant Health Centers (section 329)
Health Care for the Homeless Grantees (section 340)
Public Housing Primary Care Grantees (section 340A)
Rural Health Clinics, federally designated (section 1861(aa)(2) of the Social Security Act)
National Health Service Corps sites, freestanding (section 333)
Indian Health Service sites (Public Law 93–638 for tribally operated sites and Public Law 94–437 for IHS operated sites)
Federally Qualified Health Centers (section 1905(a) and (l) of the Social Security Act)
Primary Medical Care Health Professional Shortage Areas (HPSAs) (facilities and geographic) (designated under section 332) for primary care physicians and other health personnel except dentists and nurses
Dental HPSAs (facilities and geographic) (designated under section 332) for dentists only
Nurse Shortage Areas (old section 836, currently section 846) for nurses only
Local Health Departments (regardless of sponsor—for example, local health departments who are funded by the State would qualify.)

Twenty respondents commented on the definition of "medically underserved community." Several respondents suggested methods for identifying a practice which is serving an underserved population. For example, a practice in which at least one-third of the patients seen by the practice are either indigent, covered by Medicaid, or covered by some other type of program associated with underserved communities; a practice in which the percentage of patients seen from an underserved population exceed the percentage of that population in the community; or a practice which consists of at least 50 percent uninsured or Medicaid patients in the previous year. The best method of identifying these kinds of settings is not yet clear. Additional work is required in this area to determine the best way to implement this approach.

Other respondents suggested additional sites to be included in "medically underserved community." For example, State designated sites, State Health Departments, inner city hospital emergency rooms, outpatient clinics in public hospitals, prison health services, and nurse managed centers or clinics.

For FY 1993, in addition to the sites proposed in the earlier notice, any ambulatory practice sites designated by State or local governments as serving medically underserved communities and State Health Departments will be considered qualified work sites for purposes of this preference.

Access to Lists of Medically Underserved Work Settings

It was proposed that a listing of Community Health Centers, Migrant Health Centers, Health Care for the Homeless Grantees, Public Housing Primary Care Grantees, Rural Health Clinics, National Health Service Corps Sites, Indian Health Service Sites, and Federally Qualified Health Centers be available through an electronic bulletin board. It was also proposed that for additional information concerning the Primary Medical Care Health Professional Shortage Areas (HPSAs), Dental HPSAs, and Nurse Shortage Areas, applicants should call the Division of Shortage Designation at (301) 443–6932 and for additional information concerning Local Health Departments, applicants should call the National Association of County Health Officials (NACHO) at (202) 783–5550. One respondent commented on access to the lists of medically underserved work settings, suggesting that the lists should be included in the application packages mailed to potential applicants. Because of the size of the printout, this is not practical. No change in this system is planned at this time.

Ranking of Applications When Multiple Preferences Are Used

It was proposed that an application would receive one point for qualifying for each statutory funding preference and one half point for qualifying for each administrative preference, but no applicant qualifying only for an administratively determined preference would be funded ahead of an applicant qualifying for a statutory funding preference. Four respondents commented on the ranking of applications when multiple preferences are used. Two respondents expressed concern about the possibility of poor quality applications receiving the funding preference. Since an application can only receive the preference if it is ranked above the 20th percentile of applications approved by the peer review group, it is unlikely that poor quality applications will receive the funding preference. One respondent suggested that only statutory funding preferences be used, eliminating all administratively determined funding preferences. No changes are planned in the system of ranking applications when multiple preferences are used.

Final Methodology for Implementation of the Statutory General Funding Preference

Information submitted to apply for this statutory funding preference will be subject to the normal monitoring and Federal audit processes.

The definition of "high rate" is 20 percent of graduates in academic year 1990–91 or academic year 1991–92, whichever is greater, who spend at least 50 percent of their worktime in clinical practice in the specified settings. For undergraduate medical education programs academic years 1987–88 and 1988–89 will be used. Preventive medicine, public health, dental public health, and public health nurse graduates can be counted if they identify a primary work affiliation at one of the qualified work sites. For small programs (i.e., those with less than 10 graduates per year), "high rate" will be determined by the percentage of the graduates from the most recent two years who are practicing in medically underserved communities. Graduates who are providing care in a medically underserved community as a part of a fellowship or other educational experience can be counted.

"Significant increase in the rate" means that, between academic years 1990–91 and 1991–92, the rate of placing graduates in the specified settings has increased by at least 50 percent and that not less than 10 percent of graduates from the most recent year are working in these settings.

New programs may either provide information about the placement of graduates from the entire school in medically underserved communities or provide assurance that 20 percent of their prospective graduates have signed, prior to December 18, 1992, commitments to practice in medically underserved communities after graduation.

A "medically underserved community" includes the following work settings:

Community Health Centers (section 330)
Migrant Health Centers (section 329)
Health Care for the Homeless Grantees (section 340)
Public Housing Primary Care Grantees (section 340A)
Rural Health Clinics, federally designated (section 1861(aa)(2) of the Social Security Act)
National Health Service Corps sites, freestanding (section 333)

Indian Health Service Sites (Public Law 93–638 for tribally operated sites and Public Law 94–437 for IHS operated sites)
Federally Qualified Health Centers (section 1905(a) and (1) of the Social Security Act)
Primary Medical Care Health Professional Shortage Areas (HPSAs) (facilities and geographic) (designated under section 332) For primary care physicians and other health personnel except dentists and nurses
Dental HPSAs (facilities and geographic) (designated under section 332) For dentists only
Nurse Shortage Areas (old section 836, currently section 846) For nurses only
State or Local Health Departments (Regardless of sponsor—for example, local health departments who are funded by the State would qualify.)
Ambulatory practice sites designated by State or local governments as serving medically underserved communities

A listing of Community Health Centers, Migrant Health Centers, Health Care for the Homeless Grantees, Public Housing Primary Care Grantees, Rural Health Clinics, National Health Service Corps Sites, Indian Health Service Sites, Federally Qualified Health Centers, and State Health Departments will be available through an electronic bulletin board, called the BHPr (Bureau of Health Professions) Bulletin Board. Data will be available in two formats, as a dBASE III file or as an ASCII file. The BHPr Bulletin Board can be accessed by using a personal computer with a communication package and a modem by dialing (301) 443–5913. Detailed instructions for how to proceed will appear on the screen as soon as access to the Bulletin Board is complete. Applicants who do not have the necessary equipment to access the electronic bulletin board may obtain additional information by calling the Program Official identified in the application materials for the grant programs subject to this statutory funding preference.

A list of designated Primary Medical Care Health Professional Shortage Areas (HPSAs) was published in the **Federal Register** on October 28, 1992 (57 FR 48854). For additional information concerning the Primary Medical Care Health Professional Shortage Areas (HPSAs), Dental HPSAs, and Nurse Shortage Areas, applicants may call the Division of Shortage Designation at (301) 443–6932.

For additional information concerning Local Health Departments, applicants may call the National Association of County Health Officials (NACHO) at (202) 783–5550.

For grant programs that include multiple funding preferences, preference points will be assigned. An application will receive one point for qualifying for each statutory funding preference and one half point for qualifying for each administrative preference, but no applicant qualifying only for an administratively determined preference would be funded ahead of an applicant qualifying for a statutory funding preference. The total number of preference points for any grant program will equal the number of statutory preferences plus half the number of administrative preferences.

Continued Development of Methodology

It is recognized that additional input is required to assure that this methodology carries out the intention of the Congress. Following additional data collection, it is likely that the implementation methodology will be revised somewhat before implementation in FY 1994.

This information collection is subject to OMB review under the Paperwork Reduction Act.

Dated: February 11, 1993.

Robert G. Harmon,

Administrator.

[FR Doc. 93–3965 Filed 2–19–93; 8:45 am]

BILLING CODE 4160–15–M

Public Health Service

Health Resources and Services Administration; Maternal and Child Health Programs Delegation of Authority

Notice is hereby given that in furtherance of the delegation of authorities to the Administrator, Health Resources and Services Administration, the following redelegations have occurred:

(1) I have delegated, without authority to redelegate, to the Director, Maternal and Child Health Bureau, the authorities vested in the Administrator by the Secretary of Health and Human Services on September 1, 1982, under title V of the Social Security Act, as amended, pertaining to the Maternal and Child Health Services Block Grant. This delegation excludes the authority to promulgate regulations, to submit reports to Congress, to take final action to withhold funds from the states, and to act under the nondiscrimination provisions of the Act.

(2) I have delegated, with authority to redelegate, to the Director, Maternal and Child Health Bureau, the authorities delegated to the Administrator by the Acting Assistant Secretary for Health on March 5, 1985, under title XIX, section 1910, of the Public Health Service Act, pertaining to the Emergency Medical Services for Children. This delegation excludes certain authorities customarily retained by the Secretary.

These delegations were effective.

Dated: February 1, 1993.

Robert G. Harmon,

Administrator, Health Resources and Services Administration.

[FR Doc. 93–3967 Filed 2–19–93; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–060–4370–10]

Nevada: Temporary Closure of Certain Public Lands in the Battle Mountain District for Management of Crowds Attending the Rhyolite Living History Festival

ACTION: Temporary closure of certain Public Lands in Nye County, Nevada, within the historic Rhyolite townsite from March 19, 1993 to March 21, 1993, for the second annual Rhyolite Living History Festival. Access will be limited to Rhyolite Festival officials and festival participants, law enforcement and emergency personnel, land owners, licensed permittee(s) and right-of-way guarantees.

SUPPLEMENTARY INFORMATION: Certain public lands in the Battle Mountain District, Nye County, Nevada, will be temporarily closed to public access from 0001 hours, March 19, 1993, to 2359 hours, March 21, 1993, to protect persons, property, and public land resources in the historic Rhyolite townsite. Spectators attending the Rhyolite Festival will be restricted to Golden Street, and areas adjacent to the Train Depot and the Bottle House.

These temporary closures and restrictions are made pursuant to 43 CFR part 8364. The public lands to be closed or restricted are those defined as being a part of the historic Rhyolite townsite.

The following public lands are closed or restricted: Portions of T. 12 S., R. 46 E., Section 9, and portions of T. 12 S., R. 46 E., Section 16.

The above legal land descriptions are for public lands within Nye County, Nevada. A map showing specific areas closed to public access is available from the following BLM office: Tonopah Resource Area Office, P.O. Box 911, Tonopah, Nevada, 89049, (702) 482–7800. Any person who fails to comply

with this closure order issued under 43 CFR part 8364 may be subject to the penalties provided in 43 CFR 8360.7.

Dated: February 8, 1993.

James D. Currivan,

District Manager, Battle Mountain District.

[FR Doc. 93-3977 Filed 2-19-93; 8:45 am]

BILLING CODE 4310-HC-M

[NV-930-03-4210-06; N-53669]

Realty Action; Non-Competitive Sale of Public Lands in Clark County, NV

The following described public land in Henderson, Clark County, Nevada has been determined to be suitable for sale utilizing non-competitive procedures, at not less than the fair market value. Authority for the sale is section 203 and section 209 of Public Land 94-579, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713 and 43 U.S.C. 1719). The lands will not be offered for sale until at least 60 days after the date of publication of this notice in the **Federal Register**.

Mount Diable Meridian, Nevada

T. 21 S., R. 63 E.,
Sec. 33: NE¼NE¼, N½SE¼NE¼, E½NW¼NE¼.
Aggregating 83.730 acres (gross).

This parcel of land, situated in Henderson is being offered as a direct sale to the City of Henderson.

This land is not required for any federal purposes. The sale is consistent with the Bureau's planning system. The sale of this parcel would be in the public interest.

In the event of a sale, conveyance of the available mineral interests will occur simultaneously with the sale of the land. The mineral interests being offered for conveyance have no known mineral value. Acceptance of a direct sale offer will constitute an application for conveyance of those mineral interests. The applicant will be required to pay a $50.00 nonreturnable filing fee for conveyance of the available mineral interests.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.
2. Oil, gas, sodium, potassium and saleable minerals.

and will be subject to:

1. An easement for streets, roads and public utilities in accordance with the transportation plan for Clark County.
2. Those rights for slope easement purposes which have been granted to the City of Henderson by Permit No. N-54101 under the Act of October 21, 1976.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for sales and disposals of mineral materials. This segregation will terminate upon issuance of a patent or 270 days from the date of this publication, whichever occurs first.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The Bureau of Land Management may accept or reject any or all offers, or withdraw any land or interest in the land from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with Public Law 94-579, or other applicable laws.

Dated: February 12, 1993.

Ben F. Collins,

District Manager, Las Vegas, NV.

[FR Doc. 93-3980 Filed 2-19-93; 8:45 am]

BILLING CODE 4310-40-M

[MT-020-93-4210-04; MTM 90345]

Public Meeting: Land-Mineral Exchange

AGENCY: Bureau of Land Management, Miles City District Office, Montana, Interior.

ACTION: Notice of a public meeting to receive comments on the public interest factors of a land-mineral exchange.

SUMMARY: Upon completion of the environmental assessment and prior to publishing a Notice of Realty Action in the **Federal Register** for the Bureau of Land Management-Meridian Minerals Company land-mineral exchange, a public meeting is scheduled to receive comments on the public interest factors of the exchange. The public meeting will begin at 1 p.m. on Tuesday, March 9, 1993, in the conference room at the BLM Billings Resource Area Office, 810 East Main, Billings, Montana.

FOR FURTHER INFORMATION CONTACT: Billings Resource Area Manager, 406-657-6262.

SUPPLEMENTARY INFORMATION: A tape recorder and video recorder will be available for verbal comments. Verbal comments will be limited to 7:00 minutes. Written submissions will be accepted. A transcript will be prepared and all submissions will be made a part of the public record of the proposed exchange.

Arnold E. Dougan,

Acting District Manager.

[FR Doc. 93-4007 Filed 2-19-93; 8:45 am]

BILLING CODE 4310-DN-M

INTERSTATE COMMERCE COMMISSION

Exemption; Steuben County Industrial Development Agency and Champagne Railroad, Inc.—Change in Operator Exemption—Bath and Hammondsport Railroad

[Finance Docket No. 32211]

Steuben County Industrial Development Agency (SCIDA), a noncarrier, and Champagne Railroad, Inc. (Champagne), have filed an amended notice of exemption pursuant to 49 CFR 1150.31 for Champagne to operate 31.28 miles of SCIDA's rail line in Steuben County, NY, between: (1) Milepost 311.25 at Wayland, NY, and milepost 287.8 at Kanona, NY; and (2) milepost 0.85 at Bath, NY, and milepost 8.86 at Hammondsport, NY.[1] These lines traverse the Towns and Villages of Wayland, Cohocton, Avoca, and Bath, the Town of Urbana, and the Village of Hammondsport. The line has been operated previously by Bath and Hammondsport Railroad Company. The transaction was to become effective on January 18, 1993.

Any comments must be filed with the Commission and served on: James Griffin, 25 West Steuben Street, P.O. Box 393, Bath, NY 14810.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

---

[1] In Finance Docket No. 32132, *Steuben County Industrial Development Agency and Champagne Railroad, Inc.—Acquisition and Operation Exemption—Line of Consolidated Rail Corporation*, a notice of exemption was served on December 23, 1992, of SCIDA's acquisition and Champagne's operation of the 2.7-mile portion of track (known as the Bath Industrial Track) that connects these two rail lines between milepost 287.8 and milepost 285.1 in the Village and Town of Bath, NY.

Decided: February 12, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–4020 Filed 2–19–93; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. The Helen Mining Company

[Docket No. M–93–08–C]

The Helen Mining Company, R.D. #2 Box 2110, Homer City, Pennsylvania 15748–9558 has filed a petition to modify the application of 30 CFR 75.1400(e) (hoisting equipment; general) to its Homer City Mine (I.D. No. 36–00926) located in Indiana County, Pennsylvania. The petitioner requests that Item No. 1 in petition for modification, docket number M–88–39–C, be amended to require that: Persons applying for the subject position must have at least 1 year of experience operating a hoist, or must have operated the hoist continuously for previous 6 months. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

2. Consolidation Coal Company

[Docket No. M–93–09–C]

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (weekly examination) to its Amonate No. 31 Mine (I.D. No. 46–04421) located in McDowell County, West Virginia. Due to deteriorating roof conditions, certain areas of the mine cannot be safely traveled. The petitioner proposes to establish air monitoring stations to monitor the quantity and quality of air entering and leaving the affected area. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

3. Mountain Coal Company

[Docket No. M–93–10–C]

Mountain Coal Company, P.O. Box 591, Somerset, Colorado 81434 has filed a petition to modify the application of 30 CFR 75.380(d)(4) (escapeways; bituminous and lignite mines) to its West Elk Mine (I.D. No. 05–03672) located in Gunnison County, Colorado. The petitioner requests a modification to allow the width of the alternate escapeway in the belt for each longwall panel to be maintained at a width of a minimum of 40 feet for a maximum distance of 1,050 feet immediately outby the stageloader. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

4. Baylor Mining, Inc.

[Docket No. M–93–11–C]

Baylor Mining, Inc., P.O. Box 1435, Beckley, West Virginia 25801 has filed a petition to modify the application of 30 CFR 75.350 (aircourses and belt haulage entries) to its Baylor Mine (I.D. No. 46–05592) located in Raleigh County, West Virginia. The petitioner proposes to install a low-level carbon monoxide detection system and methane monitoring system in all belt entries used as a return aircourse. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

5. Beech Fork Processing, Inc.

[Docket No. M–93–12–C]

Beech Fork Processing, Inc., P.O. Box 190, Lovely, Kentucky 41231 has filed a petition to modify the application of 30 CFR 75.364 (weekly examination) to its Mine No. 1 (I.D. No. 15–16162) located in Johnson County, Kentucky. Due to deteriorating roof conditions, certain areas of the mine cannot be safely traveled. The petitioner proposes to establish evaluation points inby and outby the affected area to monitor for hazardous conditions. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

6. National King Coal, Inc.

[Docket No. M–93–13–C]

National King Coal, Inc., 4424 County Road 120, Hesperus, Colorado 81326 has filed a petition to modify the application of 30 CFR 75.380(f)(2) (escapeways; bituminous and lignite mines) to its King Coal Mine (I.D. No. 05–00266) located in LaPlata County, Colorado. Due to the small size of the golf carts used in the mine to transport mine supervisory and maintenance personnel, and available fire suppression add-on systems, the petitioner proposes to operate electric nonpermissible golf carts without a fire suppression system. In addition, the roof and floor of the golf cart roadways are noncombustible. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

7. United States Fuel Company

[Docket No. M–93–14–C]

United States Fuel Company, P.O. Box 887, Price, Utah 84501 has filed a petition to modify the application of 30 CFR 75.380(d) (3) and (4) (escapeways; bituminous and lignite mines) to its King 4 Mine (I.D. No. 42–00098) located in Carbon County, Utah. The petitioner proposes to operate its 12 West section of the mine without changing the width and length of the alternate escapeway since the mine is expected to be closed within the year (in approximately 4 months). The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

8. Costain Coal, Inc.

[Docket No. M–93–15–C]

Costain Coal, Inc., P.O. Box 289, Sturgis, Kentucky 42459–0289 has filed a petition to modify the application of 30 CFR 75.364 (weekly examination) to its Pyro No. 9 Wheatcroft Mine (I.D. No. 15–13920) located in Webster County, Kentucky. Due to deteriorating roof conditions, certain areas of the mine cannot be safely traveled. The petitioner proposes to establish a continuous monitoring station to monitor the quantity and quality of air entering and leaving the affected area of the mine. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

9. Utah Fuel Company

[Docket No. M–93–16–C]

Utah Fuel Company, P.O. Box 719, Helper, Utah 84526 has filed a petition to modify the application of 30 CFR 75.333 (d)(3) (ventilation controls) to its Skyline No. 1 Mine (I.D. No. 42–01435), its Skyline No. 2 Mine (I.D. No. 42–01565), and its Skyline No. 3 Mine (I.D. No. 42–01566) all located in Carbon County, Utah. The petitioner proposes to use single drive through doors in the longwall and longwall development sections of the mine open during non-mining in the inby section, and only open the doors to gain access, and use yield pillars where pillars are to narrow to install pairs of doors. The petitioner

states that the use of the yield pillar design would result in a dimunition of safety to the miners.

10. Twentymile Coal Company

[Docket No. M–93–17–C]

Twentymile Coal Company, 9100 East Mineral Circle, Englewood, Colorado 80112 has filed a petition to modify the application of 30 CFR 75.380(d)(4) (escapeways; bituminous and lignite mines) to its Foidel Creek Mine (I.D. No. 05–03836) located in Routt County, Colorado. Due to the location and construction of the supplemental roof support required in the roof control plan. The petitioner proposes to keep the supplemental roof support in place and to conduct any emergency evacuation according to procedures that would enable miners to escape in a manner not inhibited by the escapeway width. The petitioner requests relief from the 4 foot width at all points in the 2 Left Longwall alternate escapeway. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

11. Cowden, Inc.

[Docket No. M–93–02–M]

Cowden, Inc., 3463 Cedarville Road, Bellingham, Washington 98226 has filed a petition to modify the application of 30 CFR 56.9301 to its Cowden Pit & Plant (I.D. No. 45–00611) located in Whatcom County, Washington. The petitioner proposes to continue using a tunnel feed system where a surge pile is fed by end dump trucks that back up to the edge and never parallel the pile which eliminates roll-over at a rate where raw material is supplied to the surge pile which varies from day-to-day and hourly according to the number of trucks available.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 24, 1993. Copies of these petitions are available for inspection at that address.

Dated: February 12, 1993.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 93–4033 Filed 2–19–93; 8:45 am]

BILLING CODE 4510–43–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–373]

Commonwealth Edison Co.; Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Faculty Operating License No. NPF–11, issued to the Commonwealth Edison Company (CECo or the licensee), for operation of the LaSalle County Station, Unit 1, located in LaSalle County, Illinois.

Identification of Proposed Action

The amendment would consist of changes to the Technical Specifications (TS) and would authorize an increase of the storage capacity of the spent fuel pool from 1120 fuel assemblies to 3982 fuel assemblies.

The amendment to the TS is responsive to the licensee's application dated June 5, 1992, as supplemented July 7, July 20 and November 4, 1992. The NRC staff has prepared an Environmental Assessment of the Proposed Action.

Summary of Environmental Assessment

The "Final Generic Environmental Impact Statement (FGEIS) on Handling and Storage of Spent Light Water Power Reactor Fuel" (NUREG–0575), Volumes 1–3, concluded that the environmental impact of interim storage of spent fuel was negligible and the cost of the various alternatives reflects the advantage of continued generation of nuclear power with the accompanying spent fuel storage. Because of the differences in design, the FGEIS recommended evaluating spent fuel pool expansions on a case-by-case basis.

For the LaSalle County Station, Unit 1, the expansion of the storage capacity of the spent fuel pool will not create any significant additional radiological effects or nonradiological environmental impacts.

The severity of a fuel handling accident in the spent fuel storage pool would not exceed that due to the design basis accident addressed in the LaSalle County Station Updated Final Safety Analysis Report. The occupational radiation dose for the proposed operation of the expanded spent fuel pool is estimated to be less than two percent of the total annual occupational radiation exposure for this facility.

The estimated additional radiation doses to the general public due to the increased storage capacity are negligible.

The only nonradiological impact affected by the spent fuel pool expansion is the waste heat rejected. The total increase in heat load rejected to the environment will be small in comparison to the amount of total heat currently being released. There is no significant environmental impact attributed to the waste heat from the plant due to this very small increase.

Finding of No Significant Impact

The staff has reviewed the proposed spent fuel pool expansion to the facility relative to the requirements set forth in 10 CFR part 51. Based on this assessment, the staff concludes that there are no significant radiological or nonradiological impacts associated with the proposed action and that the issuance of the proposed amendment to the licensee will have no significant impact on the quality of the human environment. Therefore, pursuant to 10 CFR 51.31, no environmental impact statement needs to be prepared for this action.

For further details with respect to this action, see: (1) The application for amendment to the Technical Specifications dated June 5, 1992, as supplemented July 7, July 20, and November 4, 1992, (2) the FGEIS on Handling and Storage of Spent Light Water Power Reactor Fuel (NUREG–0575), (3) the Final Environmental Statement for the LaSalle County Station, Units 1 and 2 dated November 1978, and (4) the EA dated February 12, 1993.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Dated at Rockville, Maryland, this 12th day of February 1993.

For The Nuclear Regulatory Commission.

James E. Dyer,

Director, Project Directorate III–2, Division of Reactor Projects—III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 93–4017 Filed 2–19–93; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Request for Extension of OPM Form 192 Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for approval of a revised OPM Form 192, Personal Reference Inquiry for Administrative Law Judge Positions, which has been submitted to the Office of Management and Budget (OMB) for expedited clearance. OPM Form 192 is completed by reference-givers for applicants for Federal Administrative Law Judge positions. Approximately 3,000 of the forms are completed each year, and it takes a reference giver approximately ten minutes to complete the form, for a total of 500 hours. A copy of the proposed form is appended to this notice.

DATES: Comments on this proposal should be received on or before March 1, 1993. We are requesting OMB action on or before March 4, 1993.

ADDRESSES: Send or deliver comments to: Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, room 3002, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: John Kraft, (202) 606–0810. U.S. Office of Personnel Management.

Patricia W. Lattimore,

Acting Director.

Personal Reference Inquiry for Evaluating Candidates for ALJ Positions

Your Name _____
Date _____
Your Occupation _____
Title/Position _____
Candidate _____

Instructions

Please evaluate the candidate, as named above, for an Administrative Law Judge (ALJ) position, by using the attached rating scales. This information will be used by the Office of Personnel Management as part of the examining process to identify later the best qualified candidates for ALJ positions.

A job analysis of the ALJ position has identified 6 factors which cover the most important knowledge, skills, and abilities (KSAs) required for successful ALJ work. Please read the attached definition of each KSA on the second following page before you rate the candidate.

There is a rating scale for each factor that you should use in evaluating the candidate. Each rating scale contains statements of work-related behaviors that are examples of several quality levels for each factor. The scale values represented by these statements were determined by experienced ALJs. Therefore, it is important that you use these statements as examples for evaluating the qualifications of the candidate.

For each factor, read all the statements and select the one that is most representative of the candidate's experience and accomplishments. Then circle the number next to that statement. Circle only one number for each factor. If the candidate's experience or accomplishments fall between two statements, you may circle the number between the two statements.

It is unlikely that the candidate will have done exactly the same things that are described in the statements. The statements are examples of candidate quality levels that provide a common frame of reference for raters. The full range of a candidate's experience and accomplishments should be considered in rating their quality on each factor.

The opportunity to observe a candidate's behaviors related to the factors described in these rating scales is likely to vary. Use the following scale to rate how much opportunity you have had to observe the behavior, products, or outcomes of this candidate for each individual factor.

Your Opportunity to Observe the Candidates on this Factor

(Circle the number that applies)

1—None.
2—Rare.
3—Occasional.
4—Often.
5—Extensive.

For each factor circle the number that best describes your opportunity to observe the candidate. If you have *not* had the opportunity to observe the candidate (i.e., rated opportunity to observe as a "1"), you should *not* rate the candidate on this particular factor.

After you have completed your ratings on the candidate for all six factors, return this form to the Office of Personnel Management in the enclosed, postage-free envelope.

We appreciate your cooperation in providing us with your candid assessment of this candidate's qualifications in areas important for ALJ work. If you have questions concerning this Personal Reference Inquiry form, you should contact the Office of Administrative Law Judges at (202) 606–0810.

If you do not know the candidate sufficiently well to rate him/her on any of these rating scales, please check this box [_____] and return the uncompleted form.

Although we do not consider narrative comments in our objective scoring process, we have provided space for comments on the last page.

Privacy Act and Public Burden Statement

The Office of Personnel Management is authorized by sections 1302, 1305, 3301, and 3304 of Title 5, United States Code, to collect information on this form. The information you provide will be used to evaluate the qualifications of applicants for Administrative Law Judge positions. Other uses of this information, if any, will be related to the process of evaluating applicants for Federal employment.

Disclosing the information asked for on this form is voluntary. Under the Privacy Act of 1974, the applicant may request and be furnished the information you provide, including your identity. Public burden reporting for this collection of information is estimated to be 10 minutes per response, including time for reviewing instructions. Send comments regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden to: Reports and Forms Management Office, U.S. Office of Personnel Management, 1900 E Street, NW., Room 500CHP, Washington, DC 20415; and to the Office of Management and Budget, Paperwork Reduction Project (3206–0043), Washington, DC 20503.

Definitions

1. Knowledge of Administrative Procedures, Rules of Evidence and Trial Practices

Knowledge and application of rules of evidence and trial procedure. Knowledge and application of laws and administrative procedures.

Administrative Law Judges examine pleadings, orders and other documents to prepare for pre-hearing or hearing conferences, or other matters, resolve preliminary and pre-trial motions (including discovery), and other issues They conduct orderly hearings to ensure fairness and due process, rule on the admissibility of evidence and requests to exclude testimony, and may question or examine parties and other witnesses to obtain or direct clarification of testimony. Administrative Law Judges decide interlocutory motions including motions for summary-judgment. They evaluate arguments of counsel and study, analyze and evaluate pleadings, evidence and briefs. They research applicable subject matter or legal policy precedents, including legislative history of statutes, and decisions of courts and agencies and apply the facts before them in deciding cases. Administrative Law Judges expand their legal knowledge and keep abreast of developments in the field of law by attendance at seminars and professional meetings.

2. Analytical Ability

Ability to understand, interpret, and apply law. Ability to analyze, synthesize, and evaluate evidence to define issues and facts. Ability to assimilate technical subject matter.

Administrative Law Judges examine pleadings, orders and other documents to prepare for pre-hearing or hearing conferences, or other matters, resolve preliminary and pre-trial motions (including discovery), and other issues. During the hearing, they rule upon motions and the admissibility of evidence. They determine the probative value of evidence and competence of witnesses, and evaluate arguments presented by counsel. Administrative Law Judges also determine when the record can be closed and when supplemental procedures are needed. They must be able to analyze and synthesize extensive testimony and documentary evidence to identify relevant facts. They may conduct legal research on the applicability of laws to the subject matter when studying, analyzing, and evaluating pleadings, evidence and briefs.

3. Decision-Making Ability

Ability to make independent decisions in a fair and impartial manner. Ability to make decisions promptly.

Administrative Law Judges must be able, independently, to make fair, unambiguous and prompt rulings and decisions on procedural and evidentiary questions and on legal and regulatory issues. They must be able to present their rulings and decisions decisively and clearly. They must have the ability to make definitive rulings with little or no advance subject matter knowledge or notice. They must be able to decide cases notwithstanding the pressure of a heavy caseload or the scope and complexity of individual cases.

4. Oral Communications Ability and Judicial Temperament

Ability to express orally oneself concisely and convincingly. Ability to elicit facts by examining lay and expert witnesses or by other means. Ability to preside at and control conference, hearings or meetings.

Administrative Law Judges must be able to speak clearly, concisely, and understandably; listen attentively; and deal patiently, courteously, tactfully, firmly and impartially with competing parties when presiding at hearings, conferences and meetings. The extent of these abilities in large part determines their success in presiding at and controlling hearings; eliciting facts from witnesses; explaining requests, rulings and decisions; and resolving conflicts between competing parties.

Administrative Law Judges must manage or control diverse situations and procedures to hear cases in a complete, but timely and efficient manner while assuring due process. They must listen attentively and patiently to all participants in hearings to collect relevant facts needed to decide cases. They must explain their rulings and decisions clearly and concisely with tact, firmness, and impartiality so that their rulings and decisions are understood. Tact, calmness, and sensitivity to the rights and needs of the competing parties are necessary to make the parties feel that they are being fairly and completely heard.

5. Writing Ability

Ability to write clearly, concisely, and convincingly. Ability to articulate, organize and render decisions effectively.

Administrative Law Judges must be able to organize and write clearly, grammatically, concisely and convincingly to accomplish one of their most important work activities—writing orders and decisions. The quality of their writing frequently determines the acceptability of their work products. Decision writing is as much an organizational task as it is a writing task because of the voluminous evidence that must be considered and the large number of issues to be decided.

6. Organizational Skills

Ability to work diligently without direction and manage caseloads.

Administrative Law Judges must work diligently without direction and must be able to manage caseloads that may include numerous short cases, lengthy proceedings, or a mix of both. They must always be responsive to the need for resolution of issues before them and must manage and use their time to ensure the prompt resolution of each case consistent with the complexity of the issues before them and the competing demands of the other cases on their dockets. Administrative Law Judges must be able to use effectively their administrative, technical, and professional staffs.

Rating Factor I.—Knowledge of Administrative Procedures, Rules of Evidence, and Trial Practices

Your Opportunity to Observe the Candidate on this Factor

(Circle the number that applies)

1—None.
2—Rare.
3—Occasional.
4—Often.
5—Extensive.

Using the following examples as your criteria, rate the level of the candidate's knowledge of administrative procedures, rules of evidence, and trial practices. CIRCLE ONLY ONE NUMBER

THE EXAMPLES OF CANDIDATE QUALITY LEVELS PROVIDE A COMMON FRAME OF REFERENCE FOR RATERS. THE FULL RANGE OF A CANDIDATE'S EXPERIENCE AND ACCOMPLISHMENTS SHOULD BE CONSIDERED IN RATING THEIR QUALITY ON EACH FACTOR

Rating	Candidate's quality	Examples
6	Outstanding	(Higher than statement A)
5	Highly Qualified	A. A judge of a busy state court of general jurisdiction hears and decides a wide variety of civil, criminal, and administrative cases involving complex legal issues. The judge is required to have a broad knowledge of rules of evidence and court procedures to rule on matters of law and on the admissibility of evidence.
4	Well Qualified	(Between statement A and B)
3	Good	B. During pre-trial investigation, a trial attorney with the antitrust division develops oral and documentary evidence and then presents that evidence through witnesses and document submissions in Federal court.
2	Satisfactory	(Between statement B and C)
1	Fair	C. An attorney represents clients at hearings before non-lawyer state and local boards which have no formal rules of evidence and conduct hearings informally.
0	Marginal	(Lower than statement C)

Rating Factor II—Analytical Ability

Your Opportunity to Observe the Candidate on this Factor

(Circle the number that applies)

1—None.
2—Rare.
3—Occasional.
4—Often.
5—Extensive.

Using the following examples as your criteria, rate the level of the candidate's analytical ability. CIRCLE ONLY ONE NUMBER.

THE EXAMPLES OF CANDIDATE QUALITY LEVELS PROVIDE A COMMON FRAME OF REFERENCE FOR RATERS. THE FULL RANGE OF A CANDIDATE'S EXPERIENCE AND ACCOMPLISHMENTS SHOULD BE CONSIDERED IN RATING THEIR QUALITY ON EACH FACTOR

Rating	Candidate's quality	Examples
6	Outstanding	(Higher than statement A)

THE EXAMPLES OF CANDIDATE QUALITY LEVELS PROVIDE A COMMON FRAME OF REFERENCE FOR RATERS. THE FULL RANGE OF A CANDIDATE'S EXPERIENCE AND ACCOMPLISHMENTS SHOULD BE CONSIDERED IN RATING THEIR QUALITY ON EACH FACTOR—Continued

Rating	Candidate's quality	Examples
5	Highly Qualified	A. A hearing commissioner for a cabinet-level agency conducts complex administrative hearings and writes decisions disposing of all relevant issues. Reviews and applies export administrative law and regulations relevant to export transactions in all cases assigned. Most transactions are very complicated, and the attendant legal issues and testimony are complex, requiring careful, accurate, and extensive analysis. Often presides over hearings lasting one to two months involving document submissions amounting to one thousand to several thousand pages. Parties often invoke not only domestic laws, but foreign laws requiring intricate analysis to multiple legal areas. On the spot analysis of actions transpiring during hearing are just as important and complex as analysis required in the decision-writing process.
4	Well Qualified	(Between statement A and B)
3	Good	B. A labor law litigation attorney at a Federal agency advises high-ranking government officials on actions they should take based on analysis of the law in a given situation. Provides advice on issues involving labor and related personnel matters. Determines whether the agency should pursue a matter in litigation or whether an issue should be settled. Presents the agency's cases before arbitrators and administrative tribunals. Makes prompt decisions in response to questions from judges and in response to evidentiary objections.
2	Satisfactory	(Between statement B and C)
1	Fair	C. An attorney serving as a claims adjudicator analyzes claims for property damage and recommends settlement figures.
0	Marginal	(Lower than statement C)

Rating Factor III—Decision-Making Ability

Your Opportunity to Observe the Candidate on this Factor

(Circle the number that applies)

1—None.
2—Rare.
3—Occasional.
4—Often.
5—Extensive.

Using the following examples as your criteria, rate the level of the candidate's decision-making ability. CIRCLE ONLY ONE NUMBER.

THE EXAMPLES OF CANDIDATE QUALITY LEVELS PROVIDE A COMMON FRAME OF REFERENCE FOR RATERS. THE FULL RANGE OF A CANDIDATE'S EXPERIENCE AND ACCOMPLISHMENTS SHOULD BE CONSIDERED IN RATING THEIR QUALITY ON EACH FACTOR

Rating	Candidate's quality	Examples
6	Outstanding	(Higher than statement A)
5	Highly Qualified	A. A state trial judge presides over complex, highly contested cases and issues numerous decisions on civil and criminal matters containing detailed findings of fact and conclusion of law. Determines numerous pretrial and trial motions during course of hearings.
4	Well Qualified	(Between statement A and B)
3	Good	B. An associate attorney with a law firm involved in Federal and state court cases makes independent decisions concerning the handling and disposition of cases relating to issues of evidence, procedure, substantive law, and legal strategy. Makes conclusions and presents them to an adjudicatory body in written arguments.
2	Satisfactory	(Between statement B and C)
1	Fair	C. An attorney for a county coalition against domestic violence independently makes decisions concerning shelter for victims. Represents victims of domestic violence in hearings before the various commissions and the county council. Conducts informal meetings and interviews witnesses. Independently recommends shelter locations, and assesses impact on, and reaction of, the surrounding community.
0	Marginal	(Lower than statement C)

Rating Factor IV—Oral Communications Ability and Judicial Temperament

Your Opportunity to Observe the Candidate on this Factor

(Circle the number that applies)

1—None.
2—Rare.
3—Occasional.
4—Often.
5—Extensive.

Using the following examples as your criteria, rate the level of the candidate's oral communications ability and judicial temperament. CIRCLE ONLY ONE NUMBER.

THE EXAMPLES OF CANDIDATE QUALITY LEVELS PROVIDE A COMMON FRAME OF REFERENCE FOR RATERS. THE FULL RANGE OF A CANDIDATE'S EXPERIENCE AND ACCOMPLISHMENTS SHOULD BE CONSIDERED IN RATING THEIR QUALITY ON EACH FACTOR

Rating	Candidate's quality	Examples
6	Outstanding	(Higher than statement A)
5	Highly Qualified	A. A judge presides over a territorial trial court dealing with a wide variety of criminal and civil cases involving a multi-cultural and multi-lingual population that requires translators for some witnesses. Is required to explain rulings in a legally precise manner understandable to litigants and counsel with diverse cultural backgrounds. Assures that the presentation of facts is not stressful for witnesses and counsel so that the court or jury may weigh them properly. Noted for his/her understanding and ability to communicate with litigants who appear pro se.
4	Well Qualified	(Between statement A and B)
3	Good	B. A county attorney serves as chief negotiator for a school district in contract negotiations with teachers. Uses delegated authority in persuasive, non-aggressive manner to arrive at settlement acceptable to both parties who have a history of conflict and distrust. Represents numerous governmental entities on controversial issues subject to intense public pressure that require extensive negotiations to meet competing party interests. Noted for persuasiveness in closing arguments.
2	Satisfactory	(Between statement B and C)
1	Fair	C. A legal analyst for a regulatory agency is required to defend recommendations in conferences with supervisor, division chief, and general counsel.
0	Marginal	(Lower than statement C)

Rating Factor V—Writing Ability

Your Opportunity to Observe the Candidate on This Factor

(Circle the number that applies)

1—None.
2—Rare.
3—Occasional.
4—Often.
5—Extensive.

Using the following examples as your criteria, rate the level of the candidate's writing ability. CIRCLE ONLY ONE NUMBER.

THE EXAMPLES OF CANDIDATE QUALITY LEVELS PROVIDE A COMMON FRAME OF REFERENCE FOR RATERS. THE FULL RANGE OF A CANDIDATE'S EXPERIENCE AND ACCOMPLISHMENTS SHOULD BE CONSIDERED IN RATING THEIR QUALITY ON EACH FACTOR

Rating	Candidate's quality	Examples
6	Outstanding	(Higher than statement A)
5	Highly Qualified	A. An appeals court judge writes many opinions, individually or for a panel, in complex criminal and civil cases. Few opinions are revised on higher review. Many are selected as leading cases for annotation to be published in legal digests.
4	Well Qualified	(Between statement A and B)
3	Good	B. An assistant district attorney prepares and submits numerous answers to motions, affidavits, depositions, briefs, memoranda of law, and points of authority to trial and appellate courts for the County District Attorney. Prepares and submits memoranda of law, motions, and post conviction motions to a state supreme court.
2	Satisfactory	(Between statement B and C)
1	Fair	C. An associate member (part-time) of a local licensing board writes memoranda on revised or new provisions of licensing law. Drafts opinions and decisions at the direction of the Chairman for consideration by the board.
0	Marginal	(Lower than statement C)

Rating Factor VI—Organizational Skills

Your Opportunity to Observe the Candidate on this Factor

(Circle the number that applies)

1—None.
2—Rare.
3—Occasional.
4—Often.
5—Extensive.

Using the following examples as your criteria, rate the level of the candidate's organizational skills. CIRCLE ONLY ONE NUMBER.

THE EXAMPLES OF CANDIDATE QUALITY LEVELS PROVIDE A COMMON FRAME OF REFERENCE FOR RATERS. THE FULL RANGE OF A CANDIDATE'S EXPERIENCE AND ACCOMPLISHMENTS SHOULD BE CONSIDERED IN RATING THEIR QUALITY ON EACH FACTOR

Rating	Candidate's quality	Examples
6	Outstanding	(Higher than statement A)
5	Highly Qualified	A. A partner in a large law firm is responsible for a docket of one hundred active cases in state and Federal courts. Meets deadlines for pre-trial procedures, trials, and trial and appellate briefings by effective utilization of attorney associates and support staff. Personally served as managing partner of a smaller firm responsible for all aspects of administration, including hiring and training personnel, purchasing of equipment and books, and organizing other office procedures.

THE EXAMPLES OF CANDIDATE QUALITY LEVELS PROVIDE A COMMON FRAME OF REFERENCE FOR RATERS. THE FULL RANGE OF A CANDIDATE'S EXPERIENCE AND ACCOMPLISHMENTS SHOULD BE CONSIDERED IN RATING THEIR QUALITY ON EACH FACTOR—Continued

Rating	Candidate's quality	Examples
4	Well Qualified	(Between statements A and B)
3	Good	B. A staff attorney with a board of appeals is responsible for management of the docket to ensure fairness to all parties, expedite procedural matters, and make recommendations as to the appropriate course of action required. Drafts procedural orders and monitors status of suspended cases. Develops complete record of Departmental adjudication. Coordinates cases with attorneys and judges.
2	Satisfactory	(Between statements B and C)
1	Fair	C. An attorney serving as legal advisor to an agency board is responsible for making logistical arrangements for the board's field hearings. Drafts notices to the public of the time, place, and status of the hearings, and ensures that the notices are properly served.
0	Marginal	(Lower than statement C)

Additional Comments

_____

_____

_____

[FR Doc. 93–3988 Filed 2–19–93; 8:45 am]

BILLING CODE 6325–01–M

Federal Salary Council; Meetings

AGENCY: Office of Personnel Management.

ACTION: Notice of meetings.

SUMMARY: According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the twentieth and twenty-first meetings of the Federal Salary Council will be held at the times and places shown below. The agenda for these meetings will be the discussion of issues relating to the new locality-based comparability payments authorized by the Federal Employees Pay Comparability Act of 1990 (FEPCA). The meetings will be open.

DATES: March 31, and April 22, 1993 beginning at 10 a.m.

ADDRESSES: Office of Personnel Management, 1900 E Street, NW., room 7B09, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ruth O'Donnell, Chief, Salary Systems Division, Office of Personnel Management, 1900 E Street, NW., room 6H31, Washington, DC 20415–0001. Telephone number: (202) 606–2838.

For The President's Pay Agent

Patricia W. Lattimore,

Acting Director.

[FR Doc. 93–3986 Filed 2–19–93; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–31858; File No. SR–MCC–92–10]

Self-Regulatory Organizations; Midwest Clearing Corporation; Notice of Filing of a Proposed Rule Change to Permit the Processing of Basket Trades

February 16, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on August 20, 1992, the Midwest Clearing Corporation ("MCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by MCC. The Commission is publishing this notice to solicit comments from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

MCC proposes to amend its rules to enable it to process basket trades. Specifically, MCC proposes to process trades in a new basket product to be traded on the Midwest Stock Exchange ("MSE"). A detailed description of the Midwest basket product, which will be known as the MWB, is contained in a recently submitted rule filing (File No. SR–MSE–92–10) in which the Midwest Stock Exchange ("MSE") is seeking approval to trade the MWB.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MCC included statements concerning the purpose of and statutory basis for the proposed rule change and discussed any comments it received on the proposal. The text of these statements may be examined at the places specified in Item IV below. MCC has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to amend MCC's rules to provide for the processing of basket trades and specifically, to seek Commission approval to process trades in the new MWB. The MWB is a basket of stocks that is based upon the stock index futures contract with the ticker symbol "BC" ("BC futures contract") that is traded on the Chicago Board of Trade ("CBOT"). The BC futures contract is based on an index comprised of twenty stocks from various industries which stocks are listed and traded on the New York Stock Exchange.

The MWB basket currently being proposed by the MSE will be comprised of the twenty stocks included in the BC futures contract in such quantity (the same number of whole shares of each stock) as to approximate one-fifth of the settlement value of the BC futures contract as calculated by the CBOT Clearing Corporation. Basket trades will be defined by MCC as trades in a group of securities that an exchange or market place Self-Regulatory Organization ("SRO") has designated as eligible for execution in a single trade.

The proposed rule will permit MCC to accept from an exchange or market place SRO locked-in basket trade data. On T+1 (*i.e.*, the day following the trade day), MCC will report the locked-in basket trades to participants on a basket purchase and sales report. MCC will

[1] 15 U.S.C. 78s(b)(1) (1988).

VOL
58
ISS
33
FE
22
1993
UMI

separately combine each participant's basket buy transactions and basket sell transactions. This netting will result in aggregate buy side and aggregate sell side basket transactions which will then be "burst" into the component securities for clearance and settlement. The bursting will result in an individual participant being either a net buyer or a net seller in each of a basket's component securities. The trades in the component securities will be entered into MCC's Continuous Net Settlement ("CNS") system and will be reported to participants on the MCC Purchase and Sales Report.

Trading of baskets with settlement of component securities will cause MCC to provide participants with appropriate values of a basket's component securities. To do so, MCC will assign a settlement price to each component security based on an algorithm that uses the primary market closing price for each of the component securities.[2] Trades in the component securities will be CNS-eligible and will be reflected on the appropriate CNS Purchase and Sales Report. Burst basket trades will be netted with all other transactions in the same component security having the same settlement date and will be entered into the CNS system for settlement on T+1.[3] MCC will settle the component securities as individual transactions according to MCC's regular trade processing stream.

The basket will be traded by an MSE registered specialist, to be known on the floor as the Designated Primary Market Maker ("DPM"), as well as Registered Market Makers ("RM"). MCC will charge its current, standard trade recording fees to the individual component stocks after the netting process.

[2] MCC will calculate an aggregate basket value for the combined buy side and sell side of all baskets traded daily. The algorithm for calculating the settlement value of each component security for a basket is as follows:

(1) The market value of each component is derived by using the primary market closing price multiplied by the number of shares of each component.

(2) The total market value of the basket is calculated by summing the market value of each component security.

(3) The percentage value of each component security is derived by dividing the total market value of the basket by the market value of each component.

(4) The settlement value of each component security is calculated by multiplying the actual aggregate basket value traded by the percentage value of each component.

[3] While the MWB will settle on T+1, it is anticipated that future baskets processed at MCC will settle on a regular T+5 settlement cycle. Next day settlement is most appropriate for the MWB to keep the settlement activity approximately equal between the MWB and the BC futures contract for cross-margining opportunities.

Because the proposed rule change will facilitate the prompt and accurate clearance and settlement of securities transactions, it is consistent with the requirements of Section 17A of the Act.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MCC believes that no burden will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants or Others

No comments were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of MCC. All submissions should refer to File No. SR–MCC–92–10 and should be submitted by March 15, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3989 Filed 2–19–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31861; File No. SR–NSCC–93–3]

February 16, 1993.

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of a Proposed Rule Change Regarding the Establishment of a Pilot Program Relating to the Handling of Physical Securities and Paper Transactions for Participants Located in New York City

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on January 27, 1993, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would establish a pilot program to offer to NSCC participants located in New York City certain services currently offered to participants located outside New York City relating to the handling of physical securities and paper transactions.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

[4] 17 CFR 200.30–3(a)(12) (1992).

[1] 15 U.S.C. 78s(b)(1) (1988).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

NSCC currently offers certain services to participants not located in New York City pursuant to which NSCC acts as the participant's agent in New York for the processing of, among other things, physical receives and deliveries and paper transactions (collectively, "Direct Clearing services").[2] Direct Clearing services include (i) processing of over-the-window receives and deliveries, (ii) interfacing with NSCC's Envelope Settlement Service ("ESS"), Funds Only Settlement Service ("FOSS"), and Dividend Settlement Service ("DSS"), (iii) processing transfers of physical securities, (iv) processing deposits to and withdrawals from The Depository Trust Company ("DTC"), and (v) processing deliveries to designated agents in connection with reorganizations and other corporate actions. In the course of providing these and other Direct Clearing services, NSCC may have custody of participants' physical securities (including overnight custody for one or more days) and assist participants in orchestrating physical underwritings.

Direct Clearing services are provided under the following conditions. First, in all instances, NSCC acts as agent for the applicable Direct Clearing participant and not as principal or for its own account. Second, all actions taken by NSCC are based on instructions from the applicable Direct Clearing participant.[3] Finally, each Direct Clearing participant agrees that it will not be entitled to reimbursement from NSCC for any losses suffered, or liabilities incurred, as a result of Direct Clearing operations.[4]

For the reasons set forth below, NSCC desires to offer the Direct Clearing services that are enumerated above to participants located in New York City. These services will be offered initially on a pilot basis (as more specifically set forth below), and their operations will be kept separate from other Direct Clearing operations. Set forth below are NSCC's reasons for offering an operationally separate pilot program with respect to Direct Clearing services for participants located in New York City.

NSCC participants who are located in New York City have, over recent years, been experiencing a continual decline in their New York City window activity. This has been primarily as a result of the increasing book-entry eligibility of securities that had been previously settled via physical delivery.

Because New York window operations of NSCC participants have high fixed costs, the declining volume of window activity has caused certain participants (who, for financial reasons, no longer find it desirable to maintain their own New York window operations) to ask NSCC to offer Direct Clearing type services to participants located in New York City. However, because the needs of these participants differ from the needs of participants located outside of New York, NSCC has been asked to keep these services operationally distinct from the Direct Clearing services currently offered to non-New York participants.[5] These services (hereinafter called the "New York Window" or "NYW") would permit the users of the service to share in the fixed costs of a single centralized facility for processing physical securities and paper transactions in New York City.

NSCC believes that the first step towards the establishment of the NYW facility is the establishment of a pilot program, which would be experimental to some degree. After a period of time operating on a pilot basis, the program would be evaluated to see if expansion is feasible and whether any changes ought to be made in the services.

Since there can be no certainty as to whether any one or more participants will ultimately participate in the pilot program, NSCC is currently negotiating with five participants. NSCC expects that at least two or three will participate in the pilot, but participation could end up being lesser or greater. In any event, there will be no participation in the pilot other than by the five participants with whom NSCC is currently negotiating.

The services to be offered under the NYW pilot program will be in the same general categories as those Direct Clearing services which were enumerated above. That is, the NYW pilot program will (i) process over-the-window receives and deliveries, (ii) interface with NSCC's ESS, FOSS, and DSS functions, (iii) process transfers of physical securities, (iv) process deposits to and withdrawals from DTC, and (v) process deliveries to designated agents in connection with reorganizations and other corporate actions. In the course of providing these services, the NYW, among other things, may have custody of a participant's physical securities and may assist a participant in orchestrating a physical underwriting.

These services will also be offered under the same conditions noted above which govern Direct Clearing services. These conditions include the following: (i) in all instances, NSCC would act as agent for the applicable NYW pilot participant and not as principal or for its own account; (ii) all actions taken by the NYW will be based on instructions from the applicable NYW pilot participant; and (iii) each NYW pilot participant will agree that it will not be entitled to reimbursement from NSCC for any losses suffered, or liabilities incurred, as a result of the operations of the NYW pilot program.[6] Additionally, the NYW pilot participants will each be responsible for their own payment

[2] NSCC's Direct Clearing services are covered in PROCEDURE IX (SPECIAL SERVICES), Sections C (Depository Processing), D (Direct Clearing Department), and E (Cashiering Services).

[3] These instructions may be special instructions or standing instructions.

[4] In compliance with New York law, there is an exception for losses resulting from NSCC's gross negligence or willful misconduct. As with any NSCC operations, any lack of entitlement to reimbursement for losses does not prevent NSCC from determining, in its sole and absolute discretion, to provide such reimbursement in particular instances.

[5] These needs differ primarily because the physical securities processed for participants located in New York City will consist mostly of money market instruments (*e.g.*, commercial paper, bankers acceptances, certificates of deposit, etc.) and asset-backed securities whereas the physical securities processed under current Direct Clearing operations for non-New York participants are primarily equities and corporate and municipal debt. One result of the need to help New York City participants manage deliveries and receipts of money market items will be a greater need to process same day turnarounds. Another result will be an increase in the dollar value of securities being held in temporary custody. Additionally, a difference in custodial needs not related to the processing of money market instruments is that NSCC expects to be asked to hold certain securities (*i.e.*, primarily non-money market securities) for longer periods of time than is usual in current Direct Clearing operations.

An option under consideration with respect to custody is to utilize DTC's vault for the actual overnight custody of securities rather than contracting for a separate vault location. In this case, however, DTC would not have access to and would not keep the books and records with respect to securities so held. Rather, NSCC would have full responsibility for the securities under its custody, and only its staff would have access to and handle the securities.

Whatever option is taken, the custodial services offered under this program would have the following features. NSCC will maintain and be responsible for the books and records that account for the securities held in custody. The securities belonging to different participants will not be commingled, and unless these securities are bearer instruments, they will be held in street name or in customer name if requested but not in NSCC nominee name. NSCC will be responsible for following participants' instructions regarding the segregation of customer positions which are held in custody by NSCC, and no deliveries will be made from customer positions absent specific instructions from the relevant participant. All deliveries from NSCC, as custodian, to the relevant participant will be free deliveries (*i.e.*, they will not require payment), and NSCC will specifically disclaim any lien on customer positions held in custody.

[6] These conditions will be subject to the same limitations noted above for current Direct Clearing services.

obligations resulting from NYW processing. Thus, to the extent that receives or deliveries processed by the NYW result in same-day funds payment obligations, the wire transfers will be made directly between the NYW participants and the other parties to the transactions. To the extent that they result in next-day funds payment obligations, checks will be exchanged directly between the NYW participants and the other parties to the transactions with the NYW serving only as a conduit through which checks can be received and picked up.[7]

In its initial phase, the NYW pilot program will utilize the systems of the participants in the program. Thus, each participant in the pilot program would install at the NYW location the terminals and printers currently used in its own New York window operations. NYW employees would have to be trained in the use of these systems (to the extent they did not come over from the participating firms), and the receives and deliveries for each participant would be processed by the NYW in the same manner as they are currently processed by the participant in its own New York window operations.

Before expanding NYW operations beyond the pilot phase, NSCC recognizes that it may have to develop and implement its own systems for the NYW so that upon expansion a larger number of participants could have their transactions processed in a standardized way.

The establishment by NSCC of a centralized facility in New York City for processing physical receives and deliveries and paper transactions will reduce the inefficiencies and excess costs resulting from having each individual participant process such transactions in their own facilities. NSCC believes that this effect will be particularly marked in today's environment where the volume of such transactions can be expected to decline steadily. Thus, NSCC believes that this filing is consistent with the provisions of the Act, as amended, particularly in light of section 17A(a)(1)(B) thereof, which sets forth the Congressional finding that inefficient procedures for clearance and settlement impose unnecessary costs on investors and persons facilitating transactions by acting on behalf of investors. This filing is also consistent with section 17A(b)(3)(F) thereof which provides, among other things, that the rules of a registered clearing agency should remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

The proposed rule change will be implemented consistently with NSCC's statutory obligation to safeguard securities in NSCC's custody or control by virtue of the custody procedures set forth in footnote five above and the general condition that the NYW will only take action with respect to a participant's securities pursuant to that participant's instructions. The proposed rule change will not result in NSCC holding or having control of any funds of any participant.

B. Self-Regulatory Organization's Statement on Burden on Competition.

NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others.

No written comments have been solicited or received. NSCC will notify the Commission of any written comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and published its reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be approved.

NSCC has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after publication of notice of filing.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the File No. SR–NSCC–93–3 and should be submitted by March 15, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4035 Filed 2–19–93; 8:45 am]

BILLING CODE 8010–01–M

[7] Of course, charges resulting from NSCC's ESS, FOSS, or DSS functions will continue to be settled through NSCC's net settlement system.

[8] 17 CFR 200.30–3(a)(12) (1991).

[Release No. 34–31859; International Series Release No. 520; File No. SR–NASD–92–27]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Granting Permanent Approval of Proposed Rule Change Relating to Issuer Notification Requirements and Fees for the Issuance of Additional Shares and the Creation of Certain Stock Plans

February 16, 1993.

On June 17, 1992, the National Association of Securities Dealers, Inc. ("NASD" or "Association") submitted a proposed rule change to the Securities and Exchange Commission ("SEC" or "Commission") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder.[2] The filing amends Schedule D of the NASD's By-Laws[3] in order to require issuers included in either the Regular Nasdaq System ("regular Nasdaq") or the Nasdaq/National Market System ("Nasdaq/NMS"), (together known as "Nasdaq") to file with the NASD notification of the creation of a stock option, employee stock purchase or other stock remuneration plan or the issuance of additional shares of any class of securities included in Nasdaq, other than securities issued under such plans.

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1992).

[3] NASD Securities Dealers Manual, Schedule D to the By-Laws, Part II, Sections 1 and 2, CCH, ¶¶ 1803–1804.

Issuers of securities (except for ADRs) included in Nasdaq are also required to notify the NASD of any change in the issuer's transfer agent or registrar. Further, the rule change amends Schedule D of the By-Laws [4] to require Nasdaq issuers to pay a fee for each issuance of additional shares of an already included security in connection with certain enumerated transactions.

Notice of the proposed rule change, as originally filed, together with its terms of substance was provided by the issuance of a Commission release (Securities Exchange Act Release No. 31289, International Release No. 467, October 5, 1992) and by publication in the **Federal Register** (57 FR 46887, October 13, 1992). No comments were received in response to the Commission release.

On November 18, 1992, the NASD submitted Amendment No. 1 to the proposed rule change. Amendment No. 1 responded to four comment letters received by the Commission prior to publication of notice of the original filing; amended the language of the filing to clarify the intent of the NASD, especially to clarify that the proposed fee is a per issuance fee and that the notification requirements apply only to the creation of certain stock remuneration plans and the issuance of additional shares; corrected certain technical errors in the filing; and requested an effective date of December 1, 1992 for the rule change.[5]

Amendment No. 2, filed on December 8, 1992, further clarified the rule change by making certain technical changes to the text of the rule change.

Notice of the Amendment Nos. 1 and 2, and approval of the filing, as amended, on a temporary, accelerated basis was provided by a Commission release (Securities Exchange Act Release No. 31586, International Release No. 508, December 11, 1992) and by publication in the **Federal Register** (57 FR 60257, December 18, 1992). No comments were received regarding Amendment Nos. 1 and 2. This release approves the NASD's proposal on a permanent basis.

Amendment Nos. 1 and 2

As mentioned above, the NASD filed Amendment No. 1 to the rule filing in order to: (i) Respond to the four comment letters received by the NASD and the Commission; (ii) request an effective date of December 1, 1992; (iii) correct certain technical errors; and (iv) provide additional clarification. Amendment No. 2 was filed to further clarify that the NASD will not require notification of the issuance of additional shares under stock option, employee stock purchase or other stock remuneration plans. The Commission determined that it was necessary to provide notice of Amendment Nos. 1 and 2 because the changes contained in the Amendments were substantive in nature. In addition, the Commission believed the original notice of the filing may not have adequately explained the intent of the NASD's rule change. To avoid misinterpretation, the NASD amended the description of the situations to which the new reporting requirements apply to "stock option, employee stock purchase or other stock remuneration plan." In the case of such plans, the NASD believes only notification of creation of the plan is necessary for oversight purposes and not actual notification of the periodic issuance of stock under the plan. The NASD also amended part IV, sections B.2. and F.2. to Schedule D of the By-Laws. Specifically, Amendment No. 1 changed the term "per issuer" to "per issuance." As corrected, the text of the proposed rule change on the fee schedules corresponds to the general description of the fee schedules contained in the original filing.[6]

Discussion and Findings

The NASD originally filed the instant proposed rule change with the intent that it would be approved by the Commission on a permanent basis. However, while the original filing was being reviewed by the Commission, the NASD discovered that some amendments to the filing were advisable in order to avoid possible confusion by affected issuers. As a result, the NASD filed Amendment Nos. 1 and 2 and sought temporary, accelerated approval of the filing, as amended. In the Notice of Proposed Rule Change providing notice of Amendment Nos. 1 and 2, the Commission indicated that it would consider permanent approval of the proposal after interested parties had an opportunity to comment on the amended rule change. As previously indicated, the Commission did not receive any comments on Amendment Nos. 1 and 2.

The Commission has determined to approve the NASD's proposal on a permanent basis. The Commission continues to find that the proposed rule change is consistent with the requirements of the Act and the rule and regulations thereunder applicable to the NASD. Specifically, the Commission believes that the rule change is consistent with the provisions of section 15A(b)(5) of the Act.[7] Section 15A(b)(5) requires that the rules of the NASD provide for the equitable allocation of reasonable dues, fees and other charges among members, issuers and other persons. The Commission believes that the fee structure established by the NASD herein is equitably divided between those securities included in regular Nasdaq and those included in Nasdaq/NMS. In addition, the Commission continues to believe that the fees imposed are reasonable. As noted by the NASD, issuers listed on the national exchanges pay fees for the issuance of additional shares that are either equivalent to or less than those imposed by the NASD.

The Commission also finds that the rule change approved herein is consistent with the provisions of section 15A(b)(6) of the Act.[8] Section 15A(b)(6), among other things, requires that the rules of the NASD be designed to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Notification of additional issuances of securities will provide the NASD with greater oversight of such securities. In addition, by requiring notification of the creation of stock remuneration plans and the issuance of additional shares, the NASD will be able to more closely monitor the corporate governance requirements for shareholder approval of remuneration plans and the issuance of additional shares under section 5(i) of Part III to Schedule D of the By-Laws. Such monitoring should further perfect the Nasdaq marketplace and provide better protection for investors and the public.

It is Therefore Ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4036 Filed 2–19–93; 8:45 am]

BILLING CODE 8010–01–M

---

[4] *NASD Securities Dealers Manual*, Schedule D to the By-Laws, Part IV, CCH, ¶¶ 1815–1816.

[5] By letter dated December 3, 1992, the NASD withdrew its request for an effective date of December 1, 1992. *See* letter from Suzanne E. Rothwell, Associate General Counsel, NASD, to Selwyn Notelovitz, Branch Chief, SEC, dated December 3, 1992.

[6] In Amendment No. 1, the NASD indicated that the intent expressed in the general description of the proposed fee schedule was to apply the fees on a "per issuance" basis in contrast to the text of the initial proposal which said "per issuer."

[7] 15 U.S.C. 78o–3(b)(5) (1988).

[8] 15 U.S.C. 78o–3(b)(6) (1988).

[9] 17 CFR 200.30–3(a)(12) (1992).

VOL 58 ISS 33 FE 22 1993 UMI

[Release No. 35-25744]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

February 12, 1993.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 8, 1993 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Energy Initiatives, Inc. (70-7828)

Energy Initiatives, Inc. ("EII"), One Upper Pond Road, Parsippany, New Jersey 07054, a nonutility subsidiary of General Portfolios Corporation, a subsidiary of General Public Utilities Corporation, a registered holding company, has filed a post-effective amendment to its application-declaration filed under section 6(a), 7, 9(a), 10 and 12(b) of the Act and Rule 45 thereunder.

By order dated June 19, 1991 (HCAR No. 25335) ("June 1991 Order"), the Commission, among other things, authorized EII to enter into an option agreement ("Option Agreement") granting EII the Option ("Option") to acquire the interests of two Delaware limited partnerships and their affiliates (collectively, "Seller") in a 79.9 megawatt ("MW") cogeneration facility being developed in Selkirk, New York ("Phase I") and in 270 MW of additional generating capacity being developed at that project site ("Phase II") (collectively, with Phase I, the "Project"). On June 28, 1991, EII entered into the Option Agreement with the Seller and paid to the Seller the purchase price of $3.65 million plus $650,000 for historical development costs and other specified transaction costs. The June 1991 Order authorized EII to make development and equity contributions to Phase II on behalf of Seller prior to the exercise of the Option in an amount not to exceed $7.5 million. In addition, EII was authorized to assign its rights and obligations under the Option Agreement to a wholly owned subsidiary to be formed ("EII Sub"), and, in connection therewith, to acquire the capital stock of EII Sub for $1,000 and to make capital contributions to EII Sub in an amount not to exceed $7.5 million so that EII Sub could perform the obligations so assigned.

By order dated October 20, 1992 (HCAR No. 25657) ("October 1992 Order"), the Commission, among other things, increased the amount EII was authorized to contribute to the Project under the June 1991 Order from $7.5 million to $10 million and permitted contributions to be attributed to Phase I as well as to Phase II. In order to provide capital contributions to EII Sub, EII now proposes to increase the amount it may contribute to EII Sub from $7.5 million to $10 million and to extend the time period for these contributions through December 31, 2003.

In connection with the Phase II construction finance closing ("Phase II Finance Closing"), which occurred on October 23, 1992, the ownership of both Phase I and Phase II was merged into a single partnership, Selkirk Cogen Partners, L.P. ("Cogen Partnership"), in which Seller owns a 20% limited partnership interest. The other partnership interests are owned by affiliates of J. Makowski Associates, Inc. ("Makowski"). In addition, Seller acquired a 20% limited partnership interest in a new partnership ("Fuel Partnership") formed to act as Cogen Partnership's agent under a fuel management agency agreement ("FMA Agreement") between Cogen Partnership and Fuel Partnership. The general partner of Fuel Partnership will be JMC Fuel Services, Inc. ("JMC Fuel"), an affiliate of Makowski. JMC Fuel and other affiliates of Makowski own the remaining 80% interests in Fuel Partnership.

Under the FMA Agreement, Fuel Partnership will arrange for the sale and transportation of natural gas which Cogen Partnership is required to purchase from its gas suppliers but which is not needed by the Project. Profits earned on these sales up to $1 million would be applied to fund a reserve account maintained by Cogen Partnership to offset any future layoff sales losses. One-half of any profits exceeding that amount would be retained by Cogen Partnership and deposited, along with other Project revenues, in Cogen Partnership's Revenue Account as required by the Project's financing agreement. Funds in the Revenue Account are applied to pay Project expenses such as operation and maintenance expenses, and may be distributed to partners generally only after all Project expenses have been paid and reserves funded as required by the Project's financing agreement. The remaining one-half of any profits from the layoff sales in excess of the $1 million reserve would be paid to Fuel Partnership as compensation for its services.

Fuel Partnership will reimburse Cogen Partnership for natural gas that cannot be resold or is resold at a loss. The partners of Fuel Partnership will make capital contributions in proportion to their respective partnership interests in order to pay amounts due Cogen Partnership under this arrangement. Any partner failing to make such a contribution would be withdrawn from Fuel Partnership without further liability, but such withdrawal would not effect its affiliate's interest in Cogen Partnership.

EII now proposes to extend its Option under the Option Agreement to acquire all of Seller's interest in the Project to include Seller's interest in the Fuel Partnership ("Fuel Partnership Interests") and, upon exercise of the Option, to acquire the Fuel Partnership Interests from Seller. In addition, EII proposes to make capital contributions to Fuel Partnership from time to time through December 31, 2003 in an aggregate amount at any time outstanding not to exceed $1 million, in order for Fuel Partnership to meet its obligations under the FMA Agreement.

Under its gas supply and transportation arrangements, Cogen Partnership has agreed to purchase 55,000 Mcf of natural gas per day for Phase II, which is the fuel supply currently estimated as necessary to operate Phase II at full capacity. However, the Phase II power purchase agreement with Consolidated Edison Company of New York, Inc., provides that the facility is dispatchable, and, therefore, excess fuel or transportation services may become available when Phase II is not fully utilized. Variables such as changes in plant efficiency, heat rates, forced outages and the like may also result in excess gas. EII represents that the Project lenders, in order to limit

potential losses to Cogen Partnership arising from its obligation to purchase gas which it is not using, required that a separate entity other than Cogen Partnership be responsible for arranging for the sale of any such excess gas and transportation on behalf of Cogen Partnership. Accordingly, the partners in Cogen Partnership, through separate, special purpose entities, formed Fuel Partnership.

EII also proposes to make capital contributions up to $10 million to the Project, as authorized by the June 1991 Order and the October 1992 Order, either before or, from time to time through December 31, 2003, subsequent to exercise of the Option. EII anticipates that it may be required to secure its obligation to contribute equity to the Project from time to time with irrevocable bank letters of credit. Accordingly, EII proposes to enter into letter of credit reimbursement agreements which would obligate EII to repay the letter of credit banks in the event of any draw on the letters of credit made to satisfy EII's equity contribution. The letters of credit, including a $7.6 million letter of credit provided by EII to the Project lenders at the Phase II Finance Closing, would be in a maximum aggregate face amount of $10 million. Drawings on the letters of credit would bear interest at not more than 5% above the prime rate, as in effect from time to time. EII may also be required to pay fees which would not exceed 1% annually of the face amount of the letters of credit.

Although EII presently anticipates that it will assign its right to acquire the Cogen Partnership Interests to EII Sub, it is anticipated that it will assign its right to acquire the Fuel Partnership Interests to a to-be-formed wholly owned subsidiary ("EII Sub II"). Accordingly, EII proposes to acquire for $1,000 all of the capital stock of EII Sub II, to which it would assign its rights and obligations. EII also proposes to make capital contributions to EII Sub II, from time to time through December 31, 2003, in the aggregate amount of $1 million so that EII Sub II may perform the obligations so assigned.

Central and South West Corporation, et al. (70–8097)

Central and South West Corporation ("CSW"), a registered holding company, and its nonutility subsidiary company, CSW Energy, Inc. ("Energy"), both located at 1616 Woodall Rodgers Freeway, P.O. Box 660164, Dallas, Texas 75202, have filed an application-declaration under sections 6, 7, 9(a), 10 and 12(b) of the Act and Rules 45, 50(a)(5), and 51 thereunder.

CSW and Energy seek to acquire indirectly, through subsidiaries to be formed, a 50% interest in an approximately $255 million, 272 megawatt gas fired cogeneration facility ("Project") to be constructed in Fort Lupton, Colorado. Once operational, the Project will be a "qualifying facility" under the Public Utility Regulatory Policies Act of 1978 ("PURPA") and rules thereunder.

Energy proposes to organize and acquire for $1,000 all of the common stock, no par value, of a new Delaware subsidiary company ("Energy Sub"), which would be a partner of Thermo Cogeneration Partnership ("Project Venture"), a Colorado general partnership. Energy, through Energy Sub, will pay a purchase price of approximately $79.5 million, payable in installments, for its 50% interest in Project Venture.

Energy Sub and Thermo Holding, L.P. ("Thermo"), a Colorado limited partnership that will be formed at the purchase date by entities controlled by James Monroe III, an individual, to be the other 50% partner in Project Venture, will reconstitute Project Venture as a limited partnership under Delaware law. The initial partners of this new Project Venture will be Energy Sub and Thermo. Energy Sub and Thermo will each own a 40% limited partnership interest and a 1% general partnership interest in Project Venture. Project Venture will develop, construct, finance, own and operate the Project. Energy Sub and Thermo will each make equity contributions to the Project Venture in an amount not to exceed $17.5 million, or an aggregate amount not to exceed $35 million. CSW proposes to make capital contributions of $17.5 million to Energy, from Energy to Energy Sub, and from Energy Sub to Project Venture, in order to meet these equity commitments.

In lieu of self-funding their individual equity contributions of $17.5 million, Thermo and Energy Sub may borrow funds ("Equity Loan") from a third party lender ("Equity Lender"), expected to be Heller Financial, Inc., in an aggregate amount not to exceed $35 million. The term of the Equity Loan will not exceed the earlier of 9 years or the date that is 7 years from the date of commercial operations under the second of the power purchase agreements. The Equity Loan will bear interest until repaid (together with all accrued and unpaid interest), in the absence of a default, at a rate per annum not in excess of (i) prior to the start of commercial operations of the Project, the prime commercial lending rate as in effect from time to time at First National Bank of Chicago plus 6.5%, and (ii) thereafter, the London Interbank Offered Rate as in effect from time to time plus 3%, plus additional interest in a scheduled amount not to exceed $375,000 per quarter. Energy Sub and Thermo will pay to the Equity Lender a closing fee and a structuring fee, each equal to 1% of the initial principal amount of the Equity Loans. The Equity Loan will be subordinated in all respects to the Construction Advances and the Pru Loans (as defined below) and may be secured by a junior lien on Energy Sub's and Thermo's partnership interests in the Project Venture.

In order to fund certain development costs prior to actual construction, Energy Sub proposes to make advances ("Development Advances") in an aggregate amount not to exceed $40 million. The Development Advances will bear interest at a rate per annum not in excess of the prime commercial lending rate as in effect from time to time at Mellon Bank plus 3% and will have a final maturity not to exceed 20 years. However, it is intended that the Development Advances and any other development expenses will be refinanced by the construction advances, as described below.

CSW, through Energy and Energy Sub, proposes to make loans or open account advances to the Project Venture in an aggregate amount not to exceed $145 million ("Construction Advances"). The Construction Advances will be used for construction and operation of the Project, including performance testing, start-up costs and working capital costs, and for the repayment of Development Advances and other development expenses. The Construction Advances will bear interest at a rate per annum not in excess of the prime commercial lending rate as in effect from time to time at Mellon Bank plus 3% and will have a final maturity not to exceed 20 years. It is anticipated, however, that the Construction Advances will be refinanced by a term loan, as described below.

Energy Sub (or CSW or Energy) also proposes to lend the Project Venture an aggregate amount not to exceed $35 million for the purpose of funding increases in the capital cost of the Project during construction or funding any required operational reserves after other funds have been utilized ("Contingency Amounts"). Contingency Amounts, if any, will be treated as, and included in, the $145 million of Construction Advances. The total of Construction Advances and Contingency Amounts will not exceed $145 million. Contingency Amounts

VOL 58 ISS 33 FE 22 1993 UMI

will be repaid out of Project revenues or will be refinanced by the Term Loan.

It is anticipated that the Project Venture will borrow the balance of the cost of construction and development of the Project from a third party lender, currently expected to be Prudential Insurance Company of America or its affiliate companies or participants ("Lender"). The total amount expected to be borrowed from the Lender will not exceed $75 million ("Pru Loans"). The interest cost to the Project Venture will not exceed 12% per annum. Construction Advances and Pru Loans may be made on substantially similar terms pursuant to a common financing or credit agreement.

The Pru Loans will be evidenced by fixed-rate notes ("Fixed Rate Notes"), which shall bear interest at the interpolated Treasury rate corresponding to the combined average life of the Fixed Rate Notes plus a base spread expected to be no greater than 2.5% when first set. The Project Venture may, at its option, fix the interest rate for separate tranches of Fixed Rate Notes through a shelf commitment for a quarterly shelf commitment fee, payable to the Lender, of not more than 0.375% of the unused portion of the shelf commitment amount.

The Pru Loans will be used for construction and operation of the Project, including performance testing, start-up costs and working capital costs, and to repay Development Advances, unreimbursed development expenses, and other development costs incurred by the Project Venture, including without limitation, the negotiation, execution and delivery of the financing and project documents. It is estimated that the period from the closing of the Pru Loan financing to the start of commercial operations of the Project will be approximately 18 months. Upon completion of the construction of the Project and the start of commercial operations of the Project, or as soon as practicable thereafter all or some of the Pru Loans and the Construction Advances will be converted to, and refinanced by, third party term loan ("Term Loan") financing to be repaid over a term of up to 20 years at an interest cost (taking into account any interest rate protection agreements that may be entered into pursuant to any corresponding credit agreement) not to exceed 12% per annum. The amount of the Term Loan will not exceed $220 million (the sum of the Pru Loans and the Construction Advances). CSW, Energy and Energy Sub request an exception from the competitive bidding requirements of Rule 50 under subsection (a)(5) thereof for the Pru Loans and the Term Loan.

Certain fees may be payable by the Project Venture in connection with the above financing, including: An underwriting fee not to exceed 2% of the amount of the Fixed Rate Notes evidencing the Pru Loans, payable to the Lender at the financial closing; an underwriting fee not to exceed 2% of the amount of the Construction Advances, payable to CSW (or Energy or Energy Sub, as appropriate) at the closing; an agency fee not to exceed $20,000 per month prior to conversion to the Term Loan or $100,000 per year thereafter, subject to escalation with inflation, payable to the Lender in connection with the Pru Loans or the Term Loan; an annual administrative fee not to exceed $40,000, subject to escalation with inflation, payable to CSW (or Energy or Energy Sub, as appropriate) or any replacement lender in connection with the Construction Advances or the Term Loan; a contingency fee not to exceed 0.1% per annum payable to CSW (or Energy or Energy Sub, as appropriate) or any replacement lender on the Contingency Amounts until advanced; and additional bank or security agent fees, syndication fees, breakage fees, cancellation fees and prepayment penalties to the extent reasonably required by the lenders, or any additional or subsequent participants in the Project's financing, on terms then typical in the market for project financings of this nature.

In addition, the power purchaser, Public Service Company of Colorado ("PSCO"), may require CSW, Energy or Energy Sub to provide a letter of credit, bond, guaranty, or other instrument acceptable to PSCO ("Credit Support") to secure the Project Venture's obligations in respect of the power purchase agreements. The amount of the Credit Support will be approximately $7 million, subject to escalation to account for inflation as provided in the power purchase agreements. The Credit Support will be subject to a fee (not to exceed ½% per annum) or (if the Credit Support is in the form of a letter of credit) a letter of credit fee (not to exceed 2% per annum). Drawings under the Credit Support will be repaid on the same basis as the Contingency Amounts and will bear interest until repaid (together with all accrued and unpaid interest) at a rate per annum not in excess of the prime commercial lending rate as in effect from time to time at Mellon Bank plus 3%. The Credit Support will remain in place until earlier of (i) the maturity of the Term Loan or (ii) the release by PSCO of the requirement for Credit Support under the power purchase agreements.

Finally, Thermo, the Lender or the Term Loan Lender may request that CSW provide assurance ("Support Agreement") that Energy Sub will fund or arrange, as appropriate, (i) the Purchase Price, (ii) the Construction Advances (including repayment of advances by the Term Loan Lender prior to the start of commercial operations of the Project), (iii) its portion of the Equity Contribution, (iv) the Contingency Amount, and (v) the Credit Support. It is anticipated that the Support Agreement will either be in the form of one or more guarantees or other commitments entered into directly between CSW and the parties requesting such support, or will be in the form of letters of credit, cash deposits or other similar arrangements. Some or part of the Support Agreement may be an equity support agreement by CSW for the benefit of the Lender and, upon the commencement of the Term Loan, the Term Loan Lender. It is represented that the Support Agreement will be the functional equivalent of a contingent promise of CSW to fund Energy Sub's obligations described above in the event that Energy Sub is unable to do so. The obligation of CSW to contribute capital or otherwise advance funds to the Project Venture pursuant to the Support Agreement will not exceed $250 million.

General Public Utilities (70–8113)

General Public Utilities Corporation ("GPU"), 100 Interpace Parkway, Parsippany, New Jersey 07054, a Pennsylvania corporation and registered holding company, has filed a declaration pursuant to section 12(b) of the Act and Rule 45 thereunder.

By order dated December 10, 1987 (HCAR No. 24522) ("Order"), the Commission, among other things, authorized GPU to make appropriate provision for the payment of non-funded benefits under certain employee benefit plans of GPU Service Corporation ("Service") and GPU Nuclear Corporation ("Nuclear" and collectively, "Subsidiaries"), two subsidiaries of GPU, from time to time until December 31, 1997, in an amount not to exceed $50 million. These plans included the Service and Nuclear Elected Officers Deferred Compensation Plans and Short-Term and Long-Term Disability Plans, the Service Senior Officers Deferred Compensation Plan, the Service and Nuclear Employees Pension Plans, and other employee benefit plans adopted subsequent to the date of the Order ("Original Plans").

GPU now proposes to make appropriate provision for the payment of non-funded benefits due under certain other benefit plans of the Subsidiaries in addition to the Original Plans ("Additional Plans" and, together with the Original Plans, "Plans"), and to extend the period during which GPU may guarantee payment of the non-funded benefits under the Plans until December 31, 2002. The aggregate amount of non-funded benefits under the Plans proposed to be guaranteed by GPU, including those benefits that become immediately due and payable under the Original Plans and the Additional Plans would not, however, exceed the $50 million originally authorized by the Order.

The Additional Plans provide benefits for officers or other individuals performing services for the Subsidiaries ("Participants"), and consist of the following plans and individual contracts for benefits: (1) Life annuities or supplemental pension payments for retired Participants which are awarded on an individual basis, (b) severance payment plans in effect from time to time for Service and Nuclear officers, (c) the Service Senior Executive Life Insurance Program, under which GPU is obligated to make premium payments on "split-dollar" senior executive life insurance policies, and (d) any other employee benefit plans that may be adopted in the future.

Eastern Utilities Associates (70–8131)

Eastern Utilities Associates ("EUA"), One Liberty Square, P.O. Box 2333, Boston, Massachusetts 02107, a registered holding company, has filed a declaration under sections 6(a) and 7 of the Act and Rule 50 and 50(a)(5) thereunder.

EUA proposes to issue from time-to-time through December 31, 1994, up to 2 million shares of EUA common stock having a par value of five dollars per share ("Shares") under competitive bidding procedures or in a negotiated sale with an underwriter pursuant to an exception from the competitive bidding requirements of Rule 50 under subsection (a)(5). EUA has requested that it be authorized to begin negotiations with an underwriter to sell the Shares. It may do so.

The proceeds from the sale of common stock under the Plan would be added to EUA's general funds and will be used for (1) reduction of outstanding short-term debt under existing lines of credit, (2) reduction of the need for short-term borrowings in the future, and (3) other general corporate purposes.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–3990 Filed 2–19–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 93–010]

New York Harbor Traffic Management Advisory Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of special meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 USC App. I), notice is hereby given of a special meeting of the New York Harbor Traffic Management Advisory Committee to be held on March 8, 1993, in the Captain of the Port Conference room, building 108 1st floor, Governors Island, New York, New York, beginning at 1:30 p.m.

The agenda for this meeting of the New York Harbor Traffic Management Advisory Committee is as follows:

1. Introductions.
2. Assessment of current situation regarding silting of ship berths in Newark Bay.
13. Recommendations for guidelines for safe vessel navigation at affected berths.
4. Topics from the floor.
5. Review of agenda topics and selection of date for next meeting.

The New York Harbor Traffic Management Advisory Committee has been established by Commander, First Coast Guard District to provide information, consultation, and advice with regard to port development, maritime trade, port traffic, and other maritime interests in the harbor. Members of the Committee serve voluntarily without compensation from the Federal Government.

Attendance is open to the interested public. With advance notice to the Chairperson, members of the public may make oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Director no later than one day before the meeting. Any member of the public may present a written statement to the Committee at any time.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander J.P. Benvenuto, USCG, Executive Secretary, NY Harbor Traffic Management Advisory Committee, Vessel Traffic Service, building 108, Governors Island, New York, NY 10004–5070; or by calling (212) 668–7429.

Dated: February 12, 1993.

R.M. Larrabee,

Captain, U.S. Coast Guard, Captain of the Port New York, NYHTMAC Executive Director.

[FR Doc. 93–4012 Filed 2–19–93; 8:45 am]

BILLING CODE 4910–14–M

Federal Highway Administration

National Recreational Trails Advisory Committee; Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FHWA announces a public meeting of the National Recreational Trails Advisory Committee, as authorized by the National Recreational Trails Fund Act of 1991 (section 1303 of the Intermodal Surface Transportation Efficiency Act of 1991; Pub. L. 102–240, 105 Stat. 1914, 2068). The focus of the meeting will be to consider utilization of National Recreational Trails funds by States, establish and review criteria for trail-side and trail-head facilities that qualify for funding under this program, and make recommendations for changes in Federal policy to advance the purposes of the National Recreational Trails Funds Act. Discussion topics will include trail research needs, trail information dissemination, FHWA guidance, and State compliance with the Permanent Provision requirements of the Act, such as State recreational fuel tax provisions and State Recreational Trail Advisory Board.

DATES: The meeting will be April 8, 1993, from 9 a.m. to 5 p.m. central time, and April 9, 1993 from 9 a.m. to 2 p.m. The meeting is open to the public.

ADDRESSES: The meeting will be held at the Holiday Inn—Town Lake, 20 North IH–35, Austin, TX 78701.

FOR FURTHER INFORMATION CONTACT: Christopher B. Douwes, Federal Highway Administration, Intermodal Division, HEP–50, (202) 366–5013; or John K. Kraybill, Office of the Chief Counsel, HCC–31, (202) 366–1367; 400 Seventh St., SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal Federal holidays.

(Section 1303, Pub. L. 102–240, 105 Stat. 1914, 2068; 23 U.S.C. 315; 49 CFR 1.48)

Issued on: February 12, 1993.

E. Dean Carlson,

Executive Director.

[FR Doc. 93–4001 Filed 2–19–93; 8:45 am]

BILLING CODE 4910–22–M

Federal Railroad Administration

Petition for a Waiver of Compliance

Several railroads have petitioned the Federal Railroad Administration (FRA) seeking a waiver of compliance with certain requirements from the provisions of Qualification Standards for Locomotive Engineers (49 CFR part 240). The individual railroads and Waiver Petition Docket Numbers are as follows:

Docket No.	Railroad
RSEQ–92–1	Nimishillen & Tuscarawas Railway Company (NTRY).
RSEQ–92–2	Canadian Pacific Limited (CP).
RSEQ–92–5	Rockford Park District.
RSEQ–92–6	Burlington Northern Railroad (BN).
RSEQ–92–7	Wisconsin Trolley (WTMX).
RSEQ–91–1	Lake Terminal Railroad Company (LT).
RSEQ–91–3	South Buffalo Railway Company (SB).
RSEQ–91–4	Philadelphia, Bethlehem and New England Railroad (PBNE).
RSEQ–91–5	Conemaugh and Black Lick Railroad Company (CBL).
RSEQ–91–6	Patapsco and Back Rivers Railroad Company (PBR).
RSEQ–91–7	Steelton and Highspire Railway Company.
RSEQ–91–8	Cambria and Indiana Railroad Company (CI).
RSEQ–91–9	Port Authority Trans-Hudson Corporation (PATH).

The FRA has issued a public notice seeking comments of interested parties and is conducting a field investigation in these matters. After examining the carrier's proposal and the available facts, the FRA has determined that a public hearing is necessary before a final decision is made on these proposals.

Accordingly, a public hearing is hereby set for 10 a.m. on Wednesday, March 17, and 10 a.m. on Thursday March 18, 1993 at the Department of Transportation building, room 10234, located at 400 7th Street, SW., Washington, DC. On Wednesday, March 17, the following petitions will be discussed: RSEQ–91–1, Lake Terminal (LT); RSEQ–91–3, South Buffalo (SB); RSEQ–91–4, Philadelphia Bethlehem and New England (PBNE); RSEQ–91–5, Conemaugh and Black Lick (CBL); RSEQ–91–6, Patapsco and Back Rivers (PBR); RSEQ–91–7, Steelton and Highspire, (SH); RSEQ–91–8, Cambria and Indiana (CI) and RSEQ–92–1, Nimishillen and Tuscarawas (NTRY). On Thursday, March 18 the following petitions will be discussed: RSEQ–92–2, Canadian Pacific (CP); RSEQ–92–5, Rockford Park District; RSEQ–91–9, Port Authority Trans-Hudson (PATH); RSEQ–92–6, Burlington Northern (BN); and RSEQ–92–7, Wisconsin Trolley (WTMX).

Interested parties are invited to present oral statements at the hearing. The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR 211.25), by a representative designated by the FRA, conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR 211.25), by a representative designated by the FRA.

The hearing will be a nonadversarial proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC on February 16, 1993.

Grady C. Cothen, Jr.,

Associate Administrator for Safety.

[FR Doc. 93–3998 Filed 2–19–93; 8:45 am]

BILLING CODE 4910–06–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

February 16, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington DC 20220.

Special Request: This is an expedite submission. Final regulations 1.860E–2(a)(1) and 1.860E–2(b)(1) were issued December 24, 1992. These regulations provide that taxes due under Code section 860E(e)(1) and Regulations section 1.860A–1(b)(3) must be paid by certain taxpayers by March 24, 1993. Form 8831 must go to print by March 5, 1993, so that it will be available for these taxpayers to file by March 24, 1993.

Internal Revenue Service

OMB Number: New.

Form Number: IRS Form 8831.

Type of Review: New collection.

Title: Excise Taxes on Excess Inclusions of REMIC Residual Interests.

Description: Form 8831 is used by a real estate mortgage investment conduit (REMIC) to figure its excise tax liability under Code sections 860E(e)(1), 860E(e)(6), and 860E(e)(7). IRS uses the information to determine the correct tax liability of the REMIC.

Respondents: Businesses or other for profit, Small businesses or organizations.

Estimated Number of Respondents/Recordkeepers: 125.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 4 hours, 32 minutes

Learning about the law or the form: 1 hour, 5 minutes

Preparing and sending the form to the IRS: 1 hour, 13 minutes

Frequency of Response: On occasion

Estimated Total Reporting/Recording Burden: 855 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports, Management Officer.

BILLING CODE 4830–01–M

Form **8831**
(March 1993)
Department of the Treasury
Internal Revenue Service

Excise Taxes on Excess Inclusions of REMIC Residual Interests

OMB No 1545-xxxx
Expires xx-xx-xx

Please Type or Print

Name | Identifying number

Number, street, and room or suite no. (If a P O box, see instructions.)

City or town, state, and ZIP code

Part I Transfers to Disqualified Organizations

Section A—Information on the Transfer

1 Enter the date the residual interest was transferred to a disqualified organization . . . . ▶ / /

2 Within a reasonable time after discovering this transfer was subject to tax under section 860E(e)(1), were steps taken so that the residual interest you transferred is no longer held by a disqualified organization? . . . . . ☐ Yes ☐ No

3 If you answered "Yes" to question 2, enter the date the disqualified organization disposed of the residual interest . . . . . ▶ / /

If you answered "Yes" to question 2, the tax due under section 860E(e)(1) will be waived if you pay the amount due under Regulations section 1.860E-2(a)(7)(ii). Skip Section B and go to Section C to figure the amount due.

If you answered "No" to question 2, use Section B to figure the tax due under section 860E(e)(1). Do not complete Section C.

Section B—Tax Due Under Section 860E(e)(1). Complete this section ONLY if you answered "No" to question 2.

4	Enter the present value of the excess inclusions allocable to the residual interest you transferred that are expected to accrue in each calendar quarter (or part thereof) following the transfer of that interest to the disqualified organization (see instructions)	4	
5	**Tax due.** Multiply line 4 by 34%	5	

Section C—Amount Due Under Regulations Section 1.860E-2(a)(7)(ii). Complete this section ONLY if you answered "Yes" to question 2.

6	Enter the amount of excess inclusions allocable to the residual interest you transferred that accrued during the period the disqualified organization held that interest	6	
7	**Amount due.** Multiply line 6 by 34%	7	

Part II Tax on Pass-Through Entities With Interests Held by Disqualified Organizations

8	Enter the ending date of the pass-through entity's tax year for which this return is being filed . . . . . ▶ / /		
9	Enter the amount of excess inclusions allocable to interests in the pass-through entity for which the record holder is a disqualified organization	9	
10	**Tax due.** Multiply line 9 by 34%	10	

Part III Tax and Payments

11	Enter the amount from line 5, 7, or 10, whichever applies	11	
12	Less: Amount paid with Form 2758	12	
13	**Amount due.** Enter the excess of line 11 over line 12	13	
14	**Overpayment.** Enter the excess of line 12 over line 11	14	

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete.

▶ Signature ▶ Date ▶ Title (if any)

General Instructions

(Section references are to the Internal Revenue Code unless otherwise noted.)

Paperwork Reduction Act Notice

We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

Recordkeeping	4 hr., 32 min.
Learning about the law or the form	1 hr., 5 min.
Preparing and sending the form to the IRS . . .	1 hr., 13 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form more simple, we would be happy to hear from you. You can write to both the **Internal Revenue Service,** Washington, DC 20224, Attention: IRS Reports Clearance Officer, T:FP; and the **Office of Management and Budget,** Paperwork Reduction Project (1545-xxxx), Washington, DC 20503. **DO NOT** send this form to either of these offices. Instead, see **Where To File** on page 2

Purpose of Form

Use Form 8831 to report and pay

- The excise tax due under section 860E(e)(1) on any transfer of a residual interest in a REMIC to a disqualified organization;
- The amount due under Regulations section 1.860E-2(a)(7)(ii) if the tax under section 860E(e)(1) is to be waived; or
- The excise tax due under section 860E(e)(6) on pass-through entities with interests held by disqualified organizations.

VOL
58
ISS
33
FE
22
1993
UMI

Definitions

Disqualified organization.—A "disqualified organization" is:

1. The United States, any state or subdivision thereof, any foreign government, any international organization, or any of their agencies (except for certain taxable instrumentalities described in section 168(h)(2)(D) and the Federal Home Loan Mortgage Corporation);

2. Any tax-exempt organization (other than a farmers' cooperative described in section 521), unless that organization is subject to the unrelated business income tax; and

3. Any cooperative described in section 1381(a)(2)(C).

Pass-through entity.—A "pass-through entity" is a regulated investment company, real estate investment trust, common trust fund, partnership, trust, estate, or a cooperative described in section 1381. A person holding an interest in a pass-through entity as a nominee for another person is also treated as a pass-through entity.

Who Must File

You must file Form 8831 if you are liable for the excise tax due under section 860E(e)(1) (or the amount due under Regulations section 1.860E-2(a)(7)(ii)) because you transferred a residual interest in a REMIC to a disqualified organization after March 31, 1988 (unless the transfer was made under a binding contract in effect on that date).

You will not be treated as having transferred your interest to a disqualified organization if you obtain an affidavit from the transferee signed under penalties of perjury that either furnishes his or her social security number or states that the transferee is not a disqualified organization, provided you do not have actual knowledge at the time of the transfer that the affidavit is false.

A pass-through entity must file Form 8831 if it is liable for the tax due under section 860E(e)(6). The entity must pay this tax if, at any time during the entity's tax year, excess inclusions from a residual interest in a REMIC are allocable to an interest in the entity for which the record holder is a disqualified organization. The tax applies to excess inclusions for periods after March 31, 1988, but only to the extent the inclusions are allocable either to an interest in the pass-through entity acquired after March 31, 1988, OR to a residual interest acquired by the pass-through entity after March 31, 1988. Any interest acquired under a binding contract in effect on March 31, 1988, is treated as acquired before that date. A real estate investment trust, regulated investment company, common trust fund, or publicly traded partnership is subject to the tax due under section 860E(e)(6) ONLY for tax years beginning after 1988.

A pass-through entity is not subject to the excise tax under section 860E(e)(6) if it obtains an affidavit from the record holder signed under penalties of perjury that either furnishes his or her social security number or states that the record holder is not a disqualified organization, provided the pass-through entity does not have actual knowledge at the time of the transfer that the affidavit is false.

[FR Doc. 93–4032 Filed 2–19–93; 8:45 am]
BILLING CODE 4830–01–C

A pass-through entity that owes both the excise tax due under section 860E(e)(1) (or the amount due under Regulations section 1.860E-2(a)(7)(ii)) and the excise tax due under section 860E(e)(6) must file a separate form for each tax.

When To File

The excise tax due under section 860E(e)(1) must be paid by the later of March 24, 1993, or April 15 of the year following the calendar year in which the residual interest is transferred to a disqualified organization. The excise tax due under section 860E(e)(6) must be paid by the later of March 24, 1993, or the 15th day of the 4th month following the close of the tax year of the pass-through entity.

If more time is needed, use **Form 2758**, Application for Extension of Time To File Certain Excise, Income, Information, and Other Returns, to request an extension of time to file Form 8831. However, Form 2758 does not extend the time for payment of tax.

Where To File

File Form 8831 with the Internal Revenue Service Center used for filing your income tax return. If you have no legal residence, principal place of business, or office or agency in the United States, file Form 8831 with the Internal Revenue Service Center, Philadelphia, PA 19255.

Rounding Off to Whole Dollars

Money items may be shown on the return as whole dollars. To do so, drop any amount less than 50 cents and increase any amount from 50 cents through 99 cents to the next higher dollar.

Amended Return

To amend a previously filed Form 8831, file a corrected Form 8831 marked "Amended" at the top of the form.

Signature

See the instructions for the "Signature" section of your Federal income tax return.

Interest and Penalties

Interest.—Interest is charged on taxes not paid by the due date at a rate determined under section 6621

Late filing of return.—A penalty of 5% a month or part of a month, up to a maximum of 25%, is imposed on the net amount due if the excise tax return is not filed when due.

Late payment of tax.—Generally, the penalty for not paying tax when due is ½ of 1% of the unpaid amount, up to a maximum of 25%, for each month or part of a month the tax remains unpaid. The penalty is imposed on the net amount due.

Specific Instructions

Name and Address

Enter the name shown on your most recently filed Federal income tax return. Include the suite, room, apartment, or other unit number after the street address. If the Post Office does not deliver mail to the street address and you have a P.O. box, show the box number instead of the street address.

Identifying Number

If you are an individual, enter your social security number. Other filers, enter your employer identification number.

Line 4

The excess inclusions expected to accrue must be determined as of the date the residual interest is transferred and must be based on **(a)** events that have occurred up to the time of the transfer, **(b)** the prepayment and reinvestment assumptions adopted under section 1272(a)(6) (or that would have been adopted if the REMIC's regular interests had been issued with original issue discount), and **(c)** any required or permitted clean-up calls, or required qualified liquidation provided under the REMIC's organizational documents.

The present value of the excess inclusions expected to accrue is determined by discounting all remaining excess inclusions expected to accrue on the residual interest from the end of each calendar quarter in which those inclusions are expected to accrue to the date the disqualified organization acquired the residual interest. The discount rate to be used in this computation is the applicable Federal rate under section 1274(d)(1) that would apply to a debt instrument issued on the date the disqualified organization acquired the residual interest and with a term that ends on the last day of the last quarter in which excess inclusions are expected to accrue for the interest.

The REMIC must furnish the information needed to figure the amount on line 4 upon your request. The information must be furnished within 60 days of the request. The REMIC may charge a fee for this information.

Line 6

Enter the amounts reported on **Schedule Q (Form 1066)**, Quarterly Notice to Residual Interest Holder of REMIC Taxable Income or Net Loss Allocation, line 2c, to the disqualified organization for the period it held the residual interest.

Line 9

Enter the amounts reported on Schedule Q (Form 1066), line 2c, for the tax year of the pass-through entity that are allocable to all disqualified organizations that held an interest in the entity.

Line 10

You may deduct the amount on line 10 in figuring the amount of ordinary income of the pass-through entity. For example, the tax is deductible by a real estate investment trust in figuring its real estate investment trust taxable income under section 857(b)(2).

Line 12

If you filed Form 2758, enter the amount paid, if any, when you filed that form.

Line 13

Full payment of the amount due must accompany Form 8831. Make your check or money order payable to the "Internal Revenue Service." Write your name, address, identifying number, and "Form 8831" on the check or money order.

Line 14

The IRS will refund the amount on line 14 if you owe no other taxes.

Office of the Secretary

[Supplement to Department Circular—Public Debt Series—No. 7–93]

Treasury Bonds of February 2023

Washington, February 12, 1993.

The Secretary announced on February 11, 1993, that the interest rate on the bonds designated Bonds of February 2023, described in Department Circular—Public Debt Series—No. 6–93 dated February 3, 1993, will be 7⅛ percent. Interest on the bonds will be payable at the rate of 7⅛ percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 93–4029 Filed 2–19–93; 8:45 am]

BILLING CODE 4810–40–M

[Supplement to Department Circular—Public Debt Series—No. 6–93]

Treasury Notes, Series A–2003

Washington, February 11, 1993.

The Secretary announced on February 10, 1993, that the interest rate on the notes designated Series A–2003, described in Department Circular—Public Debt Series—No. 6–93 dated February 3, 1993, will be 6¼ percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 93–4028 Filed 2–19–93; 8:45 am]

BILLING CODE 4810–40–M

[Supplement to Department Circular—Public Debt Series—No. 5–93]

Treasury Notes, Series X–1996

Washington, February 10, 1993.

The Secretary announced on February 9, 1993, that the interest rate on the notes designated Series X–1996, described in Department Circular—Public Debt Series—No. 5–93 dated February 3, 1993, will be 4⅝ percent. Interest on the notes will be payable at the rate of 4⅝ percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 93–4027 Filed 2–19–93; 8:45 am]

BILLING CODE 4810–40–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee (TPSC); Request for Comments Concerning Foreign Government Discrimination in Procurement

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of request for public comments.

SUMMARY: This notice requests written submissions from the public concerning discrimination against United States products and services by foreign governments in their procurement practices. This information will be used in compiling the annual report on foreign discrimination in government procurement specified by Section 305 of the Trade Agreements Act of 1979 (Trade Agreements Act), as amended by Title VII of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2515).

Section 305 of the Trade Agreements Act requires the President to submit an annual report on the extent to which foreign countries discriminate against United States products or services in making government procurements. In the annual report, the President is required to identify any countries that:

(a) Are signatories to the GATT Agreement on Government Procurement (Agreement) and are not in compliance with the requirements of the Agreement;

(b)(i) Are signatories to the Agreement; (ii) are in compliance with the Agreement but maintain a significant and persistent pattern or practice of discrimination in the government procurement of products or services from the United States not covered by the Agreement, which results in identifiable harm to U.S. business; and (iii) whose products or services are acquired in significant amounts by the United States Government; or

(c) Are not Signatories to the Agreement and maintain a significant and persistent pattern or practice of discrimination in government procurement of products or services from the United States, which results in identifiable harm to U.S. business, and whose products or services are acquired in significant amounts by the United States Government.

The functions vested in the President under Section 305 of the Trade Agreements Act were delegated to the United States Trade Representative (USTR) pursuant to Section 4–101 of Executive Order 12661 (54 FR 779).

DATES: Submissions containing the information described below must be received on or before March 15, 1993.

ADDRESSES: Comments must be submitted to the Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20506, and must include not less than twenty (20) copies. Submissions will be available for public inspection by appointment with the staff of the USTR Public Reading Room, except for information granted "business confidential" status pursuant to 15 CFR 2003.6. Any business confidential material must be clearly marked as such and accompanied by a nonconfidential summary thereof.

FOR FURTHER INFORMATION CONTACT: Elena Bryan, Deputy Director, Market Access at (202) 395–5097 or Mark Linscott, Director, Government Procurement, at 395–3063. Legal questions should be directed to Laura B. Sherman, Assistant General Counsel, at (202) 395–3150.

SUPPLEMENTARY INFORMATION: Section 305 of the Trade Agreements Act requires an annual report to be submitted no later than April 30, 1993 to the appropriate Committees of the House of Representatives and the Senate. The USTR is required to request consultations with any countries identified in the report to obtain their compliance with the Agreement or the elimination of their discriminatory procurement practices.

USTR invites submissions from interested parties concerning foreign government procurement practices that should be considered in developing the annual report. Pursuant to section 305(d)(5) of the Trade Agreements Act, submissions are sought from any interested parties in the United States and in countries that are signatories to the Agreement, as well as in other foreign countries whose products or services are acquired in significant amounts by the United States Government.

Each submission should provide, in order, the following general information: (1) The party submitting the information; (2) the foreign country or countries that are the subject of the submission and the entities of each subject country's government whose practices are being identified, and (3) the U.S. products or services that are affected by the non-compliance or discrimination.

Each submission should provide, in order, the following specific information on non-compliance with the Agreement or discrimination: (1) The circumstances under which discrimination has occurred, including information regarding the date and nature of procurement(s) where discrimination was encountered; (2) policies or practices which are deemed to be discriminatory (where possible, include copies of discriminatory laws, policies or regulations), and (3) the extent to which noncompliance with the Code or discrimination has impeded the ability

VOL
58
ISS
33
FE
22
1993
UMI

of U.S. suppliers to participate in procurements on terms comparable to those available to suppliers of the country in question when they are seeking to sell goods or services to the United States Government. Wherever possible, submissions should address the extent to which countries identified: (i) Use sole-sourcing or otherwise noncompetitive procedures for procurements that could have been conducted using competitive procedures; (ii) conduct what normally would have been one procurement as two or more procurements, in order to decrease the anticipated contract value below the Agreement's value threshold or to make the procurement less attractive to U.S. businesses; (iii) announce procurement opportunities without adequate time for U.S. businesses to submit bids, and (iv) employ specifications in such a way as to limit the ability of U.S. suppliers to participate in procurements.

Finally, each submission should: (1) Identify requirements of the Agreement which are not being observed by a country identified or describe how the country has maintained a significant and persistent pattern or practice of discrimination in government procurement; (2) identify the specific impact of the discriminatory policy or practice on United States businesses (including an estimate of the value of market opportunities lost and, if any, the cost of preparing bids which are rejected during the course of a procurement evaluation for discriminatory reasons), and (3) describe the extent to which the products or services of the country identified are acquired in significant amounts by the United States Government.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 93–4037 Filed 2–19–93; 8:45 am]

BILLING CODE 3110–01–M

Suns

This sectio
contains no
the "Gover
L. 94-409)

DEPARTME

**FEDERAL E
COMMISSIO**

The foll
published
the Gover
(Pub. L. N

DATE AND
a.m.

PLACE: 82
Room 930

STATUS: O

MATTERS T

Note—It
deleted wit

CONTACT P
Lois D. Ca
(202) 208-

This is
considere
not inclu
relevant t
however,
examined
Informatio

**Consent Ag
February 2**

CAH–1.
Project N
Partne
CAH–2.
Project N
Compa
CAH–3.
Project N
Distric
Washi
CAH–4.
Project N
& Ligh
CAH–5.
Project N
Kentuc
Partne

Consent Ag

CAE–1.
Docket N
333–0
CAE–2.
Docket N
Electri
CAE–3.
Docket N
001, D
CAE–4.

Sunshine Act Meetings

Federal Register
Vol. 58, No. 33
Monday, February 22, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

DEPARTMENT OF ENERGY

FEDERAL ENERGY REGULATORY COMMISSION

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-49), U.S.C. 552B:

DATE AND TIME: February 24, 1993, 10 a.m.

PLACE: 825 North Capitol Street NE., Room 9306, Washington DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208-0400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro, 974th Meeting—February 24, 1993, Regular Meeting (10 a.m.)

CAH-1.
Project No. 11221-003, Tropicana Limited Partnership.
CAH-2.
Project No. 11337-001, Moreland Energy Company
CAH-3.
Project No. 2114-020, Public Utility District No. 2 of Grant County, Washington
CAH-4.
Project No. 2494-003, Puget Sound Power & Light Company
CAH-5.
Project No. 6641-022, City of Marion, Kentucky and Smithland Hydroelectric Partners

Consent Agenda—Electric

CAE-1.
Docket Nos. ER89-256-000 and ER90-333-000, Palisades Generating Company
CAE-2.
Docket No. AC92-163-001, Wisconsin Electric Power Company
CAE-3.
Docket Nos. ER93-96-001 and EL93-11-001, Delmarva Power & Light Company
CAE-4.
Docket No. ER92-812-001, Wisconsin Electric Power Company
CAE-5.
Omitted
CAE-6.
Docket No. EG93-10-000, KFM Pepperell, Inc.
Docket No. EG93-11-000, Pepperell Power Associates Limited Partnership
CAE-7.
Docket No. EG93-12-000, Malacha Hydro Limited Partnership
CAE-8.
Docket No. AC93-27-000, Kanawha Valley Power Company
CAE-9.
Docket No. QF90-133-001, Altamont Cogeneration Corporation
CAE-10.
Docket Nos. ER92-341-000 and EL92-35-000, Arkansas Power & Light Company
CAE-11.
Docket No. EL88-1-000, (Phase II) Indiana and Michigan Municipal Distributors Association and City of Auburn, Indiana v. Indiana Michigan Power Company Docket Nos. ER88-31-000 and ER88-32-000 (Phase II), Indiana Michigan Power Company
CAE-12.
Docket No. EL91-30-000; Municipal Resale Service Customers v. Ohio Power Company
CAE-13.
Docket No. EL93-9-000, Red Top Cogeneration Project, L.P.

Consent Miscellaneous

CAM-1.
Docket No. RM92-17-001, Elimination of Certain Filing Fees in Parts 346 and 381

Consent Agenda—Oil and Gas

CAG-1.
Docket No. TA93-1-20-000. Algonquin Gas Transmission Company
CAG-2.
Docket No. TM93-3-22-000, CNG Transmission Corporation
CAG-3.
Docket No. TA93-1-59-000, Northern Natural Gas Company
CAG-4.
Docket No. RP93-69-000. CNG Transmission Corporation
CAG-5.
Omitted
CAG-6.
Docket No. RP93-70-000, Black Marlin Pipeline Company
CAG-7.
Docket Nos. TA93-1-17-000, 001, 002, 003, 004, TM93-4-17-000, TQ93-3-17-000, 002, TF93-3-17-001, 002, TQ93-4-17-001, 002 and TQ93-5-17-000, Texas Eastern Transmission Corporation
CAG-8.
Docket No. RP93-5-003, Northwest Pipeline Corporation
CAG-9.
Docket No. RP93-64-000. Texas Gas Transmission Corporation
CAG-10.
Docket No. RP93-42-002, Colorado Interstate Gas Company
CAG-11.
Docket No. RP93-36-001, Natural Gas Pipeline Company of America
CAG-12.
Docket Nos. RP93-41-002 and RP92-179-003, Florida Gas Transmission Company
CAG-13.
Docket No. RP93-35-002, Northwest Pipeline Corporation
CAG-14.
Docket No. RP92-229-001, Northwest Pipeline Corporation
CAG-15.
Docket Nos. RP88-259-061, CP89-1227-015, RP90-124-011 and RP90-161-007, Northern Natural Gas Company
CAG-16.
Docket No. RP93-67-000, Columbia Gas Transmission Corporation
CAG-17.
Docket Nos. RP91-143-012 and RP91-231-004, Great Lakes Gas Transmission Limited Partnership
CAG-18.
Docket No. RP92-195-000, El Paso Natural Gas Company
CAG-19.
Omitted.
CAG-20.
Docket No. PR93-1-000, FRM, Inc.
CAG-21.
Docket No. PR90-1-000, Nycotex Gas Transport
CAG-22.
Docket Nos. RP92-47-002, RP92-95-001 and CP90-1874-000, U-T Offshore System
CAG-23.
Docket Nos. RP92-177-001 and 002, Northern Border Pipeline Company
CAG-24.
Docket Nos. RP91-203-023 and RP93-68-000, Tennessee Gas Pipeline Company
CAG-25.
Docket No. RP92-102-003, Kentucky West Virginia Gas Company
CAG-26.
Docket Nos. RP92-165-010, 011, RP89-160-013 and RP89-114-000, Trunkline Gas Company
CAG-27.
Docket No. IS92-18-000, Unocal California Pipeline Company
CAG-28.
Docket Nos. RP93-34-002 and RS92-87-001, Transwestern Pipeline Company
CAG-29.

Docket No. CP92–657–001, Southwest Gas Corporation v. El Paso Natural Gas Company
CAG–30.
Docket Nos. CP89–471–003, 004, 005 and CP88–394–001, Gateway Pipeline Company
CAG–31.
Docket Nos. CP90–2294–001 and 002, Transwestern Pipeline Company
CAG–32.
Docket No. CP88–760–012, Transcontinental Gas Pipe Line Corporation
CAG–33.
Docket No. CP92–479–001, New York State Electric & Gas Corporation
Docket No. CP93–36–000, North Penn Gas Company
CAG–34.
Docket No. CP92–543–002, Panhandle Eastern Pipeline Company
CAG–35.
Docket Nos. CP90–2214–002, 003 and CP91–121–001, El Paso Natural Gas Company
CAG–36.
Docket No. CP91–2704–003, Blue Lake Storage Company
Docket No. CP91–2705–002, ANR Pipeline Company
Docket No. CP91–2703–002, ANR Storage Company
CAG–37.
Docket No. CP92–547–000, Panhandle Eastern Pipe Line Corporation
CAG–38.
Omitted
CAG–39.
Docket No. CP92–312–000, CNG Transmission Corporation
CAG–40.
Docket No. CP92–142–000, CNG Transmission Corporation
Docket No. CP92–165–000, Texas Eastern Transmission Corporation
CAG–41.
Docket No. CP86–317–007, Panhandle Eastern Pipe Line Company
CAG–42.
Docket Nos. CP92–581–000 and 001, El Paso Natural Gas Company

Hydro Agenda

H–1.
Reserved

Electric Agenda

E–1.
Reserved

Oil and Gas Agenda

I. Pipeline Rate Matters

PR–1.
Reserved

II. Restructuring Matters

RS–1.
Docket Nos. RS92–9–000 and RP93–18–000, Questar Pipeline Company. Order on compliance filing.
RS–2.
Docket No. RS92–18–000, Kentucky West Virginia Gas Company. Order on compliance filing.
RS–3.
Docket No. RS92–21–000, National Fuel Supply Corporation. Order on compliance filing.
RS–4.
Docket No. RS92–47–000, Phillips Gas Pipeline Company. Order on compliance filing.
RS–5.
Docket No. RS92–50–000, Valero Interstate Transmission Company. Order on compliance filing.
RS–6.
Docket No. RS92–65–000, Kern River Gas Transmission Company. Order on compliance filing.
RS–7.
Docket No. RS92–66–000, Mojave Pipeline Company. Order on compliance filing.
RS–8.
(A) Docket Nos. RS92–25–000 and CP92–498–000, Trunkline Gas Company. Order on compliance filing.
(B) Docket No. RP89–160–000, Trunkline Gas Company. Order on initial decision.
RS–9.
Docket No. RS82–535–009, Texas Eastern Transmission Corporation. Order on motion for clarification of blanket certificate.

III. Pipeline Certificate Matters

PC–1.
Reserved

Dated: February 17, 1993.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4139 Filed 2–18–93; 2:00 pm]

BILLING CODE 6717–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Thursday, February 18, 1993.

The business of the Board required that this meeting be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was practicable.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTER CONSIDERED: Briefing on Executive Orders and Memoranda dated February 10, 1993.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 18, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–4185 Filed 2–18–93; 3:53 pm]

BILLING CODE 6210–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [58 FR 8653 February 16, 1993]

STATUS: Open meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Wednesday, February 10, 1993.

CHANGE IN THE MEETING: Additional item.

The following item will be considered at an open meeting scheduled for Monday, February 22, 1993, at 10 a.m., in Room 1C30.

Consideration of whether to issue a release addressing the settlement timeframe for transactions in corporate securities. The release would propose for public comment new Rule 15c6–1 that would establish three business days as the routine settlement timeframe for broker-dealers' trades in most corporate equity and debt. For further information, please contact Sonia Burnett at (202) 272–2855.

Commissioner Roberts, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Chris Sakach at (202) 272–2300.

Dated: February 17, 1993.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–4117 Filed 2–18–93; 1:59 pm]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 58, No. 33
Monday, February 22, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF EDUCATION

[CFDA No. 84.023]

Research in Education of Individuals With Disabilities Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1993

Correction

In notice document 93-1007 beginning on page 4866 in the issue of Friday, January 15, 1993, make the following correction:

On page 4867, in the table, in the fourth column, in the first entry, "$2,000,000" should read "$200,000".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 16]

RIN 0960-AC95

Supplemental Security Income for the Aged, Blind, and Disabled; Eligibility for Benefits for Children of Armed Forces Personnel Stationed Overseas

Correction

In rule document 93-1101 beginning on page 4896 in the issue of Tuesday, January 19, 1993, make the following correction:

§ 416.215 [Corrected]

On page 4898, in the first column, in § 416.215(b)(2), in the first line, "You are living" should read "You are not living".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-010-03-4210-04; IDI-28152]

Realty Action, Idaho

Correction

In notice document 93-1380 beginning on page 5755 in the issue of Friday, January 22, 1993, make the following correction:

On page 5756, in the first column, under **SUPPLEMENTARY INFORMATION**, in the first full paragraph, in the seventh line, insert "leasing" before "laws".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE-74-92]

RIN 1545-AR19

Taxation of Tax-Exempt Organizations' Income from Corporate Sponsorship

Correction

In proposed rule document 93-1402 beginning on page 5687 in the issue of Friday, January 22, 1993, make the following corrections:

§ 1.513-4 [Corrected]

(1) On page 5690, in § 1.513-4(c)(1), in the second column, in the seventh line "product-live" should read "product-line".

(2) On the same page, in § 1.513-4(f), in the second column, in the fifth line "pram" should read "pro-am".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[IA-003-89]

RIN 1545-AN02

Recovery of Reasonable Administrative Costs

Correction

In proposed rule document 92-30525 beginning on page 61020 in the issue of Wednesday, December 23, 1992, make the following corrections:

§ 301.7430-4 [Corrected]

1. On page 61027, in the first column, in § 301.7430-4(b)(3)(ii)(B), in the second line, "paragraph (b)(30)(ii)(A)" should read "paragraph (b)(3)(ii)(A)".

§ 301.7430-5 [Corrected]

2. On page 61028, in the 2d column, in § 301.7430-5(e), in the 22d line, "if" should read "it".

BILLING CODE 1505-01-D

VOL
58

ISS
33

FE
22

1993

UMI

federal register

Monday
February 22, 1993

Part II

Department of Defense

Office of the Secretary

Privacy Act of 1974; Reissuance of Systems of Records Notices

VOL 58 ISS 33 FE 22 1993 UMI

DEPARTMENT OF DEFENSE

Office of the Secretary

Privacy Act of 1974; Reissuance of DOD Systems of Records Notices

AGENCY: Department of Defense.

ACTION: Reissuance of DOD Systems of Records Notices.

SUMMARY: The Department of Defense is reissuing all of its Privacy Act systems of records notices as of December 31, 1992, subject to the Privacy Act of 1974, as amended. All of the DOD systems of records notices have been previously published in the **Federal Register** as required by 5 U.S.C. 552a(e)(11).

EFFECTIVE DATE: February 22, 1993.st

FOR FURTHER INFORMATION CONTACT: Mr. Aurelio Nepa, Jr., Director, Defense Privacy Office, ODA&M, The Pentagon, Washington, DC 20301–1950. Telephone (703) 614–3027 or DSN 224–3027.

SUPPLEMENTARY INFORMATION: This reissuance represents a complete listing, by component, of all DOD systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, being maintained by the DOD as of December 31, 1992.

The following is a table of the DOD Components and their alpha-numeric system identifiers. It represents the first letter of the Component's record system identifier assigned to the particular record system.

Component	System Identifier
Department of the Army	A
Defense Mapping Agency	B
Office of the Inspector General, DOD	C
Office of the Secretary of Defense	D
Department of the Air Force	F
National Security Agency	G
Defense Nuclear Agency	H
The Joint Staff	J
Defense Information Systems Agency	K
Defense Intelligence Agency	L
U.S. Marine Corps	M
Department of the Navy	N
Defense Contract Audit Agency	R
Defense Logistics Agency	S
Defense Investigative Service	V
Uniformed Services University of the Health Sciences.	U

The DOD does not have a single centralized automated index to search all its systems of records. Therefore, anyone seeking access or requesting amendment of a record pertaining to him or her in any record system should first determine with which DOD Component the record system is affiliated. Then, after reviewing the desired Component system of records, paying particular attention to the 'Notification procedure:' and the 'Access record procedures:' categories, contact the appropriate Component official. Most of the large Components maintain an address directory at the end of their systems of records compilations for locations of decentralized records systems.

Requesters should also heed any special instructions established by a Component set forth at the beginning of their respective compilations.

Dated: February 4, 1993.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

UNITED STATES ARMY

How Systems of Records are Arranged

Department of the Army records are identified by the number of the directive which prescribes that those records be created, maintained and used. For example, a system of records about assignment of military personnel may be found in the 'assignments, details and transfers' area, the 614 series; medical treatment records are in the 'medical services' area, the 40 series. Some subjects, such as investigations, are treated as sub-elements of a series, e.g., 'criminal investigations', 'security', and 'military intelligence'. 'Criminal investigations' are found in the 195 series; 'security investigations' are found in the 380 series and 'intelligence investigations' are found in the 381 series.

However, 'civilian personnel investigations' are not covered by Army systems of records notices; they are covered by Office of Personnel Management systems of records notices in this case, under 'OPM/GOVT–4'. The following list is a general guide to subjects which are retrieved by personal identifier and are in the Army systems of records notices. Office of Personnel Management systems of record notices which identify records in the temporary custody of the Army have been added to this guide; they bear 'OPM/GOVT, OPM/CENTRAL, AND EEOC/GOVT' identification numbers.

How To Use the Index Guide

To locate a particular system of records, follow the general guide below. The series in which the subject is located corresponds to the system notice identification number. For example: Pay records for military and civilian personnel are in the 37 series; comparable system notices are A0037–104–3bSAFM and A0037–105SAFM, respectively. The first letter, 'A', represents the Army, the number (37–104–3) is the prescribing directive, and the suffix letters are internal management devices. Systems of records notices are published in numerical sequence by identification number. They are further identified by name, location and category of individuals covered by the notice.

Subject Series
System Identification Series

Appeals, Grievances, Complaints (civilian)
A0690–700 and OPM/GOVT–1

Awards and Decorations
A0672–5–1 and A–0672–20

Civilian Personnel Record
A0690–200

Congressional Inquiries
A0001–20

Court-martials
A0027–10

Criminal Investigations
A0195–2

Dependents' Education
A0352–3

Housing
A0210–10 * * * 7E, A0210–50 * * * 7E, A0210–51

Inspector General Inspections/ Investigations
A0020–1

Intelligence/Counterintelligence
A0381–20 * * * 7E, A0381–45

Labor-Management Relations
A0690–700

Laundry and Dry Cleaning
A0210–130

Military Police Investigation and Complaint Files
A0190–30 * * * 7E, A0190–45

Legal Assistance
A0027–3

Personal Property Accounts
A0700–84

Medical Records
A0040 * * * 7E, OPM/GOVT–3

Military History
A0870–5

Military Personnel Records

A0600 * * * 7E, A0640

Non-appropriated Funds
A0215–3

Passports
A0055–46 * * * 7E, A0600–290

Pay (civilian and military)
A0037–105 * * * 7E, A0037–101–1 * * * 7E, A0037–104–10

Pharmacy Services
A0040–2

Photographic Records
A0108–2

Postal Service
A0065

Privacy Act Requests
A0340–21

Procurement
A0715–5 * * * 7E, A0715–8

Real Estate
A0027–1 * * * 7E, A0405–80

Review Boards (military)
A0015–185 * * * 7E, A0015–180

Security Access/Clearance
A0604–5

Schools
A0351–1 * * * 7E, A0351–3 * * * 7E, A0351–5 * * * 7E, A0351–9, A0351–12 * * * 7E, A0351–17 * * * 7E, A0351–22 * * * 7E, A0351–24

Training
A0350–37 * * * 7E, A0690–400 * * * 7E, OPM/GOVT–3

Travel
A0037–106

Transportation
A0055–71 * * * 7E, A0055–46 * * * 7E, A0055–355

Veterinary Service
A0040–905

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required to locate and retrieve the record.

BLANKET ROUTINE USES

Certain 'blanket routine uses' of the records have been established that are applicable to every record system maintained within the Department of Defense unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below only once in the interest of simplicity, economy and to avoid redundancy.

LAW ENFORCEMENT ROUTINE USE

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

DISCLOSURE WHEN REQUESTING INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

DISCLOSURE OF REQUESTED INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

CONGRESSIONAL INQUIRIES ROUTINE USE

Disclosure from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

PRIVATE RELIEF LEGISLATION ROUTINE USE

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS ROUTINE USE

A record from a system of records maintained by this component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES ROUTINE USE

Any information normally contained in IRS Form W–2 which is maintained in a record from a system of records maintained by this component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517, 5520, and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Number 76–07.

VOL
58
ISS
33
FE
22
1993
UMI

DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT ROUTINE USE

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

DISCLOSURE TO MILITARY BANKING FACILITIES OVERSEAS ROUTINE USE

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

DISCLOSURE OF INFORMATION TO THE GENERAL SERVICES ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO THE MERIT SYSTEMS PROTECTION BOARD ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DOD investigation, and such other functions, promulgated in 5 U.S.C 1205 and 1206, or as may be authorized by law.

COUNTERINTELLIGENCE PURPOSES ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use outside the DOD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

AAFES 0207.02

SYSTEM NAME:

Customer Comments, Complaints, and Direct Line Files.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf; Exchange Regions and Area Exchanges at posts, bases, and satellites world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Users of the Army and Air Force Exchange Service who make inquiries, complaints, or comments on its operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Customer's name, address and telephone number, information pertaining to the subject of inquiry, complaint, or comment and response thereto; customer opinion survey data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To aid the Exchange management in determining needs of customers and action required to settle customer complaints.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, stored in metal cabinets.

RETRIEVABILITY:

By customer's name.

SAFEGUARDS:

Records are accessible only by designated employees having official need therefor. Buildings housing records are protected by security guards.

RETENTION AND DISPOSAL:

Records are destroyed by shredding after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Personnel Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, current address and telephone number, case number that appeared on correspondence received from AAFES, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written

inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Personnel Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, current address and telephone number, case number that appeared on correspondence received from AAFES, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0306.12

SYSTEM NAME:

Personnel Security Case Files.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ, Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf; Exchange Regions, Area Post, base, and satellite Exchanges within the Continental United States and overseas.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons affiliated with the Army and Air Force Exchange Service (AAFES) by assignment, employment, contractual relationship, or as the result of an interservice support agreement on whom a personnel security clearance determination has been completed, is in process, or may be pending.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may contain pending and completed personnel security clearance actions on individuals by personal identifying data. It may also contain briefing/debriefing statements for special programs, sensitive positions, and other related information and documents required in connection with personnel security clearance determinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 11652.

PURPOSE(S):

To assist in the processing of personnel security clearance actions; to record security clearances issued or denied; and to verify eligibility for access to classified information or assignment to a sensitive position. Records may be used by AAFES commanders for adverse personnel actions such as removal from sensitive duties, removal from employment, denial to a restricted or sensitive area, and revocation of security clearance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be released to Federal agencies based on formal accreditation as specified in official directives; regulations; to Federal, State, local, and foreign law enforcement, intelligence, or security agencies in connection with a lawful investigation under their jurisdiction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in folders; cards; computer tapes, punched cards, or discs.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are located in locked safes or cabinets; access is restricted to designated individuals having need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file until the end of the fiscal year in which the individual is no longer employed or associated with the Army and Air Force Exchange Service; held 2 additional years in inactive status and retired to the National Personnel Records Center, 111 Winnebago Street, St. Louis, MO 63118–4199.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: AAFES-SS, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, Social Security Number, present address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: AAFES-SS, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, Social Security Number, present address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; investigative results furnished by the Defense Investigative Service and other Federal, Department of Defense, State, local, and/or foreign law enforcement agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0307.01

SYSTEM NAME:

Carpooling Program.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons participating in carpool program who voluntarily provide information for release.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, home address and telephone number, map coordinate of home or nearby reference points, working hours, and similar information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To assign and administer allocated carpool parking assignments; establish priority of assignments, assist members and applicants in contacting one another and provide printout of individuals in systems to other participants who desire to arrange a carpool.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the City of Dallas, TX for inclusion in its Ridesharing Program.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; reference cards.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Information is accessible only to authorized personnel and those providing identification and purpose for which information is requested; may be accessed by persons seeking members who have provided consent for release of information.

RETENTION AND DISPOSAL:

Retained only on active participants; destroyed upon request/reassignment.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, Administrative Services Division, P.O. Box 660202, Dallas, TX 75266–0202.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, Administrative Service Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individuals should provide name, current address, and sufficient information to permit locating the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0401.04

SYSTEM NAME:

Official Personnel Folders and General Personnel Files.

SYSTEM LOCATION:

The Official Personnel Folder is located in the Personnel Office at Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf; regional offices and post and base area exchanges. Included in this system are the Employee Service Record Card Files and those records duplicated for maintenance at a site closer to where the employee works (e.g., in an administrative office or supervisor's work folder).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Army and Air Force Exchange Service (AAFES).

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, date of birth, home residence, mailing address, telephone number; records reflecting work experience, educational level achieved; letters of commendation; training courses in which enrolled and certificates of completion; security clearance; personnel actions such as appointments, transfers, reassignments, separations, reprimands; salary and benefits documents to include allowances and insurance data; travel orders; and similar relevant information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

The Official Personnel Folder and other general personnel records are the official repository of the records, reports of personnel actions, and the documents and papers required in connection with these actions effected during an employee's service with the Army and Air Force Exchange Service.

Records provide the basic source of factual data about a person's employment with the agency and have various uses by AAFES personnel offices, including screening qualifications of employees, determining status, eligibility, and employee's rights and benefits, computing length of service, and other information needed to provide personnel services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Department of Labor, Department of Veterans Affairs, Social Security Administration, Federal agencies that have special civilian employee retirement programs; or a national, state, county, municipal, or other publicly recognized charitable or income security administration agency (e.g., State unemployment compensation agencies), where necessary to adjudicate a claim under the retirement, insurance or health benefits programs or to an agency to conduct studies or audits of benefits being paid under such programs.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; Kardex files; microfilm or microfiche, and in computer processible storage media.

RETRIEVABILITY:

By employee's name.

SAFEGUARDS:

Paper or microfiche/microfilmed records are located in locked metal cabinets or in secured rooms with access limited to those personnel whose official duties require access. Access to computerized records is limited, through use of access codes and entry logs, to those whose official duties require access.

RETENTION AND DISPOSAL:

The Official Personnel Folder is permanent. Upon employee's separation, it is transferred to the National Personnel Records Center (Civilian), 111 Winnebago Street, St. Louis, MO 63118–4199. Duplicate records maintained in an administrative office or at supervisory levels are destroyed 90 days after employee's separation. Service Record Card Files are retained for 5 years following employee's separation and retired to a records holding area for 15 additional years before being destroyed, except that those of employees of discontinued AAFES installations are retired to the National Personnel Records Center (Civilian). Automated personnel records are retained indefinitely for managerial and statistical studies; after an employee's separation, records are not used in making decisions concerning the employee.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Personnel Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individuals must furnish their full name, Social Security Number, current address and telephone number; if terminated, also include date of birth, date of separation, and last employing location.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Personnel Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individuals must furnish their full name, Social Security Number, current address and telephone number; if terminated, also include date of birth, date of separation, and last employing location.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, educational institutions, officials and other individuals of the Army and Air Force Exchange Service, third parties responding to reference checks, previous employers, law enforcement agencies, physicians.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0403.01

SYSTEM NAME:

Application for Employment Files.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202, for applicants of executive and managerial positions. Records of applicants for all other Army and Air Force Exchange Service positions may be located also at Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf; regional offices, and post, base exchanges and satellites.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied for employment in the Army and Air Force Exchange Service (AAFES).

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications generally include individual's name, date of birth, Social Security Number, home address, information on work and educational experience, military service, convictions for offenses against the law, specialized training, awards or honors; documents reflecting results of written examinations and ratings; reference checks and results; evidence of satisfactory physical condition, pre-employment investigations and clearances deemed appropriate to the position for which application is made; notification from AAFES concerning selection/non-selection.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

The records are used in considering individuals who have applied for positions in the Army and Air Force Exchange Service by making determinations of qualifications including medical qualifications, for positions applied for, and to rate and rank applicants applying for the same or similar positions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By applicant's surname.

SAFEGUARDS:

Records are maintained in a secured area with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Applicant records may be retained up to 3 years; records for applicants hired become part of the person's Official Personnel Folder. Documents on individuals who are not hired may be held from 3 months to 3 years depending upon whether or not adverse reference and/or derogatory credit checks are received.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this systems should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Personnel Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide full name, Social Security Number, current address and telephone number, and sufficient details concerning position and location thereof for which application had been submitted.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Personnel Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide full name, Social Security Number, current address and telephone number, and sufficient details concerning position and location thereof for which application had been submitted.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, his/her previous employer(s) and personal references, law enforcement agencies, medical authorities.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0403.05

SYSTEM NAME:

Employee Examination Records.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees under consideration for promotion to managerial positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Test scores and cumulative data for those employees who take the AAFES test battery, consisting of (a) SET tests, (b) Thurstone Test of Mental Alertness, (c) Wesman Personnel Classification Test, (d) Thurston Temperament Schedule, and (e) Personagraph (Allston B. Hobby Associates).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

Used for research purposes and as a predictor of one's success under given situations for promotional aptitude to positions at the managerial level.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in locked containers.

RETRIEVABILITY:

By employee's surname.

SAFEGUARDS:

Information is accessed only by designated individuals having official need therefor in the performance of assigned duties.

RETENTION AND DISPOSAL:

Information is retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Personnel Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide his/her full name, Social Security Number, current address and telephone number, and, if separated, date of birth, date of separation, and last employing location in addition to the above.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Personnel Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide his/her full name, Social Security Number, current address and telephone number, and, if separated, date of birth, date of separation, and last employing location in addition to the above.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual tests taken by the employee.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0403.11

SYSTEM NAME:

Personnel Departure Clearance Records.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ, Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf; regional offices; base and post exchanges and satellites worldwide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the Army and Air Force Exchange Service (AAFES).

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, job data, reason for departure, and clearing offices' approval.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To ensure that departing employees have been properly out-processed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in locked filing cabinets.

RETRIEVABILITY:

By employee's surname.

SAFEGUARDS:

Information is accessed only by designated individuals having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are closed at the end of the fiscal year, held 1 year, and destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Administrative Services Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide full name, Social Security Number, current address and telephone number, and date and place of separation.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Administrative Services Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide full name, Social Security Number, current address and telephone number, and date and place of separation.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; official personnel actions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0404.01

SYSTEM NAME:

Incentive Awards Case Files.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ Army and

Air Force Exchange Service-Europe, Pinder Barracks, Schwabecherster 20 8502 Zirndorf.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the Army and Air Force Exchange Service (AAFES) nominated for or recipients of awards.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, grade/step, position title, award for which nominated and justification therefor, accomplishments, requirements of position held, organization in which employed, and similar relevent data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To consider and select employees for incentive awards and other honors and to publicize those granted.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to public and private organizations, including news media, which grant or publicize employee awards or honors.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in filing cabinets.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessible only to designated individuals having official need therefor.

RETENTION AND DISPOSAL:

Records are retained for 2 years, following which they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: PE, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide full name, Social Security Number, current address and telephone number, and sufficient details to permit locating the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: PE, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide full name, Social Security Number, current address and telephone number, and sufficient details to permit locating the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the nominating official; approving authority; individual's official personnel file.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0405.03

SYSTEM NAME:

Personnel Appeals and Grievances.

SYSTEM LOCATION:

Office of the General Counsel at Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any employee of the Army and Air Force Exchange Service (AAFES) who has filed an appeal of an adverse action and/or is contesting a personnel action when the appeal/grievance has been referred to the appropriate General Counsel's office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, documentation, and memoranda concerning the appeal/grievance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To determine propriety and legal sufficiency or the agency's action in the appeal or grievance matter.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in locked file cabinets.

RETRIEVABILITY:

By employee's surname.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retained in the servicing General Counsel's office for 1 year after final decision is made; subsequently retired to the AAFES warehouse or servicing General Services Administration records holding center where it is held 6 years before being destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the General Counsel at the Army and Air Force Exchange Service location where appeal/grievance was filed.

Individual should provide full name, current address and telephone number, the latest correspondence received by them from the General Counsel's office, if available, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the General Counsel at the Army and Air Force Exchange Service location where appeal/grievance was filed.

Individual should provide full name, current address and telephone number, the latest correspondence received by them from the General Counsel's office, if available, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations

are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From AAFES personnel office responsible for records on the employee; from the AAFES Grievance Examiner; and from the AAFES employee and/or his/her representative.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0405.05

SYSTEM NAME:

Confidential Statement of Employment and Financial Interests.

SYSTEM LOCATION:

Office of the General Counsel at Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All general officers, commissioned officers in the rank of lieutenant colonel or above, and all employees of the Army and Air Force Exchange Service (AAFES) at grade 13 and above whose basic duties and responsibilities require the exercise of judgment in making decisions or taking action in regard to contracting or procurement, auditing, and other matters having a significant economic impact on the interests of any non-Federal enterprise.

CATEGORIES OF RECORDS IN THE SYSTEM:

DD Form 1555, 'Confidential Statement of Employment and Financial Interest', and endorsements or documents relevant to information on this form.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 11222.

PURPOSE(S):

These records are maintained to meet requirements of E.O. 11222 on the filing of employment and financial interest statements. Such statements are required to assure compliance with the standards of conduct for Government employees contained in the Executive Order and title 18 of the U.S.C., and to determine if a conflict of interest exists between the employment of individuals by the Federal Government and their personal employment and financial interests.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These statements and amended statements required by or pursuant to E.O. 11222, Part IV, are to be held in confidence and no information shall be disclosed except:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, either when the Government is party to a judicial proceeding or in order to comply with the issuance of a subpoena.

c. To disclose information to any source when necessary to obtain information relevant to a conflict-of-interest investigation or determination.

d. By the National Archives and Records Administration, General Services Administration, in record management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

e. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.

f. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in locked file cabinets.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Information is accessible only to designated authorized persons who are properly screened, cleared and trained, having official need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Retained until individual no longer occupies a position for which DD Form 1555 is required; records are then maintained 2 years and destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the General Counsel at the Army and Air Force Exchange Service location where the reports were filed.

Individual should provide their full name, Social Security Number, period covered by the report filed, and signature

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the General Counsel at the Army and Air Force Exchange Service location where the reports were filed.

Individual should provide their full name, Social Security Number, period covered by the report filed, and signature

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0405.11

SYSTEM NAME:

Individual Health Records.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Army and Air Force Exchange Service (AAFES).

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, organizational location, date of birth, medical data recorded by treating nurse/physician, information provided by individual's personal physician regarding diagnosis, prognosis, and return to duty status, and similar relevant data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To provide health care and medical treatment to employees who become ill or are injured during working hours.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in locked file cabinets.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in the dispensary, available only to assigned medical personnel.

RETENTION AND DISPOSAL:

Records are maintained for 6 years following termination of individual's employment; then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Administrative Services, P.O. Box 660202, Dallas, TX 75266–0202.

Individual must furnish full name, details concerning injury or illness and date and location of such, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Administrative Services, P.O. Box 660202, Dallas, TX 75266–0202.

Individual must furnish full name, details concerning injury or illness and date and location of such, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the employee; his/her physician; witnesses to an injury/accident.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0406.12

SYSTEM NAME:

Employee Career Development Plan File.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service (HQ AAFES), P.O. Box 660202, Dallas, TX 75266–0202; HQ Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf; regional offices; area; base and post exchanges world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Army and Air Force Exchange Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, current job title, grade, duty phone, job location, results of Skills Survey (AAFES Form 1200–61) specifically covering education/training courses completed, skills/experience acquired, skills used in daily work, and skills needed; career goals as identified on AAFES Form 1200–62 and progress in achieving goals, career appraisals, and employee/supervisor comments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To assist the servicing personnel office in identifying and referring qualified employees for vacant positions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in locked file cabinets.

RETRIEVABILITY:

By employee's surname.

SAFEGUARDS:

Information is accessible only to designated individuals having an official need therefor in the performance of assigned duties.

RETENTION AND DISPOSAL:

Records are retained until employee severs his/her employment with the Army and Air Force Exchange Service, at which time they are destroyed. Upon employee's transfer to another AAFES location, record is forwarded to the gaining personnel office.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Personnel Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide full name, Social Security Number, job location, and duty phone.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Personnel Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide full name, Social Security Number, job location, and duty phone.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0408.05

SYSTEM NAME:

Individual Trainee Files.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

VOL 58 ISS 33 FE 22 1993 UMI

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Army and Air Force Exchange Service who have been selected for a college trainee or management development trainee position.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's employment application, trainee appointment documents; copy of college transcript and degree awarded; copy of employee qualification record, performance, and career appraisal forms; statement of mobility; supervisor's recommendations; and similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To determine employee potential for participation in management development trainee program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; cards.

RETRIEVABILITY:

By employee's surname.

SAFEGUARDS:

Records are stored in locked containers. Information is accessed only by designated individuals having official need therefor in the performance of assigned duties.

RETENTION AND DISPOSAL:

Records concerning employees selected for the program are incorporated into their Official Personnel Folder. Records on non-selected individuals are retained 5 years, then destroyed. Statistical and summary data are retained for managerial purposes indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Personnel Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, Social Security Number, current address and telephone number; if separated, date of birth, date of separation, and last employing location must also be furnished.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Personnel Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, Social Security Number, current address and telephone number; if separated, date of birth, date of separation, and last employing location must also be furnished.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the applicant; official records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0408.14

SYSTEM NAME:

Tuition Assistance Case Files.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Army and Air Force Exchange Service who apply for tuition assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application, academic transcripts, curricula, grade reports, request for disbursement, agency approval/disapproval, similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To maintain information on participants in the tuition assistance program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in locked cabinets.

RETRIEVABILITY:

By employee's surname.

SAFEGUARDS:

Information is accessed only by designated individuals having need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Records are destroyed 2 years following individual's completion of course for which tuition assistance was granted.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Personnel Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide his/her full name, details concerning application for tuition assistance, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Personnel Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide his/her full name, details concerning application for tuition assistance, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0409.01

SYSTEM NAME:

AAFES Accident/Incident Reports.

SYSTEM LOCATION:

Safety and Security Offices of Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf; Exchange Regions and Area Exchanges at posts, bases, and satellites world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in accidents, incidents, or mishaps resulting in theft or reportable damage to Army and Air Force Exchange Service (AAFES) property or facilities; individuals injured or become ill as a result of such accidents, incidents, or mishaps.

CATEGORIES OF RECORDS IN THE SYSTEM:

AAFES Accident Report, AAFES Incident Report, record of injuries and illnesses; physicians' reports; witness statements; investigatory reports; similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 11807.

PURPOSE(S):

To record accidents, incidents, mishaps, fires, theft, etc., involving Government property; and personal injuries/illnesses in connection therewith, for the purposes of recouping damages, correcting deficiencies, initiating appropriate disciplinary action; filing of insurance and/or workmen's compensation claims therefor; and for managerial and statistical reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Department of Labor to support workmen's compensation claims.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer magnetic tapes and printouts; microfiche.

RETRIEVABILITY:

By name of individual involved or injured and Social Security Number.

SAFEGUARDS:

Records are accessed only by designated individuals having official need therefor in the performance of their duties, within buildings protected by security guards.

RETENTION AND DISPOSAL:

Paper records are retained for 2 years following which it is destroyed by shredding; information on microfiches is retained for 3 years; computer tapes reflecting historical data are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Safety and Security Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, present address and telephone number; sufficient details concerning the accident, mishap, or attendant injury to permit locating the record, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Safety and Security Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, present address and telephone number; sufficient details concerning the accident, mishap, or attendant injury to permit locating the record, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; medical facilities; investigating official; State Bureau of Motor Vehicles, State and local law enforcement authorities; witnesses; victims; official Department of Defense records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0410.01

SYSTEM NAME:

Employee Travel Files.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf; regional offices; base, post exchanges and satellites of AAFES world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Army and Air Force Exchange Service (AAFES) authorized to perform official travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents pertaining to travel of persons on official Government business, and/or their dependents, including but not limited to travel assignment orders, authorized leave en route, availability of quarters and/or shipment of household goods and personal effects, application for passport/visas; security clearance; travel expense vouchers; and similar related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To process official travel requests for military and civilian employees of the Army and Air Force Exchange Service; to determine eligibility of individual's dependents to travel; to obtain necessary clearance where foreign travel is involved, including assisting individual in applying for passports and visas and counseling where proposed travel involves visiting/transiting communist countries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to attache' or law enforcement authorities of foreign countries.

To the U.S. Department of Justice or Department of Defense legal/intelligence/investigative agencies for security, investigative, intelligence, and/or counterintelligence operations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in locked filing cabinets.

RETRIEVABILITY:

By employee's surname.

SAFEGUARDS:

Information is accessed only by designated individuals having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are destroyed after 2 years by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Administrative Services Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide full name, Social Security Number, current address and telephone number, details of travel authorization/clearance documents sought, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Administrative Services Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide full name, Social Security Number, current address and telephone number, details of travel authorization/clearance documents sought, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, official travel orders, travel expense vouchers, receipts and similar relevant documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0505.02

SYSTEM NAME:

Biographical Files.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian employees of the Army and Air Force Exchange Service world-wide.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, position title and organizational location, home address, date and place of birth, marital status including names of spouse and children, educational background, military status, awards and decorations, community and civic interest data, photograph, and similar relevant information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To prepare feature articles for hometown newspapers, trade media, community interests, and similar public service groups.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to public and private organizations including news media.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessed only by designated individuals having official need therefor, in buildings protected by security guards or military police.

RETENTION AND DISPOSAL:

Records are retained for 1 year following termination of individual's assignment or employment; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, current address and telephone number, details surrounding the event or incident, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, current address and telephone number, details surrounding the event or incident, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; official AAFES records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0602.04a

SYSTEM NAME:

Litigation Initiated by AAFES.

SYSTEM LOCATION:

Office of the General Counsel at Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals against whom Army and Air Force Exchange Service (AAFES) has filed a complaint or similar pleading in a court or administrative body.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pleadings and documents filed by parties to the action and documentation, correspondence, and memoranda pertaining thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To process complaints against individuals; to initiate litigation as necessary.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To process complaints or pleading on behalf of the Army and Air Force Exchange Service.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701 (a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By surname of defendant in the proceeding.

SAFEGUARDS:

Records are maintained in buildings having security guards and are restricted to authorized personnel who are properly screened, cleared, and trained in Privacy Act matters.

RETENTION AND DISPOSAL:

Records are permanent. They are retained until judicial proceedings have been resolved, after which they are retired to the servicing AAFES warehouse or servicing General Services Administration records holding center.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: General Counsel, P.O. Box 660202, Dallas, TX 75266–0202.

Individuals should provide their full name, current address and telephone number, copy of latest correspondence from AAFES, if available, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: General Counsel, P.O. Box 660202, Dallas, TX 75266–0202.

Individuals should provide their full name, current address and telephone number, copy of latest correspondence from AAFES, if available, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From official records of the Army and Air Force Exchange Service; from any individual who can provide information concerning the complaint/proceeding; from similar relevant documentation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0602.04b

SYSTEM NAME:

Claims and/or Litigation Against AAFES.

SYSTEM LOCATION:

Office of the General Counsel, Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ, Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has filed a claim against Army and Air Force Exchange Service (AAFES), a complaint or similar pleading in a court or administrative body in which an AAFES employee or the Army and Air Force Exchange Service is named as a defendant.

CATEGORIES OF RECORDS IN THE SYSTEM:

Claims, pleading, motions, briefs, orders, decisions, memoranda, opinions, supporting documentation, and allied materials involved in representing the Army and Air Force Exchange Service in the Federal Court System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To investigate claims and prepare responses; to defend the Army and Air Force Exchange Service in civil suits filed against it in the Federal Court System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Department of Justice and US Attorneys' offices handling a particular case. Most of the information is filed in some manner in the courts in which litigation is pending and therefore is a public record.

In addition, some of the information will appear in the written orders, opinions, and decisions of the courts which, in turn, are published in the Federal Reporter System under the name or style of the case and are available to individuals with access to a law library.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By last name of claimant/plaintiff.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who have need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Claim records are destroyed after 6 years. Litigation records are permanent; they are retained in the servicing General Counsel's Office until judicial proceedings have been resolved, following which they are retired to the servicing General Services Administration records holding center.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: General Counsel, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide his/her full name, current address and telephone number, latest correspondence received from the servicing General Counsel's office if available, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: General Counsel, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide his/her full name, current address and telephone number, latest correspondence received from the servicing General Counsel's office if available, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From official records of the Army and Air Force Exchange Service; claimants; litigants.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0604.02

SYSTEM NAME:

Unfair Labor Practice Claim/Charges Files.

SYSTEM LOCATION:

Office of the General Counsel at Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf; personnel offices at Exchange Regions and Area Exchanges at posts, bases, and satellites world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Army and Air Force Exchange Service (AAFES) who are permitted to file charges/claims pursuant to Executive Order 11491, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Written allegations of unfair labor practice; supporting correspondence/documentation/memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012; E.O. 11491, October 31, 1969, as amended.

PURPOSE(S):

To review and process charges/claims of unfair labor practices through formal/informal negotiations; for managerial and statistical reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to designated persons having official need therefor in the performance of their duties. Buildings housing records are protected by security guards.

RETENTION AND DISPOSAL:

Records are retained 5 years in an active file; then transferred to the servicing AAFES warehouse or General Services Administration records holding center for an additional 5 years, following which they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: General Counsel, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, Social Security Number, last employing station, details sufficient to locate the record, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: General Counsel, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, Social Security Number, last employing station, details sufficient to locate the record, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, the union representative, witnesses, official records of the Army and Air Force Exchange Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0702.22

SYSTEM NAME:

Check-Cashing Privilege Files.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ, Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf; Exchange Regions and Area Exchanges at posts, bases, and satellites world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customers of the Army and Air Force Exchange Service: military, dependents, retirees, and Exchange employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Customer's name, Social Security Number, category of customer (i.e., dependent, retiree, active duty member), amounts of checks not paid by bank, collection efforts, and relevant documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To determine customer's eligibility to cash checks.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In overseas areas, information is disclosed to military banking facilities. These facilities are branches of U.S. based financial institutions which are under contract to the Department of Defense to provide banking services to U.S. military and affiliated civilian personnel overseas. Any financial losses sustained by these activities in support of the Department of Defense program are underwritten by the Department of Defense using appropriated funds. The financial institutions use the check-cashing information only to determine whether to cash checks or similar negotiable instruments for individuals - not to award or deny other banking privileges.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701 (a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records; computer tapes, discs, and printouts.

RETRIEVABILITY:

By customer name and Social Security Number.

SAFEGUARDS:

All information is stored in locked rooms within secured buildings and is accessed only by designated personnel having official need therefor, primarily by individuals authorized to cash checks.

RETENTION AND DISPOSAL:

Information is retained until no longer needed, at which time it is destroyed by shredding or erasure.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the local Exchange where check was cashed (or refused) or to the Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide full name, Social Security Number or other acceptable identifying information that will facilitate locating the records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the local Exchange where check was cashed (or refused) or to the Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide full name, Social Security Number or other acceptable identifying information that will facilitate locating the records.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; his/her checks; financial institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0702.23

SYSTEM NAME:

Dishonored Check Files.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ, Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have negotiated dishonored checks at Army and Air Force Exchange Service (AAFES) facilities and whose check cashing privilege is under review by the General Counsel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, indebtedness, collection efforts, and relevant documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To collect dishonored check indebtedness.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to civil or criminal law enforcement agencies for law enforcement purposes.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701 (a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By surname of individual responsible for dishonored check.

SAFEGUARDS:

Records are maintained in buildings having security guard and are accessed only by personnel having official need therefor who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are General Counsel until indebtedness has been satisfied, determined to be uncollectible, or additional administrative action is required. Upon completion, records are transferred to the Comptroller Division and maintained with appropriate check cashing privilege records.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: General Counsel, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, Social Security Number, current address and telephone number, latest correspondence from AAFES if available, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: General Counsel, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, Social Security Number, current address and telephone number, latest correspondence from AAFES if available, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, his/her employer, law enforcement investigative agencies, banking facilities, consumer reporting agencies, and sources that furnish information regarding individual's credit.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0702.34

SYSTEM NAME:

Accounts Receivable Files.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; Headquarters, Army and Air Force Exchange Service Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf.

VOL
58
ISS
33
FE
22
1993
UMI

Official mailing addresses are published as an appendix to the Army's compilation of systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army and Air Force Exchange Service (AAFES) customers (military, retirees, civilian, and civilian dependents).

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files relating to debts owed by individuals, including dishonored checks, deferred payment plans, home layaway, salary/travel advances, pecuniary liability claims and credit cards. These files include all correspondence to the debtor/his or her commander, notices from banks concerning indebtedness, originals or copies of returned checks, envelopes showing attempts to contact the debtor, payment documentation, pay adjustment authorizations, deferred payment plan applications, charges and statements or accounts, and home layaway cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012; Federal Claims Collection Act of 1966, 31 U.S.C. 3711; Debt Collection Act of 1982 (Pub. L. 97–365); 31 U.S.C. 5512 through 5514; and E.O. 9397.

PURPOSE(S):

To process, monitor, and post audit accounts receivable, to administer the Federal Claims Collection Act, and to answer inquiries pertaining thereto.

To collect dishonored check indebtedness.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the U.S. Department of Justice/U.S. Attorneys for legal action and/or final disposition of the debt claim.

To the Internal Revenue Service to obtain locator status for delinquent accounts receivables (controls exist to preclude redisclosure of solicited IRS address data; and/or to report write-off amounts as taxable income as pertains to amounts compromised and accounts barred from litigation due to age.

To private collection agencies for collection action when the Army has exhausted its internal collection efforts.

To civil or criminal law enforcement agencies for law enforcement purposes.

The 'Blanket Routine Uses' that appear at the beginning of the Army's compilation of systems of records notices apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)) to collect dishonored check indebtedness.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in individual file folders.

RETRIEVABILITY:

Retrieved by customer's surname or Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only by authorized personnel within AAFES/CM-G.

RETENTION AND DISPOSAL:

Records are retained in current files until close of fiscal year in which the receivable is cleared, or if office space doesn't permit, at the end of the fiscal quarter in which receivable is cleared. At year end, files are stored for 10 years and subsequently forwarded to the Federal Records Center, Fort Worth, Texas for destruction.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Chief, General Accounting Branch, Comptroller Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individuals should provide full name, Social Security Number, or other acceptable identifying information that will facilitate locating the records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Chief, General Accounting Branch, Comptroller Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individuals should provide full name, Social Security Number, or other acceptable identifying information that will facilitate locating the records.

CONTESTING RECORD PROCEDURES:

The Department of the Army rules for accessing records and for contesting contents and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the customer and from correspondence between AAFES and Vendors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0702.43

SYSTEM NAME:

Travel Advance Files.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees required to perform official travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, organization to which assigned, details of official travel, amount advanced, and similar relevant data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To monitor travel advances against individual's authorized official travel and to ensure settlement of indebtedness to the Government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in metal filing cabinets.

RETRIEVABILITY:

By employee's surname.

SAFEGUARDS:

Records are accessed only by designated employees having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are destroyed 1 year following settlement of an individual's travel advance account.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Comptroller Division, CM-G, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, sufficient details concerning records sought, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Comptroller Division, CM-G, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, sufficient details concerning records sought, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, records of the AAFES office issuing travel advance.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0703.07

SYSTEM NAME:

AAFES Employee Pay System Records.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf; Exchange Regions, Area Exchanges; Post, Base, and Satellite Exchanges within the Continental United States and overseas.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of the Army and Air Force Exchange System (AAFES).

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name; Social Security Number; AAFES facility number; individual's pay, leave, and retirement records, withholding/deduction authorization for allotments, health benefits, life insurance, savings bonds, financial institutions, etc.; tax exemption certificates; personal exception and indebtedness papers; subsistence and quarters records; statements of charges, claims; roster and signature cards of designated timekeepers; payroll and retirement control and working paper files; unemployment compensation data requests and responses; reports of retirement fund deductions; management narrative and statistical reports relating to pay, leave, and retirement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 6, GAO policy and Procedures Manual for Guidance of Federal Agencies; 10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To provide basis for computing civilian pay entitlements; to record history of pay transactions, leave accrued and taken, bonds due and issued, taxes paid; to answer inquiries and process claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Treasury Department to record checks and bonds issued.

To the Internal Revenue Service to report taxable earnings and taxes withheld; to locate delinquent debtors.

To States and Cities/Counties to provide taxable earnings of civilian employees to those states and cities or counties which have entered into an agreement with the Department of Defense and the Department of the Treasury.

To State Employment Offices to provide information relevant to the State's determination of individual's entitlement to unemployment compensation.

To the U.S. Department of Justice/U.S. Attorneys for legal action and/or final disposition of debt claims against the Army and Air Force Exchange Service.

To private collection agencies for collection action when the Army and Air Force Exchange Service has exhausted its internal collection efforts.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and in bulk storage; card files; computer magnetic tapes, discs and printouts; microfiches, microfilm.

RETRIEVABILITY:

Automated records are retrieved by employee's Social Security Number within payroll block; manual records are retrieved by individual's surname or Social Security Number.

SAFEGUARDS:

Records are restricted to personnel who are properly cleared and trained and have an official need therefor. In addition, integrity of automated data is ensured by internal audit procedures, data base access accounting reports and controls to preclude unauthorized disclosure.

RETENTION AND DISPOSAL:

The majority of documents are retained 4 years after which they are destroyed by shredding. Exceptions are Time and Attendance sheets: retained 2 years; W-2 data and employer quarterly Federal tax returns are retained 5 years; Payroll Registers are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, HQ Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, HQ Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, Social Security Number, current address and telephone number; if terminated, include date and place of separation.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, HQ Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, Social Security Number, current address and telephone number; if terminated, include date and place of separation.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and

appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; personnel actions; other agency records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0704.07

SYSTEM NAME:

Fidelity Bond Files.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf; Exchange Regions and Area Exchanges at posts, bases, and satellites world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the Army and Air Force Exchange Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Fidelity bond application, transmittal letter to insurance company, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To assure that all employees applied for and were accepted by the bonding company for fidelity bond coverage.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By employee's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to designated individuals having official need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Destroyed 3 years after bond becomes inactive.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Personnel Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, Social Security Number, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Personnel Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, Social Security Number, current address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Fidelity bond applications completed by the employee; action by the bonding company; similar relevant correspondence and documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 0903.06F

SYSTEM NAME:

Personnel Management Information System.

SYSTEM LOCATION:

Centralized at Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202. Segments of the system exist at servicing civilian personnel offices at Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf, Exchange Regions and Area Exchanges at posts, bases, and satellites world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the Army and Air Force Exchange Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, Exchange location, home address; date of birth; date hired, leave accrual data, retirement participation data, service award data, citizenship, marital status, sex, security clearance, military status, sponsor affiliation where employee is a dependent of a US Government/military member, job code and title, employment category, pay plan, wage schedule, base hourly rate, scheduled work week, Federal and State tax exemptions, type of insurance coverage, authorized deductions, life insurance coverage, physical examination documents, education and experience, licenses, career plans, Personnel Evaluation Reports, training course data, and similar relevant information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To produce reports and statistical analyses of the civilian work force strength trends and composition in support of established manpower and budgetary programs and procedures; verify employment; provide data in support of Equal Employment Opportunity Program requirements; provide locator and emergency notification data; respond to union requests; identify training requirements; provide salary data for current and projected fiscal guidance, personnel data for current and projected staffing requirements; provide suspense system for within grade increases, length of service awards, performance ratings, pay adjustments and tenure groups; provide data for retirement processing, individual personnel actions; analyze leave usage; investigate complaints, grievances and appeals; respond to requests from courts and regulatory bodies; provide incentive awards information; provide qualified candidates to fill position vacancies; counsel employees on career development; plan dependent services in overseas areas; determine validity of individual claims related to pay adjustments; and for other managerial and statistical studies, records, and reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tapes/discs; printouts.

RETRIEVABILITY:

By name or Social Security Number.

SAFEGUARDS:

Disc and tape files reside in restricted areas accessible only to authorized personnel who are properly screened, cleared, and trained. Manual records and computer printouts containing personal identifiers are maintained in locked file cabinets and are available only to individuals having official need therefor.

RETENTION AND DISPOSAL:

Disc files are retained for 18 months after employee separates and are destroyed with the exception of employees terminated under disciplinary action (ineligible for rehire), retired employees and all employees under the Universal Annual Salary Plan whose file remains a permanent record. Back-up tapes are retained for 90 days. Computer printouts are maintained as follows: system edit reports are destroyed upon verification that errors have been corrected; printouts produced for managerial reports are maintained for periods varying from 2 to 10 years; source documents and computer printouts which are included as part of the employee's Official Personnel Folder are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

Individuals should provide full name, Social Security Number, current address and telephone number and, if terminated, include date of birth, date of separation, and last employing location.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

Individuals should provide full name, Social Security Number, current address and telephone number and, if terminated, include date of birth, date of separation, and last employing location.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the employee, his/her supervisor, AAFES records and reports, Official Personnel Folder.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 1203.03

SYSTEM NAME:

Appointment of Contracting Officers.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf; all regional offices within the Continental United States.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military or civilian personnel assigned to the Army and Air Force Exchange Service (AAFES) are appointed as contracting officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, job title and grade, qualifications, training and experience, request for appointment as contracting officer, copy of Certificate of Appointment, and other correspondence and documents relating to individual's qualifications therefor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To ascertain an individual's qualifications to be appointed as contracting officer; to determine if limitations on procurement authority are appropriate; to complete Certificate of Appointment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Information is accessible only to designated persons having official need therefor in the performance of their duties. Records are maintained in building entrance which is limited to persons assigned to AAFES.

RETENTION AND DISPOSAL:

Records are retained only so long as individual's appointment as contracting officer is valid; upon termination, records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Procurement Management Office, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, and sufficient details to permit locating the pertinent records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Procurement Management Office, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, and sufficient details to permit locating the pertinent records.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, personnel records, former employers, educational institutions, AAFES records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

VOL
58
ISS
33
FE
22
1993
UMI

AAFES 1300.01

SYSTEM NAME:

Resource Management and Cost Accounting Files.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf; Exchange Regions and Area Exchanges at posts, bases, and satellites world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel assigned/attached to an organizational entity of Army and Air Force Exchange Service (AAFES).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records by individual of manhours applied to the accomplishment of assigned tasks or projects. Specific data elements include name, Social Security Number/employee identification number, organizational element, military rank/civilian grade, job title, clearance status, rating data, regular/overtime wage rates, regular/overtime hours worked, hours of leave taken, record of official travel, project code, accounting code and cost data, workload units accomplished, file references and related information, and records control data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To project manpower and monetary requirements; to allocate available resources to specific projects; to schedule workload and assess progress; to project future organizational milestones; to evaluate individual performance and equipment efficiency; to set standards and methods; to record and control personnel and equipment utilization; to document inventories; to interpolate training needed by unit or individual; to monitor use of overtime; to control and monitor obligations and expenditures of Government funds; to provide audit trail; to generate statistical reports of workload and production levels and other trends within the organization; and to provide other accounting and monitoring reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punch cards, magnetic tapes, cards, or discs; microform, microfiche, computer printouts, and paper records.

RETRIEVABILITY:

By individual's name, Social Security Number or employee identification number; information may also be accessed by a non-personal data element such as project code, cost accounting code, or organizational element.

SAFEGUARDS:

Automated systems employ computer hardware/software features. All records are maintained in controlled areas, within buildings/rooms which are secured during non-duty hours. Personal information is accessed only by individuals who have need therefor in their official duties.

RETENTION AND DISPOSAL:

Information in magnetic media is erased after 1 year; manual records are destroyed after 1 year by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202, or the appropriate Director or Division Chief in organization in which employed or assigned,

Individual should provide full name, Social Security Number, office believed to have the record, and time frame, any other information which will assist in locating the information, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202, or the appropriate Director or Division Chief in organization in which employed or assigned,

Individual should provide full name, Social Security Number, office believed to have the record, and time frame, any other information which will assist in locating the information, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From employee time cards; organization manpower rosters; individual personnel and training records; production records; and similar relevant AAFES documents and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 1504.03

SYSTEM NAME:

Personal Property Movement and Storage Files.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ, Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Army and Air Force Exchange Service (AAFES) whose permanent change of station is authorized by AAFES.

CATEGORIES OF RECORDS IN THE SYSTEM:

Orders authorizing shipment/storage of personal property to include privately owned vehicles and house trailers/mobile homes; Cash Collection Vouchers; Application for Shipment and/or Storage of Personal Property; Transportation Control and Movement Document; Personal Property Counseling Checklist; Government Bill of Lading; storage contracts, loss and damage claims, and similar related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

Used by the Army and Air Force Exchange Service to arrange for the movement, storage and handling of personal property; to identify/trace lost or damaged shipments; to answer inquiries and monitor effectiveness of personal property traffic management functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is disclosed to commercial carriers for the purposes of

identifying ownership, verifying delivery of shipment, supporting billing for services rendered, and justifying claims for loss, damage, or theft.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; microfilm; magnetic tapes, and computer printouts.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Information is maintained in secured areas, accessible only to authorized personnel having an official need-to-know. Automated segments are further protected by code numbers and passwords.

RETENTION AND DISPOSAL:

Documents relating to packing, shipping, and/or storing of household goods within the Continental United States are destroyed after 3 years; those relating to overseas areas are destroyed after 6 years. Documents regarding shipment of privately owned vehicles/mobile homes are destroyed after 2 years. Shipment discrepancy reports are destroyed after 2 years or when claim/investigation is settled, whichever is later. Administrative files reflecting queries and responses are retained for 2 years; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Administrative Services Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, Social Security Number, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Director, Administrative Services Division, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide their full name, Social Security Number, current address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Provided by the individual whose personal property is shipped/stored; by the carrier/storage facility.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 1609.02

SYSTEM NAME:

AAFES Customer Service.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf; regional, area, post and base Exchanges in the United States.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army and Air Force Exchange Service (AAFES) customers who purchase merchandise on a time payment, layaway, or special order basis, or who need purchase adjustments or refunds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of layaway tickets, requests for refunds, special order forms/procurement request/logs, cash receipt/charge or credit vouchers, repair vouchers, warranty documents, correspondence between AAFES and the customer and/or vendor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013, and 8012.

PURPOSE(S):

To record customer transactions/payment for layaway and special orders; to determine payment status before finalizing transactions; to identify account delinquencies and prepare customer reminder notices; to mail refunds on canceled layaway or special orders; to process purchase refunds; to document receipt from customer of merchandise subsequently returned to vendors for repair or replacement and initiate follow-up actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file boxes and cabinets.

RETRIEVABILITY:

By customer's surname, document control number, and/or due date.

SAFEGUARDS:

Records are maintained in secured areas, accessible only to authorized personnel having need for the information in the performance of their duties.

RETENTION AND DISPOSAL:

Cancelled or completed layaway tickets are held for 6 months after cancellation or delivery of merchandise; purchase orders are retained for 2 years; refund vouchers are retained for 6 years; returned merchandise slips are retained for 6 years; cash receipt vouchers are retained for 3 years; repair/replacement order slips are held 2 years. All records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide name and sufficient details or purchase to enable locating pertinent records, current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written

inquiries to the Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide name and sufficient details or purchase to enable locating pertinent records, current address and telephone number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; vendor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

AAFES 1609.03

SYSTEM NAME:

AAFES Catalog System.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202; HQ, Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Exchange customers who place a catalog sales order.

CATEGORIES OF RECORDS IN THE SYSTEM:

Customer name, Social Security Number, mailing address; name and address of recipient of order, description and price of item ordered, method of shipment, amount of order/refund, returned check identifier, claim data for returns/damages to shipments, and similar relevant data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 3013 and 8012.

PURPOSE(S):

To locate order information to reply to customer inquiries, complaints; to create labels for shipment to proper location; to refund customer remittances or to collect monies due; to provide claim and postal authorities with confirmation/ certification of shipment for customer claims for damage or lost shipments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records; magnetic tapes and printouts; microfiche, microfilm.

RETRIEVABILITY:

By customer order information, Social Security Number, or insurance number assigned to shipment.

SAFEGUARDS:

Access to information is restricted to persons having official need therefor; computer operations rooms are locked and visitors screened for entry.

RETENTION AND DISPOSAL:

Information is maintained in computer files for 180 days following completion of shipment. Microfilm and microfiche are retained for 2 years for postal claim purposes; destroyed after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Chief, Catalog Sales Center, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide name, current address and telephone number, and sufficient details to permit locating pertinent records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army and Air Force Exchange Service, ATTN: Chief, Catalog Sales Center, P.O. Box 660202, Dallas, TX 75266–0202.

Individual should provide name, current address and telephone number, and sufficient details to permit locating pertinent records.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0001DAMI

SYSTEM NAME:

Controlled Accountable Document Inventory System.

SYSTEM LOCATION:

Document Control Center/Security Office of Army installations or major commands to the extent that classified inventories are directed by the Commander. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Custodians of classified Defense information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Custodian's name, Social Security Number, and a listing of controlled classified documents for which custodian is responsible. Records may include document title, originator, type, and date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 3012.

PURPOSE(S):

To conduct periodic inventory of classified documents and to determine or validate custodial accountability of those documents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes/discs, computer printouts; paper records.

RETRIEVABILITY:

By custodian's surname or Social Security Number.

SAFEGUARDS:

Access is restricted to security officers for verifying inventory of classified documents and to others having similar official need. Information is housed in buildings controlled by security guards during non-duty hours.

RETENTION AND DISPOSAL:

Retained until the next inventory has been completed satisfactorily following which it is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief of Staff for Intelligence, Headquarters, Department

of the Army, The Pentagon, Washington, DC 20310–1002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the commander of the installation where information was collected or maintained. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Individual should provide his/her name, Social Security Number, date and place of employment, and signature

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the commander of the installation where information was collected or maintained. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Individual should provide his/her name, Social Security Number, date and place of employment, and signature

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual who receipts for classified documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0001DAPE

SYSTEM NAME:

Personnel Locator/Organizational Roster/Telephone Directory.

SYSTEM LOCATION:

Segments are maintained by offices and/or Army telephone switchboards at Headquarters, Department of the Army, Staff and field operating agencies, commands, installations and activities. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel, civilian employees, and in some instances their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include cards or listings/compilations of individual's name, Social Security Number, unit of assignment and/or home address, unit and/or home telephone number, and related information. Military alert rosters, organizational telephone directories, and listings of office personnel are included in this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012 and E.O. 9397.

PURPOSE(S):

To provide commanders and supervisors with emergency notification data, and operators and other users with locator data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's listing of record system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, card files, loose-leaf and bound notebooks; magnetic tape/discs or other computer media.

RETRIEVABILITY:

By individual's surname and Social Security Number.

SAFEGUARDS:

Records are maintained in file cabinets, locked desks, or rooms accessible only to authorized personnel having official need therefor.

RETENTION AND DISPOSAL:

Individual records are destroyed upon transfer or separation of individual; rosters are destroyed upon update.

SYSTEM MANAGER(S) AND ADDRESS:

Commander or supervisor of organization maintaining locator or directory. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the commander or supervisor of organization to which individual is/was assigned or employed. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices procedure'.

Individual should provide full name, and some detail such as organization of assignment, that can be verified, except that, in cases where individual has provided written consent to release of home address/telephone number to the general public, no identification is required.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the commander or supervisor of organization to which individual is/was assigned or employed. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices procedure.

Individual should provide full name, and some detail such as organization of assignment, that can be verified, except that, in cases where individual has provided written consent to release of home address/telephone number to the general public, no identification is required.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From official Army records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0001DAPE–AR1

SYSTEM NAME:

Professional Staff Information File.

SYSTEM LOCATION:

Headquarters, U.S. Army Institute for the Behavioral and Social Sciences, 5001 Eisenhower Avenue, Alexandria, VA 22333–5600.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of the Army civilian psychologists, engineers, economists, sociologists, and other professional staff members employed by the Army Research Institute who voluntarily supply information for release and military officers assigned to the Army Research Institute who voluntarily provide information for release.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain names of individuals and their curricula vitae, including data and information on the qualifications, expertise, experience and interests of

VOL 58 ISS 33 FE 22 1993 UMI

the professional staff of the Army Research Institute. Data include name, grade or rank, Institute assignment, education, prior professional experience, professional activities and development, lists of awards and recognitions, extra-government professional activities and significant professional publications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To establish and maintain a professional staff directory which is used to consider staff members with special expertise for special duty assignments and to produce evidence of professional staff qualifications during Institute peer reviews and similar independent evaluations.

Records are also used as basis for summary statistical reports concerning professional qualifications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored on a personal computer.

RETRIEVABILITY:

Information is retrieved by the surname of professional person. Categorical data is retrieved by keyword.

SAFEGUARDS:

Records are accessible only to designated individuals having official need-to-know in the performance of assigned duties.

RETENTION AND DISPOSAL:

Information will be maintained during the tenure of the person and deleted upon permanent departure from the Institute.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Research Institute for the Behavioral and Social Sciences, ATTN: PERI-AS (Privacy Act Officer), 5001 Eisenhower Avenue, Alexandria, VA 22333–5600.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Research Institute for the Behavioral and Social Sciences, ATTN: PERSI-AS (Privacy Act Officer), 5001 Eisenhower Avenue, Alexandria, VA 22333–5600.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Research Institute for the Behavioral and Social Sciences, ATTN: PERSI-AS (Privacy Act Officer), 5001 Eisenhower Avenue, Alexandria, VA 22333-5600.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are published in Army Regulation 430–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals employed by or assigned to the Army Research Institute who voluntarily submit requested information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0001SAIS

SYSTEM NAME:

Carpool Information/Registration System.

SYSTEM LOCATION:

Decentralized to Army installations/activity levels. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel participating in carpool programs who voluntarily provide information for release.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of individual, Social Security Number, home address and telephone, office address and telephone, map coordinates of home or nearby reference points, working hours, and similar information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012 and E.O. 9397.

PURPOSE(S):

To assign and administer allocated carpool parking assignments; establish priority of assignments, assist members and applicants in contacting one another and provide printout of individuals in system to other participants who desire to arrange a carpool.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Reference cards, computer cards, disk or tape, and file folders.

RETRIEVABILITY:

By name, Social Security Number, grid coordinate reference, and working hours.

SAFEGUARDS:

Accessible only to authorized personnel and those providing identification and purpose for which information is requested; may be accessed by persons seeking members who have provided consent for release of information.

RETENTION AND DISPOSAL:

Retained only on active participants; destroyed upon request/reassignment.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Information Systems for Command, Control, Communications, and Computers, ATTN: SAIS-PDD, Department of the Army, Washington, DC 20310–0107.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this system should address written inquiries to the command, installation, or activity where they participated in a carpool. Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.

For verification purposes, individuals should provide full name, current address, and sufficient information to permit locating the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the command, installation, or activity level. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individuals should provide full name, current address, and sufficient information to permit locating the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0001–20SALL

SYSTEM NAME:

Congressional Inquiry File.

SYSTEM LOCATION:

Chief of Legislative Liaison, Office of the Secretary of the Army, The Pentagon, Washington, DC 20310–0101.

A segment of this system may exist at Department of the Army staff agencies, field operating agencies, major commands, installations, and activities. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen who writes to a Member of Congress requesting that the Member solicit information from the Department of the Army on their behalf.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's request to the Member of Congress, the Member's inquiry to the Army, the Army's response, and relevant supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1034.

PURPOSE(S):

To conduct necessary research and/or investigations so as to provide information responsive to Congressional inquiries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and on microfilm records in an automatic retrieval device.

RETRIEVABILITY:

Retrieved by Congressmen and individual's name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized persons having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

In the Chief of Legislative Liaison, Office of the Secretary of the Army, records are destroyed after 5 years. In other offices of legislative coordination and control at Army Staff level and at headquarters of major and subordinate commands, records are destroyed after 3 years; at lower echelons, records are destroyed after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Legislative Liaison, Office of the Secretary of the Army, The Pentagon, Washington, DC 20310–0101.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Chief of Legislative Liaison, Office of the Secretary of the Army, The Pentagon, Washington, DC 20310–0101; or to the legislative liaison and control officer at the Army Staff or field office known to have the record. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individual should provide the full name, current address and telephone number, and sufficient detail to permit locating the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief of Legislative Liaison, Office of the Secretary of the Army, The Pentagon, Washington, DC 20310–0101; or to the legislative liaison and control officer at the Army Staff or field office known to have the record. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individual should provide the full name, current address and telephone number, and sufficient detail to permit locating the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual Member of Congress; Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0001aTAPC

SYSTEM NAME:

Office Visitor/Commercial Solicitor Files.

SYSTEM LOCATION:

Segments may be maintained at Headquarters, Department of the Army, staff, field operating agencies, commands, installations, and activities. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Visitors to Army installations/activities and/or commercial solicitors who represent an individual, firm, corporation, academic institution, or other enterprise involved in official or business transactions with the Department of the Army and/or its elements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, name and address of firm represented, person/office visited, purpose of visit, and status of individual as regards past or present affiliation with the Department of Defense.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013.

PURPOSE(S):

To provide information to officials of the Army responsible for monitoring/controlling visitor's/solicitor's status and determining purpose of visit so as to preclude conflict of interest.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name of visitor/solicitor

VOL
58
ISS
33
FE
22
1993
UMI

SAFEGUARDS:

Records are maintained in file cabinets with access limited to officials having need therefor.

RETENTION AND DISPOSAL:

Retained for one year after which records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the commander/supervisor maintaining the information. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Individual should provide the full name and other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the commander/supervisor maintaining the information. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Individual should provide the full name and other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0001bTAPC

SYSTEM NAME:

Unit Administrative Military Personnel Records.

SYSTEM LOCATION:

Headquarters, Department of the Army Staff, major commands, field operating agencies, installations and activities performing unit level administration for military personnel, whether active, inactive (reservist MOEDES) and including the National Guard. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel (and in some instances, their dependents) at the local supervisory level (i.e., battalion PAC/S1, company, platoon/squad, or comparable office size) when the individual's Military Personnel Records Jacket (MPRJ) or other personnel records are maintained elsewhere.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records/documents of a temporary nature which are needed in the day-to-day administration/supervision of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

To provide supervisors/unit commanders a ready source of information for day-to-day operations and administrative determinations pertaining to assigned/attached personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, index-cards, microfiche, magnetic tape/disk.

RETRIEVABILITY:

By individual's surname or Social Security Number.

SAFEGUARDS:

Information is stored in locked rooms/buildings with access restricted to individuals whose duties require a need-to-know. Where information exists on word processing disk/diskettes/tapes or in automated media, the administrative, physical, and technical requirements of Army Regulation 380–19, Information Systems Security, are assured to preclude improper use or inadvertent disclosure.

RETENTION AND DISPOSAL:

Records are destroyed not later than 1 year after departure of the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to their immediate supervisor.

Individual should provide the full name, Social Security Number, and particulars which facilitate locating the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the custodian of the record at the location to which assigned/attached.

Individual should provide the full name, Social Security Number, and particulars which facilitate locating the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager. manager.

RECORD SOURCE CATEGORIES:

Copy of documents in individual's Official Military Personnel File, Military Personnel Records Jacket, Career Management Information File, individual's supervisor, other Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0015–2–2CE

SYSTEM NAME:

Violation Warning Files.

SYSTEM LOCATION:

Corps of Engineers offices world-wide; addresses may be obtained from the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who violate the provisions of chapter III, parts 313 or 327, of title 36, CFR which govern public use of water resource development projects administered by the Corps of Engineers.

CATEGORIES OF RECORDS IN THE SYSTEM:

DD Form 1805 (Violation Notice), or Engineer Form 4381, (Warning Citation); relevant correspondence between the Corps of Engineers and the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 234 of the Flood Control Act of 1970 (Pub. L. 91-611; 84 Stat. 1818).

PURPOSE(S):

To determine and take appropriate action with regard to violations of water resource development projects.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessible only to designated individuals having official need therefor, located in buildings protected by security guards.

RETENTION AND DISPOSAL:

Records are destroyed by shredding 1 year after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Engineers, Headquarters, Department of the Army, ATTN: CEPM, Washington, DC 20314–1000.

NOTIFICATION PROCEDURE:

Indivdiuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief of Engineers, Headquarters, Department of the Army, ATTN: CEPM, Washington, DC 20314–1000.

Individual should provide his/her full name, current address and telephone number, name of project that originated the violation/warning notice, and serial number thereon.

RECORD ACCESS PROCEDURES:

Indivdiuals seeking access to information about themselves contained in this system should address written inquiries to the Chief of Engineers, Headquarters, Department of the Army, ATTN: CEPM, Washington, DC 20314–1000.

Individual should provide his/her full name, current address and telephone number, name of project that originated the violation/warning notice, and serial number thereon.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0015–34DARP

SYSTEM NAME:

Army Civilian/Military Service Review Board.

SYSTEM LOCATION:

U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian or contractual personnel (or their survivors) who were members of a group certified by the Secretary of the Air Force to have performed active duty with the Armed Forces of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application of individuals for recognition of service, evidence that supports claim of membership in approved group, action of the Army Civilian/Military Service Review Board, DD Form 214 and DD Form 256 or DD Form 257 as appropriate, and similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 401, Pub. L. 95–202 and DOD Directive 1000.20, Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel.

PURPOSE(S):

To determine whether individual applicants were members of civilian or contractual groups approved as having rendered service to the Army and whose service constitutes active military service, and to issue appropriate discharge or casualty documents, including applicable pay and equivalent rank or grade.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Copy of DD Form 214 is furnished to the Department of Veterans Affairs for benefits entitlements.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Papers stored in file folders.

RETRIEVABILITY:

By applicant's surname.

SAFEGUARDS:

Information is accessible only to designated persons having official need therefore in the performance of their duties. During non-duty hours, guards assure that records areas are secured.

RETENTION AND DISPOSAL:

Upon favorable Board decision, an Official Military Personnel File is created, containing individual's application, Board action, DD Form 213, DD Form 256 or DD Form 257 as appropriate, and DD Form 1300 if applicable. This file is transferred to the National Personnel Records Center, General Services Administration, where it is retained permanently.

Disapproved applications, together with supporting documentation and the Board's decision, are retained for 2 years, following which they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Reserve Personnel Center, ATTN: DARP-PAS-ENC, 9700 Page Boulevard, St. Louis, MO 63132–5200.

For verification purposes, individual should provide the full name at the time of the recognized military service, date and place of birth, details concerning affiliation with group certified to have performed active duty with the Army, and signature.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Reserve Personnel Center, ATTN: DARP-PAS-ENC, 9700 Page Boulevard, St. Louis, MO 63132–5200.

For verification purposes, individual should provide the full name at the time of the recognized military service, date and place of birth, details concerning affiliation with group certified to have performed active duty with the Army, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–

21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0015–180SFMR

SYSTEM NAME:

Army Council of Review Boards.

SYSTEM LOCATION:

Office, Secretary of the Army, The Pentagon, Washington, DC 20310–0101. The U.S. Army Management Systems Support Agency maintains an automated index of Discharge Review Board cases by alphanumeric code and case summary data by personal identifier. The Discharge Review Directorate of U.S. Army Reserve Components Personnel and Administration Center, St. Louis, MO performs administrative processing of these cases via its on-line terminal to the Army Discharge Review Board. Decisions of the Army Council of Review Boards are incorporated in the Official Military Personnel File of the petitioner at the U.S. Army Reserve Components Personnel and Administration Center, St. Louis, MO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members and/or former members of the active Army; prospective enlistees/inductees separated or pending separation who have cases pending or under consideration by the Army Council of Review Boards or any of its components.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application for review which includes name, Social Security Number, present address; name and address of counsel, if applicable; type, authority, and reason for discharge; mode of hearing, if desired; issues addressed by the board, findings, conclusions, and decisional documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1214, 1216, 1553, and 1554.

PURPOSE(S):

Records are used by the following Boards to determine propriety of action taken or requested, within the purview of the Board's charter: (1) Army Discharge Review Board, (2) Army Board for Review of Elimination, (3) Army Discharge Rating Review Board, (4) Army Physical Disability Appeal Board, (5) Army Security Review Board, and (6) Ad Hoc Board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards, paper records in file folders, magnetic tapes and/or discs, microfiche.

RETRIEVABILITY:

Within individual Board, by Social Security Number or surname of petitioner.

SAFEGUARDS:

Information is privileged, restricted to individuals who have need therefor in the performance of official duties. Records are retained in locked rooms within buildings having security guards. Automated records are identified as Privacy Act data and further protected by assignment of user ID and passwords.

RETENTION AND DISPOSAL:

Paper records are permanently stored in the Official Military Personnel File. Active cases in automated media are retained for 2 years before being transferred to the historical files where they are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Army Military Review Boards Agency, ATTN: MISD, Office of the Secretary of the Army, The Pentagon, Washington, DC 20310–0101.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Executive Secretary, Management Information and Support Directorate, SFRB–2, Army Military Review Boards Agency, Room 1E–520, The Pentagon, Washington, DC 20310–0101.

Individuals must furnish full name, Social Security Number, home address and telephone number, and sufficient details to permit locating the records in question.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Executive Secretary, Management Information and Support Directorate, SFRB–2, Army Military Review Boards Agency, Room 1E–520, The Pentagon, Washington, DC 20310–0101.

Individuals must furnish full name, Social Security Number, home address and telephone number, and sufficient details to permit locating the records in question.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; his/her Official Military Personnel File; correspondence, documents, and related information generated as a result of action by the Boards.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0015–185SFMR

SYSTEM NAME:

Correction of Military Records Cases.

SYSTEM LOCATION:

Department of the Army Military Review Boards Agency, Army Board for the Correction of Military Records, The Pentagon, Washington, DC 20310–0101. Copy of Board decision is incorporated in petitioner's Official Military Personnel File except where such action would nullify relief granted, in which case application and decision are retained in files of the Correction Board.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present or former members of the U.S. Army, U.S. Army Reserve or Army National Guard who apply for the correction of his/her military records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for Correction of Military or Naval Record (DD Form 149), documentary evidence, affidavits, information from individual's military record pertinent to corrective action requested, testimony, hearing transcripts when appropriate, briefs/arguments, advisory opinions, findings, conclusions and decisional documents of the Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1552.

PURPOSE(S):

Records are used by the Board to consider all applications properly before it to determine the existence of an error or an injustice.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Department of Justice when cases are litigated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, cards, microfiche.

RETRIEVABILITY:

By applicant's surname and Social Security Number.

SAFEGUARDS:

Information is privileged, restricted to individuals who have need therefor in the performance of official duties. All records are retained in locked rooms within the Pentagon which has security guards.

RETENTION AND DISPOSAL:

Records are retained at the Army Board for Correction of Military Records for at least 6 months after case is closed and then retired to the National Personnel Records Center where they are retained for 20 years.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary, Army Board for Correction of Military Records, Office of the Secretary of the Army, The Pentagon, Washington, DC 20310–0101.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Executive Secretary, Army Board for Correction of Military Records, Room 1E–517, The Pentagon, Washington, DC 20310–0101.

Individual must furnish full name, Social Security Number, service number if assigned, current address and telephone number, information that will assist in locating the record, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Executive Secretary, Army Board for Correction of Military Records, Room 1E–517, The Pentagon, Washington, DC 20310–0101.

Individual must furnish full name, Social Security Number, service number if assigned, current address and telephone number, information that will assist in locating the record, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, his/her Official Military Personnel File, other Army records/reports, relevant documents from any source.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0020–1aSAIG

SYSTEM NAME:

Inspector General Investigation Files.

SYSTEM LOCATION:

Primary location is at the Office of the U.S. Army Inspector General Agency, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1700.

Secondary location is at the Offices of Inspector General at major Army commands, field operating agencies, installations and activities, Army-wide. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who is the subject of, a witness for, or referenced in, an Inspector General investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigation containing authority for the investigation, matters investigated, narrative, documentary evidence, and transcripts of verbatim testimony or summaries thereof.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 and 3020.

PURPOSE(S):

To record the facts and circumstances surrounding allegations or problems concerning any Army activity, or function, including civil functions, the U.S. Army Reserve, and federal activities of the Army National Guard, and to report results of the investigation to the Secretary of the Army, the Chief of Staff, Army, or the commander who directed it.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in binder/file folders and computer data bases.

RETRIEVABILITY:

By requester's surname or by other descriptive name cross-referenced to case number.

SAFEGUARDS:

Files are stored in locked containers accessible only to authorized persons with an official need to know. Computer data base access is limited by terminal control and a password system to authorized persons with an official need to know.

RETENTION AND DISPOSAL:

Requests for assistance and/or complaints acted on by the Inspector General, Headquarters, Department of the Army, are retained for 2 years following completion and closing of case.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Inspector General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1700.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this system should address written inquiries to the Office of the Inspector General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1700.

Individual should provide the full name, address, nature of request for assistance or complaint, and identification of the Inspector General's Office to which the request was submitted.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine if information about themselves is contained in this system should address written inquiries to the Office of the Inspector General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1700.

Individual should provide the full name, address, nature of request for assistance or complaint, and identification of the Inspector General's Office to which the request was submitted.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–

21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Army records and reports, and other sources providing or containing pertinent information.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

Portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2) or (k)(5) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) published in 32 CFR part 505. For additional information contact the system manager.

A0027–3SAFM

SYSTEM NAME:

Pecuniary Charge Appeal Files.

SYSTEM LOCATION:

U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army military members or civilian employees held pecuniarily liable for charges for which an appeal is filed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigations, copies of vouchers, certificates, statements and correspondence between Department of the Army staff agencies and other Government agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To obtain data for determining the propriety of the pecuniary liability ruling.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are destroyed 10 years after close of case.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

Individual must provide full name, Social Security Number, current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

Individual must provide full name, Social Security Number, current address and telephone number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0027–10aDAJA

SYSTEM NAME:

Prosecutorial Files.

SYSTEM LOCATION:

Decentralized at Staff Judge Advocate Offices. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who is pending trial by courts-martial.

CATEGORIES OF RECORDS IN THE SYSTEM:

Witness statements; pretrial advice; documentary evidence; exhibits, evidence of previous convictions; personnel records; recommendations as to the disposition of the charges; explanation of any unusual features of the case; charge sheet; and criminal investigation reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 11476, June 19, 1969, Manual for Courts-Martial, United States; as revised by E.O. 12473, effective August 1, 1984.

PURPOSE(S):

To prepare for prosecution before courts-martial.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system of records may be disclosed to law students participating in a volunteer legal support program approved by the Judge Advocate General of the Army.

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Retrieved by individual's surname.

SAFEGUARDS:

Records are maintained in file cabinets accessible only to authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Records are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210.

Individual should provide his/her full name, current address and telephone number, case number and office symbol of Army element which furnished correspondence to the individual, other personnel identifying data that would assist in locating the records. The inquiry must be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Judge Advocate General,

Headquarters, Department of the Army, Washington, DC 20310–2210.

Individual should provide his/her full name, current address and telephone number, case number and office symbol of Army element which furnished correspondence to the individual, other personal identifying data that would assist in locating the records. The inquiry must be signed.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From official Army records and reports, investigative documents, law enforcement agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2) as applicable.

An exemption rule for this exemption has been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0027–10bDAJA

SYSTEM NAME:

Courts-Martial Files.

SYSTEM LOCATION:

U.S. Army Legal Services Agency, Falls Church, VA 22041–5013; Washington National Records Center, Suitland, MD 20409; National Personnel Records Center, St. Louis, MO 63132–5200; and offices of Staff Judge Advocates of subordinate commands and installations. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Army personnel tried by courts-martial and certain trial or appellate participants such as counsel and military judges.

CATEGORIES OF RECORDS IN THE SYSTEM:

Certain general and all special (BCD) courts-martial records of trial include a verbatim transcript of the trial and allied papers relating to the charged offenses and legal review of the case. General courts-martial examined pursuant to Article 69 and special (non-BCD) and summary courts-martial records of trial include only a summarized transcript of the trial as well as allied papers relating to the charged offenses, but do not necessarily include all records of review pursuant to Articles 69 or 73, Uniform Code of Military Justice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 801–940 (Uniform Code of Military Justice) and E.O. 9397.

PURPOSE(S):

This record system is maintained because a verbatim transcript of all general courts-martial trials (except those examined pursuant to Article 69) and special courts-martial trials in which a bad conduct discharge (BCD), was approved, and a summarized transcript of all other courts-martial proceedings is required by law.

Records of trial are required by each office and individual responsible for reviewing the legality of the courts-martial findings and sentence, determining whether clemency consideration is warranted, and answering inquiries from offices and individuals concerning the status of a particular case.

Statistical data obtained from records of trial are used in determining jurisdiction and Army-wide trends on disciplinary infraction in the Armed Forces and serve as a guide for officials responsible for making local and Army-wide policy decisions regarding military justice activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Courts-martial records reflect criminal proceedings ordinarily open to the public; therefore, they are normally releasable to the public pursuant to the Freedom of Information Act.

Information from these records may be disclosed to the Department of Justice, the Department of Veterans Affairs, and federal, state, and local law enforcement agencies for determination of rights and entitlements of the individuals concerned and for use in the enforcement of criminal or civil law.

Information from this system of records may also be disclosed to law students participating in a volunteer legal support program approved by the Judge Advocate General of the Army.

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Papers in file folders; index cards; computer disk-packs; courts-martial coding sheets; and on a computer database.

RETRIEVABILITY:

By individual's name and Social Security Number, by courts-martial number assigned to the case.

SAFEGUARDS:

All records are protected by systems of personnel screening and hand receipts. During non-duty hours, military police or contract guard patrols ensure protection against unauthorized access.

RETENTION AND DISPOSAL:

With respect to each courts-martial, there is an original record and from 1 to 5 copies. One copy is given to the accused and the remaining copies are used in the review of the case for legal sufficiency. The original record is disposed of as follows:

All records of trial by general courts-martial and those special courts-martial records in which a bad-conduct discharge (BCD) was approved are retained in the Office of the Clerk of the Court, U.S. Army Judiciary, for 1–2 years after completion of appellate review. Thereafter, the records are forwarded to the Washington National Records Center, Suitland, MD, for permanent storage.

Records of trial by special courts-martial (non-BCD) and summary courts-martial are retained in the staff judge advocate office of the general courts-martial authority for 1 year after completion of supervisory review. Thereafter the records are held for 2 years in the record holding area or overseas records center. Records are then sent to National Personnel Records Center (Military Records), St. Louis, MO 63132–5200, where they are retained for 7 years. Thereafter, the records are destroyed and the remaining evidence of conviction is the special (non-BCD) and summary courts-martial promulgating orders maintained in the individual's permanent records and any review(s) of the cases conducted pursuant to Articles 69 or 73, UCMJ.

The original reviews of special (non-BCD) and summary courts-martial cases and a copy of all other reviews pursuant to Articles 69 or 73, UCMJ are maintained for 3 years in the Office of the Chief, Examination and New Trials, U.S. Army Judiciary, Falls Church, VA. They are retained an additional 7 years at the Washington National Records Center, Suitland, MD, and destroyed

Statistical data obtained from general and special (BCD) permanently on some of the master index cards which serve as a means of listing records of trial sent to storage or in the database.

VOL 58 ISS 33 FE 22 1993 UMI

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210.

NOTIFICATION PROCEDURE:

Requests from individuals as to whether there are any general or special (BCD) courts-martial records in the system pertaining to them should be addressed to the Clerk of the Court (JALS–CC), U.S. Army Judiciary, Nassif Building, Falls Church, VA 22041–5013.

Requests for information as to special (non-BCD) and summary courts-martial records should be addressed to the staff judge advocate of the command where the record was reviewed or, if no longer there, to the National Personnel Records Center (Military Records), 9700 Page Boulevard, St. Louis, MO 63132–5200.

Requests for information concerning reviews pursuant to Articles 69 or 73, UCMJ, should be addressed to the Chief, Examination and New Trials Division, U.S. Army Judiciary, Nassif Building, Falls Church, VA 22041–5013.

Written requests should include individual's full name, Social Security Number, the record file number if available, and any other personal information which would assist in locating the records. Personal visits may be made to the Office of the Clerk of the Court or Chief, Examination and New Trials Division; individual must provide identification such as a valid driver's license or verbal information sufficient to permit locating the records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Clerk of the Court (JALS–CC), U.S. Army Judiciary, Nassif Building, Falls Church, VA 22041–5013, if the type of courts-martial or reviewing command is unknown.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from almost any source may be included in the record if it is relevant and material to courts-martial proceedings.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2) as applicable.

An exemption rule for this exemption has been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0027–10cDAJA

SYSTEM NAME:

Witness Appearance Files.

SYSTEM LOCATION:

Office of the Judge Advocate General, Headquarters, Department of the Army, Litigation Division (DAJA–LT), Washington, DC 20310–2210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former military personnel and civilian employees requested to appear as witnesses before civil courts, administrative tribunals, and regulatory bodies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of the witness and official requesting same; name and location of trial or other proceeding.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To locate and provide witnesses to U.S. attorneys conducting trials on behalf of the Department of the Army.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system of records may also be disclosed to law students participating in a volunteer legal support program approved by the Judge Advocate General of the Army.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and magnetic tapes/discs.

RETRIEVABILITY:

Retrieved by individual's surname.

SAFEGUARDS:

Records are accessible only to authorized personnel who are properly instructed in the permissible use thereof; building housing records are protected by security guards.

RETENTION AND DISPOSAL:

Destroyed after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Judge Advocate General, Chief, Litigation Division (DAJA–LT), Headquarters, Department of the Army, Washington, DC 20310–2210.

Individual should provide his/her full name, current address and telephone number, case number appearing on correspondence, and any other personal identifying data that will assist in locating the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Judge Advocate General, Chief, Litigation Division (DAJA–LT), Headquarters, Department of the Army, Washington, DC 20310–2210.

Individual should provide his/her full name, current address and telephone number, case number appearing on correspondence, and any other personal identifying data that will assist in locating the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Army records and reports, Department of Justice, U.S. attorneys, civilian counsel, and similar pertinent sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0027–20aDAJA

SYSTEM NAME:

U.S. Army Claims Service Management Information System.

SYSTEM LOCATION:

U.S. Army Claims Service, Office of the Judge Advocate General, ATTN: JACS-Z, Fort Meade, MD 20755–5360. Segments exist at subordinate field operating agencies and at Staff Judge Advocate Offices at Army installations throughout the world. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, corporations, associations, countries, states,

territories, political subdivisions presenting a claim against the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of claimant, claim file number, type of claim presented, reports of investigation, witness statements, police reports, photographs, diagrams, bills, estimates, expert opinions, medical records and similar reports, copy of correspondence with claimant, potential claimants; third parties, and insurers of claimants or third parties, copies of finance vouchers evidencing payment of claims, and similar relevant information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 939, 2733, 2734, 2734A, 2734B, 2737; 28 U.S.C. 2671–2680; 31 U.S.C. 3711 and 3721; 32 U.S.C. 715; E.O. 9397.

PURPOSE(S):

To develop and preserve all relevant evidence about incidents which generate claims against or in favor of the Army. Evidence developed is used as a legal basis to support the settlement of claims. Data are also used as a management tool to supervise claims operations at subordinate commands worldwide.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Internal Revenue Service for tax purposes.

To the Department of Justice for assistance in deciding disposition of claims filed against or in favor of the Government and for considering criminal prosecution, civil court action or regulatory orders.

To the U.S. Claims Court and the Court of Appeals for the Federal Circuit, to support legal actions, considerations or evidence to support proposed legislative or regulatory changes, for budgetary purposes, for quality control or assurance type studies, or to support action against a third party.

To Foreign governments for use in settlements of claims under the North Atlantic Treaty Organization Status of Forces Agreement or similar international agreements.

To the State governments for use in defending or prosecuting claim by the state or its representatives.

To the Department of Labor, for consideration in determining rights under Federal Employees Compensation Act or similar legislation.

To civilian and Government experts for assistance in evaluating the claim.

To the Office of Management and Budget for preparation of private relief bills for presentation to the Congress.

To Government contractors for use in defending or settling claims filed against them, including recovery actions, arising out of the performance of a Government contract.

To Federal and state workmen's compensation agencies for use in adjudicating claims.

To private insurers with a legal interest in the same case.

To potential joint tortfeasors or their representatives for the purpose of prosecuting or defending claims for contribution or indemnity.

Information from this system of records may also be disclosed to law students participating in a volunteer legal support program approved by the Judge Advocate General of the Army.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index cards, paper records in file folders, computer disc.

RETRIEVABILITY:

By last name, Social Security Number, or claim number.

SAFEGUARDS:

Records are accessible only by authorized personnel who are properly instructed in the permissible use of the information, buildings housing records are locked after normal business hours.

RETENTION AND DISPOSAL:

Destroyed when no longer needed (claims reports); after 5 years (claims journals); after 6 years, 3 months (investigative reports, except those relating to medical malpractice); or 10 years (medical malpractice investigative reports, claims files)."

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–2200.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Commander, U.S. Army Claims Service, Fort Meade, MD 20755–5360.

Individual should provide full name, current address and telephone number, claim number if known, date and place of incident giving rise to the claim, and any other personal identifying data which would assist in determining location of the records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Claims Service, Fort Meade, MD 20755–5360.

Individual should provide full name, current address and telephone number, claim number if known, date and place of incident giving rise to the claim, and any other personal identifying data which would assist in determining location of the records.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; investigative reports originating in the Department of the Army, Federal Bureau of Investigation, and/or foreign, state, or local law enforcement agencies; medical treatment facilities; Armed Forces Institute of Pathology; relevant records and reports in the Department of Defense.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0027–20bDAJA

SYSTEM NAME:

Tort Claim Files.

SYSTEM LOCATION:

Office of the Judge Advocate General, Headquarters, Department of the Army, Litigation Division (DAJA–LT), Washington, DC 20310–2210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed a complaint against the U.S. Army in the U.S. District Court under the Federal Tort Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pleadings, motions, briefs, orders, decisions, memoranda, opinions, supporting documentation, and allied material, including claims investigation, reports and files involved in representing the U.S. Army in the Federal Court System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 2671–2680.

PURPOSE(S):

To defend the Army in civil suits filed against it in state or federal courts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is disclosed to the Department of Justice and United States Attorneys' offices handling the particular case. Most of the information is filed in some manner in the courts in which the litigation is pending and therefore is a public record. In addition, some of the information will appear in the written orders, opinions, and decisions of the courts which, in turn, are published in the Federal Reporter System under the name or style of the case and are available to individuals with access to a law library.

Information from this system of records may also be disclosed to law students participating in a volunteer legal support program approved by the Judge Advocate General of the Army.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tapes/discs.

RETRIEVABILITY:

Retrieved by claimant's surname and court docket number.

SAFEGUARDS:

Records are maintained in file cabinets within secured buildings and available only to designated authorized individuals who have official need for them.

RETENTION AND DISPOSAL:

Records are destroyed 10 years after final action on the case.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210.

Individuals should provide full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210.

Individual should provide full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0027–20cDAJA

SYSTEM NAME:

Army Property Claim Files.

SYSTEM LOCATION:

Staff Judge Advocate Offices at Army commands, field operating agencies, installations, and activities. A segment of the system is located at U.S. Army Claims Service, Fort Meade, MD 20755–5360.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who, having damaged Government property, were not subject to the collection activities of other agencies or organizations and therefore require litigation on behalf of the Department of the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of reports from the claim investigator, accident and police reports relating to damage, and pleadings, motions, briefs, orders, decisions, memoranda, opinions, supporting documentation, and allied material involved in representing the U.S. Army.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3711 and E.O. 9397.

PURPOSE(S):

To negotiate with, or to sue, as appropriate, the individual or entity, including insurance carriers, responsible for loss or damage of U.S. Army property.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Department of Justice, U.S. Attorney, and opposing parties and their attorneys as deemed necessary in litigating property claims.

Information from this system of records may also be disclosed to law students participating in a volunteer legal support program approved by the Judge Advocate General of the Army.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file orders; magnetic tapes/discs.

RETRIEVABILITY:

By individual's surname, Social Security Number, and court docket number.

SAFEGUARDS:

Records are accessible only by authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Records at the Judge Advocate General's Office are destroyed 10 years after final action; i.e., completion of litigation of determination that case will not be prosecuted. Claims settled by local Staff Judge Advocates are destroyed 5 years after final action.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210.

Individual should provide their full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Judge Advocate General,

Headquarters, Department of the Army, Washington, DC 20310–2210.

Individuals should provide their full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports; Office of Personnel Management; Department of Justice, U.S. Attorney, opposing counsel, and similar pertinent sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0027–20dDAJA

SYSTEM NAME:

Medical Expense Claim Files.

SYSTEM LOCATION:

Staff Judge Advocate Offices at Army commands, field operating agencies, installations and activities. A segment of the system is located at U.S. Army Claims Service, Fort Meade, MD 20755–5360.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have received medical treatment at the expense of the U.S. Army as a result of a tortuous or negligent act of a third party; third parties causing medical care to be furnished to individuals entitled to medical care at Government expense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of medical and personnel records of individuals injured by a third party from whom the U.S. Army is seeking to recover the costs of medical care furnished the injured party; accident and police reports relating to the injury, claims investigation files; correspondence with attorneys representing the Army's interest; court documents; and similar pertinent documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2651–3; E.O. 9397 and 11060; and 28 CFR part 43.

PURPOSE(S):

To negotiate with the tortfeasor or an insurance carrier, or to sue the same to collect the value of medical care furnished the injured party.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Department of Justice, appropriate U.S. Attorneys, civilian attorneys representing the injured party who agree also to represent the U.S. Army's claim, and opposing parties and their attorneys.

Information from this system of records may be disclosed to law students participating in a volunteer legal support program approved by the Judge Advocate General of the Army.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tapes/discs.

RETRIEVABILITY:

By individual's surname, Social Security Number, and court docket number.

SAFEGUARDS:

Records are accessible only by authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Records at the Judge Advocate General's Office are destroyed 10 years after final action; i.e., completion of litigation or determination that case will not be prosecuted. Claims settled by local Staff Judge Advocates are destroyed 5 years after final action.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210.

Individual should provide full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210.

Individual should provide full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports; Office of Personnel Management; Department of Justice, U.S. Attorneys, opposing counsel, and similar pertinent sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0027–40DAJA

SYSTEM NAME:

Litigation Case Files.

SYSTEM LOCATION:

Office of the Judge Advocate General, Headquarters, Department of the Army, Litigation Division (DAJA–LT), Washington, DC 20310–2210; legal offices of other HQDA staff agencies, field operating agencies, major commands, and installations. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has filed a complaint against the U.S. Army or its personnel in the state or federal courts; military and civilian personnel in the Department of the Army who are named defendants, in their individual or official capacity, in civil litigation initiated by or against the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pleadings, motions, briefs, orders, decisions, memoranda, opinions, supporting documentation, and allied materials involved in representing the U.S. Army in the Federal Court System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To defend the Army in civil suits filed against it in the state or federal courts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is disclosed to Department of Justice and U.S. Attorney's offices handling a particular case. Most of the information is filed in some manner in the courts in which the litigation is pending and therefore is a public record. In addition, some of the information will appear in the written orders, opinions, and decisions of the courts which, in turn, are published in Federal Reporter System under the name or style of the case and are available to individuals with access to a law library.

Information from this system of records may be disclosed to law students participating in a volunteer legal support program approved by the Judge Advocate General of the Army.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tapes/discs.

RETRIEVABILITY:

By individual's surname and court docket number.

SAFEGUARDS:

Records are maintained in file cabinets within secured buildings and available only to designated authorized individuals who have official need therefor.

RETENTION AND DISPOSAL:

Records at the Office of the Judge Advocate General and the Chief of Engineers' office (for civil works) are destroyed after 30 years, except that those cases determined to have precedential, policy, or otherwise significant, value are permanent. Records in other legal offices are destroyed 6 years after completion of litigation.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–2210.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Judge Advocate General or the Chief of Engineers (for civil works cases), Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–2210.

Individual should provide full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Judge Advocate General or the Chief of Engineers (for civil works cases), Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–2210.

Individual should provide full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Department of the Army records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0027–50DAJA

SYSTEM NAME:

Foreign Jurisdiction Case Files.

SYSTEM LOCATION:

Office of the Judge Advocate General, Headquarters, Department of the Army, International Affairs Division, Washington, DC 20310–2210. (Copy of record will exist for shorter periods in Office of the Staff Judge Advocate at the command where case originated.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the U.S. Army; civilians employed by, serving with, or accompanying the U.S. Army Abroad; and dependents of such individuals who have been subject to the exercise of civil or criminal jurisdiction by foreign courts or foreign administrative agencies and/or sentenced to unsuspended confinement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual case reports concerning the exercise of jurisdiction by foreign tribunals, trial observer reports, requests for provision of counsel, records of trials, requests for local authorities to refrain from exercising their jurisdiction; communications with other lawyers, officials within the Department of the Army and/or Defense, diplomatic missions; other selected relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013.

PURPOSE(S):

To monitor development and status of each individual case to ensure that all rights and protection to which U.S. personnel abroad and their dependents are entitled under pertinent international agreements are accorded such personnel; to obtain information to answer queries regarding the status and disposition of individual cases involving the exercise of civil or criminal jurisdiction by foreign courts or foreign administrative agencies to render management and statistical reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system of records may be disclosed to law students participating in a volunteer legal support program approved by the Judge Advocate General of the Army.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in secured buildings, accessible only to designated authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Individual case files are retained for 30 years following completion of the case. Consolidated and summary reports are permanent records at the Office of the Judge Advocate General.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves

is contained in this system should address written inquiries to either the Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210 or the Staff Judge Advocate of the installation or command where legal assistance was sought.

Individual should provide full name, current address and telephone number, case number and office symbol appearing on official correspondence concerning the matter, any other identifying information and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to either the Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210 or the Staff Judge Advocate of the installation or command where legal assistance was sought.

Individual should provide full name, current address and telephone number, case number and office symbol appearing on official correspondence concerning the matter, any other identifying information and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, his/her attorney, foreign government agencies, Department of State, law enforcement jurisdictions, relevant Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0027–60aDAJA

SYSTEM NAME:

Patent, Copyright, Trademark, and Proprietary Data Files.

SYSTEM LOCATION:

Primary: JALS–PC, Nassif Building, Falls Church, VA 22041–5013.

Secondary: Office of the Staff Judge Advocate at major Army commands, field operating agencies, and installations. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted inventions to the Government; inventors with patents or applications for patents procured on behalf of the Department of the Army or in which the government has an interest; authors of copyrightable or copyrighted material in which the government has an interest; and government employees to whom copyright assistance has been rendered.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to; disposition of rights in Government employees' inventions; foreign patent filings; licensing of government-owned patents, copyrights, and service marks; government interest in or under patents, applications for patent, and copyrights procured on behalf of the Department of the Army; and invention disclosures including drawings, patentability search reports, evaluation reports, applications, amendments, petitions, appeals, interferences, licenses, assignments, other instruments, and relevant correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To determine the rights in government employee inventions, and to maintain evidence and record of: documents used in filing for foreign patents; invention disclosures submitted to the Department of the Army; patents and applications for patent procured on behalf of the Army or in which the Army has an interest; patent and copyright licensing and assignments; and copyright assistance rendered.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The U.S. Patent and Trademark Office, Department of Commerce, and/or to the Copyright Office, Library of Congress.

In the event of legal proceedings and litigation, information may be disclosed to the Civil Division, Department of Justice.

For foreign patent filings records are presented to the Director of Patent Administration, Department of National Defense in Ottawa, Ontario, Canada.

Parties to a licensing arrangement have access to the specific files involved.

Concerned contractors and/or Government agencies have access in order to conduct patent investigations and evaluations.

Information from this system of records may be disclosed to law students participating in a volunteer legal support program approved by the Judge Advocate General of the Army.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in buildings protected by secured guards, and are accessible only to authorized persons having need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

At the primary location: records pertaining to patent matters are retained for 20 to 25 years depending on the specific case; those concerning copyright matters are retained either for 56 years or an expiration of copyright not renewed, after which they are destroyed by shredding.

Records at the secondary locations are destroyed after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210; senior patent attorney at each secondary location.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this systems should address written inquiries to the Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210.

Individuals should provide full name, current address and telephone number, the case number or other identifying information on correspondence emanating from the Army.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2210.

Individuals should provide full name, current address and telephone number, the case number or other identifying information on correspondence emanating from the Army.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and

VOL
58
ISS
33
FE
22
1993
UMI

appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Army records, the government agency interested in the invention or copyright, research material in libraries, the Patent and Trademark Office, and/or the Copyright Office.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0027–60bDAJA

SYSTEM NAME:

Patent, Copyright, and Data License Proffers, Infringement Claims, and Litigation Files.

SYSTEM LOCATION:

Office of the Judge Advocate General, Department of the Army, Patents, Copyrights, and Trademarks Division, Nassif Building, 5611 Columbia Pike, Falls Church, VA 22041–5013.

Segments of this system may exist at the Office, Chief of Engineers, Headquarters, U.S. Army Materiel Command, and/or its major subordinate field commands.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants or defendants in administrative proceedings or litigation with the government for improper use, infringement, enforcement of agreements, or comparable claims concerning patents or copyrights; individuals having copyrights in material in which the Department of the Army is interested; individuals who own patents which they offer to license to Department of the Army; individuals seeking private relief before the Congress because of right in inventions, patents, copyrights, or data licenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the administrative assertion of claims by and against the government and to litigation with the government for alleged misuse of patents, copyrights, trademarks, and data, including inquiries, investigations, settlements, communications with claimants or defendants, and related correspondence; documents relating to advice and assistance provided in obtaining licenses for Department of the Army use of copyright material; documents relating to the investigation and disposition of patent license offers; documents relating to investigations in connection with processing proposed legislation or bills for private relief of individuals because of rights of individuals in inventions, patents, copyrights, or data, including reports of investigations, comments or recommendations, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To maintain evidence and record of claims and litigation involving Department of the Army concerning patents, trademarks, copyrights, and data; to maintain evidence and record of Department of the Army attempts to use copyrighted material and to receive the copyright owner's permission for such use; to maintain record and evidence of patent license offers received and investigations and reports pursuant thereto; and to maintain record and evidence of investigations of proposed legislation or bills for private relief.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Government agencies involved in the claims or litigation and the Civil Division, Department of Justice, have access to the records to determine the validity of allegations and to properly prosecute or defend the case; government agencies potentially interested have access to the records of offered licenses to determine actual interest; Congress receives reports on Department of the Army's position on particular bills for private relief.

Information from this system of records may be disclosed to law students participating in a volunteer legal support program approved by the Judge Advocate General of the Army.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessible only by authorized personnel who are properly instructed in the permissible use of information therein.

RETENTION AND DISPOSAL:

Destroyed after 25, 30, or 35 years depending on the specific case.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2200.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2200.

Individual should provide full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Judge Advocate General, Headquarters, Department of the Army, Washington, DC 20310–2200.

Individual should provide full name, current address and telephone number, case number that appeared on documentation, any other information that will assist in locating pertinent records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, the Army organizational element interested in the copyrighted material or offered license, employment records, pertinent government patent files, Department of Justice and/or the government agencies involved in the claims or litigation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0030AMC

SYSTEM NAME:

Food Taste Test Panel Files.

SYSTEM LOCATION:

U.S. Army Natick Research, Development and Engineering Center, Natick, MA 01760–5020.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel who volunteer to participate in sensory taste tests of food items.

CATEGORIES OF RECORDS IN THE SYSTEM:

Questionnaire and locator documents completed by participants containing name, date, organization, business telephone number, sex, age, marital status, rank/grade, present/prior

military service, highest educational level attained, section of country lived in the longest, willingness to test irradiated foods, food aversion/food preference data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To evaluate food rations under development by the Army; to determine acceptability of food items in consideration of purchase.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer paper printouts, cards, magnetic tapes and paper records in file folders.

RETRIEVABILITY:

By participant's surname or assigned unique number.

SAFEGUARDS:

Records are stored in metal file cabinets which are locked when not under the control of authorized personnel. Buildings housing the records employ security guards.

RETENTION AND DISPOSAL:

Records are destroyed when participant is no longer active in the program.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Natick Research, Development and Engineering Center, Natick, MA 01760–5020.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Natick Research, Development and Engineering Center, ATTN: Science and Advanced Technology Directorate, Natick, MA 01760–5020.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Sensory Analysis Branch, Science and Advanced Technology Directorate, U.S. Army Natick Research, Development and Engineering Center, Natick, MA 01760–5020.

Individual should provide their full name and current address.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–1DAPE

SYSTEM NAME:

Resource Management and Cost Accounting Files.

SYSTEM LOCATION:

Headquarters, Department of the Army, Staff and field operating agencies, major commands, installations and activities. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel assigned/attached to the organization.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records by individual of man-hours applied to the accomplishment of assigned tasks or projects. Specific data elements include name, Social Security Number/employee identification number, organizational element, military rank/civilian grade, job title, clearance status, rating data, regular/overtime wage rates, regular/overtime hours worked, hours of leave taken, record of official travel, project code, accounting code and cost data, workload units accomplished, file references and related information and records control data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 3013; and E.O. 9397.

PURPOSE(S):

To project manpower and monetary requirements; to allocate available resources to specific projects; to schedule workload and assess progress; to project future organizational milestones; to evaluate individual performance and equipment efficiency; to set standards and methods; to record and control personnel and equipment utilization; to document inventories; to interpolate training needed by unit or individual; to monitor use of overtime; to control and monitor obligations and expenditures of government funds; to provide audit trail; to generate statistical reports of workload and production levels and other trends within the organization; and to provide other accounting and monitoring reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punch cards, magnetic tapes, cards, discs, microform, microfiche, computer printouts and paper records.

RETRIEVABILITY:

By individual's name, Social Security Number, or employee identification number. Information may also be accessed by a non-personal data element such as project code, cost accounting code, or organizational element.

SAFEGUARDS:

Automated systems employ computer hardware/software safeguard features. All records are maintained in controlled areas, within buildings/rooms which are secured during non-duty hours. Personal information is accessed only by individuals who have need therefor in their official duties.

RETENTION AND DISPOSAL:

Magnetic media are erased after 1 year; manual records are destroyed after 1 year by pulping, tearing, or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–4000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the agency head/installation commander of the Department of the Army organization to which they are (or were) assigned/employed. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Individual should provide the full name, Social Security Number, office believed to have the record, time frame,

and other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the agency head/installation commander of the Department of the Army organization to which they are (or were) assigned/employed. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Individual should provide the full name, Social Security Number, office believed to have the record, time frame, and other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations by the individual concerned are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Employee time cards; organization manpower rosters; individual personnel and training records; production records; travel orders; unit inventory records; and other relevant Army documents and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–2–1CE

SYSTEM NAME:

Corps of Engineers Management Information System Files.

SYSTEM LOCATION:

Finance and accounting offices in Corps of Engineers Division and District Offices; addresses may be obtained from the Chief of Engineers, Headquarters, Department of the Army, ATTN: CERM-F, Washington, DC 20314–1000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilians and military employees of the Corps of Engineers located at Division and District Offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employees name, Social Security Number, pay rate, employing office, organizational location, cost codes, functional designator funds, coverage under Fair Labor Standards Act, travel advance record, and similar information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To compute employee labor and travel costs charged to the job worked on in the management of financial expenditures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tape and printouts; microfilm.

RETRIEVABILITY:

By Social Security Number.

SAFEGUARDS:

Computers in which system information resides are located in locked rooms which are accessible only to authorized persons possessing a special badge or password. Microfilm produced by contract with vendors is maintained by the contractor under lock and key.

RETENTION AND DISPOSAL:

Cost data as input documents and voucher output listings comprising employee labor and travel costs, and audit trail tapes of valid transactions, are destroyed after 6 years and 3 months; punched cards which process these data are destroyed upon completion of audit by General Accounting Office. Internal/external output files containing these data are destroyed after 30 years. Utility files (output reports for maintaining and controlling transactions) are destroyed after 5 years. Magnetic tape data base containing transactions results processed by the update programs are retained for 30 years. Computer printouts and magnetic tapes are retained on microfilm. Records prior to July 2, 1975 are destroyed after 10 years and 3 months; those on/after July 2, 1975 are December 2, 1975 are destroyed after 6 years and 3 months.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Engineers, Headquarters, Department of the Army, Washington, DC 20314–1000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the servicing Comptroller office within the Corps of Engineers, District/Division.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the servicing Comptroller office within the Corps of Engineers, District/Division.

Individuals must provide his/her full name, and Social Security Number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; official Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–103aSAFM

SYSTEM NAME:

Contractor Indebtedness Files.

SYSTEM LOCATION:

Primary: U.S. Army Finance and Accounting Center, Fort Benjamin Harrison, IN 46249–0601.

Secondary: All Army installation and commands, and Defense Contract Administration Services Regions that administer contracts for the Department of the Army.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Contractors, as individuals, determined indebted to the United States Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence between contracting officer, administrative contracting officer and/or the U.S. Army Finance and Accounting Center and the contractor, that terminates contract, demands payment and establishes debt, and any other related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Claim Collection Act of 1966, 80 Stat. 308, 31 U.S.C. 951–53.

PURPOSE(S):

To initiate collection action against a contractor who is determined to be indebted to the United States, to determine whether judicial proceedings should be initiated against the contractor and to maintain and distribute a list of contractors determined to be indebted to the United States.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

List of contractors determined to be indebted to the U.S. Government is furnished to all government agencies for administrative offset prior to payment on contract.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Fair Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3) when an individual is responsible for a debt to the U.S. Army, provided the debt has been validated, is overdue, and the debtor has been advised of the disclosure and his rights to dispute, appeal or review the claim; and/or whenever a financial status report is requested for use in the administration of the Federal Claims Collection Act. Claims of the United States may be compromised, terminated or suspended when warranted by information collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, stored in steel filing cabinets.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessible only by authorized personnel and are locked after duty hours. Building employs security guards.

RETENTION AND DISPOSAL:

Files are permanent. They are retained in active file until end of calendar year in which final action is taken, held 2 years after file is closed then transferred to the Washington National Records Center. Copies of files that are sent to the General Accounting Office for determination of judicial proceedings or further collection action are retained in the U.S. Army Finance and Accounting Center until notification is received that the file has been closed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, ATTN: FINCP-F, Indianapolis, IN 46249–0601.

Individual should provide full name and the contract number concerned.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, ATTN: FINCP-F, Indianapolis, IN 46249–0601.

Individual should provide full name and the contract number concerned.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, contracting offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–103bSAFM

SYSTEM NAME:

Subsidary Ledger Files (Accounts Receivable).

SYSTEM LOCATION:

Finance and Accounting Offices, world-wide; addresses may be obtained from the Commander, U.S. Army Finance and Accounting Center, Fort Benjamin Harrison, IN 46249–0601.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel with the Department of the Army, Department of Defense, and other Government agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual control files for services rendered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 97–365, Debt Collection Act of 1982; and E.O. 9397.

PURPOSE(S):

To maintain records of charges due the Army for services provided to effect collection action, i.e., telephone, quarters, food, clothing, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; card files; magnetic tapes; computer printouts; and microfiche.

RETRIEVABILITY:

By individual's surname or Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records are destroyed 3 years after closing ledger accounts.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Fort Benjamin Harrison, IN 46249–0601.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Fort Benjamin Harrison, IN 46249–0601, or from the finance and accounting office where service was provided.

Individual should provide full name, Social Security Number, current address, and sufficient details to enable locating the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Fort Benjamin Harrison, IN 46249–0601, or from the finance and accounting office where service was provided.

Individual should provide full name, Social Security Number, current address, and sufficient details to enable locating the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, finance and accounting offices, member's commanding officer.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–103cSAFM

SYSTEM NAME:

Validation Files.

SYSTEM LOCATION:

U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Army military member or Department of Army civilian or former military member or individual suspected of fraud or improper payment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of copies of vouchers/orders/notices of exception/military pay orders/certificates of dependency, sworn statements, and correspondence between the Comptroller of the Army, U.S. General Accounting Office, Department of the Army staff agencies, U.S. Army Criminal Investigation Command, and/or other governmental agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

PURPOSE(S):

To obtain data for determining propriety and validity of Army financial transactions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel having official need therefor.

RETENTION AND DISPOSAL:

Records are destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

Individuals should furnish their full name, Social Security Number, current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

Individuals should furnish their full name, Social Security Number, current address and telephone number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Federal Bureau of Investigation, Criminal Investigation Detachments, finance officers, Provost Marshals and individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–103dSAFM

SYSTEM NAME:

Conversion Files.

SYSTEM LOCATION:

U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and former members of the Armed Services and civilians who file military payment certificate (MPC) claims and/or foreign currency claims.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application for exchange of military payment certificates; letter request for exchange of MPC and foreign currency; military pay vouchers; substantiating documents such as receipts; and correspondence between the U.S. Army Finance and Accounting Center and claimant, and other Army and Government agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To evaluate claim and, if approved, issue Treasury check to claimant.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By claimant's surname.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are destroyed 10 years after final action on claim.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

Individuals should furnish their full name, Social Security Number, current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

Individuals should furnish their full name, Social Security Number, current address and telephone number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Goverr ment agencies, records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–103eSAFM

SYSTEM NAME:

Disbursing Office Establishment and Appointment Files.

SYSTEM LOCATION:

U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army military members or Department of Army civilians who are appointed a deputy or bond issuing agent; individuals appointed an accountable officer or special disbursing agent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include Department of the Army Form 1866 (Designation and Appointment of Deputy to Disbursing Officer), USAFAC Form 35–12FL (Certification as Issuing Agent of U.S. Saving Bonds), USAFAC Form 35–13FL (Letter to Federal Reserve Bank on Bond Issuing Agent) and letter requests for the approval and appointment of other than Finance Corps officers as accountable officers and special disbursing agents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To obtain data in the appointment or termination of deputies and bond issuing agents and the appointment or termination of other than Finance Corps officers as accountable officers and special disbursing agents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are destroyed 10 years after revocation of appointment.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

Individual should furnish their full name, Social Security Number, current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

Individual should furnish their full name, Social Security Number, current address and telephone number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Finance and Accounting Officers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–104–1aSAFM

SYSTEM NAME:

Joint Uniform Military Pay System-Army-Retired Pay.

SYSTEM LOCATION:

U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired Army members, beneficiaries of deceased retired Army members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual retired military pay records, correspondence with individuals concerning their retired pay accounts, all documents substantiating entitlements to retired pay.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. and E.O. 9397.

PURPOSE(S):

To establish and compute pay of retirees and their beneficiaries; to produce permanent record of transactions; and to prepare financial, budgetary, and actuarial reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system may be disclosed to:

(a) Department of Veterans Affairs to record the collection of premiums for National Service Life Insurance.

(b) Fiscal Agent for Veterans Group Life Insurance (VGLI) to initiate starts, stops, and changes for VGLI premium payments by allotment for retirees.

(c) Trustees/Guardians of Mental Incompetents (MI) to exercise a fiduciary responsibility on behalf of MI retirees and annuitants.

(d) States and Cities to verify tax liability against retiree's state and city income tax returns.

(e) American Red Cross to assist military personnel and their dependents in determining status of monthly pay, dependents' allotments, loans, and related financial transactions.

(f) Military banking facilities: Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan that, if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

(g) Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

(h) The 'Blanket Routine Use' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer disk files, microfiche, micro-computer hard and floppy disks.

RETRIEVABILITY:

By Social Security Number and name.

SAFEGUARDS:

The U.S. Army Finance and Accounting Center employs security guards. An employee badge and visitor registration system is in use. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Access to computer disk files is controlled by USERID and password. Computer equipment and files are in separate secured area.

RETENTION AND DISPOSAL:

Individual retired military pay records are converted to microfiche and retained for 56 years; destruction is by shredding. The retention periods for other records vary according to category of record, but total retention periods do not exceed 56 years after termination of the account. (Account is terminated by either death of retiree, or if the retiree has designated annuitants under Retired Servicemen's Family Protection Plan or the Survivor Benefit Plan, the subsequent death or ineligibility of the annuitant.) Records are destroyed at the end of the 56 year retention period.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601, or by calling the Director, Retired Pay Operations at (317) 542–2931.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, ATTN: Department 90, Indianapolis, IN 46249–0601.

Individual should provide full name, Social Security Number of retiree, and signature. Visits are limited to the U.S. Army Finance and Accounting Center, Indianapolis, IN.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From Department of Defense agencies, the Department of Veterans Affairs, Social Security Administration, Department of Treasury, financial institutions and insurance companies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–104–1bSAFM

SYSTEM NAME:

Debt Management System.

SYSTEM LOCATION:

United States Army Finance and Accounting Center, Fort Benjamin Harrison, IN 46249–0601.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Separated and retired military/civilian personnel and others indebted to the U.S. Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of current and former military members and civilian employees' pay accounts showing entitlements, deductions, payments made, and any indebtedness resulting from deductions and payments exceeding entitlements. These records include, but are not limited to: Individual military pay records, substantiating documents such as military pay orders, pay adjustment authorizations, military master pay account printouts from the Joint Uniform Pay System (JUMPS), records of travel payments, financial record data folders, miscellaneous vouchers, personal financial records, credit reports, promissory notes, individual financial statements, and correspondence. Applications for waiver of erroneous payments or for remission of indebtedness with supporting documents including, but not limited to, statements of financial status (personal income and expenses), statements of commanders, statements of accounting and finance officers, correspondence with members and employees. Claims of individuals requesting additional payments for service rendered with supporting documents including, but not limited to, time and attendance reports, leave and earnings statements, travel orders, travel vouchers, and correspondence with members and employees. Delinquent accounts receivable from field accounting and finance officers including, but not limited to, returned checks, medical services billings, collection records, and summaries of the U.S. Army Criminal Investigation Command and Federal Bureau of Investigation reports. Reports from probate courts regarding estates of deceased debtors. Reports from bankruptcy courts regarding claims of the United States against debtors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2774; 12 U.S.C. 1715; 31 U.S.C. 3711; and E.O. 9397.

PURPOSE(S):

To provide a basis for establishment of and post audit of each receivable to provide a history of collection activities and answer inquiries pertaining to such collection activity. This information is to establish, formulate, maintain, monitor accounts receivables and administer the Federal Claims Collection Act(s).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data necessary to identify the individual involved are disclosed to:

a. Consumer Reporting Agencies:

(1) Whenever a financial status report is requested for use in the administration of the Federal Claims Collection Act. Claims of the U.S. may be compromised, terminated or suspended, when warranted, by information collected.

(2) Pursuant to 5 U.S.C. 552e(b)(12) that an individual is responsible for a debt to the U.S. Army provided the debt has been validated, is overdue and the debtor has been advised of the disclosure and his rights to dispute, appeal or review the claim.

b. U.S. Department of Justice/U.S. Attorneys for legal action and/or final disposition of the debt claims. The litigation brief(s) (comprehensive, written referral recommendations) will restructure the entire scope of the collection cases.

c. Internal Revenue Service:

(1) To obtain locator status for delinquent account receivables. (Automated controls exist to preclude redisclosure of solicited IRS address data.)

(2) To report write-off amounts as taxable income as pertains to amounts compromised and accounts barred from litigation due to age.

(3) To provide for offset of tax refunds.

d. Private Collection Agencies for collection service whenever USAFAC has exhausted its internal collection actions.

e. Credit Card Processing Institutions to collect indebtedness by credit card.

f. Other Government Agencies for the purpose of offset; administrative or salary.

g. The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, in collection file folders and bulk storage, card files, computer magnetic tapes, computer printouts and microfiche.

RETRIEVABILITY:

By Social Security Number, alphabetically by name, and substantiating document number. Conventional indexing is used to retrieve data.

SAFEGUARDS:

USAFAC employs security guards. An employee badge and visitor registration system is utilized. Hard copy records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Computerized records are accessed by custodian of the records system and by person(s) responsible for servicing the records system for need-to-know. Certifying finance and accounting officers of debts have access to debt information to confirm if the debt is valid and collection action is to be continued. Computer equipment and files are located in a separate secured area.

RETENTION AND DISPOSAL:

Accounts receivables are converted to microfiche and retained for 6 years. Destruction is by shredding. Other records retention periods vary according to category, but total retention periods do not exceed 56 years. Disposition is to federal records centers and destruction thereafter is by burning or salvage as waste paper.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Department 89, ATTN: FINCP–FF, Indianapolis, IN 46249–0601.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Department 89, ATTN: FINCP–FF, Indianapolis, IN 46249–0601.

Individual should provide full name, Social Security Number, and military status or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Department 89, ATTN: FINCP–FF, Indianapolis, IN 46249–0601.

Individual should provide full name, Social Security Number, and military status or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is received from Department of Defense staff and field installations, Internal Revenue Service, Social Security Administration, Treasury Department, financial organizations, and automated system interface.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–104–3DASG

SYSTEM NAME:

Health Professions Scholarship Program.

SYSTEM LOCATION:

Fitzsimons Army Medical Center, Aurora, CO 80045–5001. A segment of this system exists at the U.S. Army Health Professional Support Agency, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the U.S. Army Reserve who are enrolled in the Army-Health Professions Scholarship Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contract records between the Army and the University participating in the Health Professions Scholarship Program, tuition payments, individual's military pay records, cost data worksheets, active duty military pay vouchers, personal financial history records, monthly payroll listings of current members showing entitlements and deductions, bank identification data for deposit of pay, member's permanent home address, current mailing address and telephone number, Social Security Number, orders to active duty, student's elective to defer entry on active duty, and similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. chapter 104, et. seq.: Pub. L. 94–426; and E.O. 9397.

PURPOSE(S):

To establish the pay account of students accepted into the Health Professions Scholarship Program; to determine appropriate pay, deductions, reimbursable expenses, taxes and disbursements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Department of the Treasury to record check issue data, taxable earnings and taxes withheld.

To states and cities/counties which have an agreement with the Department of the Army to verify tax liability against member's state and city/county tax returns.

To the Social Security Administration to record earned wages by member under the Federal Insurance Contributions Act.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tapes; computer printouts; microfilm; ledger cards.

RETRIEVABILITY:

By member's name and Social Security Number.

SAFEGUARDS:

Information is accessible only to authorized personnel having official need therefor. Records are stored in secured buildings protected by military police/security guards.

RETENTION AND DISPOSAL:

Upon completion of the program, records for members entering active duty are forwarded to the Commander, U.S. Total Army Personnel Center, ATTN: TAPC-MSR, 200 Stovall Street, Alexandria, VA 22332–0400.

Records for members on continued educational delay are forwarded to Commander, U.S. Army Reserve Personnel Center, ATTN: DARP-DPL, 9700 Page Boulevard, St. Louis, MO 63132–5200.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

VOL
58
ISS
33
FE
22
1993
UMI

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Finance and Accounting Office, Fitzsimons Army Medical Center, Aurora, CO 80045–5001, so long as reservist is enrolled in the Scholarship Program. Thereafter, information may be obtained from either the Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400 or the Commander, U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200 as appropriate.

For verification purposes, the individual should provide the full name, present address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Finance and Accounting Office, Fitzsimons Army Medical Center, Aurora, CO 80045–5001, so long as reservist is enrolled in the Scholarship Program. Thereafter, information may be obtained from either the Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400 or the Commander, U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200 as appropriate.

For verification purposes, the individual should provide the full name, present address and telephone number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; university/college in which student is enrolled; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–104–3USMA

SYSTEM NAME:

USMA Cadet Account System.

SYSTEM LOCATION:

U.S. Military Academy, West Point, NY 10996–1783.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the U.S. Corps of Cadets, U.S. Military Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Monthly deposit listings of Corps of Cadets members showing entitlements and activity pertaining to funds held in trust by the USMA Treasurer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 205, 4340, and 4350; Title 6, General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies; and E.O. 9397.

PURPOSE(S):

To compute debits and credits posted against cadet account balances. Debits include charges to the cadet account for uniforms, textbooks, computers and related supplies, academic supplies, various fees, etc.; credits include advance pay, monthly deposits from payroll, scholarships, initial deposits, interest accumulated on cadet account balances, and individual deposits. All funds are held in trust by the Treasurer, USMA.

Treasurer, USMA to record and provide taxable interest data to individual cadet and Internal Revenue Service; to control and monitor charges/credits to the cadet account; and to record deposits to the cadet account and to maintain records of financial institutions for direct deposit purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this record system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer agencies as defined in the Fair Credits Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and computer printouts; paper records in file folders.

RETRIEVABILITY:

By Cadet account number.

SAFEGUARDS:

Records are maintained in buildings which are secured and patrolled and are accessible only to personnel who have need therefor in the performance of official duties. Automated master data and back-up files are further protected by assignment of passwords.

RETENTION AND DISPOSAL:

Duplicate account statements are retained locally for 1 year after cadets graduation and then destroyed by shredding. Information in automated media is retained for 1 to 3 months, except that annual interest tapes are retained for 1 year before being erased.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, U.S. Military Academy, West Point, NY 10996–1783.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the U.S. Military Academy, Treasurer, West Point, NY 10996–1783.

Individual should provide full name, cadet account number, Social Security Number, graduating class year, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the U.S. Military Academy, Treasurer, West Point, NY 10996–1783.

Individual should provide full name, cadet account number, Social Security Number, graduating class year, current address and telephone number, and signature.

Personal visits may be made to the Treasurer; U.S. Military Academy; individual must provide acceptable identification such as valid driver's license and information that can be verified with his/her payroll.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Department of Army, Department of the Treasurer, financial institutions and insurance companies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–104–3sSAFM

SYSTEM NAME:

Military Pay System-Active Army (Manual).

SYSTEM LOCATION:

Decentralized to Army Finance and Accounting Offices world-wide; addresses may be obtained from the Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve Enlisted Program 63 Reservist and National Guard, active duty military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual military pay records, casual payment receipts, substantiating documents, temporary pay records, transmittal letters, locator files, financial data record folders, miscellaneous military pay files and personal financial records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C. 101 et seq.

PURPOSE(S):

To provide a basis for establishing computation of each active member's military pay entitlement, to provide a history of pay transactions, and to answer inquiries or claims pertaining to such entitlements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Treasury Department to record check and bond issue data and taxable earnings and taxes withheld from military personnel.

Social Security Administration to record earned wages by member under the Federal Insurance Contributions Act.

Department of Veterans Affairs to record the collection of premiums for National Service Life Insurance.

Disclosed to those states and cities which have an agreement with the Department of the Army to verify tax liability against members' state and city income tax returns.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and in bulk storage, card files.

RETRIEVABILITY:

By Social Security Number, name, substantiating document number.

SAFEGUARDS:

Records are accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention periods vary according to category of record but total retention periods do not exceed 56 years. Disposition is as required by Army Regulation 37–104–3, Army Regulation 635–10 and Army Regulation 640–10.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address inquiries to the Commander, U.S. Army Finance and Accounting Center, ATTN: FINCP, Indianapolis, IN 46249–0601.

Individual should provide full name, Social Security Number, Military Status, and home address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address inquiries to the Commander, U.S. Army Finance and Accounting Center, ATTN: FINCP, Indianapolis, IN 46249–0601, or to the appropriate Finance and Accounting Office.

Individual should provide full name, Social Security Number, Military Status, and home address.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From Department of Defense staff and field installations and the Treasury Department.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–104–3bSAFM

SYSTEM NAME:

Joint Uniform Military Pay System-Active Army (JUMPS-JSS).

SYSTEM LOCATION:

Centralized at U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601. Decentralized segments exist at Army Finance and Accounting Offices world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual military pay records, casual payment receipts, substantiating documents, temporary pay records, transmittal letters, locator files, financial data record folders, miscellaneous pay files, and personal financial records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C., 101 et seq.

PURPOSE(S):

To provide basis for computing each active member's pay entitlements, to provide a history of pay transactions, and to answer inquiries and claims pertaining to such entitlements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be disclosed to:

Treasury Department to record check and bond issue data and taxable earnings and taxes withheld from military personnel.

Social Security Administration to record earned wages by member under the Federal Insurance Contributions Act.

Department of Veterans Affairs to record the collection of premiums for National Service Life Insurance and to transfer contributions to Post Vietnam Era Veterans Education Account.

States and Cities which have an agreement with the Department of the Army to verify tax liability against members' state and city income tax returns.

American Red Cross to assist military personnel and their dependents in determining the status of monthly pay, dependents allotments, loans, and related financial transactions.

Department of Health, and Human Services: The name, rank and Social Security Number of each member of the Armed Forces on active duty to the Inspector General for comparison with appropriate rolls reflecting recipients of Aid to Families with Dependent Children.

City of New York: Department of Income Maintenance: Name and address of allottees whose ZIP Codes are in New York City and dollar amount of allotments for the purpose of detecting and curtailing fraud and abuse in Federal Assistance Programs, specifically Aid to Families with Dependent Children, and Food Stamps.

VOL
58
ISS
33
FE
22
1993
UMI

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and bulk storage, card files, computer magnetic tapes and paper printouts, and microfilm.

RETRIEVABILITY: BY SOCIAL SECURITY NUMBER, NAME, AND SUBSTANTIATING DOCUMENT NUMBER.

SAFEGUARDS:

The U.S. Army Finance and Accounting Center employs security guards. An employee badge and visitor registration system is in use. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Access to computer magnetic tape files is restricted to the member's servicing finance and accounting officer. Computer equipment and files are located in a separate secured area. Within finance and accounting offices Army-wide, access is limited to designated personnel having official need for the information in the performance of their duties.

RETENTION AND DISPOSAL:

Individual military pay records are converted to microfiche which are retained for 56 years. Other records are retained for varying periods but total retention does not exceed 56 years; disposition is to Federal Records Centers; destruction thereafter is by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

NOTIFICATION PROCEDURE:

Individual seeking to determine whether information about themselves is contained in this system should address written inquiries to the appropriate finance and accounting office or the Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

Individual must furnish full name, Social Security Number, military status, and home address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, ATTN: FINCP, Indianapolis, IN 46249–0601, or the appropriate finance and accounting officer.

Individual should provide full name, Social Security Number, military status, and home address. In addition, information may be obtained by calling (317) 542–2891.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From Department of Defense staff and field installations, the Social Security Administration, financial institutions, the Treasury Department, and automated systems interface.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–104–3cSAFM

SYSTEM NAME:

Joint Uniform Military Pay System-Reserve Components-Army.

SYSTEM LOCATION:

Centralized at U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601. Decentralized segments exist at Army Finance and Accounting Offices worldwide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of the U.S. Army National Guard and U.S. Army Reserve who are drawing inactive duty training pay.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual military pay records, substantiating documents, transmittal letters, index cards, financial data record folders, miscellaneous military pay vouchers, personal financial history records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C. 101 et seq. and E.O. 9397.

PURPOSE(S):

To maintain a record of member's drill attendance, entitlements and deductions in order to compute and disburse his/her pay while keeping a record of taxes and disbursements other than those to the member.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be disclosed to:

(1) Treasury Department to record check issue data, taxable earnings and taxes withheld.

(2) Individual States of the U.S. to furnish wages earned for the calendar year; these data are furnished to the state of home record.

(3) Army National Guard Bureau to furnish budget data to account for every expenditure within categories established.

(4) Individual National Guard States Associations to furnish a report and an associated check regarding state sponsored life insurance premium withheld.

(5) American Red Cross to assist military personnel and their dependents in determining the status of monthly pay, dependents allotments, loans, and related financial transactions.

(6) Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

(7) The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and bulk storage; cards, computer magnetic tape and paper printouts, microfiche.

RETRIEVABILITY:

By Social Security Number, name of the member, and document number.

SAFEGUARDS:

The U.S. Army Finance and Accounting Center employs security guards. An employee badge and visitor registration system is in use. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Access to computer magnetic tape files is restricted to the members' servicing finance and accounting officer. Computer equipment and files are located in a separate secure area. Within finance and accounting offices, Army-wide, access is limited to designated personnel having official need for the information in the performance of their duties.

RETENTION AND DISPOSAL:

Individual military pay records are converted to microfiche which are retained for 56 years. Other records are retained for varying periods but total retention does exceed 56 years; disposition is to Federal Records Centers; destruction thereafter is by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

Individuals may also contact U.S. Property and Fiscal Officer, Army National Guard of each state and/or the District of Columbia, Puerto Rico and the Virgin Islands. Individuals may also contact the finance and accounting officer at Fort Indiantown Gap, PA; Fort McPherson, GA; Fort Riley, KS; Presidio of San Francisco, CA; Fort McCoy, WI; Fort Douglas, UT. These finance and accounting officers are responsible for U.S. Army Reserve pay accounts only.

Individuals must provide full name, Social Security Number, and military status.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, ATTN: FINCP, Indianapolis, IN 46249–0601.

Individuals must provide full name, Social Security Number, and military status.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The source of all data to establish and maintain JUMPS-RC-Army originates at unit level; i.e., all units of U.S. Army National Guard and U.S. Army Reserve which perform inactive duty training and whose members receive drill pay as a result of this training furnish the data to support the system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–105aSAFM

SYSTEM NAME:

Civilian Employee Pay System.

SYSTEM LOCATION:

U.S. Army Finance and Accounting Offices world-wide and U.S. Property and Fiscal Offices in the U.S., Puerto Rico, Virgin Islands, and the District of Columbia having civilian payroll responsibilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and contract teachers employed by Department of the Army, Office, Secretary of Defense; and specified elements of the Navy and Air Force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employees' pay, leave, and retirement records; individual withholding/deduction authorization for dependents, allotments, health benefits, savings bonds, etc.; tax exemption certificates; personal exception and indebtedness papers; statements of charges, claims, repatriated payment files; roster of authorized timekeepers and signature cards; payroll and retirement control and working paper files; unemployment compensation data requests; reports of retirement fund deductions; management narrative and statistical reports relating to pay, leave, and retirement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 6, General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies; E.O. 9397.

PURPOSE(S):

To provide basis for computing civilian pay entitlements; to record history of pay transactions; to record leave accrued and taken, bonds due and issued, taxes paid; to answer inquiries and process claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to:

(1) Treasury Department to record checks and bonds issued.

(2) Social Security Administration to report earned wages by employees under the Federal Insurance Contributions Act.

(3) Internal Revenue Service to record taxable earnings and taxes withheld.

(4) Office of Personnel Management to record monies paid into Federal Retirement Fund and to provide information pertaining to health benefits.

(5) States and cities to provide taxable earnings of employees to those states and cities which have entered into an agreement with the Department of the Army and the Treasury Department.

(6) Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701 (a)(3)).

(7) The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and bulk storage; card files, computer magnetic tapes, disks and printouts, and microfilm.

RETRIEVABILITY:

Automated records are retrieved by Social Security Number within payroll block; manual records are retrieved by surname within payroll block.

SAFEGUARDS:

Records are restricted to personnel who are properly cleared and trained, and have an official need therefor. In addition, integrity of automated data is ensured by internal audit procedures, data base access accounting reports, and controls to preclude unauthorized disclosure.

RETENTION AND DISPOSAL:

Individual retirement record files are permanent; they are retained at installation while member is actively employed. They are forwarded to new installation when member is transferred to another Army activity. When employee transfers to another agency under the Department of Defense not serviced by Army or separates from Federal Service, record is forwarded to the Office of Personnel Management. Microfilm of manually maintained individual retirement records is sent to the National Personnel Records Center after 3 years.

Personnel exceptions and indebtedness files are permanent. These documents are filed in individual's Official Personnel Folder (OPF). Upon separation or transfer, if OPF is not on file locally, records are forwarded to National Personnel Records Center, General Services Administration, St. Louis, MO 63118–4199.

Repatriated personnel payment files are permanent; forwarded to National Personnel Records Center after 3 years.

Subsistence and quarters rate deviation files are permanent; they are retired on discontinuance of the installation.

Retention periods vary for other records according to category of record. The minimum retention period is 2 years and the maximum period is 12 years, after which records are des records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Army, Headquarters, Department of the Army, Washington, DC 20310–0103.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the U.S. Army Finance and Accounting Offices world-wide, or if National Guard Technician, from the National Guard Bureau, 5600 Columbia Pike, Falls Church, VA 22041, or from U.S. Property and Fiscal Offices.

Individual should provide full name, Social Security Number, current address, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the U.S. Army Finance and Accounting Offices world-wide, or if National Guard Technician, from the National Guard Bureau, 5600 Columbia Pike, Falls Church, VA 22041, or from U.S. Property and Fiscal Offices.

Individual should provide full name, Social Security Number, current address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, former employers, DOD Staff agencies and field commands, Social Security Administration, Treasury Department, financial organizations and automated systems interface.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–105bSAFM

SYSTEM NAME:

Military and Civilian Waiver Files.

SYSTEM LOCATION:

U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former Army members or civilian employees who apply for waiver of claims arising out of erroneous of erroneous payments of pay and allowances, travel, transportation, and relocation allowances.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains application, employment history, reports of investigation, copies of vouchers, certificates, record of disposition, and correspondence with the U.S. General Accounting Office, Army staff offices, and other government agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012 and E.O. 9397.

PURPOSE(S):

To determine the validity of waivers or to make referrals to the U.S. General Accounting Office.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individuals surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel having official need therefor, within buildings which employ security guards.

RETENTION AND DISPOSAL:

Records are retained for six years after waiver is approved/denied.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, ATTN: Chief, Claims/Inquiries Division Indianapolis, IN 46249–0601.

Individual should provide their full name, Social Security Number, current address, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, ATTN: Chief, Claims/Inquiries Division Indianapolis, IN 46249–0601.

Individual should provide their full name, Social Security Number, current address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Army Finance and Accounting Offices; and other Government agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–105cSAFM

SYSTEM NAME:

Bankruptcy Processing Files.

SYSTEM LOCATION:

U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army military members or Department of Army civilian employees for whom bankruptcy notice has been received.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's financial statements; certificates for deductions; agreements; military pay vouchers; correspondence between the Judge Advocate General, U.S. Attorney, U.S. District Courts, and other government agencies relevant to the proceeding.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To obtain data for submitting claims of the Army to the Department of Justice for filing with the bankruptcy court and controlling financial transactions on pay accounts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) 681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to designated persons having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are destroyed 5 years after conclusion of bankruptcy proceedings.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

Individual should provide full name, Social Security Number, current address, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

Individual should provide full name, Social Security Number, current address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From courts, government records, and similar documents and sources relevant to the proceeding.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–107aSAFM

SYSTEM NAME:

Absentee Apprehension/Reward/ Expenses Payment System.

SYSTEM LOCATION:

Decentralized to Army Finance and Accounting Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who may have apprehended service members who are absentees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual payment vouchers and documents used for the payment of reward of rewards and expenses for apprehension of absentees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DOD Annual Appropriation Act.

PURPOSE(S):

To provide basis for making payments for rewards and expenses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper vouchers and documents in file folders.

RETRIEVABILITY:

File numerically by voucher numbers by disbursing station symbol numbers and alphabetically by individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Vouchers and documents used for payment are destroyed after 3 years except those to which exception was taken by the General Accounting Office which is retained until cleared; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Fort Benjamin Harrison, IN 46249–0601.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Finance and Accounting Office who made the payment.

Individual must provide full name, current address and pertinent information regarding items or payment to permit locating records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Finance and Accounting Office who made the payment.

Individual must provide full name, current address and pertinent information regarding items or payment to permit locating records.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; from Army records and reports; and similar relevant sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–107bSAFM

SYSTEM NAME:

Travel Payment System.

SYSTEM LOCATION:

Decentralized to Finance and Accounting Offices world-wide; addresses may be obtained from the system manager. All Army activities receiving an allotment of TDY funds to expend.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel of the Department of Defense, U.S. Army, U.S. Navy, and U.S. Air Force, and other individuals who perform invitational travel for the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual travel vouchers and documents used to effect travel allowance payments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Department of Defense Annual Appropriations Act; 5 U.S.C. 5701–5742; 10 U.S.C. 828, 832, 946, 3012; 28 U.S.C. 1821; 37 U.S.C. 404–427; and E.O. 9397.

VOL
58
ISS
33
FE
22
1993
UMI

PURPOSE(S):

To provide basis for reimbursing military and civilian personnel for expenses incident to travel for official Government business purposes and to account for such payments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, cards, magnetic tape/disks, cassettes, computer printouts.

RETRIEVABILITY:

By individual's Social Security Number.

SAFEGUARDS:

Records are accessible only to authorized persons who are properly screened, cleared and trained. Buildings employ security guards and/or military police patrols. Access to automated files is controlled by assigned passwords.

RETENTION AND DISPOSAL:

Individual vouchers and documents used for payment are retained at the installation making payment until end of month, following which they are sent to U.S. Army Finance and Accounting Center.

Signature cards used for approval of certain vouchers are retained at installation where payments are made until 3 years after date of revocation of authority, following which they are destroyed.

Records of travel payments are retained for 3 years following settlement at installation making current payments. Military member's record of outstanding advance payments is transferred to new servicing finance office upon permanent change of station or to the U.S. Army Finance and Accounting Center upon death or separation from active duty. Civilian employee's record of outstanding advance payments is transferred to new servicing finance office upon reassignment. Military and civilian records of travel payments for settled travel claims are destroyed by the old duty station 3 years following separation or transfer. Records for individuals performing invitational travel are destroyed 1 year from date of final payment.

Copies of travel settlement vouchers are destroyed after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Army, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–0103.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Finance and Accounting Office who currently pays them. For periods of Army service prior to current assignment, inquiries should be addressed to the Commander, U.S. Army Finance and Accounting Center, ATTN: DACA–FAZ–S, Indianapolis, IN 46249–0526.

Individual must provide full name and Social Security Number as well as current address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the appropriate Finance and Accounting Office where record is believed to exist or to the Commander, U.S. Army Finance and Accounting Center, ATTN: DACA–FAZ–S, Indianapolis, IN 46249–0526.

Individual must provide full name and Social Security Number as well as current address.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Department of Defense staff agencies and field commands/installations/activities.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–108CE

SYSTEM NAME:

Corps of Engineers Debt Collection System.

SYSTEM LOCATION:

Finance and Accounting Offices at U.S. Army Corps of Engineer Installations worldwide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Separated and retired military and civilian personnel and others indebted to the U.S. Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records include, but are not limited to:

Records of current and former military members and civilian employees' pay accounts showing entitlements, deductions, payments made, and any indebtedness resulting from deductions and payments exceeding entitlements.

Individual military pay records, substantiating documents such as military pay orders, pay adjustment authorizations, military master pay account printouts from the Joint Uniform Military Pay System (JUMPS), records of travel payments, financial record data folders, miscellaneous vouchers, personnel financial records, credit reports, promissory notes, individual financial statements and related correspondence.

Applications for waiver of erroneous payments or for remission of indebtedness with supporting documents including, but not limited to: Statements of financial status (personal income and expenses); statements of commanders and/or finance and accounting officers; and correspondence with members and employees.

Claims of individuals requesting additional payments for services rendered with supporting documents including, but not limited to: Time and attendance reports; leave and earning statements; travel orders and/or vouchers; and correspondence with members and employees.

Delinquent accounts receivable including, but not limited to: Returned checks; default on lease agreements; collection records; and summaries of Army Criminal Investigation Command and/or Federal Bureau of Investigation.

Reports from probate courts regarding estates of deceased debtors.

Reports from bankruptcy courts regarding claims of the United States against debtors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Debt Collection Act of 1982 (Pub. L. 97–365); 5 U.S.C. 552a(b)(12); 5 U.S.C. 5514(a); 10 U.S.C. 2774; 12 U.S.C. 1715; 15 U.S.C. 1681a(f); Federal Claims Collection Act of 1966; 31 U.S.C. 952(d); 31 U.S.C. 3711; and E.O. 9397.

PURPOSE(S):

To process, monitor, and post-audit accounts receivable. To administer the Federal Claims Collection Act of 1966

and the Debt Collection Act of 1982 and to answer inquiries pertaining thereto. To match application data with state information in order to verify eligibility for benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to:

U.S. Department of Justice/U.S. Attorneys for legal action and/or final disposition of debt claims.

The Department of the Treasury/ Internal Revenue Service for the purpose of obtaining locator status for delinquent accounts receivable, and/or to report write-off amounts as taxable income as pertains to amounts comprised and accounts barred from litigation due to age, and for purpose of offset, either administrative or salary.

To collection agencies for the purpose of credit information and for the purpose of obtaining credit reports or skip traces when the Army has exhausted its internal collection efforts.

Consumer reporting agencies pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(b)(12) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)) when an individual is responsible for a debt to the U.S. Army, provided the debt has been validated, is overdue, and the debtor has been advised of the disclosure and his/her rights to dispute, appeal or review the claim; and/or whenever a financial status report is requested for use in the administration of the Federal Claims Collection Act. Claims of the United States may be compromised, terminated or suspended when warranted by information collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and bulk storage, card files, magnetic tapes, paper printouts and microfiche.

RETRIEVABILITY:

By Social Security Number, name and substantiating document number.

SAFEGUARDS:

Security guards are employed at all Corps of Engineers Finance and Accounting Offices. Paper records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Computerized records are accessed by the custodian of the records system and by persons responsible for servicing the records in the performance of their official duties. Certifying Finance and Accounting Officers of debts have access to debt information to confirm if the debt is valid and collection action is to be continued. Computer equipment and files are located in a separate secured area.

RETENTION AND DISPOSAL:

Delinquent accounts receivables are retained for 6 years and 3 months and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Finance and Accounting Officer at the Headquarters, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, NW, Washington, D.C. 20314–1000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Finance and Accounting Office at the appropriate U.S. Army Corps of Engineers installation.

Individual should provide full name, Social Security Number, and other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Finance and Accounting Office at the appropriate U.S. Army Corps of Engineers installation.

Individual should provide full name, Social Security Number, and other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is received from the Department of Defense staff and field installations, other creditor Federal agencies, Social Security Administration, Treasury Department, Banks, Savings and Loan Associations, Employee Credit Unions and other financial organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0037–202SAFM

SYSTEM NAME:

FHA Mortgage Payment Insurance Files.

SYSTEM LOCATION:

U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Army military member with more than 2 years of active duty service who applies for an FHA loan.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application, certificate of eligibility, record of payments, notices of termination of eligibility, and correspondence with FHA and other Government offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

PURPOSE(S):

To determine the amount of insurance payments and to control authorized payments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By Army member's surname.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized persons having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are destroyed 10 years after final separation of the individual from the Army.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves

is contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

Individuals should furnish their full name, Social Security Number, current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

Individuals should furnish their full name, Social Security Number, current address and telephone number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the applicant, his/her commanding officer, FHA, and other government records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0040DASG

SYSTEM NAME:

Medical Facility Administration Records.

SYSTEM LOCATION:

Medical centers, hospitals, and health clinics. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are authorized to use services of an Army medical facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system generally relates to administration at a medical facility, as opposed to an individual's health/care. Typically, records comprise scheduling of appointments, medical history data used to locate medical records, individual's name, Social Security Number, birth, death, accountability of patients (e.g., bad charts; transfer, leave requests, etc.); receipts for patients' personal property, prescriptions for medications, eyeglasses, hearing aids, prosthetic devices, diet/special nourishment plans, blood donor records, charges, receipts and accounting, documents of payments for medical/dental services; register number assigned; Social Security Number, and similar records/reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 3013 and E.O. 9397.

PURPOSE(S):

To locate medical records and personnel, schedule appointments; provide research and statistical data.

To enhance efficient management practices and effective patient administration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Birth records are disclosed to states' Bureau of Vital Statistics and overseas birth records are disclosed to the Department of State to provide the official certificates of birth. Birth records may also be used for statistical purposes.

Death records are disclosed to federal, state and private sector authorities to provide the official certificates of death. Death records may also be used for statistical purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards; paper records in file holders or other computerized or machine readable media.

RETRIEVABILITY:

By individual's surname or Social Security Number.

SAFEGUARDS:

Records are maintained within secured buildings in areas accessible only to persons having official need therefor who are properly trained and screened. Automated segments are protected by controlled system passwords governing access to data.

RETENTION AND DISPOSAL:

Nominal index files, including register numbers assigned, are destroyed after 20 years. Records of transient value (e.g., issuance of spectacles/prosthetics, diet/food plan, etc.) are destroyed within 3 months of patient's release. Other records have varying periods of retention: Record of birth/death 2 years; patient accountability (admission/discharge) 5 years; blood donor 5 years or when no longer needed for medical/legal reasons whichever is longer; record of patient's personal property 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Patient Administrator at the medical facility where service/care was provided. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individual should provide the full name, Social Security Number, details which will assist in locating record, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Patient Administrator at the medical facility where service/care was provided. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individual should provide the full name, Social Security Number, details which will assist in locating record, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; medical facility records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0040–1DASG

SYSTEM NAME:

Professional Consultant Control Files.

SYSTEM LOCATION:

Office of the Surgeon General, Headquarters, Department of the Army; U.S. Army Health Services Command; U.S. Army Medical Command, Europe; U.S. Army Medical Command, Korea. Official mailing addresses are published as an appendix to the Army's compilation of system of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has been used or appointed as a professional consultant in the professional medical services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents containing name, curriculum vitae of professional qualifications and experience, appointment, utilization, duties, responsibilities, and compensation of appointed consultants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 1071–1086.

PURPOSE(S):

To appoint and monitor utilization of designated consultants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information on individuals may be provided to civilian and military medical facilities, Federation of State Medical boards of the United States, State Licensure Authorities and other appropriate professional regulating bodies for use in considering and selecting individuals for panels or boards or for speaking engagements.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By last name of consultant.

SAFEGUARDS:

Records are maintained in secured areas accessible only to authorized individuals having official need therefor in the performance of assigned duties.

RETENTION AND DISPOSAL:

Records are destroyed 1 year after termination of consultant's appointment.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Surgeon General, Headquarters, Department of the Army, ATTN: SGPS-CP, Leesburg Pike, Falls Church, VA 22041–3258.

For verification purposes, the individual should provide the full name, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Surgeon General Headquarters, Department of the Army, ATTN: SGPS-CP, Leesburg Pike, Falls Church, VA 22041–3258.

For verification purposes, the individual should provide the full name, current address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0040–1HSC

SYSTEM NAME:

Professional Personnel Information File.

SYSTEM LOCATION:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Practicing physicians, residents, psychologists, social workers, and pharmacists assigned or employed in medical treatment facilities operated by the Army Medical Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain personal information provided to the various professional staff officers assigned to Department of the Army Surgeon General by practitioners assigned to medical treatment facilities. This includes personal data questionnaires, curricula, vitae, assignment preferences, personal correspondence, and other records pertaining to the professional qualifications and experience of personnel being monitored by the consultant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013.

PURPOSE(S):

To establish and maintain familiarity with the locations, assignments, utilization, marital and family status, professional and military experience and qualifications, and assignment preferences of professional staff in medical treatment activities, and as an aid in monitoring the utilization of professional personnel and to assist in career management and assignment activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Clinical privileged information may be provided to civilian and military medical facilities, Federation of State Medical Boards of the United States, State Licensure Authorities and other appropriate professional regulating bodies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and on index cards.

RETRIEVABILITY:

By last name of professional person.

SAFEGUARDS:

Records are stored in buildings protected by security guards; accessing records is restricted to designated individuals having need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Records are destroyed within 1 year following termination of practitioner's assignment or employment.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

For verification purposes, the individual should provide the full name, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

For verification purposes, the individual should provide the full name, current address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official Personnel Rosters, registers, and Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0040–3aDASG

SYSTEM NAME:

Medical Review Files.

SYSTEM LOCATION:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and registrants who are being considered for Army service and whose medical fitness is questionable; Army members being considered for continuance in service, promotion, special assignment, or separation whose medical fitness is questioned either by the medical evaluating authority or by the individual.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain documents relating to medical fitness of individuals for appointment, enlistment, retention in service, promotion, special assignment, or separation. Included are reports of medical examination and evaluation, psychological evaluation reports, and similar or related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 1071.

PURPOSE(S):

To evaluate medical fitness of marginally qualified personnel for Army program with strict regard to established medical standards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OR SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Records are maintained in secured areas accessible only to designated personnel having official need therefor in the performance of assigned duties.

RETENTION AND DISPOSAL:

Destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Surgeon General, Headquarters, Department of the Army, ATTN: SGPS–AOI, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

For verification purposes, the individual should provide the full name, place and date of medical examination, additional details that will facilitate locating the record, and signature.

RECORD ACCESS PROCEDURES

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Surgeon General, Headquarters, Department of the Army, ATTN: SGPS–AOI, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

For verification purposes, the individual should provide the full name, place and date of medical examination, additional details that will facilitate locating the record, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From clinical records, health records, medical boards, civilian physicians, consultation reports, other Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM.

None.

A0040–3bDASG

SYSTEM NAME:

Medical Evaluation Files.

SYSTEM LOCATION:

Primary system is located at Army Medical Department medical facilities convening a medical board. A segment exists at the U.S. Army Physical Evaluation Board and the U.S. Army Physical Disability Agency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army members whose medical fitness for continued service has been questioned either by the member or his/her commander.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information concerning the member; certain codes of specific types of injuries for research study purposes; Department of Veterans Affairs Schedule for Rating Disability Diagnostic Codes; documents reflecting determination by an Army board of medical fitness for continued Army active service; board proceedings and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; l0 U.S.C. 1071 and 1201; and E.O. 9397.

PURPOSE(S):

Records are used by Medical Boards to determine medical fitness for continued Army active service. They are used by the Physical Evaluation Board to review board findings when required and to determine if the individual should be discharged, temporarily or permanently retired for disability, or retained for active service. The U.S. Physical Disability Agency reviews determinations and dispositions, and responds to inquiries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic diskettes.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened and trained. Operation of data processing equipment and magnetic tapes are limited strictly to authorized personnel. Computer has key lock and key is controlled. Magnetic diskettes are stored and controlled to ensure they do not result in unauthorized disclosure of personal information.

RETENTION AND DISPOSAL:

Records of Medical Boards are retained for 5 years and then destroyed. Records of the U.S. Army Physical Evaluation Boards are retained for 2 years or until discontinued, whichever occurs first. Records at the U.S. Army Physical Disability Agency are retained for 5 years and then destroyed. Destruction of all records is by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Surgeon General, Headquarters, Department of the Army, ATTN: SGPS–AOI, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

For verification purposes, the individual should provide the full name, Social Security Number, details which will assist in locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Surgeon General, Headquarters, Department of the Army, ATTN: SGPS–AOI, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

For verification purposes, the individual should provide the full name, Social Security Number, details which will assist in locating pertinent records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; medical records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0040–3cDASG

SYSTEM NAME:

Medical Regulating Files.

SYSTEM LOCATION:

Primary system is located at the Office of The Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258. Segments exist at Army medical treatment facilities, evacuation units and medical regulating offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any patient requiring transfer to another medical treatment facility who is reported to the Armed Services Medical Regulating Office by U.S. Government medical treatment facilities for designation of the receiving medical facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information reported by the transferring medical treatment facility and includes, but is not limited to, patient identity, service affiliation and grade or status, sex, medical diagnosis, medical condition, special procedures or requirements needed, medical specialties required, administrative considerations, personal considerations, the patient's home town and/or duty station and other information having an impact on the transfer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To properly determine the appropriate medical treatment facility to which the reported patient will be transferred; to notify the reporting U.S. Government medical treatment facility of the transfer destination; to notify the receiving medical treatment facility of the transfer; to notify evacuation units, medical regulating offices and other government offices for official reasons; to evaluate the effectiveness of reported information; to establish further the specific needs of the reported patient; for statistical purposes; and when required by law and official purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

NOTE: Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C. 1175 and Title 42 U.S.C. 290dd–3 and 290ee–3. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains. The Army's 'Blanket Routine Uses' do not apply to these types records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; index cards.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Records are maintained in secured areas accessible only to authorized personnel who are properly screened and trained.

RETENTION AND DISPOSAL:

Destroyed 1 year following the end of the calendar year in which the patient was reported to the Armed Services Medical Regulating Office.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–0101 or to the Patient Administrator at the medical treatment facility where service was provided.

Individual should provide full name, rank or status and parent service, approximate date of transfer, medical treatment facility from which transferred, and current address and telephone number.

VOL 58 ISS 33 FE 22 1993 UMI

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–0101 or to the Patient Administrator at the medical treatment facility where service was provided.

Individual should provide full name, rank or status and parent service, approximate date of transfer, medical treatment facility from which transferred, and current address and telephone number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From transferring and receiving d treatment facilities, medical regulating offices, evacuation offices, and other U.S. Government offices, agencies and commands relevant to the patient transfer.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0040–5DASG

SYSTEM NAME:

Occupational Health Records.

SYSTEM LOCATION:

Army medical treatment facilities. Addresses may be obtained from the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of the Army employees; active duty military personnel and their dependents who are treated on an out-patient basis by medical treatment facilities for whom specific occupational health examinations have been requested.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, date and place of birth, marital status, dates of medical surveillance tests and their results; documents reflecting the training, experience and certification to work within hazardous environments; external exposures to chemicals, radiation, physical stress, non-human primates, including personnel monitoring results, work area monitoring readings, and similar and related documents; personnel protective equipment and medical programs required to limit exposure to environmental safety and health hazards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 CFR Chapter XVII, Occupational Safety and Health Standards; 5 U.S.C. 150; E.O. 11612 and 11807.

PURPOSE(S):

To determine persons listed in the 'Individual-Category' above, pursuant to appropriate preventive medicine programs; to ensure that employees are qualified to perform duties under environmental stress and that such stress is limited to lowest level practical.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to appropriate Government agencies whose responsibility falls within the above occupational health statutes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records; magnetic tapes, discs, and printouts.

RETRIEVABILITY:

By individual's name and/or Social Security Number.

SAFEGUARDS:

Access to all records is restricted to designated individuals whose official duties dictate need therefor. Information in automated media are further protected by storage in locked rooms. All individuals afforded access are given periodic orientations concerning sensitivity of personal information and requirement to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Personnel exposure files/monitoring data are retained 5 years after evaluation and recorded on permanent medical records. Records relating to individual's health are incorporated in the individual's medical record.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258, or to the Patient Administrator at the appropriate medical treatment facility.

Individual must provide full name, Social Security Number, current address and telephone number, sufficient details to permit locating records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258, or to the Patient Administrator at the appropriate medical treatment facility.

Individual must provide full name, Social Security Number, current address and telephone number, sufficient details to permit locating records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial determination are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From Army Medical records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0040–14DASG

SYSTEM NAME:

Radiation Exposure Records.

SYSTEM LOCATION:

Army installations, activities, laboratories, etc., which use or store radiation producing devices or radioactive materials or equipment. An automated segment exists at Lexington Blue Grass Depot, KY 40511–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons employed by the Army, including employees of contractors, who are occupationally exposed to radiation or radioactive materials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting individual's training, experience, and certification to work within hazardous environments such as require the handling of or exposure to radioactive materials or equipment, exposure to radiation. Records may include DD Form 1852 (Dosimeter Application and Record of

Occupational Radiation Exposure), DD Form 1141 (Dosimetry Record), DA Form 3484 (Photodosimetry Report), SF 11–206, exposed dosimetry film; investigative reports of harmful chemical, biological, and radiological exposures; relevant management reports.

Automated records contain data elements such as individual's name, Social Security Number, date of birth, film badge number, coded cross-reference to place of assignment at time of exposure, dates of exposure and radiation dose, cumulative exposure, type of measuring device, and coded cross-reference to qualifying data regarding exposure readings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

U.S. Nuclear Regulatory Commission Regulation (10 CFR Part 19); Department of Labor Regulation (29 CFR Part 1910).

PURPOSE(S):

To ensure individual qualifications to handle radioactive materials and/or to work under management identified stressful conditions; to monitor, evaluate, and control the risks of individual exposure to ionizing radiation or radioactive materials by comparison of short and long term exposures; to conduct investigations of occupational health hazards and relevant management studies; to determine safety standards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system of records may be disclosed to Federal agencies, academic institutions, and non-governmental agencies such as the National Council on Radiation Protection and Measurement, and the National Research Council which are authorized to conduct research, evaluation, and monitorship.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Papers in file folders, film packets, magnetic/tapes/discs.

RETRIEVABILITY:

By individual's name and/or Social Security Number.

SAFEGUARDS:

Access to all records is restricted to designated individuals having official need therefor in the performance of assigned duties. In addition, access to automated records is controlled by Card Key System, which requires positive identification and authorization.

RETENTION AND DISPOSAL:

Personnel dosimetry and bioassay records are permanent. Investigative reports of harmful chemical, biological, and radiological exposures are retained for 30 years. Processed film showing individual exposure is retained 5 years after evaluation and recorded on permanent records. Medical test results are transferred to military members medical records or, in the case of civilians, to their civilian personnel records on reassignments, transfer, or separation.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Surgeon General, ATTN: DAAG-HGH, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

Individual must furnish full name, Social Security Number, dates and locations at which exposed to radiation or radioactive materials, etc., and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Surgeon General, ATTN: DAAG-HGH, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

Individual must furnish full name, Social Security Number, dates and locations at which exposed to radiation or radioactive materials, etc., and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, dosimetry film, Army and/or DOD records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0040–31aDASG

SYSTEM NAME:

Pathology Consultation Record Files.

SYSTEM LOCATION:

Armed Forces Institute of Pathology, Walter Reed Army Medical Center, Washington, DC 20307–5001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals treated in military or civilian medical facilities whose cases were reviewed on a consultative basis by members of the staff of the Armed Forces Institute of Pathology.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents, tissue blocks, microscopic slides, X-rays and photographs reflecting outpatient or inpatient treatment or observation of all individuals on whose cases consultation has been requested.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To ensure complete medical data are available to pathologist providing consultative diagnosis to requesting physician in order to improve quality of care provided to individuals; to provide a data base for education of medical personnel; to provide a data base for medical research and statistical purposes and when required by law or for official purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Individual records may be released to referring physician, to physicians treating the individual, to qualified medical researchers and students, and to other Federal agencies and law enforcement personnel when requested for official purposes involving criminal prosecution, civil court action or regulatory orders.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, X-rays, photographs in paper file folders, microfiche, magnetic tape, printout; tissue blocks in appropriate storage containers; and microscopic slides in cardboard file folders.

RETRIEVABILITY:

By last name or terminal digit number (Social Security Number) or accession number assigned when case is received for consultation.

SAFEGUARDS:

Access to the Armed Forces Institute of Pathology is controlled. Records are maintained in areas accessible only to

VOL 58 ISS 33 FE 22 1993 UMI

authorized personnel who are properly screened and trained.

RETENTION AND DISPOSAL:

Retained as long as case material has value for medical research or education. Individual cases are reviewed periodically and materials no longer of value to the Institute are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Patient Records and Tissue Repository Division, Armed Forces Institute of Pathology, Walter Reed Army Medical Center, Washington, DC 20307–5001.

Requesting individual must submit full name, name, Social Security Number or service number of military sponsor and branch of military service, if applicable, or accession number assigned by the Armed Forces Institute of Pathology, if known. For requests made in person, identification such as military ID card or valid driver's license is required.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Patient Records and Tissue Repository Division, Armed Forces Institute of Pathology, Walter Reed Army medical Center, Washington, DC 20307–5001.

Requesting individual must submit full name, name, Social Security Number or service number of military sponsor and branch of military service, if applicable, or accession number assigned by the Armed Forces Institute of Pathology, if known. For requests made in person, identification such as military ID card or valid driver's license is required.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Interview, diagnostic test, other available administrative or medical records obtained from civilian or military sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0040–31bDASG

SYSTEM NAME:

Research and Experimental Case Files.

SYSTEM LOCATION:

U.S. Army Medical Research Institute of Chemical Defense, Aberdeen Proving Ground, MD 21010–5425.

Individual research/test/medical documents (paper records) are contained in individual's health record which, for reserve and retired military members, is at the U.S. Army Reserve Components Personnel and Administration Center, St. Louis, MO; for other separated military members, is at the National Personnel Records Center, 9700 Page Boulevard, St. Louis, MO 63132–5200; for military members on active duty, is at the servicing medical facility/center; for civilians (both Federal employees and prisoners) is in a special file at the National Personnel Records Center.

As paper records are converted to microfiche, the original (silver halide) and 1 copy of the microfiche will be located at the Washington National Records Center; 1 copy will be located at The Surgeon General's Office (DASG-PSA), Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258; 1 copy will reside with the Army contractor-the National Academy of Sciences; and 1 copy retained at the U.S. Army Medical Research Institute of Chemical Defense.

Historical 16mm film and audio visual-tapes are at Norton Air Force Base, CA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Volunteers (military members, Federal civilian employees, state prisoners) who participated in Army tests of potential chemical agents and/or antidotes from the early 1950's until the program ended in 1975.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual pre-test physical examination records and test records of performance and biomedical parameters measured during and after test exposure.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012e and 4503.

PURPOSE(S):

To follow up on individuals who voluntarily participated in Army chemical/biological agent research projects for the purpose of assessing risks/hazards to them, and for retrospective medical/scientific evaluation and future scientific and legal significance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Department of Veterans Affairs in connection with benefits determinations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in individual's medical file folders; see 'system location' above for storage of microfiche, computer magnetic tapes and paper printouts, video tapes and 16mm film.

RETRIEVABILITY:

Paper records in individual's health record are retrieved by surname and/or service number/social security account number. Microfiche are retrieved by individual's surname. Film/video tape is accessed by case number and/or volunteer's number. Automated records are accessed by volunteer's number or case number.

SAFEGUARDS:

Paper records and microfiche are kept in locked rooms/compartments with access limited to authorized personnel. Access to computerized data is by use of a valid site ID number assigned to the individual terminal and by a valid user ID and password code assigned to authorized user, changed periodically to avoid compromise. Data entry is on-line using a dial-up terminal. Computer files are controlled by keys known only to U.S. Army Medical Research Institute of chemical Defense personnel assigned to work on the data base. Data base output is available only to designated computer operators at the Institute. Computer facility has double barrier physical protection. The remote terminal is in a room which is locked when vacated and the building is secured when unoccupied. The contractor (National Academy of Sciences) employs equal safeguards which meet Army standards for Privacy Act data.

RETENTION AND DISPOSAL:

Records stored in the computer and on microfiche are retained indefinitely at the sites identified under 'system location'. Paper medical records in an individual's health record are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Medical Research Institute of Chemical Defense, Aberdeen Proving Ground, MD 21010–5425.

Individual should provide full name, social security account number, current address and telephone number of the requester. For personal visits, the individual should be able to provide acceptable identification such as valid driver's license, employer or other individually identifying number, building pass, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Medical Research Institute of Chemical Defense, Aberdeen Proving Ground, MD 21010–5425.

Individual should provide full name, social security account number, current address and telephone number of the requester. For personal visits, the individual should be able to provide acceptable identification such as valid driver's license, employer or other individually identifying number, building pass, etc.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual through test/questionnaire forms completed at test location; from medical authorities/sources by evaluation of data collected previous to, during, and following tests while individual was in this research program.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0040–66aDASG

SYSTEM NAME:

Medical Staff Credentials File.

SYSTEM LOCATION:

Medical treatment facilities at Army commands, installations and activities. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals performing clinical practice in medical treatment facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting delineation of clinical privileges and clinical performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 1071.

PURPOSE(S):

To determine and assess capability of practitioner's clinical practice.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In specific instances, clinical privileged information from this system of records may be provided to civilian and military medical facilities, Federation of State Medical Boards of the United States, State Licensure Authorities and other appropriate professional regulating bodies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to the medical treatment facility commander and credentials committee members.

RETENTION AND DISPOSAL:

Records are retained in medical treatment facility of individual's last assignment. Records of military members are transferred to individual's Military Personnel Records Jacket upon separation or retirement. Records on civilian personnel are destroyed 5 years after employment terminates.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the commander of the medical treatment facility where practitioner provided clinical service. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the commander of the medical treatment facility where practitioner provided clinical service. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Interviewer, individual's application, medical audit results, other administrative or investigative records obtained from civilian or military sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0040–66bDASG

SYSTEM NAME:

Health Care and Medical Treatment Record System.

SYSTEM LOCATION:

Army Medical Department facilities and activities. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military members of the Armed Forces (both active and inactive); dependents; civilian employees of the Department of Defense; members of the U.S. Coast Guard, Public Health Service, and Coast and Geodetic Survey; cadets and midshipmen of the military academies; employees of the American National Red Cross; and other categories of individuals who receive medical treatment at Army Medical Department facilities/activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, medical records (of a permanent nature) used to document health; psychological and mental hygiene consultation and evaluation; medical/dental care and treatment for any health or medical

VOL 58 ISS 33 FE 22 1993 UMI

condition provided an eligible individual on an inpatient and/or outpatient status to include but not limited to: Health; clinical (inpatient); outpatient; dental; consultation; and procurement and separation x-ray record files. Subsidiary medical records (of a temporary nature) are also maintained to support records relating to treatment/observation of individuals. Such records include but are not limited to: Social work case files, inquiries/complaints about medical treatment or services rendered by the medical treatment facility, and patient treatment x-ray and index files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 1071–1085; 50 U.S.C. Supplement IV; appendix 454, as amended and E.O. 9397.

PURPOSE(S):

To provide health care and medical treatment of individuals; to establish tuberculosis/tumor/cancer registries; for research studies; compilation of statistical data and management reports; to implement preventive medicine, dentistry, and communicable disease control programs; to adjudicate claims and determining benefits; to evaluate care rendered; determine professional certification and hospital accreditation; and determine suitability of persons for service of assignment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Department of Veterans Affairs to adjudicate veterans' claims and provide medical care to Army members.

National Research Council, National Academy of Sciences, National Institute of Health, and similar institutions for authorized health research in the interest of the Federal Government and the public. When not essential for longitudinal studies, patient identification data shall be eliminated from records used for research studies. Facilities/activities releasing such records shall maintain a list of all such research organizations and an accounting disclosure of records released thereto.

Local and state government and agencies for compliance with local laws and regulations governing control of communicable diseases, preventive medicine and safety, child abuse, and other public health and welfare programs.

NOTE:

Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or not he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in title 42 U.S.C. 290dd–3 and 290ee–3. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; visible card files; microfiche; cassettes; punched cards; magnetic tapes/discs; computer printouts; x-ray film preservers.

RETRIEVABILITY:

By patient or sponsor's surname or Social Security Number.

SAFEGUARDS:

Records are maintained in buildings which employ security guards and are accessed only by authorized personnel having an official need-to-know. Automated system passwords governing access to data.

RETENTION AND DISPOSAL:

Military health/dental and procurement/separation x-ray records are permanent. Clinical (inpatient), outpatient, dental and consultation record files for years; records pertaining to U.S. Military Academy cadets are withdrawn and retired to the Surgeon, U.S. Military Academy, West Point, NY 10996–1797. Records on civilian and foreign national are destroyed after 25 years. Records on American Red Cross personnel are withdrawn and forwarded to the American National Red Cross.

All medical records (except the Military Health/Dental records which are active while individual is on active duty, then retired with individual's Military Personnel Records Center on an accumulation basis) are retained in an active file while treatment is provided and subsequently held for a period of 1 to 5 years following treatment being retired to the National Personnel Records Center.

Subsidiary medical records, of a temporary nature, are normally not retained long beyond termination of treatment; however, supporting documents determined to have significant documentation value to patient care and treatment are incorporated into the appropriate permanent record file.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Military and civilian individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the medical facility where treatment was provided. Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.

Red Cross employees may write to the Medical Officer, American National Red Cross, 1730 E Street NW, Washington, DC 20006–5310.

For verification purposes, the individual should provide the full name, Social Security Number, and current address and telephone number. Inquiry should include name of the hospital, year of treatment and any details which will assist in locating the records.

RECORD ACCESS PROCEDURES:

Military and civilian individuals seeking access to information about themselves contained in this system should address written inquiries to the medical facility where treatment was provided. Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.

Red Cross employees may write to the Medical Officer, American National Red Cross, 1730 E Street, NW, Washington, DC 20006–5310.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personal interviews and history statements from the individuals; abstracts or copies of pertinent medical records; examination records of intelligence, personality, achievement, and aptitude; reports from attending and previous physicians and other medical personnel regarding results of physical, dental, and mental examinations, treatment, evaluation, consultation, laboratory, x-ray and special studies and research conducted to provide health

care and medical treatment; and similar or related documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0040–400DASG

SYSTEM NAME:

Entrance Medical Examination Files.

SYSTEM LOCATION:

Army medical examining facilities; Military Enlistment Processing Stations (for enlistees); Department of Defense Medical Review Board, U.S. Academy, CO 80840–2200 (except for reservists). Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who enroll in the Reserve Officers Training Corps program, enlist or are appointed in the U.S. Army or U.S. Army Reserves, or are appointed as a cadet to the U.S. Military Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Entrance medical examination and resulting documentation such as SF 88, Report of Medical Examination, and SF 93, Report of Medical History, together with relevant and supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

To determine medical acceptance of applicant for military service and thereafter to properly assign and use individual. Management data are derived and used by Health Services Command to evaluate effectiveness of procurement medical standards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; selected management data are stored on word processing or magnetic discs and tapes.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in buildings using security guards, accessible only to authorized personnel having official need for the information who are properly screened and trained.

RETENTION AND DISPOSAL:

Original SF 88 and 93 become permanent documents in individual's Health Record; 1 copy of these forms and supporting documentation is retained by the Army or Military Enlistment Processing Station examining Facility for 1 year; 1 copy is forwarded to the Department of Defense Medical Review Board where it is retained for 5 years. Records of individuals rejected for military service are retained for statistical analyses, but for no longer than 2 years, after which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the commander of the medical examining facility where physical examination was given. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, the individual should provide the full name, Social Security Number, home address, approximate date of the examination, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the commander of the medical examining facility where physical examination was given. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, the individual should provide the full name, Social Security Number, home address, approximate date of the examination, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; from the physician and other medical personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0040–407DASG

SYSTEM NAME:

Army Community Health Nursing Records - Family Records.

SYSTEM LOCATION:

Army Medical Centers and hospitals. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals eligible for Army military medical care.

CATEGORIES OF RECORDS IN THE SYSTEM:

Family Record Form (DA Form 3762) Case Referral Form (DA Form 3763); Medical diagnosis, observations, socioeconomic plans and goals for nursing care, summarization of consultations, and similar relevant documents and reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 3013 and E.O. 9397.

PURPOSE(S):

To identify family members who receive Army community health nursing care.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders retained in the Army Community Health Nursing Office; copy of DA Forms 3762 and 3763 is filed in individual's outpatient medical record.

RETRIEVABILITY:

By surname of eligible military member or sponsor.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel having official need therefor. Facilities are locked during non-duty hours.

RETENTION AND DISPOSAL:

Records are destroyed 3 years after case is closed.

VOL 58 ISS 33 FE 22 1993 UMI

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Patient Administrator of the Army medical treatment facility which provided the health nursing care. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, the individual should furnish the full name, Social Security Number, name and Social Security Number of sponsor, if applicable, relationship to military member, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Patient Administrator of the Army medical treatment facility which provided the health nursing care. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, the individual should furnish the full name, Social Security Number, name and Social Security Number of sponsor, if applicable, relationship to military member, current address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, family members, other persons having information relevant to health of family members; educational institutions; civilian health, welfare, and recreational agencies; civilian law enforcement agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0040–905DASG

SYSTEM NAME:

Privately Owned Animal Record Files.

SYSTEM LOCATION:

Veterinary service at medical facilities on Army installations and activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons whose privately owned animals receive veterinary care.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, home address and telephone number of animal's owner; record of treatment of animal; and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133, 1071 through 1087, 5031 and 8012.

PURPOSE(S):

To record registration, vaccination, and/or treatment of animals; to compile statistical data; and to identify animals registered with the Veterinary Animal Disease Preventive and Control Facility in connection with the Veterinary Preventive Medicine and Zoonotic Disease Control Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name of the animal's owner.

SAFEGUARDS:

Records are maintained in buildings which are locked when unattended and are accessed only by authorized personnel having an official need-to-know.

RETENTION AND DISPOSAL:

Destroyed within 6 months of death of the animal, expiration of rabies vaccination, or transfer of owner.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the veterinary facility at the installation where the animal was treated or euthanized. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Animal owner should provide the full name, home address and telephone number and the animal's rabies vaccination number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the veterinary facility at the installation where the animal was treated or euthanized. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Animal owner should provide the full name, home address and telephone number and the animal's rabies vaccination number. Personal visits may be made to the veterinary facility where animal was treated. Owner must provide personal identification such as a valid military identification card or driver's license.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the animal owner, veterinarian reports, and similar or related documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0055–71SAFM

SYSTEM NAME:

Household Goods Shipment Excess Cost Collection Files.

SYSTEM LOCATION:

U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army and Air Force members who have shipped excess household goods.

CATEGORIES OF RECORDS IN THE SYSTEM:

Government bills of lading, supporting documents, and copy of excess cost billing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To establish liability and issue notices of amounts due the United States for excess household goods shipments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper in file folders.

RETRIEVABILITY:

By service number/Social Security Number.

SAFEGUARDS:

Building employs security guards. An employee badge and visitor registration system is utilized. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records are destroyed after 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

Individuals should furnish their full name, Social Security Number, current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

Individuals should furnish their full name, Social Security Number, current address and telephone number.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From paid Government bills of lading.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0055–355MTMC

SYSTEM NAME:

Personal Property Movement and Storage.

SYSTEM LOCATION:

Installation Transportation Offices and Joint Personal Property Shipping Offices, world-wide. Addresses may be obtained from the Commander, Headquarters, Military Traffic Management Command, Falls Church, VA 22041–5050.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military members of the Army, Navy, Marine Corps, and Air Force; Civilian employees; dependents; personnel of other government agencies when sponsored by the Department of Defense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Orders authorizing shipment/storage of personal property to include privately owned vehicles and house trailers/mobile homes; DD Form 1131 (Cash Collection Voucher), DD Form 1299 (Application for Shipment and/or Storage of Personal Property), DD Form 1384 (Transportation Control and Movement Document), DD Form 1797 (Personal Property Counseling Checklist), Standard Form 1203 (Government Bill of Lading), Storage contracts, and other related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012 and E.O. 9397.

PURPOSE(S):

To arrange for the movement, storage and handling of personal property; to identify/trace lost or damaged shipments; to answer inquiries and monitor effectiveness of personal property traffic management functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to commercial carriers to identify ownership, verify delivery of shipment, support billing for services rendered, and justify claims for loss, damage, or theft.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; microfilm; magnetic tapes and computer printouts.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Information is maintained in secured areas, accessible only to authorized personnel having an official need-to-know. Automated segments are further protected by code numbers/passwords.

RETENTION AND DISPOSAL:

Documents relating to packing, shipping and/or storing of household goods within continental United States are destroyed after 3 years; those relating to overseas areas are destroyed after 6 years. Documents regarding shipment of Privately owned vehicle/house trailers are destroyed after 2 years. Shipment discrepancy reports are destroyed after 2 years or when claim/investigation is settled, whichever is later. Administrative files reflecting queries and responses are retained for 2 years; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters, Military Traffic Management Command, Falls Church, VA 22041–5050.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Installation Transportation Office which processed the shipping/storage documents.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Installation Transportation Office which processed the shipping/storage documents.

Individuals should provide full name, Social Security Number, current address and telephone number, and any information which will assist in locating the records requested (e.g. type of shipment, origin, destination, date of application, etc.).

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual whose personal property is shipped/stored; from the carrier/storage facility.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0055–355aDALO

SYSTEM NAME:

Local Transportation Authorization and Use Files.

SYSTEM LOCATION:

Army offices charged with responsibility for approving and issuing local transportation fare media to be used in the transaction of official Government business.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person required to use official local transportation in conducting official Government business with and around his/her designated duty stations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents pertaining to the accounting for and issuance of local ferry tickets, commercial bus tokens, rail passes, toll bridge tickets, etc., for official travel of Government personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To account for issuance of tickets/tokens/fare passes for local official travel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; cards.

RETRIEVABILITY:

By user's name or Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed after 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–0505.

NOTIFICATION PROCEDURE:

Information can be obtained from the designated official responsible for issuing local transportation fare media.

RECORD ACCESS PROCEDURES:

Individuals may inquire of the designated official who dispenses local fare authorizations.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From individuals using tickets/tokens/passes for official travel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0055–355bDALO

SYSTEM NAME:

Individual Travel Files.

SYSTEM LOCATION:

Travel offices at installations, major commands, and Army Staff Agencies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army military (active and reserve) and civilian personnel, U.S. Government personnel assigned to Army and other military installations, their dependents and bona fide members of individual's household, and U.S. personnel traveling under Army sponsorship, including contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents pertaining to travel of persons on official Government business, and/or their dependents, including but not limited to travel assignment orders, authorized leave en route, availability of quarters and/or shipment of household goods and personal effects, application for passport/visas, the passport authorized travel, security clearance and relevant messages and correspondence. Records may also include clearances for official travel to or within certain foreign countries which may require military theater/area and/or Department of State authorization pursuant to DOD Directive 5000.7, or other established military requirement applying in overseas commands for personal unofficial travel in certain foreign countries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 704 and 3012; Status of Forces Agreement or other similar international agreements binding on military forces.

PURPOSE(S):

To process official travel requests (and personal travel to restricted areas if in overseas commands) for military and civilian personnel; to determine eligibility of individual's dependents to travel; to obtain necessary clearances where foreign travel is involved, including assisting individual in applying for passports and visas and counseling where proposed travel involves visiting/transiting communist countries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to attache' or law enforcement authorities of foreign countries; to U.S. Department of Justice or Department of Defense legal/intelligence/investigative agencies for security, investigative, intelligence, and/or counterintelligence operations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized persons who are properly screened, cleared, and trained. Buildings housing records are either located on controlled access post or otherwise secured when offices are closed.

RETENTION AND DISPOSAL:

Records are retained for 2 years after which they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, 2461 Eisenhower Avenue, Alexandria, VA 22331–0470.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Administrative or Personal Services Office at the installation/major command at which travel request/clearance was initiated.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the appropriate decentralized record custodian.

Individual should provide full name, grade/rank, signature, and details of travel authorization/clearance documents being accessed. Custodian of

records may require notarized statement of identity.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual requesting travel authorization/clearance; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0056–9TRADOC

SYSTEM NAME:

Marine Qualification Board Records.

SYSTEM LOCATION:

Marine Qualification Board, United States Army Transportation School, Fort Eustis, VA 23604–5407.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian employees of the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Marine Service Record (DA Form 3068–1), individual's request for examination, test results, character and suitability statements, physical qualification reports, experience qualifications and evaluations, commander's recommendation, Marine Qualification Board recommendation and final action thereon, U.S. Army Marine Licenses (DA Forms 4309 and 4309–1), and similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To evaluate and recommend appropriate action concerning the issuance, denial, suspension, or revocation of U.S. Army Marine Licenses; to award certification to individuals passing the marine qualification examination; to monitor test content and procedures to ensure that tests are valid and current; to award Special Qualification Identifiers to appointed Marine Qualification Field Examiners; to review marine casualty reports, incident reports, and investigations to re-evaluate qualifications of persons involved; to issue Marine Service Book to qualified individuals; and to maintain Marine Service Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The U.S. Coast Guard, Department of Transportation may be furnished information concerning certification and licensing of individuals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained within a building secured during non-duty hours, and are available only to authorized individuals having official need therefor.

RETENTION AND DISPOSAL:

Records are retained for 40 years, after which they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Training and Doctrine Command, Fort Monroe, VA 23651–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Marine Qualification Board, U.S. Army Transportation School, Fort Eustis, VA 23604–5407.

Individual should furnish name, pertinent details that will facilitate locating the address, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Marine Qualification Board, U.S. Army Transportation School, Fort Eustis, VA 23604–5407.

Individual should furnish name, pertinent details that will facilitate locating the address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, military and civilian personnel records and reports, civilian maritime records, U.S. Coast Guard, commanders and vessel masters, and other appropriate sources able to furnish relevant information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0060–20DAMO

SYSTEM NAME:

Ration Control/Blackmarket Monitoring Files.

SYSTEM LOCATION:

Office of the Provost Marshal, U.S. Army, Japan; U.S.. Army, Europe and Seventh Army; U.S. Army; Southern Command; U.S. Forces Korea/Eighth Army.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of the U.S. Army at overseas locations, their dependents, civilian employees, U.S. Embassy personnel, contract personnel, technical representatives, and individuals who are assigned to or under the judicial or administrative control of the U.S. Army who make purchases of controlled items from authorized resale activities at overseas locations, those authorized duty-free privileges at Class VI stores, commissaries, and retail outlets located on U.S. facilities and installations overseas.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, passport number, citizenship, service component, dependency status, local address; sales slips and control sheets used in sale of controlled items by U.S. Forces; over spending/over purchase printouts produced by central computer facilities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Status of Forces Agreement between the United States of America and the host country in which U.S. Forces are located; 10 U.S.C. 3013; and E.O. 9397.

PURPOSE(S):

To assist commanders and U.S. Armed Forces investigative agents in monitoring purchases of controlled items; to produce ration control plates for authorized users; to maintain record of selected controlled item purchases at retail facilities and suspected violators of the system; and to comply with Joint Service blackmarket monitoring control policy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide information to the host country, required by the Status of Forces Agreement between the United States of America and the host country.

The 'Blanket Routine Uses' published at the beginning of the Army

compilation of record system notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, magnetic tapes, microfiche.

RETRIEVABILITY:

By name and/or Social Security Number.

SAFEGUARDS:

Records are accessed only by authorized personnel having official need therefor. During off duty hours, the facility housing the records is secured by sound activated alarm.

RETENTION AND DISPOSAL:

Records are retained for 1 year; violations data are retained until the end of the individual's tour of duty or employment; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Provost Marshal at the overseas Army installation which issued the ration control authorization.

Individual should provide the full name, Social Security Number, address, details concerning the explusion or embarment action, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Provost Marshal at the overseas Army installation which issued the ration control authorization.

Individual should provide the full name, Social Security Number, address, details concerning the explusion or embarment action, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From individual's application for ration control privileges; recorded sales at retail outlets and orders made through exchange catalog sales at U.S. military facilities in overseas locations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0065TAPC

SYSTEM NAME:

Postal and Mail Service System.

SYSTEM LOCATION:

Postal facilities at Army headquarters offices, commands, and installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons designated as postal clerks; military personnel assigned/attached to Army installations who require mail handling service.

CATEGORIES OF RECORDS IN THE SYSTEM:

DD Form 285 designating Army postal clerks/NCO's/supervisors/orderlies; locator cards (DA Form 3955) comprising a directory of individuals assigned, en route, and/or departing given installation, showing individual's full name, grade, current mailing address, date of assignment/detachment, and Social Security Number (latter is voluntary).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 and E.O. 9397.

PURPOSE(S):

To designate persons authorized to perform Army postal functions; to maintain current addresses of persons arriving/departing units for the purpose of handling personal mail.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the U.S. Postal Service.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards, paper records, microfiche, word processing disc.

RETRIEVABILITY:

By individual's surname and/or Social Security Number.

SAFEGUARDS:

Records are located in secured buildings, accessible only to designated persons having an official need for the information. Where word processing equipment is used, information is protected by a password system; when not in use, word processing equipment is locked.

RETENTION AND DISPOSAL:

Documents designating postal personnel are destroyed two years from the termination/revocation date of designation. Directory locator cards (DA Form 3955) are retained for 12 months after member's departure from unit.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovell Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Postal Director at the unit where assigned or employed.

Individual should provide the full name, Social Security Number, rank/grade, and any other information that will assist in locating the records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Postal Director at the unit where assigned or employed.

Individual should provide the full name, Social Security Number, rank/grade, and any other information that will assist in locating the records.

Personal visits may be made; individual must furnish proof of identity.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, unit commanders and Army postal officers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0070AMC

SYSTEM NAME:

Resumes for Non-Government Technical Personnel.

SYSTEM LOCATION:

U.S. Army Research Office, P.O. Box 12211, Research Triangle Park, NC 27709–4416.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Resumes of candidates to provide scientific services to Federal agencies in the fields of mathematics and the physical, engineering, life and geosciences.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, personal history resume, affiliations, area of expertise, Social Security Number, record of remuneration for services provided, and performance evaluations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To provide a source of personal information/qualifications on qualified scientific and technical personnel able to solve scientific and technical problems of interest to the U.S. Government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in metal containers; magnetic disc, tape.

RETRIEVABILITY:

By candidate's surname; automated records are retrieved by Key Word.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized, properly trained personnel who have official need therefor.

RETENTION AND DISPOSAL:

Retained for life of the contract; destroyed by shredding when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, U.S. Army Research Office, P.O. Box 12211, Research Triangle Park, NC 27709–4416.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Contracting Officer, U.S. Army Research Office, P.O. Box 12211, Research Triangle Park, NC 27709–4416.

Individuals should provide his/her full name, current address and telephone number, position title, and current employer.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Contracting Officer, U.S. Army Research Office, P.O. Box 12211, Research Triangle Park, NC 27709–4416.

Individuals should provide his/her full name, current address and telephone number, position title, and current employer.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual candidate.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0070–16DASG

SYSTEM NAME:

Immunity Booster Files.

SYSTEM LOCATION:

U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick, Frederick, MD 21701–5011.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian employees of Fort Detrick engaged in research who have been immunized with a biological product or who fall under the Occupational Health and Safety Act or Radiologic Safety Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name of biological agents, individual's name, Social Security Numbers, age, race, date of birth, occupation, titers, immunization schedules, known allergies, amount of dosage, reaction to immunization, radiologic agents, exposure level, health screening test results, health test schedule, similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To create a large data base of immunological data for research purposes, and to manage the scheduling of all health screening tests, immunizations, physicals, and other special procedures required by the U.S. Army Medical Research Institute of Infectious Diseases biosurveillance program, radiologic safety program, and occupational health and safety program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Random access disc files and backup on magnetic tape.

RETRIEVABILITY:

For research purposes, the data are usually retrieved and analyzed with respect to relative times, vaccine lots, titers, demographic values, etc. Data are seldom retrieved by name, by test to be taken, and by month of scheduled examinations.

SAFEGUARDS:

Records are maintained in controlled areas; access is restricted to authorized persons having need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, ATTN: SGRD-UIAs, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick, Frederick, MD 21701–5011.

For verification purposes, the individual should be specific concerning type of information sought.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick, Frederick, MD 21701–5011.

For verification purposes, the individual should be specific concerning type of information sought.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and

appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From medical persons, their interview with individual concerned, laboratory results, immunization results, and other relevant test results.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0070–25DASG

SYSTEM NAME:

Research Volunteer Registry.

SYSTEM LOCATION:

Primary locations are U.S. Army Medical Research and Development Command, Fort Detrick, Frederick, MD 21701–5012;

U.S. Army Chemical Research, Development, and Engineering Center, Aberdeen Proving Ground, MD 21010–5423;

Secondary locations are Letterman Army Institute of Research, Presidio of San Francisco, CA 94129–6800;

Walter Reed Army Institute of Research, Washington, DC 20307–5104;

U.S. Army Aeromedical Research Laboratory, Fort Rucker, AL 36362–5000;

U.S. Army Institute of Dental Research, Washington, DC 20307–5300;

U.S. Army Institute of Dental Research, Fort Sam Houston, TX 78234–6200;

U.S. Army Medical Bioengineering Research and Development Laboratory, Fort Detrick, Frederick, MD 21701–5010;

U.S. Army Medical Research Institute of Chemical Defense, Aberdeen Proving Ground, MD 21010–5425;

U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick, Frederick, MD 21701–5011;

U.S. Army Research Institute of Environmental Medicine, Natick, MA 01760–5007.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records of military members, civilian employees, and non-Department of Defense civilian volunteers participating in current and future research sponsored by the U.S. Army Medical Research and Development Command and the U.S. Army Chemical Research, Developments, and Engineering Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, and other information necessary to locate the individual. Individual consent agreements, test protocols, challenge materials, inspection/after-action reports, standard operating procedures, medical support plans, and summaries of pre-test and post-test physical examination parameters measured before and after testing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 1071–1090; 44 U.S.C. 3101; and E.O. 9397.

PURPOSE(S):

To assure that the U.S. Army Medical Research and Development Command and the U.S. Army Chemical Research, Development, and Engineering Center can contact individuals who participated in research conducted/sponsored by the Command and Center in order to provide them with newly acquired information, which may have an impact on their health.

To answer inquiries concerning an individual's participation in research sponsored/conducted by USAMRDC and CRDEC.

To facilitate retrospective medical and/or scientific evaluations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information may be disclosed to Headquarters, Department of the Army to contact volunteer human subjects later should it be in their best interests; to document and assist in determining the need for medical treatment at any future time for a condition proximately resulting from participation in a test; to adjudicate claims and determine benefits; to report medical conditions required by law to other federal, state, and local agencies; for retrospective medical/scientific evaluation; and for future scientific and legal significance.

Department of Veteran Affairs to assist in making determinations relative to claims for service-connected disabilities; and other such benefits.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer magnetic tapes, disks, and printouts.

RETRIEVABILITY:

By name and Social Security Number.

SAFEGUARDS:

U.S. Army Medical Research and Development Command: Computerized records are accessed by the custodian of the records system, and by persons responsible for servicing the records system in the performance of their duties. Computer equipment and files are located in separate and secured area.

U.S. Army Chemical Research, Developments, and Engineering Center: Paper records and data disks are kept in locked compartments with access limited to authorized personnel. Access to computerized data is by use of a valid site identification assigned to an individual terminal and by a valid user identification and password code assigned to an authorized user, changed periodically to avoid compromise. Data entry is on-line using a dial-up terminal. Computer files are controlled by keys known only to personnel assigned to work on the data base. Data base output is available only to designated computer operators. Computer facility has double barrier physical protection. The remote is in a room which is locked when vacated and the building is secured when unoccupied.

RETENTION AND DISPOSAL:

Records are destroyed after 65 years.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, ATTN: SGRD-HR, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Surgeon General, Headquarters, Department of the Army, ATTN: SGRD-HR, 5109 Leesburg Pike, Falls Church, VA 22041–3258 or to Commander, U.S. Army Chemical Research, Development and Engineering Center, ATTN: SMCCR-HV, Aberdeen Proving Ground, MD 21010–5423.

For verification purposes the individual should provide the full name, Social Security Number, military status or other information verifiable from the record itself.

For personal visits, the individual should be able to provide acceptable identification such as valid driver's license, employer, or other individually identifying number, and building pass.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Surgeon General, Headquarters, Department of the Army, ATTN: SGRD-HR, 5109 Leesburg Pike. Falls Church. VA 22041–

3258 or to Commander, U.S. Army Chemical Research, Development and Engineering Center, ATTN: SMCCR-HV, Aberdeen Proving Ground, MD 21010–5423.

For verification purposes, the individual should provide the full name, Social Security Number, current address, and telephone number of the requester.

For personal visits, the individual should be able to provide acceptable identification such as valid driver's license, employer, or other individually identifying number, and building pass.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, medical authorities, test director reports, documents prepared by staff supporting the test/research, and records/documents from records custodians.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0070–45DASG

SYSTEM NAME:

Sandfly Fever Files.

SYSTEM LOCATION:

U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick, Frederick, MD 21701–5011.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All human volunteers who participated in the Sandfly fever studies at U.S. Army Medical Research Institute of Infectious Diseases.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain data on name, body temperature, pulse, blood pressure, respirations, urinalysis results, blood serology results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

Information is being stored for possible future study. Data were collected and analyzed during a previous Sandfly fever study.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Random access disk files and backup on magnetic tape.

RETRIEVABILITY:

By individual's name, analyzed by parameter, pre- or post-infection day, and experimental versus controls.

SAFEGUARDS:

Files are maintained in a secured building locked during non-duty hours. Access is restricted to authorized personnel only.

RETENTION AND DISPOSAL:

Records will be maintained until they have no further research value.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, ATTN: SGRD-DIA, 5109 Leesburg Pike, Falls Church, VA 22041–3268.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick, Frederick, MD 21701–5011.

For verification purposes, the individual should provide details which will assist in locating the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick, Frederick, MD 21701–5011.

For verification purposes, the individual should provide details which will assist in locating the record.

RECORD SOURCE CATEGORIES:

From quantitative data obtained from investigative staff and clinical laboratory reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0095–1TRADOC

SYSTEM NAME:

Individual Flight Records Folder.

SYSTEM LOCATION:

Decentralized to Flight Operations Section of Army/Army Reserve/National Guard units for all personnel on whom flight records are maintained. Copies of individual flight records (DA Form 759) for active Army and Reserve Component personnel who are instructor pilots, standardization instructor pilots, or instrument flight examiners are maintained at the U.S. Total Army Personnel Command, ATTN: HQDA (TAPC-OPE-V), 200 Stovall Street, Alexandria, VA 22332–0400 for active Army officers; U.S. Total Army Personnel Command, ATTN: HQDA (TAPC-OPW-AV), 200 Stovall Street, Alexandria, VA 22332–0400 for active Army warrant officers; and U.S. Total Army Personnel Command, ATTN: PERSCOM (TAPC-OPH-MS) for active Army Medical Service Corps (MSC) officers.

Records of Army reservists not on extended active duty are maintained at the U.S. Army Reserve Personnel Center, St. Louis, MO; those of National Guardsmen are maintained at the National Guard Bureau, Aberdeen Proving Ground, MD.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army aviators who are members of the Active and Reserve Components and qualified and current in the aircraft to be flown; civilian employees of Government agencies and Government contractors who have appropriate certifications or ratings, flight surgeons or aeromedical physicians' assistants in aviation service, enlisted crew chief/crew members, aerial observers, personnel in non-operational aviation positions, and those restricted or prohibited by statute from taking part in aerial flights.

CATEGORIES OF RECORDS IN THE SYSTEM:

DA Forms 759 and 759–1 Individual Flight and Flight Certificate Army (Sections I, II, and III); DA Form 4186 (Medical Recommendations for Flying Duty), results of annual aviation written examinations, waivers, disqualifications, DA Form 4187 requesting re-qualification, re-qualification orders, aeronautical orders awarding ratings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 3013; and E.O. 9397.

PURPOSE(S):

To record the flying experience and qualifications data of each aviator, crew member, and flight surgeon in aviation service.

VOL
58
ISS
33
FE
22
1993
UMI

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Federal Aviation Agency and/or the National Transportation Safety Board.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname and/or Social Security Number.

SAFEGUARDS:

Records are maintained in controlled areas accessible only to designated persons having official need for the record.

RETENTION AND DISPOSAL:

So long as an aviator remains operational, records are maintained by installation operations officer; when individual is no longer in operational flying status, individual Flight Records Folder is collocated with his/her Military Personnel Records Jacket.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Training and Doctrine Command, Fort Monroe, VA 23651–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Flight Operations Section of their current unit; if not on active duty, inquiry to addresses listed in 'System location'.

Individual should furnish the full name and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system may visit or address written inquiries to the Flight Operations Section of their current unit; if not on active duty, send inquiry to addresses listed in 'System location'.

Individual should furnish the full name and Social Security Number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager

RECORD SOURCE CATEGORIES:

From the individual, Federal Aviation Administration, flight surgeon, evaluation reports, proficiency and readiness tests, and other relevant records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0095–2dTRADOC-ATC

SYSTEM NAME:

Air Traffic Controller Records.

SYSTEM LOCATION:

Primary system is at U.S. Army Aviation Center, Fort Rucker, AL 36362–5000.

Segments are located at Army Air Traffic Control facilities at fixed Army airfields and other aviation units requiring Air Traffic Control personnel. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Traffic Controllers employed by the Department of the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, Air Traffic Controller qualifications, training and proficiency date; ratings and date assigned to current facility; and similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Aviation Act of 1958, 49 U.S.C. 313, 601, 1354, and 1421.

PURPOSE(S):

To determine proficiency of Air Traffic Controllers and reliability of the Air Traffic Control system operations within the Department of the Army.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Federal Aviation Administration, the National Transportation Safety Board, and similar authorities in connection with aircraft accidents, incidents, or traffic violations.

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of system of record notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; cards; magnetic tapes/discs.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in secure areas available only to designated persons having official need for the record.

RETENTION AND DISPOSAL:

Records are retained so long as individual is employed or on active duty. Copy of controller's qualifications, training, and similarly relevant data are maintained indefinitely at primary location.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Training and Doctrine Command, ATTN: ATIM-SR, Fort Monroe, VA 23651–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Air Traffic Control facility where assigned or to Commander, U.S. Army Aviation Center, Fort Rucker, AL 36362–5000.

Individual should provide the full name, details which will facilitate locating the records, current address and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Air Traffic Control facility where assigned or to Commander, U.S. Army Aviation Center, Fort Rucker, AL 36362–5000.

Individual should provide the full name, details which will facilitate locating the records, current address and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, individual's supervisor, Army or Federal Aviation Administration physicians, Air Traffic Control Facility Personnel Status Reports (DA Form 3479–6–R).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0140DAJA

SYSTEM NAME:

JAGC Reserve Components Officer Personnel Records.

SYSTEM LOCATION:

JAGS-ZA, 600 Massey Street, Charlottesville, VA 22903–1781.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Judge Advocate General Corps (JAGC) U.S. Army Reserve and National Guard officers, not serving on extended active duty; and officers seeking appointment, branch transfer, or Federal Recognition to the JAGC without concurrent call to active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, application for appointment, active duty training, constructive credit, mobilization designee position, educational courses completed, home and business addresses and telephone numbers, grade, promotion eligibility date, primary military occupational specialty, date of birth, sex, basic date of mandatory removal, unit assignment and address, employer, job title, specialty and awards, correspondence between the Army and the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 275(a); E.O. 9397.

PURPOSE(S):

To schedule Judge Advocate General Corps reserve officer training; select officers for reserve unit command positions; identify individual reservists in need of training; determine mandatory retirement dates; provide full background information on individuals applying for mobilization designee positions, constructive credit for training courses and/or active duty for training, to document background of applicants for appointment in the Judge Advocate General Corps or branch transfer consistent with prerequisites required for type of appointment/branch transfer and to establish eligibility for appointment/branch transfer. Records are also used for management and statistical studies and reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tape/disc.

RETRIEVABILITY:

By individual's surname, Social Security Number.

SAFEGUARDS:

All records are maintained in secured areas, accessible only to designated officials. Automated records require password for access.

RETENTION AND DISPOSAL:

Records are retained until individual officer retires from the Reserves, held 2 additional years, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–2210.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them exists in this system should inquire of the Director, Reserve Affairs Department at The Judge Advocate School, Charlottesville, VA 22903–1781.

Individual must provide his/her name, Social Security Number, sufficient details to permit locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Reserve Affairs Department at The Judge Advocate School, Charlottesville, VA 22903–1781.

Individual must provide his/her name, Social Security Number, sufficient details to permit locating pertinent records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; official personnel documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0145–1TRADOC

SYSTEM NAME:

Army Reserve Officers' Training Corps Gold QUEST Referral System.

SYSTEM LOCATION:

Primary system exists at MCRB Service Bureau, 11633 Victory Boulevard, North Hollywood, California 91609. Segments exist at MCRB Service Bureau, 7447 Candlewood Road, Hanover, Maryland 21076; WATS Telemarketing Center, Omaha, Nebraska; Wunderman Worldwide, 575 Madison Avenue, New York, New York 10022; Headquarters, U.S. Army ROTC Cadet Command, Fort Monroe, VA 23651–5000; Army ROTC Region Headquarters (4); ROTC Cadet Battalions (315) and ROTC Goldminer Teams (18).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Potential enrollees in the Senior ROTC program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of current and former prospect referrals showing: Name, address, telephone number, Social Security Number (optional), sex, citizenship, prior military service, name of high school, high school graduation date, grade point average, SAT/ACT test score, college expected to attend, admissions status to college, academic major, and date of birth.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., Chapter 103, sections 2101–2111.

PURPOSE(S):

To provide a central database of potential prospects for enrollment in the Senior ROTC program; assist prospects by providing information concerning educational institutions having ROTC programs; scholarship information and applications; information regarding other Army enlistment, Reserve or National Guard Programs; to render recruitment management information reports; to refer qualified prospects, a Professor of Military Science at or nearest to their college of choice.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and cards in file cabinets; on magnetic tape, disks, and computer printouts.

RETRIEVABILITY:

By prospects surname or peculiar identification number assigned by the system.

VOL
58
ISS
33
FE
22
1993
UMI

SAFEGUARDS:

Records are maintained in secured areas within protected buildings, and accessible by only designated, authorized individuals having official need.

RETENTION AND DISPOSAL:

Records are retained for 3 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters, U.S. Army Training and Doctrine Command, Fort Monroe, VA 23651–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Headquarters, U.S. Army ROTC Cadet Command, ATTN: Marketing Directorate, Fort Monroe, VA 23651–5000.

Individuals should provide their full name, current address, telephone number and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Headquarters, U.S. Army ROTC Cadet Command, ATTN: Marketing Directorate, Fort Monroe, VA 23651–5000.

Individuals should provide their full name, current address, telephone number and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the Commander, Headquarters, U.S. Army ROTC Cadet Command, ATTN: Marketing Directorate, Fort Monroe, VA 23651–5000.

RECORD SOURCE CATEGORIES:

Source categories for prospects include the Army ROTC toll-free telephone number, magazines, newspapers, poster advertising coupons, mail-back reply cards, letters, walk-ins, referrals from parents, relatives, counselors, teachers, coaches, friends, associates, college registrars, dormitory directors, national testing organizations, honor societies, boys' clubs, boy scout organizations, Future Farmers of America, minority and civil rights organizations, fraternity and church organizations; neighborhood youth centers, YMCA, YWCA, social clubs, athletic clubs, boys state/girls state/scholarship organizations, U.S. Army Recruiting Command, Military Academy Liaison officers, West Point non-select listing, previous employers, trade organizations, military service, and other organizations and commands comprising the Department of Defense.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0145–1aTRADOC-ROTC

SYSTEM NAME:

ROTC Applicant/Member Records.

SYSTEM LOCATION:

Headquarters, U.S. Army Reserve Officers Training Corps (ROTC) Cadet Command, Fort Monroe, VA 23651–5000. Segments of the system exist at the U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400 and in offices of the Professor of Military Science at civilian educational institutions in ROTC regional offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who apply and are accepted into the Army ROTC program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for appointment, which includes such personal data as name, Social Security Number, date and place of birth, citizenship, home address and telephone number, marital status; dependents; transcripts and certificates of education, training, and qualifications; medical examinations; financial assistance documents; awards; ROTC contract; photograph; correspondence between the member and the Army or other Federal agencies; letter of appointment in Active Army on completion of ROTC status; security clearance documents; official documents such as Cadet Command Form 139, DA Form 597, DA Form 61, DA Form 873, SF 88 and SF 93, DD Forms 4/1–4/2, and DOJ Form I–151 if applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2101–2111 and E.O. 9397.

PURPOSE(S):

These records are used in the selection, training, and commissioning of eligible ROTC cadets in the Active Army and Reserve Forces and for personnel management, strength accounting, and manpower management purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Federal Aviation Administration to obtain flight certification and/or licensing; to the Department of Veterans Affairs for member Group Life Insurance and/or other benefits.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in folders; punched cards; microfilm/fiche; magnetic tape, drum, or disc.

RETRIEVABILITY:

By name or Social Security Number.

SAFEGUARDS:

All records are maintained in areas accessible only to authorized personnel who have official need in the performance of their assigned duties. Automated records are further protected by assignment of users identification and password edits to protect the system from unauthorized access and to restrict each user to specific files and data elements. User identification and passwords are changed at random times; control data are maintained by the system manager in a sealed envelope in an authorized safe.

RETENTION AND DISPOSAL:

Cadet Command Form 139 is retained in the ROTC unit for 5 years after cadet leaves the institution or is disenrolled from the ROTC program. Following successful completion of ROTC and academic programs and appointment as a commissioned officer with initial assignment to active duty for training, copy of pages 1 and 2 are reproduced and sent to the commandant of individual's basic branch course school. Records of rejected ROTC applicants are destroyed. Other records mentioned in preceding paragraphs are destroyed if not required to become part of individual's Military Personnel Records Jacket.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Training and Doctrine Command, Fort Monroe, VA 23651–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Reserve Officers Training Corps (ROTC), Fort Monroe, VA 23651–5000 or the Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, current address and telephone

number and definitive description of the information sought.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Reserve Officers Training Corps (ROTC), Fort Monroe, VA 23651–5000 or the Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, current address and telephone number and definitive description of the information sought.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, civilian educational institutions, official Army records addressing entitlement status, medical examination and treatment, security determination, and attendance and training information while an ROTC cadet.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0145–1bTRADOC-ROTC

SYSTEM NAME:

ROTC Financial Assistance (Scholarship) Application File.

SYSTEM LOCATION:

Primary location is at U.S. Army Reserve Officers Training Corps (ROTC) Cadet Command, Fort Monroe, VA 23651–5000.

Segments exist at U.S. Army Reserve Officers' Training Corps (ROTC) Regions, ROTC elements of civilian educational institutions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students and service members who desire to participate in the Army ROTC Financial Assistance (Scholarship Program).

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application for membership, academic transcripts, college board scores and test results, references, photograph, interview board results, acceptance/declination, selection board action including applicant's scores in areas evaluated, notice of applicant's medical status including reports of medical examination, evaluation of applicant by Professor of Military Science commanding officer, letters of recommendation, inquiries regarding applicant's selection/non-selection, reports of ROTC Advanced, Ranger, or Basic Camp performance of applicant, information of applicant's choice of institution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2101–2111 and E.O. 9397.

PURPOSE(S):

To administer the financial assistance program; to select recipient for 2, 3, and 4–year scholarships; to monitor selectee's academic and ROTC performance; to develop policies and procedures, compile statistics and render reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1966 (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder; selected data automated for management purposes on tapes, discs, cards, microfilm/fiche.

RETRIEVABILITY:

By individual's name, Social Security Number, other characteristics of qualification or identity.

SAFEGUARDS:

Records maintainbd in areas accessible only to authorized personnel having official need in the performance of duties.

RETENTION AND DISPOSAL:

Destroyed 1 year after individual graduates or is disenrolled.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Reserve Officers Training Corps (ROTC) Cadet Command, Fort Monroe, VA 23651–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Reserve Officers Training Corps (ROTC) Cadet Command, ATTN: ATCC–PS, Fort Monroe, VA 23651–5000.

Individual should provide the full name, current address and telephone number and definitive description of the information sought.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Reserve Officers Training Corps (ROTC) Cadet Command, ATTN: ATCC-PS, Fort Monroe, VA 23651–5000.

Individual should provide the full name, current address and telephone number and definitive description of the information sought.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, medical records, academic institutions, Army agencies and commands.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0145–2TRADOC

SYSTEM NAME:

Junior ROTC/NDCC Instructor Files.

SYSTEM LOCATION:

U.S. Army Reserve Officers Training Corps (ROTC) Cadet Command, Fort Monroe, VA 23651–5000; schools, colleges, training centers and ROTC Regions at Fort Bragg, NC; Fort Knox, KY, Fort Riley, KS; and Fort Lewis, WA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Assigned and potential instructors and guest speakers at above locations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Instructor evaluation forms, qualification data, biographical sketches and similar or related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2031 and 4651 and E.O. 9397.

VOL
58
ISS
33
FE
22
1993
UMI

PURPOSE(S):

To provide record of qualifications, experience, effectiveness, and similar related information on potential and/or assigned instructors and guest speakers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card files.

RETRIEVABILITY:

By name, Social Security number/ service number, and year.

SAFEGUARDS:

Records are stored in locked cabinets or rooms, depending on location.

RETENTION AND DISPOSAL:

Records are destroyed 2 years after instructor's transfer or separation or after guest speaker speaks.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Training and Doctrine Command, Fort Monroe, VA 23651–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained this record system should address written inquiries to the Commander, U.S. Army Reserve Officers Training Corps (ROTC) Cadet Command, Fort Monroe, VA 23651–5000 or commanders of organizations listed in 'System location'.

Individual should provide the full name, Social Security Number/military service number, duty position, academic department, and dates of service at the training activity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Reserve Officers Training Corps (ROTC) Cadet Command, Fort Monroe, VA 23651–5000 or commanders of organizations listed in 'System location'.

Individual should provide the full name, Social Security Number/military service number, duty position, academic department, and dates of service at the training activity.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents; and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES.

Staff and faculty of appropriate school, college, training center, or ROTC Region responsible for conduct of instruction.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0165–1aDACH

SYSTEM NAME:

Baptism, Marriage, and Funeral Files.

SYSTEM LOCATION:

Records from 1917–1952 are in the National Archives and Record Administration. Records from 1953–1977 are in the Washington National Records Center, Washington, DC 20409, as well as the office, Chief of Chaplains, Department of the Army, Washington, DC 20310–2700.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any service member, his/her dependent, authorized civilian personnel, or retired service member for whom an Army chaplain has performed a baptism, marriage, or funeral.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of individuals who apply for marriage, those on whom funeral services are conducted, or baptisms are performed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3547.

PURPOSE(S):

To render service to military members, their dependents and authorized civilians.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfilm at office of the Chief of Chaplains; paper records at the Washington National Records Center for period 1917–1952.

RETRIEVABILITY:

Marriage records are filed by groom's surname; funeral records by surname of deceased person; baptismal records by the individual's surname.

SAFEGUARDS:

Records are retained in buildings which employ security guards.

RETENTION AND DISPOSAL:

Records from 1953 to 1977 are retained for 50 years; this system was discontinued October 1, 1977 after which no information was collected or is retained.

SYSTEM MANAGER(S) AND ADDRESS:

The Chief of Chaplains, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–2700.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office, Chief of Chaplains, Headquarters, Department of the Army, Attn: DACH-IMW, Washington, DC 20310–2700.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief of Chaplains, Headquarters, Department of the Army, Attn: DACH-IMW, Washington, DC 20310–2700.

Individual should provide:

(1) For baptismal records: Full name of person baptized, approximate date, names of parents, name of chaplain, and place of baptism.

(2) For marriage records: Full name of groom and maiden name of bride, approximate date, installation at which married, and name of chaplain.

(3) For funeral records: Name of deceased person, year of death, and name of next-of-kin.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0165–1bDACH

SYSTEM NAME:

Chaplain Privileged Counseling/ Interview Communication Cases.

SYSTEM LOCATION:

Army installations. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army members, their dependents and other individuals who have received pastoral counseling from Army chaplains.

CATEGORIES OF RECORDS IN THE SYSTEM:

Memoranda and/or documents resulting from counseling or interview sessions between a chaplain and an individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To document privileged counseling/interview sessions between Army chaplains and individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in locked file cabinets.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Information is stored in locked cabinets or desks, and is accessible only to the chaplain maintaining the record.

RETENTION AND DISPOSAL:

Retained for 2 years after the individual case is closed; then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

The Chief of Chaplains, Headquarters, Department of the Army, Washington, DC 20310–2700.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief of Chaplains, Headquarters, Department of the Army, Washington, DC 20310–2700 or the Chaplain at the Army installation where counseling or interview occurred.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief of Chaplains, Headquarters, Department of the Army, Washington, DC 20310–2700 or the Chaplain at the Army installation where counseling or interview occurred.

Individual should provide their full name, present address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0165–1cDACH

SYSTEM NAME:

Religious Census, Education, and Registration Files.

SYSTEM LOCATION:

Army installations; official addresses are contained in the directory at the end of the Army inventory of record system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military, dependent, and civilian personnel who voluntarily participate in religious services and/or activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, age, denominational preference, religious education desired/attained, and similar information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To provide data on religious education/training or needs of faith groups, denominations, or religious sects; to determine and administer educational or training needs in social, spiritual, and humanitarian relationships for the military community served; to record attendance, training accomplished, participation, and spiritual growth.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and/or card files.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Information is accessed only by individuals determined to have need therefor in the performance of official business.

RETENTION AND DISPOSAL:

Information is retained until individual is no longer active in official chaplain-sponsored services and activities.

SYSTEM MANAGER(S) AND ADDRESS:

The Chief of Chaplains, Headquarters, Department of the Army, Washington, DC 20310–2700.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chaplain at the Army installation where he/she participated in religious education/training.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chaplain at the Army installation where he/she participated in religious education/training.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0190–5DAMO

SYSTEM NAME:

Vehicle Registration System (VRS).

SYSTEM LOCATION:

Decentralized to Army installation which created the vehicle registration/driver record. A cross-reference index in either manual or automated media may exist at intermediate and higher command levels. In addition, information is stored on computer

media at the four Army Information Processing Centers located at: Chambersburg, PA 17201–4150; Huntsville, AL 35898–7340; Rock Island, IL 61299–7210; and, St. Louis, MO 63120–1798.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel (active, reserve, retired), civilian employees, contractor personnel, vendors, visitors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information contained on the DA Form 3626 may be provided by paper record, the automated VRS, or the automated Vehicle Registration System/ Installation Support Module (VRS/ISM). Information entered into the VRS or VRS/ISM from the DA Form 3626 is used to create a master edit file and master registration file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 3013(g); Status of Forces Agreement between the United States of America and the host country in which U.S. Forces are located and E.O. 9397.

PURPOSE(S):

To assist the commander in carrying out effective law enforcement, traffic safety, and crime prevention programs; to ensure compliance with Highway Safety Program Standards (23 U.S.C. 402) applicable to federally administered areas; to provide management data on which to base crime prevention, selective enforcement, and improved driving safety.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system may be disclosed to state law enforcement and motor vehicle departments for ascertaining or disclosing driver information and/or accident reports, and, in overseas areas, to the host country as required by the Status of Forces Agreement between the United States of America and the host country.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; microfiche; magnetic tapes or discs; punched cards; or computer printouts.

RETRIEVABILITY:

By surname/Social Security Number.

SAFEGUARDS:

Information is stored in locked containers or storage areas within buildings which are secured, and the system is accessed by designated persons having an official need for the information.

Regional Data Centers are contractor-operated under an Army approved security program. Contractor personnel participate in a security education program under the Regional Data Security Officer. Regional Data Centers are connected through a communications network to data processing centers at Army installations. Technical, physical, and administrative safeguards required by Army Regulation 380–19, Information Systems Security, are enforced at the installation data processing centers. Data are available only to installation personnel responsible for system operation and maintenance. Terminals not in the data processing center are under the supervision of a terminal area security office at each remote location protecting these terminals from unauthorized use. Access to information is also controlled by a system of assigned passwords for authorized users of terminals.

RETENTION AND DISPOSAL:

Destroyed on transfer or separation of parking permit holder, or when permit is superseded or revoked, whichever occurs first. Traffic law enforcement records are destroyed 2 years after closing of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Provost Marshal at the installation where vehicle registration or accident occurred.

Individual should provide the full name, Social Security Number, current address, and other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Provost Marshal at the installation where vehicle registration or accident occurred.

Individual should provide the full name, Social Security Number, current address, and other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, participants in car pools, military or civilian police reports, investigative and law enforcement agencies, third parties who provide relevant information.

EXEMPTIONS CLAIMED FOR THE SYSTEM

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0190–9DAMO

SYSTEM NAME:

Absentee Case Files.

SYSTEM LOCATION:

Primary U.S. Army Deserter Information Point, U.S. Army Enlisted Records Center, Fort Benjamin Harrison, IN 46249–0601. A copy of all or portions of this system is maintained at the installation initiating the report of absence and at respective law enforcement agencies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any active Army member absent without proper authority and administratively designated as a deserter pursuant to Army Regulation 630–10, Absence Without Leave and Desertion.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports and records which document the individual's absence; notice of unauthorized absence from U.S. Army which constitutes the warrant for arrest; notice of return to military control or continued absence in hands of civil authorities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013(g) and E.O. 9397.

PURPOSE(S):

To enter data in the FBI National Crime Information Center 'wanted person' file; to ensure apprehension actions are initiated/terminated promptly and accurately; and to serve management purposes through examining causes of absenteeism and developing programs to deter unauthorized absences.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is furnished to local, state, federal, international, or foreign law enforcement authorities in efforts to apprehend, detain, and return offenders to military custody. In overseas areas, information may be disclosed to foreign governmental and civil authorities as required by local customs, law, treaties, and agreements with allied forces and foreign governments. Information may be disclosed to the Department of Veterans Affairs for assistance in determining whereabouts of Army deserters through the Veterans and Beneficiaries Identification and Records Locator Subsystem.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents and the record copy of the Arrest Warrant are maintained in the Official Military Personnel Files; verified desertion data are stored on the Deserter Verification Information System at the U.S. Army Deserter Information Point.

RETRIEVABILITY:

Manually, by name; automated records are retrieved by name, plus any numeric identifier such as date of birth, Social Security Number, or Army serial number.

SAFEGUARDS:

Access is limited to authorized individuals having a need-to-know. Records are stored in facilities manned 24 hours, 7 days a week. Additional controls which meet the administrative, physical, and technical safeguard requirements of Army Regulation 380–19, Information Systems Security, are in effect.

RETENTION AND DISPOSAL:

Automated records are erased when individual returns to military custody, is discharged, or dies. Paper or microform records remain a permanent part of the individual's Official Military Personnel File.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the U.S. Army Deserter Information Point, U.S. Army Enlisted Records Center, Fort Benjamin Harrison, IN 42649–0601.

Individual should provide the full name, Social Security Number and/or Army serial number, address, telephone number and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the U.S. Army Deserter Information Point, U.S. Army Enlisted Records Center, Fort Benjamin Harrison, IN 46249–0601.

Individual should provide the full name, Social Security Number and/or Army serial number, address, telephone number and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Unit commander, first sergeants, subjects, witnesses, military police, U.S. Army Criminal Investigation Command personnel and special agents, informants, Department of Defense, federal, state, and local investigative and law enforcement agencies, departments or agencies of foreign governments, and any other individuals or organizations which may furnish pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0190–13CFSC

SYSTEM NAME:

Security Badge/Identification Card Files.

SYSTEM LOCATION:

Offices which issue security badges and identification cards authorized by Army Regulations 640–3, Identification Cards, Tags, and Badges and 190–13, The Army Physical Security Program located at Headquarters, Department of the Army, staff and field operating agencies, states' adjutant general, and installations/activities. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, reserve, and retired military personnel and authorized dependents; Department of the Army civilians and authorized dependents; Medal of Honor recipients; visitors authorized for official purposes, e.g., vendors, delivery men, utility and special equipment servicemen; accident investigators; contractor personnel and their authorized dependents; Red Cross personnel; and persons authorized by the Geneva Convention to accompany the Armed Forces.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application on appropriate Department of Army and Department of Defense forms specified by Army Regulation 640–3 (the original of which may be filed in the individual's personnel file) for identification and/or building security pass/badge issuance; individual's photograph, fingerprint record, special credentials, and allied papers; registers/logs reflecting sequential numbering of badges/cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 3013(g); and Army Regulation 190–13, The Army Physical Security Program.

PURPOSE(S):

To provide a record of security badges and identification cards issued: to restrict entry into installations/activities; and to ensure positive identification of personnel authorized access to restricted areas. Registers/logs maintain accountability for issuance and disposition of badges and identification cards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Use' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Paper records in file folders and on cards, magnetic tapes, discs, cassettes; computer printouts; microfiche.

RETRIEVABILITY:

By individual's name, Social Security Number, card/badge number.

SAFEGUARDS:

Data are maintained in secure buildings and are accessed only by authorized personnel who are trained

VOL
58
ISS
33
FE
22
1993
UMI

and cleared for access. Information in computer facilities is further protected by alarms and established procedures for the control of computer access.

RETENTION AND DISPOSAL:

Applications for military identification cards are maintained by the issuing office for 1 year; those for civilian cards are retained 4 years, after which they are destroyed. Registers/logs are destroyed 3 years after last badge has been accounted for.

Limited area credentials are replaced after 3 years or when a total of 5 of the total have been lost or unaccounted for, whichever occurs earlier, exclusion area credentials are replaced at least once every 3 years; controlled area credentials are replaced at the discretion of the major commander.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the issuing office where the individual obtained the identification card or to the system manager. Individual should provide the full name, number of the identification card, current address, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the issuing officer at the appropriate installation.

Individual should provide the full name, number of the identification card, current address, and signature.

CONTESTING RECORD PROCEDURES:

The Army rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0190–14DAMO

SYSTEM NAME:

Registration and Permit Files.

SYSTEM LOCATION:

Army installations. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen registering restricted items of property on a military installation or desiring to engage in restricted activities on a military installation. Items/activities include but are not limited to privately owned firearms/weapons, pets and hunting and fishing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Registration form for items of restricted property; permit application for restricted activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 and E.O. 9397.

PURPOSE(S):

To assist the commander in carrying out effective law enforcement, troop safety, and crime prevention programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is furnished to criminal justice elements outside the Department of Defense for investigation and prosecution when such cases fall within their jurisdiction or concurrent jurisdiction is applicable. These include: Federal Bureau of Investigation; U.S. Customs Services; Bureau of Alcohol, Tobacco and Firearms; U.S. District Courts; U.S. Magistrates; state and local law enforcement, wildlife conservation and public health agencies; and, in overseas areas, host government law enforcement agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders: Magnetic disc/tape; microfiches; computer printouts.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

RETENTION AND DISPOSAL:

Destroyed upon removal of the restricted property from the military installation or upon expiration of the permit.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

Individual should provide the full name, Social Security Number, and other information verifiable from the record itself.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

Individual should provide the full name, Social Security Number, and other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Any citizen desiring/required to register firearms/weapons, pets, etc. that will be maintained within or desiring to hunt/fish within the confines of any Army installation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0190–30DAMO

SYSTEM NAME:

Military Police Investigator Certification Files.

SYSTEM LOCATION:

Primary records are maintained at the U.S. Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332–0400. Segments exist at the installation initiating request and at respective major Army commands.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who has been nominated by a commander for certification as a Military Police Investigator.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain requests, name checks, background checks, approvals, disapprovals, appeals, rebuttals, and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012(g) and E.O. 9397.

PURPOSE(S):

To establish eligibility and suitability of individuals to be certified as Military Police Investigators.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; card indices.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Buildings employ security guards and control access. Information is not disclosed outside the agency; within the agency, access to records containing adverse suitability information is restricted by use of protective markings. Distribution and access are based on strict need-to-know.

RETENTION AND DISPOSAL:

Destroyed upon individual's release from active service or 3 years after involuntary withdrawal of certification.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

Individual should provide the full name, Social Security Number, current address, other information verifiable from the record itself, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

Individual should provide the full name, Social Security Number, current address, other information verifiable from the record itself, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Subjects, witnesses, victims, Military Police and U.S. Army Criminal Investigation Command personnel and agents, informants, various Department of Defense, federal, state and local investigative and law enforcement agencies, departments or agencies of foreign governments; and any other individuals or organizations which may supply pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2), (5), and (7) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0190–40DAMO

SYSTEM NAME:

Serious Incident Reporting Files.

SYSTEM LOCATION:

Primary System is located at the Office of the Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440. Segments are maintained at the installation initiating the report and at the respective major Army command.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen identified as the subject or victim of a serious incident reportable to Department of the Army in accordance with Army Regulation 190–40, Serious Incident Report. This includes in general any criminal act or other incident which, because of its sensitivity or nature, publicity or other considerations should be brought to the attention of Headquarters, Department of the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include the initial report of the incident plus any supplemental reports, including reports of final adjudication.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013(g) and E.O. 9397.

PURPOSE(S):

To provide the military chain of command with timely information regarding serious incidents to permit a valid early determination of possible implication; to provide an early indication of acts or conditions which may have widespread adverse publicity; to provide a means of analysis of crime and conditions conducive to crime on which to base crime prevention policies and programs; and to meet the general needs of Department of the Army staff agencies for information regarding selected incidents which impact on their respective areas of responsibility.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's name, Social Security Number, and installation number.

SAFEGUARDS:

Buildings employ security guards and control access. Distribution and access to files are based on strict need-to-know. Records are contained in locked safes when not under personal supervision of authorized personnel.

RETENTION AND DISPOSAL:

Destroyed 1 year after final report is completed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should

address written inquiries to the Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

Individual should provide the full name, Social Security Number, current address and telephone number, other information verifiable from the record itself, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

Individual should provide the full name, Social Security Number, current address and telephone number, other information verifiable from the record itself, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Subjects, witnesses, victims, military police and U.S. Army Criminal Investigation Command personnel and special agents, informants, various Department of Defense, federal, state and local investigative and law enforcement agencies, departments or agencies of foreign governments, and any other individuals or organizations which may supply pertinent information.

EXEMPTION CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0190–45DAMO

SYSTEM NAME:

Offense Reporting System (ORS).

SYSTEM LOCATION:

Decentralized to Army installations which created the Military Police Report; copy may be sent to the U.S. Army Crime Records Center, Baltimore, MD, dependent on nature of crime (see Army Regulation 190–45, Records and Forms). A cross-reference index is either manual or automated media may exist at intermediate and higher command levels. In addition, information is stored on computer media at the four Army Information Processing Centers located at: Chambersburg, PA 17201–4150; Huntsville, AL 35898–7340; Rock Island, IL 61299–7210; and, St. Louis, MO 63120–1798.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who is the subject, victim, complainant, witness, or suspect in a criminal, civil, or traffic offense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Criminal information or investigative files involving the Army which may consist of Military Police Reports (DA Form 3975) or similar reports containing investigative data, supporting or sworn statements, affidavits, provisional passes, receipts for prisoners or detained persons, Reports of Action Taken (DA From 4833), and disposition of cases. Information contained on the DA Forms 3975 or 4833 may be provided by paper records, the Offense Reporting System (ORS), ORS–2, or Simplex Automated Military Police System (SAMPS). Personal information includes, but is not limited to name, Social Security Number, home address, telephone number, category of offense, involvement, and case number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 and E.O. 9397.

PURPOSE(S):

To provide detailed information necessary for Army officials and commanders to discharge their responsibilities for maintaining discipline, law, and order through investigation of complaints and incidents and possible criminal prosecution, civil court action, or regulatory order.

This system contains information which may be used, as permitted by the Privacy Act and other pertinent laws, for employee personnel actions and determinations concerning, but not limited to security clearances, recruitment, retention, and placement.

Statistical data are derived from individual report and stored in automated media at major Army commands and Headquarters, Department of the Army, for the purposes of: (1) Developing crime trends by major categories (e.g., crimes against persons, drug crimes, crimes against property, fraud crimes, and other offenses), and (2) developing law enforcement and crime prevention programs to reduce or deter crime within Army communities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to federal, state, and local (including Foreign Government) agencies for investigation and prosecution when cases are either within their jurisdiction or when concurrent jurisdiction applies These include: Federal Bureau of Investigation, Drug Enforcement Administration, U.S. Customs Service, Bureau of Alcohol, Tobacco and Firearms, U.S. District Courts, U.S. Magistrates.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; microfiche; magnetic tapes/discs; punched cards; computer printouts.

RETRIEVABILITY:

By individual's name, date of birth, Social Security Number, and case number.

SAFEGUARDS:

Access to information is controlled; limited to authorized personnel having official need therefor. Regional Data Centers are contractor-operated under an Army approved security program. Contractor personnel participate in an on-going security education program under the Regional Data Security Officer. Regional Data Centers are connected through a communications network to 44 distributed data processing centers at Army installations. Technical, physical, and administrative safeguards required by Army Regulation 380–19 are met at installation data processing centers. Data are available only to installation personnel responsible for systems operation and maintenance. Terminals not in the data processing center are under the supervision of a terminal area security office at each remote location protecting them from unauthorized use. Access to information is also controlled by a system of assigned passwords for authorized users of terminals.

RETENTION AND DISPOSAL:

Information is destroyed after 5 years except for that required by Army Regulation 190–45 to be sent to the Crime Records Center where it is retained 40 years following final action.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the commander of the installation where the incident occurred.

If more than five years have elapsed since the occurrence, Individual should address written inquiries to the U.S. Army Crime Records Center, Baltimore, MD.

Individual should provide the full name, Social Security Number, date and place of the incident, and a notarized signature.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the commander of the installation where the incident occurred.

If more than five years have elapsed since the occurrence, Individual should address written inquiries to the U.S. Army Crime Records Center, Baltimore, MD.

Individual should provide the full name, Social Security Number, date and place of the incident, and a notarized signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; witnesses; victims; Military Police and/or U.S. Army Criminal Investigation Command special agents; informants; investigative and law enforcement persons of Federal, state, local and foreign government agencies; any source that may supply pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Part of this system may be exempt under 5 U.S.C. 552a(j)(2) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0190–47DAMO

SYSTEM NAME:

Correctional Reporting System (CRS).

SYSTEM LOCATION:

Army installation detention facilities, U.S. Army Correctional Activity, Fort Riley, KS; U.S. Disciplinary Barracks, Fort Leavenworth, KS.

An automated extract of selected data from individual correctional treatment records at Army facilities is stored on computer at the four Army Information Processing Centers located at: Chambersburg, PA 17201–4150; Huntsville, AL 35898–7340; Rock Island, IL 61299–7210; and, St. Louis, MO 63120–1798.

The Army Clemency Board Office, Assistant Secretary of the Army, Manpower and Reserve Affairs, Washington, DC 20310–0110 (for decisions on clemency recommendations, parole actions, and restoration to duty).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any military member confined at an Army confinement or correctional facility as a result of, or pending, trial by courts-martial.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents related to the administration of individual military prisoners; courts-martial orders, release/confinement orders, medical examiner's reports, requests and receipts for health and comfort supplies, reports and recommendations relating to disciplinary actions, clothing and equipment issue records; forms authorizing correspondence by prisoner, mail records; personal history records; individual prisoner utilization records; requests for interview; fingerprint cards, military police reports; prisoner identification records; parolee agreements; inspections; documents regarding custodianship of personal funds and property of prisoners; former commanding officer's report; parents' report; spouse's report; classification recommendations; request to transfer prisoner; social history; clemency actions; psychologist's report; psychiatric and sociologic reports; certificate of parole; certificate of release from parole; assignment progress reports; and similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 951–953 and E.O. 9397.

PURPOSE(S):

Correctional treatment records are used to determine prisoner's custody classifications, work assignments, educational needs, adjustment to confinement, areas of particular concern, and, as the basis for clemency, parole and restoration to duty considerations. Automated records provide pertinent information required for proper management of confinement facility population, demographic studies, status of discipline and responsiveness of personnel procedures, as well as confinement utilization factors such as population turnover, recidivism, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to local, state, and federal law enforcement and investigation agencies for investigation and possible criminal prosecution, civil court actions or regulatory orders.

To confinement/correctional agencies for use in the administration of correctional programs including custody classification, employment, training and educational assignments, treatment programs, clemency, restoration to duty or parole actions, verification of offender's criminal records, employment records, and social histories.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, punch cards, magnetic tape and disc.

RETRIEVABILITY:

By prisoner's surname and/or Social Security Number/register number.

SAFEGUARDS:

All records are maintained in areas accessible only to designated personnel having official need therefor. Automated data base and output are managed through comprehensive procedures and policies prescribed in system functional users manuals.

Regional Data Centers are contractor-operated. Contractor personnel are security screened; employees receive a security briefing and participate in an on-going security education program under the Regional Data Security Officer. Regional Data Centers are connected through a communications network to 44 distributed data processing centers at Army installations. Technical, physical, and administrative safeguards required by Army Regulation 380–19, Information Systems Security, are met at installation data processing centers and information is secured in locked rooms with limited/controlled access. Data are available only to installation personnel responsible for system operation and maintenance. Terminals not in data processing centers are under the supervision of a terminal

area security officer at each remote location protecting them from unauthorized use. Access to information is controlled further by a system of assigned passwords for authorized users of terminals.

RETENTION AND DISPOSAL:

Individual correctional treatment records for prisoners in the U.S. Army Correctional Activity (USACA) or U.S. Disciplinary Barracks (USDB) are retained for 90 days following expiration of sentence/completion of parole/maximum release date, following which they are retired to the National Personnel Records Center for 25 years; destruction is by shredding. Similar records for prisoners in local Army confinement and correctional facilities are destroyed 4 years following release of prisoner from confinement.

NOTE: Transfer of a prisoner from one facility to another is not construed as release from confinement. When a prisoner is transferred to another facility, his/her file is transferred with him/her.

Information on tape/disc is erased after 3 years.

Army Clemency Board case files are returned on completion of Board action to USACA or USDB, as appropriate, where they are retained for 90 days after prisoner's release from confinement or return to duty, following which they are retired to the National Personnel Records Center and maintained for 25 years before being destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0580.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the commander of the confinement/correctional facility, or to the Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

Individual should provide the full name, Social Security Number, and other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the confinement/correctional facility where a prisoner, or to the Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

Individual should provide the full name, Social Security Number, present, address, and dates of confinement and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual witnesses; victims; Military Police/U.S. Army Criminal Investigation Command personnel and/or reports; informants; various Federal, state and local investigative and law enforcement agencies; foreign governments; and other individual or organization that may supply pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0195–2aUSACIDC

SYSTEM NAME:

Source Register.

SYSTEM LOCATION:

Primary System is at Headquarters, U.S. Army Criminal Investigation Command, 5611 Columbia Pike, Falls Church, VA 22041–5015.

Segments of the system exist at subordinate elements of the U.S. Army Criminal Investigation Command which exercise local administrative and technical control of sources. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals, civilian or military, who are used as sources by the U.S. Army Criminal Investigation Command.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain cross indexed code numbers, name, race, military occupational specialty, sex, date and place of birth, home of record, educational level, area of utilization, civilian employment, handler, letters, vouchers, personal history, performance, citizenship, marital status, physical description, criminal history, expertise, talents, actions taken, and other related personal data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013.

PURPOSE(S):

To monitor performance and reliability; to check utilization of sources; to maintain an accounting of expenditures connected with the sources; to answer Congressional inquiries concerning misuse or mistreatment of sources or those who allege they are not sources; to document fear-of-life transfers for military sources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to foreign countries under the provisions of Status of Forces Agreements or Treaties.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card files, computer/magnetic tapes, disks, and paper printouts.

RETRIEVABILITY:

By individual's name, code number, or Military Occupational Specialty (MOS).

SAFEGUARDS:

All information is stored in locked containers within secured buildings; information is accessible only by designated officials having need therefore in the performance of official duties.

RETENTION AND DISPOSAL:

Records concerning Level I Drug Suppression Team sources are maintained for 10 years after termination of source's service. At Headquarters, U.S. Army Criminal Investigation Command, information concerning other sources is retained for 10 years after termination of source's service. At other locations of U.S. Army Criminal Investigation Command, source files and cross-index cards are retained for 3 years after termination of source's service; master source cards are retained until no longer needed to control or facilitate work. Destruction is by shredding. Retention period for automated records varies according to Headquarters, U.S. Army Criminal

Investigation Command and field element, but total retention does not exceed 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters, U.S. Army Criminal Investigation Command, 5611 Columbia Pike, Falls Church, VA 22041–5015.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Criminal Investigation command, 5611 Columbia Pike, Falls Church, VA 22041–5015.

For verification purposes, individual should provide the full name, date of birth, current address, and signature.

RECORD ACCESS PROCEDURES:

Individual seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Criminal Investigation Command, 5611 Columbia Pike, Falls Church, VA 22041–5015.

For verification purposes, individual should provide the full name, date and place of birth, current address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the military personnel records if the source is military, or the civilian personnel records if source is a civilian employee.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0195–2bUSACIDC

SYSTEM NAME:

Criminal Investigation and Crime Laboratory Files.

SYSTEM LOCATION:

Headquarters, U.S. Army Criminal Investigation Command, 5611 Columbia Pike, Falls Church, VA 22041–5015.

Segments exist at subordinate U.S. Army Criminal Investigation Command elements. Addresses may be obtained from the Commander, U.S. Army Criminal Investigation Command, 5611 Columbia Pike, Falls Church, VA 22041-5015.

An automated index of cases is maintained at the U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, 2301 Chesapeake Avenue, Baltimore, MD 21222–4099 and at the Defense Investigative Service, P.O. Box 1211, Baltimore, MD 21203–2111.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, civilian or military, involved in or suspected of being involved in or reporting possible criminal activity affecting the interests, property, and/or personnel of the U.S. Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, rank, date and place of birth, chronology of events; reports of investigation containing statements of witnesses, subject and agents; laboratory reports, documentary evidence, physical evidence, summary and administrative data pertaining to preparation and distribution of the report; basis for allegations; Serious or Sensitive Incident Reports, modus operandi and other investigative information from Federal, State, and local investigative agencies and departments; similar relevant documents. Indices contain codes for the type of crime, location of investigation, year and date of offense, names and personal identifiers of persons who have been subjects of electronic surveillance, suspects, subjects and victims of crimes, report number which allows access to records noted above; agencies, firms, Army and Defense Department organizations which were the subjects or victims of criminal investigations; and disposition and suspense of offenders listed in criminal investigative case files, witness identification data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013(g).

PURPOSE(S):

To conduct criminal investigations and crime prevention activities; to accomplish management studies involving the analysis, compilation of statistics, quality control, etc., to ensure that completed investigations are legally sufficient and result in overall improvement in techniques, training and professionalism.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information concerning criminal or possible criminal activity is disclosed to Federal, State, local and/or foreign law enforcement agencies in accomplishing and enforcing criminal laws; analyzing modus operandi, and detecting organized criminal activity. Information may also be disclosed to foreign countries under the provisions of the Status of Forces Agreements, or Treaties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; card files and indices; automated indices; computer magnetic tapes, disks, and printouts;

RETRIEVABILITY:

By name or other identifier of individual.

SAFEGUARDS:

Access is limited to designated authorized individuals having official need for the information in the performance of their duties. Buildings housing records are protected by security guards.

RETENTION AND DISPOSAL:

At Headquarters, U.S. Army Criminal Investigation Command (USACIDC), criminal investigative case files are retained for 40 years after final action, except that at USACIDC subordinate elements, such files are retained from 1 to 5 years depending on the level of such unit and the data involved. Laboratory reports at the USACIDC laboratory are destroyed after 5 years. Destruction is by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Criminal Investigation Command, 5611 Columbia Pike, Falls Church, VA 22041–5015.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, ATTN: CICR–FP, 2301 Chesapeake Avenue, Baltimore, MD 21222–4099.

For verification purposes, individual should provide the full name, date and place of birth, current address, telephone numbers, and signature.

RECORD ACCESS PROCEDURES:

Individual seeking access to information about themselves contained

in this system should address written inquiries to the Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, ATTN: CICR–FP, 2301 Chesapeake Avenue, Baltimore, MD 21222–4099.

For verification purposes, individual should provide the full name, date and place of birth, current address, telephone numbers, and signature.

RECORD SOURCE CATEGORIES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Suspects, witnesses, victims, USACIDC special agents and other personnel, informants; various Department of Defense, federal, state, and local investigative agencies; departments or agencies of foreign governments; and any other individual or organization which may supply pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0195–4USACIDC

SYSTEM NAME:

U.S. Army Criminal Investigation Fund Vouchers.

SYSTEM LOCATION:

Headquarters, U.S. Army Criminal Investigation Command, 5611 Columbia Pike, Falls Church, VA 22041–5015.

Segments of the system are located at U.S. Army Criminal Investigation Command subordinate elements; addresses for these may be obtained from the Commander, U.S. Army Criminal Investigation Command, 5611 Columbia Pike, Falls Church, VA 22041–5015.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Special agents of U.S. Army Criminal Investigation Command (USACIDC) or military police investigator of U.S. Army who have made expenditures or have requested reimbursement from USACIDC limitation .0015 contingency funds authorized by Army Regulation 37–47, Contingency Funds of the Secretary of the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, grade, reason for such expenditure, receipts (or certificates when receipts are unavailable), relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013(g).

PURPOSE(S):

To maintain proper accounting of the USACIDC .0015 contingency funds.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer magnetic tapes, and hard copy printouts.

RETRIEVABILITY:

By individual's name at USACIDC subordinate elements; by voucher number at Headquarters, USACIDC. Automated data is retrieved through routine and specially created programs to meet various management requirements.

SAFEGUARDS:

Access is limited to designated authorized individuals having official need for the information in the performance of their duties. Buildings housing records are protected by security guards.

RETENTION AND DISPOSAL:

Individual voucher, voucher register, subvoucher and supporting documents maintained at Headquarters, USACIDC are destroyed 1 year after inspection and clearance by Secretary of the Army; at other USACIDC subordinate elements, 1 year after inspection and clearance by Comptroller, USACIDC. Automated data are erased after a hard copy of the register is produced. Disposal of manual records is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Criminal Investigation Command, 5611 Columbia Pike, Falls Church, VA 22041–5015.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, ATTN: CICR–FP, 2301 Chesapeake Avenue, Baltimore, MD 21222–4099.

For verification purposes, individual should provide the full name, date and place of birth, current address, telephone numbers, and signature.

RECORD ACCESS PROCEDURES:

Individual seeking access to information about themselves contained in this system should address written inquiries to the Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, ATTN: CICR–FP, 2301 Chesapeake Avenue, Baltimore, MD 21222–4099.

For verification purposes, individual should provide the full name, date and place of birth, current address, telephone numbers, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, source, or the statement of third parties pertaining to the expenditure.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0195–6USACIDC

SYSTEM NAME:

Criminal Investigation Accreditation and Polygraph Examiner Evaluation Files.

SYSTEM LOCATION:

Headquarters, U.S. Army Criminal Investigation Command (USACIDC), 5611 Columbia Pike, Falls Church, VA 22041–5015. Information concerning polygraph examiners is located at the Crime Records Center, USACIDC, 2301 Chesapeake Avenue, Baltimore, MD 21222–4099 and subsequently at the Washington National Records Center, GSA, Suitland, MD 20746.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for entry into the USACIDC program as an apprentice special agent, a polygraph examiner, for supervisory credentials, for the USACIDC officer specialty program or warrant officer appointments; or for laboratory technician credentials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application, statement of personal history, personal identifiers, photographs, fingerprint cards,

qualifications record, biography, information pertaining to assignment capability or limitation, letters of recommendation, educational institutional documents, character investigation data, reclassification actions, reassignment orders, commander's inquiry data, reports of investigation, reasons for withdrawal from program, reason for denying application, date of acceptance into program, date appointed, date of accreditation, badge number, credential number, polygraph certificate number, agent sequence number, assignment, date assigned, marital status, and other data pertinent to the accreditation function, physical profile, date of last physical, assignment preference, transfer restrictions, job title, security clearance data, date of last background investigation, foreign language proficiency, special qualifications, service agreement, spouse's place of birth and citizenship, agent's place of birth, private licenses, hobbies, and last 10 assignments.

Polygraph examiner performance and evaluation data maintained at the Crime Records Center (CRC) include individual's name, personal history statement, certificate number, polygraph examination history, year of polygraph report, report of investigation or CRC cross reference number, type of examination, and monitor's comments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013(g) and E.O. 9397.

PURPOSE(S):

To determine applicant's acceptance into or rejection from the USACIDC program; continuing eligibility, placement or standing therein; and to manage and evaluate polygraph examination performance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, cards, magnetic tapes, disks, and paper printouts.

RETRIEVABILITY:

By individual's surname, agent sequence number, Social Security Number, badge/credential number, and polygraph certificate number.

SAFEGUARDS:

All records are maintained in buildings protected by security guards or a locked wire enclosure; information is accessed only by designated individuals having official need therefor in the performance of assigned duties.

RETENTION AND DISPOSAL:

Records of accepted applicants are retained until the individual retires, is released from active duty, or is removed from the USACIDC program; at that time, files are places in inactive storage at HQ USACIDC for 2 additional years and then stored at the Washington National Records Center for an additional 8 years before being destroyed by shredding. Records of rejected applicants are retained at HQ USACIDC for 1 year, then destroyed by shredding or burning. Information on Criminal Investigation Program Data Cards is maintained permanently. Information in automated media is retained for 90 days following termination of investigator's active status. Polygraph examination report information is retained for 3 years following closure or completion of the pertinent investigative report. Records of approved polygraph examiner certifications are retained at the CRC for 10 years after the examiner retires or is released from active duty, then destroyed by shredding or burning. Records of disapproved polygraph examiner certifications are retained at the CRC for 1 year, then destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Criminal Investigation Command, 5611 Columbia Pike, Falls Church, VA 22041–5015.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, ATTN: CICR–FP, 2301 Chesapeake Avenue, Baltimore, MD 21222–4099.

For verification purposes, individual should provide the full name, Social Security Number, date and place of birth, current address, telephone numbers, date of application to the program, sufficient details to locate the record, and signature.

RECORD ACCESS PROCEDURE:

Individual seeking access to information about themselves contained in this system should address written inquiries to the Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, ATTN: CICR–FP, 2301 Chesapeake Avenue, Baltimore, MD 21222–4099.

For verification purposes, individual should provide the full name, Social Security Number, date and place of birth, current address, telephone numbers date of application to the program, sufficient details to locate the record, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, individual's previous or present employers, financial institutions, relatives and former spouses, educational institutions, trade or fraternal organizations, neighbors past and present, work associates, social acquaintances, churches, public records, law enforcement and investigative agencies, Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2), (5), or (7) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0210–7aCFSC

SYSTEM NAME:

Vendor Misconduct/Fraud/ Mismanagement Information Exchange Program.

SYSTEM LOCATION:

Primary System is located at the U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA. Segments exist at Army activities and nonappropriated fund instrumentalities. Addresses of which may be obtained from the Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are identified in reports of vendor misconduct, fraud, or mismanagement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of individuals; companies represented; reports of misconduct, fraud or mismanagement in procurement efforts concerning military

VOL 58 ISS 33 FE 22 1993 UMI

installations/activities; similar relevant documents and reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012(g).

PURPOSE(S):

To provide management officials of nonappropriated fund activities and commissaries with timely and useful information regarding incidents of vendor misconduct, fraud, and/or mismanagement and of individuals involved in such incidents through the collection, exchange and dissemination of relevant information to DOD components so as to permit informed responsible procurement decisions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name of individual, vendor, or company.

SAFEGUARDS:

Records are maintained in combination lock file safes when not under personal supervision of responsible officials.

RETENTION AND DISPOSAL:

Destroyed two years after final determination is rendered on case.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301.

Individual should provide full name, name of company, current address and telephone number, sufficient detail concerning incident or event to facilitate locating the record, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301.

Individual should provide full name, name of company, current address and telephone number, sufficient detail concerning incident or event to facilitate locating the record, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Copies of reports of audits, inspections, administrative investigations (e.g., Army Regulation 15–6); summaries of criminal reports issued pursuant to Defense Acquisition Regulation 1–608 received from Army Staff agencies, major Army commands, or the Army and Air Force Exchange Service, and/or Department of Defense agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0210–7bCFSC

SYSTEM NAME:

Commercial Solicitation Ban Lists.

SYSTEM LOCATION:

Centralized list of commercial solicitors banned from Army installations is maintained at the U.S. Army Community and Family Support Center. Segments exist at Army installations where commanders have banned agents. Listing of those so banned is furnished to Major Army Commands; addresses may be obtained from the Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual whose on-base commercial solicitation privileges have been withdrawn.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, name of company represented, approval/disapproval of business solicitation action on Army posts, camps, and stations; requests for and authorization of accreditation and removal of accreditation of companies, agents, vendors, salesmen, and solicitors; related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To maintain listing of agents/companies whose business solicitation privileges have been banned or suspended from military bases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By agent's/company's name.

SAFEGUARDS:

Records are maintained in secured areas accessible only to designated officials having need therefor in the performance of their official duties.

RETENTION AND DISPOSAL:

Records supporting the denial or suspension of solicitation privileges are retained for 10 years and then destroyed by shredding. Auxiliary and/or non-adverse action records are retained until no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301 or to the installation commander who banned their solicitation privileges.

Individual should provide full name, name of company represented, current address and telephone number, sufficient details to permit locating the records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Community and Family Support Center 2461 Eisenhower Avenue, Alexandria, VA 22331–0301.

Individual should provide full name name of company represented, current

address and telephone number, sufficient details to permit locating the records, and signature.

CONTESTING RECORD PROCEDURES:

The army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Agent's/company's name, circumstances leading to banning action, investigatory reports, other Army records and reports, similar relevant documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0210–7DAMO

SYSTEM NAME:

Expelled or Barred Person Files.

SYSTEM LOCATION:

Records are maintained at the Army installation initiating the expulsion or debarment action.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen who is expelled or barred from an Army installation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of individual, expulsion orders, investigative reports and supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 1382 and E.O. 9397.

PURPOSE(S):

To assist the commander in carrying out responsibilities required by 18 U.S.C. 1382.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Distribution and access to files are based on strict need-to-know. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

RETENTION AND DISPOSAL:

Destroyed on revocation or upon discontinuance.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquires to the Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

Individual should provide the full name, Social Security Number, address, details concerning the expulsion or debarment action, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

Individual should provide the full name, Social Security Number, address, details concerning the expulsion or debarment action, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Subjects, witnesses, victims, Military Police and U.S. Army Criminal Investigations Command personnel and special agents, informants, various Department of Defense, federal, state and local investigative and law enforcement agencies, departments or agencies of foreign governments; and any other individuals or organizations which may supply pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0210–10TAPC

SYSTEM NAME:

Departure Clearance Files.

SYSTEM LOCATION:

Administrative offices of Army Staff agencies, field operating commands, installations, or activities, Army-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Army military and civilian personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

DA Form 137 (Installation Clearance Record), copy of receipts or documents evidencing payment of telephone bills, return of material held on memorandum receipt, and similar clearance matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013.

PURPOSE(S):

To verify that an individual has obtained clearance from the Army Staff agency or installation's facilities and has accomplished his/her personal and official obligations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By surname of departing individual.

SAFEGUARDS:

Information is accessed only by designated persons having official need therefor.

RETENTION AND DISPOSAL:

Destroyed after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the administrative office of the installation/activity to which the individual had been assigned.

Individual should provide the full name, departure date, location of last employing office, and signature.

VOL 58 ISS 33 FE 22 1993 UMI

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the administrative office of the installation/activity to which the individual had been assigned.

Individual should provide the full name, departure date, location of last employing office, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0210–50CE

SYSTEM NAME:

Army Housing Operations Management System.

SYSTEM LOCATION:

Engineering and Housing Support Center, Kingman Building, ATTN: CEHSC-H, Fort Belvoir, VA 22060–5516.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel, their dependents; Department of Defense or other key civilian personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for on/off post housing containing name, service/Social Security Number, rank/grade and date, service data, organization of assignment, home address and telephone number; locator data; appropriate travel orders; records reflecting housing availability/assignment/termination; housing financial records; referral services; property inventories, hand receipts, and issue slips; cost control, job orders; survey data; reports of liaison with real estate boards, realtors, brokers and other Government agencies; other management reports regarding the Army housing system, complaints and investigations; and similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133 and 2674; DOD Instructions 1100.16, 4165.27, 4165.34, 4165.43, 4165.44, 4165.47 and 4165.51 and E.O. 9397.

PURPOSE(S):

To provide information relating to the management, operation, and control of the Army housing program; to provide necessary housing for military personnel, their dependents, and qualified civilian employees; to determine housing adequacy/suitability; to document cost data for alterations/repair of units; to establish rental rates; to provide guidance and referral service; to reflect liaison with real estate boards, brokers, and other Government agencies; to render reports; to investigate complaints and related matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records; cards; computer tapes, discs, and printouts.

RETRIEVABILITY:

By individual's surname, facility name or number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized persons having official need therefor, housed in buildings protected by security guards or locked when not in use. Information in automated media is further protected by physical security devices; access to or update of information in the system is protected through a system of passwords, thereby preserving integrity of data.

RETENTION AND DISPOSAL:

Installation troop housing files are destroyed after 3 years; installation housing project tenancy files are destroyed 3 years after termination of quarters occupancy; family housing cost controls are destroyed 11 years after last entry; family housing leasing files are destroyed 3 years after lease terminates, is canceled, lapses, or after any litigation is concluded; family housing rental rates are destroyed after 10 years; housing referral services are destroyed after 5 years; off-post rental housing reports are destroyed after 2 years; off-post housing complaints and investigations are destroyed 5 years after completion at office having Army-wide responsibility, and at other offices complaint and investigation records are destroyed 2 years after completion.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Engineers, Headquarters, Department of the Army, Washington, DC 20314–1000.

NOTIFICATION PROCEDURE:

Information may be obtained from the Director of Engineering and Housing at appropriate installations.

RECORD ACCESS PROCEDURES:

An individual's request may be addressed to the Director of Industrial Operations at the appropriate installation, and contain his/her name and address and last assignment location.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, his/her personnel records, tenants/landlords and realty activities, financial institutions, and previous employers/commanders.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0210–60SAFM

SYSTEM NAME:

Check Cashing Privilege Files.

SYSTEM LOCATION:

All Army installations/activities with facilities to cash checks.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons whose checks, written at Army facilities, have been dishonored and/or whose check cashing privileges have been suspended or revoked.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents related to advancing, revoking, or suspending, restoring and general supervision of check cashing privileges. Included are letters to individuals about bad checks, warnings that a recurrence may result in withdrawing check cashing privileges, notices from banks that the bank was in error, notices to activities that check cashing privileges have been suspended or withdrawn, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To determine individuals to be denied check cashing privileges at installation check cashing facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Lists of persons whose privileges have been suspended or withdrawn may be disclosed to banks or credit unions operating on Army installations so that the financial facilities can, if they wish, withhold check cashing privileges from those individuals.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards, paper records in file folders, and computer tapes.

RETRIEVABILITY:

By individual's name or Social Security Number.

SAFEGUARDS:

Files are maintained in areas accessible only to authorized persons having an official need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Destroyed 3 years after individual has made restitution for dishonored check.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Army, U.S. Army Finance and Accounting Center, Fort Benjamin Harrison, IN 46249–0601.

NOTIFICATION PROCEDURE:

Information may be obtained from the installation commander where check was cashed.

Individual should provide full name, Social Security Number, details relevant to the incident, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records pertaining to themselves should write to the installation commander where check was cashed.

Individual should provide full name, Social Security Number, details relevant to the incident, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the dishonored check, the individual, banking facilities.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0210–130DALO

SYSTEM NAME:

Laundry and Dry Cleaning Accounting Files.

SYSTEM LOCATION:

All laundries at Army installations world-wide. DA Form 3799 is maintained also at U.S. Army Finance and Accounting Center, Indianapolis, IN 46249–0601.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel who are authorized payroll deduction service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application for laundry and/or dry cleaning start or stop deductions (DA Form 3799), laundry mark, organizational code number, amount deducted from pay monthly for laundry or dry cleaning service, date, and organization name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To determine patrons authorized laundry and dry cleaning service, to verify receipt and shipment of individual laundry bundles, and amount of money deducted from soldier's pay; for management and statistical reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets; magnetic tape.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessible only to authorized individuals having need therefor.

RETENTION AND DISPOSAL:

Records are retained for 1 year, after which they are destroyed by shredding/erasing, DA Form 3799 is retained indefinitely until laundry or dry cleaning service is canceled by the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Logistics, The Pentagon, Washington, DC 20310–0510.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Laundry Facility at the Army installation/activity where service was obtained.

Individual should provide name and pertinent data that will facilitate locating the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Laundry Facility at the installation providing service.

Individual should provide name and pertinent data that will facilitate locating the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual and DA Form 3799.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0210–190TAPC

SYSTEM NAME:

Individual Gravesite Reservation Files.

SYSTEM LOCATION:

Commander, Military District of Washington, Fort Lesley J. McNair, Washington, DC 20319–5000; Soldiers' and Airmen's Home National Cemetery, Washington, DC 20011; Commander, U.S. Total Army Personnel Command, Alexandria, VA 22332–0400 for selective Army post cemeteries.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and former Armed Forces personnel and their dependents who reserved grave plots in either Arlington National Cemetery Soldiers' Home

National Cemetery, or Army post cemeteries prior to 1961.

CATEGORIES OF RECORDS IN THE SYSTEM:

Gravesite reservations (DA Forms 2122, 2123); reservist's name, address, number and section of grave reserved, military service, or relationship to service member.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013.

PURPOSE(S):

To maintain records of individuals holding gravesite reservations in Army national or post cemeteries made prior to 1961; to conduct periodic surveys to determine validity of such reservations; to respond to inquiries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; cards.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Destroyed when gravesite reservation is used or canceled.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Military District of Washington, Fort Lesley J. McNair, Washington, DC 20319–5000; Soldiers' and Airmen's Home National Cemetery, Washington, DC 20011; Commander, U.S. Total Army Personnel Command, Alexandria, VA 22332–0400 for selective Army post cemeteries.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this records system should address written inquiries to the appropriate system manager.

Individual should provide sufficient details to permit locating pertinent records and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the appropriate system manager.

Individual should provide sufficient details to permit locating pertinent records and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the reservist, his/her representative or next-of-kin; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0215CFSC

SYSTEM NAME:

General Morale, Welfare, Recreation and Entertainment Records.

SYSTEM LOCATION:

Major Army commands, field operating agencies, installations and activities, Army-wide. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel, their families, other members of the military community, certain DOD civilian employees and their families overseas, certain military personnel of foreign nations and their families, personnel authorized to use Army-sponsored Morale, Welfare, Recreation (MWR) services, youth services, athletic and recreational services, Armed Forces Recreation Centers, Army recreation machines, and/or to participate in MWR-type activities; professional entertainment groups recognized by the Armed Forces Professional Entertainment Office; Army athletic team members; ticket holders of athletic events; units of national youth groups such as Boy Scouts, Girl Scouts, and 4–H Clubs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and other pertinent information of members, participants, patrons, and other authorized users. Other ancillary information such a travel vouchers, security check results and orders will be kept in the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

To administer programs devoted to the mental and physical well-being of Army personnel and other authorized users; to document the approval and conduct of specific contests, shows, entertainment programs, sports activities/competitions, and other MWR-type activities and events sponsored or sanctioned by the Army. Relevant information on an individual may be disclosed for bona fide purposes such as marketing and promoting MWR, entertainment programs, and to sports, educational, athletic, and similar-related organizations conducting equivalent MWR-type activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, cards, magnetic tapes, discs, computer printouts, and similar media.

RETRIEVABILITY:

By name, Social Security Number, or other individual identifying characteristics.

SAFEGUARDS:

Records are kept in buildings secured during non-duty hours and accessed by only designated persons having official need therefor.

RETENTION AND DISPOSAL:

All documents are destroyed after 2 years, unless required for current operation.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0521.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Morale and Welfare office at the installation or activity where assigned.

Individuals must provide name, rank, Social Security Number, proof of identification, and any other pertinent information necessary.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained

in this system should address written inquiries to the Morale and Welfare office at the installation or activity where assigned.

Individuals must provide name, rank, Social Security Number, proof of identification, and any other pertinent information necessary.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 343–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual or group receiving the service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0215–1CFSC

SYSTEM NAME:

Nonappropriated Fund Employee Insurance and Retirement Files.

SYSTEM LOCATION:

U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army nonappropriated fund (NAF) employees who participate in the NAF Group Insurance and Retirement Plan.

CATEGORIES OF RECORDS IN THE SYSTEM:

Monthly and cumulative insurance and retirement deductions for each employee; name and Social Security Number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95–595; 26 U.S.C. 401a; and E.O. 9397.

PURPOSE(S):

To substantiate initial enrollment and subsequent change in the NAF Group Insurance and Retirement Plan; to verify monthly deductions and to compute annuities, refunds, and death benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes/discs, microfiche, paper records.

RETRIEVABILITY:

By individual's surname within each NAF activity.

SAFEGUARDS:

Records are located in controlled areas within building having security guards; information is accessed only by individuals who are properly cleared and trained and have need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Paper files maintained by the Community and Family Support Center are destroyed 1 year after microfilming or earlier after accuracy of microfilm is verified. Microfilmed files are destroyed after 56 years. Other offices destroy the records after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Community and Family Support Center, ATTN: CFSC-HR-PB, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Community and Family Support Center, ATTN: CFSC-HR-PB, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500.

Individual should provide the full name, Social Security Number, NAF activity where employed, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Community and Family Support Center, ATTN: CFSC-HR-PB, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500.

Individual should provide the full name, Social Security Number, NAF activity where employed, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual and NAF personnel officers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0215–1aSAFM

SYSTEM NAME:

Nonappropriated Funds Central Payroll System (NAFCPS).

SYSTEM LOCATION:

System Proponent: Assistant Comptroller of the Army for Finance and Accounting, ATTN: DACA-FAP-N, Indianapolis, IN 46249–1056; NAFCPS is operational at two sites: Central Nonappropriated Funds Payroll Office, P.O. Box 75, Texarkana, TX 75504–0075, and the Nonappropriated Funds Central Payroll Division, U.S. Army Finance and Accounting Center Europe, APO AE 09007–0137.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees of the Department of the Army, Defense Logistics Agency, and Panama Local Nationals who are paid from nonappropriated funds (NAF).

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual records of appointment or assignment; officially authenticated time and attendance records, supported by substantiating documents; individual leave records, payroll control files, individual withholding authorization files, withholding tax exemption certificate files, withholding tax files, savings bond schedule files, other deduction type files, payroll journal and check register, earnings statement, earnings records, tips received, earnings and leave statements, subsistence and quarters files, unemployment compensation data request files, health and life insurance files, income tax withheld, employer and employee Federal Insurance Contributions Act files, Employer Quarterly Federal Tax Return, state tax files, local tax files, Fair Labor Standards Act files, and total employer liability for accrued leave at separation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 2105, 5531, 5533; Pub. L. 92–203; Fair Labor Standards Act; and E.O. 9397.

PURPOSE(S):

To calculate the net pay due each employee; provide a history of pay transactions, entitlements and deductions; maintain a record of leave accrued and taken; keep a schedule of

bonds due and issued; record taxes paid; respond to inquiries or claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data required by law, e.g., employees' earnings, taxes withheld, Federal Insurance Contributions Act contributions, are provided to the Treasury Department, the Social Security Administration, Internal Revenue Service, states and localities which have an agreement with the Department of the taxable earnings information.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f), the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), or Title III, Section 301 of Pub. L. 97–253, the 1982 Omnibus Reconciliation Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and bulk storage, magnetic tapes, discs, microfilm, microfiche, and computer printouts.

RETRIEVABILITY:

By individual's Social Security Number within each nonappropriated fund Standard NAF Number (installation, fund, location, and department code).

SAFEGUARDS:

Files are maintained in areas accessible only to designated personnel who have need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Individual pay records are permanent; they are forwarded to the National Personnel Records Center after three years; they are retained at servicing payroll office while individual is actively employed. Upon separation or termination of employment, files are placed in an inactive status and retained 18 months after close of pay year. Leave records are retained 10 years and then destroyed. Other management and accounting information reports are retained from one to three years before destruction.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Comptroller of the Army for Finance and Accounting, ATTN: DACA-FAP-N, Indianapolis, IN 46249–1056.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Central NAF Payroll Office, P.O. Box 75, Texarkana, TX 75504–0075, or Commander, U.S. Army Finance and Accounting Center Europe, ATTN: AEUTCF-NAF, APO AE 09007–0137.

Individual should furnish full name, Social Security Number, period and location of employment, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Central NAF Payroll Office, P.O. Box 75, Texarkana, TX 75504–0075, or Commander, U.S. Army Finance and Accounting Center Europe, ATTN: AEUTCF-NAF, APO AE 09007–0137.

Individual should furnish full name, Social Security Number, period and location of employment, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Time and Attendance reports, former employers, Social Security Administration, Treasury Department, DOD staff agencies and field installation, Government benefit programs, servicing civilian personnel offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0215–1bSAFM

SYSTEM NAME:

Nonappropriated Fund Accounts Receivable System.

SYSTEM LOCATION:

Nonappropriated Fund (NAF) activities at Army installations world-wide. Official mailing addresses are published as an appendix to the Army's compilation of system of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and past users of nonappropriated fund instrumentalities (NAFI) whose accounts show balances other than zero. Persons using Post billeting facilities on a fee paid basis (bachelor officer quarters, visitor officer quarters and guest house facilities) and persons no longer using such facilities whose accounts have other than zero balances. Any individual having a statement of account for the billing period, individuals occupying government housing at any military installation. Individual class B telephone subscribers. Members, customers or civilians having 30 day credit terms for charge sales and/or dues obligations to NAF activities. All persons whose accounts have been dishonored by banking institutions and their checks returned to NAF activities. Individuals who have cash loans charged to their accounts and any other debtor to a nonappropriated fund instrumentality (NAFI).

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, rank, amount of charges, billings of items or services furnished, subsidiary ledgers containing detail of services billed and paid by individual; work order forms, invoice listings, monthly receipt vouchers, date and method of payment, file of billings associated with returned/dishonored checks, and relevant similar documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3511, 3512, 3513, 3514; 10 U.S.C. 2481 and 3012; 5 U.S.C. 5514 and 5101; 26 U.S.C. 6103(m)(2) IRC; 31 U.S.C. 3716; and E.O. 9397.

PURPOSE(S):

To maintain current rosters as subsidiary records for accounts receivable and cash accountability control; to provide monthly statements to customers. To provide ledger balances for activity financial statements. To prepare aged listing of accounts receivable, 30, 60, and 90 days. To answer inquiries of members on account status and specific transactions.

To permit collection of debts owed to a nonappropriated fund instrumentality.

Records in this system of records are subject to use in authorized approved computer matching programs regulated under the Privacy Act of 1974 (5 U.S.C. 552a), as amended, for debt collection.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USERS:

Records on individuals contained in this system of records may be disclosed:

To the General Accounting Office and the Department of Justice for collection action for any delinquent account when circumstances warrant.

To a commercial credit reporting agency for the purpose of either adding to a credit history file or obtaining a

credit history file for use in the administration of debt collection.

To a debt collection agency for the purpose of collection services to recover indebtedness owed to an Army nonappropriated fund instrumentality.

To any other Federal agency for the purpose of effecting salary offset procedures under the provisions of 5 U.S.C. 5514, against a person employed by that agency when any creditor Army nonappropriated fund instrumentality has a claim against the person.

To any other Federal agency including, but not limited to, the Internal Revenue Service and Office of Personnel Management for the purpose of effecting an administrative offset, as defined at 31 U.S.C. 3701, of a debt.

To the Internal Revenue Service (IRS) under the provisions of 26 U.S.C. 6103(m)(2) IRC to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim against the taxpayer.

NOTE: Disclosure of a mailing address from the IRS may be made only for the purpose of debt collection, including to a debt collection agency in order to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982, except that a mailing address to a consumer reporting agency is for the limited purpose of obtaining a commercial credit report on the particular taxpayer. Any such address information obtained from the IRS will not be used or shared for any other DOD purpose or disclosed to another Federal, state or local agency which seeks to locate the same individual for its own debt collection purpose.

To any other Federal, state or local agency for the purpose of conducting an authorized computer matching program to identify and locate delinquent debtors for recoupment of debts owed an Army nonappropriated fund instrumentality.

Any information in this system concerning an individual may be disclosed to a creditor Federal agency requesting assistance for the purpose of initiating debt collection action by way of a salary or administration offset against the individual.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of system of records notices apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1966 (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (Social Security Number); the amount, status, and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING AND REPORTING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes and/or discs by account in numerical and alphabetical order; computer hard copy printouts filed in binders; copies of statements filed in folders.

RETRIEVABILITY:

By customer name and SSN.

SAFEGUARDS:

Records are maintained in lock-type cabinets within storage areas accessible only to authorized personnel. Personnel having access are limited to those having an official need-to-know who have been trained in handling personal information subject to the Privacy Act.

RETENTION AND DISPOSAL:

Destroyed after 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Finance and Accounting Service - Indianapolis Center, ATTN: DFAS-IN-PN, Indianapolis, IN 46249–1056.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the custodian of nonappropriated funds activities at the installation where record is believed to exist. Official mailing addresses are published as an appendix to the Army's compilation of system of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records contained in this system of records should address written inquiries to the appropriate nonappropriated fund activity custodian. Official mailing addresses are published as an appendix to the Army's compilation of system of records notices.

Individual should furnish their full name, Social Security Number, and account number.

CONTESTING RECORD PROCEDURES.

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From daily transaction registers/ journals received from billeting officer, signal officer, and/or club officers; from the Department of the Treasury and the Defense Manpower Data Center.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0215–2aCFSC

SYSTEM NAME:

Army Club Membership Files.

SYSTEM LOCATION:

Decentralized at Army installations; files are maintained by the officers, noncommissioned, or other military club managers at Army installations having club activities. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military (active Reserve, retired), personnel, their dependents, and/or civilian employees who apply for membership in any Army club.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, address, phone number, name of spouse, credits, merchandise code, date of purchase, card number, club bill, and similar related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 and E.O. 9397.

PURPOSE(S):

To administer club accounts, prepare billings, collect monies, and disseminate information concerning club activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards, magnetic tape/disc, computer printouts.

VOL 58 ISS 33 FE 22 1993 UMI

RETRIEVABILITY:

By member's name, Social Security Number, or club membership number.

SAFEGUARDS:

Information is maintained in secured areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Retained as long as member is active; destroyed 3 years after membership is discontinued.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Community and Family Support Center, ATTN: CFSC–BP, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500.

Individual should provide the full name, Social Security Number, present address, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the club of which a member or to the Commander, U.S. Army Community and Family Support Center, ATTN: CFSC–BP, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500.

Individual should provide the full name, Social Security Number, present address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0215–2bCFSC

SYSTEM NAME:

Commercial Entertainment Transaction Records.

SYSTEM LOCATION:

Installation and area clubs; other membership associations, nonappropriated fund activities and instrumentalities; Armed Forces recreation centers throughout the Army; United States Army Europe and Korea commercial/entertainment offices. Address may be obtained from the Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual performers, members of entertainment groups or their agents who may be members of the United States Forces and/or their dependents, civilian components of U.S. Forces and/or their dependents, and other U.S. citizens or foreign nationals.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name of individual or group, Social Security Number of individual, type of entertainment, passport number, nationality, location of performances, agent code, performance/band information, fees charged, payment records, individual contract number, performance information and date, and code of the non-appropriated fund activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To register individual/group entertainers appearing at non-appropriated fund activities or instrumentalities, clubs, associations or recreation centers; to issue pay and supporting documents incident to contract for such entertainers; to account for monies of open messes and clubs for entertainment purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; punch cards, magnetic tapes and discs, and computer printouts.

RETRIEVABILITY:

By Social Security Number, agent code or band code.

SAFEGUARDS:

Buildings housing records employ security guards. Paper files, computer cards, and printouts are stored in areas accessible only to authorized personnel; offices and buildings are locked during non-duty hours. Access to computer is limited to individuals who are properly cleared and trained.

RETENTION AND DISPOSAL:

Records are retained for 6 years; then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500.

Individual should provide full name of the individual, agent code (if applicable), Social Security Number and/or passport number, and the time period and performance date involved.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500.

Individual should provide full name of the individual, agent code (if applicable), Social Security Number and/or passport number, and the time period and performance date involved.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual entertainer and agent.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0215–3DAPE

SYSTEM NAME:

NAF Personnel Records.

SYSTEM LOCATION:

Civilian Personnel Offices and at Army installations; National Personnel Records Center, (Civilian), 111 Winnebago Street, St. Louis, MO 63118–4199. Where duplicates of these records are stored in a second office, e.g., an

administrative office closer to where the employee actually works, this notice applies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have applied for employment with, are employed by, or were employed by nonappropriated fund (NAF) activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for employment, documents relating to testings, ratings, qualifications, prior employment, appointment, suitability, security, retirement, group insurance, medical certificates; performance evaluations; job descriptions; training and career development records; awards and commendations data, tax withholding authorizations; documents relating to injury and death compensation, unemployment compensation, travel and transportation, reduction-in-force, adverse actions, conflict-of-interest and/or conduct, and similar relevant matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

These records are maintained to carry out a personnel management program for Department of the Army non-appropriated fund instrumentalities. Records are used to recruit, appoint, assign, pay, evaluate, recognize, discipline, train and develop, and separate individuals; to administer employee benefits; and to conduct labor-management relations, employee-management relations, and responsibilities inherent in managerial and supervisory functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to appropriate Federal agencies such as the Office of Personnel Management, Department of Labor, Department of Justice, General Services Administration, General Accounting Office, to resolve and/or adjudicate matters falling within their jurisdiction.

Records may also be disclosed to labor organizations in response to requests for names of employees and identifying information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, kardex files.

RETRIEVABILITY:

By individual's surname or Social Security Number.

SAFEGUARDS:

Records are maintained in areas restricted to authorized persons having official need therefor; all information is regarded as if it were marked 'For Official Use Only'.

RETENTION AND DISPOSAL:

Records are permanent; after employee separates, records are retired to the National Personnel Records Center (Civilian), 111 Winnebago Street, St. Louis, MO 63118–4199 within 30 days. Copies of these records maintained in an administrative office or by the supervisor are retained until the employee transfers or separates; destroyed 30 days later.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC, 20310–4000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the local Civilian Personnel Officer; former nonappropriated fund employees should write to the National Personnel Records Center (Civilian) 111 Winnebago Street, St. Louis, MO 63118–4199.

Individual should provide his/her full name, current address and telephone number, a specific description of the information/records sought, and any identifying numbers such as Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the local Civilian Personnel Officer; former nonappropriated fund employees should write to the National Personnel Records Center (Civilian) 111 Winnebago Street, St. Louis, MO 63118–4199.

Individual should provide his/her full name, current address and telephone number, a specific description of the information/records sought, and any identifying numbers such as Social Security Number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the applicant; statements or correspondence from persons having knowledge of the individual; official records; actions affecting individual's employment and/or pay.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0220–1USSOCOM

SYSTEM NAME:

Military Personnel Data File, USSOCOM.

SYSTEM LOCATION:

U.S. Special Operations Command, MacDill Air Force Base, FL 33608–6001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Army, Navy, Marine Corps, and Air Force personnel assigned for duty with U.S. Special Operations Command (USSOCOM).

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's name, Social Security Number, rank, pay grade, date of rank, branch of service, Army officer branch, basic active service date, basic pay entry date, date of birth, organization and division, primary and secondary military specialty, duty MOS/AFSC, marital status, officer evaluation report/enlisted efficiency report date, reserve regular officer status, duty telephone number, home address and telephone number, spouse's name, date arrived at USSOCOM, projected loss date, expiration term of service, foreign service availability code, human personal reliability screening data, language proficiency, enlisted evaluation report weighted average, name of OER/EER rater, duty title, permanent grade, date of rank, rated category, highest professional military and civilian education, source of commission, mandatory retirement date (officers).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 and E.O. 9397.

PURPOSE(S):

To maintain a consolidated joint personnel file pertaining to Army, Navy, Marine Corps, and Air Force personnel. Although each service has its own personnel records system, USSOCOM requires basic personnel data for Command Manning Rosters and similar management purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The system is an on-line disc resident application with back-up maintained on magnetic tape.

RETRIEVABILITY:

Standard reports and ad hoc retrievals are generated via remote terminals using a data management system. Updates and record browsing may be accomplished in the interactive mode through keying by Social Security Number.

SAFEGUARDS:

All operators have Passwords which are required for access to the computer file. All output products bear Privacy Act labels.

RETENTION AND DISPOSAL:

Personnel data are deleted upon departure of the individual from USSOCOM.

SYSTEM MANAGER(S) AND ADDRESS:

Commander in Chief, U.S. Special Operations Command, MacDill AFB, Florida 33608–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander in Chief, U.S. Special Operations Command, ATTN: Director of Personnel (SOJ1–P), MacDill AFB, Florida 33608–6001.

Individual should provide the full name, Social Security Number, and military status or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to record about themselves contained in this system should address written inquiries to Commander in Chief, U.S. Special Operations Command, ATTN: Director of Personnel (SOJ1–P), MacDill AFB, Florida 33608–6001.

Individual should provide the full name, Social Security Number, and military status or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing agency determinations are published in Department of the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From official military personnel records of the individual upon his/her reporting to USSOCOM for duty.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0340JDMSS

SYSTEM NAME:

HQDA Correspondence and Control/ Central Files System.

SYSTEM LOCATION:

Office, Secretary of the Army; Office, Chief of Staff; Headquarters, Department of the Army Staff agencies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who either initiated, or are the subject of, communications with the Headquarters, Department of the Army.

Inquiries, with referrals and responses, and other communications pertaining to any function or subject involving or of interest to Headquarters, Department of the Army level. Records may include, but are not restricted to, complaints, appeals, grievances, investigations, alleged improprieties, personnel actions, medical reports, intelligence, and similar matters. They may be either specific or general in nature and may include such personal information as an individual's name, Social Security Number, date and/or place of birth, description of events or incidents of a sensitive or privileged nature, commendatory or unfavorable data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 3012.

PURPOSE(S):

To control correspondence, document actions taken, and locate records for reference purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

NOTE: Disclosure of information from documents or records which properly become part of another system of records will be as authorized in the 'routine uses' portion of that system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and/or microfiche in Office, Secretary of the Army; Office, Chief of Staff Army, and those Army Staff (ARSTAF) agencies having primary functional responsibility for the subject matter being addressed. Selected identification data are stored in the automated index central computer facility.

RETRIEVABILITY:

Paper records are retrieved by date; microfiche is retrieved by subject (based on Alpha Numeric Filing System) and within the subject, is individually identified by cartridge number, year and sequence number and personal names if appropriate. Primary access to the automated index is accomplished through a document control number.

SAFEGUARDS:

Records are controlled; access to information from specified documents is restricted to persons who have been designated by their agency to have official need for the information in the performance of their duties. ARSTAF agencies are linked to the automated index by on-line terminals, thereby sharing a common data base, but do not have access to the record itself.

File areas within the Secretariat and the Office, Chief of Staff and certain ARSTAF file areas are protected by electronic surveillance systems with combination lock doors; all other file areas (within ARSTAF) are protected consistent with the sensitivity of Privacy Act data included therein. Users of the system receive training designed to preclude misuse or unauthorized disclosure of information.

RETENTION AND DISPOSAL:

Non-policy documents are kept 10 years. They are converted to microform and destroyed after verification that the microform is an acceptable substitute for the original document. The hard copy and microform remain in current files area for 2 years after completion of action, then are retired to the Washington National Records Center (WNRC).

Policy action files are permanent. Original documents are converted to microform. The hard copy and microform remain in current files area for 2 years, then are retired to WNRC. The hard copy is destroyed at a future date after the microform is properly certified to meet archival standards set by General Services Administration.

Information in the automated index is kept permanently. At the beginning of each calendar year the index of all permanent documents added to the central file that year is transferred to tape. The tape is kept in-house to support Army operations and is destroyed when no longer needed for current operations. A duplicate copy of that tape is transferred to the Machine Readable Archives, National Archives and Records Service, GSA.

SYSTEM MANAGER(S) AND ADDRESS:

The Administrative Assistant to the Secretary of the Army: For OSA records.

The Director of the Army Staff for Communications directed to the Office of the Chief of Staff, Army.

Heads of Army Staff agencies for records in their functional areas.

All of the above officials are located in The Pentagon, Washington, DC 20310–0200 (except for the Chief of Engineers who is located at the Pulaski Building, Washington, DC 20314–1000).

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the system manager having functional responsibility or interest.

Individual should provide full name, Social Security Number, current address, details that will assist in identifying the records sought, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the system manager having functional responsibility or interest.

Individual should provide full name, Social Security Number, current address, details that will assist in identifying the records sought, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; correspondence emanating within the Army Secretariat, the Office, Chief of Staff, and ARSTAF agencies; other Federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of the records in this system may be exempted under 5 U.S.C. 552a(k)(1) through (k)(7) from the following provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f). Documents are generated by other elements of the Army or are received from other agencies and individuals. Because of the broad scope of the contents of this system and since the introduction of documents is largely unregulatable, specific portions or documents that may require an exemption cannot be predetermined. Therefore, and to the extent that such material is received and maintained, selected individual documents may be exempted from disclosure under any of the provisions of subsections (k)(1) through (k)(7), Title 5, U.S.C. 552a.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0340–21SAIS

SYSTEM NAME:

Privacy Case Files.

SYSTEM LOCATION:

These records exist at Headquarters, Department of the Army, staff and field operating agencies, major commands, installations and activities receiving Privacy Act requests. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Records also exist in offices of Access and Amendment Refusal Authorities when an individual's request to access and/or amend his/her record is denied. Upon appeal of that denial, record is maintained by the Department of the Army Privacy Review Board.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who request information concerning themselves which is in the custody of the Department of the Army or who request access to or amendment of such records in accordance with the Privacy Act of 1974, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents notifying requesters of the existence of records on them, providing or denying access to or amendment of records, acting on appeals or denials to provide access or amend records, and providing or developing information for use in litigation; Department of the Army Privacy Review Board minutes and actions; copies of the requested and amended or unamended records; statements of disagreement; and other related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a, the Privacy Act of 1974, as amended and 10 U.S.C. 3012.

PURPOSE(S):

To process and coordinate individual requests for access and amendment of personal records; to process appeals on denials of requests for access or amendment to personal records by the data subject against agency rulings; and to ensure timely response to requesters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; microfilm.

RETRIEVABILITY:

By name of requester on whom the records pertain.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Approved requests, denials that were not appealed, denials fully overruled by appellate authorities and appeals adjudicated fully in favor of requestor are destroyed after 4 years. Appeals denied in full or in part are destroyed after 10 years, provided legal proceedings are completed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Information Systems for Command, Control, Communications, and Computers, ATTN: SAIS–IDP, Department of the Army, Washington, DC 20310–0107.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director of Information Systems for Command, Control, Communications, and Computers, ATTN: SAIS–IDP, Department of the Army, Washington, DC 20310–0107.

For verification purposes, individual should provide full name, date and place of birth, current address and other

personal information necessary to locate the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the office that processed the initial inquiry, access request, or amendment request. Individual may obtain assistance from the Director of Information Systems for Command, Control, Communications, and Computers, ATTN: SAIS–IDP, Department of the Army, Washington, DC 20310–0107.

For verification purposes, individual should provide full name, date and place of birth, current address and other personal information necessary to locate the record. Personal visits may be made to the office maintaining the records upon presentation of acceptable identification, such as a valid driver's license, and furnishing verbal information that can be verified from the individual's case file.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Army organizations, Department of Defense components, and other Federal, state, and local government agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The majority of records in this system are not exempted. Copies of documents residing in the office of an Access and Amendment Refusal Authority having a law enforcement mission which fall within (j)(2) are exempted from the following provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f), and (g).

Copies of documents maintained by the Department of the Army Privacy Review Board and by those Access and Amendment Refusal Authorities not having a law enforcement mission which fall within 5 U.S.C. 552a (k)(1) through (k)(7) are exempt from the following provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f).

A0350–1DAMI

SYSTEM NAME:

INSCOM, Personal Qualification and Training Profile.

SYSTEM LOCATION:

United States Army Intelligence and Security Command, Fort Belvoir, VA, 22060–5370.

CATEGORIES OR INDIVIDUALS COVERED BY THE SYSTEM:

All Army military personnel assigned to Headquarters, United States Army Intelligence and Security Command and its attached activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's name, Social Security Number, pay grade, primary military occupational specialty (PMOS)/Specialty skill identifier (SSI), date of last evaluation report, sex, date of birth, organization/unit processing code, duty section, height, weight, weight control program status, physical profile factors (PULHES), date of last physical examination, examination, profile status, expiration date of temporary profile, over 40 medical clearance status, date last Human Immunodeficiency Virus (HIV) test, date last Army physical fitness test (APFT), APFT results, APFT scores, date last skill qualification test (SQT), SQT score, PLDC attendance, CAS3 attendance, date last weapons qualification, weapons qualification status, caliber of weapon in which qualified, date last subversion and espionage directed against defense in which qualified, date last subversion and espionage directed against defense activities (SAEDA) training, date of last operations security training, and similar personnel, medical and training related data pertaining to assignments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012 and E.O. 9397.

PURPOSE(S):

To maintain a consolidated file of specified personnel, medical and training related data pertaining to all Army military personnel assigned to Headquarters United States Army Intelligence and Security Command and their supporting tenant activities.

A consolidated records system of selected data is required to more efficiently and effectively provide management and training support to assigned personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ASSESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard disc, floppy diskettes and paper records in file cabinets.

RETRIEVABILITY:

By individual's name, Social Security Number or other individually identifying characteristics.

SAFEGUARDS:

Military police are used as security personnel. A stringent employee identification badge and visitor registration/escort system is in effect. The computer terminal and hard copy records are maintained in areas accessible only to authorized personnel who have a need for the information in the performance of their official duties. The computerized records system is accessed and updated by the custodian of the records system and by a limited number of other personnel responsible for servicing the records in the performance of their official duties. Access to the computer file requires utilization of a password. Once in the system, access is restricted to only the user's applicable portions of the system. One unit cannot access another unit's records. All hard copy products bear Privacy Act labels.

RETENTION AND DISPOSAL:

All data pertaining to an individual is deleted from the computer file during the individual's out-processing. Paper records are retained for 2 years and are destroyed as unclassified For Official Use Only waste.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Intelligence and Security Command, Fort Belvoir, VA 22060–5370.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, United States Army Intelligence and Security Command, ATTN: IACSF–FI, Fort Meade, MD 20755–5995.

Individuals must furnish his/her full name, Social Security Number, current address, telephone number, and signature.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, United States Army Intelligence and Security

Command, ATTN: IACSF–FI, Fort Meade, MD 20755–5995.

Individuals must furnish the full name, Social Security Number, current address, telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual and from the official military personnel records, official health records and local training records during in-processing. Data for updates to records in the system are obtained from the individual and from source documents utilized to update the individual's official records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0350–6FORSCOM

SYSTEM NAME:

U.S. Army Marksmanship Unit Data System (AMUDS).

SYSTEM LOCATION:

Primary system exists at the U.S. Army Marksmanship Unit, Fort Benning, GA; segments exist at similar units at Fort Meade, MD; Fort Riley, KS; and Fort Ord, CA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Army personnel who compete in regional or U.S. Army Rifle and Pistol Championships, Interservice Shooting Championships or National Rifle Association National Shooting Championships.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, information concerning shooting classifications, levels of participation in competition, scores fired in such competitions; primary military occupational specialty, duty assignments, last unit address, phone number, and assignment preferences.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To monitor the competitive status of marksmanship qualified personnel throughout the Army, coordinate their assignment or attachment to appropriate marksmanship units in support of the National Trophy Group for Interservice and National Matches competitions, and/or for support of U.S. Army efforts to place individuals on U.S. Shooting Teams. In addition, information is used to assist installation commanders in identifying qualified persons to conduct marksmanship programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the National Rifle Association in connection with competitions.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; cards; magnetic tapes/discs.

RETRIEVABILITY:

By Individual's surname and Social Security Number.

SAFEGUARDS:

All records are maintained in locked containers accessible only to coaches and managers of Marksmanship Unit teams.

RETENTION AND DISPOSAL:

Information is destroyed 4 years after the last competition entry.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Forces Command, Fort McPherson, GA 30330–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Marksmanship Unit, Fort Benning, GA 31905–5000.

Individual should provide his/her full name and Social Security Number, current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Marksmanship Unit, Fort Benning, GA 31905–5000.

Individual should provide his/her full name and Social Security Number, current address and telephone number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; official Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0350–37TRADOC

SYSTEM NAME:

Skill Qualification Test (SQT).

SYSTEM LOCATION:

Individual Training Evaluation Directorate, U.S. Army Training Support Center, Fort Eustis, VA 23604–5000: Main computer location, ITEP enlisted master file, individual SQT results, and original test forms.

Training Standards Offices at military installations worldwide; transmittal rosters and graded microfiche, (HISTORICAL).

U.S. Total Army Personnel Agency Enlisted Records and Evaluation Center: Soldier's SQT scores (DA Form 2A).

Supervisory Noncommissioned Officers (NCOs) at unit level worldwide: Job Books and Field Expedient Squad Books (DA Form 5165–R).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active Army and Reserve Component enlisted personnel who take the SQT.

CATEGORIES OF RECORDS IN THE SYSTEM:

Soldier response history of answers to SQTs, both individual cumulative; analyses of soldier's test results. The ITEP enlisted master file at Individual Training Evaluation Directorate contains update listings of name, Social Security Number, pay grade, and primary military occupational specialties (MOS), and component. File in TSO (located at the soldier's installation) contains name, rank and Social Security Number. Job Book and Field Expedient Squad Book (DA Form 5165–R) (located at soldier's unit) contains name, rank, and record of individual performance of job tasks conducted in a unit training environment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 and E.O. 9397.

PURPOSE(S):

Skill Qualification Test scores are used to measure a soldier's job proficiency, to determine eligibility for schooling and eligibility for promotions. Job Books and Field Expedient Squad Books (DA Form 5165–R) are used by commanders and noncommissioned

VOL
58
ISS
33
FE
22
1993
UMI

officers to assess individual and unit proficiency and combat readiness and to identify routine and intensified training needs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORD IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tape/disc; computer printouts.

RETRIEVABILITY:

Paper records filed in folders retrieved by processing date and imprint serial number; computer magnetic tape and disc retrieved by Social Security Number and name.

SAFEGUARDS:

Paper records are filed in folders stored in a locked room. Magnetic tapes are kept in controlled vault area. Magnetic disks are protected by a user identification and manual controls.

RETENTION AND DISPOSAL:

Magnetic tapes are retained 1 year after which data are erased; discs retained for 8 months before data are erased; hard copy is retained for 5 years; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Training and Doctrine Command, Fort Monroe, VA 23651–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Training Support Center, ATTN: ATIC–IT, Fort Eustis, VA 23604–5000.

Individuals should provide identification to prevent disclosure to unauthorized persons.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Training Support Center, ATTN: ATIC–IT, Fort Eustis, VA 23604–5000.

Individuals should provide identification to prevent disclosure to unauthorized persons.

If inquiring in person, individual should present appropriate identification such as valid driver's license.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, other Department of Army staff and commands in document and computer readable form.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(6) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0351AMC

SYSTEM NAME:

Student/Faculty Records: AMC Schools Systems.

SYSTEM LOCATION:

U.S. Army Logistics Management Center, Fort Lee, VA; U.S. Army Management Engineering Training Agency, Rock Island, IL; U.S. Army Defense Ammunition Center and School, Savanna, IL; USAMC Field Safety Agency, Charlestown, IN.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students enrolled/attending schools identified above, faculty, instructors, and guest speakers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student academic records consisting of course completion and results, aptitudes and personal qualities, grades/ratings assigned; instructor/guest speaker qualifications and evaluations, including biographical data; class historical/academic achievements; and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

To determine applicant eligibility, monitor individual's progress, maintain record of student/faculty achievements, and to provide bases for management assessment of curricula and faculty effectiveness and class standing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records; cards; photographs; magnetic tapes/discs; and printouts.

RETRIEVABILITY:

By name, Social Security Number, military service number.

SAFEGUARDS:

Records are maintained in locked cabinets within secured areas accessible only to authorized persons having an official need-to-know.

RETENTION AND DISPOSAL:

Individual academic records are retained for 40 years, 3 of which are at the school which created them; they are subsequently transferred to the National Personnel Records Center, 9700 Page Boulevard, St. Louis, MO 63132–5200. Faculty/instructor qualifications records are retained until individual transfers from the facility, held for 5 years, and then destroyed. Other records are retained until no longer needed, at which time they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Materiel Command, 5001 Eisenhower Avenue, Alexandria, VA 22333–0001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant/Director of the appropriate School/Agency.

Individual should provide full name, rank/grade, Social Security Number, course title/class number, and date of attendance or, if a faculty member: Name, course(s) taught, and period in which instructed at named training facility.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant/Director of the appropriate School/Agency.

Individual should provide full name, rank/grade, Social Security Number, course title/class number, and date of attendance or, if a faculty member: Name, course(s) taught, and period in

which instructed at named training facility.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual student, faculty, instructor, guest speaker, and management analyses of class performance.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0351DAMO

SYSTEM NAME:

USAWC Cooperative Degree Program Files.

SYSTEM LOCATION:

U.S. Army War College, Carlisle Barracks, PA 17013–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past students participating in the Cooperative Degree Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student's name, rank, and service number, past military and civilian academic records (transcripts, diplomas, letters of recommendation, Department of Veterans Affairs application, etc.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013.

PURPOSE(S):

To assist students in applying for, and pursuing their graduate degree, to monitor administrative data for use in managing the program (number and percent of students participating, degrees being pursued, anticipated completion dates, schools being attended, etc.), and to maintain data for evaluating the program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Department of Veterans Affairs and other interested Government agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets; magnetic tapes/discs.

RETRIEVABILITY:

By student's name.

SAFEGUARDS:

Records are maintained in a secured area with access limited to authorized personnel. In addition, access to computerized data is by password known only to designated authorized personnel.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, U.S. Army War College, Carlisle Barracks, PA 17013–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Commandant, U.S. Army War College, ATTN: Director, Student and Faculty Development, Directorate of Academic Affairs, Carlisle Barracks, PA 17013–5000.

Individual should provide the full name, Social Security Number/service number, current address and telephone number, and signature.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Commandant, U.S. Army War College, ATTN: Director, Student and Faculty Development, Directorate of Academic Affairs, Carlisle Barracks, PA 17013–5000.

Individual should provide the full name, Social Security Number/service number, current address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From students; staff and faculty; officials at cooperating civilian institutions such as Shippensburg University and the Capitol Campus of the Pennsylvania State University.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0351DAPE

SYSTEM NAME:

Army Training Requirements and Resources System (ATRRS).

SYSTEM LOCATION:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–0300; U.S. Total Army Personnel Command; major commands; Army Reserve Personnel Center; National Guard Bureau; Schools and Army Training Centers worldwide. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Army, Navy, Air Force, Marine Corps, Reserve Officers' Training Corps students, Department of Defense (DOD) civilian employees and approved foreign military personnel attending a course of instruction conducted under the auspices of a DOD School.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records pertaining to course administrative data, course scope and prerequisites, course training requirements, course equipment, personnel and facilities constraints, requirements for instructors, class schedules, class quotas, prioritized order of merit list for input into Noncommissioned Officers Education System (NCOES) training, by name reservations, limited individual personnel data, and course input and completion data by name/Social Security Number. Data related to an individual is as follows:

Training course completion data and reason codes for attrition are maintained for an individual, as well as training seat reservations.

Limited personnel data is maintained on an individual as long as the individual has a valid reservation for training or is currently in the training base.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 3013 and 4301; and E.O. 9397.

PURPOSE(S):

The Army Training Requirements and Resources System (ATRRS) supports institutional training missions. The system integrates training requirements for individuals by using resources and class schedules developed by the training establishment. Reservations are made by name for training in Army formal schools and other service schools. The system maintains other service schools' input and course completion statistics.

The Mobilization Training Planning System (MTPS) provides resource information to training personnel managers in a mobilization environment.

VOL
58
ISS
33
FE
22
1993
UMI

The Student Trainee Management System Enlisted (STRAMS–E) monitors the flow of trainees through the accession, training, and distribution process.

The Quota Management System provides the U.S. Total Army Personnel Command, Reserve Component counterparts, and other agencies that have an input to training missions, the vehicle to manage individuals and training course seats/quotas through the training base of officers and skill level 2 and above.

The ATRRS system provides the Army's Schools and Training Centers with the data necessary to manage resources associated with the instructors, equipment, and facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes, computer discs, and limited paper printouts.

RETRIEVABILITY:

Retrieved by Social Security Number.

SAFEGUARDS:

An employee badge and visitor registration system is in effect. Hard copy records which contain data by Social Security Number are maintained with an 'Official Use Only' cover. Access to the ATRRS system is limited to those who have a need to access the data as determined by the System manager.

RETENTION AND DISPOSAL:

Records are kept on the individual only as long as the individual is actively seeking training.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, ATTN: DAPE–MPT, Washington, DC 20310–0300.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the local commander. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Individual should provide the full name, Social Security Number, and military status or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves is contained in this system should address written inquiries to the local commander. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

Individual should provide the full name, Social Security Number, and military status or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Army rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is received from DOD staff, field installations, and automated systems.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0351DASG

SYSTEM NAME:

Army School Student Files: Physical Therapy Program.

SYSTEM LOCATION:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Graduates of the U.S. Army Physical Therapy Program since 1928.

CATEGORIES OF RECORDS IN THE SYSTEM:

Academic grades only on graduates from 1973 to present. Academic grades and varying amounts and types of anecdotal information on performance: 1945–1972.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To provide certification of graduation from an approved physical therapy program to the individual graduate.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders:

RETRIEVABILITY:

By last name of graduate.

SAFEGUARDS:

Records are in closed files, accessible only to designated officials having need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Surgeon General, Headquarters, Department of the Army, ATTN: DASG–DBP, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

For verification purposes, the individual should provide the full name, maiden name if married, year of graduation, current address, institution and complete address to which transcript is to be mailed if other than that of individual concerned.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Surgeon General, Headquarters, Department of the Army, ATTN: DASG–DBP, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

For verification purposes, the individual should provide the full name, maiden name if married, year of graduation, current address, institution and complete address to which transcript is to be mailed if other than that of individual concerned.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Staff and faculty of appropriate school and/or training hospital responsible for presentation of instruction.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0351HSC

SYSTEM NAME:

Practical Nurse Course Files.

SYSTEM LOCATION:

Practical Nurse Course, Fitzsimons Army Medical Center, Aurora, CO 80045–5001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

These files relate to student personnel who attend formal course of instruction at the Practical Nurse Course.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Academic Record Files consisting of courses attended by Army members, length of each, extent of each, completion and results, aptitudes and personal qualities, grade and rating attained and related data for each individual. Faculty Board Files pertaining to the class standing, rating, classification, and proficiency of students; Class Academic Record indicating progress and attendance of class members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

To confirm eligibility for attendance, monitor student progress, determine successful completion of academic requirements and prepare transcripts. Records reflect accomplishment of courses which may be prerequisites for attendance at other formal courses of instruction, or taking of State Board, Licensed Practical Nursing examinations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, card files; magnetic disks and tapes.

RETRIEVABILITY:

By name and/or assigned class number.

SAFEGUARDS:

Building housing records has limited access; information is released only to authorized personnel.

RETENTION AND DISPOSAL:

Individual Academic Records and Class Academic records are destroyed after 40 years; collateral individual training records are destroyed after 1 year; Faculty Board files are destroyed after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Health Services Command, Fort Sam Houston, TX 78234–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Practical Nurse Course, Fitzsimons Army Medical Center, Aurora, CO 80045–5001.

For verification purposes, individual should provide the full name, Social Security Number, rank at time of attendance, military service number or student number, if applicable, course title and class number, or description of type of training received and dates of course attendance.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Practical Nurse Course, Fitzsimons Army Medical Center, Aurora, CO 80045–5001.

For verification purposes, individual should provide the full name, Social Security Number, rank at time of attendance, military service number or student number, if applicable, course title and class number, or description of type of training received and dates of course attendance.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the school staff and faculty responsible for presentation of instruction.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0351HSC–AHS

SYSTEM NAME:

Academy of Health Sciences: Academic and Supporting Records.

SYSTEM LOCATION:

Academy of Health Sciences, Fort Sam Houston, TX 78234–6000 and Fitzsimons Army Medical Center, Aurora, CO 80045–5001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Resident and correspondence students enrolled in courses at the Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student's name, Social Security Number, grade/rank, academic qualifications, progress reports, academic grades, ratings attained, aptitudes and personal qualities, including corporate fitness results; faculty board records pertaining to class standing/rating/classification/proficiency of students; class academic records maintained by instructors indicating attendance and progress of class members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397

PURPOSE(S):

To determine eligibility for enrollment/attendance, monitor student progress, record accomplishments, and serve as record of courses which may be prerequisite for other formal courses of instruction, licensure, certification, and employment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to colleges or universities or medical institutions which accredit the Academy's instruction.

.The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, microfiche, cards, magnetic tape and/or disc, and computer printouts.

RETRIEVABILITY:

By individual's name, Social Security Number, assigned passwords.

RETENTION AND DISPOSAL:

Academic records are maintained 40 years at the Academy of Health Sciences. Except for the master file, automated data are erased after the fourth updating cycle.

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, Academy of Health Sciences, Fort Sam Houston, TX 78234–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves

VOL 58 ISS 33 FE 22 1993 UMI

is contained in this system should address written inquiries to the Registrar, Academy of Health Sciences, Fort Sam Houston, TX 78234–6000.

For verification purposes, individual should provide the full name, Social Security Number, date attended/enrolled, current address, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Registrar, Academy of Health Sciences, Fort Sam Houston, TX 78234–6000.

For verification purposes, individual should provide the full name, Social Security Number, date attended/enrolled, current address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Academy of Health Sciences' staff and faculty.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0351NDU

SYSTEM NAME:

NDU National Defense University Student Data Files.

SYSTEM LOCATION:

National Defense University, Fort Leslie J. McNair, Washington, DC 20319–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Resident/non-resident students enrolled at courses of instruction at The National Defense University (NDU), including the Industrial College of the Armed Forces and the National War College.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, Social Security Number, student number, grade/rank, branch of service or civilian agency, years of Federal service, biographical data, course/section assignment, prior education, and academic and other related management data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To confirm attendance eligibility, monitor student progress, produce record of grades and achievements, prepare assignment rosters; to render management and statistical summaries and reports; and compile class yearbooks.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Student transcripts may be disclosed to other educational institutions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer magnetic tapes, discs, and printouts.

RETRIEVABILITY:

By Social Security Number or student identification number.

SAFEGUARDS:

Records are maintained in buildings which employ security guards and are accessed only by authorized personnel having an official need-to-know. Automated records employ software passwords; magnetic tapes are protected by user identification and manual controls. Computer room is controlled by card key system requiring positive identification and authorization.

RETENTION AND DISPOSAL:

Individual and class academic records are destroyed after 40 years. Records pertaining to extension courses are held indefinitely before being retired to the National Personnel Records Center, St. Louis, MO. Individual training records are destroyed annually; management reports are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

President, National Defense University, Fort Leslie J. McNair, Washington, DC 20319–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the President, National Defense University, Fort Leslie J. McNair, Washington, DC 20319–5000.

Individual should provide his/her full name, Social Security Number, and date of enrollment and or completion of graduation.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the President, National Defense University, Fort Leslie J. McNair, Washington, DC 20319–5000.

Individual should provide his/her full name, Social Security Number, and date of enrollment and or completion of graduation.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From applicants, faculty evaluations and reports, transcripts from educational institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0351USAREUR

SYSTEM NAME:

Individual Academic Record Files.

SYSTEM LOCATION:

Headquarters, Seventh Army Combined Arms Training Center, APO AE 09112.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military or civilian personnel admitted as a student at a course of instruction conducted by the Seventh Army Combined Arms Training Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student's name, Social Security Number, race, unit of assignment, course quota status, roster number, applicable Army Classification Battery Scores, eligibility for course attendance, academic achievements, awards, and similar relevant data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 and E.O. 9397.

PURPOSE(S):

To determine eligibility for enrollment/attendance, monitor student progress, and record accomplishments for management studies and reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tape.

RETRIEVABILITY:

By student's Social Security Number, surname, course/class number.

SAFEGUARDS:

Records are maintained in locked rooms, accessible only to designated persons authorized to use in the performance of official duties.

RETENTION AND DISPOSAL:

Information in automated media is contained for 5 years before being erased. Manual records are retained for three years. Academic records, class rosters, and grade sheets are retired to the National Personnel Records Center, St. Louis, MO and held for 40 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander in Chief, U.S. Army Europe and Seventh Army, APO AE 09403.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Seventh Army Combined Arms Training Center, APO AE 09112.

Individuals should provide their Social Security Number, full name, course and class dates of attendance, and signature.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Seventh Army Combined Arms Training Center, APO AE 09112.

Individuals should provide their Social Security Number, full name, course and class dates of attendance, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; his/her commander; instructors; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0351–12DAPE

SYSTEM NAME:

Applicants/Students, U.S. Military Academy Prep School.

SYSTEM LOCATION:

U.S. Military Academy Preparatory School, Fort Monmouth, NJ 07703–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and students, U.S. Military Academy Preparatory School.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for admission, high school/college transcripts, Scholastic Aptitude/American College Test, CLEP/GT/Officer Candidate, and related test scores, admissions evaluation worksheets and correspondence relating to admission, medical history, academic progress/grades and related reports, and relevant information comprising the cadet candidate's attendance and behavior at the School.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To evaluate applicant's acceptance and, once admitted, to assess his/her leadership, academic, and physical aptitude potential for the U.S. Military Academy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By applicant/student surname.

SAFEGUARDS:

Records are stored in locked rooms within buildings which are secured during non-duty hours, and are available only to authorized persons having an official need for the information.

RETENTION AND DISPOSAL:

For applicants who are rejected or who choose not to enter the U.S. Military Academy, records are maintained until individual exceeds the age limit for acceptance to the Academy. For applicants who are accepted and enter the U.S. Military Academy, records are retained for 40 years after individual's class graduates from Academy, following which records are destroyed by burning and/or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–4000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant, U.S. Military Academy Preparatory School, Fort Monmouth, NJ 07703–5000.

Individual should provide full name, Social Security Number, current address and telephone number of the requester, and year of application and/or attendance. For personal visits, the individual should be able to provide acceptable identification such as military, employee, or other individually identifying number, valid driver's license, building pass, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant, U.S. Military Academy Preparatory School, Fort Monmouth, NJ 07703–5000.

Individual should provide full name, Social Security Number, current address and telephone number of the requester, and year of application and/or attendance. For personal visits, the individual should be able to provide acceptable identification such as military, employee, or other individually identifying number, valid driver's license, building pass, etc.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; high school/college transcripts, nationally recognized and Army testing services, staff and faculty of the U.S. Military Academy Preparatory School, military supervisors/unit personnel officers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(k)(5) and (k)(7), as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0351-17aUSMA

SYSTEM NAME

U.S. Military Academy Candidate Files.

SYSTEM LOCATION:

U.S. Military Academy, West Point, NY 10996-1797.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Potential and actual candidates for entrance to the U.S. Military Academy for the current and previous 2 years.

CATEGORIES OF RECORDS IN THE SYSTEM:

Entrance examination results, Personal Data Record (DD Form 1867), Candidate Activities Report (DD Form 1868), Prospective Candidate Questionnaire (DD Form 1908), Interview Sheets, School Official's Evaluation (DD Form 1869), Employer's Evaluation of Candidate, Scholastic Aptitude Examination scores, American College Testing Program Scores, High School and College/University transcripts, physical aptitude examination, Candidate Summary Sheets, Nominating Letter, naturalization or adoption papers, birth certificate, Oath 50950, special orders, all correspondence to/form/and about candidate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 4331, 4332, and 4334.

PURPOSE(S):

To evaluate a candidate's academic, leadership, and physical aptitude potential for the U.S. Military Academy, to conduct management studies of admissions criteria and procedures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to Members of Congress to assist them in nominating candidates.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folder. Selected items of information reside on computer discs.

RETRIEVABILITY:

By candidate's surname; by source of nomination, current status, and special categories.

SAFEGUARDS:

All information is stored in locked rooms with restricted access to authorized personnel. Automated data are further protected by a user identification and password convention.

RETENTION AND DISPOSAL:

For accepted candidates, records become part of the Cadet's Personnel Record, described by System of Records A0351-17bUSMA a permanent record. Records on candidates not accepted for admission are destroyed either on expiration of age eligibility or after 3 years, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, U.S. Military Academy, West Point, NY 10996-1797.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Superintendent, U.S. Military Academy, West Point, NY 10996-1797.

Individual should provide the full name, current address, year of application, source of nomination, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Superintendent, U.S. Military Academy, West Point, NY 10996-1797.

Individual should provide the full name, current address, year of application, source of nomination, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340-21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Members of Congress, school transcripts, evaluations from former employer(s), medical reports/physical examination results, U.S. Military Academy faculty evaluations, American College Testing Service, Educational Testing Service, and similar relevant documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(5), (6), or (7) as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0351-17bUSMA

SYSTEM NAME:

U.S. Military Academy Personnel Cadet Records.

SYSTEM LOCATION:

U.S. Military Academy, West Point, NY 10996-5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former Cadets of the U.S. Military Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application and evaluations of cadet for admission; letters of recommendation/endorsement; academic achievements, awards, honors, grades, and transcripts; performance counseling; health, physical aptitude and abilities and athletic accomplishments, peer appraisals; supervisory assessments; suitability data, including honor code infractions and disposition. Basic biographical and historical summary of cadet's tenure at the U.S. Military Academy is maintained on cards in the Archives Office or on microfiche in the Cadet Records Section.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 and 4334, and E.O. 9397.

PURPOSE(S):

To record the cadet's appointment to the Academy, his/her scholastic and athletic achievements, performance, motivation, discipline, final standing, and potential as a military career officer.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Academic transcripts may be provided to educational institutions.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records in file folders; microfilm.

RETRIEVABILITY:

By surname or Social Security Number.

SAFEGUARDS:

Access to records is limited to persons having official need therefor; records are maintained in secure file cabinets and/or in locked rooms.

RETENTION AND DISPOSAL:

Records of Cadets who are commissioned become part of his/her Official Military Personnel File. Records of individuals not commissioned are destroyed after 5 years. Microfilmed records maintained by USMA are permanent; hard copy files are destroyed after being microfilmed.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, U.S. Military Academy, West Point, NY 10996–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Superintendent, U.S. Military Academy, West Point, NY 10996–5000.

Individual should provide the full name, Social Security Number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Superintendent, U.S. Military Academy, West Point, NY 10996–5000.

Individual should provide the full name, Social Security Number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, his/her sponsors, peer evaluations, grades and reports of U.S. Military Academy academic and physical education department heads, transcripts from other educational institutions, medical examination/assessments, supervisory counseling/performance reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(5), (6), or (7), as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0351aNDU–CI

SYSTEM NAME:

DODCI Student Record System.

SYSTEM LOCATION:

Department of Defense Computer Institute, Washington Navy Yard, Washington, DC 20374–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All students who have completed a course of instruction presented by the Department of Defense Computer Institute. These are primarily DOD military and civilian personnel as regular students; personnel from other federal, state and local government agencies who have attended courses on a space available basis; military and civilian personnel from foreign governments who requested and were granted authority to attend courses; and personnel from private industry who are under direct contract to a DOD activity who sponsor their attendance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of name, Social Security Number, home address, home telephone number, military rank or rate, civilian grade, branch of service, DOD agency or activity and course ID attended. Also, associated file of consolidated listing of students for each course offering arranged by DOD agency or activity and name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

Maintained by DODCI Student Operations Section to respond to individuals requesting official verification of attendance to a specific course; to respond to students, agency or activity requesting official record of training completed. Used to compile statistical data of student output, e.g., attendance by course, attendance by branch of service, agency or activity. Statistical data is not compiled by name.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card file, paper copies forms, and hard disk/magnetic tape.

RETRIEVABILITY:

Name and course ID.

SAFEGUARDS:

Maintained in administrative office which is locked after normal working hours, accessible only to authorized office staff and director or delegate on demand.

RETENTION AND DISPOSAL:

Records are retained for five fiscal years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Student Operations Section, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, DC 20374–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief, Student Operations Section DOD Computer Institute, Building 175, Washington Navy Yard, Washington, DC 20374–5000.

Individual should provide course title and year of attendance.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system of records should address written inquiries to the Chief, Student Operations Section, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, DC 20374–5000.

Individual should provide course title and year of attendance.

CONTESTING RECORD PROCEDURES:

The Army rules for accessing records and for contesting contents and appealing initial agency determinations are published in Army Regulation 430–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Enrollment and registration request for DOD management education and training program courses (DD Form 1556, SF 182, orders, letters/messages), and course listing of students reviewed by course manager and individual students.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0351bNDU–CI

SYSTEM NAME:

DODCI Student/Faculty/Senior Staff Biography System.

SYSTEM LOCATION:

Department of Defense Computer Institute, Washington Navy Yard, Washington, DC 20374–5000.

VOL 58 ISS 33 FE 22 1993 UMI

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All faculty members, senior staff members, and guest lecturers currently instructing or managing at the DODCI. All students who are attending or who have completed a course of instruction presented by the Department of Defense Computer Institute. These are primarily DOD military and civilian personnel as regular students; personnel from other federal, state and local government agencies who have attended courses on a space available basis; military and civilian personnel from foreign governments who requested and were granted authority to attend courses; and personnel from private industry who are under direct contract to a DOD activity who sponsor their attendance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographic summary forms individually submitted upon request by each DODCI faculty member, senior staff member, guest lecturer, or student. Students record consists of name, rank or rate, civilian grade, organization and division, office phone number, current and previous job titles and positions, number of months with present job title, major duties of present job, formal education completed, course ID, objectives for attending DODCI course, computer-related and other technical training and experience, information on usage of computers in present position, influence and authority student has over design of computer-based systems including security and privacy aspects, extent involved in planning and design of teleprocessing systems.

Faculty/senior staff record consists of name, rank or rate, current and previous job titles and positions, former major duties, formal education completed, computer-related and other technical training experience.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The student biographical summaries are used by course managers and functional department heads to evaluate education level, computer related work experience, and general computer background of DODCI students. Establishes student qualifications to attend a requested course and if course objectives have satisfied personal objectives of students attending course. Statistical summarization of information contained in the system provides basis for modification and revision to course content. Serves as vehicle to place student into appropriate laboratory and seminar group in courses requiring such a breakout.

Information on faculty/senior staff members contained in the biographical summaries is provided to students as an attachment to their student notebooks. Records are used to identify faculty and senior staff members, areas of data processing and information management expertise for consultation purposes and as an expertise preamble to the next scheduled lecturer.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computer hard disk/magnetic tape.

RETRIEVABILITY:

By name for faculty/senior staff members. Course ID and name for students.

SAFEGUARDS:

Maintained in Student Operations Section which is locked after normal working hours, access controlled by system manager and accessible only to authorized faculty members, director or administration, and director or delegate on demand.

RETENTION AND DISPOSAL:

All completed individual student biographical summaries are retained in a file folder marked by course ID and course date. Individual student biographical summaries are retained by course for two fiscal years preceding the fiscal year in progress. All individual faculty and senior staff biographical summaries are retained in a master file folder until no longer providing services to DODCI. Master file is reviewed periodically to maintain currency.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Student Operations Section, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, DC 20374–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Student Operations Section, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, DC 20374–5000.

Individual should provide course title and year of attendance.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Student Operations Section, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, DC 20374–5000.

Individual should provide course title and year of attendance.

CONTESTING RECORD PROCEDURES:

The Army rules for accessing records and for contesting contents and appealing initial agency determinations are published in Army Regulation 430–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Student biography forms are of DODCI origin and completed by each individual student. Forms are completed either the first day of the course or, in the case of certain specific courses, are mailed to the prospective student requesting return prior to commencement of the course.

Biographies are authorized by each faculty and senior staff member soon after arrival at DODCI. Guest lecturers are requested to voluntarily submit biographies for use in course notebooks. Content is never changed, but in some cases selectively reduced in length so as not to exceed one page. Format and content are generated solely by DODCI member and are subjected only to editorial review.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0351cNDU–CI

SYSTEM NAME:

DODCI Course Evaluation System.

SYSTEM LOCATION:

Department of Defense Computer Institute, Washington Navy Yard, Washington, DC 20374–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All students who have completed a course of instruction presented by the Department of Defense Computer Institute. These are primarily DOD military and civilian personnel as regular students; personnel from other federal, state and local government agencies who have attended courses on a space available basis; military and civilian personnel from foreign governments who requested and were granted authority to attend courses; and personnel from private industry who are under direct contract to a DOD activity who sponsor their attendance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual student evaluation of entire course and random sampling of specific lecture presentations. Includes course ID; objectives for attending course; statement concerning realization of personal objectives, numerical or qualitative rating of overall course, lab sessions and/or specific lectures; list of strengths and weaknesses of course; list of lecture subjects of particular benefit or of little use to student; list of lecture subjects which should be expanded or reduced in coverage; and list of topics not covered in course but should be included. Comments concerning course content, sequence, lecture presentation, teaching techniques, audio visual aids, physical facilities and administrative support are solicited and recorded. Categories are posed as questions with ample space to encourage written response to student opinion in a structured but non-restrictive format. These Course Evaluation Forms also contain hard core factual information, i.e., course ID, course dates, student name, rank/rate/grade, branch of service, duty station or agency, and present job title.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The system is used to evaluate course, lecture, teaching techniques and individual instructor effectiveness. It provides basis for modification and revision to course content and sequence and lecture content. It provides input to long-range plan for course update, additions and revisions. The evaluation of all attendees to a particular course are reviewed as a composite group by DODCI faculty members to determine problem areas, trends, and provides a continuous evaluation of course effectiveness.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computer hard disk/magnetic tape.

RETRIEVABILITY:

Course ID and student name.

SAFEGUARDS:

Maintained in Student Operations Section Office which is locked after normal working hours, access controlled by system manager and accessible only to authorized faculty members. Director of Administration and Director delegate on demand.

RETENTION AND DISPOSAL:

All completed individual evaluations of students attending a specific course are retained by course ID and course date. Individual student evaluation forms are retained by course for two fiscal years preceding the fiscal year in progress.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Student Operations Section, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, DC 20374–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Student Operations Section, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, DC 20374–5000.

Individual should provide course title and year of attendance.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Student Operations Section, DOD Computer Institute, Building 175, Washington Navy Yard, Washington, DC 20374–5000.

Individual should provide course title and year of attendance.

CONTESTING RECORD PROCEDURES:

The Army rules for accessing records and for contesting contents and appealing initial agency determinations are published in Army Regulation 430–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Student course evaluation forms are of DODCI origin and distributed in class and completed by each individual student.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0351aTRADOC

SYSTEM NAME:

Army School Student Files.

SYSTEM LOCATION:

All Army schools, colleges, and training centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students who attend formal and/or nonresident courses of instruction at Army schools, colleges and training centers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual academic records consisting of courses attended, length of each, extent of completion and results; aptitudes and personal qualities, including corporate fitness results; grade and rating attained; and related information; collateral individual training records comprising information posted to the basic individual academic training record or other long term records; faculty board files pertaining to the class standing/rating/classification/proficiency of students; class academic records maintained by training instructors indicating attendance and progress of class member instructors indicating attendance and progress of class members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

To determine eligibility of students for attendance, monitor progress, record completion of academic requirements, and document courses which may be prerequisites for attendance/participation in other courses of instruction.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, cards, computer magnetic tapes/disks; printouts.

RETRIEVABILITY:

By individual's name, Social Security Number/military service number.

SAFEGUARDS:

Information is stored in locked cabinets or rooms, accessed only by authorized individuals having official need thereof.

RETENTION AND DISPOSAL:

Individual and class academic records are destroyed after 40 years; collateral

VOL 58 ISS 33 FE 22 1993 UMI

individual training records and faculty board files are destroyed after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Training and Doctrine Command, Fort Monroe, VA 23651–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Academic Record Office of the Army school, college, or training center attended.

Individual should provide the full name, student number, course title and class number, or description of type training received and dates of attendance/enrollment.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Academic Record Office of the Army School, college, or training center attended.

Individual should provide full name, student number, course title and class number, or description of type training received and dates of attendance/enrollment.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents; and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the staff and faculty of appropriate school, college, or training center responsible for the instruction.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0351bTRADOC

SYSTEM NAME;

Army Correspondence Course Program (ACCP).

SYSTEM LOCATION:

U.S. Army Training Support Center, Fort Eustis, VA 23604–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Army, Navy, Marine Corps, and Air Force, Reserve Officer Training Corps and National Defense Cadet Corps students, Department of Defense civilian employees, and approved foreign military personnel enrolled in a nonresident course administered by the Army Institute for Professional Development.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain name, grade/rank, Social Security Number, address, service component, branch, personnel classification, military occupational specialty, credit hours accumulated, examination and lesson grades, student academic status, curricula, course description.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 and E.O. 9397.

PURPOSE(S):

To record lessons and/or exam grades; maintain student academic status; course and subcourse descriptions; produce course completion certificates and reflect credit hours earned; and produce management summary reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes, discs, and paper printouts.

RETRIEVABILITY:

By Social Security Number.

SAFEGUARDS:

Random number sign-on authentication for each inquiry made to the system is required. Sign-on decks to enable such access are updated weekly, safeguarded under Army Regulation 380–19, Information Systems Security, and are unique to one terminal only. Access is granted only to designated personnel at the Army Institute for Professional Development responsible for the administration and processing of nonresident students.

RETENTION AND DISPOSAL:

Machine records are retained during student's enrollment, after which student's records are transferred to the Academic Records System History File for indefinite retention. Nonresident students are assigned a 6 month enrollment period or, if in multiple subcourses, an enrollment period of 1 year. A hard copy transcript reflecting the student's personal and academic data is produced; this is retained by the Army Institute of Professional Development for 3 years, then transferred to the National Personnel Records Center, St. Louis, MO, where it is retained for 37 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Training Support Center, ATTN: Institute for Professional Development, Fort Eustis, VA 23604–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Training Support Center, ATTN: Institute for Professional Development, Fort Eustis, VA 23604–5000.

Individual should provide the full name, Social Security Number, and signature for identification.

Individual making request in person must provide acceptable identification such as driver's license and military identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Training Support Center, ATTN: Institute for Professional Development, Fort Eustis, VA 23604–5000.

Individual should provide the full name, Social Security Number, and signature for identification.

Individual making request in person must provide acceptable identification such as driver's license and military identification.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting content, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From individual upon enrollment, from class records and instructors, from student's personnel records, and from graded examinations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0351cTRADOC

SYSTEM NAME:

Standardized Student Records System.

SYSTEM LOCATION:

Defense Language Institute, Presidio of Monterey, CA 93940.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been enrolled for foreign language training at the Defense Language Institute.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, and military administrative data, together with academic data generated at Defense Language Institute.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 and E.O. 9397.

PURPOSE(S):

To establish a permanent student record used for issuing official grade transcripts and preparing statistical studies to improve training and testing methods.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes/discs.

RETRIEVABILITY:

By Social Security Number.

SAFEGUARDS:

Records are accessible via remote terminal only by authorized personnel citing established user identifier and password

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file (on-line) until the student departs; then retired to a history tape.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Training and Doctrine Command, Fort Monroe, VA 23651–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Language Institute, Presidio of Monterey, CA 93940.

Individual should provide the full name, current address and telephone number, Social Security Number, class attended, and year graduated.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Defense Language Institute, Presidio of Monterey, CA 93940.

Individual should provide the full name, current address and telephone number, Social Security Number, class attended, and year graduated.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; staff and faculty.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0351–1aTRADOC

SYSTEM NAME:

Automated Instructional Management System (AIMS).

SYSTEM LOCATION:

The systems are located at Headquarters, Training and Doctrine Command (TRADOC); TRADOC Service Schools; and Army Training Centers. Addresses for the above may be obtained from the Commander, U.S. Army Training and Doctrine Command, ATTN: ATOM-T, Fort Monroe, VA 23651–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military members of the Army, Navy, Marine Corps, and Air Force, and civilians employed by the U.S. Government, and approved foreign military personnel enrolled in a resident course at a U.S. Army service school.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain personnel, Program of Instruction, scheduling, testing, academic, graduation, recycle, and attrition data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

This is the TRADOC standard resident student training management system which automates those processes associated with the scheduling, management, testing, and tracking of resident students. The system is composed of several subsystems which perform functions for personnel, student load management, academic records management, test creation, scoring and grading, student critique, resource scheduling and utilization, electronic mail, and query.

The sole users are the personnel responsible for the administration of personnel enrolled in the resident student training programs at U.S. Army service schools and Army training centers. Course completion data on active Army enlisted personnel is supplied to the Army-American Council on Education Registry Transcript System (AARTS) in magnetic media. Course completion data on active Army officer personnel is supplied to the U.S. Army Research Institute (ARI) in magnetic media. All student transactions are supplied to the Army Training Requirements and Resources System (ATRRS) through a daily electronic interface.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes, computer discs, and paper printouts.

RETRIEVABILITY:

Retrieved by Social Security Number and course/class number.

SAFEGUARDS:

Different user identification sign-on codes are assigned each person with authorized access to the database. Each sign-on is authenticated by system software. Identification sign-on codes are changed every six months, additions or deletions occur at any time a new person is assigned or someone leaves. The above meet Army's Information System Security Regulation requirements.

RETENTION AND DISPOSAL:

Machine records are retained during student's active enrollment, after which they are classified as history records, written to magnetic tape, and stored indefinitely for reference. Paper records are destroyed after 40 years as follows: Army elements serviced by a records holding area (RHA) hold records for 2 years in the current files area (CFA), transfer to RHA for 1 year; the RHA retires the records to the National Personnel Records Center (NPRC), St. Louis, MO, for the remaining 37 years. Army elements not serviced by a RHA, hold records for 2 years in CFA, then retire to NPRC for the remaining 38 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Training and Doctrine Command, ATTN: ATOM–T, Fort Monroe, VA 23651–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Training and Doctrine Command, ATTN: ATOM–T, Fort Monroe, VA 23651–5000.

Individual should provide the full name, Social Security Number, and military status or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Training and Doctrine Command, ATTN: ATOM–T, Fort Monroe, VA 23651–5000.

Individual should provide the full name, Social Security Number, and military status or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents and appealing initial agency determinations are published in Department of the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is received from the individual, DOD staff, Personnel and Training systems, and staff and faculty.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0352–3CFSC

SYSTEM NAME:

Dependent Children School Program Files.

SYSTEM LOCATION:

Army-operated dependents schools located at Fort Benning, GA; Fort Bragg, NC; Fort Campbell, KY; Fort McClellan, AL; Fort Rucker, AL; Fort Stewart, GA; and U.S. Military Academy, West Point, NY. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices. Records of former students are located at the Washington National Records Center, Washington, DC 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students in the Army-operated dependents schools located at Fort Benning, GA; Fort Bragg, NC; Fort Campbell, KY; Fort McClellan, AL; Fort Rucker, AL; Fort Stewart, GA; and U.S. Military Academy, West Point, NY.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enrollment/admission/registration/transfer applications; course preferences/curriculum; health records; attendance registers; academic achievements and report cards reflecting grades/credits earned; aptitude, intelligence quotient, and other test results; notes regarding student's special interests, hobbies, activities, sports; counseling documents; high school transcripts and certificates; and related supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 6, Pub. L. 81–874.

PURPOSE(S):

To record education provided for eligible dependent children of military and civilian personnel residing on Army bases at Fort Benning, GA; Fort Bragg, NC; Fort Campbell, KY; Fort McClellan, AL; Fort Rucker, AL; Fort Stewart, GA; and U.S. Military Academy, West Point, NY.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to Department of Education in connection with Federal funding for public education; to federal and state educational agencies in connection with student's application for financial aid; to student's parents/legal guardians when Army officials determine bona fide need therefor and disclosure is not otherwise precluded by the Family Educational Rights and Privacy Act of 1974 (The Buckley Amendment) 20 U.S.C. 1232g.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By student surname.

SAFEGUARDS:

Records are accessible only to authorized personnel having need for the information in the performance of their official duties.

RETENTION AND DISPOSAL:

Academic records for elementary school students are destroyed at the school attended after 5 years; those for secondary school students are destroyed after 65 years by the Washington National Records Center where such records are retired 5 years following student's graduation/withdrawal.

Individual student health records and tests/achievements documents are retained at the local school 1 year for elementary students; 2 years for secondary students, after which they are destroyed.

Teacher class registers of attendance and scholastic marks and averages are retained at the local school for 5 years; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the principal of the school attended. If the records have been retired to the Washington National Records Center, write to the Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500.

Individual should provide current full name, name use at the time of school attendance, date of birth, identity and location of school attended, dates of attendance, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the principal of the school attended. If the records have been retired to the Washington National Records Center, write to the Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500.

Individual should provide current full name, name used at the time of school attendance, date of birth, identity and location of school attended, dates of attendance, and signature.

CONTESTING RECORD PROCEDURES.

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From individual, school teachers, principal, counselors, medical personnel, parents/guardians.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0360SAIS

SYSTEM NAME:

Mailing List for Army Newspapers/ Periodicals/Catalogs.

YSTEM LOCATIONS:

Headquarters, Department of the Army staff and field operating agencies, major commands, field installations and activities, Army service schools/ colleges, Army National Guard Bureau Headquarters and field activities. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Name and current mailing address of recipients of Army and/or National Guard magazines, newspapers, professional and trade publications, journals, catalogs, admissions policies and procedures, digests, and newsletters. Recipients may be current or former Army and/or National Guard personnel, staff and faculty or graduate/ resident/correspondence student of Service Schools, military reservists, Reserve Officers Training Corps cadets, civilian academicians, professional or other personnel who have requested inclusion on mailing lists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Mailing lists containing names and addresses of recipients of various periodicals published by the Army/or the National Guard which have public relations value. Types of periodicals include but are not limited to journals, catalogs, admissions policies and procedures published by military schools and colleges, medical facilities, and training institutions; and Army newspapers or digests containing official or quasi-official but non-directive data of either a technical or administrative nature.

Other personnel data may be included such as Alumni Association Member number, professional society or trade organization of which a member and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012 and 32 U.S.C. 110.

PURPOSE(S):

To produce mailing lists for distribution of Army periodicals, newspapers and various journals, catalogs, digests and newsletters; and to perform statistical analyses and surveys of reader interest and opinion.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, magnetic tape disc, cards, printouts, and addressograph plates.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Records are accessed and maintained only by authorized personnel who have need therefor.

RETENTION AND DISPOSAL:

Retained until no longer needed, normally until individual requests deletion, after which record is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of Department of Army staff and field operating agencies, major commands, commanders of installations/activities, Army service schools/colleges and National Guard activities that publish periodicals, command newspapers, catalogs or other special-interest recurring publications. Official mailing addresses are published as an appendix to the Army's compilation of system notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to either the editor of the publication, registrar of the school, or the Army or National Guard Public Affairs Office publishing the periodical. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individual should provide full name and current address to permit locating the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to either the editor of the publication, registrar of the school, or the Army or National Guard Public Affairs Office publishing the periodical. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individual should provide full name and current address to permit locating the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; records of the Army or National Guard organization publishing the document.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0360SAPA

SYSTEM NAME:

Media Contact Files.

SYSTEM LOCATION:

Chief of Public Affairs, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1500, and their field operating agencies at Los Angeles, CA; New York, NY; and Washington, DC; public affairs offices of Army Staff agencies, major commands, installations and activities. Official mailing addresses may be obtained from the Chief of Public Affairs, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1500.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Journalists, authors, editors, columnists, researchers, and media representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, telephone number, biographical data, public media affiliation; and correspondence between the Army and the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012

PURPOSE(S):

To maintain contact with public media representatives on issues of common interest.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card and papers in file folders.

VOL 58 ISS 33 FE 22 1993 UMI

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Information is accessed only by individuals having need in the performance of official duties.

RETENTION AND DISPOSAL:

Records are destroyed when no longer needed for current operations.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Public Affairs, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1500.

NOTIFICATION PROCEDURE:

Individuals seeking access to determine whether information about themselves is contained in this system should address written inquiries to the Chief of Public Affairs, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1500.

For verification purposes, individual should provide full name, and current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief of Public Affairs, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1500.

For verification purposes, individual should provide full name, and current address and telephone number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager..

RECORD SOURCE CATEGORIES:

From the individual, newspapers, libraries, Army and Department of Defense records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0360–5SALL

SYSTEM NAME:

Biographies: Members of Congress.

SYSTEM LOCATION:

Chief of Legislative Liaison, Office of the Secretary of the Army, The Pentagon, Washington, DC 20310–1600.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current members of the U.S. Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information on members of the Congress, their voting trends, and committee memberships.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1034.

PURPOSE(S):

To provide background information on Members of Congress before whom Army representatives may be testifying or for whom escorts may be provided to familiarize them with the members' attitudes and relationships with the Department of Army.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in loose leaf binders.

RETRIEVABILITY:

By Member of Congress' last name.

SAFEGUARDS:

Records are maintained in secured areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained only for the Member of Congress' tenure.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of legislative Liaison, Office of the Secretary of the Army, The Pentagon, Washington, DC 20310–1600.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief of Legislative Liaison, Office of the Secretary of the Army, The Pentagon, Washington, DC 20310–1600.

For verification purposes, individual should provide the full name, Social Security Number, and should identify the Member of Congress' full name and state the Member represents.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief of Legislative Liaison, Office of the Secretary of the Army, The Pentagon, Washington, DC 20310–1600.

For verification purposes, individual should provide the full name, Social Security Number, and should identify the Member of Congress' full name and state the Member represents.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official public records such as the Congressional Record, Congressional Quarterly Weekly Report, official transcripts of unclassified committee hearings, and the Congressional Staff Directory.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0360–5SAPA

SYSTEM NAME:

Biography Files.

SYSTEM LOCATION:

Chief of Public Affairs, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1500; public affairs offices of Army staff agencies, field operating agencies, major commands, installations, and activities. Official mailing addresses may be obtained from the Chief of Public Affairs, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1500.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Leading Department of the Army military and civilian personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical material including photographs, newspaper clippings, speeches, and related documents. Name, position/rank/grade, summary of service, and outstanding achievements may also be included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012 and E.O. 9397.

PURPOSE(S):

To respond to queries from the press and Army agencies/commands relating to individuals concerned.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessed only by designated officials having need therefor in the performance of their assigned duties. Storage areas are locked during non-duty hours.

RETENTION AN DISPOSAL:

Records are destroyed 2 years after retirement, transfer, separation, or death of the person concerned.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Public Affairs, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1500.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Public Affairs Office in the organization to which the individual is or was assigned or employed. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individual should provide full name, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in the system should address written inquiries to the Public Affairs Office in the organization to which the individual is or was assigned or employed. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individual should provide full name, current address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; clippings from published media; published biographical data from Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0380–13DAMO

SYSTEM NAME:

Local Criminal Intelligence Files.

SYSTEM LOCATION:

Records are maintained at the installation initiating or collecting the documents.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen or group of citizens suspected or involved in criminal activity directed against or involving the United States Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports and supporting documents of criminal activity directed against or involving the U.S. Army.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013(g) and E.O. 9397.

PURPOSE(S):

To identify individuals or groups of individuals in an effort to anticipate, prevent or monitor possible criminal activity directed against or involving the U.S. Army.

To enable Army officials, commanders, or civil criminal justice agencies to meet their responsibilities regarding the maintenance of discipline, law and order through investigation and possible criminal prosecution, civil court action or regulatory order. Users within the Army include commanders in exercising their authority under the provisions of Titles 10 and 18, U.S.C.; persons designated by the commander to assist in carrying out these responsibilities, i.e., staff judge advocate, investigating officers appointed in accordance with Army regulations, U.S. Army Criminal Investigation Command, military intelligence personnel in those incidents involving possible or actual sabotage or espionage.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Intelligence may be disclosed to the Federal Bureau of Investigation; Drug Enforcement Administration; U.S. Customs Service; Bureau of Alcohol, Tobacco and Firearms; other federal, state, and local enforcement agencies; and, in overseas areas, host government law enforcement agencies when the intelligence pertains to matters within the jurisdiction of those agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tape/disc.

RETRIEVABILITY:

By individual's name, or by cross-index of other data maintained in the system.

SAFEGUARDS:

Only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

RETENTION AND DISPOSAL:

Destroyed upon supersession, obsolescence, or deactivation of the related command.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

Individual should provide the full name, Social Security Number, address, details concerning the expulsion or debarment action, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Chief of Staff for Operations and Plans, ATTN: DAMO–ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

Individual should provide the full name, Social Security Number, address, details concerning the expulsion or debarment action, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Subjects, witnesses, victims, Military Police and U.S. Army Criminal Investigation Command personnel and

special agents, informants, various Department of Defense, federal, state and local investigative and law enforcement agencies, departments or agencies of foreign governments, and any other individuals or organizations which may supply pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0380–19SAIS

SYSTEM NAME:

Access to Computer Areas, Systems Electronically, and/or Data Control Records.

SYSTEM LOCATION:

Information Processing and/or Communications Activities Army-wide. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel assigned to the Army Information Processing and/or Communications installation; contractor personnel; authorized customers/users.

CATEGORIES OF RECORDS IN THE SYSTEM:

Operator's/user's name, Social Security Number, organization, telephone number, and office symbol; security clearance; level of access; subject interest code; user identification code; data files retained by users; assigned password; magnetic tape reel identification; abstracts of computer programs and names and phone numbers of contributors; and similar relevant information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012 and E.O. 9397.

PURPOSE(S):

To administer passwords and identification numbers for operators/users of data in automated media; to identify data processing and communication customers authorized access to or disclosure from data residing in information processing and/or communication activities; and to determine propriety of individual access into the physical data residing in automated media.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; punch cards; and magnetic tapes/discs.

RETRIEVABILITY:

Name, subject, user identification code, news item number, user password, application program key word/author.

SAFEGUARDS:

All information is maintained in secured areas accessible only to designated individuals having official need therefor in the performance of official duties. Either Army Information Processing Installation security guards or remote location operators check access against system reports.

RETENTION AND DISPOSAL:

Individual data remain on file while a user of computer facility; destroyed on person's reassignment or termination.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Information Systems for Command, Control, Communications, and Computers, ATTN: SAIS–IDP, Department of the Army, Washington, DC 20310–0107.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Army Information Processing Installation Operations Center. Official mailing addresses as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individual should provide full name, sufficient details to permit locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Army Information Processing Installation Operations Center. Official mailing addresses as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individual should provide full name, sufficient details to permit locating pertinent records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

System manager, computer facility managers, automated interfaces for user codes on file at Army sites.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0380–67DAMI

SYSTEM NAME:

Personnel Security Clearance Information Files.

SYSTEM LOCATION:

Joint Adjudicative Clearance System (segment of the Defense Central Index of Investigation), Defense Investigative Service, Fort Holabird, MD 21203–1211.

Decentralized segments may be maintained by offices at Department of the Army Staff agencies, major commands, installations, activities, and unified and specified commands, as records relate to the individual's personnel security and clearance status. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, civilian or military, affiliated with the U.S. Army by assignment, employment, contractual relationship, or as the result of an interservice support agreement on whom a personnel security clearance determination has been completed, is in process, or may be pending.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may contain pending and completed personnel security clearance actions on individuals by personal identifying data. It may also contain briefing/debriefing statements for special programs, sensitive positions, and other related information and documents required in connection with personnel security clearance determinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013; 50 U.S.C. 4039; and the National Security Act of 1947; E.O. 10450 and 10865; and E.O. 9397.

PURPOSE(S):

To assist in the processing of personnel security clearance actions, to record security clearances issued or

denied; and to verify eligibility for access to classified information or assignment to a sensitive position.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be released to federal agencies based on formal accreditation as specified in official directives, regulations, and demonstrated need-to-know; to federal, state, local, and foreign law enforcement, intelligence, or security agencies in connection with a lawful investigation under their jurisdiction; and to commanders/agency heads for adverse personnel actions such as fraudulent enlistment proceedings, removal from sensitive duties, elimination from the service, removal from employment, denial to a restricted or sensitive area, and revocation of security clearance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in folders, file cards; computer tape, punch cards, or disks.

RETRIEVABILITY:

Alphabetically by individual's surname or Social Security Number.

SAFEGUARDS:

Records are stored in locked buildings which employ security guards and are subject to Military Policy and/or local civilian law enforcement patrol security. All records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Use of computers, including remote terminals, requires knowledge of special transaction codes to preserve integrity of data.

RETENTION AND DISPOSAL:

Primary system files are destroyed at the same time as the dossier upon which-security clearance action was based. Decentralized Segment personnel security clearance files are either (1) destroyed upon termination of access, (2) destroyed 1 year from the date of transfer or separation of individual, or (3) forwarded to the gaining organization. Investigative reports are forwarded to the United States Army Central Personnel Security clearance Facility, Fort Meade, MD for inclusion in dossier at the United States Army Intelligence and Security Command Investigative Records Repository, Fort Meade, MD 20755–5995. Dossiers are maintained no longer than 15 years from date of last entry unless significant adverse information is present, in which case retention is 25 years. Copies of investigative reports are destroyed upon completion of final action.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Central Personnel Security Clearance Facility, Fort Meade, MD 20755–5250.

NOTIFICATION PROCEDURE:

Individuals seeking to determine information about the status or degree of personnel security clearance/access contained in this system should address written inquiries to the installation or command security officer where assigned or employed. Information contained in investigative files may be obtained from the appropriate investigative agency.

Individual should provide the full name, Social Security Number, current address, and telephone number.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, ATTN: Security Officer, of the command or installation where assigned or employed.

Individual should provide the full name, Social Security Number, current address, and telephone number.

For personal visits to the Security Office, the individual should be able to provide identification (e.g., driver's license, identification card) and verbal information that can be verified with officer records.

Requests for information contained in investigative files should be addressed to appropriate investigative agency with personal identifying data required by that system as published in the **Federal Register**.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; investigative results from the Defense Investigative Service, U.S. Army Intelligence and Security Command, and other Federal, Department of Defense, and Army investigative or law enforcement agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(k)(1), (k)(2), or (k)(5), as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c), and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0380–67USAREUR

SYSTEM NAME:

Employee Screening Program/ Installation Access Files.

SYSTEM LOCATION:

Office of the Deputy Chief of Staff, Intelligence, Office of the U.S. Commander, Berlin, Germany.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian applicants for and/or employees in positions in U.S. Forces activities in the Berlin Command, other than Department of Defense civilians. Persons included are of various nationalities, paid from both appropriated and nonappropriated funds, as well as from funds provided by the German Occupation Costs Office, who are administered under the Berlin Tariff Agreement, which governs employment of the local national workforce. Non-U.S. citizen applicants for and holders of passes authorizing unofficial access to closed U.S. Forces installations and facilities in Berlin.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cards or paper files containing name; date and place of birth; Social Security Number for U.S. citizens; address; personal identity documents by type and serial number; employing or potential employing agency; type of position held or applied for and related information; dates security screening action initiated and completed; list of investigative agencies' files checked with results and disposition of case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To determine suitability of individuals for employment and to grant access to closed military installations as warranted.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information on security screening actions is provided to DOD and U.S. Department of State law enforcement investigative agencies in Berlin for use in criminal/security investigative purposes when warranted.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in secured boxes and file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessible only by designated authorized persons having official need therefor in performance of their duties. Buildings are enclosed in a compound to which access is controlled at all times.

RETENTION AND DISPOSAL:

Files pertaining to U.S. citizens are destroyed on transfer or separation of individual. Files on non-U.S. employees on whom no derogatory information is developed during their tenure of service are held for 6 months after termination of employment, then destroyed; those records containing derogatory information are destroyed 2 years after individual is terminated. Files pertaining to applicants who are not accepted are destroyed upon notification by appropriate Civilian Personnel Officer. Files pertaining to non-U.S. citizen applicants or holders of installation passes are disposed of in accordance with the following schedule: When file contains no or only minor derogatory information, destroyed upon notification from responsible official of surrender of pass. When pass is denied or withdrawn for cause, it is placed in the inactive file, held for 3 years and then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff, Intelligence, Office of the U.S. Commander Berlin, APO AE 09742.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Deputy Chief of Staff, Intelligence, Office of the U.S. Commander Berlin, APO AE 09742.

Individual must furnish full name, date and place of birth, Social Security Number (where appropriate) current address, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Chief of Staff, Intelligence, Office of the U.S. Commander Berlin, APO AE 09742.

Individual must furnish full name, date and place of birth, Social Security Number (where appropriate) current address, and signature, or on a personal visit provide acceptable identification such as national passport, government identity document, employing office's identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Army or Department of Defense records and reports, official personnel file, law enforcement agencies, previous employers, financial institutions, educational institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0381–20DAMI

SYSTEM NAME:

Badge and Credential Files.

SYSTEM LOCATION:

U.S. Army Intelligence and Security Command, Fort Meade, MD 20755–5995.

Decentralized Segments exist at U.S. Intelligence and Security Command groups, field stations, battalions, detachments, field or resident offices having assigned personnel who possess Military Intelligence badges and credentials. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who currently possess or in the past possessed Military Intelligence badge and credential.

CATEGORIES OF RECORDS IN THE SYSTEM:

Card file contains the name, Social Security Number, rank, and badge and credential number of each person who has been issued Military Intelligence badge and credential. This card file is an index to a numerical filing system consisting of envelopes having a badge and credential status and Control Card (MIA Form 70) attached which contains the name of the individual, badge and credential number, component (military or civilian), military occupational specialty, clearance of civilian, authority for issue, and comments which indicate the history of the badge and credential keyed to the individuals having been assigned the badge and credential.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013(b)(c)(d) and (g); National Security Act of 1947, as amended; E.O. 10450, sections 2, 3, 4, 5, 6, 7, 8, 9, and 14; and E.O. 9397.

PURPOSE(S):

To maintain control and accountability over Military Intelligence badges and credentials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to Federal investigative and/or intelligence agencies to ascertain if an individual legally possesses badges and credentials.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card files.

RETRIEVABILITY:

Alphabetically by last name of possessor of badge and credential.

SAFEGUARDS:

Primary system is maintained in buildings employing security guards. Records are maintained in area accessible only to authorized personnel who are properly cleared and trained.

RETENTION AND DISPOSAL:

Records are maintained indefinitely. Destruction is authorized by Central Custodian of the badge and credential.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Intelligence, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Intelligence and Security Command, ATTN: IACSF–FI, Fort Meade, MD 20755–5995. Telephone (301) 377–4742/3.

Individual should provide the full name, Social Security Number, or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, United States Army Intelligence and Security Command, ATTN: IACSF–FI, Fort Meade, MD 20755–5995. Telephone (301) 377–4742/4743.

Individual should provide the full name, Social Security Number, current address, and telephone number.

For personal visits, the individual should furnish acceptable identification and verbal information that can be verified from his/her file card.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

U.S. Army personnel and security records and U.S. Army Orders.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0381–45aDAMI

SYSTEM NAME:

USAINSCOM Investigative Files System.

SYSTEM LOCATION:

U.S. Army Intelligence and Security Command, Fort Meade, MD 20755–5995.

Decentralized segments are located at U.S. Army Intelligence and Security Command groups, field stations, battalions, detachments, and field officers stations, worldwide. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel of the U.S. Army, including active duty, National Guard, reservists and retirees; civilian employees of the Department of the Army, including contract, temporary, part-time, advisory, and volunteer, citizen and alien employees located both in the U.S. and in overseas areas; industrial or contractor personnel who are civilians working in private industry for firms which have contracts involving cases to classified Department of Defense information; aliens granted limited access authorization to U.S. Defense information; Department of Defense alien personnel investigated for visa purposes; individuals about whom there is a reasonable basis to believe that they are engaged in, or plan to engage in, activities such as (1) theft, destruction, or sabotage of ammunition, equipment, facilities, or records belonging to Department of Defense units or installations, (2) possible compromise of classified defense information by unauthorized disclosure or by espionage, (3) subversion of loyalty, discipline or moral of Department of Army military or civilian personnel by actively encouraging violation of lawful orders and regulations or disruption of military activities, (4) demonstrations on active or reserve Army installations or immediately adjacent thereto which are of such character that they are likely to interfere with the conduct of military operations, (5) direct threats to Department of Defense military or civilian employees regarding their official duties or to other persons authorized protection by Department of Defense resources, and (6) activities or demonstrations endangering classified defense contract facilities or key defense facilities of the Panama Canal approved by Headquarters, Department of the Army; certain non-Department of Defense affiliated persons whose activities involve them with the Department of Defense, namely, activities involving requests for admission to Department of Defense facilities or requests for certain information regarding Department of Defense personnel, activities, or facilities; persons formerly affiliated with the Department of Defense; persons who applied for or are/were being considered for employment with or access to Department of Defense such as applicants for military service, preinductees and prospective contractors; visa applicants, individuals residing on, having authorized official access to, or conducting or operating any business or other function at any Department of Defense installation and facility; and U.S. Army Intelligence and Security Command sources.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests for investigation and attachments thereto such as personal history statements; fingerprint cards; personnel security questionnaire; waivers for release of credit; medical and/or educational records; and National Agency check requests.

Investigations conducted by U.S. Army Intelligence and Security Command or other Department of Defense, Federal, State or local investigative agency to include: National Agency checks; local agency checks; military records; birth records; employment records; education records; credit records; interviews of education, employment, and credit references; interviews of listed and developed character references; interviews of neighbors; documents which succinctly summarize information in subject's investigative file; case summaries prepared by both investigative control offices and requesters of investigation interrogation reports; correspondence pertaining to the investigation or its adjudications by clearance authority to include; (1) information which reflects the chronology of the investigation and adjudication; (2) all recommendations regarding the future status of the subject; (3) actions of security/loyalty review boards (4) final actions/determinations made regarding the subject; and (5) security clearance, limited access authorization, or security determination; index tracing reference which contains aliases and the names of the subject and names of co-subjects; U.S. Army Intelligence and Security Command form indicating dossier has been reviewed and all material therein conforms to Department of Defense policy regarding retention criteria; U.S. Army Intelligence and Security Command form to indicate material has been removed and forwarded to the Defense Investigative Service; security termination statements; notification of denial; suspension, or revocation of clearance; record of U.S. Army Intelligence and Security Command agent case agreements; reports of casualty, biographic data concerning Army personnel who are missing or captured; cross reference sheets which indicate the removal of investigative documents requiring limited access. Case control and management documents that serve as the basis for conducting the investigation. This includes documents requesting the investigation; background data such as personal history statement, fingerprint cards, National Agency check requests, and release statements; and documents used in case management and control such as lead sheets, other field tasking documents, and transfer forms.

Card index of personnel investigations/operations which are under controlled access, to include U.S. Army Intelligence and Security Command personnel, file procurement officers, and sensitive counter-espionage, counter-sabotage, and counter-subversion investigations and/or operations.

Accession file maintained to keep record of all persons and agencies authorized to receive Investigative Records Repository (IRR) Files.

Microfilm index and catalogue file, which is an index to all investigative holdings contained in microfilmed investigative records.

Investigative index card file record system maintained to keep a permanent record of all dossiers charged out of U.S Army Intelligence and Security Command on loan to user agencies or on

permanent transfer to Defense Investigative Service.

Document account record or dossiers of their reproductions or microfiche files forwarded from and returned to U.S. Army Intelligence and Security Command.

File containing a record of all favorable IRR dossiers destroyed because no action has transpired in the file within the past 15 years. File consists of either the last clearance certificate contained in the dossier or, if no clearance certificate exists, a summary card containing the name of the individual, his/her date and place of birth, his/her Social Security Number, or Army service number, date and type of investigation, and the name of the agency which conducted the investigation.

Records accounting for the disclosure of U.S. Army Intelligence and Security Command investigative material made outside the U.S. Army.

Card file containing a summary of all actions taken by the U.S. Army Intelligence and Security Command in the conduct of security adjudication.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013(b)(c)(g); National Security Act of 1947, as amended;E.O. 10450, sections 2, 3, 4, 5, 6, 7, 8, 9 and 14; E.O. 11652, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 17; E.O. 9397.

PURPOSE(S):

To provide information to assess an individual's acceptability for assignment to or retention in sensitive positions consistent with the interest of national security; to provide authorized protective service; and to conduct counterintelligence and limited reciprocal investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Accredited Federal criminal and civil law enforcement agencies including those responsible for conducting their own investigations of current or potential employees affiliated for employment or access to classified information.

Other accredited Federal agencies service by the Office of Personnel Management who need to evaluate the suitability of potential employees formerly affiliated with the Department of Defense.

Congress, including the General Accounting Office, for obtaining information concerning a constituent's investigative and/or security records when that constituent requests aid.

Department of Veterans Affairs to verify information on claims for entitlement.

Specific uses of U.S. Army Intelligence and Security Command Investigative files are:

To determine the loyalty, suitability, eligibility, and general trustworthiness of individuals for assignment or appointment to sensitive military duties or to critical sensitive civilian positions.

To determine the eligibility and suitability of individuals for entry and retention in the Armed Forces.

To provide information for ongoing security and suitability investigations being conducted by Federal agencies.

To provide information to assist Federal agencies in the administration of criminal justice and prosecution of offenders.

To provide information in judicial or adjudicative proceedings including litigation, or in accordance with a court order.

To make statistical evaluations or investigative activities.

To provide protective services when authorized by the Secretary of Defense for the Department of Defense, Distinguished Visitors Protection Program. The objective of this program is to provide physical protection for distinguished foreign visitors of Department of Defense and the Military departments and high ranking members of the Department of Defense and its agencies, and to assist the U.S. Secret Service in its protective functions.

To provide information in response to Inspector General, Equal Employment Opportunity, other complaint investigations and Congressional inquiries.

To determine the eligibility and suitability of an individual for favorable personnel actions in the Armed Forces of the U.S., to include Reserve and National Guard.

For use in alien admission and naturalization inquiries conducted under section 105 of the Immigration and Nationality Act of 1952, as amended.

For use in benefit determinations by the Department of Veterans Affairs.

The distribution of investigative information to other Department of the Army activities or outside agencies is based on this agency's evaluation of their needs and the relevance of the information to the use for which it is provided. Information collected for one purpose is not automatically used for the other purposes or by the other users indicated in this description.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Upon receipt of a valid request for an investigation, the request package is given a control number and placed in a case folder (paper record) together with identification data concerning the subject of the request for investigation and control number. The request is entered into an automated data processing system (U.S. Army Intelligence and Security Command case control system), which is designed to provide statistical data and case control management information on the number and types of investigations that are opened, currently pending, and closed in U.S. Army Intelligence and Security Command. This automated system triggers automatic requests upon the Defense Central Index of Investigations (DCII), a master index that holds reference to all Department of Defense investigations conducted by U.S. Army Intelligence and Security Command and the Military Services investigative file depositories. If there are files on the subject, a request is generated by U.S. Army Intelligence and Security Command upon the appropriate repository. Upon review of the request package and other investigative files retrieved through DCII, investigative requirements are then determined by the U.S. Army Intelligence and Security Command Control Office and investigative leads are dispatched to the U.S. Army Intelligence and Security Command field elements and other pertinent Governmental investigative agencies. Upon receipt of the investigative leads at the field level, a duplicate investigative file is prepared by the receiving field element. This file contains investigatory report and case control material pertaining only to the specific investigative leads assigned to the controlling field element. At this point the U.S. Army Intelligence and Security Command investigative file enters into a pending status. During this pending status, investigative reports are prepared by U.S. Army Intelligence and Security Command field elements and sent to the control office, based upon record and interview data obtained during the investigation. Upon completion of the investigation, the closed investigative file held by the U.S. Army Intelligence and Security Command Control Office is forwarded through the IRR to the requestor of the investigation. Upon receipt, the requestor adjudicates the investigation

and returns it to the IRR for retention. The duplicate files prepared by the U.S. Army Intelligence and Security Command field elements are destroyed 120 days after the closing.

STORAGE:

Paper records in file folders, rolled microfilm, and microfiche.

RETRIEVABILITY:

File folders are maintained in terminal digit order by regular dossier number and Social Security Number. In order to obtain the dossier number of the subject at least one personal identifier is required. For those subjects who have no identifying data such as date of birth, military service number or Social Security Number, the name only index is searched. Additionally, a nonstandard search is required. The name only index will provide a subject's name and dossier number only. The nonstandard search will provide a listing of all subjects with identifying data. In these instances, some other identifying data must be furnished such as address. Dossiers possibly identical with the subject may be forwarded to the requester.

Microfiche files are maintained in duplicate copy in separate locations in Microfilm Division, IRR. The records are maintained in terminal digit order according to regular dossier number or Social Security Number.

Microfilm records are retrieved by name or dossier number.

SAFEGUARDS:

Building is under 24-hour guard and accessible only to authorized personnel. Only individuals accredited as file procurement officers may obtain and review IRR investigative records. Subordinate U.S. Army Intelligence and Security Command elements and other official requesters are required to have General Services Administrative approved containers for the storage of investigative files. Certified mail is used to forward any investigative files to official requesters of U.S. Army Intelligence and Security Command subordinate elements.

RETENTION AND DISPOSAL:

Personnel security investigative files may be retained for 15 years after last action reflected in the file, except that files which resulted in adverse action against the individual will be retained permanently. However, once affiliation is terminated, acquiring and adding material to the file is prohibited unless affiliation is renewed.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Intelligence, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Intelligence and Security Command, ATTN: IACSF–FI, Fort Meade, MD 20755–5995.

Individual should provide the full name, Social Security Number, or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Intelligence and Security Command, ATTN: IACSF–FI, Fort Meade, MD 20755–5995.

Individual should provide the full name, Social Security Number, previous service number (if any), current address, and telephone number.

Visits are limited to Building 4552, Fort Meade, MD 20755–5995; visitors must provide acceptable identification (e.g., valid driver's license, employing office's identification card) and verbal information that can be verified with his/her care folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Department of Defense and Military Department records; Federal Agency records; State, county, and municipal records; employment records of private schools, colleges, universities, technical and trade schools; hospital records; real estate agencies; credit bureaus; loan companies; credit unions, banks, and other financial institutions which maintain credit information on individuals; Transportation companies (airlines, railroads, etc.); Other private records sources deemed necessary in order to complete an investigation; miscellaneous records such as: Telephone directories, city directories; Who's Who in America; Who's Who in Commerce and Industry; Who Knows What, a listing of experts in various fields; American Medical Directory; Martindale-Hubbell Law Directory; U.S. Postal Guide; Insurance Directory; Dunn and Bradstreet; and the U.S. Army Register; any other type of miscellaneous record deemed necessary to complete the U.S. Army Intelligence and Security investigation; the interview of individuals who have knowledge of the subject's background and activities; the interview of witnesses; the interview of victims; the interview of confidential sources; and the interview of other individuals deemed necessary to complete the U.S. Army Intelligence and Security Command investigation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(1), (k)(2), or (k)(5) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c), and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0381–45bDAMI

SYSTEM NAME:

Department of the Army Operational Support Activities.

SYSTEM LOCATION:

U.S. Army Intelligence and Security Command, Fort Meade, MD 20755–5995.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected members of the U.S. Army and civilian employees of the Department of the Army who participate in and have received support for conducting U.S. Army intelligence and counterintelligence duties. Included are personnel of other Federal agencies who request and receive support from appropriate authority.

CATEGORIES OF RECORDS IN THE SYSTEM:

Card file with automated index of individuals who have received support from Department of the Army in completing specialized duties within the Army's intelligence and counterintelligence activities. Card files and duplicate automated files of individuals indicating any identity and other data which may be used to identify them in their support of the Department of the Army's intelligence and counterintelligence activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013(b),(c),(g); National Security Act of 1947, as amended and E.O. 10450, sections 2, 3, 4, 5, 6, 7, 8, 9 and 14; E.O. 9397.

VOL
58
ISS
33
FE
22
1993
UMI

PURPOSE(S):

To identify and manage the career of individuals performing duties in the Department of the Army specialized intelligence and counterintelligence assignments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Other Federal investigative and/or intelligence agencies use the file to verify and assignments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, vertical card file, computer diskpack and printouts.

RETRIEVABILITY:

Alphabetically by individual's surname; automated files by Social Security Number.

SAFEGUARDS:

Material is stored in General Services Administration containers approved for the storage of secret material. Building in which material is stored is locked during hours of non-occupancy. Automated files are access controlled by a code word issued only to properly screened, cleared, and trained personnel.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Intelligence, Department of the Army, Washington, DC 20310–1001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Intelligence and Security Command, ATTN: IACSF–FI, Fort Meade, MD 20755–5995.

Individual should provide the full name, Social Security Number, or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Intelligence and Security Command, ATTN: IACSF–FI, Fort Meade, MD 20755–5995.

Individual should provide the full name, Social Security Number, previous service number (if any), current address, and telephone number.

For personal visits are the individual must furnish acceptable identification and verbal information that can be verified with his/her file card.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; investigative reports of Defense Investigative Service, U.S. Army Intelligence and Security Command, and other Federal and Department of Defense investigative and law enforcement agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(1), (k)(2) or (k)(5) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c), and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0381–45cDAMI

SYSTEM NAME:

Counterintelligence Operations Files.

SYSTEM LOCATION:

U.S. Army Intelligence and Security Command, Fort Meade, MD 20755–5995.

Decentralized segments exist at U.S. Army Intelligence and Security Command groups, field stations, battalions, detachments, and field offices stationed worldwide. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and retired military personnel, Department of Defense affiliated civilians including contractor personnel employed by civilian firms having defense contracts, and individuals not affiliated with the Department of Defense only if there is a reasonable basis to believe that one or more of the following situations exist: Theft, destruction or sabotage of weapons, ammunition, equipment, facilities or records belonging to Department of Defense units or installations; possible compromise of classified defense information by unauthorized disclosure or by espionage; subversion of loyalty, discipline or morale of Department of the Army military or civilian personnel by actively encouraging violation of laws, disobedience of lawful orders and regulations, or disruption of military activities; demonstrations on active or reserve Army installations or demonstrations immediately adjacent to them which are of such a size or character that they are likely to interfere with the conduct of military activities (Armed Forces Induction Centers, U.S. Army Recruiting Stations located off post and facilities of Federalized National Guard Units are considered to be active Department of Defense installations. For the purpose of the subparagraph, Reserve Officer Training Corps installations on campuses are not considered to be active or reserve Army installations and coverage of demonstrations at or adjacent to such installations is not authorized); direct threats to Department of Defense military or civilian personnel regarding their official duties or to other persons authorized protection by Department of Defense resources; activities or demonstrations endangering classified Defense contract facilities or key defense facilities, including Panama Canal, approved by Headquarters, Department of the Army as key to the defense and operation of the Panama Canal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents used to conduct foreign counterintelligence operations and investigations pertaining to the U.S. Army's responsibilities under the categories of counterintelligence, counterespionage, counter-sabotage, counter-subversion, and international terrorism.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, Security Requirements for Government Employment, in particular sections 2 and 9c thereof; E.O. 12036, U.S. Intelligence Activities, in particular paragraphs 1–1104, 1–1112, 1–1113, 1–204(b) and 2–208; the National Security Act of 1947, as amended (10 U.S.C. 3013(b), (c), and (g); E.O. 9397.

PURPOSE(S):

To document investigations and operations pertaining to the U.S. Army's responsibilities for counterintelligence, and to detect, identify, and neutralize foreign intelligence and international terrorist threats to the Department of Defense.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is provided to Federal agencies and other services and governmental agencies whose missions

contain responsibility for foreign counterintelligence activities.

Information may be disclosed to foreign law enforcement, security, investigatory or administrative authorities in order to comply with requirements imposed by or to claim rights conferred in international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel and other countries where there are routine reciprocal exchanges of information.

This distribution of operational and investigative information to outside agencies is based on the evaluation by the U.S. Army Intelligence and Security Command of the other activity's needs and the relevance of the information to the use for which it is to be provided. Information collected is not automatically used for all the purposes or by all the other users listed in this description.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Reports generated in the documentation of agency investigations and operations are retained in original report format as paper records in file folders. Other records and reports are maintained as paper records in file folders and in microfiche. Extracted information is converted into appropriate language for storage on a computer disk pack.

RETRIEVABILITY:

Paper records are retrieved by name or file number. Computerized data are retrieved by name, date of birth, place of birth, and aliases; by designation of the operation or investigation, or by identification of foreign intelligence agency.

SAFEGUARDS:

Files are maintained in three-position combination, fire resistant steel security containers housed in security controlled areas accessible only to authorized personnel. Computerized data are controlled by a code word that is issued only to properly screened, cleared and trained personnel. System employs on-line, dial-up procedures, enhanced by shielding and other appropriate technical safeguards to protect data against potential compromising emanations and/or unauthorized access.

RETENTION AND DISPOSAL:

Paper records documenting foreign counterintelligence operations are permanent. At the termination of the operation/investigation, files are retired to the U.S. Army Intelligence and security Command's Investigative Records Repository. Computerized information is updated periodically and all previous copies destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Intelligence, Department of the Army, Washington, DC 20310–1001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Intelligence and Security Command, ATTN: IACSF–FI, Fort Meade, MD 20755–5995.

Individual should provide the full name, Social Security Number, or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Intelligence and Security Command, ATTN: IACSF–FI, Fort Meade, MD 20755–5995.

Individual should provide full name, Social Security Number, current address, and telephone number.

For personal visits, requestor should present acceptable proof of identity such as a valid driver's license, military identification card, Department of Defense building pass, or other type of identification containing photograph and identity data.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(1), (k)(2), or (k)(5) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c), and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0381–100aDAMI

SYSTEM NAME:

Intelligence Collection Files.

SYSTEM LOCATION:

U.S. Army Intelligence and Security Command, Fort Meade, MD 20755–5995.

Decentralized segments located at U.S. Army Intelligence and Security Command groups, field stations, battalions, detachments, field offices and resident offices stationed worldwide. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who qualified and may be accepted for sensitive intelligence duties with the U.S. Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain documents which describe the requirements, the objectives, the approvals, the implementation, the reports, and the results of Department of the Army sensitive intelligence activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 (b), (c), (g); National Security Act of 1947, as amended; E.O. 10450, paragraphs 2, 3, 4, 5, 6, 7, 8, 9 and 14; and E.O. 9397.

PURPOSE(S):

To support contingency planning and military operations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDED CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used by the Federal Bureau of Investigation and the Central Intelligence Agency to compile a total record involving sensitive intelligence activities.

Information may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel and other countries where there are routine reciprocal exchange of information.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

VOL 58 ISS 33 FE 22 1993 UMI

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and visible, vertical card files; automated records on disc with video display of individual source records on cathode ray tube.

RETRIEVABILITY:

Alphabetically by last name, numerically by source and numerically by project number.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly cleared, and have a need-to-know for the information. Automated media are protected by authorized code word for access to system, controlled access to operations rooms, and controlled input distribution.

RETENTION AND DISPOSAL:

Records are permanent and retained in active file until no longer needed; then retired to the Investigative Records Repository, U.S. Army Intelligence and Security Command, Fort Meade, MD 20755–5995.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Intelligence, Department of the Army, The Pentagon, Washington, DC 20310–1001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Intelligence and Security Command, ATTN: IACSF-FI, Fort Meade, MD 20755–5995.

Individual should provide the full name, Social Security Number, current address, and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, United States Army Intelligence and Security Command, ATTN: IACSF-FI, Fort Meade, MD 20755–5995.

Individual should provide the full name, Social Security Number, current address, and telephone number.

For personal visits, the individual must furnish acceptable identification and verbal information that can be verified from his/her file.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From individual investigative reports of Defense Investigative Service, U.S. Army Intelligence and Security Command, and other Federal and Department of Defense investigative and law enforcement agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(1), (k)(2), or (k)(5) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0381–100bDAMI

SYSTEM NAME:

Technical Surveillance Index.

SYSTEM LOCATION:

The system is maintained at the following locations: at Investigative Records Repository, Headquarters, U.S. Army Intelligence and Security Command, Fort Meade, MD 20755–5995;

Headquarters, U.S. Army Europe and Seventh Army, Office of the Deputy Chief of Staff, Intelligence, Systems Division, APO AE 09403–0007;

Office of the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–4000; and

Director, U.S. Army Crimes Records Center, ATTN: CICR–FP, 2301 Chesapeake Avenue, Baltimore, MD 21222–4099.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons whose conversations have been intercepted during technical surveillance operations conducted by, or on behalf of, the Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name and citizenship, any associated telephone number or radio call sign; location, date, and time of the surveillance activity, and the source document.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 2510–2520 and 3504.

PURPOSE(S):

To assist the Counterintelligence Officer in compiling a total investigative record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes and paper records.

RETRIEVABILITY:

U.S. Army Europe and Seventh Army segment uses a computerized retrieval system of name, address, telephone number or case designation. Other segments are retrieved manually by name, address, telephone number or case designation.

SAFEGUARDS:

Access to buildings is controlled by security guards. Records are maintained in General Services Administration approved security containers, physically separated from other materials, and are accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Intelligence, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Intelligence and Security and Command, ATTN: IACSF–FI, Fort Meade, MD 20755–5995.

Individuals should provide the full name, current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, United States Army Intelligence and Security Command; ATTN: IACSF–FI, Fort Meade, MD 20755–5995.

Individual should provide the full name, current address, and telephone number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the Army and other investigative agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(1), (k)(2), or (k)(5) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c), an (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0385–10/40ASO

SYSTEM NAME:

Army Safety Management Information System (ASMIS).

SYSTEM LOCATION:

System exists at U.S. Army Safety Center, Fort Rucker, AL 36362–5363.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in accidents incident to Army operations or accidents in which Army personnel are injured.

CATEGORIES OF RECORDS IN THE SYSTEM:

Automated data base containing pertinent and relevant information concerning Army mishaps/accidents. For aviation accidents, the records consist of those data elements listed on Preliminary Reports of Aircraft Mishaps but exclude data extracted from DA Forms 2397–R. For ground accidents, the records include data extracted from DA Form 285 and 285–1. Records do not include DA Forms 2397–R, 285 or 285–1 or their exhibits and attachments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7902; Pub. L. 91–596, section 18, Occupational Safety and Health Act of 1970; section 2, E.O. 11807; and E.O. 9397. Occupational Safety and Health Programs for Federal Employees.

PURPOSE(S):

Information is maintained solely for accident prevention purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Commanders and aviation staff officers in the Active Army, National Guard, and Reserve components who have an identified need to determine aviator or soldier accident/mishap experience for increased duty responsibility or training programs may also request a search of the PRAM files by name and Social Security Number.

National Guard units are provided the aircraft accident history of applicants to aviation positions in the Guard to help evaluate their suitability for appointment. It may also be used by safety officials within DOD to determine eligibility for safety awards.

Access to these records may also be granted by System manager to various Department of Defense agencies, the Department of Labor, Federal Aviation Agency, National Transportation Safety Board, other Federal, State, and local agencies, and applicable civilian organizations, such as the National Safety Council, for use in a combined effort of accident prevention. In those cases, access by non-DOD agencies will not be based on name or Social Security Number.

Data must also be disclosed under the provisions of 29 CFR 1960.29 in some cases to employee representatives.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes/disks.

RETRIEVABILITY:

U.S. Army Safety Center employees may retrieve data by reference to a person's name or Social Security Number. Army Staff agencies, installation and command safety offices, major subordinate commands of the Army Materiel Command can access the records by remote terminal. Retrieval from remote terminals is limited to nonpersonal identifiers such as date, location, type of equipment or type of accident. Retrieval of records from which data in ASMIS is extracted (DA Forms 285, 285–1, and 2397–R) is by date and sequence number.

SAFEGUARDS:

Information is coded and accessed only by authorized personnel who have appropriate clearance. Paper/microfilm records which are the source of the data are maintained in locked file cabinets in a room secured by a manipulation-proof combination lock. Computer stored records are secured similarly behind security doors. Personnel who are granted access from remote sites are required to comply with restrictions on the use and release of the information. Remote terminal access is granted only on the bases of a need-to-know for accident prevention purposes. Authorized personnel are given a personal code word for access and must agree in writing to observe restrictions on the use and release of data.

RETENTION AND DISPOSAL:

Computerized records are retained for 30 years. Computer printouts of accident reports containing names or Social Security Numbers are shredded or burned. Accident reports from which ASMIS data is extracted are maintained at the U.S. Army Safety Center on paper for 5 years, then transferred to microfilm. Paper records at installation and command safety offices are destroyed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Army Safety, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Safety Center, Fort Rucker, AL 36362–5363, ATTN: Judge Advocate.

Individual must furnish his/her full name, Social Security Number, current address and telephone number, when and where the accident occurred, type of equipment involved in the accident, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Safety Center, Fort Rucker, AL 36362–5363, ATTN: Judge Advocate.

Individual must furnish his/her full name, Social Security Number, current address and telephone number, when and where the accident occurred, type of equipment involved in the accident, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Army records and reports containing information in reports of accident, injury, fire, morbidity, military police traffic accident investigations, casualty reports, individual sick slips, report of

vehicle accidents, marine casualty reports, and military aviation records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0405–10aCE

SYSTEM NAME:

Relocation Assistance Files.

SYSTEM LOCATION:

Office, Chief of Engineers, Headquarters, Department of the Army, Washington, DC 20314–1000; Engineer Division and District Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who apply for relocation assistance pursuant to Title II of Pub. L. 91–646.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application for relocation assistance; relevant correspondence; documents relating to the movement of displaced persons because of acquisition of real estate for Army Military, Civil works, or other Federal agency use.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 91–646.

PURPOSE(S):

To process applications for relocation assistance benefits and to consider appeals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tape, cards, discs.

RETRIEVABILITY:

By applicant's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel having need therefor, within buildings protected by security guards.

RETENTION AND DISPOSAL:

Records are destroyed 10 years after final action or determination on appeals, as applicable at offices performing Army-wide responsibility. Other offices destroy records 10 years after payment in full satisfaction of claim or final payment, as applicable. Records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Engineers, Headquarters, Department of the Army, Washington, DC 20314–1000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief of Engineers, Headquarters, Department of the Army, ATTN: CERE-R; Washington, DC 20314–1000.

Individual must furnish full name, address and telephone number, state of residence at the time application was filed, other pertinent information that will assist in locating the records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief of Engineers, Headquarters, Department of the Army, ATTN: CERE-R; Washington, DC 20314–1000.

Individual must furnish full name, address and telephone number, state of residence at the time application was filed, other pertinent information that will assist in locating the records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0405–10bCE

SYSTEM NAME:

Homeowners Assistance Case Files.

SYSTEM LOCATION:

Office, Chief of Engineers, Headquarters, Department of the Army, Washington, DC 20314–1000. Segments of this system exist at Engineer Division and District Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and military personnel who apply for homeowners assistance benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the application of persons sustaining losses in real estate because of closure or reduction of military bases; e.g., employment verification; income and expense figures; information concerning offer to sell real property or similar written offer; negotiator's report; title evidence and opinions; surveys, leases; Certificate of Inspection and Possession; Payment and Closing Sheet and Receipt for U.S. Treasurer's check; market impact data; insurance and tax data; Disclaimer by Person of Possession; DD Form 1607 (Application for Homeowner Assistance); FHA Form 1174 (Transmittal of Recorded Deed and Title Assembly-Military Acquisition); appraisal reports, docket sheets, questionnaires, copies of deeds and mortgages, mortgage settlement data; evidence of proof of ownership and occupancy of residence, applicant appeals and final decisions thereon; comparable forms and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, Pub. L. 89–754 (80 Stat. 1255, 1290), as amended.

PURPOSE(S):

To process applications for homeowners assistance benefits and to consider appeals; to review market studies and appraisals; to review final title assemblies of deeds of conveyance to the Government for properties acquired under the program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Housing and Urban Development/FHA: In assuming custody of acquired homes, to manage and dispose of such properties on behalf of the Secretary of Defense.

FHA/Department of Veterans Affairs: In accepting subsequent purchaser in private sales when property is encumbered by a mortgage loan guaranteed or insured by them.

Department of Justice: In reviewing final title and deeds of conveyance to the Government for properties acquired under the program, pursuant to their responsibilities under Pub. L. 91–393.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tapes/disks; cards.

RETRIEVABILITY:

By applicant's surname.

SAFEGUARDS:

All information is protected by physical security devices which include guards to the buildings and limited access only to authorized personnel having official need therefor. Access to or update of information in automated media is by a system of passwords, thereby preserving integrity of the data.

RETENTION AND DISPOSAL:

Files are destroyed 10 years after final action or decision on appeals, as applicable.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Engineers, Headquarters, Department of the Army, Washington, DC 20314–1000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief of Engineers, Headquarters, Department of the Army, ATTN: CERE-R, Washington, DC 20314–1000.

Individuals must provide their full name, current address and telephone number, name and location of the installation closed or announced for closure, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief of Engineers, Headquarters, Department of the Army, ATTN: CERE-R, Washington, DC 20314–1000.

Individuals must provide their full name, current address and telephone number, name and location of the installation closed or announced for closure, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0405–80CE

SYSTEM NAME:

Real Estate Outgrants.

SYSTEM LOCATION:

Office of the Chief of Engineers, Headquarters, Department of the Army, ATTN: CERE-M, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000 and the Engineer Division and District Offices. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Grantees holding outgrants (leases, licenses, easements, permits, and consents) for use of Government real property, or permission (under consents) for use of property over which the Government holds easement interests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Outgrant instrument and listings by number and name to include location, purpose, term and rental for each outgrant, and an indication when grantees are not in compliance with terms of their outgrants, and recreational use and expenditure information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2667, 2668, 2672, 3012, 4777, 8012 and 9777; 16 U.S.C. 460d and 661 et seq.; 30 U.S.C. 185; 33 U.S.C. 558b, 558b–1 and 652; 40 U.S.C. 319 and 471 et seq.

PURPOSE(S):

To process outgrants and to record inspections of outgrants and determine grantees' compliance with terms and conditions of the grant.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets and on magnetic tape or optical systems.

RETRIEVABILITY:

Records are retrieved by outgrant or response number, or by the grantee's name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized persons having official need therefore. Records are housed in buildings protected by security guards or locked when not in use. Information in automated media is further protected by physical security devices; access to or update of information in the system is protected through a system of passwords, thereby preserving integrity of data.

RETENTION AND DISPOSAL:

Records are destroyed three years after termination of outgrant instrument.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Chief of Engineers, Headquarters, Department of the Army, ATTN: CERE-M, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Chief of Engineers, Headquarters, Department of the Army, ATTN: CERE-M, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000.

Individual must provide full name, present address and telephone number, response number if known, specifics concerning the outgrant and the request must be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Chief of Engineers, Headquarters, Department of the Army, ATTN: CERE-M, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000.

Individual must provide full name, present address and telephone number, response number in known, specifics concerning the outgrant and the request must be signed.

CONTESTING RECORD PROCEDURES:

Army rules for accessing records and for contesting contents and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual and Army records and/or report.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0570–4DARP

SYSTEM NAME:

Human Resources Information System (HRIS).

SYSTEM LOCATION:

U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

VOL 58 ISS 33 FE 22 1993 UMI

CATEGORIES OF RECORDS IN THE SYSTEM:

All U.S. Army Reserve Personnel Center (ARPERCEN) employees, both military and civilian.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of man-hours utilization, production, and backlog records reported by individuals daily and maintained by operating officials to track data in the above categories. The documents include, but are not limited to, information on individuals relating to name, grade, Social Security Number, TDA paragraph and line number, employment category, job title, work center, and distribution of work hours among direct productive, indirect productive, and unavailable categories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; and E.O. 9397.

PURPOSE(S):

To document man-hours utilization, workload, and backlogs to analyze, program, and review manpower requirements in ARPERCEN; provide a decision basis for approval or disapproval of requests for additional employees, overtime requests, and awards nominations; measure productivity of units and individual employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to justify manpower requirements with the U.S. Army Manpower Requirements and Documentation Agency.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Personal computer diskettes and computer tapes.

RETRIEVABILITY:

By name, Social Security Number, and TDA paragraph and line number.

SAFEGUARDS:

Computer tapes are stored in locked cabinets. Diskettes are stored in areas accessible only to authorized personnel of ARPERCEN. After hours, the building and security guards and/or doors are secured and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Diskettes and tapes are retained for 5 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Reserve Personnel Center, ATTN: DARP–RMS, 9700 Page Boulevard, St. Louis, MO 63132–5200.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquires to the Commander, U.S. Army Reserve Personnel Center, ATTN: DARP–RMS, 9700 Page Boulevard, St. Louis, MO 63132–5200.

For verification purposes, individual should provide the full name, Social Security Number, organization to which assigned, and dates of assignment.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Reserve Personnel Center, ATTN: DARP–RMS, 9700 Page Boulevard, St. Louis, MO 63132–5200.

For verification purposes, individual should provide the full name, Social Security Number, organization to which assigned, and dates of assignment.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the record subjects by means of DARP Form 222–1–R, Individual Daily Record, and DARP Form 222–3–R, Individual Daily Executive Level.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600DARP

SYSTEM NAME:

Career Management Files of Dual Component Personnel.

SYSTEM LOCATION:

U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any reserve or warrant officer on active duty as a Regular Army enlisted man; any reserve officer on active duty as a Regular Army warrant officer.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank, Social Security Number, basic pay entry date, promotion eligibility date, mandatory removal date, military education, copies of officer evaluation reports, academic reports, qualification records, letters of appreciation and commendation, general orders, concerning awards; and similar documents, records and reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 275 and E.O. 9397.

PURPOSE(S):

To advise reserve officers when they will be considered for promotion, military education that needs to be completed for eligibility; to determine if officer should be removed for substandard performance of duty; to advise of eligibility for retirement as either an officer or enlisted person; to apprise individuals of changes in the reserve program affecting them.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tape/disc.

RETRIEVABILITY:

By individual's surname and Social Security Number.

SAFEGUARDS:

All records are restricted to officially designated individuals having need therefor in assigned duties. Records are maintained in secured buildings; automated data are stored in vaults.

RETENTION AND DISPOSAL:

Records on this system are combined with Army personnel records. Dual Component officer and enlisted Official Military Personnel Files are retained at the U.S. Army Enlisted Records and Evaluation Center, if serving as an enlisted person and the U.S. Total Army Personnel Command, if a warrant officer. Officer Military Personnel Records Jackets are to be maintained at the dual component individual's current unit of assignment. Dual Component's Career Management Individual Files are maintained at the U.S. Army Reserve Personnel Center, ATTN: DARP–PAT–SD.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Reserve Personnel Center, ATTN: DARP–PAT–SD, 9700 Page Boulevard, St. Louis, MO 63132–5200.

For verification purposes, individual should provide the full name, Social Security Number, current address and telephone number and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Reserve Personnel Center, ATTN: DARP–PAT–SD, 9700 Page Boulevard, St. Louis, MO 63132–5200.

For verification purposes, individual should provide the full name, Social Security Number, current address and telephone number and signature.

CONTESTING RECORD PROCEDURES:

The Army's rule for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600USAREUR

SYSTEM NAME:

USAREUR Community Automation System (UCAS).

SYSTEM LOCATION:

Each USAREUR community, United States Army, Europe and Seventh Army, APO AE 09403–0007.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Army, Europe and Seventh Army military and civilian members and their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, command and unit of assignment, military occupational skill, sex, date of birth, date eligible to return from overseas, basic active service date, pay entry basic date, expiration term of service, date of rank, rank/grade, promotion status, citizenship, marital status, spouse's Social Security Number (for military spouse), insurance and beneficiary data for Department of Defense For 93 (Record of Emergency Data) and Department of Veterans Affairs Form 29–8286 (Serviceman's Group Life Insurance Election) completion in an automated format (DD Form 93–E and SGLV Form 8286–E), address, work and home telephone numbers, type of tour, dependent status and relationships, marriage data, type and date of cost of living allowance, port call date, departure date and order number, exceptional family member status, household goods/hold baggage, vehicle-shipment dates/ destinations/ weights.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

The primary purpose of UCAS is to provide a central database containing all information required to in-process or out-process individuals within a USAREUR community. This data base is shared among five community work centers that need information on arriving and departing personnel. These work centers, the Central Processing Facility, Personnel Services Company, Finance Office, Housing Office and the Transportation Office, have access to certain portions of the UCAS data base. Data base information updates made by each work center are shared by all work centers that need the information. The centralized data base reduces in-processing and out-processing time since individuals no longer need to furnish the same information at each work centers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes and discs; computer printouts.

RETRIEVABILITY:

By Social Security Number, name, or other individual or group identifier.

SAFEGUARDS:

Physical security devices, computer hardware and software security features, and personnel clearances for individuals working with the system. Automated media and equipment are protected by controlled access to computer rooms.

RETENTION AND DISPOSAL:

Information is destroyed 30 days after individual's tour of duty with that community ends.

SYSTEM MANAGER(S) AND ADDRESS:

Commander-in-Chief, United States Army, Europe and Seventh Army, ATTN: AEAIM-AR-AR, APO AE 09403–0007.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander-in-Chief, United States Army, Europe and Seventh Army, ATTN: AEAIM-AR-AR, APO AE 09403–0007.

Individuals should provide sufficient details to permit locating pertinent records, such as full name, Social Security Number, and current address. Request must be signed by individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records themselves contained in this record about system should address written inquiries to the Commander-in-Chief, United States Army, Europe and Seventh Army, ATTN: AEAIM-AR-AR, APO AE 09403–0007.

Individual should provide sufficient details to permit locating pertinent records, such as full name, Social Security Number, and current address. Request must be signed by individual.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Army records, reports and other official documents; Army Standard Automated Management Information Systems.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600–8DAPE

SYSTEM NAME:

Standard Installation/Division Personnel System - USAR.

SYSTEM LOCATION:

U.S. Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

VOL 58 ISS 33 FE 22 1993 UMI

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals currently assigned to a U.S. Army Reserve unit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, sex, race, civilian occupation, current military assignment, grade/rank, unit identification code, date entered military service, promotion data, security clearance, military obligation expiration date, military qualifications, and other similar relevant data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 275.

PURPOSE(S):

To accomplish promotions, demotions, transfers, and other personnel actions essential to unit readiness; to identify and fulfill training needs; and to render strength accounting, budgetary, manpower requirements, and other statistical reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes.

RETRIEVABILITY:

By Social Security Number and five characters of individual's surname.

SAFEGUARDS:

Tape files are stored in reel number sequence in a library within a restricted computer room complex having controlled entry. The computer room is restricted to authorized personnel and controlled by security guards. Access to on-line data is controlled within USARCPAC by ENVIRON/1, a product of CINCOM Systems, Inc., via a six position alphanumeric password. This password controls on-line sub-systems to which user has access. Once access to the sub-system has been gained, a further four position alphanumeric access code is required which determines the specific application which the user may access; second access codes are maintained by the USARCPAC Project Management Officer and controlled by designated Major Army Command Headquarters which are on-line to the centralized data base at USARCPAC through hard wired terminals. Currently, these are U.S. Forces Command and the First, Fifth, and Sixth U.S. Armies. U.S. Army Western Command and U.S. Army Europe will be added to the system in 1985. Users do not have on-line update capability.

RETENTION AND DISPOSAL:

Information is retained for the duration of reservist's unit assignment. The current and two previous tape files are retained at any given time.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not this system contains information about them may inquire of the Commander of the Army Headquarters in which the unit is located, furnishing full name, Social Security Number, and specific information concerning the event or incident that will assist in locating the record.

RECORD ACCESS PROCEDURES:

For access to information in this system, individual should address an inquiry and furnish information as indicated in 'Notification procedure.'

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600–8DARP

SYSTEM NAME:

Individual Ready, Standby, and Retired Reserve Personnel Information System.

SYSTEM LOCATION:

U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the U.S. Army Reserve and assigned to a Reserve unit and not serving on extended active duty in an entitled reserve status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal and military status and qualifications data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 275 and E.O. 9397.

PURPOSE(S):

To maintain personnel data on members assigned to individual ready, standby, and retired Army Reserves; to select and order individuals to military active duty training, to identify personnel for promotion; to determine those not qualified for retention in the reserve forces; to issue annual statement of retirement credits; to select qualified members for potential assignment to active Army units and reserve component units in the event of mobilization.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes and discs.

RETRIEVABILITY:

By Social Security Number.

SAFEGUARDS:

Records are located in secured building; access requires an ID badge and is limited to individuals having official need therefor.

RETENTION AND DISPOSAL:

Records are maintained for 7 months after individual completes statutory or contractual reserve commitment.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Reserve Personnel Center, ATTN: DARP–IM, 9700 Page Boulevard, St. Louis, MO 63132–5200.

For verification purposes, individual should provide the full name, Social Security Number, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army

Reserve Personnel Center, ATTN: DARP–IM, 9700 Page Boulevard, St. Louis, MO 63132–5200.

For verification purposes, individual should provide the full name, Social Security Number, current address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the Official Military Personnel File and the Military Personnel Records Jacket.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600–8NGB

SYSTEM NAME:

Standard Installation/Division Personnel System Army National Guard (SIDPERS–ARNG).

SYSTEM LOCATION:

The system operates at two levels. Each state ARNG headquarters has primary responsibility for editing and updating the database; the National Guard Bureau (NGB) centrally collects and controls data flows to/from the states thereby creating the database for reports preparation to Headquarters, Department of the Army, Department of Defense, and other agencies. Addresses for each state headquarters may be obtained from the Commander, Army National Guard Personnel Center, 4501 Ford Avenue, Alexandria, VA 22302–1450.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Army National Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Soldier's name, Social Security Number, grade/rank, sex, race, ethnic group, current military assignment, military qualifications, dates relevant to military service, civilian occupation, and other similar relevant data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 275 and E.O. 9397.

PURPOSE(S):

The principal purposes are to: Report accessions and losses to ARNG strength; provide information for personnel management; support automated interfaces with authorized information systems for pay, mobilization, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes/discs.

RETRIEVABILITY:

By name and Social Security Number.

SAFEGUARDS:

Access to data storage area and distribution of printouts is controlled. Approval of functional manager must be obtained before data may be retrieved or distributed.

RETENTION AND DISPOSAL:

Data on enlisted personnel are destroyed 1 month after individual is separated from the Army National Guard, for commissioned officers and warrant officers, data are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army National Guard Personnel Center, 4501 Ford Avenue, Alexandria, VA 22302–1450.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Army National Guard Personnel Center, 4501 Ford Avenue, Alexandria, VA 22302–1450.

For verification purposes, individual should provide the full name, service identification number, present address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Army National Guard Personnel Center, ATTN: Chief, Army National Guard, 4501 Ford Avenue, Alexandria, VA 22302–1450.

For verification purposes, individual should provide the full name, service identification number, present address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, individual's personnel and pay files, other Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600–8USFK

SYSTEM NAME:

Command Unique Personnel Information Data System (CUPIDS).

SYSTEM LOCATION:

Headquarters, U.S. Forces, Korea/ Eighth U.S. Army, APO AP 96301–9000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of U.S. Forces, Korea and Eighth U.S. Army, their dependents, U.S. Embassy employees, contract personnel, technical representatives, and individuals who are assigned to or under the jurisdiction or administrative control of the U.S. Army who make purchases of controlled items from authorized resale activities in Korea.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, date and place of birth, sex, citizenship, date arrived in and previous tours in the Republic of Korea, rotation date, service component, pay grade/ position, marital status, dependency status, selected skill specialties; sales slips and control sheets used in sales of controlled items by U.S. Forces; overspending/over purchase printouts produced by central computer facilities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Status of Forces Agreement; United States of America and the Republic of Korea; 10 U.S.C. 3012; and E.O. 9397.

PURPOSE(S):

Information is used for personnel management, strength accounting, manpower management, and contingency planning and operations; to assist commanders and U.S. Armed Forces investigative agents in monitoring purchases of controlled items; to produce ration control plates for authorized users; to maintain record of selected controlled items purchases at retail facilities and suspected violators of the system; and to comply with Joint Service blackmarket monitoring control policy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information required for noncombatant evacuating planning and statistical studies by U.S. Forces Korea;

to provide a source document for production of ration control plate.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes, microfiche, and paper printouts.

RETRIEVABILITY:

By surname of noncombatants; by Social Security Number of all others.

SAFEGUARDS:

Records are accessible only to authorized personnel. During non-duty hours, the facility is locked and secured.

RETENTION AND DISPOSAL:

Destroy when no longer needed for current operations or when no longer needed to meet host country laws and regulations, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Forces Korea/ Eighth U.S. Army, ATTN: AJ–DM, APO AP 96301–9000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Forces Korea/Eighth U.S. Army, ATTN: AJ–DM, APO AP 96301–9000.

Individual should provide the full name, Social Security Number, and military status or other information verifiable from the record itself.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Forces Korea/Eighth U.S. Army, ATTN: AJ–DM, APO AP 96301–9000.

Individual should provide the full name, Social Security Number, and military status or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600–8aTAPC

SYSTEM NAME:

Major Command Military Personnel Management Reporting System.

SYSTEM LOCATION:

Decentralized to each major Army command.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty commissioned officers, warrant officers and enlisted personnel assigned or projected for assignment to the major command.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, sex, race; marital status and dependents; physical category code; component; expiration of term of service; additional pay; date of rank; annual efficiency index; last overseas short tour, procurement actions; unit identification code; Department of Army location, assignment and status codes; permanent change of station date; date joined/ departed current command; gaining unit, location, assignment and status codes; reporting date; date returned from overseas; previous unit identification code, assignment and type transfer strength; primary and secondary military occupational specialties (MOS), secondary MOS evaluation score; duty MOS; away without leave data; date agreements and related documents forms, and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C 301; 10 U.S.C. 3013; and E.O. 9397.

PURPOSE(S):

This system extracts data from Officer and Enlisted Personnel Files and records related to organizations, personnel authorized and assigned strength and prepares reports designed to aid major Army commanders in managing military personnel functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes, discs, and printouts; microfiche.

RETRIEVABILITY:

By name, Social Security Number, or other unique identifying characteristics.

SAFEGUARDS:

Records are protected by physical security devices, computer hardware and software safeguard features, and personnel clearances for individuals working with the system.

RETENTION AND DISPOSAL:

Destroyed after 90 days.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the commander of the major command where assigned or attached.

Individual should provide the full name, Social Security Number, current address, and sufficient details to permit locating pertinent records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written to the commander of the major command where assigned or attached.

Individual should provide the full name, Social Security Number, current address, and sufficient details to permit locating pertinent records.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From automated systems interfaces based on the Headquarters, Department of Army data base.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600–8bTAPC

SYSTEM NAME:

Standard Installation/Division Personnel System (SIDPERS).

SYSTEM LOCATION:

Decentralized to local installation level of the Army. Information is stored on computer media at the four Army Information Processing Centers located at: Chambersburg, PA 17201–4150; Huntsville, AL 35898–7340; Rock

Island, IL 61299–7210; and, St. Louis, MO 63120–1798.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty Army personnel and personnel attached from the National Guard and/or Army Reserves based upon local option.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, sex, race, citizenship, status, religious denomination, marital status, number of dependents, date of birth, physical profile, ethnic group, grade and date of rank, term of service for enlisted personnel, service agreement for non-regular officers, service data and dates, unit of assignment, military occupational specialty, additional skill identifiers, civilian/military education levels, languages, assignment eligibility and availability and termination date thereof, security status, special pay and bonus, and suspense termination date thereof, suspension of favorable personnel action indicator, Privacy Act disputed record indicator, and similar relevant data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 3013; and E.O. 9397.

PURPOSE(S):

To support personnel management decisions concerning the selection, distribution, and utilization of all personnel in military duties, strength accounting, and manpower management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes, discs, diskettes, microfiche, punched cards, and computer printouts.

RETRIEVABILITY:

By name, Social Security Number, or other individually identifying characteristics. The automated system provides a query capability allowing users to retrieve personnel data via CRT terminal.

SAFEGUARDS:

Regional data centers are contractor-operated under an Army approved security program. Potential contractor personnel are security screened; contractor employees receive a security briefing and participate in an ongoing security education program under the regional data security officer.

Regional data centers are connected through a communications network to 44 distributed data processing centers at Army installations. Technical, physical, and administrative safeguards required by Army Regulation 380–19, Information Systems Security are met at installation data processing centers and information is secured in locked rooms with limited/controlled access. Data are available only to installation personnel responsible for system operation and maintenance. Terminals not in the data processing center are under the supervision of a terminal area security officer at each remote location protecting them from unauthorized use. Access to information is also controlled by a system of assigned passwords for authorized users of terminals.

RETENTION AND DISPOSAL:

Data retained until updated or service of individual is terminated with earlier information erased. Hard copy printouts are retained in accordance with Department of the Army Pamphlet 600–8 series.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Center, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to their local commander.

Individual should provide the full name, Social Security Number, and current address.

Personal visits may be made; individual must furnish proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this record system may visit or address written inquiries to the servicing military personnel office or headquarters of the organization/station of the service member.

Individual should provide the full name, Social Security Number, current address.

Personal visits may be made; individual must furnish proof of identity.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, commanders, Army records and documents, other federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600–8–1aTAPC

SYSTEM NAME:

Emergency Data Files.

SYSTEM LOCATION:

U.S. Total Army Personnel Command, Alexandria, VA 22332–0400. Copy of Record of Emergency Data (DD Form 93) exists in soldier's field Military Personnel Records Jacket (MPRJ).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel on active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains DD Form 93, Record of Emergency Data. Document reflects the service member's name; Social Security Number; spouse and children's names and current address; persons to be and not to be notified in the event of death or injury; information on wills, insurance, and other such information; and designation of beneficiaries for certain benefits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 and E.O. 9397.

PURPOSE(S):

To document names and addresses of person(s) to be notified in emergency situations; to determine lawful disposition of service member's pay and allowances when that member is missing, captured, or becomes a casualty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Machine processed card in vertical file; paper copy in MPRJ.

VOL 58 ISS 33 FE 22 1993 UMI

RETRIEVABILITY:

Card is retrieved by Social Security Number; paper copy in MPRJ is retrieved by soldier's surname.

SAFEGUARDS:

Building employs security guards; the office in which record is located is in operation 24 hours a day, 7 days a week. Records are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

The Emergency Data Card is retained until individual separates from the Army; then destroyed. Copy in the MPRJ is retired with the MPRJ. If individual dies, the form becomes part of the casualty case file which is retired upon completion to the National Personnel Records Center (Military), St. Louis, MO 63132–5200.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-PEC, Alexandria, VA 22332–0400.

Individual should provide the full name and other information that can be verified from the file.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-PEC, Alexandria, VA 22332–0400. Individual should provide the full name and other information that can be verified from the file.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Service member.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600–8–1bTAPC

SYSTEM NAME:

Line of Duty Investigations.

SYSTEM LOCATION:

Personnel Plans and Actions Branch, Personnel Service Center at Army Installations; Army Enlisted Records and Evaluation Center, Fort Benjamin Harrison, IN 46249–0601; U.S. Total Army Personnel Command, Alexandria, VA 22332–0400; U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200; National Personnel Records Center (Military), 9700 Page Boulevard, St. Louis, MO 63132–5200; National Guard Bureau, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Service members who have been injured, are diseased, or deceased.

CATEGORIES OF RECORDS IN THE SYSTEM:

The DA Form 2173 (Statement of Medical Examination and Duty Status); DD Form 261 (Report of Investigation-Line of Duty and Misconduct Status); and supporting documents such as military police reports, accident reports, witness statements, and appointment instruments, and action on appeals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 972, 1204, 1207, 3822; 37 U.S.C. 802; and E.O. 9397.

PURPOSE(S):

To review facts and circumstances of service member's injury and render decision having the effect of approving/denying certain military benefits, pay and allowances.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be provided to the Department of Veterans Affairs or other government agencies, to include state agencies, for a determination of the service member's entitlement to benefits.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; microfiche.

RETRIEVABILITY:

By service member's surname.

SAFEGUARDS:

Records are maintained in metal file cabinets accessible only to designated authorized personnel.

RETENTION AND DISPOSAL:

The original is a permanent part of member's Official Military Personnel File. Copies filed in offices of the investigating officer, unit commander, appointing authority, and final reviewing authority are destroyed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURES:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander, U.S. Army Enlisted Records and Evaluation Center, Fort Benjamin Harrison, IN 46249–0601 (for enlisted personnel on active duty); Commander, U.S. Total Army Personnel Command, ATTN: TAPC-MSR, Alexandria, VA 22332–0400 (for officers on active duty); Commander, U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200 (for Army reserve personnel); National Personnel Records Center (Military), 9700 Page Boulevard, St. Louis, MO 63132–5200 (for separated enlisted and officer personnel); National Guard Bureau, 5109 Leesburg Pike, Falls Church, VA 22041–3258 (for full-time National Guard Duty under 32 U.S.C., those in federalized status, or those attending active Army service school).

Individuals should provide the full name, Social Security Number, present address, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, U.S. Army Enlisted Records and Evaluation Center, Fort Benjamin Harrison, IN 46249–0601 (for enlisted personnel on active duty); Commander, U.S. Total Army Personnel Command, ATTN: TAPC-MSR, Alexandria, VA 22332–0400 (for officers on active duty); Commander, U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200 (for Army reserve personnel); National Personnel Records Center (Military), 9700 Page Boulevard, St. Louis, MO 63132–5200 (for separated enlisted and officer personnel); National Guard Bureau, 5109 Leesburg Pike, Falls Church, VA 22041–3258 (for full-time National Guard Duty under 32 U.S.C., those in federalized status, or those attending active Army service school).

Individuals should provide the full name, Social Security Number, present address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

Appeals of determinations by authority of the Secretary of the Army are governed by AR 600–8–1, Army Casualty and Memorial Affairs and Line of Duty Investigations; collateral review of decided cases is limited to questions of completeness of the records of such determinations.

RECORD SOURCE CATEGORIES:

From the applicant, medical records, DA Form 2173, service member's commander, official Army records and reports, witness statements.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600–8–1cTAPC

SYSTEM NAME:

Casualty Information System (CIS).

SYSTEM LOCATION:

U.S. Total Army Personnel Command, 2461 Eisenhower Avenue, Alexandria, VA 22331–0481.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army personnel who are reported as casualties in accordance with Army Regulation 600–8–1, Army Casualty and Memorial Affairs and Line of Duty Administrative Procedures.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, date of birth, branch of service, organization, duty, military occupational specialty (MOS), rank, sex, race, religion, home of record, and other pertinent information; Military Personnel Records Jacket (MPRJ), health/dental records, all correspondence between Department of the Army and soldier, soldier's primary next of kin/secondary next of kin, inquiries from other agencies and individuals, DD Form 1300 (Report of Casualty).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013; Pub. L. 93–289; and E.O. 9397.

PURPOSE(S):

To respond to inquiries; to provide statistical data comprising type, number, place and cause of incident to Army members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes, computer printouts, punch cards, paper records in file cabinets.

RETRIEVABILITY:

By individual's name and/or Social Security Number or any other data element.

SAFEGUARDS:

All information is restricted to a secure area in buildings which employ security guards.

Computer printouts and magnetic tapes and files are protected by password known only to properly screened personnel possessing special authorization for access.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 2461 Eisenhower Avenue, Alexandria, VA 22331–0481.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-PEC, 2461 Eisenhower Avenue, Alexandria, VA 22331–0481.

Individual should provide the full name, current address and telephone number, and should identify the person who is the subject of the inquiry by name, rank and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-PEC, 2461 Eisenhower Avenue, Alexandria, VA 22331–0481.

Individual should provide the full name, current address and telephone number, and should identify the person who is the subject of the inquiry by name, rank and Social Security Number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From casualty reports received from Army commanders and from investigations conducted by Army commanders under AR 15–6, Procedures for Investigating Officers and Boards of Officers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600–20NGB

SYSTEM NAME:

Equal Opportunity Investigative Files.

SYSTEM LOCATION:

Office of Human Resources (Field Operating Activity) HRA-FOA, 5109 Leesburg Pike, Falls Church, VA 22041–1525.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

National Guard technicians and military members who file complaints of discrimination or who are involved in such complaints.

CATEGORIES OF RECORDS IN THE SYSTEM:

Formal complaints of discrimination; counselors' reports; notification letters to the complainant; affidavits from complainant and/or witnesses; investigative reports; hearings transcript; examiner's findings, recommendations; decisional documents; and similar relevant records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VI, Civil Rights Act 1964 and Pub. L. 92–261.

PURPOSE(S):

To investigate and resolve complaints of discrimination, provide facts to the Adjutant General of a State for issuing a proposed disposition to a complainant.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Equal Employment Opportunity Commission, Washington, DC (see EEOC/GOVT–1 system of records notice).

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices also apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name of complainant.

SAFEGUARDS:

Records are maintained in secured rooms/cabinets accessible only to designated officials have a need therefor in the performance of assigned duties.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file until the case is closed, then forwarded to the Washington National Records Center, Suitland, MD.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Human Resources (Field Operating Activity) HRA-FOA, 5109 Leesburg Pike, Falls Church, VA 22041–5125.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Office of Human Resources (Field Operating Activity) HRA-FOA, 5109 Leesburg Pike, Falls Church, VA 22041–5125.

For verification purposes, individual should provide the full name, current address and telephone number, sufficient details concerning the complaint to facilitate locating the record, and signature.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Office of Human Resources (Field Operating Activity) HRA-FOA, 5109 Leesburg Pike, Falls Church, VA 22041–5125.

For verification purposes, individual should provide the full name, current address and telephone number, sufficient details concerning the complaint to facilitate locating the record, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial determinations by the individual concerned are published in AR 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, investigative reports, witness statements, Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600–25MDW

SYSTEM NAME:

State, Official, and Special Military Funeral Plans.

SYSTEM LOCATION:

Office of Ceremonies and Special Events, U.S. Army Military District of Washington, Fort McNair, Washington, DC 20319–5050. Segments of the system may exist at DOD commands and installations supporting State, Official, and Special Military Funerals.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Government officials or service-connected persons and dependent family members who are authorized a State, Official or Special Military funeral.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters, memoranda, maps, diagrams, ceremonial plans, and similar relevant documents for military honors and/or funeral support for only those authorized individuals who have requested special arrangements for their funeral ceremony.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., section 3012.

PURPOSE(S):

To maintain funeral plans or requests by specifically authorized individuals who have requested special arrangements for their funeral ceremony; to facilitate coordination of military support for State, Official, or Special Military funerals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to other Government or State authorities as determined by the System Manager.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Records are maintained in safes and are accessible only to authorized personnel who have official need therefor in performance of their duties.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Military District of Washington, Fort McNair, Washington, DC 20319–5050.

NOTIFICATION PROCEDURE:

Information may be obtained from the Director, Ceremonies and Special Events, U.S. Army Military District of Washington, Fort Leslie J. McNair, Washington, DC 20319–5050.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Ceremonies and Special Events, U.S. Army Military District of Washington, Fort Leslie J. McNair, Washington, DC 20319–5050.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in AR 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual or designated representative.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600–37aDAPE

SYSTEM NAME:

Special Review Board Appeal Case Summary File.

SYSTEM LOCATION:

Office of the Deputy Chief of Staff for Personnel, Special Review Board (DAPE-MPD-CD), Washington, DC 20310–4000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army officer and enlisted personnel who have submitted substantive, as opposed to administrative, appeal of Officer Evaluation Reports, Enlisted Evaluation Reports, Academic Evaluation Reports, and cases referred for promotion reconsideration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identification data on individual, date of appeal, dates of contested OER/EER/AER period, and supporting documentation; promotion reconsideration referrals including information provided by the promotion board and relevant documents from individual's OMPF, names of voting SRB member, names of persons contacted by SRB, summary of evidence considered, discussion, recommendations, conclusions, final

determination of appeal, and disposition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To review and adjudicate appeals of officer and noncommissioned officer ratings, academic ratings, and promotion board reconsideration cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See 'Blanket Routine Uses' set forth at the beginning of the Army's listing of record system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to designated authorized persons in buildings which employ security guards.

RETENTION AND DISPOSAL:

Records are retained by the Special Review Board for 20 years; then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–4000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, ATTN: DAPE-MPD-CD, Room 2C749, The Pentagon, Washington, DC 20310–4000.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records in this system of records pertaining to them should write to the System Manager, ATTN: DAPE-MPD-CD, Room 2C749, The Pentagon, Washington, DC 20310–4000, furnishing full name, current address and telephone number. For personal visits, individual must provide acceptable identification such as military identification card.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, relevant Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600–37bDAPE

SYSTEM NAME:

Unfavorable Information Files.

SYSTEM LOCATION:

Primary records are located at the Department of the Army Suitability Evaluation Board, Office of the Deputy Chief of Staff for Personnel, The Pentagon, Washington, DC 20310–4000. Segments of the system may exist at Suitability Evaluation Board at Major Army Commands.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army personnel (active, reserve, National Guard) on whom unfavorable information has been discovered, considered, referred to individual, and disposed of, to include appeals and petitions for removal or transfer of such information from the individual's performance record.

CATEGORIES OF RECORDS IN THE SYSTEM:

Summary of unfavorable information, copy of letter of notification to individual, individual's response or appeal, summary of consideration of response or appeal, disposition determination, and voting record of Board members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To record Board action and to provide pattern of subsequent unfavorable information. Information filed in the performance portion of the Official Military Personnel File is also used by Department of Army promotion/selection boards when the individual has been afforded due process.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See 'Blanket Routine Uses' set forth at the beginning of the Army's listing of record system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel having official need therefor. Buildings housing records are secured at all times.

RETENTION AND DISPOSAL:

Records are retained by the Suitability Evaluation Board for 20 years, following which they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–4000.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them exists in this system of records may inquire of the System Manager, ATTN: DAPE-MPD, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–4000. Inquirer should furnish his/her full name, Social Security Number, sufficient details concerning time and place of event to ensure locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written request to the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, ATTN: DAPE-MPD, The Pentagon, Washington, DC 20310–4000

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Suitability Evaluation Board proceedings.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600–55DAMO

SYSTEM NAME:

Motor Vehicle/Equipment Operator Permit Files.

SYSTEM LOCATION:

Deputy Chief of Staff for Operations and Plans, ATTN: DAMO-ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel authorized to operate Government motor vehicles and/or certain categories

VOL 58 ISS 33 FE 22 1993 UMI

of equipment such as generators, air compressors, gas generators, construction equipment, materials handling equipment, locomotives, guided missile hydraulic elevators, mobile floating assault bridges, fueled heaters and stoves, amphibious crafts, and mine detecting equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's permit (SF 46) or other authorization for operating vehicles or equipment such as enumerated in the preceding paragraph; register of such individuals; qualifications records; similar relevant documents and reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

To determine qualifications of the individuals and issue authorization for operation of Government motor vehicles and/or equipment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; cards.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in secured areas/cabinets accessible only to designated officials having need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Destroyed 3 years from date of issue or earlier if revoked by proper authority.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations and Plans, ATTN: DAMO-ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Motor Vehicle/Equipment Examiner or Provost Marshal at the installation where permit or authorization was issued.

Individual should provide the full name, Social Security Number, and other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Motor Vehicle/Equipment Examiner or Provost Marshal at the installation where permit or authorization was issued.

Individual should provide the full name, Social Security Number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial determinations are contained in Army Regulations 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600–85DAPE

SYSTEM NAME:

Alcohol and Drug Abuse Rehabilitation Files.

SYSTEM LOCATION:

Primary location: Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) rehabilitation/counseling facilities (e.g., Community Counseling Center/ADAPCP Counseling Facilities) at Army installations and activities. Official mailing addresses are published as an appendix to the Army's compilation of record system notices.

Secondary location: U.S. Total Army Personnel Command, Personnel Information Systems Command (ASQNI-ASM), 200 Stovall Street, Alexandria, VA 22332–0310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual (military, civilian, family member) who is eligible for care, is referred to and enrolled in the ADAPCP for rehabilitation, pursuant to Army Regulation 600–85.

CATEGORIES OF RECORDS IN THE SYSTEM:

Primary location: Copies of patient intake records, progress reports, psychosocial histories, counselor observations and impressions of patient's behavior and rehabilitation progress, copies of medical consultation and laboratory procedures performed, results of biochemical urinalysis for alcohol/drug abuse, and similar or related documents.

Secondary location: Copies of patient intake records (DA Form 4465), progress reports (DA Form 4466), and demographic composites thereof.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012; 42 U.S.C. 290dd–3 and 290ee–3; and E.O. 9397.

PURPOSE(S):

To identify alcohol and drug abusers and either restore such persons to effective duty or identify rehabilitation failures for separation from government service. At the primary location, information is used to treat, counsel, and rehabilitate individuals who participate in the Alcohol and Drug Abuse Prevention and Control Program. At the secondary location, client intake and progress reports are used to provide essential management and statistical information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices do not apply to this record system.

The Patient Administration Division at the medical treatment facility with jurisdiction is responsible for the release of medical information to malpractice insurers in the event of malpractice litigation or prospect thereof.

Information is disclosed only to the following persons/agencies:

To health care components of the Department of Veterans Affairs furnishing health care to veterans.

To medical personnel to the extent necessary to meet a bona fide medical emergency.

To qualified personnel conducting scientific research, audits, or program evaluations, provided that a patient may not be identified in such reports, or his or her identity further disclosed by such personnel.

In response to a court order based on the showing of good cause in which the need for disclosure and the public's interest is shown to exceed the potential harm that would be incurred by the patient, the physician-patient relationship, and the Army's treatment program. Except as authorized by a court order, no record may be used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient.

NOTE: Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, requested, or

directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under circumstances expressly authorized in 42 U.S.C. 290dd–3 and 290ee–3. These statutes take precedence over the Privacy Act of 1974 to the extent that disclosure is more limited. However, access to the record by the individual to whom the record pertains is governed by the Privacy Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Primary location: ADAPCP Outpatient Medical Records in file folders at Alcohol and Drug Abuse Prevention and Control Program facilities are maintained for 1 year following termination of treatment or referral (if not enrolled). Selected forms are transferred to individual's health record or Outpatient Treatment Record.

Secondary location: Patient intake and progress reports are stored in locked file cabinets. Computer data are entered on line at U.S. Army Drug and Alcohol Operations Agency (USADAOA), 4501 Ford Avenue, Suite 320, Alexandria, VA 22302–1435 and transferred to magnetic disk or tape at U.S. Army Personnel Information Systems Command, Alexandria, VA.

RETRIEVABILITY:

Primary location: Alphabetically by individual's surname. Secondary location: By patient's Social Security Number or identification code, date and installation where individual was in the Alcohol and Drug Abuse Prevention and Control Program.

SAFEGUARDS:

Primary location: Records are maintained in central storage areas in locked file cabinets where access is restricted to authorized persons having an official need-to-know.

Secondary location: Manual records are stored in locked file cabinets. Automated records are maintained in random access mode in controlled access areas. Data are processed in batch mode and are subjected to standard executive and system control programs plus the audit/edit and data base management system designed by the U.S. Army Personnel Information Systems Command.

RETENTION AND DISPOSAL:

Primary location: Records are destroyed 1 year after termination of the patient's treatment, unless the Army Medical Department Activity/Facility commander authorizes retention for an additional 6 months.

Secondary location: Manual records are retained up to 18 months or until information taken therefrom and entered into computer records is transferred to the 'history' file, whichever is sooner. Disposal of manual records is by burning or shredding. Computer records are retained permanently for historical and/or research purposes.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army (DAPE-PMH-H), The Pentagon, Washington, DC 20310–4000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to either the commander of the medical center/medical department activity where treatment was obtained or the U.S. Army Drug and Alcohol Operations Agency (USADAOA), 4501 Ford Avenue, Suite 320, Alexandria, VA 22302–1435. Official mailing addresses are published as an appendix to the Army's compilation of record system notices.

Individual should provide the full name, Social Security Number, date of birth, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to either the commander of the medical center/medical department activity where treatment was obtained or the U.S. Army Drug and Alcohol Operations Agency (USADAOA), 4501 Ford Avenue, Suite 320, Alexandria, VA 22302–1435. Official mailing addresses are published as an appendix to the Army's compilation of record system notices.

Individual should provide the full name, Social Security Number, date of birth, current address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations by the individual concerned are published in Department of the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

Denial to amend records in this system can be made only by the Deputy Chief of Staff for Personnel in coordination with The Surgeon General.

RECORD SOURCE CATEGORIES:

From the individual by interviews and history statement; abstracts or copies of pertinent medical records; abstracts from personnel records; results of tests; physicians' notes, observations of client's behavior; related notes, papers, and forms from counselor, clinical director, and/or commander.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600–200TAPC

SYSTEM NAME:

Classification, Reclassification, Utilization of Soldiers.

SYSTEM LOCATION:

U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Army members in enlisted grades E1 through E9.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, Social Security Number, grade, military occupational specialty (MOS), evaluation test data, Enlisted Evaluation Report data, and additional information substantiating the soldier's or Army's request for exception to or interpretation of regulatory guidance for the classification, reclassification or utilization of soldiers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 3013; and E.O. 9397.

PURPOSE(S):

To perform the objective of maintaining a balance of authorization versus requirements by military occupational specialty within each career management field.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessed only by designated officials having official need therefore in the performance of official duties. Building housing records are protected by security guards.

RETENTION AND DISPOSAL:

Destroyed after 2 years by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-EP, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, current address, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-EP, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, current address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Army personnel records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0601–100TAPC

SYSTEM NAME:

Officer Appointment Files.

SYSTEM LOCATION:

Primary system exists at the U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400. Segments exist at Army installations and commands. Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for appointment in the U.S. Army or U.S. Army Reserves.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual applications for appointment as a warrant or commissioned officer, evaluation reports, supplemental information regarding qualifications, notification of acceptance/rejection and similar relevant documents and reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

To determine acceptability of applicants into the Army officer ranks.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; microfiche.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in controlled areas accessible only to designated individuals having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are destroyed after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Army installation in which application was sent or to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-OP, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, date of application, place to which sent, and any other information that will assist in locating the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Army installation in which application was sent or to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-OP, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, date of application, place to which sent, and any other information that will assist in locating the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; extracts from personnel records; forms, documents, and related papers originated by or received in Army offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0601–141DASG

SYSTEM NAME:

Army Medical Procurement Applicant Files.

SYSTEM LOCATION:

Primary system exists at the U.S. Army Health Professional Support Agency, 5109 Leesburg Pike, Falls Church, VA 22041–3258. Segments are located at Army Medical Department Procurement Counselor field offices. Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Potential applicants for the Army Medical Department procurement programs, to include applicants for appointment in the Regular Army and U.S. Army Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Interview sheets, counselor evaluations, resume, Curriculum Vitae, autobiography, letters of recommendation, selection/non-selection letters, Special Orders, correspondence to, from, and about applicant; Selection Board/Committee results, Statement of Interests, Objectives and Motivation, Letter of Appointment, service agreement, Application for Appointment (DA Form 61), professional degrees, license certifications, quality assurance documents, prior service records, physical, and birth certificate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 and 4301 and E.O. 9397.

PURPOSE(S):

To evaluate an applicant's acceptability and potential for appointment in a component of the Army Medical Department; to evaluate qualifications for assignment to various career areas; to determine educational and experience background for award of constructive service credit; to determine dates of service and seniority; to document service agreement with the U.S. Army; to provide, statistical information for effective management of the Army Medical Department Personnel Procurement Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By applicant's surname.

SAFEGUARDS:

Records are restricted to designated officials having need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Records of selected applicants are held for 10 years before being destroyed by shredding; those for applicants not selected are held 2 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander, U.S. Army Health Professional Support Agency, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

For verification purposes, the individual should provide the full names, Social Security Number, sufficient details to permit locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, U.S. Army Health Professional Support Agency, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

For verification purposes, the individual should provide the full name, Social Security Number, sufficient details to permit locating pertinent records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; academic transcripts; faculty evaluations; employer evaluations; military supervisor evaluations; American Testing Program; Educational Testing Service; selection board/committee records; prior military service records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k) (5) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0501–210TAPC

SYSTEM NAME:

Eligibility Determination Files.

SYSTEM LOCATION:

U.S. Army Enlistment Eligibility Activity, 9700 Page Boulevard, St. Louis, MO 63132–5200.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for enlistment who require a waiver for adult felony; soldiers requesting continuation on active duty who require waiver of certain disqualifications pursuant to Army Regulation 601–210.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains requests for enlistment eligibility or waiver of disqualifications for enlistment/reenlistment, requests for grade determination, documents reflecting determinations made thereon, copies or extracted items from basic records, transmittals, and suspense documents needed to assure that requests are acted upon in a timely manner.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 333 and E.O. 9397.

PURPOSE(S):

To evaluate waiver requests, determine appropriate action and render decision, pursuant to Army Regulations 601–210, Regular Army and Army Reserve Enlistment Program, and 601–280, Army Reenlistment Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to properly cleared, trained, and authorized personnel. Records are in a building secured during non-duty hours.

RETENTION AND DISPOSAL:

Destroyed after 1 year by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURES:

Individuals seeking to determine if information about themselves is contained in this records system should address written inquiries to the Commander, U.S. Army Enlistment Eligibility Activity, 9700 Page Boulevard, St. Louis, MO 63132–5200.

Individual should provide the full name, Social Security Number, date of separation and service component, if applicable, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, U.S. Army Enlistment Eligibility Activity, 9700 Page Boulevard, St. Louis, MO 63132–5200.

Individual should provide the full name, Social Security Number, date of separation and service component, if applicable, current address and telephone number, and signature.

VOL 58 ISS 33 FE 22 1993 UMI

CONTESTING RECORD PROCEDURES:

The Army's rule for accessing records, contesting contents, and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, official military personnel records; investigative/security dossiers; medical evaluations; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0601–210DAPE

SYSTEM NAME:

Army Recruiting Prospect System.

SYSTEM LOCATION:

Army recruiting stations, brigades, and divisions; addresses may be obtained from the Commander, U.S. Army Recruiting Command, Fort Knox, KY 40121–5000. Enlistment inquiries generated by public advertising and follow-up data are maintained by Army contractor Market Compilation and Research Bureau, Inc.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospects for Army enlistment, individuals who have asked to be excluded from Army promotional mailing, third parties who refer names of prospects to recruiters or who are influential in the recruiting effort.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, home address and telephone number, schools attended, arrest record, names and addresses of prospective enlistee. On acceptance, applicant's record includes information furnished by the Military Enlistment Processing Command reflecting examination results. Also included are name, address and/or telephone number of third parties who are influential in the recruiting program, e.g., city/state officials, Chamber of Commerce members, university/college/high school staff and faculty.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 503, 504, 510 and 3012.

PURPOSE(S):

These records are used by the Department of the Army: (1) To review an individual's potential for enlisting; (2) to obtain school quotas for potential enlistee's skills/ educational/assignment preferences and objectives; (3) to monitor recruiter performance; (4) for personnel management, statistical, and historical reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See 'Blanket Routine Uses' set forth at the beginning of the Army's listing of record system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, cards, magnetic tapes, mini-diskettes/discs.

RETRIEVABILITY:

By name or Social Security Number of the prospective enlistee, inquirer, recruiter, or third party referring agent.

SAFEGUARDS:

Information in this system is maintained in locked storage areas available only to designated individuals having need therefor in the performance of official duties. Personal information on prospects which is entered into the Joint Optical Information Network - a stand-alone data processor - restricts access to specially assigned recruiter ID/ program codes. Administrative, physical and technical safeguards employed by the Recruiting Command and its contractor are commensurate with the sensitivity of personal data to ensure preservation of integrity and to preclude unauthorized use/disclosure.

RETENTION AND DISPOSAL:

Information furnished by a prospective enlistee is retained until 3 months following end of enlistee's initial term of service, after which it is destroyed or erased; information concerning individuals who provide names of prospects is retained until no longer needed; information on prospects not enlisted is destroyed/erased at the end of each calendar year following that in which collected.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–4000.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system contains information about them should write to the commander of the recruiting station to which information was provided, or to the Commander, U.S. Army Recruiting Command, Fort Knox, KY 40121–5000. Individual must provide full name, Social Security Number, details that will assist in locating the records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information from this system should address requests to the commander of the recruiting station to which information was provided, or to the Commander, U.S. Army Recruiting Command, Fort Knox, KY 40121–5000. Individual must provide full name, Social Security Number, details that will assist in locating the records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, high school officials/yearbooks/directories, law enforcement agencies, third parties who provide prospect leads, relevant Army records/reports, influential community officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0601–210aUSAREC

SYSTEM NAME:

Enlisted Eligibility Files.

SYSTEM LOCATION:

U.S. Army Recruiting Command, Fort Knox, KY 40121–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for the Regular Army who have requested a waiver of moral eligibility for a juvenile or adult felony; determination of medical/Military Occupational Specialty qualifications, determination of Stripes for Skills qualification; exceptions to policy; determination of enlistment eligibility, and prior service personnel requesting a mental retest.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's request, evaluation documents, decisions, replies concerning approval/disapproval.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 504, 505, 510, and 3012.

PURPOSE(S):

To make determinations on the moral, medical, and administrative waivers of applicants for the Regular Army.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessed only by designated individuals having official need therefor in the performance of assigned duties.

RETENTION AND DISPOSAL:

Destroyed after 2 years, by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Recruiting Command, Fort Knox, KY 40121–5000.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them is contained in this system of records should write to the Commander, U.S. Army Recruiting Command, ATTN: USARCRM-M, Fort Knox, KY 40121–5000, furnishing full name, Military Status, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write to the Commander, U.S. Army Recruiting Command, ATTN: USARCRM-M, Fort Knox, KY 40121–5000, furnishing full name, Military Status, current address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, employers, probation officials, law enforcement officials, school officials, personal references, transcripts, medical records, Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

All portions of this system of records which fall within 5 U.S.C. 552a(k)(5) are exempted from subsection (d) of 5 U.S.C. 552a.

A0601–210bUSAREC

SYSTEM NAME:

Recruiter Impropriety Case Files.

SYSTEM LOCATION:

U.S. Army Recruiting Command, Fort Knox, KY 40121–5000. Segments exist at recruiting brigades and divisions, the addresses of which may be obtained from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recruiters against whom improprieties or irregularities have been alleged.

CATEGORIES OF RECORDS IN THE SYSTEM:

Recruiter's name, Social Security Number, duty station; report of alleged impropriety or misconduct; report of investigation; findings, recommendations; decisional documents; resultant personnel actions; similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To review recruiter improprieties and determine appropriate and necessary action, including reassignment, MOS reclassification, and/or disciplinary measures. Statistical information is used as a basis for modifying recruiting policies and practices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See 'Blanket Routine Uses' set forth at the beginning of the Army's listing of record system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets.

RETRIEVABILITY:

By surname of person against whom allegations have been made.

SAFEGUARDS:

Records are maintained in secured areas accessible only to designated individuals having official need therefor, within buildings protected by security guards.

RETENTION AND DISPOSAL:

Records at the U.S. Army Recruiting Command are destroyed after 3 years; those at recruiting brigade and division levels are destroyed after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Recruiting Command, Fort Knox, KY 40121–5000.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them exists in this system of records may write to the Commander, U.S. Army Recruiting Command, Fort Knox, KY 40121–5000. Individual should furnish full name, address and telephone number, military status, sufficient details concerning the event or incident to permit locating the records, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write to the Commander, U.S. Army Recruiting Command, Fort Knox, KY 40121–5000. Individual should furnish full name, address and telephone number, military status, sufficient details concerning the event or incident to permit locating the records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From U.S. Army Criminal Investigation Command reports of investigation; other Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0601–222USMEPCOM

SYSTEM NAME:

ASVAB Student Test Scoring and Reporting System.

SYSTEM LOCATION:

Primary System is located at the U.S. Military Entrance Processing Command, 2500 Green Bay Road, North Chicago, IL 60064–3094. Segments exist at Military Entrance Processing Stations (MEPS), participating school systems; state departments of education/ testing agencies; Armstrong Laboratory, ATTN: AL/HR, 7909 Lindbergh Drive, Brooks Air Force Base, TX 78235–5352; Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453; all service recruiters/ recruiting commands.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

High School, job corps, college, and other students who have been administered the student version of the Armed Services Vocational Aptitude Battery (ASVAB).

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, address and telephone number, date of birth, sex, ethnic group identification, grade, booklet number of ASVAB test, individual's plans after graduation, and individual item responses to each of the 10 ASVAB subtests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133 and 3012, E.O. 9397.

PURPOSE(S):

To compute and furnish test score products for career/vocational guidance and group assessment of aptitude test performance; to establish eligibility for enlistment and verify enlistment and placement scores and retest eligibility; for marketing evaluation, assessment of manpower trends and characteristics; and related statistical studies and reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See 'Blanket Routine Uses' set forth at the beginning of the Army's listing of record system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfiche, optical mark sense answer sheets, computer magnetic tapes.

RETRIEVABILITY:

By individual's name and Social Security Number (Social Security Number).

SAFEGUARDS:

Records are maintained in locked rooms or filing cabinets, accessible only to authorized personnel having need therefor in the performance of official duties. Information in automated media is further protected by user identification and manual controls .

RETENTION AND DISPOSAL:

Records are maintained for 2 years from the date the Armed Services Vocational Aptitude Battery (ASVAB) is administered. Research data maintained by contractors for longer periods require segregation of personal identifying information and test score data, with analyses performed using only summary statistics. Personal identifying information is also erased from data residing at the Defense Manpower Data Center.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Military Entrance Processing Command, 2500 Green Bay Road, North Chicago, IL 60064–3094

NOTIFICATION PROCEDURE:

Information may be obtained from the Military Entrance Processing Stations (MEPS). Individual should provide his/her full name, Social Security Number, date tested, address at the time of testing, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves in this system should inquire of the MEPS. Individual should provide his/her full name, Social Security Number, date tested, address at the time of testing, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; ASVAB tests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system which fall within the purview of 5 U.S.C. 552a(k)(6) are exempt from subsection (d) of 5 U.S.C. 552a.

A0601–270USMEPCOM

SYSTEM NAME:

U.S. Military Entrance Processing Reporting System.

SYSTEM LOCATION:

Primary system is located at the U.S. Military Entrance Processing Command (USMEPCOM), 2500 Green Bay Road, North Chicago, IL 60064–3094. Segments exist at 71 Military Entrance Processing Stations (MEPS) in the United States, Alaska, Puerto Rico, Hawaii and Guam. Official mailing addresses are published as an appendix to the Army's compilation of record system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who report to a Military Entrance Processing Station to be aptitudinally tested and/or physically examined to determine their fitness for entry into one of the Armed Services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Various personnel data, such as individual's name, Social Security Number, date and place of birth, home address and telephone number, results of aptitude tests, physical examination, and relevant documentation concerning individual's acceptance/rejection for military service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 505 and 511; 50 U.S.C. 451–473; and E.O. 9397.

PURPOSE(S):

To determine qualifications of applicants for the Armed Forces through aptitude testing, medical examination, and administrative processing.

To determine patterns and trends in the military population, and for statistical analyses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is disclosed to the Selective Service System (SSS) to update the SSS registrant data base. Information may also be disclosed to local and state Government agencies for compliance with laws and regulations governing control of communicable diseases and to National Guard for performance of its duties.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices also apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, magnetic tapes/discs.

RETRIEVABILITY:

By Social Security Number and by name.

SAFEGUARDS:

All data are retained in locked rooms/compartments with access limited to personnel designated as having official need therefor. Access to computerized data is by use of a valid user ID and password code assigned to the individual video display terminal (VDT) operator. Code is changed periodically to avoid compromise. Data entry is accomplished via VDT on-line with each station's central processor. Data is transmitted to the host computer daily via telephonic communications. Physical access to computer files is controlled by keys known only to USMEPCOM personnel assigned to data base management.

RETENTION AND DISPOSAL:

Each Military Entrance Processing Station retains a copy of Reporting System Source Documents for each enlistee for 90 days after shipment. For all other applicants, each station retains, if applicable, a copy of the Report of Medical Examination with supporting documentation, the Report of Medical History, and any other reporting system source documents, for a period not to

exceed 2 years, after which they are destroyed. Originals or copies of documents are filed permanently in the Official Military Personnel Files for acceptable applicants and transferred to the gaining Armed Service. Information relating to individuals who become seriously ill or are injured while at the MEPS or were found disqualified for a condition considered dangerous to the individual's health if left untreated are retained for 7 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Military Entrance Processing Command, 2500 Green Bay Road, North Chicago, IL 60064–3094.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander, U.S. Military Entrance Processing Command, 2500 Green Bay Road, North Chicago, IL 60064–3094.

Individual should provide the full name, Social Security Number, and military status or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, U.S. Military Entrance Processing Command, 2500 Green Bay Road, North Chicago, IL 60064–3094.

Individual should provide the full name, Social Security Number, and military status or other information verifiable from the record itself.

On personal visits, individual should provide acceptable identification such as valid driver's license, employer identification card, building pass, etc.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial determinations by the individual concerned are published in the Department of the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, physicians, results of tests, federal/state/local law enforcement activities/agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0601–280aTAPC

SYSTEM NAME:

Qualitative Management Program Appeal File.

SYSTEM LOCATION:

U.S. Total Army Personnel Command 200, Stovall Street, Alexandria, VA 22332–0400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted soldiers in grades E–5 through E–9 who have appealed Department of the Army imposed bars to reenlistment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, Social Security Number, pay grade, date of rank, basic active service date, estimated termination of service, primary and secondary military occupational specialties, bar to reenlistment letter/memorandum, appeal to bar to reenlistment and associated documentation, final determination of appeal by Reenlistment Appeals Board, enlisted efficiency reports, selected data elements pertaining to service record of appellant and similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 3013; and E.O. 9397.

PURPOSE(S):

Records in this system are used for the management of personnel, year group, and manpower, in order to retain quality soldiers in the Army.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's name and Social Security Number.

SAFEGUARDS:

Records are protected by physical security devices, guards, and personnel clearances for individuals working with the system.

RETENTION AND DISPOSAL:

Records are retained for duration of individual's current enlistment.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-PDT, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, grade, and current address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-PDT, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, grade, and current address.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From Army records and reports; from appellant.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0601–280bTAPC

SYSTEM NAME:

Selective/Variable Reenlistment Bonuses.

SYSTEM LOCATION:

U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted soldiers in grades E–1 through E–9.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, grade, Military Occupational Specialty, documentation substantiating service member's request for accelerated payment of Selective/Variable Reenlistment Bonuses (SRB/VRB) for severe financial hardship or compelling compassionate reasons, advisory recommendation for Army Board for Correction of Military Records consideration, and similar relevant documents.

VOL
58
ISS
33
FE
22
1993
UMI

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 3013; and E.O. 9397.

PURPOSE(S):

To determine if service member is experiencing severe financial hardship so that compelling compassionate reasons exist warranting approval of accelerated payment of SRB/VRB.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to properly cleared, trained, and authorized personnel. Records are in a secured building during non-duty hours.

RETENTION AND DISPOSAL:

Retained for 2 years and then disposed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURES:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-EP, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, and current address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-EP, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, and current address.

CONTESTING RECORD PROCEDURES:

The Army's rule for accessing records, contesting contents, and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, personnel records, other Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0602DAPE–ARI

SYSTEM NAME:

Behavioral and Social Sciences Research Project Files.

SYSTEM LOCATION:

Army Research Institute for the Behavioral and Social Sciences, 5001 Eisenhower Avenue, Alexandria, VA 22333–5600 and field offices located at Fort Benning, GA; Boise, ID; Fort Gordon, GA; Fort Huachuca, AZ; London, England; Mannheim, Germany; Naval Training Center, Orlando, FL; Falls Church, VA; Fort Hood, TX; Fort Knox, KY; Fort Leavenworth, KS; Presidio of Monterey, CA; Fort Rucker, AL; and St. Louis, MO. Official mailing addresses are published as an appendix to the Army's compilation or record system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former officer, warrant officer, and enlisted military personnel, including Army Reservists and National Guard.

Family members of the above service members.

Civilian employees of Department of Defense.

Samples of civilians from the general U.S. population who are surveyed to determine why people do or do not consider military service as a career or a short-term employment option.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name and Social Security Number, Army personnel records and questionnaire-type data relating to service member's pre-service education, work experience and social environment and culture, learning ability, physical performance, combat readiness, discipline, motivation, attitude about Army life, and measures of individual and organizational adjustments; test results from Armed Services Vocational Aptitude Battery and Skill Qualification Tests. Also, individual's name and Social Security Number, and questionnaire type data relating to non-service member's education, work experience, motivation, knowledge of and attitude about the Army. When records show military service or marriage to a service member, the appropriate non-service records will be linked to the service record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2358 and 4503, and E.O. 9397.

PURPOSE(S):

To research human factors inherent in the recruitment, selection, classification, assignment, evaluation, and training of military personnel; to enhance readiness effectiveness of the Army by developing personnel management methods, training devices, and testing of weapons methods and systems aimed at improved group performance. (No decisions affecting an individual's rights or benefits are made using these research records).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; punch cards; magnetic tape.

RETRIEVABILITY:

By individual's name and/or Social Security Number. For research purposes, the data are usually retrieved and analyzed with respect to relative times of entry into service, training performance, and demographic values. Scheduled data for follow-up data collections however, are retrieved by month of scheduled follow-up and by name.

SAFEGUARDS:

Access to records is restricted to authorized personnel having official need therefor. Automated data are further protected by controlled system procedures and code numbers governing access.

RETENTION AND DISPOSAL:

Information is retained until completion of appropriate study or report, after which it is destroyed by shredding or erasing.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Research Institute for Behavioral and Social Sciences, ATTN: PERI-AS (Privacy Act Officer), 5001 Eisenhower Avenue, Alexandria, VA 22333–5600.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander, U.S. Army Research Institute for Behavioral and Social Sciences, ATTN: PERI-AS (Privacy Act Officer), 5001 Eisenhower Avenue, Alexandria, VA 22333–5600.

Individual should provide the full name, Social Security Number, current address, subject area, and the year of testing if known.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, U.S. Army Research Institute for Behavioral and Social Sciences, ATTN: PERI-AS (Privacy Act Officer), 5001 Eisenhower Avenue, Alexandria, VA 22333–5600.

Individual should provide the full name, Social Security Number, current address, subject area, and the year of testing if known.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations by the individual concerned are published in Department of the Army Regulation 340–21; 32 CFR part 505; or may be obtained form the system manager.

RECORD SOURCE CATEGORIES:

From the individual, his or her peers, or, in the case of ratings and evaluations, from supervisors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0608TAPC

SYSTEM NAME:

Personal Affairs Files.

SYSTEM LOCATION:

Decentralized to major commands, installations, and activities. Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army officers, warrant officers, and enlisted personnel on active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Third party inquiries pertaining to such matters as dependent assistance, indebtedness, non-support, paternity claims, and marriage in overseas areas.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 and 5 U.S.C. 301.

PURPOSE(S):

To review and answer inquiries concerning personal affairs of service members; e.g., dependent assistance, indebtedness, non-support, paternity claims, marriage in overseas areas, and similar matters that originate from third parties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; cards.

RETRIEVABILITY:

By service member's surname.

SAFEGUARDS:

Records are available only to designated persons having official need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Retained for 2 years, after which they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the command/installation/activity where they believe inquiry was sent.

Individual should provide the full name, current address and telephone number, and sufficient details to permit locating the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the command/installation/activity where they believe inquiry was sent.

Individual should provide the full name, current address and telephone number, and sufficient details to permit locating the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From third parties, official Army records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0608–4DAMO

SYSTEM NAME:

Trophy Firearm Registration.

SYSTEM LOCATION:

Primary system is located at the Office of the Deputy, Chief of Staff for Operations and Plans, ATTN: DAMO-ODL, Headquarters, Department of the Army, Washington, DC 20310–0440. Copies of war trophy firearm registration records are maintained at respective offices of provost marshals initiating the record.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Armed Forces of the United States who acquire, during periods of hostilities, firearms approved for personal retention as war trophies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copy of DD Form 603, Registration of War Trophy Firearm; relevant supplementary correspondence or approvals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013(g) and E.O. 9397.

PURPOSE(S):

To assure maintenance of records of service members' acquisition of firearms retained as war trophies is authorized within the meaning of the National Firearms Act and 18 U.S.C. 102.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be furnished to the following agencies for investigation and prosecution for violations of the National Firearms Act: Federal Bureau of Investigation; Drug Enforcement Administration; U.S. Customs Service; Bureau of Alcohol, Tobacco and Firearms; U.S. District Courts; U.S. Magistrates; local law enforcement agencies; and, in oversees areas, most government law enforcement agencies as prescribed in Status of Forces Agreements.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets.

VOL 58 ISS 33 FE 22 1993 UMI

RETRIEVABILITY:

By owner's surname.

SAFEGUARDS:

Buildings employ security guards. Records are accessible only to authorized personnel having need therefor in the performance of their duties.

RETENTION AND DISPOSAL:

Records are created at the onset of hostilities and retained in Headquarters, Department of the Army files until end of calendar year in which hostilities ceased; held 1 additional year or until arrangements are complete to transfer the records to Director, Bureau of Alcohol, Tobacco and Firearms, Department of Treasury, Washington, DC 20226.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations and Plans, ATTN: DAMO-ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Deputy Chief of Staff for Operations and Plans, ATTN: DAMO-ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

Individual should provide the full name, Social Security Number and other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Deputy Chief of Staff for Operations and Plans, ATTN: DAMO-ODL, Headquarters, Department of the Army, Washington, DC 20310–0440.

Individual should provide the full name, Social Security Number, and other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual at time of registration.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0608–10CFSC

SYSTEM NAME:

Child Development Services (CDS).

SYSTEM LOCATION:

Child Care Centers, Army-wide. Addresses may be obtained from the Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any of the following who use Child Care Center services: Active duty and retired military personnel and their dependents; members of the Reserve components on active duty for training and their dependents; Department of the Army civilians overseas and their dependents overseas and in the Continental United States where local civilian resources are not available; and other designated personnel as determined by the commander.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents include, but are not limited to, parent's/guardian's name, grade or rank, Social Security Number, home address and telephone number, duty address and telephone number; signature of parent/guardian for emergency notification; child's name, birthdate, medical information including allergies, immunization dates; remarks and observations by Child Care Center employees, parents, or physician; and financial records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To provide child care service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be disclosed to civilian health and welfare departments/agencies in emergency situations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card files; paper files in folders; magnetic tapes/discs.

RETRIEVABILITY:

By surname and/or Social Security Number of parent or guardian.

SAFEGUARDS:

Records are accessible only to authorized personnel. Positive identification and authorization to access data is established prior to releasing personal data to an individual. Computer systems/remote terminals are housed in designated controlled areas.

RETENTION AND DISPOSAL:

Records are destroyed after 2 years. Information may be transferred from one Child Care Center to another upon transfer of child.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not information on them is contained in this system of records should write to the Director, Child Care Center at the installation where record is believed to exist. Individual must provide present name, rank, Social Security Number, and proof of identification.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should address an inquiry to the Director, Child Care Center at the installation where record is believed to exist. Individual must provide present name, rank, Social Security Number, and proof of identification.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determination are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual receiving service and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0608–18DASG

SYSTEM NAME:

Family Advocacy Case Management Files.

SYSTEM LOCATION:

Primary location is Commanders, U.S. Army Patient Administration Systems and Biostatistics Activity. ATTN: HSHI-QPD, Fort Sam Houston, TX 78234–6070.

Secondary location is Office of the Surgeon General, Headquarters, Department of the Army, ATTN: SGPS-CP, 5109 Leesburg Pike, Falls Church, VA 22041–3258; U.S. Army medical treatment facility and/or office on post, camp, or station where file was initiated

or, in some cases, subsequently transferred upon reassignment of military member.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All family members entitled to care at Army medical and dental facilities whose abuse or neglect is brought to the attention of appropriate authorities and all persons suspected of abusing or neglecting such family members.

All family members of Department of the Army civilians who receive care in an Army operated or Army regulated activity.

All persons suspected of abusing or neglecting family members including contractors that work in Army operated or Army regulated activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical and Family Advocacy Case Management Team records of suspected or established cases of child abuse or neglect and cases of spouse abuse to include child abuse occurring in Army operated or regulated activities, extracts of law enforcement investigative reports, correspondence, family advocacy case management team reports, follow-up and evaluative reports, and other supportive data relevant to individual family advocacy case management files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Child Abuse Prevention and Treatment and Child Abuse Prevention and Treatment and Adoption Program Reform Acts, 42 U.S.C. 5101, et seq; 5 U.S.C. 301, and 10 U.S.C. 3013 and E.O. 9397.

PURPOSE(S):

To provide child abuse and neglect treatment services for abused and abusive spouses. Services include mental health, education, counseling, health care, protection, foster care, safe shelter, legal and referral for members and former members of the uniformed services, civilians, and dependents receiving care under Army auspices or in an Army regulated or operated facility.

To determine qualifications and suitability of Department of the Army civilians and contractors for duty assignments and fitness or continued military services.

To perform research studies and compile statistical data concerning uniformed services personnel, civilians, and dependents receiving medical care under Army auspices, or services through an Army operated or regulated activity.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to departments and agencies of the Executive Branch of government in performance of their official duties relating to coordination of family advocacy programs, medical care and research concerning child abuse and neglect, and spouse abuse.

The Attorney General of the United States or his authorized representatives in connection with litigation or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

To federal, state, or local governmental agencies when it is deemed appropriate to use civilian resources in counseling and treating individuals or families involved in child abuse or neglect or spouse abuse; or when appropriate or necessary to refer a case to civilian authorities for civil or criminal law enforcement; or when a state, county, or municipal child protective service agency inquires about a prior record of substantiated abuse for the purpose of investigating a suspected case of abuse.

To the National Academy of Sciences, private organizations and individuals for health research in the interest of the Federal government and the public and authorized surveying bodies for professional certification and accreditation such as Joint Commission on the Accreditation of Health Care Organizations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, microfilm, magnetic tape or disc, punched cards, machine listings, and other computerized or machine readable media.

RETRIEVABILITY:

By name of the suspected abused child or the abused or abusive spouse, parent, or care taker and the name and/or Social Security Number, of the military member. (Information is never indexed by the name or Social Security Number of any other person not an Army employee or member.)

SAFEGUARDS:

Records are maintained in various kinds of filing equipment in specified monitored or controlled areas. Public access is not permitted. Records are accessible only to authorized personnel who are properly screened and trained, and have an official need to know. Computer terminals are located in supervised areas with access controlled by password or other user code system.

RETENTION AND DISPOSAL:

Records are retained in decentralized office files for 5 years after the end of the year in which the case is closed and are then destroyed. Statistical data from DD Form 2486 in the central registry at the primary location are retained until the child is age 23 after which information is erased/destroyed; information on adults is retained for 5 years after the end of the year in which the case was closed and is then erased.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the commander of the medical center or hospital where treatment was received, or the Central Registry at the U.S. Army Patient Administration Systems and Biostatistics Activity, ATTN: HSHI-QPD, Fort Sam Houston, TX 78234–6070. Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.

For verification purposes, the individual should provide the full name, Social Security Number of the patient's sponsor, and current address, date and location of treatment, and any details that will assist in locating the record, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the commander of the medical center or hospital where treatment was received, or the Central Registry at the U.S. Army Patient Administration Systems and Biostatistics Activity, ATTN: HSHI-QPD, Fort Sam Houston, TX 78234–6070. Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.

For verification purposes, the individual should provide the full name, Social Security Number of the patient's sponsor, and current address, date and location of treatment, and any details that will assist in locating the record, and signature.

VOL 58 ISS 33 FE 22 1993 UMI

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations by the concerned individual are published in the Department of the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, educational institutions, medical institutions, police and investigating officers, state and local government agencies, witnesses, and records and reports prepared on behalf of the Army by boards, committees, panels, auditors, etc. Information may also derive from interviews, personal history statements, and observations of behavior by professional persons (i.e., social workers, physicians, including psychiatrists and pediatricians, psychologists, nurses, and lawyers).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k) (2) and (5) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c), and (e) and published in 32 CFR part 505. For additional information contact the system manager.

A0608–25CFSC

SYSTEM NAME:

Army Retirement Services Program Files.

SYSTEM LOCATION:

Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500. Segments of this system exist at Headquarters, U.S. Army Forces Command, Fort McPherson, GA; U.S. Army Training and Doctrine Command, Fort Monroe, VA; Headquarters, Military District of Washington; and installations operating retiree councils. Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired Army personnel who have been nominated to serve and those who have been nominated and appointed to serve on the Chief of Staff, Army Retiree Council.

CATEGORIES OF RECORDS IN THE SYSTEM:

Retiree's name, grade, retirement class/date/code, Social Security Number, branch of service, date of birth, component, years of service, percentage of disability, sex, and home address; biographical sketch of retirees seeking appointment to the Chief of Staff, Army Retiree Council, comprising much of the above information and supplemented by description of involvement in military and civic affairs since retirement, statement of willingness to serve pursuant to Army Regulation 608–25, Retirement Services Program, correspondence between Army and applicant regarding acceptance/non-selection, active duty training orders; and similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C. 1588 and 3966.

PURPOSE(S):

To provide the Active Army with insight into problems and needs of the retirees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Information is accessed only by individuals having official need therefore, within buildings protected by security guards during non-duty hours.

RETENTION AND DISPOSAL:

Paper files containing names and addresses of retirees are updated periodically to reflect current information; information is retained until no longer needed. Correspondence and documents related to the Chief of Staff, Army Retiree Council are retained 5 years, following which they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander, Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500.

Individuals should provide the full name, current address and telephone number, and any details that would help locate the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500.

Individuals should provide the full name, current address and telephone number, and any details that would help locate the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations by the individual concerned are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0608aCFSC

SYSTEM NAME:

Family Life Communications Information and Referral Service.

SYSTEM LOCATION:

U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301. Segments of the system are located at Family Assistance/Quality of Life Offices/Army Community Service Centers at major commands and installations, Army-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army service members, civilian employees, their families, social service organizations (Federal, State, local) acting on behalf of the member, employee, or family member. Other military service personnel and civilian employees may be included when such individuals are stationed with Army elements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, mailing address and telephone number of the individual; documentation reflecting nature or basis of service desired or required in the following typical matters, but only to the extent or degree required to determine the proper office, command, or installation that should handle

details, resolve problems, or provide responses: Pay, medical, education, housing, voting, commissary/exchange privileges and practices, community service programs provided by chaplains, alcohol/drug abuse, Equal Employment Opportunity; related processing papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To provide assistance to service members (active duty, reserve/ retired), civilian employees and their families in programs that affect family life. Statistical data may be provided commanders or managers at all levels of the Army in support of their functions or programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to bonafide Federal, State, or local social service or welfare organizations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tape, disc, cassette.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in buildings guarded by security personnel and rooms are secured by locked doors when not in use. All records are restricted to individuals having official need therefor in the performance of their assigned duties. Information in automated media is further protected by an authorized password system for access terminals, controlled access to operation rooms, and controlled output distribution.

RETENTION AND DISPOSAL:

Information is retained for 2 years following resolution of the problem or provision of information, after which it is destroyed by shredding or erasing. Information in automated media used to provide statistical data is retained indefinitely; however, individually identifiable data are purged within 2 years following resolution of problem.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact either the Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301, or the Major Army Command or installation to which initial inquiry was directed. Individual should provide his/her full name, Social Security Number, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should write the Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301 or the Major Army Command or installation to which initial inquiry was directed. Individual should provide his/her full name, Social Security Number, current address and telephone number, and signature. .

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; his/her family; social or welfare organizations under Federal, State, or local jurisdiction; official military or civilian records; other components of the Department of Defense.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0608bCFSC

SYSTEM NAME:

Personal Affairs: Army Community Service Assistance Files.

SYSTEM LOCATION:

Army Community Service Centers at installations, Army-wide; addresses may be obtained from the System manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any of the following who receive Army Community Service (ACS) assistance: Active duty and retired military personnel and their dependents; members of components on active duty for training and their dependents; Department of Army civilians overseas and their dependents overseas and in Continental United States where local civilian resources are not available; widows, widowers and other next-of-kin, regardless of dependency status, of military personnel who were on active duty or retired at time of decease; next-of-kin of prisoner of war/missing in action (POW/MIA) of all Armed Services; and other personnel designated by the Commander; Army Community Service Program volunteers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents include, but are not limited to: Contact summaries, progress notes, referral forms, problem statements used to provide referral and follow-up, financial aid; exceptional children assistance, child advocacy assistance, relocation services, general assistance, and similar services; ACS volunteer service records (see DA Form 3063–R, Army Regulation 608–1) for detailed services provided.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To provide assistance or service required by persons identified in 'Categories of individuals' above in resolving personal problems; to review qualifications or and assign tasks to Army Community Service volunteers participating in the program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessible only to Army Community Service staff.

RETENTION AND DISPOSAL:

Destroyed after 2 years. Information may be transferred from one Army Community Service Center to another upon permanent change of station of service member.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301.

NOTIFICATION PROCEDURE:

Information may be obtained from Army installation Army Community

Service officer upon the individual's providing full name, rank, Social Security Number, and military status, together with current military or dependent identification card.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301. Individual should provide full name, rank, Social Security Number, and military status.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may obtained from the system manager.

RECORD SOURCE CATEGORIES:

From individuals receiving assistance; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0614–30DAPE

SYSTEM NAME:

DA Conscientious Objector Review Board.

SYSTEM LOCATION:

DA Conscientious Objector Review Board (DACORB), Room 5S33, Hoffman Building II, Alexandria, VA 22332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army personnel who apply either for separation based on conscientious objection (1–O) or reassignment/ reclassification to noncombatant training and service based on conscientious objection (I-A-O).

CATEGORIES OF RECORDS IN THE SYSTEM:

Case record consists of individual's application (DA Form 4187), results of interview evaluation by military chaplain and a psychiatrist recorded on DA Form 3822–R, command's report of investigation, evidence submitted by applicant, witness statements, hearing transcript or summary, information or records from the Selective Service System if appropriate, applicant's rebuttal to commander's recommendation; DA Conscientious Objector Review Board correspondence with applicant, summary of evidence considered, discussion, conclusions, names of voting DACORB members, disposition of application, and similar relevant material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012; 50 U.S.C., App 456(j); DOD Directive 1300.6.

PURPOSE(S):

To investigate claims of service member that he/she is a conscientious objector to participation in war or to the bearing of arms and to make final determination resulting in assignment of appropriate status or awarding of discharge.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information on individuals who have less than 180 days on active duty and are discharged by reason of conscientious objection will be furnished Selective Service System Headquarters, Washington, DC 20435.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically, by applicant's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who have an official need therefor, within building that employs security guards.

RETENTION AND DISPOSAL:

Retained by the DA Conscientious Objector Review Board for 20 years. Copy of application and Board decision become part of individual's Official Military Personnel File permanently.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–4000.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information on them exists in this system of records may write to the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, ATTN: DAPE-MPA-CS, The Pentagon, Room 2B731, Washington, DC 20310–4000, furnishing full name, current address, and signature.

RECORD ACCESS PROCEDURES:

Requests for access should be submitted to the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, ATTN: DAPE-MPA-CS, The Pentagon, Room 2B731, Washington, DC 20310–4000, furnishing full name, current address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, his/her commander, official records required by Army Regulation 600–43.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0614–100/200SAIG

SYSTEM NAME:

Inspector General Personnel System.

SYSTEM LOCATION:

U.S. Army Inspector General Agency, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1700.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person assigned and/or detailed to the Offices of Inspectors General/ Inspector General positions in Department of the Army and certain Department of Defense and Joint activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank/grade, Social Security Number, education, duty position, organization of assignment, date assigned, estimated departure date, job specialty, and relevant career data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 and 3020 and E.O. 9397.

PURPOSE(S):

To manage assignment of members to Inspector General duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer disc/tape and printouts.

RETRIEVABILITY:

By individual's name or Social Security Number.

SAFEGUARDS:

Files are stored in locked containers accessible only to authorized persons with an official need to know. Computer data base access is limited by terminal control and a password system to authorized persons with an official need to know.

RETENTION AND DISPOSAL:

Information is retained until individual transfers or is separated; historical data remain in automated media for 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Inspector General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1700.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Office of the Inspector General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1700.

Individual should provide the full name, address, telephone number, Social Security Number, and signature.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Office of the Inspector General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–1700.

Individual should provide the full name, address, telephone number, Social Security Number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations by the individual concerned are published in Department of the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Army records and reports, and other sources providing or containing pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0614–100/200USMA

SYSTEM NAME:

Evaluation/Assignment of Academic Instructors.

SYSTEM LOCATION:

U.S. Military Academy, West Point, NY 10996–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel who apply or serve as instructors on the Staff and Faculty, U.S. Military Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application consisting of name, grade, Social Security Number, branch of service, educational and military qualifications, teaching experience, transcript of academic grades, results of Graduate Record Examination (GRE), and Admission Test for Graduate Study in Business (ATGSB); evaluation and assessment notes; correspondence between the U.S. Military Academy and U.S. Army Military Personnel Center; assignment order application/acceptance for advanced civil schooling, and related documents.

AUTHORITY FOR MAINTAIN OF THE SYSTEM:

10 U.S.C. 4334 and E.O. 9397.

PURPOSE(S):

Used by the U.S. Military Academy Dean of the Academic Board and department heads to assess qualifications and suitability of military personnel as academic instructors for assignment to the Staff and Faculty, U.S. Military Academy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets and computer discs in vault.

RETRIEVABILITY:

By individual's name and Social Security Number.

SAFEGUARDS:

Information is available only to designated persons having official need therefor.

RETENTION AND DISPOSAL:

Records of individuals not selected for assignment or unavailable are destroyed when no longer required; records for those assigned to U.S. Military Academy are retained for 25 years; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, U.S. Military Academy, West Point, NY 10996–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Superintendent, U.S. Military Academy, ATTN: Dean of the Academic Board, West Point, NY 10996–5000.

Individual should provide the full name, Social Security Number, sufficient details to locate records, current mailing address, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Superintendent, U.S. Military Academy, ATTN: Dean of the Academic Board, West Point, NY 10996–5000.

Individual should provide the full name, Social Security Number, sufficient details to locate records, current mailing address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations by the individual concerned are published in Department of the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; official Army or other Service records; academic institutions; letters of endorsement from third parties; U.S. Army Military Personnel Center; similar relevant documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0614–100/200USRAEC

SYSTEM NAME:

Recruiter Identification/Assignment Records.

SYSTEM LOCATION:

U.S. Army Recruiting Command, Fort Sheridan, IL 60037.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Soldiers who are considered for, are assigned, or have been assigned to recruiting duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, rank, MOS, qualifications; duty station preference, unit of assignment and reporting date; recruiter identification number; if either not selected for or relieved from recruiting duty, record includes reasons therefor and other relevant information.

VOL
58
ISS
33
FE
22
1993
UMI

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C 301.

PURPOSE(S):

To evaluate recruiter production, assign recruiting objectives, ensure that previously relieved recruiters are not assigned to recruiting duties, and to render personnel and management reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See blanket routine uses at 48 FR 25503, June 6, 1983.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tapes and printouts; paper records.

RETRIEVABILITY:

By individual's surname and four digit recruiter identification number.

SAFEGUARDS:

Records are maintained in area accessible only to properly screened and trained personnel having official need therefor; paper records are stored in locked file cabinets.

RETENTION AND DISPOSAL:

Both automated and manual records are retained so long as individual is assigned to recruiting duty and for 6 years thereafter, following which records are destroyed by erasing and/or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information exists on them in this system of records may inquire of the Commander, U.S. Army Recruiting Command, ATTN: Director, Personnel, Administration and Logistics, Fort Sheridan, IL 60037, furnishing their full name, Social Security Number, military status, duty or home address, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to their records should write to the Commander, U.S. Army Recruiting Command, ATTN: Director, Personnel, Administration and Logistics, Fort Sheridan, IL 60037, furnishing their full name, Social Security Number, military status, duty or home address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From U.S. Army Military Personnel Center (Enlisted Distribution Division), individual's unit commander, other Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0621–1DAPE

SYSTEM NAME:

Army Continuing Education System.

SYSTEM LOCATION:

Education Centers at Army installations; addresses are in the appendix to the Army inventory of system notices at 48 FR 25773, June 6, 1983. A centralized automated education registry transcript System is maintained at Fort Leavenworth, KS.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel on active duty, Army Reserves and National Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, rank, Social Security Number, Military Occupational Specialty, educational and military training achievements, course attendance/completion records; tuition assistance documents; counseling records; academic and diagnostic tests which measure educational level and/or needs including recommendations of American Council on Education (ACE). A composite of course descriptors and scores is recorded in a transcript registry for each soldier who volunteers for educational courses and/or programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 4302; section 722 of Pub. L. 96–154; 36 U.S.C., Chapters 32–34, and 36.

PURPOSE(S):

To determine academic/vocational level of education; to provide educational guidance and counseling; to enhance soldiers' military effectiveness, prepare them for greater responsibility in the Armed Forces and for productive post-service careers; to provide for systematic recording of all educational accomplishments of Army members; and to render statistical and managerial reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Department of Labor, Bureau of Apprenticeship and Training for individuals enrolled in an Army Apprenticeship Program. Information also may be disclosed to institutions, prospective employers, and others as authorized by the individual concerned.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computer printouts; discs and tapes. Individually identifiable course data and scores are transferred to DA Form 669. Information transferred to the registry transcript system resides on magnetic tape at Fort Leavenworth.

RETRIEVABILITY:

By individual's surname or Social Security Number.

SAFEGUARDS:

Records are protected from unauthorized disclosure by storage in areas accessible only to authorized personnel within buildings secured by locks or guards. Automated records may be called up by terminals supported by remote and dedicated lines. Each terminal has a physical key lock and is identified by its own physical profile containing user ID, user password which are confidential. Software prohibits entry to files by other than designated authorized personnel.

RETENTION AND DISPOSAL:

Automated data are erased after selected information is captured for managerial reports and course/score data transferred to individual's DA Form 669 which becomes part of the Military personnel Records Jacket. Automated data in the registry transcript system are retained during the soldier's tenure and for 2 additional years following separation after which they are converted to microfiche and retained for 40 years.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–4000.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether this system of records contains information about them should contact the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, ATTN: Education Division, Director of

Military Personnel Management, The Pentagon, Washington, DC 20310–4000; or the installation Education Services Officer/Counselor.

RECORD ACCESS PROCEDURES:

Individuals may obtain their records by contacting the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, ATTN: Education Division, Director of Military Personnel Management, The Pentagon, Washington, DC 20310–4000; or the installation Education Services Officer/Counselor, presenting acceptable identification such as military ID card, official building pass, or current driver's license.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

School transcripts, Education Services Officer/Counselor, the individual, test results, SIDPERS, Enlisted Master File.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0621–1DASG

SYSTEM NAME:

Long-Term Civilian Training Student Contract Files.

SYSTEM LOCATION:

U.S. Army Health Professional Support Agency, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Army Medical Department personnel currently participating in long-term civilian training on a fully funded basis.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enrollment applications, notification of acceptance/rejection, contract between the Army and the civilian college or university, similar relevant documents and reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., chapter 401, section 4301 and E.O. 9397.

PURPOSE(S):

To negotiate contract between the Army and a civilian academic institution for the purpose of sending Army Medical Department officer and enlisted personnel for long-term civilian training under fully funded programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and database management system (DBMS).

RETRIEVABILITY:

By student surname in the hard copy form and by a student code (stucode) in the DBMS. The stucode is comprised of the first three letters of the student's surname plus the last four numbers of the Social Security Number.

SAFEGUARDS:

All records are maintained in offices which are locked during non-duty hours, accessible only to designated officials having need therefor in the performance of official duties. Use of elevators to the floor housing records requires an electronic key for entry during non-duty hours. Microcomputer on which DBMS is maintained requires a password for entry.

RETENTION AND DISPOSAL:

Records destroyed 2 years after an individual has completed training or has been canceled or withdrawn from the program.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Surgeon General, Headquarters, Department of the Army, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander, U.S. Army Health Professional Support Agency, ATTN: SGPS-EDT, 5109 Leesburg Pike, Falls Church, VA 22044–3258.

For verification purposes, the individual should provide the full names, Social Security Number, current address, current unit of assignment (if on active duty), sponsoring program and calendar years in training, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, U.S. Army Health Professional Support Agency, ATTN: SGPS-EDT, 5109 Leesburg Pike, Falls Church, VA 22044–3258.

For verification purposes, the individual should provide the full names, Social Security Number, current address, current unit of assignment (if on active duty), sponsoring program and calendar years in training, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, or appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Army records and reports, correspondence with the selecting academic institution.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0621–1TAPC

SYSTEM NAME:

Civilian Schooling for Military Personnel.

SYSTEM LOCATION:

U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400. Segments exist at Army commands/installations, organizations/activities, including overseas areas. Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any military service member who applies for or is selected for attendance at civilian school or for training with industry, or participation in a fellowship/scholarship program of training or instruction.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains Department of the Army Forms 1618–R, Application for Detail as Student Officer in a Civilian Educational Institution of Training with Industry Program; 2593–R, Application for Selection for Scientific and Engineering Graduate School; and 3719–R, Information Questionnaire for Recipients of Top Five Percent Army Fellowship (ROTC and U.S.MA), containing name, grade, Social Security Number, address, home phone, duty phone, permanent legal address, branch of service, date of birth, marital status, number of dependents, state of legal residence, military occupational specialties, enlistment status, component, foreign service, civilian educational data, military educational

VOL 58 ISS 33 FE 22 1993 UMI

data, transcripts, social fraternities, honorary fraternities, clubs, degree major, class standing and personal resumes, school contracts; student training report; photographs; enlisted qualification record; theses; statements of service and schooling obligation; U.S. Armed Forces Institute test report; civilian institution academic evaluation reports, Standard Form 1034, Public Voucher for Purchases and Services Other Than Personal, similar relevant documents and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 4301.

PURPOSE(S):

To document, monitor, manage, and administer the service member's attendance at a civilian training agency or civilian school pursuant to 10 U.S.C. 4301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel having need therefor in the performance of assigned duties, within security protected buildings.

RETENTION AND DISPOSAL:

Destroyed by shredding after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-OPB-D, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, current address and telephone number, sufficient details concerning the civilian school attended to permit locating the record, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-OPB-D, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, current address and telephone number, sufficient details concerning the civilian school attended to permit locating the record, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Army records and reports, documents from the civilian school or industry training agency.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0635–5TAPC

SYSTEM NAME:

Separation Transaction Control/ Records Transfer System.

SYSTEM LOCATION:

U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400; U.S. Army Enlisted Records and Evaluation Center, Fort Benjamin Harrison, IN 46249–5301; U.S. Army Reserve Components and Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty enlisted personnel separated from military service (excluding active duty for military training) and all personnel immediately reenlisting after separation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, rank, eligibility for reenlistment, character of separation, program designator, date and location of separation, reenlistment, moral waiver and specialty.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 3013; and E.O. 9397.

PURPOSE(S):

To monitor separations of active duty enlisted personnel as a means of controlling strength and record accountability, and reenlistment processing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes/discs.

RETRIEVABILITY:

By name and/or Social Security Number.

SAFEGUARDS:

Records are protected by physical security devices, guards, computer software and hardware safeguard features, and personnel clearances.

RETENTION AND DISPOSAL:

Separation records are destroyed after 1 year; reenlistment records are destroyed after 45 days; tape file is scratched at end of retention period; disc files are purged.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-PDT, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, military status, and if separated, date of separation.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-PDT, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, military status, and if separated, date of separation.

CONTESTING RECORDS PROCEDURES:

The Army's rules for accessing records, contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager

RECORD SOURCE CATEGORIES:

From other Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0635–40TAPC

SYSTEM NAME:

Temporary Disability Retirement Master List (TDRL).

SYSTEM LOCATION:

U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400. Copy of the Master List is retained at U.S. Army Physical Disability Agency, Health Services Command, U.S. Army Enlisted Records and Evaluation Center, U.S. Army Reserve Components Personnel and Administration Center, and U.S. Army Finance and Accounting Center. Official mailing addresses may be obtained from U.S. Total Army Personnel Command.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army personnel who are on temporary disability retirement.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains, Social Security Number, name, address, Department of Army special order number, percentage of disability, doctor code, re-examination date, date placed on TDRL, hospital code, travel code, Army component, pay termination code, requirement for board code, record control number, hospital name and address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1376 and E.O. 9397.

PURPOSE(S):

To coordinate with medical treatment facilities for scheduling medical examinations; to issue travel orders for individual to report to medical treatment facility for annual medical examination; to determine individual's status by the end of the fifth year of being on the TDRL, i.e., whether individual is to be permanently retired for disability, or returned to duty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in medical treatment facilities; magnetic tape, disc.

RETRIEVABILITY:

By Social Security Number and date.

SAFEGUARDS:

Access to all records is restricted to individuals having need therefor in the performance of duties. Automated media are further protected by authorized password for system, controlled access to operation rooms and controlled output distribution.

RETENTION AND DISPOSAL:

A magnetic tape records is maintained on each individual while in a temporary disability retired status. The current and two previous tape files are maintained at any given time.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-PDB, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, current address and telephone number, and signature.

Inquiries are restricted to issues relating to the TDRL only; issues of pay must be made at the U.S. Army Finance and Accounting Center.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-PDB, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, current address and telephone number, and signature.

Inquiries are restricted to issues relating to the TDRL only; issues of pay must be made at the U.S. Army Finance and Accounting Center.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From medical treatment facilities, Army Physical Disability Agency, other Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0635–200TAPC

SYSTEM NAME:

Separations: Administrative Board Proceedings.

SYSTEM LOCATION:

U.S. Total Army Personnel Command 200 Stovall Street Alexandria, VA 22332–0400. Segments exist at Major Army Commands and subordinate commands, field operating agencies, and activities exercising general courts-martial jurisdiction. Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military members on whom allegations of defective enlistment/agreement/fraudulent entry/alcohol or other drug abuse rehabilitation failure/unsatisfactory performance/misconduct/homosexuality under the provisions of Chapters 7, 9, 13, 14, or 15 of Army Regulation 635–200, Enlisted Personnel, result in administrative board proceedings.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notice to service member of allegations on which proposed separation from the Army is based; supporting documentation; DA Form 2627, Records of Proceedings under Article 15, UCMJ; DD Form 493, Extract of Military Records of Previous Convictions; medical evaluations; military occupational specialty evaluation and aptitude scores; member's statements, testimony, witness statements, affidavits,rights waiver record; hearing transcript; board findings and recommendations for separation or retention; final action.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1169.

PURPOSE(S):

Information is used by processing activities and the approval authority to determine if the member meets the requirements for recommended separation action.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of system notices apply to this record system.

VOL 58 ISS 33 FE 22 1993 UMI

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessed only by designated persons having official need; herefor, within buildings secured during non-duty hours.

RETENTION AND DISPOSAL:

The original of board proceedings becomes a permanent part of the member's Military Personnel Records Jacket. When separation is ordered, a copy is sent to member's commander where it is retained for two years before being destroyed. When separation is not ordered, board proceedings are filed at the headquarters of the separation authority for two years, then destroyed. A copy of board proceedings in cases where the final authority is the U.S. Total Army Personnel Command, pursuant to Army Regulation 635–200, is retained by that headquarters (TAPC-PDT) for one year following decision.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the commander of the installation where administrative board convened or to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-PDT, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, details concerning the proposed or actual separation action to include location and date, and signature.

RECORD ACCESS PROCEDURES:

If individual has been separated from the Army, address written inquiries to the National Personnel Records Center, General Services Administration, 9700 Page Boulevard, St Louis, MO 63132–5200: proceedings will be part of the Military Personnel Records Jacket.

If member is on active duty, address written inquiries to the commander of the installation where administrative board convened.

Individual should provide the full name, details concerning the proposed or actual separation action to include location and date, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; individual's commander; Army personnel, medical, and/or investigative records; witnesses; the Administrative Separation Board; federal, state, local, and/or foreign law enforcement agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0640DARP

SYSTEM NAME:

Personnel Management/Action Officer Files.

SYSTEM LOCATION:

U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Individual Ready Reserve (IRR), Standby Reserve, Retired Reserve, unit personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence; orders; pay vouchers; efficiency reports; assignment instructions; medical evaluations; request for waiver of disqualifications; grade determinations; flagging actions which preclude completion of favorable personnel actions; transcripts; requests for transfer to another Branch, status, or service; claims for pay; assignment instructions for Active Duty or Active Duty for Training; applications for delay or exemption from Active Duty/Active Duty for Training; nominations for decorations or awards; notification of removal from active Reserve status for physical disqualification, non-participation, being passed over twice for promotion, or elimination action; application for waiver of disqualifications for enlistment in U.S. Army Reserves; request for discharge or voiding of enlistments; requests for transfer to or from the Ready Reserve, Standby Reserve, or Retired Reserve; claims for pay not received while on active duty; request for assignment/attachment to Army National Guard units, mobilization designation positions or detachments, reinforcement training units, and U.S. Army Reserve school student detachments; applications for participation in Army Reserve Logistics Career Program and Foreign Area Officer Program; decisions pertaining to the career management of officers and senior enlisted personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 275.

PURPOSE(S):

To respond to inquiries from an individual or other government agencies concerning reserve status of Army personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets; card files.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessed only by designated individuals having official need therefore in the performance of assigned duties.

RETENTION AND DISPOSAL:

Records are maintained for a period of 6 months to 3 years depending on the type of action involved, after which they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander, U.S. Army Reserve Personnel Center, ATTN: DARP-IMG-F, 9700 Page Boulevard, St. Louis, MO 63132–5200.

For verification purposes, individual should provide the full name, and current and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, U.S. Army Reserve Personnel Center, ATTN: DARP-IMG-F, 9700 Page Boulevard, St. Louis, MO 63132–5200.

For verification purposes, individual should provide the full name, and current address and telephone number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations by the individual concerned are published in Department of the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0640–3CFSC

SYSTEM NAME:

Privilege Card Application Files.

SYSTEM LOCATION:

Major Army commands, field operating agencies, installations and activities, Army-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military dependents, foreign military personnel, civilian employees of the Department of the Army assigned overseas or residing on a military installation within the United states, civilian employees under private or Government contract with the U.S. Army and their dependents, civilians of foreign nations on duty in the U.S. at invitation of Department of Defense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for an identification card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To maintain a record of identification cards issued.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records/cards in filing cabinets.

RETRIEVABILITY:

By applicant's surname, Social Security Number.

SAFEGUARDS:

Records are maintained in secured areas accessible only by authorized persons having official need therefor.

RETENTION AND DISPOSAL:

Applications are maintained until either the identification card expires, is replaced or is no longer required.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301.

NOTIFICATION PROCEDURE:

Information may be obtained from the issuing authority by furnishing full name, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals desiring access to records about themselves should write as indicated in 'Notification procedure', providing information specified therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; sponsor's personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0640–10DARP

SYSTEM NAME:

Philippine Army Files.

SYSTEM LOCATION:

U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Philippine Commonwealth Army who were inducted for service with the U.S. Armed Forces Far East under the Military Order of the President of the United States dated July 26, 1941; Philippines who served in Guerrilla units officially recognized and listed in the Recognized Philippine Guerrilla Rosters.

CATEGORIES OF RECORDS IN THE SYSTEM:

World War II claim folders which contain enlistment papers, orders inducting individual into U.S. Armed Forces Far East service, soldier's qualification card, unit orders of assignment, efficiency rating sheets, pay vouchers or receipts, affidavits and certificates, service records, determination of status under the Missing Persons Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 490–77, dated May 7, 1942.

PURPOSE(S):

To answer inquiries regarding individuals who served, or allegedly served, with the Philippine Commonwealth Army including recognized Guerrilla Forces, during World War II, in the Philippines.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of Veterans Affairs to verify or certify service with the U.S. Armed Forces Far East or recognized guerrilla units; provide available medical records or other documents to assist in determining benefits.

To the Department of Justice to certify or verify service regarding application of individual for citizenship.

To the Department of Health and Human Services to verify type of service that is used to assist in determining eligibility for benefits.

To the Department of State to provide statement of service or verification of type of service performed.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name, service number, VA claim number, units assigned to during period of service in question, names of parents, birth date and place, name of spouse and children if applicable. (Due to similarity of names complete file must be screened to determine proper individual.)

SAFEGUARDS:

Records are maintained in area accessible only to designated personnel having official need therefor.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander, U.S. Army Reserve

Personnel Center, ATTN: DARP-PAS-EAP, 9700 Page Boulevard, St. Louis, MO 62132–5200.

For verification purposes, individual should provide the full name, service number, VA claim number, if applicable, and name and/or number of the unit to which assigned during the period of service.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, U.S. Army Reserve Personnel Center, ATTN: DARP-PAS-EAP, 9700 Page Boulevard, St. Louis, MO 62132–5200.

For verification purposes, individual should provide the full name, service number, VA claim number, if applicable, and name and/or number of the unit to which assigned during the period of service.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations by the individual concerned are published in Department of the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From records of military service compiled during period of individual's service with the Philippine Commonwealth Army and/or the U.S. Armed Forces Far East prior to December 7, 1941 up to August 1945.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0640–10bNGB

SYSTEM NAME:

Military Personnel Records Jacket (NGB).

SYSTEM LOCATION:

The custodian of the Military Personnel Record will either be the State Personnel Service Center (PSC) located in conjunction with the Office of the Adjutant General or each National Guard Armory in those non-PSC states: Guam, Puerto Rico, the Virgin Islands, and the District of Columbia.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of the Army National Guard not on active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records are outlined in AR 640–10. Examples of the type of document included in the Military Personnel Records Jacket (DA Form 201) are the individual's service agreement, record of emergency data, certificates of release or discharge from active duty (DD Form 214) and other service computation documents, active duty orders, military occupational specialty orders, Servicemen's Group Life Insurance election, security questionnaire and clearance, transfer requests and orders, promotions, reductions, personnel qualification record (DD Form 2091), oath of extensions of enlistment, selective reserve incentive program agreements, notice of basic eligibility (NOBE) for GI Bill, and discharge documents and orders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 275 and 3013; and E.O. 9397.

PURPOSE(S):

These records are created and maintained to: Manage the member's National Guard Service effectively; Historically document the member's military service; and Safeguard the rights of members and the Army.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Central Intelligence Agency; Department of Agriculture; Department of Commerce; Department of Health and Human Services; Department of Education; Department of Labor; Department of State; Department of the Treasury; Department of Transportation; Federal Aviation Agency; National Transportation Safety Board; American Battle Monuments Commission; Department of Veterans Affairs; Federal Communications Commission; U.S. Postal Service; Office of Personnel Management; Selective Service System; Social Security Administration; state, county and city welfare organizations when information is required to consider applications for benefits; penal institutions when the individual is a patient or an inmate; state, county and city law enforcement authorities.

NOTE: Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–3 and 290ee–3. These statutes take precedence over the Privacy Act of 1974, as amended, in regard to accessibility of such records except to the individual to whom the record pertains. Blanket Routine Uses do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Records maintained in areas accessible only to authorized personnel having need therefor in the performance of official business. The Military Personnel Records Jacket is transferred from station to station in the personal possession of the individual whose record it is, or by U.S. Postal Service.

RETENTION AND DISPOSAL:

Military personnel records are retained until updated or service of individual is terminated. Following separation, the disposition of the records is to the U.S. Army Reserve Personnel Center or to the National Personnel Records Center in accordance with 640–10.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army National Guard Personnel Center, 4501 Ford Avenue, Alexandria, VA 22302–1450.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the commander of the unit to which the Army National Guard member is assigned: For separated personnel, information may be obtained from the Commander, U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200; for discharged or deceased personnel, contact the National Personnel Records Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

For verification purposes, individual should provide the full name, service identification number, current military status, and current address.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the commander of the unit to which the Army National Guard member is assigned: For separated

personnel, information may be obtained from the Commander, U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200; for discharged or deceased personnel, contact the National Personnel Records Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

For verification purposes, individual should provide the full name, service identification number, current military status, and current address.

For personal visits, the requester should provide acceptable identification, i.e., military identification card or other identification normally acceptable in the transaction of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations by the individual concerned are published in Department of the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, educational and financial institutions, law enforcement agencies, personal references provided by the individual, Army records and reports, third parties when information furnished relates to the service member's status.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0640–10cNGB

SYSTEM NAME:

Official Military Personnel File (Army National Guard).

SYSTEM LOCATION:

Army National Guard Personnel Center, ATTN: NGB-ARP-CA, 4501 Ford Avenue, Alexandria VA 22302–1450.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each commissioned or warrant officer in the Army National Guard not on active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include enlistment contract, physical evaluation board proceedings; statement of service; group life insurance election; emergency data form; application for appointment; qualification/evaluation report; oath of office; medical examination; security clearance; application for retired pay; application for correction of military records; application for active duty; transfer or discharge; active duty report; voluntary reduction; line of duty and misconduct determinations; discharge or separation reviews; police record checks; consent/declaration of parent/guardian; award recommendations; academic reports; casualty reports; field medical card; retirement points; deferment; pre-induction processing and commissioning data; transcripts of military records; survivor benefit plans; efficiency reports; records of proceedings, 10 U.S.C. 815 and appellate actions; determination of moral eligibility; waiver of disqualifications; temporary disability record; change of name; statements for enlistment; retired benefits; application for review by physical evaluation board; birth certificate; citizenship statements and status; educational transcripts; flight status board reviews; efficiency appeals; promotion/reduction/recommendations approvals/declinations announcements/notifications and reconsiderations; notification to deferred officers and promotion passover notifications; absence without leave and desertion records; FBI reports; Social Security Administration correspondence; miscellaneous correspondence, documents, and orders relating to military service including information pertaining to dependents, inter or intraservice details, determinations, reliefs; pay entitlements, releases, transfers; and other relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 275 and 3013; and E.O. 9397.

PURPOSE(S):

These records are created and maintained to manage the member's Army National Guard service effectively; document the member's military service history; and, safeguard the rights of the member and the Army.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of State to issue passport/visa; to document persona-non-grata status, attache assignments, and related administration of personnel assigned and performing duty with the Department of State.

To the Department of Justice to file fingerprint cards; to perform intelligence function.

To the Department of Labor to accomplish actions required under Federal Employees Compensation Act.

To the Department of Health and Human Services to provide services authorized by medical and health functions authorized by 10 U.S.C. 1074–1079.

To the Atomic Energy Commission to accomplish requirements incident to Nuclear Accident/Incident Control Officer functions.

To the American Red Cross to accomplish coordination and complete service functions including blood donor programs and emergency investigative support and notifications.

To the Federal Aviation Agency to obtain flight certification and licenses.

To the General Services Administration for records storage, archival services, and for printing of directories and related material requiring personal data.

To the U.S. Postal Service to accomplish postal service authorization.

To the Department of Veterans Affairs to provide information relating to benefits, pensions, in-service loans, insurance, and appropriate hospital support.

To the Bureau of Immigration and Naturalization to comply with statutes relating to in-service alien registration, and annual residence information.

To the Office of the President of the United States of America: To exchange required information relating to White House Fellows, regular Army promotions, aides, and related support functions staffed by Army members.

To the Federal Maritime Commission to obtain licenses for military members accredited as captain, made, and harbor master for duty as Transportation Corps warrant officer.

To each state and U.S. possession to support state bonus applications; to fulfill income tax requirements appropriate to the service member's home of record; to record name changes in state bureaus of vital statistics; and for National Guard Affairs.

To civilian educational, and training institutions to accomplish student registration, tuition support, Graduate Record Examination tests requirement, and related school requirements incident to in-service education programs in compliance with 10 U.S.C., Chapters 102 and 103.

To the Social Security Administration to obtain or verify Social Security Account Numbers; to transmit Federal Insurance Compensation Act deductions made from in-service members' wages.

To the Department of Transportation to coordinate and exchange necessary information pertaining to inter-service relationships between U.S. Coast Guard and Army National Guard when service members perform duty with the U.S. Coast Guard elements or training activities.

To Civil Authorities for Compliance with 10 U.S.C. 814.

NOTE: Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–3 and 290ee–3. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains. Blanket Routine Uses do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfiche stored randomly in electromechanical storage/retrieval devices. Temporary files consist of paper records in file folders; selected data automated for management purposes on tapes, disks, cards, and other computer media.

RETRIEVABILITY:

By individual's surname and Social Security Number.

SAFEGUARDS:

Records are maintained in secured areas accessible only to authorized personnel; automated media protected by authorized password system for access terminals, controlled access to operation rooms, and controlled output distribution.

RETENTION AND DISPOSAL:

Microfiche and paper records are permanent: retained in active file until termination of service following which they are retired to the custody of the Commander, U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Army National Guard Personnel Center, 4501 Ford Avenue, Alexandria, VA 22302–1450.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander, Army National Guard Personnel Center, 4501 Ford Avenue, Alexandria, VA 22302–1450.

For verification purposes, individual should provide the full name, service identification number, current or former military status, current home address, and signature.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, Army National Guard Personnel Center, 4501 Ford Avenue, Alexandria, VA 22302–1450.

For verification purposes, individual should provide the full name, service identification number, current or former military status, current home address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations by the individual concerned are published in AR 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, educational and financial institutions, law enforcement agencies, personal references provided by the individual, Army records and reports, third parties when information furnished relates to the Service member's status.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0640–10aTAPC

SYSTEM NAME:

Military Personnel Records Jacket Files (MPRJ).

SYSTEM LOCATION:

Active and Reserve Army Commands/field operating agencies, installations, activities. Official mailing addresses are published as an appendix to the Army's compilation of record system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted, warrant and commissioned officers on active duty in the U.S. Army; enlisted, warrant and commissioned officers of the U.S. Army Reserve in active reserve (unit or non-unit) status; retired persons; commissioned/warrant officers separated after June 30, 1917 and enlisted personnel separated after October 31, 1912.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records reflecting qualifications, emergency data, enlistment and related service agreement/extension/active duty orders; military occupational specialty evaluation data; group life insurance election; record of induction; security questionnaire and clearance; transfer/discharge report/Certificate of Release or Discharge from Active Duty; language proficiency questionnaire; police record check; statement of personal history; application for ID; Department of Veterans Affairs compensation forms and related papers; dependent medical care statement and related forms; training and experience documents; survivor benefit plan election certificate; efficiency reports; application/nomination for assignment; achievement certificates; record of proceeding and appellate or other supplementary actions, Article 15 (10 U.S.C. 815); weight control records; personnel screening and evaluation records; application/prior service enlistment documents; certificate barring reenlistment; waivers for enlistment; physical evaluation board summaries; service record brief; Army School records; classification board proceedings; correspondence relating to badges, medals, and unit awards, including foreign decorations; correspondence/letters/administrative reprimands/censures/admonitions relating to apprehensions/confinement/discipline; dependent travel and movement of household goods; personal indebtedness correspondence and related papers; documents relating to proficiency pay, promotion, reduction in grade, release, retirement temporary duty, individual flight records, physical examination records, aviator flight record, instrument certification papers, duty status, leave, and similar military documents prescribed for filing by Army regulations or directives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 3013; and E.O. 9397.

PURPOSE(S):

Personnel records are created and maintained to manage the member's Army Service effectively, document historically the member's military service, and safeguard the rights of the member and the Army.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of State to issue passport/visa; to document persona-non-grata status, attache assignments, and related administration of personnel assigned and performing duty with the Department of State.

To the Department of Treasury to issue bonds; to collect and record income taxes.

To the Department of Justice to file fingerprints to perform investigative and judicial functions.

To the Department of Agriculture to coordinate matters related to its advanced education program.

To the Department of Labor to accomplish actions required under Federal Employees Compensation Act.

To the Department of Health and Human Services to provide services authorized by medical, health, and related functions authorized by 10 U.S.C. 1074 through 1079.

To the Nuclear Regulatory Commission to accomplish requirements incident to Nuclear Accident/Incident Control Officer functions.

To the American Red Cross to accomplish coordination and service functions including blood donor programs and emergency investigative support and notifications.

To the Civil Aeronautics Board to accomplish flight qualifications, certification and licensing actions.

To the Federal Aviation Agency to determine rating and certification (including medical) of in-service aviators.

To the General Services Administration for records storage and archival services and for printing of directories and related material which includes personal data.

To the U.S. Postal Service to accomplish postal service authorization involving postal officers and mail clerk authorizations.

To the Department of Veterans Affairs to provide information relating to service, benefits, pensions, in-service loans, insurance, and appropriate hospital support.

To the Bureau of Immigration and Naturalization to comply with status relating to alien registration, and annual residence/location.

To the Office of the President of the United States of America to exchange required information relating to White House Fellows, regular Army promotions, aides, and related support functions staffed by Army members.

To the Federal Maritime Commission to obtain licenses for military members accredited as captain, mate, and harbor master for duty as Transportation Corps warrant officer.

To each of the several states, and U.S. possessions to support state bonus application; to fulfill income tax requirements appropriate to the service member's home of record; to record name changes in state bureaus of vital statistics; and for National Guard affairs.

Civilian educational and training institutions to accomplish student registration, tuition support, tests, and related requirements incident to in-service education programs in compliance with 10 U.S.C. chapters 102 and 103.

To the Social Security Administration to obtain or verify Social Security Account Number; to transmit Federal Insurance Compensation Act deductions made from members' wages.

To the Department of Transportation to coordinate and exchange necessary information pertaining to inter-service relationships between U.S. Coast Guard (USCG) and U.S. Army when service members perform duty with the USCG.

To the Civil authorities for compliance with 10 U.S.C. 814.

To the U.S. Information Agency to investigate applicants for sensitive positions pursuant to E.O. 10450.

To the Federal Emergency Management to facilitate participation of Army members in civil defense planning, training, and emergency operations pursuant to the military support of civil defense as prescribed by DOD Directive 3025.10, Military Support of Civil Defense, and Army Regulation 500–70, Military Support of Civil Defense.

To the Director of Selective Service System to Report of Non-registration at Time of Separation Processing, of individuals who decline to register with Selective Service System. Such report will contain name of individual, date of birth, Social Security Number, and mailing address at time of separation.

Other elements of the Federal Government pursuant to their respective authority and responsibility.

To the Military Banking Facilities Overseas. Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

NOTE: Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–3 and 290ee–3. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains. The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices do not apply to these categories of records.

County and city welfare organizations to provide information needed to consider applications for benefits.

Penal institutions to provide health information to aid patient care.

State, county, and city officials to include law enforcement authorities to provide information to determine benefits or liabilities, or for the investigation of claim or crimes.

Patriotic societies incorporated, pursuant to 36 U.S.C., in consonance with their respective corporate missions when used to further the welfare, morale, or mission of the soldier. Information can only be disclosed only if the agency which receives it adequately prevents its disclosure to persons other than their employees who need such information to perform their authorized duties.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this system, except for those specifically excluded categories of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAILING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's name and/or Social Security Number.

SAFEGUARDS:

All records are maintained in secured areas, accessible only to designated individuals whose official duties require access; they are transferred from station to station in personal possession of the individual whose record it is or, when this is not feasible, by U.S. Postal Service.

RETENTION AND DISPOSAL:

The maintenance, forwarding, and disposition of the MPRJ (DA Form 201) and its contents are governed by Army Regulations 640–10, Individual Military

VOL 58 ISS 33 FE 22 1993 UMI

Personnel Records, and 635–10, Processing Personnel for Separations.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURES:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the commander of the organization to which the service member is assigned; for retired and non-unit reserve personnel, information may be obtained from the U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St Louis, MO 63132–5200; for discharged and decreased personnel contact the National Personnel Records Center, General Services Administration, 9700 Page Boulevard, St Louis, MO 63132–5100.

Individual should provide the full name, Social Security Number, service identification number, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the commander of the organization to which the service member is assigned; for retired and non-unit reserve personnel, information may be obtained from the U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200; for discharged and deceased personnel contact the National Personnel Records Center, General Services Administration, 9700 Page Boulevard, St Louis, MO 63132–5100.

Individual should provide the full name, Social Security Number, service identification number, current address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, educational and financial institutions, law enforcement agencies, personal references provided by the individual, Army records and reports, third parties when information furnished relates to the service member's status.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0640–10bTAPC

SYSTEM NAME:

Official Military Personnel File.

SYSTEM LOCATION:

U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400 for active duty officers.

U.S. Army Enlisted Evaluation and Records Center, Fort Benjamin Harrison, IN 46249–5301 for active duty enlisted personnel.

U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St Louis, MO 63132–5200 for retired and reserve personnel.

National Personnel Records Center, General Services Administration (Military), 9700 Page Boulevard, St Louis, MO 63132–5100, for discharged or deceased personnel.

An automated index exists at the U.S. Army Reserve Personnel Center showing physical location of the Official Military Personnel of retired and separated service members.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each individual on active duty in the U.S. Army is enlisted, appointed, or commissioned status; and each individual who was an enlisted, appointed, or commissioned member of the U.S. Army and who was completely separated by discharge, death, or other termination of individual's military status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include enlistment contract; Department of Veterans Affairs benefit forms; physical evaluation board proceedings; military occupational specialty data; statement of service; qualification record; group life insurance election; emergency data; application for appointment; qualification/evaluation report; oath of office; medical examination; security questionnaire; application for retired pay; application for correction of military records; field for active duty; transfer or discharge report/Certificate of Release or Discharge from Active Duty; active duty report; voluntary reduction; line of duty and misconduct determinations; discharge or separation reviews; police record checks, consent/declaration of parent/guardian; Army Reserve Officers Training Corps supplemental agreement; award recommendations; academic reports; casualty report; U.S. field medical card; retirement points, deferment; preinduction processing and commissioning data; transcripts of military records; summary sheets review of conscientious objector; election of options; oath of enlistment; enlistment extensions; survivor benefit plans; efficiency reports; records of proceeding, 10 U.S.C., section 815 appellate actions; determinations of moral eligibility; waiver of disqualifications; temporary disability record; change of name; statements for enlistment; acknowledgments of service requirements; retired benefits; application for review by physical evaluation board and disability board; appointments; designations; evaluations; birth certificates; photographs; citizenship statements and status; educational constructive credit transcripts; flight status board reviews; assignment agreements, limitations/waivers/election and travel; efficiency appeals; promotion/reduction/recommendations, approvals/declinations announcements/notifications, reconsiderations/worksheets elections/letters or memoranda of notification to deferred officers and promotion passover notifications; absence without leave and desertion records; FBI reports; Social Security Administration correspondence; miscellaneous correspondence, documents, and military orders relating to military service including information pertaining to dependents, interservice action, in-service details, determinations, reliefs, component; awards, pay entitlement, released, transfers, and other military service data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

These records are created and maintained to manage the member's Army service effectively; document historically a member's military service, and safeguard the rights of the member and the Army.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of State to issue passport/visa; to document persona-non-grata status, attache assignments, and related administration of personnel assigned and performing duty with the Department of State.

To the Department of Treasury to issue bonds; to collect and record income taxes.

To the Department of Justice to file fingerprints to perform investigative and judicial functions.

To the Department of Agriculture to coordinate matters related to its advanced education program.

To the Department of Labor to accomplish actions required under Federal Employees Compensation Act.

To the Department of Health and Human Services to provide services authorized by medical, health, and related functions authorized by 10 U.S.C. 1074 through 1079.

To the Nuclear Regulatory Commission to accomplish requirements incident to Nuclear Accident/Incident Control Officer functions.

To the American Red Cross to accomplish coordination and service functions including blood donor programs and emergency investigative support and notifications.

To the Civil Aeronautics Board to accomplish flight qualifications, certification and licensing actions.

To the Federal Aviation Agency to determine rating and certification (including medical) of in-service aviators.

To the General Services Administration for records storage and archival services and for printing of directors and related material which includes personal data.

To the U.S. Postal Service to accomplish postal service authorization involving postal officers and mail clerk authorizations.

To the Department of Veterans Affairs to provide information relating to service, benefits, pensions, in-service loans, insurance, and appropriate hospital support.

To the Bureau of Immigration and Naturalization to comply with status relating to alien registration, and annual residence/location.

To the Office of the President of the United States of America to exchange required information relating to White House Fellows, regular Army promotions, aides, and related support functions staffed by Army members.

To the Federal Maritime Commission to obtain licenses for military members accredited as captain, mate, and harbor master for duty as Transportation Corps warrant officer.

To each of the several states, and U.S. possessions to support state bonus application; to fulfill income tax requirements appropriate to the service member's home of record; to record name changes in state bureaus of vital statistics; and for National Guard affairs.

Civilian educational and training institutions to accomplish student registration, tuition support, tests, and related requirements incident to in-service education programs in compliance with 10 U.S.C. chapters 102 and 103.

To the Social Security Administration to obtain or verify Social Security Account Number; to transmit Federal Insurance Compensation Act deductions made from members' wages.

To the Department of Transportation to coordinate and exchange necessary information pertaining to inter-service relationships between U.S. Coast Guard (USCG) and U.S. Army when service members perform duty with the USCG.

To the Civil authorities for compliance with 10 U.S.C. 814.

To the U.S. Information Agency to investigate applicants for sensitive positions pursuant to E.O. 10450.

To the Federal Emergency Management Agency to facilitate participation of Army members in civil defense planning training, and emergency operations pursuant to the military support of civil defense as prescribed by DOD Directive 3025.10, Military Support of Civil Defense, and Army Regulation 500–70, Military Support of Civil Defense.

To the Director of Selective Service System to Report of Non-registration at Time of Separation Processing, of individuals who decline to register with Selective Service System. Such report will contain name of individual, date of birth, Social Security Number, and mailing address at time of separation.

Other elements of the Federal Government pursuant to their respective authority and responsibility.

To the Military Banking Facilities Overseas. Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

NOTE: Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–3 and 290ee–3. These statutes take precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains. The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices do not apply to these categories of records.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices apply to this system, except for those specifically excluded categories of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfiche stored randomly in electromechanical storage/retrieval devices. Temporary files consist of paper records in file folders; selected data automated for management purposes on tapes, disks, cards, and other computer media.

RETRIEVABILITY:

Alphabetically by surname; automated data retrievable by name, Social Security Number, or ADP parameter; records of reserve, retired, and deceased persons retrieved by Social Security Number terminal digit sequence.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel; automated records are further protected by authorized password system for access terminals, controlled access to operations locations, and controlled output distribution.

RETENTION AND DISPOSAL:

Microfiche and paper records are permanent; retained in active file until termination of service, following which they are retired to the U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURES:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the following:

Inquiries for records of commissioned or warrant officers (including members of Reserve Components) serving on

VOL 58 ISS 33 FE 22 1993 UMI

active duty should be sent to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-MSR, 200 Stovall Street, Alexandria, VA 22332–0400.

Inquiries for records of enlisted members (including members of Reserve Components) serving on active duty should be sent to: Commander, U.S. Army Enlisted Records and Evaluation Center, Fort Benjamin Harrison, IN 46249–5301.

Inquiries for records of commissioned officers or warrant officers in a reserve status not on active duty, or Army enlisted reservists not on active duty, or members of the National Guard who performed active duty, or commissioned officers, warrant officers, or enlisted members in a retired status should be sent to the Commander, U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

Inquiries for records of commissioned officers and warrant officers who were completely separated from the service after June 30, 1917, or enlisted members who were completely separated after October 31, 1912, or for records of deceased Army personnel should be sent to the Chief, National Personnel Records Center, General Services Administration, 9700 Page Boulevard, St. Louis, MO 63132–5200.

Individual should provide the full name, Social Security Number, service identification number, military status, and current address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the following:

Inquiries for records of commissioned or warrant officers (including members of Reserve Components) serving on active duty should be sent to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC-MSR, 200 Stovall Street, Alexandria, VA 22332–0400.

Inquiries for records of enlisted members (including members of Reserve Components) serving on active duty should be sent to: Commander, U.S. Army Enlisted Records and Evaluation Center, Fort Benjamin Harrison, IN 46249–5301.

Inquiries for records of commissioned officers or warrant officers in a reserve status not on active duty, or Army enlisted reservists not on active duty, or members of the National Guard who performed active duty, or commissioned officers, warrant officers, or enlisted members in a retired status should be sent to the Commander, U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

Inquiries for records of commissioned officers and warrant officers who were completely separated from the service after June 30, 1917, or enlisted members who were completely separated after October 31, 1912, or for records of deceased Army personnel should be sent to the Chief, National Personnel Records Center, General Services Administration, 9700 Page Boulevard, St. Louis, MO 63132–5200.

Individual should provide the full name, Social Security Number, service identification number, military status, and current address.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Enlistment, appointment, or commission related forms pertaining to individual's military status; academic, training, or qualifications records acquired prior to or during military service; correspondence, forms, records, documents and other relevant papers in Department of the Army, other Federal agencies, or state and local governmental entities; civilian education and training institutions; and members of the public when information is relevant to the Service Member.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0640–10cTAPC

SYSTEM NAME:

Career Management Individual Files.

SYSTEM LOCATION:

U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400. Decentralized segments exist at the General Officer Management Office, Judge Advocate General's Office, and the Chief of Chaplains Office. Official mailing addresses may be obtained from U.S. Total Army Personnel Command.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty members of the U.S. Army in enlisted grades of E–1 through E–9, all warrant officers and commissioned officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Orders; record briefs; statements of preference; school credit papers; transcripts; details; career personnel actions; correspondence from individual concerned; original copy of efficiency report; appeal actions; assignment memoranda and requests for orders; memoranda concerning professional development actions; classification data; service awards; service agreements; variable inventive pay data; memoranda of interviews; assignment applications; resumes of qualifications, personal background and experience supporting service member's desires, nominative action by career managers; academic reports; copies of admonition/reprimands imposed under Article 15, UCMJ, letters of appreciation/commendation/recommendation; reports/letters from accredited educational and training organizations; and similar documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 3013; and E.O. 9397.

PURPOSE(S):

To manage member's Army career, including assignments, counseling, and monitoring professional development.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of record system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; card files.

RETRIEVABILITY:

By individual's surname and/or Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized career management activity personnel.

RETENTION AND DISPOSAL:

Records (which are duplicates of the Official Military Personnel File) are destroyed upon separation of the service member from active duty by reason of discharge, transfer, retirement, or death.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURES:

Individuals seeking to determine if information about themselves is contained in this record system should

address written inquiries to the following:

For information concerning general officers: General Officer Management Office, Room 2E749, Pentagon, Washington, DC 20310–0200.

For information concerning chaplains: Chief of Chaplains, Room 1E417, The Pentagon, Washington, DC 20310–0200.

For information concerning officers of The Judge Advocate General Corps: The Judge Advocate General, Room 2E444, The Pentagon, Washington, DC 20310–0200.

For information pertaining to all other soldiers: Commander, U.S. Total Army Personnel, ATTN: TAPC-OP (for officers) or ATTN: TAPC-EP (for enlisted), 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, service identification number, military occupational specialty, military status, current home address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the following:

For information concerning general officers: General Officer Management Office, Room 2E749, Pentagon, Washington, DC 20310–0200.

For information concerning chaplains: Chief of Chaplains, Room 1E417, The Pentagon, Washington, DC 20310–0200.

For information concerning officers of The Judge Advocate General Corps: The Judge Advocate General, Room 2E444, The Pentagon, Washington, DC 20310–0200.

For information pertaining to all other soldiers: Commander, U.S. Total Army Personnel, ATTN: TAPC-OP (for officers) or ATTN: TAPC-EP (for enlisted), 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, service identification number, military occupational specialty, military status, current home address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; enlistment, appointment, or commission related forms pertaining to the service member having a current active duty status; academic, training, and qualifications records acquired incident to military service; correspondence, forms, documents and other related papers originating in or collected by the military department for management purposes.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0672–5–1TAPC

SYSTEM NAME:

Military Awards Case File.

SYSTEM LOCATION:

U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400. Segments exist at Army commands which have been delegated authority for approval of an award. Official mailing addresses may be obtained from the U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel on active duty, members of reserve components, U.S. civilians serving with U.S. Army units in a combat zone, and deceased former members of the U.S. Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include recommendations for an award; endorsements; award board approvals/disapprovals; citation texts; Department of Army letter orders/general orders; related papers supporting the award; correspondence among the Army; service member, and individuals having knowledge/information relating to the service member concerned or the act or achievement for which an award is recommended.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. chapters 57, 357; and E.O. 9397.

PURPOSE(S):

To consider individual nominations for awards and/or decorations; record final action; maintain individual award case files.

ROUTINE USES FOR RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to public and private organizations including news media, which grant or publicize awards or honors.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder.

RETRIEVABILITY:

By nominee's name.

SAFEGUARDS:

Records are accessible only to designated individuals having official need therefor in the performance of assigned duties.

RETENTION AND DISPOSAL:

Approval/disapproval authorities: Approved awards relating to wartime and/or combat activities are held permanently. Approved peacetime awards and all disapproved awards are held for 25 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC–PDA, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, grade and branch of service, name of award/honor, and current address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC–PDA, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, grade and branch of service, name of award/honor, and current address.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From Recommendation for Awards (DA Form 638) with supporting records, forms, statements, letters, and similar documents originated by persons other than the awardee and other individuals having information useful in making an award determination.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0680–31aTAPC

SYSTEM NAME:

Officer Personnel Management Information System (OPMIS).

SYSTEM LOCATION:

U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals projected for entrance into the Army officer corps; Army officer and warrant officer personnel projected to enter on active duty, separated, or in-retired status; individuals, civilian and military, who serve as senior rating officials on the officer evaluation reports (OERs) of Army officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Officer Master File (OMF) contains name, Social Security Number, grade and date of rank, appointment and service agreement, service data and date, promotion, assignment, qualifications, specialties, efficiency, education and training, occupation, language, career pattern, awards and badges, physical location, separation, retirement, date and place of birth, race, religion, ethnic group, dependents, sex, citizenship, marital status, and mailing address.

Management Accession Information System (AMIS) contains selected information for the OMF, date of entry on active duty, personal demographic data, and assignment information.

Assignments and Training Selection for Reserve Officer Training Corps (ROTC) graduates contains selected information from the OMF, the cadet's preference statement for specialty (branch), duty and initial training; Reserve Forces duty or delay selection, Regular Army selection and branch selection.

Officer Evaluation Reporting System contains selected information from the OMF; selection board status; OER suspense indicator for action being taken to obtain missing or erroneous OER; selected information for each of the last ten OERs; and the name, Social Security Number, and rating history of each individual, military and civilian, who has served as the senior rating official for an active duty Army officer.

Officer Distribution and Assignment System (ODAS) contains selected information from the OMF, projected assignment information for officers and warrant officers who are being reassigned.

Reserve Officer Training Corps Instructor File contains selected information from the OMF and the following information pertaining to ROTC instructors; ROTC detachment, duty station, date assigned to ROTC detachment, date projected to be reassigned.

Officer Civil Schools Management Information System (CSMIS) contains the following selected information from the OMF and the following information concerning officer and warrant officer personnel participating or who have participated in the Army sponsored degree completion program; school attended, start and completion dates, degree level and discipline, and Army Education Requirements System (AERS) positions.

Army Education Requirements System File contains selected information from the OMF for officer and warrant officer personnel who are serving or are projected to serve in an AERS approved position requiring graduate level education.

U.S. Army Military Academy (USMA) Potential Instructor File contains selected information from the OMF and the following information pertaining to previous, current, and potential instructors for the USMA teaching staff; academic department and projected availability for USMA instructor duty.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 3013; and E.O. 9397.

PURPOSE(S):

Information is used for personnel management strength accounting, manpower management, accessioning and determining basic entry specialty (branch) and initial duty assignments; tracking Officer Evaluation Reports, the rating history of senior rating official's rating history on individual OERs producing reports on active duty officers who have served as senior rating officials; managing instructor population at ROTC detachments and USMA; tracking information relating to the Army Degree Completion Civil School Program; transmitting necessary assignment instructions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Social Security Administration to verify Social Security Numbers.

To the Smithsonian Institution (The National Museum of American History): Copy of the U.S. Army Active Duty Register, for historical research purposes (not authorized for public display).

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes and discs.

RETRIEVABILITY:

By Social Security Number, name, or other individual identifying characteristics.

SAFEGUARDS:

Physical security devices, guards, computer hardware and software features, and personnel clearances. Automated media are protected by authorized password for system, controlled access to operator rooms and controlled output distribution.

RETENTION AND DISPOSAL:

Records are retained on the active OMF files for 4 months after separation. Historical OMF records are retained dating back to FY 1970. Accessions in AMIS are retained on active file until effective date of accession and are then placed on a history file for a period of 6 months. Records in the ROTC Graduate Assignment and Training Selection File are retained for approximately 400 days after the file is created (approximately December each year). Historic files for the OER system are kept for the life of the system. All other records are retained for active duty only until the individual is released from active duty and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, current address, and identify the specific category of record involved, whether awaiting active duty, active retired, or separated and give return address.

Blanket requests for information from this consolidated system will not be accepted. If awaiting active duty, specify the date thereof; if separated, individual must state date of separation.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, current address, and identify the specific category of record involved, whether awaiting active duty, active retired, or separated and give return address.

Blanket requests for information from this consolidated system will not be accepted. If awaiting active duty, specify the date thereof; if separated, individual must state date of separation.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Army records and reports, other Federal agencies and departments.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0680–31bTAPC

SYSTEM NAME:

Enlisted Personnel Management Information System (EPMIS).

SYSTEM LOCATION:

U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400. The Enlisted Evaluation System is maintained at U.S. Army Enlisted Records Evaluation Center, Fort Benjamin Harrison, IN 46249–5301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army enlisted personnel on active duty; non-prior service and prior service personnel who either have, or indicate a desire to enlist in the U.S. Army, U.S. Army National Guard, or U.S. Army Reserves; initial active duty training personnel undergoing basic training or advanced individual training; former military personnel who are applicants for enlistment in grades E–1 to E–9.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enlisted Master File (EMF) contains name, Social Security Number, sex, race, citizenship, religion, marital status, dependents, date and place of birth, residence, assignments, physical profile, ethnic group, grade/date of rank, enlistment and service promotion qualifications, military occupational skill code, education and training, aptitude, separation, retirement, and mailing address.

Recruit Quota System (REQUEST) contains selected information from EMF and soldier's educational level achieved and school subjects, driver's license, color perception, aptitude battery scores, audio perception score, defense language aptitude battery score, motor vehicle battery test score; type of enlistment and date, term, and option; initial processing and training assignments, types, locations, and dates; unit of assignment identification, system identification of location that created accession record, recruiter identification and recruiting area credit code.

Enlisted Training Base contains selected information from EMF and the soldier's enlistment and service, assignment, enlistment commitments by MOS and type, college subjects, civilian acquired skills, advanced or basic individual training start and graduation date, location and MOS, follow-on MOS location training recommended versus preferred, aptitude area scores and categories.

Enlisted Year Management File (RETAIN) contains selected information from the EMF and control number, reclassification/enlistment action, type of enlistment, basic active service data, estimated termination of service, reenlistment date, civilian education, career management field, primary military occupational specialty code and date of award, source of new Primary Occupational Specialty Code, personnel charged to school code, status of application, assignment code, date of last status change, current location, year group, security investigation status and term reenlisted.

Enlisted Linguist Data Base contains selected information from the EMF and foreign language code, listening and reading proficiency, ratings and scores, dates of evaluation test or interview, how each language capability was acquired, with the principal type, highest level and most recent date of proficiency in each foreign language.

Enlisted Evaluation System contains selected information from the EMF and the soldiers' primary and career progression military occupational specialties, skill qualification test data, enlisted evaluation scores used to create the Enlisted Evaluation Report Weighted Average and other enlisted evaluation report data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

To accomplish personnel management, strength accounting, and manpower management actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Social Security Administration to verify Social Security Numbers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes and discs; computer printouts.

RETRIEVABILITY:

By Social Security Number, name, or other individually identifying characteristics.

SAFEGUARDS:

Information is protected by physical security devices, guards, computer hardware and software safeguard features, personnel clearances and passwords.

RETENTION AND DISPOSAL:

Records are retained 5 years after separation except enlisted linguist data base records which are retained 6 months after separation.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC–EP, 200 Stovall Street, Alexandria, VA 22332–0400.

Information regarding the Enlistment Evaluation system should be obtained from the Commander, U.S. Army Enlisted Records Evaluation Center, Fort Benjamin Harrison, IN 46249–5301.

Individual should provide the full name, Social Security Number, current address, and identify the specific category of record involved.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Total Army Personnel Command, ATTN: TAPC–EP, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, current

address, and identify the specific category of record involved, whether awaiting active duty, active retired, or separated.

Blanket requests for information from this consolidated system will not be accepted. If awaiting active duty, specify the date thereof; if separated, individual must state date of separation.

Visits are limited to U.S. Total Army Personnel Command. Information from the Enlisted Evaluation System should be obtained from either the servicing military personnel office, the headquarters of the individual's organizational station, or the U.S. Army Enlisted Records Evaluation Center.

For personal visits, the individual must be able to provide acceptable identification and give verbal information to verify the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, from documents and computer readable output, other Department of the Army staff agencies and commands, other federal agencies and departments.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0690–200DAPE

SYSTEM NAME:

School Employee File.

SYSTEM LOCATION:

Army-operated dependents schools in the United States located at Fort Benning, GA; Fort Bragg, NC; Fort Campbell, KY; Fort Jackson, SC; Fort Knox, KY; Fort McClellan, AL; Fort Rucker, AL; Fort Stewart, GA; and at the U.S. Military Academy, West Point, NY. Individual records are retired to the National Personnel Records Center, St. Louis, MO 63118–4199 30 days after termination of employment.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Army-operated dependents schools.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment applications; personnel action forms; copies of contracts or excerpts therefrom which describe services to be performed; time periods involved; amount of pay; location of employment; appointment affidavits; statements of service; group life and accident insurance election; survivor benefit elections; change of name request; educational transcripts; position assignment notices; promotion/reduction recommendations with approvals/declinations; supervisor evaluations; annual, sick and/or teacher leave records; miscellaneous correspondence, documents, and records concerning dependents; military and other Federal service, including service in other Federally funded dependents schools; letters of recommendations, commendations, reprimands, counseling sessions, and conference records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 81–874, section 6.

PURPOSE(S):

To maintain record of the individual's Federal service; to document actions attributable to his/her employment and status; to administer pay and other employment policies and regulations as required by Pub. L. 81–874, the U.S. Commissioner of Education, and/or respective State Departments of Education.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to authorized representatives of the Secretary of the Department of Health and Human Services and/or the Department of Education to verify that pay and employment practices in the Army-operated dependents schools are comparable to those of the school districts in the State used for comparability purposes; verification, for salary and retirement purposes of Federal employment for personnel subsequently employed by public, Federal, or private school systems.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By employee's surname.

SAFEGUARDS:

Records are maintained in secured areas accessible only to authorized personnel having official need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Records are permanent. They are retained at the dependents schools until 30 days after termination of individual's service and subsequently retired to the National Personnel Records Center, St. Louis, MO 63118–4199.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–4000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Superintendent of Schools at the installations listed above. If inquiry is made 30 days after termination of employment, it should be made to the National Personnel Records Center.

Individual should provide current name, the name used during the period of Federal employment at the school concerned, if different, date of birth, names of schools, locations, and dates of employment.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Superintendent of Schools at the installations listed above. If inquiry is made 30 days after termination of employment, it should be made to the National Personnel Records Center.

Individual should provide current name, the name used during the period of Federal employment at the school concerned, if different, date of birth, names of schools, locations, and dates of employment.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, notice of personal security clearance from Defense Investigative Service, appointment affidavits, copies of contracts or excerpts therefrom, personnel action, survivor benefit forms, education transcripts, position assignment notices, promotion/reduction recommendations with approvals/declinations, leave records, Army records and reports, documents from previous employers and/or other Federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0690–200TAPC

SYSTEM NAME:

Department of the Army Civilian Personnel Systems.

SYSTEM LOCATION:

U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, 22332–0341. Derivative Systems are maintained at commands, installations and activities dependent on the type of system maintained. Command-wide systems are the Civilian Personnel Accounting System at U.S. Army Military District of Washington, the U.S. Army Corps of Engineers Management Information System, and the Personnel Management Information System of U.S. Army Materiel Command. Official mailing addresses may be obtained from U.S. Total Army Personnel Command.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All U.S. citizen appropriated fund employees and, in some instances, nonappropriated fund employees, dependents, and foreign nationals; military personnel are included in the incentive awards and training programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Civilian personnel systems vary in informational capacity according to respective requirements and contain several or all of the following records: Academic discipline; career program; citizenship; date of birth; educational level; employee tenure; Federal Employees Group Life Insurance; functional classification; name of employee; nature of action; occupational series; pay basis, pay plan, rate determinant; physical handicap; position occupied and tenure; military status; salary; service computation date; sex; Social Security Number; special program identifier; step or rate; submitting office number; training data, including costs, non-duty hours, on-duty hours, principal purpose, special interest program, date of completion; type of appointment; unit identification code; veterans preference; work schedule; organizational and position data, retention data; adverse action data; Fair Labor Standards Act coverage; cost of living allowances; transportation entitlement; cost codes; leave category; salary history; wage area; position sensitivity; security investigation data; security clearance and access data; performance/suggestion/cash awards; reemployment rights; training agreement; reserve status; vessel operations qualifications; Government driver's license; food handler's permit; intern recruitment and training data; career management data including performance/potential ratings; employee evaluation; qualifications; achievements; dependent data; overseas sponsor information; state address; home address; leave data; foreign language code, mobilization. Records are maintained for military personnel participating in department-wide incentive awards and training programs sponsored by operating civilian personnel offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 3013; and E.O. 9397.

PURPOSE(S):

Information in this system is used by civilian personnel offices to screen qualifications of employees; determine status, eligibility, and employee's rights, and benefits under pertinent laws and regulations governing Federal employment; compute length of service; compile reports and statistical analyses of civilian work force strength trends, accounting, and composition; and to provide personnel services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Labor, Department of Veterans Affairs, Social Security Administration, or a national, State, county, municipal, or other publicly recognized charitable or income security administration agency (e.g., state unemployment compensation agencies), where necessary to adjudicate a claim under Office of Personnel Management's retirement, insurance, or health benefits program or to conduct an analytical study or audit of benefits being paid under such programs.

Office of Federal Employees Group Life Insurance, information necessary to verify election, declination, or waiver or regular and/or optional life insurance coverage or eligibility for payment of a claim for life insurance.

Health insurance carriers contracting with Office of Personnel Management to provide a health benefits plan under the Federal Employees Health Benefits Program, information necessary to identify enrollment in a plan, to verify eligibility for payment of a claim for health benefits, or to carry out the coordination or audit of benefit provisions of such contracts.

Federal, State, or local agencies for determination of an individual's entitlement to benefits in connection with Federal Housing Administration programs.

Officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

Public and private organizations, including news media, which grant or publicize awards and/or honors, information on individuals considered/selected for incentive awards and other honors.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes, drum, disc, punched cards; microfilm/fiche; or hard copy.

RETRIEVABILITY:

By Social Security Number and/or name.

SAFEGUARDS:

Computer facilities and terminals are located in restricted areas accessible only to authorized personnel who are properly screened, cleared, and trained. Manual records, microfilm/fiche, and computer printouts are stored in locked rooms or cabinets on military installations or in buildings secured by guards.

RETENTION AND DISPOSAL:

These records are retained for varying periods of time. Generally, they are maintained for a minimum of 1 year or until the employee transfers or separates. They may also be retained indefinitely as a basis for longitudinal work history statistical studies.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, ATTN: TAPC–CP, 200 Stovall Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the servicing civilian personnel office. Official mailing addresses may be obtained from Commander, U.S. Total Army Personnel Command, ATTN: TAPC–CP, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the servicing civilian personnel office. Official mailing addresses may be obtained from Commander, U.S. Total Army Personnel Command, ATTN: TAPC–CP, 200 Stovall Street, Alexandria, VA 22332–0400.

Individual should provide the full name and Social Security Number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; from individual's official personnel file.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0690–400CE

SYSTEM NAME:

Corps of Engineers Automated Legal System (CEALS) Training Information Program.

SYSTEM LOCATION:

Main data base is the Corps of Engineers Automated Legal System computer, Army Engineer Automation Support Activity, 2500 First Street NW, Washington, DC 20001–1022, with input and access locations at Corps of Engineers field operating offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Corps of Engineers legal services employees in the headquarters and field operating offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to training courses completed by employees of the Corps of Engineers legal services offices. The system will provide a variety of data, training courses, conference or seminar subjects, training sources, costs and attendee views and comments. Data stored within the system will include, but not be limited to, employee's name, office, office telephone number, and job series; training vendor's name, training location, training subject matter; course title and number; tuition cost; training dates; course evaluation and course referral.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4101, et seq., Government Employees Training Act of 1958; and E.O. 9397.

PURPOSE(S):

To provide an automated system that will allow the Corps of Engineers legal services office to identify worthwhile, relevant and cost effective training opportunities; to assist in budget preparation and execution; to plan training; and to assist in developing and tracking budgets.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes/disks and printouts.

RETRIEVABILITY:

By individual's name, telephone number, office symbol, and job series; training vendor and location; training course title; subject area; tuition; referral and value.

SAFEGUARDS:

Access is restricted to authorized users in Corps of Engineers legal field operating offices. Computer records are maintained in a building protected by security guards. Printed records in field operating offices will be kept in locked offices.

RETENTION AND DISPOSAL:

Records will be retained for 5 years from the time they are entered into the data base, and then purged from the system.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief Counsel, U.S. Army Corps of Engineers, ATTN: CECC–C, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief Counsel, U.S. Army Corps of Engineers, ATTN: CECC–C, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Corps of Engineers Legal Services employees who have completed training.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0690–600SAMR

SYSTEM NAME:

Equal Opportunity and Equal Employment Opportunity Complaint Files.

SYSTEM LOCATION:

Primary System is located at the Office of the Secretary of the Army Manpower and Reserve Affairs (SAMR), Room 2E594, Pentagon, Washington, DC 20310–0103. Segments are maintained at the installation or Major Command concerned.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any civilian employee of the Department of the Army or member of the U.S. Army, whether on active duty or in the Reserve Components, who submits an equal opportunity or equal employment opportunity complaint.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's complaint, supporting documentation, witness statements investigatory reports, decisional documents, similar relevant records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013(g) and E.O. 9397.

PURPOSE(S):

To ensure complaints are properly investigated and appropriate remedial action initiated to correct inequities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By complainant's surname.

SAFEGUARDS:

Records are maintained in secured areas, accessible only to designated officials having official need therefor in the performance of assigned duties.

RETENTION AND DISPOSAL:

At the primary location, files are permanent. Two years following closing

of case, records are retired to the Washington National Records Center, Suitland, MD. Records at other Army locations are destroyed after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary of the Army Manpower and Reserve Affairs, Room 2E594, The Pentagon, Washington, DC 20310–0103.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Secretary of the Army Manpower and Reserve Affairs, Room 2E594, The Pentagon, Washington, DC 20310–0103.

Individual should provide the full name, Social Security Number, and military status or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Secretary of the Army Manpower and Reserve Affairs, Room 2E594, The Pentagon, Washington, DC 20310–0103.

Individual should provide the full name, Social Security Number, and military status or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From individual, witnesses, Army records and reports, similar relevant documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0690–700DAPE

SYSTEM NAME:

Grievance Records.

SYSTEM LOCATION:

Servicing civilian personnel offices for each Army activity or installation.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former employees of the Department of the Army who have submitted grievances in accordance with part 771 of the regulations of the Office of Personnel Management (5 CFR part 771) or through a negotiated grievance procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case File includes all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's finding and recommendations, copy of the original and final decisions, and related correspondence and exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, E.O. 10577; 3 CFR parts 1954–1958; E.O. 10987; 3 CFR 1959–1963.

PURPOSE(S):

To review allegations, obtain facts, conduct hearings when appropriate, and render decision.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Information is maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

Records of appropriated fund employees are destroyed 7 years after closing of the case; those of non-appropriated fund employees are destroyed 5 years after closing. Disposal is by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–4000.

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the Army personnel or designated office where the action was processed regarding the existence of such records on them. They must furnish the following information for their records to be located and identified: Name, date of birth, approximate date of closing the case and kind of action taken, organization and activity where employed at time grievance was initiated, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–4000.

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the Army's ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact their servicing civilian personnel office, providing their name, date of birth, approximate date of closing the case and kind of action taken, organization and activity where employed at time grievance was initiated, and signature. Individuals must also follow the Privacy Act regulations of the Office of Personnel Management (see 5 CFR 297.208 and 297.201).

RECORD SOURCE CATEGORIES:

From the individual on whom the record is maintained; testimony of witnesses; related correspondence; Army records and reports; similar relevant documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0710–2aDALO

SYSTEM NAME:

Property Officer Designation Files.

SYSTEM LOCATION:

Maintained at unit level of the Army. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals with formal responsibility for U.S. Government property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Document appointing or relieving individuals as property officers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013.

VOL 58 ISS 33 FE 22 1993 UMI

PURPOSE(S):

To verify an individual's authority to assume responsibility for U.S. Government property.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE

Paper records in file folders.

RETRIEVABILITY:

By appointee's surname.

SAFEGUARDS:

Records are maintained in locked cabinets accessible only to designated authorized personnel.

RETENTION AND DISPOSAL:

Records are destroyed 2 years following individual's termination of appointment.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–0500.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the office designating the individual as Property Officer.

For verification purposes, individual should provide full name, unit where assigned as Property Officer, and time period involved.

RECORD ACCESS PROCEDURES:

Indivduals seeking access to information about themselves contained in this system should address written inquiries to the office designating the individual as Property Officer.

For verification purposes, individual should provide full name, unit where assigned as Property Officer, and time period involved.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, his/her commander, Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0710–2bDALO

SYSTEM NAME:

Hand Receipt Files.

SYSTEM LOCATION:

Property book offices and supply rooms at most Army activities world-wide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian or military personnel who assume temporary custody or responsibility for United States Government or other official property

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual receipts or listings reflecting acceptance of responsibility for items of property listed thereon.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE:

To record property in use or in custody of individuals; to provide an audit trail for property accountability; to determine responsibility for lost, damaged, or stolen property.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape/disc; paper records in file folders.

RETRIEVABILITY:

By individual's surname, Social Security Number, menue number, line number, size.

SAFEGUARDS:

Records are maintained in locked cabinets/areas accessible only to authorized personnel. Automated data are protected by administrative, physical, and technical safeguards required by Army Regulation 380–380.

RETENTION AND DISPOSAL:

Record is maintained only while property is in use by or in the custody of an individual; destroyed on turn-in or upon complete accounting for the property, or when superseded by a new receipt or listing.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–0500.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the activities issuing hand receipts.

Individual should provide his/her full name, installation at which a hand receipt holder, and any other may facilitate locating the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the property book officer at the installation where record is believed to exist.

Individual should provide his/her full name, installation at which a hand receipt holder, and any other may facilitate locating the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Hand receipt number on printed form or on property book.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0710–2cDALO

SYSTEM NAME:

Personal Property Accounting Files.

SYSTEM LOCATION:

Maintained Army-wide in orderly rooms of troop units. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military individuals absent without leave or absent because of illness and confined to medical facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting items of personal property of individuals listed in the preceding paragraph.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013 and E.O. 9397.

PURPOSE(S):

To identify and protect property belonging to soldiers who are absent

without leave or absent because of illness and confined to medical facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By last name of individual owning the property.

SAFEGUARDS:

Records are maintained in locked cabinets accessible to authorized individuals having official need therefor.

RETENTION AND DISPOSAL:

Records are maintained during an individual's absence and destroyed 2 years after his/her return.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–0500.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the troop commanders.

For verification purposes, individual should provide full name, Social Security Number, current address, telephone number, and dates and circumstances of the absence.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit designated representatives of troop commanders holding the records.

For verification purposes, individual should provide full name, Social Security Number, current address, telephone number, and dates and circumstances of the absence.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From inventories and other Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0710–2dDALO

SYSTEM NAME:

Personal Clothing Record Files.

SYSTEM LOCATION:

Maintained by Active Army training activities, National Guard Armories, and U.S. Army Reserve units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All assigned personnel with military status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual personal clothing records (DA Form 3078).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

To reflect accountability for personal clothing by individual soldiers during their first six months of military service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By surname of individual concerned.

SAFEGUARDS:

Records are maintained in locked cabinets accessible only to authorized personnel having official need therefor.

RETENTION AND DISPOSAL:

For active Army personnel, the record is destroyed when individual has been in service 6 months and has fulfilled his/her final showdown inspection as required by Army Regulation 710–2. For National Guard and U.S. Army Reserve personnel, the record is transferred with the Military Personnel Records Jacket on individual's completion of basic training.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–0500.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the troop commanders.

Individual should provide his/her full name, Social Security Number, and current address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the troop commanders.

Individual should provide his/her full name, Social Security Number, and current address and telephone number. Individual may review his/her record by visiting designated representatives of troop commanders.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; DA Form 3078.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0715DAJA

SYSTEM NAME:

Procurement Misconduct Files.

SYSTEM LOCATION:

HQDA (DAJA–PF), The Pentagon, Washington, DC 20310–2217.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or legal entities investigated for alleged procurement misconduct, such as fraudulent activities in securing or performing a government contract.

CATEGORIES OF RECORDS IN THE SYSTEM:

Criminal and administrative investigations of fraudulent, criminal or other misconduct in connection with government procurement activities and the List of Parties Excluded from Procurement Programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013.

PURPOSE(S):

To determine whether criminal, administrative, or civil proceedings should be initiated against the contractor with the government or government procurement officials for criminal conduct in connection with

procurement activities and to maintain and distribute a list of contractors determined to be ineligible to participate in Government procurement activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Department of Justice and United States attorneys.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By last name.

SAFEGUARDS:

Records are maintained in file cabinets accessible only by authorized personnel who are properly instructed in the permissible use of the information.

RETENTION AND DISPOSAL:

Destroyed 15 years after final action on the case.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310–2210.

NOTIFICATION PROCEDURE:

Indivduals seeking to determine whether information about themselves is contained in this system should address inquiries to the Office of the Judge Advocate General, Chief, Procurement Fraud Division, HQDA, DAJA–PF, Washington, DC 20310–2217.

Individual should provide full name, current address and telephone number, specific details that will enable locating the record, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address inquiries to the Office of the Judge Advocate General, Chief, Procurement Fraud Division, HQDA, DAJA–PF, Washington, DC 20310–2217.

Individual should provide full name, current address and telephone number, specific details that will enable locating the record, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Department of the Army staff agencies, Army records and reports, Department of Justice, U.S. Attorneys, opposing counsel, and similar relevant sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0725–1AMC

SYSTEM NAME:

Small Arms Sales Record Files.

SYSTEM LOCATION:

U.S. Army Armament Munitions and Chemical Command, Rock Island, IL 61229–6000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any U.S. citizen considered eligible under Federal regulations who purchased a firearm from the U.S. Government for personal use.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, mailing address, application for purchase of firearm, date purchased, DA Form 3535 (Weapon Sales Record), information concerning weapon caliber, model, type and serial number of firearm, relevant correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 4308.

PURPOSE(S):

To respond to individual citizen requests to purchase firearms from the U.S. Government for personal use.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Federal, state and local law enforcement investigative agencies may be furnished information from this system of records to determine last known firearm ownership, to trace recovered or confiscated firearms, and to assist in criminal prosecution or civil court actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets.

RETRIEVABILITY:

By purchaser's surname; type of weapon; and serial number.

SAFEGUARDS:

Records are maintained in areas accessible only to designated persons having official need therefor in the performance of their duties. Building housing records are protected by security guards.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Armament Munitions and Chemical Command, Rock Island, IL 61299–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Armament Munitions and Chemical Command, ATTN: AMSMC-MMD-LS, Rock Island, IL 61299–6000.

Individual should provide their full name; current address as well as address at time of firearm purchase, if different; type, caliber, and serial number of firearm(s) purchases; and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Armament Munitions and Chemical Command, ATTN: AMSMC-MMD-LS, Rock Island, IL 61299–6000.

Individual should provide their full name; current address as well as address at time of firearm purchase, if different; type, caliber, and serial number of firearm(s) purchases; and signature.

CONTESTING RECORD PROCEDURES:

Army's rules for access to records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0735SAIS–SF

SYSTEM NAME:

Library Borrowers'/Users' Profile Files.

SYSTEM LOCATION:

Libraries on Army installations and activities. Official mailing addresses of installations and activities are published as an appendix to the Army's

compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authorized users of Army library facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, Social Security Number, and telephone number of the user.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

To identify individuals authorized to borrow library materials; to ensure that all library property is returned and individual's account is cleared, and to provide librarian useful information for selecting, ordering, and meeting user requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card files, magnetic tapes, compact discs, and computer printouts.

RETRIEVABILITY:

By user's surname, Social Security Number, and/or residence.

SAFEGUARDS:

Information is maintained in areas accessible only to authorized persons who have official need therefor. Libraries are secured during non-duty hours.

RETENTION AND DISPOSAL:

Records are destroyed when no longer needed to obtain and/or control library materials.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Information Systems for Command, Control, Communications, and Computers, ATTN: SAIS-IDP, Department of the Army, Washington, DC 20310–0107.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the specific installation library that provided services. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individual should provide full name, period in which a user has or had an account, and any other information that would assist in locating applicable records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the specific installation library that provided services. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

For verification purposes, individual should provide full name, period in which a user has or had an account, and any other information that would assist in locating applicable records.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0870–5DAMH

SYSTEM NAME:

Army History Files.

SYSTEM LOCATION:

U.S. Army Center of Military History, Headquarters, Department of the Army, Washington, DC 20310–0200.

Decentralized segments exist at historical offices at Headquarters, Department of the Army and field operating agencies, major commands, and the U.S. Army Military Historical Research Collection, Carlisle Barracks, PA 17013–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel associated with the Army; individuals who offer historically significant items or gifts of money to the Army Museum System.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical resumes and personal working files of U.S. Army personnel; personal papers donated by individuals for historical research; photographs of Army personages; requests for historical documents regarding U.S. Army activities and responses thereto; copy of donor's proffer of gift agreement and correspondence with donor regarding status and/or location of donation(s).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 3012.

PURPOSE(S):

To provide a record of donations and contributions of historical property to U.S. Army Museums and historical holdings; to enable Army museums and historical holdings to provide upon request by the donor or donor's heirs, information concerning the status/location of his/her donation; to enable the Army to establish title to the property.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be disclosed to a municipal corporation, a soldier's monument association, a State museum, an incorporated museum or exhibition operated and maintained for educational purposes only, a post of the Veterans of Foreign Wars or the American Legion, or other Federal museums upon donation or transfer of the historical property to one of those organizations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, magnetic tapes/discs, and photographs.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Records are maintained in secured areas accessible only to persons having need therefor in the performance of official duties.

RETENTION AND DISPOSAL:

Permanent. Some historical material and photographs are retired to the Washington National Records Center when no longer needed; other such material is transferred to the Military History Research Collection at Carlisle Barracks, PA for preservation. Inquiries about historical events or persons, and responses thereto, are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Military History, Headquarters, Department of the Army, Washington, DC 20310–0200.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should

address written inquiries to the Chief of Military History, Headquarters, Department of the Army, Washington, DC 20310–0200.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief of Military History, Headquarters, Department of the Army, Washington, DC 20310–0200.

Individual should provide their full name, address and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, his/her Army record, official Army documents, public records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0920–15SFDM

SYSTEM NAME:

Civilian Marksmanship Program.

SYSTEM LOCATION:

Officer of the Director of Civilian Marksmanship/Executive Office for the National Board for the Promotion of Rifle Practice, Office of the Under Secretary of the Army, 20 Massachusetts Avenue, NW, Washington, DC 20314–0100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. citizens who are members of civilian marksmanship clubs and State Marksmanship Associations enrolled with the Director of Civilian Marksmanship and are participants, competitors, or instructors in organized marksmanship programs; civilian and military competitors in national matches; applicants seeking to purchase M1 rifles.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for club membership consisting of the following documents: DA Form 1271 (Application for Enrollment of A Civilian Rifle Club); DA Form 1272 (Bond Application for Civilian Rifle Club); DA Form 1237 (Requisition for Articles Authorized for Issue to Civilian Rifle Clubs); DA Form 1274 (Description of Available Range Facilities for Civilian Rifle Clubs); ODCM Form 137 (Roster of Club Members) identifying each member by full name, address, birth date, firing courses participation by course title, score attained, and target fired for record; DD Form 1584 (DOD National Agency Check Request) for each adult leader and club officer; ODCM Form 138 (Assurance of Compliance with Title VI Civil Rights Act of 1964); Name, title, and address of local or State law enforcement officer to whom the club is known; certificates of qualification or badges to eligible club members; receipts for arms on loan from the Director of Civilian Marksmanship; Certificate for Purchase of Firearms; results of NAC investigation; relevant correspondence and reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 4307–4313, 4652, and 32 U.S.C. 316; and E.O. 9397.

PURPOSE(S):

To promote, among citizens and other persons subject to induction into the Armed Forces of the United States not reached through training programs of the Armed Forces, practice in the use of military-type individual small arms; to promote competitions in the use of arms; and to issue equipment and awards therefor. The program is for U.S. citizens who are members of civilian marksmanship clubs and State Marksmanship Associations enrolled with the Director of Civilian Marksmanship and are participants, competitors, or instructors in organized marksmanship programs; civilian and military competitors in national matches; applicants seeking to purchase M1 rifles.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to federal, state, and local law enforcement agencies when fraudulent or criminal activity or allegations warrant.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in rotary type Diebold containers; club records on magnetic tape/disc.

RETRIEVABILITY:

By Club name; by individual competitor/purchaser surname.

SAFEGUARDS:

Information in this system of records is available only to individuals having official need therefor. Records area is protected by an alarm system. Building housing records is protected by security guards.

RETENTION AND DISPOSAL:

Records on enrolled Civilian Rifle Clubs and State Associations are retained for life of club, plus 2 years, following which they are destroyed by shredding. Competitive score cards are maintained for 1 year; cumulative point system record of individuals is permanent. Record of firearms loan or sale is retained 1 year. Certificate (of individual) to retain firearms is retained permanently at the U.S. Army Armament, Munitions and Chemical Command, Rock Island, IL 61299–5000.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Civilian Marksmanship/ Executive Officer for the National Board for the Promotion of Rifle Practice, Office of the Under Secretary of the Army, ATTN: Administrative Officer, 20 Massachusetts Avenue, NW, Washington, DC 20314–0100

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director of Civilian Marksmanship/Executive Officer for the National Board for the Promotion of Rifle Practice, Office of the Under Secretary of the Army, ATTN: Administrative Officer, 20 Massachusetts Avenue, NW, Washington, DC 20314–0100.

Individual should provide the full name, Social Security Number, birth date, information such as club of which a member, competition in which participated, firearm purchased, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director of Civilian Marksmanship/Executive Officer for the National Board for the Promotion of Rifle Practice, Office of the Under Secretary of the Army, ATTN: Administrative Officer, 20 Massachusetts Avenue, NW, Washington, DC 20314–0100.

Individual should provide the full name, Social Security Number, birth date, information such as club of which a member, competition in which participated, firearm purchased, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, enrolled clubs and state associations, investigative reports of the Defense Investigative Service and/or Federal Bureau of Investigation, law enforcement agencies, Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0930–4CFSC

SYSTEM NAME:

Army Emergency Relief Transaction File.

SYSTEM LOCATION:

Army Emergency Relief offices at Army installations. Official addresses may be obtained from the Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any of the following who receive Army Emergency Relief financial assistance: Active duty Army personnel and their dependents; members of all Army components retried after completing 20 or more years of active duty and their dependents or retired by reason of physical disability in line of duty and their dependents; dependents of Army personnel missing in action; and eligible widows and orphans of extended active duty Reserve component personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents accumulated by Army Emergency Relief branches and sections, including financial and loan reports, applications for financial assistance, acknowledgments of remittance and assistance received, collection and indebtedness documents, cash bonds, loan ledgers, control ledgers, canceled checks, prenumbered receipts, and documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE(S):

These records are used by Army Emergency Relief Offices to record and control loans and repayment actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card files.

RETRIEVABILITY:

By applicant's surname.

SAFEGUARDS:

Information in these records is accessible only by Army Emergency Relief Officer and staff.

RETENTION AND DISPOSAL:

Records are active until loan is repaid or determined uncollectible and for 2 years thereafter in the Army Emergency Relief Office; transferred to the records holding area for 1 additional year, following which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0301.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Army Emergency Relief Offices at installations.

Individual should provide full name, rank, Social Security Number, military status, date and place where last Army Emergency loan was obtained, current military or dependent ID card, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Army Emergency Relief Office which is believed to have pertinent information.

Individual should provide full name, rank, Social Security Number, military status, date and place where last Army Emergency loan was obtained, current military or dependent ID card, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; records of Army Emergency Relief Offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A1105CE

SYSTEM NAME:

Recreational Use and Expenditure Survey on or Adjacent to Navigable Waters.

SYSTEM LOCATION:

Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000 and the Engineer Division and District Offices. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Voluntary participants in recreational use and expenditure surveys on or adjacent to navigable waters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, address, telephone number, county, survey ID, recreation activities, quantities of and expenditures for durable goods such as boating, fishing, hunting, and camping equipment, and ancillary support facilities such as boat lifts; expenditures for nondurable goods such as food, lodging, fishing, boating, hunting services and other expenses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

16 U.S.C. 460d, 33 U.S.C. 652 and 42 U.S.C. 1962.

PURPOSE(S):

To identify and evaluate recreation use and expenditures for impact assessment in environmental assessments, and environmental impact statements. Evaluations will be made for both existing and proposed projects.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets and on magnetic tape or optical systems.

RETRIEVABILITY:

Records are retrieved by response number or by the participant's name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized persons having official need therefor. Records are housed in buildings protected by security guards or locked when not in use. Information in automated media is further protected by physical security devices: Access to or update of information in the system is protected through a system of passwords thereby preserving integrity of data.

RETENTION AND DISPOSAL:

Records are destroyed two years after termination of the study.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000.

Individual must provide full name, present address and telephone number, response number, specifics concerning the type of survey, if known, and the request must be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should write to the Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000.

Individual must provide full name, present address and telephone number, response number, specifics concerning the type of survey, if known, and the request must be signed.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual and Army records and/or reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A1145aCE

SYSTEM NAME:

Reservoir Permit Files.

SYSTEM LOCATION:

Army Corps of Engineers Project Offices. Addresses may be obtained from the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for permits, permittees, and persons having done unauthorized work at Corps of Engineers water resource development projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for permits, permits and letters of comment from the general public.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

16 U.S.C. 460d; 31 U.S.C. 483a; 42 U.S.C. 4321, 4331–4335, 4341–4347; 33 U.S.C. 1251 et seq; E.O. 11752.

PURPOSE(S):

Serves as a basis for lakeshore management and public use activity control.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets.

RETRIEVABILITY:

By applicant name and permit number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel having official need therefor.

RETENTION AND DISPOSAL:

Reservoir permits are destroyed 1 year following expiration of permit.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Engineers, Headquarters, Department of the Army, ATTN: CECW-O, Washington, DC 20314–1000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief of Engineers, Headquarters, Department of the Army, ATTN: CECW-O, Washington, DC 20314–1000.

Individual should furnish his/her full name, present address and telephone number, and specifics that will assist in locating the records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief of Engineers, Headquarters, Department of the Army, ATTN: CECW-O, Washington, DC 20314–1000.

Individual should furnish his/her full name, present address and telephone number, and specifics that will assist in locating the records.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A1145bCE

SYSTEM NAME:

General Permit Files.

SYSTEM LOCATION:

Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000 and the Engineer Division and District Offices. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals applying for permit, permittees, and persons having done unauthorized work in navigable waters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applicants for permits, recreational use and expenditure data (if collected),

written comments from the general public, State, local and Federal agencies, similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Harbor Act of March 3, 1899 (sections 9, 10, and 14); Federal Water Pollution Control Act Amendments of 1972 (section 404); and the Marine Protection, Research and Sanctuaries Act of 1972 (section 103); 33 U.S.C. 652.

PURPOSE(S):

Serves as the basis for decision by the Chief of Engineers or his designated representative to enforce the regulatory program; and as a basis for estimating recreational uses and expenditures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Department of Justice for possible criminal prosecution.

Federal agencies to solicit views regarding individual's application as required by Federal law.

The 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, on magnetic tapes and optical systems, and/or microfilm.

RETRIEVABILITY:

Records are retrieved by individual's name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized persons having official need therefor. Records are housed in buildings protected by security guards or locked when not in use. Information in automated media is further protected by physical security devices; access to or update of information in the system is protected through a system of passwords, thereby preserving integrity of data.

RETENTION AND DISPOSAL:

Fill and bank protection files are permanent. Dock permit files are destroyed two years after removal of the structure. Dredging and dumping permit files are destroyed two years after revocation or expiration. General permit files are permanent in filed offices and destroyed after three years in the Office of the Chief of Engineers, Headquarters. Rejected permit applications are destroyed one year after disapproval. Non-action construction permit files are destroyed two years after expiration of permit.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Office of the Chief of Engineers, Headquarters, Department of the Army, ATTN: CECW-O, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000.

Individual must provide full name, current address and telephone number, response number if known, and specifics that will assist in locating the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Chief of Engineers, Headquarters, Department of the Army, ATTN: CECW-O, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000.

Individual must provide full name, current address and telephone number, response number if known, and specifics that will assist in locating the record.

CONTESTING RECORD PROCEDURES:

Army rules for accessing records and for contesting contents and appealing initial agency determinations are published in the Army Regulation 430–21–8; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the applicant, local and State government, the general public, Department of the Interior, Environmental Protection Agency, National Oceanic and Atmosphere Administration, Department of Justice.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DIRECTORY OF UNITED STATES ARMY, ARMY AND AIR FORCE EXCHANGE SERVICE (AAFES), AND FEDERAL ACQUISITION INSTITUTE (FAI) ADDRESSES

This directory is published to enable users of record system notices to identify the location of such systems of records in order to request access to and amendment of records.

Headquarters, Department of the Army

The following elements of the Army constitute the Headquarters, Department of the Army:

Office of the Secretary of the Army, Washington, DC 20310–0101.

Office of the Director of Information Systems for Command, Control, Communications and Computers, Washington, DC 20310–0107.

Office of the Inspector General, Washington, DC 20310–0107.

Office of the Chief of Public Affairs, Washington, DC 20310–1500.

Office of the Comptroller of the Army (ASA-Installations and Logistics), Washington, DC 20310–0103.

Office of the Deputy Chief of Staff for Research, Development and Acquisition (ASA-Research, Development and Acquisition), Washington, DC 20310–0103.

Army Board for Correction of Military Records (ASA-Manpower and Reserve Affairs), Washington, DC 20310–0103.

Office of the Chief, Army Reserve, Washington, DC 20314–2400.

Office of the Chief of Chaplains, Washington, DC 20310–2700.

Office of the Chief of Engineers, Washington, DC 20314–1000.

Office of the Chief of Staff, Washington, DC 20310–0200.

Office of the Judge Advocate General, Washington, DC 20310–1700.

Office of the Deputy Chief of Staff for Logistics, Washington, DC 20310–0500.

Office of the Assistant Chief of Staff for Intelligence, Washington, DC 20310–1002.

Office of the Deputy Chief of Staff for Operations and Plans, Washington, DC 20310–0440.

Office of the Chief, Military History, Washington, DC 20310–0200.

Office of the Chief, National Guard Bureau, Washington, DC 20310–2500.

Office of the Deputy Chief of Staff for Personnel, Washington, DC 20310–4000.

Office of the Surgeon General, Falls Church, VA 22044–3258.

Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

Major Commands

Commander, U.S. Army Materiel Command, 5001 Eisenhower Avenue, Alexandria, VA 22332–0001.

Commander, U.S. Army Military District of Washington, Fort Lesley J. McNair, Washington, DC 20319–5000.

Commander, U.S. Army Criminal Investigation Command, Building 5611 Columbia Pike, Falls Church, VA 22041–5015.

Commander, U.S. Army Information Systems Command, Fort Huachuca, AZ 85613–5000.

Commander, U.S. Army Health Services Command, Fort Sam Houston, TX 73234–6000.

Commander, U.S. Army Forces Command, Fort McPherson, GA 30330–6000.

Commander, U.S. Army Recruiting Command, Fort Sheridan, IL 60037–6120.

Commander, U.S. Military Traffic Management Command, 5611 Columbia Pike, Falls Church, VA 22041–5050.

Commander, U.S. Army Training and Doctrine Command, Fort Monroe, VA 23561–5000.

Commander, U.S. Army Intelligence and Security Command, Fort Belvoir, VA 22060–5370.

Commander, U.S. Army Western Command, Fort Shafter, HI 96858–5100.

Commander, U.S. Army Japan/IX Corps, APO AP 96301–0054.

Commander, Eighth U.S. Army Forces, APO AP 96301–9000.

Commander in Chief, U.S. Army Europe and Seventh Army, APO AE 09403–0010.

Commander in Chief, U.S. European Command, APO AE 09128–4209.

Commander in Chief, U.S. Southern Command, APO AA 34003–5000.

Commander in Chief, U.S. Special Operations Command, MacDill Air Force Base, FL 33608–6001.

Commander, U.S. Military Entrance Processing Command, 2500 Green Bay Road, North Chicago, IL 60064–3094.

Commander, U.S. Army Corps of Engineers, Washington, DC 20314–1000.

Commander, U.S. Army South, APO AA 34004–5000.

Commander, U.S. Army Space Command, Peterson AFB, CO 80914–5000.

Commander, U.S. Army Strategic Defense Command, P.O. Box 15280, Arlington, VA 22215–0280.

Army Field Operating Agencies, Subordinate Commands, and Major Installations

Alabama

Commander, Fort McClellan, Fort McClellan, AL 36205–5000.

Commander, U.S. Army Aviation Center and Fort Rucker, Fort Rucker, AL 36362–5000.

Commander, U.S. Army Aeromedical Center, Fort Rucker, AL 36362–5333.

Commander, U.S. Army Missile Command, Redstone Arsenal, AL 35898–5000.

Commander, U.S. Army Engineer District Mobile, P.O. Box 2288 Mobile, AL 36628–0001.

Commander, U.S. Army Engineer Division Huntsville, P.O. Box 1600 Huntsville, AL 35807–4301.

Alaska

Commander, 172d Infantry Brigade, Fort Richardson, AK 99505–5000.

Commander, U.S. Army Cold Region Test Center, Fort Greely, AK APO AP 98733–5000.

Commander, U.S. Army Engineer District Alaska, P.O. Box 898, Anchorage, AK 99506–0898.

Arizona

Commander, U.S. Army Information Systems Command, Fort Huachuca, AZ 85613–5000.

Commander, U.S. Army Intelligence Center and School, Fort Huachuca, AZ 85613–7000.

Commander, U.S. Army Yuma Proving Ground, Yuma, AZ 85635–9102.

Arkansas

Commander, Fort Chafee, Fort Chafee, AR 72905–5000.

Commander, U.S. Army Pine Bluff Arsenal, Pine Bluff, AR 71602–9500.

Commander, U.S. Army Engineer District Little Rock, P.O. Box 867, Little Rock, AR 72203–0867.

California

Commander, 7th Infantry Division and Fort Ord, Fort Ord, CA 93941–5000.

Commander, Military Traffic Management Command, Oakland, CA 94626–5000.

Commander, U.S. Army Information Systems Command, Western Area Oakland Army Base, Oakland, CA 94626–5000.

Commander, Letterman Army Medical Center, Presidio of San Francisco, CA 94129–6700.

Commander, Sixth U.S. Army Presidio of San Francisco, CA 94129–5100.

Commander, U.S. Army Engineer District Los Angeles, P.O. Box 2711, Los Angeles, CA 90053–2325.

Commander, U.S. Army Engineer District Sacramento 650 Capital Mall, Sacramento, CA 95814–4794.

Commander, U.S. Army Engineer District San Francisco, 211 Main Street, San Francisco, CA 94105–1905.

Commander, U.S. Army Engineer Division South Pacific, 630 Sansome Street, Room 720, San Francisco, CA 94111–2206.

Colorado

Commander, Fitzsimons Army Medical Center, Denver, CO 80045–5001.

Commander, Rocky Mountain Arsenal Denver, Commerce City, CO 80022–2180.

Commander, 4th Infantry Division and Fort Carson, Fort Carson, CO 80913–5000.

District of Columbia

Administrator, U.S. Army Civilian Appellate Review Agency, NASSIF Building, Falls Church, VA 22041–5019.

Commander, Fort Lesley J. McNair, 4th and P Streets SW, Washington, DC 20319–5000.

Commander, Walter Reed Army Medical Center, 6925 16th Street NW, Washington, DC 20307–5001.

Commander, U.S. Army Physical Disability Agency FGS–WRAMC, Washington, DC 20307–5001.

Florida

Commander, U.S. Army Engineer District, Jacksonville, P.O. Box 4970, Jacksonville, FL 32232–0019.

Georgia

Commander, U.S. Army Infantry Center and Fort Benning, Fort Benning, GA 31905–5000.

Commander, U.S. Army Signal Center and Fort Gordon, Fort Gordon, GA 30905–5000.

Commander, Dwight David Eisenhower Army Medical Center, Fort Gordon, GA 30905–5650.

Commander, Fort McPherson, Fort McPherson, GA 30330–5000.

Commander, 24th Infantry Division and Fort Stewart, Hinesville, GA 31313–5000.

Commander, U.S. Army Engineer District Savannah, P.O. Box 889, Savannah, GA 31402–0889.

Commander, U.S. Army Engineer Division South Atlantic, 77 Forsyth Street, SW Room 313, Atlanta, GA 30335–6801.

Hawaii

Commander, U.S. Army Western Command, Fort Shafter, HI 96858–5100.

Commander, Tripler Army Medical Center, Honolulu, HI 96859–5000.

Commander, U.S. Army Engineer Division, Pacific Ocean, Fort Shafter, HI 6858–5440.

Commander, U.S. Army Engineer District, Honolulu, Fort Shafter, HI 96858–5440.

Illinois

Commander, Fort Sheridan, Fort Sheridan, IL 60037–5000.

Commander, U.S. Army Military Enlistment Processing Command, Fort Sheridan, IL 60037–5000.

Commander, Rock Island Arsenal Rock Island, IL 61299–5000.

Commander, U.S. Army Engineer District Chicago, 219 South Dearborn Street, Chicago, IL 60604–1797.

Commander, U.S. Army Engineer District Rock Island, P.O. Box 2004, Rock Island, IL 61214–2004.

Commander, U.S. Army Engineer Division North Central, 536 South Clark Street, Chicago, IL 60605–1892.

Indiana

Commander, U.S. Army Administration Center and Fort Benjamin Harrison, Fort Benjamin Harrison, IN 46216–5000.

Commander, U.S. Army Finance and Accounting Center, Fort Benjamin Harrison, IN 46216–5000.

Commander, U.S. Army Institute of Administration, Fort Benjamin Harrison, IN 46216–5000.

Kansas

Commandant, U.S. Army Command and General Staff College, Fort Leavenworth, KS 66027–5000.

Commander, U.S. Army Disciplinary Barracks, Fort Leavenworth, KS 66027–5000.

Commander, 1st Infantry Division and Fort Riley, Fort Riley, KS 66442–5000.

Kentucky

Commander, 101st Airborne Division and Fort Campbell, Fort Campbell, KY 42223–5000.

Commander, U.S. Army Armor Center, Fort Knox, KY 40121–5000.

Commander, Lexington-Blue Grass Army Depot, Lexington, KY 40511–5050.

Commander, U.S. Army Engineer District Louisville, P.O. Box 59, Louisville, KY 40201–0059.

Louisiana

Commander, 5th Infantry Division and Fort Polk, Fort Polk, LA 71459–5000.

Commander, U.S. Army Engineer District New Orleans, P.O. Box 60627, New Orleans, LA 70160–0267.

Maryland

Commander, Edgewood Arsenal, Aberdeen Proving Ground, MD 21005–5055.

Commander, U.S. Army Aberdeen Proving Ground, Aberdeen Proving Ground, MD 21005–5000.

Commander, U.S. Army Environmental Hygiene Agency, Aberdeen Proving Ground, MD 21005–5422.

Commander, U.S. Army Ordnance Center, Aberdeen Proving Ground, MD 21005–5201.

Commander, U.S. Army Test and Evaluation Command, Aberdeen Proving Ground, MD 21005–5000.

Commander, U.S. Army Laboratory Command, 2800 Powder Mill Road, Adelphi, MD 20783–1145.

Commander, Fort Detrick, Frederick, MD 21701–5000.

Commander, U.S. Army Medical Research and Development Fort Detrick, Frederick, MD 21701–5000.

Commander, Fort George G. Meade, Fort George G. Meade, MD 20755–5000.

Commander, Fort Ritchie, MD 21719–5010.

Commander, U.S. Army Engineer District, Baltimore and Supervisor of Harbor Baltimore, P.O. Box 1715, Baltimore, MD 21203–1715.

Massachusetts

Commander, Fort Devens, Fort Devens, MA 01433–5000.

Commander, U.S. Army Natick Research, Development, and Engineering Center, Natick, MA 01760–5000.

Commander, U.S. Army Engineer Division New England, 424 Trapelo Road, Waltham, MA 02234–9149.

Michigan

Commander, U.S. Army tank-Automotive Command, Warren, MI 48397–5000.

Commander, U.S. Army Engineer District Detroit, P.O. Box 1027, Detroit, MI 48231–1027.

Minnesota

Commander, U.S. Army Engineer District St. Paul, 1421 U.S. Post Office and Custom House, 180 East Kellogg Boulevard, St. Paul, MN 55101–1479.

Mississippi

Commander, U.S. Army Engineer District Vicksburg, P.O. Box 60, Vicksburg, MS 39181–0060.

Commander, U.S. Army Engineer Division, Lower Mississippi Valley, P.O. Box 80, Vicksburg, MS 39181–0080.

Missouri

Commander, U.S. Army Training Center, Engineer and Fort Leonard Wood, Fort Leonard Wood, MO 65473–5000.

Commander, U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132–5200.

Commander, U.S. Army Engineer District Kansas City, 700 Federal Building, Kansas City, MO 64106–2896.

Commander, U.S. Army Engineer District St. Louis, 210 Tucker Boulevard N, St. Louis, MO 63101–1986.

National Personnel Records Center (Civilian), 111 Winnebago Street, St. Louis, MO 63118–4199.

Nebraska

Commander, U.S. Army Engineer District Omaha, 215 North 17th Street, Omaha, NE 68102–4978.

Commander, U.S. Army Engineer Division Missouri River, P.O. Box 103

Downtown Station, Omaha, NE 68101–0103.

New Jersey

Commander, Military Traffic Management Command Eastern Area, Bayonne, NJ 07002–5302.

Commander, Picatinny Arsenal, Dover, NJ 07801–5000.

Commander, U.S. Army Training Center and Fort Dix, Fort Dix, NJ 98640–5000.

Commander, U.S. Army Communications Research and Development Command, Fort Monmouth, NJ 07703–5000.

Commandant, U.S. Military Academy Preparatory School, Fort Monmouth, NJ 07703–5000.

New Mexico

Commander, White Sands Missile Range, NM 88002–5031.

Commander, U.S. Army Engineer District Albuquerque, P.O. Box 1580, Albuquerque, NM 87103–1580.

New York

Commandant, U.S. Army Chaplain School Fort Wadsworth, Staten Island, NY 10305–5000.

Commander, U.S. Army Military Academy West Point, NY 10996–2001.

Commander, U.S. Army Engineer District Buffalo, 1776 Niagara Street, Buffalo, NY 14207–3199.

Commander, U.S. Army Engineer District New York, 26 Federal Plaza, New York, NY 10278–0090.

Commander, U.S. Army Engineer Division North Atlantic, 90 Church Street, New York, NY 10007–2979.

North Carolina

Commander, XVIII Airborne Corps-Fort Bragg, Fort Bragg, NC 28307–5000.

Commander, U.S. Army Institute for Military Assistance, Fort Bragg, NC 28307–5000.

Commander, U.S. Army Engineer District Wilmington, P.O. Box 1890, Wilmington, NC 28402–1890.

Ohio

Commander, U.S. Army Engineer Division Ohio River, P.O. Box 1159, Cincinnati, OH 45201–1159.

Oklahoma

Commander, U.S. Army Field Artillery Center and Fort Sill, Fort Sill, OK 73503–5000

Commander, U.S. Army Engineer District Tulsa, P.O. Box 61, Tulsa, OK 74121–0061.

Oregon

Commander, U.S. Army Engineer District Portland, P.O. Box 2946, Portland, OR 97229–2946.

Commander, U.S. Army Engineer Division North Pacific, P.O. Box 2870, Portland, OR 97208–2870.

Pennsylvania

Commander, U.S. Army War College, Carlisle Barracks, PA 17013–5000.

Commander, Letterkenny Army Depot, Chambersburg, PA 17201–4150.

Commander, U.S. Army International Logistics Command, New Cumberland Army Depot, New Cumberland, PA 17070–5000.

Commander, Tobyhanna Army Depot, Tobyhanna, PA 18466–5000.

Commander, U.S. Army Engineer District Philadelphia, U.S. Custom House, 2d and Chestnut Streets, Philadelphia, PA 19106–2991.

Commander, U.S. Army Engineer District Pittsburgh, William S. Moorehead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222–4186.

South Carolina

Commander, U.S. Army Training Center and Fort Jackson, Fort Jackson, SC 29207–5000.

Commander, U.S. Army Engineer District Charleston, P.O. Box 919, Charleston, SC 29402–0919.

Tennessee

Commander, U.S. Army Engineer District Memphis, B–202 167 N Mid-America, Clifford Davis Federal Building, Memphis, TN 38103–1894.

Commander, U.S. Army Engineer District Nashville, P.O. Box 1070, Nashville, TN 37202–1070.

Texas

Commander, William Beaumont Army Medical Center, El Paso, TX 79920–5001.

Commander, U.S. Army Health Services Command, Fort Sam Houston, TX 78234–6000.

Commandant, Health Services Academy U.S. Army, Fort Sam Houston, TX 78234–5000.

Commander, Brooke Army Medical Center, Fort Sam Houston, TX 78234–5000.

Commander, Fifth U.S. Army, Fort Sam Houston, TX 78234–5000.

Commander, U.S. Army Air Defense Center and Fort Bliss, Fort Bliss, TX 79916–5000.

Commander, III Corps and Fort Hood, Fort Hood, TX 76544–5000

Chief, U.S. Army Patient Administration Systems and Biostatistics Activity, Fort Sam Houston, TX 78234–6070.

Commander, Red River Army Depot, Texarkana, TX 75507–5000.

Commander, U.S. Army Engineer District Fort Worth, P.O. Box 17300, Fort Worth, TX 76102–0300.

Commander, U.S. Army Engineer Division Southwestern, 1114 Commerce Street, Dallas, TX 75242–0216.

Utah

Commander, U.S. Army Dugway Proving Ground, Dugway, UT 84022–5000.

Commander, Tooele Army Depot, Tooele, UT 84074–5000.

Virginia

Commander, Cameron Station, Alexandria, VA 22304–5050.

Commander, U.S. Total Army Personnel Command, Hoffman Building I, 200 Stovall Street, Alexandria, VA 22332–0400.

Commander, U.S. Army Research Institute, 5001 Eisenhower Avenue, Alexandria, VA 22333–5600.

Commander, Arlington Hall Station, 400 Arlington Boulevard, Arlington, VA 22212–5000.

Commandant, The Judge Advocate General's School U.S. Army, Charlottesville, VA 22903–1781.

Commander, U.S. Army Operational Test and Evaluation Agency, Park Center 4, 4501 Ford Avenue, Alexandria, VA 22302–1458.

Commander, U.S. Army Engineer Center and Fort Belvoir, Fort Belvoir, VA 22060–5000.

Commander, U.S. Army Transportation Center and Fort Eustis, Fort Eustis, VA 23604–5000.

Commander, U.S. Army Logistics Management Center, Fort Lee, VA 23801–5000.

Commander, U.S. Army Quartermaster Center and Fort Lee, Fort Lee, VA 23801–5000.

Commander, U.S. Army Engineer District Norfolk, 803 Front Street, Norfolk, VA 23510–1096.

Commander, U.S. Army Middle East Africa, P.O. Box 2250, Winchester, VA 22601–1450.

Commander, U.S. Army Engineer Activity Capital Area, Fort Meyer, VA 22211–5050.

Washington

Commander, 9th Infantry Division and Fort Lewis, Fort Lewis, WA 98433–5000.

Commander, Madigan Army Medical Center, Tacoma, WA 98431–5055.

Commander, U.S. Army Engineer District Seattle, P.O. Box C–3755, Seattle, WA 98124–2255.

Commander, U.S. Army Engineer District Walla Walla, Building 602, City-County Airport, Walla Walla, WA 99362–9265.

West Virginia

Commander, U.S. Army Engineer District, Huntington 502 8th Street, Huntington, WV 25701–2070.

Wisconsin

Commander, Fort McCoy, Sparta, WI 54656–5000.

Overseas

Commander, U.S. Army South, APO AA 34004–5000.

Commander, V Corps, APO AE 09097–0007.

Commander, VII Corps, APO AE 09107–0200.

Commander, 32d Army Air Defense Command, APO AE 09175–5000.

Commander, U.S. Army Berlin Brigade, APO AE 09742–5000.

Commander, 7th Medical Command, APO AE 09102–3304.

Commander in Chief, U.S. European Command, APO AE 09128–4209.

Commander, U.S. Army Engineer Division Europe, APO AE 09757–5301.

Commander, I Corps, Fort Lewis, Fort Lewis, WA 98433–5000.

Commander, U.S. Army Engineer District Far East, APO AP 96301–0427.

DEFENSE MAPPING AGENCY

How Systems Of Records Are Arranged

The Defense Mapping Agency records are grouped by subject series. Each series has records about a specific activity or function to which a subject title and number is given. Systems or records are grouped in the same way. For example, a system of records on personnel security clearances may be found in Personnel Security Files - B0504–01 and one about military personnel assignments may be found in Military Services Administrative Record Files - B0614–02. These numbers are part of the system identification. The letter B means Defense Mapping Agency. The first four digits (0504 and 0614) show that the records pertain to Personnel Security and Military Personnel respectively, and the last two are a further breakdown of the series. Other systems of records which differ from these examples but have similar documents may also be found in the same series.

How To Use The Index Guide

The systems of records maintained by the Defense Mapping Agency are contained within the subject series that are listed below. This list identifies each series in the order in which it appears in this issuance. Use the list to identify subject areas of interest. Having done so, use the series number (for example 0504 for Personnel Security) to locate the systems of records grouping in which you are interested.

Subject Series
System Identification Series

Inspection
0210

Historical
0228

Finance and Accounting
0302

Civilian Personnel Pay and Accounting
0303

General Legal
0401

Claims Investigating and Processing Documents
0402

Informational Services
0408

Information Security
0502

Guard Protective Services
0503

Personnel Security
0504

Military Personnel Files
0614

Safety Management Program
0615

Medical and Health Program
0901

Individual Procurement Transactions
1202

General Supply Accounting
1205

Self Service Supply
1206

Maintenance
1208

Personnel Travel and Transportation
1211

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required to locate and retrieve the record.

BLANKET ROUTINE USES

Certain 'blanket routine uses' of the records have been established that are applicable to every record system maintained within the Department of Defense unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below only once in the interest of simplicity, economy and to avoid redundancy.

LAW ENFORCEMENT ROUTINE USE

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and

VOL
58
ISS
33
FE
22
1993
UMI

whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

DISCLOSURE WHEN REQUESTING INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

DISCLOSURE OF REQUESTED INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

CONGRESSIONAL INQUIRIES ROUTINE USE

Disclosure from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

PRIVATE RELIEF LEGISLATION ROUTINE USE

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS ROUTINE USE

A record from a system of records maintained by this component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES ROUTINE USE

Any information normally contained in IRS Form W–2 which is maintained in a record from a system of records maintained by this component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517, 5520, and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Number 76–07.

DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT ROUTINE USE

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

DISCLOSURE TO MILITARY BANKING FACILITIES OVERSEAS ROUTINE USE

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

DISCLOSURE OF INFORMATION TO THE GENERAL SERVICES ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO THE MERIT SYSTEMS PROTECTION BOARD ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible

prohibited personnel practices; including administrative proceedings involving any individual subject of a DOD investigation, and such other functions, promulgated in 5 U.S.C 1205 and 1206, or as may be authorized by law

COUNTERINTELLIGENCE PURPOSES ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use outside the DOD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

B0210–06

SYSTEM NAME:

Inspector General Investigative Files.

SYSTEM LOCATION:

Office of the Inspector General at DMA Headquarters, DMA Hydrographic/Topographic Center, DMA Aerospace Center, Defense Mapping School, DMA Systems Center, DMA Reston Center, and DMA Combat Support Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, military or civilian assigned to, employed by or having reason to do official business with the Defense Mapping Agency or one of its employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative Files consist of written inquiries or investigative reports pertaining to complaints, possible violations or improper procedures pertaining to DMA personnel, procedures, policies or programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, Records Management by Federal Agencies.

PURPOSE(S):

To analyze and evaluate the effectiveness and efficiency of DMA policies, programs, and procedures; to use complaints, inquiries or investigations to initiate proper corrective action if the allegation is proven to be true in fact; to be used as basis for corrective actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Files are considered official in nature and are made available only to the Inspector General and Command officials.

STORAGE:

Paper records are stored in file folders and secured in safe-file cabinets.

RETRIEVABILITY:

Alphabetically by last name or subject matter DOD Hotline Number.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Files accumulated in the Office of the Inspector General are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, ST A–9, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Inspector General, ST A–9, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Inspector General, ST A–9, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, Social Security Number.

For personal visits the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Inspector General Investigative reports are the written results of IG inquiries or investigation of written or oral allegations from complaints.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0210–07

SYSTEM NAME:

Inspector General Complaint Files.

SYSTEM LOCATION:

Office of the Inspector Generals at DMA Headquarters, DMA Hydrographic/Topographic Center, DMA Aerospace Center, Defense Mapping School, DMA Systems Center, DMA Reston Center, and DMA Combat Support Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, military or civilian assigned to, employed by, or having reason to do official business with the Defense Mapping Agency or one of its employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain letters or memorandums received by the Defense Mapping Agency wherein someone has complained about DMA personnel, programs, policies and/or procedures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 3102 - Records Management by Federal Agencies.

PURPOSE(S):

As a basis to conduct an inquiry or investigation of the complaint; to initiate proper corrective action if justified.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Files are considered official in nature and are made available only to the Inspector General and Command officials.

STORAGE:

Paper records are stored in file folders and secured in safe-file cabinets.

RETRIEVABILITY:

Alphabetically by last name of individual or by subject.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Destroyed one year after completion and close of case.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, ST A–9, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Inspector General, ST A–9, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Inspector General, ST A–9, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification, such as, drivers license, etc., and some verbal information.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Source of Inspector General Complaint files are letters or memorandums received by HQ DMA from military or civilian.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0228–04

SYSTEM NAME:

Historical Photographic Files.

SYSTEM LOCATION:

Public Affairs office - DMA Hydrographic/Topographic Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

Decentralized Segments - Records Holding Area, Information Management Support Division. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commanding Officers; civilian employees (staff organization) VIP visitors; awards, suggestions, sports, retirement ceremonies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Photographs and negatives of awards, suggestions, sports, retirement ceremonies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To furnish copies of photographs to organizations that requested photographs to be taken, to obtain the background information regarding events, ceremonies, awards, sports, retirements at DMA for input to newspapers and magazine articles to recognize accomplishments and publications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To News Media for Public Relations and Community Affairs Matters and to organizers of testimonials, banquets and parties for the purpose of obtaining background information regarding events, ceremonies, awards, sports, and retirements at DMA.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Prints and negatives filed in cabinets.

RETRIEVABILITY:

Filed by name and/or event.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Records are Permanent. Records will be retired to Washington National Records Center on discontinuance of the installation.

SYSTEM MANAGER(S) AND ADDRESS:

Public Affairs Office, ST A–11, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Public Affairs Office, ST A–11, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Public Affairs Office, ST A–11, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, Social Security Number.

For personal visits the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Photographs taken at awards ceremonies; sporting events; retirement parties.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0228–10

SYSTEM NAME:

Installation Historical Files.

SYSTEM LOCATION:

Public Affairs Office - DMA Hydrographic/Topographic Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

Decentralized Segments - Records Holding Area, Information Management Support Division. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have given speeches or written an article for a magazine or newspaper.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of speeches and articles for magazine or newspapers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To furnish background information on the history of installations to obtain up-to-date information on all speeches, articles for magazines and newspapers published or given by an individual of DMA; to recognize accomplishments and publications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To News for Public Relations and Community Affairs Matters and to organizers of testimonials and banquets for the purpose of obtaining background information on the history of installations, up-to-date information on all speeches, articles for magazines and newspapers published or given by an individual of DMA, and recognizing accomplishments and publications.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Files retrieved alphabetically by name of individual.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

This is a permanent record. Retired from Records Holding Area.

SYSTEM MANAGER(S) AND ADDRESS:

Public Affairs Office, ST A–11, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Public Affairs Office, ST A–11, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Public Affairs Office, ST A–11, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, Social Security Number.

For personal visits the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Employee copies of speeches; newspapers; magazines, photographs and related publications.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0302–13

SYSTEM NAME:

Record of Accounts Receivable.

SYSTEM LOCATION:

Finance and Accounting Division, ST L–5, Defense Mapping Agency, 3200 South Second Street, St. Louis, IL 63118–3399. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

List of Contract Sales Agents, domestic and foreign, DMA Contractors, and current and former DMA civilian employees with outstanding balances due DMA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetical file containing name of individual or company, address and special identifying code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Budget and Accounting Procedure Act of 1950, Pub. L. 81–784.

PURPOSE(S):

To post credits and collection of accounts receivable balances.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). Information may be provided to other Federal agencies for the purpose of collecting debts owed by individuals employed, or believed to be employed, by those agencies and owing DMA monies.

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy manifests and/or computer printouts.

RETRIEVABILITY:

Filed alphabetically by name of account.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Records are maintained after case settlement for three years in working area and then in storage area for an additional two years prior to destruction.

SYSTEM MANAGER(S) AND ADDRESS:

Finance and Accounting Division, ST L–5, Defense Mapping Agency, 3200 South Second Street, St. Louis, IL 63118–3399.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Finance and Accounting Division, ST L–5, Defense Mapping Agency, 3200 South Second Street, St. Louis, IL 63118–3399.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Finance and Accounting Division, ST L–5, Defense Mapping Agency, 3200 South Second Street, St. Louis, IL 63118–3399.

Individuals should provide full name, current address and telephone number.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

VOL 58 ISS 33 FE 22 1993 UMI

RECORD SOURCE CATEGORIES:

Hard copy accounts receivable manifests prepared from finance and contractual documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0302–21

SYSTEM NAME:

Record of Travel Payments.

SYSTEM LOCATION:

Office of the Comptroller, Finance and Accounting Division. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any employee of Defense Mapping Agency reimbursed for travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Card file containing information used to reflect travel allowance payments made to individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5707; Travel and Subsistence Expenses Regulations.

PURPOSE(S):

To reflect travel allowance payments made to employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Records are temporary. Cutoff on separation of employee, Inactive six years, three months, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Finance and Accounting Division, ST L–5, Defense Mapping Agency, 3200 South Second Street, St. Louis, IL 63118–3399.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Finance and Accounting Division, ST L–5, Defense Mapping Agency, 3200 South Second Street, St. Louis, IL 63118–3399.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Finance and Accounting Division, ST L–5, Defense Mapping Agency, 3200 South Second Street, St. Louis, IL 63118–3399.

Written requests for information should contain the full name of the individual, current address and telephone number, and the travel number of visit, place visited, and date on all correspondence received from this office. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified with his case folder.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Travel orders and vouchers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0303–01

SYSTEM NAME:

Individual Pay Record Files.

SYSTEM LOCATION:

DMA Aerospace Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian pay record file contains magnetic tape. Created and updated by the use of time and attendance cards, address cards, savings bond forms, taxation documents, insurance documents, allotment documents, Standard Form 50.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of pay data and related information pertaining to DMA employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 66a, Accounting and Auditing - Duties of Agency Heads; Information and Controls to be Covered.

PURPOSE(S):

To establish, maintain and administer the employee's authorized pay and leave; to compute bi-weekly earnings, pay deductions, and net pay due the employee to identify rate of pay and authorized deductions, as well as sick and annual leave accumulation, usage and balances; to provide a master tape listing, a civilian payroll master tape, a bi-weekly leave and earnings statement, and a civilian employee paycheck.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

Name and home addresses, or designated mailing addresses, of bargaining unit employees to labor organizations recognized under 5 U.S.C. Chapter 71.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Tapes are retained in tape library, and are updated each pay period.

Printouts maintained and retained in current files are (CFA) and are forwarded in annual blocks to the National Personnel Records Center, GSA, 111 Winnebago Street, St. Louis, MO 63118, 18 months after close of the calendar year or within 90 days after receipt of audit completion letter, whichever is first.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Comptroller, Finance and Accounting Division. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Comptroller, Finance and Accounting Division. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Comptroller, Finance and Accounting Division. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

Written requests for information should contain the full name of the individual, current address and telephone number, and the case control number that appears with the office symbol, on all correspondence received from this office.

For personal visits, the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Time and attendance cards, savings bond forms and similar withholding requests of the employee.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0303–05

SYSTEM NAME:

Leave Record Files.

SYSTEM LOCATION:

Office of the Comptroller, Finance and Accounting Division. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees of DMA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of official annual accumulation and use of employee's leave.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 U.S.C. 1175

PURPOSE(S):

To record official annual accumulation and use of employee's leave.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes and printouts.

RETRIEVABILITY:

Files are by payroll block number, organization, and name.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Applications for leave - Destroy on receipt of audit completion letter.

Remaining Files: Destroy after 6 years, 3 months old, or 90 days after receipt of audit completion letter.

SYSTEM MANAGER(S) AND ADDRESS:

Finance and Accounting Division, ST L–5, Defense Mapping Agency, 3200 South Second Street, St. Louis, IL 63118–3399.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Finance and Accounting Division, ST L–5, Defense Mapping Agency, 3200 South Second Street, St. Louis, IL 63118–3399.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Finance and Accounting Division, ST L–5, Defense Mapping Agency, 3200 South Second Street, St. Louis, IL 63118–3399.

Written requests for information should contain the full name of the individual, current address and telephone number, and Social Security Number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Time and attendance cards initialed by employee. Accumulation and use of leave.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0303–20

SYSTEM NAME:

Compensation Data Request Files.

SYSTEM LOCATION:

DMA Aerospace Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees requesting compensation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence relating to Federal Employee Compensation claims.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 U.S.C. 1175.

PURPOSE(S):

To record documents and correspondence on employees who have been injured on the job, received treatment from a medical facility, and filed a claim for compensation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by employee's last name.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access

limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Destroy 6 years, 3 months after final disposition of the claim by settlement, transfer to GAO, or discontinuance covered by account.

SYSTEM MANAGER(S) AND ADDRESS:

Finance and Accounting Division, ST L–5, Defense Mapping Agency, 3200 South Second Street, St. Louis, IL 63118–3399.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Finance and Accounting Division, ST L–5, Defense Mapping Agency, 3200 South Second Street, St. Louis, IL 63118–3399.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Finance and Accounting Division, ST L–5, Defense Mapping Agency, 3200 South Second Street, St. Louis, IL 63118–3399.

Written requests for information should contain the full name of the individual, current address and telephone number, and Social Security Number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Requests from individuals for information, notice of determination and refusal of work offer. Request for claims of compensation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0401–02

SYSTEM NAME:

Statements of Employment and Financial Interest and Ethics Act Files.

SYSTEM LOCATION:

Office of the General Counsel, ST A–7, DMA Headquarters, 8613 Lee Highway, Fairfax, VA 22031–2137; Defense Mapping Agency Hydrographic/Topographic Center, Counsel, ST D–10, 4600 Sangamore Road, Bethesda, MD 20816–5003; or the Defense Mapping Agency Aerospace Center, Counsel, ST L–32, 3200 South Second Street, St. Louis, MO 63118–3399.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Defense Mapping Agency civilian personnel classified at GS–13/GM–13 or above, or others a specified by the designated Agency Ethics Official, and military officers serving in the grade of 0–5 or above, whose duties require the exercise of judgment in making Government decisions in regard to monitoring grants or subsidies; contracting and procurement; auditing; or other activities having a significant economic impact on the interests of any non-Federal enterprise.

Special Government Employees of the Defense Mapping Agency serving as advisors or consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include DD Form 1555 - Confidential Statement of Employment and Financial Interests containing information as to outside employment, financial interests and creditors. Such forms are filed by individuals upon employment and renewed annually. Copies of the individual's current position description. Signed statements of the individual concerned stating that none of the interests listed constitute a conflict of interest with respect to the duties of his present position. Correspondence indicating review and the resolution of any conflicts disclosed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Part IV, E.O. 11222, Prescribing Standards of Ethical Conduct for Government Officers and Employees (as amended).

PURPOSE(S):

To determine the existence of, and if possible, to resolve any real or apparent conflict between the personal financial interests of the individual concerned and the Government; to possibly be used in investigation/prosecution of fraud or other violation of conflict of interest laws.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Buildings in which files maintained are not open to general public and are guarded on 24–hour basis. Records are maintained in combination safes and are accessible after completion of review only to Agency Counsel. Each submission and subsequent annual renewals are kept in individual, sealed manila envelopes to prevent unauthorized disclosures.

RETENTION AND DISPOSAL:

Destroy 2 years after separation, retirement, reassignment, or death of the individual.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, ST A–7, Defense Mapping Agency Headquarters, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to General Counsel, ST A–7, Defense Mapping Agency Headquarters, 8613 Lee Highway, Fairfax, VA 22031–2137; Defense Mapping Agency Hydrographic/Topographic Center, Counsel, ST D–10, 4600 Sangamore Road, Bethesda, MD 20816–5003; and Defense Mapping Agency Aerospace Center, Counsel, ST L–32, 3200 South Second Street, St. Louis, MO 63118–3399.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the General Counsel, ST A–7, Defense Mapping Agency Headquarters, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name, address and telephone number of the individual. Visits will be arranged through the General Counsel, Headquarters DMA.

For personal visits, the individual should be able to provide some acceptable identification, such as, drivers license or an employer's identification card, and be prepared to provide some verbal information that can be verified with his file.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Statements and related documents are obtained from the individual concerned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0401–03

SYSTEM NAME:

Legal Assistance Case Files.

SYSTEM LOCATION:

Office of the General Counsel, DMA Headquarters, ST A–7, 8613 Lee Highway, Fairfax, VA 22031–2137; Defense Mapping Agency Hydrographic/Topographic Center, Counsel, ST D–10, 4600 Sangamore Road, Bethesda, MD 20816–5003; or the Defense Mapping Agency Aerospace Center, Counsel, ST L–32, 3200 South Second Street, St. Louis, MO 63118–3399.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel assigned to DMA who request legal assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain legal opinions of the General Counsel Office regarding personal matters of an individual. Also copies of document prepared on behalf of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, Records Management by Federal Agencies.

PURPOSE(S):

To document legal matters and assistance provided to military personnel by Counsel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or floppy disk.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

HQ DMA and Component Headquarters destroy the record 6 months after completion of the case.

Other offices destroy the record 1 year after completion of the case. Selected opinions and correspondence withdrawn for the use as precedents may be held until no longer required for reference.

This record is a temporary record. Records are destroyed one year after completion of the case. Selected opinions and correspondence withdrawn for use as precedent may be held until no longer required for reference.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, ST A–7, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the General Counsel, ST A–7, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the General Counsel, ST A–7, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, and Social Security Number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Request from military personnel for legal opinion on a personal matter, opinions of counsel and documents prepared by counsel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0402–05

SYSTEM NAME:

Legal Claims File.

SYSTEM LOCATION:

Primary System - Office of the General Counsel, DMA Headquarters, ST A–7, 8613 Lee Highway, Fairfax, VA 22031–2137; Defense Mapping Agency Hydrographic/Topographic Center, Counsel, ST D–10, 4600 Sangamore Road, Bethesda, MD 20816–5003; or the Defense Mapping Agency Aerospace Center, Counsel, ST L–32, 3200 South Second Street, St. Louis, MO 63118–3399.

Decentralized Segments - Washington National Records Center, GSA, 4205 Suitland Road, Suitland, MD 20409, Department of Army, Judge Advocate General, Pentagon, Washington, DC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DMA personnel having a claim against the Government for loss, damage, or destruction of personal property.

Any individual filing a tort claim against DMA for damages, loss or destruction of property, personal injury or death resulting from negligence or wrongful act, or omission of acts by DMA personnel and individuals against whom the Agency has legal claim.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's claims, related correspondence and processing papers, investigative reports, recommendations and opinions of the General Counsel's Office.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, Records Management by Federal Agencies and 28 U.S.C. 2671–2680, Federal Torts Claims Act.

PURPOSE(S):

To document claims against the Government by DMA personnel for damage, loss, or destruction of personal property incident to their service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or floppy disk.

VOL 58 ISS 33 FE 22 1993 UMI

RETRIEVABILITY:

Filed alphabetically by last name of employee or by case name.

SAFEGUARDS:

Records are maintained in a secured/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Disapproved claims and claims involving a minor are destroyed 10 years after final action on the case.

Approved claims are destroyed 5 years after final action on the case.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, ST A–7, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the General Counsel, ST A–7, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the General Counsel, ST A–7, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, and Social Security Number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Related forms, correspondence, investigative reports and information gathered in anticipation of litigation, and opinions of Counsel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0408–11

SYSTEM NAME:

Biography Files.

SYSTEM LOCATION:

Public Affairs Offices-Defense Mapping Agency Headquarters, DMA Hydrographic/Topographic Center, DMA Aerospace Center, Defense Mapping School, and DMA Combat Support Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All top management and other key personnel of DMA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographies; photographs; newspaper clippings and related documents pertaining to leading military and civilian personalities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, Records Management by Federal Agencies.

PURPOSE(S):

To document biographies, photographs, newspaper clippings, and related materials pertaining to leading DMA military and civilian personalities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Destroy two years after transfer, separation or death of the individual concerned.

SYSTEM MANAGER(S) AND ADDRESS:

Public Affairs Office, ST A–11, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Public Affairs Office, ST A–11, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Public Affairs Office, ST A–11, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, and the case control number that appears with the office symbol, on all correspondence received from this office.

For personal visits, the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Biographical data furnished by individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0502–03

SYSTEM NAME:

Master Billet/Access Record.

SYSTEM LOCATION:

Primary System - Special Security Office, Department of Computer Services, Information, Storage, DMA Hydrographic/Topographic Center.

Decentralized segments - HQ DMA, DMA Aerospace Center, DMA Systems Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DMA employees and contractor personnel who have been indoctrinated for access to Sensitive Compartmented Information (SCI). In addition, employees of other government agencies are included for the period during which their security clearance or SCI access status is permanently certified to DMA.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may contain for an individual the following: Name, rank/grade, military component or civilian status, Social Security Number, SCI billet number and title, SCI accesses authorized and held, date background investigation completed, date indoctrinated, date and state of birth.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12356, National Security Information.

PURPOSE(S):

To identify and verify DMA personnel authorized access to SCI in order to control access to secure areas for use of classified information, for periodic re-indoctrination (re-briefing) of employees for SCI access, for periodic security education and training, and for control and reissue of identification badges.

To certify personnel SCI access status to the Defense Intelligence Agency for updating the Security Management Information System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used to certify and verify SCI access status to other government agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records are stored in computer memory core for retrieval through visual display terminals and line printers.

RETRIEVABILITY:

Files are retrieved by name and at least one other personal identifier, such as a date of birth, place of birth, Social Security Number or military service number. Files may also be retrieved by billet number.

SAFEGUARDS:

Secured in alarmed vault in guarded building. Vault accessible only to properly cleared, authorized personnel. Transmission of system data between DMA Components is by secure mail channels.

RETENTION AND DISPOSAL:

Active records only are maintained. Records of personnel debriefed for SCI access are dumped on a debrief tape which is printed as an alphabetical listing cumulatively each month for one year, then the tape is erased. Old printed listing is destroyed when replaced by new printed listing (weekly).

SYSTEM MANAGER(S) AND ADDRESS:

Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, Social Security Number, current address and telephone number. For personal visits, the individual should be able to furnish personal identification containing his/her full name, Social Security Number, physical description, photograph, and signature.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is supplied by the individual concerned through completion of the Personal History Statement DD Form 398. The basis for billet entries are security clearance or access approval messages or correspondence from the Defense Intelligence Agency; bases for incumbent entries are indoctrination oaths executed by incumbents at time of indoctrination.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0502–03–2

SYSTEM NAME:

Classified Material Access Files.

SYSTEM LOCATION:

Primary System: Security Offices at DMA Headquarters, DMA Hydrographic/Topographic Center, DMA Aerospace Center, Defense Mapping School, and DMA Systems Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

Decentralized Segments: Requesting offices at DMA and organizations requiring the access authorization. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals authorized to have access to classified files.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting authorization to have access to classified material. They include forms containing individual's name, and signature, classification of files concerned, information desired, and signature of an official authorizing access.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12356, National Security Information.

PURPOSE(S):

To maintain records of individuals authorized access to classified material by specific categories and for established purposes; to check authorized individuals for access to classified material and guard authorization.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book.

RETRIEVABILITY:

File alphabetically by last name or grade of individual requiring access.

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary Record - Destroy on transfer, reassignment, or separation of the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Information Systems Security Division, ST A–15, Defense Mapping

Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, and Social Security Number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Report of investigating agency that conducted the background investigation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0502–15

SYSTEM NAME:

Security Compromise Case Files.

SYSTEM LOCATION:

Primary System: Security offices at DMA Headquarters, DMA Hydrographic/Topographic Center, DMA Aerospace Center, Defense Mapping School, DMA Systems Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

Decentralized Segments - Department of Justice and FBI on felonies cases.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DMA personnel security violation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to investigations of alleged security violations, such as missing documents, unauthorized disclosure of information, unattended open security containers, documents not properly safeguarded and matters of a similar nature.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12356, National Security Information.

PURPOSE(S):

To protect records relating to investigations conducted into alleged and/or actual security violations by Security Office personnel and appointed investigating officials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Files relating to alleged violations of a sufficiently serious nature that they are referred to the Departments of Justice or Defense for prosecutive determination, exclusive of files held by Department of Justice for Defense offices responsible for making such determinations are destroyed 5 years after close of case.

All other files, exclusive of papers placed in official personnel folders are destroyed 2 years after completion of final action or when no longer needed, whichever is sooner.

SYSTEM MANAGER(S) AND ADDRESS:

Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, and Social Security Number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Reporting organization or official.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0503–02

SYSTEM NAME:

Security Identification Accountability Files.

SYSTEM LOCATION:

Security offices at DMA Hydrographic/Topographic Center, DMA Aerospace Center, Defense Mapping School, DMA Systems Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any civilian employee.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains the application, supporting materials and the number of the identification badges.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12356, National Security Information.

PURPOSE(S):

To maintain accountability for various identification cards/badges issues and identify to whom issued.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETREVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records kept in file folders by number also in desk type cabinet.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Temporary Record-Transfer to Records Holding Area after last card or badge number entered has been accounted for. Hold for three years and destroy.

SYSTEM MANAGER(S) AND ADDRESS:

Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, and the case control number that appears with the office correspondence received from this office.

For personal visits, the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual's badge request, personnel forms and investigatory findings.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0503–03

SYSTEM NAME:

Firearms Authorization Files.

SYSTEM LOCATION:

DMA Hydrographic/Topographic Center and DMA Aerospace Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Security guards that have been issued firearms and ammunition.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents authorizing DMA civilian guards to carry firearms. Included are firearms authorization cards and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C. 61; Arms and Ammunition issued to protect public property; reimbursement of Department of Army.

PURPOSE(S):

To maintain required firearms annual qualifications records, weapons serial numbers and firearms authorization cards issued to each assigned Security Police.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary Record, Destroy upon expiration of authorization.

SYSTEM MANAGER(S) AND ADDRESS:

Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, and Social Security Number. Visits are limited to normal working hours.

For personal visits the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Weapon serial number, and authorization of issue authorization card issued.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0503–04

SYSTEM NAME:

Parking Permit Control Files.

SYSTEM LOCATION:

Security Offices of DMA Components. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been issued parking permits or cited for violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the allotment of parking spaces, recording of violations by holders of parking permits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C. 797; Internal Security - Security Regulations and Orders; Penalty for Violation and Delegations, Promulgation by President.

PURPOSE(S):

To maintain records of parking space assignments/allocations and parking violations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records kept in file folders and desk type pull-out shelves.

RETRIEVABILITY:

Filed by name alphabetically.

SAFEGUARDS:

Buildings and facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Temporary. Destroy on transfer or separation of parking permit holder, or when permit is superseded or revoked.

SYSTEM MANAGER(S) AND ADDRESS:

Security Offices of DMA Components. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Security Offices of DMA Components. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Security Offices of DMA Components. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

Written requests for information should contain the full name of the individual, current address, and telephone number, and Social Security Number.

For personal visits the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified on employment.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals requests for permits, copies of tickets issued.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0503–05

SYSTEM NAME:

Vehicle Registration and Driver Record File.

SYSTEM LOCATION:

DMA Headquarters, DMA Hydrographic/Topographic Center, and DMA Aerospace Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person privileged to operate a motor vehicle on a military installation and who has been involved in a chargeable traffic accident or whose commission of a moving traffic violation has been verified.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a record of issuance of decal and of all traffic offenses/incidents and actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C. 797; Internal Security - Security Regulations and Orders; Penalty for Violation.

PURPOSE(S):

To record traffic offenses, incidents and actions taken.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

8 x 5 paper cards in card file cabinet.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Buildings or facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Destroy one year after revocation or expiration.

SYSTEM MANAGER(S) AND ADDRESS:

DMA Headquarters, DMA Hydrographic/Topographic Center, and DMA Aerospace Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the DMA Headquarters, DMA Hydrographic/Topographic Center, and DMA Aerospace Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the DMA Headquarters, DMA Hydrographic/Topographic Center, and DMA Aerospace Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

Written requests for information should contain the full name of the

individual, current address and telephone number, and Social Security Number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification and also some information that would verify his need to know.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Report of traffic violation from Security police.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0503–09

SYSTEM NAME:

Key Accountability Files.

SYSTEM LOCATION:

Security Offices at the DMA Headquarters, DMA Hydrographic/ Topographic Center, DMA Aerospace Center, and Defense Mapping School. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals with keys to a secure area.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation relating to the issue, return and accountability for keys to secure areas.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12356, National.Security Information

PURPOSE(S):

To maintain documentation on periodic inspections, key accountability, reference checks and daily use records and investigations into loss or destruction of secure areas.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Buildings, facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files relating to keys to restricted security areas are destroyed 3 years after turn-in of key or on discontinuance, whichever is first.

Files relating to keys to other areas are destroyed 6 months after turn-in of key or on discontinuance, whichever is first.

SYSTEM MANAGER(S) AND ADDRESS:

Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Requests from individuals should contain the full name of the individual, current address and telephone number, Social Security Number.

For personal visits the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual's key requests, personnel forms and investigatory findings.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0504–01

SYSTEM NAME:

Personnel Special Security and Investigative Files.

SYSTEM LOCATION:

Special Security Offices at DMA Headquarters, DMA Hydrographic/ Topographic Center, DMA Aerospace Center, and DMA Systems Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those military and civilian personnel who are assigned to, or employed by DMA, and whose duties require access to classified defense information, and/or have been assigned to Sensitive Compartmented Information (SCI) billets, and who have therefore been investigated under the provisions of DOD regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files consist of three parts:

Part one subject to exemption of 552a(k)(5) form review,and parts two and three are available for review. Part (1) exempted consists of National Agency Checks with Written Inquiries (NACI); Background Investigations (BI); Special Background Investigations (SBI); Periodic Reinvestigations (PR).

Part (2) available for review consists of National Agency Check (NAC).

Part (3) available for review consists of Special Security (SS) security indoctrination and termination oaths, clearance and access certification messages, billet approvals and SS security violation investigative reports, if necessary.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12356, National Security Information.

PURPOSE(S):

To maintain up-to-date personnel security information for DMA civilian and military personnel who require access to classified defense information to determine eligibility for access to Sensitive Compartmented Information (SCI); to conduct continuing Security Education Programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of file subject.

SAFEGUARDS:

Buildings, facilities employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retained in active file during period subject is assigned to or employed by DMA, retained in inactive file for one year following reassignment or termination of employment, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Human Resources Security Operations Office, ST D–61, Defense Mapping Agency, 4600 Sangamore Road, Bethesda, MD 20816–5003.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Human Resources Security Operations Office, ST D–61, Defense Mapping Agency, 4600 Sangamore Road, Bethesda, MD 20816–5003.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Human Resources Security Operations Office, ST D–61, Defense Mapping Agency, 4600 Sangamore Road, Bethesda, MD 20816–5003.

Written requests for information should contain the full name of the individual current address and telephone number, Social Security Number. When investigative files are requested the case control number (CCN) is also required.

For personal visits the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Investigations are originated based on applicant's application for employment. Sources of information are inquiries of birth, education, local police, FBI files, subversive files, credit, neighborhood, personal references, etc.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j) or (k), as applicable. For additional information, contact the system manager.

B0504–01–2

SYSTEM NAME:

Personnel Security Files.

SYSTEM LOCATION:

Security Offices at DMA Headquarters, DMA Hydrographic/ Topographic Center, DMA Aerospace Center, Defense Mapping School, and DMA Systems Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

Decentralized Segments - Cross reference index cards (i.e., Badge Requests Cards, Identification Cards, Guard Desk Roladex Identification Cards) with extracts of information contained in primary files are maintained on file in Security Offices of each DMA element.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those military, civilian, and industrial personnel who are assigned to, employed by DMA; whose official duties, responsibilities and/or contracts require that they have access to classified defense information which has been entrusted to, or is under the Defense Mapping Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's certificate of clearance indicating level of access individual is cleared for, date clearance was issued, type of investigation conducted, date investigation was completed and identification of agency that conducted the investigation. Additionally, contained in the file are: copy of Statement of Personal History (DD Form 398), individual's certification that he/she has read and understands both the Department of Defense and Agency security directives and instructions regarding the protection of classified defense information; individual certification that he/she understands responsibilities for protection of North Atlantic Treaty Organization (NATO), material to a lesser extent some files will contain individuals certification that he/she has been briefed for access to NATO Top Secret; NATO Top Secret Restricted Data; Single Integrated Operational Plan; Extremely Sensitive Information; Atomic Energy Commission, Restricted Data; and Atomic Energy Commission, Critical Nuclear Weapons Design Information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12356, National Security Information.

PURPOSE(S):

To insure that each and every individual assigned to, employed by, or contracting with DMA has been cleared for the level of access to classified information that is necessary for accomplishment of his/her official duties; to insure that each individual is made aware of his/her responsibilities regarding protection and safeguarding of any classified information entrusted to him/her.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by name of individual.

SAFEGUARDS:

Buildings are located on guarded government installations with security guards and alarms. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are maintained in an active status only for the period of time that the individual is actually assigned to, employed by, or contracting with DMA. When the individual terminates his association with DMA, the records are maintained in an inactive status for the period of one year and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves

is contained in this system should address written inquiries to the Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Information Systems Security Division, ST A–15, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, Social Security Number.

For personal visits the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual's certificate of clearance originates in HQ DMA (Information Systems Security Division) based on notification of personnel investigation by either the Office of Personnel Management or the Defense Investigative Agency. Certification of clearance for military personnel will be certified by the individuals' parent service. Much of the routine information in these records such as name, date and place of birth, etc., is obtained during the individual's initial processing which is usually accomplished on his first duty day. Other information such as type of investigation, date of investigation, etc., is obtained from such investigating agencies as the OPM, Defense Investigative Service, etc. The records are updated as new information is received regarding the individual's clearance and access.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0614–01

SYSTEM NAME:

Official Records (Military) Files and Extracts.

SYSTEM LOCATION:

Military Personnel Office at DMA Headquarters. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel assigned to DMA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Navy-Documents as required by Bureau of Naval Personnel Manual l5791.B.

Army-Documents as required by Army Regulation 640.l0.

Enlisted and Officer personnel folders.

Statement of Military History, Qualification Records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3l0l.

PURPOSE(S):

To determine the acceptability of an individual nominated by the parent service for a DMA position; to be used in the preparation of efficiency/fitness/effectiveness reports and award recommendations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by name of individual.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Permanent Record. Retained until departure of individual DMA, MPRJ hand carried to transfer point by individual upon separation from the service and subsequently retired to National Records Center (Military Records), 9700 Page Boulevard, St. Louis, MO 63l32.

SYSTEM MANAGER(S) AND ADDRESS:

Human Resources Military Personnel Division, ST A–8, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Human Resources Military Personnel Division, ST A–8, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Human Resources Military Personnel Division, ST A–8, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, service number on all correspondence received from this office. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification cards, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual's Service Military Personnel Center, the individual's rating official within the DMA and the individual concerned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0614–02

SYSTEM NAME:

Military Services Administrative Record Files.

SYSTEM LOCATION:

HRSM, DMAAC; Human Resources Military Personnel Division, DMA Headquarters. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military Personnel assigned to Defense Mapping Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains letters, memorandums, emergency data, and assignment actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 U.S.C 1175

PURPOSE(S):

To maintain information for the purpose of serving as a liaison between the individual, DMA, and servicing CBPO's.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by employee's last name.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Destroy in accordance with parent service directives.

SYSTEM MANAGER(S) AND ADDRESS:

Human Resources Military Personnel Division, ST A–8, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Human Resources Military Personnel Division, ST A–8, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Human Resources Military Personnel Division, ST A–8, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, and Social Security Number. Visits are limited to normal working hours.

For personal visits, the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Leave records, finance documents, transmittals, personnel rosters, physical examinations, personnel actions, locator cards, trip reports, copies of orders/reassignments.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0615–07

SYSTEM NAME:

Safety Awards Files.

SYSTEM LOCATION:

DMA Headquarters, Human Resources Safety and Health Division. Official mailing address is published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Defense Mapping Agency driver.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a list of the names of drivers who have received safe driver awards. All correspondence between the Safety Office and the National Safety Council.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4503, Agency Awards.

PURPOSE(S):

To document presentation of safety awards to individuals in compliance with established policy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Destroy when 5 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Human Resources Safety and Health Division, ST A–8, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Human Resources Safety and Health Division, ST A–8, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Human Resources Safety and Health Division, ST A–8, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, and the case control number that appears with the office symbol, on all correspondence received from this office.

For personal visits, the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Driver record of the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0901–04

SYSTEM NAME:

Civilian Employee Health Clinic Record.

SYSTEM LOCATION:

Civilian Employee Health Clinics at DMA Hydrographic/Topographic Center and DMA Aerospace Center. Official

mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual employed by DMA Hydrographic/Topographic Center (HTC) and Aerospace Center (AC) and any individual employed by other Government agencies housed in the DMAHTC/DMAAC complexes.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information on treatment of employee received at dispensary at HTC and AC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C 7901, Health Service Programs and 5 U.S.C. 8103, Compensation for Injuries; Medical Services and Initial Medical and Other Benefits.

PURPOSE(S):

To maintain medical records of individuals receiving treatment at a DMA clinic for illness/injury while on duty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

Family doctor will have full access to the information.

Supervisors may inquire to record of injury.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

5x8 card files in cabinet.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Destroy 6 years after last entry. Upon transfer of employee, the records will be put in a sealed envelope and transferred with the employee.

Aerospace Center - on transfer of individual, record is transferred to gaining organization. On separation record is returned to National Personnel Records Center (NPRC) with the individuals official Personnel Folder.

SYSTEM MANAGER(S) AND ADDRESS:

DMA Hydrographic/Topographic Center, Defense Mapping Agency Washington Area Human Resources Operations Office, ST D–49, Room 132–A, Erskine Hall, 4600 Sangamore Road, Bethesda, MD 20816–5003 and DMA Aerospace Center, HRSHD ST L–58, 3200 South Second Street, St. Louis, MO 63118–3399.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to DMA Hydrographic/Topographic Center, Defense Mapping Agency Washington Area Human Resources Operations Office, ST D–49, Room 132–A, Erskine Hall, 4600 Sangamore Road, Bethesda, MD 20816–5003 and DMA Aerospace Center, HRSHD ST L–58, 3200 South Second Street, St. Louis, MO 63118–3399.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the DMA Hydrographic/Topographic Center, Defense Mapping Agency Washington Area Human Resources Operations Office, ST D–49, Room 132–A, Erskine Hall, 4600 Sangamore Road, Bethesda, MD 20816–5003 and DMA Aerospace Center, HRSHD ST L–58, 3200 South Second Street, St. Louis, MO 63118–3399.

Written requests for information should contain the full name of the individual, current address and telephone number, and the case control number that appears with the office symbol, on all correspondence received from this office.

For personal visits, the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Entry of information by attending nurse. Record of treatment.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0901–07

SYSTEM NAME:

Alcoholism and Drug Abuse Files.

SYSTEM LOCATION:

DMA Civilian Personnel Offices. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees who have contacted program counselor requesting assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains counseling interview notes, medical documents, therapy/treatment referral notes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 U.S.C 1175

PURPOSE(S):

To maintain documents relating to alcohol and narcotic control, treatment, assistance, and advice provided to DMA personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed chronologically by number; names deleted, but are known by counselor.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Destroy when 3 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Human Resources Work Force Management Division, ST B–5, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Human Resources Work Force Management

Division, ST B–5, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Human Resources Work Force Management Division, ST B–5, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, and Social Security Number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Employee interviews and medical reports. Employee or relatives.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B0501–08

SYSTEM NAME:

Civilian Employee Drug Abuse Testing Program Records.

SYSTEM LOCATION:

DMA Headquarters, 8613 Lee Highway, Fairfax, VA 22031–2137; DMA Combat Support Center, 8613 Lee Highway, Fairfax, VA 22031–2137; DMA Hydrographic/Topographic Center, 4600 Sangamore Road, Bethesda, MD 20816–5003; and DMA Aerospace Center, 3200 South Second Street, St. Louis, MO 63118–3399.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of, and applicants for positions in the Defense Mapping Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to the selection, notification, and testing of employees and applicants; collection authentication and chain of custody documents; laboratory test results information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7301 and 7361; Pub. L. 100–71; E.O. 12564, Drug-Free Federal Workplace; and E.O. 9397

PURPOSE(S):

The system is established to maintain Drug Program Coordinator records on the selection, notification, and testing of employees and applicants (i.e., urine specimens, drug test results, chain of custody records, etc.) for illegal drug use.

Records contained in this system are also used by DMA's Medical Review Official; the administrator of any Employee Assistance Program in which the employee is receiving counseling or treatment or is otherwise participating; and management officials within DMA having authority to take adverse personnel action against such employee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In order to comply with the provisions of 5 U.S.C. 7301, the DMA 'Blanket Routine Uses' do not apply to this system of records.

To a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders and secured file cabinets. Electronic records exist on magnetic tape, diskette, or other machine readable media.

RETRIEVABILITY:

Records are retrieved by Agency activity name, employee or applicant name, Social Security Number, Identification Number assigned, collection site, date of testing, or any combination of these.

SAFEGUARDS:

Paper records are stored in file cabinets that are locked when not being used. Electronic records are accessed on computer terminals in supervised areas using a system with password access safeguards. All employee and applicant records are maintained and used with the highest regard for employee and applicant privacy. Only persons on a need-to-know basis and trained in the handling of information protected by the Privacy Act have access to the system.

RETENTION AND DISPOSAL:

Records on employees are retained for two years. Records on applicants are maintained for a period not to exceed six months. Records are destroyed by shredding, burning, or, in the case of electronic records, by erasure.

SYSTEM MANAGER(S) AND ADDRESS:

DMA Drug Program Manager, Human Resources Work Force Management Division, ST B–5, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if this system of records contains information about themselves must address written inquiries to the DMA Drug Program Manager, Human Resources Work Force Management Division, ST B–5, 8613 Lee Highway, Fairfax, VA 22031–2137.

Requests must contain the full name, Social Security Number, current address and telephone number of subject individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records must address written inquiries to the DMA Drug Program Manager, Human Resources Work Force Management Division, ST B–5, 8613 Lee Highway, Fairfax, VA 22031–2137.

Requests must contain the full name, Social Security Number, current address and telephone number of subject individual.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records in this system are obtained from the individual to whom the records pertain; agency employees, supervisors, and management officials involved in the DMA Drug Abuse Testing Program.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B1202–17

SYSTEM NAME:

Contracting Officer Designation Files

SYSTEM LOCATION:

Contracting Offices at DMA Hydrographic/Topographic Center and DMA Aerospace Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employee designated Contracting Officer and Contracting Officer Representative at DMA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting the designation and rescission of Contracting Officers and Contracting Officers representative which includes the specific procurement authorities delegated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C 3101, Records Management by Federal Agencies.

PURPOSE(S):

To maintain documents showing individual designated as Contracting Officers or Contracting Officer's Representative (COR); to include data reflecting limitations, restrictions on authority, and background information on COR for use in other contracts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Temporary Record. Destroy upon termination.

SYSTEM MANAGER(S) AND ADDRESS:

Acquisitions, Installations, and Logistics Directorate, ST A–3, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Acquisitions, Installations, and Logistics Directorate, ST A–3, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Acquisitions, Installations, and Logistics Directorate, ST A–3, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, and the case control number that appears with the office symbol, on all correspondence received from this office.

For personal visits, the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Certificate of Appointment and background information on education, DD Form 1539, and specific information on procurement authorities delegated

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B1205–05

SYSTEM NAME:

Property Officer Designation Files.

SYSTEM LOCATION:

Property Officers of DMA Hydrographic/Topographic Center and DMA Aerospace Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees designated Property Officers who have property accounts for their organizations, and have account number.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms and/or memorandums designating property officers. Included are letters of appointment and revocation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 486, Management and Disposal of Government Property.

PURPOSE(S):

To maintain documents showing individuals authorized as equipment custodians for the various organizations within the agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

Memorandums or forms showing who or which individual is authorized custodian for equipment for the various organizations within the Agency. Name of individual, grade, and organization are shown on this document.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's account number and organization.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Destroyed in the active office two years after termination of appointment.

SYSTEM MANAGER(S) AND ADDRESS:

Acquisitions, Installations, and Logistics Directorate, ST A–3, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Acquisitions, Installations, and Logistics Directorate, ST A–3, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Acquisitions, Installations, and Logistics Directorate, ST A–3, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, Social Security Number.

For personal visits the individual should be able to provide some

acceptable identification, such as, drivers license, employing office's identification card, and some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Internal correspondence designating responsible property accounting individuals

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B1205–23

SYSTEM NAME:

Report of Survey Files.

SYSTEM LOCATION:

DMA Hydrographic/Topographic Center, DMA Aerospace Center, Defense Mapping School and Combat Support Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYETEM:

DMA personnel that have loss, damage, or destroyed accountable Government property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files consist of reports that describe the circumstances concerning loss, damage or destruction of Government property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 486, Management and Disposal of Federal Property - Policies, Regulation and Delegations; Promulgation by President.

PURPOSE(S):

To determine responsibility and recognize appropriate actions to be taken as to pecuniary liability.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

Logistics Officer - determine responsibility and recommend appropriate action be taken as to pecuniary liability.

Director final decision on payment.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record in file folders and/or Kardex book.

RETRIEVABILITY:

Filed by assigned control number of individual.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Destroy 2 years after date of survey action or date of posting medium.

SYSTEM MANAGER(S) AND ADDRESS:

Acquisitions, Installations, and Logistics Directorate, ST A–3, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Acquisitions, Installations, and Logistics Directorate, ST A–3, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Acquisitions, Installations, and Logistics Directorate, ST A–3, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individuals, current address and telephone number, and the case control number that appears with the office symbol, on all correspondence received from this office.

For personal visits, the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Report of lost damaged or destroyed property.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B1206–02

SYSTEM NAME:

Self Service Store Authorization Card Files.

SYSTEM LOCATION:

Logistics Offices at DMA Hydrographic/Topographic Center, DMA Aerospace Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DMA personnel authorized self-service store cards.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cards identifying individuals as authorized self-service store representatives, requests for issuance of cards, correspondence concerning lost and found cards and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 486, Management and Disposal of Federal Property.

PURPOSE(S):

To indicate individuals authority to sign receipt for supplies in a designated activity.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card file and file cabinets.

RETRIEVABILITY:

By account number and organization, alphabetical by last name.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Held in active file until expiration of card or change of individual; held two years and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Acquisitions, Installations, and Logistics Directorate, ST A–3, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Acquisitions, Installations, and Logistics Directorate, ST A–3, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Acquisitions, Installations, and Logistics Directorate, ST A–3, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, Social Security Number.

For personal visits the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be used to verify employment.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Memorandums, cards, forms designating an individual authorization to sign for supplies received from the self-service store.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B1208–06

SYSTEM NAME:

Motor Vehicle Operator's Permits and Qualifications Files.

SYSTEM LOCATION:

Primary System: Motor Pool at DMA Hydrographic/Topographic Center and DMA Aerospace Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

Decentralized Segments: Official Personnel Folder; Personnel Records (Civilian) Center, St. Louis, MO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DMA employees qualified and issued a motor vehicle operators permit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information on employee qualification record cards and logs in regard to permits issued to individuals authorized to operate Government equipment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 491, Management and Disposal of Federal Property-Motor Vehicle Pools and Transportation Systems.

PURPOSE(S):

To be as a record of scores on tests, such as: Eye examinations, reaction examinations and as a quick reference on an individual having a license to operate a Government vehicle.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Rotary Card file and Log Book.

RETRIEVABILITY:

Rotary Card File by last name of individual; Log Book by number of permit.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Permit is a three year record. Destroyed in the Motor Pool.

Qualification Record is kept in active office until separation or transfer of individual concerned, then transferred to Personnel Office for incorporation into the Official Personnel Folder.

SYSTEM MANAGER(S) AND ADDRESS:

Acquisitions, Installations, and Logistics Directorate, ST A–3, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Acquisitions, Installations, and Logistics Directorate, ST A–3, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Acquisitions, Installations, and Logistics Directorate, ST A–3, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, Social Security Number.

For personal visits the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Qualification records consisting of scores on tests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B1211–03

SYSTEM NAME:

Passport Files.

SYSTEM LOCATION:

DMA Headquarters, DMA Hydrographic/Topographic Center, and DMA Aerospace Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

Decentralized Segment: State Department (Passports).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals traveling overseas on official government orders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating passports and visas for DMA personnel, including their dependents. Included are requests and receipts for passports, transmittal letters, control cards, and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, Records Management by Federal Agencies.

PURPOSE(S):

To maintain documents relating to passports and visas for DMA personnel and their dependents, for travel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in locked cabinets.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Held in active office until separation or transfer of individual. Transferred to State Department upon transfer or separation of individual.

SYSTEM MANAGER(S) AND ADDRESS:

Information Management Office, ST A–2, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Information Management Office, ST A–2, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Information Management Office, ST A–2, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address and telephone number, Social Security Number.

For personal visits the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could verify employment.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Requests and receipt for passports and visas.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

B1211–07

SYSTEM NAME:

Individual Government Transportation Files.

SYSTEM LOCATION:

Primary system: Travel Offices at DMA Headquarters, DMA Hydrographic/Topographic Center, DMA Aerospace Center. Official mailing addresses are published as an appendix to DMA's compilation of systems of records notices.

Decentralized Segments: Records Management, Records Holding Areas.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DMA employees authorized government travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel orders and other pertinent correspondence and related documents, and copies of issued and canceled transportation requests, transportation certificates, MAC transportation authorizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, Records Management by Federal Agencies, 45 U.S.C. 5707, Travel and Substance Expense Regulation.

PURPOSE(S):

To officially designate Transportation Officer, Assistants and Agents to record authorized travel, issue orders, make travel arrangements, and prepare vouchers for reimbursement to DMA employees (military and civilian).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DMA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetical by name on individual folders or by TR number in case of group travel.

SAFEGUARDS:

Records are maintained in a secured area/locked file cabinets with access limited to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Travel Office holds for one year, transfers to Records Holding Area, held for three (3) years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Information Management Office, ST A–2, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Information Management Office, ST A–2, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Information Management Office, ST A–2, Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Written requests for information should contain the full name of the individual, current address, and telephone number, Social Security Number.

Personal visits - the individual should be able to provide some acceptable identification, such as, drivers license, employing office's identification card, and give some verbal information that could verify employment.

CONTESTING RECORD PROCEDURES:

DMA's rules for accessing records and contesting contents and appealing initial agency determinations are published in DMA Instruction 5400.11; 32 CFR part 320; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Folders contain various amounts of information on issued and canceled transportation requests, transportation certificates, travel orders and related data on overseas employees, DMA employees and invitational orders.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DEFENSE MAPPING AGENCY OFFICIAL MAILING ADDRESSES

Defense Mapping Agency, 8613 Lee Highway, Fairfax, VA 22031–2137.

Defense Mapping Agency Component Activities

DMA Aerospace Center, 3200 South Second Street, St. Louis, MO 63118–3399.

DMA Hydrographic/Topographic Center, 4600 Sangamore Road, Bethesda, MD 20816–5003.

DMA Combat Support Center, 6001 MacArthur Boulevard, Bethesda, MD 20816–5001.

DMA Systems Center, 12100 Sunset Hills Road, Suite 200, Reston, VA 22090–3207.

DMA Reston Center, 12310 Sunrise Valley Drive, Reston, VA 22091–3414.

Defense Mapping School, Fort Belvoir, VA 22060–5822.

OFFICE OF THE INSPECTOR GENERAL, DOD

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required to locate and retrieve the record.

BLANKET ROUTINE USES

Certain 'blanket routine uses' of the records have been established that are applicable to every record system maintained within the Department of Defense unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below only once in the interest of simplicity, economy and to avoid redundancy.

LAW ENFORCEMENT ROUTINE USE

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

DISCLOSURE WHEN REQUESTING INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

DISCLOSURE OF REQUESTED INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

CONGRESSIONAL INQUIRIES ROUTINE USE

Disclosure from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

PRIVATE RELIEF LEGISLATION ROUTINE USE

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS ROUTINE USE

A record from a system of records maintained by this component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES ROUTINE USE

Any information normally contained in IRS Form W–2 which is maintained in a record from a system of records maintained by this component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517, 5520, and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Number 76–07.

DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT ROUTINE USE

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

DISCLOSURE TO MILITARY BANKING FACILITIES OVERSEAS ROUTINE USE

Information as to current military addresses and assignments may be provided to military banking facilities

VOL 58 ISS 33 FE 22 1993 UMI

who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

DISCLOSURE OF INFORMATION TO THE GENERAL SERVICES ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO THE MERIT SYSTEMS PROTECTION BOARD ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DOD investigation, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

COUNTERINTELLIGENCE PURPOSES ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use outside the DOD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

CIG–01

SYSTEM NAME:

Privacy Act and Freedom of Information Act Files.

SYSTEM LOCATION:

Freedom of Information Act and Privacy Act Office, Office of the Assistant Inspector General for Administration and Management, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted or were the subjects of request made under the Privacy Act of 1974 (5 U.S.C. 552a) or the Freedom of Information Act (5 U.S.C. 552).

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of all Freedom of Information Act and Privacy Act (FOIA/PA) requests and the answers thereto. Correspondence pertaining to the requests, the information released or withheld; summaries, logs of actions taken and correspondence from and to other Department of Defense (DOD) and Federal agencies regarding specific requests of mutual interest. Documents pertaining to all appeals and legal actions concerning Office of the Inspector General (OIG) actions in response to such requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the Inspector General Act of 1978, (Pub. L. 95–452), as amended, and DOD Directive 5106.1 (32 CFR part 376) implementing that law, the Inspector General (IG), DOD is authorized to organize, direct and manage the OIG, to include the creation and maintenance of necessary records. 5 U.S.C. 552, Freedom of Information Act and 5 U.S.C. 552a, the Privacy Act of 1974, as amended.

PURPOSE(S):

Records are used to respond to individual requests for access to records made under either act and to respond to requests for amendment made under the Privacy Act, to document OIG actions in response to these requests, and any subsequent appeals regarding agency actions or litigation. Records are used by OIG personnel to take and coordinate actions with other OIG, DOD, and Federal and state agencies. OIG investigative, audit and inspection personnel when the release of the information requested may have an impact on these activities.

Also, information may be provided to the appropriate OIG element when further action is needed to verify assertions of the requester or to obtain permission to release information obtained from sources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be provided to other Federal agencies and state and local agencies when it is necessary to coordinate responses or denials.

The 'Blanket Routine Uses' set forth at the beginning of the OIG's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and computerized index listings.

RETRIEVABILITY:

Paper records are retrieved by Control Number assigned to individual case files. Computerized index listings are retrieved by individual's surname.

SAFEGUARDS:

Records are stored in locked security containers accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Privacy Act Records: Requests which are granted wholly, unappealed denials, and denials completely overruled on appeal by the appeal authority are destroyed two years after the reply or the final OIG, DOD action. Denials and partial denials which are not overruled on appeal or are the subject of litigation are destroyed five years after the final OIG or judicial action, as appropriate.

Freedom of Information Act Records: Records of requests that are totally granted are destroyed two years after the date of the OIG reply. Records of all denials are destroyed five years after the OIG reply. Records of appeals are destroyed four years after final OIG, DOD reply or three years after final adjudication by a court, whichever is sooner.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Freedom of Information Act/Privacy Act Office, Office of the Assistant Inspector General for Administration and Management, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

Please include full information regarding the previous request such as date, subject matter, and if available, copies of the previous OIG reply.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

Please include full information regarding the previous request such as date, subject matter, and if available, copies of the previous OIG reply.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individuals on whom records are maintained and official records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

CIG–02

SYSTEM NAME:

Applicant Records.

SYSTEM LOCATION:

Primary location: Office of the Assistant Inspector General for Administration and Information Management, Personnel and Security Directorate, 400 Army Navy Drive, Arlington, VA 22202–2884.

Portions of this system may be temporarily maintained by other Office of the Inspector General (OIG) offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted applications or other correspondence directly to OIG or its components indicating an interest in employment with the OIG or any of its components.

CATEGORIES OF RECORDS IN THE SYSTEM:

Temporary records of the applicant's interest in or qualifications for employment with the Office of the Inspector General.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the Inspector General Act of 1971, (Pub. L. 95–452), as amended, and DOD Directive 5106.1 (32 CFR part 376) implementing that law, the IG, DOD is authorized to organize, direct the OIG, to include the creation and maintenance of necessary records.

PURPOSE(S):

To identify applicants and determine their eligibility for positions with the Office of the Inspector General. Used by OIG personnel and supervisory personnel to select employees and to respond to requests for employment.

Information may be coordinated with other DOD activities for verification purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be provided to other Federal agencies when it is necessary to verify the information provided.

The 'Blanket Routine Uses' set forth at the beginning of the OIG's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by surname of applicant.

SAFEGUARDS:

Records are stored in locked security containers accessible only to authorized personnel. Offices are locked after duty hours and security guards are used.

RETENTION AND DISPOSAL:

Records are temporary and are destroyed as classified waste as soon as a final OIG determination is made regarding the hiring action.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Inspector General for Administration and Management, Personnel and Security Directorate, 400 Army Navy Drive, Arlington, VA 22202–2884.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

Written request should contain the full name of the applicant, and the approximate date of the application.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

Written request should contain the full name of the applicant, and the approximate date of the application.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individuals on whom records are maintained and official records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

CIG–03

SYSTEM NAME:

Personnel Locator Cards.

SYSTEM LOCATION:

Primary location: Office of the Assistant Inspector General for Administration and Management, Administration and Resources Acquisition Directorate, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

Secondary locations: The various components and activities of the Office of the Inspector General, DOD, maintain locator cards on personnel assigned to them.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel assigned or attached to the Office of the Inspector General (OIG) or its components, and certain formerly assigned or attached individuals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Locator cards reflecting the name, location and telephone number of the assigned or attached individual.

VOL
58
ISS
33
FE
22
1993
UMI

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the Inspector General Act of 1971, (Pub. L. 95–452), as amended, and DOD Directive 5106.1 (32 CFR part 376) implementing that law, the IG, DOD is authorized to organize, direct and manage the OIG, to include the creation and maintenance of necessary records.

PURPOSE(S):

Records are used to locate individuals assigned or attached to OIG by OIG administrative and supervisory personnel at the OIG and in field activities. Records are used to aid in the distribution of communications addressed to individuals, and to make and verify entries in personnel rosters, directories, and listings. Individuals are allowed to restrict the unofficial use of the information in the system. Locator information may be provided to agencies and individuals within DOD having a need for such information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Locator information regarding specific individuals may be provided to other agencies and individuals upon request subject to the limits established by the individual.

The 'Blanket Routine Uses' set forth at the beginning of the OIG's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records consist of paper forms and computerized listings.

RETRIEVABILITY:

Filed alphabetically by surname.

SAFEGUARDS:

Records are stored in security containers and locked file cabinets accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Retained in active file until departure of the individual and then placed in inactive file. Destroyed one year after departure. Records are destroyed as if classified waste.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Inspector General for Administration and Management, Administration and Resources Acquisition Directorate, Office of the Inspector General, Department of Defense, 400 Army Navy Drive Arlington, VA 22202–2884.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

Individual should provide the dates of his/her assignment to OIG and the OIG component to which assigned.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

Individual should provide the dates of his/her assignment to OIG and the OIG component to which assigned.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual on whom records are maintained and official records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

CIG–04

SYSTEM NAME:

Case Control System - Investigative.

SYSTEM LOCATION:

Primary location: Office of the Assistant Inspector General for Investigations/Defense Criminal Investigative Service, 400 Army Navy Drive, Arlington, VA 22202–2884.

Decentralized Locations: Office of the Assistant Inspector General for Investigations/Defense Criminal Investigative Service Regional Field Offices, Resident Agencies, and various Investigations Headquarters components have temporary control over portions of the records. The Office of the Assistant Inspector General for Criminal Investigations Policy and Oversight (CIPO) originates and has control over portions of the records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person or activity which is the subject of an ongoing or recently complete OIG investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file is composed of records of investigations which are being or have been conducted by the OIG. Records contain the name and other personal identifying information on individuals who are investigated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the Inspector General Act of 1978, (Pub. L. 95-452), as amended, and DOD Directives 5106.1 (32 CFR part 376) implementing the law, the Inspector General, DOD, is authorized to organize direct, and manage the OIG, to include creating and maintaining necessary records.

PURPOSE(S):

The file contains open and closed case listings used to manage investigations, to produce statistical reports, and to control various aspects of the investigative process. Users are the Case Control Officers; OIG Project Officers, and other OIG officials. Used to determine the existence, location, and status of cases, control workload, and to prepare statistical reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

. The 'Blanket Routine Uses' set forth at the beginning of the OIG's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and automated data system.

RETRIEVABILITY:

By name, Social Security Number, military service number or case control number and complete text retrieval by single word or word groups for some records.

SAFEGUARDS:

Files are maintained in locked cabinets accessible only to those with an official need-to-know and electronic data system is pass word protected.

RETENTION AND DISPOSAL:

Records are retained for one year and then disposed of as classified waste.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Inspector General for Investigations/Defense Criminal Investigative Service, 400 Army Navy Drive, Arlington, VA 22202–2884.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves

is contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

Requester should provide the full name of the subject company or individual, and all maiden and alias names under which the file may be maintained. Personal identifiers which should be included are date and place of birth, Social Security Number, and the last four digits of a military service number. These assist in locating files and are helpful in conducting the search. However, furnishing of personal identifiers is voluntary. Searches will be limited to the data furnished. The office listed above may be visited from 9 a.m. to 3 p.m., Monday through Friday. Requesters visiting the office should bring personal documents as proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

Requester should provide the full name of the subject company or individual, and all maiden and alias names under which the file may be maintained. Personal identifiers which should be included are date and place of birth, Social Security Number, and the last four digits of a military service number. These assist in locating files and are helpful in conducting the search. However, furnishing of personal identifiers is voluntary. Searches will be limited to the data furnished. The office listed above may be visited from 9 a.m. to 3 p.m., Monday through Friday. Requesters visiting the office should bring personal documents as proof of identity.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

OIG Case Control Centers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt pursuant to 5 U.S.C. 552(j)(2), as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 312. For additional information contact the system manager.

CIG–05

SYSTEM NAME:

DOD Motions for Discovery of Electronic Surveillance Files.

SYSTEM LOCATION:

Office of the Assistant Inspector General for Criminal Investigations Policy and Oversight, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those individuals and/or organizations on which the Department of Justice has requested information upon which to base their reply to court approval motions for discovery of electronic surveillance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Chronological listing for identification and location of files. Individual case files to include original and subsequent requests from the Department of Justice; file copy of memorandum to the DOD Components' responses to the Office of Secretary of Defense (OSD), and copies of OSD's responses to the Department of Justice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 526, Conduct of Litigation Reserved to Department of Justice.

PURPOSE(S):

Preparation of response to Department of Justice, as well as any subsequent inquiries from that office.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Justice's response to court-approved motion for discovery.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and computerized listings.

RETRIEVABILITY:

Filed by year and case name.

SAFEGUARDS:

Records are stored in security combination lock file containers accessible only by office personnel of the Office of the Assistant Inspector General for Criminal Investigations Policy and Oversight and computerized listings are pass word protected.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file until end of calendar year in which project is completed, held one additional year in inactive file and subsequently retired to Washington National Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Inspector General for Criminal Investigations Policy and Oversight, 400 Army Navy Drive, Arlington, VA 22202–2884.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

Written requests for information should contain the full name of the individual, date, and place of birth, and Social Security Number.

The records requested may be made available to individuals for review at the Office of the Assistant Inspector General for Criminal Investigations Policy and Oversight, 400 Army Navy Drive, Arlington, VA 22202–2884.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are publishedin 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Department of Justice formal written inquiries and internal correspondence necessary to gather information to make replies to such inquiries.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

CIG–06

SYSTEM NAME:

Investigative Files.

SYSTEM LOCATION:

Primary location: Office of the Assistant Inspector General for Investigations/Defense Criminal Investigative Service, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884 has primary control over the system.

Decentralized Locations: Office of the Assistant Inspector General for Investigations/Defense Criminal Investigative Service Regional Field Offices, Resident Agencies, and various Investigations Headquarters staff elements originate and have temporary control over portions of the records. The Office of the Assistant Inspector General for Criminal Investigations Policy and Oversight, Office of the Assistant Inspector General for Inspections, and Office of the Assistant Inspector General for Departmental Inquiries (OAIG-DI).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOD civilian personnel; members of the Armed Forces of the United States, Reserve components, and National Guard units; DOD contractors; individuals residing on, having authorized official access to, or contracting or operating any business or other functions at any DOD installation or facility; and individuals not affiliated with the Department of Defense when their activities have directly threatened the functions, property or personnel of the Department of Defense, or they have threatened any other high ranking government personnel who are provided protective service mandated by the Secretary of Defense, or they have engaged in, or are alleged to engage in criminal acts on DOD installations or directed at the Department of Defense, its personnel or functions; or individuals information regarding DOD activities falling under the purview of OIG responsibilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Official Reports of Investigation (ROIs) including any attachments, prepared by OIG or other DOD Federal, state, or local official investigative activities; Information Summary Reports (ISRs) which record unsolicited information of a criminal nature received by OIG concerning persons or incidents which are of direct interest to other DOD components or Federal agencies; documents, information, and confidential source files which are not included in the ROIs but which serve as the basis of investigations or which guide and facilitate investigative activities, including documents providing the data to open, direct, conduct, transfer and close cases; OIG file administration and management documents accounting for disclosure, control, and access to a file; and Grand Jury information not contained in reports, agent notes, fingerprint cards, duplicate files at the local level and other miscellaneous documents supporting the criminal investigation file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the Inspector General Act of 1978 (Pub. L. 95–452), as amended, and DOD Directive 5106.1 (32 CFR part 376) implementing that law, the Inspector General, DOD is authorized to organize, direct and manage the Office of the Inspector General, to include the creation of necessary records.

PURPOSE(S):

Investigative information is collected at the request of appropriate DOD officials or agencies to identify offenders, to provide facts and evidence upon which to base prosecution, to effect corrective administrative action and to recover money and property which has been wrongfully appropriated. Information contained in ISRs is disseminated to interested DOD components. Information is collected during reciprocal investigations conducted for other DOD investigative elements for maintenance and use by the requesting DOD activity. Users of OIG investigative information include: OIG personnel in the course of their official duties; other accredited DOD investigative elements, DOD Agencies, elements of the Military Departments and representatives of the Secretary of Defense and the Joint Chiefs of Staff. OIG investigative records are used: In criminal law enforcement investigations including statutory violations, counterintelligence as well as counterespionage and counterterrorist activities and other security matters; to provide information in contractor responsibility and suspension/debarment determinations; to provide information in contractual actions; to make statistical evaluations of OIG investigative activities; to respond to Freedom of Information Act access requests; to determine loyalty, suitability, eligibility, and general trustworthiness of individuals for access to classified information and government facilities, for entry into, retention in and for personnel actions in the Armed Forces or Federal employment; to provide information in response to Inspector General, Equal Employment, or other complaint investigations and congressional inquiries; to obtain relevant information from federal, state, local and foreign agencies; to obtain employment records, if necessary, from business enterprises; and to obtain information relevant to the on-going investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information contained in ISR's is disseminated to interested Federal agencies. Information is collected during reciprocal investigations conducted for other Federal investigative elements (or in limited instances, for local or state law enforcement agencies) for maintenance and use by the requesting activity. Users of OIG investigative information include: Accredited Federal criminal and civil law enforcement agencies; regulatory and licensing agencies; other accredited Federal agencies conducting investigations to evaluate suitability for employment or access to classified information; congressional committees; and the General Accounting Office. OIG investigative records are used: In criminal law enforcement investigations including statutory violations; in counterintelligence as well as counterespionage and counterterrorist activities and other security matters conducted by other agencies; to assist agencies charged with the responsibility for investigating or prosecuting violations of laws, rules, regulations or orders; to provide information in judicial or adjudicative proceedings including litigation or in accordance with a court order; to determine loyalty, suitability, eligibility, and general trustworthiness of individuals for access to classified information and government facilities; by other Federal agencies in connection with hiring and retention of employees, issuance of security clearance, or other benefit by the requesting agency; to provide information pertinent to the protection of persons under the provisions of 18 U.S.C. 3056; to obtain employment records, if necessary, from business enterprises; and obtain information relevant to the on-going investigations.

The 'Blanket Routine Uses' set forth at the beginning of the DOD IG's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders, on microfilm, supplementary index cards, and computerized listings.

RETRIEVABILITY:

Investigations are centrally retrievable through the Defense Investigative Service Case Control System (DIS System V5–04); or the Defense Central Index of Investigations (DIS System V5–02), and computerized listings.

SAFEGUARDS:

All OIG records are stored in locked safes and are accessible only to authorized personnel who have a need-to-know in conjunction with their official duties and computerized listings are pass word protected. Recipients of investigative information are responsible for safeguarding the information within the guidelines provided by OIG.

RETENTION AND DISPOSAL:

Retention of closed OIG investigative files is authorized for 25 years, except they may be offered to the National Archives after 15 years. Fraud prevention surveys are maintained for 10 years. Generally, ISRs are retained only 60 days. The partial duplicate records are retained for one year. All records are destroyed as if they were classified material.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Inspector General for Investigations/Defense Criminal Investigative Service, 400 Army Navy Drive, Arlington, VA 22202–2884.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

Individual should provide full name, date, and place of birth and Social Security Number, and any other pertinent data concerning the topic of the communication. These items are necessary for retrieval of information.

Individuals may visit the Office of the Assistant Inspector General for Investigations/Defense Criminal Investigative Service, 400 Army Navy Drive, Arlington, VA 22202–2884 to make direct inquiries regarding this system. A check of personal identification will be required of all visitors making such inquiries providing the personal data is voluntary. However, the record search will be limited to the data furnished.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

Individual should provide full name, date, and place of birth and Social Security Number, and any other pertinent data concerning the topic of the communication. These items are necessary for retrieval of information.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Subjects and suspects of OIG investigations. Interview of witnesses, victims, and confidential sources. All types of records and information maintained by all levels of government, private industry, and non-profit organizations reviewed during the course of the investigation or furnished the OIG. Any other type of record deemed necessary to complete the OIG investigation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt pursuant to 5 U.S.C. 552(j)(2), as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 312. For additional information contact the system manager.

CIG–07

SYSTEM NAME:

Decision Support System (DSS) - OAIG-AUD.

SYSTEM LOCATION:

Office of the Assistant Inspector General for Auditing, Planning, Resources, and Reports Division, 400 Army Navy Drive, Arlington, VA 22202–2884. Portions of the system may be maintained by other components of Office of the Inspector General.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active personnel employed by the Office of the Assistant Inspector General for Auditing (OAIG-AUD) activities to include retired and separated employees. Records on former employees are maintained for two years after termination, reassignment or retirement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data on individual's current employment status, training experiences, audit and training venues and the following personal data: Name, home address and telephone number, date of birth, race and sex, veterans preference code, handicap code, pay grade and step, federal pay plan, duty address and telephone number, security clearance, computer access code, entered on duty date, service computation date, date of last promotion, date of next evaluation, date of last evaluation, position title, education, number of training days, date of release, hourly rate, career status code, and employee status code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the Inspector General Act of 1978, (Pub. L. 95–452), as amended, and DOD Directive 5106.1, (32 CFR part 376) implementing the law, the Inspector General, DOD, is authorized to organize, direct, and manage the OIG, to include the creation and the maintenance of any necessary records. E.O. 9397.

PURPOSE(S):

Information is used for:

(a) Personnel and Billet reporting; used by the Staff Manager and all levels of management in the monitoring of personnel actions in regard to promotion eligibility, filling of vacancies, and tracking of personnel transfers and reassignments within the Office of the Assistant Inspector General for Auditing. Security clearance notification is provided to all audited activities in advance of visits by audit personnel.

(b) Audit project management and auditor assignment control and reporting; used by managers to maximize manpower resources and to provide audit cost summary data. Resource information includes audit number, milestone dates, projected travel costs, and projected staffing costs.

(c) Staff Utilization reports; used by managers primarily to track manhours allocated towards audit preparation and active audit projects, to allow for more effective scheduling of unassigned personnel, and to categorize indirect time expended for end-of-year reporting.

(d) Travel reporting; tracking temporary duty (TDY) travel frequency and duration. Utilized by managers for workload planning, travel scheduling, and to control travel costs on assigned audit projects.

(e) Time and Attendance (T&A) reporting; provided by all audit activities, to include regional offices in the United States and Overseas. Used by T&A Coordinators to assist in providing time and attendance to the centralized payroll system.

(f) Training reporting; used primarily by the Training Officer and by all levels of management in determining future training needs, to schedule in-house training, and for the monitoring and

administering of training for individual development.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from the system may be provided to other Federal, State and Local Agencies when it is necessary to coordinate responses or denials.

The 'Blanket Routine Uses' set forth at the beginning of the OIG's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on direct access disk and magnetic tape backup at the Washington Computer Center, United States Department of Agriculture, Washington, DC 20250.

RETRIEVABILITY:

Records can be retrieved by Social Security Number. A specified data element or a combination thereof contained in this system of records can be used for accessing information.

SAFEGUARDS:

Computer systems in which records reside are located in secured rooms accessible only to authorized personnel. Access to the DSS is protected through the use of assigned user/I.D.'s and passwords for entry to the different subsystem applications. Once entry is acknowledge by the system; individual(s) are only allowed to perform predefined transactions/ processes on files according to their access levels and functionality.

RETENTION AND DISPOSAL:

Active records for individuals are maintained continuously or as needed. Deletion of records from the system for inactive individuals are performed on employee's date of retirement, separation or transfer to another organization. Machine records are destroyed by erasure or overprinting. Paper records are destroyed as if classified waste.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Inspector General for Auditing, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

Individuals requesting information should provide proper identification and the location where the individual's record resides; written request must be signed by the individual making the request.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

Individuals requesting information should provide proper identification and the location where the individual's record resides; written request must be signed by the individual making the request.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official Personnel Folder and other personnel input documents, activity supervisors, applications and other official Office of the Assistant Inspector General for Auditing forms completed by the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

CIG–09

SYSTEM NAME:

Personnel Security Clearance/ Eligibility Data.

SYSTEM LOCATION:

Office of the Assistant Inspector General for Administration and Information Management, Personnel and Security Division, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian and military personnel of the Office of the Inspector General (OIG) who have been found eligible for employment/assignment in a sensitive position and/or granted a security clearance for access to information classified in the interests of national security.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer record of each individual in the Personnel Security Clearance/ Eligibility Data system. Computer listings are generated from this system in the form of a Personnel Security Clearance/Eligibility Listing. Printouts provide the respective senior official with complete personnel security data on their personnel who are assigned to sensitive positions. The printout reflects names of each individual authorized access, and their level of access to classified information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended, which was issued by virtue of the authority vested in the President by of 5 U.S.C. 7532, and their statutes enumerated in E.O. 10450; E.O. 9397; Department of Defense Regulation, DOD 5200.2–R, Personnel Security Program Regulation, that mandates the establishment of a single Central Adjudication Facility within each Agency to record those adjudications made to support the DOD Personnel Security Program; 32 CFR part 159.

PURPOSE(S):

This record system is used by OIG Management officials to control the number of, and level of, sensitive positions; identify personnel assigned to these positions; and to determine whether personnel have been granted a clearance and the level of such clearance or access authorized.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information on the clearance/ eligibility status of individuals may be provided to the appropriate clearance access officials of other agencies when necessary in the course of official business. Certifications of clearance are issued to officials of other agencies when necessary in the course of official business.

The 'Blanket Routine Uses' set forth at the beginning of the OIG's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in folders; computer print-outs and automated data base files.

RETRIEVABILITY:

Records are contained in the data base and are retrievable by name, Social Security Number, and various other keys.

SAFEGUARDS:

Records are maintained in areas that conform to applicable DOD security

policies for safeguarding the record. Access to and retrieval from computerized files is limited to authorized users and is password protected/restricted.

RETENTION AND DISPOSAL:

New Personnel Security Clearance/ Eligibility data listings are printed monthly, prior listings are destroyed within 90 days. Records are purged from active files 18 months after employee departs the OIG.

SYSTEM MANAGER(S) AND ADDRESS:

Security Branch, Personnel and Security Directorate, Office of the Assistant Inspector General for Administration and Management, 400 Army Navy Drive, Arlington, VA 22202–2884.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

Individual should provide full name, Social Security Number, current address and telephone numbers of the individual requestor. For personal visits, the individual should be able to provide some acceptable identification, that is driver's license or employing office identification card.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Certificates of clearance and/or record of personnel security investigations which are completed during a review of reports of investigations conducted by the Department of Defense and other Federal investigative organizations. Also, personnel security files are maintained on individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

CIG–10

SYSTEM NAME:

Validation of Credentials of DOD Contractors' Employees.

SYSTEM LOCATION:

Office of the Assistant Inspector General for Analysis and Follow-up, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals employed by Department of Defense (DOD) Contractors, to include Consultants to the Contractors, selected on a random basis for validation of credentials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resumes containing personal information consisting of an individual's name, Social Security Number, schools attended, location of schools, degree(s) awarded, date(s) awarded, work history and last known or current address. Records also contain documents validating the individual's educational credentials, experience, and state, federal and/or board certification(s).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95–452, the Inspector General Act of 1978, as amended; 10 U.S.C. 133, Secretary of Defense: Appointment, Powers, Duties and Delegation by: DOD Directive 5106.1, Inspector General of the Department of Defense (32 CFR part 373).

PURPOSE(S):

To validate credentials such as education, experience, and state, federal and/or board certification of persons employed by DOD Contractors, where such credentials have been cited as part of the cost basis for accomplishing contract requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the OIG's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer magnetic disks and paper printouts in secure filing cabinets.

RETRIEVABILITY:

Paper records filed in folders and computer magnetic disks retrieved by using a computerized index of names.

SAFEGUARDS:

Paper records are filed in folders stored in a locked filing cabinet. Computer disks and printouts are stored in a locked filing cabinet. Locked filing cabinets are stored in a limited access area.

RETENTION AND DISPOSAL:

Paper records and computer disks are to be retained until completion of the overall validation process and data analysis, then destroyed. Where discrepancies occur in the listed credentials, during the validation process, those credentials at issue will be submitted to the Assistant Inspector General for Investigations for follow-up to resolve the issue.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Inspector General for Analysis and Follow-up, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

Individual should provide his/her full name (first, middle, last), former maiden and married names or other aliases, name of DOD Contractor for whom employed and approximate dates, and current address.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Department of Defense Contractor bid packages and/or personnel files, colleges/universities, and state/federal licensing and/or certification boards.

To the extent that follow-up to resolve discrepancies is required, information collected directly from the individual may be included in investigative inquiries.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

VOL
58
ISS
33
FE
22
1993
UMI

CIG–11

SYSTEM NAME:

Budget Information Tracking System (BITS).

SYSTEM LOCATION:

Office of the Assistant Inspector General for Administration and Information Management, Financial Management Directorate, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Office of the Inspector General employees who participate in OIG Travel, Permanent Change of Station, Awards, and Training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cost records of OIG employees who have been approved for Temporary Duty and Blanket Travel; employee training; Permanent Change of Station (PCS); and employee cash awards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95–452, the Inspector General Act of 1978, as amended; 10 U.S.C. 133, Secretary of Defense: Appointment, Powers, Duties and Delegation by; DOD Directive 5106.1, Inspector General of the Department of Defense (32 CFR part 373); and E.O. 9397.

PURPOSE(S):

Information is used in determining current year execution and future budgetary requirements for the OIG. Personal information such as individual's name, Social Security Number and grade/rank are used as follows:

a. Tracking temporary duty travel costs. Personal information, individual's name and Social Security Number are used as unique identifiers used in querying the system for cost data.

b. Tracking blanket travel costs and effective dates.

c. Tracking training costs and requirements.

d. Tracking Permanent Change of Station costs.

e. Tracking cash award costs. Personal information, grade/rank are used in determining the cash award ceiling and range available to the individual proposing the cash award.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the OIG's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on computer disks, stored in a fireproof safe. Paper records are forwarded to the appropriate office within the OIG for storage.

RETRIEVABILITY:

Records are retrieved by Social Security Number. A specified data element or a combination thereof contained in this system of records can be used for accessing information.

SAFEGUARDS:

Access to the system is protected/restricted through the use of assigned user identification/passwords for entry into system modules.

RETENTION AND DISPOSAL:

Records are maintained for the current fiscal year. Records are then archived and stored in a fireproof safe for three years. At the end of the third year, the archived disks and paper records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Inspector General for Administration and Management, Financial Management Directorate, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

The request should contain the full name, address, and Social Security Number of the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

The request should contain the full name, address, and Social Security Number of the individual.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data maintained in the system is obtained directly from the individual on the following forms:

a. Request to Temporary Duty Travel Form, provided to the Travel Section with information obtained from the individual traveler;

b. Request for Permanent Change of Station Form, provided by the Personnel and Security Directorate and Travel Section with information obtained from the individual;

c. Request for Training Form, provided by the Training Officer within each segment of the Office of the Assistant Inspector General with information obtained from the individual; and

d. Incentive Awards Nomination and Action Form, provided by the Personnel and Security Directorate with information obtained from an individual's supervisor and personnel records.

To the extent that a follow-up to resolve discrepancies is required, information is collected directly from the individual or the appropriate office within the Office of the Inspector General on Department of Defense (DD) Forms 1610 and 1614, Standard Form 182, and IG Form 1400.430–3.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

CIG–12

SYSTEM NAME:

Drug Free Workplace Records.

SYSTEM LOCATION:

Office of the Assistant Inspector General for Administration and Information Management, Personnel and Security Directorate, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884, and offices of designated contractors.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of, and applicants for positions in, the Office of the Inspector General.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to program implementation; administration (selection, notification, testing of employees and applicants, for illegal drug use and employee assistance); interservice/agency support agreements/designated contractors for specimen collection, laboratory testing and medical review services; training requirements; urine specimens, drug test results; policy guidance; self-

identification records; requests for testing submitted by employees or supervisors; testing notification; documentary evidence in support of testing decision; chain of custody records regarding testing samples, reports of testing performed; documentary evidence submitted by employee or applicant in rebuttal test results; reports of medical finding test results; disciplinary/adverse action records to include notification of proposed action and documentary evidence submitted in support thereof and management's action; referrals to counseling/rehabilitation services; records regarding employees; consent for release of information concerning counseling/rehabilitation progress. Records relating to the illegal possession or distribution of controlled substances (as specified in Schedules I through V, as defined in 21 U.S.C. 802(6) and listed in Part B, Subchapter 13 of that Title), by the employees of the OIG will also be maintained in this system of records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7301 and 7361; 21 U.S.C. 812; Pub. L. 100–71; E.O. 12564 and 9397; and DOD Directive 1010.9, DOD Civilian Employee Drug Abuse Testing Program.

PURPOSE(S):

The system is established to maintain records relating to the implementation of the program, administration, selection, notification and testing of OIG employees, and applicants for employment, for the use of illegal drugs and drugs identified in Schedule I and II of 21 U.S.C. 812. Records relating to the illegal possession or distribution of controlled substances, (as specified in Schedules I through V, as defined in 21 U.S.C. 802(6) and listed in Part B, Subchapter 13 of that Title) by the employees of the OIG will also be maintained in this system of records. Records will consist of, but not be limited to, interservice/agency support agreement/designated contractors for specimen collection, laboratory testing and medical review services; training requirements; urine specimens, reports of drug test results; policy guidance; self-identification records; requests for testing submitted by employees or supervisors; testing notification; documentary evidence in support of testing decision; chain of custody records regarding testing samples; records relating to the type and quality of testing performed; documentary evidence submitted by employee or applicant in rebuttal of test results; reports of medical findings regarding test results; disciplinary/adverse action records to include notification of proposed action and documentary evidence submitted in support thereof and management's action; referrals to counseling/rehabilitation services; records regarding employee's consent for release of information concerning counseling/rehabilitation progress; and records relating to the illegal possession or distribution of controlled substances by the employees of the OIG.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In order to comply with the provision of 5 U.S.C. 7301, the OIG's 'Blanket Routine Uses' do not apply to this system of records.

To a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders. Electronic records exist on magnetic tape, diskette, or other machine-readable media. Records are also maintained in an automated data system and electronically secured files.

RETRIEVABILITY:

Records are retrieved by employee or applicant name, Social Security Number, date of birth, specimen identification number, locally assigned identifying number, agency name, collection site or date of testing. A specified data element or a combination thereof contained in this system of records can be used for accessing information.

SAFEGUARDS:

Paper records are stored in secure containers (e.g., safes, locked filing cabinets, etc.) that are locked when not being used. Electronic records are accessed on computer terminals in supervised areas using a system with password access safeguards and is protected/restricted through the use of assigned user identification/passwords for entry into system modules. All employee and applicant records are maintained and used with the highest regard for employee and applicant privacy. Only persons on a need-to-know basis and trained in the handling of information protected by the Privacy Act have access to the systems.

Urine specimens will be stored in appropriate locked storage facilities. Access to such records and specimens is restricted.

Chain of custody and other procedural and documentary requirements of Pub. L. 100–71 and the Department of Health and Human Services Guidelines will be followed in collection or urine samples, conducting drug tests and processing test results.

RETENTION AND DISPOSAL:

Records are retained for up to three years for any employee who has separated, retired or died; or for up to five years after any and all final appeals have been adjudicated.

Destruction of records is accomplished by tearing, shredding, or burning of paper records. Electronic records are erased or overwritten.

SYSTEM MANAGER(S) AND ADDRESS:

Coordinator, Office of the Assistant Inspector General for Administration and Management, Personnel and Security Directorate, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

Individuals must furnish their full name, Social Security Number, the title, series and grade of the position they occupied or applied for when the drug test was conducted and the month and year of the test. Written requests should include the notarized signature of the subject individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

Individuals must furnish their full name, Social Security Number, the title, series and grade of the position they occupied or applied for when the drug test was conducted and the month and year of the test.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data maintained in this system is obtained from the individual to whom

VOL
58
ISS
33
FE
22
1993
UMI

the record pertains; OIG and contractor employees involved in the selection, notification, and collection of individuals to be tested; contractor laboratories that test urine specimens for the presence of illegal drugs; contractor medical review officials; supervisors and managers and other officials engaged in administering the Drug-Free Workplace Program and processing adverse actions based on drug test results and others on a case by case basis.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

CIG–13

SYSTEM NAME:

Travel and Transportation System.

SYSTEM LOCATION:

Office of the Assistant Inspector General for Administration and Information Management, Resources Acquisition Directorate, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM:

All current and former Office of the Inspector General employees who participate or who are eligible to participate in OIG Temporary Duty (TDY) and Permanent Change of Station (PCS) Travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of name, Social Security Number, title, grade and series/rank of employee, and trip ticket number assigned to travel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 95–452, the Inspector General Act of 1978, as amended; 10 U.S.C. 133, Secretary of Defense: Appointment, Powers, Duties and Delegation by; E.O. 9397; DOD Directive 5106.1, Inspector General of the Department of Defense (32 CFR part 373).

PURPOSE(S):

Information in this system will be used to issue travel orders (including Blanket Travel Orders) for TDY and PCS travel; to track travel performed in accordance with budgetary requirements; and to track travel vouchers submitted for reimbursement of travel; and to alert authorities to any discrepancies in travel performed by OIG employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the OIG's compilation of systems of records notices apply to this system.

POLICIES, AND PRACTICES FOR STORING, RETRIEVING, ACCESSING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are stored in an automated file server and automated records on computer disks.

RETRIEVABILITY:

Records are retrieved by name, Social Security Number or trip ticket number.

SAFEGUARDS:

The system is accessible only by authorized personnel on a need-to-know basis. Access to the automated file server is by assigned password restricted to only those individuals requiring access to the system module in connection with their official duties. Access to the area is through a cipher locked room with the code provided only on a need-to-know basis. Computer disks and paper records are stored in locked file cabinets residing in a monitored area which is locked after normal business hours.

RETENTION AND DISPOSAL:

Records are maintained in an active status for the current fiscal year. Records are then archived to NARA, Suitland and held for three years, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Travel Branch, Office of the Assistant Inspector General for Administration and Management, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

The request should contain their full name, Social Security Number, current home address and telephone number, and if authorizing someone to represent them, a statement to that effect.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written requests to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

The request should contain the full name of the individual, non-duty mailing address and daytime telephone number, and if authorizing someone to represent them, a statement to that effect.

CONTESTING RECORD PROCEDURE:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data is obtained directly from the individual on Inspector General Form 7750.50–4, Request for Temporary Duty Travel Form; Request for Permanent change of Station Form; and computer tape of the OIG Personnel Listing.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

CIG–14

SYSTEM NAME:

Auditor and Inspector Log.

SYSTEM LOCATION:

Office of the Assistant Inspector General for Administration and Information Management, Information Systems Directorate, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former employees of the Office of the Inspector General, who have participated in audits or inspections; as well as current and former DOD contractor personnel and other DOD Component personnel who have participated in the audits or inspections, and whose names appear in the audit or inspection reports.

CATEGORIES OF RECORDS IN THE SYSTEM:

The individuals who performed the audit or inspection, and the complete text and findings of the audit and inspection reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 95–452, the Inspector General Act of 1978, as amended; 10 U.S.C. 133, Secretary of Defense: Appointment, Powers, Duties and Delegation by; DOD Directive 5106.1, Inspector General of the Department of Defense (32 CFR part 373).

PURPOSE(S):

To identify the auditors or inspectors who participated in audits or

inspections for the OIG; and, to identify the specific audits or inspections in which an auditor or inspector participated.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the OIG's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper and in computer and optical disks formats.

RETRIEVABILITY:

Records are retrieved by individual name.

SAFEGUARDS:

Records are accessible only by authorized personnel who are properly cleared and trained, and who require access on a need-to-know basis. Access to records requires an assigned password, and reside in a controlled area.

RETENTION AND DISPOSAL:

Records are destroyed when no longer needed or after three years, whichever is sooner.

SYSTEM MANAGER AND ADDRESS:

ISD, Office of the Assistant Inspector General for Administration and Management, Office of the Inspector General, DOD, 400 Army Navy Drive, Arlington, VA 22202–2884.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

The request should contain their full name. If the request is authorizing someone to represent them, a statement to that effect should appear in the request.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves contained in this system of records should address written requests to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

The request should contain the full name of the individual, non-duty mailing address and daytime telephone number and, if authorizing someone to represent them, a statement to that effect.

For personal visits, the individual should make advance arrangements with the system manager for an appropriate time to be set aside to review the record; and, at the time of review, be able to provide some acceptable form of identification, i.e., driver's license or employee identification card.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from Audit Final Reports and Inspection Final Reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

CIG–15

SYSTEM NAME:

Special Inquiries Investigative Case File and Control System.

SYSTEM LOCATION:

Office of the Assistant Inspector General for Departmental Inquiries, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM:

Individuals who provide initial complaints resulting in administrative investigations conducted by Office of the Assistant Inspector General for Departmental Inquiries (OAIG-DI) related to violations of laws, rules, or regulations or mismanagement, gross waste of funds, abuse of authority, or a danger to the public health and safety; subjects of administrative investigations conducted by the OAIG-DI; or individuals identified as having been adversely affected by matters under investigation by the OAIG-DI.

CATEGORIES OF RECORDS IN THE SYSTEM:

Materials relating to allegations received and documentation created as a result of action by the Office of the Inspector General, including reports, records of action taken, and supporting documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978 (Pub. L. 95–452), as amended; and DOD Directive 5106.1 (32 CFR part 376).

PURPOSE(S):

To record complaints, allegations of wrongdoing, and requests for assistance; to document inquiries, research facts and circumstances, sources of information, conclusions and recommendations; to record actions taken and notifications of interested parties and agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS, AND PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the OIG's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated and paper records are stored in conventional media file folders and personal computer.

RETRIEVABILITY:

Automated and paper records pertaining to administrative investigation cases are indexed through the use of a computerized cross-reference system; they may be retrieved by individual names or case numbers.

SAFEGUARDS:

Records, both paper and automated, are accessible only to Office of the Assistant Inspector General for Departmental Inquiries personnel having official need therefor and are stored in locked rooms. The automated system is password protected, and regular back-ups of data are performed.

RETENTION AND DISPOSAL:

Automated and paper records are retained for a period of ten years following completion of final action.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Inspector General for Departmental Inquiries, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

The request should contain the individual's full name, address, and Social Security Number. Requests submitted on behalf of other persons must include their written authorization. Provision of the Social

Security Number is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORDS ACCESS PROCEDURES:

Individuals may access agency records or information about themselves should address written inquiries to the Chief, Freedom of Information Act/ Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

The request should contain the individual's full name, address, and Social Security Number. Requests submitted on behalf of other persons must include their written authorization. Provision of the Social Security Number is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information was obtained from sources, subjects, witnesses, all levels of government, private businesses, and nonprofit organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this record system may be exempt pursuant to 5 U.S.C. 552(k)(2), as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 312. For additional information contact the system manager.

CIG–16

SYSTEM NAME:

DOD Hotline Program Case Files.

SYSTEM LOCATION:

DOD Hotline Directorate, Office of the Assistant Inspector General for Departmental Inquiries, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM:

Individuals filing hotline complaints; individuals alleged to have been involved in criminal or administrative misconduct, including, but not limited to, fraud, waste, or mismanagement; or individuals identified as having been adversely affected by matters being investigated by the Office of the Inspector General.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records resulting from the referral of, and inquiry into, hotline complaints, such as the date of the complaint; the hotline control number; the name of the complainant; the actual allegations; referral documents to DOD components requesting investigation into DOD Hotline complaints; referral documents from DOD components transmitting the DOD Hotline Completion Report, which normally contains the name of the examining official(s) assigned to the case; background information regarding the investigation itself, such as the scope of the investigation, relevant facts discovered, information received from witnesses, and specific source documents reviewed; the investigator's findings, conclusions, and recommendations; and the disposition of the case; and internal DOD Hotline forms documenting review and analysis of DOD Hotline Completion Reports received from DOD components.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978 (Pub. L. 95–452), as amended; DOD Directive 5106.1 (32 CFR part 373); DOD Directive 7050.1 (32 CFR part 98).

PURPOSE(S):

To record information related to official hotline investigations.

To compile statistical information to disseminate to other components within the Department of Defense engaged in the Hotline Program.

To provide prompt, responsive, and accurate information regarding the status of ongoing cases.

To provide a record of complaint disposition. Hotline complaints appearing to involve criminal wrongdoing will be referred to the Defense Criminal Investigative Service or other criminal investigative units of DOD components.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS, AND PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the OIG's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated and paper records pertaining to DOD Hotline investigations are stored in file folders and computerized data base.

RETRIEVABILITY:

By Hotline case number, by subject matter, by the names of complainant(s), by subject(s) of the complaint, and by individual(s) alleged to have been adversely affected by matters being investigated by the OIG.

SAFEGUARDS:

Access is limited to DOD Hotline staff. Paper and automated records are stored in rooms protected by cipher lock. The automated system is password protected; and regular back-ups of data are performed.

RETENTION AND DISPOSAL:

Automated and paper records are retained within the DOD Hotline Program office for a period of five years following completion of final action. Thereafter, physical files are stored with the Federal Records Center, and automated data are archived within the DOD Hotline automated system for statistical purposes. Physical files and automated data are destroyed 15 years after the physical files are retired to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

DOD Hotline Directorate, Office of the Assistant Inspector General for Departmental Inquiries, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Arlington, VA 22202–2884.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

The request should contain the individual's full name, address, and Social Security Number. Requests submitted on behalf of other persons must include their written authorization. Provision of the Social Security Number is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Chief, Freedom of Information Act/Privacy Act Office, 400 Army Navy Drive, Arlington, VA 22202–2884.

The request should contain the individual's full name, address, and Social Security Number. Requests submitted on behalf of other persons must include their written

authorization. Provision of the Social Security Number is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

The OIG's rules for accessing records and for contesting contents and appealing initial agency determinations are published in 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Sources, subjects, witnesses, all levels of Government, private businesses, and nonprofit organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt pursuant to 5 U.S.C. 552a(k)(2) and (k)(5), as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 312. For additional information contact the system manager.

OFFICE OF THE SECRETARY OF DEFENSE

How Systems of Records are Arranged

The Office of the Secretary of Defense (OSD) provides immediate staff assistance and advice to the Secretary of Defense, independently organized and identified offices function in full coordination and cooperation. Therefore, the Office of the Secretary of Defense systems of records are not maintained or arranged by subject but established in functional areas of a particular responsible staff office. The Office of the Secretary of Defense includes the offices of the Under Secretaries of Defense, the Assistant Secretaries of Defense, and Assistants to the Secretary of Defense, the General Counsel, DOD, and such other staff offices as the Secretary of Defense establishes to assist him in carrying out his duties and responsibilities.

How to Use the Index Guide

To assist in locating and reviewing the particular record system of interest, the various staff offices and the prefix letter symbols represented as part of the record system identification for that office are set for below.

OSD Office
System Identification

Special Assistant to the Secretary and Deputy Secretary of Defense
DATSD

Office of the Assistant Secretary of Defense (Force Management and Personnel)
DFMP

General Counsel, Department of Defense
DGC

Office of the Assistant Secretary of Defense (Health Affairs)
DHA

Office of Civilian Health and Medical Program of the Uniformed Services, DOD
DOCHA

Department of Defense Dependents Schools
DODDS

Office of the Assistant Secretary of Defense (Public Affairs)
DPA

Office of the Assistant Secretary of Defense (Program Analysis and Evaluation)
DPAE

Defense Systems Management College
DSMC

Office of the Under Secretary of Defense for Acquisition
DUSA

Office of the Under Secretary of Defense for Policy
DUSDP

Washington Headquarters Services
DWHS

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required to locate and retrieve the record.

BLANKET ROUTINE USES

Certain 'blanket routine uses' of the records have been established that are applicable to every record system maintained within the Department of Defense unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below only once in the interest of simplicity, economy and to avoid redundancy.

LAW ENFORCEMENT ROUTINE USE

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

DISCLOSURE WHEN REQUESTING INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

DISCLOSURE OF REQUESTED INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

CONGRESSIONAL INQUIRIES ROUTINE USE

Disclosure from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to

an inquiry from the Congressional office made at the request of that individual.

PRIVATE RELIEF LEGISLATION ROUTINE USE

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS ROUTINE USE

A record from a system of records maintained by this component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES ROUTINE USE

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517, 5520, and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Number 76–07.

DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT ROUTINE USE

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

DISCLOSURE TO MILITARY BANKING FACILITIES OVERSEAS ROUTINE USE

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

DISCLOSURE OF INFORMATION TO THE GENERAL SERVICES ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

(continued on page 10231—book 2)

VOL 58 ISS 33 FE 22 1993 UMI

Reader Aids

Federal Register

Vol. 58, No. 33

Monday, February 22, 1993

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection desk	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

6601–6678	1
6679–6874	2
6875–7046	3
7047–7184	4
7185–7476	5
7477–7714	8
7715–7860	9
7861–7952	10
7953–8200	11
8201–8516	12
8517–8690	16
8691–8892	17
8893–9106	18
9107–9516	19
9517–10936	22

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive orders:

12837	8205
12838	8207
12839	8515
12800 (Revoked by EO 12836)	7045
12818 (Revoked by EO 12836)	7045
12836	7045

Administrative Orders:

Memorandums:

January 22, 1993	7455
January 22, 1993	7457
January 22, 1993	7459
January 29, 1993	8201
February 3, 1993	8203

Proclamations:

6527	7477
6528	8691

5 CFR

Proposed Rules:

410	8912
970	7052

7 CFR

52	7607
301	8517, 8820
318	7953
319	8524
907	7964
908	7964
911	8533
915	7972, 8533
916	8534
918	8209
925	8893
927	8536
932	8538
948	8539
1097	6679
1099	6679
1106	8894
1209	8194
1477	9107
1478	9107

Proposed Rules:

52	7296
275	7296
283	7296
907	8912
908	8912
932	8558
1106	8559
1139	7996

9 CFR

161	8820

Proposed Rules:

317	8560
381	8560

10 CFR

19	7715
20	7715
30	7715
36	7715
40	7715
51	7715
70	7715
170	7715
455	9424

Proposed Rules:

20	8560
30	6730
40	6730
50	6730, 7757
70	6730
72	6730
150	9552

11 CFR

201	6875

12 CFR

203	6601
207	6602
208	7973
220	6602
221	6602
224	6602
225	7973
268	9517
303	8210
325	8220
611	6604
612	6604
796	6605
1605	8220

Proposed Rules:

205	8714
208	8007
225	8007
Ch. III	6903
900	8563

13 CFR

121	7479, 9112, 9113

Proposed Rules:

121	9131

14 CFR

21	8222
23	8222
33	6875
39	6703–6707, 6877–6881, 7185, 7479–7482, 7737, 7861, 7862, 7982, 7983, 8224, 8693, 9113–9115, 9117
71	6709, 6884–6886, 7179, 7484, 7738, 8896
73	6884

95.....6887
97.....6709, 6712, 7485, 7746
Proposed Rules:
Ch. I.....8244, 8719
39.....6740, 6742, 6743, 6745, 6746, 6906, 7196, 7494, 7495, 7759, 8719, 8721, 8723, 8914, 8916, 9131, 9133, 9552
61.....7197, 8514
63.....7197
65.....7197
71.....6911, 8244, 8724, 8725, 9134
93.....7950
121.....7197, 8917
129.....8917
135.....7197
142.....9514
300.....7040
399.....7053

15 CFR

Proposed Rules:
1200.....8564

16 CFR

4.....7047
Proposed Rules:
Ch. II.....8013, 8016, 9020, 9023
305.....7852
1210.....8565

17 CFR

4.....8226
140.....6677
145.....7040
150.....6854
200.....8541
270.....7964
Proposed Rules:
1.....6748, 7058
3.....6748
10.....6748
145.....6748

18 CFR

3c.....7486
154.....7964
157.....6893
365.....8897
381.....7488, 8897
385.....7964

19 CFR

Proposed Rules:
10.....6677

20 CFR

416.....9587

21 CFR

73.....9539
177.....8820
520.....7864, 8541
522.....8542
1308.....7186

23 CFR

140.....5713
Proposed Rules:
625.....6914

24 CFR

207.....9541
770.....8186
882.....8186
889.....8186
890.....8186
941.....8186
Proposed Rules:
770.....8187
882.....8187
889.....8187
890.....8187
941.....8187

25 CFR

501.....8449
515.....8449
519.....8449
522.....8449
523.....8449
524.....8449
531.....8449
533.....8449
535.....8449
537.....8449
539.....8449
556.....8449
558.....8449
571.....8449
573.....8449
575.....8449
577.....8449

26 CFR

1.....6678, 7041, 7296, 7747, 7865, 7987, 7988, 8098, 9245
602.....6678, 7987, 7988, 9245
Proposed Rules:
1.....6854, 6922, 6923, 7179, 7497, 7845, 8027, 9553, 9597
26.....6854, 7497
31.....8726
52.....8099
301.....6854, 7497, 7761, 8098, 9597

27 CFR

Proposed Rules:
9.....8726

29 CFR

2616.....6605
2617.....6605
2619.....8230
2676.....8231
Proposed Rules:
103.....7199
402.....9418
403.....9418
2619.....7921
2676.....7921

30 CFR

77.....8543
218.....8907
254.....7489
701.....8655
785.....8655
Proposed Rules:
14.....8028
18.....8028
75.....8028, 9554
870.....7761, 8655

31 CFR

103.....7047
Proposed Rules:
357.....9134

32 CFR

201.....7865
592.....6715
606.....6715
608.....6715
612.....6715
616.....6715
706.....8694

33 CFR

1.....8684
3.....6716
100.....7492, 8543, 9118
110.....9543
117.....6717
150.....7330
154.....7330
155.....7376
165.....8543, 9543
334.....6718
Proposed Rules:
117.....6766, 6767, 7497, 7498
154.....8918
155.....8918
165.....7500
334.....6768

34 CFR

8.....7860
305.....9462
682.....9118
Proposed Rules:
300.....7938
361.....8688, 9458

35 CFR

Proposed Rules:
1191.....6924

37 CFR

301.....8655
304.....7051, 8820
311.....8655
201.....9544

38 CFR

1.....7296

39 CFR

Proposed Rules:
111.....8921
3001.....6769

40 CFR

2.....7187
52.....6606, 8545
58.....8252
60.....7189
82.....8136, 8820
86.....9468
122.....9404
123.....9404
168.....9062
169.....9062
180.....6893, 8695–8699
232.....8172
233.....8172
257.....9148
260.....8658
261.....6854
264.....8658
265.....8658
266.....6607
268.....8658
270.....8658
271.....6854, 7865, 8232, 8658, 9120
280.....9026
281.....6894
300.....7189, 7492
305.....7704
403.....9248
501.....9404
503.....9248
721.....7190
Proposed Rules:
Ch. I.....6609, 7501, 8565, 9554
52.....7762, 9245, 9247, 8565
54.....7870
81.....7762
112.....8824
144.....7924, 8028
180.....8728, 8729
191.....7924, 8028
194.....8029
260.....8102
261.....6925, 8102, 8504
262.....8102
264.....8102
265.....8102
268.....8102
270.....8102
273.....8102
372.....6609
700.....7646
720.....7661
721.....7676
723.....7646, 7679
763.....8926

41 CFR

302–11.....8547

42 CFR

59.....7462
435.....9120
436.....9120
440.....9120
Proposed Rules:
59.....7464
417.....8568
434.....8568
1003.....8568

43 CFR

Public Land Order:
6956.....6719
6957.....7867

44 CFR

64.....9121
65.....8551–8553
67.....8549
Proposed Rules:
67.....8568

45 CFR

303.....7040
1626.....6608
Proposed Rules:
1607.....6611
1609.....6612

46 CFR

571.....7190
586.....7988
Proposed Rules:
315.....9135
502.....7199

505.....
510.....
514.....
540.....

47 CFR

0.....
1.....
13.....
61.....
69.....
73.....719
76.....
Proposed R
Ch. I.....
70
1.....
2.....
15.....
43.....
64.....
73.....66
76.....
88.....
90.....
94.....

48 CFR

Ch. 20.....
552.....

505.....7199
510.....7199
514.....7501
540.....7199

47 CFR

0.....9123
1.....6895, 8701, 9128
13.....9123
61.....7867, 8908
69.....7867, 8908, 9550
73.....7194, 7195, 7869, 8233–8235
76.....7990
Proposed Rules:
Ch. I.....6937, 7062, 8248, 8927, 8928
1.....8731
2.....6769, 8731
15.....6769, 7205
43.....7764
64.....9137
73.....6677, 7874, 7875, 8248
76.....7205, 7875
88.....8731
90.....8731
94.....8731

48 CFR

Ch. 20.....8449
552.....8235
701.....8701
706.....8701
716.....8701
719.....8701
726.....8701
733.....8701
752.....8701
925.....8909
952.....8909
Proposed Rules:
Ch. 53.....6771

49 CFR

1.....6896–6898
9.....6719
171.....6864
172.....6864, 8820
173.....6864
174.....6864
176.....6864
229.....6899
390.....6726
394.....6726
1002.....7748
1017.....7748
1018.....7748
1312.....7748
1313.....7748
1314.....7748
Proposed Rules:
40.....7197, 7506
199.....7197
213.....8926
217.....7197
219.....7197
350.....7197
382.....7197
383.....7197
391.....7197
392.....6937, 7197
395.....6937, 7197
531.....6939
571.....7206, 7506
572.....7506
611.....6948
653.....7197
654.....7197
1039.....8030
1056.....6912
1180.....6612

50 CFR

17.....8235
217.....8554
227.....8554
611.....8703
625.....8557
650.....7040
675.....7040, 8703–8712, 9129
Proposed Rules:
17.....8032, 8249, 8250
226.....7206
301.....9138
663.....7525
672.....6677

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last List February 11, 1993

ELECTRONIC BULLETIN BOARD

Free Electronic Bulletin Board Service for Public Law Numbers is available on 202–275–1538 or 275–0920.

VOL 58 ISS 33 FE 22 1993 UMI

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $775.00 domestic, $193.75 additional for foreign mailing.

Mail orders to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250–7954. All orders must be accompanied by remittance (check, money order, GPO Deposit Account, VISA, or Master Card). Charge orders may be telephoned to the GPO Order Desk, Monday through Friday, at (202) 783–3238 from 8:00 a.m. to 4:00 p.m. eastern time, or FAX your charge orders to (202) 512-2233.

Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–017–00001–9)	$13.00	Jan. 1, 1992
3 (1991 Compilation and Parts 100 and 101)	(869–017–00002–7)	17.00	[1] Jan. 1, 1992
4	(869–017–00003–5)	16.00	Jan. 1, 1992
5 Parts:			
1–699	(869–017–00004–3)	16.00	Jan. 1, 1992
700–1199	(869–017–00005–1)	14.00	Jan. 1, 1992
1200–End, 6 (6 Reserved)	(869–017–00006–0)	19.00	Jan. 1, 1992
7 Parts:			
0–26	(869–017–00007–8)	17.00	Jan. 1, 1992
27–45	(869–017–00008–6)	12.00	Jan. 1, 1992
46–51	(869–017–00009–4)	18.00	Jan. 1, 1992
52	(869–017–00010–8)	24.00	Jan. 1, 1992
53–209	(869–017–00011–6)	19.00	Jan. 1, 1992
210–299	(869–017–00012–4)	26.00	Jan. 1, 1992
300–399	(869–017–00013–2)	13.00	Jan. 1, 1992
400–699	(869–017–00014–1)	15.00	Jan. 1, 1992
700–899	(869–017–00015–9)	18.00	Jan. 1, 1992
900–999	(869–017–00016–7)	29.00	Jan. 1, 1992
1000–1059	(869–017–00017–5)	17.00	Jan. 1, 1992
1060–1119	(869–017–00018–3)	13.00	Jan. 1, 1992
1120–1199	(869–017–00019–1)	9.50	Jan. 1, 1992
1200–1499	(869–017–00020–5)	22.00	Jan. 1, 1992
1500–1899	(869–017–00021–3)	15.00	Jan. 1, 1992
1900–1939	(869–017–00022–1)	11.00	Jan. 1, 1992
1940–1949	(869–017–00023–0)	23.00	Jan. 1, 1992
1950–1999	(869–017–00024–8)	26.00	Jan. 1, 1992
2000–End	(869–017–00025–6)	11.00	Jan. 1, 1992
8	(869–017–00026–4)	17.00	Jan. 1, 1992
9 Parts:			
1–199	(869–017–00027–2)	23.00	Jan. 1, 1992
200–End	(869–017–00028–1)	18.00	Jan. 1, 1992
10 Parts:			
0–50	(869–017–00029–9)	25.00	Jan. 1, 1992
51–199	(869–017–00030–2)	18.00	Jan. 1, 1992
200–399	(869–017–00031–1)	13.00	[4] Jan. 1, 1987
400–499	(869–017–00032–9)	20.00	Jan. 1, 1992
500–End	(869–017–00033–7)	28.00	Jan. 1, 1992
11	(869–017–00034–5)	12.00	Jan. 1, 1992
12 Parts:			
1–199	(869–017–00035–3)	13.00	Jan. 1, 1992
200–219	(869–017–00036–1)	13.00	Jan. 1, 1992
220–299	(869–017–00037–0)	22.00	Jan. 1, 1992
300–499	(869–017–00038–8)	18.00	Jan. 1, 1992
500–599	(869–017–00039–6)	17.00	Jan. 1, 1992
600–End	(869–017–00040–0)	19.00	Jan. 1, 1992
13	(869–017–00041–8)	25.00	Jan. 1, 1992
14 Parts:			
1–59	(869–017–00042–6)	25.00	Jan. 1, 1992
60–139	(869–017–00043–4)	22.00	Jan. 1, 1992
140–199	(869–017–00044–2)	11.00	Jan. 1, 1992
200–1199	(869–017–00045–1)	20.00	Jan. 1, 1992
1200–End	(869–017–00046–9)	14.00	Jan. 1, 1992
15 Parts:			
0–299	(869–017–00047–7)	13.00	Jan. 1, 1992
300–799	(869–017–00048–5)	21.00	Jan. 1, 1992
800–End	(869–017–00049–3)	17.00	Jan. 1, 1992
16 Parts:			
0–149	(869–017–00050–7)	6.00	Jan. 1, 1992
150–999	(869–017–00051–5)	14.00	Jan. 1, 1992
1000–End	(869–017–00052–3)	20.00	Jan. 1, 1992
17 Parts:			
1–199	(869–017–00054–0)	15.00	Apr. 1, 1992
200–239	(869–017–00055–8)	17.00	Apr. 1, 1992
240–End	(869–017–00056–6)	24.00	Apr. 1, 1992
18 Parts:			
1–149	(869–017–00057–4)	15.00	Apr. 1, 1992
150–279	(869–017–00058–2)	19.00	Apr. 1, 1992
280–399	(869–017–00059–1)	14.00	Apr. 1, 1992
400–End	(869–017–00060–4)	9.50	Apr. 1, 1992
19 Parts:			
1–199	(869–017–00061–2)	28.00	Apr. 1, 1992
200–End	(869–017–00062–1)	9.50	Apr. 1, 1992
20 Parts:			
1–399	(869–017–00063–9)	16.00	Apr. 1, 1992
400–499	(869–017–00064–7)	31.00	Apr. 1, 1992
500–End	(869–017–00065–5)	21.00	Apr. 1, 1992
21 Parts:			
1–99	(869–017–00066–3)	13.00	Apr. 1, 1992
100–169	(869–017–00067–1)	14.00	Apr. 1, 1992
170–199	(869–017–00068–0)	18.00	Apr. 1, 1992
200–299	(869–017–00069–8)	5.50	Apr. 1, 1992
300–499	(869–017–00070–1)	29.00	Apr. 1, 1992
500–599	(869–017–00071–0)	21.00	Apr. 1, 1992
600–799	(869–017–00072–8)	7.00	Apr. 1, 1992
800–1299	(869–017–00073–6)	18.00	Apr. 1, 1992
1300–End	(869–017–00074–4)	9.00	Apr. 1, 1992
22 Parts:			
1–299	(869–017–00075–2)	26.00	Apr. 1, 1992
300–End	(869–017–00076–1)	19.00	Apr. 1, 1992
23	(869–017–00077–9)	18.00	Apr. 1, 1992
24 Parts:			
0–199	(869–017–00078–7)	34.00	Apr. 1, 1992
200–499	(869–017–00079–5)	32.00	Apr. 1, 1992
500–699	(869–017–00080–9)	13.00	Apr. 1, 1992
700–1699	(869–017–00081–7)	34.00	Apr. 1, 1992
1700–End	(869–017–00082–5)	13.00	Apr. 1, 1992
25	(869–017–00083–3)	25.00	Apr. 1, 1992
26 Parts:			
§§ 1.0–1–1.60	(869–017–00084–1)	17.00	Apr. 1, 1992
§§ 1.61–1.169	(869–017–00085–0)	33.00	Apr. 1, 1992
§§ 1.170–1.300	(869–017–00086–8)	19.00	Apr. 1, 1992
§§ 1.301–1.400	(869–017–00087–6)	17.00	Apr. 1, 1992
§§ 1.401–1.500	(869–017–00088–4)	38.00	Apr. 1, 1992
§§ 1.501–1.640	(869–017–00089–2)	19.00	Apr. 1, 1992
§§ 1.641–1.850	(869–017–00090–6)	19.00	Apr. 1, 1992
§§ 1.851–1.907	(869–017–00091–4)	23.00	Apr. 1, 1992
§§ 1.908–1.1000	(869–017–00092–2)	26.00	Apr. 1, 1992
§§ 1.1001–1.1400	(869–017–00093–1)	19.00	Apr. 1, 1992
§§ 1.1401–End	(869–017–00094–9)	26.00	Apr. 1, 1992
2–29	(869–017–00095–7)	22.00	Apr. 1, 1992
30–39	(869–017–00096–5)	15.00	Apr. 1, 1992
40–49	(869–017–00097–3)	12.00	Apr. 1, 1992
50–299	(869–017–00098–1)	15.00	Apr. 1, 1992
300–499	(869–017–00099–0)	20.00	Apr. 1, 1992
500–599	(869–017–00100–7)	6.00	[5] Apr. 1, 1990
600–End	(869–017–00101–5)	6.50	Apr. 1, 1992

Title	
27 Parts:	
1–199	
200–End	
28	
29 Parts:	
0–99	
100–499	
500–899	
900–1899	
1900–1910 (§§ 1910.999)	
1910 (§§ 1910 end)	
1911–1925	
1926	
1927–End	
30 Parts:	
1–199	
200–699	
700–End	
31 Parts:	
0–199	
200–End	
32 Parts:	
1–39, Vol. I	
1–39, Vol. II	
1–39, Vol. III	
1–189	
190–399	
400–629	
630–699	
700–799	
800–End	
33 Parts:	
1–124	
125–199	
200–End	
34 Parts:	
1–299	
300–399	
400–End	
35	
36 Parts:	
1–199	
200–End	
37	
38 Parts:	
0–17	
18–End	
39	
40 Parts:	
1–51	
52	
53–60	
61–80	
81–85	
86–99	
100–149	
150–189	
190–259	
260–299	
300–399	
400–424	
425–699	
700–789	
790–End	
41 Chapters	
1, 1–1 to 1–10	

Title	Stock Number	Price	Revision Date
27 Parts:			
1–199	(869–017–00102–3)	34.00	Apr. 1, 1992
200–End	(869–017–00103–1)	11.00	Apr. 1, 1991
28	(869–017–00104–0)	37.00	July 1, 1992
29 Parts:			
0–99	(869–017–00105–8)	19.00	July 1, 1992
100–499	(869–013–00106–6)	9.00	July 1, 1992
500–899	(869–017–00107–4)	32.00	July 1, 1992
900–1899	(869–017–00108–2)	16.00	July 1, 1992
1900–1910 (§§ 1901.1 to 1910.999)	(869–017–00109–1)	29.00	July 1, 1992
1910 (§§ 1910.1000 to end)	(869–017–00110–4)	16.00	July 1, 1992
1911–1925	(869–017–00111–2)	9.00	[7] July 1, 1989
1926	(869–017–00112–1)	14.00	July 1, 1992
1927–End	(869–017–00113–9)	30.00	July 1, 1992
30 Parts:			
1–199	(869–017–00114–7)	25.00	July 1, 1992
200–699	(869–017–00115–5)	19.00	July 1, 1992
700–End	(869–017–00116–3)	25.00	July 1, 1992
31 Parts:			
0–199	(869–017–00117–1)	17.00	July 1, 1992
200–End	(869–017–00118–0)	25.00	July 1, 1992
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–189	(869–017–00119–8)	30.00	July 1, 1992
190–399	(869–017–00120–1)	33.00	July 1, 1992
400–629	(869–017–00121–0)	29.00	July 1, 1992
630–699	(869–017–00122–8)	14.00	[8] July 1, 1991
700–799	(869–017–00123–6)	20.00	July 1, 1992
800–End	(869–017–00124–4)	20.00	July 1, 1992
33 Parts:			
1–124	(869–017–00125–2)	18.00	July 1, 1992
125–199	(869–017–00126–1)	21.00	July 1, 1992
200–End	(869–017–00127–9)	23.00	July 1, 1992
34 Parts:			
1–299	(869–017–00128–7)	27.00	July 1, 1992
300–399	(869–017–00129–5)	19.00	July 1, 1992
400–End	(869–017–00130–9)	32.00	July 1, 1992
35	(869–017–00131–7)	12.00	July 1, 1992
36 Parts:			
1–199	(869–017–00132–5)	15.00	July 1, 1992
200–End	(869–017–00133–3)	32.00	July 1, 1992
37	(869–017–00134–1)	17.00	July 1, 1992
38 Parts:			
0–17	(869–017–00135–0)	28.00	Sept 1, 1992
18–End	(869–017–00136–8)	26.00	Sept. 1, 1992
39	(869–017–00137–6)	16.00	July 1, 1992
40 Parts:			
1–51	(869–017–00138–4)	31.00	July 1, 1992
52	(869–017–00139–2)	33.00	July 1, 1992
53–60	(869–017–00140–6)	36.00	July 1, 1992
61–80	(869–017–00141–4)	16.00	July 1, 1992
81–85	(869–017–00142–2)	17.00	July 1, 1992
86–99	(869–017–00143–1)	33.00	July 1, 1992
100–149	(869–017–00144–9)	34.00	July 1, 1992
150–189	(869–017–00145–7)	21.00	July 1, 1992
190–259	(869–017–00146–5)	16.00	July 1, 1992
260–299	(869–017–00147–3)	36.00	July 1, 1992
300–399	(869–017–00148–1)	15.00	July 1, 1992
400–424	(869–017–00149–0)	26.00	July 1, 1992
425–699	(869–017–00150–3)	26.00	July 1, 1992
700–789	(869–017–00151–1)	23.00	July 1, 1992
790–End	(869–017–00152–0)	25.00	July 1, 1992
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–017–00153–8)	9.50	July 1, 1992
101	(869–017–00154–6)	28.00	July 1, 1992
102–200	(869–017–00155–4)	11.00	[8] July 1, 1991
201–End	(869–017–00156–2)	11.00	July 1, 1992
42 Parts:			
1–399	(869–017–00157–1)	23.00	Oct. 1, 1992
400–429	(869–017–00158–9)	23.00	Oct. 1, 1992
430–End	(869–017–00159–7)	31.00	Oct. 1, 1992
43 Parts:			
1–999	(869–013–00161–3)	20.00	Oct. 1, 1991
1000–3999	(869–017–00161–9)	30.00	Oct. 1, 1992
4000–End	(869–017–00162–7)	13.00	Oct. 1, 1992
44	(869–017–00163–5)	26.00	Oct. 1, 1992
45 Parts:			
1–199	(869–017–00164–3)	20.00	Oct. 1, 1992
200–499	(869–013–00166–4)	12.00	Oct. 1, 1991
500–1199	(869–016–00166–0)	30.00	Oct. 1, 1992
1200–End	(869–017–00167–8)	20.00	Oct. 1, 1992
46 Parts:			
1–40	(869–017–00168–6)	17.00	Oct. 1, 1992
41–69	(869–017–00169–4)	16.00	Oct. 1, 1992
70–89	(869–017–00170–8)	6.00	Oct. 1, 1992
90–139	(869–013–00172–9)	12.00	Oct. 1, 1991
140–155	(869–017–00172–4)	12.00	Oct. 1, 1992
156–165	(869–017–00173–2)	14.00	[8] Oct. 1, 1991
166–199	(869–017–00174–1)	17.00	Oct. 1, 1992
200–499	(869–017–00175–9)	22.00	Oct. 1, 1992
500–End	(869–017–00176–7)	14.00	Oct. 1, 1992
47 Parts:			
0–19	(869–017–00177–5)	22.00	Oct. 1, 1992
20–39	(869–017–00178–3)	17.00	Oct. 1, 1992
40–69	(869–017–00179–1)	10.00	Oct. 1, 1992
70–79	(869–013–00181–8)	18.00	Oct. 1, 1991
80–End	(869–017–00181–3)	24.00	Oct. 1, 1992
48 Chapters:			
1 (Parts 1–51)	(869–017–00182–1)	34.00	Oct. 1, 1992
1 (Parts 52–99)	(869–017–00183–0)	22.00	Oct. 1, 1992
2 (Parts 201–251)	(869–017–00184–8)	15.00	Oct. 1, 1992
2 (Parts 252–299)	(869–017–00185–6)	12.00	Oct. 1, 1992
3–6	(869–017–00186–4)	22.00	Oct. 1, 1992
7–14	(869–017–00187–2)	30.00	Oct. 1, 1992
*15–28	(869–017–00188–1)	26.00	Oct. 1, 1992
29–End	(869–017–00189–9)	16.00	Oct. 1, 1992
49 Parts:			
1–99	(869–017–00190–2)	22.00	Oct. 1, 1992
100–177	(869–017–00191–1)	27.00	Oct. 1, 1992
178–199	(869–017–00192–9)	19.00	Oct. 1, 1992
200–399	(869–017–00193–7)	27.00	Oct. 1, 1992
400–999	(869–013–00194–0)	27.00	Oct. 1, 1991
*1000–1199	(869–017–00195–3)	19.00	Oct. 1, 1992
1200–End	(869–017–00196–1)	21.00	Oct. 1, 1992
50 Parts:			
1–199	(869–013–00197–4)	21.00	Oct. 1, 1991
200–599	(869–017–00198–8)	20.00	Oct. 1, 1992
500–End	(869–013–00199–1)	17.00	Oct. 1, 1991
CFR Index and Findings Aids	(869–017–00053–1)	31.00	Jan. 1, 1992
Complete 1993 CFR set		775.00	1993
Microfiche CFR Edition:			
Complete set (one-time mailing)		188.00	1990

VOL
58
ISS
33
FE
22
1993
UMI

Title	Stock Number	Price	Revision Date
Complete set (one-time mailing)		188.00	1991
Complete set (one-time mailing)		188.00	1992
Subscription (mailed as issued)		223.00	1993
Individual copies		2.00	1993

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1991. The CFR volume issued January 1, 1987, should be retained.

[5] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1991. The CFR volume issued April 1, 1990, should be retained.

[6] No amendments to this volume were promulgated during the period Apr. 1, 1991 to Mar. 30, 1992. The CFR volume issued April 1, 1991, should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 1989 to June 30, 1992. The CFR volume issued July 1, 1989, should be retained.

[8] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1992. The CFR volume issued July 1, 1991, should be retained.

[9] No amendments to this volume were promulgated during the period October 1, 1991 to September 30, 1992. The CFR volume issued October 1, 1991, should be retained.

Order Processing Coc
* 6216
☐ YES, e
_____ subscrip
The total cost
postage and ha
(Company or Per
(Additional addre
(Street address)
(City, State, ZIP
(Daytime phone i
(Purchase Order
May we make you

Public Laws

103d Congress, 1st Session, 1993

Pamphlet prints of public laws, often referred to as slip laws, are the initial publication of Federal laws upon enactment and are printed as soon as possible after approval by the President Legislative history references appear on each law. Subscription service includes all public laws, issued irregularly upon enactment, for the 103d Congress, 1st Session, 1993.

(Individual laws also may be purchased from the Superintendent of Documents, Washington, DC 20402-9328. Prices vary. See Reader Aids Section of the Federal Register for announcements of newly enacted laws and prices).

Superintendent of Documents **Subscriptions** Order Form

Order Processing Code:
* 6216

S9

Charge your order.
It's Easy!
VISA
To fax your orders (202) 512-2233

☐ **YES**, enter my subscription(s) as follows:

_____ subscriptions to **PUBLIC LAWS** for the 103d Congress, 1st Session, 1993 for $156 per subscription.

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

_____
(Company or Personal Name) (Please type or print)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

_____
(Daytime phone including area code)

_____
(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date)

Thank you for your order!

_____
(Authorizing Signature) (1°93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

VOL
58
ISS
33
FE
22
1993
UMI

FEDERAL REGISTER SUBSCRIBERS: IMPORTANT INFORMATION ABOUT YOUR SUBSCRIPTION

After 6 years without an adjustment, it has become necessary to increase the price of the **Federal Register** in order to begin recovering the actual costs of providing this subscription service. Effective October 1, 1992, the price for the **Federal Register** will increase and be offered as follows:

(1) FEDERAL REGISTER COMPLETE SERVICE—Each business day you can continue to receive the daily **Federal Register**, plus the monthly **Federal Register Index** and **Code of Federal Regulations List of Sections Affected (LSA)**, all for **$415.00** per year.

(2) FEDERAL REGISTER DAILY ONLY SERVICE—With this subscription service, you will receive the **Federal Register** every business day for **$375.00** per year.

HOW WILL THIS AFFECT YOUR CURRENT SUBSCRIPTION?

You will receive your current complete **Federal Register** service for the length of time remaining in your subscription.

AT RENEWAL TIME

At renewal time, to keep this important subscription coming—you can continue to receive the complete **Federal Register** service by simply renewing for the entire package, or you can select and order only the parts that suit your needs:

- renew your entire **Federal Register Service** (complete service)

or select. . .

- the daily only **Federal Register** (basic service)
- and complement the basic service with either of the following supplements: the monthly **Federal Register Index** or the monthly **LSA**

When your current subscription expires, you will receive a renewal notice to continue the complete **Federal Register** service. At that time, you will also receive an order form for the daily **Federal Register** basic service, the **Federal Register Index**, and the **LSA**.

To know when to expect the renewal notice, check the top line of your subscription mailing label for the month and year of expiration as shown in this sample:

A renewal notice will be sent approximately 90 days before the end of this month.

```
. . . . . .
.    A FR SMITH212J                    DEC 92   R .
.    JOHN SMITH                                   .
.    212 MAIN ST                                  .
.    FORESTVILLE     MD  20747                    .
. . . . . .
```

Order processing

YES

1. The total cost
All prices includ

Please Type or P

2. _____
(Company or p

_____
(Additional add

_____
(Street address)

_____
(City, State, ZI

( )
(Daytime phon

4. Mail To: New

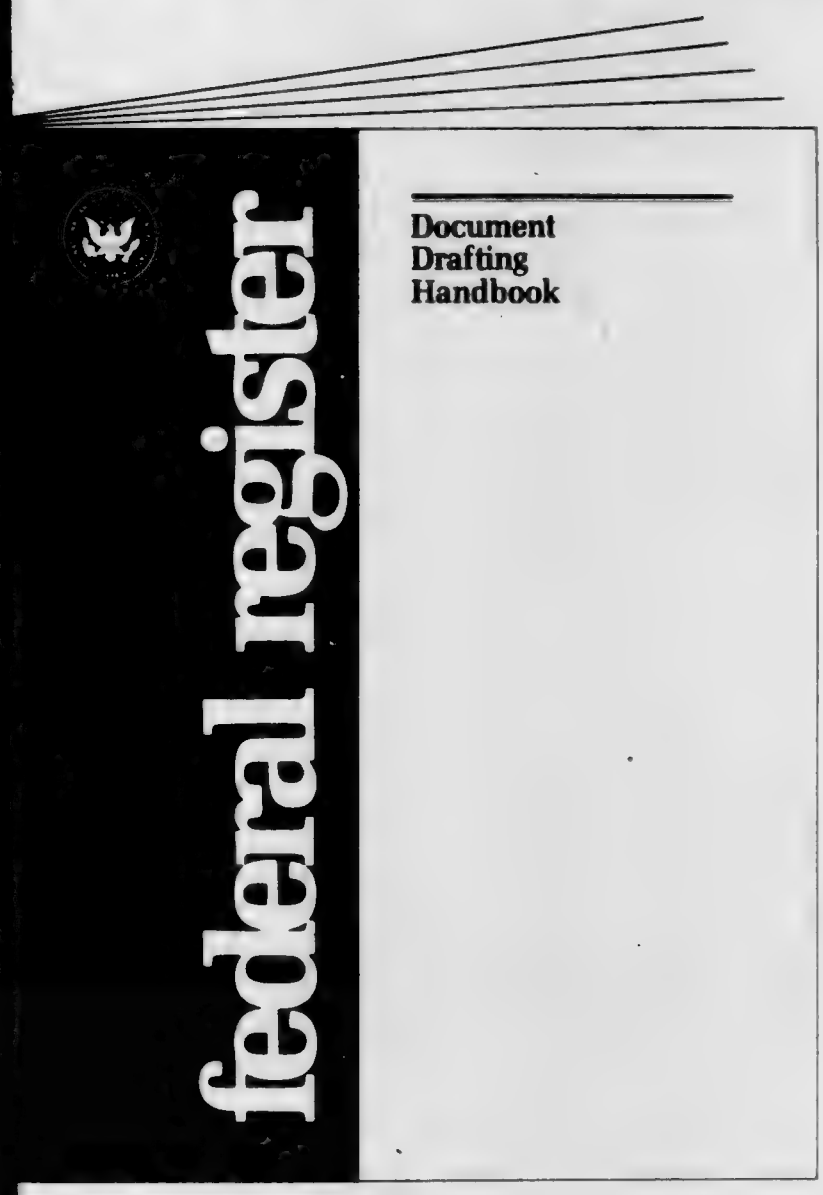

Federal Register Document Drafting Handbook

A Handbook for Regulation Drafters

This handbook is designed to help Federal agencies prepare documents for publication in the Federal Register. The updated requirements in the handbook reflect recent changes in regulatory development procedures, document format, and printing technology.

Price $5.50

Superintendent of Documents Publication Order Form

Order processing code: *6133

Charge your order. It's easy!

To fax your orders and inquiries – (202) 512-2250

☐ **YES,** please send me the following indicated publications:

_____ copies of **DOCUMENT DRAFTING HANDBOOK at $5.50 each.** S/N 069–000–00037–1

1. The total cost of my order is $_____ Foreign orders please add an additional 25%. All prices include regular domestic postage and handling and are subject to change.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____) _____
(Daytime phone including area code)

3. Please choose method of payment:

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐☐ – ☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

(Rev 12/91)

4. **Mail To:** New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954

VOL
58
ISS
33
FE
22
1993
UMI

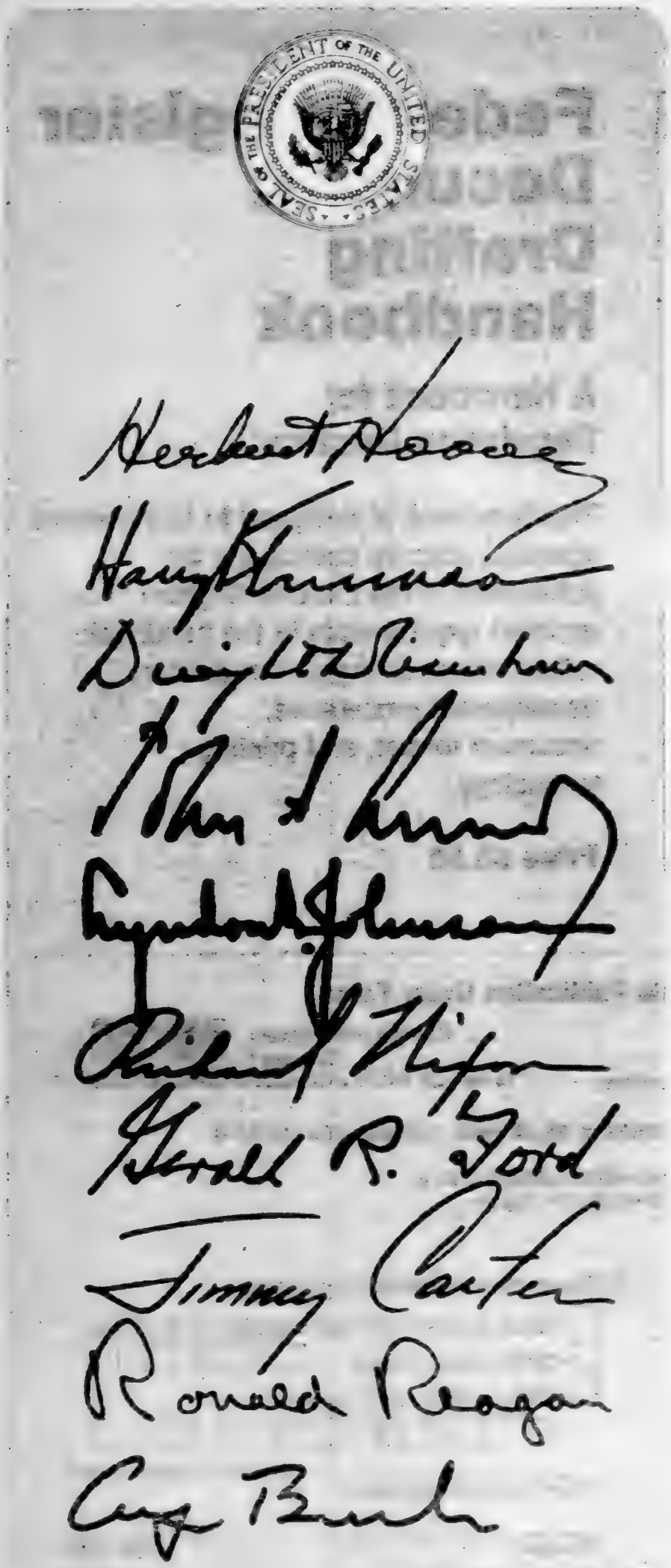

Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are available; other volumes not listed are out of print.

Ronald Reagan

1983
(Book I) $31.00

1983
(Book II) $32.00

1984
(Book I) $36.00

1984
(Book II) $36.00

1985
(Book I) $34.00

1985
(Book II) $30.00

1986
(Book I) $37.00

1986
(Book II) $35.00

1987
(Book I) $33.00

1987
(Book II) $35.00

1988
(Book I) $39.00

1988–89
(Book II) $38.00

George Bush

1989
(Book I) $38.00

1989
(Book II) $40.00

1990
(Book I) $41.00

1990
(Book II) $41.00

1991
(Book I) $41.00

1991
(Book II) $44.00

Published by the Office of the Federal Register, National Archives and Records Administration

Mail order to:
New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250–7954

(Rev. 2/93)

Order processing co
*6173
☐ YES, pl

The total cost
postage and ha

(Company or Pers

(Additional addres

(Street address)

(City, State, ZIP

(Daytime phone i

(Purchase Order

May we make you

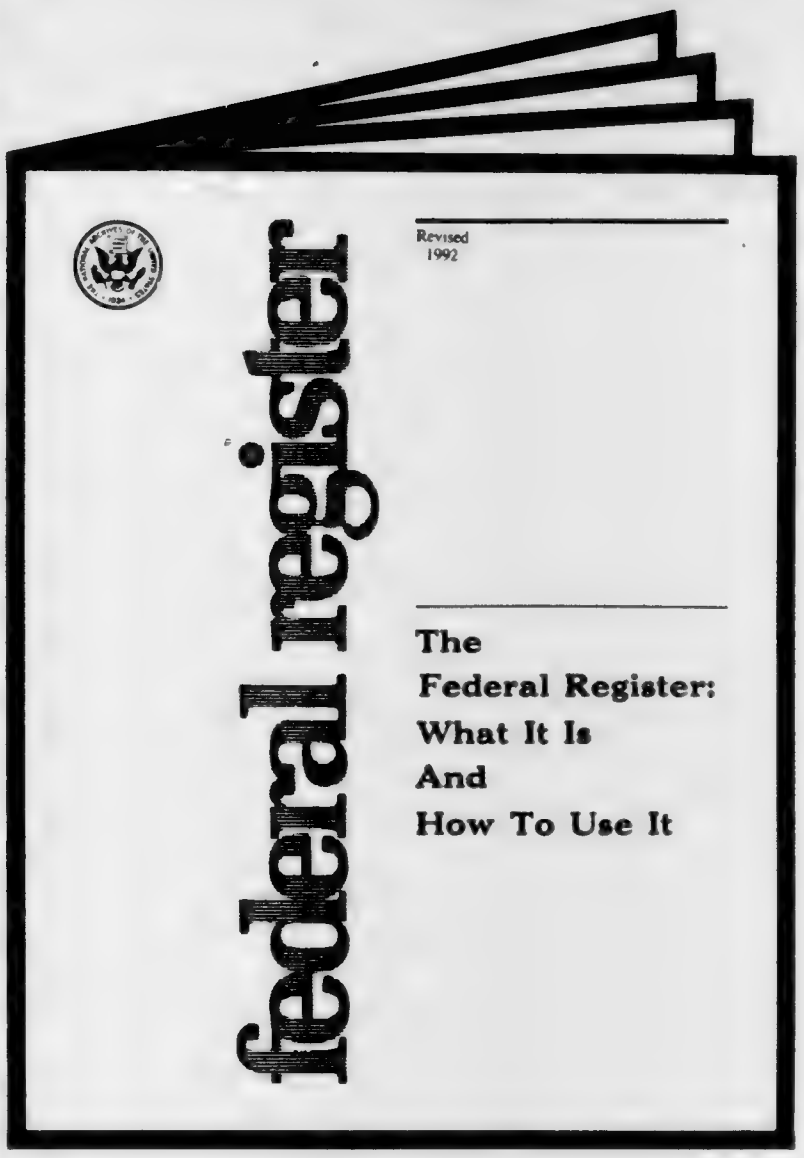

Announcing the Latest Edition

The Federal Register: What It Is and How to Use It

A Guide for the User of the Federal Register — Code of Federal Regulations System

This handbook is used for the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide guidelines for using the *Federal Register* and related publications, as well as an explanation of how to solve a sample research problem.

Price $7.00

Superintendent of Documents **Publications** Order Form

P3

Order processing code:
*6173

☐ **YES**, please send me the following:

Charge your order. It's Easy! VISA

To fax your orders (202)-512-2250

_____ copies of **The Federal Register-What it is and How To Use It**, at $7.00 per copy. Stock No. 069-000-00044-4

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

(Company or Personal Name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(Daytime phone including area code)

(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐☐ – ☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date)

Thank you for your order!

(Authorizing Signature) (Rev 1-93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

VOL
58
ISS
33
FE
22
1993
UMI

(Rev. 2/93)

New Publication

List of CFR Sections Affected

1973-1985

A Research Guide

These four volumes contain a compilation of the "List of CFR Sections Affected (LSA)" for the years 1973 through 1985. Reference to these tables will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Volume I (Titles 1 thru 16) $27.00
Stock Number 069-000-00029-1

Volume II (Titles 17 thru 27) $25.00
Stock Number 069-000-00030-4

Volume III (Titles 28 thru 41) $28.00
Stock Number 069-000-00031-2

Volume IV (Titles 42 thru 50) $25.00
Stock Number 069-000-00032-1

Superintendent of Documents **Publications** Order Form

Order Processing Code
***6962**

Charge your order. It's easy! MasterCard VISA

To fax your orders and inquiries—(202) 512-2250

Please Type or Print (Form is aligned for typewriter use.)
Prices include regular domestic postage and handling and are good through 12/92. After this date, please call Order and Information Desk at 202-783-3238 to verify prices. International customers please add 25%.

Qty.	Stock Number	Title	Price Each	Total Price
1	021-602-00001-9	Catalog—Bestselling Government Books	**FREE**	**FREE**
			Total for Publications	

(Company or personal name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

( )
(Daytime phone including area code)

Mail order to:
New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

Please Choose Method of Payment:

☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐☐–☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

(Credit card expiration date) ***Thank you for your order!***

(Signature)

Rev 6-92

May we make your name/address available to other mailers? ☐ ☐

P.O. Box 371954, Pittsburgh, PA 15250-7954

ons

ne "List of
73 through
e user to
were in
period

. . . $27.00

. . . $25.00

. . . $28.00

. . . $25.00

VISA

s–(202) 512–2250
call Order and

	Total Price
E	FREE
ons	

of Documents

☐☐☐☐–☐

☐☐☐☐☐☐

for your order!

Rev 6-92

New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

VOL
58
ISS
33
FE
22
1993
UMI

Printed on recycled paper

VOL
58

ISS
33

FE
22

1993

UMI

2–22–93
Vol. 58

Printed on recycled paper

United Stat
Governmer
Printing Off
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20

OFFICIAL BUSINES
Penalty for private

2–22–93
Vol. 58 No. 33

Federal Register

Monday
February 22, 1993

Book 2 of 2 Books

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 93 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
58
ISS
33
FE
22
1993
UMI

2-22-93
Vol. 58-
Pages 1

ANN ARBOR MI 48106

2-22-93
Vol. 58—No. 33
Pages 10229–10936

Book 2 of 2 Books
Monday, February 22, 1993

federal register

Part II—Continued

Department of Defense

Office of the Secretary

Privacy Act of 1974; Reissuance of Systems of Records Notices

VOL
58
ISS
33
FE
22
1993
UMI

DISCLOS
SYSTEM
ROUTIN

A reco
maintain
disclosed
Systems
Office of
purpose
administ
special st
other me
compone
investiga
prohibite
including
involving
DOD inv
functions
and 1206
law.

COUNTE
ROUTIN

A reco
maintain
disclosed
DOD or t
purpose
authorize
Order or
laws whi
of the Un

DATSD 0

SYSTEM NA

Files o
Career En

SYSTEM LO

Air For
3A1066,
20330. Ha
Assistant
Secretary
20301–10

CATEGORIE
SYSTEM:

Active
candidate
career po
consultan

CATEGORIE

Personn
forwardi
internal c
correspon
industry,
agencies,
Branch o
Correspon
employm
others for
positions
telephoni

DISCLOSURE TO THE MERIT SYSTEMS PROTECTION BOARD ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DOD investigation, and such other functions, promulgated in 5 U.S.C 1205 and 1206, or as may be authorized by law.

COUNTERINTELLIGENCE PURPOSES ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use outside the DOD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

DATSD 03

SYSTEM NAME:

Files of Personnel Evaluated for Non-Career Employment in DOD.

SYSTEM LOCATION:

Air Force Data Services Center, Room 3A1066, The Pentagon, Washington, DC 20330. Hardcopy located at Office of the Assistant to the Secretary and Deputy Secretary of Defense, Washington, DC 20301–1000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and inactive employees/candidates employed/seeking non career positions in DOD, including consultants and committee members

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel files consist of resumes, forwarding correspondence between internal offices within DOD, transmittal correspondence from individuals, industry, other departments and agencies, and the Executive/Legislative Branch of the Federal Government. Correspondence consists of requests for employment or recommendations of others for employment for non-career positions, and memoranda confirming telephonic queries. Card files consist of DOD consultants or members of committees, home and business addresses, and approval dates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133.

PURPOSE(S):

Files are collected to evaluate qualifications of individuals seeking or who have been recommended for non-career positions within DOD. Records are used in searching for qualified candidates for forthcoming vacant positions. Files are reviewed by authorized personnel within the immediate Office of the Secretary of Defense. Files of individual candidates are sent to presidential personnel for clearance. Records are used to track consultancy or memberships, home and business addresses, particular expertise, and entry/exit date.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; cards in card files, computer disks, and computer paper printouts.

RETRIEVABILITY:

Information accessed by last name of individual. Individual user codes and passwords required to access information stored in computer.

SAFEGUARDS:

Building employs security guards. Sensitive manually stored data kept in locked cabinets or safes and may be accessed only by authorized personnel. Computer stored data is kept in a secure computer facility and may be accessed only by authorized, properly trained personnel who have access codes and passwords

RETENTION AND DISPOSAL:

Active files are retained as long as an individual is employed within DOD. Inactive files are screened upon termination of employment with DOD to determine their retention value for possible future non-career employment i.e., some files are destroyed upon termination of employment while other files may be retained for an indefinite period depending on the background and experience of individual.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Assistant to the Secretary and Deputy Secretary of Defense, Room 3E941, The Pentagon, Washington, DC 20301–1000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Assistant to the Secretary and Deputy Secretary of Defense, Washington, DC 20301–1000.

Visits are limited to the Office of the Assistant to the Secretary and Deputy Secretary of Defense. Written requests for information should contain the full name of the individual and social security number. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, building access identification card, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Assistant to the Secretary and Deputy Secretary of Defense, Room 3E941, The Pentagon, Washington, DC 20301–1000.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, contesting contents and appealing initial agency determinations are contained in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Files are originated in the Office of the Assistant to the Secretary and Deputy Secretary of Defense, with information that has been referred by others or applicants for non-career positions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None

DGC 02

SYSTEM NAME:

Private Relief Legislation File.

SYSTEM LOCATION:

Legislative Reference Service, Defense Legal Services Agency, Department of Defense, The Pentagon, Washington, DC 20301–1600.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals for whom private relief legislation has been introduced in Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Private relief legislation files of the Department of Defense, contain the history of legislation concerns individuals and contains information about them.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133 and 137.

PURPOSE(S):

These files are used by the attorneys in the Office of the General Counsel, Office of the Secretary of Defense and personnel in the Department of Defense to produce working papers in development of a department position.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by name and bill number.

SAFEGUARDS:

Stored in metal filing cabinets where they are kept in a locked room.

RETENTION AND DISPOSAL:

Files are retained as long as there is an office interest in the legislation after which they are destroyed or retired to the Federal Records Center, Suitland, MD.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Legislative Reference Service, Defense Legal Services Agency, Department of Defense, Room 3D282, Pentagon, Washington, DC 20301–1600.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Legislative Reference Service, Defense Legal Services Agency, Department of Defense, Room 3D282, Pentagon, Washington, DC 20301–1600.

Valid proof of identity is required.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Assistant General Counsel (Legal Counsel), Room 3E988, The Pentagon, Washington, DC 20301–1600.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in Private Relief Legislative files is obtained from various sources including correspondence with the Legislative Branch and inputs by the components of the Department of Defense.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DGC 04

SYSTEM NAME:

Industrial Personnel Security Clearance Case Files.

SYSTEM LOCATION:

Directorate for Industrial Security Clearance Review, Defense Legal Service Agency, Department of Defense, 4015 Wilson Boulevard, Suite 300, Arlington, VA 22203-1995.

Decentralized inactive segments at the Washington National Records Center, and at the U.S. Army Investigative Records Depository, Fort Meade, MD 20755. Automated records are maintained on a system V5-02, Defense Central Index of Investigations, at Defense Investigative Service, Personnel Investigations Center, Baltimore, MD.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Government contractor employees, and former employees whose industrial security clearance cases were referred to Directorate for Industrial Security Clearance Review (DISCR) for adjudication under E.O. 10865 as implemented by DOD Directive 5220.6 by the Defense Industrial Security Clearance Office (DISCO) or by the Director Defense Investigative Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

System includes, automated case status records for current cases and inactive cases and an alphabetical card index file for records of cases prior to 1984 used for recording actions taken and for identification and location of case files within the system; individual case files which include requests for investigation and clearances, general correspondence relating to case, personnel security questionnaires, investigative reports prepared by various investigative agencies, medical and psychiatric records and evaluations, DISCO referral recommendation, correspondence between the individual and DISCR elements, DISCO, medical facilities, DOD Psychiatric Consultants, investigative agencies, other DOD and Federal agencies, Screening Board, Examiners and the Appeal Board, attorneys, elements of the office of the Secretary of Defense and Defense Investigative Service, written interrogatories and Statement of Reasons (SOR) to individuals, with replies, recommendations, summaries, records of adjudicative actions, transcript of hearings and exhibits. Supplementing the system's case files are redacted copies of DISCR administrative and adjudicative decisions from July 1961 to date. Names and identifying information of applicant's, witnesses, source of information, etc., are deleted from these redacted record's to protect the privacy of persons involved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10865, Safeguarding Classified Information Within Industry, as amended by E.O. 10909; DOD Directive 5220.6, Industrial Personnel Security Clearance Program; DOD Regulation 5200.2-R, DOD Personnel Security Program.

PURPOSE(S):

These records are collected and maintained to determine whether the granting or retention of security clearance to industrial contractor personnel is clearly consistent with the national interest, to record clearance adjudicative actions and determinations; to record processing steps taken and processing time; to prepare statistical listings and summaries; to document due process actions taken, to assist authorized DOD Consulting Psychiatrist to compile evaluations and reports; to respond to inquiries from Presidential Staff offices when the inquiry is made at the request of the individual; to monitor and control adjudicative actions and processes. Automated case status system and card files are used to record statistics, provide location and status and internal identification of cases, to prepare listings and statistical reports and summaries, and to monitor work flow and actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to the Department of Justice in determining claims for reimbursement in preparation of hearings, appeals and Federal Court review.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of

systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders, and on vertical file cards; automated records in electronic storage are maintained on magnetic tapes and discs at Defense Investigative Service, Personnel Investigations Center, Baltimore, MD.

RETRIEVABILITY:

Filed alphabetically by name or by case number. Access to computer data may be made by name and Social Security Number and a combination of name and other personnel identifying data.

SAFEGUARDS:

All records are stored, processed, transmitted and protected as the equivalent of classified information. Records are accessed by the custodian of the record system and by persons responsible for servicing the system, who are properly screened and cleared for need-to-know. Computer hardware is located in locked areas controlled and guarded, with access limited to authorized personnel. Computer access is via dedicated data circuits which prevent access from standard dial-up telephones and is individually password controlled. Individual passwords are changed quarterly or are changed upon departure of personnel. The automated system is operated by Defense Investigative Service, Personnel Investigations Center, Information Systems Division. Only DISCR personnel with an official need-to-know are given individual passwords and user identification information needed to access the computer system and amend, add, alter, change or delete DISCR records. Other authorized contributors and users of the Defense Central Index of Investigations are authorized read-only access to DISCR case status records in that system.

RETENTION AND DISPOSAL:

Completed case files are retained in office files for two years after annual cut-offs, then are retired to the Washington National Records Center, for an additional 20 years.

Inactive, completed case files prior to 1982 are maintained at the U.S. Army Investigative Records Repository, Ft. Meade, MD 20755. Automated electronic case status records and alphabetical card index files are retained as locator for both active and inactive records. Computer data and alphabetical card files are purged when the inactive case file is no longer retained.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Directorate for Industrial Security Clearance Review, 4015 Wilson Boulevard, Suite 300, Arlington, VA 22203-1995.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Directorate for Industrial Security Clearance Review, 4015 Wilson Boulevard, Suite 300, Arlington, VA 22203-1995.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Directorate for Industrial Security Clearance Review, 4015 Wilson Boulevard, Suite 300, Arlington, VA 22203-1995.

Written requests from individuals must be signed and should be sent to Directorate for Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs), Room 2C757, The Pentagon, Washington, DC 20301-1400 and should include the individual's full name, and any former names, date and place of birth, and Social Security Number.

Request for copies of redacted, final determination should be sent to the system manager, and should include OSD Case Number of the records requested.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is received from investigative reports from federal investigative agencies; personnel security records and correspondence; medical and personnel records, reports and evaluations; correspondence from contractors, employers, organizations of assignment and Federal agencies DOD organizations, agencies and offices; from individual, their attorneys or authorized representatives.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this record system may be exempt under 5 U.S.C. 552a(k)(5), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 311. For additional information contact the system manager.

DGC 05

SYSTEM NAME:

Administrative Files on Active Psychiatric Consultants to Department of Defense.

SYSTEM LOCATION:

Directorate for Industrial Security Clearance Review, Defense Legal Services Agency, Department of Defense, 4015 Wilson Boulevard, Arlington, VA 22203-1995.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Psychiatric consultants who have entered into agreement with the Department of Defense to conduct psychiatric examination of individuals applying for industrial security clearance for access to classified information required in the performance of their work for classified Government contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records filed alphabetically by last name of psychiatrist, consisting of correspondence concerning agreement to conduct psychiatric examinations requested by the Government; and initiation and confirmation of security clearance is issued to psychiatrists. Current list of active DOD psychiatric consultants. Alphabetical card index file for identification and address of active psychiatric consultants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DOD Directive 5220.6, Industrial Personnel Security Clearance Program; E.O. 10865, February 20, 1960, and Deputy Secretary of Defense Memorandum dated October 20, 1965, Subject: Employment of Psychiatric Consultants for Industrial Security Program.

PURPOSE(S):

The purpose of this system is to maintain a research of active psychiatric consultants available to conduct psychiatric examinations of individual applicants for industrial personnel security clearance in convenient geographical areas. Psychiatric consultants have active professional service agreements with the Department of Defense and are used by DISCR, in processing requests for industrial personnel security clearance of individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, vertical file cards.

RETRIEVABILITY:

Alphabetically by surname.

SAFEGUARDS:

Records are stored in security combination locked file cabinets accessible only to DISCR authorized personnel.

RETENTION AND DISPOSAL:

Destroy six months after agreement between consultant and DOD has been terminated.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Directorate for Industrial Security Clearance Review, 4015 Wilson Boulevard, Suite 300, Arlington, VA 22203-1995.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Directorate for Industrial Security Clearance Review, 4015 Wilson Boulevard, Suite 300, Arlington, VA 22203-1995.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Directorate for Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs), Room 2C257, The Pentagon, Washington, DC 20301-1400.

Written requests should include the individual's full name, date and place of birth, and must be signed. The records requested may be made available to individuals for review at the above address.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Copy of Letter of Consent (for Security clearance), DISCO Form 560, and correspondence with individual psychiatrists.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DGC 06

SYSTEM NAME:

Attorney and Summer Intern Position Applications.

SYSTEM LOCATION:

Office of the Assistant General Counsel (Manpower and Health Affairs), Office of the Secretary of Defense, Room 3E999, The Pentagon, Washington, DC 20301-1600.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who applies to the Office of General Counsel of DOD for an attorney position for a summer intern position.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain copies of letters and any other documents submitted by applicants, such as resumes, SF-171s, and applicant writing samples, and also contains response from the Office of the General Counsel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3101.

PURPOSE(S):

To consider applicant qualifications for available positions in the Office of the General Counsel and the Defense Legal Services Agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Documents filed chronologically in folders. Summer intern applicants filed alphabetically, with separate storage for first and second year students.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name card index indicating date in chronological file folder. Summer intern files retrievable by alphabetical file folders.

SAFEGUARDS:

Building employs security guards. Records are maintained in file cabinets to which office personnel grant access only to those with a need to know. Training and screening of office personnel regarding protection of sensitive legal files is applicable to the subject file.

RETENTION AND DISPOSAL:

Records are maintained for a one-year period. They are destroyed monthly. Summer intern applicant files are destroyed at the end of the summer.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant General Counsel (Manpower and Health Affairs), Office of the Secretary of Defense, Room 3E999, The Pentagon, Washington, DC 20301-1600.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Assistant General Counsel (Manpower and Health Affairs), Office of the Secretary of Defense, Room 3E999, The Pentagon, Washington, DC 20301-1600.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Assistant General Counsel (Manpower and Health Affairs), Office of the Secretary of Defense, Room 3E999, The Pentagon, Washington, DC 20301-1600.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application and related forms from the individuals for position.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DHA 01

SYSTEM NAME:

Medical Malpractice Claims Data File.

SYSTEM LOCATION:

Assistant Secretary of Defense (Health Affairs), Office of Professional Affairs and Quality Assurance, The Pentagon, Washington, DC 20301-1200.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals include health care providers named in malpractice/

professional negligence claims abstracted and reported whether the claim was denied, closed favorably for the plaintiff or for the U.S. Government and patients of the health care providers, identified to the extent of Social Security Number of military sponsor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case records relating to malpractice claims recorded against DOD. Record fields consist of Facility Name, Military Department, Date of Incident, Date Claim Filed, Date Claim Closed, Litigation Settlement Data, Diagnosis and Treatment Procedures, Injury Extent Classification, Social Security Number of Military Sponsor, Patient Allegation(s) of Malpractice, Professional Review Assessment, Provider Name, Social Security Number and Medical Specialty.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 11101 (Pub. L. 99–660, Health Care Quality Improvement Act of 1986); 42 U.S.C. 11131–11134; and E.O. 9397.

PURPOSE(S):

To collect malpractice claims data provided by the Military Services. The data are used to conduct trend analyses of DOD Medical Quality Assurance Programs and to facilitate DOD compliance with requirements of the Health Care Quality Improvement Act of 1986, which includes establishment of a National Data Bank for compilation of medical malpractice information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper in file folders and on a microcomputer system.

RETRIEVABILITY:

Hard copy is filed by sponsor's Social Security Number. Electronic records may be accessed by search on Social Security Number of Military Sponsor.

SAFEGUARDS:

Records are accessed by authorized personnel with an official need-to-know who have been trained for handling Privacy Act data. Hard copy records are maintained in locked cabinets in restricted access areas. Computer files are accessed on a password-protected stand alone microcomputer system with a mechanical lock for additional protection.

RETENTION AND DISPOSAL:

Paper records are destroyed after five years. The microcomputer database files are destroyed after five years. Conversion of data to aggregate form with stripping of data fields, not to include personal identifiers, is performed on older data for statistical and other data analysis uses.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant Secretary of Defense (Health Affairs), Office of Professional Affairs and Quality Assurance, Room 3D360, The Pentagon, Washington, DC 20301–1200.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Assistant Secretary of Defense (Health Affairs), Office of Professional Affairs and Quality Assurance, Room 3D360, The Pentagon, Washington, DC 20301–1200.

The request should contain the full name of either the medical professional or military sponsor, requesting individual's Social Security Number (or Social Security Number of military sponsor, if inquiry is by a claimant), military department and medical facility and signature of the requester, and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Assistant Secretary of Defense (Health Affairs), Office of Professional Affairs and Quality Assurance, Room 3D360, The Pentagon, Washington, DC 20301–1200.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Medical facilities of the military departments.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DHA 02

SYSTEM NAME:

Adverse Clinical Privilege Actions Data File.

SYSTEM LOCATION:

Office of the Assistant Secretary of Defense (Health Affairs), Office of Professional Affairs and Quality Assurance, The Pentagon, Washington, DC 20301–1200.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All privileged health care providers in the DOD Health Care System.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files consist of case reports to the Assistant Secretary of Defense (Health Affairs) (ASD(HA)) concerning permanent actions on the limitation, revocation, or reinstatement of clinical privileges of DOD military and civilian health care providers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1102 and E.O. 9397.

PURPOSE(S):

To collect and update adverse clinical privilege data provided by the military services to the ASD(HA). The consolidation of Service data is used by ASD(HA) to conduct trend analyses of DOD Medical Quality Assurance Programs.

To an officer, employee, or contractor of the Department of Defense who has a need for such record or testimony to perform official duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To a Federal executive agency or private organization, if such medical quality assurance record or testimony is needed by such agency or organization to perform licensing or accreditation functions related to Department of Defense Health care facilities or to perform monitoring, required by law, or Department of Defense health care facilities.

To an administrative or judicial proceeding commenced by a present or former Department of Defense health care provider concerning the termination, suspension, or limitation of clinical privileges of such health care provider.

To a governmental board or agency or to a professional health care society or organization, if such medical quality assurance record or testimony is needed by such board, agency, society, or organization to perform licensing, credentialing, or the monitoring of

professional standards with respect to any health care provider who is or was a member or an employee of the Department of Defense.

To hospital, medical center, or other institution that provides health care services, if such medical quality assurance record or testimony is needed by such institution to assess the professional qualifications of any health care provider who is or was a member or employee of the Department of Defense and who has applied for or been granted authority or employment to provide health care services in or on behalf of such institution.

To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such agency or instrumentality makes a written request that such record or testimony be provided for a purpose authorized by law.

In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality referred to in the above paragraph, but only with respect to the subject of such proceeding.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper in file folders and on a microcomputer system.

RETRIEVABILITY:

Hard copy is filed by medical practitioner's Social Security Number. Electronic records may be accessed by searching on any information field. Retrievable fields are health care provider's Social Security Number, pay grade of provider, years of Federal service of provider, name of medical treatment facility, reason for clinical privileges action and status of Federation of State Medical Boards or State notification, provider specialty, source of accession, and action taken.

SAFEGUARDS:

Records are accessed by authorized personnel with an official need-to-know who have been trained for handling Privacy Act data. Hard copy records are maintained in locked cabinets in restricted access areas. Computer files are accessed on a password-protected stand alone microcomputer system with mechanical lock for additional protection.

RETENTION AND DISPOSAL:

Paper records are destroyed after five years. The microcomputer database files are destroyed after five years. Conversion of data to aggregate form with stripping of data fields, not to include personal identifiers, is performed on older records for statistical and other data analysis uses.

Destruction of paper records is by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of Defense (Health Affairs), Office of Professional Affairs and Quality Assurance, Room 3D360, The Pentagon, Washington, DC 20301–1200.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Assistant Secretary of Defense (Health Affairs), Office of Professional Affairs and Quality Assurance, Room 3D360, The Pentagon, Washington, DC 20301–1200, where a log of these requests will be maintained.

The request should contain the full name, subject individual's social security number, Military Department, hospital or medical facility and signature of the requester, and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Assistant Secretary of Defense (Health Affairs), Office of Professional Affairs and Quality Assurance, Room 3D360, The Pentagon, Washington, DC 20301–1200.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Medical facilities of the military departments.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DHA 03

SYSTEM NAME:

Pentagon Employee Referral Service (PERS) Counseling Records.

SYSTEM LOCATION:

Pentagon Employee Referral Service, c/o Civilian Employees Health Services Clinic, Room 1E356, The Pentagon, Washington, DC 20310–6800.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian DOD employees assigned to duty in the Pentagon and environ who are referred by management for, or voluntarily request, counseling assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on patients which are generated in the course of professional counseling. Records consist of information on condition, current status, progress and prognosis for patients who have personal, emotional, alcohol or drug dependency problems, including admitted or urinalysis-detected illegal drug abuse.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 43; 5 U.S.C. 310; 5 U.S.C. 7301; 10 U.S.C. 3012; 42 U.S.C. 290dd–3 and 290ee–3; 42 U.S.C. 4582; Pub. L. 100–71; E.O. 12564, Drug-Free Federal Workplace; and E.O. 9397.

PURPOSE(S):

To record counselor's observations concerning patient's condition, current status, progress prognosis and other relevant treatment information regarding patients in an employee assistance treatment facility.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In order to comply with provisions of 5 U.S.C. 7301 and 42 U.S.C. 290dd–3 and 290ee–3, the Office of the Secretary of Defense 'Blanket Routine Uses' do not apply to this system of records.

Records in this system may not be disclosed without the prior written consent of such patient, unless the disclosure would be:

To medical personnel to the extent necessary to meet a bona fide medical emergency;

To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner; and

If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders are stored in filing cabinets. Extracts of treatment records are entered into an electronic database on a microcomputer.

RETRIEVABILITY:

Manual and automated records are retrieved by patient's last name, Client Case Number, and Social Security Number.

SAFEGUARDS:

Paper records are maintained in file cabinets that are locked when the office is not occupied by authorized personnel. The automated database files are on a password-protected, stand alone microcomputer. All patient records are maintained and used with the highest regard for patient privacy. Only persons on a need-to-know basis and trained in the handling of information protected by the Privacy Act have access to the system.

RETENTION AND DISPOSAL:

Paper records are destroyed five years after termination of counselling. Destruction is by shredding, pulping, macerating, or burning.

Electronic records are purged of identifying data five years after termination of counselling. Aggregate data without personal identifiers is maintained for management/statistical purposes until no longer required.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Pentagon Employee Referral Service, Room 1E356, The Pentagon, Washington, DC 20310–6800.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Pentagon Employee Referral Service, Room 1E356, The Pentagon, Washington, DC 20310–6800.

The request should contain the full name, address, Social Security Number and the signature of the subject individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, The Pentagon Employee Referral Service, Room 1E356, Pentagon, Washington, DC 20310–6800.

The request should contain the full name, address, Social Security Number and the notarized signature of the subject individual.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Patient, counselors, supervisors, co-workers or other agency or contractor-employee personnel; private individuals to include family members of patient and outside practitioners.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DHA 04

SYSTEM NAME:

DOD Bone Marrow Donor Program.

SYSTEM LOCATION

Primary system: Naval Medical Research Institute, Bethesda, MD 20814–5055.

National Marrow Donor Program (NMDP) Collection Centers at the following locations:

Alta Bates-Herrick Hospital, Bone Marrow Transplant Program, 3001 Colby Street, Berkeley, CA 94705.

Baylor University Medical Center, Bone Marrow Transplant Program, Sammons Tower, Suite 410, 3500 Gaston Avenue, Dallas, TX 75246.

Children's Hospital Medical Center, Division of Hematology/Oncology, Bone Marrow Donor Program, Elland and Bethesda Avenues, Cincinnati, OH 45229.

City of Hope National Medical Center, Blood Transfusion Services, 1500 E. Duarte Road, Duarte, CA 91010.

Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, OH 44106.

Dana Farber Cancer Institute, Dana 1838, 44 Binney Street, Boston, MA 02115.

Dartmouth/Hitchock Medical Center, Hematology/Oncology Department, Vail Building, Room 56, P.O. Box HB–7923, Hanover, NH 03756.

Emory Clinic, Department of Hematology, 1365 Clifton Road, Northeast, Atlanta, GA 30322.

Georgetown University Hospital, Lombardi Cancer Research Center, Bone Marrow Transplantation Program, 3800 Reservoir Road, Northwest, Washington, DC 20007.

Genesee Hospital, 224 Alexander Street, Rochester, NY 14607, HCA Wesley Medical Center, 3243 East Murdock, Suite 300, Wichita, KS 67208.

Hahnemann University Hospital, Broad and Vine Street, 8102 N.C.B., Philadelphia, PA 19102.

The Johns Hopkins Oncology Center, Bone Marrow Transplant Program, 600 North Wolfe Street, Baltimore, MD 21205.

Kaiser Health Center East, 3414 North Kaiser Center Drive, Portland, OR 97227.

Kansas City Internal Medicine, 6420 Prospect Avenue, T101, Kansas City, MO 64132.

LSU Medical School, Department of Medicine, 1524 Tulane Avenue, New Orleans, LA 70112.

Medical College of Wisconsin, Department of Medicine, Milwaukee County Medical Complex, 8700 West Wisconsin Avenue, Milwaukee, WI 53233.

Memorial Sloan-Kettering Cancer Center, 1275 York Avenue, New York, NY 10021.

Mercy General Hospital, 3939 'J' Street 300, Sacramento, CA 95819.

Methodist Hospital of Indiana, Inc., Bone Marrow Transplantation Program, 1701 North Senate Boulevard, Indianapolis, IN 46202.

Montefiore Hospital, Hematology/Oncology Unit, 3459 Fifth Avenue, Pittsburgh, PA 15213.

The Ohio State University, Bone Marrow Transplant Program, 10 North Doan Hall, 410 West Tenth Avenue, Columbus, OH 43210–1228.

Ohio State University Hospital, 410 West Tenth Avenue, N1025 Doan Hall, Columbus, OH 43210.

Pacific Presbyterian Hospital, Division of Bone Marrow Transplant, 2351 Clay Street, Suite 414, San Francisco, CA 94115.

Poudre Valley Hospital, Bone Marrow Transplant Program, 1024 LeMay Avenue, Fort Collins, CO 80524.

St. Frances Hospital, Cancer Care Associates, 6835 South Canton, Tulsa, OK 74136.

Scripps Clinic Research Foundation, Weingart Center for Bone Marrow Transplantation, 10666 North Torrey Pines Road, Maildrop MS–312, LaJolla, CA 92037.

Stanford University Medical Center, Bone Marrow Transplant Program, 300 Pasteur Drive, Room H–1353, Stanford, CA 94305–5290.

Tufts New England Medical Center, Bone Marrow Transplant Program, 750 Washington Street, 245, Boston, MA 02111.

UCLA Center for Health Science, Bone Marrow Transplant Program, 10833 LeConte, Room 42–121, Los Angeles, CA 90024.

UCSD Medical Center, Bone Marrow Transplant Program, 225 Dickinson Street, H–811K, San Diego, CA 92103.

United Blood Services, 1515 University Avenue, P.O. Box 25445, Albuquerque, NM 87125.

University of California Medical Center, Hematology Services, P.O. Box 0324, Room A–502, 400 Parnassus, San Francisco, CA 94143.

University of Connecticut Medical Center, Department of Hematology/Oncology, Bone Marrow Transplantation Program, 263 Farmington Avenue, Farmington, CT 06032.

University of Florida, College of Medicine, Bone Marrow Transplant Program, Box J277 JHMHC, Gainesville, FL 32610.

University of Iowa Hospitals and Clinics, Division of Hematology/Oncology, Adult Bone Marrow Transplant Program, Iowa City, IA 52242.

University of Minnesota Hospital and Clinic, Bone Marrow Transplant Program, Box 803, UMHC, Harvard Street at East River Road, Minneapolis, MN 55455.

University of Nebraska Medical Center, 42nd and Dewey Avenue, Omaha, NE 68105.

University of Oklahoma, Hematology Section, Health Sciences, P.O. Box 26901, Oklahoma City, OK 73190.

University of Wisconsin Hospitals and Clinics, Hematology H4/540, Bone Marrow Transplant Program, 600 Highland Avenue, Madison, WI 53792.

Virginia Mason Clinic, Medical Oncologist, 925 Seneca, P.O. Box 900, Seattle, WA 98111.

Wake Forest University Cancer Center, Section of Hematology/Oncology, 300 South Hawthorne Road, Winston Salem, NC 27103.

Wayne State Univ/Harper Grace Hospitals, School of Medicine, Division of Hematology/Oncology, P.O. Box 02188/John R., Detroit, MI 48201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Defense military and civilian personnel and their dependents who have volunteered for and been accepted as potential bone marrow donors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Donor registration and consent forms (or a notation in writing if the consent was obtained telephonically) including consent for testing, and consent to donate a blood sample for HLA (human leukocyte antigen) typing; a consent to donate platelets; a consent to donate bone marrow, if compatible with a patient; a consent to undergo anesthesia if selected to donate marrow; report of physical examination of the donor to include complete medical history and the results of laboratory and other tests (X-ray, electrocardiogram, virology, etc.), and examining physician's report to the donor center; information pertinent to the collection process including posthospitalization follow-up; donor's written consent to be returned to the registry for further donations. Data items include: Name, Social Security Number, a bar-coded Donor Identification Number (DIN), and HLA type; donor's address, place of work, home and work telephone numbers; names, addresses and telephone numbers of donor's relatives and friends; donor's race/ethnicity; hospital and hospital provider number, city and State; date and time of marrow recovery and transplantation; name of transplant center.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C 136 and E.O. 9397.

PURPOSE(S):

To tissue type as many donors as possible for inclusion in the national registry of marrow donors in order to offer patients requiring bone marrow transplants access to as many potential donors as possible for the purpose of obtaining compatible match.

To the National Coordinating Center for the purpose of obtaining a marrow match. Information released will consist of DIN, donor's race, date of birth and sex only.

To the National Coordinating Center for the purpose of obtaining insurance coverage for the donor. Information released will consist of name, address, Social Security Number and date of birth. Name and address only for the purpose of direct informational mailing (in such a way that the individual is not linked to his or her donor identification number of HLA-type).

To a NMDP-approved civilian medical facility in only those cases where required medical examination and/or actual marrow procurement is performed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

To the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any state of the legislative coordination and clearance process as set forth in that Circular.

To the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

To the Merit System Protection Board, including the Office of Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including investigation, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

POLICIES AND PRACTICES FOR STORING, RETRIEVING/ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper in file folders and on microcomputers.

RETRIEVABILITY:

Hard copy is filed by donor's name. Electronic records may be accessed by search on any information field. Retrievable fields are donor's name, Social Security Number or Donor Identification Number, HLA type, date of birth, sex, and racial/ethnic group.

STORAGE:

Records are accessed by authorized personnel with an official need-to-know who have been trained for handling Privacy Act data. Hard copy records are maintained in locked cabinets in restricted access areas. Computer files are accessed on a password-protected stand-alone microcomputer system with mechanical locks for additional protection.

RETENTION AND DISPOSAL:

Paper records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Disposition will be according to the following schedule:

a. For persons who have donated bone marrow: Each record will be maintained 25 years beyond the known death of the marrow recipient and then destroyed. The donor will be notified by mail when this is done.

b. For persons who are accepted as donors but not requested to provide a transplant:

(1) Upon leaving the Federal service (military or civilian), if the potential donor does not elect to continue participation through transfer to a civilian program, his/her records will be destroyed. The potential donor will be notified by mail when this is done.

(2) At age 56 the potential donor's records will be destroyed and

notification will be sent by mail when this is done.

c. For persons who are accepted as donors but who subsequently decline further participation in the program, all records will be destroyed upon notification in writing of withdrawal.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of Defense (Health Affairs), Office of Professional Affairs and Quality Assurance, Room 3D366, The Pentagon, Washington, DC 20301–1200.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Assistant Secretary of Defense (Health Affairs), Office of Professional Affairs and Quality Assurance, Room 3D366, The Pentagon, Washington, DC 20301–1200, where a log of these requests will be maintained.

The request should contain the full name and individual's Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Assistant Secretary of Defense (Health Affairs), Office of Professional Affairs and Quality Assurance, Room 3D366, The Pentagon, Washington, DC 20301–1200.

The request should contain the individual's full name, Social Security number, and, if applicable, the name of the medical facility where examinations, tests, bone marrow collection, and follow-up procedures were conducted.

CONTESTING RECORDS PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from record subjects and attending medical specialists.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DODDS 01

SYSTEM NAME:

Teacher Correspondence Files.

SYSTEM LOCATION:

Teacher Recruitment Section, Staffing Branch, Office of Dependents Schools, Office of Assistant Secretary of Defense (Force Management and Personnel), Room 120, Hoffman Building, 2461 Eisenhower Avenue, Alexandria, VA 22331.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual with whom or about whom the Teacher Recruitment Section has correspondence.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains all correspondence received from and responses to individuals writing the Teacher Recruitment Section.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C. 901-907.

PURPOSE(S):

The collected information is used by the Teacher Recruitment Section to maintain accurate record of correspondence with individuals making inquiry to Section, any individual records might be transferred to any component of the Department of Defense having a need to know in the performance of official business.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in individual's file folders.

RETRIEVABILITY:

Filed alphabetically be either the last name of the correspondent or the last name of the employee/applicant the correspondence concerns.

SAFEGUARDS:

Building employs security guards, office locked during nonbusiness hours.

RETENTION AND DISPOSAL:

Files are retained for one to three years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Dependents Schools, Office of the Assistant Secretary of Defense (Force Management and Personnel), Pentagon, Washington, DC 20301-4000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Teacher Recruitment Section, DOD Office of Dependents Schools, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Teacher Recruitment Section, DOD Office of Dependents Schools, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

Written requests for information should contain full name and address of the individual. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or other identification card.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Correspondence initiated by the individual or by others on his or her behalf and replies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DODDS 02

SYSTEM NAME:

Educator Application Files.

SYSTEM LOCATION:

Manual and automated records are maintained at the Teacher Recruitment Section, Personnel Division, Department of Defense Dependents Schools (DODDS), 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301 and manual records at the five DODDS regional personnel offices. Automated records are maintained at the main computer site which is operated by the Washington Headquarters Services/ Budget and Finance (WHS/BF) located in the Pentagon in Arlington, VA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective teachers applying for positions within the DODDS system and current DODDS teachers and educators

applying for either interregional transfers or positions in the DODDS Educator Career Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Prospective Teachers: Files contain all papers and forms relating to the individuals application for employment to include Personal Qualification Statement (SF 171), Supplemental Application for Employment with DODDS (DS Form 5010), Professional Evaluation, DODDS (DS Form 5011), DODDS-Application Index (DS Form 5012), interviewers worksheets, official college transcripts, copy of teaching certificates, copy of birth certificates and correspondence to or concerning the applicant.

Interregional Transfer Applicants: Files contain all papers and forms relating to the individuals applications. A coded worksheet developed by the regional staff is provided to the central personnel office for processing (remainder of material is retained at the region). Also included are miscellaneous worksheets and correspondence relating to the application.

Educator Career Program Applicants: Files contain all paper and forms relating to the individuals application to include: DODDS Educator Career Program Application (DS Form 5080), DODDS Assessment of Potential (DS Form 5081), DOD Education Career Program Rating Sheet (DS Form 5082) and miscellaneous worksheets and correspondence relating to the application.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C. 902, 903 and 931.

PURPOSE(S):

Teacher Recruitment Section and Regional Offices: To determine qualifications and make selections of candidates for vacant positions within DODDS system (including new teachers, interregional transfers and Educator Career Program positions), to review types of experience, educational background, evaluation of previous employers, professional credentials, to interviewers ratings.

Department of the Army, Air Force, and Navy staff agencies and Commands: To complete processing of hired individuals, to obtain Office of Personnel Management National Agency Check, medical examination, passports; to arrange transportation and shipment/storage of household goods; and to provide gaining Civilian Personnel Offices necessary documentation for placing individual on rolls.

Any individual's records in a system of records might be transferred to any Component of the Department of Defense having a need to know in the performance of official business.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders are stored at the DODDS personnel office or regional offices; some files are supported by automated files which are maintained on disks and/or tapes at the central computer site.

RETRIEVABILITY:

The manual files are filed alphabetically by name. The automated records are indexed by name or system assigned number (assigned chronologically upon input). Also, any combination of data in the automated file can be used to select individual records. Only authorized individuals (i.e., personnel staffing specialists) are provided user identification numbers and passwords to access the system via terminal.

SAFEGUARDS:

Paper records are maintained in files which are accessible only to authorized personnel.

a. Description of automated process. Current hardcopy records of information and disks are maintained in the DODDS personnel office where access can be controlled. The office is locked after normal duty hours and building is secured by a private security force. Hardcopy records of interregional transfer applicants and a portion of the Career Educator applicants are maintained in the regional offices in locked cabinets and/or locked offices where access can be controlled and which are locked after normal duty hours. Approved special requests for data can be supported by ad hoc inquiry. Any combination of data can be used to select individual records for special processing.

b. Physical safeguards. A high-speed remote batch terminal, used for this system, is located in the DODDS personnel Office. The office is secured after normal duty hours to preclude unauthorized access. Access to the personnel terminal and all hardcopy records is controlled by office personnel. Access to automated data files by terminal is controlled by the use of a user ID and password system. The central computer site is owned and operated by the WHS/BF which has a complex security system. The site is guarded 24 hours a day, year-round and employs a system of electronic locks, to preclude access by unauthorized personnel. All visitors are escorted and accounted for at all times. WHS/BF is provided with a back-up power supply so that the system will remain on-line during power shortages. Backup tapes are run daily, weekly and monthly and stored in a separate location within the Pentagon. A second copy of monthly tapes is stored in an off-site vault with 24-hour security.

c. Remote terminal access. Access to the terminal is controlled by the use of user identification numbers and passwords. The passwords are initially assigned by WHS/BF; however, the user is immediately instructed to change it to something only known to him/her. Only through a complex internal checking system, can authorized WHS/BF personnel access the password in the event it is lost or forgotten by the user. The password can be changed as frequently as desired and is now changed every 6 months or upon the departure of the employee who has knowledge of it.

d. Storage media. Hardcopy files are stored in the personnel office or in regional offices. Disks used in the personnel office are also stored there. Data retained by WHS/BF is on disks and magnetic tape.

e. Risk analysis. The main computer site is adequately secure for storage of personal information. WHS/BF is bound to uphold all provisions of the Privacy Act in accordance with GSA contract procedures. The terminal is protected so that unauthorized access to information can be prevented.

RETENTION AND DISPOSAL:

Prospective Teachers: Records are retained for recruitment period (no more than 2 years). For nonselected applicants, portions are returned to applicant for future use and portions are destroyed unless the applicant has indicated a desire to reapply in which case portions of the file are retained until the next recruitment period. Records of selected applicants are forwarded to the Departments of the Army, Air Force, and Navy as appropriate for processing. Interregional Transfer Applicants: File is retained for 1 year and destroyed.

Career Educator Program Applicants: Applicants are retained for 2 years (unless updated by applicant) and destroyed.

Automated Records: Back-up tapes at WHS/BF are erased every 6 months via complete overwriting. Archive tapes after release by the user are erased by complete overwriting. When released by user, all bytes used for data which are on disk are automatically reset to 0 before anyone may use the storage space. Disks used on the terminal in the personnel office are erased when no longer needed and reused (i.e., never leave the office and are never used by another system).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Teacher Recruitment Section, Office of Dependents Schools, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Teacher Recruitment Section, Office of Dependents Schools, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Teacher Recruitment Section, Office of Dependents Schools, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

Written requests for information should contain the full name and address of the individual and must be signed.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the individuals concerned, current and past employers, and educational institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(5), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 311. For additional information contact the system manager.

DFMP 06

SYSTEM NAME:

DOD Priority Placement Program (STOPPER LIST).

SYSTEM LOCATION:

Primary location: Defense Electronics Supply Center, 1507 Wilmington Pike, Dayton, OH 45444–5310.

Decentralized locations: Hard copy rosters/listing supplied every two week to all DOD Civilian Personnel Offices world-wide (approximately 500 locations) and to other personnel management activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Displaced career and career-conditional employees adversely affected by reductions-in-force or transfer of function; overseas nondisplaced career and career-conditional employees being returned to the U.S. All individuals in file must voluntarily initiate entry into the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains summary of occupational experience, education, training, age, sex, height and weight, marital status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136.

PURPOSE(S):

To DOD Civilian Personnel Offices to assist activities in filling vacant positions and in assisting displaced employees and overseas returnees in obtaining employment; to DOD Activities for short resume of individual's background used in assessing qualifications for vacant positions; to Office of the Deputy Assistant Secretary of Defense, Civilian Personnel Policy for statistical analyses of civilian personnel employment trends and patterns for establishing policy and for planning purposes; informing individuals in system of non-government job opportunities. Any individual records contained in the system might be transferred to any component of the Department of Defense having the need to know in the performance of official business.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To other Federal Agencies for filling vacant positions; to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic computer tape.

RETRIEVABILITY:

Normally retrievable for occupation and grade.

SAFEGUARDS:

The primary location is identified as a secure area; access it through electrically controlled doors and cipher locks; tapes are stored in a vault when not in use.

RETENTION AND DISPOSAL:

Record of displaced employees are maintained in the system for one year. Records of overseas returnees are entered six months prior to return and are maintained until individual is placed in job or leaves the government. Initial input for records is hard copy which is destroyed after tape record is created.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Staffing Policies and Programs, Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy), Room 3D821, The Pentagon, Washington, DC 20301–4000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Department of Defense Civilian Personnel Office where the individual registered to enter the system.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Department of Defense Civilian Personnel Office where the individual registered to enter the system and should include name and current mailing address and telephone number. For personal visits, the individual should be able to present to the personnel office some acceptable identification, such as a driver's license or other ID card.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual must take action to place his record in the system;

information entered into the record is provided by the individual in writing or through employment counseling; additional information is obtained from the individual's office personnel file (201 file).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DFMP 07

SYSTEM NAME:

DOD Overseas Employment Program.

SYSTEM LOCATION:

Defense Electronics Supply Center, 1507 Wilmington Pike, Dayton, OH 45444–5310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Career and career-conditional employees of the Federal Government and reinstatement eligible employees who desire overseas employment and voluntarily register.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains summary of occupational experience, education, training, age, sex, height and weight, marital status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136.

PURPOSE(S):

Data is used to provide an automated applicant supply system for use in filling overseas job vacancies; data is used by Department of Defense activities in filling overseas job vacancies. These data may be used by the Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) for statistical analyses for policy, planning, and guidance; for evaluation of the effectiveness of the program, and for monitoring of activity compliance with the program. Any individual records contained in the system might be transferred to any component of the Department of Defense having the need to know in the performance of official business.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To other Federal agencies for use in filling overseas job vacancies; to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic computer tape.

RETRIEVABILITY:

Retrieval by occupational skill and grade.

SAFEGUARDS:

The location is identified as a secure area; access is through electrically controlled doors and cipher locks; tapes are stored in a vault when not in use.

RETENTION AND DISPOSAL:

Records remain in the system for one year or until the individual is placed in an overseas position; the individual is notified after eleven months that his registration is about to expire and is given the opportunity to re-register for another year.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Staffing Policies and Programs, Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy), Room 3D281, The Pentagon, Washington, DC 20301–4000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Department of Defense Civilian Personnel Office where the individual registered to enter the system.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Department of Defense Civilian Personnel Office where the individual registered to enter the system and should include name, current mailing address and telephone number. For personnel visits, the individual should be able to present to the personnel office some acceptable identification, such as a driver's license or other ID card.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the file is obtained from the individual, either in writing or through interviews with personnel counselors, and from his official personnel file (201 file).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DFMP 09

SYSTEM NAME:

Defense Equal Opportunity Management Institute Student File.

SYSTEM LOCATION:

Primary microcomputer location: Information Systems Division, Defense Equal Opportunity Management Institute, Building 559, Patrick AFB, FL 32925–6685.

1Backup tape location: Library, Defense Equal Opportunity Management Institute, Building 560, Patrick AFB, FL 32925–6685.

Hard copy backup files for former students location: Information Systems Division, Defense Equal Opportunity Management Institute, Building 559, Patrick AFB FL 32925–6685.

Temporary files and backups for current students are maintained on hard copy and microcomputers located in the Academic Directorate and Student Management Division, Defense Equal Opportunity Management Institute, Building 560 and Building 559, Patrick AFB, FL 32925–6685.

Temporary microcomputer files and backups are also located in the Student Testing Division, Building 560, Patrick AFB, FL 32925–6685.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former students of the Defense Equal Opportunity Management Institute.

CATEGORIES OF RECORDS IN THE SYSTEM:

Life history summary, name, Social Security Number, race, age, religious preference, military organization, test and examination scores and forms, peer group and instructor ratings and advisor progress reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136 and E.O. 9397.

PURPOSE(S):

Files are used by the Defense Equal Opportunity Management Institute to evaluate student progress and to create a permanent record of academic accomplishment.

Advisors use the files for counseling of students. Academic Boards and the Commandant use the files to make decisions on releasing students from the program.

The Registrar uses the files to verify attendance and grades.

The Commandant, faculty, and other staff use the student records to select instructors. Students use the data in evaluating their progress. The use of personal identifiers in this record system is solely for positive identification purposes."

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Colleges and universities use transcript records to verify attendance and grades.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Primary files are computer disk files. Backup files are magnetic computer tapes, microform, and paper records. Temporary files are on microcomputer disks backed up by magnetic tapes, diskettes, and paper records.

RETRIEVABILITY:

Name, Social Security Number, student number or class.

SAFEGUARDS:

Primary locations for both permanent and temporary files are controlled access areas. Backup file storage is in locked file cabinets. Only authorized personnel have access to files.

RETENTION AND DISPOSAL:

Microcomputer student history records are kept for 50 years and then destroyed; paper backup records are kept for one year and then destroyed; faculty board records are kept for five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, Defense Equal Opportunity Management Institute, Patrick AFB, FL 32925–6685.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director of Support, Defense Equal Opportunity Management Institute, Patrick AFB, FL 32925–6685.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director of Support, Defense Equal Opportunity Management Institute, Patrick AFB, FL 32925–6685.

Requests must be in writing and contain the full name, Social Security Number, current address and telephone number, class of the individual, and signature.

For personal visits, the individual should be able to provide some acceptable identification, such as a military ID card or a driver's license.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is provided by the individual, student peers, instructors, counselors, and examinations.

EXEMPTIONS CLAIMED FOR THE SYSTEMS:

None.

DGC 15

SYSTEM NAME:

Reports of Defense Related–Employment.

SYSTEM LOCATION:

Department of Defense General Counsel, Director, Standards of Conduct Office, Room 3C960, The Pentagon, Washington, DC 20301-1600.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired or former military officers, in grades of major or lieutenant commander or above and former civilian officers, and employees of the Department of Defense employed at or above the minimum salary of GS-13, who, during any of the first three years after termination of service or employment with the Department of Defense, are employed at fifteen thousand dollars or more per year by a Defense contractor who, during that year, was awarded contracts by the Department of Defense totaling ten million dollars. Also covered are current officers and employees of the Department of Defense employed at or above the minimum salary level GS-13, who within the preceding three years are employed by such a Defense contractor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of report DD Form 1878 completed by individuals covered by the system and forwarded to the Department of Defense describing their employment with the Department of Defense and with the Defense contractor and a listing showing the names of individuals who submitted completed DD Form 1787.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 91-121, section 410, approved November 19, 1969.

PURPOSE(S):

These records are available for public inspection in accordance with the specific terms of section 410(f) of Pub. L. 91-121. There is no limitation or restriction on use by the public of the information contained in the report.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Section 410(d) of Pub. L. 91-121 requires the submission to the President of the Senate and Speaker of the House of Representatives by December 31 of each year of information in the reports submitted by individuals during the preceding Fiscal Year.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In metal file cabinet.

RETRIEVABILITY:

Alphabetical by name of individual.

SAFEGUARDS:

Maintained in unlocked file cabinet when not in use.

RETENTION AND DISPOSAL:

Retire to Washington National Records Center (WNRC) when three years old. Destroy when 10 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Defense General Counsel, Director, Standards of Conduct Office, Room 3C960, The Pentagon, Washington, DC 20301-1600.

NOTIFICATION PROCEDURE:

Any individual who desires to know whether a report DD Form 1787 submitted by him is on file may address a letter of inquiry to the Department of Defense General Counsel, Director, Standards of Conduct Office, Room 3C960, The Pentagon, Washington, DC 20301-1600. In as much as the reports are available for public inspection no proof of identity is required.

RECORD ACCESS PROCEDURES:

On request of any individual the reports on file are made available for inspection in the office of the Department of Defense General Counsel, Director, Standards of Conduct Office, Room 3C960, The Pentagon, Washington, DC 20301-1600.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual submitting the DD Form 1787.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DODDS 17

SYSTEM NAME:

DOD Teacher Back Pay Project.

SYSTEM LOCATION:

DOD Office of Dependents Schools, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All former DOD Overseas Dependents School teachers who were paid under Pub L. 89-391, dated April 14, 1966.

CATEGORIES OF RECORDS IN THE SYSTEM:

System is comprised of names, Social Security Numbers, and dates of birth of former DOD overseas teachers, and information extracted from their Official Personnel Records which will effect computation of their retroactive pay; and current addresses of former teachers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Court decision in the case called Virginia J. March et al, v. United States of America (Civil Action 3437-70, U.S. District Court, District of Columbia, June 30, 1975) on intent of Pub. L. 89-391, dated April 14, 1966; and E.O. 9397.

PURPOSE(S):

To be used by Office of Dependents Schools Back Pay Project workers to compute back pay as it applies to individual teacher; prepare necessary updating for individual's Official Personnel Record, life insurance entitlement where applicable; prepare reports to individual teachers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data in this system is used by the Department of the Treasury; to the Social Security; the Office of Personnel Management, the attorneys for the teachers and General Accounting Office addresses will be used for mailing purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tapes, computer printouts.

RETRIEVABILITY:

Social Security Number and name.

SAFEGUARDS:

All records are stored under strict control, maintained in spaces normally accessible only to authorized personnel, in cabinets in locked room.

RETENTION AND DISPOSAL:

Record will be maintained in this office until all requirements of the judgement and will be destroyed when they are no longer useful.

SYSTEM MANAGER(S) AND ADDRESS:

Director, DOD Office of Dependents Schools, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, DOD Office of Dependents Schools, ATTN: Back Pay Project, 1225 Jefferson Devis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

Letter should contain the full name and signature of the requester.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, DOD Office of Dependents Schools, ATTN: Back Pay Project, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

Letter should contain the full name and signature of the requester.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official Personnel Records obtained from Federal Records Center and other agencies currently employing individuals concerned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DODDS 21

SYSTEM NAME:

Department of Defense Dependents Schools (DODDS) Grievance Records.

SYSTEM LOCATION:

Office of Dependent Schools, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301; six regional offices located in London, England; Wiesbaden, Germany; Karlsruhe, Germany, Madrid, Spain; Okinawa Japan and Panama; in principals' offices of DODDS schools; and at the servicing civilian personnel offices at various military installations

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former employees who have submitted grievances in accordance with 5 U.S.C. 2302, and 5 U.S.C. 7121, or a negotiated procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records relating to grievances filed by DOD Dependents Schools (DODDS) employees under 5 U.S.C. 2302, and 5 U.S.C. 7121. These case files contain all documents related to the grievances, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that DODDS may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 2302 and 5 U.S.C. 7121.

PURPOSE(S):

The collected information is used by the DODDs in the creation and maintenance of records of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by reference.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where the disclosing agency becomes aware of a violation or potential violation of civil or criminal law or regulation.

To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention

of an employee; the issuance of a security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to requesting the Agency's decision on the matter.

To provide information to a congressional office from the record of an individual, in response to an inquiry from the congressional office, made at the request of that individual.

To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

By the National Archives and Records Administration (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2906.

To disclosure information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission, when requested in performance of their authorized duties.

To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties, exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom the records are maintained, by case number, and by subject matter of the grievance.

SAFEGUARDS:

Records are maintained in locked metal file cabinets, with access only to authorized DODDS employees and servicing civilian personnel offices.

RETENTION AND DISPOSAL:

These records are disposed of not sooner than 3 years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management Employee Relations Branch, Personnel Division, Office of Dependents Schools, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Management Employee Relations Branch, Personnel Division, Office of Dependents Schools, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Management Employee Relations Branch, Personnel Division, Office of Dependents Schools, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the individual on whom the record is maintained; by testimony of witnesses; by Agency officials; from related correspondence from organization or persons.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DODDS 22

SYSTEM NAME:

DOD Dependent Children's School Program Files.

SYSTEM LOCATION:

Active Students - DOD operated overseas dependents schools, regional offices, and the Office of Dependents Schools, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

Former High School Students - Permanent records (high school transcripts) are retained at the school for four years subsequent to graduation, transfer, or termination, and are then forwarded to the regional office for one year where they are compiled and forwarded to the Washington National Records Center (WNRC) except Panama. Records for the Panama region are retired to the East Point, GA, Federal Archives Records Center (FARC).

Former Panama Canal College Students - Permanent records (college transcripts) are retained at the college for ten years and are then retired to East Point FARC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students in the DOD operated overseas dependent schools.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enrollment files: Documents relating to the admission, registration, and departure of dependent school students. Included are pupil enrollment applications, course preference, admission cards, drop cards, and similar or related documents.

Daily attendance register files: Documents reflecting the daily attendance of pupils at dependent schools. Included are forms, printouts, bound registers and similar or related documents.

Elementary school academic records: Documents reflecting the standardized achievement, mental ability, yearly grade average, attendance of each student and the teacher's comments. Included are forms, notes, and similar or related documents.

Elementary school report card files: Documents reflecting grades, personality traits, and promotion or failure. Included are report cards and similar or related documents.

Elementary school teacher class register files: Documents reflecting daily, weekly, semester, or annual scholastic grades and averages, absence and tardiness data.

Elementary school student files: Documents pertaining to individual elementary school students. Included in each folder are reading and health records; individual education plans; intelligence quotient; achievement, aptitude, and similar test results; notes related to pupils progress and characteristics; and similar matters used by counselors and successive teachers.

Secondary school absentee files: Documents reflecting absence of students. Included are homeroom teacher's registers, secondary school daily attendance records of absentees reported by teachers, tardy slips for admission of students to classroom, transfer slips notifying teachers of new class or homeroom assignment, notices of change by school principal to teacher upon change of classroom, student applications for permission to be absent, student pass slips, and similar or related documents.

Secondary school academic record files: Documents reflecting student grades and credits earned. Included are forms, notes, and similar or related documents.

Secondary school report card files: Documents reflecting scholastic grades, personality traits, and promotion or failure. Included are report cards and related documents.

Secondary school teacher class register files: Documents reflecting daily, weekly, semester, or annual scholastic marks and averages, absence and tardiness, and withdrawal data. Included are class registers and similar or related documents.

Secondary school class reporting files: Documents reflecting teacher reports to principals and used as source documents for preparing secondary school academic record cards. Included are forms, correspondence, and similar or related documents.

Credit transfer certificate files: Documents reflecting secondary school scholastic credits earned. Included are certificates and similar or related documents.

Secondary school student files: Documents pertaining to individual secondary school students. Included in each folder are student health records; individual education plans; absence reports and correspondence with parents pertaining to absence; records of achievement and aptitude tests; notes concerning participation in extracurricular activities, hobbies, and other special interests or activities of the student; and miscellaneous memorandums used by student counselors.

College absence, withdrawal, and add files: Student applications for permission to be absent from final exams. Student drop and add class records and administrative withdrawal letter.

College academic record files: Documents reflecting student grades and credits earned. Included are forms, notes, and similar or related documents.

College report card files: Documents reflecting scholastic grades and promotion or failure. Included are report cards and related documents.

College teacher class register files: Documents reflecting daily, weekly, semester, or annual scholastic marks and averages, absence and withdrawal data. Included are class registers and similar or related documents.

College class reporting files: Documents reflecting teacher reports to Registrar and used as source documents for preparing college transcripts. Included are forms, correspondence, and similar or related documents.

Credit transfer certificate files: Documents reflecting college scholastic credits earned. Included are certificates and similar or related documents.

College student files: Documents pertaining to individual college students. Included in each folder are absence reports, records of achievement, and aptitude tests.

Automated support files: Automated data files are composed of records containing any of the above information in addition to (varies by regional system): Student registration data--student identification number, student name, sex, grade level, bus number, date of enrollment, date of birth, course numbers and names, teachers, credit, grades received, dates of absences, and sponsor's name, status, rank, date of rotation, organization, location of unit, local address, emergency address, permanent address, and telephone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Recurring provisions of the DOD Appropriations Act and Department of Defense Directive 1342.6, Department of Defense Dependents Schools, dated October 17, 1978, with change 1.

PURPOSE(S):

Dependent children's school program files (general):

1. Records of students attending DOD operated overseas dependent schools are used by school officials, including teachers, to: a. Determine the eligibility of children to attend these schools; b. Schedule children for transportation; c. Record daily and/or class attendance of students and date(s) of withdrawal; d. Determine tuition paying students and record status of payments; e. Determine students located in areas not serviced by dependents schools so that alternative arrangements for education can be made and payment made, as required; f. Monitor special education services required by and received by the student; and, g. Used to develop and maintain reading and health records, including school related medical needs.

2. Records may also be released to other officials of the Department of Defense requiring information for operation of the Department (including defense investigative agencies and recruiting officials).

Dependent children's school program files (elementary):

1. Used by school officials, including teachers, in the current and/or gaining school to develop and provide an educational program for elementary students by school personnel cited above.

2. Used in the following manner to record: a. Teacher or standardized test data; b. Attendance, absences, and/or tardiness of each student; c. Recommendations for promotion or retention including teacher comments; d. Daily, weekly, semester, or annual grades; and, e. Notes related to the individual pupil's progress and learning characteristics useful to professional school personnel in counseling the student and in the determination of his/her proper placement.

Dependent children's school program files (secondary):

1. Used by school officials, including teachers, in the current and/or gaining school to develop and provide an educational program for secondary students.

2. Documents are used by school personnel cited above in the following manner to: a. Record teacher and/or standardized test data; b. Record attendance, absences, and/or tardiness of each student; c. Form the basis for a decision on a student request for permission to be absent from a class or classes; d. Determine proper class or grade placement or graduation; e. Determine scholastic grades and/or grade point average; f. Form the basis for school recommendations for student financial aid for postsecondary education; g. Form the basis for preparing the secondary school transcript; h. Determine secondary school academic credits earned; and, i. Note special interest or hobbies of the student.

3. Used by DOD recruiting officials to determine eligibility for military service.

Dependent children's school program files (college):

1. Used by school officials, including teachers, in the current and/or gaining school to develop and provide an educational program for college students.

2. Documents are used by school personnel cited above in the following manner to: a. Record teacher and/or standardized test data; b. Record attendance and absences of each student; c. Form the basis for a decision on a student request for permission to be absent from a class or classes; d. Determine proper class or grade placement or graduation; e. Determine scholastic grades and/or grade point average; f. Form the basis for school recommendations for student financial aid for college education; g. Form the basis for preparing the college transcript; and h. Determine college academic credits earned.

3. Used by DOD recruiting officials to determine eligibility for military service.

Automated support. Automated support is used by school and regional officials (where applicable) to:

1. Provide academic data to each student upon request, provide report cards, etc., at the end of each grading period, provide transcripts upon request, and provide hard copy for manual files.

2. Provide academic data within the region and to ODS.

3. Provide data within the Department of Defense on a need-to-know basis.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

Records concerning sponsor's names, rank, and branch of service may be released to former students for the purpose of organizing reunion activities.

Academic data may be provided to other educational institutions and employers or prospective employers in accordance with current policies and procedures.

Academic achievements and data may be provided to the public, via distribution of information within the school and through various media sources, for positive reinforcement purposes. This information will not be distributed for commercial uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to U.S.C. 552a(b)(12), may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are paper records in file folders.

RETRIEVABILITY:

Elementary school academic records and secondary school and college academic records (transcripts) are filed alphabetically by school, school year, and last name of student.

Elementary, secondary, and college teacher class register files are filed by school, school year, and last name of teacher.

Remaining dependent school student files are filed by school, school year, and last name of student.

The automated files are indexed by a variety of data, depending upon the region and school involved (some have regionally assigned student identification numbers, others are by last name of student). Also, any combination of data in the file can be used to select individual records. Only authorized personnel have required information to access the system or process jobs.

SAFEGUARDS:

Paper records are maintained in files accessible only to authorized personnel.

Authorized records:

Description of the automated process. Current hard copy records of all information are kept in locked file cabinets in limited access school offices. Computer-produced student records and reiotegral part of the manual system and are retained in limited access school offices and/or locked cabinets. Computer disks, tapes, etc., are maintained in limited access areas within the various computer centers, regional offices, and/or schools. Approved special requests for data can be supported by ad hoc inquiry. Any combination of data can be used to select individual records for special processing.

Physical safeguards. Computer facilities and remote terminals are located in schools and regional offices throughout the school system. Particular regional systems vary; however, the same basic safeguards are employed (in various combinations) in all the systems. Computer hardware disk cards and other materials are secured in locked facilities after normal duty hours or are maintained in secure military computer centers. During school hours, storage media is stored in areas where access can be monitored. On-line access is protected by combinations of the following various factors: (1) Users must have file and/or disk names; (2) users must have possession or approval to gain possession of appropriate disk(s); and, (3) users must have specifically designed codes and/or keys to permit read/write operations.

Storage media. Hard copy files are stored in the school offices of each participating school and regional offices. Computer files are stored on magnetic tape and disks, as outlined above.

Risk analysis. All personal information which is collected and/or maintained for this system is stored in locations adequately secure for such information. Administrative safeguards have been instituted to prevent access to information in the automated systems.

RETENTION AND DISPOSAL:

Enrollment files: Maintained at the respective school for one year after graduation, withdrawal, transfer, or death of the student, then destroyed.

Daily attendance register files: Destroyed after reviewing attendance registers for the next school year.

Elementary school academic records files: When a student transfers to another school, this file is forwarded by mail to officials of the receiving school on request in accordance with current regulations, or destroyed at the school five years after graduation, withdrawal, or death of the student.

Elementary school report card files: Documents reflecting grades, personality traits, and promotion or failure. Included are report cards and similar or related documents.

Elementary school teacher class register files: Destroyed at the school concerned after five years.

Elementary school student files: 1. When a student transfers to another school, the reading and health records are released to the parent or student (if over 18 years of age) for hand-carrying to the receiving school. 2. Remaining documents pertaining to the students are forwarded by mail to the officials of the receiving school or the parent/guardian on request in accordance with current regulations; if not requested, documents are destroyed at the school concerned one year after graduation, withdrawal, or death of the student.

Secondary school absentee files: Destroyed at the school after one year.

Secondary school academic record files (high school transcript): 1. Permanent file. 2. When a student transfers to another DOD dependents school, this file (transcript) is forwarded by mail to officials of the receiving school on request. 3. When a student transfers to a non-DOD school, a copy of the transcript is forwarded to the receiving school on request in accordance with current regulations. 4. Files not forwarded to another DOD school are retained at the school concerned for four years, the regional office for one year and then retired to the WNRC (or East Point FARC if in the Panama region) for an additional sixty years.

Secondary school report card files: Released to parents of students or student (if over eighteen years of age) at the end of the school year or on transfer of student.

Secondary school teacher class register files: Retained at the school concerned for five years and then destroyed.

Secondary school class reporting files: Destroyed at the school after one year.

Credit transfer certification files: Destroyed at the school after one year.

Secondary school student files: 1. Retained at the school concerned for two years after graduation, withdrawal

VOL 58 ISS 33 FE 22 1993 UMI

or death of the student. 2. When a student transfers to another school: a. A copy of the record may be released to the parents or student (if over eighteen years of age) for hand-carrying to the receiving school. b. An official copy of the record will be forwarded to the receiving school in accordance with current regulations upon request. (The original record is retained at the school.)

College absentee files: Destroyed at the school after one year.

College academic record files (college transcripts): 1. Permanent file. 2. When a student transfers to another college or university, this file (transcript) is forwarded by mail to officials of the receiving school upon receipt of an authorized request. 3. Original files (transcripts) are retained at the college for ten years then retired to East Point FARC.

College report card files: Released to student at the end of the semester or school year, or on transfer of student.

College teacher class register files: Retained at the school for five years and then destroyed.

College class reporting files: Destroyed at the school after one year.

Credit transfer certificate files: Destroyed at the school after one year.

College school student files: 1. Retained at the school for two years. 2. When a student transfers to another school: a. A copy of the record may be released to the parents or student (if eighteen years of age) for hand-carrying to the receiving school. b. An official copy of the record will be forwarded to the receiving school upon request pending receipt of authorized request. (The original record is retained at the school.)

Automated files: Automated files are normally retained for one year. However, this may vary as all information is documented in the manual files and the information in automated form may be destroyed earlier or later than one year for various internal purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Department of Defense Dependents Schools, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Department of Defense Dependents Schools, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

RECORD ACCESS PROCEDURES:

Written requests for information on the records system and for instructions concerning personal visits may be forwarded to the principal of the school within four years after graduation, transfer, withdrawal, or death of student.

The fifth year, the principal should be contacted for elementary records or the system manager for secondary records.

Subsequently, all requests for secondary records may be forwarded to the Department of the Army, HQ DA (DAAG-AMR), Washington, DC 20310, except for information from schools in Panama. These requests should be sent to Director, DODDS-Panama, APO Miami 34002.

All requests for college records should be sent to the college for the first ten years, then to the Director, DODDS-Panama, APO Miami 34002.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the individuals concerned and their parents/guardians, teachers and school administrators.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DODDS 23

SYSTEM NAME:

Educator Certification/Recertification Files.

SYSTEM LOCATION:

Records are maintained at the schools, regional offices, and the Office of Dependent Schools, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system applies to all Department of Defense Dependents Schools (DODDS) teachers, as the term 'teacher' is defined in 20 U.S.C. 901, and to all DODDS excepted service and ODS educators classified in the 1710 or related series.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of transcripts and/or other documentary evidence, as necessary, for recertification renewal and maintenance. Also included are internal forms to summarize this data and to certify that it has been reviewed by appropriate officials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C. 931, recurring provisions of the annual DOD Appropriations Act, and DOD Directive 1342.6, DOD Dependents Schools, October 17, 1978, and Change 1, thereto.

PURPOSE(S):

Dependents schools' administrators use this information to determine the eligibility of applicable employees to be certified/recertified.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information may be supplied to States with whom the Department of Defense Dependents Schools has reciprocal agreements for respect of certificates issued/revoked by the respective systems.

Records may be disclosed to educational accrediting institutions and organizations during review of a school or schools.

Records may be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order. Every reasonable effort will be made to notify individuals when records pertaining to them are made available under compulsory legal process.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are stored in file folders in locking cabinets, rooms, and/or secure buildings (when possible), located at schools, regional offices, and Office of Dependents Schools (ODS).

RETRIEVABILITY:

The files are arranged by Social Security Number (at the option of the custodian).

SAFEGUARDS:

Paper records are maintained in files which are located in locked cabinets, rooms, and/or buildings, which are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained for the current as well as the upcoming certification cycles. Records for an expired certification cycle are retained for 2 years; then, they are destroyed or returned to the employee. If a teacher leaves the system, the file is maintained for two years following the current expiration date of the certificate and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Personnel Division, Office of Dependents Schools, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

NOTIFICATION PROCEDURE:

Information may be obtained from the principal, regional certification coordinator, ODS certification coordinator, or the Chief, Personnel Division, ODS.

RECORD ACCESS PROCEDURES:

Educators may request to see their files from the individual in charge of certification at their particular location.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the individuals concerned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DFMP 24

SYSTEM NAME:

Joint Service Review Activity File.

SYSTEM LOCATION:

Office of the Assistant Secretary of Defense (Force Management and Personnel), (Military Personnel and Force Management), The Pentagon, Washington, DC 20301-4000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted a complaint to the Joint Service Review Activity in accordance with DOD Directive 1332.28 and the decisional principles contained within the Urban Law court decision. Complaints relate to decisional documents issued by the Discharge Review Boards of the Military Departments.

CATEGORIES OF RECORDS IN THE SYSTEM:

The JSRA files consist of the following: The complaint submitted by the individual, a copy of the decisional document, and review of the complaint by the Military Department, the Joint Service Review Activity, and the Deputy Assistant Secretary of Defense (MPFM). Additionally, any evidence submitted by the complainant to support the complaint is maintained with the documents listed above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1553, Review of Discharge or Dismissal; and DOD Directive 1332.28, Discharge Review Board (DRB) Procedures and Standards.

PURPOSE(S):

This data is used to maintain the necessary documents needed to process complaints submitted by applicants for their counsel in an expeditious fashion; used by the Discharge Review Boards of the Military Departments in evaluating the validity of the complaint; The Joint Services Review Activity in making its evaluation and recommendation on the complaint; the Deputy Assistant Secretary of Defense in making a final determination on the complaint. The documents are available to the complainant and/or applicant for his/her case. They receive a copy of the DASD final determination. Only information which has been expurgated of all identifying information will be released to the public when requested.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by surname.

SAFEGUARDS:

Access to the building is by authorized identification pass or official escort. The records are maintained in a locked file cabinet which is under continuous observation during duty hours. The room is locked after duty hours.

RETENTION AND DISPOSAL:

The records are maintained until the complaint action is finalized. Records are then kept for 1 year in the inactive status. The records are then forwarded to the appropriate Military Department for inclusion in the Official Military Records or destruction if copies of the action have been filed.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Director, Joint Service Review Activity, Office of the Assistant Secretary of Defense (Force Management and Personnel), (Military Personnel and Force Management), Room 3D823, The Pentagon, Washington, DC 20301–4000.

NOTIFICATION PROCEDURE:

General information concerning the JSRA procedures may be obtained from the Administrative Director, Joint Service Review Activity, Office of the Assistant Secretary of Defense (Force Management and Personnel), (Military Personnel and Force Management), Room 3D823, The Pentagon, Washington, DC 20301–4000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Administrative Director, Joint Service Review Activity, Office of the Assistant Secretary of Defense (Force Management and Personnel), (Military Personnel and Force Management), Room 3D823, The Pentagon, Washington, DC 20301–4000.

Written requests for information should contain the full name and address of the individual and must be signed.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The basic information contained in the JSRA's file comes from the complainant, and the decisional document issued by the Military Department. This information forms the basis for reviews conducted by the Discharge Review Board of the Military Department, the Joint Service Review Activity and the Deputy Assistant Secretary of Defense (Military Personnel and Force Management).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DODDS 25

SYSTEM NAME:

DODDS Internal Review Office Project File.

SYSTEM LOCATION:

Department of Defense Dependent Schools Internal Review Office, Lindsey Air Station, Wiesbaden, Germany, APO NY 09634–0005.

CATEGORIES OF INDIVIDUAL COVERED BY THE SYSTEM:

DOD civilian personnel, members of the Armed Forces of the United States and their dependents; DOD contractors; individuals residing on, having authorized access to, or contracting or

operating any business or other functions at any DODDS installation or facility; and individuals not affiliated with the Department of Defense, when the conduct of their activities may be under review or investigation by the DODDS Internal Review Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigations prepared by DODDS Internal Review Office or other DOD, Federal, or host country investigative activities; information summary reports, documenting solicited or unsolicited information of a criminal nature collected or received by the DODDS IRO, concerning persons or incidents which are of direct interest to DODDS or other DOD components or Federal Agencies; letters, memoranda, documents, statements; copies of individual records from official personnel and payroll files and records; audit working papers, listings, summations, and project tracking information; and other miscellaneous documentation supporting investigative and internal review functions of the DODDS IRO.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 97–255, Federal Manager's Financial Integrity Act of 1982; and E.O. 9397.

PURPOSE(S):

As an audit and financial information system, the Internal Review Office Project File is used to maintain financial accountability reviews of DODDS operations world-wide and ensure that resources are protected from fraud, waste, mismanagement or other financial abuse. The system provides DODDS managers with information on potential internal control weaknesses and contains supporting information for the annual DODDS Internal Review Office Statement of Assurance. The system tracks all DODDS audits, inquiries, reviews and investigations.

Investigative information is collected to identify offenders, to provide facts and evidence upon which to base prosecution, to effect corrective administrative action, and to recover money and property which has been wrongfully appropriated. Records are used: In the prosecution of criminal law enforcement violations; to sustain determinations in contractor responsibility and suspension/debarment decisions; to provide background information behind contractual actions and award decisions; to support statistical evaluations of DODDS IRO investigative activities; to respond to Freedom of Information Act access request; to provide information in response to Inspector General, Equal Employment, or other complaint investigations and congressional inquiries; to obtain relevant information from Federal, state, local, and foreign agencies; to obtain employment records, if necessary, from business enterprises; and to obtain other information relevant to any on-going investigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information collected may be shared during reciprocal investigations conducted for and with other DOD and Federal agency investigative and law enforcement elements. Additionally, release may be made to accredited state, local, or host country law enforcement agencies, regulatory and licensing authorities, congressional committees, and the General Accounting Office.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders. Electronic data is maintained on a microcomputer.

RETRIEVABILITY:

Documents are filed chronologically in sequential numeric order by DODDS Region. Files are retrieved by subject and source name, Social Security Number, position title, employing activity, address, telephone number, project number, DODDS assessable unit, year, status, originator, action office, project title, location, suspense dates, and cross-reference.

SAFEGUARDS:

The system location is a controlled-access facility that is locked when not occupied. Paper records are kept in filing cabinets and other storage devices that are secured when the office is not occupied. Access to records is restricted to DODDS Internal Review Office personnel. The computer database is maintained on a personal computer. Access to computer records is controlled by a user identification and password system. Personnel having access are limited to those having a need-to-know who have been trained in handling Privacy Act information.

RETENTION AND DISPOSAL:

Paper records are retained for ten years and then destroyed. Computer files are retained for 15 years and are then deleted or media destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Defense Dependents Schools, Internal Review Office, ATTN: Internal Control Officer, APO NY 09634–0005.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of Dependents Schools, ATTN: Privacy Act Officer, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

The request should include the region and/or facility where the individual was assigned, employed, affiliated, or located, and the period during which the record may have been created. Individual's Social Security Number and should be included in the inquiry for positive identification.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of Dependents Schools, ATTN: Privacy Act Officer, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301.

The individual should reference the region and location and where assigned or affiliated applicable to the period during which the record was maintained. Social Security Number should be included in the inquiry for positive identification.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Report and records of investigators, subjects, informants, witnesses, auditors, and other personnel. Source material includes official records, investigative leads, statements, depositions, business records, audit reports and studies, and other pertinent material available in the course of a review or investigation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)2) as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and

published in 32 CFR part 311. For additional information contact the system manager.

DOCHA 01

SYSTEM NAME:

Health and Dental Benefits Authorization Files.

SYSTEM LOCATION:

Primary system is located at Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, Aurora, CO 80045–6900.

Decentralized segments are located at the Office of Civilian Health and Medical Program of the Uniformed Services-Europe (OCHAMPUSEUR) APO New York 09102–5000; and Fiscal Intermediaries (FIs)/Contractors under contract to OCHAMPUS.

Each company listed below maintains claim files on beneficiaries in their respective geographical areas. Health Management Strategies International, Inc., 1725 Duke Street, Suite 300C, Alexandria, VA 22314–3408;

Health Management Strategies International, Inc., 1725 Duke Street, Suite 300C, Alexandria, VA 22314-3408;

Uniformed Services Benefit Plans, Inc., 720 North Marr Road, Columbus, IN 47201-6660;

Blue Cross-Blue Shield of South Carolina, 200 North Dozier Boulevard, Florence, SC 29501-4026;

Wisconsin Physicians Service, 1617 Sherman Avenue, Madison, WI 53707–7927;

Delta Dental Plan of California, 7667 Folsom Boulevard, Sacramento, CA 95826-9023;

FHC Options, Inc., 240 Corporate Boulevard, Norfolk, VA 23502-4900;

Foundation Health Federal Services, Inc., 2 Lakeway Center, Suite 1960 3850 Causeway Boulevard, Metarie, LA 70002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who seek authorization or preauthorization for care under CHAMPUS/CHAMPVA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Original correspondence with individuals, medical and dental statements, Congressional inquiries, medical and dental treatment records, authorization for care, case status sneets, memos for records, follow-up reports justifying extended care, correspondence with fiscal intermediaries and work-up sheets maintained by case workers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 41 CFR part 101–11.000; chapter 55, 10 U.S.C. 613, chapter 17, 38 U.S.C.; 32 CFR part 199; and E.O. 9397.

PURPOSE(S):

To maintain and control records pertaining to requests for authorization or pre-authorization of health and dental care under CHAMPUS.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Determine eligibility of an individual, authorize payment, respond to inquiries from congressional offices made at the request of the individual covered by the system, control and review health care and dental management plans, health care demonstration programs, control accomplishment of reviews, and coordinate subject matter clearance for congressional committees and auditors.

Referral to the Secretary of the Department of Health and Human Services and/or the Secretary of the Department of Veterans Affairs consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to chapter 55, 10 U.S.C. and section 613, chapter 17, 38 U.S.C.

Referral to federal, state, local, or foreign governmental agencies, and to private business entities, including individual providers of care, on matters relating to fraud, program abuse, utilization review, quality assurance, peer review, program integrity, third-party liability, coordination of benefits, and civil or criminal litigation related to the operation of CHAMPUS. Disclosure to third-party contacts in situations where the party to be contacted has, or is expected to have, information necessary to establish the validity of evidence or to verify the accuracy of information presented by the individual concerning his or her entitlement, the amount of benefit payments, any review of suspected abuse or fraud, or any concern for program integrity or quality appraisal.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are maintained on magnetic tape and disc. Paper records maintained in file folders.

RETRIEVABILITY:

Information is retrieved by sponsor's Social Security Number and sponsor's or beneficiary's name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Decentralized automated segments within FI operations are accessible on-line only to authorized persons possessing user identification codes. OCHAMPUS buildings are protected by Department of Defense security force and/or military police security force.

RETENTION AND DISPOSAL:

Automated indexes are permanent. Hardcopy records are closed out at the end of the calendar year in which finalized, held one additional year, and transferred to the Federal Records Center (FRC). The FRC will destroy the records after an additional five-year retention.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Program Operations Division, Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, Aurora, CO 80045–6900.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, ATTN: Privacy Act Officer, Aurora, CO 80045–6900.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, ATTN: Privacy Act Officer, Aurora, CO 80045–6900.

Written request for information should include the full name of the beneficiary, the full name of the sponsor and sponsor's Social Security Number, current address and telephone number.

Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record, and at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as a driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Contractors, Health Benefits Advisors, all branches of the Uniformed Service, congressional offices, providers of care, consultants and individuals.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

DOCHA 02

SYSTEM NAME:

Medical and Dental Care Inquiry Files.

SYSTEM LOCATION:

Primary system is located at Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, Aurora, CO 80045–6900.

Decentralized segments are located at the Office of Civilian Health and Medical Program of the Uniformed Services-Europe (OCHAMPUSEUR), APO New York 09102–5000; and Fiscal Intermediaries (FIs)/Contractors under contract to OCHAMPUS.

Each company listed below maintains medical and dental care inquiry files on beneficiaries in their respective geographical areas.

Health Management Strategies International, Inc., 1725 Duke Street, Suite 300C, Alexandria, VA 22314-3408;

Uniformed services Benefit Plans, Inc., 720 North Marr Road, Columbus, IN 47201-6660;

Blue Cross-Blue Shield of South Carolina, 200 North Dozier Boulevard, Florence, SC 29501-4026;

Wisconsin Physicians Service, 1617 Sherman Avenue, Madison, WI 53707–7927;

Delta Dental Plan of California, 7667 Folsom Boulevard, Sacramento, CA 95826-9023;

FHC Options, Inc., 240 Corporate Boulevard, Norfolk, VA 23502-4900;

Foundation Health Federal Services, Inc., 2 Lakeway Center, Suite 1960 3850 Causeway Boulevard, Metarie, LA 70002.

CATEGORIES OF INDIVIDUAL COVERED BY THE SYSTEM:

All individuals who seek information concerning health and dental care under CHAMPUS/CHAMPVA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting inquiries received from private individuals for information on CHAMPUS/CHAMPVA and replies thereto; congressional inquiries on behalf of constituents and replies thereto; and files notifying personnel of eligibility or termination of benefits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 41 CFR 101–11.000; chapter 55, 10 U.S.C.; section 613, chapter 17, 38 U.S.C.; and E.O. 9397.

PURPOSE(S):

To maintain and control records pertaining to requests for information concerning the processing of individual CHAMPUS/CHAMPVA claims and the benefit structure and procedures of CHAMPUS/CHAMPVA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Establish eligibility, respond to inquiries from individuals, and respond to inquiries from congressional offices made at the request of the individual covered.

Referral of the Secretary of the Department of Health and Human Services and/or Secretary of the Department of Veterans Affairs consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to chapter 55, 10 U.S.C. and section 613, chapter 17, 38 U.S.C.

Referral to federal, state, local, or foreign governmental agencies, and to private business entities, including individual providers of care, on matters relating to fraud, program abuse, utilization review, quality assurance, peer review, program integrity, third-party liability, coordination of benefits, and civil or criminal litigation related to the operation of CHAMPUS.

Disclosure to other third-party contacts in situations where the party to be contacted has, or is expected to have, information necessary to establish the validity of evidence or to verify the accuracy of information presented by the individual concerning his or her entitlement, the amount of benefit payments, any review of suspected abuse or fraud, or any concern for program integrity or quality appraisal.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records maintained on magnetic tape and disc. Paper records maintained in file folders.

RETRIEVABILITY:

Information is retrieved by case number, sponsor name and/or Social Security Number, and inquirer name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Automated segments are accessible only by authorized persons possessing user identification codes. OCHAMPUS buildings are protected by Department of Defense security force and/or military police security force.

RETENTION AND DISPOSAL:

Automated indexes are permanent. Paper records are retained in active file until end of calendar year in which closed, held two additional years, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Public and Beneficiary Relations Division, Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, Aurora, CO 80045–6900.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, ATTN: Privacy Act Officer, Aurora, CO 80045–6900.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, ATTN: Privacy Act Officer, Aurora, CO 80045–6900.

Written requests for information should include the full name of the individual, military sponsor's name and Social Security Number, current address and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that medical record.

For personal visits to examine records, the individual should be able to provide some acceptable identification such as a driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Contractors, congressional offices, Health Benefits Advisors, all branches of the Uniformed Services, consultants, and individuals.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

DOCHA 04

SYSTEM NAME:

Legal Opinion Files.

SYSTEM LOCATION:

Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, Aurora, CO 80045-6900.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are the subject of inquiries from the individual, attorneys, fiscal administrators, hospital contractors, other Government agencies, and congressional offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inquiries received from individuals, attorneys, fiscal administrators, hospital contractors, other government agencies, and congressional offices. Files contain legal opinions, correspondence, memoranda for the record, and similar documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 41 CFR 101-11.000; Chapter 55, 10 U.S.C. 613, Chapter 17, 38 U.S.C.; 32 CFR part 199.

PURPOSE(S):

OCHAMPUS uses these records for research, precedent, historical, and record purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referral to the Secretary of the Department of Health and Human Services and/or the Administrator of the Department of Veterans Affairs consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to Chapter 55, 10 U.S.C. and Section 613, Chapter 17, 38 U.S.C. and referral to the Department of Justice and/or foreign law enforcement agencies for possible criminal prosecution.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders.

RETRIEVABILITY:

Information is retrieved by subject matter with cross-reference by individual name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. OCHAMPUS buildings are protected by military police security force.

RETENTION AND DISPOSAL:

Records are permanent. Transfer to Washington National Records Center when superseded or obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, Aurora, CO 80045-6900.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, ATTN: Privacy Officer, Aurora, CO 80045-6900.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, ATTN: Privacy Officer, Aurora, CO 80045-6900.

Written requests for information should include the full name of the beneficiary, the full name of the sponsor, current address and telephone number. Should it be determined that the release of medical information to the requester could have an adverse effect upon the individual's physical or mental health, the requester will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should be able to provide some acceptable identification such as a driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals, attorneys, fiscal administrators, hospital contractors, other agencies, and congressional offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOCHA 07

SYSTEM NAME:

Medical and Dental Claim History Files.

SYSTEM LOCATION:

Primary system is located at Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, Aurora, CO 80045-6900.

Decentralized segments are located at the Office of Civilian Health and Medical Program of the Uniformed Services-Europe (OCHAMPUSEUR), APO New York 09102-5000; and Fiscal intermediaries/Contractors (FIs) under contract to OCHAMPUS.

Each company listed below maintains claim files on beneficiaries in their respective geographical areas.

Health Management Strategies International, Inc., 1725 Duke Street, Suite 300C, Alexandria, VA 22314-3408;

Uniformed services Benefit Plans, Inc., 720 North Marr Road, Columbus, IN 47201-6660;

Blue Cross-Blue Shield of South Carolina, 200 North Dozier Boulevard, Florence, SC 29501-4026;

Wisconsin Physicians Service, 1617 Sherman Avenue, Madison, WI 53707-7927;

Delta Dental Plan of California, 7667 Folsom Boulevard, Sacramento, CA 95826-9023;

FHC Options, Inc., 240 Corporate Boulevard, Norfolk, VA 23502-4900;

Foundation Health Federal Services, Inc., 2 Lakeway Center, Suite 1960 3850 Causeway Boulevard, Metarie, LA 70002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Eligible beneficiaries and all individuals who seek health care under CHAMPUS/CHAMPVA.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains claims, billings for services, applications or approval forms,

VOL 58 ISS 33 FE 22 1993 UMI

medical records, dental records, family history files, records on appeals and hearings, or any other correspondence, memorandum, or reports which are acquired or utilized in the development and processing of CHAMPUS/CHAMPVA claims. Records are also maintained on health care and dental care demonstration projects, including enrollment and authorization agreements, correspondence, memoranda, forms and reports which are acquired or utilized during the projects.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 41 CFR 101–11.000; chapter 55, 10 U.S.C. 613, chapter 17, 38 U.S.C.; 32 CFR part 199; and E.O. 9397.

PURPOSE(S):

OCHAMPUS and its contractors use the information to control and process health care benefits available under CHAMPUS including the processing of medical claims, dental claims, the control and approval of medical and dental treatments, and necessary interface with providers of health/dental care.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Referral to federal, state, local, or foreign governmental agencies, and to private business entities, including individual providers of care, on matters relating to fraud, program abuse, utilization review, quality assurance, peer review, program integrity, third-party liability, coordination of benefits and civil or criminal litigation related to the operation of CHAMPUS.

Information from CHAMPVA claims will be given to the Department of Veterans Affairs.

Disclosure to third-party contacts in situations where the party to be contacted has, or is expected to have, information necessary to establish the validity of evidence or to verify the accuracy of information presented by the individual concerning his or her entitlement, the amount of benefit payments, any review of suspected abuse or fraud, or any concern for program integrity or quality appraisal.

Issuance of deductible certificates; responding to inquires from congressional offices, made at the request of the person to whom a record pertains; and conducting audits of FI processed claims to determine payment and occurrence accuracy of the FI's adjudication process.

Process and control of recoupment claims in favor of the United States arising under the Federal Claims Collection Act. In connection with these recoupment claims, information may be disclosed to:

a. The U.S. Department of Justice, including U.S. Attorneys, for legal action and final disposition of the recoupment claims.

b. The Internal Revenue Service to obtain current address information on delinquent accounts receivable (automated controls exist to preclude redisclosure of solicited IRS address information) and to report amounts written-off as uncollectible as taxable income.

c. Private collection agencies for collection action when deemed to be in the best interest of the U.S.

Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting act of 1966 (15 U.S.C. 1681a(f)) or the Federal Claims Collections Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records maintained on magnetic tape and disc. Paper records maintained in file folders.

RETRIEVABILITY:

Information is retrieved by sponsor's Social Security Number; beneficiary's name; classification of medical diagnosis, procedure code, or geographical location of care provided; and selected utilization limits.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Decentralized automated segments within FI operations are accessible on-line only to authorized persons possessing user identification codes. The automated portion of the Primary System is accessible only through the medium of OCHAMPUS prepared computer programs resulting in a printout of the data. OCHAMPUS buildings are protected by Department of Defense security force and/or military police security force.

RETENTION AND DISPOSAL:

Records maintained on magnetic tape are individual annual files and are permanent. Paper records are closed out at the calendar year end in which processed, held one additional year, and transferred to the Federal Records Center. Federal Records Centers will destroy after an additional four-year retention.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Contract Management Division, Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, Aurora, CO 80045–6900.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, ATTN: Privacy Act Officer, Aurora, CO 80045–6900.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, ATTN: Privacy Act Officer, Aurora, CO 80045–6900.

Written requests for information should include the full name of the beneficiary, the full name and Social Security Number of the sponsor, current address, and telephone number. Should it be determined that the release of medical information to the requestor could have an adverse effect upon the individual's physical or mental health, the requestor will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Physicians, dentists, hospitals, and other sources of care; individuals; insurance companies; and consultants.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

DOCHA 09

SYSTEM NAME:

Grievance Records.

SYSTEM LOCATION:

Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, Aurora, CO 80045–6900.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances in accordance with 5 U.S.C. 2302 and 5 U.S.C. 7121 or a negotiated procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents related to grievances including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that OCHAMPUS may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 2302 and 5 U.S.C. 7121.

PURPOSE(S):

To control and process Federal employee grievances.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to appropriate federal, state, or local agencies responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; to disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested; to disclose information to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter; to respond to inquiries from that congressional office made at the request of that individual concerned by the system; to disclose information to another federal agency or to a court when the government is party to a judicial proceeding before the court; to disclose information to officials of the Merit Systems Protection Board including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission when requested in performance of their authorized duties; to disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding; and to provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters effecting work conditions.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

This information is used in the creation and maintenance of records of summary descriptive statistics and analytical studies or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by reference.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders.

RETRIEVABILITY:

Information is retrieved by individual name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. OCHAMPUS buildings are protected by military police security force.

RETENTION AND DISPOSAL:

Records are closed at the end of the calendar year in which they are closed, held an additional seven years, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Office, Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, Aurora, CO 80045-6900.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, ATTN: Privacy Act Officer, Aurora, CO 80045-6900

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, ATTN: Privacy Act Officer, Aurora, CO 80045-6900

Written requests for information should include the full name of the individual.

For personal visits to examine records, the individual should provide some acceptable identification such as a driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals, witnesses, agency officials, and organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DOSIA 01

SYSTEM NAME:

OSIA Treaty Inspection Manpower Management System.

SYSTEM LOCATION:

Records in the system are located at the On-Site Inspection Agency, 300 West Service Road, Dulles International Airport, Washington, DC 20041–0498.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals affiliated with the On-Site Inspection Agency, either by military assignment, civilian employment, or contractual support agreement. Individuals are weapons inspectors, linguists, mission schedulers/planners, personnel assistants/specialists, portal rotation specialists, operation technicians, passport managers, clerical staff, and database management specialists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information includes individual's name, Social Security Number, date of

VOL 58 ISS 33 FE 22 1993 UMI

birth, city/state/country of birth, education, marital status, gender, race, civilian or military member, rank (if military), security clearance, years of federal service, occupational category, job organization and location, and emergency locator information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 125 and Executive Order 9397.

PURPOSES:

To manage OSIA manpower resources, including security clearance processing and verification, special access certification, passport status, mission scheduling and planning, inspection team composition, inspector and transport list management, and inspector training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDINGCATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer and computer output products.

RETRIEVABILITY:

Records may be retrieved by name or Social Security Number.

SAFEGUARDS:

Records are stored in a computer system with extensive intrusion safeguards.

RETENTION AND DISPOSAL:

Records are maintained for as long as the individual isassigned to OSIA. Upon departure from OSIA, records concerning that individual are removed from the active file and retained in an inactive file for ten years. Information that has been held in the inactive file for ten years is deleted.

SYSTEM MANAGER AND ADDRESS:

On-Site Inspection Agency Database Administrator, 300 West Service Road, Dulles International Airport, Washington, DC 20041–0498.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director for Operations, On-Site Inspection Agency, 300 West Service Road, Dulles International Airport, Washington, DC 20041–0498.

The inquiry should include full name and Social SecurityNumber.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system shcuild address written inquiries to the Director for Operations. On-Site Inspection Agency, 300 West Service Road, Dulles International Airport, Washington, DC 20041–0498

The inquiry must include full name and Social SecurityNumber.

CONTESTING RECORDS PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is provided by the individual, obtained from other personnel record sources, and from the individual's superiors and assignment personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DPA DCR.A 01

SYSTEM NAME:

Joint Civilian Orientation Conference Files.

SYSTEM LOCATION:

Directorate for Community Relations, Office of the Assistant Secretary of Defense (Public Affairs), The Pentagon, Washington, DC 20301–1400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person nominated to participate in the Joint Civilian Orientation Conference.

CATEGORIES OF RECORDS IN THE SYSTEM:

Nominating letters, biographical information and administrative processing papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136.

PURPOSE(S):

Data is provided to the Assistant Secretary of Defense and his immediate subordinates and is used in making a selection of participants representing the broadest possible cross-section of nominees, and prevent administrative duplication.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in locked file case and accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Name, address and title files are permanent. Nomination files are retained while nominations are active, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of Defense (Public Affairs), The Pentagon, Washington, DC 20301–1400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director for Community Relations Office of the Assistant Secretary of Defense (Public Affairs), Room 1E798, The Pentagon, Washington, DC 20301–1400.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Assistant Secretary of Defense (Public Affairs), The Pentagon, Washington, DC 20301–1400.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Secretary of Defense, Assistant Secretary of Defense, Chairman of the Joint Staff, Secretaries of the Military Departments, Military Services Chiefs, Commanders of Major Military Commands, Director of Defense Agencies, former conference participants, and occasionally Members of Congress.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DPA DFOI.A 05

SYSTEM NAME:

Freedom of Information Program Case Files.

SYSTEM LOCATION:

Primary system: Directorate for Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs), Room 1E798, The Pentagon, Washington, DC 20301–1400.

Decentralzed segments: Under Secretaries of Defense, Assistant Secretaries of Defense, Assistants to the Secretary of Defense, or equivalent, The Joint Staff, and other activities assigned to Office Secretary of Defense for administrative support.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen who makes a request for records under the Freedom of Information Program to the Office of the Secretary of Defense, The Joint Staff, or activity assigned to Office Secretary of Defense for administrative support.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, firm, address of individual requestor, identification of records requested, dates and summaries of action taken, and documents for establishing collectable fees and processing cost to the government. Name, titles or positions of each person primarily responsible for an initial or final denial on appeal of a request for a record. The results of any disciplinary proceeding, including an explanation of a decision not to discipline, that was initiated against an officer or employee because a court determined arbitrary or capricious action.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, The Freedom of Information Act, as amended by Pub. L. 93-502,

PURPOSE(S):

Data is used by officials in Directorate for Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs) to administratively control requests to insure compliance with Pub. L. 93-502, and to research historical data on release of records so as to facilitate conformity in subsequent actions; data is also used for development of annual report required by Pub. L. 93-502, and to compute processing costs to the government, and other management data such as, but not limited to number of requests, type or category of records requested, average processing time, average cost to requestor, percentage of denials and number of denials by exemption. Data in the decentralized segments is used by Under Secretaries of Defense, Assistant Secretaries of Defense, Assistants to the Secretary of Defense or equivalent, The Joint Staff, and other activities assigned to Office Secretary of Defense for Administrative Support.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic disks, computer paper printout, index file cards, and paper records in file folders.

RETRIEVABILITY:

Filed by request number and retrieval by name, subject material (to include dates) and request number using conventional indices.

SAFEGUARDS:

Paper records are maintained in security containers with access only to officials whose access is based on requirements of assigned duties. Computer access is by verification of Identification codes; one for search and another for maintenance.

RETENTION AND DISPOSAL:

Annual departmental reports are permanent records. All other reports and files, other than appeal and control files, may be destroyed two to five years after reply, depending on document status. Appeal files are destroyed four years after final determination, or three years after final adjudication, whichever is later. FOIA control files are destroyed five years after date of last entry. Official file copies or records are disposed of in accordance with approved departmental disposition instructions or with related FOIA request, whichever provides the later disposal date.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of Defense (Public Affairs), The Pentagon, Washington, DC 20301–1400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Freedom of Information and Security Review, Office, Assistant Secretary of Defense (Public Affairs), Room 2C757, The Pentagon, Washington, DC 20301–1400.

Requests should include full name, address and affidavit or identification which is required for release of record. Personal visits are restricted to Room 2C757. Individual should be able to present acceptable identification; that is, driver's license or comparable identity card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Freedom of Information and Security Review, Office, Assistant Secretary of Defense (Public Affairs), Room 2C757, the Pentagon, Washington, DC 20301–1400.

Requests should include full name, address and affidavit or identification which is required for release of record. Personal visits are restricted to Room 2C757. Individual should be able to present acceptable identification; that is driver's license or comparable identity card.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Requests for records originating from citizens under the Freedom of Information Act and subsequent data provided by form and memoranda by officials who hold the requested records, act upon the request, or who are involved in legal action stemming from action taken.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DPA DSR.A06

SYSTEM NAME:

Security Review Index File.

SYSTEM LOCATION:

Directorate for Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs), Room 2C757, The Pentagon, Washington, DC 20301–1400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Defense officials who present statements, testify, or who furnish information to the Congress of the United States. Department of Defense officials and citizens or organizations outside the Defense

VOL
58
ISS
33
FE
22
1993
UMI

Department who submit documents, such as but not limited to, speeches and articles, for clearance prior to public release.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, organization of individual submitting document for clearance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136.

PURPOSE(S):

This information is used by officials of Directorate for Freedom of Information and Security Review, Office of the Secretary of Defense (Public Affairs) to identify and locate documents which are maintained in a separate classified file in order to facilitate research of historical data in previously processed documents to ensure conformity in subsequent actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index file cards in card file cabinets.

RETRIEVABILITY:

Filed by case number, name, source (Organization), and subject-numerical.

SAFEGUARDS:

Index file cards are maintained in security containers with access only to officials in accordance with assigned duties.

RETENTION AND DISPOSAL:

Records are permanent. Files are cut off at end of each calendar year. Cut off files are maintained in current files area.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of Defense (Public Affairs), The Pentagon, Washington, DC 20301–1400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs), Room 2C757, The Pentagon, Washington, DC 20301–1400.

Request should include full name, organization, address and affidavit, or identification which is required for release of record. Personal visits are restricted to Room 2C757. Individual should be able to present acceptable identification; that is, driver's license or comparable identity card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs), Room 2C757, The Pentagon, Washington, DC 20301–1400.

Request should include full name, organization, address and affidavit, or identification which is required for release of record. Personal visits are restricted to Room 2C757. Individual should be able to present acceptable identification; that is, driver's license or comparable identity card.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Requests for clearance of documents originating from officials, organizations, or individuals under 10 U.S.C. 136.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DPA DSR.B 11

SYSTEM NAME:

Mandatory Declassification Review Files.

SYSTEM LOCATION:

Primary system -- Directorate for Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs), Room 2C757, The Pentagon, Washington, DC 20301–1400.

Decentralized segments - Under Secretaries of Defense, Assistant Secretaries of Defense, Assistants to the Secretary of Defense, or equivalent, The Joint Staff, and other activities assigned to the Office of the Secretary of Defense for administrative support.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person (or records repository) who makes a request to the Office of the Secretary of Defense or activities assigned to Office of the Secretary of Defense for Administrative support for the Mandatory Declassification Review of Records under E.O. 12065 (Sections 3-5). That aspect of the E.O. pertaining to the systematic view of classified Defense documents is acted upon by the Records Administrator, Office of the Secretary of Defense, Room 5C315, The Pentagon, Washington, DC 20301–1155. Overall responsibility for the Department of Defense Information Security Program rests with the Deputy Assistant Secretary of Defense (Counterintelligence and Security Countermeasures), OASD(C3I).

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, firms or address of requester, identification of records requested, dates and summaries of action taken, and documents for establishing collectable fees and processing cost to the Government. Names, titles, or positions of each person primarily responsible for an initial or final denial on appeal of a request for declassification of a record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12065, National Security Information, June 28, 1978, as amended.

PURPOSE(S):

To be used by officials of the Directorate for Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs) and Under Secretaries of Defenses Assistants to the Secretary of Defense or equivalent.

The Joint Staff, and other activities assigned to the Office of the Secretary of Defense for Administrative Support to administratively control requests to ensure compliance with E.O. 12065 and DOD Regulation 5200.1-R, Information Security Program Regulation, December 1978; and research historical data on release of records so as to facilitate conformity to subsequent actions. Data is used for developing annual report required by E.O. 12065, and other management needs such as, but not limited to, number of requests; type of category of records requested; average processing time; average costs to requestor; percentage of denials and number of denials by exemption; and for computing processing costs to the Government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic disks, computer paper printouts, index file cards, and paper records in the file folders.

RETRIEVABILITY:

Filed by request number and retrieved by name, subject material (including date), request number using conventional indices, referring agency, or any combination of fields.

SAFEGUARDS:

Paper records are maintained in security containers with access only to officials whose access is based on requirements of assigned duties. Computer access is by verification of identification code; one for search and another for maintenance.

RETENTION AND DISPOSAL:

Files that grant access to records are held in current status for two years after the end of the calendar year in which created, then destroyed. Files pertaining to denials of requests are destroyed 5 years after final determination. Appeals are retained for 3 years after final determination.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of Defense (Public Affairs), The Pentagon, Washington, DC 20301–1400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Freedom of Information Security Review Office, Assistant Secretary of Defense (Public Affairs), Room 2C757, The Pentagon, Washington, DC 20301–1400.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Freedom of Information Security Review Office, Assistant Secretary of Defense (Public Affairs), Room 2C757, The Pentagon, Washington, DC 20301–1400.

Individual should provide full name and address. Personal visits are restricted to Room 2C757. Individuals should be able to present acceptable identification; that is driver's license or comparable identity card.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Requests for Mandatory Declassification Review and subsequent release of records originated from individuals under E.O. 12065, and subsequent date provided by form and memorandum by officials who hold the requested records, act upon the request, or who are involved in legal action stemming from action taken.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DPA DXA.C 09

SYSTEM NAME:

Public Correspondence Files.

SYSTEM LOCATION:

Office of the Staff Assistant for Public Correspondence, Office of the Assistant Secretary of Defense (Public Affairs), Room 2C757, The Pentagon, Washington, DC 20301–1400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who writes to the Department of Defense requesting general information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters of inquiry and replies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136.

PURPOSE(S):

Information is used by the Office of the Staff Assistant for Public Correspondence, Office of the Assistant Secretary of Defense (Public Affairs) to provide a record of answers to general inquiries submitted by the public.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files in paper folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Access by authorized personnel only.

RETENTION AND DISPOSAL:

Retained for two years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of Defense (Public Affairs), The Pentagon, Washington, DC 20301–1400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Staff Assistant for Public Correspondence Office of Assistant Secretary of Defense (Public Affairs), Room 2D771, The Pentagon, Washington, DC 20301–1400.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Assistant Secretary of Defense (Public Affairs), The Pentagon, Washington, DC 20301–1400.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Any individual inquiry and response thereto.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DPA DXA.D 10

SYSTEM NAME:

Privacy Act Request for Access Files.

SYSTEM LOCATION:

Primary System - Directorate for Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs), Washington, DC 20301–1400.

Decentralized Segments - Offices of the Under Secretaries of Defense, Assistant Secretaries of Defense, Assistants to the Secretary of Defense, or equivalent, The Joint Staff, and other activities assigned to the Office of the Secretary of Defense for administrative support.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen who makes a request for access to records under the Privacy Act to the Office of the Secretary of Defense, The Joint Staff, or activity assigned to the Office of the Secretary of Defense for administrative support. Requests from the public for amendment of records, other questions concerning the Privacy Act, and matters pertaining to Privacy Act Program management are acted

upon by the Record Administrator, Office of the Secretary of Defense, Room 5C315, The Pentagon, Washington, DC 20301–1155.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, firms address, and other personal identifiers of the individual requester, identification of records requested, dates and summaries of action taken, and related documents associated with processing requests. In addition, names, titles or positions of each person primarily responsible for action on requests for records. Results of follow-on action, if any, to include request for review of refusal of the individual's request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a, the Privacy Act of 1974; Pub. L. 93-579.

PURPOSE(S):

Information is used by officials in Directorate for Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs); Offices of the Under Secretary of Defense, Assistant to the Secretary of the Chiefs of Staff, and other activities assigned to the Office Administrative Support to control administratively requests to insure compliance with Pub. L. 93-579 and to research historical data for annual report statistics and other Management information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index file cards and paper records in file folders.

RETRIEVABILITY:

Filed chronologically by request number and retrieved by name and/or request number using conventional indices and cross-references.

SAFEGUARDS:

Records are maintained in security containers with access only to officials whose access is based on requirements of assigned duties.

RETENTION AND DISPOSAL:

Files are kept for five years after date of reply in denial cases which are not appealed. Appealed cases are kept 4 years after final determination or 3 years after final adjudication by the courts whichever is later. Where access is granted, files are destroyed after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of Defense (Public Affairs), The Pentagon, Washington, DC 20301–1400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs), Room 2C757, The Pentagon, Washington, DC 20301–1400.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs), Room 2C757, The Pentagon, Washington, DC 20301–1400.

Individual should provide full name, address, and signature. For personal visits, individual should be able to present acceptable identification; that is, driver's license or comparable identity card.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Requests for access to records -- under the Privacy Act -- originating from citizens, and subsequent data provided by officials who hold the requested records, act upon the request, and who are involved in the review of denials of the requests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DPAE 02

SYSTEM NAME:

Administrative Files of the Assistant Secretary of Defense, PAE.

SYSTEM LOCATION:

Office of the Director, Program Analysis and Evaluation, The Pentagon, Washington, DC 20301–1800.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former military and civilian personnel employed by or assigned to PAE since 1965. Current and some past applicants or prospects for civilian or military jobs. Some contractor personnel. Other DOD or outside personnel currently or previously assigned, or under consideration, to provide support or work with PAE.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains individual application forms; biographical data; employment history; professional and military experience; schooling and academic records; performance effectiveness data; honors; awards and decorations; security forms; security clearances; security violations publications; training and career development information; telephone rosters; certain financial interest and medical history data; information used to evaluate individuals for employment, promotion, reassignment, training, retention and awards, job descriptions; letters of commendations or appreciation; overtime pay records; travel orders; certain travel vouchers; retirement application papers; tenure data; next employment information; savings bond and Combined Federal Campaign (CFC) data (current year only); and miscellaneous personnel and administrative data of like nature.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136.

PURPOSE(S):

Used by ODPAE to evaluate current and prospective employees; to locate former personnel and prospect; to analyze professional staff background; to make decisions on hiring, promotion, training, awards, or disciplinary actions; to make comparative analyses of personnel data such as turnover rates, awards, academic degrees, average age, travel, and overtime; to determine level of security access permissible; to evaluate conformance with standards of conduct rules; to evaluate contractor capabilities; to provide information on current or former personnel to authorized investigators and potential outside employers; to make campaign reports; to evaluate effectiveness of PAE personnel operations; to input selected data to computer system; to perform computer analysis of the data; and to prepare reports, rosters and statistical data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders. Biography book. Computer disks. Computer paper printouts. Microfiche. Charts.

RETRIEVABILITY:

Information accessed by last name of individual. Individual user codes and passwords required to access information stored in computer.

SAFEGUARDS:

Building employs security guards. Sensitive manually stored data kept in locked cabinets or safes and may be accessed only by authorized personnel. Computer stored data is kept in a secure computer facility and may be accessed only by authorized, properly trained personnel who have access codes and passwords.

RETENTION AND DISPOSAL:

Records on current and former personnel are permanent. Travel orders, overtime authorizations and similar fiscal records kept for three years. Applicant files are screened about once a year and information outdated or no longer needed is destroyed. Campaign data for other than current year is destroyed annually.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Director, Program Analysis and Evaluation, Room 2D321, The Pentagon, Washington, DC 20301–1800.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Director, Program Analysis and Evaluation, Assistant for Management, Room 2D321, The Pentagon, Washington, DC 20301–1800.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Program Analysis and Evaluation, Assistant for Management, Room 2D321, The Pentagon, Washington, DC 20301–1800.

Individual should provide full name and identification of the individual. Visitors may be required to provide identification.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Current and previous employers, instructors, associates and contacts; DOD civilian and military personnel offices; DOD security offices; DOD payroll, travel and fiscal offices; Civil Service Commission; contractors; Air Force Data Service Center (AFDSC); PAE personnel; educational institutions; and financial institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DPAD 12.0

SYSTEM NAME:

DOD National Media Pool Files.

SYSTEM LOCATION:

Office of the Assistant Secretary of Defense (Public Affairs), Directorate for Plans, Room 2D757, The Pentagon, Washington, DC 20301–1400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian media representatives nominated by their respective bureaus to be members of the DOD National Media Pool.

CATEGORIES OF RECORDS IN THE SYSTEM:

Accreditation and other questionnaires and forms soliciting individuals name, age, nationality, Social Security Number, office and home addresses and phone numbers, passport information, medical information, and person to be notified in an emergency effecting individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136 and E.O. 9397.

PURPOSE(S):

For collection and maintenance of essential personal information concerning members of the DOD National Media Pool. Information is used to issue Media Pool Press Pass, orders, arrange foreign country clearances and visas, and determine individual's suitability/preparedness for deployment with the media pool.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name, bureau or organization.

SAFEGUARDS:

Records are accessed by authorized personnel with an official need-to-know who have been trained for handling Privacy Act information.

RETENTION AND DISPOSAL:

Cut off annually, and kept in office for 5 years. Files are then transferred to the Washington National Records Center for 25 years. They are then offered to the National Archives for permanent retention after 25 years.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Secretary of Defense (Public Affairs), Directorate for Plans, Room 2D757, The Pentagon, Washington, DC 20301–1400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Assistant Secretary of Defense (Public Affairs), Directorate for Plans, Room 2D757, Pentagon, Washington, DC 20301–1400.

The request should contain individual's full name, individual's Social Security Number, and bureau or organization where employed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Assistant Secretary of Defense (Public Affairs), Directorate for Plans, room 2D757, The Pentagon, Washington, DC 20301–1400.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Accreditation and other questionnaires and forms completed by the individual and information provided by the individual's employer or bureau.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DSMC 01

SYSTEM NAME:

Defense Systems Management College (DSMC) Personnel Information Files.

SYSTEM LOCATION:

Administrative and Personnel Service Directorate, Defense Systems Management College (DSMC), Ft. Belvoir, VA 22060-5426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel assigned or attached to the Defense Systems Management College.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data includes summary of occupational experience, education, training, security clearance, home address, home telephone number, dependent status, awards and decorations, promotion status, pay status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, and Department of Defense Directive 5160.55, Defense Systems Management College, August 22, 1988.

PURPOSE(S):

Information is used by supervisory officials to obtain information on which to base decisions; by assigned Personnel Management Assistants for accomplishment of records maintenance and personnel services to individuals assigned and attached; for publication of biographical data booklets, personnel rosters, telephone directories, and organizational charts by the Administrative and Personnel Services staff.

Information from records contained in the system may be provided to any component of the Department of Defense.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be referred to and used by law enforcement or investigative authorities for investigations and possible criminal prosecution, civil court action, or regulatory order.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Primary files are paper records in file folders and punched cards and computer disks.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Building is locked during nonbusiness hours. File storage is in locked file cabinets. Only authorized personnel have access to files.

RETENTION AND DISPOSAL:

Files are retained for one year after individual transfers, separates or retires; then are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Administrative and Personnel Services, Defense Systems Management College, Ft. Belvoir, VA 22060-5426.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Administrative and Personnel Services, Defense Systems Management College, Ft. Belvoir, VA 22060-5426.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant, Defense Systems Management College, ATTN: DCOS-AP, Ft. Belvoir, VA 22060-5426.

Written requests for information should contain full name and current address of the individual.

For personal visits, the individual must provide acceptable identification, such as ID card or driver's license.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data is obtained from the individual, from official personnel folders (201 files), from Standard Form 171, and from supervisory officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DSMC 02

SYSTEM NAME:

Defense Systems Management College (DSMC) Student Files.

SYSTEM LOCATION:

Office of the Registrar, Defense Systems Management College, Building 202, Ft. Belvoir, VA 22060-5426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current, former, and nominated students of the Defense Systems Management College, (DSMC).

CATEGORIES OF RECORDS IN THE SYSTEM:

Data includes name, dependent data, Social Security Number, career brief application form, security clearance, college transcripts, correspondence, DSMC grades, instructor and advisor evaluations, education reports, official orders, current address, and individual's photograph and other personal and experience historical data on past and present students.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, and Department of Defense Directive 5160.55, Defense Systems Management College, August 22, 1988.

PURPOSE(S):

This data is used by college officials to provide for the administration of and a record of academic performance of current, former, and nominated students; to verify attendance and grades; to select instructors; to make decisions to admit students to programs and to release students from programs; to serve as a basis for studies to determine improved criteria for selecting students; to develop statistics relating to duty assignments and qualifications. This data is used by the Registrar in preparing locator directories of current and former students which are disseminated to students, former students and other appropriate individuals and agencies for purposes of administration; by college officials in preparing student biographical booklets, student rosters, and press releases of student graduations and to evaluate quality content of various courses. This data may be transferred to any agency of the Department of Defense having an official requirement for the information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To law enforcement or investigatory authorities for investigations and possible criminal prosecution, civil court action, or regulatory order.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed records are sequenced alphabetically by last name, by class, and course. Locator cards are filed alphabetically in two categories; active students (by course) and former students.

SAFEGUARDS:

Records are maintained in locked cabinets, in an area accessible only to authorized personnel. Building is locked during non-business hours. Only individuals designated as having a need for access to files by the system manager are authorized access to information in the files.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Systems Management College, ATTN: Registrar, Ft. Belvoir, VA 22060-5426.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Systems Management College, ATTN: Registrar, Ft. Belvoir, VA 22060-5426.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant, Defense Systems Management College, ATTN: DCOS-AD, Building 202, Ft. Belvoir, VA 22060-5426.

Written requests for information should contain full name, current address and telephone number, and course and class of individual, and must be signed.

For personal visits, the individual must provide acceptable identification, such as an ID card or driver's license.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is provided by the individual, supervisors, employers, instructors, advisors, examinations, and official military records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DSMC 06

SYSTEM NAME:

Defense Systems Management College (DSMC) Mailing Lists.

SYSTEM LOCATION:

Primary Location - Actionmail Company, 4825 Beech Place, Temple Hills, MD 20748–2030.

Hard copy back up files (letter and card requests) and computer printouts are located in the Publications Directorate Offices, Defense Systems Management College, Building 205, Fort Belvoir, VA 22060-5426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former Defense Systems Management College students; members of the DSMC Policy Guidance Council and Board of Visitors; program managers associated with defense and other government acquisition programs; key acquisition managers throughout the U.S. government; former staff and faculty members, and other individuals who request they be included in the system. Except for program management course graduates, everyone in the system is there by request.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, Class at DSMC, job code, mailing address, rank or grade, position title and affiliation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, and Department of Defense Directive 5160.55, Defense Systems Management College, August 22, 1988.

PURPOSE(S):

Data is used by DSMC to provide a mailing list for the distribution of 'Program Manager', The Journal of the Defense Systems Management College, surveys, graduate registers, DOD Directives, Instructions and Policy Memoranda concerning defense acquisition and other guides and booklets relating to acquisition management; to prepare lists of Department of Defense Program Managers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Actionmail Company operates and maintains the system based on information provided by the Publications Directorate, Department of Research and Information, Defense Systems Management College, Fort Belvoir, VA 22060-5426.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Primary file is computer data base.

Hard copy back-up files are paper records in file folders and in computer printout folders.

RETRIEVABILITY:

Files are retrievable by name, class, data base code, and zip code.

SAFEGUARDS:

Primary location is a controlled access area.

Back-up file storage is in a building which is locked during non-business hours and is located on a military installation.

RETENTION AND DISPOSAL:

Records are permanent, updated every two years.

SYSTEM MANAGER(S) AND ADDRESS:

Dean, Department of Research and Information, Defense Systems Management College, Building 202, Fort Belvoir, VA 22060-5426.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Dean, Department of Research and Information, Defense Systems Management College, Building 202, Fort Belvoir, VA 22060-5426.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant, Defense Systems Management College, ATTN: Director, Administrative and Personnel Services, Building 202, Fort Belvoir, VA 22060-5426.

Written requests for information should contain the full name of the individual, and current address.

For personal visits, the individual must provide acceptable identification, such as military or other ID card or driver's license.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is provided by the individual, employer, staff and faculty of DSMC, each DOD Component, and

VOL 58 ISS 33 FE 22 1993 UMI

the Office of Personnel Management (OPM) (including their automated personnel systems).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DUSDP 02

SYSTEM NAME:

Special Personnel Security Cases.

SYSTEM LOCATION:

Security Plans and Programs Directorate, Office of the Deputy Under Secretary of Defense (Policy), Washington, DC 20301-2200.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals affiliated with the DOD, upon whom an investigation has been conducted by a Department of Defense (DOD) Component investigative organization authorized to conduct personnel security investigations other investigative organization of the Federal Government of individuals who have been the subject of a DOD Component personnel security determination, or who have had access to DOD classified information, whenever the investigation, personnel security determination, or access involves unique circumstances having special significance with respect to DOD personnel security policy. Also, individuals for whom waivers have been granted from specific provisions of the Industrial Security Regulation (5220.22-R) and/or Industrial Security Manual (5220.22-M).

CATEGORIES OF RECORDS IN THE SYSTEM:

Statements of personal history; investigative reports; adjudicative findings; inter-office memoranda; policy interpretation; memoranda recommending courses of action; legal opinions, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

This data is used as basis for Security Plans and Programs Directorate staff access to determine the need for overall personnel security policy revision or adjustment; to ensure that component personnel security determinations are consistent with DOD personnel security program policy; to assure that personnel security investigations conducted by the Defense Investigative Service (DIS), the National Security Agency (NSA), and the Military Departments are in compliance with DOD personnel security investigative policy; and to provide precedents for use in determining whether to grant waivers of the provisions of the Industrial Security Regulation and/or Industrial Security Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Records are filed alphabetically by last name of the subject of the investigation or personnel security determination having special significance with respect to DOD personnel security policy. Also, records are filed alphabetically by last name of the personnel for whom waivers have been granted under the Industrial Security Program.

SAFEGUARDS:

Records are stored in security combination lock file containers, and are accessible only by Security Plans and Programs personnel who are properly cleared and who are the official authorized users.

RETENTION AND DISPOSAL:

Routine investigations are destroyed 15 years after the date of the last action. Those involving significant incidents are destroyed 25 years after the date of the last action.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Security Plans and Programs Directorate, Office of the Deputy Under Secretary of Defense (Policy), The Pentagon, Washington, DC 20301–2200.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Deputy Under Secretary of Defense (Policy), Security Plans and Programs Directorate, Room 3C277, The Pentagon, Washington, DC 20301–2200.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Deputy Under Secretary of Defense (Policy) Security Plans and Programs Directorate, Room 3C277, The Pentagon, Washington, DC 20301–2200.

Written requests for information should contain the full name of the individual, date and place of birth, and signature. The records requested may be made available to individuals for review at Security Plans and Programs Directorate ODUSD(P), Room 3C271, The Pentagon Washington, DC 20301–2200

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from record subjects; Federal Bureau of Investigation; Office of the Secretary of Defense; The Joint Staff; DOD Defense Agencies; and the Military Departments, including investigative reports, inter and intra Department memoranda and letters, case analyses, memoranda for the record, and other correspondence related to the cases.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this record system may be exempt under 5 U.S.C. 552a (k)(5), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 311. For additional information contact the system manager.

DUSDP 05

SYSTEM NAME:

Defense Automated Case Review System (DACRS).

SYSTEM LOCATION:

Office of the Under Secretary of Defense (Policy), The Pentagon, Washington, DC 20301-2000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Export license applicants and intermediate and ultimate consignees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Export license applications, names and addresses of applicants and consignees, classified intelligence reports on foreign consignees and activities, proprietary business information, credit reports, product description, technical evaluation of commodities and technology, and Department of Defense recommendations to Department of Commerce on case dispositions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Export Administration Act S5 and S10(g).

PURPOSE(S):

To permit the Under Secretary of Defense (Policy) (DUSD(P)) to fulfill Presidentially mandated requirements to expeditiously review and make recommendations to the Department of Commerce (DOC) on export license applications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Office of the Secretary of Defense (OSD) analysts to prepare Department of Defense (DOD) positions and recommendations on export license applications. Users include policy and technical analysts, supervisory personnel up to and including Deputy Under Secretary of Defense (Policy)/ Defense Technology Security Administration (DTSA) in DOD. Information shared with strategic trade analysts and supervisors in Department of State (DOS), and DOC and Customs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer magnetic tape discs, microfiche and microfilm in secure computer facility.

RETRIEVABILITY:

Files are retrieved by case number, applicant, purchaser, consignee, commodity, and proposed end use.

SAFEGUARDS:

All files in this system are protected by limited, controlled access and locked doors. Only professional and/or research staff with appropriate security clearances are given access to files.

RETENTION AND DISPOSAL:

Files will be maintained and updated as long as DOD export control review program continues.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Under Secretary for Trade Security Policy, Director, Counterintelligence and Security Policy, Office of the Under Secretary of Defense (Policy), The Pentagon, Washington, DC 20301-2000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Deputy Under Secretary for Trade Security Policy, Director, Counterintelligence and Security Policy, Office of the Under Secretary of Defense (Policy), The Pentagon, Washington, DC 20301-2000.

Individual should provide full name and residence. Identity verification may be required. Status of active export license applications may be obtained by accessing DOD Export License Status Advisor (ELISA), Remote Electronic Bulletin Board.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Under Secretary for Trade Security Policy, Director, Counterintelligence and Security Policy, Office of the Under Secretary of Defense (Policy), The Pentagon, Washington, DC 20301-2000.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from various federal government agencies and civilian entities.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DUSDP 06

SYSTEM NAME:

Defense Personnel Security Research and Educational Center Research Files.

SYSTEM LOCATION:

Records in the system are located at three sites: Defense Personnel Security Research and Education Center, 99 Pacific Street, Building 455E, Monterey, CA 93940–2481;

Defense Manpower Data Center, Suite 200, 550 Camino El Estero, Monterey, CA 93940–3231; and

Data Center, Naval Postgraduate School, Monterey, CA 93943.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former Department of Defense (DOD) civilian employees, military members, and DOD contractor employees who have or had security clearances.

CATEGORIES OF RECORDS IN THE SYSTEM:

Lists of cleared individuals, DD Forms 398 and 398–2, background investigations, responses from interviews and questionnaires.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C. 781–887, Internal Security Act of 1950; E.O. 9397, Numbering System for Federal Accounts Relating to Individual Persons; E.O. 10450, Security Requirements for Government Employment; E.O. 10865, Safeguarding Classified Information Within Industry; E.O. 12333, United States Intelligence Activities; E.O. 12356, National Security Information; and 5 U.S.C. 301, Departmental Regulations, which authorizes DOD Directive 5210.79, Defense Personnel Security Research and Education Center (PERSEREC), and DOD Regulation 5200.2–R, DOD Personnel Security Program Regulation.

PURPOSE(S):

To perform research and analyses for (1) evaluating and improving DOD personnel security procedures, programs, and policies; (2) assisting in providing training, instruction, and advice on personnel security subjects for DOD Components; (3) encouraging cooperative research within and among DOD Components on projects having DOD-wide implications in order to avoid duplication; (4) addressing items of special interest to personnel security officials within DOD Components; and (5) identifying areas in the personnel security field that warrant more intense scrutiny.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be disclosed to the following users for the stated purposes: Federal, State, and local government agencies if necessary to obtain information from them; a Congressional office in response to an inquiry made at the request of the record subject; General Services Administration and National Archives and Records Administration for records management inspections authorized by 44 U.S.C. 2904 and 2906.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper, computer and computer output products, and in microform.

RETRIEVABILITY:

Records may be retrieved by name, Social Security Number, or military service number.

VOL 58 ISS 33 FE 22 1993 UMI

SAFEGUARDS:

Records are stored under lock and key, in secure containers, or on electronic media with intrusion safeguards. Research results are not identifiable to any specific individual.

RETENTION AND DISPOSAL:

Information is retained for the life of the research project. When no longer needed for the project, paper records are shredded and computer media are erased or degaussed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Personnel Security Research and Education Center, 99 Pacific Street, Building 455E, Monterey, CA 93940–2481

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Defense Personnel Security Research and Education Center, 99 Pacific Street, Building 455E, Monterey, CA 93940–2481.

The individual should provide sufficient proof of identity such as full name, Social Security Number, date and place of birth, military service number (if service was before 1968), military or civilian status while associated with the Department of Defense, place and data of DOD or contractor employment, or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Defense Personnel Security Research and Education Center, 99 Pacific Street, Building 455E, Monterey, CA 93940–2481.

The individual should provide sufficient proof of identity such as full name, Social Security Number, date and place of birth, military service number (if service was before 1968), military or civilian status while associated with the Department of Defense, place and data of DOD or contractor employment, or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager

RECORD SOURCE CATEGORIES:

Information is obtained from the Defense Central Investigations Index, military records, DOD civilian employment and military personnel records, Defense Investigative Service records, a records of the Departments of Justice and Treasury, and interviews with and questionnaires completed by record subjects.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DUSDP 07

SYSTEM NAME:

PERSEREC Espionage Database.

SYSTEM LOCATION:

Records in the system are located at Defense Personnel Security Research and Education Center, 99 Pacific Street, Building 155, Monterey, CA 93940–2481.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been arrested and convicted of espionage; those who have been prosecuted for espionage who committed suicide before trial or sentencing; and those who were not prosecuted for espionage because of death, suicide, or defection.

CATEGORIES OF RECORDS IN THE SYSTEM:

Background information including individual's name, Social Security Number, date of birth, city/state/country of birth, education, marital status, gender, race, civilian or military member, rank (if military), security clearance (if applicable), years of federal service (if applicable), occupational category, job organization and location, age began espionage, first espionage contact, whether volunteered or recruited, receiving country, payment (if any), foreign relatives (if any), motivation, substance abuse (if applicable), date of arrest, arresting agency, date of sentence, sentence, and duration of espionage. Sources for records are newspaper and magazine articles, the biographies of spies, and similar open source works are included in paper files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; E.O. 9397; DODD 5210.79, Defense Personnel Security Research and Education Center; and ASD(C) October 31, 1991 memo, Subject: Request for Exemption from DOD Directive 5200.27.

PURPOSE(S):

To analyze factors which may contribute to acts of espionage and assemble a body of knowledge useful to improved personnel security procedures. This information will permit examination of espionage trends and will help identify personal and situational variables of interest to policy-makers and others concerned with personnel security issues.

Aggregate statistics will be reported to DOD and other Government agencies in a technical report prepared from open-sources and containing some illustrative material mentioning some of the more famous cases by name.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper, computer and computer output products, and in microform.

RETRIEVABILITY:

Records may be retrieved by name and Social Security Number.

SAFEGUARDS:

Records are stored under lock and key in secure containers, and in a computer system with intrusion safeguards.

RETENTION AND DISPOSAL:

Analyses and research reports are permanent and will be transferred to the National Archives after 25 years; unneeded records will be shredded, erased or degaussed when no longer required for the project.

SYSTEM MANAGER AND ADDRESS:

Director, Defense Personnel Security Research and Education Center, 99 Pacific Street, Building 455E, Monterey, CA 93940–2481.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to Director, Defense Personnel Security Research and Education Center, 99 Pacific Street, Building 455E, Monterey, CA 93940–2481.

The inquiry should include full name and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address a

written request to Director, Defense Personnel Security Research and Education Center, 99 Pacific Street, Building 455E, Monterey, CA 93940–2481.

The inquiry must include name and Social Security Number.

CONTESTING RECORDS PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from newspaper and magazine articles and similar open source documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DUSDP 08

SYSTEM NAME:

DOD Foreign Visits System (FVS).

SYSTEM LOCATION:

Security Policy Automation Directorate, Office of the Deputy Under Secretary of Defense (Security Policy), Washington, DC 20301–2200.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. citizens acting as representatives of various foreign governments who have requested access to DOD installations, activities or Defense contractors on matters relating to mutual security and arms corporation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of lists of individuals cleared for access to DOD installations, activities, or Defense contractors. Information on the lists consists of name, date and place of birth, security clearance, position, and an individual identification number which may be the Social Security Number of that person.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 90–629, The Foreign Military Sales Act, October 22, 1968 and E.O. 9397.

PURPOSE(S):

To enhance security and provide consistent application of policy in dealings with other governments by providing end-to-end automation support to the visits process, thus improving responsiveness and the use of personnel resources by using state-of-the-art automation and communication capabilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING/ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on computer and computer-output products, including message traffic output.

RETRIEVABILITY:

Records may be retrieved by individual's name or Social Security Number, or visit ID number.

SAFEGUARDS:

Records are stored under lock and key, in secure containers, or on electronic media with intrusion safeguards; personnel having access to this data are trained in the requirements of protecting Privacy Act information.

RETENTION AND DISPOSAL:

The records are retained for the duration of the cooperative arms or mutual security agreement or program between the U.S. government and the foreign government or international organization, or for ten years, whichever is sooner. Records will be disposed of by erasing magnetic media or burning or shredding paper copies.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Security Policy Automation Directorate, Office of the Deputy Under Secretary of Defense (Security Policy), Washington, DC 20301–2200.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves must address written inquiries to the Director, Security Policy Automation Directorate, Office of the Deputy Under Secretary of Defense (Security Policy), Washington, DC 20301–2200.

Individuals must provide sufficient proof of identity such as full name, Social Security Number, date and place of birth, place visited, and dates of visit.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Security Policy Automation Directorate, Office of the Deputy Under Secretary of Defense (Security Policy), Washington, DC 20301–2200.

Individuals must provide sufficient proof of identity such as full name, Social Security Number, date and place of birth, place visited, and dates of visit.

CONTESTING RECORDS PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained solely from the foreign country or international organization sponsoring the individuals for whom a visit to the DOD installation, activity, or Defense contractor is being requested.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DUSDA 02

SYSTEM NAME:

DUSD(A) Personnel Administration Files.

SYSTEM LOCATION:

Office of the Under Secretary of Defense for Acquisition, Office of the Secretary of Defense, Room 3E1006, The Pentagon, Washington, DC 20301-3000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees assigned to or considered for positions in Office of the Under Secretary of Defense for Acquisition including civilian and military personnel and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

These files contain position descriptions; biographical resumes, qualification statements, (SF 171, SF 173, SF 398, SF 161, etc.); Confidential Statement of Affiliations and Financial Interests, Department of Defense Personnel (DD Form 1555); requests for personnel actions (SF 52, 108); notification of Personal Action (SF 50); appointments affidavits (SF 61, 61B); award recommendations appraisals and efficiency reports; time and attendance records (SF 1135); travel orders and vouchers and security clearance information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133.

PURPOSE(S):

The information contained in these personnel files is used by the office manager, supervisory personnel and the Under Secretary of Defense for Acquisition in the management of his organization. Specific uses include; determining eligibility for appointment to positions; reviewing financial interest

VOL 58 ISS 33 FE 22 1993 UMI

and background of individual applying for appointments; comparing individuals resumes with job requirements; keeping account of time worked; travel performed; orders issued; awards given to Personnel and Security Clearances granted.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of the individual concerned.

SAFEGUARDS:

Building guards and locked file containers. Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are temporary in nature and are destroyed after individuals leave employment of OUSD(A) or are no longer under consideration for employment.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Assistant to Under Secretary of Defense for Acquisition, Office of the Secretary of Defense, Washington, DC 20301–3000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Personnel Assistant Office of the Executive Assistant to Under Secretary of Defense for Acquisition, Room 3E1006, The Pentagon, Washington, DC 20301-3000.

Written requests for information should contain the full name of the individual, current address, telephone number, and any other information which would help in identifying the desired information. For personal visits, the individual must be able to provide acceptable identification, that is, driver's license, employing office's identification card, and give verbal information that could be verified with his 'case folder.'

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Executive Assistant to Under Secretary of Defense for Acquisition, Office of the Secretary of Defense, Washington, DC 20301.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is provided by the Directorate for Personnel and Security, Security Division, Washington Headquarters Services, Department of Defense, individuals concerned, travel vouchers, security forms, travel orders, individual's supervisors, and time and attendance clerks.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DUSDA 04

SYSTEM NAME:

Requests for Two-Year Foreign Residence Waiver Files.

SYSTEM LOCATION:

Security Policy and Review Division - Office of the Director, Program Control and Administration, Office of the Under Secretary of Defense for Acquisition, Office of the Secretary of Defense.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any foreigner applying for a Waiver of Foreign Residency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain requests for waiver of foreign residency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 535).

PURPOSE(S):

Data is used by Under Secretary of Defense for Acquisition, Security Policy and Review Division officials to evaluate requests of foreigners requesting waiver of Foreign Residency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Building guards and secure (vault) area. Records are maintained in an area accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Retained in active file for ten years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Program Control and Administration, Office of the Under Secretary of Defense for Acquisition, Office of the Secretary of Defense, The Pentagon, Washington, DC 20301-3000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Security Policy and Review Division, Room 3D1065, The Pentagon, Washington, DC 20301-3000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Under Secretary of Defense for Research and Engineering, Office of the Secretary of Defense, The Pentagon, Washington, DC 20301-3000.

Written requests for information should contain full name of individual, current address and telephone number and approximate date of waiver request. For personal visits, individual must be able to provide appropriate identification.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application and related correspondence from sponsor and individual requesting waiver.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DWHS P01

SYSTEM NAME:

Senior Executive Service (SES) and Equivalent Level Files.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Room

3B347, The Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who is currently in, was recommended for, or has held an executive position in the Office of the Secretary of Defense (OSD), OSD field activities, The Joint Staff, the U.S. Court of Military Appeals, the U.S. Mission to NATO, the NATO International Staff, the NATO Support Group, and the Defense agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains both approved and disapproved cases. File also contains copy of individual's SF 171, position description, position evaluation statement, organization chart, Office of Personnel Management (OPM) Form 1390, SF-161, or 161A, correspondence, and other selected documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To be used by officials of the Office of the Secretary of Defense (OSD), OSD field activities, The Joint Staff, the U.S. Court of Military Appeals (COMA), the U.S. Mission to NATO the NATO International Staff, the NATO Support Group, and the Defense Agencies to provide information necessary for carrying out the SES personnel and position management functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Office of the Personnel Management (OPM) for use in carrying out its Government-wide personnel functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders in metal file cabinets.

RETRIEVABILITY:

Filed by organization, and then alphabetically by name.

SAFEGUARDS:

Access is granted only to personnel and management officials having a need-to-know. Building employs security guards. Records are maintained in an area accessible only to authorized personnel.

RETENTION AND DISPOSAL:

File maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

SF 171 from individual, other material obtained from personnel offices and statements from management officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DWHS P04

SYSTEM NAME:

Reduction-In-Force Case Files.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees serviced by OSD System Manager who have been reached for reduction-in-force action.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of retention registers, letters from management officials, letters prepared by Personnel to individual regarding type of action required, correspondence from individual concerned and other miscellaneous correspondence concerning the specific action.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3502.

PURPOSE(S):

To be used by Management Officials of OSD, Armed Forces Information Service (AFIS), Court of Military Appeals (COMA), Defense Advanced Research Projects Agency (DARPA), Defense Security Assistance Agency (DSAA), Office of Dependents Education, The Joint Staff, Tri-Service Medical Information System (TRIMIS), and Washington Headquarters Service (WHS) for review of reduction-in-force situation in cases of questions on qualifications. This background information may be used by the Office of Personnel Management (OPM) for appeal cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Filed alphabetically by last name. Destroy two years after case is closed.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name. Destroyed two years after case is closed.

SAFEGUARDS:

Building employs security guards. In file cabinets in areas accessible only to authorized personnel who are properly screened and trained.

RETENTION AND DISPOSAL:

Destroy two years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Service, Room 3B347, The Pentagon, Washington, DC 20301–1155

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Service, Room 3B347, The Pentagon, Washington, DC 20301–1155.

VOL 58 ISS 33 FE 22 1993 UMI

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Letters to individuals originated by Personnel, Retention Registers furnished by Personnel, correspondence from management officials, correspondence from individual concerned, correspondence from Office of Personnel Management and correspondence from appeal examiner in case of an appeal.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DWHS P08

SYSTEM NAME:

Worker's Compensation-On-The-Job Injuries Report File.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees injured on the job.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files containing required injury reports which include name, Social Security Number, date of birth, telephone number, type of injury, address and assigned activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8101.

PURPOSE(S):

To be used by Director for Personnel and Security, Washington Headquarters Service, for purposes of determining eligibility for Worker's Compensation, statistical data regarding leave taken and to review cases being processed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Labor Department for purpose of determining eligibility for Worker's Compensation, statistical data regarding leave taken and to review cases being processed.

To provide assistance in submitting appropriate forms for injuries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Metal five drawer legal size file cabinet.

RETRIEVABILITY:

Filed by name of employee with card index.

SAFEGUARDS:

Building patrolled by security guards. File is maintained in an area which is secured during non-working hours.

RETENTION AND DISPOSAL:

Files are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel and Security, Washington Headquarters Service, Room 3B347, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Civilian employees of the Office of the Secretary of Defense and The Joint Staff, and activities serviced by WHS.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DWHS P09

SYSTEM NAME:

Computer Data Base.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees serviced by Directorate for Personnel and Security, Washington Headquarters Services (WHS).

CATEGORIES OF RECORDS IN THE SYSTEM:

The following data is stored in addition to that required by Office of Personnel Management (OPM), Position Number, Position Tenure, Organization Code, Building Code, Date of Last Within Grade Increase, Due Date for Within Grade Increase, Highest Grade Held, Date of Last Promotion, Expiration Date of Appointment, (if applicable), Nine Month Appraisal Date (if applicable), Leave Category, Special Category, Type of Appointment, Date of Current Appointment, Marital Status, Legal Residence, Security Clearance and Health Benefits Status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 9830; 5 U.S.C. 301; and E.O. 9397.

PURPOSE(S):

To be used by Personnel and Security Directorate, WHS, to extract data as required by Office of Personnel Management for Central Personnel data file; certain fields may be used for statistical data; stored data printed on personnel change extracts of data base is used periodically to insure currency of files. This data is used for locator to verify employment organization staffing summary.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

IBM Computer 370.

RETRIEVABILITY:

Files may be retrieved and sorted by any field in Data Base.

SAFEGUARDS:

Building has security guards. User of Data Base must have an 'under code' in order to be admitted access to computer room.

RETENTION AND DISPOSAL:

Records are permanent and current as long as the employee is employed.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, Washington Headquarters Services,

Room 3B347, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Processing documents initiated by the Directorate for Personnel and Security and employees Standard Form 171.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DWHS P12

SYSTEM NAME:

Executive Development Program and Training Files.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees applying for executive development and training programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Optional Form 69 individual development plans, optional forms 37 and 170, DD Form 1556, SD Forms 446 and 447, Training Record Card File, SF 171, SF 59, which contain name, Social Security Number, date of birth, home address, annual salary and office and home telephone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4101.

PURPOSE(S):

This information used by Personnel and Security Directorate, WHS to determine eligibility for specialized development programs and training assignments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Office of Personnel Management (OPM) for information necessary for OPM to carry out its Government-wide personnel management functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

To ensure that complete records are maintained for program evaluation purposes.

STORAGE:

Metal five drawer legal size file cabinet without lock.

RETRIEVABILITY:

File by training program name and employee name.

SAFEGUARDS:

Building has security guards. File is maintained in an area which is secured during nonworking hours.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Employees submit application forms.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DWHS P14

SYSTEM NAME:

Blood Donor Files.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any blood donor with the Office of the Secretary of Defense, The Joint Staff, and activities serviced by WHS.

CATEGORIES OF RECORDS IN THE SYSTEM:

File cards contain name, rank (if military), duty phone, home phone, duty activity and room number, blood type, and date of donations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To be used by officials of the Military Personnel Division, WHS to determine eligibility for blood replacement.

To provide source of contacts for emergency blood requirements.

To determine eligibility for issuances of gallon donor certificates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Weekly screening of cards to determine if individual is eligible to donate blood.

STORAGE:

3 X 5 Cardex File.

RETRIEVABILITY:

Filed alphabetically by last name of donor.

SAFEGUARDS:

Building has security guards. File is maintained in an area accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are permanent for the duration of the individual's participation as a blood donor.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel and Security, Washington Headquarters Services,

VOL 58 ISS 33 FE 22 1993 UMI

Room 3B347, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Directorate of Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Directorate of Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Civilian Health Clinic-Pentagon and the individual blood donors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DWHS P18

SYSTEM NAME:

Office of the Secretary of Defense Identification Badge Suspense Card System.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel assigned to the Office of the Secretary of Defense, and activities serviced by WHS.

CATEGORIES OF RECORDS IN THE SYSTEM:

All military personnel who are eligible for the Office of the Secretary of Defense Identification Badge after being assigned on permanent duty with the Office of the Secretary of Defense, and activities serviced by WHS, for a period of one year. Data includes name, Social Security Number, the Office of the Secretary of Defense activity, grade, service and dates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1125.

PURPOSE(S):

To be used by officials of the Military Personnel Division, WHS to establish who is eligible for the Office of the Secretary of Defense Identification Badge after being assigned to an authorized space in the Office of the Secretary of Defense, and activities serviced by WHS.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Issuance of the Office of the Secretary of Defense Identification Badges at end of each month for eligible personnel.

STORAGE:

3 X 5 Cardex File.

RETRIEVABILITY:

Filed alphabetically by last name of recipient.

SAFEGUARDS:

Building has security guards. Office locked during nonworking hours.

RETENTION AND DISPOSAL:

Records are permanent. Maintained in the Military Personnel Division at all times.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Written or verbal inquiries.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DWHS P20

SYSTEM NAME:

Report of Personnel Assigned Outside of Department of Defense.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Department of Defense personnel working in any organization outside the realm of the Department of Defense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reflects personnel and assignment data in each Department of Defense personnel working outside the Department of Defense. This data includes name of individual, rank, Social Security Number, service (GS rating if civilian), organization assigned to, and title of job. Also, included is the date of assignment and projected loss date of the individual concerned. The report also reflects in each case whether the position is reimbursable or non-reimbursable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

Data issued by Department of Defense Officials to determine which DOD Personnel are working outside the DOD and what organizations assigned to.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

This report is updated quarterly, based on information obtained from the military departments.

STORAGE:

Metal five drawer file cabinet with lock.

RETRIEVABILITY:

Filed by month and year of report.

SAFEGUARDS:

Building has security guards. File is maintained in an area that is secured during non-working hours.

RETENTION AND DISPOSAL:

Records are permanent. Maintained in the Military Personnel Division at all times.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Quarterly reports received from the military departments.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DWHS P25

SYSTEM NAME:

Overseas Staffing Files.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarter Services, Department of Defense, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel assigned to positions overseas.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Form 171's, SF 1190's travel orders, letter, to Army Finance Office concerning pay, overseas quarters allowances, post differentials etc., Standard Form 52, messages concerning the individual's return rights, home leave, etc., to and from overseas area.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

This data is used by officials of the Department of Defense to track individuals employed in overseas positions located in Defense Advanced Research Projects Agency (DARPA), North Atlantic Treaty Organization (NATO), and U.S. Mission to NATO.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Applicants and documents filed in folders by name and title of position.

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by employee name.

SAFEGUARDS:

Building employs security guards. Records are maintained in file cabinets in areas accessible only to authorized personnel who are properly screened and trained.

RETENTION AND DISPOSAL:

Retained until individual returns to the United States, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual, overseas staff office, other Federal Agency offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DWHS P26

SYSTEM NAME:

Protective Services File.

SYSTEM LOCATION:

Defense Protective Service, Communications Center, Room 1A315, The Pentagon, Washington, DC 20301-1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who initiates contact with the Secretary of Deputy Secretary of Defense in person, by United States mail, or telephonically who may possibly pose a threat to the personal safety of the Secretary or Deputy Secretary of Defense or other United States Government officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

File cards containing only date provided by the individual, which normally includes individual's name, address, type of communication, and a brief description of the message the individual intended to relay to the official or officials noted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To be used by Defense Protective Service to maintain a listing of those individuals who may pose a threat to the personal safety of the Secretary or Deputy Secretary of Defense.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

VOL 58 ISS 33 FE 22 1993 UMI

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Filed by name and by residence of the sender, caller or visitor.

STORAGE:

Vertical file cards.

RETRIEVABILITY:

By name and by residence of the sender, caller or visitor.

SAFEGUARDS:

Stored in metal file cabinets with locking devices and metal combinations safes, depending on classification.

RETENTION AND DISPOSAL:

Records are maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Real Estate and Facilities, Washington Headquarter Services, ATTN: Defense Protective Service, Room 3C345, The Pentagon, Washington, DC 20301-1155.

NOTIFICATION PROCEDURE:

See Exemption.

RECORD ACCESS PROCEDURES:

See Exemption.

CONTESTING RECORD PROCEDURES:

See Exemption.

RECORD SOURCE CATEGORIES:

See Exemption.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j), (k)(2) or (k)(3), as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 311. For additional information contact the system manager.

DWHS P27

SYSTEM NAME:

Department of Defense (DOD) Pentagon Building Pass Application File.

SYSTEM LOCATION:

Directorate for Real Estate and Facilities, Washington Headquarters Services, Department of Defense, Room 3C345, The Pentagon, Washington, DC 20301-1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Department of Defense military or civilian employer sponsored by the Department of Defense, or other persons who have reason to enter the Pentagon for official Department of Defense business, and who therefore require an entry pass.

CATEGORIES OF RECORDS IN THE SYSTEM:

File cards containing name, sponsoring office of the Department of Defense and activities serviced by Washington Headquarters Services (WHS), sex, height, weight, date and place of birth.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

This information is used by officials of the Physical Security Division, Directorate for Real Estate and Facilities, WHS to maintain a listing of personnel who are authorized a DOD Pentagon Building Pass.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Filed by the individual's name.

STORAGE:

Vertical file cards.

RETRIEVABILITY:

By the individual's name.

SAFEGUARDS:

Secure room. Building has military security guards.

RETENTION AND DISPOSAL:

File cards are destroyed after termination of the individual's affiliation with the Department of Defense, and activities serviced by WHS.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Physical Security Division, Directorate for Real Estate and Facilities, Washington Headquarters Services, Department of Defense, Room 3C345, The Pentagon, Washington, DC 20301-1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Physical Security Division, Directorate for Real Estate and Facilities, Washington Headquarters Services, Department of Defense, Room 3C345, The Pentagon, Washington, DC 20301-1155.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Physical Security Division, Directorate for Real Estate and Facilities, Washington Headquarters Services, Department of Defense, Room 3C345, The Pentagon, Washington, DC 20301-1155.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

All data maintained in the system is received voluntarily from individual DOD Pentagon Building Pass Applicants.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DWHS P28

SYSTEM NAME:

The Office of the Secretary of Defense Clearance File.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Security Division, Room 3B278, The Pentagon, Washington, DC 20301-1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian employees of the Office of the Secretary of Defense, its components and support organizations including the United States Court of Military Appeals and the United States Mission to NATO; experts and consultants serving with or without compensations; staff members of congressional committees requiring access to classified information or material, employees of other agencies detailed to the Office of the Secretary of Defense, very important people selected to attend orientation conferences, USO and Red Cross applicants for oversees posts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Background investigations, national agency checks, security clearance actions, security violations,and supporting documents, briefings and debriefings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

In order to implement the E.O. 12065 and E.O. 10450 within the Department of Defense, the Secretary of Defense has

issued under the provisions of 5 U.S.C. 301, Department of Defense Directive 5200.2 and Department of Defense Regulation 5200.2R. Department of Defense Regulations 5200.2R sets out the record keeping requirements needed to support the Department Personnel Security Program.

To be used by officials of the Security Division, Directorate, for Personnel and Security, Washington Headquarters Services, to grant and maintain security clearances or access.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Active clearance files maintained alphabetically by last name of subject. Inactive clearance files serially numbered and indexed alphabetically.

STORAGE:

Hard copy files are maintained in a secured area, and computer files are stored on magnetic tape and disk.

RETRIEVABILITY:

Active clearance files maintained alphabetically by last name of subject. Inactive clearance files serially numbered and indexed alphabetically.

SAFEGUARDS:

Files are maintained under the direct control of DOD Personnel in the Security Office during duty hours. Office is locked and guarded during non-duty hours. Computer media residents are stored in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed.

RETENTION AND DISPOSAL:

Records are permanent. Retained in active files until separation or end of requirement for security clearance. Held in waiting file for 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, Washington Headquarters Services, Department of Defense, Room 3B347, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

See Exemption.

RECORD ACCESS PROCEDURES:

See Exemption.

CONTESTING RECORD PROCEDURES:

See Exemption.

RECORD SOURCE CATEGORIES:

See Exemption.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt from certain provisions of 5 U.S.C. 552a(k)(5), as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 311. For additional information contact the system manager.

DWHS P32

SYSTEM NAME:

Standards of Conduct Inquiry File.

SYSTEM LOCATION:

Primary System - Office of the Director for Personnel and Security, Washington Headquarters Service, Department of Defense, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been alleged to have violated the Department of Defense Standards of Conduct or the conflict of interest statutes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files in the Office of the Director for Personnel and Security, WHS, which are used in the performance of the functions of the office. The files contain information about individuals in regard to allegations of violations of the Department of Defense Standards of Conduct or the conflict of interest statutes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 137 and E.O. 11222.

PURPOSE(S):

This information is used by professional personnel in the Office of the Director for Personnel and Security, WHS, and Office of General Counsel to resolve various standards of conduct problems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of Justice.

The 'Blanket Routine Uses' set forth at the beginning of the OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Stored in metal filing cabinets with locking devices and metal combination safes depending on classification.

RETENTION AND DISPOSAL:

Files are retained as long as there is official interest in the cases; then destroyed or retired to the Federal Record Center, Suitland, MD.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, Washington Headquarters Service, Department of Defense, Room 3B347, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director for Personnel and Security, Washington Headquarters Service, Department of Defense, Room 3B347, The Pentagon, Washington, DC 20301–1155. Valid proof of identity is required.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director for Personnel and Security, Washington Headquarters Service, Department of Defense, Room 3B347, The Pentagon, Washington, DC 20301–1155. Valid proof of identity is required.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in files is obtained from various sources including correspondence, press releases, investigations performed by the Department of Defense and other agencies and congressional committee, and other systems of records in the Department of Defense.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt pursuant to 5 U.S.C. 552a(k)(2) and (k)(5), as applicable.

Specifically, from subsections (c)(3) and (d) of that statute which would require the disclosure of: (a) Investigatory material compiled for law enforcement purposes. However, if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or otherwise be eligible, as a result of the maintenance of such material, the material shall be provided to that individual, except to the extent that its disclosure would reveal the identity of a source who furnished information to the Government under an express promise or, prior to September 27, 1975, under a implied promise that the identity of the source would be held in confidence, or; (b) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, or Federal contracts, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. At the time of the request for a record, a determination will be made concerning whether a right, privilege, or benefit is denied or the specific information which would reveal the identity of a source.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 311. For additional information contact the system manager.

DWHS P37

SYSTEM NAME:

Grievance and Unfair Labor Practices Records.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances in accordance with 5 U.S.C. 2302, and 5 U.S.C. 7121, or a negotiated procedure, to include E.O. 11491, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by Office of the Secretary of Defense (OSD) employees under 5 U.S.C. 2302, and 5 U.S.C. 7121. These case files contain all documents related to the grievances, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that OSD may establish through negotiations with recognized labor organizations. Folder contains all information pertaining to a specific arbitration case or specific unfair labor practice complaint, including a manual roster of local union officials and union stewards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 2302, 5 U.S.C. 7121, and E.O. 11491.

PURPOSE(S):

This information is used by the Office of the Secretary of Defense (OSD) in the creation and maintenance of records of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by reference.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee; the issuance of a security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the Agency's decision on the matter.

To provide information to a Congressional office from the record of an individual, in response to an inquiry from that Congressional office, made at the request of that individual.

To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

By the National Archives and Records Administration in records management inspections conducted under authority of 44 U.S.C. 2906.

To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission, when requested in performance of their authorized duties.

To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties, exclusive representation concerning personnel policies, practices, and matter affecting work conditions.

To provide information to the Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Labor Management Relations Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders.

RETRIEVABILITY:

These records are retrieved by case subject, case number, and/or individual employee names.

SAFEGUARDS:

These records are maintained in locked metal file cabinets, to which only OSD authorized personnel have access.

RETENTION AND DISPOSAL:

Case files are permanently maintained. Other records are normally destroyed after supersession.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, Washington Headquarters Service, Department of Defense, 3B347, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Room 3B347, The Pentagon, Washington, DC 20301–1155.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the individual on whom the record is maintained; by testimony of witnesses; by Agency officials, from related correspondence from organizations or persons; or from Arbitrator's Office of the Assistant Secretary of Labor for Labor-Management Relations, Union Headquarters Officers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DWHS P39

SYSTEM NAME:

Clerical Merit Promotion File.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Service, Department of Defense, The Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any applicant for employment who applies for a clerical position.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of SF-171's plus any attachments submitted by applicant, copies of supervisory appraisals, copies of Job Opportunity Announcement, original certificate of eligibles, rating sheet for all applicants, rating schedules or definition of 'best qualified' and copies of nonselection and not certified letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To be used by officials of the Personnel and Security Directorate, WHS, to provide a file containing information on persons who have expressed interest in being considered for clerical positions for the following organizations serviced; Armed Forces Information Service (AFIS), Court of Military Appeal (COMA), Defense Advanced Research Project Agency (DARPA), Defense Security Assistance Agency (DSAA), Office of Dependents Education, The Joint Staff, Tri-Service Medical Information System (TRIMIS), and Washington Headquarters Service (WHS).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Filed in folders by name, alphabetically.

STORAGE:

Paper records in file folders and on disks.

RETRIEVABILITY:

Filed by name, alphabetically.

SAFEGUARDS:

Building employs security guards. Records are maintained in file cabinet in areas accessible only to authorized personnel who are properly screened and trained. Computer access is in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed.

RETENTION AND DISPOSAL:

Records are maintained for a two-year period or Office of Personnel Management (OPM) inspection, whichever occurs earlier, then they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Room 3B347, The Pentagon, Washington, DC 20301–1155.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application and related forms from the individual applying for position, supervisor appraisals from current or previous employers, forms completed by persons whose names are given as a reference, ratings and correspondence from Directorate for Personnel and Security, WHS, and supervisory officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DWHS P42.0

SYSTEM NAME:

DPS Incident Reporting and Investigations Case Files.

SYSTEM LOCATION:

Defense Protective Service, Communications Center, Room 1A315, The Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are the source of an initial complaint or allegation that a crime took place.

Witnesses having information or evidence about any aspect of an investigation.

Suspects in the criminal situation who are subjects of an investigation.

Subjects of investigations on noncriminal matters.

Current and former applicants for the position of Defense Protective Service Officers.

Sources of information and evidence. The identity of these individuals may be confidential as appropriate to the subject matter they contribute. These files contain information vital to the outcome of administrative procedures and civil and criminal cases.

Individuals associated with terrorism or terrorist groups and activities and names of regional, nationwide, and worldwide terrorist organizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Preliminary and other reports of criminal investigations from the opening of a case until it is closed. These records are instituted and maintained at varying points in the process. The processes of criminal justice and civil and administrative remedies may require their partial or total disclosure.

Security files contain information such as name, date and place of birth, address, Social Security Number, education, occupation, experience, and investigatory material.

Contingency Planning/Analysis files contain information such as names and other identifying information and investigatory material on an individual associated with terrorists or terrorist groups and activities. File contains information about regional, nationwide, and worldwide terrorist organizations and their effects on security of DOD facilities under the jurisdiction of DPS. Intelligence briefs; tactical, operational, and strategic informational reports; regional and nationwide contingency analysis; contingency action plans; and patterns and trends of potential or actual terrorists or terrorist groups, or other activities that could disrupt the orderly operation of Defense-owned or controlled facilities over which the DPS has jurisdiction.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 21, Internal Security Act of 1950 (Pub. L. 831, 81st Cong.); 40 U.S.C 318, as delegated by Administrator, General Services Administration, to the Deputy Secretary of Defense, September 1987, and E.O. 9397.

PURPOSE(S):

To assemble in one system information on (1) preliminary and other criminal investigation reports that are used to enforce criminal law and rules and regulations for punitive action; to prevent, control, or reduce crime and to apprehend criminals; and (2) contingency action plans that provide patterns and trends of potential or actual terrorists or terrorist groups or other activities that could disrupt orderly operation of DOD-owned or controlled facilities under the jurisdiction of DPS.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To a Federal, state, local, or foreign agency responsible for investigating, prosecuting, enforcing, or carrying out a statute, rule, regulation, or order, where the agency is aware of a violation or potential violation of civil or criminal law or regulation.

To an appeal, grievance, or formal complaints examiner; equal employment opportunity investigator; arbitrator; exclusive representative; or other officials engaged in investigating, or settling a grievance, complaint or appeal filed by an employee.

To various bureaus and divisions of the Department of Justice that have primary jurisdiction over subject matter and location which DPS shares.

To law enforcement agencies which have lawfully participated in and conducted investigation jointly with DPS.

Pursuant to the order of a court of competent jurisdiction, when the United States is party to or has interest in litigation, and using the records is relevant, necessary, and compatible with the purposes of collecting the information.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders in file cabinets. Magnetic media in controlled access areas for both on-line and storage disks.

RETRIEVABILITY:

Paper records by case control number and type of incident. Magnetic files by case control number, name, address, and physical description of subject individual.

SAFEGUARDS:

Paper records are stored in secure filing cabinets in room with built-in-position dial-type combination safe lock. Computer records are maintained in limited access sites on a system protected by a software-controlled password system.

RETENTION AND DISPOSAL:

Investigative records involving criminal activities, hold in current files area 3 years after case is closed and retire to the Washington National Records Center; destroy after 15 years. Reports directly related to specific incidents concerning facility problems, property damage, fire drills and similar matters, hold in current files 1 year from date of report and then destroy.

SYSTEM MANAGER(S) AND ADDRESS:

Washington Headquarters Services (Real Estate and Facilities), ATTN: Defense Protective Service, Room 3C345, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address inquiries to the Washington Headquarters Services (Real Estate and Facilities), ATTN: Defense Protective Service, Room 3C345, The Pentagon, Washington, DC 20301–1155.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address inquiries to the Washington Headquarters Services (Real Estate and Facilities), ATTN: Defense Protective Service, Room 3C345, The Pentagon, Washington, DC 20301–1155.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Investigators, informants, witnesses, official records, investigative leads, statements, depositions, business records, or any other information source available to DPS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2) as applicable. The criminal investigation casefile and contingency planning and analysis file may be partially or totally subject to the general exemption.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 311. For additional information contact the system manager.

DWHS P43

SYSTEM NAME:

Emergency Personnel Locator Records.

SYSTEM LOCATION:

Segments are maintained within the Office of the Secretary of Defense (OSD), The Joint Staff, and all other activities deriving administrative support from Washington Headquarters Services.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and military personnel, and in some instances, their dependents, consultants, contractors, both in and out of government, with whom the Office of the Secretary of Defense, The Joint Staff, and all other activities deriving administrative support from Washington Headquarters Services (WHS) conduct official business. Inclusion is at the discretion of the maintaining office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's Social Security Number and/or name, organizational address, home address or unit of assignment, work and home telephone numbers and related information. Emergency personnel rosters, contact listing files, organizational telephone directories, and listings of office personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133 and E.O. 9397.

PURPOSE(S):

Records support agency requirements for emergency notification of personnel, establishment of locator listings, and all other official management functions where personnel and organizational point of contact information is required.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders, index cards, Rolodex-type files, loose-leaf and bound notebooks. Computer files are maintained on magnetic tape, diskette, or other machine-readable media.

RETRIEVABILITY:

Files are retrieved by Social Security Number and/or name of employee or individual.

SAFEGUARDS:

Facilities where the systems are maintained are locked when not occupied. Paper records are kept in filing cabinets and other storage places which are locked when office is not occupied. Electronic records are on computer terminals in supervised areas using a system with software access control safeguards. Only persons on a need-to-know basis and trained in the handling of information protected by the Privacy Act have access to the system.

RETENTION AND DISPOSAL:

Retained until information is no longer current and then destroyed. Obsolete paper information is destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Obsolete computer records are erased or overwritten.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Secretary of Defense Privacy Act Officer, OSD Records Management and Privacy Act Branch, Washington Headquarters Services, Room 5C315, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Secretary of Defense Privacy Act Officer, OSD Records Management and Privacy Act Branch, Washington Headquarters Services, Room 5C315, The Pentagon, Washington, DC 20301–1155.

The individual should make reference to the office where he/she is/was assigned or affiliated and include address and telephone number applicable to the period during which the record was maintained. Social Security Number should be included in the inquiry for positive identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Office of the Secretary of Defense Privacy Act Officer, OSD Records Management and Privacy Act Branch, Washington Headquarters Services, Room 5C315, The Pentagon, Washington, DC 20301–1155.

The individual should make reference to the office where he/she is/was assigned or affiliated and include address and telephone number applicable to the period during which the record was maintained. Social Security Number should be included in the inquiry for positive identification.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the subject individual, and official personnel office documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DWHS B44

SYSTEM NAME:

OSD Travel File.

SYSTEM LOCATION:

Primary location is maintained at Washington Headquarters Services, Directorate for Budget and Finance, Room 3B287, The Pentagon, Washington, DC 20301–1155.

Secondary location sites are The Joint Staff, DIRM (Services Division) Travel Section, Room 2C936, The Pentagon, Washington, DC 20318–9300;

Department of Defense Dependents Schools (DODDS), ATTN: Fiscal Division, 1225 Jefferson Davis Highway, Crystal Gateway 2, Suite 1500, Arlington, VA 22202-4301; and

Defense Advanced Research Projects Agency (DARPA), ATTN: RMO (Travel), 3702 North Fairfax Drive, Arlington, VA 22203–1714.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and military personnel assigned to the Office of the Secretary of Defense, The Joint Staff, Washington Headquarters Services, DODDS, DARPA, American Forces Information Service, U.S. Court of Military Appeals, Defense Medical Support Activity, Defense Security Assistance Agency, Defense Legal Services Agency, and Defense Technology Security Administration.

Also covered are dependents of employees and personnel, former employees, other government agency employees authorized by law to travel at government expense, and certain non-government personnel traveling on Invitational Travel Orders on official agency business.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to official travel of individuals, including travel orders, per diem vouchers, transportation requests, travel itinerary, and supporting documentation. Records contain individuals name, Social Security Number, employing office name and telephone number, and home telephone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 2105, 2106, 5561, 5564, 5701–5708, 5721–5730, 5742; 50 U.S.C. 2160; and E.O. 9397.

PURPOSE(S):

To maintain an official travel record authorization and payment file system. Provides management information for control of travel expenditures and supports documentation requirements for official travel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders. Electronic data is maintained on a networked computer system with access safeguards.

RETRIEVABILITY:

Files are retrieved by name of individual, Social Security Number, and employing organization.

SAFEGUARDS:

Facilities where the systems are maintained are locked when not occupied. Paper records are kept in filing cabinets and other storage places which are locked when office is not occupied.

Access to computer records is controlled by a user identification and password system. Personnel having access are limited to those having a need-to-know who have been trained in handling Privacy Act information.

RETENTION AND DISPOSAL:

Records are retained for two years and then retired to the Washington National Records Center (WNRC). After six years and three months records are destroyed at WNRC.

Computer files are retained for ten years and then deleted from the system.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Budget and Finance, Washington Headquarters Services, Room 3B259, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to Director, Budget and Finance, Washington Headquarters Services, Room 3B259, The Pentagon, Washington, DC 20301–1155.

The individual should make reference to the office where assigned or affiliated and include address and telephone number applicable to the period during which the record was maintained. Social Security Number should be included in the inquiry for positive identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to Director, Budget and Finance, Washington Headquarters Services, Room 3B259, The Pentagon, Washington, DC 20301–1155.

The individual should make reference to the office where assigned or affiliated and include address and telephone number applicable to the period during which the record was maintained. Social Security Number should be included in the request for positive identification.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Sources are the travelling individuals or their agents and vendors of travel and related services.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DWHS B45

SYSTEM NAME:

DOD Salary Offset Suspense Control Records.

SYSTEM LOCATION:

Washington Headquarters Services, Directorate for Budget and Finance, Room 3B287, The Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees assigned to the Office of the Secretary of Defense (OSD), The Joint Staff, DOD Agencies, and OSD Field Activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Original debt amount records received from Defense Manpower Data Center (DMDC) identifying individuals by name, Social Security Number, and employing agency; and Report of Salary Offset for Debt Collection (Report Control Symbol DD–COMP(M)1659) submissions of employing activities, and reflecting agency finance office actions relevant to individuals identified in the original debt amount records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3711, Federal Claims Collection Act of 1966; 31 U.S.C. 5512–5514; 4 CFR chapter II, Federal Claims Collection Standards (General Accounting Office Department of Justice); 32 CFR part 90, Collection of Indebtedness Due the United States (DOD); Pub. L. 97–365, The Debt Collection Act of 1982; and E.O. 9397.

PURPOSE(S):

To maintain a suspense file of requests from non-DOD Agencies through Defense Manpower Data Center (DMDC) for administrative or salary offsets of civilian employees assigned to the Office of the Secretary of Defense, The Joint Staff, DOD Agencies, and OSD Field Activities. The system permits tracking of requests that have not resulted in salary offsets by the employing activity. The system also compiles salary offset information to facilitate generation of compliance reports to DMDC.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1966 (31 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in the file folders in file cabinets that are locked when not in use. Electronic data is maintained on a mainframe computer system located in a secure computer facility.

RETRIEVABILITY:

Files are retrieved by name of individual, Social Security Number, and activity by whom the individual is employed.

SAFEGUARDS:

Facilities where the systems are maintained are locked when not occupied. Paper records are kept in filing cabinets and other storage places which are locked when office is not occupied.

Access to computer records is controlled by a user identification and

password system. Personnel having access are limited to those having a need-to-know who have been trained in handling Privacy Act information.

RETENTION AND DISPOSAL:

Paper records: Requests for offset are retained for six years after the close of the initial fiscal year in which the original request for salary offset is received and are then destroyed. Offset reports are retained for two years after the close of the fiscal year in which the offset is reported to DMDC and then destroyed. Computer files are retained for ten years after the close of the fiscal year in which the amount has been collected in full and are then deleted.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Budget and Finance, Washington Headquarters Services, Room 3B287, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to Director, Budget and Finance, Washington Headquarters Services, ATTN: IPMD, Room 3B287, The Pentagon, Washington, DC 20301–1155

The individual should furnish their full name, Social Security Number, and name of the DOD agency/activity and office where assigned.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to Director, Budget and Finance, Washington Headquarters Services, ATTN: IPMD, Room 3B287, The Pentagon, Washington, DC 20301–1155

The individual should furnish their full name, Social Security Number, and name of the DOD agency/activity and office where assigned.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

DMDC requests for administrative or salary offset and reports from DOD agencies and activities noting action taken to effect administrative or salary offset.

EXEMPTIONS CLAIMED FOR THE SYSTEM.

None.

DWHS B46

SYSTEM NAME:

DOD Creditor Agency Accounts Receivable System.

SYSTEM LOCATION:

Washington Headquarters Services, Directorate for Budget and Finance, Room 3B287, The Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons currently or formerly associated with the Department of Defense and who are financially indebted to a Defense creditor agency (excluding Military Departments).

Individuals may include current/former military active duty; reserve personnel; DOD civilian employees; non-appropriated fund employees; retired personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Delinquent debt records consisting of individual's name, Social Security Number, sex, debt amount, basis for the debt, and history of debt collection activity for the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 97–365, The Debt Collection Act of 1982; 31 U.S.C. chapter 37, Subchapter I (General), and Subchapter II (Claims of the United States Government), 31 U.S.C. 3711 Collection and Compromise, 31 U.S.C. 3716 Administrative Offset; 5 U.S.C. 5514 Installment deduction for Indebtedness (salary offset); 10 U.S.C. 136, Assistant Secretaries of Defense, Appointment powers and duties; section 206 of E.O. 11222; and E.O. 9397.

PURPOSE(S):

To permit collection of debts owed to any Department of Defense creditor agency. Records in this system are subject to use in approved computer matching programs authorized under the Privacy Act of 1974, as amended, for debt collection purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the General Accounting Office and the Department of Justice for collection action for any delinquent account when circumstances warrant.

To a commercial credit reporting agency for the purpose of either adding to a credit history file or obtaining a credit history file for use in the administration of debt collection.

To a debt collection agency for the purpose of collection services to recover indebtedness owed to the Department of Defense.

To any other Federal agency for the purpose of effecting salary offset procedures against a person employed by that agency when any Department of Defense creditor agency has a claim against that person.

To any other Federal agency including, but not limited to, the Internal Revenue Service and Office of Personnel Management for the purpose of effecting an administrative offset of a debt.

To the Internal Revenue Service (IRS) to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim against the taxpayer. (Note: Redisclosure of a mailing address form the IRS may be made only for the purpose of debt collection; including to a debt collection agency in order to facilitate the collection of compromise of a Federal claim under the Debt Collection Act of 1982, except that a mailing address to a consumer reporting agency is for the limited purpose of obtaining a commercial credit report on the particular taxpayer. Any such address information obtained from the IRS will not be used or shared for any other DOD purpose or disclosed to another Federal, state or local agency which seeks to locate the same individual for its own debt collection purpose.)

To any other Federal, state or local agency for the purpose of conducting an authorized computer matching program to identify and locate delinquent debtors for recoupment of debts owed the Department of Defense.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1966 (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (Social Security Number); the amount, status, and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic data is stored in floppy disks, magnetic tape, and hard disks of a mainframe computer system located in a secure computer facility.

RETRIEVABILITY:

Files are retrieved by name of individual or Social Security Number.

SAFEGUARDS:

Facilities where the system is maintained are locked when not occupied. Access is controlled by a user identification and password system. Personnel having access are limited to those having an official need-to-know who have been trained in handling personal information subject to the Privacy Act.

RETENTION AND DISPOSAL:

Computer files are retained for ten years after the close of the fiscal year in which the amount has been collected in full and are then deleted.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Budget and Finance, Washington Headquarters Services, Room 3B287, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to Director, Budget and Finance, Washington Headquarters Services, ATTN: IPMD, Room 3B287, The Pentagon, Washington, DC 20301–1155.

The individual should furnish their full name and Social Security Number, and name of the DOD agency/activity and office where assigned.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to Director, Budget and Finance, Washington Headquarters Services: ATTN: IPMD, Room 3B287, The Pentagon, Washington, DC 20301–1155.

The individual should furnish their full name and Social Security Number, and name of the DOD agency/activity and office where assigned.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Debt records submitted by DOD agencies relating to individuals who have incurred debts for varied reasons but who are not currently affiliated with the creditor DOD agency.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DWHS SPM002

SYSTEM NAME:

Pentagon and Federal Building 2 Carpool Locator.

SYSTEM LOCATION:

Primary System - Air Force Services Center.

Decentralized Segments - DOD Parking Control Office, Directorate for Real Estate and Facilities, Washington Headquarters Services, Department of Defense, The Pentagon, Washington, DC 20301–1155.

Office of the DOD Building Administrator, Directorate for Real Estate and Facilities, Washington Headquarters Services, Department of Defense, Federal Office Building 2, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Department of Defense (DOD) and other personnel who participate in Pentagon and Federal Building 2 carpools.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of individual, DOD Component Code, home address, working hours, Pentagon or Federal Building 2 office room number, office phone number, map coordinate of home address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Service Act of 1949, 63 Stat. 377, as amended.

PURPOSE(S):

This data is used by the DOD Parking Control Office and the Office of the Building Administrator, Federal Building 2 to assign and administer allocated carpool parking spaces at the Pentagon and Federal Building 2; the Air Force Data Service Center provides a printout to each individual in the system which lists other participants who live near him/her who are potential carpool prospects, and to provide a complete printout of all participants to the DOD Parking Control Office and the General Services Administration (GSA); individuals in order to contact other participants on either his/her individual printout or area card, or the DOD Parking Control Office's complete printout to determine their interest in carpooling.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the General Service Administration to track carpool date in area-wide system when and if implemented.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes, disks and paper printouts for the Pentagon building carpools. Manual storage within self-help carpool locator board for Federal Building 2 participants.

RETRIEVABILITY:

Information is accessed and retrieved by name and home address map grid for Pentagon building participants. Information is manually accessed and retrieved from cards in map grids for Federal Building 2 participants.

SAFEGUARDS:

Pentagon - All participants have access to the data, which is under direct control of the DOD Parking Control Office. Office is locked and guarded. Computer media resident at the Air Force Data Service Center is stored in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed. Federal Building 2 - All participants have access to the data. Building has security guards. System is maintained in an area secured during nonworking hours and within close view of security officers.

RETENTION AND DISPOSAL:

Data is retained only on active participants. Records of personnel removed from the Pentagon Carpool Locator shall be kept one to three months and then destroyed. Records of personnel removed from the Federal Building 2 carpool locator shall be destroyed upon removal.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Real Estate and Facilities, Washington Headquarters Services, Department of Defense, The Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Real Estate and Facilities, Washington Headquarters Services, Department of Defense, Room 3C345, The Pentagon, Washington, DC 20301–1155.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Real Estate and Facilities, Washington Headquarters Services, Department of Defense, Room 3C345, The Pentagon, Washington, DC 20301–1155.

Written requests for information should contain the full name of the individual, current address and telephone number. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license or DOD building pass. The computer system has the facility to access all data stored in the data base. Central Parking Control has exclusive access to the data base and controls updating the files.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Carpool Locator Card (DD Form 2170).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

UNITED STATES AIR FORCE

How Systems of Records are Arranged

In the Air Force, records are grouped by subject series. Each series has records about a specific activity or function to which a subject title and number is given. Systems of records are grouped in the same way. For example, a system of records on personnel security clearances may be found in 'Security - 205,' and one about psychiatry in 'Medical Service - 160'. These numbers are part of the system identification which precede the notices. They look like this: F205 AF SP A or F160 ARPC A. The letter 'F' means Air Force. The first three digits (205 and 160) show that the records pertain to Security and the Medical Service respectively. The letters that follow indicate to whom the system applies and or the Office of Primary Responsibility (OPR). For example, F205 AF SP A AF indicates that this is an Air Force-wide system, with SP denoting Security Police as the OPR. The last alpha designation is for internal management control. In the records system F160 ARPC A ARPC indicates that this is an Air Reserve Personnel Center (ARPC) system and applies to Reserve personnel only.

Using the Index Guide

The systems of records maintained by the Air Force are contained within the subject series that are listed below.

This list identifies each series in the order in which it appears in this issuance. Use the list to identify subject areas of interest. Having done so, use the series number (for example 205 for Security) to locate the systems of records grouping in which you are interested.

System Identification Series
Subject Series

Administrative Communications
010

Administrative Practices
011

Air Force Records Management Program
012

Personnel
030

Military Personnel
035

Civilian Personnel
040

Reserve Forces
045

Training
050

Flying Training
051

Schools
053

Flying
060

Equipment Maintenance
066

Supply
067

Contracting and Acquisition
070

Transportation and Traffic Management
075

Military Airlift
076

Research and Development
080

Housing
090

Judge Advocate General
110

Military Justice
111

Inspector General
120

Inspection
123

Special Investigations
124

Security Police
125

Safety
127

Medical Service
160

Aerospace Medicine
161

Dental Services
162

Medical Administration
168

Auditing
175

Non-Appropriated Funds
176

Accounting and Finance
177

Cost and Management Analysis
178

Public Affairs
190

Intelligence
200

Security
205

Historical Data and Properties
210

Education Services Program
213

Morale, Welfare, and Recreation
215

Chaplain
265

Awards, Ceremonies, and Honors

VOL 58 ISS 33 FE 22 1993 UMI

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required to locate and retrieve the record.

BLANKET ROUTINE USES

Certain 'blanket routine uses' of the records have been established that are applicable to every record system maintained within the Department of Defense unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below only once in the interest of simplicity, economy and to avoid redundancy.

LAW ENFORCEMENT ROUTINE USE

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

DISCLOSURE WHEN REQUESTING INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

DISCLOSURE OF REQUESTED INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

CONGRESSIONAL INQUIRIES ROUTINE USE

Disclosure from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

PRIVATE RELIEF LEGISLATION ROUTINE USE

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS ROUTINE USE

A record from a system of records maintained by this component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES ROUTINE USE

Any information normally contained in IRS Form W–2 which is maintained in a record from a system of records maintained by this component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517, 5520, and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Number 76–07.

DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT ROUTINE USE

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

DISCLOSURE TO MILITARY BANKING FACILITIES OVERSEAS ROUTINE USE

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

DISCLOSURE OF INFORMATION TO THE GENERAL SERVICES ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO THE MERIT SYSTEMS PROTECTION BOARD ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DOD investigation, and such other functions, promulgated in 5 U.S.C 1205 and 1206, or as may be authorized by law.

COUNTERINTELLIGENCE PURPOSES ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use outside the DOD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

FC10 AF A

SYSTEM NAME:

Automated Orders Data System.

SYSTEM LOCATION:

Any location where temporary orders are published at all levels down to and including squadrons. Official mailing addresses are published as an appendix to the Air Force compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Air Force civilian employees and military members who perform temporary duty travel, including all Air Force reserve personnel who perform annual, school, special, and Military Personnel Appropriation (MPA) tours.

CATEGORIES OF RECORDS IN THE SYSTEM:

All temporary orders (temporary duty travel and reserve); identification data on individuals named in orders; accounting records for Personnel/Travel/Budgeting Accounting System (PBAS/TBAS); accounting records for man-days used, and orders log containing data found in administrative orders including name, Social Security Number, order number, and effective dates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Power and Duties; delegation by; as implemented by Joint Federal Travel Regulation, Vol I; Joint Travel Regulation, Vol II; Air Force Regulation 10–7, Administrative Orders; and E.O. 9397.

PURPOSE(S):

Used to prepare temporary duty travel orders, including those ordering Air Force Reserve personnel to active duty for annual, school, special and MPA tours. Controls assignment of orders numbers and is a cross reference between orders, revocations, and amendments. Creates management reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and are properly screened for need-to-know. Passwords are established for computer system entrance.

RETENTION AND DISPOSAL:

Identification data is maintained until the individual is reassigned. Orders are maintained for 1 to 56 years after the year in which they are published.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Information Management, Office of the Administrative Assistant to the Secretary of the Air Force, Washington, DC 20330–1000; Director of Information Management, Headquarters, Air Force Reserve, Robins Air Force Base, GA 31098–6001; Deputy Chief of Staff, Comptroller, Headquarters U.S. Air Force, Washington, DC 20330–5000; and Base Directors or Chiefs of Information Management. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Director of Information Management, Office of the Administrative Assistant to the Secretary of the Air Force, Washington, DC 20330–1000; Director of Information Management, Headquarters, Air Force Reserve, Robins Air Force Base, GA 31098–6001; Deputy Chief of Staff, Comptroller, Headquarters U.S. Air Force, Washington, DC 20330–5000; and Base Directors or Chiefs of Information Management. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address requests to the Director of Information Management, Office of the Administrative Assistant to the Secretary of the Air Force, Washington, DC 20330–1000; Director of Information Management, Headquarters, Air Force Reserve, Robins Air Force Base, GA 31098–6001; Deputy Chief of Staff, Comptroller, Headquarters U.S. Air Force, Washington, DC 20330–5000; and Base Directors or Chiefs of Information Management. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

A military or civilian identification card is required as proof of identity prior to disclosure.

VOL 58 ISS 33 FE 22 1993 UMI

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from personnel records, automated system interfaces, individuals, and orders requests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F010 AFIS B

SYSTEM NAME:

Prisoner of War (PW) Debriefing Files.

SYSTEM LOCATION:

Headquarters Air Force Intelligence Service (HQ AFIS/INUA), Fort Belvoir, VA 22060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Returned PW.

CATEGORIES OF RECORDS IN THE SYSTEM:

Debriefing transcripts; messages concerning PWs; topical data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; implemented by HQ USAFIS PD 400.2, 500.2; JCSM SM 718–83.

PURPOSE(S):

Intelligence file; research source documents used by various DOD offices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, computer paper printouts and on microfiche.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in safes.

RETENTION AND DISPOSAL:

Retained in AFIS/INU until no longer needed then forwarded to the USAFHRC, Maxwell Air Force Base, AL 36112 for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters Air Force Intelligence Service (HQ AFIS/INUA), Fort Belvoir, VA 22060.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Headquarters Air Force Intelligence Service (HQ AFIS/INUA), Fort Belvoir, VA 22060.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Headquarters Air Force Intelligence Service (HQ AFIS/INUA), Fort Belvoir, VA 22060.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Returned prisoners of war.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F010 ARPC A

SYSTEM NAME:

Background Material.

SYSTEM LOCATION:

Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letter request for orders, amendments, including justification on files on special authorizations when required by order publishing activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1162, Reserves: discharge, and E.O. 9397.

PURPOSE(S):

Used for publication of discharge orders and to verify that discharge orders were published.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name, and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are protected by guards.

RETENTION AND DISPOSAL:

Retained in office files for 1 year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000.

Written requests should contain full name, Social Security Number, current mailing address, and the case (control) number on correspondence received from the Center, if applicable.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000. Records may be reviewed in the Records Review Room, Headquarters Air Reserve Personnel Center, Denver, CO, between 8:00 a.m. and 3:00 p.m. on normal workdays.

Requester must be able to provide sufficient proof of identity, with an Armed Forces identification card or a drivers license.

CONTESTING RECORD PROCEDURE:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions, police and investigating officers, witnesses and source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F010 AU A

SYSTEM NAME:

Potential Faculty Rating System.

SYSTEM LOCATION:

Squadron Officer School, Maxwell Air Force Base, AL 36112.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former Squadron Officer School students being considered for faculty duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual rating of students.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and Air Training Command Regulation 53–1, Faculty Boards and Administrative Withdrawals and Losses.

PURPOSE(S):

Used to evaluate individuals for potential assignment as faculty members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in note books/binders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Student Operations, Squadron Officer School, Maxwell Air Force Base, AL 36112.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director of Student Operations, Squadron Officer School, Maxwell Air Force Base, AL 36112.

Requests should include the individual's name and Social Security Number. Individuals may visit Office of the system manager and present Military ID Card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director of Student Operations, Squadron Officer School, Maxwell Air Force Base, AL 36112.

Requests should include the individual's name and Social Security Number.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F010 CVAE A

SYSTEM NAME:

Secretary of the Air Force Historical Records.

SYSTEM LOCATION:

Washington National Records Center, Washington, DC 20409. Modern Military Branch Military Archives Division, National Archives and Records Administration, Washington, DC 20408.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees of the Secretary of the Air Force, and anyone who has corresponded with the Secretary of the Air Force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Secretary of the Air Force correspondence files covering calendar years 1947 through March, 1972, most of which does not contain personal information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used for research by Air Force Historian, other government agencies and private institutions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Access is authorized by the Secretary of the Air Force only. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Staff, Headquarters United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Staff, Headquarters United States Air Force, Washington, DC 20330.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Staff, Headquarters United States Air Force, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and

appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, educational institutions, medical institutions, police and investigating officer, the public media, a corporation, and source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F010 DAS A

SYSTEM NAME:

Unusual and Incoherent Translation Material.

SYSTEM LOCATION:

Translation and Abbreviations Section, 1947th Administrative Support Group, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have addressed correspondence to the Department of Defense, or to specific persons such as Secretary of the Air Force, or Secretary of Defense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complete or summary translations of letters, articles, and documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8032, The Air Staff, General duties.

PURPOSE(S):

Translations of previous correspondence aid translating or summarizing similar correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties. Records are controlled by personnel screening. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Translation and Abbreviations Section, HQ 1947th ASG/DASJT, The Pentagon, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief, Translation and Abbreviations Section, HQ 1947th ASG/DASJT, The Pentagon, Washington, DC 20330.

The individual must furnish full name and address. The individual may visit the Translation and Abbreviations Section, the Pentagon, Washington, DC 20330. No identification is required to determine if the system contains records pertaining to a specific individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Translation and Abbreviations Section, HQ 1947th ASG/DASJT, The Pentagon, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is in the form of translated correspondence.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F010 RE A

SYSTEM NAME:

Inquiries (Presidential, Congressional).

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, DC 20330, Personnel Division, Office of Air Force Reserve (AF REPX).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former Air Force civilian employees, Air Force Reserve and Air National Guard personnel, and Retired Air Force military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual inquiries, research material and replies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used by the Office of Secretary of Air Force and Air Reserve Personnel Center to reply to inquiries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in security file containers/ cabinets.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Air Force Reserve, Personnel Division, Headquarters USAF, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Air Force Reserve, Personnel Division, Headquarters USAF, Washington, DC 20330.

Requests should include the full name and Social Security Number. Individuals may visit the Personnel Division, Office of the Air Force Reserve, Pentagon, Washington, DC and should provide military identification card or driver's license as means of identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief of Air Force Reserve, Personnel Division,

Headquarters USAF, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F011 AF A

SYSTEM NAME:

Locator, Registration and Postal Directory Files.

SYSTEM LOCATION:

Headquarters, United States Air Force; Air Force installations to include bases; units; offices and functions, and headquarters of unified and specified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force military and civilian personnel; Air Force Reserve and National Guard personnel; volunteer personnel; United States Armed Forces military and civilian personnel assigned to headquarters of unified and specified commands for which Air Force is Executive Agent, and contractor personnel. Dependents may also be included in this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cards or listings may contain the individuals name, grade, military service identification number, Social Security Number, duty location, office telephone number, residence address and residence telephone number, and similar type personnel data determined to be necessary by local authority.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, and E.O. 9397.

PURPOSE(S):

Used to locate or identify personnel assigned/attached to, tenanted on, or on temporary duty at the specific installation, office, base, unit, function, and/or organization in response to specific inquiries from authorized users for the conduct of business. Portions of the system are used for directory service and forwarding individual personal mail received by Air Force postal activities, and for assignment of individual mail boxes. Files may be used locally to support official and unofficial programs which require minimal locator information, membership or user listings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper records in card or form media in visible file binders/cabinets or card files, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name and/or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, or when superseded or no longer needed for reference. Postal directory files are maintained for six months after reassignment, separation or departure from servicing activity. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Director of Information Management, Office of the Administrative Assistant to the Secretary of the Air Force, Washington, DC 20330–1000.

Local system managers: Records Custodians at the installation, base, unit, organization, office or function to which the individual is assigned, attached, tenanted on, performing volunteer service at, or on temporary duty. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address inquiries to or visit the local system manager. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the local system manager. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces; the individuals, or from personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F011 AF B

SYSTEM NAME:

Check Cashing Privilege Files.

SYSTEM LOCATION:

Commissaries, Services, Clothing Sales Stores and any other check cashing facilities at Air Force installations. Official mailing addresses are as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons whose checks, presented at these facilities, have been dishonored and or whose check cashing privileges have been suspended or revoked.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters, cards and listings on individuals who have cashed bad checks at base facilities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Identify individuals whose check cashing privileges are suspended or revoked and to refuse check cashing services to such individuals.

VOL 58 ISS 33 FE 22 1993 UMI

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper records in card or listing media. Documents are filed in folders or card boxes and posted in or near the cashier's cage or cash register box at the check cashing facility.

RETRIEVABILITY:

By name and/or Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and stored in locked cabinets, containers, or rooms.

RETENTION AND DISPOSAL:

Retained until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

For commissaries and clothing sales stores; Director, Engineering and Services, Deputy Chief of Staff, Programs and Resources, Headquarters United States Air Force, Washington, DC 20330; and Chief, Services Division at the installation having jurisdiction over commissary or clothing sales store. For all other check cashing facilities; Chief of the activity having the check cashing facility.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the appropriate system manager.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the appropriate system manager.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information received from check cashing sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F011 AF MP A

SYSTEM NAME:

Congressional and Other High Level Inquiries.

SYSTEM LOCATION:

Headquarters Air Force Military Personnel Center; major commands; field operating agencies; Consolidated Base Personnel Offices (CBPOs) at Air Force installations, and headquarters of unified and specified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Air Force military personnel; Air Force Reserve personnel, and personnel retired or discharged from the Air Force. Civilian personnel currently or formerly employed by the Air Force. Personnel attending Air Force training institutions or undergoing training under Air Force sponsorship. Army, Navy, Air Force and Marine Corps active duty military and civilian personnel assigned to headquarters of unified and specified commands for which Air Force is Executive Agent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Background information and information reflecting Air Force personnel policies and procedures; copies of inquiries received from the Office of the President, members of Congress and other high level sources requesting information on behalf of a constituent; copies of replies to such inquiries including transmittal media used enroute from and to the Secretary of the Air Force, Office of Legislative Liaison (SAF/LL).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and 10 U.S.C. 8032, The Air Staff, general duties; implemented by Air Force Regulation 11–7, Air Force Relations with Congress.

PURPOSE(S):

Information pertinent to an inquiry forwarded to SAF/LL for preparation of the reply to the high level requester. In some instances response may be direct to the requester without referral through SAF/LL. However, when required by directives, copies of such responses are furnished SAF/LL. The records may be used in responding to subsequent inquiries concerning the same individual. The record system is audited periodically to determine trends on the nature of complaints and questions and for statistical purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by the custodian of the record system and by persons responsible for servicing the records in performance of their official duties who are properly cleared for need-to-know. Records are stored in security file containers/cabinets, locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained for up to 18 months depending on category, then destroyed by tearing into pieces, shredding, macerating, pulping or burning.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Deputy Chief of Staff for Personnel, Headquarters United States Air Force; commanders of major air commands, numbered air forces or comparable level activities, and commanders of headquarters of unified and specified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the system manager or respective local system manager. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Requests from individuals must contain reasonable identifying particulars about the subject in question.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the system manager or local respective system manager. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Individual's request must contain reasonable identifying particulars about the subject in question.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information provided by major command or consolidated base personnel office personnel, manual or automated personnel records, Air Force policies and procedures, copies of inquiries, congressional/high level officials'/constituents' comments or requests and Air Force replies thereto.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F011 AFA A

SYSTEM NAME:

Class Committee Products.

SYSTEM LOCATION:

United States Air Force Academy (USAF Academy), CO 80840–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Academy cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

List of cadets academically deficient at progress reports; provides grades, military order of merit and other military and entrance data on cadets meeting committees; reports committee decisions and includes worksheets with coded recommendations to the Academy Board at the end of the semester.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9331, Establishment; superintendent; faculty.

PURPOSE(S):

Provides data on academically deficient cadets to Academic Review Committee who makes recommendations concerning cadets' future to the Academy Board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms, cabinets, and in computer storage devices protected by computer system software.

RETENTION AND DISPOSAL:

Destroyed one year after graduation or when purpose has been served, whichever is sooner. Destruction is by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by degaussing or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Dean of Faculty, United States Air Force Academy, CO 80840–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Dean of Faculty, United States Air Force Academy, CO 80840–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to or visit the Dean of Faculty, United States Air Force Academy, CO 80840–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records are compiled from cadet grading and rating cycles.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F011 AFA B

SYSTEM NAME:

Faculty Biographical Sketch.

SYSTEM LOCATION:

United States Air Force Academy, Colorado Springs, USAF Academy, Colorado Springs, CO 80840.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Academy, faculty officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information on education, job assignments, teaching experience, publications, membership in professional societies and exit interview.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 903, United States Air Force Academy.

PURPOSE(S):

Used on a daily basis as the primary source for academic information on officers assigned to the faculty and as a sole source for academic information on officers who have left the faculty due to reassignment, separation, or retirement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are controlled by personnel screening. Stored in locked cabinets or rooms

RETENTION AND DISPOSAL:

Retained for 10 years after instructor's departure and then forwarded to the Library (Special Collections Branch), where it is microfilmed. The paper copy is destroyed and microfilm is retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Dean of the Faculty, USAF Academy, Colorado Springs, CO 80840.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Dean of the Faculty, USAF Academy, Colorado Springs, CO 80840.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Dean of the Faculty, USAF Academy, Colorado Springs, CO 80840.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from individual and department head.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F011 AFSG A

SYSTEM NAME:

High Level Inquiry File.

SYSTEM LOCATION:

Headquarters, United States Air Force, Surgeon General, (SGI), Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who make high level inquiries regarding medical criteria for Air Force accession; separation; retirement; continued active duty; and medical waivers for flying duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical opinions generated as a result of high level inquiries regarding Air Force accession, separation, retirement, continued active duty, and medical waivers for flying duty.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used as a cross reference to determine if action has been taken in response to high level inquiry.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Surgeon General, United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Surgeon General, United States Air Force, Washington, DC 20330.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Surgeon General, United States Air Force, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F011 ARPC A

SYSTEM NAME:

Locator or Personnel Data.

SYSTEM LOCATION:

Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve and Air National Guard personnel. Retired and former Air Force military personnel. HQ ARPC civilian personnel. Air Force active duty military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cards, forms, ledgers, record request, computer listings containing individual's name or names, Social Security Number, Air Force service number, grade, Reserve status, present and former address, record of employer, work production statistics, parent and other relevant Reservist or personnel data, Veterans Administration claim number, education institutes Reservist attended, school affiliations, correspondence to and from Federal agencies and employers trying to establish current address of Reservists, vouchers for medical service, final payment of medical service bills, medical action required, notes indicating if individual is authorized to earn point credit, and other personnel data. Documents which contain a summary of action taken or to be taken.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 267, Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; 268, Ready Reserve; 270, Ready Reserve: training requirements; 271, Ready Reserve: continuous screening; 273, Standby Reserve: composition, inactive status list; 275, Personnel records; 278, Dissemination of information; 591, Reserve components: qualifications; 592, Commissioned officer grades; 593, Commissioned officers: appointment, how made; term; 594, Commissioned officers: original appointment; limitation; 8013, Secretary of the Air Force: powers and duties, delegation by, and E.O. 9397.

PURPOSE(S):

Used to control records distribution; to record location of record, actions taken or/to be taken; used to manage individual's records and Management Information System data; to answer inquiries from individual and Air Force units to which individuals are assigned or are to be assigned or other agencies with a need to know of action taken; to verify if author of a letter was a member/or is a member of Reserve and what his or her Social Security Number should be; to search for good address and stop computer mail from going to bad address; used to refer for administrative discharge action on Reservist that cannot be located, advise Reservist or civilian of Reserve matters or Center actions; to provide comprehensive record of all medical actions taken by Surgeon's Office and record authorization for physical

examinations at Government expense or no expense and record voucher number; used in preparing point credit authorization and forwarding authenticated point credit forms to servicing personnel office.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, notebooks/binders, visible file binders/cabinets, card files, on paper, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name, Social Security Number, system identifier and/or voucher number, school affiliation, or by last address of Reservist.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms, cabinets, and in computer storage devices protected by computer system software. Records are protected by guards.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000.

Written request for information should contain full name of individual, Social Security Number, current address, and the case (control) number shown on correspondence received from the Center (if applicable). For personal visits, the individual should provide current Reserve identification card and/or drivers license.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Records manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000. Records may be reviewed in the Records Review Room, Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000, between 8:00 a.m. and 3:00 p.m. on normal workdays.

Requester must be able to provide sufficient proof of identity, with an Armed Forces identification card or a drivers license.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information provided by the individual, extracted from individual records, individual advanced personnel data computer system. For address information secured from last recorded employer, postmaster of city of last recorded address, telephone information operator at last city of good address, parents of Reservist, other relatives of Reservist, Veterans Administration if Reservist has a claim number listed in master personnel record, college or university Reservist attended, Selective Service Board, Internal Revenue Service, public utilities or any other lead that may be found in the master personnel record of the Reservist, military pay records at Defense Finance Accounting System (DFAS), log books and from Consolidated Base Personnel Offices. Medical information is also secured from medical facilities, physicians, medical specialists.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F011 DAS A

SYSTEM NAME:

Operational Reference File.

SYSTEM LOCATION:

Translation and Abbreviations Section, Headquarters, United States Air Force/DASJT, The Pentagon, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Language translators and interpreters, State Department personnel, Army and Navy translation activity personnel, commercial translation services personnel, Air Force civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual personnel data cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8032, The Air Staff, General duties.

PURPOSE(S):

Used to check names and titles of foreign military and civilian government personnel which appear in correspondence received for translation. This system also serves as a listing of translators/interpreters available to provide translation and interpreting services in support of Headquarters United States Air Force requirements for such services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card files.

RETRIEVABILITY:

Information retrieved by name or title.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Translation and Abbreviations Section, HQ USAF/DASJT, The Pentagon, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief, Translation and Abbreviations

Section, HQ USAF/DASJT, The Pentagon, Washington, DC 20330.

The individual must furnish full name and indicate whether military/civilian status and whether a resident or nonresident of the United States. The individual may visit the Translation and Abbreviations Section at Headquarters United States Air Force, Washington, DC 20330. No identification is required to determine if the system contains records pertaining to a specific individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Translation and Abbreviations Section, HQ USAF/DASJT, The Pentagon, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, from international organizations, from source documents (such as reports) prepared on behalf of the Air Force, from commercial translation service firms, from the Department of Defense or other United States Government translation activities, and from translated correspondence.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F011 LLI A

SYSTEM NAME:

Congressional/Executive Inquiries.

SYSTEM LOCATION:

Office of the Secretary of the Air Force, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty and retired military personnel, present and former civilian employees, Air Force Reserve and Air National Guard personnel, Air Force Academy nominees/applicants and cadets, Senior and Junior Air Force Reserve Officers, dependents of military personnel, and anyone who has written to the President or a Member of Congress regarding an Air Force issue.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of applicable Congressional/Executive correspondence and Air Force replies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Information is used as a reference base in the case of similar inquiries from other Members of Congress, in behalf of the same Air Force issue and/or follow-up by the same Member. Information may also be used by appropriate Air Force offices as a basis for corrective action and for statistical purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card files and on aperture cards.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Current year plus 2 years of microfilm records will be retained in the office, then destroyed by tearing, shredding, macerating, pulping or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Legislative Liaison, Office of the Secretary of the Air Force, Headquarters, United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director of Legislative Liaison, Office of the Secretary of the Air Force, Headquarters, United States Air Force, Washington, DC 20330.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director of Legislative Liaison, Office of the Secretary of the Air Force, Headquarters, United States Air Force, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personnel Records. Congressional and Executive inquiries and information from Air Force offices and organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F011 PACAF A

SYSTEM NAME:

General and Colonel Personnel Data Action Records.

SYSTEM LOCATION:

Headquarters Pacific Air Forces.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty officer personnel. Applies to active duty generals, colonels, colonel selectees and officers filling colonel authorized positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Provides officer assignment data such as date arrived current duty station, projected date of retirement, data extracted from Air Force Standard Personnel Data System Record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8074, Commands: Territorial organization; as implemented by Air Force Regulation 36–10, Officer Evaluations, and Air Force Regulation 36–20, Officer Assignments.

PURPOSE(S):

Used by major air command to confirm designation of authority or assignment of duty as well as in identification of manning requirements due to medical evacuations or projected retirement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Pacific Air Forces Assistant for Senior Officer Management mailing address is Headquarters Pacific Air Forces/DPO Hickam Air Force Base, HI 96853.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Pacific Air Forces Assistant for Senior Officer Management mailing address is Headquarters Pacific Air Forces/DPO Hickam Air Force Base, HI 96853.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Pacific Air Forces Assistant for Senior Officer Management mailing address is Headquarters Pacific Air Forces/DPO Hickam Air Force Base, HI 96853.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F011 SG A

SYSTEM NAME:

Professional Inquiry Records System.

SYSTEM LOCATION:

At Headquarters United States Air Force, Office of the Surgeon General, Assistant for Congressional & Public Affairs, Bolling Air Force Base, Washington, DC 20332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have corresponded with a member of Congress, White House, or other high level federal or state executive officials concerning the professional aspects of care provided in Air Force medical facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of all correspondence concerning the inquiry; substantiating documents, such as correspondence or memorandums of telephone conversations with the appropriate medical facility, draft replies, medical records and any other background data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Records are used as background data for statistical presentations, and historical evidence for repeat inquiries by the same individuals. Portions of records may be loaned or copies provided to the Department of Defense activities for use as background data in evaluating inquiries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are protected by guards.

RETENTION AND DISPOSAL:

Retained in office files for two years after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Surgeon General, Headquarters, United States Air Force, Washington, DC 20330.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Surgeon General, Headquarters, United States Air Force, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions and from source documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F012 AF A

SYSTEM NAME:

Information Requests-Freedom of Information Act.

SYSTEM LOCATION:

Air Force installations, and headquarters of unified and specified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have requested documents under the provisions of the Freedom of Information Act (FOIA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Administration of release of information to the public.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, The Freedom of Information Act as implemented by Air Force Regulation 12–30, Disclosure of Air Force Records to the Public.

PURPOSE(S):

To control administrative processing of requests for information used by FOIA managers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Released records are retained in office files for two years after annual cut-off. Denied records are retained in office files for six years then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Information Management, Office of the Administrative Assistant to the Secretary of the Air Force, Washington, DC 20330–1000.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the local FOIA manager at a specific Air Force installation. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the local FOIA manager at a specific Air Force installation. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

FOIA manager as result of requests for information from members of the public.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F012 AF B

SYSTEM NAME:

Privacy Act Request File.

SYSTEM LOCATION:

At all levels of the Air Force having responsibility for systems of records under the Privacy Act. Includes Headquarters United States Air Force staff agencies; major commands; field operating agencies; installations and activities, and headquarters of unified and specified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who request access to, information from, or amendment of records about themselves under the provisions of the Privacy Act of 1974 (5 U.S.C. 552a) from the Department of the Air Force Activities, or from headquarters of unified and specified commands for which Air Force is Executive Agent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters, memoranda, legal opinions, messages, and miscellaneous documents relating to an individual's request for access to or amendment of records concerning that person, including letters of denial, appeals, statements of disagreements, and related documents accumulated in processing requests received under the Privacy Act of 1974.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a, The Privacy Act of 1974, as implemented by Air Force Regulation 12–35, Air Force Privacy Act Program.

PURPOSE(S):

To record, process and coordinate individual requests for access to, or amendment of, personal records, and appeals on denials of requests for access or amendments to personal records; to prepare legal opinions and interpretations for system managers and the Secretary of the Air Force.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

May be disclosed to the Office of Management and Budget or other Government agencies having a direct interest in monitoring or evaluating compliance with the provisions of the Privacy Act by the Department of the Air Force, including the preparation of special studies or reports on the status of actions taken to comply with the Act, the results of those efforts, any problems encountered and recommendations for any changes in legislation, policies, or procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and/or microfilm.

RETRIEVABILITY:

Retrieved by name of requester.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Requests for information are destroyed when no longer needed; requests for access or amendment and appeals of denial are destroyed four years after final action or three years after adjudication by the courts, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Director of Information Management, Office of the Administrative Assistant to the Secretary of the Air Force; Director of Information Management at major commands or field operating agencies; Chief, Information Management at Air Force installations where the requested or disputed records are located, or records custodian at headquarters of unified and specified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the appropriate system manager. Written requests should include the person's full name, grade (if applicable), and some other personal information which could be verified from the person's file. For personal visits, the individual should present a valid identification card or driver's license and some verbal information which could be verified from the person's case file. Official

mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the appropriate system manager. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records are obtained from the individual requester, Department of the Air Force organizations, other Department of Defense organizations, and agencies of Federal, state, and local governments, as applicable or appropriate for processing the case.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 AF A

SYSTEM NAME:

Biographical Data and Automated Personnel Management System.

SYSTEM LOCATION:

Headquarters United States Air Force; headquarters of major commands; field operating agencies; direct reporting units; headquarters of unified and specified commands for which Air Force is Executive Agent, and all Air Force installations and units. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Air Force military personnel, and Air Force Reserve and Air National Guard personnel. Air Force civilian employees and contractors may be included when records are created which are identical to those on military members. Army, Navy, and Marine Corps Active duty military and civilian personnel may be included when assigned to unified and specified commands for which Air Force is the Executive Agent. Records may be maintained in this system on personnel in a Temporary Duty (TDY) status for the duration of the TDY.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information which may include name, rank, Social Security Number, service dates, date of birth, civilian employment, military and civilian education, military and civilian experience, program specialties, hobbies, and names of family members, religion, professional expertise and appointments, membership in professional societies, civic activities and state of license.

Limited locator type information which may include home address, home phone, home of record and name and address of next of kin.

Records relating to assignment to include unit of assignment, authorized and assigned grade, duty title, duty Air Force Specialty Code and Military Occupation Code, position number, date assigned to organization, estimated date of departure, control tour code, assignment availability date, overseas tour start date, short tour return date, supervisor's name and date supervision began.

Performance data, i.e. date of last report and date next report due.

May also contain limited routine administrative training information consisting of application for training, name and date of course completion, and educational level, when not filed in a separate system.

Limited routine correspondence on promotions, military honors and awards, security and letters of appreciation, when not filed in a separate system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, and E.O. 9397.

PURPOSE(S):

This system is established as a management tool to provide commanders and supervisors with ready reference information file for managing their personnel, manpower and resources.

To assist in determining and scheduling workload requirements in support of their organization's assigned mission.

This system serves a ready reference locator and can be used to produce manpower reports.

Used to determine eligibility/suitability for assignment/reassignment; determine eligibility for retirement related action, to make determinations on discharges or mobilization, deferments, and fulfillment of local or statutory requirements.

Records maintained as a historical file while individual is assigned to the unit.

Used to answers correspondence/telephone inquiries; updating and/or changing information in computer and/or individual record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name and/or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Retain in office files until superseded, obsolete, no longer needed for reference, reassignment, separation or retirement of the individual or inactivation of the organization. Records on TDY personnel will be destroyed upon completion of the individual's TDY. Records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Director of Information Management, Office of the Administrative Assistant to the Secretary of the Air Force, Washington, DC 20330–1000.

Local system managers: Commanders/supervisors at the installation, base, unit, organization, office or function to which the individual is assigned. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address inquiries to or visit the system manager or to respective unit commander or supervisor who maintains the records. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

VOL 58 ISS 33 FE 22 1993 UMI

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the system manager or to respective unit commander or supervisor who maintains the records. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual, personnel or training records and records created by commander/supervisor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 AF JA A

SYSTEM NAME:

Confidential Statement of Affiliations and Financial Interests.

SYSTEM LOCATION:

Office of the General Counsel, Office of the Secretary of the Air Force, Washington, DC 20330–1000, and Office of The Judge Advocate General, Headquarters United States Air Force, Washington DC 20330–5000. Headquarters of major commands and at all levels down to and including Air Force installations, and headquarters of unified and specified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force civilian personnel paid at a level of GS–13 through GS–15; Air Force military personnel in the rank of Lieutenant Colonel or Colonel whose basic duties and responsibilities require the exercise of judgment on Government decision making or taking action on (1) the administering or monitoring of grants or subsidies, (2) contracting or procurement, (3) auditing, or (4) any other government activity in which the final decision or action has a significant economic impact on the interest of any non-federal enterprise; and special Government employees who are 'advisors' or 'consultants.' Army, Navy, Air Force, and Marine Corps active duty personnel and civilian employees in the same categories when assigned to headquarters of unified and specified commands for which Air Force is Executive Agent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the title of the individual's position, date of appointment in present position, agency and major organization segment of the position, employment and financial interests, creditors, interest in real property, a list of persons from whom information can be obtained concerning the individual's financial situation, supervisor's evaluation, and Standards of Conduct Counsellor/ Deputy Counsellor review.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 11222, Prescribing Standards of Ethical Conduct for Government Officers and Employees.

PURPOSE(S):

The review of the statements by the individual's supervisor and deputy counselor to determine the existence of or potential for a conflict of interest in the performance of official duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Retained up to two years after the individual has left employment or terminated responsibilities which require disclosure of information. Destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS(ES):

The Assistant General Counsel (Personnel), Office of the Secretary of the Air Force, Washington, DC 20330–1000, and The Judge Advocate General, Headquarters United States Air Force, Washington DC 20330–5000.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the system manager or Deputy Standards of Conduct Counsellor at system location.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the system manager or Deputy Standards of Conduct Counsellor at system location.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual or from personnel designated by the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 AF LE A

SYSTEM NAME:

Equal Opportunity in Off-Base Housing.

SYSTEM LOCATION:

Each base level Housing Referral Office; Major Command (MAJCOM)/ Assistant for Family Housing Management. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military member, Department of Defense (DOD) civilian employee, and adult dependent acting for military member submitting a housing discrimination complaint.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of Complaint in Discrimination of off base housing and supporting documents submitted to the base level housing referral office alleging a housing discrimination complaint, case files, reports of investigation, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; 42 U.S.C. 1982, Property rights of

citizens; and 10 U.S.C. 133, Secretary of Defense: Appointment; powers and duties; delegation by.

PURPOSE(S):

Information copies held at base, MAJCOM, and Headquarters United States Air Force (HQ USAF) as a historical record of all actions taken in response to each housing discrimination complaint. Information used by Air Force officials, at all levels, to respond to Congressional, HUD, Department of Justice (DOJ), or related inquiries pertaining to the housing discrimination complaint.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Original record sent to HUD with an information copy to DOJ for their action in support of existing laws.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

By installation and name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Logistics and Engineering, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Deputy Chief of Staff/Logistics and Engineering, Headquarters United States Air Force.

Individuals may contact agency officials at the respective base level housing referral office in order to exercise their rights under the Act.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Deputy Chief of Staff/Logistics and Engineering, Headquarters United States Air Force.

Individuals may contact agency officials at the respective base level housing referral office in order to exercise their rights under the Act.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual's voluntary application, witnesses of alleged incident, and other sources pertinent to alleged incident.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a (k)(2).

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

F030 AF LE B

SYSTEM NAME:

Off-Base Housing Referral Service.

SYSTEM LOCATION:

Base Level Housing Referral Offices; Major Command/DEHH. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military member, Department of Defense (DOD) civilian employee requesting off-base housing, and civilian landowner or agent listing facilities for rent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Off-Base Housing Application, and Notification of Housing Selection. Data includes: Name, grade, address, family composition, age, housing requirements, and housing selected.

Detailed Sales/Rental Listing. Form completed by civilian landowner or agent. Data includes: Name, address, details on rentals listed, and nondiscriminatory assurances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used to match housing desires with rentals listed. Used by base housing officials, military personnel and authorized civilians to locate housing matching needs/desires. Identifies type of housing selected by incoming personnel and used by base housing officials to monitor availability of off-base housing, housing selected, and individual's satisfaction with housing referral service provided. Used by AF officials to respond to inquiries on individual member's housing situation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referred to Department of Justice and Department of Housing and Urban Development if required by them in process discrimination complaint.

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name and installation.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Logistics and Engineering, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Deputy Chief of Staff/Logistics and Engineering, Headquarters United States

VOL 58 ISS 33 FE 22 1993 UMI

Air Force or individuals can contact the Housing Referral Office at the base at which they completed the applicable forms.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Deputy Chief of Staff/Logistics and Engineering, Headquarters United States Air Force or individuals can contact the Housing Referral Office at the base at which they completed the applicable forms.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual voluntary application.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 AF LE C

SYSTEM NAME:

Base Housing Management.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, DC 20330. Headquarters of major commands and at all levels down to and including Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Military members desiring base family housing and eligible Department of Defense (DOD) civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for and Assignment to Military Family Housing, contains the following data: Name, address, rank, Social Security Number, service data, family composition, and other information such as health problems. Other supporting documents-quarters condition inspection reports, assignment orders, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used to apply for family housing and provide information upon which eligibility can be determined. Used by base housing officials to respond to Congressional, Inspector General, and other inquiries on an individual basis pertaining to family member's housing situation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets, computer and computer output products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms. Records are controlled by personnel screening.

RETENTION AND DISPOSAL:

Advance applications are retained by losing activity and destroyed after six months. Applications received by gaining activities are destroyed one year after termination of quarters. Applications are destroyed by tearing, burning, pulping, shredding or macerating. Supporting records are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Programs and Resources, Headquarters United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Deputy Chief of Staff/Programs and Resources, Headquarters United States Air Force, Washington, DC 20330 or contact agency officials at the Base Housing Office at the installation at which he completed the applicable form or the installation which will be providing military family housing. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Deputy Chief of Staff/Programs and Resources, Headquarters United States Air Force, Washington, DC 20330 or contact agency officials at the Base Housing Office at the installation at which he completed the applicable form or the installation which will be providing military family housing. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtain from individual's voluntary application.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 AF LE D

SYSTEM NAME:

On/Off-Base Housing Records.

SYSTEM LOCATION:

Air Force installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military members seeking advance applications for housing both incoming and outgoing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record contains Quarters Condition Inspection Report, Real Property Maintenance Request, and Application for and assignment to military housing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C 9775. Quarters assignment guidance.

PURPOSE(S):

To record data required to assign and terminate family housing, report noted deficiencies in area of housing occupants responsibility, status of waiting list, and listing of personnel occupying quarters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, computer and computer output products and in card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Logistics and Engineering, Headquarters United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Deputy Chief of Staff/Logistics and Engineering, Headquarters United States Air Force, Washington, DC 20330. Send full name.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Deputy Chief of Staff/Logistics and Engineering, Headquarters United States Air Force, Washington, DC 20330. Send full name.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information derived from member's Permanent Change of Station Orders, Quad Leaders reports, and any other information voluntarily given by each applicant.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 AF MP A

SYSTEM NAME:

Personnel Data System (PDS).

SYSTEM LOCATION:

Headquarters United States Air Force (HQ USAF), Washington DC 20330–1000. Headquarters Air Force Military Personnel Center (HQ AFMPC), Randolph Air Force Base, TX 78150–6001. Air Reserve Personnel Center (ARPC), Denver, CO 80280–5000. Headquarters of major commands and separate operating agencies and Consolidated Base Personnel Offices (CBPOs), Central Civilian Personnel Offices (CCPOs), Consolidated Reserve Personnel Offices (CRPOs), and activity or squadron orderly rooms. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty and retired military personnel; Air Force Reserve and Air National Guard personnel; Air Force Academy cadets; Air Force civilian employees; certain surviving dependents of deceased members of the Air Force and predecessor organizations; potential Air Force enlistees; candidates for commission enrolled in college level Air Force Reserve Officer Training Corps (AFROTC) programs; deceased members of the Air Force and predecessor organizations; separated members of the Air Force, the Air National Guard (ANG) and United States Air Force Reserve (USAFR); ANG and USAFR technicians; prospective, pending, current, and former Air Force civilian employees, except Air National Guard technicians; current and former civilian employees from other governmental agencies that are serviced at CCPOs may be included at the option of servicing CCPO; Department of Defense (DOD) contractors and foreign military personnel on liaison or support duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

The principal digital record maintained at each PDS operating level is the Master Personnel File, which contains the following categories of information:

1. Accession data pertaining to an individual's entry into the Air Force (place of enlistment source of commission, home of record, date of enlistment, place from which ordered to enter active duty (EAD)).

2. Education and training data, describing the level and type of education and training, civilian or military (academic education level, major academic specialty, professional specialty courses completed, professional military education received).

3. Utilization data used in assigning and reassigning the individual, determining skill qualifications, awarding Air Force Specialty Codes (AFSC), determining duty location and job assignment, screening/selecting individual for overseas assignment, performing strength accounting processes, etc. (Primary Air Force Specialty Code, Duty and Control Air Force Specialty Code, personnel accounting symbol, duty location, up to 24 previous duty assignments, aeronautical rating, date departed last duty station, short tour return date, reserve section, current/last overseas tour).

4. Evaluation Data on members of the Air Force during their career (Officer Effectiveness Report dates and ratings, Enlisted Performance Report dates and ratings, results of various qualifications tests, and 'Unfavorable Information' indicator).

5. Promotion Data including promotion history, current grade and/or selection for promotion (current grade, date of rank and effective date; up to 10 previous grades, dates of rank and effective dates; projected temporary grade, key 'service dates').

6. Compensation data although PDS does not deal directly with paying Air Force members, military pay is largely predicated on personnel data maintained in PDS and provided to Defense Finance Accounting System (DFAS) as described in ROUTINE USES below (pay date, Aviation Service Code, sex, grade, proficiency pay status).

7. Sustentation data--information dealing with programs provided or actions taken to improve the life, personal growth and morale of Air Force members (awards and decorations, marital status, number of dependents, religious denomination of member and spouse, race relations education).

8. Separation and retirements data, which identifies an individual's eligibility for and reason for separation (date of separation, mandatory retirement date, projected or actual separation program designator and character of discharge). At the central processing site (AFMPC), other subsidiary files or processes are operated which are integral parts of PDS:

(a) Procurement Management Information System (PROMIS) is an automated system designed to enable the USAF to exercise effective management and control of the procurement personnel required to meet the total scheduled manpower requirements necessary to accomplish the Air Force mission. The system provides the recruiter with job

requirement data such as necessary test scores, AFSC, sex, date of enlistment; and the recruiter enters personal data on the applicant--Social Security Number, name, date of birth, etc.--to reserve the job for him or her.

(b) Career Airman Reenlistment Reservation System (CAREERS) is a selective reenlistment process that manages and controls the numbers by skill of first-term airmen that can enter the career force to meet established objectives for accomplishing the Air Force mission. A centralized data bank contains the actual number, by quarter, for each AFSC that can be allowed to reenlist during that period. The individual requests reenlistment by stating his eligibility (AFSC, grade, active military service time, etc). If a vacancy exists, a reservation--by name, Social Security Number, etc--will be made and issued to the CBPO processing the reenlistment.

(c) Airman Accessions provides the process to capture a new enlistee's initial personal data (entire personnel record) to establish a personnel data record and gain it to the Master Personnel File of the Air Force. The initial record data is captured through the established interface with the Processing and Classification of Enlistees System (PACE) at Basic Military Training, Lackland Air Force Base, for non-prior service; for prior service enlistees the basic data (name, Social Security Number, date of enlistment, grade, etc.) is input directly by USAF Recruiting Service and updated and completed by the initial gaining CBPO.

(d) Officer Accessions is the process whereby each of the various Air Force sources of commissioning (AF Academy, AFROTC, Officer Training School, etc) project their graduates in advance allowing management to select by skill, academic specialty, etc--which and how many will be called to active duty when, by entering into the record an initial assignment and projected entry onto active duty date. On that date the individual's record is accessed to the active Master Personnel File of the Air Force.

(e) Technical Training Management Information System (TRAMIS) is a system dealing with the technical training activities controlled by Air Training Command. The purpose of the system is to integrate the training program, quota control and student accounting into the personnel data system. TRAMIS consists of numerous files which constitute 'quota banks' of available training spaces, in specific courses, projected for future use based on estimated training requirements. Files include such data as: Course identification numbers, class start and graduation dates, length of training, weapon system identification, training priority designators, responsible training centers, trainee names, Social Security Number (and other pertinent personnel data) on individuals scheduled to attend classes.

(f) Training Pipeline Management Information System (TRAPMIS) is an automated quota allocating system which deals with specialized combat aircrew training and aircrew survival training. Its files constitute a 'quota bank' against which training requirements are matched and satisfied, and through which trainees are scheduled in 'pipeline' fashion to accommodate the individual's scheduled geographical movement from school to school to end assignment. Files contain data concerning the courses monitored as well as names, Social Security Numbers and other pertinent personnel data on members being trained.

(g) Air Force Institute of Technology (AFIT) Quota Bank File reflects program quotas by academic specialty for each fiscal year (current plus two future fiscal years, plus the past fiscal year programs for historical purposes). Also, this file reflects the total number of quotas for each academic specialty. Officer assignment transactions process against the AFIT Quota Bank File to reflect the fill of AFIT Quotas. Examples of data maintained are: Academic specialty, program level, fiscal year, name of incumbent selected, projected, filling AFIT quota.

(h) Job File is derived from the Authorization Record and is accessible by Position Number. Resource managers can use the Job File to validate authorizations by Position Number for assignment actions and also to make job offers to individual officers. Internal suspensing within the Job File occurs based upon Resource Managers update transactions. Data in the file includes: Position number, duty AFSC, functional account code, program element, location, and name of incumbent.

(i) Casualty subsystem is composed of transactions which may be input at Headquarters Air Force and/or CBPOs to report death or serious illness of members from all components. A special file is maintained in the system to record information on individuals who have died. Basic identification data and unique data such as country of occurrence, date of incident, casualty group, aircraft involved in the incident and military status are recorded and maintained in this file.

(j) Awards/Decorations are recorded and maintained on all component personnel in the headquarters Air Force master files. All approved decorations are input at CBPOs whereas disapproved decorations are input at Major Command/Headquarters Air Force (MAJCOM/HAF). A decorations statistical file is built at AFMPC which reflects an aggregation of approvals/disapprovals by category of decoration. This file does not contain any individually identifiable data. All individually identifiable data on decorations is maintained in the Master Personnel File. Such information as the type of decoration, awarding authority, special order number and date of award are identified in an individual's record. Several occurrences for all decorations are stored; however only specific data on the last decoration of a particular type is maintained.

(k) Point Credit Accounting and Reporting System (PCARS). This system is an Air National Guard/Air Force Reserve unique supported by PDS. Its basic purpose is to maintain and account for retirement/retention points accrued as a result of participating in drills/training. The system stores basic personal identification data which is associated with a calendar of points, earned by participation in the Reserve program. Each year an individual's record is closed and point totals are accumulated in history, and a point earning statement is provided the individual and various records custodians.

(l) Human Reliability/Personnel Reliability File: This file is maintained at Headquarters Air Force in support of Air Force Regulation 35–99. It is not part of the Master Personnel Files but a free standing file which is updated by transactions from CBPOs. The file was established to specifically identify individuals who have become permanently disqualified under the provisions of the above regulation. A record is maintained on each disqualified individual which includes basic identification data, service component, Personnel/Human Reliability status and date, and reason for disqualification.

(m) Variable Incentive Pay (VIP) File for medical officers: Contains about 125 character record on all Air Force physicians and is specifically used to identify whether the individual is participating in the Continuation Pay or Variable Incentive Pay programs. Update to this file is provided by the Surgeon (AFMPC), changes to the Master Personnel File. Besides basic identification data an individual's record, includes source of appointment,

graduate medical location status, amount of VIP or Continuation Pay and the dates of authorization and the dates and reason for separation.

(n) Weighted Airman Promotion System (WAPS):

(1) The Test Scoring and Reporting Subsystem (TSRS) provides for: Identifying at the CBPO individuals eligible for testing; providing output to the Base Test Control Officer and the CBPO to control, monitor, and operate WAPS testing functions; editing and scoring WAPS test answer cards at AFMPC; providing output for maintaining historical and analytical files at AFMPC and the Human Resources Laboratory (HRL) and includes the central identification of AFMPC of individuals eligible for testing.

(2) The Personnel Data Reporting Subsystem (PDRS) provides for: Identifying promotion eligibles at AFMPC; verifying these eligibles and selected promotion data; merging test and weighted promotion data at AFMPC to effect promotion scoring, assigning the promotion objective and aligning selectees in promotion priority sequence; maintaining projects on promotion selectees at AFMPC, MAJCOM, and the CBPO; updating these projections monthly; creating output products to monitor the flow of data in the system; maintaining promotion historical and analytical files and reports at AFMPC.

(3) Basically, identification data along with time in grade, test scores, decoration information, time in service, and airman performance report history is used to support this program.

(o) Retired Personnel Data System (RPDS) is made up of four files - Retired Officer Management File and Retired Airman Management File containing records on members in retired status and the Retired Officer and Airman Loss Files containing records on former retirees who have been lost from rolls, usually through death. The RPDS is used to produce address listings for the Retired Newsletter and Policy letter, statistical reports for budgeting, to manage the Advancement Program, the Temporary Disability Retired List, Age 59 rosters, mobilization rosters and orders for ARPC, General Officer roster, and statistical digest data for management analysis functions. Data is extracted from the master files upon retirement from Active Duty or Reserve or obtained from member by ARPC via survey or from address changes submitted to the Defense Finance Accounting System (DFAS). Data includes name, Social Security Number, grade data, service data, education data, retirement data, address, home and business phone numbers, state of medical license, expiration date of medical license.

(p) Separated Officer File contains historical information on officers who leave the Air Force via separation, retirement, or death. Copies are sent to HRL and Washington offices for research purposes. The data comprises the Master Personnel File in its entirety and is captured 30 to 60 days after separation from the Air Force.

(q) Airman Gain/Loss File includes data extracted from the Airman Master File when accession and separation (gains and losses) occur. This file, like the Separated Officer File, is used for historical reports regarding strength changes. Data includes name, Social Security Number, and other data that reflects strength, i.e., promotions, reassignment data, specialty codes, etc.

(r) Officer and Airman Separation Subsystem is used to process, track, approve, disapprove and project separations from the Air Force and transfers between components of the Air Force. This subsystem uses the Active, Guard, and Reserve Master Personnel Files. Data includes that specifically related to separations, e.g., date of separation, separation program designator, waivers, etc.

(s) The Retirements Subsystem is used to process and track applications for an approval/disapproval and projections of retirements. This subsystem uses the Master Files for active duty and Reserve officers and airmen. Data specifically related to retirements includes application data, date of separation, waiver codes, disapproval reason codes, separation program designator, Title 10 U.S.C. section, etc.

(t) Retired Orders Log is a computer produced retirement orders routine. Orders are automatically produced when approval, verification of service dates, and physical clearance have been entered in system. The orders log contains data found in administrative orders for retirement, including name, Social Security Number, grade, order number, effective dates, etc. The log is used to control assignment of order number, and as a cross-reference between orders, revocations and amendments.

(u) General Officer Subsystem of PDS contains data extracted from the Master Personnel File and language qualification data and assignment history data maintained by the Assistant for General Officer Matters. A record is maintained on each general officer and general officer selectee. The general officer files are updated monthly and are used to produce products used in the selection/identification of general officers for applicable assignments.

(v) Officer Structure Simulation Model (OSSM) provides officer force descriptions in various formats for existing, predictive or manipulated structures. It functions as a planning tool against which policy options can be applied so as to determine the impact of such policy decisions. The OSSM input records contain individual identifiable data from the Master Personnel Record, but all output is statistical.

(w) Widow's File is maintained on magnetic tape and updated by the office of primary responsibility. When required, address labels and listings are produced by employing selected PDS utility programs. The address labels are used to forward the Retired Newsletter to widows of active duty and retired personnel. The listings are used for management control of the program. Contained in the file are the name, address, and Social Security Number of the widow. Additionally, the deceased sponsor's name, Social Security Number, date of death, and status at time of death are maintained.

(x) Historical Files are files with a retention period of 365 days or more. They consist of copies of active master files, and are used primarily for aggregation and analysis of statistical data, although individual records may be accessed to meet ad hoc requirements.

(y) Miscellaneous files, records, and processes are a number of work files, inactive files with a less-than–365–day retention period, intermediate records, and processes relating to statistical compilations, computer operation, quality control and problem diagnosis. Although they may contain individual-identifying data, they do so only as a function of system operation, and are not used in making decisions about people.

(z) Civilian employment information including authorization for position, personnel data, suspense information; position control information; projected information and historical information; civilian education and training data; performance appraisal, ratings, evaluations of potential; civilian historical files covering job experience, training and transactions; civilian awards information, merit promotion plan work files; career programs files for such functional areas as procurement, logistics, civilian personnel, etc., civilian separation and retirement data for reports and to determine eligibility; adverse and disciplinary data for statistical analysis and employee assistance; stand-along files, as for complaints, enrollee programs; extract

files from which to produce statistical reports in hard copy, or for immediate access display on remote computer terminals; miscellaneous files, as described in item (y) above.

(aa) Aviator Continuation Pay: This file is used to identify where the officer is participating in the Continuation Pay Program. Update to this file is provided by HQ AFMPC/DPMAT, DFAS,and directly from changes to the Master Personnel File. Identification data on an individual record includes amount of continuation pay, active duty service computation, and bonus eligibility date.

AUTHORITY FOR MAINTAINING THE SYSTEM:

10 U.S.C. 265, policies and regulations: Participation of reserve officers in preparation and administration; 269, Ready reserve: Placement in; transfer from; 275, Personnel records; 278, Dissemination of information; 279, Training Reports; 31, Enlistments; 564, Warrant officers: Effect of second failure of promotion; 593, Commissioned Officers: Appointment, how made; term; 651, Members: Required service; 671, Members not to be assigned outside US before completing training; 673, Ready reserve; (47, Uniform Code of Military Justice, Section 835, Article 35, Service of Charges; Section 837, Article 37, Unlawfully influencing action of court; Section 885, Article 85, Desertion; Section 886, Article 86, Absence without leave; Section 887, Article 87, Missing movement); 972, Enlisted members: Required to make up time lost; 1005, Commissioned officers:Retention until completion of required service; 1163, Reserve components: Members; limitations on separation; 1164, Warrant officers; separation for age; 1166, Regular warrant officers: elimination for unfitness or unsatisfactory performance; 61, Retirement or Separation for Physical disability; 63, Retirement for Age; 1263—Age 62: Warrant officers; 65, Retirement for Length of Service; 1293, Twenty years or more: Warrant officers; 1305, Thirty years or more: Regular warrant officers; 67, Retired pay; 1331, Computation of years of service in determining entitlement to retired pay; 1332, Age and service requirements; 1333, Computation of years of service in computing retired pay; 79, Correction of Military Records; 165, Accountability and responsibility, 2771, Final settlement of accounts: Deceased members; 8013, Secretary of the Air Force: Powers and duties; delegation by; 805, The Air Staff, Sections 8032, General duties; and 8033, Reserve components of Air Force; policies and regulations for government of: Functions of National Guard Bureau with respect to Air National Guard; 831, Strength, Section 8224, Air National Guard of the United Status; 833, Enlistments; 835, Appointments in the Regular Air Force, 8284, Commissioned officers; Appointment, how made; 8285, Commissioned officers: Original appointment; qualifications; 8296, Promotion lists: Promotion-list officer defined; determination of place upon transfer or promotion; 8297, Selection boards; 8303, commissioned officers; Effect of failure of promotion to captain, major, or lieutenant colonel; 837, Appointments as Reserve Officers; 8360, Commissioned officers: Promotion service; 8362, Commissioned officers: Selection boards; 8363, Commissioned officers; Selection boards; general procedures; 8366, Commissioned officers; Promotion to captain, major, or lieutenant colonel; 8376, Commissioned officers: Promotion when serving in temporary grade higher than reserve grade; 839, Temporary Appointments, 8442, Commissioned officers; regular and reserve components: Appointment in higher grade; 8447, Appointments in commissioned grade: How made; how terminated; 841, Active Duty, 8496, Air National Guard of United States: Commissioned officers; duty in National Guard Bureau; 853, Rights and benefits, Section 8691, Flying officer rating: qualification; 857, Decorations and Awards; 859, Separation, 8786, Officer considered for removal: Voluntary retirement or honorable discharge; severance benefits; 8796, Officers considered for removal: Retirement or discharge; Separation or Transfer to Retired Reserve, 8846, Deferred Officers; 8848, 28 years: Reserve first lieutenants, captains, majors, and lieutenant colonels; 8851, Thirty years or five years in grade: Reserve colonels and brigadier generals; 8852, Thirty-five years or five years in grade: Reserve major generals; 8853, Computation of years of service; 865, Retirement for Age; 8883, Age 60; regular commissioned officers below major general; 8884, Age 60: Regular major generals whose retirement has been deferred; 8885, Age 62: Regular major generals; 8886, Regular major generals whose retirement has been deferred; 867, Retirement for Length of Service; 8911, Twenty years or more; regular or reserve commissioned officers; 8913, Twenty years or more: Deferred officers not recommended for promotion; 8914, Twenty to thirty years: Regular enlisted members; 8915, Twenty-five years: Female majors except those designated under section 8067(a)-(d) or (g)-(i) of this title; 8918, Thirty years or more: Regular commissioned officers; 8921, Thirty years or five years in grade: Promotion-list colonels; 8922, Thirty years or five years in grade: Regular brigadier generals; 8923, Thirty-five years or five years in grade: Regular major generals; 8924, Forty years or more: Air Force officers; 901, Training generally; 9301, Members of Air Force: Detail as students, observers and investigators at education institutions, industrial plants, and hospitals; and 9302, Enlisted members of Air Force: Schools; 903, United States Air Force Academy; 9342, Cadet: Appointment; numbers, territorial distribution; 9344, Selection of persons from Canada and American Republics; 9345, Selection of Filipinos; 1, Organization, 102, General policy; and 104, units; Location; organization; command; 3, Personnel, 307, Federal recognition of officers; Examination, certification of eligibility; 7, Services, supplies, etc., 709, Caretakers and clerks; 3, Basic Pay, 308, Special pay: Reenlistment bonus; 313, Special pay: Medical officers who execute active duty agreements; 7, Allowances, 407, Travel and transportation allowances: Dislocation allowance; 10; Air Force Manual 30–3, Vol I-V, Mechanized Personnel Procedures, Air Force Manual 30–130, Base Level Military Personnel System, and Air Force Manual 300–4, Standard Data Elements and Codes; and E.O. 9397.

PURPOSE(S):

The Air Force operates a centralized personnel management system in an environment that is widely dispersed geographically and encompasses a population that is diverse in terms of qualifications, experience, military status and needs.

There are three major centers of Air Force personnel management: HQ USAF Washington, DC, where most major policy and long-range planning/programming decisions are made; the Air Force Military Personnel Center at Randolph Air Force Base, TX, which performs most personnel operations-type functions for the active duty components of the force; and the Air Reserve Personnel Center at Denver, CO, which performs certain operational functions for the Reserve components of the force. Offices at major command headquarters, State Adjutant Generals, and Air Force bases perform operational tasks pertaining to the population for which they are responsible. The structure of the Air Force and its personnel management system, the composition of the force, and the Air Force's stated objective of treating people as individuals, i.e., giving due consideration to their desires, needs and

goals, demand a dynamic data system that is capable of supporting the varying needs of the personnel managers at each echelon and operating locations. It is to this purpose that the data in the Personnel Data System is collected, maintained, and used.

Uses within the Air Force Personnel Community:

1. HQ USAF, Washington, DC: Deputy Chief of Staff, Personnel and his immediate staff; Director of Personnel Plans; Director of Personnel Programs; Assistant for General officer Matters; Assistant for Colonel Assignments; Reserve Personnel Division; Air National Guard Personnel Division; and The Surgeon General, the Chief of Air Force Chaplains and the Staff Judge Advocate, each of which perform certain personnel functions within their area of responsibility. Data from the central data base at the AFMPC is furnished Washington area agencies by retrieval from the computer at Randolph via remote access devices and by provision of recurring products containing required management information, including computer tape files which are used as input to unique systems with which PDS interfaces. Although most of the data is used by policy makers to develop long-term plans and programs and track progress toward established goals, some individual data is provided/retrieved to support actions taken on certain categories of persons managed by offices in the headquarters, e.g. General Officers, Colonels, Air National Guard personnel, etc.

2. Air Force Military Personnel Center (AFMPC), Randolph Air Force Base, TX: Personnel managers at AFMPC use the data in PDS to make decisions on individual actions to be taken in areas such as personnel procurement, education and training, classification, assignment, career development, evaluation, promotion, compensation, casualty and personal affairs, separation and retirement.

3. Air Reserve Personnel Center (ARPC), Denver, CO: Personnel managers at ARPC perform many of the same functions for the Reserve components of the Air Force as the managers at AFMPC perform for the active duty force. As with the Washington area, ARPC obtains data from the central data base at AFMPC by retrieval through remote terminals and recurring output products containing information necessary to their management processes.

4. Major Command Headquarters: Major command headquarters personnel operation are supported by the standard content of PDS records provided them by AFMPC. In addition, there is provided in the PDS record an 'add-on area' which the commands are authorized to use for the storage of data which will assist them in fulfilling unique personnel management requirements generated by their mission, structure, geographical location, etc. The standard functions performed fall generally under the same classifications as those in AFMPC, e.g., assignment, classification, separation, etc. Nonstandard usages include provisions of unique aircrew data, production of specially-tailored name listing, control of theater oriented training, etc. Some commands use PDS data--both standard and add-on as input to unique command systems, which are separately described in the **Federal Register**.

5. Consolidated Base Personnel Offices (CBPO): CBPOs, which represent the base-level aspect of PDS, are the prime point of system-to-people interface. Supplied with a standard data base and system, CBPOs provide personnel management support to commanders and supervisors on a daily basis. Acting on receipt of data from higher headquarters, primarily by means of transactions processed through PDS, they notify people of selection for reassignment, promotion, approval/disapproval of requests for separation and retirement, and similar personnel actions. When certain events occur to an individual at the local level, e.g., volunteer for overseas duty, reduction in grade, change in marital status, application for retirement, etc., the CBPO enters transactions into the vertical system to transmit the requisite information to other management levels and update the automated records resident at those levels. CBPOs too are allotted an 'add-on' area in the computer record which they use to support local management unique requirements such as local training scheduling, unique locator listing urinalysis testing scheduling, etc.

Uses within the Air Force--external to the Personnel Community.

1. HQ USAF/AFMPC Interfaces: Automated interfaces exist between the PDS central site files and the following systems of other functions:

a. The Flight Records Data System (FRDS) maintained by the Air Force Safety Agency (AFSA) at Norton Air Force Base, CA.

b. Certain personnel identification data on rated officers is transferred monthly to the FRDS. This data flow creates the basic identifying data in the FRDS, insures compatibility with the PDS, and precludes duplicative data collection and input generation by the AFSA.

c. Update of the personnel data to the FRDS generates return flow of flying hour data which is used at AFMPC for rated resource distribution management.

d. The Master Military Pay Account (MMPA), is the Joint Uniform Military Pay System (JUMPS) centralized pay file maintained by DFAS at Denver, CO. The PDS transfers certain pay related data as changes occur to update the MMPA, e.g., promotions, accessions, separations/retirements, name, Social Security Number, grade. These data provide criteria for DFAS to determine specific pay entitlements.

e. DFAS maintains a separate pay system for Air National Guard and Air Force Reserve personnel called the Air Reserve Pay and Allowances System (ARPAS).

(1) PDS outputs certain pay related data to ARPAS as changes occur, e.g., retirements/separations, promotions, name, Social Security Number, grade. These data form the criteria for DFAS to determine specific Reserve pay entitlements.

(2) ARPAS outputs data which affect accumulated point credits for Air National Guard/Reserve participation to AFMPC for update of the PCARS, a component of PDS. PCARS also receives monthly input from HQ Air University which updates point credits as a result of completing an Extension Courses Institute correspondence program.

f. DFAS provides data on (VIP) for Medical Officers which is used to update a special control file within PDS and produce necessary reports for management of the VIP program.

g. Air Training Command operates a system called PACE (Processing and Classification of Enlistees) at Lackland Air Force Base, TX. From that system data is fed to AFMPC to initially establish the PDS record on an Air Force enlistee.

h. On a monthly basis, copies of the PDS Master Personnel File are provided to the Human Resources Laboratory at Brooks Air Force Base, TX, where they are used as a statistical data base for research purposes.

i. On a quarterly basis, AFMPC provides the USAF School of Aerospace Medicine with data concerning name, Social Security Number, and changes in base and command of assignment of flying personnel. The data reflects significant medical problems in the flying population.

j. A complete printout of PDS data pertaining to an individual is included in his Master Personnel File when it is

VOL 58 ISS 33 FE 22 1993 UMI

forwarded to National Personnel Records Center.

k. PDS data is provided to the Contingency Planning Support Capability (CPSC) at five major command headquarters: Tactical Air Command, Military Airlift Command, Air Force Communications Command, United States Air Forces Europe, and Pacific Air Forces. A record identifiable by individual's name and Social Security Number provides contingency and/or manning assistance temporary duty (TDY) being performed by the individual. Record is destroyed upon completion of the TDY. Statistical records (gross statistics by skill and unit) are also generated for CPSC from PDS providing force availability estimates. CPSC is described separately in the **Federal Register**.

2. Consolidated Base Personnel Offices (CBPO) Interfaces: Certain interfaces have been established at base level to pass data from one functional system to another. The particular mode of interface depends on the needs of the receiving function and the capabilities of the system to produce the necessary data:

a. The Flight Management Data System (FMDS) receives an automated flow of selected personal data on flying personnel as changes occur. This data consists primarily of assignment data and service dates which the base flight manager uses to determine appropriate category of aviation duty which is reflected by designation of an Aviation Service Code. The FMDS outputs aviation service data as changes occur to the BLMPS. These data subsequently flow to the PDS central site files at AFMPC so it is available for resource management decisions.

b. The Medial Administration Management System (MAMS), currently being developed and tested, will receive flow of selected assignment data as changes occur for personnel assigned to medical activities. MAMS will use these data to align assigned personnel with various cost accounting work centers within the medical activity and thus be able to track manpower expenditure by subactivities.

c. The Automated Vehicle Operator Record (AVOR) is being developed to support motor vehicle operator management. Approximately 115 characters of vehicle operator data will be incorporated into the BLMPS data base during FY76 for both military and civilian personnel authorized to operate government motor vehicles and selected personnel data items (basic identification data) will be authorized for access by the vehicle operator managers.

d. Monthly, a magnetic tape is extracted from BLMPS containing selected assignment data on all assigned personnel. This tape is transferred to the base Accounting and Finance Office for input into the Accounting Operations System. This system uses these data to derive aggregate base manpower cost data.

e. A procedure is designed into BLMPS to output selected background data in predefined printed format for personnel being administered military justice. This output is initiated upon notification by the base legal office. The data is forwarded to the major command where it is input into the Automated Military Justice Analysis and Management System (AMJAMS).

f. The BLMPS output (on an event-oriented basis) pay-affecting transactions such as certain promotions, accessions, and assignments/reassignments, to DFAS, where the data is entered into the JUMPS.

Uses external to the Air Force, but within DOD.

1. To The Office Of The Secretary Of Defense (OSD): Individual information is provided to offices in OSD on a recurring basis to support top-level management requirements within the Department of Defense. Examples are the DOD Recruiter File to the Assistant Secretary for Manpower and Reserve Affairs (M&RA), a magnetic tape extract of military personnel records (RCS: DDM(SA)1221) to M&RA, input to the Reserve Component Common Personnel Data System to M&RA, and the Post Career Data File to M&RA.

2. To other Defense Agencies: PDS supports other components of DOD by provision of individual data in support of programs operated by those agencies. Examples are the Selected Officer List to Defense Intelligence Agency for use in monitoring a classified training program and the Defense System Management School (DSMS) Track Record System to DSMS for use in evaluating the performance of graduates of that institution. An extract file on Air National Guard Technicians is provided the National Guard Computer Center.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Other Government/Quasi-Government Agencies: Information used in analyzing officer/airman retention is provided RAND Corporation. Data on prior service personnel with military service obligations is forwarded to the National Security Agency. Lists of officers selected for promotion and/or appointment in the Regular Air Force are sent to the Office of the President and/or the Congress of the United States for review and confirmation. Certain other personnel information is provided these and other government agencies upon request when such data is required in the performance of official duties. Selected personnel data is provided foreign governments, United States governmental agencies, and other Uniformed Services on USAF personnel assigned or attached to them for duty. Examples: The government of Canada, Federal Aviation Administration, US Army, Navy, etc.

Litigation/Miscellaneous: Lists of individuals selected for promotion or appointment, who are being reassigned, who die, or who are retiring are provided to unofficial publications such as the Air Force Times, along with other information of interest to the general Air Force public. Information from PDS support a world-wide locator system which responds to queries as to the location of individuals in the Air Force. Locator information pertinent to personnel on active duty may be furnished to a recognized welfare agency such as the American Red Cross or the Air Force Aid Society. For civilian personnel--to provide automated system support to Air Force officials at all levels from that part of the Office of Personnel Management required personnel management and records keeping system that pertains to evaluation, authorization and position control, position management, staffing skills inventory, career management, training, retirement, employee services, rights and benefits, merit promotion, demotions, reductions in force, complaints resolution, labor management relations, and the suspensions and processing of personnel actions; to provide for transmission of such records between employing activities within the Department of Defense--to provide individual records and reports to OPM; to provide information required by OPM for the transfer between federal activities; to provide reports of military reserve status to other armed services for contingency planning--to obtain statistical data on the work force to fulfill internal and external report requirements and to provide Air Force offices with information needed to plan for and evaluate manpower, budget and civilian personnel programs--to provide minority group designator codes to the Office of Personnel Management's automated data file--to provide the Office of the Assistant Secretary of Defense, Manpower and Reserve Affairs, with data to access the effectiveness of the program for employment of women

in executive level positions--to obtain listings of employees by function or area for locator and inventory purposes by Air Force offices--to assess the effect or probable impact of personnel program changes by simulations and modeling exercises--to obtain employee duty locations and other information releasable under OPM rules and the Freedom of Information Act to respond to request from Air Force offices, other Federal agencies and the public--to provide individual records to other components of the Department of Defense in the conduct of their official personnel management program responsibilities--to provide records to OPM for file reconciliation and maintenance purposes--and to provide information to employee unions as required by negotiated contracts.

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEMS:

STORAGE:

Maintained in visible file binders/ cabinets, card files, on computer magnetic tapes, disks or computer paper printouts or microfiche.

RETRIEVABILITY:

Retrieved by name or Social Security Number. The primary individual record identifier in PDS is Social Security Number. Some files are sequenced and retrieved by other identifiers; for instance, the assignment action record is identified by an assignment action number. Additionally, at each echelon there exists computer programs to permit extraction of data from the system by constructing an inquiry containing parameters against which to match and select records. As an example, an inquiry can be written to select all Captains who are F–15 pilots, married, stationed at Randolph AFB, who possess a master's degree in Business Administration; then display name, Social Security Number, number of dependents and duty location. There is the added capability of selecting an individual's record or certain preformatted information by Social Security Number on an immediate basis using a teletype or cathode ray tube display device. High-speed line printers located in the Washington DC area, at major command headquarters, and ARPC permit the transfer of volume products to and for the use of personnel managers at those locations.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in the performance of their official duties where authorized, and properly screened and cleared for need-to-know, and by commanders of medical centers and hospitals. Records are stored in security file containers/ cabinets, safes, vaults and locked cabinets, safes, vaults or rooms. Records are protected by guards. Records are controlled by personnel screening visitor registers and computer system software.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Preceding retention statement applies to Analog output products of the PDS. Data stored digitally within system is retained only for the period required to satisfy recurring processing requirements and/or historical requirements. Files with a retention period of 364 days or less are automatically released at the end of their specified retention period. 'Permanent history' files are retained for 10 years. Files 365 or more days old are defined as 'historical files' and are not automatically released. Retention periods for categories of PDS files are as follows: If cycle in which a program or series of programs creating output is daily, and the created magnetic tape file will be used for processing of next daily, then the retention will be not greater than 10 days. If cycle in which a program or series of programs creating output is daily, and the created magnetic tape file will be used for processing of next daily, which is also used for processing of weekly runs, then the retention will be not greater than 20 days. If cycle in which a program or series of programs creating output is daily, and the created magnetic tape file will be used for processing of next weekly, which is also used for processing of monthly runs, then the retention will be not greater than 30 days. If cycle in which a program or series of programs creating output is weekly, and the created magnetic tape file will be used for processing of next weekly, then the retention will be not greater than 20 days. If cycle in which a program or series of programs creating output is weekly, and the created magnetic tape file will be used for processing of next weekly, which is also used for processing of monthly runs, then the retention will be not greater than 30 days. If cycle in which a program or series of programs creating output is monthly, and the created magnetic tape file will be used for processing of next monthly, then the retention will be not greater than 30 days. If cycle in which a program or series of programs creating output is monthly, and the created magnetic tape file will be used for processing of next monthly, which is also used for processing of quarterly runs, then the retention will be not greater than 90 days. If cycle in which a program or series of programs creating output is monthly, and the created magnetic tape file will be used for processing of next monthly, which is also used for processing of semi-annual run, the retention will be not greater than 190 days. If cycle in which a program or series of programs creating output is monthly, which is also used for processing of annual runs, then the retention will be not greater than 365 days. If cycle in which a program or series of programs creating output is monthly, and the created magnetic tape file will be used for processing of next monthly, which is also used for processing of permanent history, then the retention will be not greater than 999 days. If cycle in which a program or series of programs creating output is quarterly, and the created magnetic tape file will be used for processing of next quarterly, then the retention will be not greater than 90 days. If cycle in which program or series of programs creating output is quarterly, and the created magnetic tape file will be used for processing of next quarterly, which is also used for processing of semi-annual run, then the retention will be not greater than 190 days. If cycle in which a program or series of programs creating output is quarterly, and the created magnetic tape file will be used for processing of next quarterly, which is also used for processing of annual runs, then the retention will be not greater than 365 days. If cycle in which a program or series of programs creating output is quarterly, and the created magnetic tape file will be used for processing of next quarterly, which is also used for processing of permanent history, then the retention will be not greater than 999 days. If cycle in which a program or series of programs creating output is annual, and the created magnetic tape file will be used for processing of next annual, then the retention will be not greater than 365 days. If cycle in which a program or series of programs creating output is annual, and the created magnetic tape file will be used for processing of next

annual, which is also used for processing of permanent history, then the retention will be not greater than 999 days. If the program or series of programs creating output is a one time run, and the file will be used for processing as required, then the retention will be lowest possible retention commensurate to job completion. If the program or series of programs creating output is compile card image or SOLT tapes, and the created magnetic tape file will be used for processing as required run, then the retention will be not greater than 90 days maximum. If cycle in which a program or series of programs creating output is as required runs, and the created magnetic tape file will be used for processing as required, the retention will be lowest possible commensurate to job completion. If the program or series of programs creating output is test files, and the created magnetic tape file will be used for processing as required, then the retention will be not greater than 30 days. If the program or series of programs creating output is print/punch backup and the created magnetic tape file will be used for processing as required, then the retention will be not greater than 10 days. In addition, for civilian personnel at base level (CCPO), master personnel files for prospective employees are transferred to the active file upon appointment of the employee or in the event the employee is not appointed and will no longer be considered a candidate for appointment, are destroyed by degaussing-master personnel files for active employees are transferred to the separated employee history file where they are retained for three years subsequent to separation and then destroyed by degaussing. The notification of personnel action--Standard Form 450--is disposed of as directed by OPM--work files and records such as the employee career brief, position survey work sheet, retention register work sheet, alphabetic and Social Security Number locator files, and personnel and position control register are destroyed after use by tearing into pieces, shredding, pulping, macerating, or burning--work sheets pertaining to qualification and retention registers are disposed of as directed by the Office of Personnel Management--transitory files such as pending files, and recovery files are destroyed after use by degaussing--files and records retrieved through general retrieval systems are destroyed after use by tearing into pieces, shredding, pulping, macerating, or burning. Those records at AF Manpower and Personnel Center for the end of each fiscal year quarter are retained for five years before destroying by deletion--the separated employee file retains employee information at time of separation for five years after which the employee's record is destroyed by degaussing. System manager(s) and address: Deputy Chief of Staff, Personnel, Headquarters United States Air Force, Washington, DC 20330–1000. Subordinate system managers are:

a. Director of Personnel Data Systems, Assistant Deputy Chief of Staff for Personnel, Headquarters Air Force Military Personnel Center (HQ AFMPC), Randolph Air Force Base, TX 78150–6001. He is responsible for overall PDS design, maintenance and operation, and is designated the Automated Data Processing system manager for all Air Force personnel data systems.

b. The Director of Personnel Data Systems at each major command headquarters for systems operated at that level.

c. The Chief, CBPO, at Air Force installations for systems operated at that level.

d. The Civilian Personnel Officer at Air Force installations for civilian systems operated at that level. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the system manager of the operating level with which they are concerned.

Persons submitting such a request, either personally or in writing, must provide Social Security Number, name, and military status (active, ANG/USAFR, retired, etc.) ANG members not on extended active duty may submit such requests to the appropriate State Adjutant General or the Chief of the servicing ANG CBPO. USAFR personnel not on extended active duty may submit such requests to ARPC, Denver, CO 80280–5000, or, if unit assigned, to the Chief of the serving CBPO or Consolidated Reserve Personnel Office. Personal visits to obtain notification may be made to the Military Records Review Room, Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150–6001; The Military Records Room, Air Reserve Personnel Center, Denver CO 80280; The Office of the Director, National Personnel Records Center (NPRC), 111 Winnebago St., St. Louis, MO 63118; the office of the Director of Personnel Data Systems at the appropriate major command headquarters; or the office of the Chief of his servicing CBPO. Identification will be based on presentation of DD Form 2AF, Military Identification Card. Air Force civilian employees must provide Social Security Number, full name, previous names, if any, last date and location of Air Force civilian employment, if not currently employed by the Air Force-- current employees should submit such requests to the CCPO--former employees of the Air Force should submit such requests to the CCPO for the last Air Force installation at which they were employed. Authorizations for a person other than the data subject to have access to an individual's records must be based on a notarized statement signed by the data subject.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the subordinate system manager at AFMPC, ARPC, NPRC, Major Command or CBPO/CRPO/CCPO. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CONTESTING RECORDS PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b, or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions, medical institutions, automated system interfaces, police and investigating officers, the bureau of motor vehicles, a state or local government and source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEMS:

None.

F030 AF MP B

SYSTEM NAME:

Substance Abuse Reorientation and Treatment Case Files.

SYSTEM LOCATION:

At servicing Air Force installations Social Actions offices. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel and dependents, Air Force civilian employees, and Air Force Reserve personnel, who are enrolled in the Air Force Substance Abuse

Reorientation and Treatment (SART) Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

As a minimum, the file contains forms, automated data base, counseling case notes, and commander's letters documenting entry and participation in the Air Force SART Program, to include: Date and means of identification and substance of abuse.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 290dd–3, Confidentiality of Patient Records; 42 U.S.C. 290ee–3, Confidentiality of Patient Records; Air Force Regulation 30–2, Social Actions Program; Air Force Regulation 40–792, Drug and Alcohol Abuse Prevention and Control Program, and E.O. 9397.

PURPOSE(S):

The file is used to process members in the SART Program; to develop a reorientation or treatment plan; to assist commanders in decisions for program disposition; to document progress of individuals in the SART; and to prepare recurring reports. Records in this system which reveal the identity, diagnosis, prognosis, or treatment of any individual for substance abuse may be disclosed according to 42 U.S.C. 290dd–3 for those records related to alcohol abuse and 42 U.S.C. 290ee–3 for those records related to drug abuse. Disclosure within the Air Force its limited to those individuals who need the records in connection with programs relating to abuse treatment, reorientation, research, health, program evaluation or assignment to duty. Persons authorized by 42 U.S.C. 290dd–3 and 42 U.S.C. 290ee–3 may review, handle, or have access to the file. These persons include social actions and medical personnel, to include certified volunteers directly engaged in the reorientation and treatment of a person; Department of Veterans Affairs (VA) treatment personnel, when members are transferred directly to a VA facility; personnel attending a SART intervention meeting; commanders or persons acting under their authority for purposes consistent with those for which the case files are maintained; persons authorized to conduct program evaluations, with or without the consent of the member concerned; persons authorized in the official performance of their duties. The blanket routine uses published by the Department of the Air Force for its system of records do not apply in these cases. Disclosure is also authorized to other components of the Armed Forces when they provide health care to identified individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records from this system of records may not be disclosed for any of the blanket routine uses published by the Air Force except for Congressional inquiries when the Congressional office is acting with the consent of a constituent who is the subject of the files maintained.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and computer disks.

RETRIEVABILITY:

Retrieved by name, by Social Security Number, by other identification number or system identifier.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored and secured in lockable receptacles and are controlled by personnel screening.

RETENTION AND DISPOSAL:

Destroy forms, notes, and letters one year after completion of Track 4 of SART program or discharge from the service and six months after completion of Tracks 1, 2, and 3. All paper files will be destroyed by tearing into pieces, shredding, pulping, macerating, or burning, unless needed as background for case files supporting a separation action or other actions under directives, in which case, disposition will be the same as the file which they support. Data stored on automated computer screens at the servicing AF installation will be erased from memory two years after completion of SART Program.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Social Actions Branch, Human Resources Development Division, Directorate of Personnel Programs, HQ USAF; and Directors or Assistants for Social Actions at Major Command Headquarters; and Chiefs, Social Actions at Air Force installations.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief, Social Actions servicing AF installations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Requests to determine existence of a file should include full name, grade, and unit of assignment. Personal visit proof of identity requires full name and possession of Department of Defense (DD) Form 2 AF, Armed Forces Identification Card; DD Form 1173, Uniformed Services Identification and Privileges Card; or driver's license and personal recognition of substance abuse office personnel.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Social Actions servicing AF installation. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions, personnel records, individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 AF MP C

SYSTEM NAME:

Casualty Files.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center (AFMPC), Randolph Air Force Base, TX 78150. Bases of assignment of casualty or which provide casualty assistance to next of kin. National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132. At headquarters of major commands and at bases of assignment of casualty or which provide casualty assistance to next of kin.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any United States Air Force (USAF) member who is or might become a casualty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of Casualty. This pertains to all personnel on active duty, to Air Force Academy cadets, Air Force Reserve and Air National Guard

VOL
58
ISS
33
FE
22
1993
UMI

personnel performing authorized inactive duty for training or traveling directly to or from such place of duty, and Air Force Reserve Officers Training Corps (AFROTC) applicants or members on annual training duty for 14 days or more or who are traveling to or from the designated place of such duty who become very seriously ill or injured (VSI), seriously ill or injured (SI), or suffer from an incapacitating illness or injury (III), or who become missing, missing in action, interned, captured or detained by a foreign power. These records pertain to certain civilian employees of the Air Force paid from appropriated funds who become missing, missing in action, interned, captured or detained by a foreign power while assigned overseas or who are on temporary duty from the Continental United States (CONUS) to overseas or who are traveling to or from the designated place of such duty under competent authority, certain unique situations on civilian employees and dependents of military personnel who become missing, missing in action, interned, captured or detained by a foreign power in mishaps while traveling aboard Military Airlift Command (MAC) or MAC-chartered flights or by other means of MAC overseas travel, and certain civilian employees in the CONUS when their missing status was the proximate result of their employment.

Casualty Case File. These files pertain to all officers and airmen on active duty or extended active duty (including personnel in absent without leave, desertion, or dropped from the rolls status). The files also pertain to Air Force Academy cadets, all Air Force Reserve and Air National Guard officers and airmen performing authorized inactive duty for training or traveling directly to or from such place of duty, all AFROTC applicants or members on annual training duty for 14 days or more or traveling to or from the designated place of such duty, and certain civilian employees of the Air Force paid from appropriated funds who become casualties while assigned overseas or who are on temporary duty (TDY) from CONUS to overseas or who are traveling to or from the designated place of such duty under competent authority. They pertain to certain civilian employees and dependents of military personnel who become casualties in mishaps while traveling aboard MAC or MAC-chartered flights or by other means of MAC overseas travel and certain foreign nationals and certain employees in the CONUS when their missing status was the proximate result of their employment. A casualty is defined as any member of the armed forces or certain civilians who are lost to their organization by reason of having been declared missing, missing in action, interned in a foreign country; captured, beleaguered, or besieged by a hostile force; detained in a foreign country against their will; wounded; injured; or deceased. The casualty case file is comprised of messages pertaining to the member; a copy of the Record of Emergency Data, Department of Defense Form 93 or Air Force Form 246; Air Force Manpower and Personnel Center Form 238, CONUS Death/Missing, Report of Casualty, Department of Defense Form 1300; copy of assignment of assistance responsibility letter; Servicemen's Group Life Insurance Election, Department of Veterans Affairs (VA) Form 29–8286; correspondence from the base/AFMPC to/from the next of kin (NOK); Acknowledgment and/or Transfer of Casualty Assistance Case, Air Force Form 92; Statement of Service, Department of Defense Form 13; copy of notification message; Western Union messages; AF Form 25, Facts and Circumstances Report; and other related correspondence and forms which pertain to the file. Record of Emergency Data being maintained on all Air Force personnel on extended active duty (EAD) and Air Force Academy cadets. Missing Persons Case Files. Reports submitted on United States Air Force (USAF) personnel who become missing as defined in 37 U.S.C. 551. Convenience rosters of those persons, copies of communications from and to next of kin, items received through news media, and some films.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2771, Armed Forces - Accountability and Responsibility; 37 U.S.C. 555 and 556, Pay and Allowances of the Uniformed Services, Payments to Missing Persons; implemented by Air Force Regulation 30–25, Casualty Services.

PURPOSE(S):

Support of the Casualty Services Program. The information is used to assist the Air Force in effecting expeditious reporting, dignified and humane notifications, and efficient and thorough assistance to the next of kin of all casualties as previously defined. Primary user is the Office of the Assistant for Casualty Matters, bases of assignment and/or reporting installation and bases providing casualty assistance. Records created in the mortuary process, including the shipment of remains, details associated with the appointment of a summary court officer (SCOURT) officer (SCO), and cases involving positive identification procedures. Records contain histories of all known data surrounding the missing statuses, recording dealings with next of kin, and reflecting efforts to obtain all possible information through normal and intelligence channels as well as the results of those efforts. Contain record of personnel actions taken which involve the missing persons as well as actions taken in accordance with public law. Rosters are maintained for convenience of completing many actions. Primary users are personnel in the Office of the Assistant for Casualty Matters At the Air Force Military Personnel Center. Decentralized segment is maintained for rapid response to queries by high-level personnel in the Washington, DC (DC) area. The Record of Emergency Data is used to show the names and addresses of service member's spouse, children, parents and other persons the member wants notified should he/she become a casualty. Serves as an official document required by law (10 U.S.C. 2771) for designating beneficiaries for death gratuity and unpaid pay and allowances. Also used to designate a person to receive an allotment of pay if the member becomes missing, captured or interned. Primary user is the Office of the Assistant for Casualty Matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders, cabinets, film canisters, and microfilm.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Casualty records at AFMPC are accessible only to authorized personnel assigned to the Office of the Assistant for Casualty Matters. Personnel are on duty 7 days per week, 24 hours a day. Access to the building after duty hours is controlled by Security Police personnel.

RETENTION AND DISPOSAL:

Records may be temporary or permanent or supplemental in nature. They are retained in active file until the member's status is changed to deceased or returned to military control or no

longer considered VSI, SI or III. One year after that time, selected temporary records are destroyed and all permanent records are retired to the National Personnel Records Center. Remaining temporary records are destroyed ten years after date of death or return to military control. Records of casualty and casualty case files are permanent records. They are retained in active file until application or receipt of all allowable benefits, then forwarded to the National Personnel Records Center, 9700 Page Boulevard, St. Louis, MO 63132. Case files pertaining to civilians; foreign nationals; very seriously ill or seriously ill persons; and dependents of military personnel are destroyed 90 days after administrative closing of the case. Records of emergency data are retained until the member is relieved from active duty, then retired to a history file. Destroyed by shredding, burning, or by tearing into pieces. Mortuary records are retired to the Washington National Records Center, 4205 Suitland Road, Suitland, MD 20409.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Air Force Manpower and Personnel Center/Office of the Assistant for Casualty Matters (AFMPC/MPCC), Randolph Air Force Base, TX 78150, or if records have been retired, the request will be forwarded to National Personnel Records Center (NPRC).

Written requests should contain the full name and Social Security Number of the member as well as an identification as complete as possible of the desired material including, if known, its title, description, number, date and issuing authority. For personal visits, the individual must provide some acceptable identification; that is, drivers license, identification card, or give some verbal information that can be verified in the case folder.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information provided by next of kin, organization of assignment, information extracted from Master Personnel Records, documents generated within the Casualty Division, Air Force Manpower and Personnel Center, correspondence produced in providing casualty notification/ assistance/ processing.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 AF MP D

SYSTEM NAME:

Contingency Operations System (COMPES).

SYSTEM LOCATION:

Headquarters of major commands and headquarters of unified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on officer and enlisted personnel that are projected or departed on Temporary Duty (TDY) in support of contingency deployment or manning assistance projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data maintained by individual Plan Identification (PID) consisting of data elements required to properly select and deploy members: Includes Plan Identification (PID); Force Requirement Line number (FRNLN); Air Force Specialty Code (AFSC); Required In-Place Date; Number of Days; Attached Consolidated Base Personnel Office; Duty Location Code (DLOC). Information is related to a specific PID that could be implemented in time of war, current on-going contingencies, or yearly exercises. When plans are implemented, the Personnel Data System (PDS) is updated and a TDY mini-record is generated and transmitted via AUTODIN. The system update is applied against the file at base level.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8032, General duties; implemented by Air Force Manual (AFM) 28–626, Functional User Support Manual for the Contingency Operation/ Mobility Planning and Execution System (COMPES) MAJCOM Level Manpower/Personnel (MANPER) Module, Users Manual; AFM 28–740, Vol 6, Contingency Operations/Mobility Planning and Execution System (COMPES) Operation Planning Module, Users Manual; AFM 28–740, Vol 3, Contingency Operations/Mobility Planning and Execution System (COMPES) Logistics Module – Major Command (LOGMOD-M) Logistics Force packaging (LOGFOR) Sub-System: A200/ZG, Users Manual; and AFM 28–740, Vol 4, Contingency Operations/ Mobility Planning and Execution System (COMPES) Logistics Module – Logistics Planning (LOGPLAN) Sub-System: A200/ZR, Users Manual.

PURPOSE(S):

COMPES records provids information regarding manpower requirements necessary to deploy personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in computers and on computer output products.

RETRIEVABILITY:

Individual data records are not accessed nor displayed reflecting name or Social Security Number by standard CPSC programs. Retrieval programs available to major command personnel managers may be used to access individual data.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Records pertaining to a wartime plan are maintained until an updated plan is received. Records are maintained only for the duration of the TDY period then are programmatically deleted by computer. Computer output records are destroyed by tearing into pieces,

VOL 58 ISS 33 FE 22 1993 UMI

shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters United States Air Force, Washington, DC 20330–5060. Director of Personnel Data Systems and Assistant Deputy Chief of Staff for Personnel, Headquarters Air Force Military Personnel Center, Randolph Air Force Base, TX, 78150–6001, or Director of Personnel Data Systems at each major command headquarters and headquarters of unified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to or visit the Deputy Chief of Staff for Personnel, Headquarters United States Air Force, Washington, DC 20330–5060. Director of Personnel Data Systems and Assistant Deputy Chief of Staff for Personnel, Headquarters Air Force Military Personnel Center, Randolph Air Force Base, TX, 78150–6001, and Director of Personnel Data Systems at each major command headquarters or headquarters of unified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Deputy Chief of Staff for Personnel, Headquarters United States Air Force, Washington, DC 20330–5060. Director of Personnel Data Systems and Assistant Deputy Chief of Staff for Personnel, Headquarters Air Force Military Personnel Center, Randolph Air Force Base, TX, 78150–6001, or Director of Personnel Data Systems at each major command headquarters and headquarters of unified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 AF MP E

SYSTEM NAME:

Drug Abuse Waiver Requests

SYSTEM LOCATION:

Directorate of Student Resources, United States Air Force Recruiting Service, Air Training Command, Randolph Air Force Base, TX 78148 (ATC/RSS, Randolph Air Force Base, TX 78148);

United States Air Force Recruiting Service Detachment Headquarters;

United States Air Force Recruiting Service Offices;

Deputy Chief of Staff, Education, Headquarters Air University, Maxwell Air Force Base, AL 36112) (AU/ED, Maxwell Air Force Base, AL 36112);

Directorate of Senior Programs, Headquarters Air Force Reserve Officer Training Corps (AFROTC), Maxwell Air Force Base, AL 36112 (AFROTC/SD, Maxwell Air Force Base, AL 36112);

AFROTC Detachments;

Directorate of Admissions and Registrar, United States Air Force Academy, CO 80840 (USAFA/RR, USAF Academy, CO 80840). Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for enlistment or commissioning who have a history of pre-service drug abuse and who have requested a waiver of their disqualification.

CATEGORIES OF RECORDS IN THE SYSTEM:

A copy of the USAF Drug Abuse Certificate and Drug Abuse Circumstances, Recommendation of Intermediate commands, and cover letter containing HQ USAF decision on waiver request are maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 504, Persons not qualified.

PURPOSE(S):

This record is not released outside the Air Force. Records are maintained for future reference in the case of further inquiries relative to approval or disapproval of the request for waiver of pre-service drug abuse.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in safes and locked cabinets or rooms.

RETENTION AND DISPOSAL:

After action on the request, the paper record is filed in secured file cabinets, retained for no more than six months, and destroyed by tearing into pieces.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records maintained in the system are provided by either Air Training Command, Air University, or the USAF Academy.

EXEMPTIONS
None.

F030 AF SC

SYSTEM NAME
Aerospac
Career Info

SYSTEM LOCA
Air Force
AFMSC/SC
TX 78235.

CATEGORIES
SYSTEM:
Air Force
personnel s
military ap
Aerospace

CATEGORIES
Files con
academic a
accomplish
individuals
of a career
Physiologis
Officer.

AUTHORITY FO
10 U.S.C
Force: Pow
and 8067(d
perform ce
as impleme
50–27, Air
Program.

PURPOSE(S):
Used by
and Chief,
(BSC) to m
regarding l
expertise a
present an
USAF.
Used for
determinin
backgroun
for each pr
Aerospace
Used by
and Chief,
(BSC) to ar
professiona
individual
officers are
trained and
requiremer
technical A
projects.
Used for
curricula f
requiremer
manning, s
evaluation
required fu
analysis of
officers in

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 AF SG A

SYSTEM NAME:

Aerospace Physiology Personnel Career Information System.

SYSTEM LOCATION:

Air Force Medical Service Center, HQ AFMSC/SGPA, Brooks Air Force Base, TX 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel serving in, and civilian and military applicants for, the USAF Aerospace Physiology Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain a picture, information, academic and professional accomplishments, personal letters from individuals inquiring about some aspect of a career as an AF Aerospace Physiologist/Physiological Training Officer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and 8067(d), Designation: Officers to perform certain professional functions, as implemented by Air Force Regulation 50–27, Air Force Aerospace Physiology Program.

PURPOSE(S):

Used by Chief, Aerospace Physiology and Chief, Biomedical Sciences Corps (BSC) to make policy decisions regarding level and type of officer expertise available and required to meet present and future commitments for USAF.

Used for policy analysis in determining the type of professional background required to meet standards for each program falling within the Aerospace Physiology Programs.

Used by Chief, Aerospace Physiology and Chief, Biomedical Sciences Corps (BSC) to analyze the experience and professional achievements of the individual/group to insure that qualified officers are available, processed and trained and properly located to meet the requirements for specific and highly technical Aerospace Physiology projects.

Used for policy decisions regarding curricula for professional training requirements for advanced degrees, manning, standards for manpower evaluation, professional degree level for required functional areas, statistical analysis of data relating to component officers in the BSC.

Personnel letters from/to individuals contain answer/questions to policies and their relation to individual's AF status, where applicable.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, visible file binders/cabinets; resumes are in alphabetical order in loose ring notebook.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Air Force Medical Service Center, Brooks Air Force Base, TX 78235.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Commander Air Force Medical Service Center, Brooks Air Force Base, TX 78235.

Provide full name, Social Security Number, military status. Requesters may visit Office of the Surgeon General, Aerospace Medicine Division. Proof of identity is by government ID card, drivers license, personal recognition by Chief, Aerospace Physiology due to small number of officers involved.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Commander Air Force Medical Service Center, Brooks Air Force Base, TX 78235.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is provided by the individual and the Air Force Manpower and Personnel Center.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 AF SP A

SYSTEM NAME:

Documentation for Identification and Entry Authority.

SYSTEM LOCATION:

Chief of Security Police at the installation where an individual is issued identification or entry authority credentials. Information copies of certain application forms for entry into certain restricted areas are also kept at an individual's duty assignment. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are issued identification credential for normal identity purposes or for entry into controlled or restricted [illegible].

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation used to request identification or entry credential, information reports on the loss, theft, or destruction of these credentials, certain types of entry authority lists, and various accountability records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used by the security police for issuing ID cards and these restricted or controlled area badges which authorize entry into certain areas. Some organizations may routinely keep copies of the above documentation in order to maintain control over persons authorized entry into certain areas. Accountability documents are used to insure proper control over the various forms utilized in these functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

VOL 58 ISS 33 FE 22 1993 UMI

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/ binders, card files and on computer and computer output products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/ cabinets and in locked cabinets or rooms. Records are controlled by computer system software.

RETENTION AND DISPOSAL:

Accountability records are destroyed two years after issue of the last card or the last entry on a log, etc. Statements, certificates, and related correspondence reporting the loss, theft, or destruction of identification or entry credentials are destroyed one year after reported loss. Destruction of these items is by tearing into pieces.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Security Police, Kirtland Air Force Base, NM 87117. Installation Chief of Security Police.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Office of Security Police, Kirtland Air Force Base, NM 871172.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Office of Security Police, Kirtland Air Force Base, NM 87117 or the installation Chief of Security Police. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

When requesting information in writing, individual should include full name, Social Security Number, military status, home address, and the letter must be notarized. During a personal visit, individual will be required to produce military ID, if applicable, a valid drivers license, or other appropriate proof of identity.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 AFIS A

SYSTEM NAME:

For Cause Discharge Program.

SYSTEM LOCATION:

Directorate of Security and Communications Management, Air Force Intelligence Service (AFIS), Pentagon, Washington DC 20330; HQ Electronic Systems Command, San Antonio, TX 78423; Office of Administrative Assistant to the Secretary of the Air Force, Pentagon, Washington DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel who are briefed into sensitive compartmented information (SCI) who are being considered for separation from service or employment for either punitive or administrative (nonvoluntary) reasons.

CATEGORIES OF RECORDS IN THE SYSTEM:

Initial submission and recommendations of the Air Force Major Command (MAJCOM) or Separate Operating Agency (SOA) concerned and all supporting documents for the proposed action; AFIS Directorate of Security and Communication Management recommendations for disposition to the Assistant Chief of Staff for Intelligence Hq, U.S. Air Force; if applicable, decisions and correspondence from Administrative Assistant to the Secretary of the Air Force

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; DOD 5200.2–R; as implemented by Air Force Regulation 205–32, USAF Personnel Security Program, USAFINTEL 201–1 (Chapter 13), Air Force Regulation 39–10, Administrative Separation of Airmen, Air Force Regulation 36–12, Administrative Separation of Commissioned Officers and Warrant Officers of the Air Force.

PURPOSE(S):

Used by designated Air Force intelligence officials to recommend/ determine propriety of proposed action in light of individual's SCI access. Substantive information is provided to responsible individual in the Secretary of the Air Force to evaluate the effectiveness of the program, to determine consistency of decisions and decision trends, and to provide program guidance to the system manager.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name and year of the For Cause Action.

SAFEGUARDS:

Records are accessed the record system. Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in security file containers within a vault.

RETENTION AND DISPOSAL:

Records maintained in active status until final disposition of each separate file. After final disposition of the case the record is placed in inactive status and maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Security and Communications Management, Air Force Intelligence Service, Pentagon, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director of Security and Communications Management, Air Force Intelligence Service, Pentagon, Washington, DC 20330.

Request must include full name, grade (where applicable), Social Security Number, date and place of birth, organization/activity to which assigned/ employed at time of proposed For Cause Separation. Visits may be made to office of system manager. Individuals not authorized access to Pentagon working areas should contact system manager by mail beforehand. Include all of the above information in letter.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained

in this system should address written inquiries to or visit the Director of Security and Communications Management, Air Force Intelligence Service, Pentagon, Washington, DC 20330.

Request must include full name, grade (where applicable), Social Security Number, date and place of birth, organization/activity to which assigned/employed at time of proposed For Cause Separation. Visits may be made to office of system manager. Individuals not authorized access to Pentagon working areas should contact system manager by mail beforehand. Include all of the above information in letter.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual's personnel records and MAJCOM/SOA Commander's proposal and recommendations with all supporting documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 AFIS B

SYSTEM NAME:

Air Force Attache Personnel System.

SYSTEM LOCATION:

Air Force Intelligence Service, Fort Belvoir, VA 22060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Files are maintained on Air Force Attache personnel applicants, current and former Air Force Attache personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Career Briefs, Officer Effectiveness Reports, Airman Performance Reports, Statements of Personal History, autobiographies, family photos, Defense Language Aptitude and Proficiency Test scores, finger print card, Medical Fitness Statements, Statements of Interview by Commanders, Requests for National Agency Checks, College transcripts, Graduate Record Examination scores, assignment preference statements, special duty applications, and record review listings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Regulation 39–10, Airman Assignments, and Air Force Regulation 36–20, Officer Assignments.

PURPOSE(S):

Used by the Active Duty Military Staff Directorate involved with the selection and service of Air Force Attache personnel. The purpose of collecting the information is to evaluate the suitability of an individual for duty in the Attache system. The purpose of maintaining records on current Attaches is to provide service to them in their assignments. The purpose of maintaining material on prior Attache personnel is to assist them in their applications for subsequent Attache and for analysis and historical purposes. The records are retained within the Air Force Attache System and are not disclosed to personnel outside the system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, safes, or locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until no longer needed for reference, then offered to National Archives and Records Administration for permanent retention, inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director Air Force Attache Affairs (AFIS/INH), Air Force Intelligence Service, Fort Belvoir, VA 22060.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director Air Force Attache Affairs (AFIS/INH), Air Force Intelligence Service, Fort Belvoir, VA 22060.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director Air Force Attache Affairs (AFIS/INH), Air Force Intelligence Service, Fort Belvoir, VA 22060.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals, Air Force Manpower and Personnel Center, Randolph Air Force Base, TX.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 AFIS C

SYSTEM NAME:

Intelligence Applicant Files.

SYSTEM LOCATION:

Headquarters, Air Force Special Activities Center, Fort Belvoir, VA 22060–5798 and subordinate units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military personnel, and civilian personnel and former employees who have applied for admission to or expressed interest in AFSAC programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical data and records incidental to admission to AFSAC programs such as security clearance records, educational background, data on law violations or substance abuse, photographs, performance ratings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, as amended (61 Stat. 495); and 10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used to evaluate personnel for entry into or retention in AFSAC intelligence programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

VOL
58
ISS
33
FE
22
1993
UMI

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in file folders, on computer and computer output products, and in microform.

RETRIEVABILITY:

By name or Social Security Number.

SAFEGUARDS:

Records are accessed by the custodian of the system and by persons servicing the records who are properly cleared for need-to-know. Records are stored in locked containers in government controlled facilities.

RETENTION AND DISPOSAL:

Records are retained until the individual is no longer affiliated with the AFSAC program and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters, Air Force Special Activities Center, Fort Belvoir, VA 22060–5798

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Headquarters, Air Force Special Activities Center, Fort Belvoir, VA 22060–5798.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Headquarters, Air Force Special Activities Center, Fort Belvoir, VA 22060–5798

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual and from source documents. Other sources may include former employers, personnel records, educational institutions, and federal, state and local government agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 ARPC A

SYSTEM NAME:

Applications for Identification (ID) Cards.

SYSTEM LOCATION:

Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for ID cards and discharge orders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 499, Military, naval, or official pass; 506, Seals of departments or agencies; and 701, Official badges, identification cards, other insignia, as implemented by Air Force Regulation 30–20, Issue and Control of Identification (ID) Cards, and E.O. 9397.

PURPOSE(S):

Used as a suspense file pending receipt of ID card or correspondence from Reservist advising of prior disposition of identification card.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Records are protected by guards.

RETENTION AND DISPOSAL:

Destroy when notified that credential has been returned to issuing activity by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000.

Written requests should contain full name, Social Security Number, current mailing address, and the case (control) number on correspondence received from the Center, if applicable.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000. Records may be reviewed in the Records Review Room, Headquarters Air Reserve Personnel Center, Denver, CO, between 8:00 a.m. and 3:00 p.m. on normal workdays.

Requester must be able to provide sufficient proof of identity, with an Armed Forces identification card or a drivers license.

CONTESTING RECORD PROCEDURE:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is extracted from master personnel record when individual is discharged from the Air Force Reserve.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 ARPC B

SYSTEM NAME:

Point Credit Accounting Record System (PCARS).

SYSTEM LOCATION:

Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000, and Headquarters Air Force Military Personnel Center (HQ AFMPC), Randolph AFB, TX 78150–6001. Air National Guard and Air Force Reserve activities. Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve and National Guard Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, orders, forms, and reports which include identifying personnel data including name, Social Security Number, address, grade, and retirement/retention date; record of

retirement points and service earned prior to and record of points earned, by type duty, for the current retirement year. Reports include automated listings, processed transactions, rejected transactions, accession transactions, point summary lists, statistical reports, individual point summary reports, and input lists for participation verification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1331, Age and service requirements; 1332, Computation of years of service in determining entitlement to retired pay; 1333, Computation of years of service in computing retired pay; 1334, Time not creditable toward years of service; 1335, Inactive status list; 1336, Service credited for retired pay benefits not excluded for other benefits; 1337, Limitation on active duty, as implemented by Air Force Manual 30–130, Vol I, Base Level Military Personnel System; Air Force Regulations 35–41, Vol II, Reserve Training; 35–7, Service Retirements; and 35–3, Service Dates and Dates of Rank, and E.O. 9397.

PURPOSE(S):

Used to maintain accurate listings of transactions processed to active Reserve force member's point credit account; to reconcile strength of the Air National Guard and Air Force Reserve members between the various mechanized accounting systems; to identify new members of the Air Force Reserve and Air National Guard; to certify accuracy and completeness of transactions manually submitted to the point record as required by Air Force audit requirements; to advise member and Reserve managers of the member's participation in Reserve affairs; for promotion evaluation considerations, and for determination of retirement eligibility .

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software. Records are protected by guards.

RETENTION AND DISPOSAL:

Documents not required for inclusion in military personnel record system are retained in office files until superseded, obsolete, no longer needed for reference, or after 16 months, whichever is sooner, then destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000.

Written requests should contain full name, Social Security Number, current mailing address, and the case (control) number on correspondence received from the Center, if applicable.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000. Records may be reviewed in the Records Review Room, Headquarters Air Reserve Personnel Center, Denver, CO, between 8:00 a.m. and 3:00 p.m. on normal workdays.

Requester must be able to provide sufficient proof of identity, with an Armed Forces identification card or a drivers license.

CONTESTING RECORD PROCEDURE:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from master personnel record and authorized point credit documents obtained from automated system interfaces.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 MPC A

SYSTEM NAME:

Deceased Service Member's Dependent File.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force widow/widowers or other next of kin.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, Social Security Number of widow/widower: Name, grade, Social Security Number, date of death/date of retirement of sponsor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8032, General duties; and Air Force Regulation 30–25.

PURPOSE(S):

Used only to identify Air Force widow/widowers for purpose of mailing copies of the bimonthly United States Air Force News for Retired Personnel, The Afterburner. Verification for issuance of ID cards or obtaining benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Tape and card.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Maintained permanently.

VOL 58 ISS 33 FE 22 1993 UMI

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Widow/Widowers request, ID card application, casualty notices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 MPC B

SYSTEM NAME:

Indebtedness, Nonsupport, Paternity.

SYSTEM LOCATION:

Air Force Military Personnel Center, Randolph Air Force Base, TX 78150–6001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel who are the subject of complaints of indebtedness, nonsupport or inadequate support, or paternity allegations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence relating to a complaint of indebtedness, nonsupport or inadequate support of dependents, or allegations of paternity with a report of the immediate commander's final action regarding same.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; Air Force Regulation 35–18, Financial Responsibility.

PURPOSE(S):

Source of background information used for historical and statistical purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Immediate access limited to Chief, Personnel Assistance Section (HQ AFMPC/DPMASC2) in performance of official duties. Safeguarded by personal screening who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained for two years after end of year in which the case was closed, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Personnel for Military Personnel, Randolph Air Force Base, TX 78150–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/ Personnel for Military Personnel, Randolph Air Force Base, TX 78150–6001.

Individual should provide name, Social Security Number and date of birth.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Personnel for Military Personnel, Randolph Air Force Base, TX 78150–6001.

Individual should provide name, Social Security Number and date of birth.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals, private concerns, and government agencies with interests pursuant to subject records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 SG A

SYSTEM NAME:

Bioenvironmental Engineer Personnel Career Information System.

SYSTEM LOCATION:

Air Force Medical Service Center, Brooks Air Force Base, TX 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Air Force Active Duty Officers with Air Force Specialty Code (AFSC) 9116, 9125, or 9121.

CATEGORIES OF RECORDS IN THE SYSTEM:

File includes information on where the individual is assigned, academic background, assignment preferences, past assignments, correspondence between the individual and the Associate Chief of the Biomedical Sciences Corps (BSC) for Bioenvironmental Engineering, and professional accomplishments of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and 8067(i), Designation: Officers to perform certain professional functions.

PURPOSE(S):

To assist the Associate Chief of the BSC for Bioenvironmental Engineering in establishing policy or educational requirements in this career field; to foster career retention through more personal contact with officers in this specialty; to assist the Air Force Manpower and Personnel Center in assigning bioenvironmental engineers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and in card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by authorized personnel who are properly screened and cleared for need-to-know. Records are protected by guards and controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files for six months after the individual terminates active military service, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Medical Service Center, Brooks Air Force Base, TX 78235.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Air Force Medical Service Center, Brooks Air Force Base, TX 78235.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Air Force Medical Service Center, Brooks Air Force Base, TX 78235.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F030 SG B

SYSTEM NAME:

Aerospace Medicine Personnel Career Information System.

SYSTEM LOCATION:

The Aerospace Medical Consultants Division, HQ AFMSC/SGPA, Brooks Air Force Base, TX 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All AF Medical Officers (MC), active duty, separated or retired, who possess or are in training leading to award of Air Force Specialty Code (AFSC) 9356, Aerospace Medicine Physician.

CATEGORIES OF RECORDS IN THE SYSTEM:

Date of Board certification, dates of aeronautical ratings, professional society membership record of training, military assignments, marital status, list of papers authored, assignment preferences, desired career progression, photograph, letter of notification of certification by the American Board of Preventive Medicine, as well as personal letters from officers regarding promotion/assignments/career progression and copies of replies to these letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and 8067(f) Designation: Officers to perform certain professional functions.

PURPOSE(S):

Assist the Chief, Aerospace Medical Consultants Division in establishing policy on educational requirements in 9356 career field; to foster career retention through more personal contact with officers in this specialty; to assist the AF Military Personnel System in assigning Aerospace Medicine Physicians.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and in visible file binders/cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system, and by authorized personnel who are properly screened and cleared for need-to-know. Records are controlled by visitor registers.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Flight Medicine, HQ AFMSC/SGPA, Brooks Air Force Base, TX 78235.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief, Flight Medicine, HQ AFMSC/SGPA, Brooks Air Force Base, TX 78235.

Required information is full name/rank; visits may be made to Chief, Flight Medicine, Office of the Surgeon General, Aerospace Medical Consultants Division; proof of identity is by military ID card for active/retired and personal recognition due to small number of officers involved.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Flight Medicine, HQ AFMSC/SGPA, Brooks Air Force Base, TX 78235.

Required information is full name/rank; visits may be made to Chief, Flight Medicine, Office of the Surgeon General, Aerospace Medical Consultants Division; proof of identity is by military ID card for active/retired and personal recognition due to small number of officers involved.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals provide most of the information for the system. The remainder is obtained from financial, educational or medical institutions, and from source documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F033 ATC A

SYSTEM NAME:

Lead Management System (LMS).

SYSTEM LOCATION:

Air Force Opportunity Center (AFOC) (Duties of this Center are performed by a civilian contractor who is engaged by the Air Force to provide lead fulfillment services. Location depends on the contractor. Contact system manager for

VOL 58 ISS 33 FE 22 1993 UMI

specific locations). Headquarters, United States Air Force Recruiting Service, Randolph Air Force Base, TX 78150–5421, and recruiting activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Respondents to United States Air Force Recruiting Service advertisements and referrals made by active duty military personnel, retired military personnel and Air Force civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Respondent's inquiry record containing name, address, date of birth, sex, telephone number, advertising medium, recruiting program in which interested, and source of referral, including name and Air Force base assigned. Recruiter contact records containing success of contact efforts, reason for not contacting, how contact was made, confirmation of educational level, qualification and status of individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 503, Enlistments: Recruiting campaigns, and Air Training Command Regulation 33–2, Recruiting Procedures for the United States Air Force.

PURPOSE(S):

The contractor fulfills requests from respondents for information about the Air Force and notifies appropriate recruiting activities of respondent's interest. Contractor develops statistical summaries which are used by USAF Recruiting Service to evaluate the effectiveness of the advertising and referral programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in computers and on computer products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Retained by contractor at the AFOC for two years after end of FY in which all actions are completed, then records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Advertising and Promotion, HQ USAF Recruiting Service (HQ USAFRS/RSA), Randolph Air Force Base, TX 78150–5421.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Director of Advertising and Promotion, HQ USAF Recruiting Service (HQ USAFRS/RSA), Randolph Air Force Base, TX 78150–5421.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Director of Advertising and Promotion, HQ USAF Recruiting Service (HQ USAFRS/RSA), Randolph Air Force Base, TX 78150–5421.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual respondent and automated system interfaces.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AF A

SYSTEM NAME:

Officer Quality Force Management Records.

SYSTEM LOCATION:

Headquarters United States Strategic Command (HQ USSTRATCOM), Personnel Programs Division, Directorate of Manpower and Personnel, Offutt AFB NE 68113–1010. Headquarters Air Force Communications Command (HQ AFCC), Force Management Division (DPAFA), Directorate of Personnel Programs, Scott AFB, IL 62225–6001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty officers assigned or attached to HQ USSTRATCOM or HQ AFCC whose performance, conduct, or alleged misconduct may or has resulted in initiation of administrative action(s).

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to substandard performance, unacceptable conduct or unfitness, and status and dates of pending or completed administrative actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; 8074, Commands; territorial organization, and E.O. 9397.

PURPOSE(S):

To provide information to Commander in Chief, HQ USSTRATCOM, Deputy Chief of Staff for Personnel, HQ AFCC, and staff members as appropriate who make decisions on officers' qualifications for continuation on active duty, or further consideration for promotion. Used to evaluate and monitor status of actions on subjects.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by the custodian of the record system and by persons responsible for servicing the records in performance of their official duties who are properly screened and cleared for need-to-know. Those in computer storage devices are protected by computer system software. Records and computer software are stored in locked cabinets and rooms in buildings protected by guards.

RETENTION AND DISPOSAL:

Retained until superseded, obsolete, or no longer needed for reference, whichever is sooner. Files will be destroyed not later than 2 years from

last entry. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Chief, Personnel Programs Division, Directorate of Manpower and Personnel, HQ USSTRATCOM, Offutt AFB, NE 68113–1010. Chief, Force Management Division, Directorate of Personnel Programs, HQ AFCC, Scott AFB, IL 62225–6001.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the appropriate system manager.

Full name, military status, grade and Social Security Number are required to determine if the system contains records on an individual. Visitors must provide proof of identity such as a military identification card, valid drivers license, or some item of information which can be verified from the records.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the appropriate system manager.

Full name, military status, grade and Social Security Number are required to access records. Visitors must provide proof of identity such as a military ID card, valid drivers license, or some item of information which can be verified from the records.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents, the individual concerned, member's commander, Personnel Programs Division, HQ USSTRATCOM, Force Management Division HQ AFCC, Consolidated Base Personnel Offices, and the office of the Judge Advocate General for each command.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AF DP A

SYSTEM NAME:

Family Support Center (FSC) Accountability and Data Collection System.

SYSTEM LOCATION:

At servicing Family Support Centers on Air Force installations. Portions of the system will be maintained at Headquarters, United States Air Force/DPPH and by Family Program Managers at headquarters of major commands. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Air Force personnel and family members; DOD civilian employees and their family members in overseas areas or when authorized by local commander, and Air National Guard and Reserve Forces and their family members when on active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Intake data on client contact and time expended; client interview and assessment, referrals to other agencies, and compiled data on these two categories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Regulation 30–7, Family Support Center (FSC) Program; and E.O. 9397.

PURPOSE(S):

To compile information on client's visits to enable the Center to refer clients to the appropriate support activity, i.e., Mental Health Clinic, Chaplain, Air Force Aid, etc. Information is compiled for statistical reporting to base, major commands, Headquarters United States Air Force, Department of Defense, and Congress. Reports and for program planning and evaluation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper form, in computers and on computer output products.

RETRIEVABILITY:

Individual files are retrieved by name or Social Security Number. Mass retrieval may be made by grade, type service received, a specific time period, etc.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Records are destroyed 1 year from date of last visit to FSC, unless needed as background for case files supporting a separation or other action in which case disposition will be the same as the file which they support. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Air Force Family Matters Branch, Human Resources Development Division, Directorate of Personnel Plans, HQ USAF; Directorate of Personnel Programs at major command headquarters; and Director, Family Support Center at Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to or visit the Chief Air Force Family Matters Branch, Human Resources Development Division, Directorate of Personnel Plans, HQ USAF; Directorate of Personnel Programs at major command headquarters; or Director, Family Support Center at Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

Proof of identity such as an Armed Forces Identification Card will be required for personal visits.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Chief Air Force Family Matters Branch, Human Resources Development Division, Directorate of Personnel Plans, HQ USAF; Directorate of Personnel Programs at major command headquarters; or Director, Family Support Center at Air Force installations. Official mailing addresses

VOL
58
ISS
33
FE
22
1993
UMI

are published as an appendix to the Air Force's compilation of record systems notices.

Proof of identity such as an Armed Forces Identification Card will be required for personal visits.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from individual, medical institutions, and personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AF MP A

SYSTEM NAME:

Effectiveness/Performance Reporting Systems.

SYSTEM LOCATION:

Headquarters, United States Air Force, Washington DC 20330-5060; Headquarters, Air Force Military Personnel Center, Randolph Air Force Base, TX 78150-6001; National Military Personnel Records Center, 9700 Page Boulevard, St. Louis, MO 63132-2001. Air Reserve Personnel Center, Denver, CO 80280-5000, and the Human Resources Laboratory, Brooks Air Force Base, TX 78235-5000.

Headquarters of major commands and separate operating agencies; consolidated base personnel offices; each State Adjutant General Office, and Air Force Reserve and Air National Guard units. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military Personnel Only.

Officers: Applies to Active Duty/Air National Guard/Air Force Reserve personnel serving in grades Warrant Officer (W-1) through Colonel (0-6).

Enlisted: Applies to active duty personnel in grades Airman Basic (E-1) through Chief Master Sergeant (E-9), and to Air Force Reserve personnel in grades Staff Sergeant (E-5) through Chief Master Sergeant (E-9).

CATEGORIES OF RECORDS IN THE SYSTEM:

Officer Effectiveness Reports; Education/Training Reports; Colonels and Lieutenant Colonels Promotion Recommendation Reports; Enlisted Performance Reports for Airman Basic (E-1) through Chief Master Sergeant (E-9); Description of data contained therein: Name; Social Security Number; active and permanent grades; specialty data; organization location and Personnel Accounting Symbol; period of report; number of days of supervision; performance evaluation scales; assessment of potential, and comments regarding ratings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Regulation 36-9, General Officer Promotions and Evaluations; Air Force Regulation 36-10, Officer Evaluation System; Air Force Regulation 39-62, Enlisted Evaluation System; and Executive Order 9397.

PURPOSE(S):

Used to document effectiveness/duty performance history; promotion selection; school selection; assignment selection; reduction-in-force; control roster; reenlistment; separation; research and statistical analyses, and other appropriate personnel actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Copies of effectiveness reports are retained until separation or retirement. At separation or retirement, data subject is presented with field and command record copies of his or her reports. The Headquarters Air Force (HAF) copy is a permanent record that is forwarded to the National Personnel Records Center, St. Louis, MO 63132-2001. In the event the member has a Reserve commitment, the HAF copy is sent to the Air Reserve Personnel Center, Denver, CO 80280-5000.

The following exceptions apply:

Officers Field Record: Remove and give to individual when promoted to Colonel, when separated or retired, or destroy when voided by action of the Officer Personnel Records Review Board. When voided by action of the Air Force Board for Correction of Military Records, forward all copies of report to Headquarters United States Air Force (HQ USAF) when directed.

Command Record: The command custodian will destroy the reports when voided by action of Officer Personnel Records Review Board. When voided by action of the Air Force Board for Correction of Military Records, forward all copies of report to HQ USAF when directed.

HAF Record: Remove reports voided by action of the Officer Personnel Records Review Board from the selection folder and file in the board recorder's office until destruction. Remove reports voided by action of the Air Force Board for Correction of Military Records from selection folder and submit to Board's Secretariat with duplicate and triplicate copies for custody and disposition. Promotion Recommendation Reports are temporary documents maintained only at HQ Air Force level and are destroyed after their purpose has been served.

Active duty Enlisted: Grades E-3 through E-6: On separation or retirement, Enlisted Performance Reports (EPRs) are forwarded to the National Personnel Records Center, St Louis, MO unless data subject holds a reserve obligation, in which case they are forwarded to Air Reserve Personnel Center. Grades E-7 through E-9: On separation or retirement, original copies, those retained in Senior NCO selection folders and those in field record closing before January 1, 1967, are forwarded to the National Personnel Records Center, or to Air Reserve Personnel Center if data subject holds a reserve obligation. Duplicate copies closing January 1, 1967 or later (field record) are returned to the member at separation or retirement. Non-Active Duty Reserve Enlisted: Air Force Reserve Forces Noncommissioned Officers Performance Report; upon separation, retirement or assignment to a non-participating reserve status, they are forwarded to Air Reserve Personnel Center for file in the master personnel record and disposed of as a part of that record. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Personnel, Headquarters United States Air Force, Washington DC 20330-5060; Chief of

Air Force Reserve, Headquarters United States Air Force, Washington, DC 20330-1000, and Director, Air National Guard, Washington, DC 20310-2500.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Deputy Chief of Staff/Personnel, Headquarters United States Air Force, Washington DC 20330-5060; or to the Chief of Air Force Reserve, Headquarters United States Air Force, Washington, DC 20330-1000; or to the Director, Air National Guard, Washington, DC 20310-2500; or directly to agency officials at the respective system location. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written inquiries to the Deputy Chief of Staff/Personnel, Headquarters United States Air Force, Washington DC 20330-5060; or to the Chief of Air Force Reserve, Headquarters United States Air Force, Washington, DC 20330-1000; or to the Director, Air National Guard, Washington, DC 20310-2500; or directly to agency officials at the respective system location. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12-35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The basis of the ratings is observed on-the-job performance or by the education/training progression of the individual. Further, effectiveness reports may have as an additional source of information Letters of Evaluation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt under the provisions of 5 U.S.C. 552a(k)(7), as applicable, but only to the extent that disclosure would reveal the identify of a confidential source.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

F035 AF MP B

SYSTEM NAME:

Geographically Separated Unit Copy Officer Effectiveness/Airman Performance Report.

SYSTEM LOCATION:

Headquarters of major subordinate commands and numbered Air Force. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers (Lt. Colonel and below) and Airmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Officer Effectiveness Report; Education/Training Report; Airman Performance Report; Technical Sergeant, Staff Sergeant, and Sergeant Performance Report; and Chief Master Sergeant, Senior Master Sergeant, and Master Sergeant Performance Report.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Regulation 36–10, Officer Evaluations, and Air Force Regulation 39–62, Active Duty Noncommissioned Officer and Airman Performance Reports and E.O. 9397.

PURPOSE(S):

Used as a record of individual's past job performance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Information in the system is retrieved by name.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters at Major Subordinate Commands and numbered Air Forces. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit Headquarters at Major Subordinate Commands and numbered Air Forces. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to or visit the Headquarters at Major Subordinate Commands and numbered Air Forces. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officer and airman evaluation report data.

EXEMPTION CLAIMED FOR THE SYSTEM:

None.

F035 AF MP C

SYSTEM NAME:

Military Personnel Records System.

SYSTEM LOCATION:

Headquarters, United States Air Force, Washington, DC 20330–5060; Air Force Military Personnel Center, Randolph Air Force Base, TX 78150–6001; Air Reserve Personnel Center, Denver, CO 802980–5000; National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132–2001.

Headquarters of major commands and separate cooperating agencies; consolidated base personnel offices; State Adjutant General Office of each respective state, District of Columbia and Commonwealth of Puerto Rico, and

VOL 58 ISS 33 FE 22 1993 UMI

at Air Force Reserve and Air National Guard units. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military, Air Force Reserve and Air National Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Officer Correspondence and Miscellaneous Document Group (C & M) at Air Force Military Personnel Center (AFMPC) and Headquarters, United States Air Force (HQ USAF); Selection Record Group at HQ USAF, Assistant for General Officer Matters; Retired Air Force General Officers Master Personnel Record Group (MPeRGp) at AFMPC; active duty colonels at HQ USAF, Assistant for Senior Officer Management; C= at AFMPC Air Force active duty officer personnel; MPeRGp at AFMPC Officer Command Selection Record Group (OCSR) at the respective major command or separate operating agency; Field Record Group (FRGp) at the respective Air Force base of assignment/servicing Consolidated Base Personnel Office (CBPO); Air Force active duty enlisted personnel MPeRGp at AFMPC and FRGp at respective servicing CBPO; Senior Noncommissioned Officer Selection Folder at the respective servicing CBPO; personnel in Temporary Disability Retired List status, Missing in Action (MIA), Prisoner of War (POW), Dropped From Rolls MPeRGp at AFMPC; Reserve Officers MPeRGp at Air Reserve Personnel Center (ARPC); OCSR at the respective Air Force major command when applicable, FRGp at the respective unit of assignment or servicing CBPO or Consolidated Reserve Personnel Office (CRPO); Reserve airmen MPeRGp at ARPC and FRGp at the respective unit of assignment or servicing CBPO/CRPO; Air National Guard (ANGUS) officers MPeRGp at ARPC, OCSR at the respective State Adjutant General Office, and FRGp at the respective unit of assignment; ANGUS airmen MPeRGp at the respective State Adjutant General Office and FRGp at the respective unit of assignment; Retired and discharged Air Force military personnel MPeRGp at National Personnel Records Center and Air Force Academy cadets MPeRGp at unit of assignment CBPO. System contains substantiating documentation such as forms, certificates, administrative orders and correspondence pertaining to appointment as a commissioned officer, warrant officer, Regular AF, AF Reserve or ANGUS, enlistment/reenlistment/ extension of enlistment, assignment, Permanent Change of Station, Temporary Duty (TDY), promotion and demotion; identification card requests; casualty; duty status changes; Absent Without Leave/MIA/POW/Missing/ Deserter; military test administration/ results; service dates; separation; discharge/ retirement; security; training; Professional Military Education (PME); On-The-Job Training; Technical, General Military Training; commissioning; driver; academic education; performance/effectiveness reports; records corrections; formal/ informal medical or dental treatment/ examination; flying/rated status administration; extended active duty; emergency data; line of duty determinations; human/personnel reliability; career counseling; records transmittal; AF reserve administration; Air National Guard administration; board proceedings; personnel history statements; Department of Veterans Affairs compensations; disciplinary actions; record extracts; locator information; personal clothing/ equipment items; passport; classification; grade data; Career Reserve applications/cancellations; traffic safety; Unit Military Training; travel voucher for TDY to Republic of Vietnam; dependent data; professional achievements; Geneva Convention card; Federal insurance; travel and duty restrictions; Conscientious Objector status; decorations and awards; badges; Favorable Communications (colonels only); Inter-Service transfers; pay and allowances; combat duty; leave; photographs, and Personnel Data System products.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Regulation 35–44, Military Personnel Records System, and E.O. 9397.

PURPOSE(S):

Military personnel records are used at all levels of Air Force personnel management within the agency for actions/processes related to procurement, education and training, classification, assignment, career development, evaluation, promotion, compensation, sustentation, separation and retirement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Records may be disclosed to the Department of Veterans Affairs for research, processing and adjudication of claims, and providing medical care.

To dependents and survivors for determination of eligibility for identification card privileges.

To the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for determination of eligibility and benefits.

To local Immigration/Naturalization Office for accountability and audit purposes.

To State Unemployment Compensation offices for verification of military service related information for unemployment compensation claims; Respective local state government offices for verification of Vietnam 'State Bonus' eligibility.

To the Office of Personnel Management for verification of military service for benefits, leave, or Reduction in Force purposes, and to establish Civil Service employee tenure and leave accrual rate.

To the Social Security Administration to substantiate applicant's credit for social security compensation; Local state office for verification of military service relative to the Soldiers and Sailors Civil Relief Act. Information as to name, rank, Social Security Number, salary, present and past duty assignment, future assignments that have been finalized, and office phone number may be provided to military financial institutions who provide services to DOD personnel. For personnel separated, discharged or retired from the Air Force, information as to last known address may be provided to the military financial institutions upon certification by a financial institution officer that the facility has a dishonored check or defaulted loan.

To the Selective Service Agencies for computation of service obligation.

To the American National Red Cross for emergency assistance to military members, dependents, relatives or other persons if conditions are compelling.

To the Department of Labor for claims of civilian employees formerly in military service, verification of service-related information for unemployment compensation claims, investigations of possible violations of labor laws and for pre-employment investigations.

To the National Research Council for medical research purposes.

To the U.S. Soldiers' and Airman's Home to determine eligibility.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file folders/ binders, cabinets and on computer and computer output products.

RETRIEVABILITY:

Information in the system is retrieved by last name, first name, middle initial and Social Security Number.

Records stored at National Personnel Records Center are retrieved by registry number, last name, first name, middle initial and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the records system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records stored in locked room, cabinets, and in computer storage devices protected by computer system software.

RETENTION AND DISPOSAL:

Those documents designated as temporary in the prescribing directive remain in the records until their obsolescence (superseded, member terminates status, or retires) when they are removed and provided to the individual data subject.

Those documents designated as permanent remain in the military personnel records system permanently and are retired with the master personnel record group.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel, Randolph Air Force Base, TX 78150–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/ Manpower and Personnel, Randolph Air Force Base, TX 78150–6001.

Individuals may also appear in person at the responsible official's office or the respective repository for records for personnel in a particular category during normal duty hours any day except Saturday, Sunday or national and local holidays. The Saturday and Sunday exception does not apply to Reserve and National Guard units during periods of training. The system manager has the right to waive these requirements for personnel located in areas designated as Hostile Fire Pay areas. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to or visit the Assistant Deputy Chief of Staff/Manpower and Personnel, Randolph Air Force Base, TX 78150–6001.

Individuals may also appear in person at the responsible official's office or the respective repository for records for personnel in a particular category during normal duty hours any day except Saturday, Sunday or national and local holidays. The Saturday and Sunday exception does not apply to Reserve and National Guard units during periods of training. The system manager has the right to waive these requirements for personnel located in areas designated as Hostile Fire Pay areas. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the subject of the file, supervisors, correspondence generated within the agency in the conduct of official business, educational institutions, and civil authorities.

EXEMPTION CLAIMED FOR THE SYSTEM:

None.

F035 AF MP D

SYSTEM NAME:

Officer Performance Report (OPR)/ Enlisted Performance Report (EPR) Appeal Case Files.

SYSTEM LOCATION:

Air Force Military Personnel Center, Randolph Air Force Base, TX 78150–6001; Air Reserve Personnel Center, Denver, CO 80280–5000, and Consolidated Base/Reserve Personnel Offices. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former officers and airmen of the Regular Air Force, the Air Force Reserve and the Air National Guard who appeal for correction of records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copy of individual application, supporting documents, endorsements by the CBPOs/CRPOs and correspondence reflecting the board's decision on the case, and other official records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; implemented by Air Force Regulation 31–11, Correction of Airman and Officer Evaluation Reports.

PURPOSE(S):

To answer individual inquiries concerning a particular appeal. At AFMPC and ARPC levels, records are used as a basis for consideration in preparation of Air Staff advisory opinions on OPR/EPR appeals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEMS:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system, and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

AFMPC and ARPC case files are maintained for three calendar years from date of last action as indicated in the file, then destroyed. At CBPOs/ CRPOs files are maintained for two calendar years from date of last action as indicated in the file, then destroyed. Destruction is by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff for Personnel, Randolph Air Force Base, TX 78150–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the Assistant Deputy Chief of Staff for Personnel, Randolph Air Force Base, TX 78150–6001 or to the CBPO/CRPO where appeal was processed. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Assistant Deputy Chief of Staff for Personnel, Randolph Air Force Base, TX 78150–6001 or to the CBPO/CRPO where the appeal was processed. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Member's application, endorsements by CBPO/CRPO, official records and documents from other sources, and correspondence reflecting the appeal board's decision. Also, when applicable, Air Staff advisory opinions furnished the Air Force Board for Correction of Military Records under the provisions of Air Force Regulation 31–3, Air Force Board for Correction of Military Records.'

EXEMPTIONS CLAIMED FOR THE SYSTEMS:

None.

F035 AF MP E

SYSTEM NAME:

United States Air Force (USAF) Airman Retraining Program.

SYSTEM LOCATION:

Headquarters United States Air Force, Air Force Manpower and Personnel Center (AFMPC), major command headquarters, and consolidated base personnel offices. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty enlisted personnel who apply for or are in retraining programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Request for Retraining/Lateral Training 7301: This mechanized report contains a broad spectrum of retraining data to track retraining movement between specialties; it also identifies individuals and Major Commands (MAJCOMs) involved; this data can provide detailed identification of retrainees, type of training, type of specialties and other desired data on retraining movement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 901, Training Generally; implemented by Air Force Regulation 39–4, Airman Retraining Program.

PURPOSE(S):

Used by military personnel officials at base, major command, and Headquarters AFMPC to evaluate decisions on retraining applications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are accessed by commanders of medical centers and hospitals.

RETENTION AND DISPOSAL:

Retained until training programs are completed or individual leave the Air Force.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual's application and official personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AF MP F

SYSTEM NAME:

Request for Selective Reenlistment Bonus (SRB) and/or Advance Payment of SRB.

SYSTEM LOCATION:

Consolidated base personnel offices at Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted members who are receiving Selective Reenlistment Bonus payments and/or request advance payment of one or more remaining installments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests for Selective Reenlistment Bonus (SRB) and/or Advance Payment of SRB.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C. 308, Special pay: Reenlistment bonus; implemented by Air Force Regulation 35–16, Volume I, USAF Reenlistment, Retention, and NCO Status Program .

PURPOSE(S):

Used by immediate commander, major command headquarters Retention/Reenlistment office, United States Air Force Deputy Chief of Staff/ Personnel, Reenlistments Branch, Randolph Air Force Base, TX 78150 to manage advance payment of Selective Reenlistment Bonus monies due in subsequent fiscal years.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained for two years after end of year in which the case was closed, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the servicing Consolidated Base Personnel Office. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the servicing Consolidated Base Personnel Office. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Member's application.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AF MP G

SYSTEM NAME:

Selective Reenlistment Consideration.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150 and consolidated base personnel offices at Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Initial enlistees within 15 months of original expiration term of service; second term career Airmen within 13 months of ETS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation of selective reenlistment consideration process.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 833, Enlistments.

PURPOSE(S):

Used by member's immediate supervisor, member's immediate commander, unit career advisor, base career advisor to determine member's reenlistment eligibility.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retrieved temporarily in member's Unit Personnel Records prior to reenlistment; permanently filed in Master Personnel Records at time of reenlistment, separation, discharge or retirement.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, Texas 78150.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, Texas 78150 or agency officials at the servicing Consolidated Base Personnel Office. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, Texas 78150 or agency officials at the servicing Consolidated Base Personnel Office. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Entries are made by the supervisor and commander, and acknowledged by the member.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AF MP H

SYSTEM NAME:

Air Force Enlistment/Commissioning Records System.

SYSTEM LOCATION:

At recruiting offices and Military Entrance Processing Stations (MEPS), Liaison Noncommissioned Officer (NCO) offices in all states.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for enlistment or commissioning programs.

VOL 58 ISS 33 FE 22 1993 UMI

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application, personal interview record (PIR) and supporting documents containing name, Social Security Number, finger prints, historical background, education, medical history, physical status, employment, religious preferences (optional), marital and dependency status, linguistic abilities, aptitude test results, parental consent for minors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 31, Enlistments; implemented by Air Force Regulation 33–3, Enlistment in the United States Air Force.

PURPOSE(S):

Information is collected by recruiters to determine enlistment/commissioning eligibility, and process qualified applicants. Personnel managers use as hard copy documentation of data entered in Personnel Data Systems (PDS). Personnel managers also use certain documents to determine classification and assignment actions after enlistment. All documents are source documents in determining benefits/entitlements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Files of applicants not enlisted are retained in the local recruiting office and destroyed after two years. Records of enlistees that are not forwarded to Master and Unit Personnel Records files are destroyed after two years, by tearing into pieces, burning, shredding, macerating or pulping.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Personnel for Military Personnel, Randolph Air Force Base, TX 78150–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the agency officials at respective recruiting office locations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the agency officials at respective recruiting office locations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual provides through written application or personal interview.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AF MP I

SYSTEM NAME:

Incoming Clearance Record.

SYSTEM LOCATION:

Consolidated base personnel offices at Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Record is established for each active duty Air Force member projected for arrival at a new duty location.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contains computer print-out, orders, documents received by the processing unit prior to members arrival.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; implemented by Air Force Regulation 35–17, Preparation of Personnel Selected for Relocation - Base Level Procedures.

PURPOSE(S):

To provide a central location for retaining documents received prior to a members physical arrival at joining installation of assignment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Record system is retained until arrival of the member, in-processing has been completed, all documents/components are accounted for. The record is then destroyed by tearing into small bits, pulping, shredding, burning, or macerating.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Special Orders and information extracted from Personnel Data System (automated record system).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AF MP J

SYSTEM NAME:

Absentee and Deserter Information Files.

SYSTEM LOCATION:

Absentee and deserter documents are maintained in the Unit Personnel Record Group at consolidated base personnel offices. Deserter information files are maintained at major commands of the parent unit of assignment. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Case files are maintained at the Air Force Military Personnel Center, Randolph Air Force Base, TX 78150–6001. Permanently retained documents are located at the National Personnel Records Center, Military Personnel Branch, 9700 Page Boulevard, St. Louis, MO 63132 and the Air Reserve Personnel Center, Denver, CO 80280.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty and inactive duty Air Force personnel who are or have been reported absent without leave or who have been administratively classified as a deserter.

CATEGORIES OF RECORDS IN THE SYSTEM:

Duty status change forms; Absentee Wanted by the Armed Forces forms; copy of unit commander's initial and follow-on Report of Inquiry. Includes information concerning circumstances surrounding the unauthorized absence and attempts to locate the individual; copy of notification letter to next of kin stating that member is considered in an administrative status of an unauthorized absentee or deserter; Federal Bureau of Investigation (FBI) and Office of Special Investigations (OSI) reports or extracts therefrom are included in some case files; correspondence administratively classifying the individual as a deserter, if appropriate; Report of Return of Absentee Wanted by the Armed Forces forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 47, Uniform Code of Military Justice, Sections 885, Desertion, 886, Absence without leave and 887, Missing movement; implemented by Air Force Regulation 35–73, Desertion and Unauthorized Absence.

PURPOSE(S):

Provides documentation and reference source for the administration of individuals administratively classified as deserters.

Used as basis for preparing statistical reports required by DOD, managers of unauthorized absentee programs, e.g., Major Commanders.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Changes in individual's status are reported to military, federal and civil law enforcement agencies to facilitate apprehension.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved alphabetically by last name.

SAFEGUARDS:

Records are accessed by the custodian of the record system, and by persons responsible for servicing the records system in the performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in file cabinets in buildings that are either locked or have controlled access entry requirements.

RETENTION AND DISPOSAL:

Documents originated at base level are maintained in the Military Personnel Records System. Major command files are maintained as temporary general correspondence files and destroyed by shredding one year after the calendar year in which the member returned to military control. Case files maintained at the Air Force Military Personnel Center (AFMPC/MPCAKP) are destroyed six months after the member is returned to military control; however, If additional accountable disclosures are made during that six month period the files are transferred to the Military Personnel Records System and retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Personnel for Military Personnel, Randolph Air Force Base, TX 78150–6001.

NOTIFICATION PROCEDURE:

During the period of unauthorized absence, no procedures exist for notifying individuals that a Deserter file is maintained on them unless address provided by requester. Subsequent to the member's return to military control individuals can contact the system manager or visit the locations identified above. Requests from individuals should be addressed to the Assistant Deputy Chief of Staff/Personnel for Military Personnel, Randolph Air Force Base, TX 78150–6001.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Personnel for Military Personnel, Randolph Air Force Base, TX 78150–6001.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Unit Commanders, Consolidated Base Personnel Office representatives, military and civilian law enforcement officials, and anyone who may report information concerning an absentee wanted by the Armed Forces.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AF MP K

SYSTEM NAME:

Relocation Preparation Project Folders.

SYSTEM LOCATION:

At Consolidated Base Personnel Offices (CBPOs) only. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Maintained on all active duty Air Force duty Air Force personnel selected for relocation as the result of retirement, separation, release from extended active duty, Permanent Change of Station (PCS), or Temporary Duty (TDY).

CATEGORIES OF RECORDS IN THE SYSTEM:

Relocation records may consist of checklist, orders and amendments, letters from agencies outside the CBPO regarding the member's relocation, record of emergency data, Records Transmittal/Request, servicemen's request for compensation from the Department of Veterans Affairs, PCS or TDY Levy Notification Letter/Brief, duplicates of correspondence directing/authorizing the relocation, Assignment Instruction Worksheet, Basic Assignment Eligibility Checklist, Assignment Preference Statement, Medical/Dental Clearance for Assignment to short-tour area, Medical and Educational Clearance for Dependent Overseas Travel, Overseas Tour Election Statement, Cancellation/Diversion of Assignment or change of reporting month and components of the Field Records Group for consolidation and forwarding to new location.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by and 8032, General duties; implemented by Air Force Regulation 35–17, Preparation of Personnel Selected for Relocation - Base Level Procedures.

PURPOSE(S):

Each type of relocation of Air Force personnel requires specific actions described either on a checklist or by sending a form letter to the applicable base activity having a responsibility for insuring accomplishment of the action.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Retrieved by name within departure month.

SAFEGUARDS:

Records are accessed by authorized personnel in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets/or rooms.

RETENTION AND DISPOSAL:

Records are maintained for a period of six months after departure of the member, then removed and destroyed by tearing into small bits, macerating, burning, shredding, or pulping.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150. Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150 or directly to agency officials at each respective location. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Individual can obtain assistance in gaining access from the system manager and individuals may deal directly with agency officials at each respective location.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Computer print-outs, information obtained from the unit personnel records, from the unit commander, the supervisor and from the member.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AF MP L

SYSTEM NAME:

Unfavorable Information Files (UIF).

SYSTEM LOCATION:

Complete UIFs are maintained in Consolidated Base Personnel Offices (CBPO), and in Orderly Rooms with Personnel Concept Three (PC III) capability. UIF summary sheets, a part of the UIF, are also maintained at Individual's unit of assignment (commander's copy); geographically separated units not co-located with a servicing CBPO; major commands of assignment for officers only, and at Headquarters Air Force Military Personnel Center (DPMOC), Randolph Air Force Base, TX 78150–6001, for colonels and colonel selectees. Official mailing addresses are published as an appendix to the Air Force compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel who are the subject of an UIF.

CATEGORIES OF RECORDS IN THE SYSTEM:

Derogatory correspondence determined as mandatory for file or as appropriate for file by an individual's commander. Examples include written admonitions or reprimands; court-martial orders; letters of indebtedness, or control roster correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Regulation 35–32, The Air Force Unfavorable Information File Program.

PURPOSE(S):

Reviewed by commanders and personnel officials to assure appropriate assignment, promotion and reenlistment considerations prior to effecting such actions. UIFs also provide information necessary to support administrative separation when further rehabilitation efforts would not be considered effective.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets and in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms. Computer records are protected by computer software.

RETENTION AND DISPOSAL:

UIFs are maintained for one year from the date of the most recent correspondence, except when the file contains documentation pertaining to Articles 15, Court-Martial or certain civil court convictions, in which case the retention period is two years from the date of that correspondence. Files are automatically destroyed upon separation or retirement, and on an individual basis when the individual's commander so determines. Destroy by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by degaussing or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Personnel, Randolph Air Force Base, TX 78150–6001.

NOTIFICATION PROCEDURE:

Personnel for whom optional UIFs exist are routinely notified of the existence of a file. In all cases personnel have had the opportunity or are authorized to rebut the correspondence in the file.

Individuals seeking to determine whether this system of records contains information about themselves should address inquiries to or visit the Assistant Deputy Chief of Staff/ Personnel, Randolph Air Force Base, TX 78150–6001, servicing CBPO, or to the Orderly Room at bases with PC III capability. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Personnel, Randolph Air Force Base, TX 78150–6001, the servicing CBPO, or to the Orderly Room at bases with PC III capability. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Supervisory reports or censures and documented records of poor performance or conduct.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AF MP M

SYSTEM NAME:

Officer Promotion and Appointment.

SYSTEM LOCATION:

Air Force Military Personnel Center, Randolph Air Force Base, TX 78150–6001 and headquarters of major commands and separate operating agencies. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force officers selected/ nonselected for active duty promotion or appointment; officers projected as eligible for promotion or appointment consideration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may consist of:

(1) Officer Selection Brief File. This file contains information extracted from the mechanized USAF Master Personnel File to include basic personnel, flying, and education data for each officer to be considered by a selection board for promotion or Regular Air Force appointment. The preselection brief is provided to each eligible officer in advance of presentation to the selection board. An updated selection brief is produced for actual board use. Copies of selection briefs are retained on microfilm. Additionally, a record copy of documentation accepted for manual posting of updates/corrections to the officer selection brief processed for board consideration is retained.

(2) Officer Promotions and Appointments Administrative Files. At the Air Force Military Personnel Center (AFMPC), this file includes copies of staff advisories provided to Secretary of the Air Force Board for Correction of Military Records containing promotion and appointment related information in response to specific points in an application, and background information and proposed responses to Congressional and high-level inquiries in the officer promotions and appointments area. At all levels, the file will include information and background relative to any propriety of promotion or appointment action (not qualified recommendation, removal action, delaying action, etc.) processed, and listings of officers eligible for promotion or appointment consideration.

(3) Regular Officer History Card File. This file contains a history card on each Regular Air Force Officer who was on active duty, Temporary Disability Retired List or missing in action as of January 1973. It contains name, Social Security Number, Promotion List Service Date (10 U.S.C. 8287), Adjusted Promotion List Service Date (PLSD) (10 U.S.C. 8303 or any other provision if applicable), source of commission, date of Regular Air Force acceptance, date of birth, promotion, category (Line, Medical Corps, etc.) (10 U.S.C. 8296), base retirement date (10 U.S.C. 8927), permanent grade history, temporary grade history to include dates of rank, effective dates and special orders announcing the promotion. Total Active Federal Commissioned Service Date, date officer was placed on or recalled from the Temporary Disability Retired List (if applicable). Regular Air Force Lineal Position Number, Presidential nomination date, Total Active Federal Service as of date of Presidential nomination, any commissioned service held prior to Regular Air Force appointment (if applicable), former service number if member of other than the Air Force, Public Law under which officer was appointed in the Air Force, remarks on correction to records from the Secretary of the Air Force Board for the Correction of Military Records, any adjustments to officer's record and reasons therefor.

(4) Air Force Confirmed Nomination Lists. This file includes all Senate confirmation nomination lists for officer appointments and promotions through the grade of colonel. This file contains the only existing official signed document reflecting Senate confirmation.

(5) Regular Air Force Officer Promotion List. The Regular Officer Promotion List (Lineal List) is a historical computer-generated product maintained at AFMPC displaying the names of all active duty Regular Air Force in lineal order (descending) by promotion category by permanent grade.

(6) Regular Air Force Appointment Management File. This file includes individual locator cards reflecting a Regular officer selectee's progress from selection by a board of officers to either acceptance or declination; Regular Air Force declination statements, and Regular Appoint Board work rosters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 35 and 837, Appointments as Reserve Officers; 10 U.S.C. 835, Appointment in the Regular Air Force; and 10 U.S.C. 839, Temporary Appointments. 37 U.S.C. 3, Basic Pay and Allowances of the Uniformed Services. 10 U.S.C. 79, Correction of Military Records; Section 628, Public

Law 96–513, The Defense Officer Personnel Management Act, December 12, 1980, as implemented by Air Force Regulation 36–89, Promotion of Active Duty List Officers, and E.O. 9397.

PURPOSE(S):

The Air Force operates basically a central selection process for active duty promotion of officers to grades 03–06, and all Regular Air Force appointments. Selection briefs are retained as a historical record of data presented to an officer selection board and, as such are used to validate completeness, accuracy, or omission of data reviewed by boards. Administrative files are used for research, precedence, and reference purposes.

Promotion/appointment propriety files are used to monitor completeness, legality, and processing timeliness of the actions. Generally, this records system contains information necessary to manage a diverse promotion and appointment program in a centralized environment. Board results to include names of selectees and statistical analysis of those results are made a matter of public record after appropriate approval of board proceedings. Results of the board are updated to the individual subject record in the Personnel Data System (PDS) after public release of the board proceedings.

Benchmark records are five records of officers from the lowest score category selected by each board and five records of officers from the highest score category not selected by each board captured on microfilm. For boards held prior to October 20, 1975, the benchmark records will consist of only the record for five officers from the lowest score category selected by the board. Benchmark records are used as directed by the Assistant Secretary to the DCS/Personnel for Special Review Board considerations and for Special Selection Boards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The names and Social Security Numbers of officers selected by central selection board for an active duty promotion, to grades above Captain, and Regular Air Force Appointment as well as officers to receive appointments in the Air Force requiring confirmation of such appointments by the Senate of the United States, are provided to the Office of the President of the United States for nomination and to the United States Senate for confirmation. This information will be published in the Congressional Record.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets, card files, on computer and computer output products.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by authorized personnel in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, or no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records will be destroyed by degaussing or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief or Staff/ Manpower and Personnel, Randolph Air Force Base, TX 78150–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/ Manpower and Personnel, Randolph Air Force Base, TX 78150–6001 or directly to agency officials at the respective system location. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Manpower and Personnel, Randolph Air Force Base, TX 78150–6001 or directly to agency officials at the respective system location. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system Manager.

RECORD SOURCE CATEGORIES:

All data contained on the Officer Selection and Preselection Briefs and various selection board computer products is directly extracted from the Headquarters Air Force Master Personnel File. Selection brief documentation backup files in the form of official correspondence, letters, or messages, properly authenticated by an appropriate personnel official, are generated, normally at the officer's request from the servicing Consolidated Base Personnel office. Information is obtained from HQ USAF and major command officer selection folders from special orders, oath of office signed by data subject, memorandums from the Secretary of the Air Force Board for Correction of Military Records, selection board reports. Data is obtained from appointment applications from data subject and from the Master Record Group of the applicable Service Department as concerns data subject.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AF MP N

SYSTEM NAME:

Individual Weight Management and Physical Fitness File.

SYSTEM LOCATION:

Air Force unit of assignment or attachment and servicing medical facility. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel; Air National Guard (ANG) and Air Force Reserve personnel who are enrolled in the Weight Management and/or Fitness Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individuals weight management/physical fitness record; letters informing individual of overweight/unfit status, changes in weight/fitness status, scheduling medical evaluation, documenting medical progress, copies of administrative actions taken and other pertinent documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; Powers and duties, delegation by; as implemented by Air Force Regulation 35–11, Air Force Weight Control and

Physical Fitness Program; and E.O. 9397.

PURPOSE(S):

To document individuals' progress in the Weight Management/Physical Fitness Programs. The file keeps individuals informed of weight loss and fitness goals in attaining maximum allowable weight, provides history of weight loss, fitness and counselling, and provides an input for medical determinations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on computer and computer output products.

RETRIEVABILITY:

Retrieved by name, Social Security Number and grade.

SAFEGUARDS:

Records are accessed by custodian of the records system and by person(s) responsible for servicing the records system in performance of their official duties who are properly screened and cleared for need-to-know. Records are controlled by personnel screening.

RETENTION AND DISPOSAL:

When a person achieves the prescribed weight standards or desired fitness level, file is retained for one year from removal from the Weight Management/Fitness Program and destroyed by unit; or destroyed upon retirement or separation by unit, whichever is earlier; or upon successful completion of probation and rehabilitation under Air Force Regulation 39–10.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force, Washington, DC 20330–5060.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force, Washington, DC 20330–5060 or to the Commander at the unit of assignment or attachment. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Include full name, grade, and Social Security Number. Personal visits require proof of identity with an Armed Forces Identification Card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address requests to the Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force, Washington, DC 20330–5060 or to the Commander at the unit of assignment or attachment. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Include full name, grade, and Social Security Number. Personal visits require proof of identity with an Armed Forces Identification Card.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals to whom the record pertains.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AF MP O

SYSTEM NAME:

Unit Assigned Personnel Information.

SYSTEM LOCATION:

Headquarters United States Air Force; major command headquarters; all Air Force installations and units, and headquarters of unified and specified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel, and Air Force Reserve and Air National Guard personnel. Air Force civilian employees may be included when records are created which are identical to those on military members. Army, Navy, Air Force and Marine Corps active duty military and civilian personnel assigned to headquarters of unified and specified commands for which Air Force is Executive Agent.

CATEGORIES OF RECORDS IN THE SYSTEM:

File copies of separation actions, newcomers briefing letters, line of duty determinations, assignment actions, retirement actions, in and out processing checklists, promotion orders, credit union authorization, disciplinary actions, favorable/unfavorable communications, record of counseling, appointment notification letters, duty status changes, applications for off duty employment, applications and allocations for school training, professional military and civilian education data, private weapons storage records, locator information including names of dependents, home address, phone number, training and experience data, special recognition nominations, other personnel documents, and records of training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Manual 30–3, Vol III, Mechanized Personnel Procedures, Air Force Manual 30–130, Vol I, Base Level Military Personnel System, and E.O. 9397.

PURPOSE(S):

Provides information to unit commanders/supervisors for required actions related to personnel administration and counseling, promotion, training, separation, retirement, reenlistment, medical examination, testing, assignment, sponsor program, duty rosters, and off duty activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, notebooks/binders, and card files.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Retained in office files until superseded, no longer needed, separation or reassignment of individual on permanent change of assignment (PCA) or permanent change of station (PCS). On intercommand reassignment PCA or PCS the file is given to individual or destroyed. On intracommand reassignment PCA or PCS the file is given to individual, forwarded to gaining commander, or destroyed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Deputy Chief of Staff/Personnel, Headquarters United States Air Force, Washington DC 20330–5060.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the system manager or to agency officials at location of assignment. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the system manager or to agency officials at location of assignment. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual concerned, financial institutions, educational institution employees, medical institutions, police and investigating officers, bureau of motor vehicles, witnesses, reports prepared on behalf of the agency, standard Air Force forms, personnel management actions, extracts from the Personnel Data System (PDS) and records of personal actions submitted to or originated within the organization.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AF MP P

SYSTEM NAME:

General Officer Personnel Data System.

SYSTEM LOCATION:

Headquarters, United States Air Force, Washington, DC 20330–5060, and Headquarters, Air Force Military Personnel Center, Randolph Air Force Base, TX 78150–6001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired, Active Duty, and Active Status Reserve of the Air Force General Officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Promotion board data; 'Career Brief' data/cards; officer military record; photographs; biographies; retirement letters; dependent data; education data; promotion orders; assignment orders; demotion data; frocking letters; case studies; language data; effectiveness reports, and promotion recommendations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 805, The Air Staff, and Air Force Regulation 36–9, General Officer Promotions and Evaluations.

PURPOSE(S):

To record active duty service and performance data about general officers for use in personnel management decisions and officer effectiveness, to include assignments, promotions and retirements.

To provide source data for preparing or compiling personnel management data to include career profiles, seniority and retirement lists, memorandums for record concerning actions taken on general officers and statistical analyses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Department of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets/card files, on microfilm, in computers and on computer output products.

RETRIEVABILITY:

Records are retrieved by last name and/or grade.

SAFEGUARDS:

Access to these records is given only to the Chief of Staff, Deputy chief of Staff/Personnel, Assistant for General Officer Matters, Chief of Air Force Reserve, Chief National Guard, and other persons responsible for servicing or reviewing the record system in performance of their official duties, who are properly screened and cleared for need-to-know.

RETENTION AND DISPOSAL:

Retired General Officer records are maintained indefinitely; retired Lieutenant General, Major General, and Brigadier General Officer records are retained for 3 years, then reviewed to determine if there are any materials of historical value which warrant indefinite retention. If not, records are destroyed by tearing into pieces, shredding, pulping or macerating. Computer records are destroyed by degaussing or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Personnel, Headquarters, United States Air Force, Washington, DC 20330–5060.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on them should address written inquiries to or visit the Deputy Chief of Staff/Personnel, Headquarters, United States Air Force, Washington, DC 20330–5060. For verification purposes, the individual should provide full name, Social Security Number, and active duty grade.

Individuals may also visit the Office of the Assistant for General Officer Matters, Room 4E212, The Pentagon, Washington, DC, to obtain information. A requester should present a military identification card when appearing in person for information

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to or visit the Deputy Chief of Staff/Personnel, Headquarters, United States Air Force, Washington, DC 20330–5060.

Individuals may also visit the Office of the Assistant for General Officer Matters, Room 4E212, The Pentagon, Washington, DC, to obtain information. A requester should present a military identification card when appearing in person for information.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation

12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personnel data base; member, and Inspector General's investigations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that disclosure would reveal the identity of a confidential source.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

F035 AF MP R

SYSTEM NAME:

Application for Appointment and Extended Active Duty Files.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, DC 20330–5120;

Air Force Military Personnel Center, Randolph Air Force Base, TX 78150–6001;

Air Reserve Personnel Center, Denver, CO 80280–5000;

Headquarters Air Force Reserve Robins Air Force Base, GA 31098–6001;

United States Air Force Recruiting Service, Randolph Air Force Base, TX 78150–5421;

Air National Guard Support Center, Andrews Air Force Base, Washington, DC 20331–6608.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) All applicants for appointment/reappointment as Reserves of the Air Force (ResAF) to United States Air Force Reserve (USAFR) or Air National Guard of the United States (ANGUS) affiliation; (2) all applicants for appointment/reappointment as ResAF to serve on extended active duty (EAD)-as medical service officers, chaplains, and judge advocates; (3) all USAFR and ANGUS members who apply for voluntary entry on EAD; (4) all commissioned officers of other uniformed services on EAD who apply for interservice transfer to serve on EAD with the USAF; (5) all commissioned officers and enlisted members of the USAF Reserve components, not on EAD, who apply for interservice transfer between Reserve components of the USAF.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application and supporting documents as applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 837, Appointment as Reserve Officers; Chapter 839, Temporary Appointments implemented by Air Force Regulation 36–15, Appointment in Commissioned Grades and Designation and Assignment in Professional Categories-Reserve of the Air Force and United States Air Force (Temporary). 10 U.S.C. 716, Commissioned officers transfer among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service, implemented by Air Force Regulation 35–39, Interservice and Intraservice Transfer of Uniformed Service Members. 10 U.S.C. 672(d), Reserve components generally; 689, Reserve officers; grade in which ordered to active duty; 50 U.S.C. App 454, Selective Service Act, Persons liable for training and service; App 456, Deferments and exemptions from training and service; implemented by Air Force Regulation 45–26, Voluntary Entry on Extended Active Duty of Commissioned Officers of the Air Reserve Forces.

PURPOSE(S):

Used to select, appoint or designate persons for the USAFR or ANGUS, for interservice/intraservice transfer, Ready Reserve assignment, or EAD.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

If selected for appointment/reappointment, extended active duty, USAFR or ANGUS affiliation, or interservice/intraservice transfer, records become the Master Personnel Record Group (MPerRGp) and are forwarded to the appropriate MPerRGp custodian. An abbreviated reference file of selected documents is maintained by the applicable utilization and assignment branch. If not selected, documents are retained for one year by the selection or appointment authority.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/Personnel, Randolph Air Force Base, TX 78150–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Personnel, Randolph Air Force Base, TX 78150–6001.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Personnel, Randolph Air Force Base, TX 78150–6001.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Member's application, letters of recommendation, results of National Agency Check and Military Personnel Records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(5).

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

F035 AFA A

SYSTEM NAME:

Cadet Personnel Management System.

SYSTEM LOCATION:

United States Air Force Academy (USAF Academy), CO 80840–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The Air Force Academy cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cadet Personnel Record (CPR) consisting of temporary and permanent forms and documents including the

CPR–1 which contains Oath of Allegiance; Cadet Acceptance Record; Statement of Consent; separation referral; appointment orders; disciplinary/punishment order; Commandant's Disciplinary Boards; disenrollment correspondence for reentry cadets; Declaration of Religious Denomination; Record of Emergency Data; Statement of Personal History; Certificates of Completion/Training; Serviceman's Life Insurance Election; citation/orders for decorations/awards; Language Proficiency Test; Statement of Travel; Ethnic/Race Identification; Disclosure of Cadet/Cadet Candidate Information; Cadet Outgoing Clearance; Separation Referral Checklist; Data for Parachutist Rating; Certificate of Release or Discharge; Application for ID Card; Line of Duty Determination; Individual Jump Records; USAF Drug Abuse Training Certificate; Squadron Change Order; Active Duty Service Commitment Acknowledgment Letter; Faculty Board Elimination from Flying Status; 10 U.S.C. Letter, World Service Life Insurance Election; small arms marksmanship training, and the CPR–2 which contains the Cadet Performance Report; Basic Cadet Evaluation Report; Cadet Conduct Summary; Cadet Interview/Evaluation; Cadet Personal Information; Evaluation of Cadet; Cadet Rating Form; Academic Probation Notification; Cadet Personal Data Summary Sheet; Individual Military Rating Summary; Conduct/Aptitude Probation Letters; Commandant's Disciplinary Boards (copies); Academy Board/Academic Review Committee actions (copies); Minutes of Eligibility Committee actions; Military Review Committee/Athletic Review Committee action; Upperclass Performance Summary; Professional Military Training Summary; Liaison Officer Candidate Devaluation; Evidence and statements gathered by the Honor Committee and a summary of the Honor Board proceedings; Summer Training Evaluation and Completion Record; current summer assignments and training preferences. Board Case File consists of proceedings, inquiries, and investigations; Counseling Record; Motor vehicle information, such as amount of loan, monthly payments, current financial data, insurance coverage, and record of accidents/citations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9331, Establishment; Superintendent; faculty;

10 U.S.C. 9349, Cadets: Organization; service; instruction, and E.O. 9397.

PURPOSE(S):

Used to evaluate and document cadet activity at the United States Air Force Academy.

Case files are used by Cadet Honor representatives to investigate possible violations of the Honor Code and as evidence at cadet Honor Hearings. The case summaries are used for statistical record keeping and training in each squadron of Honor Committee activities.

Used to maintain a record of summer training accomplishments and assign cadets to summer training program to insure each cadet meets this graduation requirement.

Case files are used in board (disenrollment) actions initiated against cadets; by USAF Academy Superintendent in making a decision to refer cadets to board of officers, and by the Office of the Secretary of the Air Force in making final decisions on disenrollment action.

Counseling record is used by counselors to maintain record of confidential transactions during counselling sessions. Used to record pertinent information about a cadet's motor vehicle and a summary of past driving record.

Provides authorities with immediate information concerning a cadet's motor vehicle for counseling and determining the cadet's financial ability to incur and repay a debt.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper files, in computers and on computer output products, cards and microform.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Permanent records are transferred to the Master Cadet Personnel Record which is retained permanently at the USAF Academy or placed in the officer's record. Any personal documents are returned to the individual. Temporary records are destroyed 90 days after graduation or disenrollment. Investigation files are destroyed after 1 year on first class cadets and after 6 months on second, third and fourth class cadets. Case files of Honor Hearings are destroyed after 5 years on guilty cases and after 1 year on not guilty and discretion cases. Summer training records are destroyed after 6 years on graduated cadets and after 4 years on disenrolled cadets. Case files on disenrolled cadets are transferred to the Master Cadet Personnel Record which is retained permanently at the USAF Academy. Case files on retained cadets are destroyed 3 months after cadet graduates. Counseling record is destroyed one year after graduation. Motor vehicle information is destroyed when superseded, no longer needed, or upon graduation, whichever is sooner. Records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by degaussing or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of Cadets, Deputy Chief of Staff/Personnel, and Dean of Faculty, United States Air Force Academy, CO 80840–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Commandant of Cadets, Deputy Chief of Staff/Personnel, and Dean of Faculty, United States Air Force Academy, CO 80840–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to or visit the Commandant of Cadets, Deputy Chief of Staff/Personnel, and Dean of Faculty, United States Air Force Academy, CO 80840–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual, counselors, educational

institutions, academy authorities, cadets, automated system interfaces, source documents (such as reports), and from instructors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure would reveal the identity of a confidential source.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

F035 AFA B

SYSTEM NAME:

Master Cadet Personnel Record (Active/Historical).

SYSTEM LOCATION:

United States Air Force Academy (USAF Academy), CO 80840–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former USAF Academy cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Active: Records used in the candidate selection process for the USAF Academy include high school records; admission test scores; candidate fitness test; medical qualification status; personnel data records; letter of recommendation and evaluation; personal data to include home address; telephone number; Social Security Number; population or ethnic group selections; height; weight; citizenship; statements of reasons for attending the Academy and preparatory school and college records, if applicable; service academy precandidate questionnaire; invitation to travel letter; transfer/validation credit information; Academy Board action; computer generated products containing academic grade information; parental addresses by state roster and verification of independent studies; computer listings of minority students by population or ethnic group; listings of international cadets; special order assigning cadets to the Cadet Wing; Cadet wing, squadron, and class alpha rosters, and matriculation rosters.

(2) Historical: Selected special orders (appointment, assignment, awards, separation, etc.); letters and records of resignation/separation actions, details of Honor violation (if applicable); selected letters to or from parents; Permanent Record Card; decisions of committees, boards, and investigations (if applicable); high school and college transcripts; College Entrance Examination Board test scores; personnel data records, and biographical data; computer generated products reflecting academic grade information; grade and quality point averages; course grade distributions; overall military and academic orders of merit; selected dependents on merit lists; military parents; cadets whose fathers are general officers; graduation data; majors awarded; types of degrees conferred, and documents pertaining to awards, academic and military honors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9331, Establishment; superintendent; faculty, and E.O. 9397.

PURPOSE(S):

(1) Active: These records form the nucleus of the Master Cadet Personnel Record for candidates selected to attend the Academy. These records are used to record the academic, athletic and military training histories of cadets who attend the Academy. They provide a means of checking the performance of each cadet, recording all grades for completed courses, computing grade point averages, identifying deficiencies, and insuring all requirements for graduation are met. Grade information is used by cadets, Academy instructors, counselors, and advisors in selecting majors, determining academic requirements for specific majors, and scheduling courses. Computer listings are also used by faculty and staff members to readily identify cadets by squadron, class, and population or ethnic group. Academic Review Committees and the Academy Board use these records to evaluate cadet performance and to determine eligibility for continuance at the Academy.

(2) Historical: These records form a complete history of each cadet who attended the Academy. They record academic, athletic, and military performance of each cadet and to coordinate statistics relating to cadet strength and attrition. Files are reviewed by organizations within the Department of Defense to determine qualifications for assignments; by Air Force Reserve Officer Training Corps (AFROTC), recruiting and medical services units to determine qualifications and eligibility for training programs and for military service, and by the Air Force Military Personnel Center (AFMPC) to confirm or recreate a military service record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Files are disclosed to the Federal Bureau of Investigation for conducting background investigations for security clearances, and to the Department of Veterans Affairs for determining eligibility for benefits.

Academic and personnel information is released to nominating officials, and to the Western Athletic Conference (WAC) officials on cadets participating in WAC-sponsored intercollegiate athletics.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in computers, on computer output products, and on microfilm.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system, by person(s) responsible for servicing the record system in performance of their official duties, who are properly screened and cleared for need-to-know. Records are stored in locked file containers, cabinets, vaults or rooms, and in computerized data storage devices controlled by computer system software.

RETENTION AND DISPOSAL:

Temporary documents are destroyed 90 days after disenrollment or graduation. Permanent documents are microfilmed one year after graduation. The microfilm is retained permanently in the office of the Registrar. Paper copy is destroyed after 6 years. Records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by degaussing or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, United States Air Force Academy, CO 80840–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to or visit the Registrar, United States Air Force Academy, CO 80840–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to or visit the Registrar, United States Air Force Academy, CO 80840–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from forms the individual fills out during the admissions process; other educational institutions; College Entrance Examination Board and American College Testing scores; Air Force medical examination; individual and personnel records; grades; tests; examinations given at the Academy; high school and college transcripts, and from actions taken by the Academy Board.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure would reveal the identity of a confidential source.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

F035 AFA C

SYSTEM NAME:

Prospective Instructor Files.

SYSTEM LOCATION:

United States Air Force Academy (USAF Academy), CO 80840–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel applying for instructor duty at the Air Force Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copy of Application for Instructor Duty; college transcripts; past Officer Effectiveness Reports; Officer Uniform Assignment Brief which may contain prior assignment information, aeronautical rating information, general personnel data including security clearance, date of birth, marital status, and promotion dates; correspondence between individual and department; evaluations on individual's suitability, and record of personal interview.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9331, Establishment; superintendent; faculty.

PURPOSE(S):

Used to determine qualification, availability and location of potential instructors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, or no longer needed for reference. Records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by degaussing or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Personnel, United States Air Force Academy, CO 80840–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Deputy Chief of Staff/Personnel, United States Air Force Academy, CO 80840–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to or visit the Deputy Chief of Staff/Personnel, United States Air Force Academy, CO 80840–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual, previous employers, educational institutions and source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AFCC A

SYSTEM NAME:

Scope Leader Program.

SYSTEM LOCATION:

At Headquarters Air Force Communications Command (AFCC/DPRO), Scott Air Force Base, IL 62225–6001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel, officer grade, assigned to Air Force Communications Command (AFCC).

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel selected as potential candidates for 'tough job' and commander positions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and Air Force Communications Command Regulation 500–16.

PURPOSE(S):

Used to monitor the assignment and replacement of unit Commanders in Air Force Communications Command (AFCC).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer and computer output products.

RETRIEVABILITY:

Retrievability based on presence of commander identification code. Computerized.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms and computer system requiring user codes and passwords for access.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, macerating, burning or degaussing. Also destroyed by degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Assignments, Deputy Chief of Staff Personnel, Headquarters, AFCC, Scott Air Force Base, IL 62225–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director of Assignments, Deputy Chief of Staff Personnel, Headquarters, AFCC, Scott Air Force Base, IL 62225–6001.

Individual should provide full name, rank and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director of Assignments, Deputy Chief of Staff Personnel, Headquarters, AFCC, Scott Air Force Base, IL 62225–6001.

Individual should provide full name, rank and Social Security Number.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AFOSI B

SYSTEM NAME:

Career Development Folder.

SYSTEM LOCATION:

Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officers on active duty and all reservists assigned to the Air Force Office of Special Investigations (AFOSI). Also includes those AFOSI officer special agents assigned to any Department of Defense (DOD) activity or DOD sponsored program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records concerning officers on active duty include records of counseling, Officer Career Objective Statements, career development patterns, military special orders, pertinent certificates of courses attended. Records concerning reservists include biographical information (personal and military), employment information, unique or special skills, and applicable career correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 275, Personnel Records, and Air Force Regulation 23–18, Air Force Office of Special Investigations.

PURPOSE(S):

To monitor and develop career progression. Used by career monitors to ascertain individual career objectives, to recommend job and school assignments, and to counsel personnel. Used by the Commander, supervisors, and personnel specialists in the assignment selection process based on individual eligibility, desires, and special qualifications. User determines if reservist is qualified to perform special reserve tour.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on computer and computer output products.

RETRIEVABILITY:

Retrieved by name and by Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets and in locked rooms. Records are controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files until reassignment outside of AFOSI or separation/retirement; records are destroyed within 90 days after such actions by tearing into pieces, shredding, pulping, macerating, burning or erasing magnetic disk.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Plans, Programs and Resources (XP), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief, Information Release Division (XPU), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Freedom of Information/Privacy Acts Release Branch (DADF), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data is extracted from individual training and military/civilian personnel records and voluntary data submissions by individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AFOSI C

SYSTEM NAME:

Informational Personnel Records.

SYSTEM LOCATION:

Air Force Office of Special Investigations, Washington, DC 20314.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All fraud, criminal, polygraph, technical services, and counterintelligence trained Air Force Office of Special Investigations (AFOSI) and USAF Defense Investigative Service (DIS) special agents.

VOL
58
ISS
33
FE
22
1993
UMI

CATEGORIES OF RECORDS IN THE SYSTEM:

Records for each special agent listing investigative schools attended and experience level attained, polygraph examiner training and performance records, records indicating personnel who have volunteered for the Counterintelligence Program and special agents in the program, and technical services training records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used by the Director of Fraud Investigations to program personnel for advanced fraud training and to identify personnel for assignment as fraud specialists, used by the Director of Criminal Investigations to evaluate polygraph examiner performance and to select polygraph examiners. Also used to determine polygraph examiner qualification for retention or termination as a certified Department of Defense polygraph examiner, used by the Director of Special Operations to program personnel for counterintelligence training and to identify volunteers for training in that area, and used by the Director of Technical Services to program personnel for advanced technical training and to identify personnel for assignment as technical services specialists.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and in card files.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in security file containers/cabinets, safes and in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Air Force Office of Special Investigations, Washington, DC 20314

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Commander, Air Force Office of Special Investigations, Washington, DC 20314

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Commander, Air Force Office of Special Investigations, Washington, DC 20314

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data is extracted from individual training and military/ civilian personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AFOSI D

SYSTEM NAME:

Internal Personnel Data System.

SYSTEM LOCATION:

HQ Air Force Office of Special Investigations (AFOSI), Bolling Air Force Base, DC 20332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel assigned to the Air Force Office of Special Investigations (AFOSI) and all Air Force military personnel assigned to the Defense Investigative Service (DIS).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records reflecting unit authorized positions and unit assigned personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, and Air Force Regulation 23–18, Air Force Office of Special Investigations.

PURPOSE(S):

To manage AFOSI and DIS personnel resources. Used by personnel specialists in all assignment and manning actions. Used to monitor special agent experience level at each operating installation. Used to publish strength accounting reports. Used by the Director of Fraud Investigations to manage fraud coded positions and personnel assigned to fraud operations. Also used to program personnel for advanced fraud training. Used by the Director of Criminal Investigations to manage criminal coded positions and to identify personnel for assignment as criminal specialists. Also used to program personnel for advanced criminal training. Used by the Director of Special Operations to manage counterintelligence and counterespionage positions and to identify personnel for assignment as specialists in these areas. Also used to program personnel for advanced training in these areas. Used by Budget and Accounting Specialists for tracking anticipated personnel travel funds associated with permanent change of station moves. Used by the Commander for locator purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer and on computer paper printouts.

RETRIEVABILITY:

Retrieved by name, Social Security Number or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Plans, Programs and Resources (XP), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief, Information Release Division (XPU), HQ Air Force Office of Special Investigations, Bolling, DC 20332.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Freedom of Information/Privacy Acts Release Branch (DADF), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data is extracted from individual military/civilian personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AFRES A

SYSTEM NAME:

Personnel Interview Record.

SYSTEM LOCATION:

All Air Force Reserve recruiting locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All USAF Reserve non prior service and prior service applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data on military and civilian history for interviewing and tentatively qualifying a prospect.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, and E.O. 9397.

PURPOSE(S):

Used for interviewing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in case files.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Retained in office files for 1 year after cutoff for permanently disqualified applicant, or 1 year after separation.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, HQ AFRES/RS, Robins AFB, GA 31098–6001.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the Commander, HQ AFRES/RS, Robins AFB, GA 31098–6001.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Commander, HQ AFRES/RS, Robins AFB, GA 31098–6001.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AFRES B

SYSTEM NAME:

Recruiters Automated Management System (RAMS).

SYSTEM LOCATION:

Headquarters, Air Force Reserve (HQ AFRES), Robins AFB, GA 31098–6001, and input and output terminals located at each Reserve recruiting operating location. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former officers and enlisted personnel from all branches of the services making application for assignment to the Air Force Reserve; non prior service personnel making application for the Air Force Reserve; and Air Force personnel on Reserve recruiting duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records for high school seniors who are Armed Services Vocational Aptitude Battery tested and meet the basic Air Force Reserve enlistment criteria showing name, mailing address, test scores, and location of high school. Enlistment processing records for prior service Air Force and other military services, and non prior service personnel, showing name, Social Security Number, mailing address, ZIP Code, educational level, processing date, lead source code, and other personal data such as date of birth, sex, phone number, number of years of prior service, Military Occupation (MOS) Specialty or Air Force Specialty Code (AFSC) held, duty AFSC, and date of enlistment. Resumes and other data elements to record name, date of birth, service dates, assignment status, grade, salary, promotion and step increase dates, occupational series, AFSC or MOS, skill level, position title, educational level, professional/scientific status, special training awards, publications, handicap, minority and sex codes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, and 10 U.S.C. 503, Enlistments: Recruiting campaigns, and E.O. 9397.

PURPOSE(S):

Provides data concerning the professional qualifications for selection and utilization of personnel, for position management and to perform certain scientific and technical research efforts in program support.

To furnish leads to field recruiters from various advertising campaigns and other sources. To track leads to ensure follow-up by recruiters. To provide recruiters with management tools to follow-up on recruiting programs. To determine which sources of leads produce the greatest number of accessions. To provide a system by which resources areas may be mechanized and managed more efficiently. Used to prepare requests for enlistments data trends. Records are also used for statistical compilations to ensure quality review of recruiting work-flow/products.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in a mainframe computer system at HQ Air Force Reserve, Robins AFB, GA and on paper output products at each Recruiting operating location.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed through computer run scheduling arrangements by persons responsible for servicing the system in performance of their official duties. Computer paper printouts are distributed only to authorized users. Records are physically safeguarded by controlled access to the computer facility, secured buildings, and locked rooms.

RETENTION AND DISPOSAL:

Enlistment processing records are retained until no longer needed for recruiting purposes; recruiter records are retained for one year after individual is removed from recruiter production status. These retentions are built into the computer system program with automatic software controlled deletions from the machine-readable record. Recruiter information is retained in computer file or office file until reassignment or separation when it is destroyed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, HQ AFRES/RS, Robins AFB, GA 31098.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the Commander, HQ AFRES/RS, Robins AFB, GA 31098.

Requests must contain full name and current mailing address.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Commander, HQ AFRES/RS, Robins AFB, GA 31098.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from military and civilian personnel records, and managers and supervisors of individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AFSC A

SYSTEM NAME:

Personnel Management Information System for AFSC Commanders.

SYSTEM LOCATION:

AFSC Headquarters, Divisions, Centers, and Laboratories.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force officer, enlisted, and civilian personnel assigned to or scheduled for assignment to various AFSC organizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resumes and other data elements to record name, date of birth, service dates, assignment status, grade, salary, promotion and step increase dates, occupational series, AFSC, skill level, position title, educational level, professional/scientific status, special training, awards, publications, handicap, minority and sex codes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Provides data concerning the professional qualifications for selection and utilization of assigned personnel, for position management, and to perform certain scientific and technical research efforts in program support.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to prepare nominations for honors and as awards, and as background for evaluating requests for admission to professional societies or professional training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer and computer output products and in binders or file cabinets.

RETRIEVABILITY:

Normally, data is retrieved by use of non-personal information, such as organizational unit, occupational series, grade, or other workforce characteristics, but may be retrieved by name, Social Security Number, or position member.

SAFEGUARDS:

(1) Records are accessed by the records custodian or by other persons responsible for servicing the records system in performance of their official duties. (2) Records are controlled by personnel screening and by computer system software. (3) Records are maintained in locked cabinet or other secured containers.

RETENTION AND DISPOSAL:

Retained in computer file or secured office file until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating or burning. Upon reassignment or separation, information in the computer file relating to the individual is deleted from the data base.

SYSTEM MANAGER(S) AND ADDRESS:

Commanders, Executive Officers, Product Managers of various AFSC subordinate organizations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the specific manager/Record Custodian at subordinate AFSC organizations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Commanders, Executive Officers, Product Managers of various AFSC subordinate organizations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information will be obtained from military and civilian personnel records, managers and supervisors of individuals on a voluntary basis.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 ARPC A

SYSTEM NAME:

Administrative Discharge for Cause on Reserve Personnel.

SYSTEM LOCATION:

Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000 (for non-unit assigned personnel), and Headquarters Air Force Reserve, Robins AFB, GA 31098–5000 (for unit assigned personnel).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Board proceedings, board waiver, recommendations, and other records which result in discharge.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1162, Reserves: Discharge; 1163, Reserve components; members; limitations on separation as implemented by Air Force Regulations 35–41, Vol III, Separation Procedures for USAFR Members; 35–24, Disposition of Conscientious Objectors; Headquarters Air Reserve Personnel Center Regulation 45–19, Discharge for Inability to Locate, and E.O. 9397.

PURPOSE(S):

To effect the administrative separation of officer members of the United States Air Force Reserve (USAFR) from their appointment as Reserve officers and to effect the administrative separation of enlisted members of the USAFR from their enlistment as Reserve members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name and by Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Records are protected by guards.

RETENTION AND DISPOSAL:

Retained in office files for 1 year after annual cutoff, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. HQ AFRES forwards copies of actions resulting in discharge to the HQ ARPC for inclusion in the individual's Master Personnel Record Group. Individual's military personnel record is then forwarded to the National Personnel Record Center, 9700 Page Boulevard, St Louis, MO 63132–2001 for permanent storage.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters Air Reserve Personnel Center, Denver CO 80280–5000, and Vice Commander, Robins Air Force Base, GA 31098–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000 (non-unit assigned personnel), or the Chief, Personnel Actions Division, Robins AFB, GA 31908–5000 (unit assigned personnel).

Written requests should contain full name, Social Security Number, current mailing address, and the case (control) number on correspondence received from the Center, if applicable.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000 (non-unit assigned personnel), or the Chief, Personnel Actions Division, Robins AFB, GA 31908–5000 (unit assigned personnel). Records may be reviewed in the Records Review Room, Headquarters Air Reserve Personnel Center, Denver, CO between 8 a.m. and 3p.m., or at HQ AFRES/DPAA, Robins AFB, GA between 8a.m. and 4:45 p.m. on normal workdays.

Requester must be able to provide sufficient proof of identity, with an Armed Forces identification card or a drivers license.

CONTESTING RECORD PROCEDURE:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions, police and investigating officers and from witnesses.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 ARPC B

SYSTEM NAME:

Informational Personnel Management Records.

SYSTEM LOCATION:

Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000; Headquarters United States Air Force, Office of Air Force Reserve, Washington, DC 20330–5000; United States Air Force Academy, CO 80440–5000; major commands, and major subordinate commands. Official mailing addresses are published as an appendix to the Air Force's compilation of record system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve and Air National Guard personnel. Civilian/active military applicants to the Air Force Reserve. Retired and former Air Force military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Officer and airman assignment files which includes correspondence; memos; completed forms; messages; vacancy authorization data for assignment approvals/disapprovals; waivers; manning assistance; discharges; screening data; orders; evaluation reports; documents changing training category; personnel data; photographs; chaplain ecclesiastical endorsement; record of security clearance; miscellaneous correspondence to and from individual; documents pertaining to individual that are not authorized for inclusion in other military personnel record systems; case file of Reserve personnel placed on active duty containing copies of special

VOL 58 ISS 33 FE 22 1993 UMI

and Reserve orders; correspondence; documents complete with information used for travel overseas; assignment instructions; list of actions taken by technician; board actions on involuntary airmen; certified receipts acknowledgment of receipt of special orders card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 262, Purpose; 274, Retired Reserve; 275, Personnel records; 672, Reserve components generally; 673, Ready Reserve; 2001, Reserve components; 8013, Secretary of the Air Force: powers and duties; delegation by; 8067, Designation: officers to perform certain professional functions, as implemented by Air Force Regulations 35–41, Vol I, Assignments Within the Reserve Components; AFR 35–41, Vol II, Reserve Personnel Policies and Procedures - Reserve Training; AFR 35–44, Military Personnel Records System, and E Os 9397 and 11366.

PURPOSE(S):

Used to determine eligibility/suitability for assignment/reassignment with the Air Force Reserve; determine eligibility for retired related action, to make determinations on discharges or mobilization, deferments, fulfillment of statutory requirements, voluntary and involuntary order to extended active duty (EAD) and temporary release, status of active duty tour, position occupied; training reports. These include but are not limited to members participating in the Chaplain, Judge Advocate, Surgeon General Program. Records maintained as a historical file. Answers to correspondence/telephone inquiries; updating and/or changing information in computer and/or individual Reservist record. Used as a reference file to answer inquiries from Reservist being called to active duty, to send gaining active units additional copies as requested, used as substantiating documents to show action was taken in accordance to prescribing directives. Information on personnel in the Chaplain, Judge Advocate, Surgeon General and other officer management programs is used by personnel responsible for program in order to assist Reservists in their careers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders/card files/note books/binders and in visible file binders/cabinets.

RETRIEVABILITY:

Retrieved by name and/or by Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Records are protected by guards.

RETENTION AND DISPOSAL:

Retain in office files until inactivation, reassignment or separation, no longer needed for reference or one year after annual cutoff. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters Air Reserve Personnel Center, Denver, CO 80208–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000, or to agency officials at location of assignment.

Written requests should contain full name, Social Security Number, current mailing address, and the case (control) number on correspondence received from the Center, if applicable.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000, or to agencies officials at location of assignment. Records may be reviewed in the Records Review Room, Headquarters Air Reserve Personnel Center, Denver, CO, between 8a.m. and 3p.m. on normal workdays.

Requester must be able to provide sufficient proof of identity, with an Armed Forces identification card or a drivers license.

CONTESTING RECORD PROCEDURE:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information supplied by individual as relates to but not limited to requesting assignment, application for retirement, military orders, personnel data, master personnel record, correspondence, statement of military service from other military components; annual survey and Advance Personnel Data System, correspondence from serving Consolidated Base Personnel Office/Consolidated Reserve Personnel Office and major command units. Instructions from Air Force Military Personnel Center, Randolph Air Force Base, TX 78150–6001, instructions and board actions from Air Force Reserve, Robins Air Force Base, GA 31098–6001, Air Force Training Corps/SDAA, Maxwell Air Force Base, AL 36112–6678, the National Guard Bureau, Washington DC 20331–6008, major air commands, and from HQ USAF/JAEC, Washington DC 20314–5000. Information from source documents prepared on behalf of the Air Force Advance Personnel Data System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 ARPC C

SYSTEM NAME:

Correction of Military Records of Officers and Airmen.

SYSTEM LOCATION:

Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve personnel and Air National Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files containing letters from individual Reservist requesting correction of military record, related documents and replies to Reservist.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 275, Personnel records, as implemented by Air Force Regulation 31–3, Air Force Board for Correction of Military Records, Headquarters Air Reserve Personnel Center Regulation 45–4, Correction of Military Records, and E.O. 9397.

PURPOSE(S):

Used by office managers and section supervisors and technicians to process correction of Reserve records when requested. Base files are sent to Air Force Military Personnel Center,

Randolph AFB, TX 78150–6001 for final action.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Records are protected by guards.

RETENTION AND DISPOSAL:

Destroyed after 3 years by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000.

Written requests should contain full name, Social Security Number, current mailing address, and the case (control) number on correspondence received from the Center, if applicable.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000. Records may be reviewed in the Records Review Room, Headquarters Air Reserve Personnel Center, Denver, CO, between 8 a.m. and 3 p.m. on normal workdays.

Requester must be able to provide sufficient proof of identity, with an Armed Forces identification card or a drivers license.

CONTESTING RECORD PROCEDURE:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From subject of the record and military personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 ARPC D

SYSTEM NAME:

Data Change/Suspense Notification.

SYSTEM LOCATION:

Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and forms used to record discrepancies or changes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 275, Personnel records, as implemented by Air Force Regulation 35–41, Vol I, Assignments Within the Reserve Components; Headquarters Air Reserve Center Regulation 45–7, Annual Surveys of Non-EAD Reservists, and E.O. 9397.

PURPOSE(S):

To resolve discrepancies detected during annual records review.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in the performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets and are protected by guards.

RETENTION AND DISPOSAL:

Retained in office files for 1 year after annual cutoff, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters Air Reserve Personnel Center, Denver, CO 80208–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000.

Written request should contain full name, Social Security Number, current mailing address, and the case (control) number on correspondence received from the Center, if applicable.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000. Records may be reviewed in the Records Review Room, Headquarters Air Reserve Personnel Center, Denver, CO between 8 a.m. and 3 p.m. on normal workdays.

Requester must be able to provide sufficient proof of identity, with an Armed Forces identification card or a drivers license .

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from source documents prepared on behalf of the Air Force Advanced Personnel Data System or supplied by Reservist.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 ARPC E

SYSTEM NAME:

Flying Status Actions.

SYSTEM LOCATION:

Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve and Air National Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and related documents pertaining to request for suspension, non-rated officer utilization, aeronautical rating data documents that pertain to aeronautical ratings or suspensions and request for update of the uniform officer record and applications for other flying status/actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C 275, Personnel records as implemented by Air Force Regulation (AFR) 60–13, Aviation Service, Aeronautical Ratings and Badges; AFR 60–1, Flight Management, and E.O. 9397.

PURPOSE(S):

To record each member's flying pay entitlement status and to monitor continuing entitlement in accordance with existing directions; to record each individual's flying activities, both hours and specific events, and provide indications of successful attainment of standards or deficiencies; to determine each rated member's eligibility to perform operational flying in accordance with existing USAF directives, and to provide each applicable individual and manager with all aviation career profile information needed to monitor flying career development, professional qualifications and training deficiencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software. Records are protected by guards.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000.

Requests should contain full name, Social Security Number, current mailing address, and the case (control) number on correspondence received from the Center, if applicable.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000. Records may be reviewed in the Records Review Room, Headquarters Air Reserve Personnel Center, Denver, CO, between 8 a.m. and 3 p.m. on normal workdays.

Requester must be able to provide sufficient proof of identity, with an Armed Forces identification card or a drivers license.

CONTESTING RECORD PROCEDURE:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from source documents prepared on behalf of the Air Force Advanced Personnel Data System or supplied by Reservist.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 ARPC G

SYSTEM NAME:

Officer Promotions.

SYSTEM LOCATION:

Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000; Washington National Records Center, Washington, DC 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty officer personnel. Air Force Reserve and Air National Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Proceedings, findings and related documents such as rosters, board membership and board support and orders announcing promotion.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8362, Commissioned officers: Selection boards; 8366, Commissioned officers: Promotion to captain, major, or lieutenant colonel; 8367, Commissioned officers: Promotion to captain, major, or lieutenant colonel; selection board procedures; 8371, Commissioned officers: Air Force Reserve; promotion to colonel as implemented by Air Force Regulation 36–11, Reserve of the Air Force Officer Promotions, and E.O. 9397.

PURPOSE(S):

Used by promotion division personnel in preparation for promotion boards and by the actual promotion board when convened.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and in note books/binders.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Records are protected by guards.

RETENTION AND DISPOSAL:

Retained in office files for 2 years after annual cutoff, then retired to Washington National Records Center, Washington DC 20409, for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000.

Written requests should contain full name, Social Security Number, current mailing address, and the case (control) number on correspondence received from the Center, if applicable.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000. Records may be reviewed in the Records Review Room, Headquarters Air Reserve Personnel Center, Denver, CO, between 8 a.m. and 3 p.m. on normal workdays.

Requester must be able to provide sufficient proof of identity, with an Armed Forces identification card or a drivers license.

CONTESTING RECORD PROCEDURE:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From military personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None

F035 ARPC I

SYSTEM NAME:

Requests for Discharge from the Air Force Reserve.

SYSTEM LOCATION:

Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000 (non-unit assigned personnel). Headquarters, Air Force Reserve (HQ AFRES), Robins Air Force Base, GA 31098–6001 (unit assigned Personnel).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications and other documents relating to discharge or separation by reason of dependency or hardship or for the convenience of the government.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 275, Personnel records, and E.O. 9397.

PURPOSE(S):

To effect the administrative separation of officer and enlisted members of the United States Air Force Reserve who requests discharge or separation by reason of dependency or hardship or for the convenience of the government from their appointment as Reserve members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms, cabinets, and in computer storage devices protected by computer system software.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cutoff, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. HQ AFRES forwards copies of actions resulting in discharge to the HQ ARPC for inclusion in the individual's Master Personnel Record Group. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000, and Vice Commander, HQ AFRES, Robins Air Force Base, GA 31098–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000 (non-unit assigned personnel) or the Chief, Personnel Actions Division, Robins Air Force Base, GA 31098–6001 (unit assigned personnel).

Written request for information should contain full name of individual, Social Security Number, current address, and the case (control) number shown on correspondence received from HQ ARPC or HQ AFRES (if applicable). For personal visits, the individual should provide current Reserve identification card and/or drivers license.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Records manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000 (non-unit personnel) or to HQ AFRES/DPAA, Robins Air Force Base, GA 31098–6001 (unit assigned personnel).

Records may be reviewed in the Records Review Room, Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000, between 8 a.m. and 3 p.m. on normal workdays, or at HQ AFRES/DPAA, Building 210, Robins Air Force Base, GA 31098–6001, from 8 a.m. to 4:45 p.m. on normal workdays.

Individuals desiring to see their records should provide a current Reserve identification card and/or drivers license.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b, or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from source documents prepared on behalf of the Personnel Data System or supplied by Reservist.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 ATC B

SYSTEM NAME:

Air Force Junior ROTC (AFJROTC) Applicant/Instructor System.

SYSTEM LOCATION:

Air Force Reserve Officer Training Command/OTJI, Maxwell Air Force Base, AL 36112.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AFJROTC instructor applicants and instructors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for AFJROTC instructor duty, processing checklist, applicant

evaluation forms, interview record, last 10 Airman Performance Reports or Officer Effectiveness Reports or summary of last 10 reports which includes period of supervision and overall evaluation, letter requesting Defense Central Index of Investigation (DCII) name check, photograph, Report of Separation from Active Duty, Retirement Order (if applicable), Commander's recommendation (for noncommissioned officers on active duty only), miscellaneous correspondence such as resume and letter of recommendation, copy of AF retirement physical and Physical Evaluation Board Findings if applicant is retired with 30 percent or more disability awarded by VA, letter requesting medical evaluation of AFJROTC instructor applicants for personnel retired with 30 percent or more disability, letter verifying dependents, instructor preference card, instructor intent letter, contract data cards, termination letters, certification certificates, AFROTC Form 0–217, Change in AFJROTC Instructor Status, AFROTC Form 0–214, AFJROTC Instructor Contract Card, AFROTC Form 98 or 0–218, Air Force Junior ROTC Instructor Evaluation Report, letters pertaining to appeals of ratings and/or comments on AFROTC Form 98 or 0–218 and instructor termination questionnaire.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 102, Junior Reserve Officers' Training Corps; and Air Force Regulation 45–39, Air Force Junior Reserve Officers' Training Corps.

PURPOSE(S):

Used to evaluate applicant qualifications for employment as AFJROTC instructors. Also used to determine if instructor is meeting Air Force standards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, and on computer magnetic tape and computer printouts.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

AFROTC/OTJI, Maxwell Air Force Base, AL 36112.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Air Force Reserve Officer Training Command/OTJI, Maxwell Air Force Base, AL 36112.

Individuals who write must furnish name, grade, Social Security Number, unit of assignment and address. Visitors must show armed forces identification card and some additional source of positive identification

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Air Force Reserve Officer Training Command/OTJI, Maxwell Air Force Base, AL 36112.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, financial institutions, educational institutions, police and investigating officers, the bureau of motor vehicles, a state or local government, witnesses and from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 ATC C

SYSTEM NAME:

Air Force Reserve Officer Training Corps Qualifying Test Scoring System.

SYSTEM LOCATION:

HQ AFROTC/RRFA, Maxwell Air Force Base, AL 36112–6663, and portions pertaining to each AFROTC detachment located at the respective detachment. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices. Air Force Human Resources Laboratory, Brooks Air Force Base, TX 78235–5601 is official repository for permanent record of all Air Force Officer Qualifying Test scores.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force applicants testing at Air Force detachments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, detachment, date of test, test scores, Social Security Number, air science year, number of test administrations, institution category, race, sex, marital status, education level, and program applying for.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 103, Senior Reserve Officers' Training Corps; Military Selective Service Act of 1967, Section 6, (50 U.S.C. 456); 10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and Air Force Regulation 45–48, Air Force Reserve Officer Training Corps (AFROTC), and E.O. 9397.

PURPOSE(S):

Scores are used to evaluate applicants against criteria for entrance into AFROTC, and as a measure of quality. Scores are entered in cadet records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, visible file binders/cabinets, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name and Social Security Number, location of test administration and date of testing.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who

are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

HQ AFROTC/RRAF will maintain records of scores attained on tests administered at AFROTC detachments for a period of four years or when no longer needed for research. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Cadet Appointments and Special Actions Branch, HQ AFROTC/RRFA, Maxwell Air Force Base, AL 36112–6663.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Chief, Cadet Appointments and Special Actions Branch, HQ AFROTC/RRFA, Maxwell Air Force Base, AL 36112–6663 or to agency officials at detachment of assignment. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

Requests should include full name, Social Security Number, location of test administration, and date of testing.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Chief, Cadet Appointments and Special Actions Branch, HQ AFROTC/RRFA, Maxwell Air Force Base, AL 36112–6663 or to agency officials at detachment of assignment. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

Requests should include full name, Social Security Number, location of test administration, and date of testing.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual's knowledge of subject being tested.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 ATC D

SYSTEM NAME:

Basic Trainee Interview Record.

SYSTEM LOCATION:

United States Air Force Recruiting Service Liaison Office (USAFRS/RSL), Lackland Air Force Base, TX 78236–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Air Force Basic Trainees who register complaints concerning their enlistment in the United States Air Force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records resulting from personal interviews with basic trainees who file complaints about their enlistment, including, but not limited to, investigations on each complaint, conclusions and recommendations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 503, Enlistments: Recruiting campaigns; Air Training Command Regulation 33–2, Recruiting Procedures for the United States Air Force, and E.O. 9397.'

PURPOSE(S):

Provides a record of interviews with basic trainees who register complaints about the enlistment procedure. The data is used by the Recruiting Service Liaison Office to investigate the complaints and keep the Commander, United States Air Force Recruiting Service advised of the nature of complaints being received. It is also used as the basis for making procedural changes in the United States Air Force Recruiting Service when a trend develops in a specific area.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Records are cut off at the end of each calendar year in which case files are closed, held for one additional year, then destroyed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, United States Air Force Recruiting Service Liaison Office (USAFRS/RSL), Lackland Air Force Base, TX 78236–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Superintendent, United States Air Force Recruiting Service Liaison Office (USAFRS/RSL), Lackland Air Force Base, TX 78236–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Superintendent, United States Air Force Recruiting Service Liaison Office (USAFRS/RSL), Lackland Air Force Base, TX 78236–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records contain specific complaints/allegations made by the individual and responses to the complaints/allegations by appropriate Air Force Recruiting Service personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 ATC G

SYSTEM NAME:

Recruiting Activities Management Support System (RAMSS).

SYSTEM LOCATION:

HQ United States Air Force Recruiting Service, Directorate of Recruiting, Randolph Air Force Base, TX 78150–5421, and recruiting activities. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

VOL 58 ISS 33 FE 22 1993 UMI

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force enlisted personnel entering active duty. Individuals tested and processed for Air Force enlistment. Potential Air Force enlistees qualified through the Armed Services Vocational Aptitude Battery (ASVAB) high school testing program. Other military services Delayed Enlistment Program (DEP) and active duty enlistees. Applicants for Air Force officer commissioning programs. Air Force enlisted personnel on recruiting duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Air Force enlistment processing records showing name, Social Security Number, scores on all qualification tests, physical job qualifications, job preferences, jobs offered, jobs accepted, other personal data relevant to jobs offered, recruiting and processing locations, education data, and dates of processing.

Airman trainee history records containing name, Social Security Number, and other personnel data for assignment from basic military training, revised job preferences, security clearance investigations, dependent data, education, test scores, grade and promotions, biographical history, physical information, drug abuse history, enlistment personal and guaranteed training enlistee program data, separation data, classification data, service dates, technical school eliminations, separations, honor graduates, and Article 15/courts-martial actions.

Records for high school seniors who are ASVAB tested and meet the basic Air Force enlistment criteria showing name, mailing address, test scores, and high school where tested.

Enlistment processing records for other military services showing Social Security Number, name, state and county of residence, test scores, educational level, physical profile, processing date and location, prior service, and other personal data such as age, sex, race, marital status, and number of dependents.

Officer applicant records showing Social Security Number, name, and other educational and personal data necessary for the processing of candidates for commissioning as Air Force Officer.

Air Force enlisted recruiter individual records showing such items as Social Security Number, name, recruiting office assigned, and date assigned to Recruiting Service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 503, Enlistments: Recruiting campaigns, and Air Training Command Regulation 33–2, Recruiting Procedures for the United States Air Force, and E.O. 9397.

PURPOSE(S):

To furnish leads to the field recruiters derived from the high school ASVAB testing program, evaluate Air Force recruiters on effectiveness of screening out potential under/overweight applicants, evaluate recruiter's and job counselor's activity and efficiency levels, analyze pre-enlistment job cancellations for common reasons, analyze post-enlistment training pipeline attritions for common reasons, evaluate Air Force job reservation pool and past enlistments for effect of potential changes in enlistment policies in areas such as mental qualifications and physical qualifications, evaluate interservice recruiting performance, screen other service enlistees from Air Force advertising lead files, determine pass/fail rates for mental and physical testing, track training performance of Air Force enlistees, study the correlation of job held with performance on the job, study correlation of quality indicators with post-enlistment performance, feedback to field recruiters of individual records on all training attritions, and analyze advertising responses.

Used by the personnel record maintenance activity to cross-check file completeness and accuracy. Individual records are aggregated into various statistical analyses for all levels to ascertain recruiting and seasonal procurement trends, to predict future potential developments, and to assist in the development of procurement, classification, and assignment policies for Air Force military personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Enlistment processing records and recruiter records are retained until no longer needed; recruiter personnel records are retained for one year after individual is removed from recruiter production status; potential enlistee records and high school test records are retained for two years or when no longer needed, whichever is sooner; advertising lead records are retained for two years after end of FY and interservice recruiting records are retained for three months after the end of the month case file was received by the recruiter. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting. These retentions are built into the computer system program with automatic software controlled deletions from the machine-readable record.

SYSTEM MANAGER(S) AND ADDRESS:

Directorate of Recruiting Operations, HQ United States Air Force Recruiting Service (HQ USAFRS/RSO), Randolph Air Force Base, TX 78150–5421.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Directorate of Recruiting Operations, HQ United States Air Force Recruiting Service (HQ USAFRS/RSO), Randolph Air Force Base, TX 78150–5421.

Request must contain full name and current mailing address.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Directorate of Recruiting Operations, HQ United States Air Force Recruiting Service (HQ USAFRS/RSO), Randolph Air Force Base, TX 78150–5421.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The source of all records in the system are from automated system interfaces.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 ATC H

SYSTEM NAME:

Recruiting Research and Analysis System.

SYSTEM LOCATION:

HQ United States Air Force Recruiting Service, Randolph Air Force Base, TX 78150–5421.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force enlisted personnel entering active duty. Individuals tested and processed for Air Force enlistment. Potential Air Force enlistees qualified through the Armed Services Vocational Aptitude Battery (ASVAB) high school testing program. Applicants for the Officer Training School. Air Force active duty officer and enlisted personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Survey analysis records containing such items as Social Security Number, biographical and opinion survey data, supervisor's ratings, achievement, aptitude, reading, vocational interest and adjustment and temperament inventory scores, Air Force tech training class score, statistics and trend analysis.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 503, Enlistments: Recruiting campaigns, and Air Training Command Regulation 33–2, Recruiting Procedures for the United States Air Force, and E.O. 9397.

PURPOSE(S):

Research statistical reference file used by HQ United States Air Force Recruiting Service. Specific uses are to: (1) Evaluate the quality of Air Force military personnel procured by Air Force Recruiting Service; (2) develop a more objective screening process for entry into recruiting duty; and (3) develop opinion-based recommendations for recruiting effort improvements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by Social Security Number, study control number or name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Records are retained until no longer needed. ASVAB records are destroyed after two months. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Recruiting Operations, HQ United States Air Force Recruiting Service (HQ USAFRS/RSO), Randolph Air Force Base, TX 78150–5421.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Director of Recruiting Operations, HQ United States Air Force Recruiting Service (HQ USAFRS/RSO), Randolph Air Force Base, TX 78150–5421.

Social Security Number and full name are required to determine if the system contains a record relative to any specific individual. Valid proof of identity is required.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Director of Recruiting Operations, HQ United States Air Force Recruiting Service (HQ USAFRS/RSO), Randolph Air Force Base, TX 78150–5421.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and individual concerned are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from individuals, supervisors, from Air Force Technical Training Centers and from the Recruiting Activities Management Support System (RAMSS).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 ATC I

SYSTEM NAME:

Status of Ineffective Recruiter.

SYSTEM LOCATION:

Headquarters Air Training Command (ATC) Deputy Chief of Staff for Personnel (DCS/P), Randolph Air Force Base, TX 78150–5001 and Headquarters United States Air Force Recruiting Service (USAFRS), Randolph Air Force Base, TX 78150–5421.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty ATC enlisted and officer recruiter personnel relieved from duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual military record containing active case data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 503, Enlistments: Recruiting Campaigns, and Air Training Command Regulation 33–2, Recruiting Procedures for the United States Air Force.'

PURPOSE(S):

DCS/P and USAFRS use data to monitor relief actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Stored in locked building.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cutoff, then destroyed.

VOL
58
ISS
33
FE
22
1993
UMI

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Randolph Air Force Base, TX 78150–5001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to or visit the Deputy Chief of Staff for Personnel, Randolph Air Force Base, TX 78150–5001.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to or visit the Deputy Chief of Staff for Personnel, Randolph Air Force Base, TX 78150–5001.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for accessing records, and contesting contents and appealing initial determinations are published in Air Force Regulation 12–35, 32 CFR part 806b, or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from source documents, such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 ATC J

SYSTEM NAME:

Drug Abuse Control Case Files.

SYSTEM LOCATION:

Sensitive Skills Element (Special Counseling), 3731 Personnel Processing Squadron, Lackland Air Force Base, TX 78236–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty enlisted personnel and Reserve personnel referred to drug abuse office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Various letters describing drug abuse information such as notification of disposition, recommendation for disposition, drug abuse determination of urinalysis cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; Air Force Regulation 39–10, Administration Separation of Airman, and Air Force Regulation 30–2, Social Actions Program.

PURPOSE(S):

Discharge authority, Sensitive Skills Element (Special Counseling), and squadron commanders determine extent of prior service drug abuse and make determinations of discharge or retention in the Air Force.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record systems notices apply to this system.

NOTE: Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol/drug abuse, family advocacy, AIDS, or sickle cell prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–3, 290ee–3. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The Department of the Air Force 'Blanket Routine Uses' do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cutoff, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, 3731 Personnel Processing Squadron, Lackland Air Force Base, TX 78236–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Sensitive Skills Element (Special Counseling), 3731 Personnel Processing Squadron, Lackland Air Force Base, TX 78236–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to or visit the Sensitive Skills Element (Special Counseling), 3731 Personnel Processing Squadron, Lackland Air Force Base, TX 78236–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from squadron commanders, base surgeons, classification interviewers, medical institutions and from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 ATC K

SYSTEM NAME:

Processing and Classification of Enlistees (PACE).

SYSTEM LOCATION:

Air Training Command Randolph AFB, TX 78150–5000, input/output remote at 3731 Personnel Processing Squadron, Lackland AFB, TX 78236–5000 and HQ USAF Recruiting Service, Randolph AFB, TX 78150–5421.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty enlisted personnel. Attached records for Air National Guard and Air Force reserve personnel attending basic military training and the Officer Training Group. Active duty enlisted personnel attending Officer Training Group in TDY status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Airmen trainee records containing name, Social Security Number, and other personal data for assignment from basic military training, security investigation, job preferences, dependent data, education, test scores, grade and promotions, biographical history, physical data, drug abuse history, enlistment personnel and guaranteed training enlistee program data, separation information, classification data, service dates, and basic training flight, squadron, entry and graduation dates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and Air Force Regulation 39–1, Airman Classification; and E.O. 9397.

PURPOSE(S):

To create an initial record for the Base Level Military Personnel Data System (BLMPS); to provide Air Force Military Personnel Center (AFMPC) with initial accession information on non-prior service enlistees; provide for improved classification and assignment procedures using computer processes; provide necessary information to Joint Unit Military Pay System (JUMPS) and Lackland Entering Pay System (LEAPS) for establishment of military pay records; interface the data ring process to the maximum extent with other functional areas; and to standardize and simplify personnel processing for the 3700 Mission Support Squadron, Lackland AFB, TX, so that they may more effectively control record preparation, processing, and classification actions necessary to transition civilian enlistees to military status.

Aptitude tests are administered; biographical history and job and assignment preferences are collected; and personal data is collected from enlistment records to establish a mechanized record necessary to support classification and assignment of trainees. Accession and update data is furnished through automatic interface to the advanced Personnel Data System (PDS) at AFMPC and Air Training Command, Randolph AFB, TX; to JUMPS at Defense Accounting and Finance Center, Denver, CO, and to LEAPS at accounting and finance, Lackland AFB, TX.

History records are furnished monthly to the Human Resources Laboratory, Personnel Research Division (HRLPRD) Brooks AFB, TX, for statistical analysis and to HQ USAF Recruiting Service/RSO, Randolph AFB, TX, for use in the enlistee quality control monitoring system. Data is used to prepare forms, processing schedules, reassignment and promotion orders, classification actions, transaction and error rosters, autodin lists, and management products necessary to administer trainees while at Lackland AFB, TX. Standard BLMPS products such as JUMPS transaction registers, strength balance reports, and suspense lists are prepared. Changes in basic data, promotions, reassignments, separations, and duty status changes are reported to PDS, JUMPS, and LEAPS as the action occurs. History records used at HRLPRD and the enlistee quality control monitoring system are augmented by additional data from PDS and technical training centers and are used to evaluate the quality of airmen enlisted in the USAF and the effects of changes in procurement and classification policies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Records for basic trainees are retained in active file until departure from basic military training is confirmed then transferred to history file on magnetic tape for one year. Records for Officer trainees are maintained in the active file until end of fiscal year in which they enter training and then transferred to history file on magnetic tape for one year. History file is destroyed when no longer needed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, 3731 Personnel Processing Squadron, Lackland AFB, TX 78236–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Commander, 3731 Personnel Processing Squadron, Lackland AFB, TX 78236–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to or visit the Commander, 3731 Personnel Processing Squadron, Lackland AFB, TX 78236–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces, from source documents such as reports, and from forms prepared during enlistment processing and completed during interviews and testing at 3731 Personnel Processing Squadron.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 HC A

SYSTEM NAME:

Chaplain Information Sheet.

SYSTEM LOCATION:

Office Chief of Chaplains, Headquarters United States Air Force, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty Chaplains.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, phone numbers of Chaplain and two next of kin; permanent home address of record, name and mailing address of denominational endorsing agency

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8032, General duties, and 8067(g), Designation: Officers to perform certain professional functions (Chaplains).

PURPOSE(S):

Used by the Chief of Chaplains as single manager in maintaining pastoral contact with Chaplains.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in note books/binders.

RETRIEVABILITY:

Retrieved by name.

VOL 58 ISS 33 FE 22 1993 UMI

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Chaplains, Headquarters United States Air Force, Washington, DC 20330

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Chaplains, Headquarters United States Air Force, Washington, DC 20330

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief of Chaplains, Headquarters United States Air Force, Washington, DC 20330

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual Chaplain.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 HC B

SYSTEM NAME:

Chaplain Personnel Record.

SYSTEM LOCATION:

Office of the Chief of Chaplains, Headquarters United States Air Force, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty and retired, and Air Force Reserve Chaplains.

CATEGORIES OF RECORDS IN THE SYSTEM:

Chronological record of permanent change of station, promotion dates of rank, service schools attended, permanent address, martial status, number of dependents, name, grade, Social Security Number/service number, Air Force Specialty Code, religious denomination, date of birth, release date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8032, General duties, and 8067(g), Designation: Officers to perform certain professional functions (Chaplains).

PURPOSE(S):

To manage the Active Duty Chaplain force, to locate Marriage and Baptism Records through former Active Duty assignment records in cases of separated Chaplains when requested by former Parishioners.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Chaplains, Headquarters United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Chaplains, Headquarters United States Air Force, Washington, DC 20330.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief of Chaplains, Headquarters United States Air Force, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces, from Assignment Action Documents and from individual member

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 HC C

SYSTEM NAME:

Chaplain Personnel Action Folder.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty Chaplains.

CATEGORIES OF RECORDS IN THE SYSTEM:

This is a grouping of information for each United States Air Force (USAF) chaplain. Items of information in these folders included the following: Current official photograph, current career brief, summary of education, Officer Career Objective Statement, Chaplain Services Personnel Evaluation, copy of chaplain's Ecclesiastical Endorsement, copy of Appointment orders, copy of initial Extended Active Duty Orders, Application for Extended Active Duty with the United States Air Force USAF, Application for Appointment as Reserve of the Air Force, student information sheets prepared while attending USAF Chaplain School Courses, copies of assignment action documents, correspondence between the chaplains and Headquarters USAF/Chief of Chaplains and requests for special personnel actions and dispositions curtailments, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by and 8067(g), Designation: Officers to perform certain professional functions (Chaplains).

PURPOSE(S):

The documents maintained in these folders are utilized by the Resource Manager in Headquarters United States Air Force/Chief of Chaplains, Personnel Division for assignment selection of chaplains. Because of the necessity to insure an equitable denominational spread of chaplains on an installation

and to insure the proper placement of specially qualified chaplains, it is necessary to maintain current information on each chaplain.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Records may be disclosed to endorsing agents concerning the qualifications of their chaplains for continued duty as representatives of their denominations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system, and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained for 2 years after separation then destroyed by macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Chaplains, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Chaplains, Headquarters United States Air Force.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief of Chaplains, Headquarters United States Air Force.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Member's personnel action requests/ preferences and information retrieved from the Advanced Personnel Data System (ADPS).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 MP A

SYSTEM NAME:

Files on General Officers and Colonels Assigned to General Officer Position.

SYSTEM LOCATION: HEADQUARTERS, UNITED STATES AIR FORCE, WASHINGTON, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve General Officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains resume of civilian and military experience, correspondence and orders, records Reserve participation, and listings with personnel data. Data includes: Name, grade, Social Security Number, date of birth, current address, telephone numbers, education, professional military education, and civilian occupation. An assignment folder is also used for initial review for a GO position. This file contains a copy of the Air Force (AF) Form 11, last five Officer Effectiveness Reports (OERs). When reviewed by the Chief of Air Force Reserve, a record of the personal interview and assignment recommendations are included with the file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

These documents are maintained for initial assignments, reassignment and participation of officers assigned to Reserve GO positions, and to determine qualifications for initial and continued assignment to Reserve GO positions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Files are maintained until no longer required for actions relating to the Reserve GO program and are then destroyed by tearing to pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

See exemption.

RECORD ACCESS PROCEDURES:

See exemption.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Air Force forms, military personnel records, and correspondence generated or received in Personnel Division, Air Force Reserve, Headquarters United States Air Force (HQ USAF/REP).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(7).

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

F035 MP B

SYSTEM NAME:

Statutory Tour Program.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, DC 20330. Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve Component Officers (United States Air Force Reserve/Air National Guard United States) on Extended Active Duty.

VOL
58
ISS
33
FE
22
1993
UMI

CATEGORIES OF RECORDS IN THE SYSTEM:

Approval/Disapproval on original correspondence relating to the application (Air Force Form 125), Department of the Air Force Orders, Comments Director ANG, Chief of Air Force Reserve (AF/RE) and Assistant Secretary of the Air Force for Manpower and Reserve Affairs, Deputy for Reserve Affairs SAF/MRR.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 11, Reserve Components; Chapter 805, The Air Staff; Chapter 841, Active Duty; 32 U.S.C. Chapter 7, Service, Supply and Procurement, Section 708 - Regulatory Authority; implemented by Air Force Regulation 45–22, Reserve Component Representation.

PURPOSE(S):

Documentary support of tour applications; approval/disapproval; initiation, termination and extension of statutory tours; used as historical reference not to exceed 2 years after tour termination; used by Air Force Manpower and Personnel Center/Air Reserve Forces Advisor (CG/CR); used for AFMPC/CG/CR as record of approval/disapproval, authority to issue Department of the Air Force Special Orders (DAFSOs); by AF/RE, Director Air National Guard, National Guard Bureau NGB/CF and SAF/MRR as record of approval/disapproval.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms. Controlled entry building.

RETENTION AND DISPOSAL:

Retained two years after completion of tour. Retained for two years after end of year in which the case was closed, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Air Force Reserve, Headquarters United States Air Force for USAFR component and Director ANG for ANGUS component.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Air Force Reserve, Headquarters United States Air Force for USAFR component and Director ANG for ANGUS component.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief of Air Force Reserve, Headquarters United States Air Force for USAFR component and Director ANG for ANGUS component.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Member's application and correspondence generated in transmission and consideration of the application.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 MPC B

SYSTEM NAME:

Civilian/Military Service Review Board.

SYSTEM LOCATION:

Air Force Military Personnel Center, Randolph Air Force Base, TX 78150–6001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Women's Air Force Service Pilots (a group of Federal Civilian employees attached to the United States Army Air Force during World War II), or any person in any other similarly situated group the members of which rendered service to the Armed Forces of the United States in a capacity considered civilian employment or contractual service (or their survivors) as recognized under provisions of Pub. L. 95–202.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case Files containing individual's name and Social Security Number, date of application and summary of the case through final decision by the Service Review Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95–202, Women's Air Forces Service Pilots; as implemented by Air Force Regulation 30–45, Determination of Active Military Service and Discharge for Civilian or Contractual Personnel.

PURPOSE(S):

Case files are used by Service Review Board personnel to manage the collection of information requested by the applicant, to monitor the processing of each case through completion, and to respond to inquiries concerning the case.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Stored in secure building.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Personnel for Military Personnel, Randolph Air Force Base, TX 78150–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/ Personnel for Military Personnel, Randolph Air Force Base, TX 78150–6001.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained

in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Personnel for Military Personnel, Randolph Air Force Base, TX 78150–6001.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Members' applications, supporting documents and certificates.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 MPC C

SYSTEM NAME:

Chaplain Applicant Processing Folder.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Chaplaincy applicants and Reserve Chaplains applying for active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms used by the Air Force Manpower and Personnel Center (AFMPC) Command Chaplains Office in processing chaplains to active duty including: Application for Appointment as Reserve of the Air Force; Application for Extended Active Duty with the United States Air Force; United States Air Force (USAF) Drug Abuse Certificate; Statement of Personal History; National Agency Check Request; Report of Medical Examination; Report of Medical History; Fingerprint Card; Checklist for Chaplain Appointment; Ecclesiastical Endorsement; Certificate of Continuance of Ecclesiastical Endorsement; Certificate of Seminary Graduation and Ordination; Official Transcripts of College Education; Personal correspondence between resource manager and applicant regarding status of his application.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8067, Designation: Officers to perform certain professional functions, and 8293, Commissioned officers; chaplains: Original appointment; examination; as implemented by Air Force Regulation 36–15, Appointment in Commissioned Grades and Designation and Assignment in Professional categories - Reserve of the Air Force and United States Air Force (Temporary).

PURPOSE(S):

The documents maintained in these transitory folders are used by the resource manager in processing chaplain applicants to active duty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system. Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Once applicant is accessed, forms are entered into the Master Personnel Records Group. If applicant does not qualify for appointment, file is destroyed after one year.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual's application.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 MPC D

SYSTEM NAME:

Correction of Military Record Card.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and retired or discharged officers and airmen. Next of kin of deceased officers and airmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Summary of application for correction of records request followed through to its final decision by the appropriate correction board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 79 - Correction of Military Records; as implemented by Air Force Regulation 31–3, Air Force Board for the Correction of Military Records.

PURPOSE(S):

To monitor application by member and cocase by the appropriate correction board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer magnetic tapes, disks, or computer paper printouts, or microfiche.

RETRIEVABILITY:

Retrieved by Social Security Number or Air Force Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s)

responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms and computer system software.

RETENTION AND DISPOSAL:

Maintained in computer system for two years after case completion then transferred to microfiche and maintained until no longer needed. The microfiche are then destroyed by pulping, macerating, burning, or tearing into pieces.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Member's application, Master Personnel Records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 MPC E

SYSTEM NAME:

Disability/Non-disability Retirements Records.

SYSTEM LOCATION:

Air Force Military Personnel Center, Randolph Air Force Base, TX 78150–6001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Copies of medical histories, Secretarial determinations, retirement forms, routine correspondence files, case files, microcomputer case files, disability retain folders, and Temporary Disability Retirement List (TDRL) data files.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of medical histories, Secretarial determinations, retirement forms, routine correspondence files, case files, disability retain folders, TDRL punch card data files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 36, Mandatory Retirement of Officers; Chapter 59, Separation; Chapter 61, Retirement or Separation for Physical Disability; Chapter 63, Retirement for Age; Chapter 867, Retirement for Length of Service; as implemented by Air Force Regulation 35–4, Physical Evaluation for Retention, Retirement and Separation; and 35–7, Service Retirements; and E.O. 9397.

PURPOSE(S):

To provide information on retirement cases and to allow appropriate case processing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Air Force's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets and in microcomputers.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Stored in secure building. Computer records are controlled by computer system manager.

RETENTION AND DISPOSAL:

Correspondence files are retained for one year after end of calendar year case was closed or inquiry responded to; disability retain files are retained for 90 days after case is finalized; microcomputer case files are maintained in a retired file indefinitely; case files are retired to Master Personnel Records Group when service and/or disability retirement action has been completed; TDRL correspondence files are destroyed when member is entered into the Headquarters Air Force (HAF) computer system.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff for Military Personnel, Randolph Air Force Base, TX 78150–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to or visit the Assistant Deputy Chief of Staff for Military Personnel, Randolph Air Force Base, TX 78150–6001.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff for Military Personnel, Randolph Air Force Base, TX 78150–6001.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for accessing records, and contesting contents and appealing initial determinations are published in Air Force Regulation 12–35, 32 CFR part 806b, or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Correspondence and forms generated in Retirements Division (HQ AFMPC/ MPCAR), military hospitals, HQ USAF Surgeon General (HQ USAF/SG), HQ AFMPC Surgeon (SG) Consolidated Base Personnel Offices and Major Air Commands, by the members themselves, and by the general public or retirement-related matters.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 MPC F

SYSTEM NAME:

Health Education Records.

SYSTEM LOCATION:

Air Force Military Personnel Center, Randolph Air Force Base, TX 78150–6001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All airmen and officers of the United States Air Force who have applied for training to Air Force Military Personnel Center/Medical Education Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

Allied Health Selection Board Folders: Application for officer school training; educational transcripts; chronological listings of work

experience; letters of recommendation; specific test results; Scholastic Aptitude Test; grade point averages; Officer Performance Reports (OPR); photo; AFMPC Rating Assessment Sheet for Physician Assistant applicant; Consolidated Base Personnel Office letters; prerequisite verifications; counseling on reenlistment limitations; reenlistment/extension eligibility; status of Unfavorable Information File folder; records review listing; verification of Airman Qualifying Examination; total active federal military service date; date eligible for return from overseas; projected assignment; Enlisted Performance Reports (EPR); applicant statements - why training desired; intent to extend/reenlist; commissioning physical; general information including extended active duty date; date of rank; passovers; command; base of assignment; arrived on station, and marital status.

Air Force Institute of Technology (AFIT) Selection Folders: Officer career brief; letter of recommendation; transcripts; Graduate Records Examination and Graduate Management Admission Test scores; application for AFIT training; field personnel record (duplicate copy); application for appointment in the Reserve; personnel security clearance, Armed Forces Security Questionnaire; Personnel History Statement, DD Form 398, statement of understanding for appointment; photo, and record of computer input.

Undergraduate Education Selection Folders: Application; Medical College Admission Test scores; letter of acceptance from an accredited school; letters of recommendation; approval to apply; Academic/Clinical Evaluation Sheet, AF Form 494; Education/ Training Report, AF Form 475; essay; Appointment Order, ARPC Form 92; OPRs; EPRs; Armed Force Health Professions Scholarship Program contract, and Uniformed Services University of the Health Sciences statement of understanding.

Graduate Medical Education Records: Application for Training, AFMPC Form 131; photograph; transcripts; letters of recommendation; career motivation essay; board results notification letter; active duty service commitment statement; Educational Permanent Change of Station Request, AFMPC Form 180; Request for Active Duty Service Commitment Computation, AFMPC Form 183; Hospital Agreement, AFMPC Form 190; Academic/Clinical Evaluation Sheet, AF Form 494; letter on certification of graduation from training; memos for record; general correspondence with physician; request for resignation from training; request for extension, and congressional correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 105, Armed Forces Health Professions Scholarship and 10 U.S.C. 9301, Members of Air Force: Detail as students, observers, and investigators at educational institutions, industrial plants, and hospitals.

PURPOSE(S):

Used by the Medical Education Division, and Medical Education Selection Boards in selecting individuals of the medical service and line of the Air Force to attend undergraduate and graduated educational programs. Such programs include undergraduate and graduate nurse education, medical school, residencies and fellowships for physicians, and graduate education for Medical Service Corps, Biomedical Service Corps, residencies for dental officers, and Physician Assistant program for airmen. Another use of the system is to monitor the individuals progress in an educational program after selection until completion of their program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Allied Health Selection Board folders and Undergraduate Education Selection folders: Retained until Selection Board process is completed; AFIT Selection Board folders are maintained for one year. Physician Deferment folders: Retained until the individual is called to active duty or separated from the Air Force Reserve. Graduate Medical Education records: Retained until individual separates or retires from the Air Force.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff for Personnel, HQ AFMPC, Randolph Air Force Base, TX 78150–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the Assistant Deputy Chief of Staff for Personnel, HQ AFMPC, Randolph Air Force Base, TX 78150–6001.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Assistant Deputy Chief of Staff for Personnel, HQ AFMPC, Randolph Air Force Base, TX 78150–6001.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Member's application, supervisor's evaluation, master personnel records (board use only), Career Brief (board use only), transcripts, test scores, Deans' letters of recommendation, Standard Form (SF) 88 and SF 93.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 MPC G

SYSTEM NAME:

Medical Officer Personnel Utilization Records.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Air Force active duty medical service officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel Utilization records containing: Career briefs; Print-outs; Letters from individuals; Letters from Utilization Branch to individuals Letters concerning medical service education and training; Copy of application for Indefinite Reserve Status; Copy of request to join spouse; Copy of Specified Period of Time Contract

(SPTC) requests; Copy Air Force Manpower and Personnel Center (AFMPC) Form 8, Assignment/Actions Worksheet; Air Force Manpower and Personnel Center (AFMPC) Form 138, Officer Reassignment; Memorandum of Official Contact; Officer Career Objective Statement; Personnel Action Request; Application for Appointment in the AF Reserve; Recall to Active Duty; Supplement to Application for Commission in the United States Air Force (U.S.) Medical Services; Assignment Notification of Medical Service Officer; Constructive Credit Computation; Personal Interview-USAF Nurse Application; Air Force Institute of Technology (AFIT) Education Plan; Messages; Department of Defense Notification of change in service members official records; Master Personnel Record Fiche; Training/ Specialty Board Certification Records; Continuation Pay Contracts; Specialty Badge Award; Personnel Data Systems (PDS) transactions; Record of Office of Special Investigations (OSI) background checks; Resumes/special applications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Regulation 36–1, Officer Classification; Air Force Regulation 36–4, Special Pay for Medical Corps Officers; Air Force Regulation 36–5, Appointment of Officers in the Regular Air Force; Air Force Regulation 36–8, Continuation Pay for Dental Corps Officers; Air Force Regulation 36–20, Officer Assignments; Air Force Regulation 36–21, Selective Continuation Program; Air Force Regulation 36–51, Active Duty Service Commitments (PA); and Air Force Regulation 36–94, Specified Period of Time Contracts (SPTC) (PA).

PURPOSE(S):

Verify current assignment; verify history of application for: Tour extension, tour curtailment, Specified Period of Time Contract, Indefinite Reserve Status, duty Air Force specialty code change, special duty application, formal school application, change of assignment reporting dates, join spouse application; Use AF Form 24 for obtaining date of birth and place of birth when processing assignment to academy or other highly sensitive area of assignment; to hold messages pertaining to assignment; to hold action notices and career briefs as a result of input from original office and any other office pertaining to an individual. This also includes career briefs and action notices from automatic actions (i.e., available assignment); pay computation; grade computation; to provide background information to answer correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets. etc.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files for six months after the individual terminates military service, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Applications for appointment, letters written by individual or on individuals by others. Computer print-outs, forms completed by individuals, Personnel Data Systems (PDS) transactions, other information pertinent to assignments or career development of the officer.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 MPC H

SYSTEM NAME:

Medical Opinions on Board for Correction of Military Records Cases (BCMR).

SYSTEM LOCATION:

Air Force Manpower and Personnel Center/SG, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Files are maintained on individuals making application to the Air Force Board for Correction of Military Records on which a medical opinion has been rendered.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains a copy of the medical advisory opinion rendered on Air Force Board for Correction of Military Records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by and Chapter 79 - Correction of Military Records; as implemented by Air Force Regulation 31–3, Air Force Board for Correction of Military Records.

PURPOSE(S):

A historical reference, by name, to previous action taken regarding a specific BCMR application.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders in unlocked filing cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record

system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained in office files for one year or until no longer needed for reference, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Manpower and Personnel Center/SG, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Air Force Manpower and Personnel Center/SG, Randolph Air Force Base, TX 78150.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Air Force Manpower and Personnel Center/SG, Randolph Air Force Base, TX 78150.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 MPC I

SYSTEM NAME:

Office File.

SYSTEM LOCATION:

Headquarters, Air Force Military Personnel Center,.Assistant for Colonels' Assignments (HQ AFMPC/MPCO), Randolph Air Force Base, TX 78150–6001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty colonels (grade 06) and former active duty colonels (grade 06), who have retired, and who have been retired for 90 days or less.

CATEGORIES OF RECORDS IN THE SYSTEM:

Official photograph; Air Force Form 620, Colonel Resume; copies of correspondence generated by HQ AFMPC/MPCO pertaining to the subject of the file; correspondence received by HQ AFMPC/MPCO pertaining to the subject of the file; memoranda of assignment, and related personnel actions contemplated/completed on the subject of the file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; powers and duties; delegation by; as implemented by Air Force Regulation 36–10, Officer Evaluations.

PURPOSE(S):

Assignment considerations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets and rotary file bins (lectriever).

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retain until first anniversary of effective date of retirement/separation from the USAF of the subject of the file, at which point the office file is destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/Assistant for Colonels' Assignments, Randolph Air Force Base, TX 78150–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Assistant for Colonels' Assignments, Randolph Air Force Base, TX 78150–6001.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Assistant for Colonels' Assignments, Randolph Air Force Base, TX 78150–6001.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Subject of the file; AFMPC/MPCO personnel; other Air Force and outside agency originators of correspondence relating to subject of the file, and any additional information which has/could have bearing on assignability of the subject.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 MPC J

SYSTEM NAME:

Airmen Utilization Records System.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, DC 20330. Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted personnel on active duty who request reassignment or deferment from assignment under the Children Have A Potential (CHAP) humanitarian programs; or are nominated or volunteer for special assignment; or request information or action through high level channels; or are restricted, along with their dependents, from assignment to certain overseas areas; or are subject to special assignment procedures, such as: Reassignment of airmen with known deficiencies; reassignment of threatened airmen; disposition of airmen involved in disciplinary/legal problems en route to permanent change of station (PCS) assignment; or reassignment for trial; Curtailment of Overseas Tour for Cause or are permanently decertified from the Personnel Reliability Program and Master, Senior Master and Chief Master Sergeants on active duty in the Air Force who are considered/selected for an assignment. Enlisted club stewards on active duty in the Air Force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation of oral and written dialogue with airmen regarding assignment actions; notification to airman of assignment; oral and written dialogue with commanders regarding assignment actions; projected assignment actions; oral and written

VOL
58
ISS
33
FE
22
1993
UMI

dialogue with Air Force multi-level functional managers regarding assignment actions; medical, legal and financial factors related to humanitarian assignment actions; personal assignment preferences, assignment limitations; final and executed assignment actions; high level interest and official Air Force responses; legal and investigative information regarding assignment restrictions; reassignment of airmen with known deficiencies, or involved in disciplinary or legal problems, or for cause, or for personal safety, or for convenience of litigation actions; permanent decertification from the Personnel Reliability Program and extracts from the Personnel Data System (PDS); Airman Career Briefs; Airman Performance Reports and Education Data; senior NCO Academy selection files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; Air Force Regulation 35–99, Personnel Reliability Program, and Air Force Regulation 39–11, Airman Assignments.

PURPOSE(S):

Used to provide senior noncommissioned officers (NCOs) with personalized assignment service and to provide tracking and background data with which to reply to queries from the NCOs.

Information is used by the PALACE Nonappropriated Fund resource manager to develop the career and broaden the experience of club stewards and to staff club steward assignment actions.

Also used to staff assignments on those airmen who have applied for humanitarian - Children Have A Potential (CHAP) assignments;

Used to track-select airmen for special assignments, to document responses to high-level inquiries and to provide the rationale for approving or disapproving a request for assignment.

Used to document special assignment actions to certain overseas areas and in those actions involving disciplinary or legal problems, threatened airmen, airmen with known deficiencies, curtailment for cause and when reassignment is required for trial purposes.

To monitor assignment restrictions on airmen decertified from Personnel Reliability Program duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards and controlled by personnel screening and by visitor registers.

RETENTION AND DISPOSAL:

Destroyed at the end of the calendar year or 18 months after final action on requests for humanitarian assignment, by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information generated by the Air Force office of primary responsibility; from PDS by inquiry or action notice; law enforcement agencies; investigative agencies; or Air Staff inputs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 MPC K

SYSTEM NAME:

Airman Promotion Historical Records.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty airmen in grades E–4 through E–8 at time of promotion consideration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Microfiche files reflecting individual historical promotion data (up to 1,200 characters) for a specific cycle which is no longer maintained within the automated personnel data system. Contains member identification, promotion eligibility status, select/ nonselect status, and critical personnel data. Microfiche files for members in grades E–4 through E–6 contain relative standing and weighted factor scores. Contains worksheets used to manually compute individual promotion status (select/nonselect) for the Weighted Airman Promotion System for those members not considered during the computerized selection process; master listings for each specified promotion cycle reflecting all members in the applicable grade and their specific status: Select, nonselect, nonweighable, or ineligible; and listing of promotion sequence numbers assigned to all selectees for a specific cycle.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Manual 30–130, Base-Level Military Personnel System, and Air Force Manual 39–29, Promotion of Airmen.

PURPOSE(S):

Used by Air Force Manpower Personnel Center/Airman Promotion Division (AFMPC/MPCAW) as the master record of promotion status for a specified cycle.

Used to respond to inquiries (including congressional inquiries), for Air Staff advisories to the Air Force Board for Correction of Military Records, to manage the Airman Promotion Program, to recreate promotion status, and to provide statistical data for official use.

Used to provide supplemental promotion consideration and to research and/or correct promotion status for a previous cycle.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets, on computer paper printouts and on microfiche.

RETRIEVABILITY:

Retrieved by name or Social Security Number. Accessed manually by cycle.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or secured building.

RETENTION AND DISPOSAL:

Maintained for 10 years, computed from the date of the original selection process. Manual computation worksheets are maintained for one year and then select/nonselect data are listed on a roster which is maintained for an additional nine years. After the specified retention period, the records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78148.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78148. The request should specify the applicable promotion cycle(s).

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78148.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data purged from the active interim eligible file (promotion file) which is a subsystem of the Personnel Data System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 MPC L

SYSTEM NAME:

Historical Airman Promotion Master Test File (MTF).

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty airmen in grades E–4 through E–8. Air Force Reserve and Air National Guard airmen in grade E–7.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains historical Specialty Knowledge Test (SKT), Promotion Fitness Examination (PFE) and United States Air Force Supervisory Examination (USAFSE) data which is no longer maintained within the personnel data systems. Includes member identification, test identification, date tested, score and item responses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Regulation 35–8, Air Force Military Personnel Testing System.

PURPOSE(S):

Used by Air Force Manpower and Personnel Center/Airman Promotion Division (AFMPC/MPCAW) to research and/or correct promotion status for previous cycles. Data used to resolve inquiries, provide supplemental consideration, prepare Air Staff advisories to the Air Force Board for Correction of Military Records, and manage the Airman Promotion Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets and on microfiche.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are stored in vaults.

RETENTION AND DISPOSAL:

Maintained for 10 years computed from the date of the original selection process, then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

See Exemption.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(6).

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

F035 MPC N

SYSTEM NAME:

Assignment Action File.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty Chaplains.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms used by the Air Force Manpower and Personnel Center (AFMPC) Chaplain's Office for accession and assignments of chaplains on active duty and other chaplain personnel actions. They also contain information and actions pertaining to individuals in the areas of duty Air Force Specialty Code (AFSC) change requests, tour length change requests, humanitarian reassignments and copies of messages directing such actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by and 8067, Designation: Officers to perform certain professional functions. Section 8012 and Chapter 805, The Air Staff, Section 8032; as implemented by Air Force Regulation 36–20, Officer Assignments.

PURPOSE(S):

Records are used to answer requests for assignment changes, tour length changes, duty AFSC requests, special assignment consideration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Member's application and information retrieved from the Personnel Data System (PDS).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 MPC P

SYSTEM NAME:

Recorder's Roster.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150. Washington National Records Center, Washington, DC 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on all Air Force officers who are eligible for competitive consideration and officers considered for Regular Air Force appointment and Officers considered for involuntary separation, CMSs considered for HYT and any other special board directed by the Secretary of the Air Force or the Chief of Staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Listing containing record number, name, Social Security Number, date of roster, program control number, component, competitive category, select/non-select status, FOR OFFICIAL USE ONLY statement and name and year of board. A numerical/ chronological listing of all changes to competitive file data base after initial build. Listing of special follow items/ OPR letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 531, Original appointment, and 611, Convening of selection boards; as implemented by Air Force Regulation 36–89, Promotion of Active Duty List Officers.

PURPOSE(S):

These records are used to determine whether individuals were considered by the convening board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Records are accessed by identification of board of consideration and then by inverted Social Security Number of subject by competitive category.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms

RETENTION AND DISPOSAL:

The records are retained in the Selection Board Secretariat for five calendar years and then retired to the National Archives, Washington, DC.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff, Personnel for Military Personnel, Randolph Air Force Base, TX 78148.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff, Personnel for Military Personnel, Randolph Air Force Base, TX 78148.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained

in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff, Personnel for Military Personnel, Randolph Air Force Base, TX 78148.

Request must include name, grade, Social Security Number, board identification, competitive category, and zone of consideration as applicable.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The information in these records is extracted from the Selection Board Support File, and from data compiled from individual board member inputs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 MPC Q

SYSTEM NAME:

Officer Utilization Records System.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, DC 20330. Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150. National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officer personnel on active duty who are eliminated from flying or technical training; or apply for separation or retirement prior to completion of their active duty service commitment (ADSC); or apply for accelerated entry on extended active duty (EAD); or are available for active duty; or are identified for special career monitoring; or are selected or volunteer for Air Staff training (ASTRA); or are selected for below the zone promotion to major and lieutenant colonel; or are former ASTRA officers below the grade of major and selectees, designees and attendees of Intermediate Service Schools (ISS) and Senior Service Schools (SSS); or are volunteers or are selected for the Air Force Institute of Technology (AFIT) or are designees, attendees and graduates of Squadron Officers School (SOS), Academic Instructor Courses (AIC), ISS and SSS; or request reassignment or deferment from assignment under the Children Have A Potential (CHAP) Humanitarian Programs; or request information or action through Congressional sources; or apply or are being considered for Air Staff extensions; or possess or are candidates for PHD degrees; or are the subject of a request to change their Duty Air Force Specialty Code (DAFSC); or apply for early release; or have attended AFIT education programs; or are AFIT graduates and request or are identified for a directed duty assignment; or are attending or are recent graduates of Professional Military Education (PME) institutions; or apply for special duty per Chapter 8, Air Force Regulation 36–20; or apply for undergraduate pilot (UPT) or navigator training (UNT); or apply for or are attending test pilot school; or apply for Officer School Training; or are former prisoners of war (POW) as a result of the Southeast Asia (SEA) conflict; or file reclamas regarding flying time computations in support of the aviation Career Incentive Act; or visit or write the Air Force Manpower and Personnel Center (AFMPC)/ Directorate of Personnel Resources and Distribution, Officer Career Management Division for career counselling; or are selected for assignment or reassignment; or are nominated for assignment or are currently assigned to agencies outside the Air Force; or are permanently disqualified from the Human/ Personnel Reliability Programs (HRP/PRP); or are identified for special monitoring due to unique or special qualifications; or apply or are identified for levy exempt status; or Reserve officer personnel not on EAD who: Apply for accelerated entry on active duty; or Reserve officers and Air Force Reserve Officers Training Corps who apply for reserve duty in lieu of extended active duty (EAD); on assignment who received late assignment notification.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation of: Actions related to entry, including accelerated; on active duty, special career monitoring; actions related Air Staff Training (ASTRA) selectees or volunteers; special assignments for individuals who demonstrate well above average performances; actions of the AFIT Selection Board and disposition of AFIT applications: Elimination actions accomplished by training activities; Reclassification actions following elimination from training; disposition of applications with justification for levy exempt status; Command comments regarding specific assignment actions; Recommendations regarding retirement or separation prior to ADSC; Disposition of applications for reserve duty in lieu of EAD; Individual career objectives, assignment preferences, limitations; Promotion board reports for major, lieutenant colonels and colonels; Medical, legal and financial factors related to humanitarian assignment actions; Oral and written dialogue with officers regarding assignment actions; High level interest and official Air Force responses; Disposition of applications for Air Staff tour extensions with summary of findings; Award of PHD or pursuit of PHD degree; Request for, staffing of, and disposition of DAFSC changes; Staffing, Early Release Board action summaries and disposition of early release requests; Assignments of personnel who have attained advanced AFIT degrees; Directed duty assignments (DDA) considered because of AFIT education; Assignment considerations of PME students and graduates; Staffing and other actions related to consideration of requests for special duty or UPT or UNT or Test Pilot School or Officer School Training; Assignment actions pertinent for former POW of the SEA conflict; Response to reclamas regarding flying time computations; Assignment and career development counselling actions; Assignment to Department of Defense and Joint Chiefs of Staff activities; Disqualification from HRP or PRP; Special monitoring actions of individuals with unique or special qualifications; and the following forms and documents: Air Force (AF) Form 112, Officer Counselling Data Card; AF Form 11, Officers Military Record; AF Form 215, Application for Officer Training; AF Form 2095, Assignment - Personnel Action; AFMPC Form 93, Assignment for AFIT Graduate; PDS extract related to flying or technical training, education, experience and other assignment factors; Assignment action cards; Assignment work sheets; Career Briefs; Officer Career Objective Statements; Tracking Log; Record of Assignment Action Number (AAN); Assignment Orders; Precision Measurement Equipment (PME) and special category summary forms; Background checks; Officer Palace Manning Report; Short Tour Return Date Roster; Eligible for Overseas Roster; Officer Effectiveness Report; PDS Action Notices Regarding Assignment Factors/ Considerations on assignment who received late assignment notification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Regulation 36–20, Officer Assignments.

PURPOSE(S):

To make a determination regarding the retention and/or reclassification of

those officers eliminated from flying or technical training.

To make a determination on requests for levy exempt status for officers who have been selected to perform duty on special projects and the individual or major command (MAJCOM) request that the individual be deferred from assignment selection.

To make a determination regarding applications for accelerated active duty and on applications for duty with the Air Force Reserves in lieu of extended active duty (EAD). The basis on which to make a recommendation to the Air Force Manpower and Personnel Center (AFMPC), Directorate of Personnel Program Actions (DPMA) regarding waiver of Active Duty Service Commitment (ADSC) for those officers who have applied for separation or retirement.

To monitor and staff the initial assignment for officer accessions.

To track those officers identified for special career monitoring.

To confirm that Air Staff Training (ASTRA) volunteer status has been updated in the Personnel Data System (PDS), also used by Resource Managers to staff extensions of tour, curtailment of tour, Duty Air Force Specialty Code (DAFSC) changes and follow-on assignments.

Used by career and Resource Managers to insure that officers who have demonstrated above average performance are considered for challenging and responsible positions.

Used by AFIT Selection Board to answer inquiries concerning the status of an application; to monitor officers currently in AFIT; and to work extensions or program changes.

Used to nominate and monitor officers for attendance at Intermediate and or Senior Service Schools. Data is also used to track graduates of the Squadron Officer School (SOS) and Academic Instructor Courses (AIC).

To staff assignments on those individuals who have applied for humanitarian - CHAP assignments.

To fully document the response to an inquiry and to provide the rationale for approval or disapproval of a requested assignment.

To staff and make a determination regarding tour extensions.

To monitor holders of doctorate degrees and candidates thereof to insure proper utilization of those officers holding doctorate degrees.

To staff DAFSC change requests and to make a determination regarding retraining. JI20To make a determination by the Early Release Board regarding an officer's request for early release.

To monitor and or assign those officers possessing advanced AFIT degrees; action is essential for proper utilization of advanced degree holders.

To make a determination regarding a Directed Duty Assignment (DDA) change on those officers who incurred the DDA as a result of AFIT education.

To monitor and staff assignments for Professional Military Education (PME) attendees and or graduates.

To monitor and select officers for special duties.

To monitor officers who have applied for undergraduate pilot and-or navigator training; used along with the master military personnel record in the selection process.

To monitor officers who have applied for and-or are currently attending Test Pilot School.

To monitor officers who have applied for Officer School Training.

To monitor the utilization of former prisoners of war of the Southeast Asia conflict. Used as backup reference for Aviation Career Incentive Act reclamas. To staff assignments and related actions.

Used in the counselling of officers and as background reference documentation for visits of officers to the Air Force Manpower and Personnel Center (AFMPC) and for the response to correspondence between the officer and the AFMPC Resource Manager.

Data are used in the assignment selection process to insure fair and equitable assignment selection. Additionally, the information and-or computer products are used to determine unique or specific qualifications for particular assignment.

Used by resource teams to nominate officers for assignment to Department of Defense and Joint Chiefs of Staff activities outside the Air Force including release of military personnel records and data to those agencies.

To monitor those officers disqualified from Human and-or Personnel Reliability Programs (HRP-PRP) duties. It is also used to insure these individuals are not placed in HRP-PRP positions. Officer assignment block records are used by the interested office to tract individual assignment actions.

The blocks are also used in identifying individuals with unique or special qualifications. Used to determine if officers are receiving minimum assignment notification in accordance with established policy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name. name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Documentation records are destroyed after 12 months; or retained until officer leaves ASTRA program; or destroyed when superseded; or destroyed upon individual's completion of AFIT program or upon nonselection to AFIT whichever occurs first; or destroyed when officer is separated or retires; or destroyed 18 months after approval of CHAP request or 12 months after disapproval; or destroyed when officer completes Air Staff tour extension or after 12 months whichever is longer; or destroyed after completion of DDA; or destroyed 12 months after graduation from PME or Officer School Training; or destroyed when application for special duty is withdrawn; or destroyed after completion of UPT/UNT or when eligibility for training expires; or destroyed 3 months after graduation from Test Pilot School; or POW records will be retired to a permanent storage facility on January 1, 1977; or destroyed when Departmental or Joint activity tour is completed; or retained permanently if related to HRP/PRP disqualification but not after separation. Methods of destruction are burning, pulping, shredding, macerating, or tearing into small bits.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

PDS inquiries or action notices; Information generated by the Air Force multi-level offices of primary responsibility; Extracts or copies of military personnel records; Air Staff inputs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 MPC R

SYSTEM NAME:

Air Force Personnel Test 851, Test Answer Sheets.

SYSTEM LOCATION:

Air Force Military Personnel Center, Randolph Air Force Base, TX 78150–6001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty airmen in grades E–4 through E–8. Air Force Reserve and Air National Guard airmen in grade E–7.

CATEGORIES OF RECORDS IN THE SYSTEM:

Item responses (answers) for Specialty Knowledge Tests (SKT), Promotion Fitness Examinations (PFE) and United States Air Force Supervisory Examinations (USAFSE).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Regulation 35–8, Air Force Military Personnel Testing System, Chapters 14, 15, and 16.

PURPOSE(S):

Used by Air Force Military Personnel Center/Airman Promotion Branch (AFMPC/DPMAJW) to score tests. The percent correct score on the SKT, PFE, and USAFSE, are weighted factors in the Weighted Airman Promotion System (WAPS) to advance airmen (E–4 to E–8) to the next higher enlisted grade. The percentile score on the 9–level upgrade exam is used as an eligibility criterion for promotion to grade E–8 and award of the superintendent (9) Air Force Specialty Code (AFSC) skill level, for ANG and AFRES.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Retrieved by Electronic Scanner Index Number (cross-referenced to Social Security Number).

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in vaults.

RETENTION AND DISPOSAL:

Maintained for 12 months following completion of promotion cycle for which member was tested, then destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base TX.

NOTIFICATION PROCEDURE:

See Exemption.

RECORD ACCESS PROCEDURES:

See Exemption.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

See Exemption.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(6).

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

F035 MPC S

SYSTEM NAME:

Aviation Service Historical Data File.

SYSTEM LOCATION:

Deputy Chief of Staff for Plans and Operations, Headquarters, United States Air Force, Pentagon, Washington, DC 20330–5054.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and inactive duty Air Force officers and airmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records concerning any qualification/disqualification for aviation service action and determination of eligibility for aeronautical badges; documentation on rated officers removed from or returned to flying status; officers granted United States Air Force aeronautical rating as a result of aeronautical rating boards, and records of non-rated officers and enlisted personnel who request action or consideration for flying status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8691, Flying officer rating: Qualifications, as implemented by Air Force Regulation 60–13, Aviation Service, Aeronautical Ratings, and Badges.

PURPOSE(S):

Provides an historical data base for USAF aviation service actions. Used to respond to inquiries regarding past and current aviation service actions on individuals by officials within the Office of the Secretary of the Air Force; the Air Force Board for Correction of Military Records, the Office of the Chief of Staff, USAF, the Office of the Air Force Deputy Chief of Staff for Personnel; the Office of Assistant Deputy Chief of Staff for Military Personnel, wherein a rated officer's qualification for aviation service is in question, the record is reviewed within the Training and Warrior Management Division, Directorate of Operations, Deputy Chief of Staff for Plans and Operations, for final decision by the Director of Operations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Retrieved by name.

VOL 58 ISS 33 FE 22 1993 UMI

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Records are maintained as precedent files in accordance with Air Force Regulation 12–50, Volume II, Disposition of Air Force Documentation - Policies, Procedures and Responsibilities. Records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Aviation Service Branch, Warrior Management Division, Directorate of Operations, Deputy Chiefs of Staff for Plans and Operations, Headquarters, United States Air Force, Washington, DC 20330–5054.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the system manager.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the system manager.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Correspondence generated at base level, major air command or Air Staff level.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 MPC U

SYSTEM NAME:

Separation Case Files (Officer and Airman).

SYSTEM LOCATION:

Air Force Military Personnel Center, Randolph AFB, TX 78150-6001. National Personnel Records Center, Military Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132-5000. Air Reserve Personnel Center, Denver, CO 80280-5000. Duplicate copies may be retained temporarily at each level requiring review or action on the case.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers and Airmen who have requested voluntary separation, who have been recommended or identified for involuntary separation under 10 U.S.C. 617(b) (including Reserve officers as a matter of Air Force Policy). Individuals who, under Pub. L. 95-202, Section 401, have requested review of service performed with the Army Air Force or U.S. Air Force to determine if such service was equivalent to active duty for purposes of laws administered by the Department of Veterans Affairs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Member's application, letter from commander initiating separation action with indorsements, supporting documents, and record of final action take. If congressional inquiry involved, request for information and reply provided is also filed by those offices involved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 59, Separations, 10 U.S.C. Chapter 36, Promotion, Separation and Involuntary Retirement of Officer on the Active-Duty List, Chapter 60, Separation of Regular Officers for Substandard Performance of Duty or for Certain Other Reasons, and 38 U.S.C., Veteran's Benefits; as implemented by Air Force Regulation 36-2, Administrative Discharge Procedures (For Sub-standard Performance of Duty, Misconduct, Moral or Professional Dereliction, or in the Interest of National Security); 36-12, Administrative Separation of Commissioned Officers; and 39-10, Administrative Separation of Airmen.

PURPOSE(S):

The original document is retained as a permanent record of action taken. The duplicate copies are retained to provide a temporary record of actions being taken for responding to inquiries concerning the status of a particular case. Occasionally, a case file is retained as a precedence file for later reference inrevising separation directives

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Individual case files may be released to a governmental body or agency or health care professional society or organization if such record is needed to perform licensing or professional standards monitoring related to credentialed health care practitioners or licensed, noncredentialed health care personnel who are or were formerly members of the Armed Forces. Case files may also be released to medical institutions or organizations wherein such member has applied for or been granted authority or employment to provide health care services if such record is needed to assess the professional qualifications of such member.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name. At National Personnel Records Center. Cases and correspondence are filed with Master Personnel Records. Transitory copies are filed alphabetically by general subject categories, i.e., involuntary officer separations, involuntary airman separations, etc.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. File cabinets and power files are secured during nonduty hours.

RETENTION AND DISPOSAL:

Master copies are retained permanently. Temporary files are disposed of within three years after final action is taken. Files are disposed of by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Personnel for Military Personnel, Randolph AFB, TX 78150-6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the Assistant Deputy Chief of Staff/Personnel for Military Personnel, Randolph AFB, TX 78150-6001.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Assistant Deputy Chief of Staff/ Personnel for Military Personnel, Randolph AFB, TX 78150-6001.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Member's application, correspondence from unit commander's initiating separation action.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 RE A

SYSTEM NAME:

Personnel Files on Statutory Tour Officers.

SYSTEM LOCATION:

Personnel Division, Office of Air Force Reserve (AF/REP), HQ USAF, Washington, DC 20330. Air Force Military Personnel Center (DPMYR), Randolph Air Force Base, TX 78148 (USAFR and ANG Personnel).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Air Force Reserve Officers applying for or selected for assignment as statutory tour officer.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for extended active duty with United States Air Force, military career brief, resume of prior military and civilian experience, officer effectiveness report overall rating, correspondence and special orders relative to the tour.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 265, Policies and regulations: Participation of reserve officers in preparation and administration.

PURPOSE(S):

Documentary support of tour applications; approval/disapproval; initiation, termination and extension of statutory tours; historical reference not to exceed two years after tour termination; used by Air Force Manpower and Personnel Center/ Assistant for Personnel Plans, Programs and Analysis, Reserve Forces Division (AFMPC/DPMYR); used for AFMPC/ DPMYR as record of approval/ disapproval, authority to issue Department of the Air Force Special Orders (DAFSOs); by Office of the Air Force Reserve (AF/RE), Director Air National Guard, National Guard Bureau (NGB/CF) and SAF/MRR as record of approval/disapproval.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know and stored in security file containers/cabinets.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Air Force Reserve, Headquarters United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Air Force Reserve, Headquarters United States Air Force, Washington, DC 20330.

Include full name and Social Security Number. Individuals may visit the Personnel Division, Office of Air Force Reserve, Pentagon, Washington, DC 20330. Military identification card or driver's license required for identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief of Air Force Reserve, Headquarters United States Air Force, Washington, DC 20330.

Include full name and Social Security Number. Individuals may visit the Personnel Division, Office of Air Force Reserve, Pentagon, Washington, DC 20330. Military identification card or driver's license required for identification.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 RE B

SYSTEM NAME:

Files on Reserve General Officers; Colonels Assigned to General Officer Positions.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, DC 20330 and Personnel Division Office of Air Force Reserve.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Air Force Reserve General Officers and Colonels assigned to General Officer positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resume of prior military and civilian experience, correspondence and Special Orders, Record of Reserve participation, personnel data listings, last five officer effectiveness reports, record of personal interview and assignment recommendation made by Chief, Air Force Reserve.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

To determine qualifications for initial/continued assignment to General Officer positions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in security file containers/ cabinets.

VOL 58 ISS 33 FE 22 1993 UMI

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Air Force Reserve, Headquarters United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Air Force Reserve, Headquarters United States Air Force, Washington, DC 20330.

Full name and Social Security Number must be provided. Individuals may visit the Personnel Division Office of Air Force Reserve, Pentagon, Washington, DC 20330.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief of Air Force Reserve, Headquarters United States Air Force, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports from individual officers, and from personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 SAFPA A

SYSTEM NAME:

Mobilization Augmentee Training Folders.

SYSTEM LOCATION:

Office for Plans and Resources, Secretary of the Air Force Office of Public Affairs (SAF/PAX), Room 5C941, The Pentagon, Washington, DC 20330; Washington National Records Center, Washington, DC 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Air Force Reserve assigned to Mobilization Augmentation (MA) positions within the Secretary of the Air Force Office of Public Affairs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for mobilization augmentee status, training, or assignment; orders to training or active duty; training completion certificates; pertinent correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Serves as a training record for, 'Participation and Assignment Within the Reserve Components;' used by supervisory personnel to determine eligibility for promotion or reassignment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in safes.

RETENTION AND DISPOSAL:

Retained in office files for two years after the individual completes or discontinues a training course, then retired to Washington National Records Center, Washington DC 20409, and, after 28 additional years, they are then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Public Affairs, Office of the Secretary of the Air Force (SAF/PA), Washington, DC 20330

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant for Reserve Affairs, Secretary of the Air Force Office of Public Affairs (SAF/PAX), Room 5C941, The Pentagon, Washington, DC 20330. Individuals inquiring by mail should furnish their name and service number. Individuals making personal visits to the Office for Plans and Resources should have in their possession a valid identification card (DD Form 2AF(RES)).

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Reserve Forces Liaison Officer, Office for Resources and Projects, Secretary of the Air Force Office of Public Affairs (SAF/PAX) Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 SAFPC A

SYSTEM NAME:

Air Force Discharge Review Board Retain Files.

SYSTEM LOCATION:

Office of the Secretary of the Air Force, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former Air Force Personnel who submit applications for review of discharge/separation/dismissal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of correspondence between applicant and Discharge Review Board; duplicates of summary of board proceedings and summary of applicant's military record; and miscellaneous control records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1553, Review of discharge or dismissal.

PURPOSE(S):

Used by the Air Force Discharge Review Board as a temporary reference file.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name, Social Security Number or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in safes.

RETENTION AND DISPOSAL:

Retained in office files for one year from date of hearing and then destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Secretary of the Air Force Personnel Council, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director, Secretary of the Air Force Personnel Council, Washington, DC 20330.

Written requests should contain the full name; service number and Social Security Number of the requester. Personal visits may be made to room 200, 1745 Jefferson Davis Hwy, Arlington, VA. Visitors must supply full name, service number, Social Security Number and some form of identification such as driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director, Secretary of the Air Force Personnel Council, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual's military personnel record.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 SAFPC B

SYSTEM NAME:

Air Force Discharge Review Board Original Case Files.

SYSTEM LOCATION:

National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former Air Force Personnel who submit applications for review of discharge/separation/dismissal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Original copy of summary of board proceedings, individual's application form, order appointing Discharge Review Board members, summary of applicant's military personnel record, correspondence between applicant and Discharge Review Board and magnetic recording of hearing (if required).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1553, Review of discharge or dismissal.

PURPOSE(S):

Documents are created and placed in the applicant's military personnel file as a permanent record of the Board's action in the performance of its statutory function. Files are used by the Air Force Manpower and Personnel Center to create new discharge documents if required and to notify the applicant of the outcome of his or her case.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and recording.

RETRIEVABILITY:

Retrieved by name, Social Security Number or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms and controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained permanently at the National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St Louis, MO 63132.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Secretary of the Air Force Personnel Council, Washington, DC 20030.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director, Secretary of the Air Force Personnel Council, Washington, DC 20030.

Written requests should contain the full name service number and Social Security Number of the requester. Personal visits may be made to room 200, 1745 Jefferson Davis Hwy, Arlington, VA. Visitors must supply full name, service number, Social Security Number and some form of identification such as driver's license, credit cards, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director, Secretary of the Air Force Personnel Council, Washington, DC 20030.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual's military personnel record.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 SAFPC C

SYSTEM NAME:

Air Force Discharge Review Board Voting Cards.

SYSTEM LOCATION:

Office of the Secretary of the Air Force, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former Air Force Personnel who submit applications for review of discharge/separation/dismissal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Voting cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1553, Review of Discharge or Dismissal.

PURPOSE(S):

Used by the Air Force Discharge Review Board to record votes of board members on individual cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card files.

RETRIEVABILITY:

Retrieved by name, Social Security Number or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and, by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files for one year from date of hearing and then destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Secretary of the Air Force Personnel Council, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director, Secretary of the Air Force Personnel Council, Washington, DC 20330.

Written requests should contain the full name and Military Service Number or Social Security Number of the requester. Personal visits may be made to room 200, 1745 Jefferson Davis Highway, Arlington, VA. Personal visitors must supply full name and Military Service Number or Social Security Number and some form of identification such as driver's license, credit cards, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director, Secretary of the Air Force Personnel Council, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual's military personnel record.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 SAFPC D

SYSTEM NAME:

Air Force Discharge Review Board Case Control/Locator Cards.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former Air Force personnel who submit applications for review of discharge/separation/dismissal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case control/locator cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1553, Review of discharge or dismissal.

PURPOSE(S):

Used by personnel at the Air Force Manpower and Personnel Center who are responsible for servicing the Air Force Discharge Review Board to keep track of cases and to record the daily activity relating to each case.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card files.

RETRIEVABILITY:

Retrieved by name, Social Security Number or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained permanently at the Air Force Manpower and Personnel Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Secretary of the Air Force Personnel Council, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Air Force Manpower and Personnel Center (DPMDRAI), Randolph Air Force Base, TX 78150.

Such requests should contain individual's full name and Military Service Number or Social Security Number. Personal visits may be made to the Air Force Manpower and Personnel Center, Systems Management Division, Randolph Air Force Base, TX. Visitors must supply their full name and Military Service Number or Social Security Number and provide some form of identification such as driver's license or credit card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Air Force Manpower and Personnel Center (DPMDRAI), Randolph Air Force Base, TX 78150.

Such requests should contain individual's full name and Military Service Number or Social Security Number. Personal visits may be made to the Air Force Manpower and Personnel Center, Systems Management Division, Randolph Air Force Base, TX. Visitors must supply their full name and Military Service Number or Social Security Number and provide some form of identification such as driver's license or credit card.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual's application form and military personnel record.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 SG A

SYSTEM NAME:

Application for Aeronautical Rating (Senior and Chief Flight Surgeon).

SYSTEM LOCATION:

The Aerospace Medical Consultants Division, Air Force Medical Service Center (AFMSC/SGPA), Brooks Air Force Base, TX 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Flight Surgeons applying for Senior/Chief Flight Surgeon Rating.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual application, summary of contributions to the Aerospace Medicine Program, date of previous ratings, number of flying hours, and written professional examination (multiple choice type) if applicant is not a graduate of the Residency in Aerospace Medicine.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by and 8067(f), Designation: Officers to perform certain professional functions.

PURPOSE(S):

Used by Chief, Flight Medicine, Aerospace Consultant Division and Chief, Aerospace Medicine Division, Office of the Surgeon General to determine professional qualification for award of Senior/Chief Flight Surgeon rating. Used to transmit application data by the individual and AFMSC/SGPA through appropriate commend channels; evaluate and make appropriate recommendations concerning award of the advanced ratings; and as authority for publication of Aeronautical Orders by appropriate orders issuing authority.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and in visible file binders/cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and are stored in locked rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Flight Medicine, HQ AFMSC/SGPA, Brooks Air Force Base, TX 78235.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief, Flight Medicine, HQ AFMSC/SGPA, Brooks Air Force Base, TX 78235.

Required information is full name, rank and Social Security Number. Requester may visit Aerospace Medical Consultants Division, Office of the Surgeon General, Headquarters Air Force Medical Service Center, Brooks Air Force Base, TX 78235. Proof of identity is by military ID card and personal recognition due to small number of officers involved.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Flight Medicine, HQ AFMSC/SGPA, Brooks Air Force Base, TX 78235.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions and from source documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 SG B

SYSTEM NAME:

Medical Service Corps Personnel Files.

SYSTEM LOCATION:

Headquarters, United States Air Force/SGA, Washington, DC 20332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty and retired or separated medical service corps officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains personnel correspondence to and from individual medical service corps officers and forms relating to assignment, extension, Air Force Specialty Code, and other selected documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by: and 8067(d), Designation: Officers to perform certain professional functions.

PURPOSE(S):

Information is used solely for the purpose of recommending individual for assignment, extension, statistical data, promotion or advanced training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Records are retained in active file as long as officer is on active duty, in inactive file one year from date of retirement, resignation, or separation, and are then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force, Washington, DC 20332.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit The Surgeon General, Headquarters United States Air Force, Washington, DC 20332.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit The Surgeon General, Headquarters United States Air Force, Washington, DC 20332.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions, from Senior Medical Service Corps officers, and from the Air Force Manpower and Personnel Center.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 SG C

SYSTEM NAME:

Veterinary Personnel Files.

SYSTEM LOCATION:

Headquarters, Air Force Medical Service Center/SGPA and United States Air Force SAM/US, Brooks Air Force Base, TX 78232.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty and retired or separated veterinary officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains personal correspondence to and from individual veterinary officer and forms relating to assignment, extension, Air Force Specialty Code, promotion, and other selected documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and 8067(k) Designation: Officers to perform certain professional functions.

PURPOSE(S):

Information is used solely for the purpose of recommending individual for assignment, extension or advanced training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in active file as long as officer is on active duty and in inactive file one year from date of retirement, resignation, or separation. Then they are destroyed by tearing into pieces, shredding, pulping, macerating or burning

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit The Surgeon General, Headquarters United States Air Force, Washington, DC 20330.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit The Surgeon General, Headquarters United States Air Force, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions, from Command, Air Force Veterinarians and Air Force Manpower and Personnel Center Records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F040 AA A

SYSTEM NAME:

Civilian Personnel Files.

SYSTEM LOCATION:

Office of the Secretary of the Air Force, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former civilians, statutories, consultants, and Summer Hires employed in the Office of the Secretary of the Air Force only.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment applications and records; award recommendations; position descriptions, training; Process sheets.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

To provide information and services to employees and offices within the Office of the Secretary of the Air Force

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/ binders and card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms. Access controlled by Assistant Manager and to Restricted authorized personnel.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Assistant to The Secretary of the Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Administrative Assistant to The Secretary of the Air Force.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Administrative Assistant to The Secretary of the Air Force.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations

are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from Air Force Civilian Personnel Offices and from financial institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

F040 AF DP A

SYSTEM NAME:

Civilian Employee Drug Testing Records.

SYSTEM LOCATION:

Air Force central civilian personnel offices; military medical laboratories; approved contract and/or Air Force drug testing laboratories. Official mailing addresses are listed in the appendix to the Air Force's compilation of systems of records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force civilian employees and applicants for Air Force civilian positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to selection, notification, and testing for the use of illegal drugs by civilian employees and selected applicants for civilian positions, to include: Self identification records; requests for testing submitted by employees, supervisors, and commanders; testing notification; documentary evidence in support of testing decision; chain of custody records regarding testing samples; reports of testing results; records relating to the type and quality of testing performed; documentary evidence submitted by employee or applicant in rebuttal of test results; reports of medical findings regarding test results; disciplinary/adverse action records to include notification of proposed action and documentary evidence submitted in support thereof, employee's response and documentary evidence submitted in support thereof, and management's action; referrals to counseling/rehabilitation services; and records regarding employee's consent for release of information concerning counseling/rehabilitation progress.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7301; Pub. L. 100–71; E.O.s 12564, Drug-Free Federal Workplace and 9397; and 10 U.S.C. 8013, Secretary of the Air Force: Powers and Duties, delegation by; and DOD Directive 1010.9, DOD Civilian Employee Drug Abuse Testing Program.

PURPOSE(S):

Provides the record system necessary to manage the Air Force civilian employee and applicant drug abuse testing program. This system tracks the identification, notification, and testing for drug abuse of civilian employees and applicants for selected civilian positions. The system also tracks follow up corrective actions.

The records are also used by the employee's Medical Review Official; the administrator of any Employee Assistance Program in which the employee is receiving counseling or treatment or is otherwise participating; and supervisory or management officials within the employee's agency having authority to take adverse personnel action against such employee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In order to comply with provisions of 5 U.S.C. 7301, the Department of the Air Force's 'Blanket Routine Uses' do not apply to this system of records.

To a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action is a compatible routine use required by statute.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

System is maintained on paper records kept in file folders and/or on computer tapes and discs.

RETRIEVABILITY:

Records are retrieved by employee name, Social Security Number, date of birth, specimen identification number or any combination of these.

SAFEGUARDS:

Records are accessed by custodian of the records system and by person(s) responsible for servicing the records system in performance of their official duties who are properly screened. Except when under direct physical control by authorized individuals, records will be stored in security file containers/cabinets or safes and controlled by personnel screening. Computer terminals are located in supervised areas with terminal access controlled by password or other user code systems.

RETENTION AND DISPOSAL:

Local retention varies from 3 months to 5 years; or one year after individual has reassigned, separated, retired, or has died. After that time, records are destroyed by tearing, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters United States Air Force, Directorate of Civilian Personnel, Benefits and Entitlements Division (HQ USAF/DPCE), Washington, DC 20330–5060, or comparable official of the Civilian Personnel Office serving the Air Force activity/installation. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to or appear in person at their servicing Central Civilian Personnel Office of the appropriate Air Force activity/installation or to the Headquarters United States Air Force, Directorate of Civilian Personnel, Benefits and Entitlements Division (HQ USAF/DPCE), Washington, DC 20330–5060. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Written requests should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed. Requests in person must be made during normal working hours Monday through Friday, excluding national and/or local holidays.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to or appear in person to the servicing Central Civilian Personnel Office of the appropriate Air Force activity/installation or to the Headquarters United States Air Force, Directorate of Civilian Personnel, Benefits and Entitlements Division (HQ USAF/DPCE), Washington, DC 20330–5060. Proof of identification will be required prior to disclosure.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records in this system are obtained from (a) the individual to whom the record pertains; (b) Air Force employees involved in the selection and notification, and collection of individuals to be tested; (c) laboratories

that test urine specimens for the presence of illegal drugs; and (d) supervisors and managers and other Air Force officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F040 AF MP H

SYSTEM NAME:

Employee Assistance Program Case Record Systems.

SYSTEM LOCATION:

Consolidated civilian personnel offices. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices. Copies are maintained by supervisors and other Air Force installation offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees in appropriated and non-appropriated fund activities who are referred by management for, or voluntarily request, counselling assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case records on employees which are maintained by counselors, supervisors, civilian personnel offices and Social Action offices and consist of information on condition, current status, and progress of employees or dependents who have alcohol, drug, emotional, or other job performance problems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Office and Treatment Act of 1972, as amended by Pub. L. 93–282 (21 U.S.C. 1175); Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended by Pub. L. 93–282 (42 U.S.C. 4582); Subchapter A of Chapter I, 42 CFR; 5 U.S.C. Chapter 43, Performance Rating.

PURPOSE(S):

Used by the counselor in the execution of his/her counselling function as it applies to the individual employee. With specific written authority of the employee, selected information may be provided to and used by other counselors or medical personnel, research personnel, employers, representatives such as legal counsel, and to other agencies or individuals when disclosure is to the employee's benefit, such as for processing retirement applications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Routine Uses are limited to the uses published in the Authorities cited above.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Records are purged of identifying information within five years after termination of counselling or destroyed when they are no longer useful. Destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force or comparable official of the Civilian Personnel Office servicing the Air Force activity/installation.

NOTIFICATION PROCEDURE:

Request by correspondence should be addressed to servicing civilian personnel office or to the appropriate Employee Assistance Program administrator at the activity. The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the same address as above. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Counselors, other officials, individuals or practitioners, and other agencies both in and outside of Government.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F040 AF NAFI A

SYSTEM NAME:

Non-Appropriated Fund (NAF) Civilian Personnel Records.

SYSTEM LOCATION:

Civilian personnel offices. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices. Air Force Manpower and Personnel Center/DPMS, Randolph Air Force Base, TX.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force civilian employees paid from nonappropriated funds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Life cycle personnel actions and related documents related to employment and pay of NAF employees including documents related to employees benefits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

To document and record personnel action on individual employees and to determine pay and other benefit entitlements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know.

RETENTION AND DISPOSAL:

Retired to National Personnel Records Center upon separation of individual from employment.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the servicing civilian personnel office. Identifying information is required to satisfy custodian of record. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the servicing civilian personnel office maintaining record. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, financial institutions, educational institutions, police and investigating officers, personnel documents requesting and appointing and paying individual, and from documents related to designation of benefits and beneficiaries.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F040 AF NAFI B

SYSTEM NAME:

Nonappropriated Fund (NAF) Civilian Personnel Records-Manpower.

SYSTEM LOCATION:

Headquarters, United States Air Force, Air Force Morale, Welfare, and Recreation Center, Randolph Air Force Base, TX 78150–7000, all major commands and Human Resources offices. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Pending, current and former Air Force nonappropriated fund civilian employees assigned to billeting and morale, welfare, and recreation Nonappropriated Fund Instrumentalities (NAFI).

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment information including position authorization, personnel data to include name, grade, Social Security Number and date of birth, suspense information, position control information, projected and historical information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by as implemented by Air Force Regulation 40–7, Nonappropriated Funds Personnel Management and Administration, and E.O. 9397.

PURPOSE(S):

To provide system support to HQ AFMWRC and other serviced activities required to maintain a personnel management and records keeping system that pertains to evaluation, authorization and position control, position management, staffing, inventory, career management, benefits and the suspensing and processing of personnel actions; to provide information to all levels of management; to provide information for the transfer between NAFIs, and to provide information to employee unions as prescribed by negotiated contracts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation apply to this system.

Records may also be disclosed to employee unions as prescribed by negotiated contracts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Master personnel records for pending employees are transferred to the active file upon appointment of the employee; master personnel records for active employees are transferred to the separated employee history file where they are retained for two years subsequent to separation, then transferred to the National Personnel Records Center. The AF Form 2545, NAFI Notification of Personnel Action, is disposed of in accordance with AFR 40–7. Coding forms, on-line terminal message sheets, system quality control products, computer printouts, employee career brief, locator files and personnel and position control registers are destroyed after use. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

HQ AFMWRC/MWOSB, Randolph Air Force Base, TX 78150–7000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the system manager or the servicing Civilian Personnel office.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the system manager or the servicing Civilian Personnel office.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers; financial institutions; educational institutions; police and investigating officers; documents requesting, paying and appointing individual; documents related to designation of benefits and beneficiaries. Information obtained from subject of the record and official personnel folder.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F040 AFAA A

SYSTEM NAME:

Merit Promotion File.

VOL 58 ISS 33 FE 22 1993 UMI

SYSTEM LOCATION:

Headquarters, Air Force Audit Agency, Norton Air Force Base, CA 92409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Audit Agency civilian employees

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records incidental to the application and qualification for promotion and duty assignments. Records include, but are not limited to, Supervisory Appraisals, Training Information, Qualifications Profile Records, Personal Qualification Statements, Records of Placement Applications and Disposition, Assignment and Reassignment Records (Orders, Mobility Certificates, Shipments of Household Goods, Overseas Assignments), Position Descriptions, and Records of Personnel Actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Chapter 33, Subchapter I - Examination, Certification, and Appointment.

PURPOSE(S):

Used by the Command Section, AFAA, and the Directorate of Resources Management Staff to determine eligibility and relative competitive standing for promotion or other placement. Provides personnel data for management purposes, including location, changes of station, mobility, pay information, previous assignments, education and self-development, supervisory performance appraisals, results of competition for promotion or other placement action, descriptions of duties, and recognitions achieved.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Auditor General, Air Force Audit Agency (AFAA/AG), Norton Air Force Base, CA 92409.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Auditor General, Air Force Audit Agency (AFAA/AG), Norton Air Force Base, CA 92409.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Auditor General, Air Force Audit Agency (AFAA/AG), Norton Air Force Base, CA 92409 and the Director of Resource Management, HQ Air Force Audit Agency (AFAA/RM), Norton Air Force Base, CA 92409.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers; financial, educational, and medical institutions; trade associations, automated system interfaces; police and investigating officers; state or local governments; international organizations; corporations; witnesses; source documents; and individual input and documents generated internally within the AFAA.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F040 AFMC A

SYSTEM NAME:

Air Force Logistics Command (AFC) Senior Civilian Information File.

SYSTEM LOCATION:

Directorate of Civilian Personnel, Headquarters AFMC, Wright-Patterson Air Force Base, OH 45433-5006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AFLC personnel grade GS–16 and Senior Executive Service members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Picture, biography, grade, series, organization, location, primary specification number (PSN), approval date, SCD, date of birth, date assigned, veterans status, education level, name, title.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, and AFLC Supplement 1 to Air Force Regulation 40–300, Filling Positions.

PURPOSE(S):

Preclude gathering each time needed, justify retention of PSN, provide biographical information as needed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File binder.

RETRIEVABILITY:

Name, grade, organization.

SAFEGUARDS:

File cabinet.

RETENTION AND DISPOSAL:

One year after incumbent leaves position. Records are then destroyed by tearing into pieces, shredding, macerating, pulping or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Civilian Personnel, Headquarters, AFMC Wright-Patterson Air Force Base, OH 45433-5006.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director of Civilian Personnel, Headquarters, AFMC, Wright-Patterson Air Force Base, OH 45433-5006.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director of Civilian Personnel, Headquarters, AFMC Wright-Patterson Air Force Base, OH 45433-5006.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and

appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

HQ AFLC Office of Information, Civilian Personnel Statistical Accounting System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F040 AFRES A

SYSTEM NAME:

Air Reserve Technician (ART) Officer Selection Folders.

SYSTEM LOCATION:

Headquarters Air Force Reserve/DPC Robins Air Force Base, GA 31098.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees who apply and are eligible for promotion to ART officer positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Qualification statement, training and testing record, appraisal and ranking records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

To evaluate and rank individuals for merit promotion to ART officer level positions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in security file containers/ cabinets

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Personnel, Headquarters Air Force Reserve.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Deputy Chief of Staff/Personnel, Headquarters Air Force Reserve.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Deputy Chief of Staff/Personnel, Headquarters Air Force Reserve.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from official personnel folders, supervisory appraisals, tests, evaluations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F040 ASG A

SYSTEM NAME:

Civilian Pay-Personnel-Manpower (Paperman).

SYSTEM LOCATION:

1947th Administrative Support Group (HQ 1947 ASG/DPD), Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Pending, current, and former Air Force appropriated fund civilian employees assigned to HQ USAF civilian certain personnel of Air Force intelligence service, Air Force Communications Command, National Guard Bureau, U.S. Air Force Manpower and Personnel Center and Air Force Data Services Center in the Washington, DC area.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment information including position authorization position, personnel date, suspense information, position control information, projected information and historical information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 33, Examination, Selection and Placement.

PURPOSE(S):

To provide system support to HQ U.S. Air Force and other serviced activities in that part of Office of Personnel Management and Air Force requirements to maintain a personnel management and records keeping system that pertains to evaluation, authorization and position control, position management, staffing skills inventory, career management, training, retirement, Employee Services, rights and benefits and the suspensing and processing of personnel actions; to provide individual records and reports to HQ, U.S. Air Force and the Civil Service Commission; to provide information required by the Office of Personnel Management for the transfer between USAF and other federal activities; to provide reports of military reserve status to other Armed Services for contingency planning; and to provide information to employee unions as prescribed by negotiated contract.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer and computer output products.

RETRIEVABILITY:

Normally data are retrieved by use of nonpersonal information such as organizational unit, type of employment, occupation, functional area or other workforce characteristics, or name, Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards, and controlled by personnel screening and computer system software.

RETENTION AND DISPOSAL:

Coding Forms, punch cards, on-line terminal message sheets and system quality control products are destroyed after use by tearing into pieces, shredding, pulping, macerating or burning; master personnel records for pending employees are transferred to the active file upon appointment of the employee; master personnel records for

VOL 58 ISS 33 FE 22 1993 UMI

active employees are transferred to the separated employee history file where they are retained for two years subsequent to separation and then destroyed by degaussing. Computer printouts are retained until they are microfilmed, then destroyed by tearing into pieces, shredding, pulping, macerating or burning. Microforms are retained until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, macerating, burning or chemical dissolution of the images. The Notification of Personnel Action, Standard Form 50 is disposed of as directed by the Office of Personnel Management. Work files and records, such as the employee career brief, position survey worksheet, retention register, alphabetical and Social Security Number locator files, and personnel and position control register are destroyed after use by tearing into pieces, shredding, pulping, macerating, or burning. Worksheets pertaining to qualifications and retention registers are disposed of as directed by the OPM. Transitory files such as the pending file and recovery files are destroyed after use by degaussing. Files and records retrieved through general retrieval systems are destroyed after use by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer, 1947th ASG/DPC, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Civilian Personnel Officer, 1947th ASG/DPC, Washington, DC 20330.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Civilian Personnel Officer, 1947th ASG/DPC, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information received from the employee and the Office of Personnel Management's Official Personnel Folder.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F045 AFRES A

SYSTEM NAME:

Reserve Medical Service Corps Officer Appointments.

SYSTEM LOCATION:

Headquarters Air Force Reserve (AFRES), Robins Air Force Base, GA 31098.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve medical service officer applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Status and actions taken during the processing of applications for appointment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 591, Reserve components: Qualifications; 2104, Advanced Training; eligibility for; 2107 Financial Assistance Program for Specially Selected Members; 8067, Designation: Officers to perform certain professional functions; and 9411, Establishment: Purpose.

PURPOSE(S):

Provides a ready reference and status of all applications and the actions accomplished during the processing of each.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card files/folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by commanders of medical centers and hospitals and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Command Surgeon, HQ AFRES, Robins Air Force Base, GA 31098.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Command Surgeon, HQ AFRES, Robins Air Force Base, GA 31098.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Command Surgeon, HQ AFRES, Robins Air Force Base, GA 31098.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F045 ARPC A

SYSTEM NAME:

Air Force Reserve Application.

SYSTEM LOCATION:

Headquarters Air Reserve Personnel Center, Denver CO 80280–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty personnel, civilian employees and former employees, Air Force Reserve and Air National Guard personnel, dependents of military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of application for appointment as reserve of the Air Force and comparable forms, correspondence, and related papers.

AUTHORITY FOR MAINTAINING THE SYSTEM:

10 U.S.C. 275 Personnel Records; 672 Reserve Components General; 8358 Commissioned Officers original appointment; service credit, 8359 Commissioned Officers original appointment, determination of grade, as implemented by Air Force Regulation 36–15, Appointment in Commissioned Grades and Designation and Assignment in Professional Categories - Reserve of the Air Force and USAF (Temporary), and E.O. 9397.

PURPOSE(S):

To determine if individual qualifies for appointment or commissioning in the Reserve of the Air Force on voluntary entry on Extended Active Duty (EAD) and justification, if any, for an Air Force Specialty Code (AFSC). Medical applications are forwarded for approval to AFMPC/SG, Randolph Air Force Base, TX 78150–6001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card files and file folders.

RETRIEVABILITY:

Retrieved by Social Security Number, by name, or case control number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Records are protected by guards.

RETENTION AND DISPOSAL:

Destroy one year after approval or one year after individual declines appointment. Applications for entrance on active duty are destroyed after one year or when superseded, obsolete and no longer needed for reference or inactivation whichever is sooner. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000.

Written requests should contain full name, Social Security Number, current mailing address, and the case (control) number on correspondence received from the Center, if applicable.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000. Records may be reviewed in the Records Review Room, Headquarters Air Reserve Personnel Center, Denver, CO, between 8 a.m. and 3 p.m. on normal workdays.

Requester must be able to provide sufficient proof of identity, with an Armed Forces identification card or a drivers license.

CONTESTING RECORD PROCEDURE:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from individual applying for appointment in the reserve, applications for extended active duty, and statement of military who served in the Navy or Marine Corps.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F045 ARPC B

SYSTEM NAME:

Inactive Duty Training, Extension Course Institute (ECI) Training.

SYSTEM LOCATION:

Air Reserve Personnel Center (ARPC), Denver CO 80280–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve and National Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Authorization for inactive training, authorization for individual inactive duty training (for nonpay status only; for pay status authorization). Certificate of completion issued on completion of volume of a course. Point credit source document maintained on active Air Force Reserve member.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1331, Age and service requirements; 1332, Computation of years of service in determining entitlement to retired pay; and 1333, Computation of years of service in computing retired pay as implemented by Air Force Regulation 35–41, Vol II, Reserve Training; and E.O. 9397.

PURPOSE(S):

To record completion of each volume of a correspondence course by a Reservist and show training performed for either paid or nonpaid status. Record is used by military personnel clerks to audit a Reservist point credit account and as a cross check to ensure accuracy of the Reservist's yearly point credit account as it pertains to his pay account.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

RETENTION AND DISPOSAL:

Inactive duty training documents (originals) are destroyed after 5 years. ECI certificates (duplicates) issued on completion of a course are filed in the field personnel record until it is outdated, then it is destroyed by tearing into pieces, macerating, shredding, pulping, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, ARPC, Denver CO 80280–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Records Manager, ARPC/DAD, Denver CO 80280–5000.

Written requests for information should contain full name, Social Security Number, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, ARPC, Denver CO 80280–5000 between 8 a.m. and 3 p.m. on normal workdays. Visitors wishing to see their records should provide a current Reserve identification card and/or drivers

VOL 58 ISS 33 FE 22 1993 UMI

license and some verbal information that could verify the person's identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Records Manager, ARPC/DAD, Denver CO 80280–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from individual Reservist, Air National Guard and Air Force Reserve unit.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F045 ATC C

SYSTEM NAME:

Cadet Records.

SYSTEM LOCATION:

HQ Air Force Reserve Officer Training Corp (HQ AFROTC/RRF), Maxwell Air Force Base, AL 36112–6663, and AFROTC detachments. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AFROTC cadets applying for, or enrolled or previously enrolled within the past three years in the professional officers course or the general military course, if the latter participation was in a scholarship status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for enrollment in the Air Force Reserve Officers' Training Corps (AFROTC) courses, applications for the AFROTC scholarship program, substantiation records of qualification for the courses or programs, acceptances of applications, awards of scholarships, records attesting to medical, academic, moral and civic qualifications, records recording progress in flying instruction, Euro-NATO Joint Jet Pilot Training (ENJJPT) application data, academic curriculum and leadership training, counseling summaries, records of disenrollment from other officer candidate training; records of separation or discharge from officer candidate training; records of separation or discharge of prior service members; financial record data, certification of degree requirements; Regular appointment nomination data, records tendering and accepting commissions, records verifying national agency checks or background investigation, records required or proffered during investigations for disenrollment, legal opinions, letters of recommendations, corroboration by civil authorities, awards, citations; and allied papers.

Field training administration records consist of student assignment/orders, in-processing checklist, counseling records, drill evaluation, weekly quarters inspection, discrepancy reports, student performance reports. Flight instruction program records consist of student eligibility, grade sheets and performance records, training certificates, waiver and elimination actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C. Chapter 33, Appointment in Regular Component, and Chapter 103, Senior Reserve Officers' Training Corps; Air Force Regulation 45–48, Air Force Reserve Officers' Training Corps (AFROTC), Air Force Regulation 45–3, Air Force Reserve Officer Training Corps Field Training Program and E.O. 9397.

PURPOSE(S):

Used for recruiting and qualifying a candidate for acceptance as an AFROTC cadet, continuing the cadet in the program and awarding an Air Force commission.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/binders, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name, Social Security Number and detachment number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Records at unit of assignment are destroyed one year after acceptance of commission or one year after disenrollment. Records at HQ AFROTC for disenrolled cadets are destroyed after three years. Computer records are destroyed when no longer needed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Senior Program, HQ AFROTC/RRU, Maxwell Air Force Base, AL 36112–6663, and Commander of the appropriate AFROTC detachment. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the AFROTC Detachment Commander at location of assignment. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

Request for information involving an investigation for disenrollment should be addressed to HQ AFROTC/RRF, Maxwell Air Force Base, AL 36112. Requests should include full name and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Director of Senior Program, HQ AFROTC/RRU, Maxwell Air Force Base, AL 36112–6663 or the AFROTC Detachment Commander at location of assignment. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices. Both addresses may be visited by the requester.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Sources of records in the system are educational institutions, secondary and higher learning; government agencies; civilian authorities; financial institutions; previous employers; individual recommendations,

interviewing officers; and civilian medical authorities.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system which fall within 5 U.S.C. 552a(k)(5) are exempt from the following provisions of Title 5 U.S.C. 552a, sections (c)(3); (d); (e)(4), (G), (H), and (f) of the Act, but only to the extent that disclosure would reveal the identity of a confidential source.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

F045 ATC E

SYSTEM NAME:

Four-Year Reserve Officer Training Corps (AFROTC) Scholarship Program Files.

SYSTEM LOCATION:

Central records maintained at Four-Year AFROTC Scholarship Branch (RRUF), Maxwell Air Force Base, AL 36112; computer printout summary data sent to AFROTC and Air Force Junior Reserve Officer Training Corps (AFJROTC) detachments; AFROTC area admission counselors located at selected AFROTC detachment, and congressmen at their request. Addresses are maintained by the AFROTC Commandant, Maxwell Air Force Base, AL 36112.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

High school students or graduates who apply for the four-year scholarship.

CATEGORIES OF RECORDS IN THE SYSTEM:

AFROTC administrative unit; applicant's address; AFROTC detachment located at the educational institution to be attended by the applicant; AFROTC detachment which the applicant desires to attend; AFJROTC unit attended by applicant; college entrance examination board scores; applicant's class standing and size of class; applicant disqualification causes; personel interview actions and associated waivers as required; applicant medical status; applicant's full name; AFROTC program qualification; applicant medical remedial requirements; applicant scholarship status; applicant Social Security Number; applicant test qualification; civil air patrol wing attended; applicant's high school and address; applicant high school decile placement; applicant grade point average; applicant telephone number; applicant date of birth; applicant statement of understanding and intent; medical testing facility; AFROTC area admission counselor's areas of responsibilities; applicant scholarship choices; AFROTC four-year central scholarship selection board results; applicant's designated scholarship; civil involvement information and associated waivers as required; name of educational institution to be attended by applicant; applicant's high school principal evaluation; AFJROTC instructor evaluation of a cadet; high school transcripts; application forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2107, Financial assistance program for specially selected members; and Air Force Regulation 45–48, Air Force ROTC.

PURPOSE(S):

Used by AFROTC scholarship program office, AFROTC detachments, and AFROTC area admission counselors for processing and awarding of AFROTC 4–year scholarships; counseling applicants concerning application difficulties and problems; and the recruiting of applicants into the AFROTC program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, visible file binders/cabinets, and on computer and computer output products.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms and controlled by computer system software.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Four-Year Scholarship Branch, Maxwell Air Force Base, AL 36112.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief, Four-Year Scholarship Branch, Maxwell Air Force Base, AL.

Requests should include the full name, military-applicant status, and Social Security Number or military service number. Individuals may visit the AFROTC scholarship Programs Office, Maxwell Air Force Base, AL 36112. Individuals must provide their full name, military applicant status, and Social Security Number or service number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Four-Year Scholarship Branch, Maxwell Air Force Base, AL.

Requests should include the full name, military-applicant status, and Social Security Number or military service number. Individuals may visit the AFROTC scholarship Programs Office, Maxwell Air Force Base, AL 36112. Individuals must provide their full name, military applicant status, and Social Security Number or service number.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions, automated system interfaces, police and investigating officers and from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F045 MPC A

SYSTEM NAME:

Educational Delay Board Findings.

SYSTEM LOCATION:

Air Force Military Personnel Center, Randolph Air Force Base, TX 78150–6001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve Officers' Training Corps (AFROTC) Cadets and/or AFROTC graduates (officers).

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for delay in entering extended active duty status to pursue advanced degrees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2108, Advanced standing; interruption of training; delay in starting obligated service; release from program, and 50 Appendix 456, Deferments and exemptions from training and service, as implemented by Air Force Regulation 33–3, Enlistment in the United States Air Force.

PURPOSE(S):

Used to inform applicants of results of Board action on their request for delay.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Disapproved applications are destroyed after 6 months; approved applications are destroyed on completion of delay.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Personnel for Military Personnel, Randolph Air Force Base, TX 78150-6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/ Personnel for Military Personnel, Randolph Air Force Base, TX 78150-6001.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff/Personnel for Military Personnel, Randolph Air Force Base, TX 78150-6001.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Member's application.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 ACC A

SYSTEM NAME:

Student Record File.

SYSTEM LOCATION:

Tactical Air Command (TAC) Noncommissioned Officer (NCO) Academy West, Bergstrom Air Force Base, TX 78743–5000, and Detachment 1, 4500 School Squadron, TAC NCO Academy East, Tyndall Air Force Base, FL 32403–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty enlisted military personnel assigned to the Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual student evaluation record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; Powers and Duties, delegation by.

PURPOSE(S):

Used to monitor the academic progress of academy students and as a history file.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card files and on computer and computer output products.

RETRIEVABILITY:

Retrieved by class and by name.

SAFEGUARDS:

Records are stored in security file containers/cabinets.

RETENTION AND DISPOSAL:

Records are retained for 10 years after individual completes or discontinues a training course, then destroyed by tearing into pieces, shredding, macerating, or burning. Computer records will be destroyed by degaussing or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Education, TAC NCO Academy West, Bergstrom Air Force Base TX 78743–5000 and Director of Education, TAC NCO Academy East, Tyndall Air Force Base, FL 32403–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the Director of Education, TAC NCO Academy West, Bergstrom Air Force Base TX 78743–500 and/or Director of Education, TAC NCO Academy East, Tyndall Air Force Base, FL 32403–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address requests to the Director of Education, TAC NCO Academy West, Bergstrom Air Force Base TX 78743–500 and/or Director of Education, TAC NCO Academy East, Tyndall Air Force Base, FL 32403–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information for this system is obtained form automated system interfaces and from student performance evaluations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 ACC B

SYSTEM NAME:

Instructional Systems Development (ISD) Evaluation.

SYSTEM LOCATION:

93 Bombardment Wing (93 BMW) Instructional Systems Development Division (DO5), Castle Air Force Base, CA 95342.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Strategic Air Command (SAC) aircrew members (B–52 G/H pilots, copilots, navigators, radar navigators, electronic warfare officers, aerial defense gunners; KC–135 pilots, copilots, navigators, inflight refueling operators) who are attending, or have attended, a course of instruction conducted by the 93 BMW, Castle Air Force Base, CA, after June 1, 1981.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized information file compiled from questionnaires about training accomplished while attending a course of instruction, the respondee's base of assignment and subjective assessment of the training conducted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; powers and duties; delegation by; Air Force Regulation 50–8, Instructional Systems Development; and Air Force Regulation 50–38, Field Evaluation of Formal School Graduates.

PURPOSE(S):

Used to tabulate and compare data; and to identify strengths and weaknesses of the training programs. Will also be used to score trainee within-course test performances. Identification of specific respondees in the records will only be used by the custodian to evaluate and assess quality of Air Force Training Programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, and on computer and computer products.

RETRIEVABILITY:

Retrieved by Social Security Number. Information may also be retrieved by groupings of data from such elements as type airframe, course attended, crew position, or base of assignment.

SAFEGUARDS:

Records are accessed by custodian of the record system and personnel responsible for servicing the record system in performance of their official duties. Records are stored on diskettes kept in a locked room whenever office is not manned. Original questionnaire responses will be maintained in a locked container when the office is not manned.

RETENTION AND DISPOSAL:

Paper records are destroyed by tearing into pieces, shredding, burning, macerating, or pulping, and diskettes will be destroyed by degaussing, when superseded or when the individual is reassigned from SAC.

SYSTEM MANAGER(S) AND ADDRESS:

Education Specialist or ISD system manager, 93 BMW/DO5 Scientific Advisory Branch (DO5S), Castle Air Force Base, CA 95342.

NOTIFICATION PROCEDURE:

Education Specialist or ISD system manager, 93 BMW/DO5S, Castle Air Force Base, CA 95342. Requests to determine existence of record should include full name, and grade, Social Security Number and approximate dates individual attended a course of instruction conducted by 93 BMW, Castle Air Force Base, CA subsequent to June 1, 1981.

RECORD ACCESS PROCEDURES:

Access to all records is controlled by 93 BMW/DO5S, Castle Air Force Base, CA 95342.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from questionnaires completed by 93 BMW students, graduates or SAC Squadron Training Flight Instructors, and current combat crew training instructors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AF A

SYSTEM NAME:

Student Record.

SYSTEM LOCATION:

Professional Military Education Centers, NCO Academies and schools at Air Force Major Commands and bases.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel assigned to the centers or schools as students.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student records including academic standing, evaluations, training and testing results, counseling, locator information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by as implemented by Air Force Regulation 50–39, Noncommissioned Officer Professional Military Education and Civilian Initial Supervisory Training.

PURPOSE(S):

Used as a record of attendance and training, class standing, completion or elimination, as locator, and as a source of statistical information.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper files, and on computer and computer output products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are stored in security file containers/cabinets or rooms. Records are accessed by the custodian of the system or persons responsible for maintenance of the records in course of their official duties.

RETENTION AND DISPOSAL:

Retained for 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent for PME at each Major Command, commandant at each academy or leadership school or director of personnel at each base where a school is located. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Superintendent for PME at each Major Command, commandant at each academy or leadership school or director of personnel at each base where a school is located. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained

in this system should address written inquiries to or visit the Superintendent for PME at each Major Command, commandant at each academy or leadership school or director of personnel at each base where a school is located. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from students and staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AF MP A

SYSTEM NAME:

Education Services Program Records (Individual).

SYSTEM LOCATION:

Base Level Education Services Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officers and airmen who participate in the Education Services Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pertinent education data maintained in an educational file folder may be Air Force (AF) Form 118, Notice of Student Withdrawal/Noncompletion (copy) (cy); AF Form 186, Individual Record-Education Services Program (cy); AF Form 204, Permissive Temporary Duty (TDY) Request - Operation Bootstrap (cy); AF Form 1033, Academic Education Data (cy); AF Form 1227, Authority for Tuition Assistance - Education Services Program (cy); DD Form 114, Military Pay Order (cy) or Department of Defense (DD) Form 1131, Cash Collection for Voucher (cy); DD Form 295, Application for the Evaluation of Educational Experiences During Military Service (cy); Department of Veterans Affairs (VA) Form 22–8821, Application for Educational Assistance (cy); VA Form 22–1990p, Serviceperson's Application for Educational Benefits (cy); Academic evaluations and/or transcripts from schools; and Educational test results from testing agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Regulation 213–1, Operation and Administration of the Air Force Education Services Program.

PURPOSE(S):

Counseling/Advisement Guide and Educational Registration Record used by Education Services Center staff personnel, Promotion and/or classification boards, and other authorized personnel such as military service schools, civilian schools, and supervisors of military personnel. The principle purpose is to provide a record of educational endeavors and progress of Air Force personnel participating in Education Services programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Records may be disclosed to civilian schools.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file folders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Given to individual when released from EAD, discharged, or retired. Servicing CBPO will destroy in case of death by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Manpower and Personnel, Headquarters, United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the agency officials at the respective installation education center. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the agency officials at the respective installation education center. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data gathered from the individual, data gathered from other personnel records, transcripts and/or evaluations from schools and test results from testing agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AF SG A

SYSTEM NAME:

Nursing Skill Inventory.

SYSTEM LOCATION:

Nursing office SGHN Air Force hospitals, medical centers and clinics.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All nursing personnel on base.

CATEGORIES OF RECORDS IN THE SYSTEM:

List of skill proficiency each individual nurse has attained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and 8067(e), Designation: Officers to perform certain professional functions.

PURPOSE(S):

Furnishes on-the-job training instructor skill level progress of each nurse.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Surgeon General, Headquarters United States Air Force.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Surgeon General, Headquarters United States Air Force.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AFA A

SYSTEM NAME:

Military Performance Average.

SYSTEM LOCATION:

United States Air Force Academy, USAF Academy, CO 80840.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Academy cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

Rating forms used to compute Military Performance Average (MPA).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 903, United States Air Force Academy.

PURPOSE(S):

Used to determine the semester and cumulative MPA for USAFA Cadets as an input to the overall performance average. Identifies cadets for the Commandant's List and deficient cadets to be placed on aptitude probation, and consideration for disenrollment from the USAF Academy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system. Military performance information is released to the nominating official upon request in order to evaluate nominating procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper form, on computer and computer output products.

RETRIEVABILITY:

Retrieved by name, Cadet Number, and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms and on computer storage devices protected by computer system software.

RETENTION AND DISPOSAL:

All MPA forms prepared by coaches, Officers in Charge (OICs), academic instructors and Air Officers Commanding (AOCs) are destroyed one year after close of rating cycle. MPA forms prepared by cadets are transferred to the Cadet Personnel Record where they are destroyed 90 days after graduation.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of Cadets, USAF Academy, CO 80840.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Commandant of Cadets, USAF Academy, CO 80840.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Commandant of Cadets, USAF Academy, CO 80840.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from coaches, OICs of cadet intercollegiate and extracurricular clubs and teams, academic instructors, AOCs, and the cadet chain of command.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AFA B

SYSTEM NAME:

Instructor Academic Records.

SYSTEM LOCATION:

United States Air Force Academy, CO 80840.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AF Academy cadets and graduates.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Cadet information card.

(2) Listings of all cadet academic schedules including final examination schedules; rosters of cadets, by course, taking final examinations; extra instruction or hospital instruction schedules; rosters of cadets requesting permission to enroll in independent study, or authorized to drop or add course; listings of course rosters prepared for current semester showing individual's enrollment by course section; reports of reasons for cadet absences or lateness for academic causes; listings of cadets improperly registered in classes.

(3) Themes, research papers, graded recitations, grade reviews, other graded work, laboratory reports, case studies, final and midterm examinations, turnout examinations, validation examinations, and graded reviews of courses in which no final examination is given.

(4) Copies of academic schedules and grades, requests for academic waivers, documentation of academic difficulty, plans outlining courses that must be taken in order to graduate.

(5) Graduate record examination scores, orders of merit scores,

cumulative GPA scores, and panel commentaries.

(6) Various cadet grade reports, cards and sheets used in auditing and distributing academic grades.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 903, United States Air Force Academy.

PURPOSE(S):

(1) Individual cards on cadets listing name, date of birth, Social Security Number, admission examination scores, course grades and instructor evaluations concerning aptitude, attitude, and performance are used by instructor to evaluate potential cadets for commissioned service and to evaluate potential cadets as future instructors.

(2) Provides both cadets and instructors the schedules of classes and classrooms and an explanation for any deviation from these schedules and is used by the cadets and instructors to provide locator and scheduling information and to provide course offering information, to change current and future semester course enrollments, to reschedule cadets and establish criteria for resectioning cadets in their courses during the academic year.

(3) Used in assigning grade scores to monitor progress of cadets throughout the academic year and to determine grades.

(4) Used for counseling cadets on academic performance by the counselors and advisors. Assists the cadet in planning an academic program that will satisfy graduation requirements.

(5) Used in the applications of graduates competing for the various fellowships and other post-graduate scholarships by Graduate Scholarship Committee.

(6) Used in auditing and distributing academic grades and are compiled to determine a letter grade for each student in each course.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in card files, on computer magnetic tapes and printouts, and in file folders/notebooks/binders/visible files.

RETRIEVABILITY:

By name or Social Security Number of cadet.

SAFEGUARDS:

Records are accessed by authorized person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked safes, file containers, cabinets or rooms and on computer storage devices protected by computer system software.

RETENTION AND DISPOSAL:

(1) Destroy after purpose has been served or 10 years after graduation, whichever is sooner.

(2) Destroy at end of academic year or upon completed action, whichever is sooner.

(3) Destroy 3 months after end of the semester in which administered or at the discretion of the course director, return to the cadet for retention as reference and study materials.

(4) Same as (2) above.

(5) Destroy when no longer needed.

(6) Destroy when superseded or when purpose has been served, whichever is sooner.

SYSTEM MANAGER(S) AND ADDRESS:

Dean of Faculty, Director of Athletics, and Commandant of Cadets, United States Air Force Academy, CO 80840.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Dean of Faculty, Director of Athletics, and Commandant of Cadets, United States Air Force Academy, CO 80840.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Dean of Faculty, Director of Athletics, and Commandant of Cadets, United States Air Force Academy, CO 80840.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports prepared on behalf of the AF by boards, committees, panels, auditors, and educational institutions, individual, instructors, automated system interfaces from course requisites.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AFA C

SYSTEM NAME:

Academy Athletic Records.

SYSTEM LOCATION:

United States Air Force Academy, CO 80840.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Academy applicants, nominees and cadets; members of coaches intercollegiate booster clubs; users of Academy athletic facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Applicants/Nominees: High school transcript, athletic questionnaire, correspondence, test scores.

(2) Cadets: (a) Athletic performance tests, (b) Counseling record, (c) Intramural record, (d) Physical education record, (e) Physical fitness test, (f) Sports publicity information.

(3) Physical fitness and endurance research.

(4) Reservation forms and mailing lists.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 903, United States Air Force Academy.

PURPOSE(S):

(1) Verify and evaluate athletic and academic background for possible appointment to the Air Force Academy.

(2) Monitor cadet participation and progress in physical education/ intercollegiate/intramural programs.

(3) Establish standards and improve athletic programs.

(4) Contact booster club members and individuals who reserve Academy athletic facilities by mail and telephone.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record from this system of records may be used for news releases.

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, card files, computer and computer output products, and microfiche.

RETRIEVABILITY:

By name and/or Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s)

responsible for servicing the record system in performance of their official duties. Records are stored in security file containers/cabinets, locked rooms and on computer storage devices protected by computer system software.

RETENTION AND DISPOSAL:

(1) Destroy one year after graduation or one year after cadet would have graduated.

(2) (a) Destroy 30 days after end of academic year. (b) Destroy upon graduation. (c) Destroy after 1 year. (d) Destroy when no longer needed. (e) Destroy after four academic years. (f) Destroy when no longer needed.

(3) Destroy when no longer needed.

(4) Destroy when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Athletics, USAF Academy, CO 80840.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director of Athletics, USAF Academy, CO 80840.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director of Athletics, USAF Academy, CO 80840.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual applicant, nominee or cadet; coaches, instructors and squadron athletic officers; educational institutions; the media; officers in charge of individual sports; Registrar's Office, and Curriculum and Scheduling Office; Stone Human Performance Laboratory; DOD agencies; individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AFAA A

SYSTEM NAME:

Air Force Audit Agency Office Training File.

SYSTEM LOCATION:

Headquarters, Air Force Audit Agency, 1125 Air Force, The Pentagon, Washington, DC 20330-1125, and all Air Force Audit Agency area offices. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Audit Agency active duty and reserve officer and enlisted personnel, and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Training Control Record, Training Achievement Report, Certificate of Training, Record of Training or Certification of Equivalency, College Transcripts, General Military Training Record, Training Completion Notices, Training Progress Reports, Course Evaluation, Requests for Training/Tuition Assistance, Roster of Interns, Summary of Region/Division Training Requirements, Memorandums of Training Approvals, Roster of Personnel Scheduled for Training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8032(b)(1), General duties.

PURPOSE(S):

Used by Air Force Audit Agency headquarters personnel, Area Audit Office Chiefs, supervisory auditors, training officers, and region/division chiefs to schedule training and evaluate training progress and results.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Auditor General, Air Force Audit Agency, Norton Air Force Base, CA 92409.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Auditor General, Air Force Audit Agency, Norton Air Force Base, CA 92409.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Auditor General, Air Force Audit Agency, Norton Air Force Base, CA 92409.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions and from automated system interfaces.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AFAA B

SYSTEM NAME:

Employee Training and Career Development File.

SYSTEM LOCATION:

Air Force Audit Agency/DPA, Norton Air Force Base, CA 92409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Audit Agency military and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include but are not limited to: Correspondence and application documents requesting, approving, disapproving, recommending and coordinating the assignment of personnel to: Long-term, full-time training programs; short-term government and non-government schools, seminars, short courses and symposiums; certified public accounting review courses; certified internal auditor review courses; non-government job-related, off-duty training, and the grades, completion certificate, and budget information related thereto. Includes information on prior academic achievements.

VOL 58 ISS 33 FE 22 1993 UMI

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8032(b)(1), General duties.

PURPOSE(S):

Provides basis for determining those selected for training programs; record of individuals who applied for the programs; progress reports of those in the programs; and history of the training received by employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Information is given to the Office of Personnel Management through the Air Force Civilian Personnel Management Information System, and, in the case of CPA candidates, to state boards of accountancy.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, and on computer and computer output products.

RETRIEVABILITY:

Retrieved by name, course name or course number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Auditor General, Air Force Audit Agency (AFAA/AG), Norton Air Force Base, CA 92409.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Auditor General, Air Force Audit Agency (AFAA/AG), Norton Air Force Base, CA 92409.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Auditor General, Air Force Audit Agency (AFAA/AG), Norton Air Force Base, CA 92409 and the Director of Resource Management (AFAA/RM), Norton Air Force Base, CA 92409.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from individual, source of training, school, and automated system interface.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AFCC A

SYSTEM NAME:

USAF Air Traffic Control (ATC) Certification and Withdrawal Documentation.

SYSTEM LOCATION:

Headquarters of major commands and at all levels down to and including Air Force installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel, and Air Force Reserve and Air National Guard personnel assigned ATC duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on individuals by name and Social Security Number, Air Traffic Control Certificate Numbers (ATCS) military status (active duty, reserve, or air guard), requested action (issue, reissue, or cancellation of certificate), and justification. Contains documentation compiled by requesting unit to justify withdrawal of the ATCS. Includes evaluation by medical authorities; Staff Judge Advocate (legal); Office of Special Investigation results; serious incident reports; and statements by supervisory personnel, co-workers and the individual. Contains copies of officer effectiveness/airman performance (OER/APR) reports and unfavorable information files. Includes headquarters staff evaluation and all files maintained by the system user. Computer reports pertaining to withdrawal of ATCS, Certificates, master roster of ATCS certificate members and Air Traffic Control experience level report.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, as implemented by Air Force Communications Command Regulation (AFCCR) 60–5, Flying, Air Traffic Control.

PURPOSE(S):

Documentation used to evaluate request for withdrawal of ATCS certification. Permits immediate access to name, Social Security Number, certificate number, date of issuance, and category of service. A master alphanumeric roster is maintained at Headquarters AFCC/DOOF and the units maintain certificate information in the individual's on-the-job training record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders note books/ binders and on computer paper printouts and microfiche.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms. Records are controlled by computer system software.

RETENTION AND DISPOSAL:

Individual withdrawal microfiche case files are kept for 6 years after end of the year in which case closed. Official withdrawal book, long, and to by name and Social Security Number will be kept for 20 years. Other computer reports are superseded monthly. Files are destroyed by tearing into pieces, shredding, pulping, macerating of burning.

Retained for one year after end of year in which the case was closed, transferred to a staging area for one additional year, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Traffic Services Division (DOOF), HQ AFCC, Scott Air Force Base, IL 62225-6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Air Traffic Services Division (DOOF), HQ AFCC, Scott Air Force Base, IL 62225-6001.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Air Traffic Services Division (DOOF), HQ AFCC, Scott Air Force Base, IL 62225-6001.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports, and from medical institutions, trade associations, police and investigating officers, state and local governments, and witnesses.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AFCC C

SYSTEM NAME:

Individual Academic Training Record.

SYSTEM LOCATION:

Air Force Communications Command (AFCC) System Evaluation School, 1815 Operational Test and Evaluation Squadron (AFCC), Wright-Paterson Air Force Base, OH 45433–6346;

AFCC Radar Evaluation School, 1954 RADES, Hill Air Force Base, UT 84056–6348;

AFCC Engineer Installation Academy, Engineering Installation Division, Tinker Air Force Base, OK 73145–6343;

Engineering Installation organizations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military, Air Force Reserve, Air National Guard, Army National Guard, and Department of Defense civilian personnel, and others who apply for this training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel index; absentee report; class pre-graduation/graduation roster; attendance record; student questionnaires, individual academic standing; record of individual training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

To record emergency data and course completion information, and to report student absences to the school commandant.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folder and card files, and on computer and computer output products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the records system and by person(s) responsible for servicing the records system in performance of official duties. Stored in file cabinet. Automated records are controlled by computer system software.

RETENTION AND DISPOSAL:

Retained for ten years after individual completes or discontinues training course. Records of individual training at EI organizations are retained until individual no longer performs EI duties, then are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, AFCC Systems Evaluation School, 1815 Operational Test and Evaluation Squadron, Wright-Patterson Air Force Base, OH 45433-6346; Commandant AFCC Radar Evaluation School, 1954 RADES, Hill Air Force Base, UT 84056; Commandant, AFCC EI Academy, Engineering Installation Division, Tinker Air Force Base, OK 73145-6343.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Commandant, AFCC Systems Evaluation School, 1815 Operational Test and Evaluation Squadron, Wright-Patterson Air Force Base, OH 45433-6346; or Commandant AFCC Radar Evaluation School, 1954 RADES, Hill Air Force Base, UT 84056; or Commandant, AFCC EI Academy, Engineering Installation Division, Tinker Air Force Base, OK 73145-6343.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Commandant, AFCC Systems Evaluation School, 1815 Operational Test and Evaluation Squadron, Wright-Patterson Air Force Base, OH 45433-6346; or Commandant AFCC Radar Evaluation School, 1954 RADES, Hill Air Force Base, UT 84056; or Commandant, AFCC EI Academy, Engineering Installation Division, Tinker Air Force Base, OK 73145-6343.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from individuals and instructors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AFCC D

SYSTEM NAME:

Student Record.

SYSTEM LOCATION:

Air Force Communications Command Non Commissioned Officer Professional Military Education Center, Interservice Radio Frequency Management School, and AFCC Wideband Maintenance 5–Level Academy, 1872 School Squadron, Air Force Communications Command (AFCC), Keesler Air Force Base, MS 39534.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty Air Force enlisted personnel and Air National Guard personnel assigned to AFCC, TAC, USAFE, and PACAF; active duty officers and enlisted personnel of the U.S. Army, Navy, Marine Corps, Coast Guard and DOD civilian personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student record including individual's academic standing; student evaluation; reading laboratory progress record;

record of individual counseling; student roster; volume review exercise (VRE) and end of course test (EOCT) results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and Air Force Regulation 50–39/AFCC Supplement 1.

PURPOSE(S):

Record of student's attendance at AFCC Academy or NCO Leadership School; Interservice Radio Frequency Management School; and AFCC Wideband Maintenance 5–Level Academy. Used to record vital information on each student including examination grades, class standing, and completion of or elimination from course. Serves as locator card. Used to provide data for statistical reports submitted to higher headquarters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in files folders.

RETRIEVABILITY:

Retrieved by student name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

After the end of the year in which the individual completes or discontinues a training course, the record is transferred to a staging area for nine additional years, then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, Academic Services, AFCC NCO Professional Military Education Center; Director of Education, Interservice Radio Frequency Management School; and Superintendent, AFCC Wideband Maintenance 5–Level Academy; 1872 SCHS, Keesler Air Force Base, MS 39534.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Superintendent, Academic Services, AFCC NCO Professional Military Education Center; Director of Education, Interservice Radio Frequency Management School; and Superintendent, AFCC Wideband Maintenance 5–Level Academy; 1872 SCHS, Keesler Air Force Base, MS 39534.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions and Chief Training and Education Division Directorate of Personnel Programs, Deputy Chief of Staff for Personnel, Headquarters AFCC.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AFIC B

SYSTEM NAME:

Training Progress.

SYSTEM LOCATION:

Electronic Security Command (ESC) NCO PME Center, Goodfellow Air Force Base, TX 76908.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty enlisted personnel assigned to the ESC NCO PME Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

In-processing forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by as implemented by Air Force Regulation 50–39, Noncommissioned Officer Professional Military Education and Civilian Initial Supervisory Training.

PURPOSE(S):

Used by military training instructors to evaluate student progress.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Records are used to verify past experience.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Destroy 10 years after student completes training by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

ESC NCO PME Center, Goodfellow Air Force Base, TX 76908.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the ESC NCO PME Center, Goodfellow Air Force Base, TX 76908.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the ESC NCO PME Center, Goodfellow Air Force Base, TX 76908.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AFOSI A

SYSTEM NAME:

Air Force Special Investigations Academy Individual Academic Records.

SYSTEM LOCATION:

HQ Air Force Office of Special Investigations (AFOSI), Bolling Air Force Base, DC 20332–6001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USAF, U.S. Coast Guard enlisted, Defense Investigative Service and foreign national students.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of individual training and education of each student indicating final grade or rating of proficiency obtained in each subject and/or the reason for noncompletion of the course of study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, and Air Force Regulation 23–18, Air Force Office of Special Investigations.

PURPOSE(S):

Verification of attendance and completion or noncompletion of training; develop historical data for analysis by personnel responsible for maintaining effectiveness of and developing training; and maintain a data base for long term studies involving graduate performance, career patterns, and possible selection for faculty duty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper form, and on computer and computer output products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/ cabinets and in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Automated records are maintained until no longer needed. Individual student file folders are held for 25 years after course is completed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information Release Division, Directorate of Administration, HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332-6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief, Information Release Division, Directorate of Administration, HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332-6001.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Information Release Division, Directorate of Administration, HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332-6001.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data is obtained from student exercises, testing and performance.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AFRES A

SYSTEM NAME:

Undergraduate Pilot and Navigator Training.

SYSTEM LOCATION:

Headquarters Air Force Reserve (AFRES), Robins Air Force Base, GA 31098.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel selected for Officer Training School, undergraduate pilot training, initial navigator training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data contained in standard AF military personnel file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

To provide class number, reporting date, class starting date, graduation date and unit of assignment upon completion of training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff Personnel, HQ AFRES, Robins Air Force Base, GA 31098.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Deputy Chief of Staff Personnel, HQ AFRES, Robins Air Force Base, GA 31098.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Deputy Chief of Staff Personnel, HQ AFRES, Robins Air Force Base, GA 31098.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AFSC A

SYSTEM NAME:

Systems Acquisition Schools Student Records.

VOL
58
ISS
33
FE
22
1993
UMI

SYSTEM LOCATION:

Air Force Systems Command (AFSC), Systems Acquisition School, 6575th School Squadron, Brooks Air Force Base, TX 78235–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel, DOD civilian employees, contractor personnel, Air National Guard and Air Force and Army Reserve personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student record includes personnel locator information, individual academic standings, subjects studied, hours, final grades, graduation data and related training data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, as implemented by Air Force Regulation 50–5, USAF Formal Schools (Policy, Responsibilities, General Procedures, and Course Announcements).

PURPOSE(S):

Record individual attendance, grades and locator information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper form, on computer and computer output products, and microfilm.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by the custodian of the record system and by persons responsible for servicing the records in performance of their official duties. Records are stored in locked cabinets and rooms.

RETENTION AND DISPOSAL:

All records are retained for five years, then retired to the Washington National Records Center for an additional 25 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, 6575th School Squadron, Brooks Air Force Base, TX 78235–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Commander, 6575th School Squadron, Brooks Air Force Base, TX 78235–5000.

Individual should provide name, Social Security Number or course number are required to identify files.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Commander, 6575th School Squadron, Brooks Air Force Base, TX 78235–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data is obtained from the individual, existing personnel records, testing and performance at the school.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AFSPACECOM A

SYSTEM NAME:

Space Command Operations Training.

SYSTEM LOCATION:

Director of Operations at all units within Air Force Space Command; Deputy Commander for Operations at 1st Space Wing and 2nd Space Wing;

Chief Course Development and Training Support at 1013th Combat Crew Training Squadron;

Deputy Chief of Staff for Operations at Space Command Headquarters. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Space Command military personnel currently assigned to operational duties with Space, Warning and Surveillance Systems equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records related to qualifications, training/evaluation accomplishment, staff/crew alphanumeric identifier, type training/evaluation, scores, name, grade, unit assigned, and dates of training or evaluation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, and Air Force Space Command Regulations 50–11, Command Operations Training Policy Requirements and Guidance.

PURPOSE(S):

To develop a record source of operations personnel qualifications, capabilities and historical data at unit level to determine individual overall job qualifications; and to develop historical data for analysis by unit and Air Force Space Command Headquarters personnel responsible for maintaining the space operational systems training program. The files will provide a source of data to help insure weapon system currency and adequacy of future training requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of unit files and by personnel responsible for servicing the record system in performance of official duties. File folders are stored in locked rooms or drawers.

RETENTION AND DISPOSAL:

Manual files are forwarded to gaining unit upon permanent change of station orders to another Space Command unit. If individual transfers to another USAF Major Command (MAJCOM), the file is returned to the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations, Director Training and Standardization Evaluation, Headquarters Air Force Space Command, and Director of Operations at Air Force Space Command units with a space, warning or surveillance mission. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the

Deputy Chief of Staff for Operations, Director Training and Standardization Evaluation, Headquarters Air Force Space Command, and Director of Operations at Air Force Space Command units with a space, warning or surveillance mission. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Requests to determine existence of record should include full name, grade and approximate dates individual was assigned to Space Command space, warning and surveillance duties after September 1, 1983.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Deputy Chief of Staff for Operations, Director Training and Standardization Evaluation, Headquarters Air Force Space Command, and Director of Operations at Air Force Space Command units with a space, warning or surveillance mission. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information will be obtained from the individual and from instructors or Standardization Evaluators.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AMC A

SYSTEM NAME:

Training Instructors (Academic Instructor Improvement/Evaluation).

SYSTEM LOCATION:

Chief, Academic Training Branch, 1550th Technical Training Squadron, Kirtland Air Force Base, NM 87117–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Academic instructors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms for evaluating instructor performance in the classroom.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Basic for instructor improvement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Academic Training Branch, 1550th Technical Training Squadron, Kirtland Air Force Base, NM 87117–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Chief, Academic Training Branch, 1550th Technical Training Squadron, Kirtland Air Force Base, NM 87117–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Chief, Academic Training Branch, 1550th Technical Training Squadron, Kirtland Air Force Base, NM 87117–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Supervisors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AMC B

SYSTEM NAME:

Training Progress (Permanent Student Record).

SYSTEM LOCATION:

1380th School Squadron, Air Mobility Command Noncommissioned Officer Academy-West, Norton Air Force Base, CA 92409–5446 and 1381st School Squadron, Air Mobility Command Noncommissioned Officer Academy-East, McGuire Air Force Base, NJ 08641–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted personnel who are graduates of the Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, grade, Social Security Number, duty title, security clearance, marital status, organization assigned, education level, photograph, date of birth, Airman Qualification Examination, evaluation of academic progress.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

To record student achievement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Destroy ten years after individual completes or discontinues a training course by tearing into pieces, shredding, pulping, macerating or burning.

VOL 58 ISS 33 FE 22 1993 UMI

SYSTEM MANAGER(S) AND ADDRESS:

1380th School Squadron, Air Mobility Command Noncommissioned Officer Academy-West, Norton Air Force Base, CA 92409–5446 and 1381st School Squadron, Air Mobility Command Noncommissioned Officer Academy-East, McGuire Air Force Base, NJ 08641–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to or visit the 1380th School Squadron, Air Mobility Command Noncommissioned Officer Academy-West, Norton Air Force Base, CA 92409–5446 or 1381st School Squadron, Air Mobility Command Noncommissioned Officer Academy-East, McGuire Air Force Base, NJ 08641–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the 1380th School Squadron, Air Mobility Command Noncommissioned Officer Academy-West, Norton Air Force Base, CA 92409–5446 or 1381st School Squadron, Air Mobility Command Noncommissioned Officer Academy-East, McGuire Air Force Base, NJ 08641–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From Consolidated Base Personnel Offices and from evaluation of student progress.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AMC C

SYSTEM NAME:

Training Systems Research and Development Materials.

SYSTEM LOCATION:

1550th Combat Crew Training Wing, Deputy Commander for Operations, Director of Training, Kirtland Air Force Base, NM 87117–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students who have completed training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Training and effectiveness questionnaires for supervisors and graduates, flying instructor and academic instructor improvement and evaluation, evaluation coordination sheet.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, and E.O. 9397.

PURPOSE(S):

To evaluate and analyze training effectiveness.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name, rank, Social Security Number and class number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Evaluation and Analysis, 1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to or visit the Chief, Evaluation and Analysis, 1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Chief, Evaluation and Analysis, 1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from assigned personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 ARPC A

SYSTEM NAME:

Professional Military Education (PME).

SYSTEM LOCATION:

Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records concerning school PME quotas, school selection boards results selecting a Reservist to attend a PME course.

AUTHORITY FOR MAINTAINING THE SYSTEM:

10 U.S.C. 262, Purpose, as implemented by Air Force Regulation 50–5, USAF Formal Schools (Policies, Responsibilities, General Procedures, and Course Announcements), Air Force Regulations 35–41, Vol II, Reserve Personnel Policies and Procedures - Reserve Training; and 53–8, USAF Officer Professional Military Education System.

PURPOSE(S):

Used to monitor, manage and comply with the requirements to fulfill the quotas allocated to Reservist by the office of primary responsibility at HQ ARPC.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders/note books/ binders.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Records are protected by guards.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cutoff, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000.

Written requests should contain full name, Social Security Number, current mailing address, and the case (control) number on correspondence received from the Center, if applicable.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000. Records may be reviewed in the Records Review Room, Headquarters Air Reserve Personnel Center, Denver, CO, between 8 a.m. and 3 p.m. on normal workdays.

Requester must be able to provide sufficient proof of identity, with an Armed Forces identification card or a drivers license.

CONTESTING RECORD PROCEDURE:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from master personnel record and individual's application.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 ATC A

SYSTEM NAME:

Officer Training Group (OTG) Resource Management System - Officer Trainees.

SYSTEM LOCATION:

3700 Officer Training Group, Lackland AFB, TX 78236–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officer trainees while attending OTG.

CATEGORIES OF RECORDS IN THE SYSTEM:

Officer trainee record showing name, Social Security Number; demographic data such as college degree, major institution, and year awarded; OTG selection data such as Air Force Officer Qualifying Test scores; performance data such as test scores, measurement evaluation, merits and demerits earned, involvement in remedial programs; health data to include height, weight aerobic program requirements and performance; injuries that require waivers to training or delay of commissioning; student disposition indicators showing in-training, eliminated, recycled, holdover or graduated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 907 - Schools and camps as implemented by Air Force Regulation 53–27, Officer Training School (OTS) Pre-commissioning Program, USAF; Air Training Command Regulation 53–3, Administration of the Officer Training School (OTS) Program, and E.O. 9397.

PURPOSE(S):

To track attrition to the OTG program by cause and type comparing that against demographic and performance data of the individual, and to monitor the progress of an individual toward completion of the program. Records may be grouped by class, squadron, flight, a demographic or performance factor in the accomplishment of evaluations of the program or the individual in relation to peers. Studies, analyses, and evaluations that use these records are intended to improve the quality of the training program, and develop a more accurate profile of those individuals who can be expected to accomplish the OTG program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tape, disk units, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Records are retained for two years after class graduation then destroyed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, 3700 Officer Training Group (OTG/MT), Lackland AFB, TX 78236–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Registrar, 3700 Officer Training Group (OTG/MT), Lackland AFB, TX 78236–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to or visit the Registrar, 3700 Officer Training Group (OTG/MT), Lackland AFB, TX 78236–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual, flight commanders, OTG instructors, personnel specialists and members of the registrar's office.

EXEMPTIONS CLAIMED FOR THE SYSTEM

None.

VOL
58
ISS
33
FE
22
1993
UMI

F050 ATC B

SYSTEM NAME:

Community College of the Air Force Student Record System.

SYSTEM LOCATION:

The system is centrally administered by the Community College of the Air Force (ATC/ED), Maxwell Air Force Base, AL 36112. Computer processing for the system is performed by the Systems Development Branch, Maxwell Air Force Base, AL.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system may have a record for any person who since January 1, 1968 has completed a formal course of instruction conducted by one of the Air Force schools identified in the current Community College of the Air Force General Catalog. Such courses do not include pre-commissioning courses and courses conducted exclusively for officers or their civilian counterparts. The system includes records reflecting Air Force courses completed before 1968 and other educational accomplishments for persons who as enlisted members of the Air Force registered in programs of study leading to credentials awarded by the college. Both here and where appropriate below, the general term Air Force includes the regular Air Force, the Air Force Reserve, and the Air National Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual academic records and, where necessary to serve airmen registered in study programs leading to credentials awarded by the college, a variety of source or substantiating records such as copies of registration applications and document control records derived from such applications, civilian college transcripts, college level examination program score reports; copies of educational records originated by other Air Force and non-Air Force agencies external to the college (such as the Federal Aviation Agency, the United States Armed Forces Institute, and the Defense Activity for Non-traditional Education Support), copies of a variety of Air Force personnel records (such as documents derived from master records maintained by the Air Force Manpower and Personnel Center and microfiche records of locator data); and records of credentials awarded to graduates. The college also maintains copies and related records of communications from, to, or regarding persons interested in the college, its educational programs, its student record system, and related matters. Copies of and statistical records derived from individual responses to surveys, questionnaires, and similar instruments authorized by HQ USAF may also be maintained as needed for managerial evaluation and planning by officers of the college.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9315, Community College of the Air Force: Associate degree; and Air Force Regulation 53–29, Community College of the Air Force Mission.

PURPOSE(S):

Records originated in the system document, in terms of credit awarded or accepted in transfer by the college, individual educational accomplishments which satisfy curricular requirements of study programs leading to an Associate in Applied Science degree offered by the college. Transcripts of records in the college are, at the written request of persons concerned, furnished to any recipient(s) designated in such requests. Such recipients typically include Air Force Education Services Centers, other offices where Air Force personnel are stationed, educational institutions, and potential or current employers. CCAF transcripts and copies of other records originated in the college are also used to support educational and occupational counselling, planning, and development; admission to other colleges; and related individual affairs. Disclosures of information recorded in the system may be made to employees of civilian contractors engaged by the Air Force to provide services which directly or indirectly support the record system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Permanent student computer records are maintained on and as necessary reproduced from magnetic media. Paper records are maintained in file folders, card files, and special binders/cabinets designed for computer listings.

RETRIEVABILITY:

Computer records are retrievable by a combination of Social Security Number and certain letters of last name. Paper records are retrievable by either Social Security Number or name.

SAFEGUARDS:

Records maintained in the college are normally disclosed only upon written request from the subject of the records or upon written request from an Air Force officer or employee responsible to provide educational or related services to Air Force personnel. Disclosures to non-Air Force agencies not requested by the subject of the records require approval of an officer of the college. Except for disclosures within the college as may be necessary to its operations, requests by telephone and other unwritten means will not be honored unless in the judgment of a responsible member of the college staff the requester is a member or employee of the Air Force acting on behalf of, or is, the person whose record is requested. Special care is exercised to ensure complete identification of the requester, the person whose record is to be disclosed, and intended use. Other systematic safeguards to ensure integrity of records include secure storage of successive generations of computer master files, existence and long-term retention in other Air Force facilities of records needed to rebuild the entire system in the event of catastrophe, and traditional measures to ensure the security of Air Force facilities. All records in the system are attended by responsible Air Force personnel during duty hours and stored in locked facilities under constant or periodic surveillance by Air Force security police during non-duty hours.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference. Specific rules for retention of permanent microfiche have not yet been determined. It is anticipated that such records may need to be retained for not less than 30 and not more than 50 years beyond the latest entries on each such record. Active master file records on the computer are by their nature evolutionary and will be maintained permanently. Paper records maintained to serve students registered in study programs are retained so long as a registrant remains active in his or her program. Such records are destroyed 1 year after a registrant completes his or her study program. Other records are typically retained only so long as they may serve a useful purpose, which is typically between 30 and 90 days. No rule has yet been defined for retaining records which verify awards of credentials by the college, but it is expected that such records will need to be archival.

SYSTEM MANAGER(S) AND ADDRESS:

Senior official responsible for policies and procedures which govern the system: Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force.

System manager: President, Community College of the Air Force (CCAF/CC) Maxwell Air Force Base, AL 36112.

NOTIFICATION PROCEDURE:

Persons who have not registered in the college should address inquiries regarding records maintained by the college to Chief, Student Records Branch (CCAF/RRR), Maxwell Air Force Base, AL 36112.

Persons who have registered in the college may address inquiries as above or to Chief, Academic Programs Division (CCAF/AY), also at Maxwell Air Force Base.

Such inquiries will need to include the full name (and former names if appropriate), Social Security Number, and birthdate of the inquirer, and should include a full return address (including ZIP Code). Visits to the college are welcomed, and visitors seeking information about personal records should first visit the Office of the Registrar.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the following: Persons who have not registered in the college should address inquiries regarding records maintained by the college to Chief, Student Records Branch (CCAF/RRR), Maxwell Air Force Base, AL 36112.

Persons who have registered in the college may address inquiries as above or to Chief, Academic Programs Division (CCAF/AY), also at Maxwell Air Force Base.

Such inquiries will need to include the full name (and former names if appropriate), Social Security Number, and birthdate of the inquirer, and should include a full return address (including ZIP Code). Visits to the college are welcomed, and visitors seeking information about personal records should first visit the Office of the Registrar.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions; automated system interfaces and from source documents submitted to the college by or at the request of individuals concerned, or by other Air Force agencies acting on behalf of individuals concerned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 ATC I

SYSTEM NAME:

Defense English Language Management Information System (DELMIS).

SYSTEM LOCATION:

Defense Language Institute English Language Center, Lackland AFB TX 78236–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

International Military Students (IMS) and active duty military personnel assigned to the program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and Social Security Number; demographic data such as date of birth, sex, marital status, ethnic group; educational data; performance data such as test scores; measurement data; individual training progress and proficiency; class schedule; locator, and academic status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by AFR 50–24/ OPNAVINST 1550.11/MCO 1550.24, Management of the Defense English Language Program, and E.O. 9397.

PURPOSE(S):

To track attrition of the program by cause and type, and to compare that against demographic and performance data of the individual, and to monitor the progress of each individual toward completion of the program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in computer and computer output products.

RETRIEVABILITY:

Retrieved by name or student control number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software. Access to the computer system requires user code and password.

RETENTION AND DISPOSAL:

Output products are retained until no longer needed; computerized records will be retained for ten years after individual completes or discontinues training. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Training Operations Branch, Defense Language Institute English Language Center (DLIELC/LEAX), Lackland AFB TX 79236–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Training Operations Branch, Defense Language Institute English Language Center (DLIELC/LEAX), Lackland AFB TX 79236–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Training Operations Branch, Defense Language Institute English Language Center (DLIELC/LEAX), Lackland AFB TX 79236–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual, source documents, commanders.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AU F

SYSTEM NAME:

Air University Academic Records.

SYSTEM LOCATION:

Air University, Maxwell Air Force Base, AL 36112. Subsystems are located and maintained at the Air Force Institute of Technology/RR, Wright-Patterson Air Force Base, OH 45433; Extension Course Institute/EDOR, Gunter Air Force Station, AL 36118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Graduates, students currently or previously enrolled in AFIT, AU PME schools or ECI.

CATEGORIES OF RECORDS IN THE SYSTEM:

Education records which include transcripts; test scores; completion/noncompletion status; training reports; rating of distinguished, outstanding or excellent graduate as appropriate; and other documents associated with academic records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; Air Force Regulation 50–12, Extension Course Program; Air Force Regulation 53–8, USAF Officer Professional Military Education System; and E.O. 9397.

PURPOSE(S):

Individuals seeking academic or certification credit for courses completed may request applicable Registrar to send a record of courses completed to school or activity desired.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders at Air Force Institute of Technology, and in microform and on computer at Extension Course Institute.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in vaults and locked cabinets or rooms and are controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained for 30 years or until no longer required at ECI; master transcripts of resident schools are kept 50 years at AFIT.

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, Air Force Institute of Technology, Wright-Patterson Air Force Base, OH 45433; Air University Registrar, Extension Course Institute, Gunter Air Force Station, AL 36118.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Registrar, Air Force Institute of Technology, Wright-Patterson Air Force Base, OH 45433; Air University Registrar, Extension Course Institute, Gunter Air Force Station, AL 36118.

Include full name, Social Security Number and class designation. Individuals may visit Office of the Registrar. Identification is required.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Registrar, Air Force Institute of Technology, Wright-Patterson Air Force Base, OH 45433; Air University Registrar, Extension Course Institute, Gunter Air Force Station, AL 36118.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions, source documents such as reports, testing agencies, student, and on-the-job training officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AU G

SYSTEM NAME:

Student Record Folder.

SYSTEM LOCATION:

Air University, Maxwell Air Force Base, AL 36112 and at each Air University Professional Military School/Course at Maxwell Air Force Base, and Gunter Air Force Base, AL 36118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian students.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual student folder containing test results, speech and writing critiques, interview/counseling record, faculty rating, and other documents pertaining to student administration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and Air Force Regulation 53–8, USAF Officer Professional Military Education System.

PURPOSE(S):

Used by faculty and staff of applicable school/course to evaluate and record performance/progress of student, and to determine suitability for future faculty position.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until graduation or elimination from training, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Curriculums. Submanagers: Director of Administration (DA) at each school/course.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves

is contained in this system should address written inquiries to or visit the Director of Administration at the applicable school. Provide name, Social Security Number. May visit the office of the Director of Administration and present acceptable identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director of Administration. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual student, instructor and source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AU J

SYSTEM NAME:

Student Questionnaire.

SYSTEM LOCATION:

Air University, Maxwell Air Force Base, AL 36112. Subsystems are located at the Air War College, Air Command and Staff College, Squadron Officers School, Maxwell Air Force Base, AL 36112.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All students attending Air War College (AWC), Air Command and Staff College (ACSC), and Squadron Officers School (SOS).

CATEGORIES OF RECORDS IN THE SYSTEM:

Questionnaire including military data such as name, Social Security Number, grade, age, flying data, education data, personal data and locator data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and Air Force Regulation 53–8, USAF Officer Professional Military Education System.

PURPOSE(S):

Primary use is to gather statistical data for analysis by management analysis personnel, subsequent publication of data in AU quarterly program summary. Used by applicable PME school for locator and other administrative purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Class designator and filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until graduation or elimination from training, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Management Analysis at HQ USAF Submanager at each applicable school, AWC, ACSC, and SOS.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director of Administration at the applicable school. Provide name, Social Security Number and class. Individuals may visit the office of the Director of Administration at the applicable school.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director of Management Analysis at HQ USAF Submanager at each applicable school, AWC, ACSC, and SOS.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual student.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 AU K

SYSTEM NAME:

Institutional Research Analysis System.

SYSTEM LOCATION:

Headquarters Air University, Curriculum and Research Directorate (HQ AU/XPZ), Maxwell Air Force Base, AL 36112–5001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All students attending any of the following Air University (AU) schools in residence, Air War College; Air Command and Staff College; Squadron Officer School; the USAF Senior Noncommissioned Officer Academy; Ira C. Eaker Center for Professional Development; Center for Aerospace Doctrine, Research and Education, and all faculty and staff of these schools.

CATEGORIES OF RECORDS IN THE SYSTEM:

Education and assignment history, information on school curriculum, facilities, and budgets by organization within AU and manpower data for AU organizations.

Selected demographic data on students, faculty, and staff assigned to AU to include evaluation data, personnel data and school curricula data.

Data on AU facilities, selected budget information and historical data regarding the operations of AU schools.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and Duties; delegation by; as implemented by DOD Instruction 1430.5; Air Force Regulation 53–8, USAF Officer Professional Military Education System; and E.O. 9397.

PURPOSE(S):

The system will be used to generate statistical summaries of unclassified data for use by action officers as part of their normal duties, and to enable programming of simple applications for use by other AU organizations and headquarters personnel.

Additional capabilities of the system will consist of word processing and statistical analyses necessary for producing summaries and reports as needed by the Air University Commander and Air Force senior leadership.

The system will be used to support the mission of Air University.

VOL 58 ISS 33 FE 22 1993 UMI

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on computer in an automated medium.

RETRIEVABILITY:

Records may be retrieved by any of the following, Social Security Number, name, date of birth, specialty or occupation code, rank/grade, aeronautical rating, branch of service, service status, educational level, advanced degrees, professional military education school attended, status (student/faculty/staff), or academic rank (if faculty).

SAFEGUARDS:

The room containing the IRAS computer system and all storage media has two lockable entrances which will be secured after duty hours. A checklist of authorized users will be placed by each entrance. Individual user codes/passwords will be required for access onto the system. Backup copies of all disks will be labeled and placed in a designated location in the room. Tapes and disks will be securely stored when not in use.

The system manager will assign passwords to all users. HQ AU/XPZ will maintain security logs, run logs, and incident reports used to provide audit trails for the system.

RETENTION AND DISPOSAL:

Records are maintained for a period of 10 years and then destroyed. Principal means of destruction of data on magnetic media will be degaussing or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

HQ AU, Chief of Computer Applications or the HQ AU Curriculum Coordinator, Austin Hall, Maxwell Air Force Base, AL 36112–5001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if records about themselves are contained in this system should address written inquiries to or visit HQ AU, Chief of Computer Applications, or the HQ AU, Curriculum Coordinator, Austin Hall, Maxwell Air Force Base, AL 36112–5001.

The request should contain the full name, current address, phone number, current military/civilian (DOD) status, date(s) of attendance at Air University, Social Security Number, and proof of identity with an Armed Forces identification card or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to or visit HQ AU Chief of Computer Applications or the HQ AU Curriculum Coordinator, HQ AU/XPZ, Austin Hall, Maxwell Air Force Base, AL 36112–5001.

The request should contain the full name, current address, phone number, current military/civilian (DOD) status, date(s) of attendance at Air University, Social Security Number, and proof of identity.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are contained in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system managers.

RECORD SOURCE CATEGORIES:

Information in the system will be provided by the individual concerned; by each Air University organization; and from local organizational data bases.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 ESC A

SYSTEM NAME:

208XX Voice Processor Student History.

SYSTEM LOCATION:

Director of Assignments (DPR), Headquarters Electronic Security Command (ESC), San Antonio, TX 78243.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

208XX Language students and assigned personnel in training/performing language duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by as implemented by Air Force Manual (AFM) 50–5, USAF Formal Schools Catalog, Volume I, Chapter 3, and AFM 30–3, Mechanized Personnel Procedures.

PURPOSE(S):

Used in computation of Air Force Trained Personnel Requirement (TRP) Report for HQ ESC; tracking qualified linguists and their formal language training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer magnetic disk storage.

RETRIEVABILITY:

Retrieved by Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are controlled by computer system software.

RETENTION AND DISPOSAL:

Retained by computer disk storage until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by removing from disk storage.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Assignments (DPR), Headquarters Electronic Security Command (ESC), San Antonio, TX 78243.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director of Assignments (DPR), Headquarters Electronic Security Command (ESC), San Antonio, TX 78243.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director of Assignments (DPR), Headquarters Electronic Security Command (ESC), San Antonio, TX 78243.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personnel data system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 SAFPA A

SYSTEM NAME:

Graduates of Air Force Short Course in Communication (Oklahoma University).

SYSTEM LOCATION:

Academic Detachment, Secretary of the Air Force Office of Public Affairs (SAF/PAOL), 780 Van Vleet Oval, Room 334, Norman, OK 73069.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are scheduled to attend, are attending, or have attended the Air Force Short Course in Communication at the University of Oklahoma.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, current active duty grade, and Social Security Number; class dates, copies of orders; copy of application to the University of Oklahoma; copies of transcripts from prior education; copies of final grades in the Short Course in Communication.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Provides the Academic Detachment Liaison Non-Commissioned Officer in Charge and the Chief, Office for Plans and Resources, Secretary of the Air Force Office of Public Affairs (SAF/PAX) with historical background on the conduct of the course; serves as a ready reference for students to verify or resolve questions concerning their attendance at the Short Course.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in safes.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Public Affairs, Office of the Secretary of the Air Force (SAF/PA).

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Academic Detachment Liaison Non-Commissioned Officer (SAF/PAOL), 780 Van Vleet Oval, Room 334, University of Oklahoma, Norman, OK 73069.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Academic Detachment Liaison Non-Commissioned Officer or the Chief, Office for Plans and Resources, Secretary of the Air Force Office of Public Affairs (SAF/PAX), Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions, especially the Office of Admissions and Records, University of Oklahoma; Information obtained from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 SAFPA B

SYSTEM NAME:

Information Officer Short Course Eligibility File.

SYSTEM LOCATION:

Academic Detachment, Secretary of the Air Force Office of Public Affairs (SAF/PAOL), 780 Van Vleet Oval, Room 334, Norman, OK 73069.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Air Force Public Affairs Officers in the grades of 2nd Lieutenant through Colonel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Brief service history (including current grade and duty location), educational background, and information on previous attendance at the Air Force Short Course in Communication.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used by the Public Affairs Career Management Staff Officer, Air Force Manpower and Personnel Center (AFMPC/DPMROS4D), Randolph Air Force Base, TX 78150, and by the Chief, Office for Plans and Resources, Secretary of the Air Force Office of Public Affairs (SAF/PAX), Washington, DC 20330, to determine eligibility of Public Affairs Officers to attend future classes in the Air Force Short Course in Communication.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Public Affairs, Office of the Secretary of the Air Force (SAF/PA).

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Academic Detachment Liaison Non-Commissioned Officer (SAF/PAOL), 780 Van Vleet Oval, Room 334, University of OK, Norman, OK 73069.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Academic Detachment Liaison Non-Commissioned Officer or from the Chief, Office for Plans and Resources Projects, Secretary of the Air Force Office of Public Affairs, addresses as given.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data extracted from surveys of all Public Affairs Officers provided by major commands and separate operating agencies on all assigned Public Affairs Officers. Updated annually.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 USAFE A

SYSTEM NAME:

Student Identification/Locator Card.

SYSTEM LOCATION:

7027th School Squadron, APO AE 09021; 7028th School Squadron, APO AE 09238; 3d Air Force Non Commissioned Officer Leadership School, APO AE 09238; 16th Air Force Non Commissioned Officer Leadership School, APO AE 09286; and 17th Air Force Non Commissioned Officer Leadership School, APO AE 09633.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All students attending United States Air Force in Europe (USAFE) NCO academies and leadership schools.

CATEGORIES OF RECORDS IN THE SYSTEM:

Questionnaire including military data such as name, Social Security Number, grade, age, race, education data, personal data, locator data, and evaluation data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and Duties; delegation as implemented by Air Force Regulation 50–39, Noncommissioned Officer Professional Military Education, USAFE Supplement 1.

PURPOSE(S):

Used for student identification, locator purposes, and to evaluate student academic progress.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Records are used to verify past attendance and final academic standing/awards.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Destroy 10 years after student completes training by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commandants at 7027th School Squadron, Kapaun AS, GE; 7028th School Squadron, RAF Upwood, UK; 3d AF NCO Leadership School, RAF Upwood, UK; 16th AF NCO Leadership School, Zaragoza AB, SP; and 17th AF NCO Leadership School, Lindsey AS, GE.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Commandants at 7027th School Squadron, Kapaun AS, GE; 7028th School Squadron, RAF Upwood, UK; or 3d AF NCO Leadership School, RAF Upwood, UK; or 16th AF NCO Leadership School, Zaragoza AB, SP; and 17th AF NCO Leadership School, Lindsey AS, GE.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Commandants at 7027th School Squadron, Kapaun AS, GE; 7028th School Squadron, RAF Upwood, UK; or 3d AF NCO Leadership School, RAF Upwood, UK; or 16th AF NCO Leadership School, Zaragoza AB, SP; and 17th AF NCO Leadership School, Lindsey AS, GE.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual student.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F051 AF A

SYSTEM NAME:

Flying Training Records.

SYSTEM LOCATION:

12th Flying Training Wing, 1st Flight Screening Squadron, Lackland Air Force Base, TX 78236–5000, and 557th Flying Training Squadron, United States Air Force Academy (USAF Academy), CO 80840–5001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All students entered in T41 training at Hondo Municipal Airport, Hondo, TX, and the USAF Academy, CO.

CATEGORIES OF RECORDS IN THE SYSTEM:

Flying training grades and records. Complete record of training including class number, flying and academic course completed, flying hours, whether graduated or eliminated and date, reason for elimination. Training Review Board proceedings, student performance in each category of training, including grades, evaluations and performance documentation, background information including name, grade and Social Security Number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; Air Training Command Regulation 51–10, Student Administration; 10 U.S.C. 903, United States Air Force Academy, and E.O. 9397.

PURPOSE(S):

To Determine flying training potential and to Document and record performance, and manage training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Student training records are destroyed 1 year after completion of the Flight Screening Program. Student training records for Air Force Reserve Officer Training Corp cadets are destroyed 2 years after completion of training. Student grade books are destroyed 18 months after class graduates (June). Training Review Board records are destroyed one year after closeout. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, 1st Flight Screening Squadron, Lackland AFB, TX 78236–5000 and Commander, 557th Flying Training Squadron, USAF Academy, CO 80840–5001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Commander, 1st Flight Screening Squadron, Lackland AFB, TX 78236–5000 or to the Commander, 557th Flying Training Squadron, USAF Academy, CO 80840–5001.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Commander, 1st Flight Screening Squadron, Lackland AFB, TX 78236–5000 or to the Commander, 557th Flying Training Squadron, USAF Academy, CO 80840–5001.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Internally generated. Information from source documents such as grade sheets, written examinations, and flight examinations; from reports by instructors and from the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F051 AF B

SYSTEM NAME:

Flying Training Records - Nonstudent.

SYSTEM LOCATION:

Columbus Air Force Base, MS 39701–5000; Lackland Air Force Base, TX 78236–5001; Laughlin Air Force Base, TX 78843–5000; Mather Air Force Base, CA 95655–5000; Randolph Air Force Base, TX 78150–5000; Reese Air Force Base, TX 79489–5000; Sheppard Air Force Base, TX 76311–5000; Williams Air Force Base, AZ 85240–5000; United States Air Force Academy (USAF Academy), CO 80840–5001, 50th Airmanship Training Squadron (50ATS), USAF Academy, CO 80840–5566, and Peterson AFB, CO 80914–5000. Headquarters Air Force Systems Command (AFSC), and AFSC Divisions, Centers, Laboratories and Bases. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Aircrew personnel of Air Training Command (ATC), academic instructors in flying training courses; trainer instructors; aircrew personnel; academic and staff instructors attached to the Deputy Commandant for Operations in support of Airmanship and 50ATS flying programs; and students entered into AFSC flight training program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records which document aircrew training, evaluations, performance, and accomplishments. Taped radio transmissions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; Air Training Command Regulation 51–27, Academic Training; 10 U.S.C. 903, United States Air Force Academy; and Air Force Systems Command Manual 51–1, Aircrew Flying Training, and E.O. 9397.

PURPOSE(S):

To document the training, performance, and qualifications of aircrew and synthetic trainer personnel. Taped radio communications are used to investigate aircraft accidents, and to document aircrew training, evaluations, and performance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, microform, magnetic tape, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Flight Evaluation Folders are maintained for the duration of the individual's assignment in Air Training Command or at the USAF Academy. Outdated material is returned to the individual. Aircrew instruction records and students flight training records are destroyed after 1 year, or on discontinuance of activity, whichever is sooner. Radio tapes are destroyed after 15 days unless circumstances dictate otherwise. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff Operations, Headquarters, Air Training Command (HQ ATC/DOV), Randolph Air Force Base, TX 78150–5001. Deputy Commandant for Operations, USAF Academy, CO 80840–5001; Commander, 50ATS, USAF Academy, CO 80840–5566; and Noncommissioned Officer in Charge, Operations System Management, Peterson AFB, CO 80914–5000. Detachment 24, HQ AFSC/OSE, Eglin AFB FL 32542–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Deputy Chief of Staff Operations, Headquarters, Air Training Command

(HQ ATC/DOV), Randolph Air Force Base, TX 78150–5001; Deputy Commandant for Operations, USAF Academy, CO 80840–5001; Commander, 50ATS, USAF Academy, CO 80840–5566; and Noncommissioned Officer in Charge, Operations System Management, Peterson AFB, CO 80914–5000; Detachment 24, HQ AFSC/OSE, Eglin AFB FL 32542–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Deputy Chief of Staff Operations, Headquarters, Air Training Command (HQ ATC/DOV), Randolph Air Force Base, TX 78150–5001; Deputy Commandant for Operations, USAF Academy, CO 80840–5001; Commander, 50ATS, USAF Academy, CO 80840–5566; and Noncommissioned Officer in Charge, Operations System Management, Peterson AFB, CO 80914–5000; Detachment 24, HQ AFSC/OSE, Eglin AFB, FL 32542–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from source documents prepared by personnel administering training or evaluating performance; voice radio communications. Information is obtained from the individual, from instructor supervisors, and personnel involved in the evaluation and analysis of training effectiveness.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F051 AF C

SYSTEM NAME:

Flying Training Records - Student.

SYSTEM LOCATION:

Headquarters, Air Training Command (HQ ATC), Randolph AFB TX, 78150–5001; Washington National Records Center, Washington, DC 20409; 94th Airmanship Training Squadron (94 ATS), United States Air Force Academy (USAF Academy), CO 80840–5001, and 50th Airmanship Training Squadron (50 ATS), USAF Academy, CO 80840–5566. All ATC pilot and navigator training Wings. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students entered into undergraduate pilot and navigator training; students entered into airmanship flying training courses at USAF Academy, and students entered in Aviation Science courses at USAF Academy who fly the T–43A as part of these courses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complete record of training including class number, flying and completed, flying hours, whether graduated or eliminated and date, reasons for elimination, Training Review Board proceedings, student's performance in each category of training, including grades, evaluations and performance documentation; background information including name, grade, Social Security Number; source of commission, college, subject matter, etc; past training unit of assignment; class standing prior to 31 Dec 74; progress records on minority students academic course completed; complete record of evaluations including section number, student name, grades on each phase of flight evaluations and overall flight evaluation grades.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; Air Training Command Regulation 51–9, Training Review Process; Air Training Command Regulation 51–10, Student Administration, and 10 U.S.C. 903, United States Air Force Academy, and E.O. 9397.

PURPOSE(S):

Document and record student performance, analyze student performance in follow-on training in order to evaluate training and revise course content; provide background information; report to Air National Guard/Air Force Reserve and other Air Force training units on qualifications of graduates; used to monitor student performance by source of entry, education level, and minority status; record and document Training Review Board proceedings; used to monitor student performance and as a record in the event of Training Review Board proceedings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/binders, card files in computers and on computer products.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Student grade books are destroyed one year after completion of training; summary training Records are retained in office files for two years after completion or discontinuance of course, then retired to Washington National Records Center, Washington, DC, for eight years; other records are retained in office files until superseded, obsolete, no longer needed for reference or on inactivation. Training Review Board records are retained for one year. Student cadet records are destroyed after graduation. Student grade books are retained for 1 year after course completion. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff Operations, Headquarters, Air Training Command (HQ ATC/DOTF), Randolph Air Force Base, TX 78150–5000. Commander, 94 ATS (94 ATS/CC), USAF Academy, CO 80840–8876. Commander, 50 ATS (50 ATS/CC), USAF Academy, CO 80840–5566.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Deputy Chief of Staff Operations, Headquarters, Air Training Command (HQ ATC/DOTF), Randolph Air Force Base, TX 78150–5000; Commander, 94 ATS (94 ATS/CC), USAF Academy, CO 80840–8876; or the Commander, 50 ATS (50 ATS/CC), USAF Academy, CO 80840–5566.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Deputy Chief of Staff Operations, Headquarters, Air Training Command (HQ ATC/DOTF), Randolph Air Force Base, TX 78150–5000; Commander, 94 ATS (94 ATS/CC), USAF Academy, CO 80840–8876; or the Commander, 50 ATS (50 ATS/CC), USAF Academy, CO 80840–5566.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information comes from source documents such as grade sheets, written examinations, and flight examinations, and flight grade sheets; from reports by instructors and students, automated system interfaces, and from the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F051 AMC A

SYSTEM NAME:

Air Crew Instruction Records.

SYSTEM LOCATION:

1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000 and 34th Technical Training Squadron, Student Administration Branch, Little Rock Air Force Base, AR 72076–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students and instructors undergoing training; students who completed academic training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Academic completion records, flying training records, training aids usage records and simulator student training records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

To report student performance and completion of academic training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name and date of completion of training.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Training summaries are destroyed after one year. Training aids activity case files are destroyed when purpose has been served or after three years, whichever is sooner. Training system research and development material is destroyed when superseded, obsolete, or no longer needed, whichever is sooner. Training aids usage documents are destroyed three months after completion of training phase, provided required flying time is posted on individual flight records. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Commander for Operations, 1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000 and School Registrar, 34th Technical Training Squadron, Little Rock Air Force Base, AR 72076–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address inquiries to or visit the Deputy Commander for Operations, 1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000 or School Registrar, 34th Technical Training Squadron, Little Rock Air Force Base, AR 72076–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Deputy Commander for Operations, 1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000 or School Registrar, 34th Technical Training Squadron, Little Rock Air Force Base, AR 72076–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individuals, from instructors, instructor supervisors, and personnel involved in the evaluation and analysis of training effectiveness, and from special orders and messages.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F053 AFA A

SYSTEM NAME:

Educational Research Data Base.

SYSTEM LOCATION:

United States Air Force Academy (USAF Academy), CO 80840–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former USAF Academy cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

High school, college and USAF career information, including military performance, academic performance, certain medical, disciplinary and personal facts, and test data from interest/personality profiles.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9331, Establishment; Superintendent; faculty; and E.O. 9397.

PURPOSE(S):

Used by USAF Academy faculty and staff in conducting studies and analysis relating to retention, graduate professional performance, and career patterns.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be furnished to congressional nominating source for the purpose of enhancing the nomination selection process.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in computers and on computer output products.

RETRIEVABILITY:

Retrieved by Social Security Number.

VOL 58 ISS 33 FE 22 1993 UMI

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Records are retained until superseded, obsolete, no longer needed for reference, or upon inactivation. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by overwriting or degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Plans and Programs (XPPG), USAF Academy, CO 80840–5651.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Deputy Chief of Staff/Plans and Programs (XPPG), USAF Academy, CO 80840–5651.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to or visit the Deputy Chief of Staff/Plans and Programs (XPPG), USAF Academy, CO 80840–5651.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions, medical institutions, automated system interfaces, Association of Graduates, and source documents (such as reports).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F053 AFA B

SYSTEM NAME:

Preparatory School Records.

SYSTEM LOCATION:

United States Air Force Academy (USAF Academy), CO 80840–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Preparatory school students.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains Social Security Number, admissions data including college board test scores and uniform size, academic performance, counseling, disenrollment, and physical fitness information.

AUTHORITY FOR MAINTAINING THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, and E.O. 9397.

PURPOSE(S):

Data is used to measure student performance, progress and potential, for counseling purposes and for possible disciplinary or disenrollment action. Information contained on the record card consisting of grade, performance, and personal information pertaining to the student is used to provide transcripts when requested, and used by Preparatory School administrative personnel for management purposes such as emergency data, i.e., blood type, etc. Physical fitness test scores are furnished to the Registrar's Office for use in verification when considering student for nomination to the USAF Academy. Disenrollment data is used for compiling attrition statistics and for research in predicting students' success at USAF Academy as a result of their Preparatory School experience.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper form, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name, year of enrollment and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Forms and other records for administration of the Preparatory School such as Student Enrollment Questionnaires, Military Training Worksheets, Instructor's Comments, Instructor Grade Sheets, Physical Fitness Program, Report of Offense, Medical Status Reports, Flight Evaluations, Sign In/Out Registers are destroyed at the end of the academic year or when purpose has been served, whichever is sooner. Correspondence and forms in the student folder documenting academic history and related activities are destroyed 1 year after graduation or when student would have graduated. The student Records Card is retained at the USAF Academy for 30 years and then destroyed. Disenrollment data is retained until no longer needed for reference. Beginning with academic year 85–86, the student folder will be retained at the Academy 30 years then destroyed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Preparatory School, USAF Academy, CO 80840–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Commander, Preparatory School, USAF Academy, CO 80840–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking accese to records about themselves contained in this system should address written requests to or visit the Commander, Preparatory School, USAF Academy, CO 80840–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from the academic and military departments within Preparatory School, based on performance of students, Preparatory School Commander, from tests administered to students, from student.

EXEMPTIONS CLAIMED FOR THE SYSTEM;

None.

F053 AFA C

SYSTEM NAME:

Admissions Records.

SYSTEM LOCATION:

United States Air Force Academy (USAF Academy), CO 80840–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Academy applicants, nominees, appointees, cadets, and Air Force Reserve officers not on active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data used in the candidate selection process for the USAF Academy: High school records; admissions test scores; physical aptitude examination scores; high school extra curricular activities; medical qualification status; personal data records; letters of recommendation; address; phone number; Social Security Number; race; height; weight; citizenship; statement of reasons for attending Academy; nomination; preparatory school or college record, if applicable; service academies precandidate questionnaires; computerized report by congressional districts; pertinent information on assigned Liaison Officers, reports of individual Liaison Officer activity; and general correspondence. USAF Academy Preparatory School computer listings; selection data on new classes; medical qualification at entry; cadet high school rank and class size; fourth class squadron assignments; special rosters with all scores (acceptees, declinations, minorities, recruited athletes, and preparatory school); rosters from biographical data sheets (Protestant, Catholic, Jewish, and other religions); military parents; USAF Academy Preparatory School graduates; other preparatory school graduates; Civil Air Patrol; former ROTC members; Boy Scouts; Girl Scouts; Camp Fire Girls; cadets whose fathers are general officers; former Boys State, Girls State, Boys Nation delegates, cadets with private pilot licenses; admissions computer listings (all candidates, qualified candidates, selectees, athletes, minorities, ex-cadets, state status reports and related data). Candidate Evaluation Records; Liaison Officer Evaluations; letters of evaluation from high school or colleges, and drug abuse certificates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9331, Establishment; Superintendent; faculty, and E.O. 9397.

PURPOSE(S):

Used by Admissions Office, selection panels, Academy Board, Athletic Department and Preparatory School personnel for selection of cadets to attend the Preparatory School and the USAF Academy; to evaluate candidates for recommendation for civilian preparatory school scholarships, and to form the nucleus of the cadet record for candidates selected to attend the Academy.

Used by Admissions Office to prepare evaluations of candidate's potential for submission to members of Congress and to schedule for medical examinations. Used to monitor training of Liaison Officers. Used to advise persons interested in the Academy of the name, address, and telephone number of their nearest Liaison Officer. To advise persons interested in the Academy of the name, address, and telephone number of their nearest Liaison Officer.

Used to evaluate selection procedures of USAF Academy cadets, to assure that criteria for entering cadets are met and to procure various biographical information on incoming cadets for press releases. Used by Air Force Reserve Officer Training Corps (AFROTC) for possible AFROTC scholarship participation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information may be disclosed to members of Congress in connection with nominations and appointments. Names, addresses and telephone numbers of Liaison Officers may be disclosed to individuals interested in the Academy.

Biographical information on incoming cadets may be used for press releases.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ASSESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, notebooks/binders, in computers, on computer output products, and on microform.

RETRIEVABILITY:

Retrieved by name and/or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Records on candidates who are appointed are forwarded to the Registrar to be included in the Master Cadet Personnel Records.

Records on candidates who are not appointed are destroyed after one year. Liaison Officers' records are destroyed upon separation or reassignment. Preparatory school records are destroyed when no longer needed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by overwriting or degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Admissions, Research and Technical Support Division (RRE), USAF Academy, CO 80840–5651.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Director of Admissions, Research and Technical Support Division (RRE), USAF Academy, CO 80840–5651.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written requests to or visit the Director of Admissions, Research and Technical Support Division (RRE), USAF Academy, CO 80840–5651.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Educational institutions; automated system interfaces; the individual; College Entrance Examination Board; American College Testing scores; Air Force Medical examinations records; letters of recommendation, and personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt under the provisions of 5 U.S.C. 552(k)(7), as applicable, but only to the extent that disclosure would reveal a confidential source.

An exemption rule for this record system has been promulgated in accordance with 5 U.S.C. 553(b)(1), (2) and (3) and (e) and published in 32 CFR part 806b. For additional information, contact the system manager.

F053 MP A

SYSTEM NAME:

Air Force Academy Appointment and Separation Records.

VOL 58 ISS 33 FE 22 1993 UMI

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Nominees for Air Force Academy appointment and cadets in training at the Air Force Academy for each Member of Congress, the Vice President, Governors of Territories, and all other nominating sources.

CATEGORIES OF RECORDS IN THE SYSTEM:

DD Form 1870 - 'Nomination for Appointment to the United States Air Force Academy, Military Academy, Naval Academy' containing nominee's name, address, date of birth, Social Security Number, telephone number, temporary address (if any), type of nomination (principal or competitive), numbered vacancy, and date submitted, name and signature of Member of Congress or other authorized nominating source submitting the nomination; AFHQ Form 0–339 - 'Air Force Academy Nominee Record' containing the names of the nominees of each Member of Congress, the Vice President, and other authorized nominating sources. (Each Member may nominate a total of ten for each vacancy available.) The card also indicates whether a nominee withdraws from consideration for Academy appointment or is medically disqualified and the nominating system used by the nominating authority; 'Chargeable and Nonchargeable Air Force Academy Appointment Record' listing the names of the cadets entering each year for each Member of Congress and other nominating sources showing charged or not charged to their quota (5 allowed at any one time) - 10 U.S.C. 9342, year of scheduled graduation or separation date and reason, and reapportionment actions; each year after the class enters, a 'Congressional Report of Candidate Status U.S. Air Force Academy' is sent to each Member of Congress advising status of each nominee, charged, non-charged, appointed through other sources, qualified-no vacancy and those nominees in complete or disqualified - 'Report of Separation from the United States Air Force Academy' showing name, cadet number, scheduled graduation date, reason for separation, name of congressional sponsor and whether the separation action provides an additional vacancy for the Congressional sponsor; 'Report of United States Air Force Academy' containing spaces to insert names of cadets in training who are charged to the quota of a Member of Congress.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 903, United States Air Force Academy; and Senate Resolution 154.

PURPOSE(S):

When a cadet separates from the Academy, the Cadet Branch Personnel uses the system to determine who nominated the cadet so that notification of the separation can be made to the Congressional sponsor. Also used in making reply to any Member of Congress who requests information concerning who nominated a cadet for Academy entrance (10 U.S.C. 9342(h)). A form is maintained annually on each Member of Congress, the Vice President, and other authorized nominating sources. Upon receipt of nominations from Members of Congress, only the name of the nominee is entered on the Form and the nominating system used by the member. The form is used to show withdrawal of a nominee or medical disqualification in order to determine the number of active candidates at any given time (10 allowed per vacancy (10 U.S.C. 9342)). Cadet Branch uses the system to answer inquiries from nominating sources. AFHQ Form 0-851 (card) is maintained on each Member of Congress, the Vice President, and other authorized nominating sources. Upon entrance of each new class to the Air Force Academy, the names of the cadets entering for each Member of Congress, etc. is posted to the individual Congressional sponsor's card. This record card is used by Cadet Branch to determine the number of vacancies available to all authorized nominating sources so that notification of vacancy information can be furnished to Members of Congress annually. Upon separation of an Academy cadet, the name is crossed out and a notation made of the date of graduation/separation and reason for separation. Another form is used as an attachment to a letter of notification to the Congressional sponsor when a cadet is separated. Upon special request from Member of Congress, another form is used to provide the names of charge cadets (principals) to their authorized quota and the year of scheduled graduation. Also used to notify new Members of Congress of the chargeable cadets upon entering Congress. Cadet Separation Case Files - A cadet separation case file is maintained on every cadet separated for the period of time his class is in training and for one year after class graduates from the Air Force Academy. The case files are maintained since this office is the responsible staff office for implementing the Secretary of the Air Force instrument of separation/discharge action. The case files are further used to reply to Congressional inquiries concerning separation actions. The data contained in the separation case file are: Copy of cadet's resignation/separation action; copy of Academy Superintendent's letter to Secretary of the Air Force containing recommendation on type of separation action; copy of Secretary of the Air Force Memorandum directing type of separation; copy of 'Report of Separation from United States Air Force Academy'; copy AF/MPPA notification letter to Congressional sponsor concerning separation; copy of AF/MPPA notification letter to United States Air Force Academy Commandant of Cadets effecting the decision of the Secretary of the Air Force; copy of, 'Disenrollment From Officer Candidate-Type Training.' (Prepared by Commandant, Air Force Academy); copy of, 'Certificate of Release or Discharge From Active Duty.' (Prepared by Commandant, Air Force Academy); copy of Special Orders effecting separation/discharge action.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Information in the record/records system is provided Members of Congress, the Vice President, DC Delegate to the U.S. Congress, Governors of Territories and countries sponsoring foreign cadets and the Philippines on candidate nominations, cadet vacancies, appointments, and separations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Upon entry of the class each year, forms are destroyed on unsuccessful candidates by tearing into pieces,

shredding, pulping, macerating, or burning. The forms on appointed cadets are maintained permanently. Records on separated or discharged cadets are maintained for one year after class graduates.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Members of Congress, the Vice President and other nominating sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F060 AF A

SYSTEM NAME:

Air Force Operations Resource Management Systems (AFORMS).

SYSTEM LOCATION:

Headquarters United States Air Force and major command headquarters. Air Force Inspection and Safety Center, Norton Air Force Base, CA 92409. Host, tenant and squadron Operations System Management offices at Air Force installations, and McDonnell Douglas Training Systems, McDonnell Aircraft Company, 12301 Missouri Bottom Road, Hazelwood, MO 63042. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel, Air Force civilian employees, Air Force Reserve and Air National Guard personnel, Army, Navy and Marine Corps active duty military personnel and those foreign military personnel who are assigned to aviation duties by competent authority and attached to the USAF for flying support or who have been suspended from flying duties for a period of not more than 5 years.

CATEGORIES OF RECORDS IN THE SYSTEM:

The base-level AFORMS data base contains a master file of flying records for each individual in categories listed above, a month-to-date transaction file and a twelve month history file. A centralized file of selected information from each individual's master record is also maintained at HQ USAF, and flying history information is maintained at Norton Air Force Base, CA. In addition to automated data files, this system uses manual files for maintaining historical data and important source documents. An Individual Flight Record Folder (FRF) is established for each category of fliers listed above and is the prime repository for a computer listing which itemizes each individual's flight accomplishments as well as various source documents which serve to validate information entered into the computer data base for the system. Each Host Operations System Management office maintains a file of Aeronautical Orders and Military Pay Orders to provide source documentation of flying pay actions initiated by the flight manager. Information which is maintained in the automated files is derived directly from the AFORMS master file or from subsequent processing of information entered into the master file.

Categories of information maintained in the master file are: IDENTIFICATION DATA - provides individual identifiers and other information directly related to each individual in the file.

DUTY ASSIGNMENT DATA - Includes information such as the major command of assignment for the individual, the Air Force Specialty Code indicating professional duties, the unit, the responsible Operations system manager, base of assignment, etc.

AIRCREW TRAINING AND QUALIFICATION DATA - includes information such as flight and ground professional flying training accomplishments, aircrew qualification status, physical status for flight duties, types of aircraft assigned, etc.

UTILIZATION MANAGEMENT DATA - Includes flying experience information, professional qualifications, aviation duties assigned, etc.

FLYING PAY ENTITLEMENT DATA - Includes information needed to administer the payment of flying incentive pay for each individual.

LOCAL USE DATA - contains information used by major or local command to supplement general system information as needed to meet unique unit requirements within the categories of information listed herein.

SYSTEM CONTROL DATA - Contains computer data used to automatically control internal system functions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C. 301a, Incentive pay: Public Law 92–204 (Appropriations Act for 1973), Section 715; Public Law 93–570 (Appropriations Act for 1974); Public Law 93–294 (Aviation Career Incentive Act of 1974; DOD Directive 7730.57 (Aviation Career Incentive Act and Required Annual Report); Air Force Regulation 60–1, Flight Management, and E.O. 9397.

PURPOSE(S):

The AFORMS provides information and automated data processing capabilities used to manage and administer Air Force operations such as aircrew training and evaluation, flight scheduling functions, flying safety and related functions needed to attain and maintain combat or mission readiness. All information is entered into the system at the air base level. This information is then processed for use by flying resource managers at all levels through periodic computer product reports or automated systems interfaces.

The specific uses of information and user categories for this system are: BASE LEVEL ACTIVITIES - (1) to establish each member's flying pay entitlement status and to monitor continuing entitlement in accordance with existing directions; (2) to record each individual's flying activities, both hours and specific events, and provide indications of successful attainment of standards or deficiencies; (3) to establish each individual's Aviation Service code for use in indicating type of flying activity or reason for inactive status if applicable; (4) to determine each rated member's eligibility to perform operational flying in accordance with existing USAF directives; (5) to provide an indication of each rated member's total operational flying time in terms of total aviation career duties as required by the Aviation Career Incentive Act of 1974; (6) to establish 'suspense lists' for use in scheduling flying personnel for flights, schools, tests and similar events directly related to their duties as professional airmen; (7) to provide each applicable individual and manager with all aviation career profile information

VOL
58
ISS
33
FE
22
1993
UMI

needed to monitor flying career development, professional qualifications and training deficiencies; (8) to provide information requested by Operations, or other base functions, which relates to the flying duties and accomplishments of all personnel in the file; (9) to provide statistical data for management analysis and review of all aspects of each base's flying programs, including flying safety data involving AFORMS flying hour/individual information stored in the Norton Air Force Base, flying safety data bank maintained by the USAF Inspection and Safety Center.

OTHER BASE USERS:

CONSOLIDATED BASE PERSONNEL OFFICE - uses information provided by this system, through an automated data interface, to report the flying status of all individuals in the files; provides flying career background information used for assignment actions.

ACCOUNTING AND FINANCE OFFICE - uses Military Pay Orders, prepared by flight management offices, to start and stop flying incentive pay in accordance with each individual's flying status and eligibility as reflected by the information in the system; uses the files to perform payment audits to identify individuals being paid improperly.

BASE SUPPLY - uses flying status information to determine which individuals are qualified to draw all authorized flying equipment.

BASE MEDICAL FACILITY - uses system data to determine projected workloads associated with scheduled flight physical examinations.

MAJOR COMMANDS - use all system data to measure the effectiveness of subordinate unit training programs and to check command-wide flying effectiveness.

AIR FORCE MANPOWER AND PERSONNEL CENTER - uses AFORMS information to establish assignment objectives and career development programs for USAF military personnel in the system.

USAF INSPECTION AND SAFETY CENTER - uses flying hour data for each individual to establish historical files for reconstruction of lost or damaged records and to augment the Flying Safety statistical data bank.

HQ USAF - uses various identification and flying data to establish statistical data needed to verify the effectiveness of standard procedures, determine the need for policy modification, provide a timely and accurate census of various types of flyers and provide a centralized point for collection and collation of data used by all levels of management. Air Force Accounting and Finance Center - uses AFORMS information to validate all flying payments in the JUMPS system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, on computer magnetic tapes and on magnetic disks.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system, by person(s) responsible for servicing the record system in performance of their official duties and individuals in files. Access is specifically controlled by the Host Operations System Management office. Records are stored in locked cabinets or rooms. Computer terminals are locked when not in use or kept under surveillance.

RETENTION AND DISPOSAL:

Magnetic tape and hardcopy records are maintained in files for five years following removal of an individual from flying status. The magnetic tape records are then destroyed by degaussing or overwriting and the hardcopy files turned over to the individual. Personnel leaving military service are provided their hardcopy files and all disk and tape records are routinely erased except for historical records files maintained by AFISC. For deceased personnel, disk and tape records are routinely erased and hardcopy folders are provided to the survivors as part of the individual's personal effects.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Plans and Operations, Headquarters United States Air Force, Washington, DC 20330–5054.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Deputy Chief of Staff/Plans and Operations, Headquarters United States Air Force, Washington, DC 20330–5054 or to the commander of the unit of assignment. Official mailing addresses are published as an appendix to the agency's compilation of systems of records notices.

Include name and Social Security Number. Make base level inquiries to or visit base flight manager.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Operations Deputy Chief of Staff/Plans and Operations, Headquarters United States Air Force, Washington, DC 20330–5054 or to the commander of the unit of assignment. Official mailing addresses are published as an appendix to the agency's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from individuals, aircrew managers, automated system interfaces and from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F060 AF B

SYSTEM NAME:

Contractor Flight Operations.

SYSTEM LOCATION:

All Air Force activities that approve contractor aircraft flight and ground operations procedures or utilize contractor personnel who operate aircraft for the government.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All contractor personnel who operate aircraft for the Air Force, for which the government assumes some risk of loss or damage. It covers both flight crew member and non-crew member personnel designated by a contractor to conduct flights, perform functions while the aircraft is in flight, or perform ground operations in support of such flights.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; Social Security Number; home address and telephone number; date of birth; security clearance data; education; military service data; flight qualification, proficiency, training, and experience records; standardization and evaluation data; safety and mishap records; medical and physiological data; and, similar data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; AFR 55–22, Contractor's Flight Operations; and E.O. 9397.

PURPOSE(S):

Used to monitor and manage individual contractor flight and ground personnel records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEMS:

STORAGE:

Maintained in file folders, notebooks, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Records are maintained in the system until contract termination, at which time they will be destroyed when no longer needed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters, Air Force Systems Command/TEO, Andrews AFB, DC 20334–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Headquarters, Air Force Systems Command/TEO, Andrews AFB, DC 20334–5000 or to the system location where the flight certification is recorded. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices. For personal visits, the individual may be asked to show a valid identification card or a driver's license as proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Headquarters, Air Force Systems Command/TEO, Andrews AFB, DC 20334–5000 or to the system location where the flight certification is recorded. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices. For personal visits, the individual may be asked to show a valid identification card or a driver's license as proof of identity.

CONTESTING RECORDS PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is provided by the individual or from training, evaluation, and examination records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F060 ANG A

SYSTEM NAME:

Progress Report, Undergraduate Pilot Training.

SYSTEM LOCATION:

Office of Director, Air National Guard, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air National Guard Undergraduate Pilot Trainees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Evaluation of pilot training progress.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 275, Personnel records.

PURPOSE(S):

Used at National Guard Bureau level to determine individual capability to perform safely in home unit weapons systems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are stored in safes.

RETENTION AND DISPOSAL:

Retained in office files until graduation or elimination from training, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Air National Guard, Headquarters United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director of Air National Guard, Headquarters United States Air Force, Washington, DC 20330.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director of Air National Guard, Headquarters United States Air Force, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from UPT Flying Training DCO.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F066 AF A

SYSTEM NAME:

Maintenance Management Information and Control System (MMICS).

SYSTEM LOCATION:

At all Air Force bases that utilize Maintenance Management Information and Control System. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

VOL
58
ISS
33
FE
22
1993
UMI

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals assigned to organizations involved in the maintenance of aircraft missiles, communications electronics and associated equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Maintenance personnel records and on-the-job training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by and Air Force Regulation 66–1, Maintenance Management Policy and 66–5, Production Oriented Maintenance Organization.

PURPOSE(S):

Used to establish and maintain data and on-the-job training records pertaining to a specific individual assigned to a maintenance organization. Used by work center supervisors maintenance training and administrative personnel and other members of the chief of maintenance staff to maintain basic data relating to an individual and to monitor the overall manning status of an organization.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on disks or tapes.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are controlled by computer system software.

RETENTION AND DISPOSAL:

Maintained until purpose has been served or for 1 month whichever is sooner then destroyed by tearing into pieces, pulping, burning, shredding, or macerating.

SYSTEM MANAGER(S) AND ADDRESS:

Non-commissioned officer in charge of the maintenance documentation or files maintenance section at each unit utilizing MMICS. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Non-commissioned officer in charge of the maintenance documentation or files maintenance section at each unit utilizing MMICS. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Non-commissioned officer in charge of the maintenance documentation or files maintenance section at each unit utilizing MMICS. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces and source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F067 AF A

SYSTEM NAME:

Government Furnishings Issue Record.

SYSTEM LOCATION:

Housing Supply Offices at all Air Force installation which issue furnishings. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military and DOD civilians to whom government furnishings are issued.

CATEGORIES OF RECORDS IN THE SYSTEM:

PCS orders, rental agreement, receipt for furnishings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9832, Property accountability: Regulations.

PURPOSE(S):

To maintain authority for issue and accountability of Government furnishings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records stored in vertical file folders, and computer and computer output products.

RETRIEVABILITY:

Retrieved by name in manual file systems. Retrieved by Social Security Number in computer storage.

SAFEGUARDS:

Stored in file cabinets in locked rooms. Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained in file until furnishings are returned and then destroyed or returned to the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Logistics, headquarters of each major command which issues furnishing or Chief of Housing Supply Office at issuing base. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Deputy Chief of Staff/Logistics, headquarters of each major command which issues furnishing or Chief of Housing Supply Office at issuing base. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Deputy Chief of Staff/Logistics, headquarters of each major command which issues

furnishing or Chief of Housing Supply Office at issuing base. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F067 AF B

SYSTEM NAME:

Base Service Store/Tool Issue Center Access.

SYSTEM LOCATION:

Retail Sales Section at Air Force installations. Official mailing addresses are published as an appendix to the agency's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and reserve military and civilian personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identification data on individuals authorized access to purchase Base Service Store/Tool Issue items.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9832; Property Accountability Regulations; and E.O. 9397.

PURPOSE(S):

Control access to Base Supply's Base Service Store and Tool Issue Center Units at each Air Force installation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintain on computer and computer output products, and in paper form.

RETRIEVABILITY:

Access is by Social Security Number for military members. Access is by Social Security Number or civilian identification card number for civilian employees and foreign nationals.

SAFEGUARDS:

Access to the records is controlled by computer system software and is limited to individuals responsible for servicing the system.

RETENTION AND DISPOSAL:

Retained until superseded or canceled by individual's commander.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Logistics and Engineering, Headquarters United States Air Force, Washington, DC 20330–5130.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address inquiries to or visit the Deputy Chief of Staff/Logistics and Engineering, Headquarters United States Air Force, Washington, DC 20330–5130.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address requests to the Deputy Chief of Staff/Logistics and Engineering, Headquarters United States Air Force, Washington, DC 20330–5130.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual or from the individual's commander.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F067 AF LE A

SYSTEM NAME:

Personal Clothing and Equipment Record.

SYSTEM LOCATION:

Individual Equipment Units at Air Force installations. Official mailing addresses are published as an appendix to the agency's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and reserve military and civilian personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Expendable and non-expendable individual personal clothing and equipment records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9832; Property Accountability Regulations; and E.O. 9397.

PURPOSE(S):

Accounting for authorized clothing and equipment issued to members and employees. Periodically reviewed by supply personnel and certified by the individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Recorded electronically in a microcomputer. Maintained as paper records and stored in vertical file folders.

RETRIEVABILITY:

Access is by Social Security Number for military members. Access is by Social Security Number or civilian identification card number for civilian employees and foreign nationals. Retrieved by last name, first initial, and last four digits of Social Security Number.

SAFEGUARDS:

Access to the microcomputer records for the purpose of making adds, changes, or deletions will be controlled using passwords assigned to individuals assigned to the Individual Equipment Unit. Paper records will be stored in file cabinets in locked rooms. Records are accessed by person(s) responsible for servicing the records system in performance of their official duties.

RETENTION AND DISPOSAL:

Microcomputer records will be programmatically deleted 180 days after an individual has returned accountable items to the Individual Equipment unit. Paper records will be retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

When the individual is discharged, the signed copy of the record is forwarded to the Consolidated Base Personnel Office for disposition. The originals are retained by the Individual Equipment Unit and destroyed after the turn-in of all equipment by the individual. Records are then destroyed by tearing into pieces, shredding, macerating, pulping or burning.

VOL 58 ISS 33 FE 22 1993 UMI

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Logistics and Engineering, Headquarters United States Air Force, Washington, DC 20330–5130.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address inquiries to or visit the Deputy Chief of Staff/Logistics and Engineering, Headquarters United States Air Force, Washington, DC 20330–5130.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address requests to the Deputy Chief of Staff/Logistics and Engineering, Headquarters United States Air Force, Washington, DC 20330–5130.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F067 AFSC A

SYSTEM NAME:

Equipment Maintenance Management Program (EMMP).

SYSTEM LOCATION:

Aeronautical Systems Division, Computer Center, Wright-Patterson Air Force Base, OH.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel in Aeronautical Systems Division, Air Force Avionics Laboratory, Air Force Flight Dynamics Laboratory, Air Force Aero Propulsion Laboratory, Air Force Materials Laboratory, Air Force Human Resources Laboratory and Aerospace Medical Research Laboratory at Wright-Patterson Air Force Base, having custody of high value precision measurement equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Equipment maintenance management data on equipment signed out to individuals by equipment item number, model number, date checked out, office symbol, calibration due date, user Social Security Number and name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Maintain maintenance and management control of high value equipment including issuance, security and storage, and recalibration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer and computer output products.

RETRIEVABILITY:

Records may be retrieved by custodian name and Social Security Number or by equipment ID number and manufacturer.

SAFEGUARDS:

Computer records are maintained under systems software with password control. Printouts are kept in locked cabinets and desks. Offices and buildings are locked after duty hours.

RETENTION AND DISPOSAL:

Printouts are kept up to a two weeks maximum and then destroyed by tearing into pieces.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Wright Aeronautical Laboratory, Logistics Office, Assistant for Operations, Wright-Patterson Air Force Base, OH 45433.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Air Force Wright Aeronautical Laboratory, Logistics Office, Assistant for Operations, Wright-Patterson Air Force Base, OH 45433.

Requesting individuals will be required to supply full name and office symbol or name of immediate supervisor for telephone requests; full name, driver's license or base ID card for personal visits.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Air Force Wright Aeronautical Laboratory, Logistics Office, Assistant for Operations, Wright-Patterson Air Force Base, OH 45433.

Requesting individuals will be required to supply full name and office symbol or name of immediate supervisor for telephone requests; full name, driver's license or base ID card for personal visits.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals and automated systems interface.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F070 AF AFO A

SYSTEM NAME:

Accounts Payable Records.

SYSTEM LOCATION:

At Accounting and Finance Offices at Air Force bases, Air National Guard activities, Air Force Reserve units, and Air Force components. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices. Some records are stored at the Denver Federal Archives and Record Center, Building 48, Denver Federal Center, Denver, CO 80225.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have monies owing to them by the Air Force or who have performed an official function resulting in a valid debt payable by the Air Force to a third party. Such individuals include contractors, military and civilian personnel and their dependents, assignees, trustees, guardians, survivors, claimants having tort or compensation claims against the Air Force for personal injuries or property damage.

CATEGORIES OF RECORDS IN THE SYSTEM:

Include, but are not limited to, contracts; purchase orders; temporary duty and permanent change of station orders; transportation requests; government bills of lading; tort claims; compensation claims; correspondence with creditors; dependents of military personnel and civilian employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 66c, Receipts, retention and disbursement of public funds; 82e, Travel and transportation allowances:

Dependents: Baggage and household effects; 492, Disbursing officers; 37 U.S.C. 404, Travel and transportation allowances: General; 406, Disbursing officers.

PURPOSE(S):

Records are used to support payments to creditors who may include military personnel and civilian employees, their dependents, survivors, guardians and trustees, contractors, vendors, claimants in tort and compensation claims and assignees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system. When authorized, records may be disclosed to creditors, dependents, claimants, Internal Revenue Service (for tax purposes, including assessments, levy action, employer/employee Social Security taxes), Social Security Administration and Department of Veterans Affairs (for verification of claims and eligibility for benefits administered by such agencies), and state and local authorities (for matters pertaining to taxation, welfare, and criminal and civil litigation within the jurisdiction of such authorities).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, visible file binders/cabinets, card files, computer and computer output products, magnetic cards, and microform.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, locked cabinets or rooms, protected by guards and controlled by personnel screening and by visitor registers.

RETENTION AND DISPOSAL:

Retention periods of various types of documents vary from one month to permanent. Some records are destroyed by the Base Accounting and Finance Offices at base level by tearing, shredding, pulping, macerating, or burning; others are retired to the Denver Federal Archives and Record Center and destroyed after varying retention periods by sale to salvage paper companies for shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director Accounting and Finance United States Air Force (USAF). Accounting and Finance Officers at Air Force installations.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279. Information pertaining to geographically dispersed elements of the record system may be obtained from managers at the applicable Air Force component. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices. The requester should be able to provide sufficient proof of identity, such as name, Social Security Number, service number, military status, duty station or place of employment, or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279. Information pertaining to geographically dispersed elements of the record system may be obtained from documentation managers at the applicable Air Force component. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

The requester should be able to provide sufficient proof of identity, such as name, Social Security Number, service number, military status, duty station or place of employment, or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Sources include, but are not limited to, information obtained from automated system interfaces, corporations and from source documents such as reports, contractors, vendors, claimants, trustees, assignees, Air Force and other Department of Defense components, carriers, General Accounting Office, Comptroller General, and Department of Veterans Affairs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F075 AA A

SYSTEM NAME:

Office, Secretary of Air Force Travel Files.

SYSTEM LOCATION:

Office of the Secretary of the Air Force, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military, civilian, statutory, Congressional and others sponsored by Secretaries of Air Force and/or Defense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel orders and transportation authorizations, paying agent orders, passport information, and travel vouchers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

To provide reference in response to individual and/or offices requests for actual purposes of travel, costs and records used for future planning. Copies of orders on file in Director of Administration, Headquarters U. S. Air Force, Washington, DC 20330, for record of authentication. Copies of paying agent orders on file Director of Administration, Headquarters U.S. Air Force Washington, DC 20330 for record of payments. Travel on file at U.S. Air Force Accounting and Finance Center, Denver, CO record of Air Force expenses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders/note books/binders/card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record

system in performance of their official duties. Records are stored in locked cabinets or rooms. Access controlled by assistant manager and restricted to authorized personnel.

RETENTION AND DISPOSAL:

Records on currently assigned personnel are retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed. Transportation authorization and Invitational orders are retained in office files for one year after annual cut-off then destroyed. Paying agent orders are retained in office files for two years after annual cut-off, then destroyed. Records contained in this system are destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Assistant to the Secretary of the Air Force, the Pentagon, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Administrative Assistant to the Secretary of the Air Force, the Pentagon, Washington, DC 20330.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Administrative Assistant to the Secretary of the Air Force, the Pentagon, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Air Force channels from agencies and individuals requesting Air Force travel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F075 AF DP A

SYSTEM NAME:

Application for Early Return of Dependents.

SYSTEM LOCATION:

All overseas host base Central Base Personnel Office (CBPO) outbound assignments sections (DPMU). Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Command sponsored dependents of military personnel assigned overseas.

CATEGORIES OF RECORDS IN THE SYSTEM:

Members name, grade, Social Security Number, initial date of sponsor entry into overseas theater, date of separation, date of rotation (DEROS); names, relationships, sexes, dates of birth, passport, numbers, and addresses of dependents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C. 401, Chapter 7 and E.O. 9397.

PURPOSE(S):

Used by the Unit Commander, CBPO personnel, and the approval authority to approve/disapprove requests for early return of dependents. Under the provisions of Air Force Regulation 75–8, Vol II, member or spouse may request early return of dependents to their country of origin if desired, prior to the time PCS orders are required. If member declines to initiate request for early return of dependents, the spouse may request early return for self but not for minor children. Documentation must be provided by the applicant to substantiate the existence of a situation which required dependents to be returned (Joint Federal Travel Regulation (JFTR) U5240, D1–De, Items a-h).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Air Force's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved alphabetically by name.

SAFEGUARDS:

Records are stored in locked cabinets, rooms, or buildings. Records are accessed by the custodian and personnel responsible for servicing the record system in performance of their official duties. Access is controlled by the system manager and restricted to authorized personnel.

RETENTION AND DISPOSAL:

Early return of dependents case files are retained in office files for one year after the annual cutoff, then destroyed. These records are destroyed by one of the following means: Tearing into pieces, shredding, pulping or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Personnel Utilization (DPMU), host base CBPO. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to or visit the Chief, Personnel Utilization (DPMU), host base CBPO. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records. Full name and Social Security Number of sponsor are required for inquiries.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to or visit the Chief, Personnel Utilization (DPMU), host base CBPO. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from individuals requesting early return of dependents, personnel, legal, chaplain, or other agencies providing pertinent information for the case file.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F075 AF LE A

SYSTEM NAME:

Household Goods Nontemporary Storage System (NOTEMPS).

SYSTEM LOCATION:

At all Air Force bases having personal property responsibility. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military personnel or their dependents, and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for storage, travel orders, substantiating documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133, Secretary of Defense: Powers and duties; delegation by.

PURPOSE(S):

Used by base level traffic management offices (AFO) and local commercial contractors in managing, controlling and payment of contractors for services rendered for storage services. Information used by TMO to maintain, identify lots, determine excess cost and perform payment actions for storage accounts. AFO will use information to process invoices for payment. Contractors will use data to verify and certify invoices for payment for services rendered against individual storage lots.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, card files, or computer and computer output products.

RETRIEVABILITY:

Retrieved by name and/or Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms and controlled by personnel screening.

RETENTION AND DISPOSAL:

Files are retained for 6 months to 3 years, depending on type, and destroyed by tearing, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff, Logistics and Engineering, Headquarters United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Deputy Chief of Staff, Logistics and Engineering, Headquarters United States Air Force, Washington, DC 20330. Base traffic management offices have individual record. Visitors must provide name, grade, Social Security Number and identification card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Deputy Chief of Staff, Logistics and Engineering, Headquarters United States Air Force, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from individuals, applications for storage of household goods, travel orders, and substantiating documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F075 AF LE B

SYSTEM NAME:

Personal Property Movement Records.

SYSTEM LOCATION:

Traffic Management Office or Air Force controlled Joint Personal Property Shipping Offices at Air Force Activities. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who shipped personal property through an Air Force controlled activity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application, orders, inventory, Government Bill of Lading, shipping documents, Certificates of Approval or Disapproval, Power of Attorney, carrier and/or contractor documentation, Inspection Report, and Counseling Checklist.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Traffic Management Officer uses these record to determine shipment eligibility and lawful entitlements, and as a basis for expenditure of public funds and contracts with commercial carriers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are stored in locked cabinets or rooms and are accessed by person(s) responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained in office files for three years after annual cutoff; transferred to Regional Federal Records Center for indefinite retention.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff, Logistics and Engineering, Headquarters United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Deputy Chief of Staff, Logistics and Engineering, Headquarters United States Air Force, Washington, DC 20330.

Include individual's name, service, Social Security Number, type of shipment, origin, destination, and the date of application. Any means of positive identification is acceptable.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Deputy Chief of Staff, Logistics and Engineering, Headquarters United States Air Force, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Government Inspector's Quality Control Report. Information also obtained from the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F075 USAFE A

SYSTEM NAME:

Customs Control Records.

SYSTEM LOCATION:

Customs Control Office of the Transportation Branch, 7206 Air Base Group/LGTTG, APO AE 09223. Selected sub-elements are at the Investigation Section of the Security Police Division, 7206 ABG/SPI, APO AE 09223, and the Judge Advocate Office, 7206 ABG/JA, APO AE 09223.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel assigned to duty in Greece qualifying for tax-free privileges under Article I of the North Atlantic Treaty Organization Status of Forces Agreement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Certificates of understanding and accountability; purchase records; importation documents; vehicle registration and duty-free customs certificates; customs control card roster; Greek customs tax receipts; copies of military orders; certificates of dependency; currency conversion records; military and Greek police reports concerning theft, loss or destruction of personal property; records of imports and exports via postal systems; personal property inventories for incoming and outgoing shipments of household goods; and reports of investigation concerning possible or actual customs violations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

North Atlantic Treaty Organization Status of Forces Agreement and 10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

This system of records is used to control the tax-free acquisition of personal property by U.S. Forces entered into Greece in tax and duty exempt status under the provisions of the NATO Status of Forces Agreement. This agreement, and others which supplement it, require the U.S. to limit the tax-free import and use of items required by the U.S. Forces to only those members with bona fide entitlements and to assist the Greek government in collecting evidence and securing payment of any applicable taxes. Users of the information in the customs control system include U.S. Air Force, Navy, Army, and State Department transportation and customs activities who compile and maintain the records; military security, investigative, and law enforcement activities who screen records to collect evidence where possible wrongdoing is indicated; military justice officials who review evidence and advise commanders on possible legal actions; and Air Force Accounting and Finance Offices to control legal conversion of U.S. and host nation currency and to report excess profit from legal sales of property to Internal Revenue Service where appropriate. The system is used to document property imported tax-free into Greece and any purchases made by individuals in the military tax-free sales outlets. The information is used to prove compliance by the U.S. Forces with U.S. treaty obligations and to identify and correct black-marketeering or other unauthorized activities which evade Greek customs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in file folders.

RETRIEVABILITY:

Files are maintained in numerical sequence using a locally established individual customs control number given upon application to each member entitled to tax-free privileges in Greece. The customs control number is cross-referenced to the member's name, Social Security Number, permanent reassignment date, and employer. Dependents of entitled members are listed under their sponsor's customs control number and record file. An electronic data processing card file is used in the U.S. Air Force Customs Control Office to correlate customs control number, name, unit of assignment, and expiration date of privileges.

SAFEGUARDS:

Records are safeguarded in locked file cabinets, locked rooms, and locked buildings. Records may be reviewed only by the person to whom they apply or competent investigative authority based on a verified need to know.

RETENTION AND DISPOSAL:

Records are maintained in active use until the members clear their accounts in preparation for departure from Greece. The records are then removed to an inactive file within the U.S. Air Force Customs Control Office for one additional year and then transferred to a records staging area for two more years. Three years after closeout, files are destroyed by shredding, burning, pulping, or macerating.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Transportation, 7206 Air Base Group, APO AE 09223.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Transportation, 7206 Air Base Group, APO AE 09223.

Requesters must apply either personally or in writing providing their full name (and name of sponsor if in dependent status when the record was created), unit of assignment while in Greece, and period of stay in Greece. Requesters may visit the Customs Control Office of the Chief of Transportation, 7206 Air Base Group, Hellenikon Air Base, Greece, to review their personal customs records or seek information. Requesters must present identification cards issued by U.S. Forces in Greece to gain access to their personal records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief of Transportation, 7206 Air Base Group, APO AE 09223 or the customs liaison clerks in the Customs Control Section of the Office of Chief of Transportation, 7206 ABG/LGT, APO AE 09223.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individually prepared applications for duty-free entry of private property and automobiles; individually prepared applications for customs control cards; certificates of understanding and liability; bills of sale; Army and Air Force Exchange Service purchase records; Air Force Commissary Service purchase records; Air Force Accounting and Finance Office records of individual currency conversions; U.S. Postal Service parcel receipt records; international mail parcel receipt information; USAF Security Police

investigation reports concerning loss, theft, damage or property or alleged unauthorized disposition (black-marketeering); Defense Logistic Agency Property Disposal Office turn-in records; household goods carriers' inventories of personal property imported and re-exported to and from Greece by each member subject to the system; employer's certification of eligibility to tax-free privileges; official assignment orders; letters of eligibility from non-appropriated fund employers and USAF Procurement Office for eligible contractor personal, determinations of eligibility rendered by the Staff Judge Advocate's office.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F076 AMC A

SYSTEM NAME:

Passenger Reservation and Management System.

SYSTEM LOCATION:

Headquarters, Air Mobility Command, Scott AFB, IL 62225–5001; Aerial Ports of Embarkation and Debarkation, military airfields or installations (all Services), certified air carriers at civil (commercial) airports, and any activity or agency responsible for initiating or receiving a request for the movement of personnel and their baggage; manifesting, tracing and billing actions; and statistical data collection. Official mailing addresses are published in the current United States Government Manual. Commercial air carrier addresses are listed in the Official Airlines Guide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military, civilian, statutory, congressional and others sponsored by the Secretary of Defense or Military Service Secretaries. The Executive Office, Executive Departments, independent agencies, Legislative Branch and the Judicial Branch.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel order, transportation authorizations, and passenger name records. Categories of information in the passenger name record include, but are not limited to: Name, grade, seats required; reservation identification code, which is assigned by a requesting activity or individual passengers and is the Social Security Number or other unique identifier; origin; destination; requested travel dates, routing indicator (identifies the activity/installation requesting the reservation); cancellation and type standby codes (identifies the reason the passenger did not depart as scheduled); flight number; departure date and reporting time, and other administrative coding as determined by a Service activity or HQ AMC to facilitate the completion of travel to include baggage tracer and billing actions. The passenger name record is a complete listing of all transportation related administrative actions related to individual passengers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, and E.O. 9397.

PURPOSE(S):

Passenger name records are used to prepare aircraft manifests for passenger identification processing and movement on military aircraft, commercial contract (charter) aircraft, and on seats reserved (blocked) on regularly scheduled commercial aircraft at military and civilian airports. Records in this system are also used to:

(a) Develop billing data to the user Military Services or other organizations;

(b) Determine passenger movement trends;

(c) Forecast future travel requirements; and

(d) Identify, research, and resolve transportation related problems. In addition, records may also be used as the basis of disciplinary action initiated by the requesting activity, and the conduct of official investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Records from the system are routinely disclosed to other Federal agencies and offices providing transportation, and to civilian airlines and airports for transportation services, developing billing data, manifesting passengers, and for forecasting future transportation requirements.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, notebooks/binders, card files, computers, computer output products, paper printouts, computer magnetic tapes, disks, microfiche or rolled microfilm.

RETRIEVABILITY:

Records on this system may be retrieved by any of the following means: Name; Reservation Identification Code; Social Security Number; flight number; movement channel; type transaction; type travel; special passenger category; type standby code, or passenger cancellation reason code.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Transportation authorizations and orders are retained in office files for two years after the annual cutoff, then destroyed. Other records in the system are retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed. These records are destroyed by one of the following means: Tearing into pieces, shredding, pulping, macerating, burning, or degaussing in the case of magnetic computer media.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Passenger and Traffic Management and Deputy Chief of Staff, Air Transportation, Headquarters, Air Mobility Command, Scott AFB, IL 62225–5001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to or visit the Director of Passenger and Traffic Management, Deputy Chief of Staff, Air Transportation, Headquarters, Air Mobility Command, Scott AFB, IL 62225–5001.

Full name, reservation identification code, and movement channel are required for inquiries.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Director of Passenger and Traffic Management Deputy Chief of Staff, Air Transportation, Headquarters, Air Mobility Command, Scott AFB, IL 62225–5001.

Full name, reservation identification code, and movement channel are required for inquiries.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation

VOL 58 ISS 33 FE 22 1993 UMI

12–35, Air Force Privacy Act Program; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from military transportation and personnel activities, individuals requesting air travel or from other agencies designated to arrange air passenger reservations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F077 AF LE A

SYSTEM NAME:

Motor Vehicle Operators' Records.

SYSTEM LOCATION:

Air Force Base Drivers Training and Qualification Section, Air Force Reserve units and Air National Guard activities. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian personnel issued a United States Government Motor Vehicle Operator's Identification Card.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application, test results, medical evaluation, accident history, traffic citations and driver awards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133, Secretary of Defense; appointment; powers and duties; delegation by.

PURPOSE(S):

Determination of operator eligibility by Vehicle Operations Officer. Used as basis for issue of a Government motor vehicle operator's identification card. Releasable to Safety and Law Enforcement authorities for investigation and possible criminal prosecution or civil court action.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, and on computer and computer output products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are stored in locked cabinets or rooms and accessed by person(s) responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained in office files until discharge, separation, or reassignment of the individual, then returned to servicing consolidated base personnel office for destruction.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff, Logistics and Engineering, Headquarters United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Deputy Chief of Staff, Logistics and Engineering, Headquarters United States Air Force, Washington, DC 20330.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Deputy Chief of Staff, Logistics and Engineering, Headquarters United States Air Force, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions, police and investigating officers, motor vehicles bureaus, state or local governments, witnesses, Department of Transportation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F080 AFSC A

SYSTEM NAME:

Aeromedical Research Data.

SYSTEM LOCATION:

Aerospace Medical Division (AMD), Brooks Air Force Base, TX 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel receiving medical evaluation from Department of Defense medical facilities. Participants in epidemiologic studies sponsored by agencies of the Department of Defense, Federal Aviation Administration, Department of Veterans Affairs, The National Institutes of Health, National Research Council, and Occupational Safety and Health Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical evaluations, demographic and mortality data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 55, Medical and Dental Care.

PURPOSE(S):

Data is used for aeromedical research, fitness for duty determination and medical care.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Individually identifiable records are used by medical authorities and consultants of the Department of Defense and Federal Aviation Administration to determine that individual's fitness for duty.

Data on foreign personnel are used by the corresponding authority in that individual's country to determine their fitness for duty.

An individual's record is used by medical personnel to deliver medical care to that patient.

Aeromedical research data are used by scientists working with agencies of the Department of Defense, Federal Aviation Administration, Department of Veterans Affairs,

The National Institutes of Health, National Research Council, and Occupational Safety and Health Administration to determine medical criteria for duty and to develop methods to prevent disease and disability.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in microfilm jackets and microfilm rolls, in paper files, and on computer.

RETRIEVABILITY:

Retrieved by name, or Social Security Number.

SAFEGUARDS:

Computerized patient records retrievable from remote terminals are protected from unauthorized access or alteration by a data management system which requires a password for access to an authorized subset of data. When

appropriate for research purposes, the data base management system permits scientists to examine patient records without revealing the unique patient identifiers. All of the data is accessed only by the custodian of the record system, and released only to medical personnel and scientists who are properly screened for need to know.

RETENTION AND DISPOSAL:

Destroy paper and microfilm files when no longer needed or after 25 years by tearing, shredding, pulping, macerating or magnetically stored data is destroyed by erasure.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Aerospace Medical Division, Brooks Air Force Base, TX 78235.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Commander Aerospace Medical Division, Brooks Air Force Base, TX 78235.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Commander Aerospace Medical Division, Brooks Air Force Base, TX 78235.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from military personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F090 AF A

SYSTEM NAME:

Visiting Officer Quarters-Transient Airman Quarters Reservation.

SYSTEM LOCATION:

All Air Force installations with Visiting Officer and/or Transient Airman Quarters. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel registering to obtain a room for the duration of visit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Registration of transient personnel into quarters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013 and E.O. 9397.

PURPOSE(S):

To register occupants of base transient quarters and charge for billeting.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets and on computer and computer output products.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files for three months after monthly cutoff, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff, Logistics and Engineering, Headquarters, United States Air Force, Washington, DC 20330–5130.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to or visit the Deputy Chief of Staff, Logistics and Engineering, Headquarters, United States Air Force, Washington, DC 20330–5130.

Full name and Social Security Number are required for inquiries.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this record system should address written requests to or visit the Deputy Chief of Staff, Logistics and Engineering, Headquarters, United States Air Force, Washington, DC 20330–5130.

Full name and Social Security Number are required for access.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From individual registering.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F090 AF B

SYSTEM NAME:

Unaccompanied Personnel Quarters Assignment/Termination.

SYSTEM LOCATION:

All Air Force Command bases. Located in the Base Billeting Operations Office and in the respective Squadron Orderly Room. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Unaccompanied military personnel who: (1) Apply for or who are entitled to occupy unaccompanied quarters, (2) accept or decline unaccompanied on-base quarters, (3) reside off-base at their own expense, (4) accept inadequate quarters, and/or (5) are identified as authorized to reside off-base with prescribed quarters allowance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records related to application, assignment, acceptance, declination, or termination of unaccompanied quarters; authorization for unaccompanied personnel to reside off-base at their own expense; voluntary acceptance of inadequate quarters; and/or authorization to reside off-base with prescribed quarters allowance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Power and duties; delegation by.

PURPOSE(S):

To effectively manage unaccompanied personnel quarters; establish and maintain a record of application for unaccompanied personnel quarters assignment; terminate assignment to unaccompanied quarters; and grant authorization to reside off-base with or without specified quarters allowance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of unit files and by personnel responsible for servicing the record system in performance of official duties. File folders are stored in locked rooms and drawers.

RETENTION AND DISPOSAL:

Records are destroyed by tearing into pieces, shredding, burning, macerating, or pulping when superseded or when individual is reassigned.

SYSTEM MANAGER(S) AND ADDRESS:

Base Billeting Manager and Commanders of Squadrons on AF bases.

NOTIFICATION PROCEDURE:

Individuals may contact the Base Billeting Manager or Commanders of Squadrons on AF bases. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices. Requests to determine existence of record should include full name and grade and approximate dates individual was assigned to or serviced by the Billeting Operation function on AF bases, subsequent to July 1, 1981.

RECORD ACCESS PROCEDURES:

Access is controlled by Base Billeting Manager at base level or by Squadron Commanders at squadron level. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F100 AFCC A

SYSTEM NAME:

Military Affiliate Radio System (MARS) Member Records.

SYSTEM LOCATION:

At Headquarters Air Force Communications Command (AFCC). Subordinate headquarters, and Air Force installations. At MARS member stations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Amateur Radio Operators licensed by United States Air Force (USAF) MARS.

CATEGORIES OF RECORDS IN THE SYSTEM:

MARS Personnel Action Notification and Registration; MARS Station Questionnaire; Application for Membership in Military Affiliate Radio System. Information includes individuals name, MARS call sign, amateur call sign, mailing address, Federal Communications Commission (FCC) license class, MARS assignment, communications capability, MARS position, military status, and telephone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of Air Force, powers and duties; delegation by; as implemented by Air Force Regulation 700–17, Military Affiliate Radio System.

PURPOSE(S):

To identify MARS members, to describe and update information concerning members, station capability, MARS assignment and position status, to assign call signs and designators, to specify operational parameters and constraints, mailing address, amateur license, telephone number, and responsibilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and computer diskettes.

RETRIEVABILITY:

Retrieved by name, by call sign or designator and geographic location.

SAFEGUARDS:

By authorized personnel in the course of their duties who are properly screened and cleared for need-to-know. Stored in file cabinets.

RETENTION AND DISPOSAL:

At HQ AFCC, retained until termination of membership or alteration of information and then destroyed by tearing to pieces, shredding, pulping, macerating or burning. At MARS stations, retained in office files until reassignment or termination of membership and then destroyed by tearing to pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations (DOOC), HQ AFCC, Scott Air Force Base, IL 62225–6001 and Director of Operations at all other levels.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Deputy Chief of Staff for Operations (DOOC), HQ AFCC, Scott Air Force Base, IL 62225–6001 and Director of Operations at all other levels.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Deputy Chief of Staff for Operations (DOOC), HQ AFCC, Scott Air Force Base, IL 62225–6001 and Director of Operations at all other levels.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual members and MARS officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F110 AF JA A

SYSTEM NAME:

JA A Legal Assistance Administration.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, DC 20330. Headquarters of major commands and at all levels down to and including Air Force installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military personnel, and their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal letters and documents furnished by person seeking advice and legal assistance record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8072, Judge Advocate General: Appointment and duties.

PURPOSE(S):

Records kept to render proper advice for continuing assistance. Used by attorney and client with attorney-client relationship to assist in personal legal problems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

All Legal Assistance Officers. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Legal Assistance Officers. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Legal Assistance Officers. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information furnished by client.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F110 AF JA B

SYSTEM NAME:

Litigation Records (Except Patents).

SYSTEM LOCATION:

At Headquarters United States Air Force, Washington, DC 20330. At Headquarters of Major Commands and all levels down to and including Air Force installations worldwide. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have brought suit against, or been involved in litigation with, the United States or its officers or employees concerning matters related to the Department of the Air Force; or persons against whom litigation has been filed under 28 U.S.C. 134b, 31 U.S.C. 71, 951-3, 42 U.S.C. 2651-3, 46 U.S.C. 741-52, 4781-90.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pleadings, motions, interrogatories, orders, letters, messages, forms, reports, surveys, contracts, bids, photographs, legal opinions, answers, complaints, memoranda; personnel, finance, medical, business records; audits, summons, English translations of foreign documents, other evidentiary material, court orders and rulings; other documents including but not limited to: Environmental Impact Statements, contract determinations, witness statements, law enforcement agency investigative reports, administrative reports, engineering and technical reports and surveys; some records may be security classified.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used by USAF personnel tasked with supervisory and reporting responsibilities in connection with civil litigation; to enable the United States and its officers, employees, members, and parties to the litigation upon which suits at law can be prosecuted or defended in civil domestic or foreign litigation. Used to obtain from the Surgeon General and the military and civilian medical consultants thereto medical opinions upon which litigation decisions can be made by The Judge Advocate General and the Department of Justice. Used by the Air Force Audit Agency in conducting audits; used by the Board for the Correct of Military Records; used by the Air Force Accounting and Finance Center and its officers and employees for the adjudication of claims; when the Department of Defense or a military department is involved, civil litigation files are provided to any agency of the Department of Defense having a need for such files; provide litigation files to the legal staffs of the armed forces for the purpose of training of legal, paralegal and administrative personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Used to provide information to the Court of Claims on legislative referral of private relief bills.

Used to provide information upon which a reply to Congressional inquiries can be made; used by the Department of Veterans Affairs and its officers and employees to adjudicate claims.

Used by Department of Justice and its officers and employees in the actual litigation of cases involving matters concerning the Department of the Air Force and in some instances the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name of litigant and year of litigation.

SAFEGUARDS:

Records are accessed by authorized personnel in the course of their duties.

VOL
58
ISS
33
FE
22
1993
UMI

Records are stored in locked containers or rooms and controlled by personnel screening.

RETENTION AND DISPOSAL:

Files at the Office of the Judge Advocate General, HQ USAF, are retired permanently at Washington National Records Center, Washington, DC 20409, other levels destroy after two years upon completion of agency action; destroy after two years if files under 42 U.S.C. 2651–3. Destroy by tearing into pieces, shredding, macerating, pulping, or burning. Other records are retained in office files for two years after annual cut-off, then retired to Washington National Records Center, Washington, DC 20409, for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters United States Air Force, Washington, DC 20330. Subsystems Managers are the Staff Judge Advocate at concerned subordinate command or installation for foreign civil litigation records.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Judge Advocate General, Headquarters United States Air Force, Washington, DC 20330 or to the Staff Judge Advocate at concerned subordinate command or installation for foreign civil litigation records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Judge Advocate General, Headquarters United States Air Force, Washington, DC 20330 or to the Staff Judge Advocate at concerned subordinate command or installation for foreign civil litigation records.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Court records, correspondence initiated by parties to litigation, reports prepared by or on behalf of the Air Force, reports of Federal, state, local or foreign government agencies and information obtained from the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F110 AFAFC H

SYSTEM NAME:

Legal Administration Records of the Staff Judge Advocate.

SYSTEM LOCATION:

Air Force Accounting and Finance Center, Denver, CO 80279.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty and retired military personnel, present and former Air Force civilian employees, Air Force Reserve and Air National Guard personnel, dependents of military personnel, Air Force Academy Cadets and former active duty personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Legal opinions and supporting documents including, but not limited to, reports of survey on loss or damage of Air Force equipment; garnishment of wages of Air Force military and civilian personnel for child support and alimony; division of military members' retired pay due to child support or community property obligations of such retired members; inquiries by Congressmen on behalf of constituents who are military members or their dependents, or others; and correspondence relating to the above subjects with other Air Force and Department of Defense components, United States attorneys, attorneys, Air Force officers and members (and dependents thereof), former spouses of Air Force officers and members, and federal, state and local agencies, including, but not limited to, the Federal Bureau of Investigation (FBI), Internal Revenue Service, Social Security Administration, and state and local welfare agencies state and local welfare or child support agencies seeking wage and location data regarding Air Force military and civilian personnel should contact HQ AFAFC/DADI, Denver, CO 80279.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2775, Disposition of unclaimed property; 9832, Property accountability: Regulations; 9835, Report of survey; and 37 U.S.C. 1007(e), Deductions from pay; 10 U.S.C. 1408, Division of retired pay; 42 U.S.C. 659, 661–62, and 15 U.S.C. 1673, (Garnishment of wages for child support and alimony); 10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used to review and make recommendations in cases including but not limited to cases involving division of retired pay, reports of survey, garnishment of pay, and Congressional inquiries on behalf of constituents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Records from this system of records may be disclosed to any of the following non-DOD agencies and individuals: Individual Air Force members and their dependents, former spouses of Air Force members and their attorneys, United States Attorneys, Internal Revenue Service, Social Security Administration, and state and local agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, visible file binders/cabinets and in card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, protected by guards, and controlled by personnel screening and visitor registers.

RETENTION AND DISPOSAL:

Records are maintained at office of Staff Judge Advocate, Air Force Accounting and Finance Center (AFAFC/JA) for two years, or whenever their purpose has been served, whichever is later, and then destroyed by tearing or shredding. Significant cases involving legal opinions establishing precedent are periodically transferred to subject files after two years and retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

The Staff Judge Advocate, United States Air Force; Staff Judge Advocate, Air Force Accounting and Finance Center.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFAFC/DADI, Denver, CO 80279.

The requester should be able to provide sufficient proof of identity, such as name, Social Security Number,

military status, duty station or place of employment, or other information verifiable in the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFAFC/DADI, Denver, CO 80279.

The requester should be able to provide sufficient proof of identity, such as name, Social Security Number, military status or place of employment, or other information verifiable in the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, financial institutions, educational institutions, police and investigating officers, state or local governments, witnesses, source documents such as reports. Information from other DOD components; information from other federal agencies, including, but not limited to, the FBI, Internal Revenue Service, Social Security Administration, Department of Veterans Affairs; applications by and correspondence with active duty, reserve and retired Air Force personnel and their dependents, former spouses, and guardians, applications by and correspondence with Air Force current and former civilian employees, their dependents, spouses, and guardians; correspondence with attorneys, records of courts-martial, interfaces with other record systems maintained at AFAFC, and correspondence with United States Attorneys.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F110 AFRES A

SYSTEM NAME:

Reserve Judge Advocate Training Report.

SYSTEM LOCATION:

Headquarters, Air Force Reserve (AFRES), Robins Air Force Base, GA 31098.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve Judge Advocates (JAGs).

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertaining to individual training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Power and duties; delegation by.

PURPOSE(S):

To provide Air Force Reserve Staff Judge Advocate Training File on all Reserve JAGs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Judge Advocate, Air Force Reserve, Robins Air Force Base, GA 31098.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Staff Judge Advocate, Air Force Reserve, Robins Air Force Base, GA 31098.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Staff Judge Advocate, Air Force Reserve, Robins Air Force Base, GA 31098.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions, from State Bar Association and from individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F110 JA A

SYSTEM NAME:

Freedom of Information Act Appeals.

SYSTEM LOCATION:

Office of The Judge Advocate General, General Litigation Division, Headquarters United States Air Force (HQ USAF/JACL), Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All those who have appealed to the Secretary of the Air Force from denials of Freedom of Information Act, 5 U.S.C. 552, requests for information or records and those to whom the requested information or records apply.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters, memoranda, legal opinions, reports, messages, forms, miscellaneous documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, Freedom of Information Act.

PURPOSE(S):

Information is collected to evaluate appeals to the Secretary of the Air Force from denials of requests for records or information sought pursuant to the Freedom of Information Act; used by General Litigation Division members in preparing legal opinions and recommendations for the Secretary of the Air Force concerning the determination of appeals brought under the Freedom of Information Act; used by the Air Force Audit Agency to conduct audits; used by Air Force agencies to provide guidelines and precedents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Records from this system of records may be disclosed to the Department of Justice for litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Retired records are accessed through the General Litigation Division by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files for two years, then transferred to the General Services Administration where they will be destroyed after three additional years by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Judge Advocate General, Headquarters United States Air Force.

Requesters must submit the following information: Name, Grade (if applicable); requester may visit the Office of The Judge Advocate General, General Litigation Division, Room 5E425, The Pentagon, Washington, DC. Requester must present valid identification card or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Judge Advocate General, Headquarters United States Air Force.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from police and investigating officers, medical institutions, international organizations, witnesses, and from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F110 JA B

SYSTEM NAME:

Invention, Patent Application, Application Security, and Patent Files.

SYSTEM LOCATION:

At Headquarters United States Air Force, AF/JACP, Washington, DC 20324. At HQ USAF/JACPD Wright-Patterson Air Force Base, OH 45433; at HQ USAF/JACPB, 424 Trapelo Road, Waltham, MA 02154.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian government inventors who have submitted an invention to the Air Force Patent Processing for or for a determination of government rights; all applicants for U.S. Patents; all Air Force contractor inventors; all non-government inventors who have submitted an invention to the Air Force for an evaluation toward patent processing at Air Force expense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, invention disclosures, search reports, drawings, technical literature, patents, technical reports, photographs, patent applications, patented files and the papers relating thereto including licenses, assignments, declarations, power of attorneys, amendments, patent office actions, notices of appeal, appeal briefs, examiner's answers, declaration of interferences, interference motions, among others; determination of rights, forms, secrecy orders, notices of recision, memorandums, legal opinions; security reviews, petitions to modify secrecy orders, petitions for foreign filing, petitions for rescinding secrecy orders, modifications of secrecy orders, foreign patent applications and related papers, permits, forms, rescinding orders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 181–185, Secrecy of Certain Inventions and Filing Applications in Foreign Countries; Pub.L. 96–517, December 12, 1980; E.O.s 10096 and 10930; 5 U.S.C. 4502, General provisions; 10 U.S.C. 1124, Cash awards for suggestions, inventions, or scientific achievements; Department of Defense Directive 5535.2, October 16, 1980; Mutual Security Act of 1954; NATO Intellectual Property Group Agreement, February 1980; 12 UST 43; TIAS 4672; 394 UNTS 3.

PURPOSE(S):

Used to support the filing and prosecution by the Air Force of Patent Applications on inventions disclosed by military and civilian personnel as well as subject inventions reported by contractors under Air Force research and development contracts for obtaining government patent protection; to permit the determination of the government rights and employee rights in employee inventions; to document and record the patent rights of the government obtained as a result of the Air Force contracting and patent prosecution effort; to enable the Air Force to administer Patent Secrecy Act; used by the Air Force to evaluate inventions and patent inventions most importance mission; by the Air Force to recommend government employee invention and patent awards to their local incentive award boards; by the Air Force to document and record government patent rights.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Records from this system may be disclosed to the Commissioner of Patents and Trademarks for use in the determination of government and employee rights in employee inventions and for use in the administration of the Patent Secrecy Act; may be disclosed to the Armed Service Patent Advisory Board for use in the administration of the Patent Secrecy Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrievable by name of inventor, title of invention, invention number, serial number of U.S. patent application.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets and safes, and controlled by personnel screening.

RETENTION AND DISPOSAL:

Invention disclosures retained in office files for five years after evaluation completed, then retired to Washington National Records Center, Washington, DC 20409, for retention up to 15 years thereafter, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Patent application and patented files retained

in office files for three years after cases abandoned or after issued into a patent, then retired to Washington National Records Center, Washington, DC 20409, for retention up to 17 years thereafter, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Licenses and assignments retained in office files for 20 years after executed, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Security records on patent applications are retained in office files for three years after secrecy orders rescinded, then retired to Washington National Records Center, Washington, DC 20409, for retention up to 9 years, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief Patents Division, Office of The Judge Advocate General, JACP.

Individual requesting information from records should supply full name, title of invention, Air Force invention number, if known, and serial number of U.S. Patent Application; requesting individual may visit Patents Division, Office of The Judge Advocate General, 1900 Half Street, SW, Washington, DC 20324 to obtain information about this records system; upon visit individual must present verification of identity as inventor of the invention, or invention covered by the patent application, about which information is requested, including full name, driver's license or other photo identity card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Patents Division, Office of The Judge Advocate General, JACP, Washington, DC 20324.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from inventors; Air Force and government technical personnel; other government departments and agencies; Air Force contractors; U.S. Patent and Trademark Office; the work product of Air Force Patents Division, JACP, JACPD, JACPB; security reviews conducted by Department of Air Force personnel having military classification authority; owners of patent applications; foreign governments; Armed Services Patent Advisory Board; and Air Force Foreign Intelligence Personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F110 JA C

SYSTEM NAME:

Judge Advocate Personnel Records.

SYSTEM LOCATION:

At the Office of The Judge Advocate General, Headquarters United States Air Force, Washington, DC 20330–5000. A limited amount of records in this system are maintained in the Office of the Staff Judge Advocate of each major command. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Air Force active duty judge advocates; Air Force Reserve mobilization augmenters attached to Headquarters USAF, Office of The Judge Advocate General; Air Force civilian attorneys employed in classification series GS–905 and GS–1222; active duty Air Force applicants for Funded Legal Education Program and Excess Leave Program, and civilian/military applicants for direct appointment program and other accession programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Educational background; certificate of admission to the bar; career management questionnaire; career objective statement; active duty and reassignment orders; correspondence relating to the individual; Military Personnel Center computer data; classification/on-the-job training actions; Judge Advocate General Reserve Personnel Questionnaire; Headquarters USAF active duty and attachment orders; training reports; authorizations for inactive duty training; civilian personal qualifications statement; notification of personnel actions; statement of good standing before the bar; transcript of law school record; statement of availability for Air Force civilian attorney vacancies; actions by Ad Hoc Selection Committee and Air Force Civilian Attorney Qualifying Committee; Judge Advocate interview; letter of acceptance from an American Bar Association accredited law school; application and agreement; LSDAS report; transcript of all undergraduate and graduate education, and letters of recommendation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301, Civil service; generally; 10 U.S.C. 261, Reserve Components named; 806, Judge advocates and legal officers; 2004, Detail of commissioned officers of the military departments as students at law schools; 8072, Judge Advocate General: Appointment and duties; 62 Stat. 1014, and E.O. 10577.

PURPOSE(S):

Records are used by the Judge Advocate General, Deputy Judge Advocate General, Executive, Professional Development Division personnel and major command staff judge advocates in evaluating and selecting judge advocates for specific assignments, training, and advanced education; mobilization augmenter records are also used by the Reserve Advisor to the Judge Advocate General, Division Chiefs, Office of The Judge Advocate General in monitoring and evaluating reservists training assignments and in preparing performance evaluations; civilian records are used by the Executive Secretary and members of Ad Hoc and Air Force Civilian Attorney Qualifying Committees in evaluating and selecting civilian attorneys for appointment to Air Force position vacancies and promotions; Funded Legal Education and Excess Leave Program records are used by the Judge Advocate General, Deputy Judge Advocate General, Career Management personnel, and selection board members in monitoring, evaluating and selecting the best qualified applicants for the programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, card files, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official

VOL 58 ISS 33 FE 22 1993 UMI

duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Judge Advocate Officer Personnel records and Funded Legal Education and Excess Leave Program records are retained in office files for three years after the individual terminates military service, or until no longer needed for reference, then destroyed. Computer records are destroyed when the individual terminates military service. Other records: Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters United States Air Force, Washington, DC 20330–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Judge Advocate General, Headquarters United States Air Force, Washington, DC 20330–5000.

Full name and Social Security Number should be furnished.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written requests to or visit the Judge Advocate General, Headquarters United States Air Force, Washington, DC 20330–5000.

Visits may be made to HQ USAF/JAX, Pentagon, Washington, DC 20330–5000. Valid identification card, driver's license or equivalent must be presented.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, educational institutions, automated system interfaces, state or local governments, source documents, and from Air Reserve Personnel Center.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F110 JA D

SYSTEM NAME:

Patent Infringement and Litigation Records.

SYSTEM LOCATION:

Headquarters United States Air Force, AF/JACPI, Washington, DC 20324; Office of The Judge Advocate General Patents Division JACP, Washington, DC 20324; AF/JACPI, Wright-Patterson Air Force Base, Dayton, OH 45433.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All claimants or petitioners who have alleged unlicensed use of their patents by the Air Force or who have brought suit against the United States concerning patent, trademark or copyright matters related to the Department of the Air Force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters; messages; forms; reports; contracts; bids; photographs; legal opinions; petitions; answers; discovery documents; memoranda; infringement studies; validity studies; procurement information; license agreements; other documents including but not limited to: Contract determinations, witness statements, and engineering and technical reports. Some records are under military classification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2386, Copyrights, patents, designs; 22 U.S.C. 2356, Foreign Assistance, acquisition; 28 U.S.C. 1498, Patent and copyright cases; 35 U.S.C. 183, Right to compensation.

PURPOSE(S):

Purpose of the collection of information is to enable the United States and its officers and employees to investigate claims and/or defend the legal interests of the United States because of claims for compensation and litigation involving patent, trademark and copyright matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Used by other government departments and agencies to resolve claims for compensation involving patent, trade mark or copyright matters. Used by the Department of Justice and its officers and employees in the litigation of cases involving patent or copyright matters concerning the Department of the Air Force and in some instances the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrievable by name of claimant or litigant.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/ cabinets/ safes and controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files for three years after end of year in which the case was closed, then retired to Washington National Records Center, Washington, DC 20409, for retention up to twelve years thereafter, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Judge Advocate General, Headquarters United States Air Force.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Judge Advocate General, Headquarters United States Air Force.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information received from the individual, contractors, other government agencies, individual corporations (non-contractors) and from source documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F110 JA E

SYSTEM NAME:

Air Force Reserve Judge Advocate Personal Data.

SYSTEM LOCATION:

Headquarters United States Air Force, Office of the Judge Advocate General, Washington, DC 20330; at the office of the staff judge advocate at major commands and subordinate units, down to and including Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve Judge Advocates (JAGs).

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal and professional background information pertaining to individual JAGs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force.

PURPOSE(S):

To verify training completion dates and personal and professional data used to prepare the JAG's Officer Effectiveness Report.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by the custodian of the record system and by persons responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters United States Air Force, Washington, DC 20330–5120.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Judge Advocate General, Headquarters United States Air Force, Washington, DC 20330–5120.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Judge Advocate General, Headquarters United States Air Force, Washington, DC 20330–5120.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information supplied by the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F110 USAFE A

SYSTEM NAME:

Civil Process Case Files.

SYSTEM LOCATION:

Office of the Staff Judge Advocate General/JAS, Headquarters, United States Air Forces in Europe, APO AE 09094–5001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military members and civilian employees and their dependents upon whom service is made of documents issued by German courts, customs and taxing agencies, and other administrative agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents from German authorities regarding payment orders, execution orders, demands for payment of indebtedness, notifications to establish civil liability, customs and tax demands, assessing fines and penalties, demands for court costs or for costs for administrative proceedings summons and subpoenas, paternity notices, complaints, judgments, briefs, final and interlocutory orders, orders of confiscation, notices, and other judicial or administrative writs; correspondence between United States (US) Government authorities and the Federal Republic of Germany; identifying data on individuals concerned; and similar relevant documents and reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; powers and duties, delegation by; Agreement to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany (NATO SOFA Supplementary Agreement); 1 United States Treaty 531; Treaties and Other International Acts Series 5351, and 48 United Nations Treaties Series 262, Article 32; and E.O. 9397.

PURPOSE(S):

To ensure that military members and civilian employees' obligations under the NATO SOFA Supplementary Agreement are honored and the rights of these personnel are protected by making legal assistance available.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation apply to this system.

Information may be disclosed to authorities of the Federal Republic of Germany, which may be further disclosed to claimants, creditors or their attorneys.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and cards in steel filing cabinets.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

All information is maintained in areas accessible only to designated individuals having official need therefor in the performance of their duties. Records are housed in buildings protected by military police or security guards.

RETENTION AND DISPOSAL:

Paper records are destroyed 2 years after completion of case; card files are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Staff Judge Advocate General/JAS, Headquarters, United States Air Forces in Europe, APO AE 09094–5001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this record system contains information on themselves may write to or visit the Office of the Staff Judge

Advocate General/JAS, Headquarters, United States Air Forces in Europe, APO AE 09094–5001.

Individuals should furnish their full name, rank/grade, Social Security Number, sufficient details to permit locating the records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system may write to or visit the Office of the Staff Judge Advocate General/JAS, Headquarters, United States Air Forces in Europe, APO AE 09094–5001.

Individuals should furnish their full name, rank/grade, Social Security Number, sufficient details to permit locating the records, and signature.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains, German authorities and Air Force records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F111 AF JA A

SYSTEM NAME:

Automated Military Justice Analysis and Management System (AMJAMS).

SYSTEM LOCATION:

Headquarters, of the United States Air Force, major commands and major subordinate commands. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons subject to the Uniform Code of Military Justice (UCMJ) (10 U.S.C. 802) who receive Article 15 punishment or against whom court-martial charges are preferred.

CATEGORIES OF RECORDS IN THE SYSTEM:

Article 15 records included personnel background information, nature of offenses involved, punishment imposed and results of appeals filed and subsequent actions taken affecting the punishment. Court-martial records include personnel background information, offenses charged, pretrial proceedings, results of trial or other disposition of case, sentence, action of convening authority and results of appellate review.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8072, Judge Advocate General: Appointment; Duties; and Articles 6(a), Judge Advocates and Legal Officers, and 67(g), Review by the Court of Military Appeals; Uniform Code of Military Justice, 10 U.S.C. 806(a), 867(g).

PURPOSE(S):

Records are maintained in order to preserve an accurate statistical accounting of courts-martial and Article 15 activities for use in assisting The Judge Advocate General and Field Staff Judge Advocates in the management and administration of military justice, and for conducting statistical studies which measure disciplinary rates and trends and evaluate military justice involvement as it affects the quality of the force and the ability of the Air Force to carry out its mission.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer magnetic tapes and on computer paper printouts.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in vaults or locked cabinets or rooms and controlled by personnel screening.

RETENTION AND DISPOSAL:

Records are retained in active office files at HQ USAF and major air command levels for three years. Records at major air commands are then purged and destroyed by degaussing and those at HQ USAF are retired as permanent history at HQ Command/ACD, Bolling Air Force Base, Washington, DC 20332.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters United States Air Force. Major Command Staff Judge Advocates. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the system manager. Information required will be full name, Social Security Number, unit of assignment, and date of trial or imposition of Article 15 punishment. Requester may visit the Military Justice Division, Office of The Judge Advocate General, 1900 Half Street, SW, Washington, DC 20324, and must present valid identification card or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the system manager. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces, and from records of trial by court-martial and Article 15 punishment actions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F111 AF JA B

SYSTEM NAME:

Court-Martial and Article 15 Records.

SYSTEM LOCATION:

At Headquarters United States Air Force, Washington, DC 20330. At Air Force Military Personnel Center, Randolph Air Force Base, TX 78148. At National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132. At Washington National Records Center, Washington DC 20409. At headquarters of the United States Air Force, major commands and major subordinate commands. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices. At headquarters of major commands and at all levels down to and including Air Force installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons subject to the Uniform Code of Military Justice (UCMJ) (10

U.S.C. 802) who are tried by court-martial or upon whom Article 15 punishment is imposed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of trial by court-martial and records of Article 15 punishment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 815(g), Commanding officer's non-judicial punishment; 854, Record of Trial; 865, Disposition of records after review by the convening authority.

PURPOSE(S):

Records of trial by court-martial are used for review by the appellate and other authorities. Portions of the record in every case are used in evaluating the individual's overall performance and inclusion in their military master personnel record; if conviction results, a record thereof can be introduced at a subsequent court-martial trial involving the same individual; also used as source documents for collection of statistical information. Article 15 records are used for review of legal sufficiency and action on appeals or applications for correction of military records filed before appropriate Air Force authorities; used to formulate responses to inquiries concerning individual cases made by the Congress, the President, the Department of Defense, the individual involved or other persons or agencies with a legitimate interest in the Article 15 action; used by Air Force personnel authorities in evaluating the individual's overall performance and inclusion in the individual's military master personnel record; may be used for introduction at a subsequent court-martial trial involving the same individual; used as source documents for collection of statistical information by The Judge Advocate General.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records of trial by courts-martial are used for review at all levels within DOD, military appellate courts, corrections and probation authorities, and the President.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Individual records may be transferred to other components within the Department of Defense, the Department of Justice, the Department of Veterans Affairs, or state and federal courts for determination of rights and entitlements of individuals concerned or the government.

The records may also be released to a governmental board or agency or health care professional society or organization if such record or document is needed to perform licensing or professional standards monitoring related to credentialed health care practitioners or licensed non-credentialed health care personnel who are or were members of the United States Air Force, and to medical institutions or organizations wherein such member has applied for or been granted authority or employment to provide health care services if such record or document is needed to assess the professional qualifications of such member.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name, Social Security Number, Military Service Number, or by other identification number or system identifier.

SAFEGUARDS:

Records are accessed by custodian of the record system and person(s) who are properly screened and cleared for need-to-know. Records are stored in vaults and locked cabinets or rooms. Records are protected by guards, and controlled by personnel screening and by visitor registers.

RETENTION AND DISPOSAL:

Court-martial records are retained in office files for two years following date of final action and then retired as permanent. All general and special court-martial records are retired to the Washington National Records Center, Washington, DC 20409. Article 15 records are retained in office files for one year or until no longer needed, whichever is sooner, and then retired as permanent. Summary courts-martial and Article 15 records are forwarded to the Air Force Military Personnel Center, Randolph Air Force Base, TX 78148 and filed in the individual's master personnel record.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters United States Air Force. Staff Judge Advocate at all levels of command and the Military Personnel Records Division, Directorate of Personnel Data Systems, Air Force Military Personnel Center (AFMPC/DPMDR). Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the system manager.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the system manager. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Information required will be full name, Social Security Number, service number if different than Social Security Number, unit of assignment, date of trial and type of court, if known, or date punishment imposed in the case of Article 15 action. Requester may visit the Office of The Judge Advocate General, Forrestal Building, Washington, DC and must present valid identification card or driver's license.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from almost any source can be included if it is relevant and material to the Article 15 or court-martial proceedings.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F112 AF JA A

Air Force Claims Information Management System (AFCIMS).

SYSTEM LOCATION:

Headquarters United States Air Force (HQ USAF), Washington, DC 20330–5120; 2nd Computer Services Center (2CSS), 8961 Tesoro Drive, Suite 201, San Antonio, TX 78217–6297; headquarters of major commands and at all levels down to and including Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian personnel filing administrative claims against the Air Force or against whom the Air Force has filed an administrative claim.

VOL
58
ISS
33
FE
22
1993
UMI

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual claim record and Claims Administration Management Program (CAMP) records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and Duties; delegation by, and E.O. 9397.

PURPOSE(S):

Used by the Judge Advocate General (JAG) and claims processing JAG offices within the Air Force for claims adjudication and processing, budgeting, management of claims processing to ensure worldwide consistency, and establishment of manpower authorization based on claims workload.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, on computer and computer output products, and microfilm.

RETRIEVABILITY:

By name, claim number, or Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in security file containers/cabinets and in vaults, and on computers with passwords required to access the system, or in physically securable areas in offices.

RETENTION AND DISPOSAL:

At HQ USAF and within mainframe located at 2CSS, retained for 10 years then destroyed by tearing into pieces, shredding, pulping, macerating, burning, or erasure from computer data system.

At other than HQ USAF and 2CSS, retained in office files for five years, then destroyed by tearing into pieces, shredding, pulping, macerating, burning or erasure from computer data system.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge advocate General, HQ USAF, Building 5683, Bolling Air Force Base, DC 20332–6128.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Judge Advocate General, HQ USAF, Building 5683, Bolling Air Force Base, DC 20332–6128.

Requests should include full name, current military or civilian (DOD) status, Social Security Number and proof of identity with an Armed Forces identification card or drivers license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Judge Advocate General, HQ USAF, Building 5683, Bolling Air Force Base, DC 20332–6128.

Requests should include full name, current military or civilian (DOD) status, Social Security Number and proof of identity with an Armed Forces identification card or drivers license.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 860b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from claimants and government agencies involved.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F112 AF JA B

SYSTEM NAME:

Claims Records.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, DC 20330. Headquarters of major commands and at all levels down to and including Air Force installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel and civilians filing administrative claims against the Air Force or against whom the Air Force has filed an administrative claim.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual claim record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

To provide a legal basis for administrative payment, collection, or non-collection of claims for and against the government, by Judge Advocates and the Secretary of the Air Force; and when required, with the concurrence of the Justice Department; to provide evidence upon which suits at law can be defended or prosecuted by the Justice Department; to provide information upon which to reply to Congress or Congressional inquiries or to make reports to the General Accounting Office and Congress on legislative payment of claims; to effect management and collection of claims arising out of movement of household goods and effects, records are provided Air Force transportation officers, Air Force Finance officers, the General Accounting Office, the Interstate Commerce Commission and the individual carrier, warehouseman, or packer involved; to obtain medical opinions from the Office of The Surgeon General, USAF, upon which claims and litigation decisions can be made by Judge Advocates and the Justice Department; on request medical records are furnished to military personnel, dependents, retired personnel, or other individuals whose records are included in the claim file; Finance officers are also provided pertinent portions of any claim file forwarded for payment; a copy of the adjudicated claim is furnished upon request by the claimant for the purpose of submitting a tax return for a casualty loss or in support of a private relief bill; to provide evidence before the Court of Claims on legislative referral of private bill claims; when the Department of Defense is involved, claim files are provided to any agency of that department involved; claim files are submitted to foreign governments for adjudication under applicable status of forces agreements; documentary evidence may be furnished to foreign courts in connection with litigation involving the United States or its personnel; referral of claim files may be made to the Armed Forces Institute of Pathology or the Office of Special Investigations when appropriate; when required claim files may be referred to the Department of Labor with regard to employment and duty status; and to provide claim files to the legal staffs of the Armed Forces for the purpose of training of legal, paralegal and administrative personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Records from this system of records may be disclosed to any of the non-DOD agencies listed above.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in security file containers/cabinets.

RETENTION AND DISPOSAL:

Retained in office files for three months after monthly cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Held one or two years depending upon claim then destroyed after four additional years at staging area; after agency action completed others are held one, three or five years then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the HQ USAF/JACC, 1900 Half Street, SW, Washington, DC 20324.

Full name, date of incident, date of claim, type of claim, claim number, location of incident; HQ USAF/JACC, 1900 Half Street, SW, Washington, DC 20324; drivers license, military ID, birth certificate or equivalent must be presented for personal visit.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the HQ USAF/JACC, 1900 Half Street, SW, Washington, DC 20324.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions, police and investigating officers, the public media, bureaus of motor vehicles, state or local governments, witnesses, and source documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F120 AF IG A

SYSTEM NAME:

Inspector General Records - Freedom of Information Act.

SYSTEM LOCATION:

Office of the Inspectors General and Base Inspectors.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All those who have requested information from the Inspectors General or Base Inspectors under the Freedom of Information Act on matters related to the Department of the Air Force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports, forms, letters, messages, witness statements and miscellaneous documents. Some records are classified.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, Public information; agency rules, opinions, orders, records, and proceedings.

PURPOSE(S):

Information is collected to insure just, thorough, and timely resolution and response to complaints or queries, and a means of improving morale, welfare, and efficiency of organizations, units, and personnel by providing an outlet for redress. Used by the Inspectors General and Base Inspector in the resolution of complaints and response to queries involving the Department of the Air Force and in some instances the Department of Defense. Used by the correction board for the correction of records. Used by commanders and their staffs to resolve issues, take action and provide information where applicable. Used by the General Accounting Office and its officers and employees to conduct audits and other statutory functions. Used by those who request information releasable as a summary, statement of facts, or reply to query considered not exempt. In these cases, requester should apply to office where complaint was filed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Records from this system of records may be disclosed to any of the non-DOD agencies listed above.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name and Social Security Number and year and office where complaint was filed.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in safes and locked cabinets or rooms and are controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in files for five years then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Inspector General, Headquarters United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the office where the complaint or query was filed or to the Base Inspector.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Inspector General, Headquarters United States Air Force, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records are obtained from the individual requester, witnesses, complainants, Department of the Air Force organizations, and agencies of Federal, state, or local governments, as applicable or appropriate, for processing the case.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F120 AF IG B

SYSTEM NAME:

Inspector General Records.

SYSTEM LOCATION:

Office of the Inspector General, Office of the Secretary of the Air Force (SAF/IG), Pentagon, Washington, DC 20330–5000. Headquarters of major commands and at all levels down to and including Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All those who have registered a complaint, allegation or query with the Inspector General or Base Inspector on matters related to the Department of the Air Force. All senior officials who are subjects of reviews, inquiries, or investigations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters/transcriptions of complaints, allegations and queries; letters of appointment; reports of reviews, inquiries and investigations with supporting attachments, exhibits and photographs; record of interviews; witness statements; reports of legal review of case files, congressional responses; memoranda; letters and reports of findings and actions taken; letters to complainants and subjects of investigations; letters of rebuttal from subjects of investigations; finance; personnel; administration; adverse information, and technical reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, 10 U.S.C. 8020, Inspector General, and E.O. 9397.

PURPOSE(S):

Used to insure just, thorough, and timely resolution and response to complaints, allegations or queries, and a means of improving morale, welfare, and efficiency of organizations, units, and personnel by providing an outlet for redress. Used by the Inspector General and Base Inspectors in the resolution of complaints and allegations and responding to queries involving matters concerning the Department of the Air Force and in some instances the Department of Defense. Used in connection with the recommendation/selection/removal or retirement of officers eligible for promotion to or serving in, general officer ranks.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name, Social Security Number and office where complaint, allegation or query was filed.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Retained in office files for two years after year in which case is closed. For senior official case files, retained in office files until two years after the year in which case is closed, or two years after the senior official retires, whichever is later. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

The Inspector General, Office of the Secretary of the Air Force (SAF/IG), Pentagon, Washington DC 20330–5000.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the Inspector General, Office of the Secretary of the Air Force (SAF/IG), Pentagon, Washington DC 20330–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Inspector General, Office of the Secretary of the Air Force (SAF/IG), Pentagon, Washington DC 20330–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Complainants, inspectors, members of Congress, witnesses and subjects of investigations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt under the provisions of 5 U.S.C. 552a. However, if a person is denied any right, privilege, or benefit, he or she would otherwise be entitled to as a result of keeping this material, it must be released, unless doing so would reveal the identity of a confidential source. An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

F123 AFISC A

SYSTEM NAME:

United States Air Force (USAF) Inspection Scheduling System.

SYSTEM LOCATION:

Air Force Inspection and Safety Center, Norton Air Force Base, CA 92409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USAF Inspection and Safety Center (AFISC) personnel/augmenters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank, Social Security Number, security clearance, specialty code, duty and travel restrictions, inspection dates/types/locations, date of birth, office symbol, rotation date, title, address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; powers and duties; delegation by.

PURPOSE(S):

Used to monitor and schedule AFISC inspection teams and efforts; publish official travel orders for safety and inspection personnel, and count AFISC mandays.

This is trusted agent information; access is extremely limited and controlled when inspections are no-notice type. Portions are used to publish periodic rosters of all personnel assigned to AFISC.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's

compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer and computer output products, and on microfiche.

RETRIEVABILITY:

Retrieved by name or by Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in safes, locked cabinets or rooms, and controlled by personnel screening and controlled by computer system software.

RETENTION AND DISPOSAL:

Retained for three years and then destroyed by tearing into pieces or erasing tapes/discs.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Scheduling, Air Force Inspection and Safety Center, Norton Air Force Base, CA 92409.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Office of Scheduling, Air Force Inspection and Safety Center, Norton Air Force Base, CA 92409.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Office of Scheduling, Air Force Inspection and Safety Center, Norton Air Force Base, CA 92409.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F124 AF A

SYSTEM NAME:

Counterintelligence Operations and Collection Records.

SYSTEM LOCATION:

HQ Air Force Office of Special Investigations (AFOSI), Bolling Air Force Base, DC 20332. Headquarters of major commands and at all levels down to and including Air Force installations. Air Force Office of Special Investigations (AFOSI) field units. Washington National Records Center, Washington, DC 20409. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, retired or former military personnel. Current, retired and former Air Force civilian employees. Applicants for enlistment or appointment. Air Force Academy Cadets, applicants and nominees. Dependents of military personnel. Current and former Armed Forces Exchange employees, union or association personnel, civilian contracting officers and their representatives, employees of the Peace Corp, State Department and the American Red Cross and other Department of Defense employees and contractors. Foreign Nationals residing in the U.S. and abroad.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigation, collection reports, statements of individuals, affidavits, correspondence, and other documentation pertaining to investigative effort spent in identifying and countering foreign intelligence and terrorist threat to the United States and the U.S. military. This includes activities and suspected activities intended to convince U.S. military and others to illegally engage in such activities. Also includes indicators of foreign military and political actions directed against the United States, its installations, personnel, and allies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, and Air Force Regulation 23–18, Air Force Office of Special Investigations.

PURPOSE(S):

Compiled for use in determining the hostile threat against the United States, its allies, their military and government.

Used by USAF, other military commanders, and other responsible authorities in taking actions to counter these threats. Used by USAF Commanders to initiate other investigative, judicial, or administrative actions when appropriate.

Used by HQ USAF activities in promotion, reassignment, and similar personnel actions.

Provided to the USAF Board for the Correction of Military Records for use in correcting individual military records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Used representatives of the U.S. Department of State, the Central Intelligence Agency (CIA), the staff of the National Security Council, and the Executive Branch.

Used by civilian authorities in assessing the threat against the U.S., its installations, and personnel as well as its allies. Furnished to the CIA, FBI, and other intelligence/counterintelligence agencies for use in matters pertaining to hostile intelligence and terrorist activities directed against the U.S. or its allies, their installations, or personnel.

Used in immigration and naturalization inquiries conducted by the U.S. Immigration and Naturalization Service.

Used by appropriate Medical and Forensic Laboratory personnel to assist in making laboratory tests and medical examinations in support of the investigative, judicial, and administrative process. Furnished to Defense and Trial Counsels for use in judicial and administrative actions.

Provided to the U.S. Secret Service for use in conjunction with protecting the President, Vice President, and other high ranking officials. Used in conjunction with Joint Counterintelligence Operations conducted by AFOSI and other intelligence/counterintelligence services.

Information concerning hijacking or suspected hijacking of aircraft is furnished to the Federal Aviation Agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and card files, and on microfilm aperture cards.

RETRIEVABILITY:

Retrieved by name, Social Security Number or Military Service Number.

VOL
58
ISS
33
FE
22
1993
UMI

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/ cabinets, safes, vaults and in locked cabinets or rooms. Records are protected by security alarm systems.

RETENTION AND DISPOSAL:

At AFOSI field units, counterintelligence (CI) and counterespionage operations reports are retained for one year after AFOSI is notified of command actions; collection reports are destroyed after one year. At HQ AFOSI, files pertaining to CI or counterespionage investigations are retained permanently. Files pertaining to defectors or refugees are retained for 25 years. Files pertaining to CI briefings are retained for 15 years. Record paper copies of CI collection reports are placed on microfilm aperture cards and the paper copy destroyed when aperture cards are determined adequate substitute. Microfilm aperture cards are destroyed after six years, or 25 years if they pertain to counterintelligence activities. CI investigations conducted for other agencies are retained for one year. Destruction is by pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Plans, Programs and Resources (XP), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief, Information Release Division (XPU), HQ Air Force Office of Special Investigation, Bolling Air Force Base, DC 20332.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Freedom of Information/Privacy Acts Release Branch (DADF), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

See Exemption.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2), as applicable.

An exemption rule for this record system has been promulgated in accordance with 5 U.S.C. 553(b)(1), (2) and (3) and (e) and published in 32 CFR part 806b. For additional information, contact the system manager.

F124 AF B

SYSTEM NAME:

Security and Related Investigative Records.

SYSTEM LOCATION:

HQ Air Force Office of Special Investigations (AFOSI), Bolling Air Force Base, DC 20332; Headquarters of major commands and at all levels down to and including Air Force installations; and at Air Force Office of Special Investigations (AFOSI) field units. Washington National Records Center, Washington, DC 20409. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, retired or former military personnel. Current, retired and former Air Force civilian employees. Applicants for enlistment or appointment. Air Force Academy Cadets, applicants and nominees. Dependents of military personnel. Current and former Armed Forces Exchange employees, union or association personnel, civilian contracting officers and their representatives, employees of the Peace Corps, State Department and the American Red Cross and other Department of Defense employees and contractors. Foreign Nationals residing in the U.S. and abroad.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigation, statements of individuals affidavits, correspondence, and other documentation pertaining to granting, continuing, or denying individual access to classified information or to U.S. military installations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, Security Requirements for Government Employment, and 10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, and Air Force Regulation 23–18, Air Force Office of Special Investigations.

PURPOSE(S):

Compiled for the use of military security access granting authorities to grant, deny, or continue individual access to classified material. Also compiled for military commanders to use in granting access to military installations and to use in granting or denying enlistment, appointment, or employment. Since October 1972 and the establishment of the Defense Investigative Service (DIS), AFOSI has not conducted routine background investigations except in certain overseas areas in support of DIS. AFOSI conducts special security investigations on personnel requiring regular access to U.S. military installations, on the prospective alien spouses of military personnel overseas and on USAF military and civilian employees as a result of complaints or referrals from other agencies. While these complaints may be short of actual criminality, they are of security interest to the USAF and they raise questions as to the suitability and risks of permitting continued access to classified material. Furnished to USAF and other military commanders for use in granting, denying, or continuing access to classified material. Also used by commanders in related administrative and judicial actions. Provided to the USAF Board for the Correction of Military Records for use in correcting military records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Furnished to Office of Personnel Management, Federal Bureau of Investigation (FBI), Central Intelligence Agency (CIA), and other federal agencies for inclusion in background investigations for use in granting access to classified material and determining suitability for employment.

Used in immigration and naturalization inquiries conducted by the U.S. Immigration and Naturalization Service.

Furnished to the U.S. Secret Service in conjunction with the protection of the President and Vice President, and other high ranking officials.

Provided to the Department of Veterans Affairs for verification and settlement of individual claims.

Furnished to the CIA, FBI, and other U.S. intelligence/counterintelligence agencies in matters pertaining to host intelligence and terrorist activities directed against the US, its installations, or personnel.

Used in conjunction with joint law enforcement investigations conducted by AFOSI and foreign law enforcement agencies.

Investigations regarding aliens overseas are furnished to the U.S. Department of State and U.S. embassies and consulates for use in immigration and employment actions.

Furnished to defense and trial counsels for use in judicial and administrative actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and card files.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/ cabinets, safes and vaults. Records are controlled by personnel screening and protected by Security Alarms Systems.

RETENTION AND DISPOSAL:

At AFOSI field units, all files are retained for 90 days. At HQ AFOSI files pertaining to security violations are retained permanently. Files containing Personnel Security Investigations conducted for DIS and other Federal agencies are retained for 90 days. Protective Service (PS) investigations including PS data provided to other agencies are retained for five years or when no longer needed, whichever occurs first. Files pertaining to terrorist activities are retained for 15 years. Premarital investigations which are unfavorable and the marriage takes place are retained for five years; premarital investigations which are unfavorable and the marriage does not take place are retained one year. All other premarital investigations are retained for one year. Destruction is by pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Plans, Programs and Resources (XP), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief, Information Release Division (XPU), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Freedom of Information/Privacy Acts Release Branch (DADF), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

See Exemption.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(5), as applicable.

An exemption rule for this record system has been promulgated in accordance with 5 U.S.C. 553(b)(1), (2) and (3) and (e) and published in 32 CFR part 806b. For additional information, contact the system manager.

F124 AF C

SYSTEM NAME:

Criminal Records.

SYSTEM LOCATION:

HQ Air Force Office of Special Investigations (AFOSI), Bolling Air Force Base, DC 20332. Headquarters of major commands and at all levels down to and including Air Force installations. Air Force Office of Special Investigations (AFOSI) districts. AFOSI detachments. Washington National Records Center, Washington, DC 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, retired or former military personnel. Current, retired and former Air Force civilian employees. Applicants for enlistment or appointment. Air Force Academy Cadets, applicants and nominees. Dependents of military personnel. Current and former Armed Forces Exchange employees, union or association personnel, an contracting officers and their represent their representatives, employees of the Peace Corp, State Department and the American Red Cross. Foreign Nationals residing in the U.S. and abroad. Other Department of Defense employees and contractors, both current and former.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigation, statements of individuals, correspondence, and other informational material pertaining to specific investigations of alleged violations of laws, regulations or directives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 47, Uniform Code of Military Justice and 8012, Secretary of the Air Force: Powers and duties; delegation by, and Air Force Regulation 23–18, Air Force Office of Special Investigations.

PURPOSE(S):

Compiled for use by USAF and other military commanders and the U.S. Department of Justice in taking judicial and administrative actions involving suspected criminal activity concerning DOD personnel, property, and procurement/disposal activities. Used by USAF and other military commanders to determine if legal or administrative action is warranted.

Used by HQ USAF activities in promotion, reassignment, and similar personnel actions for Air Force personnel only.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Used in conjunction with joint law enforcement investigations conducted by AFOSI and foreign law enforcement agencies.

Provided to the Central Intelligence Agency (CIA), the Federal Bureau of Investigation (FBI), and other counterintelligence/intelligence agencies in matters pertaining to hostile intelligence and terrorist activities directed against the US, its installations, or personnel.

Used in immigration and naturalization inquiries conducted by the U.S. Immigration and Naturalization Service.

Furnished to appropriate medical and forensic laboratory personnel to assist in making laboratory tests and medical examinations conducted in support of the investigative judicial, and administrative process.

Furnished to defense and trial counsels for use in judicial and administrative actions.

Provided to the U.S. Secret Service in conjunction with the protection of the

President, Vice President, and other designated high ranking officials.

Provided to the Department of Veterans Affairs for verification and settlement of individual claims.

Criminal information affecting U.S. diplomatic relations with foreign nations is provided to the Department of State and U.S. embassies overseas.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name, Social Security Number or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, safes, vaults and locked cabinets or rooms. Records are controlled by personnel screening and protected by security alarm system.

RETENTION AND DISPOSAL:

Record copy at HQ AFOSI is retained for 15 years and for 90 days at AFOSI field units. Destruction is by pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Plans, Programs and Resources (XP), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

NOTIFICATION PROCEDURE:

See Exemption.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Freedom of Information/Privacy Acts Release Branch (DADF), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

See Exemption.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2), as applicable.

An exemption rule for this record system has been promulgated in accordance with 5 U.S.C. 553(b)(1), (2) and (3) and (e) and published in 32 CFR part 806b. For additional information, contact the system manager.

F124 AF D

SYSTEM NAME:

Investigative Support Records.

SYSTEM LOCATION:

Air Force Office of Special Investigations (AFOSI), Bolling Air Force Base, DC 20332. Headquarters of major commands and at all levels down to and including Air Force installations. Air Force Office of Special Investigations (AFOSI) Field Units. Washington National Records Center, Washington, DC 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, retired or former military personnel. Current, retired and former Air Force civilian employees. Applicants for enlistment or appointment. Air Force Academy Cadets, applicants and nominees. Dependents of military personnel. Current and former Armed Forces Exchange employees, union or association personnel, civilian contracting officers and their representatives, employees of the Peace Corps, State Department and the American Red Cross and Department of Defense employees and contractors. Foreign Nationals residing in the U.S. and abroad.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigation, collection reports, statements of individuals, affidavits, correspondence, and other documentation pertaining to criminal collection activities investigative surveys, technical, forensic, and other investigative support to criminal and counterintelligence investigations to include source control documentation and district indices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 47, Uniform Code of Military Justice and 8012, Secretary of the Air Force: Powers and duties; delegation by, and Air Force Regulation 23–18, Air Force Office of Special Investigations.

PURPOSE(S):

Compiled for use by AFOSI and other military commanders in directing and supporting their criminal investigative, law enforcement, counterintelligence, and distinguished visitor protection programs.

Used to assist in managing the AFOSI criminal and counterintelligence investigative program at the various USAF and U.S. military installations worldwide.

Furnished to USAF and other military commanders to assist in identifying areas of possible criminality and to assist in developing and managing the installation law enforcement program.

Used to assist in managing the AFOSI source program.

Used by USAF and other military commanders in managing installation crime prevention programs.

Used by AFOSI to determine if, in fact, possible criminal activity requiring further specialized investigation is occurring in a specific area.

Used as a basis for USAF and other authorized individuals to request AFOSI investigations.

Used by USAF and other military commanders as well as Department of Justice officials to determine if judicial or administrative action is warranted.

Used in joint investigations by AFOSI and foreign law enforcement agencies.

Used to develop and manage the AFOSI Distinguished Visitor Protection Program.

Used to develop and manage the AFOSI Investigative Survey Program for both appropriated and non-appropriated fund activities.

Used to record technical investigative support provided to other investigative activities.

Used to report forensic and polygraph support to other investigative activities.

Used by HQ USAF activities in promotion, reassignment, and similar personnel actions for Air Force personnel only.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Used in immigration and naturalization investigations conducted by the U.S. Immigration and Naturalization Service.

Furnished to medical and forensic laboratory personnel to assist in making laboratory tests and medical examinations in support of the investigative, Judicial, and administrative process. Provided to the Central Intelligence Agency (CIA), FBI, and other counterintelligence/intelligence agencies in matters pertaining to hostile intelligence activities and terrorism directed against the us, its installations, personnel, and allies.

Provided to the Department of Veterans Affairs for verification and settlement of individual claims.

Criminal information affecting U.S. diplomatic relations with foreign nations is provided to the Department of State and U.S. embassies overseas.

Furnished to the U.S. Secret Service in conjunction with protection of the President, Vice President, and other high ranking officials.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, video and audio tape.

RETRIEVABILITY:

Retrieved by name, Social Security Number, or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, safes and vaults. Records are protected by security alarm system and controlled by personnel screening.

RETENTION AND DISPOSAL:

Record paper copies at HQ AFOSI are retained under the same criteria assigned to the substantive case supported (criminal - 15 years; counterintelligence - permanent). At AFOSI field units, documentation is destroyed after 90 days for criminal or one year for counterintelligence cases, after command action is reported to HQ AFOSI or when no longer needed, whichever is sooner. Source control documentation at HQ AFOSI is destroyed after 15 years. At AFOSI field units, source documentation is destroyed one year after termination of source use. Copies furnished USAF Commanders are destroyed when all actions are completed and reported to AFOSI or when no longer needed. At HQ AFOSI, copies of reciprocal investigations conducted on request of a local, state or federal investigative agency in the US, or host country investigative agencies overseas, are destroyed after one year. Copies retained by AFOSI field units are destroyed after 90 days.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Plans, Programs and Resources (XP), HQ Air Force Office of Special Investigations, Washington, DC 20332.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief, Information Release Division (XPU), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Freedom of Information/Privacy Acts Release Branch (DADF), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

See Exemption.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2), as applicable.

An exemption rule for this record system has been promulgated in accordance with 5 U.S.C. 553(b)(1), (2) and (3) and (e) and published in 32 CFR part 806b. For additional information, contact the system manager.

F124 AFOSI A

SYSTEM NAME:

Badge and Credentials.

SYSTEM LOCATION:

Headquarters, Air Force Office of Special Investigations (AFOSI), Bolling Air Force Base, DC 20332 and at Air Force Office of Special Investigations (AFOSI) District Offices. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All accredited AFOSI special agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters of authorization to issue badge and credentials, badge and credential receipts, badge listings, badge and credential inspection reports, punch card used to prepare badge listings and badge and credential number assigned to each AFOSI Special Agent.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 499, Military naval or official passes; 506, Seals of departments or agencies; 701, Official badges, identification cards, other insignia, and Air Force Regulation 23–18, Air Force Office of Special Investigations.

PURPOSE(S):

To issue and control the badge and credential assigned each AFOSI special agent.

Used only by AFOSI to identify specifically to which special agent each badge and credentials is assigned, to provide for orderly five year update of credentials and to insure turn in of badge and credentials whenever accreditation is terminated.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets and in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Receipts are maintained at district level only during assignment of accredited special agent. When badge and credentials are turned in, records are then destroyed. At HQ AFOSI the receipts are retained for the entire period badge and credentials are issued to a specific special agent and destroyed when badge and credentials are returned to that unit. Badge listings and punch cards are destroyed when superseded.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Plans, Programs and Resources (XP), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves

is contained in this system should address written inquiries to or visit the Chief, Information Release Division (XPU), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Freedom of Information/Privacy Acts Release Branch (DADF), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from personnel records and issued badge.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F124 AFOSI B

SYSTEM NAME:

Investigative Applicant Processing Records.

SYSTEM LOCATION:

Headquarters, Air Force Office of Special Investigations (AFOSI), Bolling Air Force Base, DC 20332 and Air Force Office of Special Investigations (AFOSI) District Offices, Detachment Offices, and Resident Agencies. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All AFOSI personnel, allocations and applicants for AFOSI duty

CATEGORIES OF RECORDS IN THE SYSTEM:

Application documentation, School and College Ability Test results, results of the AFOSI applicant inquiry, and the personnel security investigation concerning the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, and Air Force Regulation 23–18, Air Force Office of Special Investigations.

PURPOSE(S):

Compiled to assist in the selection and retention of AFOSI personnel.

Used by the AFOSI Applicant Review Board and the Director of Personnel Management to select AFOSI investigative trainees and support personnel.

Used by the Commander, AFOSI to reassign or retain AFOSI personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name, Social Security Number, or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms and are protected by security alarm systems.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Files on nonselected personnel are destroyed six months after selection process is terminated. Destruction is by pulping, macerating, or burning. Files at AFOSI field units are destroyed 90 days after completed action is forwarded to HQ AFOSI. Destruction is by pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Plans, Programs and Resources (XP), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief, Information Release Division (XPU), HQ Air Force Office of Special Investigation, Bolling Air Force Base, DC 20332.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Freedom of Information/Privacy Acts Release Branch (DADF), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, financial institutions, educational institutions, medical institutions, police and investigating officers, the bureau of motor vehicles, a state or local government, an international organization, a corporation, witnesses, or source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth. Data is extracted from individual military or civilian personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(5), as applicable.

An exemption rule for this record system has been promulgated in accordance with 5 U.S.C. 553(b)(1), (2) and (3) and (e) and published in 32 CFR part 806b. For additional information, contact the system manager.

F125 AF A

SYSTEM NAME:

Correction and Rehabilitation Records.

SYSTEM LOCATION:

Chief of Security Police at local installation where individual is assigned; 3320th Correction and Rehabilitation Squadron, Lowry Air Force Base, Denver, CO 80230–5000 and subunits; and the Air Force Clemency and Parole Board, Office of the Secretary of the Air Force Personnel Council, Pentagon, Washington, DC 20330–1000.

Records may also be at Headquarters, United States Air Force; National Personnel Records Center, Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118–2001; or National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132–2001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals placed in confinement at an installation or federal prison as the result of military criminal conviction

and individuals placed in confinement or rehabilitation and assigned to the 3320th Correction and Rehabilitation Squadron, or any detachment of operating location.

CATEGORIES OF RECORDS IN THE SYSTEM:

Prisoner personnel records consisting of confinement orders, release orders, personal history records, medical examiners report, request and receipt for health and comfort supplies, recommendations for disciplinary action, inspection records, prisoner classification summaries and records pertaining to any clemency/parole actions.

Corrections officers records including personal deposit fund records and related documents, disciplinary books, correction facility blotters and visitor registers; requests for interview and evaluation reports; prisoner records consisting of daily strength records and reports of escaped and returned from escaped prisoners.

Psychological or rehabilitation test records.

Clemency and Parole Board decisional documents and related records reflecting the action of the Board, the Board's recommendations to the Secretary and the rationale for actions taken or proposed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and Duties; delegation by, as implemented by Air Force Regulation 125–18, Operation and Administration of Air Force Confinement and Correction Programs and Facilities, and E.O. 9397.

PURPOSE(S):

To maintain a life file on the individual as a prisoner on an Air Force installation, or as an Air Force prisoner serving a sentence in a federal prison.

The records are used to establish background for either disciplinary or good conduct action as well as general administration uses of the records concerning health and welfare of the individual, as well as clemency and parole actions.

Historical records in microfilm are used as a research data base.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records may be disclosed to Federal, state and local law enforcement and investigation agencies for investigation and possible criminal prosecution, civil court actions or regulatory orders, confinement/correctional agencies for use in the administration of correction programs, including custody classification, employment, training and educational assignments, treatment programs, clemency, restoration to duty or parole actions, verification of offender's criminal records, employment records, and social histories.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record systems apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in notebooks/binders, in card files, on computer and computer output products, in microfilm, and as photographs.

RETRIEVABILITY:

Retrieved by any or a combination of name, Social Security Number, fingerprint classification, unique 3320th CRS Arrival Number, or by date of board hearing.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms and controlled by visitor registers.

RETENTION AND DISPOSAL:

Depending on the type of record within the system, it is either destroyed after release of the prisoner, maintained for one year after the release of the individual, or retained in the files at the facility in which the individual was confined for two years, after which time the record is either destroyed or transferred to a staging area for two additional years, then retired to the Washington National Records Center, Washington, DC 20409–2001 for permanent retention.

Records pertaining to clemency/parole actions are retained for five years after final action.

After final disposition of prisoner or rehabilitee, the records are purged of extraneous material and microfiched. One copy is maintained by 3320th CRS, Program Development and Evaluation Branch for 20 years. The original is retired to the National Personnel Records Center, Military Personnel Records. The original hard copy is kept at the Program Development and Evaluation Branch for one year and destroyed. Duplicate copies of some documents are maintained at LTTC/JA for one year for individuals separated and for two years of people who are retained by the Air Force. Air Force Clemency and Parole Board records are retained until prisoner's maximum release date.

SYSTEM MANAGER(S) AND ADDRESS:

Installation Chief of Security Police; Commander, 3320th Correction and Rehabilitation Squadron, Lowry Air Force Base, Denver, CO 80230–5000; and the Executive Secretary, Air Force Clemency and Parole Board, Office of the Secretary of the Air Force Personnel Council, Pentagon, Washington, DC 20330–1000. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Installation Chief of Security Police; or the Commander, 3320th Correction and Rehabilitation Squadron, Lowry Air Force Base, Denver, CO 80230–5000; or to the Executive Secretary, Air Force Clemency and Parole Board, Office of the Secretary of the Air Force Personnel Council, Pentagon, Washington, DC 20330–1000. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written inquiries to or visit the Installation Chief of Security Police; or the Commander, 3320th Correction and Rehabilitation Squadron, Lowry Air Force Base, Denver, CO 80230–5000; or to the Executive Secretary, Air Force Clemency and Parole Board, Office of the Secretary of the Air Force Personnel Council, Pentagon, Washington, DC 20330–1000. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Financial and medical institutions, police and investigative officers, state or local government, witnesses or source documents.

Installation level confinement facilities, courts-martial, and court-martial reviews, and submissions received directly from, or in behalf of the prisoner.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2), as applicable

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

F125 AF SP A

SYSTEM NAME:

Air Force Policy Statement - Firearms Safety and Use of Force.

SYSTEM LOCATION:

Kept by Commanders at each Air Force or military installation where Air Force personnel (including civilians) are or may be armed in performance of their duties. Some portions of this system may be kept in individual training records, employment records, firearm issue points, or by the individuals authorized to bear arms. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Air Force active duty military personnel. Air Force civilian employees. Air Force Reserve personnel. Air National Guard personnel. Who are authorized to bear firearms in performance of duties and personnel who store firearms in Air Force armories.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation of authority for Air Force military personnel, civilian employees, contract security police and foreign nationals to bear firearms on an Air Force installation and contains personal identification data and documentation of authorization to bear firearms. Also includes a record of understanding and certification of same by individual regarding the constraints on the application of deadly force and the weapons safety requirements that must be adhered to by all personnel who bear firearms in the performance of duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Purpose is to provide certification of an individual's understanding of the constraints regarding the application of deadly force and the weapons safety requirements that must be adhered to by anyone who bears firearms in the performance of duties. Used by commanders as evidence that the individual has certified his knowledge of constraint on the application of deadly force and necessary firearms safety requirements. Purpose of the system is to identify civilian employees who can legally bear firearms on Air Force installations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders. Posted on bulletin boards to be seen by personnel issuing firearms.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

May be retained in office files for two years after annual cutoff, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police. At decentralized locations, commanders of the appropriate installation.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the system manager. Civilian Personnel Manager at any Air Force installation. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

When requesting information, the requester should include full name, and some proof of identity such as date of birth. During a visit, identity must be proven by means of a valid drivers license or identification card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the system manager. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports or from military and civilian Personnel Records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F125 AF SP B

SYSTEM NAME:

Complaint/Incident Reports.

SYSTEM LOCATION:

Kept by the Chief of Security Police at the installation where an individual becomes involved in an incident or complaint, and by the Chief of Security Police at the installation where an individual is assigned if the incident occurs at a different location. Information copies of a report are kept at the individual's organization and other organizations which have an interest in a particular incident. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who become involved in complaints or incidents on Air Force installations or Air Force active duty personnel who become involved in incidents regardless of the location.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes the incident or complaint report, statements by the subject or witness, information on seized or acquired property, if applicable, copies of forms referring cases to other agencies for final disposition, and other forms or reports required to complete basic report. Also includes an individual incident reference record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used to record information on individual involvement in incidents or criminal activity. Reports are used to provide information to the appropriate individual within an organization who insures corrective action is taken.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Individual incident records are retained in the office of the Chief of Security Police and destroyed three years after close of year in which last entry was made. Destroyed by tearing into pieces. Incident and complaint reports and parts thereto are retained in office files for one year after annual cutoff, transferred to a staging area for two years, and then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Information copies at interested agencies are destroyed one year after annual cutoff by tearing into pieces.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117. Installation Chief of Security Police.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the installation Chief of Security Police.

When requesting information in writing, individual should include full name, Social Security Number, military status, home address, and the letter must be notarized. For a personal visit, individual must have a military ID, if applicable, a valid drivers license, or other appropriate proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the system manager. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices. Contact the Chief of Security Police at the appropriate installation.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from police and investigation officers, witnesses and from persons registering complaints or who become victims of a crime.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F125 AF SP D

SYSTEM NAME:

Field Interview Card.

SYSTEM LOCATION:

Air Force installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel and civilian employees, Air Force Reserve personnel, dependents of military personnel, and civilians not affiliated with DOD.

CATEGORIES OF RECORDS IN THE SYSTEM:

Field interview card which contains name, address, telephone number, physical description, age, date of birth, description of clothing worn, if an automobile is involved, the make, year, decal number license and style and color.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Purpose of system is to obtain and record information on the presence of individuals in a given location at specific time and date.

Information is used by the Chief of Security Police and Security Police investigators at base level as an investigative tool in the identification of crime suspects and witnesses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, and locked cabinets or rooms and are controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files for three months after monthly cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117 and Chief of Security Police at base concerned.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Security Police at base concerned.

Required information from individual will be name and address. Requester may visit the office of the Chief of Security Police at base concerned and must provide a current military identification card, or civilian identification card or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief of Security Police at the base concerned.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

VOL 58 ISS 33 FE 22 1993 UMI

RECORD SOURCE CATEGORIES:

Source of information is individual interviewed, witnesses and interviewing security policemen.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F125 AF SP E

SYSTEM NAME:

Security Police Automated System (SPAS).

SYSTEM LOCATION:

Active Duty Security Police Activities, Air Force Reserve Security Police Units and Air National Guard Security Police Activities. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian security police personnel. All military and civilian personnel who register privately owned vehicles or weapons on Air Force installations. All military and civilian personnel who are issued restricted or controlled area passes by a security police activity. All military and civilian personnel who possess an individual incident reference and/or drivers record. All military and civilian personnel who possess an Air Force security clearance. All military and civilian personnel who: are issued traffic citations, are involved in criminal acts or incidents which generate an accident report or are involved in motor vehicle accidents on Air Force installations. All military and civilian personnel who are prohibited from entering an Air Force installation. All military and civilian personnel who are visitors to Air Force installations. All military and civilian personnel who are granted unescorted or escorted entry into Air Force restricted and controlled areas.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain: (1) Security police and security police augmenter identification data such as name, grade, Social Security Number, address and phone number; (2) security police and security police augmenter qualification data such as security clearance, Personnel Reliability Program status, weapon qualifications, quality control certification and training data; (3) security clearance data on all military and civilian personnel who possess an Air Force security clearance; (4) records used to request identification or entry credentials, information reports on the loss, theft or destruction of said credentials, certain types of entry authority listings and various accountability records; (5) individual records which reflect historical involvement in incidents which require a police report on all military and civilian personnel; (6) records that reflect traffic penalty point accumulation as a result of driving infractions on all military and civilian personnel; (7) records used to register privately owned vehicles and weapons for all military and civilian personnel; (8) records used to identify all military and civilian personnel who have been prohibited from entering Air Force installations; (9) includes a chronology of an investigation being conducted, data on sources of information, information on investigation techniques, and records concerning seized property; (10) records used to grant visitors temporary access to Air Force installations, and (11) records used to grant military and civilian personnel unescorted or escorted entry to Air Force restricted or controlled areas.

AUTHORITY OR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and E.O. 9397.

PURPOSE(S):

Personnel records are used by security police managers to track and monitor availability and qualification of personnel assigned or attached to security police activities.

Vehicle and weapon registration records are used by security police personnel to monitor vehicles and weapons registered on Air Force installations.

Incident and traffic records are used by commanders to identify repeat offenders.

Security clearance records are used by security police and commanders to determine eligibility for access to classified information.

Identification and entry authority records are used by security police personnel for issuing identification cards and restricted by controlled area badges and for accountability of various controlled forms used in the process.

Barment records are used by security police installation entry controllers to identify personnel who are prohibited from entering the installation.

Investigation records are used by security police investigators to assist in the investigation of a criminal act or incident.

Visitor control records are used to authorize military and civilian personnel temporary access to Air Force installations.

Restricted and controlled area entry authorization records are used to authorize military and civilian personnel to enter Air Force restricted or controlled areas.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Department of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are maintained manually (paper files), automated (in computer, on hard disks, floppy diskettes or tape backups), and in combination when deemed necessary.

RETRIEVABILITY:

Records in this system are retrieved from manual storage by name and from automated storage by name or Social Security Number.

SAFEGUARDS:

Records are accessed by persons responsible for servicing the record system in performance of their official duties. Personnel are thoroughly screened for need-to-know. Records are maintained/stored on computer hard disks (backup copies are maintained on floppy diskettes or tape media) and/or in secure file containers and in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Files for security police and security police augmenter personnel are destroyed when superseded or upon reassignment or separation from the security police activity. Accountability records are destroyed five years after issue of the last controlled form or the last entry on the accountability log. Incident reports are destroyed three years after last entry or forwarded to gaining installation upon reassignment of the individual. Traffic records are destroyed one year after last entry or forwarded to gaining installation upon reassignment of the individual. Motor vehicle accident records are destroyed three months after posting or forfeiture of collateral. Barred personnel records are destroyed three years after removal from the list. Investigation reports are retained in office for one year after annual cutoff, transferred to a staging area for two years and then destroyed. Visitor control records are maintained for 90 days after the examination of the visit period. Restricted or controlled area records are destroyed 12 months

after the termination of entry authority. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting, or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117–6001; Chiefs of Security Police at each security police activity. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the system manager at each appropriate security police activity. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

When requesting information in writing, the individual must include full name, Social Security Number, military status, full home address with complete zip codes.

If an individual requests information in person, that individual must present a military identification card, if applicable, a valid drivers license, or some other form of identification.

RECORD ACCESS PROCEDURE:

Individuals seeking to access records about themselves contained in this system should address written requests to or visit the system manager at the appropriate security police activity. Information relating to police records will be coordinated through local Staff Judge Advocate offices before release. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information on security police and security police augmenter personnel is extracted from computer printouts, unit personnel records, the unit commander, supervisors, and the individual. Other information is extracted from incident exports, traffic tickets, registration forms and applications prepared by the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2).

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

F125 AF SP F

SYSTEM NAME:

Notification Letters to Persons Barred From Entry to Air Force Installations.

SYSTEM LOCATION:

Chief of Security Police at the installation where an individual is barred entry. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons prohibited from entering U.S. military installations for cause.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of the letters to the individuals barring them from entry to a particular installation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Record provides a list of personnel who have been barred from entry to the installation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/binders and in visible file binders/cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms and protected by guards.

RETENTION AND DISPOSAL:

Retained for three years after removal from barred list; then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117. Installation Chief of Security Police. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the installation Chief of Security Police. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Individual should include full name, Social Security Number, and home address. During a personal visit individual must provide a valid driver's license or other appropriate proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the installation Chief of Security Police. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Individual should include full name, Social Security Number, and home address. During a personal visit individual must provide a valid driver's license or other appropriate proof of identity.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from police and investigating officers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F125 AF SP G

SYSTEM NAME:

Pickup or Restriction Order.

SYSTEM LOCATION:

Chief of Security Police at those installations where the order was

VOL 58 ISS 33 FE 22 1993 UMI

issued. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Air Force member whose actions result in the unit commander issuing a pickup or restriction order. Some examples of actions that warrant an order being issued include AWOL, suspicion of an offense, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record provides a complete physical description of the individual as well as his name, rank, Social Security Number, organization and date of birth. It also includes the reason for the order being issued.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

The purpose of the record is to document the identity of a member of the Armed Forces whose actions justify the picking up or restriction of the member by his unit commander. The record is used as a notification bulletin for the pickup or restriction by Security Police until disposition is made by the member's unit commander.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Records from this system of records may be provided to other law enforcement agencies to assist in pickup of individuals.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/ binders, visible file binders/cabinets and card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms and protected by guards.

RETENTION AND DISPOSAL:

Record is retained until member is picked up or until the order is canceled by the issuing authority, at which time all copies are destroyed by tearing into pieces, shredding, pulping or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117. The Installation Chief of Security Police

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Security Police at the installation where the order was issued or to the member's unit commander at that installation. Visitors requesting information must provide proof of identity (e.g., identification card, or drivers license).

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief of Security Police at the installation where the order was issued or to the member's unit commander at that installation. Visitors requesting information must provide proof of identity (e.g., identification card, or drivers license).

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from police and investigating officers, from witnesses and from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F125 AF SP H

SYSTEM NAME:

Provisional Pass.

SYSTEM LOCATION:

Chief of Security Police at those installations where the pass was issued to the individual, as well as the unit commander at the members final destination. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This form is issued to any enlisted member of the Armed Forces when delays might result in failure to report to proper station within the time limit specified in orders or pass; or when a pass has expired or the individual does not have a pass or leave orders or leave orders.

CATEGORIES OF RECORDS IN THE SYSTEM:

A written pass provided to the member to enable him or her to travel legally without any restriction; contains name, rank, Social Security Number of member and unit.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Purpose of the record is to document the travel of a member who is without a regular pass or orders are not available.

Use of the record by Security Police to notify the member's commander that he or she is travelling to a specific destination; may be used for follow-up on individuals travelling without regular passes or leave orders if the member does not arrive at the final destination within specified time limit. The original copy is given to the individual, the second copy is forwarded to the individual's unit commander, and the third copy is maintained at the issuing Chief of Security Police's office.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/ binders, visible file binders/cabinets and in card files.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

The original and duplicate copies are retained for 90 days after date of issue and then destroyed by tearing into pieces, shredding, macerating, pulping, or burning. The member's copy is

destroyed when the member reports to final destination.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117. The Chief of Security at the issuing installation or the unit commander at the member's final destination.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Security Police at the issuing installation or the unit commander at the member's final destination. Visitors making requests must provide proof of identity (e.g., identification card, or drivers license).

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief of Security Police at the issuing installation or the unit commander at the member's final destination. Visitors making requests must provide proof of identity (e.g., identification card, or drivers license).

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from police and investigating officers, witnesses and source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F125 AF SP I

SYSTEM NAME:

Registration Records (Excluding Private Vehicle Records).

SYSTEM LOCATION:

Chief of Security Police at the installation where an individual registers personal property. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who register firearms, pets, certain types of personal property, bicycles, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Registration forms for each particular item registered with the Security Police activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used to record information on make, model, type, kind, etc., of property. Information is used to identify lost or stolen property and to insure proper control of privately owned firearms maintained on an Air Force installation. The firearm registration form is also used to maintain accountability (logging weapons in/out) of privately owned firearms stored in government firearm storage facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/ cabinets and locked cabinets or rooms.

RETENTION AND DISPOSAL:

Records are kept in the Office of the Chief of Security Police for one year after departure of owner and then destroyed by tearing into pieces.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117. Installation Chief of Security Police.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Installation Chief of Security Police for information. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

When requesting information in writing, individual should include full name, Social Security Number, military status, and home address. During a personal visit, individuals will be required to produce military ID, if applicable, a valid drivers license, or other appropriate proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Installation Chief of Security Police for information. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

When requesting information in writing, individual should include full name, Social Security Number, military status, and home address. During a personal visit, individuals will be required to produce military ID, if applicable, a valid drivers license, or other appropriate proof of identity.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F125 AF SP J

SYSTEM NAME:

Serious Incident Reports.

SYSTEM LOCATION:

Chief of Security Police at an installation where a crime or serious incident occurred or where an Air Force member, employee or dependents became involved in a crime or serious incident regardless of location. Reports are forwarded through the different levels of command to the appropriate Major Command Headquarters. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who become involved in crimes or serious incidents on Air Force installations or Air Force personnel and dependents who become involved in these incidents regardless of the location.

VOL
58
ISS
33
FE
22
1993
UMI

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on the particular incident, and identification of persons involved to include information on final disposition of the crime or incident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by and Chapter 47 - Uniform Code of Military Justice.

PURPOSE(S):

Used to report crimes or incidents which may evoke command or congressional interest or may result in unfavorable publicity to the Air Force. Also used to develop statistics, rates, and trends of certain crimes which occur on Air Force installations. May be used to evaluate command discipline rates, personnel quality control, and to monitor various drug and alcohol abuse programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/ cabinets and in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, transferred to staging area for two additional years, then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117. Major Command Chief of Security Police and Installation Chief of Security Police.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the appropriate installation or Major Command Chief of Security Police. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

When requesting information in writing, individual should include full name, Social Security Number, military status, and home address. During a personal visit, individual will be required to produce military ID, if applicable, a valid driver's license or other appropriate proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the appropriate installation or Major Command Chief of Security Police. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

When requesting information in writing, individual should include full name, Social Security Number, military status, and home address. During a personal visit, individual will be required to produce military ID, if applicable, a valid driver's license or other appropriate proof of identity.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions. Information obtained from police and investigating officers. Information obtained from the public media. Information obtained from a state or local government. Information obtained from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F125 AF SP K

SYSTEM NAME:

Vehicle Administration Records.

SYSTEM LOCATION:

Chief of Security Police at the installation where an individual registers or frequently operates a vehicle. Information copies of some portions of this system may be kept at an individual's assigned unit. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who frequently drive or register vehicles on an Air Force installation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Vehicle registration records, driver records, letters of suspension or revocation as applicable, and forms or letters which are necessary in the vehicle administration program for driver improvement actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Power and duties; delegation by.

PURPOSE(S):

Used to record an individual's statement of understanding on financial responsibilities with regard to operation of a vehicle on an Air Force installation. Driver records are maintained to record information about motor vehicle accidents and moving traffic violations that are used to provide for traffic point assessment, suspension, or revocation, or other driver improvement actions affecting driving privileges on Air Force installations.

NOTE: In the State of Alaska, the system is also used to ensure that individuals comply with state law pertaining to the Alaskan Emission Inspection Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Records from this system of records may be disclosed to state or local law enforcement agencies or to motor vehicle bureaus.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, card files and on computer and computer output products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by persons responsible for servicing the record system in performance of their official duties who are properly screened and

cleared for need-to-know. Records are stored in security file containers/ cabinets and maintained on computer and computer output products. Manual records are stored in locked cabinets or rooms. Automated records are controlled by computer system software.

RETENTION AND DISPOSAL:

Private vehicle registration documentation is destroyed after departure of the registrant to a new duty station, upon termination of an individual vehicle registration, or at the end of the particular registration period. Driver records on employees are transferred to gaining installations when an individual is reassigned or transferred. These are destroyed on permanent separation from active service, termination of employment, or upon deletion of all entries. Destruction of these forms is done by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the installation Chief of Security Police for information. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

When requesting information in writing, individual should include full name, Social Security Number, military status, home address, and the letter must be notarized. During a personal visit, individual will be required to produce military ID, if applicable, a valid drivers license, or other appropriate proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the installation Chief of Security Police for information. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

When requesting information in writing, individual should include full name, Social Security Number, military status, home address, and the letter must be notarized. During a personal visit, individual will be required to produce military ID, if applicable, a valid drivers license, or other appropriate proof of identity.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from police and investigating officers and from the bureau of motor vehicles.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F125 AF SP L

SYSTEM NAME:

Traffic Accident and Violation Reports.

SYSTEM LOCATION:

Chief of Security Police at the installation where an individual becomes involved in a traffic violation or accident. Information copies of traffic accident reports are kept at the Ground Safety, Staff Judge Advocate, and Transportation offices (when a government vehicle is involved). Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who become involved in traffic violations or accidents on an Air Force installation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Traffic accident investigation report, statement of witnesses, alcohol influence reports, and reports of traffic violations to include notices or summons.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by and DODI 1000.19, Mishap Investigation, Reporting and Recordkeeping; DODI 6055.4, Department of Defense Traffic Safety Program and AFRs 125–3, Security Police Handbook and 125–14, Motor Vehicle Traffic Supervision.

PURPOSE(S):

Used to record information on traffic accidents and violations. Reports are forwarded to the appropriate individual within an organization who insures corrective action is taken, or to U.S. Magistrate as applicable.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Records from this system of records may be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or statistical use.

Additionally, accident reports may be provided to private attorneys, representatives of insurance companies and private citizens.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, card files and on computers and computer output products, magnetic media and printouts.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/ cabinets and maintained on computer and computer output products. Manual records are stored in locked cabinets or rooms. Automated records are controlled by computer system software.

RETENTION AND DISPOSAL:

Retain in the office of record. Destroy after two years by tearing into pieces, shredding, pulping, macerating, or burning. DD Form 1805, Violation Notice, will be destroyed according to instructions of the U.S. District Court.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the installation Chief of Security Police for information.

When requesting information in writing, individual should include full name, Social Security Number, military status, home address, and the letter will be notarized. During a personal visit, individual will be required to produce military ID, if applicable, a valid drivers license, or other appropriate proof of identity.

VOL 58 ISS 33 FE 22 1993 UMI

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the installation Chief of Security Police for information.

When requesting information in writing, individual should include full name, Social Security Number, military status, home address, and the letter will be notarized. During a personal visit, individual will be required to produce military ID, if applicable, a valid drivers license, or other appropriate proof of identity.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from police and investigating officers and from witnesses.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F125 AFSC A

SYSTEM NAME:

Badge and Vehicle Control Records.

SYSTEM LOCATION:

Headquarters Air Force Systems Command (HQ AFSC/SIRS and HQ AFSC/SP), Andrews Air Force Base, MD 20334–5000; AFSC bases.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AFSC military and civilian personnel and visitors to AFSC headquarters and installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Badge and vehicle control records to include name; home address; home telephone; citizenship; grade or rank; Social Security Number; clearance level; company employed by; military address; vehicle state license tag data; vehicle make, year, type and color; decal number; revoked license status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Badge records are used to record building/area entry credential information, including information on the loss or theft of these credentials. Motor vehicle records are used to identify vehicles parked in an unsafe manner, enforce vehicle flow plan, notify owners in case of evacuation and maintain effective security plan.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computers and computer output products, and in paper form.

RETRIEVABILITY:

Records are retrieved by Social Security Number.

SAFEGUARDS:

Records are accessed by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets, locked rooms, or buildings with controlled entry. Computer records are controlled by computer system software.

RETENTION AND DISPOSAL:

Badge records are destroyed immediately after badge is permanently surrendered or confiscated. Vehicle records are destroyed immediately after termination of registration.

SYSTEM MANAGER(S) AND ADDRESS:

Hq AFSC/SP, Andrews Air Force Base, MD 20334–5000 for HQ AFSC, or Chief of Security Police for AFSC installations.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Hq AFSC/SP, Andrews Air Force Base, MD 20334–5000 for HQ AFSC, or Chief of Security Police for AFSC installations.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Hq AFSC/SP, Andrews Air Force Base, MD 20334–5000 for HQ AFSC, or Chief of Security Police for AFSC installations.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from individuals and from automated system interface.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F125 ATC A

SYSTEM NAME:

Management Information and Research System (MIRS).

SYSTEM LOCATION:

3320th Correction and Rehabilitation Squadron, Lowry Air Force Base, CO 80230–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force prisoners who serve sentences to confinement or rehabilitation at the 3320th Correction Rehabilitation Squadron, including any detachments and/or operating locations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Significant dates, intelligence quotient and achievement scores, psychological tests scores, military history, discipline involvement, military justice data, personal identifier data, personal history, confinement history, rehabilitation history, performance rating, type of discharge, long or short term return to duty performance data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; Powers and duties; delegation by; and Air Force Regulation 125–18, Operation of Air Force Correction and Detention Facilities, and E.O. 9397.

PURPOSE(S):

Uses for statistical analysis to support management decision making to evaluate the effectiveness of and improve program elements, and to provide data for research studies and management reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in computers and on computer output products.

RETRIEVABILITY:

Retrieved by Social Security Number and/or 3320th Correction and Rehabilitation Squadron Arrival Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Current data base is maintained while individual is in correction or rehabilitation program or appellate leave.

Historical data base is retained for 20 years. Records are destroyed by tearing into pieces, macerating, pulping, shredding, or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, 3320th Correction and Rehabilitation Squadron, Lowry Air Force Base, CO 80230-5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Commander, 3320th Correction and Rehabilitation Squadron, Lowry Air Force Base, CO 80230-5000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written requests to or visit the Commander, 3320th Correction and Rehabilitation Squadron, Lowry Air Force Base, CO 80230-5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12-35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

FBI and military records, supervisors, commanders, lawyers, doctors, chaplains, other USAF officials, American Red Cross.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt under the provisions of 5 U.S.C. 552a(j)(2), as applicable, but only during the period the individual is confined or in rehabilitation at an Air Force or Federal correctional facility.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553 (b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 806b.

F160 AF SG A

SYSTEM NAME:

USAF Hearing Conservation Record System.

SYSTEM LOCATION:

Air Force hospitals, medical centers and clinics; USAF Occupational and Environmental Health Laboratory (OEHL), Brooks Air Force Base, TX 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Air Force military or civilian employees who are entered in the Hearing Conservation Program due to working in noise hazard areas.

CATEGORIES OF RECORDS IN THE SYSTEM:

DD Forms 2215 and 2216 which documents name; Social Security Number; military grade or rank, or Civil Service grade; date of birth; sex; USAF specialty or job code; the organization to which the individual is assigned complete with address and duty phone number; whether military or civilian; time, day of week, date of audiometric test; hours since last noise exposure; whether hearing protection was used during last noise exposures, whether ear problem existed at time of test, type of audiometer used, i.e., manual or automatic, date of last audiometer calibration, hearing threshold levels for 500, 1000, 2000, 3000, 4000 and 6000Hz frequencies in each ear including results of current audiometric examination, his reference or initial examination and any shift between these two examinations in each ear; whether or not earplugs were issued at time of audiometric examination or have been previously issued; type of earplug and size for each ear; if noise ear muff issued; if individual wears glasses; any pertinent remarks relative to the individual, noise exposure, hearing, etc.; and the audiometric examiner's name, Air Force Specialty Code, Social Security Number, and office symbol. File also contains information on AF Form 1621, Evaluation of Individual Noise Exposure, which is used to document data and observations relating to an individual's exposure to occupational noise and an AF Form 1672, Hearing Conservation Diagnostic Center Referral, which contains follow-up audiometric examination data similar to that in DD Forms 2215 and 2216.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 CFR 1910.95, Occupational Safety and Health Standards, Pub. L. 91-596, The Occupational Safety and Health Act; E.O. 12196, the Occupational Safety and Health Program for Federal Employees, as implemented by Air Force Regulation 161-35, Hazardous Noise Exposure.

PURPOSE(S):

Used by USAF Occupational and Environmental Health Laboratory (OEHL) to provide continuing review of the Air Force Hearing Conservation Program by updating damage-risk criteria, modifying monitoring audiometry program procedures, validating personnel disposition procedures relating to occupationally induced hearing losses, evaluating hearing protective devices and procedures, at the specific request of a USAF Medical Facility to provide an historical record of the results of an individual's monitoring audiometric test results.

Also used by USAF School of Aerospace Medicine for Research Associated with noise induced hearing losses.

Used by base Medical Personnel to monitor employees health status for occupational health programs, to use in formulating recommendations to supervisors on requirements to remove individual from further exposure, to determine need for investigation of workplace environment for abnormal exposure conditions.

Used by supervisors to determine whether employee can continue to work in the exposure situation, to determine relative risk of various work tasks, to improve safety of noise exposure procedures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Used by Bureau of Employees Compensation for information relating to individuals' claims relating to occupationally induced hearing losses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on computer magnetic tapes.

VOL 58 ISS 33 FE 22 1993 UMI

RETRIEVABILITY:

Retrieved by name, Social Security Number, date of birth, and Air Force Specialty Code/Job Code.

SAFEGUARDS:

Records are accessed by commanders of medical centers and hospitals, by custodian of the record system, and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are controlled by computer system software.

RETENTION AND DISPOSAL:

At Occupational and Environmental Health Laboratory (OEHL), retained in computer until no longer needed; at bases, retained as part of medical record for fifty years after date of latest document, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Medical Service Center, Aerospace Medical Consultants Division, Directorate of Professional Services (HQ AFMSC/SGPA), Brooks Air Force Base, TX 78235.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Air Force Medical Service Center, Aerospace Medical Consultants Division, Directorate of Professional Services (HQ AFMSC/SGPA), Brooks Air Force Base, TX 78235.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Air Force Medical Service Center, Aerospace Medical Consultants Division, Directorate of Professional Services (HQ AFMSC/SGPA), Brooks Air Force Base, TX 78235.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F160 AF SG B

SYSTEM NAME:

Medical Professional Staffing Records.

SYSTEM LOCATION:

At Air Force medical centers, hospitals, and clinics; all health facilities where graduate health education programs are conducted; reserve NAFs/Surgeon's Office; reserve tactical hospitals/clinics, reserve MSES, and reserve AAG medical elements.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Practitioners, who are, or have been, members of the USAF Medical Service or Civil Service Employees (including civilian consultants who engage in direct patient care) and who are assigned to, employed by, or practice in the Air Force medical facility for the purpose of providing health services for eligible beneficiaries; United States Air Force Medical Service personnel pursuing graduate health education programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Credential review files: Contains curriculum vitae, list of approved privileges, copies of diplomas and certificates, records of continuing health education training, letters of evaluation, summaries of special activities or other information, including malpractice claims reports, furnished or solicited in order to fully evaluate the professional qualifications of individuals, and the records of any actions taken on the individual's credentials.

(2) Health education records: Applications for training, training reports, Faculty Board reports, photograph or negative, and personnel documents related to training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 55, Medical and Dental Care; 8067(f) Designation: Officers to perform certain professional functions; 8207, Regular Air Force: Commissioned officers on active duty; medical specialists, as implemented by Air Force Regulation 168–13, Quality Assurance in the Air Force Medical Service.

PURPOSE(S):

The information contained in credential review files is used to award inpatient and ambulatory clinical privileges to all categories of health practitioners.

Health education records are used to permit evaluations of individuals in training, by program directors, in managing the individual in training; by the record maintenance personnel, to document changes to the individual's personnel record maintained by the servicing Consolidated Base Personnel Office (CBPO).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

The information may also be released to a governmental board or agency or health care professional society or organization if such record of document is needed to perform licensing or professional standards monitoring related to health care practitioners who are or were formerly members or employees of the Armed Forces, and to medical institutions or organizations wherein such member or employee has applied for or been granted authority or employment to provide health care services if such record or document is needed to assess the professional qualifications of such member or employee.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and visible file binders/cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system, by person(s) responsible for servicing the record system in performance of their official duties; by commanders of USAF medical centers hospitals and clinics (credential review files); by program directors, trainees and personnel managers with the need to know (health education records).

RETENTION AND DISPOSAL:

(1) Credential review files are retained in the office files of the medical facility the practitioner is assigned or employed. Following separation, resignation, or retirement, the files are retained at the location of the last duty assignment for a period of 3 years and then are destroyed.

(2) Health education files are retained by the director of health education until training is completed, files are then kept by the health facility for 30 years and then destroyed by tearing into pieces, shredding, pulping, macerating, or burning; if facility is deactivated, the records are retired to the Washington National Records Center, Washington, DC 20409 to be retained until the 30–year period has expired at which time they will be destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, United States Air Force; Commanders of medical centers, hospitals, clinics. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

For health education records, individuals should give full name, military status, Social Security Number, when they entered training and completed training, and what corps within the medical service they are a member. Individuals may visit either the health facility maintaining the records or the Office of the Surgeon, Air Force Manpower and Personnel Center, Randolph Air Force Base, TX to learn if the record system contains their records. When visiting either of these locations, the individual must provide a valid drivers license or equivalent identification containing a photograph to establish identity.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the system manager.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the system manager. For health education records, individual may obtain assistance by writing or presenting themselves in person to the health facility where the records are maintained. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Credential review files: Basic information submitted by the practitioner. Additional information may be solicited from other sources in order to permit the credentials committee to best judge the capabilities of the practitioner. Health education records: Previous employer, educational institutions, master personnel record, information provided by the individual concerned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F160 AF SG C

SYSTEM NAME:

Medical Treatment Facility Tumor Registry.

SYSTEM LOCATION:

Air Force medical centers, hospitals, and clinics.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who were diagnosed as having or were treated for cancer in an armed forces medical treatment facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain summaries of treatment provided cancer patients, to include tumor board evaluations, comprehensive chronological summaries of care rendered, a locator system, suspense files for required follow-up treatment and/or evaluation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 55, Medical and Dental Care.

PURPOSE(S):

Used by the military departments for clinical and statistical analysis of designated medical and dental cases, their treatment and results. The files serve as the repository of clinical information relating to individuals evaluated and/or treated in Air Force medical facilities. It is used to conduct statistical analysis and to provide clinical information to other federal medical services, scientific institutions and qualified members of the medical and dental professions (information identifiable by name is released only with permission of the patient). Information is used by the medical facilities to promote education programs and to develop statistics designed to be used as a basis for developing improved diagnostic and therapeutic standards. Used by the individual physician or scientist to develop and write professional papers, and is used by hospital tumor registries to update their case records as to status and quality of survival of individual patients.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be provided to other hospital tumor registries, physiciens, scientific institutions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, card files, on computer and computer paper printouts, roll microfilm or microfiche.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms and controlled by computer system software.

RETENTION AND DISPOSAL:

Records located at medical facilities are retained in the office files until inactivation of the tumor board or the facility, then forwarded to facility assuming patient responsibility.

SYSTEM MANAGER(S) AND ADDRESS:

Commanders of armed forces medical facilities. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Commanders of armed forces medical facilities. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Requests must include full name, Social Security Number of sponsor, accession number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Commanders of armed forces medical facilities. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions and from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F160 AF SG D

SYSTEM NAME:

Drug Abuse Rehabilitation Report System.

SYSTEM LOCATION:

Headquarters United States Air Force and major command headquarters. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any active duty military personnel who are confirmed as drug abusers as a result of drug abuse urinalysis testing. These individuals are not patients as defined in 42 U.S.C. 300s–3(6).

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains Drug Abuse Rehabilitation Reports in Electrical Message Form in which demographic data, urine testing results and abuser disposition are detailed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 91–513 as applied to Federal agencies by Section 2b of E.O. 11599, June 17, 1971, Comprehensive Drug Abuse Prevention and Control Act of 1970.

PURPOSE(S):

At HQ USAF to provide statistical data for required reports to Department of Defense (DOD) and to the Special Action Office on Drug Abuse Prevention, White House; to perform epidemiologic and statistical studies for use in evaluating the effectiveness of Air Force urinalysis testing programs; to provide information for answering congressional inquiries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and card files.

RETRIEVABILITY:

Retrieved by Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and are controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files for fifteen years after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force, Washington DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Surgeon General, Headquarters United States Air Force, Washington DC 20330.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Surgeon General, Headquarters United States Air Force, Washington DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F160 AFA A

SYSTEM NAME:

Cadet Hospital/Clinic Records.

SYSTEM LOCATION:

United States Air Force Academy (USAF Academy), CO 80840–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USAF Academy Cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

Daily roster of cadets hospitalized and report of cadet visits to the cadet clinic.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9331, Establishment; Superintendent; faculty.

PURPOSE(S):

Information collected to notify concerned individuals of status of hospitalized cadets.

Used to provide Superintendent, Hospital Commander and staff, Commandant and staff a daily report of number and status of cadets hospitalized; concerned personnel can note trends in hospitalization in terms of numbers of cadets hospitalized, length of stay, and nature of medical problems being treated.

Report of visits to cadet clinic is used by the Cadet Wing Airmanship Division to monitor cadet activity for ground safety programs; Athletics uses it to monitory excusals from physical education and to evaluate injury rates, and the Individual uses it to justify time away from classes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of system of record notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Clinic copy is under the direct control of Noncommissioned Officer in Charge of Administrative Services. Distribution is made only to authorized representatives of Cadet Wing Airmanship Division and Athletics.

RETENTION AND DISPOSAL:

Records are retained in office files for one year after annual cutoff then destroyed. Report of Clinic Visit are retained in office files for three months or until purpose has been served, whichever is sooner, then destroyed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, USAF Academy Hospital, USAF Academy, CO 80840–5000.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on them should address

written inquiries to or visit the USAF Academy Hospital/SGR, USAF Academy, Colorado Springs, CO 80840–5300, ATTN; Medical Release of Information Clerk, and should include full name and date of hospital admission.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written requests to or visit the Commander, USAF Academy Hospital, USAF Academy, CO 80840–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions, the individual, physicians and/or medical technicians.

EXEMPTION CLAIMED FOR THE SYSTEM:

None.

F160 ARPC A

SYSTEM NAME:

Physical Examination Reports Suspense File.

SYSTEM LOCATION:

Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incomplete reports of physical examinations, correspondence to and from Reservists/individuals.

AUTHORITY FOR MAINTAINING THE SYSTEM:

10 U.S.C. 275, Personnel Records, as implemented by Air Force Regulation 160–43, Medical Examination and Medical Standards, and Headquarters Air Reserve Personnel Center Regulation 45–7, Annual Survey of Non-EAD Reservists, and E.O. 9397.

PURPOSE(S):

Information in files is used to provide control of Reservists/individual medical status.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Records are protected by guards.

RETENTION AND DISPOSAL:

Retained in suspense file until completed, then filed in the individual health record.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters Air Reserve Personnel Center, Denver, CO 80280–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000.

Written requests should contain full name, Social Security Number, current mailing address, and the case (control) number on correspondence received from the Center, if applicable.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address inquiries to or visit the Records Manager, Headquarters Air Reserve Personnel Center/IMD, Denver, CO 80280–5000. Records may be reviewed in the Records Review Room, Headquarters Air Reserve Personnel Center, Denver, CO, between 8 a.m. and 3 p.m. on normal workdays.

Requester must be able to provide sufficient proof of identity, with an Armed Forces identification card or a drivers license.

CONTESTING RECORD PROCEDURE:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from examining facilities, physicians military and civilian, and summary of physician's evaluation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F160 DODMERB A

SYSTEM NAME:

Department of Defense Medical Examination Review Board Medical Examination Files.

SYSTEM LOCATION:

Department of Defense Medical Examination Review Board (DODMERB) United States Air Force Academy (USAF Academy), CO 80840–6518 and EDS DCITC Tape Library, 13600 EDS Drive, Herndon, VA 22071.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants to the five service academies, the four year Reserve Officer Training Corps (ROTC) scholarship program, Uniform Services University of Health Sciences (USUHS) scholarship program, and the Army, Navy, and Air Force College Scholarship Program (CSP).

CATEGORIES OF RECORDS IN THE SYSTEM:

Report of the Medical Examination, Report of Medical History, Report of Dental Examination, to include dental x-rays and any associated civilian forms or medical tests that have been accomplished; may also contain personal correspondence between the DODMERB and the applicant, parents/guardian concerning the applicant's medical history or qualification status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133, Executive department, and E.O. 9397.

PURPOSE(S):

The medical examination in computer form is used to determine medical acceptability for one or more of the five military service academies or the ROTC, USUHS, CSP for the Air Force, Army and Navy ROTC. The computer also produces products to advise each program manager of initial status and all update actions on the applicant.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

In addition, Medical consultations with parents/legal guardians may be necessary to clarify/explain applicant's

medical status. Examinations may be released to civilian contract agents of the government and private physicians associated with medically certifying applicants for military service.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in computers, on computer output products, and on electronic digital imaging storage system.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

A paper copy of medical and dental records will be generated by computer on all appointed candidates and will be forwarded to each program the applicant is medically certified for. Computer and optical disk files for all applicants will be retained for five years. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Defense Medical Examination Review Board, USAF Force Academy, CO 80840–6518.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the Department of Defense Medical Examination Review Board, USAF Force Academy, CO 80840–6518.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Department of Defense Medical Examination Review Board, USAF Force Academy, CO 80840–6518.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions and subject of the record.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F160 MPC A

SYSTEM NAME:

Medical Assignment Limitation Record System.

SYSTEM LOCATION:

Headquarters, Air Force Manpower and Personnel Center/SG, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Air Force members whose cases have been presented to a Medical Evaluation Board and were returned to duty by Medical Evaluation Board or Physical Evaluation Board action and have been assigned an Assignment limitation Code 'C.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical Evaluation Board, Report of Medical Examination, Report of Medical History, Narrative Summary, Clinical Record Consultation Sheet, Electrocardiographic Record, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by and implemented by Air Force Regulation 35–4, Physical Evaluation for Retention, Retirement and Separation; 36–20, Officer Assignments, and 39–11, Airmen Assignments.

PURPOSE(S):

To determine if previous action has been taken by the system manager, and what the previous disposition was.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained in office files for two years or no longer needed for reference, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

AFMPC Surgeon, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFMPC Surgeon, Randolph Air Force Base, TX 78150.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFMPC Surgeon, Randolph Air Force Base, TX 78150.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F160 SG A

SYSTEM NAME:

Aircrew Standards Case File.

SYSTEM LOCATION:

Headquarters, Air Force Medical Service Center/SGPA, Brooks Air Force Base, TX 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This record system is maintained on all Air Force members who have been considered for medical waiver for flying duty due to conditions defined as serious illness or for waiver for flying training.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record system contains members' Report of Medical Examination, Report of Medical History, Narrative Summary, Aeromedical Evaluation, Electrocardiographic Record, Clinical Record Consultation Sheet, and USAF

School of Aerospace Medicine Evaluation Report (if accomplished).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, as implemented by Air Force Regulation 160–43, Medical Examination and Medical Standards.

PURPOSE(S):

Used to determine if a previous action has been taken, if a precedent exists for granting a waiver for a specific medical condition, and to provide a scientific basis to justify and improve waiver policies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in microform and on computer.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

HQ AFMSC/SGPA, Brooks Air Force Base, TX 78235.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the HQ AFMSC/SGPA, Brooks Air Force Base, TX 78235.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the HQ AFMSC/SGPA, Brooks Air Force Base, TX 78235.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F161 AF SG A

SYSTEM NAME:

Air Force Aerospace Physiology Training Programs.

SYSTEM LOCATION:

Chamber Flight Records located at USAF School of Aerospace Medicine, Data Sciences Branch (USAFSAM/BRR), Brooks Air Force Base, TX 78235. Physiological Training Monthly Report at each AF Physiological Training Unit (PTU), HQ USAFSAM/EDB, Brooks Air Force Base, TX 78235; Physiological Training Records at AF PTUs; Individual Physiological Training Records for aircrews, Individual Physiological Training Records for non-aircrew personnel at consolidated flight record custodians at Air Force installations and National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Aircrew and non-aircrew personnel required to fly on Air Force aircraft.

CATEGORIES OF RECORDS IN THE SYSTEM:

Used for records accounting and research. Contains data on attendance at formal training, type of course received, quality performance, training flight profiles, location of training, age, height, weight and sex of trainees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, as implemented by Air Force Regulation 50–27, Air Force Aerospace Physiological Training Program and Air Force Regulation 160–40, Administration of the Aerospace Physiological Training Program.

PURPOSE(S):

Authenticate type of training, location and trainees performance during course. Flight profiles (altitude chamber) and any reactions occurring during flight are maintained by each PTU for future authentication of training. Additional authentication is provided flight managers and scheduling officers and copies of flight profiles and reaction data are provided USAFSAM for research. A compilation of select data is forwarded to appropriate Command Coordinator for Physiological Training for management purposes, USAFSAM/EDB and the Data Sciences Division (USAFSAM/BRR) for analysis and research, and to the Air Force Medical Service Center, HQ AFMSC/SGPA, Brooks Air Force Base, Texas 78235 for management and research. Data for specific reactors to low pressure are handled as medical records with additional distribution to appropriate MAJCOM Surgeon/SGP for information and possible corrective action, to USAFSAM/EDB/VNT for research and analysis, and to HQ AFMSC/SGPA for policy/management/statistical/research analysis.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Record of training, records of individuals in a given class, altitude flight profiles, combined data of all individuals trained each month, and data on technicians providing the training are maintained in file folders, and in visible file cabinets.

RETRIEVABILITY:

Data relative to reactors to low pressure, management analysis procedures filed by Social Security Number. Authentication of training filed by name.

SAFEGUARDS:

Records are accessed by commanders of medical centers and hospitals and by custodian of the record system.

RETENTION AND DISPOSAL:

Chamber Flight Record at USAFSAM retained until entered into computer files, until superseded, obsolete, no longer needed for reference, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Physiological Training Monthly Report (original) at HQ Air Force Medical Service Center retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing

into pieces, shredding, pulping, macerating, or burning. Copies at other than HQ AFMSC retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Physiological Training Record after 6 years; Individual Physiological Training Records for non-flying personnel retained as a part of individual medical record until member separates from active or Reserve duty. For flying personnel, record is retained in flight records and turned over to individual after discharge, separation, retirement.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Air Force Medical Service Center.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the system manager. Attention Chief Aerospace Physiology HQ AFMSC/SGPA, Brooks Air Force Base, Texas 78235. Students should provide full name, military status, approximate date and last location of training; officers and technicians assigned AF Aerospace Physiology Programs provide full name and location of last training. Requesters may visit Air Force Medical Service Center. Proof of identity is by government ID Card for active/retired, driver's license for others.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the system manger.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Physiological Training Unit (PTU).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F161 AF SG B

SYSTEM NAME:

Compression Chamber Operation.

SYSTEM LOCATION:

Treatment Records (original) retained in individual health records at Air Force hospitals, medical centers and clinics as part of health record or National Personnel Records Center, Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118. First copy retained at USAF School of Aerospace Medicine, Hyperbaric Medicine Division (USAFSAM/HM), Brooks Air Force Base, TX 78235. Other copies at Air Force Medical Service Center, major command headquarters, and individual Physiological Training Unit (PTU) having Compression Therapy capability. Compression Chamber Operations Record is retained at PTUs having Compression Therapy capability; Compression Chamber Reactor Case Report (original) at Air Force hospitals, medical centers and clinics as part of health record or National Personnel Records Center, Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118. First copy retained at USAFSAM/HM. Other copies Headquarters Air Force Medical Service Center, major command headquarters, and individual PTUs having Compression Therapy capabilities, Oxygen Sensitivity Tolerance/Pressure Test National Personnel Records Center, at Air Force hospitals, medical centers and clinics as part of health record or Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers/technicians performing treatments (normally medical doctors, aerospace physiologists/physiological training technicians); patients who are Active duty military personnel, retired Air Force military personnel, dependents of military personnel, dependents of retired military and civilians treated on an emergency basis.

CATEGORIES OF RECORDS IN THE SYSTEM:

Treatment records of patient and records of personnel conducting treatment. Records of exposure to high pressure profiles are maintained for patient and personnel conducting treatment. Records of training dives are maintained on officers and technicians performing treatment dives as well as their physical capability/tolerance to perform in subsequent treatment dives/procedures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and Chapter 55, Medical and Dental Care, as implemented by Air Force Regulation 161–21, Use of Hyperbaric (Compression) Chambers for Therapy and Air Force Regulation 161–27, Hyperbaric Chamber Operations.

PURPOSE(S):

Provide an exact record for a patient treated by compression therapy and documents reactions of the patient's response to high pressure. Protects the patient by insuring that overexposure to high pressure does not occur.

Records are maintained on persons performing treatments because they are exposed to the same treatment profiles as their patients and to insure their capability of performing treatment and to determine in advance that they are no physiologic physiologically susceptible to potential hazards of treatment.

Category of user: Physicians, aerospace physiologists and technicians. Records are also provided to USAF Compression Therapy Center, USAFSAM/HM, Brooks Air Force Base, TX and the Air Force Medical Service Center, HQ AFMSC/SGPA, Brooks Air Force Base, Texas for research and statistical analysis, and management effectiveness.

Records maintained on technicians/officers conducting procedures are maintained at treatment site to insure overexposure to high pressure does not occur and to determine professional adequacy to participate in treatment dives.

Records involving officers/technicians performing treatment are provided MAJCOM/SGP, USAF School of Aerospace Medicine, Hyperbaric Medicine Center (USAFSAM/HMDB) and HQ AFMSC/SGPA for statistical analysis, research and management effectiveness considerations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and visible file binders/cabinets.

RETRIEVABILITY:

Patients records filed chronologically by subject.

SAFEGUARDS:

Records are accessed by commanders of medical centers and hospitals and by custodian of the record system.

RETENTION AND DISPOSAL:

Treatment Records (original) retained in individual health record for fifty years after date of latest document and then destroyed. First copy and other

copies at USAFSAM, HQ AFMSC and MAJCOMs retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed. Other copies at PTUs destroyed after 3 years; Compression Chamber Operation Record at PTUs retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed. Compression Chamber Reactor Case Report (original) retained in individual health record for fifty years after date of latest document, then destroyed. First copy at USAFSAM and other copies at HQ AFMSC and MAJCOMs retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed. Copies at PTU retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed. Oxygen Sensitivity Tolerance/Pressure Test retained in individual health record for fifty years after date of latest document, then destroyed. All records are destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Air Force Medical Service Center, Brooks Air Force Base, Texas.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Commander, Air Force Medical Service Center, Brooks Air Force Base, Texas.

Required information for military/ex-military is full name, Social Security Number; civilian should provide name, Social Security Number, location of treatment, and approximate date of treatment. Requester may visit Air Force Medical Service Center. Proof of identity is by government ID card for active/retired military, driver's license for civilians.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Commander, Air Force Medical Service Center, Brooks Air Force Base, Texas.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Physicians regarding diagnosis/ treatment.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F161 AF SG C

SYSTEM NAME:

USAF Master Radiation Exposure Registry.

SYSTEM LOCATION:

United States Air Force Occupational and Environmental Health Laboratory (AFSC), Brooks Air Force Base, TX 78235; Air Force medical centers, hospitals and clinics; Air Force operating locations and installations using sources of ionizing radiation. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel currently enrolled in or having been monitored under the USAF's Personnel Dosimetry Program or on whom the Air Force has performed a bioassay for radioactive materials since 1960. This includes Air Force military and civilian employees; military and civilian employees of other Components and the Department of Defense; and some employees of other federal agencies and civilian contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal radiation dosimetry (film badge or thermoluminescent dosimeter) results in monthly and lifetime cumulative periods and results of bioassays for radioactive materials in the body.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 20.401(a) and (c), 10 Chapter I, Code of Federal Regulations (10 CFR 20.401(a)(c)) as directed by E.O. 12196, 29 CFR 1910.96(b)(2)(iii), (n) and (o), implemented by Air Force Regulation 161–28, Personnel Dosimetry Program and the USAF Master Radiation Exposure Registry.

PURPOSE(S):

USAF Occupational and Environmental Health Laboratory (OEHL): - To maintain a cumulative record of occupational exposure to ionizing radiation on each radiation worker monitored under the USAF's personnel dosimetry program as required by Public Law; to provide a copy of an individual's record to any future employer of that individual who makes a proper request for it as provided for by law; to provide individuals a copy of their Air Force occupational radiation exposure history; to provide information about an individual's ionizing radiation exposure history to medical personnel responsible for radiation safety and the individual's health care, and the individual's supervisor; to provide information about radiation exposures resulting from radiation accidents or incidents to authorized investigators of such events and the Nuclear Regulatory Commission (NRC) or Department of Labor, Occupational Safety and Health Administration (DOL/OSHA); for use in epidemiological and statistical studies to determine the effectiveness of Air Force-wide radiological health programs, trends in exposure doses, exposure experiences of selected occupational groups and similar studies.

Medical personnel: - To determine the requirements for occupational physical examinations and assess whether an individual's medical condition may be related to his or her radiation exposure; to use in formulating recommendations to supervisors on requirements to remove or limit an individual from further work with ionizing radiation sources; to determine the need for investigation of workplace environments for abnormal radiation exposure conditions; to formulate recommendations for modifications of facilities, equipment or procedures to limit workers' radiation exposures to as low as reasonably achievable; to assist in developing worker education programs on local radiation hazards.

Employees' supervisors: - To determine whether employee can continue to work in a given radiation environment; to determine radiation exposures to personnel associated with a given task; to implement improvements in facilities, equipment, or procedures to reduce worker exposures to as low as reasonably achievable; to assist in local worker education about occupational radiation hazards.

Individuals: - To be aware of their lifetime radiation exposures and aid in making personal judgments about the occupational radiation hazards of their environment and in fulfilling their individual responsibilities for radiation safety.

Investigators of radiation accidents or incidents: - To assist in determining the possible causes of such an event and recommended measures to prevent recurrence; to determine the severity of the event and possible long term consequences to individuals involved in it or future similar events.

VOL 58 ISS 33 FE 22 1993 UMI

NRC and DOL/OSHA: - To use in formulating or enforcement of national policies and regulations for protection of workers from ionizing radiation sources in their occupational environment.

Future employers: - To use as the basis for continuing the lifetime cumulative record on individuals as required by Public Law and to use for all purposes for which the current employer uses these records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

At USAF OEHL, on computer disks and computer paper printouts; at installation level, on computer paper printouts provided by USAF OEHL.

RETRIEVABILITY:

Retrieved by Social Security Number; retrievable by name or Social Security Number.

SAFEGUARDS:

Records at USAF OEHL are accessed by custodian of the record system and persons responsible for servicing the record system in performance of their official duties and are controlled by computer system software and personnel screening. Records at installations are accessed by medical personnel in performance of their official duties. Records are controlled by personnel screening.

RETENTION AND DISPOSAL:

Records are permanent at USAF OEHL. Latest cumulative history entered in an individual's medical record is retained for the life of the medical record. Records retained by installation medical personnel and supervisors for one year, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Medical Service Center, Aerospace Medicine Consultants Division, Directorate of Professional Services (HQ AFMSC/SGPA), Brooks Air Force Base, TX 78235.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the USAF OEHL/RZD, Brooks Air Force Base, TX 78235.

Information required for identification of an individual record is: Full name, Social Security Number and Service Number(s) if different from Social Security Number. If the request is from other than the individual to whom the records pertain, a signed authorization by the individual to release the records to the requester is required.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the USAF OEHL/RZD, Brooks Air Force Base, TX 78235.

Information required for identification of an individual record is: Full name, Social Security Number and Service Number(s) if different from Social Security Number. If the request is from other than the individual to whom the records pertain, a signed authorization by the individual to release the records to the requester is required.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers; other components and civilian or government agencies responsible for conducting a radiation protection program and personnel dosimetry at an individual's workplace; and medical institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F162 AF SG A

SYSTEM NAME:

Dental Health Records.

SYSTEM LOCATION:

Air Force hospitals, medical centers and clinics; other authorized medical units serving military personnel and/or dependents. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices. Air Force Military Personnel Center, Randolph Air Force Base, TX 78148; National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132, National Personnel Records Center, Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired Air Force military personnel; Air Force Academy nominees/applicants; family members of military and retired personnel; foreign Nationals residing in the United States; American Red Cross personnel; other DOD civilian employees, Peace Corps and State Department personnel; Exchange Officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Chronological record of all care received in military dental facilities. This is primarily a record of all treatment received on an outpatient basis with supporting documentation such as consultations, dental history, laboratory, and x-ray reports; the record also includes temporary copies of appointment slips and attendance records until entered in the record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 55, Medical and Dental Care.

PURPOSE(S):

Chronological record of patient's dental health while authorized care in a military dental facility. Used by patient for further dental care, other uses such as insurance requests or compensation claims as specifically authorized by the patient. Used by dentist for further dental care of the patient, research, teaching. Used by other patient care providers within the hospital for further medical/dental care of the patient, research, teaching. Used by hospital and dental staff for evaluation of dental staff performance in the dental care rendered; dental research; teaching; hospital accreditation; preparation of statistical reports. Used by Army, Navy, Veterans Administration, Public Health Service, and other hospitals/clinics, for further dental care of the patient if currently undergoing treatment there. Record is released only upon receipt of the patient's signed authorization or a court order. Insurance companies require the patients' written consent for release. Used for establishing insurance benefits or payment of benefits. Used by other Air Force Agencies such as Central Tumor Registry which maintains files on all patients in whom a malignancy has been diagnosed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system, except as stipulated in 'Note' below.

Information from the inpatient or outpatient dental records of retirees and dependents may be disclosed to third party payers in accordance with 10 U.S.C. 1095 as amended by Public Law 99–272, for the purpose of collecting reasonable inpatient/outpatient hospital care costs incurred on behalf of retirees or dependents.

Records are used and reviewed by health care providers in the performance of their duties. Health care providers include military and civilian providers assigned to the medical facility where care is being provided.

Students participating in a training affiliation program with a USAF medical facility may also use and review records as part of their training program.

In addition, records may be disclosed to: (1) Officials and employees of the Veterans Administration in the performance of their official duties relating to the adjudication of veterans claims and in providing medical care to members of the Air Force. (2) Officials and employees of other departments and agencies of the Executive Branch of government upon request in the performance of their official duties relating to review of the official qualifications and medical history of applicants and employees who are covered by this record system and for the conduct of research studies. (3) Private organizations (including educational institutions) and individuals for authorized health research in the interest of the Federal government and the public. When not considered mandatory, patient identification data shall be eliminated from records used for research studies. (4) Officials and employees of the National Research Council in cooperative studies of the National History of Disease; of prognosis and of epidemiology. Each study in which the records of members and former members of the Air Force are used must be approved by the Surgeon General of the Air Force. (5) Officials and employees of local and state governments and agencies in the performance of their official duties pursuant to the laws and regulations governing local control of communicable diseases, preventive medicine and safety programs, child abuse and other public health and welfare programs. (6) Authorized surveying bodies for professional certification and accreditations. (7) The individual's organization or government agency as necessary when required by Federal statute, E.O., or by treaty.

NOTE: Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol/drug abuse, family advocacy, AIDS, or sickle cell prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–3, 290ee–3, and 21 U.S.C. 1175. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The 'Blanket Routine Uses' do not apply to these types of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, notebooks/binders, visible file binders/cabinets, card files, on x-ray film, and as photographs.

RETRIEVABILITY:

Retrieved by name, Social Security Number, or Military Service Number.

SAFEGUARDS:

Records are accessed by commanders of medical centers and hospitals, custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards, and controlled by personnel screening.

RETENTION AND DISPOSAL:

Records for military personnel are retained for fifty years after date of last document; for all others, twenty-five years. While on active duty, the Health Record of a US military member is maintained at the dental unit at which the person receives treatment. On separation/retirement the records are forwarded to National Personnel Records Center (NPRC/MPR) or other designated depository; such as Air Reserve Personnel Center, if reservist; to appropriate state National Guard unit, if National Guard member, to appropriate Veterans Administration Regional Office, if VA claim has been filed. Records of other personnel may be handcarried or mailed to the next military medical facility at which treatment will be received, or the records are retained at the treating facility for a minimum of 1 year after date of last treatment then retired to NPRC or other designated depository, such as but not limited to, Commandant (G-PO) US Coast Guard, Washington DC 20593 for Coast Guard active duty members; Medical Director, American Red Cross, Washington, DC 20006 for Red Cross Personnel.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force. Assistant Surgeon General for Dental Services USAF; commanders of medical centers, hospitals, clinics, and medical aid stations. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the system manager giving complete name, social security number of individual through whom eligibility for care is established, year in which treatment was received, location treatment was received, whether treatment was on an inpatient or outpatient basis.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the system manager. An appropriately signed authorization for the release of information is required with complete name and Social Security Number of individual through whom eligibility for care was established.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from patient and other medical institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F162 SG A

SYSTEM NAME:

Dental Personnel Actions.

SYSTEM LOCATION:

United States Air Force Surgeon General, Office of the Assistant Surgeon General for Dental Services, Bolling Air Force Base, Washington, DC 20332 (HQ USAF/SGD).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who are or have been associated with the Air Force Dental Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

General correspondence relating to dental personnel actions; including but not limited to awards and decorations, letters of appreciation or congratulation, favorable or unfavorable communications, promotion letters, retirement letters, resignation letters, specialty board certificates, chief dentists badge selection board, moonlighting program, military assistance program, Air Forces personnel listings, AFSC Prefix Awards (A & W), Dental Consultant program, Uniformed Services University of Health Sciences (USUHS), administration of office personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; powers and duties; delegation by and 8067(b), Designation; officers to perform certain professional functions.

PURPOSE(S):

Supporting documentation for Air Staff for establishing policies and procedures on professional personnel activities for the Air Force Dental Service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/binders, visible file binders/cabinets, card files and on computer paper printouts.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards and controlled by personnel screening.

RETENTION AND DISPOSAL:

Records are retained in active file for two years or until purpose has been served, then destroyed, by tearing into pieces, shredding, pulping, macerating or burning

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force. Assistant Surgeon General for Dental Services HQ USAF. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Surgeon General, Headquarters United States Air Force. Assistant Surgeon General for Dental Services HQ USAF. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Individuals should provide complete name, Social Security Number and military status of individual requesting information.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Surgeon General, Headquarters United States Air Force. Assistant Surgeon General for Dental Services HQ USAF. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions, automated system interfaces and source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F168 ACC A

SYSTEM NAME:

Physician Retention Program.

SYSTEM LOCATION:

Headquarters, Tactical Air Command (HQ TAC), Langley Air Force Base, VA 23665–5578, and at all TAC medical facilities. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Practitioners who are members of the United States Air Force Medical Service or civil service employees and who are assigned to, employed by, or practice in any TAC medical facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Social Security Number, duty title, specialty and Air Force Specialty Code, information on service commitment, educational background, personal goals, career goals, and future plans; spouse's name, spouse's occupation, children's names and ages. Date entered Air Force, past duty assignments, reasons for entering and remaining, and future assignment desires. Deterrents to making the Air Force a career.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; powers and duties, delegation by; as implemented by Air Force Regulation 168–4, Tactical Air Command Supplement 1, Administration of Medical Activities, and E.O. 9397.

PURPOSE(S):

To assist in retaining qualified physicians beyond their initial service commitments.

To identify and reduce or eliminate irritants to each physician.

Information is solicited to make future career assignments and reassess irritants and reasons for dissatisfaction.

Information is summarized and presented to a retention committee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and visible file binders/cabinets and computer and computer products.

RETRIEVABILITY:

Retrieved by name, Social Security Number, and location.

SAFEGUARDS:

Records are accessed by custodian of the record system; by person(s) responsible for servicing the record system in performance of their official duties; by commanders of TAC medical facilities, and HQ TAC surgeon general personnel with an official need to know. Computers and disks will be stored in locked cabinets or locked rooms.

RETENTION AND DISPOSAL:

Records are transferred to the gaining TAC medical facility if reassigned within TAC. If separated or reassigned outside of TAC, records will be retained for one year then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Electronic data will be erased upon separation or reassignment to a non-TAC medical facility.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters, Tactical Air Command, Director of Professional Services, Langley Air Force Base, VA 23665–5578, ATTN: Physician Retention Officer.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this record system contains information on themselves should address inquiries to or visit the medical facility Physician Retention Officer where assigned. Official mailing addresses are published as an appendix to the Air Forces' compilation of systems of records notices.

For records maintained at HQ TAC, contact Headquarters, Tactical Air Command, Director of Professional Services, Langley Air Force Base, VA 23665–5578, ATTN: Physician Retention Officer.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address requests to the medical facility Physician Retention Officer where assigned. Official mailing addresses are published as an appendix to the Air Forces' compilation of systems of records notices.

For records maintained at HQ TAC, contact Headquarters, Tactical Air Command, Director of Professional Services, Langley Air Force Base, VA 23665–5578, ATTN: Physician Retention Officer.

CONTESTING RECORD PROCEDURES:

The Air Force rule for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from subject of the record.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F168 AF SG A

SYSTEM NAME:

Automated Medical/Dental Record System.

SYSTEM LOCATION:

At Air Force medical centers, hospitals and clinics, major command headquarters and separate operating agency headquarters; Air Force Data Service Center, Air Force Medical Service Center, USAF School of Aerospace Medicine, and USAF School of Health Care Sciences. Official mailing addresses are published as an appendix to the Air Force's compilation of systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who is hospitalized in, is dead on arrival at or has received medical or dental care at an Air Force medical treatment facility. Individuals who have received medical care at other DOD or civilian medical facilities but whose records are maintained at or processed by Air Force medical facilities. Any military active duty member who is on an excused-from-duty status, on quarters, or subsistence elsewhere, on convalescent leave, meets Medical Evaluation Board (MEB), or a Physical Evaluation Board (PEB), on an outpatient basis or who is hospitalized in a non-federal hospital and for whom an Air Force medical facility has assumed administrative responsibility. Any individual who has undergone medical or dental examinations at any Air Force medical facility (or whose records are maintained or processed by the Air Force), e.g., pre-employment examinations and food handlers examinations, or who has otherwise had medical or dental tests performed at any Air Force medical facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files consist of automated records of treatment received and medical/dental test performed on an inpatient/outpatient basis in military medical treatment facilities and of military members treated in civilian facilities. These records may include radiographic images and reports, electrocardiographic tracings and reports, laboratory test results and reports, blood gas analysis reports, occupational health records, dental radiographic reports and records, automated cardiac catheterization data and reports, physical examination reports, patient administration and scheduling reports, pharmacy prescriptions and reports, food service reports, hearing conservation tests, cardiovascular fitness examinations and reports, reports of medical waivers granted for flight duty, and other inpatient and outpatient data and reports. They may contain information relating to medical/dental examinations and treatments, inoculations, appointment and scheduling information, and other medical and/or dental information. Subsystems of the Automated Medical/Dental Data System include: Air Force Clinical Laboratory Automation System (AFCLAS)/TRILAB I; Automated Cardiac Catheterization Laboratory System (ACCLS); Computer Assisted Practice of Cardiology (CAPOC) System; DATA STAT Pharmacy System (formerly PROHECA); Occupational Health and Safety System; Patient Appointment and Scheduling System (PAS); Tri-Laboratory System (TRILAB); Tri-Pharmacy System; Tri-Radiology System (TRIRAD); Health Evaluation and Risk Tabulation (HEART).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 55, Medical and Dental Care, and E.O. 9397.

PURPOSE(S):

Used as a record of patient's medical/dental health, diagnosis, and treatment and disposition while authorized care. Used to help determine individual's qualification for duty, for security clearances and for assignments. Used by an individual or his legal representative for further medical care, legal purposes, or other uses such as insurance requests or compensation and other health care providers for further care of the patient, research teaching, and legal purposes. Used by medical treatment facility staff for evaluation of staff performance in the care rendered; for preparation of statistical reports; for reporting communicable diseases and other conditions required by law to federal and state agencies. Used by Army, Navy, Veterans Administration, Public Health Service or civilian hospitals for continued medical care of the patient. Used by insurance companies, (only with the patient's written consent for release, except as authorized in 10 U.S.C. 1095; for arbitrating insurance claims. Used by other federal agencies such as Veterans Administration and Department of Labor (workmen's compensation) for adjudication of

claims; for reporting communicable diseases or other conditions required by law. Used to provide input to other DOD medical records systems including the Medical Record System (F168 AF SG C), the Dental Personnel Actions (F162 SG A), and other DOD agencies (e.g., Army Navy) when such agency is normally the primary source or repository of medical information about the individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system, except as stipulated in 'Note' below. Information from the inpatient or outpatient medical records of retirees and dependents may be disclosed to third party payers in accordance with 10 U.S.C. 1095 as amended by Public Law 99–272, for the purpose of collecting reasonable inpatient/outpatient hospital care costs incurred on behalf of retirees or dependents. In addition, records may be disclosed to: (1) Officials and employees of the Veterans Administration in the performance of their official duties relating to the adjudication of veterans claims and in providing medical care to members of the Air Force. (2) Officials and employees of other departments and agencies of the Executive Branch of government upon request in the performance of their official duties relating to review of the official qualifications and medical history of applicants and employees who are covered by this record system and for the conduct of research studies. (3) Private organizations (including educational institutions) and individuals for authorized health research in the interest of the Federal government and the public. When not considered mandatory, patient identification data shall be eliminated from records used for research studies. (4) Officials and employees of the National Research Council in cooperative studies of the National History of Disease; of prognosis and of epidemiology. Each study in which the records of members and former members of the Air Force are used must be approved by the Surgeon General of the Air Force. (5) Officials and employees of local and state governments and agencies in the performance of their official duties pursuant to the laws and regulations governing local control of communicable diseases, preventive medicine and safety programs, child abuse and other public health and welfare programs. (6) Authorized surveying bodies for professional certification and accreditations. (7) The individual's organization or government agency as necessary when required by Federal statute, E.O., or by treaty.

NOTE: Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol/drug abuse, family advocacy, AIDS, or sickle cell prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–3, 290ee–3, and 21 U.S.C. 1175. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The 'Blanket Routine Uses' do not apply to these types of records.

RETENTION AND DISPOSAL:

Computer files are retained for variable lengths of time depending upon the type of information involved and the size and mission of the medical treatment facility. Retention time may vary from one day to ten years. Records are disposed of by erasure of the magnetic computer records and destruction of the computer related worksheets on paper, film, or other media by tearing, shredding, pulping, burning or other destructive methods. Identical medical/dental information may be retained for longer periods of time in other medical records systems (such as inpatient or outpatient charts), including the Medical Record System (F168 AF SG C) and Dental Personnel Actions (SG 162 SG A).

SYSTEM MANAGER(S) AND ADDRESS:

Major command and field operating agency headquarters and Air Force Medical Service Center; commanders of USAF medical centers; USAF School of Health Care Sciences; Aerospace Medical Division, Brooks AFB, Texas, and the USAF School of Aerospace Medicine, Brooks AFB, Texas. Official mailing addresses are published as an appendix to the Air Force's compilation of systems notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address inquires to the system manager. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address requests to the system manager. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices. Requests should include complete name (including maiden name), sponsor's name, Social Security Number or Service Number of person through whom eligibility is established, category of record desired, year in which treatment was provided, whether treatment was inpatient or outpatient. If the individual establishes eligibility through a sponsor other than self, the request should include the relationship to the sponsor, e.g., spouse, second oldest child, parent, etc.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual whenever practical and possible; from other individuals when necessary, e.g. when the patient is a child or is in coma; from other medical institutions; from automated systems interfaces; from medical records, and from patient interactions with physicians and other health care providers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F168 AF SG B

SYSTEM NAME:

Family Advocacy Program Record.

SYSTEM LOCATION:

Headquarters United States Air Force, Office of the Surgeon General, Washington, DC 20330–6118; Headquarters Air Force Office of Medical Support, Directorate of Professional Affairs and Quality Assurance, Air Force Family Advocacy Program, Brooks Air Force Base, San Antonio, TX 78235–5000; Major Command Surgeon's office, and Air Force Hospitals, medical centers and clinics. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All family members entitled to care at Air Force medical and dental facilities whose exceptional medical or educational conditions or family maltreatment is brought to the attention of appropriate authorities and all persons suspected of perpetrating maltreatment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records of family members exceptional medical and/or educational needs or suspected and established cases of family maltreatment, investigative reports, correspondence, family advocacy case management team minutes and reports, follow-up and evaluation reports, and any other supportive data assembled relevant to individual family advocacy program records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and Duties; delegation by; as implemented by Air Force Regulation 160–38, Air Force Family Advocacy Program, and E.O. 9397.

PURPOSE(S):

Used in the performance of official duties relating to health and medical treatment of members of the uniformed services, civilians, and dependents receiving medical care under Air Force auspices; performance of research and compilation of statistical data.

Used by other components of the Department of Defense in the performance of official duties relating to the coordination of family advocacy programs, medical care and research concerning family maltreatment and neglect and exceptional educational or medical conditions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Disclosure is authorized to any member of the family in whose sponsor's name the file is maintained, in furtherance of treating any member of the family.

Used by the Attorney General of the United States or his authorized representatives in connection with litigation, or other matters under the direct jurisdiction of the Department of Justice.

To officials and employees of the Department of Veterans Affairs in the performance of their official duties relating to the adjudication of veterans claims and in providing medical care to members of the Air Force.

To officials and employees of other departments and agencies of the Executive Branch of government upon request in the performance of their official duties relating to review of the official qualifications and medical history of applicants and employees who are covered by this record system and for the conduct of research studies and relating to the coordination of family advocacy programs, medical care and research concerning family maltreatment and neglect and exceptional educational or medical conditions.

To private organizations (including educational institutions) and individuals for authorized health research in the interest of the Federal government and the public. When not considered mandatory, patient identification data shall be eliminated from records used for research studies.

To officials and employees of the National Research Council in cooperative studies of the National History of Disease; of prognosis and of epidemiology. Each study in which the records of members and former members of the Air Force are used must be approved by the Surgeon General of the Air Force.

To officials and employees of local and state governments and agencies in the performance of their official duties pursuant to the laws and regulations governing local control of communicable diseases, preventive medicine and safety programs, child abuse and other public health and welfare programs.

Used by federal, state or local governmental agencies when appropriate in the counseling and treatment of individuals or families with exceptional medical or educational needs or when involved in child abuse or neglect.

To authorized surveying bodies for professional certification and accreditations.

To the individual organization or government agency as necessary when required by Federal statute, E.O., or by treaty.

Drug/Alcohol and Family Advocacy information maintained in connection with Abuse Prevention Programs shall be disclosed only in accordance with applicable statutes.

NOTE: Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–3 and 290ee–3. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The 'Blanket Routine Uses' do not apply to these types of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored in file folders, microfilm, or computerized or machine readable media.

RETRIEVABILITY:

Records are retrieved by the Social Security Number of the sponsor or guardian.

SAFEGUARDS:

Records are maintained in various kinds of filing equipment in specified monitored or controlled access rooms or areas. Records are accessible only to authorized personnel that are properly screened and trained, and on a need-to-know basis only. Computer terminals are located in supervised areas with access controlled by password or other user code system.

RETENTION AND DISPOSAL:

Retained in office files for five years after the end of the year in which case was closed, retired to National Personnel Record Center (Civilian), 111 Winnebago Street, St Louis, MO 63118–2001 for an additional 20 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General; Headquarters Air Force Office of Medical Support; Major Command Surgeons; commanders of medical centers, hospitals, and clinics. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address inquiries to or visit the Family Advocacy Officer at Air Force hospitals, medical centers and clinics.

Requests should include name, Social Security Number of sponsor, and location of incident. Official mailing addresses are published as an appendix

to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address inquiries to or visit the Patient Affairs Officer at Air Force medical treatment facilities. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, reports from physicians and other medical department personnel; reports and information from other sources including educational institutions, medical institutions, law enforcement agencies, public and private health and welfare agencies, and witnesses.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2) and (k)(5), as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553 (b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 806b.

F158 AF SG C

SYSTEM NAME:

Medical Record System.

SYSTEM LOCATION:

Headquarters, United States Air Force, Surgeon General (HQ USAF/ SG), medical centers, hospitals and clinics, medical aid stations, National Personnel Record Centers, Air National Guard activities, and Air Force Reserve units. Official mailing addresses are published as an appendix to the Air Force compilation of systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons treated in an Air Force medical facility and active duty members for whom primary care is provided.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inpatient and outpatient records of care received in Air Force medical facilities. Documentation includes, but is not limited to, patient's medical history; physical examination; treatment received; supporting documentation such as laboratory and x-ray reports; cover sheets and summaries of hospitalization; diagnoses; procedures or surgery performed; administrative forms which concern medical conditions such as Line of Duty Determinations; physical profiles, and medical recommendations for flying duty. Secondary files are maintained such as patient registers, nominal indices, x-ray and laboratory files, indices and registers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 55, Medical and Dental Care, 10 U.S.C. 8013, Secretary of the Air Force; powers and duties; delegation by, and E.O. 9397.

PURPOSES:

Used to document, plan, and coordinate the health care of patients; aid in preventative health and communicable disease control programs; determine eligibility and suitability for benefits for various programs; adjudicate claims; evaluate care rendered; teach compile statistical data, and conduct research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system, except as stipulated in 'Note' below.

Information from the inpatient or outpatient medical records of retirees and dependents may be disclosed to third party payers in accordance with 10 U.S.C. 1095 as amended by Public Law 99–272, for the purpose of collecting reasonable inpatient/outpatient hospital care costs incurred on behalf of retirees or dependents. Records are used and reviewed by health care providers in the performance of their duties. Health care providers include military and civilian providers assigned to the medical facility where care is being provided. Students participating in a training affiliation program with a USAF medical facility may also use and review records as part of their training program. In addition, records may be disclosed to: (1) Officials and employees of the Veterans Administration in the performance of their official duties relating to the adjudication of veterans claims and in providing medical care to members of the Air Force. (2) Officials and employees of other departments and agencies of the Executive Branch of government upon request in the performance of their official duties relating to review of the official qualifications and medical history of applicants and employees who are covered by this record system and for the conduct of research studies. (3) Private organizations (including educational institutions) and individuals for authorized health research in the interest of the Federal government and the public. When not considered mandatory, patient identification data shall be eliminated from records used for research studies. (4) Officials and employees of the National Research Council in cooperative studies of the National History of Disease; of prognosis and of epidemiology. Each study in which the records of members and former members of the Air Force are used must be approved by the Surgeon General of the Air Force. (5) Officials and employees of local and state governments and agencies in the performance of their official duties pursuant to the laws and regulations governing local control of communicable diseases, preventive medicine and safety programs, child abuse and other public health and welfare programs. (6) Authorized surveying bodies for professional certification and accreditations. (7) The individual's organization or government agency as necessary when required by Federal statute, E.O., or by treaty.

NOTE: Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol/drug abuse, family advocacy, AIDS, or sickle cell prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–3, 290ee–3, and 21 U.S.C. 1175. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The 'Blanket Routine Uses' do not apply to these types of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper and machine-readable form.

RETRIEVABILITY:

By name, Social Security Number, or by Military Service Number.

SAFEGUARDS:

Records are accessed by commanders of medical centers, hospitals, and clinics; by custodian of the record system, and by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

While on active duty, the Health Record of a US military member is maintained at the medical unit at which the person receives treatment. On separation or retirement, records are forwarded to National Personnel Records Center/Military Personnel Records (NPRC/MPR) or other designated depository, such as Commandant, US Coast Guard for that agency's personnel, to appropriate Veterans Administration (VA) Regional Office if a VA claim has been filed. Records of non-active duty personnel may be handcarried or mailed to the next military medical facility at which treatment will be received or the records are retained at the treating facility for a minimum of 1 year after date of last treatment then retire to NPRC or other designated depository, such as, but not limited to, Medical Director, American Red Cross, Washington, DC 20006 for Red Cross personnel. At NPRC records for military personnel are retained for 50 years after date of last document, for all others 25 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force. Chief of Air Force Reserve, Headquarters United States Air Force. Director of Air National Guard, Headquarters United States Air Force. Commanders of medical centers, hospitals, clinics, medical aid stations; Commander, Air Force Manpower and Personnel Center. Official mailing addresses are published as an appendix to the Air Force's compilation of system notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contain information about themselves should address inquiries to or visit the system manager. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address requests to the system manager. Official mailing addresses are published as an appendix to the Air Force's compilation of systems notices.

Requester must submit full name; Social Security Number (or Military Service Number) through whom eligibility for care is established; date (at least year) treatment was provided; name of facility providing treatment, and whether treatment was as inpatient or outpatient.

RECORD ACCESS PROCEDURES:

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 1806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Physicians and other patient care providers such as nurses, dietitians, and physicians assistants. Administrative forms are completed by appropriate military or civilian officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F168 AF SG D

SYSTEM NAME:

Medical Service Accounts.

SYSTEM LOCATION:

Air Force hospitals, medical centers and clinics.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel, retired military personnel, dependents of active duty, retired and deceased military personnel, and civilians treated in emergencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Hospital Invoice/Receipt/Accounts Receivable Records showing charges for subsistence and medical service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, as implemented by Air Force Regulation 168–4, Administration of Medical Activities.

PURPOSE(S):

Used by the Medical Service Account officer as a record of cash receipts, as a basic instrument for posting to the cash and sales journal and as an account receivable record.

Used by Food Service Officer as a receipt for cash collected and turned in to the Medical Service Account officer.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders at Clinics, Hospitals, and Medical Centers.

RETRIEVABILITY:

Retrieved by name and invoice receipt number.

SAFEGUARDS:

Records are accessed by custodian of the record system, by person(s) responsible for servicing the record system in performance of their official duties and Air Force auditors.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Medical Service Account Officers at all Clinics, Hospitals, Medical Centers. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Medical Service Account Officers at all Clinics, Hospitals, Medical Centers. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Medical Service Account Officers at all Clinics, Hospitals, Medical Centers. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and

appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as records, reports and accounts maintained by medical facilities.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F168 AF SG E

SYSTEM NAME:

Nursing Service Records.

SYSTEM LOCATION:

Air Force hospitals, medical centers and clinics. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military personnel; Air Force civilian employees; Air Force Reserve and National Guard personnel; Air Force Academy cadets; dependents of military personnel; Foreign Nationals residing in the United States; American Red Cross personnel, Peace Corps and State Department personnel; Exchange officers, anyone admitted to inpatient status in Air Force medical facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains 24-hour nursing reports, listings of ward patients and registers containing information on operations performed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 55, Medical and dental care, and 10 U.S.C. 8067(e), Designation: Officers to perform certain professional functions, as implemented by Air Force Regulation 168–4, Administration of Medical Activities.

PURPOSE(S):

Used by Chief Nurse and other management personnel to determine nursing care work loads and allocate resources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system. Records are used and reviewed by health care providers in the performance of their duties. Health care providers include military and civilian providers assigned to the medical facility where care is being provided. Students participating in a training affiliation program with a USAF medical facility may also use and review records as part of their training program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, notebooks and binders.

RETRIEVABILITY:

Retrieved by name, dates of admission and discharge from medical facility, date of operation.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Retained in office files for three months after monthly cutoff, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Operation registers are destroyed after five years.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, United States Air Force. Chief Nurses of medical centers and hospitals. Official mailing addresses are published as an appendix to the Air Force's compilation of system notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the system manager. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the system manager.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From medical records and personal observations of Nursing Service personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F168 AF SG F

SYSTEM NAME:

Air Force Blood Program.

SYSTEM LOCATION:

Air Force hospitals, medical centers and clinics. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military personnel, dependents of military personnel, government employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Emergency blood donor list, donor record cards, and a roster/list by blood type and Rh factor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 262, Regulation of biological products, as implemented by Air Force Regulation 160–26, Air Force Blood Program.

PURPOSE(S):

Used by Air Force medical centers, hospitals and clinics to control, coordinate and process request for blood donors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and in card files.

RETRIEVABILITY:

Retrieved by name. Rosters/lists are filed chronologically.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties, and by commanders of medical centers, hospitals and clinics. Records are stored in security file containers/cabinets.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Donor record cards are retained in office files for seven years.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Surgeon General, Headquarters United States Air Force. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Surgeon General, Headquarters United States Air Force. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Documents prepared by the Air Force.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F175 AFAA A

SYSTEM NAME:

Air Force Audit Agency Management Information System - Report File.

SYSTEM LOCATION:

Headquarters, Air Force Audit Agency, The Auditor General (AFAA/AG), Norton Air Force Base, CA 92409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Audit office chiefs issuing audit reports and auditors-in-charge of performing audits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of audit.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used to evaluate audit coverage by an auditor.

Used to develop expertise listing by auditor. All other accesses of the file are for statistical data and records not pertaining to individuals.

The purposes of this file are to provide a research capability on past audit findings reported in audit reports and to provide a history of audit coverage to support organizational planning and management. The above listed retrievals constitute the only retrievals made using the individual's name as the key, all others are keyed on subject or report indicative data.

All levels of AFAA management use this information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer and on computer paper printouts, microfiche, and card files.

RETRIEVABILITY:

Audit report data is retrieved by individual name. Retrieved by office, by report type, and report number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms and are controlled by computer system software.

RETENTION AND DISPOSAL:

Retained in computer files or on magnetic tape for six years and then destroyed by tape reuse or tape destruction.

SYSTEM MANAGER(S) AND ADDRESS:

AFAA/AG, Norton Air Force Base, CA 92409.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFAA/AG, Norton Air Force Base, CA 92409.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFAA/AG, Norton Air Force Base, CA 92409.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Reports of Audit and annotated information. Report notification data generated internally within the AFAA.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F176 AA A

SYSTEM NAME:

Accounts Receivable.

SYSTEM LOCATION:

Office of the Secretary of the Air Force, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Air Force employees authorized to use Air Force Mess Number One.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records all charges or purchases by members of Air Force Mess Number One.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used to bill members authorized use of the Mess.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in note books/binders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record

system in performance of their official duties. Records are stored in locked cabinets or rooms. Access controlled by Manager and restricted to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained until Official Audit and then destroyed through shredding, macerating, burning, pulping, tearing into pieces.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Assistant to the Secretary of the Air Force, The Pentagon, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Administrative Assistant to the Secretary of the Air Force, The Pentagon, Washington, DC 20330.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Administrative Assistant to the Secretary of the Air Force, The Pentagon, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Charges.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F176 AF HC A

SYSTEM NAME:

Chaplain Fund Service Contract File.

SYSTEM LOCATION:

Air Force installations only. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Contracting officers and representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contract between local chaplain fund and an individual for provision of specified services not available through other funds.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Record of terms of contracts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Chaplains, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Chaplains, Headquarters United States Air Force. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief of Chaplains, Headquarters United States Air Force. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from contractor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F176 AF MP A

SYSTEM NAME:

Nonappropriated Fund Instrumentalities (NAFIs) Financial System.

SYSTEM LOCATION:

Air Force Military Personnel Center, Randolph Air Force Base, TX 78150–6001, major commands headquarters and field operating agencies, and Air Force Morale NAIF when deemed appropriate and necessary and approved by the appropriate commander. System exists within approximately 500 NAFI which include resale and revenue-sharing NAFI, Morale, Welfare, and Recreation Fund (MWRF), and supplemental mission services NAFI. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel who are members of membership associations or authorized patrons of any of the above NAFI, and with whom financial transactions are conducted including the extension of credit in accordance with Air Force regulations or those whose personal checks are returned to the NAFI by the banking system for such reasons as insufficient funds, closed accounts, invalid signatures, bank errors, etc. In accordance with appropriate Air Force regulations concerning NAFI participation, the above personnel may include, but are not limited to: Active duty and retired military members and their dependents; members of United States Reserve components and Federally recognized National Guard units; military members of foreign governments on duty with the Department of Defense (DOD); DOD civilians and their dependents; Federal Government employees working on military installations and their dependents, or retired Federal employees who were members/participants of a NAFI at time of retirement; contractor employees; technical representatives; and others who are authorized logistic support and work at the installation and where membership or usage would be in the best interest of the installation; commissioned members of the American Red Cross and United States Public Health Service, and the United States Environmental Sciences

Administration; unremarried spouses and children of deceased active duty or retired members of the United States Armed Forces, and certain other categories of individuals identified by authorized personnel who directly support Air Force mission requirements. Also, all personnel employed by or assigned to the NAFI who are involved in financial transactions involving the NAFI whether internal or external, including but not limited to, the receipt or control of cash or other properties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records resulting from financial transactions with authorized members, patrons, vendors, or those otherwise entitled to utilize or deal with a NAFI service. Such records include, but are not limited to: Subsidiary account ledgers maintained on individual members/authorized patrons who are charged dues and/or extended credit including the use of billeting type facilities prior to payment; form(s) on which a record of delinquent accounts or dishonored checks and their disposition are maintained, and records of package liquor or other sales or services. Records necessitated for or by internal/external financial record keeping or asset control, including but not limited to the receipt and control of cash; custody for tangible property, and any actions taken as a result of any irregularity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Regulation 176–10, Financial Operations and Accounting Procedures, Air Force Manual 176–378, Standard Accounting Procedures for Nonappropriated Funds, and E.O. 9397.

PURPOSE(S):

To record charges and credits of members and others authorized credit. To prepare billing statements or furnish data to an outside party to prepare billing statements. To maintain a record of returned checks. To assist in collecting all amounts due in accordance with established Air Force procedures. To compile a statistical quarterly report on returned checks and statistical data on delinquent accounts receivable for use with the financial reports. To verify eligibility to engage in financial transactions with NAFI, including package liquor and other sales and extension of credit. To form a data base within the financial system of the NAFI. Used by personnel responsible for conducting Air Force Morale, Welfare, and Recreation (MWR) financial transactions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

Records from this system may be disclosed to other government agencies, commercial or nonprofit concerns conducting activities in support of, similar to, or in furtherance of, the Air Force programs involved.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name, membership organization account number, and/or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records stored in locked rooms, cabinets, and in computer storage devices protected by computer system software.

RETENTION AND DISPOSAL:

Subsidiary accounts receivable are retained throughout the life cycle of credit sales and for as long as an individual remains in an active member/authorized patron status. Those forms used in connection with delinquent accounts or returned checks are retained until no longer needed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff for Personnel, Randolph Air Force Base, TX 78150–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the Assistant Deputy Chief of Staff for Personnel, Randolph Air Force Base, TX 78150–6001.

Individuals may also contact the appropriate Nonappropriated Fund Financial Management Branch or the appropriate operating manager. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Assistant Deputy Chief of Staff for Personnel, Randolph Air Force Base, TX 78150–6001.

Individuals may also contact the appropriate Nonappropriated Fund Financial Management Branch or the appropriate operating manager. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual members/patrons/users of a service themselves, charge slips, payment receipts, checks, and other authorized financial forms and records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F176 AF MP B

SYSTEM NAME:

Nonappropriated Fund (NAF) Insurance and Employee Benefit System File

SYSTEM LOCATION:

Air Force installations' Nonappropriated Fund Instrumentalities (NAFI), local Central Civilian Personnel Offices, and the Air Force Morale, Welfare and Recreation Center, Randolph Air Force Base, TX 78150–7000. Official mailing addresses are published an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Regular full-time and regular part-time Air Force NAFI employees compose Air Force NAF Group Life and Health Insurance Program; regular full-time Air Force NAFI employees compose Air Force NAFI Retirement Program, and Air Force NAFI civilian employees who sustain job related illnesses or injuries in Workers' Compensation Program.

VOL 58 ISS 33 FE 22 1993 UMI

CATEGORIES OF RECORDS IN THE SYSTEM:

Group Life and Health Insurance Program File, Retirement Program File, Unemployment Compensation File, and Workers' Compensation Claim File, all of which consist of, but are not limited to the following: applications and/or waivers of participation; notices of change of beneficiary; notices of termination of eligibility, disability and death; evidence of age and qualification for benefits; application for retirement; election to reinstate prior participation and survivor annuities; Social Security earnings data; employer certification of coverage; hospitalization and claims forms; report of accident or occupational illness; medical reports; payment forms; data for managing the Unemployment Compensation Program; personal historical information, and other related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8171, Compensation for work injuries; generally; 8173, Liability under subchapter II exclusive; DOD Manual 1401.1–M; 10 U.S.C. 8013, Secretary of the Air Force: powers and duties, delegation by, as implemented by Air Force Regulations 40–7, Nonappropriated Funds Personnel Management and Administration, 34–3, Vol VIII, NAF Insurance Programs, and E.O. 9397.

PURPOSE(S):

Provides information for the administration of the programs, to determine eligibility and pay benefits due. It is used in statistical and actuarial evaluations of the programs. The information is used to insure compliance with applicable laws and adjudicate and pay claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

Information in the system may be disclosed to commercial concerns in actuarial evaluations, determination of eligibility, and amount of benefit payments due.

May be disclosed to Federal, state, and local governmental agencies as required by law, and to the Department of Labor to ensure compliance with statutory requirements.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, microform, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system, by person(s) responsible for servicing the record system in performance of their official duties, who are properly screened and cleared for need-to-know. Records are stored in locked file containers, cabinets, vaults or rooms, and in computerized data storage devices controlled by computer system software.

RETENTION AND DISPOSAL:

At installation level, NAF Life and Health Insurance Program and NAF Retirement Program records are retired to National Personnel Records Center, 111 Winnebago Street, St. Louis, MO 62225–2001, upon employees separation, death, or retirement. At Headquarters Air Force level, NAF Retirement and Unemployment Compensation Programs records are retained for a minimum of 20 years upon an employee's withdrawal from the program. At Headquarters Air Force level, NAF Workers' Compensation Program records are retained for 3 years after file is closed, retired to National Personnel Records Center for 15 additional years, and then destroyed. For all systems, eventual destruction is by burning, shredding, pulping, or macerating. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Insurance and Employee Benefits, Air Force Morale, Welfare and Recreation Center, Randolph Air Force Base, TX 78150–7000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address written inquiries to or visit the Chief, Insurance and Employee Benefits, Air Force Morale, Welfare and Recreation Center, Randolph Air Force Base, TX 78150–7000 or to the local Central Civilian Personnel Office at installation of employment of individual making request.

Give name and Social Security Number (and date of accident or injury if related to worker's compensation claim).

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to or visit the Chief, Insurance and Employee Benefits, Air Force Morale, Welfare and Recreation Center, Randolph Air Force Base, TX 78150–7000 or to the local Central Civilian Personnel Office at installation of employment of individual making request.

Give name and Social Security Number (and date of accident or injury if related to worker's compensation claim). Government identification card, or vehicle driver's license is required for positive identification.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individuals and their survivors and beneficiaries; Department of Labor: Social Security Administration: previous employers; medical institutions, and any individual in a position to verify relevant information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F176 AF MP C

SYSTEM NAME:

Morale, Welfare, and Recreation (MWR) Participation/Membership/ Training Records.

SYSTEM LOCATION:

Air Force Military Personnel Center, Randolph Air Force Base, TX 78150–6001; major command headquarters; all levels down to and including Air Force installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military members and their dependents; members of Reserve components while on inactive duty for training and DOD civilians and their dependents; certain other categories for individuals identified by authorized personnel who directly support Air Force mission requirements. Following additional categories apply for specific activities as indicated: Air Force Aero Clubs; Air Force, Army or Naval Academy Cadets; military members of foreign

governments on duty with the DOD; members elected to the U.S. Congress or a statutory appointee of the Federal Government; Federal Government employees working on military installations and conducting various recreation programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Volunteer, membership, attendance, training, and participation/competition records and supporting data relative to Air Force MWR activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Determine membership/participation eligibility; maintain patron attendance; conduct contests; monitor training and currency of members; and serve as data base for designing and conducting various recreation programs.

Used by personnel responsible for conducting Air Force MWR activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

May be provided to commercial or non-profit concerns conducting activities in support of, similar to, or in furtherance of, the Air Force programs involved.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets.

RETRIEVABILITY:

Retrieved by name and/or Social Security Number.

SAFEGUARDS:

Records are maintained in secured buildings. Access is controlled by authorized personnel and limited to those requiring access in the performance of their duties.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning, or surrender to member upon termination, as applicable.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Personnel for Military Personnel, Randolph Air Force Base, TX 78150–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief, Morale, Welfare, and Recreation Division at the appropriate Air Force installation or the system manager. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Individual should provide full name and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Morale, Welfare, and Recreation Division at the appropriate Air Force installation or the system manager. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Individual should provide full name and Social Security Number.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual applications for membership/participation in MWR activities and offices of primary responsibility for MWR activities.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F176 AF MP D

SYSTEM NAME:

Nonappropriated Funds Standard Payroll System.

SYSTEM LOCATION:

Fiscal control offices at Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force nonappropriated fund employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Time and attendance cards; personal payroll data listings and or cards; correspondence; combined payroll checks and employee leave and earnings statements; Federal, state, and city tax reports and or tapes; individual pay and leave records; personnel action forms covering pay changes and deductions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

The records are used to compute employees' pay entitlements and deductions and issue payroll checks for amounts due; to withhold amounts due for Federal, state, and city taxes, to remit withholdings to the taxing authorities, and to report earnings and tax collections; and upon request of employees, to deduct specified amounts from earnings for charity, union dues, and for allotments to financial organizations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

State employment agencies use the information to determine eligibility for unemployment compensation.

Financial organizations, employee unions, and community fund charitable organizations use the records to credit remittances to accounts of members or contributions from deduction records provided each organization.

Information from this system of records may be made available to state and local taxing authorities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, card files, on computer and computer output products.

RETRIEVABILITY:

Retrieved by name and/or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/ cabinets and safes, protected by guards, and controlled by personnel screening, visitor registers and computer system software.

RETENTION AND DISPOSAL:

Retained in office files for two years after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Exception: Records pertaining to tax data are retained for four years rather than two.

VOL 58 ISS 33 FE 22 1993 UMI

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Air Force, Headquarters United States Air Force. Assistant Comptroller for Non Appropriated Funds at Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the documentation managers at the applicable Air Force component. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices. The local Fiscal Control Officer (FCO) maintains the record system at installation level. Requester should be able to provide sufficient proof of identity such as name, Social Security Number, place of employment or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFAFC/RMAD, Denver, CO 80279.

Information pertaining to geographically dispersed elements of the record system may be obtained from documentation managers at the applicable Air Force component. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices. The local FCO maintains the record system at installation level. Requester should be able to provide sufficient proof of identity such as name, Social Security Number, place of employment or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from source documents originating from Civilian Personnel Offices at Air Force installations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F175 AFCC A

SYSTEM NAME:

Individual Earning Data.

SYSTEM LOCATION:

Headquarters Air Force Communications Command, DCS/Personnel, Directorate of Morale, Welfare and Recreation, Scott Air Force Base, IL 62225–6001; 18 Isolated Site Lounge Sundry Funds (ISLSFs); Internal Revenue Service.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Off-duty active duty military personnel employed by ISLSF.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual pay records and identifies individual by name and Social Security Number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

To report to the IRS individual earnings on all payments made to individuals employed in the operations of an ISLSF.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Information from this system may be made available to federal, state and local taxing authorities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name. Retrieved by Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets.

RETENTION AND DISPOSAL:

Retained in HQ AFCC/DPS files for 4 years after wages are paid.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Morale, Welfare and Recreation, Deputy Chief of Staff/Personnel, HQ AFCC, Scott Air Force Base, IL 62225–6001. Comptroller of the Air Force, HQ USAF.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director of Morale, Welfare and Recreation, Deputy Chief of Staff/Personnel, HQ AFCC, Scott Air Force Base, IL 62225–6001. Comptroller of the Air Force, HQ USAF..

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director of Morale, Welfare and Recreation, Deputy Chief of Staff/Personnel, HQ AFCC, Scott Air Force Base, IL 62225–6001. Comptroller of the Air Force, HQ USAF.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AF AFC A

SYSTEM NAME:

Accounts Receivable Records Maintained by Accounting and Finance.

SYSTEM LOCATION:

Headquarters, Air Force Accounting and Finance Center, (HQ AFAFC), Denver, CO 80279–5000; Denver Federal Archives and Record Center, Building 48, Denver Federal Center, Denver, CO 80225–5000; Accounting and Finance Offices at Air Force bases, Air National Guard activities and Air Force Reserve units. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military personnel; Air Force civilian employees and former employees; Air Force Reserve and Air National Guard personnel; Union or Association management personnel; contracting officers and representatives; Air Force Academy cadets; dependents of military personnel; Foreign Nationals residing in the United States; American Red Cross personnel; Peace Corps and State Department personnel; Exchange

Officers, and other individuals who may be indebted to the Air Force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in the system include, but are not limited to: Documentation pertaining to telephone bills; utility bills; check issue discrepancies; dishonored checks; postal fund losses; reports of survey; freight losses in shipments; involuntary collections; erroneous payments; property losses and damages; administratively ascertained indebtedness of airmen; withholding for subsistence and other supplies; losses of funds; government losses in shipments; unauthorized allotment payments; setoff of final pay, and retention of pay by reason of courts martial or forfeiture or fines documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5512–5514, Withholding pay; 10 U.S.C. 856; Article 56 Uniform Code of Military Justice, Maximum levels; 10 U.S.C. 9832, Property accountability; Regulations; 10 U.S.C. 9837(b), Settlement of accounts: Deductions from pay; 10 U.S.C. 9840, Final settlement of officer's accounts; 31 U.S.C. 71, Public accounts to be settled in the General Accounting Office; 31 U.S.C. 82(a), Listing of persons receiving periodic payments, vouchers; 31 U.S.C. 95, Settlement of accounts of Army officers; 31 U.S.C. 95, Settlement of accounts of Army officers; 31 U.S.C. 3711, Collection and Compromise; 37 U.S.C. 492(a)-(c), Disbursing Officers; 37 U.S.C. 1007(b), (e), (f), (g), Deductions from pay; 40 U.S.C. 15, Government Losses in Shipment; 49 U.S.C. 1 et seq.; Transportation, and E.O. 9397.

PURPOSE(S):

Records are used to support customer billings and collections.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the General Accounting office and the Department of Justice for collection action for any delinquent account when circumstances warrant.

To a commercial credit reporting agency for the purpose of either adding to a credit history file or obtaining a credit history file for use in the administration of debt collection.

To a debt collection agency for the purpose of collection services to recover indebtedness owed to the Air Force.

To Department of Veterans Affairs for its administration of laws pertaining to veterans' benefits.

To any other Federal agency for the purpose of effecting salary offset procedures against a person employed by that agency when the Air Force has a claim against that person.

To any other Federal agency including, but not limited to, the Internal Revenue Service and Office of Personnel Management for the purpose of effecting an administrative offset of a debt.

To the Internal Revenue Service to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim against the taxpayer.

NOTE: Redisclosure of a mailing address from the Internal Revenue Service may be made only for the purpose of debt collection, including to a debt collection agency in order to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982, except that a mailing address to a consumer reporting agency is for the limited purpose of obtaining a commercial credit report on the particular taxpayer. Any such address information obtained from the Internal Revenue Service will not be used or shared for any other Department of Defense purpose or disclosed to another Federal, state or local agency which seeks to locate the same individual for its own debt collection purpose.

To any other Federal, state or local agency for the purpose of conducting an authorized computer matching program to identify and locate delinquent debtors for recoupment of debts owed the Air Force.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record systems apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1966 (15 U.S.C. 1681a(f)), or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (Social Security Number); the amount, status, and history of the claim; and the activity or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in note books/binders, in visible file binders/cabinets, in card files and on computer magnetic tapes.

RETRIEVABILITY:

Retrieved by name, Social Security Number, Military Service Number or Civilian Payroll Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets or locked cabinets or rooms, protected by guards, and controlled by personnel screening and by visitor registers.

RETENTION AND DISPOSAL:

All cases will remain active until settled by full payment or waiver. Current year cases will be retained by the collection office through the calendar year. Prior year cases will be retained by the records custodian for another six years. Destruction is accomplished by tearing, shredding, pulping, macerating, burning or burying in a landfill.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Air Force Accounting and Finance Center, (HQ AFAFC), Denver, CO 80279–5000. Accounting and Finance Officers at Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director, HQ AFAFC, Denver, CO 80279–5000, or to the Accounting and Finance Office at the Air Force base of assignment. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Requester should be able to provide sufficient proof of identity, such as name, Social Security Number, drivers license, civilian identification card, duty station or place of employment, or other information verifiable from the record itself.

VOL 58 ISS 33 FE 22 1993 UMI

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written inquiries to or visit the Director, HQ AFAFC, Denver, CO 80279–5000, or to the Accounting and Finance Office at the Air Force base of assignment. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Requester should be able to provide sufficient proof of identify, such as name, Social Security Number, drivers license, civilian identification care, duty station or place of employment, or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers; financial, educational, and medical institutions; trade associations; police and investigating officers; the bureau of motor vehicles; state or local governments; international organizations; corporations; witnesses; source documents such as reports; charges and invoices from other Air Force and Department of Defense components at Headquarters, major command and base levels; Internal Revenue Service; Social Security Administration; and Department of Veterans Affairs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AF AFC B

SYSTEM NAME:

Travel Records.

SYSTEM LOCATION:

Air Force Accounting and Finance Center, Denver, CO 80279; accounting and finance offices at Air Force bases. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices. Denver Federal Archives and Records Center, Denver Federal Center, Building 48, Denver, CO 80225.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired Air Force military personnel, Air Force civilian employees and former employees, Air Force Reserve and Air National Guard personnel, Air Force Academy nominees/applicants/cadets, Senior and Junior Air Force Reserve Officers, Dependents of military personnel, Foreign Nationals residing in the United States, Exchange Officers, and any other individual in receipt of competent travel orders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents include but are not limited to travel vouchers and subvouchers; travel allowance payment lists; travel voucher or subvoucher continuation sheets; vouchers and claims for dependent travel and dislocation or trailer allowance; certificate of nonavailability government quarters and mess; multiple travel payments list; travel payment card; requests for fiscal information concerning transportation requests, bills of lading, and meal tickets; public vouchers for fees and mileage of witnesses; claims for reimbursement for expenditures on official business; claims for fees and mileage of witness; certifications for travel under classified orders; travel card envelopes; statements of adverse effect-utilization of government facilities; and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C. 404–412, Travel and transportation allowances; 5 U.S.C. 2105, Employee; 2106, Member of Congress; 5561, Definitions; 5564,Travel and Transportation; 5701–5708, Travel and Subsistence Expenses; 5721–5730, Travel and Transportation Expenses; and 5742, Transportation of Remains.

PURPOSE(S):

Used to pay travel entitlements and supporting the payment of travel entitlements to military and civilian personnel. Uses made of the records by the paying Accounting and Finance Office, other Air Force and Dept of Defense components include but are not limited to the following: Payment of advances; payment of per diem at temporary duty stations; settlement payments upon completion of travel; payment of mileage upon separation or release from active duty; consolidation of payments; payment of dependents: Travel; payment of dislocation or trailer allowance; to support a traveler's entitlement to a specific rate of per diem; to list multiple payments for travel and temporary duty performed under like conditions and circumstances; as a control record of all travel payments made to an individual; to query the United States Army Finance and Accounting Center for information contained on transportation requests, bills of lading, and meal tickets; payment of fees and allowances to civilian witnesses who are not U.S. Government employees; payment of expenses incurred within and around duty stations; supports the travel voucher in lieu of classified orders; updates leave records. Other users and specific uses made by them include but are not limited to Accounting and Finance Officers, who use travel records to pay travel entitlements to military and civilian personnel who perform official travel; traffic management Officers, who use travel orders to support the issuance of transportation requests and to support the movement of household goods or house trailer.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Internal Revenue Service, receives and records information concerning the payment of travel allowances which are subject to federal income tax.

General Accounting Office (GAO), uses travel records for auditing activities and for the settlement of questionable travel claims.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/binders, visible file binders/cabinets, card files, and at Accounting and Finance Office Air Force wide, on computer magnetic tape, disks and printouts.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, safes, vaults, and locked cabinets or rooms. Records are controlled by personnel screening and by visitor registers, and by computer software in the case of machine readable records.

RETENTION AND DISPOSAL:

The original voucher and related supporting documents are stored at the Air Force Accounting and Finance Center, Denver, CO, for 18 months and then moved to the Denver Federal

Archives and Records Center for 4 years and 9 months after which they are shredded. Copies of the original voucher and related supporting documents are maintained by field accounting and finance offices for 3 years. Computer permanent history tapes will contain individual information for 6 years from transfer date at which time member data will be transferred to the Air Force Accounting and Finance Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director Accounting and Finance United States Air Force. At base level the system manager is the local Accounting and Finance Officer.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

Requester should be able to provide sufficient proof of identity, such as name, Social Security Number, duty station, place of employment, and specify the accounting and disbursing station number, voucher number, date of voucher, or other information verifiable in the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

Requester should be able to provide sufficient proof of identity, such as name, Social Security Number, duty station, place of employment, and specify the accounting and disbursing station number, voucher number, date of voucher, or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is acquired from but not limited to the individual traveler; related voucher documents such as those described above in the description of categories of records; Office of the Judge Advocate; the Comptroller; General Accounting Office; Congress; Accounting and Finance Officers; Traffic Management Officers; Consolidated Base Personnel Officers; the Air Force Accounting and Finance Center; and other Air Force and Department of Defense components.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AF AFC C

SYSTEM NAME:

Air Reserve Pay and Allowance System (ARPAS).

SYSTEM LOCATION:

Primary system location: Air Force Accounting and Finance Center, CO 80279; decentralized supporting segments are located at: Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150; Air Reserve Personnel Center, Denver, CO 80280; National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132; Air National Guard activities and air Force Reserve units; Accounting and Finance Offices at Air Force bases servicing individual Air Reserve Forces members; Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices; Denver Federal Archives and Record Center, Building 48, Denver Federal Center, Denver, CO 80225; and Records Center Annex GSA, P.O. Box 141, Neosho, MO 64850 (system backup storage).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Air Reserve Forces members in a military pay status and dependents of military personnel except Air Reserve Forces members on extended active duty and members of the Air Force Reserve Officer Training Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

Military pay account computer records and supporting documentations relating to Air Reserve Forces military pay and allowance entitlements, deductions, and collections. Military pay computer records, including but not limited to, master individual pay account files (containing essential check and member identification data, military pay entitlement and allowance data, accounting data, tax withholding rate and amount data, collection and indebtedness data, and performance data); wage and tax withholding records; records of Air Reserve Forces calendar day performance; check issue, control and cancellations records; transaction input, system reject, and system recycled records; disbursement and collection report records; accounting report records; and other generated records supporting, substantiating, or authorizing Air Reserve Forces military pay and allowance entitlement, deduction, or collection actions. Military pay documentation records include, but are not limited to, travel orders, requests and performance records; active military duty performance records; statements of tours or performance of military duty; payroll attendance lists and rosters; document records establishing, supporting, reducing, or canceling entitlements to basic pay; special compensations (such as medical, dental, veterinary, and optometry); special pays (such as foreign duty, hostile fire); allowances (such as basic allowance for subsistence, basic allowance for quarters, family separations, clothing maintenance and monetary allowances); incentive pays; and other entitlements in accordance with the Department of Defense Pay and Allowance Entitlement Manual; certificates and statements changing address, name, military assignment, and other individual data necessary to identify and provide accurate and timely Air Reserve Forces military pay and performance credit; allotment start, stop, or change records; declarations of benefits and waivers; military pay and personnel orders; medical certifications and determinations; death and disability documents; check issuing and cancellation records and schedules; payroll vouchers; money lists and accounting records; pay adjustment authorization records; system input certifications; member indebtedness and tax levy documentation; earnings statements; employees wage and tax reports and statements; casual payment authorization and control logs; punch card transcripts; and other documentation supporting, authorizing, or substantiating Air Reserve Forces military pay and allowance entitlement, deduction, or collection. Inquiry files, sundry lists, reports, letters, correspondence, and rosters including, but not limited to, Congressional inquiries, Internal Revenue Service notices and reports, state tax and insurance reports, Social Security Administration reports, Department of Veterans Affairs reports, inter-Department of Defense requests, treasury reports, and health education and institution inquiries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C., Pay and Allowances of the Uniformed Services.

PURPOSE(S):

Used to ensure accurate and timely military pay and allowances to supported Air Reserve Forces members; provide timely, complete master individual pay account review; document and account for Air Reserve Force military pay and allowance

VOL 58 ISS 33 FE 22 1993 UMI

disbursements and collections; and provide account inquiry research response capability. Records are used to determine net military pay and allowances check issues to Air Reserve Force members; or payment to a Financial organization through Direct Deposit/Electronic Fund Transfer Program; to verify and account for system input transactions; to identify, correct, and collect overpayments; to establish, control, and collect member collection and indebtedness notices and levies; to maintain complete accounting records for Air Reserve Forces military pay and allowance disbursements, collections, refunds, and reimbursement actions; and to provide internal and external managers with statistical and monetary reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Records from this system may be made available to other federal agencies such as the Internal Revenue Service for wage and tax withholding reporting, accounting, tax audits or levies; Social Security Administration for wage and tax withholding reporting, accounting, or tax audit; Office of Personnel Management for personnel management functions; Department of Veterans Affairs for compensation and waiver reporting and audits, life insurance accounting, disbursement and benefit determinations; or local Governmental agencies for reports and accounting utilization; state and local governments for tax and welfare information; educational institutions for verifying scholarship qualifications and performance; charitable institutions and military associations to render recognition for meritorious service; and financial institutions for deposits (checks to banks) and credit references. Pay data is released to computer and accounting service centers upon request of financial organizations designated by individuals to receive money due them. Pay data is also released to Federal Reserve Banks under procedures specified in 31 CFR part 210 for Federal recurring payments by means other than by checks. The American Red Cross and Air Force Aid Society use this information to determine needs of a member of his or her dependents in emergency situations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/binders, card files, on computer and computer output products, and microform.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets/safes/vaults, protected by guards, and controlled by personnel screening, visitor registers and computer system software requiring special random input entry identifiers.

RETENTION AND DISPOSAL:

The system contains differing types of records subject to varied retention of from 6 months to 56 years. Records are retired to the Denver Federal Archives and Record Center, and also are stored at the Records Center annex GSA at Neosho, MO for backup storage. Final destruction of records is by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director Accounting and Finance, United States Air Force (USAF); managers for geographically dispersed supporting elements to the system are Chief of Air Force Reserve, Headquarters United States Air Force; Director of Air National Guard, Headquarters United States Air Force, Accounting and Finance Officers, Consolidated Base Personnel Officers, Air National Guard Base Comptrollers, Consolidated Reserve Personnel Officers, ARPAS Payroll Officers, and designated representatives thereof.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279. Information pertaining to geographically dispersed elements of the record system may be obtained from Documentation Managers at the applicable Air Force component. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Requesters should be able to provide sufficient proof of identity, such as name, Social Security Number, military status, last Air Reserve Forces unit of assignment, duty status or place of employment, or other information verifiable from the system record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

Information pertaining to geographically dispersed elements of the record system may be obtained from Documentation Managers at the Air Force component. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Requesters should be able to provide sufficient proof of identity, such as name, Social Security Number, military status, last Air Reserve Force unit of assignment, duty status, or place of employment, or other information verifiable from the system record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Record system sources for information include, but are not limited to: Headquarters USAF, Air Force major commands and Air Force installations, Consolidated Base Personnel Offices and Consolidated Reserve Personnel Offices, Air National Guard Base Comptrollers, ARPAS Payroll Offices, other DOD components; the Internal Revenue Service, Social Security Administration, Department of Veterans Affairs, and other federal agencies; financial institutions, educational institutions, medical institutions, automated system interfaces, and state and local agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AF AFC D

SYSTEM NAME:

Joint Uniform Military Pay System (JUMPS).

SYSTEM LOCATION:

Air Force Accounting and Finance Center, Denver, CO 80279. Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150. Consolidated base personnel offices at Air Force installations. Accounting and

finance offices at Air Force bases. At Data Systems Design Office, Gunter Air Force Station, AL 36114 (for research and test only), Denver Federal Archives and Records Center, Denver, CO 80225 (storage), Records Center Annex GSA, P.O. Box 141, Neosho, MO 64850 (backup storage). Information pertaining to geographically dispersed elements of the record system (CBPOs and AFOs) may be obtained from Record Managers at the applicable Air Force component listed in the Department of Defense Director in the appendix to the Air Force system notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel and dependents, retired and separated Air Force military personnel, officers of the Air Reserve and Air National Guard on extended active duty, officers and airmen of the Air Reserve and Air National Guard on active duty where strength accountability remains with the reserve component, and individuals to whom active duty military personnel authorize a direct payment of a portion of their pay.

CATEGORIES OF RECORDS IN THE SYSTEM:

Military pay records and files including but not limited to master military pay accounts, immediate access storage, six-months history, leave and earnings statements, federal insurance contribution act tax and federal income tax withholding pay authorization control files, central pay authorization file, central pay automated teller machine (ATM) files, deferred transaction file, reject suspense file and daily transaction record. Military pay supporting documents and vouchers including but not limited to basic pay; special compensation positions such as medical, dental, veterinary and optometry; special pay such as foreign duty, proficiency, hostile fire and diving duty; status adjustments relating to entrance on active duty, absent-without-leave, confinement, desertion, sick or injured, leave, mentally incompetent, missing, interned, permanent change of station, promotions and emotions; separation, reenlistment bonus; incentive pay such as flying duty, stress duty, demolition duty, parachute jumping duty and submarine duty; allowances, such as basic allowance for subsistence, basic allowance for quarters, family separation allowances, overseas station allowances, clothing monetary allowance; separation payments, death gratuities, time-in-service; allotments of pay; checks-to-banks; federal and state withholding taxes; courtmartial sentences and non-judicial punishment; indebtedness resulting from but not limited to overpayment of pay and allowances and allotments, other debts to United States, certain nongovernment debts, and correspondence pertaining to all of the above. Inquiries, files, personal financial records and sundry lists, reports and rosters including but not limited to Internal Revenue reports, state tax reports, Department of Veterans Affairs reports, Social Security Administration reports, and Treasury reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C., Pay and Allowances of the Uniformed Services; 10 U.S.C. 265, Policies and regulations: Participation of Reserve officers in preparation and administration; 8033, Reserve components of the Air Force; policies and functions for government of: Functions of National Guard Bureau with respect to Air National Guard; 8496, Air National Guard of the United States: Commissioned officers; duty in; 9837(d), settlement of accounts: Deductions from pay; 32 U.S.C. 708, Property and fiscal officers; and E.O. 9397.

PURPOSE(S):

Used to pay members of the Air Force, to their checking and saving accounts, Air Force ATM accounts, and their allotments either directly to financial institutions or through Direct Deposit/ Electronic Fund Transfer Program, provide members periodic comprehensive statements of their accounts, and to respond to inquiries concerning their accounts at any time.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Records from this system of records may be disclosed to the Internal Revenue Service for tax information on members, Social Security Administration for information regarding Federal Insurance Contribution Act tax deducted from members, Veterans' Administration for information regarding premiums on servicemen group life insurance, state and local governments for tax and welfare information, insurance companies for allotments made to them by military members, financial institutions for deposits (checks-to-banks) and/or payments, the American Red Cross and the Air Force Aid Society.

American Red Cross uses this information to determine needs of a member of his dependents in emergency situations and for verification of loan applications.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper, computer, and computer output products, and in microform.

RETRIEVABILITY:

Retrieved by name, Social Security Number, military service number, or ATM card number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers, cabinets, locked cabinets or rooms, protected by guards, and controlled by personnel screening, visitor registers and computer system software.

RETENTION AND DISPOSAL:

Local retention varies from 3 to 6 years. After that time, records are either destroyed by tearing, shredding, pulping, macerating or burning or transferred by the Air Force Accounting and Finance Center to the Denver Federal Archives and Records Center for varying retention periods up to 56 years. Destroyed by shredding. Backup records for emergency reconstruction in the event of primary record destruction are retained by the Federal Records Center Annex GSA at Neosho MO. Destruction is by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Accounting and Finance, United States Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

Information pertaining to geographically dispersed elements of the record system may be obtained from Records Managers at the applicable Air Force component. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Requester should be able to provide sufficient proof of identity, such as name, Social Security Number, military status, duty status or place of employment or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFAFC/DAD Denver, CO 80279.

The record system may be obtained from Record Managers at the applicable Air Force component. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Requester should be able to provide sufficient proof of identity, such as name, Social Security Number, military status, duty status or place of employment or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from financial institutions, automated system interfaces, a state or local government, source documents such as reports, military pay information originating from telephone inquiries, telegraph messages and correspondence information from federal agencies and other DOD components and information from Air Force installations, Major Commands and USAF Headquarters.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AF AFC E

SYSTEM NAME:

Reports of Survey.

SYSTEM LOCATION:

At Air Force Accounting and Finance Center, Denver CO 80279, Headquarters, of the United States Air Force, major commands and major subordinate commands and Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty and retired officer and enlisted personnel, present and former Air Force civilian employees, Air Force Reserve and Air National Guard personnel, and Air Force Academy cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include but are not limited to documentation of facts developed and liability ascertained pertaining to loss of, or damage to, Air Force owned or controlled property. Records are reports of survey; reports of survey register, survey officers' reports of investigation, depositions, affidavits, exhibits such as appraisals, reports, record copies, records of property maintenance, historical and other inspection reports, procurement records, security forces investigation reports, fire department and community and state police reports, and legal opinions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2775, Liability of members for damages to family housing, equipment, and furnishings; 9832, Property accountability: Regulations; 9835, Reports of survey; and 9832, Settlement of accounts, deductions from pay; 37 U.S.C. 1007, Deductions from pay; 32 U.S.C. 710, Reports of survey.

PURPOSE(S):

Used to determine responsibility and pecuniary liability and to adjust accountability for the loss, damage, or destruction of public property under Air Force control.

The report of survey is used to record and present facts in support of a determination of pecuniary liability and to serve as, or support, a property adjustment voucher.

The facts recorded may be used in establishing cause of loss or damage to private or government property.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Record from this system of records may be disclosed to other federal agencies, such as Department of Justice for criminal prosecution, civil litigation, or investigations; and the Internal Revenue Service for tax determinations resulting from Air Force adjudications of pecuniary responsibility; the Office of Personnel Management for personnel management functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in note books/binders, in visible file binders/cabinets, in card files.

RETRIEVABILITY:

Retrieved by other identification number or system identifier. Conventional indices are keyed to name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, in safes, vaults, locked cabinets or rooms. Records are protected by guards. Records are controlled by personnel screening and by visitor registers. Files are given the same protection as the property accountability records with which they are associated.

RETENTION AND DISPOSAL:

Files are destroyed three years after final action if pecuniary liability is not assessed, and three years after collection or ten years after final action, whichever is sooner. Destruction is by shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Comptroller for Accounting and Finance, United States Air Force 80279.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

Information pertaining to geographically dispersed elements of the record system may be obtained from the documentation manager at the applicable Air Force component. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Requester must present sufficient proof of identity, such as full name, Social Security Number, military or civilian status and grade, and approximate date and location of incident involving report of survey or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

Requester must present sufficient proof of identity, such as full name, Social Security Number, military or civilian status and grade, and approximate date and location of incident involving report of survey or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from police and investigating officers, the public media, the bureau of motor vehicles, a state or local government, an international organization, a corporation, witnesses, or source documents such as reports from Air Force property records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AF AFC F

SYSTEM NAME:

Civilian Pay Records.

SYSTEM LOCATION:

Accounting and Finance Offices at Air Force bases, Air Force Reserve Units and Air National Guard activities. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DOD civilians paid by the Air Force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual pay records; individual leave records; source documents for posting leave and attendance; individual retirement deduction records; source documents maintained in connection with retirement deduction records and control files thereon; wage and separation information files; health benefit records; income tax withholding records; allowance and differential eligibility files, such as, but not limited to, clothing allowances and night rate differentials; withholding and deduction authorization files, such as, but not limited to, federal income tax withholding, and insurance and retirement deductions; accounting document files; input data posting media, such as, but not limited to, time and attendance cards and reports and personnel actions affecting pay; accounting and statistical reports and computer edit listings; claims and waivers affecting pay; control logs and collection/disbursement vouchers; listings for administrative purposes, such as, but not limited to, health insurance, life insurance, bonds, locator files and checks to financial institutions; correspondence with the Civilian Personnel Office, dependents, attorneys, survivors, insurance companies, financial institutions; and other governmental agencies; leave and earnings statements; travel records; and separation documents; official correspondence; federal, state and tax reports and/or tapes; forms covering pay changes and deductions, and documentation pertaining to garnishment of wages.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapters 53, 55 and 81, and E.O. 9397.

PURPOSE(S):

The records are used to accurately compute individual employee's pay entitlements and to withhold required and authorized deductions and issue payroll checks for amounts due.

Output products are forwarded as required to other subject matter areas to ensure accurate accounting and recording of pay to civilian employees.

These records and related products are also used to verify and balance payroll and account data, and to provide information to recipients, Government and non-Government agencies.

Records are also used for extraction or compilation of data and reports for management studies and statistical analyses for use internally or externally as required by the Department of Defense or other government agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records may be disclosed to banks which credit the employee's account if the employee has requested his/her check to be sent to the bank; financial organizations which credit the employee account if the employee has requested a savings allotment; other approved organizations which an employee has designated for an allotment; computer and accounting service centers upon request of financial organizations designated by individuals to receive monies due them; Federal Reserve banks under procedures specified in 31 CFR part 210 for health benefit carriers to ensure proper credit for the employee authorized health benefit deductions; employee organizations for which the employee has requested a dues deduction (reasons for non-deduction of dues will be benefit deductions); disclosed to officials of labor organizations recognized under E.O.s 11636 and 11491, as amended, when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting working conditions (including disclosure of reasons for non-deduction of dues, if applicable); the United States Treasury, which maintains cash accountability; the Internal Revenue Service for recording withholding and social security information; the Social Security Administration and Office of Personnel Management which credits the employee's account for Federal Insurance Contributions Act or Civil Service Retirement withheld; state revenue departments which credit employee's state tax withholding; state employment agencies which require wage information to determine eligibility for unemployment compensation benefits of former employees; city revenue departments of appropriate cities which credit employees for city tax withheld; any agency or component thereof that needs the information for proper accounting of funds, such as, but not limited to, for-others listings; Office of Personnel Management for assistance in resolving complaints, grievances, etc.

To the Office of Personnel Management for computation of Civil Service retirement annuity.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in notebooks/binders, in visible file binders/cabinets, in card files, on computer and on computer output products, on roll microfilm, on microfiche, and in microfilm jackets.

RETRIEVABILITY:

Retrieved by name, Social Security Number, civilian payroll number, vehicle registration or license number, or other identification number or system identifier.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards, and controlled by personnel screening, visitor registers, and computer system software.

RETENTION AND DISPOSAL:

Records are retained for periods ranging up to 56 years.

VOL 58 ISS 33 FE 22 1993 UMI

SYSTEM MANAGER(S) AND ADDRESS:

Director of Accounting and Finance, United States Air Force, and accounting and finance officers at Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the HQ AFAFC/IMD, Denver, CO 80279–5000 or the accounting and finance office where assigned.

Requester should be able to provide sufficient proof of identity, such as name, Social Security Number, drivers license, civilian identification card, duty station or place of employment, or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the HQ AFAFC/IMD, Denver, CO 80279–5000 or the accounting and finance office where assigned.

Requester should be able to provide sufficient proof of identity, such as name, Social Security Number, drivers license, civilian identification card, duty station or place of employment, or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers; financial institutions; medical institutions; automated systems interfaces; state or local government agencies; source documents such as reports; Department of Defense components and other federal agencies such as, but not limited to, Social Security Administration; Internal Revenue Service; State revenue departments; and Departments of the Army, Navy or State. Correspondence from attorneys, dependents, survivors, guardians, and subject to the record may also furnish data for the system. Information is also obtained from the subject of the record.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AF SG A

SYSTEM NAME:

Control Logs.

SYSTEM LOCATION:

Air Force hospitals, medical centers and clinics.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Dependents of military personnel and all personnel authorized treatment in a military medical facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Controls for payment of supplemental medical care and civilian medical, dental and veterinary care.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, as implemented by Air Force Regulation 168–10, Obtaining Medical, Dental and Veterinary Care from Civilian Sources.

PURPOSE(S):

To insure duplication of payment to provider is not made.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/binders, and in card files.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Medical Service Account Officers at all Clinics, Hospitals, Medical Centers. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Medical Service Account Officers at all Clinics, Hospitals, Medical Centers. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Medical Service Account Officers at all Clinics, Hospitals, Medical Centers. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from financial and medical institutions, and from source documents such as records, reports prepared on behalf of the Air Force.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AFA A

SYSTEM NAME:

Cadet Accounting and Finance System.

SYSTEM LOCATION:

United States Air Force Academy, USAF Academy, Colorado Springs, CO 80840. Air Force Accounting and Finance Center, Denver, CO 80279.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Academy Cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual computerized files containing pay data for all USAF Academy Cadets including Establishment/Change in Personal Checking Account, Monthly Report of Contingency Fund Status, Contingency Fund Loan Request, Cadet Pay Order, Document Control Log, Recapitulation of Cadet Pay Account, Cadet Pay Authorization, Cadet Pay Monthly Statement, Cadet Pay Record, Payment/Collection Vouchers, Separation Control Log, Electronic Data Processing Sheets,

Microfilm File, Cadet Pay Disk File, Quarterly FICA Report, Transmittal Letter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 903, United States Air Force Academy and 37 U.S.C. 201, Pay grade: 201, Pay grade: Assignment to; general rules.

PURPOSE(S):

This system is used to accumulate cadet pay entitlements (basic pay and subsistence), deductions (federal tax, social security, insurance premiums) in order to properly monitor the payments disbursed to the Air Force Cadet Wing (TAFCW). The information is used to determine the correct monthly net pay to be disbursed to each cadet and to charge the cadets for clothing issues and other services from authorized Academy sources, and the reporting of all expenditures to the Air Force Accounting and Finance Center.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used to prepare Forms W2 for the Internal Revenue Service, report deductions for the Federal Insurance Contribution Act to the Social Security Administration, prepare Standard Form 1049 for release of tax information to the states.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in visible file binders/cabinets, in card files, on computer and computer output products, and on roll microform.

RETRIEVABILITY:

By Cadet Number or Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms and in computer storage devices protected by computer system software.

RETENTION AND DISPOSAL:

The original copy of Cadet Pay Record, Cadet Pay Order, Substantiating Pay Documents and Transmittal Letter are forwarded to AFAFC, Denver, CO 80279. Copies of Cadet Pay Orders are retained for one year following graduation. Substantiating pay documents and posting media records are retained one year after annual cutoff in current files area and then destroyed. Document Control Records are destroyed 90 days after close of FY to which they pertain. W-2 listings, quarterly FICA reports and CPITF interest distribution records are retained by Cadet Pay Section six years after CY to which they pertain. Audit registers are destroyed after one academic year. Financial statements, schedules and supporting data is destroyed after 4 years. Pay inquiries are destroyed after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Accounting and Finance, United States Air Force Academy, CO 80840.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director of Accounting and Finance, United States Air Force Academy, CO 80840.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director of Accounting and Finance, United States Air Force Academy, CO 80840.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AFAFC A

SYSTEM NAME:

Accounting and Finance Officer Accounts and Substantiating Documents.

SYSTEM LOCATION:

Air Force Accounting and Finance Center, Lowry Air Force Base, Denver, CO 80279. Denver Federal Archives and Records Center, Building 48, Denver Federal Center, Denver, CO 80225.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty and retired military personnel and other allotees, Air Force Reserve and Air National Guard personnel, civilian personnel employed at or paid by AF installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual military pay records; substantiating documents, such as certificates for deductions and retained military pay orders, records of travel payments, financial record data folders, miscellaneous military vouchers and statements, copies of morning or strength reports and personal financial records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 67(b), Retention by executive agencies...of accounts of accountable officers, contracts, vouchers or other documents.

PURPOSE(S):

The system serves as a repository from which information may be retrieved to support claims for or against the government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The categories of users and uses are federal agencies including, but not limited to, the Federal Bureau of Investigation; Internal Revenue Service; and the Office of Personnel Management. Also used by state, local and city governments to substantiate pay, eligibility for welfare and unemployment; for personnel management functions; the general public for garnishment of pay, employment purposes.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and note books/binders, on computer and computer output products and in microform.

RETRIEVABILITY:

Retrieved by name, Social Security Number or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and

cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards and controlled by personnel screening.

RETENTION AND DISPOSAL:

Records are stored at Air Force Accounting and Finance Center, updated and accessible for 18 months after receipt from Air Force Accounting and Finance Officers world-wide; then retired to the Denver Federal Archives and Records Center where they are retained for a period of 4 years, 9 months. Destruction is accomplished by sale to a salvage company for shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Air Force, Headquarters United States Air Force and Director Accounting and Finance United States Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFAFC/DAD Denver, CO 80279.

Requester should be able to provide sufficient proof of identity, such as name, Social Security Number, duty station, place of employment or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFAFC/DAD Denver, CO 80279.

Requester should be able to provide sufficient proof of identity, such as name, Social Security Number, duty station, place of employment or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from Air Force Accounting and Finance Officers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AFAFC B

SYSTEM NAME:

Accrued Military Pay System, Discontinued.

SYSTEM LOCATION:

Air Force Accounting and Finance Center, Denver, CO 80279 and at Denver Federal Archives and Record Center, Building 48, Denver Federal Center, Denver, CO 80225 (back-up storage).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty and retired military personnel, and separated Air Force Personnel Officers of Air Reserve and Air National Guard on extended active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Military pay records and related documentation including but not limited to monthly and cumulative six-months histories of pay transactions, wage and tax data, Uniformed Services Savings Deposit Program Records and Federal Insurance Contribution Act tax data contained on hard copy and/or microfilm. Military pay supporting documents and vouchers including but not limited to basic pay, special compensation positions, special pay, status adjustments, separation, reenlistment, reenlistment bonus, incentive pay, allowances, death gratuities, allotments of pay, court-martial sentences, indebtedness, and correspondence pertaining to all of the above. Sundry lists, reports and rosters including but not limited to Internal Revenue reports, Social Security reports, Department of Veterans Affairs reports and Treasury reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C., Pay and Allowances of the Uniformed Services; 10 U.S.C. 265, Policies and regulations: Participation of Reserve officers in preparation and administration; 8033, Reserve components of Air Force; policies and regulations for government of: Functions of National Guard Bureau with respect to Air National Guard; 8496, Air National Guard of the United States: Commissioned officers; duty in National Guard Bureau; 9837(d), Settlement of accounts: Deductions from pay; 32 U.S.C. 708, Property and fiscal officers.

PURPOSE(S):

Provides an audit trail for audit purposes and historical information for inquiries pertaining to past pay record data. It is used primarily by all components of the Air Force for answering inquiries pertaining to information contained in these discontinued records, and for reviews by the Air Force audit agency and Inspector General.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Other users may include Internal Revenue Service for tax information on members, Social Security Administration for information regarding tax deducted from members and Social Security entitlements, Department of Veterans Affairs for information regarding premiums on servicemen's group life insurance, and financial institutions for deposits and/or payments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders/visible file binders/cabinets and on roll microfilm.

RETRIEVABILITY:

Retrieved by name and Social Security Number or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards and controlled by personnel screening.

RETENTION AND DISPOSAL:

Local retention varies from 6 months to 10 years; records are either destroyed by tearing shredding, pulping, macerating or burning, or transferred by the Air Force Accounting and Finance Center to the Denver Federal Archives and Records Center where they may be retained for a period up to 56 years. Back-up records for emergency reconstitution in the event of destruction of primary records are stored at the Federal Records Center Annex, GSA, Neosho, MO. Destruction is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Accounting and Finance United States Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

Requester should be able to provide sufficient proof of identity such as name, Social Security Number, military

status, duty status or place of employment or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

Requesters should be able to provide sufficient proof of identity, such as Social Security Number, military status, duty status or place of employment, or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, financial and medical institutions, state or local governments, corporations, source documents such as reports, Accounting and Finance Offices (AFO), and Consolidated Base Personnel Offices (CBPO).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AFAFC C

SYSTEM NAME:

Uniformed Services Savings Deposit Program (USSDP).

SYSTEM LOCATION:

Air Force Accounting and Finance Center, Denver, CO 80279 and Denver Federal Archives and Record Center, Building 48, Denver Federal Center, Denver, CO 80225 and Record Center Annex GSA, PO Box 141, Neosho, MO 64850 (backup storage).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This notice covers both the discontinued portion of USSDP and the remaining active part of the system. Effective June 30, 1974 the USSDP program was discontinued except for those members declared missing in action (MIA) during the Vietnam conflict. Prior to June 30, 1974, the record system serviced Air Force active duty officers and enlisted personnel serving on a permanent duty assignment outside the United States or its possessions. Effective July 1, 1974, the record system services only Air Force active duty officers and enlisted personnel who have been declared MIA as a result of the Vietnam conflict. Dependents, next of kin, survivors and former spouses of USSDP participants may be included.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes but is not limited to the master account records for each depositor; transaction records of monetary data (deposits, withdrawals and adjustments); allotment records; name and Social Security Number change record; settled records; checkwriting and voucher register data records; interest paid records; quarterly statements records; supplemental address for interest refund records. Also includes correspondence files covering requests for information from members, federal agencies, spouses, former spouses, dependents, survivors, widows or widowers, next of kin, the American Red Cross, Congress, and other Air Force and DOD components.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1035, Deposits of savings.

PURPOSE(S):

Provides mechanized and manual account maintenance including updating for deposits, withdrawals, interest accruals, adjustments and summary data for quarterly processing; capability of responding to inquiries regarding the status of each depositors account; capability to settle accounts, issue settlement statements and checks; quarterly statements to depositors showing detailed activity for the current quarters and cumulative balances for prior periods; reconciliation between the Accounting and Finance Officers (AFO) accounts and cash control reports with appropriate audit trails; controls to insure compliance with statutory limitations on amounts deposited, desertion status and conditions under which withdrawals are permitted; and records for storage of historical data on each depositors' account.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Department of Veterans Affairs (VA) and Social Security use this information to determine eligibility, entitlements, and addresses of and for USSDP members.

Federal Housing Agency (FHA) uses this information in their loan programs.

Internal Revenue Service (IRS) uses the information for tax purposes and for levy action in the collection of taxes owed.

American Red Cross uses this information to determine needs of a member or his dependents in emergency situations.

Widow or widower, dependent, or next of kin of deceased members use this information in settling the affairs of the former member.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in, visible file binders/cabinets/card files, on computer magnetic tapes and computer paper printouts, and on microfiche.

RETRIEVABILITY:

Retrieved by name and Social Security Number or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, protected by guards and controlled by personnel screening, visitor registers and computer system software.

RETENTION AND DISPOSAL:

All records except correspondence and balancing data (deposit, adjustment, and withdrawal) are retained for 6 years after final settlement. Correspondence is kept for 90 days; balancing data is kept for 1 year after balance status is reached. Records are stored at Air Force Accounting and Finance Center, at the Denver Federal Archives and Record Center, and at the Record Center Annex, Neosho, MO. Destruction is by sale to salvage company for shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director Accounting and Finance, United States Air Force (USAF).

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

The requester should be able to provide sufficient proof of identity, such as name, Social Security Number, date of final settlement, duty station or place of employment, or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained

VOL
58
ISS
33
FE
22
1993
UMI

in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

The requester should be able to provide sufficient proof of identity, such as name, Social Security Number, date of final settlement, duty station or place of employment, or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces other Air Force and DOD components and dependents, next of kin, survivors, and former spouses of USSDP members.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AFAFC D

SYSTEM NAME:

Claims Case File - Active Duty Casualty Case Records.

SYSTEM LOCATION:

Air Force Accounting and Finance Center, Denver, CO 80279 and at the Denver Federal Archives and Record Center, Building 48, Denver Federal Center, Denver, CO 80225.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Deceased active duty and former active duty Air Force members; dependents, beneficiaries, and next-of-kin of deceased Air Force members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes but not limited to the following: Claim certification and vouchers for death gratuity payments; claim for unpaid compensation of deceased members of the uniformed services; reports of casualty; travel vouchers; travel orders; military pay and allowance vouchers; wage and tax statements; miscellaneous income statements; divorce decrees; guardianship papers; death certificates; birth certificates; military pay records; statements of service; military pay orders; employees' exemption for dependents certificates; authorizations to start, stop or change allotments; mailing address payment options for Joint Uniform Military Pay System (JUMPS); authorizations to start or stop basic allowance for quarters credit; document transmittals (JUMPS); military pay orders transfer in; requests and authorizations to pay basic allowance subsistence and separate rations; records of emergency data; records of accounting and finance office authorized payments, JUMPS; assignments of assistance responsibility; leave and earnings statements; acknowledgments and/or transfers of casualty assistance cases; records of travel payments; special orders; record of courts-martial; per diem work sheets; marriage licenses; proceedings of homicide trials; court records; promotion orders; personal letters from deceased member to claimant; applications for commercial insurance; pay and allotment information on deceased members; affidavits in support of in loco parentis relationships; pay adjustment authorizations; bills of lading; affidavits by natural custodian for claim on behalf of minor children; tax certificate statements; paternity admissions statements; Social Security wage adjustment data; leave records; claims for unpaid pay and allowances of deceased member of the uniformed services where there is no designated beneficiary of the claimant; returned check records; allotment reports; proof of adoption; and public vouchers for purchases and services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1475–1480, Death gratuity...; and 2771, Final settlement of accounts: Deceased members.

PURPOSE(S):

Used to compute death gratuity payments and payments of unpaid pay and allowances and to determine the proper beneficiaries thereof.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Copies of records or requested information are furnished to other agencies, such as but not limited to Internal Revenue Service, Social Security Administration, and the Department of Veterans Affairs, and to state and local agencies.

Information is used by such entities to determine any obligations, benefits and privileges under their jurisdiction.

Certified copies of past pay records are furnished to attorneys representing potential beneficiaries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name and Social Security Number or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, protected by guards and controlled by personnel screening and visitor registers.

RETENTION AND DISPOSAL:

Retained at Air Force Accounting and Finance Center for one year after closing date, then forwarded to Denver Federal Archives and Records Center and destroyed six years from final closing date. Destruction is by shredding, tearing, macerating, pulping, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director Accounting and Finance, United States Air Force (USAF).

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

The requester should be able to provide sufficient proof of identity, such as name, Social Security Number, drivers license, military status, duty station or place of employment or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

The requester should be able to provide sufficient proof of identity, such as name, Social Security Number, drivers license, military status, duty station or place of employment or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational and medical institutions, automated system interfaces, police and

investigating officers, the public media, state or local governments, witnesses, and source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AFAFC E

SYSTEM NAME:

Claims Case File - Corrected Military Records.

SYSTEM LOCATION:

Air Force Accounting and Finance Center, Denver, CO 80279 and at the Denver Federal Archives and Records Center, Denver Federal Center, Building 48, Denver, CO 80225.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty officers and enlisted personnel, and former active duty military personnel; Air Force Reserve and Air National Guard personnel; retired Air Force military personnel; Air Force Academy cadets; surviving dependents of military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes but not limited to: Retired pay information; reserve pay information; statement of service; travel orders; travel vouchers; leave records; individual military pay records; discharge document; civilian earning statements; civilian earnings, wage and tax statement; income tax returns when provided by individuals to support a claim; copies of court martials; copies of non-judicial punishment, application for correction of military or naval records; requests, authorizations and pay orders for basic allowance for subsistence (BAS), separate rations; record of travel payments; military pay and allowances voucher; bills of lading; supplemental wage and tax statement; dependents: Address and name; Social Security Number of deceased retired Air Force members; pay adjustment authorization; medical bills and receipts; correspondence pertaining to above subject matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1552, Correction of military records: Claims incident thereto.

PURPOSE(S):

Used to determine the proper payment due based on the correction of military records.

Pay adjustment data and supporting documentation is submitted to the accounting and finance office for payment, and also to the Joint Uniform Military Pay System (JUMPS) for memorandum type entry on master military pay account.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Disclosures may also be made to the Internal Revenue Service and to the Social Security Administration for their determination of tax liabilities and Social Security entitlements flowing from corrections of military pay and allowances.

The various state unemployment offices may use the information to either institute collection process from the member or to adjust their records when member was collecting unemployment.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name, Social Security Number or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, protected by guards, and controlled by personnel screening and visitor registers.

RETENTION AND DISPOSAL:

Folder is retained at Air Force Accounting and Finance Center for one year, after which time it is sent to Denver Federal Archives and Record Center and destroyed six years from final closing date. Destruction is by shredding, macerating, pulping, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Air Force, Headquarters United States Air Force. Director Accounting and Finance, United States Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

The requester should be able to provide sufficient proof of identity, such as name, Social Security Number, driver's license, military status, duty station or place of employment or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

The requester should be able to provide sufficient proof of identity, such as name, Social Security Number, driver's license, military status, duty station or place of employment or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, automated system interfaces, and source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AFAFC F

SYSTEM NAME:

Claims Case File - Missing in Action Data.

SYSTEM LOCATION:

Air Force Accounting and Finance Center, Denver, CO 80279 and at the Federal Archives and Record Center, Building 48, Denver Federal Center, Denver, CO 80225.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Missing-in-action Air Force members; dependents and next-of-kin of missing Air Force members; and former spouses of missing Air Force members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes, but not limited to the following: Statements of dependent's expenses; Air Force Office of Special Investigation reports; correspondence requests for dependency determination; travel vouchers; travel orders; marriage certificates; birth certificates; annulments; divorce decrees; adoption papers; allotment documents (starts, stops, and changes); military pay and allowance vouchers; promotion orders; military pay orders; financial statements; reports of casualty; wage and tax statements; guardianship papers; statements of service; records of

emergency data; assignments of assistance responsibility; leave and earnings statements; acknowledgments and/or transfers of casualty assistance; records of travel payments; per diem work sheets; pay adjustment authorizations; bills of lading; tax certificate statements; returned check records; public vouchers for purchases and services; notice of premium due from commercial insurance companies; car titles; Judge Advocate General opinions and interpretative memoranda; car insurance policy statements; requests for verification of deposits in Uniformed Services Savings Deposit program; public vouchers for refunds; military pay vouchers; letters of notification of pay increases and decreases; copies of missing member's last will and testament; Uniformed Services Savings Deposit statements; change of mailing address forms; copies of personal checks; breakdown of expenditures for investment purposes; military pay records of missing member; medical history on dependents; and newspaper clippings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C. Chapter 10 - Payments to Missing Persons.

PURPOSE(S):

Used for adjudication and distribution of missing member's funds, and to make determinations of dependent's eligibility and entitlement to pay allowances for parents, wives and children. Vouchers are provided to the Automated Uniformed Services Savings Deposit Program (USSDP).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Data is also disclosed through correspondence with member's dependents pertaining to distribution of monies.

Copies of records may on occasion be furnished to other agencies, such as but not limited to Internal Revenue Service (IRS), Social Security Administration (SSA), and the Department of Veterans Affairs (VA), and to state and local agencies for their determination for any obligations, benefits and privileges under their respective jurisdictions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name, Social Security Number, or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, protected by guards, and controlled by personnel screening and visitor registers.

RETENTION AND DISPOSAL:

Records are retained for the entire time member is in a missing or prisoner status. If member is returned to military control, files are returned to military pay jacket (active duty). If member is declared killed-in-action, file is processed as death case, retained at AFAFC for one year, then retired to Denver Federal Archives and Record Center, and destroyed six years after final closing date. Destruction is by shredding, macerating, pulping, tearing, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Air Force, Headquarters United States Air Force. Director Accounting and Finance, United States Air Force (USAF).

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

The requester should be able to provide sufficient proof of identity, such as name, Social Security Number, drivers license, military status, duty station or place of employment or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

The requester should be able to provide sufficient proof of identity such as name, Social Security Number, drivers license, military status, duty station or place of employment, or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from financial, educational and medical institutions; automated system interfaces; police and investigating officers; the public media; and bureaus of motor vehicles.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AFAFC G

SYSTEM NAME:

Indebtedness and Claims.

SYSTEM LOCATION:

Air Force Accounting and Finance Center, Denver, CO 80279. Denver Federal Archives and Record Center, Building 48, Denver Federal Center, Denver, CO 80225.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military personnel, Air Force civilian employees and former employees, Air Force Reserve and Air National Guard personnel, Air Force Academy cadets, dependents of military personnel, exchange officers and foreign nationals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of current and former military members and civilian employees pay accounts showing entitlements, deductions, payments made, and any indebtedness resulting from deductions and payments exceeding entitlements. These records include, but are not limited to: Individual military pay records, substantiating documents such as military pay orders, pay adjustment authorizations, military master pay account print out from Joint Uniform Military Pay System (JUMPS), records of travel payments, financial record data folders, miscellaneous vouchers, personal financial records, credit reports, promissory notes, individual financial statements, and correspondence. Applications for waiver of erroneous payments or for remission of indebtedness with supporting documents, including but not limited to, statements of financial status (personal income and expenses), statements of commanders, statements of Accounting and Finance Officers, correspondence with members and employees. Claims of individuals requesting additional payments for services rendered with supporting documents including, but not limited to, time and attendance reports, leave and earnings statements, travel orders, travel

vouchers, statements of non-availability of quarters and mess, paid receipts, and correspondence with members and employees. Delinquent accounts receivable from base Accounting and Finance Officers including, but not limited to, returned checks, medical services billings, collection records, and summaries of the Air Force Office of Special Investigation and Federal Bureau of Investigation reports. Reports from probate courts regarding estates of deceased debtors. Reports from bankruptcy courts regarding claims of the U.S. against debtors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. Chapter 18 - Compromise and collection of Federal claims; 10 U.S.C. 2774, Claims for overpayment of pay and allowances, other than travel and transportation allowances, 9837 (d), Settlement of accounts: Deductions from pay; 5 U.S.C. 5584 Claims for overpayment of pay and allowances, other than travel and transportation expenses and allowances and relocation expenses; 12 U.S.C. 1715, Mortgage insurance for servicemen; Pub. L. 97–365, Debt Collection Act of 1982.

PURPOSE(S):

Used to determine eligibility for: (1) Waiver of erroneous payments, (2) remission of indebtedness, or (3) payments for services rendered. Also, information is required to attempt collection of all claims from individuals on claims of the United States, for money or property arising out of the activities of the United States Air Force. Claims may be compromised, terminated, or suspended when warranted by information collected. Information is used to establish debts and respond to letters received from individuals. After action is completed, files are closed and filed in individual records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Data necessary to identify an individual involved in a claim is disclosed to a consumer reporting agency whenever a financial status report is requested for use in pursuing collection under the Federal Collection Act.

Disclosure of data regarding individual's indebtedness to the Air Force are made from this record system to credit reporting agencies under the authority of the Debt Collection Act of 1982 (Pub. L. 97–365).

Whenever AFAFC has exhausted its internal collection actions, the debt may be forwarded to a private collection agency for collection servicing.

The debt may be referred to the Department of Justice under 31 U.S.C. 952, Federal Claims Collection Act of 1966, for investigation or civil or criminal litigation as appropriate.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and in machine-readable form.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, protected by guards and controlled by personnel screening and visitor registers.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, transferred to the Denver Federal Archives and Record Center for nine additional years, and then sold to salvage paper companies to be destroyed by shredding, tearing, macerating, pulping or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Air Force, Headquarters United States Air Force. Director, Accounting and Finance, United States Air Force (USAF).

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

Requester should be able to provide sufficient proof of identity, such as name, Social Security Number, military status, duty station or place of employment, or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

Requester should be able to provide sufficient proof of identity, such as name, Social Security Number, military status, duty station or place of employment, or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from financial and medical institutions; automated system interfaces; police and investigating officers; the public media; a state or local government; and source documents such as reports; credit bureaus; Bureau of Employees Compensation, Department of Veterans Affairs; Social Security Administration; Internal Revenue Service; Federal Housing Administration; health insurance companies; U.S. Army Finance and Accounting Center; Navy Finance Center; Base Accounting and Finance Officers, Major Commands; Comptroller General; and correspondence with individual concerned or his representative.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AFAFC I

SYSTEM NAME:

Loss of Funds Case Files.

SYSTEM LOCATION:

Air Force Accounting and Finance Center, Denver, CO 80279.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force, Army, Navy and Marine Corps active duty military personnel, Air Force civilian employees and former employees, Air Force Reserve and Air National Guard personnel. Retired Air Force military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information source documents, reports of investigating officer(s) on losses in Air Force accounting and finance offices: (AFOS) accountability, loss of funds settlement vouchers, material to determine cause of the loss, identification of personnel concerned in the loss, determinations of pecuniary liability, opinions from Judge Advocate General offices, opinions from the Comptroller General and from the General Accounting Office, and final determinations by the Secretary of the Air Force.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 95a, Relief of disbursing officers of military departments; 492b,

Gains and losses resulting from exchange transactions; offsetting of deficiencies in accounts against gains; and 40 U.S.C. Chapter 15 - Government Losses in Shipment.

PURPOSE(S):

Loss of funds case files record the chronological history of losses or deficiencies in AFOS money accounts. Data contained in these files are used to prepare reports and statistics, and to develop facts necessary for administrative adjudications of pecuniary responsibility.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Users of the records system include, but are not limited to, attorneys, surety companies, and individuals for internal Air Force processing and outside litigation by those named in the case.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/ cabinets and in safes, protected by guards, and controlled by personnel screening and visitor registers.

RETENTION AND DISPOSAL:

Whenever relief from pecuniary responsibility for a loss is recommended and granted, records are retained at AFAFC for four years and then destroyed by tearing into pieces, shredding, pulping or macerating. Whenever one or more persons are held liable for a loss, and the loss is completely recovered, records are retained in AFAFC files for six years and then destroyed by tearing into pieces, shredding, pulping, or macerating.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Air Force, Headquarters United States Air Force. Director of Accounting and Finance, United States Air Force (USAF).

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

The requester should be able to provide sufficient proof of identity, such as name, Social Security Number, military or civilian status, duty station or place of employment, or other information verifiable in the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

The requester should be able to provide sufficient proof of identity, such as name, Social Security Number, military or civilian status, duty station or place of employment, or other information verifiable in the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from financial institutions, police and investigating officers, witnesses and source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AFAFC J

SYSTEM NAME:

Military Pay Records.

SYSTEM LOCATION:

Air Force Accounting and Finance Center, Denver, CO 80279; Denver Federal Archives and Records Center, Building 48, Denver Federal Center, Denver CO 80225; Federal Records Center Annex, GSA, PO Box 141, Neosho, MO 64850.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty and separated military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Microfilm of Military Pay Records of individual Air Force personnel on active duty or separated. Military pay records and related documentation including but not limited to monthly and cumulative six-months histories of pay transactions, Federal Income Tax withholding data, Federal Insurance Contribution Act tax data contained on hard copy and/or microfilm. Military pay supporting documents and vouchers including but not limited to basic pay, special compensation positions, special pay, status adjustments, separation, reenlistment, reenlistment bonus, incentive pay, allowances, death gratuities, allotments of pay, court-martial sentences, indebtedness, and correspondence pertaining to all of the above. Sundry lists, reports and rosters including but not limited to Internal Revenue reports, Social Security reports, Veteran's Administration reports, and Treasury reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C. 401–403, Allowances; 551–558, Payments to Missing Persons; 10 U.S.C. 1475–1480, Death Benefits; 1552, Correction of military records: Claims incident thereto; 2771, Final settlement of accounts: Deceased members.

PURPOSE(S):

Purposes are to furnish pay information from microfilm of Military Pay Records when hard copies of pay records cannot be located in Military Pay Record file.

Used as back-up of hard copies of Military Pay Records which are also filed at this location.

The purpose of the record system is to retain historical pay data on Air Force and former Air Force members, and to furnish pay information and/or related information to Accounting and Finance Offices (AFOS) and Consolidated Base Personnel Offices (CBPOs), who use this information in answering inquiries and in determining current administrative adjustments.

Copies of certified pay records and related documents are disclosed to military courts for court-martial action, and to Civil Courts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Furnish wage and tax statement (Form W–2) for tax purposes to State Revenue Service, Internal Revenue Service, individual members misplacing original form W–2, widows of deceased members, or to verify Air Force service on request from other services.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on roll microfilm.

RETRIEVABILITY:

Retrieved by name and Social Security Number or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record source of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, protected by guards, and controlled by personnel screening and visitor registers.

RETENTION AND DISPOSAL:

Military Pay Records, hard copies, are retained at Denver Federal Archives and Records Center where they are sold to paper salvage companies and destroyed by shredding after a total of ten years after member's separation, or date of final action, whichever is later. Microfilm of Military Pay Records is retained at Air Force Accounting and Finance Center for six years then destroyed by shredding or burning. Copies of microfilm are retained for fifty-six years at Federal Records Center Annex, GSA at Neosho, MO and then destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director Accounting and Finance, USAF.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

The requester should be able to provide sufficient proof of identity, such as name, Social Security Number, service number, military status, duty station or place of employment, or other information which may be determined from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

The requester should be able to provide sufficient proof of identity, such as name, Social Security Number, service number, military status, duty station or place of employment, or other information which may be determined from the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, financial and medical institutions, automated system interfaces; police and investigating officers; state or local governments; corporations; source documents such as reports; Air Force Installation Accounting and Finance Pay Offices; Joint Uniform Military System (JUMPS); state agencies; state revenue services; veterans organizations; federal agencies; Internal Revenue Service; Veteran's Administration; attorneys; widows of former members; parents of members; dependents, trustees, and guardians; and other Department of Defense components.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AFAFC K

SYSTEM NAME:

Pay and Allotment Records.

SYSTEM LOCATION:

Air Force Accounting and Finance Center, Denver, CO 80279; Denver Federal Archives and Record Center, Building 48, Denver Federal Center, Denver, CO, 80225.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty and retired military personnel Air Force Reserve and Air National Guard personnel, and Air Force Academy cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for Basic Allowance for Quarters (BAQ); request for dependency determinations for benefits; copies of marriage certificates, birth certificates, annulments, divorce decrees and adoption papers; certificate of residence forms; allotment documents (starts, changes and stops); special pay authorizations; copies of allotment vouchers; change of address forms; parent dependency affidavits; correspondence between the Air Force Accounting and Finance Center (AFAFC) and members dependents pertaining to allotments (pay information) and determinations of dependency; Comptroller General decisions; General Accounting Office opinions; Judge Advocate General opinions and interpretative memoranda; Air Force Office of Special Investigation (OSI) reports, interpretative memoranda from plans and systems (XS) at AFAFC; status request from Office of Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) regarding medical care for children over age 21; correspondence with state and local agencies; American Red Cross; and other material related to dependency determination and eligibility of dependents for pay and allowance purposes and benefits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C. 401, Definitions; 403, Basic allowance for quarters; 10 U.S.C. 1072, Definitions.

PURPOSE(S):

Records are used to make final determinations of dependency and or relationship eligibility entitlement to pay allowances for parents, step-children and adopted children who have income in their own right, illegitimate children and all cases where relationship or dependency is questionable; make determinations of dependency and or eligibility entitlement to benefits for parents, parents-in-law, illegitimate children and children over age 21. Copies of affidavits, documents, related correspondence and/or information contain therein may be furnished to the service member, the claimed dependent and/or the person who furnish such information.

Copies of affidavits, statements and related correspondence may be furnished OSI to verify information submitted by or in behalf of the claimed dependent.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Copies of records may on occasion be furnished to Internal Revenue Service (IRS), Social Security Administration (SSA), Office of Personnel Management, and the Department of Veterans Affairs (VA), and to state and local agencies for their own determinations for any obligations, benefits and privileges that come under their jurisdiction.

Notify the American Red Cross of status of claims to inform the member and/or their dependents.

On occasion may disclose information to the Air Force Aid Society.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name and Social Security Number or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/ cabinets, protected by guards and controlled by personnel screening and visitor registers.

RETENTION AND DISPOSAL:

Records for members who have been separated from the service are purged annually and retired to the Federal Archives and Records Center at Denver Federal Center with one exception. Records for which claims are received and/or a dependency determination is made after separation, are retained at the AFAFC for six years after last determination and then sent to the Denver Federal Archives and Records Center. Records are destroyed six years after member's separation from the service or last determination, whichever is later. Destruction is by shredding, tearing or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director Accounting and Finance, United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

The requester should be able to provide sufficient proof of identity, such as name, Social Security Number, service number, military status, duty station or place of employment.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

The requester should be able to provide sufficient proof of identity, such as name, Social Security Number, service number, military status, duty station or place of employment.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, financial and medical institutions, automated system interfaces, police and investigating officers, state or local governments, source documents such as reports; applications and correspondence from members for dependency determination, COLA, and medical care; correspondence from parents, guardians and custodians of dependents, attorneys and the American Red Cross pertaining to dependency determination and support of dependents; information from other components of the Department of Defense.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 AFAFC L

SYSTEM NAME:

USAF Retired Pay System.

SYSTEM LOCATION:

Air Force Accounting and Finance Center, Denver, CO 80279; Federal Archives and Records Center, Building 48, Denver Federal Center, Denver, CO 80225; Records Center Annex, GSA, PO Box 141, Neosho, MO 64850 (backup storage only); Accounting and Finance Offices (AFOs at Air Force bases; Air Reserve Personnel Center and Personal Affairs offices at Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty and retired military personnel, Air Force Reserve and Air National Guard personnel, dependents and survivors of military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include, but are not limited to retired pay and annuitant pay master files with supporting documentation relating to entitlements, deductions, collections and allotments supporting documents include but are not limited to Retirement Orders, retirement pay orders, gross pay statements, statements of employment, employees' withholding exemption certificates, records of emergency data, retired pay allotment authorizations, retirees: United States savings bond authorizations, Air Reserve Forces retirement credit summaries, divorce decrees, computation of retired pay, death certificates, claims for unpaid pay and allowances of deceased members, marriage certificates, adoption papers, guardian papers, birth certificates, election certificates for retired servicemen's family protection plan (RSFPP), election certificates for survivor benefit plan (SBP), documents pertaining to status of children's schooling, and income tax withholding statements. Also included are listings of bonds, allotments, retired pay and annuitant pay checks, debts owed the government and direct remittances made by retirees for the costs of the RSFPP and SBP plans, records from dependents of retired military personnel, correspondence related to retirement entitlements such as reports from hospitals and medical review boards, print-outs of members' active duty military pay accounts from the joint uniform military pay system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapters 61, Retirement or Separation for Physical Disability; 63, Retirement for Age; 65, Retirement for Length of Service; 67, Retired Pay for Non-Regular Service; 69, Retired Grade; 71, Computation of Retired Pay; 73, and 79, Correction of Military Records; 5 U.S.C. Chapter 83, Retirement; 37 U.S.C., Pay and Allowances of the Uniformed Services; 38 U.S.C. 410, Deaths entitling survivors to dependency and indemnity compensation.

PURPOSE(S):

Used to accurately and timely pay the retired members of the Air Force and their survivors; provide members periodic statements of pay; document and account for all disbursements and collections; and to respond to inquiries concerning the retiree and annuitant accounts.

Records are used to establish, maintain and close retiree and annuitant pay accounts and prepare related reports; compute retired and annuitant pay and initiate actions for monthly pay and allotment transactions; casualty cases are established upon the death of a member and arrears of pay are computed and disbursed to survivors; upon the death of a retired member who elected such coverage, RSFPP and/or SBP accounts are established and survival annuities are paid. Also, there is an automated interface with the joint uniform military pay system for data used to compute retiree payments;

retiree's pay and their allotment (checking and savings accounts) payments as well as annuitant's pay are sent either directly to financial organizations or through the Direct Deposit/Electronic Fund Transfer Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Other users include, but are not limited to, any component of the Department of Defense for inquiries, audit and document utilization; other federal agencies such as the Internal Revenue Service for normal wage and tax withholding reporting, accounting, tax audits and levies; Comptroller General and the General Accounting Office for legal interpretations and audits.

Disclosures are made to the Department of Veterans Affairs regarding establishments, changes and discontinuances of VA compensation to retirees and annuitants; disclosures are made to the Social Security Administration regarding wages; information is furnished to the American Red Cross and the Air Force Aid Society for their use in assisting retirees and their survivors.

Information is supplied to state and local governments for use as follow-up data in welfare cases and for tax purposes.

Information is also supplied to the Office of Personnel Management when a retiree waives his military retired pay in order to use his military service for computing his Civil Service Retirement Annuity.

Information is supplied to the courts regarding retiree pay in garnishment cases.

Disclosures are also made to attorneys, law firms, and other parties acting as executors or administrators of retirees estates and information is provided to trustees of mentally incompetent members and guardians of survivors (children).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders/note books/binders/visible file binders/cabinets/card files, computer magnetic tapes and paper printouts, and on roll microfilm and microfiche.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets/vaults/locked cabinets or rooms, protected by guards, and controlled by personnel screening, visitor registers and computer system software.

RETENTION AND DISPOSAL:

The records are retained for varied periods up to 56 years. Destruction of records is by shredding. Records are maintained at the Denver Federal Archives and Records Center. Duplicate records are maintained at the alternate site at Neosho, MO for storage where destruction is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Accounting and Finance, United States Air Force, Washington, DC 20330 (USAF). Assistant Deputy Chief of Staff Personnel for Military Personnel, Randolph Air Force Base, TX 78150 for Survivor Benefit Plans Briefing records and spouse notification letters.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

The requester should be able to provide sufficient proof of identity, such as name, Social Security Number, duty station or place of employment, military status, military grade military grade or other information verifiable from the record itself. For Survivor Benefits Plans Briefing records and spouse notification data, contact the system manager specified in the preceding category or Personal Affairs officials at the servicing Air Force installation. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFAFC/DAD, Denver, CO 80279.

However, retirees and annuitants may go to any Air Force Accounting and Finance Office (AFO) to request information regarding his or her account. The requester should be able to provide sufficient proof of identity, such as name, Social Security Number, military status, military grade or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, financial, educational, and medical institutions, automated system interfaces, state or local governments, source documents such as reports. Also record sources include but are not limited to, the following: Members' survivors, trustees of mentally incompetent members, guardians of survivors (children), private law firms which are executors of estates in casualty cases, the Air Force Manpower and Personnel Center at Randolph Air Force Base, TX, and other government agencies such as the Department of Veterans Affairs and the Social Security Administration. Information also obtained from the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F177 ATC A

SYSTEM NAME:

Air Force ROTC Cadet Pay System.

SYSTEM LOCATION:

Air Force Reserve Officers Training Command/ACB, Maxwell Air Force Base, AL 36112 and Air Force Reserve Officers Training Command detachments. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Senior AFROTC contract cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

Monthly pay disbursement and documents for senior AFROTC contract cadets.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C. 209, Members of Senior Reserve Officers' Training Corps; and Air Force Regulation 45–25, Air Force ROTC Subsistence Allowances and Rates of Commutation in Lieu of Uniforms.

VOL
58
ISS
33
FE
22
1993
UMI

PURPOSE(S):

Used by detachments to verify entitlements, and by AFROTC to summarize costs of the program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer magnetic tapes and on computer paper printouts.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are controlled by computer system software. Building secured after duty hours.

RETENTION AND DISPOSAL:

Retained in office file for three years after completion of training, then destroyed by tearing, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Air Force, Headquarters United States Air Force, and Director of Financial Management, AFROTC/AC, Maxwell Air Force Base, AL 36112.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Accounting and Finance Division, HQ AFROTC/ACF, Maxwell Air Force Base, AL 36112.

Provide name, date attended the institution, detachment number, reason for request. Requester may visit the AFROTC/ACF, and must present driver's license or Social Security card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Comptroller of the Air Force, Headquarters United States Air Force, and Director of Financial Management, AFROTC/AC, Maxwell Air Force Base, AL 36112.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Enrollment and attendance records as translated to pay days.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F178 AFCC A

SYSTEM NAME:

Center Automated Manpower and Update System (CAMPUS).

SYSTEM LOCATION:

Standard Systems Center (SSC), Gunter Air Force Station, AL 36114–6343.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel and civilian employees assigned to the SSC.

CATEGORIES OF RECORDS IN THE SYSTEM:

CAMPUS records contain data on SSC personnel nonavailable time (time in man-hours chargeable as SSC overhead for purposes of total man-hour accounting), personnel available time (time chargeable against a specific human resource package) and workload tracking data (data on project or task). Included in nonavailable time are leave, training, and all activities not related to the SSC's primary mission. Available time includes administrative duties, management/supervision functions, time spent in general support areas and time devoted to developing new and/or maintaining existing computer software. Workload tracking includes data on pending, active, and completed activities as to estimated/actual resources required, estimated/actual dates, and identification data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

CAMPUS provides information to SSC management personnel about manpower utilization within the organization. Specific uses of the system by all management levels include monitoring of manpower resources expended on ADP projects, validating and defending the SSC manpower posture with workload and man-hour expenditure data, and distributing workloads between and within the SSC directorates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer and computer output products.

RETRIEVABILITY:

Records can be retrieved by any element contained in the CAMPUS data base.

SAFEGUARDS:

The personnel data maintained in CAMPUS is subject to protection and restrictions in accordance with Air Force Regulation 300–13 and the Privacy Act of 1974.

RETENTION AND DISPOSAL:

Hard-copy listings are retained in office files until superseded, obsolete, or no longer needed, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Standard Systems Center, Gunter Air Force Station, AL 36114–6343.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Commander, Standard Systems Center, Gunter Air Force Station, AL 36114–6343.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Commander, Standard Systems Center, Gunter Air Force Station, AL 36114–6343.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information for CAMPUS is obtained from the individuals assigned to the SSC.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F178 AFMC B

SYSTEM NAME:

Manhour Accounting System (MAS).

SYSTEM LOCATION:

Headquarters, Air Force Materiel Command, Divisions, Centers, and laboratories. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel assigned to AFMC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manpower information-hourly expenditure, grade/rank, office symbol.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used to provide manhour expenditure/resources for management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer and computer output products.

RETRIEVABILITY:

Retrieved by Social Security Number or name.

SAFEGUARDS:

(1) Records are accessed by the records custodian or other persons responsible for servicing the records in performance of their official duties. (2) Records are controlled by personnel screening and by computer system software. (3) Records are maintained in locked cabinets, locked containers, or buildings with controlled entry.

RETENTION AND DISPOSAL:

Destroy after 2 years or when purpose has been served by means of tearing, shredding, pulping, maceration or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Manhour accounting and JOCAS monitors at AFMC organizations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Manhour accounting and JOCAS monitors at AFMC organizations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Manhour accounting and JOCAS monitors at AFMC organizations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F190 AF PA A

SYSTEM NAME:

Special Events Planning - Protocol.

SYSTEM LOCATION:

Office of the Secretary of the Air Force, Public Affairs (SAF/PAC); Air Force installations and USAF Recruiting Service offices, and headquarters of unified and specified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Non-Air Force civilians, generally, but not limited to civilian leaders of the local community. Segments of the system may be specialized; e.g., active and retired military persons identified by special interests, teachers or other persons in governmental agencies qualified or considered to lecture in Air Force training courses, winners of AF-sponsored Science Fairs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical data usually including, but not limited to: name; business and home address and telephone numbers; name of spouse and family; description of positions in business and community affiliations with Air Force-oriented civic organizations and photographs. For Science Fair winners: Name/date of fairs; name of school; year in school; name of project; judging category, previous selection as Air Force winner with year and name of fair. May include summaries of circumstances of visits to the installation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used by Public Affairs Officers, Executive Officers, Protocol Officers, or Commanders as reference for planning official functions, reporting to higher headquarters, selecting lecturers for training courses, and submitting nominations for Air Force or Department of Defense conferences or other functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and in notebooks/binders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Office of the Secretary of the Air Force, Office of Public Affairs (SAF/PAC), Washington, DC 20330–1000, or

the Executive Officer in the office of Public Affairs at the Air Force installation concerned. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the appropriate system manager or to the Executive Officer in the office of Public Affairs at the Air Force installation concerned. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the appropriate system manager or to the Executive Officer in the office of Public Affairs at the Air Force installation concerned. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the public media, a state or local government, source documents such as reports, Federal agencies staff recommendations, and Science Fair questionnaires.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F190 AF PA B

SYSTEM NAME:

Hometown News Release Background Data File.

SYSTEM LOCATION:

Army and Air Force Hometown News Service, Headquarters Air Force Service and Information News Center, Kelly Air Force Base, TX 78241–5000. Subsystems of the main system may be located at the Public Affairs Office at the Army/Air Force Base, Army/Air National Guard or Army/Air Force Reserve or similar installation to which an individual is assigned.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Army/Air Force active duty military personnel, Army/Air Force Reserve Army/Air National Guard personnel recently selected for promotion, reassigned, awarded a medal or decoration, or who otherwise participated in a newsworthy event.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information including, but not necessarily limited to name, Social Security Number, current grade, marital status, local address, name and address of parents or guardians, educational background and military history, photographs. Information is usually, but not necessarily, contained in an Information for Hometown News Release Form, DD form 2266, or similar form.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013 and 8034, and E.O. 9397.

PURPOSE(S):

Preparation of news releases for distribution to newspapers and broadcast stations throughout the United States.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Air Force's compilation of systems of records apply to this system.

Information from this system of records may be disclosed to the media as part of a news release.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and visible file binders/cabinets.

RETRIEVABILITY:

Retrieved by name and Social Security Number within date of release.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in the Print Media Division, Army and Air Force Hometown News Service files until 60 days after monthly cutoff, then destroyed by tearing into pieces, shredding, pulping, macerating or burning. Local files may be retained for one year and are then destroyed by tearing, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Print Media Division, Army and Air Force Hometown News Service, Kelly Air Force Base, TX 78241–5000.

NOTIFICATION PROCEDURE:

Individual seeking to determine whether this system of records contains information about themselves should address written requests to or visit the Print Media Division, Army and Air Force Hometown News Service, Kelly Air Force Base, TX 78241–5000. Inquiries about a subsystem should be addressed to the Public Affairs Officer at the base or installation of the individual's assignment. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to or visit the Print Media Division, Army and Air Force Hometown News Service, Kelly Air Force Base, TX 78241–5000 or the installation Public Affairs Officer. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for accessing records, and contesting contents and appealing initial determinations are published in Air Force Regulation 12–35, 32 CFR part 806b, or maybe obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F190 SAFPA A

SYSTEM NAME:

Biographies of Officers and Key Civilians Assigned to SAF/PA.

SYSTEM LOCATION:

Secretary of the Air Force, Office of Public Affairs (SAF/PA), Room 4D926, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers and key civilians (grade GS–10 or higher) currently assigned to positions in the Secretary of the Air Force Office of Public Affairs and its component divisions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information including summary of military service,

educational background, marital status and special interests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Serves as a ready reference of assigned personnel for the Director of Public Affairs, Office of the Secretary of the Air Force; used in preliminary personnel evaluations for reassignment within the Secretary of the Air Force Office of Public Affairs and throughout the Public Affairs field.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in safes.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Public Affairs, Office of the Secretary of the Air Force (SAF/PA).

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Executive, Secretary of the Air Force Office of Public Affairs (SAF/PA), Washington, DC 20330. Personal visit may be made to the system location in Room 4D926, The Pentagon, Washington, DC.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Executive, Secretary of the Air Force Office of Public Affairs (SAF/PA), Washington, DC 20330. Personal visit may be made to the system location in Room 4D926, The Pentagon, Washington, DC.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, financial institutions, trade associations, automated system interfaces and from the public media.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F190 SAFPA B

SYSTEM NAME:

Official Biographies.

SYSTEM LOCATION:

Biographies of active duty general officers and high-level civilian personnel of the Department of the Air Force Service Information and News Center, Kelly Air Force Base, TX 78241 (AFSINC/IIB). Record system segments or duplicates pertaining to active duty general officers may be found at the Office of Public Affairs, Office of the Secretary of the Air Force, Washington, DC 20330; Headquarters of major commands and at all levels down to and including Air Force installations. Also at Air Force libraries, offices of air attaches to United States Embassies, Air Force sections of Military Assistance Advisory Groups and missions; unified activities and unified commands. Additional locations include the Air Force Chief Historian (AF/CHO), Washington, DC 20330; Assistant for General Officer Matters (AF/MPG), Washington, DC 20330; and the Aerospace Historical Foundation, University of KS. Biographies of retired Air Force general officers are located at the Media Relations Division, Secretary of the Air Force Office of Public Affairs (SAF/PAM), Room 5C879, The Pentagon, Washington, DC 20330, and at the Retired Activities Section, Assistant DCS/Personnel, Air Force Manpower and Personnel Center (AFMPC/AFPMSDMI), Randolph Air Force Base, TX 78150. Biographies of key civilian employees of the Office of the Secretary of the Air Force and of Headquarters, United States Air Force, relocated at the Director of Civilian Personnel, Washington, DC 20330. Biographies of key civilian employees at subordinate organizational levels may be found at the office of the Director of Civilian Personnel. Biographies of Air Reserve general officers are at Headquarters, USAF/REL, Washington, DC 20330. Record segments or duplicates may be found at the Office of Public Affairs, Headquarters, of the United States Air Force, major commands an major subordinate commands. Air Force Manpower and Personnel Center (AFMPC/DPMYR), Randolph Air Force Base, TX 78150; Headquarters, Air Force Reserve (Commander and Public Information Office), Robins Air Force Base, GA 31098; Air Reserve Personnel Center (Commander and Public Affairs Office), Denver, CO 80280; Headquarters, Military Airlift Command (CSB), Scott Air Force Base, IL 62225; Secretary of the Air Force, Manpower and Reserve Affairs (MRR), Washington, DC 20330; the Reserve Forces Policy Board, Washington, DC 20330; and the offices of all Air Reserve general officers. Biographies of Air National Guard general officers are located at the National Guard Bureau, Washington, DC 20310. Records system segments of duplicates may be found at Department of the Army major divisions and installations. Headquarters of the major commands and separate operating agencies. Army readiness regions; the offices of Army Guard and Air National Guard Liaison Officers; the Aerospace Audio-Visual Service, Norton Air Force Base, CA 92404; the Office of the Secretary of Defense; the Office of the Secretary of the Navy; the Library of Congress; the Air Force Association; the Army Association; the Reserve Officers Association; Air Force libraries; the Air War College, the offices of all National Guard and Air National Guard general officers, and the offices of state Adjutants General. Specific addresses may be obtained form the National Guard Bureau. Biographies prepared under the official biographies program for key military and civilian personnel of other Air Force organizations may be found at the Office of Public Affairs. Headquarters of major commands and at all levels down to and including Air Force installations. Headquarters United States Space Command (HQ USSPACECOM).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The Secretary of the Air Force, Under Secretary and assistant secretaries of the Air Force, Air Force general officers on active duty or retired, Air Reserve and Air National Guard general officers, Air Force personnel assigned as pilots to the Manned Space Program, and key military and civilian personnel at all Air

Force organizations. Key personnel in Office of the Secretary of Defense (OASD), military departments, and HQ USSPACECOM.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes, but not limited to, summary of military service (including dates and locations of assignments and dates of promotions), military honors and awards, educational background, date and place of birth, marital status, name of spouse and family, and any additional personal information provided by the general.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties delegation by.

PURPOSE(S):

Biographies are prepared to support the Air Force policy to keep its members and the public informed about the Air Force and its leaders. Biographies may be used as resource documents in preparing news releases or other public information material and are included in the official personnel records of all general officers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

In their final form the biographies are considered published, public domain material may be released to any requester on an as needed or as requested basis.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

No specific safeguards required.

RETENTION AND DISPOSAL:

Retained in office files until superseded obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Air Force Service Information and News Center (AFSINC/CC), Kelly Air Force Base, TX 78241.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Commander, Air Force Service Information and News Center (AFSINC/CC), Kelly Air Force Base, TX 78241, for all biographies of active duty general officers and key civilians assigned to the Office of the Secretary of the Air Force or to Headquarters Air Force. Biographies for Air Reserve general officers at Headquarters USAF/REL; Air National Guard general officers at the National Guard Bureau, and retired officers from the Media Relations Division (SAF/PAM). All other biographies: Office of Public Affairs at the appropriate level. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Commander, Air Force Service Information and News Center, the National Guard Bureau, Headquarters, USAF/REL, Media Relations Division (SAF/PAM) or the Office of Public Affairs at the appropriate level. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the public media and information obtained from source documents such as reports. Subject to final review before publication.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F190 SAFPA C

SYSTEM NAME:

Public Affairs References.

SYSTEM LOCATION:

Office of the Secretary of the Air Force, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian officials of the Federal Government (including Presidential Appointees), prominent Americans in and out of government who are involved in defense matters, and reporters and syndicated columnists or commentators who write on defense matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

For military and civilian officials of the Department of Defense and for Presidential Appointees: Copies of official biographies released by the Department of Defense or by the White House. A speech subsystem may contain copies or excerpts of speeches by military and civilian Federal Government officials speaking about defense matters. A clippings subsystem may contain news media clippings about activities or statements of prominent Americans.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

To respond to requests from Air Force and Department of Defense officials for any of the following information: Biographical material about key government officials; public statements by government officials about defense matters; defense related statements or activities of prominent Americans, as reported in news media; or publishing history of writers on defense matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and note books/binders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in active files during an official's incumbency (for Federal Government officials), until the individual is no longer actively involved in defense matters, or until the writer stops writing about defense matters; then placed in inactive file where they are retained until no longer needed for reference; then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Assistant to the Secretary of the Air Force, Room 4D881, The Pentagon, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Administrative Assistant to the Secretary of the Air Force, Room 4D881, The Pentagon, Washington, DC 20330.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Administrative Assistant to the Secretary of the Air Force, Room 4D881, The Pentagon, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the public media and from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F200 AFIS A

SYSTEM NAME:

Security File for Foreign Intelligence Collection.

SYSTEM LOCATION:

Air Force Special Activities Center/ INOB, Fort Belvoir, VA 22060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty officers, enlisted personnel, civilian employees and former employees, retired Air Force military personnel, and foreign nationals.

CATEGORIES OF RECORDS IN THE SYSTEM:

AFOSI records of investigation and AFIS correspondence incidental to AFOSI investigations. Correspondence reporting incidents having security ramifications bearing on U.S. collection activities abroad. Studies of compromised U.S. intelligence collection projects abroad and correspondence thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, as amended and Air Force Regulation 205–3, Security Classification of Infrared, Visible and Ultraviolet Equipment, Components and Information.

PURPOSE(S):

Routine internal AFSAC/AFIS reference materials used for internal orientation and study for object lesson guides for routine instruction to support operational security in U.S. foreign intelligence collection operations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in safes.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation. Destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

AFSAC/DA, Fort Belvoir, VA 22060.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFSAC/DA, Fort Belvoir, VA 22060.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFSAC/DA, Fort Belvoir, VA 22060.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from AFOSI reports, studies and source documents pertaining to foreign intelligence collection operations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F200 AFIS B

SYSTEM NAME:

DIA Program for Foreign Intelligence Collection.

SYSTEM LOCATION:

Air Force Special Activities Center (AFSAC/INOB), Fort Belvoir, VA 22060 and subordinate units: Det 31, PSAA, APO AP 96328; Det 32, PSAA, APO AP 96301; Det 12, ESAA, APO AE 09008; Det 21, AFSAC, Fort Belvoir, VA 22060; Det 22, AFSAC, Wright-Patterson Air Force Base, OH 45433; Det 3/FTD, APO AE 09633; Det 4/FTD, APO AP 96328.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve personnel, retired Air Force military personnel, foreign nationals residing in the United States, U.S. Citizens, and foreign nationals overseas who are sources or support assets for foreign intelligence collection operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographic data and records incidental to foreign intelligence collection operations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, Pub. L. 257, July 26, 1947 (61 Stat 495); as implemented by Air Force Regulation 200–3, The Medical Intelligence Program.

PURPOSE(S):

Routine internal reference relative to use or possible use in foreign intelligence collection operations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and note books/binders, and on computer paper printouts and roll microfilm.

RETRIEVABILITY:

Retrieved by name and National File Number.

VOL 58 ISS 33 FE 22 1993 UMI

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/ cabinets and safes.

RETENTION AND DISPOSAL:

Prior to destruction, files are screened, purged of extraneous material, and microfilmed. Microfilm retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

AFSAC/DA, Fort Belvoir, VA 22060. Submanager: Det 22, AFSAC/CC, Wright-Patterson Air Force Base, OH 45433.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the AFSAC/DA, Fort Belvoir, VA 22060. Submanager: Det 22, AFSAC/CC, Wright-Patterson Air Force Base, OH 45433.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the AFSAC/DA, Fort Belvoir, VA 22060. Submanager: Det 22, AFSAC/CC, Wright-Patterson Air Force Base, OH 45433.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from biographical data and records incident to foreign intelligence collection operations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F205 AF A

SYSTEM NAME:

Personnel Security Access Records.

SYSTEM LOCATION:

Offices of installation Chiefs of Security Police where individual is assigned or employed or at headquarters of unified or specified commands for which Air Force is Executive Agent. For non-immigrant aliens at headquarters of major commands and major subordinate commands. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices. Also at the National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO, 63132–2001, or Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO, 63118–2001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military and civilian personnel, Air Force Reserve and Air National Guard personnel, Air Force Academy cadets, American Red Cross Personnel, Exchange Officers, and Foreign Nationals. Army, Navy, Air Force and Marine Corps active duty military and civilian personnel assigned to headquarters of unified commands for which Air Force is Executive Agent.

CATEGORIES OF RECORDS IN THE SYSTEM:

System includes documentation requesting, granting and terminating access to classified information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and E.O. 9397.

PURPOSE(S):

Records are used to record level of security clearance and level of access to classified information that has been authorized. Information is used by commanders, supervisors, and security managers to insure that individuals who receive classified information have been properly investigated, cleared, have a definite need-to-know, and have been properly debriefed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, notebooks/ binders, visible file binders/cabinets or card files.

RETRIEVABILITY:

Retrieved by Name and/or Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/ cabinets, safes or vaults, or in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. (Exception: Records on non-immigrant aliens are retained for two years after termination of access or employment, then destroyed, as above). Security Termination Statements are retired one year after termination of service or employment to the Director, National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132–2001, or Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO, 63118–2001. Records indicating that access to classified information has been withdrawn for cause are forwarded to installation Chief of Security Police for disposition.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Security Police, Headquarters United States Air Force. Commanders of organization units and the Director, National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132–2001, or Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118–2001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to or visit the Chief of Security Police, Headquarters United States Air Force; Commanders of organization units; Director, National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132–2001, or Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118–2001.

Personal visits require positive identification. Provide full name, Social Security Number, and military rank or civilian rating.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Chief of Security Police, Headquarters United States Air Force; Commanders of organization units; Director, National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132–2001,

or Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118–2001.

Personal visits require positive identification. Provide full name, Social Security Number, and military rank or civilian rating.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions, from police and investigating officers, or from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F205 AF SP A

SYSTEM NAME:

Special Security Files.

SYSTEM LOCATION:

Commanders or Chiefs of Security Police at Air Force installations or units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force military and civilian personnel including Air Force Reserves and Air National Guard; Air Force Academy and Air Force ROTC Cadets; Air Force Contractor personnel requiring unescorted entry, Nonappropriated Fund Instrumentality personnel in sensitive positions at Air Force installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative report, some of which are exempt under the Privacy Act of 1974, incident reports, police and law enforcement reports and records, reports of audit, medical evaluation records and reports, personnel record data or reports, disciplinary or administrative action data, records and reports, correspondence among local Air Force officials and between officials and other Air Force agencies or higher headquarters and/or the Air Force Security Clearance Office.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by:

PURPOSE(S):

Files are temporary records used to collect and record data and documentation of actions taken on cases where the individual's security clearance status may be affected. Portions of the records may be referred to investigative agencies for further inquiry; to personnel officials for administrative action to legal personnel for disciplinary or judicial actions; to medical personnel for evaluation, testing or treatment; to commanders for denial or suspension of access to classified information or restricted areas; to other local Air Force officials for review, recommendation, advice, or assistance for resolution of the case file.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name and by Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know, and by commanders of medical centers and hospitals. Records are stored in security file containers/cabinets, safes or vaults, protected by guards and controlled by personnel screening.

RETENTION AND DISPOSAL:

Records are temporary and are either sent to the Air Force Security Clearance Office for conversion to Special Security Case Files or are destroyed locally upon favorable determination by tearing into pieces, shredding, pulping or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Security Police, Headquarters Air Force Office of Security Police, Kirtland, Air Force Base, New Mexico 87117.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Security Police or the Commander at the installation of current employment or assignment. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Written requests must be notarized and must provide the full name, Social Security Number, military or civilian grade or status. Personal visits require positive identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief of Security Police or Commander of the installation. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from investigative reports; incident reports; police, law enforcement and audit reports and records; financial institutions; employers; local government agencies; legal and judicial reports and records; individuals; witnesses, commanders and local officials

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(5), as applicable

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553 (b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 806b.

F205 AFIS A

SYSTEM NAME:

Sensitive Compartmented Information Personnel Records.

SYSTEM LOCATION:

Personnel Security Division, Directorate of Security and Communications Management, Air Force Intelligence Service, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force personnel, civil service employees, consultants, and contractor personnel with current access to SCI or who have had such access within past fifteen years except Air Force personnel assigned to Central Intelligence Agency, Office of the Secretary of Defense/ Defense Agencies, Office of the Joint Chiefs of Staff, and the National Security Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Statements of Personnel Hi papers prepared or submitted by in submitted by individuals; Statements by Commanders, Supervisors, Medical, Legal, and Security Officials, and related correspondence; Access Adjudication Records; Indoctrination Oaths; Termination Oaths; routine records/correspondence pertaining to access status or changes in status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450; as implemented by Air Force Regulation 205–32, USAF Personnel Security Program, and USAFINTEL 201–1.

PURPOSE(S):

To recommend/determine eligibility for access to SCI.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to verify an individual's status with respect to SCI access or eligibility for such access, only the 'fact of' an individual's eligibility/noneligibility for SCI access is furnished to other authorized government agencies/ activities and only upon request.

To answer official inquiries involving an individual's eligibility/noneligibility for access to SCI.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on microfiche.

RETRIEVABILITY:

Retrieved by name, by Social Security Number, and grade or rank.

SAFEGUARDS:

Records are accessed by custodian of the record system, by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in security file containers/cabinets and vaults.

RETENTION AND DISPOSAL:

Active records maintained as long as an individual is authorized access to SCI. Upon termination of access record is placed in inactive status where it is retained for fifteen years and then destroyed unless sooner returned to active status. Destruction is by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Security and Communications Management, Air Force Intelligence Service (AFIS/INS), The Pentagon, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director of Security and Communications Management, Air Force Intelligence Service (AFIS/INS), The Pentagon, Washington, DC 20330.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director of Security and Communications Management, Air Force Intelligence Service (AFIS/INS), The Pentagon, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personnel Background Investigations conducted by Defense Investigative Service and/or Air Force Office of Special Investigations; Statement of Commanders, Supervisors and medical, legal and security officials; records of adjudication processes.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2) and (k)(5), as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553 (b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 806b.

F205 AFSC A

SYSTEM NAME:

Space Human Assurance and Reliability Program (SHARP).

SYSTEM LOCATION:

Headquarters SD/CLFRX, P.O. Box 92960, Los Angeles Air Force Base, Los Angeles, CA 90009–2960; Headquarters SAMTO/XOO, Vandenberg Air Force Base, CA 93437–6021; WSMC/SP, Vandenberg Air Force Base, CA 93437–6021; ESMC/SPI, Patrick Air Force Base, FL 32925–6215; and CSTC/VOB, P.O. Box 3430, Onizuka Air Force Base, CA 94088–3430.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military, civil service, and contractor personnel who require SHARP certification for unescorted entry to specified space launch and operations related facilities or areas at certain Air Force or National Aeronautics and Space Administration (NASA) installations or activities or for assignment to designated sensitive space launch and operations positions at such installations or facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation used to request certification, to include the applicant's name, Social Security Number, date and place of birth, level of security investigation, medical, financial, and arrest information, and data pertaining to the applicant's certification, such as date of certification, date certification suspended, withdrawn, or denied (as appropriate) and date recertification required.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C. 797, Internal Security Act of 1950; 5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 8013, Secretary of the Air Force: Power and duties: Delegation by; E.O. 9397, November 1943 Numbering System for Federal Register Accounts Relating to Individual Persons; 32 CFR 809a.1, Enforcement of Order at Air Force Installations, Air Force Regulation 127–2, 3–6 & 4–4, U.S. Air Force Mishap Prevention Program; Space Division Regulation (SDR) 55–3, Space Human Assurance and Reliability Program (SHARP).

PURPOSE(S):

To obtain background information for investigative and evaluative purposes for use in making human/personnel reliability determinations under SHARP regarding personnel (a) seeking unescorted entry to specified space launch and operations related facilities or areas at certain Air Force or National Aeronautics and Space Administration (NASA) installations or activities, or (b) occupying sensitive positions related to space launch and operations designated by the commander of such installations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To federal, state, or local government investigative agencies if necessary to obtain information for a human/ personnel reliability determination.

To NASA concerning its making, issuing, or retaining a human/personnel reliability determination regarding unescorted entry to specified space launch and operations related facilities or areas, or assignment to designated sensitive positions related to space launch and operations activities.

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's

compilation of systems of records notices apply to this system

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, binders, card files, computer files, and computer products.

RETRIEVABILITY:

Retrieved by name and security number.

SAFEGUARDS:

Records are accessed by the custodian of the records system and by personnel responsible for maintaining and updating the record system in performing their official duties. Such personnel are screened and cleared for access to SHARP data on a need-to-know basis. Records are stored in locked cabinets or file containers. Computerized files reflecting the identity and program status of applicants for SHARP certification are protected against unauthorized access. Computers containing such data are located in controlled access areas or otherwise secured so as to preclude unauthorized access.

RETENTION AND DISPOSAL:

Records are destroyed in accordance with Air Force Regulation 12–50, Table 205–5. Unit requests for investigation or unescorted entry are destroyed when no longer needed. Air Force Regulation 12–50, Table 205–5, Rule 7. Completed personal history statements or comparable forms at units of assignment are destroyed when an individual's employment is terminated. Air Force Regulation 12–50, Table 205–5, Rule 12. Documents are shredded, pulped, or burned to preclude the disclosure of Privacy Act information.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters Space Division, Deputy Commander for Launch Operations, Plans and Operations Division, SHARP Program Manager, SAMTO/XOO, Vandenberg Air Force Base, CA 93437–6021; SHARP Administrator, HQ SD/CLFRX, PO Box 92960, Los Angeles Air Force Base, Los Angeles, CA 90009–2960; SHARP Administrator, WSMC/SP, Vandenberg Air Force Base, CA 93437–6021; SHARP Administrator, ESMC/SPI, Patrick Air Force Base, FL 32925–6215; and SHARP Administrator, CSTC/VOB, PO Box 3430, Onizuka Air Force Base, CA 94088–3430.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the system manager or the system location where the requester applied for SHARP certification. Requesters should identify themselves by name and Social Security Number to facilitate access.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the system manager or to the system location where the requester applied for SHARP certification. For personal visits, the requester may be asked to show a valid identification card, a driver's license, or some similar proof of identity.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is provided by the individual; his or her supervisor; the servicing security police organization; various federal, state, and local investigative agencies; and the local SHARP Administrator or equivalent NASA official.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F205 AFSCO A

SYSTEM NAME:

Special Security Case Files.

SYSTEM LOCATION:

Air Force Security Clearance Office, Washington, DC 20330. Decentralized segments at the Washington National Records Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force civilian employees and applicants, and Air Force military members and prospective members, including Air Force Reserve and Air National Guard, Air Force contractor employees requiring unescorted access, Air Force Academy and ROTC Cadets and applicants, overseas educators involved in the education and orientation of military personnel, Nonappropriated Fund Instrumentality personnel and applicants for sensitive positions, personnel requiring DOD building passes, whose personnel security investigations contain significant unfavorable information, whose cases were previously processed or adjudicated under the Air Force Military or Civilian Security Programs, or who are the subject of Special Security Files initiated by commanders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files may include (1) requests for clearance, investigation, or waiver of investigative requirements, (2) determinations of eligibility for assignment to sensitive or nonsensitive positions, (3) medical records checks and evaluations, (4) personnel records information, (5) personnel security questionnaires, (6) correspondence between the Air Force Security Clearance individual, the individual, office of assignment, commanders, medical facilities and installations, personnel offices, investigative agencies, Air Staff offices, or offices of the Secretary of the Air Force, (7) clearance records, and (8) summaries, evaluations, recommendations and records of adjudication.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7531, Definitions; 7532, Suspension and removal; 7533, Effect on other statutes; 10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; E.O. 10450, Security requirements for government employment; implemented by Department of Defense Regulation 5200–2R, DOD Personnel Security Program.

PURPOSE(S):

Files are established to evaluate the security acceptability of Air Force military and civilian and contractor personnel, applicants, enlistees and nominees for appointment, assignment or retention in sensitive positions with access to classified defense information or to restricted areas and locations in the interest of national security.

Files are used to record clearance adjudicative actions, eligibility determinations and investigative data.

Investigative case file information may be reviewed by Air Force installation commanders, supervisors, personnel officers, medical, security, and investigative personnel, personnel of Air Staff offices and offices of the Secretary of the Air Force.

Case files and cards are also used to answer inquiries from other Air Force offices and agencies, and from investigative, security and personnel representatives of other Federal agencies concerning the clearance status of individuals.

Case records are maintained to prepare statistical accounting and to measure the effectiveness of the adjudicative programs and procedures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and microfiche maintained in file folders, card files, visible file binders/cabinets and notebooks/binders.

RETRIEVABILITY:

Retrieved alphabetically by name.

SAFEGUARDS:

Records are stored in vaults, safes and security file containers/cabinets. All records are stored, processed, transmitted and protected as the equivalent of classified information. Records are accessed by the custodian of the records system, by persons responsible for servicing the system in the performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know.

RETENTION AND DISPOSAL:

Case files which result in a final, favorable adjudicative determination are retained in the office files for one year after annual cut-off then are destroyed by tearing into pieces, shredding, pulping, or burning. Case files resulting in an adverse adjudicative determination are retained in office files for two years after annual cut-off, then are retired to the Washington National Records Center, Washington, DC 20409.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Air Force Security Clearance Office, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief, Air Force Security Clearance Office, Washington, DC 20330.

Individual should provide full name, including any former names, grade, date of birth and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Air Force Security Clearance Office, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is received from investigative reports from federal investigative agencies, personnel and medical records, board reports, correspondence from offices and organizations of assignment, and from commanders, supervisors, witnesses and individuals, from security, and investigative personnel and from Air Staff offices, offices of the Secretary of the Air Force.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt from section 552a(k)(5). For additional information, contact the system manager.

F205 AFSCO B

SYSTEM NAME:

Presidential Support Files.

SYSTEM LOCATION:

Primary System at the Air Force Security Clearance Office, Washington, DC 20330. Decentralized segments are located at security police offices for units having a Presidential Support mission and those units from which personnel are nominated or assigned to Presidential Support duties.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those Air Force military and civilian personnel who are nominated or assigned to authorized, designated positions involving Presidential Support duties on either a full or part-time basis.

CATEGORIES OF RECORDS IN THE SYSTEM:

Nomination Files include reports of investigation by the Defense Investigative Service and by other Federal investigative agencies; correspondence between the Air Force Security Clearance Office and units, installations, contractors and major commands, investigative agencies, security offices, Air Staff offices and offices of the Secretary of the Air Force, the office of the Military Assistant to the Special Assistant to the Secretary and Deputy Secretary of Defense, the Office of the Director, White House Military Office, medical evaluations, statements by nominees, summaries and evaluations of investigative information. Assignment Record Files include letters of notification of selection and quarterly rosters of all assigned personnel listed alphabetically by organization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; implementing Department of Defense Directive 5210.55, Selection of DOD Military and Civilian Personnel and Contractor Employees for Assignment duties; and Department of Defense Regulation 5200–2R, DOD Personnel Security Program.

PURPOSE(S):

Nomination files are temporary files used to evaluate the background, character, suitability and qualifications of nominees being considered for selection to positions requiring regular or frequent contact with the President or access to Presidential facilities or modes of transportation.

Files are reviewed and evaluated by staff members at each level in the selection process, by medical facility staff members, by the Air Force Security Clearance Office, and other appropriate Air Staff office, by the Office of the Administrative Assistant to the Secretary of the Air Force, and by the Office of the Military Assistant to the Special Assistant to the Secretary and Deputy Secretary of Defense.

Files are reviewed by the Office of the Director, White House Military Office and contractor personnel files may be reviewed by the contractor and by the U.S. Secret Service.

Assignment Record Files are originated from data in the Nomination Files to locate, identify, control, manage, and administer individuals selected for assignment to Presidential Support duties, to initiate assignment actions after final selection, to notify medical facilities, and to prepare the quarterly listing of individuals assigned to the program for submission to the Office of the Military Assistant to the Special Assistant to the Secretary and Deputy Secretary of Defense, to major command and units and Security Police offices having a Presidential support mission, and submission to the Office of the Director, White House Military Office and to contractors. Presidential Support mission. Assignment Record Files at locations other than the Air Force Security Clearance Office are merely duplicate copies of the file copy. File copies are retained at the Air Force Security Clearance Office to permit record access and to record the accountability of disclosures of the Nomination Files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders and on computer paper output products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system, by person responsible for servicing the record system in performance of their official duties, and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, in safes and vaults.

RETENTION AND DISPOSAL:

Upon completion of final favorable determination of selection, Nomination Files are destroyed by tearing into pieces, shredding, pulping, or burning and are replaced by Assignment Record Files. Assignment Record Files for individuals are retained during the period of assignment or for five years, whichever is longer, as the disclosure accountability record, then are destroyed by tearing into pieces, shredding, pulping, or burning except for the file copy which is kept by the system manager for five years for disclosure accounting. Assignment Record Files in quarterly roster listing form are destroyed when superseded by the next quarterly roster by tearing into pieces, shredding, pulping, or burning. Nomination Files for personnel not selected are retained in the office of nonselection or at the Air Force Security Clearance Office for one year after the date of nonselection, at which time they are destroyed by tearing into pieces, shredding, pulping, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Presidential Support Security Specialist, Air Force Security Clearance Office, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Presidential Support Security Specialist, Air Force Security Clearance Office, Washington, DC 20330.

Requests should contain the full name, military or civilian grade, date of birth, position in unit or contracting firm, the date of nomination or nonselection, or the unit or organization to which assigned, location and period of assignment.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Presidential Support Security Specialist, Air Force Security Clearance Office, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from the individual, from reports from Federal investigative agencies, military and civilian contractor personnel records, and military medical records, correspondence from military and civilian law enforcement and Security Police offices, major command staff offices, Air Staff offices, offices of the Secretary of the Air Force, the Office of the Military Assistant to the Special Assistant to the Secretary and Deputy Secretary of Defense, Office of the Director, White House Military Office and other Federal agencies and office of the Executive and Legislative Branches.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F205 AFSCO C

SYSTEM NAME:

Personnel Security Clearance and Investigation Records.

SYSTEM LOCATION:

Air Force Security Clearance Office, Washington, DC 20330, Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150, Air Force units, personnel offices, Security Police elements at all Air Force installations, Air Force Academy, CO, and Air Force ROTC Headquarters, Maxwell Air Force Base, AL.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force military and civilian personnel and applicants including Air Force Reserve and Air National Guard personnel, Air Force Academy and Air Force ROTC Cadets, Air Force contractors requiring unescorted entry or special access, Nonappropriated Fund Instrumentality personnel at Air Force installations and overseas educators at Air Force installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

System includes clearance status and eligibility records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O.s 9838; 10450; and 11652; 10 U.S.C. 8013 Secretary of the Air Force: Powers and duties; delegation by; as implemented by DOD Regulation 5200–2R, DOD Personnel Security Program.

PURPOSE(S):

Records are used to grant access to classified information or unescorted entry to restricted areas; to record completion of investigative requirements for enlistment, induction, appointment, commissioning, assignment to sensitive positions, duty or training; to grant special access for special programs or projects; to determine investigative requirements needed for assignment; to record status of investigative actions; to record date of separation; to record adjudicative determinations of ineligibility for enlistment, induction, commissioning, retention, appointment, assignment, clearance or access.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on computer and computer output products.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms or in security file containers/cabinets or vaults, and controlled by computer system software and personnel screening.

RETENTION AND DISPOSAL:

Records are retained in computer systems for two years after separation, deleted. A Reserve commitment are retained until commitment is fulfilled, then Computer printouts are temporary records and are destroyed when replaced by more recent listing. Paper records are destroyed by tearing into pieces, shredding, pulping or burning. Computer storage devices are overwritten or erased.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Air Force Security Clearance Office, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief, Air Force Security Clearance Office, Washington, DC 20330.

Provide full name, including maiden name if applicable, and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Air Force Security Clearance Office, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual, investigative reports, medical facilities, police and law enforcement offices, personnel documents, Air Force Special Security Files and Special Security Case Files.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F205 AFSP A

SYSTEM NAME:

Requests for Access to Classified Information by Historical Researchers.

SYSTEM LOCATION:

Air Force OPA-MB, 1221 South Fern Street, Room D159, Arlington, VA 22202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons outside the Executive Branch of the United States Government who request access to classified information for historical research purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Basic biographical data on the requestor, letters of requests, letters granting access or denial and statement signed by the requestor explaining the conditions governing access.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used to determine the trustworthiness of individuals for whom access is requested, authorize or deny access based on this determination and prescribe locations, schedules and circumstances in which research may be conducted. Biographical data is disseminated to the Defense Investigative Service, the Department of Justice, the Air Force Office of Special Investigations and the Air Force Security Clearance Office.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly cleared for need to know. Records are stored in safes.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Magazine and Book Branch, Secretary of the Air Force Office of Public Affairs.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief, Magazine and Book Branch, Secretary of the Air Force Office of Public Affairs.

Written requests should be notarized. Personal visits require positive identification such as Military ID card, drivers license, Social Security Number, date of birth, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Magazine and Book Branch, Secretary of the Air Force Office of Public Affairs.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual, police and investigating officers, and the Department of Justice,

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F210 ESC A

SYSTEM NAME:

Historical Research and Retrieval System (HORRS).

SYSTEM LOCATION:

Command Historical Office, Headquarters Electronic Security Command (HQ ESC), San Antonio, TX 78243.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian members of ESC, including active, retired, and deceased personnel. Primarily, names of key personnel, such as commanders, operations officers, and other staff personnel mentioned in command histories and special studies, are filed in this system and are retrievable by name.

CATEGORIES OF RECORDS IN THE SYSTEM:

Coded abstracts of command history items or extracts from other documents retained for historical purposes. Will include name, rank, unit assigned, position occupied, and any historically noteworthy achievements of individuals reflected in the document from which information was extracted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by as implemented by Air Force Regulation 210–1, Regulation for Air Force Historians.

PURPOSE(S):

Research reference file used by HQ ESC Historical Office to satisfy requests for Air Force Special Intelligence (SI) historical information received from individuals within the DOD and other government agencies. Information is also used as research material for preparing special studies and monographs, and to answer requests for information under the Freedom of Information Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in bound, paper copies; jacketed microfiche; and computer magnetic tapes, discs, and computer products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers. The computer file is kept in a locked room.

RETENTION AND DISPOSAL:

Microfiche and paper copies of records, including ADP products, are retained in office files until no longer needed for reference, then destroyed by burning or pulping. Computer tapes are destroyed by overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Command Historian, HQ ESC/HO, San Antonio, TX 78243.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Command Historian, HQ ESC/HO, San Antonio, TX 78243.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Command Historian, HQ ESC/HO, San Antonio, TX 78243.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from command histories, special studies, monographs, end-of-tour reports, oral histories, and other reference material.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F211 AF MP A

SYSTEM NAME:

Family Services Volunteer Record.

SYSTEM LOCATION:

Family Services offices at all Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All volunteers participating in the program and former participants.

CATEGORIES OF RECORDS IN THE SYSTEM:

As a minimum, the file contains forms and general correspondence by name, Social Security Number, address, and associated information relating to an individual volunteer's training, honors/awards, participation, and associated actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and Air Force Regulation 211–24, Family Services Program.

PURPOSE(S):

To document an individual volunteer's training, honors/awards, participation, and associated actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Air Force's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets or card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records from this system of records may be accessed by person(s) in performance of official duties who are properly screened and cleared for need-to-know. Records will be maintained in locked rooms.

RETENTION AND DISPOSAL:

In active volunteer status, retained indefinitely or until superseded. The record of a volunteer who transfers or who has not been credited with participation in a 90–day period is placed in an inactive file and destroyed after 2 years by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief or Staff/Personnel for Military Personnel, Randolph Air Force Base, TX 78150–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to or visit the Family Services Office of the Air Force installation in question or to the Assistant Deputy Chief or Staff/Personnel for Military Personnel, Randolph Air Force Base, TX 78150–6001. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records contained in this system of records should address written inquiries to or visit the Family Services Office of the Air Force installation in question or to the Assistant Deputy Chief or Staff/Personnel for Military Personnel, Randolph Air Force Base, TX 78150–6001. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from individual volunteer or is based on program participation as documented by other means.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

VOL
58
ISS
33
FE
22
1993
UMI

F213 AF MP A

SYSTEM NAME:

Individual Class Record Form.

SYSTEM LOCATION:

At Air Force Installations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel who are enrolled in educational programs conducted on base.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identifies courses, sources of funding, tuition payments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Regulation 213–1, Operation and Administration of the Air Force Education Services Program.

PURPOSE(S):

Used by educational services personnel to compile reports, to expedite return of borrowed books or equipment, and to control tuition payments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files until classes are completed or until borrowed materials are returned and all monies are paid. Then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Education Branch.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief, Education Branch.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief, Education Branch.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F213 AFMWRC A

SYSTEM NAME:

Air Force Educational Assistance Loans.

SYSTEM LOCATION:

Air Force Morale/Welfare/Recreation Center, Randolph Air Force Base, TX 78150–7000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Dependents of active duty Air Force military members who received educational assistance loans during 1961, 1962 and 1963.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain loan agreement documents made with loan recipients; related documentation between Executive Secretariat/Air Force Morale and Welfare Center (AFMWC) and college/university registrars; retained copies of documents and correspondence received from or sent to loan recipients, and individual ledger cards reflecting accounting data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used for loan follow-up.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Files are retained until paid in full at which time the original loan agreement is returned to the loan recipient.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Morale/Welfare/Recreation Center, Randolph Air Force Base, TX 78150–7000.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address inquiries to or visit the Director, Morale/Welfare/Recreation Center, Randolph Air Force Base, TX 78150–7000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Director, Morale/Welfare/Recreation Center, Randolph Air Force Base, TX 78150–7000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Original loan agreements generated by the loan recipient; correspondence received from or sent to loan recipients; certifications from college/university registrars as to receipt of payment for tuition, school supplies and other educational expenses.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F215 AF DP A

SYSTEM NAME:

Child Development/Youth Activities Records.

SYSTEM LOCATION:

Headquarters Air Force Military Personnel Center, Directorate of Morale and Welfare Operations (HQ AFMPC/DPMS), Randolph Air Force Base, Texas 78150–6001, major command headquarters, and each Air Force installation with Child Development/Youth Activities programs. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Eligible children and youths enrolled in Air Force Child Development or Youth Activities programs, their parents/guardians, and Family Day Care (FDC) Providers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enrollment/registration records; record of injuries; medication permission records; permanent register; staff and child record; weekly activity plans; incident reports; annual and semiannual program reports; parents/guardians and program surveys; parents'/guardians authorization for testing/field trips; student progress reports; test results; forwarding of school records; daily reservation logs; daily attendance records, and volunteers applications. The system will also contain FDC Providers' license application; license, and home approval records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; Powers and Duties; delegation by; implemented by Air Force Regulations 215–27, Child Development Program, and 215–23, Youth Activities.

PURPOSE(S):

Used by child development and youth activities personnel to enroll children/youths in the child development/youth activities programs; locate parents/guardians in case of emergency; monitor and properly report injuries and accidents; receive documentation and permission to dispense medications; record and monitor staff-to-child ratio; report program participation and activities; report financial data; assess program needs; enroll and license FDC Providers; record, reserve, and monitor daily attendance; and maintain information for waiting lists.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Records from this system may be disclosed to civilian physicians or hospitals in the course of obtaining emergency medical attention for children.

With written consent of the FDC Provider, home address and home telephone number of the FDC Provider may be disclosed to prospective customers upon request.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and card stock records maintained in file folders. Data will also be maintained in computer files.

RETRIEVABILITY:

Retrieved by family name or FDC Providers' name.

SAFEGUARDS:

Records are maintained in locked file cabinets, locked desk drawers or locked offices. Computers and disks will be stored in locked cabinets or locked rooms. Records are accessed by the program directors, assistant directors, family day care coordinators/out-reach workers and clerks/administrative personnel responsible for servicing the records in performance of their official duties who are properly screened and cleared for need-to-know.

RETENTION AND DISPOSAL:

Retained in office files for one year after child/youth leaves program or until parent/FDC provider requests transfer of records to another base, whichever comes first. In the event the records are not transferred, they will be destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

HQ AFMPC/DPMS, Randolph Air Force Base, TX 78150–6001 and Child Development/Youth Activities Directors at Air Force installations with Child Development/Youth Activities programs. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit , or visit the HQ AFMPC/DPMS, Randolph Air Force Base, TX 78150–6001 and Child Development/Youth Activities Directors at Air Force installations with Child Development/Youth Activities programs. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

The full name of the person/provider will be required to determine if the system contains a record about him or her. A military identification card or drivers license will be required as proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address requests to the HQ AFMPC/DPMS, Randolph Air Force Base, TX 78150–6001 and Child Development/Youth Activities Directors at Air Force installations with Child Development/Youth Activities programs. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

A military identification card or drivers license will be required as proof of identity.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from parents, volunteers, FDC applicants, and documentation by authorized child development and/or youth activities personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F215 AFA A

SYSTEM NAME:

Library Authorized Patron File

SYSTEM LOCATION:

United States Air Force Academy Library, United States Air Force Academy, Colorado Springs, CO 80840–5721.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Academy military and civilian personnel and cadets, specially authorized non-base library patrons.

CATEGORIES OF RECORDS IN THE SYSTEM:

Social Security Number, library card number, name, base or home address, privilege code, statistical code, base organizational affiliation code, telephone number(s), expiration date,

VOL
58
ISS
33
FE
22
1993
UMI

number of cards issued, service code (if appropriate), graduate school code (if appropriate) for special borrowers, and training code (if appropriate), expiration data for special borrower privileges.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 United States Code Chapter 903, United States Air Force Academy.

PURPOSE(S):

Used by Library and Visual Information personnel to fully identify patrons to whom library material is charged in operation of the Library's automated circulation control system, to follow up on delinquent borrowers by generation of overdue notices, and to clear departing patrons and delete their names from the file, and to issue library cards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in computer and computer output products, and on paper application forms.

RETRIEVABILITY:

Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for library circulation control operation in the performance of their office duties. Computer storage devices are protected by computer system software. Paper files are stored in locked cabinets in restricted areas.

RETENTION AND DISPOSAL:

Patron data is deleted from master files maintained on computer when outgoing clearance is accomplished. Paper forms are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Academy Libraries, USAF Academy, Colorado Springs, CO 80840.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director of Academy Libraries, USAF Academy, Colorado Springs, CO 80840.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director of Academy Libraries, USAF Academy, Colorado Springs, CO 80840.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F215 AFA B

SYSTEM NAME:

Library/Special Collections Records.

SYSTEM LOCATION:

United States Air Force Academy Library, United States Air Force Academy, Colorado Springs, CO 80840–5721.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Cadets, Air Force active duty personnel, members of boards and committees associated with Academy operations (Board of Visitors, General Officer Advisory Committee, etc.), faculty, staff and graduates of USAF Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of the following categories of information or subsystems: (1) Index by name to persons in historical photographs and on official officer rosters; (2) historical rosters of cadet wing, cadet class rosters, files of orders, grade lists contained in historical course materials, athletic squad rosters; (3) index by name, date of service on each board or committee; (4) dissertations, thesis, books, articles, published reports furnished by individual concerned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 903, United States Air Force Academy.

PURPOSE(S):

(1) To identify individuals with their periods of service at the Academy and connection with historic Academy events as recorded in photographs and/or biographical data. (2) Used by faculty, staff and cadets working on history and operations of the Academy. (3) To identify and individual's service on official Academy boards and committees. (4) Publication collection is a traditional library function to show scholarly achievements on an institution of higher education, for use in accreditation reports and as a central reference resource.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card files, photographs, file folders, visible file binders/cabinets and on roll microfilm.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and are maintained in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Library special collection is retained permanently at the USAF Academy Library.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Academy Libraries, USAF Academy, Colorado Springs, CO 80840.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director of Academy Libraries, USAF Academy, Colorado Springs, CO 80840.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director of Academy Libraries, USAF Academy, Colorado Springs, CO 80840.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Card catalog is prepared manually by Library personnel from photograph identification captions, officer rosters, historical materials and records. Materials generated by Superintendent, Dean of Faculty agencies, Commandant

of Cadet agencies, Director of Athletics, Registrar, Staff Agencies. Publications are supplied by individuals concerned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F215 AU A

SYSTEM NAME:

Air University (AU) Library Patron Database.

SYSTEM LOCATION:

Primary Site: Air University Library, Building 1405, Maxwell Air Force Base, AL 36112–5564. Branch: USAF Senior NCO Academy Library, Building 1110, Gunter Air Force Station, AL 36114–5732.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian students in the various schools of Air University; active-duty Air Force personnel assigned to Maxwell Air Force Base and Gunter Air Force Station; civilian federal employees at Maxwell and Gunter; military retirees living in the area; students at local universities whose libraries have a reciprocity agreement with AUL.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank, Social Security Number, local address and phone and/or base address on phone, type-of-patron and library-privilege codes, expiration date of patron registration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

War Department General Order No. 18 (May 25, 1920) (authorized establishment of The Air Service School, the first Air University predecessor, at Langley Field); Air University General Order No. 35 (August 26, 1949) (authorized establishment of Air University Library); E.O. 9397.

PURPOSE(S):

To allow Library Circulation staff to carry out the following tasks required for operating an automated circulation system: Create and maintain records identifying individuals as authorized borrowers; issue library cards bearing authorization number; charge materials out to properly-identified patronship produce overdue notices for follow-up of delinquent borrowers; clear records of departing patrons and delete their names from the data base of authorized borrowers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated, maintained on computer storage devices.

RETRIEVABILITY:

By name, Social Security Number, and library card bar code number.

SAFEGUARDS:

Records are accessed by Library Circulation staff in the performance of their duties, and by Library Systems staff in performing system maintenance. Access is by password through terminals restricted to staff use only, and data is further secured in computer storage devices protected by system software.

RETENTION AND DISPOSAL:

Patron records of military members attending Air University schools are purged from the system according to graduation date of the schools. All other patron records are purged three years from registration date. Printouts are destroyed by tearing them into pieces.

SYSTEM MANAGER(S) AND ADDRESS:

Systems Librarian, AUL/LSS, Building 1405, Maxwell Air Force Base, AL 36112–5564.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Systems Librarian, AUL/LSS, Building 1405, Maxwell Air Force Base, AL 36112–5564.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Systems Librarian, AUL/LSS, Building 1405, Maxwell Air Force Base, AL 36112–5564.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data input from information provided by individual orally and/or on patron registration form; data, loaded from magnetic computer tape, obtained from MPC data bases such as the Pipeline Management System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F265 AFA A

SYSTEM NAME:

Cadet Chaplain Records.

SYSTEM LOCATION:

United States Air Force Academy, Colorado Springs, CO 80840.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Academy Cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

Religious affiliation, background and religious interests and choir audition consisting of musical capabilities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9331, Establishment; Superintendent; faculty, and 9337, Chaplain.

PURPOSE(S):

(1) Identify incoming Fourth Class Cadets religious affiliation, religious background data and religious interests. Cadet Chaplains use this information to organize cadet lay participation as ushers, choir members, lay readers, lectors, commentators, and religious education teachers. Cadet chaplains and chapel managers assigned to the USAF Academy Cadet Chaplain's Office use this information. (2) Choir audition record identifies incoming cadet's musical capabilities and the music directors use this information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer and computer output products and in card files.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by the custodian, by person(s) responsible for servicing the record system in the course of their official duties, and by authorized personnel who are properly

VOL 58 ISS 33 FE 22 1993 UMI

cleared for need to know. Records are stored in locked rooms and on computer storage devices protected by computer system software.

RETENTION AND DISPOSAL:

Destroyed one year after graduation

SYSTEM MANAGER(S) AND ADDRESS:

USAF Academy Command Chaplain.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the USAF Academy Command Chaplain.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the USAF Academy Command Chaplain.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from individual cadet.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F265 HC A

SYSTEM NAME:

Non-Chaplain Ecclesiastical Endorsement Files.

SYSTEM LOCATION:

Records maintained at the Office of the Chaplain for the installation where employed. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military/civilians authorized to function as Lay Leaders, Auxiliary Chaplains, Ushers, Lectors, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Certification from religious denomination that the individual is qualified to function as Lay Leader or Auxiliary Chaplain.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Determining qualifications of individuals to serve as Lay Leader or Auxiliary Chaplain.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Returned to issuing denomination if requested.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Chaplains, Headquarters United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Chaplains, Headquarters United States Air Force, Washington, DC 20330.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief of Chaplains, Headquarters United States Air Force, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Denominational agency endorsing individual to function.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F265 HC B

SYSTEM NAME:

Chaplain Personnel Roster.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, DC 20330. Air Reserve Personnel Center, Denver, CO 80280. Headquarters of the major commands and separate operating agencies. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force civilian employees, Air Force Reserve and Air National Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Organization and station, manpower authorization records, statistical grade codes, Air Force specialty codes, name, Social Security Number, current rank, date of current rank, religious denomination code symbol, date of separation or service commitment, date of birth, effective date of current assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Insuring adequate manning of Reserve, Air National Guard, and civilian auxiliary authorizations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and note books/binders.

RETRIEVABILITY:

Retrieved by name. Retrieved by Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Record are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed

for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Chaplains, Headquarters United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Chaplains, Headquarters United States Air Force, Washington, DC 20330.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Major Command Chaplain of the nearest major command. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces and from individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F265 HC C

SYSTEM NAME:

Directory of Active Duty and Retired Chaplains.

SYSTEM LOCATION:

Primary location: Chief of Chaplains, Headquarters United States Air Force, Washington, DC 20330. Decentralized location: At offices of each active duty and retired chaplain. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty officer personnel, retired Air Force military personnel, all Air Force active duty and retired Chaplains.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, current mailing address, home state, religious denomination.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used by Chaplains as a ready reference in referring counselees to other Chaplain counselors by name.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in note books/binders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Each Chaplain listed in the Directory has access as custodian of the record system stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Chaplains, Headquarters United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Chaplains, Headquarters United States Air Force, Washington, DC 20330.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief of Chaplains, Headquarters United States Air Force, Washington, DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Active duty addresses from assignment action documents at Headquarters United States Air Force; retiree addresses from individual retirees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F265 HC D

SYSTEM NAME:

Records on Baptisms, Marriages and Funerals by Air Force Chaplains.

SYSTEM LOCATION:

Washington National Records Center, Washington, DC 20409. 1955 to 1958 Records Group, Modern Military Branch, Military Archives Division, National Archives Service, Washington, DC 20408; 1949 to 1955 Records Group.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel, marriages, military and dependent personnel, baptisms, military and dependent personnel, funerals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of baptisms, marriages and funerals performed by Air Force Chaplains.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Records of rites performed by Air Force Chaplains used to verify rites performed for individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Fifty-year retention 1955 to 1958, Washington National Records Center, Washington, DC 20409; Year Group 1949 to 1955 retained at Modern Military Branch, Military Archives

VOL 58 ISS 33 FE 22 1993 UMI

Division, National Archives and Records Administration, Washington, DC 20408; system discontinued after 1958.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Chaplains, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Chief of Chaplains, Headquarters United States Air Force.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Chief of Chaplains, Headquarters United States Air Force.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from individuals and Air Force Chaplains reporting rites.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F900 ACC A

SYSTEM NAME:

Special Awards File.

SYSTEM LOCATION:

Headquarters Tactical Air Command, Langley Air Force Base, VA 23665–5001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel, civilian employees and retired Air Force officers who are or were formerly assigned to Tactical Air Command.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetical file containing limited award and biographical data on TAC personnel where awards have been approved and may be used for reference in future. File is informational in nature and action does not result therefrom.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by and 8074, Commands: Territorial organization, and Air Force Regulation 900–48, Decorations, Service and Achievement Awards, Unit Awards, Special Badges, and Devices, TAC Sup 1, and Air Force Regulation 900–29, Special Trophies and Awards, TAC Sup 1.

PURPOSE(S):

Used by Command Awards Branch for reference.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in security cabinets.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff, Personnel, Tactical Air Command, Langley Air Force Base, VA 23665.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Deputy Chief of Staff, Personnel, Tactical Air Command, Langley Air Force Base, VA 23665.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Deputy Chief of Staff, Personnel, Tactical Air Command, Langley Air Force Base, VA 23665.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers and source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F900 AF MP A

SYSTEM NAME:

Military Decorations.

SYSTEM LOCATION:

Directorate of Personnel Program Actions, Headquarters Air Force Military Personnel Center (HQ AFMPC), Randolph Air Force Base TX 78150–6001. Headquarters of major commands and at all levels down to and including Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel. Air Force Reserve personnel. Air National Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Supervisory evaluation of duty performance with comments by commanders at intermediate levels.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 857, Decorations and Awards; as implemented by Air Force Regulation 900–48, Individual and Unit Awards and Decorations, and E.O. 9397.

PURPOSE(S):

Used by award approval authorities to determine qualification for recognition through award of a military decoration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record

system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Destroyed 1 year after completion by tearing into pieces shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Personnel, HQ AFMPC, Randolph Air Force Base, TX 78150–6001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the Assistant Deputy Chief of Staff/ Personnel, HQ AFMPC, Randolph Air Force Base, TX 78150–6001 or to agency officials at location of assignment.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written requests to or visit the Assistant Deputy Chief of Staff/Personnel, HQ AFMPC, Randolph Air Force Base, TX 78150–6001 or to agency officials at location of assignment.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Supervisors' evaluations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F900 AF MP B

SYSTEM NAME:

Suggestions, Inventions, Scientific Achievements.

SYSTEM LOCATION:

Directorate of Personnel Program Actions, Headquarters Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150. Headquarters of major commands and separate operating agencies and base personnel offices. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force military members and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include suggestion forms, evaluations and substantiating documentation consisting of forms, certificates, administrative correspondence; records of committee actions; award actions; reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1124, Cash awards for suggestions, inventions or scientific achievements; as implemented by Air Force Regulation 900–4, The Air Force Suggestion Program, and Air Force Manual 900–132, Suggestion Program Data System: P073/UG Users Manual.

PURPOSE(S):

Files are originated when personnel initiate a suggestion, invention, or scientific achievement. Case files are reviewed by the Suggestion Office personnel, and are referred to the Suggestion Awards Committee for review when required by governing directives. Individual name files are retained not more than one full year after close of year in which the final action was taken. Records of committee actions are retained for two years. Copy of approved award is filed in civilian employee's official personnel file. Copy of approved award is not retained elsewhere for military member.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on cards.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the records in performance of their official duties who are properly screened and cleared for need-to-know.

RETENTION AND DISPOSAL:

Retained for one year after end of year in which the case was closed, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source document (Suggestion Form) include name, Social Security Number, job title, home or mailing address, grade and organizational address.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F900 AFA A

SYSTEM NAME:

Cadet Awards Files.

SYSTEM LOCATION:

United States Air Force Academy, Colorado Springs, CO 80840.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Relatives of deceased persons who are memorialized through cadet awards and any former USAF Academy cadet who has been honorably discharged because of being crippled, disabled, or blinded while enrolled at the USAF Academy, or because of the discovery of a physical defect after entering the USAF Academy.

VOL
58
ISS
33
FE
22
1993
UMI

CATEGORIES OF RECORDS IN THE SYSTEM:

Cadet Awards files by award area, including background on person memorialized, donor financial arrangements, record of award winners and administrative history and military, academic and medical information on individual considered for award, financial status of parents or guardian and/or candidate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 903, United States Air Force Academy.

PURPOSE(S):

For continuing award sponsorship business with donors, which consist of private individuals, patriotic and veteran organizations, and major air command and used by Cadet Awards Council to aid in their selection of individuals to receive annual award presented to disabled former cadets.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records may be disclosed to donors.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in security file containers/cabinets. Awards Council Chairman and appointed project officer are only persons reviewing financial statements.

RETENTION AND DISPOSAL:

Records are maintained five years in office area before retiring to base staging area for 45 additional years.

SYSTEM MANAGER(S) AND ADDRESS:

Dean of Faculty, USAF Academy, Colorado Springs, CO 80840.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Dean of Faculty, USAF Academy, Colorado Springs, CO 80840.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Dean of Faculty, USAF Academy, Colorado Springs, CO 80840.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions, from individual or next of kin.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F900 AFA B

SYSTEM NAME:

Thomas D. White National Defense Award.

SYSTEM LOCATION:

United States Air Force Academy (USAF Academy), CO 80840–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Living United States citizens who have contributed significantly to the national defense and security of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Nominations and supporting biographical information on nominees for the Thomas D. White Defense Award.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Data pertaining to the Thomas D. White National Defense Award is used by a selection board in identifying an appropriate recipient for the award. The elements, which may consist of citations, certificates, and/or trophies are prepared using information provided by the nominating activity.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on microfiche.

RETRIEVABILITY:

Retrieved by Name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Plans and Programs (XP), USAF Academy, CO 80840–5000.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the Deputy Chief of Staff/Plans and Programs (XP), USAF Academy, CO 80840–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Deputy Chief of Staff/Plans and Programs (XP), USAF Academy, CO 80840–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers and from the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F900 DAY A

SYSTEM NAME:

Annual Outstanding Air Force Administration and Executive Support Awards.

SYSTEM LOCATION:

Primary system at the Administrative Systems Management Division, Directorate of Administration, Headquarters United States Air Force, Washington, DC 20330.

Decentralized segments may be found within Administration offices and at nominating units. Headquarters of major commands and at all levels down to and including Air Force installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include unit or command nomination letters; letters of commendation citing nominees for their achievements and selection as outstanding administrators; 'Hometown News Release Data,' for military personnel; 'Civilian News Data,' for civilian personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

Used for review and selection of award recipients by committee. Further use is for preparation of certificates of recognition; letters of commendation, and preparation of news articles recognizing individual award recipients.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name within major command or separate operating agency sequence.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director of Administration, Headquarters United States Air Force.

Individual must give name and organization of assignment. The individual may visit the Director or Chief of Administration, or the Privacy Officer, of any installation.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director of Administration, Headquarters United States Air Force.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Regulation 12–35; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual's supervisor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DEPARTMENT OF THE AIR FORCE ADDRESS DIRECTORY

OFFICE OF THE SECRETARY OF THE AIR FORCE AND HEADQUARTERS UNITED STATES AIR FORCE

Office of the Secretary of the Air Force, Washington, DC 20330–1000.

Assistant Secretary of the Air Force, Acquisitions, Washington, DC 20330–1000.

Assistant Secretary of the Air Force, Manpower, Reserve Affairs, Installations, and Environment, Washington, DC 20330–1000.

Assistant Secretary of the Air Force, Financial Management and Comptroller, Washington, DC 20330–1000.

Administrative Assistant to the Secretary of the Air Force, Washington, DC 20330–1000.

Office of the Secretary of the Air Force, Director, Legislative Liaison, Washington, DC 20330–1420.

Office of the Secretary of the Air Force, Director, Office of Public Affairs, Washington, DC 20330–1150.

Assistant Secretary for Space, Washington, DC 20330–1000.

Deputy Under Secretary of the Air Force, International Affairs, Washington, DC 20330–1000.

Office of the Secretary of the Air Force, Small and Disadvantaged Business Utilization, Washington, DC 20330–1000.

Inspector General of the Air Force, Washington, DC 20330–5100.

General Counsel of the Air Force, Washington, DC 20330–5000.

Office of the Secretary of the Air Force, Director of Information Management, Washington, DC 20330–1000.

Chief of Staff, United States Air Force, Washington, DC 20330–1000.

Vice Chief of Staff, United States Air Force, Washington, DC 20330–1000.

Assistant Vice Chief of Staff, United States Air Force, Washington, DC 20330–1000.

Chief Scientist, United States Air Force, Washington, DC 20330–5040.

Surgeon General, United States Air Force, Washington, DC 20330–6188.

The Judge Advocate General, United States Air Force, Washington, DC 20330–5120.

Assistant Chief of Staff, Intelligence, United States Air Force, Washington, DC 20330–5110.

Chief, National Guard Bureau, Washington, DC 20330–2500.

Chief, Air Force Reserve, Washington, DC 20330–5440.

Assistant Chief of Staff, Studies and Analyses, United States Air Force, Washington, DC 20330–5420.

Chief of Chaplains, United States Air Force, Washington, DC 20330–5000.

Assistant Chief of Staff, Systems for Command, Control, Communications and Computers, United States Air Force, Washington, DC 20330–5190.

Chief, Office of Air Force History, United States Air Force, Washington, DC 20330–6098.

Deputy Chief of Staff, Personnel, United States Air Force, Washington, DC 20330–5060.

Deputy Chief of Staff, Programs and Resources, United States Air Force, Washington, DC 20330–5240.

Deputy Chief of Staff, Plans and Operations, United States Air Force, Washington, DC 20330–5050.

Deputy Chief of Staff, Logistics and Engineering, United States Air Force, Washington, DC 20330–5130.

AIR FORCE MAJOR COMMANDS (MAJCOM), SEPARATE OPERATING AGENCIES (SOA), AND DIRECT REPORTING UNITS (DRU)

(Arranged alphabetically)

Air Force Major Commands

Air Force Communications Commands (AFCC), Scott Air Force Base, IL 62225–6001.

Air Force Logistics Command (AFLC), Wright-Patterson Air Force Base, OH 45433–5001.

Air Force Space Command (AFSPACECOM), Peterson Air Force Base, CO 80914–5001.

Air Force Systems Command (AFSC), Andrews Air Force Base, DC 20334–5000.

Air Training Command (ATC), Randolph Air Force Base, TX 78150–5001.

Air University (AU), Maxwell Air Force Base, AL 36112–5001.

Alaskan Air Command (AAC), Elmendorf Air Force Base, AK 99506–5001.

Electronic Security Command (ESC), San Antonio, TX 78243–5000.

Military Airlift Command (MAC), Scott Air Force Base, IL 62225–5001.

Pacific Air Forces (PACAF), Hickam Air Force Base, HI 96853–5001.

Strategic Air Command (SAC), Offutt Air Force Base, NE 68113–5001.

Tactical Air Command (TAC), Langley Air Force Base, VA 23665–5001.

United States Air Forces in Europe (USAFE), APO AE 09094–5001.

Separate Operating Agencies

Air Force Accounting and Finance Center (AFAFC), Denver, CO 80279–5000.

Air Force Audit Agency (AFAA), Norton Air Force Base, CA 92409–6001.

Air Force Commissary Service (AFCOMS), Kelly Air Force Base, TX 89241–6290.

Air Force Engineering and Services Center (AFESC), Tyndall Air Force Base, FL 32403–6001.

Air Force Inspection and Safety Center (AFISC), Norton Air Force Base, CA 92409–7001.

Air Force Intelligence Agency (AFIA), Fort Belvoir, VA 22060–5788

Air Force Legal Services Center (AFLSC), Bolling Air Force Base, DC 20332–5260.

Air Force Management Engineering Agency (AFMEA), Randolph Air Force Base, TX 78150–6431.

Air Force Military Personnel Center (AFMPC), Randolph Air Force Base, TX 78150–6001.

Air Force Office of Medical Support (AFOMS), Brooks Air Force Base, TX 78235–5000.

Air Force Office of Special Investigations (AFOSI), Bolling Air Force Base, DC 20332–6001.

Air Force Office of Security Police (AFOSP), Kirtland Air Force Base, NM 87117–6001.

Air Force Operational Test and Evaluation Center (AFOTEC), Kirtland Air Force Base, NM 87117–7001.

Air Force Reserve (AFRES), Robins Air Force Base, GA 31098–6001.

Air Force Service Information and News Center (AFSINC), Kelly Air Force Base, TX 78241–5000.

Air Reserve Personnel Center (ARPC), Denver, CO 80280–5000.

Direct Reporting Units

Air Force Center for Studies and Analyses (AFCSA), Washington, DC 20330–5000.

Air Force Center for International Programs (HQ USAF/AFCIP-PRI), Washington, DC 20330–5000.

Air Force Civilian Personnel Management Center (AFCPMC), Randolph Air Force Base, TX 78150–6421.

Air Force Cost Center (AFCSTC), 1111 Jefferson Davis Highway, Suite 303, Arlington, VA 22202–2420.

Air Force Combat Operations Staff (AFCOS), Washington, DC 20330–5000.

Air Force Office of Special Investigations (AFOSI)

Air Force Office of Special Investigations (AFOSI), Bolling Air Force Base, DC 20332–6001.

AFOSI District 1, Pease Air Force Base, OH 03803–6337.

AFOSI Detachment 102, Hanscom Air Force Base, MA 01731–6337.

AFOSI Detachment 106, Loring Air Force Base, ME 04751–6337.

AFOSI Detachment 109, Griffiss Air Force Base, NY 13441–6337.

AFOSI Detachment 111, Plattsburgh Air Force Base, NY 12903–6337.

AFOSI Detachment 140, Pease Air Force Base, NH 03803–6337.

AFOSI District 4, Andrews Air Force Base, DC 20331–6338.

AFOSI Detachment 403, Dover Air Force Base, DE 19902–6337.

AFOSI Detachment 411, Bolling Air Force Base, DC 20332–6337.

AFOSI Detachment 412, 26 Federal Plaza, Room 1759, New York, NY 10007–1759.

AFOSI Detachment 413, McGuire Air Force Base, NJ 08641–6337.

AFOSI Detachment 414, Fort George G Meade, MD 20755–5000.

AFOSI Detachment 440, Andrews Air Force Base, DC 20331–6337.

AFOSI District 5, Wright-Patterson Air Force Base, OH 45433–6338.

AFOSI Detachment 509, Wurtsmith Air Force Base, MI 48753–6337.

AFOSI Detachment 512, K I Sawyer Air Force Base, MI 49843–6337.

AFOSI Detechment 514, Chanute Air Force Base, IL 61868–6337.

AFOSI Detachment 515, Grissom Air Force Base, IN 46971–6337.

AFOSI Detachment 516, Scott Air Force Base, IL 62225–6337.

AFOSI Detachment 518, Newark Air Force Base, OH 43005–6337.

AFOSI Detachment 540, Wright-Patterson Air Force Base, OH 45433–6337.

AFOSI District 7, Patrick Air Force Base, FL 32925–6338.

AFOSI Detachment 707, Homestead Air Force Base, FL 33039–6337.

AFOSI Detachment 709, MacDill Air Force Base, FL 33608–6337.

AFOSI Detachment 710, Eglin Air Force Base, FL 32542–6337.

AFOSI Detachment 711, Tyndall Air Force Base, FL 32403–6337.

AFOSI Detachment 712, Robins Air Force Base, GA 31098–6337.

AFOSI Detachment 716, Hurlburt Field, FL 32544–6337.

AFOSI Detachment 717, Moody Air Force Base, GA 31699–6337.

AFOSI Detachment 721, APO AA 34001–5000.

AFOSI Detachment 722, Fort Buchanan, PR 00934–5000.

AFOSI Detachment 740, Patrick Air Force Base, FL 32925–6337.

AFOSI District 8, Maxwell Air Force Base, AL 36112–6338.

AFOSI Detachment 810, England Air Force Base, LA 71311–6337.

AFOSI Detachment 811, Columbus Air Force Base, MS 39701–6337.

AFOSI Detachment 812, Keesler Air Force Base, MS 39534–6337.

AFOSI Detachment 813, Little Rock Air Force Base, AR 72099–6337.

AFOSI Detachment 814, Eaker Air Force Base, AR 72315–6337.

AFOSI Detachment 815, Barksdale Air Force Base, LA 71110–6337.

AFOSI Detachment 816, Arnold Air Force Base, TN 37389–6337.

AFOSI Detachment 840, Maxwell Air Force Base, AL 36112–6337.

AFOSI District 10, Randolph Air Force Base, TX 78150–6338.

AFOSI Detachment 1001, Bergstrom Air Force Base, TX 78743–6337.

AFOSI Detachment 1008, Goodfellow Air Force Base, TX 76908–6337.

AFOSI Detachment 1012, Lackland Air Force Base, TX 78236–6337.

AFOSI Detachment 1014, Laughlin Air Force Base, TX 78843–6337.

AFOSI Detachment 1016, Kelly Air Force Base, TX 78241–6337

AFOSI Detachment 1018, Brooks Air Force Base, TX 78235–6337.
AFOSI Detachment 1020, Altus Air Force Base, OK 73523–6337.
AFOSI Detachment 1021, Dallas, TX 75222–0202.
AFOSI Detachment 1022, Carswell Air Force Base, TX 76127–6337.
AFOSI Detachment 1023, Dyess Air Force Base, TX 79607–6337.
AFOSI Detachment 1024, Sheppard Air Force Base, TX 76311–6337.
AFOSI Detachment 1025, Reese Air Force Base, TX 79480–6337.
AFOSI Detachment 1026, Tinker Air Force Base, OK 73145–6337.
AFOSI Detachment 1040, Randolph Air Force Base, TX 78150–6337.
AFOSI District 13, Offutt Air Force Base, NE 68113–6338.
AFOSI Detachment 1302, Ellsworth Air Force Base, SD 57706–6337.
AFOSI Detachment 1306, Building 1218, McConnell Air Force Base, KS 67221–6337.
AFOSI Detachment 1312, Minot Air Force Base, ND 58705–6337.
AFOSI Detachment 1313, Grand Forks Air Force Base, ND 58205–6337.
AFOSI Detachment 1314, Whiteman Air Force Base, MO 65305–6337.
AFOSI Detachment 1340, Offutt Air Force Base, NE 68113–6337.
AFOSI District 14, Lowry Air Force Base, CO 80230–6338.
AFOSI Detachment 1401, Peterson Air Force Base, CO 80914–6337.
AFOSI Detachment 1402, F E Warren Air Force Base, WY 82005–6337.
AFOSI Detachment 1404, Hill Air Force Base, UT 84056–6337.
AFOSI Detachment 1405, USAF Academy, CO 80840–6337.
AFOSI Detachment 1406, Kirtland Air Force Base, NM 87117–6337.
AFOSI Detachment 1407, Cannon Air Force Base, NM 88103–6337.
AFOSI Detachment 1408, Holoman Air Force Base, NM 88330–6337.
AFOSI Detachment 1440, Lowry Air Force Base, CO 80230–6337.
AFOSI District 18, Norton Air Force Base, CA 92409–6338.
AFOSI Detachment 1801, Edwards Air Force Base, CA 93523–6337.
AFOSI Detachment 1802, George Air Force Base, CA 92394–6337.
AFOSI Detachment 1803, March Air Force Base, CA 92518–6337.
AFOSI Detachment 1810, Vandenberg Air Force Base, CA 93437–6337.
AFOSI Detachment 1811, PO Box 92960, Los Angeles Air Force Base, CA 90009–2960.
AFOSI Detachment 1812, Nellis Air Force Base, NV 89191–6337.
AFOSI Detachment 1815, Luke Air Force Base, AZ 85309–6337.
AFOSI Detachment 1816, Davis-Monthan Air Force Base, AZ 85707–6337.
AFOSI Detachment 1817, Williams Air Force Base, AZ 85224–6337.
AFOSI Detachment 1840, Norton Air Force Base, CA 92409–6337.
AFOSI District 19, Travis Air Force Base, CA 94535–6338.
AFOSI Detachment 1901, Beale Air Force Base, CA 95903–6337.
AFOSI Detachment 1902, Castle Air Force Base, CA 95342–6337.
AFOSI Detachment 1904, Mather Air Force Base, CA 95655–6337.
AFOSI Detachment 1905, McClellan Air Force Base, CA 95652–6337.
AFOSI Detachment 1910, Coast Guard Island, Alameda, CA 94501–6337.
AFOSI Detachment 1911, Hickam Air Force Base, HI 96853–6338.
AFOSI Detachment 1940, Travis Air Force Base, CA 94535–6337.
AFOSI District 20, McChord Air Force Base, WA 98438–6338.
AFOSI Detachment 2001, PO Box 1332, Fairchild Air Force Base, WA 99011–6337.
AFOSI Detachment 2004, Federal Building Room 2852, 915 Second Avenue, Seattle, WA 98174–6337.
AFOSI Detachment 2006, Malmstrom Air Force Base, MT 59402–6337.
AFOSI Detachment 2007, Mt Home Air Force Base, ID 83648–6337.
AFOSI Detachment 2010, Elmendorf Air Force Base, AK 99506–6337.
AFOSI Detachment 2011, Eielson Air Force Base, AK 99702–6337.
AFOSI Detachment 2040, McChord Air Force Base, WA 98438–6338.
AFOSI District 21, Seymour-Johnson Air Force Base, NC 27531–6337.
AFOSI Detachment 2101, Pope Air Force Base, NC 28308–6337.
AFOSI Detachment 2102, Shaw Air Force Base, SC 29152–6337.
AFOSI Detachment 2103, Charleston Air Force Base, SC 29404–6337.
AFOSI Detachment 2104, Seymour-Johnson Air Force Base, NC 27531–6337.
AFOSI Detachment 2105, Myrtle Beach Air Force Base, SC 29579–6337.
AFOSI Detachment 2140, Langley Air Force Base, VA 23665–6337.
AFOSI District 42, APO AP, 96274–6338.
AFOSI Detachment 4201, APO AP 96528–6337.
AFOSI Detachment 4203, APO AP 96334–6337.
AFOSI Detachment 4240, APO AP 96274–6337.
AFOSI District 45, APO AP 96301–6338.
AFOSI Detachment 4502, APO AP 96264–6337.
AFOSI Detachment 4504, APO AP 96213–6337.
AFOSI Detachment 4506, APO AP 96570–6337.
AFOSI Detachment 4540, APO AP 96301–6337.
AFOSI District 46, APO AP 96328–6337.
AFOSI Detachment 4606, APO AP 96519–6337.
AFOSI Detachment 4607, APO AP 96239–6337.
AFOSI Detachment 4640, APO AP 96328–6337.
AFOSI District 62, APO AE 09083–6338.
AFOSI Detachment 6202, APO AE 09179–6337.
AFOSI Detachment 6203, APO AE 09194–6337.
AFOSI Detachment 6204, APO AE 09238–6337.
AFOSI Detachment 6205, APO AE 09755–6337.
AFOSI Detachment 6206, APO AE 09193–6337.
AFOSI Detachment 6208, APO AE 09125–6337.
AFOSI Detachment 6210, APO AE 09150–6337.
AFOSI District 68, APO AE 09283–6338.
AFOSI Detachment 6801, APO AE 09286–6337.
AFOSI Detachment 6802, APO AE 09406–6337.
AFOSI Detachment 6803, APO AE 09293–6337.
AFOSI Detachment 6804, APO AE 09240–6337.
AFOSI Detachment 6805, APO AE 09794–6337.
AFOSI Detachment 6806, APO AE 09223–6337.
AFOSI Detachment 6807, APO AE 09291–6337.
AFOSI Detachment 6808, APO AE 09520–6337.
AFOSI Detachment 6809, APO AE 09694–6337.
AFOSI Detachment 6840, APO AE 09283–6337.
AFOSI District 69, APO AE 09254–6338.
AFOSI Detachment 6901, APO AE 09289–6337.
AFOSI Detachment 6903, APO AE 09224–6337.
AFOSI Detachment 6905, APO AE 09380–6337.
AFOSI Detachment 6940, APO AE 09254–6337.
AFOSI District 70, APO AE 09634–6338.
AFOSI Detachment 7008, APO AE 09245–6337.
AFOSI Detachment 7010, APO AE 09097–6337.
AFOSI Detachment 7011, APO AE 09132–6337.
AFOSI Detachment 7013, APO AE 09154–6337.
AFOSI Detachment 7014, APO AE 09122–6337.

AFOSI Detachment 7024, APO AE 09094–6337.
AFOSI Detachment 7028, APO AE 09611–6337.
AFOSI Detachment 7030, APO AE 09292–6337.
AFOSI Detachment 7031, APO AE 09860–6337.
AFOSI Detachment 7032, APO AE 09136–6337.
AFOSI Detachment 7033, APO AE 09126–6337.
AFOSI Detachment 7034, APO AE 09669–6337.
AFOSI Detachment 7035, APO AE 09188–6337.
AFOSI Detachment 7036, APO AE 09027–6337.
AFOSI Detachment 7040, APO AE 09634–6337.

Air Force Reserve Officers Training Corps Units (AFROTC) HQ AFROTC, Maxwell Air Force Base, AL 36112–6663.

AFROTC Detachment 5, Auburn University, Auburn University, AL 36849–5511.
AFROTC Detachment 10, PO Box 1988, University of Alabama, University, AL 35486–9990.
AFROTC Detachment 12, Samford University, Birmingham, AL 35229–0001.
AFROTC Detachment 15, Tuskegee Institute, PO Box 1119, Tuskegee, AL 36088–1119.
AFROTC Detachment 17, Troy State University, Troy, AL 36082–0001.
AFROTC Detachment 19, Alabama State University, Montgomery, AL 36195–0301.
AFROTC Detachment 20, University of Arizona, Tucson, AZ 85721–0211.
AFROTC Detachment 25, Arizona State University, Room 340, Old Main, Tempe, AZ 85287–0999.
AFROTC Detachment 27, Northern Arizona University, NAU Box 15076, Flagstaff, AZ 86011–0045.
AFROTC Detachment 28, Embry-Riddle Aeronautical University, 3200 Willow Creek Road, Prescott, AZ 86301–8662.
AFROTC Detachment 30, University of Arkansas, Memorial Hall, Rm 319, Fayetteville, AR 72701–1201.
AFROTC Detachment 35, California State University-Fresno, Fresno, CA 93740–0040.
AFROTC Detachment 45, San Jose State University, San Jose, CA 95192–0051.
AFROTC Detachment 55, University of California at Los Angeles, Room 210, Men's Gym-UCLA, Los Angeles, CA 90024–1611.
AFROTC Operating Location 55A, Loyola Marymount University, 7101 West 80th Street, Los Angeles, CA 90045–2699.
AFROTC Operating Location 55B, California State University-Long Beach, 1250 Bellflower Blvd, Long Beach, CA 90840–0001.
AFROTC Detachment 60, University of Southern California, PED 115–A–0651, Los Angeles, CA 90089–0651.
AFROTC Detachment 75, San Diego State University, San Diego, CA 92182–0321.
AFROTC Detachment 80, San Francisco State University, 1600 Holloway Avenue, San Francisco, CA 94132–1789.
AFROTC Detachment 85, University of California, 10 Callaghan Hall, Berkeley, CA 94720–0001.
AFROTC Detachment 88, California State University-Sacramento, Sacramento, CA 95819–2694.
AFROTC Detachment 90, Colorado State University, Fort Collins, CO 80523–0016.
AFROTC Detachment 100, University of Northern Colorado, Greeley, CO 80639–9986.
AFROTC Detachment 105, University of Colorado, Campus Box 371, Boulder, CO 80309–0001.
AFROTC Detachment 115, University of Connecticut, U-Box 81, 2141 Hillside Road, Storrs, CT 06268–2280.
AFROTC Detachment 128, University of Delaware, Newark, DE 19716–0001.
AFROTC Detachment 130, Howard University, PO Box 848, Washington, DC 20059–0001.
AFROTC Detachment 145, Florida State University, Tallahassee, FL 32306–3049.
AFROTC Detachment 150, University of Florida, Gainesville, FL 32611–0001.
AFROTC Detachment 155, University of Miami, PO Box 248164, Coral Gables, FL 33124–8164.
AFROTC Detachment 157, Embry-Riddle Aeronautical University, Daytona Beach, FL 32014–3891.
AFROTC Detachment 158, University of South Florida, 4202 E Fowler Avenue, Tampa, FL 33620–8250.
AFROTC Detachment 159, University of Central Florida, Orlando, FL 32816–0001.
AFROTC Detachment 160, University of Georgia, Athens, GA 30602–4390.
AFROTC Detachment 165, Georgia Institute of Technology, Atlanta, GA 30332–0120.
AFROTC Detachment 172, Valdosta State College, Valdosta, GA 31698–5000.
AFROTC Detachment 175, University of Hawaii, 1460 Lower Campus Rd, Honolulu, HI 96822–2371.
AFROTC Detachment 190, University of Illinois, 505 E Armory Street, 223 Armory Building, Champaign, IL 61820–6294.
AFROTC Detachment 195, Illinois Institute of Technology, 3201 S Michigan Avenue, Chicago, IL 60616–3793.
AFROTC Detachment 205, Southern Illinois University-Carbondale, Carbondale, IL 62901–2832.
AFROTC Detachment 206, Southern Illinois University-Edwardsville, Edwardsville, IL 62026–1048.
AFROTC Detachment 207, Parks College of St. Louis, Cahokia, IL 62206–1998.
AFROTC Detachment 215, Indiana University, Bloomington, IN 47405–5701.
AFROTC Detachment 218, Indiana State University, Terre Haute, IN 47809–2245.
AFROTC Detachment 220, Purdue University, West Lafayette, IN 47907–0001.
AFROTC Detachment 225, University of Notre Dame, Notre Dame, IN 46556–5601.
AFROTC Detachment 250, Iowa State University, 131 Armory, Ames, IA 50011–3011.
AFROTC Detachment 255, University of Iowa, Iowa City, IA 52242–1191.
AFROTC Detachment 270, Kansas State University, Manhattan, KS 66506–7059.
AFROTC Detachment 280, University of Kansas, Lawrence, KS 66045–2520.
AFROTC Detachment 290, University of Kentucky, Lexington, KY 40506–0028.
AFROTC Detachment 295, University of Louisville, Louisville, KY 40292–0001.
AFROTC Detachment 305, Louisiana Tech University, Ruston, LA 71272–0001.
AFROTC Detachment 310, Louisiana State University and A&M College, P.O. Box 25126, Baton Rouge, LA 70894–5126.
AFROTC Detachment 311, Grambling State University, Grambling, LA 71245–0028.
AFROTC Detachment 315, University of Southwestern Louisiana, P.O. Box 4–0398 USL, Lafayette, LA 70504–0398.
AFROTC Detachment 320, Tulane University, New Orleans, LA 70118–1286.
AFROTC Detachment 326, University of Maine, 164 College Avenue, Orono, ME 04473–1589.
AFROTC Detachment 330, University of Maryland, College Park, MD 20742–1021.
AFROTC Detachment 340, College of the Holy Cross, Worcester, MA 01610–2390.
AFROTC Detachment 345, University of Lowell, 1 University Avenue, Lowell MA 01854–2894.
AFROTC Detachment 355, Boston University, 156 Bay State Road, Boston, MA 02215–1501.

VOL 58 ISS 33 FE 22 1993 UMI

AFROTC Detachment 365, Massachusetts Institute of Tech, 18 Vassar St. Building. 20E 111, Cambridge, MA 02139–4309.

AFROTC Detachment 370, University of Massachusetts, Amherst, MA 01003–5470.

AFROTC Detachment 380, Michigan State University, 122 Bessey Hall, East Lansing, MI 48824–1033.

AFROTC Detachment 390, University of Michigan, Ann Arbor, MI 48109–1085.

AFROTC Detachment 400, Michigan Technological University, Houghton, MI 49931–1295.

AFROTC Detachment 410, College of St. Thomas, St. Paul, MN 55105–1096.

AFROTC Detachment 415, University of Minnesota, Minneapolis, MN 55455–0105.

AFROTC Detachment 420, University of Minnesota-Duluth, Duluth, MN 55812–2403.

AFROTC Detachment 425, Mississippi State University, Mississippi State, MS 39762–5531.

AFROTC Detachment 430, University of Mississippi-Box 38, University, MS 38677–0038.

AFROTC Operating Location 430A, Mississippi Valley State University, P.O. Box 929, Itta Bena, MS 38941–1436.

AFROTC Detachment 432, University of Southern Mississippi, Hattiesburg, MS 39406–5145.

AFROTC Detachment 437, Southeast Missouri State University, Cape Girardeau, MO 63701–0797.

AFROTC Detachment 440, University of Missouri-Columbia, 217 Crowder Hall, Columbia, MO 65211–0001.

AFROTC Detachment 442, University of Missouri-Rolla, Rolla, MO 65401–0249.

AFROTC Detachment 450, Montana State University, Bozeman, MT 59717–0001.

AFROTC Detachment 465, University of Nebraska-Lincoln, M&N Building, Rm 209, Lincoln, NE 68588–0141.

AFROTC Detachment 470, University of Nebraska at Omaha, Omaha, NE 68182–0009.

AFROTC Detachment 475, University of New Hampshire, Durham, NH 03824–3583.

AFROTC Detachment 485, Rutgers, The State University of NJ, 9 Senior St, New Brunswick, NJ 08901–1199.

AFROTC Detachment 490, New Jersey Institute of Technology, 323 MLK Blvd, Newark, NJ 07102–1982.

AFROTC Detachment 505, New Mexico State University, Las Cruces, NM 88003–0076.

AFROTC Detachment 505A, University of Texas-El Paso, Box 610, El Paso, TX 79968–0610.

AFROTC Detachment 510, The University of New Mexico, 1901 Las Lomas, Albuquerque, NM 87131–1215.

AFROTC Detachment 520, Cornell University, Ithaca, NY 14853–1701.

AFROTC Detachment 535, Syracuse University, Room 202, Archbold Gym, Syracuse, NY 13244–1140.

AFROTC Detachment 536, Clarkson University, Smith House Building 10, Potsdam, NY 13676–1496.

AFROTC Detachment 538, Rochester, NY 14623–0887.

AFROTC Detachment 550, Rensselaer Polytechnic Institute, Troy, NY 12180–3590.

AFROTC Detachment 560, Manhattan College, Riverdale, NY 10471–4098.

AFROTC Detachment 585, Duke University, 303 North Building, Durham, NC 27706–2588.

AFROTC Detachment 590, University of NC-Chapel Hill, Chase Hall 132-A, Chapel Hill, NC 27514–6132.

AFROTC Detachment 592, Charlotte, NC 28223–0001.

AFROTC Detachment 595, North Carolina State University, PO Box 7308, Raleigh, NC 27695–7308.

AFROTC Detachment 600, East Carolina University, Greenville, NC 27858–4353.

AFROTC Detachment 605, North Carolina A&T State University, Box 14727, Greensboro, NC 27415–4727.

AFROTC Detachment 607, Fayetteville State University, Fayetteville, NC 28301–4297.

AFROTC Detachment 610, North Dakota State University of, A&AS, Fargo, ND 58105–5287.

AFROTC Detachment 620, Bowling Green State University, Bowling Green, OH 43403–0272.

AFROTC Detachment 630, Kent State University, Kent, OH 44242–9999.

AFROTC Detachment 640, Miami University, Oxford, OH 45056–1697.

AFROTC Detachment 643, Wright State University, 232 Frederick White Center, Dayton, OH 45435–0001.

AFROTC Detachment 645, The Ohio State University, 2121 Tuttle Park Pl, Columbus, OH 43210–1169.

AFROTC Detachment 650, Ohio University, Athens, OH 45701–2979.

AFROTC Detachment 660, University of Akron, Akron, OH 44325–0009.

AFROTC Detachment 665, University of Cincinnati, Cincinnati, OH 45221–0441.

AFROTC Detachment 670, Oklahoma State University, Stillwater, OK 74078–0207.

AFROTC Detachment 675, The University of Oklahoma, Norman, OK 73019–0604.

AFROTC Detachment 685, Oregon State University, Corvallis, OR 97331–4102.

AFROTC Detachment 695, University of Portland, Portland, OR 97203–5798.

AFROTC Detachment 715, Lehigh University, Bethlehem, PA 18015–3091.

AFROTC Detachment 720, The Pennsylvania State University, 109 Wagner Building, University Park, PA 16802–3896.

AFROTC Detachment 730, University of Pittsburgh, Pittsburgh, PA 15260–0001.

AFROTC Operating Location 730A, Carnegie-Mellon University, Pittsburgh PA 15213–3890.

AFROTC Detachment 745, Grove City College, Grove City, PA 16127–2199.

AFROTC Detachment 750, St Josephs University, Philadelphia, PA 19131–1399.

AFROTC Detachment 752, Wilkes College, Wilkes Barre, PA 18766–0001.

AFROTC Detachment 755, University of Puerto Rico-Rio Piedras, G.P.O. Box BZ, San Juan, PR 00936–6275.

AFROTC Detachment 755A, University of Puerto Rico-Mayaguez Campus, College Station Box 5171, Mayaquez, PR 00709–5171.

AFROTC Detachment 765, The Citadel, The Military College South Carolina, Charleston, SC 29409–0765.

AFROTC Detachment 770, Clemson University, Clemson, SC 29634–0705.

AFROTC Detachment 772, Baptist College at Charleston, Charleston, SC 29411–0087.

AFROTC Detachment 775, University of South Carolina, Columbia, SC 29208–0062.

AFROTC Detachment 780, South Dakota State University, Box 2236, Brookings, SC 57007–1697.

AFROTC Detachment 785, Memphis State University, 4th Floor Jones Hall, Memphis, TN 38152–0001.

AFROTC Detachment 790, Tennessee State University, Nashville, TN 37209–1561.

AFROTC Detachment 800, University of Tennessee, Stokely Athletic Center-RM 215, Knoxville, TN 37996–3120.

AFROTC Detachment 805, Texas A&M University, PO Box 2620, College Station, TX 77841–2620. I11AFROTC Detachment 810, Baylor University, UB Mail Room 385, Waco, TX 76798–9999.

AFROTC Detachment 820, Texas Technological University, PO Box 4589, Lubbock, TX 79409–4589.

AFROTC Detachment 825, The University of Texas-Austin, Austin, TX 78712–1183.

AFROTC Detachment 830, East Texas State University, Commerce, TX 75428–1902.

AFROTC Detachment 835, North Texas State University, PO Box 5398, Denton, TX 76203–5398.

AFROTC Detachment 840A, The University of Texas-San Antonio, San Antonio, TX 78285–0655.
AFROTC Detachment 842, San Antonio, TX 78285–0655.
AFROTC Detachment 845, Texas Christian University, Box 30784, Fort Worth, TX 76129–0001.
AFROTC Detachment 847, Angelo State University, San Angelo, TX 76909–9978.
AFROTC Detachment 850, University of Utah, Salt Lake City, UT 84112–1107.
AFROTC Detachment 855, Brigham Young University, Provo, UT 84602–1048.
AFROTC Detachment 860, Utah State University, Logan, UT 84322–9590.
AFROTC Detachment 865, St Michael's College, Winooski, VT 05404–2507.
AFROTC Detachment 867, Norwich University, Northfield, VT 05663–1097.
AFROTC Detachment 875, Virginia Polytechnic Institute and State University, Blacksburg, VA 24060–4496.
AFROTC Detachment 880, Virginia Military Institute, Lexington, VA 24450–2697.
AFROTC Detachment 890, University of Virginia, University Hall, Charlottesville, VA 22903–3290.
AFROTC Detachment 895, Central Washington University, Ellensburg, WA 98926–9989.
AFROTC Detachment 900, University of Puget Sound, Tacoma, WA 98416–0410.
AFROTC Detachment 905, Washington State University, Room 6, Thompson Hall, Pullman, WA 99164–2606.
AFROTC Detachment 910, University of Washington, Seattle, WA 98195–0001.
AFROTC Detachment 915, West Virginia University, Morgantown, WV 26506–6052.
AFROTC Detachment 925, University of Wisconsin-Madison, 1402 University Avenue, Madison, WI 53706–1531.
AFROTC Detachment 940, University of Wyoming, Box 3005 University Station, Laramie, WY 82071–3005.
AFROTC Wright-Patterson Field Training Unit, Wright-Patterson Air Force Base, OH 45433–5000.
Numbered AFROTC Squadrons
3620th AFROTC Squadron, Maxwell Air Force Base, AL 36112–6663.
3621st AFROTC Squadron, Mather Air Force Base, CA 95655–5000.
3622d AFROTC Squadron, Bergstrom Air Force Base, TX 78743–5000.
3623d AFROTC Squadron, McGuire Air Force Base, NJ 08641–5000.
3624th AFROTC Squadron, Wright-Patterson Air Force Base, OH 45433–5000.

Air National Guard Activities
Chief, National Guard Bureau, NGB/CC, Washington, DC 20310–2500.
Director, Air National Guard, NGB/CF, Washington, DC 20310–2500.
ANG Airlift Operations Center, ANGSC/XOC, Mail Stop 18, Andrews Air Force Base, DC 20331–5000.
ANG Support Center, Andrews Air Force Base, DC 20331–5000.
I.G. Brown ANG Professional Military Education Center (ANG PMEC), McGhee-Tyson Aprt, Knoxville, TN 37950–5360.

National Guard State Headquarters/ State Adjutant General

(Listed alphabetically)

TAG Alabama, PO Box 3711, Montgomery, AL 36193–4701.
TAG Alaska, 800 E. Daimond Blvd 620, Suite 3–450, Anchorage, AK 99515–2097.
TAG Arizona, 5636 E McDowell Rd, Phoenix, AZ 85008–3495.
TAG Arkansas, Camp Robinson, N Little Rock, AR 72118–2200.
TAG California, 2829 Walt Avenue, Sacramento, CA 95821–4405.
TAG Colorado, 300 Logan Street, Denver, CO 80203–4072.
TAG Connecticut, 360 Broad Street, Hartford, CT 06105–3795.
TAG Delaware, First Regiment Road, Wilmington, DE 19808–2191.
National Guard Armory, 2001 E Capitol St, Washington, DC 20003–1719.
TAG Florida, State Arsenal, St Augustine, FL 32084–1008.
TAG Georgia, PO Box 17965–0965, Atlanta, GA 30316–0965.
TAG Guam, Box 94, NAS, FPO AP 96637–1293.
TAG Hawaii, 3949 Diamond Head Rd, Honolulu, HI 96816–4495.
TAG Idaho, PO Box 45, Boise, ID 83707–0045.
TAG Illinois, 1301 N. McArthur Blvd, Springfield, IL 62702–2399.
TAG Indiana, Military Dept of Indiana, PO Box 41326, Indianapolis, IN 46241–0326.
TAG Iowa, Camp Dodge, 7700 NW Beaver Dr, Johnston, IA 50131–1902.
TAG Kansas, PO Box C–300, Topeka, KS 66601–0300.
TAG Kentucky, Boone NG Center, Frankfort, KY 40601–6168.
TAG Louisiana, Jackson Bks, New Orleans, LA 70146–0330.
TAG Maine, Camp Keyes, Augusta, ME 04333–0033.
TAG Maryland, Fifth Regiment Armory, Baltimore, MD 21201–2288.
TAG Massachusetts, 25 Haverhill Sth Ave, Camp Curtis Building, Reading, MA 01867–1999.
TAG Michigan, 2500 S. Washington Ave, Lansing, MI 48913–5101.
TAG Minnesota, Veterans Svcs Building, St Paul, MN 55155–2098.
TAG Mississippi, PO Box 5027, Fondren Stn, Jackson, MS 39216–1027.
TAG Missouri, 1717 Industrial Dr., Jefferson City, MO 65101–1468.
TAG Montana, PO Box 4789, Helena, MT 59604–4789.
TAG Nebraska, 1300 Military Rd, Lincoln, NE 68508–1090.
TAG Nevada, 2525 S Carson St, Carson City, NV 89701–5502.
TAG New Hampshire, State Mil Reservation, No. 1 Aprt Rd, Concord, NH 03301–5353.
TAG New Jersey, Eggert Crossing Rd, CN 340, Trenton, NJ 08625–0340.
TAG New Mexico, PO Box 4277, Santa Fe, NM 87502–4277.
TAG New York, 330 Old Niskayuma Rd, Lathan, NY 12110–2224.
TAG North Carolina, 4105 Reedy Creek Rd, Raleigh, NC 27607–6410.
TAG North Dakota, Box 5511, Bismarck, ND 58502–5511.
TAG Ohio, 2825 West Granville Rd, Worthington, OH 43085–2712.
TAG Oklahoma, 3501 Military Circle, NE, Oklahoma City, OK 73111–4398.
TAG Oregon, 2150 Fairgrounds Rd, NE, Salem, OR 97303–3241.
TAG Pennsylvania, Fort Indiantown Gap, Annville, PA 17003–5002.
TAG Puerto Rico, PO Box 3786, San Juan, PR 00904–3786.
CG Rhode Island, 1051 North Main St, Providence, RI 02904–5714.
TAG South Carolina, 1 National Guard Road, Columbia, SC 29201–3117.
TAG South Dakota, 2823 West Main St, Rapid City, SD 57702–8186.
TAG Tennessee, PO Box 41502, Houston Barracks, Nashville, TN 37204–1501.
TAG Texas, PO Box 5218, Austin, TX 78763–5218.
TAG Utah, PO Box 1776, 12953 Minuteman Dr, Draper, UT 84020–9545.
TAG Vermont, Camp Johnson Building 1, Winooski, VT 05404–1697.
TAG Virgin Island, Alexandria Hamilton Airport, St Croix, U.S. VI 00850.
TAG Virginia, 501 E Franklin St, Richmond, VA 23219–2317.
TAG Washington, Camp Murray, Tacoma, WA 98430–0922.
TAG West Virginia, 1703 Coonskin Drive, Charleston, WV 25311–1085.
TAG Wisconsin, PO Box 8111, Madison, WI 53708–8111.
TAG Wyoming, PO Box 1709, Cheyenne WY 82003–1709.

USAF Medical Treatment Activities

USAF Medical Centers and Regional Hospitals

David Grant USAF Medical Center (MAC), Travis Air Force Base, CA 94535–5300.

Malcolm Grow USAF Medical Center (MAC), Andrews Air Force Base, DC 20331–5300.

Wilford Hall USAF Medical Center (JMMC-SA), Lackland Air Force Base, TX 78236–5300.

USAF Medical Center Keesler (ATC), Keesler Air Force Base, MS 39534–5300.

USAF Medical Center Scott (MAC), Scott Air Force Base, IL 62225–5300.

USAF Medical Center Wright-Patterson (AFLC), Wright-Patterson Air Force Base, OH 45433–5300.

13th Air Force Medical Center (PACAF), APO AP 96274–5300.

7100th Combat Support Wing Medical Center (USAFE), APO AE 09220–5300.

1st Tactical Regional Hospital (TAC), Langley Air Force Base, VA 23665–5300.

USAF Regional Hospital Elmendorf (AAC), Elmendorf Air Force Base, AK 99506–5300.

Air Force Systems Command Regional Hospital Eglin (AFSC), Eglin Air Force Base, FL 32542–5300.

Air University Regional Hospital Maxwell (AU), Maxwell Air Force Base, AL 36112–5300.

USAF Regional Hospital Minot (SAC), Minot Air Force Base, ND 58705–5300.

USAF Regional Hospital Sheppard (ATC), Sheppard Air Force Base, TX 76311–5300.

USAF Academy Hospital (USAFA), Colorado Springs, CO 80840–5300.

Ehrling Bergquist Strategic Hospital (SAC), Offutt Air Force Base, NE 68113–5300.

Robert L. Thompson Strategic Hospital (SAC), Carswell Air Force Base, TX 76127–5300.

United States Air Force Hospitals

USAF Hospital Altus (MAC), Altus Air Force Base, OK 73523–5300.

USAF Hospital Chanute (ATC), Chanute Air Force Base, IL 61868–5300.

USAF Hospital Columbus (ATC), Columbus Air Force Base, MS 39701–5300.

USAF Hospital Dover (MAC), Dover Air Force Base, DE 19901–5300.

Air Force Systems Command Hospital Edwards (AFSC), Edwards Air Force Base, CA 93523–5300.

USAF Hospital Hill (AFLC), Hill Air Force Base, UT 84056–5300.

USAF Hospital Kirtland (MAC), Kirtland Air Force Base, NM 87117–5300.

USAF Hospital Lajes (MAC), APO AE 09406–5300.

USAF Hospital Laughlin (ATC), Laughlin Air Force Base, TX 78843–5300.

USAF Hospital Little Rock (MAC), Little Rock Air Force Base, AR 72099–5300.

USAF Hospital Mather (ATC), Mather Air Force Base, CA 95655–5300.

Air Force Systems Command Hospital Patrick (AFSC), Patrick Air Force Base, FL 32925–5300.

USAF Hospital Reese (ATC), Reese Air Force Base, TX 79489–5300.

USAF Hospital Robins (AFLC), Robins Air Force Base, GA 31098–5300.

USAF Hospital Tinker (AFLC), Tinker Air Force Base, OK 73145–5300.

USAF Hospital Williams (ATC), Williams Air Force Base, AZ 85224–5300.

Numbered Medical Groups, USAF Clinics, Hospitals and Strategic and Tactical Fighter Wing Hospitals

1st Medical Group (TAC), Langley Air Force Base, VA 23665–5300.

1st Strategic Hospital (SAC), Vandenberg Air Force Base, CA 93437–5300.

2nd Strategic Hospital (SAC), Barksdale Air Force Base, LA 71110–5300.

4th Medical Group (TAC), Seymour Johnson Air Force Base, NC 27531–5300.

8th Medical Group (PACAF), APO AP 96264–5300.

9th Strategic Hospital (SAC), Beale Air Force Base, CA 95903–5300.

15th Medical Group (PACAF), Hickam Air Force Base, HI 96853–5300.

20th Tactical Fighter Wing Hospital (USAFE), APO AE 09194–5300.

23d Medical Group (TAC), England Air Force Base, LA 71311–5300.

24th Medical Group (TAC), APO AA 34001–5300.

27th Medical Group (TAC), Cannon Air Force Base, NM 88103–5300.

31st Medical Group (TAC), Homestead Air Force Base, FL 33039–5300.

36th Tactical Fighter Wing Hospital (USAFE), APO AE 09132–5300.

39th Tactical Group Hospital (USAFE), APO AE 09289–5300.

48th Tactical Fighter Wing Hospital (USAFE), APO AE 09179–5300.

50th Tactical Fighter Wing Hospital (USAFE), APO AE 09122–5300.

51st Medical Group (PACAF), APO AP 96570–5300.

56th Medical Group (TAC), MacDill Air Force Base, FL 33608–5300.

67th Medical Group (TAC), Bergstrom Air Force Base, TX 78743–5300.

90th Strategic Hospital (SAC), F E Warren Air Force Base, WY 82005–5300.

91st Strategic Hospital (SAC), Minot Air Force Base, ND 58705–5300.

92nd Strategic Hospital (SAC), Fairchild Air Force Base, WA 99011–5300.

93rd Strategic Hospital (SAC), Castle Air Force Base, CA 95342–5300.

96th Strategic Hospital (SAC), Dyess Air Force Base, TX 79607–5300.

97th Strategic Hospital (SAC), Eaker Air Force Base, AR 72315–5300.

305th Strategic Hospital (SAC), Grissom Air Force Base, IN 46971–5300

313th Medical Group (PACAF), APO AP 96239–5300.

325th Medical Group (TAC), Tyndall Air Force Base, FL 32403–5300.

341st Strategic Hospital (SAC), Malmstrom Air Force Base, MT 59402–5300.

347th Medical Group (TAC), Moody Air Force Base, GA 31699–5300.

351st Strategic Hospital (SAC), Whiteman Air Force Base, MO 48753–5300.

354th Medical Group (TAC), Myrtle Beach Air Force Base, SC 29579–5300.

363d Medical Group (TAC), Shaw Air Force Base, SC 29152–5300.

366th Medical Group (TAC), Mt Home Air Force Base, ID 83648–5300.

379th Strategic Hospital (SAC), Wurtsmith Air Force Base, MI 488753–5300.

380th Strategic Hospital (SAC), Plattsburg Air Force Base, NY 23903–5300.

384th Strategic Hospital (SAC), McConnell Air Force Base, KS 67221–5300.

401st Tactical Fighter Wing Hospital (USAFE), APO AE 09283–5300.

410th Strategic Hospital (SAC), K I Sawyer Air Force Base, MI 49843–5300.

416th Strategic Hospital (SAC), Griffiss Air Force Base, NY 13441–5300.

432d Medical Group (PACAF), APO AP 96519–5300.

475th Medical Group (PACAF), APO AP 96328–5300.

509th Strategic Hospital (SAC), Pease Air Force Base, NH 03803–5300.

554th Medical Group (TAC), Nellis Air Force Base, NV 89191–5300.

831st Medical Group (TAC), George Air Force Base, CA 92394–5300.

832d Medical Group (TAC), Luke Air Force Base, AZ 85309–5300.

833d Medical Group (TAC), Holloman Air Force Base, NM 88330–5300.

836th Medical Group (TAC), Davis-Monthan Air Force Base, AZ 85707–5300.

Numbered and USAF Clinics

10th Tactical Fighter Wing Clinic (USAFE), APO AE 09238–5300.

26th Tactical Reconnaissance Wing Clinic (USAFE), APO AE 09860–5300.
32nd Tactical Fighter Group Clinic (USAFE), APO AE 09292–5300.
36th Tactical Fighter Wing Clinic (USAFE), APO AE 09104–5300.
40th Tactical Group Clinic (USAFE), APO AE 09293–5300.
43d Strategic Clinic (SAC), APO AP 96334–5300.
52nd Tactical Fighter Wing Clinic (USAFE), APO AE 09126–5300.
66th Electronic Combat Wing Clinic (USAFE), APO AE 09136–5300.
81st Tactical Fighter Wing Clinic (USAFE), APO AE 09755–5300.
128th Strategic Clinic (SAC), Barksdale Air Force Base, LA 71110–5300.
315th USAF Clinic (Assoc) (MAC), Charleston Air Force Base, SC 29404–5300.
316th Air Division Clinic (USAFE), APO AE 09094–5300.
349th USAF Clinic ((Assoc) (MAC), Travis Air Force Base, CA 94535–5300.
406th Tactical Fighter Training Wing Clinic (USAFE), APO AE 09286–5300.
433d USAF Clinic (AFRES), Kelly Air Force Base, TX 72241–5300.
434th USAF Clinic (AFRES), Grissom Air Force Base, IN 46971–5300.
445th USAF Clinic (Assoc) (MAC), Norton Air Force Base, CA 92409–5300.
446th USAF Clinic (Assoc) (MAC), McChord Air Force Base, WA 98438–5300.
452d USAF Clinic (AFRES), March Air Force Base, CA 92518–5300.
459th USAF Clinic (AFRES), Andrews Air Force Base, DC 20331–5300.
485th Tactical Missile Wing Clinic (USAFE), APO AE 09188–5300.
487th Tactical Missile Wing Clinic (USAFE), APO AE 09694–5300.
501st Tactical Missile (USAFE), APO AE 09150–5300.
503d USAF Clinic (AFRES), Tinker Air Force Base, OK 73145–5300.
512th USAF Clinic (Assoc) (AFRES), Dover Air Force Base, DE 19902–5300.
514th USAF Clinic (Assoc) (AFRES), McGuire Air Force Base, NJ 08641–5300.
906th Tactical Clinic (AFRES), Wright Patterson Air Force Base, OH 45433–5300.
907th Tactical Clinic (AFRES), Rickenbacker ANGB, OH 43217–5300.
908th Tactical Clinic (AFRES), Maxwell Air Force Base, AL 36112–5300.
910th Tactical Clinic (AFRES), Youngstown Muni Aprt, OH 44473–5300.
911th Tactical Clinic (AFRES), Pittsburgh IAP, PA 15231–5300.
913th Tactical Clinic (AFRES), Willow Grove Air Res, Facility, PA, 19090–5300.
914th Tactical Clinic (AFRES), Niagara Falls IAP, NY 14304–5300.
917th Tactical Clinic (AFRES), Barksdale Air Force Base, LA 71110–5300.
919th Tactical Clinic (AFRES), Aux Fld 3, Eglin Air Force Base, FL 32542–5300.
924th Tactical Clinic (AFRES), Bergstrom Air Force Base, TX 78743–5300.
926th Tactical Clinic (AFRES), NAS, New Orleans, LA 70143–5300.
928th Tactical Clinic (AFRES), O'Hare Air Force Base, IL 60666–5300.
931st Tactical Clinic (AFRES), Grissom Air Force Base, IN 46971–5300.
932d Tactical Clinic (AFRES), Scott Air Force Base, IL 62225–5300.
934th Tactical Clinic (AFRES), Minneapolis IAP, St Paul, MN 55450–5300.
939th Tactical Clinic (AFRES), Portland IAP, OR 97218–5300.
940th Tactical Clinic (AFRES), Mather Air Force Base, CA 95655–5300.
7020th Air Base Group Clinic (USAFE), APO AE 09125–5300.
7217th Air Base Group Clinic (USAFE), APO AE 09254–5300.
7241st Air Base Group Clinic (USAFE), APO AE 09224–5300.
7274th Air Base Group Clinic (USAFE), APO AE 09193–5300.
7275th Air Base Group Clinic (USAFE), APO AE 09240–5300.
7276th Air Base Group Clinic (USAFE), APO AE 09291–5300.
USAF Clinic Brooks (SAJMMC), Brooks Air Force Base, TX 78235–5300.
USAF Clinic Charleston (MAC), Charleston Air Force Base, SC 29404–5300.
USAF Clinic Eielson (AAC), Eielson Air Force Base, AK 99702–5300.
USAF Clinic Goodfellow (ATC), Goodfellow Air Force Base, TX 76908–5300.
USAF Clinic Kelly (SAJMMC), Kelly Air Force Base, TX 78241–5300.
Air Force Systems Command Hospital Hanscom (AFSC), Hanscom Air Force Base, MA 01731–5300.
Air Force Systems Command Clinic Los Angeles (AFSC), PO Box 92960, Worldway Postal Center, Los Angeles, CA 90009–5300.
USAF Clinic Lowry (ATC), Lowry Air Force Base, CO 80230–5300.
USAF Clinic McChord (MAC), McChord Air Force Base, WA 98438–5300.
USAF Clinic McClellan (AFLC), McClellan Air Force Base, CA 95652–5300.
USAF Clinic McGuire (MAC), McGuire Air Force Base, NJ 08641–5300.
USAF Clinic Norton (MAC), Norton Air Force Base, CA 92409–5300.
USAF Clinic Peterson (AFSPACECOM), Peterson Air Force Base, CO 80914–5300.
USAF Clinic Pope (MAC), Pope Air Force Base, NC 28308–5300.
USAF Clinic Randolph (SAJMMC), Randolph Air Force Base, TX 78150–5300.
USAF Clinic Rhein Main (MAC), APO AE 09097–5300.
USAF Clinic Vance (ATC), Vance Air Force Base, OK 73702–5300.

Numbered Hospitals

1st Strategic Hospital Vandenberg (SAC), Vandenberg Air Force Base, CA 93437–5300.
2d Strategic Hospital Barksdale (SAC), Barksdale Air Force Base, LA 71110–5300.
4th Tactical Hospital (TAC), Seymour Johnson Air Force Base, NC 27531–5300.
9th Strategic Hospital Beale (SAC), Beale Air Force Base, CA 95903–5300.
11th USAF Contingency Hospital, Lackland Air Force Base, TX 78236–5300.
12th USAF Contingency Hospital, Travis Air Force Base, CA 94535–5300.
13th USAF Contingency Hospital (AFRES), Scott Air Force Base, IL 62225–5300.
22d Strategic Hospital (SAC), March Air Force Base, CA 92518–5300.
22nd Air Transportation Hospital (SAC), March Air Force Base, CA 92518–5300.
23rd Tactical Hospital (TAC), England Air Force Base, LA 71311–5300.
26th Tactical Hospital (USAFE), APO AE 09860–5300.
27th Tactical Hospital (TAC), Cannon Air Force Base, NM 88103–5300.
31st Tactical Hospital (TAC), Homestead Air Force Base, FL 33039–5300.
35th Tactical Hospital (TAC), Luke Air Force Base, AZ 85309–5300.
36th Tactical Hospital (USAFE), APO AE 09132–5300.
39th Tactical Hospital (USAFE), APO AE 09289–5300.
42d Strategic Hospital (SAC), Loring Air Force Base, ME 04751–5300.
44th Strategic Hospital (SAC), Ellsworth Air Force Base, SD 57706–5300.
48th Tactical Hospital (USAFE), APO AE 09179–5300.
50th Tactical Hospital (USAFE), APO AE 09122–5300.
56th Tactical Hospital (TAC), MacDill Air Force Base, FL 33608–5300.
67th Tactical Hospital (TAC), Bergstrom Air Force Base, TX 78743–5300.
86th Tactical Hospital (USAFE), APO AE 09094–5300.

90th Strategic Hospital F E Warren (SAC), F E Warren Air Force Base, WY 82005–5300.
91st Strategic Hospital Minot (SAC), Minot Air Force Base, ND 58705–5300.
92d Strategic Hospital Fairchild (SAC), Fairchild Air Force Base, WA 99011–5300.
93d Strategic Hospital Castle (SAC), Castle Air Force Base, CA 95342–5300.
94th Tactical Hospital (AFRES), Dobbins Air Force Base, GA 30069–5300.
96th Strategic Hospital Dyess (SAC), Dyess Air Force Base, TX 79607–5300.
97th Strategic Hospital Eaker (SAC), Eaker Air Force Base, AR 72315–5300.
131st Tactical Hospital (TAC), Lambert Intl Aprt, St Louis, MO 63145–5300.
140th Tactical Hospital (TAC), Buckley ANGB, CO 80010–5300.
301st Tactical Hospital (AFRES), Carswell Air Force Base, TX 76127–5300.
302d Tactical Hospital (AFRES), Peterson Air Force Base, CO 80914–5300.
305th Strategic Hospital Grissom (SAC), Grissom Air Force Base, IN 46971–5300.
310th USAF Contingency Hospital (USAFE), APO AE 09049–5300.
316th Tactical Hospital (USAFE), APO AE 09094–5300.
317th USAF Contingency Hospital (USAFE), APO AE 09194–5300.
321st Strategic Hospital Grand Forks (SAC), Grand Forks Air Force Base, ND 58205–5300.
341st Strategic Hospital Malmstrom (SAC), Malmstrom Air Force Base, MT 59402–5300.
347th Tactical Hospital (TAC), Moody Air Force Base, GA 31699–5300.
351st Strategic Hospital Whiteman (SAC), Whiteman Air Force Base, MO 65305–5300.
354th Tactical Hospital (TAC), Myrtle Beach Air Force Base, SC 29579–5300.
363d Tactical Hospital (TAC), Shaw Air Force Base, SC 29152–5300.
366th Tactical Hospital (TAC), Mt Home Air Force Base, ID 83648–5300.
379th Strategic Hospital Wurtsmith (SAC), Wurtsmith Air Force Base, MI 48753–5300.
380th Strategic Hospital Plattsburgh (SAC), Plattsburgh Air Force Base, NY 12903–5300.
384th Strategic Hospital McConnell (SAC), McConnell Air Force Base, KS 67221–5300.
401st Tactical Hospital (USAFE), APO AE 09283–5300.
403d Tactical Hospital (TAC), Keesler Air Force Base, MS 39534–5300.
410th Strategic Hospital K I Sawyer (SAC), K I Sawyer Air Force Base, MI 49843–5300.
416th Strategic Hospital Griffiss (SAC), Griffiss Air Force Base, NY 13441–5300.
419th Tactical Hospital (TAC), Hill Air Force Base, UT 84056–5300.
434th Tactical Hospital (AFRES), Grissom Air Force Base, IN 46971–5300.
439th Tactical Hospital (AFRES), Westover Air Force Base, MA 01022–5300.
440th Tactical Hospital (AFRES), Gen Mitchell IAP, 300 E College Ave, Milwaukee, WI 53207–5300.
442d Tactical Hospital (AFRES), Richards-Gebaur Air Force Base, MO 64030–5300.
482d Tactical Hospital (AFRES), Homestead Air Force Base, FL 33039–5300.
509th Strategic Hospital Pease (SAC), Pease Air Force Base, NH 03803–5300.
601st Tactical Hospital (USAFE), APO AE 09136–5300.
607th USAF Contingency Hospital (USAFE), APO AE 09283–5300.
608th USAF Contingency Hospital (USAFE), APO AE 09238–5300.
609th USAF Contingency Hospital (USAFE), APO AE 09860–5300.
610th USAF Contingency Hospital (USAFE), APO AE 09633–5300.
622d USAF Contingency Hospital (ATC), Sheppard Air Force Base, TX 76311–5465.
652d USAF Contingency Hospital (USAFE), APO AE 09131–5300.
653d USAF Contingency Hospital (USAFE), APO AE 09457–5300.
655th Tactical Hospital (PACAF), APO AP 96328–5300.
656th Tactical Hospital (PACAF), APO AP 96432–5300.
657th Tactical Hospital (PACAF), APO AP 96432–5300.
658th USAF Contingency Hospital (PACAF), APO AP 96214–5300.
832d Tactical Hospital (TAC), Luke Air Force Base, AZ 85309–5300.
833d Tactical Hospital (TAC), Holloman Air Force Base, NM 88330–5300.
869th USAF Contingency Hospital (USAFE), APO AE 09129–5300.
870th USAF Contingency Hospital (USAFE), APO AE 09198–5300.
927th Tactical Hospital (AFRES), Selfridge ANGB, MI 48045–5300.
7206th Air Base Group Hospital (USAFE), APO AE 09223–5300.
7276th Air Base Group Hospital (USAFE), APO AE 09291–5300.

ANG Hospitals and Clinics

101st USAF Clinic (TAC), Bangor IAP, Bangor, ME 04401–4393.
102d USAF Clinic (TAC), Otis ANGB, MA 02542–5001.
103d Tactical Clinic (TAC), Bradley ANGB, East Granby, CT 06026–5300.
104th Tactical Clinic (TAC), Barnes Muni Aprt, Westfield, MA 01085–1385.
105th USAF Clinic (MAC), Stewart IAP, New Burgh, NY 12550–0031.
106th Tactical Clinic (TAC), Suffolk ANGB, West Hampton Beach, NY 11978–1294.
107th USAF Clinic (MAC), Niagara Falls IAP, Niagara Falls, NY 14304–6000.
108th Tactical Clinic (TAC), McGuire Air Force Base, NJ 08641–6004.
109th Tactical Clinic (TAC), Schenectady Co Aprt, Scotia, NY 12302–9752.
110th Tactical Clinic (TAC), PO Box 668, Battle Creek, MI 49016–1291.
111th Tactical Clinic (TAC), Willow Grove NAS, Willow Grove, PA 19090–5101.
112th Tactical Clinic (TAC), Pittsburgh IAP, Pittsburgh, PA 15231–0459.
113th Tactical Hospital (TAC), Andrews Air Force Base, DC 20331–6519.
114th Tactical Clinic (TAC), PO Box 5044, Sioux Falls, SD 57117–5044.
115th Tactical Clinic (TAC), 3110 Mitchell St, Madison, WI 53704–2591.
116th Tactical Hospital (TAC), Dobbins Air Force Base, GA 30069–6004.
117th Tactical Hospital (TAC), Sumpter Smith ANGB, Birmingham, AL 35217–3595.
118th Tactical Hospital (TAC), PO Box 17267, Nashville, TN 37217–0267.
119th USAF Clinic (SAC), PO Box 5536, Fargo, ND 58105–5536.
120th USAF Clinic (AFRES), Great Falls IAP, MT 59404–5300.
121st Tactical Hospital (TAC), Rickenbacker ANGB, OH 43217–5007.
122d Tactical Hospital (TAC), Baer Field, Fort Wayne, IN 46809–5300.
123d Tactical Hospital (TAC), Shewmaker ANGB, Louisville, KY 40213–2678.
124th Tactical Clinic (TAC), PO Box 45, Boise, ID 83701–4525.
125th USAF Clinic (TAC), PO Box 18018, Jacksonville, FL 32229–0018.
126th USAF Clinic (AFRES), PO Box 66486, O'Hare ARFF, Chicago, IL 60666–0486.
127th Tactical Clinic (TAC), Selfridge ANGB, MI 48045–5029.
128th Tactical Clinic (TAC), Gen Mitchell ANGB, Milwaukee, WI 53207–2591.
129th Tactical Hospital (TAC), NAS Moffett Fld, CA 94035–5006.
130th Tactical Clinic (TAC), Yaeger Aprt, Charleston, WV 25311–5300.
131st Tactical Hospital (TAC), Lambert IAP (ANGB), 10800 Natural Bridge Road, Bridgeton, MO 63044–2371.

132d Tactical Hospital (TAC), 4200 SW 34 St, Des Moines, IA 50321–2799.
133d Tactical Hospital (TAC), Minneapolis-St Paul IAP, St Paul, MN 55111–4098.
134th USAF Clinic (AFRES), McGhee-Tyson Aprt, Knoxville, TN 37901–5300.
135th Tactical Clinic (TAC), 2701 Eastern Blvd, Baltimore, MD 21220–2899.
136th Tactical Hospital (TAC), Hensley Fld, Dallas, TX 75211–9503.
137th Tactical Hospital (TAC), PO Stn 18, Will Rogers World Aprt, Oklahoma City, OK 73169–5300.
138th Tactical Clinic (TAC), PO Box 15768, Admiral Stn, Tulsa, OK 74115–1699.
139th Tactical Clinic (TAC), Rosecrans Memorial Aprt, St Joseph, MO 64503–3247.
140th Tactical Hospital (TAC), Buckley ANGB, CO 30011–9599.
141st USAF Clinic (AFRES), Fairchild Air Force Base, WA 99011–6434.
142d USAF Clinic (AFRES), Portland IAP, OR 97218–2797.
143d Tactical Hospital (TAC), Quonset State Aprt, North Kingstown, RI 02886–0794.
144th Tactical Hospital (TAC), Fresno ANGB, CA 93727–2199.
145th Tactical Clinic (TAC), Douglas Muni Aprt, Charlotte, NC 28208–5795.
146th Tactical Hospital (TAC), 8030 Balboa Blvd, Van Nuys, CA 91409–1195.
147th USAF Clinic (AFRES), Ellington Air Force Base, TX 77209–5586.
148th USAF Clinic (AFRES), Duluth IAP, MN 55811–5300.
149th Tactical Clinic (TAC), Kelly Air Force Base, TX 78421–7001.
150th Tactical Clinic (TAC), PO Box 551, Albuquerque, NM 87103–5510.
151st Tactical Clinic (TAC), PO Box 16087, Salt Lake City, UT 84115–2000.
152d Tactical Clinic (TAC), 1776 National Guard Way, Reno, NV 89502–4494.
153d Tactical Clinic (TAC), PO Box 2268 Muni Aprt, Cheyenne, WY 82005–2268.
154th Tactical Hospital (PACAF), Hickam Air Force Base, HI 96853–5300.
155th Tactical Clinic (TAC), Lincoln Muni Aprt, NE 68524–1897.
156th Tactical Clinic (TAC), PO Box 12307, Loiza Stn, San Juan, PR 00914–2307.
157th USAF Clinic (AFRES), Pease Air Force Base, NH 03803–6507.
158th Tactical Clinic (TAC), Burlington IAP, VT 05401–5300.
159th Tactical Clinic (TAC), NAS New Orleans, New Orleans, LA 70146–5300.
160th USAF Clinic (TAC), Rickenbacker ANGB, OH 43217–5006.
161st Tactical Clinic (TAC), 32 & Watkins Rd, Phoenix, AZ 85034–6098.
162d Tactical Clinic (TAC), Tucson IAP, AZ 85076–1037.
163d Tactical Clinic (TAC), March Air Force Base, CA 92518–5300.
164th Tactical Clinic (TAC), PO Box 18026, Memphis, TN 38118–0026.
165th Tactical Hospital (TAC), PO Box 7568, Garden City, GA 31404–7568.
166th Tactical Clinic (TAC), Greater Wilmington Aprt, New Castle, DE 19720–2495.
167th Tactical Clinic (TAC), Eastern WV Regional Aprt, Martinsburg, WV 25401–0204.
169th Tactical Clinic (TAC), McEntire ANGB, Eastover, SC 29044–9690.
170th USAF Clinic (MAC), McGuire Air Force Base, NJ 08641–5300.
171st USAF Clinic (AFRES), Pittsburgh IAP, Pittsburgh, PA 15231–0459.
172d USAF Clinic (AFRES), PO Box 5810, Jackson, MS 39208–0810.
174th Tactical Clinic (TAC), Hancock Fld, Syracuse, NY 13225–7099.
175th Tactical Clinic (TAC), 2701 Eastern Blvd, Baltimore, MD 21220–2899.
176th Tactical Clinic (TAC), Kulis ANGB, 6000 Air Guard Rd, Anchorage, AK 99502–5300.
177th USAF Clinic (TAC), FAA Technical Center, Atlantic City Airport, NJ 08405–9500.
178th Tactical Hospital (TAC), Springfield ANGB, OH 45501–1780.
179th Tactical Clinic (TAC), Mansfield Lahm Aprt, OH 44901–5300.
180th Tactical Clinic (TAC), Toledo Express Aprt, Swanton, OH 43558–5005.
181st Tactical Clinic (TAC), Hulman Fld, Terre Haute, IN 47803–5300.
182d Tactical Clinic (TAC), Greater Peoria Aprt, Greater Peoria, IL 61607–1498.
183d Tactical Clinic (TAC), Capitol Muni Aprt, Springfield, IL 62707–5300.
184th Tactical Clinic (TAC), McConnell Air Force Base, KS 67221–6225.
185th Tactical Clinic (TAC), PO Box 278, Sergeant Bluff, IA 51054–1002.
186th Tactical Clinic (TAC), PO Box 1825, Meridian, MS 39302–1825.
187th Tactical Clinic (TAC), Dannelly Fld, Montgomery, AL 36105–0001.
188th Tactical Clinic (TAC), Fort Smith MAP, AR 72099–5300.
189th USAF Clinic (SAC), Little Rock Air Force Base, AR 72099–5300.
190th USAF Clinic (AFRES), Forbes ANGB, Topeka, KS 66620–5300.
191st USAF Clinic (AFRES), Selfridge ANGB, MI 48045–5029.
192d Tactical Clinic (TAC), Byrd Fld, Sandston, VA 23150–0297.
193d Tactical Hospital (TAC), Harrisburg IAP, Middletown, PA 17057–2424.

USAF Numbered Air Forces

First Air Force (TAC), Langley Air Force Base, VA 23665–5009.
Third Air Force (USAFE), APO AE 09127–5000.
Fourth Air Force (AFRES), McClellan Air Force Base, CA 95652–6002.
Fifth Air Force (PACAF), APO AP 96328–5000.
Seventh Air Force (PACAF), APO AP 96570–5000.
Eighth Air Force (SAC), Barksdale Air Force Base, LA 71110–5002.
Ninth Air Force (TAC), Shaw Air Force Base, SC 29152–5002.
Tenth Air Force (AFRES), Bergstrom Air Force Base, TX 78743–6002.
Twelfth Air Force (TAC), Bergstrom, Air Force Base, TX 78743–5002.
Thirteenth Air Force (PACAF), APO AP 96274–5000.
Fourteenth Air Force (AFRES), Dobbins Air Force Base, GA 30069–5002.
Fifteenth Air Force (SAC), March Air Force Base, CA 92518–5000.
Sixteenth Air Force (USAFE), APO AE 09283–5000.
Seventeenth Air Force (USAFE), APO AE 09136–5002.
Twenty-First Air Force (MAC), McGuire Air Force Base, NJ 08641–5002.
Twenty-Second Air Force (MAC), Travis Air Force Base, CA 94535–5002.
Twenty-Third Air Force (MAC), Scott Air Force Base, IL 62225–5001.

Air Force Plant Representative Offices (AFPRO-XP)

AFPRO-XP, Pratt & Whitney, PO Box 109600, West Palm Beach, FL 33410–9600.
AFPRO-XP, Pratt & Whitney, 400 Main St, East Hartford, CT 06108–0969.
AFPRO-XP, Boeing Co, PO Box 3707, Seattle WA 98124–3707.
AFPRO-XP, Martin Marietta, Denver Operations, PO Box 179, Denver, CO 80201–0179.
AFPRO-XP, Rockwell Intl Corp, Rocketdyne Div, 6633 Canoga Avenue, Canoga Park, CA 91303–2790.
AFPRO-XP, Lockheed Msl & Space Co, Space Systems Div, PO Box 3504, Sunnyvale, CA 94088–3504.
AFPRO-XP, Rockwell Intl, North American Acft Division, PO Box 92098, Los Angeles IAP, CA 90009–2098.
AFPRO-XP, Rockwell Intl Corp Anaheim, 3370 Miraloma Ave, Anaheim, CA 92803–3110.
AFPRO-XP, Lockheed-Aeronautical Systems Co (LASC), Marietta, GA 30063–0001.

AFPRO-XP, General Dynamics, Fort Worth Division, PO Box 371, Fort Worth, TX 76101–0371.
AFPRO-XP, General Electric Co/MD-N1, Aircraft Engine Group, Cincinnati, OH 45215–6303.
AFCMD 31/FAS, MS AFPRO/2A, 8900 E. Washington Blvd, Rico Rivera, CA 90660–3783.
AFPRO-XP, Boeing Military Airplanes, PO Box 7730, Wichita, KS 67277–7730.
AFPRO-XP, Aerojet-General Corp, PO Box 15846, Sacramento, CA 95852–1866.
AFPRO-XP, Hughes Acft Co, PO Box 92463, Los Angeles, CA 90009–2463.
AFPRO-XP, Northrop Corp, One Northrop Ave, Hawthorne, CA 90250–3296.
AFPRO-XP, General Electric Co, Space Systems Div, PO Box 8555, Philadelphia, PA 19101–8555.
AFPRO-XP, AFPRO Textron Defense Systems, 201 Lowell St, Wilmington, MA 01887–2941.
AFPRO-XP, Morton Thiokol Inc, PO Box 524, MS-Z10, Brigham City, UT 84302–0524.
AFPRO-XP, Westinghouse Electric Corp, Defense & Electronics Center, PO Box 1693, Baltimore, MD 21203–1693.
AFPRO-XP, TRW Space & Defense Sector, One Space Park, Redondo Beach, CA 90278–1078.
AFPRO-XP, Douglas Aircraft Corp, 3855 Lakewood Blvd, Long Beach, CA 90846–0001.
Hughes Missile Systems Group, PO Box 11337, Emery Park Station, Tucson, AZ 85734–1337.
AFPRO Eaton Corp, AIL Div, Commack Road, Deer Park, NY 11729–9998.
AFCMD 50/FAS, F E Warren Air Force Base, WY 82005–8110.
AFPRO/FAS, LTV Aerospace & Defense Co, PO Box 655907, Dallas, TX 78265–5907.

Alphabetical Listing of Air Force Activities

Academic Instructor School, Maxwell Air Force Base, AL 36112–5712.
Aeronautical Systems Division (AFSC), Wright-Patterson Air Force Base, OH 45433–6503.
Aerospace Audio Visual Service (MAC), Norton Air Force Base, CA 92409–5439.
Aerospace Guidance & Metrology Center (AFLC), Newark Air Force Base, OH 43057–5000.
Aerospace Maintenance and Regeneration Center (AFLC), Davis-Monthan Air Force Base, AZ 85707–5000.
Air Command and Staff College, Maxwell Air Force Base, AL 36112–5542.
Air Defense Operations Center (AFSPACECOM), Cheyenne Mt Complex Air Force Base, CO 80914–5601.
Air Force Accounting and Finance Center (SOA), Denver, CO 80279–5000.
Air Force Armament Laboratory, Eglin Air Force Base, FL 32542–5000.
Air Force Astronautics Laboratory (AFSTC), Edwards Air Force Base, CA 93523–5000.
Air Force Audit Agency (AFAA) (SOA), Norton Air Force Base, CA 92409–6001.
Air Force Audit Agency (AFAA) (SOA), Norton Air Force Base, CA 92409–6001.
Air Force Broadcasting Service (AFSINC), Kelly Air Force Base, TX 78241–5000.
Air Force Center for Studies and Analyses (DRU) (1100 RMG), Washington, DC 20330–5000.
Air Force Center for International Programs (DRU) (1100 RMG), Washington, DC 20330–5000.
Air Force Central Notice to Airmen (NOTAM) Facility (AFCC), Carswell Air Force Base, TX 76127–6340.
Air Force Chaplain School (AU), Maxwell Air Force Base, AL 36112–5712.
Air Force Civil Engineer Continental Europe Region (USAFE), APO AE 09094–5000.
Air Force Civil Engineer Northern Region (USAFE), APO AE 09241–5000.
Air Force Civilian Appellate Review Agency (AFRBO), Washington, DC 20330–1000.
Air Force Civilian Personnel Management Center (DRU), Randolph Air Force Base, TX 78150–6421.
Air Force Combat Ammunition Center (SAC), Sierra Army Depot, Herlong, CA 96113–5000.
Air Force Combat Operations Staff (DRU), Washington DC 20330–5000.
Air Force Commissary Service (SOA), Kelly Air Force Base, TX 78241–6290.
Air Force Communications Command (MAJCOM), Scott Air Force Base, IL 62225–6001.
Air Force Communications Command Operational Test and Evaluation Center (AFCC), Wright Patterson Air Force Base, OH 45433–5000.
Air Force Communications-Computer Systems Doctrine Office (AFCC), Keesler Air Force Base, MS 39534–6340.
Air Force Comptroller Management Engineering Team (AFMEA), Lowry Air Force Base, CO 80230–5000.
AFCC Systems Acquisition Support Office (AFCC), Hanscom Air Force Base, MA 01731–5000.
Air Force Computer Acquisition Center (AFCC), Hanscom Air Force Base, MA 01731–6340.
Air Force Contract Maintenance Center (AFLC), Wright-Patterson Air Force Base, OH 45433–5000.
Air Force Contract Management Division (AFSC), Kirtland Air Force Base, NM 87117–5000.
Air Force Coordinating Office Logistics Research, Wright-Patterson Air Force Base, OH 45433–5000.
Air Force Cost Center (DRU) 5600 Columbia Pike, Room 203, Falls Church, VA 22041–5101.
Air Force Cryptologic Support Center (ESC), San Antonio TX 78243–5000.
Distribution Control Office (AFLC), Wright-Patterson Air Force Base, OH 45433–5000.
Air Force Distribution Agency (AFLC), Wright-Patterson Air Force Base, OH 45433–5000.
Air Force District of Washington (DRU), Bolling Air Force Base, DC 20332–5000.
Air Force Drug Testing Laboratory (AFSC), Brooks Air Force Base, TX 78235–5000.
Air Force Electronic Combat Office (AFSC), Wright-Patterson Air Force Base, OH 45433–6503.
Air Force Electronic Warfare Center (ESC) San Antonio, TX 78243–5000.
Air Force Emergency Operations Center, Fort Ritchie, MD 21719–5010.
Air Force Engineering and Services Center (SOA), Tyndall Air Force Base, FL 32403–6001.
Air Force Engineering and Services Management Engineering Team (AFMEA), Tyndall Air Force Base, FL 32403–5601.
Air Force European Broadcasting Squadron (Air Force BaseS), APO AE 09012–5000.
Air Force District of Washington Accounting and Finance Office, Bolling Air Force Base, DC 20332–5260.
Air Force Flight Test Center (AFSC), Edwards Air Force Base, CA 93523–5000.
Air Force Frequency Management Center (AFCC), Washington, DC 20330–6340.
Air Force Geophysics Laboratory (AFSTC), Hansom Air Force Base, MA 01731–5000.
Air Force Global Weather Central (MAC), Offutt Air Force Base, NE 68113–5000.
Air Force Human Resources Laboratory (AMD), Brooks Air Force Base, TX 78235–5601.
Air Force Inspection and Safety Center (SOA), Norton Air Force Base, CA 92409–7001.
Air Force Institute of Technology (AU), Wright-Patterson Air Force Base, OH 45433–6583.
Air Force Intelligence Management Engineering Team (AFMEA), Fort Belvoir, VA 22060–5000.

Air Force Intelligence Agency (SOA), Fort Belvoir, VA 22060–5788.
Air Force Judge Advocate General School (AU), Maxwell Air Force Base, AL 36112–5712.
Air Force Judge Advocate Legal Information Services, Denver, CO 80279–5000.
Air Force Legal Services Center (SOA), Washington, DC 20330–5000.
Air Force Logistics Command (MAJCOM), Wright-Patterson Air Force Base, OH 45433–5001.
AFLC International Logistics Center (AFLC), Wright-Patterson Air Force Base, OH 45433–5000.
AFLC Inspection and Safety Center (AFLC), Wright-Patterson Air Force Base, OH 45433–5000.
AFLC Logistics Support Group Saudi Arabia, APO AE 09038–5000.
AFLC Support Group Europe (AFLC), APO AE 09243–5000.
AFLC Cataloging and Standardization Center (AFLC), 74 N. Washington Ave, Battle Creek, MI 49017–3094.
Logistics Operations Center (AFLC), Wright-Patterson Air Force Base, OH 45433–5000.
Logistics Management Systems Center (AFLC), Wright-Patterson Air Force Base, OH 45433–5000.
Air Force Acquisition Logistics Center (AFLC), Wright-Patterson Air Force Base, OH 45433–5000.
Air Force Contract Law Center (AFLC), Wright-Patterson Air Force Base, OH 45433–5000.
Air Force Disaster Preparedness Center, Lowry Air Force Base, CO 80230–5000.
Air Force Logistics, Management Center (AFLC), Gunter Air Force Base, AL 36114–6693.
Air Force Legal Service Center, Washington, DC 20330–5000.
Air Force Logistics Management Engineering Team (AFMEA), Dover Air Force Base, DE 19902–6437.
Air Force Management Engineering Agency (SOA), Randolph Air Force Base, TX 78150–6431.
Air Force Military Personnel Center (SOA), Randolph Air Force Base, TX 78150–6001.
Air Force Manpower and Personnel Management Engineering Team (AFMEA), Randolph Air Force Base, TX 78150–6431.
Air Force Medical Logistics Office (USAF), Frederick, MD 21701–5006.
Air Force Medical Management Engineering Team (AFMEA), Maxwell Air Force Base, AL 36112–5006.
Air Force Office of Medical Support (SOA), Brooks Air Force Base, TX 78235–5000.
Air Force Military Training Center (ATC), Lackland Air Force Base, TX 78236–5000.
Air Force Mortuary Services Office (AFESC), Bolling Air Force Base, DC 20332–5000.
Air Force Office of Public Affairs, Midwest Region, 55 East Monroe, Suite 1525, Chicago, IL 60603–5707.
Air Force Office of Public Affairs, Western Region (AFSINC), Room 10114, 11000 Wilshire Blvd, Los Angeles, CA 90024–3602.
Air Force Office of Public Affairs, Eastern Region (AFSINC), 133 East 58th St, Suite 1500, New York, NY 10022–1236.
Air Force Office of Scientific Research (AFSC), Bolling Air Force Base, DC 20332–6600.
Air Force Office of Security Police (SOA), Kirtland Air Force Base, NM 87117–6001.
Air Force Professional Manpower & Personnel Management School (AU), Maxwell Air Force Base, AL 36112–5712.
Air Force Professional Military Comptroller School (AU), Maxwell Air Force Base, AL 36113–5712.
Air Force Publishing Distribution Center (SAF/AAI), Baltimore, MD 21220–2898.
Air Force Reserve (SOA), Robins Air Force Base, GA 31098–5000
Air Force Rescue Coordination Center (MAC/ARRS), Scott Air Force Base, IL 62225–5000.
Air Force Reserve Officers Training Corps (ATC), Maxwell Air Force Base, AL 36112–6663.
Air Force Review Boards Office (DRU), Washington, DC 20330–5000.
Air Force Security Clearance Office (AFOSP), Washington, DC 20330–5000.
Air Force Security Police Management Engineering Team (AFMEA), Kirtland Air Force Base, NM 87117–6004.
Air Force Service Information and News Center (SOA) Kelly Air Force Base, TX 78241–5000.
Air Force Space Command (MAJCOM), Peterson Air Force Base, CO 80914–5001.
Air Force Space Technology Center (AFSC), Kirtland Air Force Base, NM 87117–5000.
Air Force Special Activities Center (AFIA), Fort Belvoir, VA 22060.
Air Force Special Staff Management Engineering Team (AFMEA), Peterson Air Force Base, CO 80914–5000.
Air Force Systems Command (MAJCOM), Andrews Air Force Base, DC 20331–5000.
Air Force Technical Applications Center (DRU), Patrick Air Force Base, FL 32925–6001.
Air Force Telecommunications Certification Office (AFCC), Scott Air Force Base, IL 62225–6001.
Air Force Wartime Manpower and Personnel Readiness Team (AFMEA), Fort Ritchie, MD 21719–5010.
Air Force Weapons Laboratory (AFSTC), Kirtland Air Force Base, NM 87117–6008.
Air Force Wright Aeronautical Laboratories (ASD), Wright-Patterson Air Force Base, OH 45433–5000.
Air Forces Iceland (TAC), APO AE 09673–2055.
Air Ground Operations School (TAC), Hurlburt Fld, FL 32544–5000.
Air National Guard Support Center (DRU), Andrews Air Force Base, MD 20331–6008.
Air Reserve Personnel Center (SOA), Denver, CO 80280–5000.
Air Training Command (MAJCOM), Randolph Air Force Base, TX 78150–5001.
ATC Civilian Automated Training Office (ATC), Lackland Air Force Base, TX 78236–5000.
ATC OPSCEN Operations Center (ATC), Randolph Air Force Base, TX 78150–5000.
Air Training Communications Division (AFCC), Randolph Air Force Base, TX 78150–6343.
Air University (MAJCOM), Maxwell Air Force Base, AL 36112–5001.
Armed Forces Staff College, 12 3825 Spt Gp (Acad), Norfolk, VA 23511–2020.
Air War College (AU), Maxwell Air Force Base, AL 36112–5522.
Air Weather Service (MAC), Scott Air Force Base, IL 62225–5008.
Airlift Communications (AFCC), Scott Air Force Base, IL 62225–6343.
Alaskan Air Command (MAJCOM), Elmendorf Air Force Base, AK 99506–5001.
Alaskan North American Aerospace Defense Command Region (NORAD), Elmendorf Air Force Base, AK 99506–5000.
AFSC Armament Division (AFSC), Eglin Air Force Base, FL 32542–5000.
Armed Forces Vocational Testing Group (ATC), Randolph Air Force Base, TX 78150–5000.
Army and Air Force Exchange Service (DOD), PO Box 660202, Dallas, TX 75266–0202.
Arnold Engineering Development Center (AFSC), Arnold Air Force Base, TN 37389–5000.
Ballistic Missile Office (AFSC), Norton Air Force Base, CA 92409–6468.
HQ Defense Communications Agency (DOD), Washington, DC 20305–2000.
Defense Equal Opportunity Management Institute, Patrick Air Force Base, FL 32925–6685.
Defense Mapping Agency Aerospace Center (DMA), 8900 S. Broadway, St Louis, MO 63118–2020.

Defense Medical Examination Review Board (DOD), Colorado Springs, CO 80840–5000.

Defense Reutilization Marketing Office (AFLC), Barksdale Air Force Base, LA 71110–6100.

Director of Nuclear Surety (AFISC), Kirtland Air Force Base, NM 87117–5000.

Electromagnetic Compatibility Analysis Center (AFSC), North Severn, Annapolis, MD 21402–1187.

Electronic Security Combat Operations Staff (ESC), Kelly Air Force Base, TX 78243–5000.

Electronic Security Command (MAJCOM), San Antonio, TX 78243–5000.

Continental Electronic Security Division (ESC), San Antonio, TX 78243–5000.

European Electronic Security Division (ESC), APO AE 09094–6373.

Electronic Systems Division (AFSC), Hanscom Air Force Base, MA 01731–5000.

Logistics Communications Division (AFCC), Wright-Patterson Air Force Base, OH 45433–6343.

Military Airlift Command (MAJCOM), Scott Air Force Base, IL 62225–5000.

National Personnel Record Center (Civilian), NPRC/CPR-AF, 111 Winnebago St, St Louis, MO 63118–2001.

National Personnel Record Center (Military), NPRC/MPR-AF, 9700 Page Blvd, St Louis, MO 63132–2001.

North American Aerospace Defense Command (NORAD), Peterson Air Force Base, CO 80914–5002.

CONUS North American Aerospace Defense Command Region, Langley Air Force Base, VA 23665–5009.

North American Aerospace Defense Airborne Command and Control Squadron, Tinker Air Force Base, OK 73145–5000.

NORAD Computer Services Squadron, Tyndall Air Force Base, FL 32403–6702.

Officer Training School (ATC), Lackland Air Force Base, TX 78236–5000.

Ogden Air Logistics Center (AFLC), Hill Air Force Base, UT 84056–6000.

Oklahoma City Air Logistics Center (AFLC), Tinker Air Force Base, OK 73145–5000.

Operations Training Support Laboratory (SAC), Carswell AB, TX 76127–5000.

Pacific Air Combat Operations Staff (PACAF), Hickam Air Force Base, HI 96853–5000.

Pacific Air Forces (MAJCOM), Hickam Air Force Base, HI 96853–5001.

Pacific Communications Division (AFCC), Hickam Air Force Base, HI 96853–6343.

PACAF Logistics Spt Center (PACAF), APO AP 96239–5000.

Pacific Technical Operations Area (HQ PACTOA), Wheeler Air Force Base, HI 96854–5000.

NATIONAL SECURITY AGENCY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required to locate and retrieve the record.

BLANKET ROUTINE USES

Certain 'blanket routine uses' of the records have been established that are applicable to every record system maintained within the Department of Defense unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below only once in the interest of simplicity, economy and to avoid redundancy.

LAW ENFORCEMENT ROUTINE USE

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

DISCLOSURE WHEN REQUESTING INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

DISCLOSURE OF REQUESTED INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

CONGRESSIONAL INQUIRIES ROUTINE USE

Disclosure from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

PRIVATE RELIEF LEGISLATION ROUTINE USE

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS ROUTINE USE

A record from a system of records maintained by this component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of

Department of Defense military and civilian personnel.

DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES ROUTINE USE

Any information normally contained in IRS Form W–2 which is maintained in a record from a system of records maintained by this component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517, 5520, and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Number 76–07.

DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT ROUTINE USE

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

DISCLOSURE TO MILITARY BANKING FACILITIES OVERSEAS ROUTINE USE

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

DISCLOSURE OF INFORMATION TO THE GENERAL SERVICES ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records manegement inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO THE MERIT SYSTEMS PROTECTION BOARD ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations. investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DOD investigation, and such other functions, promulgated in 5 U.S.C 1205 and 1206, or as may be authorized by law.

COUNTERINTELLIGENCE PURPOSES ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use outside the DOD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

GNSA 01

SYSTEM NAME:

NSA/CSS Access, Authority and Release of Information File.

SYSTEM LOCATION:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

Decentralized Segments - Each staff, line, contract and field element as appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NSA/CSS civilian employees, personnel under contract or appointment and military assignees.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may consist of authorizations to obtain keys; authorizations for access to specific sensitive information or areas; delegation of responsibility to authorize or request specific action, work projects or access; notification to report for duty in event of hazardous weather or other emergency; authorizations to officially release various types of communications; assignments to special activities; assignments as Agency representatives to department or other government committees, boards, task groups; assignments to special tasks in event of technical or national emergencies; assignments to duties as fire, safety, security officers, Combined Federal Campaign and blood donation workers; and assignments to other special or volunteer duties or activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Agency Act of 1959, 50 U.S.C. 402 note (Pub. L. 86–36); 50 U.S.C. 831–835, (Pub. L. 88–290); 18 U.S.C. 798; E.O. 12333.

PURPOSE(S):

To provide a means to rapidly determine who may have access to information, spaces, combinations or keys; who is required to report for duty in special circumstances; who has been authorized to release official communications; who has been

assigned additional special tasks, voluntary duties or other duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To contractor employees to make determinations as noted in the purpose above; to investigatory authorities engaged in national security investigations and to intelligence authorities or other governmental entities with respect to specific assignments or when emergency action is required.

The 'Blanket Routine Uses' set forth at the beginning of the NSA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, paper cards in file boxes, magnetic tapes, disks and other computer storage media, computer listings, microfilm.

RETRIEVABILITY:

By name.

SAFEGUARDS:

For paper, computer listing, cards and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to authorized individuals only. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area- additional secure limited access facilities, specific processing requests from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Where data elements are derived from the Personnel Security File-remote terminal inhibitions are in force with respect to access to complete file or data relating to persons not assigned to requesting organization using a remote terminal. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

RETENTION AND DISPOSAL:

Retained until individual is no longer authorized access or release authority or assigned to specific additional duties. Computer files are purged and updated to reflect current status.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

NOTIFICATION PROCEDURE:

Requests from individual for notification shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD ACCESS PROCEDURES:

Requests from individuals for access shall be in writing addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD SOURCE CATEGORIES:

Applications and related forms requesting access, appointment or authorization, notifications of same, personnel records, personnel security records, and other sources as appropriate and required.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt pursuant to 5 U.S.C. 552a(k)(1) and (k)(5), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553 (b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

GNSA 02

SYSTEM NAME:

NSA/CSS Applicants.

SYSTEM LOCATION:

National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment with NSA/CSS.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains forms, documents and correspondence providing personal and qualifications information submitted by individual applicants, educational institutions, past employers, references. Records include processing items, status reports, test results, interview reports, reports of reviewing organizations and other related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Agency Act of 1959, 50 U.S.C. 402 note (Pub. L.86–36); 50 U.S.C. 831–835, (Pub. L. 88–290); E.O. 10450; 5 U.S.C. and appropriate implementing Office of Personnel Management directives in the Federal Personnel Manual.

PURPOSE(S):

To support the recruitment, selection, hire and placement of applicants. The file is used to document applicant processing, as a basis for selection decisions by individual agency elements and the personnel organization, and such other related uses as required.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To contractor employees and other government entities to make determinations as noted in the purpose above.

The 'Blanket Routine Uses' set forth at the beginning of the NSA/CSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper in file folders, cards in containers, logs, computer listings, computer magnetic tape, disks and other computer storage media, microfilm.

RETRIEVABILITY:

By name, Social Security Number, and other appropriate data elements.

SAFEGUARDS:

For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to those individuals specifically authorized and granted access by the Deputy Director for Management Services. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only. Remote terminal inhibitions are in force with respect to access to computerized file or data relating to persons not assigned to the organization using a remote terminal. Remote terminals are secured,

are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

RETENTION AND DISPOSAL:

For applicants who are subsequently hired, records are transferred to Personnel File or destroyed as appropriate. For applicants not hired, record are retained for a period not to exceed one year or until completion of legal proceedings involving issues pertaining to these records, whichever is later, unless employment requirements necessitate retention for a longer period.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD SOURCE CATEGORIES:

Applicant, educational institutions, references, former employers including other governmental entities, interviewing and reviewing individuals including possible gaining organization, security and medical authorities and other sources as relevant and appropriate.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt pursuant to 5 U.S.C. 552a(k)(1) and (k)(5), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

GNSA 03

SYSTEM NAME:

NSA/CSS Correspondence, Cases, Complaints, Visitors, Requests.

SYSTEM LOCATION:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

Decentralized Segments - Each staff, line, contract and field element as authorized and appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons calling or corresponding with NSA/CSS concerning congressional inquiries; job opportunities; Freedom of Information and Privacy Act requests; other information requests, suggestions or comments; registering complaints; requesting appropriate security clearance and permission to visit; requesting or requiring information relating to litigation or anticipated litigation; and employees or assignees registering complaints or requesting information with respect to Equal Employment Opportunities; requesting inquiry or investigation by the Inspector General; requesting advice, opinions, or assistance from the General Counsel or provided to the General Counsel with respect to conflict of interest issues.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains correspondence from and to individuals, documents and memoranda related to the response, written material developed during or in anticipation of litigation or investigation of inquiries, complaints or grievances, written material developed in response to a request for advice or opinion from an individual, written material required by law, executive order, and regulations with respect to Equal Employment Opportunity investigations, Inspector General investigations, judicial branch subpoenas, orders and related actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Agency Act of 1959, 50 U.S.C. 402 note (Pub. L. 86–36); 50 U.S.C. 831–835, (Pub. L. 88–290); 5 U.S.C. 552; Pub. L. 92–261; Pub. L. 93–259; E.O. 10450; E.O. 11222; E.O. 11478; and E.O. 12356.

PURPOSE(S):

To provide a record of the official responses and determinations of NSA/CSS to various inquiries for information, complaints or official actions of other governmental agencies and branches.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To contractor employees to make determinations as noted in the purpose above.

To provide reports in summary or statistical form to the Office of Equal Employment Opportunity.

To appropriate governmental agencies and the judicial branch where litigation or anticipated civil or criminal litigation is involved or where sensitive national security investigations related to protection of intelligence sources or methods are involved.

The 'Blanket Routine Uses' set forth at the beginning of the NSA/CSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name, case, or subject and within subject by name.

SAFEGUARDS:

Secure limited access facilities and within those facilities individual limited access offices. Files are stored in lockable containers and are only made available to individuals specifically authorized access or required to respond and individuals affected by actions taken or complaints received. Files related to sensitive investigations by the Equal Employment Opportunity Office, the Inspector General and General Counsel are additionally protected pursuant to appropriate statutes, executive orders or regulations and attorney-client privilege. In some cases records are sealed pursuant to sensitivity of subject matter or specific court order.

RETENTION AND DISPOSAL:

Records are retained on-site indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD SOURCE CATEGORIES:

Official correspondence, written materials developed in response to inquiries from executive branch departments and agencies, judicial branch elements, Congress, Congressional committees, individual Congressmen, other government and private entities as appropriate, and other sources as appropriate and required.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Individual records in this file may be exempt pursuant to 5 U.S.C. 552a(k)(1), (k)(2), (k)(4), and (k)(5), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

GNSA 04

SYSTEM NAME:

NSA/CSS Military Reserve Personnel Data Base.

SYSTEM LOCATION:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

Decentralized Segments - Each staff, line, field element and military service as authorized and appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Inactive duty military reserve personnel assigned to NSA mobilization billets, requesting to perform on-the-job training in NSA work centers, or scheduled to attend formal and resident courses of instruction under the auspices or sponsorship of NSA.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains correspondence, papers, and forms relating to individual's service extracted from his/her military personnel records including but not limited to military service, enlistment or related service agreement/extension/ orders, active duty records; duty status, reserve status; qualifications for active military duty assignments; clearance data; applications/nominations for assignments; pictures; military check-in/out sheets; military skill specialty evaluation data; active duty training; service record brief, military personnel utilization survey; correspondence courses, educational/academic records; applications for I.D.; efficiency or fitness records; application/prior service enlistment documents; work experiences; professionalization documentation; achievement certificates, suggestions; personnel screening and evaluation records; acknowledgement of service requirements; temporary disability record; change of name; documents relating to promotion or non-selection, transfers, leave, pay entitlements, financial records, awards, health or medical records, reports of proceedings of physical fitness boards, birth certificates, citizenship statements and status; passport, questionnaire/records of security clearances, language capability, language proficiency questionnaire; flight records, aviator flight records, instrument certification papers; reduction in grade release, retirement, temporary duty, record of retirement points; correspondence and/ or orders relating to dependents, service action, federal recognition orders, correspondence relating to badges, medals, and unit awards, including foreign decorations; correspondence/ letters/administrative reprimands/ censures/admonitions relating to apprehensions/confinement and discipline.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act, 50 U.S.C. 402 note (Pub. L. 86–36); and Title 10 U.S.C.

PURPOSE(S):

To maintain current and accurate listings of reserve personnel designated to mobilize with the National Security Agency, offered as nominees for NSA Mobilization billets, requesting formal and resident training courses, or seeking on-the-job training in NSA work centers. To determine professional and technical qualifications of reservists to analyze their training needs and to ascertain the eligibility of reservists for promotions, awards, special duty assignments, and similar reasons.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the NSA/CSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes, discs, electronic files, or other automated storage media, computer listings and other paper records.

RETRIEVABILITY:

By name, Social Security Numbers, mobilization billet, courses of training, and other professional qualifications.

SAFEGUARDS:

Secure limited access facilities and within those facilities lockable containers. Records are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are permanent. They are reviewed periodically and updated at least annually for changes and corrections. Superseded records are destroyed when no longer useful for reference purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

VOL 58 ISS 33 FE 22 1993 UMI

RECORD SOURCE CATEGORIES:

Individual reservists and service reserve personnel files.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Individual records in this file may be exempt pursuant to 5 U.S.C. 552a(k)(1) and (k)(5), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

GNSA 05

SYSTEM NAME:

NSA/CSS Equal Employment Opportunity Data.

SYSTEM LOCATION:

National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NSA/CSS civilian personnel and personnel under contract.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains civilian personnel data and Agency organizational data to title, grade, date of birth, training, date of last promotion, educational attainments, Social Security Number, time of service, personnel codes, organization assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Agency Act of 1959, 50 U.S.C. 402 note (Pub. L. 86–36); Pub. L. 92–261; Pub. L. 93–259; E.O. 11478; Chapter 713 of the Federal Personnel Manual.

PURPOSE(S):

To ensure compliance with cited authorities with respect to equal employment opportunities.

To compile such studies, research, statistics and reports necessary to ensure compliance with cited authorities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To contractor employees to make determinations as noted in the purpose above. Reports, summaries and statistics may be made available to the Office of Equal Employment Opportunity, Congress, Department of Justice and judicial branch elements as required by cited authorities, requested pursuant to those authorities or ordered by specific judicial branch order.

The 'Blanket Routine Uses' set forth at the beginning of the NSA/CSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, disk or other computer storage media, computer listings, paper in file folders.

RETRIEVABILITY:

By name, Social Security Number, and specific subject matter data elements.

SAFEGUARDS:

For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to those individuals specifically authorized and granted access by EEO Director. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Where data elements are derived from the Personnel System, remote terminal inhibitions are in force with respect to access to complete file or data relating to persons not assigned to requesting organization using a remote terminal. Remote terminals are secure, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

RETENTION AND DISPOSAL:

File is routinely updated and old data disposed of as required. Individual data is subject to retention and disposal requirements specified for records contained in the Personnel System.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Equal Employment Opportunity, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD SOURCE CATEGORIES:

Individuals themselves, organizational elements, personnel file, and other sources as appropriate and required.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Individual records and data elements in this file may be exempt pursuant to 5 U.S.C. 552a(k)(1), (k)(2), and (k)(4).

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

GNSA 06

SYSTEM NAME:

NSA/CSS Health, Medical and Safety Files.

SYSTEM LOCATION:

Primary System - National Security Agency/Central Security Service, Fort George G. Meade, MD 20755–6000.

Decentralized Segments - Each staff, line, contract and field element as appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NSA/CSS civilian employees, military assignees, applicants, retirees, building concessionaires, assigned GSA employees, certain contract employees, visitors requiring emergency treatment, in certain cases members of employees' families with prior approval of the employee, blood donors, designated Health and Safety Officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may consist of completed medical questionnaires, results of physical examinations and laboratory tests, records of medical treatment and services, x-rays, notices of injury, forms and correspondence including

exchanges with Department of Labor related to injury and subsequent claims, correspondence with personal physician, NSA/CSS Medical Center reports, safety reports, absence and attendance records, medical evaluations, fitness for duty reports, 'Log of Federal Occupational Injuries and Illnesses,' results of psychological assessment testing and interviews, psychiatric examination results and related reports, forms and notes, lists of blood donors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Agency Act of 1959, 50 U.S.C. 402 note (Pub. L. 86–36); and Federal Employees Compensation Act of September 7, 1916, as amended, 5 U.S.C. and Office of Personnel Management implementation thereof as contained in Federal Personnel Manual. In addition, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended (42 U.S.C. 4582) and Subchapter A of Chapter I, 42 CFR, E.O. 11807.

PURPOSE(S):

To determine fitness for hiring, continued employment or assignment and reassignment; to process accident and compensation claims; correct hazardous conditions; determine eligibility for disability retirement; record names of blood donors; and to record participation in alcohol/rehabilitation programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of Labor in those cases involving compensation claims and to other government entities to make determinations as noted in the purpose above.

The 'Blanket Routine Uses' set forth at the beginning of the NSA/CSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, magnetic tape, disk or other computer storage media, computer listings.

RETRIEVABILITY:

By name, Social Security Number and specific subject matter data elements.

SAFEGUARDS:

Secure, limited access facilities and within these facilities lockable containers. Records are accessible only to authorized personnel. For machine records stored on magnetic tape, disk or other computer storage within the computer processing area-additional secure limited access facilities, specific processing requests from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Remote terminals are secured, are available to authorized person only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of specific security offices at headquarters area locations.

RETENTION AND DISPOSAL:

Medical files and records on traumatic injury and occupational disease are transferred to official personnel folder upon separation; traumatic injury and occupational disease correspondence on civilian employees and retirees is retained indefinitely. Applicant medical files are retained for no more than one year or until date designated to individual; files on military assignees are forwarded to parent service upon reassignment from NSA/CSS; all other medical case files are destroyed upon termination of association with NSA/CSS. Psychological files on applicants are retained for no more than one year or until date designated to individual; all other files are retained for four years after end of individual's association with NSA/CSS. Decentralized segments are either transferred with employee or assignee, or retained for a period after separation as appropriate but not to exceed three years and are then destroyed. Alcohol abuse patient records retained and disposed of pursuant to cited statute and regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Fort George G. Meade, MD 20755–6000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD SOURCE CATEGORIES:

Applicants, employees, assignees, official personnel folders, NSA Safety Officers and records, witnesses to accidents and injuries, medical and administrative personnel, blood donor personnel, members of employee's family with employee's permission and other sources as appropriate and required.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Individual records in this file may be exempt pursuant to 5 U.S.C. 552a(k)(1), (k)(4), (k)(5) and (k)(6) and may also be subject to certain special access procedures established pursuant to 5 U.S.C. 552a, subsection (f)(3).

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

GNSA 07

SYSTEM NAME:

NSA/CSS Motor Vehicles and Carpools.

SYSTEM LOCATION:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

Decentralized Segments - Each non-headquarters facility and field element as appropriate and required.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NSA/CSS civilian employees, military assignees, other governmental employees or personnel under contract granted extended temporary or permanent access to an NSA/CSS facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may consist of machine-readable or regular paper cards, carpool or other transportation survey results, annotated machine listings, post motor vehicle violation reports, stolen vehicle reports, or other forms and correspondence related to parking privileges, transportation needs, local (parking lot) parking enforcement procedures, vehicle abuse and other related matters as appropriate and required.

VOL
58
ISS
33
FE
22
1993
UMI

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 318a-b; 50 U.S.C. 797; and 41 CFR part 101-20.111 et seq.

PURPOSE(S):

To provide data necessary to manage and enforce parking lot regulations, to assist employees with respect to vehicle abuse and stolen vehicles, provide carpool assistance, assure availability of adequate transportation and parking facilities and other related matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Selected individual data limited to name, address and telephone number may be made available to commercial or private transportation entities where the individuals have indicated a desire to use or join a multiple-user transportation arrangement.

To contractor employees to make determinations as noted in the purposes above.

The 'Blanket Routine Uses' set forth at the beginning of the NSA/CSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, machine-readable and other cards in appropriate containers, magnetic tape, disk or appropriate containers, magnetic tape, disk or other computer storage media, computer listings.

RETRIEVABILITY:

By name, motor vehicle identifier.

SAFEGUARDS:

For paper, cards and computer listings - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers as appropriate. Access is limited to authorized users. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only, specific authority to access stored records and delivery granted to authorized persons only.

RETENTION AND DISPOSAL:

File is routinely updated and old data disposed of as required. Individual data is subject to retention and disposal requirements specified for records contained in the Personnel System.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD SOURCE CATEGORIES:

Data provided by individuals, authorities in charge of parking facilities, local civil and military law enforcement entities and other related sources as appropriate and required.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Individual records and data elements in this file may be exempt pursuant to 5 U.S.C. 552a(k)(1).

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

GNSA 08

SYSTEM NAME:

NSA/CSS Payroll and Claims.

SYSTEM LOCATION:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

Decentralized Segments - Each staff, line, contract and field element as appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NSA/CSS civilian employees and applicants, military assignees, contractors, reemployed annuitants, and personnel under contract.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may consist of records on time and attendance; overtime; shift and holiday work; absent without leave reports; payroll deductions, allotments and allowances; requests for leave; payments for travel performed in connection with permanent change of station, temporary duty, invitations, interviews, pre-employment interviews and initial entry on duty. Also included are Pay Adjustment Authorizations (DD Form 139) and Case Collection Vouchers (DD Form 1131) and, in connection with pay claims, waivers, requests for waivers, documents, correspondence, background data, recommendations and decisions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Agency Act of 1959, 50 U.S.C. 402 note (Pub. L. 86–36); 31 U.S.C. 66a, 951–53; 50 U.S.C. App. section 2160; Titles 5 and 37 of the U.S.C.; Titles 2, 4, 5, and 6 GAO Manual.

PURPOSE(S):

To maintain effective control over and accountability for all relevant appropriated funds; to provide accounting data to support the NSA/ CSS budget request and control the execution of the budget; provide financial information required by the Office of Management and Budget; provide financial information for NSA/ CSS management purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a (f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701 (a) (31).

Disclosures from this system may also be made to other federal entities as necessary to effectuate repayment of debts owed the Government.

To other governmental entities in connection with Social Security deductions, unemployment compensation claims, job-related injury and death benefits, tax audit and collections, claims or actions.

The 'Blanket Routine Uses' set forth at the beginning of the NSA/CSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; file cards; computer paper printouts;

machine-readable cards; computer magnetic tapes, disks and other computer storage media.

RETRIEVABILITY:

By name, Social Security Number.

SAFEGUARDS:

For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to authorized individuals. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area - additional secure limited access facilities, specific processing requests from authorized persons only, specific authority to access stored records and delivery to authorized persons only. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

RETENTION AND DISPOSAL:

Records are reviewed annually and retired or destroyed as appropriate. Permanent records are retired to the St. Louis Federal Records Center after completion of audit. Computer records are purged and updated consistent with these retention policies.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD SOURCE CATEGORIES:

Forms, cards, requests and other documentation submitted by individuals, supervisors, claims officers, Personnel File data, Time, Attendance and Access File data, and other sources as appropriate and required.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Individual records in this file may be exempt pursuant to 5 U.S.C. 552a(k)(1) and (k)(2), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

GNSA 09

SYSTEM NAME:

NSA/CSS Personnel File.

SYSTEM LOCATION:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

Decentralized Segments - Each staff, line, contract and field element and supervisor as authorized and appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees, personnel under contract, military assignees, dependents of NSA/CSS personnel assigned to field elements, individuals integrated into the cryptologic career development program, custodial and commercial services personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains personnel papers and forms including but not limited to applications, transcripts, correspondence, notices of personnel action, performance appraisals, personnel summaries, professionalization documentation and correspondence, training forms, temporary duty, letters of reprimand, special assignment documentation, letters of commendation, promotion documentation, field assignment preference, requests for transfers, permanent change of station, passport, transportation, official orders, awards, suggestions, pictures, complaints, separation, retirement, time utilization, scholarship/fellowship or other school appointments, military service, reserve status, military check in/out sheets, military orders, security appraisal, career battery and other test results, language capability, military personnel utilization survey, work experience, notes and memoranda on individual aspects of performance, productivity and suitability, information on individual eligibility to serve on various boards and committees, emergency loan records, other information relevant to personnel management, housing information where required.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Agency Act of 1959, 50 U.S.C. 402 note (Pub. L. 86–36); 5 U.S.C. and certain implementing Office of Personnel Management regulations in the Federal Personnel Manual; 10 U.S.C. 1124; 44 U.S.C. 3101, and E.O. 11222.

PURPOSE(S):

To support the personnel management program; personnel training and career development; personnel planning, staffing and counseling; administration and personnel supervision; workforce study and analysis; manpower requirements studies; emergency loan program; and training curricula planning and research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To gaining employers or to financial institutions when individual has applied for credit; to contractor employees to make determinations as noted in the purpose above; to hearing examiners; the judicial branch or to other gaining government organization as required and appropriate; biographical information may be provided to the White House as required in support of the Senior Cryptologic Executive Service awards program.

The 'Blanket Routine Uses' set forth at the beginning of the NSA/CSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, file cards, machine-readable cards, computer printouts, computer magnetic tapes, disks and other computer storage media, and microfilm.

RETRIEVABILITY:

By name, Social Security Number and other items of relevant information.

SAFEGUARDS:

For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those

rooms lockable containers. Access to information is limited to those individuals authorized and responsible for personnel management or supervision. For records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only, specific authority to access stored records and delivery granted to authorized persons only. Where data elements are derived from the Personnel File, remote terminal inhibitions are in force with respect to access to complete file or data relating to persons not assigned to requesting organization using a remote terminal. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required.

RETENTION AND DISPOSAL:

Primary System - Those forms, notices, reports and memoranda considered to be of permanent value or required by law or regulation to be preserved are retained for the period of employment or assignment and then forwarded to the gaining organization or retained indefinitely. If the action is separation or retirement, these items are forwarded to the Office of Personnel Management or retired to the Federal Records Center at St. Louis as appropriate. Those items considered to be relevant for a temporary period only are retained for that period and either transferred with the employee or assignee or destroyed either when they are no longer relevant or at time of separation or retirement. Computerized portion is purged and updated as appropriate. Personnel summary, training, testing and past activity segments retained permanently. All other portions deleted at end of tenure.

Decentralized System - Files are transferred to gaining organization or destroyed upon separation as appropriate. Computer listings of personnel assigned to an orgenization are destroyed upon receipt of updated listings.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD SOURCE CATEGORIES:

Forms used to collect and process individual for employment, access or assignment, forms and memoranda used to request personnel actions, training awards, professionalization, transfers, promotion, organization and supervisor reports and requests, educational institutions, references, Office of Personnel Management and other governmental entities as appropriate, and other sources as appropriate and required.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this file may be exempt pursuant to 5 U.S.C. 552a(k)(1), (k)(4), (k)(5), and (k)(6), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

GNSA 10

SYSTEM NAME:

NSA/CSS Personnel Security File.

SYSTEM LOCATION:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

Decentralized Segments - Each staff, line, contract and field element as appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment with NSA/CSS; civilian employees; personnel under contract; military assignees; members of advisory groups; consultants; experts; other military personnel; federal employees; employees of contractors, and employees of services; other individuals who require access to NSA/CSS facilities or information and individuals who were formerly affiliated with NSA/CSS.

CATEGORIES OF RECORDS IN THE SYSTEM:

File Folder - Photograph, fingerprint data, statement of personal history, agreements with respect to specific security processing procedures, security processing forms and records, investigative reports, contractor appeal records, incident and complaint reports, unsolicited information when relevant, reports by domestic law enforcement agencies when relevant, clearance data, access authorization, foreign travel data, security secrecy agreements, separation and retirement data and other information as required and relevant. Computer File - contains data elements representing a summary and index of the file folder data to include personal identifying data, relevant security processing data, clearance and access data, separation and retirement data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C. 831–835 (Pub. L. 88–290); National Security Agency Act of 1959, 50 U.S.C. 402 note (Pub. L. 86–36); 18 U.S.C. 798; 50 U.S.C. 403 (d)(3); E.O.s 10450, 10865, 12333 and 12356.

PURPOSE(S):

The file is used in determinations with respect to employment, access, assignment and reassignment, assignment to a board of appraisal or management promotion, foreign official and unofficial travel, and other personnel actions where security represents a relevant and valid element of the determination.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To agencies outside DoD, to include but not limited to other clearance holder agencies or agencies charged with making clearance determinations, government agencies involved with national security or clearance investigations, other government agencies and private contractors requiring clearance status information and authorized to receive same; the DCI and his General Counsel in the event of litigation or anticipated litigation with respect to unauthorized disclosures of classified intelligence or intelligence sources and methods and related court actions; judicial branch elements pursuant to specific court orders or litigation.

In addition, other government agencies or private contractors may be informed of information developed by NSA which bears on assignee's or

affiliate's status at NSA with regard to security considerations.

The 'Blanket Routine Uses' set forth at the beginning of the NSA/CSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, disk or other computer storage media, computer paper printouts, paper in file folders, microfilm.

RETRIEVABILITY:

By name or unique number assigned individual.

SAFEGUARDS:

For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to authorized individuals. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only, specific authority to access stored records and delivery granted to authorized persons only. Remote terminals are secured, are available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of specific security offices at headquarters area locations.

RETENTION AND DISPOSAL:

Files on all individuals assigned, employed, or granted access to NSA/CSS information or facilities or initiated on individuals requesting employment, assignment or access but never completed due to non-employment, non-assignment or withdrawal or denial of access are maintained a minimum of 15 years after the last security action reflected in the file, then destroyed. Computer records are purged and updated consistent with these retention policies.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD SOURCE CATEGORIES:

Data provided by individual during employment and security processing; data provided by investigative service processing individual's background; data provided by references, educational institutions and other sources named by individual or developed during background investigation; unsolicited data from any source where relevant; data provided by the Office of Personnel Management and other agencies, departments, and governmental elements involved in the conduct of National Agency checks; the Federal Bureau of Investigation; data developed by appropriate governmental elements in the course of a national security investigation or investigation into alleged violations of criminal statutes related to unauthorized disclosure of intelligence or protection of intelligence sources and methods; documents furnished by agency element sponsoring individual for access to specific classified information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Individual records in this file may be exempt pursuant to 5 U.S.C. 552a(k)(1), (k)(2), (k)(5), and (k)(6), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

GNSA 11

SYSTEM NAME:

NSA/CSS Time, Attendance and Absence.

SYSTEM LOCATION:

Primary System - National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

Decentralized Segments - Each staff, line, contract, and field element as authorized and appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NSA/CSS civilian employees and personnel under contract.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains request forms, time cards, authorization forms, notifications, locator cards and other correspondence or revisions thereof related to actions concerning time, attendance, absence, annual leave, sick leave, leave without pay, advance leave, administrative leave, exemplary use of leave, unauthorized leave and absences and other related matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Agency Act of 1959, 50 U.S.C. 402 note (Pub. L. 86–36); 50 U.S.C. 831–835, (Pub. L. 88–290); section 113 of the Budget and Accounting Procedures Act of 1950, as amended; 31 U.S.C. 66a.

PURPOSE(S):

To provide a means of accounting for all time, attendances and absences of NSA/CSS civilian employees and contract employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To contractor employees to make determinations as noted in the purpose above; to appropriate investigatory authorities engaged in national security investigations; hearing examiners and other authorized individuals with respect to grievances or adverse actions; and to those agencies identified in the NSA/CSS System of Records named 'Payroll and Claims' as necessary to document payroll actions.

The 'Blanket Routine Uses' set forth at the beginning of the NSA/CSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, file cards, machine-readable cards, computer printouts, computer magnetic tapes, disks and other computer storage media, and microfilm.

RETRIEVABILITY:

May be retrieved by name and in some cases Social Security Number.

VOL
58
ISS
33
FE
22
1993
UMI

SAFEGUARDS:

For paper, cards, printouts and microfilm - Secure limited-access facilities, within those facilities secure limited access rooms and within those rooms lockable containers as appropriate. Access by authorized individuals only. Current time cards are not secured with respect to individual employees within immediate working element. For machine-readable cards, computer magnetic tapes and disks and other computer storage media within the computer processing area additional secure limited-access facilities, specific processing requests from authorized persons only, specific authority to access stored cards, tapes or disk files.

RETENTION AND DISPOSAL:

Primary System - Records are reviewed annually and retired or destroyed as appropriate. Permanent records are retired to the St. Louis Federal Records Center after completion of audit. Computer records are purged and updated consistent with these retention policies.

Decentralized Segments - Records are temporary, are retained for the period the individual is assigned to an element, or disposed of as appropriate. Time cards and other appropriate forms for pay and leave purposes are forwarded each pay period to the payroll office.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD SOURCE CATEGORIES:

Time cards, request forms and related correspondence from individual employees and assignees, authorizations and notifications from authorizing officers, correspondence from supervisory personnel and investigating officers with respect to abuses of leave and attendance or unauthorized leave and absences, other records or reports related to either exemplary use of leave or abusive use of leave, and other sources as appropriate and required.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Individual records in this file may be exempt pursuant to 5 U.S.C. 552a(k)(1), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

GNSA 12

SYSTEM NAME:

NSA/CSS Training.

SYSTEM LOCATION:

Primary System-National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

Decentralized Segments-Each staff, line, contract and field element as authorized and appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NSA/CSS employees, personnel under contract, military assignees and other government employees, designees and military personnel as required and appropriate who attend courses or receive training by or under NSA/CSS sponsorship.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains forms, correspondence, memoranda, student and instructor surveys, requests and other information related to testing and training; tests and test results; test grades, course grades and other student and instructor evaluations; course and class rosters, rosters of individuals by specialty; attendance and time utilization reports for students and instructors; biographical sketches where required and appropriate; course and training histories; other course research and evaluation data; student disciplinary actions and complaints; waiver requests and responses; selected personal data including education level and scholastic achievements; course and training cost data where appropriate; reimbursement and service agreements where appropriate; and other records related to civilian and military training as required and appropriate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Agency Act of 1959, 50 U.S.C. 402 note (Pub. L. 86–36); 5 U.S.C., Chapter 41, E.O. 11348, and Office of Personnel Management implementing directives as contained in the Federal Personnel Manual.

PURPOSE(S):

To maintain training records necessary to assure the equitable selection and approval of employees for NSA/CSS training or sponsorship; to provide documentation concerning military cryptolinguist resources and individual training, develop training requirements, refine training methods and techniques, and provide individual career and training counseling.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Portions of these files are made available to other governmental and non-governmental entities in support of training requirements.

To contractor employees to make determinations as noted in the purposes above.

The 'Blanket Routine Uses' set forth at the beginning of NSA/CSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, card files, binders, computer punch cards, computer listings, computer magnetic tapes, disks and other computer storage media, microfilm.

RETRIEVABILITY:

By name or Social Security Number.

SAFEGUARDS:

For paper, computer printouts and microfilm - Secure limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers as appropriate. Access to information is limited to authorized individuals only. For machine records stored on magnetic tape, disk or other computer storage media within the computer processing area-additional secure limited access facilities, specific processing requests accepted from authorized persons only, specific authority to access stored records and delivery granted to authorized persons only. Where data elements are derived from the Personnel

System, remote terminal inhibitions are in force with respect to access to complete file or data relating to persons not assigned to requesting organization using a remote terminal. Remote terminals are secured, available to authorized persons only, and certain password and other identifying information available to authorized users only is required. Terminals are not available outside of headquarters area locations.

RETENTION AND DISPOSAL:

Primary System - Records are reviewed annually and retained or destroyed as appropriate. Copies of items of significance with respect to the individual are included in the Personnel File and retention is in accordance with the retention policies for that system. Items used as the basis of statistical studies or other research efforts may be retained indefinitely. Computer listings and records are purged and updated as required and appropriate.

Decentralized System - Records are reviewed annually and retained or destroyed as appropriate. Individual's file may be transferred to gaining organization if appropriate. Computer listings and records are purged and updated as required and appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD SOURCE CATEGORIES:

Individual, supervisors, training counselors, instructors and other training personnel; other governmental entities nominating individuals for training; other training and educational institutions; Personnel File, and other sources as required and appropriate.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Individual records in this file may be exempt pursuant to 5 U.S.C. 552a(k)(1), (k)(5) and (k)(6), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

GNSA 13

SYSTEM NAME:

NSA/CSS Archival Records.

SYSTEM LOCATION:

Primary System-National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

Decentralized Segments-Each staff, line, contract and field element as authorized and appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have contributed to the cryptologic archives and individuals who are significant to the history of signals intelligence.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include organizational files, correspondence, tape recorded interviews, forms, documents, reports, films, magnetic tapes, and media, microforms, photographs, and other related items of cryptologic archival interest, most of which are 20 or more years old and have been adjudged to be permanent U.S. Government records not yet declassified.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 90–620; Pub. L. 81–754; National Security Agency Act of 1959, 50 U.S.C. 402 note (Pub. L. 86–36); 5 U.S.C. 552, E.O. 12333 and E.O. 12356.

PURPOSE(S):

To provide the history, records management, declassification, and archival staffs with a means for locating and quantifying materials that require processing, reference service, review, or evaluation for transmittal to the National Archives.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To enable the historian to locate source materials; permit systematic review of classified records; and provide a source from which response to public queries for NSA/CSS records can be more expeditiously handled and, if possible, declassified.

The 'Blanket Routine Uses' set forth at the beginning of the NSA/CSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy, microforms, electronic storage media and pictures.

RETRIEVABILITY:

Generally by subject matter as to that material furnished by an individual or about an individual significant to the history of cryptology, by name, or other unique identifier significant to the subject matter and the individual.

SAFEGUARDS:

Secure limited access facilities and within those facilities containers appropriate to the level of classification of particular records.

RETENTION AND DISPOSAL:

Records are permanent, as determined by disposition schedule approved by the Archivist of the United States. They are reviewed periodically for declassification, and records declassified are transferred to the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

VOL 58 ISS 33 FE 22 1993 UMI

RECORD SOURCE CATEGORIES:

Individual contributors and operational administrative files; other sources as appropriate.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(1) and (k)(4), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

GNSA 14

SYSTEM NAME:

NSA/CSS Library Patron File Control System.

SYSTEM LOCATION:

National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Borrowers of library materials from NSA/CSS libraries.

CATEGORIES OF RECORDS IN THE SYSTEM:

File consists of borrower's name, work organization, contracting sponsor's name, work telephone number, Social Security Number, and library materials borrowed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Agency Act of 1959, 50 U.S.C. 402 note (Pub. L. 86–36); 50 U.S.C. 831–835 (Pub. L. 88–290); 18 U.S.C. 798; and EOs. 9397 and 12333.

PURPOSE(S):

To track and administer the use of NSA/CSS library materials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the NSA/CSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer database (floppy or hard drive or magnetic tape) or paper printout of stored information.

RETRIEVABILITY:

Records are retrieved by the borrower's name, Social Security Number, or the title of the library material borrowed.

SAFEGUARDS:

Only the library staff has access to the retrieval system and to the passwords for operating this system. The system is logged off at the close of business.

RETENTION AND DISPOSAL:

Once a borrower has registered with the library, the borrower remains registered until he/she leaves the Agency. Disposal of records is accomplished by deletion from the database.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000. Inquiries should contain full name, Social Security Number, and mailing address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000. The inquiry should include the individual's full name, Social Security Number and mailing address.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD SOURCE CATEGORIES:

Contents of the record are obtained from the individual borrower and library staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this file may be exempt under 5 U.S.C. 552a(k)(1) and (k)(4), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

GNSA 15

SYSTEM NAME:

NSA/CSS Computer Users Control System.

SYSTEM LOCATION:

National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Users of National Security Agency/ Central Security Service computers and software.

CATEGORIES OF RECORDS IN THE SYSTEM:

The user's name, Social Security Number, an assigned identification (I.D.) code, organization, work phone number, terminal identification, system name, programs accessed or attempted to access, data files used, date and time logged onto and off the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Agency Act of 1959, 50 U.S.C. 402 note (Pub. L. 86–36); 50 U.S.C. 831–835, (Pub. L. 88–290); 18 U.S.C. 798; and EOs 9397 and 12333.

PURPOSE(S):

To administer and monitor use of NSA/CSS computers, software, and data bases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the NSA/CSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer data base (floppy or hard drive or magnetic tape) or paper printout of stored information.

RETRIEVABILITY:

Records are retrieved by the user's name, Social Security Number, or assigned identification (I.D.) code.

SAFEGUARDS:

Records are kept in a secured and guarded area. Only authorized individuals have access to the retrieval system and to the passwords for operating the system.

RETENTION AND DISPOSAL:

Records are retained in the computer system as long as the individual has access to the materials. Computer records are disposed of by deleting the information from the data base; paper

records may be disposed of by destruction.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

Inquiries should contain the individual's full name, Social Security Number, and mailing address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

Inquiries should contain the individual's full name, Social Security Number and mailing address.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD SOURCE CATEGORIES:

Contents of the record are obtained from the individual about whom the record pertains, from administrative personnel and computer system administrators, and a self-generated computer program.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this file may be exempt pursuant to 5 U.S.C. 552a (k)(1) and (k)(2), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

GNSA 16

SYSTEM NAME:

NSA/CSS Drug Testing Program.

SYSTEM LOCATION:

National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NSA/CSS applicants for employment and employees tested for the use of illegal drugs.

CATEGORIES OF RECORDS IN THE SYSTEM:

The user's name, Social Security Number, an assigned identification (I.D.) code, organization, work phone number, and records relating to the selection, notification, and testing of covered individuals as well as urine specimens and drug test results and other related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7301 and 7361; E.O. 12564, Drug-Free Federal Workplace and 9397.

PURPOSE(S):

The system is used to maintain NSA/ CSS Drug Program Coordinator records on the selection, notification, and testing (i.e., urine specimens, drug test results, chain of custody records, etc.) of employees and applicants for employment for illegal drug use.

Records contained in this system are also used by the employee's Medical Review Official; the administrator of any Employee Assistance Program in which the employee is receiving counseling or treatment or is otherwise participating; and supervisory or management officials within the employee's Agency having authority to take adverse personnel action against such employee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In order to comply with provisions of 5 U.S.C. 7301, NSA/CSS' 'Blanket Routine Uses' do not apply to this system of records.

To a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer database (floppy or hard drive or magnetic tape) or paper printout of stored information, microfilm or microfiche.

RETRIEVABILITY:

Records are retrieved by the user's name, Social Security Number, or assigned identification (I.D.) code

SAFEGUARDS:

For paper computer printouts and microfilm/microfiche-secured limited access facilities, within those facilities secure limited access rooms and within those rooms lockable containers. Access to information is limited to those individuals specifically authorized and granted access by the Deputy Director for Administration. For records on the computer system, access is controlled by a password and limited to authorized personnel only.

RETENTION AND DISPOSAL:

Records are retained for two years and then destroyed by shredding, burning or erasure in the case of magnetic media.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

The inquiry should contain the individual's full name, Social Security Number and mailing address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

The inquiry should include the individual's full name, Social Security Number and mailing address.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD SOURCE CATEGORIES:

Contents of the record are obtained from the individual about whom the record pertains, from laboratories that test urine specimens for the presence of illegal drugs, from supervisors and managers and other NSA/CSS employees, from confidential sources, and from other sources as appropriate and required.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this file may be exempt pursuant to 5 U.S.C. 552a(k)(1), as applicable.

VOL 58 ISS 33 FE 22 1993 UMI

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

GNSA 17

SYSTEM NAME:

NSA/CSS Employee Assistance Service (EAS) Case Records.

SYSTEM LOCATION:

National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NSA/CSS civilian employees, military assignees, applicants, retirees, and family members who are referred, or voluntarily request counselling assistance. Civilian counselors to whom cases are referred.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files consist of the case records compiled by counselors, questionnaires completed by patients, questionnaires completed by private counselors to whom clients are referred, the records of medical treatment and services, correspondence with personal physicians, NSA/CSS Medical Center reports, results of psychological assessment testing and interviews, psychiatric examination results and related reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12333; Pub. L. 86–36; 5 U.S.C. 7901; and E.O. 9397..

PURPOSE(S):

Used by counselors to facilitate and record treatment, referral and follow-up on behalf of employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

NSA/CSS's 'Blanket Routine Uses' do not apply to this system of records.

To law enforcement agencies to carry out their functions when a record indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

To a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

To the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized, Government-wide personnel management functions and studies.

To any component of the Department of Justice for the purpose of representing the Department of Defense, or any office, employee or member of the Department in pending or potential litigation to which the record is pertinent.

To the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceeding, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DoD investigation, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, magnetic tape, disk, or other computer storage media, computer listings and data bases.

RETRIEVABILITY:

Records are retrieved by the user's name, Social Security Number, assigned identification (I.D.) code or specific subject matter data element.

SAFEGUARDS:

Secure limited access facilities and within these facilities lockable containers. Records are accessible only to authorized personnel. For machine records stored on magnetic tape, disk, or other computer storage, terminals are secured and require passwords only available to authorized users.

RETENTION AND DISPOSAL:

Records of clients will be retained at the Employee Assistance Service facility for three years after case closure, retained for five additional years in the Agency storage facility, then destroyed.

Records of clients who retire or separate within three years of case closing will be retained at the Employee Assistance Service facility for a year after the date of separation or retirement, then stored for five years in the Agency storage facility, then destroyed.

Records of counselors to whom cases are referred will be destroyed at the same time that the counselors are removed from the referral list.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

The inquiry should contain the individual's full name, Social Security Number and mailing address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

The inquiry should include the individual's full name, Social Security Number, and mailing address.

CONTESTING RECORD PROCEDURES:

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the Chief, Office of

Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD SOURCE CATEGORIES:

Primary sources are EAS counselors, the client and the client's family. Other sources include other counselors, and other individuals within NSA/CSS.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt under 5 U.S.C. 552a (k)(1), (k)(2), (k)(4) and (k)(5), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

GNSA 18

SYSTEM NAME:

NSA/CSS Operations Files.

SYSTEM LOCATION:

National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals identified in foreign intelligence or counterintelligence reports and supportive materials, including individuals involved in matters of foreign intelligence interest, information systems security, the compromise of classified information, or terrorism.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include administrative information; biographic information; intelligence requirements, analysis, and reporting; operational records; articles, public-source data, and other published information on individuals and events of interest to NSA/CSS; actual or purported compromises of classified intelligence; countermeasures in connection therewith; and identification of classified source documents and distribution thereof.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947 as amended, 50 U.S.C. 403(d)(3) (Pub. L. 80–253); E.O. 12333, 3 CFR part 200 (1981); E.O. 12356; E.O. 9397; section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

PURPOSE(S):

To maintain records on foreign intelligence and counterintelligence matters relating to the mission of the National Security Agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To U.S. Government agencies, and in some instances foreign government agencies or their representatives, to provide foreign intelligence, counterintelligence, and other information.

To U.S. Government officials regarding compromises of classified information including the document(s) apparently compromised, implications of disclosure of intelligence sources and methods, investigative data on compromises, and statistical and substantive analysis of the data.

To any U.S. Government organization in order to facilitate any security, employment, detail, liaison, or contractual decision by any U.S. Government organization.

Records may further be disclosed to agencies involved in the protection of intelligence sources and methods to facilitate such protection and to support intelligence analysis and reporting.

The 'Blanket Routine Uses' set forth at the beginning of the NSA/CSS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, disk or other computer storage media, computer listings and databases, paper in file folders, audio recordings, microfilm or microfiche.

RETRIEVABILITY:

Information is retrieved by category of information contained therein, including by name, title, Social Security Number, or identification number.

SAFEGUARDS:

For paper, computer printouts, audio recordings, and microfilm secure limited access facilities, within those facilities secure limited access rooms, and within those rooms lockable containers. Access to information is limited to those individuals specifically authorized and granted access by NSA/CSS regulations. For records on the computer system, access is controlled by passwords or physical protection and limited to authorized personnel only.

RETENTION AND DISPOSAL:

Records are reviewed for retention on a scheduled basis every 120 days to 5 years. Evidential, informational, and historical data are archived as permanent records. All other records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Office of Policy, National Security Agency/Central Security Service, Ft. George G. Meade, MD 20755–6000.

CONTESTING RECORD PROCEDURE:

The NSA/CSS rules for contesting contents and appealing initial determinations are published at 32 CFR part 322 or may be obtained by written request addressed to the Chief, Office of Policy, National Security Agency/ Central Security Service, Ft. George G. Meade, MD 20755–6000.

RECORD SOURCE CATEGORIES:

Individuals themselves; U.S. agencies and organizations; media, including periodicals, newspapers, and broadcast transcripts; public and classified reporting, intelligence source documents, investigative reports, and correspondence.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this file may be exempt pursuant to 5 U.S.C. 552a (k)(1), (k)(2), and (k)(5), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 322. For additional information contact the system manager.

DEFENSE NUCLEAR AGENCY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required to locate and retrieve the record.

VOL
58
ISS
33
FE
22
1993
UMI

BLANKET ROUTINE USES

Certain 'blanket routine uses' of the records have been established that are applicable to every record system maintained within the Department of Defense unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below only once in the interest of simplicity, economy and to avoid redundancy.

LAW ENFORCEMENT ROUTINE USE

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulatior or order issued pursuant thereto.

DISCLOSURE WHEN REQUESTING INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

DISCLOSURE OF REQUESTED INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

CONGRESSIONAL INQUIRIES ROUTINE USE

Disclosure from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

PRIVATE RELIEF LEGISLATION ROUTINE USE

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS ROUTINE USE

A record from a system of records maintained by this component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES ROUTINE USE

Any information normally contained in IRS Form W–2 which is maintained in a record from a system of records maintained by this component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517, 5520, and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Number 76–07.

DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT ROUTINE USE

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

DISCLOSURE TO MILITARY BANKING FACILITIES OVERSEAS ROUTINE USE

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

DISCLOSURE OF INFORMATION TO THE GENERAL SERVICES ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records

Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO THE MERIT SYSTEMS PROTECTION BOARD ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DOD investigation, and such other functions, promulgated in 5 U.S.C 1205 and 1206, or as may be authorized by law.

COUNTERINTELLIGENCE PURPOSES ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use outside the DOD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

HDNA 001

SYSTEM NAME:

Employee Assistance Program.

SYSTEM LOCATION:

The Occupational Health Unit, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398; the Civilian Personnel Office, Building 20203A, Kirtland AFB, NM 87115–5000; and the Civilian Personnel Office, Armed Forces Radiobiology Research Institute Bethesda, MD 20889–5145.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees in appropriated and non-appropriated fund activities who are referred by management for, or voluntarily request, counseling assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case records on employees which are maintained by counselors, supervisors, and civilian personnel offices, that consist of information on condition, current status, and progress of employees or dependents who have alcohol, drug, or emotional problems (referrals only).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Office and Treatment Act of 1972, as amended by Pub. L. 93–282 (21 U.S.C. 1175); Subchapter A of Chapter I, Title 42, Code of Federal Regulations; Chapter 43 of 5 U.S.C.; and E.O. 9397.

PURPOSE(S):

For use by the Drug and Alcohol Abuse Coordinator in referring individuals for counseling and by management officials for follow-up actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In order to comply with provisions of 42 U.S.C. 290dd–3 and 290ee–3, the DNA 'Blanket Routine Uses' do not apply to this system of records.

Records in this system may not be disclosed without the prior written consent of such patient, unless the disclosure would be:

To medical personnel to the extent necessary to meet a bona fide medical emergency.

To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner; and

If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case records are stored in paper file folders.

RETRIEVABILITY:

Retrieved by the individuals Social Security Number.

SAFEGUARDS:

Buildings are protected by security guards and an intrusion alarm system. Records are maintained in locked security containers accessible only to personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are purged of identifying information within five years after termination of counseling or destroyed when they are no longer useful.

SYSTEM MANAGER(S) AND ADDRESS:

For Headquarters, Defense Nuclear Agency contact the Occupational Health Nurse, Occupational Health Unit, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

For the Armed Forces Radiobiology Research Institute contact the Chief, Civilian Personnel, Armed Forces Radiobiology Research Institute, Bethesda, MD 20889–5145.

For Field Commands, DNA contact the Civilian Personnel Officer, Kirtland AFB, NM 87115–5000,

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the appropriate system manager.

The letter should contain the full name, Social Security Number, and signature of the requester and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the appropriate system manager.

The letter should contain the full name, Social Security Number, and signature of the requester and the approximate period of time, by date, during which the case record was developed.

CONTESTING RECORD PROCEDURES:

The DNA rules for accessing records and for contesting contents and appealing initial agency determinations by the individual concerned are published in DNA Instruction 5400.11A; 32 CFR part 318; or may be obtained from the system manager or the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD SOURCE CATEGORIES:

Counselors, other officials, individuals or practitioners, and other agencies both in and outside of Government.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HNDA 002

SYSTEM NAME:

Employee Relations.

SYSTEM LOCATION:

Civilian Personnel Management Division, Manpower Management and Personnel, Command Services Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398; the Civilian Personnel Office, Building 20203A, Kirtland AFB, NM 87115–5000; and the Civilian Personnel Office, Armed Forces Radiobiology Research Institute, Building 42, Bethesda, MD 20889–5145.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and former employees paid from appropriated funds serving under career, career-conditional, temporary and excepted service appointments on whom suitability, discipline, grievance, and appeal records exist.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents and information pertaining to discipline, grievances, and appeals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, 7301; E.O. 11222; E.O. 11557; E.O. 11491.

PURPOSE(S):

For use by agency officials and employees in the performance of their official duties related to management of civilian employees and the processing, administration and adjudication of discipline, grievances, suitability and appeals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Appeals examiners of the Merit Systems Protection Board to adjudicate appeals.

The Comptroller General or his authorized representatives and the Attorney General of the United States or his authorized representatives in connection with grievances, disciplinary actions, suitability, and appeals, Federal Labor Relations officials in the performance of official duties.

The 'Blanket Routine Uses' published at the beginning of DNA's compilation of system of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper folders.

RETRIEVABILITY:

Retrieved alphabetically by last name of individual.

SAFEGUARDS:

Buildings are protected by security guards and an intrusion alarm system. Records are maintained in locked security containers in a locked room accessible only to personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are destroyed upon separation of the employee from the agency or in accordance with appropriate records disposal schedules.

SYSTEM MANAGER(S) AND ADDRESSES:

For Headquarters, Defense Nuclear Agency contact the Civilian Personnel Officer, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

For the Armed Forces Radiobiology Research Institute contact the Chief, Civilian Personnel, Armed Forces Radiobiology Research Institute, Bethesda, MD 20889–5145.

For Field Commands, DNA contact the Civilian Personnel Officer, Kirtland AFB, NM 87115–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the appropriate system manager.

The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the appropriate system manager.

CONTESTING RECORD PROCEDURES:

The DNA rules for accessing records and for contesting contents and appealing initial agency determinations by the individual concerned are published in DNA Instruction 5400.11A; 32 CFR part 318; or may be obtained from the system manager or the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD SOURCE CATEGORIES:

Supervisors or other appointed officials designated for this purpose.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HDNA 003

SYSTEM NAME:

Drug-Free Workplace Files.

SYSTEM LOCATION:

Drug Program Coordinator, Civilian Personnel Management Division, Headquarters, Defense Nuclear Agency (HQ, DNA), 6801 Telegraph Road, Alexandria, VA 22310–3398.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of, and applicants for positions in Headquarters, Defense Nuclear Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to the selection, notification, and testing for illegal drug abuse (includes documents related to selection and notification procedures, collection of urine specimens, laboratory testing, review of test results, and chain of custody documents).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 100–71, 5 U.S.C. 7301; E.O. 12564, 'Drug-Free Federal Workplace' and E.O. 9397.

PURPOSE(S):

This system is for the purpose of maintaining Drug Program Coordinator records on the selection, notification, and testing for illegal drug abuse by employees of HQ, DNA and applicants for positions at HQ, DNA.

Records may be used by authorized contractors for the collection process; assigned Medical Review Officers; the Administrator of any Employee Assistance Program in which the employee is receiving counseling or treatment or is otherwise participating; and agency supervisory or management officials having authority to take adverse personnel action against such an employee when test results are positive.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In order to comply with the provisions of 5 U.S.C. 7301, the 'Blanket Routine Uses' published at the beginning of DNA's compilation of systems of records notices do not apply to this system of records.

Records may be released to a court of competent jurisdiction when required by the United States Government to defend against a challenge to related adverse personnel action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders. Electronic records exist on magnetic tape, diskette, or other machine readable media.

RETRIEVABILITY:

Records are retrieved by employee or applicant name and/or social security number.

SAFEGUARDS:

Paper records are stored in a locked file cabinet or are locked in a combination safe when not being used. Electronic records are accessed on computer terminals in supervised areas using a system with password access safeguards. All employee and applicant records are maintained and used with the highest regard for employee and applicant privacy. Only persons on a need-to-know basis and trained in the handling of information protected by Privacy Act have access to the system.

RETENTION AND DISPOSAL:

Files on applicants for positions are maintained for a period not to exceed six months.

Files on employees are retained for two years. In instances of a positive test finding resulting in the reassignment or separation of an employee, files are destroyed two years after the case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Drug Program Coordinator, Civilian Personnel Management Division, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Drug Program Coordinator, Civilian Personnel Management Division, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

The request should contain the full name, Social Security Number, and the notarized signature of the subject individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Drug Program Coordinator, Civilian Personnel Management Division, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

The request should contain the full name, Social Security Number, and the notarized signature of the subject individual.

CONTESTING RECORD PROCEDURES:

The Defense Nuclear Agency's rules for contesting contents and appealing initial agency determinations are published in DNA Instruction 5400.11A; 32 CFR part 318; or may be obtained from the system manager.

4Record source categories:

The test subject, Medical Review Officer, collection personnel, and others on a case-by-case basis.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HDNA 004

SYSTEM NAME:

Nuclear Weapons Accident Exercise Personnel Radiation Exposure Records.

SYSTEM LOCATION:

Field Command, Defense Nuclear Agency, Kirtland AFB, NM 87115–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian employees of the Department of Defense and other federal, state, and local government agencies, contractor personnel, and visitors from foreign countries, who participate in planned exercises.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; Social Security Number; date of birth; service; grade/rank; specialty code; job series or profession; experience with radioactive materials such as classification as 'radiation worker;' use of film badge or other dosimetric device; respiratory protection equipment; training and actual work in anti-contamination clothing and respirators; awareness of radiation risks associated with exercises; previous radiation exposure; role in exercise; employer/organization mailing address and telephone; unit responsible for individuals radiation exposure records; time in exercise radiological control area; and external and internal radiation monitoring and/or dosimetry results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2013 and 2201 (Atomic Energy Act of 1954) and 10 CFR parts 10 and 20; 5 U.S.C. 7902 and 84 Stat. 1599 (Occupational Safety and Health Act of 1970) and 29 CFR Subparts 1910.20 and 1910.96; E.O. 12196, February 26, 1980, (Occupational Safety and Health Programs for Federal Employees); and E.O. 9397.

PURPOSE(S):

For use by agency officials and employees in determining and evaluating individual and exercise collective radiation doses and in reporting dosimetry results to individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of other government agencies, authorized government contractors, current or potential employers, national, state and local government organizations and foreign governments in the performance of official duties related to evaluating, reporting and documenting radiation dosimetry data.

Officials of government investigatory agencies in the performance of official duties relating to enforcement of Federal rules and regulations.

The 'Blanket Routine Uses' published at beginning of DNA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ASSESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on computer printouts and in paper files folders.

RETRIEVABILITY:

Records are retrieved by individuals last name or Social Security Number; by service; organization/employee; dose results or other input data.

SAFEGUARDS:

Records and computer printouts are available only to authorized persons with an official need to know. Buildings are protected by security guards and an intrusion alarm system.

RETENTION AND DISPOSAL:

All records are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Field Command, Defense Nuclear Agency, ATTN: Radiological Safety Officer, Kirtland AFB, NM 87115–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Commander, Field Command, Defense Nuclear Agency, ATTN: Radiological Safety Officer, Kirtland AFB, NM 87115–5000.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system of records should address inquiries to the Commander, Field Command, Defense Nuclear Agency, ATTN: Radiological Safety Officer, Kirtland AFB, NM 87115–5000.

Inquiry should contain full name and Social Security Number of the

VOL
58
ISS
33
FE
22
1993
UMI

individual and applicable dates of participation, if available. Visits can be arranged with the system manager.

Requests from current or potential employers must include a signed authorization from the individual.

CONTESTING RECORD PROCEDURES:

The DNA rules for contesting contents and appealing initial agency determinations are published in DNA Instruction 5400.11A; 32 CFR part 318; or may be obtained from the system manager or the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD SOURCE CATEGORIES:

Information in this system of records is supplied directly by the individual; or derived from information supplied by the individual; or supplied by a contractor or government dosimetry service; or developed by radiation measurements at the exercise site.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HDNA 005

SYSTEM NAME:

Manpower/Personnel Management System.

SYSTEM LOCATION:

Primary location is at the Manpower Management and Personnel, Command Services Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

Secondary locations exist at the following DNA subordinate commands: Field Command, Defense Nuclear Agency, Building 20364, Kirtland AFB, NM 87115–5000; Civilian Personnel Office, Building 42, Armed Forces Radiobiology Research Institute, Bethesda, MD 20889–5145; Military Personnel Office, Armed Forces Radiobiology Research Institute, Bethesda, MD 20889–5145; and the Defense Nuclear Agency, Las Vegas, NV 89193–8539.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, military or civilian, employed by DNA.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains following information on all personnel assigned to DNA: Social Security Number; agency; employee name; birth date; veteran's preference; tenure group; service computation date; federal employees group life insurance; retirement code; nature of action code; effective date of action; position number; pay plan; occupation code; functional classification code; grade; step; pay basis; salary; supervisory position; location code/duty station; position occupied; work schedule; pay rate determinant; sex; citizen status; date entered present grade; date entered present step; separation date; reason for separation (quit code); cost center; academic discipline; career conditional appointment date (conversion to career); education level; degree date; purpose of training; type of training; source of training; special interest; direct cost; indirect cost; date of completion; on-duty hours; off-duty hours; JTD paragraph number; JTD line number; competitive level; military service retirement date; uniformed service; joint specialty officer; service position number; career status; officer evaluation report date (Army only); highest professional military education; rank; grade; status of incumbent in Personnel Reliability Program (PRP); date of latest PRP certification;' promotion sequence number; service commissioned (military); service pay grande (rank); Agency sub-element code; submitting office number; retired military code; bureau; unit identification code; program element code; civil function code; guard/reserve technician; appropriation code; active/inactive strength designation; work center code; projected vacancy date; targeted grade; position title; date of last equivalent increase; fair labor standards act designator; health benefits enrollment code; type and date of incentive award; civil service or other legal authority; date probationary period begins; performance rating; due date for future action; position tenure; leave category; personnel authorized; projected personnel requirement; special experience identifies; additional duties; manpower track: facility; branch of service; date of rank; primary/Alternate specialty; control specialty; last OER/EER; total commissioned service date; total active service date; date of arrival; projected rotation date; security clearance; marital status; spouse's name; dependents; address (Number and street, city, state, Zip Code); phones (home and duty); handicap code; minority group designator; aggregate program element code; position indicator; academic degree requirements; directorate/department, division, branch, and section office titles; service authorization position number; physical profile; nature of action code No. 2; annuitant indicator; Vietnam veteran; entered present position; future action type; agency submitting element; submitting office code; merit pay designator; bargaining unit designator; old Social Security Number; course title host; tuition; Transportation Per Diem; hourly rate; training grade level; administrative cost; type of career training program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 302, 4103; Pub. L. 89–554, September 6, 1966; and E.O. 9397.

PURPOSE(S):

For use by officials and employees of the Defense Nuclear Agency in the performance of their official duties related to the management of civilian and military employee programs and for preparation and publication of personnel rosters to facilitate communications/contact for official, or emergency purposes.

To compile and consolidate reports relating to manpower authorization/assigned strengths and to record personnel data and use that data to compile information as required by management officials within the agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Representatives of the Merit Systems Protection Board on matters relating to the inspection, survey, audit or evaluation of the civilian programs or such other matters under the jurisdiction of that organization.

The Comptroller General or any of his authorized representatives in the course of performance of duties of the General Accounting Office relating to civilian programs.

Duly appointed Hearing Examiners or Arbitrators for the purpose of conducting hearings in connection with an employee grievance.

The 'Blanket Routine Uses' published at beginning of DNA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tapes, discs, computer printouts, and on punched cards. Manual records are stored in paper file folders and card file boxes.

RETRIEVABILITY:

Automated records are retrieved by employee name, Social Security Number or Position Service Number (PSN). Manual records are retrieved by employee's last name and PSN.

SAFEGUARDS:

The computer facility and data base are located in a restricted area accessible only to authorized personnel that are properly screened, cleared, and trained. Terminal users are within a restricted area. Use of these terminals are by authorized personnel who have a need to acquire data from the database. Terminal users are cleared, provided proper training and are assigned a password/code to retrieve data. Manual records and computer printouts are available only to authorized personnel having a need to know. Buildings are protected by security guards and is protected by an intrusion alarm system.

RETENTION AND DISPOSAL:

Computer magnetic tapes are permanent. Manpower's manual records are maintained indefinitely and all personnel manual records are kept until the employee departs. Monthly reports are destroyed at the end of each fiscal year; annual reports are retained in 5–year blocks, transferred to the Washington National Records Center, and offered to National Archives and Records Administration 20 years after cutoff.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Manpower Management and Personnel, Command Services Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Assistant Director, Manpower Management and Personnel, Command Services Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the record was developed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Assistant Director, Manpower Management and Personnel, Command Services Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

Written requests for information should contain the full name of individual. For personal visits, the individual should provide military or civilian identification card.

CONTESTING RECORD PROCEDURES:

The DNA rules for contesting contents and appealing initial agency determinations are published in DNA Instruction 5400.11A; 32 CFR part 318; or may be obtained from the system manager or the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD SOURCE CATEGORIES:

Information is extracted from military and civilian personnel records, Joint Manpower Program documents and voluntarily submitted by individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HDNA 006

SYSTEM NAME:

Employees Occupational Health Programs.

SYSTEM LOCATION:

Occupational Health Unit, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, military or civilian, employed by the Defense Nuclear Agency (DNA) and the General Services Agency employees assigned to the building.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a variety of records relating to an employee's participation in the DNA Occupational Health Program. Information which may be included in this system are the employee's name, Social Security Number, date of birth, weight, height, blood pressure, medical history, blood type, nature of injury or complaint, type of treatment/medication received, immunizations, examination findings and laboratory findings, exposure to occupational hazards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7901 et seq., Pub. L. 79–658; and E.O. 9397.

PURPOSE(S):

For use by authorized medical personnel in providing any medical treatment or referral; to provide information to agency management officials pertaining to job-related injuries or potential hazardous conditions' and to provide information relative to claims or litigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office of Personnel Management, and the Federal Labor Relations Authority (including the General Counsel) in the Performance of official duties.

The Department of Labor in connection with claims for compensation.

The Department of Justice in connection with litigation relating to claims.

The Occupational Safety and Health Agency in connection with job-related injuries, illnesses, or hazardous condition.

The 'Blanket Routine Uses' published at beginning of DNA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, AND RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper file folders in a locked file cabinet.

RETRIEVABILITY:

Records are manually retrieved by using the terminal digit filing system (Social Security Number).

SAFEGUARDS:

During the employment of the individual, medical records are maintained in files located in a secured room with access limited to those whose official duties require access. Buildings are protected by security guards and an intrusion alarm system.

RETENTION AND DISPOSAL:

Records are retained until the individual leaves the DNA. Records are combined with the Official Personnel Folder which is forwarded to the Federal Personnel Records Center or to the new employing agency, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Occupational Health Nurse, Occupational Health Unit, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Occupational Health Nurse, Occupational Health Unit, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquires to the Occupational Health Nurse, Occupational Health Unit, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

Written requests for information should contain the full name of the requester. For personal visits the individual should provide a military or civilian identification card.

CONTESTING RECORD PROCEDURES:

The DNA rules for contesting contents and appealing initial agency determinations are published in DNA Instruction 5400.11A; 32 CFR part 318; or may be obtained from the system manager or the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD SOURCE CATEGORIES:

Information is supplied directly by the individual, or derived from information supplied by the individual, or supplied by the medical officer or nurse providing treatment or medication, or supplied by the individual's private physician.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HDNA 007

SYSTEM NAME:

Security Operations.

SYSTEM LOCATION:

Security Operations Division, Intelligence and Security, Command Services Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

System also exists at the following subordinate commands: Security Division, Field Command, Defense Nuclear Agency, Kirtland AFB, Albuquerque, NM 87115–5000; and Armed Forces Radiobiology Research Institute, Bethesda, MD 20889–5145.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian personnel assigned to, or employed by Headquarters, Defense Nuclear Agency (DNA); the Field Command, Defense Nuclear Agency (FCDNA); and the Armed Forces Radiobiology Research Institute (AFRRI). Other U.S. Government personnel, U.S. Government contractors, foreign government representatives, and visitors from foreign countries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; Social Security Number; date and place of birth; height; weight; hair/eye color; citizenship; grade/rank; service; organization; security clearance; date of clearance; basis special accesses; courier authorization; continuous access roster expiration date; badge number; vehicle ID and sticker Number; special intelligence access; expiration date; agency; billet number; list of badges/passes issued; list of keys issued; conference title; conference duties; location; Department of Defense Form 398 'Statement of Personal History;' Reports of Investigation; security incident files; visit requests; conference rosters; clearance and special access rosters; picture identification; and correspondence concerning adjudication/passing of clearances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, Security Requirements for Government Employment, April 27, 1953, as amended by E.O.s 10491, 10531, 10548, 10558, 11605, and 11785; E.O. 12065, 'National Security Information,' June 28, 1978; Section 21 of the Internal Security Act of 1950 (Pub. L. 831); Section 145 of the Atomic Energy Act of 1954, as amended by Pub. L. 83–703, 42 U.S.C. 2185; and E.O. 9397.

PURPOSE(S):

For use by officials and employees of the Defense Nuclear Agency and other DoD Components in the performance of their official duties related to determining the eligibility of individuals for access to classified information, access to buildings and facilities, or to conferences over which DNA has security responsibility.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of Government contractors and other Government agencies in the performance of their official duties related to the screening and selection of individuals for security clearances and/or special authorizations, access to facilities or attendance at conferences.

The 'Blanket Routine Uses' published at the beginning of DNA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tapes, discs, computer printouts, and/or hard drives. Manual records are stored in paper file folders, card files and paper rosters.

RETRIEVABILITY:

Automated records are retrieved by individual's last name, conference title, and by type of badge issued. Manual records are retrieved by individuals last name, organization or subject file.

SAFEGUARDS:

The computer facility and terminals are located in restricted areas accessible only to authorized personnel. Manual records and computer printouts are available only to authorized persons with an official need to know. Buildings are protected by security guards and an intrusion alarm system.

RETENTION AND DISPOSAL:

Computer records on individuals are erased upon termination of an individual's affiliation with DNA, FCDNA, or AFRRI; personnel security files are destroyed within thirty days from the date of termination of an individual's employment, assignment or affiliation with DNA, FCDNA or AFRRI. Manual records or conference attendees, visitors, and visit certifications to other agencies are maintained for two years and destroyed. Security incident files are retained for two years unless they concern compromise of classified information, in which case they may be retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

For Headquarters DNA and AFRRI contact the Assistant Director, Intelligence and Security, Command Services Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

For Field Commands, DNA contact the Chief, Security Division, Field Command, Defense Nuclear Agency, Kirtland AFB, NM 87115–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the appropriate system manager.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address

written inquiries to the appropriate system manager.

Written requests for information should contain the full name, home address, Social Security Number, date and place of birth. For personal visits, the individual must be able to provide identification showing full name, date and place of birth, and their Social Security Number.

CONTESTING RECORD PROCEDURES:

The DNA rules for contesting contents and appealing initial agency determinations are published in DNA Instruction 5400.11A; 32 CFR part 318; or may be obtained from the system manager or the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD SOURCE CATEGORIES:

Information is extracted from military and civilian personnel records, investigative files, and voluntarily submitted by individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Part of this system may be exempt under the provisions of 5 U.S.C. 552a(k)(5), as applicable.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 318. For additional information contact the system manager.

HDNA 008

SYSTEM NAME:

Biographies.

SYSTEM LOCATION:

Public Affairs Office, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Senior military officers of the Army, Air Force, Navy and Marines; senior DoD civilians, and contractor personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Brief biographical data (sometimes including photographs).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 302.

PURPOSE(S):

To maintain biographical data for use by agency officials and employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information on key Defense Nuclear Agency personnel may be released to the media, individuals, businesses, or any other public or private requester for use in compiling background information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by last name.

SAFEGUARDS:

Files are secured in a file cabinet in an area accessible only to authorized personnel. The building is protected by security guards and an intrusion alarm system.

RETENTION AND DISPOSAL:

Files are retained in an active file until retirement, transfer, separation, death of the individual concerned or in accordance with current records management regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Public Affairs Officer, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Public Affairs Officer, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Headquarters, Defense Nuclear Agency, ATTN: Public Affairs Office, 6801 Telegraph Road, Alexandria, VA 22310–3398.

Inquiry should contain the full name of the requester. Visits can be arranged by the Public Affairs Officer.

CONTESTING RECORD PROCEDURES:

The DNA rules for accessing records and for contesting contents and appealing initial agency determinations by the individual concerned are published in DNA Instruction 5400.11A; 32 CFR part 318; or may be obtained from the system manager or from the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD SOURCE CATEGORIES:

Information is voluntarily submitted by individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HDNA 009

SYSTEM NAME:

Personnel Radiation Exposure Records.

SYSTEM LOCATION:

Armed Forces Radiobiology Research Institute, Defense Nuclear Agency, Bethesda, MD 20889–5145, on the grounds of the National Naval Medical Center, and Field Command, Defense Nuclear Agency, Kirtland AFB, NM 87115–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, contractors, or visitors who enter the Armed Forces Radiobiology Research Institute (AFRRI) building; other Defense Nuclear Agency or Field Command, Defense Nuclear Agency (DNA/FCDNA) employees who work in positions which might result in exposure to radiation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, sex, date of birth, current and previous radiation exposure history, dates and places of employment, dates of exposures, citizenship, information on pregnancy, areas visited or worked, dates of arrival and departure, organization, assigned department, bioassay information, grade/rank, work phone and location.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Atomic Energy Act of 1954, 42 U.S.C. 2013; and E.O. 9397.

PURPOSE(S):

For use by agency officials, employees, and authorized contractors, to provide documentation of any exposure to radiation which might be experienced by an individual in the course of work related activities or while present in agency facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be released to support legal or medical claims for or against the government.

To regulatory agencies for use in measuring quality of radiation protection programs, or for licensing procedures.

To contractors for use in processing uniquely identifiable dosimetry devices and for maintaining required dosimetry histories.

The 'Blanket Routine Uses' published at the beginning of DNA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card files, paper records in file folders, microfiche/film and automated records on magnetic tapes, disks and computer printouts.

RETRIEVABILITY:

Records are retrieved by name, Social Security Number, or participant number. Automated records may be retrieved on all fields within the record.

SAFEGUARDS:

Computer equipment and records are in controlled access areas protected by either guards, intrusion alarms, or coded locks. Manual or hard copy records are further secured in locked cabinets or vaults. Automated programs are protected by user identification codes and passwords which limit access to the system.

RETENTION AND DISPOSAL:

For employees, records are kept for 75 years. For visitors, records are retired after two years to record holding area for 75 year retention.

SYSTEM MANAGER(S) AND ADDRESS:

Department Head, Safety and Health Department, Armed Forces Radiobiology Research Institute, Defense Nuclear Agency, Bethesda, MD 20889–5145; and the Health Physicist, Logistics Directorate, Field Command, Defense Nuclear Agency, ATTN: (FCLS), Kirtland AFB, NM 87115–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address inquiries to the Department Head, Safety and Health Department, Armed Forces Radiobiology Research Institute, Defense Nuclear Agency, Bethesda, MD 20889–5145; or the Health Physicist, Logistics Directorate, Field Command, Defense Nuclear Agency, ATTN: (FCLS), Kirtland AFB, NM 87115–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Department Head, Safety and Health Department, Armed Forces Radiobiology Research Institute, Defense Nuclear Agency, Bethesda, MD 20889–5145; or the Health Physicist, Logistics Directorate, Field Command, Defense Nuclear Agency, ATTN: (FCLS), Kirtland AFB, NM 87115–5000.

CONTESTING RECORD PROCEDURES:

The DNA rules for contesting contents and appealing initial agency determinations are published in DNA Instruction 5400.11A; 32 CFR part 318; or may be obtained from the system manager or the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD SOURCE CATEGORIES:

Information is voluntarily submitted by individuals or derived from exposure data.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HDNA 010

SYSTEM NAME:

Nuclear Test Participants.

SYSTEM LOCATION:

Radiation Policy Division, Radiation Sciences Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and DoD civilian participants of the U.S. nuclear testing programs, military occupation forces assigned to Hiroshima or Nagasaki from August 6, 1945 to July 1, 1946, and individuals who participated in the cleanup of Enewetak Atoll.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank, grade, service number, Social Security Number, last known or current address, dates and extent of test participation, exposure data, unit of assignment, medical data, and documentation relative to administrative claims or civil litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Atomic Energy Act of 1954, 42 U.S.C. 2013, Tasking Memorandum from Office of the Secretary of Defense to the Director, Defense Nuclear Agency dated Jan. 28, 1978, Subject: DoD Personnel Participation in Atmospheric Nuclear Weapons Testing and Military Construction Appropriations Act of 1977 (Pub. L. 94–367), DNA OPLAN 600–77, Cleanup of Enewetak Atoll, and the Radiation Exposure Compensation Act (Pub. L. 100–426, as amended by Pub. L. 100–510); and E.O. 9397.

PURPOSE(S):

For use by agency officials and employees, or authorized contractors, and other DoD components in the preparation of the histories of nuclear test programs; to conduct scientific studies or medical follow-up programs and to provide data or documentation relevant to the processing of administrative claims or litigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

National Research Council and the Center for Disease Control, for the purpose of conducting epidemiological studies on the effects of ionizing radiation on participants of nuclear test programs.

Department of Labor and the Department of Justice for the purpose of processing claims by individuals who allege job-related disabilities as a result of participation in nuclear test programs and for litigation actions.

Department of Energy (DOE) for the purpose of identifying DOE and DOE contractor personnel who were, or may be in the future, involved in nuclear test programs; and for use in processing claims or litigation actions.

Department of Veterans Affairs for the purpose of processing claims by individuals who allege service-connected disabilities as a result of participation in nuclear test programs and for litigation actions' and to conduct epidemiological studies on the effect of radiation on nuclear test participants.

Information may be released to individuals or their authorized representatives.

The 'Blanket Routine Uses' published at the beginning of DNA's compilation of system of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in files folders, microfilm/fiche, computer magnetic tape disks, and printouts in secure computer facilities.

RETRIEVABILITY:

Records are retrieved by name, military service number and Social Security Number.

SAFEGUARDS:

Paper records are filed in folders, microfilm/fiche and computer printouts stored in area accessible only by authorized personnel. Buildings are protected by security guards and intrusion alarm systems. Magnetic tapes are stored in a vault in a controlled area within limited access facilities. Access to computer programs is controlled through software applications which require validation prior to use.

RETENTION AND DISPOSAL:

Records are retained for 75 years after termination of case.

SYSTEM MANAGER(S) AND ADDRESS:

NTPR Program Manager, Radiation Sciences Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the NTPR Program Manager, Radiation Sciences Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the NTPR Program Manager, Radiation Sciences Directorate, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

CONTESTING RECORD PROCEDURES:

The DNA rules and procedures for contesting record contents or appealing initial agency determinations are published in DNA Instruction 5400.11A; 32 CFR part 318; or may be obtained from the General Counsel, Headquarters, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398.

RECORD SOURCE CATEGORIES:

Retired Military Personnel records form the National Personnel Records Center, US DNA Form 10 from individuals voluntarily contacting DNA or other elements of DoD or other Government Agencies by phone or mail. DoD historical records, dosimetry records and records from the Department of Energy, Department of Veterans Affairs, the Social Security Administration, the Internal Revenue Service, and the Department of Health and Human Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

THE JOINT STAFF

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especialiy important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required to locate and retrieve the record.

BLANKET ROUTINE USES

Certain 'blanket routine uses' of the records have been established that are applicable to every record system maintained within the Department of Defense unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below only once in the interest of simplicity, economy and to avoid redundancy.

LAW ENFORCEMENT BLANKET ROUTINE USE

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

DISCLOSURE WHEN REQUESTING INFORMATION BLANKET ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

DISCLOSURE OF REQUESTED INFORMATION BLANKET ROUTINE USE

A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

CONGRESSIONAL INQUIRIES BLANKET ROUTINE USE

Disclosure from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

PRIVATE RELIEF LEGISLATION BLANKET ROUTINE USE

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS BLANKET ROUTINE USE

A record from a system of records maintained by this component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES BLANKET ROUTINE USE

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517, 5520, and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was

withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Number 76–07.

DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT BLANKET ROUTINE USE

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION BLANKET ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

DISCLOSURE TO MILITARY BANKING FACILITIES OVERSEAS BLANKET ROUTINE USE

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

DISCLOSURE OF INFORMATION TO THE GENERAL SERVICES ADMINISTRATION BLANKET ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION BLANKET ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO THE MERIT SYSTEMS PROTECTION BOARD BLANKET ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DOD investigation, and such other functions, promulgated in 5 U.S.C 1205 and 1206, or as may be authorized by law.

COUNTERINTELLIGENCE PURPOSES BLANKET ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use outside the DOD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

JS001MILPERS

SYSTEM NAME:

Joint Staff Medals and Awards Files and Report System; Microfilmed Historical Awards.

SYSTEM LOCATION:

Personnel Services Division, Manpower and Personnel Division, J–1, The Joint Staff, The Pentagon, Washington, DC 20301–1000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military officer/enlisted personnel, regular and reserve, who are serviced by The Joint Staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains, but not limited to, recommendations and substantiating documents for awarding of the medals and awards; orders authorizing awards, certificates of eligibility, memoranda for the record, vote sheets, status sheets, board memberships lists, criteria and analysis, agency historical file, reports, reclama actions, recommendations for foreign awards, special category and exception to policy, bulletins, miscellaneous correspondence, Decorations and Awards Board memoranda, memoranda and records and microfilmed historical awards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 5, Section 151-155.

PURPOSE(S):

This information is used by the Personnel Services Division, J–1, The Joint Staff to retrieve information for the Maintenance of the Awards Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of The Joint Staff's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Building employs security guards. Access to space is limited to personnel office personnel during nonworking hours via locked door. During working hours the space is occupied by personnel office personnel at all times.

RETENTION AND DISPOSAL:

Files are permanent. They are microfilmed and retained for historical purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Management Branch, J–1, The Joint Staff, The Pentagon, Washington, DC 20318–0300.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves

is contained in this system should address written inquiries to the Personnel Services Division, Manpower and Personnel Division, J–1, The Joint Staff, The Pentagon, Washington, DC 20301–1000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Personnel Services Division, Manpower and Personnel Division, J–1, The Joint Staff, The Pentagon, Washington, DC 20301–1000.

Written requests for information should contain the full name of the individual, current address and telephone number. For personal visits, the individual should be able to provide some acceptable identification, that is, at least, his identification card.

CONTESTING RECORD PROCEDURES:

The Joint Staff's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; Joint Administrative Instruction 2530.09; 32 CFR part 313; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Source of information is obtained from agencies which are serviced by the Organization of the Joint Chief of Staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

J5002MILPERS

SYSTEM NAME:

Military Personnel Files.

SYSTEM LOCATION:

Military Personnel Branch, Personnel Services Division, Manpower and Personnel Division, J–1, The Joint Staff, The Pentagon, Washington, DC 20318–1000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel, assigned to, attached to or on temporary duty with The Joint Staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain personnel information which has been extracted from the individual's official Military Personnel File. Files contain information pertaining to, but not limited to, name, grade, service number, service job title, expected date of arrival for duty with The Joint Staff, expected date of departure from The Joint Staff.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 5, Section 151-155.

PURPOSE(S):

To be used by Officials of Military Personnel Branch, Personnel Services Division, J–1, The Joint Staff, to perform administrative functions required prior to their assignment to, during their assignment to, and after their assignment to The Joint Staff. Uses include, but are not limited to, knowing when an individual will arrive, what agency they will be assigned to, who they will replace and when an individual will depart.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of The Joint Staff's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; paper card files; ringed binders.

RETRIEVABILITY:

Filed alphabetically by last name of individual, filed by agency; filed by requisition number.

SAFEGUARDS:

Building employs security guards. Records are stored in file cabinets. The room(s) are locked when unattended.

RETENTION AND DISPOSAL:

Files are retained in active file until individual departs The Joint Staff. Upon departure, the individual's file is placed in the inactive file. The file is retained for approximately one year and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Military Personnel Branch, Personnel Services Division, Manpower and Personnel Division, J–1, The Joint Staff, The Pentagon, Washington, DC 20318–1000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Military Personnel Branch, Personnel Services Division, Manpower and Personnel Division, J–1, The Joint Staff, The Pentagon, Washington, DC 20318–1000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Military Personnel Branch, Personnel Services Division, Manpower and Personnel Division, J–1, The Joint Staff, The Pentagon, Washington, DC 20318–1000.

Written requests for information should contain full name of the individual, current address and telephone number. For personal visits, the individual should be able to provide some acceptable identifications.

CONTESTING RECORD PROCEDURES:

The Joint Staff's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; Joint Administrative Instruction 2530.09; 32 CFR part 313; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Source of information is the individual and the individual's Official Military Personnel Files.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

JS003SMB

SYSTEM NAME:

Manpower, Personnel and Security System (MPSS).

SYSTEM LOCATION:

Staff Management Branch, Manpower and Personnel Division, J–1, The Joint Staff, The Pentagon, Washington, DC 20318–1000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals assigned to The Joint Staff; all persons with access into The Joint Staff restricted areas.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's security clearance, home and office address, date of rank, date of birth, assignment and rotation dates, service, rank, grade, and Social Security Number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., Chapter 5, Section 151-155.

PURPOSE(S):

To be used by officials of the Personnel Services Division, J–1, and Security Division, DIRM in performing all administrative functions as appropriate with respect to personnel assigned to The Joint Staff; for monitoring and processing requests for manpower and organizational management services, security/access verification, performing organizational and manpower reviews for The Joint Staff.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of The Joint Staff's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Disc, magnetic tape backup.

RETRIEVABILITY:

Record ID made up of billet number, record type and Social Security Number.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened and cleared. Access to data requires the proper users-ID and password.

RETENTION AND DISPOSAL:

Personnel records are permanent. All records are maintained in an active file. Security-The Joint Staff records are permanent. Non-Joint Staff records are deleted upon termination/expiration of badges or passes.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Management Branch, Manpower and Personnel Division, J–1, The Joint Staff, The Pentagon, Washington, DC 20318–1000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Staff Management Branch, Manpower and Personnel Division, J–1, The Joint Staff, The Pentagon, Washington, DC 20318–1000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Staff Management Branch, Manpower and Personnel Division, J–1, The Joint Staff, The Pentagon, Washington, DC 20318–1000.

Written requests for information should contain the full name, rank and service and agency while assigned to The Joint Staff, plus Social Security Number. For personal visits, the individual should be able to provide some acceptable identification, that is: Driver's license employing office identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The Joint Staff's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; Joint Administrative Instruction 2530.09; 32 CFR part 313; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from various Joint Staff, DoD, and Standard Forms from the respective Services; from distributed documents routed to all personnel effected.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

JS004SECDIV

SYSTEM NAME:

Personnel Security File, Security Division, DIRM.

SYSTEM LOCATION:

Personnel Security Branch, Security Division, Directorate for Information and Resource Management, The Joint Staff, The Pentagon, Washington, DC 20318–9300.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel assigned to or employed by The Joint Staff who have been granted a security clearance; all individuals who are civilian applicants or military nominees for duty with The Joint Staff; all persons who have been authorized a pass for access to the restricted of The Joint Staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual records of security clearances granted; security briefing and debriefing certificates; personal history statements' record card file of request for pass or badge; and other related security processing papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., Chapter 5, Section 151-155; and E.O. 9397.

PURPOSE(S):

This information is used by Officials and personnel of The Joint Staff Security Division, DIRM to perform all administrative functions necessary to determine eligibility of personnel for security clearance provide processing of all security clearances; processing and producing all passes and badges for personnel requiring access to The Joint Staff restricted areas; devise and implement security policies and provide for the security of The Joint Staff areas.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of The Joint Staff's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; paper card files.

RETRIEVABILITY:

Filed alphabetically by individual's last name.

SAFEGUARDS:

Building employs security guards. Records are maintained in an alarmed vault and are accessible only to authorized Security Division personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are retained in active file until individual departs The Joint Staff at which time the file is purged. Record of adjudication and indoctrination and debriefing certificates are maintained in an inactive status for 5 years and them destroyed. Paper/card files are destroyed upon termination/expiration of the individual's pass.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Information Resource Management, The Joint Staff, The Pentagon, Washington, DC 20318-9300.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Security Division, Director of Information Resource Management, The Joint Staff, The Pentagon, Washington, DC 20318-9300.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Security Division, Director of Information Resource Management, The Joint Staff, The Pentagon, Washington, DC 20318-9300.

Written requests for information should contain the full name, rank, Service, Social Security Number of the individual, current address, telephone number and agency to which assigned in The Joint Staff or if non-Joint Staff, identify current employer. Visits are limited to the Security Division, Director of Information Resource

Management, The Joint Staff, The Pentagon, Washington, DC 20318–9300. For personal visits, the requesting individual must provide acceptable proof of identity, such as full name, date and place of birth and some additional verbal information that can be verified by his 'case' record, as parents' names, recent addresses, etc.

CONTESTING RECORD PROCEDURES:

The Joint Staff's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; Joint Administrative Instruction 2530.09; 32 CFR part 313; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personal History Statements and related security forms from the individual being considered for security clearances or passes; clearance verification correspondence; correspondence originating from the Defense Investigative and other Federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

JS006CND

SYSTEM NAME:

Department of Defense Counternarcotics C4I System.

SYSTEM LOCATION:

Joint Staff, Chief, Counternarcotics C4 Division, ATTN: J–6F, Room 1D825, The Pentagon, Washington, DC 20318–6000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons suspected of involvement in international narcotics trafficking, as determined by federal law enforcement agencies (e.g., Bureau of Alcohol, Tobacco and Firearms; Coast Guard; Customs; Drug Enforcement Administration; Defense; Federal Aviation Administration; Federal Bureau of Investigation; Immigration and Naturalization Service; Internal Revenue Service; Justice; Secret Service; State; U.S. Marshals; and, El Paso Intelligence Center (EPIC), a multi-agency tactical intelligence processing and analysis facility.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Information consisting of name, Social Security Number (if applicable), date of birth, current or previous address, e.g., photographic), and investigative information supporting known or suspected narcotics trafficking activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FY 1989 National Defense Authorization Act, Public Law 100–456; National Drug Control Strategy, January 1, 1990; Secretary of Defense Letter, January 6, 1989, SUBJECT: Policy Guidelines for Implementation of FY 1989 Congressionally Mandated DoD Counterdrug Responsibilities; and, E.O. 9397.

PURPOSE(S):

To manage a counternarcotics computer system to support DoD Components and Federal law enforcement agencies in identifying and apprehending persons involved in international trafficking of illegal drugs.

To carry out the DOD mission of detecting and monitoring the production, trafficking, and use of illegal drugs.

The Federal agencies identified will exchange investigative information contained in this database to carry out the counter narcotics mission.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To law enforcement components of the Drug Enforcement Administration; Bureau of Alcohol, Tobacco, and Firearms; Federal Bureau of Investigation; Customs Service; U.S. Secret Service; and, U.S. Marshals, for investigation and apprehension of drug traffickers, smugglers, or others aiding activities of the illegal narcotics trade.

To law enforcement and drug interdiction task force units of the Coast Guard; Federal Aviation Administration; Immigration and Naturalization Service; Internal Revenue Service; and Department of Transportation for investigation of suspected narcotics trafficking activities.

To the El Paso Intelligence Center, Operation Bahamas and Turks and Calicos (OPBAT); and Forward Locations (FLOCs) for processing and analysis of suspected trafficking activities.

The 'Blanket Routine Uses' published at the beginning of The Joint Staff's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All files are stored on computer magnetic tapes or disks in a secure computer facility.

RETRIEVABILITY:

Computer files are retrieved by name or Social Security Number or any other identifying information.

SAFEGUARDS:

Access to the computer by authorized personnel is controlled by a login and password control system. In addition, all terminals capable of accessing the system are located in secure areas.

RETENTION AND DISPOSAL:

Tapes and disks constituting the main data file are retained for ten years, after which they are erased and overwritten, or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Joint Staff, Chief, Counternarcotics C4I Division, ATTN: J–6F, Room 1D825, The Pentagon, Washington, DC 20318–6000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to The Joint Staff, Chief, Counternarcotics C4I Division, ATTN: J–6F, Room 1D825, The Pentagon, Washington, DC 20318–6000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to The Joint Staff, Chief, Counternarcotics C4I Division, ATTN: J–6F, Room 1D825, The Pentagon, Washington, DC 20318–6000.

CONTESTING RECORD PROCEDURES:

The Joint Staff's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; Joint Administrative Instruction 2530.09; 32 CFR part 313; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Bureau of Alcohol, Tobacco and Firearms; Coast Guard; Customs; Drug Enforcement Administration; Defense; Federal Aviation Administration; Federal Bureau of Investigation; Immigration and Naturalization Service; Internal Revenue Service; Justice; Secret Service; State; U.S. Marshals; and, El Paso Intelligence Center (EPIC).

INTERPOL-U.S. National Central Bureau; Operation Bahamas and Turks and Calicos (OPBAT); and Department of State Forward Locations (FLOCs).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2) as applicable.

Intelligence and investigation portions of this system may be partially or totally subject to the general exemption.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553 (b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 313. For additional information contact the system manager.

DEFENSE INFORMATION SYSTEMS AGENCY

How To Use the Index Guide

To assist the reader in locating and reviewing the particular record system of interest, the various agency offices and the prefix letter symbols represented as part of the record system identification for that office are set forth below.

Subject series
System Identification Series

General Counsel
KCIV

Defense Communications Engineering Center
KDCE

Defense Commercial Communications Office
KDEC

Defense Information System Agency-Europe
KEUR

Equal Employment Opportunity DISA
KMIN

National Communications System
KNCS

Defense Information Systems Agency-Pacific
KPAC

White House Communications Agency
KWHC

Confidential Statement of Employment and Financial Interest
K105.01

Investigation of Complaint of Discrimination
K107.1

Travel Orders Records System
K232.01

Injury Record File
K232.02

Security
K240.

Mishap Report
K317.01

Claims Files
K660.01

Civilian Personnel
K700.

Freedom of Information Act Files
K890.01

Awards Case History File (Military)
K890.03

Military Personnel Management/ Assignment Files
K890.04

Overseas Rotation Program Files
K890.05

Card File for Forwarding Mail of Departed Personnel
K890.06

Education, Training, and Career Development Data System
K890.07

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required to locate and retrieve the record.

BLANKET ROUTINE USES

Certain 'blanket routine uses' of the records have been established that are applicable to every record system maintained within the Department of Defense unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below only once in the interest of simplicity, economy and to avoid redundancy.

LAW ENFORCEMENT ROUTINE USE

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

DISCLOSURE WHEN REQUESTING INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

DISCLOSURE OF REQUESTED INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

CONGRESSIONAL INQUIRIES ROUTINE USE

Disclosure from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

PRIVATE RELIEF LEGISLATION ROUTINE USE

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the

legislative coordination and clearance process as set forth in that Circular.

DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS ROUTINE USE

A record from a system of records maintained by this component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES ROUTINE USE

Any information normally contained in IRS Form W–2 which is maintained in a record from a system of records maintained by this component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517, 5520, and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Number 76–07.

DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT ROUTINE USE

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

DISCLOSURE TO MILITARY BANKING FACILITIES OVERSEAS ROUTINE USE

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

DISCLOSURE OF INFORMATION TO THE GENERAL SERVICES ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO THE MERIT SYSTEMS PROTECTION BOARD ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DOD investigation, and such other functions, promulgated in 5 U.S.C 1205 and 1206, or as may be authorized by law.

COUNTERINTELLIGENCE PURPOSES ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use outside the DOD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

KCIV.01

SYSTEM NAME:

Records Relating to DISA Transactions under the Privacy Act of 1974.

SYSTEM LOCATION:

Each office of the Defense Information Systems Agency (DISA) worldwide which is required to submit information it maintains for each system of records maintained under the provisions of the Privacy Act of 1974 and records of information released or withheld under the Act.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian personnel currently assigned to or employed by DISA. Also limited historical records on personnel previously assigned or employed by DISA.

CATEGORIES OF RECORDS IN THE SYSTEM:

All types of records which relate to release or withholding of data relating to the rights of the privacy of an individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93–579, The Privacy Act of 1974

PURPOSE(S):

Used by the Civilian Assistant to the Chief of Staff, Headquarters, DISA for periodic reporting under provisions of the Act.

Used by the Comptroller, Headquarters, DISA for budgeting and manpower allocation within the Agency.

Used by the Counsel, Headquarters, DISA in preparing for possible litigation.

VOL 58 ISS 33 FE 22 1993 UMI

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records kept in file cabinets or safes.

RETRIEVABILITY:

By name or Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Retained for at least 5 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Assistant to the Chief of Staff, Code AD, Headquarters, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Civilian Assistant to the Chief of Staff, Code AD, Headquarters, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

The full name and organizational assignment, of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Office of the Civilian Assistant to the Chief of Staff, DISA, Code AD, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester should present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Civilian Assistant to the Chief of Staff, Code 104, Headquarters, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Accountings submitted by those DISA officials who are system managers of systems of records reportable under the Privacy Act of 1974.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KDCE.01

SYSTEM NAME:

Visit Notification/Clearance Verification Records NR501–11.

SYSTEM LOCATION:

Reston Service Center, Code BR, Defense Information Systems Agency, Derey Engineering Building, 1860 Wiehle Avenue, Reston, VA 22090–5500.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Same plus industrial contractors requiring admittance to the facility on official business.

CATEGORIES OF RECORDS IN THE SYSTEM:

Form listing the name, date and place of birth, Social Security Number, clearance status, and basis for that clearance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended.

PURPOSE(S):

To identify official visitors to defense installations and organizations responsible for work on Defense Department contracts and verify the level of classification to which each is authorized access.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Destroyed one year after revocation of permit to enter premises.

STORAGE:

File folders.

RETRIEVABILITY:

By folder identified by contractor or individual's name.

SAFEGUARDS:

Building security guards. Records maintained in area accessible only to authorized personnel who are appropriately cleared and trained.

RETENTION AND DISPOSAL:

Records not permanent. Retained one year after revocation then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, VA 22090.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, VA 22090.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, VA 22090, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DISA identification badge or drivers's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Contact the Chief, Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, VA 22090.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military and Civilian Personnel whose names appear on the form.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KDCE.02

SYSTEM NAME:

Parking Permit Control Files 501–07.

SYSTEM LOCATION:

Reston Service Center, Code BR, Defense Information Systems Agency, Derey Engineering Building, 1860 Wiehle Avenue, Reston, VA 22090–5500.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and Civilian personnel employed by the Defense Communications Engineering Center and Command and Control Technical Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Owner's name and vehicle identification data and parking number assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property Management Regulations, Temporary Regulation D–47, dated May 22, 1974, issued by the General Services Administration.

PURPOSE(S):

To assign specific parking spaces to personnel so authorized; and to identify parked vehicles when circumstances so dictate.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Destroyed upon departure of individual from employment with Defense Communications Engineering Center or Command and Control Technical Center or when no longer authorized to park.

STORAGE:

File folders.

RETRIEVABILITY:

By parking number.

SAFEGUARDS:

Building security guards, records maintained in area accessible only to authorized personnel who are appropriately cleared and trained.

RETENTION AND DISPOSAL:

Records are not permanent. Retained while individual is authorized reserved parking, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, VA 22090.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, VA 22090.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, VA 22090 to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, VA 22090.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military and Civilian personnel whose names appear on the form.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KDCE.03

SYSTEM NAME:

DA Form 727 Classified Container Information File 503–02.

SYSTEM LOCATION:

Reston Service Center, Code BR, Defense Information Systems Agency, Derey Engineering Building, 1860 Wiehle Avenue, Reston, VA 22090–5500.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Classified container information listing the name, address, and telephone number of each person authorized access to the container.

CATEGORIES OF RECORDS IN THE SYSTEM:

This form records the name, grade, address, and home telephone numbers of the above individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended; E.O. 12356.

PURPOSE(S):

To identify, locate, and contact each person authorized access when the need arises.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Destroy when obsolete, i.e. when person departs, when combination changed, or when container no longer used.

STORAGE:

File folders.

RETRIEVABILITY:

By capital property number.

SAFEGUARDS:

Building security guards, records maintained in area accessible only to authorized personnel who are appropriately cleared and trained.

RETENTION AND DISPOSAL:

After becoming obsolete, file is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, VA 22090.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, VA 22090.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, VA 22090, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Security Branch, Defense Communications Engineering Center (DCEC), 1860 Wiehle Avenue, Reston, VA 22090.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing

initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military and Civilian Personnel whose names appear on the form.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KDEC.02

SYSTEM NAME:

Authorization to Sign for Classified Material List.

SYSTEM LOCATION:

Defense Commercial Communications Office, ATTN: Code RA, 2300 East Drive, Scott Air Force Base, IL 62225–5406.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Defense Commercial Communications Office (DECCO) personnel who are authorized to receive classified material from the Commander 375 Air Base Group, Scott Air Force Base, IL.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of retained copy of letter containing names and specimen signatures of DECCO personnel who are authorized to pick up classified material from the 375 Air Base Group, Scott Air Force Base, IL.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended.

PURPOSE(S):

Used by the Chief, Administrative Division, Code D210, Defense Commercial Communications Office to determine which DECCO personnel are authorized to pick up classified mail from the 375 Air Base Group.

Used by the Commander, 375 Air Base Group to verify that DECCO personnel who appear at the unit to pick up classified mail are authorized to do so.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are filed in a folder which is kept in a safe.

RETRIEVABILITY:

Information is retrieved by name.

SAFEGUARDS:

Records are maintained in a safe in an area which is accessible only to authorized personnel who are properly screened, cleared, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

Records are not permanent. List is updated as personnel changes occur. The superseded list is then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Division, Defense Commercial Communications Office, Scott Air Force Base, IL.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Administrative Division, Code D200, Defense Commercial Communications Office, Scott Air Force Base, IL.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Administrative Division, Code D200, Defense Commercial Communications Office, Scott Air Force Base, IL, for assistance.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Names of the individuals in the system are furnished by the Chief, Administrative Division, Defense Commercial Communications Office.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KDEC.03

SYSTEM NAME:

Classified Material Receipt Authorization List.

SYSTEM LOCATION:

Defense Commercial Communications Office, ATTN: Code RA, 2300 East Drive, Scott Air Force Base, IL 62225–5406.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records system contains names of Defense Commercial Communications Office (DECCO) personnel who are authorized to receive classified material upon delivery by mail room personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of name, Social Security Number, and grade of individuals authorized to receipt for classified documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended.

PURPOSE(S):

Chief, Administrative Division uses the list as a tracer to determine individuals who receive classified material.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in a locked safe.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Records are maintained in a safe in an area which is accessible only to authorized personnel who are properly screened, cleared, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

Records are not permanent. List is updated as personnel changes occur. Superseded list is then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Division, Defense Commercial Communications Office, 2300 East Drive, Scott Air Force Base, IL 62225-5406.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Administrative Division, Code D200, Defense Commercial Communications Office, 2300 East Drive, Scott Air Force Base, IL 62225-5406.

The full name of the requesting individual will be required to determine if the system contains a record about

him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Contact the Chief, Administrative Division, Code D200, Defense Commercial Communications Office, 2300 East Drive, Scott Air Force Base, IL 62225-5406, for assistance.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Names of individuals in the system are furnished by the Chief, Administrative Division, Defense Commercial Communications Office.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KDEC.04

SYSTEM NAME:

Authority to Review/Sign for Classified Messages at 1918 Communications Center.

SYSTEM LOCATION:

Defense Commercial Communications Office, ATTN: Code RA, 2300 East Drive, Scott Air Force Base, IL 62225–5406.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records system contains the names of DECCO personnel who are authorized to review, sign for, and pick up classified messages in the Communications Center Squadron.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of a copy of a letter addressed to the Commander, 1918 Communications Squadron to show specimen signatures of DECCO personnel who are authorized to review, sign for, and pick up classified messages at that unit.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended.

PURPOSE(S):

Used by Chief, Administrative Division, Defense Commercial Communications Office to determine which mail room personnel are authorized to review, sign for, and pick up classified messages.

Used by Commander, 1918 Communications Squadron to verify that specific DECCO personnel who came to the Communications Center to pick up classified messages are authorized to do so.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are filed in a file folder which is kept in a safe.

RETRIEVABILITY:

Information is retrieved by name of individual.

SAFEGUARDS:

Records are maintained in a safe in an area which is accessible only to authorized personnel who are properly screened, cleared, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

Records are not permanent. List is updated as required. The superseded list is then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Division, Defense Commercial Communications Office, 2300 East Drive, Scott Air Force Base, IL 62225-5406.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Administrative Division, Defense Commercial Communications Office, Code RA, 2300 East Drive, Scott Air Force Base, IL 62225-5406.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Administrative Division, Defense Commercial Communications Office, Code D210, 2300 East Drive, Scott Air Force Base, IL 62225-5406, for assistance.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Names of the individuals in the system are furnished by the Chief, Administrative Division, Defense Commercial Communications Office.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KDEC.05

SYSTEM NAME:

Access Listing to Classified Material (NATO).

SYSTEM LOCATION:

Defense Commercial Communications Office, ATTN: Code RA, 2300 East Drive, Scott Air Force Base, IL 62225–5406.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records system contains the names and specimen signatures of DECCO personnel who are authorized access to NATO documents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of copy of letter sent to Code 240, Headquarters, A. Letter contains names and specimen signatures of DECCO personnel who are NATO control officers and alternates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 11652.

PURPOSE(S):

Used by the Chief, Administrative Division to determine personnel who are authorized access to NATO documents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are filed in a folder which is kept in a safe.

RETRIEVABILITY:

Information is retrieved by name.

SAFEGUARDS:

Records are maintained in a restricted area which is accessible only to

authorized personnel who are properly screened, cleared, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

Records are not permanent. They are updated when changes in personnel occur, and the superseded list is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Division, Defense Commercial Communications Office, 2300 East Drive, Scott Air Force Base, IL 62225-5406.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Administrative Division, Code D200, Defense Commercial Communications Office, Scott Air Force Base, IL.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Contact the Chief, Administrative Division, Code D200, Defense Commercial Communications Office, Scott Air Force Base, IL, for assistance.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Names of individuals are furnished by the Chief, Administrative Division, Defense Commercial Communications Office.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KDEC.06

SYSTEM NAME:

Nominations/Enrollments for Training Courses.

SYSTEM LOCATION:

Defense Commercial Communications Office, ATTN: Code RA, 2300 East Drive, Scott Air Force Base, IL 62225–5406.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records required on military and civilian members who enroll in government training courses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record indicates personnel data and is not revealed to anyone other than individuals involved in obtaining or allocating classroom spaces.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S. Code, Chapter 41 and E.O. 11348.

PURPOSE(S):

Records are used by Chief, Administrative Division to enroll students who have been selected by operating officials to attend government training courses. Information includes name, Social Security Number, office phone, home phone, home address, job title, grade, emergency phone, and emergency address, and name of individual to contact in case of emergency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are kept in a locked file cabinet.

RETRIEVABILITY:

Records are retrieved by name of trainee.

SAFEGUARDS:

Records are maintained in area which is accessible only to authorized personnel who are properly screened, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

Records are retained five years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Division, Defense Commercial Communications Office, Code RA, Scott Air Force Base, IL.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Administrative Division, Defense Commercial Communications Office, Code RA, Scott Air Force Base, IL.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Administrative Division, Defense Commercial Communications Office, Code RA, Scott Air Force Base, IL.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information provided by individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KDEC.07

SYSTEM NAME:

601–11 Duty Rosters.

SYSTEM LOCATION:

Defense Commercial Communications Office, ATTN: Code RA, 2300 East Drive, Scott Air Force Base, IL 62225–5406.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

On a rotation basis all military and civilian Division Chiefs are on call after duty hours to take action on messages received at the 1918 Communications Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain names and telephone numbers of DECCO personnel on call for duty after regular work hours.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133(b).

PURPOSE(S):

Listing is used to provide names and home telephone numbers of individuals who may be called after duty hours.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Rosters are locked in a file cabinet.

RETRIEVABILITY:

Records are retrieved by name of designated individuals.

SAFEGUARDS:

Records are stored in a locked file cabinet.

RETENTION AND DISPOSAL:

Records are retained two years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Division, Code RA, Defense Commercial Communications Office, Scott Air Force Base, IL.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Administrative Division, Code RA, Defense Commercial Communications Office, Scott Air Force Base, IL.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Chief, Administrative Division, Code RA, Defense Commercial Communications Office, Scott Air Force Base, IL, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Administrative Division, Code RA, Defense Commercial Communications Office, Scott Air Force Base, IL.

The full name of the requesting individual will be required to determine if the system contains a record about him or her.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Obtained from personnel records retained in D210/D220.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KDEC.08

SYSTEM NAME:

101–06 Request and Authorization for Temporary Duty Travel.

SYSTEM LOCATION:

Defense Commercial Communications Office, ATTN: Code RA, 2300 East Drive, Scott Air Force Base, IL 62225–5406.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian members who travel in performance of conducting DECCO business.

CATEGORIES OF RECORDS IN THE SYSTEM:

Provides traveler's name, Social Security Number, purpose, travel schedule, job title, days involved, cost, and fund citation to cover cost of travel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133(b).

PURPOSE(S):

Copies are provided to the Accounting and Finance Officer, Defense Commercial Communications Office, Code D532, to substantiate payment of travel voucher on return to duty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in a locked safe.

RETRIEVABILITY:

Records are retrieved by name of traveller.

SAFEGUARDS:

Records are stored in a locked file cabinet and records are accessible to Administrative Division personnel only.

RETENTION AND DISPOSAL:

Records are retained two years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Division, Defense Commercial Communications Office, Code D210, Scott Air Force Base, IL.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Defense Commercial Communications Office, Code D210, Scott Air Force Base, IL.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Administrative Division, Code D210, Scott Air Force Base, IL.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Provided by traveler.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KEUR.02

SYSTEM NAME:

DISA Form 605, Personnel Data Sheet.

SYSTEM LOCATION:

Management Support Division, Code DER, Defense Information Systems Agency Europe, APO AE 09131–4103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel assigned to DISA Europe.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of information on each individual including name, grade, Social Security Number, date and place of birth, permanent home address, marital and dependent status, passport number, rotation date, forwarding address, date of rank, PAFSC/MOS/NEC, date reported, SAFC/MOS/NEC, civilian and military education, BASD/TAFMSD, residence and duty phone numbers, and emergency addressee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133(b).

PURPOSE(S):

Maintained for use by the Management Support Division as a

VOL 58 ISS 33 FE 22 1993 UMI

reference file and routine or emergency locator file.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in file folders

RETRIEVABILITY:

Records filed alphabetically by last name of individuals.

SAFEGUARDS:

Records maintained in a locked container accessible to authorized personnel only. Military police are posted at entrance of the building.

RETENTION AND DISPOSAL:

Record maintained for one year after departure of individual then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Management Support Division, Defense Information Systems Agency-Europe, APO AE 09131–4103.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Management Support Division, Defense Information Systems Agency-Europe, APO AE 09131–4103.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Management Support Division, Defense Information Systems Agency-Europe, APO AE 09131–4103.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

All information is provided by the individual upon initial assignment.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KEUR.03

SYSTEM NAME:

Incident Report File.

SYSTEM LOCATION:

Management Support Division, Code DER, Defense Information Systems Agency-Europe, APO AE 09131–4103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any personnel (military or civilian) assigned to DISA Europe involved in a traffic, financial, criminal or other incident which is reported to the Commander DISA Europe for information or necessary action.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of Reports of Investigation, Military Police Incident Reports, Traffic Tickets, Letters of Notification of Dishonored checks, and correspondence or documents concerning other matters brought to the attention of the Commander DISA Europe relating to personnel assigned to this Command.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133(b).

PURPOSE(S):

Maintained as a reference file for use by the Commander DISA Europe to document required actions taken in response to reports and notification of incidents involving assigned personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Information is retrieved by name of the individual.

SAFEGUARDS:

Records are maintained in a locked security file container and may be accessed only by the Commander, Deputy Commander, Chief, Management Support Division, or other persons specifically designated by the Commander.

RETENTION AND DISPOSAL:

Records are maintained in an active file during the period of the individual's assignment to DISA Europe and destroyed on his or her departure.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Defense Information Systems Agency-Europe, APO AE 09131–4103.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Management Support Division, Defense Information Systems Agency-Europe, APO AE 09131–4103.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Management Support Division, Defense Information Systems Agency-Europe, APO AE 09131–4103.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from reports, documents, and correspondence received from Civilian and Military Police Service Investigative Agencies, Military Exchange and Commissary systems, or any other agency or individual that reports information of an incident nature to the Commander DISA Europe.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KEUR.04

SYSTEM NAME:

Security Clearance File.

SYSTEM LOCATION:

Management Support Division, Code DER, Defense Information Systems Agency Europe, APO AE 09131–4103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel assigned to DISA Europe.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains roster by name and Social Security Number which reflects

the U.S. and NATO security clearances held by DISA Europe personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended.

PURPOSE(S):

Information is maintained as a centralized reference document for verification of security clearances held by DISA Europe personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Clearances are certified to other U.S. government agencies as required

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Roster is stored in a locked file container.

RETRIEVABILITY:

Information is retrieved by name.

SAFEGUARDS:

Roster is maintained in a locked file container with access limited to authorized personnel only.

RETENTION AND DISPOSAL:

Records are maintained during the period of current employment with DISA EUR and noncurrent information is deleted from the file at the time of departure of individual.

SYSTEM MANAGER(S) AND ADDRESS:

Management Support Division, Code DER, Defense Information Systems Agency-Europe, APO AE 09131–4103.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Management Support Division, Defense Information Systems Agency-Europe, APO AE 09131–4103.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Management Support Division, Defense Information Systems Agency-Europe, APO AE 09131–4103.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information maintained on the roster is obtained from the original clearance certification by HQ DISA and documents signed by the individual which acknowledge receipt of additional access.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KEUR.05

SYSTEM NAME:

Classified Container Information Forms.

SYSTEM LOCATION:

Office of Security Officer, Headquarters, Defense Information Systems Agency-Europe, APO AE 09131–4103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been designated for access to the containers and who may be contacted for access in case of emergency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Retained copies of DA Forms 727, which contain name, home address, and phone number of individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended; E.O. 12356.

PURPOSE(S):

Used to maintain current designation of persons who may be contacted for access to the container.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Forms maintained in locked file cabinet.

RETRIEVABILITY:

Information is retrieved by name of individual.

SAFEGUARDS:

Containers are located in locked or controlled access areas. Military police are posted at entrance of the building.

RETENTION AND DISPOSAL:

Forms are renewed every six months or when any individual having access to the container departs, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Defense Information Systems Agency-Europe, APO NY 09131–4103.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Management Support Division, Defense Information Systems Agency-Europe, APO AE 09131–4103.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Management Support Division, Defense Information Systems Agency-Europe, APO AE 09131–4103.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals designated by Division Supervisors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KEUR.07

SYSTEM NAME:

Postal Directory File.

SYSTEM LOCATION:

Management Support Division, Code DER, Defense Information Systems Agency Europe, APO AE 09131–4103, and Field Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals currently assigned to DISA Europe and those who departed within preceding 12 months.

VOL
58
ISS
33
FE
22
1993
UMI

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of change of address recorded on DA Form 3955 (change of address and directory record).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

U.S.A. Postal Manual, Chapter 1, Part 158.

PURPOSE(S):

Information is used by system manager to direct mail delivery to the proper address.

Card files are maintained by the Commander APO 09131–4103 Post Office, and the APO Mail Distribution Center for the Stuttgart, Germany area located at Wallace Barracks. Files are also maintained at Postal Facilities servicing the Field Offices: Worms - APO 09056, UK - APO 09378, Naples - FPO 09524, Athens - APO 09223.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in card file boxes in the mail room.

RETRIEVABILITY:

Information is retrieved by name of individual and organizational assignment.

SAFEGUARDS:

Records are maintained in rooms approved for the storage of U.S. mail and are accessible only to authorized personnel. Military police are posted at the entrance of the building.

RETENTION AND DISPOSAL:

Records are maintained in an active file during period of current assignment to DISA Europe and for one year after departure, at which time they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Management Support Division, Code DER, Defense Information Systems Agency-Europe, APO AE 09131–4103.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Management Support Division, Code DER, Defense Information Systems Agency-Europe, APO AE 09131–4103.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Management Support Division, Code DER, Defense Information Systems Agency-Europe, APO AE 09131–4103.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is provided by individuals upon initial assignment to DISA Europe.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KEUR.08

SYSTEM NAME:

Travel Order and Voucher File.

SYSTEM LOCATION:

Management Support Division, Code DER, Defense Information Systems Agency-Europe, APO AE 09131–4103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel who perform official travel under orders issued by DISA Europe.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system consist of travel orders, transportation requests, commercial carrier transportation tickets, travel advance vouchers, records of travel claims and payments. Data in the system includes the individual's name, Social Security Number, home phone and address, and other pertinent travel information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133(b).

PURPOSE(S):

Records maintained by system manager for budget and accounting purposes to verify amounts actually spent for travel, and for control of an accountability for travel orders issued by DISA Europe.

Used by prosecution authorities in case of fraud.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in file folders.

RETRIEVABILITY:

Records filed sequentially by travel order number.

SAFEGUARDS:

Records maintained in locked file containers accessible only to authorized personnel. Military police are posted at building entrance during duty hours.

RETENTION AND DISPOSAL:

Records are maintained for two calendar years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Management Support Division, Code DER, Defense Information Systems Agency-Europe, APO AE 09131–4103.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Management Support Division, Defense Information Systems Agency-Europe, APO AE, 09131–4103.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Management Support Division, Defense Information Systems Agency-Europe, APO AE 09131–4103.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personal information is obtained from individual travelers and entered on the travel order form.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KEUR.09

SYSTEM NAME:

Noncombatant Information Card, AEZ Form 6–106.

SYSTEM LOCATION:

Management Support Division, Code DER, Defense Information Systems Agency-Europe, APO AE 09131–4103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All legal dependents of United States Forces personnel.

United States civilian employees of DOD Agencies and their dependents.

DOD or a military service department sponsored United States technical representatives.

Bonafide members of households of United States Forces personnel and of persons in paragraphs 2 and 3 above.

United States personnel who are special invitees possessing current DOD or a military service department invitational travel orders.

Dependents of United States personnel assigned to United States elements of any North Atlantic Treaty Organization military headquarters or agency when common facilities are used and that the Secretary of Defense has authorized to receive United States support.

Other United States nongovernmental, nonmilitary individuals and agencies in overseas military commands for whom military logistical support is authorized in joint military regulations (e.g., USO, American Red Cross).

CATEGORIES OF RECORDS IN THE SYSTEM:

AEZ Form 6–106, Noncombatant Information Card. It contains information on the following:

Sponsor. Name, grade, date arrived in theater, data of return from overseas; Social Security Number; organization and duty section; occupation specialty; branch of service or agency; military post or base name and city location; building number; room number; duty phone; ZIP Code; and APO or FPO.

Noncombatant. Local residence street number and name and city; area; building number; apartment number; home phone; ZIP Code; date assigned; Continental United States residence street number and name or Post Office Box number; city; state or territory; and ZIP Code.

Vehicle. Vehicle number(s) and make(s); year(s); and capacity.

Names of all noncombatants. For each: Passport number; Social Security Number; relationship; month and year of birth; whether or not has an identification tag; immunization record; and if or if not a driver of vehicle.

Briefings. Briefing by supervisor to sponsor; warden to noncombatant; route reconnaissance; and noncombatant Evacuation Operations rehearsal. For each of the above items, dates information given; by whom given; frequency of review items; date and signature of sponsor and supervisor for each of the items to authenticate that all above items reviewed as required.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

ROUTINE USES OF RECORDS MAINTAINED BY THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Chief, Management Support Division, to determine preparedness of noncombatants for evacuation, if required.

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is recorded on 8 x 10 1/2 cardboard cards and filed in notebook binder.

RETRIEVABILITY:

Information is retrieved manually by name.

SAFEGUARDS:

Records are filed in file cabinet and maintained in a restricted area which is accessible only to authorized personnel who are required to be in the area where records are kept.

RETENTION AND DISPOSAL:

Records are not permanent. Records are updated as changes occur and destroyed on departure of the sponsor from DISA-Europe.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management Support Division, Defense Information Systems Agency-Europe, APO AE 09131–4103.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Management Support Division, Defense Information Systems Agency-Europe, APO AE 09131–4103.

The full name of the requesting individual will be required to determine if the system contains a record of the requester. As proof of identity, the requester, if assigned to DISA European Area, must present a current DISA identification badge or current motor vehicle operator's license. If not assigned to the DISA European Area but still in the military service the requester must provide a current motor vehicle driver's license or Social Security Number. If no longer affiliated with the DOD must provide Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Management Support Division, Defense Information Systems Agency-Europe, APO AE 09131–4103.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is furnished by the individual concerned; or from official records provided by personnel offices of the 1141st U.S. Air Force Special Activities Squadron; Headquarters, European Command, Army, Navy, Air Force and Marine Corps Elements; Stuttgart Area Civilian Personnel Office; and the U.S. Finance and Accounting Office, Europe.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KEUR.10

SYSTEM NAME:

Personnel File.

SYSTEM LOCATION:

Management Support Division, Code DER, Defense Information Systems Agency-Europe, APO AE 09131–4103.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DISA Europe Military and Civilian Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of security clearance data (Air Force Form 47: Certificate of Eligibility and Record of Personnel Security Clearance, and DISA Form 548: Status of Clearance); record of requests for changes to assignment; job title and position (Air Force Form 2095: Assignment/Personnel Action, and Standard Form 52: Request for personnel action); leave data; special orders published by the DISA European Area pertaining to additional duties; and sponsorship information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136(b).

PURPOSE(S):

Used by the Chief, Management Support Division, to verify security clearance status, initiate personnel actions such as effectiveness reports, changes in position, title or assignment; record of additional duties, and related routine personnel and administrative matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records filed in folder.

RETRIEVABILITY:

Information is retrieved by name.

SAFEGUARDS:

Records are maintained in a safe accessible only to personnel authorized in the performance of their official duties.

RETENTION AND DISPOSAL:

Records are maintained one year after departure of the individual from the DISA-European Area and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management Support Division, Defense Information Systems Agency-Europe, APO AE 09131–4103.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Management Support Division, Defense Information Systems Agency-Europe, APO AE 09131–4103.

The full name of the requesting individual will be required to determine if the system contains a record of the requester. As proof of identity, the requester, if assigned to DISA-Europe, must present a current DISA identification badge or current motor vehicle driver's license or Social Security Number. If no longer affiliated with the DOD must provide Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Management Support Division, Defense Information Systems Agency-Europe, APO AE 09131–4103, for assistance.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is furnished by the individual concerned; or from official records provided by personnel offices of the 1141st U.S. Air Force Special Activities Squadron; Headquarters, European Command, Army, Navy, Air Force and Marine Corps Elements; Stuttgart Area Civilian Personnel Office; and the U.S. Finance and Accounting Office, Europe.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KMIN.01

SYSTEM NAME:

Minority Identification File List.

SYSTEM LOCATION:

Office of the Director of Equal Employment Opportunity, Code AO, Headquarters, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each civilian employee of DISA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name; Social Security Number; grade and step; salary, job title; race or national origin; sex; DISA office code; and occupation code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual Chapter 713, Section 3–4(c), Use of Statistical Data; Agency Self-Evaluation; 10 U.S.C. 136.

PURPOSE(S):

Used exclusively by the Director of Equal Employment Opportunity in studies and analyses that contribute affirmatively to achieving the objectives of the Equal Employment Opportunity Program. That is, the list is used to identify whether or not any bias patterns may exist in hiring, advancement, and training opportunities and also to provide information to the Office of Personnel Management in affirmative action plans.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The record is stored in a locked file cabinet.

RETRIEVABILITY:

Retrieved by the grade, job title, race or sex of employees, and Social Security Number.

SAFEGUARDS:

Building employs security guards. List locked in file cabinet. Only the Director of Equal Employment Opportunity has access.

RETENTION AND DISPOSAL:

The record is destroyed annually.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Equal Employment Opportunity, Headquarters, Defense Information Systems Agency, ATTN: Code 107, 701 South Courthouse Road, Arlington, VA 22204–2199.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director of Equal Employment Opportunity, Headquarters, Defense Information Systems Agency, Code 107, 701 South Courthouse Road, Arlington, VA 22204–2199.

The individual's full name and organization will be required to determine if the system contains a record about him or her. The requester may visit the Office of Equal Employment Opportunity, Headquarters, Defense Information Systems Agency, Code 107, to obtain information on whether the system contains records pertaining to him or her. Proof of identity will be by presentation of current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director of Equal Employment Opportunity, Headquarters, Defense Information Systems Agency, Code 107, 701 South Courthouse Road, Arlington, VA 22204–2199.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personnel Processing Clerks and personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KNCS.01

SYSTEM NAME:

National Communications System Continuity of Operations Plan (NCS COOP) Automated Support.

SYSTEM LOCATION:

Office of the Manager, National Communications System, 701 South Courthouse Road, Arlington, VA 22204–2199 and the NCS Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of the National Communications Systems Staff.

Selected individuals of the National Communications System/ Defense Information Systems Agency Operations Center (NCS DISAOC).

Selected telecommunications officials of the NCS Member Entities and selected personnel of Federal agencies in the Washington Metropolitan Area.

Selected key personnel of the commercial communications carriers, represented in the National Coordinating Center (NCC).

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a plan which provides the guidance and procedures for insuring the continuity of operations of the Office of the Manager, NCS, and the NCS/DISAOC in the event of enemy attack, periods of international crisis, tension, or national catastrophe. It provides a roster giving the residence addresses and office and residence phone numbers of personnel to contact as an emergency situation develops.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12472 Subject: Assignment of National Security and Emergency Preparedness Telecommunications Functions, April 3, 1984.

PURPOSE(S):

Office of the Manager, NCS - To apprise individuals on the staff and the regional staffs of their responsibilities and emergency relocation assignments in conditions of emergency.

Selected telecommunications officials of the Federal Government - Certain designated personnel of the Office of Science and Technology Policy (OSTP), Executive Office of the President, the Executive Agent of the NCS (who is the Secretary of Defense), the Department of State, DOD, Federal Aviation Administration, General Services Administration, National Aeronautics and Space Administration, the Central Intelligence Agency, and all other Government agencies with a National Security Emergency Preparedness (NSEP) responsibility who use this plan as their guidance for procedures to follow under conditions of emergency. Provides them the focal point for contacts and coordination on short notice.

Certain telecommunications officials of the Office of Science and Technology Policy (OSTP), Executive Office of the President, the Executive Agent of the NCS (who is the Secretary of Defense), the Department of State, the DOD, Federal Aviation Administration, General Services Administration, Central Intelligence Agency, the Department of Commerce, Department of the Interior and all other Government agencies with an NSEP responsibility, to be informed of their responsibilities in the face of worsening emergency conditions and to know where to report.

Selected personnel of the major commercial carriers represented in the NCC - to be knowledgeable of current telecommunications problems so that certain priorities for support and services can be coordinated with designated Federal officials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

This is a classified plan filed in standard secure safes. The automated portions are housed in a classified computer system.

RETRIEVABILITY:

Filed by category of plan. The automated portion is filed by communication network.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

This is a permanent plan. It will be an active file indefinitely and will be updated periodically by the Manager, NCS and the Regions.

SYSTEM MANAGER(S) AND ADDRESS:

The Manager, National Communications System, 701 South Courthouse Road, Arlington, VA 22204–2199.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Manager, National Communications System, 701 South Courthouse Road, Arlington, VA 22204–2199.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Manager, National Communications System, 701 South Courthouse Road, Arlington, VA 22204–2199.

Written requests should contain the full name of the individual, current address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Informal coordination with representatives of the agencies concerned. Informal telephonic coordination with personnel of the major telecommunication carriers represented in the National Coordinating Center (NCC).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KNCS.02

SYSTEM NAME:

National Communications System (NCS) Plan for Emergencies and Major Disasters.

SYSTEM LOCATION:

Office of the Manager, National Communications System, 701 South Courthouse Road, Arlington, VA 22204–2199.

VOL 58 ISS 33 FE 22 1993 UMI

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal Disaster Assistance Administration (FDAA) Regional Directors.

General Services Administration (GSA) Regional Emergency Communications Coordinators.

Selected members of the National Communications System Staff.

Federal Emergency Management Agency (FEMA) Regional Directors.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a plan which prescribes procedures for providing communication support in Presidentially declared emergency and major disaster operations. It provides the names, office and residence phone numbers of the key Federal personnel nationwide to contact and coordinate communications support in emergencies and major disasters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Presidential Memorandum, Subject: Establishment of the National Communications System, August 21, 1963.

PURPOSE(S):

Office of the Manager, NCS - To ensure that Federal agencies and certain telecommunications officials understand what their responsibilities and functions are in pre-disaster planning.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Regional representatives of FDAA, GSA, and FEMA - To know under which conditions of emergency they are to function and what roles they perform under each phase.

Personnel assigned to States' Emergency Operations Center To know where the focal points are to contact for assistance.

Quasi-government agencies - (i.e., American National Red Cross) - To know where the focal points are to contact for assistance.

Major U.S. telephone companies - To be informed on the plan and which regional representative will be contacting the telephone companies for assistance in conditions of disaster.

All Federal departments and agencies of the U.S. Government in the Washington Metropolitan area - To be knowledgeable of the provisions made in the plan to assist their agencies located outside the Washington Metropolitan area.

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The plan is filed in the office bookcases.

RETRIEVABILITY:

Filed by category of plan.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

This is a permanent plan. It will be an active file indefinitely and will be updated periodically by the Manager, NCS.

SYSTEM MANAGER(S) AND ADDRESS:

The Manager, National Communications System, 701 South Courthouse Road, Arlington, VA 22204–2199.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of NCS Plans and Operations, 701 South Courthouse Road, Arlington, VA 22204–2199.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Manager, National Communications Systems, 701 South Courthouse Road, Arlington, VA 22204–2199.

Written requests should contain the full name of the individual, current address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Names of regional representatives, state officials, and Federal agency representatives secured through an Interagency Task Group established for the purpose of publishing the plan with this information. Information on major U.S. telephone companies secured from an American Telephone and Telegraph Company Washington office representative.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KNCS.03

SYSTEM NAME:

National Communications System Emergency Action Group (NEAG).

SYSTEM LOCATION:

Office of the Manager, National Communications System (NCS), 701 South Courthouse Road, Arlington, VA 22204–2199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected communications officials of the major operating agencies of the National Communications System who are designed by name as members of an interagency telecommunications group (NEAG) which is convened under national communications emergencies.

Selected personnel on the National Communications System Staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

This file contains the objectives, membership and activation procedures for the National Communications System Emergency Action Group (NEAG) which is an on-call interagency telecommunications group whose purpose is to assist the Manager, NCS, in dealing with national communications emergencies. This NCS Instruction 45–1 lists the members of the group by name and gives the office and residence phone numbers.

Presidential Memorandum, Subject: Establishment of the National Communications System, August 21, 1963.

PURPOSE(S):

Office of the Manager, NCS, - To inform the NCS staff of its responsibilities under conditions of a worsening emergency and who to contact in the Federal agencies to keep them apprised.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Selected telecommunications officials of the Major Operating Agencies of the NCS which are: Department of State, DOD, Federal Aviation Administration, General Services Administration, National Aeronautics and Space Administration, and the Central Intelligence Agency -- To be informed on the conditions of emergency under which the NEAG convenes and the total membership thereof for purposes of immediate coordination.

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

This is a classified directive which is filed in standard secure safes.

RETRIEVABILITY:

Filed by category of plan.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

This is a permanent directive. It will be an active file indefinitely and will be up-dated periodically by the Manager, NCS.

SYSTEM MANAGER(S) AND ADDRESS:

The Menager, National Communications System, 701 South Courthouse Road, Arlington, VA 22204–2199.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of NCS Plans and Operations, 701 South Courthouse Road, Arlington, VA 22204–2199.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Manager, National Communications System, 701 South Courthouse Road, Arlington, VA 22204–2199.

Written requests should contain the full name of the individual, current address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Informal coordination with representatives of the NCS member agencies concerned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KPAC.01

SYSTEM NAME:

Classified Container Information Form DA 727.

SYSTEM LOCATION:

Headquarters, Defense Information Systems Agency-Pacific, Wheeler AFB, HI 96854–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any DISA-PAC employee who is responsible for the combination of a vault or container used for the storage of classified material.

CATEGORIES OF RECORDS IN THE SYSTEM:

DA Form 727 which contains name, address, and phone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended; E.O. 12356.

PURPOSE(S):

Used to obtain the names of persons who have direct knowledge of the combination of a safe or vault.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in safe.

RETRIEVABILITY:

Filed numerically by divisions.

SAFEGUARDS:

Records are maintained in a locked vault.

RETENTION AND DISPOSAL:

Destroyed when obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Defense Information Systems Agency-Pacific, APO AP, CA 96515.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Security Officer, Defense Information Systems Agency-Pacific, APO AP, CA 96515.

The full name of the individual will be required to determine if the system contains a record about him or her. The requestor may visit the Security Officer, DISA-PAC, APO AP 96515, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Security Officer, Defense Information Systems Agency-PAC, APO AP, CA 96515.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Security Officer, DISA-PAC, APO AP, CA 96515.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KPAC.02

SYSTEM NAME:

Authorization To Sign For Classified Material Lists.

SYSTEM LOCATION:

Primary Systems Management, Headquarters, Defense Information Systems Agency-Pacific, Wheeler AFB, HI 96854–5000.

Decentralized Segments - Individual divisions of DISA-PAC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of DISA-PAC authorized to receipt for, have custody of or access to classified material by level and type of classification.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include lists of individuals authorized to receipt for or have access to classified material, appointing letters as primary and alternate custodians, control officers, etc., and other miscellaneous documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended; E.O. 12356.

PURPOSE(S):

Information from these files is used to determine who has authority to receipt for and maintain custody of classified material.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are paper records stored in file folders.

RETRIEVABILITY:

Records are filed by the type of material the individual is authorized access.

SAFEGUARDS:

Records are stored in locked vault or with copies maintained in locked file cabinets in the office of the division to which the file is applicable.

RETENTION AND DISPOSAL:

Records are maintained during the period the employee is authorized access to the particular material, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Defense Information Systems Agency-Pacific, APO AP, CA 96515.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Security Officer, Defense Information Systems Agency-Pacific, APO AP, CA 96515.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Security Officer, DISA-PAC, APO AP, CA 96515, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DISA identification Badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Security Officer, Defense Information Systems Agency-Pacific, APO AP, CA 96515.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the Army, Navy, Air Force, Civil Service Commission files or security files of DISA Headquarters.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KPAC.03

SYSTEM NAME:

420–20 Permanent Change of Station and Temporary Duty Travel Order File.

SYSTEM LOCATION:

Primary System, Management Support Division, Headquarters, Defense Information Systems Agency-Pacific, Wheeler AFB, HI 96854–5000.

Decentralized segments: NCS PEARL Harbor, FPO AP, California 96610; CCPD WBO, NAS Barbers Point, FPO AP, California 96611, and appropriate offices of the Army, Navy, and Air Force.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those DISA-PAC personnel who are required to perform temporary travel and individuals who are transferred from this headquarters on permanent change of station orders issued by competent authority.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records would include copies of original travel order, travel claims and substantiating documents, i.e., receipts for car rental, air line tickets, travel requests, laundry services, lodging, records of advance travel payments and other miscellaneous vouchers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133(b).

PURPOSE(S):

Copies of temporary duty and permanent change of station orders issued by Headquarters, DISA-PAC are used by Chief, Management Support Division to obligate funds for payment of claims, obtain transportation requests and to account for the movement of assigned personnel. Permanent change of station orders are filed in order to forward mail.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by name, Social Security Number and/or order number.

SAFEGUARDS:

Records are stored in file cabinets in offices locked during non-duty hours.

RETENTION AND DISPOSAL:

Permanent change of station and temporary duty orders issued by Headquarters, DISA-PAC are temporary. They are retained in the active files for one year, held for three additional years, then destroyed. Permanent change of station orders issued by other commands/agencies are maintained for one year and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management Support Division, P200, Headquarters, Defense Information Systems Agency-Pacific.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Management Support Division, P200, Headquarters, Defense Information Systems Agency-Pacific.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Management Support Division, P200, Headquarters, DISA-PAC, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Management Support Division, P200, Headquarters, Defense Information Systems Agency-Pacific.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information supplied by Headquarters, DISA-PAC, Army, Navy or Air Force as appropriate plus individual travel claims filed in conjunction with a particular permanent change of station temporary duty movement.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KPAC.04

SYSTEM NAME:

Time and Attendance Cards and Labor Distribution Cards.

SYSTEM LOCATION:

Primary Systems Management, Headquarters, Defense Information Systems Agency-Pacific, Wheeler AFB, HI 96854–5000.

Decentralized segments - Individual Division of Defense Information Systems Agency-Pacific.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees assigned to Headquarters, DISA-PAC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms included in this file are: NAVCOMPT FM 911A (REV 7–55) and Labor Distribution Card. 14ND NSC 5230/28 (9–69).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual Supplement 293–11, Subchapter 57–2.

PURPOSE(S):

Information from these files is used to compute payrolls, compute the amount of annual/sick leave accumulated and used as set forth in Civil Service Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper cards maintained in file folders.

RETRIEVABILITY:

Files individually identified by name and Social Security Number.

SAFEGUARDS:

Records are stored in locked file cabinets located in offices locked during non-duty hours.

RETENTION AND DISPOSAL:

Records are maintained during the period the employee is attached to DISA-PAC, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management Support Division, Headquarters, Defense Information Systems Agency-Pacific, APO AP, CA 96515.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Management Support Division, Headquarters, Defense Information Systems Agency-Pacific.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Management Support Division, Headquarters, DISA-PAC, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Management Support Division, Headquarters, Defense Information Systems Agency-Pacific.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records prepared from individual's attendance (duty) compiled by Headquarters, DISA-PAC in accordance with Civil Service Commission Regulations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KPAC.05

SYSTEM NAME:

403–03 Injury Records.

SYSTEM LOCATION:

Management Support Division, Headquarters, Defense Information Systems Agency-Pacific, Wheeler AFB, HI 96854–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those DISA-PAC employees, both military and civilian, who sustain an injury in the performance of their duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records would include copies of investigative reports compiled by police, either military or civilian, statements from witnesses, medical records, insurance claims, and other miscellaneous documents relating to specific accident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133(b).

PURPOSE(S):

To maintain records on industrial safety and make periodic reports to higher headquarters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are stored in locked file cabinets.

RETENTION AND DISPOSAL:

Records are temporary. They are retained in active files for one year, held one additional year and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management Support Division, Defense Information Systems Agency-Pacific, APO AP, CA 96515.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Management Support Division, Defense Information Systems Agency-Pacific, APO AP, CA 96515.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Management Support Division, DISA-PAC, to obtain information on whether the system contains records pertaining

VOL 58 ISS 33 FE 22 1993 UMI

to him or her. As proof of identity the requester must present a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Management Support Division, Defense Information Systems Agency-Pacific, APO AP 96515.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information supplied by the individual, witnesses, investigative and medical agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KWHC.01

SYSTEM NAME:

Agency Training File System.

SYSTEM LOCATION:

Primary System-Adjutant, Defense Information Systems Agency Administrative Unit. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

Decentralized Segments-Defense Communications Operations Unit, White House Communications Defense Communications Support Unit. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any military employee undergoing formal, informal, on the job, or MOS training.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual training cards and information on training progress and testing during the course of instruction and application.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S. Code Chapter 41.

PURPOSE(S):

Provide agency and individual training for job efficiency and advancement. Used to increase efficiency and individual production. Qualify individuals in all occupations and details within agency. Meet service requirements for annual occupation testing. Instill confidence and motivation for self-improvement and enhance promotion potential. Establish clear path for increase in qualification throughout career development.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and cards in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file during active career, retired to service transfer point on release from active duty.

SYSTEM MANAGER(S) AND ADDRESS:

Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20374.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20374.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20374

Written requests for information should contain the full name of the individual, current address and telephone number and category information requested.

For personal visits, the individual should be able to provide some acceptable identification, that is driver's license, employee identification or military identification card.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application and related forms from individual, performance tests, recommendations, service departments, written tests, previous commands and records custodians.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KWHC.02

SYSTEM NAME:

Military Personnel Files System.

SYSTEM LOCATION:

Primary System - Adjutant, Defense Information Systems Agency Administrative Unit. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

Decentralized Segments - Defense Communications Operations Unit, White House Communications, Defense Communications Support Unit. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All assigned or attached military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual's enlistment contract, MOS evaluation data, Serviceman Life Insurance Elections, Emergency Data, Record of Induction, Qualification Record, Oath of Office, Recommendation for Promotion, Medical Examination, Retirement Application, Correction of Records, Report of Transfer or Discharge, Review for Correction of Discharge, Language Proficiency, Police Records Check, Statement of Personal History, Application for ID Cards, Recommendations for Awards, Awards, Certificate of Security Clearance, Cryptographic Training and Experience Record, Defense National Agency Check Request, Oath of Enlistment, Certificate

of Achievement, Reports of Change to Qualification Record, In/Out Processing Check Sheet, Installation Clearance Record, Hold Letters, Personnel Data Card, Assignment, Waiver of Enlistment, Enlisted Evaluation Report, Change in Reporting Official, Career Counseling Record, Training Upgrade, Passport Application, Letters of Recommendation and Appreciation, Commendation, Special Orders, TDY Orders, Personnel Action requests, Certificates of Appreciation and Commendation, Extension Certificates, Officer Evaluation Reports, Application for Appointment, Application for Active Duty, Application for Social Security Number, Suspension of Favorable Personnel Action, Sign In/Out Register, Morning Reports, Leave Request, Suspense File, Duty Roster.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012, 6011, 8012.

PURPOSE(S):

Provide management and control of military personnel and monitor and assist in personnel actions affecting their entire career. Used to classify and reclassify personnel and monitor testing, assign and reassign personnel, process and assign overseas and Continental United States (CONUS), provide port call instructions, provide rosters, promotion and reduction, training schooling, special assignments, details, disciplinary action rotation, fix personnel authorization, determine authorizations, submit personnel requisitions, monitor utilization, identify personnel for elimination, proficiency testing, report promotion eligible, process retirement, enlistments, branch transfers, extensions, curtailments, Awards, foreign service decorations, special correspondence, security clearance, photographs, appointment, emergency leave, report casualties, dependent travel, marriage, adoption, readiness files, travel clearance, passports, visa, service benefits, life insurance, voting, control of identification cards and tags, maintain historical record of service, strength, prepare rosters and reports for personnel information systems, process incoming and out going personnel, prepare personnel data cards, obtain security clearance. Transfer information to Department of the Army, Air Force, and Navy, Washington, DC 20310.

Disclosure to investigate Authorities on possible prosecution Action. Department of Service, Staff Agencies and commands, to coordinate and control and accomplish assigned mission of military personnel. Develop requirements and training of military personnel world-wide.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and cards in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Buildings employ securities are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file during active career, retired to service transfer point on release from active duty.

SYSTEM MANAGER(S) AND ADDRESS:

Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20374.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20374.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current Defense Information Systems Agency identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20374.

Written request for information should contain the full name of the individual, current address and telephone number and category information requested.

For personal visits, the individual should be able to provide some acceptable identification, that is drivers license, employee identification or military identification card.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application and related forms from the individuals, service departments, Defense investigative service, previous commands, Federal and State Agencies and records custodians.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KWHC.03

SYSTEM NAME:

Personnel Locator File System.

SYSTEM LOCATION:

Primary System-Adjutant, Defense Information Systems Agency Administrative Unit. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

Decentralized Segments-Defense Communications Operations Unit, White House Communications, Defense Communications Support Unit. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All assigned, attached or controlled personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual information categories of states, occupation, MOS, marital status, dependents, active service dates, separation, rank, home telephone, duty title, station, home of record, unit, emergency contact and location, and rotation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133(b).

PURPOSE(S):

Provides individual and supervisors a purely internal management tool designed to be used when individuals do not have immediate access to military personnel files. Used for Emergency location and notification of personnel under unusual circumstances. Used in normal notification and forwarding of information, messages

and mail. Used in event of loss of individual military records and in preparation of recommendations for promotion, awards, reduction, discipline and personnel actions. Used on leave approval, travel, enlistments, training and security clearances.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to tnis system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and cards in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are retained during individual assignment and destroyed upon transfer.

SYSTEM MANAGER(S) AND ADDRESS:

Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20374.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20374.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20374.

Written requests for information should contain the full name of the individual, current address and telephone number and category information requested.

For personal visits, the individual should be able to provide some identification or military identification card.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military Personnel Files and individual submission.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KWHC.04

SYSTEM NAME:

Military Financial File System.

SYSTEM LOCATION:

Primary System - Adjutant, Defense Information Systems Agency Administrative Unit. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

Decentralized Segments - Defense Communications Operations Unit, White House Communications, Defense Communications Support Unit. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All assigned or attached military personnel

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's military pay records, substantiating documents, such as certificates for deduction's and retained pay orders, records of travel and dislocation pay, record data folder, miscellaneous vouchers, leave records, withholding exemption certificate, civilian clothing voucher and various collection vouchers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133(b).

PURPOSE(S):

Maintain historical record of all pay. Administer military pay and allowance in a accurate and legal manner. Provide maximum benefits, provide input data, substantiate pay, process morning reports, provide pay allowances, provide income tax information, referrals to Department of Justice and DoD, prompt processing miscellaneous pay, post travel cards, audit leave record, process adjustments, notice of exemptions and levy, provide copies to individual, verify VA benefits, audits, reimburse travel, maintain accuracy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and cards in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file during active career, retired to service transfer point on release from active duty.

SYSTEM MANAGER(S) AND ADDRESS:

Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20370

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20370.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20370.

Written requests for information should contain the full name of the individual, current address and telephone number and category information requested.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employee identification or military identification card.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application and related forms from the individual requesting pay action, service departments and command document, state and federal agencies and records custodians, birth certificates, marriage licenses, previous employees, and financial institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KWHC.05

SYSTEM NAME:

Personnel Information System.

SYSTEM LOCATION:

Primary System - Adjutant, Defense Information Systems Agency Administrative Unit. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

Decentralized Segments-Defense Communications Operations Unit, White House Communications, Defense Communications Support Unit. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All assigned or attached personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual information categories of procurement, positions, duty, hold, location, address, suspense actions, passports, separation, birthdays, service badges, medal eligibility, survivor benefits, promotion, photographs, physicals, projected loss, orders, MOS testing, information change, rotation, state, age dependents, travel and duty status change.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133(b).

PURPOSE(S):

Provide verification and notification to individual on accuracy of military personnel file. Used to verify, correct and update procurement summaries, locator files, address, suspense items, passports, separation dates, service badge eligibility, medal eligibility, clothing allowance eligibility, survivor benefits, promotion eligibility, photograph and physical completion, personnel rosters, loss reports, issuance of orders, MOS testing, notification change and new dependents. Used by individual to insure accuracy of Agency information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and cards in file folders.

RETRIEVABILITY:

Filed by information category.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are destroyed after verification by individual and posting in military personnel files.

SYSTEM MANAGER(S) AND ADDRESS:

Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20374.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20374.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20374.

Written requests for information should contain the full name of the individual, current address and telephone number and category of information requested.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employee identification or military identification card.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military Personnel File, application from individual, service departments, previous commands, Federal and State Agencies and record custodians.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KWHC.06

SYSTEM NAME:

Personnel Security Files.

SYSTEM LOCATION:

Primary System-Adjutant, Defense Information Systems Agency Administrative Unit. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

Decentralized Segments-Defense Communications Operations Unit, White House Communications, Defense Communications Support Unit. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel, DOD Civilian employees, and DOD Contractor Personnel nominated and approved for assignment to the White House Communications Agency (WHCA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual nominations for assignment to the WHCA. Files include retained copies of individuals' Statements of Personal History; periodic updates of statement of personal history data; individual building pass and identification security badge requirements; security briefing certificates; reports of involvements in accidents and incidents; retained copies of application for off-duty employment; notification of security clearance indoctrination/debriefing; notification

VOL
58
ISS
33
FE
22
1993
UMI

of completion of spouse National Agency Checks; individual certificates of clearances; personal interview results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended; E.O. 10865.

PURPOSE(S):

Nomination files for assignment to WHCA are initiated to transmit completed background investigations to the following activities (in the order listed):

The Office of the Special Assistant to the Secretary and Deputy Secretary of Defense.

The Office of the Military Assistant to the President.

Nomination files are used to evaluate the background, character, and qualifications of persons for assignment to the agency.

Individual pass and security identification requirements records are collected to control or limit access of personnel to sensitive facilities.

Individual reports of involvements in accidents or incidents are used to monitor the security and security-related conduct of personnel who are assigned to a Presidential support activity and who have access to classified information.

Individual requests for approval of off-duty employment of active duty military personnel. The formal request documents that a determination has been made that the off-duty employment does not involve any conflict of interest.

Retained copies of notifications of the indoctrination of personnel for various security clearances and special access programs. Notifications are used to insure that only properly indoctrinated personnel are permitted access to these security clearances and records.

Retained copies of correspondence advising the Commander, Naval Support Facility, Camp David, Maryland, of the completion of a National Agency Check on the spouses of WHCA personnel assigned to Camp David. Notifications are used as the basis for the preparation of access lists to Camp David.

Individual certificates of security clearances issued by the Defense Information Systems Agency. These certify that personnel assigned to the agency have met all requirements for access to classified material.

Interview notes dealing with the personal interview of individuals tentatively accepted for assignment to the White House Communications Agency, pending completion of the background investigation. Notes are used to assess the overall qualifications of personnel tentatively selected for assignment to the agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Nomination files for assignment to WHCA are initiated to transmit completed background investigations to the following activities (in the order listed):

The Staff Assistant for Security, Office of the Counsel to the President;

Special Agent in Charge, Technical Security Division, United States Secret Service.

Statements of Personal History, as well as the periodic update of personal history data, is used to furnish the Defense Information Systems Agency, the White House Office, and other Federal Agencies personal data on applicants for assignment or duty with the agency. Statements of Personal History serve as the basis for initiation of background investigations and assessing the eligibility of individual for special access programs.

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and cards in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active status during period of access and retired to records storage facility.

SYSTEM MANAGER(S) AND ADDRESS:

Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20374.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20374.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requestor must present a current Defense Information Systems Agency (DISA) identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20374.

Written requests for information should contain the full name of the individual, current address and telephone number and category information requested.

For personal visits, the individual should be able to provide some acceptable identification, that is driver's license, employee identification or military identification card.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Statements of Personal History and related personal information forms and reports from each individual; Notification of personal (security) clearance from the Defense Information Systems Agency and other appropriate Federal Agencies; incident and accident reports from the investigating agency.

Card files are originated in the Security Office, White House Communications Agency, extracting pertinent information from the Statement of Personal History and related personal information forms which the individual provides.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

KWHC.07

SYSTEM NAME:

Agency Access/Pass File System.

SYSTEM LOCATION:

Primary System - Adjutant, Defense Information Systems Agency Administrative Unit. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

Decentralized Segments-Defense Communications Operations Unit, White House Communications, Defense Communications Support Unit. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Assigned and attached personnel, contractors, visitors and civilian employees, whose trustworthiness has been established (in accordance with appropriate regulations), who applies for and are granted access to classified records, sites, equipment, containers, or areas within agency's scope of responsibilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains registers for recording pertinent information on persons authorized entry or access to classified records, sites, equipment, containers and areas.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended; E.O. 10865.

PURPOSE(S):

Used to record names, signatures and identity of those authorized access.

Used to obtain and grant clearance or extension of clearance for access to classified information, equipment, sites or containers. Used to prevent unauthorized access or disclosure of classified material or information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and cards in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active status during period of access and retired to records holding facility.

SYSTEM MANAGER(S) AND ADDRESS:

Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20374.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20374.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requestor must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Adjutant, Defense Communications Administrative Unit, Building 94, Anacostia Naval Station, Washington, DC 20374.

Written requests for information should contain the full name of the individual, current address and telephone number and category of information requested.

For personal visits, the individual should be able to provide some acceptable identification, that is a driver's license, employee identification or military identification card.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application and related forms from the individual requesting access, personnel security clearance from Defense Investigative Service, service staffs, commands and other Federal agencies. Records of custodians.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K105.01

SYSTEM NAME:

208.10 Confidential Statement of Employment and Financial Interest.

SYSTEM LOCATION:

Office of the Counsel, Headquarters, Defense Information Systems Agency, Code AL.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those DISA military personnel, on duty, in the rank of Lieutenant Colonel, Commander, or above and those DISA civilian personnel, on duty, in the grade of GS–13 and above whose duties require them to exercise judgment in actions relating to contracting or procurement.

CATEGORIES OF RECORDS IN THE SYSTEM:

The completed DD Form 1555, Confidential Statement of Employment and Financial Interests - DOD Personnel; lists of those DISA employees who must fill out the form. The responsibility for determining the list of which employees must fill out the form is vested in: (1) The Director, DISA, for the Office of the Director; (2) the Deputy Directors, the Comptroller, and the Assistants to the Director for Administration and Personnel for their respective organizations; (3) the Chairman or Chief responsible individual for source selection boards, committees, etc., or bid or proposal evaluation groups, formally designated; and (4) the Chief of Staff, Headquarters, DISA, for any other positions not covered in (1) through (4) above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 208.

PURPOSE(S):

Office of Counsel, DISA - To assure that the applicable DISA personnel refrain from any private business or professional activity or refrain from having any direct or indirect financial interest which would put them in a position where there is a conflict between their private interest and the public interests of the United States, particularly those related to their duties and responsibilities as DISA personnel. And even though a technical conflict may not exist, the Counsel, DISA, must assure that DISA personnel avoid the appearance of such a conflict from a public confidence point of view. The resolution of a conflict or appearance of a conflict may be accomplished by one or more means, such as changes in assigned duties, divestment of a conflicting interest, disqualification for a particular assignment, disciplinary action, or criminal action. A DISA employee who falls within the applicable categories will have his OF8 (the covering form with his position description) stamped with the notation, 'Requires confidential statement of employment and financial interest as required by DOD Directive 5500.7'.

DISA Management - To review where there is an unresolved conflict of

VOL 58 ISS 33 FE 22 1993 UMI

interest and an adverse action is to be taken.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by name and organizational assignment.

SAFEGUARDS:

Building employs security guards. Records are stored in locked safe and are accessible only to the Office of Counsel, DISA.

RETENTION AND DISPOSAL:

Records are temporary. They are destroyed when 6 years old except that documents needed in an ongoing investigation will be retained until no longer needed in the investigation.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel, Code 105, Headquarters, Defense Information Systems Agency.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Counsel, Defense Information Systems Agency, Code 105,

The full name and organizational assignment of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Office of Counsel, DISA, Code 105, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Counsel, Defense Information Systems Agency, Code 105.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Completed DD Form 1555 supplied by the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K107.01

SYSTEM NAME:

Investigation of Complaint of Discrimination.

SYSTEM LOCATION:

Office of the Director of Equal Employment Opportunity, Code AO, Headquarters, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of, or applicants for employment with, DISA who have filed formal, written complaints alleging that they had been discriminated against.

CATEGORIES OF RECORDS IN THE SYSTEM:

Signed affidavits; copies of personnel documents; copies of official personnel promotion records; report of investigator; EEO Counselor's report; inter-office memoranda; employee's complaint of discrimination; employee career appraisal reports; letters from complainant's representative.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Part 713, Equal Opportunity.

PURPOSE(S):

Used by the Director of Equal Employment Opportunity in making a recommendation to the Director, DISA regarding the formulation of a finding with regard to whether or not a complaining employee has been discriminated against.

The Director, DISA also examines the system in writing his decision.

Civil Service Commission's Appeal Review Board uses file if appeal is filed with the Board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in file folders in locked file cabinet.

RETRIEVABILITY:

Retrieved by the name of the complaining employee or applicant.

SAFEGUARDS:

Building employs security guards. Files locked in file cabinet. No one has direct access except for the Director, Equal Employment Opportunity.

RETENTION AND DISPOSAL:

Record is retained until three years after a final decision in the complaint involved and retired to the Washington National Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Equal Employment Opportunity, Defense Information Systems Agency, Code 107, 701 South Courthouse Road, Arlington, VA 22204–2199.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Equal Employment Opportunity, Defense Information Systems Agency, Code 107, 701 South Courthouse Road, Arlington, VA 22204–2199.

The individual's full name and organization will be required to determine if the system contains a record about him or her. The requester may visit the Office Equal Employment Opportunity, Headquarters, DISA, Code 107, to obtain information on whether the system contains records pertaining to him or her. Proof of identity will be by presentation of current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Equal Employment Opportunity, Defense Information Systems Agency, Code 107, 701 South Courthouse Road, Arlington, VA 22204–2199.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Previous employers and supervisory officials; present supervisor; present and previous co-workers; officials in personnel office; personnel records; payroll records; promotion files; and training and education records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K232.01

SYSTEM NAME:

Travel Orders Records System.

SYSTEM LOCATION:

Arlington Service Center, Code BL, Center for Agency Services, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those DISA military and civilian personnel who have performed official travel in connection with DISA business or employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system would cover authorized official travel for civilian, military, and contractor personnel and be comprised of travel orders, transportation requests, commercial carrier transportation and excess baggage tickets, travel advance vouchers, records of travel claims and payments, DD Form 1056, Authorization to Apply for a 'No Fee' Passport. Also supporting documentation including messages, correspondence, and coordination papers. Data in the system would include names, Social Security Numbers, office assignments, rank/grade, DISA office code number, DISA telephone number, home addresses, transportation and per diem allowances and actual amounts paid, and itineraries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133(b).

PURPOSE(S):

Used by personnel in the Services Branch, Code 232, and personnel in the Travel Branch, Code 234, Headquarters, DISA, in maintaining appropriate and accountable records for individuals performing official travel on DISA business and to ensure individual travel advances are liquidated.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosures may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

Credit Bureaus and Debt Collection Agencies - Records may be referred to private contract organizations to comply with the provisions of the Debt Collection Act of 1982 (10 U.S.C. 136) for non-payment of an outstanding debt.

Other Federal Agencies - Records of debtors obligated to DOD, but currently employed by another Federal agency may be referred to the employing agency under the provisions of the Debt Collection Act of 1982 for the purpose of the debt.

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by the name of the individual.

SAFEGUARDS:

Building employs security guards. Records are kept in security file (MP combination lock) and are accessible only to authorized personnel that are properly screened, cleared and their duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records maintained in the Travel Branch, Code 234 are not permanent. They are retained in active file until travel advances are liquidated and then transferred to completed files and held for one fiscal year and subsequently retired to the appropriate Washington National Records Center.

Records maintained in the Services Branch, Code 232, are retained for two years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Supply and Services Division, Code 230, Headquarters, DISA. Decentralized Segment - Chief, Management Services Office, Defense Communications Engineering Center, Code R120.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Supply and Services Division, Code 230, Headquarters, Defense Information Systems Agency.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the Services Branch, Code 232, Headquarters, DISA, to obtain information whether the system contains records pertaining to him or her for local travel. For other than local travel, the requester may visit the Travel Branch, Code 234, Headquarters, DISA, to obtain information on whether the system contains records pertaining to him or her. In either instance, as proof of identity, the requestor must present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Supply and Services Division, Code 230, Headquarters, Defense Information Systems Agency.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Names and other personnel information on those individuals in the system are obtained/gathered from authorized and approved travel orders issued to the individual concerned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K232.02

SYSTEM NAME:

Injury Record File.

SYSTEM LOCATION:

Civilian Personnel, Plans, Programs, and Oversight Office, Code BC, Headquarters, Defense Information Systems Agency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those DISA civilian employees who are treated for an occupational injury or illness by the Dispensary located on the Headquarters DISA Compound.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system are Injury Records, Civilian Employee Health Service (CEHS) Form CH–4 (Rev 10 Jun 64) which shows the date form was completed, name of employee injured, the Department, Agency, Branch, building, room and telephone numbers, date and time of injury, brief description of injury, disposition of case and the signature of the CEHS representative submitting the report.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 133(b); 5 U.S.C., chapters 11, 31, 61, 63, and 83; E.O.s 12107 and 12196.

VOL 58 ISS 33 FE 22 1993 UMI

PURPOSE(S):

Used by personnel in the Services Branch, Code 232, Headquarters, DISA, to ensure that causes of occupational injuries or illnesses are corrected. Also serves as a tickler file to ensure that a more detailed report (Employees Compensation Forms CA 1 and 2) are due in from the employee.

After screening the CA 1 and 2, they are forwarded to the Civilian Personnel Division, Code 720, Headquarters, DISA, for file in official file folder.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in a 5' x 8' card file box.

RETRIEVABILITY:

Information is accessed and retrieved by the name of the individual.

SAFEGUARDS:

Building employs security guards. Records are kept in security file (MP combination lock) and are accessible only to authorized personnel that are properly screened, cleared, and their duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained for two years following the date of execution, at which time they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Supply and Services Division, Code 230, Headquarters, Defense Information Systems Agency.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Supply and Services Division, Code 230, Headquarters, Defense Information Systems Agency.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Services Branch, Code 232, Headquarters, DISA, to obtain information on whether the system contains records pertaining to him or her. As proof of identity, the requester must present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Supply and Services Division, Code 230, Headquarters, DISA.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The CEHS Representative operating the Dispensary located on the Headquarters, DISA Compound.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K240.01

SYSTEM NAME:

Personnel Security Investigative Dossier File (PSIDF).

SYSTEM LOCATION:

Security Branch, Arlington Service Center, Code BLS, Center for Agency Services, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This file includes individual personnel security investigative dossiers on: U.S. military personnel who have been selected for assignment to, are now, or have been assigned to the DISA; U.S. Government civilian personnel who are being processed for employment, are now or have been employed by the DISA; U.S. military or civilian personnel who are being processed for, or have been granted, access to sensitive compartmented information (SCI) by the DISA at the request of their parent organization; industrial employees who are performing, expect to perform, or have performed duties under DISA SCI cognizance as a result of a U.S. Government contract; or personnel who are or have been, affiliated with the DISA.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual personnel security investigative dossiers. Individual dossiers may contain submissions by the individual such as Statement of Personal History/personnel security questionnaire, appropriate release statements and related personal documentation, i.e., educational diplomas, marriage and divorce records, etc.; information obtained as a result of a National Agency Check, investigative action and/or volunteer sources. Information may consist of acquisitions from listed or developed character references, co-workers, supervisors, present and past employers, financial or trade institutions, credit bureaus, personnel of the legal, medical, educational or religious professions, educational institutions, present and former neighbors, courts, U.S. federal, state or local agencies and departments; foreign law agencies, private investigative sources, active and retired U.S. military or civilian personnel records, interview of the individual, his spouse, relatives or associates, fingerprint identification check. This information normally covers the period of the individual's life for a fifteen year period immediately preceding the investigation or from the date of his eighteenth birthday. However, if derogatory information is developed or if the individual has a long tenure of U.S. Government service, the file may cover a greater period of time; information on the individual's spouse, relatives or associates; correspondence between the individual and DISA or other U.S. Government activity or correspondence related to the individual between his employer, organization of assignment and DISA (Code BZS) or other U.S. Government activity; correspondence related to National Agency Checks, investigations, evaluations, clearance or special accesses for the individual; certificates of clearance, security determination or special access authorizations and terminations thereof; content, adjudicative and clearance action sheets; certificates of release or review of personnel security investigative dossiers; results of review of personnel and/or medical files; photographic likeness with identifying data such as name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended; E.O. 10865.

PURPOSE(S):

Information is collected and used for the purposes of determining the suitability, eligibility or qualification of personnel previously defined for assignment, employment or qualification for access to various levels of U.S. Government classified and sensitive compartmented information and to certify clearances and accesses as required.

Counterintelligence and Security Division (DIA): The personnel security investigative dossier for each individual

previously defined who has, or had, a valid requirement for access to compartmented intelligence information is reviewed to determine, for the responsible United States Intelligence Board Member, the individual's eligibility for such access.

Also released to law enforcement and investigatory authorities of the U.S. Government for conduct of official investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Any component or official of the U.S. Government having established a need-to-know: Used as a basis for gaining access to classified information upon reassignment employment, etc.

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, microfiche, in file folders; ADP cards or magnetic tapes.

RETRIEVABILITY:

Information is retrieved by the individual's name.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only by authorized personnel that are properly cleared and trained. Records, during non-duty hours, are additionally protected by storage in locked electrical filing cabinets.

RETENTION AND DISPOSAL:

Individual records are maintained from the date of initial nomination for assignment, employment or affiliation with the DISA until at least one year but not more than two years, following his departure. Individual records which contain information upon which an adverse determination was based are maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security Division, Code 240, Headquarters, Defense Information Systems Agency.

Decentralized Segment - Chief, Security Branch, Defense Communications Engineering Center, Code R121, 1860 Wiehle Avenue, Reston, VA 22090.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Security Branch, Code BZS, Headquarters, Defense Information Systems Agency.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Security Division, Code BLS, Headquarters, Defense Information Systems Agency.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is placed into the system by the system manager after an individual has been nominated for assignment, employment or affiliation with the DISA as previously defined. Information may be obtained from the individual's submissions, listed or developed character references, co-workers, supervisors, present and past employers, financial or trade institutions, credit bureaus, personnel of the legal, medical, educational or religious professions, educational institutions, present and former neighbors, courts, U.S. federal, state or local law agencies/departments, active and retired U.S. military or civilian personnel records, interview of the individual, his spouse, relatives or associates, any component of the U.S. Government having an identifiable record on the individual or volunteer sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt pursuant to 5 U.S.C. 552a(k)(5), as applicable.

K240.02

SYSTEM NAME:

Sensitive Compartmented Info (SCI) Posn/Pers Accountability System.

SYSTEM LOCATION:

Primary System--Chief, Special Security Officer (SSO), Headquarters, Defense Information Systems Agency, Code BZS, 701 South Courthouse Road, Arlington, VA 22204–2199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who requires access to Special Intelligence (SI), Special Activities Office (SAO) information and/or Single Integrated Operational Plan--Extremely Sensitive Information (SIOP-ESI) in order to perform their duties are identified which includes: U.S. military personnel assigned to the DISA or certified to the DISA by their parent organization; U.S. Government civilian personnel employed by the DISA or certified to the DISA by their parent organization; U.S. military or civilian personnel who are being processed for access to SCI by the DISA at the request of their parent organization; industrial employees who are visiting DISA or performing duties under DISA cognizance as a result of a U.S. Government contract, or who are certified to the DISA as authorized representatives of industrial firms concerned with matters related to contractual, advisory or consultant support, or whose functions are such that visits to the DISA, or to facilities under DISA cognizance, are required.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains the SI/SAO Billet Roster which is a compilation by name, military grade or civilian counterpart, military service or Social Security Number, position number and title and parent organization. The roster identifies those positions (billets) which have been approved for specific SI/SAO access and lists the incumbents of those billets with the categories of access for which they have been briefed; the SIOP-ESI Billet Roster which contains the same identifying elements described above but pertains exclusively to SIOP-ESI accesses; the Contractor Facility Control Record which lists all contractor facilities for which the Special Security Branch has security cognizance. Facilities are listed by name and location, with a separate section for each facility. Within each section the contractor employees assigned to that facility are listed by name, clearance and categories of SCI to which they are authorized access; the Special Security Control Card which is an alphabetical card file of all personnel previously defined listing the individual's name, date and place of birth, military service or Social Security Number, billet number, organization of assignment or employment, job title, the status of clearance and access actions, dates National Agency Checks were completed, dates Background Investigations were completed and identification of the agency which conducted them, record of clearances and special accesses granted and dates of briefings. The record also contains, if applicable, the name, date and place of birth and Social Security Number of the individual's spouse and indicates the date of completion of the required partial National Agency Check for

compilation of all incoming and outgoing notifications of clearance and access status made in connection with visits of non-DISA personnel to DISA and visits of personnel previously identified to facilities which require request clearance/access notification. Individuals are identified by name, grade, military service number or Social Security Number, position title, and the organization of assignment or employment. The clearance and categories of special access authorized are also listed; Billet Request Records which are a compilation of all requests for establishment of SCI billets received by the Special Security Branch. Proposed incumbents are normally identified by name, grade, position military service number or Social Security Number and organizational affiliation; Special Access Suspense Record which contains the names of individuals on whom actions are in progress; ADP Record consisting of ADP punch cards and magnetic tape as the input and storage media for publication of the SI/SAO Billet Roster All information described above for the SI/SAO Billet Roster is included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended; E.O. 10865.

PURPOSE(S):

Special Security Branch-Information is collected and used for management and control of access to SCI by personnel previously identified. Individuals are accounted for by name grade, military service number or Social Security Number, position and organization. Also used for the certification of SCI accesses for which an individual has been granted access.

Counterintelligence and Security Division and Systems Operations Division, Defense Intelligence Agency (DIA)-the SI/SAO Billet Roster, previously defined, is used for integration into the DIA Security Management Information System (SMIS).

Strategic Operations Division and Office of the Directorate of Administrative Services, the Joint Staff, Organization of the Joint Chiefs of Staff-the SIOP-ESI Billet Roster, previously defined, is used for integration into the master SIOP-ESI Billet Roster.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Any component of the U.S. Government having an official need-to-know used to verify that an individual has been granted access to a specific category of SCI and verification of information contained in the record as previously defined.

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes; visible file cards; computer paper printouts; paper record in three-ring binders; IBM cards; paper records in file folders.

RETRIEVABILITY:

Information on computer magnetic tapes retrieved by a unique ten digit billet number

Information on all other media retrieved by the unique ten digit billet number or by the individual's name.

SAFEGUARDS:

Records are maintained in safes and vaults and are routinely accessible only by personnel of the Office of the Chief, Security Division, Code 240, and by personnel of the Special Security Branch, Code 241, Headquarters, DISA.

RETENTION AND DISPOSAL:

Individual records are maintained from date of initial nomination for access to SCI until 3 years following the individual's debriefing, which is when the individual no longer has a need-to-know for SCI, then records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Special Security Branch, Code 241, Headquarters, Defense Information Systems Agency.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Security Division, Code 240, Headquarters, Defense Information Systems Agency.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Security Division, Code 240, Headquarters, DISA, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Security Division, Code 240, Headquarters, Defense Information Systems Agency.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is placed into the system by the system manager after an individual is nominated for access to SCI by his organization or employer or after an individual has been certified to the DISA by his cognizant security officer as having such access. System manager obtains required information from the nomination or certification document, individual's personnel/employment records, forms submitted by the individual, formal briefing actions accomplished by personnel of the Special Security Branch, Code 241, Headquarters, DISA, and from information developed during the personnel security investigation conducted on the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K240.03

SYSTEM NAME:

Clearance File for Defense Information Systems Agency (DISA) Personnel.

SYSTEM LOCATION:

Chief, Security Branch, Arlington Service Center, Code BLS, Center for Agency Services, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This file includes all DISA personnel requiring a security clearance. Since all positions in DISA are sensitive requiring at least a Secret clearance, all DISA military and civilian personnel world-wide are covered. The file also includes those persons previously assigned to or employed by DISA since 1962.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Clearance Card File is an alphabetical card file (5' x 8', DISA Form 136) of all personnel requiring a security clearance, listing the individual's name, service or Social Security Number, grade or rank, job title, date and place of birth, date entered on duty with DISA, and date departed DISA if applicable. The file

also includes the date requested, date received, and indicated results of each check within the National Agency Check (NAC), and for Background Investigation (BI) requests. Dates interim and final security clearances were granted and some special accesses are indicated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended, Security Requirements for Government Employment, April 27, 1953.

PURPOSE(S):

Information is used by personnel of the Security Branch, Code 240, Headquarters, DISA, as a convenience or ready reference file to determine the security clearances and dates of issue for personnel assigned to or employed by DISA world-wide.

Used to certify security clearances of individuals in writing or telephonically for attendance at classified conferences at other U.S. Government agencies and at private industry organizations having an industrial clearance and generally engaged in classified contract work for DISA.

Information is available to the individual and to DISA supervisors of the individual to verify that the individual has the necessary security clearances for attendance at meetings and conferences where classified information is discussed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

This is a manual system consisting of 5' x 8' card records maintained in two rotary file cabinets.

RETRIEVABILITY:

Information is retrieved by the individual's name.

SAFEGUARDS:

Records are maintained in two rotary file cabinets equipped with key locks. The file cabinets are locked during non-duty hours.

Building employs security guards. Records are maintained in area which is accessible only to authorized personnel who are properly screened, their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

Records have been maintained since 1962 for all DISA personnel presently or previously assigned or employed. Records are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security Division, Code 240, Headquarters, Defense Information Systems Agency.

Decentralized Segment - Chief, Security Branch, Defense Communications Engineering Center, Code R121, 1860 Wiehle Avenue, Reston, VA 22090.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Security Division Code 240, Headquarters, DISA.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license. For the Decentralized Segment requests should be addressed to - Chief, Security Branch, Defense Communications Engineering Center, Code R121, 1860 Wiehle Avenue, Reston, VA 22090.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Security Division, Code 240, Headquarters, Defense Information Systems Agency.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is placed into the record system by the system manager after an individual is nominated for assignment to or employment by DISA. Information is obtained from National Agency Checks which may include: Federal Bureau of Investigation (FBI), Civil Service Commission (CSC), Department of State, Central Intelligence Agency (CIA), Immigration and Naturalization Service (INS), Defense Intelligence Agency (DIA), Defense Investigative Service (DIS), investigative offices of the military Department (Army, Navy, Air Force), and the Credit Bureau Incorporated.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K240.04

SYSTEM NAME:

Identification Badge System.

SYSTEM LOCATION:

Security Branch, Arlington Service Center, Code BLS, Center for Agency Services, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel assigned to Headquarters, DISA and collocated field activities.

Civilian contractors; civilian and military members of the U.S. Government whose official duties require frequent and continuing access to Headquarters, DISA and collocated field activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

The DISA Permanent Badge, (DISA Form 21), issued to civilian and military personnel assigned to Headquarters, DISA and collocated field activities, contains a photograph of the individual with his or her surname, first name and middle initial, and a badge number. The badge is signed on the reverse side by the individual and countersigned by a representative of the Office of the Chief, Physical Security Branch (Code 243). A duplicate photograph is mounted on a 3' x 5' control card, containing the individual's name, grade or rank, badge number, office code and date of issue, and filed alphabetically.

The DISA Visitor Badge, (DISA Form 80 or 184), is issued to civilian contractors and U.S. Government civilian and military personnel, whose security clearance is on file with the Office of the Chief, Physical Security Branch, Code 243, Headquarters, DISA and who is sponsored by a Headquarters, DISA official. The badge contains a photograph of the individual with his surname, first name, middle initial, badge number, expiration date (not to exceed one year from date of issue) and is signed by the individual and countersigned by the issuing official of the Physical Security Branch (Code). Duplicate photographs are retained in an envelope and filed alphabetically, and are used for renewal of badges.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133(b).

PURPOSE(S):

Security Branch, DISA - This system is established for the purpose of issuing

VOL 58 ISS 33 FE 22 1993 UMI

identification badges to authorized DISA employees and for maintaining proper processing controls in the authorizations for issuance, the production of, and recall and controlled destruction of, security badges.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Control card or envelope containing duplicate photograph is filed in a locked container.

RETRIEVABILITY:

Control card or envelope containing duplicate photograph is filed alphabetically by name.

SAFEGUARDS:

Building employs security guards. Records are maintained in an area which is accessible only to authorized personnel who are properly screened, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

Badge and control card with extra photographs are destroyed upon termination of the individual's assignment to or need for access to the DISA.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security Branch, Code 243, Headquarters, Defense Information Systems Agency.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Security Division, Code BLS, Headquarters, Defense Information Systems Agency.

The full name of requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Security Division, Code BLS, Headquarters, Defense Information Systems Agency.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

For DISA assigned personnel notification is received from the Office of the Chief, Personnel Security Division, Code 242, Security Division, Headquarters, Defense Information Systems Agency. Information is obtained from application forms submitted by the individuals.

For civilian contractors and civilian or military personnel from other U.S. government agencies the notification is received from the Headquarters, DISA or collocated field activity sponsor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K240.05

SYSTEM NAME:

Visitor Clearance File.

SYSTEM LOCATION:

Security Branch, Arlington Service Center Code BLS, Center for Agency Services, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian personnel cleared under the Defense Industrial Security Program and all civilian or military members of the U.S. Government cleared by their respective components for access to classified material, whose official duties require them to have access to classified information in the performance of contractual obligations, or participation in defense projects with the DISA, or whose functions, services, logistics support are required by the DISA or to facilities under the cognizance of the DISA.

CATEGORIES OF RECORDS IN THE SYSTEM:

This card records, as applicable, name, Social Security Number, date of birth, place of birth, citizenship, alien registration number, clearance and date, authority, organization, persons or offices to be visited, date visit authorized of the individual requesting access to the DISA and classified information. All data is supplied in letter form by the Security Officer of the individual's company or organization. The file also includes a remarks section which is used to record the DISA's sponsor's request for a badge; badge number, if assigned; a file number cross-indexed to the letter; and disposition instructions. The file is updated as requested by the individual's organization or company, usually once annually.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended.

PURPOSE(S):

Physical Security Branch, DISA - Information is collected and used for management use and control of access to classified information; daily certification of clearances to DISA project officers; certification of clearance on travel orders; request for DISA badges.

Department of Army, Military District of Washington - Identifying data (name, date and place of birth, sex, height, weight and organization) used on DOD and Pentagon Building passes (DD Form 1466 and 1467).

Joint Staff (JS) - Identifying data (name, grade, height, weight, color of hair and eyes, date and place of birth, security clearance) used on JS passes or badges and is submitted on JS Form 8.

Provost Marshal, Fort Ritchie, MD - Identifying data (name, grade, rank, title, branch of service, Social Security Number, date and place of birth, weight, height, color of hair and eyes, sex, organization or employer, security clearance) used on Fort Ritchie badges and is submitted on Fort Ritchie ACCN Form 19.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Certification of clearances to any U.S. government agency or DOD component participating in DISA projects, or where the DISA is a participant in another agency or component project.

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Visible file cards (5'x8') in rotary power file; correspondence in file folders, in safe.

RETRIEVABILITY:

Information on file cards filed alphabetically by name.

Correspondence filed with sequential number cross-indexed to file card.

SAFEGUARDS:

Building employs security guards. Records are maintained in area which is

accessible only to authorized personnel who are properly screened, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

File cards are maintained indefinitely as long as recertification is received annually from the individual's organizational or company security officer. Inactive cards are removed and destroyed periodically, usually within six months from the expiration of the visit request.

Correspondence files are removed and destroyed annually and as replaced by new certification.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Physical Security Branch, Code BLS, Headquarters, Defense Information Systems Agency.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Security Division, Code BLS, Headquarters, Defense Information Systems Agency.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Security Division, Code 240, Headquarters, Defense Information Systems Agency.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

All information maintained on the individual is furnished by the Security Officer of the individual's organization, company, or institution.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K240.06

SYSTEM NAME:

Classified Container Information on Form (SF 700).

SYSTEM LOCATION:

Security Branch, Arlington Service Center, Code BLS, Center for Agency Services, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel assigned to Headquarters, DISA and collocated field activities who have been designated responsible officials of a classified container, or who are to be notified if the container is found open and unattended.

CATEGORIES OF RECORDS IN THE SYSTEM:

This form records the name, grade, address and telephone number of the above individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended.

PURPOSE(S):

Security Branch, DISA - Used to record, in duplicate, each container used for storage of classified material and identify individuals who have knowledge of the combination.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The original copy is posted on the inside of the container in the DISA office concerned; the carbon copy is attached to the outside of a sealed envelope which contains a smaller envelope containing the classified combination and is stored in an approved classified container in the Office of the Chief, Security Branch, Code BLS, Headquarters, DISA.

RETRIEVABILITY:

Filed numerically by container number.

SAFEGUARDS:

Building employs security guards. Carbon copy records are maintained in area which is accessible only to authorized personnel who are properly screened, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

This form is retained only as long as the information remains accurate, but not to exceed one year, at which time it is destroyed by burning. The original copy on the safe is removed, discarded and replaced by an updated copy.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security Branch, Code BLS, Headquarters, Defense Information Systems Agency.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Security Branch, name of staff element, Code BLS, Headquarters, Defense Information Systems Agency.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Security Division, Code 240, Headquarters, Defense Information Systems Agency.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Names of the individuals in the system are submitted on the form which is completed by the DISA office concerned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K240.07

SYSTEM NAME:

Vehicle and Parking Registration Card.

SYSTEM LOCATION:

Security Branch, Arlington Service Center, Code BLS, Center for Agency Services, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian and military personnel assigned to Headquarters, DISA and collocated field activities, and who register their vehicles for parking on base.

Civilian contractor personnel assigned desk space at Headquarters, DISA and who apply for parking privileges on base.

VOL 58 ISS 33 FE 22 1993 UMI

CATEGORIES OF RECORDS IN THE SYSTEM:

This file records name, address, office code, office telephone number, Social Security Number, make, year, body style, and color of vehicle, license plate number and state, insuring company and policy number, amount of liability insurance, expiration date of insurance policy carpool members and their address, place of employment and Social Security Number. The card also includes a certification statement signed and dated by the individual that he has read and understands the DISA Parking Regulations and attests to the accuracy of the information the individual provided. The amount of liability insurance is restricted to the term 'minimum required by the State of Virginia'. No dollar amounts are requested or required by the DISA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended.

PURPOSE(S):

Physical Security Branch, DISA - Information is used to report to the GSA statistical data on DISA parking: The total number of parking spaces; the number used for Government-owned or leased vehicle parking; other official parking; visitor vehicle parking; employee parking; number of a assigned to physically handicapped employees; number and percentage of employee parking spaces assigned to executive personnel and persons assigned unusual hours; number of employee parking spaces used by carpools; and total number of persons using carpool spaces.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Visible file cards (5' x 8') in metal file cabinet.

RETRIEVABILITY:

Filed alphabetically by name and parking status, that is, Handicap Area, Carpool Area, Executive Area, and Open Area.

SAFEGUARDS:

Building employs security guards. Records are maintained in area which is accessible only to authorized personnel who are properly screened, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

File cards are maintained during the period of the incumbent's assignment, then removed and destroyed when assignment is terminated.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Physical Security Branch, Code 243, Headquarters, Defense Information Systems Agency.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Security Division, Code 240, Headquarters, Defense Information Systems Agency.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Security Division, Code 240, Headquarters, Defense Information Systems Agency.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Completed form filled out by individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K240.08

SYSTEM NAME:

Security Violation Case File.

SYSTEM LOCATION:

Security Plans, Programs and Oversight Office, Code BZ, Center for Agency Services, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel assigned to Headquarters, DISA and collocated field activities, who committed or contributed to a security violation involving classified defense information.

Civilian and military personnel assigned to Headquarters, DISA and collocated field activities, who discovered the violation, were witnesses in connection with the violation, or were interviewed to determine whether they were involved.

Civilian contractors under contractual obligation to the DISA and who were witnesses in connection with the violation, or were interviewed to determine whether they were involved.

Any individual in the civilian community, government employ, military or civilian, who reported a security violation, or who could furnish information relative to the violation, or who may have been involved in the violation.

CATEGORIES OF RECORDS IN THE SYSTEM:

This file contains the results of an investigation involving classified defense information which has been compromised or subjected to compromise through loss, unauthorized disclosure, improper handling or transmission, or failure to safeguard. It contains the facts and circumstances surrounding the violation, the personnel involved, the findings, affixes responsibility, and recommendations for remedial, administrative or disciplinary actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended.

PURPOSE(S):

Security Division, Headquarters, DISA - This file which consists of a Report of Security Violation, and an Investigation Officer's Report of Investigation, is used to determine the adequacy of the investigation, a review of the circumstances which led to the violation, and a review of the security policies and procedures established by the DISA and the office concerned with the aim of improving the procedures to preclude further violations. It is also used, when compromise cannot be precluded, to notify the original classification authority for the specific classification involved, and to request an impact statement on national security, and whether the information can be downgraded or declassified. A copy may also be furnished to an appropriate military service or government agency involved in prosecution proceedings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The correspondence is stored in case folders and secured in a safe.

RETRIEVABILITY:

Each case folder is filed in numerical sequence by calendar year and cross-referenced to an index sheet containing case number, code, date of violation and name(s) of individuals involved.

SAFEGUARDS:

Building employs security guards. Records are maintained in area which is accessible only to authorized personnel who are properly screened, and their duties require them to be in the area where the records are kept.

RETENTION AND DISPOSAL:

Case files that preclude compromise are considered administrative and destroyed upon departure of the individual.

Case files that reflect compromise are retained for two years then retired to the Federal Records Center for an additional eight years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security Branch, Code BZ, Headquarters, Defense Information Systems Agency.

Decentralized Segments - Chief, Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, VA 22090, and Chief, Security Branch, CCTC, Code C122, Washington, DC 20301.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Security Division, Code BZ, Headquarters, Defense Information Systems Agency.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. As proof of identity, the requester must present a current DISA identification badge or driver's license. For the Decentralized Segments requests should be addressed to - Chief, Security Branch, Defense Communications Engineering Center, 1860 Wiehle Avenue, Reston, VA 22090 or Chief, Physical Security Branch, Command and Control Technical Center, Code C122, Washington, DC 20301.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Security Division, Code 240, Headquarters, Defense Information Systems Agency.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information developed by the Investigating Officer investigating the violation includes, interviews with the individual(s) involved in the violation; witnesses to or having knowledge of the violation; co-workers and supervisor; it may include sworn statements, depositions, photographs or sketches of the area or equipment involved in the violation; office security procedures or instructions; and, in some cases, a copy of the classified document involved.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K317.01

SYSTEM NAME:

Mishap Report.

SYSTEM LOCATION:

Installations and Logistics Policy, Plans, and Oversight Office, Code BI, Headquarters, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those DISA civilian and military employees who receive a job-related injury or illness.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, age and sex of employee injured, the Department, Agency, Branch, date and time of injury, nature of injury/illness, brief description of injury and corrective action taken.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 CFR 1960.2; Pub. L. 91–596; EOs 12196 and 9397, DOD Instruction 6055.1

PURPOSE(S):

The Mishap Report establishes the requirements and responsibilities for reporting all mishaps which result in injury, occupational illness, and/or property damage, or which interrupt or interfere with the orderly progress of normal DISA activities. The information contained in the report will be used for mishap prevention purposes only.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Currently paper records are stored in file folders, however in the future computer storage will also be used.

RETRIEVABILITY:

Information is retrieved by the name, Social Security Number, and date of injury.

SAFEGUARDS:

Records are filed in a secure file system, accessible only to authorized personnel who clearly have a need to know the information. Doors are locked at night and the building has security guards.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained for at least five years following the end of the calendar year to which they relate and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Information Systems Agency Safety and Occupational Health Manager, Facilities Engineering and Building Services Branch, Code H317, Headquarters, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Facilities Engineering and Building Services Branch, Code H317, Headquarters, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

The full name of the injured person and the date of injury will be required to determine if the system contains a record. The requestor may visit the Facilities Engineering and Building Services Branch, Code H317 during normal working hours to obtain information on whether the system contains records pertaining to him or her.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Facilities Engineering

VOL
58
ISS
33
FE
22
1993
UMI

and Building Services Branch, Code H317, Headquarters, Defense Information Systems Agency.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Names and other personal information on those individuals in the system are obtained/gathered by supervisors of injured employees, recorded on DISA Form 73 and 74, and forwarded to the Safety and Health Manager, Facilities Engineering and Building Services Branch, Code H317.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K660.01

SYSTEM NAME:

303–41–42 Claims Files, Requests for Waiver of Pay and Allowances.

SYSTEM LOCATION:

Accounting and Finance Division, Code CPA, Headquarters, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees or former civilian employees of DISA who submit requests for waiver of claims of the U.S. arising from erroneous overpayment of pay and allowances.

CATEGORIES OF RECORDS IN THE SYSTEM:

The initial request for waiver of claim. The report of investigation, including copies of all documentation, affidavits, statements, vouchers, and other papers containing information bearing on the case. A summary of the report of investigation and a register of requests for waiver. Correspondence with the General Accounting Office concerning claims waivers. Correspondence with the individual who submitted the waiver request. Decisions concerning waivers of the Comptroller, DISA or the Comptroller General of the United States.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5584, Claims for Overpayment of Pay and Allowances, Other Than Travel and Transportation Expenses and Allowances and Relocation Expenses.

PURPOSE(S):

Records residing in these files represent the history of a request for waiver of claim and the action taken thereon, including disposition.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Comptroller, DISA or Comptroller General of the United States to reach a decision concerning requests for waiver. Records are used to administer and process requests for waivers of claims.

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The record is stored in a locked safe.

RETRIEVABILITY:

Retrieved by the name of the individual who submits a request for a waiver of claim.

SAFEGUARDS:

Records are stored in a locked safe. Access is limited to Code 660, DISA, the investigating officer if other than from Code 660, and the individual concerned, if he so desires, as well as the DISA Counsel, the Director and personnel of the Claims Division of the GAO.

RETENTION AND DISPOSAL:

Records are retained by Code 660, HQ DISA for 2 years, then retired to Federal Records Center for permanent storage.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Financial Services Division, Code 660, Headquarters, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Financial Services Division, Code 660, Headquarters, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

Individual must provide his full name and Social Security Number to determine whether or not the system contains a record on him. For personal visits the individual must present proof of identity to include his full name and Social Security Number as well as positive identification, such as identification card or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Financial Services Division, Code 660, Headquarters, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199 for assistance.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official Personnel Records of Individuals; Finance and Accounting Offices for financial records; individuals having knowledge concerning the subject of the claim, for statements and affidavits; and any other source from which pertinent information may be drawn.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K700.01

SYSTEM NAME:

Employee-Management Relations and Services Files.

SYSTEM LOCATION:

Primary System - Civilian Personnel, Plans, Programs, and Oversight Office, Code BC, Center for Agency Services, Headquarters, Defense Information Systems Agency.

Decentralized Segments - DISA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DISA civilian employees in the Washington Metropolitan Area who have a requirement for the employee-management service except the grievance file which is applicable to all DISA civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Blood donor program records, grievance file containing all documents related to a grievance, reconsideration file containing all documents relating to a negative determination of within-grade salary increase and the request for reconsideration of the determination, DISA Form 169, Exit Interview.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Supplement 990–1, Book III, Part 531, Section 531.407 Work of an Acceptable

Level of Competence, Part 771, Employee Grievances, Part 715, Subpart B. Voluntary Separations; 10 U.S.C 136.

PURPOSE(S):

Used by the Civilian Personnel Office staffs and supervisors of employees to process and record actions pertinent to employee-management relations and services.

Used by the Director/Deputy Director and heads of major staff elements DISA Headquarters and Commanders of DISA field activities in the Washington Metropolitan Area to render decisions concerning individual employees and as a basis for future management action.

Used by DOD and Office of Personnel Management inspectors to review records for compliance with applicable Federal Personnel Manual policies.

Used by the Office of Personnel Management to review agency records concerning grievances and negative determinations of within-grade salary increase.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records stored in file folders and card files.

RETRIEVABILITY:

Information is retrieved by name.

SAFEGUARDS:

Building employs security guards. Records are maintained by operating officials in area accessible only to authorized personnel who are properly screened and cleared and whose duties require them to be in the area where records are maintained. Files are locked in secure file cabinets during non-duty hours.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained for two years and subsequently destroyed except for blood donor records which are retained until the employee terminates his/her employment with DISA and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code BC, Headquarters, Defense Information Systems Agency.

Decentralized Segments - Directors of DISA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code BC, Headquarters, Defense Information Systems Agency or from the decentralized segments at Civilian Personnel Offices of the appropriate DISA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code BC, Headquarters, Defense Information Systems Agency or from the decentralized segments at Civilian Personnel Offices of the appropriate DISA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DISA identification badge or a driver's license.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official personnel folder, individual employees, employee representatives, supervisors of employees, civilian personnel staff, hearing examiners reports and other reports of investigation, statements of witnesses and management representatives.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K700.02

SYSTEM NAME:

Civilian Awards Program File.

SYSTEM LOCATION:

Primary System - Civilian Personnel, Plans, Programs, and Oversight Office, Code BC, Center for Agency Services, Headquarters, Defense Information Systems Agency.

Decentralized Segments - DISA field activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DISA civilian employees who merit special recognition for performance either within or outside the employee's job responsibilities and length of service to the Government. Suggestions from civilian and military personnel assigned to Defense Information Systems Agency, DOD and other government agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of minutes of DISA Awards Board meetings, action by approving officials, record of individuals receiving awards, DISA Form 89, Service Award Work Sheet and Record, suggestions and report of evaluation of suggestions, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapters 430 Performance Evaluation, 450 Incentive Awards, 531 Pay Under the General Schedule

DOD Directive 5120.15, DOD Incentive Awards Program; Assignment of responsibility.

DOD Instruction 5120.16, DOD Incentive Awards Program: Policies and Standards.

PURPOSE(S):

Used by the civilian personnel office staff to process and record actions for individuals who merit special recognitions.

Used by suggestion evaluators in the Defense Information Systems Agency, DOD and other government agencies to recommend adoption or non-adoption of suggestions.

Used by the DOD and Civil Service Commission to process and approve nominations for awards.

Used by DISA Awards Boards to review nominations for awards and recommend approval/disapproval to the Director, DISA.

Used by the Director DISA to approve/disapprove recommendation for awards.

VOL
58
ISS
33
FE
22
1993
UMI

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by name and type of award.

SAFEGUARDS:

Building employs security guards. Records are maintained in file cabinets with a combination locks and are accessible only to authorized personnel who are properly screened and cleared and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained in active file for two calendar years and subsequently destroyed except for minutes of Awards Boards which are retained for five years and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, Defense Information Systems Agency.

Decentralized Segments - Directors, Commanders and Chiefs of DISA field activities.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency or to the Directors, Commanders and Chiefs of DISA field activities.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code, Headquarters, Defense Information Systems Agency or to the Director, Commander or Chief of the appropriate DISA field activity.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official Personnel Folder, supervisors of employees, individuals submitting suggestions, evaluators of suggestions, DISA Awards Boards, civilian personnel office staff, DOD, Civil Service Commission.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K700.03

SYSTEM NAME:

Manpower and Personnel System (MAPS).

SYSTEM LOCATION:

Primary System - Civilian Personnel, Plans, Programs, and Oversight Office, Code BC, Center for Agency Services, Headquarters, Defense Information Systems Agency.

Decentralized Segments - DISA Field Activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian and military personnel currently or formerly employed by or assigned to the DISA.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains personal information in several categories: Biographical data (Name, Social Security Number, Sex, Minority Group Indicator, birth date, citizenship, DISA employment (DISA start date recruitment source, DISA service computation date, geographic location, Submitting Office Number, DISA Area, Office Code, Salary, appointment type, work schedule, pay plan, grade, step, date of grade, pay determinant, pay basis, date of last within-grade, competitive level, tenure-excepted, reemployed employee code, position code, position description number, job title, career field, civilian job code, function code for scientists and engineers, rotation date, not-to-exceed code, not-to-exceed date, nature of action code, performance rating date, performance rating code, supervisor code, reason for departure code, type of promotion, Vietnam era indicator; military service information; service component, branch of service, date of commission, primary job code, secondary job code, tertiary job code, added job code, permanent grade, date of permanent grade, military education level, rating official, military performance rating, military job code, office assignment of military rater, endorsing Official, Office Assignment of Military Indorser, MOS Prefix, MOS Suffix); civilian federal employment (Service Computation Date, Date Entered Federal Service, Veterans Preference, Reduction In Force code, Tenure group, Probation start date, Career start date, Leave Category, Handicap Code, Position Occupied Code); education (education level, academic specialty, year of degree), (Type of training, purpose of training, training facility, course number, course name, on-duty training hours, off-duty training hours, direct training costs, indirect training costs, Date of Training, Training Status, Training Sponsor, Special Interest Training, Degree Program School, Type of Degree Program, academic specialty of degree Total training, - Total training hours, - Type of competitive training; Awards and recognition (Type of award, date of award, amount of award. Intangible awards); Benefits (Federal Employees Group Life Insurance Coverage, Federal Employees Health Benefits Plan, Federal Employees Health Benefits Carrier; Locator Information); (Home Phone Number, Office Phone Number, DISA Building Number, Room Number).

Note: This information is being retained as a result of court order.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133(b).

PURPOSE(S):

DISA and DISA Field Activities - collect and maintain personal data for internal management purposes and to meet external report requirements. Data is used by the Director, DISA and those DISA officials to whom the Director has delegated authority to command, organize, direct, and manage the DISA and DISA Field Activities.

Civil Service Commission and DOD - data is used for statistical and by name reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes/disks/drums and/or punched cards.

RETRIEVABILITY:

Retrieved by Social Security Number or random access.

SAFEGUARDS:

System is in areas accessible only to authorized personnel who are properly screened, cleared and trained. Building employs security guards to control access. Computer software restricts access by use of a series of passwords and levels of security codes for each data element.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in the active system during the individuals employment/assignment to DISA. Upon departure from DISA, individual records are transferred to a history file within DISA.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Director for Civilian Personnel, Code 306, Personnel and Administration Directorate, HQ Defense Information Systems Agency.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Headquarters DISA or the Personnel and Administration Directorate, Defense Information Systems Agency, 701 S. Courthouse Road, Arlington, VA 22204.

Personnel currently assigned to/employed by DISA Field Activities may obtain information by contacting the Commander of their organization.

For personal visits, requests for information concerning an individual must contain name and Social Security Number. Proof of identity is either an employee ID card or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Personnel and Administration Directorate, Defense Information Systems Agency. The official mailing address is in the DOD directory in the appendix to the DISA systems notice.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from the individual either verbally or in writing and from source documents found in individual Official Personnel Folders/Files or submitted by employee supervisors, personnel office employees, EEO officials, and security office employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K700.04

SYSTEM NAME:

Priority Reassignment Eligible File.

SYSTEM LOCATION:

Civilian Personnel, Plans, Programs, and Oversight Office, Code BC, Center for Agency Services, Headquarters, Defense Information Systems Agency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DISA civilian employees who are assigned to DISA activities located at the Headquarters DISA compound and the Military Communications-Electronics Board whose positions have been declared excess to current or planned Joint Table of Distribution (JTD) authorizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a Reassignment List comprised of employees who are in positions which are not authorized by current or planned JTD's, positions for which the employee qualifies for reassignment and a record of the action taken for each employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 351, Reduction in Force.

PURPOSE(S):

Used by personnel in the Civilian Personnel Division, Headquarters, DISA to screen the Reassignment List to identify employees who are qualified for vacant positions and to maintain a record of action taken for each referred employee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records filed in loose leaf folder.

RETRIEVABILITY:

Information is accessed and retrieved by name

SAFEGUARDS:

Building employs security guards. Records are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained until the individual is reassigned to an authorized DISA JTD position or terminates his/her employment with DISA and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant to the Director for Personnel, Code 700, Headquarters, Defense Information Systems Agency.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency.

The individual's full name and office code to which assigned will be required to determine if the system contains a record about him or her. The requestor may visit the Civilian Personnel Division, Code 720, Headquarters, DISA to obtain information on whether the system contains records pertaining to him or her. As proof of identity, the requestor must present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

VOL 58 ISS 33 FE 22 1993 UMI

RECORD SOURCE CATEGORIES:

DISA Comptroller - Joint Table of Distribution; Qualifications Statement in the Official Personnel Folder as analyzed by a personnel specialist; and selecting officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K700.05

SYSTEM NAME:

Executive Level Position Files.

SYSTEM LOCATION:

Civilian Personnel, Plans, Programs, and Oversight Office, Code BC, Center for Agency Services, Headquarters, Defense Information Systems Agency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former DISA civilian employees assigned to an executive level position (GS–16,17,18 and 10 U.S.C. 1581 positions) and GS–15 employees proposed for the executive level position category.

CATEGORIES OF RECORDS IN THE SYSTEM:

Executive Level Position Files contain the names of the individuals, Official Position Description, Civil Service Commission Form 915 Notification of Executive Personnel Vacancy, Civil Service Commission Form 916 Request for Executive Personnel Action, Civil Service Commission Form 917 Request for Approval of Executive Selection, Standard Form 171 Personal Qualifications Statement and a record of correspondence pertinent to the established/proposed super grade position. Executive Level Position Report contains the name of the individual assigned to an established or proposed executive level position, type of executive level authorization, and a summary of projected actions required to obtain DOD and Civil Service Commission approval of executive level positions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual Chapter 305, Employment Under the Executive Assignment System.

PURPOSE(S):

Used by the staff of the Office of the Assistant to the Director for Personnel to compile supporting data for authorized and projected super grades and to provide DISA management with a monthly report of the status of executive level positions.

Used by the Director, Vice-Director, Chief of Staff, Deputy Directors, Deputy Manager, National Communications System, Comptroller; Office of the Counsel, Assistant to the Director for Administration and Commanders, DISA Field Activities located in the Washington Metropolitan Area to determine executive level position needs of the Agency and to keep abreast of the status of current and projected executive level positions.

Used by the DOD to review DISA requests for establishment of super grade positions and approval of selections for executive level positions.

Used by the Civil Service Commission to approve/disapprove the agency request for classification of executive level positions and selection for executive level positions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records stored in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by name, position title/series/grade and organizational location.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, trained and their duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant to the Director for Personnel, Code 700, Headquarters, Defense Information Systems Agency.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the Civilian Personnel Division, Code 720, Headquarters, DISA to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official Personnel Folder Files; DISA Joint Table of Distribution; correspondence originating in DISA staff organizations, DOD and the Civil Service Commission.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K700.06

SYSTEM NAME:

Report of Defense Related Employment.

SYSTEM LOCATION:

Civilian Personnel, Plans, Programs, and Oversight Office, Code BC, Center for Agency Services, Headquarters, Defense Information Systems Agency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of DISA who were previously employed by or performed services for defense prime contractor.

CATEGORIES OF RECORDS IN THE SYSTEM:

DOD Form 1787, Report of Defense Related Employment as Required by Pub. L. 91–121 and lists of civilian employees who were previously employed by or performed services for a defense prime contractor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 91–121, section 410.

PURPOSE(S):

Used by the Civilian Personnel Division staff to assure that applicable DISA civilian employees submit a completed DD Form 1787 to review information as submitted for the possibility of a violation of the law or DOD Directive, and to transmit a composite listing by employee name

and defense contractor together with completed DD Forms 1787 to the Assistant Secretary of Defense (Manpower and Reserve Affairs).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Assistant Secretary of Defense (Manpower and Reserve Affairs) to prepare and transmit reports to the President of the Senate and the Speaker of the House of Representatives.

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Retrieved by employee name.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, trained and their duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are retained for two calendar years and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant to the Director for Personnel, Code 700, Headquarters, Defense Information Systems Agency.

NOTIFICATION PROCEDURE:

Requests should be addressed to the Chief, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency.

The individual's full name and office code to which assigned will be required to determine if the system contains a record about him or her. The requestor may visit the Civilian Personnel Division, Code 720, Headquarters, DISA to obtain information on whether the system contains records pertaining to him or her. As proof of identity, the requestor must present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual employees submitting the DD Form 1787.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K700.07

SYSTEM NAME:

Employee Record File.

SYSTEM LOCATION:

These cards are maintained by all supervisors of civilian employees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of DISA organizations in the Washington Metropolitan Area.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Form 7B, Employee Record Card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Supplement 293–31, Subchapter S7–2, Employee Record.

PURPOSE(S):

Used by operating officials as a source of data to initiate requests for personnel actions, to plan and schedule employee training to counsel employees on their performance, to establish a basis for proposing commendations or disciplinary actions and to carry out their personnel management responsibilities in general.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Vertical File Cards.

RETRIEVABILITY:

Information is accessed and retrieved by employee name.

SAFEGUARDS:

Building employs security guards. Records are maintained in area accessible only to authorized personnel who are properly screened and cleared and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. Cards for employees who are moving within the Agency are sent to the new operating office. Cards of employees who terminate employment with DISA are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant to the Director for Personnel, Code 700, Headquarters, Defense Information Systems Agency.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the employee's supervisor. The individual's full name will be required to determine if the system contains a record about him or her.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to his/her supervisor to gain access to the record.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official Personnel Folder, individual employees, supervisors of employees, official personnel actions, civilian personnel staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K700.09

SYSTEM NAME:

603–02 Service Record Card Files.

SYSTEM LOCATION:

Primary System - Civilian Personnel, Plans, Programs, and Oversight Office, Code BC, Center for Agency Services, Headquarters, Defense Information Systems Agency.

Decentralized Segments - Defense Information Systems Agency field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees or former civilian employees of DISA organizations.

VOL 58 ISS 33 FE 22 1993 UMI

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains Standard Form 7, Service Record; Standard Form 7A, Service Record Continuation; and Standard Form 7D, Position Identification Strip.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Supplement 293–31, Subchapter S2, The Service Control File.

PURPOSE(S):

Used as prescribed by Civil Service Commission regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Vertical file cards in metal and cardboard containers.

RETRIEVABILITY:

Information is accessed and retrieved by name and organizational location.

SAFEGUARDS:

Records are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained in an active file until the individuals terminate their employment with DISA; held for five additional years in an inactive file in DISA and then transferred to Washington National Records Center where they are held for an additional ten years and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, Defense Information Systems Agency.

Decentralized Segments - Directors of Defense Information Systems Agency field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency or to the Civilian Personnel Offices of the appropriate DISA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency or to the Civilian Personnel Office at the appropriate DISA field activity in the Washington, DC, metropolitan area.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official Personnel Folder Files.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K700.10

SYSTEM NAME:

603–08 Annual Classification Maintenance Review File.

SYSTEM LOCATION:

Primary System - Civilian Personnel, Plans, Programs, and Oversight Office, Code BC, Center for Agency Services, Headquarters, Defense Information Systems Agency.

Decentralized Segments - DISA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DISA civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a report of the annual classification maintenance review by individual employee, position description number, position title/series/grade.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1310 of the Supplemental Appropriation Act, 1952 as amended (5 U.S.C. 3101, Note) Whitten Amendment.

PURPOSE(S):

Civilian Personnel organizations – used to identify positions subject to the annual maintenance classification review and to take appropriate position classification action for positions which require adjustments.

Civilian employees and supervisors--used to identify the need for each position and to certify the accuracy and completeness of each officially classified position.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Retrieved by employee name and position description number. Records are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained in active file for two calendar years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, Defense Information Systems Agency.

Decentralized Segments - Directors of Defense Information Systems Agency field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency or to the Civilian Personnel Offices of the appropriate DISA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine

if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency or to the Civilian Personnel Office at the appropriate DISA field activity in the Washington, DC, metropolitan area.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from the Personnel Management Information System, Official Position Descriptions, civilian employees and their supervisors, and civilian personnel employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K700.11

SYSTEM NAME:

602–18 Promotion Register and Record Files.

SYSTEM LOCATION:

Primary System - Civilian Personnel, Plans, Programs, and Oversight Office, Code BC, Center for Agency Services, Headquarters, Defense Information Systems Agency.

Decentralized Segments - DISA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Candidates who apply for job vacancies under the DISA Civilian Merit Promotion Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains the Job Opportunity Announcement; list of candidates; rating sheets; evaluation instrument; supervisory appraisals; DISA Form 237, Eligibility List; SF 171, Personal Qualifications Statements; DISA Form 326, Applicants Card Record; and other supporting documentation generated in the evaluation of candidates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 335, Promotion and Internal Placement.

PURPOSE(S):

Used by the Civilian Personnel Office staffs to prepare and issue Job Opportunity Announcements; evaluate candidates' qualifications and develop promotion certificates in coordination with promotion panels and supervisors, notify candidates of selection or nonselection, monitor the DISA Civilian Merit Promotion Program, and to otherwise complete and document merit promotion actions.

Used by supervisors and members of promotion panels to evaluate candidates, interview candidates and to notify the Civilian Personnel Office staffs when selections are made.

Used by DOD and Civil Service Commission inspectors to review promotion actions for compliance with merit promotion policy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by employee name and Job Opportunity Announcement Number.

SAFEGUARDS:

Records are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained in active file for two calendar years and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, Defense Information Systems Agency.

Decentralized segments - Directors of DISA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency or to the Civilian Personnel Offices of the appropriate DISA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency or to the Civilian Personnel Office at the appropriate DISA field activity in the Washington, DC, metropolitan area.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Job application from individuals, current and former supervisory appraisals, Official Personnel Folder, promotion panels and civilian personnel office staff, selecting officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K700.12

SYSTEM NAME:

602–10 Civil Service Certificate Files.

SYSTEM LOCATION:

Primary System - Civilian Personnel, Plans, Programs, and Oversight Office, Code BC, Center for Agency Services, Headquarters, Defense Information Systems Agency.

Decentralized Segments - DISA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants who are eligible for competitive appointments from Civil Service Commission registers to positions in DISA organizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of Standard Form 39, Request for Certification, Civil Service Commission Form 1844, Certificates of Eligible, Civil Service Commission Form 2934, Statement of Reasons for Passing Over and Preference Eligible and Selecting a Nonpreference Eligible, Civil Service Commission Form 775, Authority to Examine and Appoint Under Open Examination, and related correspondence supporting the action.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 332, Recruitment and Selection Through Competitive Examination.

PURPOSE(S):

Used as prescribed by Civil Service Commission regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by position title and position description number.

SAFEGUARDS:

Records are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained for two calendar years and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, Defense Information Systems Agency.

Decentralized Segments - Directors of DISA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency or to the Civilian Personnel Offices of the appropriate DISA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency or to the Civilian Personnel Office at the appropriate DISA field activity in the Washington, DC, metropolitan area.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Civil Service Commission certificates of eligible and reports of action taken on certificates of eligible.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K700.13

SYSTEM NAME:

602–26 Retention Register Files (Reduction-in-Force).

SYSTEM LOCATION:

Primary System - Civilian Personnel, Plans, Programs, and Oversight Office, Code BC, Center for Agency Services, Headquarters, Defense Information Systems Agency.

Decentralized Segments - DISA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of organizations who compete during a Reduction-In-Force (RIF); civilian employees who receive a RIF notice and are eligible for registration in the Department of Defense Program for Stability of Civilian Employment and the Civil Service Commission Displaced Employee Program and the Reemployment Priority List.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of Retention Registers and Reduction-in-Force Notices, Civil Service Commission Displaced Employee Program Registration; DOD Form 1817, Program for Stability of Civilian Employment Registration; Reemployment Priority List, Qualifications Appraisal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 351, Reduction-in-Force

DOD Directive 1400.20, Program for Stability of Civilian Employment in the DOD.

DOD Program for Stability of Civilian Employment Policies, Procedures and Programs Manual, DOD 1400.20–1–m.

PURPOSE(S):

Used as prescribed by Civil Service Commission and DOD regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and computer printout of Retention Registers.

RETRIEVABILITY:

Information is accessed and retrieved by name.

SAFEGUARDS:

Records are maintained in area accessible only to authorized personnel who are properly screened and cleared and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained for five years and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel,

Code 700, Headquarters, Defense Information Systems Agency.

Decentralized Segments - Directors of DISA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency or to the Civilian Personnel Offices of the appropriate DISA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency or to the Civilian Personnel Office at the appropriate DISA field activity in the Washington, DC, metropolitan area.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official Personnel Folder, computer printout of retention register, DISA management, individual employees and supervisors, civilian personnel office staff, official position description, Civil Service Commission, DOD.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K700.15

SYSTEM NAME:

603–05 Chronological Journal Files.

SYSTEM LOCATION:

Primary System - Civilian Personnel, Plans, Programs, and Oversight Office, Code BC, Center for Agency Services, Headquarters, Defense Information Systems Agency.

Decentralized Segments - DISA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees or former civilian employees of DISA organizations for whom a personnel action affecting their employment with DISA was processed within the last two calendar years.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of Standard Form 50, Notification of Personnel Action, Standard Form 50A, Notice of Short Term Employment and list forms used in lieu of Standard Form 50.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Supplement 239–31, Subchapter S3, The Chronological Journal File.

PURPOSE(S):

Used as prescribed by Civil Service Commission regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records filed in three-ring binders.

RETRIEVABILITY:

Information is accessed and retrieved by name or type of personnel action.

SAFEGUARDS:

Records are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained for two calendar yeers and subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, Defense Information Systems Agency.

Decentralized Segments - Directors of DISA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency or to the Civilian Personnel Offices of the appropriate DISA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency or to the Civilian Personnel Office at the appropriate DISA field activity in the Washington, DC, metropolitan area.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official Personnel Folder Files, official position description, individual employees, supervisors of employees, civilian personnel staff members, and Civil Service Commission.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K700.16

SYSTEM NAME:

Classification Appeals File.

SYSTEM LOCATION:

Primary System - Civilian Personnel, Plans, Programs, and Oversight Office, Code BC, Center for Agency Services, Headquarters, Defense Information Systems Agency.

Decentralized Segments - DISA field activities in the Washington, DC, metropolitan area.

VOL 58 ISS 33 FE 22 1993 UMI

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of DISA who appeal a position classification action to the Agency; civilian employees who appeal a classification action to the Civil Service Commission and Agency appeals to the Civil Service Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Official position description of the employee and the supervisor evaluation statements, organizational charts, employee/supervisor statements concerning completeness and accuracy of the position description and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 511, Classification Under the General Schedule; Chapter 532, Coordinated Federal Wage System.

PURPOSE(S):

Used by the civilian personnel office staff to process classification appeals and render classification decisions; to advise employees of classification decisions; to submit information concerning employee and agency appeals to the Civil Service Commission; and as a reference document for future classification actions.

Used by the Civil Service Commission to process classification appeals and to notify the agency and employees of classification decisions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by employee name.

SAFEGUARDS:

Building employs security guards. Records are maintained in area accessible only to authorized personnel who are properly screened and cleared and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are destroyed when obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, Defense Information Systems Agency.

Decentralized Segments - Directors of DISA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency or to the Civilian Personnel Offices of the appropriate DISA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency or to the Civilian Personnel Office at the appropriate DISA field activity in the Washington, DC, metropolitan area.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Civilian personnel office employees, DISA management officials appellant and their supervisors, and Civil Service Commission.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K700.17

SYSTEM NAME:

603–01 Official Personnel Folder Files (Standard Form 66).

SYSTEM LOCATION:

Primary System - Civilian Personnel, Plans, Programs, and Oversight Office, Code BC, Center for Agency Services, Headquarters, Defense Information Systems Agency.

Decentralized Segments - DISA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of DISA organizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Form 171 Personal Qualifications Statement Standard Form 172 Supplemental Experience and Qualifications Statement Standard Form 50 Notification of Personnel Action Standard Form 50A Notice of Short Term Employment Standard Form 52 Request for Personnel Action Standard Form 15 Claim for Veteran's Preference Standard Form 51 Request for Insurance Standard Form 176 Election, Declination, or Waiver of Life Insurance Coverage, FEGLI Standard Form 176A The Federal Employees Group Life Insurance Program Standard Form 54 Designation of Beneficiary, Group Life Insurance Standard Form 61 Appointment Affidavits Standard Form 61B Declaration of Appointee Standard Form 70 Proof of Residence Standard Form 78 Health Qualification Placement Record Standard Form 144 Prior Federal and Military Service Standard Form 2809 Health Benefits Registration Form Standard Form 2810 Notice of Change in Health Benefits Enrollment Standard Form 39 Request for Certification Standard Form 39A Request for FSEE Certification Standard Form 59 Request for Approval of Noncompetitive Action Standard Form 75 Request for Preliminary Employment Data Standard Form 144 Statement of Prior Federal and Military Service Standard Form 161 Executive Inventory Record Standard Form 161A SF 161 Continuation Sheet DA Form 2515 Payroll Change Slip Standard Form 1126 Payroll Change Slip Standard Form 1152 Designation of Beneficiary, Unpaid Compensation of Deceased Employee CA1/CA–1d Notice of Injury of Occupational Disease DA2515 Notice of Within Grade/Pay Adjustment WA18, WA8 Direct Hire Authority Optional Form 8 Position Description DD Form 214 Armed Forces of the United States Report of Transfer or Discharge DD Form 1559/1917 Employee Career Appraisal (Test) DD Form 1617 Transportation Agreement - Overseas Employee DD Form 1618 Transportation Agreement - Transfer of DOD Civilian Employees to and within

Continental United States CSC Form 2800A Proof of Selection for Career/ Career Conditional Appointment CSC Form 813 Request for Verification of Military Service DISA Form 89 Service Award Work Sheet and Record DISA Form 103 Notice of Performance Rating DISA Form 104 Recommendation for Outstanding Performance Rating DISA Form 222 Quality Salary Increase Recommendation and Approval DISA Form 105 Recommendation for Performance Award Records of Training Civil Service Commission Letters authorizing waivers and exceptions Official Letters of Commendation Debt Correspondence Official Disciplinary Actions Reduction-in-Force Letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Supplement 293–31, Subchapter S5, The Official Personnel Folder File.

PURPOSE(S):

Used as prescribed by Civil Service Commission Regulations and to provide data for the automated Defense Information Systems Agency Manpower and Personnel System (MAPS).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records stored in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by name.

SAFEGUARDS:

Records are maintained in Lektriever with combination lock and are accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Temporary Records - Must be retained in the Official Personnel Folder (left side) for a minimum period of one year or until the employee transfers or separates, whichever occurs first, except that official letters of admonishment, warning, caution, reprimand, and similar disciplinary action papers may be removed at any time if it is decided later that the action was unwarranted. Otherwise, most temporary records may remain in an employee's personnel folder as long as he remains with the same agency, except that letters of caution, warning, admonishment, reprimand, and similar disciplinary action papers must not be kept in the folder longer than three years, unless the agency has received an exception from the Civil Service Commission.

Permanent Records - Personnel action reports and other documents filed on the right side of the folder are permanent records and 'travel' with the employee throughout his or her entire Federal career. Records are maintained in DISA until the individuals terminate their employment with DISA and subsequently are transferred to another government agency or if the employee is separated from the Federal service the records are transferred to the National Personnel Records Center (Civilian), St. Louis, MO.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, Defense Information Systems Agency.

Decentralized Segments - Directors of DISA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency or to the Civilian Personnel Offices of the appropriate DISA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining him or her. As proof of identity the requestor must present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency or to the Civilian Personnel Office at the appropriate DISA field activity in the Washington, DC, metropolitan area.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Former government agencies with which the individual was employed, individual employees, supervisors of employees, official personnel actions, military service records, Civil Service Commission records, and information listed in the records category and civilian personnel staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K700.035

SYSTEM NAME:

602–11 Active Application Files (Applicant Supply Files).

SYSTEM LOCATION:

Primary System - Civilian Personnel, Plans, Programs, and Oversight Office, Code BC, Center for Agency Services, Headquarters, Defense Information Systems Agency.

Decentralized Segments - DISA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment with DISA organizations in the Washington Metropolitan Area for positions which the organizations have been authorized by the Civil Service Commission to make temporary or term appointments outside Civil Service Commission registers.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of Standard Form 170, Application for Federal Employment, Standard Form 171, Personal Qualifications Statement, Standard Form 172 Supplemental Experience and Qualifications Statement, Qualifications evaluations of the applicants, positions for which application is made, opening date for acceptance of applications and date that recruitment for the position is closed, priority groupings, alphabetic index of applications on file, index to the eligible applicants by occupational area, priority group and grade, name of individual selected and date of selection for appointment, qualifications standard used, written record of the positive efforts made to recruit preference eligible for any appointment of a non-preference eligible to a restricted

VOL 58 ISS 33 FE 22 1993 UMI

position and correspondence relating to the file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 333, Appendix A, Mechanics of the Applicant Supply System.

PURPOSE(S):

Used as prescribed by Civil Service Commission regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by name.

SAFEGUARDS:

Building employs security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, trained and their duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained for two years or after receipt of a Civil Service Commission report of inspection of the agency's civilian personnel program, whichever occurs first, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code 700, Headquarters, Defense Information Systems Agency.

Decentralized Segments - Directors of DISA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency.

Decentralized Segments - Civilian Personnel Offices of the appropriate DISA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requestor may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requestor must present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code 720, Headquarters, Defense Information Systems Agency or to the Civilian Personnel Office at the appropriate DISA field activity in the Washington, DC, metropolitan area.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals submitting applications for employment, civilian personnel office staff, selecting officials, Office of Personnel Management.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K890.01

SYSTEM NAME:

Freedom of Information Act File (FOIA).

SYSTEM LOCATION:

Office of the Chief of Staff, Code AD, Headquarters, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

Decentralized - DISA Field Activities World-wide. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who request information under FOIA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of (1) Policy File which contains DOD Directive 5400.7, Availability to the Public of DOD Information, February 14, 1975; DISA Instruction 210–225–1, Availability to the Public of DISA Information March 31, 1975; USAF Regulation 12–30, Disclosure of Air Force Records to the Public, February 19, 1975; Department of Health, Education and Welfare, Public Information, contained in Federal Register Vol 39, Number 248, Part II, December 24, 1974; Commanders Digest, Vol 17, Number 8, Freedom of Information Actions, February 18, 1975; DOD Directive 5400.9, Publication of Proposed and Adopted Regulations Affecting the Public, December 23, 1974; and DISA Messages to Field Activities implementing the FOIA. (2) Log File which consists of a record of all written requests for information under the FOIA which have been processed within DISA since January 1, 1975. (3) Correspondence received in DISA relating to FOIA, including replies thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, as amended by Pub. L. 93–502, Freedom of Information Act; DOD Directive 5400.7, February 14, 1975, Availability to the Public of DOD Information.

PURPOSE(S):

For making available to the public the maximum amount of information concerning the operations and activities of DISA. DISA Management - to receive, process, and respond to requests for information under FOIA. Director, DISA - to review and deny requests for information under provisions of FOIA and to forward applicable correspondence to DOD when the denial may be contested or appealed.

DOD and Department of Justice - for review and in event of judicial action.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The paper records in file folders.

RETRIEVABILITY:

Retrieved by the control number and the name of the individual who requested the information.

SAFEGUARDS:

Records are stored in a locked safe. Records pertaining to policy are permanent. Correspondence maintained for two years, then destroyed. Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

All records (except the Authorities which are permanent) are retained by Code 104, Headquarters, DISA, for two years. Logs are kept until reference need expires.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Assistant to the Chief of Staff, Headquarters, Defense Information Systems Agency, Code 104, 701 South Courthouse Road, Arlington, VA 22204–2199.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Information Systems Agency Headquarters or Defense Information Systems Agency Field Activities in the Washington Metropolitan area should be addressed to the Civilian Assistant to the Chief of Staff, Code 104, Headquarters, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

Requests from individuals relating to information from DISA Field Activities outside the Washington Metropolitan area should be addressed to the Commanders of those activities. Individual must provide his full name, a detailed description of the record desired. For personal visits, the individual must present proof of identity to include full name and e full name and Social Security Number as well as positive identification, i.e., such as driver's license, etc., and fully identify record desired.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Civilian Assistant to the Chief of Staff, Headquarters, Defense Information Systems Agency, Code 104.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From individuals concerned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

As specified by the requested record system.

K890.03

SYSTEM NAME:

Awards Case History File.

SYSTEM LOCATION:

Military Personnel Division, Code BP, HQ, Defense Information Systems Agency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on military personnel of the Army, Air Force, Navy and Marine Corps, assigned to the Defense Information Systems Agency, that have been recommended for an award while assigned/received an award that was presented by the Director/Vice Director/or received a promotion and the ceremony was conducted by the Director/Vice Director.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain recommendation for an award, citation, memorandum and copy of ceremony announcement and the Director's brief sheet, biographical summary sheet and minutes of the awards board meetings. Categories of information are: Personnel identification and narrative justification for an award.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1121.

PURPOSE(S):

Used by the DISA awards personnel to manage the awards program of this Agency.

Department of the Army uses to grant or deny service awards.

Department of the Navy uses to grant or deny service awards.

Department of the Air Force uses to grant or deny service awards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders and locked in filing cabinets.

RETRIEVABILITY:

Information is accessed and retrieved by name.

SAFEGUARDS:

Building employs security guards. Records are maintained in area which is accessible only to authorized personnel that are properly screened, cleared, and their duties require them to be in the area where the records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are destroyed 2 years after individual has departed from this Agency/or upon approval of the award whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant to the Director for Personnel, Code BP, Headquarters, Defense Information Systems Agency.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Assistant to the Director for Personnel, Code BP, HQ, Defense Information Systems Agency.

The full name, rank, and Social Security Number of the requesting individual will be required to determine if the system has a record about the individual. The requester may visit the Military Personnel Division, Code, HQ, DISA to obtain information on whether the system contains records pertaining to the individual. As proof of identity the requester will present his U.S. Armed Forces ID Card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Assistant to the Director for Personnel, Code, HQ, Defense Information Systems Agency. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Activity/Area Commanders, Deputy Directors, Vice Director, Director, Comptroller, Assistant to the Director for Administration and Assistant to the Director for Personnel, who submit recommendations for awards on individuals assigned to their activity. Source data documents are: DA Form 638, Recommendation for Award (Army), AF Form 642, Recommendation for Decoration (Air Force), NAVPERS Form 1650/6, Recommendation for Award (Navy). Letter recommendations following the format prescribed in DISA Instruction 220–15–39.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

VOL 58 ISS 33 FE 22 1993 UMI

K890.04

SYSTEM NAME:

Military Personnel Management/ Assignment Files.

SYSTEM LOCATION:

Military Personnel Division, Code BP, Headquarters, Defense Information Systems Agency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on military personnel of the Army, Air Force, Navy and Marine Corps currently assigned to the Defense Information Systems Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain qualification records, duty status, special orders, assignment actions, personnel action requests, and suspense items for individuals to update Military Personnel Records maintained by the Military Department's Personnel Office. The category of data maintained is: Personnel identification, assignment history and eligibility, medical profile status and military and civilian education history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 3012, 6011, 8012.

PURPOSE(S):

DISA uses this information to manage the military personnel assigned. The majority of the information is furnished by the Military Departments. This information is used: To determine acceptance/non-acceptance for assignment to this Agency, to determine requisition base, to determine qualifications for requirements peculiar to the Agency, performance evaluations, position manning reports, strength accountability, data upon which to base individual requests for personnel actions, and biographical and statistical reports to top DISA management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders in filing cabinets.

RETRIEVABILITY:

Information is accessed and retrieved by name.

SAFEGUARDS:

Building employs security guards. Records are maintained in area which is accessible only to authorized personnel who are properly screened, cleared, and their duties require them to be in the area where the records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are destroyed upon reassignment from DISA.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant to the Director for Personnel, Code BP, Headquarters, Defense Information Systems Agency.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Assistant to the Director for Personnel, Code BP, Headquarters, Defense Information Systems Agency.

The full name, rank, and Social Security Number of the requesting individual will be required to determine if the system has a record about the individual. The requester may visit the Military Personnel Division, Code, HQ, DISA to obtain information on whether the system contains records pertaining to the individual. As proof of identity the requester will present his U.S. Armed Forces Identification Card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Assistant to the Director for Personnel, Code BC, HQ, Defense Information Systems Agency. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Basic sources of data are the Military Departments: Army, Air Force and Navy. Qualification records furnished when the individual is nominated for assignment to the Agency. The types of forms that are used as source data are: Army DA Form 2475–2 (Personnel Data-SIDPERS), DA Form 31 (Request and Authority for Leave), DA Form 2/2–1 (Qualification Record), PERSINCOM Form 260 Officers Record Brief), Special Orders; Air Force AF Form 47 (Personnel Security Certificate), AF Form 298–1 (Career Brief Officer), AF Form 1074 (Career Brief Enlisted), AF Form 899 (Reassignment Orders), AF Form 152/988 (Leave Forms), AF Forms 2095/2096/2097/2098 (Personnel Actions Forms); Navy Career Brief Officers, NAVPERS 1070/602 (Dependency Application/Record of Emergency Data), Orders, OPNAV Form 5521–420 (Certificate of Clearance), NAVPERS 601–3 (Enlisted Classification Record). NAVPERS 601–4 (Navy Occupation and Training History), NAVPERS 601–9 (Enlisted Performance Record), NAVPERS Form 1616/18 (Performance Evaluation Report); Marine Corps, Career Brief. All services file letters, messages and general correspondence, DA Form 2490 (Disposition Form), relative to the individuals assigned to the Agency.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K890.05

SYSTEM NAME:

Overseas Rotation Program Files.

SYSTEM LOCATION:

Primary System - Civilian Personnel, Plans, Programs, and Oversight Office, Code BC, Center for Agency Services, Headquarters, Defense Information Systems Agency.

Decentralized Segments - DISA field activities in the Washington, DC, metropolitan area.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of DISA organizations in the Continental United States (CONUS) assigned to a position with a government organization outside the CONUS.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of Standard Form 30, Notification of Personnel Action; Standard Form 55, Notice of Conversion Privilege, Group Life Insurance; Standard Form 56, Agency Certification of Insurance Status; Standard Form 171, Personnel Qualifications Statement; Standard Form 172, Supplemental Experience and Qualifications Statement; Standard Form 2810, Notice of Change in Health Benefits Enrollment; DD Form 1617; Transportation Agreement-Overseas Employees; DA Form 2515, Payroll Change Slip; Statement of Agreement; Position Description; Request for Extension of Reemployment Rights; General correspondence pertaining to the overseas assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 301, Overseas Employment.

DOD Instruction 1404.3, Standardized Overseas Tours of Duty for United States Citizens Employees of the DOD; DOD Instruction 1404.8, Rotation of Employees from Foreign Areas and the Canal Zone.

DOD Directive 1400.6, Statement of Personnel Policy for Civilian Personnel of the DOD in Overseas Areas; DOD Program for Stability of Civilian Employment Policies, Procedures and Programs Manual, DOD 1400.20–1–M.

PURPOSE(S):

Used by the personnel office staff as a source document to resolve questions concerning overseas employees who have reemployment rights to DISA/CONUS activities, to determine placement rights and to process actions for the exercise of reemployment rights.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Information is accessed and retrieved by name and occupational location.

SAFEGUARDS:

Records are maintained in area accessible only to authorized personnel who are properly screened, cleared and trained and whose duties require them to be in the area where records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained until the employee exercises reemployment rights within the CONUS and are subsequently destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary System - Office of the Assistant to the Director for Personnel, Code BC, Headquarters, Defense Information Systems Agency.

Decentralized Segments - Directors of DISA field activities in the Washington, DC, metropolitan area.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code BC, Headquarters. Defense Information Systems Agency or the Civilian Personnel Offices of the appropriate DISA field activity in the Washington, DC, metropolitan area.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the applicable civilian personnel office to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present either a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Assistant to the Director for Personnel, Civilian Personnel Division, Code BC, Headquarters, Defense Information Systems Agency or to the Civilian Personnel Office at the appropriate DISA field activity in the Washington, DC, metropolitan area.

Decentralized Segments - Commander, DISA-Western Hemisphere, Building 6286, Fort Carson, Colorado 80913; Commander, Defense Commercial Communications Office, Scott Air Force Base, IL 62225.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official personnel folder; individual employees; personnel office staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K890.06

SYSTEM NAME:

Card File for Forwarding Mail of Departed Personnel.

SYSTEM LOCATION:

Correspondence and Mail Processing Branch, Code BLA, Headquarters, Defense Information Systems Agency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records system contains the names of personnel who have been reassigned who had been receiving their mail through the correspondence and Mail Processing Branch, Code 212, Headquarters, DISA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Card file consisting of individual's name and forwarding address for mail.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Post Office Department, U.S.A., Postal Manual, Chapter 1, Part 158.

PURPOSE(S):

Used by personnel of the Correspondence and Mail Processing Branch, Code BLA, Headquarters, DISA for forwarding mail to personnel of Headquarters, DISA; Headquarters, National Communications System; and the Defense Information Systems Agency Operations Center, who have departed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in a card file box.

RETRIEVABILITY:

Information is accessed and retrieved by name.

SAFEGUARDS:

Building employs security guards. Records are maintained in area which is alarmed and is accessible only to authorized personnel that are properly screened, cleared, and their duties require them to be in the area where the records are maintained.

RETENTION AND DISPOSAL:

Records are not permanent. They are retained for one year after an individual's departure and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Division, Code 210, Headquarters, Defense Information Systems Agency.

Decentralized Segment - Chief, Management Services Office, Defense Communications Engineering Center, R120.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Administrative Division, Code 210, Headquarters, Defense Information Systems Agency.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may visit the Correspondence and Mail Processing Branch, Code 212, Headquarters, DISA, to obtain information on whether the system contains records pertaining to him or her. As proof of identity the requester must present a current DISA identification badge or a driver's license. Decentralized Segment - Chief, Management Services Office, Defense Communications Engineering Center, R120.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Administrative Division, Code 210, Headquarters, Defense Information Systems Agency. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Names and addresses of individuals in the system are furnished by the individuals who have been reassigned who had been receiving their mail through the Correspondence and Mail Processing Branch, Code 212, Headquarters, DISA.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

K890.07

SYSTEM NAME:

Education, Training, and Career Development Data System.

SYSTEM LOCATION:

Primary System - Human Resource Development Plans, Programs, and Oversight Office, Code BH, Center for Agency Services, Headquarters, Defense Information Systems Agency.

Decentralized Segments - DISA Field Activities. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian personnel currently or formerly assigned to or employed by the DISA.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains individual career development plans (for civilians only); education and training historical data; applications for training funded, sponsored, or arranged by DISA; evaluations (by the trainee) of education or training received; applications for programs for which candidates are competitively selected; for example senior military service schools and other long-term training; agreements to continue government service in return for training received; and supervisor evaluations of the results of training given to their employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 410, Training.

PURPOSE(S):

Used by supervisors and by training specialists for career development planning and for determining appropriate training for individuals. Also used to determine an individual's eligibility for training and to justify education and training courses and their associated expenditures.

Used by managers in the DISA and by training specialists to determine agency training needs and the ability of specific courses to satisfy those needs. Also used to determine results and accomplishments of the DISA training programs (often presented in statistical form for this purpose).

Used by Career Development Specialists to prepare reports of training for the Civil Service Commission and for DOD.

Used by DISA procurement personnel and DISA legal staff as the basis for supporting or enforcing legal obligations, such as payment of tuition and fees, reimbursement of trainee's expenses, contractual obligations, or continued-service agreement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and punched cards.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

System is in building which uses security guards to control access to the building. Only authorized personnel are allowed access to the building. Files are kept in standard drawer-type filing cabinets.

RETENTION AND DISPOSAL:

Individual records are maintained as long as the individual is employed by or assigned to the DISA. After a person leaves the DISA, his/her individual files are destroyed within one year of the departure.

Consolidated reports may be maintained for as long as five (5) years before they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant to the Director for Personnel, Code 700, HQ, Defense Information Systems Agency.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Assistant to the Director for Personnel, Defense Information Systems Agency, 701 S. Courthouse Road, Arlington, VA 22204.

Personnel currently assigned to or employed by DISA Field Activities outside the Washington Metropolitan Area may obtain information from the commander of their activity.

Requests for information must contain name, Social Security Number, DISA activity to which assigned, and dates employed by or assigned to DISA.

Proof of identity for those appearing in person is an employee's ID card, driver's license, passport, or similar identification which contains both the name and a photograph of the individual. Proof of identity for individuals not appearing in person will be a notarized statement certifying that the person requesting the information has been identified by the notary public by means of an employee ID card, driver's license, passport, or other identification containing both the name and a photograph of the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Assistant to the Director for Personnel, Defense Information Systems Agency. Official mailing addresses are published as an appendix to DISA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2; 32 CFR part 316; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data in this system is obtained from individual Official Personnel Folders/ Files or is supplied by the individual or by his/her supervisor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DEFENSE INFORMATION SYSTEMS AGENCY

STATION LIST DIRECTORY*

(Alphabetically by state)

Alaska

Defense Commercial/Communications Office-Alaska, ATTN: RT, Elmendorf AFB, AK 99506–5000.

Arizona

Joint Interoperability Test Center (JITC), Ft Huachuca, AZ 85613–7020.

California

DISA Guam Field Office, Box 141, NAVCAMS WEST PAC, FPO AP 96630–1837.

DISA Northwest Pacific Region, APO AP 96328–5000.

DISA Korea Field Office, APO AP 96301–0069.

DISA Southwest Pacific Region, APO AP 96274–5000.

Colorado

Headquarters, Defense Information Technology Services Organization, 6760 East Irvington Place, Denver, CO 80279–1000.

District of Columbia

Commander, White House Communications Agency, Building 399, Anacostia Naval Station, Washington, DC 20374–5000.

Florida

DISA Field Office, Building 540, MacDill AFB, FL 33608–7001.

Georgia

DISA Field Office, ATTN: FCDJ–DISA, Ft McPherson, GA 30330–6000.

Hawaii

DISA-Pacific Area, Wheeler AFB, HI 96854–5000.

Defense Commercial Communications Office-Pacific, Ft Shafter, HI 96858–5490.

DISA-Camp Smith Field Office, Box 29, Camp H. M. Smith, HI 96861–5025.

Illinois

Defense Commercial Communications Office, ATTN: Code RA, 2300 East Drive, Building 3600, Scott AFB, IL 62225–5406.

Telecommunications Management Services Office, ATTN: Code QA, 2300 East Drive, Building 3600, Scott AFB, IL 62225–5406.

New Jersey

Joint Interoperability Engineering Organization (JIEO), Ft Monmouth, NJ 07703–5513.

New York

DISA-European Area, APO AE 09131–4103.

DISA Field Office Turkey, JUSTMMAT, APO AE 09254–5365.

Defense Commercial Communications Office-Europe, ATTN: RS, APO AE 09130–5000.

Virginia

Headquarters, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

National Communications System/ Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

Defense Network System Organization, 701 South Courthouse Road, Arlington, VA 22204–2199.

Defense Systems Support Organization, 701 South Courthouse Road, Arlington, VA 22204–2199.

Joint Interoperability Engineering Organization, 11440 Isaac Newton Square North, Reston, VA 22090–5006.

Washington

DISA-Okinawa Field Office, Box 959, FPO AP 98773–5001.

Addendum to DISA Station List Directory

The Director, DISA is also the Manager, National Communications Systems (NCS), and the Director, Worldwide Military Command and Communications System (WWMCCS) Systems Engineering. To the extent that the Director, DISA performs these other functions, the records systems described herein pertain to and are available to employees of these organizations and may be corrected by means of the same process described for DISA files systems, unless specified otherwise herein.

*The official military personnel records of military personnel assigned to DISA are maintained by the parent department and that department has the only complete official copies of the military members personnel records file. Responsibility for the completeness and accuracy of these files is invested in the military department. While the DISA commander or office chief may assist the military members in obtaining access or making corrections, DISA does not have the authority either to grant access or make corrections. The documents maintained by DISA on military personnel are nomination process, copies of personnel correspondence generated during the members tenure in DISA, promotion rosters furnished by the military departments, and copies of orders published by the departments. A few documents are maintained as a result of requirements imposed by the departments (leave forms for Army, Navy and Air Force personnel and SIDPERS for Army personnel).

DEFENSE INTELLIGENCE AGENCY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required to locate and retrieve the record.

BLANKET ROUTINE USES

Certain 'blanket routine uses' of the records have been established that are applicable to every record system maintained within the Department of Defense unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below only once in the interest of simplicity, economy and to avoid redundancy.

LAW ENFORCEMENT ROUTINE USE

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign,

charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

DISCLOSURE WHEN REQUESTING INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

DISCLOSURE OF REQUESTED INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

CONGRESSIONAL INQUIRIES ROUTINE USE

Disclosure from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

PRIVATE RELIEF LEGISLATION ROUTINE USE

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS ROUTINE USE

A record from a system of records maintained by this component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES ROUTINE USE

Any information normally contained in IRS Form W–2 which is maintained in a record from a system of records maintained by this component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517, 5520, and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Number 76–07.

DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT ROUTINE USE

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

DISCLOSURE TO MILITARY BANKING FACILITIES OVERSEAS ROUTINE USE

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

DISCLOSURE OF INFORMATION TO THE GENERAL SERVICES ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO THE MERIT SYSTEMS PROTECTION BOARD ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DOD investigation, and such other

functions, promulgated in 5 U.S.C 1205 and 1206, or as may be authorized by law.

COUNTERINTELLIGENCE PURPOSES ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use outside the DOD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

LDIA 0005

SYSTEM NAME:

Personnel Management Information System (PMIS).

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former military and civilian employees of DIA, to include military and civilian personnel as well as their dependents nominated for assignment to the Defense Attache System (DAS).

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of personnel and directory data, security, education, training, financial and health information, location, telephone and employment related records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, as amended, the Secretary of Defense issued Department of Defense Directive 5105 21 which created the Defense Intelligence Agency (DIA) as a separate Department of Defense and charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

PURPOSE(S):

The PMIS collects employment information on current and former military and civilian employees of DIA, to include military and civilian personnel as well as their dependents nominated for assignment to the Defense Attache System. The system contains a variety of personnel and directory data, security, education, training, financial and health information, location, telephone and employment related records which are required by the Agency to facilitate its day-to-day operations. Records are used by staff, administrative and operating officials to: Prepare individual administrative transactions; make decisions on the rights, benefits, entitlements and the utilization of individuals; provide a data source for the production of reports, statistical surveys, rosters, documentation and studies required for the orderly personnel administration within DIA. Information will be disclosed to such other Federal agencies, state and local governments, as may have a legitimate use for such information and which agree to apply appropriate safeguards to protect data so provided collected or obtained. Information collected concerning home phone, address and emergency notification data is used to provide postal and locator service, to identify next-of-kin for emergency notification and as a source document to prepare recall and special rosters required for the Agency's day-to-day operation and emergency functions. At overseas locations information may be provided to host country officials, Department of State, Department of Justice, Department of Treasury and the Central Intelligence Agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated, maintained on magnetic tape and manual in paper files and cards, and on microfilms.

RETRIEVABILITY:

By name or Social Security Number.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Paper files are destroyed when employment with the Agency ceases. Temporary microfilm records are destroyed when replaced with an updated film and magnetic tape files are retained indefinitely as a permanent record. Directory Service files are destroyed 1 year after the individual departs the Agency. Defense Attache System records are maintained for 1 year beyond the individual's tour completion date and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Director for Human Resources, Defense Intelligence Agency, Washington, DC 20340–3191.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12, 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Agency officials, Ambassadors, employees, educational institutions, parent Service of individual and immediate supervisor on station, and other Government officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

VOL 58 ISS 33 FE 22 1993 UMI

LDIA 0008

SYSTEM NAME:

Vehicle Registration Information Files.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–3299.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DIA employees and civilian contractors who register vehicles in order to gain entrance to DoD installations and those who may apply for a parking permit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, home address, office symbol, work telephone number, vehicle identification, and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Federal Property and Administrative Services Act of 1949; 10 U.S.C. 8012; 44 U.S.C. 3101; and E.O. 9397.

PURPOSE(S):

To provide a record for control of privately-owned vehicles which are authorized to operate on DoD installations; to assign parking permits to eligible military and civilian personnel and to maintain a record of parking permits and vehicle registration data; to identify vehicles and their owners in the event of an emergency or traffic problem.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Application cards, forms, and accountability logs. Data is also stored and maintained on a microcomputer.

RETRIEVABILITY:

By Name, Social Security Number, decal number, state vehicle number, or carpool number.

SAFEGUARDS:

Access to records in this system are limited to personnel authorized to handle vehicle registrations and issue parking permits. Building access is controlled and office door is locked during non-duty hours.

RETENTION AND DISPOSAL:

Paper records are maintained for one year after departure or loss of eligibility and then destroyed. In the case of automated files, they are erased, overprinted, or destroyed, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Building Manager, Defense Intelligence Agency, Washington, DC 20340–3216.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Requests should contain individual's full name, current address, telephone number, Social Security Number and date of birth.

Requests submitted on behalf of other persons must include their written, notarized authorization. Providing the Social Security Number is voluntary and will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Requests should contain individual's full name, current address, telephone number, Social Security Number and date of birth.

Requests submitted on behalf of other persons must include their written, notarized authorization. Providing the Social Security Number is voluntary and will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, agency officials, Ambassadors, educational institutions, parent service of individual and immediate supervisor on station, and other Government officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

LDIA 0010

SYSTEM NAME:

Requests for Information.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED B / THE SYSTEM:

Individuals who make requests to DIA for information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence from requester, and documents related to the receipt, processing and final disposition of the request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, as amended, the Secretary of Defense issued Department of Defense Directive 5105.21 which created the Defense Intelligence Agency as a separate agency of the Department of Defense and charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

PURPOSE(S):

To provide records and documentation in response to requests from the public sector for information which is originated by or contained in the files of the Defense Intelligence Agency in accordance with public disclosure statutes.

To provide information for compiling reports required by public disclosure statutes and to assist the Department of Justice in preparation of the Agency's defense in any law suit arising under these statutes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened,

cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Granted access: Destroy 2 years after date of Agency reply. Denied access, but no appeals by requester: Destroy 6 years after date of Agency reply. Contested records: Destroy 4 years after final denial by Agency, or 3 years after final adjudications by courts, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Director for Technical Services and Support, Defense Intelligence Agency, Washington, DC 20340–3190.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

You must include full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

You must include full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual requesters and Agency officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

LDIA 0011

SYSTEM NAME:

Student Information Files.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former students of the Defense Intelligence College.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student's biographic data and administrative/academic documents related to the student's enrollment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, as amended, the Secretary of Defense issued Department of Defense Directive 5105.21 which created the Defense Intelligence Agency as a separate agency of the Department of Defense and charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

PURPOSE(S):

Information pertaining to personnel, past, present and projected assignments, educational background, academic/fitness reports, letters of course completion, rosters, grades and academic transcripts. This information is collected to provide data for managing the student population at the Defense College and for historical documentation.

Information is used to document, monitor, manage, and administer the student's performance at the College.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated on magnetic disc and tape and manual in paper files.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Registration cards are held 2 years and then retired to the Washington National Records Center. They are destroyed when 25 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, Defense Intelligence College, Washington, DC 20340–5485.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual, parent Service, educational institutions, previous employees and other Federal agencies.

VOL 58 ISS 33 FE 22 1993 UMI

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

LDIA 0014

SYSTEM NAME:

Employee Grievance Files.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former civilian employees of DIA who have submitted grievances in accordance with DIA Regulation 22–12.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain all records and documents relating to grievances filed by Agency employees to include statements of witnesses, reports of interviews and hearings and examiner's findings, recommendations, decisions and related correspondence or exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, as amended, the Secretary of Defense issued Department of Defense Directive 5105.21 which created the Defense Intelligence Agency as a separate agency of the Department of Defense and charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

PURPOSE(S):

To record all information collected in the course of a formal grievance including statements, findings, exhibits, recommendations and decisions.

Files may be used as part of subsequent administrative or judicial proceedings concerning central or peripheral issues.

To disclose information to any source from which additional information is requested in the course of processing a grievance to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested; to another Federal agency or to a court when the Government is party to a judicial proceeding before the court; by the Agency in the production of summary descriptive statistics, analytical studies and training in support of the function for which the records are collected and maintained or for related work force studies; to officials of the Merit Systems Protection Board including the Office of the Special Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties; to disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Record is destroyed 3 years after closing of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Director for Human Resources, Defense Intelligence Agency, Washington, DC 20340–3191.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

By the individual, testimony of witnesses, Agency officials and from related correspondence from organizations or persons.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

LDIA 0015

SYSTEM NAME:

Biographic Sketch.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who interface with the DIA on a fee or non-fee basis.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains biographic data to include name, date and place of birth, educational background, lists of published works or notable achievements in the intelligence, scientific or academic community, intelligence experience, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, as amended, the Secretary of Defense issued Department of Defense Directive 5105.21 which created the Defense Intelligence Agency as a separate agency of the Department of Defense and charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

PURPOSE(S):

Information is collected on Agency higher ranking civilian and military personnel assigned to offices in the Washington, DC area and the DAOs world-wide to provide managers of

branches, divisions and higher levels of management with a capsule summary of biographic type information on assigned personnel so as to acquaint the managers, quickly, with an individual's background prior to visits, informal discussions, counseling sessions and other types of personnel actions. Biographic sketches are also collected on speakers at the Defense Intelligence College. To establish an individual's bona fide as a noted authority in a specialized area for the purpose of utilizing that expertise to fill a gap in the Defense Intelligence Agency's resources. Information will be disclosed to such other Federal agencies, state and local governments, as may have a legitimate use for such information and which agree to apply appropriate safeguards to protect data so provided and which is consistent with the conditions or reasonable expectations of use and disclosure under which the information was provided, collected or obtained.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records are destroyed when no longer required.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Director for Technical Services and Support, Defense Intelligence Agency, Washington, DC 20340–3190.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual, academic institutions or the individual's employer.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

LDIA 0140

SYSTEM NAME:

Passports and Visas.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DIA personnel requiring passports.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain passports and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, as amended, the Secretary of Defense issued Department of Defense Directive 5105.21 which created the Defense Intelligence Agency as a separate agency of the Department of Defense and charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

PURPOSE(S):

Information is collected to obtain and safekeep official passports until needed for travel and to obtain necessary visas from appropriate Embassies; to notify individuals to reapply when passports expire and to return passports to the Department of State upon departure of the individual from DIA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated in computer and manual in paper files.

RETRIEVABILITY:

Alphabetically by surname of individual in file folders and by name of individual, date of birth, and/or Social Security Number in computer.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information. Records maintained in computer system require special access code to retrieve information.

RETENTION AND DISPOSAL:

Passports are returned to Department of State upon departure of the individual from DIA and computer records are transferred into an archive file for 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Director for Technical Services and Support, Defense Intelligence . gency, Washington, DC 20340–3190.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the

Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual applicant and Department of State, Passport Office.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

LDIA 0150

SYSTEM NAME:

Official Traveler Profile.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DIA employees traveling on official business.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, office designation, telephone numbers, and airline reservation preferences.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133s and E.O. 9397.

PURPOSE(S):

To secure commercial and military flight reservations for official DIA travelers. Access is limited to personnel who are authorized to make such arrangements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

American Airline Reservation Computer (SABRE).

RETRIEVABILITY:

Information is retrieved by individual's name.

SAFEGUARDS:

Records are maintained in SABRE computer and accessible only to authorized personnel who have proper access codes and are properly screened, cleared and trained in the protection of privacy information. Computer is located in a secure building with controlled access and the office door is locked during non-duty hours.

RETENTION AND DISPOSAL:

Upon departure from DIA, files are deleted from the system.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Director for Logistics and Engineering Services, Defense Intelligence Agency, Washington, DC 20340–3210.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Requests should contain individual's full-name, current address, telephone number, Social Security Number and date of birth.

Requests submitted on behalf of other persons must include their written, notarized authorization. Providing the Social Security Number is voluntary and will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Requests should contain individual's full name, current address, telephone number, Social Security Number and date of birth.

Requests submitted on behalf of other persons must include their written, notarized authorization. Providing the Social Security Number is voluntary and will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual applicant.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

LDIA 0209

SYSTEM NAME:

Litigation and Disposition Documentation.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Files involving legal and administrative matters involving individuals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence or legal documentation relating to individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, as amended, the Secretary of Defense issued Department of Defense Directive 5105.21 which created the Defense Intelligence Agency as a separate agency of the Department of Defense and charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

PURPOSE(S):

Information is collected pertaining to litigation, disciplinary matters and administrative actions concerning civilian and military personnel.

Information is compiled to support various legal-related activities of the Department of Justice, the Office of Personnel Management and the Military Services or adjudicative agencies of the U.S. Government as may be necessary or required in the disposition of an individual case.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Some records are retired to the Washington National Records Center where they are held for 10 years and then destroyed and others are destroyed when no longer needed for current operations.

SYSTEM MANAGER(S) AND ADDRESS:

The General Counsel, Defense Intelligence Agency, Washington, DC 20340–1029.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Other offices within the DIA and the DoD, the individual involved and other departments and agencies of the Executive Branch.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

LDIA 0271

SYSTEM NAME:

Investigations and Complaints.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former civilian and military personnel who filed a complaint acted upon by the Inspector General, DIA, or who were the subject of an Inspector General, DIA, investigation or inquiry.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the organization, planning and execution of internal/external investigations and records created as a result of investigations conducted by the Office of the Inspector General, including reports of investigations, records of action taken and supporting papers. These files include investigations of both organizational elements and individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, as amended, the Secretary of Defense issued Department of Defense Directive 5105.21 which created the Defense Intelligence Agency as a separate agency of the Department of Defense and charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

PURPOSE(S):

Information is collected to determine the facts and circumstances surrounding a complaint filed with the office of the Inspector General by a Defense Intelligence Agency employee or to determine the facts and circumstances of matters under Inspector General inquiry of investigation. Information collected by the Inspector General is for the purpose of providing the Director, DIA, with a sound basis for just and intelligence action. Records are used as a basis for recommending actions to the Command Element and other DIA elements. Depending upon the nature of the information it may be passed to appropriate elements within the DoD, the Department of State, Department of Justice, Central Intelligence Agency and to other appropriate Government agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders (manual).

RETRIEVABILITY:

Filed by subject matter and case number.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records are held in current files for 5 years after completion and adjudication of all actions and retired to the Washington National Records Center. Investigations will be offered to the National Archives and complaints destroyed when 20 years old.

VOL 58 ISS 33 FE 22 1993 UMI

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General's Office, Defense Intelligence Agency, Washington, DC 20340–1028.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personal interviews, personal history statements, abstracts or copies of pertinent medical records, abstracts from personnel records, results of tests, physician's notes, observations from employee's behavior, related notes, papers from counselors and/or clinical directors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2), (k)(5), or (k)(7), as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 319. For more information contact the system manager.

LDIA 0275

SYSTEM NAME:

DoD Hotline Referrals.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former civilian and military personnel who were the subject of Inspector General, DIA, actions as a result of DoD/IG Hotline referrals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Materials relating to the referral by DoD/IG Hotline and the follow-on of documentation created as a result of actions conducted by the IG, including reports, records of action taken and supporting papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, as amended, DoD Directive 5105.21, Defense Intelligence Agency, and DoD Directive 7050.1, DoD Hotline, as implemented by DIAM 40–1, Investigations and Inspections, Inspector General Activities and Procedures, Chapter 2, paragraph 8.

PURPOSE(S):

Information is collected to determine the facts and circumstances surrounding allegations made to the DoD/IG Hotline and referred by them to DIA/IG concerning DIA employees. Records are used as a basis for recommending actions to the Command Element and other DIA elements. Results are reported back to the DoD/IG.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by subject matter and case number.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in an alarmed secure area. Records are accessible only by authorized DIA/IG personnel who are properly cleared and trained, and who require access in connection with their official duties.

RETENTION AND DISPOSAL:

Records are held in current files for 3 years after completion and adjudication of all actions and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General's Office, Defense Intelligence Agency, Washington, DC 20340–1028.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personal interviews, personal history statements, abstracts from personnel records and security records, observations from employee's behavior,

related notes, papers from counselors and/or supervisors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2), (k)(5), or (k)(7), as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 319. For more information contact the system manager.

LDIA 0335

SYSTEM NAME:

Alcohol and Drug Abuse Reporting Program.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any civilian employee of the Defense Intelligence Agency who has been diagnosed as an alcohol/drug abuser by a physician and subsequently enrolled in an alcohol/drug abuse treatment program. Former employees who were undergoing treatment at time of termination are retained in the file for 2 years and other former employees who were enrolled in a program less than 2 years before their termination may also be included.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains employee intake and follow-up records, initial interviews forms, counselor observations and impressions of employee's behavior and rehabilitation progress, copies of medical consultation and procedures performed, results of bio-chemical urinalysis for drug abuse, and similar or related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, as amended, the Secretary of Defense issued Department of Defense Directive 5105.21 which created the Defense Intelligence Agency as a separate agency of the Department of Defense and charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

PURPOSE(S):

Information is collected and maintained to provide the Agency an accurate accountability of individuals involved in alcohol and drug abuse activities, education and training, and rehabilitation programs. Quarterly and annual program reports are generated based on the systems maintained in the DIA.

Records concerning the identity, medical diagnosis, prognosis, or treatment of any person irrespective of whether or when the individual ceased treatment, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, are confidential and may be disclosed only for the purposes and under the circumstances expressly authorized in 21 U.S.C. 1175 (as amended) and 42 U.S.C., Section 4582 (as amended).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records in the system may be disclosed outside DIA: To Government personnel for the purpose of obtaining benefits to which the person undergoing treatment is entitled; to qualified personnel for the purpose of conducting scientific research, management or financial audits, or program evaluation; to appropriate elements within the Department of State, Department of Justice and Office of Personnel Management when required for actions relative to the employees' employment, access to classified material or areas; to a court of competent jurisdiction upon authorization by an appropriate order. Any safeguards against unauthorized disclosure imposed by the court in its order shall be honored.

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices do not apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders (manual).

RETRIEVABILITY:

By name and Social Security Number.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared, and trained in the protection of this information and have a need for access in connection with their official duties.

RETENTION AND DISPOSAL:

Records are destroyed 2 years after the individual leaves the treatment program or the case is terminated.

SYSTEM MANAGER(S) AND ADDRESS:

Special Assistant for Equal Employment Opportunity, Defense Intelligence Agency, Washington, DC 20340–3375.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personal interviews, personal history statements, abstracts or copies of pertinent medical records, abstracts from personnel records, results of tests, physician's notes, observations from employee's behavior, related notes, papers from counselors and/or clinical directors.

VOL 58 ISS 33 FE 22 1993 UMI

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

LDIA 0435

SYSTEM NAME:

DIA Awards Files.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel recommended for an award while assigned to DIA.

CATEGORIES OF RECORDS IN THE SYSTEM:

This file contains supporting documents for the awards nomination and the results of actions or recommendations of endorsing and approving officials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, as amended, the Secretary of Defense issued Department of Defense Directive 5105.21 which created the Defense Intelligence Agency as a separate agency of the Department of Defense and charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

PURPOSE(S):

Information is collected and submitted to determine eligibility for awards and decorations to individuals and units while assigned or attached to the DIA. Information is required for preparation of orders and for inclusion in individual's Service record. Records are used to obtain the approval for the awarding of the decoration, for the compilation of required statistical data and provided to the Military departments when appropriate.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders (manual).

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in locked cabinets and are accessible only to authorized personnel who are properly screened cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records are maintained for approximately 2 years within the Agency and then retired to the Washington National Records center where they are destroyed when 5 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Director for Human Resources, Defense Intelligence Agency, Washington, DC 20340–3191.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Agency officials, parent Service and personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

LDIA 0450

SYSTEM NAME:

Drug-Free Workplace Files.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of, and applicants for positions in, the Defense Intelligence Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to the selection, notification, and testing of employees and applicants, tests results information, and related reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7301 and 7361; Pub. L. 100–71; and E.O.s 12564, Drug-Free Federal Workplace and 9397.

PURPOSE(S):

The system is used to maintain Drug Testing Program Coordinator records relating to the implementation of the program, administration, selection, notification and testing of DIA employees and applicants for employment for use of illegal drugs.

Records are used by the employee's of the Deputy Director for Human Resources who have the authority to recommend or make offers of employment; the administrator or any employee counseling services program in which the employee is receiving counseling; a supervisory or management official having authority to take or recommend adverse personnel actions against a subject employee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In order to comply with the provisions of 5 U.S.C. 7301, the DIA 'Blanket Routine Uses' do not apply to this system of records.

To a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders. Automated records may exist on magnetic tape, diskette, or other machine-readable media.

RETRIEVABILITY:

Test results are retrieved by surname of applicant or employee or by Social Security Number. Other retrieval fields include agency name, collection site and date of testing.

SAFEGUARDS:

File folders are stored in cabinets that are locked when not being used. Electronic records are accessed on computer terminals in supervised areas. All personnel having access to this record system have been trained for proper handling of Privacy Act information.

RETENTION AND DISPOSAL:

Files on applicants for positions are maintained for a period not to exceed twelve months. Employee files are retained for two years. In instances of a positive test finding resulting in the reassignment or separation of an employee, retention is for a period of two years after the case is closed. Destruction of paper records is accomplished by shredding or burning. Electronic records are erased and overwritten.

SYSTEM MANAGER(S) AND ADDRESS:

Drug Testing Program Coordinator (DPH–4), Defense Intelligence Agency, 3100 Clarendon Boulevard, Arlington, VA 22201–5322.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Requests should contain individual's full name, current address, telephone number, Social Security Number, and date of birth.

Requests submitted on behalf of other persons must include their written, notarized authorization. Providing the Social Security Number is voluntary and will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in the system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Requests should contain individual's full name, current address, telephone number, Social Security Number, and date of birth.

Requests submitted on behalf of other persons must include their written, notarized authorization. Providing the Social Security Number is voluntary and will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA rules for access to records and for contesting and appealing initial agency determination are contained DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The test subject, medical review officials, collection personnel and others on a case-by-case basis.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

LDIA 0480

SYSTEM NAME:

Reserve Training Records.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military Reserve personnel who have performed active duty training with the DIA or corresponded with the DIA regarding reserve matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain correspondence with the reservist and documentation related to the reservist periods of active duty with DIA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, as amended, the Secretary of Defense issued Department of Defense Directive 5105.21 which created the Defense Intelligence Agency as a separate agency of the Department of Defense and charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

PURPOSE(S):

The Reserve Affairs Office is required to maintain current biographical information on all personnel who are assigned to a DIA Reserve billet or perform Reserve duty with the Agency.

The data is used to help provide productive tours for the Reservists. It is also used by DIA staff personnel and the Reserve Affairs Officer to evaluate the Reservists for Reserve billets or assignments. Biographical information will be maintained in the Reserve Affairs Office if person is accepted for assignment; otherwise, it will be destroyed.

Records are used by Agency officials for the administrative, control and utilization of reservists and may be provided to the Military Departments when appropriate.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders (manual).

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records are destroyed 1 year after reservists become inactive.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Director for Human Resources, Defense Intelligence Agency. Washington, DC 20340–3191.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained

VOL 58 ISS 33 FE 22 1993 UMI

in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual reservists requesting assignment and/or active duty training, Agency officials and parent Service of Reservists.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

LDIA 0590

SYSTEM NAME:

Defense Intelligence Special Career Automated System (DISCAS).

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DoD civilian positions and employee grades GS–05 and above in the GS–0132 intelligence series, scientific and technical series and other related professional series which are assigned to an organizational component performing an intelligence function. Cryptologic personnel and those enrolled in the National Security Agency (NSA) career system are excluded.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data on employment history, qualification and skills and performance appraisals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, as amended, the Secretary of Defense issued Department of Defense Directive 5105.21 which created the Defense Intelligence Agency as a separate agency of the Department of Defense and charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records and Department of Defense Directive 5010.10, Intelligence Career Development Program.

PURPOSE(S):

Information is collected in order to register all eligible DoD civilian employees in the DISCAS. The information provides for verification and in some cases updates previous provided information. It is used for automatic referral for position vacancies throughout the DoD Intelligence Community and includes the individual's own (local) organization. The DISCAS forwards inquiries to employees regarding their availability for specific position vacancies when requested by the DoD component. DISCAS will maintain files and records for historical or user research purposes such as annual reports for DoD components or management information furnished to appropriate DoD users.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated, maintained on magnetic tape and manual in paper files.

RETRIEVABILITY:

By name or Social Security Number.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records are temporary. They are retained until the employee concludes his DoD intelligence career at which time they are retired to an inactive file for 1 year and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Training, Defense Intelligence Agency, Washington, DC 20340–5194.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Source data for DISCAS is provided by the employees, the employee's supervisor and the servicing civilian personnel office.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

LDIA 0660

SYSTEM NAME:

Security Files.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20304–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military/civilian applicants and nominees to DIA; current and former DIA and Defense Attache System personnel; and other DoD-affiliated

personnel under the security cognizance of DIA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records associated with personnel security functions, nomination notices, statement of personal history, indoctrination/debriefing memoranda, secrecy and nondisclosure agreements, certificates of clearance, adjudication memoranda and supporting documentation and in-house investigations, security violations, identification badge records, retrieval indices, clearance status records, and access control records and Social Security Number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, as amended, the Secretary of Defense issued Department of Defense Directive 5105.21 which created the Defense Intelligence Agency as a separate agency of the Department of Defense and charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records and Executive Order 9397.

PURPOSE(S):

Information is collected in order to accomplish those administrative and personnel security functions relating to initial and continued assignment/employment and eligibility for access to classified information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to other Federal agencies, state and local governments, as may have a legitimate use for such information and agree to apply appropriate safeguards to protect the data in a manner consistent with the conditions or expectations under which the information was provided, collected or obtained.

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated in computer, manual in paper files, or on microform.

RETRIEVABILITY:

Alphabetically by surname of individual or by Social Security Number.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records of civilian and military applicants not hired by or assigned to DIA and favorable files of employees departing DIA are maintained up to 1 year and then destroyed. Out-processing interviews will be retained for 5 years and then destroyed. Indoctrination/debriefing memoranda and non-disclosure agreements pertaining to access to Secret Compartmentalized Information are retained for 70 years or until notification of the death of the signer, whichever is sooner. Files containing information which may conceivably result in litigation and non-Secret Compartmentalized Information security agreements are destroyed when no longer required.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Security, Defense Intelligence Agency, Washington, DC 20340–1248.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your inquiry should include your full name, current address, telephone number, Social Security Number and date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number is voluntary and it will be used solely for verification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your inquiry should include your full name, current address, telephone number, Social Security Number and date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number is voluntary and it will be used solely for verification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual, other Federal agencies, firms contracted to the DoD and Agency officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt from the provisions of 5 U.S.C. 552a(k)(2) and (k)(5), as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 319. For more information contact the system manager.

LDIA 0800

SYSTEM NAME:

Operation Record System.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in foreign intelligence and/or training activities conducted by the Department of Defense, who are of interest either because of the actual, apparent, or potential use.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include operational, biographic, policy, management, training, and administrative matters related to the foreign intelligence activities of the Department of Defense.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, as amended, the Secretary of Defense issued Department of Defense Directive 5105.21 which created the Defense Intelligence Agency as a separate agency of the Department of Defense and charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

PURPOSE(S):

Information is collected to support the administration, operation, and management of foreign intelligence and/or training activities conducted by the Department of Defense. To provide information within the Department of Defense and other Federal agencies for

VOL
58
ISS
33
FE
22
1993
UMI

the conduct of foreign intelligence operations and to provide staff management over foreign intelligence training conducted by the Department of Defense.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated on magnetic tapes and discs, microfilm and aperture cards and manual in paper files.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Master files are retained indefinitely. Temporary records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Directorate for Attaches and Operations, Defense Intelligence Agency, Washington, DC 20340–5339.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

DoD, other intelligence agencies, educational institutions, Federal agencies, research institutions, foreign governments and open source literature.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2) and (k)(5), as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 319. For more information contact the system manager.

LDIA 0813

SYSTEM NAME:

Bibliographic Data Index System.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have published works of general interest to the Agency, and individuals involved in foreign intelligence activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

An index of names of authors, title of published works, subject matter of writing and the location of source documents of open source literature and intelligence reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in the National Security Act of 1947, as amended, the Secretary of Defense issued Department of Defense Directive 5105.21 which created the Defense Intelligence Agency as a separate agency of the Department of Defense and charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

PURPOSE(S):

File is used for basic reference purposes for open source and classified documents. Information is used by Agency analysts, other authorized Federal agencies and contractor personnel for research on intelligence subjects related to foreign intelligence activities. Serves as a traditional library reference service for open source literature and intelligence reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated on magnetic tape and disc, and manual in paper files and cards.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Open source literature is destroyed once material is out dated. Intelligence reports are retained for 3 years and retired to the Washington National Records Center for permanent retention. They will be offered to the National Archives when they are 40 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Director for Technical Services and Support, Defense Intelligence Agency, Washington, DC 20340–3190.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone

number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

DoD, other intelligence agencies, educational institutions, Federal agencies, research institutions, foreign governments and open source literature.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

LDIA 0900

SYSTEM NAME:

Accounts Receivable, Indebtedness and Claims.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former active duty military personnel, current and former civilian employees, Reserve and National Guard personnel, dependents of employees and military personnel exchange officers and other individuals who may be indebted to the Defense Intelligence Agency or another Government agency or have a claim pending against the Defense Intelligence Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in this system include but are not limited to documentation pertaining to telephone bills; dishonored checks; reports of survey; erroneous payments; property losses and damages; administratively determined indebtedness; losses of funds; records of travel payments, travel orders, travel vouchers, statements of nonavailability of quarters and mess, paid receipts, and certifications of payment; delinquent accounts receivable from other Federal agencies including returned checks, medical service billings and collection records; summaries of reports from investigative activities such as the military investigative services, the U.S. Secret Service of the Federal Bureau of Investigation, reports from probate courts and bankruptcy courts; credit reports, promissory notes; individual financial statements; correspondence from and to the debtor or claimant; applications for waiver of erroneous payments or for remission of indebtedness with support documentation; claims of individuals requesting additional payments with supporting documentation such as time and attendance records and leave and earning statements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5512; 5 U.S.C. 5513; 5 U.S.C. 5514; 5 U.S.C. 5584; 5 U.S.C. 5705; 10 U.S.C. 2274; 10 U.S.C. 2276l; 31 U.S.C. 3322; 31 U.S.C. 3527; 31 U.S.C. 3702; 31 U.S.C. 3711; 31 U.S.C. 3716; 31 U.S.C. 3717; 31 U.S.C. 3718; 37 U.S.C. 1007; 40 U.S.C. 721–729.

PURPOSE(S):

Information is collected to determine eligibility for waiver of erroneous payments or additional payments for service rendered. Information is also used to support customer billings and collection of claims of the United States for money or property arising out of the activities of the Defense Intelligence Agency or other Federal agencies. Information from this system may be disclosed to credit bureaus and credit reporting activities, the Comptroller General and the General Accounting Office, the Defense Investigative Service, the Internal Revenue Service, the Federal Bureau of Investigation, U.S. Secret Service, state and local law enforcement authorities, trustees in bankruptcy and probate courts and other Federal agencies (for possible collection by offset). Disclosures may also be made to the Department of Justice for criminal prosecution, civil litigation, or investigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information. Records are stored in locked cabinets when not in use.

RETENTION AND DISPOSAL:

Records are retained in office files through the fiscal year following the fiscal year in which final action was taken on the accounts receivable, indebtedness or claim. Records are then transferred to the Washington National Records Center where they are retained for up to 9 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller, Defense Intelligence Agency, Washington, DC 20340–3121.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

You must include in your request your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

You must include in your request your full name, current address,

telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from DoD and other Federal financial records systems; financial, educational and medical institutions; automated system interfaces; police and investigative officers; state bureaus of motor vehicles; Internal Revenue Service; Social Security Administration; Department of Veterans Affairs; the Office of Personnel Management and commercial credit reporting agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

LDIA 1728

SYSTEM NAME:

Southeast Asia Operational Casualty Records.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals identified as casualties in Southeast Asia and other persons of Department of Defense interest because of their substantive or alleged knowledge of the status of the casualties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained by this system include, but are not limited to, operational and information reports, biographic records, personal statements and correspondence, interviews and media reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a; 5 U.S.C. 5512; 5 U.S.C. 5513; 5 U.S.C. 5514; 5 U.S.C.. 5584; 5 U.S.C. 5705; 10 U.S.C. 2274; 10 U.S.C. 2776; 31 U.S.C. 3322; 31 U.S.C. 3527; 31 U.S.C. 3702; 31 U.S.C. 3711; 31 U.S.C. 3718; 37 U.S.C 1007; 40 US.C. 721–729.

PURPOSE(S):

Information is collected to develop a detailed factual and viable data base concerning Southeast Asian casualties. Information in this system will be used to produce evaluated information to be provided to agencies and offices within the DoD concerned with casualty matters and to Federal agencies at the national level as background for the promulgation of national policy. Disclosures are made under the Freedom of Information Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual in paper files and automated on magnetic tape.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are maintained in a restricted access building protected by security guards and are stored in a secured vaulted work area. Records are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records in this system will be retained in office files until they are no longer needed for current/frequent use and are then retired to the Washington National Records Center. Records will be maintained there until such time as the Secretary of Defense and/or the Executive Office terminate the effort and then they will be offered to the National Archives as historical documentation.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director for Operations, Plans and Training, Defense Intelligence Agency, Washington, DC 20340–5007.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Office (PL/FOIA), Defense Intelligence Agency, Washington, DC 20340–3299.

Your request must include your full name, current address, telephone number and Social Security Number or date of birth. Requests submitted on behalf of other persons must include their written, notarized authorization. Providing of the Social Security Number under E.O. 9397 is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Regulation 12–12; 32 CFR part 319; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from DoD and Federal agencies, private citizens and organizations, resident aliens, foreign sources, and overt publications.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

UNITED STATES MARINE CORPS

How Systems Of Records Are Arranged.

In the Marine Corps, records are categorized by subject series. Each series has assigned a subject title, a three-letter prefix and followed by a five-digit number. For example, the systems of records containing pay data may be found in the Fiscal/Disbursing series (MFD0000X). The letter M stands for Marine Corps; the next two letters indicate that the records are pay related; and the following five digit number is a further breakdown of the series for identification purposes.

How To Use The Index Guide.

The system of records maintained by the Marine Corps are contained within

the subject series that are listed below. This list identified each series in the order they appear in this compilation. Use the list to identify subject areas of interest. Having done so, use the appropriate system identification series to locate the systems of records grouping in which you are interested.

Subject Series
System Identification Series

Aviation
MAA0000X

Fiscal/Disbursing (Matters relating to pay)
MFD0000X

Historical
MHD0000X

Installations and Logistics
MIL0000X

Intelligence (Includes POW/MIA Files)
MIN0000X

Judge Advocate/Legal Matters
MJA0000X

Miscellaneous (Administrative Matters)
MMC0000X

Manpower/Personnel
MMN0000X

Training
MMT0000X

Reserve
MRS0000X

Telecommunications/Telephone Billing
MTE0000X

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required to locate and retrieve the record.

BLANKET ROUTINE USES

Certain 'blanket routine uses' of the records have been established that are applicable to every record system maintained within the Department of Defense unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below only once in the interest of simplicity, economy and to avoid redundancy.

LAW ENFORCEMENT ROUTINE USE

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

DISCLOSURE WHEN REQUESTING INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

DISCLOSURE OF REQUESTED INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

CONGRESSIONAL INQUIRIES ROUTINE USE

Disclosure from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

PRIVATE RELIEF LEGISLATION ROUTINE USE

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS ROUTINE USE

A record from a system of records maintained by this component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES ROUTINE USE

Any information normally contained in IRS Form W–2 which is maintained in a record from a system of records maintained by this component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517, 5520, and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Number 76–07.

DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT ROUTINE USE

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally

authorized Government-wide personnel management functions and studies.

DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

DISCLOSURE TO MILITARY BANKING FACILITIES OVERSEAS ROUTINE USE

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

DISCLOSURE OF INFORMATION TO THE GENERAL SERVICES ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO THE MERIT SYSTEMS PROTECTION BOARD ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DOD investigation, and such other functions, promulgated in 5 U.S.C 1205 and 1206, or as may be authorized by law.

COUNTERINTELLIGENCE PURPOSES ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use outside the DOD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

MAA00001

SYSTEM NAME:

Flight Readiness Evaluation Data System (FREDS).

SYSTEM LOCATION:

Headquarters, U.S. Marine Corps (Code A), Washington, DC 20380–1775 and Marine Corps aviation units. U.S. Marine Corps official mailing addresses are incorporated into Department of the Navy's mailing addresses, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active Marine Corps Air Crewmembers (Naval Aviators/Naval Flight Officers and Enlisted Crewmembers).

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain personal identifying information such as name, rank, Social Security Number, organization, etc., and specific information with regard to aviation qualifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 5013; and E.O. 9397.

PURPOSE(S):

To maintain records on all Marine Corps air crewmembers to enable officials and employees of the Marine Corps to administer and manage air crewmember assets.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Marine Corps' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on magnetic tape.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Tapes are stored in limited access areas and handled by personnel that are properly trained in working with personal information.

RETENTION AND DISPOSAL:

File is maintained on individual as long as he/she is in an active flight status. Once individual is removed from active flight status, data is erased from tape.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code A), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the commanding officer of the aviation unit to which they are assigned. U.S. Marine Corps official mailing addresses are incorporated into Department of the Navy's mailing addresses, published as an appendix to the Navy's compilation of record system notices.

Written requests should contain full name, grade, and Social Security Number of the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the commanding officer of the aviation unit to which they are assigned. U.S. Marine Corps official mailing addresses are incorporated into Department of the Navy's mailing addresses, published as an appendix to the Navy's compilation of record system notices.

Personnel not permanently assigned to an aviation command may request information from the system manager.

Written requests should include full name, grade, and Social Security Number of the individual.

For personal visits the individual should be able to provide personal identification, such as valid military identification card, driver's license, etc.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The primary source is the individual. The individual's commanding officer or the commanding officer's designated individual may provide certain information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MAA00002

SYSTEM NAME:

Marine Corps Aircrew Performance/ Qualification Information.

SYSTEM LOCATION:

The Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marine Corps aeronautically designated personnel (Naval Aviators, Naval Aviators, Naval Flight Officers, and aircrew members) who have been the subject of medical qualification, flight pay entitlement, and/or Flight Status Selection Board (FSSB) correspondence.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains information on medical qualification, flight pay entitlements, and/or FSSB correspondence and the background data addressing such correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 30l and 10 U.S.C. 5031.

PURPOSE(S):

To maintain records on Marine Corps aeronautically designated personnel for use by Officials and employees of the Marine Corps in the administration and management of such personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

The Attorney General of the U.S. - By Officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By Officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S. - By The Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U.S. - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is contained on paper records in file folders.

RETRIEVABILITY:

Information is retrieved alphabetically by the last name of the individual concerned.

SAFEGUARDS:

Building containing files employs 24 hour security guards. Offices containing files are locked after working hours and personnel handling records do so only on a 'need-to-know' basis. Such personnel are trained and screened for dependability. Material that could be considered 'career-sensitive' is retained in a safe.

RETENTION AND DISPOSAL:

Files are permanent: They are retained in active file until it is determined they are no longer required, then transferred to Marine Corps Central Files for historical deposit.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code AAB), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775. Telephone (703) 614–2401.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code AAZ), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775 and should contain the full name, Social Security Number and signature.

For personal visits the individual should provide valid identification such as military identification card, Department of Defense building pass, drivers license, or other type identification that includes picture and signature. In the absence of such identification, the individual must provide sufficient data to insure that the individual is the subject of the inquiry.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from Official reports, boards, inquiries and requests. Information is also obtained from the review of Naval Aviator/Naval Flight Officer Reporting Management System data.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MFD00001

SYSTEM NAME:

Automated Leave and Pay System (ALPS).

SYSTEM LOCATION:

Primary System - The Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Decentralized System - Major Marine Corps commands. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps civilian employees at major Marine Corps commands.

VOL 58 ISS 33 FE 22 1993 UMI

CATEGORIES OF RECORDS IN THE SYSTEM:

Pay and Leave Records of Marine Corps Civilian Employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To maintain records required by officials and employees of the Marine Corps who administer and manage all pay and leave matters for civilian employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

The Attorney General of the U.S. - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S. - By the Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U.S. - By the Comptroller or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

The Internal Revenue Service - By officials and employees of the Internal Revenue Service in connection with such matters relating to their Official duties.

State and local governmental agencies - By officials and employees of state and local governmental agencies in connection with such matters relating to their official duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape or disk.

RETRIEVABILITY:

Employee Badge Number or Social Security Number.

SAFEGUARDS:

Restricted access to areas where maintained.

RETENTION AND DISPOSAL:

Permanent files.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps (Code FD), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Marine Corps installation or activity to which the individual is employed. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the commanding officer to which the individual is employed. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests should contain full name, Social Security Number or employee badge number, and signature of the individual concerned.

Personal visits may be made to the appropriate installation, activity or organization during the normal work week between the hours of 8 AM–4:30 PM. For personal visit, the individual should be able to provide valid personal identification such as employee badge, drivers license, medicare card, etc.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application and related forms provided by the employee in matters relating to his/her employment. Employment data to include time cards, standard pay increases, leave etc. provided by the employer or official representative. Data such as tax rates, employee benefit information etc. provided by appropriate federal, state or local government agencies or their designated representatives. Information obtained from courts and attorney having to do with employee wages entitlements and benefits.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MFD00002

SYSTEM NAME:

Primary Management Efforts (PRIME)/ Operations Subsystem.

SYSTEM LOCATION:

Primary System - The Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Decentralized System - Major Marine Corps commands. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps civilian employees and selected military personnel at major Marine Corps commands.

CATEGORIES OF RECORDS IN THE SYSTEM:

Labor Distribution Records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To maintain a record of the work distribution on civilian employees and certain military personnel for use by officials and employees of the Marine Corps in the management of work distribution.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

The Attorney General of the U.S.- By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S. - By the Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress

or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U.S. - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape or disc.

RETRIEVABILITY:

Employee badge number or Social Security Number.

SAFEGUARDS:

Restricted access to areas where maintained.

RETENTION AND DISPOSAL:

Permanent record. Completely deleted upon termination of employee.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps (Code FD), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code FD), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775. Telephone (703) 614–1080.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the employing activity. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests should contain the individual's full name, Social Security Number, employee number (if applicable) and signature.

For personal visits, the individual should provide sufficient identification to insure the individual is the subject of the inquiry.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Employing activity of the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MFD00003

SYSTEM NAME:

Joint Uniform Military Pay System/ Manpower Management System (JUMPS/MMS).

SYSTEM LOCATION:

Primary System - Marine Corps Central Design and Programming Activity, 1500 East Bannister Road, Kansas City, MO 64197–0501; Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, MO 64197–0001.

Decentralized Segments - There are nine Satellite/Command Data Processing Installations (SDPI/CDPI) which maintain files with similar records at the following locations:

SDPI 02, Marine Corps Base, Camp Lejeune, NC 28542–5000;

SDPI 03, Marine Corps Base, Camp Pendleton, CA 92055–5000;

SDPI 06, FMF Pacific, FPO San Francisco, CA 96610–5000;

SDPI 09, Headquarters U.S. Marine Corps, Washington, DC 20380–1775;

SDPI 11, Marine Corps Recruit Depot, Parris Island, SC 29905–5001;

SDPI 15, Marine Corps Recruit Depot, San Diego, CA 92140–5001;

CDPI 17, Marine Corps Base, Quantico, VA 22134–5000;

SDPI 27, Marine Corps Base, Camp S.D. Butler, FPO AP 98773–5000;

First Marine Brigade, FPO AP 96615–5000;

SDPI 16, Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, MO 64197–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps military personnel on active duty for 31 days or longer, certain civilians and other service personnel who have attended formal Marine Corps schools.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains personnel and pay data which includes: Name, grade, Social Security Number, date of birth, citizenship, marital status, home of record, dependents information, record of emergency data, enlistment contract or officer acceptance form identification, duty status, population group, sex, ethnic group, duty information, duty station/personnel assignment and unit information, security investigation, military pay record data such as information contained on the Leave and Earnings Statement which may include base pay, allowances, allotments, bond authorization, health care coverage, special pay and bonus data, Federal and State Withholding/Income Tax Data, Federal Insurance Contributions Act, Withholding Data, Serviceman's Group Life Insurance Deductions, leave account, wage and tax summaries, separation document code, test scores/ information, language proficiency, military/civilian/off-duty education, training information, awards, combat tour information, aviation/pilot/flying time data, lineal precedence number, limited duty officer/warrant officer footnote, TAD data, power of attorney, moral code, conduct and proficiency marks, years in service, promotional data, weight control/military appearance data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 and 37 U.S.C. 5031 and 5201.

PURPOSE(S):

To maintain record of pay and personnel data on Marine Corps personnel who are on active duty for 31 days or longer or certain civilian or other service personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

The Attorney General of the U.S. - By officials and employees of the Attorney General in connection with litigation, law enforcement or other matters under the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state, and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S. - By the Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U.S. - By The Comptroller General or any of the General Accounting Office relating to the Marine Corps.

By officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

Federal, state and local government agencies - By officials and employees of federal, state and local government through official request for information with respect to law enforcement, investigatory procedures, criminal prosecution, civil court action and regulatory order.

To provide information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States which has been authorized by law to conduct law enforcement activities pursuant to a request that the agency initiate criminal or civil action against an individual on behalf of the U.S. Marine Corps, the Department of the Navy, or the Department of Defense.

To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U.S. Marine Corps, by the U.S. Marine Corps, The Department of the Navy, or the Department of Defense.

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged or retired from the Armed Forces, information as to last known residential or home of record address may be provided to military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the United States Government will be liable for the losses the facility may incur.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is record on magnetic records and discs, punch cards, computer printouts, microform, file folders, and other documents.

RETRIEVABILITY:

The data contained in magnetic records can be displayed on cathode-ray tubes, it can be computer printed on paper, and it can be converted to microform for information retrieval; the data in the supporting file folders and other manual records is retrieved manually. Computerized and conventional indices are required to retrieve individual records from the system. Normally, all types of records are retrieved by Social Security Number and name.

SAFEGUARDS:

Building management employs security guards; building is locked nights and holidays. Authorized personnel may enter and leave the building during nonworking hours but must sign in and out. Records maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained. Access to personal information is limited to authorized personnel with a need-to-know.

Access is restricted to specific applications programs, records, and files to which personnel have a specific and recorded need-to-know. Online data sets (both tape and disc) pertaining to personal information are password protected, areas are controlled and access lists are used. The files are also protected at a level appropriate to the type of information being processed.

RETENTION AND DISPOSAL:

Magnetic records are maintained on all military personnel and certain civilians while they are in service or employed by the service and for a period of 11 months after separation. Paper and film records are maintained for a period of 10 years after the final transaction, then they are destroyed. End calendar and fiscal year 'snapshots' of the MMS data base are maintained indefinitely in magnetic form at Headquarters, U.S. Marine Corps.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps (Codes FD/MI), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Requests from individuals for information concerning pay related matters should be addressed to the Commandant of the Marine Corps (Code FD), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Requests from individuals for information concerning personnel matters should be addressed to the Commandant of the Marine Corps (Code MI), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Requesting individual must supply full name and Social Security Number.

The requester may visit the Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, MO 64197–0001 to obtain information on whether the system contains records pertaining to the individual.

In order to personally visit the above address and obtain information, individuals must present a military identification card, a driver's license, or other suitable proof of identity.

RECORD ACCESS PROCEDURES:

Information on JUMPS may be obtained from the member's local disbursing officer.

Information of MMS may be obtained from the member's immediate commanding officer.

Requests for information from persons no longer in service should be signed by the person requesting the information. Dates of service, Social Security Number, and full name of requester should be printed or typed on the request. It should be sent to the Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, MO 64197–0001.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Recruiting offices, disbursing offices, administrative offices, and the individual are the principle sources of the information contained in the JUMPS/MMS record for that person.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MFD00004

SYSTEM NAME:

Bond and Allotment (BA) System.

SYSTEM LOCATION:

Marine Corps Central Design and Programming Activity (MCCDPA), 1500 East Bannister Road, Kansas City, MO 64197–0501 and Marine Corps Finance Center, Kansas City, MO 64197–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The allotment contains all active allotments and limited stop history (12 months) for all active duty, retired, and Fleet Marine Corps Reserve (FMCR) members who authorized an allotment from their pay and allowances.

CATEGORIES OF RECORDS IN THE SYSTEM:

The allotment file contains allotments authorized by the Marines concerned, as provided under instructions issued by the Secretary of Defense.

The BA automated system is made up of records which contain the following fields (data elements and data sets): Identification Number (Social Security

Number); Initials of Name (last, first, middle); Rank/Category; Last Name and Suffix; Last Pay Date; First Pay Date; Work Date; Amount; Term (in months); Account/Policy Number; Authority/Date/Remark; Bond Owner Name; Bond Owner Social Security Number: Co-owner Beneficiary Flag; Co-owner or Beneficiary Name; Co-owner or Beneficiary Social Security Number; Authority/Date/Remark; Name of Recipient; Street Address/Post Office Box; City and State/Country; Geographic Code (City, State/Country): Zip Code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C. ; The authority for continuing deduction for garnishment of pay is outlined in section 459 of Pub. L. 93–647.

PURPOSE(S):

To provide record of payments of allotments, issuance and cancellation checks and bonds as authorized and managed by Officials and employees of the Marine Corps.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

To State Officials for the purpose of detecting and curtailing fraud and abuse in Federal Assistance Programs, specifically Aid to Families with Dependent Children and Food Stamps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is recorded on magnetic records, punch cards, computer printouts, microform, file folders, and other documents.

RETRIEVABILITY:

The data contained on magnetic records can be displayed on cathode-ray tubes, it can be computer printed on paper, and it can be converted to microform for information retrieval; the data in the supporting file folders and other manual records is retrieved manually. Normally all types of records are retrieved by Social Security Number and name.

SAFEGUARDS:

The Centralized Pay Division is locked during nonduty hours, as well as the building being under security guard protection. Files within the division are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Magnetic records are maintained by MCCDPA on all active allotments during the life of the allotment and for a period of 12 months after the allotment has been stopped. Paper and microform files relating to the Centralized Pay Division files are disposed of as directed by the current edition of Secretary of the Navy Instruction P5212.53.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps (Code FD), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Marine Corps Finance Center, Centralized Pay Division (Code CPA), Kansas City, MO 64197–0001.

Requests for information must contain member's Social Security Number, name, military service number (if applicable), and any other pertinent data concerning the information desired.

A person may visit any Marine Corps disbursing office to find out if the system contains records pertaining to the individual.

For personal visits the requester must present a military identification card or copy of an Armed Forces of the United States Report of Separation from Active Duty (DD Form 214 (MC)) for separated personnel.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Marine Corps Finance Center, Centralized Pay Division (Code CPA), 1500 East Bannister Road, Kansas City, MO 64197–0001.

Written requests must contain name and Social Security Number. For personal visits, valid personal identification is required.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

Information pertaining to an individual who has active allotments is affected by unit diary input concerning name, or Social Security Number changes, and to ensure allotments are stopped when a Marine is reported to be discharged or in a desertion status. Also, member's status codes are changed by unit diary or retired pay input when the Marine is transferred to the FMCR or Retired List.

RECORD SOURCE CATEGORIES:

The input of data via scannable Allotment/Bond Authorizations (ABA's), terminal key station to a magnetic storage area for subsequent transmission via AUTODIN, or submission by magnetic tapes, and the computer interfaces with the Joint Uniform Military Pay System/Personnel System are the principle sources of information in the BA automated system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MFD00005

SYSTEM NAME:

Retired Pay/Personnel System (RPPS).

SYSTEM LOCATION:

Marine Corps Central Design and Programming Activity, 1500 East Bannister Road, Kansas City, MO 64197–0501; Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, MO 64197–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Pay account folders for retired Marine Corps members, Fleet Marine Corps Reservists (FMCR), and survivors of deceased retired and FMCR members, who are entitled to retired pay retainer pay, and survivor annuities.

CATEGORIES OF RECORDS IN THE SYSTEM:

The RPPS automated system of records contains the following fields (data elements and data sets): Retired/Retainer Date; Retainer Date; Pay Change; Information Status; Social Security Number (Social Security Number) and Last, First, and Middle Initial (Key); Deletion Date; Social Security Number; Retired Category Code; Members's Name; Pay Entry Base Date; Service for Pay; Active Service; Other Military Service Number (MSN); Prior MSN/Social Security Number/KEY; Rank Code; Race Code; Sex Code; Disability Percent; Heroism Pay; Pay Table Code; Recomputation Age; Retirement Laws; Functional Account Number; Ranks; Birthdates; Pay Delete/Suspense Code; Retired Serviceman's Family Protection Pay; Reserve Retirement Credit Points; Allotments Data; Withholding Tax Data; Wage and Tax Summaries; Gross Pay; Taxable Pay; Withholding Tax; Dependency Indemnity Compensation; Pension Act

of 1944 (Department of Veterans Affairs Waiver); Pension Act of 1964 (Dual Compensation G1); Retired Serviceman's Family Protection Plan; Special Handling Code (Check Delivery); Accumulated Summaries; Home Mailing Address; Check Mailing Address; Pay Distribution; Last Change Posted; Date Member Eligible to Retire; Date Arrived Continental United States Without Dependents; Primary Military Occupational Specialty; Districts; Highest Rank Held Satisfactorily; Service Prior to July 1, 1949; Service After July 1, 1949; Active Duty After Transfer to Fleet/Retired Rolls; Date Next Physical Exam(Year and Month); VA Disease Codes; Department of Defense Disease Codes; Nearest Hospital (See Table 9); Personnel Accounting Separation-Designator; Earnings Statement Flag; Disability Pay; Change of Address Flag; Last Time Processed by Update-Extractor; Social Security Number Validation; Remarks Area; One-time Credit/Checkage; Scheduled Collection; Department of Veterans Affairs Claim Number; Tower Amendment Code; Premobilization Flag; Preassigned Monitored Command Code; Civil Reform Act of 1978 (PAYCAP).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To maintain pay and personnel data on retired Marine Corps personnel for use by officials and employees in the computation of retired pay, retainer pay, survivor annuity accounts, audit of accounts and response to correspondence on pay related matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

The American Red Cross and Navy Relief Society records are used by officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is stored on magnetic records, punch cards, computer printouts, microform, file folders and other documents.

RETRIEVABILITY:

The data contained in magnetic records can be displayed on cathode-ray tubes, it can be computer printed on paper, converted to microform for information retrieved; the data in the supporting file folders and other manual records is retrieved manually. Normally all types of records are retrieved by Social Security Number and name.

SAFEGUARDS:

Building management employees security guards; building is locked nights and holidays. Authorized personnel may enter and leave the building during nonworking hours, but must sign in and out.

RETENTION AND DISPOSAL:

Magnetic records are maintained on all persons who are eligible for retired pay, retainer pay, and survivor annuities while they are alive and for a period of 6 months after that person dies or ceases to be eligible. Paper and film records are maintained for a period of 10 years after the final transaction. Magnetic tapes delivered to the Federal Reserve Bank are returned to the Marine Corps Finance Center for disposition after direct deposits have been made to the account of the individual concerned.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps (Code FD), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code FD), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Requesting individual must supply full name and Social Security Number.

The requester may visit the Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, MO 64197–0001, to obtain information on whether the system contains records pertaining to the individual.

In order to personally visit the above address and obtain information, individuals must present a military identification card, a driver's license, or other suitable proof of identify.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code FD), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Requests for information relative to the RPPS automated system should be signed by the person requesting the information. Dates of service, Social Security Number, and full name of requester should be printed or typed on the request.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Documents and correspondence received from Headquarters, U.S. Marine Corps, the VA, the members, and changes in laws, etc. are the principle sources of information contained in the RPPS automated system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MFD00007

SYSTEM NAME:

Marine Corps Financial Records System.

SYSTEM LOCATION:

Defense Finance and Accounting Service-Kansas City (DFAS–KC), Support Accounting, Settlement, and Centralized Pay Division, 1500 East Bannister Road, Kansas City, MO 64197–0001.

Federal Records Center, National Archives and Records Service, 2301 East Bannister Road, Kansas City, MO 64197–5200.

Washington National Records Center, Washington, DC 20409–0001.

National Personnel Records Center, 9700 Page Boulevard, St. Louis, MO 63132–5292.

Marine Corps Central Design and Programming Activity, 1500 East Bannister Road, Kansas City, MO 64197–0501.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marines serving on active duty, personnel on the Marine Corps Retired List, Fleet Marine Corps Reservists, personnel discharged or separated from active duty, active and inactive Reserve personnel, deceased personnel, and Marine Corps disbursing officers concerning pay or financial matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Unit Diaries-A chronological record of daily personnel events and history of active Marine Corps activities and organized Marine Corps Reserve Units.

Substantiating Vouchers-Supporting documents to substantiate pay adjustment items entered on military pay accounts.

Military Payrolls-An accounting and record of appropriated funds disbursed for military pay by name, Social Security Number, amount of payment, and check number or signature of member for cash payments.

Financial Returns-Travel vouchers, collection vouchers, public vouchers for services other than personal, and civilian payrolls.

Military Pay Cases of Separated Personnel-A history of individual pay accounts from date of entry on active duty through date of separation, including, as appropriate, replies to congressional inquiries; correspondence in connection with requests for remission and/or waiver of indebtedness; individual claims for pay and allowances including claims for travel allowances and responses thereto; records of participation in the Uniformed Services Savings Deposit Program, including personnel declared to be in a missing-in action status; information surrounding the circumstances of a former member separated in an overpaid status, thus being indebted to the government; cases contain substantiating documents such as military pay records, leave and earnings statements, documents relating to Board for Correction of Naval Records, and other records and vouchers to substantiate responses to all inquiries and payment or disapproval of claims.

Annual Separations Listing-An annual record of separation showing Social Security Number, initials, type of separation, and the effective date of separation of Marines discharged, retired, transferred to the Fleet Marine Corps Reserve, and deceased.

Microfilm of Annual Wage and Tax Information of Active Duty Personnel-Contains cumulative totals of taxable pay earned and taxes withheld, social security wages, and taxes withheld.

Microfilm of Quarterly Social Security Wage Data-Contains Social Security Number, name, and amount of wages reported to the Social Security Administration on a quarterly basis.

Microfilm of Master Allotment File-Contains information concerning the allotment status of active, retired, and Fleet Marine Corps Reserve (FMCR) members, such as start and stop dates, allotment purpose codes, money amounts, name and address of allottee.

Microfiche and Microfilm of Field and Alpha Locators-A record of personnel data of Marines on active duty, listed numerically by Social Security Number and alphabetically name.

Microfiche of Marine Corps Officers Lineal List-A record of Marine Corps officers on active duty showing Social Security Number, name, rank, date of rank, permanent rank, date of birth, date first commissioned, and pay entry base date.

Active Military Pay Cases-A file of each Marine on active duty containing military pay records opened semiannually prior to July 1, 1973 and related miscellaneous pay documents.

Uniformed Services Savings Deposit Accounts of Personnel Missing-in Action-A record of deposits and withdrawals of Marine Corps personnel in a missing-in-action status containing member's name, Social Security Number, balance of deposits, and name and address of the designated beneficiary to whom monies are disbursed.

Federal Housing Administration (FHA)-Files contain Social Security Number, name, FHA account number, due date of insurance premiums, and record of bills and payments.

U.S. Treasury Department, Internal Revenue Service Form 941c-A record effecting adjustment of social security wages, previously reported or non-reported, containing the member's name, Social Security Number, military pay group, period covered, and the monetary amount of adjustment.

Marine Corps Disbursing Officers Shortage Accounts-File contains accountability of losses, letters, and vouchers pertaining thereto.

Indebtedness Cases-Files contain the debtor's name, Social Security Number, current mailing address, the reason for indebtedness and correspondence relating thereto, personal financial information provided by the debtor, receipts of payments, control book, cash record debt ledger, collection agent's ledger, collection vouchers, provided by credit bureau reports, indebtedness record card, debt control card accountability statements, complete military pay accounts, General Accounting Office inquiries, correspondence relating to cases certified to the U.S. Department of Justice, legal notices pertaining to bankruptcy, tax certificates, and other miscellaneous substantiating records and vouchers relating to the indebtedness.

Reserve Personnel Military Pay Cases-A history of individual pay accounts of Selected Marine Corps Reserve (SMCR), Individual Mobilization Augmentee (IMA), Individual Ready Reserve (IRR), Standby Reserve, Retired Reserve, and Fleet Marine Corps Reserve (FMCR) personnel order to temporary active duty under individual duty orders, including pay accounts of personnel attending the Platoon Leaders Class. File contains pay data in support of payments made to SMCR and IMA Reservist Assigned to Organized Marine Corps Reserve units containing drill reports, unit diaries, promotion warrants, certificate for performance of hazardous duty, pay adjustment authorizations, active duty for training orders, pension certificates, token payments payrolls, adjustment, and consolidated final settlement payrolls, and other miscellaneous documents to substantiate payments to Reserve personnel.

Reserve Manpower Management and Pay System (REMMPS) Microform of Master Reserve Manpower Management and Pay System File Contains information concerning pay and personnel status of Reserve personnel. Files of pay data compiled by Reserve Pay Branch, Central Pay Division, in support of payments made to Organized Marine Corps Reserve units containing unit diaries, leave and earnings statements, pay adjustment authorizations, transcripts of data extraction, travel orders and vouchers, and miscellaneous documents to substantiate payments of Reserve Personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Claims Collection Act of 1966, 80 Stat. 309; Pub. L. 97-365, The Debt Collection Act of 1982; 10 U.S.C. 5013; and E.O. 9397.

PURPOSE(S):

To maintain records of all financial transactions on current or former Marine Corps personnel.

To permit collection of debts owed to any Department of Defense creditor agency. Records in this system are subject to use in approved computer matching programs authorized under the Privacy Act of 1974, as amended, for debt collection purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the General Accounting Office and the Department of Justice for collection action for any delinquent account when circumstances warrant.

To a commercial credit reporting agency for the purpose of either adding to a credit history file or obtaining a credit history file for use in the administration of debt collection.

To a debt collection agency for the purpose of collection services to recover indebtedness owned to the Department of Defense.

VOL 58 ISS 33 FE 22 1993 UMI

To any other Federal agency for the purpose of effecting salary offset procedures against a person employed by that agency when any Department of Defense creditor agency has a claim against that person.

To any other Federal agency including, but not limited to, the Internal Revenue Service and Office of Personnel Management for the purpose of effecting an administrative offset of a debt.

To the Internal Revenue Service (IRS) to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim against the taxpayer.

NOTE: Redisclosure of a mailing address from the IRS may be made only for the purpose of debt collection, including to a debt collection agency in order to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982, except that a mailing address to a consumer reporting agency is for the limited purpose of obtaining a commercial credit report on the particular taxpayer. Any such address information obtained from the IRS will not be used or shared for any other DOD purpose or disclosed to another Federal, state or local agency which seeks to locate the same individual for its own debt collection purpose.

To any other Federal, state or local agency for the purpose of conducting an authorized computer matching program to identify and locate delinquent debtors for recoupment of debts owed the Department of Defense.

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corps' compilation of record system notices also apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1966 (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (Social Security Number); the amount, status, and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is recorded on magnetic records, computer printouts, microform and file folders.

RETRIEVABILITY:

Data is retrieved by Social Security Number or taxpayer identification number.

SAFEGUARDS:

Federal Protective Security Guards. Records are maintained in areas not normally accessible to other authorized personnel.

RETENTION AND DISPOSAL:

Various types of records in the system are maintained at different lengths of time or indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code FD), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775; Commanding Officer, Marine Corps Finance Center, Kansas City, MO 64197–0001; Director, Marine Corps Central Design and Programming Activity, Kansas, MO 64197–0501.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code FD), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775; Commanding Officer, Marine Corps Finance Center, Kansas City, MO 64197–0001; or to the Director, Marine Corps Central Design and Programming Activity, Kansas, MO 64197–0501.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code FD), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775; Commanding Officer, Marine Corps Finance Center, Kansas City, MO 64197–0001; or to the Director, Marine Corps Central Design and Programming Activity, Kansas, MO 64197–0501.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Marine Corps activities having the responsibility of collecting data and preparing reports and documents; Headquarters, U.S. Marine Corps; credit unions; credit bureaus; insurance companies, courts, and financial institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MFD00009

SYSTEM NAME:

Pay Vouchers for Marine Corps Junior Reserve Officer Training Course Instructors.

SYSTEM LOCATION:

All Marine Corps District Headquarters. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired Marines in the Marine Corps Junior Reserve Officer Training Course Instructor Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual name, rank, Social Security Number, unit to which assigned, requests for payment of salaries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To maintain records on Marine Corps Junior Reserve Officer Training Course Officer, administrative and fiscal personnel for evaluation and processing of payments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

General Accounting Office in the execution of their Official duties in relation to inspections, investigations, and legal action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders stored in filing cabinets.

RETRIEVABILITY:

Alphabetically by last name, and school to which assigned.

SAFEGUARDS:

Access limited to Marine Corps Junior Reserve Officer Training Course, administrative and fiscal personnel required to process payment requests and payments. After working hours the office and building are locked. A guard is located in the general vicinity.

RETENTION AND DISPOSAL:

Files are retained for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Marine Corps Junior Reserve Officer Training Course Officer Marine Corps Districts. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Marine Corps Junior Reserve Officer Training Course Officer Marine Corps Districts. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Provide full name, Social Security Number, and military status. Proof of identity may be established by military identification card or DD Form 214 and drivers license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Marine Corps Junior Reserve Officer Training Course Officer Marine Corps Districts. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Provide full name, Social Security Number, and military status. Proof of identity may be established by military identification card or DD Form 214 and drivers license.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Senior Marine Instructor of Marine Corps Junior Reserve Training Course unit to which instructor is a member.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MFD00010

SYSTEM NAME:

Per Diem and Travel Payment System.

SYSTEM LOCATION:

Primary System-Disbursing Offices, Marine Corps Posts and Stations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps civilian and military personnel receiving travel advances or making settlement of travel claims to the local Disbursing Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Completed travel claims with documentation cross-referenced to individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To maintain records for use by Marine Corps disbursing employees in the disbursement of funds for reimbursements of official travel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Courts-By Officials of duty established local, state and federal courts as a resu order pertaining to matters properly within the purview of said court.

Congress of the U.S.- By the Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U.S.- By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card file.

RETRIEVABILITY:

Employee name, Social Security Number or badge number.

SAFEGUARDS:

Card file is maintained and used by specific clerks within travel section of the Disbursing Office. After working hours, office locked in a building with controlled access by armed guards.

RETENTION AND DISPOSAL:

Data is maintained until individual departs the area and all travel advances have been settled.

SYSTEM MANAGER(S) AND ADDRESS:

Disbursing Officer, Marine Corps Posts and Station. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Disbursing Offices, Marine Corps Posts and Station. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Disbursing Offices, Marine Corps Posts and Station. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Individual should provide full name and Social Security Number or badge number.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Travel orders and disbursing documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MHD00001

SYSTEM NAME:

Biographical Files.

VOL 58 ISS 33 FE 22 1993 UMI

SYSTEM LOCATION:

Reference Section (Code HDH), History Museums Division, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775 and all major Marine Corps commands and districts.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marine Corps General Officers and those Marines considered as being or having been newsworthy.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains biographical sketches, press releases and media clippings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To maintain a professional summary or sketch of Marine Corps General Officers and newsworthy Marines.

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Courts-By Officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S. - By the Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U.S. - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Officer relating to the Marine Corps.

Historical researchers - To determine accuracy of facts and provide background for correspondence and studies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, microfiche, and photographs.

RETRIEVABILITY:

Filed alphabetically by last name of subject.

SAFEGUARDS:

Building employs security guards. Files within a vault accessible only authorized personnel who are screened and registered prior to being granted access.

RETENTION AND DISPOSAL:

Files are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps (Code HD), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code HD), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code HDH), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Written requests for information should contain the full name of the individual.

For personal visits, the individual should be able to provide some acceptable identification.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Newspaper, magazines, Marine Corps press releases and biographical sketches.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MHD00006

SYSTEM NAME:

Register/Lineal Lists.

SYSTEM LOCATION:

The Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Lists of all active duty and retired officers from 1800 to present.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bound volume of listings which include individual's name, rank.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a list of all members who served in the Marine Corps from 1800 to present for use in the administration of official duties of Officials and employees of the Marine Corps.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Historical Researchers - To determine authority of dates names and ranks of personnel.

Courts - By officials of duty established local, state and federal courts as result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S. - By the Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of files.

The Comptroller General of the U.S. - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Bound volumes retained in library.

RETRIEVABILITY:

Yearly volume listed alphabetically within ranks.

SAFEGUARDS:

Building employs security guards. Files within a vault accessible only to authorized personnel who are screened and registered prior to being granted access.

RETENTION AND DISPOSAL:

Files are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICAT.ON PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code HD), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

RECORD ACC
Individu
informatio
in this syst
inquiries t
Marine Co
Headquart
Washingto
Written
should cor
individual
For pers
should be
acceptable

CONTESTING
The USI
contents a
determina
Secretary
5211.5; M
CFR part
the system

RECORD SO
Internal

EXEMPTIONS
None.

MIL00001

SYSTEM NA
Assignm
House Re

SYSTEM LO
System
decentral
at Marine
family ho

CATEGORIE
SYSTEM:
File co
assignme
family ho
not limite
Manpow
Joint Uni

CATEGORIE
File co
and assig
history o

AUTHORITY
5 U.S.C

PURPOSE(S
To pro
quarters
quarters
administ

ROUTINE U
SYSTEM, IN
THE PURPO
The 'B
the begin
compilat
notices a

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code HDH), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Written requests for information should contain the full name of the individual.

For personal visits the individual should be able to provide some acceptable identification.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Internal publication.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00001

SYSTEM NAME:

Assignment and Occupancy of Family House Records.

SYSTEM LOCATION:

System is organizationally decentralized. Records are maintained at Marine Corps Installations with family housing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

File contains individual's application, assignment to and occupancy history of family housing. Records include, but are not limited to information from the Manpower Management System and the Joint Uniform Military Pay System.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's application and assignment to and occupancy history of family housing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To provide a record of the type of quarters and the individuals assigned to quarters for use in the management and administration of such quarters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

School Districts - By officials of school district boards of education in performance of their duties under local and/or state compulsory education laws.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and on file cards.

RETRIEVABILITY:

Filed alphabetically by last name of housing occupant and in order of position on waiting list.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel; waiting lists are maintained for public inspection.

RETENTION AND DISPOSAL:

Records are permanent. They are retained in active file during time that personnel are residing the quarters, retained in a quarters record jacket after termination of occupancy.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U.S. Marine Corps (Code LF), Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer of the Marine Corps installation from which family housing has been requested, assigned or vacated. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer of the Marine Corps installation(s) at which the individual applied for or occupied family housing. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Such requests should include name, Social Security Number, quarters number if known, and dates of period addressed in the inquiry.

Personal visits may be made to the installation in question any normal work day between 8 a.m.–4:30 p.m. For personal visits the individual should be able to provide valid personal identification.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application from individual seeking family housing, Marine Corps Manpower Management System; Joint Uniform Military Pay System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00002

SYSTEM NAME:

Unaccompanied Personnel Housing Registration System.

SYSTEM LOCATION:

Each Unaccompanied Officer Personnel/Staff Unaccompanied Enlisted Personnel Housing (UOPH/Staff UEPH) assigned registration responsibilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel who are current and former residents of UOPH and Staff UEPH.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains personal identifying information, arrival/departure dates; type of orders; monetary allowance information; UOPH/Staff UEPH room identification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide adequate records for use by Officials and employees of the Marine Corps in the management of bachelor housing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper cards, file folders, status boards, etc.

RETRIEVABILITY:

Alphabetically by name and Social Security Number.

SAFEGUARDS:

Stored in locked office during nonworking hours or when office is not manned. Access on a need-to-know basis only for official purposes.

RETENTION AND DISPOSAL:

Retained for four years; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Decentralized. The local commander is responsible for management of UOPH and staff UEPH.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the local commander responsible for management of UOPH and staff UEPH. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Requester must be able to provide appropriate identifying information.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the local commander responsible for management of UOPH and staff UEPH. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

UOPH/Staff UEPH office personnel and information form individual who fills out registration card.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00003

SYSTEM NAME:

Laundry Charge Accounts Records.

SYSTEM LOCATION:

Marine Corps activities with laundry facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for laundry charge accounts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank, unit, Social Security Number, quarters address and telephone number, date and ticket number of laundry service and amount charged.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of laundry charge accounts for use in the management of laundry facilities at Marine Corps activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In paper records in file folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in locked filing cabinets within locked offices of building. Records are accessible only to persons whose performance require it.

RETENTION AND DISPOSAL:

Five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Decentralized. Laundry charge accounts managed under the Commanding General of each activity which has a laundry.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding General of each activity which has a laundry.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding General of each activity which has a laundry.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00004

SYSTEM NAME:

Personal Property Program.

SYSTEM LOCATION:

All Marine Corps Bases and Federal Records Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel having shipped or stored personal property or privately owned automobiles.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's applications for shipment and/or storage, related shipping documents and records of delivery and payment.

DD Form 619 (Statement of Accessorial Services Performed)

DD Form 828 (Motor Vehicle Shipment Application)

DD Form 1100 (Household Goods Storage)

DD Form 1101 (Household Goods Storage Information)

DD Form 1252 (Owner's U.S. Customs Declaration and Entry and Inspecting Officer's Certificate)

DD Form 1299 (Application for shipment and/or storage of Personal Property)

DD Form 1671 (Reweight of Household Goods)

DD Form 1780 (Report of Carrier Services Personal Property Shipment)

DD Form 1781 (Property Owners Report on Carriers Report)

DD Form 1797 (Personal Property Counseling Checklist)

DD Form 1799 (Member's Report on Carrier Performance-Mobile Homes)

DD Form 1800 (Mobile Home Shipment Inspection at Destination)

DD Form 1841 (Schedule of Property Damages)

DD Form 1842 (Claim for Personal Property against the United States)

DD Form 1845 (Demand on Carrier/Contractor)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

PURPOSE(S):

To provide a record of shipment and storage of personal property for management and payment of personal

property claims by officials and employees of the Marine Corps.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of member.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly cleared and trained.

RETENTION AND DISPOSAL:

Records on international shipments of household goods moved via freight forwarders are retained for 6 years after the period covered by the account and then destroyed. All other household goods records are destroyed when 3 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary of Defense (Installations and Logistics) (ASD(IL)), Washington, DC 20301–0001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code LFS), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775. Telephone (703) 696–0848.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (LFS), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Written requests for information should contain the full name of individual, Social Security Number, current address and telephone number.

For personal visits, the individual should be able to provide acceptable identification and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application and related forms from the individual requesting access; notification of personal clearance from the system manager research note/ documents from records custodians.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00005

SYSTEM NAME:

Passenger Transportation Program.

SYSTEM LOCATION:

All Marine Corps Bases.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel and their dependents, DOD civilian employees and their dependents, and other individuals furnished transportation via commercial transportation resources and Department of Defense single manager transportation resources.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of passenger transportation procurement documents issued, copies of official travel orders supporting the issuances; applications for transportation of dependents, port call requests and confirmations; copies of endorsements to orders indicating transportation issuances; requests and authorizations for space available MAC transportation.

SF 1169 United States of America Transportation Request

DD Form 652 Uniformed Services Meal Ticket

DD Form 884 Application for Transportation for Dependents

DD Form 1287 Request for Commercial Transportation

DD Form 1341 Report of Commercial Carrier Passenger Service

DD Form 1482 Military Airlift Command (MAC) Transportation Authorization

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

PURPOSE(S):

To provide a record of transportation for use in the coordination and payment of passenger transportation charges by commercial and Military Airlift Command resources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Passenger Transportation Procurement documents filed by serial number preprinted on the documents.

Other documents filed in alphabetical order by last name of member.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel that are properly cleared and trained.

RETENTION AND DISPOSAL:

Copies of transportation documents held by issuing office for period of 4 years, after which they are destroyed. Other records retained in active files until the end of the calendar year in which transportation was effected and held additionally in inactive file for two years, then they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Military Traffic Management Command, Washington, DC (Travel via commercial transportation within CONUS).

Commander, Military Airlift Command, Scott AFB, IL (International travel via DOD owned and controlled airlift).

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code LFS), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775. Telephone: 703/696–0848.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code LFS), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Written requests for information should contain the full name of the individual, Social Security Number, current address and telephone number.

For personal visits, the individual should be able to provide acceptable

identification and give some verbal information relating to commercial transportation furnished or Military Airlift Command (MAC) transportation arrangements on a space required or space available basis.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application and related forms from the individual requesting access; notification of personal clearance from the system manager research notes/ documents from records custodians.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00006

SYSTEM NAME:

Dealer's Record of Sale of Rifle or Pistol, State of California.

SYSTEM LOCATION:

Each Marine Corps Activity in California. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authorized Marine Corps Exchange patrons who purchase a rifle or pistol from the Exchange.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual identifying information including height, weight, color of hair and eyes, if purchaser is a citizen, if the purchaser has been convicted of a felony, or if the purchaser is addicted to use of narcotics, the individual's occupation, and descent.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of rifle and pistol sales made by Marine Corps Exchanges in California as required by the State of California.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In paper records in file folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in locked filing cabinets within locked offices of buildings. Records are accessible only to authorized personnel only.

RETENTION AND DISPOSAL:

Records are maintained for five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Decentralized. System managed by local commanders.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer of the activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer of the activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00011

SYSTEM NAME:

Marine Corps Exchange Vendor Directory.

SYSTEM LOCATION:

All Marine Corps commands which operate a Marine Corps Exchange.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All vendor's names and addresses actively engaged in business with the local exchange.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains vendor names and addresses; freight information, delivery and discount terms for remittance and payment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 7601.

PURPOSE(S):

To provide a record of vendors for use by Marine Corps Exchange officials for ordering, freight and delivery information, discount terms, billing and remittance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mechanized print-outs and computer diskettes.

RETRIEVABILITY:

Filed in computer and/or diskettes by permanently assigned 6 digit file numbers.

SAFEGUARDS:

Records are maintained in areas accessible only authorized personnel on a need-to-know basis.

RETENTION AND DISPOSAL:

Records are permanent; updated as necessary. Held until vendor is no longer actively engaged in business with Exchange, then record is eliminated and/or cleaned off diskette.

SYSTEM MANAGER(S) AND ADDRESS:

Decentralized system managed by local commanders. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should

address written inquiries to the Commanding Officer of the activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer of the activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Requests should contain the full name of the requester and the basis of the request.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Notification from applicable vendors, correspondence and agreements originating between vendor and Exchange Procurement Activity.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00012

SYSTEM NAME:

Licensing Procedures For Military Motor Vehicles.

SYSTEM LOCATION:

All Marine Corps motor vehicle licensing facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and DOD civilian employees required to operate a government-owned or controlled motor vehicle including nonappropriated fund vehicles.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain information on each individual's driving experience, who applies for a Government Operators Permit to include traffic accidents involved in, any refusal, suspension or revocation of State Operator's License, all violations of traffic regulations (other than overtime parking) for which he has been found guilty, misrepresentation or failure to report these, and results of physical examinations.

DD Form 1360 - Operators Qualifications and Record of Licensing, Examination and Performance

NAVFAC 9–11240/11 - Checklist and Scoresheet for Road Test in Traffic

SF 46 - U.S. Government Motor Vehicle Operator's Identification Card

DOT Form HS 1047 - Request For Search of National Drivers Register

DOT Form 1054 - Report of Inquiry Searched

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of Marine Corps personnel driver qualifications for use by Marine Corps officials and employees in issuing military motor vehicle identification cards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed in alphabetical order by last name of applicant.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

Copies are normally held for 3 years and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Installations and Logistics, Headquarters, U.S. Marine Corps, Washington, DC. Decentralized system managed by local commands.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Headquarters, U.S. Marine Corps (Code LME), Room 400, Commonwealth Building, Washington, DC 20380–1775. Telephone (703) 696–1030.

Correspondence pertaining to records maintained by local commands may be addressed to the commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Headquarters, U.S. Marine Corps (Code LME), Room 400, Commonwealth Building, Washington, DC 20380–1775.

Correspondence pertaining to records maintained by local commands may be addressed to the commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual information is taken from NAVMC 10964, Licensing Application, civil authorities, Provost Marshal's office, service record, organization commanders.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00013

SYSTEM NAME:

Individual Uniform Clothing Records.

SYSTEM LOCATION:

All Marine Corps activities, but records limited to individuals having received clothing through that activity.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel of the Marine Corps, Marine Corps Reserve, Navy Corpsmen authorized to wear Marine uniforms, candidates of officer procurement programs of the Marine Corps (including Marine option NROTC), former Marines authorized to purchase Marine Corps uniforms Marine Corps clothing stocks.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain listings of individual uniform clothing issued in-kind and clothing sold to individuals on a cash basis, mail-order basis or pay checkage basis.

NAVMC 604 - Individual Clothing Requisition and Issue Slip (Men's)

NAVMC 604b - Individual Clothing Requisition and Issue Slip (Women's)

NAVMC 604a - Transmittal of Clothing Issue Slips

VOL 58 ISS 33 FE 22 1993 UMI

NAVMC 10710 - Men's Individual Clothing Request
NAVMC l0711 - Women's Individual Clothing Request
NAVMC 631 - Individual Clothing Record (Men's)
NAVMC 631a - Individual Clothing Record (Women's)
DD Form 358 - Special Measurement Blank - Clothing - (Men's)
DD Form 1111 - Armed Forces Measurement Blank - Special Sized/ Clothing-(Women's)
DD Form 150 - Special Measurement Blank for Measurement/Orthopedic Boots and Shoes
DD Form 1348 - DOD Single Line Item Requisition System Document (Manual)
SF 344 - GSA Multi-use Standard Requisitioning/Issue System Document
Naval messages/speedletters when used in lieu of routine MILSTRIP procedures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10113.

PURPOSE(S):

To provide a record of clothing issued or sold from Marine Corps stocks to personnel for use in the management of stock by Officials and employees of the Marine Corps.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

May be filed for retrieval by either name or Social Security Number, or when used as a substantiating document for issues/sales at a retail clothing outlet, files are primarily in transaction document number sequence.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Three years when used to substantiate issues under the Clothing Monetary Allowance System.

As required when used to substantiate financial/pay checkage transactions.

Until individual uniform clothing items issued in kind to members of the Marine Corps Reserve are recovered upon separation.

Three years following detachment from duty for which an issue of supplementary uniforms was authorized.

SYSTEM MANAGER(S) AND ADDRESS:

Decentralized system - managed by local command. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code LMP), Room 378, Commonwealth Building, Washington, DC 20380–1775. Telephone (703) 696–1030.

Correspondence pertaining to records maintained by local commands may be addressed to the commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Individual should provide full name, Social Security Number, Military status, current address, specifics of information desired

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code LMP), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual information, Joint Uniform Military Pay System/Manpower Management System (JUMPS/MMS).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00014

SYSTEM NAME:

Exchange Privilege Authorization Log.

SYSTEM LOCATION:

Organized Marine Corps Reserve Units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any member of the Organized Marine Corps Reserve unit who becomes eligible for exchange privileges as a result of attending drills with that unit in accordance with current regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Log contains a list by name of individuals who are issued exchange privilege authorization letters. The list is maintained on a quarterly basis.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of personnel authorized to use exchanges for use in the management and administration of the exchanges by Commanding Officers and Inspector-Instructor of Reserve units.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper bound log book on paper - letters issued to individual Reserves.

RETRIEVABILITY:

Alphabetically by last name for each fiscal quarter. Personnel who join during the quarter are added to the list as they become eligible for exchange privileges.

SAFEGUARDS:

The log is maintained in an area accessible only to authorized personnel. This area is locked during non-working hours. A guard is located in the general vicinity.

RETENTION AND DISPOSAL:

The log will be destroyed one year from the end of the calendar year for which entries are made.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector-Instructor of Organized Marine Corps Reserve unit.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Inspector-Instructor of Organized Marine Corps Reserve unit.

Provide full name, Social Security Number, and military status. Proof of

identity may be established by military identification card or DD Form 214 and drivers license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Inspector-Instructor of Organized Marine Corps Reserve unit. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Monthly drill attendance records of Organized Marine Corps Reserve unit.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00015

SYSTEM NAME:

Housing Referral Services Records System.

SYSTEM LOCATION:

All Marine Corps installations with housing referral offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel reporting to an installation who will be residing off base desirous of seeking off base housing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information is collected on DD Form 1668 from all military personnel reporting to a housing referral office as pertains to name, grade, branch of service, organization and location, local address, housing needs, e.g. rental/sale, number of bedrooms, furnished/unfurnished, price range etc., number of dependents, male or female, and age. A list of housing referral services provided and identification of member of racial or ethnic minority groups. Individuals provided referral assistance must in turn provide notification of housing selection by use of DD Form 1670 which includes such information as type of housing selected, e.g., location, temporary/permanent, rental/sale, cost, number of bedrooms, media through which housing was found, e.g., housing referral, realtor, newspaper, etc., and satisfaction with selection, e.g., too small, too far, discrimination encountered, and satisfaction with housing referral services provided.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide data used by Marine Corps Officials and employees in assisting and counseling individuals in locating suitable housing off base, for follow-up action when written notification is not provided by individuals as to ultimate housing locations, and to maintain record of availability of rental units and follow-up action regarding tenant/landlord complaints.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referral offices use data to assist and counsel individuals in locating suitable housing off base, used for follow-up purposes when written notification from individual is not provided as to ultimate location of housing, used for purposes of reporting statistics on field activity housing referral services, used to follow-up on availability of rental unit subsequent to occupant's receipt of PCS orders, and follow-up regarding tenant/landlord complaints.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Housing files within the housing referral or housing office, used solely within the housing organization and protected by military installation's security measures. Individual may upon request have access to all such data.

RETENTION AND DISPOSAL:

Data is retained until individual's tour is completed and subsequently disposed of according to local records disposition instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code LFF–3), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the housing referral offices at the Marine Corps activity responsible for providing referral services for military personnel in the area. Individual may request access to records upon proof of identity (I.D. card). U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the housing referral offices at the Marine Corps activity responsible for providing referral services for military personnel in the area. Individual may request access to records upon proof of identity (I.D. card). U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data collected from each applicable individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00016

SYSTEM NAME:

Depot Maintenance Management Subsystem (DMMS).

SYSTEM LOCATION:

Marine Corps Logistics Support Base, Albany, GA 31704–5000 and Marine Corps Logistics Support Base, Barstow, CA 92311–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any military or civilian employee of USMC Depot Maintenance Activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains individual's Personal History File, Labor Distribution Reports, Time and Attendance Reports and Payroll Reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record for payroll support and cost accounting for use by Marine Corps officials and employees in monitoring labor distribution.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Congress of the U.S. - The Senate or House of Representatives of the U.S. or any committee or subcommittee thereof; any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

Treasury Department - To Officials and employees of the Treasury Department on matters relating to pay as required in the performance of their official duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes and discs, computer paper printouts and microfiche.

RETRIEVABILITY:

Filed by employee badge number.

SAFEGUARDS:

Buildings have security personnel. Records are maintained in areas accessible to authorized personnel that are properly screened.

RETENTION AND DISPOSAL:

Records are maintained until end of calendar year in which employee has worked. At the end of one year, the computer magnetic tapes and discs are erased and paper printouts are destroyed by shredding. Microfiche is destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code LMM), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775; CG, Marine Corps Logistics Support Base, Albany, GA 31704–5000; and CG, Marine Corps Logistics Support Base, Barstow, CA 93211–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code LMM), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775; CG, Marine Corps Logistics Support Base, Albany, GA 31704–5000; and CG, Marine Corps Logistics Support Base, Barstow, CA 92311–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding General, Marine Corps Logistics Support Base, Albany, GA 31704–5000 or Commanding General, Marine Corps Logistics Support Base, Barstow, CA 92311–5000.

Written requests for information should contain the full name of the individual, current address, telephone number.

For personal visits, the individual should be able to provide some acceptable identification, i.e., driver's license, social security card, etc.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Automated system interfaces. Application and related forms from the individual requesting employment.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00017

SYSTEM NAME:

Transportation Data Financial Management System (TDFMS).

SYSTEM LOCATION:

Commanding General (Code A470), Marine Corps Logistics Support Base, Albany, GA 31704–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps active duty, reserve, retired personnel, federal Civil Service employees of the Marine Corps and their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

The TDFMS Master Files consist of a complete automated record for all Marine Corps active duty, reserve and retired personnel, federal Civil Service employees of the Marine Corps and their dependents concerning the movement of household goods, personal effects and passenger or personnel transportation by rail, bus, air or other means involving expenditures of Marine Corps funds.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C. and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record for analysis and research for budget forecasting, certification and expenditure of Marine Corps funds and identification of movement of material by weight for payment of transportation charges on personal property and personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Courts - By Officials of duly established local, state, and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S. - The Senate or the House of Representatives of the U.S. or any subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U.S. - By the Comptroller or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes and discs, computer printouts, microfiche and microfilm.

RETRIEVABILITY:

Information is accessed and retrieved by name, Social Security Number, etc. Conventional and computerized indices are required to retrieve individual records from the system.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records are maintained until statute of limitation has expired and/or litigation is concluded.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps (Code LFS), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding General (Code A470), Marine Corps Logistics Support Base, Albany, GA 31704–5000. Telephone (912) 439–5674/5675/5676/5677.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding General (Code A470), Marine Corps Logistics Support Base, Albany, GA 31704–5000.

Written requests for information should contain Social Security Number, full name and current address, Government Bill of Lading number (if known), date of shipment or move of household goods.

For personal visits, the individual should be able to provide positive personal identification, such as valid military identification card, drivers license, etc.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Government and commercial carriers. Installation Transportation Officers. Authorized order writing activities. Paying or disbursing officers. Marine Corps Manpower Management System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00018

SYSTEM NAME:

Organization Clothing Control File.

SYSTEM LOCATION:

Depot Property Control Branch, Marine Corps Recruit Depots.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Drill Instructors, Marksmanship Instructors, Women Marine Special Subject Instructors and Band members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Combined Individual Clothing Requisition and Issue Slip, NAVMC 604 Form.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To maintain records of organizational clothing issued to authorized personnel until items have been returned.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of Marine concerned.

SAFEGUARDS:

Records are maintained in filing cabinet in a locked building.

RETENTION AND DISPOSAL:

Records are maintained until items of organizational clothing are returned.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding General, Marine Corps Recruit Depots.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Depot Supply Officer, Depot Service and Supply Department, Marine Corps Recruit Depot, Parris Island, SC 29905–5001 or San Diego, CA 92140–5001.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Depot Supply Officer, Depot Services and Supply Department, Marine Corps Recruit Depot, Parris Island, SC 29905–5001 or San Diego, CA 92140–5001.

Written requests for information should contain the full name, Social Security Number and current address of the individual concerned.

For personal visits, the individual should be able to provide a military identification card.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Provided by the authorized individual's request NAVMC 604 to be issued items of Organizational Clothing.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00019

SYSTEM NAME:

Equipment and Weapons Receipt or Custody Files.

SYSTEM LOCATION:

System is decentralized. Records are maintained at Marine Corps commands, organizations, or activities that issue said equipment or weapons.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

System contains name, rank, Social Security Number, unit address, and date.

CATEGORIES OF RECORDS IN THE SYSTEM:

This file contains name, rank, Social Security Number, itemized list of equipment issued, date issued, and possibly unit and section/Department to which assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of individuals who have government property in their possession for use in the management of that property.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in binder, file folder, box, vertical card file, or index cards.

RETRIEVABILITY:

Records are filed alphabetically by name.

SAFEGUARDS:

After working hours, the office and building are locked. A guard is located in the general vicinity.

RETENTION AND DISPOSAL:

These records are destroyed upon the return of the property listed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity.

VOL 58 ISS 33 FE 22 1993 UMI

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity.

Provide full name, Social Security Number, and military status. Proof of identity may be established by military identification card or DD Form 214 and drivers license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of the activity.

Provide full name, Social Security Number, and military status. Proof of identity may be established by military identification card or DD Form 214 and drivers license.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is entered by visual certification of property, issued and identification presented by individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00021

SYSTEM NAME:

Working Files, Division Supply Sections and Wing Supply Sections.

SYSTEM LOCATION:

Division Supply Section, Regiments, Battalions, Separate Companies, Wing Supply Sections, Groups, Separate Squadrons

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel responsible for government property, reimbursing government for damages/loss of property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Equipment Custody Records (ECR) - This file contains the date, voucher number, remarks, quantity, signature, control number, description and unit.

Memorandum Receipt for Individual/ Garrison Equipment (IMR) - This file includes the name, grade, Social Security Number, date, organization, signature and unit.

Memorandum Receipt for Individual Weapons and Accessories - This file includes the name, grade, Social Security Number, organization, signature and unit.

Personal Effects Log - This file includes the date, name, Social Security Number, grade and signature.

Letter of Appointment/Authorization - These files include the date, name, grade, Social Security Number, description of duties/authorizations and sample signature.

Voucher Files - Cash Collection - This file includes the name, grade, Social Security Number, unit, description of sales and signature.

Voucher Files - Investigations - This file includes the name, grade, Social Security Number of investigating officer, subject, serial number, date investigation received, date sent to unit for correction (if applicable), due date to be returned and remarks. File also contains a copy of the investigation.

Special Order Clothing - This file includes the name, rank, Social Security Number, msg number, individual unit, and remarks regarding receipt of clothing.

Base Property Log - Contains a list of names of personnel who have lost and paid for government property.

Serialized Blank Forms Register - Contains a listing of personnel by name who issue/receive serialized blank forms.

Quarterly Inventory of Sets, Chests and Kits - Contains a file of inventories made on contents of sets, chests and kits including the name, rank and Social Security Number of the individual inventorying property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record, by units, of supplies, property and responsible property management personnel for maintenance and accountability of government property.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

ECR - Vertical file cards.

IMR; Individual Weapons and Accessories, Special Clothing - card file.

Personal Effects; Investigation; Base Property Log; Serialized Blank Forms Register-Log Book.

Letters of Appointment/ Authorization; Voucher Files, investigations; Quarterly inventories of Sets, Chests and Kits - paper records in file folders.

RETRIEVABILITY:

ECR - filed by unit or responsible officer.

IMR; Individual Weapons and Accessories; Special Clothing - filed alphabetically by name.

Personal Effects, Investigation Log; Letter of Appointment/Authorization; Voucher Files; Base Property Log; Serialized Blank Form Register; Quarterly Inventory of Sets, Chests and Kits - as it occurs by name.

SAFEGUARDS:

IMR; Individual Weapons and Accessories Records - maintained in secured area within armories accessible only to personnel authorized to be in the area.

ECR; Personal Effects Log; Letters of Authority; Voucher Files; Investigations; Special Clothing; Base Property Log; Serialized Blank Forms Register; Quarterly Inventory of Sets, Chests and Kits - Personnel within supply/S–4 sections authorized access, no special safeguard implemented.

RETENTION AND DISPOSAL:

ECR; IMR; Weapons Custody Records; Special Clothing retain until accountable balance is zero.

Personal Effects Log; Quarterly Inventory of Sets, Chests and Kits - one year.

Letters of Appointment/Authorization - five (5) years.

Voucher Files; Investigation Log; Base Property Log; Serialized Blank Forms - two years.

All files may be destroyed after being maintained the required timeframe.

Investigations - Two years after the end of the fiscal year in which the investigation was completed.

SYSTEM MANAGER(S) AND ADDRESS:

Division Supply Officers, Marine Corps Division; Wing Supply Officers, Marine Corps Aircraft Wings. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Division Supply Officers, Marine Corps Division; Wing Supply Officers, Marine Corps

Aircraft Wings. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Division Supply Officers, Marine Corps Division; Wing Supply Officers, Marine Corps Aircraft Wings. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests for information should contain the full name, grade and Social Security Number of the individual as well as the unit to which he is/was attached which would reflect information pertaining to him.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual and/or individual's SRB or OQR or other listing unit may have which contains required information.

Incoming messages for Special Order Clothing.

Base Locator.

Completed investigations submitted.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIL00022

SYSTEM NAME:

Delinquent Clothing Alteration List.

SYSTEM LOCATION:

System is decentralized. Records are maintained at Marine Corps commands, organizations, or activities that alter clothing.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

List of personnel who have failed to pick up altered clothing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains an alphabetical listing of personnel who have failed to pick up clothing which has been altered for them.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of personnel who have altered uniforms ready for pick up for use by the Clothing Branch Officer in notifying personnel of such delinquent pick up.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards/file folders.

RETRIEVABILITY:

Alphabetical by unit assigned.

SAFEGUARDS:

After working hours, the office and building are locked. Guards are located in the general vicinity.

RETENTION AND DISPOSAL:

Maintained for two years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Clothing officer of the activity concerned.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the clothing officer of the activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the clothing officer of the activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests should include name and Social Security Number. Personal visits may be made to the installation in question.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Cards filled out by personnel when leaving clothing for alteration.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MIN00001

SYSTEM NAME:

Personnel Security Eligibility and Access Information System.

SYSTEM LOCATION:

Primary system: Headquarters, U.S. Marine Corps, Washington, DC 20380–1775 and the Marine Corps Security Guard Battalion, Building 2007, Marine Corps Base, Quantico, VA 22134–5020.

Secondary system: Local activity or detachment to which individual is assigned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Marine Corps, Marine Corps Reserve, former members, applicants for enlistment or commissioning, members serving in the Marine Corps Security Guard program, Marine Corps civilian employees, and those whose status or position effects the security, order or discipline of the Marine Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain reports of personnel security investigations, criminal investigations, counterintelligence investigations, checklists, correspondence, records and information pertinent to an individual's acceptance and retention, personnel security clearance and access, and continuing assignment to personnel reliability programs, Marine Security Guard program, and other high risk or compartmented information programs requiring personnel quality control.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations, 10 U.S.C. 5013; and E.O. 9397.

PURPOSE(S):

To provide a record of individuals eligible for assignment to personnel reliability programs and other high risk or compartmental information programs requiring personnel quality control.

VOL
58
ISS
33
FE
22
1993
UMI

To provide a record of information collected on individuals regarding their continuing performance and reliability while serving in the Marine Security Guard program.

To provide records to facilitate decisions regarding the reassignment and/or removal of Marine Security Guards from the Marine Security Guard program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of other agencies of the Executive Branch of the government, upon request, in the performance of their official duties.

The 'Blanket Routine Uses' that appear at the beginning of the Marine Corps' compilation of record system notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and index cards. Some information is contained in automated files or on computer tapes.

RETRIEVABILITY:

Retrieved alphabetically by last name of individual or by Social Security Number.

SAFEGUARDS:

Stored in locked safes or cabinets. File areas are accessible only to authorized persons who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Maintained at activity where assigned until separation or removal from sensitive position. Three years thereafter, records are transferred to Federal Records Center for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775 and the Commanding Officer, Marine Security Guard Battalion, (State Department), Quantico, VA 22134–5020.

Decentralized system managed by local activities and detachments. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this systems should address written inquiries to the Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775; Commanding Officer, Marine Security Guard Battalion, (State Department), Quantico, VA 22134–5020; or the security office where individual is assigned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

The letter should contain full name, Social Security Number, status, address and notarized signature of the requester.

The individual may visit Headquarters, U.S. Marine Corps, Arlington Annex (Federal Office Building 2), Arlington, VA, or the Marine Security Guard Battalion, Building 2007, Marine Corps Base, Quantico, VA for assistance or visit any detachment or activity for access to locally maintained records. Prior written notification of personal visits are required to ensure that all parts of the records will be available at the time of the visit. Proof of identity will be required and will consist of a military identification card, driver's license or similar picture-bearing identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775; Commanding Officer, Marine Security Guard Battalion, (State Department), Quantico, VA 22134–5020; or the security office where individual is assigned. Official mailing addresses are published as an appendix to the Department of the Navy's compilation of record system notices.

Written requests should contain full name, Social Security Number, status, address and notarized signature of the requester.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officials and employees of the Marine Corps, Departments of the Navy and Defense and other departments and agencies of the Executive Branch of government; medical reports; correspondence from financial and other commercial enterprises; correspondence from private citizens; investigations to determine suitability for security clearances and sensitive assignments; correspondence, investigations and reports relating to disciplinary proceedings; official correspondence and other reports concerning the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2), (k)(3), and (k)(5) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information, contact the system manager.

MIN00002

SYSTEM NAME:

POW/MIA Intelligence Analysis and Debrief Files.

SYSTEM LOCATION:

Primary system - Headquarters, U.S. Marine Corps, Washington, DC 20380–1775. Major Marine Corps commands maintain derivative files.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the U.S. Marine Corps or Marine Corps Reserve either currently or previous prisoner of war (POW), detained by hostile forces or declared missing in action (MIA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Narrative of loss incident; investigations regarding loss incident; casualty reports intelligence reports possible identifying subject; articles, statements, lists and photographs published in world news media or broadcast over hostile public radio; portions of official debriefings or debriefing summaries; and analytical evaluations of information contained in file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of information collected on individuals classified as prisoners of war or missing in action until their return to military control or otherwise change of status.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's

compilation of systems of records notices apply to this system.

Senate or the House of Representatives of the United States or any committees or subcommittees thereof, requiring disclosure of the files or records of individuals connected with this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; photographs, film and tape recordings.

RETRIEVABILITY:

Filed alphabetically by last name of the individual.

SAFEGUARDS:

Secured in GSA approved security containers within locked office spaces. Access is granted only to those authorized persons who are properly cleared and having a need-to-know.

RETENTION AND DISPOSAL:

Records maintained within Marine Corps Intelligence Division as long as individual's status remains POW/MIA. Record is retired to Marine Corps Historical Division two years after return to U. S. control or when status is changed to KIA/KIA-BNR.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code C4I), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code C4I), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code C4I), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Other records of the activity; investigators; witnesses; correspondents; intelligence reports from the services, Defense Intelligence Agency, Central Intelligence Agency, State Department and other government agencies; Foreign Broadcast Information Service; newspapers; magazines; television; radio; and movies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MJA00001

SYSTEM NAME:

Business Complaint File.

SYSTEM LOCATION:

Legal office or Office of the Staff Judge Advocate at all Marine Corps activities. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Businesses which have generated complaints by clients at Legal Assistance Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Affidavits of individuals involved in incidents which give rise to such complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of business complaints for use in resolution of problems by legal assistance officers or for forwarding to the appropriate attorney general's office and/or Armed Forces Disciplinary Control Board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Legal Assistance Officers to resolve problem locally or forwarded to the appropriate attorney general's office and/or Armed Forces Disciplinary Control Board as appropriate for settlement of complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Arranged by type of business and alphabetically by name of the business within types. Requires conventional indices for retrievability.

SAFEGUARDS:

Maintained in locked building.

RETENTION AND DISPOSAL:

Maintained so long as file is active, or two years if inactive. Not transferred. Destroyed by discard in military trash system.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Judge Advocate/legal officer of the local Marine Corps activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Staff Judge Advocate/legal officer of the local Marine Corps activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Requester may also visit office. Military I.D. card or other suitable identification will be required.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Staff Judge Advocate/legal officer of the local Marine Corps activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual complainants.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MJA00002

SYSTEM NAME:

General Correspondence Files for Legal Administration.

SYSTEM LOCATION:

All Marine Corps activities. U.S. Marine Corps official mailing addresses are incorporated into the Department of

the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

File contains information on individuals who have appealed Article 15 punishment and traffic court rulings; have been referred to a court-martial (awaiting special or general court-martial); have been confined at a Correctional Facility in excess of 30 days; lawyers assigned to be on call for a given period; officers punished under Article 15, Uniform Code of Military Justice; individuals selected to sit as members of a court-martial. File covers individuals who have been recommended for administrative discharge whose cases have been reviewed by Staff Judge Advocate, individuals served with civil process, and other individuals (military and civilian) requesting assistance in legal related problems.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information relating to nonjudicial punishment appeals, the reason for the appeal and the response of the officer appealed; traffic court appeals; counsel assignments to individual referred to a court-martial; weekly case listings including type of offense, counsel assigned and dates pertaining to each case; excess 30 day pretrial confinement letters including the approval/disapproval by the CG for extending the period of confinement; duty lawyer roster; officer's punishment including offense, punishment and statement of desire to appeal or not; weekly docket list; and court-martial members questionnaire including age, duty assignment, summary of past duties, martial status, children, and matters pertaining to past schooling, assignments, name, rank and Social Security Number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 801, et.seq.

PURPOSE(S):

To provide a record on legal matters for use by Marine Corps Staff Judge Advocates and legal personnel in addressing legal matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Courts - by Officials duly established local, state, and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S. - by the Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within the jurisdiction requiring disclosure of the files of the system.

The Comptroller General of the U.S. - by the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and card files.

RETRIEVABILITY:

Alphabetically.

SAFEGUARDS:

Kept behind locked doors with security guard in building at night.

RETENTION AND DISPOSAL:

Most records are retained for two years. Duty lawyer rosters and weekly docket lists are retained for one year. All records are destroyed at the end of the retention period.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Requester should supply full name and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests for information should contained full name and grade of the individual.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MJA00003

SYSTEM NAME:

Magistrate Court Case Files.

SYSTEM LOCATION:

All Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilians pending and tried by the assigned Federal magistrate for crimes committed on military reservation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative reports, complaints, summons and warrants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 18 U.S.C. 3041.

PURPOSE(S):

To provide a record of summons, warrants, investigative reports and complaints for use by military prosecutors in the preparation of cases of trial.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name. Conventional indices are required for retrieval.

SAFEGUARDS:

Maintained in file cabinet in locked building.

RETENTION AND DISPOSAL:

Retained and destroyed in accordance with SECNAVINST 5212.5B.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individual is personally served with a subpoena and is shown the file. Requires name for entry.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Law enforcement reports, bad check transmittal letters from Government agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MJA00004

SYSTEM NAME:

In Hands of Civil Authorities Case Files.

SYSTEM LOCATION:

All Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel who are in hands of civil authorities or have charges pending against them by civil authorities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Civil court documents, advise to respondent, health statements/certificates, written agreement releasing the Marine to civilian authorities and supporting documents pertaining to individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 814.

PURPOSE(S):

To provide a record of Marines in the hands of civil authorities for use in the administrative processing of such individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual by calendar year in which processing is completed.

SAFEGUARDS:

Files are stored in filing cabinets accessible only to authorized personnel. Doors are locked and full-time security guards are employed after normal working hours.

RETENTION AND DISPOSAL:

On discharge personnel, record incorporated into administrative discharge file. Others retained for two years after completion of calendar year in which processed, then destroyed in accordance with the Navy and Marine Corps Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Judge Advocate or legal officer of the activity concerned.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Staff Judge Advocate or legal officer of the activity concerned.

Requester must be able to provide satisfactory identifying information.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Staff Judge Advocate or legal officer of the activity concerned.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Warrant for arrest, service records, health records, civil court documents, law enforcement personnel and various DOD agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MJA00005

SYSTEM NAME:

Financial Assistance/Indebtedness/Credit Inquiry Files.

SYSTEM LOCATION:

All Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marines identified as owing debts and/or having dependents requiring financial aid.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, rank, Social Security Number, military occupational specialty component, marital and dependency status and supporting documents pertaining to indebtedness, financial assistance and credit inquiries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

PURPOSE(S):

To provide a record of Marines identified as owing debts or having need for financial aid for use in processing correspondence relating to financial assistance, credit inquiry or indebtedness.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Records are retrieved by name and Social Security Number of the individual concerned.

SAFEGUARDS:

File accessible only to authorized personnel in the execution of their official duties. Maintained in locked building with full time duty personnel present during non-working hours.

RETENTION AND DISPOSAL:

Retained for two years and disposed of in accordance with Navy and Marine Corps Records Disposal Instructions.

VOL 58 ISS 33 FE 22 1993 UMI

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of activity concerned.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of activity concerned.

Requester must be able to provide satisfactory identifying information.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of activity concerned.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Previous and current commanders, private individuals and commercial creditors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MJA00009

SYSTEM NAME:

Marine Corps Command Legal Files.

SYSTEM LOCATION:

All Marine Corps commands whose commander or officer in charge has the authority to convene a special court-martial. See 10 U.S.C. 826 and the U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of the Department of Defense or guests who have visited Marine Corps installations who have allegedly committed criminal offenses aboard a military installation or whose conduct has been subject to investigation.

Any Marine or Navy service member who is the subject of the disciplinary action under the provisions of the Uniform Code of Military Justice (10 U.S.C. 801) who has been the subject of administrative discharge action pursuant to the provisions of Marine Corps Order P1900.16); or who has been the subject of an investigation (JAG Manual investigations) convened pursuant to the provisions of the Uniform Code of Military Justice or the Manual of the Judge Advocate General (JAG Instruction 5800.7) or any other type of investigation or inquiry.

All participants in the Marine Corps Marathon.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains information as provided on the Marine Corps Marathon Liability and Publicity Release Form.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947 as amended by DOD Reorganization Act of 1958, 10 U.S.C. 136; 10 U.S.C. 133; 32 CFR part 237 (1982).

PURPOSE(S):

To provide a record of all participates in the annual Marine Corps Marathon for use in organizing the event.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Electronic and print media - To provide publicity on the marathon event.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tape and disks as well as in paper files.

RETRIEVABILITY:

Records are retrieved by name, runner number, or telephone number.

SAFEGUARDS:

Records are maintained in an area accessible only to authorized personnel. The terminals are in a room with windows protected by bars and the room is locked when not being used by authorized personnel. User identification codes and passwords known only by the data input operators and their supervisors are required for access to the terminals.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Marathon Coordinator, Marine Corps Marathon, PO Box 188, Quantico, VA 22134–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Marathon Coordinator, Marine Corps Marathon, PO Box 188, Quantico, VA 22134–5000.

Written requests for information should contain the full name, runner number, and telephone number. For personal visits, the individual should be able to provide identification bearing picture and signature or sufficient verbal data to ensure that the individual is the subject of inquiry.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Marathon Coordinator, Marine Corps Marathon, PO Box 188, Quantico, VA 22134–5000.

Written requests for information should contain the full name, runner number, and telephone number. For personal visits, the individual should be able to provide identification bearing picture and signature or sufficient verbal data to ensure that the individual is the subject of inquiry.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00001

SYSTEM NAME:

Absentee Processing and Deserter Inquiry File.

SYSTEM LOCATION:

Primary System - Absentee and Deserter Section, Manpower Plans and Policy Division, Manpower Department (Code MH), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Decentralized Segments - U.S. Marine Corps commands to which the absentee or deserter is assigned for duty or administration of official records. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marine Corps absentees and deserters; Marines in hands of civil authorities foreign and domestic; Marines who fail to comply with orders to new duty stations; suspected and convicted absentees and deserters who have returned to military control.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains personal identification data, parent command, notations of arrests, nature and dispositions of criminal charges, and other pertinent and information which is necessary to monitor, control and identify absentees and deserters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of absentees or deserters for identification, apprehension, return to military control or monitoring member located in a foreign country.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Comptroller General of the U.S. - To respond to the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to Marine Corps Manpower Management Programs.

Civilian Law Enforcement Agencies - To coordinate with appropriate federal, state, and local law enforcement agencies as may be required to report, identify, apprehend and return Marine absentees and deserters to Marine Corps control.

Courts - To respond to court orders in connection matters before a court.

Congress of the U.S. - To respond to inquiry of the Senate or the House of Representatives of the United States or any committee or subcommittee thereof any joint committee or joint subcommittee of the Congress on matters within their jurisdiction as may be requested of the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tapes and disks, microform and file folders.

RETRIEVABILITY:

Records may be accessed by name and Social Security Number.

SAFEGUARDS:

Building employs security guards. Computer terminals and records are located in areas accessible only to authorized personnel that are properly screened, cleared and trained. Use of terminals requires knowledge of passwords.

RETENTION AND DISPOSAL:

Records vary in the period of time retained. Records on magnetic tapes and disks are destroyed by erasing after disposition of the individual's case. Paper records are maintained only as long as necessary to transfer information to the official personnel record, then they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps (Code MH), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MH), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775. Telephone (703) 696–2081.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MH), Headquarters, U.S. Marine Corps, Federal Office Building, Washington, DC 20380–1775.

Written requests for information should contain the full name of the individual, date and place of birth, Social Security Number and signature.

For personal visits, the individual should be able to provide military identification card, driver's license or other type of identification bearing picture or signature or by providing verbal data sufficient to insure that the individual is the subject of the inquiry.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from the Marine Corps Military Personnel Records; from the individual's commanding officer, officer in charge, federal, state and local law enforcement agencies, lawyers, judges, Members of Congress, relatives of the individual and private citizens, the Department of Veterans Affairs and the individual themselves.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00002

SYSTEM NAME:

Listing of Retired Marine Corps Personnel.

SYSTEM LOCATION:

The Commandant of the Marine Corps (Code M), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All retired members of the Marine Corps, including those former Marines in the receipt of disability benefits from the Department of Veterans Affairs.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system is a microfiche listing derived from automated sources depicting the retiree's name, Social Security Number, grade, mailing address and retirement component code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5201.

PURPOSE(S):

To provide a record of all retired members for use in determination of benefits and entitlements as a retiree.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly with the purview of said court.

Congress of the U.S. - By the Senate or House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U.S. - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Leatherneck Magazine and Marine Corps Gazette - For maintaining their mailing lists of subscribers to these semi-official, professional publications.

VOL 58 ISS 33 FE 22 1993 UMI

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Controlled distribution microfiche listing. Stock copies maintained in locked room.

RETRIEVABILITY:

Listing in alphabetical order, with officer personnel listed separate from enlisted personnel.

SAFEGUARDS:

Building employs security guards. Distribution is strictly controlled.

RETENTION AND DISPOSAL:

Destroyed upon being superseded by updated monthly listing.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code M), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MI), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

The letter should contain the full name, Social Security Number and signature of the requester.

The individual may visit Headquarters, U.S. Marine Corps, Columbia Pike, Arlington Ridge Road, Arlington, VA, Room 4001. Proof of identification may consist of his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD Form 214), his discharge certificate, his driver's license or by providing such other data sufficient to insure that the individual is the subject of the inquiry.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps

Headquarters, U.S. Marine Corps, Columbia Pike, Arlington Ridge Road, Washington, DC 20380–1775. Telephone (703) 614–3122.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Staff agencies and subdivisions of Headquarters, U.S. Marine Corps and the Department of Veterans Affairs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00004

SYSTEM NAME:

Marine Corps Club Records.

SYSTEM LOCATION:

Decentralized Segments - Records maintained by Marine Corps Clubs at organizational elements of the Marine Corps. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officer personnel who elect officer club membership, staff noncommissioned officer personnel who elect staff noncommissioned officer club membership and patrons of consolidated package stores who purchase alcoholic beverages.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains nonstandardized, locally produced record listing name, grade, Social Security Number, military address, duty telephone number and dependent information.

Alcoholic purchase records contain name, grade, Social Security Number, and the alcoholic beverage purchased by type, name brand, and quantity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of club members and patrons for use of management personnel in billing of customers and forwarding of club related information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information of a personal nature is recorded and stored in cabinet drawers or other record keeping devices.

RETRIEVABILITY:

Is by name and/or Social Security Number.

SAFEGUARDS:

Include normal security afforded unclassified file materials.

RETENTION AND DISPOSAL:

Data on club membership is retained as long as the member is active and disposed of when membership is terminated. Data on alcoholic purchases is retained for a period as specified by the local command, but in no case for a period in excess of two years from date of purchase.

SYSTEM MANAGER(S) AND ADDRESS:

Decentralized - The local commanding officer is responsible for the operation of clubs aboard his base/activity. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the commanding officer of the activity having custody of the records. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the local commanding officer is responsible for the operation of clubs aboard his base/activity. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data collected from each applicable individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00005

SYSTEM NAME:

Marine Corps Education Program.

SYSTEM LOCATION:

Primary system - Marine Corps Combat Development Command, Quantico, VA 22134–5050.

Secondary system - Local activity or command to which individual is assigned. See list of activities in Navy Standard Distribution List (OPNAV P09B3–107).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marine Corps personnel who have submitted written applications for participation in full-time, tuition assistance, off-duty, PREP, or other voluntary education programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of individual's applications for participation in an education program; copies of correspondence between the Marine Corps, the individual and academic records and correspondence; test results; previous enrollments and disenrollments; and educational qualification data addressing the individual concerned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record on individuals for use in educational and vocational counseling, selection, assignment and management of various educational and vocational programs attended by Marine Corps personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S. - By the Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee or matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U.S. - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Educational Institutions - By officials and employees of those educational institutions to which the individual applies or which the Marine Corps contracts with, to provide full-time, off-duty or other educational programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files as represented by card files, listings, log books, computer printouts, rosters and file folders stored in filing cabinets.

RETRIEVABILITY:

Filed alphabetically by last name; by educational institution, educational program or unit of assignment. Cross reference by Social Security Number.

SAFEGUARDS:

Records are maintained in limited access working areas and are made available to persons other than the individual addressed only on a strict 'need-to-know' basis. After duty hours storage areas are locked.

RETENTION AND DISPOSAL:

Records are maintained a maximum of three years and then destroyed. In instances where individual completed less than three years, with no incurred service obligation, records are destroyed on program completion or transfer of individual from command maintaining record.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding General, Marine Corps Combat Development Command, Quantico, VA 22134–5050.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding General, Marine Corps Combat Development Command, Quantico, VA 22134–5050. Telephone (703) 640–2399.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the commander of the activity to which they are assigned for duty. Activity addresses are contained in the Navy Standard Distribution List (OPNAV P09B3–107).

Requests from individuals who have made written application for the Special Education Program (SEP), Advanced Degree Program (ADP), Funded Legal Education Program (FLEP), College Degree Program (CDP), Marine Enlisted Commissioning Education Program (MECEP), Navy Enlisted Scientific Education Program (NESEP), Staff NCO Degree Completion Program (SNCODCP), or Marine Associate Degree Completion Program (MADCOP) should be addressed to the Commanding General, Marine Corps Combat Development Command, Quantico, VA 22134–5050. Telephone (703) 640–2399.

Written requests for information should contain name of the individual, current address and telephone number, and the academic program originally requested or in which participated.

For personal visits, the individual should provide personal identification.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application and related documents including correspondence from the individual requesting an education program; correspondence originating in the Educational Services Branch or other Headquarters Marine Corps staff agencies; academic transcripts from educational institutions; and educational selection board results.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00006

SYSTEM NAME:

Marine Corps Military Personnel Records (OQR/SRB).

SYSTEM LOCATION:

Primary system: Headquarters, U.S. Marine Corps (Code MMSB), 2008 Elliot Road, Quantico, VA 22134–5002.

Decentralized segments: Commanding officer of the organization to which the Marine officer or enlisted individual is assigned for duty and has responsibility for the Officer Qualification Records/ Service Record Books (OQR/SRB).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps military personnel (enlisted/officer): Reserve, retired and discharged or otherwise separated.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains the Official Military Personnel File, SRB and OQR.

VOL 58 ISS 33 FE 22 1993 UMI

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 5013; and E.O. 9397.

PURPOSE(S):

To provide a record on all Marine Corps military personnel for use in management of resources, screening and selection for promotion, training and educational programs, administration of appeals, grievances, discipline, litigations and adjudication of claims and determination of benefits and entitlements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Coast Guard and National Guard in the performance of their official duties relating to screening members who have expressed a positive interest in an interservice transfer, enlistment, appointment or acceptance.

To agents of the Secret Service in connection with matters under the jurisdiction of that agency upon presentation of credentials.

To private organizations under government contract to perform random analytical research into specific aspects of military personnel management and administrative procedures.

To officials and employees of the American Red Cross and Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

To officials and employees of the Sergeant at Arms of the U.S. House of Representatives in the performance of official duties related to the verification of Marine Corps service of Members of Congress. Access will be limited to those portions of the member's record required to verify service time, active and reserve.

To state, local, and foreign (within Status of Forces agreements) law enforcement agencies or their authorized representatives in connection with litigation, law enforcement, or other matters under the jurisdiction of such agencies.

To officials and employees of the Department of Veterans Affairs, Department of Health and Human Services, and Selective Service Administration in the performance of their official duties related to eligibility, notification, and assistance in obtaining benefits by members and former members of the Marine Corps.

To officials and employees of the Department of Veterans Affairs in the performance of their official duties relating to approved research projects.

To officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in performance of their official duties related to the management, supervision, and administration of members and former members of the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper in file folders and on microfiche.

RETRIEVABILITY:

The records at Headquarters, U.S. Marine Corps (all active and reserve officer records, all temporary disability retired records, all active and organized reserve and Fleet Marine Corps Reserve enlisted records of personnel joined/transferred to these components subsequent to June 30, 1974, all former Commandants, all living retired officers (who served in General Officer grade, records of all personnel separated/retired four months or less) are retrieved by full name and Social Security Number. Except for OQR's and SRB's of participating members, all other categories of Marine Corps military personnel records are maintained at the National Personnel Records Center, St. Louis, MO. Those retired to St. Louis prior to January 1, 1964 and/or those with military service numbers (MSN) below 1800000 are retrieved by MSN and full name. All other Marine Corps records retired to St. Louis, MO are accessed by MSN and/or Social Security Number and are retrieved by an assigned registry number.

SAFEGUARDS:

Restricted access to building and all areas where data is maintained. Records are maintained in areas accessible only by authorized personnel who have been properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records are permanent. Records maintained at Headquarters, U.S. Marine Corps are transferred to the National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132–5100, four months after separation, placement on the Permanent Disability Retired List, retirement, retirement from Fleet Marine Corps Reserve, death of an officer who served in General Officer grade and former Marines no longer considered of newsworthy status.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code MMSB), Headquarters, U.S. Marine Corps, 2008 Elliot Road, Quantico, VA 22134–5002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commandant of the Marine Corps (Code MMSB), Headquarters, U.S. Marine Corps, 2008 Elliot Road, Quantico, VA 22134–5002 (for active duty members); or to the Director, National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132–5100 (for separated members).

Individuals seeking to determine information about their OQR/SRB records maintained by their respective commanding officer should address written inquiries to the command concerned. U.S. Marine Corps official mailing addresses are incorporated into Department of the Navy's mailing addresses, published as an appendix to the Navy's compilation of record system notices.

Written requests should contain the full name, Social Security Number, and signature of the requester.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written requests to the Commandant of the Marine Corps (Code MMSB), Headquarters, U.S. Marine Corps, 2008 Elliot Road, Quantico, VA 22134–5002 (for active duty personnel); to the respective commanding officer of the command concerned for OQR/SRB; or to the Director, National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132–5100 (for separated members).

Written requests should include the full name, Social Security Number, and signature of the requester.

The individual may visit any of the above activities for review of records. Proof of identification may consist of an individual's active, reserve or retired identification card, Armed Forces Report of Transfer or Discharge (DD Form 214), discharge certificate, driver's license, or other data sufficient to insure that the individual is the subject of the record.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Staff agencies and subdivisions of Headquarters, U.S. Marine Corps; Marine Corps commands and organizations; other agencies of federal, state, and local government; medical reports; correspondence from financial and other commercial enterprises; correspondence and records of educational institutions; correspondence of private citizens addressed directly to the Marine Corps or via the U.S. Congress and other agencies; investigations to determine suitability for enlistment, security clearances, and special assignments; investigations related to disciplinary proceedings; and the individual of the record.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00009

SYSTEM NAME:

Military Police Information System (MILPINS).

SYSTEM LOCATION:

Decentralized segments exists at commands within area of jurisdiction.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Files contain information concerning both military and civilian personnel who have come in contact with the military police as victims, suspects, or witnesses to incidents, complaints reported to the Provost Marshal. Files also contain data on military personnel living in base sponsored housing, or who have registered weapons or pets aboard the base. Military personnel and civilians who have registered motor vehicles are also included.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incidents/complaints reported to the installation Provost Marshal and all subjects listed on Field Interviews/ Reports by the military police. The individual's name, description, Social Security Number, address, offense charges, location of offenses/incident, date, time, blotter entry number, military police report number, and disposition of case are maintained. Housing information includes phone number, building number, address, and dependent information. Pet registration information includes species, sex, breed, color, name and inoculation dates. Weapon registration information includes brand name, caliber, type, and model. Motor vehicle information includes year, make, model, color, license number, insurance company, and decal information. Work section information includes phone number, division code, building number, building key access, and recall information. Personnel information includes date of birth, sex, race, age, and date transferred.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031 and E.O. 9327.

PURPOSE(S):

To provide a rapid means for military police to access reports for proper disposition of cases. The system also provides historical record of all reports on individuals who have come in contact with the military police as victims, suspects or witnesses to incidents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S. - By the State or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U.S. - By the Comptroller General or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office relating to the Marine Corps.

To provide information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States which has been authorized by law to conduct law enforcement activities pursuant to a request that the agency or instrumentality initiate criminal or civil against an individual on behalf of the U.S. Marine Corps, the Department of the Navy, or the Department of Defense.

To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U.S. Marine Corps, by the U.S. Marine Corps, the Department of the Navy, or the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic disks and tapes; index cards and printouts in security file cabinets.

RETRIEVABILITY:

Filed by full name or Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained. Passwords are required to access those programs which produce printed output. Access to the computer is controlled via a centralized security office and printouts many only be receipted for by designated personnel. All index cards and printouts are filed in locked security cabinets.

RETENTION AND DISPOSAL:

Records are maintained three months to six years depending on the type of information.

SYSTEM MANAGER(S) AND ADDRESS:

Installation Provost Marshal of activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Provost Marshal of activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Provost Marshal of activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests for information should contain the full name of the individual, Social Security Number, date and place of birth.

For visits, the individual should report to Provost Marshal of the respective installations.

VOL 58 ISS 33 FE 22 1993 UMI

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military Police Blotters and Field Interview Card.

EXEMPTION CLAIMED FOR THE SYSTEM:

None.

MMN00010

SYSTEM NAME:

Personnel Services Working Files.

SYSTEM LOCATION:

All Marine Corps activities. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members and former members of the Marine Corps and Marine Corps Reserve; permanently and temporarily retired members of the Marine Corps and Marine Corps Reserve; members of the Fleet Marine Corps Reserve; Federal civil service employees of the Marines Corps; and dependents, survivors or appointed agents of the foregoing. Some information about dependents and other members of families or former families of Marine Corps personnel may be included in files pertaining to the Marine. Inquiries from the general public, whether addressed directly to HQMC or received via a third party, may be retained together with information obtained in the course of completing required action or in preparing a response.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain information pertaining to identification; prior service; location and addresses; decedent affairs; military honors at funerals; recovery of remains; casualty notification; condolence letters to next of kin; transportation, passports and visas for next of kin of casualties medically warranted overseas; missing persons; prisoners of war; reserve disability benefits; casualty statistics; certification of eligibility for award of Purple Heart Medal; death benefits and annuity payments; Official reports of casualty; certification of life insurance coverage; investigative reports; travel of dependents; reports and death certificates substantiating casualty status; intelligence reports concerning missing and captured members; prior and present marital status; dissolution of prior marriages; birth, marriage and death certificates; adopting of children; financial responsibility; child support; claims of non-support; personal health and welfare reports; alien marriages; conduct and personal history as it pertains to marriage and its responsibilities; medical information; garnishment of pay; powers of attorney; personal financial records; police and fire reports; records of emergency data; medical care; use of exchanges, commissaries and theaters; recovery of invalid dependent identification and privilege cards; correction of naval records; defense related employment; veterans rights, benefits and privileges; awards, recommendations and/or issuances; Survivor Benefit Plan; preseparation counseling; civil readjustment; Retired Serviceman's Family Protection Plan; residence; basic allowance for quarters; leave and liberty; financial assistance; extensions of emergency leave; in service FHA mortgage insurance loans; reimbursement for damage to or loss of personal property; transportation of household goods; claims against the government; lost, damaged or abandoned property; medical bills; determinations of dependency status; claims against commercial carriers, insurers, and contractors; dependent identification and privilege cards; official correspondence (including correspondence from Marines, their families, attorneys, doctors, lawyers, clergymen, administrators/executors/guardians of estates, American Red Cross and other welfare agencies and the general public, whether addressed directly to the Marine Corps or via third parties); internal routing and processing or personal affairs matters; and records of interviews and telephonic conversations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1071–1087, 1441–1455, 1475–1488, 2771 6148a, b, and d; 31 U.S.C. 240–243; 37 U.S.C. 401 and 551, et.seq.; 38 U.S.C. 765–770, 2021–2026; 50 U.S.C. 1436, and E.O. 11016; 5 U.S.C. 301.

PURPOSE(S):

To provide a record for use in the administration of programs concerning the personal welfare of Marines and their dependents and/or survivors to include decedent affairs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Records are used by intelligence and other government agencies assisting in the investigation of circumstances of casualty and in accounting for personnel who are deceased (body not recovered), missing, captured, or detained.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, vertical strip files, microfiche and card files stored in filing cabinets, shelves, tables and desks.

RETRIEVABILITY:

Files are accessed and retrieved by subject matter and by individual. Identification of individual is by name or Social Security Number.

SAFEGUARDS:

Building is located in controlled access area with security guards on 24 hour duty. Access to information contained in the files is limited to Officials and employees of Headquarters, U.S. Marine Corps acting in their official capacity upon demonstration of a need-to-know basis. Records held by field activities are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained. Locked and/or guarded offices.

RETENTION AND DISPOSAL:

Files are retained for differing lengths of time, depending upon the purpose of the information contained therein. Death benefit data are retained for five years and then destroyed; records of emergency data are retained until the Marine's death or separation from active duty or active reserves; Department of Defense Reports of Casualty are retained for such period as deemed necessary, and then transferred to the Historical Division, Headquarters, U.S. Marine Corps; casualty statistics and rosters, and statistical reports are retained for such period as deemed necessary and then transferred to Historical Division, Headquarters, U. S. Marine Corps or destroyed as deemed appropriate; missing and captured personnel data and unusual miscellaneous casualty topic data are retained for such period as deemed necessary and then destroyed; files concerning dependency

determination are retained for one year and then destroyed; files concerning veterans rights, benefits and privileges are retained indefinitely or until the member and all eligible survivors are deceased; files concerning correction of naval records are destroyed upon completion of action; files regarding adjudication of claims against the government are retained for six months and then destroyed; files containing information which could be considered to be derogatory nature are disposed of as directed by competent authority; all other files are retained for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, Headquarters, U.S. Marine Corps (M&RA), Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code M&RA), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775. Telephone (703) 614–2558.

Correspondence should contain the full name, Social Security Number and signature of the requester. The individual may visit the above location for review of files. Proof of identification may consist of the active, reserve, retired or dependent identification card, the Armed Forces Report of Transfer or Discharge (DD Form 214), discharge certificate, driver's license, social security card, or by providing such other data sufficient to ensure the individual is the subject of the inquiry.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code M&RA), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775. Telephone (703) 614–2558.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Marine Corps Manpower Management System; Joint Uniform Military Pay System; Marine Corps Military Personnel Records System; Marine Corps Deserter Inquiry File; Staff agencies and subdivisions of Headquarters, U.S. Marine Corps; Marine Corps commands and organizations; Other agencies of federal, state, and local governments; Educational institutions; Medical reports and psychiatric evaluations; Financial institutions and other commercial enterprises; Civil courts and law enforcement agencies; Correspondence and telephone calls from private citizens initiated directly to the Marine Corps or via the U.S. Congress and other agencies; Investigative reports; American Red Cross and similar welfare agencies; Department of Veterans Affairs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00011

SYSTEM NAME:

Source Data Automated Fitness Report System (SDAFRS).

SYSTEM LOCATION:

Personnel Management Division and Reserve Affairs, Manpower Department, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former, present and future U.S. Marine Corps active duty and organized Reserve Commissioned and Non-Commissioned Officers in the rank of sergeant and above.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains automated records created through optical scan of Marine Corps Fitness Reports, which are evaluations of duties performed and the manner of such performance. Fitness reports represent a comprehensive portrayal of the professional qualifications, personal traits and characteristics and individual potential. Fitness reports include narrative comments, numerical grading and comparison with those peers rated by the commanding officer or other reporting senior of the individual addressed. Fitness reports contain personal identification such as name, rank, Social Security Number, location and number of dependents, etc. in addition to individual evaluation data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record for use by appropriate Marine Corps personnel in the screening and selection of individuals for promotion, duty assignment, career counseling and the administration of personnel resources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Courts - By Officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S. Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files of the fitness report system.

The Comptroller General of the U.S. - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps Manpower Management System.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper original of fitness report is exposed to SDAFRS scanning and then transferred to the personnel file jacket of the individual concerned and stored within the Marine Corps Military Personnel Records System.

Automated records are stored on magnetic tape.

RETRIEVABILITY:

Paper original of fitness report is accessed by a combination of last name and Social Security Number.

Automated records (magnetic tapes) are accessed by Social Security Number.

SAFEGUARDS:

Building housing computer employs 24 hour security guards. Access to terminal is limited to authorized personnel to need to know basis. Distribution of printouts of information from the system is restricted to authorized persons in the performance of their assigned duties and destroyed after use.

RETENTION AND DISPOSAL:

Records, both paper and tape, are permanent. Paper records are stored in the Marine Corps Military Personnel Records System. Tape records are removed from the active file to a historical file for retention according to appropriate magnetic record retention policies.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MM), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775. Telephone (703) 614–3122.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MM), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Written requests for information should contain the individual's name, Social Security Number, signature and the dates covered by the report(s) in question.

Personal visits may be made to Manpower and Reserve Affairs Department, Headquarters, U.S. Marine Corps, Federal Office Building, Washington, DC 20380–1775. For personal visits the individual should be able to provide personal identification to include valid military identification or two valid civilian items of identification such as driver's license, social security card, medicare card, etc.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Each officer and noncommissioned officer in the rank of sergeant and above provides the personal information on the fitness report form. The form is then submitted to the commanding officer or immediate superior (reporting senior) for completion of the evaluation portion of the form and forwarding to Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00013

SYSTEM NAME:

Personnel Management Working Files.

SYSTEM LOCATION:

All Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the U.S. Marine Corps and Marine Corps Reserve; former members of the Marine Corps and Marine Corps Reserve; retired and temporarily retired members of the Marine Corps and Marine Corps Reserve; members of the Fleet Marine Corps Reserve; and applicants for entry into the Marine Corps or Marine Corps Reserve.

Military personnel, federal employees, and dependents who apply through the Marine Corps for no-fee passports for Official travel to countries requiring a passport.

Dependents of Marines and other family members with respect to matters pertaining to the individual Marine, former Marine or applicant.

Members of other services assigned to or serving with the Marine Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information pertaining to identification, recruitment, enlistment, commissioning, prior service, reenlistment or extension of enlistment, lateral occupational movement, civilian employment, letters of reference, education, training, career counselling, religious preference as provided by the individual, qualifications, intelligence and aptitude testing, classification, assignment, location addresses, promotions, reductions in rank, proficiency, conduct, performance of duty, discipline, offenses and punishments under the Uniform Code of Military Conduct, courts-martial, personal history, investigations, security clearances, police and court records, civil arrests and convictions, birth and marriage certificates, divorce and other decrees, financial responsibility and letters of indebtedness, marital status, dependents, families' citizenship, passports, visas, travel and travel orders, leave records, transportation of dependents and household goods, pay records, claims against the government, decorations and awards, commendations, medical records to include psychiatric evaluations, disability proceedings, separation and retirement, Official correspondence (includes internal Marine Corps and Department of the Navy correspondence, as well as correspondence with the Executive, Legislative, and Judicial Branches of federal, state and local government) and other correspondence (includes correspondence from Marines, their dependents and families, attorneys, doctors, educators, clergymen and members of the general public whether addressed directly to the Marine Corps or via third parties (president, congressmen, etc.), personnel who apply to express a grievance through personal interviews with the Commanding General via the chains of command Article 1107.1, U.S. Navy Regulations (Request Mast), personal counselling.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record to facilitate personnel management actions and decisions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Courts - By Officials of duly established local state and federal courts as a result of court orders pertaining to matters properly within the purview of said court.

Congress of the U.S. - By the Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files of the system.

The Comptroller General of the U.S. - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps Manpower Management System.

To provide information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States which has been authorized by law to conduct law enforcement activities pursuant to a request that the agency or instrumentality initiate criminal or civil action against an individual on behalf of the U.S. Marine Corps, the Department of the Navy, or the Department of Defense.

To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U.S. Marine Corps, by the U.S. Marine Corps, the Department of the Navy, or the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files as represented by card files, strip files, microfiche computer printouts from the Manpower Management System or the Joint Uniform Military Pay System and file folders. Files are stored in filing cabinets, on shelves and on tables in controlled access areas.

RETRIEVABILITY:

Files are access and retrieved by subject and by the name and Social Security Number.

SAFEGUARDS:

In compliance with the specified requirements for security of FOUO material.

RETENTION AND DISPOSAL:

Files are retained for differing lengths of time, depending upon the purpose of the information contained therein. Promotion data is retained three years, then transferred to Historical Division, Headquarters, U.S. Marine Corps. Passport data is retained six years, then destroyed. Enlisted assignment data is retained two years, then destroyed. Certain officer assignment data is destroyed when the officer is released from active duty. Disability retirement data is retained two years from the date of removal of the individual from the Temporarily Disability Retirement list, then destroyed. Retirement correspondence is retained for one year following individual's retirement. Retirement files are retained until the individual's death. Personal counselling records are maintained one year, career counselling records are maintained within the individual's Official records. All other files are retained three years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Local commanding officer. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MM), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775, the current command, the last duty station, or applicable activity.

Additional information concerning personnel assigned to Occupational Field 55 (Band) may be obtained from the Commandant of the Marine Corps (Code MPC), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775. Telephone (703) 614–4154.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MM), Headquarters, U.S. Marine Corps, Washington, DC, the current command or last duty station.

Written requests for information should contain the full name of the individual and his Social Security Number or former military service number. The following information will also be helpful in locating some records: Military rank and occupational specialty, dates and places of service, and any special correspondence previously received or sent.

For personal visits, the individual may visit the Personnel Management Division, Headquarters, U.S. Marine Corps, Federal Office Building 2, Washington, DC 20380–1775 or Marine Corps commands and districts.

For personal visits, the individual should be able to provide personal identification to include valid military or dependent identification card or two valid civilian items of identification such as driver's license, social security card, medicare card, etc.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from the Marine Corps Manpower Management System; the Joint Uniform Military Pay System; Marine Corps Military Personnel Records to include the Service Record Book and Officer Qualification Record; Military Medical Records; Marine Corps Deserter Inquiry File; staff elements and subdivisions of Headquarters, U.S. Marine Corps; Marine Corps field commands, organizations, activities; other components of the Department of Defense; agencies of federal, state, and local government, to include: Civil courts and law enforcement, previous employers; financial institutions and commercial enterprises; educational institutions; private citizens provided as character references by the individual; investigations related to disciplinary proceedings; and correspondence of private citizens addressed directly to the Marine Corps or via third parties such as member of Congress and other governmental agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00014

SYSTEM NAME:

Work Measurement Labor Distribution Cards.

SYSTEM LOCATION:

All Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marine Corps employees, civilian, military and occasional summer hires funded by state and local programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Labor distribution cards which have been prepared by either the concerned individual or the supervisor to record the number of hours worked, the number of units produced by the employee, the function of the employee during that time, and the job number of the job. Also, the system contains summarizations of said card and computer input and output relative to said card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 124; 133

PURPOSE(S):

To provide a record of labor distribution on individuals assigned to work organizations for use in the management of work assignments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Labor distribution cards are processed to capture the source data. The input cards are then filed in nonsequential order pending completion of the report cycle. Punch cards or their successor equivalent will be input into a computer program to prepare the work center list by individual.

Punch cards may be summarized on noncomputerized lists by individual. Such lists may be kept by the employees' supervisor.

VOL
58
ISS
33
FE
22
1993
UMI

RETRIEVABILITY:

The information identified by individual is available only from the lists maintained by the work center supervisor within one year of the work week in question.

SAFEGUARDS:

The alphabetical listings are maintained by each work center supervisor.

RETENTION AND DISPOSAL:

Lists are destroyed one year after the subject work week.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of activity.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the system manager.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the system manager.

Requests should include name of employee, work center number, and work week for which data is requested. Personal visits and telephone calls should be made directly to the employee's work center supervisor.

CONTESTING RECORD PROCEDURES:

The information on the list is only that which was submitted by the employee and should be corrected during the work month. After that time, the manhours are entered on local and Headquarters reports and no corrective action is possible.

RECORD SOURCE CATEGORIES:

No particular format required for request.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00016

SYSTEM NAME:

Accident and Injury Reporting System.

SYSTEM LOCATION:

Organizational elements of the U.S. Marine Corps. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military or civilian employees who are involved in accidents which result in lost time, government or private property damage or destruction and personnel injury or death.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank, Social Security Number, type of accidents and injuries. Reports include consolidated accident injury report, and report of motor vehicle accident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of all individuals involved in accidents for use in resolving the disposition of such accidents and establishing appropriate safety programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder, card files, punched cards, magnetic tape, and display boards.

RETRIEVABILITY:

Name, Social Security Number.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Five years - disposal per Secretary of the Navy Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, military police traffic accident investigation reports, accident injury reports, other records of the activity, witness, and other correspondents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00017

SYSTEM NAME:

Armory Access and Individual Weapons Assignments.

SYSTEM LOCATION:

Organizational elements of the U.S. Marine Corps. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel assigned government weapons. All personnel authorized access to individual armories.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records depict name of individual, type of weapon assigned, serial number of that weapon, accessories in the individual's possession, condition of the weapon and accessories, and individual's signature acknowledging receipt.

Name, rank, Social Security Number of personnel authorized access to individual armories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of weapons accountability, management and control of all U.S. Government weapons/

accessories issued to personnel and to provide record of personnel authorized access to armory spaces.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, cards, punched cards, magnetic tapes.

RETRIEVABILITY:

Records retained by name or weapons serial numbers.

SAFEGUARDS:

Access rosters and personnel weapons assignments are provided on a need-to-know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

As established by SYSMANAGER per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00018

SYSTEM NAME:

Base Security Incident Report System.

SYSTEM LOCATION:

Organizational elements of the U.S. Marine Corps. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual involved in or witnessing or reporting incidents requiring the attention of base security or law enforcement personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incident/complaint reports; witness statements; stolen property reports; military police investigator's report; military police motor vehicle accident and injury report; military police alert cards; military police property custody forms; tags, and disposition of evidence letters; military police field interview cards; military police desk blotter; use of force reports; traffic violation records; driving record reports; traffic court files; citations to appear before U.S. Magistrate; criminal investigation reports; civil court cases records; minor offense report; uniform violation report; narcotics reports; polygraphy examinations; letters of warning/ eviction from base housing; letters of warning/barring from federal reservation; Armed Forces police reports; suspect photographic files; child abuse files; juvenile case files; valuable property receipt; vehicle impound files and vehicle towing reports; suspension of driving privileges and revocation letters assignment to absentee/ deserter escort duty; informant list; Master Crime index card; evidence record file; military police log/ journal; breathalyzer report; criminal investigation file; and any other such report received by military police personnel in the official execution of their duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031

PURPOSE(S):

To provide a record of individuals involved in incidents on base concerning base security or law enforcement for use in the disposition of cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Local, state, and federal agencies - To provide to local, state and federal investigative agencies or court officials such information that properly falls within their purview requiring further investigation or court action.

To individuals in support of insurance claims and civil litigation involving base incidents.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, metal filing cabinets, magnetic tapes.

RETRIEVABILITY:

Name, Social Security Number, case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

As established by SYSMANAGER per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained

VOL
58
ISS
33
FE
22
1993
UMI

in this system should address written inquiries to the Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2), as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 701. For additional information contact the system manager.

MMN00019

SYSTEM NAME:

Drug/Alcohol Abuse Reporting Program.

SYSTEM LOCATION:

Primary System - Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Decentralized Segments - Navy Drug Rehabilitation Centers, Navy and Marine Corps Counseling and Assistance Centers, Navy Regional Medical Centers, Navy Alcohol Rehabilitation Drydocks, Naval Health Research Center, Navy Correction Centers and local activities to which an individual is assigned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel who have been tested for, identified, evaluated, apprehended, or rehabilitated for drug or alcohol abuse or who have been granted drug abuse exemption; or who are seeking assistance in drug or alcohol abuse programs.

All military personnel who have been granted drug abuse exemption.

All military personnel who are seeking assistance in drug or alcohol abuse programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Drug abuse identification/ rehabilitation statistical reports, alcohol abuse identification/ rehabilitation statistical reports, grant of drug exemption report, request for disposition on drug dependent personnel, grant of exemption/ rehabilitation case file to include medical evaluations, counselor evaluations, monthly progress reports, alcoholism education roster, and such correspondence or messages sent or sent by the system manager pertaining to the individual concerned. Urinalysis specimen control register and military police drug/alcohol related offense reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title V, Pub.L. 92–129; Section 413, Pub. L. 92–255.

PURPOSE(S):

To provide a record of all individuals participating in drug/alcohol abuse programs for use by Marine Corps officials in the management of such programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Records of identity, diagnosis, prognosis, or treatment of any client/ patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and disclosed only for the purposes and under the circumstances expressly authorized in 21 U.S.C. 1175, as amended by 88 Stat. 137, and 42 U.S.C. 4582, as amended by 88 Stat. 131. These statutes take precedence over the Privacy Act of 1974, in regard in accessibility of such records except to the individual to whom the record pertains.

Within the Armed Forces or within those components of the Department of Veterans Affairs furnishing health care to veterans or between such components and the Armed Forces.

To medical personnel outside the Armed Forces to the extent necessary to meet a bona fide medical emergency.

To Government personnel for the purpose of obtaining benefits to which the patient is entitled.

To qualified personnel for the purpose of conducting scientific research, management or financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit or evaluation, or otherwise disclose identities in any manner.

To a court of competent jurisdiction upon authorization by an appropriate order after showing good cause therefore. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tapes.

RETRIEVABILITY:

Name, Social Security Number, case number. When names and Social Security Numbers are removed, data is aggregated for use in research, management information, and planning.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Paper files are maintained for two years, then destroyed. Records stored on magnetic tapes are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code MHH), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MHH), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Requests must contain full name, Social Security Number, military status, address and signature of requester. (Those inquiring about records at

Confinement Centers must have their signature notarized, if not confined at time of request.) Individuals may visit the Commandant of the Marine Corps, (Code MHH), located in the Clarendon Building, Arlington, VA, for assistance with records at that location; individuals may also visit local activities concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices. Individuals must provide proof of identification such as military identification card, driver's license, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MHH), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Requests must contain full name, Social Security Number, military status, address and signature of requester. (Those inquiring about records at Confinement Centers must have their signature notarized, if not confined at time of request.) Individuals may visit the Commandant of the Marine Corps, (Code MHH), located in the Clarendon Building, Arlington, VA, for assistance with records at that location; individuals may also visit local activities concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices. Individuals must provide proof of identification such as military identification card, driver's license, or other picture-bearing identification.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, medical personnel, military police or other correspondences.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00020

SYSTEM NAME:

Pet Registration.

SYSTEM LOCATION:

Organizational elements of the U.S. Marine Corps. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Owners of pets residing on Naval reservations. Owners of pets in quarantine as the result of biting complaints. Owners of pets whose pet is subject of nuisance complaints.

CATEGORIES OF RECORDS IN THE SYSTEM:

Owners name, Social Security Number, address and description of pet, tag number, vaccination and registration information. Records of complaints for vicious animals or bites. Record of complaints for nuisance pets.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Departmental Regulations, Federal, State, and Local Regulations, as applicable.

PURPOSE(S):

To provide a record of pet owners on base for use in the control of pets and to ensure appropriate inoculations in compliance with federal, state and local laws on animals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tapes.

RETRIEVABILITY:

Name, Social Security Number, case number.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

As established by SYSMANAGER per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Veterinary records and statements provided by pet owners, bit victims, military police, animal shelter, hospital personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00021

SYSTEM NAME:

Weapons Registration.

SYSTEM LOCATION:

Organizational elements of the U.S. Marine Corps. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals, military or civilian, registered firearms or other weapons with Provost Marshal.

All individuals who purchase a firearm or weapon at authorized exchange activities.

Any individual who resides in government quarters who possesses privately owned firearms.

VOL 58 ISS 33 FE 22 1993 UMI

CATEGORIES OF RECORDS IN THE SYSTEM:

Weapon registration cards, weapon permit cards, notification to commanding officers of failure to register a firearm purchased at authorized exchanges, exchange notification or firearm purchase. Such records showing name, rank, Social Security Number, organization, physical location of subject weapon, weapon description and such other identifiable items required to comply with all federal, state, and local weapons registration ordinances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Departmental regulations; federal, state and local regulations as applicable.

PURPOSE(S):

To provide a record of weapons registered to individuals on base to ensure proper control of firearms/weapons and to monitor purchase and disposition of firearms/weapons.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tapes.

RETRIEVABILITY:

Name, Social Security Number, organization, caliber and gage of weapon.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded offices.

RETENTION AND DISPOSAL:

As established by SYSMANAGER per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of activity, investigators, witnesses and correspondents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00022

SYSTEM NAME:

Vehicle Control System.

SYSTEM LOCATION:

Organizational elements of the U.S. Marine Corps. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals that have motor vehicles, boats, or trailers registered at a particular Naval installation or either a permanent or temporary basis.

All individuals who apply for a Government Motor Vehicle Operator's license.

All individuals who possess a Government Motor Vehicle Operator's license with authority to operate government motor vehicles.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains records of each individual who has registered a vehicle on the installation concerned to include decal data, insurance information, state of registration and identification. File also contains notations of traffic violations, citations, suspensions, applications for government vehicle operator's I.D. card, operator qualifications and record licensing examination and performance, record of failures to qualify Government Motor Vehicle Operator's permit, record of government motor vehicle and other vehicle accidents, information on student driver training, and identification for parking control.

Records of traffic violations, citations and suspensions. For government motor vehicle operators: Application for vehicle operator's I.D. card: Operator qualifications and record of licensing examination and performance, record of failures Government Motor Vehicle Operator's permit, record of issue of SF–46, Record of Government Motor Vehicle accidents, standard Form 91 accident report, record of SF–46 suspensions/revocations, record of MOJT student driver's training.

Identification of parking control.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of each individual who has registered a vehicle on an installation to include a record on individuals authorized to operate official government vehicles.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

To assist federal, state, and local law enforcement agencies in the official execution of their duties when disclosure of such records is warranted.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tapes.

RETRIEVABILITY:

Name, Social Security Number, case number, organization, decal number, state license plate number, vehicle description.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel. Areas are locked during nonduty hours and buildings are protected by security guards.

RETENTION AND DISPOSAL:

Records are maintained for one year after transfer or separation from the installation concerned. Paper records are then destroyed and records on magnetic tapes are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests should contain full name and Social Security Number. Individuals visiting the installation concerned should provide proper identification such as military identification, driver's license or other suitable identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of the activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests should contain full name and Social Security Number. Individuals visiting the installation should provide proper identification.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00027

SYSTEM NAME:

Marine Corps Military Personnel Records Access Files.

SYSTEM LOCATION:

The Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officials and employees of the Department of the Defense authorized to draw Marine Corps military personnel records and, except for agents of Secret Service, Federal Bureau of Investigation and Naval Investigative Service which agents are granted access by presentation of credentials, all designated, justified and approved law enforcement/investigative personnel of other federal agencies permitted access to Marine Corps military personnel records at Headquarters, U.S. Marine Corps only.

CATEGORIES OF RECORDS IN THE SYSTEM:

Authorization cards submitted by officials of HQMC and DOD granting individual authority to order Headquarters, U.S. Marine Corps official military personnel records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of officials and employees of the Marine Corps authorized to draw and/or review Marine Corps military personnel records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Looseleaf Binder and Card Index Files.

RETRIEVABILITY:

Alphabetical and by agency.

SAFEGUARDS:

Building employs security guards.

RETENTION AND DISPOSAL:

Destroyed upon cancellation of access authorization.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MMSB), Headquarters, U. S. Marine Corps, 2008 Elliot Road, Quantico, VA 22134–5002. The letter should contain the full name, Social Security Number and signature of the requester.

The individual may visit Headquarters, U.S. Marine Corps, 2008 Elliot Road, Quantico, VA 22134–5002. Proof of identification may consist of his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD Form 214), his discharge certificate, his driver's license or by providing such other data sufficient to insure that the individual is the subject of the inquiry.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (MMSB), Headquarters, U.S. Marine Corps, 2008 Elliot Road, Quantico, VA 22134–5002. Telephone (703) 640–3940.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Staff agencies and subdivisions of Headquarters, U.S. Marine Corps. Other staff agencies of the Department of Defense. Law enforcement/investigative divisions of other federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00032

SYSTEM NAME:

Personal History Card File.

SYSTEM LOCATION:

Provost Marshal's Office, Marine Corps Base, Camp Lejeune, NC 28542–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals, both military and civilian, employed aboard Marine Corps Base, Camp Lejeune, NC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal History Card (MCBul 12290). Contains personal identifying information and where employed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of individuals at work site for rapid location for law enforcement purposes and issuance of civilian identification cards to employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records filed in metal card trays.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are maintained in a secure area accessible only to authorized personnel. The File Room is under constant surveillance during working hours and is locked after working hours.

RETENTION AND DISPOSAL:

Records are retained until the card expires, then destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding General (ATTN: Provost Marshal), Marine Corps Base, Camp Lejeune, North Carolina 28542–5000. Telephone (919) 451–2455.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding General (ATTN: Provost Marshal), Marine Corps Base, Camp Lejeune, NC 28542–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding General (ATTN: Provost Marshal), Marine Corps Base, Camp Lejeune, NC 28542–5000.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military and civilian personnel employed aboard Marine Corps Base, Camp Lejeune, NC; Provost Marshal administrative personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00034

SYSTEM NAME:

Personnel Procurement Working Files.

SYSTEM LOCATION:

Headquarters, U.S. Marine Corps, Personnel Procurement Branch, Marine Corps Districts, Recruiting Stations, Officer Selection Offices, Organized Marine Corps Reserve units, U.S. Marine Corps recruiting substations, Inspector-Instructor staff.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilians and prior service individuals who are prospective applicants for enlistment in the Marine Corps, Marine Corps Reserve or a Marine Officer program, individuals on which a written waiver for enlistment has been requested; Platoon Leader Class Candidates receiving financial assistance while attending college; all individuals applying for various officer programs; Marine Corps Reserve enlistees who are serving on their 6 months active duty prior to return to Organized Marine Corps Reserve unit maintaining their record; Personnel enlisted in the Marine Corps Reserve assigned to a formal school upon enlistment; Secondary school students who participated in the Marine Corps Youth Physical Fitness meet held annually in Washington, DC, and the coach fielding each team; any individual recommended for enlistment in the Marine Corps by a recruiting officer even though the applicant does not meet the enlistment requirements set forth in current guidance as set forth by the Commandant of the Marine Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

All files contain name (last, first, middle, (maiden, if any), Jr., Sr.), Social Security Number, home of record. Files relating specifically to enlistment or officer procurement contain citizenship, sex, race, ethnic group, present address, marital status, number of dependents, date of birth, religious reference, highest grade completed, selective service system data, foreign language and skill, driver's license information, mental and aptitude test results, medical examination result, delayed enlistment program information, accession data, educational experience, citizenship verification, history of prior military service, names of relatives to include date and place of birth, present address and citizenship, listing of commercial life insurance policies and number, relatives and alien friends living in foreign countries to include name and relationship, age, occupation, address and citizenship, all previous residences since 10th birthday, previous employment record to include company name and address, job title and supervisor's name, data concerning previous employment by foreign governments, prior membership in youth programs, history of foreign travel. Declarations from the individual concerning; previous rejection by the Armed Forces of the United States, conscientious objector status, previous deserter status, retired pay, disability allowance, or severance pay or a pension from the Government of the United States, status as only child; understandings by the applicant; date of interview and name, organization, title of interviewer; history of prior use of drugs except as prescribed by a licensed physician; martial status and dependency; membership in groups for purpose of unlawful overthrow of the Government; history and record of involvement with police or judicial authorities; parental/guardian consent for enlistment; enlistment options; current income; whether own, buying or renting present residence; outstanding debts to include total amounts and monthly payments; status of savings account and checking account; spouses' employment and monthly income; police checks, character references; record of prior service; court documents; marriage certificates; birth certificates; record of medical record of medical examination; record of examination; record of medical history; consultations statement of personal history; divorce decrees; death certificates; photographs; high school diploma; college diploma; grade transcript; General Educational Development certificates of high school equivalency; sole surviving son statements; statement of understanding; wife's consent form; applications for General Educational Development certificates of high school equivalency. Files relating to Marine Corps personnel on active duty contain information pertaining to name, Social Security

Number, sex, unit of assignment, home of record, education, Armed Services Vocational Aptitude Battery Test scores, vision, military occupational specialty training information, Quota Serial Number, training authorized.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record on individuals for use in the execution of Official duties with regard to personnel procurement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder. Records are maintained in areas accessible only to authorized personnel.

RETRIEVABILITY:

Individuals listed in alphabetical order according to program.

SAFEGUARDS:

Access is limited to Reserve unit command, recruiting, and administrative personnel and law enforcement or Federal agents upon presentation of proper credentials.

After working hours the office and building is locked.

RETENTION AND DISPOSAL:

Maintained for two years or until prospect, applicant, candidate or Reservist changes status.

SYSTEM MANAGER(S) AND ADDRESS:

Commander of unit holding file. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visiting the Commander of unit holding file. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Provide full name, Social Security Number, and military status. Proof of identity may be established by military identification card or DD 214 or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visiting the Commander of unit holding file. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Provide full name, Social Security Number, and military status. Proof of identity may be established by military identification card or DD 214 or driver's license.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

High school lists, DD 214's prospect interviews/referrals, local newspapers, youth fitness programs, individual contacts, Marine Corps officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00035

SYSTEM NAME:

Truth Teller/Static Listings.

SYSTEM LOCATION:

The Commandant of the Marine Corps (MMSB), Headquarters, U.S. Marine Corps, 2008 Elliot Road, Quantico, VA 22134–5002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All present and former members of the U.S. Marine Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system comprises non-automated records of basic information (Name, Military Service Number/Social Security Number, Pay Entry Base Date, Home of Record (State and County) and Date of Birth) pertaining to all individuals who ever served in the U.S. Marine Corps.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5201.

PURPOSE(S):

To provide a record for identification of all members and former members of the Marine Corps.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, binders, and microfilm cartridges.

RETRIEVABILITY:

Name, Military Service Number and Social Security Number.

SAFEGUARDS:

Records maintained in locked room. Building employs security guards.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MMSB), Headquarters, U.S. Marine Corps, 2008 Elliot Road, Quantico, VA 22134–5002. The letter should contain the full name, Social Security Number and signature of the requester.

The individual may visit Headquarters, U.S. Marine Corps, 2008 Elliot Road, Quantico, VA 22134–5002.

Proof of identification may consist of his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD214), his discharge certificate, his drivers license or by providing such other data sufficient to insure that the individual is the subject of the inquiry.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MMSB), Headquarters, U.S. Marine Corps, 2008 Elliot Road, Quantico, VA 22134–5002. Telephone (703) 640–3940.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency

VOL
58
ISS
33
FE
22
1993
UMI

determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Enlistment and Officer Acceptance Contracts.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00036

SYSTEM NAME:

Identification Card Control.

SYSTEM LOCATION:

All U.S. Marine Corps units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Regular and Reserve Marines including retired and disability retired and their dependents who have been issued an Identification Card.

CATEGORIES OF RECORDS IN THE SYSTEM:

Log book contains name, rank, Social Security Number, and card number, issue date, expiration date, signature of person card issued to and signature of issuing person.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of identification cards issued to military members for accountability purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are kept in a log book.

RETRIEVABILITY:

By type card, chronologically by date also retrievable by name.

SAFEGUARDS:

The log books are stored in a locked container in a location which is locked after working hours. A guard is located in the general area.

RETENTION AND DISPOSAL:

Two years from date of closing entry.

SYSTEM MANAGER(S) AND ADDRESS:

Unit Commanders. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Unit Commanders. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Provide full name, Social Security Number, and military status. Proof of identity may be established by military identification card or DD 214 and driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Unit Commanders. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Provide full name, Social Security Number, and military status. Proof of identity may be established by military identification card or DD 214 and driver's license.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officers Qualification Record/Service Record Book of individual application for dependents privilege card, correspondence from Headquarters, U.S. Marine Corps.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00037

SYSTEM NAME:

Library Patron File.

SYSTEM LOCATION:

System is decentralized and is maintained at Marine Corps commands, organizations and activities having libraries. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active, reserve and retired military personnel, their dependents, and others who are entitled to use and borrow material from Marine Corps libraries.

CATEGORIES OF RECORDS IN THE SYSTEM:

The library patron file may contain the following information pertinent to each individual: Name, rank, Social Security Number; organization and organization address and phone number; home address and home phone number; names and ages of dependents; title of materials borrowed; date borrowed; date returned; and notation of monetary settlement if borrowed material was lost or damaged.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of library patrons who are entitle to use and borrow material form Marine Corps libraries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Courts - By Officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S. - By the Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of files.

The Comptroller General of the U.S. - By Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card files.

RETRIEVABILITY:

File alphabetically by last name of patron.

SAFEGUARDS:

Library is locked when not in use. Only authorized personnel have access to records during working hours.

RETENTION AND DISPOSAL:

Records are maintained for up to seven years, based on library usage. After retention period records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the library in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the commander of the Marine Corps command, organization or activity that maintains the library in question.

Written requests for information should contain the full name of the individual, Social Security Number, organization to which assigned when library utilized, and current address.

For personal visits the individual should be able to provide acceptable personal identification during normal hours of library operation.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from individual concerned, library director and library staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00038

SYSTEM NAME:

Amateur Radio Operator's File.

SYSTEM LOCATION:

Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All amateur radio operators who operate at Marine Corps activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, Federal Communications Center license number, operating frequency, type of equipment and home address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of all amateur radio operators at Marine Corps activities to ensure proper radio management by communications center personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

3x5 card in metal file box.

RETRIEVABILITY:

Alphabetical.

SAFEGUARDS:

Security area.

RETENTION AND DISPOSAL:

Destroyed upon departure from Marine Corps activity.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer of activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer of activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests for information should contain the full name and grade of the individual.

For personal visit, the individual should be able to provide valid personal identification such as an employee badge, driver's license, medicare card, etc.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00039

SYSTEM NAME:

Citizen Band Radio Request and Authorization File.

SYSTEM LOCATION:

Communication Electronics Office Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel who desire to operate amateur/citizen band radios at Marine Corps installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Amateur/Citizen Band Radio Operation Request and Authorization Form.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of individuals who have requested and are authorized to operate amateur/citizen band radios.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Papers filed in three-ring binder.

VOL
58
ISS
33
FE
22
1993
UMI

RETRIEVABILITY:

Numerically by card number.

SAFEGUARDS:

Located in a secure area that is manned on a 24–hour basis.

RETENTION AND DISPOSAL:

Retained for one (1) year and if not renewed, the form is destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of activity in question. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual requester and Communication Electronics Officer.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00040

SYSTEM NAME:

Individual Training Records/Training Related Matters.

SYSTEM LOCATION:

System is decentralized and maintained at all Marine Corps commands, organizations and activities, Regular and Reserve. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel assigned, attached to or serving with a Marine Corps command, activity or organization to include recruit training, formal military schools, operational units and training facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

The individual training record may contain the following information pertinent to each individual: Name, rank, Social Security Number, age, sex, military occupational specialty or specialties, date joined unit, date of end of active service, date of birth, proficiency and conduct scores, physical fitness test scores, rifle and pistol qualification scores, gas mask size, blood type, leadership proficiency, military school and correspondence course records and results, special training qualifications, weight and physical characteristics, medical record extracts addressing weight control and physical fitness, human relations training experience, troop information exposure, general military subject test results, water survival qualification, instructor qualifications, specialized equipment qualification, personal counseling records, foreign language qualifications, inspection results, etc.

In the case of recruit training, special data as reflects remedial training, counseling, weakness or excellence, recruit questionnaires and reading evaluations may be included.

For personnel attending formal schools, evaluation information and data reflecting successful completion or termination for cause may be included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of all training received by members on active duty in the Marine Corps.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Courts - By Officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S. - By the Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U.S. - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, loose-leaf notebooks and card index files.

RETRIEVABILITY:

Files are retrievable by name and cross filed by Social Security Number.

SAFEGUARDS:

Records are retained in controlled access areas and handled by trained and cleared personnel on a strict 'need-to-know' basis.

RETENTION AND DISPOSAL:

Files are retained during the period the individual is assigned to the activity maintaining the record. Upon transfer of the individual concerned, records are transferred with the individual or destroyed.

In the case of drill instructor or recruit records, records are maintained for four years after departure of individual, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the commander of the Marine Corps command, organization or activity to which the individual is assigned for duty or training. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the commander of the

command, organization or activity to which assigned for duty or training. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests should contain name, rank, Social Security Number and dates assigned to the activity addressed. In cases where individual attended a formal school, name of course and course number should be included if available.

Personal visits may be made to the activity in question any normal work day between 8 a.m. - 4:30 p.m. For personal visits individual should be able to provide valid personal identification.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Training performance, evaluations, on-the-job performance evaluations, individual and instructor evaluations, individual service records, Manpower Management System, test and inspection results and training correspondence addressing individual concerned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00041

SYSTEM NAME:

NonAppropriated Fund (NAF) Employee File.

SYSTEM LOCATION:

Primary system-Marine Corps Exchange Service Branch, Facilities and services Division, Installations and Logistics Department (Code LFE), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Decentralized segments-Marine Corps commands employing NAF personnel. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel, to include off-duty military personnel, applying to or hired by Marine Corps commands which salaries are paid with NAF. File covers NAF employees whose employment was terminated for cause and those who resigned while the subject of a formal investigative proceedings.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may contain any of the following documents and information on NAF employees - name, home address, home and office telephone number, Social Security Number, employee application, personal history statement, reference data, education, work experience, photograph, work permit, union participation, date of birth, emergency contact information, employee number, military grade (if applicable), job description, job assignment, application for group insurance and retirement plans (or signed waiver), leave and pay data, performance reviews, reports of physical examinations, reports of accident/traffic violations, warning notices of excessive absence and tardiness, reports of grievances hearings/disciplinary action, record of court attendance, certified copy of completed military order for any annual duty tours with recognized military Reserve organizations, security clearance data, bad debt notices, employment compensation documents, commendations and awards, separation information (to include the mailing address of the command from which the individual was separated.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To maintain NAF personnel records on employment acceptability , assignments, pay, promotion, performance evaluations, security, growth potential, leave, awards, benefits and entitlements, disciplinary and grievances proceedings, appeals, discrimination complaints, retirement/ separation, terminations, physical evaluations and audits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

By court order in connection with matters before a federal, state or municipal court.

To investigative, security and law enforcement agents Federal agencies who have submitted written requests for access to the file, with jurisdiction thereof, pertaining to the conduct of Government business under their respective jurisdictions and the names of specified agents having a need for such access.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and binders, magnetic tapes and disc.

RETRIEVABILITY:

Alphabeticaly, by Social Security Number or NAF identification number

SAFEGUARDS:

Respective commands employ one or more safeguards such as locked containers, locked rooms, locked buildings, access by authorized personnel only, and employment of security guards.

RETENTION AND DISPOSAL:

Records are maintained for period of employment plus five years. Records of employees transferring to another NAF activity are transferred to the new activity. Records of separated employees are transferred to the National Personnel Record Center, 111 Winnebago Street, St. Louis, MO 63118–4199.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, Headquarters, U.S. Marine Corps (Code LFE), Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps, Headquarters, U.S. Marine Corps (Code LFE), Washington, DC 20380–1775.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps, Headquarters, U.S. Marine Corps (Code LFE), Washington, DC 20380–1775.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Employee applications, personal interviews, former employers and supervisors, investigative and law

VOL 58 ISS 33 FE 22 1993 UMI

enforcement agencies, originators of correspondence, employee references, schools, physicians and employing command.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None

MMN00042

SYSTEM NAME:

Marine Corps Locator Files.

SYSTEM LOCATION:

System is decentralized and maintained at Marine Corps commands, organizations and activities. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A locator file of assigned military and civilian personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Locator files may contain any of the following information on officer, enlisted and civilian personnel assigned to respective commands, organizations and activities of the Marine Corps: Name, rank/grade, date of rank, selection for promotion, Social Security Number, billet title, lineal number, Table of Organization line number, home address and telephone number, office code, room number and telephone number, new mailing address of transferred personnel, prior mailing address of newly assigned personnel, marital status, name of spouse, names of children, name and address of next of kin, military occupational specialty, date of birth, pay entry base date, expiration of active service date, home state, educational background, state where admitted to bar, identification badge number, payroll number, government vehicle drivers license date, rotation tour date, overseas control date, date report to respective command, organization or activity, occupation address and telephone number of inactive Reserves and security clearance data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To provide a record of location of both military and civilian personnel for use in the execution of official duties by Marine Corps personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Congress of the U.S. - By the Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U.S. - By the Comptroller General of any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

U.S. Postal Service - By duly designated Postal Officials pertaining to matters properly within the purview of the U.S. Postal Service.

Courts - By officials of duly established local, state, and federal courts as a result of court order pertaining to matters properly within the purview of said court.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Books, cards, rosters, strip files, file folders, loose leaf binders, log books, embossed plates, microfilm/fiche or magnetic records and discs.

RETRIEVABILITY:

The data contained on magnetic records can be displayed on cathode-ray tubes, computer printed on paper, and converted to microform for information retrieval; the data in file folders and other documents is retrieved manually. Normally, all types of records are retrieved by Social Security Number and name.

SAFEGUARDS:

Marine Corps commands, organizations and activities employ one or more safeguards such as limited controlled distribution, employment of security guards, accessibility by authorized personnel only, locked containers, locked rooms or locked building.

RETENTION AND DISPOSAL:

Permanent. Updated as required.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the command, organization or activity to which individuals are assigned for duty. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the command, organization or activity to which individual is assigned for duty. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests for information should contain full name of the requester, his Social Security Number and his signature.

For personal visits, the individual will be required to provide such proof of identification as his drivers license, his active, Reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD Form 214) or such other data sufficient to insure that the individual is the subject of the inquiry.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Service Record Book, Officer Qualification Record, Manpower Management System, Reserve Personnel Management Information System, Unit Diaries, Combined Lineal Lists of active duty and reserve commissioned and Warrant Officer, Tables of Organization, Official Orders, Civilian Personnel Records, other Marine Corps activities, and individuals concerned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00043

SYSTEM NAME:

Marine Corps Recreation Property Records and Facilities.

SYSTEM LOCATION:

Marine Corps activities maintaining recreation files.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authorized personnel to utilize special services facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Usage data records on each activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of all personnel authorized to use recreation property and facilities at Marine Corps activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Congress of the U.S. - By the Senate or the House of Representatives of the U.S. or any committee or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U.S. - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In paper records in file folders.

Cards files and usage logs.

RETRIEVABILITY:

Alphabetical by name for property cards.

By activity usage logs.

SAFEGUARDS:

Records are maintained in a metal file in the recreation property compound and athletic/ recreation office. During non-operating hours, the activity is locked.

RETENTION AND DISPOSAL:

Usage logs are maintained for one to four years.

Until equipment is returned or recreation fund is reimbursed.

SYSTEM MANAGER(S) AND ADDRESS:

Local Commanding Officers. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the local Commander. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual activities, individuals, I.D. cards.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00044

SYSTEM NAME:

Equal Opportunity Information and Support System.

SYSTEM LOCATION:

Commandant of the Marine Corps (Code MHE), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775, and all Marine Corps activities. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marine Corps military personnel who submit complaints of discrimination and Marine Corps military personnel who are under formal or informal investigation as a result of complaints of discrimination.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records compiled pursuant to the processing of a complaint concerning discrimination, incident data, endorsements and recommendations, formal and information investigations concerning aspects of equal opportunity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–16(b) and (c).

PURPOSE(S):

To provide a record of military personnel who have submitted complaints of discrimination and a record of any formal or informal investigation as a result of the discrimination complaint.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Officials and employees of other Departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related in equal opportunity matters.

The Senate or the House of Representatives of the United States or any committee or subcommittee thereof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files of Marine Corps military personnel. When required by Federal Statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files and file folders.

RETRIEVABILITY:

Files are retrieved alphabetically by name of the complainant or by the name of the individual who is the subject of the complaint.

SAFEGUARDS:

Files are stored in filing cabinets. After normal working hours, rooms are locked. Building is located in controlled access area with security guards on 24 hour duty. Access to files is limited to official capacity on a need-to-know basis. Files held by field activities are maintained in areas accessible only to authorized personnel that are properly training.

RETENTION AND DISPOSAL:

Records disposed of two years after administrative closing of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code MHE), ATTN: Equal Opportunity Officer, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775. Telephone (703) 696–2043.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MHE), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Written request for information should contain the individual's name, Social Security Number, and signature.

Personnel visits may be made to Headquarters, U.S. Marine Corps (Code MHE), Clarendon Building, Arlington, VA. Individuals should be able to provide personal identification to include valid military identification or two valid civilian items of identification such as driver's license, passport, credit cards, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MHE), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Written request for information should contain the individual's name, Social Security Number, and signature.

Personnel visits may be made to Headquarters, U.S. Marine Corps (Code MHE), Clarendon Building, Arlington, VA. Individuals should be able to provide personal identification to include valid military identification or two valid civilian items of identification such as driver's license, passport, credit cards, etc.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other systems, investigations, witnesses and correspondents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00045

SYSTEM NAME:

Automated Recruit Management System (ARMS).

SYSTEM LOCATION:

Primary System: Headquarters Marine Corps (Code MA), Washington, DC 20380–1775.

Decentralized System: Each Recruiting Station, District Headquarters, Marine Corps Recruit Depot and School of Infantry within the Marine Corps. U.S. Marine Corps official mailing addresses are incorporated into Department of the Navy's mailing addresses, published as an appendix to the Navy's compilation of record system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps Regular and Reserve recruits.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information voluntarily provided by recruits as contained on the Application for Enlistment Armed Forces of the United States.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 5013; and E.O. 9397.

PURPOSE(S):

To provide a record on all Marine Corps recruits for use in tracking from entry through Marine combat training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The file will be stored via on-line disk with backup on magnetic disk with backup on magnetic tape. Backup audit trail record will be available at the point-of-entry.

RETRIEVABILITY:

Standard reports and ad hoc retrievals are generated from remote terminals using a data base management system. Additionally, updates and record browsing may be accomplished in the interactive mode through keying Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained. 'Hard copy' or paper output from the system is stored in locked containers. System software contains user passwords to lock out unauthorized access. System software contains partitions to limit access to appropriate organizational level.

RETENTION AND DISPOSAL:

On-line magnetic records will be maintained for one year after completion of recruit training. Records are then retired to a 'history file' where they will be retained for a period of four years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (MA), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals sseking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (MA) Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Written requests for information should contain the full name and Social Security Number of the individual.

The requester may also visit any Marine Corps Recruiting Station to determine whether ARMS contains records pertaining to him/her. In order to personally visit a Recruiting Station and obtain information, individuals must present proper identification such as driver's license, or some other suitable proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer of the activity to which they were assigned.

The requester may also visit any Marine Corps Recruiting Station, District Headquarters, Marine Corps Recruit Depot or Marine Corps School of Infantry, to determine whether ARMS contains records pertaining to him/her. In order to personally visit a Recruiting Station, District Headquarters, Marine Corps Recruit Depot or Marine Corps School of Infantry, and obtain information, individuals must present proper identification such as military identification, if a service member, driver's license, or some other suitable proof of identity.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in

Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The Recruiting Station, Marine Corps Recruit Depot, School of Infantry and directly from the individual recruit.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00046

SYSTEM NAME:

Recruit Incident System.

SYSTEM LOCATION:

Marine Corps Recruit Depot, Parris Island, SC 29905–5001 and Marine Corps Recruit Depot, San Diego, CA 92140–5001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps military personnel who have violated recruit training standard operating procedures.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identifying information consisting of name, grade, last four digits of Social Security Number, unit, date of offense, source of allegation, type of action, date of action, type of abuse, charges and description of charges, and whether or not individual is relieved of duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of all drill instructors who have abused recruits for use in reporting to officials at Headquarters Marine Corps.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The file is stored in hard back binders.

RETRIEVABILITY:

Records retrieved by name or last four digits of Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel only during normal working hours. After normal working hours, rooms are locked and the buildings are controlled by security guards who are properly cleared and trained.

RETENTION AND DISPOSAL:

Information in hard back binders maintained three years from the recruit incident and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Depot Instructor, Marine Corps Recruit Depot, Parris Island, SC 29905–5001 and Depot Inspector, Marine Corps Recruit Depot, San Diego, CA 92140–5001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Depot Instructor, Marine Corps Recruit Depot, Parris Island, SC 29905–5001 or the Depot Inspector, Marine Corps Recruit Depot, San Diego, CA 92140–5001.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Depot Instructor, Marine Corps Recruit Depot, Parris Island, SC 29905–5001 or the Depot Inspector, Marine Corps Recruit Depot, San Diego, CA 92140–5001.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from courts-martial or office hours proceedings.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00047

SYSTEM NAME:

Officer Slate File System.

SYSTEM LOCATION:

Officer Assignment Branch, Personnel Management Division, Headquarters, U.S. Marine Corps (Code MMOA), Washington, DC 20380–1775.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty officers and enlisted personnel selected for warrant officer whose active duty component code is 11 through 13, C1 through C6; and CH.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Officer Slate File contains assignment data pertinent to each individual officer's future assignment and sufficient data relative to his present assignment to determine the billet to which the officer is assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031, Secretary of the Navy; responsibilities.

PURPOSE(S):

To provide a record of assignment data on officers for use in affecting an officer's assignment to the next duty station.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic discs and back-up generations are stored on magnetic tape. Back-up tapes are maintained for approximately one week and then erased.

RETRIEVABILITY:

Records are accessed by Social Security Number.

SAFEGUARDS:

a. Hard-wired terminals which operate on an on-line interactive mode support this system. System information is protected by the following software features: User account number; user identification number; password, and the file is in a 'restricted' status for use by the Officer Assignment Branch only.

b. Access to the building in which the terminals and computer system is protected by a security agency and requires positive identification for admission. Access to the terminals is under the control of authorized personnel during working hours. Office spaces in which the terminals are located are locked after working hours, and checked in the evening by the designated staff duty officer at Headquarters Marine Corps.

RETENTION AND DISPOSAL:

Records are retained for the period an officer is on active duty. Officers reporting to active duty are added to the file automatically and those officers being transferred to other than active duty status are deleted from the file automatically. This process occurs once

each week to coincide with the updating of the Manpower Management System. Back-up generations are retained for approximately one week in the event a systems failure/error requires the file to restored. After this time the back-up tape is erased.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps (Code MMOA), Headquarters Marine Corps, Washington, DC 20380–1775. Telephone (703) 614–2937.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MMOA), Headquarters Marine Corps, Washington, DC 20380–1775.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MMOA), Headquarters U.S. Marine Corps, Federal Office Building 2, Washington, DC 20380–1775.

Written requests for information should contain the full name of the individual, date and place of birth, Social Security Number and signature.

For personal visits, the individual should be able to provide military identification to ensure that the individual is the subject of the inquiry.

An active duty officer may obtain future assignment data on himself by telephone by contacting his assignment monitor and providing sufficient information to properly identify himself to his assignment monitor.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from the officer's command, the individual officer concerned, officer assignment monitor and the Manpower Management System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00046

SYSTEM NAME:

Performance Evaluation Review Board.

SYSTEM LOCATION:

The Career Planning Branch (Code MMCP), Personnel Management Division, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any member or former member of the Marine Corps who has submitted a petition to the Performance Evaluation Review Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains identifying data on the petitioner, date of request, action requested, activity member attached to at time of alleged error, any subsequent board decisions and record of petitioner notification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of petitions submitted to the Performance Evaluation Review Board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic disks and back-up generations are stored on magnetic tape; paper records are stored in file folders.

RETRIEVABILITY:

Records are accessed by Social Security Number and docket number.

SAFEGUARDS:

System information is protected by the following software features: User account number; user identification number; password and the file is restricted to authorized personnel only. The office where the terminal is located is locked after official working hours. Access to the building where the terminal and the computer system is located is protected by security guards who require positive identification for admission.

RETENTION AND DISPOSAL:

Records are retained 1 year after completion of case and then destroyed by erasing magnetic tapes. Back-up tapes are maintained approximately 3 years and then erased.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code MMCP), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MMCP), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code MMCP), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Written requests for information should contain the full name of the individual, Social Security Number and signature. Individuals may inquire in person at the Career Planning Branch (Code MMCP), Federal Office Building 2, Columbia Pike and Arlington Ridge Road, Arlington, VA. For personal visits, the individual should provide military identification or driver's license for proof of identification.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the system is obtained form the individual, Manpower Management System and the Performance Evaluation Review Board.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00049

SYSTEM NAME:

Manpower Management Information System.

SYSTEM LOCATION:

Marine Corps Base, Camp Lejeune, NC 28542–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marines who are joined to Base organizations and filling a Table of Organization (T/O) line number; all non-chargeable military personnel who are administratively attached to Base organizations (except students); and

wage grade employees assigned to Base and tenant units.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain personal identification data such as name, Social Security Number, pay grade, military occupational specialties, dates current tour began and other information extracted from the existing Manpower Management System and Naval Automated Civilian Manpower Information System master records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

PURPOSE(S):

To provide a record of all personnel joined to base organizations for identification by Table of Organization (T/O), administrative attachment or assignment to tenant unit.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tape and disk.

RETRIEVABILITY:

Records are accessed by Social Security Number and T/O line number.

SAFEGUARDS:

Building has a 24–hour security watch. Computer terminals and records and located in areas accessible only to authorized personnel that are properly screened, cleared and trained. Use of terminals requires knowledge of passwords. Terminals are physically locked when not being used by authorized personnel.

RETENTION AND DISPOSAL:

Records on magnetic disk are retained from one file recreation to the next, generally one month. Magnetic tapes are forwarded to Headquarters, U.S. Marine Corps.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief of Staff for Manpower, Marine Corps Base, Camp Lejeune, NC 28542–5000. Telephone (919) 451–2220.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Assistant Chief of Staff for Manpower, Marine Corps Base, Camp Lejeune, NC 28542–5000.

Written requests for information should contain the full name and Social Security Number, date and place of birth and signature of the individual concerned. For personal visits, the individual should be able to provide identification bearing picture and signature or sufficient verbal data to ensure that the individual is the subject of inquiry.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Assistant Chief of Staff for Manpower, Marine Corps Base, Camp Lejeune, NC 28542–5000.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from the Manpower Management System, the Naval Automated Civilian Manpower Information System, the Table of Manpower Requirements, from the individual's commanding officer or supervisor, and from the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00050

SYSTEM NAME:

Drill Instructor Evaluation Files System.

SYSTEM LOCATION:

Marine Corps Recruit Depot, Parris Island, SC 29905–5001 and Marine Corps Recruit Depot, San Diego, CA 92140–5001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps personnel assigned to the drill instructor military occupational specialty.

CATEGORIES OF RECORDS IN THE SYSTEM:

All data required in the processing and training of drill instructors and execution of drill instructor duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031 and E.O. 9397.

PURPOSE(S):

To provide a record of training and quality of performance of Marine Corps personnel assigned as drill instructors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The files are stored in file folders.

RETRIEVABILITY:

Records are maintained in areas accessible only to authorized personnel during normal working hours. After normal working hours, rooms are locked and the area is patrolled by military police.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel only during normal working hours, rooms are locked and the area is patrolled by military police.

RETENTION AND DISPOSAL:

The files are stored for two years after completion of drill instructor duties and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Recruit Training Regiment, Marine Corps Recruit Depot, Parris Island, SC 29905–5001 and Commanding Officer, Recruit Training Regiment, Marine Corps Recruit Depot, San Diego, CA 92140–5001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer, Recruit Training Regiment, Marine Corps Recruit Depot, Parris Island, SC 29905–5001 or the Commanding Officer, Recruit Training Regiment, Marine Corps Recruit Depot, San Diego, CA 92140–5001.

Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written

inquiries to the Commanding Officer, Recruit Training Regiment, Marine Corps Recruit Depot, Parris Island, SC 29905–5001 or the Commanding Officer, Recruit Training Regiment, Marine Corps Recruit Depot, San Diego, CA 92140–5001.

Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from instructors, units and civilians that were involved with training, evaluating and processing drill instructors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMN00051

SYSTEM NAME:

Individual Recruiter Training Record.

SYSTEM LOCATION:

Files are located at individual Recruiting Stations and Substations. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

File contains training and performance information on recruiters.

CATEGORIES OF RECORDS IN THE SYSTEM:

All information pertaining to the training and performance of recruiters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031 and E.O. 9397.

PURPOSE(S):

To provide a record of the performance of Marine Corps recruiters from initial training phase through completion of recruiting duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The files are stored in file folders.

RETRIEVABILITY:

Records retrieved by name or last four digits of the service member's Social Security Number.

SAFEGUARDS:

Records are accessible only to authorized personnel during normal working hours. After normal working hours, files stored in locked offices.

RETENTION AND DISPOSAL:

The files are maintained two years after completion of recruiting duties, at which time they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding General, Marine Corps Recruit Depot/Eastern Recruiting Region, Parris Island, SC 29905–5001 and Commanding General, Marine Corps Recruit Depot/Western Recruiting Region, San Diego, CA 92140–5001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding General, Marine Corps Recruit Depot/Eastern Recruiting Region, Parris Island, SC 29905–5001 or the Commanding General, Marine Corps Recruit Depot/Western Recruiting Region, San Diego, CA 92140–5001.

Requesting individuals should specify their full name. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written request must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding General, Marine Corps Recruit Depot/Eastern Recruiting Region, Parris Island, SC 29905–5001 or the Commanding General, Marine Corps Recruit Depot/ Western Recruiting Region, San Diego, CA 92140–5001.

Requesting individuals should specify their full name. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written request must be signed by the requesting individual.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from formal military schools, units and command officers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMT00001

SYSTEM NAME:

Dependent (Title 6) Schools Records System.

SYSTEM LOCATION:

Dependent (Title 6) Schools located at Marine Corps installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All students enrolled in Dependent (Title 6) Schools location at Marine Corps installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

System consists of individual student records, master schedule, student schedule, student class lists, student scheduling cards, etc. Information consists of student academic performance, attendance, discipline, activities, aptitude, health and emergency record data to properly administer and assist the student while enrolled in the particular school or school system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 6 U.S.C.

PURPOSE(S):

To provide a record of all students enrolled in Dependent (Title 6) Schools at Marine Corps activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Other Federal Agencies - By Officials and employees of the other Federal Agencies in the execution of their assignment as such duties pertain to Dependent (Title 6) Schools.

State and Local Education Agencies - By officials and employees of state and local education agencies in the execution of their Official duties as such duties pertain to Dependent (Title 6) Schools.

Courts - By officials and employees of local, state, and federal courts as dictated by court order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders, machine workable cards, and other Data Processing mediums.

RETRIEVABILITY:

Information is retrieved by student name or student number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel and handled by personnel who have been cleared and trained in handling of personnel information.

RETENTION AND DISPOSAL:

Records are maintained during the period of student enrollment and for a period of up to three years after student departure from the rolls of the school. Records are then destroyed or retired to the Army Records Center, St. Louis, Mo.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent of the school system in which the particular student is enrolled.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the particular school or school system in which the student is enrolled: Commanding General (ATTN: Supt Depn Scol) Marine Corps Base, Quantico, VA 22134–5000; Commanding General, (ATTN: Supt Depn Scol), Marine Corps Base, Camp Lejeune, NC 28542–5000; Commanding Officer, (ATTN: Supt Depn Scol), Marine Corps Air Station, Beaufort, SC 29904–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Superintendent of the school system in which the particular student is enrolled: Commanding General (ATTN: Supt Depn Scol) Marine Corps Base, Quantico, VA 22134–5000; Commanding General, (ATTN: Supt Depn Scol), Marine Corps Base, Camp Lejeune, NC 28542–5000; Commanding Officer, (ATTN: Supt Depn Scol), Marine Corps Air Station, Beaufort, SC 29904–5000.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from individual concerned, his teacher, administrators, and other professional health and education personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MMT00002

SYSTEM NAME:

Marine Corps Institute Correspondence Training Records System.

SYSTEM LOCATION:

Marine Corps Institute, Box 1775, Washington, DC 20390–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All enrollees in Marine Corps Institute correspondence courses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain information for identifying enrollees, their addresses, their progress in the course of study, and the results of their final examinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of all students enrolled in the Marine Corps Institute correspondence courses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, microfiche, magnetic tape, and magnetic disks.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Access provided on a need to know basis only. During non-working hours, the doors to the Institute are locked.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Student Services Officer, Marine Corps Institute, Marine Barracks, Box 1775, Washington, DC 20390–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Student Services Officer, Marine Corps Institute, Marine Barracks, Box 1775, Washington, DC 20390–5000.

Provide full name, Social Security Number or service number, date of completion or enrollment, course number, and course title.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Student Services Officer, Marine Corps Institute, Marine Barracks, Box 1775, Washington, DC 20390–5000.

Provide full name, Social Security Number or service number, date of completion or enrollment, course number, and course title.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from enrollment applications and subsequent forms submitted by the enrollee, from the individual's commanding officer, from the Marine Corps Manpower Management System, and from Marine Corps Automated Services Center, Kansas City.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MRS00001

SYSTEM NAME:

Reserve Manpower Management and Pay System (REMMPS).

SYSTEM LOCATION:

Primary System - Marine Corps Central Design and Programming Activity, 1500 East Bannister Road, Kansas City, MO 64197–0501.

Decentralized Segments - Input to the system is limited to the unit diary submission of the Marine Corps Reserve unit to which the individual is assigned for administration. Output from the system is available at the following locations: Department of Defense, Headquarters, U. S. Marine Corps, 4th Marine Division, 4th Marine Aircraft Wing, Marine Corps Finance Center, Marine Corps Reserve Support Center,

and the Marine Corps Reserve unit to which the individual is assigned. Addresses of each Distribution List (OPNAV-PO9B3–107).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marine Corps Reservists in the Selected, Individual Ready, Standby, and Fleet Marine Corps Reserve categories.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains the master personnel records to include personal identification, education, training, military occupational specialties, contractual agreements, pay and other data required for effective personnel management and administration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5031.

PURPOSE(S):

To provide a record of pay and personnel data on Reserve personnel for use in the management and administration of Reserve personnel resources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U. S. - By the Senate or the House of Representatives of the U. S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U. S. - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is contained on magnetic tapes and disks.

RETRIEVABILITY:

Information is retrieved by Social Security Number.

SAFEGUARDS:

Records are maintained in facilities accessible only to authorized personnel that are properly screened, and trained.

RETENTION AND DISPOSAL:

Records are retained for six months after separation of the individual Marine reservists. After six months, records are destroyed except for an historical listing of separations which is recorded on microfiche for permanent retention at the Marine Corps Reserve Support Center, Kansas City, MO.

SYSTEM MANAGER(S) AND ADDRESS:

The Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (Code RA), Headquarters, U.S. Marine Corps, Federal Office Building 2, Washington, DC 20380–1775. Telephone (703) 614–2558.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (Code RA), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

Written requests for information should contain the individual's full name, Social Security Number and signature.

For personal visits, the individual should be able to provide some acceptable identification such as military identification card, driver's license or other type of identification bearing picture and signature to insure the individual is the subject of the inquiry.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual having administrative responsibility for the Marine, the Marine Corps Reserve Support Center, and authorized personnel of Headquarters, U S. Marine Corps.

Systems interface with active force Joint Uniform Military Pay System/ Manpower Management System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MRS00002

SYSTEM NAME:

Marine Corps Reserve Support Center (MCRSC) Management System.

SYSTEM LOCATION:

Primary System - The Director, Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, KS 66211–1408.

Decentralized System - At Marine Corps mobilization and prior service recruiting stations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marine Corps Reservists in the Individual Ready Reserve, Standby Reserve, Fleet Marine Corps Reserves, Individual Mobilization Augmentees, Selected Marine Corps Reserves. Full-Time Support (FTS) Marine Reserves, active duty Marines attached to the MCRSC, and civilian employees of MCRSC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel, financial, and manpower data records. Training history records for financial obligations and expenditures for reservists and reservist's qualifications, and program management records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 5031; 10 U.S.C. 275; Title U.S. Code 652.

PURPOSE(S):

To provide record of all personnel, financial and manpower data on all Marine Corps military and civilian employees attached to MCRSC.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Blanket Routine Uses that appear at the beginning of the Marine Corps compilation apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Direct access storage device, magnetic tape, paper files, microfiche and other documents.

RETRIEVABILITY:

Social Security Number, name, grade, and unit.

SAFEGUARDS:

Restricted access to building and all areas where data maintained. Records are maintained in areas accessible only

to those personnel that are authorized and have been properly screened, cleared, and trained. The system contains security features designed to restrict unauthorized access.

RETENTION AND DISPOSAL:

There are two types of files, permanent and working. After the Marine Reservist retires or is deceased, microfiche/paper records are sent to Headquarters Marine Corps for a period of six months. Thereafter, records are sent to the National Personnel Records Center, St. Louis, MO, indefinitely. Computer records are maintained for a minimum of three years in the National Archives. After three years, the tapes are erased. Working files are disposed of when obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Marine Corps Reserve Support Center, 10950 El Monte, Overland, Park, KS 66211–1408.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Marine Corps Reserve Support Center, 10950 El Monte, Overland, Park, KS 66211–1408.

Requesters should provide proper verification of identity. On written requests, signature of the requesting individual is required.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Marine Corps Reserve Support Center, 10950 El Monte, Overland, Park, KS 66211–1408.

Requesters should provide proper verification of identity. On written requests, signature of the requesting individual is required.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual, Marine Corps recruiting districts, depots, bases, and other duty stations, Headquarters Marine Corps, Department of Veterans Affairs, Civilian Personnel Records, and changes caused by law are the principle sources of the information contained the MCRSC Management System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MRS00003

SYSTEM NAME:

Marine Corps Reserve HIV Program.

SYSTEM LOCATION:

Headquarters, U.S. Marine Corps, (RA), Washington, DC 20380–1775.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Marine Corps Ready Reserve infected with the Human Immunodeficiency Virus (HIV).

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records, notifications of HIV-positivity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 10 U.S.C. 5041 (as amended), 10 U.S.C. 5042, 5252, 44 U.S.C. 3101, and E.O. 9397.

PURPOSE(S):

To maintain a data base of all HIV-positive Marine Corps Reservists. The system will be used to track all HIV-positive Reservists from the time they are identified as exposed to the HIV, to the time they are transferred to the Standby Reserve or discharged.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None. The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices do not apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files are maintained in a locked filing cabinet. Additional information maintained in a Personal Computer (P/C).

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Paper files are maintained in locked filing cabinets. Access to the room where the P/C is maintained is monitored or controlled for access by authorized personnel only. Access to the automated records is through passwords and the room is locked when not monitored by authorized personnel. Building access is controlled by uniformed guards and doors are locked during non-duty hours.

RETENTION AND DISPOSAL:

Paper files are maintained for five years, then destroyed. Information contained in the P/C is maintained for 10 years after the individual's tenure with the Marine Corps and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, (Code RA), Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps, (RA), Washington, DC 20380–1775.

Written inquiries should contain the name, Social Security Number, date(s) of testing, military status and return address. Visitors should be able to identify themselves by any commonly recognized evidence of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps, (RA), Washington, DC 20380–1775.

Written inquiries should contain the name, Social Security Number, date(s) of testing, military status and return address. Visitors should be able to identify themselves by any commonly recognized evidence of identity.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is derived from the individual's service medical and dental records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

MTE00001

SYSTEM NAME:

Telephone Billing/Accounting File.

SYSTEM LOCATION:

All Marine Corps activities maintaining telephone accounts.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel, civilian contractors, concessions, and Marine Corps sponsored activities that are provided unofficial government telephone service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain name, Social Security Number, grade, military address, telephone number assigned to individuals in the system, civilian contractor's business address and business telephone numbers, ledger of itemized telephone service charges and payments, receipted bills, requests for service, account number, addressograph plate, cash collections vouchers for telephone deposits, and routine correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

PURPOSE(S):

To provide a record amounts owned and paid for telephone services at Marine Corps activities. The file is also used as a telephone directory service except for numbers unlisted.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Marine Corp's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper cards are maintained in filing cabinets and KARDEX files or in file folders.

RETRIEVABILITY:

Information accessed and retrieved by name, address or telephone number.

SAFEGUARDS:

Records are maintained in an area accessible only to authorized personnel and are under constant supervision. The building is locked during non-working hours and someone is on duty 24 hours a day.

RETENTION AND DISPOSAL:

Records remain active until individual leaves the Marine Corps activity concerned. Records are then transferred to an inactive file for four years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of activity concerned. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the command to which an individual is assigned for duty. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the command to which an individual is assigned for duty. U.S. Marine Corps official mailing addresses are incorporated into the Department of the Navy's address directory, published as an appendix to the Navy's compilation of systems of records notices.

Written requests should include name and Social Security Number and address.

For personal visits, the individual should be able to provide the proper military or civilian identification.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application of the individual desiring telephone service in government housing aboard the activity.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

UNITED STATES NAVY

How Systems are Arranged

Department of the Navy systems of records are numbered to coincide with the subject matters identified in the Standard Subject Identification Code (SSIC).

Each series of records has been assigned a major subject title, followed by a combined alpha-numeric identification number. For example, the systems of records containing financial information would be found under the major subject title, Financial Management. The range of identification of records will be from 7000 to 7999. The systems of records concerning military pay is 7220. If there are multiple systems of records maintained under this series, the identification number will be identified as N07220–1, N07220–2, N07220–3, etc. The last digit, i.e., –1, –2, –3, indicates the first, second, and third systems of records within the category of military pay.

When assigning numbers to systems of records, we identify the appropriate SSIC for the system and formulate the system number by adding 'N' for Navy to the beginning of the number, followed by the SSIC number. '0' is placed after the 'N' for SSIC codes 1000 through 9999, since each system must begin with 'N' followed by five digits.

How To Use the Index Guide

The systems of records maintained by the Department of the Navy are contained within the major subject title and numerical series of the SSIC. The list identifies each series in numerical order. Use the list to identify major areas of interest.

Subject Series
System Identification Series

Military Personnel
1000–1999

Telecommunications
2000–2999

Operations and Readiness
3000–3999

Logistics
4000–4999

General Administration
5000–5999

Medicine and Surgery
6000–6999

Financial Management
7000–7999

Ordnance Material Readiness
8000–8999

Ships Design and Material
9000–9999

General Material
10000–10999

Facilities and Activities
11000–11999

Civilian Personnel
12000–12999

Aeronautical and Astronautical Material
13000–13999

For Further Assistance

The Chief of Naval Operations is designated the Privacy Act Coordinator for the Department of the Navy. Any

questions or assistance you may require should be addressed to the Chief of Naval Operations (N09B30), Room 5E521, The Pentagon, Washington, DC 20350–2000.

Point of contact is Mrs. Gwendolyn Aitken, Commercial (703) 614–2004/2817 or DSN 224–2004/2817.

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required to locate and retrieve the record.

BLANKET ROUTINE USES

Certain 'blanket routine uses' of the records have been established that are applicable to every record system maintained within the Department of Defense unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below only once in the interest of simplicity, economy and to avoid redundancy.

LAW ENFORCEMENT ROUTINE USE

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant hereto.

DISCLOSURE WHEN REQUESTING INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

DISCLOSURE OF REQUESTED INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

CONGRESSIONAL INQUIRIES ROUTINE USE

Disclosure from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

PRIVATE RELIEF LEGISLATION ROUTINE USE

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS ROUTINE USE

A record from a system of records maintained by this component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES ROUTINE USE

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517, 5520, and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Number 76–07.

DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT ROUTINE USE

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

DISCLOSURE TO MILITARY BANKING FACILITIES OVERSEAS ROUTINE USE

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated

by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

DISCLOSURE OF INFORMATION TO THE GENERAL SERVICES ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO THE MERIT SYSTEMS PROTECTION BOARD ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DOD investigation, and such other functions, promulgated in 5 U.S.C 1205 and 1206, or as may be authorized by law.

COUNTERINTELLIGENCE PURPOSES ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use outside the DOD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

N01001-1

SYSTEM NAME:

Roster, Naval Reserve Law Units.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 62), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Listing of law program officers in Naval Readiness Commands having cognizance over Reserve affairs; listing of Naval Legal Service Offices; listing of the staff of the Director, Naval Reserve Law Programs; listing of Naval Reserve Law Company commanding officers; and listing of members of law units.

CATEGORIES OF RECORDS IN THE SYSTEM:

Roster contains names and locations of personnel associated with Naval Reserve Law Programs; names of law units, Social Security Number, rank, home and office addresses, and telephone numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 806.

PURPOSE(S):

To facilitate and promote liaison between Naval Reserve Law Units, law program officers, the Director, Naval Reserve Law Programs, and the Navy's legal assistance program. It is an essential publication used by legal assistance officers Navy-wide. It apprises Naval Reserve Officers of the locations of Reserve units in order that they participate in the reserve law program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By names of members and location of Reserve units.

SAFEGUARDS:

Records are maintained under the control of authorized personnel during working hours; the office space in which the rosters are maintained is locked outside official working hours.

RETENTION AND DISPOSAL:

Rosters are retained for approximately two years and destroyed when a new edition is published.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Judge Advocate General (Code 62), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

The request should contain full name, address, and Social Security Number of the individual concerned and should be signed.

Personal visits may be made to the Reserve Personnel Division, Office of the Judge Advocate General, Room 8N39, Hoffman Building II, 200 Stovall Street, Alexandria, VA 22332–2400. Individuals should be able to supply proper identification, such as a picture I.D. or driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Judge Advocate General (Code 62), Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is received from Reserve officers who participate in the Naval Reserve Law Programs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01001-2

SYSTEM NAME:

Naval Reserve Law Program Officer Personnel Information.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 61), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals applying for appointment or transfer to Judge Advocate General's Corps of the Naval Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information regarding an applicant's qualifications and intentions to affiliate in Naval Reserve Law Program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 806.

PURPOSE(S):

To publish a directory of Naval Reserve Judge Advocates' location, reserve assignment, etc. Information in the Directory is made available to Navy Judge Advocates, active and reserve, to enable them to locate and identify the legal expertise of Naval Reserve Judge Advocates in the various states with varying legal qualifications and state licenses and to permit contact between Navy Judge Advocates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Judge Advocate General (Code 61), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Judge Advocate General (Code 61), Department of the Navy, Room 9S05, Hoffman Building II, 200 Stovall Street, Alexandria, VA 22332–2400.

Written requests must be signed by the requesting individual, and for personal visits, the individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Judge Advocate General (Code 61), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01001–3

SYSTEM NAME:

Naval Reserve Intelligence/Personnel File

SYSTEM LOCATION:

Naval Intelligence Command, 4600 Silver Hill Road, Washington, DC 20389–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officers and enlisted personnel of the Naval Reserve Intelligence Program and applicants for affiliation with the program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, individual's residence history, education, professional qualifications, occupational history, foreign country travel and knowledge, foreign language capabilities, history of active military duty assignments and military promotions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, as amended; 5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 503, Department of the Navy; 10 U.S.C. 6011, Navy Regulations; 44 U.S.C. 3101, Records Management by Federal Agencies, and E.O. 9397.

PURPOSE(S):

To determine qualifications for members of the Naval Reserve Intelligence Program and to provide a personnel management device for career development programs, manpower and personnel requirements for program activities, assignment of support projects of the reserve program and mobilization planning requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computerized floppy/hard disk; microform; and paper records.

RETRIEVABILITY:

Name, Social Security Number, or any file element.

SAFEGUARDS:

Controlled access within a Sensitive Compartmented Information Facility.

RETENTION AND DISPOSAL:

Records are maintained for a period of five years after last data filed and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Intelligence Command, 4600 Silver Hill Road, Washington, DC 20389–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Naval Intelligence Command, 4600 Silver Hill Road, Washington, DC 20389–5000.

The request should contain the full name of the requester, home address and date and place of birth. A notarized statement or unsworn declaration subscribed to be true under penalty of perjury is required for identity verification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commander, Naval Intelligence Command, 4600 Silver Hill Road, Washington, DC 20389–5000.

The request should contain the full name of the requester, home address and date and place of birth. A notarized statement or unsworn declaration subscribed to be true under penalty of

perjury is required for identity verification.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Reserve data submitted by the individual and investigative reports from the Naval Criminal Investigative Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01001–5

SYSTEM NAME:

MSC Masters and Chief Engineers Data File.

SYSTEM LOCATION:

Military Sealift Command, Department of the Navy, Washington, DC 20398–5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

MSC Masters and Chief Engineers aboard civil service manned ships.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical and professional information which may include name, rank, Social Security Number, designation, date and place of birth, home address and phone number, active duty training, education, correspondence courses taken, active military service, civilian employment experience, training for sea, maritime licenses held, commercial shipboard and shoreside experience, marital status, number of children and their names and ages, highlights of merchant marine career, special skills and accomplishments, hobbies, community activity and association membership.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

PURPOSE(S):

To maintain personnel data on MSC Masters and Chief Engineers and maintain biographical information for MSC civil service mariners. Such information is used to identify location and provide biographical information on civil service mariners in response to media and internal requests for information prior to public appearances, press releases, or courtesy calls to MSC ships by MSC personnel and members of other organizations or commands.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Data cards or paper file folders stored in file cabinets.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Files are maintained in areas accessible to authorized personnel only, who are properly screened, cleared and trained for proper use of the data stored. Building employs security guards. Civil service mariner files are stored in the Employment and Labor Relations Division.

RETENTION AND DISPOSAL:

Civil service mariner records are maintained for the duration of employment with MSC. Outdated files are destroyed when updated information is received and the entire file is destroyed immediately upon the employee's separation or retirement from the Command.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Military Sealift Command, Department of the Navy, Washington, DC 20398–5100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Military Sealift Command, Department of the Navy, Washington, DC 20398–5100.

Written requests should contain full name of the individual, military grade or rate, and date of birth. For personal visits, the individual should be able to provide some acceptable means of identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commander, Military Sealift Command, Department of the Navy, Washington, DC 20398–5100.

Written requests should contain full name of the individual, military grade or rate, and date of birth. For personal visits, the individual should be able to provide some acceptable means of identification.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01070–1

SYSTEM NAME:

JAG Corps Officer Personnel Information.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 61), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty Officers in the Judge Advocate General's Corps, Law Education and Excess Leave Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, grade, designator, date of birth, Social Security Number, date of rank, pay entry base data, active duty service date, active commission base date, year and month of graduation from Naval Justice School, service date, lineal number, year group, current billet, future billets that are finalized, sub-specialty code, number of primary and secondary dependents, spouse's name, projected loss date and reason for loss, projected rotation date, law school and year of graduation from law school, state bar membership and year admitted, officer's preference for duty assignment and postgraduate education.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 806 and E.O. 9397.

PURPOSE(S):

To manage the officers of the Navy JAG Corps, as the Judge Advocate General is statutorily required to make recommendation on the assignment of all active duty JAG Corps officers; to determine qualifications of an officer to receive a JAG Corps designation and to be certified as a trial or defense counsel; to determine the rotation dates and release from active duty dates of JAG Corps officers as well as the date new

officers will be available for duty; to prepare JAG Corps strength plans for submission to OPNAV; and to obtain an officer's preference for duty assignment as well as eligibility for consideration for postgraduate education and overseas assignments. Certain of this information is promulgated to all active duty JAG Corps officers in a semi-annual publication known as the Directory of Navy Judge Advocates. The information is promulgated in the directory for general informational purposes within the JAG Corps, including provision of position (billet) availability information to officers contemplating rotation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Certain of this information (not including Social Security Number and date of birth) is promulgated to active-duty JAG Corps officers in a semi-annual publication known as the Directory of Navy Judge Advocates. The information is promulgated for general informational purposes within the JAG Corps, including provision of position (billet) availability information to officers contemplating rotation and as a social roster for official and nonofficial functions.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is maintained on personal computers and paper records filed in file folders in storage devices.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Data is maintained on personal computers and paper records filed in file folders in storage devices.

RETENTION AND DISPOSAL:

Upon release from active duty, records are kept three years and then destroyed. Upon retirement from active duty, records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Judge Advocate General (Code 61), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General (Code 61), Department of the Navy, Hoffman Building II, 200 Stovall Street, Alexandria, VA 22332–2400.

Written requests must be signed by the requesting individual. For personal visits, the requesting individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Deputy Assistant Judge Advocate General (Code 61), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400. Personnel visits may be made to the JAG Personnel Office, Hoffman Building II, 200 Stovall Street, Alexandria, VA 22332–2400.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual; orders to active duty and subsequent transfer orders; and computer strips provided by the Bureau of Naval Personnel on all active duty officers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01070–2

SYSTEM NAME:

Naval Attache Files.

SYSTEM LOCATION:

Chief of Naval Operations (N2), The Pentagon, Washington, DC 20350–2000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Navy and Marine Corps Officers nominated and/or assigned to duty in the Defense Attache System (DAS).

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains records concerning the service and personal history of officers nominated and/or assigned to duty in the DAS and their dependents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1974, as amended: 5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 503 and 6011; 44 U.S.C. 3101; and E.O. 12356.

PURPOSE(S):

To determine suitability of personnel for security clearances and assignment to the Defense Attache System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of State to determine suitability of personnel for security clearances and assignment to the Defense Attache System.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files in folders stored in standard General Services Administration safes.

RETRIEVABILITY:

Retrieved by name of officer.

SAFEGUARDS:

Records are stored in a controlled access area and are accessible only to a very limited number of authorized personnel with proper security clearance and demonstrated need for access.

RETENTION AND DISPOSAL:

Records are opened on individuals when first nominated for attache duty, and retained until six months after completion of attache duty and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (N2), The Pentagon, Washington, DC 20350–2000

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief of Naval Operations (N2), The Pentagon, Washington, DC 20350–2000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief of Naval Operations (N2), The Pentagon, Washington, DC 20350–2000.

The request should contain the full name and address of the subject individual.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and for contesting contents and appealing initial agency determinations

VOL 58 ISS 33 FE 22 1993 UMI

are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data is gained from the subjects of the file, Naval Military Personnel Command and Headquarters Marine Corps files of subject's fitness reports, Defense Investigative Service/Naval Criminal Investigative Service (DIS/NCIS) background investigations and other sources who are familiar with the subject.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01070-3

SYSTEM NAME:

Navy Personnel Records System.

SYSTEM LOCATION:

Primary system are located at the Bureau of Naval Personnel, Navy Department, Washington, DC 20370–5000; Naval Reserve Personnel Center, Naval Support Activity (East Bank), Building 603, New Orleans, LA 70159–7800; and local activity to which individual is assigned. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

Secondary systems are located at the Department of the Navy Activities in the chain of command between the local activity and the headquarters level; Federal Records Storage Centers; National Archives. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy military personnel: Officers, enlisted, active, inactive, reserve, fleet reserve, retired, midshipmen, officer candidates, and Naval Reserve Officer Training Corps personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel service jackets and service records, correspondence and records in both automated and non-automated form concerning classification, assignment, distribution, promotion, advancement, performance, recruiting, retention, reenlistment, separation, training, education, morale, personal affairs, benefits, entitlements, discipline and administration of naval personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To assist officials and employees of the Navy in the management, supervision and administration of Navy personnel (officer and enlisted) and the operations of related personnel affairs and functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the National Research Council in Cooperative Studies of the National History of Disease; of Prognosis and of Epidemiology. Each study in which the records of members and former members of the naval service are used must be approved by the Chief of Naval Personnel.

To officials and employees of the Department of Health and Human Services, Department of Veteran Affairs, and Selective Service Administration in the performance of their official duties related to eligibility, notification and assistance in obtaining benefits by members and former members of the Navy.

To officials and employees of the Department of Veteran Affairs in the performance of their duties relating to approved research projects.

To officials and employees of Navy Relief and the American Red Cross in the performance of their duties relating to the assistance of the members and their dependents and relatives, or related to assistance previously furnished such individuals, without regard to whether the individual assisted or his/her sponsor continues to be a member of the Navy.

To duly appointed Family Ombudsmen in the performance of their duties related to the assistance of the members and their families.

To state and local agencies in the performance of their official duties related to verification of status for determination of eligibility for Veterans Bonuses and other benefits and entitlements.

To officials and employees of the Office of the Sergeant at Arms of the United States House of Representatives in the performance of their official duties related to the verification of the active duty naval service of Members of Congress.

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged or retired from the Armed Forces information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual the United States Government will be liable for the losses the facility may incur.

To federal, state, local, and foreign (within Status of Forces agreements) law enforcement agencies or their authorized representatives in connection with litigation, law enforcement, or other matters under the jurisdiction of such agencies.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system of record notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, and drums. Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY:

Automated records may be retrieved by name and Social Security Number. Manual records may be retrieved by name, Social Security Number, enlisted service number, or officer file number.

SAFEGUARDS:

Computer facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained. Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained one year past retirement, removal, or resignation of the member and then transferred to the National Personnel Records Center (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132–5101 for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel (Pers 06), Washington, DC 20370–5000; Commanding Officers, Officers in Charge, and Heads of Department of the Navy activities. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains

information about themselves should address written inquiries to the Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370–5000 or contact the personnel officer were assigned. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices. The letter should contain full name, Social Security Number (and/or enlisted service number/officer file number), rank/rate, designator, military status, address, and signature of the requester.

The individual may visit the Chief of Naval Personnel, Arlington Annex, Federal Office Building 2, Washington, DC, for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370–5000 or contact the personnel officer were assigned. Official mailing addresses are published as an appendix to the Navy's compilation of system of records notices.

The letter should contain full name, Social Security Number (and/or enlisted service number/officer file number), rank/rate, designator, military status, address, and signature of the requester.

The individual may visit the Chief of Naval Personnel (Pers 06), Arlington Annex, Federal Office Building 2, Washington, DC, for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Correspondence; educational institutions; federal, state, and local court documents; civilian and military investigatory reports; general correspondence concerning the individual; official records of professional qualifications; Navy Relief and American Red Cross requests for verification of status.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01070–4

SYSTEM NAME:

Naval Reserve Security Group Personnel Records.

SYSTEM LOCATION:

Commander, Naval Security Group Command, Naval Security Group, Headquarters, 3801 Nebraska Avenue, NW, Washington, DC 20390.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Naval Reserve Security Group Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

System comprises records reflecting information pertaining to reservist's ACDUTRA (Active Duty for Training); miscellaneous personnel actions, i.e., in-training status for change of rank/designator/rate; clearance certificate; congratulatory letters to officers upon promotion; history of past ACDUTRA performed; correspondence courses completed; old data cards and clearance eligibility letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Departmental Regulations.

PURPOSE(S):

To verify past active duty and ACDUTRA performed, currency of clearance status, mobilization assignments, and to identify civilian skills acquired.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper-records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of reservist.

SAFEGUARDS:

Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are retained in active file until reservist has fulfilled drilling obligation or upon discharge or transfer to stand-by reserve.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Security Group Command, Naval Security Group Headquarters, 3801 Nebraska Avenue, NW, Washington, DC 20390.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Naval Security Group Command, Naval Security Group Headquarters, 3801 Nebraska Avenue, NW, Washington, DC 20390.

Individual should provide full name, DPOB, military status, Social Security Number (if you will voluntarily include it) or service number.

Visits for the purpose of obtaining information must be submitted in writing to Commander, Naval Security Group Command, 3801 Nebraska Avenue, NW, Washington, DC 20390, who will advise of time/date/place for viewing records or will advise whether system contains records pertaining to the requester. Scheduled visitors must be prepared to present adequate proof of identification - i.e., combination of full name, DPOB, parent(s) name, driver's license, medicare card, military I.D. card, if applicable.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Naval Security Group Command, Naval Security Group Headquarters, 3801 Nebraska Avenue, NW, Washington, DC 20390.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

District Officers for Naval Reserve Security Group, Commanding Officers of Naval Reserve Security Group Divisions, and, Commanding Officer, Naval Technical Training Center, Pensacola, FL.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01070-6

SYSTEM NAME:

Employee Explosives Certification Program.

SYSTEM LOCATION:

Organization elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel involved in the process or evolutions of explosives operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual certifying document and combined register of all employees certified.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Departmental Regulations.

PURPOSE(S):

To record the names of all employees and their qualifications to work in certain categories of explosive operations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder, punched cards.

RETRIEVABILITY:

Social Security Number, name.

SAFEGUARDS:

Personnel escort required.

RETENTION AND DISPOSAL:

Permanent, unless employee terminates or is no longer involved in explosives processes. Document returned to employee's department for routine disposal after deletion from program.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer or head of the organization in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer or head of the organization in question. Individuals may inspect personnel certifying documents at local activity to which individual assigned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Requesters must be escorted and provide identification for inspection of their personnel records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer or head of the organization in question. Individuals may inspect personnel certifying documents at local activity to which individual assigned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Requesters must be escorted and provide identification for inspection of their personnel records.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personnel files, previous supervisors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01070-7

SYSTEM NAME:

NEXCOM Military Personnel Information System.

SYSTEM LOCATION:

Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past military officers and key enlisted personnel assigned to the Navy Exchange System.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; rank or rate; dependency status; Social Security Number; designation; date of rank; date reported; rotation date; educational level; lineal number; location of assignments; preference of assignment, biographical information, and orders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5031; and E.O. 9397.

PURPOSE(S):

To assist officials and employees of the Navy Exchange Service Command in the management, supervision, and administration of its personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computerized records, printed reports, card files, and file folders.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Supervised office spaces and computers are accessible only through the computer center whose entry is limited to authorized personnel only. All information is maintained in locked file cabinets or locked archives. Computer systems are password protected.

RETENTION AND DISPOSAL:

Destroyed three years following an individual's discharge/retirement from the Navy.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Exchange System, Naval Station New York, Staten Island, NY 10305-5097.

Record Holder: Director, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305-5097.

Written requests must include full name, Social Security Number and military duty status. At the time of a personal visit, the requester must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

Written requests must include full name, Social Security Number and military duty status. At the time of a personal visit, the requester must provide proof of identity containing the requester's signature.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

U.S. Navy Manpower Information System; Bureau of Naval Personnel; the individual; and the individual's supervisor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01070-8

SYSTEM NAME:

Correction Board Case Files System.

SYSTEM LOCATION:

Board for Correction of Naval Records, Department of the Navy, Washington, DC 20370; decentralized segments located in the Naval Military Personnel Command, Headquarters, U.S. Marine Corps, and the individual military personnel record of the service member concerned.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any member or former member of the U.S. Navy or Marine Corps who has applied for the correction of his/her naval record.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of file cards with basic information and computer records derived therefrom, case files containing records of board proceedings, material submitted for correction and supporting documentation, correspondence and transcripts of board formal hearings. The basic case information and computer records derived therefrom include the following: Rank; Social Security Number/service number; docket number; date application received; subject category; subject category description; examiner's initials; date examiner assigned; branch of service; board decision; date of board decision; date decision promised if interested members of Congress; date case forwarded to the Secretary of the Navy; lineal number of officer applicant; officer designated; date officer case forwarded to Naval Military Personnel Command/Commandant of the Marine Corps; date officer case returned from Naval Military Personnel Command/ Commandant of the Marine Corps; date advisory opinion requested; identity of advisor's organization; date advisory opinion received; date service record ordered; date medical record ordered; date court-martial record ordered; date confinement record order; date Navy Discharge Review Board record ordered; date other record ordered; date service record received; date medical record received; date court-martial record received; date confinement record received; date Navy Discharge Review Board record received; date other record received; number of Navy applications received; number of Marine Corps applications received; total number of Navy and Marine Corps applications received; percent of total to grand total; total number of Navy discharge cases; total number Marine Corps discharge cases; Navy grant count; Navy deny count; Navy modify count; Marine grant; Marine deny count; Marine modify count.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1552; 32 CFR part 723.

PURPOSE(S):

To review applicant's Naval record to determine the existence of alleged error or injustice and to recommend appropriate corrective action when warranted - to report its findings, conclusions and recommendations to the Secretary of the Navy in appropriate cases - to respond to inquiries from applicants, their counsel, and members of Congress.

To provide officials of the Naval Military Personnel Command with advisory opinions in cases involving present and former Navy personnel - to correct records of present and former Navy personnel in accordance with approved Board decisions.

To provide officials and employees of the Bureau of Medicine and Surgery with advisory opinions on medical matters.

To provide the Naval Council of Personnel Boards/Office of Naval Disability Evaluation with advisory opinions on medical matters.

To provide officials and employees of HQ, U.S. Marine Corps with advisory opinions in cases involving present and former Marine Corps personnel - to correct records of present and former Marine Corps personnel in accordance with approved correction Board decisions.

To officials and employees of the Litigation Division, NJAG, to prepare legal briefs and answers to complaints against the Department of the Navy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained as paper and microfiche records in file folders, and manually retrieved file cards.

RETRIEVABILITY:

Records are filed alphabetically, by the last name of the applicant and are cross filed by docket number, and service or social security account numbers.

SAFEGUARDS:

Access to building is protected by uniformed security officers requiring positive identification; for admission after hours, records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

All file cards are permanently retained by the agency. Case files are permanent. They are retained in the active files for three years and then retired to the Washington National Records Center, Suitland, MD.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Board for Correction of Naval Records, Department of the Navy, Washington, DC 20370.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Executive Director, Board for Correction of Naval Records, Department of the Navy, Washington, DC 20370.

Individual should provide full name, and Social Security Numbers or service numbers. Visitors should be able to provide proper identity, such as a drivers license. Written requests must be signed by a requester or his/her legal representative.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Board for Correction of Naval Records, Department of the Navy, Washington, DC 20370.

Individual should provide name, military status, branch of service and Social Security Number. Current address and telephone numbers should be included. Personal visits may be made only to the Board for Correction of Naval Records, Arlington Annex, Columbia Pike and Southgate Road, Arlington, VA. For personal visits, identification will be required.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

All official Naval records, Department of Veterans Affairs and police and law enforcement records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01070-9

SYSTEM NAME:

White House Support Program.

SYSTEM LOCATION:

White House Liaison Office, Office of the Secretary of the Navy, Department of the Navy, Washington, DC 20350.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy and Marine Corps military and civilian personnel and contractor employees who have been nominated by their employing activities for assignment to Presidential support duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel records, correspondence, and other documents and records in both automated and nonautomated form concerning classification, security clearances, assignment, training, and other qualifications relating to suitability for Presidential support duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To evaluate and nominate individuals for assignment to Presidential support duties; to ensure that only those individuals most suitably qualified are assigned to duty in Presidential support activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees in the Executive Office of the President in the performance of their duties related to personnel administration, and evaluation and nomination of individuals for assignment to Presidential support duties.

To officials and employees of other federal agencies and offices, upon request, in the performance of their official duties related to the provision of Presidential support and protection.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc drums, and on punched cards. Manual records may be stored in file folders, or microform.

RETRIEVABILITY:

Manual Records: By name if individual has been nominated and not yet approved. By OSD approval date if individual has been approved, and by employing activity removal date if an individual is removed from assignment for cause. Automated records may be retrieved by name, Social Security Number, and control number.

SAFEGUARDS:

Records are afforded appropriate protection at all times, stored in locked rooms and locked file cabinets, and are accessible only to authorized personnel who have a definite need to know and who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with Secretary of the Navy Instruction P5212.5B, subject: Disposal of Navy and Marine Corps records.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Aide to the Secretary of the Navy, Navy Department, Washington, DC 20350.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the Administrative Aide to the Secretary of the Navy, Navy Department, Washington, DC 20350.

Individual should provide full name and Social Security Number. Visits are limited to the Office of the Administrative Aide to the Secretary of the Navy. The individual should be able to provide some acceptable identification, that is, driver's license, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Administrative Aide to the Secretary of the Navy, Navy Department, Washington, DC 20350.

Individual should provide full name and Social Security Number. Visits are limited to the Office of the Administrative Aide to the Secretary of the Navy. The individual should be able to provide some acceptable identification, that is, driver's license, etc.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy and other Department of Defense components; federal, state, and local court documents; civilian and military investigative reports; general correspondence concerning the individual; and federal and state agency records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(1), (k)(2), (k)(3) and (k)(5), as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

N01070-10

SYSTEM NAME:

Aviation Training Jacket.

SYSTEM LOCATION:

The Aviation Training Jacket accompanies the individual student to each Naval Air Command as he progresses in the training program. Upon completion or termination of

training, the Aviation Training Jacket is forwarded to the Chief of Naval Air Training, Naval Air Station, Corpus Christi, TX, 78419.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All naval aviators, naval flight officers, naval flight surgeons, aviation warrant officers, and pre-commissioning training for aviation maintenance duty and aviation intelligence officers. This includes records in the above categories for individuals who do not complete prescribed training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Aviation flight training, practical and academic grade scores, including pre-training aviation test battery scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To maintain an up-to-date student flight record and to evaluate the student's individual training progress and qualifications, including aircraft, medical and physiological qualifications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To educational institutions upon individual requests for academic transcripts.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in metal filing cabinets.

RETRIEVABILITY:

Name and date of designation, completion or termination of training.

SAFEGUARDS:

Access is restricted to the individual or those who maintain training records and those who are directly involved with the individual's training or evaluation. The file cabinets containing the jackets are in command areas under normal military 24 hour security measures.

RETENTION AND DISPOSAL:

Retained at the Chief of Naval Air Training headquarters for six months, then transferred to the Federal Records Center, East Point, GA and retained for 75 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Air Training, Naval Air Station, Corpus Christi, TX 78419.

NOTIFICATION PROCEDURE:

The individual is informed that the Aviation Training Jacket is being maintained and has ready access to it during training. After training, he can submit written request to the Chief of Naval Air Training, Naval Air Station, Corpus Christi, TX 78419.

Individual should provide name, Social Security Number or officer file number, and date of completion or termination of training. Personal visitors can provide proof of identity by military identification card, active or retired, or driver's license and some record of naval service.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief of Naval Air Training, Naval Air Station, Corpus Christi, TX 78419.

Individual should provide name, Social Security Number or officer file number, and date of completion or termination of training. Personal visitors can provide proof of identity by military identification card, active or retired, or driver's license and some record of naval service.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Prior educational experience, flight grades, academic grades supporting flight training, physical fitness/survival/swimming proficiency, aviation physiology training and qualifications, and birth certificate.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01070-11

SYSTEM NAME:

Flight Instruction Standardization and Training (FIST) Jacket.

SYSTEM LOCATION:

The FIST jacket is located at the various Naval Air Training Commands where the individual may be assigned. Contact the Chief of Naval Air Training, Naval Air Station, Corpus Christi, TX 78419 to determine the location of any specific command.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All naval aviators and naval flight officers assigned to duty as instructors within the Naval Air Training Command.

CATEGORIES OF RECORDS IN THE SYSTEM:

A record of flight instruction standardization and training required of naval aviators and naval flight officers assigned duty as instructors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To ensure that the flight instructor's qualifications are current to instruct in the designated naval aircraft, both academically and physiologically. The system is used to schedule training flights, qualify and designate flight instructors, etc. This system is used by Commanding Officers and training personnel of the command to which the individual is assigned.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in metal file cabinets.

RETRIEVABILITY:

Name, rank, and Social Security Number.

SAFEGUARDS:

Access is restricted to the individual, his commanding officer, or those involved in maintaining training records. The file cabinets containing the jackets are in command areas under normal military 24 hour security measures

RETENTION AND DISPOSAL:

Jackets are retained in the individual's command until detachment, at which time it is given to the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Air Training, Naval Air Station, Corpus Christi, TX 78419.

NOTIFICATION PROCEDURE:

The individual is informed that the FIST jacket is being maintained, participates in its development and, additionally, is required to review the jacket with his instructor periodically.

RECORD ACCESS PROCEDURES:

The individual is informed that the FIST jacket is being maintained, participates in its development and, additionally, is required to review the jacket with his instructor periodically. Any questions should be directed to the Chief of Naval Air Training, Naval Air Station, Corpus Christi, TX 78419.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Academic tests, flight performance evaluation, check flight evaluation, instructor's evaluation, command determinations, and, personal input.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01070–12

SYSTEM NAME:

NCIS Administrative Files System.

SYSTEM LOCATION:

Primary: Director, Naval Criminal Investigative Service, Washington Navy Yard, Building 111, 901 M Street, SE, Washington, DC 20388–5380.

Decentralized Segments: Naval Criminal Investigative Service Regional Offices (NCISROs) retain duplicate copies of certain segments of the administrative files. Official mailing addresses are published as an appendix to the Navy's compilation of system of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present civilian, military, and foreign national personnel assigned world-wide to the Naval Criminal Investigative Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel and Resource Information System - contains personnel management information/statistical information on NCIS personnel.

Special Agent Career Development Files - contains correspondence unique to the NCIS Special Agent, including annual physical examinations, assignment preferences, and special qualifications, which has a bearing on world-wide assignability, promotion, and general career assessment.

Weapons and Equipment Files - identifies credential numbers, badges, PSP pins, and weapons assigned to authorized NCIS personnel.

Personnel Security Clearance File - identifies the classified material access level and date of last security clearance for assigned civilian and military personnel of NCIS.

Personnel Utilization Data File - provides statistical information regarding the manner by which available NCIS manhours are expended in the execution of its assigned investigative and counterintelligence mission. The file is formed by the submission (monthly) of individual manhour diaries. All assigned personnel input to this system; their manhours are categorized by function.

Freedom of Information Act and Privacy Act Requests File - contains correspondence and responses made to requests for information pursuant to the Freedom of Information Act and the Privacy Act of 1974.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

The Personnel and Resource Information System is used to prepare all personnel documents and personnel statistical studies. It provides such information as the average grade, the total number and composition of personnel at each NCIS component, and the past assignments of personnel. It is used on a daily basis by personnel in the formation and execution of staffing actions for the various NCIS components, information verification of employee's tenure, and the compilation of necessary statistical studies.

Special Agent Career Development Files are used for in-house agency decisions regarding reassignment, promotion, career training, and long-range development. They form in-house agency repository for both adverse and favorable documents regarding Special Agents. The files have a long-range function, that of forming the basis for law enforcement retirement service certification. Though part of the file is duplicated in the official file maintained by the Civilian Personnel Office, the Special Agent Career Development File is considered privileged information and its contents are not released outside NCIS. Within NCIS, the files are maintained and controlled exclusively within the Career Services Division, NCIS, and by assigned personnel of that Division. The files are released for review only to senior management personnel of NCIS.

Weapons and Equipment Files are used to identify and inventory credentials, weapons, badges, and handcuffs issued to authorized NCIS personnel.

Personnel Security Clearance Files are used to informally verify and authenticate security clearances issued to NCIS personnel. The file has a daily working purpose of acting as a check sheet for the updating of security clearances. It is used by the Commander, NCIS to certify the access level of certain assigned NCIS personnel to other Navy commands as well as civilian contractors. Personnel Utilization Data File is used to make analyses which modify the staffing levels at various NCIS components based on the actual work level. It further provides a tool to NCIS management to gauge the efficiency of all components by comparing their workload with the amount of manhours available.

The records in this system may be used by other DOD components requiring confirmation of security clearance levels and for statistical purposes.

Freedom of Information Act and Privacy Act Request Files are used to record actions taken on requests/appeals/amendments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To law enforcement activities conducting criminal or suitability investigations.

To the Office of Personnel Management when making personnel determinations, e.g., awards or disciplinary actions.

To credit companies in response to credit queries.

To personal physicians regarding medical records.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated and paper records.

RETRIEVABILITY:

For the Special Agent Career Development File - name only.

For the Weapons and Equipment File - by name or by item number (i.e., badge, credential, weapon, handcuff serial number).

For the Personnel and Resource Information System - by name and Social Security Number or by individual data characteristic, such as GS-grade level, duty-station, special qualifications, or language qualifications.

For the Personnel Utilization Data File - normally accessed and retrieved by location and functional category of employment (i.e., Special Agent, clerical, etc.). The capability exists, nowever, to retrieve by Social Security Number. The Personnel Security Classification File, which is a subordinate file to the Personnel and Resource Information System, is accessed by name and Social Security Number.

For the Freedom of Information Act and Privacy Act Requests File - by name and year request was made.

SAFEGUARDS:

Files are protected by limited controlled access, safes, locked cabinets, and locked doors. Visitor control and security computer software measures (where applicable) are utilized.

RETENTION AND DISPOSAL:

Personnel indexed in the Personnel and Resource Information System and the Personnel Security Clearance Files are deleted from the magnetic tape data storage upon termination of employment. Residual paper records are retained from two to five years and then destroyed.

Personnel indexed in the Weapons and Equipment Files are deleted as assigned equipment is accounted for or returned. Residual paper printouts are destroyed at least semi-annually. The Special Agent Career Development Files are semi-permanent and are retained, at least in essential skeletal format, indefinitely.

Personnel indexed in the Freedom of Information Act and Privacy Act Requests File are deleted after two years if their request was granted or no record found and six years if the request was denied in whole or in part.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Criminal Investigative Service, Washington Navy Yard, Building 111, 901 M Street, SE, Washington, DC 20388–5380.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Naval Criminal Investigative Service, Washington Navy Yard, Building 111, 901 M Street, SE, Washington, DC 20388–5380. Individuals submitting requests should provide their full name, date of birth, Social Security Number, and dates of employment or assignment with NCIS. In the case of personal visits, individuals requesting access to files in this system will be required to present reasonable proof of identity to minimally include a driver's license or similar document at least one of which must bear a current photograph and be able to provide (orally) some element of unique identifying data such as name of spouse or a past duty-station with NCIS.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Naval Criminal Investigative Service, Washington Navy Yard, Building 111, 901 M Street, SE, Washington, DC 20388–5380. Individuals submitting requests should provide their full name, date of birth, Social Security Number, and dates of employment or assignment with NCIS.

In the case of personal visits, individuals requesting access to files in this system will be required to present reasonable proof of identity to minimally include a drivers' license or similar document at least one of which must bear a current photograph and be able to provide (orally) some element of unique identifying data such as name of spouse or a past duty-station with NCIS.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information for the Personnel and Resource Information System and the Personnel Utilization Data System is obtained from the individual employee, who is the prime source of information both for initial access to the files as well as for the periodic update.

Information for the Personnel Security Clearance File information is obtained from the Personnel and Resource Information System.

The information for the Weapons and Equipment Files is obtained from personnel charged with the issuance of various items inventoried therein (with verification by the personnel to whom the items are issued.)

Information for the Special Agent Career Development File is obtained from the individuals' supervisors, from various naval commands, and other federal and state agencies with whom the special agent has had professional contact and from the individual. Also, this file contains copies of each physical examination required annually of assigned civilian special agents.

Information for the Freedom of Information Act and Privacy Act Requests file is obtained from the individual requesting the information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01070–13

SYSTEM NAME:

Nuclear Program Interview and Screening.

SYSTEM LOCATION:

Naval Sea Systems Command (Code 08), Washington, DC 20362–5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel interviewed or considered for assignment or retention in the Naval Nuclear Power Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Interview appropriation folder, interview chronology, interview index card, Navy Enlisted Nuclear Program Technical Screening Sheets, Nuclear Propulsion Officer Candidate Records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To determine eligibility of individuals for the Naval Nuclear Power Program; to maintain statistical and accounting records on individuals for assignment and retention in the program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, loose leaf binders, and index card box.

RETRIEVABILITY:

Name, Navy rate (if applicable), Social Security Number, approximate date of screening or attendance at Nuclear Power School.

SAFEGUARDS:

All files in this system are stored in safes which are located in a restricted area with controlled access.

RETENTION AND DISPOSAL:

Permanent.

VOL 58 ISS 33 FE 22 1993 UMI

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Sea Systems Command (Code 08), Washington, DC 20362–5101.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Naval Sea Systems Command (Code 08), Washington, DC 20362–5101.

The requester should provide full name, Navy rate (if applicable), Social Security Number, dates of attendance at Nuclear Power School Class (if applicable), or dates of service or screening.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commander, Naval Sea Systems Command (Code 08), Washington, DC 20362–5101.

The requester should provide full name, Navy rate (if applicable), Social Security Number, dates of attendance at Nuclear Power School Class (if applicable), or dates of service or screening.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual; Bureau of Naval Personnel; U.S. Naval Academy; Naval Recruiting Command; current and/or previous commands; and Director, Naval Nuclear Propulsion.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01070–14

SYSTEM NAME:

Next of Kin Information for Sea Trial Riders.

SYSTEM LOCATION:

Naval Sea Systems Command (Code 08), Washington, DC 20362–5101.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals attending nuclear propulsion plant sea trials of Navy ships.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and addresses of next of kin, name, Social Security Number, and security clearance of individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To maintain information necessary to notify the next of kin in case of accident or other emergency of those individuals assigned to nuclear propulsion plant sea trials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Retrieved alphabetically by name.

SAFEGUARDS:

Locked in 3-way combination safe in a restricted area.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Sea Systems Command (Code 08), Washington, DC 20362–5101.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Commander, Naval Sea Systems Command (Code 08), Washington, DC 20362–5101.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Naval Sea Systems Command (Code 08), Washington, DC 20362–5101. The request should contain full name, address and Social Security Number.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01070–15

SYSTEM NAME:

Nuclear-Trained Naval Officers.

SYSTEM LOCATION:

Office of the Chief of Naval Operations (NOON), Washington, DC 20350–2000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Nuclear-trained Naval officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records concerning education, specialized nuclear training and qualifications, and past and current assignments of nuclear-trained Naval officers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations, E.O. 9397, and Pub. L. 98–525 (19 Oct 84).

PURPOSE(S):

To assist Navy officials in approving assignments to nuclear powered ships and shore billets requiring nuclear qualification.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tape and on magnetic discs. Some hard copy records are filed in paper file folders.

RETRIEVABILITY:

Name/Social Security Number and dates of service.

SAFEGUARDS:

Computer processing facilities and terminals are located in restricted areas accessible only to authorized persons who are properly screened. Only a small number of computer users have access to the records, through use of multiple passwords. The computer and terminals are kept in secure areas. Hard copy records and computer printouts are kept in locked file cabinets in a restricted area.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Nuclear Propulsion, Office of the Chief of Naval Operations (NOON), Washington, DC 20350–2000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Naval Nuclear Propulsion, Office of the Chief of Naval Operations (NOON), Washington, DC 20350–2000. The requester should provide full name, Social Security Number, and dates of service.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Naval Nuclear Propulsion, Office of the Chief of Naval Operations (NOON), Washington, DC 20350–2000.

The requester should provide full name, Social Security Number, and dates of service.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual; U.S. Naval Academy, current and/or previous commands; Director, Naval Nuclear Propulsion; Bureau of Naval Personnel promotion results and orders; Commander, Navy Recruiting Command; and Commander, Naval Education and Training.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01080–1

SYSTEM NAME:

Enlisted Master File Automated System.

SYSTEM LOCATION:

Bureau of Naval Personnel, Navy Department, Washington, DC 20370–5000; Personnel Management Information Center, New Orleans, LA 70159–7800; Naval Reserve Personnel Center, New Orleans, LA 70159–7800.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy enlisted personnel: Active and inactive.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains information related to enlisted assignment, planning, programming, accounting, promotions, career development, procurement, education, training, retirement, performance, security, personal data, qualifications, programming, and enlisted reserve drill data. The system also contains Activity Personnel Diaries, personnel accounting documents, Reserve Unit Drill reports, and other personnel transaction documents necessary to maintain file accuracy and currency; and, all computer extracts, microform, and printed reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To assist in the administration, management, and supervision of Navy enlisted personnel and the operation of personnel affairs and functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system of record notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tapes, disks, and drums. Printed reports and other related documents supporting the system are stored in authorized areas only.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Within the computer center, controls have been established to disseminate computer output over the counter only to authorized users. Specific procedures are also in force for the disposal of computer output. Output material in the sensitive category, i.e., inadvertent or unauthorized disclosure that may result in harm, embarrassment, inconvenience or unfairness to the individual, will be shredded. Computer files are kept in a secure, continuously manned area and are accessible only to authorized computer operators, programmers, enlisted management, placement, and distributing personnel who are directed to respond to valid official requests for data. These accesses are controlled and monitored by the security system.

RETENTION AND DISPOSAL:

Automated records are retained for seven years and then destroyed. For more specific information, contact the system manager.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Navy Department, Washington, DC 20370–5000.

NOTIFICATION PROCEDURE:

Active duty enlisted personnel seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370–5000.

Inactive duty and reserve personnel seeking to determine whether this system of records contains information about themselves shall address written inquiries to the Commanding Officer, Naval Reserve Personnel Center (ATTN: Privacy Act Coordinator), New Orleans, LA 70149–7800.

Written request should contain full name, Social Security Number, rank, status, and signature of requester.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370–5000.

Inactive duty and reserve personnel seeking to determine whether this system of records contains information about themselves shall address written inquiries to the Commanding Officer, Naval Reserve Personnel Center (ATTN: Privacy Act Coordinator), New Orleans, LA 70149–7800.

Written request should contain full name, Social Security Number, rank, status, and signature of requester.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR Part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official records, correspondence, and educational institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01080–2

SYSTEM NAME:

Officer Master File Automated System.

SYSTEM LOCATION:

Bureau of Naval Personnel, Navy Department, Washington, DC 20370–5000; Personnel Management Information Center, New Orleans, LA 70149–7800; and the Naval Reserve Personnel Center, New Orleans, LA 70149–7800.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All naval officers: commissioned, warrant, active, inactive; officer candidates, and Naval Reserve Officer Training Corps personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains data concerning officer assignment, planning, accounting, promotions, career development, procurement, education, training, retirement, performance, security, personal data, qualifications, programming, and Reserve Officer drill data, activity Personnel Diaries, personnel accounting documents, Reserve Unit Drill Reports and other personnel transaction documents necessary to maintain file accuracy and currency; and all computer file extracts, microform and printed reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To assist officials and employees of the Navy in their official duties related to the management, supervision, and administration of both active duty and retired naval officers, and in the operation of personnel affairs and functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system of record notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tapes, disks, and drums. Printed reports and other paper documents supporting the system are stored in authorized personnel areas only.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Within the computer center, controls have been established to disseminate computer output over the counter only to authorized users. Specific procedures are also in force for the disposal of computer output. Output material in the sensitive category, i.e., inadvertent or unauthorized disclosure that would result in harm, embarrassment, inconvenience or unfairness to the individual, will be shredded. Computer files are kept in a secure, continuously manned area and are accessible only to authorized computer operators, programmers, enlisted management, placement, and distributing personnel who are directed to respond to valid, official request for data. These accesses are controlled and monitored by the security system.

RETENTION AND DISPOSAL:

Automated records are retained for periods that range from one month to permanent, and are to numerous to list in this notice. For more specific information, contact the system manager.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel (Pers 06), Naval Military Personnel Command, Department of the Navy, Washington, DC 20370–5000.

NOTIFICATION PROCEDURE:

Active duty officers/officer candidates seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370–5000.

Naval reserve and retired officers seeking to determine whether this system of records contains information about themselves shall address written inquiries to the Commanding Officer, Naval Reserve Personnel Center (ATTN: Privacy Act Coordinator), New Orleans, LA 70149–7800.

Written request should contain full name, Social Security Number, rank, status, and signature of requester.

RECORD ACCESS PROCEDURES:

Active duty officers/officer candidates seeking access to records about themselves contained in this system of records should address written inquiries to the Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370–5000.

Naval reserve and retired officers seeking to determine whether this system of records contains information about themselves shall address written inquiries to the Commanding Officer, Naval Reserve Personnel Center (ATTN: Privacy Act Coordinator), New Orleans, LA 70149–7800.

Written request should contain full name, Social Security Number, rank, status, and signature of requester.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official records of professional qualifications and educational institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01080–3

SYSTEM NAME:

Reserve Command Management Information.

SYSTEM LOCATION:

Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129–1800.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who are members of the Selected Reserves. Individuals who have responded to Naval Reserve advertising, individuals who are members leaving the active Navy, prior service prospects, non-prior service prospects such as high school and college students throughout the country who may be qualified for enlistment, and those that are recruited into the Naval Reserve Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

System comprises records reflecting information pertaining to the individual's participation in the Reserves and personal information such as name, rank/grade, Social Security Number, current address, medical information pertaining to physical examination, immunizations and physical fitness, and pertinent family information concerning recruitment, classification, assignment, distribution, retention, reenlistment, promotion, advancement, training, education, professional history, experience, performance, qualification retirement and administration within the Selected Reserves.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Department Regulations and E.O. 9397.

PURPOSE(S):

To provide the Naval Reserve Force and its claimancy with an information

system which enhances management and support for all Naval Reserve echelons in the functional areas of manpower, personnel, training, mobilization, readiness, and administration or drilling reservists; and to provide management and support related to the accession of officer and enlisted personnel necessary to sustain manpower levels.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on disks and magnetic tapes. Archived records are stored on magnetic tape and placed in a vault. Printed records and other related documents supporting the system are filed in cabinets and stored in authorized areas only.

RETRIEVABILITY:

Primarily by name, rank/grade or Social Security Number, however, records can be accessed by any file element or any combination thereof.

SAFEGUARDS:

A combination of passwords and user names is used to restrict user access to those individuals specifically authorized to use terminals. Within the computer center, controls have been established to distribute computer output over the counter only to authorized users. Output material in the sensitive category will be shredded. Computer files are kept in a secure, continuously manned area and accessible only to authorized computer operators, programmers and distributing personnel who are directed to respond to valid officials requests for data. These accesses are controlled and monitored by the Security System.

RETENTION AND DISPOSAL:

Automated recruiting files are retained as long as the individual is a recruit for the Naval Reserve Force. Upon enlistment into the Naval Reserve, files are transferred to the appropriate component and retained as long as the individual is a drilling reservist in the Naval Reserve. Upon retirement or separation from the Naval Reserve, the member's files are transferred to the Naval Reserve Personnel Center, New Orleans, where records are retained in accordance with MAPMIS Manual (period ranges from one month to permanent). Paper documents generated by the system will be retained at local activities for two to four years after which they will be destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129–1800.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129–1800.

Requests should contain full name and Social Security Number and must be signed. Visitors should be able to identify themselves by a commonly recognized evidence of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129–1800.

Requests should contain full name and Social Security Number and must be signed. Visitors should be able to identify themselves by a commonly recognized evidence of identity.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals concerned, Commander, Naval Reserve Force, Naval Reserve Personnel Center, and military commands to which the individual is attached.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01130–1

SYSTEM NAME:

Low Quality Recruiting Report.

SYSTEM LOCATION:

Headquarters, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203–1991.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy recruits that are reported by their Fleet Commanding Officers as below the standard level of acceptance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enlistment documents, copy of personnel record of the recruit, investigative reports of the allegations (as warranted), statements, and copy of response to Commanding Officer of the recruit regarding the allegation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

Used by the Navy Recruiting Command, the Chief of Naval Education and Training, the Chief of Naval Technical Training and the Recruit Training Center to evaluate the quality of recruits with a view towards improvement of recruitment and training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder and computerized locator database.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Maintained in locked safe in controlled building. Computerized locator database is password protected.

RETENTION AND DISPOSAL:

One year and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Navy Recruiting Command (Code 001), 4015 Wilson Boulevard, Arlington, VA 22203–1991.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Recruiting Command (Code 017), 4015 Wilson Boulevard, Arlington, VA 22203–1991. Requests should contain name and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commander, Navy Recruiting Command (Code 017), 4015 Wilson Boulevard, Arlington, VA

22203–1991. Requests should contain name and Social Security Number.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Service record entries and Commanding Officers performance evaluations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01131–1

SYSTEM NAME:

Officer Selection and Appointment System.

SYSTEM LOCATION:

Primary System: For Active Duty Recruiting - Headquarters, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203–1991; For Reserve Recruiting: Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146–5001.

Decentralized segments - Headquarters, Navy Recruiting Activities and subsidiary offices; Armed Forces Entrance and Examining Centers; Chief of Naval Personnel; Chief, Bureau of Medicine and Surgery; National Personnel Records Centers; Naval Reserve Units; Naval Education and Training Activities; NROTC Units; Naval Sea Systems Command Headquarters; Naval Intelligence Command and subsidiary activities; Department of Defense Medical Examination Review Board; Naval Reserve Recruiting Command detachments and reserve recruiting field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have made application for direct appointment to commissioned grade in the Regular Navy or Naval Reserve, applied for officer candidate program leading to commissioned status in the U.S. Naval Reserve, applied for a Navy/Marine Corps sponsored NROTC scholarship program or preparatory school program, applied for interservice transfer to Regular Navy or Naval Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records and correspondence in both automated and nonautomated form concerning any applicant's personal history, education, professional qualifications, physical qualifications, mental aptitude, character and interview appraisals, National Agency Checks and certifications of background investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations, 10 U.S.C. Sections governing authority to appoint officers; 10 U.S.C. 591, 600, 716, 2107, 2122, 5579, 5600; Merchant Marine Act of 1939 (as amended); and E.O.s 9397, 10450, and 11652.

PURPOSE(S):

To manage and contribute to the recruitment of qualified men and women for officer programs and the regular and reserve components of the Navy.

To ensure quality military recruitment and to maintain records pertaining to the applicant's personal profile for purposes of evaluation for fitness for commissioned service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Transportation in the performance of their official duties relating to the recruitment of Merchant Marine personnel.

To officials and employees of other departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management of quality military recruitment.

To officials and employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tape; paper records are stored in file folders.

RETRIEVABILITY:

Name and Social Security Number of applicant.

SAFEGUARDS:

Records kept in file cabinets and offices locked after working hours. Based on requirements of user activity, some buildings have 24–hour security guards.

RETENTION AND DISPOSAL:

Application records maintained six months; after six months, summary sheets maintained for five years at National Record Storage Center. NROTC application records kept for current year only. Correspondence files maintained for two years.

SYSTEM MANAGER(S) AND ADDRESS:

For Active Duty Recruiting: Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203–1991.

For Reserve Recruiting: Commander, Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146–5001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries for active duty recruiting information to the Commander, Navy Recruiting Command (ATTN: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, VA 22203–1991; or to the applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. For reserve recruiting information to the Commander, Naval Reserve Recruiting Command (ATTN: Privacy Act Coordinator), 4400 Dauphine Street, New Orleans, LA 70146–5001, or to the applicable Naval Reserve Recruiting Detachment.

Letter should contain full name, address, Social Security Number and signature. The individual may visit any location. Proof of identification will consist of picture-bearing or other official identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries for active duty recruiting information to the Commander, Navy Recruiting Command (ATTN: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, VA 22203–1991; or to the applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. For reserve recruiting information to the Commander, Naval Reserve Recruiting Command (ATTN: Privacy Act Coordinator), 4400 Dauphine Street, New Orleans, LA 70146–5001, or to the applicable Naval Reserve Recruiting Detachment.

Letter should contain full name, address, Social Security Number and signature. The individual may visit any location. Proof of identification will consist of picture-bearing or other official identification.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Navy Recruiting personnel and employees processing applications; medical personnel conducting physical examination and private physicians providing consultations or patient history; character and employer references named by applicants; educational institutions, staff and faculty members; Selective Service Commission; local, state, and federal law enforcement agencies; prior or current military service record; Members of Congress; Commanding Officer of Naval Unit, if active duty; Department of Navy offices charged with personnel security clearance functions. Other officials and employees of the Department of the Navy, Department of Defense, and components thereof, in the performance of their official duties and as specified by current instructions and regulations promulgated by competent authority.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under the provisions of 5 U.S.C. 552a(k)(1), (k)(5), (k)(6) and (k)(7), as applicable.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 701. For additional information, contact the system manager.

N01133–1

SYSTEM NAME:

NAME/LEAD Processing System.

SYSTEM LOCATION:

Primary System: For Active Duty Recruiting - Headquarters, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203–1991; For Reserve Recruiting - Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146–5001.

Decentralized Segments - Navy Opportunity Information Center, P.O. Box 9406, Gaithersburg, MD 20898–6006. Navy Recruiting Area Commands, Districts, Branch Stations, Military Enlisted Processing Stations, Naval Reserve Recruiting Command detachments and reserve field offices. Addresses for these activities are available from the systems manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have responded to Navy and Naval Reserve advertising, requested their names not be used in future Navy advertising, students throughout the country who may be qualified for enlistment, first-term enlistees on active duty in the U.S. Navy, veterans, enlisted discharged personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, home address, education, prior service (if applicable), state medical license information (if applicable) and other information on potential Navy and Naval Reserve applicants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 302, Departmental Regulations; 44 U.S.C. 3101, 3702; and, E.O. 9397.

PURPOSE(S):

To provide field recruiters with names of individuals who have responded to Navy or Naval Reserve advertising, students who may be qualified for enlistment, first-term enlistees in the U.S. Navy, veterans, and enlisted personnel who have been discharged.

To provide an interface between Navy Recruiters or Naval Reserve Recruiters and members of the civilian community. To generate prospective applicants for enlistment/commissioning in the U.S. Navy or Naval Reserve.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Transportation in the performance of their official duties relating to the recruitment of Merchant Marine personnel.

To officials and employees of other departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management of quality military recruitment.

To officials and employees of the Department of Veterans Affairs and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are maintained on disks and magnetic tape in a limited access area. Computer printouts are stored in locked filing cabinets or file folders. Index cards and paper records are maintained in locked offices.

RETRIEVABILITY:

Name and address.

SAFEGUARDS:

Lists and files are handled with maximum security during processing and storage and are accessible to routine users through a selected group of individuals charged with security of the lists. Files are stored in a limited access area and coded so that only several persons have both knowledge of the code and access to the files. Computer files are stored on a computer drive with password protection. Computer printouts and diskettes are stored in locked filing cabinets.

RETENTION AND DISPOSAL:

Records are retained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Recruiting Advertising Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203–1991.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Recruiting Advertising Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203–1991. Requester is required to provide a full name, address, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Recruiting Advertising Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203–1991. Requester is required to provide a full name, address, and signature.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

VOL
58
ISS
33
FE
22
1993
UMI

RECORD SOURCE CATEGORIES:

The individual, parents, friends and associates; employees and military personnel of the Department of the Navy, Department of Defense, and the Department of Veterans Affairs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01133–2

SYSTEM NAME:

Recruiting Enlisted Selection System.

SYSTEM LOCATION:

Primary System (Active Duty Recruiting Issues) - Headquarters, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203–1991; (Reserve Recruiting Issues) - Commander, Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146–5001, its detachments and reserve recruiting field offices.

Decentralized Segments - Navy Recruiting Area Commanders, Navy Recruiting District Headquarters, Navy Recruiting 'A' Stations, Navy Recruiting Branch Stations, MEPS, and Naval Reserve Recruiting Command detachments and reserve recruiting field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records and correspondence pertaining to prospective applicants, applicants for regular and reserve enlisted programs, and any other individuals who have initiated correspondence pertaining to enlistment in the U.S. Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records and correspondence in both automated and nonautomated form concerning personal history, education, professional qualifications, mental aptitude, physical qualifications, character and interview appraisals, National Agency Checks and certifications, service performance and congressional or special interests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 133, 275, 503, 504, 508, 510, 672, 1071–1087, 1168, 1169, 1475–1480, 1553, 5013; and E.O. 9397.

PURPOSE(S):

To provide recruiters with information concerning personal history, education, professional qualifications, mental aptitude, and other individualized items which may influence the decision to select/non-select an individual for enlistment in the U.S. Navy.

To provide historical data for comparison of current applicants with those selected in the past.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Transportation in the performance of their official duties relating to the recruitment of Merchant Marine personnel.

To officials and employees of the Department of Veterans Affairs and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

To officials and employees of other departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management of quality military recruitment.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tape; paper records are stored in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of subject.

SAFEGUARDS:

Records are accessible only to authorized Navy recruiting personnel within and are handled with security procedures appropriate for documents marked 'For Official Use Only'.

RETENTION AND DISPOSAL:

Records are normally maintained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Active Duty Recruiting Issues: Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203–1991.

Reserve Recruiting Issues: Commander, Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146–5001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries regarding active duty recruiting issues to the Commander, Navy Recruiting Command (ATTN: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, VA 22203–1991 or to the applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. For reserve recruiting issues: Commander, Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146–5001, its detachments or reserve recruiting field offices.

Letter should contain full name, address, Social Security Number and signature. The individual may visit the activity with proof of identification, such as picture-bearing or other official identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries regarding active duty recruiting issues to the Commander, Navy Recruiting Command (ATTN: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, VA 22203–1991 or to the applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. For reserve recruiting issues: Commander, Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146–5001, its detachments or reserve recruiting field offices.

Letter should contain full name, address, Social Security Number and signature. The individual may visit the activity with proof of identification, such as picture-bearing or other official identification.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Navy recruiting and reserve recruiting personnel and administrative staff; medical personnel conducting physical examinations and/or private physicians providing consultations or patient history; character and employer references; educational institutions, staff and faculty members; Selective Service Commission; local, state, and federal law enforcement agencies; prior or current military service records; Members of Congress.

Other officials and employees of the Department of the Navy, Department of Defense and components thereof, in the

performance of their official duties and as specified by current instructions and regulations promulgated by competent authority.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under the provisions of 5 U.S.C. 552a(k)(1), (k)(5), (k)(6), and (k)(7) as applicable.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 701. For additional information contact the system manager.

N01136–1

SYSTEM NAME:

Navy Awareness System.

SYSTEM LOCATION:

Headquarters, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203–1991.

Decentralized Segments-Navy Recruiting Areas; Navy Recruiting Districts; Navy Recruiting 'A' Stations; Navy Recruiting Branch Stations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students who have taken the Armed Forces Vocational Aptitude Battery; Naval Reserve officers nominated by District Commanding Officers for a collateral duty assignment as Recruiting District Assistance Council Chairmen (RDAC); Enlisted Personnel selected by local Navy Recruiter for participation in local Navy Recruiting effort; Community leaders and individuals who provide assistance to Navy Recruiters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; Social Security Number; address; pertinent family information; pertinent military information; professional and education affiliations and experience.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 133, 503, 504, 508, 510, and 5013; 44 U.S.C. 3101, 3702; and E.O. 9397.

PURPOSE(S):

To provide field recruiters with various vehicles of Navy awareness; to familiarize Navy Recruiters with community leaders; to provide a thorough interface between the Navy and the community; to promote the Navy among the members of the civilian community; to provide educators with a measure of the vocational aptitude of their students through administration of the Armed Services Vocational Aptitude Battery; to cultivate community awareness; to assign inactive Reserve officers to recruiting support functions as Recruiting District Assistance Council Chairmen; to facilitate liaison with various business, social and education cultures in the community; to obtain media support for the Navy Recruiting Command; to assist the local recruiter in any way the recruiter feels necessary; and, to generate prospective applicants for the U.S. Navy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Transportation in the performance of their official duties relating to the recruitment of Merchant Marine personnel.

To officials and employees of the Department of Veterans Affairs and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinets and magnetic tape.

RETRIEVABILITY:

Information can be accessed by name and Social Security Number.

SAFEGUARDS:

Lists and files are handled with discretion and accessible only to those personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained for the tenure of the individual involved or in the case of high school Armed Services Vocational Aptitude Battery lists for a maximum two-year period or until information is no longer useful for recruiting support.

Magnetic tapes are demagnetized; other manual files are shredded or burned when discarded.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Recruiting Support Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203–1991.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Recruiting Support Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203–1991.

Requester is required to supply full name, rank/rate (if applicable), address and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Recruiting Support Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203–1991.

Requester is required to supply full name, rank/rate (if applicable), address and Social Security Number.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Subject of the information; Field Recruiters; Area Commanders/District Commanding Officers; Chief of Naval Personnel; Chief of Naval Reserve; District Commandants; Chief of Naval Education and Training; Vocational Testing Group; Recruit Training Commands; Service Schools Commands.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01211–1

SYSTEM NAME:

Naval Technology Mobilization Personnel Data.

SYSTEM LOCATION:

Office of the Chief of Naval Research, 800 North Quincy Street, Arlington, VA 22217–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Research reserve personnel, officer and enlisted.

CATEGORIES OF RECORDS IN THE SYSTEM:

Military identification information, including Naval Officer Billet Codes, plus professional qualifications information, including education and occupation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To effectively manage the Office of the Chief of Naval Research headquarters reserve unit. These records are used to maintain the unit's mobilization readiness.

VOL 58 ISS 33 FE 22 1993 UMI

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records kept in a folder and stored in a file cabinet.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Records kept in controlled access building; in a file cabinet under control of authorized personnel; and the office space in which the cabinet is located is locked outside official working hours.

RETENTION AND DISPOSAL:

Physically destroyed annually and updated on an annual basis.

SYSTEM MANAGER(S) AND ADDRESS:

Reserve Coordinator, Code 01RM, Office of the Chief of Naval Research, Arlington, VA 22217–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Reserve Coordinator, Code 01RM, Office of the Chief of Naval Research, Arlington, VA 22217–5000.

Requests should contain full name, rank, and Social Security Number. Personal visits may be made to the same address. Visitors must be prepared to show Naval Research I.D. Card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Reserve Coordinator, Code 01RM, Office of the Chief of Naval Research, Arlington, VA 22217–5000.

Requests should contain full name, rank, and Social Security Number. Personal visits may be made to the same address. Visitors must be prepared to show Naval Research I.D. Card.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Provided by individual upon first reporting to reserve unit.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None

N01301–1

SYSTEM NAME:

Judge Advocate General Reporting Questionnaire.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 61), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers reporting for duty in the Office of the Judge Advocate General.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank, branch of service, date of rank, date reported, previous duty station, date detached, Social Security Number, designator, division assignment, room number, office phone, spouse's name, number of dependents' spouse's employment, dependents names and ages, home telephone number, home address, name of officer relieving, billet sequence code, unit identification code, place of birth, date of birth, security clearance, basis, completed by and date of completion.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 806 and E.O. 9397.

PURPOSE(S):

To assist the Judge Advocate General in assignment of officers within the Office of the Judge Advocate General.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are kept in a folder alphabetically and are stored in a file cabinet.

RETRIEVABILITY:

Retrieved by officer's name.

SAFEGUARDS:

Records are maintained in a file cabinet under the control of authorized personnel during working hours; and the office space in which the cabinet is located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are destroyed when the officer is transferred from the Office of the Judge Advocate General.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

The request should contain the full name of the individual concerned and must be signed. For personal visits, the requesting individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

The request should contain the full name of the individual concerned and must be signed. For personal visits, the requesting individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information submitted by the officer upon his/her reporting for duty in the Office of the Judge Advocate General.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01301–2

SYSTEM NAME:

Naval Officer Development and Distribution Support System.

SYSTEM LOCATION:

Bureau of Naval Personnel, Navy Department, Washington, DC 20370–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All naval officers on active duty; all Naval Reserve officers requesting recall to active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and personnel records in both automated and non-automated form concerning classification, qualifications, assignment, placement, career development, education, training, recall, release from active duty, and management of naval officers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5504, Lineal List; 10 U.S.C. 5708, Promotion Selection List; and E.O. 9397.

PURPOSE(S):

To assist Navy officials and employees in the classification, qualification determinations, assignment, placement, career development, education, training, recall and release of officer personnel pursuant to meet manpower allocations and requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, or drums. Manual records may be stored in paper file folders, microfiche, or microfilm.

RETRIEVABILITY:

Records may be retrieved by Social Security Number and/or name.

SAFEGUARDS:

Computer terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained. Manual records and computer printouts are available only to authorized personnel having an official need to know.

RETENTION AND DISPOSAL:

Records are generally maintained until superseded, or for a period of two years or until release from active duty and disposed of by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370-5000.

The letter should contain full name, rank, Social Security Number, designator, address and signature. The individual may visit the Chief of Naval Personnel at the Bureau of Naval Personnel, Navy Annex (Federal Building No. 2), Washington, DC 20370-5000. Advance notification is required for personal visits. Proof of identification will consist of military identification card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370-5000.

The letter should contain full name, rank, Social Security Number, designator, address and signature. The individual may visit the Chief of naval Personnel at the Bureau of Naval Personnel, Navy Annex (Federal Building No. 2), Washington, DC 20370-5000. Advance notification is required for personal visits. Proof of identification will consist of military identification card.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personnel Service Jackets; records of the officer promotion system; officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current instructions and regulations promulgated by competent authority; education institutions; official records of professional qualifications; general correspondence concerning the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01306–1

SYSTEM NAME:

Enlisted Development and Distribution Support System.

SYSTEM LOCATION:

Primary system is located at the Bureau of Naval Personnel, Navy Department, Washington, DC 20370–5000.

Secondary systems are located at the Enlisted Personnel Management Center, New Orleans, LA 70159–7900 and Naval Reserve Personnel Center, Naval Support Activity (East Bank), Building 603, New Orleans, LA 70149–7800.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy enlisted personnel: Active, inactive, reserve, fleet reserve, and retired.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records in both automated and non-automated form concerning classification, assignment, distribution, advancement, performance, retention, reenlistment, separation, training, education, morale, personal affairs, benefits, entitlements, and administration of Navy military personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013; and E.O 9397.

PURPOSE(S):

To assist Navy officials and employees in the initiation, development, implementation of policies pertaining to enlisted personnel assignment, placement, retention, career enhancement, and motivation, and other career related matters, in order to meet manpower allocations and requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system of record notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, and drums. Manual records may be stored in paper file folders, microfiche, or microfilm.

VOL 58 ISS 33 FE 22 1993 UMI

RETRIEVABILITY:

Automated records may be retrieved by Social Security Number and/or name. Manual records may be retrieved by name, Social Security Number, or enlisted service number.

SAFEGUARDS:

Computer processing facilities and terminals are located in restricted areas accessible only to authorized persons that are properly screened, cleared, and trained. Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are generally maintained until superseded or for a period of two years and then disposed of by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to either the Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370–5000; or, for Training and Administration of Reserve personnel: to the Commanding Officer, (ATTN: Privacy Act Coordinator) Naval Reserve Personnel Center, Naval Support Activity (East Bank), Building 603, New Orleans, LA 70149–7800.

The letter should contain full name, Social Security Number (and/or enlisted service number), rate, military status, and signature of the requester.

The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex, Federal Office Building 2, Room 1066, Washington, DC for assistance with records located in that building; or the Training and Administration of Reserve personnel may visit the Commanding Officer (Privacy Act Coordinator), Naval Support Activity (East Bank), Building 603, New Orleans, LA 70149–7800. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to either the Chief of Naval Personnel (Code 06), Navy Department, Washington, DC 20370–5000; or, for Training and Administration of Reserve personnel: to the Commanding Officer, (ATTN: Privacy Act Coordinator) Naval Reserve Personnel Center, Naval Support Activity (East Bank), Building 603, New Orleans, LA 70149–7800.

The letter should contain full name, Social Security Number (and/or enlisted service number), rate, military status, and signature of the requester.

The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex, Federal Office Building 2, Room 1066, Washington, DC for assistance records located in that building; or the Training and Administration of Reserve personnel may visit the Commanding Officer (Privacy Act Coordinator), Naval Support Activity (East Bank), Building 603, New Orleans, LA 70149–7800. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personnel service jackets, correspondence, official records of professional qualifications, and educational institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01500-1

SYSTEM NAME:

Naval Educational Development Records.

SYSTEM LOCATION:

Chief of Naval Education and Training, Naval Air Station, Pensacola, FL 32508-5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants, participants, graduates and staff of officer acquisition professional development, Navy Youth, dependents' education (Atlantic), and Non-Traditional Education Support programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, biographical information, student records and reports of performance, graduation, and disenrollment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

Used by Naval Educational Development staff members, selection boards, Naval Military Personnel Command, and Navy media for selection, student monitoring, and utilization of graduates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and punched cards.

RETRIEVABILITY:

Social Security Number and name.

SAFEGUARDS:

Records are stored in locked cabinets and safes. Access to all records is under control of authorized personnel during working hours. After-hours access to the building in which the records are maintained is protected by uniformed guards requiring identification for admission. Office spaces are locked after hours.

RETENTION AND DISPOSAL:

Destroy after completion of training, transfer, or discharge, provided the data has been recorded in the individual's service record or on the student's record card.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Education and Training, Education and General Training Division, Naval Air Station, Pensacola, FL 32508–5100

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief of Naval Education and Training, Education and General Training Division, Naval Air Station, Pensacola, FL 32508–5100.

The request should contain name, Social Security Number, and address of the individual concerned and should be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained

in this system should address written inquiries to the Chief of Naval Education and Training, Education and General Training Division, Naval Air Station, Pensacola, FL 32508–5100.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual applications, selection board proceedings, transcripts, and correspondence.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01500-2

SYSTEM NAME:

NAVSCOLS/TIS, USMC Training Supsys.

SYSTEM LOCATION:

Schools and other training activities or similar organizational elements of the Department of the Navy and Marine Corps. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records of present, former, and prospective students at Navy and Marine Corps schools and other training activities or associated educational institution of Navy sponsored programs; instructors, staff and support personnel; participants associated with activities of the Naval Education and Training Command, including the Navy Campus for Achievement and other training programs; tutorial and tutorial volunteer programs; dependents' schooling.

CATEGORIES OF RECORDS IN THE SYSTEM:

Schools and personnel training programs administration and evaluation records. Such records as basic identification records i.e., Social Security Number, name, sex, date of birth, personnel records i.e., rank/rate/grade, branch of service, billet, expiration of active obligated service, professional records i.e., Navy enlisted classification, military occupational specialty for Marines, sub-specialty codes, test scores, basic test battery scores, and Navy advancement test scores. Educational records i.e., education levels, service and civilian schools attended, degrees, majors, personnel assignment data, course achievement data, class grades, class standing, and attrition categories. Academic/training records, manual and mechanized, and other records of educational and professional accomplishment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

PURPOSE(S):

Course and training demands, requirements, and achievements; analyze student groups or courses; provide academic and performance evaluation in response to official inquiries; guidance and counseling of students; preparation of required reports, and for other training administration and planning purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of Education as required.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in microform or in file folders, card files, file drawers, cabinets, or other filing equipment. Automated records may be stored on magnetic tape, discs, punched cards, etc.

RETRIEVABILITY:

Social Security Number and name.

SAFEGUARDS:

Access is provided on a 'need-to-know' basis and to authorized personnel only. Records are maintained in controlled access rooms or areas. Data is limited to personnel training associated information. Computer terminal access is controlled by terminal identification and the password or similar system. Terminal identification is positive and maintained by control points. Physical access to terminals is restricted to specifically authorized individuals. Password authorization, assignment and monitoring are the responsibility of the functional managers. Information provided via batch processing is of a predetermined and rigidly formatted nature. Output is controlled by the functional managers who also control the distribution of output.

RETENTION AND DISPOSAL:

Records disposal manual.

SYSTEM MANAGER(S) AND ADDRESS:

The commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Requester should provide his full name, Social Security Number, military or civilian duty status, if applicable, and other data when appropriate, such as graduation date. Visitors should present drivers license, military or Navy civilian employment identification card, or other similar identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Requester should provide his full name, Social Security Number, military or civilian duty status, if applicable, and other data when appropriate, such as graduation date. Visitors should present drivers license, military or Navy civilian employment identification card, or other similar identification.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals, schools and educational institutions, Commander, Naval Military Personnel Command, staff of Naval Education and Training Command and other activities and the Commandant of the Marine Corps; instructor personnel; and Commander, Naval Recruiting Command.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01500-3

SYSTEM NAME:

Students Awaiting Legal, Medical Action Account.

VOL 58 ISS 33 FE 22 1993 UMI

SYSTEM LOCATION:

Naval Air Technical Training Center, Lakehurst, NJ 08733.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The student locator card file contains specific data on all student personnel assigned to NATTCL, whether or not they successfully completed training. A dead file is maintained after the student is transferred.

The 'others' file is a list of all students on board that are not enrolled in class. Categories include: Disciplinary, medical, and administrative (awaiting orders, port calls, passports, humanitarian requests, administrative discharge).

CATEGORIES OF RECORDS IN THE SYSTEM:

The student locator card file is composed of 4' x 6' cards on which the following is recorded: Name, previous command, rate, branch of service, date of transfer, new duty station and command, estimated date of arrival, standard transfer order number, and rate upon departure.

The following information is included on students listed in the 'others' file: Date of hold, type of hold, estimated period of hold, work assignment, parent command notification, date re-enrolled, availability submission (used to notify Chief of Naval Personnel of member's availability for transfer), date orders or discharge a received, date transferred, and remarks.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To verify date of departure; to determine, in conjunction with the next duty station, if member is in an unauthorized absentee; to verify attendance and/or completion of training; to answer requests by parents who do not know the school or class individual is attending; to forward official correspondence; to maintain accountability of all students not enrolled in class to ensure the appropriate administrative actions are completed in a timely manner ensuring minimum delay in the training pipeline.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index card drawer and in file folders.

RETRIEVABILITY:

Name, and/or rate, Social Security Number.

SAFEGUARDS:

Maintained in locked room-accessibility is limited to the student control office personnel, personnel officer, administrative officer, legal officer, executive officer, and commanding officer.

RETENTION AND DISPOSAL:

Two years.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel office supervisor.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address inquiries to the personnel office supervisor.

Individual should provide proper identification. The file does not contain information beneficial to the individual; however, with proper identification any student can review the form pertaining to himself. This may be accomplished by presentation of Military I.D. card to a responsible petty officer in the student control office.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address inquiries to the personnel office supervisor.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official documents such as orders, assignment directives, and service records. Sources of information are: NATTCL schools, medical authorities, legal officer, transfer section of personnel office, drug exemption officer, NATTCL duty office.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01500–8

SYSTEM NAME:

Personnel and Training Evaluation Program.

SYSTEM LOCATION:

Strategic Systems Programs, Navy Department, Washington, DC 20376–5002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted technicians who have been trained to operate and maintain the Strategic Weapon System on Fleet Ballistic Missile Submarines. These individuals are identified by a Navy Enlisted Classification (NEC) Code in the series 3301–3349.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, NEC codes, current duty station and projected rotation date, duty station assignment history, Armed Services Vocational Aptitude Battery or Basic Test Battery scores, completion date for Navy schools, civilian education, promotion history (present and past rate), enlistment data (dates of service entry and expiration of enlistment/extension), patrol experience and scores on the Personnel and Training Evaluation Program examinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To maintain a data base which will permit the Strategic Systems Programs to record achievement test scores of enlisted members who operate and maintain the Strategic Weapon System on Fleet Ballistic Missile Submarines. This information will be used to assess the adequacy of training received and the need for additional training. Internal Navy users are the Director, Strategic Systems Programs, Chief of Naval Technical Training and assigned schools, Type Commanders and assigned units in the performance of their duties relating to training on the Strategic Weapon System. Chief of Naval Personnel and Type Commanders and assigned units in the performance of their duties related to personnel assignment. Navy Personnel Research and Development Center who may, from time to time, validate service selection criteria for the DOD. It may be provided to such civilian contractors and their employees as are or may be operating the system in accordance with an approved official contract with the U.S. Navy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's

compilation of systems of records notices apply to this system

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on computer media, disks, or magnetic tape. Hard copy reports are distributed to authorized user activities. These reports are stored in notebooks or file folders in drawers, cabinets, or other filing equipment.

RETRIEVABILITY:

Social Security Number, name, and duty station.

SAFEGUARDS:

Access is provided to authorized personnel only on a need to know basis. Records are maintained in controlled access rooms or areas. Computer terminal access is controlled by terminal identification and password. Terminal identification is positive and maintained by control points. Physical access to terminals is restricted to specifically authorized individuals. Password authorization, assignment, and monitoring is the responsibility of the systems manager.

RETENTION AND DISPOSAL:

Records are retained for five years after an individual leaves the Fleet Ballistic Missile program and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Training Systems Branch, Strategic Systems Program, Navy Department, Washington, DC 20376–5002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Strategic Systems Programs, Navy Department, Washington, DC 20376–5002.

Requester should provide his/her full name, Social Security Number, and military duty status. Visitors should present military identification card, driver's license or other similar identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Strategic Systems Programs, Navy Department, Washington, DC 20376–5002.

Requester should provide his/her full name, Social Security Number and military duty status. Visitors should present military identification card, driver's license or other similar identification.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records, contesting contents, and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals, their supervisors, Bureau of Naval Personnel, schools assigned to the Chief of Naval Technical Training.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01531–1

SYSTEM NAME:

USNA Applicants, Candidates, and Midshipmen Records.

SYSTEM LOCATION:

U.S. Naval Academy, 580 Kingwood Street, Annapolis, MD 21402–5052.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and candidates for admission and Naval Academy Midshipmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Admissions records contain pre-candidate questionnaires concerning educational background, personal data, physical data, extracurricular activities, and employment; personal data; personal statements; transcripts from previously attended academic institutions; admission tests results; physical aptitude exam results; recommendation letters from school officials and others; professional development tests; interest inventory; extracurricular activities reports; reports of officer interviews; records of prior military service; and, Privacy Act disclosure forms. Nomination and appointment records include all card files of congressional offices and the names of persons whom each congressman appointed; files of candidates nominated for the following academic year; status cards, indexed by nominating source of all candidates appointed, admitted, and graduated, or resigned prior to graduation. Similar files are separately kept on foreign candidates.

Performance jackets and academic records include performance aptitude evaluations, performance grades, personal history, autobiography, record of emergency data, aptitude history, review boards records, medical excuse from duty forms, conduct records and grades, professional development tests, counseling and guidance development tests, counseling and guidance interview sheets and data forms, academic grades, class rankings, letters of commendation, training records, Oath of Office, Agreement to Serve, Privacy Act disclosure forms and other such records and information relative to the midshipmen.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 6958, 6957, 6958, 6962, and 6963; 44 U.S.C. 3101; and E.O. 9397.

PURPOSE(S):

To establish an audit trail of files which contains information on individuals as they progress from the application stage, through the admissions process, to disenrollment or graduation from the Naval Academy. Applicant's files contain information which is used to evaluate and to determine competitive standing and eligibility for appointments to the Naval Academy. Successful applicants become candidates whose files contain information to evaluate further each candidate's eligibility. Candidates' files are also used to identify candidates profiles for initiation of formal officer accession programs in conjunction with the Naval Academy admission process. Successful candidates who accept appointments become midshipmen. Midshipmen records contain personal, academic, and professional background information and are used for the management, supervision, administration, counseling, and discipline of midshipmen.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Parents and legal guardians of midshipmen for the limited purpose of counseling midshipmen who encounter academic, performance, or disciplinary difficulties.

The United States Naval Institute for the limited purpose of notifying midshipmen and their parents about benefits and opportunities provided by the United States Naval Institute.

The Naval Academy Athletic Association for the limited purpose of promoting and funding the Naval Academy Intercollegiate Athletic Program.

The United States Naval Academy Foundation for the limited purpose of sponsoring midshipmen candidates who were not admitted in previous years.

VOL 58 ISS 33 FE 22 1993 UMI

The United States Naval Academy Alumni Association for the limited purpose of supporting its activities related to the mission of the Naval Academy.

The Contract Tailor Shop for the limited purpose of scheduling appointments as required for uniform fittings.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All hard copy records are kept in file folders in secure rooms or in locked cabinets.

On-line storage is maintained on the Honeywell DPS8 mainframe in Computer Services, with line networking to VACs and interfacing with microcomputers and dial-up lines.

Off-line storage is kept on disks.

Records on magnetic tapes and hard copy data are kept in secured rooms or in locked cabinets for operator access and user pickup.

Backup magnetic tapes are kept in a vault.

RETRIEVABILITY:

Records are kept alphabetically by Company and Class. Records can be retrieved from data base by selection of any data element, i.e., name, address, alpha code, six digit candidate number, or Social Security Number, etc.

SAFEGUARDS:

Visitor control. Records are kept in locked cabinets or in secured rooms. Computer records are safeguarded through selective file access, signing of Privacy Act forms, passwords, RAM systems, program passwords, user controls, encoding and port controls. Disk and tape storage is in a secure room. Backup systems on magnetic tapes are secured in fire proof vault in Ward Hall.

RETENTION AND DISPOSAL:

On-line computer records are destroyed one year after the midshipman's class graduates or the midshipman is separated.

Performance records are retained by the Performance Officer for two years after the midshipman's class graduates, and then destroyed. Backup systems on magnetic tapes and disks are kept in secure storage and destroyed two years after the midshipman's class graduates. Files relative to midshipmen separated involuntarily, including by qualified resignation, are retained for two years after the midshipman's class graduates, or three years from the date of separation, whichever date is later, and then destroyed.

Official transcripts and records files are kept indefinitely by the Registrar on microfilm, computer files, magnetic tapes, and hard copy; Admission records of unsuccessful candidates are properly destroyed after one year. Counseling and Guidance Research data are kept by the Professional Development Research Coordinator indefinitely. Nomination and appointment files are retained for varying lengths of time.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, U.S. Naval Academy, 580 Kingwood Street, Annapolis, MD 21402–5052.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Superintendent, U.S. Naval Academy, 580 Kingwood Street, Annapolis, MD 21408–5052.

Written requests should contain full name, company, class, and any personal identifier, such as a Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Superintendent, U.S. Naval Academy, 580 Kingwood Street, Annapolis, MD 21408–5052.

Written requests should contain full name, company, class, and any personal identifier, such as a Social Security Number.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals, midshipman, supervisors, Registrar, instructors, professors, officers, midshipman personal history/performance record, midshipman autobiography, Record of Emergency Data (NAVPERS 601–2), Statement of Personal History (DD Form 398), Aptitude History Record (Form 1610–105), Midshipman Summary Sheet, Certificate of Release or Discharge From Active Duty (DD Form 214), Military Performance Board Results, Letters of Probation, Midshipmen Performance Evaluation Reports (Form 54A), Medical Reports, Clinical Psychologist Reports, Excused Squad Chits (Form 6320/20), Conduct Card (Form 1690/91C), Letters of Commendation, Counseling and Guidance Interview and Data Records, Letters of Congressmen, parents, etc., and copies of replies thereto, transcripts from high school or prior college, Review Board Records, and Record of Disclosure (Privacy Act).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01571–1

SYSTEM NAME:

Reserve Financial Management/ Training System (RESFMS).

SYSTEM LOCATION:

Primary location: Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129–1800.

Decentralized segments: Naval Reserve Surface Force, Naval Reserve Air Force and their claimancies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who are members of the Naval Reserve and those who are recruited into the Naval Reserve Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

System comprises records reflecting information pertaining to reservist's Active Duty for Training (ACDUTRA) and associated personal information such as name/rank/grade, Social Security Number, current address, academic, medical qualifications, schools and training information. The system also contains a Standard Document Number (SDN) which is used to track cost of training, clothing and subsistence that is provided to the reservist.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To write, modify and cancel orders for Naval Reservists performing ACDUTRA; to issue seabags, death benefits paid, per diem, travel, subsistence, drill pay, ACDUTRA and Temporary Active Duty (TEMAC) pay, disability payments, bonuses, school costs and special pay such as flight and sea pay, and to monitor training needs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tapes, disks and drums. Paper record, microfiche, printed reports and other related documents supporting the system are filed in cabinets and stored in authorized areas only.

RETRIEVABILITY:

Automated records are retrieved by Social Security Number, name and standard document numbers.

SAFEGUARDS:

Within the computer center, controls have been established to distribute computer output over the counter only to authorized users. Specific procedures are also in force for the disposal of computer output. Output material in the sensitive category will be shredded. Computer files are kept in a secure, continuously manned area and are accessible only to authorized computer operators, programmers, enlisted management, placement, and distributing personnel who are directed to respond to valid official requests for data. These accesses are controlled and monitored by the Security System.

RETENTION AND DISPOSAL:

History of ACDUTRA orders are maintained in the system for three years, then put to magnetic tape and stored in a secured area indefinitely. Accounting documents are maintained in the system for six years (current year and five prior years). Paper documents for each year are destroyed one year after the lapse for the earliest appropriation year.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129–1800.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129–1800.

Requests should contain full name and Social Security Number and must be signed. Visitors should be able to identify themselves by a commonly recognized evidence of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Naval Reserve Force, 13000 Chef Menteur Highway, New Orleans, LA 70129–1800.

Requests should contain full name and Social Security Number and must be signed. Visitors should be able to identify themselves by a commonly recognized evidence of identity.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals concerned, disbursing officers, Navy schools, and military command to which the individual is attached.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01572–1

SYSTEM NAME:

NJAG Reserve Officer Questionnaires.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 62), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers reporting for duty in the Office of the Judge Advocate General.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, designator, rank, unit to which attached, law school attended, year admitted to practice and State or Territory where admitted, and employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 806.

PURPOSE(S):

To prepare a memorandum to the Judge Advocate General and/or Deputy Judge Advocate General on each officer who reports for active duty for training. The memorandum permits the JAG and/or Deputy JAG to familiarize himself with the officer's background. It also assists the Reserve Personnel Division to make an informed assignment of the officer during his/her training period which will enable the officer and the JAG and/or Deputy JAG to obtain maximum benefit from the officer's training period.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in a file cabinet.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the cabinets are located is locked outside of official working hours.

RETENTION AND DISPOSAL:

Records are retained for two months and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Judge Advocate General (Reserve and Retired Personnel Programs), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General (Reserve and Retired Personnel Programs), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

Written requests must be signed by the requesting individual. For personal visits, the individual should be able to provide some acceptable identification, e.g., Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Deputy Assistant Judge Advocate General (Reserve and Retired Personnel Programs), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

Written requests must be signed by the requesting individual. For personal visits, the individual should be able to provide some acceptable identification, e.g., Armed Forces identification card, driver's license, etc.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01640-1

SYSTEM NAME:

Individual Correctional Records.

SYSTEM LOCATION:

United States Navy Brigs and United States Marine Corps Correctional Facilities. Official mailing addresses are in the Department of Defense Directory; and/or may be obtained from Naval Military Personnel Command, Washington, DC 20370.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any military member confined in a naval facility as a result of or pending trial by courts-martial; any member sentenced to three days bread and water or diminished rations; and any military member awarded correctional custody to be served in a correctional custody unit.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains documents related to the administration of individual prisoners in the Department of the Navy confinement and correctional custody facilities - courts martial orders; release orders; confinement orders; medical examiners' reports; requests and receipts for health and comfort supplies; reports and recommendations relative to disciplinary actions; clothing and equipment records; mail and visiting lists and records; personal history records; individual prisoner utilization records; requests for interview; initial interview; spot reports; prisoner identification records; parolee agreements; inspection record of prisoner in segregation; personal funds records; valuables and property record; daily report of prisoners received and released; admission classification summary; social history; clemency recommendations and actions; parole recommendations and actions; restoration recommendations and actions; psychiatric, psychological, and sociological reports; certificate of parole; certificate of release from parole; requests to transfer prisoners; disciplinary action data cards showing name, grade, Social Security Number, sex, education, sentence, offense(s), sentence computation, organization, ethnic group, discharge awarded, length of unauthorized absence, number and type of prior punishments, length of service, and type release; weekly status report (each member's legal status, offense charged, length of time confined). On tape, the same data as the disciplinary action data card, except name, computation of sentence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 951.

PURPOSE(S):

Commanding officers, officers-in-charge, and chief petty officers-in-charge of Navy brigs and Marine Corps correctional facilities and staff members use these records to determine initial custody classification; to determine when custody grade change is appropriate; to gauge member's adjustment to confinement or correctional custody; to identify areas of particular concern to prisoners and personnel in correctional custody; to determine work assignment; to determine educational needs; serves as the basis for correctional treatment; serves as a basis for recommendations for clemency, restoration, and parole.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of Justice and state and local criminal justice agencies established by law.

To law enforcement and investigative agencies for investigation and possible criminal prosecution, civil court actions or regulatory order.

To confinement/correctional system agencies for use in the administration of correctional programs to include custody classification; employment, training and educational assignments; treatment programs; clemency, restoration to duty, and parole actions; verifications concerning military offenders or military criminal records, employment records and social histories.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; on punch cards and computer tapes.

RETRIEVABILITY:

Paper records filed alphabetically by last name of prisoner. Information from computer tapes is retrieved using Social Security Number of the individual.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Computer tape information at NMPC accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Logs and disciplinary action data cards are transferred to National Personnel Records Center, St. Louis, MO 63132 two years after release of prisoner. Other records are held at confinement facilities/correctional custody units for two years and destroyed. Transfer of a prisoner from one naval facility to another is not construed as a release. In such cases, the file accompanies the prisoner.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command (NMPC-84) Washington, DC 20370 or the Commandant of the Marine Corps (Code MPH) Washington, DC 20380.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Naval Military Personnel Command (NMPC-84) Washington, DC 20370 or the Commandant of the Marine Corps (Code MPH) Washington, DC 20380.

Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Naval Military Personnel Command (NMPC-84) Washington, DC 20370 or the Commandant of the Marine Corps (Code MPH) Washington, DC 20380.

Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly

recognized evidence of identity. Written requests must be signed by the requesting individual.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military personnel records; military financial and medical records; military and civilian investigative and law enforcement agencies; courts-martial proceedings; records of non-judicial administrative proceedings; United States military commanders; staff members and cadre supply information relative to service member's conduct or duty performance; and other individuals or organizations which may supply information relevant to the purpose for which this system was designed.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2), as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

N01710-1

SYSTEM NAME:

Special Membership Listing of the Organizational Recreation Association.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This file records the name of all members who join the particular ship or activity recreation association. Also cross filed by number of membership card.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record lists the names, internal codes, room and telephone numbers of each membership card and dates purchased.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 Departmental Regulations.

PURPOSE(S):

To indicate income from sale of membership cards; to provide an audit trial for the auditors; and to confirm memberships, upon request.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, Social Security Number, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per Secretary of the Navy Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concern, other records of the activity, investigators, witnesses, correspondents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01740-2

SYSTEM NAME:

Federal Housing Administration Mortgage Insurance System.

SYSTEM LOCATION:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy members who have home mortgages through FHA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payments made to FHA for insurance payments credited to members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Departmental Regulations.

PURPOSE(S):

To calculate payments for FHA and to reconcile any discrepancies in accounts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of the Treasury when address is needed for issuance of a check.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Social Security Number and member's name.

SAFEGUARDS:

Guards, personnel screening and requester codes.

RETENTION AND DISPOSAL:

Destroyed one year after death or discharge of member.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199

Request must contain Navy member's full name and Social Security Number. Requester may visit above address and must have military identification card or valid state driver's license and social security card as proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

Request must contain Navy member's full name and Social Security Number. Requester may visit above address and must have military identification card or valid state driver's license and social security card as proof of identity.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

FHA, member, field disbursing officers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01746-1

SYSTEM NAME:

Nonappropriated Fund Activity Information Support System.

SYSTEM LOCATION:

Naval Military Personnel Command, Navy Department, Washington, DC 20370; and local Nonappropriated Fund Activities under the cognizance of the Commander, Naval Military Personnel Command.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals authorized under current regulations to use Commissioned Officers Messes (open), Chief Petty Officer Messes, Petty Officer First and Second Class Messes, Enlisted Men's Clubs, Consolidated Package Stores, Special Services facilities, and other Non-Appropriated Fund Activities under the cognizance of the Commander, Naval Military Personnel Command.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence; records, membership applications, membership and user listings of Nonappropriated Fund Activity facilities, accounts receivable records, bad check listings, investigatory reports involving abuse of facilities, required for management of Nonappropriated Fund Activities under the cognizance Commander, Naval Military Personnel Command.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Departmental Regulations.

PURPOSE(S):

To assist in the management, supervision and administration of Nonappropriated Fund Activities such as messes, clubs, package stores and special-services facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, drums and on punched cards.

Manual records may be stored in paper file folders, microfiche or microfilm.

RETRIEVABILITY:

Primarily by Name, and/or Social Security Number/Membership Number.

SAFEGUARDS:

Computer and punched card processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with Secretary of the Navy Instruction P5212.5B, subject: Disposal of Navy and Marine Corps Records, or Departmental Instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Navy Department, Washington, DC 20370.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Naval Military Personnel Command (ATTN: Privacy Act Coordinator), Navy Department, 20370; or to the Head of the local Nonappropriated Fund Activity concerned.

The letter should contain full name, Social Security Number, status, address, and signature of the requester.

The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex, Federal Office Building 2, Room 1066, Washington, DC 20370. for assistance with records located in that building; or the individual may visit the local activity concerned for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Naval Military Personnel Command (ATTN: Privacy Act Coordinator), Navy Department, 20370; or to the Head of the local Nonappropriated Fund Activity concerned.

The letter should contain full name, Social Security Number, status, address, and signature of the requester.

The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex, Federal Office Building 2, Room 1066, Washington, DC 20370 for assistance with records located in that building; or the individual may visit the local activity concerned for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; general correspondence concerning the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01754–1

SYSTEM NAME:

Navy Family Support Program.

SYSTEM LOCATION:

Navy Family Service Centers located at various Navy and Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military service members and their dependents, retirees and their dependents, and spouses of POW's and MIA's and their eligible dependents. In certain overseas locations and certain remote CONUS locations, civilian DOD employees may be eligible for services.

CATEGORIES OF RECORDS IN THE SYSTEM:

File could contain personal information such as name, Social Security Number, case number, home address, telephone number, marriage counseling information, parent-child relationship information, family relations, financial data, and developmental disability information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031 and E.O. 9397.

PURPOSE(S):

The Family Service Centers (FSC) offer information, conduct referral services, and directly deliver services for a wide array of personal and family matters, counseling, assistance and crisis intervention to those eligible.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are stored in file folders and automated records are stored on magnetic tapes and discs.

RETRIEVABILITY:

Records may be retrieved by the Social Security Number or name of eligible person being served by the FSC.

SAFEGUARDS:

Access is limited to professional FSC staff and as delegated by the FSC Director at each location on a need-to-know basis. Paper records are stored in locked file cabinets. Automated records may be controlled by limiting physical access to data entry terminals or use of passwords. Access to computer information, and tape and disc storage, is strictly controlled. Work areas are sought-controlled during normal working hours. Building access is controlled and doors are locked during non-duty hours.

RETENTION AND DISPOSAL:

Paper records are retained for two years and then destroyed. Automated records are maintained for five years, then tapes/discs are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Family Services, Navy Family Support Program (NMPC–66), Naval Military Personnel Command, Washington, DC 20370 and Head, Family Programs Branch (MHF), Headquarters, U.S. Marine Corps, Washington, DC 20380.

NOTIFICATION PROCEDURE:

Navy individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Head, Family Services, Navy Family Support Program (NMPC–66), Naval Military Personnel Command, Washington, DC 20370.

Marine Corps individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Head, Family Programs Branch (MHF), Headquarters, U.S. Marine Corps, Washington, DC 20380.

Individuals should provide proof of identity, full name, rank, dates of counseling, etc.

RECORD ACCESS PROCEDURES:

Navy individuals seeking access to information about themselves contained in this system should address written inquiries to the Head, Family Services, Navy Family Support Program (NMPC–66), Naval Military Personnel Command, Washington, DC 20370.

Marine Corps individuals seeking access to information about themselves contained in this system should address written inquiries to the Head, Family Programs Branch (MHF), Headquarters, U.S. Marine Corps, Washington, DC 20380.

Individuals should provide proof of identity, full name, rank, dates of counseling, etc.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is normally obtained directly from the individual applying for counseling/assistance, however, there may be instances when the FSC counselor obtains information from mental health officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01754-2

SYSTEM NAME:

Navy/USMC Family Service Centers Volunteers.

SYSTEM LOCATION:

Navy Family Service Centers located at various Naval and Marine Corps activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who volunteers to assist at one of the Navy/USMC Family Service Centers (FSC).

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains information such as name, home address, home telephone number, date of birth, age and number of children, experience, education, professional qualifications, interests, hobbies, assignments at the FSC, and any other information essential for placing the volunteer in the most appropriate position at the FSC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

PURPOSE(S):

To supervise the performance of individuals who have volunteered to assist in the Navy and Marine Corps Family Service Center Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply .o this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name or skill of volunteer.

SAFEGUARDS:

Records are maintained in monitored or controlled areas accessible only to authorized personnel that are properly

VOL 58 ISS 33 FE 22 1993 UMI

cleared and trained. Building/rooms locked outside regular working hours.

RETENTION AND DISPOSAL:

Records are retained for 15 years from the date the individual departs from the Center, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Family Support Program Division (NMPC-66), Human Resource Management Department, Naval Military Personnel Command, Washington, DC 20370.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Naval or Marine Corps activity concerned. Individuals should provide proof of identity, full name, dates of volunteer service, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Naval or Marine Corps activity concerned. Individuals should provide proof of identity, full name, dates of volunteer service, etc.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained and periodically updated directly from the volunteer FSC employee.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01754–3

SYSTEM NAME:

Navy Child Development Services Program.

SYSTEM LOCATION:

Navy Child Development or Family Service Centers located at various Navy and Marine Corps activities both in CONUS and overseas.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps service members and their families or dependents. In certain locations, DOD civilian employees may be eligible for services.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains personal information such as name; Social Security Number; case no.; home address and telephone number; insurance coverage; names of parents and children; performance rating; complaints; background information, including medical, educational references, and prior work experience, information from NCIS, the family advocacy program, base security, and state and local agencies; information related to screening, training, and implementation of the Family Home Care program; and reports of fire, safety, housing, and environmental health inspections. Children's records will also include developmental profiles.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031; 42 U.S.C. 5106, and E.O. 9397.

PURPOSE(S):

To develop child care programs that meet the needs of children and families, provide child and family program eligibility and background information; verify health status of children and verify immunizations, note special program requirements; consent for access to emergency medical care; data required by USDA programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Naval Military Personnel Command and Navy and Marine Corps Family Service Centers, including Child Development Centers.

To Federal officials involved in Child Care Services, including child abuse.

To State and local officials involved with Child Care Services if required in the performance of their official duties.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders or computer disks.

RETRIEVABILITY:

By last name of member and Social Security Number.

SAFEGUARDS:

Records are maintained in monitored or controlled areas accessible only to authorized personnel. Building or rooms are locked outside regular working hours.

RETENTION AND DISPOSAL:

Records are kept for two years after individual is no longer in the Child Development Program and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Child Development Services (NMPC–651), Naval Military Personnel Command, Washington, DC 20370–5000.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the appropriate Navy or Marine Corps activity concerned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Individuals should provide proof of identity and full name.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the appropriate Navy or Marine Corps activity concerned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Individuals should provide proof of identity and full name.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from individuals either applying as child care providers or participant of the Family Home Care program; background checks from State and local authorities; housing officers; information from the Family Advocacy program; base security officers and base fire, safety and health officers; and local family home care monitors and parents of children enrolled.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2).

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

N01770–2

SYSTEM NAME:

Casualty Information Support System.

SYSTEM LOCATION:

Primary System-Bureau of Naval Personnel, Navy Department, Washington, DC 20370–5000; the local activity for which individual is assigned; and the Washington National Records Center, Suitland, MD. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy military personnel who are reported missing, Missing in Action, Prisoner of War or otherwise detained by armed force; deceased in either an active or inactive duty status; reported ill/injured in either active duty, fleet reserve, or retired status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, reports, and records in both automated and nonautomated form concerning circumstances of casualty, next-of-kin data, survivor benefit information, personal and service data, and casualty program data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; OPNAVINST 1770.1, Casualty Assistance Calls and Funeral Honors Support Program Coordination; and E.O. 9397.

PURPOSE(S):

To assist in the management of the casualty assistance program and to provide swift accurate responses to beneficiaries and survivors of Navy military personnel; to aid in the efficient settlement of the service member's estate and other affairs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Health and Human Services in connection with eligibility, notification and assistance in obtaining benefits due.

To officials and employees of the Department of Veterans Affairs and the Selective Service Administration in connection with eligibility, notification and assistance in obtaining benefits due.

To officials of other federal, state, and local government agencies in connection with eligibility, notification and assistance in obtaining benefits due.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, and drums. Manual records may be stored in paper files, microfiche or microfilm.

RETRIEVABILITY:

Records may be retrieved by name and/or Social Security Number.

SAFEGUARDS:

Computer and punched card processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, trained and cleared.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are maintained for seven years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Navy Department, Washington, DC 20370–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370–5000; or to the local activity where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of system of records notices.

The letter should contain full name, Social Security Number (and/or enlisted service number/officer file number), rank/rate, military status, date of casualty and status at time of casualty, and signature of the requester. The individual may visit the Chief of Naval Personnel, Arlington Annex, Federal Office Building 2, Room 1066, Washington, DC for assistance with records located in that building; or the individual may visit the local activity for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370–5000; or to the local activity where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

The letter should contain full name, Social Security Number (and/or enlisted service number/officer file number), rank/rate, military status, date of casualty and status at time of casualty, and signature of the requester. The individual may visit the Chief of Naval Personnel, Arlington Annex, Federal Office Building 2, Room 1066, Washington, DC for assistance with records located in that building; or the individual may visit the local activity for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

CONTESTING RECORD PROCEDURE:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, Public Health Service, Department of Veterans Affairs and components, in performance of their official duties as specified by current instructions and regulations promulgated by competent authority; casualty reports may also be received from state and local agencies, hospitals and other agencies having knowledge of casualties to Navy personnel; general correspondence concerning member.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01770–3

SYSTEM NAME:

Naval Academy Cemetery and Columbarium Records.

SYSTEM LOCATION:

Security Department and Public Works Department, U.S. Naval Academy, 580 Kingwood Street, Annapolis, MD 21402–5052.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those eligible to reserve a lot for future burial in the Naval Academy Cemetery. Deceased individuals interred/inured in the Naval Academy Cemetery/Columbarium.

VOL
58
ISS
33
FE
22
1993
UMI

CATEGORIES OF RECORDS IN THE SYSTEM:

State Burial Transit Permit, Application for Reimbursement of Headstone or Marker Expenses (VA Form 21–8834), Application of Standard Government Headstone or Marker for Installation in a Private or Local Cemetery (VA Form 40–1330), Lot Marker (NDW–USNA–DMC–1170/08), Columbarium Niche Cover Inscription (NDW–USNA–DMC–5370/42), U.S. Naval Academy Interment/Inurement Record (NDW–USNA–DMC–5360/43), U.S. Naval Academy Cemetery Record (NDW–USNA–DMC–1170/46), Naval Academy Foundation Order (NDW–USNA–DMC–5360/09), and correspondence to and from individuals. Specifically, information contained on the forms or correspondence may be: Full name, home address, rank, service, Social Security Number, date and place of birth, date and place of death, marital status, name of father and mother, name of next of kin and their address, telephone number, date of birth and date of death (if applicable), date and place of burial, lot number and other information relating to burial arrangements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 1481–1488; 44 U.S.C. 3101; and E.O. 9397.

PURPOSE(S):

To maintain official records of individuals holding grave site reservations and/or individuals interred/inured in the Naval Academy Cemetery or Columbarium. Records are used to respond to general inquiries from individuals holding grave site reservations, to verify eligibility of spouses of an officer or enlisted person of the Navy or Marine Corps who is interred/inured in the Naval Academy Cemetery or Columbarium.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and microfiche.

RETRIEVABILITY:

Alphabetically by last name and numerically by lot number.

SAFEGUARDS:

Records are kept in a building not open to general visiting and are maintained in an area accessible only to authorized personnel. Building is under surveillance of security personnel during non-working hours. Microfiche records are kept in the Naval Academy Archives which is not open to general visiting and is locked during non-working hours.

RETENTION AND DISPOSAL:

Records are permanent. They are retained after the individual is deceased.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, U.S. Naval Academy, 580 Kingwood Street, Annapolis, MD 21402–5052.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Superintendent, U.S. Naval Academy, 580 Kingwood Street, Annapolis, MD 21402–5052. Requests should contain name and Social Security Number of the individual concerned.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Superintendent, U.S. Naval Academy, 580 Kingwood Street, Annapolis, MD 21402–5052.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies, the next of kin, and from the Register of the Alumni.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01810-1

SYSTEM NAME:

Directory of Retired Regular and Reserve Judge Advocates.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 61), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired Officers of the Judge Advocate General's Corps.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, Designator, address, rank, retirement date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 806.

PURPOSE(S):

To utilize/assign retired Judge Advocate Generals' Corps Officers to Official Navy Selection Boards involving Judge Advocate Generals' Corps Personnel and to facilitate location of lawyers throughout the world with naval experience, which may be utilized by the Naval Service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer paper printouts.

RETRIEVABILITY:

Computer paper printouts requested from the Bureau of Naval Personnel. Retirees are shown alphabetically by rank.

SAFEGUARDS:

Records are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records not kept after person is deceased.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200

Stovall Street, Alexandria, VA 22332–2400.

Individual must sign the request. For personal visits, the requesting individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

Individual must sign the request. For personal visits, the requesting individual should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information received from records held by the Bureau of Naval Personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01850–1

SYSTEM NAME:

Origins of Disabilities for Retired Military Members.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 32), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired or former members of the Navy or Marine Corps who have been placed on the Temporary Disability Retired List or Permanent Disability Retired List and who have subsequently obtained or applied for Federal civilian employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests originated by individuals concerned or any federal agencies employing such individuals; Chief, Bureau of Medicine and Surgery historical narratives and opinions concerning the origins of disabilities of individuals on whom determinations have been requested; copies of Judge Advocate General determinations; and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3502(a), 6303(a), 8332(c); 5 U.S.C. 301, Departmental Regulations; and 44 U.S.C. 3101.

PURPOSE(S):

Information is used as the basis for determinations concerning the eligibility of individuals to certain benefits connected with Federal civilian employment available to those disabled in combat with enemies of the U.S. or having disabilities caused by instrumentalities of war during periods of war.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Determinations are rendered, upon request, to any federal agencies employing members who retired from the naval service for disability.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system of record notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are permanent and are retained indefinitely in the Office of the Judge Advocate General.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

The request should contain the full name of the individual concerned and the approximate date on which relief was requested. Written request must be signed by the requesting individual. Visits may be made to the Civil Affairs Division (Code 32), Office of the Judge Advocate General, Room 9N11, Hoffman Building II, 200 Stovall Street, Alexandria, VA 22332–2400. Armed Forces' identification card or state driver's license is required for identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

The request should contain the full name of the individual concerned and the approximate date on which relief was requested. Written request must be signed by the requesting individual. Visits may be made to the Civil Affairs Division (Code 32), Office of the Judge Advocate General, Room 9N11, Hoffman Building II, 200 Stovall Street, Alexandria, VA 22332–2400. Armed Forces' identification card or state driver's license is required for identification.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR Part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Employment information in the system is submitted by the individuals concerned or the federal agencies employing them. Medical information in the system is obtained from the individuals' medical records, physical evaluation board records, and service records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01850-2

SYSTEM NAME:

Physical Disability Evaluation System Proceedings.

SYSTEM LOCATION:

Director, Disability Evaluation System, Ballston Tower 2, 801 North Randolph Street, Arlington, VA 22203.

VOL 58 ISS 33 FE 22 1993 UMI

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy and Marine Corps personnel who have been considered by a Physical Evaluation Board for separation or retirement by reason of physical disability (including those found fit for duty by such boards).

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains medical board reports; statements of findings of physical evaluation boards; medical reports from Department of Veterans Affairs and civilian medical facilities; copies of military health records; copies of JAG Manual investigations; copies of prior actions/appellate actions/review taken in the case; transcripts of physical evaluation board hearings; rebuttals submitted by the member; intra and interagency correspondence concerning the case; correspondence from and to the member, members of Congress, attorneys, and other interested members; and documents concerning the appointment of trustees for mentally incompetent service members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1216.

PURPOSE(S):

To determine fitness for duty or eligibility for separation or retirement due to physical disability of Navy and Marine Corps personnel, by establishing the existence of disability, the degree of disability, and the circumstances under which the disability was incurred, and to respond to official inquiries concerning the disability evaluation proceedings of particular service personnel.

Used by the Office of the Judge Advocate General relating to legal review of disability evaluation proceedings; response to official inquiries concerning the disability evaluation proceedings of particular service personnel; to obtain information in order to initiate claims against third parties for recovery of medical expenses under the Medical Care Recovery Act (42 U.S.C. 2651–2653); and to obtain information on personnel determined to be mentally incompetent to handle their own financial affairs, in order to appoint trustees to receive their retired pay.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Veterans Affairs to verify information of service connected disabilities in order to evaluate applications for veteran's benefits.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and microfiche, and in some files, plastic recording discs and cassettes.

RETRIEVABILITY:

Filed by year of initial disability proceeding, and alphabetically by name within that year. Department of Veterans Affairs to verify information of service connected disabilities in order to evaluate applications for veterans' benefits.

SAFEGUARDS:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours. Access during working hours is controlled by Board personnel and the office space in which the file cabinets and storage devices are located is locked after official working hours. The building in which the office is located employs security guards.

RETENTION AND DISPOSAL:

Records are permanent. They are retained by the Naval Council of Personnel Boards for six years. After that time, they are sent to the Washington National Center, 4205 Suitland Road, Suitland, MD.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Council of Personnel Boards, Ballston Tower 2, 801 North Randolph Street, Arlington, VA 22203.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Naval Council of Personnel Boards, Ballston Tower 2, 801 North Randolph Street, Arlington, VA 22203.

Written requests for information should contain the full name of the individual, military grade or rate, and date of Disability Evaluation System action. Written requests must be signed by the requesting individual.

For personal visits, the individual should be able to provide some acceptable identification, such as a military identification card (active duty or retired) or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Naval Council of Personnel Boards, Ballston Tower 2, 801 North Randolph Street, Arlington, VA 22203.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military medical boards and medical facilities; Department of Veterans Affairs and civilian medical facilities; physical evaluation boards and other activities of the disability evaluation system, Naval Council of Personnel Boards, the Bureau of Medicine and Surgery; the Judge Advocate General; Navy and Marine Corps local command activities; other activities of the Department of Defense; and correspondence from private counsel and other interested persons.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01900-1

SYSTEM NAME:

Naval Discharge Review Board Proceedings.

SYSTEM LOCATION:

Naval Discharge Review Board, Room 914, Ballston Tower 2, 801 North Randolph Street, Arlington, VA 22203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former Navy and Marine Corps personnel who have submitted applications for review of discharge or dismissal pursuant to 10 U.S.C. 1553, or whose discharge or dismissal has been or is being reviewed by the Naval Discharge Review Board, on its own motion, or pursuant to an application by a deceased former member's next of kin.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains the former member's application for review of discharge or dismissal, any supporting documents submitted therewith, copies of correspondence between the former member or his counsel and the Naval Discharge Review Board and other correspondence concerning the case, and a summarized record of proceedings before the Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1553.

PURPOSE(S):

Selected information is used to defend the Department of the Navy 'n

civil suits filed against it in the State and/or Federal courts system. This information will permit officials and employees of the Board to consider former member's applications for review of discharge or dismissal and any subsequent application by the member; to answer inquiries on behalf of or from the former member or counsel regarding the action taken in the former member's case. The file is used by members of the Board for Correction of Naval Records when reviewing any subsequent application by the former member for a correction of records relative to the former member's discharge or dismissal.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file is used by counsel for the former member, and by accredited representatives of veterans' organizations recognized by the Secretary, Department of Veterans Affairs under 38 U.S.C. 3402 and duly designated by the former member as his or her representative before the Naval Discharge Review Board.

Officials of the Department of Justice and the United States Attorneys offices assigned to the particular case.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; plastic recording disks and recording cassettes.

RETRIEVABILITY:

The records are filed by name, by Social Security Number, and by service number.

SAFEGUARDS:

Files are kept within the Naval Discharge Review Board's administrative office. Access during business hours is controlled by Board personnel. The office is locked at the close of business; the building in which the office is located employs security guards.

RETENTION AND DISPOSAL:

Files are permanent. They are retained in the Naval Discharge Review Board's administrative office for two years. After that time, they are sent to the Federal Records Center, 4205 Suitland Road, Suitland, MD 20409.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Council of Personnel Boards Department of the Navy, 801 North Randolph Street, Arlington, VA 22203

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Naval Discharge Review Board, Room 905, 801 North Randolph Street, Arlington, VA 22203.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Naval Discharge Review Board, Room 905, 801 North Randolph Street, Arlington, VA 22203.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in the files is obtained from the former member or those acting on the former member's behalf, from military personnel and medical records, and from records of law enforcement investigations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01900-2

SYSTEM NAME:

Navy Individual Service Review Board Proceedings (ISRB).

SYSTEM LOCATION:

Commander, Naval Military Personnel Command, Department of the Navy, Washington, DC 20370.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for discharge from the United States Navy who claim membership in a group which has been determined to have performed active military service with the United States Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains the individual's application for discharge, supporting documentation, copies of correspondence between the individual and the Navy ISRB and other correspondence concerning the case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95-202.

PURPOSE(S):

The file is used in conjunction with the consideration of the individual's application for discharge and any subsequent application by the individual. The file is used by the individual, the counsel for the individual, his/her designated representative and by the Navy ISRB.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and cross-referenced index cards.

RETRIEVABILITY:

The records are filed by name.

SAFEGUARDS:

The files are kept within the Naval Military Personnel Command offices. Access during business hours is controlled by Command personnel. Records not in use are maintained in a room which is locked during non-duty hours. The Command is secured at the close of business and the building is which the command is located has limited access controlled by security guards.

RETENTION AND DISPOSAL:

Applications which are approved will necessitate creation of a service record which is part of the Navy Personnel Records System. Remaining records are retained in the Naval Military Personnel Command for two years and then destroyed. Cross-referenced index cards are retained permanently in the Naval Military Personnel Command.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Department of the Navy, Washington, DC 20370.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Naval Military Personnel Command (NMPC-3), Department of the Navy, Washington, DC 20370.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written

inquiries to the Commander, Naval Military Personnel Command (NMPC-3), Department of the Navy, Washington, DC 20370.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in the files is obtained from the individual or those acting on the individual's behalf, from other military records and from the Department of Defense Civilian/Military Service Review Board.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N02060-1

SYSTEM NAME:

PWC Subic Residential Telephone Billing.

SYSTEM LOCATION:

U.S. Navy Public Works Center, Subic Naval Facility, Subic Bay, Republic of the Philippines, Box 6, FPO AP 96651-2900.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current civilian and military residential subscribers of the PWC Subic Bay Telephone System located in the Republic of the Philippines; and past subscribers who have outstanding unpaid accounts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name; Social Security Number; residential phone number; office phone number; rank or grade level; official and residential addresses; type and number of instruments/service provided; financial charges accrued and paid; and long distance calls made.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 97-365; Pub. L. 89-508; 5 U.S.C. 5584; 5 U.S.C. 5514; DOD Directives 4640.3; 4640.4 and 7045.13; and E.O. 9397.

PURPOSE(S):

To manage, process and collect funds from residential users of the PWC Subic Bay Telephone System, Republic of the Philippines.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in computer software files as well as hard copy forms.

RETRIEVABILITY:

Information is accessed via hard copy files, and retrieved by Social Security Number, telephone number and/or individual's name.

SAFEGUARDS:

Access to building is restricted to guards during other than normal business hours. Files and building are locked except during normal business hours.

RETENTION AND DISPOSAL:

Individual files are maintained for two years after close of account, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, U.S. Navy Public Works Center, Box 6, FPO AP 96651-2900.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer, U.S. Navy Public Works Center, Box 6, FPO AP 96651-2900.

Requesting individuals should specify their full name and telephone number. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer, U.S. Navy Public Works Center, Box 6, FPO AP 96651-2900.

Requesting individuals should specify their full name and telephone number. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system is provided by the individual concerned, telephone billing office and the long distance telephone billing office.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N03461-2

SYSTEM NAME:

POW/MIA Captivity Studies.

SYSTEM LOCATION:

Naval Aerospace Medical Institute, Special Studies Department (122), Naval Air Station, Pensacola, FL 32508.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Files are maintained by Code on all military and civilian returned prisoners of war, and on the families of military POW/MIAs, civilian POWs and military KIAs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files consist of intelligence debriefing material, microfilm and microfiche copies of medical records, X-rays, dental and somatotype photographs, newspaper clippings, individual and family research questionnaires.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

Files are converted to group statistics and are used for researching the effects of the captivity experience on the man and his family and for recommending changes in training and improved health care delivery services, as well as for professional publications. Information is used by the Professional Staff, Center for Prisoner of War Studies, Research Staff, Naval Aerospace Medical Institute, Pensacola, FL; Research Staff, Brooke Army Medical Center, San Antonio, TX.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files consist of file folders, magnetic and video tapes, key-punched IBM cards, computer tapes, microfiche and microfilm.

RETRIEVABILITY:

Files are retrieved by code number.

SAFEGUARDS:

All files in this system are protected by limited, controlled access, locked doors and class 6 security cabinets. Only professional and/or research staff with appropriate security clearances are given access to files.

RETENTION AND DISPOSAL:

The files will be maintained as long as there is an ongoing program of captivity research; with destruction of codes when files are closed.

SYSTEM MANAGER(S) AND ADDRESS:

Head, RPOW Data Analysis Division, Naval Aerospace Medical Institute, Naval Air Station, Pensacola, FL 32508.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer, Naval Aerospace Medical Institute, ATTN: Code 122, Naval Air Station, Pensacola, FL 32508, providing full name, military or civilian status, POW status, security clearance, and service affiliation.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer, Naval Aerospace Medical Institute, ATTN: Code 122, Naval Air Station, Pensacola, FL 32508, providing full name, military or civilian status, POW status, security clearance, and service affiliation.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

All information contained in files was obtained through personal interviews with returned POWs, families of POW/MIA/KIA/hostages/civilian POWs, through intelligence debriefings at time of repatriation, newspapers and periodicals, and from materials supplied by the Department of the Army (Office of the Surgeon General and Army Intelligence); Department of the Navy (Bureau of Medicine and Surgery and Naval Intelligence); and Marine Corps Headquarters.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N03501–1

SYSTEM NAME:

FBM Submarine DASO Crew Evaluation.

SYSTEM LOCATION:

Strategic Systems Programs, Department of the Navy, Washington, DC 20376–5002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officer and enlisted personnel in responsible positions within the Weapons and Navigation Department of both crews of a Fleet Ballistic Missile (FBM) Submarine undergoing Demonstration and Shakedown Operations (DASO).

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of personnel performance during DASO.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

Preparation of Certification for Deployment Messages by the Director, Strategic Systems Programs and Commander, Submarine Group Ten, and development of follow-on training programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Name and ship.

SAFEGUARDS:

Access restricted to Assistant for Weapons System Operation and Evaluation staff, Strategic Systems Programs and Commander, Submarine Group Ten staff. Records are stored in a vault.

RETENTION AND DISPOSAL:

Maintained for at least two years then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Strategic Systems Programs, Department of the Navy, Washington, DC 20376–5002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Deputy Director, Strategic Systems Programs, Department of the Navy, Washington, DC 20376–5002.

Request should contain full name, military status, time period and ship undergoing DASO, and billet held.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Deputy Director, Strategic Systems Programs, Department of the Navy, Washington, DC 20376–5002.

Request should contain full name, military status, time period and ship undergoing DASO, and billet held.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Observation of DASO Team and questionnaire filled out by ship's personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N03501–2

SYSTEM NAME:

Navy Recovery Data Base System.

SYSTEM LOCATION:

Primary location Commander, Naval Facilities Engineering Command (Code 0622), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332.

Secondary System Principal Planning Agents are the Commander in Chief, U.S. Pacific Fleet, Pearl Harbor, HI 96860–7000 and Commander in Chief, U.S. Atlantic Fleet, Norfolk, VA 23511–6001. The Regional Planning Agents are the Commander, Naval Base, Seattle, WA 98115–5012, the Commandant Naval District Washington, Washington Navy Yard, Washington, DC 20374–2002; the Commander, Naval Base San Francisco, Naval Station, Treasure Island, San Francisco, CA 94130–5018; the Commander, Naval Base, 937 North Harbor Drive, San Diego, CA 93132–5100; the Commander, Naval Base, Box 110, Pearl Harbor, HI 96860; the Commander, Naval Base, Philadelphia, PA 19112–5098; the Commander, Naval Base, Norfolk, VA 23511–6002; the

Commander, Naval Training Center, Building 1, Great Lakes, IL 60088–5026; the Chief of Naval Air Training, Naval Air Station, Corpus Christi, TX 78419–5100 and the Commander, Naval Base, Charleston, SC 29408–5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected Naval Reserve Officers assigned to appropriate civil/military headquarters to represent Department of the Navy (DON) planning agents in planning and coordinating DON assistance to civil authorities in civil emergencies/disasters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, home addresses and telephone numbers of Navy Reserve Officers currently assigned to the program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To assist in the operation and administration of the Department of the Navy Civil Disaster Assistance Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The media in which these records are stored vary; but include magnetic disks and file copies.

RETRIEVABILITY:

Automated records may be retrieved by name or area of responsibility.

SAFEGUARDS:

Records are available only to authorized personnel having a need to know through the use of access codes and encrypted data.

RETENTION AND DISPOSAL:

Records on Navy Reserve Officers are retained only for their tour of duty while assigned to the program and superseded data is removed from the system or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Facilities Engineering Command (FAC 0622), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2300.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Naval Facilities Engineering Command (FAC 0622), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2300.

Requests received by mail must be accompanied by the individual's full name and a statement verifying the requester's identity. Requesters may also inquire in person at the naval base or station. In such case, proof of identity will consist of full name and a positive piece of identification such as a driver's license or DOD I.D. card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Naval Facilities Engineering Command (FAC 0622), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2300.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The information is supplied by the Naval Reserve Officer upon his/her assignment to the program.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N03760–1

SYSTEM NAME:

Naval Flight Record Subsystem (NAVFLIRS).

SYSTEM LOCATION:

The primary data base is maintained at the Naval Sea Logistics Center, Navy Maintenance Support Office, 5430 Carlisle Pike, P.O. Box 2060, Mechanicsburg, PA 17055–0795.

Secondary data bases are maintained at the Naval Safety Center, Naval Air Station, Norfolk, VA 23511–5796 and at Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–0001.

Local data bases are maintained on all aircraft carriers. Additional Marine Corps sites are FMFPAC ASC 06, Camp Smith, HA; RASC, Camp Pendleton, CA; RJE Marine Corps Air Station, Cherry Point, NC; 6th FASC, Marine Corps Air Station, Iwakuni, Japan; and ASC, Marine Corps Base, Quantico, VA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All aeronautically designated commissioned Navy and Marine Corps Officers and enlisted members assigned as aircrew members in the operation of an aircraft in accordance with the direction of competent authority.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of each flight submitted to the custodian of the aircraft. Records contain personal identification (name, rank, Social Security Number), and specific technical data related to the flight of naval aircraft.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

Naval Flight Record Subsystem consolidates the collection of naval flight data into a single, locally controlled collection and correction system, and implements a standard data collection source document (the Naval Flight Record OPNAV 3710/4) throughout the Navy and Marine Corps. It further establishes a single control data base containing all naval flight data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To committees authorized by Congress to investigate certain phases of the Naval Aviation Program.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

Individual records are primarily retrieved by a unique document number assigned to each naval flight record. Additionally, each of the data elements such as pilots' Social Security Number, model aircraft and squadron may be used to retrieve individual records.

SAFEGUARDS:

Magnetic tapes are stored in limited access areas and handled by personnel that are properly trained in working with automated systems of records.

RETENTION AND DISPOSAL:

The primary data base and the secondary data base at the Naval Safety

Center are permanent. Records in the secondary data base at Headquarters, U.S. Marine Corps are erased from tape when the individual is removed from active flight status. Local data bases purge all magnetic tape records after six months.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Air Systems Command, Washington, DC 20361–0001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer, Naval Sea Logistics Center, 5450 Carlisle Pike, P.O. Box 2060, Mechanicsburg, PA 17055–0795.

The request should contain full name, Social Security Number, squadron assigned, and address of the individual concerned and should be signed. Personal visitors will be required to produce military or comparable civilian identification cards.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer, Naval Sea Logistics Center, 5450 Carlisle Pike, P.O. Box 2060, Mechanicsburg, PA 17055–0795.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Aircraft reporting custodian, Navy and Marine Corps pilots.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N03834–1

SYSTEM NAME:

Special Intelligence Personnel Access File.

SYSTEM LOCATION:

Naval Intelligence Command, 4600 Silver Hill Road, Washington, DC 20389–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian and military personnel of the Department of the Navy and contractors and consultants of the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records pertaining to the eligibility of Department of the Navy personnel (civilian, military, contractor and consultant) to be granted access to Special Intelligence which include documents of nomination, personal history statements, background investigation date and character, narrative memoranda of background investigation, eligibility documents for access to special intelligence, proof of indoctrination and debriefings as applicable and record of hazardous activity restrictions assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, as amended; 5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 503, Department of the Navy; 10 U.S.C. 6011, Navy Regulations; 44 U.S.C. 3101, Records Management by Federal Agencies; E.O. 12356, National Security Information.

PURPOSE(S):

To permit a determination of an individual's eligibility for access to Special Intelligence information.

This information may be provided to the Department of Defense and all its components to certify Special Compartmented Intelligence (SCI) access status of naval personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, the Department of Energy, the Department of Treasury, and to any other federal agency in the performance of their official duties, to certify SCI access status of Naval personnel.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Active files consist of paper records in file folders and computerized tapes. Inactive files are retained on microfiche.

RETRIEVABILITY:

Name.

SAFEGUARDS:

GSA approved containers located in controlled access spaces.

RETENTION AND DISPOSAL:

Records are retained indefinitely. Inactive files are retained on microfiche.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Intelligence Command, 4600 Silver Hill Road, Washington, DC 20389–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Naval Intelligence Command, 4600 Silver Hill Road, Washington, DC 20389–5000.

The request should contain full name, residence address and date and place of birth. A notarized statement or unsworn declaration subscribed to be true under penalty of perjury may be required for identity verification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Commander, Naval Intelligence Command, 4600 Silver Hill Road, Washington, DC 20389–5000.

The request should contain full name, residence address and date and place of birth. A notarized statement or unsworn declaration subscribed to be true under penalty of perjury may be required for identity verification.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personal History Statement and related forms from the individual. Access forms and documents prepared by the system manager. Correspondence between system manager and activities requesting access status.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(1) and (k)(5) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2) and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

N03900-1

SYSTEM NAME:

Naval Air Test Center Technology Data File.

SYSTEM LOCATION:

Office of Staff Assistant for Research and Technology, Naval Air Test Center,

Patuxent River, MD 20670. Included in this notice are those records duplicated for maintenance at a site closer to where the technical specialists and technology representatives work.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian and military technical managers, directors, technical directors, chief test pilots, chief engineers, program managers, department heads, department chief engineers, technical specialists and technicians who work at the Naval Air Test Center (NAVAIRTESTCEN). It also includes personnel who are considered a technical resource by directorate management.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, date of birth; status (military or civilian); classification (i.e., GS-0855 for civilians or 06/1510 for military); formal education; technical courses/operational training; test and evaluation, research and development, and military experience; current RDT&E activity contacts; membership in professional organizations and societies; level of responsibility in NAVAIRTESTCEN organization; organizational code; office telephone number; naval aviation technology preference and a listing of any unique technical skills, experience or knowledge individual may possess.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

PURPOSE(S):

To develop an on-line information network which provides project personnel a means to fully exploit NAVAIRTESTCEN technical resources and provide technical managers a real-time assessment of NAVAIRTESTCEN technical depth in the areas of education, training, experience and professional interface associated with emerging naval aviation technologies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk and hardcopy forms.

RETRIEVABILITY:

Social Security Number.

SAFEGUARDS:

During working hours the NAVAIRTESTCEN staff building is open to official visitors and civilian, military and contractor personnel employed by NAVAIRTESTCEN. After working hours, the building is secured. Access to the staff building after working hours can only be obtained by securing assistance from the base Command Duty Officer. The system is protected by the following software features: User identification number, password sign-on and procedure name.

RETENTION AND DISPOSAL:

Records are retained in the current data base until he/she is no longer an employee of NAVAIRTESTCEN. When an employee leaves NAVAIRTESTCEN, the record is removed from the current data base. After ten years, the record will be erased from tape.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Assistant for Research and Technology, Naval Air Test Center, Patuxent River, MD 20670.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Staff Assistant for Research and Technology, Naval Air Test Center, Patuxent River, MD 20670.

Individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Staff Assistant for Research and Technology, Naval Air Test Center, Patuxent River, MD 20670.

Individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

All data contained in the NAVAIRTESTCEN Technology Data File is obtained from the individuals in the data file. Data is collected by means of an annual questionnaire.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N04050-1

SYSTEM NAME:

Personal Property Program.

SYSTEM LOCATION:

All Navy Personal Property Counseling and Shipping Offices and Federal Records Centers. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOD and other federal departmental military personnel and their dependents and civilian employees and their dependents having applied for and shipped and/or stored personal property, privately owned automobiles and mobile homes.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's applications for shipment and/or storage related shipping documents and records of delivery, payment, and inspection of personal property. Forms maintained include: DD Form 619 Statement of Accessorial Services Performed; DD Form 1100 Household Good Storage Record; SF 1103 U.S. Government Bill of Lading; DD Form 1252 U.S. Customs Declaration for Personal Property Shipments (Part I); DD 1252-1 U.S. Customs Declaration for Personal Property Shipments (Part II); DD 1299 Application for Shipment and/or Storage of Personal Property; DD 1671 Reweight of Personal Property; DD 1780 Report of Carrier Services Personal Property Shipment; DD 1781 Customer Satisfaction Report; DD 1797 Personal Property Counseling Checklist; DD 1799 Member's Report on Carrier Performance- Mobile Homes; DD 1800 Mobile Home Shipment Inspection at Destination; DD 1841 Government Inspection Report; DD 1842 Claim for Personal Property Against the United States; DD 1845 Schedule of Property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5724; DOD Regulation 4500.43; DOD Regulation 4500.34-R; Personal Property Traffic Management Regulation; JAG Manual; NAVSUP Publication 490; Transportation of Personal Property.

PURPOSE(S):

Navy Personal Property Shipping Offices applicable finance centers and

the Navy Material Transportation Office for effecting, coordinating and payment of personal property shipment and storage.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of member.

SAFEGUARDS:

Records are maintained in monitored or controlled areas accessible only to authorized personnel that are properly cleared and trained. Buildings-rooms locked outside regular working hours.

RETENTION AND DISPOSAL:

Records are retained in Personal Property Office files for a period of four years, then forwarded to Federal Record Centers and/or General Accounting Office for indefinite retention.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Supply Systems Command (Code 05), Washington, DC 20376.

NOTIFICATION PROCEDURE:

Written requests may be addressed to the appropriate Navy personal property shipping office concerned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices. Individuals should provide proof of identity, full name, rank, dates of shipment-storage, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Naval Supply Systems Commands (Code 05), Washington, DC 20376. Individuals should provide proof of identity, full name, rank, dates of shipment-storage, etc.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application and related forms submitted by the individual concerned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N04060–1

SYSTEM NAME:

Navy and Marine Corps Exchange Sales Control and Security Files.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customers and employees at Navy and Marine Corps Exchanges, including individuals making large dollar volume purchases and contract purchases; individuals having requested adjustments or made claims; individuals having previously passed bad checks or been apprehended for shoplifting.

CATEGORIES OF RECORDS IN THE SYSTEM:

Sales and contract records; lists, logs, or card records of individuals; claims and adjustment records; large volume purchase records; mail orders; customer special order records; customer list; correspondence; and abuser notification letters. Records of complaints and investigations of regulatory and criminal violations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To control sales, prevent and detect abuse of privileges, and determine responsibility when there are violations of regulations or criminal statutes. Information may be furnished to the Naval Criminal Investigative Service or command legal personnel for prosecution of military offenses and other administrative actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Federal Bureau of Investigation or foreign organizations for further investigation or prosecution.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic media. Manual records may be stored in file folders or microform, in file cabinets or other containers.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Access is provided on a need-to-know basis, only. Automated records are located in restricted areas accessible only to authorized persons. Manual records and computer printouts are maintained in locked or controlled access areas.

RETENTION AND DISPOSAL:

Records are retained for six years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

The system manager is the Commanding Officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the commanding officer of the naval activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of records notices.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves should address written inquiries to the commanding officer of the naval activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of records notices.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual; investigators; witnesses; and activity sales and contract records.

VOL 58 ISS 33 FE 22 1993 UMI

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2), as applicable.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information, contact the system manager.

N04064–1

SYSTEM NAME:

USNA Laundry and Drycleaning Charge Account.

SYSTEM LOCATION:

Laundry and Drycleaning Plant, U.S. Naval Academy, 580 Kingwood Street, Annapolis, MD 21402–5052.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for a charge account with the Naval Academy Laundry and Drycleaning Plant.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information is collected on Form NDW-USNA-DMH–4064/14 and includes applicant's name; Social Security Number; rank (if applicable); branch of service; home and work addresses and telephone numbers. Information required to maintain the charge account records is obtained from and/or recorded on accounts receivable ledgers, journals, charge tickets and check listings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 44 U.S.C. 3101; and E.O. 9397.

PURPOSE(S):

To establish a charge account at the Naval Academy Laundry and Drycleaning Plant. Information will be used for billing purposes by the officials and employees of the Plant.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy and magnetic minicassette tape form.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Access to building is restricted to authorized persons only. Record files are not available to personnel not requiring access in the performance of their official duties. This is routinely limited to the billing clerk processing the application and recording activity on the account. Records are secured within a locked office in a locked building on a military installation when not actually in use.

RETENTION AND DISPOSAL:

Hard copy records are retained in the current file area as long as the charge account is active. These records are then retired and kept in secured storage for two years and then destroyed. Cassette tape records are of two types, daily and journal (monthly recapitulation). These tapes are erased on a daily or monthly basis, respectively, during the preparation of the following day's or month's activity record.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Laundry and Drycleaning Plant, U.S. Naval Academy, 580 Kingwood Street, Annapolis, MD 21402–5052.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Head, Laundry and Drycleaning Plant, U.S. Naval Academy, 580 Kingwood Street, Annapolis, MD 21402–5052.

Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Head, Laundry and Drycleaning Plant, U.S. Naval Academy, 580 Kingwood Street, Annapolis, MD 21402–5052.

Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual applying for the charge account, from daily laundry and drycleaning will-call tickets (charges for goods and services provided) and from records of payment by charge account holders (check listings).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N04064–2

SYSTEM NAME:

USNA Retail Customer Claim Record.

SYSTEM LOCATION:

Laundry and Drycleaning Plant, U.S. Naval Academy, 580 Kingwood Street, Annapolis, MD 21402–5052.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed claims against the Naval Academy Laundry and Drycleaning Plant and appropriation 17X4002 for cash or credit settlement for damaged or lost articles.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information is collected on Form NDW-USNA-DMH–4064/15 and includes claimant's name; Social Security Number; rank (if applicable); home and work addresses and telephone numbers; description, original cost and date of purchase of item(s) for which claim is filed, and circumstances of loss or extent of damage; claim number, disposition, and remarks by approving authority.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 44 U.S.C. 3101; and E.O. 9397.

PURPOSE(S):

To investigate claims for cash or credit settlement for damaged or lost articles.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy form.

RETRIEVABILITY:

Name of customer and date laundry was turned in for cleaning.

SAFEGUARDS:

Access to building is restricted to authorized persons only. Record files are not available to personnel not requiring access in the performance of their official duties. This is limited to the official processing of the claim and the clerk who maintains the file and prepares the administrative paperwork. Records are secured within a locked office in a locked building on a military installation when not actually in use.

RETENTION AND DISPOSAL:

Retained in the current file area for one calendar year after the close of the individual's claim. The record is then stored for one more year and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Laundry and Drycleaning Plant, U.S. Naval Academy, 580 Kingwood Street, Annapolis, MD 21402–5052.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Head, Laundry and Drycleaning Plant, U.S. Naval Academy, 580 Kingwood Street, Annapolis, MD 21402–5052.

Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Head, Laundry and Drycleaning Plant, U.S. Naval Academy, 580 Kingwood Street, Annapolis, MD 21402–5052.

Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual who filed the claim and offices who are processing the claim.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N04066–1

SYSTEM NAME:

Bad Checks and Indebtedness Lists.

SYSTEM LOCATION:

Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097 (for all Navy exchanges).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patrons of Navy exchanges who have passed bad checks; recruits who have open accounts with Navy exchanges; patrons who have made C.O.D. mail order transactions and those patrons who make authorized charge or credit purchases where their accounts are maintained on the basis of an identifying particular such as name and/or Social Security Number.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bad Check System (including: Returned Check Ledger; Returned Check Report; copies of returned checks; bank advice relative to the returned check(s); correspondence relative to attempt by the Navy exchange to locate the patron and/or obtain payment; a printed report of names of those persons who have not made full restitution promptly, or who have had one or more checks returned through their own fault or negligence); Accounts Receivable Ledger, detailed by patron; C.O.D. Sales Ledger.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 6011; 80 Stat 308 and 88 Stat 393, Federal Claims Collection Act of 1966 (Pub. L. 89–508) and Debt Collection Act of 1982 (Pub. L. 97–365); and E.O. 9397.

PURPOSE(S):

To maintain an automated tracking and accounting system for individuals indebted to the Department of the Navy. Records in this system are subject to use in approved computer matching programs authorized under the Privacy Act of 1974, as amended, for debt collection purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To a commercial credit reporting agency for the purpose of either adding to a credit history file or obtaining a credit history file for use in the administration of debt collection.

To a debt collection agency for the purpose of collection services to recover indebtedness owed to the Department of the Navy.

To the Internal Revenue Service (IRS) to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim by Navy against the tax payer pursuant to 26 U.S.C. 6103(m)(2) and in accordance with 31 U.S.C. 3711, 3217, and 3718.

Note: Redisclosure of a mailing address from the IRS may be made only for the purpose of debt collection, including to a debt collection agency in order to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982, except that a mailing address to a consumer reporting agency is for the limited purpose of obtaining a commercial credit report on the particular taxpayer. Any such address information obtained from the IRS will not be used or shared for any other Navy purpose or disclosed to another Federal , state, or local agency which seeks to locate the same individual for its own debt collection purpose.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1966 (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The disclosure is limited to information necessary to establish the identity of the individual, including name and taxpayer identification number (Social Security Number).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The media in which these records are maintained vary, but include: magnetic tape; printed reports; file folders; file cards, and floppy and hard disks.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Locked file cabinets; supervised office spaces; supervised computer-tape library which is accessible only through the computer center (entry to the computer center is controlled by a combination lock known by authorized personnel only).

RETENTION AND DISPOSAL:

Records are kept for ten years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

Record Holder: Director, Treasury Division (TD), Naval Station New York, Staten Island, NY 10305–5097 (for Navy exchanges).

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

In the initial inquiry, the requester must provide full name, Social Security Number, and the activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

In the initial inquiry, the requester must provide full name, Social Security Number, and the activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual; the bank involved; activity sales records; Internal Revenue Service; credit bureaus; and the Defense Manpower Data Center.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N04066–2

SYSTEM NAME:

Commercial Fidelity Bond Insurance Claims.

SYSTEM LOCATION:

Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097 (for all Navy Exchanges).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel assigned to Navy exchanges, who the duly constituted authority (usually a Board of Investigation appointed by the base Commanding Officer) has established to be guilty of a dishonest act which has resulted in a loss of money, securities or other property, real or personal, for which the exchange is legally liable.

CATEGORIES OF RECORDS IN THE SYSTEM:

Equipment Loss Reports, Cash and/or Merchandise Loss Reports from Navy exchanges, including correspondence relating to losses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To render proper assistance in processing insurance claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the insurance carrier (Fidelity Bond Underwriter) to ensure appropriate coverage.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The media in which these records are maintained varies but includes file folders and ledgers.

RETRIEVABILITY:

Name, payroll number, Social Security Number, and activity.

SAFEGUARDS:

Locked file cabinets; locked offices which when open are supervised by appropriate personnel; security guards.

RETENTION AND DISPOSAL:

Records are kept for four years and then retired to the Federal Records Center, St. Louis, MO.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

In the initial inquiry the requester must provide full name, payroll or military service number and activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Resale and Services Support Office, Naval Station New York, Staten Island, NY 10305–5097.

The request should contain full name, payroll or military service number and activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual; the insurance underwriter; audit reports; investigatory reports and/or activity loss records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N04066–3

SYSTEM NAME:

Layaway Sales Records.

SYSTEM LOCATION:

Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097 (for all Navy exchanges).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patrons of Navy exchanges who buy goods on layaway.

CATEGORIES OF RECORDS IN THE SYSTEM:

Layaway tickets and layaway patron lists.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To record the selection of layaway merchandise, record payments, verify merchandise pick-up and perform sales audits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders include layaway tickets and layaway patron lists.

RETRIEVABILITY:

Name, address, Social Security Number or exchange permit number.

SAFEGUARDS:

Locked file cabinets, supervised records space.

RETENTION AND DISPOSAL:

Destroyed after two years per Navy Exchange Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

Record Holder: Director, Comptroller Nonappropriated Fund Division (CNAFD), Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5037. Individual record holders within the central system may be contacted through the central system record holder.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

In the initial inquiry, the requester must provide full name and activity where layaway sales were transacted. A list of other offices the requester may visit will be provided after initial contact at the office listed above. At the time of personal visit, requesters must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097. The requester must provide full name and activity where layaway sales were transacted. A list of other offices the requester may visit will be provided after initial contact at the office listed above. At the time of personal visit, requesters must provide proof of identity containing the requester's signature.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N04066–4

SYSTEM NAME:

Navy Lodge Records.

SYSTEM LOCATION:

Navy Exchange System Worldwide. Coordinator for System: Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patrons and guests authorized lodging at a Navy Exchange Navy Lodge.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reservation request; guest registration card; Navy Lodge guest folio.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To keep a record of reservations to insure orderly room assignment and avoid improper booking; to record registration and payment of accounts; to verify proper usage by eligible patrons; cash control; to gather occupancy data; to determine occupancy breakdown; and to account for rentals and furnishings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The media in which these records are maintained vary, but include: Folio card; ledger; guest registration cards; and local copies and reports of central system reports.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Records are maintained in supervised locked files.

RETENTION AND DISPOSAL:

Records are kept for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

Record Holder Manager: Navy Lodge Program Director, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

Individual record holders within the central system may be contacted through the Record Holder Manager.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

In the initial inquiry the requester must provide full name, Social Security Number, and location of the last Navy Lodge where they had dealings. A list of other offices the requester may visit will be provided after initial contact is made with the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

Requesters must provide full name, Social Security Number, and location of the last Navy Lodge where they had

VOL
58
ISS
33
FE
22
1993
UMI

dealings. A list of other offices the requester may visit will be provided after initial contact is made with the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual patron and the charges he or she incurred during a visit at the Navy Lodge.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N04066–5

SYSTEM NAME:

NEXCOM Direct Mail List.

SYSTEM LOCATION:

Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All authorized customers of military resale systems who have requested receipt of promotional, informational and marketing research materials.

CATEGORIES OF RECORDS IN THE SYSTEM:

For each authorized customer: Name, address, rank, branch of service, status (active or retired), Social Security Number, pay grade, age, sex, race, number, names, and birth dates of dependents, date of sign up, telephone number (if available), account number, rotation date (if available), mailings sent to customers and responses available.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 6011; and E.O. 9397.

PURPOSE(S):

To maintain a data base which will permit the Navy Exchange Program to mail sales promotional, informational and market research materials to those authorized customers who have requested receipt of materials. The data base will also be used to define target markets among the authorized customers who sign up for the list in order to develop better merchandise assortments and services to meet the needs of the customers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are stored on computer tape in a single location.

RETRIEVABILITY:

Name, Social Security Number, address and account number.

SAFEGUARDS:

Secured and supervised facility; access restricted.

RETENTION AND DISPOSAL:

The records are retained as long as the customer wishes to receive the materials, then the records are destroyed by the Navy Resale and Services Support Office.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

Record Holder Manager: Deputy Commander, Marketing Communications Division (MCD), Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual authorized customer and the Department of Defense/Defense Enrollment Eligibility Reporting System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N04385-1

SYSTEM NAME:

IG Investigatory System.

SYSTEM LOCATION:

Inspector General offices within the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals alleged, suspected, convicted, or otherwise involved in areas of possible criminal or administrative misconduct, including, but not limited to, fraud, larceny, embezzlement, theft or other improper conduct relating to the acquisition or disposal of government property, conflict of interest, violation of the standards of conduct, or other violations of law or regulation pertaining to procurement, disposal and related matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Administrative memoranda; Investigative reports and other investigative/intelligence information; Reports of disciplinary action taken; Public court records; Synopsis of the allegations of wrongdoing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978 (10 U.S.C. 987 app.(1982)), 10 U.S.C. 5088, Naval Inspector General: Details, duties; DOD Directive 5106.1, Inspector General of the Department of Defense; Secretary of the Navy Instruction 5430.57D, The Naval Inspector General; Mission and Functions of; Secretary of the Navy Instruction 5430.92, Assignment of Responsibilities to Counteract Fraud, Waste and Related Improprieties Within the Department of the Navy.

PURPOSE(S):

To conduct and to coordinate official investigations and inquiries of audit to monitor final actions taken thereon. To disseminate information on misconduct, procurement fraud and related matters to other components within DOD.

To monitor the progress of criminal or administrative actions taken regarding Naval active duty officers in pay grade O-5 or higher and civil service employees (GS-13 or GM-13 and above), and any other DOD individuals (military and civilian) who have been named in allegations of wrongdoing which apparently warrant criminal prosecution or adverse personnel actions. Internal

users are Department of the Navy and Department of Defense component officials engaged in audit, investigative, inspection and management functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To federal, state or local law enforcement agencies, when such information relates to matters under their judicial or administrative cognizance.

To the Department of Justice or other appropriate agencies for use in judicial or administrative actions such as debarment/suspension actions and required notification of federal, state and local agencies.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, index cards, magnetic tape/discs.

RETRIEVABILITY:

By subject name and Social Security Number; by case name, case number, type of crime and other case fields.

SAFEGUARDS:

Access is limited to officials/employees of the command who have a need to know. Files are stored in a locked cabinet. The area is sight controlled during normal work hours and locked during non duty hours. Building access is controlled during non-duty hours by a Security Force, which also conducts roving patrols of the building. There is no possibility that the computer can be accessed from outside the controlled area.

RETENTION AND DISPOSAL:

Files are maintained at the command for two years after final action is taken. Thereafter, files are stored with the nearest Federal Records Center. Electronic data are erased, over-printed or destroyed, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

The Inspector General of the Command in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

For tracking system, the Head, Investigations Division, Naval Inspector General (Code 81), Office of the Naval Inspector General, Building 200, Washington Navy Yard, Washington, DC 20374-2001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Inspector General of the Command in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Individual should provide full name, address, and either a Social Security Number or date and place of birth. Written requests must be notarized. Individuals may visit the system manager between the hours of 0900-1500, Monday-Friday and must show proof of identity consisting of I.D. containing photograph.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Inspector General of the Command in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Individual should provide full name, address, and either a Social Security Number or date and place of birth. Written requests must be notarized. Individuals may visit the system manager between the hours of 0900-1500, Monday-Friday and must show proof of identity consisting of I.D. containing photograph.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals, investigative, judicial, and administrative reports, and complainants.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2), as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

N04385-2

SYSTEM NAME:

Hotline Program Case Files.

SYSTEM LOCATION:

Department of the Navy shore activities. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing hotline complaints. Also individuals alleged or suspected of administrative misconduct, including, but not limited to, fraud, waste, or inefficiency.

CATEGORIES OF RECORDS IN THE SYSTEM:

All records resulting from an inquiry into a hotline complaint such as the name of the examining officials assigned to the case, the hotline control number, date of complaint, date investigation completed, the allegations, whether or not the case was referred to Naval Security and Investigative Command, the investigators' findings, disposition of the case, and background information regarding the investigation itself such as the scope of the investigation, relevant facts discovered, information obtained from witnesses, and specific source documents reviewed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 897 and 6011, and implementing instructions.

PURPOSE(S):

For the Commanding Officer and/or his designated auditors, inspectors, or investigators to conduct and coordinate official hotline investigations. To compile statistical information to disseminate to other components within the Department of Defense engaged in the Hotline Program. To provide prompt responsive and impartial actions and improve efficiency in investigating hotline complaints. To provide management with a source to identify potential problems and weaknesses. To provide a record of complaint disposition. Hotline complaints appearing to involve major criminal wrongdoing will be referred immediately to the Naval Security and Investigative Command.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, log books, magnetic tapes/disks.

VOL 58 ISS 33 FE 22 1993 UMI

RETRIEVABILITY:

By hotline case number, complainant, subject of the complaint and individual accused.

SAFEGUARDS:

Access is limited to local hotline staff, and, as delegated by the Commanding Officer or Officer-in-Charge, and the Executive Officer, on a need to know basis. Paper records are stored in locked cabinets. Automated records may be controlled by limiting physical access to CRT data entry terminals or use of passwords. Access to central computer mainframe, other peripheral equipment and tape and disc storage is strictly controlled. Work areas are sight-controlled during normal working hours. Building access is controlled and doors are locked during non-duty hours.

RETENTION AND DISPOSAL:

Files are maintained at the local command for a minimum of two years after final action is taken. Thereafter, files are stored with the nearest Federal Records Center. Electronic data are erased, over-printed, or destroyed, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer or head of the organization in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the appropriate Naval activity concerned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the appropriate Naval activity concerned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices. I95Contesting record procedures:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals, investigations, judicial and administrative reports, and complainants.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt under 5 U.S.C. 552a(k)(1), (k)(2), (k)(5), (k)(6) and (k)(7), as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

N04410–1

SYSTEM NAME:

File of Records of Acquisition, Transfer and Disposal of Privately Owned Vehicles.

SYSTEM LOCATION:

U.S. Naval Communication Station, United Kingdom, FPO AE 09516–3000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Naval personnel stationed at U.S. Naval Communication Station, United Kingdom, FPO AE 09516–3000 who own a concession vehicle in the United Kingdom.

CATEGORIES OF RECORDS IN THE SYSTEM:

Request for delivery of a motor vehicle without payment of duty, value added tax and car tax.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To maintain information on type of car, engine number, license number, year, make of car, base assigned, organization, Social Security Number, and pay grade.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Locked in CMAA Office with a 24 hour security watch.

RETENTION AND DISPOSAL:

Records are maintained as long as a person owns a concession vehicle in the United Kingdom. Records are burned as soon as vehicle is either shipped out of the U.K. or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, U.S. Naval Communication Station, United Kingdom, FPO AE 09516–3000 is overall policy official with the Chief Master At Arms Office, U.S. Naval Communication Station, United Kingdom, FPO AE 09516–3000 as the subordinate holder.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer, U.S. Naval Communication Station, United Kingdom, FPO AE 09516–3000.

The request should contain name, Social Security Number, and address of the individual concerned and should be signed. Personal visits may be made to that office, but individuals must have valid military I.D. or, if no longer in the military, have other valid identification such a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer, U.S. Naval Communication Station, United Kingdom, FPO AE 09516–3000.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Applicable U.S. Serviceman.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N04410–2

SYSTEM NAME:

Military/Civilian Dependents Hurricane Shelter List.

SYSTEM LOCATION:

Naval Computer and Telecommunications Station, Key West, FL 33040–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel and civilian employees and their dependents who

apply for assignment to the station's hurricane shelter.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and rates of military/civilian station personnel applying for hurricane shelter assignments for their families and the number of their dependents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To provide the Disaster Preparedness Officer with information to determine shelter logistics requirements and to provide the shelter officer with information to muster assigned dependents in case of a hurricane.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder.

RETRIEVABILITY:

Name.

SAFEGUARDS:

File maintained in locked cabinet by Disaster Preparedness Officer.

RETENTION AND DISPOSAL:

Maintained from May through December of each year and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Disaster Preparedness Officer, Naval Computer and Telecommunications Station, Key West, FL 33040–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Disaster Preparedness Officer, Naval Computer and Telecommunications Station, Key West, FL 33040–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Disaster Preparedness Officer, Naval Computer and Telecommunications Station, Key West, FL 33040–5000.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military/civilian command sponsors requesting hurricane shelter for their families.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N04410–3

SYSTEM NAME:

Duty Free Vehicle Log.

SYSTEM LOCATION:

Officer in Charge, U.S. Naval Weapons Facility Detachment, FPO AE 09515–0052 and Customs Officer, HMS Customs and Excise, Campbeltown, Argyll, Scotland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All U.S. Navy personnel and their dependents stationed aboard Naval Weapons Facility Detachment, Machrihanish.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and rank/rate of individual; make, year and registration of vehicle status; U.K. purchase or imported; and date of purchase or importing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To assist local customs officials in protecting against the illegal transfer of duty-free vehicles to UK citizens.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder in lockable file cabinet.

RETRIEVABILITY:

Name.

SAFEGUARDS:

The records are maintained in an office that is locked when not manned.

RETENTION AND DISPOSAL:

Maintained for one year after transfer, sale, death or other change in status. Old pages are shredded.

SYSTEM MANAGER(S) AND ADDRESS:

Officer in Charge, U.S. Naval Weapons Facility, Detachment, FPO AE 09515–0052.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Officer in Charge, U.S. Naval Weapons Facility, Detachment, FPO AE 09515–0052. The request should contain name and address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Officer in Charge, U.S. Naval Weapons Facility, Detachment, FPO AE 09515–0052.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from documents provided by the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N04410–4

SYSTEM NAME:

Record of Import and Export of Foreign Made Auto Vehicles Into and Out of Australia.

SYSTEM LOCATION:

U.S. Naval Communication Station, FPO AP 96680.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Importers/exporters and purchasers of foreign made automobiles imported into Australia by U.S. personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of shipping and customs documents for automobiles imported into and exported from Australia.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, and Agreement between Australia and the United States of America concerning the status of United States forces in Australia and protocol to that agreement.

PURPOSE(S):

The Supply Officer uses this system to determine shipping and wharf

handling requirements. The legal officer uses this system to monitor sale and/or export of foreign made vehicles imported into Australia by U.S. personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder.

RETRIEVABILITY:

Name.

SAFEGUARDS:

File cabinet, entry by legal/personal property office personnel only.

RETENTION AND DISPOSAL:

Duration of customs to duty bond. Destruction through burning.

SYSTEM MANAGER(S) AND ADDRESS:

Legal Officer, Personal Property Supervisor, U.S. Naval Communication Station.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Legal Officer, Personal Property Supervisor, U.S. Naval Communication Station.

Individual should provide full name, official title, purpose of inquiry. Individual may visit the Legal Office and Personal Property Office, U.S. Naval Communication Station. Visual recognition or identification card will be required.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Legal Officer, Personal Property Supervisor, U.S. Naval Communication Station.

Individual should provide full name, official title, purpose of inquiry. Individual may visit the Legal Office and Personal Property Office, U.S. Naval Communication Station. Visual recognition or identification card will be required.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information supplied by individual, copy of purchase documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N04600–1

SYSTEM NAME:

Portable Asset Control Environment (PACE).

SYSTEM LOCATION:

Commander, Naval Supply Systems Command (Code 05), Washington, DC 20376–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and reserve naval personnel, Department of the Navy civilian employees, contractor personnel, or foreign nationals transiting an airhead during a military exercise or deployment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain name, rank, Social Security Number, pieces of baggage, baggage weight, passenger weight, and comments (if any).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

To maintain a data base to track the passengers moving in and out of the mobile airhead. As part of this system, an automated passenger manifest is produced for each flight. The manifest provides the names of passengers and weight and cubic dimensions of their baggage.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer disk or on hard copy.

RETRIEVABILITY:

PACE users retrieve information by name, rank, and Social Security Number.

SAFEGUARDS:

The user I.D./password for access control to the PACE system limits access to authorized users with a need to know. Marking and labeling of media/output products is accomplished. Security Standard Operating Procedures are established and followed as part of PACE.

RETENTION AND DISPOSAL:

The records are maintained during the accomplishment of a particular mission or exercise. Once completed, the records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Supply Systems Command, Deputy Commander for Transportation (Code 05A1), Washington, DC 20376–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Naval Supply Systems Command, Deputy Commander for Transportation (Code 05A1), Washington, DC 20376–5000.

Requests should contain the name, rank, Social Security Number, date of mission, and address of the individual concerned.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Naval Supply Systems Command, Deputy Commander for Transportation (Code 05A1), Washington, DC 20376–5000.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual's travel orders.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N04650–1

SYSTEM NAME:

Personnel Transportation System.

SYSTEM LOCATION:

Military Traffic Office east Coast Passenger Control Point, Bureau of Naval Personnel, Navy Department, Washington, DC 20370.

District Passenger Transportation Office west Coast Passenger Control

Point, Headquarters, TWELFTH Naval District, Treasure Island, San Francisco, California 92132.

District Passenger Transportation Office alaskan Passenger Control Point, Naval Support Activity, Seattle, Washington 98115.

District Passenger Transportation Offices, all other Naval District Headquarters.

Overseas Area Travel Coordinators at U.S. Naval Activities, United Kingdom; U.S. Naval Activities, Spain; Headquarters, U.S. Fleet Air Mediterranean; U.S. Naval Support Activity, Naples, Italy; Headquarters, Middle East Force; U.S. Naval Station, Keflavik, Iceland; U.S. Naval Air Facility, Lajes, Azores; Naval Station, Argentina, Newfoundland; Naval Base, Guantanamo Bay, Cuba; Headquarters, TENTH Naval District; Headquarters, FIFTEENTH Naval District; Headquarters, U.S. Naval Forces, Mariannas; Headquarters, U.S. Naval Forces, Philippines; Headquarters, U.S. Naval Forces, Japan; and Naval Communication Station Harold E. Holt, Exmouth, Western Australia. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

And local activities. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy military personnel, midshipmen, retired Navy members, civilian employees of the Navy, dependents of the foregoing, and other civilians authorized through Navy commands to travel at Government expense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for travel and, where applicable, for passports and visas; requests for extension of 12-month limit on travel by retired member to home of record; supporting documents; correspondence, and approvals/disapprovals relating to the above records; travel arrangements in response to above applications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701 et seq Travel, Transportation subsistence; 37 U.S.C. 404 Travel transportation Allowances--General.

PURPOSE(S):

To determine eligibility for transportation; to authorize or deny transportation; and otherwise manage the personnel transportation system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of other departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the provision of transportation; diplomatic, official, and other no-cost passports; and visas to subject individuals.

Foreign embassies, legations, and consular offices--to determine eligibility for visas to respective countries, if visa is required.

To Commercial Carriers providing transportation to individuals whose applications are processed through this system of records.

When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, drums, and on punched cards. Manual records in file folders or file-card boxes, microfiche or microfilm.

RETRIEVABILITY:

Automated records may be retrieved by Social Security Number and/or name. Manual records are filed alphabetically by name of applicant; applications for dependents filed by name of sponsor.

SAFEGUARDS:

Records are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with Secretary of the Navy Instruction P5212.5B, subject: Disposal of Navy and Marine Corps Records, or in accordance with Departmental regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Navy Department, Washington, DC 20370.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the local activity where the request for transportation was initiated, and/or to intermediate activities (if applicable), or to the Chief of Naval Personnel (ATTN: Privacy Act Coordinator), Navy Department, Washington, DC 20370). Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

The letter should contain full name, Social Security Number, address and signature of the requester. The individual may visit the activities and commands listed under LOCATION for assistance with the records maintained at the respective locations. Proof of identification will consist of Military Identification Card for persons having such cards. Others must present other positive personal identification, preferably picture-bearing.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the local activity where the request for transportation was initiated, and/or to intermediate activities (if applicable), or to the Chief of Naval Personnel (ATTN: Privacy Act Coordinator), Navy Department, Washington, DC 20370). Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

The letter should contain full name, Social Security Number, address and signature of the requester. The individual may visit the activities and commands listed under LOCATION for assistance with the records maintained at the respective locations. Proof of identification will consist of Military Identification Card for persons having such cards. Others must present other positive personal identification, preferably picture-bearing.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, State Department and other agencies of the Executive Branch and components thereof, in the performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; foreign embassies, legations, and consular offices reporting approval/

VOL
58
ISS
33
FE
22
1993
UMI

disapproval of visas; and carriers reporting on provision of transportation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05100–1

SYSTEM NAME:

Diving Log.

SYSTEM LOCATION:

Naval Safety Center, Naval Air Station, Norfolk, VA 23511–5796.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy military personnel and civilian employees of the Navy who are involved in diving or who have been exposed to a hyperbaric environment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Diving Log Report.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To furnish the commanding officer with a summarized diving report for individuals attached to the unit and to monitor types of dives, equipment usage, and mishap trends. To evaluate the diving program in the Navy and at specific activities. Pertinent individual records and/or statistical summaries prepared by Naval Safety Center analysts are also provided to all echelons within the Navy having a responsibility for the diving program and to the Bureau of Naval Personnel, Bureau of Medicine and Surgery, Naval Audit Service, or other activities having responsibility for the administration or control of personnel assignments and hazardous duty payments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

Records may be selected based on any of the data elements contained in the file such as diver's name, Social Security Number, organization unit, type of dive and equipment used.

SAFEGUARDS:

A limited number of data processing personnel have access to the computer facility and to the magnetic tape files and computer programs. All requests for information received from activities or for purposes not directly related to the diving program must be approved by the Commander, Naval Safety Center or his designated representative.

RETENTION AND DISPOSAL:

Magnetic tape files contain all available records and are never purged. Reports are not transferred to a records center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Afloat Safety Programs, Naval Safety Center, Naval Air Station, Norfolk, VA 23511–5796.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director of Afloat Safety Programs, Naval Safety Center, Naval Air Station, Norfolk, VA 23511–5796.

Requests should contain full name, address, military status and Social Security Number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to Director of Afloat Safety Programs, Naval Safety Center, Naval Air Station, Norfolk, VA 23511–5796.

Requests should contain full name, address, military status and Social Security Number in order to determine if the system contains any records pertaining to them. Personal visitors will be required to produce military or comparable civilian identification cards.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Commanding Officer of naval units conducting diving or hyperbaric exposure incident to diving.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05100–2

SYSTEM NAME:

Scheduled Parachute Jump Program.

SYSTEM LOCATION:

Naval Safety Center, Naval Air Station, Norfolk, VA 23511–5796.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy and Marine Corps personnel and trainees who participate in the Scheduled Parachute Jump Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Unit reports of each scheduled jump, which includes name of parachutist, Social Security Number, Unit Identification Code (UIC), and model of parachute; total scheduled jump activity survey reports; and annual scheduled jump activity reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To track scheduled jump activity data for specific individuals or types of parachutes and correlate the information with parachute jump mishap data; analyze information to determine the relationship between various categories and combinations of jump experience and accident involvement.

To provide results of these studies to all echelons within the Navy and Marine Corps having responsibility for jump operations, parachute training, and allocation of resources to and within the parachute jump program.

To provide an annual summary of jump activity by parachute type to each reporting individual for his/her verification and personnel records. Upon request, a detailed by jump report for a specified time frame is also provided.

To provide records to the Chief of Naval Personnel for promotional screening, detailing, and compliance with minimum standards.

To provide summaries of jump activity for Marine Corps personnel to the Commandant of the Marine Corps.

To provide records of specific jump designated personnel to contractors, if required, for projects either funded by or deemed potentially valuable to the Department of the Navy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and computer printouts.

RETRIEVABILITY:

Name, Social Security Number, Unit Identification Code (UIC), and model of parachute.

SAFEGUARDS:

Computer area is locked after hours and access is strictly controlled. Hard drive locked to preclude unauthorized access. Only two individuals have a key to access hard drive. Building is under 24 hour watch.

RETENTION AND DISPOSAL:

Permanent. Magnetic tape files contain all available records and are never purged.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Aviation Safety Programs, Naval Safety Center, Naval Air Station, Norfolk, VA 23511–5796.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director of Aviation Safety Programs, Naval Safety Center, Naval Air Station, Norfolk, VA 23511–5796.

The request should include full name, Social Security Number, and address of the individual concerned and should be signed.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director of Aviation Safety Programs, Naval Safety Center, Naval Air Station, Norfolk, VA 23511–5796.

The request should include full name, Social Security Number, and address of the individual concerned and should be signed.

CONTESTING RECORD PROCEDURE:

The Navy's rules for accessing records and contesting contents and appealing determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Navy and Marine Corps jumpers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05101–1

SYSTEM NAME:

Safety Equipment Needs, Issues, Authorizations

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel whose work requires them to wear, or are issued, protective clothing or equipment, including prescription safety lenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Listings, cards, and other records which list individuals requiring, authorized, or issued prescription or other safety equipment. Such listings may include name, Social Security Number, organization code, date equipment issued, date equipment returned, equipment I.D. number, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To determine who needs, is eligible, or has been authorized or issued prescription or other safety equipment for protection.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and automated records.

RETRIEVABILITY:

Name, Social Security Number, or date equipment was issued.

SAFEGUARDS:

Documents are stored in controlled access space or locked rooms.

RETENTION AND DISPOSAL:

Records are destroyed as information becomes obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the commanding officer of the activity where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Requests should contain full name, Social Security Number, and date equipment was assigned (if known), and be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the commanding officer of the activity where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Requests should contain full name, Social Security Number, and date equipment was assigned (if known), and be signed.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05120-1

SYSTEM NAME:

Bond Accounting.

SYSTEM LOCATION:

Decentralized, maintained by Issuing Agents for Savings Bonds. A list of decentralized locations is available from the Commander, Navy Accounting and Finance Center (NCF-123),Washington, DC 20376.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and Military Personnel of the Department of the Navy including contract employees who meet the requirement for ownership of savings bonds as outlined in Treasury Department Circular No. 530 as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual application and related records - The Bond Record

File - Master Bond Record Card Control Account - The Master Control Account - Activity Subcontrol Accounts - Refund Subcontrol - Transfer Journal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Departmental Regulations.

PURPOSE(S):

To issue U.S. Savings Bonds; to provide an audit trail on requisition, control and issuance of bonds and to maintain the accounts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Metal file cabinets equipped with a locking device - Paper records in metal filing cabinets - Microfilm.

RETRIEVABILITY:

Retrieved by name, Social Security Number or payroll number. From the Federal Reserve Bank by numerical sequence by serial number shown on bond issued stub.

SAFEGUARDS:

Locked cabinets, with building or military base security. Access authorized to personnel engaged in payroll processing, disbursing, supervisory or management personnel, and auditors. Bond subscribers are authorized to receive information on their own records.

RETENTION AND DISPOSAL:

Records are maintained for one year. Records are then forwarded to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Navy Accounting and Finance Center (NCF-123), Washington, DC 20376. A list of decentralized locations is available from the system manager. Procedures are prescribed in Comptroller of the Navy Manual (NAVSO P-1000).

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Bond Issuing Office responsible for issuing bond if known. If unknown the inquiry should be submitted to Commander, Navy Accounting and Finance Center, NCF-123, Washington, DC 20376.

Requester should provide full name, Social Security Number or payroll number, current address when requesting information. An individual is permitted to visit any Bond Issuing Agent Office for information and will be required to provide identification such as identification card (i.e., DOD Building Pass).

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Bond Issuing Office responsible for issuing bond if known. If unknown the inquiry should be submitted to Commander, Navy Accounting and Finance Center, NCF-123, Washington, DC 20376.

Requester should provide full name, Social Security Number or payroll number, current address when requesting information. An individual is permitted to visit any Bond Issuing Agent Office for information and will be required to provide identification such as identification card (i.e., DOD Building Pass).

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Request for Bonds are filed by individuals who provide information on themselves. Other rated from the original request.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05210–1

SYSTEM NAME:

General Correspondence Files.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of system of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have initiated correspondence with the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming correspondence which may include name, address, telephone number, organization, date of birth, and Social Security Number of correspondent and supporting documentation. Files also contain copy of response letter and documentation required to prepare the response.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To maintain a record of correspondence received and responses made.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Paper and automated records.

RETRIEVABILITY:

Name, organization, and date of correspondence.

SAFEGUARDS:

Access provided on a need to know basis only. Records are maintained in a locked and/or guarded office.

RETENTION AND DISPOSAL:

Retained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of system of records notices.

The request should contain full name and date individual wrote to the Navy or received a response. Request must be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

The request should contain full name and date individual wrote to the Navy or received a response. Request must be signed.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned and records collected by the activity to respond to the request.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05300-1

SYSTEM NAME:

Organization Locator and Social Roster.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel attached to the activity; also may include military and civilian personnel of the Department of Defense and other government agencies; may also include family members and guests of military and civilian personnel; other invitees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual or mechanized records. Includes information such as names, addresses, telephone numbers; official titles or positions and organizations; invitations, acceptances, regrets, protocol, and other information associated with attendants at functions. Locator records of personnel attached to the organization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Departmental Regulations.

PURPOSE(S):

To locate individuals on routine and emergency matters. System is used for mail distribution, for forwarding addresses, and as a recall list.

Also, may be used as a social roster for social reference for various official and non-official functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape, and similar record formats.

RETRIEVABILITY:

Name, Social Security Number, number, organization, function.

SAFEGUARDS:

Access provided on a need to know basis.

RETENTION AND DISPOSAL:

Per Secretary of the Navy Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, correspondents, directories and official publications.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05300-2

SYSTEM NAME:

Administrative Personnel Management System.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices. Included in this notice are those records duplicated for maintenance at a site closer to where the employee works (e.g., in an administrative office or a supervisor's work area).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian, (including former members and applicants for civilian employment), military and contract employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence/records concerning personnel identification, location (assigned organization code and/or work center code); MOS; labor code; payments for training, travel advances and claims, hours assigned and worked, routine and emergency assignments, functional responsibilities, clearance, access to secure spaces and issuance of keys, educational and experience characteristics and training histories, travel, retention group, hire/termination dates; type of appointment; leave; trade, vehicle parking, disaster control, community relations, (blood donor, etc), employee recreation programs; grade and series or rank/rate; retirement category; awards; biographical data; property custody; personnel actions/ dates; violations of rules; physical handicaps and health/safety data; veterans preference; postal address; location of dependents and next of kin and their addresses; mutual aid association memberships; union memberships; qualifications; computerized modules used to track personnel data; and other data needed for personnel, financial, line, safety and security management, as appropriate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To manage, supervise, and administer programs for all Navy civilian and military personnel such as preparing rosters/locators; contacting appropriate personnel in emergencies; training; identifying routine and special work assignments; determining clearance for access control; record handlers of

hazardous materials; record rental of welfare and recreational equipment; track beneficial suggestions and awards; controlling the budget; travel claims; manpower and grades; maintaining statistics for minorities; employment; labor costing; watch bill preparation; projection of retirement losses; verifying employment to requesting banking; rental and credit organizations; name change location; checklist prior to leaving activity; payment of mutual aid benefits; safety reporting/monitoring; and, similar administrative uses requiring personnel data. Arbitrators and hearing examiners in civilian personnel matters relating to civilian grievances and appeals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

File folders, card files, magnetic tape, magnetic disc.

RETRIEVABILITY:

Name, Social Security Number, case number, organization, work center and/or job order.

SAFEGUARDS:

Password controlled system, file, and element access based on predefined need to know. Physical access to terminals, terminal rooms, buildings and activities' grounds are controlled by locked terminals and rooms, guards, personnel screening and visitor registers.

RETENTION AND DISPOSAL:

Normally retained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

The request should include full name, Social Security Number, and address of the individual concerned and should be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

The request should include full name, Social Security Number, and address of the individual concerned and should be signed.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual, employment papers, other records of the organization, official personnel jackets, supervisors, official travel orders, educational institutions, applications, duty officer, investigations, OPM officials, and/or members of the American Red Cross.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05300–3

SYSTEM NAME:

Faculty Professional Files.

SYSTEM LOCATION:

Superintendent, Naval Postgraduate School, Monterey, CA 93943–5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Faculty personnel employed by the Naval Postgraduate School and individuals applying for positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Faculty academic promotion/tenure case evaluation files and faculty professional status and accomplishment file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

Promotion/tenure case evaluation files are used by Department Chairmen, Deans, and the Superintendent to determine the ranking, promotion tenure reappointment and evaluation of faculty personnel. Faculty professional status and accomplishment files constitute official record of employment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

During working hours, records are secured within locked file drawers within departmental offices to which only authorized personnel have access. After working hours, records are kept within locked file drawers within secured offices located within a locked building which is part of a naval facility to which entry is restricted.

RETENTION AND DISPOSAL:

Faculty academic promotion/tenure case evaluation files are destroyed upon personnel action completion. Faculty professional status and accomplishment files are retained in a permanent file.

SYSTEM MANAGER(S) AND ADDRESS:

Provost, Naval Postgraduate School (Code 01), Monterey, CA 93943–5100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Provost, Naval Postgraduate School (Code 01), Monterey, CA 93943–5100.

Requests should contain full name and address of the individual concerned and should be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system of records should address written inquiries to the Provost, Naval Postgraduate School (Code 01), Monterey, CA 93943–5100.

Requests should contain full name and address of the individual concerned and should be signed.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting

contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from previous employers, educational background, correspondence, peer evaluations, supervisory evaluations and student evaluations of teaching.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(k)(5), as applicable.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2) and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

N05300-4

SYSTEM NAME:

Personnel Management and Training Research Statistical Data System.

SYSTEM LOCATION:

Commanding Officer, U.S. Navy Personnel Research and Development Center, San Diego, CA 92152.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Navy and Marine Corps Personnel and applicants thereto: Active duty, reserve, prior service, dependents, retired, and Department of the Navy civilians from 1951 to present. (Only samples of data from each category are on file, depending on research study.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Performance, attitudinal, biographical, aptitude, vocational interest, demographic, physiological. Data in any file are limited, depending on purpose of the research study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

The data are used solely by Navy Personnel Research and Development Center researchers who analyze them statistically to arrive at recommendations to management on such topics as: Comparison of different training methods, selection tests, equipment designs, or policies relating to improving race relations and decreasing drug abuse. In no case are the data used for other than statistical purposes; that is, the data are not used in making decisions affecting specific individuals as individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes, magnetic disk, punched cards, and coding.

RETRIEVABILITY:

Records are retrievable by name, Social Security Number, or service/file numbers, but such identifying information is used only to permit collation of data for statistical analysis, and is not used for retrieval of individual records.

SAFEGUARDS:

Unauthorized access to records is controlled by: Security clearances for all Research Center and contractor personnel; physical security including a badge system for entry to the Center and a 24-hour guard maintained on a fenced compound; control of visitors; data bank users having special access codes; and, access limited to only designated personnel.

RETENTION AND DISPOSAL:

Records are destroyed five years after termination of a research project. They are maintained within the confines of the Research Center. Destruction is accomplished by degaussing magnetic tapes and disks, and punched cards are recycled.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Programs (Code 03PA), U. S. Navy Personnel Research and Development Center, San Diego, CA 92152.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director of Programs (Code 03PA), U.S. Navy Personnel Research and Development Center, San Diego, CA 92152.

Research Center files are organized by research study. To determine if Center files contain information concerning himself, an individual would have to specify time and place of participation in the research, unit to which attached at the time, and descriptive information about the study so that appropriate data may be located. For a personal visit, please contact the system manager.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director of Programs (Code 03PA), U. S. Navy Personnel Research and Development Center, San Diego, CA 92152.

Research Center files are organized by research study. To determine if Center files contain information concerning himself, an individual would have to specify time and place of participation in the research, unit to which attached at the time, and descriptive information about the study so that appropriate data may be located. For a personal visit, please contact the system manager.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The source depends on purpose and nature of study: From the subjects themselves, educational institutions, supervisors, peers, instructors, spouses, and job sample tests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05300-5

SYSTEM NAME:

Sys Cmd Accting/Monitoring of Projects (SCAMP).

SYSTEM LOCATION:

Navy Regional Data Automation Center, Washington Navy Yard, Building 196, Washington, DC 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employee assigned military personnel, contractor personnel and those separated within the current five fiscal years.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's Social Security Number, date of birth, home address, home telephone number, education level, sex, race or ethnic group. Other types of records integrated with personnel records include: (a) Status of travel orders during the previous fiscal year; (b) vehicle identification for parking control purposes; (c) privacy log containing a history of accesses made to any of the privacy protected data; (d) record of personnel actions issued; (e) training data extracted from the

Individual Development Plan (IDP); (f) history of all promotions associated with employment at Navy Regional Data Automation Center (NARDAC); (g) listing of security accesses; (h) manpower costs for all personnel distributed by project and task; and (i) data relating to projects or endeavors that individuals have work on. This data deals with costs and milestone monitoring.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 42 U.S.C. 2000e et seq., 44 U.S.C. 3101, Federal Personnel Manuals 293, 294, 295, 713.

PURPOSE(S):

To manage personnel, monitor projects and manage financial data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk and on magnetic tape.

RETRIEVABILITY:

SCAMP users obtain information by means of either a query or a request for a standard report. Personnel data may be indexed by any data item although the primary search key is the badge number.

SAFEGUARDS:

Access to building is protected by uniformed guards requiring positive identification for admission. The computer room where data is physically stored is protected by a cipher lock. The system is protected by user account number and password sign-on, data base authority, set and item authority for list, add, delete, and update.

RETENTION AND DISPOSAL:

An individual's Personnel Master Data Set record is retained in the data base as long as they are actively employed with the Command. The on-line personnel data set is purged of all records of separated personnel at the end of each fiscal year. Historical data may be kept for five years on separate tape files.

SYSTEM MANAGER(S) AND ADDRESS:

Department Head, Management Information Analysis Department (Code 20B) NARDAC, Building 157, Washington Navy Yard, Washington, DC 20374.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Department Head, Management Information Analysis Department (Code 20B) NARDAC, Building 157, Washington Navy Yard, Washington, DC 20374.

Individual should provide full name and signature of the individual concerned and his/her Social Security Number indicated on the letter. For personal visits, the individual should be able to provide some acceptable form of identification, i.e., driver's license, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Department Head, Management Information Analysis Department (Code 20B) NARDAC, Building 157, Washington Navy Yard, Washington, DC 20374.

Individual should provide full name and signature of the individual concerned and his/her Social Security Number indicated on the letter. For personal visits, the individual should be able to provide some acceptable form of identification, i.e., driver's license, etc.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies, from security agencies to which application for clearances have been made, and from agencies' various administrative departments.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05300-6

SYSTEM NAME:

Armed Forces Staff College Administrative Data System.

SYSTEM LOCATION:

Armed Forces Staff College, 7800 Hampton Boulevard, Norfolk, VA 23511-6097.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have attended or will attend Armed Forces Staff College (AFSC) and those who are assigned to staff or faculty at AFSC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name; Social Security Number; age; sex; service specialty; engineering, logistics, or intelligence experience; rank; work room assignment; marital status; spouse's name; number, names and ages of dependents; seminar assignments; date of rank; years commissioned service; aero rating; Vietnam experience; smoker indicator; source of commission; examination results; education level; auditorium seat; address and telephone number of student while attending course; next duty assignment; major writing exercise grade; and recommendation for faculty assignment. The data items maintained on the historical file are name, Social Security Number, military service, class number, major writing exercise grade, and recommendation for future faculty assignment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

PURPOSE:

To maintain a data base that will permit the Armed Forces Staff College to keep track of student's examinations, evaluations and grades; to assign base housing; to achieve a uniform distribution of students at seminars based upon student's experience and military service affiliation; and to maintain a historical file of recommendations for future faculty assignments of students.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk, magnetic tape, and hard copy forms.

RETRIEVABILITY:

AFSC users obtain information by means of standard reports or update programs.

SAFEGUARDS:

Access to building is protected by uniformed guards who require positive

identification for admission after hours. System information is protected by port access restrictions and user password sign-on software.

RETENTION AND DISPOSAL:

The record of an individual in the current class is retained on disk and will be available for on-line access. Student information is kept in a historical file for all past classes. The historical file is also retained on disk and will be available for on-line access. An individual's class record will be retained for one year after graduation and then destroyed. There are currently no plans to discard the historical file information.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Naval Administrative Command, and Dean, Department of Academic Support, Armed Forces Staff College, 7800 Hampton Boulevard, Norfolk, VA 23511-6097.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer, Naval Administrative Command, and Dean, Department of Academic Support, Armed Forces Staff College, 7800 Hampton Boulevard, Norfolk, VA 23511-6097.

Requesting individuals should specify their full names. Visitors should be able to identify themselves by a commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer, Naval Administrative Command, and Dean, Department of Academic Support, Armed Forces Staff College, 7800 Hampton Boulevard, Norfolk, VA 23511-6097.

Requesting individuals should specify their full names. Visitors should be able to identify themselves by a commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies and from the individual's seminar chairman.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05330–1

SYSTEM NAME:

Manhour Accounting System.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record contains such information as name, grade/rate, Social Security Number, organizational code, work center code, grade code, pay rate, labor code, type transaction, hours assigned. Data base includes scheduling and assignment of work; skill level; tools issued; leave; temporary assignments to other areas.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To effectively manage the work force.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and paper.

RETRIEVABILITY:

Name, organization code, Social Security Number, and work center.

SAFEGUARDS:

Files are stored in a limited access area. Information provided via batch processing is of a predetermined and strictly formatted nature.

RETENTION AND DISPOSAL:

Individual personal data are retained only for that period of time that an individual is assigned. Upon departure of an individual, personal data are deleted from the records and history records are not maintained.

SYSTEM MANAGER(S) AND ADDRESS:

The commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the commanding officer of the naval activity where currently employed. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

The request should include full name, Social Security Number, address of individual concerned, and should be signed.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the commanding officer of the naval activity where currently employed. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

The request should include full name, Social Security Number, address of individual concerned, and should be signed.

CONTESTING RECORD PROCEDURE:

The Department of the Navy rules for accessing records and contesting contents and appealing determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual, correspondence, and personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05330–2

SYSTEM NAME:

Naval Aviation Depot Workload Control System.

SYSTEM LOCATION:

Naval Aviation Depots; Naval Computer and Telecommunications Stations (NAVCOMTELSTAs) located at Alameda and San Diego, CA and Jacksonville and Pensacola, FL; Naval Computer and Telecommunications Area Master Station Atlantic (NCTAMS

VOL 58 ISS 33 FE 22 1993 UMI

LANT); Regional Automated Services Center (RASC), Marine Corps Air Station, Cherry Point, NC. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and naval personnel assigned to the Naval Aviation Depots.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, employee number, pay prefix, hourly pay rate, pay grade, computation date, age, sex, date and place of birth, home address and telephone number, physical examination schedules and types, licenses, courses taken, trade skills, occupation titles and codes, and workhour statistics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To collect, edit, validate, and process employee's workhours in order to calculate labor expenditures of an employee and assure proper pay entitlement coding. System also tracks the availability, location, and status of manpower.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system of record notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disk, tape, and hard copy forms.

RETRIEVABILITY:

Employee number or Social Security Number.

SAFEGUARDS:.

System information is protected by user account number and password sign-on, data base access authority, data set, data item authority for lost, add, update and delete, and individual authority tables. Each location has established physical security protection for their respective computers and terminals.

RETENTION AND DISPOSAL:

Ten years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

WCS Project Manager, Naval Aviation Depot (Code 501), Cherry Point, NC 28533–5030.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the WCS Project Manager, Naval Aviation Depot (Code 501), Cherry Point, NC 28533–5030 or the head of Naval Aviation Depot where employed.

The request should include full name, Social Security Number, and address of the individual concerned and should be signed.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the WCS Project Manager, Naval Aviation Depot (Code 501), Cherry Point, NC 28533–5030 or the head of the Naval Aviation Depot where employed.

The request should include full name, Social Security Number, and address of the individual concerned and should be signed.

CONTESTING RECORD PROCEDURE:

The Department of the Navy rules for accessing records and contesting contents and appealing determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual and Naval Aviation Depots.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05340–1

SYSTEM NAME:

Combined Federal Campaign/Navy Relief Society.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All assigned personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, Social Security Numbers, payroll identifying data, contributor cards and lists.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

EOs 9397 and 10927.

PURPOSE(S):

To manage the Combined Federal Campaign and Navy Relief Society Fund drives and provide the respective campaign coordinator with necessary information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, and magnetic tape.

RETRIEVABILITY:

Name, Social Security Number, and organization.

SAFEGUARDS:

Access is limited and provided on a need to know basis only. Records are locked in safes and/or guarded offices.

RETENTION AND DISPOSAL:

Records are maintained for one year or completion of next equivalent campaign and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the commanding officer of the naval activity where currently or previously employed. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

The request should include full name, Social Security Number, address of the individual concerned, and should be signed.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the commanding officer of the naval activity where currently or previously employed. Official mailing addresses are published

as an appendix to the Navy's compilation of systems of records notices.

The request should include full name, Social Security Number, address of the individual concerned, and should be signed.

CONTESTING RECORD PROCEDURE:

The Department of the Navy rules for accessing records and contesting contents and appealing determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Payroll files, administrative personnel files, contributors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05340-2

SYSTEM NAME:

Personal Commercial Affairs Solicitation Privilege File System.

SYSTEM LOCATION:

Primary System-Commander, Naval Military Personnel Command, Navy Department, Washington, DC 20370.

Secondary System-Local Navy Activities involved in the Personal Commercial Affairs Solicitation Privilege System. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are authorized Personal Commercial Affairs Solicitation Authorization concerning solicitation privileges on board military installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records concerning letter of application for solicitation privileges, letters of accreditation, violation incident data, denial data, appeal data, and other supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Departmental Regulations.

PURPOSE(S):

To assist in responding to letters of application for solicitation privileges, granting letters of accreditation, responding to appeals and compiling of statistics pertaining thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To state and local agencies in the performance of their official duties related to agent qualifications.

To private firms whose agents have been banned may request verification of the status of agents.

When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records may be stored in paper file folders.

RETRIEVABILITY:

Records are retrieved by name of agent or agency.

SAFEGUARDS:

Records are accessible only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Files are retained and disposed of in accordance with Secretary of the Navy Instruction P5212.5B, subject: Disposal of Navy and Marine Corps Records, or Departmental Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Navy Department, Washington, DC 20370

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Naval Military Personnel Command (ATTN: Privacy Act Coordinator), Navy Department, Washington, DC 20370; or local activities. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

The letter should contain full name, Social Security Number of the applicant, firm represented, and dates or time period in question, and signature of the requester. The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex, Federal Office Building 2, Room 1066, Washington, DC for assistance with records located in that building; or the individual may visit the local activity for access to records maintained locally. Proof of identification will consist of picture-bearing identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Naval Military Personnel Command (ATTN: Privacy Act Coordinator), Navy Department, Washington, DC 20370; or local activities. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

The letter should contain full name, Social Security Number of the applicant, firm represented, and dates or time period in question, and signature of the requester. The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex, Federal Office Building 2, Room 1066, Washington, DC for assistance with records located in that building; or the individual may visit the local activity for access to records maintained locally. Proof of identification will consist of picture-bearing identification.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties as specified by current Instructions and Regulations promulgated by competent authority; State and local agencies in the performance of their official duties related to agent qualifications; investigatory records; general correspondence concerning individual agents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05350-1

SYSTEM NAME:

Navy Drug and Alcohol Program System.

SYSTEM LOCATION:

Primary System-Bureau of Naval Personnel (Pers 63), Navy Department, Washington, DC 20370-5630.

Decentralized segments-Navy Alcohol Rehabilitation Centers, Navy Alcohol

Rehabilitation Departments in Naval Hospitals, Counseling and Assistance Centers, Navy Alcohol and Drug Safety Action Program Offices, Navy Drug Screening Laboratories, Bureau of Naval Personnel Detachment (Drug and Alcohol Program Management Activity), and local activities to which an individual is assigned. Addresses are contained in a directory which is available from the Chief of Naval Personnel (Pers 63), Washington, DC 20370–5630.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy personnel (officers and enlisted) who have been identified as drug or alcohol abusers and who are subsequently screened or referred for remedial education, outpatient counseling, or residential rehabilitation; counselors, counselor interns, and counselor applicants; Navy personnel who attend the Navy Alcohol and Drug Safety Action Program for preventive education; dependents and civilians, where authorized, who participate in preventive and remedial education programs, outpatient counseling, and residential rehabilitation; and officer, enlisted, and civilian staff members of facilities providing drug and alcohol education, screening, counseling, rehabilitation, and drug testing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation containing demographic data, screening and assessment information, progress notes, medical and laboratory data, narrative summaries of treatment, aftercare plans, and other information pertaining to a member's participation in substance abuse education, counseling, and rehabilitation programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. para 1090; 42 U.S.C. 290dd–3 and 290ee–3; and E.O. 9397.

PURPOSE(S):

To train, educate, identify, screen, counsel, rehabilitate, and monitor the progress of individuals in drug and alcohol abuse programs.

Information is used to screen and evaluate the certified counselors, counselor interns, and counselor applicants throughout the course of their duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In order to comply with the provisions of 42 U.S.C. 290dd–3 and 290ee–3, the Navy's 'Blanket Routine Uses' do not apply to this system of records.

Specifically, records of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention, education, training, treatment, rehabilitation, or research which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–3 and 290ee–3. This statute takes precedence over the Privacy Act of 1974 in regard to accessibility of such records, except to the individual to whom the record pertains.

The content of any record may be disclosed in accordance with prior written consent of the patient with respect to whom such record is maintained, but only to such extent, under such circumstances, and for such purposes as may be allowed under such prescribed regulations.

Information from records may be released without the member's consent in the following situations:

To medical personnel to the extent necessary to meet a bona fide medical emergency.

To qualified personnel for the purpose of conducting scientific research, management audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit or evaluation, or otherwise disclose patient identities in any manner.

If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good case therefore. In accessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosures.

The above prohibitions do not apply to any interchange of records within the Armed Forces or within those components of the Department of Veterans Affairs furnishing health care to veterans or between such components and the Armed Forces.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Automated records may be stored on computer disks (both hard drive and floppy), magnetic tapes, and drums.

Manual records may be stored in paper file folders, computer printouts, microfiche, or microfilm.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Computer facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Manual records are maintained for two years and then destroyed. Automated records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel (Pers 63), Navy Department, Washington, DC 20370–5630.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief of Naval Personnel (Pers 06), Washington, DC 20370–5630 or to the naval activity providing treatment. Addresses are contained in a directory which is available from the Chief of Naval Personnel (Pers 63), Washington, DC 20370–5630.

The letter should contain full name, Social Security Number, rank/rate, military status, and signature of the requester. The individual may visit the Bureau of Naval Personnel, Arlington Annex, Federal Office Building 2, Room 1066, Washington, DC for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Chief of Naval Personnel (Pers 06), Washington, DC 20370–5630 or to the naval activity

roviding treatment. Addresses are contained in a directory which is available from the Chief of Naval Personnel (Pers 63), Washington, DC 20370–5630.

The letter should contain full name, Social Security Number, rank/rate, military status, and signature of the requester. The individual may visit the Bureau of Naval Personnel, Arlington Annex, Federal Office Building 2, Room 1066, Washington, DC for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

DOD/DON officials; notes and documents from Service Jackets and Medical Records; and general correspondence concerning the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05354–1

SYSTEM NAME:

Equal Opportunity Management Information System.

SYSTEM LOCATION:

Primary System-Bureau of Naval Personnel, Navy Department, Washington, DC 20370–5000; and local activity to which individual is attached. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

Secondary System-Department of the Navy activities in the chain of command between the local activity and the headquarters level. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy personnel who are involved in formal or informal complaints or investigations involving aspects of equal opportunity; and/or who have initiated, or were the subject of correspondence concerning aspects of equal opportunity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records concerning incident data, endorsements and recommendations, formal and informal complaints and investigations concerning aspects of equal opportunity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To assist in equal opportunity measures, including but not limited to, complaints, investigations, and correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, and drums. Manual records may be stored in paper files, microfiche, or microform.

RETRIEVABILITY:

Filed alphabetically by last name of individual concerned.

SAFEGUARDS:

Computer facilities are located in restricted areas accessible only to authorized persons that are properly screened, trained and cleared. Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records maintained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief of Naval Personnel (Pers 06), Washington, DC 20370–5000; or to the local activity where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

The letter should contain full name and signature of the requester. The individual may visit the Chief of Naval Personnel, Arlington Annex, Federal Office Building 2, Room 1066, Washington, DC for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Chief of Naval Personnel (Pers 06), Washington, DC 20370–5000; or, in accordance with the Directory of Department of the Navy Mailing Addresses (i.e., local activities).

The letter should contain full name and signature of the requester. The individual may visit the Chief of Naval Personnel, Arlington Annex, Federal Office Building 2, Room 1066, Washington, DC for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Federal, state, and local court documents; military investigatory reports; general correspondence concerning individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under the provisions of 5 U.S.C. 552a(k)(1) and (k)(5), as applicable.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2) and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

N05370-1

SYSTEM NAME:

Statements of Employment (Regular Retired Officers).

SYSTEM LOCATION:

Commanding Officer, Navy Finance Center Anthony J Celebrezze, Federal Building, Cleveland, OH 44199 and Marine Corps Finance Center, Kansas City, MO 64197

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy and Marine Corps Regular retired officers who have filed a Statement of Employment (DD Form 1357).

CATEGORIES OF RECORDS IN THE SYSTEM:

The information is typically contained in the individual's pay account file and occasionally accompanied by correspondence from, to, or concerning individuals in the above-stated category.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 3326; 18 U.S.C. 207, 281, 283; 37 U.S.C. 801; 44 U.S.C. 3101; U.S. Const., Art. I, 9, CL. 8.

PURPOSE(S):

To determine whether the retiree has of may have a conflict of interest or is engaging in prescribed post-retirement employment activities. In some cases, the information is provided to the Judge Advocate General to serve as basis for advisory opinions on the legality and possible penial and civil consequences of post-retirement employment activities and related conflicts of interests and standards of conduct questions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Justice and other law enforcement and investigation agencies in instances of suspected violations of conflict of interests and related standards of conduct.

To the Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to instances of suspected violations of conflict of interests and related standards of conduct.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

By name or Social Security Number of the individual concerned.

SAFEGUARDS:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside of official working hours.

RETENTION AND DISPOSAL:

Records are maintained at the above-stated locations for up to two years after the death of the individual concerned, at which time they are transferred to the Federal Records Center, Mechanicsburg, PA, in the case of Navy personnel, and to the Federal Records Center, Kansas City, MO in the case of Marine Corps personnel.

SYSTEM MANAGER(S) AND ADDRESS:

For Navy Regular retired officers seeking to determine whether information about themselves is contained in this system should address written inquiries to the Comptroller of the Navy, Navy Department, Washington, DC 20350.

For Marine Corps Regular retired officers seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer, Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, MO 64197

NOTIFICATION PROCEDURE:

Navy Regular retired officers seeking to determine whether information about themselves is contained in this system should address written inquiries to the Comptroller of the Navy, Navy Department, Washington, DC 20350.

For Marine Corps Regular retired officers seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer, Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, MO 64197

Information may be obtained by written request which adequately identifies the system of records and the individual about whom the record is kept (i.e., full name and Social Security Number); the written request must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Navy Regular retired officers seeking access to information about themselves contained in this system should address written inquiries to the Comptroller of the Navy, Navy Department, Washington, DC 20350.

For Marine Corps Regular retired officers seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer, Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, MO 64197

Information may be obtained by written request which adequately identifies the system of records and the individual about whom the record is kept (i.e., full name and Social Security Number); the written request must be signed by the requesting individual.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The information is obtained from the individual to whom the record pertains.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05370–2

SYSTEM NAME:

Financial Interest Disclosure Statements.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals required to file DD Form 1555, SF–278, and/or DD Form 1787.

CATEGORIES OF RECORDS IN THE SYSTEM:

DD Form 1555, Confidential Statement of Affiliations and Financial Interests; SF–278, Financial Disclosure Report; DD Form 1787, Report of DOD and Defense Related Employment; Position Descriptions; and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; Public Law 95–521, Ethics in Government Act of 1978; E.O. 11222; and E.O. 9397.

PURPOSE(S):

To permit supervisors, counselors, and other responsible DON officials to determine whether there are actual or apparent conflicts of interests between members' or employees' present and prospective official duties and their

nonfederal affiliations and financial interests.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and card files.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Information is locked in a file cabinet accessible to authorized personnel only.

RETENTION AND DISPOSAL:

DD Forms 1555 and a complete record of all action taken thereon are retained for a period of six years in a central location within the command or activity to which the reporting official was assigned at the time of filing, after which they will be destroyed.

SFs–278 and DD Forms 1787 are retained for six years from the date of filing, and then destroyed unless needed for any investigation in which case they shall be held pending completion of the investigation.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Officials: General Counsel, Navy Department, Washington, DC 20360–5110 and Judge Advocate General, 200 Stovall Street, Alexandria, VA 22332–2400.

Record Holder: Commanding Officer or head of the organization in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commanding Officer or head of the activity where they filed the forms.

Written requests should contain full name and must be signed by the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Commanding Officer or head of the activity where they filed the forms.

Written requests should contain full name and must be signed by the individual.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, his/her supervisor, and ethics counselor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05371–1

SYSTEM NAME:

Conflicts of Interest and Employment Activities.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 13), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, reserve, or retired military personnel and present and former civilian employees of the Navy or Marine Corps who, by reason of their own inquiries or inquiries or complaints of Department of the Navy or other federal officials or other appropriate persons, have been the subject of correspondence with the Judge Advocate General concerning the legality of outside federal, state, or private employment or financial interests, dual federal employment, post-retirement employment, defense related employment, or foreign employment; acceptance of gifts, gratuities, or benefits from government contractors, foreign governments, or other sources, or other possible violations of federal conflicts-of-interest or standards-of-conduct laws or regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence from, to, or concerning, individuals of the above stated category regarding their current, past, or prospective outside federal, state, or private employment; defense-related employment; post-retirement employment; foreign employment; dual federal employment; acceptance of gifts, gratuities, or benefits from government contractors, foreign governments, or other questionable sources; or other possible violations of conflicts-of-interest or standards-of-conduct laws or regulations. Additionally, such records sometimes include copies of statements of employment submitted by retired military personnel to the Defense Finance and Accounting Service and referred to the Judge Advocate General for review and further action, and copies of investigative reports concerning suspected violations of pertinent laws or regulations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3326, 5532; 10 U.S.C. 973, 974, 1032, 6223; 18 U.S.C. 202, 203, 205, 207, 209, 219, 281, 283; 37 U.S.C. 801; U.S. Const., Art. I, 9, cl 8; 5 U.S.C. 301, Departmental Regulations; 44 U.S.C. 3101.

PURPOSE(S):

Information is used as the basis for advisory opinions on the legality of employment activities, financial interests, and the related conflicts-of-interest and standards-of-conduct questions described above.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the General Accounting Office; the Department of Justice; and the Office of Personnel Management in instances of suspected violations of pertinent laws or regulations.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Files are maintained in file cabinets under the immediate control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are permanent and are retained indefinitely in the Office of the Judge Advocate General. However, after five years, name indexes are destroyed, eliminating the capability for retrieval by the names of individuals. Thereafter, they are retrievable only by topical indexes arranged according to the legal issues involved.

VOL
58
ISS
33
FE
22
1993
UMI

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Judge Advocate General (Administrative Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General (Administrative Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

The request should contain full name and be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Assistant Judge Advocate General (Administrative Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

The request should contain full name and be signed.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual; correspondence from federal officials and current, past, and prospective employers; other interested persons regarding possible conflicts of interest and employment activities; and by investigations pertaining to particular suspected violations. Additional information in the form of statements of employment is forwarded by officers of the Navy Finance Center to the Judge Advocate General for review and further action.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05512–1

SYSTEM NAME:

Vehicle Control System.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have registered their vehicles, boats, or trailers at a Navy installation; individuals who have applied for a Government Motor Vehicle Operator's license; and individuals who possess a Government Motor Vehicle Operator's license with authority to operate government vehicles.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains records of each individual who has registered a vehicle on the installation concerned to include decal data, insurance information, state of registration and identification. Applications may contain such information as name, date of birth, Social Security Number, Driver's license information (i.e., height, weight, hair and eye color), place of employment, driving record, Military I.D. information, etc.

File also contains records/notations of traffic violations, citations, suspensions, applications for government vehicle operator's I.D. card, operator qualifications and record licensing examination and performance, record of failures to qualify for a Government Motor Vehicle Operator's permit, record of government motor vehicle and other vehicle's accidents, and information on student driver training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To provide a record of each individual who has registered a vehicle in an installation to include a record on individuals authorized to operate official government vehicles.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, card files, and on magnetic tape.

RETRIEVABILITY:

Name, Social Security Number, case number, and organization.

SAFEGUARDS:

Limited access provided on a need to know basis only. Information maintained on computers is password protected. Files maintained in locked and/or guarded office.

RETENTION AND DISPOSAL:

Records are maintained for one year after transfer or separation from the installation concerned. Paper records are then destroyed and records on magnetic tapes erased.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commanding Officer or head of the activity where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Written requests should contain full name and Social Security Number, and request must be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Commanding Officer or head of the activity where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Written requests should contain full name and Social Security Number, and requests must be signed.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, driving record, insurance papers, activity correspondence, investigators reports, and witness statements.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05520-1

SYSTEM NAME:

Personnel Security Eligibility Information System.

SYSTEM LOCATION:

Primary System-Naval Military Personnel Command, Navy Department Washington, DC 20370

Secondary System-local activity to which individual is assigned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the U.S. Navy and Naval Reserve, former members, and applicants for enlistment or commissioning.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain reports of personnel security investigations, criminal investigations, and counterintelligence investigations, usually brief excerpts only; correspondence, records and information pertinent to an individual's eligibility for acceptance and retention, personnel security clearance, assignment to the Nuclear Weapon Personnel Reliability Program or other 'high risk' program requiring personnel quality control.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Departmental Regulations.

PURPOSE(S):

To determine service member's eligibility for acceptance and retention, personnel security clearances, assignment to the Nuclear Weapon Personnel Reliability Program and other 'high risk' programs requiring quality control.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To state and local government agencies in the performance of their official duties relating to personnel security eligibility.

To officials and employees of other Executive Branches of the Government, upon request, in the performance of their duties related to personnel security eligibility.

When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and index cards. Some information from the paper records is contained in an automated file.

RETRIEVABILITY:

Filed alphabetically by last name of individual. Automated files are by Social Security Number.

SAFEGUARDS:

Stored in locked safes and cabinets. File areas are accessible only to authorized persons who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records and portions thereof vary in period of time retained; records are retained and disposed of in accordance with Department Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command, Navy Department, Washington, DC 20370.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Naval Military Personnel Command, (ATTN: Privacy Act Coordinator), Navy Department, Washington, DC 20370; or local activities. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

The letter should contain full name, Social Security Number, rank/rate/civilian status, address and notarized signature of the requester. The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex. Federal Office Building 2, Room 1066, Washington, DC for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Prior written notification of personal visits is required to ensure that all parts of the record will be available at the time of the visit. Proof of identify will be required and will consist of a military identification card for persons having such cards and picture-bearing identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Naval Military Personnel Command, (ATTN: Privacy Act Coordinator), Navy Department, Washington, DC 20370; or local activities. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

The letter should contain full name, Social Security Number, rank/rate/civilian status, address and notarized signature of the requester. The individual may visit the Commander, Naval Military Personnel Command, Arlington Annex, Federal Office Building 2, Room 1066, Washington, DC for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Prior written notification of personal visits is required to ensure that all parts of the record will be available at the time of the visit. Proof of identify will be required and will consist of a military identification card for persons having such cards and picture-bearing identification.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, and other Departments and Agencies of the Executives Branch of government, and components thereof, in performance of their official duties and as specified by current instruction and regulations promulgated by competent authority; civilian and military investigative reports; federal state and local court documents; fingerprint cards; official correspondence concerning individual

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(1), (k)(2), (k)(5), and (k)(7), as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

N05520–2

SYSTEM NAME:

Listing of Personnel-Sensitive Compartmented Information.

SYSTEM LOCATION:

Naval Research Laboratory, Washington, DC 20375–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals within the Naval Research Laboratory (NRL) indoctrinated for access to Sensitive Compartmented Information (SCI).

VOL 58 ISS 33 FE 22 1993 UMI

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, affiliation with NRL, billet description, clearances authorized, clearances held, rank, Social Security Number, Background Investigation date, date of birth, place of birth, date of marriage, place of marriage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To record and monitor the Naval Research Laboratory (NRL) SCI billet structure (personnel authorized to be indoctrinated for SCI).

To control and monitor access to sensitive compartmented information facilities.

To maintain records of NRL personnel visiting other commands as well as personnel from other activities who visit NRL on SCI visits.

To maintain a listing of SCI materials signed out on sub-custody to division personnel for inventory control.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and floppy disks.

RETRIEVABILITY:

Name, Social Security Number, affiliation with NRL, assigned billet number.

SAFEGUARDS:

Three combination security container and/or vault.

RETENTION AND DISPOSAL:

Records are maintained for as long as individual is authorized access. Records are updated as changes occur. Magnetic tape and floppy disks are erased as required.

SYSTEM MANAGER(S) AND ADDRESS:

Special Security Officer, Naval Research Laboratory, Washington, DC 20375–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Special Security Officer, Naval Research Laboratory, Washington, DC 20375–5000.

The written request should contain full name, Social Security Number, and affiliation with NRL, or visit the NRL Special Security Office with NRL pass as identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records contained in this system of records should address written inquiries to the Special Security Officer, Naval Research Laboratory, Washington, DC 20375–5000.

The written request should contain full name, Social Security Number, and affiliation with NRL, or visit the NRL Special Security Office with NRL pass as identification.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual and indoctrination documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05520–4

SYSTEM NAME:

NCIS Investigative Files System.

SYSTEM LOCATION:

Primary System: Director, Naval Criminal Investigative Service, Washington Navy Yard, Building 111, 901 M Street, SE, Washington, DC 20388–5380.

Decentralized Segments - Naval Criminal Investigative Service Regional Offices retain copies of certain portions of some investigative files and related documentation for up to one year. Naval Criminal Investigative Service Resident Agencies retain copies of investigative reports during pendency and for one year thereafter. They also retain evidence custody cards on persons from whom evidence was seized. The number and location of these Resident Agencies are subject to change in order to meet the requirements of the Department of the Navy.

Naval Criminal Investigative Service Regional Forensic Laboratories retain records of lab analysis of evidence submitted for law enforcement purposes.

Consolidated Evidence Facilities maintain evidence inventory records.

Current locations of NCIS decentralized segments may be obtained from the Director, Naval Criminal Investigative Service, Washington Navy Yard, Building 111, 901 M Street, SE, Washington, DC 20388–5380.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons in the following categories who require access to classified defense information prior to August 1972:

Active and inactive members of the naval service, civilian personnel employed by the Department of the Navy (DON), industrial and contractor personnel, civilian personnel being considered for sensitive positions, boards, conferences, etc. Civilian personnel who worked or resided overseas, Red Cross personnel. Civilian and military personnel accused, suspected, or victims of felonious type offenses, or lesser offenses impacting on the good order, discipline, morale or security of the DON; civilian personnel seeking access to or seeking to conduct or operate any business or other function aboard a DON installation, facility or ship; civilian or military personnel who are subjects, co-subjects, and victims in law enforcement and investigative cases in which law enforcement and investigative authorities (Federal, state, and local) have requested laboratory analysis of submitted evidence for law enforcement purposes; civilian and military personnel upon whom evidence is stored at a Consolidated Evidence Facility; civilian or military personnel involved in the loss, compromise, or unauthorized disclosure of classified material/information; civilian and military personnel who were of counterintelligence interest to the DON.

CATEGORIES OF RECORDS IN THE SYSTEM:

Official Reports of Investigation (ROI) prepared by NCIS or other federal, state, local or foreign law enforcement or investigative body. NCIS operations reports (NORs) and their predecessor NCIS information reports (NIRs). NORs and NIRs document information received by NCIS which is of interest to the naval services or other law enforcement or investigative bodies. The information may be of criminal, counterintelligence, or general investigative interest. General Reports (GEN). Although no longer used as such, the investigative purpose of the GEN was to report the results of pre-employment inquiries on applicants for positions as special agents with NCIS. The official ROI is now used for this purpose.

Action Lead Sheets (ALS's), investigative summaries, memoranda for the files and correspondence relating to

specific cases and contained in the individual dossier.

Polygraph Data. A listing of persons who submitted to polygraph examination by NCIS examiners. The data includes the examinee's name, location and results of the examination and the identity of the examiner.

Case Control and Management documents which serve as the basis for controlling and guiding the investigative activity. Records identifying confidential sources and contacts with them. Index to persons reported by 'Name Only'.

Regional Laboratory Report Records. Records reporting and documenting laboratory analysis of submitted evidence.

Consolidated Evidence Inventory Records. Reporting and documenting evidence analyzed, stowed, transferred, or destroyed.Wiretap Data Records. Automated listing of persons who were subjects of wiretapping or eavesdropping operations.

Case Control and Narcotics Data Records. Automated records used only for statistical purposes in accounting for productivity, manhour expenditures; various statistical data concerning narcotics usage and used solely for statistical purposes.

Screening Board Reports. These reports set forth the results of oral examination of applicants for a position as a Special Agent with NCIS.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 5013, Departmental Regulations; 44 U.S.C. 3101; 47 U.S.C. 605; Executive Memorandum of June 26, 1939, Investigations of Espionage, Counterespionage and Sabotage Matters; DOD Directive 5210.8, Policy on Investigation and Clearance of DOD Personnel for Access to Defense Information; DOD Directive 5200.24, Telephone Interception and Eavesdropping; DOD Directive 5200.26, Defense Investigative Program; DOD Directive 5200.27, Acquisition of Information Concerning Persons and Organizations Not Affiliated with the Department of Defense; Secretary of the Navy Instruction 3820.2D, Investigative and Counterintelligence Collection and Retention Guidelines Pertaining to the Department of the Navy; Secretary of the Navy Instruction 5520.3, Criminal and Security Investigations and Related Activities Within the Department of the Navy; E.O. 9397; and E.O. 12036, United States Intelligence Activities.

PURPOSE(S):

The information in this system is (was) collected to meet the investigative, counterintelligence, and security responsibilities of the DON. This includes personnel security, internal security, criminal, and other law enforcement matters all of which are essential to the effective operation of the Department. The records in this system are used to make determinations of: suitability for access or continued access to classified information; suitability for employment or assignment; suitability for access to military installations or industrial firms engaged in government projects/ contracts; suitability for awards or similar benefits; use in current law enforcement investigation of any type including applicants; use in judicial or adjudicative proceedings including litigation or in accordance with a court order; insurance claims including workmen's compensation; provide protective services under the DOD Distinguished Visitor Protection Program and to assist the U.S. Secret Service in meeting its responsibilities; used for public affairs or publicity purposes such as wanted persons, etc; referral of matters under their cognizance to federal, state or local law enforcement authorities including criminal prosecution, civil court action or regulatory order; advising higher authorities and naval commands of the important developments impacting on security, good order or discipline; reporting of statistical data to naval commands and higher authority; input into the Defense Central Index of Investigations (DCII).

Users of the records in this system include NCIS employees who require access for operational, administrative, or supervisory purposes; DOD criminal investigative and intelligence units; DOD components making suitability determinations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To law enforcement or investigatory authorities for law enforcement purposes.

To federal intelligence/ counterintelligence agencies of matters under their purview.

To foreign government organizations of criminal and counterintelligence information necessary for the prosecution of justice, or for mutual security and protection.

To other investigative units (federal, state, or local) for whom the investigation was conducted, or who are engaged in regulatory, criminal investigative and intelligence activities; to defense counsel in the course of acquiring information.

To officials and employees of the National Archives for historical purposes.

To commercial insurance companies in those instances in which they have a legitimate interest in the results of the investigation, but only to that extent and provided an unwarranted invasion of privacy is not involved.

To victims of crimes to the extent necessary to pursue civil and criminal remedies.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Paper and automated records.

RETRIEVABILITY:

NCIS permanent files are filed by terminal digit number. In order to locate the file it is necessary to query the Defense Central Index of Investigations (DCII) computer using the name of the subject and at least one other personal identifier such as date of birth, place of birth, or Social Security Number. Files may also be retrieved by a case control number assigned at the time the investigation is initiated. Copies of the files in the NCISROs and Resident Agencies are retrieved by name. Consolidated Evidence Facility and Regional Forensic Lab information is retrieved by name, case control number, submitting agency log number, log numbers, or lab numbers.

SAFEGUARDS:

NCIS investigative files (permanent and temporary) are maintained and stored in open shelves and filing cabinets located in secured areas accessible only to authorized personnel. Controls have been established to restrict computer output to only authorized users at all system locations. Computer records are kept in secure continually manned areas and are accessible only to authorized computer operators. Dated files are retired to the Washington National Records Center where retrieval is restricted to NCIS authorized personnel.

RETENTION AND DISPOSAL:

Retention of completed NCIS investigative files on Personnel Security Investigations (PSI's) is authorized for 15 years unless adverse information is developed, in which case they may be retained for 25 years. PSI files on persons considered for affiliation with DOD will be destroyed within one year if the affiliation is not consummated.

VOL
58
ISS
33
FE
22
1993
UMI

Special Agent applicant records are retained for one year if the applicant declines offer of employment and five years if the applicant is rejected for employment.

Criminal files are retained for 25 years. Major investigations of a counterintelligence/security nature, of espionage or sabotage, may be retained permanently.

Investigations to have possible historical value may be offered to the National Archives for continued retention. Counterintelligence records on persons not affiliated with DOD must be destroyed within 90 days or one year under criteria set forth in DOD Directive 5200.27, unless retention is required by law or specifically approved by the Secretary of the Navy.

Decentralized consolidated evidence files and decentralized laboratory report files are destroyed after 5 years unless circumstances require longer retention.

Files retained in the NCISRO's and resident agencies are temporary and are destroyed after 90 days or one year, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Criminal Investigative Service, Washington Navy Yard, Building 111, 901 M Street, SE, Washington, DC 20388–5380 has ultimate responsibility for all NCIS file holdings. Management of NCIS permanent files is the direct responsibility of the Head, Administration Department. Regional directors are responsible for files retained in their NCISRO subordinate resident agencies.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Naval Criminal Investigative Service, Washington Navy Yard, Building 111, 901 M Street, SE, Washington, DC 20388–5380. Requests must contain the full name of the individual and at least one additional personal identifier such as date and place of birth, or Social Security Number. Persons submitting written requests must properly establish their identity to the satisfaction of the NCIS. This can be accomplished by either submitting a notarized signature or providing an unsworn declaration that states 'I declare under perjury or penalty under the laws of the United States of America that the foregoing is true and correct.' Attorneys or other persons acting on behalf of a subject of a record must provide a notarized authorization from the subject of the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Naval Criminal Investigative Service, Washington Navy Yard, Building 111, 901 M Street, SE, Washington, DC 20388–5380. Requests must contain the full name of the individual and at least one additional personal identifier such as date and place of birth and Social Security Number. Persons submitting written requests must properly establish their identity to the satisfaction of the NCIS. This can be accomplished by either submitting a notarized signature or providing an unsworn declaration that states 'I declare under perjury or penalty under the laws of the United States of America that the foregoing is true and correct.'

Attorneys or other persons acting on behalf of a subject of a record must provide a notarized authorization from the subject of the record.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals concerned, other records of the activity, investigators and witnesses.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) and (k)(1), (k)(3), (k)(4), (k)(5), and (k)(6), as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information, contact the system manager.

N05520–5

SYSTEM NAME:

Navy Joint Adjudication and Clearance System (NJACS).

SYSTEM LOCATION:

Primary: (System Control) - Department of the Navy Central Adjudication Facility, Washington Navy Yard, Building 176, Room 308, Washington, DC 20388–5029; (System Computer Facility) - Defense Investigative Service, Personnel Investigations Center, 2200 Van Deman Street, Baltimore, MD 21224–6603.

Decentralized Segments: Headquarters, Naval Security Group Command, 3801 Nebraska Avenue, NW, Washington, DC 20390–5210; Headquarters, Naval Intelligence Command (NIC–04), Room 282, NIC Building, 4600 Silver Hill Road, Suitland, MD 20389–5000; and, Headquarters, Naval Criminal Investigative Service, Washington Navy Yard, Building 111, 901 M Street, SE, Washington, DC 20388–5380.

Additionally, duplicate portions of records may be held by: Chief of Naval Personnel (Pers 81), Washington, DC 20370–5000; Director, Office of Civilian Personnel Management, 800 N. Quincy Street, Arlington, VA 22203–1998; Commanding Officer, Naval Reserve Personnel Center, New Orleans, LA 70149–7800; Commandant, Headquarters, U.S. Marine Corps (Code MIF), Navy Department, Washington, DC 20380–0001; and, the security office at the local activity to which the individual is assigned. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Department of the Navy (DON) military personnel and civilian employees and certain 'affiliated employees' whose duties require a DON security clearance or assignment to sensitive positions. Individuals adjudicated as a result of interservice and interagency support agreements. 'Affiliated employees' include contractors, consultants, nonappropriated fund employees, USO personnel and Red-Cross volunteers and staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records that include an individual's name, Social Security Number, date and place of birth, citizenship status and the identification code (UIC) of the individuals's unit of assignment. Other data elements track the individual's status in the clearance adjudication process and records the final determination. Data files will also include duty-assignment designations, such as cryptographic information access or participation in the Personnel Reliability Program. The system also includes correspondence, investigatory and other documentation related to the adjudication decision.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7311; 5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013; and E.O.s 10450 and 9397.

PURPOSE(S):

To provide a comprehensive system to manage information required to adjudicate the eligibility of DON military, civilian, and certain affiliated employees for security clearances and to provide a record of those adjudications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tapes, disks, and drums. Paper records, microfiche, printed reports, and other related documents supporting the system are filed in cabinets and stored in controlled access areas.

RETRIEVABILITY:

By name, Social Security Number, and date and place of birth.

SAFEGUARDS:

Controls have been established to restrict computer output only to authorized users at all system locations. Specific procedures are also in force for the disposal of computer output. Computer files are kept in secure, continually manned areas and are accessible only to authorized computer operators, programmers, and adjudicators who are directed to respond to valid official requests for information. This access is controlled and monitored by the security system. Files transferred to NCIS for storage are monitored and stored on open shelves and filing cabinets located in secured areas accessible to only authorized personnel.

RETENTION AND DISPOSAL:

The system maintains NJACS records on persons as long as they continue to be employed by or affiliated with the DON. Computer data records are purged one year after an individual terminates DON employment or affiliation. Documents supporting adverse adjudicative actions which are not part of a Department of Defense or Federal investigative file are transferred to the Naval Criminal Investigative Service for retention. Files are retained for 25 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Department of the Navy Central Adjudication Facility, Washington Navy Yard, Building 176, Room 308, Washington, DC 20388–5029.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Department of the Navy Central Adjudication Facility, Washington Navy Yard, Building 176, Room 308, Washington, DC 20388–5029.

Individuals requesting personal records must provide a notarized statement or an unsworn declaration subscribed to be true under penalty of perjury, full identifying data and mark the letter and envelope containing the request 'Privacy Act Request'. Proposed amendments to the information must be directed to the agency which conducted the investigation.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Department of the Navy Central Adjudication Facility, Washington Navy Yard, Building 176, Room 308, Washington, DC 20388–5029.

The letter and envelope should be clearly marked 'Privacy Act Request' and should include the full name of the requester, nature of the record sought, approximate date of the record, and provide the required verification of identity or a notarized statement or an unsworn declaration subscribed to be true under penalty of perjury for release to a third party.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the cognizant security manager or other official sponsoring the security clearance/ determination for the subject and from information provided by other sources, e.g., personnel security investigations, personal financial records, military service records and the subject.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this record system may be exempt under 5 U.S.C. 552a(k)(1) and (k)(5), as applicable.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2) and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information, contact the system manager.

N05521-1

SYSTEM NAME:

Access Control System.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals considered or seeking consideration for access to space under the control of the Department of the Navy and any visitor (military, civilian, contractor) requiring access to a naval base/activity or contractor facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Visit requests for permission to transact commercial business, visitor clearance data for individuals to visit a naval base/activity/contractor facility; barring lists and letters of exclusion, and badge/pass issuance records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Departmental Regulations and E.O. 9397.

PURPOSE(S):

To maintain all aspects of proper access control, to replace lost badges, to retrieve passes upon separation, to maintain visitor statistics and background information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To designated contractors when Navy member is visiting that contractor's facility.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, Social Security Number, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per Secretary of the Navy Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05521-2

SYSTEM NAME:

Commonwealth Pass Application Form.

SYSTEM LOCATION:

U.S. Naval Communication Station, FPO AP 96680.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel requiring access to the Commonwealth property on which the Naval Communication Station is located.

CATEGORIES OF RECORDS IN THE SYSTEM:

Completed application forms for Commonwealth passes. Contains name, rank, organization, height, color of hair, color of eyes, date of birth and place of birth.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 Arrangements for the use and occupation by the United States Navy of Commonwealth and for associated matters.

PURPOSE(S):

To issue passes for entry to Naval Communication Station.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Locked cabinet - limited access.

RETENTION AND DISPOSAL:

Duration of individual's stay in area. Destruction by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, U.S. Naval Communication Station.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Security Officer, U.S. Naval Communication Station or make a personal visit.

Individual should provide full name, official title, purpose of inquiry. Proof of identity, i.e., visual recognition or identification card may be required.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Security Officer, U.S. Naval Communication Station or make a personal visit.

Individual should provide full name, official title, purpose of inquiry. Proof of identity, i.e., visual recognition or identification card may be required.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information supplied by individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05527-1

SYSTEM NAME:

Security Incident System.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in or witnessing incidents requiring the attention of base, station, or activity security personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incident/complaint report, investigator's report, data sheets which contain information on victims and perpetrators, military magistrate's records, confinement records, traffic accident and violation records, traffic court file, citations to appear before U.S. Magistrate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

Used by command legal personnel for tracking and prosecuting offenses, counseling victims, and other administrative actions; support of insurance claims and civil litigation, revocation of base, station, or activity driving privileges.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, computer, punched cards, magnetic tape.

RETRIEVABILITY:

Name, Social Security Number, case number, and organization

SAFEGUARDS:

Access provided on a need to know basis only. Manual records are maintained in file cabinets under the control of authorized personnel during

working hours. The office space in which the file cabinets are located is locked outside of official working hours. Computer terminals are located in supervised areas. Access is controlled by password or other user code system.

RETENTION AND DISPOSAL:

Maintained for five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Commanding Officer or head of the activity where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Written requests should contain full name, Social Security Number, and must be signed by the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves should address written inquiries to the Commanding Officer or head of the activity where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Written requests should contain full name, Social Security Number, and must be signed by the individual.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE PROCEDURES:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2), as applicable.

An exemption rule for this system has been published in accordance with the requirements of 5 U.S.C. 553(b)(1), (2) and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

N05527-2

SYSTEM NAME:

Security Inspection and Violation System.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in security violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Security violation reports, security inspection reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To identify problem areas in security indoctrination, to alert command management officials to areas which present larger than normal security problems and identify personnel who are cited as responsible for non-compliance with procedures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, Social Security Number, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per Secretary of the Navy Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05527-4

SYSTEM NAME:

Naval Security Group Personnel Security/Access Files.

SYSTEM LOCATION:

Primavy location-Commander, Naval Security Group Command, 3801 Nebraska Avenue, NW, Washington, DC 20390

Duplicates of portions of records may be held by other Naval and Marine Corps activities served by a Naval Security Group Special Security Officer. Records pertaining to Naval and Marine Corps military personnel who were considered but not selected for assignment to the Naval Security Group while undergoing recruit training are located at one of the following locations:

Resident in Charge, Naval Security Group Field Office, Marine Corp Recruit Depot, Parris Island, SC 29905;

Resident in Charge, Naval Security Group Field Office, Naval Administrative Command, Naval Training Center, Great Lakes, IL 60088;

Resident in Charge, Naval Security Group Field Office; Naval Training Center, San Diego, CA 92133;

Resident in Charge, Naval Security Group Field Office, Naval Training Center, Orlando, FL 32813; and

Resident in Charge, Naval Security Group Field Office, Naval Technical

VOL
58
ISS
33
FE
22
1993
UMI

Training Center, Corry Station, Pensacola, FL 32511.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Naval and Marine Corps military and civilian personnel assigned to or employed by the Naval Security Group, including the Reserve components thereof, or who have been considered for such assignment or employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file may contain personal history information, investigative reports, security suitability reports, incident reports, and other data pertinent to determination of eligibility for access to Sensitive Compartmented Information (SCI), including the decisions made in each case. The file also contains records of authorized access to classified information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, Eisenhower Security Program and E.O. 12356, National Security Information.

PURPOSE(S):

Information is collected and used by SCI security personnel for the purposes of determining the individual's eligibility for access to SCI information, of maintaining a record of the degree(s) to which access to SCI has been authorized, and of determining the extent, if any, to which controls must be exercised to prevent the compromise of SCI through hostile foreign intelligence activity.

Information may be released to officials and employees of the Defense Intelligence Agency, Army Security Agency, Air Force Security Service, and the Defense Industrial Security Clearance Office to determine the individual's eligibility for access to classified information under the user Agency's cognizance.

Information may be disseminated to the Defense Investigative Service and the Naval Criminal Investigative Service to conduct investigations on which to base SCI eligibility decisions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the National Security Agency, Central Intelligence Agency, and White House Communications Agency for the purpose of determining the individual's eligibility for access to classified information under the user agency's cognizance.

To the Central Intelligence Agency to maintain an index of personnel who have been granted access to certain sensitive intelligence programs.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, microfilm, and magnetic tape.

RETRIEVABILITY:

By name and Social Security Number.

SAFEGUARDS:

Approved security areas with alarms and guards. Access is limited to assigned personnel who have been found eligible for access to SCI and received specific instruction in the handling, security, and dissemination policy of information in the files.

RETENTION AND DISPOSAL:

Central record system retained for thirty years after last action. Records held at Naval Security Group Field Offices forwarded to central system after two years. Records retained in central record system and destroyed by burning, shredding, degaussing or chemical destruction at end of retention period.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Security Group Command, 3801 Nebraska Avenue, NW, Washington, DC 20390

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Naval Security Group Command, 3801 Nebraska Avenue, NW, Washington, DC 20390.

Individual should provide full name, date and place of birth, military status, Social Security Number (if voluntarily included) or service number. Visits for the purpose of obtaining information must be submitted in writing to Commander, Naval Security Group Command, 3801 Nebraska Avenue, NW, Washington, DC 20390 who will advise of time/date/place for viewing records or will advise whether system contains records pertaining to the requester.

Scheduled visitors must be prepared to present adequate proof of identification, i.e., combination of full name, date and place of birth, parent(s) name, drivers license, medicare card, military identification card if applicable.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Naval Security Group Command, 3801 Nebraska Avenue, NW, Washington, DC 20390.

Individual should provide full name, date and place of birth, military status, Social Security Number (if voluntarily included) or service number. Visits for the purpose of obtaining information must be submitted in writing to Commander, Naval Security Group Command, 3801 Nebraska Avenue, NW, Washington, DC 20390 who will advise of time/date/place for viewing records or will advise whether system contains records pertaining to the requester.

Scheduled visitors must be prepared to present adequate proof of identification, i.e., combination of full name, date and place of birth, parent(s) name, drivers license, medicare card, military identification card if applicable.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

In addition to information furnished by the individual himself, files contain information furnished by federal investigative agencies, other SCI security organizations, and reports submitted by Naval Security Group Special Security Officer. Files also include administrative correspondence among associated personnel and security offices of the executive branch.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(1) through (k)(5), as applicable.

An exemption rule for this system has been published in accordance with the requirements of 5 U.S.C. 553(b)(1), (2) and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

N05760–1

SYSTEM NAME:

Biographical and Service Record Sketches of Chaplains.

SYSTEM LOCATION:

Chaplain Corps Historian, Chaplain Resource Board, 6500 Hampton Boulevard, Norfolk, VA 23508–1296.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy chaplains who have served on extended active duty at some time during the period 1778–1981 inclusive, and any future editions. It lists the names, years in which they were commissioned, and the ecclesiastical affiliations of all who held chaplaincy commissions during the period.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical and professional summary which includes individual's full name, denomination of faith group, date and place of birth, education, ordination, date of marriage and name of spouse, first names of children, prior professional experience, authorship, prior military service (including date of commission, date of rank of commissioning, ships/stations, places and dates; and period spent, if any, in Inactive Reserve), date of augmentation (if applicable), promotion history, awards and decorations, conclusion of active duty (date of resignation, release from active duty, or retirement as applicable), post active duty career (retirees only), and distinctions which have made the chaplains career interesting or unusually significant (corroborative material suggested).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To provide background data in response to news media requests; to provide information on individual chaplains prior to public appearances in which they are scheduled to appear; to provide internal release of information as required.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in bound and published volumes. Source materials are in paper files.

RETRIEVABILITY:

Data is retrieved alphabetically by individual names.

SAFEGUARDS:

Files are locked after official working hours.

RETENTION AND DISPOSAL:

Forms and documents are destroyed after five years from the date of publication. The volumes are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chaplain Corps Historian, Chaplain Resource Board, 6500 Hampton Boulevard, Norfolk, VA 23508–1296.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chaplain Corps Historian, Chaplain Resource Board, 6500 Hampton Boulevard, Norfolk, VA 23508–1296.

The request should contain full name and address of the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chaplain Corps Historian, Chaplain Resource Board, 6500 Hampton Boulevard, Norfolk, VA 23508–1296.

The request should contain full name and address of the individual.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from returned questionnaires addressed to individual chaplains, supplemented by Officer Data Cards and historical research.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05800–1

SYSTEM NAME:

Legal Office Litigation/ Correspondence Files.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in litigation which requires Navy action.

CATEGORIES OF RECORDS IN THE SYSTEM:

Statements; affidavits/declarations; investigatory and administrative reports, including background investigations to determine suitability for service; personnel, financial, medical and business records; promotion/evaluation information; test or evaluation materials; hotline complaints and responses thereto; discovery and discovery responses; motions; orders; rulings; letters; messages; forms; reports; surveys; audits; summons; English translations of foreign documents; photographs; legal opinions; subpoenas; pleadings; memos; related correspondence; briefs; petitions; court records involving litigation; and, related matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Department Regulations.

PURPOSE(S):

To prepare correspondence and materials for litigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinets and computerized docket system.

RETRIEVABILITY:

Name of individual and the year litigation commenced.

SAFEGUARDS:

Manual records are maintained in file cabinets under the control of authorized personnel during working hours. The office space in which the file cabinets are located is locked outside of official working hours. Computer terminals are located in supervised areas. Access is controlled by password or other user code system.

RETENTION AND DISPOSAL:

After closure, records are sent to Federal Records Center where they are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Associate General Counsel (Litigation), Department of the Navy, Washington, DC 20360–5110.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves

is contained in this system should address written inquiries to the naval activity involved in the litigation or to the Associate General Counsel (Litigation), Department of the Navy, Washington, DC 20360–5110.

Written requests should include name and date litigation was filed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the naval activity involved in the litigation or to the Associate General Counsel (Litigation), Department of the Navy, Washington, DC 20360–5110.

Written requests should include full name and year litigation commenced.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Court records, records from the individual, personal interviews and statements, departmental records such as personnel files, medical records, State and Federal records, police reports and complaints, general correspondence.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(1), (k)(2), (k)(5), (k)(6), and (k)(7) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and 3, (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

N05800–2

SYSTEM NAME:

Legal Records System.

SYSTEM LOCATION:

Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372–5120 and naval medical facilities. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Naval (military and civilian) health care personnel or staff employed at medical facilities; patients and visitors of medical facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests for legal representation; requests for information by subpoena; requests for assistance; all background material necessary to answer the requests; and copies of letters replying to the requests.

Article 138, UCMJ complaints and all proceedings, including statements, affidavits, correspondence, briefs, conditions, court records, etc.

Incident reports and in-house investigations compiled as background for possible claims or other administrative or disciplinary actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; Article 138, UCMJ; 10 U.S.C. 938; Article 15, UCMJ; Naval Military Personnel Manual; 28 U.S.C. 1346(b), Federal Torts Claim Act; 42 U.S.C. 2651–2653, Medical Care Recovery Act; and E.O. 9397.

PURPOSE(S):

To provide a record of individual requests and responses for reference and appellate purposes and to prepare responses to individual requests.

To provide background for the proceedings on complaints and review of those complaints.

To prepare correspondence and materials for actual or possible disciplinary proceedings.

To investigate, provide background on, and determine future action concerning possible claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, forms, letters.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Files are maintained in file cabinets and other manual storage devices under the control of authorized personnel during working hours; the office spaces in which the file cabinets and storage devices are located are locked outside office working hours.

RETENTION AND DISPOSAL:

Records are retained for two years after final action and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372–5120.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this record system contains information about themselves should address written inquiries to the naval medical facility where the incident took place or to the Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372–5120. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Written requests should contain full name, Social Security Number, military status, approximate date of contact with system (if known).

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the naval medical facility where the incident took place or to the Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372–5120. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Written requests should contain full name, Social Security Number, military status, approximate date of contact with system (if known).

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military personnel system, medical records, investigative records, personal interviews, personal observations reported by persons witnessing or knowing of incidents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05801–1

SYSTEM NAME:

JAG Management Information System (JAGMIS).

SYSTEM LOCATION:

Naval Legal Service Command, 200 Stovall Street, Alexandria, VA 22332–2400; Naval Legal Service Offices; Naval Legal Service Office Detachments; Naval

Legal Service Branch Offices; and any other Naval Legal Office providing legal assistance services. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Service members who are pending courts-martial, administrative separation proceedings, nonjudicial punishment proceedings, or who have sought advice or counseling or other representational services from a Naval Legal Service Office, Detachment, or Branch Office. Authorized military and civilian personnel and dependents who have sought legal assistance, advice or counseling or other representational services from Naval Legal Service Offices or Detachments and any command with a legal assistance office.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Legal Assistance Card Files: Legal assistance card files typically contain client identification information, e.g., name, address, duty station, telephone numbers, etc., client description of legal problem, attorney classification of problem, and attorney time expended.

(2) Judge Advocate General Management Information System (JAGMIS): JAGMIS records contain identification information about the individual being courts-martialed such as name; rank/rate; Social Security Number; organizational information, such as Convening Authority and Supervisory Authority; information relevant to internal management of the Legal Service Office, such as dates of receipt, docketing, trial, and transcript completion; identities of counsel and military judge; information on the charges of which convicted, if any, sentence adjudged; and other information describing overall case management and processing. This information may also be entered into the JAGMIS system by the office rendering service.

(3) Legal Assistance and Personal Representation Client Records: File contains I.D. information about the individual seeking legal advice such as name, address, duty station, telephone number, type of assistance requested, results of any hearing involved, and attorney time expended.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; Manual of the Judge Advocate General; 44 U.S.C. 3101; and E.O. 9397.

PURPOSE(S):

To process courts-martials and render legal assistance and advice to naval personnel and their dependents. Naval Legal Service Offices and legal assistance offices will use the data for internal management purposes, such as court scheduling and counsel assignment information, and generating monthly workload productivity and statistical reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system of record notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Military justice, legal assistance, and personal representation case files are stored in file cabinets. Case data is entered into the JAGMIS computer system which is maintained on computer hard disks.

RETRIEVABILITY:

Military justice, legal assistance, and personal representation case and card files are retrieved by name of client or accused. Case information in the JAGMIS system is retrieved by the name of the client or accused or by assigned case number.

SAFEGUARDS:

Manual records/cards are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of official working hours. Information in the JAGMIS system is stored on computer hard disks which are afforded the same physical protection afforded to manual records/cards. Additionally, computers containing JAGMIS information are protected by individual operator passwords to preclude access by unauthorized personnel.

RETENTION AND DISPOSAL:

Manual records, cards, and case files are retained for two years after completion of the case, then destroyed. JAGMIS records, maintained since July 1985, are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400, for legal assistance card files. Deputy Assistant Commander, Naval Legal Service Command (Management and Plans), 200 Stovall Street, Alexandria, VA 22332–2400, for case files.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400, for legal assistance card files; Deputy Assistant Commander, Naval Legal Service Command (Management and Plans), 200 Stovall Street, Alexandria, VA 22332–2400, for case files.

The written request should include full name and must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400, for legal assistance card files; Deputy Assistant Commander, Naval Legal Service Command (Management and Plans), 200 Stovall Street, Alexandria, VA 22332–2400, for case files.

The written request should include full name and must be signed by the requesting individual. Requests from individuals should be addressed to the system manager. Written requests for access should contain the full name of the individual, current address and telephone number, and the serial code of any prior correspondence received from this office pertaining to the request. For personal visits, the individual should be able to provide some acceptable identification, e.g., driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Basic information contained in the legal assistance records file is provided

by the client. Basic information contained in the courts-martial files is provided by the Convening Authority for the courts-martial, the attorneys and military judge assigned to the case, and administrative personnel assigned to the Naval Legal Service Office. Information regarding personal representation services is provided by the client, by the commanding officer of the individual being processed, and by administrative personnel of the Naval Legal Service Office. Information regarding the ultimate disposition of the matter is provided by the attorney rendering the service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05801-2

SYSTEM NAME:

Legal Assistance Management Information System.

SYSTEM LOCATION:

Naval Legal Service Offices (NLSO) and NLSO detachments and other commands that provide legal assistance services under the auspices of the Navy's Legal Assistance Program through an assigned judge advocate or civilian attorney. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel, retirees, dependents, and authorized civilians who have been provided legal assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Legal Assistance Card Files contain basic client identification information; e.g., name, address, duty station, telephone number(s), a brief description of the subject of the visit, name of the attorney assigned, and attorney time expended.

Legal Assistance Client Case Files contain personal and privileged information on the client and about the legal matter(s) for which the client is seeking assistance, including various documents related to the client's case, such as copies of client records provided to the attorney; memoranda of attorney-client interviews and attorney-client telephone conversations, memoranda of meetings and telephone conversations with relevant third parties; copies of statutes and case law relevant to the case; attorney research and notes; copies of all documents prepared, and of all correspondence sent or received, by the legal assistance provider; and a record of the results obtained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 1044; and 32 CFR part 727, Legal Assistance.

PURPOSE(S):

Data from the records is compiled for the purpose of generating periodic workload productivity and statistical reports, for internal management of the office, and for counsel assignment. To provide an administrative record for use by attorneys and clerical personnel directly involved in rendering legal assistance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of the Navy's compilation do not apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper card and case files are stored in file cabinets.

RETRIEVABILITY:

Name of client.

SAFEGUARDS:

Cards and case files are maintained in metal filing cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside normal working hours.

RETENTION AND DISPOSAL:

Files are maintained for two years after completion of the services and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Judge Advocate General (Legal Assistance), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332-2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the office providing the legal assistance or to the Deputy Assistant Judge Advocate General (Legal Assistance), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332-2400.

The written request should include full name and must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the office providing the legal assistance or to the Deputy Assistant Judge Advocate General (Legal Assistance), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332-2400.

The written request should include full name, address, and telephone number of the requester and must be signed by the requesting individual.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Basic information is provided by the client. Additional information regarding the case, including actions taken and the ultimate disposition of the case, is provided by the attorney rendering the service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05802-1

SYSTEM NAME:

Fiduciary Affairs Records.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 32), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332-2400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty, fleet reserve, and retired members of the Navy and Marine Corps who have been medically determined to be mentally incapable of managing their financial affairs, their appointed or prospective trustees, and members' next-of-kin.

CATEGORIES OF RECORDS IN THE SYSTEM:

Proceedings of medical boards, documentation indicating the origin of the mental incapability, the name(s) and address(es) of the individual's next-of-kin, the disability retirement index, a copy of the interview(s) of prospective trustee(s), the appointment of the approved trustee, authority to pay the individual's retirement pay to the approved trustee, the instruction of duties and responsibilities to the trustee, annual trustee accounting

reports, copy of the trustee's surety bond, a copy of the affidavit executed by the trustee's surety bond, a copy of the affidavit executed by the trustee to obtain the surety bond, miscellaneous responsibilities, annual approvals of the trustee account, discharge(s) of trustee, release(s) of surety, periodic physical examinations, medical records, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 37 U.S.C. 601–604; and 44 U.S.C. 3101.

PURPOSE(S):

To provide nonjudicial financial management of military pay and allowances payable to active duty, fleet reserve, and retired Navy and marine Corps members for the period during which they are medically determined to be mentally incapable of managing their financial affairs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Justice when there is reason to suspect financial mismanagement and no satisfactory settlement with the surety can be reached.

To officials and employees of the Department of Veterans Affairs in connection with programs administered by the agency.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system of record notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Papers records in file folders stored in file cabinets or other storage devices.

RETRIEVABILITY:

By name of the member.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Five years after closure of case, files are transferred to the Federal Records Center, Suitland, MD 20409 for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400. Request should contain the full name of the individual concerned and should be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Components within the Department of the Navy, medical doctors, approved trustees, prospective trustees, surety companies, and the Department of Veterans Affairs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05810–1

SYSTEM NAME:

Article 138 Complaint of Wrongs.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 32), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400. Complaints, three years old or older, are stored at the Federal Records Center, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Navy and Marine Corps personnel who have submitted complaints of wrong pursuant to Article 138, UCMJ, which have been forwarded to the Secretary of the Navy for final review of the complaint and the proceedings had thereon.

CATEGORIES OF RECORDS IN THE SYSTEM:

The complaint and all proceedings had thereon.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Article 138, Uniform Code of Military Justice, (10 U.S.C. 938).

PURPOSE(S):

Used by JAG as a working file to review and make recommendations to the Secretary of the Navy on Article 138 complaints.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Files are kept in alphabetical order according to last name of the individual concerned.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under control of authorized personnel during working hours; the office spaces in which the file cabinets and storage devices are located is locked outside office working hours.

RETENTION AND DISPOSAL:

Complaints are maintained in office for three years and then forwarded to the Federal Records Center, Suitland, MD 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

The written request should contain full name and the approximate date the complaint was submitted for review if known. Written requests must be signed by the requesting individual. Personal visits may be made to the Civil Law

VOL 58 ISS 33 FE 22 1993 UMI

Division, Office of the Judge Advocate General, Room 9N11, Hoffman Building II, 200 Stovall Street, Alexandria, VA 22332–2400. Individuals making such visits should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

The written request should contain full name and the approximate date the complaint was submitted for review if known. Written requests must be signed by the requesting individual. Personal visits may be made to the Civil Law Division, Office of the Judge Advocate General, Room 9N11, Hoffman Building II, 200 Stovall Street, Alexandria, VA 22332–2400. Individuals making such visits should be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc. The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The records are comprised of the following source materials: (1) Complaint of wrongs; (2) results of examination into complaint of wrongs by the general courts-martial authority; and (3) final review action by the Secretary of the Navy.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05810–2

SYSTEM NAME:

Military Justice Correspondence and Information File.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 20), Department of the Navy, Washington Navy Yard, Building 111, Washington, DC 20374–1111.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, retired, and discharged Navy and Marine Corps personnel who were the subject of military justice proceedings or investigations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain background information relevant to specific military justice cases, and copies of incoming and outgoing correspondence relating to military justice cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To provide a record of individual inquiries and JAG responses concerning military justice related matters, and to maintain background information on military justice matters to assist in responding to inquiries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, binder-notebooks, and computer hard drive and floppy disks.

RETRIEVABILITY:

Files are kept in alphabetical order according to the last name of the individual who is the subject of the file.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for two years and then forwarded to the Federal Records Center, Suitland, MD 20409 for storage; files containing background material are maintained on computer hard drive for two years and then purged.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Military Law), Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, Building 111, Washington, DC 20374–1111.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General (Criminal Law), Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, Building 111, Washington, DC 20374–1111.

Information may be obtained by written request stating the full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Criminal Law Division, Office of the Judge Advocate General at the above address. Individuals making such visits should be able to provide some acceptable identification, e.g., Armed Forces' identification card, driver's license, etc.

RECORD ACCESS PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General (Criminal Law), Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, Building 111, Washington, DC 20374–1111.

Information may be obtained by written request stating the full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Criminal Law Division, Office of the Judge Advocate General at the above address. Individuals making such visits should be able to provide some acceptable identification, e.g., Armed Forces' identification card, driver's license, etc.

CONTESTING RECORD PROCEDURE:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records in this system are compiled from information received from naval field offices, records of trial, and correspondence.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05810–3

SYSTEM NAME:

Appellate Case Tracking System (ACTS).

SYSTEM LOCATION:

Administrative Support Division, Navy and Marine Corps Appellate Review Activity, Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, Building 111, Washington, DC 20374–2001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have their appellate case reviewed by the Navy-Marine Corps Court of Military Review and/or the Court of Military Appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Navy appellate case records; additional Navy appellate case information records; and historical Navy appellate case records. Files contain personal information such as name, rank, Social Security Number, etc., and specific information with regard to the Navy appellate cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 866, 867; and E.O. 9397.

PURPOSE(S):

To track the status of courts-martial cases appealed to the Navy-Marine Corps Court of Military Review and Court of Military Appeals. The system will also be used by the officials and employees of the Department of the Navy to provide management and statistical information to governmental, public, and private organizations and individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk, magnetic tape, and on hard copy forms.

RETRIEVABILITY:

ACTS users obtain information by means of a query or a request for a standard report. Data may be indexed by any data item although the primary search keys are the name, Social Security Number, or the Navy-Marine Corps Court of Military Review docket number.

SAFEGUARDS:

Access to building is protected by uniformed guards requiring positive identification for admission after hours. The system is protected by the following software features: User account number and password sign-on, data base access authority, data set authority for add and delete, and data item authority for list and update.

RETENTION AND DISPOSAL:

An individual's record is retained on disk and will be available for on-line access for twenty-five years after the close of the individual's case. The record will be purged to magnetic tape after twenty-five years and will be utilized in a batch processing mode.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Military Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General, Administrative Support Division, Navy and Marine Corps Appellate Review Activity, Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, Building 111, Washington, DC 20374–2001. The request should contain full name, Social Security Number, and address of the individual concerned and should be signed.

Personal visits may be made to the Administrative Support Division, Office of the Judge Advocate General, Washington Navy Yard, Building 111, Washington, DC 20374–2001. Individuals making such visits should be able to provide some acceptable identification, e.g., Armed Forces' I.D. card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Assistant Judge Advocate General, Administrative Support Division, Navy and Marine Corps Appellate Review Authority, Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, Building 111, Washington, DC 20374–2001.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual's record of trial and supporting documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05813–1

SYSTEM NAME:

Ethics File.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 01), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military lawyers certified by the Judge Advocate General of the Navy: (1) Under the article 27(b) of the Uniform Code of Military Justice (UCMJ); or (2) as legal assistance attorneys; and (3) whose professional or personal conduct has been brought into question under JAGINST 5803.1. Attorneys not certified under article 27(b), UCMJ or as legal assistance attorneys but who practice under the supervision of the Judge Advocate General of the Navy are also included in the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigation, correspondence, and court papers relating to the complaint brought against attorneys.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Manual of the Judge Advocate General, Section 0165, 5 U.S.C. 301, Departmental Regulations; and JAGINST 5803.1.

PURPOSE(S):

To record the disposition of ethics complaints, to provide a record of individual lawyers who are not authorized to practice as legal assistance attorneys, before courts-martial, in other proceedings under the UCMJ, or in administrative proceedings, and to document ethics violations and corrective action taken.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Files are kept in alphabetical order according to the last name of the attorney concerned.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for two years and then forwarded to the Federal Records Center, Suitland, MD 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

The written request should include the full name of the individual concerned and must be signed. Personal visits may be made to the assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, room 9N21, Hoffman Building II, 200 Stovall Street, Alexandria, VA 22332–2400, during normal working hours; Monday through Friday, 8 a.m. to 4:30 p.m. Individuals making such visits should be able to provide some acceptable identification, e.g., Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400. The written request should include the full name of the individual concerned and must be signed.

Personal visits may be made to the Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Room 9N21, Hoffman Building II, 200 Stovall Street, Alexandria, VA 22332–2400, during normal working hours; Monday through Friday 8 a.m. to 4:30 p.m. Individuals making such visits should be able to provide some acceptable identification, e.g., Armed Forces identification card, driver's license, etc.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Correspondence from individuals, military judges, staff judge advocates, and other military personnel; correspondence from the Judge Advocate General of other branches of the Armed Forces; investigative reports from Naval Criminal Investigative Service and other offices, correspondence from other military and civilian authorities and copies of court papers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05813–2

SYSTEM NAME:

Courts-Martial Case Report.

SYSTEM LOCATION:

Chief, Navy-Marine Corps Trial Judiciary, Washington Navy Yard, Washington, DC 20374–2004.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals having appeared before a special or general courts-martial.

CATEGORIES OF RECORDS IN THE SYSTEM:

The recording of the Article violation of the UCMJ, the plea, the finding, the sentence and other related information concerning the trial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To formulate status reports for the Judge Advocate General.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system of record notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer hard disk on office personal computer by circuit and fiscal year.

RETRIEVABILITY:

By name or case number.

SAFEGUARDS:

Personal computer is located in office which is under observation during working hours and is locked at night. The office is located in a secure building which is guarded 24 hours a day. Access to hard disk is controlled by password and is restricted to personnel having a need to know.

RETENTION AND DISPOSAL:

Database contains up to 10 fiscal years of information. Prior information is purged from the database.

SYSTEM MANAGER(S) AND ADDRESS:

Circuit Military Judge, ATLANTIC Judicial Circuit, Navy-Marine Corps Trial Judiciary, Washington Navy Yard, Washington, DC 20374–2004.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Circuit Military Judge, ATLANTIC Judicial Circuit, Navy-Marine Corps Trial Judiciary, Washington Navy Yard, Washington, DC 20374–2004. Requesters should provide full name, branch of service, military status, where stationed when tried, and when tried.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Circuit Military Judge, ATLANTIC Judicial Circuit, Navy-Marine Corps Trial Judiciary, Washington Navy Yard, Washington, DC 20374–2004.

Requesters should provide full name, branch of service, military status, where stationed when tried, and when tried.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction

5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military Judge of respective individual's courts-martial.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05813–3

SYSTEM NAME:

Records of Trial of General Courts-Martial.

SYSTEM LOCATION:

Navy and Marine Corps Appellate Review Activity, Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, Building 111, Washington DC 20374–2001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Navy and Marine Corps personnel tried by general courts-martial.

CATEGORIES OF RECORDS IN THE SYSTEM:

General courts-martial records of trial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 865.

PURPOSE(S):

To complete appellate review as required under 10 U.S.C. 866, 867, 869 and provide central repository accessible to the public who may request information concerning the appellate review or want copies of individual public records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Files are kept by Navy courts-martial number and each case is cross-referenced by an index card which is filed in alphabetical order according to the last name of the individual concerned.

SAFEGUARDS:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for three years and then forwarded to the Federal Records Center in Suitland, MD for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Military Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General, Navy and Marine Corps Appellate Review Activity, Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, Building 111, Washington, DC 20374–2001. The request should contain full name and address of the individual concerned and should be signed.

Personal visits may be made to the Administrative Support Division, Office of the Judge Advocate General, Washington Navy Yard, Building 111, Washington, DC 20374–2001. Individuals making such visits should be able to provide acceptable identification, e.g. Armed Forces' identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Assistant Judge Advocate General, Navy and Marine Corps Appellate Review Activity, Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, Building 111, Washington, DC 20374–2001.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Proceedings by a general courts-martial.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05814–1

SYSTEM NAME:

Summary and Non-BCD Courts-Martial Records.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps enlisted personnel tried by summary courts-martial or by special courts-martial which did not result in a bad conduct discharge (BCD).

CATEGORIES OF RECORDS IN THE SYSTEM:

Summary courts-martial and non-BCD special courts-martial records of trial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 865; 5 U.S.C. 301, Departmental Regulations; and, E.O. 11476 of June 19, 1969, as amended by E.O. 11835 of January 27, 1975, paragraph 94b (Manual for Courts-Martial, 1969 (rev.)).

PURPOSE(S):

To complete appellate review as required under 10 U.S.C. 864(a) and provide central repository accessible to the public who may request information concerning the appellate review or want copies of individual public records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Type of courts-martial, date, command which convened the courts-martial, name of individual defendant, and command which completed the supervisory authority's action.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are retained for two years after final action by officers having supervisory authority over shore activities, and for three months by

officers having supervisory authority over fleet activities. At the termination of the appropriate retention period, records are forwarded for storage to the National Personnel Records Center (Military Personnel Records), GSA, 9700 Page Avenue, St. Louis, MO 63132–5100. Records are destroyed 15 years after final action has been taken.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Military Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400 and appropriate officers having supervisory authority over naval activities.

NOTIFICATION PROCEDURE:

Information may be obtained from the Assistant Judge Advocate General (Military Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400, by written request including the full name of the individual concerned, the type of courts-martial (summary or special), the name of the command which held the courts-martial, and the date of the courts-martial proceedings. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Assistant Judge Advocate General (Military Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400, by written request including the full name of the individual concerned, the type of courts-martial (summary or special), the name of the command which held the courts-martial, and the date of the courts-martial proceedings. Written requests must be signed by the requesting individual.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contents and appealing initial agency determinations by the individual concern are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Proceedings of summary courts-martial and special courts-martial which did not result in a bad conduct discharge.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05815–1

SYSTEM NAME:

Record of Trial of Special Courts-Martial Resulting in Bad Conduct Discharges or Concerning Officers.

SYSTEM LOCATION:

Administrative Support Division, Navy and Marine Corps Appellate Review Activity, Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, Building 111, Washington, DC 20374–2001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps personnel tried by special courts-martial and awarded a bad conduct discharge, and all Navy and Marine Corps commissioned officers tried by special courts-martial.

CATEGORIES OF RECORDS IN THE SYSTEM:

Special courts-martial which resulted in a bad conduct discharge, or involving commissioned officers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 865; 10 U.S.C. 866(b), 5 U.S.C. 301, Departmental Regulations; and E.O. 11476 of June 19, 1969, as amended by E.O. 11835 of January 27, 1975, paragraph 94b (manual for courts-martial, 1969 (rev.))

PURPOSE(S):

To complete appellate review as required under 10 U.S.C. 866(b) and provide central repository accessible to the public who may request information concerning the appellate review or want copies of individual public records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Files are kept by Navy courts-martial number and each case is cross-referenced by an index card which is filed in alphabetical order according to the last name of the individual concerned.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for three years and then forwarded to the Federal Records Center, Suitland, MD 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Military Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General, Administrative Support Division, Navy and Marine Corps Appellate Review Activity, Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, Building 111, Washington, DC 20374–2001. The request should contain the full name and address.

Personal visits may be made to the Administrative Support Division, Office of the Judge Advocate General, Washington Navy Yard, Building 111, Washington, DC 20374–2001. Individuals making such visits should be able to provide some acceptable identification, e.g. Armed Forces' identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Assistant Judge Advocate General, Administrative Support Division, Navy and Marine Corps Appellate Review Activity, Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, Building 111, Washington, DC 20374–2001.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Special courts-martial proceedings.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05817–1

SYSTEM NAME:

Courts-Martial Statistics.

SYSTEM LOCATION:

Administrative Support Division (Code 40), Navy-Marine Corps Appellate Review Activity, Office of the Judge Advocate General, Building 111, Washington Navy Yard, Washington, DC 20374–1111.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps personnel tried by general courts-martial and by special courts-martial when the special courts-martial sentence, as finally approved, includes a punitive discharge.

CATEGORIES OF RECORDS IN THE SYSTEM:

Courts-martial information on special courts-martial if sentence, as finally approved, includes a punitive discharge and all general courts-martial including name, Social Security Number, pleas, convening authority action, supervisory authority action, and Court of Military Review action. Information available from 1970 through 1986 only.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To collect statistical data on general and bad conduct discharge special courts-martials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To governmental, public and private organizations and individuals, as required.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On computer hard disc.

RETRIEVABILITY:

Name, Social Security Number or Navy courts-martial number.

SAFEGUARDS:

Computer hard disc is located in office which is under observation during working hours and is locked at night. The office is located in a secure building which is guarded 24 hours a day. Admission is allowed only to personnel on official business and authorized visitors. The computer is not accessible by telephone modem.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Military Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General (Navy-Marine Corps Appellate Review Activity), Office of the Judge Advocate General, Building 111, Washington Navy Yard, Washington, DC 20374–1111. Written requests must be signed by the requesting individual.

Personal visits may be made to the Navy-Marine Corps Appellate Review Activity, Office of the Judge Advocate General, Building 111, Room 48, Washington Navy Yard, Washington, DC 20374–1111. Individuals must be able to provide some acceptable identification, e.g. Armed Forces identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Assistant Judge Advocate General (Navy-Marine Corps Appellate Review Activity), Office of the Judge Advocate General, Building 111, Washington Navy Yard, Washington, DC 20374–1111. Written requests must be signed by the requesting individual.

Personal visits may be made to the Navy-Marine Corps Appellate Review Activity, Office of the Judge Advocate General, Building 111, Room 48, Washington Navy Yard, Washington, DC 20374–1111. Individuals must be able to provide some acceptable identification, e.g., Armed Forces identification card, driver's license, etc.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Navy Judge Advocate General Form 5813/1.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05819–1

SYSTEM NAME:

Article 69 Petitions.

SYSTEM LOCATION:

Administrative Support Division, Navy and Marine Corps Appellate Review Activity, Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, Building 111, Washington, DC 20374–2001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps personnel who were tried by courts-martial which were not reviewed by the Navy Court of Military Review and when such service member has petitioned the Judge Advocate General pursuant to Article 69, Uniform Code of Military Justice, for review.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual service member's petition together with all forwarding endorsements and copy of action taken by the Judge Advocate General with supporting memorandum.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Article 69, Uniform Code of Military Justice (10 U.S.C. 869).

PURPOSE(S):

To complete appellate review as required under 10 U.S.C. 869(b) and to provide a central repository accessible to the public who may request information concerning the appellate review or want copies of individual public records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records are maintained in chronological calendar order with alphabetical cross-referencing system.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office spaces in

VOL
58
ISS
33
FE
22
1993
UMI

which the file cabinets and storage devices are located are locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for three years and then forwarded to the Federal Records Center, Suitland, MD 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Military Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General, Administrative Support Division, Navy and Marine Corps Appellate Review Activity, Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, Building 111, Washington, DC 20374–2001. The request should contain full name and address of the individual concerned and should be signed.

Personal visits may be made to the Administrative Support Division, Office of the Judge Advocate General, Washington Navy Yard, Building 111, Washington, DC 20374–2001. Individuals making such visits should be able to provide some acceptable identification, e.g. Armed Forces' identification card, driver's license etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Assistant Judge Advocate General, Administrative Support Division, Navy and Marine Corps Appellate Review Authority, Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, Building 222, Washington, DC 20374–2001.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The records comprise of the following source materials: (1) Petitions for relief, (2) forwarding endorsements thereon by petitioner's commanding officer and convening/supervisory authorities of courts-martial (above information is omitted if petitioner is former service member), and (3) action of the Judge Advocate General on petition.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05819–2

SYSTEM NAME:

Article 73 Petitions for New Trial.

SYSTEM LOCATION:

Administrative Support Division, Navy and Marine Corps Appellate Review Activity, Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, Building 111, Washington, DC 20374–2001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps personnel who submitted petitions for new trial to the Judge Advocate General within two years after approval of their courts-martial sentence by the convening authority but after their case had been reviewed by the Navy Court of Military Review or Court of Military Appeals, if appropriate.

CATEGORIES OF RECORDS IN THE SYSTEM:

The petition for new trial, the forwarding endorsements if the petition was submitted via the chain of command, and the action of the Judge Advocate General on the petition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Article 73, Uniform Code of Military Justice, (10 U.S.C. 873).

PURPOSE(S):

To provide a record of individual petitions in order to answer inquiries from the individual concerned and to provide additional advice to commands involved when and if such petitions are granted.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Files are kept in alphabetical order according to the last name of the individual concerned.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for two years and then forwarded to the Federal Records Center, Suitland, MD 20409 for storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Military Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400. The request should contain full name and address.

Personal visits may be made to the Military Justice Division, Office of the Judge Advocate General, Room 9S09, Hoffman Building II, 200 Stovall Street, Alexandria, VA 22332–2400. Individuals should have the following items of identification: Driver's license or military identification card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Deputy Assistant Judge Advocate General (Military Justice), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The records are comprised of the following source materials: (1) Petitions for new trial; (2) forwarding endorsements thereon by petitioner's commanding officer and convening/supervisory authorities of courts-martial (above information is omitted if

petitioner is former service member); and (3) action of the Judge Advocate General on petitions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05819–3

SYSTEM NAME:

Naval Clemency and Parole Board Files.

SYSTEM LOCATION:

Naval Clemency and Parole Board, Ballston Tower 2, 801 North Randolph Street, Arlington, VA 22203–1989.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members or former members of the Navy or Marine Corps whose cases have been or are being considered by the Naval Clemency and Parole Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains individual applications for clemency or parole, reports and recommendations thereon indicating progress in confinement or while awaiting completion of appellate review if not confined, or on parole; correspondence between the individual or his counsel and the Naval Clemency and Parole Board or other Navy offices; other correspondence concerning the case; the court-martial order and staff Judge Advocate's review; and a summarized record of the proceedings of the Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 874(a), 952-954 and E.O. 9397.

PURPOSE(S):

The file is used in conjunction with periodic review of the member's or former member's case to determine whether or not clemency or parole is warranted. The file is referred to in answering inquiries from the member or former member or their counsel. The file is referred to by the Naval Discharge Review Board and the Board for Correction of Naval Records in conjunction with their subsequent review of applications from members or former members. The file is also used by counsel in connection with representation of members or former members before the Naval Clemency and Parole Board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Folders are filed by name and Social Security Number or service number.

SAFEGUARDS:

Files are kept within the Naval Clemency and Parole Board administration office. Access office. Access during business hours is controlled by Board personnel. The office is locked at the close of business; the building in which the office is located employs security guards.

RETENTION AND DISPOSAL:

Files are permanent. They are retained in the Naval Clemency and Parole Board's administrative office until all portions of the sentence have been completed and the discharge has been executed. After that the folders are sent to Washington National Records Center, 4205 Suitland Road, Suitland, MD 20409.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Council of Personnel Boards, Department of the Navy, 801 North Randolph Street, Arlington, VA 22203

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Naval Clemency and Parole Board, Room 905, Ballston Tower 2, 801 North Randolph Street, Arlington VA 22203.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Naval Clemency and Parole Board, Room 905, Ballston Tower 2, 801 North Randolph Street, Arlington VA 22203.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in the file is obtained from the member or former member or from those acting in their behalf, from confinement facilities, from military commands and offices, from personnel service records and medical records, and from civilian law enforcement agencies or individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt under 5 U.S.C. 552a (j)(2), as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and 3, (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

N05820–1

SYSTEM NAME:

International Legal Hold Files.

SYSTEM LOCATION:

U.S. Naval Legal Offices in a foreign country.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel, members of civilian component and their dependents who have had criminal charges lodged against them in a foreign country.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized summaries and card files containing copies of legal documents received and filed relative to the case, statements, affidavits, handwritten notes, and other miscellaneous data about the particular case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

Used by foreign civilian attorneys in representing the accused, by the accused's military advisor in seeking an expeditious settlement of the case; by supervisory personnel in the performance of their official duties when monitoring the legal hold status of the individuals involved.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tape, file folders and file cards.

RETRIEVABILITY:

Files are retrieved by name and Social Security Number.

VOL 58 ISS 33 FE 22 1993 UMI

SAFEGUARDS:

Only personnel in International Law Department are authorized access. Building is kept locked when not occupied.

RETENTION AND DISPOSAL:

For computerized and manual records-retain on tape until the final outcome of each case, whether it be by final adjudication or out of court settlement and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer or head of the organization in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer or head of the organization in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Individual should provide name, rate and service number. Military I.D. or any standard I.D. showing applicant's photo shall be sufficient for personal visits.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer or head of the organization in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Individual should provide name, rate and service number. Military I.D. or any standard I.D. showing applicant's photo shall be sufficient for personal visits.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Foreign judicial system, accused, attorneys representing accused, military legal advisor, Provost Marshal's office, subject's commanding officer, witnesses, and the complainant.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05822–1

SYSTEM NAME:

Yokusuka Prison Health and Comfort Items.

SYSTEM LOCATION:

Commander Fleet Activities, FPO AP 98762–1100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been imprisoned under Japanese Law and jurisdiction for various offenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of request for, receipt of, and issues to of individuals imprisoned in Yokosuka Prison located in Yokosuka, Japan.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

Used for billing armed services, other than Navy and Marine Corps, for items of health and comfort issued to their personnel imprisoned. Billing is prepared in accordance with existing interservice support agreements (ISSAS). Additionally, file used to answer complaints in instances where prisoners contend they are not supported properly.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder.

RETRIEVABILITY:

Alphabetically by surname. New individual files instituted with arrival of individual in prison. Previous files retrieved to semi-active for one year and thereafter destroyed without report.

SAFEGUARDS:

Files maintained in locked file cabinet in locked office.

RETENTION AND DISPOSAL:

Destroyed without report after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Fleet Activities, FPO AP 98762–1100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander Fleet Activities, FPO AP 98762–1100.

Individual should provide, as a minimum, the following information: Rank/rate, full name, branch of service, and Social Security Number. Files maintained in logistics with command and requesters may visit this office for review of their files during normal working hours. Proof of identification limited Armed Forces Identification Cards or Passports.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander Fleet Activities, FPO AP 98762–1100.

Individual should provide, as a minimum, the following information: Rank/rate, full name, branch of service, and Social Security Number. Files maintained in logistics with command and requesters may visit this office for review of their files during normal working hours. Proof of identification limited Armed Forces Identification Cards or Passports.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Prison officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05830–1

SYSTEM NAME:

JAG Manual Investigative Records.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 33), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who participated in, who was involved in, who incurred an injury, disease, or death in, who was intoxicated (drugs or alcohol) during, before, or after, or who had an interest in any accident, incident, transaction, or situation involving or affecting the

Department of the Navy, naval personnel, or any procedure, operation, material, or design involving the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain all documented evidence relevant to the item under investigation, together with an investigating officer's report, which makes findings of fact and expresses opinions and recommendations, the reviewing authority's actions which either approved or modified the investigating officer's report or returned the entire record for further investigation or remedial action to perfect the record, and, the results of hearings afforded persons who incurred injuries and diseases, to allow them to explain or rebut adverse information in the record.

The Judge Advocate General's correspondence to locate and obtain required investigations is also included in the record. Some records contain only a field command's explanation as to why an investigation is not required, together with documents pertinent to this lack of requirement. Some records contain only an accident, injury, or death report, prepared for the Department of the Navy by the Army, Air Force, Coast Guard, or other agency under reciprocal agreements, in situations where the Navy or Marine Corps could not conduct the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Requirement that Enlisted Men Make Up Time Lost Due to Misconduct or Abuse of Alcohol or Drugs (10 U.S.C. 972(5)); Retirement or Separation for Physical Disability (10 U.S.C. 1201–1221); E.O. 11476; Manual for Courts-Martial, paragraph 133b; Uniform Code of Military Justice (10 U.S.C. 815, 832, 869, 873, 935, 936, and 938–940); Military Claims Act (10 U.S.C. 2733); Foreign Claims Act (10 U.S.C. 2734, 2734a, 2734b); Emergency Payment of Claims (10 U.S.C. 2736); Non-scope Claims (10 U.S.C. 2737); Duties of the Secretary of the Navy (10 U.S.C. 5013); Duties of the Office of the Chief of Naval Operations (10 U.S.C. 5031–5033, 5035–5037); Duties of the Bureaus and Offices of the Department of the Navy and Duties of the Judge Advocate General (10 U.S.C. 5131–5153); Duties of the Commandant of the Marine Corps (10 U.S.C. 5043); Reservist's Disability and Death Benefits (10 U.S.C. 6148); Requirement of exemplary conduct (10 U.S.C. 5947); Promotion of Accident and Occupational Safety by the Secretary of the Navy (10 U.S.C. 7205); Admiralty Claims (10 U.S.C. 7622–23); Public Vessels Act (46 U.S.C. 781–790); Suits in Admiralty Act (46 U.S.C. 741–752); Admiralty Extension Act (46 U.S.C. 740); Transportation Safety Act (49 U.S.C. 1901); Federal Tort Claims Act (28 U.S.C. 1346, 2671–2680); Financial Liability of Accountable Officers (31 U.S.C. 82, 89–92); Military Personnel and Civilian Employee's Claims Act of 1964, as amended (31 U.S.C. 240–243); Federal Claim Collection Acts (31 U.S.C. 71–75, 951–953); Forfeiture of Pay for Time Lost Due to Incapacitation Caused by Alcohol or Drug Use (37 U.S.C. 802); Eligibility for Certain Veterans Benefits (38 U.S.C. 105); Postal claims (39 U.S.C. 712); Federal Medical Care Recovery Act (42 U.S.C. 2651–2653); General Authority to Maintain Records (5 U.S.C. 301); Records Management By Agency Heads (44 U.S.C. 3101); and E.O. 9397.

PURPOSE(S):

JAG Manual Investigative Records are used internally within the Department of the Navy as a basis for evaluating procedures operations, material, and designs with a view to improving the efficiency and safety of the Department of the Navy; determinations concerning status of personnel regarding disability benefits, entitlements to pay during periods of disability, severance pay, retirement pay, increases of pay for longevity, survivors' benefits, and involuntary extensions of enlistments, dates of expiration of active obligated service and accrual of annual leave; determinations concerning relief of accountable personnel from liability for losses of public funds or property; determinations pertaining to disciplinary or punitive action and evaluation of petitions, grievances, and complaints; adjudication, pursuit, or defense of claims for or against the Government; and public information releases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Veterans Affairs for use in determinations concerning entitlements to veterans and survivors' benefits.

To Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds.

To the U.S. Government Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters.

To contractors for use in connection with settlement, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems.

To agencies of the Federal, State or local law enforcement authorities, court authorities, administrative authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system of record notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents and data stored prior to 1985 are stapled together (with real evidence attached, if any) in paper file folders and stored in metal file cabinets, on shelves, and in cardboard boxes.

Records stored since 1985 are maintained on magnetic disk, magnetic tape, and on hard copy forms.

RETRIEVABILITY:

Records and data stored prior to 1985 are filed in calendar year groupings by surname of individual, bureau number of aircraft, name of ship, hull number of unnamed watercraft, or vehicle number of Government vehicles, or date of incident. Incidents are topically cross-referenced.

Records stored since 1985 are maintained on data base and are retrievable from the data base in calendar year groupings by surname, Social Security Number, bureau number of aircraft, name of ship, hull number of unmanned watercraft, vehicle number of Government vehicles, or date of incident.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office spaces in which the file cabinets and storage devices are locked outside official working hours. Access to the building is protected by uniformed guards requiring positive identification for admission. The data base system is protected by user account number and password sign-on, data base access authority, data set authority for add and delete, and data item authority for list and update.

RETENTION AND DISPOSAL:

The records are retained permanently All naval activities which prepare JAG Manual Investigative Reports, or which

are intermediate addressees, typically retain duplicate copies in local files for a two year period.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Judge Advocate General (Investigations), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General (Investigations), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

The request should contain as much identifying data as possible, including, but not limited to the complete names of all individuals involved, the location and date of incident, the bureau number of aircraft or name and hull number of ship, government vehicle number, and type of incident.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Deputy Assistant Judge Advocate General (Investigations), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

The request should contain as much identifying data as possible, including, but not limited to the complete names of all individuals involved, the location and date of incident, the bureau number of aircraft or name and hull number of ship, government vehicle number, and type of incident.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records of JAG Manual Investigations are compilations of evidence, information, and data concerning the circumstances of incidents, accidents, events, transactions, and situations, prepared by administrative fact-finding bodies of utilization by proper authorities in making determinations, decisions, or evaluations relating to the matters under investigation.

Records may contain: (1) Testimony or statements of individuals who are parties to the investigations, witnesses, and others having pertinent knowledge concerning matters under investigation; (2) documentary evidence, including records and reports of military or Federal, state, or foreign, civilian law enforcement investigation, judicial, or corrections authorities; medical records and reports, investigations and accident and injury reports prepared by federal, state, or foreign governmental agencies or other organizations or persons; court records and other public records; official logs and other official naval records; letters and correspondence, personnel, pay, and medical records; financial records, receipts, and cost estimates; publications, and other pertinent documents and writings; (3) pertinent real evidence; and (4) pertinent demonstrative evidence.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05861-1

SYSTEM NAME:

Private Relief Legislation.

SYSTEM LOCATION:

Office of Legislative Affairs, Department of the Navy, The Pentagon, Room 5C831, Washington, DC 20350–2000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals concerning whom private legislation is introduced in the U.S. Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters to Congressional Committees, expressing the views of the department concerning the legislation and records necessary to prepare the letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To prepare for Congress the position of the Department concerning proposed legislation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To members of Congress to provide the Navy position on proposed legislation.

To officials and employees of the Office of Management and Budget to clear the Navy position on proposed legislation.

To other executive agencies who would have an interest in the Navy's position on the proposed legislation and/or the Navy's position would impact on that agency.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Access generally limited to personnel of the Office of Legislative Affairs. Stored in a locked office.

RETENTION AND DISPOSAL:

Retained for at least 6 years or as long as the legislation is active if more than 6 years and then moved to Federal Records Center, GSA Accession Section, Washington, DC 20409

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Legislative Affairs, Department of the Navy, The Pentagon, Room 5C831, Washington, DC 20350–2000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief of Legislative Affairs, Department of the Navy, The Pentagon, Room 5C831, Washington, DC 20350–2000.

Individual should provide full name, term and session of Congress when bill introduced, bill number, sponsor of bill (if available); Office of Legislative Affairs, Department of the Navy, The Pentagon, Washington, DC driver's license or similar substitute.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief of Legislative Affairs, Department of the Navy, The Pentagon, Room 5C831, Washington, DC 20350–2000.

Individual should provide full name, term and session of Congress when bill introduced, bill number, sponsor of bill (if available); Office of Legislative Affairs, Department of the Navy, The Pentagon, Washington, DC driver's license or similar substitute.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing

initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Member of Congress; individual about whom file is maintained and individuals from whom he solicits information; other Navy, Marine Corps, and DOD components; OMB; and other interested executive agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05870–1

SYSTEM NAME:

Patent, Invention, Trademark, Copyright, Royalty, and License Files.

SYSTEM LOCATION:

Office of the Chief of Naval Research, 800 North Quincy Street, Arlington, VA 22217–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Inventors and patent owners of inventions in which Government has an interest or which Department of the Navy has evaluated; copyright owners of works in which Government has an interest; claimants or parties in administrative proceedings or litigation with the Government involving patents, copyrights or trademarks and licensees of Government owned inventions in the custody of the Secretary of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Invention disclosures; disposition of rights in inventions of Government employees; patent applications and patented files; patent licenses and assignments; patent secrecy orders; copyright licenses and assignments; patent and copyright royalty matters; administrative claims and litigation with the Government involving patents, copyrights and trademarks including private relief legislation involving these matters; and documents and correspondence relating to the foregoing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5022.

PURPOSE(S):

Used by Navy patent personnel to determine rights of the Government and employees in employee inventions; to file and prosecute patent applications; to publish invention disclosures for public information and defensive purposes; to provide evidence and record of Government interest in or under patents or applications for patents; to provide evidence and record or patent and copyright licensing and assignment; to determine action or recommended action regarding disposition of claims or litigation; and to recommend Government employee incentive awards, and to license inventions. Used by other Navy/Marine Corps commands to determine Government interest in inventions; to permit utilization of inventions; and to support employee incentive awards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the U.S. Patent and Trademark Office to determine respective rights of the Government and employee-inventors and to evidence legal interests in patent and copyright licenses and assignments; and for the prosecution of patent applications.

To the Commissioner of Patents and Trademarks to administer patent secrecy responsibilities.

To appropriate foreign government offices for prosecution of patent applications.

To officials and employees of the U.S. Copyright Office to evidence legal interests in patent and copyright licenses and assignments.

To the National Technical Information Service for publication of inventions available for licensing; non-governmental personnel (including contractors and prospective contractors) having an identified interest in particular inventions and Government rights therein, in infringement of particular patents or copyrights, or in allowance of royalties of contracts.

To the Congress in the form of reports on particular bills for private relief and reports of action on Congressional and constituent requests.

To government agencies involved in claims or litigation, including the Department of Justice, who have access to prosecute and defend cases.

To all government agencies who have access to license records.

To parties involved in particular licensing arrangements who have access to specific files involved.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card files and electronic computer memory.

RETRIEVABILITY:

Subject matter; Navy invention case number; name of inventor, patentee, copyright owner, claimant or correspondent.

SAFEGUARDS:

Maintained in safes and file cabinets in controlled spaces accessible only by authorized personnel who are properly instructed in the permissible use of the information and on computer memory accessible only be authorized personnel in the Office of Counsel.

RETENTION AND DISPOSAL:

Maintained indefinitely, but records are transferred to the Federal Records Center two years after completed action on case to which record relates.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel, Code OOCC, Office of the Chief of Naval Research, Arlington, VA 22217–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Counsel, Code OOCC, Office of the Chief of Naval Research, Arlington, VA 22217–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Assistant Counsel, Code OOCC, Office of the Chief of Naval Research, Arlington, VA 22217–5000.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from individual inventor, patent or copyright owner, claimant, licensor or licensee, or from U.S. Patent and Trademark Office, or from U.S. Copyright Office.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05880–2

SYSTEM NAME:

Admiralty Claims Files.

SYSTEM LOCATION:

Office of the Judge Advocate General; Office of the Commander in Chief, United States Naval Forces Europe;

Office of the Commander Sixth Fleet; and the Federal Records Center, Suitland, MD. Local commands with which claims under the Public Vessels Act and the Suits in Admiralty Act are initially filed, typically retain copies of such claims and accompanying files. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have asserted claims or instituted suits under the Public Vessels Act and Suits in Admiralty Act against the Department of the Navy in the name of the United States and all individuals who have instituted suits against third parties who have impleaded the Department of the Navy in the name of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files may contain claims filed, correspondence, investigative reports, accident reports, medical and dental records, x-rays, allied reports (such as local police investigations, etc.), photographs, drawings, legal memoranda, opinions of experts, and court documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Admiralty Claims Act (10 U.S.C. 7622); 5 U.S.C. 301, Departmental Regulations; 44 U.S.C. 310.

PURPOSE(S):

To evaluate admiralty claims asserted against the Navy for settlement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders stored in file cabinets or other storage devices.

RETRIEVABILITY:

Name of claimant or ship.

SAFEGUARDS:

Files are maintained in file cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of official working hours.

RETENTION AND DISPOSAL:

Records are retained in active files until each claim is settled or litigation resulting therefrom has been concluded. Thereafter, the files are maintained within the office for two years and then retired to the Federal Records Center, Suitland, MD.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Judge Advocate General (Admiralty), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General (Admiralty), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Deputy Assistant Judge Advocate General (Admiralty), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual. For personal visits, the individual should be able to provide some acceptable identification, e.g., driver's license, etc., and give some verbal information that could be verified in the file.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The sources of information contained in the files include the following: X-rays, medical and dental records from civilian and military doctors and medical facilities; investigative reports; witnesses; and correspondence from claimants and their representatives.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05890–1

SYSTEM NAME:

Claims Information System.

SYSTEM LOCATION:

Primary location for records is the Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

Secondary locations exist as follows:

Federal Tort Claims Files and Military Claims Files are located at Naval Legal Service Offices and Detachments, overseas commands with a Navy or Marine Corps judge advocate attached, and the Federal Records Center, Suitland, MD. Local commands, with which claims under the Federal Tort Claims Act or Military Claims Act are initially filed, retain copies of such claims and accompanying files.

Affirmative Claims Files are located at Naval Legal Service Offices and Detachments; U.S. Sending State Office For Italy; with overseas commands a Navy or Marine Corps judge advocate attached; the Federal Records Center, Suitland, MD; and such other offices or officers as may be designated by the Judge Advocate General.

Foreign Claims Files are located at U.S. Sending State Office for Italy; U.S. Sending State Office for Australia; Naval Missions (including the office of the naval section of military missions); Military Assistance Advisory Groups (including the Office of Chiefs, Naval Section, Military Assistance Advisory Groups); Office of the Naval Advisory to Argentina; naval attaches; any command which has appointed a Foreign Claims Commission; and the Federal Records Center, Suitland, MD. Local commands, with which claims under the Foreign Claims Act are initially filed and which do not have or choose to appoint a Foreign Claims Commission, retain copies of such claims and accompanying files.

Nonscope Claims Files are located at Naval Legal Service Offices and Detachments, and the Federal Records Center, Suitland, MD. Local commands, with which claims under the 'Nonscope' Claims Act are initially filed, retain copies of such claims and accompanying files.

Military and Civilian Employees' Claims Files are located at Naval Legal Service Offices and Detachments; the Federal Records Center, Suitland, MD; naval activities where there are officers specifically designated by the Judge

Advocate General to adjudicate personnel claims.

U.S. Postal Service Indemnity Claims Files are located at the Federal Records Center, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have filed claims against the Department of the Navy under the Federal Tort Claims Act, Military Claims Act, the 'Nonscope' Claims Act, or Military and Civilian Employees' Claims Act.

All individuals who have filed claims with the U.S. Postal Service for loss or damage to mailed matter, and which claims have been paid by the U.S. Postal Service and thereafter forwarded for reimbursement by the Department of the Navy pursuant to 39 U.S.C. 406 and 2601.

All individuals against whom the Navy has claims sounding in tort, and all individuals who are in the military or retired or are dependents of military members and have been provided medical care by a naval medical facility or civilian medical facility for injuries resulting from such tortious conduct.

All commercial insurance carriers against whom recovery has been sought by the Department of the Navy. Any medical personnel involved in medical malpractice claims against the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files may contain claims filed, correspondence, investigative reports, personnel, medical and dental records, x-rays, allied reports (such as police and U.S. Postal Service investigations), photographs, drawings, legal research and memoranda, opinions of experts and others, court documents, reports of injuries to individuals entitled to care at Navy expense, reports of damage to Navy property, statements of charges for medical and dental treatment, copies of orders, copies of insurance policies, government bills of lading, copies of powers of attorney, estimates of loss or damage, inventories, demands on carriers for reimbursement, substantiating documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act (28 U.S.C. 1346(b), 2671–2680); 32 CFR 750.21–750.40; Medical Care Recovery Act (42 U.S.C. 2651–2653); Collection From Third Party Payers Act (10 U.S.C. 1095); Federal Claims Collection Act (31 U.S.C. 3701, 3711, 3716–3719); 32 CFR 757.1–757.21; Foreign Claims Act (10 U.S.C. 2734); Military Claims Act (10 U.S.C. 2733); 32 CFR 750.41–750.60; 'Nonscope' Claims Act (10 U.S.C. 2737); 32 CFR 750.60–750.69; Military and Civilian Employees Claims Act (31 U.S.C. 3701, 3721); 32 CFR 751.0–751.3; 10 U.S.C. 1552; 39 U.S.C. 406 and 2601; 5 U.S.C. 301, Departmental Regulations; 44 U.S.C. 3101; and 31 U.S.C. 3729.

PURPOSE(S):

To manage and evaluate, and process claims both for and against the Department of the Navy for purposes of adjudication, collection and litigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Federal Tort Claims Files and Military Claims Files are used by the claimant or his authorized representative for those claims for which payment is determined proper; to third parties in those cases in which they indemnify the U.S. Government or to verify claims; to officials and employees of the General Accounting Office and of the Department of Treasury for those claims for which payment is determined proper.

The Affirmative Claims Files are used by insurance companies to support claims by documenting injuries or diseases for which treatment was provided at government expense; by civilian attorneys representing injured parties and the government's interest. For those claims for which payment is determined proper, the files or portions thereof may be provided to the Department of the Treasury.

The Nonscope Claims Files are used by officials and employees of the Department of Justice to defend unauthorized suits brought against the U.S. under the Military Personnel and Civilian Employees' Claim Act. To the claimant of his/her authorized representative.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders stored in file cabinets or other storage devices. Some records are also maintained on magnetic disc, magnetic tape, or within a computer system.

RETRIEVABILITY:

Filed alphabetically by name of claimant or by a locally assigned claim number. Additionally, Military Personnel and Civilian Employees' Claims Act files may be filed alphabetically by name of common carrier, warehousemen, contractors, and insurers.

SAFEGUARDS:

Documents and computer disks are maintained in filing cabinets or other storage devices under control of authorized personnel during working hours. Password access is restricted to those personnel with a need-to-know. The office space in which the file cabinets and storage devices are located is locked and guarded outside official working hours.

RETENTION AND DISPOSAL:

Records are maintained permanently. Files located in the Office of the Judge Advocate General are transferred to the Federal Records Center, Suitland, MD., three years after disposition of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Judge Advocate General (Claims and Tort Litigation), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General (Claims and Tort Litigation), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

The request should contain full name and address of the individual concerned and must be signed. Visitors should be able to identify themselves by any commonly recognized evident of identity.

RECORD ACCESS PROCEDURE:

Individuals seeking access to record about themselves contained in this system of records should address written inquiries to the Deputy Assistant Judge Advocate General (Claims and Tort Litigation), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The sources of information contained in the files include the following: X-rays and medical and dental records from

civilian and military doctors and medical facilities; investigative reports of accidents from military and civilian police agencies; report of circumstances if incidents from operators of Government vehicles an equipment; witnesses; correspondence from claimants, their insurance companies, state commissions, United States Attorneys, and various other Government agencies with information concerning the claim; line of duty investigations; commercial credit and asset reports; questionnaires completed by accident victims; statements of charges from civilian and military doctors and medical facilities; information provided by the claimant; investigative reports from personal property offices; investigative reports from a military member's command or an investigative agency; information contributed from commercial carriers; substantiating documents; allied reports (such as U.S. Postal Service investigative reports); legal memoranda.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05890–8

SYSTEM NAME:

NAVSEA Radiation Injury Claim Records.

SYSTEM LOCATION:

Naval Sea Systems Command (Code 08), Washington, DC 20362–5101.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy employees and contractors who have alleged radiation injury from radiation exposure associated with Naval Nuclear Propulsion Plants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Excerpts from personnel medical records, Navy field organization and Navy contractor work histories, and Navy and Labor Department correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To provide NAVSEA Radiological Control Managers with information necessary to evaluate radiation injury compensation claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Records are maintained in a safe with controlled access.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Naval Sea Systems Command (Code 08), Washington, DC 20362–5101.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Naval Sea Systems Command (Code 08), Washington, DC 20362–5101.

Written requests should include name, organization where employed at time of alleged injury and supporting evidence.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commander, Naval Sea Systems Command (Code 08), Washington, DC 20362–5101.

Written requests should include name, organization where employed at time of alleged injury and supporting evidence.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personnel medical records and Navy and contractor work histories.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05891–1

SYSTEM NAME:

NJAG Litigation Case File.

SYSTEM LOCATION:

Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who may or have instituted litigation concerning matters under the cognizance of the Judge Advocate General, Department of the Navy. Excluded are cases arising in admiralty, under the Federal Tort Claims Act, and from matters under the cognizance of the Navy's General Counsel Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records, correspondence, pleadings, documents, memoranda, and notes relating to the litigation or anticipated litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Department Regulations; 10 U.S.C. 5148; and 44 U.S.C. 3101.

PURPOSE(S):

To represent the Department of the Navy and cognizant officials in litigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To U.S. Attorneys, litigants, and other parties in litigation.

To Federal and state courts to whom and which information may be provided.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Name of litigant or anticipated litigant.

SAFEGUARDS:

Records are maintained in file cabinets accessible only to persons responsible for servicing the record system in performing their official duties.

RETENTION AND DISPOSAL:

Generally retained in office files for six years after final action, then destroyed. Specially designated files are retained for longer periods and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains

information about themselves should address written inquiries to the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400. Written requests should include full name and be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400. Written requests should include full name and be signed.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From all sources with information which may impact upon actual or anticipated litigation, e.g., other record systems within DON, DOD, and other agencies and departments of the Federal Government, particularly the Department of Justice; state and local governments and law enforcement agencies; counsel and parties in litigation; third parties who provide information voluntarily or in response to discovery, etc.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N06150-1

SYSTEM NAME:

Medical Department Professional/ Technical Personnel Development.

SYSTEM LOCATION:

Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372-5120; individual's duty station or reserve unit (see Directory of the Department of the Navy Mailing Addresses); Military Sealift Command, Navy Department, Washington, DC 20390; National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, Missouri 63132; National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118; Bureau of Medicine and Surgery managed education and training activities; various colleges and universities affiliated with BUMED managed education and training activities. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy (military and civilian) health care personnel; applicants to student status in Navy Aerospace Medicine, Navy Aerospace Physiology and Navy Aerospace Experimental Psychology; Navy (military and civilian) personnel qualified as divers or involved in other professional/specialty/technical training; Navy (military and civilian) personnel exposed to occupational/ environmental hazards; distinguished/ noted civilian physicians employed by the Navy in capacity of lecturer/ consultant.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel records, including demographic, medical, and personal data, records of disciplinary, administrative, and credentialing, and punitive actions, curricula vitae of both active-duty and civilian lecturers/ consultants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10, 5 U.S.C. 301; Title 10, CFR part 20, Standards for Protection Against Radiation; and E.O. 9397.

PURPOSE(S):

To manage the Bureau of Medicine and Surgery's management of health care personnel, including education and training activities; procurement; assignments planning; professional/ specialty/technical training; credentialing; promotional decisions; career development planning; evaluation of candidates for position of lecturer/consultant; mobilization, planning, and verification of reserve service; surgical team contingency planning.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information of adverse actions, including administrative or disciplinary actions or revocations of health care providers' clinical credentials may be disseminated to the various federal and state licensure boards, professional regulating bodies, and appropriate military and civilian organizations and facilities.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records stored on disc, tape, punched cards, and machine listings. Manual records stored in card files and folders in filing cabinets.

RETRIEVABILITY:

Manual records retrieved by full name, Social Security Number, file numbers, program title or locator card. Automated records retrieved by key t any data field.

SAFEGUARDS:

Records maintained in monitored or controlled access rooms or areas; public access to the records is not permitted; computer hardware is located in supervised areas; access is controlled by password or other user code system; utilization reviews ensure that the system is not violated. Access is restricted to personnel having a need for the record in the performance of their duties. Buildings/rooms locked outside regular working hours.

RETENTION AND DISPOSAL:

Medical Department personnel professional development and training records; Headquarters, BUMED records--retained at BUMED for duration of member's service, then retired to NPRC, St. Louis for 10 year retention; COMNAVMEDCON field activities--retained 5 years, then destroyed.

Radiation exposure records; personnel exceeding exposure limits--retained at BUMED 50 years, then destroyed; all others--retained 5 years, then destroyed.

Surgical support team records; Headquarters, BUMED--destroyed upon termination of active duty service; BUMED field activities--destroyed upon termination of duty at the Medical Department facility.

Curricular vitae of lecturers/ consultants--destroyed upon termination of status at the Medical Department facility.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372-5120; Director, National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132; Director, National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118; Commanding Officers of naval activities, ships and stations.

NOTIFICATION PROCEDURE:

Offices where requestor may visit to obtain information of records pertaining

to the individual: Potomac Annex, 23rd and E Streets, NW, Washington, DC 20372-5120; Navy medical centers and hospitals; other Navy health care facilities; and BUMED managed education and training facilities.

The individual should present proof of identification such as an I.D. Card, driver's license, or other type of identification bearing signature and photograph.

Written requests may be addressed as follows:

Active duty Navy members or civilian employees presently working for the Navy should address requests to the Commanding Officer of the Facility or ship where they are stationed or employed.

Former members of the Navy should address requests to the Director, National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132.

Former civilian employees of the Navy should address requests to the Director, National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118.

All written requests should contain full name, rank, Social Security Number, file number (if any) and designator.

RECORD ACCESS PROCEDURES:

Offices where requester may visit to obtain information of records pertaining to the individual: Potomac Annex, 23rd and E Streets, NW, Washington, DC 20372-5120; Navy medical centers and hospitals; other Navy health care facilities; and BUMED managed education and training facilities.

The individual should present proof of identification such as an I.D. Card, driver's license, or other type of identification bearing signature and photograph.

Written requests may be addressed as follows:

Active duty Navy members or civilian employees presently working for the Navy should address requests to the Commanding Officer of the Facility or ship where they are stationed or employed.

Former members of the Navy should address requests to the Director, National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132.

Former civilian employees of the Navy should address requests to the Director, National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118.

All written requests should contain full name, rank, Social Security Number, file number (if any) and designator.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military headquarters, offices and commands; education institutions at training hospitals; boards, colleges and associations of professional licensure and medical specialties; personnel records; information submitted by the individual; automated system interface.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N06150–2

SYSTEM NAME:

Health Care Record System.

SYSTEM LOCATION:

Military outpatient health (medical and dental) records of active duty individuals are retained at the member's medical or dental treatment facility. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices. Military outpatient health (medical and dental) records of current reservists are retained by the member's command.

Military outpatient health (medical and dental) records of retired and separated individuals are retained at the National Personnel Records Center, 9700 Page Boulevard, St. Louis, MO 63132–5100; Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, LA 70149–7800; Marine Corps Reserve Support Center, 10905 El Monte, Overland Park, KS 66211–1408; Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372–5120; or Headquarters Marine Corps, Navy Department, Washington, DC 20380–0001.

Inpatient health records are retained at the originating naval medical treatment facility. Official mailing addresses are published as an appendix to the Navy's compilation of system of records notices. Department of Veterans Affairs Hospitals; other medical treatment facilities such as PRIMUS; National Personnel Records Center (Military), 9700 Page Avenue, St. Louis, MO 63132–5100; National Personnel Records Center (Civilian), 111 Winnebago Street, St. Louis, MO 63118; Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, LA 70149–7800; Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, KS 66211–1408; Medical Director, American Red Cross, Washington, DC 20226; Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372–5120; or Headquarters, U.S. Marine Corps, Navy Department, Washington, DC 20380–0001.

Outpatient health (medical and dental) treatment records of civilians are retained at the originating naval medical or dental treatment facility. Official mailing addresses are published as an appendix to the Navy's compilation of system of records notices. Department of Veterans Affairs Hospitals; other medical treatment facilities such as PRIMUS; National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132–5100; National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118; Medical Director, American Red Cross, Washington, DC 20226; Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372-5120; or Headquarters, U.S. Marine Corps, Navy Department, Washington, DC 20380–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps personnel, other military personnel, dependents, retired and separated military personnel and dependents, civilian employees, Red Cross personnel, foreign personnel, VA beneficiaries, humanitarian patients, and all other individuals who receive treatment at a Navy medical or dental treatment facility. All commercial insurance carriers with whom the Department of the Navy has filed a claim under the Third Party Payers Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Outpatient and inpatient health (medical and dental) records contain forms documenting care and treatment. These records contain patient and sponsor demographic data.

Secondary health records contain forms documenting care and treatment at specific departments or clinics.

Subsidiary health records contain information from individual health records and supporting documentation. Examples are: X-ray files; electrocephalogram tracing files; laboratory or secondary treatment record with supporting documentation or they may be based on the files; pharmacy files, social work case files; alcohol rehabilitation files; psychiatric or psychology case files, including

psychology files documenting the clinical psychological evaluation of individuals for suitability for certain assignments; nursing care plans; medication and treatment cards, stat/daily orders; patient intake and output forms; ward reports; day books; nursing service reports; pathology and clinical laboratory reports; tumor registries; autopsy reports; laboratory information system (LABIS); blood transfusion reaction records; blood donor and blood donor center records; pharmacy records, surgery records, and vision records and reports; communicable disease case files, statistics, and reports; occupational health, industrial, and environmental control records, statistics, and reports, including data concerning periodic and total lifetime accumulated exposure to occupational/environmental hazards; emergency room and sick call logs; family advocacy case files, statistics, reports, and registers; psychiatric workload statistics and unit evaluations; gynecology malignancy data, etc.

Aviation physical examinations and evaluation case files contain medical records documenting fitness for admission or retention in aviation programs.

Marine Security Guard Battalion psychological examination, evaluation, and treatment case files contain medical records documenting suitability for assignment as Embassy Guards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5131 (as amended); 10 U.S.C. 5132; 44 U.S.C. 3101; 10 CFR part 20, Standards for Protection Against Radiation; E.O. 9397; and 10 U.S.C. 1095, Collection from Third Party Payers Act.

PURPOSE(S):

This system is used by officials, employees and contractors of the Department of the Navy (and members of the National Red Cross in naval medical treatment facilities) in the performance of their official duties relating to the health and medical treatment of Navy and Marine Corps members; physical and psychological qualifications and suitability of candidates for various programs; personnel assignment; law enforcement; dental readiness; claims and appeals before the Council of Personnel Boards and the Board for Correction of Naval Records; member's physical fitness for continued naval service; litigation involving medical care; performance of research studies and compilation of statistical data; implementation of preventive medicine programs and occupational health surveillance programs; implementation of communicable disease control programs; and management of the Bureau of Medicine and Surgery's Radiation program and to report data concerning individual's exposure to radiation.

This system is also used for the initiation and processing, including litigation, of affirmative claims against potential third party payers.

This system is used by officials and employees of other components of the Department of Defense in the performance of their official duties relating to the health and medical treatment of those individuals covered by this record system; physical and psychological qualifications and suitability of candidates for various programs; and the performance of research studies and the compilation of medical data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Veterans Affairs in the performance of their official duties relating to the adjudication of veterans' claims and in providing medical care to Navy and Marine Corps members.

To officials and employees of other departments and agencies of the Executive Branch of Government upon request in the performance of their official duties related to review of the physical qualifications and medical history of applicants and employees who are covered by this record system and for the conduct of research studies.

To private organizations (including educational institutions) and individuals for authorized health research in the interest of the Federal Government and the public. When not considered mandatory, patient identification data shall be eliminated from records used for research studies.

To officials and employees of the National Research Council in cooperative studies of the National History of Disease.

To officials and employees of local and state governments and agencies in the performance of their official duties relating to public health and welfare, communicable disease control, preventive medicine, child and spouse abuse prevention and public safety.

To officials and employees of local and state governments and agencies in the performance of their official duties relating to professional certification, licensing and accreditation of health care providers.

To law enforcement officials to protect the life and welfare of third parties. This release will be limited to necessary information. Consultation with the hospital or regional judge advocate is advised.

To spouses of service members (including reservists) who are infected with the Human Immunodeficiency Virus. This release will be limited to HIV positivity information. Procedures for informing spouses will be published by the Director, Naval Medicine and must be used.

To military and civilian physicians to further the medical care and treatment of the patient.

To release radiation data per 10 CFR part 20.

To third parties in those cases where the Government is seeking reimbursement under the Third Party Payers Act.

When required by federal statute, by executive order, or by treaty, medical record information will be disclosed to the individual, organization, or government agency, as necessary.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system of records notices also apply to this system.

Note: Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C 290dd–3 and 290ee–3. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The 'Blanket Routine Uses' do not apply to these types of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Primary, secondary, and subsidiary medical health records are stored in file folders, microform, on magnetic tape, punched cards, machine listings, discs, and other computerized or machine readable media.

RETRIEVABILITY:

Military health (medical and dental) treatment records are filed and maintained by the last four digits of the military member's Social Security Number, the member's last name, or the member's Social Security Number. A

locator case file cross-references the patient's name with the location of his/her record.

Inpatient (clinical) health records are filed and maintained by the last four digits of the sponsor's Social Security Number or a register number. A manual or automatic register of patients is kept at each Navy medical treatment facility. The location of the file can be determined by a seven-digit register number or the patient's name.

Outpatient (medical and dental) health records are filed and maintained by the sponsor's Social Security Number or date of birth, relationship to the sponsor, and name. A locator file cross-references the patient's name with the location of his/her record.

Treatment records retired to a Federal Records Center prior to 1971 are retrieved by the name and service number or file number. After that date, records are retrieved by name and Social Security Number.

Aviation medical records are filed and maintained by Social Security Number and name.

Marine Security Guard Battalion psychological examination, evaluation, and treatment case files contain medical records documenting fitness for assignment as Embassy Guards and are filed and maintained by Social Security Number and name. Subsidiary health care records may or may not be identified by patient identifier. When they are, they may be retrieved by name and Social Security Number.

SAFEGUARDS:

Records are maintained in various kinds of filing equipment in specific monitored or controlled access rooms or areas; public access is not permitted. Computer terminals are located in supervised areas. Access is controlled by password or other user code system. Utilization reviews ensure that the system is not violated. Access is restricted to personnel having a need for the record in providing further medical care or in support of administrative/clerical functions. Records are controlled by a charge-out system to clinical and other authorized personnel.

RETENTION AND DISPOSAL:

Health care records are retained, retired, and disposed of in accordance with Secretary of the Navy Instruction 5215.5 (Disposal of Navy Marine Corps Records) and Bureau of Medicine and Surgery Instruction 6150.1 (Health Care Treatment Records).

Specifics are given below:

Military health (medical and dental) records, are transferred with the member upon permanent change of duty station to his/her new duty station. These records are retired to the National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132–5100 Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, LA 70149–7800; and, Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, KS 66211–1408.

Inpatient health records are transferred to the National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132–5100 or to the National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO, two years after the calendar year of the last date of treatment.

Outpatient health records of civilians are transferred to the National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132–5100 or to the National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO, two years after the calendar year of the last date of treatment.

X-ray files are retained on-site and destroyed three years after the last x-ray in the file. Asbestos x-rays are retained on site indefinitely.

Secondary health record may be retained separate from the health record. A notation is made in the health record that these records exist and where they are being kept. When the health record is retired or the patient transfers, these records should be entered in the health record.

Aviation medical records are retained at the activity and destroyed when 30 years old.

Marine Security Guard Battalion psychological examination, evaluation, and treatment case files containing medical records documenting fitness for assignment as Embassy Guards are retained at the activity and destroyed after 50 years.

Clinical psychology case files documenting suitability for special assignment will be retained at the originating medical treatment facility and destroyed when 50 years old.

Radiation exposure records for personnel exceeding exposure limits are retained at Bureau of Medicine and Surgery for 50 years, then destroyed; all others are retained 5 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Service medical (health and dental) records for active and reserve, Navy and Marine Corps: Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372–5120; Commanding Officers, Naval Activities, Ships and Stations; and, Director, National Personnel Records Center, Military Personnel Records, 9700 Page Avenue, St. Louis, MO 63132–5100. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

Inpatient and outpatient treatment records: Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372–5120; Commanding Officers and Officers-in-Charge of naval medical treatment facilities; and, Director, National Personnel Records Center, Military Personnel Records, 9700 Page Avenue, St. Louis, MO 63132–5100. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

NOTIFICATION PROCEDURE:

Active duty Navy and Marine Corps personnel and drilling members of the Navy and Marine Corps Reserves seeking to determine whether this system of records contains information about themselves should address written inquiries to the originating medical or dental treatment facility. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

Inactive Naval Reservists should address requests for information to the Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, LA 70149–7800. Marine Reservist's should address requests for information to Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, KS 66211–1408.

Former members who have no further reserve or active duty obligations should address requests for information to the Director, National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132–5100.

All written requests should contain the full name and Social Security Number of the individual, his/her signature, and in those cases where his/her period of service ended before 1971, his/her service or file number. In requesting records for personnel who served before 1964, information provided to the National Personnel Records Center should also include date and place of birth and dates of periods of active Naval service.

Records may be requested in person. Proof of identification will consist of the Armed Forces Identification Card or by other types of identification bearing picture and signature.

Requests for inpatient records within two years of inpatient stay should be addressed to the Commanding Officer of the hospital where the individual was treated.

Requests for inpatient records after two years after inpatient stay should be addressed to the Director, National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118 or to the Director, National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132–5100.

Requests for subsidiary medical records should be addressed to the Commanding Officer of medical or dental center where treatment was received.

The following data should be provided: Full name, Social Security Number, status, date(s) of treatment or period of hospitalization, address at time of medical treatment, and service number.

Full name, date, and place of birth, I.D. card or driver's license, or other identification to sufficiently identify the individual with the medical records held by the treatment facility must be presented.

RECORD ACCESS PROCEDURE:

Individuals seeking access to record about themselves contained in this system of records should address written inquiries to the medical or dental treatment facility where treatment was received or to the officials listed under 'Notification procedure'.

CONTESTING RECORD PROCEDURE:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Reports from attending and previous physicians and other medical personnel regarding the results of physical, dental, and mental examinations, treatment, evaluation, consultation, laboratory, x-rays, and special studies conducted to provide health care to the individual or to determine the individual's physical and dental qualification.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N06150-3

SYSTEM NAME:

Naval Health/Dental Research Center Data File.

SYSTEM LOCATION:

Naval Medical Research and Development Command, Naval Medical Research Institute and/or Naval Dental Research Institute to which individual is assigned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

For medical: Navy and Marine Corps personnel on active duty since 1960 to date. Civilians taking part in Operation Deep Freeze, 1964 to date.

For dental: Navy and Marine Corps personnel on active duty since 1967 to date.

CATEGORIES OF RECORDS IN THE SYSTEM:

Extracts of information from official medical/dental and personnel records, results of dental examinations conducted by staff research scientists, as well as information dealing with biographical, attitudes, and questions relating to medical and dental health patterns during active service or prior to active duty.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5013 and E.O. 9397.

PURPOSE(S):

To research, monitor and analyze the types and frequency of medical and dental diseases and illnesses in Navy and Marine Corps personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are maintained on magnetic tape, flexible and hard disks, paper files, punch cards and optically marked cards.

RETRIEVABILITY:

Retrievability is by Social Security Number or service number as appropriate for military and former military personnel. Civilians are by name only.

SAFEGUARDS:

Access is restricted to personnel having a need to work with the research data stored. Access is controlled by password for health records stored on magnetic tape. Computerized dental research records contain I.D. numbers that can be matched to Social Security Number's on code sheets maintained by research personnel.

RETENTION AND DISPOSAL:

Research records are permanent. They are maintained for five years at the activity performing the research and then retired to the Federal Records Center, St. Louis, MO.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Navy and Marine Corps personnel and former serving members must provide a Social Security Number or service number as appropriate, give the branch of service, and years of active duty. Civilians in Operation Deep Freeze must identify themselves by full name and the year in which they wintered over.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Navy and Marine Corps personnel and former serving members must provide a Social Security Number or service number as appropriate, give the branch of service, and years of active duty. Civilians in Operation Deep Freeze must identify themselves by full name and the year in which they wintered over.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is derived from (a) Medical Treatment Record Systems,

VOL 58 ISS 33 FE 22 1993 UMI

including medical, dental, health records, inpatient treatment records and outpatient treatment records, (b) Personnel Records System and Personnel Rehabilitation Support System, (c) Enlisted Master File, (d) information provided by the members themselves on a volunteer basis in response to specific research questionnaires and forms, and (e) information provided by the members' peers and superiors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N06310–1

SYSTEM NAME:

Reports of Injury/Illness for Personnel on MSC Ships.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 31), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Injured civilian seamen and government service seamen employed by the Military Sealift Command or its contract operators for service on board MSC ships.

CATEGORIES OF RECORDS IN THE SYSTEM:

System consists of preliminary personal injury and illness reports on civilian seamen and government service seamen employed by the Military Sealift Command or its contract operators.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Admiralty Claims Act (10 U.S.C. 7622); 5 U.S.C. 301, Departmental Regulations; 44 U.S.C. 3101.

PURPOSE(S):

To evaluate and settle admiralty claims asserted against the Navy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders stored in file cabinets.

RETRIEVABILITY:

Name of injured seaman; name of MSC ship; date of injury.

SAFEGUARDS:

Files are maintained in file cabinets under the control of authorized personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Reports are maintained in personal injury report file folders for a period of two years from the date of particular injury or illness and are, thereafter, destroyed at the local office level.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Admiralty), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Assistant Judge Advocate General (Admiralty), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Assistant Judge Advocate General (Admiralty), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street Alexandria, VA 22332–2400.

Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Masters of Military Sealift Command ships; witnesses; medical and dental forms; and investigative reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N06320–1

SYSTEM NAME:

Health Care Accounts and Insurance Information.

SYSTEM LOCATION:

Primary System is located at the Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372–5120.

Decentralized Segments are located at the Naval Hospitals and Medical Clinics which provide services or perform work giving rise to such accounts receivable. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual receiving health care treatment or examination services funded by the Navy Medical Department. Coverage also includes sponsors and other persons responsible for the debts of such persons. All commercial insurance carriers with whom the Department of the Navy has filed a claim under the Third Party Payers Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name and Social Security Number, sponsor's Social Security Number, if applicable, pay grade, branch of service of service, duty station address, account number, activity performing service, patient's insurance information, civilian employer, patient category, time and dates of service, units of service, physicians' and hospitals' statements of service a total charges for treatment including interest, administrative and penalty charges, payment receipts, admission documents, correspondence relating to collection attempts to ascertain eligibility status, patient category, and third party insurer liability, records of payment received and outstanding balances, letter reports of uncollectible accounts receivable, records suspending or terminating collection action or effecting compromise settlement agreements, and requests for recovery of CHAMPUS funds and substantiating documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 191–195, 227, and 952 (also known as the Federal Claims Collection Act of 1966); 10 U.S.C. 1078–1079 and 1095; 37 U.S.C. 702, 705, and 1007; E.O. 9397; and, 10 U.S.C. 1095, Collection From Third Party Payers Act.

PURPOSE(S):

To identify and facilitate payment of amounts owed the U.S. Users of the

information include Bureau of Medicine and Surgery personnel who are directly involved in processing payments or billings of patient accounts. The information is used to determine amounts owed, methods to be employed to effect recovery, whether or not the claim can be compromised or collection action thereon terminated or suspended.

To determine amounts owed by third party health insurers, and to collect charges for utility bills and other miscellaneous items. File may be forwarded to the Naval Criminal Investigative Service for investigation or to any component of DOD, as needed, in the performance of their duties related to same.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To third parties in those cases where the Government is seeking reimbursement under the Third Party Payers Act.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records stored on disc, tape, punched cards, and machine listings. Manual records stored on index cards (3x5) in card files and in file folders and reading files.

RETRIEVABILITY:

Automated records are retrieved by either a query or a request for a standard report. Data may be indexed by any data element although the primary search keys are name and Social Security Number. Paper records are filed alphabetically by last name of debtor.

SAFEGUARDS:

Access to the automated system requires user account number and password sign on. Access to the paper records and/or terminals are limited to authorized personnel that are properly screened and trained. Office space where records and/or terminals are located is locked after official working hours.

RETENTION AND DISPOSAL:

Records are retained in active file until collection action has been completed, compromised, suspended, or terminated. They are held in inactive file until statute of limitations has run and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372–5120 and Commanding Officers of Medical Treatment Facilities. Official mailing addresses are published as an appendix to Navy's compilation of system of record notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372–5120 or to the Commanding Officer of the Medical Treatment Facility where treatment was received. Requests should provide the full name of the patient and sponsor, the military or dependency status of the patient and sponsor, and the location and approximate dates of treatment or examination. Driver's license and/or military I.D. card will be considered adequate proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372–5120 or to the Commanding Officer of the Medical Treatment Facility where treatment was received. Requests should provide the full name of the patient and sponsor, the military or dependency status of the patient and sponsor, and the location and approximate dates of treatment or examination. Driver's license and/or military I.D. card will be considered adequate proof of identity.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Automated patient administration system records produced at Medical Treatment Facilities include but are not limited to Inpatient Admission/ Disposition Records, NAVMEDCOM 6300/5; Report of Treatment Furnished Pay, Patients-Hospitalization/Outpatient Treatment Furnished, DOD 7/7A, Part A/B. Other record source categories are: OCHAMPUS, Denver; U.S. Postal Service; Military Locator Service; State Departments of Motor Vehicles; any component of the DOD; the Department of Justice, the General Accounting Office, retail credit associations, financial institutions, current or previous employers, educational institutions, trade associations, automated system interfaces, local law enforcement agencies, the Department of Health and Human Services, the Internal Revenue Service, and the Office of Personnel Management.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N06320–2

SYSTEM NAME:

Family Advocacy Program System.

SYSTEM LOCATION:

Central Registry: Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372-5120.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All beneficiaries entitled to care at Navy medical and dental facilities whose abuse or neglect is brought to the attention of appropriate authorities, and all persons reported for abusing or neglecting such beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records, investigative reports, correspondence, family advocacy, committee reports, follow-up and evaluative reports, and any other supportive data assembled relevant to suspected, at risk, and confirmed cases of family members abuse or neglect.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5132; 44 U.S.C. 3101; and E.O. 9397.

PURPOSE(S):

This system is used by officials and employees of the Department of the Navy and the Department of Defense in the performance of their official duties relative to the health and medical treatment of Department of Defense beneficiaries in naval medical and dental facilities.

This system is used by officials and employees of the Department of the Navy to collect information pertaining to the identification, evaluation, intervention, treatment, prevention and follow-up of victims and perpetrators of abuse or neglect.

VOL 58 ISS 33 FE 22 1993 UMI

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Executive Branch of government in the performance of their official duties relating to the coordination of family advocacy programs, medical care, and research concerning family member abuse or neglect

To federal, state or local government agencies when it is deemed appropriated to utilize civilian resources in the counseling and treatment of individuals or families involved in abuse or neglect or when it is deemed appropriate or necessary to refer a case to civilian authorities for civil or criminal law enforcement.

To authorized officials and employees of the National Academy of Sciences, and private and public organizations and individuals for authorized health research in the interest of the federal government and the public. When not considered mandatory, patient identification data shall be eliminated from records used for research studies.

To officials and employees of federal, state, and local governments and agencies when required by law and/or regulation in furtherance of local communicable disease control, family abuse prevention programs, preventive medicine and safety programs, and other public health and welfare programs.

To officials and employees of local and state governments and agencies in the performance of their official duties relating to professional certification, licensing, and accreditation of health care providers.

To law enforcement officials to protect the life and welfare of third parties. This release will be limited to necessary information. Consultation with the hospital or regional judge advocate is advised.

When required by federal statute, by executive order, or by treaty; information will be disclosed to the individual, organization, or government agency, as necessary.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

Note: Records of identify, diagnosis, prognosis or treatment of any client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United Sates, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd-3 and 290ee-3. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The ≥Blanket Routine Uses≥ do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored in file folders, microfilm, magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

RETRIEVABILITY:

Records are retrieved through indices and cross indices of all individuals and relevant incident data. Types of indices used include, but are not limited to: names, Social Security Numbers, and types of incidents.

SAFEGUARDS:

Records are maintained in various kinds of filing equipment in specified monitored or controlled access rooms or areas. Public access is not permitted. Records are accessible only to authorized personnel who are properly screened and trained, and on a need-to-know basis, only.

Computer terminals are located in supervised areas, with access controlled by password or other user code system.

RETENTION AND DISPOSAL:

Family advocacy case records are maintained at the originating activity for a period of five years after the last entry in the file and are then destroyed. Central registry records are permanently retained under the control of the Bureau of Medicine and Surgery.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372-5120 and commanding officers of medical treatment facilities. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the commanding officer of the medical treatment facility for which they received treatment or to the Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372-5120. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records. The request should contain the full name of the individual and Social Security Number of the military or civilian sponsor or guardian, date and place of treatment, and alleged reporting of incident.

The requester may visit the office of the Chief, Bureau of Medicine and Surgery, 23rd and 'E' Streets, NW, Washington, DC 29372–5120 and the commanding officers of the individual medical treatment facilities to obtain information on whether or not the system contains records pertaining to him or her. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices. Armed Forces I.D. card or other type of identification bearing the picture and signature of the requester will be considered adequate proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the commanding officer of the medical treatment facility for which they received treatment or to the Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372-5120. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Medical and dental records and reports and information from other sources including educational institutions, medical institutions, law enforcement agencies, public and private health and welfare agencies, and witnesses.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Part of this system may be exempt under 5 U.S.C. 552a(k)(2) and (k)(5), as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and 3, (c) and (e) and published in 32 CFR part 701, subpart C. For additional information contact the system manager.

N06320–3

SYSTEM NAME:

Quality Assurance/Risk Management.

SYSTEM LOCATION:

Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372-5120; health care treatment facilities. Official mailing addresses are published as an appendix to the Navy's compilation of record system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Naval Military health care providers including active duty, reserve, retired, and separated personnel; Naval civilian health care providers including government employees, volunteers, and contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Credentialing records including Individual Credentials Files, Clinical Activity Files, Clinical Performance Profiles, Performance Appraisal Reports and other records including administrative and disciplinary proceedings; records of current and past employment and/or assignment, current and past clinical privileges, qualifications and performance, peer review records, Internal Review records, statements of physical and mental health.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 1102 and 5132; and E.O. 9397.

PURPOSE(S):

This system relates to the Bureau of Medicine and Surgery's Quality Assurance/Risk Management Program. It is used to review the quality and appropriateness of are provided to patients; investigate analyze, and report accidents, injuries, and other incidents which may be related to patient care or safety; to identify health care providers with known or suspected deficiencies or impairments which may affect patient care or safety or be the subject of professional negligence claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

With the exception of the subject of a quality assurance act, the identify of any person receiving health care services from the Department of Defense of the identify of any other person associated with the department for purposes of a medical quality assurance program that is disclosed in a medical quality assurance record shall be deleted from that record or document before any disclosure of such record is made outside the Department of Defense. Such requirement does not apply to the release of information pursuant to the Privacy Act of 1974, as amended (5 U.S.C. 552a).

Medical quality assurance record (10 U.S.C. 1102) described herein may not be made available to any person under the Freedom of Information Act (5 U.S.C. 552).

Quality assurance records may be disclosed:

To a Federal executive agency or private organization, if such medical quality assurance record or testimony is needed by such agency or organization to perform licensing or accreditation functions related to Department of Defense health care facilities or to perform monitoring, required by law, or Department of Defense Health care facilities.

To an administrative or judicial proceeding commenced by a present or former Department of Defense health care provider concerning the termination, suspension, or limitation of clinical privileges of such health care provider.

To a governmental board or agency or to a professional health care society of organization, is such medical quality assurance record or testimony is needed by such board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care provider who is a or was a member of an employee of the Department of Defense.

To a hospital, medical care center, or other institution that provides health care services, if such medical quality assurance record or testimony is needed by such institution to assess the professional qualifications of any health care provider who is or was a member or employee of the Department of Defense and who has applied for or been granted authority or employment to provide health care services in or on behalf of such institutions.

To an officer, employee, or contractor of the Department of Defense who has a need for such record or testimony to perform official duties.

To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such agency or instrumentality makes a written request that such record of testimony be provided for a purpose authorized by law.

In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality referred to in the above paragraph, but only with respect to the subject of such proceeding.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on hard copy forms in filing cabinets.

RETRIEVABILITY:

Records are retrieved by full name or Social Security Number of health care provider, or other alpha/numeric identifier.

SAFEGUARDS:

Files are monitored during normal working hours by authorized personnel and the room or the files are locked at all other times.

RETENTION AND DISPOSAL:

Records are retained at the command to which the health care provider is assigned and are transferred to the provider's new command upon transfer. When health care providers leave the health care system, the Individual Credentials Files are ordinarily retained at a provider's last command for 10 years and then destroyed. If the provider's Individual Credentials File contains a permanent adverse privileging action or an investigation of criminal misconduct, the original is forwarded to BUMED for the 10 year retention period and then permanently archived. Performance Appraisal Reports and associated documents are retained at each command to which a provider is assigned for 10 years after the provider leaves the facility and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372-5120. Commanding officers or Officers in charge of Navy Medical Department health care treatment facilities. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the naval medical facility where the treatment was received or to the Chief, Bureau of Medicine and Surgery. Requests should contain the full name, Social Security

Number, and signature of the individual. The individual may also visit BUMED or the health care treatment facility. Visitors must posses proof of identification such as I.D. card, driver's license, or other identification showing name and a recent photograph of the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the naval medical facility where the treatment was received or to the Chief, Bureau of Medicine and Surgery. Requests should contain the full name, Social Security Number, and signature of the individual. The individual may also visit BUMED or the health care treatment facility. Visitors must possess proof of identification such as I.D. card, driver's license, or other identification showing name and a recent photograph of the individual.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Incident reports relating to patients, staff, and other personnel documenting accidents, injuries, and other incidents, together with supportive correspondence and statements including statistical display and summaries.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N06530–1

SYSTEM NAME:

Blood Donor Files.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel donating blood or seeking replacement of blood.

CATEGORIES OF RECORDS IN THE SYSTEM:

Blood donation and blood replacement requirement records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 21 U.S.C. 600–799; and E.O. 9397.

PURPOSE(S):

To record emergency blood requests by blood type, identify donors, replace blood provided to cover individuals, and to meet regulatory requirements imposed by the Food and Drug Administration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computerized and paper records.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Access provided on a need to know basis only. Computerized information is password protected and maintained is a locked and/or guarded office.

RETENTION AND DISPOSAL:

Records are retained for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Chief, Bureau of Medicine and Surgery, Washington, DC 20372–5120.

The system manager is the Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the commanding officer of the activity where assigned.

The request should contain full name, Social Security Number, and must be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records contained in this system of records should address written inquiries to the commanding officer of the activity where assigned.

The request should contain full name, Social Security Number, and must be signed.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

American Red Cross, blood donors, hospitals, persons seeking replacement of blood.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N07210–1

SYSTEM NAME:

Losses of Public Funds File.

SYSTEM LOCATION:

Navy Accounting and Finance Center, Code NAFC-73, Washington, DC 20376.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Disbursing personnel who are entrusted with public funds and who incur losses of the public funds entrusted to them.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetized folders containing reports of losses of public funds, reports of investigations into losses of public funds, requests for relief of liability for losses of public funds and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 95a, 82a-1, and 82a-2.

PURPOSE(S):

To maintain and process documentation related to losses of public funds; to inform individuals of their rights to repay losses or to submit requests for relief of liability; to maintain records of investigations conducted; to approve requests for relief of liability for losses of less than 500; to make recommendations to the Secretary of the Navy on all denials and losses of 500 or more, and to control liquidation of losses by relief or by collective action.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and control log.

RETRIEVABILITY:

Name of accountable disbursing individual in whose custody the public funds were entrusted when the losses occurred.

SAFEGUARDS:

Maintained in General Services approved Class 3, Security Cabinet equipped with a Type II, three tumbler combination lock accessible only to authorized individuals.

RETENTION AND DISPOSAL:

Transferred to Federal Records one year following liquidation of the loss.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Accounting and Finance Center, Code NAFC-73, Washington, DC 20376.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written correspondence to the Commanding Officer, Navy Accounting and Finance Center, Code NAFC-73, Washington, DC 20376.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer, Navy Accounting and Finance Center, Code NAFC-73, Washington, DC 20376.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Messages, letters, and reports of investigations into losses of public funds received from: Accountable disbursing personnel, commanding officers of Navy and Marine Corps activities at which disbursing offices are located, officers appointed to conduct Judge Advocate General Manual investigations, Director, Naval Criminal Investigative Service, Commandant of the Marine Corps, and Secretary of the Navy.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N07220-1

SYSTEM NAME:

Armed Forces Health Professional Scholarship System.

SYSTEM LOCATION:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AFHSP students until graduation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel and entitlement data necessary for pay computation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 92-426

PURPOSE(S):

To maintain a data base which will permit officials and employees of the Department of the Navy to prepare checks, leave and earning statements and financial reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of the Treasury, Social Security Administration, and Department of Veterans Affairs when needed to provide payment or service to member.

To federal, state, or local government agencies when payments received through the Armed Forces Health and Professional Scholarship System impact on payments or benefits issued by those agencies and/or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget.

To the American Red Cross, Navy Relief Society and U.S.O. for personal assistance to the member.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and file folders.

RETRIEVABILITY:

Social Security Number and member name.

SAFEGUARDS:

Guards, personnel screening, and requester codes.

RETENTION AND DISPOSAL:

Destroyed ten years after member's graduation.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Office Building, Cleveland, OH 44199.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Office Building, Cleveland, OH 44199.

Information request must contain Navy member's full name, military status, and Social Security Number. Requester may visit above address and must have military identification card or valid state driver's license and social security card as positive proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Office Building, Cleveland, OH 44199.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Disbursing Officer, Reserve members, COMNAVMILPERSCOM, and BUMED.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N07220-2

SYSTEM NAME:

Retired Pay System.

SYSTEM LOCATION:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former members of the Navy and Reservists receiving Retired or Retainer Pay; Survivors of members or reservists requesting Survivor Benefit Plan, Retired Serviceman's Family Protection Plan or Minimum Income Widow payments; Individuals eligible for National Oceanic and Atmospheric Administration retirement payments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual retire pay and annuity pay records, statements of service, retirement orders, survivor benefit plan elections, W-4 and W-2 data, allotment data, death certificates, applications for annuities, correspondence from or to the

VOL 58 ISS 33 FE 22 1993 UMI

member or annuitant or third parties relating to an individual account, documentation of mass change, e.g., cost of living increase, due to legislative change.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Subtitle C.

PURPOSE(S):

To compute retirement and annuity payments and to investigate and reconcile any underpayments, overpayments or claims. Data is used for fiscal reports and the extraction and compilation of statistical analyses and reports for management studies for internal use as required by the Department of Defense.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data in this system is used for fiscal reports and the extraction and compilation of statistical analyses and reports for management studies for use externally required by Department of Labor, Department of Commerce or by other government agencies.

Records may be released to the Comptroller General or any of his authorized representatives in the course of the performance of duties of the Comptroller General.

To the General Accounting Office for audits and determinations relating to military pay entitlements, expenditures and accounting procedures.

To the Department of Treasury in connection with check or Electronic Fund Transfer (EFT) payment issuance.

To the Department of Veterans Affairs in regard to Disability and Severance Pay and educational benefits.

To the Social Security Administration for FICA Wage reporting.

To the Internal Revenue Service and state and local taxing authorities for computing or resolving tax liability.

To the Federal Reserve Banks for the distribution of payments made through the Direct Deposit System, to financial organizations or their processing agents authorized by individuals to receive and deposit payments in their accounts, and federal, state, or local government agencies when payments received through the Retired Pay system impact payments or benefits issued by those agencies and/or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget.

To designated beneficiaries of deceased member.

To officials and employees of Navy Relief and the American Red Cross in the performance of their duties related to the assistance of the members and their dependents and relatives, or related to assistance previously furnished such individuals, without regard to whether the individual assisted or his/her sponsor continues to be a member of the Navy.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, and disc files, microfilm and file folders.

RETRIEVABILITY:

Social Security Number and member's name.

SAFEGUARDS:

The on-line system contains the following safeguards: a. Physical access to CRT data entry terminals is under supervisory control. b. Access to central computer mainframe, other peripheral equipment and tape and disc storage is strictly controlled. Individuals must sign in and be authorized admittance before access. c. Individual user identification codes and passwords are used to control access to automated records. d. Reports are issued that are used to help monitor individuals accessing the system. Access to microfiche and microfiche readers and the respective data are maintained by supervisory control. During non-working hours, offices where records are stored are locked.

RETENTION AND DISPOSAL:

Records are retained for ten years after death of retiree or annuitant then shipped to a Federal Records storage facility. NOAA accounts are dropped upon retiree's death.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

Information request must contain Navy member's full name and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Field disbursing offices, Navy Military Personnel Command, Navy Reserve Personnel Center, individual members, annuitants, financial organizations, designated guardians and conservators of retirees or annuitants, Department of Veterans Affairs, Social Security Administration, Office of Personnel Management, Internal Revenue Service, and federal, state and local courts.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N07220-3

SYSTEM NAME:

Reserve Pay System.

SYSTEM LOCATION:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active reservists drilling in pay units.

CATEGORIES OF RECORDS IN THE SYSTEM:

Performance entitlements, monthly and yearly pay, and personnel data needed for pay computation and issuance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 11.

PURPOSE(S):

This information is used by officials and employees of the Navy Finance Center to issue checks and leave and earnings statements, investigate claims and overpayments, and to prepare financial reports. This information may be used by officials and employees in the Department of Defense, and the Naval Military Personnel Command to assist in updating, verifying or correcting their records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Internal Revenue Service and state or local tax authorities for use in

computing or resolving member's tax liability.

To the Social Security Administration to determine member's coverage under that program.

To the Department of the Treasury for issuance of checks.

To the Department of Veterans Affairs or to the Navy Family Allowance Activity when needed to process cases in the courts upon court order.

To the designated beneficiaries of deceased members.

To federal, state, or local government agencies when payments received through the Reserve Pay System impact on payments or benefits issued by those agencies and/or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget.

To officials and employees of Navy Relief and the American Red Cross in the performance of their duties related to the assistance of the members and their dependents and relatives, or related to assistance previously furnished such individuals, without regard to whether the individual assisted or his/her sponsor continues to be a member of the Navy.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and file folders.

RETRIEVABILITY:

Social Security Number and name.

SAFEGUARDS:

Guards, personnel screening, requester codes.

RETENTION AND DISPOSAL:

Microfilm record kept indefinitely in safekeeping.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

Information request must contain Navy member's full name and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Disbursing Officers, individual members, BUPERS, and IRS.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N07220–4

SYSTEM NAME:

Naval Reserve Officer Training Corps Pay System.

SYSTEM LOCATION:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NROTC students until time of commissioning.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel and entitlement data necessary for computation of pay entitlements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U. S. C. Chapter 103 and Pub. L. 88-647.

PURPOSE(S):

This information is used by officials and employees of the Navy Finance Center to issue checks and leave and earnings statements, investigate claims and overpayments, and to prepare financial reports. This information may be used by officials and employees in the Department of Defense, and the Navy Military Personnel Command to assist in updating, verifying or correcting their records or to process cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Internal Revenue Service and state or local tax authorities for use in computing or resolving member's tax liability.

To the Social Security Administration to determine member's coverage under that program.

To the Department of the Treasury for issuance of checks.

To the Department of Veterans Affairs or to the Navy Family Allowance Activity when needed to process cases.

To the courts upon court order.

To the designated beneficiaries of deceased members.

To federal, state, or local government agencies when payments received through the Naval Reserve Officer Training Corps Pay System impact on payments or benefits issued by those agencies and/or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget.

To the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and file folders.

RETRIEVABILITY:

Social Security Number and member name.

SAFEGUARDS:

Guards, personnel screening, requester codes.

RETENTION AND DISPOSAL:

Original shipped to safekeeping for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

Information request must contain Navy member's full name, military status, and Social Security Number. Requester may visit above address and must have military identification card or valid state driver's license and social security card as positive proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained

VOL
58
ISS
33
FE
22
1993
UMI

in this system should address written inquiries to the Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Disbursing Officer, Member, NMPC, CNETO, and IRS.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N07220–5

SYSTEM NAME:

Joint Uniform Military Pay System (JUMPS).

SYSTEM LOCATION:

(Decentralized) Navy and Marine Corps disbursing offices, i.e., Personnel Support Activities, Personnel Support Detachments, Disbursing Officers Afloat, and the Navy Finance Center. Specific activities are identified in Appendix B of Volume IV, Navy Comptroller Manual and addresses are contained in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All navy personnel on active duty and individual recipients of allotments of Navy personnel (active duty and retired).

CATEGORIES OF RECORDS IN THE SYSTEM:

individual Leave and Earnings Statements, Personnel Financial Records, substantiating documentation submitted via OCR documents, tape input or direct on-line CRT entry which authorized credits and deductions of pay entitlements and withholding of Federal income tax, Federal Insurance Contribution Act (FICA) payments, and Servicemen's Group Life Insurance, state and local taxes, or other deductions. Other records include Internal Revenue Form W–2's, money lists, pay receipts, check and distribution lists, allotment authorizations and associated files, absentee and deserter lists, miscellaneous correspondence requesting or providing pay information, Commanding Officer Leave Lists and microfilm ano microfiche records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 and 37 U.S.C.

PURPOSE(S):

To maintain and distribute Leave and Earnings Statements; determine and audit pay entitlements or deductions; compute, pay and report payments; determine budgets and appropriation requirements; commence and terminate allotments; determine amounts subject to fines, forfeitures or detentions of pay in connection with non-judicial punishment and courts-martial and distribution of payments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Comptroller General or any of his authorized representatives in the course of the performance of duties of the Comptroller General or the General Accounting Office in the audit and determinations relating to military pay entitlements, expenditures and accounting procedures.

To the Department of Treasury in connection with check of Electronic Fund Transfer (EFT) payment issuance.

To the Department of Veterans Affairs in regard to Disability and Severance Pay and educational benefits; Social Security Administration for FICA Wage Reporting.

To the Internal Revenue Service and state and local taxing authorities for computing or resolving tax liability.

To the Federal Reserve Banks for the distribution of payments made through the Direct Deposit System.

To financial organizations or their processing agents authorized by individuals to receive and deposit payments in their accounts.

To federal, state, or local government agencies when payments received through the JUMPS system impact payments or benefits issued by those agencies or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget.

To officials and employees of Navy Relief and the American Red Cross in the performance of their duties related to the assistance of the members and their dependents and relatives, or related to assistance previously furnished such individuals, without regard to whether the individual assisted or his/her sponsor continues to be a member of the Navy.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Personal Financial Records containing Leave and Earnings Statements, which are paper records, are stored in wooden or metal boxes or cabinets. Copies of Leave and Earnings Statements and supporting documents are stored in file folders and cabinets or on microfilm or microfiche. Automated records are stored on magnetic tapes, discs and punched cards.

RETRIEVABILITY:

Automated records are retrieved by Social Security Number and name. Documents are retrieved by Social Security Number or by an assigned internal document control number.

SAFEGUARDS:

Outside of normal working hours Personal Financial Records with Leave and Earnings Statements are secured in safes, vaults or locked cabinets. Substantiating documents and microfilmed records are retained in unlocked cabinets. During non-working hours, offices where the above-mentioned records are stored are locked.

The safeguards in the on-line automated systems include the following controls: a. Physical access to CRT data entry terminals is under supervisory control. b. Access to central computer main fame, other peripheral equipment and tape and disc storage is strictly controlled. Individuals must sign in and be authorized admittance before access. c. Individual user identification codes and passwords are used to control access to automated records. d. Reports are issued that are used to help monitor the system to determine individuals who are accessing data.

Access to microfiche and microfiche readers and the respective data are maintained by supervisory control.

RETENTION AND DISPOSAL:

Personal financial records containing the twelve most recent leave and earnings statements are retained by the Personnel Support Detachment or disbursing office servicing the Command to which the member is assigned. Copies of originating documents are retained by the local command for one year after submission and then destroyed. A central automated file is maintained for all active duty Navy personnel at the Navy Finance Center, Cleveland. Following a member's separation or retirement from the Navy, the member's Personal Financial Record is forwarded to the

central site-Navy Finance Center, Cleveland, where it is retained for approximately two months pending individual claims and is then forwarded to the Federal Records Center. The member's Master Pay Account is retained at the central site for six months following a member's separation or retirement at which time it is purged from the computer file, microfilmed, and forwarded to the Federal Records Center. Substantiating documents are microfilmed and retained at the central site for one year and then forwarded to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Navy; Commander, Naval Military Personnel Command; Commander, Navy Accounting and Finance Center; and Commanding Officer, Navy Finance Center.

NOTIFICATION PROCEDURE:

Individuals can be informed of any records maintained within the system by identifying themselves to the Personnel Support Detachment servicing that Command. The member may identify himself/herself by presenting his military identification card. Former members may request information from the Navy Finance Center, Cleveland.

RECORD ACCESS PROCEDURES:

Individuals, properly identified, may request any information pertaining to their pay from their Personnel Support Detachment. If the requested information is not available locally, the disbursing officer will obtain the information from other sources, i.e. members previous duty stations or the Navy Finance Center, Cleveland.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Local Personnel Support Detachments and other disbursing and personnel offices, the Department of Veterans Affairs, the Navy Military Personnel Command, various taxing agencies, individual members and recipients of allotments and various Navy procedures and entitlements manuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N07220–6

SYSTEM NAME:

Midshipman Pay System.

SYSTEM LOCATION:

Primary - Superintendent, U.S. Naval Academy, 580 Kingwood Street, Annapolis, MD 21402–5052.

Decentralized segments - Commanding Officer, Navy Regional Finance Center, Washington, DC 20371, Commanding Officer, Navy Finance Center, Cleveland, OH 44199, and Commander, Naval Military Personnel Command (Code H-13), Navy Department, Washington, DC 20370.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Midshipmen of the U.S. Naval Academy, Annapolis, MD.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains automatic data processing pay accounts of all Naval Academy Midshipmen. Document flow is controlled by use of a Midshipmen Payroll Change form. Controls over the system are maintained by use of a Midshipmen Payroll Control Register. Input source documents include (1) letter authority from the Superintendent to the Midshipmen Pay Offices to open the pay (2) documents to substantiate credits of advances for initial clothing and equipment issues, commuted rations, refunds for clothing turn-in, and discharge payments (3) letters from the Commandant of Midshipmen to the Midshipmen Pay Officer containing listings of names and amounts to the checked for personnel services (4) documents to substantiate checkages for liquidation of clothing and equipment advances, store bills of midshipmen subscriptions to magazines, musical concerts, etc., and (5) required deductions for Federal Tax and FICA Tax. Output documents include printouts of (1) Midshipmen Monthly Pay Accounts (2) Midshipmen Debit and Credit Explanation Register and (3) Midshipmen Yearly Pay Account. Payroll money lists which substantiate payments made and travel payment vouchers are also in files. Monthly financial returns are submitted to the Navy Regional Finance Center, Washington, D.C. for consolidation with the accounts of that office and are then forwarded to the Navy Finance Center Cleveland, Ohio in accordance with procedures prescribed in NAVCOMPT Manual, par. 048090. Copies, of the financial returns are therefore, on file in these offices. In addition, copies of documents supporting Federal Income and FICA Taxes withheld are forwarded to the Commander, Naval Military Personnel Command (Code H-13).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act Amendments of 1949 (10 U.S.C. 5060).

PURPOSE(S):

To accurately and efficiently maintain the pay accounts of Naval Academy Midshipmen; to pay and account for payments and collection of Naval Academy Midshipmen.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Internal Revenue Service and the Social Security Administration for reporting wages, FICA tax and federal tax paid.

To the American Red Cross, Navy Relief Society, and U.S.O. for personal assistance to the member.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Midshipmen Pay Office - Computer print-outs. ADP Office - Computer magnetic tapes.

RETRIEVABILITY:

Retrieved by Alfa Codes assigned to each midshipmen.

SAFEGUARDS:

Only Midshipmen Disbursing Office personnel are authorized access to records of that office. Only the computer operations are authorized access to the computer tapes. The computer area is restricted and computer tapes are locked in fireproof safes when not in use.

RETENTION AND DISPOSAL:

Pay information on the computer tapes is retained for 30 days and the tapes are then reused. Tapes containing Federal Income Tax and FICA Tax information are retained for 1 year until the required reports are rendered. The tapes are then reused. Retained copies of Midshipmen Pay Office forms are disposed of as follows: 1. Midshipmen Payroll Control Register - retain for 2 years and destroy. 2. Midshipmen Payroll Change - retain for 6 months and destroy. 3. Midshipmen Monthly Pay Account - retain for 4 years, from admission of each class through month following its graduation and destroy. 4. Midshipmen Debit and Credit Explanation Register - same as 3, above. 5. Midshipmen Yearly Pay Account - same as 3, above. Other disbursing

records and financial returns are retained 4 years follow period covered by the account and transferred to the Federal Records Center in accordance with Secretary of the Navy Instruction P5212.5b.

SYSTEM MANAGER(S) AND ADDRESS:

Overall policy and procedures - Comptroller of the Navy; primary - Superintendent, U.S. Naval Academy; decentralized segments - Commanding Officer, Navy Regional Finance Center, Washington, DC, Commanding Officer, Navy Finance Center, Cleveland, Ohio and Chief of Naval Personnel (Code H-13) Washington, DC.

NOTIFICATION PROCEDURE:

Individuals can be informed of any records maintained in the system by identifying themselves to Midshipmen Pay Office. Members must present his identification card to obtain requested information.

RECORD ACCESS PROCEDURES:

Midshipmen are issued a monthly earnings statement. All information concerning credits and checkages of pay and allowances are contained in the statement. Additional required information relative to miscellaneous changes reflected on the statement may be obtained from the individual Academy activity which reported the changes to the Midshipmen Pay Office upon presentation of his identification card.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Members service record on file in the Midshipmen Personnel Office and those documents contained in RECORD-CATEGORY, above.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N07220-7

SYSTEM NAME:

Travel Pay System.

SYSTEM LOCATION:

Decentralized, maintained by Navy disbursing offices; a list is available from Commander, Navy Accounting and Finance Center (NAFC-44), Washington, DC 20376.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person, government or private, who submits a request for payment of a travel advance or travel claim to a Navy disbursing office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Public vouchers; substantiating documents such as travel orders and expense receipts; card file or log book; automated records stored on magnetic program cards, tapes, disks, drums or punched cards utilized to control receipt and disposition of travel claims; suspense files, pay adjustments authorization, and payroll checkages utilized for control and follow-up on travel advances; debtor information records; and correspondence relating thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To reimburse any person, government or private, for travel expenses and to record, account and report for government funds. To provide a historical file and audit trail for travel payments made by the Navy; to provide a means to respond to inquiries from travelers on status of claims; to control travel advances to insure liquidation; and to provide a means for collection in cases of over advances.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a(b)(12)), debtor information may be released to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic program cards, disk, tape, hard copy forms, paper records in file folders, index cards or log books.

RETRIEVABILITY:

Travel claims which are computed with automatic data processing equipment are retrieved by using the Social Security Number. Manually computed travel claims are retrieved by disbursing office voucher number and Social Security Number. Card index files are retrieved by name and Social Security Number.

SAFEGUARDS:

The safeguards in the automated system include the following controls: (1) Physical access to video display terminals is under strict supervisory control, (2) Access to the computer peripheral equipment, program cards, tapes and disk storage is strictly controlled, (3) Individual user identification codes and passwords are used to control access to automated records, (4) Reports are issued that are used to help monitor the system to determine individuals who are accessing data, (5) Output products and storage media are stored in locked cabinets or rooms with building or military base security, (6) Positive identification is established prior to releasing personal information to an individual, and (7) Output products and storage media are labeled to warn individuals that they contain personal information subject to the Privacy Act (e.g., Personal Data-Privacy Act of 1974). Access is authorized to personnel engaged in travel claim processing, supervisory or management personnel, and inspectors, auditors, investigators. Travelers are authorized access to their own travel records; fund administrators are authorized access to records pertaining to their own funds.

RETENTION AND DISPOSAL:

The automated record is retained no longer than one year following the final settlement of a travel claim. Records recorded on magnetic program cards, tapes, disks, and drums will be disposed of by degaussing or erasing. A history/inactive hard copy file is maintained no longer than four years. Records may be moved to a regional Federal Records Center depending on local storage capability.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Navy Accounting and Finance Center, (Code NAFC-44), Washington, DC 20376. A list of the Navy disbursing offices is available from the system manager.

NOTIFICATION PROCEDURE:

If the individual is a traveler and knows the location of the Navy disbursing office processing his/her travel claim, direct contact with that office is sufficient. If unknown, or the inquirer is not a traveler, the inquiry should be submitted to the Commander, Navy Accounting and Finance Center,

address above. Requester should provide full name, Social Security Number, whether military or civilian, and, if possible, disbursing office voucher number, dates of travel, and date and location of travel claim or travel advance submission. An individual is permitted to visit any Navy disbursing office to which he/she has submitted an advance or claim. Military identification card or civilian identification such as driver's license is sufficient.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Navy Accounting and Finance Center, (Code NAFC-44), Washington, DC 20376.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Travel advances and travel claims are filed by individuals who provide information (name, Social Security Number, etc) on themselves. Supporting documentation is obtained from the associated travel order, employing commands, service providers (e.g., receipt of taxis), and Navy disbursing offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N07230-1

SYSTEM NAME:

Navy Standard Civilian Payroll System (NAVSCIPS).

SYSTEM LOCATION:

Decentralized, maintained by 72 Navy and 1 Marine Corps civilian payroll offices. A list of addresses is available from the Commander, Navy Accounting and Finance Center (NAFC-42), Washington, DC 20376.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees who are employed by Navy and Marine Corps activities and are paid from appropriated funds

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual civilian pay records, retirement records and leave records, applications for leave; overtime authorizations; substantiating documents such as personnel action forms effecting new appointments, separations, promotions, demotions, and deduction changes; Internal Revenue Service Form W-4; State and City tax information; authorizations for deductions, i.e., savings bonds, group life insurance, health benefits, overpayment, indebtedness to the Government; court orders for garnishment of wages for child support and alimony payments; allotments, i.e., union dues, charity contributions, savings allotments, special allotments for overseas employees; tax levies; claims; award payments; special pay; allowances and differentials, and case files which contain requests for waiver of erroneous payment of pay for civilian employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5301, Pay Rates and Systems, Pay Comparability System Policy.

PURPOSE(S):

To pay Navy and Marine Corps civilian employees, maintain leave and retirement records and to record, report and account for government expenditures for personal services.

To provide time and attendance information to individual employees and management; and to provide audit trails for GAO, Navy Area Audit, and internal audit procedures; to provide federal, state, and city tax information to appropriate authorities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Office of Personnel Management related to retirement information and monies for computation of annuities. Provides other data, as required for special studies.

To officials and employees of the Department of the Treasury in connection with check issuances.

To officials and employees of the Department of Veterans Affairs regarding Disability or Severance Pay Entitlement.

To officials and employees of the Social Security Administration for FICA and FITW wage reporting.

To state and local tax authorities for computing or resolving tax liability.

To state employment agencies which require wage information to determine eligibility for unemployment compensation benefits of former employees.

To financial organizations to provide lists of those employees who make deposits and the amount of the deposit to each financial organization.

To officials of labor organizations who are recognized under E.O. 11491, as amended, with information as to the identity of employees contributing dues each pay period and the amount of dues withheld from each contributor.

To the General Accounting Office, for waiver of overpayment of pay which are forwarded to them for adjudication.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tapes, disc, microfilm/microfiche and punched cards. Manual records on manual card files and in file folders.

RETRIEVABILITY:

By name, Social Security Number, or locally assigned identification number.

SAFEGUARDS:

Locked fireproof cabinets for retirement records. Metal cabinets for manual payroll and leave records within locked rooms. The computer facility and terminal are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained. Manual records and computer printouts are available only to personnel engaged in payroll processing, auditors, investigative officials and management personnel.

RETENTION AND DISPOSAL:

Payroll records are maintained on-site for 6 years, then shipped to Federal Record Center where they are retained for 56 years.

Leave Records - same as above, except held by Federal Record Center for 10 years.

Retirement Registers - same as above, except are destroyed rather than sent to Federal Record Center. Retirement records are maintained until employee separates; if he/she goes to another Navy or Marine Corps activity, retirement records are sent to that activity; if he/she goes to another agency or separates, sent to OPM.

SYSTEM MANAGER(S) AND ADDRESS:

Overall policy and procedure for the Civilian Payroll System are established by the Commander, Navy Accounting and Finance Center, Washington, DC 20376. A list of the system managers by payroll activity is available from Navy Accounting and Finance Center (NAFC-42).

NOTIFICATION PROCEDURE:

Civilian employees can directly contact the system manager of his

payroll activity. If unknown, the inquiry should be submitted to the Commander, Navy Accounting and Finance Center, address above. Requester should provide full name, Social Security Number, identification number, if applicable, activity where employed and information desired. An individual can visit his/her payroll office on any matter concerning his/her pay.

RECORD ACCESS PROCEDURES:

Employees have access to their individual pay, leave and retirement records. Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Navy Accounting and Finance Center, Washington, DC 20376. A list of the system managers by payroll activity is available from Navy Accounting and Finance Center (NAFC-42).

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Standard Form 50's (Personnel actions), time and attendance records, applications for leave and overtime authorizations, retirement records, federal state and tax forms, deduction authorizations, allotment authorizations, court orders for garnishment of wages for child support and alimony payments.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N07230–2

SYSTEM NAME:

NEXCOM Payroll Processing.

SYSTEM LOCATION:

Navy Exchange Service Command (NEXCOM), Naval Station New York Staten Island, Staten Island, NY 10305–5097 and at all Navy Exchanges located in CONUS, Subic Bay, Guam, and Japan. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy Exchange System employees located in CONUS, Subic Bay, Guam, and Japan.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Master Payroll Files and Leave Year Record File will contain at a minimum employee name, Social Security Number, department, exchange number, payroll number, birth date, marital status, citizenship, hire date, adjusted date of hire, job grade and step, employee category, pay basis, pay status (exempt/nonexempt), employee benefit, deduction information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To maintain a data base which will permit the contractor to supply bi-weekly payroll processing which includes, but is not limited to preparation and issuance of time cards, be-weekly pay checks and pay check stubs, check registers and payroll registers; preparation and issuance of various bi-weekly, monthly, quarterly, semi-annual and annual reports; establishment and maintenance of current payroll master file; annual preparation and distribution of wage and tax statements, Form W–2; and, payroll tax filing services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are stored on computer tape.

RETRIEVABILITY:

Name, Social Security Number, exchange number, and payroll number.

SAFEGUARDS:

Contractor facility is protected with an ADT Alarm System which is in operation 24 hours per day, seven days a week. All rooms within the facility, as well as the entire perimeter of the facility, are on-line with this system. All alarms are wired to the Security Company as well as the local police station. The NEXCOM data cannot be obtained through any dial-up method by other than an authorized Navy Exchange location.

RETENTION AND DISPOSAL:

Records are maintained by the contractor for the life of the contract (three years or more). Once contract is complete, records are returned to NEXCOM where they are maintained for seven years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Exchange Service Command, Naval Station New York Staten Island, Staten Island, NY 10305–5097.

Record Holder Manager: Comptroller, Navy Exchange Service Command, Naval Station New York Staten Island, Staten Island, NY 10305–5097.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Comptroller, Navy Exchange Service Command, Naval Station New York Staten Island, Staten Island, NY 10305–5097. The request must contain individual's full name and Social Security Number and must be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Comptroller, Navy Exchange Service Command, Naval Station New York Staten Island, Staten Island, NY 10305–5097. The request must contain individual's full name and Social Security Number and must be signed.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in the Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Timekeeping management documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N07240–1

SYSTEM NAME:

Commercial Invoice Payments History System.

SYSTEM LOCATION:

Decentralized, maintained by Navy disbursing offices. A list of addresses is available from the Commander, Navy Accounting and Finance Center (NCF-5), Washington, DC 20376.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, government or private, who submits a request for payment to Navy disbursing offices for goods and/or services rendered.

CATEGORIES OF RECORDS IN THE SYSTEM:

Public vouchers; substantiating documents such as invoices, receipt documents, inspection reports, procurement instruments, contract index files, assignment documents, machine listings, government bills of lading, transportation requests, meal tickets; magnetic tape, disk files, roll microfilm, microfiche; and related correspondence files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Departmental Regulations.

PURPOSE(S):

To provide a record of all disbursements made on commercial invoices by Navy disbursing offices; provides an audit trail of commercial invoice payments made by the Navy; provides a means to respond to inquiries from individuals on status of invoices and contracts; provides a means of detecting and precluding duplicate payments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; computer magnetic tapes; roll microfilm, microfiche.

RETRIEVABILITY:

Retrieved by disbursing office voucher number for paid invoices; retrieved by procurement instrument identification number for contractors by contract index cards; retrieved by name of individual from machine listings. Information in disbursing office voucher file and microfilm/microfiche can be retrieved by name through search process if billing/submission date is known.

SAFEGUARDS:

Locked cabinets or rooms, with building or military base security. Access authorized to designated personnel engaged in commercial invoice processing, supervisory or management personnel, and inspectors, auditors, investigators. Individuals are authorized access to their own payment history file; fund administrators are authorized access to records pertaining to their own funds.

RETENTION AND DISPOSAL:

Records are maintained for four years. Records may be moved to a regional Federal Records Center depending on local storage capability. No standard means for destruction exists.

SYSTEM MANAGER(S) AND ADDRESS:

Commercial invoice payment history requirements are prescribed by the Comptroller of the Navy in its Manual (NAVSO P-1000); a list of Navy disbursing offices authorized to pay invoices can be obtained from the Commander, Navy Accounting and Finance Center (NCF-5), Washington, DC 20376.

NOTIFICATION PROCEDURE:

If the individual knows the location of the Navy disbursing office holding his/her invoice payment history, direct contact with that office is sufficient. If location is unknown, the inquiry should be directed to the Commander, Navy Accounting and Finance Center, address above. Inquirer should provide full name, Social Security Number, whether military or civilian, contract or purchase order number and, if possible, disbursing office voucher number, invoice date, number and amount. An individual is permitted to visit any Navy disbursing office to which he/she has submitted an invoice for payment. Identification should include military identification card, civilian identification such as driver's license and company or agency affiliation. Access to classified contracts requires confirmation of security clearance and need to know.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the system manager.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in the Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Commercial invoices are filed by individuals who provide information on themselves. Supporting documentation is obtained from employing company, material/service providers and receivers and Navy disbursing offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N07300–1

SYSTEM NAME:

Relief for Losses of Public Funds/SBP Annuitants for Overpayment of Benefits.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 32), Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Accountable Navy and Marine Corps military and civilian personnel who request relief from liability for losses of public funds in their custody and survivor benefit plan annuitants who request waiver of overpayment of benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of requests submitted by individuals of the above-stated categories for grant of relief from liability, together with information voluntarily furnished by the affected individuals concerning the circumstances of losses of funds in their custody, or overpayment of Survivor Benefit Plan benefits, and additional information derived from investigatory and audit reports and comments of forwarding endorsers concerning circumstances of losses or overpayment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 1453; 31 U.S.C. 3527; and 44 U.S.C. 3101.

PURPOSE(S):

To determine within the Department of the Navy and General Accounting Office (GAO) whether the circumstances of particular losses of public funds or overpayment of Survivor Benefit Plan benefits warrant granting requests for relief from liability.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the GAO in cases requiring the concurrence of the Comptroller General for a grant of relief from liability.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

By name of individual requesting relief.

VOL 58 ISS 33 FE 22 1993 UMI

SAFEGUARDS:

Files are maintained in file cabinets under the control of personnel during working hours; the office space in which the file cabinets are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are retained indefinitely; however records are transferred to the Federal Records Center, Suitland, MD.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400. The request should contain full name, address, and the approximate date on which relief was requested.

Personal visits may be made to the Civil Affairs Division (Code 32), Office of the Judge Advocate General, Room 9N11, Hoffman Building II, 200 Stovall Street, Alexandria, VA 22332–2400. Armed forces identification card or driver's license is required for identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the system is furnished partly by the individual requesting relief, and is supplemented by reports of Department of the Navy audits and investigations pertaining to the particular losses of funds or overpayment of Survivor Benefits Plan benefits involved. Additional amplifying information is typically furnished by officers forwarding requests to the Secretary of the Navy.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N07320-1

SYSTEM NAME:

Property Accountability Records.

SYSTEM LOCATION:

At all activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Department of the Navy employee (military or civilian) receiving government property for which he must sign a receipt.

CATEGORIES OF RECORDS IN THE SYSTEM:

The receipts maintained are any of the following: Logbooks, property passes, custody chits, charge tickets, sign out cards, tool tickets, sign out forms, photographs, charge cards, or any other statement of individual accountability for receipt of government property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To identify individuals to whom government property has been issued.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The receipts may be maintained in any of the following formats: Logbooks, property passes, custody chits, charge tickets, sign out cards, tool tickets, sign out forms, photographs, charge out cards or any other statement of individual accountability for receipt of government property.

RETRIEVABILITY:

Retrievability may be by any of the following: Name, badge number, tool number, property serial number, or any other locally determined method of property receipt accountability.

SAFEGUARDS:

The receipts are unclassified.

RETENTION AND DISPOSAL:

Retention of receipts for property is at the discretion of the local activity responsible for the property being issued.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager is the commanding officer or officer in charge of the activity where the property accountability records are maintained.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether system records contain information pertaining to them may do so by making application to the commanding officer or officer in charge of the activity where the receipts are located. Individuals making application must have a Department of the Navy approved identification card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the commanding officer or officer in charge of the activity where the receipts are located. Individuals making application must have a Department of the Navy approved identification card.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is collected directly from the subject individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N07401-1

SYSTEM NAME:

Bingo Winners.

SYSTEM LOCATION:

Decentralized, maintained at Navy and Marine Corps stateside and overseas bases, where bingo is authorized and played. Inquiries should be addressed to the local activity or to the Chief of Naval Personnel, Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370–5001 (for naval activities); and the Commandant of the Marine Corps (MSMS), Washington, DC 20380 (for Marine Corps activities).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual U.S. citizens 18 years of age and older who are paid monies/prizes of 1,200 or more for one-time winnings associated with bingo.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bingo payout control sheet indicating individual name, grade, Social Security Number, duty station, dates and amounts of bingo monies paid.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5013; Section 6041, Internal Revenue Code; BUPERSINST 1710 series; Manual for Messes Ashore, NAVPERS 15951; MCO P-1745.15 series; NAVSO P-3520; and E.O. 9397.

PURPOSE(S):

Navy and Marine Corps shore activities use this file (where bingos have been authorized) to account for and control monies and items of merchandise paid to individual winners of bingo games and as a basis for IRS Forms W-2G and 5754, reporting on individuals whose one-time winnings are 1,200 or more. To provide a means of paying, recording, accounting for, reporting, and controlling expenditures and merchandise inventories associated with bingo games.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in file cabinets located in a secure area.

RETRIEVABILITY:

Individual control sheets. Individual IRS Form W-2G by name and Social Security Number.

SAFEGUARDS:

Records are kept in occupied rooms which are locked during non-working hours.

RETENTION AND DISPOSAL:

Records are maintained on site for 3 years and then shipped to the Federal Records Center in accordance with Secretary of the Navy Instruction 5212.5 series.

SYSTEM MANAGER(S) AND ADDRESS:

A list of system managers by activity is available from the Chief of Naval Personnel, Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370–5001 (for naval activities); and the Commandant of the Marine Corps (MSMS), Washington, DC 20380 (for Marine Corps activities).

NOTIFICATION PROCEDURE:

Individuals are notified via IRS Form W-2G if their one-time bingo winnings are 1,200.00 or more. An individual can contact the applicable systems manager on matters concerning their bingo winnings.

RECORD ACCESS PROCEDURES:

Individuals have access to information applicable to their individual bingo winnings. Officials such as the IRS have access to information applicable to all bingo winners. Access is through the system manager.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Bingo payout control sheets.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N07430–1

SYSTEM NAME:

Navy Debt Management and Collection System (MNCS).

SYSTEM LOCATION:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199–2055.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been paid more funds by the Department of the Navy than to which they were legally entitled.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, and debt amount. Documentation which established overpayment status, financial status affidavit, payment record, credit reference, and miscellaneous correspondence to and from the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

80 Stat. 308 and 88 Stat. 393, Federal Claims Collection Act of 1966 (Pub. L. 89–508) and Debt Collection Act of 1982 (Pub. L. 97–365), and E.O. 9397.

PURPOSE(S):

To maintain an automated tracking and accounting system for individuals indebted to the Department of the Navy. Records in this system are subject to use in approved computer matching programs authorized under the Privacy Act of 1974, as amended, for debt collection purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the General Accounting Office and the Department of Justice for collection action for any delinquent account when circumstances warrant.

To a commercial credit reporting agency for the purpose of either adding to a credit history file or obtaining a credit history file for use in the administration of debt collection.

To a debt collection agency for the purpose of collection services to recover indebtedness owed to the Department of the Navy.

To any other Federal agency for the purpose of effecting administrative or salary offset procedures against a person employed by that agency when the Department of the Navy, as a creditor agency, has a claim against that person.

To any other Federal agency including, but not limited to, the Internal Revenue Service and Office of Personnel Management for the purpose of effecting an administrative offset of a debt.

To the Internal Revenue Service (IRS) to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim against the taxpayer.

Note: Redisclosure of a mailing address from the IRS may be made only for the purpose of debt collection, including to a debt collection agency in order to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982, except that a mailing address to a consumer reporting agency is for the limited purpose of obtaining a commercial credit report on the particular taxpayer. Any such address information obtained from the IRS will not be used or shared for any other DOD purpose or disclosed to another Federal, state, or local agency which seeks to locate the same individual for its own debt collection purpose.

To any other Federal, state, or local agency for the purpose of conducting an authorized computer matching program to identify and locate delinquent debtors for recoupment of debts owed the Department of the Navy.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1966 (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (Social Security Number); the amount, status, and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, floppy disks, microfiche, magnetic tape, and hard disks.

RETRIEVABILITY:

Social Security Number and individual's name.

SAFEGUARDS:

Facilities are locked and accessed by coded entry door lock system. Access to the data is controlled by a user identification and password system. Personnel having access are limited to those having an official need-to-know and who have been trained in handling personnel information subject to the Privacy Act.

RETENTION AND DISPOSAL:

Files of accounts which are paid in full will be maintained for three years after final payment. Other files will be maintained for six years after termination of collection action.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199–2055.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199–2055.

The request must contain individual's full name and should include the Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199–2055.

The request must contain individual's full name and should include the Social Security Number.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Disbursing officers, credit bureaus, the individual, Internal Revenue Service, Postmasters, Department of Veterans Affairs, Bureau of Motor Vehicles, and the Defense Manpower Data Center.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N07431-1

SYSTEM NAME:

Savings Deposit.

SYSTEM LOCATION:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy members still declared missing in action in the Vietnam conflict.

CATEGORIES OF RECORDS IN THE SYSTEM:

Members records reflecting account balances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 89-538.

PURPOSE(S):

To credit interest and to clear accounts upon termination. Records will be furnished to Navy Family Allowance Activity and other Department of Defense agencies servicing families of persons still having active accounts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Internal Revenue Service upon termination of account

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and file folders.

RETRIEVABILITY:

Social Security Number and member name.

SAFEGUARDS:

Guards, personnel screening, and specific requester codes.

RETENTION AND DISPOSAL:

Upon closing of account, records are shipped to FRC and destroyed after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

Only the member or executor or beneficiary of estate will be provided information. Individual's name and Social Security Number are required. Persons wishing to view records in person must report to the Navy Family Allowance Activity, Room 967, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Member's initial request, adjudicators in Central Accounts Department.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N07600-1

SYSTEM NAME:

NIF Standard Automated Financial System (STAFS).

SYSTEM LOCATION:

Naval Industrial Fund (NIF): (1) Naval Air Development Center (NADC), Warminster, PA; (2) Naval Coastal Systems Center (NCSC), Panama City, FL; (3) Naval Surface Weapons Center (NSWC), Dahlgren, VA; (4) David W. Taylor Naval Ship Research and Development Center (DTNRDC), Bethesda, MD; (5) Naval Ocean Systems Center, (NOSC), San Diego, CA; (6) Naval Underwater Systems Center (NUSC), Newport, RI; (7) Naval Weapons Center (NWC), China Lake, CA; (8) Naval Air Engineering Center (NAEC), Lakehurst, NJ; (9) Naval Air Propulsion Center (NAPC), Trenton, NJ; (10) Naval Air Test Center (NATC), Patuxent River, MD; (11) Pacific Missile Test Center (PMTC), Pt. Mugu, CA; (12) Naval Civil Engineering Laboratory (NCEL), Pt. Hueneme, CA; (13) Naval Research Laboratory (NRL), Washington, DC; (14) Naval Ship Weapon Systems Engineering Station, (NSWSES), Pt. Hueneme, CA. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records of present, former, and prospective civilian and military personnel assigned/employed by the activities listed above. Selected non-employees for which the host activity records travel and STAFS computer access.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel, travel, time and attendance input sent to payroll office; and work history for billing for services provided to other naval activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5013.

PURPOSE(S):

To collect data for labor costing; customer billing; reimbursement of travelers for travel expenses; maintaining a historic file and audit trail for payments made by the Navy; responding to inquiries from travelers on status of claims; controlling travel allowances and pay; recording and accounting for Government expenditures for personnel services of Navy employees; and maintaining time and attendance information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, and magnetic disc.

RETRIEVABILITY:

By name, Social Security Number, and employee identification number.

SAFEGUARDS:

Password controlled system, file, and element access based on predefined need to know. Physical access to terminals, terminal rooms, buildings and activities' grounds are controlled by locked terminals and rooms, guards, personnel screening and visitor registers.

RETENTION AND DISPOSAL:

Active employee records are retained while personnel are active. Inactive employee records are retained until all links are satisfied. When this condition occurs, the inactive employee record can be purged from the data base to magnetic tape which is stored in a secure controlled area.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Individual should provide full name of the individual concerned and signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Individual should provide full name of the individual concerned and signed by the requesting individual.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals concerned, other records of the activity concerned, other records of activity supervisors, investigators, witnesses, correspondents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N08370-1

SYSTEM NAME:

Weapons Registration.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals registering firearms or other weapons with station security officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Weapon registration records, weapon permit records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To assure proper control of weapons on Naval installations and to monitor and control purchase and disposition of weapons.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, punched cards, magnetic tape.

RETRIEVABILITY:

Name, Social Security Number, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Locked and/or guarded office.

RETENTION AND DISPOSAL:

Per Secretary of the Navy Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual concerned, other records of activity, investigators, witnesses, correspondents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N10140–1

SYSTEM NAME:

Ration Card Records.

SYSTEM LOCATION:

U.S. Navy Personnel Support Activity Detachments London, Holy Loch, Brawdy, Edzell, and Thurso, United Kingdom.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers, enlisted, and civilian component personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Ration Card holders are entered on 5 x 8 color coded cards, which are contained in boxes and maintained alphabetically. Ration Cards are registered in log, showing name of individual and number of Ration Cards issued.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To establish strict control over persons entitled to acquire tax-free ration items; to ensure entitled personnel do not obtain more than one ration card, and for inspection by officers of Her Majesty's Commissioners of Customs and Excise, United Kingdom, with whom the Ration Card program was originally negotiated by the U.S. military authorities. Accredited members of the Naval Criminal Investigative Service may have access, upon request.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All Ration Cards are maintained on 5 x 8 cards filed and listed in numerical order in logs.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records held in file cabinets in space maintained by Enlisted Personnel Office during working hours and locked after working hours.

RETENTION AND DISPOSAL:

All records maintained for duration of tour of personnel concerned and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Naval Activities, United Kingdom, PSC 902, Box 4, FPO AE 09499–0152.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should visit the U.S. Navy Personnel Support Activity Detachment where attached. Official addresses are published as an appendix to the Navy's compilation of systems of records notices.

Personnel should be prepared to present a valid military identification card or Department of Defense identification card to view records pertaining to themselves.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should visit the U.S. Navy Personnel Support Activity where attached. Official addresses are published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Not applicable.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N10140–2

SYSTEM NAME:

Privately-Owned Tax-free Vehicle Record Cards, Tax-free Gasoline Record Cards.

SYSTEM LOCATION:

Commander, U.S. Naval Activities, United Kingdom, PSC 902, Box 4, FPO AE 09499–0152.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers, enlisted and civilian component personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Privately-owned tax-free vehicles and owners are entered on typewritten 5 x 8 cards, which are contained in boxes and maintained alphabetically. Gasoline coupon records are maintained on individually completed 5 x 8 cards (3AF Form 43) and filed alphabetically. I.D. windscreen stickers are registered in a log and show the name of the individual and the sticker number allocated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To establish strict control over persons entitled to acquire tax-free vehicles; to ensure entitled personnel do not obtain gasoline coupons in excess of their entitlement, and for inspection by officers of Her Majesty's Commissioners of Customs and Excise, United Kingdom, with whom the tax-free vehicle and gasoline program was originally negotiated by the U.S. military authorities. Accredited members of the Naval Criminal Investigative Service may have access, upon request.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All vehicle and gasoline records are maintained on 5 x 8 cards. I.D. stickers are listed numerically in a register.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are stored in file cabinets in space maintained by administrative (gasoline records) and security (vehicle records) personnel. These cabinets are locked at the end of the day.

RETENTION AND DISPOSAL:

Records are maintained for duration of tour of personnel concerned. Once the vehicle is shipped out of the country or is scrapped, the records are destroyed. Gas coupon records are destroyed upon turn-in of unused coupons by departing personnel.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Naval Activities, United Kingdom, PSC 902, Box 4, FPO AE 09499–0152.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should present a valid military identification card or Department of Defense identification card at the Administrative (gasoline records) or Security (vehicle records) Offices, U.S. Naval Activities, United Kingdom.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should present a valid military identification card or Department of Defense identification card at the Administrative (gasoline records) or Security (vehicle records) Offices, U.S. Naval Activities, United Kingdom.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application by member.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N10140-3

SYSTEM NAME:

Individual Merchandise Control Record.

SYSTEM LOCATION:

Merchandise Control Offices at U.S. Naval Station, Subic Bay, RP; U.S. Naval Air Station, Cubi Point, RP; U.S. Naval Communications Station Philippines, San Miguel, RP; and 3D Combat Support Group, Clark Air Base, RP.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual records are maintained on each person issued a ration card for purchasing purposes at the various bases in the Philippines.

CATEGORIES OF RECORDS IN THE SYSTEM:

Purchases of individuals while attached for duty and authorized to buy items during their tenure in the Philippines.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Military Bases Agreement and subsequent exchange of notes between the Governments of the United States of America and the Republic of the Philippines.

PURPOSE(S):

To monitor the purchases of individuals to insure they are not over expending their purchase limitations or abusing their tax-free privileges afforded them, plus to identify any possible blackmarketeering.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Only authorized employees allowed access to files, locked cabinets.

RETENTION AND DISPOSAL:

If no violations during tour - destroyed immediately upon detachment; if minor violations - destroyed after three months of detachment; if permanent revocation of privileges invoked - record kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Merchandise Control Officers, U.S.Naval Station, Subic Bay; U.S.Naval Air Station, Cubi Point; U.S. Naval Communications Station Phil, San Miguel, RP, and 3D Combat Support Group, Clark Air Base, RP.

NOTIFICATION PROCEDURE:

Individual must fill out merchandise control information form upon requesting a ration card be issued. Info provided merchandise control officers.

Requester must provide merchandise control officer with his name, rank/rate/GS rating, marital status, number of dependents, age of dependents, name of parent command attached to in the Philippines, Social Security Number, name of dependents; individual can visit merchandise control office applicable to their command for record maintenance. Military I.D. card required.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Merchandise Control Officers, U.S.Naval Station, Subic Bay; U.S.Naval Air Station, Cubi Point; U.S. Naval Communications Station Phil, San Miguel, RP, and 3D Combat Support Group, Clark Air Base, RP. Individual must fill out merchandise control information form upon requesting a ration card be issued. Info provided merchandise control officers.

Requester must provide merchandise control officer with his name, rank/rate/GS rating, marital status, number of dependents, age of dependents, name of parent command attached to in the Philippines, Social Security Number, name of dependents; individual can visit merchandise control office applicable to their command for record maintenance. Military I.D. card required.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personal data of individual and dependents.

VOL 58 ISS 33 FE 22 1993 UMI

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N10140–4

SYSTEM NAME:

USAREUR/USAFE Ration Card.

SYSTEM LOCATION:

U.S. Navy Personnel Support Activity Detachment, Thurso, United Kingdom, FPO AE 09516–1100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USN personnel and their dependent wives and children over 18 years of age who are stationed at U.S. Naval Communication Station, FPO AE 09516–3000.

CATEGORIES OF RECORDS IN THE SYSTEM:

File sheet with member's name, rate, Social Security Number, organization assigned, and marital status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To record the individuals holding a ration card.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Locked safe in PSD with a 24 hour security alarm.

RETENTION AND DISPOSAL:

Records are maintained as long as member retains ration card. After transfer, records are burned.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, U.S. Navy Personnel Support Activity, UK/NOREUR FPO AE 09553–2900 is the overall policy official with the Officer in Charge, U.S. Navy Personnel Activity Detachment, Thurso United Kingdom, FPO AE 09516–1100 as the subordinate holder.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Officer in Charge, U.S. Navy Personnel Support Activity Detachment, Thurso, United Kingdom, FPO AE 09516–2200.

The request should include full name, address, and Social Security Number of the individual concerned and should be signed. Personal visitors must have valid military I.D. or, if no longer in the military, have other valid identification such as a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Officer in Charge, U.S. Navy Personnel Support Activity Detachment, Thurso, United Kingdom, FPO AE 09516–1100.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Applicable U.S. Servicemen.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N10140–5

SYSTEM NAME:

Gasoline Ration System.

SYSTEM LOCATION:

Officer in Charge, U.S. Naval Weapons Facility Detachment, FPO AE 09515–0052.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel stationed aboard Naval Weapons Facility Detachment Machrihanish who own private vehicles and wish to purchase Navy Exchange Gasoline.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record on each individual contains information on vehicle description; dates of vehicle insurance, inspection and tax; United Kingdom address of individual and amount of gasoline allowed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

Information is used by custodian(s) to allocate ration coupons to authorized personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index cards in a safe.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Locked in combination safe in an office which is locked when unmanned. Only custodian(s) know(s) combination to safe.

RETENTION AND DISPOSAL:

Records are destroyed by shredding one year after transfer, sale, death, or other changes in status.

SYSTEM MANAGER(S) AND ADDRESS:

Officer in Charge, U.S. Naval Weapons Facility, Detachment, FPO AE 09515–0052.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Officer in Charge, U.S. Naval Weapons Facility, Detachment, FPO AE 09515–0052. The request should contain full name and address of the individual concerned and should be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Officer in Charge, U.S. Naval Weapons Facility, Detachment, FPO AE 09515–0052.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information concerning vehicles, insurance, inspection and tax is copied from the appropriate document as provided by the individual. Other information is received from the individual directly.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N10140-7

SYSTEM NAME:

Application for U.S. Navy Ration Permit.

SYSTEM LOCATION:

Officer in Charge, U.S. Naval Weapons Facility Detachment, RSC 805, Box 1, FPO AE 09422–0051.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel stationed at NAVWPNSFACDET Machrihanish desiring to utilize U.S. Navy Exchanges in the United Kingdom.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record includes: Name, rank/rate, Social Security Number, date of birth (if under 18), and marital status of serviceman; location, name, relationship, date of birth (if under 18) and I.D. card number of dependents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To prepare ration cards used in U.S. Military Exchanges in the U.K. and to maintain a record in case of loss.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index cards in file box.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Maintained in office that is locked when unmanned.

RETENTION AND DISPOSAL:

Cards are destroyed by shredding or burning upon transfer of serviceman.

SYSTEM MANAGER(S) AND ADDRESS:

Officer in Charge, U.S. Naval Weapons Facility Detachment, RSC 805, Box 1, FPO AE 09422–0051.

NOTIFICATION PROCEDURE:

Records are held only on personnel currently stationed at NAVAVNWPNSFAC Machrihanish who can enquire at the Administrative Office concerning the records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Officer in Charge, U.S. Naval Weapons Facility Detachment, RSC 805, Box 1, FPO AE 09422–0051.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The information is provided by the serviceman.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N11012–1

SYSTEM NAME:

Navy Personnel Billeting System (NPBS).

SYSTEM LOCATION:

Naval Computer and Telecommunications Station, San Diego, Code N8, Building 1482, Naval Air Station, North Island, San Diego, CA 92135–5110.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All bachelor military (officers and enlisted) and bachelor civilian personnel requesting berthing currently or in the future at a command where this system is installed may be covered by this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's Social Security Number, name, duty station, forwarding address and home address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013; and E.O. 9397.

PURPOSE(S):

To manage the BEQ/BOQ complex; to report status of berthing availability, furniture and maintenance associated with a BEQ/BOQ complex.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Records are maintained on magnetic disk, magnetic tape, and hard copy reports.

RETRIEVABILITY:

Name and/or Social Security Number.

SAFEGUARDS:

Access to computer room, software and storage media requires special positive identification clear through security department. System access from remote terminals is controlled by user site I.D.'s.

RETENTION AND DISPOSAL:

An individual's reservation record is maintained on disk for six months and is then system deleted.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Naval Computer and Telecommunications Station, San Diego, Code N8, Building 1482, Naval Air Station, North Island, San Diego, CA 92135–5110.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commanding Officer, Naval Computer and Telecommunications Station, San Diego, Code N8, Building 1482, Naval Air Station, North Island, San Diego, CA 92135–5110.

Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commanding Officer, Naval Computer and Telecommunications Station, San Diego, Code N8, Building 1482, Naval Air Station, North Island, San Diego, CA 92135–5110.

Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in

Secretary of the Navy Instruction 5211.5; 32 CFR Part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies in the form of Navy messages end/or travel orders.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N11101-1

SYSTEM NAME:

Family Housing Assignment Application System.

SYSTEM LOCATION:

All Navy activities with family housing assets.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian personnel eligible for or interested in occupying Navy family housing.

CATEGORIES OF RECORDS IN THE SYSTEM:

All applicants for family housing provide information to housing office at next duty assignment pertaining to personal data, e.g., name, address, rank/rate, Social Security Number/service number, length of service, time remaining on active duty, data of rank, etc.; dependency data, e.g., total number in family, spouse, age and sex of dependents, etc.; and other pertinent housing information, e.g., last assignment, months involuntarily separated, special health problems, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

All Navy family housing offices use this data to determine individual's eligibility for family housing and notification for subsequent assignment to family housing or granting a waiver to allow occupancy of private housing. To determine and list individual's name on appropriate housing waiting list.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Housing files within the housing office, used solely within the housing organization and protected by military installation's security measures. Individual may, upon request, have access to housing application form.

RETENTION AND DISPOSAL:

Data is retained until termination of housing occupancy and subsequently disposed of according to local records disposition instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Naval Military Personnel Command, PERS-71, 1000 North Glebe Road, Arlington, VA 20370

NOTIFICATION PROCEDURE:

Records are maintained by housing office at the Navy activity responsible for management of assets from data specifically provided by individual on DD Form 1646, Application for and Assignment to Military Family Housing. Individual may request access to such data upon proof of identity (I.D. card).

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from installation family housing office.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data collected from each applicable individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N11101-2

SYSTEM NAME:

Family Housing Requirements Survey Record System.

SYSTEM LOCATION:

Military installations with family housing offices. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officer and enlisted personnel and only key and essential civilian personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Non-individual oriented input documents that reflect local housing assets; family housing survey questionnaires indicating family size, individual preference for housing, housing cost, and indication as to suitability of housing for need of individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Departmental Regulations.

PURPOSE(S):

To determine the housing requirement for the location to support proposed family housing construction, leasing, mobile home spaces and other military construction programs submitted for OSD support and Congressional approval.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and file folders.

RETRIEVABILITY:

Social Security Number.

SAFEGUARDS:

Housing files used solely within housing office; tape files used solely within data processing system; and protected by the military installation's security measures.

RETENTION AND DISPOSAL:

Held three years and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332. Subordinate record holders of questionnaires: Family housing office at military installation.

NOTIFICATION PROCEDURE:

Contact housing office of installation at which individual was assigned when the individual completed the family housing questionnaire.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the installation family housing office.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing

initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data collected from each applicable individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N11101-4

SYSTEM NAME:

Station Housing Records.

SYSTEM LOCATION:

All Navy installations with housing inventories and/or housing management responsibilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel desiring housing or temporary lodging, and eligible DOD civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

All records and data collected and maintained regarding individual housing or lodging needs; occupancy; furnishings inventory; housing condition reports; assignment and termination of housing; damage assessment; occupant and landlord relations and complaints; maintenance and repairs; waiting lists; inspections; quarters cost data; Congressional and Inspector General inquiries and responses; Servicemen's Mortgage Insurance Premiums payments; individual cost data for establishing and maintaining housing allowances; eligibility for homeowners' assistance; and entitlement for basic allowances for quarters (BAQ).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To operate and maintain the Navy Housing Program and to service personnel eligible for Navy family housing, temporary lodging, or services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files; microform; or, if automated, on punched cards, magnetic tape, etc.

RETRIEVABILITY:

By individual's name or building and unit number.

SAFEGUARDS:

Housing files within the housing office, used solely with the housing organization and offices providing support to housing office, and protected by military installation's security measures. Individual may, upon request, have access to such data.

RETENTION AND DISPOSAL:

Retained in office files until termination of occupancy, obsolete, no longer needed for reference, or disposal of associated housing unit(s).

SYSTEM MANAGER(S) AND ADDRESS:

Appropriate Navy installation responsible for Navy housing inventory or housing support.

NOTIFICATION PROCEDURE:

Records are maintained by housing office at Navy installation responsible for management of assets or providing housing support. Individual may request access to such data upon proof of identity (I.D. card).

RECORD ACCESS PROCEDURES:

Installation rules for access to records may be obtained from installation housing office.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data reported by or collected from occupants of housing or personnel provided housing support.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N11103-1

SYSTEM NAME:

Housing Referral Services Record System.

SYSTEM LOCATION:

All Navy installations with housing referral offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel reporting to an installation who will be residing off-base desirous of seeking off-base housing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information is collected on DD Form 1668 from all military personnel reporting to a housing referral office as pertains to name, grade, branch of service, organization and location, local address; housing need, e.g., rental/sale, number of bedrooms, furnished/unfurnished, price range, etc.; number of dependents, male or female, and age; a list of housing referral services provided; and identification of member of racial or ethnic minority groups. Individuals provided referral assistance must in turn provide notification of housing selection by use of DD Form 1670 which includes such information as type of housing selected, e.g., location, temporary/permanent, rental/sale, cost, number of bedrooms; media through which housing was found, e.g., housing referral, realtor, newspaper, etc.; and satisfaction with selection, e.g., too small, too far; discrimination encountered; and satisfaction with housing referral services provided.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Department Regulations.

PURPOSE(S):

Referral offices use data to assist and counsel individuals in locating suitable housing off-base, used for follow-up purposes when written notification from individual is not provided as to ultimate location of housing; used for purposes of reporting statistics on field activity housing referral services; used to follow-up on availability of rental unit subsequent to occupant's receipt of PCS orders; and follow-up regarding tenant/landlord complaints.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Housing files within the housing referral or housing office, used solely

within the housing organization and protected by military installation's security measures. Individual may upon request, have access to all such data.

RETENTION AND DISPOSAL:

Data is retained until individual's tour is completed and subsequently disposed of according to local records disposition instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Naval Facilities Engineering Command (Code 08), 200 Stovall Street, Alexandria, VA 22332

NOTIFICATION PROCEDURE:

Records are maintained by housing referral offices at the Navy activity responsible for providing referral services for military personnel in the area. Individual may request access to records upon proof of identify (I.D. card).

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from installation family housing office.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data collected from each applicable individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N12290-1

SYSTEM NAME:

Record System for Civilian Employees of Nonappropriated Fund (NAF) Activities.

SYSTEM LOCATION:

Primary System-Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370–5001; and local activity to which individual is assigned; National Personnel Records Center, St. Louis, MO 63132. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of Nonappropriated Fund Activities under the cognizance of the Commander, Naval Military Personnel Command.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records pertaining to performance, employment, pay, classification, security clearance, personnel actions, medical, insurance, retirement, tax withholding information, exemptions, unemployment compensation, employee profile, education, benefits, discipline and administration of nonappropriated fund civilian personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Department Regulations; Pub. L. 92-392; Fair Labor Standards Act, as amended.

PURPOSE(S):

To manage, supervise, and administer the nonappropriated fund civilian personnel program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, drums and on punched cards.Manual records may be stored in paper file folders, microfiche, or microfilm.

RETRIEVABILITY:

Records may be retrieved by name, Social Security Number and/or activity number.

SAFEGUARDS:

Computer and punched card processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained or disposed of in accordance with Secretary of the Navy Instruction P5212.5b, subject: Disposal of Navy and Marine Corps Records, or Departmental Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Department of the Navy, Washington, DC 20370.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief of Naval Personnel, (ATTN: Privacy Act Coordinator), Navy Department, Washington, DC 20370; or local activities. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

The letter should contain full name, Social Security Number, activity at which employed, and signature of the requester.

The individual may visit the Chief of Naval Personnel, Arlington Annex, Federal Office Building 2, Room 1066, Washington, DC for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief of Naval Personnel, Department of the Navy, Washington, DC 20370.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial agency determinations are may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy and Department of Defense in the performance of their official duties and as specified by current Instructions and Regulations promulgated by competent authority; previous employers; educational institutions; employment agencies; civilian and military investigative reports; general correspondence concerning individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N12290–2

SYSTEM NAME:

Models for Organizational Design and Staffing (MODS).

SYSTEM LOCATION:

Office of Civilian Personnel Management and Navy Department Staff, Headquarters, field activities employing civilians; also at contractor facilities. Official mailing addresses are published as an appendix to the Navy's compilation of records systems.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy civilian employees paid from appropriated funds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Automated and manual files contain information on individual's proficiencies and knowledge as reported in self-evaluation questionnaires vouchered by the supervisor, as well as data on the requirements of specific jobs submitted by the supervisor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulation; and E.O. 9397.

PURPOSE(S):

To test the operational usefulness of a staffing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Office of Personnel Management in the performance of their duties related to staffing and/or evaluation of civilian manpower programs.

To the University of Texas faculty and students working under a contract relating to MODS to monitor progress of research study.

To Carnegie-Mellon University faculty and students working under contract relating to MODS to assist in research project.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tape and drum, and optical scanner forms and computer printouts.

RETRIEVABILITY:

Accessed by Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained so long as personnel continue to work at same activity.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Civilian Personnel Management, 800 North Quincy Street, Arlington, VA 22203–1998.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Director, Office of Civilian Personnel Management, Department of the Navy, Washington, DC 22203–1998 or to the head of the Navy activity at which the individual is or was employed. Official mailing addresses are published as an appendix to the Navy's compilation of systems notices. Written requests for information must contain full name of individual, current verbal information that could be verified.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records contains information about themselves should address written inquires to the Director, Office of Civilian Personnel Management, Department of the Navy, Washington, DC 22203–1998 or to the head of the Navy activity at which the individual is or was employed. Official mailing addresses are published as an appendix to the Navy's compilation of systems notices. Written requests for information must contain full name of individual, current verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

First line supervisors and Personnel Automated Data System (PADS).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N12300–1

SYSTEM NAME:

Employee Assistance Program Case Record System.

SYSTEM LOCATION:

Office of Civilian Personnel Management, Department of the Navy and Designated Contractors; Navy Civilian Personnel Command (NCPC); NCPC Field Division; and, Navy staff, headquarters, and field activities employing civilians. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees in appropriated and non-appropriated fund activities who are referred by management for, or voluntarily request, counseling assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

System is comprised of case records on employees who are patients (counselee) which are maintained by individual counselors and consist of information on condition, current status, and progress of employees or dependents who have alcohol, drug, emotional, or other personal problems, including admitted or urinalysis-detected illegal drug abuse.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7301; 42 U.S.C. 290dd–3 and 290ee–3, Pub. L. 100–71; E.O. 12564; and E.O. 9397.

PURPOSE(S):

To record counselor's observations concerning patient's condition, current status, progress, prognosis and other relevant treatment information regarding patients in an employee assistance treatment facility.

Used by the Navy counselor in the execution of his/her counseling function as it applies to the individual patient.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In order to comply with provisions of 5 U.S.C. 7301 and 42 U.S.C. 290dd–3 and 290ee–3, the Navy's 'Blanket Routine Uses' do not apply to this system of records.

Records in this system may not be disclosed without prior written consent of such patient, unless the disclosure would be:

(a) To medical personnel to the extent necessary to meet a bona fide medical emergency;

(b) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, and individual patient in any report of such research, audit, or evaluating, or otherwise disclose patient identities in any manner; and

(c) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case records are stored in paper file folders.

RETRIEVABILITY:

By employee name or by locally assigned identifying number.

SAFEGUARDS:

All records are stored under strict control. They are maintained in spaces

accessible only to authorized persons, and are kept in locked cabinets.

RETENTION AND DISPOSAL:

Paper records are destroyed five years after termination of counseling. Destruction is by shredding, pulping, macerating, or burning.

Electronic records are purged of identifying data five years after termination of counseling. Aggregate data without personal identifiers is maintained for management/statistical purposes until no longer required.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Civilian Personnel Management, 800 North Quincy Street, Arlington, VA 22203–1998 and employee assistance program administrators at Department of the Navy staff, headquarters, and field activity levels. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Director, Office of Civilian Personnel Management, 800 North Quincy Street, Arlington, VA 22203–1998 or to the appropriate employee assistance program administrator. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records. The request should contain the name, approximate period of time, by date, during which the case record was developed, and address of the individual concerned and should be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves continued in this system of records should address written inquiries to the Director, Office of Civilian Personnel Management, 800 North Quincy Street, Arlington, VA 22203–1998 or to the appropriate employee assistance program administration. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Patient, counselors, supervisors, co-workers or other agency or contractor-employee personnel, private individuals to include family members of patient and outside practitioners.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N12593-1

SYSTEM NAME:

Living Quarters and Lodging Allowance.

SYSTEM LOCATION:

Overseas organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Appropriated and non-appropriated fund U.S. civilian employees eligible for allowance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, grade, address, rent and utility expenses, living quarters and lodging allowance, and name of family and/or members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10903 of January 9, 1961, E.O. 10970 of October 27, 1961, E.O. 10853 of November 27, 1959, and E.O. 10982 of December 25, 1961, as implemented by State Department regulation.

PURPOSE(S):

Used by civilian personnel office to record employee's living quarters or temporary lodging allowance entitlement. Other users include Naval Supply Depot Payroll Office, the employing office, disbursing office; Commander Fleet Activities, FPO AP 98762–1100.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials of the Department of State for the purpose of monitoring the level of allowances that Navy is authorized.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

File folders maintained by surname.

SAFEGUARDS:

Personnel screening and visitor control.

RETENTION AND DISPOSAL:

Files retained for a period of two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Overseas commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

A copy of living quarters allowance is provided to each employee.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Overseas commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Official personnel files.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N12711–1

SYSTEM NAME:

Labor Management Relations Records System.

SYSTEM LOCATION:

Office of Civilian Personnel Management (OCPM) (Code 31), Department of the Navy and Designated Contractors; OCPM Regional Offices; and Navy staff headquarters and field activities employing civilians. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy civilian employees paid from appropriated and non-appropriated funds, who are involved in a grievance which has been referred to an arbitrator for resolution, or who are involved in the filing of an Unfair Labor practice complaint which has been referred to the Federal Labor Relations Authority (FLRA) for resolution, or who are involved in a labor negotiations impasse which has been referred to the Federal

Service Impasses Panel or an interest arbitrator for resolution, or who are involved in a negotiability dispute which has been referred to the FLRA for resolution; union officials and representatives (both Navy employees and non-employees) involved in the aforementioned processes and in national consultation; independent arbitrators involved in grievance and interest arbitrations concerning Navy activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are comprised of (1) Manual files maintained in paper folders, manually filed by type of case and case number (not individual). Folder contains all information pertaining to a specific case. Field activities maintain manual rosters of local union officials and representatives. OCPM Headquarters maintains manual roster of addresses and files concerning national consultation with national/international unions regarding changes in Departmental level civilian personnel policies. (2) ADP system maintains records by type of case and case number (not individual). Centrally maintained data base (access restricted to authorized users) contains all information pertaining to a specific case. Bargaining unit files contain information about each bargaining unit, including contact information on union local presidents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7101–7135.

PURPOSE(S):

To manage the Labor-Management Relations Program, e.g., administration/implementation of arbitration awards; processing of unfair labor practice charges; adjudication of negotiability disputes, resolution of negotiations impasses; interpretation of 5 U.S.C. 7101–7135 through 3rd party case decisions; national consultation and other dealings with recognized unions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To representatives of the Office of Personnel Management on matters relating to the inspection, survey, audit, or evaluation of Navy Civilian Personnel Management Programs.

To the Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Navy's Labor Management Relations Program. To a duly appointed hearing examiner, Administrative Law Judge, arbitrator, or other proper 3rd party for the purpose of conducting a hearing or inquiry in connection with an employee's grievance, unfair labor practice charge, impasse, negotiability appeal, or other labor relations dispute.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records are stored in paper folders. ADP records are stored in a central, contractor maintained data base.

RETRIEVABILITY:

Manual records are retrieved by case subject, case number, and/or individual employee names. ADP records are retrieved by case subject, activity, bargaining unit, servicing personnel office, command, or 3rd party docket number.

SAFEGUARDS:

All files are accessible only to authorized personnel having a need to know. Access to the ADP system is controlled through the use of multiple security passwords.

RETENTION AND DISPOSAL:

Case files are permanently maintained. Union official rosters are normally destroyed after a new roster has been established.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Civilian Personnel Management (Code 31), 800 North Quincy Street, Arlington, VA 22203–1998.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Office of Civilian Personnel Management (Code 31), 800 North Quincy Street, Arlington, VA 22203–1998, their servicing personnel office, arbitrator's office, or Federal unions or local unions.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of Civilian Personnel Management (Code 31), 800 North Quincy Street, Arlington, VA 22203–1998, their servicing personnel office, arbitrator's office, or Federal unions or local unions.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Navy civilian personnel offices; arbitrator's offices; Federal unions and union locals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N12771–1

SYSTEM NAME:

Employee Grievances, Discrimination Complaints, and Adverse Action Appeals.

SYSTEM LOCATION:

Employee Appeals Review Board, Ballston Tower 2, 801 North Randolph Street, Arlington, VA 22203–1998.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former and present civilian employees of the Department of the Navy, and applicants for employment with the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The case files contain background material on the act or situation complained of; the results of any investigation including affidavits and depositions; records of personnel actions involved; transcripts of hearings held; administrative judges' reports of findings and recommended actions; advisory memoranda from the Chief of Naval Operations, Chief of Naval Personnel, Department of Defense, Systems Commands; Secretary of the Navy decisions; reports of actions taken by local activities; comments by the Employee Appeals Review Board (EARB) or local activities on appeals made to the Equal Employment Opportunity Commission (EEOC); EEOC decisions, Court decisions, Comptroller General decisions. Brief summaries of case files are maintained on index cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1301, 3301, 3302, 7151–7154, 7301, and 7701.

PURPOSE(S):

This information is used by the EARB to adjudicate cases. Systems Commands, the Chief of Naval Operations, Office of Civilian Personnel Management (OCPM), and Naval Civilian Personnel Command (NCPC) are internal users for informational/implementational purposes. Individual members acting on behalf of the individual involved are supplied with copies of decisions and

other appropriate background material. Grievants and appellants are furnished Secretary of the Navy decisions, with copies to their representatives, EEO complainants are furnished Secretary of the Navy (SECNAV) decisions, with copies of the hearing transcripts and administrative judges' reports; complainants' representatives are provided copies of SECNAV decisions on grievances and appeals. Activities involved in EEO complaints are provided copies of SECNAV decisions, hearing transcripts, and administrative judges' reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Equal Employment Opportunity Commission to adjudicate cases.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

Note: Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–3 and 290ee–3. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the report pertains. The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and index cards.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Classified material is kept in a locked safe. Other materials are kept in file cabinets within the EARB Administrative Offices. Access during business hours is controlled by Board personnel. The office is locked at the close of business; the building in which the office is located employs security guards.

RETENTION AND DISPOSAL:

Case files maintained for one year and sent to the Washington National Records Center, 4205 Suitland Road, Suitland, MD 20409; and maintained for four years. EEOC decisions and index cards are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Council of Personnel Boards, Ballston Tower 2, 801 North Randolph Street, Arlington, VA 22203–1998.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Director, Naval Council of Personnel Boards, Ballston Tower 2, 801 North Randolph Street, Arlington, VA 22203–1998. The requester must provide full name, employing office, and appropriate identification card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Naval Council of Personnel Boards, Ballston Tower 2, 801 North Randolph Street, Arlington, VA 22203–1998. The requester must provide full name, employing office, and appropriate identification card.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in the file is obtained from former and present civilian employees of the DON, applicants for employment with the DON, employing activities, EEOC, NCPC.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N12771–2

SYSTEM NAME:

Employee Relations Including Discipline, Employee Grievances, Complaints, Etc.

SYSTEM LOCATION:

Office of Civilian Personnel Management (OCPM), OCPM Regional Offices and Naval Civilian Personnel Center (NCPC), Navy and Navy Staff Headquarters and Field Activities employing civilians, Commandant of the Marine Corps (Code MPC–30/HQSG), and Marine Corps Field Activities employing civilians. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy and Marine Corps civilian employees, paid from appropriated funds servicing under career, career-conditional, temporary and excepted service appointments on whom discipline, grievances, and complaints records exist. Discrimination complaints of Navy and Marine Corps civilian employees, paid from appropriated and non-appropriated funds, applicants for employment and former employees in appropriated and non-appropriated positions. Appeals of Navy and Marine Corps civilian employees paid from appropriated funds. Filipino employees appeal case files (Filipinos who are lawfully admitted legal residents). Cases reviewed by Commander in Chief Pacific under Filipino Employment Policy Instructions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertaining to discipline, grievances, complaints, and appeals. Management operation record system consisting of manual files maintained by immediate supervisors and high level managers concerning employee performance, capability, informal discipline, attendance leave and tardiness, work assignments, and similar work related employee records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 9830, Amending the Civil Service Rules and Providing for Federal Personnel Administration, amended by E.O. 10577; E.O. 12106; E.O. 12107; E.O. 12564 and 9397; 5 U.S.C. 1205, 1206, 1302, 3301, 3302, 7105, 7512, relevant portions of the Civil Service Reform Act, Pub. L. 95–454; 21 U.S.C. 812; Pub. L. 100–71; 42 U.S.C. 2000e–116 et. seq.; Equal Employment Opportunity Act of 1972; Pub. L. 93–259, amendment to the Fair Labor Standards Act, 29 U.S.C. 201, et. seq.; Age Discrimination and Employment Act, 29 U.S.C. 633a; the Rehabilitation Act of 1978 as amended, 29 U.S.C. 791 and 794a.

PURPOSE(S):

To manage civilian employee in the processing, administration, and adjudication of discipline, grievances, complaints, appeals, litigation, and program evaluation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To representatives of the Office of Personnel Management on matters relating to the inspection, survey, audit, or evaluation of Navy and Marine Corps civilian personnel management programs or personnel actions, or such other matters under the jurisdiction of the Office of Personnel Management.

To appeals officers and complaints examiners of the Merit Systems Protection Board and Equal Employment Opportunity Commission for the purpose of conducting hearings in connection with employees appeals from adverse actions and formal discrimination complaints.

To disclose information on any source from which additional information is requested in the course of processing a grievance or appeal to the extent necessary to identify the individual, to inform the source of the purpose(s) of the request, and identify the type of information requested.

To disclose information on any source from which additional information is requested in the course of processing a grievance or appeal to the extent necessary to identify the individual, to inform the source of the purpose(s) of the request, and identify the type of information requested.

To disclose information to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of an investigation of an individual, the classifying of jobs, the letting of a contract of the issuance of a license, grant, or other benefit by the requesting agency, to the extent the information is relevant and necessary.

To the National Archives and Records Administration in records management inspection conducted under authority of 5 U.S.C. 2904 and 2906.

To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in the pending judicial or administrative proceeding.

To officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

Note: Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–3 and 290ee–3. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The Navy's 'Blanket Routine Uses' do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Filed by last name.

SAFEGUARDS:

All records are stored under strict control and are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained for two years or destroyed upon separation of the employee, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Civilian Personnel Management, Department of the Navy, 800 North Quincy Street, Arlington, VA 22203–1998. For Marine Corps civilian personnel, the Commandant of the Marine Corps (Code M), HQS, U.S. Marine Corps (Arlington Annex), Washington, DC 20380–0001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Commander/Commanding Officer of the activity assigned or to the Director, Office of Civilian Personnel Management, Department of the Navy, 800 North Quincy Street, Arlington, VA 22203–1998. For Marine Corps civilian personnel, the Commandant of the Marine Corps (Code M), HQS, U.S. Marine Corps (Arlington Annex), Washington, DC 20380–0001.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Commander/Commanding Officer of the activity assigned or to the Director, Office of Civilian Personnel Management, Department of the Navy, 800 North Quincy Street, Arlington, VA 22203–1998. For Marine Corps civilian personnel, the Commandant of the Marine Corps (Code M), HQS, U.S. Marine Corps (Arlington Annex), Washington, DC 20380–0001.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Supervisors or other appointed officials designated for this purpose.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N12930–1

SYSTEM NAME:

Human Resources Group Personnel Records

SYSTEM LOCATION:

Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097 and at all Navy Exchanges. Mailing addresses for Navy Exchanges are available from the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees, former civilian employees, and applicants for employment with the Navy Exchange Service Command and Navy Exchanges located worldwide. Employees who are paid from nonappropriated funds are regular full time, regular part-time, temporary full time, temporary part-time and intermittent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel jackets, including but not limited to Personnel Information Questionnaire, Personnel Action; Certification of Medical Examination Indoctrination Checklist; Election forms for all life, health, and retirement programs, applicant participation data for each program; notice of excessive absence and tardiness and warnings; disciplinary actions; certified record of court attendance; certified copy of completed military orders for any annual duty tours with recognized reserve organizations; employee job description; tuition assistance records;

VOL
58
ISS
33
FE
22
1993
UMI

examination papers and tests, if any; evidence of date of birth, where required; official letters of commendation; cash register overage/shortage records; report of hearings and recommendations relative to employee's grievances; official work performance rating; designation beneficiary for unpaid compensation; reference check records; applicant files; employee profiles; personnel security information (including copies of National Agency Check (NAC) and Naval Criminal Investigative Service (NCIS) reports); Certificate of Standards of Conduct and Fraud, Waste and Abuse training; travel requests, travel allowance and claims record; transportation agreements; employee affidavits; privilege card application, work assignments, work performance capability, counseling records, work-related records, training records including courses, type and completion dates; and related data.

Labor and Employee Relations Records include notices of excessive absence, tardiness and warnings; disciplinary actions; unsatisfactory work performance evaluations; grievances, appeals, complaint and appeal records; reports of potential grievances and appeals; congressional correspondence; investigative reports and summaries of personnel administrative actions.

Employee Benefits Records include data relating to Quality Salary Increase, Superior Accomplishment Recognition Awards, beneficial suggestions and similar awards; and personnel listings of the aforementioned services. Election forms for all life, health, and retirement programs and claims made for those programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 29 U.S.C. 201; 29 U.S.C. 633a; 29 U.S.C. 791 and 794a; Pub. L. 93–259, Equal Employment Act of 1972; and E.O. 9397.

PURPOSE(S):

To provide a basis by which an employee or an applicant may be determined to be suitable for employment, transfer, promotion or retention in employment; for verification of employment; to provide a record of travel performed and verification that the employees received proper remuneration for the travel performed; to ensure employees received timely consideration in the processing of work/appraisals and salary increases; for recognition of accomplishments and contributions by employees, and in the processing, administration, and adjudication of discipline, grievances, complaints, appeals, litigation, and program evaluation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To appeals officers and complaints examiners of the Equal Employment Opportunity Commission for the purpose of conducting hearings in connection with employees appeals from adverse actions and formal discrimination complaints.

To a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary.

To the National Archives and Records Administration (GSA) in records management inspection conducted under authority of 5 U.S.C. 2904 and 2906.

In response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in the pending judicial or administrative proceeding.

To officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting working conditions.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

Note: Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–3 and 290ee–3. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The Navy's 'Blanket Routine Uses' do not apply to these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

The media in which these records are maintained vary, but include: file folders; magnetic tapes; automated minicomputer data base, disks and diskettes (hard drive); rolodex files; cardex files; ledgers; and printed reports.

RETRIEVABILITY:

Name and/or Social Security Number; employee payroll number.

SAFEGUARDS:

Locked desks in supervisor's office and also, locked cabinets in locked offices supervised by appropriate personnel; periodic system backup and microcomputer records to data cartridge, microcomputer power supply locks and/or hard drive locks; security guards.

RETENTION AND DISPOSAL:

Current employee records remain on file at the local Navy Exchange personnel office. Records on former employees are retained for one year and then forwarded to the Director, National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118 for retention of permanent papers and destruction of temporary papers. Applicant files are retained for six months and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official is the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

Master Record Holder is the Manager, Staffing and Career Management, HRG-3, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

Local Record Holder is the Manager at the local Navy Exchange. Mailing addresses are available from the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097 or to the manager of the local Navy Exchange where employed.

The request should contain full name, Social Security Number, activity where

last employed or where last application for employment was filed. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requester must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097 or to the manager of the local Navy Exchange where employed.

The request should contain full name, Social Security Number, activity where last employed or where last application for employment was filed. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requester must provide proof of identity containing the requester's signature.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains; current and previous supervisors/employers; other records of the activity concerned; counseling records and comparable papers; educational institutions; applicants; applicant's previous employees; current and previous associates of the employee named by the employee as references; other records of activity investigators; witnesses; correspondents; investigative results and information provided by appropriate investigative agencies of the Federal Government.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(5) and (k)(6), as applicable.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information, contact the system manager.

N12930–2

SYSTEM NAME:

Area Coordinator Information and Operation Files.

SYSTEM LOCATION:

Office of Civilian Personnel Management (OCPM) and OCPM field offices, designated contractors, and Navy staff, headquarters, and field activities employing civilians. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees, paid from appropriated and non-appropriated funds, military personnel or private citizens affected by or involved in action of area coordination significance, and speakers, specialists and other interested participants.

CATEGORIES OF RECORDS IN THE SYSTEM:

System is composed of, but not limited to, records compiled in accordance with regulations, correspondence regarding status of EEO investigations, index file of program administration and interested participants including ad hoc, summaries compiled for budget administration, biographies of speakers or of key officials obtained from individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To manage civilian personnel and special projects related to civilian employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To representatives of the Office of Personnel Management on matters relating to the inspection, survey, audit or evaluation of Navy civilian personnel management programs or personnel actions, or such other matters under the jurisdiction of the Office of Personnel Management.

To a duly appointed Hearing Examiner or Arbitrator (an employee of another Federal agency) for the purpose of conducting a hearing in connection with an employee's grievance.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper file folders, list finders, index cards, or logs or other indexing systems.

RETRIEVABILITY:

Records are retrieved by subject matter or by name.

SAFEGUARDS:

Records are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained for varying lengths of time as required by local regulations; some records may be maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Civilian Personnel Management, 800 North Quincy Street, Arlington, VA 22203–1998 and the heads of Navy Staff, Headquarters, and field activities employing civilians. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the servicing civilian personnel office where assigned or to the Director, Office of Civilian Personnel Management, 800 North Quincy Street, Arlington, VA 22203–1998. The request should contain full name, Social Security Number, and address. For personal visits, proof of identification will consist of a Department of Defense or Navy building pass or identification badge or driver's license or other types of identification bearing his/her signature or picture or by providing information which may be verified against the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the servicing civilian personnel office or to the Director, Office of Civilian Personnel Management, 800 North Quincy Street, Arlington, VA 22203–1998.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

VOL
58
ISS
33
FE
22
1993
UMI

RECORD SOURCE CATEGORIES:

Navy Civilian Personnel Offices and their representatives.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N12950–3

SYSTEM NAME:

Employee Benefits Records.

SYSTEM LOCATION:

Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097 (for all Navy Exchanges).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and former civilian employees with the Navy Exchange Service Command and Navy Exchanges located worldwide. Payroll and benefits information for current and former civilian employees of Coast Guard exchanges, clubs and messes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Leave accrual reports; earnings records; insurance records and reports regarding property damage, personal injury or death, group life, disability, medical and retirement plan records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To record contributions to benefit plans; to process all insurance claims; to calculate retirement benefits upon request of employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the insurance carriers and the U.S. Department of Labor, Bureau of Employees Compensation to process employee compensation claims.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The media in which these records are maintained vary, but include: Computer records (Local Area Network (LAN) File Server); card files; file folders; ledgers; microfiche; and printed reports.

RETRIEVABILITY:

Name and/or Social Security Number and employee payroll number.

SAFEGUARDS:

Locked file cabinets; safes; locked offices which are supervised by appropriate personnel, when open; and security guards.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

Record Holder Manager: Risk Management and Workers Compensation Branch (TD2); Insurance/ Employee Benefits Branch (HRG4), Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station New York, Staten Island, NY 10305–5097.

In the initial inquiry the requester must provide full name, Social Security Number, activity where last employed. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal visit, requesters must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commander, Navy Exchange Service Command, Naval Station Staten Island, Staten Island, NY 10305–5097.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The employee or former employee; the employee's supervisor and the employee's physician or insurance carrier's physician.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N12950–4

SYSTEM NAME:

Naval Audit Training Database.

SYSTEM LOCATION:

Naval Audit Service Headquarters, 5109 Leesburg Pike, Skyline 6, Suite 517, Falls Church, VA 22041–5080.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel employed by the Naval Audit Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee audit experience and historical career development data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To identify audit task assignments; monitor future career development; and forecast talent requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard disk.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Computer terminal is located in supervised area. Access to computer system software is by password.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Audit Service is overall policy official; Director, Career Development Center, Naval Audit Service Headquarters, Falls Church, VA 22041–5080 has direct control.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Naval Audit Service Headquarters, 5611 Columbia Pike, Falls Church, VA 22041–5080. The request should contain full name and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Naval Audit Service Headquarters, 5611 Columbia Pike, Falls Church, VA 22041–5080. The request should contain full name and Social Security Number.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual concerned and his/her civilian personnel file.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N12950–5

SYSTEM NAME:

Navy Civilian Personnel Data System (NCPDS).

SYSTEM LOCATION:

Office of Civilian Personnel Management (OCPM) and its field offices; operating civilian personnel offices and Navy commands and management offices; and the Navy Regional Data Automation Center (NARDAC) and its designated contractors. Official mailing addresses are published as an appendix to the Navy's compilation of systems notices. Included in this notice are those records duplicated for retrievability at a site closer to where the employee works (e.g., in an administrative office of a supervisor's work area).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEMS:

Department of the Navy civilian employees paid from appropriated and non-appropriated funds and foreign national direct and indirect hire employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system is comprised of automated and non-automated records describing and identifying the employee (e.g., name, Social Security Number, sex, birth date, minority designator, citizenship, physical handicap code); the position occupied and the employee's qualifications; salary and salary basis or other compensation and allowances; employee's status in relation to the position occupied and the organization to which assigned; tickler dates for impending changes in status; education and training records; previous military status; functional code; previous employment record; performance appraisal and other data needed for screening and selection of an employee; referral records; professional licenses and publications; and reason for position change or other action affecting the employee and case files pertaining to EEO, MSPB, labor and employee relations, and incentive awards. The records are those found in the NCPDS subsystems: The Navy Automated Civilian Manpower Information System (NACMIS), the Training Information Management System (TIMS), the Personnel Automated Data System (PADS), the Computerized Employee Management Program Administration and Research (CEMPAR), Office of Civilian Personnel Management Customer Support Centers, the Executive Personnel Management Information System (EPMIS), the Complaints Action Tracking System (CATS), and the NCPDS base level and Headquarters systems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 4118; E.O. 9397; 5 U.S.C. 2951; E.O. 10450; 42 U.S.C. 2000e, 5 U.S.C. 3135, 5 U.S.C. 4301, et. seq., 5 U.S.C. 4501 et. seq., 5 U.S.C. 4705 and subparts D, E, F, and G of title 5 U.S.C. and 29 CFR part 1613 et. seq.

PURPOSE(S):

To manage and administer the Department's civilian personnel and civilian manpower planning programs and in the design, development, maintenance and operation of the automated system of records. Designated contractors of the Department of the Navy and Defense in the performance of their duties with respect to equipment and system design, development test, operation and maintenance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office.

To the Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of Executive Branch agencies.

To officials and employees of other departments and agencies of the Executive Branch of government upon request in the performance of their official duties related to the screening and selection of candidates for vacant positions.

To representatives of the United States Department of Labor on matters relating to the inspection, survey, audit or evaluation of the Navy's apprentice training programs or on other such matters under the jurisdiction of the Labor Department.

To representatives of the Department of Veterans Affairs on matters relating to the inspection, survey, audit or evaluation of the Navy's apprentice and on-the-job training program.

To contractors or their employees for the purpose of automated processing of data from employee personnel actions and training documents, or data collection forms and other documents.

To a duly appointed hearing examiner or arbitrator in connection with an employee's grievance.

To an appointed Administrative Judge for the purpose of conducting a hearing in connection with an employee's formal Equal Employment Opportunity (EEO) complaint.

To officials and employees of schools and other institutions engaged to provide training.

To labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

To representatives of the Federal Labor Relations Authority.

To representatives of the Merit Systems Protection Board.

To representatives of the Equal Employment Opportunity Commission for statistical analysis, processing and adjudication.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tape, disc, drum and punched cards and computer printouts. Manual records are stored in paper file folders.

RETRIEVABILITY:

Information is retrieved by Social Security Number or other similar substitute if there is no Social Security Number, position number, name, or by specific employee characteristics such as date of birth, grade, occupation, employing organization, tickler dates, academic specialty level.

SAFEGUARDS:

The computer facility and terminal are accessible only to authorized persons that have been properly screened, cleared and trained. Manual and automated records and computer printouts are available only to authorized personnel having a need-to-know.

VOL 58 ISS 33 FE 22 1993 UMI

RETENTION AND DISPOSAL:

Input documents are destroyed after data are converted to magnetic medium. Information is stored in magnetic medium within the ADP system. Information recorded via magnetic medium will be retained permanently. For TIMS and the apprentice programs the computer magnetic tapes are permanent. Manual records are maintained on a fiscal year basis and are retained for varying periods from one to five years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Civilian Personnel Management, 800 North Quincy Street, Arlington, VA 22203–1998 and the commanding officers at the employee's activity.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Director, Office of Civilian Personnel Management, 800 North Quincy Street, Arlington, VA 22203–1998 or to the civilian personnel officer under his/her cognizance. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records.

The request should contain the individual's full name, Social Security Number and name of employing activity.

Requesters may visit the civilian personnel office at the naval activity covered by the system to obtain information. In such case, proof of identity will consist of full name, Social Security Number and a third positive identification such as a driver's license, Navy building pass or identification badge, birth certificate, Medicare card, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Director, Office of Civilian Personnel Management, 800 North Quincy Street, Arlington, VA 22203–1998 or to the civilian personnel officer under his/her cognizance. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records.

The request should contain the individual's full name, Social Security Number and name of employing activity.

Requesters may visit the civilian personnel office at the naval activity covered by the system to obtain information. In such case, proof of identity will consist of full name, Social Security Number and a third positive identification such as a driver's license, Navy building pass or identification badge, birth certificate, Medicare card, etc.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Categories of sources of records in this system are: The civilian personnel office of the employing activity; the payroll office; OCPM headquarters; the security office of the employing activity; line managers, other designated officials and supervisors; the employee and persons named by the employee as references.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N12950–6

SYSTEM NAME:

Computer Assisted Manpower Analyses System (CAMAS).

SYSTEM LOCATION:

Office of Civilian Personnel Management, and Navy Department Staff, headquarters, and field activities employing civilians. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy civilian employees paid from appropriated funds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain records from the Personnel Automated Data System (PADS) which contain job related data including individual identification, location information, and salary.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To aggregate manpower planning, including calculating transition rates, forecasting number of retirements, and running models to determine the extent to which projected manpower requirements can be met.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tape and disc.

RETRIEVABILITY:

Retrieved by Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Civilian Personnel Management, Department of the Navy, 800 North Quincy Street, Arlington, VA 22203–1998.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Director, Office of Civilian Personnel Management, 800 North Quincy Street, Arlington, VA 22203–1998. The request for information must contain full name of the individual, current address and telephone number, and birth date and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Office of Civilian Personnel Management, 800 North Quincy Street, Arlington, VA 22203–1998.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personnel Automated Data System (PADS).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N12950–7

SYSTEM NAME:

Drug-Free Workplace Records.

SYSTEM LOCATION:

Records are located at the local naval activity or the local servicing civilian personnel offices. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and applicants for employment with the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records related to selection, notification, testing of employees and applicants, urine specimens, drug test results, collection authentication and chain of custody documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 100–71 5 U.S.C. 7301; 21 U.S.C. 812; and E.O. 12564, Drug-Free Federal Workplace; and E.O. 9397.

PURPOSE(S):

The system is established to maintain records relating to the selection and testing of Department of the Navy employees, and applicants for employment, for use of illegal drugs and drugs identified in Schedules I and II of 21 U.S.C. 812.

The records are also used by the employee's Medical Review Official; the administrator of any Employee Assistance Program in which the employee is receiving counseling or treatment or is otherwise participating; and supervisory or management officials within the employee's agency having authority to take adverse personnel action against such employee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In order to comply with the provisions of 5 U.S.C. 7301, the 'Blanket Routine Uses' published at the beginning of the Navy's compilation do not apply to this system.

To a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records consist of written materials and/or magnetic media.

RETRIEVABILITY:

Records are retrieved by name of employee, applicant for employment, Social Security Number, I.D. number assigned, date of birth, or any combination of these.

SAFEGUARDS:

Records will be stored in secure containers, e.g., safes, locked filing cabinets, etc. Urine specimens will be stored in appropriate locked storage facilities. Access to such records and specimens is restricted. Chain-of-custody and other procedural and documentary requirements of Pub. L. 100–71 and the Department of Health and Human Services Guidelines will be followed in collection of urine samples, conducting drug tests, and processing test results.

RETENTION AND DISPOSAL:

Records are retained for two years and then destroyed by shredding, burning, or erasure in the case of magnetic media.

Urine specimens will be disposed of after six months in an ecologically safe manner.

Written records and test results, together with urine specimens, may be retained up to five years or longer when necessary due to challenges or appeals of adverse actions by the employee.

SYSTEM MANAGER(S) AND ADDRESS:

DON Drug Program Coordinator, Office of Civilian Personnel Management, 800 North Quincy Street, Arlington, VA 22203–1998.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Commanding Officer/Commander of the DON activity or the servicing civilian personnel office at which they are or were employed, or at which they made application for employee, and for which they provided a urine specimen for drug testing.

Individuals must furnish their full name, Social Security Number, the title, series, and grade of the position they occupied or applied for when the drug test was conducted, and the month and year of the test.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Commanding Officer/Commander of the DON activity or the servicing civilian personnel office at which they are or were employed, or at which they made application for employment, and for which they provided a urine specimen for drug testing.

Individuals must furnish their full name, Social Security Number, the title, series, and grade of the position they occupied or applied for when the drug test was conducted, and the month and year of the test.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, for contesting contents, and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records are obtained from the individual to whom the record pertains; DON or contractor employees involved in the selection and notification of individuals to be tested; DON or contractor laboratories that test urine samples for the presence of illegal drugs, DON or contractor Medical Review Officers; supervisors and managers and other DON officials engaged in administering the Drug-Free Workplace Program; the Civilian Employee Assistance Program, and processing adverse actions based on drug test results.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DIRECTORY OF DEPARTMENT OF THE NAVY MAILING ADDRESSES

The Department of the Navy has over 4,000 ships and stations. Some mailing addresses may not be included in this directory. Should you require assistance in obtaining any Navy mailing address not listed, please contact the Head, PA/FOIA Branch, Office of the Chief of Naval Operations (N09B30), Navy Department, Room 5E521, The Pentagon, Washington, DC 20350-2000. Telephone (703) 614–2817.

Assistance in obtaining any Marine Corps mailing address not included in the following directory may be obtained from the Commandant of the Marine Corps (Code MI–3), Washington, DC 20380-0001. Telephone (703) 614–4008.

ARIZONA

Commanding Officer, Naval and Marine Corps Reserve Readiness Center, 1201 North 35th Avenue, Phoenix, AZ 85009–3398.

Commanding Officer, Marine Corps Air Station, Yuma, AR 85364–5001.

CALIFORNIA

Director, Navy Office of Information, West, 11000 Wilshire Boulevard, Los Angeles, CA 90024–3691.

Commanding Officer, Naval Weapons Station, Seal Beach, CA 90740-5000.

Commanding Officer, Naval Hospital, 7500 E. Carson Street, Long Beach, CA 90822–1000.

Commanding Officer, Naval Station, Long Beach, CA 90822–5000.

Director, Consolidated Civilian Personnel Office, Naval Station, Long Beach, CA 90822–5000.

Commanding Officer, Personnel Support Activity, Long Beach, CA 90822-5001.

Commanding Officer, Naval Legal Service Office, Naval Station, Long Beach, CA 90822-5075.

Commanding Officer, Naval and Marine Corps Readiness Center, Long Beach, CA 90822–5092.

Commanding Officer, Naval Dental Clinic, Long Beach, CA 90822-5096.

Commanding General, Marine Corps Base, Camp Pendleton, CA 92055–5001.

Commanding Officer, Naval Dental Clinic, Camp Pendleton, CA 92055–5001.

Commanding Officer, Naval Hospital, Camp Pendleton, CA 92055-5008.

Commanding General, 1st Marine Expeditionary Force, FMF, Camp Pendleton, CA 92055–5401.

Commanding General, 1st Marine Division, FMF, Camp Pendleton, CA 92055–5501.

Commanding Officer, Naval Submarine Base, 140 Sylvester Road, San Diego, CA 92106-3521.

Commanding Officer, Naval and Marine Corps Reserve Readiness Center, 9955 Pomerado Road, San Diego, CA 92132–5001.

Commanding Officer, Naval Supply Center, 937 North Harbor Drive, San Diego, CA 92132-5044.

Commander, Naval Base, San Diego, CA 92132-5100.

Director, Naval Audit Service, Western Region, 1220 Pacific Highway, San Diego, CA 92132–5103.

Commanding Officer, Naval Education and Training Support Center, Pacific, San Diego, CA 92132–5105.

Commander, Naval Reserve Readiness Command, Region Nineteen, 960 North Harbor Drive, San Diego, CA 92132-5108.

Commanding Officer, Fleet Accounting and Disbursing Center, U.S. Pacific Fleet, 937 North Harbor Drive, San Diego, CA 92132–5110.

Commanding Officer, Southwest Division, Naval Facilities Engineering Command, San Diego, CA 92132–5190.

Commander, Naval Training Center, San Diego, CA 92133-5000.

Commanding Officer, Naval Hospital, San Diego, CA 92134-5000.

Commanding Officer, Naval School of Health Sciences, San Diego, CA 92134-6000.

Commanding Officer, Navy Drug Screening Laboratory, Naval Hospital, Building 10, San Diego, CA 92134-6900.

Commander, Naval Air Force, U.S. Pacific Fleet, Naval Air Station, North Island, San Diego, CA 92135-5100.

Officer in Charge, Naval Reserve Recruiting Command Detachment, Pacific Fleet Career Information Team, Naval Air Station North Island, Building 11, San Diego, CA 92135–5100.

Commanding Officer, Naval Air Station, North Island, San Diego, CA 92135–5110.

Commanding Officer, Naval Computer and Telecommunications Station San Diego, Naval Air Station, North Island, San Diego, CA 92135-5110.

Commanding Officer, Naval Aviation Depot, North Island, San Diego, CA 92135–5112.

Commanding Officer, Naval Station, San Diego, CA 92136-5000.

Commanding Officer, Naval Legal Service Office, Naval Station, San Diego, CA 92136-5138.

Commanding Officer, Naval Dental Clinic, San Diego, CA 92136-5147.

Commanding Officer, Navy Resale and Services Support Office, Field Support Office, PO Box 150, Naval Station, San Diego, CA 92136-5150.

Commanding Officer, Naval Medical Clinic, Naval Station, San Diego, CA 92136-5153

Commander, Amphibious Group 3, Box 201, San Diego, CA 92136–5201.

Commanding Officer, Personnel Support Activity, San Diego, CA 92136-5203.

Director, Naval Criminal Investigative Service Regional Office, P.O. Box 80667, San Diego, CA 92138–0667.

Commanding Officer, Naval Health Research Center, PO Box 85122, San Diego, CA 92138–9174.

Commanding General, Marine Corps Recruit Depot/Western Recruiting Region, San Diego, CA 92140–5001.

Commanding Officer, Naval Alcohol Rehabilitation Center, Naval Air Station, Miramar, San Diego, CA 92145–5000.

Commanding Officer, Naval Consolidated Brig, Miramar, Naval Air Station, Miramar, San Diego, CA 92145–5000.

Commanding Officer, Naval Air Station, Miramar, San Diego, CA 92145–5000.

Commander, Training Command, U.S. Pacific Fleet, San Diego, CA 92147-5030.

Commanding Officer, Fleet Combat Training Center Pacific, 200 Catalina Boulevard, San Diego, CA 92147–5060.

Commander, Naval Ocean Systems Center, San Diego, CA 92152-5000.

Commanding Officer, Navy Personnel Research and Development Center, San Diego, CA 92152-6800.

Commander, Naval Surface Force, U.S. Pacific Fleet, Naval Amphibious Base, Coronado, San Diego, CA 92155-5035.

Commanding Officer, Naval Amphibious Base, Coronado, Coronado, CA 92155–5035.

Director, Office of Civilian Personnel Management, Southwest Region, 880 Front Street, Room 5-S-29, San Diego, CA 92188-0410.

Commanding Officer, Naval Air Facility, El Centro, CA 92243–5001.

Commanding General, Marine Corps Air Ground Combat Center, Twentynine Palms, CA 92278–5001.

Commanding General, 7th Marine Expeditionary Brigade, Twentynine Palms, CA 92278–5001.

Commanding General, Marine Corps Logistics Base, Barstow, CA 92311–5001.

Commander, Marine Corps Air Bases Western Area, Marine Corps Air Station, El Toro, Santa Ana, CA 92709–5001.

Commanding General, Marine Corps Air Station, El Toro, Santa Ana, CA 92709–5001.

Commanding General, 3rd Marine Aircraft Wing, Marine Corps Air Station, El Toro, Santa Ana, CA 92709–6001.

Commanding Officer, Marine Corps Air Station (Helicopter), Tustin, CA 92710–5001.

Commanding Officer, Naval Air Station, Point Mugu, CA 93042–5000.

Commander, Pacific Missile Test Center, Point Mugu, CA 93042-5000.

Commanding Officer, Naval Construction Battalion Center, 621 Pleasant Valley Road, Port Hueneme, CA 93043–4300.

Commanding Officer, Naval Construction Training Center, 363 White House Way, Port Hueneme, CA 93043–4303.

Commanding Officer, Naval Ship Weapon Systems Engineering Station, Point Hueneme, CA 93043-5007.

Commanding Officer, Naval Medical Clinic, Port Hueneme, CA 93043–5007.

Commanding Officer, Naval Air Station, Lemoore, CA 93246–0001.

Commanding Officer, Naval Hospital, Lemoore, CA 93246–0001.

Officer in Charge, Navy Data Automation Facility Lemoore, Naval Air Station, Lemoore, CA 93246–0006.

Commander, Naval Weapons Center, China Lake, CA 93555-6001.

Director, Defense Resources Management Education Center, Naval Postgraduate School, Monterey, CA 93943–5000.

Superintendent, Naval Postgraduate School, Monterey, CA 93943–5000.

Director, Defense Personnel Security Research and Education Center, Naval Postgraduate School, Monterey, CA 93943–5000.

Commanding Officer, Naval Air Station, Moffett Field, CA 94035-5000.

Officer in Charge, Navy Data Automation Facility Moffett Field, Naval Air Station, Moffett Field, CA 94035–5021.

Commander, Western Division, Naval Facilities Engineering Command, PO Box 727, San Bruno, CA 94066-0720.

Naval Plant Representative Office, Strategic Systems Program Field Office, PO Box 3504, Sunnyvale, CA 94088–3504.

Commander, Naval Reserve Readiness Command Region Twenty, Treasure Island, 410 Palm Avenue, San Francisco, CA 94130–0410.

Commanding Officer, Naval Station Treasure Island, 410 Palm Avenue; San Francisco, CA 94130–0410.

Commander, Naval Base San Francisco Treasure Island, 410 Palm Avenue, San Francisco, CA 94130-0411.

Commanding Officer, Naval and Marine Corps Reserve Center Treasure Island, 440 California Avenue, San Francisco, CA 94130–0440.

Commanding Officer, Naval Legal Service Office, Treasure Island, 550 4th Street, San Francisco, CA 94130–0551.

Commanding Officer, Naval Dental Center, Treasure Island, 655 Avenue H, San Francisco, CA 94130-0655.

Commanding Officer, Naval Technical Training Center, Treasure Island, 1070 M Avenue, San Francisco, CA 94130–1070.

Commanding Officer, Naval Station Treasure Island, San Francisco, CA 94130–5018.

Commanding Officer, Personnel Support Activity San Francisco, Building 450, Treasure Island, San Francisco, CA 94130-5016.

Director, 12th Marine Corps District, Building 7, Naval Station, Treasure Island, San Francisco, CA 94130–5018.

Director, Naval Investigative Service Regional Office, Building No. 7, Naval Station, Treasure Island, San Francisco, CA 94130–5028.

Commanding Officer, Naval Legal Service Office, Naval Station, Treasure Island, San Francisco, CA 94130–5029.

Commanding Officer, Naval Medical Clinic, San Francisco, CA 94130–5030.

Commander, Naval Reserve Readiness Command Region Twenty, Building 1, Naval Station, Treasure Island, San Francisco, CA 94130-5032.

Officer in Charge, Naval Reserve Recruiting Command Detachment ONE, 2433 Mariner Square Loop, Suite 100, Alameda, CA 94501–1019.

Commanding Officer, Navy Regional Data Automation Center, San Francisco, Naval Air Station, Alameda, CA 94501-5007.

Officer in Charge, Navy Disease Vector Ecology and Control Center, Naval Air Station, Alameda, CA 94501–5039.

Commanding Officer, Naval Air Station, Alameda, CA 94501–5039.

Commanding Officer, Naval Aviation Depot, Naval Air Station, Alameda, CA 94501–5201.

Commanding Officer, Naval Aviation Depot, Naval Air Station, Alameda, CA 94501–5201.

Commanding Officer, Naval Weapons Station, 10 Delta Street, Concord, CA 94520–5100.

Commanding Officer, Naval Station, Mare Island, Vallejo, CA 94592–5000.

Commander, Mare Island Naval Shipyard, Vallejo, CA 94592–5100.

Commander, Navy Recruiting Area Eight, Oakland Executive Center, 7677 Oakport Street, Suite 650, Oakland, CA 94621–1929.

Commanding Officer, Naval Supply Center, Oakland, CA 94625-5000.

Commander, Military Sealift Command, Pacific, Oakland, CA 94625-5010.

Commanding Officer, Naval Biosciences Laboratory, Naval Supply Center, Oakland, CA 94625-5015.

Commanding Officer, Navy Resale and Services Support Office, Field Support Office, Building 310, Naval Supply Center, Oakland, CA 94625-5025.

Commanding Officer, Naval Hospital, Oakland, CA 94627-5000.

Commanding Officer, Navy Drug Screening Laboratory, 8750 Mountain Boulevard, Oakland, CA 94627–5050.

Commanding Officer, Naval Communication Station Stockton, Stockton, CA 95203–5000.

Commanding Officer, Naval Facility, Centerville Beach, Ferndale, CA 95536–9766.

Commander, Long Beach Naval Shipyard, Long Beach, CA 98022–5099.

COLORADO

Officer in Charge, Naval Reserve Recruiting Command Detachment SEVEN, 791 Chambers Road, Suite 502, Aurora, CO 80011–7152.

CONNECTICUT

Commanding Officer, Naval and Marine Corps Reserve Center, 1 Linsley Drive, Plainsville, CT 06202–2918.

Commanding Officer, Naval Submarine Base, New London, Box 00, Groton, CT 06349–5000.

Commanding Officer, Naval Legal Service Office, Naval Submarine Base, New London, Box 10, Building 137, Groton, CT 06349–5010.

Commanding Officer, Personnel Support Activity, New London, Box 63, Naval Submarine Base, New London, Groton, CT 06349-5063.

Officer in Charge, Personnel Support Activity Detachment, New London, Box 88, Groton, CT 06349–5088.

Commanding Officer, Naval Security Group Activity, Box 99, Naval Submarine Base, New London, Groton, CT 06349-5099.

Director, Consolidated Civilian Personnel, PO Box 20, Naval Submarine Base, New London, Groton, CT 06349–5099.

Commanding Officer, Naval Submarine Medical Research Laboratory, Naval Submarine Base, New London, Groton, CT 06349–5099.

Commanding Officer, Naval Hospital, Groton, CT 06349–5099.

DISTRICT OF COLUMBIA

Secretary of the Navy, Navy Department, Washington, DC 20350-1000.

Under Secretary of the Navy, Navy Department, Washington, DC 20350-1000.

Assistant Secretary of the Navy (Financial Management), Navy Department, Washington, DC 20350-1000.

Assistant Secretary of the Navy (Manpower and Reserve Affairs), Navy Department, Washington, DC 20350-1000.

Assistant Secretary of the Navy (Research, Development and Acquisitions), Navy Department, Washington, DC 20350-1000.

Comptroller of the Navy, Navy Department, Washington, DC 20350-1100.

Chief of Information, Navy Department, Washington, DC 20350-1200.

Chief of Legislative Affairs, Navy Department, Washington, DC 20350-1300.

Chief of Naval Operations, Department of the Navy, Washington, DC 20350-2000.

General Counsel, Navy Department, Washington, DC 20360–5110.

Commander, Naval Air Systems Command, NAVAIR Headquarters, Washington, DC 20361-0001.

Commander, Space and Naval Warfare Systems Command, SPAWAR Headquarters, Washington, DC 20363-5100.

Commander, Naval Sea Systems Command, NAVSEA Headquarters, Washington, DC 20362-5101.

Director, Naval Civilian Personnel Center, Washington, DC 20370–1000.

Chief of Naval Personnel, Bureau of Naval Personnel, 2 Navy Annex, Washington DC 20370–5001.

Executive Director, Board for Corrections of Naval Records, Navy

VOL
58
ISS
33
FE
22
1993
UMI

Department, Washington, DC 20370-5100.

Officer in Charge, Personnel Support Activity Detachment, Crystal Mall 3, Room 100, Washington, DC 20371–5000.

President, Board of Inspection and Survey, Navy Department, Washington, DC 20372–5100.

Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372–5120.

Director, Naval Historical Center, Washington Navy Yard, Washington, DC 20374–0571.

Officer in Charge, Navy Band, Washington Navy Yard, Washington, DC 20374–1052.

Officer in Charge, Navy-Marine Corps Appellate Review Activity, Office of the Judge Advocate General, Washington Navy Yard, Washington, DC 20374–1111.

Commanding Officer, Navy Medical Clinic, Washington Navy Yard, Washington, DC 20374-1832.

Director, Human Resources Office, Bldg 200, Washington Navy Yard, Washington, DC 20374–2000.

Naval Inspector General, Building 200, Washington Navy Yard, Washington, DC 20374–2001.

Commander, Naval Imaging Command, Washington, DC 20374–2002.

Commandant, Naval District Washington, Washington Navy Yard, Washington, DC 20374-2002.

Commanding Officer, Personnel Support Activity, Building 92, Naval District Washington, Washington, DC 20374–2002.

Commanding Officer, Naval Legal Service Office, Washington Navy Yard, Washington, DC 20374–2003.

Commander, Naval Reserve Readiness Command Region Six, Washington Navy Yard, Washington, DC 20374-2003.

Chief, Navy-Marine Corps Trial Judiciary, Washington Navy Yard, Washington, DC 20374–2004.

Commanding Officer, Information Technology Acquisition Center, Building 166, Washington Navy Yard, Washington, DC 20374–5070.

Director, Consolidated Civilian Personnel Office, Building 200, Washington Navy Yard, Washington, DC 20374–5006.

Commanding Officer, Navy Appellate Leave Activity, Building 176, Washington Navy Yard, Washington, DC 20374–5083.

Commanding Officer, Naval Research Laboratory, Washington, DC 20375–5000.

Commander, Naval Supply Systems Command, NAVSUP Headquarters, Washington, DC 20376-5000.

Director, Strategic Systems Programs, Department of the Navy, Washington, DC 20376–5002.

Director, Naval Audit Service Capital Region, 1941 Jefferson Davis Highway, Crystal Mall No. 4, Room 309, Washington, DC 20376–5003.

Director, Consolidated Civilian Personnel Office, 1931 Jefferson Davis Highway, Crystal Mall 2, Washington, DC 20376-5006.

Commandant of the Marine Corps, Navy Department, Washington, DC 20380-0001.

Commanding General, Marine Corps Research Development and Acquisition Command, Washington, DC 20380–0001.

Director, Naval Criminal Investigative Service, Washington Navy Yard, Building 111, 901 M Street SE, Washington, DC 20388-5380.

Commander, Naval Intelligence Command, 4600 Silver Hill Road, Washington, DC 20389-5000.

Commander, Naval Computer and Telecommunications Command, 4401 Massachusetts Ave, NW, Washington, DC 20390–5000.

Superintendent, Naval Observatory, 34th and Massachusetts Avenue, NW, Washington, DC 20390-5100.

Commanding Officer, Naval Air Facility, Washington, DC 20390-5130.

Commanding Officer, Naval Polar Oceanography Center, Navy Department, 4301 Suitland Road, Washington, DC 20390-5180.

Commanding Officer, Naval Security Station, 3801 Nebraska Ave, NW, Washington, DC 20393–5230.

Director, Navy Commercial Communications Office, 4401 Massachusetts Ave, NW, Washington, DC 20394–5290.

Commanding Officer, Naval Telecommunications Automation Support Center, Washington, DC 20397–5310.

Commander, Military Sealift Command, Department of the Navy, Washington, DC 20398-5100.

Director, Marine Corps Institute, Marine Barracks, Washington, DC 22222–0001.

FLORIDA

Commanding Officer, Navy Resale and Services Support Office, Field Support Office, Jacksonville, FL 32212–0013.

Commanding Officer, Regional Accounting and Disbursing Center, Box 15, Naval Air Station, Jacksonville, FL 32212–0015.

Officer in Charge, Navy Disease Vector Ecology and Control Center, Naval Air Station, Jacksonville, FL 32212–0043.

Commanding Officer, Naval Alcohol Rehabilitation Center, Naval Air Station, Jacksonville, FL 32212-0046.

Commanding Officer, Personnel Support Activity, Box 50, Naval Air Station, Jacksonville, FL 32212–0050.

Commanding Officer, Naval Dental Clinic, Jacksonville, FL 32212-0074.

Commander, Naval Reserve Readiness Command Region Eight, Box 90, Naval Air Station, Jacksonville, FL 32212-0090.

Commanding Officer, Naval Supply Center, Jacksonville, FL 32212-0097.

Commanding Officer, Naval Legal Service Office, Naval Air Station, Jacksonville, FL 32212–0107.

Commanding Officer, Naval Computer and Telecommunications Station Jacksonville, Naval Air Station, Jacksonville, FL 32212-0111.

Commander, Naval Base, Jacksonville, FL 32212–5000.

Commanding Officer, Naval Aviation Depot, Naval Air Station, Jacksonville, FL 32212–5000.

Commanding Officer, Navy Drug Screening Laboratory, Naval Hospital, Jacksonville, FL 32214–0113.

Commanding Officer, Naval Hospital, Jacksonville, FL 32214–0113.

Commanding Officer, Naval Air Station, Cecil Field, FL 32215–5000.

Commanding Officer, Naval Air Station, Jacksonville, FL 32215–5000.

Commanding Officer, Naval Aviation Depot, Naval Air Station, Jacksonville, Jacksonville, FL 32216–0016.

Commanding Officer, Naval Legal Service Office, Box 217, Naval Station, Mayport, FL 32228–0217.

Commanding Officer, Naval Station, Mayport, FL 32228–5000.

Commanding Officer, Naval Air Facility, Mayport, FL 32228–5000.

Commanding Officer, Naval Coastal Systems Center, Panama City, FL 32407-5000.

Commanding Officer, Naval Air Station, Pensacola, FL 32508–5000.

Chief of Naval Education and Training, Naval Air Station, Pensacola, FL 32508–5100.

Officer in Charge, Navy Resale Activity, Naval Air Station, Pensacola, FL 32508–5350.

Commanding Officer, Naval Aerospace Medical Institute, Naval Air Station, Pensacola, FL 32508-5600.

Commanding Officer, Naval Aerospace Medical Research Laboratory, Naval Air Station, Pensacola, FL 32508–5700.

Commanding Officer, Naval Dental Clinic, Pensacola, FL 32508-5800.

Commanding Officer, Naval Legal Service Office, Naval Air Station, Pensacola, FL 32508-6000.

Commanding Officer, Naval Supply Center, Pensacola, FL 32508-6200.

Commanding Officer, Personnel Support Activity, Naval Air Station, Pensacola, FL 32508-6600.

Commanding Officer, Naval Education and Training Program Management Support Activity, Pensacola, FL 32509–5000.

Commanding Officer, Naval Technical Training Center, Corry Station, Pensacola, FL 32511–5000.

Commanding Officer, Naval Hospital, Pensacola, FL 32512–5000.

Commanding Officer, Naval Air Station, Whiting Field, Milton, FL 32570–3000.

Commander, Naval Training Center, Orlando, FL 32813-5005.

Commanding Officer, Naval Training Station, Orlando, FL 32813–5010.

Commanding Officer, Personnel Support Activity, Orlando, FL 32813-5016.

Commanding Officer, Naval Hospital, Orlando, FL 32813-5200.

Commanding Officer, Naval Dental Clinic, Orlando, FL 32813-6400.

Commanding Officer, Naval Training Systems Center, Orlando, FL 32813-7100.

Officer in Charge, Naval Reserve Recruiting Command Detachment FOUR, 8582 Avenue C, Naval Training Station Annex, Orlando, FL 32827–5093.

Commanding Officer, Naval Ordnance Test Unit, Cape Canaveral, FL 32920–1623.

Commanding Officer, Naval Security Group Activity, Homestead, FL 33039-6428.

Commanding Officer, Naval Medical Clinic, Key West, FL 33040–4594.

Commanding Officer, Naval Air Station, Key West, FL 33040–5000.

Commanding Officer, Naval Computer and Telecommunications Station, Key West, FL 33040–5000.

Commanding Officer, Naval Reserve Center, 10170 Riverside Drive, Palm Beach Gardens, FL 33409–6296.

GEORGIA

Commanding Officer, Naval Air Station Atlanta, Marietta, GA 30060-5099.

Director, Navy Office of Information, Southeast, 1371 Peachtree Street, NE, Suite 24, Atlanta, GA 30309–3103.

Director, 6th Marine Corps District, 1365 Peachtree Street, NE, Atlanta, GA 30309–3117.

Commanding Officer, Navy Supply Corps School, Athens, GA 30606-5000.

Commander, Navy Recruting Area Three, 451 College Street, PO Box 4887, Macon, GA 31208–4887.

Commanding Officer, Naval Submarine Base, Kings Bay, GA 31547-5000.

Commanding General, Marine Corps Logistics Base, Atlantic, Albany, GA 31704–5000.

HAWAII

Commanding Officer, Pacific Missile Range Facility, PO Box 128, Barking Sands, Kekaha, Kauai, HI 96752–0128.

Commanding Officer, Naval Communication Area Master Station EASTPAC, Wahiawa, HI 96786–3050.

Commanding Officer, Naval Magazine, Lualualei, HI 96792–4301.

Director, Consolidated Civilian Personnel Office Pearl Harbor, 4300 Radford Drive, Honolulu, HI 96818–3298.

Commander, Pacific Division, Naval Facilities Engineering Command, Pearl Harbor, HI 96860–0860.

Commander, Naval Base, Pearl Harbor, HI 96860–5020.

Commanding Officer, Naval Dental Clinic, Box 111, Pearl Harbor, HI 96860-5030.

Commanding Officer, Naval Western Oceanography Center, Box 113, Pearl Harbor, HI 96860-5050.

Director, Office of Civilian Personnel Management, Pacific Region, Box 119, Pearl Harbor, HI 96860-5060.

Commanding Officer, Naval Alcohol Rehabilitation Center, Naval Station, Box 77, Pearl Harbor, HI 96860–5080.

Commanding Officer, Navy Medical Clinic, Box 121, Pearl Harbor, HI 96860–5080.

Officer in Charge, Navy Environmental and Preventive Medicine Unit No 6, Box 112, Pearl Harbor, HI 96860–5080.

Commander, Naval Base, Pearl Harbor, HI 96860–5100.

Commanding Officer, Naval Legal Service Office, Pearl Harbor, HI 96860–5110.

Officer in Charge, Navy Resale Activity, Naval Base, Pearl Harbor, HI 96860–5180.

Commanding Officer, Navy Data Automation Facility, Box 140, Pearl Harbor, HI 96860–5200.

Commanding Officer, Naval Supply Center, Box 300, Pearl Harbor, HI 96860-5300.

Commander, Pearl Harbor Naval Shipyard, Box 400, Pearl Harbor, HI 96860–5350.

Commanding Officer, Naval Station, Pearl Harbor, HI 96860–6000.

Commanding Officer, Personnel Support Activity Hawaii, Box 302, Pearl Harbor, HI 96860–6000.

Commanding Officer, Naval Submarine Base, Pearl Harbor, HI 96860–6500.

Commander, Submarine Force, U.S. Pacific Fleet, Pearl Harbor, HI 96860-6550.

Commander, U.S. Naval Forces Central Command, Pearl Harbor, HI 96860–7000.

Commander in Chief, U.S. Pacific Fleet, Pearl Harbor, HI 96860-7000.

Commander, Fleet Intelligence Support Center Pacific, Pearl Harbor, HI 96860–7450.

Commander, Third Fleet, Pearl Harbor, HI 96860-7500.

Commanding General, Fleet Marine Force, Pacific, Camp H.M. Smith, HI 96861–5000.

Commander, Marine Corps Bases Pacific, Camp H.M. Smith, HI 96861–5001.

Commanding Officer, Naval Air Station, Barbers Point, HI 96862–5000.

Commanding Officer, Marine Corps Air Station, Kaneohe Bay, HI 96863–5001.

IDAHO

Officer in Charge, Naval Administrative Unit, 550 First Street, Idaho Falls, ID 83401–3998.

ILLINOIS

Commanding Officer, Naval Air Station, Glenview, IL 60026-5000.

Officer in Charge, Navy Data Automation Facility, Great Lakes, Building 3400, North Chicago, IL 60064–3013.

Commander, Naval Training Center, Great Lakes, IL 60088-5000.

Commanding Officer, Naval Training Station, Great Lakes, IL 60088–5100.

Commanding Officer, Naval Legal Service Office, Room 230, Building 1, Great Lakes, IL 60088-5025.

Commander, Naval Reserve Readiness Command Region Thirteen, Building 1, Naval Training Center, Great Lakes, IL 60088-5026.

Commander, Navy Recruting Area Five, Bldg 3, Naval Training Center, Great Lakes, IL 60088–5135.

Commanding Officer, Navy Drug Screening Laboratory, Building 38-H, Great Lakes, IL 60088-5223.

Commanding Officer, Naval Hospital, Great Lakes, IL 60088-5230.

Commanding Officer, Naval Dental Clinic, Great Lakes, IL 60088-5258.

Commanding Officer, Naval Dental Research Institute, Great Lakes, IL 60088-5259.

Commanding Officer, Personnel Support Activity, Great Lakes, IL 60088-5500.

Commanding Officer, Naval Reserve Readiness Center, Building 2711, Naval Training Center, Great Lakes, IL 60088–5707.

Officer in Charge, Naval Reserve Recruiting Command Detachment TWO, Building 3400, Room 230, Naval

VOL 58 ISS 33 FE 22 1993 UMI

Training Center, Great Lakes, IL 60088–5709.

Commanding Officer, Navy Regional Finance Center, Building 3400, Great Lakes, IL 60088-5797.

Director, Navy Office of Information, Midwest, 55 E. Monroe Street, Suite 1536, Chicago, IL 60603-5705.

INDIANA

Commanding Officer, Naval and Marine Corps Readiness Center, Heslar Naval Armory, 30th and White Rover, Indianapolis, IN 46208–4998.

Commanding Officer, Naval Weapons Support Center, Crane, IN 47522–5000.

KANSAS

Commander, Naval Reserve Readiness Command Region 18, 301 Navy Drive, Industrial Airport, KS 66031-0031.

Director, Marine Corps Reserve Support Center, 10950 El Monte, Shawnee Mission, Overland Park, KS 66211–0001.

Director, 9th Marine Corps District, 10000 West 25th Street, Shawnee Mission, KS 66211–1408.

KENTUCKY

Commanding Officer, Naval Ordnance Station, Louisville, KY 40214–5000.

LOUISIANA

Commanding Officer, Naval Support Activity, New Orleans, LA 70142-5000.

Director, 8th Marine Corps District, New Orleans, LA 70142–5100.

Director, Human Resources Office New Orleans, New Orleans, LA 70142-5200.

Commanding Officer, Naval Medical Clinic, New Orleans, LA 70142–5300.

Commanding Officer, Personnel Support Activity, Naval Support Activity, Building 123, New Orleans, LA 70142-5400.

Commander, Naval Reserve Readiness Command Region Ten, Building 11, Naval Support Activity, New Orleans, LA 70142-5600.

Commanding Officer, Naval Air Station, New Orleans, LA 70143-5000.

Commanding Officer, Navy Regional Data Automation Center, New Orleans, LA 70145-7700.

Commanding Officer, Naval and Marine Corps Readiness Center, 5020 Lakeshore Drive, New Orleans, LA 70146–3310.

Commander, Naval Reserve Force, 4400 Dauphine Street, New Orleans, LA 70146-5000.

Commander, Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146–5001.

Commander, Naval Air Reserve Force, New Orleans, LA 70146–5200.

Commanding General, 4th Marine Division, FMF, U.S. Marine Corps Reserve, 4400 Dauphine Street, New Orleans, LA 70146–5400.

Director, Navy Air Logistics Office, 4400 Dauphine Street, New Orleans, LA 70146-7500.

Commanding Officer, Naval Reserve Personnel Center, 4400 Dauphine Boulevard, New Orleans, LA 70149-7800.

Commanding Officer, Enlisted Personnel Management Center, New Orleans, LA 70159-7900.

Commanding Officer, Naval Biodynamics Laboratory, PO Box 29407, New Orleans, LA 70189–0407.

MAINE

Officer in Charge, Personnel Support Activity Detachment Brunswick, Naval Air Station, Brunswick, ME 04001–5000.

Commanding Officer, Naval Air Station, Brunswick, ME 04011–5000.

Officer in Charge, Personnel Support Activity Detachment Cutler, East Machias, ME 04630–1000.

Commanding Officer, Naval Communications Unit Cutler, East Machias, ME 04630–1000.

Commanding Officer, Naval Security Group Activity, Bldg 10, Winter Harbor, ME 04993–0010.

Chief Petty Officer in Charge, Personnel Support Activity, Detachment Winter Harbor, Winter Harbor, ME 04693–0900.

Commanding Officer, Naval Security Group Activity, Winter Harbor, ME 04693–0900.

MARYLAND

Commander, David Taylor Research Center, Bethesda, MD 20084-5000.

Commanding Officer, Naval Ordnance Station, Indian Head, MD 20640–5000.

Commanding Officer, Naval Hospital, Patuxent River, MD 20670-5370.

Commanding Officer, Naval Air Station, Patuxent River, MD 20670–5409.

Commanding Officer, Naval Security Group Activity, Fort George G. Meade, MD 20755-5290.

Commanding Officer, Naval Hospital, Bethesda, MD 20814–5000.

Commanding Officer, Naval Health Sciences Education and Training Command, Bethesda, MD 20814-5022.

Commanding Officer, Naval School of Health Sciences, Bethesda, MD 20814-5033.

Commanding Officer, Naval Medical Research and Development Command, Bethesda, MD 20814–5044.

Commanding Officer, Naval Medical Research Institute, Bethesda, MD 20814–5055.

Commanding Officer, Naval Medical Data Services Center, Bethesda, MD 20814–5066.

Commanding Officer, Naval Dental Clinic, Bethesda, MD 20814–5077.

Officer in Charge, Naval Reserve Recruiting Command Detachment FIVE, 4040 Blackburn Road, Suite 210, Burtonsville, MD 20866–1170.

Commanding Officer, Naval Medical Information Management Center, 8901 Wisconsin Avenue, Bethesda, MD 20889–5066.

Superintendent, U.S. Naval Academy, 580 Kingwood Street, Annapolis, MD 21402–5052.

Commanding Officer, Naval Medical Clinic, Annapolis, MD 21402–5050.

Commanding Officer, Naval Station, Annapolis, MD 21402–5054.

MASSACHUSETTS

Officer in Charge, Personnel Support Activity Detachment, Chicopee, 17–19 Fourth Street, Westover Air Force Base, Chicopee, MA 01022–5299.

Commanding Officer, Naval Air Station, South Weymouth, MA 02190-5000.

Officer in Charge, Personnel Support Activity Detachment South Weymouth, Naval Air Station, Building 17, South Weymouth, MA 02190–5004.

Director, Navy Office of Information, New England, 408 Atlantic Avenue, Boston, MA 02210-2209.

MICHIGAN

Commanding Officer, Naval Air Facility Detroit, Mt. Clemens, MI 48045-5008.

Commanding Officer, Naval and Marine Corps Reserve Readiness Center, 7600 East Jefferson Avenue, Detroit, MI 48214–2599.

MINNESOTA

Commander, Naval Reserve, Readiness Command Region Sixteen, Building 715, Minneapolis-St. Paul International Airport, Minneapolis, MN 55450-2996.

MISSISSIPPI

Commanding Officer, Naval Air Station, Meridian, MS 39309-5000.

Commanding Officer, Naval Construction Battalion Center, Gulfport, MS 39511–5000.

Commanding Officer, Naval Oceanographic Office, 1002 Batch Boulevard, Stennis Space Center, MS 39522-5001.

Commander, Naval Oceanonography Command, NSTL, MS 39529-5000.

Commanding Officer, Naval Ocean Research and Development Activity, NSTL, MS 39529-5004.

Commanding Officer, Naval Station Pasagoula, Pasagoula, MS 39567–5000.

Supervisor of Shipbuilding, Conversion and Repair, USN, Pasagoula, MS 39568–2210.

MISSOURI

Commanding Officer, Marine Corps Finance Center, Kansas City, MO 64197–0001.

Director, Marine Corps Central Design and Programming Activity, 1500 East Bannister Road, Kansas City, MO 64197–0501.

Director, Marine Corps Reserve Forces, Administrative Center, 1500 East Bannister Road, Kansas City, MO 64197–0501.

NEVADA

Commanding Officer, Naval Air Station, Fallon, NV 89406–5000.

NEW HAMPSHIRE

Officer in Charge, Personnel Support Activity Detachment Portsmouth, Box 2031, Naval Shipyard, Portsmouth, NH 03801–2031.

Commanding Officer, Naval Medical Clinic, Portsmouth, NH 03801–5000.

Commander, Portsmouth Naval Shipyard, Portsmouth, NH 03804–5000.

NEW JERSEY

Commander, Military Sealift Command, Atlantic, Military Ocean Terminal, Building 42, Bayonne, NJ 07002–5000.

Commanding Officer, Naval Weapons Station, Earle, Colts Neck, NJ 07722–5000.

Director, Naval Audit Service Northeast Region, Central Camden Parkade, Building 215, 30 North 5th Street, Camden, NJ 08102–0740.

Commanding Officer, Naval Air Propulsion Center, PO Box 7176, Trenton, NJ 08628-0176.

Commanding Officer, Naval Air Engineering Center, Lakehurst, NJ 08733-5000.

NEW MEXICO

Commanding Officer, Naval Weapons Evaluation Facility, Kirtland AFB, NM 87117–5000.

Commanding Officer, Navy Recruiting District, Albuquerque, PO Box 8667, Albuquerque, NM 87198–8667.

NEW YORK

Director, Navy Office of Information, East, 133 E. 58th Street, 15th Floor, New York, NY 10022-1236.

Commander, Navy Resale and Services Support Office, New York Naval Station Staten Island, Staten Island, NY 10305-5097.

Officer in Charge, Navy Motion Picture Service, Flushing and Washington Avenues, Brooklyn, NY 11251-8400.

Director, 1st Marine Corps District, 605 Stewart Avenue, Garden City Long Island, NY 11530–4761.

Commanding Officer, Navy Recruiting District, Albany, Leo W. Obrien Federal Building, Clinton Avenue and N. Pearl, Albany, NY 12207–2398.

Officer in Charge, Naval Administrative Unit, Scotia, NY 12302–9460.

Officer in Charge, Personnel Support Activity Detachment Scotia, Scotia, NY 12302–9460.

Commander, Navy Recruiting Area One, GSA Depot Bldg One, Amsterdam Road, Scotia, NY 12302–9462.

Commander, Naval Reserve Readiness Command Region Two, Building 1, Scotia, NY 12302-9465.

Officer in Charge, Naval Reserve Recruiting Command Detachment SIX, GSA Depot, Building 2, Scotia, NY 12302–9465.

NORTH CAROLINA

Commanding General, Marine Corps Air Station, Cherry Point, NC 28533–5000.

Commander, Marine Corps Air Bases Eastern Area, Marine Corps Air Station, Cherry Point, NC 28533–5001.

Commanding Officer, Naval Hospital, Cherry Point, NC 28533–5008.

Commanding Officer, Naval Aviation Depot, Marine Corps Air Station, Cherry Point, NC 28533–5030.

Commanding General, 2nd Marine Aircraft Wing, Marine Corps Air Station, Cherry Point, NC 28533–6000.

Commanding General, Marine Corps Base, Camp Lejeune, NC 28542–5001.

Commanding Officer, Naval Hospital, Camp Lejeune, NC 28542–5007.

Commanding Officer, Naval Dental Clinic, Camp Lejeune, NC 28542–5008.

Commanding General, 2nd Marine Division FMF, Camp Lejeune, NC 28542–5501.

Commanding General, 2d Force Service Support Group, FMF, Camp Lejeune, NC 28542–5701.

Commanding Officer, Marine Corps Air Station, (Helicopter), New River, Jacksonville, NC 28545–5001.

Commanding Officer, Naval Reserve Center, 771 Merrimon Ave, Asheville, NC 28804–2414.

OHIO

Commander, Navy Recruiting Area Four, Columbus Federal Building, Room 409, 200 North High Street, Columbus, OH 43215–2480.

Commanding Officer, Personnel Support Activity, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199-2072.

Commander, Naval Reserve Readiness Command Region Five, Building 1033, USAAP, Ravenna, OH 44266–9211.

OREGON

Commanding Officer, Naval Facility, Coos Head, PO Box 5660, Charleston, OR 97420–0623.

PENNSYLVANIA

Commanding Officer, Navy Ships Parts Control Center, 5450 Carlisle Pike, PO Box 2020, Mechanicsburg, PA 17055–0788.

Commanding Officer, Navy Resale and Services Support Office, Field Support Office, Box 2050, Mechanicsburg, PA 17055–0791.

Commanding Officer, Naval Air Warfare Center Aircraft Division Warminister, Warminster, PA 18974-5000.

Commanding Officer, Naval Air Station, Willow Grove, PA 19090-5010.

Commanding Officer, Naval Air Reserve Anti-Submarine Warfare, Training Center, Naval Air Station, Willow Grove, PA 19090-5010.

Commanding Officer, Naval Aviation Supply Office, 700 Robbins Avenue, Philadelphia, PA 19111–5098.

Director, Office of Civilian Personnel Management Northeast Region, Building 75-3, Naval Base, Philadelphia, PA 19112-5006.

Commander, Naval Reserve Readiness Command Region Four, Building 662, Naval Base, Philadelphia, PA 19112-5070.

Director, Consolidated Civilian Personnel Office, Building 75, Naval Base, Philadelphia, PA 19112-5073.

Commanding Officer, Naval Station, Philadelphia, PA 19112–5084.

Commander, Philadelphia Naval Shipyard, Philadelphia, PA 19112–5087.

Commanding Officer, Naval Dental Clinic, Philadelphia, PA 19112-5091.

Commanding Officer, Northern Division, Naval Facilities Engineering Command, Philadelphia, PA 19112–5094.

Commanding Officer, Naval Legal Service Office, Naval Base, Building 6, Room 106, Philadelphia, PA 19112–5096.

Commanding Officer, Personnel Support Activity, Philadelphia, PA 19112-5097.

Commander, Naval Base, Philadelphia, PA 19112-5098.

Director, 4th Marine Corps District, Building 75, Naval Base, Philadelphia, PA 19112–5098.

Commanding Officer, Naval Hospital, 17th Street and Pattison Avenue, Philadelphia, PA 19148–5199.

PUERTO RICO

Commanding Officer, Camp Garcia, Fleet Marine Force, Atlantic, Vieques, PR 00765–5000.

VOL
58
ISS
33
FE
22
1993
UMI

RHODE ISLAND

President, Naval War College, 686 Cushing Road, Newport, RI 02841–1207.
Commander, Naval Education and Training Center, Newport, RI 02841-5000.
Commanding Officer, Naval Hospital, Newport, RI 02841–5003.
Commanding Officer, Naval Legal Service Office, Naval Education and Training Center, Newport, RI 02841–5010.
Commander, Naval Reserve Readiness Command Region One, Building 344, Naval Education and Training Center, Newport, RI 02841-5016.
Commanding Officer, Naval Justice School, Newport, RI 02841-5030.
Commanding Officer, Naval Dental Clinic, Newport, RI 02841–5046.
Commanding Officer, Naval Underwater Systems Center, Newport, RI 02841-5047.
Commanding Officer, Navy Data Automation Center, Newport, Building 1A, Newport, RI 02841-5053.
Commanding Officer, Personnel Support Activity, Naval Education and Training Center, Newport, RI 02841-5062.
Officer in Charge, Personnel Support Activity Detachment Newport, Naval Education and Training Center, Building K–61, Newport, RI 02841–5062.
Commanding Officer, Navy Resale and Services Support Office, Field Support Office, Davisville, North Kingstown, RI 02852-0799.

SOUTH CAROLINA

Commanding Officer, Naval Station, Naval Base, Charleston, SC 29408–5000.
Commander, Naval Base, Charleston, SC 29408-5100.
Commanding Officer, Naval Legal Service Office, Naval Base, Charleston, SC 29408–5400.
Commanding Officer, Personnel Support Activity, Charleston, SC 29408–5626.
Commanding Officer, Polaris Missile Facility, Atlantic, Charleston, SC 29408-5700.
Commanding Officer, Naval Dental Clinic, Charleston, SC 29408–5800.
Commander, Naval Reserve Readiness Command Region Seven, Naval Base, Charleston, SC 29408-6050.
Commander, Charleston Naval Shipyard, Naval Base, Charleston, SC 29408–6100.
Commanding Officer, Naval Security Group Activity, Naval Base, Charleston, SC 29408-6200.
Commanding Officer, Naval Supply Center, Charleston, SC 29408-6300.
Director, Naval Investigative Service Regional Office, NIS SE Region, U.S. Naval Base Charleston, SC 29408–6425.
Commanding Officer, Naval Hospital, Charleston, SC 29408-6900.
Commanding Officer, Naval Weapons Station, Charleston, SC 29408–7000.
Commanding Officer, Naval Consolidated Brig, Charleston, Naval Weapons Station, Charleston, SC 29408–7000.
Director, Consolidated Civilian Personnel Office, Naval Base, Charleston, SC 29408-8000.
Commanding Officer, Southern Division, Naval Facilities Engineering Command, PO Box 10068, Charleston, SC 29411-0068.
Commanding Officer, Marine Corps Air Station, Beaufort, SC 29902–5000.
Commanding Officer, Naval Hospital, Beaufort, SC 29904–5001.
Commanding General, Marine Corps Recruit Depot/Eastern Recruiting Region, Parris Island, SC 29905–5001.
Commanding Officer, Naval Dental Clinic, Parris Island, SC 29905–5009.

TENNESSEE

Commanding Officer, Naval Air Station, Memphis, Millington, TN 38054–5000.
Commanding Officer, Naval Legal Service Office, Naval Air Station, Memphis, Millington, TN 38054–5030.
Commander, Naval Reserve Readiness Command Region Nine, Building E35, Naval Air Station, Memphis, Millington, TN 38054-5048.
Chief of Naval Technical Training, Naval Air Station, Memphis, Millington, TN 38054-5056.
Commanding Officer, Personnel Support Activity, Naval Air Station, Memphis, Millington, TN 38054-5099.
Commanding Officer, Naval Hospital, Millington, TN 38054–5201.

TEXAS

Commanding Officer, Naval Air Station, Dallas, TX 75211-9501.
Commander, Naval Reserve Readiness Command Region Eleven, Building 11, Naval Air Station, Dallas, TX 75211-9502.
Director, Navy Office of Information, Southwest, 1114 Commerce Street, Suite 811, Dallas, TX 75242–2897.
Commander, Navy Recruiting Area Seven, 1499 Regal Row Suite 501, Dallas, TX 75247–3688.
Commanding Officer, Naval and Marine Corps Reserve Readiness Center, 1902 Old Spanish Trail, Houston, TX 77054–2097.
Commanding Officer, Naval Air Station, Chase Field, Beeville, TX 78103-5000.
Director, Naval Civilian Personnel Data System Center, Randolph AFB, TX 78150-5000.
Commanding Officer, Naval Air Station, Kingsville, TX 78363–5000.
Commanding Officer, Naval Air Station, Corpus Christi, TX 78419-5000.
Officer in Charge, Navy Data Automation Facility Corpus Christi, Building 10, Naval Air Station, Corpus Christi, TX 78419–5000.
Chief of Naval Air Training, Naval Air Station, Corpus Christi, TX 78419-5100.
Commanding Officer, Naval Hospital, Corpus Christi, TX 78419–5200.
Commanding Officer, Personnel Support Activity, Naval Air Station, Corpus Christi, TX 78419-5208.
Commanding Officer, Naval Legal Service Office, Naval Air Station, Corpus Christi, TX 78419–5214.

VIRGINIA

Auditor General of the Navy, PO Box 1206, Falls Church, VA 22041–0206.
Director, Naval Audit Service, Naval Audit Service Headquarters, 5611 Columbia Pike, Room 506B, Nassif Building, Falls Church, VA 22041–0206.
Commanding Officer, Marine Security Guard Battalion, State Department, Quantico, VA 22134–2134.
Commanding General, Marine Corp Development and Education Command, Quantico, VA 22134–5001.
Commanding General, Marine Corps Combat Development Command, Quantico, VA 22134–5001.
Commander, Marine Corps Systems Command, Quantico, VA 22134–5080.
Commanding Officer, Naval Medical Clinic, Quantico, VA 22134–6050.
Director, Office of Civilian Personnel Management, Capital Region, 801 North Randolph Street, Arlington, VA 22203-1927.
Director, Naval Council of Personnel Boards, Ballston Centre Tower No. 2, 801 North Randolph Street, Arlington, VA 22203-1989.
Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203-1991.
Director, Office of Civilian Personnel Management, 800 North Quincy Street, Ballston Tower No. 3, Room 110, Arlington, VA 22203-1998.
Commanding Officer, Headquarters Battalion, Headquarters, U.S. Marine Corps, Henderson Hall, Arlington, VA 22214–5001.
Chief of Naval Research, 800 North Quincy Street, Arlington, VA 22217–5000.
Commanding Officer, Navy Petroleum Office, Cameron Station, Alexandria, VA 22304–6180.
Senior Member, Board of Decorations and Medals, Hoffman II, Room 8N23, Alexandria, VA 22332-2100.
Commander, Naval Facilities Engineering Command, NAVFAC Headquarters, 200 Stovall Street, Alexandria, VA 22332-2300.

Commander, Naval Legal Service Command, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332–2400.

Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400.

Commander, Naval Surface Weapons Center, Dahlgren, VA 22448-5000.

Commander, Naval Space Command, Dahlgren, VA 22448–5170.

Officer in Charge, Cheatham Annex, Naval Supply Center, Norfolk, Williamsburg, VA 23187–8792.

Commanding Officer, Naval Security Group Activity Northwest, Chesapeake, VA 23322-5000.

Director, Naval Audit Service Southeast Region, 5701 Thurston Avenue, Virginia Beach, VA 23455–3385.

Commanding Officer, Naval Air Station, Oceana, Virginia Beach, VA 23460–5120.

Commanding Officer, Fleet Combat Training Center Atlantic, Dam Neck, Virginia Beach, VA 23461–5200.

Officer in Charge, Naval Reserve Recruiting Command Detachment, Atlantic Fleet Career Information Team, Signet Bank Building, Suite 100, North Military Highway, Norfolk, VA 23502–3692.

Commanding Officer, Naval Medical Clinic, Norfolk, VA 23508-1298.

Commanding Officer, Navy Resale and Services Support Office, Field Support Office, Building CD-1, Naval Base, Norfolk, VA 23511-0001.

Commanding Officer, Navy Environmental Health Center, Naval Station, Norfolk, VA 23511–2617.

Commanding Officer, Personnel Support Activity, Norfolk, VA 23511–5000.

Commanding Officer, Naval Hospital, Portsmouth, VA 23511–5000.

Commanding Officer, Fleet Intelligence Center Europe and Atlantic, Norfolk, VA 23511–5100.

Commander, Naval Air Force, U.S. Atlantic Fleet, Naval Air Station, Norfolk, VA 23511-5188.

Officer in Charge, Personnel Support Activity, Detachment, Atlantic Fleet Headquarters Support Activity, Norfolk, VA 23511–5188.

Commander in Chief, U.S. Atlantic Fleet, Norfolk, VA 23511–5210.

Director, Human Resources Office, Bldg N–26, Naval Base, Norfolk, VA 23511–5360.

Commanding Officer, Naval Eastern Oceanography Center, McAdie Building (U-117), Naval Air Station, Norfolk, VA 23511-5399.

Commander, Naval Safety Center, Naval Air Station, Norfolk, VA 23511–5796.

Commanding Officer, Naval Air Station, Norfolk, VA 23511–6000.

Commander, Naval Base, Norfolk, VA 23511-6002.

Commanding Officer, Fleet Accounting and Disbursing Center, U.S. Atlantic Fleet, Building X-132, Naval Station, Norfolk, VA 23511-6096.

Commanding Officer, Naval Administrative Command, Armed Forces Staff College, Norfolk, VA 23511-6097.

Commanding Officer, Naval Education and Training Support Center, Atlantic, Norfolk, VA 23511-6197.

Commanding Officer, Naval Legal Service Office, Naval Base, Norfolk, VA 23511–6198.

Commanding Officer, Naval Air Station, Norfolk, VA 23511–6285.

Commander, Atlantic Division, Naval Facilities Engineering Command, Norfolk, VA 23511-6287.

Officer in Charge, Navy Environmental and Preventive Medicine Unit No 2, Norfolk, VA 23511–6288.

Commander, Naval Surface Force, U.S. Atlantic Fleet, Norfolk, VA 23511-6292.

Commanding Officer, Naval Dental Clinic, Norfolk, VA 23511–6295.

Commanding Officer, Navy Drug Screening Laboratory, Naval Air Station, Building S-33, Norfolk, VA 23511–6295.

Commander, Submarine Force, U.S. Atlantic Fleet, Norfolk, VA 23511–6296.

Commanding Officer, Naval Alcohol Rehabilitation Center, Building J-50, Naval Station, Norfolk, VA 23511-6298.

Commanding Officer, Navy Regional Data Automation Center, Norfolk, VA 23511-6497.

Director, Naval Criminal Investigative Service Mid–Atlantic Region, Norfolk, VA 23511–6498.

Commander, Training Command, U.S. Atlantic Fleet, Norfolk, VA 23511-6597.

Commander, Oceanographic System Atlantic, Norfolk, VA 23511-6687.

Director, Fleet Home Town News Center, Norfolk, VA 23511–6698.

Director, Consolidated Civilian Personnel Office, Building N-26, Naval Base, Norfolk, VA 23511-6799.

Commanding Officer, Naval Communication Area Master Station LANT, Norfolk, VA 23511–6898.

Commanding Officer, Naval Supply Center, Norfolk, VA 23512-5000.

Commander, Military Sealift Command, Middle Atlantic, Building Y100A, Naval Supply Center, Norfolk, VA 23512–5000.

Director, Office of Civilian Personnel Management Southeast Region, 5301 Robin Hood Road, Suite 130, Norfolk, VA 23513-2406.

Commanding General, Fleet Marine Force Atlantic/Commanding General Fleet Marine Force Europe (Designate), Norfolk, VA 23515–5006.

Commanding Officer, Naval Amphibious Base, Little Creek, Norfolk, VA 23521–3462.

Commanding Officer, Naval Ophthalmic Support and Training Activity, Yorktown, VA 23690–5071.

Commanding Officer, Naval Weapons Station, Yorktown, VA 23691-5000.

Commanding Officer, Naval Hospital, Portsmouth, VA 23708-5000.

Commander, Norfolk Naval Shipyard, Portsmouth, VA 23709–5000.

WASHINGTON

Commanding Officer, Navy Resale and Services Support Office, Field Support Office, 2801 C Street, SW, Auburn, WA 98001-7499.

Commanding Officer, Naval Station Puget Sound, Seattle, WA 98115–5000.

Officer in Charge, Marine Corps Reserve Training Center, Hangar No. 1, Naval Station, Seattle, WA 98115–5004.

Commanding Officer, Naval Medical Clinic, Naval Station, Seattle, WA 98115-5004.

Commander, Naval Reserve Readiness Command Region Twenty-Two, Building 9, Naval Station, Seattle, WA 98115-5009.

Commander, Naval Base, Seattle, WA 98115–5012.

Commanding Officer, Naval Air Station Whidbey Island, Oak Harbor, WA 98278–5000.

Commanding Officer, Naval Hospital, Oak Harbor, WA 98278-8800.

Commander, Puget Sound Naval Shipyard, Bremerton, WA 98314–5000.

Commanding Officer, Naval Supply Center, Puget Sound, Bremerton, WA 98314-5100.

Commanding Officer, Naval Dental Clinic, Bremerton, WA 98314–5315.

Commanding Officer, Naval Hospital, Bremerton, WA 98314-5315.

Commanding Officer, Naval Submarine Base, Bangor, Bremerton, WA 98315-5000.

Commanding Officer, Strategic Weapons Facility, Pacific, Bremerton, WA 98315-5500.

Commanding Officer, Personnel Support Activity, Puget Sound (Bangor), Bremerton, WA 98315-5700.

Commanding Officer, Naval Undersea Warfare Engineering Station, Keyport, WA 98345–0580.

Officer in Charge, Marine Corps Reserve Training Center, 1702 Tahoma Avenue, Yakima, WA 98902–5792.

WISCONSIN

Commanding Officer, Naval Reserve Center, 4701 Industrial Park Road, Stevens Point, WI 54481–5009.

OVERSEAS ADDRESSES

Commanding Officer, U.S. Naval Security Group Activity, (Athens, Greece), APO AE 09223-6429.

Commanding Officer, U.S. Naval Security Group Activity, (San Vito DeiNormanni), APO AE 09240-5000.

Commander, U.S. Naval Forces, Azores, APO AE 09406–5000.

Commanding Officer, U.S. Naval Security Group Activity, (Terceira Island), APO AE 09406–5000.

Commanding Officer, U.S. Naval Security Group Activity (Augsburg), APO AE 09458–5000.

Commander in Chief, U.S. Naval Forces, Europe, PSC 802, Box 2, FPO AE 09499–0152.

Commander, Sixth Fleet, FPO AE 09501-6002.

Commander, Amphibious Group 2, FPO AE 09501-6007.

Commander, Middle East Force, FPO AE 09501-6008

Commander, Second Fleet, FPO AE 09506-6000.

Commanding Officer, Marine Barracks (London), U.S. Naval Activities, FPO AE 09510-0500.

Counsel, European Branch, Office of the General Counsel, Department of the Navy, APO AE 09510–0700.

Commanding Officer, Office of Naval Research, Branch Office Box 39 (London), FPO AE 09510-0700.

Commanding Officer, U.S. Naval Medical Clinic, (London, United Kingdom), Box 31, FPO AE 09510–1006.

Commander, Military Sealift Command, Europe, Box 3, FPO AE 09510-3700.

Officer in Charge, U.S. Navy Resale Activity, Dunstable, England, PO Box 46, FPO AE 09510–5000.

Commanding Officer, U.S. Navy Personnel Support Activity United Kingdom/Northern Europe, FPO AE 09510–5000.

Commander, U.S. Naval Activities, United Kingdom, FPO AE 09510–5000.

Commanding Officer, U.S. Naval Support Activity (Holy Loch), FPO AE 09514–5000.

Commanding Officer, U.S. Naval Security Group Activity, (Edzell, Scotland), FPO AE 09518-1000.

Commander, Fleet Air Mediterranean, FPO AE 09521–2000.

Commanding Officer, U.S. Naval Hospital (Naples), PO Box 19, FPO AE 09521–3439.

Commanding Officer, U.S. Naval Security Group Activity (Naples), Box 37, FPO AE 09521-4000.

Commanding Officer, U.S. Naval Legal Service Office (Naples), U.S. Naval Support Activity, FPO AE 09521–5000.

Commanding Officer, U.S. Naval Support Activity (Naples), FPO AE 09521–5000.

Commanding Officer, U.S. Naval Dental Clinic (Naples), FPO AE 09521–5000.

Officer in Charge, U.S. Navy Resale Activity (Naples), FPO AE 09521–5000.

Commanding Officer, U.S. Navy Personnel Support Activity, Mediterranean, Box 20, FPO AE 09521–5000.

Commanding Officer, U.S. Naval Air Station (Sigonella), FPO AE 09523–5000.

Commanding Officer, U.S. Naval Communication Area Master Station MED, FPO AE 09524–7000.

Commanding Officer, U.S. Naval Medical Research Unit No. 3 (Cairo), FPO AE 09527-1600.

Commanding Officer, U.S. Naval Support Activity (Souda Bay), FPO AE 09528-0051.

Officer in Charge, U.S. Navy Resale Activity (Rota), U.S. Naval Station, FPO AE 09540–1000.

Commanding Officer, U.S. Naval Station (Rota), FPO AE 09540-1000.

Commander, U.S. Naval Activities Spain, FPO AE 09540–1003.

Commanding Officer, U.S. Naval Hospital (Rota), FPO AE 09540–3500.

Commanding Officer, U.S. Naval Air Station (Bermuda), FPO AE 09560–5000.

Officer in Charge, U.S. Navy Resale Activity (Bermuda), U.S. Naval Air Station, FPO AE 09560–5000.

Commanding Officer, Naval Security Group Activity (Keflavik), FPO AE 09571-0514.

Commanding Officer, U.S. Naval Station (Keflavik), FPO AE 09571–0514.

Officer in Charge, U.S. Navy Resale Activity (Keflavik), U.S. Naval Station, FPO AE 09571–0514.

Commanding Officer, U.S. Naval Station (Guantanamo Bay, Cuba), FPO AE 09593–0141.

Commander, U.S. Naval Base (Guantanamo Bay, Cuba), Box 34, FPO AE 09593–0141.

Commanding Officer, U.S. Naval Hospital, U.S. Naval Base (Guantanamo Bay, Cuba), FPO AE 09593–0141.

Commanding Officer, U.S. Naval Security Group Activity (Guantanamo Bay, Cuba), U.S. Naval Base, Box 41, FPO AE09593-0141.

Officer in Charge, Personnel Support Activity Detachment, Argentina, Box 17, FPO AE 09597–3003.

Commanding Officer, U.S. Navy Personnel Support Activity, Europe, PSC 810, Box 20, FPO AE 09619–0200.

Commander, U.S. Naval Forces Azores, Unit 6856, APO AE 09720.

Commander, U.S. Naval Forces Iceland, PSC 1003, Box 2, FPO AE 09728–0302.

Commander, Fleet Air Caribbean, FPO AA 34051–8000

Commander, U.S. Naval Forces Southern Command, FPO AA 34059–5000.

Commander, South Atlantic Force, U.S. Atlantic Fleet, FPO AA 34099-6004.

Commanding Officer, U.S. Naval Station, (Roosevelt Roads), FPO AA 34051–1000.

Commanding Officer, U.S. Naval Hospital, (Roosevelt Roads), FPO AA 34051–1000.

Commanding Officer, U.S. Naval Dental Clinic, (Roosevelt Roads), FPO AA 34051–1000.

Commanding Officer, U.S. Naval Support Activity (Antiqua), FPO AA 34054–1000.

Commanding Officer, U.S. Naval Security Group Activity, (Galeta Island, Republic of Panama), FPO AA 34060-9998.

Commander, U.S. Naval Forces Korea, Unit 15250, APO AP 96205–0023.

Commanding Officer, U.S. Naval Security Group Activity, (Pyongtack, Republic of Korea), APO AP 96271-0134.

Commanding Officer, U.S. Naval Security Group Activity (Philippines), APO AP 96274-5000.

Commander, U.S. Naval Forces, Korea, APO AP 96301-0023.

Commanding Officer, U.S. Naval Security Group Activity, Torri Station, APO AP 96331-1608.

Commander, U.S. Naval Forces Japan, PSC 473, Box 12, FPO AP 96348–0051.

Commanding Officer, U.S. Naval Security Group Activity (Misawa, Japan), APO AP 96519-0006.

Commanding Officer, U.S. Naval Medical Research Unit No 2 (Philippines), APO AP 96528–1600.

Commanding Officer, U.S. Naval Forces Marianas, PSC 455, Box 4, FPO AP 96540–0051.

Commanding Officer, U.S. Naval Legal Service Office, Guam, Postal Service Center 455, Box 177, FPO AP 96540–2400.

Commander, Cruiser Destroyer Group One, FPO AP 96601–4700.

Commander Third Fleet, Unit 25115, FPO AP 96601–6001.

Commander Seventh Fleet, Unit 25104, FPO AP 96601-6003.

Commander, Carrier Strike Force Seventh Fleet, FPO AP 96601-6005.

Commander, Amphibious Group 1, FPO AP 96601-6006.

Commanding General, 3D Marine Division FMF, FPO AP 96602–8601.

Commanding General, 1st Marine Aircraft Wing, FPO AP 96603–8701.

Commanding General, III Marine Expeditionary Force FMF, FPO AP 96606–8601.
Commander, U.S. Naval Forces, Marianas, APO AP 96630–0051.
Commanding Officer, U.S. Naval Station (Guam), FPO AP 96630-1000.
Commander, U.S. Naval Base (Guam), FPO AP 96630-1000.
Officer in Charge, U.S. Navy Resale Activity (Guam), U.S. Naval Station, FPO AP 96630–1000.
Commanding Officer, U.S. Naval Station (Guam), FPO AP 96630-1000.
Commanding Officer, U.S. Naval Hospital (Guam), FPO AP 96630-1600.
Commanding Officer, U.S. Naval Dental Clinic (Guam), FPO AP 96630-1670.
Commanding Officer, U.S. Navy Personnel Support Activity, U.S. Naval Station, Guam, Mariana Islands, FPO AP 96630–1700.
Commanding Officer, U.S. Naval Communication Area Master Station WESTPAC, FPO AP 96630–1800.
Commanding Officer, U.S. Naval Legal Service Office (Guam), Box 177, U.S. Naval Station, FPO AP 96630-2400.
Officer in Charge, Naval Support Force Antarctica, FPO AP 96692–1000.
Officer in Charge, U.S. Navy Resale Activity (Australia), U.S. Naval Communication Station, FPO AP 96680–1800.
Commanding Officer, U.S. Naval Support Activity (Diego Garcia), FPO AP 96685-2000.
Commander, Military Sealift Command, Far East, FPO AP 98760–2600.
Commander, U.S. Naval Forces Japan, FPO AP 98762-0051.
Commander, Fleet Activities (Yokosuka, Japan), FPO AP 98762–1100.
Officer in Charge, U.S. Navy Resale Activity (Yokosuka), Fleet Activities, FPO AP 98762–1600.
Commanding Officer, U.S. Navy Personnel Support Activity Far East (Yokosuka, Japan), FPO AP 98762–1700.
Commanding Officer, U.S. Naval Legal Service Office (Yokosuka), Box 14, FPO AP 98762-2400.
Commanding Officer, Marine Corps Air Station (Iwakuni), FPO AP 98764–5001.
Commanding Officer, U.S. Naval Dental Clinic (Yokosuka), FPO AP 98765-1600.
Commanding Officer, U.S. Naval Hospital (Yokosuka), FPO AP 98765-1600.
Commander, Fleet Activities (Sasebo, Japan), FPO AP 98766–1140.
Commander, Fleet Air, Western Pacific, FPO AP 98767-2700.
Commanding Officer, U.S. Naval Security Group Activity (Kamiseya), FPO AP 98768-1810.
Commander, Fleet Activities (Chinhae, Korea), FPO AP 98769–1100.
Commander, Fleet Activities, U.S. Naval Air Facility (Kadena, Japan), FPO AP 98770–1100.
Commanding Officer, U.S. Marine Corps Air Station, (Helicopter) (Futemma, Okinawa), FPO AP 98772–5001.
Commanding General, Marine Corps Base, Camp Smedley D. Butler, (Kawasaki, Okinawa), FPO AP 98773–5000.
Commanding Officer, Naval Security Group Activity (Adak), FPO AP 98777-1800.
Commanding Officer, U.S. Naval Dental Clinic (Okinawa), FPO AP 98778-1600.
Commanding Officer, U.S. Naval Hospital (Okinawa), FPO AP 98778-1610.
Commanding Officer, U.S. Naval Air Station (Adak), FPO AP 98791–1200.

DEFENSE CONTRACT AUDIT AGENCY

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required to locate and retrieve the record.

BLANKET ROUTINE USES

Certain 'blanket routine uses' of the records have been established that are applicable to every record system maintained within the Department of Defense unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below only once in the interest of simplicity, economy and to avoid redundancy.

LAW ENFORCEMENT ROUTINE USE

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

DISCLOSURE WHEN REQUESTING INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

DISCLOSURE OF REQUESTED INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

CONGRESSIONAL INQUIRIES ROUTINE USE

Disclosure from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

PRIVATE RELIEF LEGISLATION ROUTINE USE

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

VOL 58 ISS 33 FE 22 1993 UMI

DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS ROUTINE USE

A record from a system of records maintained by this component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES ROUTINE USE

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517, 5520, and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Number 76–07.

DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT ROUTINE USE

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

DISCLOSURE TO MILITARY BANKING FACILITIES OVERSEAS ROUTINE USE

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

DISCLOSURE OF INFORMATION TO THE GENERAL SERVICES ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO THE MERIT SYSTEMS PROTECTION BOARD ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DOD investigation, and such other functions, promulgated in 5 U.S.C 1205 and 1206, or as may be authorized by law.

COUNTERINTELLIGENCE PURPOSES ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use outside the DOD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

RDCAA 152.1

SYSTEM NAME:

Security Information System (SIS).

SYSTEM LOCATION:

Primary system is located at the Security Office, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

Decentralized segments are located at Defense Contract Audit Agency (DCAA) Regional Security Offices. Official mailing addresses are published as an appendix to DCAA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DCAA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain name, Social Security Number, date and place of birth, citizenship, position sensitivity, accession date, type and number of DCAA identification, position number, organizational assignment, security adjudication, clearance, eligibility, and investigation data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, E.O. 10450, Security Requirements for Government Employees, as amended; E.O. 12356, National Security Information; and E.O. 9397.

PURPOSE(S):

To submit data on a regular basis to the DoD Defense Central Index of Investigations (DCII), and to provide the DCAA Security Office with a ready reference of security information on DCAA personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of DCAA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in automated data systems.

RETRIEVABILITY:

Records are retrieved by Social Security Number or name of employee.

SAFEGUARDS:

Automated records are protected by restricted access procedures. Records are accessible only to authorized personnel who are properly cleared and trained and who require access in connection with their official duties.

RETENTION AND DISPOSAL:

Records are retained in the active file until an employee separates from the agency. At that time, records are moved to the inactive file, retained for two years, and then deleted from the system. Hardcopy listings and tapes produced by this system are destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Security Office, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178 or the Regional Security Offices whose official mailing addresses are published as an appendix to DCAA's compilation of systems of records notices.

Individuals must furnish name; Social Security Number; approximate date of their association with DCAA; and geographic area in which consideration was requested for record to be located and identified.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Security Office, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178 or the Regional Security Offices whose official mailing addresses are published as an appendix to DCAA's compilation of systems of records notices.

Individuals must furnish name; Social Security Number; approximate date of their association with DCAA; and geographic area in which consideration was requested for record to be located and identified.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information, other than data obtained directly from individual employees, is obtained by DCAA Headquarters and Regional Office Personnel and Security Divisions, and Federal Agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 152.2

SYSTEM NAME:

Personnel Security Data Files.

SYSTEM LOCATION:

Primary System: Security Officer, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

Decentralized Segment: Director of Personnel, Defense Contract Audit Agency; Chiefs of Personnel Divisions and Regional Security Officers at DCAA Regional Offices. Official mailing addresses are published as an appendix to DCAA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants for employment with Defense Contract Audit Agency (DCAA); all DCAA employees; all military personnel assigned, detailed, or attached to DCAA; all persons hired on a contractual basis by, or serving in an advisory capacity to DCAA, who require access to classified information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Section One contains copies of individual's employment applications, security investigative questionnaires, requests for, and approval or disapproval of, emergency appointment authority; requests for investigation or security clearance; interim and final security clearance certificates.

Section Two contains verification of investigations conducted to determine suitability, eligibility or qualifications for Federal civilian employment, military service, or access to classified information.

Section Three contains summaries of reports of investigation, internal Agency memorandums and correspondence furnishing analysis of results of investigations in so far as their relationship to the criteria set forth in the E.O. 10450, in the Federal Personnel Manual and in Department of Defense and DCAA Directives and Regulations; comments and recommendations of the DCAA Central Clearance Group to the Director, DCAA, and determination by the Director, DCAA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133; 50 U.S.C. 781; E.O. 10450, 10865, and E.O. 12356, National Security Information; and DoD Directive 5105.36 which is published in 32 CFR part 357.

PURPOSE(S):

To provide a basis for requesting appropriate investigations; to permit determinations on employment or retention; to authorize and record access to classified information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of DCAA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Sections One and Three are on paper records stored in file folders. Section Two is on paper records and microfiche which are stored in file folders

RETRIEVABILITY:

Folders are filed by file series then by organizational element (DCAA Headquarters or DCAA field activities) and then alphabetically by last name of individual concerned.

SAFEGUARDS:

Records are stored in locked filing cabinets after normal business hours. Records are accessible only to authorized personnel who are properly cleared and trained and who require access in connection with their official duties.

RETENTION AND DISPOSAL:

Records pertaining to Federal employees, military personnel, and persons furnishing services to DCAA on a contract basis are destroyed upon separation of employees, transfer of military personnel from DCAA, and upon termination of the contracts for contractor personnel. Records pertaining to applicants are destroyed if an appointment to DCAA is not made.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Headquarters, Defense Contract Audit Agency,

Cameron Station, Alexandria, VA 22304–6178.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178. Telephone (703) 274–4400.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

Written requests for information should contain the full name of the individual, current address and telephone number and current business address.

For personal visits, the individual should be able to provide some acceptable results of investigations received from Federal agencies and recommendations for action from appropriate DCAA Headquarters staff elements.

Acceptable identification, that is, driver's license or employing offices' identification card. Visits are limited to those offices (Headquarters and 6 regional offices) listed in the official mailing addresses published as an appendix to DCAA's compilation of record system notices.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Security Officer and the Director of Personnel at Headquarters, DCAA; Chiefs of Personnel Divisions, Regional Security Officers, Chiefs of Field Audit Offices at the DCAA Regional Offices and the individual concerned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 152.5

SYSTEM NAME:

Notification of Security Determinations.

SYSTEM LOCATION:

Primary System: Regional Security Offices, Defense Contract Audit Agency Regional Office and Security Control Offices, Defense Contract Audit Institute, 4075 Park Avenue, Memphis, TN 38111–7492. Official mailing addresses are published as an appendix to DCAA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Defense Contract Audit Agency (DCAA) personnel and applicants for DCAA employment on whom specific security or suitability action must be taken.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may contain a summary of pertinent security or suitability information; the results of security determinations approved by the Director, DCAA; and directed or recommended actions to be taken at DCAA Regional Office, Field Audit Office or Defense Contract Audit Institute (DCAI) level.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133; 50 U.S.C. 781; and E.O. 10450, 10865, and 12356.

PURPOSE(S):

To permit required actions of a suitability or security nature to be taken by appropriate DCAA officials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of DCAA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Folders are filed by organizational element, then alphabetically by name of person concerned.

SAFEGUARDS:

Records are accessible only to authorized personnel who are properly cleared and trained and who require access in connection with their official duties. Records are stored in locked filing cabinets after normal business hours.

RETENTION AND DISPOSAL:

Destruction is directed individually in each case upon completion of final security or suitability actions or automatically upon nonappointment of applicants or separation of employees, whichever is earlier.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178. Telephone (703) 274–4400.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

Written requests for information should contain the full name of the individual, current address and telephone number, and current business address.

Personal visits are limited to those offices (Headquarters and 6 regional offices) listed in the appendix to the agency's compilation of record system notices. For personal visits, the individual should be able to provide some acceptable identification, that is driver's license or employing office's identification card.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Results of investigations received from Federal agencies and recommendations for action from appropriate DCAA Headquarters staff elements.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 152.6

SYSTEM NAME:

Regional and DCAI Security Clearance Request Files.

SYSTEM LOCATION:

Primary System: Security Officers of Defense Contract Audit Agency Regional Offices and Security Control Officers, Defense Contract Audit Institute. Official mailing addresses are published as an appendix to DCAA's compilation of systems of records notices.

Decentralized Segment: Security Officer, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants for employment with Defense Contract Audit Agency (DCAA); all DCAA employees; all military personnel assigned, detailed, or attached to DCAA; all persons hired on a contractual basis by, or serving in an advisory capacity to DCAA, who require access to classified information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain personnel security data forms submitted by employees and applicants required in the processing of security investigations; requests for various types of security clearance actions; and requests for and approvals/disapprovals of appointments to sensitive positions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133; 50 U.S.C. 781; E.O. 10450, 10865, and 12356; and DoD Directive 5105.36 which is published in 32 CFR part 357.

PURPOSE(S):

To prepare necessary paperwork and documentation upon which to base requests to Headquarters, DCAA for appointments to sensitive positions, and for security clearance and to retain support documents pending approval of appointment and/or granting clearance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the DCAA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of individual concerned.

SAFEGUARDS:

Records are accessible only to those authorized personnel required to prepare, review, process, and type necessary documents. Records are stored in locked filing cabinets after normal business hours and are stored in locked rooms and buildings after normal business hours.

RETENTION AND DISPOSAL:

These are transitory files at DCAA Regional Offices and DCAI level and are maintained only during processing and pending final action on requests. Upon receipt of final action taken on request, files are destroyed.

Segments of the system held by the Security Officer, DCAA are destroyed upon separation of the employee or after nonappointment of an applicant.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

Regional Security Officers, DCAA and Security Control Officers, Defense Contract Audit Institute. Official mailing addresses are published as an appendix to DCAA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178. Telephone (703) 274–4400.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

The request should contain the full name of the individual, current address and telephone number, and current business address.

Personal visits may be made but are limited to those offices (Headquarters and 6 Regional Offices) listed in DCAA's official mailing addresses published as an appendix to DCAA's compilation of record system notices. In personal visits, the individual should be able to provide acceptable identification, that is, driver's license or employing offices' identification card.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Chiefs of Personnel Divisions and Regional Security Officers at the DCAA Regional Offices, Chiefs of DCAA field audit offices, and the Manager, Defense Contract Audit Institute and the individual concerned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 152.7

SYSTEM NAME:

Clearance Certification.

SYSTEM LOCATION:

Primary System: Regional Security Officers at Defense Contract Audit Agency (DCAA) Regional Offices; Security Control Officers at DCAA Field Audit Offices; Field Detachment and Defense Contract Audit Institute (DCAI). Official mailing addresses are published as an appendix to DCAA's compilation of systems of records notices.

Decentralized Segments-Security Officer and Director of Personnel at Headquarters, DCAA and Chiefs of Personnel Divisions at DCAA Regional Offices. Official mailing addresses are published as an appendix to DCAA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DCAA personnel who require access to classified information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain interim and final security clearance certificates attesting to type of investigation conducted and degree of access to classified information which is authorized copies, of security acknowledgement certificates and special access briefing statements executed by individuals upon being granted security clearances or access to special access information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133; 50 U.S.C. 781; E.O. 10450, 10865, and E.O. 12365, National Security Information; and DoD Directive 5105.36 which is published in 32 CFR part 357.

PURPOSE(S):

To maintain a record of the security clearance status of all DCAA personnel as well as certification of briefings for access to classified information and special access information.

To DoD contractors to furnish notice of security clearance and access authorization of DCAA employees

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the DCAA's compilation of systems of records notices apply to this system.

VOL
58
ISS
33
FE
22
1993
UMI

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Retrieved by last name of individual concerned.

SAFEGUARDS:

Records are stored in locked filing cabinets after normal business hours and stored in locked rooms or buildings. Records are accessible only to those authorized personnel required to act upon a request for access to classified defense information.

RETENTION AND DISPOSAL:

Files pertaining to Federal employees, military personnel, and persons furnishing services to DCAA on a contract basis are destroyed upon separation or transfer of employees or military personnel and upon termination of contractor personnel.

Files of individuals transferring within DCAA are transferred to security control office of gaining element for maintenance.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178 and Regional Security Officers in DCAA Regional Offices. Official mailing addresses are published as an appendix to DCAA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178. Telephone (703) 274–4400.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

The request should contain the full name of the individual, current address and telephone number, and current business address.

Personal visits may be made but are limited to those offices (Headquarters and 6 Regional Offices) listed in DCAA's official mailing addresses published as an appendix to DCAA's compilation of systems of records notices. In personal visits, the individual should be able to provide acceptable identification, that is, driver's license or employing offices' identification card.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Chiefs of Personnel Divisions and Regional Security Officers at the DCAA Regional Offices; Chiefs of DCAA field audit offices; the Manager, Defense Contract Audit Institute and the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 152.17

SYSTEM NAME:

Security Status Master List.

SYSTEM LOCATION:

Security Office, Headquarters, Defense Contact Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants for employment with DCAA; all military personnel assigned, detailed or attached to DCAA; all persons hired on a contractual basis by, or serving in an advisory capacity to, DCAA who require access to classified information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record contains type of investigation, date completed, file number, agency which conducted investigation, investigation, security clearance data information, name, Social Security Number, date and place of birth, organizational assignment, dates interim and final clearance issued, position sensitivity and related data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133; 50 U.S.C. 781; E.O. 10450, 10865, and E.O. 12356, National Security Information; and DoD Directive 5105.36 which is published in 32 CFR part 357.

PURPOSE(S):

To maintain a ready reference of security clearances on DCAA personnel, to include investigative data and position sensitivity.

To provide security clearance data to DoD contractors and other Federal agencies on DCAA employees assigned to or visiting a contractor facility or visiting or applying for employment with another Federal agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of DCAA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in a card file.

RETRIEVABILITY:

Cards are filed alphabetically by last name of individual concerned for all DCAA regional personnel. Separate file maintained alphabetically by last name of individual concerned for DCAA Headquarters elements.

SAFEGUARDS:

Cards are accessible only to those authorized personnel required to prepare, process, and type necessary documents; and answer authorized inquiries for information contained therein. Cards are stored in locked filing cabinets after normal business hours and are stored in a locked room and building which is protected by a guard force system after normal business hours.

RETENTION AND DISPOSAL:

These cards are destroyed two years after an individual is separated from DCAA.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178. Telephone (703) 274–4400.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

Written requests for information should contain the full name of the

individual, current address and telephone number, and current business address.

Personal visits are limited to those offices (Headquarters and 6 regional offices) listed in the appendix to the agency's compilation of systems of records notices. For personal visits, the individual should be able to provide some acceptable identification, that is driver's license or employing office's identification card.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Security Officer, Headquarters, DCAA; Director of Personnel, Headquarters, DCAA; Chiefs of Personnel Divisions, DCAA regional offices; Regional Security Officers, DCAA Regional Offices; Chiefs of DCAA Field Audit Offices; Manager, DCAI; the individual concerned; and reports of investigation conducted by Federal investigative agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 152.22

SYSTEM NAME:

Classified Information Nondisclosure Agreement (NdA).

SYSTEM LOCATION:

Agency Security Officer, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of DCAA assigned to sensitive positions who are authorized access to classified information.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains originals of SF 189 and SF 312, Classified Information Nondisclosure Agreements signed by DCAA employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133; 50 U.S.C. 781; E.O. 10450, 10865, 12036, 12065 and E.O. 12356, National Security Information; and DoD Directive 5105.36 which is published in 32 CFR part 357.

PURPOSE(S):

To maintain a record of signed Standard Forms 312 and 189 which are used as a condition precedent to authorizing individuals access to classified information. The use of the form will enhance the protection of national security information and/or will reduce the costs associated with its protection.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of DCAA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are stored in locked filing cabinets after normal business hours. Records are accessible only by authorized personnel who are properly cleared and trained and who require access in connection with their official duties.

RETENTION AND DISPOSAL:

Records are retained for 50 years from date of signature and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Agency Security Officer, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whethe information about themselves is contained in this record system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178, Telephone (703) 274–4400.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

The request should contain the full name of the individual, current address and telephone number, and current business address

Personal visits may be made but are limited to those offices (Headquarters and 6 Regional Offices) listed in DCAA's official mailing addresses published as an appendix to DCAA's compilation of systems of records notices. In personal visits, the individual should be able to provide acceptable identification, that is, driver's license or employing offices' identification card.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Agency Security Officer, Headquarters, DCAA and the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 160.5

SYSTEM NAME:

Travel Orders.

SYSTEM LOCATION:

Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178; DCAA Regional Offices; and field audit offices, whose addresses may be obtained from their cognizant regional office. Official mailing addresses are published as an appendix to the DCAA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any DCAA employee who performs official travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's orders directing or authorizing official travel to include approval for transportation of automobiles, documents relating to dependents travel, bills of lading, vouchers, contracts, and any other documents pertinent to the individual's official travel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133 and DoD Directive 5105.36 which is published in 32 CFR part 357.

PURPOSE(S):

To document all entitlements, authorizations, and paperwork associated with an employee's officie travel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of DCAA's compilation of systems of records notices apply to this system.

VOL 58 ISS 33 FE 22 1993 UMI

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By fiscal year and alphabetically by surname. May be filed in numerical sequence by travel order number.

SAFEGUARDS:

Under control of office staff during duty hours. Building and/or office locked and/or guarded during nonduty hours.

RETENTION AND DISPOSAL:

Records are destroyed after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Resources, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178; Regional Directors, DCAA; and Chiefs of Field Audit Offices, whose addresses may be obtained from their cognizant regional office. Official mailing addresses are published as an appendix to DCAA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178, Telephone (703) 274–4400.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

The request should contain the full name of the individual, current address and telephone number, and current business address.

Personal visits may be made to those offices listed in DCAA's official mailing addresses published as an appendix to DCAA's compilation of systems of records notices. In personal visits, the individual should be able to provide acceptable identification, that is, driver's license or employing offices' identification card.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Administrative offices; personnel offices; servicing payroll offices; employee.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 201.01

SYSTEM NAME:

Individual Access Files.

SYSTEM LOCATION:

Headquarters, Defense Contract Audit Agency, Personnel and Security Division, Cameron Station, Alexandria, VA 22304–6178.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DCAA personnel, contractor employees, and individuals granted or denied access to DCAA activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the request for authorization, issue, receipt, surrender, withdrawal and accountability pertaining to identification cards, to include application forms, photographs, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 21 of the Internal Security Act 1950 (50 U.S.C. 781, et seq.); Department of Defense Directives 5200.8 and 5105.36 which assign to the Director, DCAA the responsibility for protection of property and facilities under his control; and E.O. 9397.

PURPOSE(S):

Information is maintained and used to adequately control access to and movement on DCAA activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of the DCAA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, application cards, and index cards.

RETRIEVABILITY:

Retrieved alphabetically by name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized DCAA personnel.

RETENTION AND DISPOSAL:

Records are destroyed one year after termination or transfer of person granted access, except that individual identification cards and photographs will be destroyed upon revocation, expiration or cancellation.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters, Defense Contract Audit Agency, Personnel and Security Division, Cameron Station, Alexandria, VA 22304–6178.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Headquarters, Defense Contract Audit Agency, Personnel and Security Division, Cameron Station, Alexandria, VA 22304–6178.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Headquarters, Defense Contract Audit Agency, Personnel and Security Division, Cameron Station, Alexandria, VA 22304–6178.

Written requests for information should contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified with the file.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals applying for identification cards and security personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 211.11

SYSTEM NAME:

Drug-Free Federal Workplace Records.

SYSTEM LOCATION:

Primary location: Headquarters, Defense Contract Audit Agency, Personnel and Security Division, Building 4, Room 4B319, Cameron Station, Alexandria, VA 22304–6178.

Decentralized locations: DCAA regional offices; and offices of

contractors who perform functions such as collection of urine specimens, laboratory analysis, and medical review of confirmed positive laboratory findings. The addresses for these locations may be obtained from the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DCAA Federal employees and individuals who have applied to DCAA for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to program implementation; administration (selection, notification, testing of individuals in testing designated positions, and employee assistance); inter-service/agency support agreements (specimen collection, laboratory testing, and medical review services); training requirements; and policy guidance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7301; Pub. L. 100–71; and E.O. 12564, Drug-Free Federal Workplace and 9397.

PURPOSE(S):

The system is used to maintain Drug Program Coordinator records relating to the selection, notification and testing of DCAA Federal employees, and applicants for Federal employment, for use of illegal drugs.

The records are also used by the employee's Medical Review Official; the administrator of any Employee Assistance Program in which the employee is receiving counseling or treatment or is otherwise participating; and supervisory or management officials within the employee's agency having authority to take adverse personnel action against such employee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In order to comply with the provisions of 5 U.S.C. 7301, the DCAA 'Blanket Routine Uses' do not apply to this system of records.

To a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders. Records are also maintained in automated data systems and electronically secured files.

RETRIEVABILITY:

Records are retrieved by organizational levels, name of employee and/or applicant, Social Security Number, office symbol, occupational series and grade levels, or any other combination of these identifiers.

SAFEGUARDS:

Paper records are stored in locked file cabinets, and secured working environments. Automated records are protected by restricted access procedures. Access to records is strictly limited to authorized officials with a bona fide need for the records.

RETENTION AND DISPOSAL:

Records are retained for two years and then destroyed by shredding, burning, or erasure in the case of magnetic media.

SYSTEM MANAGER(S) AND ADDRESS:

Drug Program Coordinator, Personnel and Security Division, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Drug Program Coordinator, Personnel and Security Division, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

Individuals must furnish the following information for records to be located and identified: Name; date of birth; Social Security Number; Identification number (if known); approximate date of record; and geographic area in which consideration was requested.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Drug Program Coordinator, Personnel and Security Division, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

Individuals must furnish the following information for records to be located and identified: Name; date of birth; Social Security Number; Identification number (if known); approximate date of record; and geographic area in which consideration was requested.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records are obtained from the individual to whom the record pertains, Agency employees involved in the selection and notification of individuals to be tested, laboratories that test urine specimens for the presence of illegal drugs, and supervisors, managers and other agency officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 240.3

SYSTEM NAME:

Legal Opinions.

SYSTEM LOCATION:

Office of Counsel, Headquarters, Defense Contact Audits Agency, Cameron Station, Alexandria, VA 22304–6178.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any DCAA employee who files a complaint, with regard to personnel problems, that requires a legal opinion for resolution.

CATEGORIES OF RECORDS IN THE SYSTEM:

Fraud files contain interoffice memorandums, citations used in determining legal opinion, in some cases copies of investigations (FBI), copies of Agency determinations.

EEO files contain initial appeal, copies of interoffice memorandums, testimony at EEO hearings, copy of Agency determinations. Citations used in determining legal opinions.

Grievance files contain correspondence relating to DCAA employees filing grievances regarding leave, removals, resignations, suspensions, disciplinary actions, travel, citations used in determining legal opinion, Agency determinations.

MSPB Appeal files contain interoffice memorandums, citations used in determining the legal position, statements of witnesses, pleadings and MSPB decisions.

Award files contain correspondence relating to DCAA employee awards, suggestion evaluations, citations used for legal determinations, Agency determination.

Security Violation files contain interoffice correspondence relating to DCAA employee security violations, citations used in determinations, Agency determination.

VOL 58 ISS 33 FE 22 1993 UMI

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133; 5 U.S.C. chapters 43, 51, and 75 and the Civil Service Reform Act of 1978.

PURPOSE(S):

To maintain a historical reference for matters of legal precedence within DCAA to ensure consistency of action and the legal sufficiency of personnel actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of DCAA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Primary filing system is by subject; within subjects, files are alphabetical by subject, corporation, name of individual.

SAFEGUARDS:

Under staff supervision during duty hours; security guards are provided during nonduty hours.

RETENTION AND DISPOSAL:

These files are for permanent retention. They are retained in active files for five years and retired to Washington National Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178, Telephone (703) 274–4400.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

Written requests for information should contain the full name of the individual, current address and telephone number.

Personal visits are limited to those offices (Headquarters and 6 regional offices) listed in the appendix to the agency's compilation of systems of records notices. For personal visits, the individual should be able to provide some acceptable identification, that is driver's license or employing office's identification card and give some verbal information that could be verified with 'case' folder.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Correspondence from individual's supervisor, DCAA employees, former employers, between DCAA staff members, and between DCAA and other Federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 240.5

SYSTEM NAME:

Standards of Conduct, Conflict of Interest.

SYSTEM LOCATION:

Office of Counsel, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any DCAA employee who has accepted gratuities from contractors or who has business, professional or financial interests that would indicate a conflict between their private interests and those related to their duties and responsibilities as DCAA personnel. Any DCAA employee who is a member or officer of an organization that is incompatible with their official government position, using public office for private gain, or affecting adversely the confidence of the public in the integrity of the Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

Office of Counsel-Files contain documents and background material on any apparent conflict of interest or acceptance of gratuities by DCAA personnel. Correspondence may involve interoffice memorandums, correspondence between former DCAA employees and Headquarters staff members, citations used in legal determinations and Agency determinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133.

PURPOSE(S):

To provide a historical reference file of cases that are of precedential value to ensure equality of treatment of individuals in like circumstances.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of DCAA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Primary filing system is by subject, within subject, files are alphabetical by subject, corporation, name of individual.

SAFEGUARDS:

Under staff supervision during duty hours; buildings have security guards during nonduty hours.

RETENTION AND DISPOSAL:

These files are for permanent retention. They are retained in active files for five years and then retired to Washington National Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178, Telephone (703) 274–4400.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

The request should contain the full name of the individual, current address and telephone number.

Personal visits may be made to the above address. In personal visits, the individual should be able to provide acceptable identification, that is,

driver's license or employing offices' identification card, and give some verbal information that can be verified with 'case' folder.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Correspondence from individual's supervisor, DCAA employees, former employees, between DCAA staff members, and between DCAA and other Federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 358.3

SYSTEM NAME:

Grievance and Appeal Files.

SYSTEM LOCATION:

Grievant's servicing personnel office in Headquarters or Defense Contract Audit Agency Regional Offices. Official mailing addresses are published as an appendix to DCAA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or former employees who have filed formal grievances that may be adjudicated under either Chapter 58, DCAA Personnel Manual or a negotiated grievance procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The written grievance; assignment of examiner; or selection of an arbitrator or referee; statements of witnesses; written summary of interviews; written summary of group meetings; transcript of hearing if one held; correspondence relating to the grievance and conduct of the inquiry; exhibits; evidence; transmittal; memorandums and letters; decision.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133 and DoD Directive 5105.36 which is published in 32 CFR part 357.

PURPOSE(S):

To record the grievance, the nature and scope of inquiry into the matter being grieved, and the treatment accorded the matter by management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To arbitrators, referees, or other third party hearing officers selected by management and/or the parties to the grievance to serve as fact finders or deciders of the matter grieved.

The 'Blanket Routine Uses' that appear at the beginning of DCAA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Grievance files are filed by subject matter, contract clause, or by name alphabetically.

SAFEGUARDS:

During nonduty hours the personnel office and/or filing cabinet is locked. Grievance files are under the control of the personnel office staff during duty hours.

RETENTION AND DISPOSAL:

Files are destroyed 1 year after the grievance has been decided or after the transfer or separation of the employee, whichever is shorter.

SYSTEM MANAGER(S) AND ADDRESS:

Each servicing personnel officer in Headquarters or DCAA Regional Offices. Official mailing addresses are published as an appendix to DCAA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the personnel office in the region in which the grievance originated. Official mailing addresses are published as an appendix to the agency's compilation of systems of records notices.

Written requests should contain individual's full name, current address, telephone number and office of assignment.

Individuals may visit the personnel office of the region in which the grievance was filed/originated. For personal visits, individual must furnish positive identification.

RECORD ACCESS PROCEDURES:

Individuals may obtain information on access to records by communicating in writing or personally with the servicing personnel officer in DCAA Headquarters or DCAA Regional Offices. Official mailing addresses are published as an appendix to DCAA's compilation of systems of records notices.

The request should contain the full name of the individual, current address and telephone number.

Personal visits may be made to the servicing personnel officer in Headquarters or DCAA Regional Offices or the system manager. Official mailing addresses are published as an appendix to the agency's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The grievant; witnesses; exhibits furnished in evidence by grievant and witnesses; grievance examiner; and persons interviewed by the grievance examiner; deciding official arbitrator, referee, or other third party fact finder or decider.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 367.5

SYSTEM NAME:

Employee Assistance Program (EAP) Counseling Records.

SYSTEM LOCATION:

Personnel and Security Division, Headquarters, Defense Contract Audit Agency, Building 4, Room 4B319, Cameron Station, Alexandria, VA 22304–6178.

DCAA regional servicing personnel offices; and offices of EAP contractors who perform employee assistance and counseling services. Official mailing addresses are published as an appendix to DCAA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DCAA Federal employees assigned to DCAA activities who are referred by management for, or voluntarily request, employee assistance counseling, referral, and rehabilitation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to patients which are generated in the course of professional counselling, e.g., records on the patient's condition, status, progress and prognosis of personal, emotional, alcohol or drug dependency problems, including admitted or urinalysis-detected illegal drug abuse.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 43; 5 U.S.C. 310; 5 U.S.C. 7301; 10 U.S.C. 3012; 42 U.S.C. 290dd–3 and 290ee–3, 42 U.S.C. 4582; Pub. L. 100–71; E.O. 12564; and E O 9397.

VOL 58 ISS 33 FE 22 1993 UMI

PURPOSE(S):

The system is established to maintain records relating to the counselor's observations concerning patient's condition, current status, progress, prognosis and other relevant treatment information regarding patients in an employee assistance treatment program facility.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In order to comply with provisions of 5 U.S.C. 7301 and 42 U.S.C. 290dd–3 and 290ee–3, the DCAA 'Blanket Routine Uses' do not apply to this system of records.

Records in this system may not be disclosed without prior written consent of such patient, unless the disclosure would be:

(a) To medical personnel to the extent necessary to meet a bona fide medical emergency;

(b) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluating, or otherwise disclose patient identities in any manner; and

(c) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained and stored in automated data systems, secured filing cabinets, and electronic secured files. Extracts of treatment records are also entered into electronic database on microcomputers.

RETRIEVABILITY:

Records are retrieved manually and automatically by patient's last name, client's case number, Social Security Number, organization, office symbol and counseling area offices or any other combination of these identifiers.

SAFEGUARDS:

Records are stored in locked filing cabinets, and secured working environments. Automated records are protected by restricted access procedures, e.g., password-protected coding system. Access to records is strictly limited to Agency or contractor officials with a bona fide need for the records. Only individuals on a need-to-know basis and trained in the handling of information protected by the Privacy Act have access to the system. All patient records are maintained and used with the highest regard for patient privacy. Safeguarding procedures are in accordance with the Privacy Act and required in Employee Assistance Program contractual service agreements.

RETENTION AND DISPOSAL:

Patient records are destroyed three years after termination of counseling and then destroyed by shredding, burning, or pulping. Electronic records are purged of identifying data five years after termination of counseling. Aggregate data without personal identifiers is maintained for management/statistical reporting purposes until no longer required.

SYSTEM MANAGER(S) AND ADDRESS:

Employee Assistance Program Administrator, Personnel and Security Division, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Employee Assistance Program Administrator, Personnel and Security Division, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

Individuals must furnish the following for their records to be located and identified: Name, date of birth, Social Security Number, Identification Number (if known), approximate date of record, geographic area in which consideration was requested.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Employee Assistance Program Administrator, Personnel and Security Division, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

Individuals must furnish the following for their records to be located and identified: Name, date of birth, Social Security Number, approximate date of record, geographic area in which consideration was requested.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The patient to whom the records pertain, Employee Assistance Program counselors, supervisory personnel, co-workers; other agency personnel, outside practitioners; or private individuals to include family members of the patient.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 371.5

SYSTEM NAME:

Locator Records.

SYSTEM LOCATION:

Personnel Officer, Civilian Personnel Office, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178 and DCAA Regional Offices. Official mailing addresses are published as an appendix to DCAA's compilation of systems of records notices.

System is also maintained at DCAA Field Audit Offices. Addresses for the Field Audit Offices may be obtained from the cognizant Regional Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees of DCAA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, office room number, office telephone number, office symbol, home address, home telephone number, date prepared, spouse's name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133 and DoD Directive 5105.36 which is published in 32 CFR part 357.

PURPOSE(S):

To provide a ready reference of employee home address and telephone number for business and protocol purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of DCAA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

3x5 cards stored in an index card box.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Under control of office staff during duty hours. Building and/or office

locked and/or guarded during nonduty hours.

RETENTION AND DISPOSAL:

Retained until separation of employee, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officer, Civilian Personnel Office, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178 and Personnel Officers at DCAA Regional Offices. Official mailing addresses are published as an appendix to the agency's compilation of systems of records notices.

Manager of DCAA Field Audit Offices. Addresses for the Field Audit Offices may be obtained from the cognizant Regional Office.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Personnel Officer, Civilian Personnel Office, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178 and Personnel Officers at DCAA Regional Offices. Official mailing addresses are published as an appendix to the agency's compilation of systems of records notices.

Managers of DCAA Field Audit Offices. Addresses for the Field Audit Offices may be obtained from the cognizant Regional Office.

Written requests for information must include individual's full name, current address, telephone number and office of assignment.

Personal visits may be made to the offices identified above. Individual must furnish positive identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Personnel Officer, Civilian Personnel Office, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178 and Personnel Officers at DCAA Regional Offices. Official mailing addresses are published as an appendix to DCAA's compilation of systems of records notices.

Managers of DCAA Field Audit Offices. Addresses for the Field Audit Offices may be obtained from the cognizant Regional Office.

Written requests for information must include individual's full name, current address, telephone number and office of assignment.

Personal visits may be made to the offices identified above. Individual must furnish positive identification.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Employee.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 440.2

SYSTEM NAME:

Time and Attendance Reports.

SYSTEM LOCATION:

Primary System-Management Division, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

Decentralized Segments-DCAA Regional Offices and Field Audit Offices. Official mailing addresses are published as an appendix to the DCAA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees of the Defense Contract Audit Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a copy of individual's time and attendance report and other papers necessary for the submission of time and attendance reports and collecting of pay from the non-DCAA payroll office.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 133; and 31 U.S.C. 3512.

PURPOSE(S):

To record the number of hours an employee works each day and the amount of sick and/or annual leave used. Supervisors review and certify accuracy of reports which are furnished to the appropriate Finance and Accounting office within the DoD for payroll purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of DCAA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Files are under staff supervision during duty hours; buildings are locked and/or guarded by security guards during non-duty hours.

RETENTION AND DISPOSAL:

These records are destroyed six months after end of pay period to which applicable.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Resources, Headquarters, DCAA and the Regional Directors, DCAA and Chiefs of Field Audit Offices. Official mailing addresses are published as an appendix to DCAA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178, Telephone (703) 274–4400.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

Written requests for information should contain the full name, address, telephone number of the individual and the employee payroll number.

Personal visits are limited to those offices (Headquarters and 6 regional offices) listed in the appendix to the agency's compilation of systems of records notices. For personal visits, the individual should be able to provide some acceptable identification, that is driver's license or employee identification card.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

VOL 58 ISS 33 FE 22 1993 UMI

RECORD SOURCE CATEGORIES:

Time and attendance reports are completed by the time and attendance clerk based on information provided by the individual employee.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 590.8

SYSTEM NAME:

Field Audit Office Management Information System (FMIS).

SYSTEM LOCATION:

Network Operations Branch, Workload and Trends Analysis Division, Headquarters, Defense Contract Audit Agency; DCAA regional offices; and DCAA field audit offices. Official mailing addresses are published as an appendix to DCAA's compilation of systems of record notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DCAA employees and contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to audit work performed in terms of hours expended by individual employees, dollar amounts audited, exceptions reported, and net savings to the government as a result of those exceptions; records containing contractor and contract information; records containing requirements and program plan information; and records containing Social Security Numbers, pay grade and (optionally) address information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

To provide managers and supervisors in field audit offices with timely, on-line, information regarding audit requirements, programs, and performance; and serve as the source of information to be entered and consolidated in the Agency Management Information System (AMIS).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of DCAA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in automated data systems.

RETRIEVABILITY:

Records are retrieved by organizational levels, name of employee, Social Security Number, office symbol, audit activity codes, or any other combination of these identifiers.

SAFEGUARDS:

Automated records are protected by restricted access procedures. Access to records is strictly limited to authorized officials with a bona fide need for the records.

RETENTION AND DISPOSAL:

Records are retained for two to five years and then destroyed by erasure.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Network Operations Branch, Workload and Trends Analysis Division, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Network Operations Branch, Workload and Trends Analysis Division, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

Individuals must furnish name; Social Security Number; approximate date of record; and geographic area in which consideration was requested for record to be located and identified. Official mailing addresses are published as an appendix to the DCAA's compilation of systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Network Operations Branch, Workload and Trends Analysis Division, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178. Official mailing addresses are published as an appendix to the DCAA's compilation of systems notices.

Individuals must furnish name; Social Security Number; approximate date of record; and geographic area in which consideration was requested for record to be located and identified.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information, other than data directly related to individual employees, is obtained by field audit office supervisors from audit reports and working papers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 590.9

SYSTEM NAME:

DCAA Automated Personnel Inventory System (APIS).

SYSTEM LOCATION:

Primary location: Office of the Director of Personnel and the Personnel Officer, Civilian Personnel Office, Headquarters Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178, and the DCAA Regional Offices. Official mailing addresses are published as an appendix to the DCAA compilation of systems of records notices.

Secondary location: Defense Construction Supply Center, Defense Electronics Supply Center, and the Defense Logistics Agency Administrative Support Center which maintain systems data under an inter-service support agreement with DCAA to provide payroll and report generating services. Compuserve, Inc., 500 Arlington Center Boulevard, Columbus, OH 43220, which maintains systems data under contract with the General Services Administration.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current civilian employees of DCAA and former employees who were on DCAA rolls any time after January 1, 1977.

CATEGORIES OF RECORDS IN THE SYSTEM:

Current and historical data related to positions occupied by an employee of DCAA such as grade, occupational series, title, organizational location, salary and step, competitive area and level, geographical location, supervisory designation, financial reporting requirement, and bargaining unit status.

Current and historical data related to a DCAA employee's status and tenure in the Federal civil service including veterans preference, competitive status, service computation data, tenure group.

Current and historical data personal to an employee of DCAA such as birth date, physical and mental handicap code, minority group identifier code, and enrollment data for life, health, and retirement programs.

Current and historical education and training data on a DCAA employee such

as educational level, professional certifications, training accomplishment and requirements.

Current and historical career management data on a DCAA employee such as performance level indicator codes, performance evaluation scores, and promotion assessment scores.

Current and historical data on awards and recognition received by an employee of DCAA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133; E.O. 9397; and DoD Directive 5105.36 which is published in 32 CFR part 357.

PURPOSE(S):

To collect, store, and retrieve information to meet personnel and manpower management information requirements in support of program operations, evaluation, and analysis.

To satisfy external and internal reporting requirements.

To provide information to officials of DCAA for effective personnel management and administration.

To designated employees of the Defense Logistics Agency authorized under agreement with DCAA to maintain records necessary to provide payroll and report generation services.

To designated automated data processing vendors with whom DCAA may contract are authorized to maintain and enhance data and computer operating systems necessary for DCAA personnel to process data and produce required outputs. Vendors neither obtain output from the system nor access the stored data for other than validated, approved test procedures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' that appear at the beginning of DCAA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Input paper documents are stored in file folders and/or file cabinets. Information converted to automated form for storage in the system is stored on magnetic tape and/or disks.

Output reports on computed printout paper are stored in file cabinets, specialized file containers, or library shelving.

Individual employee output reports are filed in folders retained within official personnel, performance, or medical records.

RETRIEVABILITY:

Information is retrieved by Social Security Number.

SAFEGUARDS:

Access to computerized data requires knowledge and use of a series of system identification codes and passwords which must be entered in proper sequence. Access to computerized data is limited to system analysts and programmers authorized to support the system, individuals authorized to provide payroll and report generating services, and DCAA personnel and EEO office employees.

Access to output reports is limited to individuals with a need-to-know.

RETENTION AND DISPOSAL:

Records in the automated data base, with the exception of non-SES performance appraisal data, are permanent.

Paper input documents and output printouts and reports, except for those required to be maintained in an employee's official personnel, performance, or medical file, are retained for reference purposes only until superseded or no longer required. When superseded or no longer required, these records will be destroyed by shredding or burning.

Copies of records authorized to be maintained by supervisors or other operating officials will be destroyed one year after transfer or separation of employee.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA, 22304–6178,

Personnel Officer, Civilian Personnel Office, Headquarters Defense Contract Audit Agency and the DCAA Regional Personnel Officers for data in their data banks. Official mailing addresses are published as an appendix to the DCAA compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director of Personnel, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

For verification purposes, written request for information must include individual's full name, current address, telephone number and office of assignment.

Personal visits may be made to the Office identified above. Individual must furnish positive identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director of Personnel, Headquarters, Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22304–6178.

For verification purposes, written requests for information must include individual's full name, current address, telephone number and office of assignment.

Personal visits may be made to the office identified above. Individual must furnish positive identification.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Agency supervisors and administrative personnel, medical officials, previous federal employees, U.S. Office of Personnel Management. Applications and forms completed by the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DEFENSE CONTRACT AUDIT AGENCY OFFICES

(Alphabetically by State and City)

California

DCAA Western Regional Office, Attention: RCI–4, 16700 Valley View Avenue, Suite 300, La Mirada, CA 90638–5833.

Georgia

DCAA Eastern Regional Office, Attention: RCI–1, 2400 Lake Park Drive, Suite 300, Smyrna, GA 30080–7644.

Massachusetts

DCAA Northeastern Regional Office, Attention: RCI–2, 83 Hartwell Avenue, Lexington, MA 02173–3163.

Pennsylvania

DCAA Mid-Atlantic Regional Office, Attention: RCI–6, 615 Chestnut Street, Suite 1000, Philadelphia, PA 19106–4498.

Texas

DCAA Central Regional Office, Atten*ion: RCI–3, 106 Decker Court, Suite 300, Irving, TX 75062–2795.

Virginia

DCAA Headquarters, Attention: CMR, Cameron Station, Alexandria, VA 22304–6178.

DEFENSE LOGISTICS AGENCY

How Systems of Records Are Arranged

Each DLA Privacy Act system of records is assigned a unique alphanumeric number. The numbers and letters assigned to each system reveal the functional area or general type of information maintained in the system and identify the DLA activity with responsibility for that functional area. A typical system identifier looks like this: S300.10 DLA-K. The letter 'S' denotes the Defense Logistics Agency; the next three digits, '300' in our example, represent the primary functional area of Civilian Personnel; the decimal '.10' is a sequential number used to differentiate one 300–series system from another; the suffix letters 'DLA-K' designate the DLA organization with general responsibility for the functional area. We are in the process of renumbering our Privacy Act systems notices to include new functional areas. Thus, some notices must be retrieved based on our old numbering system while those republished since June 1992 bear the new numbering system.

How To Use the Index Guide

Identify the functional area of interest to you using the listings below. Notices are arranged in numeric sequence based on the numbering system assigned to each functional area. If you are looking for a system notice which was published since June 1992, use the new numbering scheme to identify the functional area. If you do not know the date of notice was last published, you will need to look under both the old numbering scheme and the new.

NEW NUMBERING SYSTEM

Subject Series
System Identification Series

Legal, Legislative and Public Affairs
S100

Military Personnel
S200

Civilian Personnel
S300

Morale, Welfare and Recreation
S400

Security
S500

Health and Safety
S600

Comptrollership
S700

Contracting and Logistics
S800

Administration and Management
S900

OLD NUMBERING SYSTEM

Subject Series
System Identification Series

Administration
S100

Planning and Management
S200

Personnel
S300

Finance
S400

Transportation
S600

Contracting
S800

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required to locate and retrieve the record.

BLANKET ROUTINE USES

Certain 'blanket routine uses' of the records have been established that are applicable to every record system maintained within the Department of Defense unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below only once in the interest of simplicity, economy and to avoid redundancy.

LAW ENFORCEMENT ROUTINE USE

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

DISCLOSURE WHEN REQUESTING INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

DISCLOSURE OF REQUESTED INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

CONGRESSIONAL INQUIRIES ROUTINE USE

Disclosure from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

PRIVATE RELIEF LEGISLATION ROUTINE USE

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS ROUTINE USE

A record from a system of records maintained by this component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES ROUTINE USE

Any information normally contained in IRS Form W–2 which is maintained in a record from a system of records maintained by this component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517, 5520, and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Number 76–07.

DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT ROUTINE USE

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

DISCLOSURE TO MILITARY BANKING FACILITIES OVERSEAS ROUTINE USE

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

DISCLOSURE OF INFORMATION TO THE GENERAL SERVICES ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO THE MERIT SYSTEMS PROTECTION BOARD ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DOD investigation, and such other functions, promulgated in 5 U.S.C 1205 and 1206, or as may be authorized by law.

COUNTERINTELLIGENCE PURPOSES ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use outside the DOD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

S111.14 DLA-XA

SYSTEM NAME:

Personnel Roster/Locator Files.

SYSTEM LOCATION:

Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, and the DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and military personnel for the DLA activity where records are maintained.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system may contain paper and computerized locator records including such items as: Name, organizational assignment, office and home telephone number, home address, grade/rank, military branch of service and date of rank, position title, job series, and spouse's name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

VOL 58 ISS 33 FE 22 1993 UMI

PURPOSE(S):

To notify DLA personnel of the arrival of visitors, to plan social functions, recall personnel to duty station when required, for use in emergency notification, and to perform relevant functions/requirements/actions consistent with managerial functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, card files and some on magnetic tape or disk.

RETRIEVABILITY:

Alphabetically by name, by organization, or grade/rank.

SAFEGUARDS:

Records are accessible only to authorized DLA personnel.

RETENTION AND DISPOSAL:

Records are destroyed upon termination/departure of DLA personnel or upon preparation of new locator cards/rosters.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of HQ DLA principal staff elements and Heads of DLA field activities which maintain locator/roster files. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Heads of HQ DLA principal staff elements and Heads of DLA field activities which maintain locator/roster files. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individual must provide full name, name of DLA activity and specific office at which employed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Heads of HQ DLA principal staff elements and Heads of DLA field activities which maintain locator/roster files. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Request should contain full name, current address and telephone number of the individual. For personal visits, the individual should be able to provide some acceptable identification; that is driver's license, or DLA identification card.

CONTESTING RECORD PROCEDURES:

The DLA's rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual, upon assignment to DLA, and when changes occur.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S153.20 DLA-I

SYSTEM NAME:

Personnel Security Information Subsystem of COSACS.

SYSTEM LOCATION:

Primary System-Central computer programs and files are maintained at the Defense Logistics Agency Administrative Support Center (DASC) which is located at Cameron Station, Alexandria, VA 22304–6130. Ready reference on-line access is furnished to Defense Logistics Agency Primary Level Field Activities (PLFAs), to Principal Staff Elements (PSEs) at Headquarters, DLA and to Department of Defense Management Support Activities (DODMSAs) supported by DASC, concerning personnel under their jurisdiction. Official mailing addresses of the PLFAs are published as an appendix to DLA's compilation of systems of records notices. For mailing addresses of the DODMSAs, contact the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DLA civilian and military personnel who have been found eligible for employment in a sensitive position or eligible for or granted a security clearance or access to information classified in the interests of national security.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer record on each individual in the Personnel Security Information Subsystem of COSACS (Command Security Automated Control System) Master File. Computer listings are generated from this master, in the form of a Master File Archival Record and Record Activity Clearance Eligibility Listing (RACEL), and identify those DLA personnel who are assigned to or who are eligible to occupy sensitive positions and those DLA personnel who have been either authorized access to classified information or found eligible for such access.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 9397, 10450, 10865, 12333, 12356.

PURPOSE(S):

Provide a computerized, centralized source of security eligibility and clearance information for all DLA security officers and appropriate supervisors. The purpose for soliciting and using the Social Security Number is for positive identification and retrieval of records.

These records are used by DLA Security Officers at all levels as well as by other appropriate DLA supervisors to determine whether or not DLA civilian employees are eligible for or occupy sensitive positions; whether they or assigned military personnel have been cleared for or granted access to classified information; and the level of such clearance of access, if granted.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Clearance status and other clearance related information of individual DLA employees may be provided to the appropriate officials of other Federal Government agencies and Federal Government contractors when necessary in the course of official business.

The 'Blanket Routine Uses' set forth at the beginning of the DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a combination of paper and automated files.

RETRIEVABILITY:

Records are contained in the data base and are retrievable by name, Social Security Number, job series, security eligibility, security clearance, organization, and type of investigation.

SAFEGUARDS:

Records, as well as on-line input and computer terminals, are maintained in areas that conform to applicable DLA security policy. Access to and retrieva' from computerized files are limited to

authorized users and are password protected/restricted.

RETENTION AND DISPOSAL:

New listings are published quarterly and prior microfiche and listings are destroyed as soon as the new lists are verified but in no case beyond 90 days. Magnetic records are purged one year after the individual departs DLA.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Office of Command Security, ATTN: DLA-I, Headquarters DLA, Cameron Station, Alexandria, VA 22304–6100, and Command Security Officers of all DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Staff Director, Office of Command Security, ATTN: DLA-I, Headquarters DLA, Cameron Station, Alexandria, VA 22304–6100, and Command Security Officers of all DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Staff Director, Office of Command Security, ATTN: DLA-I, Headquarters DLA, Cameron Station, Alexandria, VA 22304–6100, and Command Security Officers of all DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individuals should provide information that contains the full name, Social Security Number, current address and telephone number of the individual. For personal visits, the individual should be able to provide some acceptable identification, such as driver's license or employing office identification card, and give some verbal information that can be verified from his or her file.

DLA users may utilize an Audio Response Unit (ARU) accessed by Social Security Number to retrieve the individual's security clearance only.

CONTESTING RECORD PROCEDURES:

The DLA's rules for accessing records and for contesting contents and appealing initial determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Certificates of clearance or personnel security investigation previously completed by the Office of Personnel Management, the Federal Bureau of Investigation, the Defense Investigative Service, investigative units of the Army, Navy and Air Force, and other Federal agencies. Personnel security files maintained on individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S161.30 DLA-I

SYSTEM NAME:

Motor Vehicle Registration Files.

SYSTEM LOCATION:

Defense Logistics Agency Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DLA civilian and military personnel, contractor employees, vendors, and other persons requiring use of private vehicles on DLA activities or facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application forms and papers relating to registration of private vehicles and commercial vehicles.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Highway Safety Act of 1966 (23 U.S.C. 401, et seq.) and National Highway Safety Program Standards, which direct such programs as vehicle traffic supervision, periodic motor vehicle inspections, pedestrian safety, policy traffic services and records, accident investigation and reporting.

PURPOSE(S):

Information is maintained to provide adequate controls on movement of privately owned motor vehicles on DLA activities and facilities, consistent with safety and applicable traffic regulations.

Information is used by DLA Security personnel to ensure that only authorized vehicles enter DLA facilities and activities and that those vehicles carry required liability insurance. Also, to plan for future parking requirements and to be able to identify vehicles and their owners by decal number in the event of emergency or traffic problems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, application cards, and on some activities logs containing accountability for decals. Computer magnetic tapes or discs, computer paper printouts.

RETRIEVABILITY:

Filed alphabetically by last name and cross-referenced by decal number.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA security personnel.

Manual records are either secured in locked storage and file cabinets or under the constant observation of security personnel during both duty and non-duty hours. The computer terminal used for access to, input and changes to the automated system is maintained in an area under constant observation of security personnel. Access to the automated system through the computer terminal is protected by password identification. Magnetic tapes and discs are kept in the computer room, which is itself a security container with locked doors and access-limited persons appropriately cleared and identified. Tapes and disc packs are stored in a tape library when not used in processing and are logged in and out only to cleared personnel with an official need. Reports with individual data are closely controlled. Computer personnel who process these reports are appropriately cleared and maintain continuous observation of reports during all processing phases. Individuals requesting information must identify themselves and their relationship to the individual on whom the record information is being requested. Individuals other than the individual of record must specify what information is requested and the purpose for which it would be used if disclosed.

RETENTION AND DISPOSAL:

Destroy upon normal expiration or 3 years after revocation of registration.

Heads of PLFAs which are responsible for the installation on which they are located.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of PLFAs which are responsible for the installation on which they are located. Official mailing addresses are published as an appendix

VOL 58 ISS 33 FE 22 1993 UMI

to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Heads of PLFAs which are responsible for the installation on which they are located. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individual must provide full name and name of DLA activity at which registration occurred; or if individual is or was a DLA employee, name of employing activity is also required.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Heads of PLFAs which are responsible for the installation on which they are located. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individuals should provide information that contains the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver license, employing office identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

The DLA's rules for accessing records and for contesting contents and appealing initial determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information provided by the applicant and DLA security personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S161.40 DLA-I

SYSTEM NAME:

Vehicle Accident Investigation Files.

SYSTEM LOCATION:

Heads of Defense Logistics Agency Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person involved in a vehicle traffic accident on property controlled by DLA or operating a DLA vehicle.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports, sketches, photographs, medical reports and related papers concerning traffic accident investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Highway Safety Act of 1966 (23 U.S.C. 401, et seq.) and National Highway Safety Program Standards, which direct such programs as vehicle traffic supervision, periodic motor vehicle inspections, pedestrian safety, policy traffic service and records, accident investigation and reporting.

PURPOSE(S):

Information is maintained for purposes of accident cause identification and to formulate accident prevention programs for improvement in traffic patterns and for preparation of statistical reports required by higher authority.

Information is used by Security Officers and DLA Police to determine actions required to correct the cause of the accident. In cases involving personal injury, to provide verification in processing workmen's compensation cases.

Claims Officers to determine validity of clams against U.S. Government, when such are filed by a person involved in an accident.

DOD Medical personnel to make medical determinations about individuals involved in accidents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used by Federal Law Enforcement Agencies in cases involving facilities or serious hit and run accidents, to investigate, identify suspects, and to determine if criminality or criminal negligence was involved.

Non-DOD Medical personnel to make medical determinations about individuals involved in accidents.

The 'Blanket Routine Uses' set forth at the beginning of the DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and computerized form.

RETRIEVABILITY:

Filed alphabetically by last name of person involved, when known, or by victim's name or by police report number in unsolved hit and run cases.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel.

RETENTION AND DISPOSAL:

Destroy after 2 years, except that documentation pertinent to claims will be maintained for 10 years after final settlement.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of PLFAs who are responsible for the DLA installation or vehicle involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Heads of PLFAs who are responsible for the DLA installation or vehicle involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individual must provide full name and name of DLA activity at which accident occurred or if individual is or was a DLA employee, the name of the employing DLA activity is also required.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Heads of PLFAs who are responsible for the DLA installation or vehicle involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individuals should provide information that contains the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, such as, driver's license or employing agency identification card. Some verbal information may be required to verify the file.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

DLA, Department of Defense, General Services Administration Police, Federal law enforcement agencies, medical facilities.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S161.50 DLA-I

SYSTEM NAME:

Traffic Violations File.

SYSTEM LOCATION:

Defense Logistics Agency Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who commit a traffic violation on DLA controlled property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Traffic tickets, documents relating to withdrawal of driving privileges, and reports of corrective or disciplinary action taken.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Highway Safety Act of 1966 (23 U.S.C. 401, et seq.) and National Highway Safety Program Standards, which direct such programs as vehicle traffic supervision, periodic motor vehicle inspections, pedestrian safety, police traffic services and records, accident investigation and reporting.

PURPOSE(S):

Information is maintained to identify traffic offenders, to enforce applicable traffic regulations and to promote safety.

Information is used by:

DLA Security Officers and DOD to identify traffic violations, to enforce applicable traffic regulations, to promote safety and to initiate corrective or disciplinary action against the offenders.

DLA supervisors and managers - to take corrective or disciplinary action against offenders under their supervision.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, ticket books, card index files. Computer magnetic tapes or discs, computer paper printouts.

RETRIEVABILITY:

Filed alphabetically by last name of the offender and cross-indexed by ticket number.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA Security personnel. Manual records are either secured locked storage and/or file cabinets or under the constant observation of security personnel during both duty and non-duty hours. The computer terminal utilized for access to, input and changes to the automated system is maintained in an area under constant observation of security personnel. Access to the automated system through the computer terminal is protected by password identification. Magnetic tapes and discs are kept in the computer room, which itself is a security container with locked doors and access limited persons appropriately used in processing, and are logged in and out only to cleared personnel with an official need. Reports with personal data are closely controlled. Computer personnel who process these reports are appropriately cleared and maintain continuous observation of reports during all processing phases. Individuals requesting information must identify themselves and their relationship to the individual on whom the record information is being requested. Individuals other than the individual of record must specify what information is requested and the purposes for which it would be used, if disclosed.

RETENTION AND DISPOSAL:

Destroy after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of PLFAs which have responsibility for managing traffic on the installation. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Heads of PLFAs which have responsibility for managing traffic on the installation. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individual must provide full name and name of DLA activity at which violation occurred; or if individual is or was a DLA employee, name of employing activity is also required.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Heads of PLFAs which have responsibility for managing traffic on the installation. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individuals should provide information that contains the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified from his file.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

DLA, DOD Security Police and traffic offenders.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S161.60 DLA-I

SYSTEM NAME:

Seizure and Disposition of Property Records.

SYSTEM LOCATION:

Defense Logistics Agency Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person identified on DLA controlled property, as being in possession of contraband or physical evidence connected with criminal offense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents pertaining to acquisition, storage and disposition of contraband and physical evidence to include receipts, chain of custody documents, release, and disposition or destruction certificates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 21 of the Internal Security Act 1950 (50 U.S.C. 781, et seq.) and DOD Directives 5200.8 and 5105.22 which assign to the Director, DLA the responsibility for protection of property and facilities under his control.

PURPOSE(S):

Information is maintained and used by DLA security personnel to provide

accountability for confiscated contraband and acquired physical evidence.

To maintain chain of custody on evidence for presentation in court in cases requiring criminal prosecution.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and computerized form.

RETRIEVABILITY:

Filed by property log number, and last name, if a person has been identified in the particular case; by incident number if property was found on the premises or recovered from a crime scene.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel.

RETENTION AND DISPOSAL:

Destroy 3 years after final action on or disposition of the property and responsibility therefore has been appropriately terminated.

SYSTEM MANAGER(S) AND ADDRESS:

Head of PLFAs who are responsible for investigating suspected criminal acts. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Head of PLFAs who are responsible for investigating suspected criminal acts. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Head of PLFAs who are responsible for investigating suspected criminal acts. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Individuals should provide information that contains the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified from his file.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals involved, security personnel, local, state and Federal Law Enforcement Agencies and DOD investigative agencies providing support to DLA.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S161.70 DLA-I

SYSTEM NAME:

Firearms Registration Records.

SYSTEM LOCATION:

Defense Logistics Agency Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel having privately owned firearms and occupying quarters on DLA controlled activities or facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Firearms registration forms, and other documents relating to registration of privately owned firearms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 21 of the Internal Security Act 1950 (50 U.S.C. 781, et seq.) and DOD Directive 5200.8 and 5105.22 which assign to the Director, DLA the responsibility for protection of property and facilities under his control.

PURPOSE(S):

Information is used by personnel to ensure proper maintenance and safekeeping of privately owned weapons by personnel residing on DLA controlled premises. Records are used to identify the owner of a particular weapon by DOD security personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to identify the owner of a particular weapon by local, state and Federal law enforcement agencies.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and computerized form.

RETRIEVABILITY:

Filed alphabetically by last name of the owner of the firearm.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel.

RETENTION AND DISPOSAL:

Destroy 6 months after cancellation of registration or departure of the registrant from the jurisdiction of the registering activity.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of PLFAs who are responsible for base housing on a DLA installation. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Heads of PLFAs who are responsible for base housing on a DLA installation. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individual must provide full name and identity of DLA installation upon which he resided.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Heads of PLFAs who are responsible for base housing on a DLA installation. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individuals should provide information that contains the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is,

driver's license, employing office identification card, and give some verbal information that can be verified from his file.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Persons registering firearms, and DLA security personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S200.10 DLA-M

SYSTEM NAME:

Information Military Personnel Records.

SYSTEM LOCATION:

Staff Director, Office of Military Personnel, HQ DLA-M, Cameron Station, Alexandria, VA 22304–6100, and DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and reserve personnel assigned to DLA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Evaluation reports, general and special orders, leave slips, qualification records, applications for I.D. Cards, security clearance, and miscellaneous correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Part II, Personnel; 5 U.S.C. 302(b)(1), Delegation of authority; and E.O. 9397, Social Security Number.

PURPOSE(S):

To accumulate documents relating to the military member while assigned to DLA. The records are used by the Staff Director and his staff and Heads of PLFAs and their staff for notification of assignments, career briefs, assignment orders, promotion data, personal data, awards and decorations, training data, recommendations for disciplinary action, review procedures instituted to control incidents, and advising the Director of incidents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Records are stored in paper and computerized form.

RETRIEVABILITY:

Retrieved alphabetically by last name.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must access the records to perform their duties. The computerized files are password protected with access restricted to authorized users.

RETENTION AND DISPOSAL:

Retained during individual's assignment to DLA and destroyed within 1 year of departure.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Office of Military Personnel, HQ DLA-M, Cameron Station, Alexandria, VA 22304–6100, and DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to or visit the system manager of the particular activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to or visit the system manager of the particular DLA activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The DLA rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Special orders, service records, in/out processing documents, and computer listings.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S200.20 DLA-M

SYSTEM NAME:

Active Duty Military Personnel Data Bank System.

SYSTEM LOCATION:

Staff Director, Office of Military Personnel, DLA-M, Cameron Station, Alexandria, VA 22304–6100, and the DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel currently assigned to the Defense Logistics Agency and history records of those individuals previously assigned.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains name, grade, Social Security Number, organization, position data, branch of service and specialty, dates of rank, civilian and professional education, position requirements, dates of assignment and rotation, and retirement and separation data. The system also contains the rater's name, grade, service, social security number, and rotation date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Part II, Personnel; 5 U.S.C. 302(b)(1), Delegation of authority; and E.O. 9397, Social Security Number.

PURPOSE(S):

To ensure effective personnel management within DLA and to assist individual military personnel in their career management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Records are stored in paper and computerized form.

RETRIEVABILITY:

Retrieved alphabetically by last name.

SAFEGUARDS:

Maintained in areas accessible only to authorized personnel.

VOL 58 ISS 33 FE 22 1993 UMI

RETENTION AND DISPOSAL:

Records are destroyed upon reassignment of individual or upon supersession, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Office of Military Personnel, DLA-M, Cameron Station, Alexandria, VA 22304–6100, and the heads of the DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to or visit the system manager of the particular DLA activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to or visit the system manager of the particular DLA activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The DLA rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military personnel records and Position Distribution Reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S200.30 DLA-M

SYSTEM NAME:

Reserve Affairs.

SYSTEM LOCATION:

Staff Director, Office of Military Personnel, HQ DLA-M, Cameron Station, Alexandria, VA 22304–6100, and the heads of the DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Ready Reserve, Army, Air Force, Navy and Marine personnel assigned to DLA Individual Mobilization Augmentee (IMA) positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer records and printouts containing such items as, name, grade, Social Security Number, service, career specialty, position title, date of birth, commission date, promotion date, release date, security clearance, education, home address and civilian occupation of the individuals involved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Part II, Personnel; 5 U.S.C. 302(b)(1), Delegation of authority; E.O. 9397, Social Security Number; and DOD Directive 5105.22, Defense Logistics Agency.

PURPOSE(S):

The purpose of the system is to have information readily available in the day-to-day operation of the Reserve Mobilization program. It is used by the Staff Director, his Deputy and the Reserve personnel specialist. Data is used in preparation of personnel actions such as reassignments, classification actions, promotions, scheduling, and verification of active duty and inactive duty training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Records are stored in paper and computerized form.

RETRIEVABILITY:

Retrieved alphabetically by last name.

SAFEGUARDS:

Maintained in area accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are destroyed 2 years after separation or release from mobilization designation, or after supersession or obsolescence, or after 5 years, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Office of Military Personnel, HQ DLA-M, Cameron Station, Alexandria, VA 22304–6100 and the heads of the DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to or visit the system manager of the particular DLA activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to or visit the system manager of the particular DLA activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The DLA rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Data processing output from the Military Services.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S200.40 DLA-M

SYSTEM NAME:

Morale, Welfare, and Recreation (MWR) Records.

SYSTEM LOCATION:

MWR activities at DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals participating in MWR activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Activity membership and registration records, daily status report on Unaccompanied Personnel Housing, liability agreements between activities and participants, and check cashing and debt collection records. Records contain name, rank, social security number, names of family members, emergency medical data, birth date, home address and telephone number, and office telephone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental regulations; 5 U.S.C. 302, Delegation of

authority; 10 U.S.C. 136, Assistant Secretaries of Defense; and E.O. 9397, Social Security Number.

PURPOSE(S):

Used to determine membership and participation eligibility, to register applicants for classes and events, to notify members of activities, to bill and receipt for dues and charges, and for similar membership-related purposes. Records may also be used for debt collection and to terminate membership for nonpayment of dues.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Records are stored in paper and computerized form.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must access the records to perform their official duties. The computer files are password protected with access restricted to authorized users.

RETENTION AND DISPOSAL:

Destroy one year after member departs, after auditing or after purpose has been served.

SYSTEM MANAGER(S) AND ADDRESS:

The manager of the MWR activity at the particular DLA activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to or visit the system manager of the particular DLA activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to or visit the system manager of the particular DLA activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The DLA rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual, assignment orders, identification cards, and financial records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S200.50 DLA-M

SYSTEM NAME:

Individual Weight Management File.

SYSTEM LOCATION:

Records are maintained by the heads of the DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

For members assigned to Headquarters DLA, records are maintained by DASC-DW, Cameron Station, Alexandria, VA 22304–6130.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military active duty and reserve personnel assigned to DLA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Member's name, Social Security Number, weight management record, and physical readiness data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 302(b)(1), Delegation of authority; 10 U.S.C. 136, Assistant Secretaries of Defense; and DOD Directive 1308.1, Physical Fitness and Weight Control Programs.

PURPOSE(S):

The system will be used to record the weight and physical readiness of military members assigned to DLA. It will also be used to monitor the progress of those entered into the weight management program.

Records may be used by member's service for remedial, corrective, or administrative separation actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Records are stored in paper and computerized form.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must access the records to perform their duties. The computer files are password protected with access restricted to authorized users.

Access to paper and computerized files is restricted to member's commander, the weight control officer, medical personnel, the director of the military personnel function at the activity where assigned, and the military personnel function of the member's service.

RETENTION AND DISPOSAL:

Records are retained until the member departs, at which time the member collects the record for forwarding to his or her next duty assignment.

SYSTEM MANAGER(S) AND ADDRESS:

The Staff Director, Office of Military Personnel, DLA-M, Cameron Station, Alexandria, VA 22304–6100, and the heads of the DLA Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to or visit the system manager of the particular DLA activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individuals assigned to HQ DLA may address inquiries to or visit DASC-DW, Cameron Station, Alexandria, VA 22304–6100. For personal visits, individuals must present proper identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to or visit the system manager of the particular DLA activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individuals assigned to HQ DLA may address written inquiries to or visit DASC-DW, Cameron Station, Alexandria, VA 22304–6100. For present proper identification.

CONTESTING RECORD PROCEDURES:

The DLA rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is taken from the record subject, individual weigh-ins, medical personnel, and medical records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S233.10 DLA-KW

SYSTEM NAME:

Work Assignment, Performance and Productivity Records and Reporting Systems.

SYSTEM LOCATION:

Immediate supervisor and other appropriate supervisory and management levels within the individual Primary Level Field Activities of the Defense Logistics Agency (DLA) or of the DLA Headquarters. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Some or all of the records listed may or may not be kept by any particular supervisor or at any particular organizational level.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of organizational segments for which such records are kept or former such employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Descriptions of individual assignments, target dates, progress against targets, hours expended against particular assignments or categories of assignments, cost accounting codes and similar workload data, including such matters as number of contracts or projects assigned and description of assignments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Ch. 33; 5 U.S.C. 301 and 302.

PURPOSE(S):

The information is used by the employee's immediate supervisor and other appropriate management officials to record and make reports on individual work assignments and the amount of effort devoted to each assignment. The information is used to schedule work, make progress reports and supervise and control workload. It is used to assure that workload is equitably assigned and to determine which employees have performed which categories of assignment in order to determine the experience of assignment of new work or for resolving problems, such as those related to a particular item or a particular contract. The data may also be used to evaluate individual and group performance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders or binders and file index cards.

RETRIEVABILITY:

Retrievable by employee's name, although records may be filed chronologically or by type of assignment.

SAFEGUARDS:

Records are maintained in file cabinets and are accessible to authorized agency personnel only.

RETENTION AND DISPOSAL:

Records are retained so long as the employee is engaged in the same work in the same organizational segment, but in no case longer than 5 years. Records are destroyed when employees leave the job or the organizational unit or when 5 years have elapsed.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Office of Civilian Personnel, HQ DLA-K, Cameron Station, Alexandria, VA 22304–6100.

NOTIFICATION PROCEDURE:

Individual inquiries as to which work assignment records are maintained regarding a given person should be directed to the immediate or second line supervisor.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the first or second line supervisor. Written requests for information may, however, be addressed to the Commander, DLA Primary Level Field Activities and should identify the employee by name and organizational segment. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

For personal visits to the system manager, the individual should provide some acceptable identification, such as activity identification card or driver's license.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Employee's supervisors or team leaders.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S252.50 DLA-G

SYSTEM NAME:

Claims and Litigation, other than Contractual.

SYSTEM LOCATION:

Office of the General Counsel, HQ DLA-G, Cameron Station, Alexandria, VA 22304–6100, and the offices of counsel of the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, groups of employees, members of the general public and public interest organizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters from individuals or attorneys, Agency or other investigative reports, witness statements, complaints, pleadings and other court documents, litigation reports, working papers and drafts; documentary and physical evidence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. Ch 31.

PURPOSE(S):

Information is used in settlement of claims or lawsuits. Information is used in the defense and prosecution of law suits involving DLA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used by individual claimants or litigants or their

representatives, the Department of Justice, and the investigative, audit, inspection and legal staffs of other Executive agencies as appropriate and the investigative, audit, inspection and legal staffs of the General Accounting Office in the conduct of litigation and administrative settlement of claims.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in combination of paper and automated files.

RETRIEVABILITY:

Filed alphabetically by the name of the litigant and/or by year.

SAFEGUARDS:

Records, as well as computer terminals, are maintained in areas accessible only to DLA personnel. In addition, access to the computerized information in the system is limited to authorized users and is password protected.

RETENTION AND DISPOSAL:

Files are destroyed ten years after final disposition of claim.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counsel, Defense Logistics Agency, HQ, Cameron Station, Alexandria, VA 22304–6100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the General Counsel, HQ DLA-G, Cameron Station, Alexandria, VA 22304–6100, and the offices of counsel of the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individuals must provide name of litigant, year of incident, and should contain court case number in order to ensure proper retrieval in those situations where a single litigant has more than one case with the Agency.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the General Counsel, HQ DLA-G, Cameron Station, Alexandria, VA 22304–6100, and the offices of counsel of the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices. Written request for information should contain the full name, current address and telephone number of the individual.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial determination are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Agency investigation and legal discovery under the Federal Rules of Civil Procedure.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S253.10 DLA-G

SYSTEM NAME:

Invention Disclosure.

SYSTEM LOCATION:

Office of the General Counsel, HQ DLA-G, Cameron Station, Alexandria, VA 22304–6100, and the offices of counsel of the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and military personnel assigned to DLA who have submitted invention disclosures to the DLA General Counsel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files documenting invention disclosures and investigation as to patentability thereof.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10096, January 23, 1950 as amended by E.O. 10930, March 24, 1961, and Defense Logistics Acquisition Regulation, 4105.1.

PURPOSE(S):

Used by DLA Patent Counsel for determinations regarding acquisition of patents and right of inventor.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be referred to other government agencies or to non-government agencies or to non-government personnel (including contractors or prospective contractors) having an identified interest in a particular invention and the Government's rights therein.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and computerized form.

RETRIEVABILITY:

Field by names of inventors.

SAFEGUARDS:

Accessible only to DLA personnel.

RETENTION AND DISPOSAL:

Destroy 26 years after file is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the General Counsel, HQ DLA-G, Cameron Station, Alexandria, VA 22304–6100, and the offices of counsel of the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the General Counsel, HQ DLA-G, Cameron Station, Alexandria, VA 22304–6100, and the offices of counsel of the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individuals should provide information that contains full name, current address and telephone numbers of requester. For personal visits, each individual shall provide acceptable identification, e.g., driver's license or identification card.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

DLA Patent Counsel's investigation of published and unpublished records and files both within and without the Government, consultation with Government and non-Government

VOL
58
ISS
33
FE
22
1993
UMI

personnel, information from other Government agencies and information submitted by Government officials or other persons having a direct interest in the subject matter of the file.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S253.30 DLA-G

SYSTEM NAME:

Royalties.

SYSTEM LOCATION:

Office of the General Counsel, HQ DLA-G, Cameron Station, Alexandria, VA 22304–6100, and the offices of counsel of the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual and firms to whom patent royalties are paid by Defense Logistics Agency contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports from DLA procurement centers of patent royalties submitted pursuant to Defense Acquisition Regulation (DAR) forwarded to Defense Logistics Agency Headquarters, Office of General Counsel for approval, and included in pricing of respective contracts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2304(g), DLA Procurement Regulation 9–110 and Defense Acquisition Regulation 9–100.

PURPOSE(S):

Reviewed by DLA Patent Counsel for approval of royalties on continuing basis.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be referred to other government agencies or to non-government personnel (including contractors or prospective contractors) having an identified interest in the allowance of royalties on DLA contracts.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and computerized form.

RETRIEVABILITY:

Filed by patent number. Names of inventors and patent owners are retrievable from these numbers.

SAFEGUARDS:

Accessible only to DLA personnel with an official need to know.

RETENTION AND DISPOSAL:

Destroyed after 26 years.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of the General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100.

Individuals should provide information that contains full name, current address and telephone numbers of requester. For personal visits, each individual shall provide acceptable identification, e.g., driver's license or identification card.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

DLA Patent Counsel's investigation of published and unpublished records and files both within and without the government, consultation with government and non-Government personnel, information from other Government agencies and information submitted by Government officials or other persons having a direct interest in the subject matter of the file.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S253.31 DLA-G

SYSTEM NAME:

Patent Licenses and Assignments.

SYSTEM LOCATION:

Office of the General Counsel, HQ DLA-G, Cameron Station, Alexandria, VA 22304–6100, and the offices of counsel of the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and firms which have granted patent licenses or assignments to DLA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files including patent license and assignment agreements and accounting records indicating basis for Government payment of royalties during life of agreements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2386, Defense Acquisition Regulation 9, Part 4; and Defense Logistics Acquisition Regulation 4105.1.

PURPOSE(S):

Used by DLA Patent Counsel for acquisition and administration of patent license and assignment agreements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be referred to other Government agencies or to non-Government personnel (including contractors or prospective contractors) having an identified interest in the potential or actual infringement of particular patents.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in paper and computerized form.

RETRIEVABILITY:

Filed by name of individual or firm granting rights.

SAFEGUARDS:

Accessible only to DLA personnel with official need to know.

RETENTION AND DISPOSAL:

Destroyed 26 years after file is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100.

Individuals should provide information that contains full name, current address and telephone numbers of requester. For personal visits, each individual shall provide acceptable identification, e.g., driver's license or identification card.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

DLA Patent Counsel's investigation of published and unpublished records and files both within and without the government, consultation with government and non-government personnel, information from other government agencies and information submitted by Government officials or other persons having a direct interest in the subject matter of the file.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S253.40 DLA-G

SYSTEM NAME:

Patent Infringement.

SYSTEM LOCATION:

Office of the General Counsel, HQ DLA-G, Cameron Station, Alexandria, VA 22304–6100, and the offices of counsel of the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and firms involved in potential or actual claims or litigation against the United States for infringement of patents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative files relating to patentability and enforceability of asserted patents and procurement of accused items.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2386; 10 U.S.C. 2356; 28 U.S.C. 520; 28 U.S.C. 1498; 35 U.S.C. 181–188; and 35 U.S.C. 286, Defense Acquisition Regulation 9, Part 4; Defense Logistics Procurement Regulation 9–401.50.

PURPOSE(S):

Used by DLA Patent Counsel for actions, determinations or recommendations regarding disposition of claims or litigation by DLA or Military Departments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be referred to the Department of Justice and other Government agencies or to non-Government personnel (including contractors or prospective contractors) having an identified interest in the potential or actual infringement of particular patents.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and computerized form.

RETRIEVABILITY:

Filed by name of claimant or litigant.

SAFEGUARDS:

Accessible only to DLA personnel.

RETENTION AND DISPOSAL:

Destroyed 26 years after file is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100.

Individuals should provide information that contains full name, current address and telephone numbers of requester. For personal visits, each individual shall provide acceptable identification, e.g., driver's license or identification card.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

DLA Patent Counsel's investigation of published and unpublished records and files both within and without the Government, consultation with Government and non-Government personnel, information from other Government agencies and information submitted by Government officials or other persons having a direct interest in the subject matter of the file.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S255.01 DLA-G

SYSTEM NAME:

Fraud and Irregularities.

SYSTEM LOCATION:

Office of the General Counsel, HQ DLA-G, Cameron Station, Alexandria, VA 22304–6100, and the offices of counsel of the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual or group of individuals or other entity, involved in or suspected of being involved in any fraud, criminal conduct or antitrust violation relating to DLA procurement, property disposal to DLA procurement, property disposal or contract administration, or other DLA activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative reports, complaints, pleadings and other court documents, litigation reports, working papers, documentary and physical evidence, contractor suspensions and debarments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. Chs. 31 and 32.

PURPOSE(S):

Information is used in the investigation and prosecution of criminal or civil actions involving fraud, criminal conduct and antitrust

VOL
58
ISS
33
FE
22
1993
UMI

violations and is used in determinations to suspend or debar individuals or other entities from DLA procurement and sales.

Information may be referred to and used by DOD investigators and Government attorneys in DLA and other activities of the Department of Defense.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be referred to and used by Federal investigators, Department of Justice, and other contracting, audit, inspection, investigative, and legal activities of other agencies to include State and local law enforcement agencies, as appropriate.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in combination of paper and automated files.

RETRIEVABILITY:

Filed alphabetically by the name of the subject individual or other entity.

SAFEGUARDS:

Records, as well as computer terminals, are maintained in areas accessible only to DLA personnel. In addition, access to and retrieval for computerized files is limited to authorized users and is password protected.

RETENTION AND DISPOSAL:

Records are destroyed ten years after all aspects of the case are closed.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100.

Individuals should provide information that contains name of subject and sufficient identification of the incident in order to ensure correct retrieval

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100.

Individuals should provide information that contains the full name, current address and telephone number of the individual.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Federal, state and local investigative agencies; other federal agencies; DLA employees; and individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S257.10 DLA-G

SYSTEM NAME:

Standards of Conduct.

SYSTEM LOCATION:

Office of the General Counsel, HQ DLA-G, Cameron Station, Alexandria, VA 22304–6100, and the offices of counsel of the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Includes DLA employees whose official duties require the exercise of judgment in making government decisions or taking actions which may have a significant economic impact on any non-federal entity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes Standard Forms 278 and DD Forms 1555 or allegation of a violation of standards of conduct, investigatory reports by the Government, recommendations and determinations as to whether a violation of the standards of conduct occurred and what sanction may be appropriate and/or was imposed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 11222; The Ethics in Government Act of 1978, Pub. L. 95–521; and DLA Regulation 55000.1

PURPOSE(S):

Information is used by the DLA General Counsel's Office in its efforts to preclude DLA employees from making determinations in areas where such decisions might be or appear to be in conflict with personal interests. Information is used by the General Counsel's Office to determine if DLA personnel are observing the highest standards of business ethics. Records may be forwarded to Director, DLA or DLA Field Activity Commanders for appropriate action.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and computerized form.

RETRIEVABILITY:

Records are retrievable by surname of employee or by date.

SAFEGUARDS:

Records are retained in areas accessible only to authorized personnel in Office of General Counsel or others as determined by General Counsel, DLA. DD Forms 1555 are retained in locked file cabinets.

RETENTION AND DISPOSAL:

Incidents of violation of standards of conduct, indefinitely; DD Forms 1555, until employee leaves employment of DLA.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100.

Individuals should provide information that contains name, subject matter of information requested, and date of form or (alleged) violation.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and

appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals, other employees, and non-employees having knowledge of the alleged violation of the standards of conduce.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S259.05 DLA-G

SYSTEM NAME:

Legal Assistance.

SYSTEM LOCATION:

Office of the General Counsel, HQ DLA-G, Cameron Station, Alexandria, VA 22304–6100, and the offices of counsel of the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authorized military personnel and dependents who have requested legal assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Wills, Powers of Attorney and other legal documents prepared in response to requests for legal advice. Also background information supplied by requester to prepare the documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 302.

PURPOSE(S):

Documents are used to provide copies for individuals requesting the assistance, their representative or where otherwise appropriate, members of their immediate families. Documents may also be used as models or examples for preparing future documents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and computerized form.

RETRIEVABILITY:

Attorney operating folders are kept in a file cabinet or other storage devices accessible only to authorized personnel of the Office of Counsel or as determined by Counsel.

SAFEGUARDS:

Attorney operating folders are kept in a file cabinet or other storage devices accessible only to authorized personnel of the Office of Counsel or as determined by Counsel.

RETENTION AND DISPOSAL:

Destroy 2 years after completion of case, except documents withdrawn for use as precedents may be held by topics until no longer required for references purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100 and Offices of Counsel, Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100 and Offices of Counsel, Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individual must provide full name and, if appropriate, date assistance was requested.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of General Counsel, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100 and Offices of Counsel, Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual requesting assistance.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S270.30 DLA-B

SYSTEM NAME:

Biography File.

SYSTEM LOCATION:

Office of Public Affairs, Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100 and Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected civilian and military personnel currently and formerly assigned to DLA and other persons affiliated with DLA and the Department of Defense (DOD).

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information provided by the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 302.

PURPOSE(S):

Information is maintained as background material for news and feature articles covering activities, assignments, retirements, and reassignments of key DLA commanders and executives, in the preparation of speeches by the Director/Deputy Director at change of Command, retirement and awards ceremonies; and for annual visits or other activities by persons affiliated with DLA or DOD.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used by DLA public affairs personnel to prepare news and feature articles with the knowledge and consent of the individual concerned.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and computerized form.

RETRIEVABILITY:

Filed alphabetically by last name of individual.

SAFEGUARDS:

Records are maintained in an area accessible only to DLA Public Affairs Office personnel.

VOL 58 ISS 33 FE 22 1993 UMI

RETENTION AND DISPOSAL:

Files are retained in current files area and destroyed 2 years after retirement, transfer or death of DLA personnel or termination of affiliation with DLA or DOD by other persons.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Public Affairs, DLA, Cameron Station, Alexandria, VA 22304–6100 and Public Affairs Officers, PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Staff Director, Public Affairs, DLA, Cameron Station, Alexandria, VA 22304–6100 and Public Affairs Officers, PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individuel must provide full name and employing activity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Staff Director, Public Affairs, DLA, Cameron Station, Alexandria, VA 22304–6100 and Public Affairs Officers, PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individuals should provide information that contains the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, such as driver's license, or employing office identification.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals concerned on a strictly volunteer basis.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S322.01 DMDC

SYSTEM NAME:

Defense Outreach Referral System (DORS).

SYSTEM LOCATION:

W.R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93940–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Defense military and civilian personnel and their spouses, who have applied for participation in the job placement program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized records consisting of name, Social Security Number, correspondence address, branch of service, date of birth, separation status, travel availability, U.S. citizenship, occupational interests, geographic location work preferences, pay grade, rank, last unit of assignment, educational levels, dates of military or civilian service, language skills, flying status, security clearances, civilian and military occupation codes, and self reported personal comments for the purpose of providing prospective employers with a centralized system for locating potential employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, 1143, 1144, 2358 and E.O. 9397.

PURPOSE(S):

The purpose of this system is to facilitate the transition of military and civilian Defense personnel, and their spouses, to private industry and Federal employment in the event of a downsizing of the Department of Defense.

To private and public employers (including local and state employment agencies and outplacement agencies) in the employment process to use as notice of available individuals with interest in potential employment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES OF STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage.

RETRIEVABILITY:

Retrieved by Social Security Number of occupational or geographic preference.

SAFEGUARDS:

Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry to these areas is restricted to those personnel with a valid requirement and authorization to enter. Physical entry is restricted by the use of locks, guards, administrative procedures (e.g., fire protection regulations).

Access to personal information is restricted to those who require the records in the performance of their official duties, and to the individuals who are the subject of the record or their authorized representative. Access to personal information is further restricted by the use of passwords which are changed periodically.

RETENTION AND DISPOSAL:

Records are maintained on-line for one year and then are archived as an historical data base.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209–2593.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209–2593.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this record system should address written inquiries to the Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209–2593.

Written requests for information should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license, or military or other identification card.

CONTESTING RECORD PROCEDURES:

The DLA rules for access to records and for contesting contents and appealing initial determination are contained in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The Military Services, DOD Components, and from the subject individual via application into the program.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S322.05 DMDC

SYSTEM NAME:

Noncombatant Evacuation and Repatriation Data Base.

SYSTEM LOCATION:

W.R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93943–5000. Information may be accessed by remote terminals at the repatriation centers. The location of the repatriation centers can be obtained from the Headquarters Department of the Army, Office of Deputy Chief of Staff for Personnel, DAPE-MO, Washington, DC 20310–0300.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All noncombatant evacuees including service members, their dependents, DOD and non-DOD employees and dependents, U.S. residents abroad, foreign nationals and corporate employees and dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Social Security Number, name, date of birth, passport number, country of citizenship, marital status, sex, employer, destination address and type of assistance needed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12656, Assignment of Emergency Preparedness Responsibilities, November 18, 1988; DOD Directive 3025.14, Protection and Evacuation of U.S. Citizens and Designated Aliens in Danger Areas Abroad and E.O. 9397.

PURPOSE(S):

To the Headquarters Department of the Army, Office of Deputy Chief of Staff for Personnel, DAPE-MO, for the purposes of tracking evacuees from emergency situations in foreign countries to ensure location and receipt of necessary relocation services and to provide information to all of DOD, Federal, state, and local agencies on an as-requested basis.

To the Office of the Secretary of Defense (Force Manpower and Personnel) for the purposes of identifying and coordinating DOD civilian employees who have been evacuated and for job placement of evacuated Federal employees.

To the Joint Staff, as executors of evacuation operations when called upon to do so, for the purposes of assessing costs of services provided and recovering the cost of evacuation from the appropriate agency.

To each military service for the purposes of accounting for its respective military members and their families who have been evacuated. Each family is assigned a U.S. sponsor who is responsible for assisting the evacuated family in a safe haven status.

To the Department of the Army for purposes of assigning a sponsor to each family and tracking all DOD dependents and family members who have been evacuated from a country and arrived in the U.S.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To individuals who have been evacuated but who have been separated from their family and/or spouse. Information will be released to the individual indicating where the family member was evacuated from and final destination.

To Department of State to plan and monitor evacuation effectiveness and need for services and to verify the number of people by category who have been evacuated.

To the American Red Cross so that upon receipt of information from a repatriation center that a DOD family has arrived safely in the U.S., the Red Cross may notify the service member (sponsor) still in the foreign country that his/her family has safely arrived in the United States.

To the Immigration and Naturalization Service to track and make contact with all foreign nationals who have been evacuated to the U.S.

To the Department of Health and Human Services for purposes of giving financial assistance and recoupment of same. To identify individuals who might arrive with an illness which would require quarantine.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic and hard copy storage.

RETRIEVABILITY:

Retrieved by name, Social Security Number, or location of evacuation point or repatriation center.

SAFEGUARDS:

Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry to these areas is restricted to those personnel with a valid requirement and authorization to enter.

Access to personal information is restricted to those who require the records in the performance of their official duties, and to the individuals who are the subject of the information or their authorized representative. Access to personal information is further restricted by the use of passwords.

RETENTION AND DISPOSAL:

Records are maintained on-line for one year and are then archived as an historical data base.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209–2593.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209–2593.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209–2593.

Written inquiry should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

CONTESTING RECORD PROCEDURES:

The DLA rules for access to records and for contesting contents and appealing initial determination are contained in DLA Regulation 5400.12; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The Military Services, DOD Components, from individuals via application.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S322.09 DMDC

SYSTEM NAME:

Joint Duty Assignment Management Information System.

SYSTEM LOCATION:

Primary Location: Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209–2593; Decentralized segments: Joint Chiefs of Staff and Military Personnel Centers of the services.

CATEGORIES OF INDIVIDUALS IN THE SYSTEM:

All active duty officers who are serving or have served in billets

designated as joint duty assignment positions; are attending or have completed joint professional military education schools; are joint specialty officers or nominees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The information on billets includes service, unit identification code, normal tour length, rank, job title, skill and critical billet. Information on individuals includes social security number, joint duty qualification, departure reason, joint professional military education status, promotion board results, service, occupation, sex, date of rank and duty station.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136; 10 U.S.C. 667.

PURPOSE:

To allow the Department of Defense to monitor Joint Duty Assignment positions and personnel and to report to the Congress as required by Title IV, Chapter 38, Section 667 (Annual Report to Congress) of the DOD Reorganization Act of 1986; Pub. L. 99–433.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on disk.

RETRIEVABILITY:

Records may be retrieved by individual identifier such as social security number or by demographic characteristic.

SAFEGUARDS:

Data is stored in automated form in locked limited access areas and may be accessed only by user code and password.

RETENTION AND DISPOSAL:

Records are historical in nature and as such are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209–2593.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209–2593.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209–2593.

Individuals should provide information that contains the full name, social security number, current address and telephone number of the individual.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

The record accuracy may be contested through the administrative processes of military service personnel centers. Individual should follow the contesting record procedures of the applicable system of record of the particular military service involved.

RECORD SOURCE CATEGORIES:

The military services and Office of the Joint Chiefs of Staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S322.10 DMDC

SYSTEM NAME:

Defense Manpower Data Center Data Base.

SYSTEM LOCATION:

Primary location - W.R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93943–5000.

Back-up files maintained in a bank vault in Hermann Hall, Naval Postgraduate School, Monterey, CA 93943–5000.

Decentralized segments - Portions of this file may be maintained by the military and non-appropriated fund personnel and finance centers of the military services, selected civilian contractors with research contracts in manpower area, and other Federal agencies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All uniformed services officers and enlisted personnel who served on active duty from July 1, 1968, and after or who have been a member of a reserve component since July 1975; retired military personnel; participants in Project 100,000 and Project Transition, and the evaluation control groups for these programs. All individuals examined to determine eligibility for military service at an Armed Forces Entrance and Examining Station from July 1, 1970, and later.

DOD civilian employees since January 1, 1972. All veterans who have used the GI Bill education and training employment services office since January 1, 1971. All veterans who have used GI Bill education and training entitlements, who visited a state employment service office since January 1, 1971, or who participated in a Department of Labor special program since July 1, 1971. All individuals who ever participated in an educational program sponsored by the U.S. Armed Forces Institute and all individuals who ever participated in the Armed Forces Vocational Aptitude Testing Programs at the high school level since September 1969.

Individuals who responded to various paid advertising campaigns seeking enlistment information since July 1, 1973; participants in the Department of Health and Human Services National Longitudinal Survey. Individuals responding to recruiting advertisements since January 1987; survivors of retired military personnel who are eligible for or currently receiving disability payments or disability income compensation from the Department of Veteran Affairs; surviving spouses of active or retired deceased military personnel; 100% disabled veterans and their survivors.

Individuals receiving disability compensation from the Department of Veteran Affairs or who are covered by a Department of Veteran Affairs' insurance or benefit program; dependents of active duty military retirees, selective service registrants.

Individuals receiving a security background investigation as identified in the Defense Central Index of Investigation. Former military and civilian personnel who are employed by DOD contractors and are subject to the provisions of 10 U.S.C. 2397.

All U.S. Postal Service employees.

All Federal Civil Service employees.

All non-appropriated funded individuals who are employed by the Department of Defense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized personnel/employment/pay records consisting of name, Service Number, Selective Service Number, Social Security Number, compensation data, demographic information such as home town, age, sex, race, and educational level; civilian occupational information; civilian and military acquisition work

force warrant location, training and job specialty information; military personnel information such as rank, length of service, military occupation, aptitude scores, post-service education, training, and employment information for veterans; participation in various inservice education and training programs; military hospitalization records; and home and work addresses.

CHAMPUS claim records containing enrollee, patient and health care facility, provided data such as cause of treatment, amount of payment, name and Social Security or tax I.D. of providers or potential providers of care.

Selective Service System registration data.

Department of Veteran Affairs disability payment records.

Credit or financial data as required for security background investigations.

Criminal history information on individuals who subsequently enter the military.

U.S. Postal Service employment/personnel records containing Social Security Number, name, salary, home and work address. U.S. Postal Service records will be maintained on a temporary basis for approved computer matching between the U.S. Postal Service and DOD.

Office of Personnel Management (OPM) Central Personnel Data File (CPDF), an extract from OPM/GOVT–1, General Personnel Records, containing employment/personnel data on all Federal employees consisting of name, Social Security Number, date of birth, sex, work schedule (full-time, part-time, intermittent), annual salary rate (but not actual earnings), occupational series, position occupied, agency identifier, geographic location of duty station, metropolitan statistical area, and personnel office identifier. Extract from OPM/CENTRAL–1, Civil Service Retirement and Insurance Records, containing Civil Service Claim number, date of birth, name, provision of law retired under, gross annuity, length of service, annuity commencing date, former employing agency and home address. These records provided by OPM for approved computer matching.

Non-appropriated fund employment/personnel records consist of Social Security Number, name, and work address.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, Assistant Secretaries of Defense; Appointment Powers and Duties; 10 U.S.C. 2358; Research Projects; Pub. L. 95–452, as amended (Inspector General Act of 1978); and E.O. 9397.

PURPOSE(S):

The purpose of the system of records is to provide a single central facility within the Department of Defense to assess manpower trends, support personnel functions to perform longitudinal statistical analyses, identify current and former DOD civilian and military personnel for purposes of detecting fraud and abuse of pay and benefit programs, and to collect debts owed to the United States Government and state and local governments.

All records in this record system are subject to use in authorized computer matching programs within the Department of Defense and with other Federal agencies or non-Federal agencies as regulated by the Privacy Act of 1974, as amended, (5 U.S.C. 552a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of Veteran Affairs (DVA) to provide military personnel and pay data for present and former military personnel for the purpose of evaluating use of veterans benefits, validating benefit eligibility and maintaining the health and well being of veterans.

To the Department of Veteran Affairs (DVA) to provide identifying military personnel data to the DVA and its contractor, the Prudential Insurance Company, for the purpose of notifying members of the Individual Ready Reserve (IRR) of their right to apply for Veteran's Group Life Insurance coverage.

To the Department of Veteran Affairs (DVA) to conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purpose of:

1. Providing full identification of active duty military personnel, including full-time National Guard/Reserve support personnel, for use in the administration of DVA's Compensation and Pension benefit program (38 U.S.C. 3104(c), 3006–3008). The information is used to determine continued eligibility for DVA disability compensation to recipients who have returned to active duty so that benefits can be adjusted or terminated as required and steps taken by DVA to collect any resulting over payment.

2. Providing military personnel and financial data to the Veterans Benefits Administration, DVA for the purpose of determining initial eligibility and any changes in eligibility status to insure proper payment of benefits for GI Bill education and training benefits by the DVA under the Montgomery GI Bill (Title 10 U.S.C., Chapter 106 – Selected Reserve and Title 38 U.S.C., Chapter 30 – Active Duty). The administrative responsibilities designated to both agencies by the law require that data be exchanged in administering the programs.

3. Providing identification of reserve duty, including full-time support National Guard/Reserve military personnel, to the DVA, for the purpose of deducting reserve time served from any DVA disability compensation paid or waiver of VA benefit. The law (10 U.S.C. 684) prohibits receipt of reserve pay and DVA compensation for the same time period, however, it does permit waiver of DVA compensation to draw reserve pay.

4. Providing identification of former active duty military personnel who received separation payments to the DVA for the purpose of deducting such repayment from any DVA disability compensation paid. The law (38 U.S.C. 3104(c)) requires recoupment of severance payments before DVA disability compensation can be paid.

5. Providing identification of former military personnel and survivor's financial benefit data to DVA for the purpose of identifying military retired pay and survivor benefit payments for use in the administration of the DVA's Compensation and Pension program (38 U.S.C. 3104(c), 3006–3008). The information is to be used to process all DVA award actions more efficiently, reduce subsequent overpayment collection actions, and minimize erroneous payments.

To the Office of Personnel Management (OPM) consisting of personnel/employment/financial data for the purpose of carrying out OPM's management functions. Records disclosed concern pay, benefits, retirement deductions and any other information necessary for those management functions required by law (Pub. L. 83–598, 84–356, 86–724, 94–455 and 5 U.S.C. 1302, 2951, 3301, 3372, 4118, 8347).

To the Office of Personnel Management (OPM) to conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a) for the purpose of:

1. Exchanging personnel and financial information on certain military retirees, who are also civilian employees of the Federal government, for the purpose of identifying those individuals subject to a limitation on the amount of military retired pay they can receive under the Dual Compensation Act (5 U.S.C. 5532), and to permit adjustments of military retired pay by the Defense Finance and Accounting Service and to take steps to recoup excess of that permitted under

the dual compensation and pay cap restrictions.

2. Exchanging personnel and financial data on civil service annuitants (including disability annuitants under age 60) who are reemployed by DOD to insure that annuities of DOD reemployed annuitants are terminated where applicable, and salaries are correctly offset where applicable as required by law (5 U.S.C. 8331, 8344, 8401 and 8468).

3. Exchanging personnel and financial data to identify individuals who are improperly receiving military retired pay and credit for military service in their civil service annuities, or annuities based on the 'guaranteed minimum' disability formula. The match will identify and/or prevent erroneous payments under the Civil Service Retirement Act (CSRA) 5 U.S.C. 8331 and the Federal Employees' Retirement System Act (FERSA) 5 U.S.C. 8411. DOD's legal authority for monitoring retired pay is 10 U.S.C. 1401.

4. Exchanging civil service and Reserve military personnel data to identify those individuals of the Reserve forces who are employed by the Federal government in a civilian position. The purpose of the match is to identify those particular individuals occupying critical positions as civilians and cannot be released for extended active duty in the event of mobilization. Employing Federal agencies are informed of the reserve status of those affected personnel so that a choice of terminating the position or the reserve assignment can be made by the individual concerned. The authority for conducting the computer match is contained in E.O. 11190, Providing for the Screening of the Ready Reserve of the Armed Services.

To the Internal Revenue Service (IRS) for the purpose of obtaining home addresses to contact Reserve component members for mobilization purposes and for tax administration. For the purpose of conducting aggregate statistical analyses on the impact of DOD personnel of actual changes in the tax laws and to conduct aggregate statistical analyses to lifestream earnings of current and former military personnel to be used in studying the comparability of civilian and military pay benefits. To aid in administration of Federal Income Tax laws and regulations, to identify non-compliance and delinquent filers.

To the Department of Health and Human Services (DHHS):

1. To the Office of the Inspector General, DHHS, for the purpose of identification and investigation of DOD employees and military members who may be improperly receiving funds under the Aid to Families of Dependent Children Program.

2. To the Office of Child Support Enforcement, DHHS, pursuant to 42 U.S.C. 653 and Pub. L. 94–505, to assist state child support offices in locating absent parents in order to establish and/or enforce child support obligations.

3. To the Health Care Financing Administration (HCFA), DHHS for the purpose of monitoring HCFA reimbursement to civilian hospitals for Medicare patient treatment. The data will ensure no Department of Defense physicians, interns or residents are counted for HCFA reimbursement to hospitals.

4. To the Social Security Administration (SSA), Office of Research and Statistics, DHHS for the purpose of conducting statistical analyses of impact of military service and use of GI Bill benefits on long term earnings.

5. To the Bureau of Supplemental Security Income, SSA, DHHS to conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purpose of verifying information provided to the SSA by applicants and recipients who are retired military members or their survivors for Supplemental Security Income (SSI) benefits. By law (42 U.S.C. 1383) the SSA is required to verify eligibility factors and other relevant information provided by the SSI applicant from independent or collateral sources and obtain additional information as necessary before making SSI determinations of eligibility, payment amounts or adjustments thereto.

To the Selective Service System (SSS) for the purpose of facilitating compliance of members and former members of the Armed Forces, both active and reserve, with the provisions of the Selective Service registration regulations (50 U.S.C. App. 451 and E.O. 11623).

To DOD Civilian Contractors for the purpose of performing research on manpower problems for statistical analyses.

To the Department of Labor (DOL) to reconcile the accuracy of unemployment compensation payments made to former DOD civilian employees and military members by the states. To the Department of Labor to survey military separations to determine the effectiveness of programs assisting veterans to obtain employment.

To the U.S. Coast Guard (USCG) of the Department of Transportation (DOT) to conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purpose of exchanging personnel and financial information on certain retired USCG military members, who are also civilian employees of the Federal government, for the purpose of identifying those individuals subject to a limitation on the amount of military pay they can receive under the Dual Compensation Act (5 U.S.C. 5532), and to permit adjustments of military retired pay by the U.S. Coast Guard and to take steps to recoup excess of that permitted under the dual compensation and pay cap restrictions.

To the Department of Housing and Urban Development (HUD) to provide data contained in this record system that includes the name, Social Security Number, salary and retirement pay for the purpose of verifying continuing eligibility in HUD's assisted housing programs maintained by the Public Housing Authorities (PHAs) and subsidized multi-family project owners or management agents. Data furnished will be reviewed by HUD or the PHAs with the technical assistance from the HUD Office of the Inspector General (OIG) to determine whether the income reported by tenants to the PHA or subsidized multi-family project owner or management agent is correct and complies with HUD and PHA requirements.

To Federal and Quasi-Federal agencies, territorial, state, and local governments to support personnel functions requiring data on prior military service credit for their employees or for job applications. To determine continued eligibility and help eliminate fraud and abuse in benefit programs and to collect debts and over payments owed to these programs. To assist in the return of unclaimed property or assets escheated to states of civilian employees and military member and to provide members and former members with information and assistance regarding various benefit entitlements, such as state bonuses for veterans, etc. Information released includes name, Social Security Number, and military or civilian address of individuals. To detect fraud, waste and abuse pursuant to the authority contained in the Inspector General Act of 1978, as amended (Pub. L. 95–452) for the purpose of determining eligibility for, and/or continued compliance with, any Federal benefit program requirements. To private consumer reporting agencies to comply with the requirements to update security clearance investigations of DOD personnel.

To consumer reporting agencies to obtain current addresses of separated

military personnel to notify them of potential benefits eligibility.

To Defense contractors to monitor the employment of former DOD employees and members subject to the provisions of 10 U.S.C. 2397.

To financial depository institutions to assist in locating individuals with dormant accounts in danger of reverting to state ownership by escheatment for accounts of DOD civilian employees and military members.

To any Federal, state or local agency to conduct authorized computer matching programs regulated by the Privacy Act of 1974, as amended, (5 U.S.C. 552a) for the purposes of identifying and locating delinquent debtors for collection of a claim owed the Department of Defense or the Unites States Government under the Debt Collection Act of 1982 (Pub. L. 97–365).

To state and local law enforcement investigative agencies to obtain criminal history information for the purpose of evaluating military service performance and security clearance procedures (10 U.S.C. 2358).

To the United States Postal Service to conduct computer matching programs regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a), for the purposes of:

1. Exchanging civil service and Reserve military personnel data to identify those individuals of the Reserve forces who are employed by the Federal government in a civilian position. The purpose of the match is to identify those particular individuals occupying critical positions as civilians and who cannot be released for extended active duty in the event of mobilization. The Postal Service is informed of the reserve status of those affected personnel so that a choice of terminating the position on the reserve assignment can be made by the individual concerned. The authority for conducting the computer match is contained in E.O. 11190, Providing for the Screening of the Ready Reserve of the Armed Forces.

2. Exchanging personnel and financial information on certain military retirees who are also civilian employees of the Federal government, for the purpose of identifying those individuals subject to a limitation on the amount of retired military pay they can receive under the Dual Compensation Act (5 U.S.C. 5532), and permit adjustments to military retired pay to be made by the Defense Finance and Accounting Service and to take steps to recoup excess of that permitted under the dual compensation and pay cap restrictions.

The 'Blanket Routine Uses' set forth at the beginning of the DLA compilation of record system notices also apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Retrieved by name, Social Security Number, occupation, or any other data element contained in system.

SAFEGUARDS:

W.R. Church Computer Center - Tapes are stored in a locked cage in a controlled access area; tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

Back-up location - Tapes are stored in a bank-type vault; buildings are locked after hours and only properly cleared and authorized personnel have access.

RETENTION AND DISPOSAL:

Files constitute a historical data base and are permanent.

U.S. Postal Service records are temporary and are destroyed after the computer matching program results are verified.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Deputy Director, Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

Written requests should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license or military or other identification card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address inquiries to the Deputy Director, Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

Written requests should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license or military or other identification card.

CONTESTING RECORD PROCEDURES:

DLA rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, Personal Privacy and Rights of Individuals Regarding Their Personal Records; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The military services, the Department of Veteran Affairs, the Department of Education, Department of Health and Human Services, from individuals via survey questionnaires, the Department of Labor, the Office of Personnel Management, Federal and Quasi-Federal agencies, Selective Service System, and the U.S. Postal Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S322.11 DMDC

SYSTEM NAME:

Federal Creditor Agency Debt Collection Data Base.

SYSTEM LOCATION:

Primary location: W. R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93943–5000.

Decentralized segments: Military and civilian payment and personnel centers of the military services, the Office of Personnel Management, and Federal creditor agencies.

Backup location: Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Defense officers and enlisted personnel, members of reserve and guard components, retired military personnel. All Federal-wide civilian employees and retirees. Individuals identified by Federal creditor agencies as delinquent in repayment of debts owed to the U.S. Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, debt principal amount, interest and penalty amount, if any, debt reason, debt status, demographic information such as grade or rank, sex, date of birth, duty and home address, and various dates identifying the status changes occurring in the debt collection process.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Debt Collection Act of 1982 (Pub.L. 97–365); 5 U.S.C. 5514 'Installment

VOL 58 ISS 33 FE 22 1993 UMI

Deduction of Indebtedness'; 10 U.S.C. 136; 4 CFR Chapter II 'Federal Claims Collection Standards'; 5 CFR 550.1101–1108 'Collection by Offset from Indebted Government Employees'; 'Guidelines on the Relationship Between the Privacy Act of 1974 and the Debt Collection Act of 1982', March 30, 1983 (48 FR 15556, April, 1983); the Interagency Agreement for Federal Salary Offset Initiative (Office of Management and Budget, Department of the Treasury, Office of Personnel Management and the Department of Defense, April 1987); and Office of Management and Budget Guidelines (54 FR 52818, June 19, 1989) interpreting the provisions of the Privacy Act (5 U.S.C. 552a) pertaining to computer matching.

PURPOSE(S):

The primary purpose for the establishment of this system of records is to maintain a computer data base permitting computer matching in compliance with the Privacy Act of 1974 (5 U.S.C. 552a) as amended, to assist and implement debt collection efforts by Federal creditor agencies under the Debt Collection Act of 1982 to identify and locate individual debtors.

To increase the efficiency of U.S. Government-wide efforts to collect debts owed the U.S. Government.

To provide a centralized Federal data bank for computer matching of Federal employment records with delinquent debt records furnished by Federal creditor agencies under an Interagency agreement sponsored and monitored by the Department of the Treasury and the Office of Management and Budget.

To identify and locate employees or beneficiaries who are receiving Federal salaries or other benefit payments and indebted to the creditor agency in order to recoup the debt either through voluntary repayment or by administrative or salary offset procedures established by law.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Individual's name, Social Security Number, Federal agency or military service, category of employees, Federal salary or benefit payments, record of debts and current work or home address and any other appropriate demographic data to a Federal creditor agency for the purpose of contacting the debtor to obtain voluntary repayment and, if necessary, to initiate any administrative or salary offset measures to recover the debt.

To the Office of Finance of the U.S. House of Representatives and the Disbursing Office of the U.S. Senate, records of individual indebtedness from this system of records consisting of individual name, Social Security Number and amount, to be used to identify House and Senate members and their employees indebted to the Federal government for the purpose of collecting the debts.

The Defense 'Blanket Routine Uses' do not apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic computer tape.

RETRIEVABILITY:

Records are retrieved by social security number and name from a computerized index.

SAFEGUARDS:

Primary location at the W. R. Church Computer Center, Monterey, CA, tapes are stored in a controlled access area; tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

At the backup location in Monterey, CA, tapes are stored in rooms protected with cipher locks, the building is secured after hours, and only properly cleared and authorized personnel have access.

RETENTION AND DISPOSAL:

Records are erased within six months after each match cycle.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Deputy Director, Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Deputy Director, Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

Written requests for information should contain the full name, social security number, current address and telephone number of the individual requesting information.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations are contained in Defense Logistics Agency Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Federal creditor agencies, the Office of Personnel Management and DOD personnel and finance centers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S322.20 DMDC

SYSTEM NAME:

Reenlistment Eligible File (RECRUIT).

SYSTEM LOCATION:

Primary location: W.R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93943–5000.

Back-up file: Offices of the Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former enlisted personnel of the military services who separated from active duty since 1971.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer records consisting of Social Security Number, name, service, date of birth and date of separation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136.

PURPOSE(S):

The purpose of the system is to assist recruiters in reenlisting prior service personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Any record may be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action or regulatory order. Any record may be disclosed to Coast Guard recruiters in the performance of their assigned duties.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are stored on disc with a full backup on magnetic tape.

RETRIEVABILITY:

Retrievable by Social Security Number.

SAFEGUARDS:

Disc file is protected by password access and hard-wire system.

Monterey, CA location has tape storage area in locked room accessible only to authorized personnel; building is locked after hours.

Recruiters making telephone inquiries must have valid recruiter identification and call back number.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief, Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Manager, RECRUIT System, Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Manager, RECRUIT System, Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

Written requests for information should contain the full name, current address, telephone number, Social Security Number, and date of separation of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The data contained in the system are obtained from the Army, Navy, Air Force, Marine Corps, and Coast Guard.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S322.35 DMDC

SYSTEM NAME:

Survey and Census Data Base.

SYSTEM LOCATION:

Primary location - W.R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93943–5000.

Decentralized locations for back-up files - Department of Defense, Defense Manpower Data Center, 1600 Wilson Boulevard, 4th Floor, Arlington, VA 22209–2593, and Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals targeted for a census and who returned census forms or individuals who were selected at random for survey administration and who completed survey forms. Survey data is collected on a periodic basis. Individuals include both civilians and military members and all persons eligible for DOD benefits. Among civilian respondents are young men and women of military age and applicants to the military services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Survey responses and census information:

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136 and 2358; E.O. 9397; DOD Directive 5124.2, Assistant Secretary of Defense (Force Management and Personnel).

PURPOSE(S):

The purposes of the system are to count DOD personnel and beneficiaries for evacuation planning, apportionment when directed by oversight authority and for other policy planning purposes, and to obtain characteristic information on DOD personnel and households to support manpower and benefits research; to sample attitudes and/or discern perceptions of social problems observed by DOD personnel and to support other manpower research activities; to sample attitudes toward enlistment in and determine reasons for enlistment decisions. This information is used to support manpower research sponsored by the Department of Defense and the military services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information may be used to support manpower research sponsored by other Federal agencies.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic computer tape.

RETRIEVABILITY:

Records can be retrieved by Social Security Number; by institutional affiliation such as service membership; and by individual characteristics such as educational level.

SAFEGUARDS:

Tapes stored at the primary location are kept in a locked storage cage in a controlled access area; tapes stored at the back-up locations are kept in locked storage areas in buildings which are locked after hours.

RETENTION AND DISPOSAL:

Computer records are permanent; survey questionnaires and census forms are destroyed after computer records have been created.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Manpower Data Center, 1600 Wilson Boulevard, 4th Floor, Arlington, VA 22209–2593.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Director, Defense Manpower Data Center, 1600 Wilson Boulevard, 4th Floor, Arlington, VA 22209–2593.

Written requests should contain the full name, Social Security Number, and current address and telephone numbers of the individual. In addition, the appropriate data and location where the survey was completed should be provided.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license or military or other identification card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Director, Defense Manpower Data Center, 1600 Wilson Boulevard, 4th Floor, Arlington, VA 22209–2593.

Written requests should contain the full name, Social Security Number, and current address and telephone numbers of the individual. In addition, the appropriate data and location where the survey was completed should be provided.

For personal visits, the individual should be able to provide some acceptable identification such as

driver's license or military or other identification card.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The survey and census information is provided by the individual; additional data obtained from Federal records are linked to individual cases in some data sets.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S322.50 DMDC

SYSTEM NAME:

Defense Enrollment/Eligibility Reporting System (DEERS).

SYSTEM LOCATION:

Primary location: W.R. Church Computer Center, Naval Postgraduate School Monterey, CA 93943–5000.

Decentralized segments - A support center and an eligibility center are maintained and operated by a contractor in Monterey, CA and Alexandria, VA; two data processing centers in Sacramento, CA and Camp Hill, PA and the Processing Center for Automation of DOD Forms 1171 in Monterey, CA.

Back-up files maintained at the Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Armed Forces and reserve personnel and their dependents, retired Armed Forces personnel and their dependents; surviving dependents of deceased active duty retired personnel; active duty and retired Coast Guard personnel; active duty and retired Public Health Service personnel (Commissioned Corps) and their dependents; and active duty and retired National Oceanic and Atmospheric Administration employees (Commissioned Corps) and their dependents; and State Department employees employed in a foreign country and their dependents and any other individuals entitled to care under the health care program; providers and potential providers of health care; and any individual who submits a health care claim.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer files containing beneficiary's name, Service or Social Security Number of sponsor, enrollment number, relationship of beneficiary to sponsor, residence address of beneficiary or sponsor, date of birth of beneficiary, sex of beneficiary, branch of service of sponsor, dates of beginning and ending eligibility, number of dependents of sponsor, primary unit duty location of sponsor, race and ethnic origin of beneficiary, occupation of beneficiary, rank/pay grade of sponsor, and claim records of CHAMPUS claims containing enrollee, patient and provider data such as cause of treatment, amount of payment, name and Social Security or tax I.D. number of providers of care. Information on individual records may extend to blood test results, dental care premium codes and dental x-rays.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136; 1969 Pub. L. 91–121, Section 404(A)(2), Establishment of the Assistant Secretary of Defense for Health Affairs; the Presidentially Commissioned Department of Defense, Department of Health, Education and Welfare, Office of Management and Budget Report of the Health Care Study (completed December 1975): DOD Directive 1341.1, Defense Enrollment/ Eligibility Reporting System, October 14, 1981; DOD Instruction 1341.2, DEERS Procedures; E.O. 9397.

PURPOSE(S):

The purpose of the system is to provide a data base for determining eligibility to receive health care benefits under the Uniformed Health Services Delivery System and CHAMPUS, to support DOD health care management programs, to provide identification of deceased members, to monitor the accuracy of payments and to identify and collect overpaid amounts and to detect fraud and abuse of the benefit program by claimants and providers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Health and Human Services; Department of Veterans Affairs; Federal Emergency Management Agency; Commerce Department and Transportation Department for the conduct of health care studies, for the planning and allocation of medical resources, for support of the DEERS enrollment process, and to identify individuals not entitled to health care. The data provided includes data on ages, sex, residence and other demographic parameters.

To other federal agencies to identify fraud and abuse of the federal agency's programs and to identify debtors and collect debts and overpayments in the DOD health care programs. State, local and territorial governments to help eliminate fraud and abuse in their benefits programs.

To provide dental care providers to assure treatment eligibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tapes and disks are housed in a controlled computer media library.

RETRIEVABILITY:

Records about individuals are retrieved by an algorithm determined by contractor which uses name, enrollment number, Social Security Number, date of birth, rank and duty location as possible inputs. Retrievals are made on a summary basis by geographic characteristics and location and demographic characteristics. Information about individuals will not be distinguishable in such summary retrievals. Retrievals for the purposes of generating address lists for direct mail distribution of health care information may be made using selection criteria based on geographic and demographic keys.

SAFEGUARDS:

Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry to these areas is restricted to those personnel with a valid requirement and authorization to enter. Physical entry is restricted by the use of locks, guards, administrative procedures (e.g., fire protection regulations). Exits used solely for emergency situations are secured to prevent unauthorized intrusion.

Personal data stored at a separate location for backup purposes is protected at least comparably to the protection provided at the primary location.

Requirements for protection of information are binding on contractors of their representative and are subject to the following minimum standards:

Access to personal information is restricted to those who require the records in the performance of their official duties, and to the individuals who are the subjects of the record or their authorized representatives. Access to personal information is further restricted by the use of passwords which are changed periodically.

All those officials whose duties require access to, or processing and maintenance of personal information are

trained in the proper safeguarding and use of the information.

RETENTION AND DISPOSAL:

Computerized records on an individual are maintained as long as the individual is legally eligible to receive health care benefits from the Uniformed Health Sciences Delivery System. The records are maintained for two (2) years after termination of eligibility.

Records may be disposed of or destroyed in accordance with DOD Component record management regulations which conform to the controlling disposition of such material as set forth in 44 U.S.C. 3301–3314. Non-record material containing personal information and other material of similar temporary nature is destroyed as soon as its intended purpose has been served under procedures established by the Head of the DOD Component consistent with the following requirement. Such material shall be destroyed by tearing, burning, melting, chemical deposition, pulping, pulverizing, shredding, or mutilation sufficient to preclude recognition or reconstruction of the information.

SYSTEM MANAGER(S) AND ADDRESS:

Project Manager, DEERS, Defense Manpower Data Center, 2511 Garden Road, Suite A–180, Monterey, CA 93940–5330.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Project Manager, DEERS, Defense Manpower Data Center, 2511 Garden Road, Suite A–180, Monterey, CA 93940–5330.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Project Manager, DEERS, Defense Manpower Data Center, 2511 Garden Road, Suite A–180, Monterey, CA 93940–5330.

Written requests for the information should contain full name of individual and sponsor, if applicable, and other attributes required by previously mentioned search algorithm.

For personal visits the individual should be able to provide a data element required to satisfy the previously mentioned algorithm.

Identification should be corroborated with a driver's license or other positive identification.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personnel and financial pay systems of the Military Departments, the Coast Guard, the Public Health Service, the National Oceanic and Atmospheric Administration, other Federal agencies having employees eligible for military medical care.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S322.51 TPDC

SYSTEM NAME:

Training Cohort Data Base.

SYSTEM LOCATION:

Training and Performance Data Center (TPDC), 3280 Progress Drive, Orlando, FL 32826–3229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military officers and enlisted personnel who entered active duty after July 1, 1971, or who became a member of a reserve component after October 1, 1979; DOD civilian employees of the military services since December 31, 1976.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized records, some of which are organized into year-of-entry cohorts. These records are copied from existing data files and reports (see Sources below). Longitudinal information consists of Social Security Number; demographic and accession-related information such as age, sex, race, ethnicity, mental aptitude scores, physical characteristics, date of entry; military personnel information such as rank, term of service, promotion dates; training and occupational information such as inservice schooling, on-the-job training, and military occupation with corresponding dates; training outcome and job performance measurements; and separation-related information such as eligibility to reenlist.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 113; 10 U.S.C. 131; 10 U.S.C. 136; E.O. 9397.

PURPOSE(S):

The purpose of the system of records is to provide a central facility that will support the DOD training community in the following activities: Reviewing training requirements and assessing occupational trends; examining training attrition patterns, training management options, methods, and efficiency; tracking occupational skill and experience inventories, and changes in occupation pipelines; and developing training, performance, readiness linkages to support research and planning activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic computer tape and disk.

RETRIEVABILITY:

Retrievable by Social Security Number.

SAFEGUARDS:

Tapes are stored in a locked vault in the machine room. This is a controlled access area which can be accessed only by authorized individuals. Tapes are mounted for processing by use of the Tape Management System whereby each tape contains a unique I.D. and account number. Only authorized users can issue job control instructions at program run time to instruct the operator in mounting appropriate tapes. Back-up tapes are stored in a separate locked vault located at the opposite end of the facility.

Disk storage is protected with passwords at both account and file levels. The password protection also controls type of access to the file.

The original tapes are maintained in a locked room, with restricted access, at Defense Training and Performance Data Center, 3280 Progress Drive, Orlando, FL 32826–3229.

RETENTION AND DISPOSAL:

These files constitute a historical data base and are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Training Cohort Data Base, Defense Training and Performance Data Center, 3280 Progress Drive, Orlando, FL 32826–3229.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Manager, Training Cohort Data Base, Defense Training and Performance Data Center, 3280 Progress Drive, Orlando, FL 32826–3229.

VOL 58 ISS 33 FE 22 1993 UMI

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Manager, Training Cohort Data Base, Defense Training and Performance Data Center, 3280 Progress Drive, Orlando, FL 32826–3229.

Written requests for information should contain Social Security Number, date of birth, and date of entry into military service, as well as current address and telephone number at which the individual can be reached.

For personal visits, the individual should provide acceptable identification, such as driver's license or military identification card.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The military services; the Defense Manpower Data Center, Defense Logistics Agency.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S322.53 DMDC

SYSTEM NAME:

Defense Debt Collection Data Base.

SYSTEM LOCATION:

Primary Location: W. R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93943–5000.

Back-up files maintained at the Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

Decentralized segments - military and civilian financial and personnel centers of the services.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All offices and enlisted personnel, members of reserve components, retired military personnel and survivors and deceased military personnel, Federal civilian employees, and contractors who nave been identified as being indebted o the United States Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer records containing name, Social Security Number, debt principal amount, interest and penalty amount (if any), debt reason, debt status, demographic information such as grade or rank, sex, date of birth, location, and various dates identifying the status changes occurring in the debt collection process.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136 and Pub. L. 97–365, Debt Collection Act of 1982.

PURPOSE(S):

The purpose of the system of records is to provide the DOD with a central record of all debts and debtors either under current or past financial obligation to the United States Government to control and report on the debt collection process.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Other Federal Agencies - Records of debtors obligated to DOD, but currently employed by another Federal agency are referred to the employing agency under the provisions of the Debt Collection Act of 1982 for collection of the debt. Records of debtors employed by DOD, but obligated to another Federal agency will be released to the other agency upon collection of the debt.

Internal Revenue Service - Record may be referred to obtain home address.

Office of Personnel Management - Records may be referred to obtain current employment location.

Credit Bureaus and Debt Collection Agencies - Records may be referred to private contract organizations to comply with the provisions of the Debt Collection Act of 1982 for non-payment of a outstanding debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tape.

RETRIEVABILITY:

Records are retrieved by social security number and name from a computerized index.

SAFEGUARDS:

Primary location - W. R. Church Computer Center - tapes are stored in a controlled access area; tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

Back-up location - Monterey, California - tapes are stored in rooms protected with cypher locks, building is locked after hours, and only properly cleared and authorized personnel have access.

RETENTION AND DISPOSAL:

Records are retained indefinitely as a financial record.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Deputy Director, Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Director, Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

Individuals should provide information that contains the full name, Social Security Number, and current address and telephone number of the individual.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

The record accuracy may also be contested through the administrative processes contained in Pub. L. 97–365, Debt Collection Act of 1982.

RECORD SOURCE CATEGORIES:

The military services and any other Federal agency.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S330.10 DLA-KS

SYSTEM NAME:

Official Records for Host Enrollee Programs.

SYSTEM LOCATION:

Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Primary Level Field Activities (PLFAs) act as hosts for individuals sponsored by local, state and federal agencies who seek work experience and training with DLA activities with or without DLA participation relative to compensation and reimbursement.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants and selectees of Host Enrollee Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Various forms and records pertaining to the selection, tenure, and separation of individuals in the Host Enrollee Program. Records contain time and attendance data, training information, periodic evaluations, data on enrollee designee for emergency contact, and similar employment related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Rehabilitation Act of 1973 (29 U.S.C. 701, et seq.); Emergency Jobs and Unemployment Assistance Act of 1974 (Pub. L. 93–567); Comprehensive Employment and Training Act (CETA) (29 U.S.C. 801, et seq.).

PURPOSE(S):

This information is used to assist personnel and management officials in administering a uniform employment and training program and to make a proper evaluation of the enrollee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in computerized and paper form.

RETRIEVABILITY:

Retrieved by employee name under particular type of Host Enrollee Program.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must access the records to perform their duties. The computerized files are password protected with access restricted to authorized users.

RETENTION AND DISPOSAL:

Records are maintained for the duration of the enrollee's program assignment. They are held for two years after separation from the program and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Primary Level Field Activities Civilian Personnel Officers. Official mailing addresses are published as an appendix to DLA's compilation of system of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the PLFA Civilian Personnel Office where the enrollment occurred. Individuals currently enrolled in the Host Enrollee Program may obtain information directly from the system manager. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Written inquiries should contain the full name of the individual and the name of the program enrolled or formerly enrolled in.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the PLFA Civilian Personnel Office where enrollment occurred. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Written requests should include requester's full name, name of program enrolled or formerly enrolled, and job title held. For personal visits employees should be able to provide some acceptable identification.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, Personal Privacy and Rights of Individuals Regarding Their Personal Records; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the employee, program sponsor, educational institutions, supervisors and others who contribute to the work and training experience of the enrollee while registered in the respective PLFA Host Enrollee Program.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S330.20 DLA-KS

SYSTEM NAME:

Complaints.

SYSTEM LOCATION:

Staff Director, Civilian Personnel, Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, and Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DLA current and former civilian and military personnel, contractor employees, union spokesmen, and other individuals and organizations who have presented complaints to Members of Congress which have been referred to the Staff Director, Civilian Personnel, Headquarters DLA, for response, actions, or information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files of complaints to Members of Congress. Cases include correspondence, reports, input from staff elements and field activities, and related supporting papers regarding specific complaint.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133; 5 U.S.C., Chap. 29; and Department of Defense Directive 5400.4.

PURPOSE(S):

Information is collected in order to base reply to complainant and to determine need for and course of action to be taken regarding complaint. Information is used by Director, DLA, and DLA staff, field commanders, managers, and supervisors in replying to additional inquiries and for bringing to attention of higher level management, when appropriate.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information is furnished to individuals or organizations who wrote to DLA on behalf of the complainant and who use it to respond to the complainant, or for other related purposes. The Defense Logistics Agency 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and a log book.

RETRIEVABILITY:

Complaints are retrieved alphabetically by last name of individual. Group complaints are retrieved alphabetically by activity where originated. Complaints from organizations are filed alphabetically by organization or activity name.

SAFEGUARDS:

Records are maintained in locked filing cabinets in areas accessible only to Agency personnel.

VOL 58 ISS 33 FE 22 1993 UMI

RETENTION AND DISPOSAL:

Records are destroyed after 8 years.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Civilian Personnel, Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, and Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries or make a personal visit to the Staff Director, Civilian Personnel, Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, or the Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individual must provide full name, the name of any DLA activity involved, and general nature of complaint individual believes to be filed in the system.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Staff Director, Civilian Personnel, Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, or the Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

The request should contain the full name, current address and telephone number of the individual, and the general nature of complaint individual believes to be filed in this system. For personal visits, individual should also be able to provide some acceptable identification, that is, driver's license, work identification card, and give some verbal information that could be verified with his/her case folder.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, Personal Privacy and Rights of Individuals Regarding Their Personal Records; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Employee's supervisor, civilian personnel office of employee's activity, U.S. Office of Personnel Management, staff elements, other Federal agencies, DLA activities or other parties that may have information pertinent to specific complaint, or an interest in the complaint.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S330.40 DLA-KS

SYSTEM NAME:

Employee Assistance Program Case Record Systems.

SYSTEM LOCATION:

Headquarters Defense Logistics Agency, DLA Primary Level Field Activities, and offices of contractors who provide counseling services. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees in appropriated and nonappropriated fund activities who are referred by management or who voluntarily request counseling assistance; military service members assigned to DLA activities who voluntarily request counseling; and family members of military members or civilian employees who voluntarily request counseling.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual case records maintained by counselors, supervisors, civilian personnel offices, and social actions offices which consist of information on condition, current status, and progress of individuals who have alcohol, drug, emotional, or other personal problems affecting job performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 21 U.S.C. Chap 16, Drug Abuse Prevention, Treatment, and Rehabilitation; 42 U.S.C. Chap 6A, Subchapter IIIA, Alcohol, Drug Abuse, and Mental Health Programs; Subchapter A of Chapter I, Title 42, Code of Federal Regulations; 5 U.S.C. Chap. 43, Performance Appraisal.

PURPOSE(S):

Used in the execution of the counseling function as it applies to the individual; selected information may be provided to and used by other counselors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In order to comply with provisions of 42 U.S.C. 290dd–3 and 290ee–3, the DLA 'Blanket Routine Uses' do not apply to this system of records.

Records in this system may not be disclosed without the prior written consent of such patient, unless the disclosure would be:

To medical personnel to the extent necessary to meet a bona fide medical emergency;

To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner; and

If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper and computerized form.

RETRIEVABILITY:

By employee name, locally assigned identifying number or by case number.

SAFEGUARDS:

Records are maintained in areas accessible only to individuals who must access the records to perform their official duties. Computer files are password protected with access restricted to authorized users.

RETENTION AND DISPOSAL:

Records are destroyed 3 years after termination of counseling.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Officer or comparable official of the Civilian Personnel Office servicing the activity or installation. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to servicing civilian personnel office or to the appropriate Employee Assistance Program administrator at the activity. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address inquiries to the Personnel Officer or comparable official of the Civilian Personnel Office servicing the activity or installation. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, Personal Privacy and Rights of Individuals Regarding Their Personal Records; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Counselors, other officials, individuals or practitioners, and other agencies both in and outside of Government.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S330.50 DLA-KS

SYSTEM NAME:

Official Personnel Files for Nonappropriated Fund Employees.

SYSTEM LOCATION:

Geographically and organizationally decentralized to the Defense Logistics Agency Primary Level Field Activities which employ nonappropriated fund employees Official mailing address are published as an appendix to DLA's compilation of systems of records notices.

Some of the information contained in this system may be duplicated for maintenance at a location closer to the employee's work site (e.g., in an administrative office or supervisor's work folder) and still be covered by this system notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of nonappropriated fund (NAF) instrumentalities of DLA and former employees of such activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain identifying information such as name, date of birth, home address, social security number, home telephone, work experience, educational level, and specialized training. Files will also contain information pertaining to the selection and appointment of NAF employees, along with separation, classification, training, adverse or disciplinary actions, and similar employment-related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 302; 10 U.S.C. 133; and E.O. 9397.

PURPOSE(S):

The files provide the basic source of factual data about a person's NAF employment. The information is collected and maintained to provide personnel services to the employee and to provide personnel and supervisory officials with information on which to base decisions on employee rights, benefits, eligibility and status.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information may be disclosed to government and private vendor training facilities and educational institutions in support of training requirements; to health and life insurance carriers for enrollment purposes; to state unemployment compensation agencies to adjudicate claims; to Federal, state, local, and professional licensing boards concerning the issuance, retention, or revocation of licenses or certificates.

The Defense Logistics Agency 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper and computerized form.

RETRIEVABILITY:

Records are retrieved by name or Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must have access to perform their duties. The computer files are password protected with access restricted to authorized users.

RETENTION AND DISPOSAL:

Folders are maintained for the duration of the employee's employment. They are retired to the National Personnel Records Center (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118, one year after separation.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officers of Defense Logistics Agency Primary Level Field Activities where there are NAF employees. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system of records should address inquiries to the Civilian Personnel Officer of the Defense Logistics Agency Primary Level Field Activity where employed. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Inquiry should contain requester's full name and location of organization where employed. The requester may visit the Office of Civilian Personnel of the appropriate PLFA to obtain information on whether the system contains records pertaining to him or her.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address inquiries to the Civilian Personnel Officer of the Defense Logistics Agency Primary Level Field Activity where employed. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Written requests should include requester's full name, job title and name of organization where employed. For personal visits employee should be able to provide some acceptable identification such as driver's license or employee identification badge.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, Personal Privacy and Rights of Individuals Regarding Their Personal Records; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in the folder is obtained from the employee's previous employer, educational institutions, trade associations, references and others who would have knowledge of the employee's skills or employment characteristics and papers originating with the activity during the employee's work history.

VOL
58
ISS
33
FE
22
1993
UMI

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S333.10 DLA-G

SYSTEM NAME:

Attorney Personal Information and Applicant Files.

SYSTEM LOCATION:

Office of General Counsel, HQ DLA-G, Cameron Station, Alexandria, VA 22304–6100, and the offices of counsel of the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DLA attorneys, former DLA attorneys, and applicants for DLA Legal positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cover letters, resumes, and Forms submitted by applicants and replies thereto, and records of promotions, courses completed, position descriptions, performance appraisals, personnel actions, educational actions, educational transcripts, recommendations and personal data of DLA attorneys.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, General Authority to Employ; E.O. 10577, Office of Personnel Management, Title 5, Part 213; 10 U.S.C. 137, DLA Regulation 1442.1.

PURPOSE(S):

Applications are used for filling positions in all DLA legal offices. Attorney information folders are maintained for review incident to personnel actions including promotions, performance appraisals, reassignments, etc. and as a general performance and experience record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Parts of these folders may be submitted to other agencies considering the attorney for employment. Information may be used in answering inquiries from individuals, Congressman or other Government agencies or for verification of employment.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and computerized form.

RETRIEVABILITY:

Filed by surname of attorney or applicant.

SAFEGUARDS:

Attorney information folders are kept in a locked file cabinet; applicants are kept in file cabinets accessible only to authorized personnel of the Office of Counsel or as determined by Counsel.

RETENTION AND DISPOSAL:

Applicants are kept for one year from receipt. Attorney information folders are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counsel, Defense Logistics Agency, DLA-G, Cameron Station, Alexandria, VA 22304–6100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of General Counsel, Defense Logistics Agency, DLA-G, Cameron Station, Alexandria, VA 22304–6100.

Individual must provide full name and, if appropriate, date application was submitted.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of General Counsel, Defense Logistics Agency, DLA-G, Cameron Station, Alexandria, VA 22304–6100.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Applicants, employees, co-employees, outside references, supervisors, and personnel offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S335.01 DLA-KW

SYSTEM NAME:

Training and Employee Development Record System.

SYSTEM LOCATION:

Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, and the DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees, U.S. citizens and foreign national direct hires receiving training supported by the Federal Government, paid from appropriated funds. Department of Defense military personnel may be included in the automated training information system, and non-appropriated fund personnel may be included in some of the installation manual records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Automated and non-automated records are maintained reflecting information pertaining to the employee's identification, Social Security Number, occupational status (series, grade level and supervisory status) course identification, course length, category and purpose of training received, date on which training was completed, associated costs, pre-post test results, and similar data. Input documents for the system include, but are not limited to completed automated forms, training reports, authorization and records, key punched cards. The manual files are maintained in paper folders containing employees' registration and records of training documents. Apprentice, on-the-job training program, and similar trainee intake program manual and automated records are maintained, reflecting information pertaining to subject employee's identification, date of birth, entrance date of program, dates and nature of personnel actions which occurred during fiscal year, student progress, and statistical data which affects the numbers of apprentices in training as of a given date. At HQ DLA, nomination forms and documents (non-automated) for centrally-administered education and training programs are maintained. The manual files contain the candidate's nomination documents, training requests, enrollment and registration and other documents related to training. Manual files are maintained at installations regarding courses conducted on their premises, or for which they sponsor, listing such things as completion dates and course participants. Additionally, manual files are typically found at the field activities containing information regarding an employee's supervisory status, an

indication as to whether or not he/she has participated in supervisory training. Files are often maintained regarding an employee's certification/recertification or demonstrated proficiency in one or more skills areas; an activity-wide annual training plan should also be maintained, as well as individual training plans. Files are also maintained regarding professional licenses held by installation personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4103, 4118, and 4115.

PURPOSE(S):

Information is used by officials and employees of DLA and other DOD Components in the performance of their official duties related to the management of the civilian employee training programs, the design, development, maintenance and operation of the manual and automated system of record keeping and reporting; the screening and selection of candidates for centrally administered programs; and administration of grievance, appeals, complaints and litigation involving the disclosure of records of the training programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Comptroller General or any of his authorized representatives in the courses of the performance of duties of the General Accounting Office relating to the Defense components civilian training programs. Officials and employees of the Executive Branch of government upon request in the performance of their official duties related to the screening and selection of candidates for programs sponsored by their organization. Representatives of the U.S. Department of Labor on matters relating to the inspection, survey, audit or evaluation of apprentice training programs and other such matters under the jurisdiction of the Labor Department. Representatives of the Department of Veterans Affairs on matters relating to the inspection, survey, audit or evaluation of apprentice and on-the-job training programs. The computer-systems group contractor (or other such contractor) and its employees for the purpose of card punch recording of data from employee training documents. A duly appointed hearing examiner or arbitrator for the purpose of conducting a hearing in connection with an employee's grievance involving the disclosure of the records of the training programs. An arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving the disclosure of the records in order to evaluate training and employee development record systems.

The Senate or the House of Representatives of the United States or any committee or subcommittee thereof, any joint committee of Congress or subcommittee, or Joint Committees on matters within their jurisdiction requiring disclosure of the files or records of civilian training programs.

Representatives of educational institutions which have been awarded contracts to conduct training in order to create and maintain individual training records of those who attend.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tapes, drums, computer printouts, and on punched cards. Manual records are stored in paper file folders.

RETRIEVABILITY:

Automated records are retrieved by Social Security Number and name, or by one, or a combination of data elements contained in the program master files. Manual records are retrieved by employee last name, by course control information, or by training program title.

SAFEGUARDS:

The computer facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared and training. Manual records and computer printouts are available only to authorized personnel having as need-to-know.

RETENTION AND DISPOSAL:

Manual records are maintained on a fiscal year basis and are retained for varying periods from one to five fiscal years. For centrally administered programs, files on selected candidates are maintained for five years (from date selection process is completed). Records of non-selected candidates are retained only for that period of time sufficient to permit appropriate review (usually less than 60 days). Some installation records are maintained for varying periods.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director of Civilian Personnel, HQ DLA-K, Cameron Station, Alexandria, VA 22304–6100, and the Civilian Personnel Officers of the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Staff Director of Civilian Personnel, HQ DLA-K, Cameron Station, Alexandria, VA 22304–6100, and the Civilian Personnel Officers of the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individuals should provide information that contains the full name of the requester and his signature. Proof of identification will consist of a DOD building pass or identification badge, driver's license, or any other type of identification bearing an employee picture and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Staff Director of Civilian Personnel, HQ DLA-K, Cameron Station, Alexandria, VA 22304–6100, and the Civilian Personnel Officers of the DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Civilian Personnel Offices; Current and previous supervisors of employee (when appraisals of performance/potential are used).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S337.01 DLA-KS

SYSTEM NAME:

Labor Management Relations Records System.

SYSTEM LOCATION:

Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, and Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees who are involved in grievances which have been referred to an arbitrator for resolution; civilian employees involved in the filing of Unfair Labor Practice complaints which are being processed by the Federal Labor Relations Authority; and union officials and union representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Folder contains all information pertaining to a specific arbitration case or specific alleged Unfair Labor Practice involving DLA or the Department of Defense; field activities maintain roster of local union officials and union stewards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Chapter 71 of Title 5 of the U.S. Code, Labor-Management Relations.

PURPOSE(S):

Officials and employees of the Department of Defense (to include Army, Navy, Air Force, and other DOD agencies) in the performance of their official duties related to the Labor-Management Relations Program, e.g., administration/implementation of arbitration awards, interpretation of the statute through third party case decisions; and national consultation and other dealings with the recognized unions. Officials and employees of the components of the Department of Defense in the performance of their official duties related to the administration of the Labor Management Relations Program; a duly appointed arbitrator for the purpose of conducting a hearing in connection with an employee's grievance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Representatives of the U.S. Office of Personnel Management (OPM) on matters relating to the inspection, survey, audit or evaluation of Civilian Personnel Management Programs. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Labor-Management Relations Program. The Federal Labor Relations Authority to respond to inquiries from that office regarding complaints referred to or filed with that office.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper and computerized form.

RETRIEVABILITY:

Records are retrieved by case subject, case numbers, and/or individual employee names.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must access the records to perform their duties. The computerized files are password protected with access restricted to authorized users.

RETENTION AND DISPOSAL:

Records are destroyed 5 years after final resolution of case.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer or comparable official of the Civilian Personnel Office servicing the Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, and Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Civilian Personnel Officer or comparable official of the Civilian Personnel Office servicing the Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, and Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

The letter should contain the full name and signature of the requester. The individual may visit the DLA activity at which he or she is employed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Civilian Personnel Officer or comparable official of the Civilian Personnel Office servicing the Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, and Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

The letter should contain the full name and signature of the requester. The individual may visit the DLA activity at which he or she is employed. In addition, requester must be able to provide some suitable type of identification.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, Personal Privacy and Rights of Individuals Regarding Their Personal Records; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Servicing Civilian Personnel Officers, arbitrator's office, the Federal Labor Relations Authority, and union officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S337.25DLA-KS

SYSTEM NAME:

Employee Relations Under Negotiated Grievance Procedures.

SYSTEM LOCATION:

Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, and Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix the to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Defense civilian employees on whom discipline, grievance, and complaint records exist. Discrimination complaints of civilian employees, applicants for employment and former employees in appropriated and nonappropriated positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information and documents pertaining to discipline, grievance, complaints, and appeals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 9830, Amending the Civil Service Rules and Providing for Federal Personnel Administration; Equal Employment Opportunity Act of 1972, Pub. L. 92–261; 5 U.S.C. Chap. 33, Examination, Selection, and Placement; 29 U.S.C. Chap. 14, Age Discrimination Employment; 5 U.S.C. Chap 75, Adverse Actions; and 5 U.S.C. Chapter 71, Labor-Management Relations.

PURPOSE(S):

Records are used by officials of the Department of Defense in the

performance of their official duties related to the management of civilian employees in the processing, administration and adjudication of discipline, grievance, complaints, and appeal actions. Records are also used for litigation and program evaluation purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Representatives of the Office of Personnel Management (OPM) on matters relating to the inspection, survey, audit or evaluation of civilian personnel management programs or personnel actions, or such other matters under the jurisdiction of the OPM. Appeals authority for the purpose of conducting hearings in connection with employee's appeals from adverse actions and formal discrimination complaints. The Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the civilian manpower management program. The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. The Senate or the House of Representatives of the United States or any member, committee or subcommittee or joint committees on matters within their jurisdiction relating to the above programs.

The Defense Logistics Agency 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper and computerized form.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must access the records to perform their duties. The computer files are password protected with access restricted to authorized users.

RETENTION AND DISPOSAL:

Records are destroyed three years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officer or comparable official of the Civilian Personnel Office servicing the Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, and Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Civilian Personnel Officer or comparable official of the Civilian Personnel Office servicing the Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, or Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

The letter should contain the full name and signature of the requester and the type of record sought. The individual may visit the activity at which he or she is employed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Civilian Personnel Officer or comparable official of the Civilian Personnel Office servicing the Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, and Defense Logistics Agency Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

The letter should contain the full name and signature of the requester. The individual may visit the Department of the Defense activity at which he or she is employed. In addition, requester must be able to provide some suitable type of identification.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, Personal Privacy and Rights of Individuals Regarding Their Personal Records; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Supervisors or other appointed officials designated for this purpose.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S339.50 DSAC-L

SYSTEM NAME:

Staff Information File.

SYSTEM LOCATION:

Defense Logistics Agency, System Automation Center, 3990 East Broad Street, Columbus, OH 43216–5002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DSAC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer records and print-outs containing personnel type information about each staff member, including name, home address, grade, sex, job class, position title, home and office telephone numbers, birth date, service computation date, subsidiary cost code, office symbol, position code, supervisory code, employee account number, minority group designator, War Emergency Support Plan assignment, and DSN (formerly Autovon) approval.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in 10 U.S.C. 133, the Secretary of Defense has issued DOD Directive 5105.22 (32 CFR part 359) establishing the DLA as a separate agency of the Department of Defense under his direction and therein has charged the Director, DLA, with the responsibility for the maintenance of necessary and appropriate records.

PURPOSE(S):

Information is maintained to provide readily accessible data about staff which are required for day-to-day operations and which would be impractical to organize and use on a manual basis or from other records. Information is used by officials of the DSAC and the Defense Construction Supply Center (DCSC): As a reference report to determine or verify data concerning each staff member in the process of day-to-day operations; to provide the Operations Control Center the capability to contact individuals during nonduty hours for providing assistance to system users; to determine staff members eligible for retirement in the next five years and develop plans as necessary for replacement of personnel who could retire; to provide a complete list by organization assignment and to identify location of each staff member, account for vacancies and encumbered positions and determine progress toward average grade level goal(s); for accounting purposes in submitting jobs to the computer center; to provide a list of the identifying numbers assigned to

VOL
58
ISS
33
FE
22
1993
UMI

each staff position for use in various personnel actions; to provide a list of subsidiary cost codes assigned to each individual, to determine that correct code is assigned, for use on various personnel actions; to assign parking spaces; to identify individuals assigned responsibility under the War Emergency Support Plan (WESP); to identify individuals eligible to authorize DSN (formerly Autovon) calls during non-duty hours; to verify and/or modify the Profile Data Analysis Report concerning minority and female employees; and to produce a telephone list for DSAC staff use.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disk storage media and hard copy printouts.

RETRIEVABILITY:

Individual information is retrievable by Employee Account Number.

SAFEGUARDS:

Information is disclosed only to agency officials on a need-to-know basis.

RETENTION AND DISPOSAL:

Reports are destroyed when superseded by new reports.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, DLA System Automation Center, 3990 East Broad Street, Columbus, OH 43216–5002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, DLA System Automation Center, 3990 East Broad Street, Columbus, OH 43216–5002.

Individual must provide full name and employee account number. Personal visits may be made to the Office of Planning and Management, DSAC. Individual must provide identification card/badge or other Federal Government-issued identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, DLA System Automation Center, 3990 East Broad Street, Columbus, OH 43216–5002.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual personnel actions, DCSC Name and Address Change Notice, and other similar documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S340.10 DLA-KM

SYSTEM NAME:

Time and Attendance Labor Exception Subsystem of APCAPS.

SYSTEM LOCATION:

Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, and all Defense Logistics Agency Primary Level Field Activities (PLFAs). All records described are not necessarily maintained by all supervisors. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DLA employees and certain former DLA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, citizenship, pay, educational level, emergency data, thrift savings enrollment, records of work tour, overtime, leave, work absences, and leave balances. Records also include information on temporary duty and special assignments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 61, Hours of Work; Chapter 53, Pay Rates and Systems; Chapter 57, Travel, Transportation, and Subsistence; and Chapter 63, Leave; and E.O. 9397.

PURPOSE(S):

To record employee pay rates and status, including overtime, the use of leave, and work absences.

Data is also used for statistical reports on leave and overtime use and usage patterns and to answer employee queries on leave, overtime, and pay.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Defense Logistics Agency 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in electronic and paper form.

RETRIEVABILITY:

Records are retrieved by employee's name or Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must access the records to perform their duties. The computerized files are password protected with access restricted to authorized users.

RETENTION AND DISPOSAL:

Records are kept for one year after the end of the leave year and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Civilian Personnel Officers at DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the employee's immediate supervisor or PLFA Civilian Personnel Office where employed. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to their immediate supervisor or the PLFA Civilian Personnel Office where employed. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Request should contain full name and organizational location of employee. For personal visits, individual should be able to provide some acceptable identification such as activity identification card or driver's license.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Payroll office and payroll records, including automated payroll systems, employees' supervisors, timekeepers, time and attendance clerks, leave slips.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S352.10 DLA-KW

SYSTEM NAME:

Award, Recognition, and Suggestion File.

SYSTEM LOCATION:

Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, and the DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of record system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals assigned to DLA who are nominated for awards or recognition and those who have submitted suggestions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Justifications and background material submitted in support of award and suggestion programs, including evaluation statements, photographs, Social Security Number; reports submitted to the Office of the Secretary of Defense and the Office of Personnel Management.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4501–4506; 10 U.S.C. 1124; Chapter 451 of the Federal Personnel Manual.

PURPOSE(S):

Information is maintained in support of actions taken on contributions and award nominations and for preparation of statistical and narrative reports required by the Office of the Secretary of Defense.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

Information is also used by members of other Federal activities and members of private organizations to evaluate nominations for awards sponsored by them for which DLA personnel are nominated; or to evaluate for possible adoption and use contributions and suggestions made by DLA personnel that concern their operations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and computerized form.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Maintained in locked containers in areas accessible only to DLA personnel.

RETENTION AND DISPOSAL:

Files are closed upon completion of the action, cut-off at the end of the fiscal year, held for two years, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director of Civilian Personnel, HQ DLA-K, Cameron Station, Alexandria, VA 22304–6100, and the Civilian Personnel Officers of DLA PLFAs. Official mailing addresses are published as an appendix to the DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address inquiries to Staff Director of Civilian Personnel, HQ DLA-K, Cameron Station, Alexandria, VA 22304–6100, and the Civilian Personnel Officers of DLA PLFAs. Official mailing addresses are published as an appendix to the DLA's compilation of systems of records notices.

Individual must provide full name, type of award, suggestion description, and activity at which nomination or suggestion was submitted.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address inquiries to Staff Director of Civilian Personnel, HQ DLA-K, Cameron Station, Alexandria, VA 22304–6100, and the Civilian Personnel Officers of DLA PLFAs. Official mailing addresses are published as an appendix to the DLA's compilation of systems of records notices.

Individual must provide full name, type of award, suggestion description, and activity at which nomination or suggestion was submitted.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from the individual to whom the record pertains; DLA supervisors and managers who initiate and evaluate nominations and suggestions; and members of DLA Recognition and Awards Board.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S360.10 DLA-KI

SYSTEM NAME:

HQ DLA Automated Civilian Personnel Data Bank System.

SYSTEM LOCATION:

Headquarters, Defense Logistics Agency, Office of Civilian Personnel, Cameron Station, Alexandria, VA 22304–6100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. citizen civilian employees of the DLA who are paid from appropriated funds, and former such employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer records and printouts containing data on current position occupied by employee, employee's current employment status with DLA, training data, and selected personnel information such as Social Security Number, name, sex, race and national origin identification, date of birth, physical handicap, government insurance, veteran's preference, military reserve status, retired military status, and education.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 3, Powers; Chapters 31–35, Employment and Retention; Chapters 41–45, Employee Performance; E.O. 10561, E.O. 9397; and Federal Personnel Manual Chapters 250, 290, and 291.

PURPOSE(S):

The purpose is to provide information to officials of DLA for effective personnel administration. Information is used to provide management data to officials of DOD by transfer of current data to the Defense Manpower Data Center (DMDC) on a quarterly basis and to provide management data for use of HQ DLA and Field officials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses" set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and disc, computer paper printouts, microfiche.

RETRIEVABILITY:

Records identified to a specific civilian employee are accessed and retrieved by Social Security Number.

SAFEGUARDS:

Records are secured in appropriate storage containers after duty hours or when not under the control of personnel officials during duty hours. The area in which the records are stored is protected by a building security guard system. Individually identifiable personnel documents will either be hand carried or will be transmitted in envelopes addressed to a specific individual and marked to be opened by addressee only. Magnetic tape and discs are kept in a lockable computer room which has access limited to persons appropriately authorized individuals.

Tapes and disc packs are stored in a tape library when not used in processing and are logged in and out only to authorized personnel with an official need. Tapes are transmitted to the Office of Personnel Management by mail or courier. Reports with individual data are closely controlled. Personnel authorized to process these reports are periodically briefed on proper handling procedures.

RETENTION AND DISPOSAL:

Printouts or microfiche reports are considered as working papers to support particular projects, inquiries, studies or administrative need. They will be destroyed when the purpose for which generated has been satisfied. Magnetic tapes and discs are to be retained for five years and then degaussed.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters, Defense Logistics Agency, Office of Civilian Personnel, Cameron Station, Alexandria, VA 22304–6100.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to Headquarters, Defense Logistics Agency, Office of Civilian Personnel, ATTN: DLA-KI, Cameron Station, Alexandria, VA 22304–6100.

Requester must provide last name, first name, middle initial, and Social Security Number. If request is by mail, requester must also furnish current address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to Headquarters, Defense Logistics Agency, Office of Civilian Personnel, ATTN: DLA-KI, Cameron Station, Alexandria, VA 22304–6100.

Requests for information must be in writing and contain last name, first name, middle initial, date of birth, current address, phone number, phone number where individual may be reached during the day, and a signed statement certifying that the individual understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to 5,000 dollars. Complete records are maintained only on magnetic tapes or discs and are not available for access by personal visits.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Input from employees of civilian personnel offices and Equal Employment Managers who obtain information from the Official Personnel Folder and other personnel documents, personal contact with individual concerned, applications and forms completed by the individual, and input from interface with the DLA Automated Payroll, Cost and Personnel System (APCAPS).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S360.20 DLA-KI

SYSTEM NAME:

Automated Payroll, Cost and Personnel System (APCAPS) Personnel Subsystem.

SYSTEM LOCATION:

Headquarters Defense Logistics Agency, Office of Civilian Personnel, Cameron Station, Alexandria, VA 22304–6100, and at Offices of Civilian Personnel at the DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Defense Logistics Agency members and employees and employees and members of other agencies who are serviced by the DLA PLFA personnel offices. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Current personnel data on employment status and selected personal data, such as Social Security Number, name, grade, home address, sex, race and national origin identification, date of birth, age, physical handicap, Government health or life insurance, military reserve status, retired military status, education and training, status preceding employment with DLA, citizenship, veteran preference, and pay data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 3, Powers; Chapters 51–59, Pay and Allowances; E.O. 9397; E.O. 10561; Federal Personnel Manual Chapters 290 and 293.

PURPOSE(S):

The purposes of the system are to effect Federal personnel actions, maintain the Federal personnel service control system, fulfill Federal personnel reporting requirements, and provide information to officials of DLA for effective personnel management and personnel administration.

The following data may be used by law enforcement, safety, and vehicle registration and parking officials: subject's name, home and work address, and grade.

Salary information may be used by management officials to determine the cost of services performed by DLA personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be provided to health and life insurance carriers, hospitals, medical offices, and institutions to verify benefits enrollment, to verify eligibility for payment of a claim, or to carry out the coordination or audit of benefit provisions.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes or discs, computer paper printouts. Paper records in file folders.

RETRIEVABILITY:

Information identified to a specific civilian employee is accessed and retrieved by Social Security Number.

SAFEGUARDS:

Access to records is limited to those DLA personnel who must use the records to perform their duties. The computer files are password protected with access restricted to authorized users. During nonduty hours, records are either secured in locked storage areas, locked rooms, locked buildings, or buildings protected by security guards.

RETENTION AND DISPOSAL:

Records are maintained on-line in active history file for five years. After 5 years, data is off-loaded onto tape. Tapes are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Office of Civilian Personnel, Headquarters, Defense Logistics Agency, and Offices of Civilian Personnel at the DLA Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to or make a personal visit to the activity where the record is maintained. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individuals must provide name (last, first, middle initial) and Social Security Number in order to determine whether or not the system contains a record about them. With a written request, individual must provide a return address. For personal visits, the individual should be able to provide some acceptable identification, such as employing office identification card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves in this system must submit a written request. The request is to contain the name of the individual (last, first, middle initial), Social Security Number, return mailing address, telephone number where individual can be reached during the day, and a signed statement certifying that the individual understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to 5,000 dollars. Complete records are maintained only on magnetic tapes or discs and are not available for access by personal visits. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

DLA rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Agency supervisors and administrative personnel, medical officials, previous federal employers, U.S. Office of Personnel Management and applications and forms completed by individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S370.20 DLA-WH

SYSTEM NAME:

Individual Accident Case Files.

SYSTEM LOCATION:

Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, and the DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel, contractor employees, and other personnel who are injured on the premises of DLA or performing assignment incident to DLA operations. Also may include individuals involved in accidental damage to vehicles, equipment, and property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports, statements of witnesses, photographs and related papers, including summarized information maintained for the purpose of identifying accident repeaters and safety award recipients, regarding accidents incident to DLA operations, pertaining to injuries to individuals or accidents involving motor vehicles and other equipment or structural property damage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 651, et seq., The Occupational Safety and Health Act of 1970 (OSHA); E.O. 12196, Occupational Safety and Health Programs for Federal Employees.

PURPOSE(S):

Information is maintained to identify cause of accident, to formulate accident prevention programs, to identify individual involved in repeated accidents, to present safety awards to individuals and to prepare statistical reports as required.

Information is used by Agency supervisors and managers to determine actions required to correct the causes of the accidents.

Safety offices to insure actions proposed by supervisors and managers are adequate to prevent future accidents, to identify accident repeaters and safety award recipients, to provide verification that accidents have occurred when processing workmen's compensation cases, to prepare statistical reports, accident summaries, and accident prevention information for inclusion in Agency internal publications.

Security personnel to determine accident causes, and to formulate possible changes in activity rules of conduct.

Medical personnel to make medical determinations about individuals involved in accidents.

Facilities engineers and maintenance personnel to formulate future installation facilities and equipment plans and budgets and to change operating procedures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card index files and automated record files.

RETRIEVABILITY:

Filed by organizational activity and/or alphabetically by last name of injured person or principal person involved in accident, when known.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA Safety and Health personnel.

RETENTION AND DISPOSAL:

Records are destroyed ten years after the case is closed. They are retained in active file until end of calendar year in which case is closed, held one to three additional years in inactive file and subsequently retired to Federal Records Center, held for the remaining years and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Office of Installations Services and Environmental Protection, DLA-W, Cameron Station, Alexandria, VA 22304–6100, and Safety Officers at DLA Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Staff Director, Office of Installations Services and Environmental Protection, DLA-W, Cameron Station, Alexandria, VA 22304–6100, and Safety Officers at DLA Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individual must provide full name and name of DLA activity at which incident occurred; or if individual is or was a DLA employee, name of employing activity is also required.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Staff Director, Office of Installations Services and Environmental Protection, DLA-W, Cameron Station, Alexandria, VA 22304–6100, and Safety Officers at DLA Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individuals should provide information that contains the full name, current address and telephone numbers of the individual and a signed statement asserting his or her identity and stipulating that the individual understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to 5,000 dollars. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employment identification card, and give some verbal information that could be verified from the case folder.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Employee's supervisors, medical units, DLA protective service, civilian police, fire department, investigating officer, or witness to accident.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S380.50 DLA-K

SYSTEM NAME:

DLA Drug-Free Workplace Program Records.

SYSTEM LOCATION:

Defense Logistics Agency, Civilian Personnel Service Support Office), 3990 East Broad Street, Columbus, OH 43216–5000.

Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, and the DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DLA employees and individuals who have applied to DLA for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to program implementation and administration, including selection, notification, and testing of individuals; collection and chain of custody documents; urine specimens and drug test results; consent forms; rebuttal correspondence: and similar records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12564, Drug-Free Federal Workplace and 9397; Pub. L. 100–71; and 5 U.S.C. 7301.

PURPOSE(S):

The system is established to maintain records relating to the selection and testing of DLA employees and applicants for DLA employment for use of illegal drugs. The records will provide the basis for taking appropriate action in reference to employees who test positive for use of illegal drugs.

Records may be used by authorized contractors for the collection process; assigned Medical Review Officials; the Administrator of any Employee Assistance Program in which the employee is receiving counseling or treatment or is otherwise participating; and agency supervisory or management officials having authority to take adverse personnel action against such an employee when test results are positive.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF THE USES:

In order to comply with provisions of 5 U.S.C. 7301, the DLA 'Blanket Routine Uses' that appear at the beginning of the DLA's compilation of systems of records notices do not apply to this system.

Records may be disclosed to a court of competent jurisdiction when required by the United States Government to defend against a challenge to related adverse personnel action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk and in paper form.

RETRIEVABILITY:

Records are retrieved by name of activity, name of employee or applicant, position title, position description number, Social Security Number, I.D. number, or any combination of these.

SAFEGUARDS:

Records are maintained in a secured area or on automated media with access limited to authorized personnel whose duties require access. Records relating to individual positive test results are kept in locked cabinets. Employee and applicant records are maintained and used with the highest regard for employee and applicant privacy.

RETENTION AND DISPOSAL:

Records relating to test selection, scheduling, collection, handling, and results will be destroyed when 3 years old; records relating to individual notification and acknowledgment will be destroyed when the individual separates from the testing designated position.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief, DLA Civilian Personnel Service Support Office, 3990 East Broad Street, Columbus, OH 43216–5000.

NOTIFICATION PROCEDURES:

Individuals seeking to inquire whether this record system contains information about themselves should contact their Office of Civilian Personnel at DLA Primary Level Field Activities where assigned or the Deputy Chief, DLA Civilian Personnel Service Support Office, 3990 East Broad Street, Columbus, OH 43216–5000.

Individuals must provide name; date of birth; Social Security Number; I.D. number (if known); approximate date of record; and DLA activity and position title.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this record system should contact the Deputy Chief, DLA Civilian Personnel Service Support Office, 3990 East Broad Street, Columbus, OH 43216–5000.

Individuals must provide name; date of birth; Social Security Number; I.D. number (if known); approximate date of record; and DLA activity and position title.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager

RECORD SOURCE CATEGORIES:

Records in this system are obtained from the individual to whom the records pertain; agency employees involved in the selection and notification of individuals to be tested, laboratories that test urine specimens for the presence of illegal drugs; physicians who review test results; and supervisors, managers, and other DLA officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None

S390.01 DLA-KE

SYSTEM NAME:

Grievance Examiners and Equal Employment Opportunity (EEO) Investigators Program.

SYSTEM LOCATION:

Office of Equal Opportunity, Staff Director, Personnel, Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retired Federal civilian and military employees and others approved by HQ DLA as grievance examiners and EEO investigators for the Agency and available to serve under a non-personal services contract are listed by name on regional rosters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include regional rosters of the names of approved investigators/examiners of grievances and Equal Employment Opportunity (EEO) complaints which are available to Commanders of Defense Logistics Agency Primary Level Field Activities.

Agency regional rosters, certificates of training, personal qualifications statement, and related correspondence and papers pertinent to Agency grievance examiners and EEO investigators program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302. 3301, 3302, and 3105. E.O. 11478, as amended.

PURPOSE(S):

The purpose of this system is to maintain information for establishing Agency grievance and EEO investigators program and insuring the availability of quality personnel on short notice.

Information is used by Civilian Personnel officials of HQ DLA and other involved DLA HQ and field officials to select and supervise grievance examiners and EEO investigators as required.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name within each regional area

SAFEGUARDS:

Records are maintained in locked file cabinets in areas accessible only to Agency personnel.

RETENTION AND DISPOSAL:

Records are retained in active file on current basis. New approvals are added continuously and deletions or withdrawals are held one to three years in inactive file and subsequently retired to Federal Records Center. Records are destroyed after a total of ten years.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Personnel, HQ DLA-K, Cameron Station, Alexandria, VA 22304–6100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Staff Director, Personnel, HQ DLA-K, Cameron Station, Alexandria, VA 22304–6100.

Individual must provide full name and, if a current DLA employee, name of DLA activity at which employed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Staff Director, Personnel, HQ DLA-K, Cameron Station, Alexandria, VA 22304–6100.

Indviduals should provide information that contains the full name, current address and telephone numbers of the individual. The individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified from the Agency folder.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

DLA PLFA Commanders, DLA civilian personnel office staffs, other DLA officials and others who may be able to recommend or provide information on potential or present candidates for this work.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S431.15 DLA-C

SYSTEM NAME:

Travel Record.

SYSTEM LOCATION:

Records are maintained at all Defense Logistics Agency Centers, Distribution Regions/Depots, and Defense Contract Management Districts. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees, civilian and military, who perform travel, Temporary Duty (TDY) or Permanent Change of Station (PCS) for DLA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of copies of request and authorization for TDY travel of DOD personnel, request and authorization for DOD civilian permanent duty travel, travel voucher, travel voucher or subvoucher, claim for reimbursement for expenditures on official business and records of travel payments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Chapter 5F, Title 5 U.S.C. and E.O. 9397.

PURPOSE(S):

The file is used by the Accounting and Finance Officer to administer his disbursing and accounting duties for government travel performed by both military and civilian employees under his administrative control. Data is also used by Counsel to determine that expenses of the sale or purchase of the residence for a PCS are reasonable and customary to the locality of the transaction.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and computerized form.

RETRIEVABILITY:

By name and social security number.

SAFEGUARDS:

Records are maintained in an area that is accessible to office personnel only.

RETENTION AND DISPOSAL:

Records of military personnel are maintained until separation or transfer of the military members. Records of civilian personnel are destroyed one year after termination of their employment.

SYSTEM MANAGER(S) AND ADDRESS:

Accounting and Finance Officer, Defense Logistics Agency Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address inquiries to the Accounting and Finance Officer, Defense Logistics Agency Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address inquiries to the Accounting and Finance Officer, Defense Logistics Agency Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Written requests for information must contain the full name and social security number of the employee. Employees making a personal request must present identification; i.e., employee badge, drivers license, etc.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Request for travel forms, travel vouchers, claims for reimbursement.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S434.15 DLA-C

SYSTEM NAME:

Automated Payroll Cost and Personnel System (APCAPS).

SYSTEM LOCATION:

Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, and the DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former civilian and military personnel who have been paid or costed by APCAPS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are maintained in manual and mechanical files and contain all data which affect an employee's pay, deductions, employer contributions, leave, retirement, position status, or cost accumulation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136; DOD Directive 5105.22; and E.O. 9397.

PURPOSE(S):

Information is used in preparing payrolls, cost and manpower reports. Information is used by:

Agency supervisors and managers to determine leave usage, manpower allocations and labor distribution.

Supervisors and managers of agencies and activities other than DLA who receive payroll/cost accounting support from APCAPS to determine leave usage, manpower allocations, labor distributions and costs.

Payroll offices to compute and control payroll and allocate labor costs.

Personnel offices to determine leave usage and changes that affect an employee's pay.

Security offices to determine location of employees.

Disbursing offices to determine the distribution of checks and bonds.

Law Enforcement/Security Personnel, officials designated by the Head, Primary Level Field Activity (PLFA) or by regulation to perform law enforcement, safety, and vehicle registration/parking duties. Only the shift number (if an individual works shift work) will be accessed and used from APCAPS. The information will be used as a control to ensure the integrity of information in systems S161.30 DLA-I and S161.50 DLA-I and to facilitate the auditing of such file.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Financial Institutions to determine disposition of net pay or allotments pay.

Treasury Department to determine registration of bonds and federal tax allocation.

Unions, charities, and insurance organizations to determine participatior in those organizations.

Office of Personnel Management to determine status of employee and for disposition of retirement records.

State and local taxing authorities to determine tax liability.

Nongovernment organizations to verify employment and credit data furnished to financial institutions by the employee.

Bureau of Employment Compensation to process employee disability claims.

State employment offices to submit data for unemployment compensation.

Local courts to determine the withholding of pay for garnishment of wages.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfilm, magnetic tape, disc pack, computer paper printouts, vertical file cards, paper records in file folders.

RETRIEVABILITY:

Hard copy documents are filed by payroll block or alphabetically by last

VOL 58 ISS 33 FE 22 1993 UMI

name. Data stored on mechanized storage devices are retrieved by Social Security Number.

SAFEGUARDS:

Access to mechanical records is limited to authorized DLA data systems personnel. All other records are maintained in areas accessible only to agency personnel. Security/Law Enforcement personnel who access APCAPS information through computer terminals (used as control for the integrity of information in S161.30 DLA-I and S161.50 DLA-I) have been cleared with an official need. The information accessed from APCAPS is limited to the items and uses under Routine Uses and is password protected in the automated system.

RETENTION AND DISPOSAL:

Retention of data varies from 1 to 3 days for mechanical working files up to an employee's total length of service with an activity for permanent payroll information.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or make a personal visit to Chief, Payroll Branch, Accounting and Finance Division, Office of Comptroller at each DLA Activity. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address inquiries to the Chief, Payroll Branch, Accounting and Finance Division, Office of Comptroller at the DLA activity. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Written requests must contain full name and Social Security Number of the employee. Employees making a personal request must present identification.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing and for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Employee's supervisors, civilian personnel office, military personnel office, financial institutions, local courts, military services or other government agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S434.67 DLA-C

SYSTEM NAME:

Debt Records for Individuals.

SYSTEM LOCATION:

Primary System: Accounting and Finance Division, Finance Systems Branch, Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100.

Secondary System: DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, including members of the general public, current and former civilian employees and military personnel, who are indebted to the DLA. Also included are those individuals who are indebted to other Federal agencies and for whom DLA has assumed collection responsibility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Administrative reports with supporting documentation of individual's financial condition, such as pay, grade, salary, or financial documents furnished by individual, personnel actions and requests from the individuals for waiver of indebtedness.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 951–953, Federal Claims Collection Act of 1966; Pub. L. 90–616; Pub. L. 92–453.

PURPOSE(S):

Information is used to collect monies owed the United States Government. Information is maintained to support case files; financial statements provide an understanding of individuals' financial condition with respect to request for deferment of payment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

If debtors do not enter into satisfactory payment arrangements or demonstrate a legitimate dispute within a specific period, the debt may be reported to a commercial credit bureau or consumer reporting agency.

Case files on uncollectible debts are forwarded to the U.S. General Accounting Office, Department of Justice, or a United States Attorney for further collection action.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act, 15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966, 31 U.S.C. 3701(a)(3).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Files are located in the Finance Systems Branch, Accounting Finance Division, Office of the Comptroller, HQ DLA. Access is limited to personnel of the Division except in those instances where other personnel may have an official requirement for the files, such as the General Counsel, DLA.

RETENTION AND DISPOSAL:

Records are destroyed ten years after all aspects of the case are closed. Collected in full claims are retained for six months and then destroyed. Claims terminated, compromised or waived are retained for three years and subsequently retired to Federal Records Center, held for remaining years and destroyed. Claims settled by U.S. General Accounting Office, retained one year after settlement and retired to Federal Records Center, held for remaining years and retired.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Finance Systems Branch, Accounting and Finance Division, Office of Comptroller, HQ DLA, Cameron Station, Alexandria, Va 22304–6100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Finance Systems Branch, Accounting

VOL 58 ISS 33 FE 22 1993 UMI

and Finance Division, Office of Comptroller, HQ DLA, Cameron Station, Alexandria, Va 22304–6100.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Finance Systems Branch, Accounting and Finance Division, Office of Comptroller, HQ DLA. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individuals should provide information that contains their full name, current address and telephone number. For personal visits, the individual should be able to provide acceptable identification, such as an employee badge or driver's license, etc.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records obtained from Primary Level Field Activities (disbursing offices and/or personnel officer) in the form of copies of official government documents. Records also obtained from other Federal agencies, financial institutions, members of the general public and from the individual concerned. Accuracy of such records will be verified, as necessary, by requesting sworn or notarized statements, matching the various records and by comparison with official government records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S500.10 DLA-I

SYSTEM NAME:

Personnel Security Files.

SYSTEM LOCATION:

Command Security Office, Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100 and Command Security Offices, Defense Logistics Agency Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian employees and military personnel who have been the subject of a National Agency Check with Written Inquiries (NACI); a Background Investigation (BI); Special Background Investigation (SBI); or other personnel security investigation pertaining to their qualifications and eligibility to occupy sensitive positions, perform sensitive duties, or for access to classified information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Evidence of security eligibility determinations and security clearances granted to individuals. Certifications of security briefings and debriefings signed by individuals. Reports of investigations conducted by the Office of Personnel Management, the Defense Investigative Service, the investigative units of the Army, Navy and Air Force, and other Federal investigative organizations containing unfavorable information requiring a security eligibility determination by the DLA Central Adjudication Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450, as amended.

PURPOSE(S):

The records and reports are used by the HQ DLA Central Adjudication Board, Command Security Officers and other designated officials as a basis for determining a person's eligibility to occupy a sensitive position, perform sensitive duties, or for access to classified information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Records are retrieved alphabetically by name. No indices are used to retrieve individual records from the system.

SAFEGUARDS:

As a minimum, records are stored in locked containers wherever authorized DLA personnel are not present to control access to them

Any of these files containing classified documents are maintained in security containers approved by HQ DLA for storage of classified information.

RETENTION AND DISPOSAL:

Records of security eligibility determinations, evidence of security clearances and related documents are retained as long as the person is employed or assigned to DLA. After the person leaves DLA, the reports are placed in an inactive file for two years, and then destroyed. Reports of investigations are destroyed 90 days after a security eligibility determination is made.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Command Security Office, ATTN: DLA-I, Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100; and PLFAs Command Security Offices. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to or visit the Staff Director, Command Security Office, ATTN: DLA-I, Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, or the PLFAs Command Security Office. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Staff Director, Command Security Office, ATTN: DLA-I, Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, or the PLFAs Command Security Office. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Written requests for access will contain the full name, Social Security Number, date and place of birth, current address, and telephone number of the requester.

Written requests must either be notarized or contain an identity declaration penalty statement. If executed *within* the United States, its territories, possessions, or commonwealths the statement must read:

'I declare under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).'

If executed *outside* the United States, its territories, possessions, or commonwealths the statement must read:

'I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).'

The identity declaration statement must be signed and dated.

For personal visits, the requester must be able to provide some acceptable identification (e.g., driver's license, identification card), parent's name, date and place of birth, dates and place(s) of employment with DLA, if applicable.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, Personal Privacy and Rights of Individuals Regarding Their Personal Records; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Reports of investigations conducted by the Office of Personnel Management, Federal Bureau of Investigations, Defense Investigative Service, investigative units of the Army, Navy, and Air Force, as well as other Federal investigative organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under Title 5 U.S.C. 552a(k)(2) as applicable.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2) and (3)(c) and (e) and published in 32 CFR part 323. For additional information contact the system manager.

S500.20 DLA-I

SYSTEM NAME:

Criminal Incidents/Investigations File.

SYSTEM LOCATION:

Primary system: Command Security Office and Office of General Counsel, Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100 for case files on all incidents of known or suspected criminal activity or other serious incidents.

Decentralized segments: Defense Logistics Agency Primary Level Field Activities (PLFAs) for above described files and files of minor nature. Official mailing addresses are published as an appendix to DLA's compilation of record system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel of DLA, contractor employees, and other persons who committed or are suspected of having committed a felony or misdemeanor on DLA controlled activities or facilities; or outside of those areas in cases where DLA is or may be a party of interest.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigation, messages, statements of witnesses, subjects and victims, photographs, laboratory reports, data collection reports, and other related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 21, Internal Security Act of 1950 (Pub. L. 831, 81st Congress); DOD Directive 5105.22, 'Defense Logistics Agency' (32 CFR part 359); DOD Instruction 5240.4, 'Reporting of Counterintelligence and Criminal Violations'; DOD Directive 5105.42, 'Defense Investigative Service' (32 CFR part 361); and DOD Instruction 5505.2, 'Criminal Investigations of Fraud Offenses'.

PURPOSE(S):

Information is maintained for the purpose of monitoring the progress of investigations, identification of crime conducive conditions, crime and loss prevention, and preparation of statistical data required by higher authority.

Information in this system is used by DLA Security and General Counsel personnel to monitor progress of cases and to develop non-personal statistical data on crime and crime investigative support for the future. DLA General Counsel also uses data to review cases, determine proper legal action, and coordinate on all available remedies. DLA managers use the information to determine actions required to correct the causes of loss and to take appropriate action against DLA employees in cases of their involvement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of record system notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Combination of paper and automated files.

RETRIEVABILITY:

Hardcopy records filed chronologically by DLA case number and cross-indexed to individual or file name. Automated records are retrievable by name of the individual or firm, DLA case number, PLFAs number or activity code.

SAFEGUARDS:

Records, as well as computer terminals, are maintained in areas accessible only to DLA Security and Office of General Counsel personnel. In addition, access to computerized files is limited to authorized users and is password protected.

RETENTION AND DISPOSAL:

Records in the primary system are destroyed 5 years after the receipt of a final report except

(a) Criminal investigation reports generated and entered into the Defense Central Investigation Index by DLA criminal investigators, detectives, and command security officers are retained for 25 years;

(b) Reports of polygraph examinations are destroyed within 3 months after close of the investigation which included the examinations; and

(c) Documents related to legal or disciplinary actions are transferred to the appropriate file documenting such actions. Records at decentralized segments are destroyed 1 year after the receipt of a final report.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Command Security Office, Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, and all DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of record system notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Staff Director, Command Security Office, Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, or the DLA PLFA where employed. Official mailing addresses are published as an appendix to the DLA's compilation of record system notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Staff Director, Command Security Office, Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, or the DLA PLFAs where employed. Official mailing addresses are published as an appendix to DLA's compilation of record system notices.

Individual must provide full name, current address and telephone numbers.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, Personal Privacy and Rights of Individuals Regarding Their Personal Records; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Reports of investigations by DLA investigators, Security Officers, Federal, State, and local law enforcement and investigative agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system may be exempt under 5 U.S.C. 552a(k)(2), as applicable.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3)(c) and (e) and is published at 32 CFR part 323. For more information contact the system manager.

S500.30 DLA-I

SYSTEM NAME:

Visitors and Vehicle Temporary Passes and Permits File.

SYSTEM LOCATION:

Defense Logistics Agency Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons requiring temporary access to DLA activities and facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, surrendered passes, permits, and related papers relating to temporary visitor and vehicle passes or permits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 21 of the Internal Security Act of 1950 (50 U.S.C. 781, et seq.) and Department of Defense Directives 5200.8 and 5105.22 (32 CFR part 359) which assign to the Director, DLA the responsibility for protection of property and facilities under his/her control.

PURPOSE(S):

Information is maintained to provide adequate controls on movement of vehicles and persons on DLA activities and facilities.

Information is used by DLA security personnel to ensure that only authorized persons and vehicles enter DLA activities and facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper and computerized form.

RETRIEVABILITY:

Retrieved alphabetically by name.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must access the records to perform their duties. The computer files are password protected with access restricted to authorized users.

RETENTION AND DISPOSAL:

For areas under maximum security, records are destroyed after 5 years; for other areas, records are destroyed after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Command Security Officers, DLA PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Command Security Office, DLA PLFA where employed. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individual must provide full name and identity of DLA activity to which access was granted; and if individual is or was a DLA employee, identity of employing DLA activity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves in this system should address written inquiries to the Command Security Office, DLA PLFA where employed. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Written requests should contain the full name, current address and telephone number of the individual. For personal visits, the individual should be able to provide some acceptable identification card, and give some verbal information that could be verified from his/her file.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, Personal Privacy and Rights of Individuals Regarding Their Personal Records; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals applying for passes or permits and Security Office personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S500.40 DLA-I

SYSTEM NAME:

Police Force Records.

SYSTEM LOCATION:

Defense Logistics Agency Primary Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DLA Security Police personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to operation and use of security police, their security clearances, weapons qualification, training, uniforms, weapons, shift assignments and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 21 of the Internal Security Act of 1950 (50 U.S.C. 781, et seq.) and Department of Defense Directive 5200.8 and 5105.22 (32 CFR part 359) which assign to the Director, DLA the responsibility for protection of property and facilities under his/her control.

PURPOSE(S):

Information is maintained and used by DLA Security Officers and Police Supervisors to maintain control of property, weapons and ammunition; to ensure proper training; to develop schedules and procedures to improve efficiency. Records are used to determine if an individual is qualified in the use of firearms and if he/she has a security clearance which would authorize him/her to handle classified information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of

systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, weapon cards, and property receipts. Computer magnetic tapes or discs, and computer paper printouts.

RETRIEVABILITY:

Retrieved alphabetically by name.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA security supervisory personnel.

RETENTION AND DISPOSAL:

Destroy after 1 year or when superseded or obsolete, as applicable.

SYSTEM MANAGER(S) AND ADDRESS:

The Defense Logistics Agency Primary Level Field Activities (PLFAs) who are responsible for the operation of base or facility security forces. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Defense Logistics Agency Primary Level Field Activities (PLFAs) where individual is employed. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Defense Logistics Agency Primary Level Field Activities (PLFAs) where individual is/was employed. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Written requests for information should contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, such as, driver's license, employing office identification card, and give some verbal information that could be verified from his/her file.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, Personal Privacy and Rights of Individuals Regarding Their Personal Records; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

DLA Security Officers and Security Police personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S500.50 DLA-I

SYSTEM NAME:

Individual Access Records.

SYSTEM LOCATION:

Staff Director, Office of Command Security, HQ DLA-I, Cameron Station, Alexandria, VA 22304–6100, and the DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DLA civilian and military personnel, contractor employees, and individuals granted or denied access to DLA activities, installations, or databases.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the request for authorization, issue, receipt, surrender, withdrawal, and accountability pertaining to identification badges, cards and passes, to include application forms, photographs, letters of debarment, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 21 of the Internal Security Act of 1950 (50 U.S.C. 781), et seq.; and E.O. 10450, Security Requirements for Government Employment.

PURPOSE(S):

Information is used to control access to DLA databases and access to and movement on DLA activities and facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained and used by General Services Administration Protective Service personnel to adequately control access to, and movement on DLA activities and facilities. The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Paper records in file folders, application cards, index cards, computer magnetic tapes or discs, and computer paper printouts.

RETRIEVABILITY:

Retrieved alphabetically by name or Social Security Number.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized DLA personnel.

RETENTION AND DISPOSAL:

Records are destroyed 1 year after termination or transfer of person granted access, except that individual badges, photographs or passes will be destroyed upon revocation, cancellation, or expiration. Records relating to persons barred from a facility will be destroyed 5 years after the person is notified he/she is barred from an activity or installation.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Office of Command Security, HQ DLA-I, Cameron Station, Alexandria, VA 22304–6100, and the heads of the DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to or visit the system manager of the particular DLA activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to or visit the system manager of the particular DLA activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The DLA rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

VOL
58
ISS
33
FE
22
1993
UMI

RECORD SOURCE CATEGORIES:

Individuals applying for identification badges, cards, passes, computer passwords and log-ons; commanders and facility officials who have barred persons access to their activities or databases.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S600.10 DLA-W

SYSTEM NAME:

Hazardous Materials Occupational Exposure History Files.

SYSTEM LOCATION:

Records are maintained at the Defense Personnel Support Center; the Defense Distribution Region Central; the Defense Distribution Region West; the Defense Distribution Region East; the Defense Distribution Depot, Ogden; and the Defense National Stockpile Center. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

In addition, records are maintained at the following Defense National Stockpile Center field locations:

Zone Offices: Zone 1 Management Office, 26 Federal Plaza, New York, NY 10278–5000;

Zone 2 Management Office, 3200 Sheffield, Hammond, IN 46327–5000;

Zone 3 Management Office, 819 Taylor Street, Fort Worth, TX 76102–5000.

Stockpile Depots: Binghamton Depot, Hoyt Avenue, Binghamton, NY 13901–1699;

Sommerville Depot, 152 U.S. Highway 206 South, Sommerville, NJ 08876–4135;

Curtis Bay Depot, 710 Ordnance Road, Baltimore, MD 21226–1786;

Scotia Depot, Scotia, NY 12302–7463;

Point Pleasant Depot, 2601 Madison Avenue, Point Pleasant, WV 25550–1603;

Hammond Depot, 3200 Sheffield Avenue, Hammond, IN 46327–5000;

Casad Depot, New Haven, IN 46774–9644;

Sharonville Depot, 11935 Enterprise Drive, Cincinnati, OH 45241–1513;

Warren Depot, Pine Street Extension, Warren, OH 44482–9999;

Fort Worth Depot, Fort Worth, TX 76102–5000;

Gadsden Depot, 400 Raines Avenue, Gadsden, AL 35902–5000;

Baton Rouge Depot, 2695 N. Sherwood Forest Drive, Baton Rouge, LA 70814–5397;

Clearfield Federal Depot, Clearfield, UT 84016–5000; and

Stockton Depot, Rough and Ready Island, Building 718, Stockton, CA 95203–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel working in or visiting storage areas containing hazardous materials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of the daily dosage of radiation received and hourly exposure to dangerous levels of asbestos along with medical status data resulting from annual medical examinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act of 1970, as amended; 5 U.S.C. 5108, 5314, 5315, 7902; 15 U.S.C. 633, 636; 18 U.S.C. 1114; 29 U.S.C. 553, 651–678; 42 U.S.C. 3142–1; 49 U.S.C. App. 1421; and E.O. 9397.

PURPOSE(S):

To record and maintain data on hazardous materials exposure levels and medical status data following annual medical examination.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from the records is disclosed to the U. S. Public Health Service under contract to provide medical examinations of DLA employees.

Information on exposure readings is also provided to the regulatory agencies which regulate the handling of hazardous materials.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Records are stored in paper and computerized form.

RETRIEVABILITY:

Filed alphabetically by individual's name.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA personnel who must access the records to perform their duties. The computer files are password protected with access restricted to authorized users.

RETENTION AND DISPOSAL:

Records are destroyed 75 years after birth date of employee, 60 years after date of the earliest document in the file if the date of birth cannot be ascertained, or 30 years after latest separation, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Office of Installation Services and Environmental Protection, DLA-W, Cameron Station, Alexandria, VA 22304–6100, and offices of environmental protection at the DLA Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to or visit the system manager of the particular DLA activity involved. Official mailing addresses are published as an appendix to DLA's compilation of record system notices or listed in the 'System location' entry above.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to or visit the system manager of the particular DLA activity involved. Official mailing addresses are published as an appendix to DLA's compilation of record system notices or listed in the 'System location' entry above.

CONTESTING RECORD PROCEDURES:

The DLA rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, 'Personal Privacy and Rights of Individuals Regarding Their Personal Records'; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from film badges, dosimeters, other instrumentation, work logs, and medical examinations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S690.10 DLA-W

SYSTEM NAME:

Individual Vehicle Operators File.

SYSTEM LOCATION:

Decentralized at all Primary Level Field Activities (PLFAs) which issue vehicle operator's Identification Cards (I.D.). Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons for whom Defense Logistics Agency has issued permits to operate motor vehicles or equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for identification cards which may include personal data and the following: State and number of currently valid license; list of arrests or summonses for violation of motor vehicle laws (excluding parking violations) and convictions, if any; suspensions or revocations of his state license or identification card within the past five years and any motor vehicle accidents within the past five years. SF 47 and other related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 471, Federal Property and Administrative Services Act of 1949, as amended Federal Personnel Manual Chapter 930.

PURPOSE(S):

Records are maintained and used by DLA officials to determine an individual's qualifications and fitness to operate government vehicles and/or equipment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and computerized form.

RETRIEVABILITY:

Filed alphabetically by name and Social Security Number.

SAFEGUARDS:

Records are accessible only to DLA officials.

RETENTION AND DISPOSAL:

Records are destroyed 3 years after the individual's termination or transfer or after cancellation of authorization.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Heads of PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individual must provide full name and name of DLA activity at which licensing occurred, or if individual is or was a DLA employee, name of employing activity is also required.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Heads of PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individuals should provide information that contains the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified from his file.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

State driver's licenses Standard Forms 47 and 46, DD Forms 1360, Motor Vehicle Operator Qualifications and Record of Licensing Examination and Performance DLA Forms 1723, Application/Record for U.S. Government Motor Vehicle Operator's Identification Card (SF 46); court records, supervisors notes and comments and related documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S810.50 DLA-P

SYSTEM NAME:

Contracting Officer Files.

SYSTEM LOCATION:

Headquarters Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100, and Heads of DLA Primary Level Field Activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All present and former contracting officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contracting Officer Certificate of Appointments; Contracting Officer Appointment Documentation Sheet (contains information on education, training and experience), and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2302; Defense Acquisition Regulation 1–405–2(b) and Defense Logistics Acquisition Regulation 4105.1.

PURPOSE(S):

DLA Headquarters - Provide a current profile of each contracting officer.

Field Activities - Necessary to maintain an active, centralized control over the issuance of contracting officer warrants. This file is a registry for the quantity of warrants and their distribution. The information is used by the members of the Contracting Officer Review Board, at activities where they exist, to perform their function of advising and recommending to the commander the issuance or revocation of warrants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and computerized form.

RETRIEVABILITY:

Filed by organizational activity and alphabetically by last name of contracting officer.

SAFEGUARDS:

Records are maintained in an area accessible to Office of Procurement Policy personnel.

RETENTION AND DISPOSAL:

Documents relating to and reflecting the designation of Contracting Officers and terminations of such designations (Designating Office - Destroy 6 years after termination of appointment. Others - Destroy upon termination of appointment).

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director. Directorate of Contracting, DLA-P, Cameron Station, Alexandria, VA 22304–6100, and Heads of PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Executive Director, Directorate of Contracting, DLA-P, Cameron Station, Alexandria, VA 22304–6100, and Heads of PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individual must provide full name and name of DLA activity at which employed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Executive Director, Directorate of Contracting, DLA-P, Cameron Station, Alexandria, VA 22304–6100, and Heads of PLFAs. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Individuals should provide information that contains the full name, current address and telephone number of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is driver's license, or DLA identification card.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Employee's supervisors Contracting Officer Review Board.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S850.10 DCMC-Q

SYSTEM NAME:

Contractor Flight Operations.

SYSTEM LOCATION:

All Defense Logistics Agency activities who approve contractor aircraft flight and ground operations procedures or utilize contractor personnel who operate aircraft for the government. Contact HQ DLA-DCMC-QF, Cameron Station, Alexandria, VA 22304–6190 for a list of current system locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All contractor personnel who operate aircraft for the Defense Logistics Agency for which the government assumes some risk of loss or damage. It covers both flight crewmember and noncrewmember personnel designated by a contractor to conduct flights, perform functions while the aircraft is in flight, or perform ground operations in support of such flights.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; Social Security Number; home address and telephone number; date of birth; security clearance data; education; military service data; flight qualification, proficiency, training, and experience records; standardization and evaluation data; safety and mishap records; medical and physiological data; and similar data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, Assistant Secretaries of Defense; 10 U.S.C. 2302; Defense Logistics Agency Regulation 8210.1, and E.O. 9397.

PURPOSE(S):

Used to monitor and manage individual contractor flight and ground personnel records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF THE USES:

Information from this system may be disclosed to the Federal Aviation Agency or the appropriate civil aviation authority or foreign military department in the course of certifying individuals, investigative flight mishaps, and conducting rescue operations.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, notebooks, computers and computer output products.

RETRIEVABILITY:

Filed by name of Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the records or by persons responsible for servicing the record system in performance of their actual duties who are properly screened and cleared for need to know. Records are stored in locked cabinets and rooms are controlled by personnel screening and computer software.

RETENTION AND DISPOSAL:

Records are maintained in the system until contract termination, at which time they will be destroyed if no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

HQ DLA-DCMC-QF, Cameron Station, Alexandria, VA 22304–6190.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to HQ DLA-DCMC-QF, Cameron Station, Alexandria, VA 22304–6190 or to the system location where the flight certification is recorded. Individuals will be asked to provide name, social security number, or both, to facilitate access.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written notarized inquiries to HQ DLA-DCMC-QF, Cameron Station, Alexandria, VA 22304–6190 or to the system location where the flight certification is recorded. For personal visits, the individual may be asked to show a valid identification card, a drivers' license, or some similar proof of identity.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is provided by the individual or from training, evaluation, and examination records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S866.15 DPSC

SYSTEM NAME:

Manufacturing Payroll System; Weekly Piece Work.

SYSTEM LOCATION:

Defense Personnel Support Center (DPSC), 2800 South 20th Street, Philadelphia, PA 19101–8419.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former civilian personnel who have been paid by the Manufacturing Payroll System.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports are maintained that contain all the data which affect an employee's

pay, deduction, employer contributions, leave and retirement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Ch. 53, Pay Rates and Systems; 10 U.S.C. 136.

PURPOSE(S):

Information is maintained for purposes of affecting the weekly pay. Information is used by Agency supervisors and managers to determine leave usage, manpower allocations and labor distribution.

Payroll office to compute and control payroll.

Personnel office to determine leave usage and changes that affect an employee's pay.

Security office to determine location of employees.

Disbursing office to determine the distribution of checks and bonds.

Officials designated by the Commander, DPSC - to perform law enforcement, safety, and vehicle registration/parking duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used by financial institutions to determine disposition of net pay or allotments of pay.

Treasury Department to determine registration of bonds and federal tax allocation.

Unions, charities, and insurance organizations to determine participation in these organizations.

Office of Personnel Management to determine status of employee and for disposition of retirement records.

State and local taxing authorities to determine tax liability.

Bureau of Employment Compensation to process employee disability claims.

State employment offices to submit data for unemployment compensation.

Local courts to determine disposition of pay withheld for garnishment of wages.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, disc pack, computer paper printouts, paper records in file folders.

RETRIEVABILITY:

Records are maintained in alphabetical and employee number order.

SAFEGUARDS:

Access to mechanical records is limited to authorized DPSC data systems personnel. All other records are maintained in areas accessible only to office personnel.

RETENTION AND DISPOSAL:

Records are retained 18 months to 3 years after the active termination of employment.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Accounting and Finance Division, Office of Comptroller, DPSC, 2800 South 20th Street, Philadelphia, PA 19101–8419.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Accounting and Finance Division, Office of Comptroller, DPSC, 2800 South 20th Street, Philadelphia, PA 19101–8419.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Accounting and Finance Division, Office of Comptroller, DPSC, 2800 South 20th Street, Philadelphia, PA 19101–8419.

Individuals should provide information that contains the full name and Social Security Number of the employee. Employees making a personal request must present identification, i.e., employee badge, driver's license, etc. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Employee's supervisors, civilian personnel offices, financial institutions, local courts, other government agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DEFENSE LOGISTICS AGENCY OFFICIAL MAILING ADDRESSES

Headquarters, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100. The following officials are located at the Headquarters address:

Assistant Director, Information Systems and Technology
Assistant Director, Policy and Plans
General Counsel
Comptroller
Staff Director, Congressional Affairs
Staff Director, Public Affairs
Staff Director, Command Security
Staff Director, Administration
Staff Director, Civilian Personnel
Staff Director, Installation Services and Environmental Protection
Staff Director, Military Personnel
Staff Director, Small and Disadvantaged Business Utilization
Executive Director, Contracting
Executive Director, Supply Operations
Executive Director, Technical and Logistics Services
Executive Director, Contract Administration
Executive Director, Quality Assurance
Executive Director, Program and Technical Support
Commander, Defense Contract Management Command

Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Arlington, VA 22209–2593

DEFENSE LOGISTICS AGENCY PRIMARY LEVEL FIELD ACTIVITIES

(Alphabetically by state)

California

Defense Contract Management, District West, 222 N. Sepulveda Boulevard, El Segundo, CA 90245–4320.

Defense Distribution Region West, 700 East Roth Road, Lathrop, CA 95330–5000.

Georgia

Defense Contract Management, District South, 805 Walker Street, Marietta, GA 30060–2789.

Illinois

Defense Contract Management, District North Central, O'Hare International Airport, 10601 West Higgins, Building 4, PO Box 66475, Chicago, IL 60666–0926.

Massachusetts

Defense Contract Management, District North, 495 Summer Street, Boston, MA 02210–2184.

Michigan

Defense Logistics Services Center, 74 N. Washington Avenue, Battle Creek, MI 49017–3084.

Defense Reutilization and Marketing Service, 74 N. Washington Avenue, Battle Creek, MI 49017–3092.

Ohio

Defense Construction Supply Center, 3990 East Broad Street, Columbus, OH 43216–5000.

Defense Contract Management Command International, 2000 Hamilton Street, Dayton, OH 45444–5410.

Defense Logistics Agency Systems, Automation Center, 3990 East Broad Street, Columbus, OH 43216–5002.

Defense Electronics Supply Center, 1507 Wilmington Pike, Dayton, OH 45444–5252.

Pennsylvania

Defense Distribution Region East, 14 Dedication Drive, New Cumberland, PA 17070–5001.

Defense Contract Management, District Mid Atlantic, 2800 South 20th Street, Philadelphia, PA 19101–7478.

Defense Industrial Supply Center, 700 Robbins Avenue, Philadelphia, PA 19111–5096.

Defense Personnel Support Center, 2800 South 20th Street, Philadelphia, PA 19101–8419.

Tennessee

Defense Distribution Region Central, 2163 Airways Boulevard, Memphis, TN 38114–5297.

Utah

Defense Distribution Depot Ogden, 500 W. 12th Street, Ogden, UT 84407–5109.

Virginia

Defense Fuel Supply Center, Cameron Station, Alexandria, VA 22304–6160.

Defense Logistics Agency Administrative, Support Center, Cameron Station, Alexandria, VA 22304–6130.

Defense General Supply Center, 8000 Jefferson Davis Highway, Richmond, VA 23297–5000.

Defense National Stockpile Center, 1745 Jefferson Davis Highway, CS No. 4, Suite 100, Arlington, VA 22202–3402.

DEFENSE INVESTIGATIVE SERVICE

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required to locate and retrieve the record.

BLANKET ROUTINE USES

Certain 'blanket routine uses' of the records have been established that are applicable to every record system maintained within the Department of Defense unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below only once in the interest of simplicity, economy and to avoid redundancy.

LAW ENFORCEMENT ROUTINE USE

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

DISCLOSURE WHEN REQUESTING INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

DISCLOSURE OF REQUESTED INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

CONGRESSIONAL INQUIRIES ROUTINE USE

Disclosure from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

PRIVATE RELIEF LEGISLATION ROUTINE USE

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS ROUTINE USE

A record from a system of records maintained by this component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES ROUTINE USE

Any information normally contained in IRS Form W–2 which is maintained in a record from a system of records maintained by this component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517, 5520, and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Number 76–07.

DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT ROUTINE USE

A record from a system of records subject to the Privacy Act and maintained by this component may be

disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

DISCLOSURE TO MILITARY BANKING FACILITIES OVERSEAS ROUTINE USE

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

DISCLOSURE OF INFORMATION TO THE GENERAL SERVICES ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO THE MERIT SYSTEMS PROTECTION BOARD ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DOD investigation, and such other functions, promulgated in 5 U.S.C 1205 and 1206, or as may be authorized by law.

COUNTERINTELLIGENCE PURPOSES ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use outside the DOD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

V1–01

SYSTEM NAME:

Freedom of Information and Privacy Request Records.

SYSTEM LOCATION:

Freedom of Information records are located at the Defense Investigative Service, Information and Public Affairs Office, 1340 Braddock Road, Alexandria, VA 22314–1651.

Privacy Act records are located at the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted requests or who were the subject of requests under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of all correspondence by requesters; correspondence and other documentation pertaining to requests for information released or withheld; summaries and logs of actions taken regarding requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 552 as amended by Pub. L. 93–502, Freedom of Information Act; 5 U.S.C. 552a, Pub. L. 93–579, the Privacy Act of 1974, as amended; Department of Defense Regulation 5400.7–R, Freedom of Information Act Program (32 CFR part 286); and Department of Defense Regulation 5400.11–R, DOD Privacy Program (32 CFR part 310).

PURPOSE(S):

To facilitate responses to individual requests for information; to document actions taken in subsequent requests (including correction and amendment actions), appeals, or litigation; to provide a basis for reports and implementing directives.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' published at the beginning of DIS' compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders, backup copies exist on diskettes or other machine-readable media.

RETRIEVABILITY:

Information is retrieved by the name of the subject of the request.

SAFEGUARDS:

Records are maintained in security containers and only authorized personnel are permitted access.

RETENTION AND DISPOSAL:

Records are destroyed two years after date of reply EXCEPT when access to all or any part of the requested information has been denied, destruction occurs 5 years after date of reply; when subsequent administrative action has occurred under the governing act, all originals and copies shall be destroyed 4 years after final denial by the agency or 3 years after final adjudication by the courts, whichever is later. Destruction of paper records is accomplished by shredding or burning. Machine readable media are erased or overwritten.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Investigative Service, Deputy Director (Resources), 1340 Braddock Road, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURES:

Individuals seeking to determine if information about themselves is contained in this system should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651 for Freedom of Information request records and the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603 for Privacy Act records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651 for Freedom of Information request records and the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603 for Privacy Act records.

A request for information must contain the full name of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act Office.

CONTESTING RECORD PROCEDURES:

DIS' rules for accessing records, contesting contents, and appealing initial determinations are contained in DIS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from requesters, from other federal agencies with collateral interest in a request, and from records which were the subject of requests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2), (k)(3), and (k)(5), as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 321. For additional information contact the system manager.

V3–01

SYSTEM NAME:

EEO Complaints and Affirmative Employment Program Plans.

SYSTEM LOCATION:

Primary system: Defense Investigative Service, Director, Office of Affirmative Action and Equal Opportunity Policy, 1340 Braddock Road, Alexandria, VA 22314–1651.

Decentralized segments may be contacted through agency personnel offices located at the Defense Investigative Service, Headquarters Personnel Office, 1340 Braddock Road, Alexandria, VA 22314–1651.

Defense Investigative Service, Personnel Investigations Center Personnel Office, PO Box 12211, Baltimore, MD 21203–1211.

Defense Investigative Service, Defense Industrial Security Clearance Office, Personnel Office, PO Box 2499, Columbus, OH 43216–2499.

Defense Investigative Service, New England Region Personnel Office, 495 Summer Street, Boston, MA 02210–2192.

Defense Investigative Service, Mid-Atlantic Region Personnel Office, 1040 Kings Highway North, Cherry Hill, NJ 08034–1908

Defense Investigative Service, Capital Region Personnel Office, 2461 Eisenhower Avenue, Room 752, Alexandria, VA 22331–1000.

Defense Investigative Service, Mid-Western Region Personnel Office, 610 South Canal Street, Room 908, Chicago, IL 60607–4577.

Defense Investigative Service, Southeastern Region Personnel Office, 2300 Lake Park Drive, Suite 250, Smyrna, GA 30080–7606.

Defense Investigative Service, Southwestern Region Personnel Office, 106 Decker Court, Suite 200, Irving, TX 75062–2795.

Defense Investigative Service, Northwestern Region Personnel Office, Building 35, Room 114, The Presidio, San Francisco, CA 94129–7700.

Defense Investigative Service, Pacific Region Personnel Office, 3605 Long Beach Boulevard, Suite 405, Long Beach, CA 90807–4013.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DIS employees and applicants for employment who have been counselled by an EEO counselor, and DIS employees and applicants for employment who have filed a complaint of discrimination.

CATEGORIES OF RECORDS IN THE SYSTEM:

Administrative records and investigative files regarding complaints of discrimination, affirmative action plans and statistical analyses of the work force, Special Emphasis Program Council (SEPC) planning activities, Equal Employment Opportunity Commission mandates and decisions, court decisions, legislative mandates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 CFR part 1613; Federal Personnel Manual 713; DoD 1440.1–R, Department of Defense Civilian Equal Employment Opportunity Program; DIS Regulation 08–10, Defense Investigative Service Civilian Equal Employment Opportunity Program; Equal Employment Opportunity Commission Dir MD–107.

PURPOSE(S):

To adjudicate discrimination complaints based on the record, which often include the development of settlement agreements; prepare Affirmative Employment Program plans for the agency; identify and analyze problem barriers relative to equal opportunity in the workplace; perform work force analyses in relation to equal opportunity on all employment practices such as hiring, recruitment, promotion, training, awards, separations, and disciplinary actions to include adverse actions; analyze, develop and evaluate the results of affirmative employment action items; establish agency equal opportunity policy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DIS's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By case number, alphabetically by last name of complainant, and subject.

SAFEGUARDS:

Records are kept in locked file cabinets. Access is restricted to authorized personnel.

RETENTION AND DISPOSAL:

Records are considered to be temporary. A select few, based on historical significance, may be determined to be permanent. Official discrimination complaint case files are destroyed four years after resolution of a complaint. Affirmative employment

plans and reports of on site reviews are destroyed five years from the date of the plan.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Investigative Service, Director, Office of Affirmative Action and Equal Opportunity Policy, 1340 Braddock Road, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Investigative Service, Privacy Act Office, PO Box 1211, Baltimore, MD 21203–1211.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Defense Investigative Service, Privacy Act Office, PO Box 1211, Baltimore, MD 21203–1211.

A request for information must contain the full name of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 20224–6603.

Access to counseling records by individuals concerned may be obtained at the facility where counselling took place.

CONTESTING RECORD PROCEDURES:

DIS' rules for accessing records, contesting contents, and appealing initial determinations are contained in DIS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

Employees of DIS, applicants for employment, Equal Employment Opportunity Commission, and Office of Personnel Management.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

V4–01

SYSTEM NAME:

Personnel Records.

SYSTEM LOCATION:

The system is maintained at the following locations:

Defense Investigative Service Headquarters, Personnel Office, 1340 Braddock Road, Alexandria, VA 22314–1651.

Defense Investigative Service, Personnel Investigations Center Personnel Office, PO Box 12211, Baltimore, MD 21203–1211.

Defense Investigative Service, Defense Industrial Security Clearance Office Personnel Office, PO Box 2499, Columbus, OH 43216–2499.

Defense Investigative Service, New England Region Personnel Office, 495 Summer Street, Boston, MA 02210–2192.

Defense Investigative Service, Mid-Atlantic Region, Personnel Office, 1040 Kings Highway North, Cherry Hill, NJ 08034–1908.

Defense Investigative Service, Capital Region Personnel Office, 2461 Eisenhower Avenue, Room 752, Alexandria, VA 22331–1000.

Defense Investigative Service, Mid-Western Region Personnel Office, 610 South Canal Street, Room 908, Chicago, IL 60607–4577.

Defense Investigative Service, Southeastern Region Personnel Office, 2300 Lake Park Drive, Suite 250, Smyrna, GA 30080–7606.

Defense Investigative Service, Southwestern Region Personnel Office, 106 Decker Court, Suite 200, Irving, TX 75062–2795.

Defense Investigative Service, Northwestern Region Personnel Office, Building 35, Room 114, The Presidio, San Francisco, CA 94129–7700.

Defense Investigative Service, Pacific Region Personnel Office, 3605 Long Beach Boulevard, Suite 405, Long Beach, CA 90807–4013.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Defense Investigative Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Permanent and temporary records pertaining to the individual's employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, 5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

To document an individual's employment history, disclosure for verification of personnel information, details of employee qualification or eligibility for proposed personnel actions or new employment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DIS's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and automated system.

RETRIEVABILITY:

Alphabetically by last name of employee and electronically by Social Security number.

SAFEGUARDS:

Records are maintained in locked file cabinets accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are temporary. Records requiring long term retention are transferred to the National Personnel Records Center, 111 Winnebago Street, Louis, MO, when no longer required by the agency. Short term records are destroyed when the person leaves the agency or when utility of the record is no longer significant.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Investigative Service, Deputy Director (Resources), 1340 Braddock Road, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Investigative Service, Privacy Act Office, PO Box 1211, Baltimore, MD 21203–1211.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Defense Investigative Service, Privacy Act Office, PO Box 1211, Baltimore, MD 21203–1211.

A request must contain the full name and Social Security Number of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CONTESTING RECORD PROCEDURES:

DIS' rules for accessing records, contesting contents, and appealing initial determinations are contained in DIS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314-1651.

RECORD SOURCE CATEGORIES:

Previous employers, referances, supervisors, Department of Veterans Affairs, Office of Personnel Management, DIS Resources Directorate, DIS Office of Security, other federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

V4–04

SYSTEM NAME:

Applicant Records.

SYSTEM LOCATION:

Primary system is located at Defense Investigative Service, Deputy Director (Resources), 1340 Braddock Road, Alexandria, VA 22314–1651.

Decentralized segments are located at the Defense Investigative Service Headquarters, Personnel Office, 1340 Braddock Road, Alexandria, VA 22314–1651.

Defense Investigative Service, Personnel Investigations Center Personnel Office, PO Box 1211, Baltimore, MD 21203–1211.

Defense Investigative Service, Defense Industrial Security Clearance Office Personnel Office, PO Box 2499, Columbus, OH 43216–2499.

Defense Investigative Service, New England Region Personnel Office, 495 Summer Street, Boston, MA 02210–2192.

Defense Investigative Service, Mid-Atlantic Region, Personnel Office, 1040 Kings Highway North, Cherry Hill, NJ 08034–1908.

Defense Investigative Service, Capital Region Personnel Office, 2461 Eisenhower Avenue, Room 752, Alexandria, VA 22331–1000.

Defense Investigative Service, Mid-Western Region Personnel Office, 610 South Canal Street, Room 908, Chicago, IL 60607–4577.

Defense Investigative Service, Southeastern Region Personnel Office, 2300 Lake Park Drive, Suite 250, Smyrna, GA 30080–7606.

Defense Investigative Service, Southwestern Region Personnel Office, 106 Decker Court, Suite 200, Irving, TX 75062–2795.

Defense Investigative Service, Northwestern Region Personnel Office, Building 35, Room 114, The Presidio, San Francisco, CA 94129–7700.

Defense Investigative Service, Pacific Region Personnel Office, 3605 Long Beach Boulevard, Suite 405, Long Beach, CA 90807–4013.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for positions with the Defense Investigative Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Temporary record of applicants' stated interest in and/or qualifications for employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FPM Chapters 332 and 333, and 5 U.S.C. 301.

PURPOSE(S):

Identification of unsolicited applicants and determination of eligibility for positions with DIS; disclosure to other agencies for verification of information submitted.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DIS's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in files, loose-leaf binders, paper files of 3x5 cards.

RETRIEVABILITY:

Filed by type of position for which the applicant applied, or alphabetically by last name of applicant, or numerically by sequential control number.

SAFEGUARDS:

Records are maintained in files accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Records are temporary. Applications of those not interviewed are returned to the applicants. All other records are destroyed two years after the last action.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Investigative Service, Deputy Director (Resources), 1340 Braddock Road, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Defense Investigative Service, Privacy Act Office, PO Box 1211, Baltimore, MD 21203–1211.

A request for information must contain the full name and Social Security Number of the subject individual. Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CONTESTING RECORD PROCEDURES:

DIS' rules for accessing records, contesting contents, and appealing initial determinations are contained in DIS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

Personnel officers, personnel clerks, and personnel specialists of DIS and the Office of Personnel Management; the subject individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

V4–06

SYSTEM NAME:

Federal Personnel Management System (FPMS).

SYSTEM LOCATION:

Primary system is located at the Defense Investigative Service, National Computer Center, PO Box 1211, Baltimore, MD 21203–1211.

Decentralized segments are located at the Defense Investigative Service Headquarters, Personnel Office, 1340 Braddock Road, Alexandria, VA 22314–1651.

Defense Investigative Service, Personnel Investigations Center Personnel Office, PO Box 12211, Baltimore, MD 21203–1211.

Defense Investigative Service, Defense Industrial Security Clearance Office Personnel Office, PO Box 2499, Columbus, OH 43216–2499.

Defense Investigative Service, New England Region Personnel Office, 495 Summer Street, Boston, MA 02210–2192.

Defense Investigative Service, Mid-Atlantic Region, Personnel Office, 1040 Kings Highway North, Cherry Hill, NJ 08034–1908.

Defense Investigative Service, Capital Region Personnel Office, 2461 Eisenhower Avenue, Room 752, Alexandria, VA 22331–1000.

Defense Investigative Service, Mid-Western Region Personnel Office, 610 South Canal Street, Room 908, Chicago, IL 60607–4577.

Defense Investigative Service, Southeastern Region Personnel Office,

2300 Lake Park Drive, Suite 250, Smyrna, GA 30080–7606.

Defense Investigative Service, Southwestern Region Personnel Office, 106 Decker Court, Suite 200, Irving, TX 75062–2795.

Defense Investigative Service, Northwestern Region Personnel Office, Building 35, Room 114, The Presidio, San Francisco, CA 94129–7700.

Defense Investigative Service, Pacific Region Personnel Office, 3605 Long Beach Boulevard, Suite 405, Long Beach, CA 90807–4013.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Defense Investigative Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of identification and employment data, training, gender, racial identification and national origin, security clearance, and other information found in the Official Personnel Folder (OPF).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; E.O. 9397; Federal Personnel Manual; DoD Directive 5105.42, Defense Investigative Service, as amended.

PURPOSE(S):

To generate personnel, manpower, and security operating documents; provide information to OPM, DoD, and DIS management on personnel actions, position management, training, awards, and work force statistics; and provide race and national origin data to the Office of Affirmative Action and Equal Employment Opportunity.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DIS's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer records are housed in a database and on magnetic tape. Paper output products are stored in folders or binders.

RETRIEVABILITY:

Paper records are retrieved by name. Individual computerized records are retrieved by name, Social Security Number.

SAFEGUARDS:

Computers are accessed through assigned security codes. Magnetic tape and paper products are stored in locked cabinets within secured areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Database records are retained in an inactive status indefinitely for purposes of history and statistics. Magnetic tape records used as backup only, are created daily, retained for five days, then erased or overwritten. Paper reports are retained for one year after the end of the reporting year, and are destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Investigative Service, Deputy Director (Resources), 1340 Braddock Road, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Investigative Service, Privacy Act Office, PO Box 1211, Baltimore, MD 21203–1211.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Defense Investigative Service, Privacy Act Office, PO Box 1211, Baltimore, MD 21203–1211.

A request for information must contain the full name, and Social Security number of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CONTESTING RECORD PROCEDURES:

DIS' rules for accessing records, contesting contents, and appealing initial determinations are contained in DIS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

The individual concerned, personnel and security forms, applications, training certificates and other forms used in the development of official personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

V4–07

SYSTEM NAME:

Adverse Actions, Grievance Files, and Administrative Appeals

SYSTEM LOCATION:

Defense Investigation Service, Deputy Director (Resources), 1340 Braddock Road, Alexandria, VA 22314–1651.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All agency employees who are directly affected by grievances, complaints, and adverse actions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files and related records pertaining to administrative inquiries into allegations of misconduct, statements of witnesses, employee's statements, reports of interviews and hearings, hearing notices, letters of decision, records of appeals and reconsideration requests, reversals of actions, notices of proposed action with supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapters 432, 751, 752, 771 and 5 U.S.C. 301, Chapter 77; and E.O. 9397.

PURPOSE(S):

Records are used in the investigation and preparation of a case for initial disposition, and possible subsequent determinations in the event of appeal or reconsideration. Records are available for use by the examiner of the original case, or at the appellate level, both within and outside DIS.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DIS's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are maintained in locked containers accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Adverse action files are destroyed seven years after the case is closed. Grievance and administrative appeals files are destroyed seven years after the case is closed. Destruction is accomplished by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Investigative Service, Deputy Director (Resources), 1340 Braddock Road, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Defense Investigative Service, Privacy Act Office, PO Box 1211, Baltimore, MD 21203–1211.

Individuals need to provide full name and all maiden and alias names under which files may be maintained.

Note: Social Security Numbers may be necessary for positive identification of certain records.

Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CONTESTING RECORD PROCEDURES:

DIS' rules for accessing records, contesting contents, and appealing initial determinations are contained in DIS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

Supervisors, complainants, investigators, and appropriate law enforcement agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

V4–11

SYSTEM NAME:

DIS Drug-Free Workplace Files.

SYSTEM LOCATION:

Defense Investigative Service, Deputy Director (Resources), 1340 Braddock Road, Alexandria, VA 22314–1651.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of, and applicants for positions with, the Defense Investigative Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to the selection, notification, and urinalysis testing of employees and applicants for illegal drug use; collection authentication and chain of custody documents; and laboratory test results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7301 and 7361; Pub. L. 100–71; E.O. 12564, Drug-Free Federal Workplace and 9397; and Department of Defense Directive 1010.9, DoD Civilian Employee Drug Abuse Testing Program.

PURPOSE(S):

The system contains Drug Program Coordinator records on the selection, notification, and testing (i.e., urine specimens, drug test results, chain of custody records, etc.) of employees and applicants for employment for illegal drug use.

Records contained in this system are also used by the Defense Investigative Service's Medical Review Officer; the Administrator of any Employee Assistance Program in which the employee is receiving counselling or treatment or is otherwise participating; and supervisory or management officials having authority to recommend or take adverse actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In order to comply with provisions of 5 U.S.C. 7301, the DIS 'Blanket Routine Uses' do not apply to this system of records.

To a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders. Electronic records exist on diskettes or other machine-readable media.

RETRIEVABILITY:

Records are retrieved by employee or applicant name, Social Security Number, collection site, and/or date of testing.

SAFEGUARDS:

Buildings employ security guards. Paper records and diskettes are maintained in locked containers accessible only to authorized personnel. All employee and applicant records are maintained and used with the highest regard for the individual's privacy. Only persons with a need to know and trained in the handling of information protected by the Privacy Act have access to the system.

RETENTION AND DISPOSAL:

Records are destroyed after seven years, or when the individual leaves the Defense Investigative Service or the records are no longer needed. Records regarding applicants not accepted for employment will be destroyed 6 months after the testing date. Destruction of paper records is accomplished by shredding or burning. Electronic records are erased or overwritten.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Investigative Service, Deputy Director (Resources), 1340 Braddock Road, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

The individual must provide their full name, Social Security Number, the title, series, and grade of the position they occupied or applied for when the drug test was conducted, and the month and year of the test.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Defense Investigative Service, Privacy Act Office, PO Box 1211, Baltimore, MD 21203–1211.

The request for access must contain the individual's full name and Social Security Number.

Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CONTESTING RECORD PROCEDURES:

DIS' rules for accessing records, contesting contents, and appealing initial determinations are contained in DIS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

Urine specimen collection facilities, drug testing laboratories, Medical Review Officers, and test subjects.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

V4–12

SYSTEM NAME:

DIS Employee Assistance Program Records.

SYSTEM LOCATION:

Defense Investigative Service, Deputy Director (Resources), 1340 Braddock Road, Alexandria, VA 22314–1651.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Defense Investigative Service who are referred by management or who voluntarily request counselling assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on employees which are generated in the course of professional counselling and treatment. Records consist of information on condition, current status, progress and prognosis for employees who have personal, emotional, alcohol, or drug abuse problems, including admitted or urinalysis-detected use of illegal drugs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12564, Drug-Free Federal Workplace and 9397; 42 U.S.C. 290dd–3 and 290ee–3; and 5 U.S.C. 7301 and 7361.

PURPOSE(S):

To record data pertaining to counselling and treatment of employees, to include condition, current status, prognosis, or other relevant information through employee assistance facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In order to comply with provisions of 5 U.S.C. 7301 and 42 U.S.C. 290dd–3 and 290ee–3, the DIS 'Blanket Routine Uses' do not apply to this system of records.

Records in this system may not be disclosed without prior written consent of the subject employee, unless the disclosure is:

To qualified medical personnel to the extent necessary to meet a bona fide medical emergency;

To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual employee in any report of such research, audit, or evaluation, or otherwise disclose employee identity in any manner; or

As authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders. Electronic records exist on diskette or other machine-readable media.

RETRIEVABILITY:

Records are retrieved by employee name, Social Security Number, and duty station.

SAFEGUARDS:

Buildings employ security guards. Paper records and diskettes are maintained in locked containers accessible only to authorized personnel. All employee records are maintained and used with the highest regard for the individual's privacy. Only persons with a need to know and trained in the handling of information protected by the Privacy Act have access to the system.

RETENTION AND DISPOSAL:

Records are destroyed after seven years, or when the individual leaves the Defense Investigative Service, or the records are otherwise no longer needed. Paper records are destroyed by shredding or burning. Electronic records are erased or overwritten.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Investigative Service, Deputy Director (Resources), 1340 Braddock Road, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Defense Investigative Service, Privacy Act Office, PO Box 1211, Baltimore, MD 21203–1211.

Request should contain the full name and Social Security Number of the subject individual.

Personal visits will require a picture proof of identity and are limited to the Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CONTESTING RECORD PROCEDURES:

DIS' rules for accessing records, contesting contents, and appealing initial determinations are contained in DIS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

Employees undergoing counselling and counsellors at employee assistance program facilities. Private individuals to include family members of employees and outside practitioners involved in treatment and rehabilitation activities.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

V5–01

SYSTEM NAME:

Investigative Files System.

SYSTEM LOCATION:

Defense Investigative Service, Investigative Files Division, 2200 Van Deman Street, Baltimore, MD 21224–6603, has primary control over the system and is responsible for the maintenance of completed investigative records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel who are active duty; applicants for enlistment or appointment; members of Reserve units; National guardsmen; DOD civilian personnel who are paid from appropriated funds; industrial or contractor personnel who are working in private industry in firms which have contracts involving access to classified DOD information or installations; Red Cross personnel and personnel paid from nonappropriated funds who have DOD affiliation; ROTC cadets; former military personnel; and individuals residing on, have authorized official access to, or conducting or operating any business or other functions at any DOD installation or facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Official Reports of Investigation (ROIs) prepared by DIS or other DOD, federal, state, or local official investigative activities; industrial security administrative inquiries (AISs).

Attachments to ROIs or AISs including exhibits, subject or interviewee statements, police records, medical records, credit bureau reports, employment records, education records, release statements, summaries of, or extracts from other similar records or reports.

Case control and management documents which are not reports of investigation, but which serve as the basis for investigation, or which serve to guide and facilitate investigative activity, including documents providing the data to open and conduct the case; and documents initiated by the subject.

DIS file administration and management documents accounting for

VOL 58 ISS 33 FE 22 1993 UMI

the disclosure of, control of, and access to a file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 Department of Regulations; E.O. 10450, Security Requirements for Government Employment; DOD Directive 5105.42, Defense Investigative Service; DOD Directive 5200.2, Department of Defense Personnel Security Program; DOD Directive 5200.27 (Section IV A and B), Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense; DOD Directive 5220.6, Defense Industrial Personnel Security Clearance Program Review; DOD Directive 5220.28, Application of Special Eligibility and Clearance Requirements in the SIOP-ESI Program for Contractor Employees, and 18 U.S.C. 3056, Powers and Duties of the Secret Service.

PURPOSE(S):

To ensure that the acceptance or retention of persons in sensitive DOD positions or granting individuals including those employed in defense industry access to classified information is clearly consistent with national security.

To determine the loyalty, suitability, eligibility, and general trustworthiness of individuals for access to defense information and facilities.

To determine the eligibility and suitability of individuals for entry into and retention in the Armed Forces.

To provide information pertinent to the protection of persons under the provisions of 18 U.S.C. 3056, Powers and Duties of the Secret Service.

For use in criminal law enforcement investigations, including statutory violations and counterintelligence as well as counterespionage and other security matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For maintenance and use by the requesting activity when collected during reciprocal investigations conducted for other DOD and federal investigative elements.

For dissemination to federal agencies or other DOD components when information regarding personnel security matters is reported by Information Summary Report.

The 'Blanket Routine Uses' set forth at the beginning of DIS's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, microfilm, diskettes, magnetic tape or supplementary index cards.

RETRIEVABILITY:

Information is retrieved by name and case control number.

SAFEGUARDS:

Completed investigative records are contained and stored in paper files, open shelves, filing cabinets and on magnetic tape which are housed in secured areas accessible only to authorized personnel who are properly screened and have a need to know.

RETENTION AND DISPOSAL:

Retention of closed DIS investigative files is authorized for 15 years maximum, except as follows:

(1) Files which have resulted in final adverse action against an individual will be retained 25 years;

(2) Files developed on persons who are being considered for affiliation with the Department of Defense will be destroyed within one year if the affiliation is not completed. In cases involving a pre-appointment investigation, if the appointment is not made due to information developed by investigation, the file will be retained 25 years upon notification from the requestor for which the investigation was conducted. If the appointment is not made due to information developed by investigation, the file will be retained 25 years upon notification from he requestor for which the investigation was conducted. If the appointment is not made for another reason not related to the investigation, the file will be destroyed within one year upon notification from the requesting agency service;

(3) Files concerning unauthorized disclosure of classified information and other specialized investigation files will be retained for 15 years; and

(4) Information within the purview of the Department of Defense Directive 5200.27, Acquisition of Information concerning Persons and Organizations not Affiliated with the Department of Defense, is destroyed within one year after acquisition by DIS unless its retention is required by law or unless its retention has been specifically authorized by the Secretary of Defense or his designee;

(5) Reciprocal investigations are retained for only 60 days; and

(6) Partial duplicate records of personnel security investigations are retained for 60 days by DIS field elements.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Investigative Service, Director, Personnel Investigations Center, 2200 Van Deman Street, Baltimore, MD 21224–6603.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should send written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquires to the Defense Investigative Service, Privacy Act Office, PO Box 1211, Baltimore, MD 21203–1211.

A request for information must contain the full name and Social Security Number of the subject individual. Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CONTESTING RECORD PROCEDURES:

DIS' rules for accessing records, contesting contents, and appealing initial determinations are contained in DIS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

Subjects of investigations, records of other DOD activities and components, Federal, state, county, and municipal records, employment records of private business and industrial firms. Educational and disciplinary records of schools, colleges, universities, technical and trade schools. Hospital, clinic, and other medical records.

Records of commercial enterprises such as real estate agencies, credit bureaus, loan companies, credit unions, banks, and other financial institutions which maintain credit information on individuals.

The interview of individuals who are thought to have knowledge of the subject's background and activities.

The interview of witnesses, victims, and confidential sources.

The interview of any individuals deemed necessary to complete the DIS investigation.

Miscellaneous directories, rosters, and correspondence.

Any other type of record deemed necessary to complete the DIS investigation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2), (k)(3), and (k)(5) as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 321. For additional information contact the system manager.

V5–02

SYSTEM NAME:

Defense Central Index of Investigations (DCII).

SYSTEM LOCATION:

Primary location is the Defense Investigative Service, National Computer Center, 2200 Van Deman Street, Baltimore MD 21224–6603.

Secondary locations exist at the Commander, Naval Military Personnel Command, NMPC–81, Navy Department, Washington, DC 20370;

U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, CRC Building 305, 2301 Chesapeake Avenue, Baltimore, MD 21222;

U. S. Army Intelligence Security Command, Chief, Investigative Records Repository, ATTN: IACSF-IR-E, Building 4552A, Fort George G. Meade, MD 20755;

Deputy Director, Personnel Security, The Pentagon, Room 3C267, Washington, DC 20301;

Department of the Army, Headquarters, Central Personnel Security Clearance Facility, ATTN: PCCF-MDS, Fort George G. Meade, MD 20755;

Department of the Navy, Naval Security Group Command, Headquarters, 3301 Nebraska Avenue, NW, Washington, DC 20390;

Headquarters, Air Force Security Clearance Office, The Pentagon, Room 5D460, Washington, DC 20330;

Headquarters Air Force Office of Special Investigations IMIRS, Building 626, Bolling Air Force Base, Washington, DC 20332;

U.S. Office of Personnel Management, Office of Personnel Investigations Operations Division, NAC1 Center, Boyers, PA 16018;

Naval Investigative Service Headquarters, Records Management Division (NIS–284), NIS Building 1, 4600 Silverhill Road, Washington, DC 20389;

Department of the Army, Headquarters (DAMI-CIS), Office of the Assistant Chief of Staff for Intelligence, The Pentagon, Room 2D475, Washington, DC 20310–1052;

Defense Intelligence Agency, ATTN: OS-SA, The Pentagon, Room 2B535, Washington, DC 20301;

Department of the Navy, Naval Intelligence Command, Room 282, NIC Building, 4600 Silverhill Road, Washington, DC 20389;

Defense Industrial Security Clearance Office, ATTN: SO812, PO Box 2499, Columbus, OH 43216;

Defense Communications Agency, ATTN: BZP, Washington, DC 20305;

Defense Investigative Service Headquarters, 1340 Braddock Road, Alexandria, VA 22314–1651;

Defense Logistics Agency, ATTN: Command Security Office, Cameron Station, Alexandria, VA 22314;

Defense Criminal Investigative Service, DOD Office of Inspector General, DCIS–8D490, Cameron Station, PO Box 9290, Alexandria, VA 22314;

Defense Contract Audit Agency, Cameron Station, Alexandria, VA 22314;

Director, National Security Agency, OPF Building 3, Room C2B51, Fort George G. Meade, MD 20755;

Defense Investigative Service, New England Region, Director of Investigations, 495 Summer Street, Boston, MA 02210–2192;

Defense Investigative Service, Mid-Atlantic Region, Director of Investigations, 1040 Kings Highway North, Cherry Hill, NJ 08034–1906;

Defense Investigative Service, Capital Region, Director of Investigations, 2461 Eisenhower Avenue, Room 752, Alexandria, VA 22331–1000;

Defense Investigative Service, Mid-Western Region, Director of Investigations, 610 South Canal Street, Room 908, Chicago, IL 60607–4577;

Defense Investigative Service, Southeastern Region, Director of Investigations, 2300 Lake Park Drive, Suite 250, Smyrna, GA 30080–7606;

Defense Investigative Service, Southwestern Region, Director of Investigations, 106 Decker Court, Suite 200, Irving, TX 75062–2795;

Defense Investigative Service, Northwestern Region, Director of Investigations, Building 35, Room 114, The Presidio, San Francisco, CA 94129–7700; and

Defense Investigative Service, Pacific Region, Director of Investigations, 3605 Long Beach Boulevard, Suite 405, Long Beach, CA 90807–4013.

CATEGORIES OF INDIVIDUALS CONTAINED IN THE SYSTEM:

Any person described as a subject or a victim or who is a cross-reference in an investigation completed by or for a DOD investigative organization when that investigation is retained by the organization and the name is submitted for central indexing.

CATEGORIES OF RECORDS IN THE SYSTEM:

DCII MASTER INDEX: The index is composed of investigations conducted by DOD investigative organizations, locator references to such investigations, and security clearances granted by DOD components. Records contain names and other personal identifying information on individuals, including security clearance data on Department of Defense contractor employees who are indexed.

FILE TRACING: Reference to an investigation maintained by one of the investigative records repositories. It identifies the individual by name and personal identifiers, the custodian of the file, the year indexed, and the number used by the repository to locate the file.

OPEN CASE TRACING: A record input by DOD investigative activities or the National Security Agency reflecting the existence of an investigation in progress. It identifies the subject individual by name and personal identifiers, the location of the open investigation, the year indexed, and the number used to locate the investigative number.

NAC PENDING TRACING: Record of a National Agency Check (NAC) investigation in progress. It identifies the subject individual by name, personal identifiers, the case number, the category of the requester of the NAC, and the type of NAC being run.

NAC HISTORY TRACING: A record of completed favorable, or incomplete, national agency checks. It identifies the individual by name and personal identifiers, the date the NAC was completed, and the agencies that were checked.

DCII NAME ONLY INDEX (DNOI): Composed of names of persons who are referenced but not fully identified in investigative files. A DNOI record identifies the individual by name and lists the custodial agency of the file, year indexed, and the number used by the repository to locate the file. Positive identification is impossible from the index and may well be impossible from the case file itself. Also contains Impersonal Titles (i.e., organizations and contractors). Pending NACs for facility NAC cases appear in the DNOI as well as Facility NAC Histories.

VOL
58
ISS
33
FE
22
1993
UMI

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; E.O. 10450, Security Requirements for Government Employment; DOD Directive 5200.2, DOD Personnel Security Program (32 CFR part 156); DOD Directive, 5105.42, Defense Investigative Service (DIS) (32 CFR part 361); and E.O. 9397.

PURPOSE(S):

To determine the existence and location of DOD investigative records for granting clearances, for access to defense installations, and for entry into military service or employment in sensitive civilian positions; and to reflect security clearance information pertaining to Army, Air Force, Navy and Defense contractor personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DIS's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

MASTER INDEX data is maintained on direct access storage devices (disks). It is also contained on magnetic tape for continuity of operations to permit processing at alternate locations in the event of computer failure.

NAME ONLY INDEX data is maintained on direct access storage devices (disks), magnetic tape, and microfiche. Each contributor is provided his portion on a quarterly basis.

RETRIEVABILITY:

Master Index records are accessed through name and at least one personal identifier (PID). Personal identifiers are: Date of birth, place of birth, and Social Security Number. Inquiries may enter the system by being keyed in at remote terminals. A nonstandard retrieval capability also exists which permits retrieval without PID or on parts of a name and produces references to all individuals by that name. It should be noted that in many cases the subject's SSN is necessary to make a positive identification. Name Only Index records are accessed through the name or some portion thereof. Records are retrieved based on an exact match with the name submitted. Inquiries may enter the system through remote terminals.

SAFEGUARDS:

Generalized validation is provided in batch retrieval through program edits to prevent unauthorized access. User terminals with access to the Master Index are located in controlled access areas. Access to the system is limited to a specified time of day. Terminals are connected via dedicated data circuits which prevent access from standard dial-up telephones. Activities must be a part of DOD and accredited on the basis of authorized requirements before a new terminal is established or before batch requests will be honored and processed. Terminal holders and organizations authorized access by other means are responsible for insuring that individuals and organizations to whom they disclose index information have appropriate authority and need to know. The computer room is located within a building controlled by security personnel at all times. Identification badges are required for entrance. Access to the computer room is controlled by a combination lock on the entrance. Critical backup files are stored in locked fireproof data safes.

RETENTION AND DISPOSAL:

DCII MASTER INDEX and NAME ONLY INDEX data are destroyed when updated or after 15 years, whichever occurs first.

OPEN CASE TRACINGS are retained for as long as the investigation is open. Upon completion of the investigation, the open case tracings are replaced by a file tracing.

FILE TRACINGS are retained for a period corresponding to the retention of investigative files described in DIS Investigative Files System (V5–01).

NAC PENDING TRACINGS are retained until completion of the NAC. At that time they are replaced by a NAC history tracing.

NAC HISTORY TRACINGS are automatically deleted 15 years from the date of completion of the NAC. Specific action may be taken to delete the record sooner. A subsequent favorable NAC will be entered as a new history record and automatically delete the previous history record.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Secretary of Defense (C3I), Deputy Director for Personnel Security, Room 3C267, The Pentagon, Washington, DC 20301–3040.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Defense Investigative Service, Privacy Act Office, PO Box 1211, Baltimore, MD 21203–1211.

A request for information must contain the full name and Social Security Number of the subject individual. Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CONTESTING RECORD PROCEDURES:

DIS' rules for accessing records, contesting contents, and appealing initial determinations are contained in DIS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

DOD investigative organizations listed in the 'System location' caption (excluding DISCO); Defense Logistics Agency, ATTN: DLAH-T, Cameron Station, Alexandria, VA 22314; Director of Security, National Security Agency, ATTN: M–552, Fort Meade, MD 20755; Assistant Chief of Staff of Intelligence (ACSI), Department of the Army, ATTN: Counterintelligence Division, Washington, DC 20314.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2).

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 321. For additional information contact the system manager.

V5–03

SYSTEM NAME:

Defense Integrated Management System (DIMS).

SYSTEM LOCATION:

Defense Investigative Service, Director, Personnel Investigations Center, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any person who is the subject of an ongoing or recently completed Defense Investigative Service (DIS) investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

The DIMS Transaction file contains information on the addition to, deletion of, destruction of, and amendment to DIS investigative files. The DIMS Master File is composed of records of investigations which are being or have been conducted for DOD activities and personal identifying information on individuals who have been investigated. The DIMS master file also consists of records of leads assigned to DIS field elements for those investigations in progress. Records contain the name, Social Security Number, case control number, the investigative leads assigned, and their status. The DIMS History File consists of records of investigations that have been closed. Records contain the name and other personal identifying information, the type of investigation, requester category, case number, the closing status or the date closed or both.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; DOD Directive 5105.42, Defense Investigative Service (DIS) (32 CFR part 361); DOD Regulation 5200.2, Personnel Security Program (32 CFR part 156).

PURPOSE(S):

To determine the existence, location, and status of subject cases; to control workload and prepare statistical reports; to inform federal agencies or requesters of investigations regarding the status of ongoing cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DIS's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The DIMS Master File resides on a Direct Access Storage Device. The master file is copied on magnetic tape as a backup to provide continuity of processing at alternate locations in the event of computer failure. The DIMS History File is contained on magnetic tape. DIMS Investigative Assignment Files are retained in paper form and on microfiche.

RETRIEVABILITY:

DIMS master records are accessed through the case control number. History file records are accessed by name from sequentially dated tapes. Investigative Assignment Files data is retrievable by name of individual or case control number.

SAFEGUARDS:

Generalized validation is provided in batch retrieval through program edits to prevent unauthorized access.

User terminals with access to the Master Index are located in controlled access areas. Access to the system is limited to a specified time of day. Terminals are connected via dedicated data circuits which prevent access from standard dial-up telephones. Activities must be a part of DOD and accredited on the basis of authorized requirements before a new terminal is established or before batch requests will be honored and processed. Terminal holders and organizations authorized access by other means are responsible for insuring that individuals and organizations to whom they disclose index information have appropriate authority and need to know. The computer room is located within a building controlled by security personnel at all times. Identification badges are required for entrance. Access to the computer room is controlled by a combination lock on the entrance. Critical backup files are stored in locked fireproof data safes.

RETENTION AND DISPOSAL:

Monthly history tapes are retained indefinitely. After two years, all names are deleted from the records of monthly history tapes. Investigative Assignment Files are retained for one year after completion of field leads.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Investigations Center, Defense Investigative Service, 2200 Van Deman Street, Baltimore, MD 21224–6603.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203–1211.

Individual should provide full name and all maiden and alias names under which files may be maintained. For verification purposes, the Social Security Number may be necessary for positive identification of certain records.

Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CONTESTING RECORD PROCEDURES:

DIS' rules for accessing records, contesting contents, and appealing initial determinations are contained in DIS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

DIS Investigative Reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2), as applicable.

An exemption rule for this record system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 321. For additional information contact the system manager.

V6–01

SYSTEM NAME:

Personnel Security Files (PSF).

SYSTEM LOCATION:

Primary electronic system is located at Defense Investigative Service, Personnel Investigations Center, 2200 Van Deman Street, Baltimore, MD 21224–6603.

Remote terminals are located at Defense Investigative Service, New England Region, 495 Summer Street, Boston, MA 02210–2192;

Defense Investigative Service, Mid-Atlantic Region, 1040 Kings Highway North, Cherry Hill, NJ 08034–1906;

Defense Investigative Service, Capital Region, 2461 Eisenhower Avenue, Room 752, Alexandria, VA 22331–1000;

Defense Investigative Service, Mid-Western Region, 610 South Canal Street, Room 908, Chicago, IL 60607–4577;

Defence Investigative Service, Southeastern Region, 2300 Lake Park Drive, Suite 250, Smyrna, GA 30080–7606;

Defense Investigative Service, Southwestern Region, 106 Decker Court, Suite 200, Irving, TX 75062–2795;

Defense Investigative Service, Northwestern Region, Building 35, Room 114, The Presidio, San Francisco, CA 94129–7700;

Defense Investigative Service, Pacific Region, 3605 Long Beach Boulevard, Suite 405, Long Beach, CA 90807–4013; and

Paper records and Sensitive Compartmented Information Access Records are located at the Defense Investigative Service, Office of Security, 1340 Braddock Road, Alexandria, VA 22314–1651.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Every DIS employee.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's Certificates of Personnel Security Investigation, Certificates of Security Clearance and Access Authorization, Adjudicative Summary Sheets, Sensitive Compartmented Information (SCI) Access Records, certificates of clearance for other agencies, Security Briefing Statements, security clearance downgrade and discontinuation statements, Security Termination Statement and Debriefing Certificates, Defense Clearance and Investigations Index (DCII) check results, requests for Personnel Security Investigations, Badge and Credential receipts, and related documents which may vary in certain cases. Personal identifying data to confirm identities is also contained in this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; DOD Regulation 5200.2, DOD Personnel Security Program; DIS Regulation 25–3, Personnel Security Program.

PURPOSE(S):

Files are used during an individual's employment with the agency to provide a basis for determining eligibility for assignment to, or retention in, a sensitive position; granting security clearance; evidence of clearance and access to classified defense information; and to verify security clearance information of individuals visiting other offices regarding classified matters. File information may be provided to other authorized government departments, agencies or offices when a change of the individual's employment is considered.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DIS's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders. Summary data is recorded electronically in Federal Personnel Management System (FPMS) and Defense Clearance and Investigations Index (DCII).

RETRIEVABILITY:

Paper records are filed alphabetically by last name and by location (Region/Center). Summary data is retrievable by Social Security Number or by name.

SAFEGUARDS:

All system records are maintained in locked security containers accessible only to authorized personnel. Summary data is accessed only by authorized personnel using assigned system passwords.

RETENTION AND DISPOSAL:

Records are kept for two years after termination of an individual's employment with DIS. Longer retention, not to exceed five years after termination of employment, may be approved by the Chief, Office of Security, DIS. Paper records are destroyed by burning or shredding; electronic records are erased or overwritten.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Investigative Service, Chief, Office of Security, 1340 Braddock Road, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURES:

Individuals seeking to determine if information about themselves is contained in this system should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Defense Investigative Service, Privacy Act Office, PO Box 1211, Baltimore, MD 21203–1211.

A request for information must contain the full name and Social Security number of the subject individual. Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CONTESTING RECORD PROCEDURES:

DIS' rules for accessing records, contesting contents, and appealing initial determinations are contained in DIS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

Application and related forms from the individual, summaries of information from background investigations of the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

V7–01

SYSTEM NAME:

Enrollment, Registration and Course Completion Record.

SYSTEM LOCATION:

Department of Defense Security Institute, Defense General Supply Center, Building 33, Bay E, Richmond, VA 23297–5091.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are scheduled for or who have attended courses of instruction offered by the Institute.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information may include individual's name and other personal identifying and administrative data pertaining to attendance at the Institute to include employer, course completion, and other similar data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; E.O. 9397; E.O. 10865; E.O. 10909; DoD Directive 5105.42, Defense Investigative Service; and DoD Directive 5200.32, Department of Defense Security Institute.

PURPOSE(S):

Used by Institute personnel to prepare class rosters and provide basic administrative information on attendees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DIS's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on machine-printed index cards and computer diskettes.

RETRIEVABILITY:

Records are filed alphabetically by last name.

SAFEGUARDS:

Records are maintained in file cabinets in a locked room in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Diskettes are erased or overwritten and reused every two years, or when full, whichever comes first. Machine printed index cards are destroyed by burning or shredding 10 years from the date of the last transaction.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Department of Defense Security Institute, Defense General Supply Center, Building 33, Bay E, Richmond, VA 23297–5091.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Defense Investigative Service, Privacy Act Office, PO Box 1211, Baltimore, MD 21203–1211.

A request for information must contain the full name and Social Security Number of the subject individual. Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CONTESTING RECORD PROCEDURES:

DIS' rules for accessing records, contesting contents, and appealing initial determinations are contained in DIS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

The student, his/her employer, and the Department of Defense Security Institute.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

V7–02

SYSTEM NAME:

Guest/Instructor Identification Records.

SYSTEM LOCATION:

Director, Department of Defense Security Institute, Defense General Supply Center, Building 33, Bay E, Richmond, VA 23297–5091.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Guest speakers and regularly assigned instructors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, position, biographical data, and other background information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10865; E.O. 10909; DoD Directive 5105.42, Defense Investigative Service (DIS); and DoD Directive 5200.32, Department of Defense Security Institute (DoDSI).

PURPOSE(S):

Used by Institute personnel for the introduction of speakers and instructors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DIS's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index cards and computer diskettes.

RETRIEVABILITY:

Records are filed alphabetically by last name.

SAFEGUARDS:

Records are maintained in file cabinets in a locked room in areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are reviewed annually and obsolete data are destroyed. Paper records are shredded or burned, electronic records are erased or overwritten.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Department of Defense Security Institute, Defense General Supply Center, Building 33, Bay E, Richmond, VA 23297–5091.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Defense Investigative Service, Privacy Act Office, PO Box 1211, Baltimore, MD 21203–1211.

A request for information must contain the full name and Social Security Number of the subject individual. Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CONTESTING RECORD PROCEDURES:

DIS' rules for accessing records, contesting contents, and appealing initial determinations are contained in DIS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

The information is provided by the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

V8–01

SYSTEM NAME:

Industrial Personnel Security Clearance File.

SYSTEM LOCATION:

Central facility is located at the Defense Investigative Service, Defense Industrial Security Clearance Office, 3990 East Broad Street, Building 306, Columbus, OH 43213–1138.

Remote terminals are located at the NSA DIRNSA OPS, Building 3, Room CIB 51, Fort Meade, MD 20755.

Defense Investigative Service, Deputy Director (Industrial Security), 1340 Braddock Road, Alexandria, VA 22314–1651.

Defense Investigative Service, New England Region, Director of Industrial Security, 495 Summer Street, Boston, MA 02210–2192.

Defense Investigative Service, Mid-Atlantic Region, Director of Industrial Security, 1040 Kings Highway North, Cherry Hill, NJ 08034–1906.

Defense Investigative Service, Capital Region, Director of Industrial Security,

VOL 58 ISS 33 FE 22 1993 UMI

2461 Eisenhower Avenue, Room 752, Alexandria, VA 22331–1000.

Defense Investigative Service, Mid-Western Region, Director of Industrial Security, 610 South Canal Street, Room 908, Chicago, IL 60607–4577.

Defense Investigative Service, Southeastern Region, Director of Industrial Security, 2300 Lake Park Drive, Suite 250, Smyrna, GA 30080–7606.

Defense Investigative Service, Southwestern Region, Director of Industrial Security, 106 Decker Court, Suite 200, Irving, TX 75062–2795.

Defense Investigative Service, Northwestern Region, Director of Industrial Security, Building 35, Room 114, The Presidio, San Francisco, CA 94129–7700.

Defense Investigative Service, Pacific Region, Director of Industrial Security, 3605 Long Beach Boulevard, Suite 405, Long Beach, CA 90807–4013.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and major stockholders of government contractors and other DoD affiliated personnel who have been issued, now possess, are, or have been in process for personnel security clearance eligibility determinations, security assurances or NATO clearance documents.

CATEGORIES OF RECORDS IN THE SYSTEM:

The automated portion may include individual's name, Social Security Number and other personal identifying information; date and level of security clearance granted; date and type of investigation and investigating agency or case number and location; sequential record of action; and information necessary to facilitate the security clearance process.

The manual portion may include the clearance application, copy of the investigation, record of clearance, foreign clearance and travel information; clearance processing information, adverse information and other internal and external correspondence and administrative memoranda relative to the clearance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 9397; E.O. 10865; E.O. 10909; DoD Directive 5105.42, Defense Investigative Service (DIS); and DoD Directive 5200.2, DoD Personnel Security Program.

PURPOSE(S):

Records serve as a central repository on the eligibility determination of industrial personnel for access to classified information. The file serves as an administrative record, current record and repository for clearance related reports and information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DIS's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are maintained in computer disk packs, magnetic tapes and associated data processing files. Manual records are on microfiche, index cards and hard copy paper records maintained in file folders.

RETRIEVABILITY:

Records are accessed by Social Security Number or name or both.

SAFEGUARDS:

Specific codes are required to access the automated records. Manual records are housed in a secured area accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Manual records of favorable results are destroyed upon issuance of the clearance. Automated records are retained for 62 months following the termination of employment.

EXCEPTIONS: Records of cases directed by the Defense Industrial Security Clearance Review (DISCR), or cases involving the death of an individual holding a clearance, are retained until the subject attains, or would have attained, the age of 80 years.

Records released in accordance with the Privacy Act or Freedom of Information Act (FOIA) are retained for two years from date of release.

All cases requiring adjudication are retained for five years from the date of the last clearance action.

Paper records are destroyed by burning or shredding; electronic records are erased or overwritten.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Investigative Service, Chief, Office of Security, 1340 Braddock Road, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Defense Investigative Service, Privacy Act Office, PO Box 1211, Baltimore, MD 21203–1211.

A request for information must contain the full name and Social Security Number of the subject individual. Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CONTESTING RECORD PROCEDURES:

DIS' rules for accessing records, contesting contents, and appealing initial determinations are contained in DIS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

Subjects of investigations; records of other DoD activities and components, federal, state, county and municipal records; employment records of private business and industrial firms; educational and disciplinary records of schools, colleges, universities, technical and trade schools; hospital, clinic and other medical records; records of commercial enterprises such as real estate agencies, credit bureaus, loan companies, credit unions, banks and other financial institutions which maintain credit information on individuals; transportation companies (air lines, railroads, etc.). Interviews of individuals who are believed to have knowledge of the subject's background and activities; witnesses, victims and confidential sources; any individuals who may have information deemed necessary to complete the investigation. Miscellaneous directories, rosters and correspondence; any other type of record considered necessary to complete the investigation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt under the provisions of 5 U.S.C. 552a(k)(5), as applicable, but only if the information would reveal the identity of the source who furnished information to the government under an implied or expressed promise of confidentiality.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32

CFR part 321. For additional information contact the system manager.

V9–01

SYSTEM NAME:

Litigation Casé Files.

SYSTEM LOCATION:

Defense Investigative Service, Office of the General Counsel, 1340 Braddock Road, Alexandria, VA 22314–1651.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Indivduals who have been the subject of adverse actions generated by the agency employee relations process, Merit Systems Protection Board (MSPB) and Equal Employment Opportunity Commission (EEOC) appellants, Freedom of Information Act (FOIA) and Privacy Act litigants, and individuals involved in civil litigation against DIS or other government agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Legal or factual memoranda, legal briefs, correspondence, decisions, claims, grievances, MSPB, EEO, FOIA and Privacy Act materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; Department of Defense Directive 5105.42, The Defense Investigative Service (32 CFR part 361).

PURPOSE(S):

To collect documentation pertinent to litigation, disciplinary matters, and administrative actions concerning the Agency. Information is compiled to support various legal-related activities of the Department of Defense, Department of Justice, the Office of Personnel Management, or other adjudicative agencies of the U.S. Government as may be necessary or required in the disposition of an individual case.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF UBERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DIS's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by surname of individual.

SAFEGUARDS:

Records are kept in locked cabinets and are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Records are held 5 years after date of last action, then retired to the Washington National Records Center. They are destroyed when 25 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Investigative Service, Office of the General Counsel, 1340 Braddock Road, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

A request for information must contain the full name and Social Security number of the subject individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Defense Investigative Service, Privacy Act Office, PO Box 1211, Baltimore, MD 21203—1211.

A request for information must contain the full name and Social Security number of the subject individual. Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CONTESTING RECORD PROCEDURES:

DIS' rules for accessing records, contesting contents, and appealing initial determinations are contained in DIS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

Information is provided by DIS field elements, Employee Relations Branch; Director, DIS Office of Affirmative Action and Equal Opportunity Policy; Directorates of Industrial Security and Investigations; Office of the Secretary of Defense; other DoD components.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2) and (k)(5) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553b(1), (2) and (3), (c) and (e) and published in 32 CFR part 321. For additional information contact the system manager.

V10–01

SYSTEM NAME:

Investigation and Inspection Supplier Contract Files.

SYSTEM LOCATION:

Defense Investigative Service, Deputy Director (Resources), 1340 Braddock Road, Alexandria, VA 22314–1651.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual contractors who perform personnel security investigations or industrial security inspections on an as-needed basis for the Defense Investigative Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may contain any or all of the following: Contractor Information Sheet, copies of contracts, Purchase Orders, Request for Payment, Request for Bulk Funds Order, Order for Supplies and Services, Contract Distribution, Public Voucher for Purchases and Services Other than Personal. Regional Directors of Investigation and Industrial Security and field office supervisors may file other documentation, originals or copies, such as resumes, applications, or DD Forms 398, Personnel Security Questionnaires.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Department Regulations; Department of Defense Directive 5105.42, Defense Investigative Service (32 CFR part 361).

PURPOSE(S):

To retain personal identification information provided by individual contract suppliers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of DIS's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Regional and field office copies are filed alphabetically by surname of individual. Acquisition and accounting copies are filed by contract number.

VOL
58
ISS
33
FE
22
1993
UMI

SAFEGUARDS:

Records are kept in secured areas accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Regional and field office copies are destroyed upon termination of the contract. Acquisition and accounting copies are destroyed three years after final payment.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Investigative Service, Deputy Director (Resources), 1340 Braddock Road, Alexandria, VA 22314–1651.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

A request for information must contain the full name and Social Security number of the subject individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Defense Investigative Service, Privacy Act Office, PO Box 1211, Baltimore, MD 21203–1211.

A request for information must contain the full name and Social Security number of the subject individual. Personal visits will require a valid driver's license or other picture identification and are limited to the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CONTESTING RECORD PROCEDURES:

DIS' rules for accessing records, contesting contents, and appealing initial determinations are contained in DIS Regulation 01–13; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1340 Braddock Road, Alexandria, VA 22314–1651.

RECORD SOURCE CATEGORIES:

Contract supplier who is subject of the file.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

UNIFORMED SERVICES UNIVERSITY OF HEALTH SCIENCES

REQUESTING RECORDS

Records are retrieved by name or by some other personal identifier. It is therefore especially important for expeditious service when requesting a record that particular attention be provided to the Notification and/or Access Procedures of the particular record system involved so as to furnish the required personal identifiers, or any other pertinent personal information as may be required to locate and retrieve the record.

BLANKET ROUTINE USES

Certain 'blanket routine uses' of the records have been established that are applicable to every record system maintained within the Department of Defense unless specifically stated otherwise within a particular record system. These additional blanket routine uses of the records are published below only once in the interest of simplicity, economy and to avoid redundancy.

LAW ENFORCEMENT ROUTINE USE

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

DISCLOSURE WHEN REQUESTING INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

DISCLOSURE OF REQUESTED INFORMATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

CONGRESSIONAL INQUIRIES ROUTINE USE

Disclosure from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

PRIVATE RELIEF LEGISLATION ROUTINE USE

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

DISCLOSURES REQUIRED BY INTERNATIONAL AGREEMENTS ROUTINE USE

A record from a system of records maintained by this component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES ROUTINE USE

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by this component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into

agreements pursuant to Title 5, U.S. Code, Sections 5516, 5517, 5520, and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Number 76–07.

DISCLOSURE TO THE OFFICE OF PERSONNEL MANAGEMENT ROUTINE USE

A record from a system of records subject to the Privacy Act and maintained by this component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized Government-wide personnel management functions and studies.

DISCLOSURE TO THE DEPARTMENT OF JUSTICE FOR LITIGATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

DISCLOSURE TO MILITARY BANKING FACILITIES OVERSEAS ROUTINE USE

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

DISCLOSURE OF INFORMATION TO THE GENERAL SERVICES ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO THE MERIT SYSTEMS PROTECTION BOARD ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DOD investigation, and such other functions, promulgated in 5 U.S.C 1205 and 1206, or as may be authorized by law.

COUNTERINTELLIGENCE PURPOSES ROUTINE USE

A record from a system of records maintained by this component may be disclosed as a routine use outside the DOD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

WUSU01

SYSTEM NAME:

Uniformed Services University of the Health Sciences (USUHS) Personnel Files.

SYSTEM LOCATION:

Personnel record files will be maintained at the USUHS Civilian Personnel Directorate, and Directorate, Military Personnel, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

Copies of SF 171's and curriculum vitae's of applicants and employees will be maintained in the Civilian Personnel Directorate by the Dean of the School of Medicine, and by the Department Chairperson, having a need for the information. Limited hardcopy information files are maintained at the USUHS Military Personnel office. A supplemental file consisting of summary data on each civilian employee will be stored in the computer at Bolling Air Force Base, Washington, DC 20332; for military personnel assigned to USUHS; at Waltiral Center (WRAMC) Military Personnel Office, National Naval Medical Center Military Personnel office, Andrews Air Force Base consolidated base personnel office and at the Public Health Service personnel office, Administrative Support Section, Parklawn Building, Rockville, MD 20850. Home phone numbers of key personnel will be provided to other key personnel, and those of students to other students on a need-to-know basis, and only with the express permission of the individual concerned, for an emergency call system. Biographical information on students to be maintained in the Military Personnel office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records will be maintained on all personnel assigned to USUHS full-time and part-time.

CATEGORIES OF RECORDS IN THE SYSTEM:

The type of information which will be maintained on employees is as follows: Identity and demographic information (e.g., Social Security Number, name, sex, address, birth date, minority status, etc.). Academic and experience background data consisting of: (1) Schools attended; (2) Degrees earned; (3) Work experience, awards, etc.; (4) Letters of reference, performance evaluations, etc.; (5) Time and attendance cards; and (6) Biographical data file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136 and E.O. 9397.

PURPOSE(S):

The system will consolidate into one standard system, personnel management on all assigned personnel from all military departments. The information kept will be used for documenting the

work experience of applicants and USUHS personnel and for notification of key personnel in case of emergency during nonworking hours. It will also be used for management training and accountability of military personnel assigned to USUHS. Biographical data file will be used for providing background information on USUHS students to lecturers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the USUHS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Material stored in file folders at USUHS, supported by automated copies of pertinent data of each employee's folder which are maintained on magnetic tape and disk at USUHS Civilian Personnel/Manpower Directorate, Bethesda, MD 20814–4799.

RETRIEVABILITY:

The system will be indexed by name and Social Security Number. Also, any combination of data in the file can be used to select individual data. Only Civilian Personnel/Directorate and Commandant and Director, Military personnel will be provided with the password that allows access to the data, and those individuals are authorized access to all data in the file. Records will be available to: The individual concerned; employees of USUHS on a need-to-know basis; other agencies of the Government to satisfy requests for routine reports.

SAFEGUARDS:

The automated system is operated by USUHS Civilian Personnel, Directorate Personnel, Military Personnel Directorate (for military files only), Commandant and Assistant Commandant,and only those personnel will be given the password and user identification information needed to access the computer system. Those persons are authorized access to need-to-know files only as determined by the Director of Military Personnel and Commandant. While the file is primarily indexed on Social Security Number, and name, any combination of fields and data within fields can be used to select the individual records. Only the Director, Military Personnel will have the ability to add, change, delete or reproduce a hard copy of any data in the military files.

RETENTION AND DISPOSAL:

Indefinite files that are retained while the individual is employed and then retired.

SYSTEM MANAGER(S) AND ADDRESS:

The Director, Civilian Personnel, 4301 Jones Bridge Road, Bethesda, MD 20814-4799 will be the custodian for Civilian Personnel files.

The Director, Military Personnel, 4301 Jones Bridge Road, Bethesda, MD 20814-4799 will be the custodian for Military Personnel files.

Notification procedure:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Civilian Personnel, 4301 Jones Bridge Road, Bethesda, MD 20814-4799 for Civilian Personnel files or to the Director, Military Personnel, 4301 Jones Bridge Road, Bethesda, MD 20814-4799 for Military Personnel files.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Civilian Personnel, 4301 Jones Bridge Road, Bethesda, MD 20814-4799 for Civilian Personnel files or to the Director, Military Personnel, 4301 Jones Bridge Road, Bethesda, MD 20814-4799 for Military Personnel files.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in the file is furnished by the employees, supervisors and references supplied by the employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU02

SYSTEM NAME:

Uniformed Services University of the Health Sciences (USUHS) Payroll System.

SYSTEM LOCATION:

Central files are maintained at Bolling Air Force Base Accounting and Finance Office, Civilian Pay Branch. Satellite file maintained at USUHS Administrative Office at 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian personnel paid by the USUHS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, Pay Grade, Number of Withholding Exemptions, Gross and Net Pay, Other Earnings and Leave Information (including Time and Attendance Records).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136.

PURPOSE(S):

To be used by USUHS officials and employees to produce data for budget purposes and as backup information for audits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the USUHS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information will be stored as computer printout.

RETRIEVABILITY:

The system will be indexed by name.

SAFEGUARDS:

The information will be available for personnel in the Civilian Personnel/ Manpower Directorate of the USUHS or other personnel who have a demonstrated need to know, e.g., auditors, Congress, etc. The material will be stored in metal file containers.

RETENTION AND DISPOSAL:

The records will be maintained for one year and then destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Civilian Personnel/ Manpower, 4301 Jones Bridge Road, Bethesda, MD 20814-4799, for Civilian Pay System.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director of Civilian Personnel/Manpower, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained

in this system should address written inquiries to the Director of Civilian Personnel/Manpower, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Computerized pay records from Bolling Air Force Base Accounting and Finance Office.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU03

SYSTEM NAME:

Uniformed Services University of the Health Sciences (USUHS) Student Record System.

SYSTEM LOCATION:

The file will be maintained in the Registrar's Office, USUHS, 4301 Jones Bridge Road, Bethesda, MD 20814–4799. Supplemental files consisting of student evaluation forms, grades, and course examinations pertaining to their Department will be maintained in each department by department chairperson, as well as in the Registrar's office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records will be maintained on all students who matriculate to the University.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grade reports and instructor evaluations of performance/achievement; transcripts summarizing by course title, grade, and credit hours; records of awards, honors, or distinctions earned by students; and data carried forward from the Applicant File System, which includes records containing personal data e.g., name, rank, Social Security Number, undergraduate school, academic degree(s), current addresses, course grades, and grade point average from undergraduate work and other information as furnished by non-Government agencies such as the American Medical College Admission Service which certifies all information prior to being submitted to the University.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 92-426, Ch 104, Section 2114; and E.O. 9397.

PURPOSE(S):

Data is used for recording internships, residencies, types of assignment and other career performance data on USUHS graduates; providing academic data to each student upon request, e.g., transcripts, individual course grades, grade point average, etc.; providing academic data within the Uniformed Services University of the Health Sciences for official use only purposes; and providing data to the respective Surgeon General when a specific and authorized need requires it.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Academic data may be provided to other educational institutions upon the written request of a student.

The 'Blanket Routine Uses' set forth at the beginning of the USUHS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders are stored at USUHS, supported by automated copies of subsets of each student's folder, which are maintained on magnetic tape and disk at the Office of the Registrar, USUHS.

RETRIEVABILITY:

The system will be indexed by name and Social Security Number. Also, any combination of data can be used to select individual records. Only personnel in the Office of the Registrar will be with the password that allows access to the data, and those individuals are authorized access to all data in the file.

SAFEGUARDS:

The computer facility at the USUHS is operated by the Office of the Registrar. The tapes and hard copies of material are secured in government-approved security containers constructed of four-hour heat-resistant steel material. The physical location of the computer hardware, disks, and printer are located to the extreme rear of the room with access being blocked by a large counter staffed by two office personnel. All access to the computers in the Office of the Registrar is via user identification and sign-on password. Computer software ensures that only properly identified users can access the Privacy Act files on this system. Passwords are changed semiannually, or upon departure of any person knowing the password.

RETENTION AND DISPOSAL:

Records will be maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

The Registrar, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Registrar, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Registrar, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

Written requests should include name, Social Security Number and dates attended.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is furnished by instructor personnel, the individual concerned; the National Board of Medical Examiners; and the Applicant File System.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU04

SYSTEM NAME:

Uniformed Services University of the Health Sciences (USUHS) Applicant Record System.

SYSTEM LOCATION:

A central applicant record file will be maintained at the Uniformed Services University of the Health Sciences, Admission Office, 4301 Jones Bridge Road, Bethesda, MD 20814–4799. A supplemental file consisting of summary data on each applicant to be derived from data collected in the central file, will be stored on magnetic tape and maintained at the Pentagon Computer Center, Washington, DC.

VOL
58
ISS
33
FE
22
1993
UMI

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records will be maintained on all individuals applying for admission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identity and demographic information (e.g., Social Security Number, name, sex, minority status, address, birth date, citizenship, etc.); Academic and attitudinal background data consisting of: (1) Schools attended, (2) Degrees earned, (3) GPA for college and graduate work, (4) Course hours completed in college and graduate school, (5) Medical College Admission Test scores and percentiles; information regarding work experience, socio-economic background, hobbies, extracurricular involvements in college community/service activities, honors and awards achieved, and professional and/or societal contributions; Letter of references; biographies; personal statements (autobiographical in nature) service preference statement; interview evaluations; test results and personality inventory scores on instruments used to assess noncognitive potential and aptitude; official college transcripts and health data. Unsolicited information provided by applicants will also normally be retained when such information pertains to the matters described above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 92-426, Ch 104, Section 2114; and E.O. 9397.

PURPOSE(S):

To be used by officials and personnel of the USUHS for selecting students and conducting studies of the selection process.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the USUHS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and magnetic tape.

RETRIEVABILITY:

The central file will be indexed by name. The computer file will be sequenced by Social Security Number, with data retrievable by any single or combination of variables stored, e.g., sex, minority status, ranking by academic performance, ranking by test achievement, state of residence, college attended, etc.

SAFEGUARDS:

All material will be maintained in metal rotary files in a securable office; the satellite file on disks, securable stored at the Pentagon Computer Center.

RETENTION AND DISPOSAL:

Records of applicants who matriculate to the school will be converted to students records and maintained permanently. Records of applicants who do not matriculate will be retained for five years and then destroyed by burning. Portions of the record may be retained on magnetic tape for longer periods.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Dean for Academic Support, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Assistant Dean for Academic Support, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Assistant Dean for Academic Support, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

For written requests the information should contain the full name of the individual, current address and telephone number.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The bulk of the information in the system will be furnished by the applicants. It will be either prepared by them personally, or submitted by other individuals/agencies in their behalf at their (the applicants') specific request. The remaining elements of the system, the data not furnished by the applicants, will consist of evaluative records prepared and developed by admissions personnel based on interviews, school administered tests, and analyses of applicant records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU05

SYSTEM NAME:

USUHS Graduate and Continuing Medical Student Records.

SYSTEM LOCATION:

Office of the Assistant Dean for Graduate and Continuing Education, Uniformed Services University of the Health Services, 4301 Jones Bridge Road, Bethesda, MD 20814–4799. Supplementary files, consisting of student evaluation forms, grades, and course examinations pertaining to their department, are maintained in each USUHS department by departmental chairpersons.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on all students who apply for or matriculate in the Graduate Education and Continuing Medical Education programs at the University.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grade reports and instructor evaluations of performance/achievement; educational records listed by course title, grade, and credit hours; records of awards, honors, or distinctions earned by students; and data carried forward from the application, which includes records containing personal data, e.g., name, rank, Social Security Number, undergraduate school, academic degree, current addresses, course grades, and grade point average from undergraduate work; letters of recommendation; and other information as furnished by non-government agencies such as the Educational Testing Service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2114 and E.O. 9397.

PURPOSE(S):

The system is used to: Record types of assignment, program participation and other student performance data and participation in continuing education programs; provide academic data to each student upon request (such as, individual course grades and grade point averages); provide academic data within the USUHS for official purposes; including use for studies of the academic process and provide data to the respective Department of Defense component Surgeon Generals when a specific and authorized need exists.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Academic data may be provided to other educational institutions upon the written request of a student. Also see blanket routine uses at the beginning of the USUHS listing of system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders are stored at Uniformed Services University of the Health Services. These are supported by automated copies of subsets of each student's folder, which are maintained on magnetic tapes and disk at the Office of Computer Operations, Uniformed Services University of the Health Services, Bethesda, MD 20814–4799.

RETRIEVABILITY:

The system is indexed by name and social security number (SSN). Also, any combination of data in the file can be used to select individual records. Only personnel in the Office of the Assistant Dean for Graduate and Continuing Education, Uniformed Services University of the Health Services, with an official need for the data are provided with the password that allows access.

SAFEGUARDS:

The files are maintained in secured file cabinets located in a limited access area of the University. The computer hardware, disks, tapes and other materials are secured in locked cabinets in a controlled and guarded area. Computer access is via controlled dial-in and is password controlled. Passwords are changed semiannually, or upon the departure of any person knowing the password. The automated system is operated by Office of Computer Operations, USUHS, and only personnel with an official need to know are given the password and user identification information needed to access the computer system. While the file is primarily indexed by Social Security Number and name, any combination of fields and data can be used to select individual records.

RETENTION AND DISPOSAL:

Records on disenrolled and nonselected individuals are maintained for three years. Records on matriculated students are maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant Dean for Graduate and Continuing Education, Uniformed Services University Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Assistant Dean for Graduate and Continuing Education, Uniformed Services University Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Assistant Dean for Graduate and Continuing Education, Uniformed Services University Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

Written requests must include name, social security number and dates of attendance or application.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is furnished by the individual concerned; instructor personnel; the Graduate Records Examination; the application for admission and registration material for continuing medical education courses; the applicable department; the USUHS Graduate Committee; and the Office of the Assistant Dean for Graduate and Continuing Education, USUHS.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU06

SYSTEM NAME:

USUHS Family Practice Medical Records.

SYSTEM LOCATION:

Student Health Clinic, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records will be maintained on medical students, military retirees, military active duty personnel and their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical charts, results of laboratory tests, physical examinations, patients' medical histories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 133, 1071 through 1087, 2114, 5031, and 8012 and E.O. 9397.

PURPOSE(S):

Physicians and nurses use the medical charts in the diagnosis and treatment of patients and for studies of disease. Medical charts contain results of laboratory tests, medical examinations, and patients' medical histories. Medical clerks file, retrieve and keep the records up to date by adding new material when appropriate.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the USUHS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Medical records are stored in folders.

RETRIEVABILITY:

Medical records are filed by Social Security Number.

SAFEGUARDS:

Records are maintained in metal file cabinets which are kept locked when not in use. The cabinets are stored in a controlled area.

RETENTION AND DISPOSAL:

Files are retained until departure of patient; and then are given to the patient.

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, Department of Family Practice, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chairman, Department of Family Practice, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chairman, Department of Family Practice, Uniformed Services

University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

The rules for record access are in accordance with Air Force Regulation 168-4, Administration of Medical Activities, Patient Administration, Chapter 12, Outpatient Records.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Patient, doctors, other medical professionals and test results.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU07

SYSTEM NAME:

USUHS Grievance Records.

SYSTEM LOCATION:

Civilian Personnel/Manpower Directorate, Uniformed Services University of the Health Science, Department of Defense, Bethesda, MD 20814–4799.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances in accordance with 5 U.S.C. 2302 and 7121.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by USUHS employees under 5 U.S.C. 2302 and 7121. These case files contain all documents related to the alleged grievance, including statements of witnesses, reports of interviews and hearings, examiners findings and recommendations, a copy of the original and final decisions, and related correspondence and exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 2302 and 7121.

PURPOSE(S):

This information is used by the USUHS in the creation and maintenance of records of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained and for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements is such that individuals could be identified by reference.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records are used:

To disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, when there are indications of a violation or potential violation of civil law, criminal law or regulation.

To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee; a security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the Agency's decision on the matter.

To provide information to a Congressional office from the record of an individual, in response to a Congressional inquiry made at the request of that individual.

To disclose information to another Federal Agency or to a court when the Government is party to a judicial proceeding.

By the National Archives and Records Administration in records management inspections conducted under authority of 44 U.S.C. 2906.

To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority; and the Equal Employment Opportunity Commission, when requested in conjunction with their official activities.

To disclose in response to a discovery motion or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties, exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals about whom the records are maintained.

SAFEGUARDS:

Records are maintained in locked file cabinets, with access restricted to authorized USUHS employees who have a demonstrated need-to-know.

RETENTION AND DISPOSAL:

Records are disposed of three years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Civilian Personnel/Manpower, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Civilian Personnel/Manpower, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Civilian Personnel/Manpower, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from the individual on whom the record is maintained; Testimony of witnesses; Agency officials; and related correspondence from organizations or persons.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU08

SYSTEM NAME:

USUHS Radiation Safety Training Records.

SYSTEM LOCATION:

Department of Environmental Health and Occupational Safety, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records will be maintained on University personnel who are assigned duties involving work with radioactive material, or whose duties may require them to frequently enter work areas in which radioactive materials are used or stored.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the system includes name, department, name of principal investigator, authorization number, date of initial briefing, date of last training, and date dosimeter issued (if applicable).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2112; 10 CFR part 20; NAVMED P-5055, U.S. Nuclear Regulatory Commission (NRC) Materials License 19-23344-01.

PURPOSE(S):

The Radiation Safety Officer and his/her staff maintain the computer data base system. It is used to record information concerning the individual's training in radiation safety. This information is also transcribed for inclusion in the individuals dosimetry records. The Radiation Safety Committee of the University may review such records as are relevant to their determinations of an individual's qualification and/or expertise in using radioactive materials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records may be reviewed by U.S. Nuclear Regulatory Commission as part of their on-going administration of the Materials License, and by the Radiation Safety Committee or the Radiation Safety Officer and his/her staff to review an individual's qualifications and/or expertise in conducting experiments using radioiodine compounds.

The 'Blanket Routine Uses' set forth at the beginning of the USUHS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in the University's main computer.

RETRIEVABILITY:

Records are accessed by name, department, or data fields.

SAFEGUARDS:

Records in the data base may be accessed only by EHS staff members who have been granted access to the University computer.

RETENTION AND DISPOSAL:

Records are kept permanently on file.

SYSTEM MANAGER(S) AND ADDRESS:

Dosimetry Manager, Department of Environmental Health and Occupational Safety, Uniformed Services University of Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Dosimetry Manager, Department of Environmental Health and Occupational Safety, Uniformed Services University of Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Dosimetry Manager, Department of Environmental Health and Occupational Safety, Uniformed Services University of Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual, previous employers, training attendance records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU09

SYSTEM NAME:

USUHS Grants Managements Information System (Protocols/Grants).

SYSTEM LOCATION:

Primary system: Computer Operations, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

Decentralized segments will be maintained by the department chairpersons of Anatomy, Anesthesiology, Biochemistry, Dermatology, Military Medicine, Family Practice, Medical Psychology, Medicine, Microbiology Surgery, Neurology, Obstetrics/Gynecology, Pathology, Pediatrics, Pharmacology, Physiology, Preventive Medicine and Biometrics, Psychiatry, and Radiology, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Research proposals of grant requestors; in addition research records will be maintained on military active duty, retired, their dependents, civilians, and volunteers who have signed an appropriate consent form for a particular research project(s).

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant proposals and protocols; statistical data, results of laboratory experiments, research subjects' medical history including pathological results and standard behavioral tests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 92-426, CH. 104, Section 2113; 10 U.S.C. 2113.

PURPOSE(S):

Research faculty and staff use the research records as a data base for the analysis of experimental data. Research records contain the results of laboratory experiments, research subjects' medical histories, and statistical data including pathological and standard behavioral tests, and are used as submission to research proposals. Summary statistics on the research records are maintained by faculty/staff and updated when appropriate. Study and summary statistics are published without individual identifiers, but in some instances the selection of elements is such that individuals could be identified by reference. This data is given to collaborators and is sometime used for clinical evaluation of the patient.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the USUHS' compilation of systems of records notices apply to this system.

VOL
58
ISS
33
FE
22
1993
UMI

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Research records are stored in folders, on mainframe computer disks, and on microcomputer floppy disks.

RETRIEVABILITY:

Research records may be retrieved by subject name, date experimental procedure occurred, date analysis of experiments was performed, experimental case number, collaborator name and a study name.

SAFEGUARDS:

Computer hardware, disks and folders are stored in a controlled area, and are accessible only by password, which is changed at random intervals.

RETENTION AND DISPOSAL:

Records are retained until studies are completed or until no further information can be utilized from this material. However, all studies involving human volunteers will be maintained for five years. If the study involves a minor(s), the record will be kept until the individual is age 18 plus five years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Grants Management, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Grants Management, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Grants Management, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Patients, normal subject volunteers, research collaborators and experimental results.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU10

SYSTEM NAME:

USUHS Thyroid Bioassay Records.

SYSTEM LOCATION:

Department of Environmental Health and Occupational Safety, Uniformed Services University of Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records will be maintained on laboratory workers who use radioiodine compounds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the system includes name, Social Security Number, department, date of bioassay, results of the individual's thyroid bioassay counts and the purpose for each assay.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2113; 10 CFR part 19; NAVMED P-5055, U.S. Nuclear Regulatory Commission (NRC) Materials License 19-23344-01; and E.O. 9397.

PURPOSE(S):

The Radiation Safety Officer and his/her staff use the results in determining possible uptake of radioiodine compounds by the body resulting from overexposure to the compounds, and in detecting trends which mark the uptake and elimination by the body of such compounds. The results of each assay are also transcribed by Radiation Safety Personnel for inclusion on an addendum 41, Record of Exposure to Ionizing Rad to Ionizing Radiation. The Radiation Safety Committee of the University may review such records as are relevant to their determinations of an individual's qualifications and/or expertise in conducting experiments using radioiodine compounds.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records may be reviewed by U.S. Nuclear Regulatory Commission as part of their on-going administration of the Materials License, and by the Radiation Safety Committee or the Radiation Safety Officer and his/her staff to review an individual's qualifications and/or expertise in conducting experiments using radioiodine compounds.

The 'Blanket Routine Uses' set forth at the beginning of the USUHS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on floppy diskettes.

RETRIEVABILITY:

Records are accessed by Date of Assay, Name, Social Security Number, or Department.

SAFEGUARDS:

Records are stored in a controlled area which is kept locked when not in use. Back-up copies of each diskette are stored in a locked file cabinet.

RETENTION AND DISPOSAL:

Records diskettes are kept permanently on file. Records may be forwarded to new employer with written permission of the employee.

SYSTEM MANAGER(S) AND ADDRESS:

Dosimetry Manager, Department of Environmental Health and Occupational Safety, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Dosimetry Manager, Department of Environmental Health and Occupational Safety, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Dosimetry Manager, Department of Environmental Health and Occupational Safety, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual and bioassay results.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU11

SYSTEM NAME:

USUHS Radiation Dosimetry Records.

SYSTEM LOCATION:

Department of Environmental Health and Occupational Safety, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records maintained on University personnel who are assigned duties in areas requiring the wearing of a radiation dosimeter.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the system includes name, Social Security Number, department, dates of employment, results of dosimeter measurements for each measurement period, results of the individual's thyroid bioassays (if applicable), results of the individual's tritium bioassays (if applicable), records obtained from individual's previous work experience involving radioactive materials, and records of individual's training in radiation safety.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2112, 2113; 10 CFR part 19; 10 CFR part 20; NAVMED P-5055; U.S. Nuclear Regulatory Commission (NRC) Material License 19-23344-01; and E.O. 9397.

PURPOSE(S):

The record system is used to record and file pertinent information, and used for determining possible exposure to radioactive materials in excess of allowable limits. The Radiation Safety Committee of the University may review such records as are relevant to their determinations of an individual's qualifications and/or expertise in using radioactive materials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records may be reviewed by U.S. Nuclear Regulatory Commission as part of their on-going administration of the Materials License, and by the Radiation Safety Committee or the Radiation Safety Officer and his/her staff to review an individual's qualifications and/or expertise in conducting experiments using radioiodine compounds.

The 'Blanket Routine Uses' set forth at the beginning of the USUHS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders.

RETRIEVABILITY:

Records are accessed by name, Social Security Number, or department.

SAFEGUARDS:

Records are stored in filing cabinets which are kept locked when not in use.

RETENTION AND DISPOSAL:

Records are kept permanently on file. Upon termination of an individual's employment at the University, copies of the records are sent, with the employees written consent, to the gaining employer's Radiation Safety Officer.

SYSTEM MANAGER(S) AND ADDRESS:

Dosimetry Manager, Department of Environmental Health and Occupational Safety, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Dosimetry Manager, Department of Environmental Health and Occupational Safety, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Dosimetry Manager, Department of Environmental Health and Occupational Safety, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual, previous employers, medical records, bioassay results.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU12

SYSTEM NAME:

USUHS Vehicle Administration Records.

SYSTEM LOCATION:

Primary system: Computer Operations, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

Decentralized Segments - Parking Control Office, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel assigned or visiting the University who park privately owned vehicles at the University, including personnel who participate in USUHS carpools.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of individual, office symbol, office phone, office room number, home address, working hours, map coordination of home address and USUHS Form 5004, Certificate of Compliance - Private Motor Vehicle Registration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended; 10 U.S.C. 2112, 2113.

PURPOSE(S):

Used by USUHS Parking Control Office to monitor parking of eligible personnel at the University. The Computer Operations Center provides a printout to be used by the Parking Control Office of all potential carpool prospects.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the USUHS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Forms filed in hard copy, computer magnetic tapes, disks and paper printouts.

RETRIEVABILITY:

Information is accessed and retrieved by name, home address map grid, permit number, tag number. The original request, USUHS Form 5004 is filed alphabetically by name.

SAFEGUARDS:

USUHS Form 5004 is filed in the Parking Control Office, and access is only on a need to know basis. The door is locked during non-duty hours. Computer data base in Computer Operations is stored in a controlled area. The computer terminal can only be accessed by use of closely held passwords by the Parking Control Office.

VOL 58 ISS 33 FE 22 1993 UMI

RETENTION AND DISPOSAL:

Information is kept on assigned personnel and destroyed one year after they depart the University.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Support Services Division, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Support Services Division, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Support Services Division, Uniformed Services University, Department of Defense, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

USUHS Form 5004, Certificate of Compliance - Private Motor Vehicle Registration and Related Information Pertaining to Carpooling.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU13

SYSTEM NAME:

USUHS Civilian Employee Health Records.

SYSTEM LOCATION:

Department of Environmental Health and Occupational Safety, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road , Bethesda, MD 20814-4799.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records maintained on University civilian personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the system includes name, Social Security Number, department, date of employment, physical examination results, medical test results, reports by physicians, nurses, and other medical personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2112, 2113, 21 CFR part 1910, 10 CFR part 19, 10 CFR part 20, NAVMED P-5055. 2112, 2113.

PURPOSE(S):

To record and file pertinent information, and use the results in determining possible exposure to occupational hazards in excess of allowable limits. The Director, EHS, and the representatives may review such records as are necessary to correlate exposure data and physical examination results.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records may be reviewed by the Occupational Health Nurse and staff, the Director, EHS, and representative; and Occupational Safety and Health Administration (OSHA), to review an individual's possible exposure to occupational hazards in excess of allowable limits.

The 'Blanket Routine Uses' set forth at the beginning of the USUHS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in medical records folders.

RETRIEVABILITY:

Records are accessed by name, Social Security Number, or department.

SAFEGUARDS:

Records in the system may be accessed only by EHS staff members. The file cabinets are kept locked when not in use.

RETENTION AND DISPOSAL:

Records are kept permanently on file. Upon termination of an individual's employment at the University, copies of the records are sent, with the employee's written consent, to the gaining employer, or given to the employees.

SYSTEM MANAGER(S) AND ADDRESS:

Occupational Health Nurse, Department of Environmental Health and Occupational Safety, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Occupational Health Nurse, Department of Environmental Health and Occupational Safety, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Occupational Health Nurse, Department of Environmental Health and Occupational Safety, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information contained in the file is furnished by the individual, previous employers, physicians, physical examination results.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU14

SYSTEM NAME:

USUHS Occupational Physical Examination Program.

SYSTEM LOCATION:

Department of Environmental Health and Occupational Safety, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records will be maintained on University personnel who are assigned duties in areas requiring preplacement and/or occupational physical examinations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the system includes name, Social Security Number, department, date of employment, date of baseline physical examination, frequency of examination, date examinations due, special tests required, frequency of special tests, date of special tests, and date special tests due.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2112, 2113, 21 CFR part 1910, 10 CFR part 19, 10 CFR part 20, NAVMED P-5055; and E.O. 9397.

PURPOSE(S):

The occupational health nurse and staff maintain the record system to record and file pertinent information and use the results in determining possible exposure to occupational hazards in excess of allowable limits. The Director, EHS, and representatives may review such records as are necessary to correlate exposure data and physical examination results.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records may be reviewed by the Occupational Health Nurse and staff, the Director, EHS, and representative; and the Office of Occupational Safety and Health Administration (OSHA) for the purpose of determining exposure to occupational health hazards.

The 'Blanket Routine Uses' set forth at the beginning of the USUHS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in the University's main computer system.

RETRIEVABILITY:

Records are accessed by name, Social Security Number, department, or other data fields.

SAFEGUARDS:

Records in the data base may be accessed only by EHS staff members who have been granted access to the University computer.

RETENTION AND DISPOSAL:

Records are kept permanently on file. Upon termination of an individual's employment at the University, copies of the records are sent, with the employee's written consent, to the gaining employer.

SYSTEM MANAGER(S) AND ADDRESS:

Occupational Health Nurse, Department of Environmental Health and Occupational Safety, Uniformed Services University of Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Occupational Health Nurse, Department of Environmental Health and Occupational Safety, Uniformed Services University of Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Occupational Health Nurse, Department of Environmental Health and Occupational Safety, Uniformed Services University of Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual, previous employers, medical records, physical examination results.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU15

SYSTEM NAME:

USUHS Security Status Master List.

SYSTEM LOCATION:

Security Officer, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants for employment with USUHS; all military personnel assigned, detailed or attached to USUHS; all persons hired or serving in an advisory capacity to USUHS who require access to classified information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record contains type of investigation, date completed, file number, agency which conducted investigation, investigation, security clearance data information, name, Social Security Number, finger prints, date and place of birth, organizational assignment, dates interim and final clearances issued, position sensitivity and related data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2112, 2113, 44 U.S.C. 2904, 3102; 5 U.S.C. 7531 through 7533; E.O. 10450, Security Requirements for Government Employees, as amended; E.O. 12356, National Security Information Material.

PURPOSE(S):

To maintain and provide security clearance data to DoD contractors on USUHS employees assigned to or visiting a contract facility or visiting or applying for employment with another Federal agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records from this system of records may be disclosed to other Federal agencies for the purpose of asserting level of security clearance and background investigation data.

The 'Blanket Routine Uses' set forth at the beginning of the USUHS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders maintained by the security officer.

RETRIEVABILITY:

File folders are filed alphabetically, by last name of individual concerned for all USUHS personnel or by subject matter.

SAFEGUARDS:

Records are accessible only to those authorized personnel required to prepare, process, and type necessary documents; or to answer authorized inquiries for information contained therein. Records are stored in locked filing cabinets. After normal business hours the building is protected by the USUHS guard force.

RETENTION AND DISPOSAL:

Records are destroyed two years after separation from the agency.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Records Administrator, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained

in this system should address written inquiries to the Records Administrator, Uniformed Services University of the Health Sciences (USUHS/ADM), 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

Written requests for information should contain full name of the individual, current address and telephone number and current business address.

For personal inspections of records, the individual should be able to provide acceptable identification, that is, drivers license or employing office's identification card.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is furnished by the individual concerned; application for employment; or assignment, and reports of investigation by Federal investigative agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU16

SYSTEM NAME:

USUHS Home Town News Release Background Data File.

SYSTEM LOCATION:

Office of University and Public Affairs, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Army, Navy, Air Force and U.S. Public Health Service active duty personnel who have entered or graduated from the University's medical school or graduate study programs, who have been awarded a medal or decoration, or who otherwise have participated in a newsworthy event.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information including, but not limited to name, current grade, Social Security Number, marital status, local address, name and address of parents, educational background and military history, and photographs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2113 and E.O. 9397.

PURPOSE(S):

Preparation of news releases for distribution to newspapers across the United States.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the USUHS' compilation of systems of records notices apply to this system.

Information from this system of records may also be disclosed to the media as part of news releases.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in locked cabinets, and the office is locked during non-duty hours.

RETRIEVABILITY:

Records are accessed by name and Social Security Number.

SAFEGUARDS:

Records are accessed only by person(s) responsible for servicing the records system in performance of their official duties.

RETENTION AND DISPOSAL:

Information on students is kept from the beginning of freshman year until 90 days after graduation and then destroyed. The University and Public Affairs office keep no information on medal or decoration awardees, as the original home-town newspaper release form is sent to the services' news centers and no copies are retained.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Public Affairs, Uniformed Services University of the Health Sciences, Office of University and Public Affairs, 4301 Jones Bridge Road, Room A1045, Bethesda, MD 20814-4799.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director of Public Affairs, Uniformed Services University of the Health Sciences, Office of University and Public Affairs, 4301 Jones Bridge Road, Room A1045, Bethesda, MD 20814-4799.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director of Public Affairs, Uniformed Services University of the Health Sciences, Office of University and Public Affairs, 4301 Jones Bridge Road, Room A1045, Bethesda, MD 20814-4799.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU17

SYSTEM NAME:

Accounts Receivable Records.

SYSTEM LOCATION:

Uniformed Services University of the Health Sciences, Financial Management Directorate, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military personnel, USUHS civilians, present and former employees, contracting officers and representatives, dependents of military personnel, foreign nationals residing in the United States and other individuals who may be indebted to the Uniformed Services University of the Health Sciences or the U.S. Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records maintained by the system include, but are not limited to, documentation pertaining to telephone billing, check issue discrepancies, dishonored checks, reports of surveys, freight losses in shipments, involuntary collections, erroneous payments, property losses and damages, loss of funds, Government losses in shipments, set-off of final pay, travel advances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5512-5514, Withholding Pay; 31 U.S.C. 71, Public Accounts to be settled in the General Accounting Office; 37 U.S.C. 1007 (B, E, F, G) Deductions from pay; 40 U.S.C. Chapter 15, Government Losses in Shipment; 49 U.S.C. 1, Transportation.

Debt Collection Act of 1982 (Pub. L. 97-365); 5 U.S.C. 552a(b)(12); 10 U.S.C. 2774; 15 U.S.C. 1681a(f); Federal Claims Collection Act of 1966, 31 U.S.C. 952(d); 31 U.S.C. 3711; E.O. 9397.

VOL 58 ISS 33 FE 22 1993 UMI

PURPOSE(S):

To process, monitor, and post-audit accounts receivable. To administer the Federal Claims Collection Act of 1966 and the Debt Collection Act of 1982 and to answer inquiries pertaining thereto.

The information is used for credit investigations and for the determination of tax liabilities as well as Department of Veterans Affairs benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The disclosures of information from the record system includes, but is not limited to, credit bureaus for credit investigations and to private collection agencies for the purpose of credit information and for obtaining credit reports or skip traces.

To the Internal Revenue Service for the determination of tax liabilities, Department of Veterans Affairs for administration of laws pertaining to veterans benefits and correspondence with all of the above and the dependents and survivors.

To any Federal creditor agency with a valid claim against any current or former employee of the USUHS for the purpose of resolving any claims under the Debt Collection Act of 1982.

To the Department of Treasury/ Internal Revenue Service for the purpose of obtaining locator status for delinquent accounts receivable, and/or to report write-off amounts as taxable income as pertains to amounts compromised and accounts barred from litigation due to age, and for the purpose of offset, either administrative or salary.

To the Department of Justice/U.S. Attorneys for legal action and/or final disposition of debt claims. For offsets, both to collect and to repay.

The 'Blanket Routine Uses' set forth at the beginning of the USUHS' compilation of systems of records notices apply to this system.

Disclosure to consumer reporting agencies:

To consumer reporting agencies pursuant to 5 U.S.C. 552a(b)(12) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, notebooks, binders or visible file binders, cabinets, card files and on computer disks and magnetic tapes.

RETRIEVABILITY:

Records are accessed by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of record system and by personnel responsible for servicing the record system in performance of their official duties who are properly screened and cleared for the need to know. Records are stored in security file containers, cabinets or locked cabinets or rooms, protected by guards and controlled by screened personnel. In addition, there are passwords and security systems as part of the software to prevent unauthorized access.

RETENTION AND DISPOSAL:

Retention is up to six years or until discrepancies are cleared. Destruction is completed by tearing, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Financial Management, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Financial Management, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

Information pertaining to geographically disbursed elements of the record system may be obtained from the documentation managers at the applicable USUHS component. The requestor should be able to provide sufficient information of identity, such as name, Social Security Number, place of employment or other information that may be verified by the record itself.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Sources include, but are not limited to, information obtained from automatic system interfaces, corporations and from source documents such as reports, contractors, vendors, claimants, , trustees, assignees, USUHS and other Department of Defense components, carriers, General Accounting Office, Comptroller General, Department of Veterans Affairs, Federal creditor agencies and consumer reporting agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU18

SYSTEM NAME:

Accounts Payable Records.

SYSTEM LOCATION:

Uniformed Services University of the Health Sciences, Financial Management Directorate, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have money owed to them by USUHS or who have performed official functions resulting in a valid debt payable by USUHS to a third party. Such individuals include contractors, military and civilian personnel and their dependents, assignees, trustees, guardians and survivors.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records maintained by the system include, but are not limited to, contracts, purchase orders, blanket purchase agreements, temporary duty and permanent change of station, transportation requests, government bills of lading, compensation claims, correspondence with creditors, dependents of military personnel and civilian employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3326, Receipts, Retention and Disbursement of Public Funds; 3325, 3528, and 3529, Travel and Transportation Allowance, Dependents, Baggage and Household Effects; 3322, Disbursing Officers; 37 U.S.C. 404, Travel and Transportation Allowances; General; 406, Disbursing Officers; and E.O. 9397.

PURPOSE(S):

Records are used to support payments to creditors who may include military personnel and civilian employees, their dependents, survivors, guardians and trustees, contractors, vendors and assignees.

Data is also used for matters pertaining to taxation, welfare, criminal and civil litigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

When authorized, records may be disclosed to creditors, dependents, claimants, Internal Revenue Service for tax purposes including assessments, levy actions, employer/employee Social Security taxes.

To the Social Security Administration and the Department of Veterans Affairs for the verification of claims and the eligibility for benefits administered by such agencies, and to state and local authorities for matters pertaining to taxation, welfare, criminal and civil litigations, within the jurisdiction of such authorities.

The 'Blanket Routine Uses' set forth at the beginning of the USUHS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, visible file binders/cabinets, card files, computer and computer output products, magnetic cards and disks and microform.

RETRIEVABILITY:

Access by name and Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for the servicing of the record system in performance of their official duties who are properly screened and cleared for a need to know. Records are stored in security file containers, cabinets, safes, vaults, or locked cabinets and rooms. Records are controlled by personnel screening and by computer security software in machine-readable records.

RETENTION AND DISPOSAL:

Retention periods of various types of documents vary from 1 month to 6 years. Some records are destroyed by USUHS by tearing, shredding, pulping, macerating or burning. Others are retired to the Denver Federal Archives and Record Center and destroyed after various retention periods.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management Directorate, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Financial Management Directorate, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Financial Management Directorate, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

Information pertaining to geographically disbursed elements of the record system may be obtained from the documentation manager at the applicable USUHS component. The requestor should be able to provide sufficient proof of identity, such as name, Social Security Number, service number, military status, duty station or place of employment or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Sources include, but are not limited to, information obtained from automatic system interfaces, corporations and from source documents such as reports, contractors, vendors, claimants, trustees, assignees, USUHS and other Department of Defense components, carriers, General Accounting Office, Comptroller General and Department of Veterans Affairs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU19

SYSTEM NAME:

Travel Records.

SYSTEM LOCATION:

Uniformed Services University of the Health Sciences, Financial Management Directorate, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military personnel, USUHS civilian present and former employees, dependents of military personnel, other individuals in receipt of competent travel orders.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records maintained by the system include, but are not limited to, travel vouchers and subvouchers, travel allowance payment list, travel voucher and subvoucher continuation sheets, certificate of nonavailability of government quarters and mess, multi-travel payment list, travel payment record, request for fiscal information concerning transportation requests, bills of lading, public voucher for fees and mileage and claims for reimbursement for expenditures on official business and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C. 404-412, Travel and Transportation Allowances; 5 U.S.C. 2105, Employees 5561; Definitions; 5564, Travel and Transportation; 5701-5708, Travel and Subsistence Expenses; 5721-5730, Travel and Transportation Expenses.

PURPOSE(S):

Records are established and used for accountability, auditing and settlement of travel claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Internal Revenue Service, for the purpose of recording information concerning payment of travel allowances which are subject to Federal Income Tax.

The 'Blanket Routine Uses' set forth at the beginning of the USUHS' compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, notebooks, binders, visual file binders and cabinets, card files and on computer magnetic tape, disk and printouts.

RETRIEVABILITY:

Access is by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers, cabinets, safes, vaults or locked cabinets and rooms. Records are controlled by

VOL 58 ISS 33 FE 22 1993 UMI

personnel screening and by computer security software in machine-readable records.

RETENTION AND DISPOSAL:

The original voucher and related supporting documents are stored at the Air Force Accounting and Finance Center, Denver, Colorado, for eighteen months and then moved to the Denver Federal Archives and Record Center for four years and nine months after which they are shredded. A copy of the original voucher and related supporting documents are maintained by the Financial Management Directorate for six years and then destroyed by burning, shredding, tearing, mulching, macerating. Permanent history tapes cohistory tapes contain individual data for six years from the transfer date.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management Directorate, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Financial Management Directorate, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Financial Management Directorate, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

Information pertaining to geographically disbursed elements of the record system may be obtained from the documentation manager at the applicable USUHS component. Requesters should be able to provide sufficient proof of identity such as name, Social Security Number, office location, place of employment and specify the accounting disbursing number, voucher number, date of voucher and other information verifiable in the record itself.

CONTESTING RECORD PROCEDURES:

The USUHS' rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 315; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Sources include, but are not limited to, information obtained from automatic system interfaces, corporations and from source documents such as reports, contractors, vendors, claimants, trustees, assignees, USUHS and other Department of Defense components, carriers, General Accounting Office, Comptroller General and Department of Veterans Affairs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 93-3108 Filed 01-19-92; 8:45 am]
BILLING CODE 3810-01-F

VOL
58
ISS
33
FE
22
1993
UMI

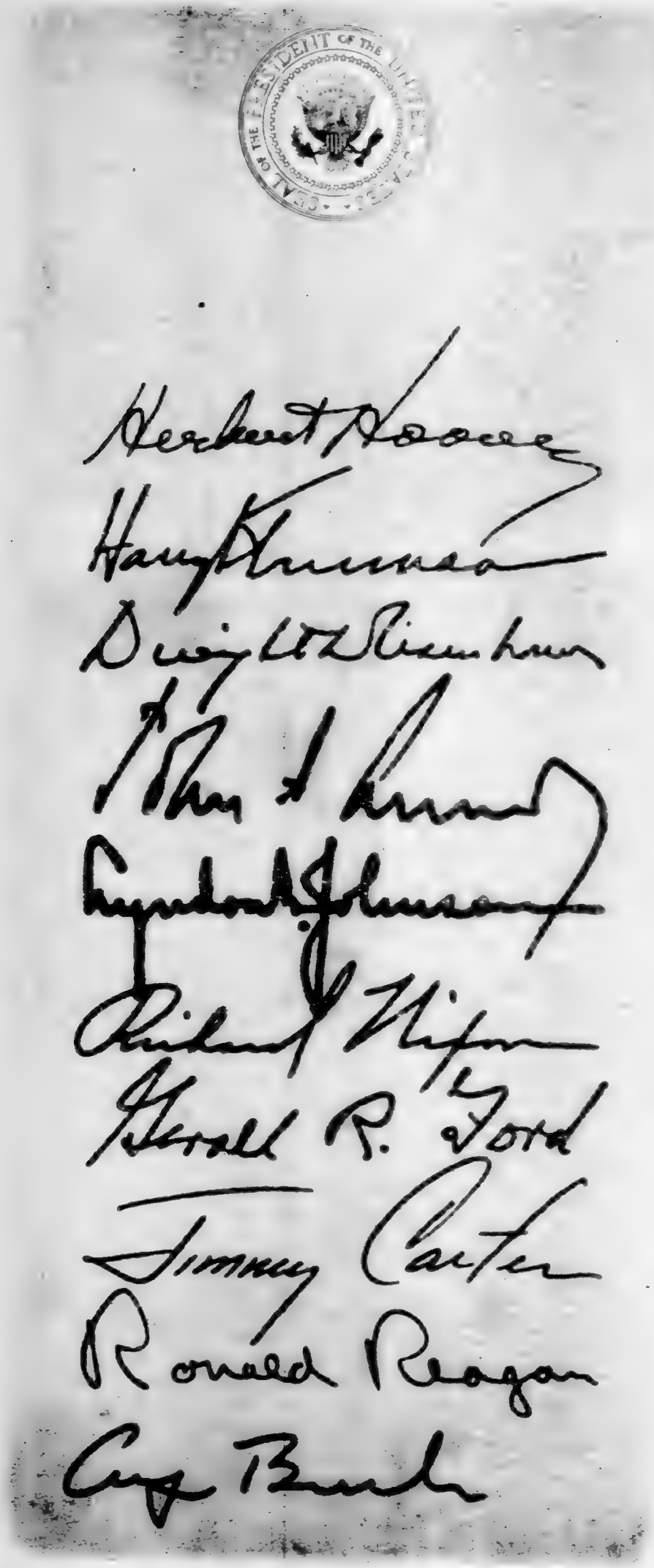

Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are available; other volumes not listed are out of print.

Ronald Reagan

1983
(Book I) $31.00

1983
(Book II) $32.00

1984
(Book I) $36.00

1984
(Book II) $36.00

1985
(Book I) $34.00

1985
(Book II) $30.00

1986
(Book I) $37.00

1986
(Book II) $35.00

1987
(Book I) $33.00

1987
(Book II) $35.00

1988
(Book I) $39.00

1988–89
(Book II) $38.00

George Bush

1989
(Book I) $38.00

1989
(Book II) $40.00

1990
(Book I) $41.00

1990
(Book II) $41.00

1991
(Book I) $41.00

1991
(Book II) $44.00

Published by the Office of the Federal Register, National Archives and Records Administration

Mail order to:
New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

Order Processing Code:
*6962

Please Type
Prices includ
Information

Qty.	
1	021-6

(Company or

(Additional ad

(Street addres

(City, State, Z

( )

(Daytime pho

Mail order t
New Orders,
P.O. Box 371

New Publication

List of CFR Sections Affected

1973-1985

A Research Guide

These four volumes contain a compilation of the "List of CFR Sections Affected (LSA)" for the years 1973 through 1985. Reference to these tables will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Volume I (Titles 1 thru 16) $27.00
Stock Number 069-000-00029-1

Volume II (Titles 17 thru 27) $25.00
Stock Number 069-000-00030-4

Volume III (Titles 28 thru 41) $28.00
Stock Number 069-000-00031-2

Volume IV (Titles 42 thru 50) $25.00
Stock Number 069-000-00032-1

Superintendent of Documents **Publications** Order Form

Order Processing Code:
***6962**

Charge your order. It's easy!

To fax your orders and inquiries–(202) 512-2250

Please Type or Print (Form is aligned for typewriter use.)
Prices include regular domestic postage and handling and are good through 12/92. After this date, please call Order and Information Desk at 202-783-3238 to verify prices. International customers please add 25%.

Qty.	Stock Number	Title	Price Each	Total Price
1	021-602-00001-9	Catalog–Bestselling Government Books	FREE	FREE
			Total for Publications	

(Company or personal name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

( )
(Daytime phone including area code)

Mail order to:
New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

Please Choose Method of Payment:

☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐☐–☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

(Credit card expiration date) ***Thank you for your order!***

(Signature)

VOL
58
ISS
33
FE
22
1993
UMI

2/.

New Orders,
P.O. Box 371

The authentic text behind the news . . .

The Weekly Compilation of **Presidential Documents**

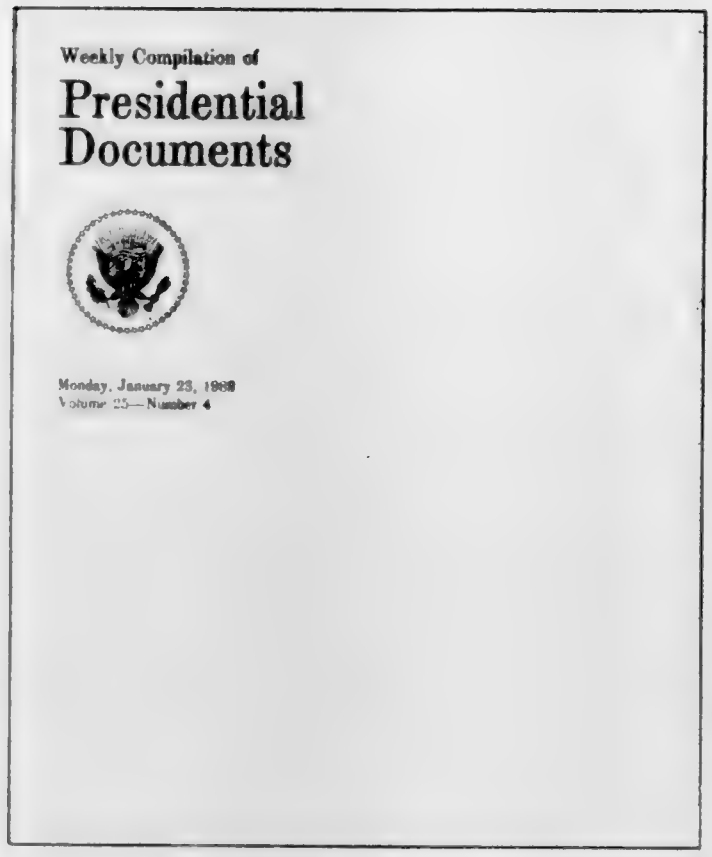

This unique service provides up-to-date information on Presidential policies and announcements. It contains the full text of the President's public speeches, statements, messages to Congress, news conferences, personnel appointments and nominations, and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. Each issue contains an Index of Contents and a Cumulative Index to Prior Issues.

Separate indexes are published periodically. Other features include lists of acts approved by the President, nominations submitted to the Senate, a checklist of White House press releases, and a digest of other Presidential activities and White House announcements.

Published by the Office of the Federal Register, National Archives and Records Administration.

Superintendent of Documents Subscriptions Order Form

Order Processing Code
*6466

Charge your order. It's easy! VISA

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please enter my subscription for one year to the **WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS (PD)** so I can keep up to date on Presidential activities.

☐ $96.00 First Class ☐ $58.00 Regular Mail

1. The total cost of my order is $ _____ All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____) _____
(Daytime phone including area code)

3. **Please choose method of payment:**
☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____ ***Thank you for your order!***
(Credit card expiration date)

_____
(Signature) (Rev 1/93)

4. **Mail To: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954**

New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

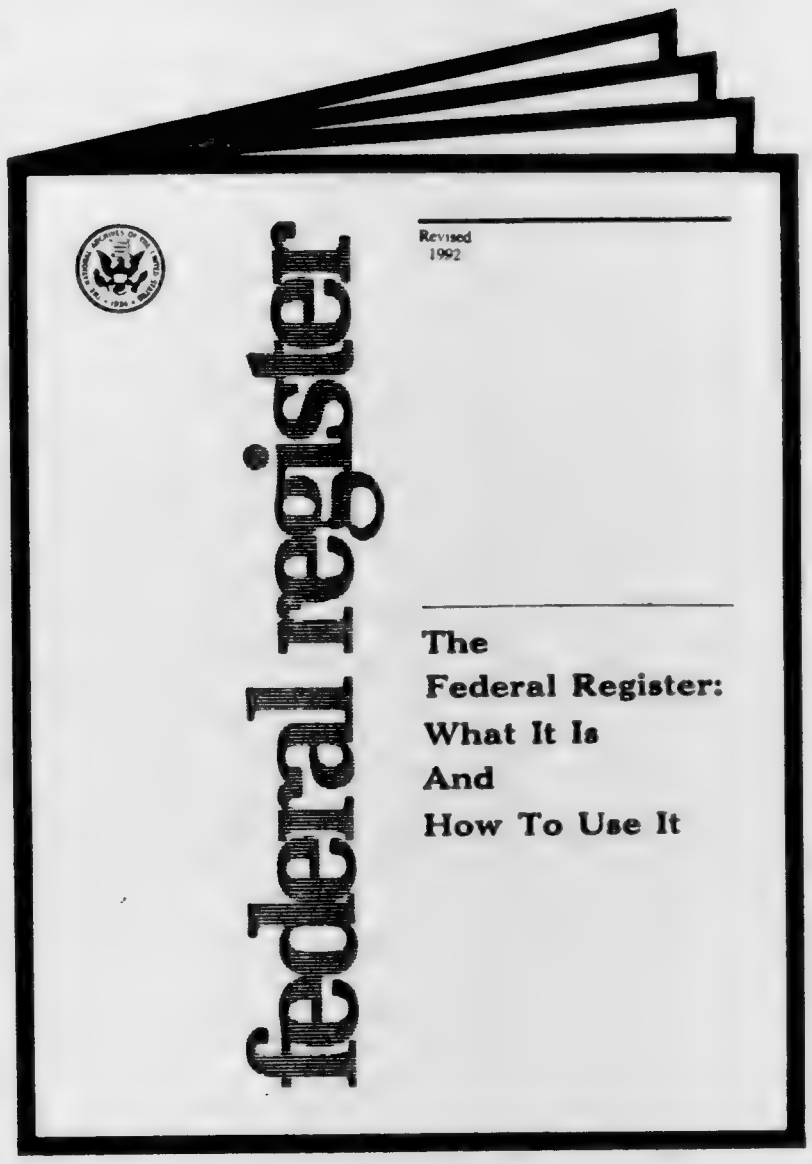

Announcing the Latest Edition

The Federal Register: What It Is and How to Use It

A Guide for the User of the Federal Register — Code of Federal Regulations System

This handbook is used for the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide guidelines for using the *Federal Register* and related publications, as well as an explanation of how to solve a sample research problem.

Price $7.00

Superintendent of Documents **Publications** Order Form

Order processing code:
*6173

☐ **YES**, please send me the following:

Charge your order. It's Easy!
To fax your orders (202)-512-2250

_____ copies of **The Federal Register - What It Is and How To Use It**, at $7.00 per copy. Stock No. 069-000-00044-4

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

(Company or Personal Name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(Daytime phone including area code)

(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐ (Credit card expiration date)

Thank you for your order!

(Authorizing Signature) (Rev. 1-93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

(Signature) (Rev. 1/93)

4. **Mail To:** New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954

May we make

VOL
58
ISS
33
FE
22
1993
UMI

Would you like to know...

if any changes have been made to the Code of Federal Regulations or what documents have been published in the Federal Register without reading the Federal Register every day? If so, you may wish to subscribe to the *LSA (List of CFR Sections Affected)*, the *Federal Register Index*, or both.

LSA • List of CFR Sections Affected

The LSA (List of CFR Sections Affected) is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. The LSA is issued monthly in cumulative form. Entries indicate the nature of the changes--such as revised, removed, or corrected. $21.00 per year.

Federal Register Index

The index, covering the contents of the daily Federal Register, is issued monthly in cumulative form. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references. $19.00 per year.

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register.

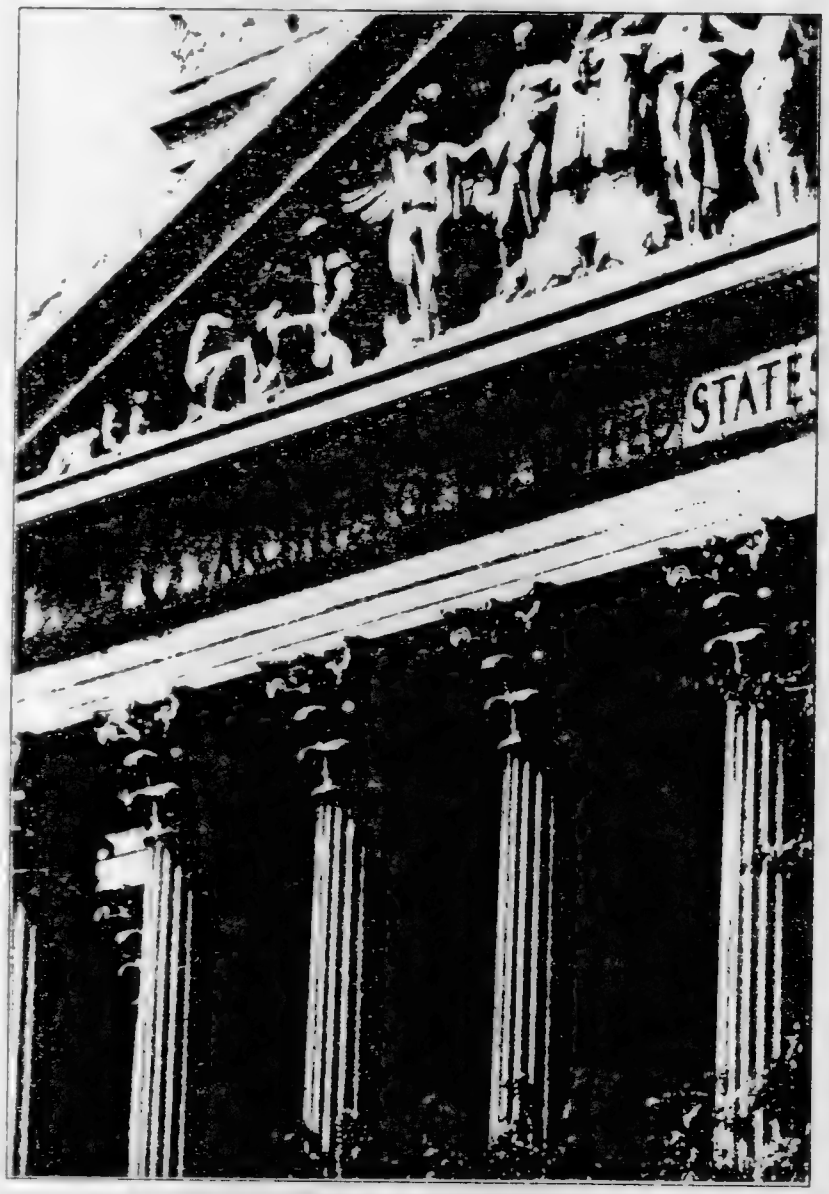

Superintendent of Documents Subscriptions Order Form

Order Processing Code
*5351

Charge your order. It's easy! MasterCard VISA

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please send me the following indicated subscriptions:

☐ LSA • List of CFR Sections Affected—one year as issued—$21.00 (LCS)

☐ Federal Register Index—one year as issued—$19.00 (FRSU)

1. The total cost of my order is $_____ . All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____)
(Daytime phone including area code)

3. **Please choose method of payment:**

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

(Rev. 10/92)

4. **Mail To:** Superintendent of Documents, Government Printing Office, Washington, DC 20402-9371

(Rev 1/93)

May we make your name/address available to other mailers? ☐ ☐

P.O. Box 371954, Pittsburgh, PA 15250-7954

VISA

GPO order
o 4:00 p.m
ays).

change.

nents
☐ – ☐

☐☐

order!

v. 10/92)

VOL
58

ISS
33

FE
22

1993

UMI

Printed on recycled paper

U·M·I

THE PAPER AND INK USED IN THE ORIGINAL PUBLICATION MAY AFFECT THE QUALITY OF THE MICROFORM EDITION.

AE 2.106:58/34
DOCUMENTS

2-23-93
Vol. 58 No. 34

pgs. 10937-11184

federal register

LIBRARY USE ONLY

Tuesday
February 23, 1993

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

**********3-DIGIT 481

A FR EASTEOODE DS 278AF
EASTERN MICHIGAN UNIV
UNIV LIBRARY - DOCS UNIT
YPSILANTI MI 48197

VOL.
58
ISS
34
FE
23
993
UMI

AE 2.106:58/34

2-23-93
Vol. 58 No. 34

Tuesday
February 23, 1993

federal register

Briefings on How To Use the Federal Register
For information on briefings in New York, NY, and Los Angeles, CA, see announcement on the inside cover of this issue.

VOL. 58 SS 34 FE 23 993 UMI

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche format and magnetic tape. The annual subscription price for the **Federal Register** paper edition is $375, or $415 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $353; and magnetic tape is $37,500. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $4.50 for each issue, or $4.50 for each group of pages as actually bound; or $1.50 for each issue in microfiche form; or $175.00 per magnetic tape. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 58 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	202–783–3238
Magnetic tapes	512–1530
Problems with public subscriptions	512–2303
Single copies/back copies:	
Paper or fiche	783–3238
Magnetic tapes	512–1530
Problems with public single copies	512–2457
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	523–5243
Magnetic tapes	512–1530
Problems with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

NEW YORK, NY

WHEN: March 26, at 12:30 pm
WHERE: 26 Federal Plaza
Conference Room 305C
New York, NY
RESERVATIONS: Federal Information Center
1–800–347–1997

LOS ANGELES, CA

WHEN: March 31, at 9:00 am
WHERE: 300 North Los Angeles Street
Conference Room 8041
Los Angeles, CA
RESERVATIONS: Federal Information Center
1–800–726–4995

Printed on recycled paper containing 100% post consumer waste

Contents

Federal Register

Vol. 58, No. 34

Tuesday, February 23, 1993

African Development Foundation
NOTICES
Meetings; Sunshine Act, 11097

Agricultural Marketing Service
PROPOSED RULES
Milk marketing orders:
New England et al., 10993

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Cooperative State Research Service
See Extension Service, USDA
See Forest Service
See Soil Conservation Service

Animal and Plant Health Inspection Service
RULES
Plant-related quarantine, domestic:
Witchweed
Correction, 11099
NOTICES
Environmental statements; availability, etc.:
Genetically engineered organisms; field test permits—
Soybeans, etc.; correction, 11099

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Centers for Disease Control and Prevention
NOTICES
Meetings:
Poverty-associated mental retardation prevention technical assistance workshop, 11058
Records and Statistics Public Health Conference, 11058

Commerce Department
See Export Administration Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration

Commodity Futures Trading Commission
RULES
Commodity Exchange Act:
Financial reporting by introducing brokers; customer funds investments valuation by futures commission merchants, 10949
Foreign futures and options transactions:
Option contracts permitted to be offered or sold in United States, 10953
NOTICES
Meetings; Sunshine Act, 11097

Cooperative State Research Service
NOTICES
Grants and cooperative agreements; availability, etc.:
Special research programs—
Wood utilization research, 11144

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Orpharm, Inc., 11063

Education Department
RULES
Educational research and improvement:
Library Services and Construction Act; State-administered program; "State aid" definition, 11166
Postsecondary education:
Endowment challenge grant program, 11162
PROPOSED RULES
Postsecondary education:
Historically Black colleges and universities program and Historically Black graduate institutions program—
Higher Education Act Amendments; implementation, 11158

Employment and Training Administration
NOTICES
Wagner-Peyser Act:
Allotments and preliminary planning estimates (1993 PY), 11063

Energy Department
See Federal Energy Regulatory Commission
See Hearings and Appeals Office, Energy Department
NOTICES
Environmental restoration and waste management:
Albany Research Center, OR; radiological conditions, certification, 11041
Floodplain and wetlands protection; environmental review determinations; availability, etc.:
Oak Ridge, TN, 11042
Grant and cooperative agreement awards:
National Council on Radiation Protection and Measurements, 11042
Natural gas exportation and importation:
Anadarko Trading Co., 11051
Aquila Energy Marketing Corp., 11051
Tenngasco Corp., 11051
TM Star Fuel Co., 11051

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Connecticut, 10957
Massachusetts, 10964
New Mexico, 10970, 10977
Oregon, 10972
Tennessee, 10980
Virginia, 10982
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Massachusetts, 10998
Air quality implementation plans; preparation, adoption, and submittal:
Economic incentive program rules, 11110

Superfund program:
Toxic chemical release reporting; community right-to-know—
Sulfuric acid and hydrochloric acid; meeting, 11002
Water pollution control:
Ocean dumping; site designations—
Massachusetts Bay, MA, 10999
NOTICES
Air pollutants, hazardous; national emission standards:
Early reductions compliance extensions; list, 11054
Air programs:
Mobile source emission reduction credits generation; guidance, 11134
Superfund; response and remedial actions, proposed settlements, etc.:
Fairchild Semiconductor, Inc. Site, CA, 11055
Superfund program:
Toxic chemical release reporting; community right-to-know—
Reporting forms; availability, 11056

Executive Office of the President
See Management and Budget Office
See Presidential Documents
See Trade Representative, Office of United States

Export Administration Bureau
NOTICES
Export privileges, actions affecting:
O'Hara, Daniel J., 11024

Extension Service, USDA
NOTICES
Grants and cooperative agreements; availability, etc.:
Socially disadvantaged farmers and ranchers, 11172

Farm Credit Administration
RULES
Equal Access to Justice Act:
Application for award of fees other expenses; implementation, 10945
Farm credit system:
Administrative expenses; assessments and apportionment, 10939
Title V conservators and receivers, 10945

Federal Aviation Administration
RULES
Standard instrument approach procedures, 10945, 10947
PROPOSED RULES
Airworthiness standards:
Special conditions—
Advanced Aerodynamics & Structures, Inc. Jetcruzer 450 airplane, 10994
NOTICES
Passenger facility charges; applications, etc.:
Robert Mueller Municipal Airport, TX, 11084

Federal Emergency Management Agency
NOTICES
Hotel and Motel Fire Safety Act; national master list, 11148

Federal Energy Regulatory Commission
NOTICES
Electric rate, small power production, and interlocking directorate filings, etc.:
Oklahoma Gas & Electric Co. et al., 11042
Natural gas certificate filings:
Texas Gas Transmission Corp. et al., 11044
Applications, hearings, determinations, etc.:
Glen Park Associates Limited Partnership, 11047
Illinois Power Co., 11047
Southern Natural Gas Co., 11051

Federal Maritime Commission
RULES
Maritime carriers, ocean freight forwarders, marine terminal operations, and passenger vessels:
Free time and demurrage charges on import property and truck detention at Port of New York; CFR Parts removed, 10983
NOTICES
Casualty and nonperformance certificates:
Regal Cruises Ltd., 11056
Freight forwarder licenses:
A.P.C. International, Inc., 11056

Federal Reserve System
NOTICES
Meetings; Sunshine Act, 11098
Applications, hearings, determinations, etc :
B.H. Cox Trust et al., 11056
KeyCorp, et al., 11056
Otto Bremer Foundation et al., 11057

Federal Trade Commission
PROPOSED RULES
Comprehensive Smokeless Tobacco Health Education Act; rotation of health warnings for promotional materials for smokeless tobacco products, 10997
NOTICES
Interlocking directorates:
Clayton Act Section 8 jurisdictional thresholds, 11057

Federal Transit Administration
RULES
Bus testing facility program, 10989

Fish and Wildlife Service
NOTICES
Endangered and threatened species:
Recovery plans—
Lahontan cutthroat trout, 11061

Food and Drug Administration
NOTICES
Animal drugs, feeds, and related products:
Neomycin sulfate; regulatory status, 11058
Meetings:
Advisory committees, panels, etc., 11058

Forest Service
NOTICES
Appeal exemptions; timber sales:
Payette National Forest, ID, 11022
Stanislaus National Forest, CA, 11022
Environmental statements; availability, etc.:
Columbia River Gorge National Scenic Area, OR; Sandy River Delta master plan, 11023

Health and Human Services Department
See Centers for Disease Control and Prevention
See Food and Drug Administration
See National Institutes of Health

Hearings and Appeals Office, Energy Department
NOTICES
Cases filed, 11052

Special refund procedures; implementation, 11052

Housing and Urban Development Department
NOTICES
Grants and cooperative agreements; availability, etc.:
HOME investment partnerships program—
Indian applicants, 11102

Interior Department
See Fish and Wildlife Service
See National Park Service

Internal Revenue Service
RULES
Income taxes:
Foreign corporations; corporate distributions
Correction, 10997
Qualified business unit functional currency definition
Correction, 11099
PROPOSED RULES
Income taxes:
Corporate net operating loss carryforwards limitations; correction, 11099

International Trade Administration
NOTICES
Antidumping:
Helical spring lock washers from Taiwan, 11027
Steel wire rope from Korea, 11029
Welded stainless steel butt-weld pipe fittings from Korea, 11029
Antidumping and countervailing duties:
Administrative review requests, 11026

International Trade Commission
NOTICES
Meetings; Sunshine Act, 11098

Interstate Commerce Commission
NOTICES
Practice and procedure:
Fee billing and debt collection
Correction, 11099

Justice Department
See Drug Enforcement Administration

Labor Department
See Employment and Training Administration

Legal Services Corporation
NOTICES
Grant and cooperative agreement awards:
New York Public Utility Law, 11073

Management and Budget Office
NOTICES
Rescissions and deferrals
Cumulative reports, 11156

National Aeronautics and Space Administration
NOTICES
Meetings:
Advisory Council task forces, 11073

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Literature Advisory Panel, 11073
Music Advisory Panel, 11074
Presenting and Commissioning Advisory Panel, 11074
Public Partnership Office Advisory Panel, 11074
Theater Advisory Panel, 11075

National Highway Traffic Safety Administration
PROPOSED RULES
Motor vehicle safety standards:
Air brake systems—
Stopping distance performance requirements; reinstatement, 11009
Hydraulic brake systems—
Stopping distance performance requirements; establishment, 11003
NOTICES
Motor vehicle safety standards:
Nonconforming vehicles—
Importation eligibility; determinations, 11085–11088

National Institutes of Health
NOTICES
Committees; establishment, renewal, termination, etc.:
Multidisciplinary Special Emphasis Panel, 11059
Meetings:
Genome Research Review Committee, 11059
National Heart, Lung, and Blood Institute, 11060
National Institute of Diabetes and Digestive and Kidney Diseases, 11059
National Institute on Deafness and Other Communication Disorders, 11059, 11060

National Labor Relations Board
PROPOSED RULES
Court decisions; fees and dues, exaction limitations, 10997

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Gulf of Mexico and South Atlantic coastal migratory pelagic resources, 10990
NOTICES
Permits:
Endangered and threatened species, 11039, 11040
Marine mammals, 11040

National Park Service
NOTICES
Meetings:
Mississippi River Coordinating Commission, 11062
Missouri National Recreational River Advisory Group, 11061
National Register of Historic Places:
Pending nominations, 11062

National Science Foundation
NOTICES
Meetings:
High Performance Computing Blue Ribbon Panel, 11075
Science, Engineering, and Technology Federal Coordinating Council and Education and Human Resources Advisory Committee Expert Panel, 11075

National Transportation Safety Board
NOTICES
Meetings; Sunshine Act, 11097

Nuclear Regulatory Commission
NOTICES
Meetings; Sunshine Act, 11097

VOL. 58 SS 34 FE 23 993 UMI

Office of Management and Budget
See Management and Budget Office

Office of United States Trade Representative
See Trade Representative, Office of United States

Personnel Management Office
NOTICES
Meetings:
Federal Prevailing Rate Advisory Committee, 11076

Presidential Documents
PROCLAMATIONS
Special observances:
Visiting Nurse Associations Week, National (Proc. 6529), 10937

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration
See National Institutes of Health

Research and Special Programs Administration
RULES
Hazardous materials:
Registration and fee assessment program, 10985
Pipeline safety:
State grants; allocation formula, 10985
NOTICES
Applications, hearings, determinations, etc.:
National Solid Wastes Management Association, 11176

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., 11078
MBS Clearing Corp., 11081
Midwest Securities Trust Co., 11076, 11079
National Securities Clearing Corp., 11082
Self-regulatory organizations; unlisted trading privileges:
Boston Stock Exchange, Inc., 11076
Pacific Stock Exchange, Inc., 11078
Philadelphia Stock Exchange, Inc., 11078
Applications, hearings, determinations, etc.
ABC Investment Co., 11082

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
North East Middle Swannee River Area Watershed FL, 11024

State Justice Institute
NOTICES
Meetings; Sunshine Act, 11097

Trade Representative, Office of United States
NOTICES
Trade relations agreements:
Belarus; effective date, 11096

Transportation Department
See Federal Aviation Administration
See Federal Transit Administration
See National Highway Traffic Safety Administration
See Research and Special Programs Administration
NOTICES
Aviation proceedings:
Agreements filed; weekly receipts, 11083
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 11083

Treasury Department
See Internal Revenue Service
NOTICES
Agency information collection activities under OMB review, 11089
Notes, Treasury:
K-1998 series, 11089
T-1995 series, 11093

Veterans Affairs Department
PROPOSED RULES
Disabilities rating schedule:
Endocrine system
Correction, 11099

Separate Parts In This Issue

Part II
Department of Housing and Urban Development, 11101

Part III
Environmental Protection Agency, 11109

Part IV
Environmental Protection Agency, 11133

Part V
Department of Agriculture, Cooperative State Research Service, 11143

Part VI
Federal Emergency Management Agency, 11147

Part VII
Office of Management and Budget, 11155

Part VIII
Department of Education, 11157

Part IX
Department of Education, 11161

Part X
Department of Education, 11165

Part XI
Department of Agriculture, Extension Service, 11171

Part XII
Department of Transportation, Research and Special Programs Administration, 11175

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
6529.....10937

7 CFR
301.....11099
Proposed Rules:
1001.....10993
1002.....10993

12 CFR
607.....10939
611.....10945
615.....10945
618.....10939
625.....10945
627.....10945

14 CFR
97 (2 documents).....10945, 10947
Proposed Rules:
23.....10994

16 CFR
Proposed Rules:
307.....10997

17 CFR
1.....10949
30.....10953

26 CFR
1 (2 documents).....11099
Proposed Rules:
1.....10997

29 CFR
Proposed Rules:
103.....10997

34 CFR
Proposed Rules:
608.....11158
609.....11158
628.....11162
770.....11166

38 CFR
Proposed Rules:
4.....11099

40 CFR
52 (7 documents).....10957–10982
Proposed Rules:
51.....11110
52.....10998
228.....10999
372.....11002

46 CFR
525.....10983
530.....10983

49 CFR
107.....10985
171.....10985
198.....10985
665.....10989
1018.....11099
1312.....11099
Proposed Rules:
571 (2 documents).....11003, 11009

50 CFR
642.....10990

VOL.
58
ISS
34
FE
23
993
UMI

Federal Register
Vol. 58, No. 34
Tuesday, February 23, 1993

Presidential Documents

Title 3—

The President

Proclamation 6529 of February 18, 1993

National Visiting Nurse Associations Week, 1993

By the President of the United States of America

A Proclamation

Since 1885, countless men, women, and children have been provided care in their own communities and homes by the staff of Visiting Nurse Associations. These associations are in 422 urban and rural communities in 45 States and provide home health care to more than 1,500,000 people. The associations are voluntary in nature, independently owned, and community based. They offer a wide range of services, including hospice care, personal care, homemaking, social services, nutritional counseling, specialized nursing care, and occupational, physical, and speech therapy by registered nurses.

Historically, the care provided by Visiting Nurse Associations has enabled many individuals who are chronically ill or disabled to remain in their homes. Such care provides a setting that is familiar to them and is characterized by the physical and social support of family, friends, and loved ones.

Today, as an increasing number of people are being released from acute care settings and returning to their communities in need of complex home health assistance, Visiting Nurse Associations have been quick to respond. Whether caring for a low birth-weight baby, assisting a person recently released from the hospital following surgery, or administering life-sustaining procedures, Visiting Nurse Associations have proven to be critical care providers.

The associations adhere to high standards of quality and provide personalized and cost-effective health care and support, regardless of a person's ability to pay. They are enthusiastically supported by the communities in which they are located, and their resources are regularly enhanced by the services of volunteers and the donations of community members.

In recognition of the increasing need for home health care, and the significant potential of Visiting Nurse Associations to provide this care, the Congress, by House Joint Resolution 484, has designated the week beginning February 14, 1993, as "National Visiting Nurse Associations Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim the week beginning February 14, 1993, as National Visiting Nurse Associations Week. I urge all Americans to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of February, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

William J. Clinton

[FR Doc. 93-4247
Filed 2-19-93; 12:05 pm]
Billing code 3195-01-M

VOL
58
ISS
34
FE
23
1993
UMI

Rules and Regulations

Federal Register
Vol. 58, No. 34
Tuesday, February 23, 1993

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

FARM CREDIT ADMINISTRATION

12 CFR Parts 607 and 618

RIN 3052-AB19

Assessment and Apportionment of Administrative Expenses; General Provisions

AGENCY: Farm Credit Administration (FCA).

ACTION: Final rule.

SUMMARY: The FCA, by the FCA Board, adopts new regulations at 12 CFR part 607 that prescribe the method by which the assessments that are required to pay the FCA's annual administrative expenses are apportioned among and paid by Farm Credit System (System) institutions and other entities that are required to pay such expenses. The regulations supersede existing assessment regulations at 12 CFR 618.8230, which are rescinded.

These regulations are based in large part on the consensus recommendations of the FCA Assessment Regulations Negotiated Rulemaking Committee (Committee), which was established by the FCA to help develop the assessment regulations.

EFFECTIVE DATE: The regulations shall become effective upon the expiration of 30 days after publication during which either or both houses of Congress are in session. Notice of the effective date will be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Robert S. Child, Policy Analyst, Regulation Development Division, Office of Examination, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4189, TDD (703) 883–4444, or William L. Larsen, Senior Attorney, Regulatory Operations Division, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4020, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Assessment Regulations

The operating expenses of the FCA in administering the Farm Credit Act of 1971, 12 U.S.C. 2001–2279bb–6 (Act) are paid by the institutions it regulates and examines. Section 5.15 of the Act establishes the process by which System institutions are assessed for their share of FCA administrative expenses. Prior to the beginning of every fiscal year, the FCA must determine the cost of administering the Act for the succeeding year as well as the amount of assessments needed to pay such expenses and maintain a necessary reserve. On the basis of the assessment determination, the FCA must apportion the assessment among System institutions in a manner "determined to be equitable" by the FCA. 12 U.S.C. 2250(a)(2)(A). The FCA then assesses and collects the allocations on a periodic basis during the fiscal year. Regulations implementing section 5.15 of the Act currently are found in § 618.8230 of this chapter.

The current FCA assessment process was developed before Congress enacted the Agricultural Credit Act of 1987, Public Law 100–233, (1987 Act). The structural and regulatory changes brought about by the 1987 Act led the FCA to evaluate its current assessment process to determine whether it remained valid and fair. On the basis of this evaluation, the FCA concluded that the current assessment formula needed to be revised. In April, 1991, the FCA published a Notice of Proposed Rulemaking that proposed to establish an asset-based formula for assessments of System institutions. 56 FR 13424, April 2, 1991. The comments received indicated a concern that the proposed asset-based formula would create inequities due to the method by which assets of banks and associations would be counted for assessment purposes. Further, some commenters strongly urged that alternative assessment procedures be explored before adoption of an asset-based formula.

B. The Negotiated Rulemaking

After considering various alternatives for public participation in a further exploration of assessment allocation procedures, the FCA concluded that negotiated rulemaking might provide a creative means to achieve an equitable assessment formula. In accordance with the Negotiated Rulemaking Act of 1990, 5 U.S.C. 581–590, the FCA published notice of its intent to establish a negotiated rulemaking committee to develop and negotiate proposed amendments to its assessment regulations. 57 FR 19405, May 6, 1992. To meet the statutory and practical requirements of negotiated rulemaking, the FCA attempted to select a group of System institutions that would be as balanced and representative as possible. The FCA issued an advisory committee charter to the Committee on June 5, 1992.

The Committee met four times during June and July, 1992. Committee procedures complied with the Negotiated Rulemaking Act, *supra*, and the Federal Advisory Committee Act, 5 U.S.C. app. 2. All meetings were open to the public and meeting minutes were recorded. At the conclusion of negotiations, the Committee submitted a report to the FCA containing the consensus recommendations and views of the Committee regarding proposed amendments to the assessment regulations.

C. The Proposed Assessment Regulations

The FCA found that the consensus recommendations of the Committee regarding proposed assessment regulations were consistent with the FCA's legal obligations under the Act. On October 15, 1992, as sanctioned by the Negotiated Rulemaking Act, *supra*, the FCA issued proposed assessment regulations based in large part on the consensus recommendations of the Committee. 57 FR 47288.

The FCA received three comment letters on its proposed assessment regulations. Comments came from the Farm Credit Council (FCC), the Farm Credit Bank of Texas (Texas FCB), and the Federal Agricultural Mortgage Corporation (FAMC).

In response to public comment and based on its further consideration of the assessment process, the FCA has adopted several minor changes in the rules as proposed. Discussion of these changes and of pertinent public comment follows.

II. Analysis of Changes and Comments by Section

A. Section 607.3 Assessment of Banks, Associations, and Designated Other System Entities

Section 607.3 contains the assessment formula developed by consensus of the Committee. In its comment letter, the FCC noted its approval of the negotiated rulemaking process and its agreement with the basic assessment formula proposal, describing it as "an equitable solution to a complicated and potentially controversial matter." The FCC suggested three minor changes to proposed § 607.3.

With regard to § 607.3(a), the FCC commented that provision should be made for situations when an assessment may not be needed to maintain a necessary reserve pursuant to section 5.15 of the Act, or when the FCA may determine to reduce its necessary reserve. In response to this concern, the FCA is amending §§ 607.3(a) and 607.4(a)(1) to clarify that the FCA will only assess such an amount as may be required to maintain the reserve it determines to be "necessary" under section 5.15(a)(1)(B) of the Act. Adjustments in assessments due to changes in the necessary reserve are provided for in §§ 607.3(d), 607.4(a)(2), and 607.10.

Proposed § 607.3(b)(2)(iii) provided that where banks, associations, and designated other System entities are formed through merger or consolidation and the combined entity has not been examined prior to its initial assessment, such institution shall be assigned the "highest" composite CAMEL (capital, asset quality, management, earnings, and liquidity) rating received by any of the predecessor merged or consolidated institutions in their most recent examinations prior to the merger or consolidation. The FCC pointed out that use of the term "highest" could lead to confusion, since the best CAMEL ratings are actually lower numbers. To cure this ambiguity, the FCA has substituted the term "best."

The FCC also suggested that the reference to the $20,000 minimum assessment in § 607.3(b)(3) be changed to minimum "annual" assessment to avoid confusion regarding the frequency of the minimum assessment. The FCA finds such a change unnecessary because the term "assessment" is defined in § 607.2(a) as the "*annual* amount to be paid by each System institution to the FCA in accordance with section 5.15 of the Act." (emphasis added.)

The Texas FCB also commented on the $20,000 minimum assessment required by § 607.3(b)(3). The Texas FCB urged the FCA to reduce the minimum assessment to avoid an unfair impact on small institutions. Alternatively, the Texas FCB suggested that § 607.5(b) be revised to permit the institutions in each Farm Credit district to choose to be assessed by district rather than individually and permit the district's Farm Credit bank to reallocate the assessment to its affiliated associations.

The FCA notes that a representative of the Texas FCB was a member of the Committee, which unanimously adopted the $20,000 minimum only after thorough consideration of the concept of a minimum assessment and extensive debate on both higher and lower minimums. Moreover, the Committee rejected the concept of assessing System institutions by district rather than individually. The FCA agrees with the consensus recommendation of the Committee that all banks, associations, and designated other System entities should pay some minimum assessment, regardless of risk-adjusted asset base, to reflect a share of FCA regulatory costs and as a necessary cost of doing business as a federally chartered System financial institution. Consequently, § 607.3(b)(3) is adopted as proposed. The FCA will monitor the impact of the $20,000 minimum assessment and make adjustments in the future if necessary.

B. Section 607.4(b) Assessment of the Federal Agricultural Mortgage Corporation

As noted in the proposal, the Committee did not attempt to develop the method of assessment for FAMC. Under section 5.15(a) of the Act, the assessment of FAMC is separate from the rest of the System. Thus FAMC's assessment is separately covered in § 607.4(b). This section provides that FAMC is to be assessed for the estimated cost of the FCA's regulation, supervision, and examination of FAMC. FAMC is not subject to an assessment for the FCA's necessary reserve under section 5.15(a)(1)(B) of the Act. However, the FCA will include in its estimate of regulatory expenses sufficient funds to provide for anticipated increases in activity and significant developments in order to cover its expenses for the examination and supervision of FAMC during a fiscal year.

The FCA received extensive comments from FAMC regarding this section of the proposed assessment regulations. FAMC's comments may be summarized as follows:

(1) FAMC's participation in the development of the proposed regulation was inequitably and unreasonably limited.

(2) The FCA's authority to assess FAMC is limited to costs incurred by the agency for regulatory activities conducted under section 8.11 of the Act.

(3) The assessment provision for FAMC is vague and arbitrarily expansive.

(4) FAMC's assessment provision should be clear, specific, and conformed to statutory limitations.

The FCA does not agree that FAMC's participation in this rulemaking has been inequitably and unreasonably limited. FAMC has exercised its right under the Administrative Procedure Act, 5 U.S.C. 551, 553, to comment on the assessment regulations as initially proposed in April, 1991, and as proposed in October, 1992, subsequent to the negotiated rulemaking. Second, the Negotiated Rulemaking Act grants the FCA discretion in matters of committee selection for negotiated rulemaking. 5 U.S.C. 581, 584–585, 590. The principal focus of the Committee was on development of an equitable assessment formula for banks and associations. The FCA denied FAMC's petition to participate on the Committee because FAMC did not represent an interest that would be "significantly affected" by the formula used to apportion assessments among banks and associations. 5 U.S.C. 585. FAMC's participation on the Committee might have been appropriate had the Committee considered FAMC assessment methodology. However, as emphasized in the proposed rules, the Committee did not deliberate or make recommendations concerning FAMC's assessment. See 57 FR 47288, 47290–91, *supra*.

FAMC asserts in its second general comment that FCA assessment authority over FAMC is strictly limited by section 8.11(d) of the Act, which authorizes the FCA to assess FAMC for its costs in carrying out its statutory duty to regulate FAMC, including "the cost of any examination." 12 U.S.C. 2279aa–11(d). The FCA sees nothing in § 607.4(b) that is inconsistent with the responsibilities and authorities set forth in sections 5.15 and 8.11 of the Act. To the contrary, the FCA views the section 8.11 language not as a limitation, but rather as a statutory requirement that the FCA assess FAMC for any regulatory activities attributable to FAMC. Furthermore, the FCA sees no inconsistency because it understands "regulatory activities" in the broad sense of all of its oversight responsibilities for FAMC.

VOL 58 ISS 34 FE 23 1993 UMI

Read with section 5.15 of the Act, section 8.11 requires the FCA to assess FAMC for all costs associated with examining, supervising, and regulating FAMC. These same statutory terms are adopted in § 607.4(b). Regulatory activities required by sections of the Act other than section 8.11, such as the requirement of section 8.32 that the FCA develop a risk-based capital test for FAMC, are encompassed by the FCA's section 8.11 authority to provide for the general supervision of the safe and sound performance of FAMC, as well as the FCA's general rulemaking power in section 8.11(a)(1)(B)(ii).

FAMC's third comment asserts that § 607.4(b) is vague and that the FCA is arbitrarily expanding the legal limits of its assessment authority over FAMC. Similarly, in its final general comment, FAMC requests greater specificity in § 607.4(b), as well as definitions of "supervision," "examination," and other terms as they relate to FAMC.

As discussed above, the FCA has used terms employed in the Act for the regulatory language of § 607.4(b), with the intent of assessing FAMC for the estimated expenses of all FCA activities related to FAMC that are required by the Act. The FCA sees no need to define, for purposes of § 607.4(b), such terms as examination and supervision. The FCA will interpret the terms of § 607.4(b) consistently with Congressional intent to ensure that FAMC is held responsible only for FCA administrative expenses fairly attributable to it and, correspondingly, that System institutions are held responsible only for FCA administrative expenses fairly attributable to them. See 12 U.S.C. 2279aa–1(a)(3).

Some of FAMC's comments requesting more specificity in the assessment regulations are more appropriately directed toward the FCA's budget/appropriations process, which, of course, is subject to the annual Congressional limitation on FCA administrative expenses. To the extent that FAMC's concerns relate to the reconciliation of the annual assessment, which, pursuant to section 5.15 of the Act, is an estimated amount based on the FCA's reasonable expectations of the cost of regulating FAMC, and the actual cost of regulation, the FCA notes that FAMC will receive an annual report of assessments and expenses pursuant to § 607.11. The report of assessments and expenses is designed to reconcile annual assessments with the FCA's administrative expenses under the Act.

The FCC also commented on the FAMC assessment provision, noting its concern that FAMC be assessed for "indirect expenses," which are defined in § 607.2(g) as expenses of the FCA that are not attributable to the performance of examinations. The FCA fully intends that FAMC will be assessed for the cost of all FCA activities connected to the regulation of FAMC as authorized by section 8.11 of the Act, including not only examination, but other authorized activities such as supervision, enforcement activities, and prescription of rules and regulations, as well as for appropriate administrative support and overhead expenses. These authorized regulatory activities and expenses fall into the category of "indirect expenses," as defined in § 607.2(g). For clarification, the FCA has added a reference to such administrative and overhead expenses in § 607.4(b).

C. Section 607.7 Late-payment Charges on Assessments

The FCC commented that the reference in proposed § 607.7(a) to "institution" should be modified by the word "System" to be consistent with the definition in § 607.2(k). The FCA adopts this suggestion.

D. Section 607.8 Reimbursements for Services to Non-System Entities

Pursuant to 12 U.S.C. 3025, the FCA is authorized and directed to examine and audit the National Consumer Cooperative Bank, doing business as the National Cooperative Bank (NCB), and receive reimbursement from the NCB for such examinations and audits. Due to the close structural relationship between the NCB and the NCB Development Corporation (NCBDC) provided for in 12 U.S.C. 3051, the FCA also examines the NCBDC as part of its examination of the NCB. The FCA currently bills the NCBDC separately for the expenses associated with its examination by the FCA.

Section 607.2 defines the NCB and the NCBDC as "non-System entities." Proposed § 607.8 provided that reimbursable billings for FCA examination of non-System entities would be based on direct expenses incurred plus a portion of indirect expenses allocated on the basis of direct expenses incurred as a percentage of total direct expenses of the FCA. Upon further consideration of the reimbursement authorization provided in 12 U.S.C. 3051, and to ensure that non-System entities are not assessed for expenses unrelated to FCA activities pertaining to such entities, the FCA has modified § 607.8 to provide for reimbursement of direct expenses plus an amount for those FCA indirect expenses reasonably related to FCA services rendered to the non-System entity. The FCA does not anticipate that this change will have any substantial effect on the assessments of either non-System entities or System institutions.

The FCC sought affirmation that non-System entities are responsible for indirect FCA expenses attributable to them even if there are no direct FCA expenses with respect to such entities. Currently, the FCA examines the NCB and the NCBDC on an annual basis. As a practical matter, therefore, the FCA does not anticipate that the situation raised in the FCC's comment letter is likely to occur.

E. Section 607.10 Adjustments for Overpayment or Underpayment of Assessments

Section 607.10 provides that credits for overpayment and charges for underpayment of assessments shall be applied to the next applicable assessment payment due date during the current or subsequent fiscal year. The FCC urged the FCA to clarify proposed § 607.10 to provide that adjustments would be made based on actual expenditures of the agency. In response to this concern, the FCA is amending § 607.10 to state that credits for overpayments or charges for underpayments shall be based on FCA administrative operating expenses incurred in the applicable fiscal year and on funds required to be maintained pursuant to section 5.15 of the Act.

F. Section 607.11 Report of Assessments and Expenses

Proposed § 607.11 would have required the FCA, by January 15 of each calendar year, to provide each assessed System institution with a statement of assessments and expenses for the preceding fiscal year showing total assessments and other income received as applied to expenses incurred by major budget category and amounts set aside for necessary reserves. The FCA noted in its proposal that this section is intended to enhance the information currently available to System institutions pursuant to § 618.8230 of this chapter, which is being replaced by new part 607.

The FCC expressed a concern that the use of the term "statement" in this section implied that the FCA would provide only a simple mathematical statement of assessments and expenses without narrative discussion and explanation. The intent of the FCA in this section, as noted above, is to provide System institutions with useful information on assessments and expenses. To this end, the FCA expects to work with System institutions to develop an effective format for annual assessments and expenses information.

In addition, to further reinforce consistency with former § 618.8230(b) of this chapter, the FCA has changed the assessments and expenses information reference in § 607.11 from "statement" to "report."

List of Subjects

12 CFR Part 607

Accounting, Agriculture, Archives and records, Banks, Banking, Claims, Credit, Finance, Government securities.

12 CFR Part 618

Agriculture, Archives and records, Banks, Banking, Insurance, Reporting and recordkeeping requirements, Rural areas, Technical assistance.

For the reasons stated in the preamble, chapter VI, title 12 of the Code of Federal Regulations is amended by adding part 607 to subchapter A and amending part 618 as follows:

PART 607—ASSESSMENT AND APPORTIONMENT OF ADMINISTRATIVE EXPENSES

Sec.

607.1 Purpose and scope.
607.2 Definitions.
607.3 Assessment of banks, associations, and designated other System entities.
607.4 Assessment of other System entities.
607.5 Notice of assessment.
607.6 Payment of assessment.
607.7 Late-payment charges on assessments.
607.8 Reimbursements for services to non-System entities.
607.9 Reimbursable billings.
607.10 Adjustments for overpayment or underpayment of assessments.
607.11 Report of assessments and expenses.

Authority: Secs. 5.15, 5.17 of the Farm Credit Act; 12 U.S.C. 2250, 2252, 3025.

§ 607.1 Purpose and scope.

The regulations in part 607 implement the provisions of section 5.15 of the Farm Credit Act of 1971, 12 U.S.C. 2001 *et seq.* (Act) relating to Farm Credit Administration (FCA) assessments. The regulations prescribe the procedures for the equitable apportionment of FCA annual administrative expenses and necessary reserves among Farm Credit System (System) institutions. Pursuant to section 5.15(a) of the Act, the regulations also provide for the separate assessment of the FCA's costs of supervising and examining the Federal Agricultural Mortgage Corporation (FAMC). The regulations further provide for the reimbursement of expenses incurred in performing statutorily required examinations of non-System entities.

§ 607.2 Definitions.

For the purpose of this part, the following definitions shall apply:

(a) *Assessment* means the annual amount to be paid by each System institution to the Farm Credit Administration in accordance with section 5.15 of the Act.

(b) *Average risk-adjusted asset base* means the average of the risk-adjusted asset base (as determined in accordance with § 615.5210(e) of this chapter) of banks, associations, and designated other System entities, calculated as follows:

(1) For banks, associations, and designated other System entities with four quarters of risk-adjusted assets as of June 30 of each year, the sum of the average daily risk-adjusted assets as of the last day of the quarter as reported on each quarterly Call Report Schedule RC–G to the FCA for the most recent four quarters immediately preceding each September 15, divided by four;

(2) Except as provided in paragraphs (b)(3) and (b)(4) of this section, for banks, associations, and designated other System entities with less than four quarters of risk-adjusted assets as of June 30 of each year, the sum of the average daily risk-adjusted assets as of the last day of the quarter reported on each quarterly Call Report Schedule RC–G to the FCA for the quarters in which it was in existence immediately preceding September 15, divided by the number of quarters for which the Call Report Schedule RC–G was received;

(3) For banks, associations, and designated other System entities that were formed through mergers, consolidations, or transfers of direct lending authority, and have less than four quarters of risk-adjusted assets as of June 30, the sum of the average daily risk-adjusted assets as of the last day of the quarter for the most recent four quarters immediately preceding September 15 as reported on each quarterly Call Report Schedule RC–G filed by the newly chartered institution and the institutions that were merged or consolidated or that received direct lending authority, divided by four;

(4) For banks, associations, and designated other System entities chartered during the period July 1 through September 30 of each year that were not formed by the merger or consolidation of existing System institutions or the transfer of direct lending authority from another System institution, the total of the average daily risk-adjusted assets as of the last day of the quarter as reported on Call Report Schedule RC–G for the quarter ending September 30.

(c) *Composite CAMEL rating* means the composite numerical assessment of the financial condition of an institution assigned to the institution by the FCA based on its most recent examination of the institution. "CAMEL" is an acronym for capital, asset quality, management, earnings, and liquidity. The CAMEL factors are generally considered to be important indicators of an institution's financial health. Institutions are rated on each of the factors during an examination. CAMEL ratings range from 1–5, with a lower number indicating better financial condition than a higher number.

(d) *Delinquent amount* means an amount owed to the FCA that has not been paid by the date specified in the FCA's Notice of Assessment or billing.

(e) *Designated other System entities* means other System entities designated by the FCA in § 607.3(c) to be assessed on the same basis as banks and associations under § 607.3.

(f) *Direct expenses* means the expenses of the FCA attributable to the performance of examinations.

(g) *Indirect expenses* means all FCA expenses that are not attributable to the performance of examinations.

(h) *Non-System entities* means the National Consumer Cooperative Bank, the National Cooperative Bank Development Corporation, and any other entity that is required to be examined, supervised, or otherwise regulated by the FCA that is not a System institution.

(i) *Notice of Assessment* means a written notice to each System institution showing the total amount assessed and owing, the fiscal year covered by the assessment, the amounts of installment payments, and the due dates for such payments. For banks, associations, and designated other System entities, the Notice of Assessment shall also include an individualized assessment table showing the assessment under § 607.3(b)(2), where applicable.

(j) *Other System entities* means any service corporation chartered under section 4.25 of the Act, the Farm Credit System Financial Assistance Corporation, FAMC, the Federal Farm Credit Banks Funding Corporation, the Farm Credit Finance Corporation of Puerto Rico, and any other entity statutorily designated as a System institution that is not a bank or association.

(k) *System institutions* means banks, associations, and other System entities.

§ 607.3 Assessment of banks, associations, and designated other System entities.

(a) Banks, associations, and other System entities designated in paragraph (c) of this section will be assessed annually pursuant to this section for funds to cover a portion of the FCA's administrative expenses and for such funds as may be required to maintain a necessary reserve. The total amount of the annual assessment of banks, associations, and designated other System entities shall be based on the FCA budget for each fiscal year plus such amount as may be required to maintain a necessary reserve, excluding amounts to be assessed against other System entities and reimbursements received from non-System entities.

(b) The assessment shall be apportioned among the banks, associations, and designated other System entities as follows:

(1) Thirty (30) percent of the assessment under this section shall be apportioned to each bank, association, and designated other System entity on the basis of each institution's pro rata share of the total average risk-adjusted asset base.

(2) Seventy (70) percent of the assessment under this section shall be apportioned to each bank, association, and designated other System entity based upon the amounts of the institution's average risk-adjusted assets that fall within the graduated risk-adjusted asset tiers contained in the following table. An institution's total assessment under this paragraph is the sum of the amounts assessed for risk-adjusted assets falling into each applicable tier, subject to adjustment for its CAMEL rating as required in paragraphs (b)(2)(i) and (b)(2)(ii) of this section. The same assessment rate (designated as X_1 or a declining percentage of X_1 in the following table) will be applied to each dollar value of risk-adjusted assets falling within each tier, increased where applicable, by the amounts prescribed in paragraphs (b)(2)(i) and (b)(2)(ii) of this section. The actual assessment rate under this paragraph shall be determined annually based on relative average risk-adjusted asset bases, the CAMEL ratings of individual institutions, and the FCA budget as adjusted pursuant to paragraph (a) of this section, but the relationship between the rates applied to each tier shall remain constant as set forth in the following table.

Average risk-adjusted asset size range (in millions)		Assessment rate
Over	To	
$0	$25	X_1
25	50	$.85X_1$
50	100	$.75X_1$
100	500	$.60X_1$
500	1,000	$.50X_1$
1,000	7,000	$.35X_1$
7,000	10,000	$.20X_1$
10,000		$.10X_1$

Example: XYZ association has a CAMEL rating of 2 and average risk-adjusted assets of $500.4 million. The value of X_1 has been determined to be .000917, based on an FCA budget of $40.29 million.

X_1=.000917 therefore		
$25,000,000×.0917%	=	$22,925
$.85X_1$=.000780 therefore		
$25,000,000×.0780%	=	19,500
$.75X_1$=.000688 therefore		
$50,000,000×.0688%	=	34,400
$.60X_1$=.000550 therefore		
$400,000,000×.0550%	=	220,000
$.50X_1$=.000458 therefore		
$400,000×.0458%	=	183
Total Assessment under § 607.3(b)(2)	=	297,008

(i) If the FCA assigns a bank, association, or designated other System entity a composite CAMEL rating of 3 following its most recent examination of the institution prior to the date of assessment, the assessment provided for in paragraph (b)(2) of this section shall be increased by 20 percent.

(ii) If the FCA assigns a bank, association, or designated other System entity a composite CAMEL rating of 4 or 5 following its most recent examination of the institution prior to the date of assessment, the assessment provided for in paragraph (b)(2) of this section shall be increased by 40 percent.

(iii) Banks, associations, and designated other System entities that were formed through mergers or consolidations and have not been examined before their initial assessment under this section shall be deemed to have a composite CAMEL rating equivalent to the best composite CAMEL rating assigned to the merged or consolidated institutions in the FCA's most recent examination of the individual institutions prior to the date of merger or consolidation. Newly chartered institutions not formed through mergers or consolidations that have not been examined before their initial assessment under this section shall be deemed to have a composite CAMEL rating of 2.

(3) Each bank, association, and designated other System entity shall pay a minimum assessment of $20,000 regardless of the result of the application of the assessment formula established by paragraphs (b)(1) and (b)(2) of this section. If such a minimum assessment is apportioned to an institution, that institution's average risk-adjusted asset base shall be deducted from the total average risk-adjusted asset base, and $20,000 shall be deducted from the total assessment amount for purposes of determining the assessments of banks, associations, and designated other System entities paying more than the $20,000 minimum assessment.

(c) Other System entities designated to be assessed in accordance with this section are:

The Farm Credit Services Leasing Corporation.

(d) Assessments may be adjusted periodically to reflect:

(1) Changes in the FCA budget and necessary reserve; and

(2) Any overpayment or underpayment by a bank, association, or designated other System entity in the prior fiscal year.

§ 607.4 Assessment of other System entities.

(a)(1) Unless otherwise designated to be assessed under § 607.3, and with the exception of FAMC as provided in paragraph (b) of this section, other System entities will be assessed for estimated direct expenses plus an allocated portion of FCA indirect expenses and such amount as may be required to maintain a necessary reserve. The estimate for direct expenses shall take into account the direct expenses incurred in the most recent examination of the entity preceding each September 15 and expected increases or decreases in examination work for the next fiscal year. A proportional amount of FCA indirect expenses will be allocated to each entity based on the estimated direct expenses related to the particular entity as a percentage of the total budgeted direct expenses of the agency (excluding direct expenses under paragraph (b) of this section) for the fiscal year covered by the assessment.

(2) Assessments of other System entities under paragraph (a)(1) of this section may be adjusted periodically to reflect:

(i) Changes in the FCA budget and necessary reserve; and

(ii) Any overpayment or underpayment by such other System entity in the prior fiscal year.

(b) *Assessment of Federal Agricultural Mortgage Corporation.* The FCA shall assess FAMC for the estimated cost of FCA's regulation, supervision, and examination of FAMC, including

VOL
58
ISS
34
FE
23
1993
UMI

reasonably related administrative and overhead expenses. FAMC's assessment may be adjusted periodically to reflect changes in the FCA budget and to reconcile differences between FAMC's assessment and FCA's actual expenditures for regulation of FAMC in the prior fiscal year.

§ 607.5 Notice of assessment.

(a) Except as provided in paragraph (b) of this section, prior to September 15 of each year, the FCA shall determine the amount of assessment to be collected from each System institution for the next fiscal year under §§ 607.3 and 607.4 and shall provide each System institution with a Notice of Assessment. The total amount assessed each System institution in the Notice of Assessment shall be an obligation of each institution on October 1 of each fiscal year. The total amount assessed each System institution shall be payable not less often than quarterly in equal installments during each fiscal year, subject to adjustment pursuant to §§ 607.3(d), 607.4(a)(2), 607.4(b), and 607.10.

(b) For banks, associations and designated other System entities chartered during the period July 1 through September 30 of each year, the FCA shall, prior to December 15, determine the amount of assessment to be collected from each such institution for the remainder of the fiscal year and provide the institution with a Notice of Assessment. The total amount of the assessment becomes an obligation of the institution on January 1 and shall be payable in equal installments, subject to adjustment pursuant to §§ 607.3(d) and 607.10, not less often than quarterly for the remainder of the fiscal year. The first installment shall be due on January 1. This paragraph shall not apply to banks, associations, and designated other System entities formed by merger, consolidation, or transfer of direct lending authority.

(c) In the event of the proposed cancellation of the charter of a System institution, the unpaid installments of the total amount of the institution's assessment shall be provided for prior to the cancellation of the charter.

§ 607.6 Payment of assessment.

(a) System institutions shall pay the amounts due as scheduled in the FCA Notice of Assessment. Payment shall be made by electronic funds transfer (EFT) for credit to the FCA's account in the Department of the Treasury, by check to the FCA for deposit, or by such other means as the FCA may authorize.

(b) Payments made by EFT that are not received by the close of business on the due date shall be considered delinquent in accordance with § 607.7.

(c) Payments made by check that are not received by the FCA before the close of business on the third workday preceding the due date shall be considered delinquent in accordance with § 607.7.

§ 607.7 Late-payment charges on assessments.

(a) If any portion of a scheduled installment of a System institution's total assessment or the reimbursement billed to a non-System entity is not paid by the due date, the overdue amount shall be considered delinquent.

(b) Delinquent amounts shall be charged late-payment interest at the United States Treasury Department's current value of funds rate published in the **Federal Register**. Late payment interest shall be expressed as an annual rate of interest and shall accrue on a daily basis starting on the due date of the delinquent amount and continuing through the date payment is received by the FCA.

(c) The FCA shall waive the collection of interest on the delinquent amounts if such amounts are paid within 30 days of the date interest begins to accrue. The FCA may waive interest due on delinquent amounts upon finding no fault with the performance of the remitter.

(d) The FCA shall charge an amount necessary to cover the administrative costs incurred as a result of collection of any delinquent amount.

(e) The FCA shall charge a penalty of 6 percent per annum on any portion of a delinquent amount that is more than 90 days past due. Such penalty shall accrue from the date the amount became delinquent.

§ 607.8 Reimbursements for services to non-System entities.

Non-System entities shall be assessed for direct expenses plus an amount for FCA indirect expenses reasonably related to the services rendered to the non-System entity. Such related indirect expenses shall be calculated as a percentage of the FCA's overall indirect expenses based on the extent of FCA activities with respect to the non-System entity during the period since the entity's most recent assessment.

§ 607.9 Reimbursable billings.

The FCA shall bill the amounts due for services to non-System entities each year subsequent to the issuance of their respective Reports of Examination. Amounts billed are due in full within 30 days from the date billed. If the billed amount or any portion thereof remains unpaid at close of business on the due date, such amount or portion shall be considered delinquent in accordance with § 607.7.

§ 607.10 Adjustments for overpayment or underpayment of assessments.

Where adjustments for overpayment or underpayment of assessments are made pursuant to §§ 607.3(d), 607.4(a)(2), and 607.4(b), credits for overpayments or charges for underpayments shall be based on FCA administrative operating expenses incurred in the applicable fiscal year and on funds required to be maintained pursuant to section 5.15 of the Act. Such credits or charges shall be applied to the next applicable assessment payment due during the current or subsequent fiscal year. Where such adjustments are made, the FCA shall provide the institution with a statement of adjustment at least 15 days prior to the date when the institution's next assessment payment is due. Adjustments in assessments shall be made in principal amount only. Overdue amounts under § 607.7 are not underpayments for assessment adjustment purposes.

§ 607.11 Report of assessments and expenses.

By January 15 of each calendar year, the FCA shall provide each assessed System institution with a report of assessments and expenses for the preceding fiscal year showing total assessments and other income received as applied to expenses incurred by major budget category and amounts set aside for a necessary reserve.

PART 618—GENERAL PROVISIONS

1. The authority citation for part 618 is revised to read as follows:

Authority: Secs. 1.5, 1.11, 1.12, 2.2, 2.4, 2.5, 2.12, 3.1, 3.7, 4.12, 4.13A, 4.25, 4.29, 5.9, 5.10, 5.17 of the Farm Credit Act; 12 U.S.C. 2013, 2019, 2020, 2073, 2075, 2076, 2093, 2122, 2128, 2183, 2200, 2211, 2218, 2243, 2244, 2252.

Subpart F—Miscellaneous Provisions

§ 618.8230 [Removed and Reserved]

2. Subpart F is amended by removing and reserving § 618.8230.

Dated: February 17, 1993.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 93-4165 Filed 2-22-93; 8:45 am]

BILLING CODE 6705-01-P

12 CFR Parts 611, 615 and 627

RIN 3052–AA92

Organization; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Title V Conservators and Receivers; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA) published a final regulation under parts 611, 615 and 627 on October 9, 1992 (57 FR 46480). The final regulation amends 12 CFR parts 611 and 615 and adds 12 CFR part 627 to reflect amendments to the Farm Credit Act of 1971 by the Agricultural Credit Act of 1987 providing that, after January 5, 1993, the Farm Credit System Insurance Corporation (Insurance Corporation) will be the exclusive entity appointed as conservator or receiver of a Farm Credit System institution. Also adopted are amendments to existing conservatorship and receivership regulations, which continue to apply in situations where the Insurance Corporation is not appointed as conservator or receiver. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is February 23, 1993.

EFFECTIVE DATE: The regulation amending 12 CFR parts 611 and 615 and adding 12 CFR part 627, published on October 9, 1992 (57 FR 46480) is effective February 23, 1993.

FOR FURTHER INFORMATION CONTACT:

Rebecca S. Orlich, Senior Attorney, Regulatory Operations Division, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4020, or

John J. Hays, Policy Analyst, Regulation Development Division, Office of Examination, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4498, TDD (703) 883–4444.

Authority: 12 U.S.C. 2252(a) (9) and (10).

Dated: February 18, 1993.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 93–4166 Filed 2–22–93; 8:45 am]

BILLING CODE 6705–01–P

12 CFR Part 625

RIN 3052–AB11

Application for Award of Fees and Other Expenses Under the Equal Access to Justice Act; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA) published a final regulation under part 625 on December 18, 1992 (57 FR 60108). The final regulation adds 12 CFR part 625 to implement the Equal Access to Justice Act (EAJA). The regulations establish conditions under which parties who prevail over the FCA in certain administrative proceedings may be awarded attorney fees and other expenses. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is February 23, 1993.

EFFECTIVE DATE: The regulation adding 12 CFR part 625, published on December 18, 1992 (57 FR 60108) is effective February 23, 1993.

FOR FURTHER INFORMATION CONTACT:

William L. Larsen, Senior Attorney, Regulatory Operations Division, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4020, or

Richard A. Cohn, Senior Attorney, Administrative Law and Enforcement Division, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4020, TDD (703) 883–4444.

Authority: 12 U.S.C. 2252(a) (9) and (10).

Dated: February 18, 1993.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 93–4164 Filed 2–22–93; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 27159; Amdt. No. 1533]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT:

Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPS). The complete

regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviations Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled. The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPs criteria were applied to only these specific conditions existing at the affected airports.

This amendment to part 97 contains separate SIAPs which have compliance dates started as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Standard instrument approaches, incorporation by reference.

Issued in Washington, DC, on February 12, 1993.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (revised Public Law 97–449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33 and 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 92.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPS, identified as follows:

NFDC TRANSMITTAL LETTER

Effective	State	City	Airport	FDC No.	SIAP
01/04/93	TX	Houston	Houston-Southwest	FDC 3/0016	NDB Rwy 9 Amdt 4A.
01/19/93	OK	Muskogee	Davis Field	FDC 3/0267	NDB Rwy 31 Amdt 8.
01/21/93	OK	Norman	University of Oklahoma Westheimer Airpark.	FDC 3/0296	RNAV Rwy 3 Orig.
01/26/93	FL	St. Augustine	St. Augustine	FDC 3/0489	VOR Rwy 13 Amdt 4.
01/29/93	FL	Vero Beach	Vero Beach Muni	FDC 3/0427	VOR/DME Rwy 29L Amdt 2.
01/29/93	FL	Vero Beach	Vero Beach Muni	FDC 3/0428	VOR Rwy 11R Amdt 12.
01/30/93	MO	Cape Girardeau	Cape Girardeau	FDC 3/0447	ILS Rwy 10 Amdt 9.
01/30/93	MO	Cape Girardeau	Cape Girardeau	FDC 3/0468	NDB Rwy 10 Amdt 8.
01/30/93	MO	Farmington	Farmington Regional	FDC 3/0439	NDB Rwy 20 Amdt 2.
01/30/93	MO	Farmington	Farmington Regional	FDC 3/0450	NDB Rwy 2 Amdt 2.
01/30/93	MO	Festus	Festus Memorial	FDC 3/0448	NDB Rwy 36 Amdt 2.
01/30/93	MO	St. Louis	Lambert/St. Louis Intl	FDC 3/0442	LOC BC Rwy 6 Amdt 2A.
01/30/93	MO	St. Louis	Lambert/St. Louis Intl	FDC 3/0443	ILS Rwy 30R Amdt 6B.
01/30/93	MO	St. Louis	Lambert/St. Louis Intl	FDC 3/0469	ILS Rwy 30R (CAT II) Amdt 6B
01/30/93	MO	St. Louis	Spirit of St. Louis	FDC 3/0431	LOC Rwy 26L Amdt 3.

NFDC TRANSMITTAL LETTER—Continued

Effective	State	City	Airport	FDC No.	SIAP
01/30/93	MO	St. Louis	Spirit of St. Louis	FDC 3/0434	VOR Rwy 26L Amdt 4A.
01/30/93	MO	St. Louis	Spirit of St. Louis	FDC 3/0436	NDB Rwy 26L Orig.
01/30/93	MO	St. Louis	Spirit of St. Louis	FDC 3/0449	NDB Rwy 8R Amdt 10.
01/30/93	MO	St. Louis	Spirit of St. Louis	FDC 3/0451	ILS Rwy 8R Amdt 12A.
02/03/93	TN	Columbia/Mt Pleasant	Maury County	FDC 3/0526	SDF Rwy 23 Amdt 4A.
02/03/93	TN	Columbia/Mt Pleasant	Maury County	FDC 3/0527	NDB Rwy 23 Amdt 3A.
02/03/93	TN	Cookeville	Putnam County	FDC 3/0538	NDB Rwy 17 Amdt 5.
02/03/93	TN	Dickson	Dickson Muni	FDC 3/0537	NDB Rwy 17 Amdt 1.
02/03/93	TN	Jasper	Marion County-Brown Field	FDC 3/0532	NDB Rwy 4 Amdt 3.
02/03/93	TN	Lafayette	Lafayette Muni	FDC 3/0539	NDB Rwy 19 Amdt 2.
02/03/93	TN	Smithville	Smithville Muni	FDC 3/0540	NDB Rwy 24 Amdt 1.
02/03/93	TN	Sparta	Sparta-White County	FDC 3/0522	NDB Rwy 4 Amdt 2.
02/03/93	TN	Sparta	Sparta-White County	FDC 3/0541	SDF Rwy 4 Amdt 2.
02/03/93	TN	Tullahoma	Tullahoma Regional Airport/ Wm Northern Field.	FDC 3/0520	VOR/DME–B Amdt 3.
02/04/93	TN	Clarksville	Outlaw Field	FDC 3/0571	VOR Rwy 35 Amdt 15.
02/04/93	TN	Clarksville	Outlaw Field	FDC 3/0570	LOC Rwy 35 Amdt 5.
02/04/93	TN	Clarksville	Outlaw Field	FDC 3/0572	NDB Rwy 35 Amdt 5.
02/05/93	AK	Ketchikan	Ketchikan Intl	FDC 3/0610	ILS/DME–1 Rwy 11 Amdt 5.
02/05/93	AR	Stuttgart	Stuttgart Muni	FDC 3/0617	NDB Rwy 18 Amdt 8.
02/08/93	FL	Panama City	Panama City-Bay County	FDC 3/0649	NDB Rwy 14 Amdt 4.
02/08/93	FL	Panama City	Panama City-Bay County	FDC 3/0650	VOR or TACAN–A. Amdt 13A.
02/08/93	FL	Panama City	Panama City-Bay County	FDC 3/0651	ILS Rwy 14 Amdt 14
02/08/93	MO	St. Louis	Lambert/St. Louis Intl	FDC 3/0647	ILS Rwy 30L Amdt 10A.
02/08/93	TX	Amarillo	Amarillo Intl	FDC 3/0661	ILS Rwy 4 Amdt 20.
02/09/93	MN	Bemidji	Bemidji-Beltrami County	FDC 3/0677	ILS Rwy 31 Amdt. 3.
02/09/93	MN	Bemidji	Bemidji-Beltrami County	FDC 3/0678	VOR/DME or TACAN Rwy 31 Amdt 12
02/09/93	MN	Bemidji	Bemidji-Beltrami County	FDC 3/0679	NDB Rwy 31 Amdt 5.
02/09/93	MN	Bemidji	Bemidji-Beltrami County	FDC 3/0680	VOR Rwy 13 Amdt 16
02/11/93	CA	San Francisco	San Francisco Intl	FDC 3/0734	LDA/DME Rwy 28R Amdt 2

[FR Doc. 93–4128 Filed 2–22–93; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 27158; Amdt. No. 1532]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the

affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air), Standard instrument approaches, Weather.

Issued in Washington, DC, on February 12, 1993.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, and 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

. . . Effective April 1, 1993

Little Rock, AR, Adams Field, NDB RWY 4L, Amdt. 18
Little Rock, AR, Adams Field, NDB RWY 22R, Amdt. 6
Little Rock, AR, Adams Field, ILS RWY 4L, Amdt. 24
Little Rock, AR, Adams Field, ILS RWY 22L, Amdt. 1
Little Rock, AR, Adams Field, ILS RWY 22R, Amdt. 8
Little Rock, AR, Adams Field, VOR/DME RNAV RWY 36, Amdt. 10
Hawthorne, CA, Hawthorne Muni, LOC RWY 25, Amdt. 10
Tell City, IN, Perry County Muni, NDB RWY 31, Amdt. 6, CANCELLED
Tell City, IN, Perry County Muni, NDB RWY 13, Orig.
Glasgow, KY, Glasgow Muni, VOR/DME RWY 7, Amdt. 5
Glasgow, KY, Glasgow Muni, SDF RWY 7, Amdt. 8
Glasgow, KY, Glasgow Muni, NDB RWY 7, Amdt. 9
Hawesville, KY, Hancock Airfield, VOR RWY 15, Amdt. 6
Hawesville, KY, Hancock Airfield, VOR RWY 33, Amdt. 6
Hawesville, KY, Hancock Airfield, NDB–A, Amdt. 6
Hopkinsville, KY, Hopkinsville-Christian County, LOC RWY 26, Amdt. 2
Hopkinsville, KY, Hopkinsville-Christian County, NDB RWY 26, Amdt. 5
Russellville, KY, Russellville-Logan County, VOR/DME RWY 24, Amdt.6
Morristown, NJ, Morristown Muni, NDB RWY 23, Amdt. 6
La Grande, OR, La Grande/Union County, NDB–A, Amdt. 2
Kenedy, TX, Karnes County, VOR/DME–A, Amdt. 6
Richmond, VA, Chesterfield County, VOR RWY 15, Amdt. 8, CANCELLED
Richmond, VA, Chesterfield County, VOR/DME RWY 15, Orig.
Hoquiam, WA, Bowerman, VOR RWY 6, Amdt. 13
Hoquiam, WA, Bowerman, VOR/DME RWY 24, Amdt. 4
Hoquiam, WA, Bowerman, LOC RWY 24, Amdt. 3
Olympia, WA, Olympia, VOR RWY 17, Amdt. 10A, CANCELLED
Olympia, WA, Olympia, ILS RWY 17, Amdt. 8
Olympia, WA, Olympia, VOR–A, Orig.
Olympia, WA, Olympia, VOR/DME RWY 35, Amdt. 11
Shelton, WA, Sanderson, NDB RWY 23, Orig., CANCELLED
Shelton, WA, Sanderson Field, NDB–A Orig.
Wenatchee, WA, Pangborn Memorial, VOR–A, Amdt. 5
Wenatchee, WA, Pangborn Memorial, VOR/DME–C, Amdt. 3

. . . Effective March 4, 1993

Chicago, IL, Chicago Midway, NDB RWY 31C, Amdt. 14
Chicago, IL, Chicago Midway, ILS RWY 31C, Amdt. 5
Lawrence, KS, Lawrence Muni, VOR/DME–A, Amdt. 9
Lawrence, KS, Lawrence Muni, NDB RWY 33, Orig.
Lawrence, KS, Lawrence Muni, NDB RWY 33, Orig., CANCELLED
Lawrence, KS, Lawrence Muni, ILS RWY 33, Orig.
Lawrence, KS, Lawrence Muni, VOR/DME RNAV RWY 33, Amdt. 4
Houston, TX, Houston Intercontinental, VOR/DME RWY 14L, Amdt. 15
Houston, TX, Houston Intercontinental, ILS RWY 14L, Amdt. 10
Houston, TX, William P. Hobby, VOR/DME RWY 4, Amdt. 17
Houston, TX, William P. Hobby, VOR RWY 12R, Amdt. 18
Houston, TX, William P. Hobby, VOR/DME RWY 22, Amdt. 23
Houston, TX, William P. Hobby, VOR/DME RWY 30L, Amdt. 16
Houston, TX, William P. Hobby, VOR/DME RWY 35, Amdt. 2
Houston, TX, William P. Hobby, LOC BC RWY 22, Amdt. 3
Houston, TX, William P. Hobby, NDB RWY 4, Amdt. 32
Houston, TX, William P. Hobby, ILS RWY 4, Amdt. 36
Houston, TX, William P. Hobby, ILS RWY 12R, Amdt. 11
Houston, TX, William P. Hobby, ILS RWY 30L, Amdt. 4
Nacogdoches, TX, A L Mangham Jr. Regional, NDB RWY 15, Amdt. 3, CANCELLED

Nacogdoches, TX, A L Mangham Jr. Regional, NDB RWY 18, Orig.

. . *Effective February 10, 1993*

Chandler, AZ, Chandler Muni, VOR RWY 4L, Amdt. 4

. . . *Effective February 5, 1993*

Harrisburg, PA, Harrisburg Intl, VOR RWY 31, Amdt. 1

. . *Effective February 4, 1993*

Monterey, CA, Monterey Peninsula, LOC/DME RWY 28L, Amdt. 3

[FR Doc. 93–4129 Filed 2–22–93; 8:45 am]

BILLING CODE 4910–13–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Financial Reporting by Introducing Brokers; Valuation of Investments of Customer Funds by Futures Commission Merchants

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures Trading Commission (Commission) is amended its rules to reduce certain financial reporting requirements for independent introducing brokers (IBIs). These rule amendments will assure that IBIs are not required to file two certified financial statements within a one-year period (which will provide greater relief than the six-month period set forth in the proposed rule amendments); permit IBIs to file semiannual, rather than quarterly, financial reports; and require that an IBI file notices of financial difficulties only with the National Futures Association (NFA) and futures commission merchants (FCMs) carrying or intending to carry accounts of the IBI's customers, and not also with the Commission. In light of the fact that an IBI's minimum financial requirement is lower than that of an FCM and that an IBI does not handle customer funds, the Commission believes it is appropriate to reduce some of the related reporting requirements currently applicable to IBIs. The Commission is also amending its rule governing valuation of investments of customer funds by FCMs to conform the rule to modern financial practices.

EFFECTIVE DATE: March 25, 1993.

FOR FURTHER INFORMATION CONTACT: Lawrence B. Patent, Associate Chief Counsel, Division of Trading and Markets, at the above address. Telephone (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Background

On October 6, 1992, the Commission published proposed amendments to its rules to reduce certain financial reporting requirements for IBIs and to conform the rule governing valuation of investment of customer funds to modern financial practice and allowed sixty days for comment thereon.[1] The Commission received one written comment in response to the proposed rulemaking, from the National Futures Association (NFA). NFA expressed strong support for the proposed amendments, but also recommended that the Commission provide further relief to assure that IBIs are not required to file two certified financial statements within a one-year period. As proposed, the rule amendments would have provided that an IBI not be required to file two certified financial statements within a six-month period. The Commission has carefully considered this comment and, based upon that review and its own reconsideration of the issue, has determined to incorporate NFA's suggestion in the final rules. The Commission has further determined to adopt the other rule amendments essentially as proposed.

II. Financial Reporting Requirements

A. Certified Financial Reports of IBIs

The Commission has historically considered the requirement for certified financial statements to be an integral part of its minimum financial and related reporting requirements and the financial surveillance program. The requirement provides a third-party certification as to a firm's financial condition and its records. Thus, when the Commission adopted rules to govern IBs,[2] it required an applicant for registration that intends to operate as an IBI to file financial statements certified by an independent public accountant demonstrating compliance with the minimum financial requirement of $20,000 of adjusted net capital.[3] As is the case with an applicant for registration as an FCM, this requirement can be met by an IBI applicant in one of two ways: (1) By filing a Form 1–FR–IB, certified by an independent public accountant in accordance with Commission Rule 1.16, as of a date not more than 45 days prior to the date on which such report is filed; or (2) filing an uncertified Form 1–FR–IB as of a date not more than 45 days prior to the date on which such report is filed and a Form 1–FR–IB certified by an independent public accountant in accordance with Commission Rule 1.16 as of a date not more than one year prior to the date on which such report is filed.[4] Once an IBI is granted registration, it must file certified financial statements as of the close of its fiscal year. When the rules governing IBs were originally adopted, interim unaudited financial reports were to be filed quarterly by IBIs. Commission Rule 1.10(b)(1) and (2).

An applicant for registration as an IB can avoid the need to file certified financial statements if it enters into a guarantee agreement with an FCM and files such agreement along with its application for registration. As long as the guarantee agreement remains in effect, the guaranteed introducing broker (IBG) need not raise its own capital or file financial reports. The Commission is aware, however, that some applicants for IB registration submit a guarantee agreement and a certified Form 1–FR–IB. The purpose is to begin operations immediately under a temporary license available to an IBG[5] while complete fitness checks are conducted on the applicant firm and its principals. The IB and FCM enter into the agreement with the understanding that the agreement will terminate after NFA is satisfied that the IB meets the minimum fitness standards, including the financial requirements, and grants the IB full registration. After that point, the firm will operate as an IBI.[6]

Commission Rule 1.10(j)(8) previously required, however, that if an IB is party to a guarantee agreement which terminates and the IB then seeks to operate as an IBI, it must file a certified Form 1–FR–IB as of the day following the date of termination of the guarantee agreement. The type of firm referred to in the preceding paragraph may have a

---

[1] 57 FR 45999.

[2] 48 FR 35248 (August 3, 1983).

[3] The Commission's minimum financial requirement for an IBI remains at $20,000 of adjusted net capital. NFA, however, which is the designated self-regulatory organization for IBIs, recently increased its minimum requirement to $30,000. See NFA Financial Requirements, Section 9, effective December 31, 1992, reprinted in NFA Manual (P–H) ¶ 7049.

[4] Commission Rule 1.10(a)(2)(ii)(A) and (B). See also Commission Rule 1.10(a)(1). Commission rules referred to herein can be found in 17 CFR Ch. I (1992), unless otherwise noted.

[5] See Commission Rules 3.44–3.47. Rule 3.44 has been amended recently. 57 FR 23136, 23151 (June 2, 1992)

[6] NFA's comment letter pointed out that the delay in granting full registration so that the firm can operate as an IBI is not caused by the time necessary for NFA to review the Form 1–FR–IB and is instead normally the result of the full fitness review, including the need to obtain and review any Federal Bureau of Investigation disciplinary records relating to the applicant or its principals. The Commission has clarified its statements on this issue in this release in response to NFA's comment.

rather simple financial structure and fitness checks may be completed quickly. In such circumstances, a second certified Form 1–FR–IB would be required in a relatively brief period. For instance, if an IB applied for registration on July 1, submitting both a certified Form 1–FR–IB as of May 29 and a guarantee agreement, it could operate immediately as an IBG. If the NFA granted full registration by July 30, the guarantee agreement would terminate, and the IB would have to file another certified Form 1–FR–IB as of July 31.

The Commission has reviewed the IB financial filing requirements. Although the Commission continues to believe that it is important to have a reasonably current certified financial statement from an IBI when it begins operations, the Commission is aware that it can cost even the smallest IBI several thousand dollars to have its financial statements certified by an independent public accountant. The Commission believes that it would be unnecessary to require two certified financial statements from an IBI within a one-year period, especially in light of the fact that an IBI does not hold customer funds. The Commission also believes that a change in the rules to provide that an IBI would not be required to file certified statements twice within one year is not inconsistent with the overall financial surveillance system since, as noted above, an applicant for registration as an IB can submit a certified financial report that is up to one year old.

Accordingly, the Commission is amending Rule 1.10(j)(8)(i) so that, if an IB is changing from guaranteed to independent status, it need not file a new certified financial report if it has filed one with an "as of" date not more than one year prior to the date of termination or expiration of the guarantee agreement. This rule change should accommodate those firms referred to above that file a guarantee agreement in order to commence operations immediately and briefly as an IBG, with the understanding that they will operate as an IBI as soon as NFA grants the IB full registration.

The Commission also recognizes that there will be other IBGs whose guarantee agreements are terminated or expire that had not originally applied for registration as IBGs with the understanding that they would soon assume independent status. The Commission is adopting certain rule amendments that would simplify the financial reporting requirements for these firms as well if they wish to remain in business as IBIs rather than enter into a new guarantee agreement. As noted above, Rule 1.10(j)(8)(i) has previously required such firms to file a certified Form 1–FR–IB as of the day following the date of termination of the guarantee agreement. Since not all guarantee agreements terminate or expire near the end of a month, this could require certified financial statements as of a date other than a month-end. Such statements could be more difficult and costly to prepare for the IB and the independent public accountant, so the Commission is amending its rules to allow the "as of" date of this first certified financial report to be no later than the end of the month of termination or expiration of the guarantee agreement. A similar change has been adopted in Rule 1.10(j)(8)(ii) and in Rule 1.10(a)(3)(ii)(B) (which apply when a person that is not registered as an IB or as a securities broker or dealer succeeds to the business of an IBG).

The Commission notes that it is likely that certain firms which can take advantage of the amendments to Rule 1.10(j)(8) are also securities broker-dealers. Accordingly, the Commission is adopting a clarifying amendment to Rule 1.10(h), which provides such firms the ability to file a copy of the financial report required under the securities laws[7] in lieu of Form 1–FR, to make clear that the filing alternative applies to required financial reports under Rule 1.10(j).

The Commission is also amending Rule 1.10(b)(2) to further assure that an IBI will not need to file two certified financial reports within one year. If the IBI's first fiscal year-end following the "as of" date of its initial certified Form 1–FR–IB occurs within one year of such "as of" date, the IBI's Form 1–FR–IB as of the fiscal year-end will not need to be certified. (An uncertified Form 1–FR–IB is required to be filed as of the fiscal year-end, however.) The firm's second certified Form 1–FR–IB will not need to be filed in such circumstances until the second fiscal year-end following the "as of" date of the initial certified Form 1–FR–IB. The second certified Form 1–FR–IB must cover the period from the day following the date of the initial certified Form 1–FR–IB through the second fiscal year-end following the initial "as of" date, which would be a period of up to twenty-four months. Although IBIs should be able to avoid the need to utilize this provision by carefully designating their fiscal year when applying for registration or when first beginning to operate as an IBI, it may be more difficult for an IBI that had been operating as an IBG to accomplish this.

B. Unaudited Financial Reports by IBIs

The Commission has also reviewed the requirements for filing interim unaudited financial reports by IBIs. As noted above, Rule 1.10(b)(1) generally has required IBIs to file financial reports on a quarterly basis. However, Rules 1.10(b)(3) and 1.52 permit an IBI or an FCM to file financial reports on a semiannual basis if the rules of the firm's designated self-regulatory organization so provide. The only self-regulatory organization with an IB membership category is NFA, and all IBIs that handle customer business are members of NFA. NFA requires its member IBIs to file quarterly financial reports.[8] The Commission notes that certain contract markets only require their member FCMs to file financial reports on a semiannual basis.[9] In light of the fact that FCMs may hold customer funds and IBIs do not, it is somewhat anomalous for the latter to file financial reports more frequently than the former. Accordingly, the Commission is amending Rule 1.10(b)(1)(ii) to permit IBIs file Form 1–FR–IB semiannually rather than quarterly. Commission staff have been in contact with NFA staff and the Commission anticipates NFA will adopt a conforming change to its rules.

To recapitulate the effect of the proposed amendments discussed above, assume that an IB files its initial certified financial report in 1993 with an as of date between January 1 and March 31 and is using the calendar year as its fiscal year. The next two financial reports filed by the IB would be unaudited reports as of June 30, 1993 and December 31, 1993. In 1994, it would file an unaudited report as of June 30, 1994 and a certified report as of December 31, 1994 (covering a period of up to twenty-four months). Thus, the firm would file two certified and three unaudited financial reports during this time period under the rule amendments, while the previous rules required three certified and six unaudited reports during the same time period.

C. Maintenance of Minimum Financial Requirements by IBIs

IBIs are not subject to a financial "early warning" notice requirement as are FCMs (i.e., a requirement to give notice when adjusted net capital is less

[7] Securities broker-dealers must file the Financial and Operational Combined Uniform Single (FOCUS) Report under the Securities Exchange Act of 1934, Part II or Part IIA.

[8] NFA Financial Requirements Section 10, reprinted in NFA Manual (P–H ¶ 7050.

[9] See e.g., Commodity Exchange, Inc. Rule 7.05(a)(2).

than 150 percent of the minimum amount required). However, IBIs, as well as applicants for registration as an IBI, are required to file notice and provide certain written reports when their adjusted net capital falls below the minimum amount required, they fail to make or keep current required books and records, or they discover or are notified by an independent public accountant of a material inadequacy in their accounting system or internal accounting controls.[10] Previously, IBIs and IBI applicants have been required to file such notices and written reports with the Commission, NFA (the designated self-regulatory organization for IBIs) and with every FCM carrying or intending to carry customer accounts for the IBI or applicant for registration as an IBI.[11] The reporting requirement for IBIs with respect to those notices and reports required to be filed under Commission Rule 1.12 has been essentially the same as it is for FCMs.[12]

The Commission has reviewed this matter and believes that it is unnecessary for the Commission to directly receive Rule 1.12 notices and reports for IBIs and applicants for registration as IBIs if such notices and reports are filed with NFA and any FCMs carrying or intending to carry such firms' customer accounts. The Commission has amended Rule 1.12(g) to so provide. Such reports and notices will continue to be required by Commission regulations and, in this context, NFA will receive them on behalf of the Commission and advise the Commission if it believes any Commission action is necessary. Any notice or report filed by an IBI or applicant for registration as an IBIs with NFA pursuant to the proposed amendment to Rule 1.12(g) must be maintained by NFA on behalf of the Commission and will be deemed for all purposes to have been filed with, and to be the official record of, the Commission. In particular, the willful making of a false or misleading statement of a material fact in a notice or report filed with NFA under the amended Rule 1.12(g) will continue to be actionable under section 6(c) of the Commodity Exchange Act, 7 U.S.C. 9 (1982), as amended by section 209 of the Futures Trading Practices Act of 1992, Public Law 102–546, 106 Stat. 3590.

The Commission believes that this rule amendment is consistent with the rule amendments discussed above regarding financial reports for IBIs and not inconsistent with customer protection concerns.

D. Request for Comment

When the Commission originally adopted rules to govern IBs, it included, in response to a comment received on the proposed rules, a provision in Rule 1.10(i) that permits an IBI or applicant for registration as an IBI which is also a country elevator to file, in lieu of Form 1–FR–IB, a copy of a financial report that the country elevator would submit to the U.S. Department of Agriculture for other purposes.[13] The Commission, in its notice of proposed rulemaking, requested comment as to any other alternative financial reporting system that may exist which could be used to demonstrate effectively compliance by an IBI or applicant therefor with the minimum adjusted net capital requirement. As noted above, NFA filed the only written comment in response to the notice of proposed rulemaking, and it did not address this issue. Accordingly, the Commission is not adopting any additional filing alternatives.

III. Valuation of Investments of Customer Funds

Commission Rule 1.28 has historically required FCMs who invest customer funds in permissible investments under section 4d(2) of the Commodity Exchange Act, 7 U.S.C. 6d(2) (1988), and Commission Rule 1.25 to include such investments in segregated accounts at values no greater than the market value, determined as of the close of the market on the last preceding market day. When this rule was promulgated, an FCM was unable to obtain the bid price on permitted investments of customer funds prior to the preparation of the daily segregation record. Therefore, the rule allowed the FCM to value permitted investments of customer funds as of the close of the market on the last preceding market day.

Since the market prices for permitted investments of customer funds are now readily and immediately available to an FCM because of sophisticated electronic communication facilities, there is no longer any purpose or need for using prices as of the close of the preceding trading day when preparing the daily segregation record. The Commission is, therefore, amending Rule 1.28 to recognize the ready availability of market prices for government securities.

Commission Rule 1.32 requires the daily segregation record to be completed prior to noon on the next business day. For example, Tuesday's segregation record must be completed by noon Wednesday. Under Rule 1.28 as previously in effect, such a record could use prices as of the close of business Monday to value investments of customer funds. The amendment to Rule 1.28 will require an FCM, completing Tuesday's segregation record on Wednesday morning, to use prices as of the close of business on Tuesday.

The Commission understands that FCMs generally invest customer funds in short-term government securities whose historical cost generally does not exceed current prices under normal market conditions. Therefore, revaluation on a daily basis is usually unnecessary and this rule amendment should cause no change in current operations. The Commission specifically requested comment from any FCM that believed the rule amendment as proposed would present an undue burden, and no comments were received.

IV. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 et seq. (1988), requires that agencies, in proposing rules, consider the impact of those rules on small businesses. The rule amendments adopted herein will affect IBIs, with the exception of the amendment to Rule 1.28 which will affect FCMs. The Commission has previously established certain definitions of "small entities" to be used by the Commission in evaluating the impact of its rules on such entities in accordance with the RFA.[14] The Commission has previously determined that registered FCMs are not small entities for the purpose of the RFA.[15] Therefore, the amendment to Rule 1.28 will not have a significant economic impact on small entities.

With respect to IBs, the Commission has stated that it would evaluate within the context of a particular rule proposal whether all or some affected IBs should be considered to be small entities and, if so, the economic impact on them of any rule.[16] The amendments to Rules 1.10 and 1.12 adopted herein change the Commission's rules previously applicable to IBIs so as to reduce rather than increase the financial reporting requirements of those rules. The general financial reporting requirements have

[10] Commission Rule 1.12(a)-(d).

[11] IBIs filed 67 notices under Rule 1.12 during fiscal year 1992.

[12] Commission Rule 1.12(g).

[13] See 48 FR 35248, 35263 (August 3, 1983). Since this rule was adopted almost ten years ago, the filing alternative has never been utilized and Commission staff have received no inquiries on this issue.

[14] 47 FR 18618–18621 (April 30, 1982).

[15] 47 FR 18619.

[16] 48 FR 35248, 35276 (August 3, 1983).

been cut in half from quarterly to semiannually, the requirements for certified financial statements in the early stages of operations are reduced, and the need to file Rule 1.12 notices with the Commission is eliminated. The Commission believes that these rule amendments will not have a significant economic impact on small entities.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 (PRA), 44 U.S.C. 3501 et seq., imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the PRA. In compliance with the PRA, the Commission submitted these rule amendments in proposed form and their associated information collection requirements to the Office of Management and Budget. The burden associated with this entire collection, including these rule amendments, is as follows:

Average Burden Hours per Response	15.25
Number of Respondents	1,350
Frequency of Response	On Occasion

The burden associated with these specific rule amendments is as follows:

Average Burden Hours per Response	1.75
Number of Respondents	240
Frequency of Response	On Occasion

Copies of the OMB approved information collection package associated with these rules may be obtained from Gary Waxman, Office of Management and Budget, room 3220, NEOB, Washington, DC 20503, (202) 395–7340. Copies of the information collection submission to OMB are available from Joe F. Mink, CFTC Clearance Officer, 2033 K Street NW., Washington, DC 20581, (202) 254–9735.

List of Subjects in 17 CFR Part 1

Futures commission merchants, Introducing brokers, Reporting and recordkeeping requirements.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, sections 1a, 4b, 4c, 4d, 4f, 8a and 19, 7 U.S.C. 2, 6b, 6c, 6d, 6f, 12a and 23, the Commission hereby amends part 1 of chapter I of title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. The authority citation for part 1 is revised to read as follows:

Authority: 7 U.S.C. 2, 2a, 4, 4a, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 6p, 7, 7a, 7b, 8, 9, 12, 12a, 12c, 13a, 13a–1, 16, 16a, 19, 21, 23 and 24, unless otherwise stated.

2. Section 1.10 is amended by revising paragraphs (a)(2)(ii) introducing text, (a)(3)(ii)(B), (b)(1), (b)(2), (h) and (j)(8) to read as follows:

§ 1.10 Financial reports of futures commission merchants and introducing brokers.

(a) * * *

(2) * * *

(ii) Except as provided in paragraphs (a)(3) and (h) of this section, each person who files an application for registration as an introducing broker and who is not so registered at the time of such filing, must, concurrently with the filing of such application file either:

* * * * *

(3) * * *

(ii) * * *

(B) Each such person who succeeds to and continues the business of an introducing broker which was operating pursuant to a guarantee agreement and which was not also a securities broker or dealer at the time of succession, who files an application for registration as an introducing broker, and who is not so registered in that capacity at the time of such filing, must file with the National Futures Association either a guarantee agreement or a Form 1–FR–IB with his application for registration. If such person files a Form 1–FR–IB with his application for registration, such person must also file a Form 1–FR–IB, certified by an independent public accountant, as of a date no later than the end of the month registration is granted. The Form 1–FR–IB certified by an independent public accountant must be filed with the National Futures Association not more than 45 days after the date for which the report is made.

(b) *Filing of financial reports.* (1)(i) Except as provided in paragraphs (b)(3) and (h) of this section, each person registered as a futures commission merchant must file a Form 1–FR–FCM for each fiscal quarter of each fiscal year unless the futures commission merchant elects, pursuant to paragraph (e)(2) of this section, to file a Form 1–FR–FCM for each calendar quarter of each calendar year. Each Form 1–FR–FCM must be filed no later than 45 days after the date for which the report is made: *Provided, however,* That any Form 1–FR–FCM which must be certified by an independent public accountant pursuant to paragraph (b)(2) of this section must be filed no later than 90 days after the close of each futures commission merchant's fiscal year.

(ii) Except as provided in paragraphs (b)(3) and (h) of this section, and except for an introducing broker operating pursuant to a guarantee agreement which is not also a securities broker or dealer, each person registered as an introducing broker must file a Form 1–FR–IB semiannually as of the middle and the close of each fiscal year unless the introducing broker elects pursuant to paragraph (e)(2) of this section to file a Form 1–FR–IB semiannually as of the middle and the close of each calendar year. Each Form 1–FR–IB must be filed no later than 45 days after the date for which the report is made: *Provided, however,* That any Form 1–FR–IB which must be certified by an independent public accountant pursuant to paragraph (b)(2) of this section must be filed no later than 90 days after the close of each introducing broker's fiscal year.

(2)(i) The Form 1–FR–FCM filed pursuant to paragraph (b)(1)(i) of this section, as of the close of the futures commission merchant's fiscal year, must be certified by an independent public accountant in accordance with § 1.16 of this part. A futures commission merchant who has elected to file its Forms 1–FR–FCM for each calendar quarter of each calendar year pursuant to paragraph (e)(2) of this section must nonetheless file a Form 1–FR–FCM so certified as of the close of such futures commission merchant's fiscal year.

(ii)(A) The Form 1–FR–IB filed pursuant to paragraph (b)(1)(ii) of this section as of the close of the introducing broker's fiscal year must be certified by an independent public accountant in accordance with § 1.16 of this part, except as provided in paragraph (b)(2)(ii)(B) of this section. An introducing broker who has elected to file its Forms 1–FR–IB semiannually on a calendar basis pursuant to paragraph (e)(2) of this section must nonetheless file a Form 1–FR–IB so certified as of the close of such introducing broker's fiscal year, except as provided in paragraph (b)(2)(ii)B) of this section.

(B) If an introducing broker has filed previously a Form 1–FR–IB, certified by an independent public accountant in accordance with the provisions of paragraphs (a)(2)(ii) or (j)(8) of this section and § 1.16 of this part, as of a date not more than one year prior to the close of such introducing broker's fiscal year, it need not have certified by an independent public accountant the Form 1–FR–IB filed as of the introducing broker's first fiscal year-end following the as of date of its initial certified Form 1–FR–IB. In such a case, the introducing broker's Form 1–FR–IB filed as of the close of the second fiscal year-end following as of date of its initial certified Form 1–FR–IB must cover the period of time between those

two dates and must be certified by an independent public accountant in accordance with § 1.16 of this part.

* * * * *

(h) *Filing option available to a futures commission merchant or an introducing broker which is also a securities broker or dealer.* Any applicant or registrant which is registered with the Securities and Exchange Commission as a securities broker or dealer may comply with the requirements of this section by filing (in accordance with paragraphs (a), (b), (c), and (j) of this section) a copy of its Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, part II or part IIA, in lieu of Form 1–FR: *Provided, however,* That all information which is required to be furnished on and submitted with Form 1–FR is provided with such Report.

* * * * *

(j) * * *

(8)(i) An introducing broker which is a party to a guarantee agreement which has been terminated in accordance with the provisions of paragraph (j)(5) of this section, or which is due to expire in accordance with the provisions of paragraph (j)(4)(ii) of this section, must cease doing business as an introducing broker on or before the effective date of such termination or expiration unless, on or before 10 days prior to the effective date of such termination or expiration or such other period of time as the Commission or the designated self-regulatory organization may allow for good cause shown, the introducing broker files with its designated self-regulatory organization either a new guarantee agreement effective as of the day following the date of termination of the existing agreement, or, in the case of a guarantee agreement which is due to expire in accordance with the provisions of paragraph (j)(4)(ii) of this section, a new guarantee agreement effective on or before such expiration, or either:

(A) A Form 1–FR–IB certified by an independent public account in accordance with § 1.16 of this part as of a date not more than 45 days prior to the date on which the report is filed; or

(B) A Form 1–FR–IB as of a date not more than 45 days prior to the date on which the report is filed and a Form 1–FR–IB certified by an independent public account in accordance with § 1.16 of this part as of a date not more than one year prior to the date on which the report is filed.

Each person filing a Form 1–FR–IB in accordance with this section must include with the financial report a statement describing the source of his current assets and representing that his capital has been contributed for the purpose of operating his business and will continue to be used for such purpose.

(ii) Notwithstanding the provisions of paragraph (j)(8)(i) of this section or of § 1.17(a) of this part, an introducing broker which is a party to a guarantee agreement which has been terminated in accordance with the provisions of paragraph (j)(5)(ii) of this section shall not be deemed to be in violation of the minimum adjusted net capital requirement of § 1.17(a)(1)(ii) or (a)(2) of this part for 30 days following such termination. Such an introducing broker must cease doing business as an introducing broker on or after the effective date of such termination, and may not resume doing business as an introducing broker unless and until it files a new agreement or either:

(A) A Form 1–FR–IB certified by an independent public account in accordance with § 1.16 of this part as of a date not more than 45 days prior to the date on which the report is filed; or

(B) A Form 1–FR–IB as of a date not more than 45 days prior to the date on which the report is filed and a Form 1–FR–IB certified by an independent public account in accordance with § 1.16 of this part as of a date not more than one year prior to the date on which the report is filed.

Each person filing a Form 1–FR–IB in accordance with this section must include with the financial report a statement describing the source of his current assets and representing that his capital has been contributed for the purpose of operating his business and will continue to be used for such purpose.

* * * * *

3. Section 1.12 is amended by revising paragraph (g) to read as follows:

§ 1.12 Maintenance of minimum financial requirements by futures commission merchants and introducing brokers.

* * * * *

(g)(1) Every notice and written report required to be given or filed by this section (except for notices required by paragraph (f) of this section) by a futures commission merchant, an applicant for registration as a futures commission merchant or a self-regulatory organization must be filed with the regional office of the Commission nearest the principal place of business of the applicant or registrant (except that an applicant, registrant or self-regulatory organization under the jurisdiction of the Commission's Western Regional Office must file such notices and reports with the Southwestern Regional Office), with the designated self-regulatory organization, if any, with the Securities and Exchange Commission, if such applicant or registrant is a securities broker or dealer, and with the National Futures Association, if the firm is an applicant. In addition, every notice required to be given by this section must also be filed with the principal office of the Commission in Washington, DC. Each statement of financial condition, each statement of the computation of the minimum capital requirements pursuant to § 1.17 of this part, and each schedule of segregation requirements and funds on deposit in segregation required by this section must be filed in accordance with the provisions of § 1.10(d) of this part unless otherwise indicated.

(2) Every notice and written report which an introducing broker or applicant for registration as an introducing broker is required to give or file by paragraphs (a), (c) and (d) of this section must be filed with the National Futures Association (on behalf of the Commission), with the designated self-regulatory organization, if any, and with every futures commission merchant carrying or intending to carry customer accounts for the introducing broker or applicant for registration as an introducing broker. Any notice or report filed with the National Futures Association pursuant to this paragraph (g) shall be deemed for all purposes to be filed with, and to be the official record of, the Commission.

4. Section 1.28 is revised to read as follows:

§ 1.28 Appraisal of obligations purchased with customer funds.

Futures commission merchants who invest customer funds in obligations described in § 1.25 of this part shall include such obligations in segregated account records and reports at values which at no time exceed current market value, determined as of the close of the market on the date for which such computation is made.

Issued in Washington, DC on February 16, 1993 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–4019 Filed 2–22–93; 8:45 am]

BILLING CODE 6351–01–M

---

17 CFR Part 30

Foreign Futures and Option Transactions

AGENCY: Commodity Futures Trading Commission.

ACTION: Order.

SUMMARY: The Commodity Futures Trading Commission ("Commission" or "CFTC"), subject to the conditions specified below, is authorizing certain option contracts traded on the Tokyo Grain Exchange (the "Exchange" or "TGE") to be offered or sold to persons located in the United States; and granting an exemption to designated members of the Exchange from the application of certain of the Commission's foreign futures and option rules based on substituted compliance with certain comparable regulatory and self-regulatory requirements of a foreign regulatory authority.

This Order is issued pursuant to Commission rule 30.3(a), 17 CFR 30.3(a), which makes it unlawful for any person to engage in the offer or sale of a foreign option product until the Commission, by order, authorizes such foreign option to be offered in the United States, and rule 30.10, 17 CFR 30.10, which allows certain persons to petition the Commission for exemption from the application of certain of the rules set forth in part 30 and authorizes the Commission to grant such petition if the exemption is not otherwise contrary to the public interest or to the purposes of the provisions from which exemption is sought.

EFFECTIVE DATE: March 25, 1993.

FOR FURTHER INFORMATION CONTACT: Jane C. Kang, Esq., or Francey L. Youngberg, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION: The Commission has issued the following Order:

United States of America Before the Commodity Futures Trading Commission

Order under CFTC rule 30.3 permitting option contracts traded on the Tokyo Grain Exchange to be offered or sold in the United States and under CFTC rule 30.10 exempting designated members of the Tokyo Grain Exchange from the application of certain of the foreign futures and option rules the later of thirty days after publication of the order herein in the **Federal Register** or after the filing of relevant notices under rules 30.3 or 30.10 as more particularly set forth herein.

On July 23, 1987, the Commission adopted final rules governing the domestic offer and sale of commodity futures and option contracts traded on or subject to the rules of a foreign board of trade. 52 FR 28980 (August 5, 1987). These rules, which are codified in part 30 of the Commission's regulations, 17 CFR part 30, generally extend the Commission's existing customer protection regulations for products offered or sold on contract markets in the United States to foreign futures and option products sold to United States customers by imposing requirements with respect to registration, disclosure, capital adequacy, protection of customer funds, recordkeeping and reporting, sales practice and compliance procedures that are generally comparable to those applicable to wholly domestic transactions.

With respect to foreign options, in view of the history of abuses in the options markets prior to the imposition of the options ban,[1] the Commission determined to phase in foreign options on a market-by-market basis through particularized review of applications submitted by individual markets and issuance of an authorization order, as appropriate, by the Commission.[2] In adopting the final rules which implement that procedure, the Commission stated that notwithstanding part 30, which provides a regulatory framework to govern transactions in both foreign futures *and* options, and which has been the subject of extensive notice and comment, it would be unlawful for any person to engage in the offer or sale of a particular foreign option product until the Commission specifically authorizes such foreign option to be offered and sold in the United States.[3] As a consequence, rule 30.3(a) permits the Commission to consider, among other things, its ability to determine whether or not a particular trade has been transmitted to and executed on a foreign exchange as part of its decision to authorize transactions in specific foreign exchange-traded options.[4]

In issuing orders under rule 30.3(a), the Commission has considered: (1) The existence of information sharing arrangements relevant to preventing abuses in the trading of option contracts on the exchange; (2) the arrangements in place for assuring that sales practice abuses in such options do not occur, including that sales practice compliance audits commensurate with those which apply to domestic products will be conducted with respect to firms engaged in the offer or sale of the exchange's option products in the United States; (3) the arrangements for United States customers to redress grievances with respect to matters directly pertaining to the conduct of trading or other activities relevant to the offer or sale of such products; and (4) the regulatory environment in which the options are traded.

In formulating a regulatory program to govern the offer and sale of foreign futures and option products to United States customers, the Commission, among other things, considered the potential extraterritorial impact of such a program and the desirability of avoiding duplicative regulation of firms engaged in international business. Based upon these considerations, the Commission, as set forth in Commission rule 30.10, determined to permit persons located outside the United States and subject to a comparable regulatory structure in the jurisdiction in which they are located to seek an exemption from certain of the requirements imposed by the part 30 rules based upon substituted compliance with the comparable regulatory requirements imposed by the foreign jurisdiction.[5]

In issuing orders under rule 30.10, the Commission has evaluated whether the particular foreign regulatory program may be found to be comparable for purposes of exemptive relief pursuant to Commission rule 30.10, the elements of which are set forth in appendix A to part 30, "Interpretative Statement With Respect to the Commission's Exemptive Authority Under Section 30.10 of Its Rules" ("Appendix A"). 17 CFR part 30, appendix A. These elements include: (1) Registration, authorization or other form of licensing, fitness review or

---

[1] See 51 FR 12104 (April 8, 1986). The pattern of abuses that was characteristic of option sales practices in the past, and which contributed to the Commission's decision to suspend all option sales in 1978, included the unavailability of data necessary to permit a determination of whether orders for options had in fact been executed or whether they simply had been "bucketed". See 43 FR 16155 (April 17, 1978).

[2] Although the statutory prohibition on the offer and sale of foreign options formerly contained in section 4c(c) of the Commodity Exchange Act ("CEA" or the "Act") has been removed, see Futures Trading Act of 1986, Pub. L. No. 99–641, section 102, 100 Stat. 3556 (1987), the regulatory prohibition in Commission rule 32.11, 17 CFR 32.11, adopted pursuant to section 4c(b) of the CEA, remains in effect.

[3] 52 FR 28980 (August 5, 1987). Notwithstanding the prohibition in Commission rule 30.3(a), nondomestic exchange-traded options which are traded pursuant to the trade option exemption in Commission rule 32.4(a), 17 CFR 32.4(a), may continue to be offered and sold.

[4] 51 FR 12104, 12105 (April 8, 1986).

[5] On October 28, 1992, the Commission issued an order pursuant to which, upon application of the regulatory or self-regulatory organization to which rule 30.10 relief has been granted, the Commission may permit firms with confirmed relief under 30.10 to engage in limited marketing activities from locations in the U.S. 57 FR 49644 (November 3, 1992).

qualification of persons (both individuals and firms) through which customer orders are solicited and accepted; (2) minimum financial requirements for those persons who accept customer funds; (3) protection of customer funds from misapplication; (4) minimum sales practice standards, including the disclosure of the risks of futures transactions; (5) recordkeeping and reporting requirements; (6) procedures to audit for compliance with, and to take action against those persons who violate, the requirements of the program; and (7) the existence of appropriate information-sharing arrangements.

Moreover, the Commission specifically stated in adopting rule 30.10 that no exemption of a general nature would be granted unless the persons to whom the exemption is to be applied: (1) Consensually submit to jurisdiction in the United States by designating an agent for service of process in the United States with respect to transactions subject to part 30 and filing a copy of the agency agreement with the National Futures Association ("NFA"); (2) agree to make their books and records available in the United States to Commission and Department of Justice representatives; and (3) notify NFA of the commencement or termination of business in the United States.[6]

By letter dated August 14, 1992, counsel for the Exchange requested that the Commission authorize the offer and sale of options contracts traded on the Exchange to persons located in the United States under rule 30.3(a) and requested that the Commission exercise its authority to exempt certain members of the Exchange from compliance with part 30's registration and other requirements with respect to their marketing of the Exchange's futures and options products in the United States under rule 30.10.[7]

Based upon its review of the Petition,[8] supporting materials filed by the Exchange and the memorandum from the Division of Trading and Markets dated February 5, 1993 (the "Staff Memorandum") and subject to the conditions set forth below, the Commission has determined to issue this Order which:

(a) As to matters subject to rule 30.3(a), will become effective thirty days after publication of the terms and conditions of the particular Exchange option contract in the **Federal Register**;[9] and

(b) As to matters subject to rule 30.10, will become effective the later of thirty days after publication of this Order in the **Federal Register** or the filing of consents by members of the Exchange and the Exchange to the terms and conditions of the Order herein.

In particular, pursuant to Commission rule 30.3(a), the Commission authorizes the offer and sale in the United States of options traded on the Exchange subject to the conditions described below:

(1) Except as otherwise permitted under the Act and regulations thereunder, that no offer or sale of any TGE option product in the United States shall be made until thirty days after publication in the **Federal Register** of notice specifying the particular option(s) to be offered or sold pursuant to this Order;

(2) That the Ministry of Agriculture, Forestry and Fisheries ("MAFF") and TGE represent that all transactions with respect to the option(s) referenced in such **Federal Register** notice will be governed by the Japanese Commodity Exchange Law ("CEL") and related statutes and TGE rules as more particularly discussed in the Staff Memorandum and that the MAFF and/or TGE will provide the Commission with information as to all material changes thereto promptly;

(3) That options on futures on stock indices[10] and options on futures on foreign government debt securities[11] will not be permitted to be offered or sold hereunder absent certain additional procedures;

(4) That options traded pursuant to this Order may only be offset on the TGE or another market with respect to which the Commission has issued an order under Commission rule 30.3(a) authorizing its option products to be offered or sold in the United States; and

(5) That options traded pursuant to this Order herein may only be offered or sold by persons registered in the appropriate capacity under the Act or by persons who have been granted an exemption from registration under rule 30.10 based on comparability of regulation, provided such persons also provide customers resident in the United States with the options risk disclosure statement in Commission rule 33.7, 17 CFR 33.7.

Furthermore, subject to the conditions set forth below, the Commission concludes that the standards for relief set forth in Commission rule 30.10 and, in particular, appendix A thereof, have generally been satisfied and that compliance with the CEL and TGE and CFAJ rules may be substituted for compliance with those sections of the Act more particularly set forth herein. By this Order, the Commission hereby exempts, subject to specified conditions, those firms identified to the Commission as eligible for the rule 30.10 relief granted herein from:

(1) Registration with the Commission;

(2) The separate account requirement contained in Commission rule 30.7, 17 CFR 30.7; and

(3) Certain sections of part 1 of the Commission's rules relating to financial regulations and books and records that apply to foreign futures and options sold in the United States as set forth in part 30;

based upon substituted compliance by such persons with the applicable statutes and relevant exchange and other rules in effect in Japan.

This determination to permit substituted compliance is based on, among other things, the Commission's finding that the regulatory scheme governing the persons trading on the Exchange who would be exempted hereunder provides:

(1) A system of qualification or licensing of firms and persons who deal in transactions subject to regulation under part 30 that includes, for example, "conditions" or criteria and procedures for granting, monitoring, suspending and revoking licensees, and provisions for requiring and obtaining access to information about licensees;

(2) Financial requirements for licensees;

(3) A system for the protection of customer funds that applies to all customers and which precludes the use of customer funds to satisfy house obligations or contrary to customer instructions, requires the separate accounting for such funds, the phasing in of a requirement for the physical segregation of such funds, augmented by various funds designed to compensate customers who have suffered a loss as a result of fraud or insolvency or other failure of an Exchange member,

(4) Recordkeeping and reporting requirements pertaining to financial and trade information including, without limitation, order tickets, trade confirmations, monthly customer account statements, customers' segregation records, accounting records for customer and proprietary trades and discretionary account documentation;

(5) Sales practice standards for licensees which include, for example, required disclosures to prospective customers and prohibitions on (a) certain representations,

---

[6] 52 FR 28980, 28981 and 29002.

[7] Letter dated August 14, 1992, from John V. Rainbolt, Esq., to Jean A. Webb, Commission, Re: Petition for Authorization of the Offer and Sale in the United States of Futures and Options Contracts Traded on the TGE (hereinafter "Petition"). *See also* preliminary letter of application dated July 16, 1991.

[8] Although the Commission in the past has issued separate orders under rules 30.3(a) and 30.10 as requested by the petitioners, there are many issues common to the consideration of the two types of petitions such that the review of one would facilitate the review of the other.

[9] The option contract which initially will be offered or sold pursuant to this Order, a summary of the terms and conditions for which are attached hereto as Exhibit A, are options on the soybean contracts.

[10] See 52 FR 28980, 28982 n. 6 and section 2a(1) of the CEA.

[11] See section 2a(1) of the CEA, section 3(a)(12) of the Securities Exchange Act of 1934 and Rule 3a12–8 promulgated thereunder. The Securities and Exchange Commission has designated the government debt securities issued by the government of Japan as exempted securities. See 17 CFR 240.3a 12–8(a)(1)(iii) and 51 FR 25996 (July 18, 1986).

(b) unapproved advertising, and (c) improper trading activities;

(6) Procedures to audit for compliance with, and to redress violations of, customer protection and sales practice requirements including, without limitation, a surveillance program designed to ensure just and equitable principles of trade and the existence of broad powers to conduct investigations and to impose sanctions; and

(7) Mechanisms for sharing information between the Exchange and the Commission on an "as needed" basis including, without limitation, confirmation data, data necessary to trade funds related to trading futures and options products subject to regulation in Japan, position data, data on firms' standing to do business and financial condition, and mechanisms for cooperating with the Commission in inquiries, compliance matters, investigations and enforcement proceedings.[12]

This Order does not provide an exemption from any provision of the Act or regulations thereunder not specified herein, for example, without limitation, the antifraud provision in Commission rule 30.9, 17 CFR 30.9, or the disclosure provisions of Commission rules 30.6 and 33.7, 17 CFR 30.6 and 33.7. Moreover, the relief granted is directed to brokerage activities on or subject to the rules of the TGE undertaken by TGE member firms authorized to do business in Japan and does not extend to rules or regulations relating to trading, directly or indirectly, on United States exchanges. For example, such a firm trading in United States markets for its own account would be subject to the Commission's large trader reporting requirements. See *e.g.*, 17 CFR part 18. Similarly, if such a firm were carrying a position on a United States exchange on behalf of foreign clients, it would be subject to the reporting requirements applicable to foreign brokers. See *e.g.*, 17 CFR parts 17 and 21. The relief herein is inapplicable where the firm solicits United States customers for transactions on United States markets.

The eligibility of any firm to seek rule 30.10 relief under this exemptive Order is subject to the following conditions:

(1) The regulatory or self-regulatory organization responsible for monitoring the compliance of such firm with the regulatory requirements described in the rule 30.10 petition must represent in writing to the CFTC that:

(a) Each firm for which relief is sought is registered, licensed or authorized, as appropriate, and is otherwise in good standing under the standards in place in Japan; such firm is engaged in business with customers located in Japan as well as in the United States; and, such firm would not be statutorily disqualified from registration under section 8a(2) of the Act, 7 U.S.C. 12(a)(2);

(b) It will monitor firms to which relief is granted for compliance with the regulatory requirements for which substituted compliance is accepted and will promptly notify the Commission or NFA of any change in status of a firm which would affect its continued eligibility for the exemption granted hereunder, including the termination of its activities in the United States;

(c) All transactions on the Exchange with respect to customers resident in the United States will be made on or subject to the rules of the Exchange and the Commission will receive prompt notice of all material changes in such rules;

(d) Customers resident in the United States will be provided no less stringent regulatory protection than Japanese customers under all relevant provisions of Japanese law; and

(e) It will cooperate with the Commission with respect to any inquiries concerning any activity subject to regulation under the part 30 rules, including sharing the information specified in appendix A to the part 30 rules on an "as needed" basis in accordance with the agreed information sharing arrangement and will use its best efforts to notify the Commission if it becomes aware of any information which in its judgment affects the financial or operational viability of an Japanese-domiciled firm doing business in the United States under the exemption granted by this Order.

(2) Each firm seeking rule 30.10 relief hereunder must apply in writing whereby it:

(a) Consents to jurisdiction in the United States under the Act and files a valid and binding appointment of an agent in the United States for service of process in accordance with the requirements set forth in Commission rule 30.5, 17 CFR 30.5;

(b) Acknowledges that it can be required by the Exchange to provide the Exchange immediate access to its books and records related to transactions under part 30 required to be maintained under the applicable laws and Exchange rules in effect in Japan and that the Exchange will cooperate in providing access to such books and records to the Commission in accordance with the agreed upon information sharing arrangement;

(c) Represents that no principal of such firm would be disqualified from directly applying to do business in the United States under section 8a(2) of the Act, 7 U.S.C. 12a(2), and notifies the Commission promptly of any change in that representation based on a change in control as generally defined in Commission rule 3.32, 17 CFR 3.32;

(d) Consents to maintain as part of its regulatory capital, in assets which would qualify as current assets under Commission rule 1.17, 17 CFR 1.17, and in separate accounts on behalf of customers located in the U.S., an amount which is equal to four percent of the secured amount as defined in Commission rule 1.3(rr), 17 CFR 1.3(rr);

(e) Discloses the identity of each subsidiary or affiliate domiciled in the United States with a related business (*e.g.*, banks and broker/dealer affiliates) and provides a brief description of such subsidiary's or affiliate's principal business in the United States;

(f) Consents to participate in any NFA arbitration program which offers a procedure for resolving customer disputes on the papers where such disputes involve representations or activities with respect to transactions under part 30, and consents to notify customers resident in the United States of the availability of such a program; *Provided, however*, That until the Exchange adopts a procedure for an "on the papers" hearing applicable to all Exchange arbitrations, consents to notify such customers that if they elect Exchange arbitration, they or their agent could be required to appear personally at a hearing, and if the customer elects NFA arbitration, consents to participate in such proceeding even in circumstances where the dispute arises primarily out of delivery, clearing, settlement of floor practices; and

(g) Undertakes to comply with the applicable provisions of Japanese law and Exchange and CFAJ rules which form the basis upon which this exemption from certain provisions of the Act is granted.

Upon filing of the notice required under paragraph (1)(b) as to any such firm, the rule 30.10 relief granted by this Order may be suspended immediately as to that firm. That suspension will remain in effect pending further notice by the Commission, or the Commission's designee, to the firm and the Exchange and/or any applicable regulatory or self-regulatory organization.

Any material changes or omissions in the facts and circumstances pursuant to which this Order is granted might require the Commission to reconsider its finding that the standards for issuance of an order under Commission rules 30.3(a) and 30.10, including appendix A of rule 30.10, have generally been satisfied.

Further, if experience demonstrates that the continued effectiveness of this Order in general, or with respect to a particular firm or product, would be contrary to public policy or the public interest, or that the systems in place for the exchange of information or other circumstances do not warrant continuation of the exemptive relief granted herein, the Commission may condition, modify, suspend, terminate, withhold as to a specific firm or product, or otherwise restrict the exemptive relief granted in this Order, as appropriate, on its own motion. If necessary, provisions will be made for servicing existing client positions.

List of Subjects in 17 CFR Part 30

Commodity futures, Commodity options, Foreign futures and options.

Accordingly, 17 CFR part 30 is amended as set forth below:

[12] By letter dated December 9 and 25, 1992, respectively, and subject to certain agreed upon principles set forth therein, the Exchange and its regulator, MAFF, have provided assurances to the Commission regarding the availability of information relevant to Part 30 on an "as needed" basis.

PART 30—FOREIGN FUTURES AND FOREIGN OPTION TRANSACTIONS

1. The authority citation for part 30 continues to read as follows:

Authority: Secs. 2(a)(1)(A), 4, 4c, and 8a of the Commodity Exchange Act, 7 U.S.C. 2, 6, 6c and 12a.

2. Appendix B to part 30 is amended by adding the following entry alphabetically:

APPENDIX B—OPTION CONTRACTS PERMITTED TO BE OFFERED OR SOLD IN THE U.S. PURSUANT TO § 30.3(a)

Exchange	Type of contract	FR date and citation
•	•	•
Tokyo Grain Exchange.	Option contracts on the TGE U.S. Soybean futures contract.	February 23, 1993, 58 FR 10957.
•	•	•

3. Appendix C to part 30 is amended by adding the following entry to read as follows:

Appendix C—Foreign Petitioners Granted Relief From the Application of Certain of the Part 30 Rules Pursuant to § 30.10

* * * * *

Firms designated by the Tokyo Grain Exchange.

February 23, 1993, 58 FR 10957.

Issued in Washington, DC, on February 17, 1993.

Jean A. Webb,

Secretary of the Commission.

Exhibit A—Contract Specifications

[This Exhibit will not appear in the Code of Federal Regulations.]

Options on the Soybean Contract

Trading Unit: One TGE U.S. soybean futures contract.

Trading Hours: Opening Session 10 a.m. to 10:30 a.m.; Continuous Session 10:30 a.m. to 2:15 p.m.; Closing Session 2:15 p.m. to 2:30 p.m.

Contract Months: February, April, June, August, October, December.

Strike Price Interval: Multiples of 100 yen per 60 kg. when strike price is less than 4,000 yen per 60 kg.; 200 yen per 60 kg. when strike price is greater than or equal to 4,000 yen per 60 kg.

Minimum Price Fluctuation: 5 yen per 60 kg.

Last Trading Day: 15th of the previous month of the futures delivery month (if this day falls on a holiday, then it is moved to the nearest business day).

Expiration: 2:30 p.m. of the last trading day.

[FR Doc. 93–4059 Filed 2–22–93; 8:45 am]

BILLING CODE 6351–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CT–02–01–5149; A–1–FRL–4525–1]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; New Source Review, Stack Heights, PM_{10}, Ambient Impact Analysis Guideline, CEM, and Other Miscellaneous Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the State of Connecticut. The Connecticut Department of Environmental Protection (DEP) submitted these revisions to satisfy the federal new source review (NSR) requirements for the preconstruction permitting of new sources and modifications in both attainment and nonattainment areas and related requirements for stack heights, dispersion techniques, and PM_{10}. In addition Connecticut made nonregulatory revisions to update its Ambient Impact Analysis Guideline. Finally, Connecticut's revisions include continuous emission monitoring (CEM) requirements for State plans as well as other minor miscellaneous revisions. The intended effect of this action is to approve the State's request to amend its SIP to satisfy these federal requirements. This action is being taken under section 110 of the Clean Air Act (the Act).

EFFECTIVE DATE: This rule will become effective on March 25, 1993.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, Boston, MA; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

FOR FURTHER INFORMATION CONTACT: For those revisions related to NSR, CEM, and related revisions, please contact Lynne A. Hamjian, (617) 565–3250; and for those revisions related to stack heights and Connecticut's Ambient Impact Analysis Guideline, please contact Ian D. Cohen, (617) 565–3229.

SUPPLEMENTARY INFORMATION: On September 29, 1989 (54 FR 40130), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Connecticut. The NPR proposed approval of Connecticut's NSR and related requirements, Connecticut's Ambient Impact Analysis Guideline, and CEM requirements which were submitted to EPA on January 19, 1989. The NPR required the Connecticut DEP to amend its Ambient Impact Analysis Guideline and regulations to make them consistent with the current federal requirements. On July 28, 1989, the Connecticut DEP submitted a revised guideline, and on January 26, 1990 it submitted amended regulations which include all of the provisions required in the NPR.

This notice is divided into eight separate sections for clarity. Section I discusses the revisions to Connecticut's NSR regulations including the State's newly adopted regulations for the prevention of significant deterioration (PSD). Section II discusses the revisions to Connecticut's stack height and dispersion techniques regulations which satisfy the PSD-related requirements for PM_{10}. Section III discusses Connecticut's PM_{10} provisions related to the revised NSR regulations. Section IV discusses nonregulatory revisions to Connecticut's Ambient Impact Analysis Guideline. Section V discusses miscellaneous minor revisions to certain Connecticut SIP regulations to ensure that they remain consistent with their original intent as approved by EPA. Section VI discusses revisions which satisfy the CEM requirements for State plans. Section VII discusses the public comments on this action and EPA's response. Section VIII discusses the impact of the Clean Air Act Amendments of 1990 on Connecticut's SIP revisions.

I. NSR/PSD

A. Background

In 1979 and 1980, the Connecticut Department of Environmental Protection adopted NSR regulations for permitting new and modified sources in nonattainment areas to satisfy the requirements of part D of the Act and 40 CFR 51.160 through 51.165. EPA conditionally approved these regulations on December 23, 1980 (45 FR 84769). Pursuant to corrective actions taken by the State of

Connecticut, EPA removed the conditions of its approval of these regulations on January 7, 1982 (47 FR 762).

On June 19, 1978, EPA promulgated the PSD regulations of 40 CFR 52.21(b) through (v) into the Connecticut SIP at 40 CFR 52.382 and federally implemented the PSD program in Connecticut. On August 7, 1980, EPA revised these regulations pursuant to a court decision (*Alabama Power Company et al.* v. *Costle*, 636 F.2d 323 (DC Cir. 1979)). On July 14, 1982, the Connecticut DEP requested a partial delegation of authority to implement the PSD regulations of 40 CFR 52.21. On September 29, 1982, EPA approved this partial delegation, and the Connecticut DEP began issuing PSD permits.

On December 27, 1988, the Connecticut DEP adopted revisions to its NSR regulations to make them consistent with the requirements of Part D of the Clean Air Act of 1977 and 40 CFR 51.160 through 51.165. These revisions to Connecticut's NSR rules also include newly adopted PSD regulations to satisfy Part C of the Act and the requirements of 40 CFR 51.166 for SIPs. Upon the effective date of this final action, the State will have the authority to implement and enforce the PSD program through its SIP. This final action removes the federal implementation Plan (FIP) for PSD at 40 CFR 52.382 with the exception of the NO_2 increments and related requirements. Since Connecticut has not adopted the NO_2 increments into its regulations, EPA will retain these provisions in the FIP until such time as the State adopts them. In addition, except for the NO_2 increments, this action terminates the delegation agreement between EPA and the Connecticut DEP.

B. Summary of Connecticut's Submittal Including Changes That Were Necessary Prior to Final Rulemaking

On January 19, 1989 and January 26, 1990, the Connecticut DEP submitted new and amended regulations to EPA as revisions to its SIP. The revisions include changes to section 22a–174–1, "Definitions," and section 22a–174–3, "Permits to Construct and Permits to Operate Stationary Sources or Modifications," of Connecticut's regulations. In addition, the revisions include an updated version of Connecticut's nonregulatory SIP narrative entitled "New Source Review," which explains the process the Connecticut DEP follows in the review of new or modified stationary sources in accordance with its regulations.

These revisions also include a letter from the Connecticut DEP dated May 12, 1989 which states that the Connecticut DEP is implementing a "Top Down" approach in determining Best Available Control Technology (BACT) and will continue to do so in all future BACT determinations.

EPA's NPR published on September 30, 1989 (54 FR 40130) required three changes to the Connecticut DEP's SIP submittal prior to final rulemaking. The Connecticut DEP made the following changes which were outlined in EPA's NPR:

1. The Connecticut DEP defined the term "begin actual construction" as defined in 40 CFR 51.166(b)(11).

2. The Connecticut DEP revised the PSD monitoring regulations to include all of the provisions of 40 CFR 51.166(m).

3. The Connecticut DEP committed to adhere to EPA's "Recommended Policy on the Control of Volatile Organic Compounds (VOC)" (42 FR 31314, July 8, 1977).

EPA has evaluated these revisions and found that they are equivalent to, or in some instances, more stringent than, the requirements in 40 CFR 51.160 through 51.166. Connecticut's regulations for NSR/PSD and EPA's evaluation are detailed in a memorandum dated May 1, 1990 entitled "Technical Support Document—Connecticut New Source Review Revisions."[1]

EPA has concluded that the overall effect of Connecticut's revised nonattainment area NSR program will ensure reductions equivalent to those obtained by the old NSR program. A memorandum dated March 21, 1991 entitled, "Connecticut's Nonattainment Area New Source Review Regulations" compares Connecticut's old NSR provisions in its SIP with the new NSR provisions EPA is approving today.[2] Connecticut's revised NSR regulations are also much more enforceable than its old NSR regulations. Lastly, in all cases Connecticut's regulations, as discussed above, are at least as stringent as, and in many cases more stringent than EPA's current NSR requirements in 40 CFR § 51.165. Therefore, EPA believes that approving Connecticut's nonattainment area NSR revisions is consistent with the ACT.

[1] This Technical Support Document explains the specific changes Connecticut submitted as revisions to its NSR/PSD SIP and is available in the docket at the location in the ADDRESSES section. One change, the definition of the term "premise" appears to adopt EPA's "plantwide" definition of source. The structure of Connecticut's NSR regulations, however, is different from that of EPA's program, and the "plantwide" definition of "premise" in Connecticut's regulations has a very limited effect. Minor stationary sources may avoid becoming a major source by balancing emission increases at a facility against emission decreases. But Connecticut's NSR regulations prohibit major stationary sources from "netting out" of NSR using the new definition of premise.

[2] A copy of this document is available in the docket at the location in the ADDRESSES section.

II. Stack Height Revisions

A. Background

On February 8, 1982 (47 FR 5864), EPA promulgated final regulations limiting stack height credits and other dispersion techniques as required by section 123 of the Act. These regulations were challenged in the U.S. Court of Appeals for the DC Circuit by the Sierra Club Legal Defense Fund, Inc., the Natural Resources Defense Council, Inc., and the Commonwealth of Pennsylvania in *Sierra Club* v. *EPA*, 710 F.2d 436 (DC Cir. 1983). On October 11, 1983, the court issued its decision ordering EPA to reconsider portions of the stack height regulations, reversing certain portions and upholding other portions.

On February 28, 1984, the electric power industry filed a petition for a writ of certiorari with the U.S. Supreme Court. On July 2, 1984, the Supreme Court denied the petition, 104 S. Ct. 3571 (1984), and on July 18, 1984, the Court of Appeals' mandate was formally issued, implementing the court's decision and requiring EPA to promulgate revisions to the stack height regulations within six months. The promulgation deadline was ultimately extended to June 27, 1985. Revisions to the stack height regulations were proposed on November 9, 1984 (49 FR 344878) and finalized on July 8, 1985 (50 FR 27892).

The revisions redefine a number of specific terms including "excessive concentrations," "dispersion techniques," "nearby," and other important concepts, and modified some of the bases for determining good engineering practice (GEP) stack height.

Pursuant to section 406(d)(2)(B) of the Clean Air Act Amendments of 1977 (Pub. L. 95–95), all States were required to (1) review and revise, as necessary, their SIPs to include provisions that limit stack height credits and dispersion techniques in accordance with the revised regulations; and (2) review all existing emission limitations to determine whether any of these limitations have been effected by stack height credits above GEP or any other dispersion techniques. For any limitations so effected, States were to prepare revised limitations consistent with their revised SIPs. All SIP revisions and revised emission limits were to be submitted to EPA, as required by section 406. Subsequently,

EPA issued detailed guidance on the performance of the required reviews.

On January 22, 1988, the U.S. Court of Appeals issued a decision in *NRDC v. Thomas*, 838 F.2d 1224 (DC Cir. 1988), regarding EPA's revised July 8, 1985 stack height regulations. Subsequent petitions for rehearing were denied. The Court remanded three provisions to EPA that may potentially bear on State actions now being taken pursuant to EPA's July 8, 1985 regulations. However, since EPA is currently in the process of reconsidering the remanded provisions and the outcome is as yet unknown, our review of Connecticut's January 19, 1989 submittal addresses its consistency with the July 8, 1985 regulations only. If EPA further revises its regulations in response to the remand at some future date, Connecticut will, at that time, be required to revise its regulations accordingly. Sources may have to have their permits amended and/or be required to submit new demonstrations that applicable ambient standards are met if affected by such revisions.

B. Summary of Connecticut's Submittal

Connecticut's January 19, 1989 and January 26, 1990 SIP submittals include revisions to section 22a–174–1 "Definitions," and section 22a–174–3, "Permits to Construct and Permits to Operate Stationary Sources or Modifications," of Connecticut's regulations which limit stack height credits and dispersion techniques. These revisions are adequate and meet the current requirements in 40 CFR 51.100 and 51.118.

EPA's evaluation of Connecticut's stack height and dispersion techniques requirements is detailed in a memorandum entitled "Technical Support Document—Connecticut's Stack Height Regulations," dated March 14, 1989.

III. PM_{10} Revisions

A. Background

On July 1, 1987, EPA promulgated a revised national ambient air quality standard (NAAQS) for particulate matter (52 FR 2463). EPA revised the old definition of the NAAQS from total suspended particulate (TSP) to a new definition. The new definition applies to particulate matter with aerodynamic diameters of 10 micrometers or less.

B. Summary of Connecticut's Submittal

On January 19, 1989 and January 26, 1990, the Connecticut DEP submitted amended regulations to EPA as revisions to its SIP. These revisions incorporate PSD-related PM_{10} requirements which include changes to section 22a–174–1, "Definitions," and section 22a–174–3, "Permits to Construct and Permits to Operate Stationary Sources or Modifications," of Connecticut's regulations. These amendments include the relevant definitions and PSD provisions for PM_{10}. These amendments do not include the definitions of "particulate matter emissions" and "PM_{10} emissions," the PM_{10} National Ambient Air Quality Standards, or the provisions related to significant harm levels and emergency episode plans for PM_{10}. Future action by the State of Connecticut is required to address these definitions and provisions. The PSD revisions included in these submittals meet the current federal PSD requirements in 40 CFR 51.166 for PM_{10}.

Connecticut's PSD regulations for PM_{10}, and EPA's evaluation are detailed in a memorandum dated April 28, 1989 entitled "Technical Support Document—Connecticut's PM_{10} Regulations."

IV. Connecticut's Ambient Impact Analysis Revisions

A. Background

On August 28, 1981 (46 FR 43418), EPA approved Connecticut's New Source Ambient Analysis Guideline as a nonregulatory addition to the Connecticut SIP. This guideline was approved for demonstrating protection of the NAAQS for sulfur oxides by projecting the ambient air quality impacts of temporary increases of sulfur oxide emissions. These temporary revisions of the Connecticut SIP's sulfur-in-fuel limits were approved for sources to develop energy conservation measures. Since the time of EPA's approval, the Connecticut DEP has expanded the scope of its modeling guideline to provide uniform guidance for stationary-source modeling of nonreactive pollutants, and updated it to reflect developments and changes in EPA's modeling policies.

B. Summary of Connecticut's Submittal Including Changes That Were Necessary Prior to Final Rulemaking

Connecticut's January 19, 1989, July 28, 1989, and January 26, 1990 SIP submittals include nonregulatory revisions to its New Source Ambient Analyses Guideline. The revised guideline is now entitled Ambient Impact Analysis Guideline and is specified in the narrative portion of the SIP submittal for use in all NSR-related ambient impact analyses conducted by the Connecticut DEP.

EPA has evaluated Connecticut's guideline and found that it is consistent with EPA's Guideline on Air Quality Models (Revised) (dated July, 1986 as supplemented January, 1988) as required in 40 CFR 51.166(1).

The Connecticut DEP's approach for conducting impact analyses is described fully in its Ambient Impact Analysis Guideline, and EPA's review of the guideline is contained in memoranda dated April 28, 1989 and April 5, 1990 entitled "Technical Support Document—Connecticut's Ambient Impact Analysis Guideline," and "Technical Support Document—Connecticut's Revised Ambient Impact Analysis Guideline," respectively.

EPA's NPR published on September 30, 1989 (54 FR 40130) required four changes to the Connecticut DEP's SIP submittal prior to final rulemaking. The Connecticut DEP made the following changes which were outlined in EPA's NPR:

1. The Connecticut DEP amended Section 5.2.2, "Sources," of the guideline to require maximum actual short-term emission rates rather than average actual emissions based on annual actual emissions.

2. The Connecticut DEP revised Section 5.3.2, "Meteorology for Refined Modeling," of the guideline to require applicants to discuss meteorological data with the Connecticut DEP. The Connecticut DEP and the applicant will discuss whether the use of off-site meteorological data is acceptable. The NPR stated that Connecticut's guideline must allow for consistency with EPA policy for on-site meteorological data for refined modeling which states that on-site data (a minimum of one year, up to 5 if possible) are always preferable to off-site data. This revised portion of the guideline meets EPA's guidance.

3. The Connecticut DEP amended the guideline to allow it to require preconstruction monitoring, if existing State monitoring data are deemed nonrepresentative.

4. The Connecticut DEP amended the guideline to include figures showing the most recent 3 years of monitored data available must be used by the source. The figures will be updated annually, and applicants are advised to contact Connecticut DEP to obtain the most recent monitored data.

EPA has evaluated these changes and found that they are consistent with the requirements in EPA's Guideline on Air Quality Models (Revised).

V. Other Miscellaneous Revisions

A. Background

Many of Connecticut's current federally approved SIP regulations

apply based on a stationary source's "actual emissions." EPA was able to approve these regulations because Connecticut's definition of that term (i.e., the definition in the SIP at that time) was equivalent to the federal definition of the term "potential to emit." Connecticut has now adopted definitions of the terms "actual emissions" and "potential emissions" which are equivalent to the current federal definitions in 40 CFR part 51. Connecticut's newly adopted definitions of "actual emissions" and "potential emissions" could not be approved by EPA unless all of the current regulations in its SIP were also appropriately amended to incorporate the applicable terms consistent with the revised definitions.

B. Summary of Connecticut's Submittal

Connecticut's January 19, 1989 and January 26, 1990 submittal include revisions to sections 22a–174–1 through 22a–174–100 of Connecticut's regulations to correctly use the terms "actual emissions" and "potential emissions" as described above. These revisions do not have any substantive effect in that they do not change the scope of these regulations' applicability and they do not make these regulations more or less stringent. The revisions are wording changes to ensure that the regulations in Connecticut's SIP remain consistent for applicability purposes and in intent as originally approved by EPA.

VI. CEM Revisions

A. Background

Forty CFR 51.214 and 40 CFR part 51, appendix P contain CEM requirements which require existing stationary sources to install, calibrate, maintain, and operate equipment for continuously monitoring and recording emissions and to provide other information as specified in 40 CFR part 51, appendix P. The CEM provisions of 40 CFR 51.214 and 40 CFR part 51, appendix P apply to non-NSPS subject fossil-fuel-fired steam generators, sulfuric acid plants, nitric acid plants, and fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries.

B. Summary of Connecticut's Submittal Including Changes That Were Necessary Prior to Final Rulemaking

On January 19, 1989 and January 26, 1990, the Connecticut DEP submitted revisions to section 22a–174–4, "Source Monitoring, Recordkeeping, Reporting, and Authorization of Inspection of Air Pollution Sources," of Connecticut's regulations. These revisions incorporate the applicable opacity CEM requirements for fossil-fuel-fired steam generators set forth in 40 CFR 51.214 and 40 CFR part 51, appendix P. Connecticut's revisions do not include SO_2 and NO_x CEM requirements for fossil fuel-fired steam generators, and the regulations do not include CEM requirements for sulfuric acid plants, nitric acid plants and fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries.

Connecticut's CEM regulation and EPA's evaluation are detailed in a memorandum dated May 11, 1990 entitled "Technical Support Document—Connecticut's Continuous Emission Monitoring Regulation."

As stated above, Connecticut's revisions only include requirements for opacity monitors at fossil-fuel-fired steam generators. The Connecticut DEP has informed EPA that no other applicable sources are located in the State. The NPR required that the Connecticut DEP clarify the applicability and scope of its CEM regulation by certifying that there were none of the following:

1. Sulfuric acid plants of greater than 300 tons per day production capacity in the State of Connecticut,
2. Nitric acid plants of greater than 300 tons per day production capacity in the State of Connecticut,
3. Fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries in the State of Connecticut,
4. Fossil-fuel-fired steam generators of greater than 250 million BTU per hour heat input which have installed sulfur dioxide pollutant control equipment in the State of Connecticut, and
5. NO_x control strategy areas in the State of Connecticut.

On January 26, 1990, the Connecticut DEP submitted a certification which meets all of the requirements outlined in EPA's NPR with two exceptions. Connecticut has two fossil-fuel-fired steam generators that will require SO_2 monitors under EPA's requirements:

1. The Mid-Connecticut Facility in Hartford which is a resource recovery facility with SO_2 control equipment and which is limited by a federally enforceable restriction (contained in a PSD permit issued by EPA) to 249.9 million BTU per hour heat input of fossil fuel; and
2. The AES Thames plant in Montville which is a source regulated under subpart Da of 40 CFR part 60.

Both sources have federally enforceable permits which require continuous emission monitoring for SO_2 and which include the proper monitoring and reporting requirements. Since both of these sources have federally enforceable SO_2 monitoring requirements and because there are no applicable sources in the State of Connecticut, no SO_2 monitoring regulation for fossil-fuel-fired steam generators is necessary. EPA is approving Connecticut's CEM requirements for opacity monitors at fossil-fuel-fired steam generators, and is approving Connecticut's January 26, 1990 certification of no sources.

VII. Public Comments

On September 30, 1989 (54 FR 40130), EPA published a notice of proposed rulemaking (NPR) proposing to approve revisions to Connecticut's NSR, Stack Heights, PM_{10}, Ambient Impact Analysis Guideline and CEM requirements and other Miscellaneous revisions. EPA received comments from three parties during the public comment period which ended on October 30, 1989: Ford, Bacon and Davis Utah, Inc., the American Paper Institute/ National Forest Products Association, and the Motor Vehicles Manufacturers Association. Because all of the comments concern the same language in the preamble to EPA's proposal, a summary of the comments, and a single response to these comments appear below.

A. Comments

1. Ford, Bacon and Davis Utah, Inc.

Ford, Bacon and Davis Utah, Inc. (FBDU) requested clarification of language in EPA's preamble which contained EPA's view of the relationship between EPA and the States under the Act, and of the legal effect of EPA's approval of SIP measures implementing various programs under the Act. See 54 FR 40130, 40133. FBDU commented that EPA should clarify whether or not this language applies only to the Connecticut SIP or if it is intended to be a broader policy statement. In addition, FBDU requested that EPA clarify what "fundamental changes" in the administration of NSR would require amendments to 40 CFR part 51, and by what criteria does EPA differentiate between "fundamental" and "non-fundamental" changes, (which could be accomplished without such amendments).

2. American Paper Institute/National Forest Products Association

The American Paper Institute stated that it strongly objects to the preamble language also cited by FBDU. The company stated that it objects to EPA's alleged use of the SIP revision approval process as a vehicle to circumvent well-

established principles of regulatory due process. The American Paper Institute stated that EPA's views on PSD/NSR permitting could affect its member companies' ability to engage in new construction, delay planned plant modernization, increase compliance costs by millions of dollars, and significantly increase paper work and other burdens associated with an already complex permitting process—all without begin subject to rulemaking proceedings. The company urged EPA to eliminate this language from the proposed rule or preamble. Finally, the American Paper Institute stated that it objected to Connecticut's letter certifying that it is implementing the "Top Down" approach in determining BACT and it also objected to EPA and the State using this certification to claim that the "Top Down" approach is an enforceable legal requirement, despite the absence of rulemaking procedures at either the State or federal level.

On December 18, 1989 (after the close of the public comment period), the American Paper Institute supplemented its comments with a copy of a letter from the Director of the Division for Air Quality of the Kentucky Department of Environmental Protection. It was issued on November 17, 1989 and was sent to the American Paper Institute after the close of Connecticut's public comment period. However, the company stated that this letter raises several important concerns about the language in question and should be included as part of its comments on Connecticut's SIP revision. Kentucky objected to EPA's statement that it comply with future guidelines and policies adopted by EPA. The State further claimed that such statements are unnecessary, inaccurate, and potentially confusing. Kentucky also stated that agreeing to such a commitment would be a delegation of legislative power prohibited by the State constitution. The State commented that it will review future policies and guidance to determine if the requirements are different than those in Kentucky's regulations. If they are different, Kentucky will amend its regulations. The state strongly urged EPA to refrain from using policies and guidelines to implement substantive changes to regulatory and statutory requirements.

3. Motor Vehicle Manufacturers Association (MVMA)

The MVMA also objected to the preamble language cited by the other commenters. The MVMA stated that the policy and legal positions announced in EPA's statements represent a radical departure from the Federal-State relationship envisioned by the Act and an unprecedented assertion of federal authority over State and local affairs. The MVMA stated that these statements are legally untenable and are inconsistent with the governing executive policy on Federalism. The MVMA stated that the approach to the Federal-State relationship in the SIP process must be thoroughly reviewed, that the assertions in the Connecticut SIP must be deleted, and that EPA clarify these statements.

The company further stated that EPA cannot require the States (or private parties) to adhere to unpromulgated policies and guidance documents. Specifically, the MVMA cited the "Top Down" BACT guidance as an example. The company stated that the notice treats this "guidance" document as though its adoption by the State were a precondition for SIP approval. It further stated that this document never went through a rulemaking process even though, in MVMA's view, it fundamentally changes the approach to BACT.

The MVMA additionally stated that the notion that EPA's future guidance documents can unilaterally alter the effect of the SIP is completely at odds with the cooperative structure of the SIP process. The company further stated that if anything, EPA should defer to the State interpretation of its SIP, not *vice versa*. The MVMA requests that EPA clarify what constitutes a "fundamental change." In addition, the company requested that EPA articulate what is left for the State role in its view of the SIP process, and how EPA's approach provides even minimal due process protection for affected sources.

The MVMA stated as well that there is no statutory authority that enables EPA to supersede State interpretations. The company asserted that a SIP call is the appropriate mechanism. Finally, the company stated that EPA's enforcement authority under section 167 of the Act is limited to permits that are inconsistent with the statute of duly promulgated regulations, not guidance documents. The MVMA commented that EPA already has broad authority under the Act to impose requirements through regulations and to disapprove SIPs.

In conclusion, the MVMA requested that EPA reconsider its statements and issue a revised determination on the effect of SIP approvals.

B. EPA's Response

EPA today clarifies that it did not intend to suggest that Connecticut is required to follow EPA's interpretations and guidance issued under the Act in the sense that those pronouncements have independent status as enforceable provisions of the Connecticut SIP, such that mere failure to follow such pronouncements would constitute a violation of the Act. Rather, as discussed below, EPA's intent is merely to place the State and the public on notice of EPA's duty under the Clean Air Act to continue to oversee the NSR provisions of the Act following approval of a State program. The language in question is neither part of nor a condition of EPA's approval of Connecticut's SIP, and has no binding effect. Rather than creating new rights or obligations, it advises the public of EPA's views regarding obligations that already exist by operation of the applicable statutory and regulatory provisions.

The issuance of PSD permits and other actions by the State in the administration of the federal Act must conform to requirements of the Act and the SIP. See e.g., sections 167 and 113, 42 U.S.C. 7477 and 7413 (EPA's enforcement authority in overseeing state implementation). In making judgments as to what constitutes compliance with the Act and regulations issued thereunder, EPA looks to (among other sources) its policy statements and interpretive rulings in effect at the time of EPA's action regarding those statutory and regulatory requirements. It follows that State actions implementing the federal Clean Air Act which do not conform to the Act may lead to potential enforcement action by EPA. However, in defending against such an enforcement action, a party is free to assert that EPA has not reasonably interpreted the underlying statutory and regulatory provisions.

EPA's approval of a State NSR program or some portion of it does not divest the Agency of the duty to continue a vigorous oversight and enforcement role under sections 113 and 167. For example, section 167 provides that EPA shall take whatever enforcement action may be necessary to prevent construction of a major stationary source that does not "conform to the requirements of" the PSD program. Thus, as to PSD, the purpose of the preamble language in the September notice was to advise Connecticut of EPA's view that approval of a State's PSD program does not bar EPA from deciding whether a State-issued PSD permit conforms to the Act's PSD requirements. In addition, Section 113(a)(5) (as amended) grants EPA similar authority in both PSD and nonattainment areas.

However, in other instances EPA action approving a SIP revision can act

to adopt interpretations of the statute, regulations, or implementation plans as part of the revised SIP. As to matters of particular importance, EPA may urge the States to take steps to agree to specific interpretations and policies through the SIP approval process. States may also do this their own volition. This process has been followed in today's action. Prior to proposed approval of the Connecticut PSD SIP, Connecticut indicated that it would follow a top-down methodology when determining BACT. See letter dated May 12, 1989 from Leonard Bruckman, former Director of the Connecticut Department of Environmental Protection's Air Compliance Unit to Louis Gitto, former Director of EPA's Air, Pesticides, and Toxics Management Division. This letter merely confirmed Connecticut's established practice of using a "Top Down" approach to determining BACT.)

Two commenters objected to this reference and argued that implementing "Top Down" BACT guidance is a fundamental change which requires rulemaking. However as of this date, EPA has not altered its existing BACT regulations, and has not altered the BACT requirements for any source. Nor does EPA mandate that states follow a top-down approach to BACT, although as noted Connecticut is continuing to do so in this case. In addition, the commenters procedural concerns are being addressed. In 1989, industry groups petitioned EPA to conduct rulemaking to rescind the top-down policy and initiate a rulemaking on BACT determinations based on similar concerns. The EPA denied this request, explaining that the top-down approach was not at variance with, nor a revision of, the PSD regulations, and that no rulemaking was required. Litigation was commended, resulting in a judicial settlement agreement. See 56 FR 34202 (announcing proposed settlement). In so doing, EPA has agreed to issue a proposed rule to revise or clarify the regulations defining BACT, see 40 CFR 51.166(i) and 52.21(i), and to clarify EPA policy regarding BACT.

Following SIP approval, then, EPA remains as the congressionally designated agency with primary responsibility to reasonably interpret the applicable federal law under the Act and to base its enforcement actions on those interpretations. If EPA determines that a state-issued permit does not conform to the Act's NSR requirements, EPA will decide whether to sue the State and/or the source to redress the violation. See sections 113(a)(5), 167.

EPA acknowledges that States have the primary role in administering and enforcing the various components of the NSR program. For the most part, the States have been successful in this effort, and EPA's involvement in interpretative and enforcement issues is limited to only a small number of cases. Consequently, EPA's continuing oversight role under the Clean Air Act leaves Connecticut and other States with considerable discretion to implement the NSR program as they see fit. First, as noted in the September 29, 1989 notice, EPA may not fundamentally change the requirements set forth in its own regulations or SIPs through interpretative rulings or policy statements. The creation of new rights or obligations can only be accomplished by enactment of legislation or revisions to the regulations in 40 CFR parts 51 and 52 and by SIP revisions, in accordance with applicable rulemaking procedures. Second, EPA's interpretations often are intended in whole or in part to guide only EPA Regional Offices, and in such instances they have no implications whatsoever for a State's administration of its program.

Thus, EPA believes that the language in question in the September 29, 1989 notice, as clarified here, accurately describes the legal relationship between EPA and the State of Connecticut with respect to the NSR program.

VIII. Clean Air Act Amendments of 1990

EPA has reviewed these revisions for conformance with the provisions of the Clean Air Act Amendments enacted on November 15, 1990. As is discussed, an accommodation has been made for all of the immediately applicable NSR requirements of the Amendments. This approval in no way relieves Connecticut of the obligation to submit further revisions to its SIP to meet the Act's new requirements according to the schedule contained in the Act. In addition, EPA is currently developing revised federal NSR regulations and Connecticut will adopt these new requirements and submit them in a separate submittal. EPA has decided to approve these revisions today in order to strengthen the SIP and conform it to existing requirements during this transition period. EPA has determined, however, that certain statutory changes have immediate effect and may impact Connecticut's NSR revisions. The paragraphs below summarize these provisions and discuss the impact on Connecticut's SIP revisions.

1. The Clean Air Act Amendments of 1990 add a new section 302(z) of the Clean Air Act defining the term "stationary source" as any source of an air pollutant except those emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216. EPA's initial view is that the definition of stationary source in the federal regulations is flexible enough to accommodate the new section 302(z) without requiring regulatory revisions. Section 22a–174–1 of Connecticut's regulations defines the term "premise" and "stationary source." As implemented, these definitions conform to the new section 302(z) definition in the Clean Air Act Amendments. If in the future, EPA promulgates standards for certain nonroad engines and nonroad vehicles, EPA will require that Connecticut amend its definitions to exclude these engines and vehicles as appropriate. Therefore, this change in the Clean Air Act Amendments of 1990 does not immediately impact this SIP revision.

2. The Clean Air Act Amendments of 1990 revise section 169(3) of the Clean Air Act to specify that "clean fuels" should be considered in a BACT analysis, and to provide that a source utilizing clean fuels or any other means to comply with the BACT requirement shall not be allowed to increase above levels that would have been required under section 169(3) prior to the 1990 Amendments. EPA has interpreted the new statutory language regarding clean fuels as merely codifying present practice under the Act, under which clean fuels are an available means of reducing emissions to be considered along with other approaches in identifying BACT-level controls. See Letter from William G. Rosenberg, Assistant Administrator, to Henry Waxman, Chairman, Subcommittee on Health and the Environment, U.S. House of Representatives, October 17, 1990. Accordingly, EPA believes that no regulatory revisions at this time are necessary in order to implement these statutory changes.

Furthermore, in a letter dated May 12, 1989, the Connecticut Department of Environmental Protection committed to implementing BACT in accordance with EPA policy and in accordance with the BACT guidance document issued by the Northeast States for Coordinated Air Use Management (NESCAUM) dated October, 1988. NESCAUM's BACT guidance document includes consideration of clean fuels in the BACT analysis.

3. Title III of the Clean Air Act Amendments of 1990 added a new section 112(b)(6) that excludes the hazardous air pollutants listed in section 112(b)(1) of the revised Act (as

well as any pollutants that may be added to the list) from the PSD (and other) requirements of Part C. Thus, because they are on the initial Title III hazardous air pollutants list, the following pollutants are now exempt from Federal PSD applicability: arsenic, asbestos, benzene (including benzene from gasoline), beryllium, mercury, radionuclides (including radon and polonium) and vinyl chloride. The Title III exemption applies to final federal PSD permits issued on or after November 15, 1990. For federal PSD permit applications now under review, PSD permit requirements do not apply to those pollutants listed under Title III.

Note that pursuant to section 116 and the preservation clause in section 112(d)(7) of the amended Act, states with an approved PSD program may continue to regulate the Title III hazardous air pollutants now exempted from federal PSD, if the state PSD regulations provide an independent basis to do so. These state rules would remain in effect unless a state revised them to provide similar exemptions. Additionally, the Title III pollutants continue to be subject to any other applicable state and federal rules; the exclusion is only for Part C requirements.

Connecticut's regulations include the following pollutants which are now exempt from federal PSD applicability: asbestos, beryllium, mercury, and vinyl chloride. The Connecticut DEP is currently regulating these pollutants under the PSD program and will continue to do so.[3]

EPA has evaluated these provisions of the Clean Air Act Amendments of 1990 and their impact on Connecticut's NSR SIP revisions in a memorandum entitled "Technical Support Document—Impact of New Source Review Provisions in the Clean Air Act Amendments of 1990 which May Have an Immediate Effect on Connecticut's Permitting Regulations," dated January 28, 1992. With respect to the statutory changes discussed above, EPA plans to undertake national rulemaking in the near future to adopt clarifying changes to its regulations. Upon final adoption of those regulations, EPA will call upon states with approved NSR and PSD programs, including Connecticut,[4] to make corresponding changes in their SIPs.

[3] The State will continue to regulate these pollutants in the near term. If, in the future, the State decides not to regulate these pollutants under PSD, it will revise its regulations.

[4] Upon final EPA action on these SIP revisions, Connecticut will have an approved PSD program

Final Action

EPA is approving several revisions to Connecticut's SIP. EPA is approving section 22a–174–1, "Definitions," and section 22a–174–3, "Permits to Construct and Permits to Operate Stationary Sources or Modifications" of the Regulations of the Connecticut State Agencies Concerning Abatement of Air Pollution. EPA is also approving changes to Connecticut's SIP narrative entitled "New Source Review." These revisions satisfy the current federal NSR and PSD requirements (including PM_{10}) of 40 CFR 51.160 through 51.166, and stack height and dispersion techniques requirements of 40 CFR 51.1(e), 51.100, and 51.118. With the exception of the NO_2 increments and related requirements, EPA is removing the FIP at 40 CFR 52.382. In addition, EPA is approving the revised version of Connecticut's Ambient Impact Analysis Guideline. The guideline satisfies the current requirements in EPA's Guideline on Air Quality Models (Revised) dated July, 1986, as supplemented January 1988, as required in 40 CFR 51.166(l). EPA is approving minor revisions to section 22a–174–1 through 22a–174–100 of Connecticut's Regulations to correctly use the term "actual emissions" and "potential emissions" as described in Section V above. These revisions do not have any substantive effect in that they do not change the scope of these regulations' applicability and they do make these regulations more stringent or less stringent. The revisions are wording changes to ensure that the regulations in Connecticut's SIP remain consistent for applicability purposes and in intent as originally approved by EPA. Lastly, EPA is approving revisions to section 22a–174–4, "Source Monitoring, Recordkeeping, Reporting, and Authorization of Inspection of Air Pollution Sources" of Connecticut's regulations. These revisions incorporate opacity CEM requirements in accordance with 40 CFR 51.214 and 40 CFR part 51, appendix P.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 26, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Note: Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 19, 1992.

William K. Reilly,

Administrator.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—AMENDED

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart H—Connecticut

2. Section 52.370 is amended by adding paragraph (c)(56) to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(56) Revisions of the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on January 19, 1989, July 28, 1989, and January 26, 1990 (with attached letter of November 28, 1989).

(i) *Incorporation by reference.*

(A) Letters from the Connecticut Department of Environmental Protection dated January 19, 1989, July 28, 1989, and January 26, 1990 (with attached letter of November 28, 1989) submitting revisions to the Connecticut State Implementation Plan.

(B) Section 22a–174–1 of the Regulations of the Connecticut State Agencies Concerning Abatement of Air Pollution entitled "Definitions," effective in the State of Connecticut on October 3, 1989.

(C) Subsection 22a–174–3(k) of the Regulations of the Connecticut State Agencies Concerning Abatement of Air Pollution entitled "Requirements for the Prevention of Significant Deterioration (PSD) Program," effective in the State of Connecticut on October 3, 1989.

(D) Section 22a–174–2, subsections 22a–174–3(a) through (j) and (l).

subsection 22a–174–8(c), subsection 22a–174–20(ee), and subsection 22a–174–4(d) of the Regulations of the Connecticut State Agencies Concerning Abatement of Air Pollution entitled "Permits to Construct and Permits to Operate Stationary Sources or Modifications," effective in the State of Connecticut on February 1, 1989.

(E) Connecticut's Ambient Impact Analysis Guideline dated July, 1989 as revised by letter on January 26, 1990.

(ii) *Additional materials.*

(A) State Implementation Plan narrative entitled "New Source Review."

(B) Letter from the Connecticut Department of Environmental Protection regarding implementation of BACT.

(C) Nonregulatory portions of the State Submittal.

* * * * *

3. Section 52.382 is revised to read as follows:

§ 52.382 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable provisions for the NO_2 increments under the prevention of significant deterioration program.

(b) The increments for nitrogen dioxide and related requirements promulgated on October 17, 1988 (53 FR 40671) to 40 CFR 52.21(b) through (w) are hereby incorporated and made part of the applicable State Implementation Plan for the State of Connecticut.

[FR Doc. 93–4154 Filed 2–22–93; 8:45 am]

BILLING CODE 6560–50–M

---

40 CFR Part 52

[MA–04–01–5158; A–1–FRL–4524–9]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; New Source Review Plantwide Definition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This revision will replace the existing definition of stationary source in the Massachusetts SIP with the plantwide definition of stationary source in the preconstruction permitting program for new major stationary sources and major modifications locating in nonattainment areas. The intended effect of this action is to approve a State's request to amend its SIP in accordance with section 110 of the Clean Air Act (the Act).

EFFECTIVE DATE: This rule will become effective on March 25, 1993.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th Floor, Boston, MA; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC; Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 7th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Lynne A. Hamjian, (617) 565–3250.

SUPPLEMENTARY INFORMATION: On March 29, 1988 (53 FR 10105), EPA published a Notice of Proposed Rulemaking (NPR) proposing to approve a SIP revision for the Commonwealth of Massachusetts. This revision includes a change from the existing definition of stationary source in the Massachusetts SIP to the plantwide definition of stationary source in the preconstruction permitting program for new major stationary sources and major modifications locating in nonattainment areas. The preconstruction permitting process is commonly referred to as new source review (NSR). The formal SIP revision was submitted by the Massachusetts Department of Environmental Protection (DEP) on August 27, 1982, June 22, 1987, and December 27, 1989.

Background

On October 14, 1981 (46 FR 50766), EPA revised the NSR regulations in 40 CFR part 51 to allow adoption and use of the "plantwide" definition of stationary source in nonattainment areas. In this rulemaking, EPA defined stationary source as any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under the Act. The reason this is a "plantwide" definition is that the four terms *building, structure, facility, or installation* are defined as a single term, meaning all of the pollutant-emitting activities which belong to the same industrial grouping (i.e., same two-digit SIC code), are located on one or more contiguous or adjacent properties, and are under the control of the same person.

The so-called "dual" definition also defines stationary source as any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under the Act. Under this definition, the three terms *building structure, or facility* are defined, like the plantwide definition, as a single term meaning all of the pollutant-emitting activities which belong to the same industrial grouping (i.e., same two-digit SIC code), are located on one or more contiguous or adjacent properties, and are under the control of the same person. However, the fourth term, installation, has a separate definition meaning an identifiable piece of process equipment. Therefore, under the dual definition, a stationary source is all of the buildings, structures, or facilities (plantwide), and also each installation (piece of equipment). That is, the whole plant and each identifiable piece of process equipment are stationary sources.

The difference between these two definitions largely comes into play in determining to what extent netting may be used for defining whether a modification is major. A detailed explanation of the differences between these two definitions was outlined in the NPR and will not be restated here.

In the October 1981 **Federal Register** notice, EPA set forth its rationale for allowing use of the plantwide definition (46 FR 50766–69). In its view, allowing use of the plantwide definition was a reasonable accommodation of the conflicting goals of Part D of the Act; on the one hand, reasonable further progress (RFP) and timely attainment of national ambient air quality standards (NAAQS), and on the other, maximum State flexibility and economic growth. The EPA recognized that use of the plantwide definition would bring fewer plant modifications into the nonattainment permitting process, but emphasized that this generally would not interfere with RFP and timely attainment primarily because the States under the demands of Part D eventually would have adequate SIPs in place. The EPA also pointed out that under the plantwide definition, new equipment would still be subjected to any applicable new source performance standards and that wholly new plants, as well as any modifications that resulted in a significant net emissions increase, would still be subject to NSR. Thus, EPA saw no significant disadvantage in the plantwide definition from the environmental standpoint, as against the advantages from the standpoints of State flexibility and economic growth. It regarded the plantwide definition as presenting, at the very worst, environmental risks that were manageable because of the independent impetus to create adequate Part D plans that would attain the NAAQS on a timely basis.

As a result, EPA ruled that a State wishing to adopt a plantwide definition generally has complete discretion to do so, and it set only one condition on that discretion. If a State had specifically projected emission reductions from its NSR program as a result of a dual or similar definition and had relied on those reductions in an attainment strategy that EPA later approved, then the State would have to revise its attainment strategy as necessary to accommodate reduced NSR permitting of major modifications under the plantwide definition (46 FR 50767 col. 2, 50769 col. 1).

In 1984, the Supreme Court upheld EPA's action as a reasonable accommodation of the conflicting purposes of Part D of the Act, and hence within EPA's broad discretion. *Chevron, U.S.A., Inc.* v. *NRDC*, 104 S. Ct. 2778 (1984). Specifically, the Court agreed that the plantwide definition is fully consistent with the Act's goal of maximizing State flexibility and allowing reasonable economic growth. Likewise, the Court recognized that EPA had advanced a reasonable explanation for its conclusion that the plantwide definition serves the Act's environmental objectives as well (see 104 S. Ct. at 2792). EPA today generally reaffirms the rationales stated in the 1981 rulemaking. Those rationales were left undisturbed by the Supreme Court decision.

Massachusetts' Revision

On August 27, 1982, the Commonwealth of Massachusetts submitted revisions to its preconstruction permitting program for new major stationary sources and major modifications locating in nonattainment areas. This package of changes to Massachusetts' NSR rules overhauled the program, making it consistent with EPA's program and, in some instances, going beyond EPA's requirements. One important example is the requirement that any proposed construction or substantial reconstruction shall install best available control technology (BACT). This BACT requirement goes well beyond the minimum federal requirements. The revisions also included a change to the plantwide definition of stationary source from the existing definition of stationary source in the Massachusetts SIP. The existing definition of stationary source in the State SIP is contained in the January 16, 1979 Emission Offset Interpretive Ruling (EOIR) under the terms "source" and "facility." The January 16, 1979 EOIR defined the term "source" as any structure, building, facility, equipment, installation or operation (or combination therof) which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person (or by persons under common control). The term "facility" is defined in the EOIR as an identifiable piece of process equipment. The definition of facility further states that "a stationary source is composed of one or more pollutant-emitting facilities." The definitions of these two terms have a similar effect on applicability (providing less opportunity for netting) as the dual definition promulgated on August 7, 1980 (45 FR 52676, 52697). The major differences between the definition in Massachusetts' existing SIP and the dual definition promulgated on August 7, 1980 (45 FR 52676) are the following:

(A) The dual definition does not contain the terms "equipment" and "operation" and the phrase "(or combination thereof)" pursuant to the decision in *Alabama Power Co.* v. *Costle*, 636 F.2d 323 (D.C. Cir. 1979), and

(B) The dual definition contains the criteria of using the standard industrial classification codes for distinguishing between sets of activities on the basis of their functional interrelationships.

These distinctions were not noted in EPA's March 29, 1988 NPR on this SIP revision. Because of these differences, the definition in Massachusetts' SIP is not as explicit and could be, at times, difficult to enforce.

On January 10, 1984, EPA published a final rulemaking notice (FRN) which approved most of the Massachusetts August 27, 1982 SIP revision but took no action on the definitions of "source" and "building, structure, facility or installation" in nonattainment areas, leaving the existing definition of source contained in Massachusetts' SIP in effect (January 16, 1979 EOIR). EPA decided to take no action on the revised definition in the January 10, 1984 rulemaking because the definition of "source" was the subject of a pending appeal from the decision *Natural Resources Defense Council* v. *Gorsuch*, 685 F.2d 718 (D.C. Cir. 1982). In 1984, as previously discussed, the Supreme Court reversed the Court of Appeals' decision and upheld the use of the plantwide definition of stationary source in nonattainment area NSR. *Chevron, U.S.A., Inc.* v. *NRDC*, 104 S. Ct. 2778 (1984).

On February 27, 1987, EPA issued guidance for approving the plantwide definition of stationary source in State NSR regulations for nonattainment areas. The guidance lists specific criteria for approving the plantwide definition. According to that guidance, if a State has a fully adopted and approved part D SIP for each primary nonattainment area and is not subject to a call by EPA for a SIP revision, the plantwide definition is approvable so long as the State did not rely on a dual or similar definition in its attainment demonstration(s). The February 27, 1987 guidance requires additional criteria for a State that does not have a fully-approved part D plan(s), is subject to a SIP call by EPA, or that did rely on the use of a dual definition in its attainment demonstration(s).

On June 22, 1987, the Commonwealth of Massachusetts resubmitted its request to revise its SIP to substitute a plantwide definition of stationary source for the existing definition of source in its nonattainment NSR regulations. EPA previously approved the Commonwealth's part D plans for relevant nonattainment areas including attainment demonstrations. In addition, the Massachusetts DEP has certified that it did not rely on any reductions from the operation of the existing NSR program in those demonstrations, and EPA's examination of the demonstrations confirms these certifications. Therefore, EPA proposed to approve the switch to the plantwide definition in the Massachusetts SIP.

On November 24, 1987 (54 FR 45044), EPA proposed a policy for approving post-1987 ozone and carbon monoxide SIP revisions for areas not attaining the NAAQS. Appendix A of the proposed policy listed potential 1988 SIP call areas (i.e., areas which could be subject to an EPA required revision of the SIP for those areas). At the time of the March 29, 1988 NPR, because the post-1987 policy was proposal rather than a final policy, EPA continued to treat the Massachusetts Ozone Attainment Demonstration as an approved SIP. However, the March 29, 1988 NPR stated if, prior to the time of final rulemaking Massachusetts is subject to a SIP call (or other criteria are no longer being met), then the Commonwealth will have to meet the additional criteria for such states as outlined in the February 27, 1987 guidance.

On May 25, 1988, EPA issued a letter which notified the former Governor Dukakis that, pursuant to section 110(a)(2)(H) of the Act, 42 U.S.C. 7410(a)(2)(H), the Massachusetts SIP is substantially inadequate to achieve the ozone and carbon monoxide NAAQS and therefore requires a revision. Therefore, prior to final rulemaking, the Massachusetts DEP had to submit written assurances that it is making reasonable efforts to develop a complete approvable SIP; that it intends to adhere to a schedule for such development as called for in EPA's May 25, 1988 letter;

and that approval of the plantwide definition will not interfere with the Massachusetts DEP's ability to develop a SIP. Specifically in response to the SIP call, the Massachusetts DEP stated in a letter dated December 27, 1989 that it:

(A) has submitted amendments to EPA dated August 17, 1989 to correct deficiencies in its volatile organic compound (VOC) regulations,

(B) has submitted a draft Post 1987 emissions inventory in November of 1989,

(C) intends to further amend two of its regulations in response to the SIP call by September of 1990, and

(D) has begun adopting and implementing regulations and programs to reduce VOC in a continuing effort to attain the ozone NAAQS and will be submitting these regulations as SIP revisions.

Since submittal of the December 27, 1989 letter, the Massachusetts DEP has submitted its draft 1990 base year inventory in May of 1992. In addition, it has submitted revisions in August of 1989 and in June of 1991 to complete the correction of deficiencies in its VOC regulations. To address ozone nonattainment, Massachusetts also has moved to adopt several measures earlier than the EPA requirements which, in some cases, go beyond the minimum federal requirements. These measures include fuel volatility limits, stage II vapor recovery, and California automobile tailpipe emission standards.

In addition, Massachusetts stated that it intends to completely revise its SIP to achieve final compliance with the ozone and carbon monoxide NAAQS.

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. The Agency has reviewed this request for a SIP revision for conformance with the provisions of the 1990 Amendments. EPA has determined that this action conforms with EPA's current SIP requirements, despite the fact that the submittal preceded the date of enactment. While this revision does not meet all the future requirements under the Amendments for NSR programs, it is consistent with all of EPA's current requirements. This approval in no way relieves Massachusetts of the obligation to submit further revisions to its SIP to meet the Act's new requirements according to the schedule contained in the Act.

Pursuant to the new section 193 of the Act, the "general savings clause," EPA must determine whether this revision to the Massachusetts NSR program insures equivalent or greater emission reductions of nonattainment area pollutants. In conducting this analysis, EPA is examining the impact of the entire package of NSR program changes Massachusetts submitted in 1982. Massachusetts clearly submitted the change to a plantwide definition of source as part of a complete overhaul of its NSR program in 1982. EPA took no action on the plantwide definition of source when approving the balance of that package into the Massachusetts SIP in 1984 because of pending litigation challenging the legality of the plantwide definition in nonattainment areas. But Massachusetts intended the plantwide definition of source to operate within the context of its updated NSR program.

As a result, EPA finds that this change to the Massachusetts NSR program will insure equivalent reductions when compared with Massachusetts' prior NSR program. While the change to a plantwide definition of source represents a relaxation of the program, many other elements of the 1982 overhaul strengthened the requirements of the program. For example, Massachusetts' revised NSR regulations do not contain many of the exemptions as in the old NSR regulations. Furthermore, Massachusetts' revised NSR regulations are much more enforceable than its old NSR regulations. Lastly, Massachusetts' revised regulations require BACT on all sources (including minor sources in nonattainment areas). Taken as a whole, Massachusetts' NSR program achieves reductions equivalent to the reductions required under its NSR program prior to 1982. A memorandum dated April 12, 1991 entitled "Supplemental Technical Support Document for Massachusetts New Source Review Plantwide Definition" compares Massachusetts' old NSR provisions with the revised NSR provisions EPA approved in 1984.[1]

Public Comments

EPA received comments on its NPR from two parties during the public comment period which ended on April 28, 1988: the Conservation Law Foundation of New England and the Natural Resources Defense Council. Because the comments from both parties are similar, EPA has prepared one general response to all of the comments.

Conservation Law Foundation of New England, Inc. (CLF)

The CLF urged EPA not to approve Massachusetts' plantwide definition of stationary source for new source review. CLF stated that such a change is inappropriate given that the December 31, 1987 attainment deadline has passed and Massachusetts remains in violation of the ozone standard. Because Massachusetts did not attain the NAAQS for ozone months after December 31, 1987, CLF disagreed with the rationale outlined in EPA's February 27, 1987 guidance for approving the plantwide definition of stationary source which stated that the Act would operate independently to generate Part D plans that would assure reasonable further progress and timely attainment. CLF stated that EPA must articulate a new rationale as to why such a regulatory change will not interfere with progress toward attainment.

CLF further stated that the plantwide definition in Massachusetts can result in higher emissions which represent:

- The difference between emissions under the Best Available Control Technology (BACT) requirement applicable to source modifications that do not qualify as major and emissions under the Lowest Achievable Emission Rate (LAER) applicable to new or modified major stationary sources in nonattainment areas;
- The loss of offsets that would have been required of a major new source beyond those represented by the amount used to net the plant out of the definition of major stationary source; and
- The failure to capture emission reductions from other plants in the Commonwealth operated by the same company that would have had to be in compliance in order for the new or modified plant to get a new source permit.

CLF stated that any increase in emissions is unacceptable in a nonattainment area at this point in time.

Finally, CLF stated that EPA should give up on this attempt to further weaken its already ineffective SIP requirements and focus instead on devising a regulatory scheme that will produce attainment as expeditiously as practicable in Massachusetts and elsewhere.

Natural Resources Defense Council (NRDC)

NRDC commented that EPA's proposed approval of the plantwide definition in Massachusetts fails to comply with the requirements of the Clean Air Act as construed by EPA in the 1981 plantwide definition rulemaking and by the Supreme Court in *Chevron U.S.A.* v. *NRDC*, 467 U.S. 837 (1984). NRDC stated that in the 1981 rulemaking, EPA expressly conditioned a state's adoption of the plantwide definition in lieu of the more inclusive dual definition on the State's demonstrating that the SIP as revised continues to demonstrate that the NAAQS will be attained within the statutory deadlines. NRDC stated that

[1] A copy of this document is available in the docket at the location in the ADDRESSES section.

the Supreme Court expressly referred to this condition in the Chevron case. NRDC further commented that Massachusetts has not, and cannot meet this condition for the simple reason that it has in fact failed to attain the national ambient air quality standard for ozone despite the passing of the attainment deadline; therefore, EPA has no authority to approve the plantwide definition.

First, NRDC discussed the operation and effect of the plant wide definition. It specifically stated that the plantwide definition allows the vast bulk of large new industrial projects to escape new source review and increase overall pollution (according to EPA statistics obtained by NRDC during the 1981 rulemaking, more than 90 percent of the industrial projects subject to NSR under the dual definition can "net out" of NSR under the plantwide definition). NRDC stated that the units excluded from new source review escape compliance with LAER and do not have to provide emission offsets to improve air quality, and that the companies which build them evade the requirement to bring their existing sources into compliance as a precondition of permitting.

Second, NRDC discussed the conditions on the use of the plantwide definition imposed by EPA in 1981. NRDC quoted the following from the 1981 rulemaking: "States choosing to delete the dual definition must demonstrate that their plans, as revised, continue to demonstrate RFD and attainment. * * * States changing from a dual to a plantwide definition must therefore reassess their general attainment strategies and revise them as necessary to ensure RFP and attainment by the statutory deadlines." (46 FR 50767). NRDC further stated that this condition was also an essential part of EPA's defense of its position before the Supreme Court. Brief for the Administrator of the EPA in the Chevron case at 41. NRDC further quoted two references to this condition in the Chevron decision itself.

Third, NRDC discussed when the condition of demonstrating reasonable further progress (RFP) and timely attainment cannot be met, the plantwide definition is not approvable. NRDC stated that it is obvious that Massachusetts cannot meet the condition that it demonstrate RFP and timely attainment of the ozone standard; therefore, under the condition on adoption of the plantwide definition imposed in 1981, relied on by EPA in the Supreme Court, and reflected in the Chevron decision, the proposed SIP revision in Massachusetts must be disapproved. NRDC stated that after the ozone attainment deadline has passed, no feasible control measure can legally be excused as unnecessary to securing timely attainment. It stated that under the doctrine of both *Train* v. *NRDC*, 95 S. Ct. 1470 (1975), and *Chevron*, EPA cannot, at this point, legally approve the relaxation of the Massachusetts SIP.

Fourth, NRDC discussed that the proposal gives no legally acceptable rationale for approval. It questioned EPA's rationale outlined in its February 27, 1987 guidance. Specifically, NRDC stated that contrary to the 1981 condition that the SIP must continue to demonstrate RFP and timely attainment, the guidance asserts that EPA may ignore the present inadequacy of the SIP's RFP and attainment demonstrations when passing on the approvability of a relaxation of source definitions. NRDC disagreed with the requirements of a Category C State which is an area subject to a SIP call. It stated that written assurances are unacceptable. NRDC stated that after the deadline has passed, EPA has no basis for approving a SIP revision which constitutes the abandonment of a control measure in the current SIP. In addition, it stated that no such measure can legally be excused absent adoption of another path to timely attainment. Finally, NRDC stated that reliance on the 1987 guidance memorandum for areas which have received a SIP call is doubly untenable now that EPA has abandoned the reasonable extra efforts program.

Fifth, NRDC stated that it disagrees with EPA's unsupported claim that the dual definition retards pollution control. NRDC stated that in the 1981 rulemaking, the proposition that the dual definition retards modernization and thereby slows pollution control has no empirical support. It requested that EPA examine the evidence in Massachusetts on this issue. In addition, NRDC requested that EPA examine two other factors: (1) How much cleaner would those sources be under the dual definition? and (2) How much extra pollution would result from exempting sources under the plantwide definition from nonattainment area new source review requirements?

In summary, NRDC called upon EPA promptly to take the following actions:

- disapprove Massachusetts' use of the plantwide definition,
- commence enforcement actions, under the existing federally-approved SIP, against sources which have constructed without a permit as required under the dual definition,
- commence a proceeding to issue a federal rule readopting the dual definition into the Massachusetts' SIP,
- issue a call for comprehensive revision of the Massachusetts SIP in light of the continuing post 1987 nonattainment.

EPA's Response

EPA's 1981 Rulemaking

On October 14, 1981 (46 FR 50766), EPA promulgated the plantwide definition of stationary source in nonattainment areas. Among other things, EPA pointed out that the plantwide definition allowed States much greater flexibility in developing their nonattainment area NSR programs and attainment demonstrations. Therefore, EPA concluded that the dual definition was unnecessarily burdensome, and should be deleted. The final rulemaking notice included specific requirements for States choosing to delete the dual definition. The notice stated the following (see 46 FR 50767 Col. 2):

> States choosing to delete the dual definition must demonstrate that their plans, as revised, continue to demonstrate RFP and attainment. Many State plans are based in part upon a projection of reductions in emissions obtained through the State's NSR program. This projection in turn rested upon an anticipated number of permit applications. Use of a plantwide definition would mean that many sources will no longer need a permit. Unless counterbalanced by other consequences of the deletion (e.g., more rapid construction of new clean emission units), this may result in the loss of reductions originally expected by the State. In other instances, where RFP demonstrations were more general in nature, States relied on the NSR program to assist in their enforcement efforts and to identify additional more efficient means to control emissions. In either case, a State's RFP demonstration, which was predicated on those assumptions for NSR coverage, might no longer apply; and the State might have to obtain or guarantee those reductions in other ways (such as requiring additional reductions from existing sources and stepping up enforcement efforts). States changing from a dual to a plantwide definition must therefore reassess their general attainment strategies and revise them as necessary to ensure RFP and attainment by the statutory deadlines.

This excerpt listed requirements for States which relied on a dual definition of source in their attainment demonstration (i.e., took credit for reductions in emissions obtained throughout the State's NSR program). The FRN requires States to reassess their general attainment strategies and revise them as necessary to ensure RFP and attainment by the statutory deadlines. EPA did not restrict a State's ability to adopt a plantwide definition in any other respect based on the premise that the Act would operate independently to generate Part D plans that would assure

RFP and timely attainment (see 46 FR 50767 Col. 2, 50769 Col. 1).

EPA's February 27, 1987 Guidance

On February 27, 1987, EPA issued guidance on the preparation of Federal Register notices proposing action on pending plantwide definition SIP submittals. That guidance expanded on EPA's 1981 rulemaking in three specific categories:

Category A: Adequate SIP, No Prior Reliance on Dual Definition,
Category B: Adequate SIP Prior Reliance on Dual Definition,
Category C: Inadequate SIP.

EPA's 1987 memorandum is consistent with its 1981 rulemaking. It offers specific guidance on what States must do to reassess their general attainment strategies and to make any necessary revisions to assure RFP and attainment by the statutory deadlines. The guidance requires specific assurances to support EPA's conclusion that the Act would independently generate adequate attainment plans.

Supreme Court Decision

NRDC stated in its comments that the Chevron decision expressly references the condition that a State's SIP (as revised with the plantwide definition) continues to demonstrate that the NAAQS will be attained by the statutory deadlines. NRDC specifically stated that the Supreme Court quoted with approval this condition. Although the Supreme Court quoted this condition in two places, it did not do so with approval. Both references were presented in the decision as background from EPA's rulemakings. The Supreme Court did not agree or disagree with this specific condition in its decision. In fact, the Court stated the following:

> Our review of the EPA's varying interpretations of the word "source"—both before and after the 1977 Amendments—convinces us that the agency primarily responsible for administering this important legislation has consistently interpreted it flexibly—not in a sterile textural vacuum, but in the context of implementing policy decisions in a technical and complex arena. The fact that the agency has from time to time changed its interpretation of the term "source" does not, as respondents argue, lead us to conclude that no deference should be accorded the agency's interpretation of the statute. An initial agency interpretation is not instantly carved in stone. On the contrary, the agency, to engage in informed rulemaking, must consider varying interpretations and the wisdom of its policy on a continuing basis. Moreover, the fact that the agency has adopted different definitions in different contexts adds force to the argument that the definition itself is flexible, particularly since Congress has never indicated any disapproval of a flexible reading of the statute.

Chevron, 104 S. Ct. at 2792. Finally, the Supreme Court held that "EPA's definition of the term "source" is a permissible construction of the statute which seeks to accommodate progress in reducing air pollution with economic growth." *Id.* at 2793. The Court did not attach any conditions or limit the scope of the use of the plantwide definition.

Massachusetts' Revision

Massachusetts' SIP submittals meet the requirements in EPA's 1981 rulemaking and subsequent guidance. In its original submittal, it certified that it did not rely on a dual or similar definition of source in its attainment demonstrations. Therefore, its attainment demonstration before the 1988 SIP call operated independently from its NSR program. Furthermore the State has committed to completely revise its SIP to achieve final compliance with the ozone and carbon monoxide NAAQS. In addition, Massachusetts expects to reevaluate its NSR program as required by the Clean Air Act Amendments of 1990.

Although a SIP revision approving the plantwide definition of source is a relaxation of one aspect of Massachusetts' NSR program, taken as a whole, Massachusetts' NSR program does not interfere with timely attainment of the NAAQS and it meets all of the current EPA requirements. In addition, the Massachusetts SIP contains a requirement (more stringent than the minimum federal requirements for permitting minor sources) that any proposed construction or substantial reconstruction install BACT. BACT is defined as an emission limitation based on the maximum degree of reduction achievable which is determined on a case-by-case basis taking into account energy, environmental, and economic impacts. Under this definition, the Massachusetts DEP must consider the environmental impacts, along with other impacts, of the emissions from the new or modified source in a nonattainment area. In addition, the reviewing authority must determine BACT and LAER on a case-by-case basis. For these reasons, it is impossible to quantify the difference in emissions between the application of BACT and the application of LAER. Moreover, Massachusetts' NSR program applies BACT to more sources than would be required to install BACT under the minimum federal requirements. To the extent that LAER is a more stringent emission limit than BACT, the broader coverage of the BACT standard in Massachusetts' program may compensate for applying LAER to fewer sources than under the dual definition.

With respect to the comments on statewide compliance, it is unclear what effect the plantwide definition has on this requirement. Under the plantwide definition, fewer sources may be required as part of their permit applications to certify that all of their major sources in the State are in compliance with (or on a compliance schedule to meet) emission limits and standards under the Act. However, EPA's compliance monitoring strategy sets Class A sources (including major sources in nonattainment areas) as a national priority. Massachusetts' source inspection plan must address national priorities. In addition, Class A1 sources (sources whose actual or potential controlled emissions greater than or equal to 100 TPY) must be inspected annually. Therefore, the States and EPA closely track the compliance status of major sources in nonattainment areas. Lastly, Massachusetts has recently submitted a draft SIP revision for EPA approval which requires each source required to obtain a construction permit make an affirmative demonstration that all sources in the state, owned or operated by such person, are in compliance with all applicable state regulations. EPA is reviewing the submittal and plans to publish an NPR in the near future.

The Clean Air Act Amendments of 1990

Massachusetts' plantwide definition of source is consistent with the NSR requirements for ozone nonattainment areas in the Clean Air Act Amendments of 1990. Massachusetts is classified as a "serious" ozone nonattainment area statewide. *See* 56 FR 56694. As such, the attainment date for Massachusetts is now nine years following enactment of the 1990 Amendments (*see* section 181(a)), and Massachusetts must meet an independent requirement to reduce VOC emissions by fifteen percent in the first six years after enactment and three percent per year thereafter (*see* 182 (b)(1) and (c)(2)(B)). While Massachusetts must account for the impact of its plantwide definition of source in the attainment and reasonable further progress demonstrations it submits under the 1990 Amendments, it is clear that Congress anticipated States could use the plantwide definition of source when devising such plans. The 1990 Amendments include provisions regulating the application of the plantwide definition of source, including a special rule for serious and severe ozone nonattainment areas for determining "de minimis" net increases in VOC emissions from source

modifications (section 182(c)(6)). It is clear that Congress anticipates states will continue to employ EPA's plantwide definition of source in ozone nonattainment areas (except in extreme areas, *see* section 182(e)(2)), provided the states can also meet the new reasonable further progress requirements in the Act. In addition, it is important to point out that the 1990 amendments' adoption of new future attainment deadlines for ozone and CO has mooted NRDC's argument that missing the 1987 attainment deadlines makes it improper for Massachusetts to adopt a plantwide definition. The new deadlines are years away and Congress also gives Massachusetts additional time to submit a revised SIP to provide for attainment by the revised deadlines.

Massachusetts has not only committed to assembling a new ozone nonattainment area SIP consistent with its obligations under the Amendments, it has proven through its actions that it is committed to reducing VOC emissions in the Commonwealth. For example, as noted earlier, Massachusetts has repeatedly adopted VOC control measures earlier than (and in some cases beyond) the minimum federal requirmeents. As a result, EPA is prepared to accept the Commonwealth's commitment to account for this plantwide definition of source in its ozone SIP under the Amendments.

In summary, EPA's February 27, 1987 guidance is consistent with its 1981 rulemaking on the plantwide definition. The Supreme Court held that EPA's plantwide definition is a permissible construction of the statute. In addition, the Massachusetts' revision meets all of the federal regulations and guidance. The 1990 Amendments accommodate a plantwide definition of source and provide additional time for Massachusetts and other states to adopt revised SIPs to meet the newly revised attainment deadlines. Finally, the State has certified that its previous attainment demonstration did not rely on NSR reductions from the dual definition and it has certified that it making reasonable efforts to develop a complete and approvable SIP to achieve compliance with the ozone and carbon monoxide NAAQS. Therefore, EPA is approving this SIP revision.

EPA has reviewed these revisions for conformance with the provisions of the Clean Air Act Amendments enacted on November 15, 1990. As is discussed, an accommodation has been made for all of the immediately applicable NSR requirements of the Amendments. This approval in no way relieves Massachusetts of the obligation to submit further revisions to its SIP to meet the Act's new requirements according to the schedule contained in the Act. Massachusetts will adopt any necessary requirements and submit them to EPA in a separate submittal in the future. EPA has decided to approve these revisions today in order to conform it to existing requirements during this transition period. EPA has determined, however, that one statutory change has an immediate effect and may impact Massachusetts' NSR revisions. The paragraphs below summarize this provision and discuss the impact on Massachusetts' SIP revisions.

The Clean Air Act Amendments of 1990 add a new section 302(z) of the Clean Air Act defining the term "stationary source" as any source of an air pollutant except those emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216. EPA's initial view is that the definition of stationary source in the federal regulations is flexible enough to accommodate the new section 302(z) without requiring regulatory revisions. Massachusetts regulations contain a definition of the term stationary source (310 CMR 7.00). As implemented, this definition conforms to the new section 302(z) definition in the Clean Air Act Amendments. If in the future, EPA promulgates standards for certain nonroad engines and nonroad vehicles, EPA will require that Massachusetts amend its definition of source to exclude these engines and vehicles as appropriate. Therefore, this change in the Clean Air Act Amendments of 1990 does not immediately impact this SIP revision.

Final Action

EPA is approving a revision to the Massachusetts SIP which replaces the existing definition of stationary source in its SIP with the plantwide definition of stationary source in the State's nonattainment area NSR regulations. Specifically, EPA is replacing the definitions of "source" and "facility" in Massachusetts' SIP (contained in the January 16, 1979 EOIR) with the definitions of "stationary source" and "building, structure, facility, or installation" in Massachusetts' Regulation 310 CMR 7.00, "Definitions."

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 26, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Ozone.

Note: Incorporation by reference of the State Implementation Plan for the State of Massachusetts was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 19, 1992.

William K. Reilly,

Administrator.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart W—Massachusetts

2. Section 52.1120 is amended by adding paragraph (c)(84) to read as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(84) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on August 27, 1982, June 22, 1987, and December 27, 1989.

(i) *Incorporation by reference.*

(A) Letter from the Massachusetts Department of Environmental Protection dated August 27, 1982, submitting a revision to the Massachusetts State Implementation Plan.

(B) Amendments to 310 CMR 7.00, "Definitions" effective in the Commonwealth of Massachusetts on June 18, 1982 which add the definitions of the terms "stationary source" and "building, structure, facility, or installation."

(ii) *Additional materials.*

(A) Letter from the Massachusetts Department of Environmental Protection dated June 22, 1987 certifying that it did not rely on a dual definition in its attainment demonstration.

(B) Letter from the Massachusetts Department of Environmental Protection dated December 27, 1989 submitting additional assurances that it is making reasonable efforts to develop a complete and approve SIP.

(C) Nonregulatory portions of the submittal.

* * * * *

3. In § 52.1167 Table 52.1167 is amended by adding a new entry to "310 CMR 7.00" to read as follows:

§ 52.1167 EPA-approved Massachusetts State regulations.

* * * * *

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date submitted by State	Date approved by EPA	FEDERAL REGISTER citation	52.1120 (c)	Comments/unapproved sections
•	•	•	•	•	•	•
310 CMR 7.00	Definitions ...	8/27/82, 6/22/87, 12/27/89.	[Insert date of publication in FR].	[Insert page citation from published date].	84	Approving the definitions of "stationary source" and "building, structure, facility, or installation."
•	•	•	•	•	•	•

[FR Doc. 93–4155 Filed 2–22–93; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[NM–13–1–5584; FRL–4557–9]

Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Particulate Matter Regulatory Revisions for Albuquerque/Bernalillo County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This action approves a revision to the New Mexico State Implementation Plan (SIP) to include revisions to Albuquerque/Bernalillo County Air Quality Control Board (AQCB) Regulation 8—*Airborne Particulate Matter*, as filed with the State Records and Archives Center on February 17, 1983. AQCB Regulation 8 was initially approved by EPA on April 10, 1980. EPA is approving the February 17, 1983, revisions in order to make Federally enforceable certain topsoil disturbance permit restrictions which were not included in the original Federally-approved SIP version of Regulation 8. The Governor of New Mexico submitted these revisions to EPA by cover letter dated June 16, 1992.

DATES: This action will become effective on April 26, 1993, unless notice is received within 30 days of publication that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least twenty-four hours before the visiting day.

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T–AP), 1445 Ross Avenue; Dallas, Texas 75202–2733.

Mr. Jerry Kurtzweg (ANR–443), Environmental Protection Agency, 401 M Street, NW., Washington, DC 20460.

Albuquerque Environmental Health Department, The City of Albuquerque, One Civic Plaza Northwest, P.O. Box 1293, Albuquerque, New Mexico 87103.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Sather, Planning Section (6T–AP), Air Programs Branch, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, Telephone (214) 655–7258.

SUPPLEMENTARY INFORMATION: In order to Federally enforce the topsoil disturbance permit restrictions in Regulation 8, EPA requested that the City of Albuquerque submit the revisions to Regulation 8 as filed on February 17, 1983. Regulation 8 was initially approved by EPA at 45 FR 24460, but the City did not submit the 1983 revisions to EPA. This notice will approve the 1983 revisions to Regulation 8 as part of the Federally enforceable New Mexico SIP for Albuquerque/Bernalillo County outside the boundaries of Indian Lands.

Analysis of City Submission

1. Procedural Background

The Clean Air Act (Act) requires States to observe certain procedural requirements in developing implementation plans for submission to EPA. Section 110(a)(2) of the Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing. Section 110(1) of the Act similarly provides that each revision to an implementation plan submitted by a State under the Act must be adopted by such State after reasonable notice and public hearing.

The EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action [see section 110(k)(1) and 57 FR 13565]. The EPA's completeness criteria for SIP submittals are set out at 40 Code of Federal Regulations (CFR) part 51, appendix V (1991), as amended by 56 FR 42216 (August 26, 1991). The EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by EPA six months after receipt of the submission

The City of Albuquerque first held a public hearing on October 13, 1982, to entertain public comment on proposed revisions to Regulation 8 addressing topsoil disturbance permit restrictions. Public comments were received and addressed before the revisions were adopted by the Albuquerque/Bernalillo County AQCB. In order to now make these revisions Federally enforceable, the City of Albuquerque held another public hearing on June 10, 1992, to entertain public comment on the 1983 revisions to Regulation 8. No public comments were received. Following the public hearing the SIP revision was adopted by the Albuquerque/Bernalillo County AQCB and signed by the Governor on June 16, 1992. The SIP revision was received by EPA on July 6, 1992.

The SIP revision was reviewed by EPA to determine completeness shortly after its submittal, in accordance with the completeness criteria set out at 40 CFR part 51, appendix V (1991). The submittal was found to be complete on July 29, 1992, and a letter dated July 29,

1992, was forwarded to the Governor indicating the completeness of the submittal and the next steps to by taken in the review process. As noted in today's action, EPA is approving revisions to Albuquerque/Bernalillo County AQCB Regulation 8, as filed with the State Records and Archives Center on February 17, 1983.

2. Revisions to Regulation 8

The revisions to Regulation 8 being approved today in this notice are found in section 8.03, entitled "Soil Disturbance". This section contains eight subsections, each of which is briefly discussed below.

8.03.1

This subsection stipulates that no person shall disturb, move or remove soil from, or place soil onto, more than 3/4 acre (32,670 square feet) of surface area without a valid permit from the Albuquerque Environmental Health Department (AEHD). Areas zoned and used for agriculture are exempt from these requirements. The language in this subsection is similar to language found in the 1979 SIP-approved Regulation 8.

8.03.2

This new subsection establishes a 10% opacity limit on airborne particulate matter, as measured against surrounding airborne background particulate matter. The opacity limit applies to on-site wind speeds up to 28 miles per hour. Emission measurements are made in accordance with Test Method 9 from 40 CFR part 60, appendix A.

8.03.3

This subsection expands upon the language found in the 1979 SIP-approved Regulation 8 regarding requirements for permit application contents.

8.03.4

This new subsection specifies that the AEHD shall, within 10 days of receipt of a completed permit application, either grant or deny the permit.

8.03.5

This new subsection establishes reasons why the AEHD may deny a permit.

8.03.6

This new subsection states that the granting of a permit does not relieve the person from compliance with applicable regulations.

8.03.7

This new subsection specifies the grounds for cancellation of a permit.

8.03.8

This new subsection specifies appeal procedures for applications that have been denied or for permits that have been cancelled.

In conclusion, the revisions to Regulation 8 as filed with the State Records and Archives Center on February 17, 1983, expand upon the 1979 SIP-approved Regulation 8. The revisions clarify the procedures for obtaining soil disturbance permits and specify performance requirements (i.e., compliance with a 10% opacity limit) regarding dust suppression control measures.

Final Action: The EPA is today approving revisions to Albuquerque/ Bernalillo County AQCB Regulation 8, as filed with the State Records and Archives Center on February 17, 1983. The revisions to Regulation 8 expand upon the 1979 SIP-approved Regulation 8. The revisions clarify the procedures for obtaining soil disturbance permits and specify performance requirements (i.e., compliance with a 10% opacity limit) regarding dust suppression control measures. Regulation 8 is applicable to Bernalillo County outside the boundaries of Indian Lands.

The EPA has reviewed these revisions to the New Mexico SIP and is approving them as submitted. EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective April 26, 1993, unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective April 26, 1993.

EPA has reviewed this request for revision of the Federally-approved SIP for conformance with the provisions of the 1990 Clean Air Act Amendments (CAAA) enacted on November 15, 1990. The EPA has determined that this action conforms with those requirements.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economical, and environmental factors, and in relation to relevant statutory and regulatory requirements.

Regulatory Process: Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Clean Air Act forbids EPA to base its action concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410(a)(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 26, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

Executive Order 12291: This action has been classified as a table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget (OMB) waived tables 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the SIP for the State of New Mexico was approved by the Director of the Federal Register on July 1, 1982.

Dated: January 4, 1993.

W.B. Hathaway,

Acting, Regional Administrator (6A).

40 CFR part 52, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart GG—New Mexico

2. Section 52.1620 is amended by adding paragraph (c)(49) to read as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) * * *

(49) A revision to the New Mexico State Implementation Plan (SIP) to include revisions to Albuquerque/Bernalillo County Air Quality Control Board Regulation 8—*Airborne Particulate Matter*, as filed with the State Records and Archives Center on February 17, 1983, and submitted by the Governor of New Mexico by letter dated June 16, 1992.

(i) *Incorporation by reference.*

(A) Albuquerque/Bernalillo County Air Quality Control Board Regulation 8—*Airborne Particulate Matter*, Section 8.03, "Soil Disturbance," Subsections 8.03.1, 8.03.2, 8.03.3, 8.03.4, 8.03.5, 8.03.6, 8.03.7, and 8.03.8, as filed with the State Records and Archives Center on February 17, 1983.

[FR Doc. 93–4157 Filed 2–22–93; 8:45 am]

BILLING CODE 6560–50–M

---

40 CFR Part 52

[OR19–1–5511; FRL–4559–5]

Approval and Promulgation of Implementation Plans; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving revisions to OAR Chapter 340 Division 30 (Specific Air Pollution Control Rules For Areas With Unique Air Quality Control Needs) as revisions to the State of Oregon State Implementation Plan. The Director of the State of Oregon Department of Environmental Quality submitted on October 13, 1989 and November 15, 1991, these revisions for the limited purpose of advancing the national ambient air quality standards (NAAQS) related air quality protection goals for the Clean Air Act (CAA).

EFFECTIVE DATE: April 26, 1993.

ADDRESSES: Documents which are incorporated by reference are available for public inspection at the Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC. Copies of material submitted to EPA may be examined during normal business hours at the following locations:

Air & Radiation Branch, Environmental Protection Agency, Docket # OR19–1–5511, 1200 Sixth Avenue, AT–082, Seattle, Washington 98101.

Oregon Department of Environmental Quality, 811 S.W. Sixth, Portland, Oregon 97204.

FOR FURTHER INFORMATION CONTACT: Rindy Ramos, Environmental Protection Agency, 1200 Sixth Avenue, AT–082, Seattle, Washington 98101, Telephone: (206) 553–6510.

SUPPLEMENTARY INFORMATION

I. Background

On July 1, 1987 (52 FR 24634) the Environmental Protection Agency revised the National Ambient Air Quality Standards (NAAQS) for particulate matter. Total suspended particulate matter or "TSP" was replaced as an indicator for particulate matter for the ambient standard by a new indicator that includes only those particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10).

To implement the revised NAAQS, EPA promulgated revisions to 40 CFR parts 51 and 52 also on July 1, 1987 (52 FR 24672). As described below, these actions established requirements for the preparation, adoption, and submittal of State Implementation Plans (SIPs) necessary to protect the revised NAAQS.

On August 7, 1987 (52 FR 29383), EPA categorized areas of the Nation into three groups based on the likelihood that the existing SIP would require revision in order to protect the PM–10 NAAQS. The Grants Pass Urban Growth Boundary area (UGB) and the Medford-Ashland Air Quality Maintenance Area (AQMA) were identified as areas with a strong likelihood of violating the PM–10 NAAQS and requiring substantial SIP revisions. Therefore, they were listed as Group I areas.

In response to this action, the Oregon Department of Environmental Quality (ODEQ) revised Chapter 340 Division 30 of the Oregon Administrative Rules, applicable to the Medford-Ashland and Grants Pass Group I areas, and submitted revisions to EPA on October 13, 1989.

Congress then revised the Clean Air Act by passage of the Clean Air Act Amendments of 1990 (Pub. L. No. 101–549, 104 Stat. 2399, November 15, 1990). The revised Act designated, by operation of law, existing PM–10 Group I areas as moderate PM–10 nonattainment areas. See sections 107(d)(4)(B)(i) and 188(a) of the CAA, 42 U.S.C. 7407(d)(4)(B)(i) and 7513(a). In addition, section 107(d)(4)(B)(ii) required that "any area containing a site for which air quality monitoring data show a violation of the national ambient air quality standard for PM–10 before January 1, 1989 (as determined under part 50, appendix K of title 40 of the Code of Federal Regulations) is hereby designated nonattainment for PM–10." This action resulted in the La Grande Urban Growth Boundary area as being designated a moderate nonattainment for PM–10. See 56 FR 56694, 56820 (Nov. 6, 1991) (codification of Oregon PM–10 nonattainment areas). The Act also imposed new SIP requirements for moderate PM–10 nonattainment areas. See generally 57 FR 13498 (April 16, 1991) and 57 FR 18070 (April 28, 1992).

The revised Act required, among other things, that the State of Oregon submit to EPA by November 15, 1991, provisions to assure that Reasonably Available Control Measures (RACM) (including Reasonably Available Control Technology (RACT) applicable to stationary sources of PM–10 be implemented by December 10, 1993, for the three nonattainment areas and that the State demonstrate either that the PM–10 NAAQS will be attained in the areas by December 31, 1994, or that attainment by such date is not practicable (hereafter the "demonstration" requirement). *Id*; sections 172(c)(1) and 189(a) of the CAA. Because EPA construes RACT to apply to existing stationary sources in a nonattainment area that are reasonable to control in light of the attainment needs of the area (and the feasibility of the controls) (see 57 FR at 13,540–44), EPA will evaluate the Division 30 Rules in reference to the specific PM–10 RACM (including RACT) requirement during EPA's review of the full control strategies and associated PM–10 demonstration requirement for each of the three areas.

To address the designation of La Grande as a nonattainment area and in

response to previous EPA comments on the 1989 submittal, ODEQ again revised the Division 30 Rules and submitted the revision on November 15, 1991. The Division 30 Rules, as submitted on November 15, 1991, now apply to the Grants Pass, Medford-Ashland and La Grande PM–10 nonattainment areas. The preceding analysis applies with equal force to the November 15, 1991, submittal.

II. Technical Evaluation

OAR Chapter 340, Division 30—On October 13, 1989, ODEQ submitted a revision to OAR Chapter 340, Division 30 (retitled as—Specific Air Pollution Control Rules For Areas With Unique Air Quality Control Needs) by revising sections –005, –010, –015, –025, –040, –043, –044, –050, –055 and –065. In addition, sections –021, –046, –067 and –111 were added and section –045 was deleted. This revision was submitted to reduce PM–10 emissions from specific industrial sources in Oregon's Medford-Ashland and Grants Pass Group I PM–10 areas.

In general, application of the existing rules was expanded to include industrial sources in the Grants Pass Group I area. However, during EPA's review of the 1989 submittal, several problems were discovered.

In response to EPA's comments on the 1989 submittal, ODEQ corrected the deficient sections except for –015(3)(c) and resubmitted them on November 15, 1991.

The 1989 and the 1991 submittals also made the following changes to the Division 30 Rules:

(1) The applicability of the rules was expanded to include the La Grande PM–10 nonattainment area.

(2) Section –050, which requires the monitoring of PM–10 emissions and other parameters was added. This requirement is applicable to the wood products industries.

(3) Section –115, which requires a dual fuel feasibility study for large wood-waste boilers in the Medford-Ashland AQMA was added and

(4) Sections 200 to 230, new rules for controlling particulate matter emissions specific to the La Grande PM–10 nonattainment area, were added.

III. Response to Comment

EPA received no comments on its November 9, 1992 (57 FR 53304) **Federal Register** proposal to approve revisions to OAR Chapter 340 Division 30 (Specific Air Pollution Control Rules For Areas With Unique Air Quality Control Needs) as revisions to the State of Oregon State Implementation Plan.

IV. Summary of Action

EPA is today approving the following revisions to the State of Oregon Implementation Plan for OAR 340 Division 30 (Specific Air Pollution Control Rules for Areas With Unique Air Quality Control Needs) –005, –010, –012, –015 (except for (3)(c)), –021, –025, –030, –040, –043, –045, –046, –050, –055, –060, –065, –067, –115, –200, –205, –210, –215, –220, –225, and –230.

EPA's action today does not in any manner constitute an approval of a specific PM–10 nonattainment planning requirement applicable to the PM–10 nonattainment areas in Oregon affected by these rules. In addition, EPA is not taking action on OAR 340–30–015(3)(c), and OAR 340–30–111.

The above revisions to the State of Oregon's Air Quality Control Plan Volume 2 (the Federal Clean Air Act State Implementation Plan and other State Regulations) were made to support Oregon's PM–10 Nonattainment Area control strategy(ies) required by, among other things, sections 110 and 172 of the CAA, 42 U.S.C. 7410 and 7502. The Division 30 regulations target industrial sources in the Grants Pass, Medford-Ashland, and La Grande PM–10 nonattainment areas in the State of Oregon. However, these industrial source control measures are not the sole PM–10 control measures relied upon to demonstrate attainment of the PM–10 NAAQS in these areas nor are they accompanied with a demonstration of timely attainment in the affected areas. Accordingly, this action does not contain a determination that the specific requirement that the State of Oregon submit provisions assuring that reasonably available control measures or "RACM" (including reasonably available control technology) or "RACT" are implemented in these areas no later than December 10, 1993 has been met nor does it analyze the specific attainment needs for the three nonattainment ares. See sections 172(c)(1) and 189(a) of the CAA. The adequacy of the industrial source regulations to achieve the expected emission reductions will be evaluated during EPA's review of the PM–10 attainment plan for each of the three areas.

V. Administrative Review

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S.E.P.A.*, 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410(a)(2).

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (46 FR 8709).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for permanent waiver for Table 2 and 3 revisions. OMB has agreed to continue to temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 26, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the

purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See 42 U.S.C. 7607(b)(2))

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and Recordkeeping requirements, Sulfur oxides.

Dated: January 13, 1993.

Dana A. Rasmussen,

Regional Administrator.

Note: Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of Federal Register on July 1, 1972.

Title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q

Subpart MM—Oregon

2. Section 52.1970 is amended by adding paragraph (c)(97) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(97) On October 13, 1989 and November 15, 1991 the Director of the Department of Environmental Quality submitted revisions to OAR chapter 340 Division 30 (Specific Air Pollution Control Rules for Areas With Unique Air Quality Control Needs) as revisions to the State of Oregon's Air Quality Control Plan Volume 2 (The Federal Clean Air State Implementation Plan and Other State Regulations).

(i) *Incorporation by reference.*

(A) October 13, 1989 letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) November 15, 1991 letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(C) Oregon Administrative Rule 340 Division 30 (Specific Air Pollution Control Rules for Medford-Ashland Air Quality Maintenance Area and the Grants Pass Urban Growth Area) –010 (Definitions); –015 (Wood Waste Boilers) (except for (3)(c)); –025 (Air Conveying Systems); –040 (Charcoal Producing Plants); –043 (Control of Fugitive Emissions (Medford-Ashland AQMA Only); –044 (Requirement for Operating and Maintenance Plans (Medford-Ashland AQMA Only); –045 (Compliance Schedules); –046 (Emission Limits Compliance Schedules); –050 (Continuous Monitoring); –055 (Source Testing; –065 (New Source); –067 (Rebuilt Sources); as adopted by the Environmental Quality Commission on September 7, 1989 and effective on September 7, 1989.

(D) Oregon Administrative Rule 340 Division 30 (Specific Air Pollution Control Rules for Areas with Unique Air Quality Control Needs) section –005 (Purpose and Application; –010 (Definitions); –012 (Application); –015 (Wood Waste Boilers) (except for (3)(c)); –021 (Veneer Dryer Emission Limitations); –030 (Wood Particle Dryers At Particleboard Plants); –043 (Control of Fugitive Emissions (Medford-Ashland AQMA Only); –044 (Requirements for Operating and Maintenance Plans (Medford-Ashland AQMA Only); –046 (Emission Limits Compliance Schedules); –050 (Continuous Monitoring); –055 (Source Testing); –065 (New Sources); –067 (Rebuilt Sources); –115 (Dual Fuel Feasibility Study for Wood-Waste Boilers); –200 (Application), –205 (Compliance Schedule for Existing Sources), –210 (Woodwaste Boilers); –215 (Wood Particle Dryers At Particleboard Plants); –220 (Hardboard Manufacturing Plants); –225 (Air Conveying System), and –230 (Fugitive Emissions) as adopted by the Environmental Quality Commission on November 8, 1991 and effective on November 13, 1991.

3. Section 52.1977 is revised to read as follows:

§ 52.1977 Content of approved State submitted implementation plan.

The following sections of the State air quality control plan (as amended on the dates indicated) have been approved and are part of the current state implementation plan.

STATE OF OREGON

AIR QUALITY CONTROL PROGRAM

Volume 2—The Federal Clean Air Act Implementation Plan (and Other State Regulations)

Section

1. Introduction (1–86)

2. General Administration (1–86)

2.1 Agency Organization (1–86)
2.2 Legal Authority (1–86)
2.3 Resources (1–86)
2.4 Intergovernmental Cooperation and Consultation (1–86)
2.5 Miscellaneous Provisions (1–86)

3. Statewide Regulatory Provisions

3.1 Oregon Administrative Rules—Chapter 340 (1–86)

Division 12—Civil Penalties

Sec. 030 Definitions (11–8–84)
Sec. 035 Consolidation of Proceedings (9–25–74)
Sec. 040 Notice of Violation (12–3–85)
Sec. 045 Mitigating and Aggravating Factors (11–8–88)
Sec. 050 Air Quality Schedule of Civil Penalties (11–8–84)
Sec. 070 Written Notice of Assessment of Civil Penalty; When Penalty Payable (11–8–84)
Sec. 075 Compromise or Settlement of Civil Penalty by Director (11–8–84)

Division 14—Procedures for Issuance, Denial, Modification, and Revocation of Permits (4–15–72)

Sec. 005 Purpose (4–15–72)
Sec. 007 Exceptions (6–10–88)
Sec. 010 Definitions (4–15–72), except (3) "Director" (6–10–88)
Sec. 015 Type, Duration, and Termination of Permits (12–16–76)
Sec. 020 Application for a Permit (4–15–72), except (1), (4)(b), (5) (6–10–88)
Sec. 025 Issuance of a Permit (4–15–72), except (2), (3), (4), (5), (6) (6–10–88)
Sec. 030 Renewal of a Permit (4–15–72)
Sec. 035 Denial of a Permit (4–15–72)
Sec. 040 Modification of a Permit (4–15–72)
Sec. 045 Suspension or Revocation of a Permit (4–15–72)
Sec. 050 Special Permits (4–15–72)

Division 20—General

Sec. 001 Highest and Best Practicable Treatment and Control Required (3–1–72)
Sec. 003 Exceptions (3–1–72)

Registration

Sec. 005 Registration in General (9–1–70)
Sec. 010 Registration Requirements (9–1–70)
Sec. 015 Re-registration (9–1–70)

Notice of Construction and Approval of Plans

Sec. 020 Requirement (9–1–70)
Sec. 025 Scope (3–1–72)
Sec. 030 Procedure (9–1–72), except (4)(a) Order Prohibiting Construction (4–14–89)
Sec. 032 Compliance Schedules (3–1–72)

Sampling, Testing, and Measurement of Air Contaminant Emissions

Sec. 035 Program (9–1–70)
Sec. 037 Stack Heights & Dispersion Techniques (4–25–86)
Sec. 040 Methods (9–11–70)
Sec. 045 Department Testing (9–1–70)

Sec. 046 Records; Maintaining and Reporting (10–1–72)
Sec. 047 State of Oregon Clean Air Act, Implementation Plan (9–30–85)

Air Contaminant Discharge Permits

Sec. 140 Purpose (1–6–86)
Sec. 145 Definitions (1–6–76)
Sec. 150 Notice Policy (6–10–88)
Sec. 155 Permit Required (5–31–83)
Sec. 160 Multiple-Source Permit (1–6–76)
Sec. 165 Fees (3–14–86)
Sec. 170 Procedures For Obtaining Permits (1–11–74)
Sec. 175 Other Requirements (6–29–79)
Sec. 180 Registration Exemption (6–29–79)
Sec. 185 Permit Program For Regional Air Pollution Authority (1–6–76)

Conflict of Interest

Sec. 200 Purpose (10–13–78)
Sec. 205 Definitions (10–13–78)
Sec. 210 Public Interest Representation (10–13–78)
Sec. 215 Disclosure of Potential Conflicts of Interest (10–13–78)

New Source Review

Sec. 220 Applicability (9–8–81)
Sec. 225 Definitions (10–16–84)
Sec. 230 Procedural Requirements (10–16–84), except (3)(d) (6–10–88)
Sec. 235 Review of New Sources and Modifications for Compliance With Regulations (9–8–81)
Sec. 240 Requirements for Sources in Nonattainment Areas (4–18–83)
Sec. 245 Requirements for Sources in Attainment or Unclassified Areas (Prevention of Significant Deterioration) (10–16–85)
Sec. 250 Exemptions (9–8–81)
Sec. 255 Baseline for Determining Credit for Offsets (9–8–81)
Sec. 260 Requirements for Net Air Quality Benefit (4–18–83)
Sec. 265 Emission Reduction Credit Banking (4–18–83)
Sec. 270 Fugitive and Secondary Emissions (9–8–81)
Sec. 275 Repealed
Sec. 276 Visibility Impact (10–16–85)

Plant Site Emission Limits

Sec. 300 Policy (9–8–81)
Sec. 301 Requirement for Plant Site Emission Limits (9–8–81)
Sec. 305 Definitions (9–8–81)
Sec. 310 Criteria for Establishing Plant Site Emission Limits (9–8–81)
Sec. 315 Alternative Emission Controls (9–8–81)
Sec. 320 Temporary PSD Increment Allocation (9–8–81)

Stack Heights and Dispersion Techniques

Sec. 340 Definitions (4–18–83)
Sec. 345 Limitations (4–18–83)
Sec. 350 Purpose and Applicability (1–2–91)
Sec. 355 Definitions (1–2–91)
Sec. 360 Planned Startup and Shutdown (1–2–91)
Sec. 365 Scheduled Maintenance (1–2–91)
Sec. 370 Upsets and Breakdowns (1–2–91)
Sec. 375 Reporting Requirements (1–2–91)
Sec. 380 Enforcement Action Criteria (1–2–91)

Division 21—Industrial Contingency Requirements for PM–10 Nonattainment Areas

Sec. 200 Purpose (11–13–91)
Sec. 205 Relation to Other Rules (11–13–91)
Sec. 210 Applicability (11–13–91)
Sec. 215 Definitions (11–13–91)
Sec. 220 Compliance Schedule for Existing Sources (11–13–91)
Sec. 225 Wood-Waste Boilers (11–13–91)
Sec. 230 Wood Particulate Dryers at Particleboard Plants (11–13–91)
Sec. 235 Hardboard Manufacturing Plants (11–13–91)
Sec. 240 Air Conveying Systems (11–13–91)
Sec. 245 Fugitive Emissions (11–13–91)

Division 22—General Gaseous Emissions Sulfur Content of Fuels

Sec. 005 Definitions (3–1–72)
Sec. 010 Residual Fuel Oils (8–25–77)
Sec. 015 Distillate Fuel Oils (3–1–72)
Sec. 020 Coal (1–29–82)
Sec. 025 Exemptions (3–1–72)

General Emission Standards for Sulfur Dioxide

Sec. 050 Definitions (3–1–72)
Sec. 055 Fuel Burning Equipment (3–1–72)
Sec. 300 Reid Vapor Pressure for Gasoline, except that in Paragraph (6) only sampling procedures and test methods specified in 40 CFR Part 80 are approved (6–15–89)

Division 23—Rules for Open Burning

Sec. 022 How to Use These Open Burning Rules (9–8–81)
Sec. 025 Policy (9–8–81)
Sec. 030 Definitions (6–16–84) (15) "Disease and Pest Control" (11–13–91)
Sec. 035 Exemptions, Statewide (6–14–84)
Sec. 040 General Requirements Statewide (9–8–81)
Sec. 042 General Prohibitions Statewide (6–16–84)
Sec. 043 Open Burning Statewide (11–13–91)
Sec. 045 County Listing of Specific Open Burning Rules (9–8–81)
Sec. 090 Coos, Douglas, Jackson and Josephine Counties (11–13–91)

Open Burning Prohibitions

Sec. 055 Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties (9–8–81)
Sec. 060 Benton, Linn, Marion, Polk, and Yamhill Counties (6–16–84)
Sec. 065 Clackamas County (6–16–84)
Sec. 070 Multnomah County (6–16–84)
Sec. 075 Washington County (6–16–84)
Sec. 080 Columbia County (9–8–81)
Sec. 085 Lane County (6–16–84)
Sec. 090 Coos, Douglas, Jackson and Josephine Counties (9–8–81)
Sec. 100 Letter Permits (6–16–84)
Sec. 105 Forced Air Pit Incinerators (9–8–81)
Sec. 110 Records and Reports (9–8–81)
Sec. 115 Open Burning Control Areas (6–16–84)

Division 24—Motor Vehicles

Motor Vehicle Emission Control Inspection Test Criteria, Methods and Standards

Sec. 300 Scope (4–1–85)
Sec. 301 Boundary Designations (9–9–88)
Sec. 305 Definiations (4–1–85)
Sec. 306 Publicly Owned and Permanent Fleet Vehicle Testing Requirements (12–31–83)
Sec. 307 Motor Vehicle Inspection Program Fee Schedule (8–1–81)
Sec. 310 Light Duty Motor Vehicle Emission Control Test Method (9–9–88)
Sec. 315 Heavy Duty Gasoline Motor Vehicle Emission Control Test Method (12–31–83)
Sec. 320 Light Duty Motor Vehicle Emission Control Test Criteria (9–9–88)
Sec. 325 Heavy Duty Gasoline Motor Vehicle Emission Control Test Criteria (9–9–88)
Sec. 330 Light Duty Motor Vehicle Emission Control Cutpoints or Standards (8–1–81) Subpart (3) (9–12–86)
Sec. 335 Heavy Duty Gasoline Motor Vehicle Emission Control Emission Standards (9–12–86)
Sec. 340 Criteria for Qualifications of Persons Eligible to Inspect Motor Vehicles and Motor Vehicle Pollution Control Systems and Execute Certificates (12–31–83)
Sec. 350 Gas Analytical System Licensing Criteria (9–9–88)

Division 25—Specific Industrial Standards Construction and Operation of Wigwam Waste Burners

Sec. 005 Definitions (3–1–72)
Sec. 010 Statement of Policy (3–1–72)
Sec. 015 Authorization to Operate a Wigwam Burner (3–1–72)
Sec. 020 Repealed
Sec. 025 Monitoring and Reporting (3–1–72)

Hot Mix Asphalt Plants

Sec. 105 Definition (3–1–73)
Sec. 110 Control Facilities Required (3–1–73)
Sec. 115 Other Established Air Quality Limitations (3–1–73)
Sec. 120 Portable Hot Mix Asphalt Plants (4–18–83)
Sec. 125 Ancillary Sources of Emission—Housekeeping of Plant Facilities (3–1–73)

Primary Aluminum Plants

Sec. 255 Statement of Purpose (6–18–82)
Sec. 260 Definitions (6–18–82)
Sec. 265 Emission Standards (6–18–82)
Sec. 270 Special Problem Areas (12–25–73)
Sec. 275 Highest and Best Practical Treatment and Control Requirement (12–25–73)
Sec. 280 Monitoring (6–18–82)
Sec. 285 Reporting (6–18–82)

Specific Industrial Standards

Sec. 305 Definitions (11–13–91)
Sec. 310 General Provisions (5–30–86)

Sec. 315 Veneer and Plywood Manufacturing Operations (11–13–91)
Sec. 320 Particleboard Manufacturing Operations (5–30–86)
Sec. 325 Hardboard Manufacturing Operations (5–30–86)

Regulations for Sulfite Pulp Mills

Sec. 350 Definitions (5–23–80)
Sec. 355 Statement of Purpose (5–23–80)
Sec. 360 Minimum Emission Standards (5–23–80)
Sec. 365 Repealed
Sec. 370 Monitoring and Reporting (5–23–80)
Sec. 375 Repealed
Sec. 380 Exceptionss (5–23–80)

Laterite Ore Production of Ferronickel

Sec. 405 Statement of Purpose (3–1–72)
Sec. 410 Definitions (3–1–72)
Sec. 415 Emission Standards (3–1–72)
Sec. 420 Highest and Best Practicable Treatment and Control Required (3–1–72)
Sec. 425 Compliance Schedule (3–1–72)
Sec. 430 Monitoring and Reporting (3–1–72)

Division 26—Rules for Open Field Burning (Willamette Valley)

Sec. 001 Introduction (7–3–84)
Sec. 003 Policy (3–7–84)
Sec. 005 Definitions (3–7–84)
Sec. 010 General Requirement (3–7–84)
Sec. 011 Repealed
Sec. 012 Registration, Permits, Fees, Records (3–7–84)
Sec. 013 Acreage Limitations, Allocations (3–7–84)
Sec. 015 Daily Burning Authorization Criteria (3–7–84)
Sec. 020 Repealed
Sec. 025 Civil Penalties (3–7–84)
Sec. 030 Repealed
Sec. 031 Burning by Public Agencies (Training Fires) (3–7–84)
Sec. 035 Experimental Burning (3–7–84)
Sec. 040 Emergency Burning, Cessation (3–7–84)
Sec. 045 Approved Alternative Methods of Burning (Propane Flaming) (3–7–84)

Division 27—Air Pollution Emergencies

Sec. 005 Introduction (5–20–88)
Sec. 010 Episode State Criteria for Air Pollution Emergencies (5–20–88)
Sec. 012 Special Conditions (5–20–88)
Sec. 015 Source Emission Reduction Plans (10–24–83)
Sec. 020 Repealed
Sec. 025 Regional Air Pollution Authorities (10–24–83)
Sec. 035 Operation and Maintenance Manual (10–24–83)

Division 30—Specific Air Pollution Control Rules for the Medford-Ashland Air Quality Maintenance Area

Sec. 005 Purposes and Application (11–13–91)
Sec. 010 Definitions (11–13–91)
Sec. 012 Application (11–13–91)
Sec. 015 Wood Waste Boilers (11–13–91) except (3)(c)
Sec. 020 Veneer Dryer Emission Limitations (1–28–80)
Sec. 021 Veneer Dryer Emission Limitations (11–13–91)
Sec. 025 Air Conveying Systems (9–7–89)
Sec. 030 Wood Particle Dryers at Particleboard Plants (11–13–91)
Sec. 031 Hardwood Manufacturing Plants (5–6–81)
Sec. 035 Wigwam Waste Burners (10–29–80)
Sec. 040 Charcoal Producing Plants (9–7–89)
Sec. 043 Control of Fugitive Emissions [Medford-Ashland Only] (11–13–91)
Sec. 044 Requirement for Operation and Maintenance Plans [Medford-Ashland Only] (11–13–91)
Sec. 045 Compliance Schedules (9–7–89)
Sec. 046 Emission Limits Compliance Schedules (11–13–91)
Sec. 050 Continuous Monitoring (11–13–91)
Sec. 055 Source Testing (11–13–91)
Sec. 060 Repealed
Sec. 065 New Sources (11–13–91)
Sec. 067 Rebuilt Sources (11–13–91)
Sec. 070 Open Burning (4–7–78)
Sec. 115 Dual Fuel Feasibility Study for Wood-Waste Boilers (11–13–91)
Sec. 200 Application (11–13–91)
Sec. 205 Compliance Schedule for Existing Sources (11–13–91)
Sec. 210 Woodwaste Boilers (11–13–91)
Sec. 215 Wood Particle Dryers At Particleboard Plants (11–13–91)
Sec. 220 Hardboard Manufacturing Plants (11–13–91)
Sec. 225 Air Conveying Systems (11–13–91)
Sec. 230 Fugitive Emissions (11–13–91)

Division 31—Ambient Air Quality Standards

Sec. 005 Definitions (3–1–72)
Sec. 010 Purpose and Scope of Ambient Air Quality Standards (3–1–72)
Sec. 015 Suspended Particulate Matter (3–1–72)
Sec. 020 Sulfur Dioxide (3–12–72)
Sec. 025 Carbon Monoxide (3–1–72)
Sec. 030 Ozone (1–29–82)
Sec. 035 Hydrocarbons (3–1–72)
Sec. 040 Nitrogen Dioxide (3–1–72)
Sec. 045 Repealed
Sec. 050 Repealed
Sec. 055 Ambient Air Quality Standard for Lead (1–21–83)

Prevention of Significant Deterioration

Sec. 100 General (6–22–79)
Sec. 110 Ambient Air Increments (6–22–79)
Sec. 115 Ambient Air Ceilings (6–22–79)
Sec. 120 Restrictions on Area Classifications (6–22–79)
Sec. 125 Repealed
Sec. 130 Redesignation (6–22–79)

Division 34—Residential Wood Heating

Sec. 001 Purpose (11–13–91)
Sec. 005 Definitions (11–13–91)
Sec. 010 Requirements for Sale of Woodstoves (11–13–91)
Sec. 015 Exemptions (11–13–91)
Sec. 020 Civil Penalties (11–13–91)
Sec. 050 Emission Performance Standards & Certification (11–13–91)
Sec. 055 Efficiency Testing Criteria & Procedures (11–13–91)
Sec. 060 General Certification Procedures (11–13–91)
Sec. 065 Changes in Woodstove Design (11–13–91)
Sec. 070 Labelling Requirements (11–13–91)
Sec. 075 Removable Label (11–13–91)
Sec. 080 Label Approval (11–13–91)
Sec. 085 Laboratory Accreditation Requirements (11–13–91)
Sec. 090 Accreditation Criteria (11–13–91)
Sec. 095 Application for Laboratory Efficiency Accreditation (11–13–91)
Sec. 100 On-Site Laboratory Inspection and Stove Testing Proficiency Demonstration (11–13–91)
Sec. 105 Accreditation Application Deficiency, Notification and Resolution (11–13–91)
Sec. 110 Final Department Administrative Review and Certification of Accreditation (11–13–91)
Sec. 115 Revocation and Appeals (11–13–91)
Sec. 150 Applicability (11–13–91)
Sec. 155 Determination of Air Stagnation Conditions (11–13–91)
Sec. 160 Prohibition on Woodburning During Periods of Air Stagnation (11–13–91)
Sec. 165 Public Information Program (11–13–91)
Sec. 170 Enforcement (11–13–91)
Sec. 175 Suspension of Department Program (11–13–91)
Sec. 200 Applicability (11–13–91)
Sec. 210 Removal and Destruction of Uncertified Stove Upon Sale of Home (11–13–91)
Sec. 215 Home Seller's Responsibility to Disclose (11–13–91)

3.2 Lane Regional Air Pollution Authority Regulations

Title 11 Policy and General Provisions

11–005 Policy (10–9–79)
11–010 Construction and Validity (10–9–79)

Title 12 General Duties and Powers of Board and Director

12–005 Authority of the Agency (11–8–83)
12–010 Duties and Powers of the Board of Directors (11–8–83)
12–020 Duties and Function of the Director (11–8–83)
12–025 Conflict of Interest (9–9–88)
12–035 Public Records and Confidential Information (11–8–83)

Title 14 Definitions (7–12–88)

Title 15 Enforcement Procedure and Civil Penalties

15–001 Policy (5–25–90)
15–005 Definitions (5–25–90)
15–010 Consolidation of Proceedings (5–25–90)
15–015 Notice of Violation (5–25–90)
15–020 Enforcement Actions (5–25–90)
15–025 Civil Penalty Schedule Matrices (5–25–90)
15–030 Civil Penalty Determination Procedure (Mitigating and Aggravating Factors) (5–25–90)
15–035 Written Notice of Assessment of Civil Penalty—When Penalty Payable (5 25–90)

15–040 Compromise or Settlement of Civil Penalty by Director (5–25–90)
15–045 Stipulated Penalties (5–25–90)
15–050 Air Quality Classification of Violation (5–25–90)
15–055 Scope of Applicability (5–25–90)
15–060 Appeals (5–25–90)

Title 32 Emission Standards

32–005 General (9–14–82)
32–010 Restriction on Emission of Visible Air Contaminants; Including Veneer Dryers (9–14–82)
32–025 Exceptions—Visible Air Contaminant Standards (9–14–82)
32–030 Particulate Matter Weight Standards (9–14–82)
32–035 Particulate Matter Weight Standards-Existing Sources (9–14–82)
32–040 Particulate Matter Weight Standards-New Sources (9–14–82)
32–045 Process Weight Emission Limitations (9–14–82)
32–055 Particulate Matter Size Standard (9–14–82)
32–060 Airborne Particulate Matter (9–14–82)
32–065 Sulfur Dioxide Emission Limitations (9–14–82)
32–100 Plant Site Emission Limits Policy (9–14–82)
32–101 Requirement for Plant Site Emission Limits (9–14–82)
32–102 Criteria for Establishing Plant Site Emission Limits (9–14–82)
32–103 Alternative Emission Controls (Bubble) (9–14–82)
32–104 Temporary PSD Increment Allocation (11–8–83)
32–800 Air Conveying Systems (1–8–85)
32–990 Other Emissions (11–8–83)

Title 33 Prohibited Practices and Control of Special Classes

33–020 Incinerator and Refuse Burning Equipment (5–15–79)
33–025 Wigwam Waste Burners (5–15–79)
33–030 Concealment and Masking of Emissions (5–15–79)
33–045 Gasoline Tanks (5–15–79)
33–055 Sulfur Content of Fuels (5–15–79)
33–060 Board Products Industries (5–15–79)
33–065 Charcoal Producing Plants (5–15–79)
33–070 Kraft Pulp Mills (9–14–82)

Title 34 Air Contaminant Discharge Permits

34–001 General Policy and Discussion (1–9–90)
34–005 Definitions (1–9–90)
34–010 General Procedures for Obtaining Permits (1–9–90)
34–015 Special Discharge Permit Categories (1–9–90)
34–020 Discharge Permit Duration (1–9–90)
34–025 Discharge Permit Fees (1–9–90)
34–030 Source Emission Tests (1–9–90)
34–035 Upset Conditions (1–9–90)
34–040 Records (1–9–90)
34–045 General Procedures for Registration (1–9–90)
34–050 Compliance Schedules for Existing Sources Affected by New Rules (1–9–90)

Title 38 New Source Review

38–001 General Applicability (7–12–88)
38–005 Definitions (7–12–88)
38–010 General Requirements for Major Sources and Major Modifications (7–12–88)
38–015 Additional Requirements for Major Sources or Major Modifications Located in Nonattainment Areas (7–12–88)
38–020 Additional Requirements for Major Sources or Major Modifications in Attainment or Unclassified Areas (Prevention of Significant Deterioration) (7–12–88)
38–025 Exemptions for Major Sources and Major Modifications (7–12–88)
38–030 Baseline for Determining Credits for Offsets (7–12–88)
38–035 Requirements for Net Air Quality Benefit for Major Sources and Major Modifications (7–12–88)
38–040 Emission Reduction Credit Banking (7–12–88)
38–045 Requirements for Non-Major Sources and Non-Major Modifications (7–12–88)
38–050 Stack Height and Dispersion Techniques (7–12–88)

Title 47 Rules for Open Outdoor Burning

47–001 General Policy (8–14–84)
47–005 Statutory Exemptions from These Rules (8–14–84)
47–010 Definitions (8–14–84)
47–015 Open Burning Requirements (8–14–84)
47–020 Letter Permits (8–14–84)
47–025 Records and Reports (8–14–84)
47–030 Summary of Seasons, Areas, and Permit Requirements for Open Outdoor Burning (8–14–84)

Title 50 Ambient Air Standards

50–005 General (7–12–88)
50–015 Suspended Particulate Matter (7–12–88)
50–025 Sulfur Dioxide (7–12–88)
50–030 Carbon Monoxide (7–12–88)
50–035 Ozone (7–12–88)
50–040 Nitrogen Dioxide (7–12–88)
50–045 Lead (7–12–88)

Title 51 Air Pollution Emergencies

51–005 Introduction (7–12–88)
51–010 Episode Criteria (7–12–88)
51–015 Emission Reduction Plans (7–12–88)
51–020 Preplanned Abatement Strategies (7–12–88)
51–025 Implementation (7–12–88)

4. Control Strategies for Nonattainment Areas (1–86)

4.1 Portland-Vancouver AQMA—Total Suspended Particulate (12–19–80)
4.2 Portland-Vancouver AQMA—Carbon Monoxide (7–16–82)
4.3 Portland-Vancouver AQMA—Ozone (7–16–82)
4.4 Salem Nonattainment Area—Carbon Monoxide (7–79)
4.5 Salem Nonattainment Area—Ozone (9–19–80)
4.6 Eugene-Springfield AQMA—Total Suspended Particulate (1–30–81)
4.7 Eugene-Springfield AQMA—Carbon Monoxide (6–20–79)
4.8 Medford-Ashland AQMA—Ozone (1–85)
4.9 Medford-Ashland AQMA—Carbon Monoxide (8–82)
4.10 Medford-Ashland AQMA—Particulate Matter (4–83)
4.11 Grants Pass Nonattainment—Carbon Monoxide (10–84)

5. Control Strategies for Attainment and Nonattainment Areas (1–86)

5.1 Statewide Control Strategies for Lead (1–83)
5.2 Visibility Protection Plan (10–24–86)
5.3 Prevention of Significant Deterioration (1–86)

6. Ambient Air Quality Monitoring Program

6.1 Air Monitoring Network (1–86)
6.2 Data Handling and Analysis Procedures (1–86)
6.3 Episode Monitoring (1–86)

7. Emergency Action Plan (1–86)

8. Public Involvement (1–86)

9. Plan Revisions and Reporting (1–86)

OAR Chapter 629–43–043 Smoke Management Plan Administrative Rule (12–12–86)

Directive 1–4–1–601 Operational Guidance for the Oregon Smoke Management Program (12–86)

[FR Doc. 93–4158 Filed 2–22–93; 8:45 am]
BILLING CODE 6560–50–M

---

40 CFR Part 52

[NM–15–1–5622; FRL–4593–4]

Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Revision to the State Implementation Plan for Permit Streamlining for Qualified Internal Combustion Compressor Engines and Turbines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This document approves a revision to the New Mexico State Implementation Plan (SIP) to include Part Four of Air Quality Control Regulation (AQCR) 702—Source Class Permit Streamlining. The new provisions allow for a streamlined permitting procedure for certain internal combustion compressor engines and turbines which qualify. For these qualified sources, the new streamlining process shortens the time required to obtain a permit, providing an incentive to install air pollution control equipment to meet the emission limits specified for the sources in AQCR 702, Part Four. The permit streamlining process does not include major sources or any sources subject to Section 113 of the Clean Air Act, National Emissions Standards for Hazardous Air Pollutants

(NESHAP) or subject to New Mexico AQCR 702, Part Three—Permits for Toxic Air Pollutants, and the National Ambient Air Quality Standards (NAAQS), New Mexico Ambient Air Quality Standards (NMAAQS), and Prevention of Significant Deterioration (PSD) increments must be protected. In addition, all applicable Federal (including applicable New Source Performance Standards (NSPS)) and State regulations must continue to be met by the qualified sources. AQCR 702, Part Four, was filed with the State Records and Archives Center on May 12, 1992, and was submitted by the Governor to EPA by cover letter dated June 16, 1992.

DATES: This action will become effective on April 26, 1993 unless notice is received by March 25, 1993 that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least twenty-four hours before the visiting day.

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T–AP), 1445 Ross Avenue, Dallas, Texas 75202–2733.

Mr. Jerry Kurtzweg (ANR–443), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

New Mexico Environment Department, Air Quality Bureau, 1190 St. Francis Drive, room So. 2100, Santa Fe, New Mexico 87503.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Sather, Planning Section (6T–AP), Air Programs Branch, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, Telephone (214) 655–7258.

SUPPLEMENTARY INFORMATION: The State of New Mexico (New Mexico Environmental Improvement Board) adopted a new section to AQCR 702 (Permits), entitled Part Four—Source Class Permit Streamlining, on April 22, 1992. The new provisions allow for a streamlined permitting procedure for certain internal combustion (IC) compressor engines and turbines which qualify. The permit review process will take less time than normal permit processing under AQCR 702, Parts One and Two. Normal permit processing under AQCR 702, Parts One and Two, provides that the New Mexico Environment Department (Department) will process permits in 120 days, or 180 days if a public hearing is held. For qualified sources under AQCR 702, Part Four, the new streamlining process shortens the time required to obtain a permit, providing an incentive to install air pollution control equipment to meet the emission limits specified for the sources in AQCR 702, Part Four. It is important to note that the public notice requirements for the source class permit streamlining procedures for qualified internal combustion compressor engines and turbines in AQCR 702, Part Four, were met by the public hearing held on April 9, 1992. This allowed for a general source class category permit (i.e., for qualified internal combustion compressor engines and turbines only) to be reviewed by the public. The permit streamlining process does not include major sources, any sources subject to section 112 of the Clean Air Act NESHAP, or subject to New Mexico AQCR 702, Part Three—Permits for Toxic Air Pollutants, and the NAAQS, NMAAQS and PSD increments will be protected. In addition, all applicable Federal and State regulations must continue to be met by the qualified sources. AQCR 702, Part Two, Section O, entitled "Source Class Exemption Process (Permit Streamlining)", provides the authority for the development of Part Four. The latest revisions to Parts One and Two of AQCR 702 were approved by EPA pursuant to section 110 of the Federal Clean Air Act on November 12, 1991, at 56 FR 57492–57495. Part Three of AQCR 702, concerning permits for air toxics, has not been submitted to EPA for inclusion into the New Mexico SIP.

The Governor of New Mexico submitted Part Four of AQCR 702 to EPA by cover letter dated June 16, 1992. The intent of Part Four is to: (1) Expedite the processing of permit applications for those facilities which do not significantly impact the air quality of New Mexico; (2) improve air quality with technology incentives; (3) reduce nuisance complaints by restricting sources from locating near residential areas, recreational areas and schools; and (4) allow the State to focus more resources on other more substantial air quality management issues. AQCR 702, Part Four, covers only simple compressor stations in low emission areas which do not have significant air quality impacts. For sources qualifying under AQCR 702, Part Four, for permit streamlining, the 120 days time limit for permit processing is reduced to 60 days (90 days if a public hearing is held) or 30 days (for stations with de minimis air quality impacts). The provisions of AQCR 702, Part Four, discussed in detail in the Technical Support Document, are briefly outlined below.

Analysis of State Submission

1. Procedural Background

The Clean Air Act (Act) requires States to observe certain procedural requirements in developing implementation plans for submission to EPA. Section 110(a)(2) of the Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing. Section 110(l) of the Act similarly provides that each revision to an implementation plan submitted by a State under the Act must be adopted by such State after reasonable notice and public hearing.

The EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action (see section 110(k)(1) and 57 FR 13565). The EPA's completeness criteria for SIP submittals are set out at 40 CFR part 51, appendix V (1991), as amended by 56 FR 42216 (August 26, 1991). The EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by EPA six months after receipt of the submission.

The State of New Mexico held a public hearing on April 9, 1992, to entertain public comment on the proposed provisions to AQCR 702 for source class permit streamlining. Public comments of support for the provisions were received by the State. Following the public hearing and consideration of public comments, the SIP revision was adopted by the State and filed with the State Records and Archives Center on May 12, 1992. The SIP revision was submitted by the Governor to EPA by cover letter dated June 16, 1992.

The SIP revision was reviewed by EPA to determine completeness shortly after its submittal, in accordance with the completeness criteria set out at 40 CFR part 51, appendix V (1991). The submittal was found to be complete on September 16, 1992, and a letter dated September 16, 1992, was forwarded to the Governor indicating the completeness of the submittal and the next steps to be taken in the review process. As noted in today's action, EPA is approving this New Mexico SIP submittal because the provisions fully comply with Federal new source review requirements and will ensure

attainment and maintenance of the NAAQS and PSD increments.

2. Review of AQCR 702, Part Four

The State of New Mexico has adopted AQCR 702, Part Four, in order to provide a new section for permit streamlining. As previously cited, AQCR 702, Part Two, Section O, entitled "Source Class Exemption Process (Permit Streamlining)", provides the authority for the development of AQCR 702, Part Four. Section O of AQCR 702 allows permit streamlining with certain caveats. These caveats include no exemptions from PSD, nonattainment, NESHAPS, and NSPS requirements, include review and approval by EPA of specific streamlining provisions (i.e., AQCR 702, Part Four), include the requirement of substantial knowledge of the specific source classes proposed for streamlining, and include protection of all NAAQS and PSD increments. AQCR 702, Part Four, describes certain types of sources (in this case limited to reciprocating internal combustion engines including portable or temporary engines, and turbines) which could qualify for permit streamlining, and outlines permit streamlining requirements. The New Mexico Environment Department has substantial experience permitting these source classes, which have sufficiently common characteristics of operation, process technology, emissions, and emission control technology. The provisions of AQCR 702, Part Four, adequately meet the requirements outlined in section O of AQCR 702, Part Two, for a permit streamlining process (general source category permit process). For a detailed explanation of each subsection in AQCR 702, Part Four, being approved today, please refer to the Technical Support Document. A brief summary of the provisions is presented in the following paragraphs.

AQCR 702, Part Four, is applicable only for qualified reciprocating internal combustion engines, including portable or temporary engines, and for qualified turbines. Major stationary sources as defined by PSD and any source located in Bernalillo County or within 15 kilometers (km) of the County line, do not qualify for the streamlined permitting process under AQCR 702, Part Four. The qualified source must be remote, must be located outside of, or must not affect a nonattainment area, and must insignificantly affect ambient air quality. In addition, the source must comply with one of the following three criteria.

A. The total potential to emit of each regulated contaminant from all sources at the facility must be less than 40 tons per year; or

B. The total potential to emit of each regulated contaminant from all emission sources at the facility must be less than 100 tons per year and the impact on the ambient air from all sources at the facility must be less than ambient significance levels; or

C. (i) The maximum modeled ambient impact from the total potential emissions at the facility must be less than 50% of each applicable PSD increment (for those areas where the baseline has been triggered for the specific PSD increments) and State and Federal ambient air quality standards; and

(ii) There shall be no adjacent sources emitting the same regulated air contaminant(s) as the source within 2.5 km of the modeled nitrogen dioxide (NO_2) impact area; and

(iii) The sum of the potential emissions for nitrogen oxides (NO_x) from all adjacent sources within 15 km of the NO_2 impact area (determined by modeling) is less than 740 tons per year; and

(iv) The sum of the potential emissions for NO_x from all adjacent sources within 25 km of the NO_2 impact area (determined by modeling) is less than 1540 tons per year.

If a source qualifies for permit streamlining, special requirements apply. For both internal combustion engines and turbines, the gas fuel used shall be produced natural gas, sweet natural gas, liquid petroleum gas, or fuel gas. The gas must contain less than or equal to 0.1 grain of total sulfur per dry standard cubic foot. Liquid fuel shall not consist of any blends containing waste oils or solvents and shall contain less than 0.3% sulfur by weight. Internal combustion engines and turbines must also, within 90 days of initial start-up, perform NO_x and carbon monoxide performance tests. In addition, there are further special requirements for internal combustion engines operating with a nonselective catalytic converter.

The State of New Mexico also included a modeling demonstration in their SIP submittal which showed that the provisions of Part Four pertaining to qualified reciprocating internal combustion engines and turbines would attain and maintain all applicable ambient air quality standards and PSD increments for NO_2. All terrain situations were evaluated, and the ozone limiting algorithm was employed. The Industrial Source Complex Short-term (ISCST) and SCREEN models were used in the evaluation. Using conservative assumptions, the modeling results showed that the total adjacent source contribution would be less than 50% of either the PSD NO_2 increment (25 $\mu g/m^3$), New Mexico, or Federal Ambient Air Quality Standard for NO_2 (the New Mexico NO_2 24-hour average standard equals 168 $\mu g/m^3$ and the Federal NO_2 annual average standard equals 100 $\mu g/m^3$). The permit streamline process assures that the proposed source concentration is less than 50% of either the PSD increments or State or Federal Ambient Air Quality Standards.

Final Action

The EPA is today approving a revision to the New Mexico SIP to include Part Four of AQCR 702—Source Class Permit Streamlining. These provisions allow for a streamlined permitting procedure for qualified internal combustion compressor engines and turbines. The permit streamlining process does not include major sources or any sources subject to Section 112 of the Clean Air Act (National Emissions Standards for Hazardous Air Pollutants) or subject to New Mexico AQCR 702, Part Three—Permits for Toxic Air Pollutants, and the NAAQS, NMAAQS, and PSD increments will be protected. In addition, all applicable Federal (including NSPS) and State regulations must continue to be met by the qualified sources. AQCR 702, Part Four, was filed with the State Records and Archives Center on May 12, 1992, and was submitted by the Governor to EPA by cover letter dated June 16, 1992.

The EPA has reviewed these revisions to the New Mexico SIP and is approving them as submitted pursuant to Section 110 of the Clean Air Act. EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective April 26, 1993 unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective April 26, 1993.

EPA has reviewed this request for revision of the Federally-approved SIP

for conformance with the provisions of the 1990 Clean Air Act Amendments enacted on November 15, 1990. The EPA has determined that this action conforms with those requirements.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economical, and environmental factors, and in relation to relevant statutory and regulatory requirements.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410(a)(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 26, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. [See section 307(b)(2).]

Executive Order 12291

This action has been classified as a table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget (OMB) waived tables 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Note: Incorporation by reference of the SIP for the State of New Mexico was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 24, 1992.

B.J. Wynne,

Regional Administrator (6A).

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The Authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart GG—New Mexico

2. Section 52.1620 is amended by adding paragraph (c)(47) to read as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) * * *

(47) A revision to the New Mexico State Implementation Plan (SIP) to include Part Four of Air Quality Control Regulation 702, entitled "Source Class Permit Streamlining," as filed with the State Records and Archives Center on May 12, 1992, and submitted by the Governor of New Mexico by letter dated June 16, 1992.

(i) *Incorporation by reference.*

(A) New Mexico Air Quality Control Regulation 702—*Permits*, "Part Four—Source Class Permit Streamlining," Section A, "Definitions;" Section B, "Applicability;" Section C, "Contents of Application;" Section D, "Public Notice and Participation;" Section E, "Permit Decisions;" Section F, "General Requirements;" Section G, "Source Class Requirements;" and Table 2, "Permit Streamlining Source Class Categories," as filed with the State Records and Archives Center on May 12, 1992.

[FR Doc. 93–4156 Filed 2–22–93; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[TN–097–5645 and 091–1–5420; FRL–4592–5]

Approval and Promulgation of Implementation Plans; Tennessee: Approval of Source-Specific Revisions to Refined Metals Permit in Memphis-Shelby County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA approves operating permits for Refined Metals located in Memphis-Shelby County, Tennessee, which were officially submitted by the State on July 3, 1991, and June 15, 1992. The revised permit provisions reduce total lead emissions by 4.14 tons per year, thereby setting allowable lead emissions at 3.5 tons per year.

DATES: This action will be effective April 26, 1993, unless notice is received within 30 days that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the material submitted by Memphis-Shelby County, Tennessee, may be examined during normal business hours at the following locations:

Public Information Reference Unit, ATTN: Jerry Kurtzweg (AN–443), Environmental Protection Agency, 401 M Street, SW., Washington DC 20460.

Region IV Air Programs Branch, Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30365.

Division of Air Pollution Control, Tennessee Department of Conservation and Environment, L&C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243–1531.

Air Pollution Control Section, Memphis-Shelby County Health Department, 814 Jefferson Avenue, room 347, Memphis, Tennessee 38105.

FOR FURTHER INFORMATION CONTACT: Leslie Cox of the EPA Region IV Air Programs Branch at 404–347–2864 and at the above address.

SUPPLEMENTARY INFORMATION: On July 3, 1991, the State of Tennessee, through

the Tennessee Department of Conservation and Environment, officially submitted permits for the four processes at Refined Metals located in Memphis-Shelby County—one each for the battery receiving and breaking, the reverberatory furnace, the blast furnace/dust furnace, and the refining kettles/casting area. On April 23, 1992, the Memphis-Shelby County Health Department requested that the permits for the reverberatory furnace and the blast furnace/dust furnace submitted on July 3, 1991, be replaced with a single permit. On June 15, 1992, the State of Tennessee, through the Department of Environment and Conservation, submitted a revised permit for the blast furnace and reverbatory furnace. These modifications to the operating permits for Refined Metals were made as a result of the desire of the company to increase production through their blast furnace while shutting down their reverberatory furnace.

The original permits for the blast furnace and the reverbatory furnace at the Refined Metals plant allowed lead emissions, in aggregate, of 7.64 tons per year. The revised permits for the blast furnace/dust furnace allows Refined Metals to increase production through its blast furnace, while prohibiting the operation of the reverberatory furnace. Although oxygen will be added to the combustion air on the blast furnace to increase the melting rate, lead emissions will not increase because they will be offset by the shutdown of the reverberatory furnace. The increase in metal output per quarter equals the increase in processed weight rate (PWR). This change reduces the plant's total lead emissions by 4.14 tons per year. The modified Refined Metals' operating permits are being incorporated into the SIP in order to make it, as well as the shutdown of the reverbatory furnace, federally enforceable.

On November 6, 1991, EPA published a **Federal Register** notice designating Shelby County as one of the areas that does not meet the National Ambient Air Quality Standards (NAAQS) for lead.

This designation became effective on January 6, 1992. Upon designation, Tennessee was notified that it had 18 months (July 1993) to submit a lead State Implementation Plan (SIP) for the Refined Metals nonattainment area.

Although the revised Refined Metals permit was not submitted to EPA to satisfy the lead SIP requirements, the resulting emissions reduction is a significant step toward reducing the lead emissions in Shelby County. Additional air quality modeling data may demonstrate that further modifications to the operating permits for Refined Metals are necessary. Today's notice, incorporating the three operating permits of Refined Metals into the SIP, does not preclude the Memphis-Shelby County Air Pollution Control Section from requiring future reductions from the source.

Final action: EPA is today approving the Refined Metals operating permits as a revision to the Memphis portion of the Tennessee SIP. The permits are consistent with Agency requirements. This action is being taken without prior proposal because the changes are noncontroversial and EPA anticipates no significant comments on them. The public should be advised that this action will be effective 60 days from date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Act, 42 U.S.C. 7607(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 26, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. [See section 307(b)(2) of the Act, 42 U.S.C. 7607(b)(2).]

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule or small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under Section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of State action.

The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410(a)(2).

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Reporting and recordkeeping requirements.

Dated: January 14, 1993.

D. Guinyard,

Acting Regional Administrator.

Part 52 of chapter I, title 40 of the Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671(q).

Subpart RR—Tennessee

2. Section 52.2220 is amended by adding paragraph (c)(108) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

(108) Revisions to the Memphis-Shelby County portion of the Tennessee

SIP submitted on July 3, 1991, and June 15, 1992, by the State of Tennessee through the Tennessee Air Pollution Control Board.

(i) *Incorporation by reference.*

(A) Permit for battery receiving and breaking operation for Refined Metals Corporation which became effective on June 12, 1991: Permit No. 0212–01P.

(B) Permit for the refining kettles/casting area for Refined Metals Corporation which became effective on June 12, 1991: Permit No. 0212–04P.

(C) Permit for the blast furnace/dust furnace for Refined Metals Corporation which became effective on June 10, 1992: Permit No. 0212–03P(R).

(ii) *Other material.*

(A) None.

[FR Doc. 93–4159 Filed 2–22–93; 8:45 am]
BILLING CODE 6560–50–M

---

40 CFR Part 52

[VA 4–1–5689; A–1–FRL–4596–1]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Issuance of Federally Enforceable Operating Permits Under the State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This revision would add Subsection 120–08–04, entitled, Permits—Operating, Part VIII—Permits for Stationary Sources, Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution to the Virginia SIP. The intended effect of this action is to approve a SIP revision request by the Commonwealth of Virginia to approve and incorporate regulations for the issuance of federally enforceable operating permits. This action is being taken under section 110 of the Clean Air Act.

EFFECTIVE DATE: This action will become effective March 25, 1993.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; and the Virginia Department of Air Pollution Control, P.O. Box 10089, Richmond, Virginia 23240.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, (215) 597–4713.

SUPPLEMENTARY INFORMATION: On July 18, 1991, the Virginia Department of Air Pollution Control (VDAPC) submitted a revision to the Commonwealth of Virginia's State Implementation Plan (SIP) for the approval and incorporation of regulations for the issuance of federally enforceable operating permits. The revision consists of the addition of Subsection 120–08–04, entitled, Permits—Operating, Paragraphs A.—S., Part VIII—Permits for Stationary Sources, Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution.

The Commonwealth of Virginia adopted these regulations in order to have the authority to issue federally enforceable operating permits under its SIP. It must be clearly noted that the Commonwealth of Virginia did not adopt the operating permit regulations of Subsection 120–08–04 or submit them as a SIP revision to satisfy the requirements of title V of the Clean Air Act Amendments of 1990 (CAAA). The Commonwealth commenced the adoption of Subsection 120–08–04 in July of 1990, prior to the passage of the CAAA on November 15, 1990. The formal letter dated July 18, 1991, officially submitting the Commonwealth's SIP revision request, clearly indicates that the Subsection 120–08–04 operating permit regulations were not submitted to meet the title V requirements of the CAAA.

Note: EPA has promulgated the requirements for State Operating Permit Programs pursuant to title V on July 21, 1992 at 40 CFR part 70, (57 FR 32250). The Commonwealth's July 18, 1991 submittal correctly states that the operating permit program required by title V of the CAAA is not due to EPA until November 15, 1993, and that EPA has a year to take action on that title V operating permit program submittal.

The Commonwealth's principal purpose for adopting the operating permit regulations of subsection 120–08–04 is to have a federally enforceable means of expeditiously reducing allowable emissions and/or mitigating the air quality impacts from existing sources to protect the national ambient air quality standards (NAAQS) while allowing for the construction, and operation of new and modified industrial sources in the Commonwealth.

The modeling analyses required by the permitting process for new and modified sources reveals, at times, that the allowable emissions (although not necessarily the actual emissions) of existing sources cause or significantly contribute to violations of the NAAQS. Until this is remedied by federally enforceable measures, a new source or modification which would significantly impact the same area may not be allowed to operate. Unless the SIP expressly provides for the issuance of federally enforceable operating permits, the only mechanism available to impose federally enforceable requirements on an existing source is by a source-specific SIP revision. The Commonwealth adopted the regulations of subsection 120–08–04 for incorporation into its SIP to have a more expeditious means to impose federally enforceable requirements on existing sources for protection of the NAAQS, and to manage its air quality resources by providing for the construction and operation of new sources in Virginia

Background

On June 28, 1989 (54 FR 27285), EPA promulgated amendments to 40 CFR part 51, subsection 51.165 (a)(1)(xiv), the definition of the term "federally enforceable" to include all limitations and conditions of regulations approved pursuant to 40 CFR part 51, including operating permits issued under an EPA-approved program that is incorporated into the State Implementation Plan and expressly requires adherence to any permit issued under that program. In the same **Federal Register**, cited above, EPA provides its rationale for allowing States to incorporate regulatory programs in their SIPs for the issuance of federally enforceable operating permits. That notice also lists five criteria for approval of State operating permit programs (54 FR 27282), clearly stating that EPA considers operating permits as federally enforceable if they are issued pursuant to permitting programs (approved into the SIP) that meet the five criteria.

On September 21, 1992 (57 FR 43425), EPA published a notice of proposed rulemaking (NPR) which provided a detailed discussion of each of the five criteria, Virginia's regulation, and EPA's rationale for proposing approval of that regulation. That information will not be restated here. EPA is solicited public comments on the issues discussed in the NPR and on other relevant matters. EPA received one letter which offered three comments.

EPA's Responses to Public Comments Received on the NPR

Although the NPR stated that public comments must be received by October 21, 1992, Virginia Power submitted a letter of comment dated October 21 which was received by EPA on October 27, 1992. Although they were received after the close of public comment period, EPA considered the comments received from Virginia Power. Virginia Power commented that EPA should not

approve Virginia's SIP revision request because:

(1) Confusion and problems with legal technicalities would arise from the conversion of the "interim permit program" to a title V program,

(2) The VADAPC lacks the resources to implement the program, and

(3) It would impair the flexibility under current regulations to change fuel specifications and increase utilization of generating facilities which would be inconsistent with the intent to title IV of the CAAA.

EPA does not agree with the comments made by Virginia Power for the following reasons:

(1) The Commonwealth adopted and submitted subsection 120–08–04 as a SIP revision prior to enactment of the CAAA of 1990 which established the title V operating permit program requirements. The VADAPC has clearly stated that subsection 120–08–04 was neither adopted by the Commonwealth nor submitted to EPA to satisfy the requirements of title V of the CAAA. Unlike the operating permit program required by title V of the CAAA, it is an operating permit program established in the SIP to provide the Commonwealth an expeditious means of imposing federally enforceable conditions on existing sources of criteria air pollutants (criteria air pollutants are those for which NAAQS have been established). EPA finds no reason to consider it an "interim permit program." Further EPA finds no reason to believe that the approval of subsection 120–08–04 will interfere with the ability of the Commonwealth to develop and adopt regulations to satisfy title V of the CAAA or the ability of sources to comply with those regulations.

(2) Currently when the VADAPC finds that an existing source's SIP allowable emissions would cause a violation of a NAAQS, the only means available to impose federally enforceable conditions to reduce the source's impact is via a source-specific SIP revision. That process is more lengthy and resource-intensive than the process for issuing an operating permit under subsection 120–08–04.

(3) The provisions of subsection 120–08–04, in and of themselves, do not impair sources' flexibility to change fuel specifications and/or increase utilization of generating facilities. Sufficient flexibility exists in the provisions of subsection 120–08–04 for sources to implement the provisions of title IV of the CAAA as intended. Subsection 120–08–04 is absolute in requiring that no operating permit be issued with standards or conditions which would result in a violation of a NAAQS. This is in no way inconsistent with the intent of title IV of the CAAA. The flexibility provided for implementation of title IV does not extend to allowing operating scenarios which would cause NAAQS violations.

Final Action: EPA is approving the July 18, 1989 request by the Commonwealth of Virginia to amend its SIP to add Subsection 120–08–04, entitled, Permits—Operating, Part VIII, Permits for Stationary Sources, Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution.

The Agency has reviewed this request for revision of the federally-approved State implementation plan for conformance with the provisions of the 1990 amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action approving Virginia's operating permit regulation, subsection 120–08–04, as a SIP revision must be filed in the United States Court of Appeals for the appropriate circuit by April 26, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not effect the finality of the rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur Oxides.

Authority: 42 U.S.C. 7401–7671.

Dated: February 3, 1993.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

40 CFR part 52 of chapter I, title 40 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart VV—Virginia

2. Section 52.2420 is amended by adding paragraph (c)(94) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(94) Addition of Section 120–08–04 (Permits—operating) to Part VIII of the Virginia Regulations for the Control and Abatement of Air Pollution submitted on July 18, 1991 by the Virginia Department of Air Pollution Control:

(i) *Incorporation by reference.*

(A) Letter of July 18, 1991 from the Virginia Department of Air Pollution Control transmitting a revision to the Virginia State Implementation Plan.

(B) Regulation 120–08–04 (Permits—operating) of Part VIII, Virginia Regulations for the Control and Abatement of Air Pollution, effective July 1, 1991.

(ii) *Additional material.*

(A) Remainder of July 18, 1991 State submittal.

* * * * *

[FR Doc. 93–4160 Filed 2–22–93; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

46 CFR Parts 525 and 530

[Docket No. 92–29]

Free Time and Demurrage Charges on Import Property at the Port of New York; Truck Detention at the Port of New York

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission is removing its rules on free time and demurrage charges on import property at the port of New York ("Port") and suspending its rules on truck detention at the Port. Significant changes that have occurred in the handling of cargoes between ocean carriers and motor carriers at the Port since these rules were adopted, and current conditions at the Port, appear to have rendered the existing regulations unnecessary. The suspension of the truck detention rules will allow the Commission to re-evaluate the proposal to remove them after a period of one year.

EFFECTIVE DATES: 46 CFR part 525 is removed effective February 23, 1993. 46 CFR part 530 is suspended indefinitely effective February 23, 1993.

FOR FURTHER INFORMATION CONTACT: Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, Washington, DC 20573, (202) 523–5796.

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission ("Commission") initiated this proceeding by publishing a Notice of Proposed Rulemaking in the **Federal Register** on October 14, 1992 (57 FR 47025) ("NPR"). The NPR solicited comment on a proposal to remove 46 CFR part 525, Free Time and Demurrage Charges on Import Property at the Port of New York and 46 CFR part 530, Truck Detention at the Port of New York.

No comments were filed with respect to part 525. The only filing with respect to part 530 was received from the New Jersey Motor Truck Association ("Association"). The Association claims that there is a continuing need for part 530, and that the removal of part 530 would have detrimental effects on independent motor carriers. The Association submits that the problems addressed by part 530 do not relate to the efficiency of intermodal operations. It argues that the rule protects independent motor carriers from potential discriminatory behavior, and its resultant anticompetitive effects, on the part of ocean carriers and terminal operators.[1]

The Association also takes exception to the Commission's assertion that those facing transportation-related obstacles to efficient operation had recourse to other agencies, such as the Federal Highway Administration. Independent motor carriers are said not to have the financial resources to petition another agency to assume the regulatory program now contained in part 530.

While the Association asserts that certain benefits result from part 530, it has neither offered specific examples of such benefits nor provided an explanation of the unique circumstances at the Port which would require special Federal regulation. For these reasons, the record does not appear to justify retention of the rule, or even provide a basis for the Association's request for a hearing.

However, in light of the Association's assessment that removal of the rule would detrimentally affect motor carriers, the Commission has determined to suspend the rule at this time rather than remove it. While the suspension is for an indefinite period, the Commission intends to review the matter after a year's experience without the rule. Interested parties may then offer comments on whether the rule should be retained or removed. Such comments must be submitted no later than one year after the date of the rule's suspension. Comments should include detailed factual support for the position being espoused and not merely state a preferred disposition of the matter.

As noted above, the Commission did not receive any comments on the proposed removal of part 525. The Commission notes that part 525 does not apply to containerized cargo and that such cargo now comprises the majority of liner cargo movements into the Port. Therefore, it would appear that the underlying conditions that existed when part 525 was promulgated have fundamentally changed and retention of the rule is no longer necessary.

In summary, the final rule removes 46 CFR part 525 and suspends 46 CFR part 530.

Although the Commission, as an independent regulatory agency, is not subject to Executive Order 12291, dated February 17, 1981, it has nonetheless reviewed this final rule in terms of this Order and has determined that the rule is not a "major rule" because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effect on competition, employment, investment, productivity, innovations, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that the final rule will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units or small governmental organizations. The Commission does not believe that the removal of part 525 and suspension of part 530 for the reasons set forth above will result in either significant impact or impact upon a substantial number of small entities.

This final rule does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1980, as amended. Therefore, OMB review is not required.

List of Subjects

46 CFR Part 525

Freight, Harbors, Maritime carriers, Motor carriers, Penalties, Reporting and recordkeeping requirements.

46 CFR Part 530

Freight, Harbors, Maritime carriers, Motor carriers, Penalties, Reporting and recordkeeping requirements.

Therefore, pursuant to 5 U.S.C. 553; sections 17 and 43 of the Shipping Act, 1916 (46 U.S.C. app. 816, 841(a)); sections 10 and 17 of the Shipping Act of 1984 (46 U.S.C. app. 1709, 1716); parts 525 and 530 of title 46 of the Code of Federal Regulations are amended as follows:

PART 525—[REMOVED]

Part 525 is removed.

PART 530—TRUCK DETENTION AT THE PORT OF NEW YORK

Part 530 is suspended indefinitely.

* * * * *

By the Commission.[*]

Joseph C. Polking,

Secretary.

[FR Doc. 93–4047 Filed 2–22–93; 8:45 am]

BILLING CODE 6730–01–M

[1] The Association also sought a hearing and additional time within which to compile and submit further comments with respect to the removal of part 530. The Association's request for extension of time did not receive the number of votes necessary for approval. Its request for a hearing is denied.

[*] Chairman Koch not participating.

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 107 and 171

[Docket No. HM–208; Notice No. 93–6]

RIN 2137–AB43

Hazardous Materials Transportation; Registration and Fee Assessment Program

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Filing requirements.

SUMMARY: The Hazardous Materials Registration Program is now in effect. Persons who transport or offer for transportation certain hazardous materials are required to annually file a registration statement and pay a fee to the Department of Transportation.

FOR FURTHER INFORMATION CONTACT: David W. Donaldson, Office of Hazardous Materials Planning and Analysis (202–366–4109), Hazardous Materials Safety, 400 Seventh Street SW., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: This notice is intended to serve as a further notification to persons who transport or offer for transportation certain hazardous materials of an annual requirement to register with the Department of Transportation. A final rule implementing this requirement was published in the **Federal Register** on July 9, 1992 (57 FR 30620–20633), a clarification on July 28, 1992 (57 FR 33416–33417), editorial revisions on August 21, 1992 (57 FR 37900–37902), and a formal interpretation of the terms "offeror" and "transporter" on October 28, 1992 (57 FR 48739–48741). The final rule required that after September 15, 1992, each person, as defined by the Hazardous Materials Transportation Act, who engages in any of the specified activities relating to the transportation of hazardous materials register annually with the Department of Transportation and pay a fee. Proceeds will be used to fund grants to State and Indian tribal governments for emergency response planning and training.

The persons affected by this rule include those who offer or transport in commerce any of the following materials:

A. Any highway route-controlled quantity of a Class 7 (radioactive) material;
B. More than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container;
C. More than one liter (1.06 quarts) per package of a material extremely toxic by inhalation (Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A);
D. A hazardous material in a bulk packaging having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids; or
E. A shipment of 2,268 kilograms (5,000 pounds) gross weight or more (in other than a bulk packaging) of a class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class.

The requirement that a copy of the registration certificate, or another document carrying the Registration Number, be carried in each motor vehicle transporting a covered hazardous material is now in effect.

These registration regulations are now in effect. Any person engaging in any of the specified activities who has not filed a registration statement and paid the associated fee of $300.00 should contact RSPA to obtain the required form (DOT F 5800.2). Persons who engage (or have engaged since September 16, 1992) in any of the specified activities but fail to register for the registration year in which that activity occurred are subject to civil penalties for each day a covered function is performed. The legal obligation to register for a year in which any of the specified activities was conducted does not end with the registration year. Registration after the completion of a registration year may also involve the imposition of a late fee and interest in addition to a civil penalty.

The 1992–93 registration year ends on June 30, 1993. The 1993–94 registration year will commence on July 1, 1993, and end on June 30, 1994. Persons who register during the 1992–93 year will be sent a registration statement form and explanatory information in April 1993 by RSPA. Others wishing to obtain the form and any other information relating to this program should contact the program number given above. RSPA will accept 1993–94 registrations beginning April 15, 1993. Registrants should use the 1993–94 registration statement form, which incorporates several revisions from the 1992–93 form. Registrants should file a registration statement and pay the associated fee in advance of July 1, 1993. They need to ensure that a 1993–94 Registration Number has been provided by that date to comply with the recordkeeping requirements, including the requirement that the number be made available on board each truck and truck tractor (not including trailers and semi-trailers) used to transport hazardous materials subject to the registration requirements. A Certificate of Registration is generally mailed within three weeks of RSPA's receipt of a Registration Statement.

Dated: February 16, 1993.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 93–4040 Filed 2–22–93; 8:45 am]

BILLING CODE 4910–60–M

49 CFR Part 198

[Docket No. PS–119; Amdt. 198–1]

RIN 2137–AC12

Allocation Formula for State Grants

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: This final rule codifies the formula for allocating federal pipeline safety grants to states. Codification is particularly appropriate at this time, as the formula is undergoing major revision to make it predominantly performance based. Formula revisions are being phased in over several years, allowing states time to take steps to meet performance factors. These factors cover state field operations as well as procedural compliance with federal requirements. A particularly critical component of performance is state assumption of safety jurisdiction over all intrastate pipeline facilities subject to the minimum federal pipeline safety regulations. A performance-based formula should lead to improved program effectiveness and, ultimately, to increased public safety.

EFFECTIVE DATE: This rule takes effect March 25, 1993.

FOR FURTHER INFORMATION CONTACT: G. Tom Fortner, 202–366–4564, or Karen Sagett, 202–366–4577.

SUPPLEMENTARY INFORMATION:

Background

The Natural Gas Pipeline Safety Act of 1968 (NGPSA), as amended, and the Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA), as amended, authorize DOT to provide up to 50 percent of the cost of personnel, equipment, and activities reasonably required by a state to carry out a pipeline safety program. From 1971 through 1980, grant appropriations were sufficient to fund 50 percent of each state's program

request. In 1981 and subsequent years, requests exceeded appropriations, and methods of allocation were developed to support state programs with the funds available. (A detailed description of the formula between 1981 and 1990 appears in an Advance Notice of Proposed Rulemaking (ANPRM), Allocation Formula for State Grants, published in the February 25, 1991, **Federal Register** (56 FR 7636).)

Initially, funds were allocated to assure all states adopted the minimum federal pipeline safety regulations and had basic programs in place. In 1985, a factor was added to the allocation formula as an incentive to encourage states to improve state program performance and to take on more responsibility for pipeline safety. This performance factor accounted for 20 percent of the grant allocation. In 1986, the performance factor was increased to 25 percent, and in 1992 it was further increased to 50 percent.

The February 25, 1991, ANPRM solicited ideas on revising the allocation formula to encourage states to enhance pipeline safety, improve the effectiveness of their programs, and assume jurisdictional responsibility over all intrastate pipeline operators. The ANPRM specifically requested comments on the best mix of performance factors and appropriate weights to be assigned to each. Additionally, the ANPRM sought reaction to issues such as defining a minimum level of performance, protecting states from an abrupt drop in funding, and phasing in the revised formula. Fourteen comments were received in response to the ANPRM. Thirteen of the 14 were from state agencies and one was from a trade association. Eleven of the 14 were generally supportive of revising the allocation formula. Of the remaining three, two said the current system of allocating the funds seemed reasonable and should be continued. The other commenter wanted to return to the formula first used in 1981.

RSPA issued a Notice of Proposed Rulemaking (NPRM) on March 4, 1992, (57 FR 7705), which (1) summarized the 14 comments received in response to the ANPRM, (2) proposed an approach for phasing in a performance-based allocation formula over a multi-year period, and (3) proposed language to codify the grant allocation formula. The NPRM described the proposed allocation formula for use in 1992 and 1993 in some detail. In contrast, proposed language to be included in the regulation was general, since RSPA is still refining objective performance yardsticks that take into account state differences. Additionally, RSPA needs to retain some flexibility to target changing priorities and national concerns and does not want to revise the regulation each time the formula changes.

RSPA will continue to finetune performance factors. A key aspect of this further refinement will be hiring "state liaisons" in each of the five pipeline safety Regional Offices to conduct the annual state program evaluations which are instrumental in assessing state performance. The liaisons will also provide technical assistance, support, and hands-on training upon state request. As such, their observations and insights should be useful in defining performance.

State agency comments will be sought in advance of making any changes to the formula. Proposed changes will be mailed to state agencies for discussion at subsequent National Association of Pipeline Safety Representatives (NAPSR) and National Association of Regulatory Utility Commissioners (NARUC) meetings held throughout the year. RSPA places high priority on the continuing involvement of the state partners as work proceeds on finetuning the allocation formula. RSPA will provide documentation on proposed changes and actual allocations to the public upon written request.

Comments Received

RSPA received 12 comments in response to the NPRM: Seven from state agencies, two trade associations, two from gas pipeline operators, and one from a state interest group. Seven of the 12 commenters were generally supportive of revising the allocation formula to place more emphasis on state performance; all seven had suggestions on the mechanics of the allocation process, state constraints in meeting various performance factors, or the performance factors to be included. Four commenters did not specifically comment positively or negatively about moving toward a performance-based formula but rather zeroed in on one or two issues. One commenter totally opposed the current and proposed formulas, saying they measure procedural compliance, *not* performance. RSPA believes that procedural compliance is very much a part of overall state program performance.

Mechanics of the Allocation Process

The February 25, 1991, ANPRM raised a number of issues related to the mechanics of the grant allocation process (e.g., defining a base level of performance, ensuring equity between large and small programs, setting aside funds for special projects). A number of commenters in responding to the NPRM addressed these mechanics.

Three states supported defining what constitutes adequate state performance at a baseline program level. One of these states suggested developing specific criteria for measuring full, partial, or inadequate performance. The work of the NAPSR Staffing Formula Committee to develop a model for projecting the appropriate state technical staffing level given extent of jurisdictional responsibilities, miles of pipeline, number of inspection units, and other factors is a step toward defining a baseline program. RSPA is currently reviewing the Committee's proposed approach. Continuing efforts to define performance will further lead to a working definition of baseline-level program.

Three states commented on the inequity in the current formula as well as the proposed formulas for 1992 and 1993 which may negatively impact large programs. One state with a large program said it would lose even more funding in 1993 when 75 percent of the allocation will be based on performance (compared to 50 percent in 1992). That state recommended establishing a 100-point scale for assigning performance points to allow for a wider point spread among states, better reflecting program performance than the current 27 points.

RSPA is attempting to assure that all states are treated equitably in the distribution of funds. However, until the full 50 percent of state program costs is appropriated, there will not be adequate funds to assure each state receives the maximum funding for which it is eligible. RSPA will adopt a 100-point scale for assigning performance points as proposed. Beginning in 1993, a state will be eligible to receive a maximum of 100 performance points. Fifty points will be based on information provided in the state's annual certification/agreement attachments which document activities for the past year and 50 points will be based on the state's rating on its annual program evaluation conducted by the RSPA regional pipeline safety office. The certification/agreement attachments will be used primarily to measure state procedural compliance in meeting national program objectives, while the evaluation will be used to assess state field operations. Together, these two instruments will provide an indication of overall state program performance.

RSPA will provide state agencies with information on actual performance factors and the number of points assigned to each factor well in advance

of the allocation of funds, in mailings transmitting the annual certification/agreement and program evaluation.

Two states commented on how funds would be prorated if state requests exceed available appropriations. One state agreed with RSPA that available funds should be prorated equally so larger programs do not have to absorb a disproportionate reduction. The other state asked for clarification on whether all grants would be reduced by the same percentage or whether a sliding scale would be used based on program size. The state remarked that reduced grants are disproportionately burdensome for smaller programs, a consideration which was taken into account in developing the original grant allocation formula. As noted above, RSPA is exploring alternatives for assuring equitable treatment of small and large programs alike when available appropriations are insufficient to fund state requests.

The state interest group was concerned that too rapid an increase in the percentage of funding based on performance might trigger unwanted reductions in good, small state programs. To avoid this occurrence, the interest group proposed that the word "maximum" be inserted in § 198.13(a): "The *maximum* percent of each state agency allocation that is based on performance * * *" RSPA agrees that the transition to a performance base formula could disrupt small state programs and has inserted "maximum" in the final rule.

Three states were concerned about not having enough lead time to anticipate changes in the formula. One of these states agreed with the need for flexibility in the regulation but recommended notifying states of any changes as far in advance as possible. Another of these states said varying performance criteria/weight from year to year could have a disruptive effect on the ability of the state to meet RSPA criteria and adversely impact the funding level. RSPA will notify states as far in advance as possible about changes in the formula. Proposed changes will be discussed at NAPSR and NARUC meetings in the year prior to the change. Every effort will be made to lessen any hardship related to formula changes. RSPA has revised the wording in § 198.13(e) to provide written notice of changes 9 months prior to allocating funds instead of 6 months as proposed in the NPRM.

One state believed it would be a good idea to use additional grant funds for special projects and extraordinary expenses as long as the regular allocation was not touched. Historically, every year a number of states spend less money than anticipated at the beginning of the year (e.g., staff may resign and not be immediately replaced), and funds have to be deobligated at the end of the year. To the extent permitted by law, RSPA will consider earmarking deobligated funds for special projects.

State Constraints

At least five state agencies alluded to their lack of control over getting their legislatures to adopt federal requirements and the inequity of reducing their grant allocation when they had done everything within their power to secure passage but failed because of resistance in the legislature. States proposed a number of creative ways to deal with program deficiencies resulting from the lack of legislative authority. One state suggested that bonus points be assigned for extra safety activities above the minimum (e.g., more stringent code, additional jurisdiction, operator training program) and that these points be used to offset points lost in other areas.

RSPA is making an effort to assist states having difficulty in adopting necessary federal safety requirements because of legislative resistance. The state liaisons will be available to assist states develop strategies for overcoming opposition to safety requirements. With respect to the assignment of bonus points, RSPA does not think it would be fair to states that have already achieved the baseline level program to give extra points to states that go beyond the basics in certain areas to offset deficiencies in other areas. States need to focus their efforts on achieving the baseline level program.

Another state suggested the first year a deficiency is identified the state should be issued a warning; a probation period would be established but the funding level would not be affected. If the deficiency was not corrected the second year, the funding level would be reduced somewhat. If still no correction were made by the third year, the funding level would be further reduced. Funding would be restored when corrective action was taken. While RSPA appreciates the intent of this suggestion, RSPA believes that tracking the status of deficiencies for 50 states over a 3-year period would be an administrative burden and therefore will not adopt it. Rather, RSPA will consider giving partial credit in instances where states are taking steps to remedy a deficiency or adopt required standards.

Two states made a case for providing sufficient time for adoption of federal requirements. The NGPSA and HLPSA both require a state to demonstrate that within 120 days after a federal safety regulation goes into effect, the state is taking steps to adopt the regulation. RSPA believes it is reasonable to allow a state 24 months, or two general sessions of the state legislature, whichever is longer, to adopt a federal regulation before reducing that state's grant allocation. If the state does not adopt the regulation within 24 months (or two general sessions of the legislature), its grant allocation will be reduced. Regardless of whether or not a state has adopted a particular safety regulation, pipeline operators must still comply with the regulation.

Specific Performance Factors

A number of commenters singled out certain performance factors they wanted included in the formula.

Damage Prevention/One-Call Systems

Three commenters mentioned the one-call damage prevention program. Two of these commenters (the two trade associations) were most supportive of strong damage prevention laws and giving significant weight to states having adopted or taking steps to adopt such laws in allocating funds. Both associations believe state damage prevention programs should include mandatory requirements for a true one-call system, where all owners-operators of buried underground utility facilities are required to participate (natural gas and hazardous liquid pipelines, as well as water mains, storm sewers, sanitary sewers, steam pipelines, electronic power cables, telephone cables, fiber optic cables, and cable television). While these two associations recognized that RSPA regulates only natural gas and hazardous liquid pipelines, they nevertheless urged RSPA to place significant weight in allocating funds on whether all types of underground utility facilities are included in one-call systems. These two associations want stiff penalties and vigorous enforcement of damage prevention laws except in emergency excavations and demolition activities.

Only one state commented on the one-call notification system, saying it should be included as a performance factor in the formula but ranked "low" to "medium." RSPA will include state adoption of minimum requirements for a one-call notification system as a performance factor in the allocation formula.

Enforcement/Civil Penalties

Two commenters mentioned enforcement and use of civil penalties in regard to pipeline safety in general.

One of these, a state, thought enforcement of regulations should be included as a performance factor with a "medium" ranking but that assessment of civil penalties should not be included at all. One gas pipeline operator said giving weight to assessment of penalties was not evidence of a good program. The use of fines as a measure for funding would create undue incentives for regulators and lead to adversarial relationships with operators. The operator felt that safety can best be promoted through a cooperative relationship without the threat of costly fines. States participating in the pipeline safety program under NGPSA and HLPSA are required to have injunctive and monetary sanctions substantially the same as RSPA. RSPA believes the use of civil penalties is an effective deterrent action, especially in situations involving repeat violations or gross noncompliance. Accordingly, RSPA will include use of civil penalties as a performance factor in the allocation formula.

Inspection Person-Days

Two commenters mentioned inspection person-days. A state said the existing inspection person-day requirement (85 days per year) is reasonable and should be retained. A gas pipeline operator, in its only comment, felt increasing requirements such as the number of inspection person-days would increase an operator's cost of doing business but not necessarily increase safety, and that an increase in requirements could possibly strain industry's ability to compete in the energy market. RSPA has no current plans for increasing the number of inspection person-days a state must meet. RSPA will include inspection person-days as a performance factor in the allocation formula.

One state was opposed to the current and proposed formulas on the grounds that these formulas did not measure performance. The state provided examples of the types of actions important to measuring performance of a state pipeline safety program including state prohibition against installation of new cast iron pipe; state program for cast iron/bare steel pipe removal; state requirement that utilities leak survey their whole systems with electronic equipment annually, business districts twice a year, and all buildings used for public gatherings annually; lost and unaccounted-for natural gas held effectively at zero; requirement that all defects on steel pipe such as dents and scratches be removed or repaired; state program encouraging utilities to actively share pipeline safety information.

Other states mentioned additional performance factors such as pursuing legislation to prohibit master meter systems, active state promotion of programs to prevent damage by outside force, and on-the-job training. RSPA will consider these additional measures of performance as it refines the formula in future years.

Several commenters agreed with the shift to program performance, but they were concerned that funds should not be allocated solely on the basis of performance as it could create a negative incentive for some states. While funds will be allocated based on state performance, the formula will also take into account the level of the state request for funds (i.e., large state programs will need more funds to cover their program costs than small state programs).

RSPA believes a performance-based formula will be a positive incentive for states to improve program effectiveness. The Senate Committee on Appropriations supported the merits of a performance-based allocation formula in approving RSPA's FY 1992 budget request for the pipeline safety grant program. The Committee urged RSPA to move expeditiously toward a performance-based approach in awarding grant funds and to ensure that participating states take full authority over intrastate pipeline facilities as contemplated in NGPSA and HLPSA.

By defining a baseline-level program with clear performance factors, RSPA will set forth what is expected of states to be eligible for maximum grant funding. State agencies administering the program can, in turn, use this information to strengthen the case to secure necessary authority from the state public service commission or state legislature for adoption of federal requirements.

Regulatory Analysis and Notices

Executive Order 12291 and DOT Regulatory Policies and Procedures

This final rule is not major under Executive Order 12291 (46 FR 13193; February 19, 1981) and is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), as the rule merely formalizes an existing administrative procedure. No regulatory evaluation is required because the rule deals with the allocation of grant funds and does not impose costs on any state or regulated entity.

Paperwork Reduction Act

Information submitted by a state in conjunction with its annual certification/agreement under section 5(a) or 5(b) of NGPSA and section 205(a) or 205(b) of HLPSA is used in part to allocate grant funds. This information collection imposes a reporting burden on the state and, as such, has been approved by the Office of Management and Budget (OMB) under OMB No. 2137–0584, in accordance with 44 U.S.C. chapter 35.

None of the comments received in response to the March 4, 1992, NPRM addressed any concerns associated with overly burdensome paperwork requirements. Rather, the comments focused on programmatic matters such as the mechanics of the grant allocation process, state constraints in meeting federal performance criteria, and the merits of various performance factors.

Regulatory Flexibility Act

Based on the facts available concerning the impact of this rule, I certify under section 605 of the Regulatory Flexibility Act that it would not have a significant economic impact on a substantial number of small entities.

Executive Order 12612

This action would not have substantial direct effects on states, on the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612 (52 FR 41685; October 30, 1987), RSPA has determined that this notice does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

List of Subjects in 49 CFR Part 198

Grant programs, Formula, Pipeline safety.

In consideration of the foregoing, RSPA amends 49 CFR part 198 as follows:

PART 198—[AMENDED]

1. The authority citation for part 198 continues to read as follows:

Authority: 49 App. U.S.C. 1674, 1687, and 2004; 49 CFR 1.53.

2. New subpart B is added to 49 CFR part 198 as follows:

Subpart B—Grant Allocation

Sec.

198.11 Grant authority.
198.13 Grant allocation formula.

Subpart B—Grant Allocation

§ 198.11 Grant authority.

Section 5(d)(1) of the Natural Gas Pipeline Safety Act and section 205(d)(1) of the Hazardous Liquid Pipeline Safety Act authorize the Administrator to pay out of funds appropriated or otherwise made available up to 50 percent of the cost of the personnel, equipment, and activities reasonably required for each state agency to carry out a safety program for intrastate pipeline facilities under a certification or agreement with the Administrator or to act as an agent of the Administrator with respect to interstate pipeline facilities.

§ 198.13 Grant allocation formula.

(a) Beginning in calendar year 1993, the Administrator places increasing emphasis on program performance in allocating state agency funds under § 198.11. The maximum percent of each state agency allocation that is based on performance follows: 1993—75 percent; 1994 and subsequent years—100 percent.

(b) A state's annual grant allocation is based on maximum of 100 performance points derived as follows:

(1) Fifty points based on information provided in the state's annual certification/agreement attachments which document its activities for the past year; and

(2) Fifty points based on the annual state program evaluation.

(c) The Administrator assigns weights to various performance factors reflecting program compliance, safety priorities, and national concerns identified by the Administrator and communicated to each State agency. At a minimum, the Administrator considers the following performance factors in allocating funds:

(1) Adequacy of state operating practices;

(2) Quality of state inspections, investigations, and enforcement/compliance actions;

(3) Adequacy of state recordkeeping;

(4) Extent of state safety regulatory jurisdiction over pipeline facilities;

(5) Qualifications of state inspectors;

(6) Number of state inspection person-days;

(7) State adoption of applicable federal pipeline safety standards; and

(8) Any other factor the Administrator deems necessary to measure performance.

(d) Notwithstanding these performance factors, the Administrator may, in 1993 and subsequent years, continue funding any state at the 1991 level, provided its request is at the 1991 level or higher and appropriated funds are at the 1991 level or higher.

(e) The Administrator notifies each state agency in writing of the specific performance factors to be used and the weights to be assigned to each factor at least 9 months prior to allocating funds. Prior to notification, RSPA seeks state agency comments on any proposed changes to the allocation formula.

(f) Grants are limited to the appropriated funds available. If total state agency requests for grants exceed the funds available, the Administrator prorates each state agency's allocation.

Issued in Washington, DC, on February 17, 1993.

Rose A. McMurray,

Acting Administrator, Research and Special Programs Administration.

[FR Doc. 93–4089 Filed 2–22–93; 8:45 am]

BILLING CODE 4910–60–M

Federal Transit Administration

49 CFR Part 665

[Docket No. 89–B]

Bus Testing Program; Modification to Interim Final Rule; Delay in Application Date for Small Vehicles

AGENCY: Federal Transit Administration, DOT.

ACTION: Interim final rule.

SUMMARY: On July 28, 1992, the Federal Transit Administration (FTA) published an interim final rule on its bus testing program. Among other things, the rule adds two new vehicle types (small vehicles with service lives of 4 and 5 years) to the vehicles subject to testing at the FTA-sponsored testing facility at Altoona, Pennsylvania. On October 13, 1992, the FTA postponed the effective date of the rule as it applied to these types of vehicles for 120 days, until February 10, 1993. Today's document postpones the effective date until October 1, 1993. The delay is due to numerous requests from commenters to the docket. The additional time is needed for the FTA to seek additional comments on particular issues to determine whether further changes need to be made to the rule.

DATES: *Effective date:* February 23, 1993.

Comment due date: June 23, 1993. Comments received after this date will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: For technical issues, Steven A. Barsony, Director, Office of Engineering Evaluations, Office of Technical Assistance and Safety, (202) 366–0090; for legal issues, Richard L. Wong, Attorney-Advisor, Office of the Chief Counsel, (202) 366–1936.

SUPPLEMENTARY INFORMATION:

Background

The Surface Transportation and Uniform Relocation Assistance Act of 1987 required the FTA to establish a bus testing facility for the testing of a model of any new bus model purchased with FTA financial participation. The FTA issued its first interim final rule implementing this program in 1989 and announced it would phase-in the program, applying the testing requirements to different-sized vehicles over a multi-year period. The first interim final rule, published on August 23, 1989 (54 FR 35158), established three categories of vehicles subject to testing: Heavy duty large buses with a service life of 12 years or 500,000 miles; heavy duty small buses with a service life of ten years or 350,000 miles; and purpose-built medium duty buses with a service life of seven years or 200,000 miles. The second interim final rule, published on October 9, 1990 (55 FR 41174), extended the testing requirements to the medium duty body-on-chassis category by combining the purpose-built and body-on-chassis subdivisions into one inclusive medium-duty bus category.

On July 28, 1992 (57 FR 33394) the FTA issued its third interim final rule to apply the testing requirements to the final two categories of vehicles requiring testing: Light duty mid-size buses with a service life of five years or 150,000 miles; and light duty small buses with a service life of four years or 100,000 miles. Although the third interim final rule went into effect on August 27, 1992, the FTA suspended on October 13, 1992 (57 FR 46814), the effective date as applied to the two categories of vehicles until February 10, 1993.

I. Suspension of the Effective Date and Comment Period Extension

Today's action again suspends the effective date as it applies to the remaining categories of vehicles that must be tested until October 1, 1993. This suspension retroactively applies to bids or solicitations for the two affected categories of vehicles issued between February 10, 1993, and the publication date of this rule. In addition, the FTA is reopening the docket to receive comments on the questions raised below until June 23, 1993.

II. Request for Comments on Particular Issues

Docket comments, as well as the FTA's separate evaluation, indicate that implementing testing of small vehicles would burden the Altoona facility. This is due in part to the nature of the small

vehicle industry. A vehicle model is often built in a variety of configurations by the same manufacturer, potentially resulting in a significantly large number of vehicles subject to testing, essentially at the same time under the existing rule. This burden on the facility will prevent recipients of Federal funds from expending those funds for vehicles until the facility has completed testing of the vehicle and provided a test report to the manufacturer.

Accordingly, the FTA again is suspending the effective date of the rule as it applies to small vehicles in order to receive further information on this and other issues.

The FTA specifically seeks comments on whether the testing requirement for small vehicles should be phased in over a period of time to avoid having a significant number of vehicles subject to testing at the same time. If so, the FTA seeks comment on the most efficient manner of phasing in the testing of such vehicles. For example, the existing rule categorizes the remaining types of vehicles to be tested based upon service life expectancy. The first category includes vehicles with a minimum of five years or 150,000 miles, typically light duty, mid-sized buses, approximately 25–35 feet in length. The remaining category includes vehicles with a minimum service life of four years or 100,000 miles, typically light duty small buses, cutaways, or modified vans, 16–28 feet in length.

The FTA seeks comment on whether these two categories of small vehicles can readily be divided into further subcategories for phasing in purposes, and whether subcategories would be a logical way to separate and distinguish small vehicles for purposes of testing.

III. Regulatory Matters

The FTA does not consider the extension of the effective date of the rule an action which requires an additional notice of proposed rulemaking (NPRM). Since its initial NPRM, the FTA's intent has remained clear—to implement the statutory mandate in the most effective and efficient manner. The FTA has carried out this policy through a multi-staged implementation schedule using a series of interim final rules.

This rule is not a major rule under Executive Order 12291. It is, however, a significant rule because it is related to a significant rule under the Department of Transportation's Regulatory Policies and Procedures. The extension of time to comply, the primary focus of today's notice, imposes no additional costs on the affected public. In fact, the extension of the effective date will delay costs to small vehicle manufacturers for the period of the extension. Since the economic impact of this extension is minimal, no regulatory evaluation has been prepared. There are no Federalism effects sufficient to warrant preparation of a Federalism assessment. The FTA certifies that this rule will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 605(b)).

List of Subjects in 49 CFR Part 665

Vehicle testing, Grant programs—transportation, Mass transportation.

For the reasons cited above, 49 CFR part 665 is amended as set forth below:

PART 665—BUS TESTING

1. The authority citation for part 665 continues to read as follows:

Authority: Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1601 *et seq.*; 1608(h), section 317, Surface Transportation and Uniform Relocation Assistance Act of 1987, and 49 CFR 1.51.

2. Paragraph (d) of § 665.3 is revised as set forth below:

§ 665.3 Scope.

* * * * *

(d) The provisions in §§ 665.11(e)(4) and (5) concerning the last two categories of buses which must be tested, apply to advertisements for bids or requests for proposals for buses issued on or after October 1, 1993.

Issued this 17th day of February 1993 at Washington, DC.

Robert H. McManus,

Acting Administrator

[FR Doc. 93–4072 Filed 2–22–93; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 930234–3034]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule.

SUMMARY: NMFS publishes this emergency interim rule to reopen the commercial fishery for Gulf group king mackerel in the exclusive economic zone (EEZ) off the east coast of Florida between the Volusia/Flagler and Monroe/Dade County boundaries. The commercial fishery will remain open under a possession limit of 25 fish per vessel per day through March 31, 1993, or until 259,000 pounds (117,482 kg) of king mackerel under the vessel limit are landed, whichever is earlier. The intended effect of this rule is to respond to social and economic emergencies in the commercial fishery for Gulf group king mackerel off the east coast of Florida.

EFFECTIVE DATES: February 18, 1993, through March 31, 1993.

ADDRESSES: Copies of documents supporting this action may be obtained from Mark F. Godcharles, Southeast Regional Office, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813–893–3161.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic resources (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic, prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils), and its implementing regulations at 50 CFR part 642, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

The commercial fishery for Gulf group king mackerel in the eastern zone was closed January 13, 1993. Catch figures for the eastern zone show disproportionate catches between Florida's east and west coast fisheries, caused in part by a judicial ruling that prevented Florida from enforcing its trip/landing limits and regional closures that would have divided equally the Federal eastern zone quota of Gulf king mackerel between east and west coast commercial fisheries.

The subsequent record low catch of east coast king mackerel for the 1992/93 fishing year constitutes social and economic emergencies. Accordingly, the South Atlantic Fishery Management Council requested that NMFS implement this emergency interim rule to reopen the commercial king mackerel fishery in the EEZ off the east coast of Florida between the Volusia/Flagler and Monroe/Dade County boundaries. The commercial fishery will remain open under a possession limit of 25 fish per vessel per day through March 31, 1993, or until 259,000 pounds (117,482 kg) of king mackerel are harvested from the open area, whichever is earlier.

Income to the east coast fishery during this emergency reopening of the commercial king mackerel fishery is expected to offset negative socioeconomic impacts of the record low catch. The additional catch allowed under this rule is not expected to jeopardize rebuilding of the overfished Gulf group king mackerel resource. If necessary, the Councils will reduce subsequent years' total allowable catches for the Gulf group king mackerel to ensure that the target date for rebuilding the resource is met. To avoid future emergency situations based on unforeseen events, the Councils are initiating action that will ensure an equitable distribution of the catch between Florida's east and west coasts of the eastern zone commercial quota for Gulf group king mackerel.

The Councils and NMFS have concluded that the present situation qualifies as an emergency because:

(1) Fishermen in the commercial fishery for Gulf group king mackerel fishery off the east coast of Florida will suffer undue social and economic hardships unless timely action is taken to allow additional king mackerel catches during this 1992/93 fishing year. A substantial portion of their annual income is earned during the winter (November–March) king mackerel fishing season. Record low catches this season, the lowest in 23 years, have provided insufficient revenues to meet living and business expenses.

(2) Opportunities to offset lost income by prosecuting other fisheries are limited and not readily available. Other fisheries in which presently owned gear could be used or converted for use are mostly overcapitalized and/or overfished.

(3) Events and circumstances that caused the disproportionately low catches of king mackerel on Florida's east coast were essentially unforeseen and uncontrollable. Inordinate and sustained unfavorable weather conditions precluded safe passage to offshore fishing grounds, scattered fish, and muddied the waters, making the detection of fish difficult. The judicial decision that prevented Florida from enforcing its trip landing limits and regional closures was unexpected and untimely.

(4) The disproportionate catches between Florida's east and west coast fisheries was an unfortunate and inequitable occurrence. During the 1991/92 fishing year, the Florida program effectively divided the Gulf group king mackerel catch in the eastern zone equitably between east and west coast commercial fisheries. Equal sharing of this resource by east and west coast fisheries is clearly evident in historical landings. Yearly and average landing estimates for the past 23 years both before and after implementation of Federal quota management indicate that, despite some disproportionate yearly catches, the east/west coast catches trend toward parity.

(5) Relief for social and economic emergencies is not available through other more protracted rulemaking processes, which require advance notice and public comment.

The Councils believe that emergency action is the only means to provide expedient relief from the current social and economic emergencies. NMFS concurs. Accordingly, NMFS publishes this emergency interim rule, effective from February 18, 1993, through March 31, 1993, as authorized by section 305(c) of the Magnuson Act.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Act and other applicable law.

This emergency interim rule is exempt from the normal review procedures of E.O. 12291 as provided in section 8(a)(1) of that order. It is being reported to the Director of the Office of Management and Budget with an explanation of why it is not possible to follow the procedures of that order.

This rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for public comment.

The Assistant Administrator prepared an environmental assessment (EA) for this action, which concludes that there will be no significant impact on the human environment. A copy of the EA is available (see **ADDRESSES**).

The Assistant Administrator determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management program of Florida, the only State involved. This determination has been submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act.

This emergency interim rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This rule does not contain regulatory provisions with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

The Assistant Administrator for good cause under section 553(b)(B) of the Administrative Procedure Act (APA) finds that the need to relieve social and economic hardships makes it impracticable and contrary to the public interest to provide prior notice and opportunity for public comment on this rule. Similarly, to implement measures to relieve the economic hardship in a timely manner, the Assistant Administrator finds for good cause under section 553(d)(3) of the APA that the effective date of this rule should not be delayed.

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 17, 1993.

William W. Fox, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 642 is amended as follows:

PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for part 642 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 642.7, paragraph (u) is added, effective from February 18, 1993, through March 31, 1993, to read as follows:

§ 642.7 Prohibitions.

* * * * *

(u) During the opening of the commercial fishery for Gulf group king mackerel, possess aboard or land from a vessel more than 25 king mackerel per day or transfer at sea king mackerel, as specified in § 642.31 (a) and (b).

3. A new § 642.31 is added, effective from February 18, 1993, through March 31, 1993, to read as follows:

§ 642.31 Opening of the commercial fishery for Gulf group king mackerel.

(a) Other provisions of this part 642 notwithstanding, the commercial fishery for Gulf group king mackerel is opened through March 31, 1993, unless closed earlier in accordance with paragraph (c) of this section, in the EEZ off the east coast of Florida between the Volusia/Flagler County boundary (29°25'N. latitude) and the Dade/Monroe County boundary (25°20.4'N. latitude), the "open area."

(b) During the opening of the commercial fishery for Gulf group king mackerel specified in paragraph (a) of this section—

(1) Aboard a vessel for which a commercial permit has been issued for king and Spanish mackerel under § 642.4, no more than 25 king mackerel per day may be possessed in, or from, the open area or landed in a Florida port between the Volusia/Flagler County and Dade/Monroe County boundaries;

(2) A king mackerel in or from the open area may not be transferred at sea;

(3) The provisions of § 642.24(a)(4) regarding sale of fish after a closure do not apply to king mackerel harvested in the open area and landed in a Florida port between the Volusia/Flagler County and Dade/Monroe County boundaries; and

(4) The provisions of § 642.26(b) regarding fishing for, retention of, and sale of fish after a closure do not apply to king mackerel harvested in the open area and landed in a Florida port between the Volusia/Flagler County and Dade/Monroe County boundaries.

(c) The Assistant Administrator, by publication of a notice in the **Federal Register**, will close the commercial fishery for king mackerel in the open area when 259,000 pounds (117,482 kg) of king mackerel have been harvested, or are projected to be harvested, from that area during this opening of the commercial fishery.

[FR Doc. 93–4085 Filed 2–18–93; 8:45 am]
BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 58, No. 34
Tuesday, February 23, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1001 and 1002

[DA–93–02]

Milk in the New England and New York-New Jersey Marketing Areas; Proposed Suspension of Certain Provisions of the Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This document invites written comments on a proposal to suspend certain provisions of the New England and New York-New Jersey milk orders. The suspension actions were requested by cooperative associations that represent producers who provide much of the milk supply for both markets.

The proposed suspension actions would suspend the seasonal production incentive payment provisions of the two orders for 1993. The cooperatives' request states that the suspensions are necessary to ameliorate the impending plunge of farm-level milk prices in the two marketing areas by eliminating the deductions from producer prices in the months of March through June that would be made under the orders' seasonal incentive payment plans. The suspensions would also eliminate the fall incentive payments for the fall months of 1993

DATES: Comments are due no later than March 2, 1993.

ADDRESSES: Comments (four copies) should be filed with the USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Constance M. Brenner, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–2357.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on dairy farmers and would have no impact on regulated handlers.

This proposed rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This proposed suspension of rules has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. If adopted, this proposed action will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not established in accordance with law and requesting a modification of an order or an exemption from the order. A handler is afforded the opportunity for a hearing on petition. After a hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the suspension of the following provisions of the orders regulating the handling of milk in the New England and New York-New Jersey marketing areas is being considered for the months of March through November 1993.

1. In § 1001.62, suspension of paragraphs (c) and (d).
2. In § 1002.61, suspension of paragraphs (d) and (e).

All persons who want to send written data, views or arguments about the proposed suspension should send four copies of them to the USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, by the 7th day after publication of this notice in the **Federal Register**. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures before seasonal incentive plan deductions would be required on payments for milk produced in March 1993.

The comments that are sent will be made available for public inspection in the Dairy Division during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would suspend for 1993 the provision of the New England and New York-New Jersey Federal milk orders that require deductions from and additions to producer blend/uniform prices to be made for the purpose of encouraging dairy farmers to level out their production through the course of the year. The provisions provide for the deduction of 20 cents per hundredweight from the blend/uniform price paid to producers to be made for the month of March, 30 cents for April, and 40 cents for May and June. The funds retained from these deductions are then added to the pooled milk values under the two orders in the amounts of 25, 30, and 30 percent of the total deducted for the months of August, September, and October respectively. The remaining 15 percent plus interest earned on the aggregate funds is added for the month of November. By artificially depressing producer income in the spring and enhancing it above otherwise prevailing levels in the fall, the provisions provide an incentive to producers to level out the seasonality of milk production to more closely reflect fluid milk demand patterns.

The suspension actions were requested by cooperative associations representing dairy farmers shipping to handlers regulated by the Federal milk

marketing orders for the New England and New York-New Jersey marketing areas.

The basis for the suspension request is the collapse of the blend prices paid to producers anticipated by the cooperatives for the spring months of 1993. The cooperatives state that the expected blend prices, if adjusted by the "Louisville plan" deductions, will be even further below dairy farmers' cash costs than the unadjusted prices would be. In addition, the adjustment would occur at a time when farmers will need money for planting and other expenses.

The cooperatives state that the further reduction of pay prices to producers this spring due to operation of the seasonal incentive plan, beyond that resulting from anticipated supply-demand conditions and occurring at a time when farm cash requirements are at their seasonal peak, would accentuate the financial crunch expected from the plunge in milk prices in the coming spring. The cooperatives state that there will be some price recovery in the coming fall to a level near that of last fall, thereby providing for the seasonal price swings intended under the "Louisville" plan.

List of Subjects in 7 CFR Parts 1001 and 1002

Milk marketing orders/

The authority citation for 7 CFR parts 1001 and 1002 continues to read as follows:

Authority. Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674/

Dated: February 17, 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–4062 Filed 2–22–93; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. 093CE, Notice No. 23–ACE–61]

Special Conditions; Advanced Aerodynamics and Structures, Inc.; Jetcruzer 450 Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: These special conditions are proposed for the Advanced Aerodynamics and Structures, Inc. (AASI) Jetcruzer 450 airplane. The airplane will have novel and unusual design features when compared to the state of technology envisaged in the airworthiness standards of 14 CFR part 23 of the Federal Aviation Regulations (FAR). These novel and unusual design features include the use of composite materials for primary flight structure, engine location, and certain electronic systems, for which the regulations do not contain adequate or appropriate airworthiness standards. This notice contains the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the airworthiness standards of part 23.

DATES: Comments must be received on or before March 25, 1993.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Assistant Chief Counsel, ACE–7, Attention: Rules Docket Clerk, Docket No. 093CE, room 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 093CE. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Norman R. Vetter, Aerospace Engineer, Standards Office (ACE–110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426–5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the specified closing date for comments will be considered by the Administrator before taking further rulemaking action on this proposal. Commenters wishing the FAA to acknowledge receipt of their comments must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 093CE." The postcard will be date stamped and returned to the commenter. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested parties. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Type Certification Basis

The type certification basis for the AASI Jetcruzer 450 is: FAR part 23, effective February 1, 1965, as amended by amendments 23–1 through 23–38, effective October 26, 1989; § 23.1309(e) of amendment 23–41 for protection of electrical/electronic systems from indirect effects of lightning; part 34, effective September 10, 1990; part 36, effective December 1, 1969, as amended by amendment 36–1 through the amendment effective on the date of type certification; exemptions, if any; and the special conditions that may result from this proposal.

Background

On March 20, 1990, AASI of 10703 Vanowen Street, North Hollywood, California 91605, made application for normal category type certification of the Jetcruzer 450 airplane. The Jetcruzer 450 is a single engine, unpressurized turborprop-powered monoplane with a three-blade pusher propeller, a canard configuration, and a fuselage fabricated of composite material. Maximum takeoff weight is to be 4500 pounds with a maximum of six occupants.

Discussion

Special conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions, as appropriate, are issued in accordance with § 11.49, after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and will become part of the type certification basis, in accordance with § 21.17(a)(2).

The proposed type design of the Jetcruzer 450 airplane contains novel and unusual design features not envisaged by the applicable part 23 airworthiness standards. Special conditions are considered necessary because the airworthiness standards of part 23 do not contain adequate or appropriate safety standards for the novel and unusual design features of the airplane.

Composite Material

The Jetcruzer 450 fuselage is made of composite material and is assembled by the extensive use of bonding. Composite materials as used in airplane airframes

at this time are typically more susceptible, than commonly used aluminum structure, to damage from intrinsic and discrete sources that might adversely influence strength properties. Because of this and other factors, it is generally agreed that damage tolerance criteria should be used to show that composite material structure can withstand the repeated loads of variable magnitude expected in service. Furthermore, because of the lack of a service experience base for these new materials and their mechanical properties characteristics, there is a need to apply special requirements such as (a) residual strength loan with large area manufacturing defects (e.g., understrength bonds) and impact damage from discrete sources, and (b) ability to carry ultimate load with realistic impact damage below the threshold of detectability and material environmental exposure effects.

Propeller Ice and Exhaust Gas Impingement Protection

Because of the aft propeller location, ice shed from the wing leading edges, engine air inlet, and other parts of the airplane may impact the propeller blades. Impact of these shed ice fragments may have an adverse effect on the strength and fatigue characteristics of the propeller. Additionally, because the propeller is located aft of the engine, if exhaust gases are discharged into the propeller disc, they may adversely affect the strength and fatigue characteristics of the propeller material. A special condition is proposed to provide the requisite level of safety.

Propeller Ground Clearance

The FAA has determined that § 23.925 is not adequate to address propeller clearance for the Jetcruzer 450 because of the aft location of the propeller. Existing § 23.925 requires at least seven inches of clearance between the propeller and the ground in the normal takeoff attitude and a positive clearance with the critical tire deflated and the strut bottomed. In addition to those regulations, the FAA proposes to require that a positive clearance exist between the propeller and the ground when the airplane is in the maximum pitch attitude attainable during normal takeoffs and landings.

Propeller Markings

Because of the aft propeller location, passengers and ground personnel may be less aware of the proximity of the propeller blades. Therefore, in the absence of specific regulations, a special condition is needed to require that the propeller blades be marked so that both sides of the propeller disc are conspicuous under normal daylight ground conditions.

Fire Detection

Early detection of a fire in an engine mounted aft on the fuselage is unlikely given that the installation is not visible from the cockpit. This may lead to a fire spreading and damaging other portions of the airplane before the crew detects and reacts to such a fire. A special condition is proposed to provide for prompt detection of fire in the engine compartment.

Protection of Systems From High Intensity Radiated Fields (HIRF)

Recent advances in technology have given rise to the application in aircraft designs of advanced electrical and electronic systems that perform functions required for continued safe flight and landing. Due to the use of sensitive solid state components in analog and digital electronics circuits, these advanced systems are readily responsive to the transient effects of induced electrical current and voltage caused by the HIRF incident on the external surface of the aircraft. These induced transient currents and voltages can degrade electronic systems performance by damaging components or upsetting system functions.

Furthermore, the electromagnetic environment has undergone a transformation that was not envisaged when the current requirements were developed. Higher energy levels are radiated from transmitters that are used for radar, radio, and television. Also, the population of transmitters has increased significantly.

The combined effect of the technological advances in aircraft design and the changing environment has resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe flight and landing of the aircraft. Effective measures against the effects of exposure to HIRF must be provided by the design and installation of these systems.

The accepted maximum energy levels in which civilian airplane system installations must be capable of operating safely are based on surveys and analysis of existing radio frequency emitters. These special conditions require that the airplane be evaluated under these energy levels for the protection of the electronic system and its associated wiring harness. These external threat levels are believed to represent the worst case to which an airplane would be exposed in the operating environment.

These special conditions require qualification of systems that perform critical functions, as installed in aircraft, to the defined HIRF environment in paragraph (1) or, as an alternative, to a fixed value using laboratory tests, in paragraph (2), as follows:

(1) The applicant may demonstrate that the operation and operational capability of the installed electrical and electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the HIRF environment defined below:

FIELD STRENGTH VOLTS/METER

Frequency	Peak	Average
10–100 KHz	50	50
100–500	60	60
500–2000	70	70
2–30 MHz	200	200
30–70	30	30
70–100	30	30
100–200	150	33
200–400	70	70
400–700	4020	935
700–1000	1700	170
1–2 GHz	5000	990
2–4	6680	840
4–6	6850	310
6–8	3600	670
8–12	3500	1270
12–18	3500	360
18–40	2100	750

Or,

(2) The applicant may demonstrate by a laboratory test that the electrical and electronic systems that perform critical functions can withstand a peak electromagnetic field strength of 100 volts per meter or the external HIRF environment, whichever is less, in a frequency range of 10KHz to 18GHz. When using a laboratory test to show compliance with the HIRF requirements, no credit is given for signal attenuation due to installation.

A preliminary hazard analysis must be performed by the applicant for approval by the FAA to identify electrical and/or electronic systems that perform critical functions. The term "critical" means those functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the aircraft. The systems identified by the hazard analysis that perform critical functions are candidates for the application of HIRF requirements. A system may perform both critical and non-critical functions. Primary electronic flight display systems, and their associated components, perform critical functions such as attitude, altitude, and airspeed indication. The HIRF requirements apply only to the critical functions.

Compliance with HIRF requirements may be demonstrated by tests, analysis,

models, similarity with existing systems, or a combination thereof. Service experience alone is not acceptable since such experience in normal flight operations may not include an exposure to the HIRF environment. Reliance on a system with similar design features for redundancy as a means of protection against the effects of external HIRF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

Conclusion

In view of the design features discussed above for the Jetcruzer model 450 airplane the following special conditions are proposed. This action is not a rule of general applicability and affects only the model of airplane identified in the proposed special condition.

List of Subjects in 14 CFR Part 23

Air transportation, Aircraft, Aviation safety, and Safety.

Citation

The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g); 14 CFR 21.16 and 21.17; and 14 CFR 11.28 and 11.29(b).

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions as part of the type certification basis for the AASI Jetcruzer 450 airplane:

1. Evaluation of Composite Structure

Instead of complying with § 23.572, and in addition to the requirements of §§ 23.603 and 23.613, airframe structure, the failure of which would result in a catastrophic loss of the airplane must be evaluated to damage tolerance criteria prescribed in paragraphs (a) through (i) of this special condition, unless shown to be impractical. In cases shown to be impractical, the aforementioned structure must be evaluated in accordance with the criteria of paragraphs (a) and (j) of this special condition. Where bonded joints are used, the structure must also be evaluated in accordance with the residual strength criteria in paragraph (g) of this special condition.

(a) It must be demonstrated by tests, or by analysis supported by tests, that the structure is capable of carrying ultimate load with impact damage. The level of impact damage considered need not be more than the established threshold of detectability considering the inspection procedures employed.

(b) The growth rate of damage that may occur from fatigue, corrosion, intrinsic defects, manufacturing defects; e.g., bond defects, or damage from discrete sources under repeated loads expected in service; i.e., between the time at which damage becomes initially detectable and the time at which the extent of damage reaches the value selected by the applicant for residual strength demonstration, must be established by tests or by analysis supported by tests.

(c) The damage growth, between initial detectability and the value selected for residual strength demonstrations, factored to obtain inspection intervals, must permit development of an inspection program suitable for application by operation and maintenance personnel.

(d) Instructions for continued airworthiness for the airframe must be established consistent with the results of the damage tolerance evaluations. Inspection intervals must be set so that after the damage initially becomes detectable by the inspection method specified, the damage will be detected before it exceeds the extent of damage for which residual strength is demonstrated.

(e) Loads spectra, load truncation, and the locations and types of damage considered in the damage tolerance evaluations must be documented in test proposals.

(f) The structure of the fuselage must be shown by residual strength tests, or by analysis supported by residual strength tests, to be able to withstand critical limit flight loads, considered as ultimate loads, with damage consistent with the results of the damage tolerance evaluations.

(g) Instead of a non-destructive inspection technique that assures ultimate strength of each bonded joint, the limit load capacity of each bonded joint critical to safe flight must be substantiated by either of the following methods used singly or in combination:

(1) The maximum disbonds of each bonded joint consistent with the capability to withstand the loads in paragraph (f) of this special condition must be determined by analysis, test, or both. Disbonds of each bonded joint greater than this must be prevented by design features.

(2) Proof-testing must be conducted on each production article that will apply the critical limit design load to each critical bonded joint.

(h) The effects of material variability and environmental conditions; e.g., exposure to temperature, humidity, erosion, ultraviolet radiation, and/or chemicals, on the strength and durability properties of the composite materials must be accounted for in the damage tolerance evaluations and in the residual strength tests.

(i) The airplane must be shown by analysis to be free from flutter to V_D with the extent of damage for which residual strength is demonstrated.

(j) For those structures where the damage tolerance method is shown to be impractical, the strength of such structures must be demonstrated by tests, or analysis supported by tests, to be able to withstand the repeated loads of variable magnitude expected in service. Impact damage in composite material components that may occur must be considered in the demonstration. The impact damage level considered must be consistent with detectability by the inspection procedures employed.

2. Propeller Ice and Exhaust Gas Impingement Protection

(a) All areas of the airplane forward of the propellers that are likely to accumulate and shed ice into the propeller disc during any operating condition must be suitably protected to prevent ice formation, or it must be shown that any ice shed into the propeller disc will not create a hazardous condition.

(b) If the engine exhaust gases are discharged into the propeller disc, it must be shown by tests, or analysis supported by tests, that the propeller material is capable of continuous safe operation.

3. Propeller Ground Clearance

In addition to the propeller clearance requirements of § 23.925, the following apply:

(a) The airplane must be designed such that the propeller will not contact the runway surface when the airplane is in the maximum pitch attitude attainable during normal takeoffs and landings; and

(b) If a tail bumper or an energy absorption device is provided to show compliance with paragraph (a) of this special condition, the following apply:

(1) Suitable design loads must be established for the tail bumper or energy absorption device; and

(2) The supporting structure of the tail bumper or energy absorption device must be designed to withstand the loads established in subparagraph (b)(1) of this special condition. Inspection/replacement criteria must be established for the tail bumper or energy absorption device and provided as part of the information required by § 23.1529.

4. Propeller Marking

Each propeller must be marked so that both sides of the disc are conspicuous under normal daylight ground conditions.

5. Fire Detector System

(a) There must be means to ensure the prompt detection of fire in the engine compartment.

(b) Each fire detector must be constructed and installed to withstand the vibration, inertia, and other loads to which it may be subjected in operation.

(c) No fire detector may be affected by any oil, water, other fluids, or fumes that might be present.

(d) There must be means to allow the crew to check, in flight, the functioning of each fire detector electric circuit.

(e) Wiring and other components of each fire detector system in the engine compartment must be at least fire resistant.

6. Protection of Electrical and Electronic Systems From High Intensity Radiated Fields

(a) Each system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high intensity radiated electromagnetic fields external to the airplane.

(b) For the purpose of this special condition a critical function is a function whose failure would contribute to or cause a

failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri on February 2, 1993.

Barry D. Clements,

Manager, Small Airplane Directorate Aircraft Certification Service.

[FR Doc. 93–4162 Filed 2–22–93; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 307

Regulations Under the Comprehensive Smokeless Tobacco Health Education Act of 1986

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The Commission has extended for 30 days the time period within which comments will be received on the proposed amendments to § 307.12(b) of the Commission's Regulations under the Comprehensive Smokeless Tobacco Act of 1986. The proposed language concerns the rotation of health warnings for promotional materials for smokeless tobacco products. The original request for comments was announced in the **Federal Register** on January 15, 1993 (58 FR 4875).

DATES: Written comments will be accepted on or before March 25, 1993.

ADDRESSES: Send comments to Secretary, Federal Trade Commission, 6th & Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Phillip S. Priesman, (202) 326–2484, or Judith P. Wilkenfeld, (202) 326–3150, Division of Advertising Practices, Federal Trade Commission, 6th & Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: The Commission has received a request for a 30-day extension of the comment period from the Smokeless Tobacco Council to allow its members time to provide complete responses to the proposed revisions. The Commission has determined to grant the extension. Accordingly, comments from any interested party will be accepted until March 25, 1993.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 93–4150 Filed 2–22–93; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[CO–18–90]

RIN 1545–AQ54

Notice of Proposed Rulemaking Under Section 382 of the Internal Revenue Code of 1986; Limitations on Corporate Net Operating Loss Carryforwards; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to proposed regulations.

SUMMARY: This document contains corrections to proposed regulations (CO–18–90), which was published in the **Federal Register** on Thursday, November 5, 1992 (57 FR 52743). The proposed regulations relate to rules treating options as exercised in certain circumstances, for the purpose of determining whether a loss corporation has an ownership change, within the meaning of section 382.

FOR FURTHER INFORMATION CONTACT: Annette M. Ahlers, telephone 202–622–7750 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The proposed regulations that are the subject of this correction amend Income Tax Regulations (26 CFR part 1) under section 382 of the Internal Revenue Code.

Need for Correction

As published, the proposed regulations contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the proposed regulations (CO–18–90), which was the subject of FR Doc. 92–26160, is corrected as follows:

1. On page 52744, column 2, in the preamble under the heading "C. Abusive Principal Purpose", first paragraph, lines 8 and 9, the language "ownership of the amount of stock covered by the option, or (2) facilitating" is corrected to read "ownership of all or part of the amount of stock covered by the option (through the option alone or in combination with one or more related arrangements), or (2) facilitating".

2. On page 52744, column 3, in the preamble under the heading "D. Definition of Option", third paragraph, line 4, the language "Statement of Procedural Rules), in their" is corrected to read "Statement of Procedural Rules for availability of Cumulative Bulletins (C.B.)), in their".

3. On page 52745, column 2, in the preamble under the heading "K. Public Comments Requested", second line from the bottom of the column, the language "requirements of section 382 ( )(5) are" is corrected to read "requirements of section (l)(5) are".

4. On page 52748, column 2, § 1.382–4(h)(2)(iv)(A), line 3, the language "for any testing date after November 5," is corrected to read "for any testing date on or after November 5,".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 93–4041 Filed 2–22–93; 8:45 am]

BILLING CODE 4830–01–M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 103

Union Dues Regulations

AGENCY: National Labor Relations Board.

ACTION: Proposed rule; notice of change in dates for oral argument.

SUMMARY: The National Labor Relations Board gives notice that it is rescheduling oral argument on the proposed rulemaking for the implementation of the United States Supreme Court's decision in *Communications Workers of America* v. *Beck*, 487 U.S. 735 (1988).

DATES: Oral argument will be held on March 15, 16, and 22, 1993. Persons wishing to be heard at the oral argument should notify the Office of the Executive Secretary by close of business Monday, March 1, 1993. Thereafter, the Board will notify interested persons of the time and place of the oral argument and those who will be scheduled to participate.

ADDRESSES: Persons wishing to be heard at the oral argument should notify the Office of the Executive Secretary, 1717 Pennsylvania Avenue NW., Washington, DC 20570. Telephone: (202) 254–9430.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary. Telephone: (202) 254–9430.

SUPPLEMENTARY INFORMATION:

Background

The Board's notice of proposed rulemaking and original notice of oral argument was published in the **Federal**

Register (57 FR 43635) on September 22, 1992. The notice provided that the period for comment ended at the close of business on October 22, 1992, and that oral argument would be held on November 5, 1992. On October 14, 1992, the Board published in the Federal Register (57 FR 47023) a notice extending the time for filing comments until the close of business on Monday, November 30, 1992, but also advised that it would adhere to the date of November 5, 1992, for the purpose of hearing oral argument. Oral argument was held on that date. The Board subsequently extended the time for filing comments to close of business on December 4, 1992 (57 FR 55491). Thereafter, the Board decided to hear additional oral argument on the proposed rule on March 8, 15, and 16, 1993. (58 FR 7199).

The American Federation of Labor and Congress of Industrial Organizations submitted a letter to the Board on February 11, 1993, requesting that the Board commence the oral argument on March 15, 1993; reschedule the balance of the hearing dates accordingly; and extend the time for requesting an opportunity to be heard from February 16, 1993, to March 1, 1993. The AFL–CIO cites the coordinating role it undertook in the first round of proceedings on the proposed *Beck* rules, wishes to undertake that same coordinating role in the upcoming *Beck* hearings, and refers to the scheduling difficulties introduced by the regular mid-winter meetings now being held by the governing boards of the AFL–CIO and its affiliates.

The Board has decided to hold the scheduled oral arguments on March 15, 16, and 22, 1993. The March 15 session will focus on issues raised by the notice and information provisions of the proposed rule contained in §§ 103.40(e) 103.40(f) (1) and (2). The March 15 argument also will concern the model union security clause set forth in § 103.42 and the Appendix to that section. On March 16 the Board will focus on the financial aspects of the proposed rule raised by § 103.41, including but not limited to unit-by-unit accounting and chargeability issues. Finally, the March 22 session will focus on the procedural aspects of the proposed rule, such as those contained in §§ 103.40(f) (3) and (4) and 104.30(g).

Persons wishing to be heard at any of these sessions should notify the Office of the Executive Secretary by close of business March 1, 1993, and specify in which session or sessions they wish to participate. The Board will thereafter give notice of the time and place of the oral argument, those persons who will be scheduled to participate, and the time periods for each participant.

Dated Washington, DC, February 17, 1993.

By direction of the Board.

John C. Truesdale,

Executive Secretary.

[FR Doc. 93–4061 Filed 2–22–93; 8:45 am]

BILLING CODE 7545–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MA–5–1–5295; A–1–FRL–4599–2]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; RACT for Dartmouth Finishing Corporation in New Bedford

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Massachusetts. This revision establishes and requires the use of reasonably available control technology (RACT) to reduce volatile organic compound (VOC) emissions from fabric printing and fabric finishing operations at Dartmouth Finishing Corporation (Dartmouth) in New Bedford, Massachusetts. The intended effect of this action is to propose approval of a source-specific RACT determination made by the Commonwealth of Massachusetts in accordance with commitments of its approved 1982 ozone attainment plan. This action is being taken in accordance with section 110 of the Clean Air Act.

DATES: Comments must be received on or before March 25, 1992.

ADDRESSES: Comments may be mailed to Linda M. Murphy, Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA; and the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Robert F. McConnell, (617) 565–3249.

SUPPLEMENTARY INFORMATION: On May 15, 1991, the State of Massachusetts submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consisted of a plan approval issued by the Massachusetts Department of Environmental Protection (DEP) which imposed VOC control measures as RACT for Dartmouth Finishing Corporation located in New Bedford, Massachusetts. This notice is divided into three parts:

I. Background Information
II. Summary of SIP Revision
III. Final Action

I. Background Information

On November 9, 1983 (48 FR 51480), EPA approved Massachusetts Regulation 310 CMR 7.18(17), "Reasonably Available Control Technology (RACT)", as part of the Commonwealth of Massachusetts 1982 ozone attainment plan. This regulation requires the Massachusetts DEP to determine and impose RACT on all facilities with the potential to emit one hundred tons per year or more of VOC that are not already subject to Massachusetts' regulations developed pursuant to the EPA Control Techniques Guideline (CTG) documents.

On January 10, 1991, the Massachusetts DEP submitted a proposed SIP revision consisting, in part, of a draft NON–CTG RACT Approval defining VOC control requirements for Dartmouth. EPA reviewed the document for enforceability, completeness and technical sufficiency, and provided written comments to the state on February 13, 1991. Massachusetts incorporated EPA's proposed changes and submitted a final SIP revision on May 15, 1991.

II. Summary of SIP Revision

Dartmouth's VOC emissions have been reduced from 304 tons per year in 1984 to a maximum of 28 tons per year, resulting in a 90.8% percent reduction based on typical production. Dartmouth achieved its emissions reductions by reformulating its printing pastes. The DEP's Plan Approval incorporates these changes and the use of the reformulated print pastes as enforceable requirements. The May 15, 1991 Plan Approval imposes a daily VOC emission cap on Dartmouth of 0.14 tons per day (280 pounds per day). The Plan Approval also limits the content of Dartmouth's print pastes to 0.35 pounds of VOC per pound of solids, and requires that fabric finishing mixtures utilized by Dartmouth not exceed 0.115 pounds of VOC per pound of solids.

A CTG does not exist for the fabric printing and fabric finishing operations at Dartmouth. However, the CTG

covering graphic arts printing covers a printing process which is similar to the fabric printing and finishing operations at Dartmouth. The Graphic Arts CTG recommends a 65% overall reduction in VOC emissions from packaging rotogravure and a 75% overall reduction for publication rotogravure when using add-on controls. Furthermore, EPA has determined that 0.5 pounds of VOC per pound of solid is RACT for flexographic and packaging rotogravure printing. The emission reductions achieved by Dartmouth through reformulation of its print pastes are consistent with the reductions anticipated for either add-on controls or through reformulation at facilities required to meet the emission limits suggested by EPA's Graphic Arts CTG. For these reasons, the DEP has imposed emission limits of 0.35 pounds of VOC per pound of solids for print pastes, and a limit of 0.115 pounds of VOC per pound of solids for fabric finishing mixtures used by Dartmouth. Additionally, an emissions cap of 0.14 tons per day (280 pounds per day) will ensure that a 90.8% reduction in annual VOC emissions is achieved by Dartmouth.

EPA's review of this material indicates that the VOC emission reductions achieved by Dartmouth represent RACT. EPA is proposing to approve the Massachusetts SIP revision for Dartmouth, which was submitted on May 15, 1991. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this notice.

III. Proposed Action

EPA is proposing to approve the Massachusetts' Amend Plan Approval dated and effective May 13, 1991 as a revision to the Massachusetts SIP. The Amended Plan Approval imposes RACT consisting of an emission limit of 0.35 pounds of VOC per pound of solids for print pastes and 0.115 pounds of VOC per pound of solids for fabric finishing mixtures, and a daily emissions cap of 280 pounds of VOC for Dartmouth Finishing Corporation in New Bedford, Massachusetts.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). Under 5 U.S.C. Section 605(b), the Administrator certifies that SIP approvals under sections 107, 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. SIP approvals do not create any new requirements but simply approve requirements that are already State law. SIP approvals, therefore, do not add any additional requirements for small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis for a SIP approval would constitute Federal inquiry into the economic reasonableness of the State actions. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds.

On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP Revisions. OMB has agreed to continue to temporary waiver until such time as it rules on EPA's request.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

The Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR part 51.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7642.)

Dated: February 8, 1993.

Patricia L. Meaney,

Acting Regional Administrator Region I.

[FR Doc. 93–4118 Filed 2–22–93; 8:45 am]

BILLING CODE 6560-50-M

---

40 CFR Part 228

[FRL–4595–3]

Ocean Dumping; Proposed Designation of Site

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is proposing designation of a dredged material disposal site in Massachusetts Bay. This action is necessary to provide an acceptable ocean disposal site to be considered as an alternative for the current and future disposal of dredged material.

DATES: Comments must be received by March 31, 1993.

ADDRESSES: Send comments to: Kymberlee Keckler, U.S. Environmental Protection Agency, Region I, JFK Federal Building (WQE), Boston, MA 02203–2211.

The files supporting this proposed site designation are available for public inspection at the above location.

FOR FURTHER INFORMATION CONTACT: Kymberlee Keckler, (617) 565–4432.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection Research and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 *et. seq.* ("MPRSA"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On December 23, 1986, the Administrator delegated the authority to designate ocean dredged material disposal sites to Regional Administrators. This proposed site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR chapter 1, subchapter H, § 228.4) state that ocean dumping sites will be designated by promulgation in this part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 *et. seq.*) and was last extended on August 19, 1985 (50 FR 33338 *et. seq.*). That list established an interim site near Marblehead, MA and extended its period of use until July 31, 1988, or until final rulemaking is completed. EPA is proposing to move the site boundary toward the southwest (approximately 1 nautical mile westward and ½ nautical mile southward).

B. EIS Development

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C 4321 *et seq.*, ("NEPA") requires

that Federal agencies prepare an EIS on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to incorporate careful consideration of all environmental aspects of proposed actions into the decision-making processes.

It is EPA's voluntary policy to prepare EISs for site designations under the MPRSA (39 FR 16187 (May 7, 1974)), and EPA has prepared draft, supplemental, and final EISs entitled "Evaluation of Continued Use of the Massachusetts Bay Dredged Material Disposal Site," "Alternative Site Screening," and "Designation of an Ocean Dredged Material Disposal Site in Massachusetts Bay" respectively. On September 29, 1989, a notice of availability of the draft EIS for public review and comment was published in the Federal Register (54 FR 40177). On July 6, 1990, a notice of availability of the draft SEIS for public review and comment was published in the Federal Register (55 FR 27886). On July 24, 1992, a notice of availability of the final EIS for public review and comment was published in the Federal Register (57 FR 32988). The public comment period on the draft EIS closed November 13, 1989, August 20, 1990 on the SDEIS, and August 28, 1992 on the FEIS. Several reviewers commented on these EISs.

The action currently being proposed is the final designation for continued use of an environmentally acceptable ocean dredged material disposal site in Massachusetts Bay. However, site designation does not indicate approval to dispose dredged material passing the criteria (40 CFR part 227). Material disposition is determined on a case-by-case basis as part of the U.S. Army Corps of Engineers' ("COE") permit-issuing process.

The EISs discuss the need for the action and examine ocean disposal site alternatives to the proposed action. Information needed to evaluate the suitability of ocean areas for final designation is presented. Regional land based alternatives were rejected because of the lack of available land area near dredging proposals, the lack of information on possible construction of marshlands, and increased costs. Additional analysis of specific land-based alternatives will be performed as part of any application for a permit to use the site. The environmental studies and final designation process are being conducted in accordance with requirements of the MPRSA, the Ocean Dumping Regulations, and other applicable Federal environmental legislation.

C. Proposed Site Designation

The proposed site has been used since the 1940s for the ocean disposal of dredged material and industrial waste.

The center coordinate proposed for the MBDS is located 42°25.1' N. and 70°35.0' W., which is approximately 1 nautical mile westward and ½ nautical mile southward of the existing interim site (North American Datum of 1983). The site is approximately 22 nautical miles offshore from Boston and is two nautical miles in diameter. Water depths average 90 meters.

D. Regulatory Requirements

Pursuant to an Office of Water policy memorandum dated October 23, 1989, EPA has evaluated the proposed site designation for consistency with the State's approved coastal zone management program. EPA has determined that the designation of the proposed site is consistent to the maximum extent practicable with the State coastal management program and has submitted this determination on July 2, 1992 to the State for review in accordance with EPA policy. On November 13, 1992, the Massachusetts CZM office determined that the MBDS designation is consistent with State policies provided that disposal of contaminated sediments will not occur under any circumstances. It should be noted that EPA's EISs made clear that based on current information, EPA questions the efficacy of capping at a site such as the MBDS and believes that if capping pilot studies are proposed, they should utilize clean dredged material to ensure the protection of the marine environment in case of failure. In addition, as part of the NEPA process, EPA has consulted with the State regarding the effects of the dumping at the proposed site on the Massachusetts coastal zone.

The general criteria for the selection of sites are given in § 228.5 of the EPA Ocean Dumping Regulations. Five general criteria are used in the selection and approval for continued use of an ocean disposal site. Selection of sites incorporates minimizing interference with other marine activities, preventing any temporary perturbations from the dumping from causing impacts outside the disposal site, and monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. Based on the information presented in the EISs, EPA has determined that no environmental benefit would be obtained by selecting a site off the Continental Shelf versus that proposed in this action. The proposed site conforms to the five general criteria. If at any time, disposal operations at a site cause unacceptable adverse impacts, further use of the site will be restricted or terminated.

EPA established 11 factors, at 40 CFR 228.6, to use in evaluating a proposed disposal site to ensure that the general criteria are met and to assess the impact of the site for disposal. The criteria are used to make comparisons between sites and are the bases for final site selection. The characteristics of the proposed site are reviewed below in terms of the 11 factors. Detailed information is presented in the EISs.

1. Geographical Position, Depth of Water, Bottom Topography, and Distance From Coast (40 CFR 228.6(a)(1))

The site's center coordinate, size, and distance from shore are listed under Part C, Proposed Site Designation. Water depths at the site average 90 meters. The sediment composition in Massachusetts Bay is dominated by heterogeneous sediments composed primarily of glacial till. The floor of Massachusetts Bay is characterized by outcroppings of bedrock interspersed with areas of cobble, gravel, and sand, with some of the deeper areas grading into fine mud with a high clay content. The MBDS is located within the northwestern corner of the Stellwagen Basin, an area dominated by fine silts and clays. Because of its depth, the basin is not significantly affected by waves and currents and is considered a low-energy environment. Consequently, disposed dredged material is likely to remain in the immediate area.

2. Location in Relation to Breeding, Spawning, Nursery, Feeding, or Passage Areas of Living Resources in Adult and Juvenile Phases (40 CFR 228.6(a)(2))

Areas for breeding, spawning, nursery and/or passage of commercially and recreationally important finfish and shellfish species occur on a seasonal basis across the western shelf of the Gulf of Maine. Past disposal of dredged material at the site has not caused detectable, significant or irreversible adverse impacts on living marine resources.

Most species spawn during a period of several months, and over a wide geographical area. Species common to Massachusetts Bay include American plaice, silver hake, witch flounder, and Atlantic mackerel.

The present MBDS is located on the western edge of an apparent whale migratory corridor extending from

George's Bank north to Jeffrey's Ledge. The area directly east of the site appears to be used on a regular basis by both humpback and finback whales. Both the National Marine Fisheries Service and the U.S. Fish and Wildlife Service have determined that designation of the MBDS will not jeopardize any threatened or endangered species.

Impacts of dredged material disposal on demersal fish at the site are expected to be restricted to temporary changes in abundance, numbers of species, mean size, and food preferences. It is unlikely that disposal activities will interfere with commercially valuable fish because of their mobility and the limited area in which disposal occurs. Two species of commercial fish that lay demersal eggs are not expected to be adversely affected since the substrate and offshore locale of the site are not preferred spawning areas for these fish.

3. Location in Relation to Beaches and Other Amenity Areas (40 CFR 228.6(a)(3))

Use of the MBDS is not considered to have any potential for coastal impacts because the site is approximately 15 miles from the nearest beach and has a very low probability of resuspension. Distance from shore, water depth, configuration of the basin, and net southeast transport are factors that minimize the possibility of dredged material reaching beaches or other amenity areas. Studies reported in the EIS indicate that virtually all of the dredged material disposed at the site remains within the disposal area.

4. Types and Quantities of Wastes Proposed To Be Disposed of, and Proposed Methods of Release, Including Methods of Packing the Waste, if Any (40 CFR 228.6(a)(4))

Dredged Material release at approved sites must conform to the EPA criteria in the ocean dumping regulations (40 CFR part 227). Sediments presently being dredged from the Massachusetts coastal area are composed of fine sand, silt, and clay, and are similar in grain size to natural sediments in the central basin of the proposed disposal site. The dredged material is transported in bulk by a barge equipped with a bottom dump mechanism. Future dredging projects may contribute approximately three million cubic yards of dredged material to the MBDS in the next decade.

5. Feasibility of Surveillance and Monitoring (40 CFR 228.6(a)(5))

The COE currently conducts on-board surveillance to ensure that disposal operations occur at the proper location. Monitoring by EPA, the COE, and permittees will continue for as long as the site remains active. In order to detect any transport of dredged material outside the site, sediments will be monitored at the site and along transects of possible transport. Benthic communities will be monitored to detect changes that extend beyond the site.

Periodic bioaccumulation analyses of benthic invertebrates and fishes collected from the disposal site and bioassays will be used to determine whether dredged material disposal has adversely affected any marine resources. If evidence of significant adverse environmental effects is found, EPA will take appropriate steps to restrict to terminate dumping at the site.

6. Dispersal, Horizontal Transport and Vertical Mixing Characteristics of the Area, Including Prevailing Current Direction, and Velocity, If Any (40 CFR 228.6(a)(6))

Current velocities range from 0 to 30 centimeters per second at the site. Currents are influenced by tides in a rotational manner, but net water movement is to the southeast. The COE reports that regional dredged material (primarily fine sand, silt, and clay) is cohesive. As a result, rapid settling of the released sediments should occur. Minimal horizontal mixing or vertical stratification of disposal materials should occur, resulting in low suspended sediment concentrations.

Previous studies have demonstrated the relative immobility of dredged material at the site.

7. Existence and Effects of Current and Previous Discharges and Dumping in the Area (Including Cumulative Effects) (40 CFR 228.6(a)(7))

Several industrial and municipal discharges are located in Massachusetts Bay. Although the closest proposed discharge is approximately 13 nautical miles from the proposed site, it represents the closest point source discharge of pollutants. Because of the distance involved and dilution factors associated with mixing, discharges in Massachusetts Bay are not expected to have a measurable effect on the site.

Previous dredged material disposal at the existing site has not produced any significant adverse effects on sediment or water quality. Changes in water quality as a result of disposal operations have been of short duration (minutes) and have been confined to relatively small areas. No major differences in finfish and/or shellfish species or numbers were found in recent surveys within and adjacent to the site.

Recent disposal of dredged material has produced minor localized and reversible impacts of smothering of the benthos, and possible temporary impacts on demersal fish.

Sediment collected by EPA and the COE from the disposal area in 1985, 1986, and 1987 contain higher levels of chromium, copper, lead, zinc, and polychlorinated biphenyls than do sediments at control stations near the site. These higher trace metal and hydrocarbon concentrations probably reflect contaminants present in dredged material previously disposed at the site. However, concentrations of these contaminants at the site were not shown to cause any adverse ecological or human health effects. Trace metal concentrations in tissues of benthic organisms collected at the site were well below FDA action levels.

8. Interference with Shipping, Fishing, Recreation, Mineral Extraction, Desalination, Fish and Shellfish Culture, Areas of Special Scientific Importance, and Other Legitimate Uses of the Ocean (40 CFR 228.6(a)(8))

Extensive shipping, fishing, recreational activities, and scientific investigations take place in the Gulf of Maine throughout the year. However, previous dredged material disposal operations are not known to have interfered with these activities. The Bureau of Land Management has not announced plans to lease any areas on the nearshore Continental Shelf adjacent to the site for oil and gas exploration. Mineral extraction, desalination, and aquaculture activities do not presently occur near the site.

9. The Existing Water Quality and Ecology of the Site as Determined by Available Data or by Trend Assessment of Baseline Surveys (40 CFR 228.6(a)(9))

Investigations of dredged material disposal operations at the site have not indicated that disposal has had any significant adverse effects on water quality (e.g., dissolved nutrients, trace metals, dissolved oxygen, or pH).

Diatoms, nannoplankton, and phytoflagellates are the major types of phytoplankton within the coastal areas of Massachusetts Bay, and their population dynamics are closely correlated and with annual cycles of nutrients and light energy. Population cycles of zooplankton often are closely correlated with seasonal cycles of phytoplankton since many zooplankters use phytoplankton as food. Zooplankton numbers peak in July and October in the coastal ares of the Gulf of Maine.

The infaunal community at the disposal site is highly variable because

of dredged material disposal. Each area is in a different stage of recovery. Some epibenthic invertebrates do occur at MBDS associated with rocky surfaces is dominated by attached suspension primarily crustaceans, assorted shellfish, and sea stars. Many fish frequent the area, but several species of demersal fish dominate the population.

Site surveys have detected no significant differences in water quality or biological characteristics among areas within the site and adjacent reference areas. Therefore, dredged material disposal at the site does not appear to significantly alter water quality or ecology.

10. Potentiality for the Development or Recruitment of Nuisance Species in the Disposal Site (40 CFR 228.6(a)(10))

There are no known components of this dredged material or consequences of its disposal which would attract or result in recruitment or development of nuisance species at the site. Previous surveys at the site did not detect the development or recruitment of nuisance species, and the similarity of the dredged material with the existing sediments suggests that the development or recruitment of nuisance species is unlikely.

11. Existence at or in Close Proximity to the Site of any Significant Natural or Cultural Features of Historical Importance (40 CFR 228.6(a)(11))

The Massachusetts Board of Underwater Archeology reported that no known historical shipwrecks exist at or near the site.

E. Proposed Action

The MBDS has been used for ocean disposal activities since the 1940s. In 1977, EPA promulgated the ocean dumping regulations, and subsequently granted interim site designation status to sites which have been historically used.

Alternative ocean sites which were rejected from consideration were approximately 25 nautical miles further offshore and approximately 15 nautical miles south of the proposed location. Disposing dredged material in these sites would not have any appreciable benefits. Alternative deepwater sites on the Continental Shelf beyond the Gulf of Maine were rejected from consideration because the greater distance from shore (approximately 250 nautical miles) increases the potential for short dumping due to possible emergencies during adverse weather conditions. Greater water depth (over 200 meters) would result in the deposition of dredged materials over a larger area than projected for the proposed site. Costs to transport the dredged material would be excessive.

EPA has concluded that the proposed site is compatible with the general criteria and specific factors used for site evaluation. Designating a site other than the proposed site offers no clear environmental benefit or economic advantage. The proposed site has been previously used without apparent significant adverse effects.

The designation of the MBDS as an EPA Approved Ocean Dumping Site is being published as proposed rulemaking. Management authority of this site will be a joint responsibility of EPA, Region I and the COE, New England Division. Interested persons may participate in this proposed rulemaking by submitting written comments within 45 days of the date of this publication to the address previously given.

Final site designation will serve to clarify the site's status for the long-term, including its availability as an ocean disposal alternative to consider during case-by-case permit reviews for future dredging projects. It should be emphasized that if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of dredged material at the site. Before ocean dumping of dredged material at the site may commence, the COE must evaluate a permit application according to EPA's Ocean Dumping Criteria. Federal projects are also evaluated in accordance with those criteria. In either case, EPA has the right to disapprove the actual dumping if it determines that environmental concerns under the MPRSA have not been met.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this proposed action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this proposal does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule.

Consequently, this proposed rule does not necessitate preparation of a Regulatory Impact Analysis.

This proposed rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: February 5, 1993.

Paul G. Keough,

Acting Regional Administrator, Region I.

In consideration of the foregoing subchapter H of chapter I of title 40 is proposed to be amended as set forth below:

PART 228—[AMENDED]

1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.12 is amended by revising the section heading; by removing from paragraph (a)(3) the dredged material disposal site for "Marblehead, MA"; and by adding paragraph (b)(92) to read as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

* * * * *

(b) * * *

(92) Massachusetts Bay Disposal Site, Region I

Center coordinates (NAD 1983):
43° 25.1′ north latitude
70° 35.0′ west longitude
Size: 2 nautical mile diameter
Depth: Average 90 meters
Exclusive Use: Dredged material
Period of Use: Continuing
Restriction: Disposal shall be limited to dredged material which meets the requirements of the MPRSA and its accompanying regulations, as implemented by the national and regional testing protocols

[FR Doc. 93–3985 Filed 2–22–93; 8:45 am]

BILLING CODE 6560–50–M

---

40 CFR Part 372

[OPPTS–400066A; FRL–4572–1]

Sulfuric Acid and Hydrochloric Acid; Toxic Chemical Release Reporting; Community Right-To-Know; Notice of Public Meeting; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: This notice revises the meeting time for the 1-day public meeting on issues raised by public commenters on a recent proposal to modify the listing for sulfuric acid on the list of toxic chemicals that are subject to reporting under section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 and section 6607 of the Pollution Prevention Act of 1990. In a notice published in the **Federal Register** of February 1, 1993 (58 FR 6609), it was stated that the 1-day public meeting would occur on March 3, 1993, at 1 p.m. and adjourn by 4 p.m. The time for the 1-day public meeting has been changed to 2 p.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Maria J. Doa, Petitions Coordinator, Emergency Planning and Community Right-to-Know Information Hotline, Environmental Protection Agency, Mail Stop OS–120, 401 M St., SW., Washington, DC 20460, Toll free number: 800–535–0202, Toll number: 703–920–9877, TDD Toll free number: 800–553–7672, TDD Toll number: 703–486–3323.

Dated: February 11, 1993.

Mark Greenwood,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 93–4123 Filed 2–22–93; 8:45 am]

Billing Code 6560–50–F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 93–07; Notice 1]

RIN 2127–AE21

Federal Motor Vehicle Safety Standards; Hydraulic Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to establish stopping distance performance requirements in Standard No. 105, Hydraulic Brake Systems, for trucks, buses, and multipurpose passenger vehicles (MPVs) with gross vehicle weight ratings (GVWRs) over 10,000 pounds that are equipped with hydraulic brake systems. These proposed requirements would be applicable to 60 mph stops on a high coefficient of friction surface. The agency has decided to propose different stopping distance requirements for different truck configurations.

This notice is one part of a comprehensive effort by the agency to improve the braking ability of heavy vehicles. In another NPRM published elsewhere in today's **Federal Register**, the agency is proposing the identical stopping distance requirements for heavy vehicles that are equipped with air brake systems. In a June 1992 ANPRM, the agency announced that it plans to consider lateral stability and control requirements for 30 mph stops on low and split coefficient of friction surfaces. That notice sets forth the agency's other long-term considerations about improving the safety of braking systems on heavy vehicles.

DATES: Comments must be received on or before May 24, 1993.

The proposed amendments would become effective two years after publication of a final rule in the **Federal Register**.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. George Soodoo, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202–366–5892).

SUPPLEMENTARY INFORMATION:

Background

Regulatory History

As initially promulgated in 1972, Standard No. 105, Hydraulic Brake Systems (49 CFR 571.105), set performance requirements for all motor vehicles with hydraulic service brakes. (37 FR 17970, September 2, 1972.) Hydraulic brakes are used on most single unit vehicles with gross vehicle weight ratings (GVWRs) of 26,000 pounds or less and on many medium and heavy duty trucks and buses (hereinafter referred to as "heavy vehicles") with GVWRs between 26,000 pounds and 33,000 pounds. Hydraulic brakes are available on single unit vehicles with GVWRs up to 46,000 pounds, but are used to a lesser degree with such vehicles. Heavy vehicles not equipped with hydraulic brakes use air brake systems. Among other provisions, the 1972 rule required vehicles with GVWRs greater than 10,000 pounds to stop from 60 mph within 245 feet when in the lightly loaded condition and within 553 feet under partial failure conditions. In adopting these requirements, the agency explained that stopping distance is perhaps the most important indication of brake performance and thus crash avoidance.

In response to petitions for reconsideration challenging the stopping distance requirements, the agency noted that in many crashes, a more effective service brake system would have lessened the severity of the crash or even avoided it. (38 FR 13017, May 18, 1973.) Accordingly, the agency concluded that stopping distance requirements can serve to reduce deaths, injuries, and property damage. Some petitions for reconsideration also challenged the more stringent stopping distance requirements for hydraulically braked vehicles as compared with the requirements for air-braked vehicles in Standard No. 121, Air Brake Systems (49 CFR 571.121). While the initial stopping distance requirement of 245 feet in Standard No. 121 was identical to Standard No. 105's requirement, Standard No. 121 was revised to require stopping within 258 feet (and then 293 feet). As a result of the stopping distance requirements, many manufacturers considered redesigning their vehicles to have larger brake systems, antilock systems, brake proportioning systems, or new types of split systems.

NHTSA subsequently amended Standard No. 105 to make it applicable only to passenger cars equipped with hydraulic brake systems. (40 FR 18411, April 28, 1975). This amendment served to rescind the standard's applicability to multipurpose passenger vehicle's (MPVs), trucks, and buses equipped with hydraulic brake systems. The notice stated that requirements for those vehicles could not be justified in light of the costs. The agency's review of the comments confirmed that the costs to attain compliance with the standard could range from $54 to $775 per unit. This led NHTSA to conclude that, at that time, the costs were not justified in view of the achievable safety benefits. Notwithstanding this decision, the agency emphasized that "truck braking is in many cases substantially poorer than passenger car braking, and that the generally longer stopping distances and the greater severity of truck accidents justify a safety standard for these vehicles."

Since narrowing Standard No. 105's applicability, the agency has issued several amendments extending the standard's applicability to certain types of vehicles. In 1976, the Standard's applicability was extended to all school buses. (41 FR 2391, January 16, 1976.)

In 1981, its applicability was extended on a general basis (with some modifications) to trucks, all types of buses, and MPVs with a GVWR of 10,000 pounds or less. (46 FR 55, January 2, 1981.) As for trucks, buses, and MPVs with a GVWR greater than 10,000 pounds, the 1981 notice extended the requirements for braking with partial hydraulic system failures and power booster unit failures. However, the service and parking brake performance requirements, including those for stopping distances, have not been re-adopted for hydraulically braked trucks and non-school buses with GVWRs over 10,000 pounds.

As explained in detail in a companion notice issued elsewhere in today's edition of the **Federal Register**, the stopping distance requirements for air-braked vehicles have received a great deal of agency and judicial attention. Briefly stated, along with certain other provisions, the stopping distance requirements for air-braked vehicles were invalidated by the United States Court of Appeals decision in *PACCAR v. NHTSA*, 573 F.2d 632, (9th Cir. 1978) *cert. denied* 439 U.S. 862 (1978). Along with this NPRM, the agency is publishing in today's edition of the **Federal Register**, an NPRM proposing to reestablish stopping distance requirements for air-braked vehicles consistent with the *PACCAR* decision. The reader should refer to this companion notice for more extensive discussions about various issues relating to the braking performance of heavy vehicles, especially in terms of stopping distance. In addition, on June 8, 1992, the agency published an ANPRM addressing possible requirements for lateral stability and control for heavy vehicles (52 FR 24212).

Brake Designs and Equipment

As explained in detail in the NPRM about air-braked vehicles published elsewhere in today's **Federal Register**, designing heavy vehicle braking systems for the many vehicle configurations and loading conditions is very complex. As a result, manufacturers have developed several devices related to the braking of heavy vehicles, including load proportioning systems which change the brake proportioning to the drive axle after mechanically sensing the vehicle's load; and antilock braking systems (ABS) which automatically control the amount of braking pressure applied to a wheel so as to prevent wheel lockup, thus increasing stability and control in emergency stops by preventing wheel lockup and loss of control. As explained in the companion NPRM and later in this notice, these devices can significantly reduce stopping distances as well.

Heavy Vehicle Crashes

In 1990, there were an estimated 319,000 police-reported crashes involving heavy vehicles. Of these approximately 107,000 involved vehicles other than combination units or truck-tractors. In 1990, heavy vehicle crashes resulted in 5,254 fatalities (Fatal Accident Reporting System (FARS)). In addition, crashes involving heavy vehicles result in more expensive and severe property damage.

Because numerous factors play a role in causing crashes, a single factor can be very rarely regarded the cause of a crash. One of the most important vehicle-related contributing factors involves the brake system's performance. Crashes in which braking was a contributing factor can be further subdivided into (1) crashes due to brake failures or defective brakes, (2) runaways on downgrades, due to maladjusted or overheated brakes, (3) crashes in which vehicles were unable to stop in time (i.e., brakes were not defective or ineffective due to heat but simply did not provide the stopping force necessary to avoid the crash), and (4) skidding or loss-of-control crashes due primarily to locked wheels during braking. This notice and the other NPRM focus on crashes attributable to the vehicle being unable to stop in time. The ANPRM published earlier this year considers ways to reduce braking-induced loss-of-control crashes.

Crashes in which vehicles are unable to stop before collisions are very difficult to quantify. In these crashes, the heavy vehicle's brakes function, but do not stop the vehicle quickly enough to avoid a crash. This type of crash might be reduced if heavy vehicle stopping performance (i.e., controlled stopping distances) were improved. Even if crashes of this type were not totally prevented, improvements in stopping performance would reduce collision impact speeds, thereby reducing crash severity.

Based on NHTSA's 1990 General Estimates System (GES), the agency estimates that between 12,491 and 16,783 of the between 100,476 and 122,582 non-alcohol-related heavy single-unit truck crashes that occurred in 1990 could be classified as "unable-to-stop-in-time" crashes. Most injuries and fatalities from these crashes were sustained by occupants in other-involved vehicles. The GES estimates for 1990 were 11 fatalities and between 1,576 and 3,032 injuries of heavy vehicle occupants and 243 fatalities and between 6,139 and 9,177 injuries of occupants of other-involved vehicles resulting from these crashes.

The agency emphasizes that not all of these unable-to-stop-in-time crashes are preventable. Nevertheless, it is likely that some can be prevented and many can be reduced in severity by improvements to heavy vehicle brake systems. If heavy vehicles were capable of higher braking decelerations without loss of control, collision impact speeds would be reduced, resulting in decreases of the incidence and severity of crash injuries and property damage.

Vehicle Research and Test Center Report #4

As part of its review of heavy vehicle braking, NHTSA issued a report entitled "NHTSA Heavy Duty Vehicle Brake Research Program Report No. 4—Stopping Capability of Hydraulically Braked Vehicles" (DOT HS 806 860, October 1985). That report was based on a comprehensive testing of twelve hydraulically braked vehicles ranging in weight from 14,800 to 46,000 pounds in both the empty and loaded conditions. The straight line stopping distance tests measured the shortest possible stop within a 12 foot wide land without locking more than one wheel per axle or two wheels per tandem axle at speeds greater than 20 mph. At 60 mph, stopping distances ranges from 214 feet to 396 feet. Among other things, the agency found that the ability to stop in a short distance without loss of control is primarily a function of front/rear braking force distribution. Vehicles with brake force distributions closest to their dynamic weight distributions were the best performers.

Heavy Vehicle Safety Report to Congress

In response to section 9107 of the Truck and Bus Regulatory Reform Act of 1988, the agency submitted a report to Congress entitled "Improved Brake Systems for Commercial Vehicles." (PB91–182600) which may be examined at the agency's Technical Reference Office, room 5108, at no charge. It is available from the National Technical Information Service (NTIS), Springfield, VA 22161 for a small charge. While the report focuses on air brakes systems, much of the information is relevant to heavy hydraulically braked vehicles. After discussing crash data concerning heavy vehicle brake systems, the report explains factors related to braking effectiveness and stability and control during braking. The report mentioned that stopping distances and vehicle stability could be improved by equipping heavy vehicles with load-sensing proportioning valves and ABS.

Agency Proposal

Stopping Distance Requirements

Based on the available information, NHTSA has decided to propose establishing stopping distance performance requirements for trucks, buses, and MPVs with GVWR's over 10,000 pounds that are equipped with hydraulic brake systems. The agency's long-term objective is to upgrade the braking efficiency of heavy vehicles while making controlled, stable stops, under all loading and road surface conditions. As illustrated in the chart below, the agency plans to introduce the following stopping distance requirements.

PROPOSED STOPPING DISTANCE REQUIREMENTS

[60 mph stops on high coefficient of friction surface]

Vehicle type	In feet
Loaded and Unloaded Buses	280
Loaded Single Unit Trucks	310
Empty Single Unit Trucks	335

Anticipated Lateral Stability Requirements

Lateral stability requirements for 30 mph stops on low coefficient of friction surfaces. (Considered in the ANPRM for a future proposal.)

In this notice and in the companion notice published today on Standard No. 121, the agency is proposing to establish stopping distance requirements for 60 mph stops on high coefficient of friction surfaces for all heavy vehicles. This notice proposes stopping distance requirements for vehicles equipped with hydraulic brake systems consistent with the stopping distance requirements for air-braked heavy vehicles proposed elsewhere in today's edition of the **Federal Register.** Stopping distance requirements would be introduced two years after the final rule takes effect with different stopping distance requirements for different types of vehicles and loading conditions. As explained below, the agency has decided not to propose the first effectiveness test which involves the preburnish condition. The second effectiveness test would be run when the vehicle is at its GVWR to assure full braking power. The third effectiveness test would be run while the vehicle is in the lightly loaded vehicle condition to assure reasonable brake balance.

The agency has decided to propose different stopping distance requirements for different heavy vehicle configurations. The agency tentatively concludes that one stopping distance requirement for all heavy vehicles with fully operational service brakes would be inappropriate. As explained below, a single requirement would be too stringent for unloaded single unit trucks and thus extremely costly and potentially impracticable. Conversely, such a single requirement might not be stringent enough for buses. The agency notes that these differences are more significant for air-braked vehicles.

The agency is also considering the establishment of lateral stability and control requirements for 30 mph stops on surfaces with low coefficients of friction (i.e., slippery surfaces typical of wet asphalt). Such requirements could have the effect of requiring antilock brakes on many heavy vehicles. The previously published ANPRM explains the agency's long term goals in this area.

The primary purpose for proposing to reinstate stopping distance requirements for heavy vehicles is to decrease the disparity of stopping performance between heavy vehicles and passenger cars, while assuring that the costs of any requirement are reasonable. A secondary, but still important, consideration is to have consistent requirements for similar vehicles, regardless of whether the vehicle is air-braked or hydraulically braked, provided that achieving consistency does not undermine the safety benefits of the stopping requirements. Given that test data indicate that stopping performance of heavy vehicles is similar for air-braked and hydraulically braked vehicles, the agency tentatively concludes that having the same stopping distance requirements in Standard Nos. 105 and 121 is appropriate. The agency initially adopted this policy of making the requirements in Standard No. 105 identical to Standard No. 212 where appropriate, in response to comments in the 1973 rulemaking when the standards had different stopping distance requirements. (38 FR 13017, May 18, 1973.) Based on the above, the agency is proposing the same stopping distances in Standard Nos. 105 and 121. The agency welcomes comments about this issue.

The agency based the proposed stopping distances on its engineering analysis of the available data, especially the stopping distance results in the VRTC reports. The agency is proposing to establish stopping distances for those vehicle types that were found, by testing, to reasonably demonstrate the capability. The agency believes that such an approach could be reasonably and safely achieved with available technology. As mentioned above, most hydraulically braked heavy vehicles are single unit trucks. Therefore, some of the configurations such as bobtail would not be applicable to these vehicles.

In the loaded condition, eleven of the twelve hydraulically braked vehicles tested in the VRTC Report #4 met the proposed stopping distance requirement of 310 feet for loaded single unit trucks. In the unloaded condition, ten of the twelve vehicles met the proposed requirement of 335 feet for unloaded single unit trucks. Therefore, the agency anticipates that most manufacturers would not have to make significant changes to the hydraulic braking systems of their vehicles to comply with the proposed stopping distance requirement.

Even though the stopping distance requirements apparently would not affect current hydraulically braked vehicles, the agency believes that establishing stopping distance requirements for hydraulically braked heavy vehicles and reinstating them for air braked heavy vehicles is a desirable first step in its overall plan to improve heavy vehicle safety. In subsequent rulemakings, the agency may propose requirements concerning stopping on more slippery surfaces to improve vehicle braking performance. The agency further believes that such stopping distance requirements are necessary to establish minimum requirements to ensure a level of compatibility between heavy vehicles and lighter vehicles.

The agency welcomes comments about various aspects of this proposal, including the need for stopping distance requirements for hydraulically braked heavy vehicles and the reasonableness of the various proposed distances and categories of vehicles.

Schoolbuses

As mentioned above, the stopping distance requirements in Standard No. 105 apply primarily to vehicles with a GVWR of 10,000 pounds or less. School buses comprise the only vehicle type with a GVWR greater than 10,000 pounds currently subject to Standard No. 105's stopping distance requirements (including the first, preburnished, effectiveness test). A vehicle must comply with these performance requirements under the test conditions prescribed in S6 when tested according to the procedures set forth in S7 (see S7.3).

The proposal is intended to extend the applicability of the stopping distance requirements to all heavy vehicles. It is not intended to affect the requirement's current applicability. Accordingly, the first effectiveness test would continue to be applicable to school buses. The agency made those

requirements applicable to school buses in response to the Motor Vehicle and Schoolbus Safety Act of 1974 (Pub. L. 93–492), which directed the agency to issue safety standards for school bus operating systems. (41 FR 2391, January 16, 1976.) Given this Congressional mandate and the "stop-and-go" duty cycle of school buses, the agency believes that the first effectiveness test should still be applicable to schoolbuses, even though this requirement would not be applied to other vehicles with a GVWR greater than 10,000 pounds. The agency requests comments on this matter.

Nevertheless, the proposal would amend certain test conditions (e.g., the road surface in S6.9, the vehicle position in S6.10, and the initial brake temperature in S6.10) to create two classes of test conditions based on a vehicle's weight: vehicles with a GVWR of 10,000 pounds or less and vehicles with a GVWR greater than 10,000 pounds. Since a 15,000 pound school bus is more similar to a 15,000 pound single unit truck than a 7,500 pound vehicle, the agency tentatively concludes that school buses should be tested under the new test conditions applicable to other heavy vehicles rather than the current conditions to which school buses are now tested. The agency requests comments about how to treat school buses under the proposal.

Preburnish Test

The first effectiveness test in Standard No. 105 (commonly known as the "preburnish test") concerns brake performance very early in a vehicle's life. After reviewing the need for such a test, NHTSA has decided not to propose applying the preburnish test to heavy vehicles for the following reasons. First, the agency is not aware of any evidence that crashes involving hydraulically braked heavy vehicles have been caused by "green" brake linings. Second, given the absence of a preburnish test in Standard No. 121 and the proposed Standard No. 135, it would be inconsistent to propose such a test for heavy vehicles subject to Standard No. 105. Third, in the supplemental notice of proposed rulemaking (SNPRM) to adopt Standard No. 135, the agency decided not to propose the preburnish testing requirements because few vehicles are driven any length of time in an unburnished condition (56 FR 30528, July 3, 1991). Based on the above, the agency has decided not to propose applying Standard No. 105's first (preburnish) effectiveness test to vehicles with a GVWR greater than 10,000, except for school buses. Nevertheless, the agency solicits comments as to whether there should be such a requirement.

Second Effectiveness Test

The second effectiveness test in Standard No. 105 concerns brake performance when a vehicle is in its loaded condition. As explained earlier in this notice, NHTSA has decided to propose extending this test to hydraulically braked heavy vehicles. The agency notes that this situation replicates one of the most common use situations for heavy vehicles, especially loaded trucks. In fact, most heavy vehicles are designed to provide optimum brake balance when fully loaded. Accordingly, the agency tentatively concludes that it would be in the interests of safety to establish stopping distance requirements for hydraulically braked heavy vehicles in this situation.

Third Effectiveness Test

The third effectiveness test in Standard No. 105 concerns brake performance when a vehicle is in its unloaded condition. The agency notes that it decided not to apply this test to vehicles with a GVWR of 8,000 pounds to 10,000 pounds because of potential problems for final stage manufacturers. (46 FR 55, January 2, 1981.) However, the agency has decided to propose extending the third effectiveness test to all hydraulically braked heavy vehicles. The agency believes that to be consistent with Standard No. 121, a lightly loaded test condition should be required for all heavy vehicles. In addition, the test condition is appropriate because the lightly loaded condition provides relatively poor braking performance that may be detrimental to safety. The agency believes that given the typically longer stopping distances for heavy vehicles in the lightly loaded condition, it would be beneficial to propose a separate requirement reflecting these differences.

As for possible compliance problems faced by final stage manufacturers, the agency believes that a certification of compliance based on adherence to the incomplete vehicle document would constitute the exercise of due care. (See 43 48646, October 19, 1978.) The agency notes that the proposal would not change the situation for the final stage manufacturer that resulted in the amended regulation in October 1978.

Fourth Effectiveness Test

The fourth effectiveness test in Standard No. 105 concerns the brake system's ability after being subjected to fade and recovery testing under S5.1.4. Neither the fade and recovery tests nor the fourth effectiveness tests are applicable to school buses with a GVWR greater than 10,000 pounds because the agency determined that this test would be redundant for a heavy vehicle (41 FR 2391, January 16, 1976.) Based on this earlier rulemaking, the agency has decided not to propose requiring heavy vehicles to comply with the fourth effectiveness test. Nevertheless, the agency invites comments on this matter.

Road Test Surface

In light of *PACCAR*, the agency has considered better ways to state the adhesion characteristics of test surfaces. Elsewhere in today's **Federal Register**, the NPRM proposing stopping requirements for air-braked vehicles explains in detail the agency's proposal about the road test surface. Briefly stated, instead of specifying road test surfaces in terms of skid numbers, these proposals specify road surfaces in terms of "peak coefficient of friction." The agency tentatively concludes that PFC is more relevant for the stopping distance tests required by the proposed standard because, unlike a skid number, the maximum attainable deceleration in a non-locked wheel stop is directly related to PFC. In addition, the agency believes that "round robin" testing of PFC indicate that such a test procedure would be practicable. Accordingly, NHTSA is proposing that the primary 60 mph stopping distance tests be performed on a test surface with a PFC of 0.9, a surface typical of dry concrete or asphalt. The agency requests comments on this issue.

Time Intervals Between Tests

In light of *PACCAR*, the agency has considered more objective ways to state the time interval between tests. Elsewhere in today's **Federal Register**, the NPRM proposing stopping requirements for air-braked vehicles explains in detail the agency's proposal about time intervals between tests. Briefly stated, the agency has decided to propose a time interval based on higher initial brake temperatures based on additional study by the VRTC. Specifically, the average brake lining temperature of the hottest axle would have to be between 250° and 300 °F before a stopping test could be initiated. The agency believes that this provision would allow tests on heavy vehicles to be conducted with a reasonable time between tests at temperatures representative of in-service conditions.

Costs

As explained in detail in the PRE, the costs associated with the rulemaking

involve additional testing costs and hardware/equipment costs. The agency estimates the minimum initial testing costs associated with establishing stopping distance requirements for all heavy hydraulic braked vehicles would be about $1 million. Assuming the industry continues to produce about 110,000 hydraulic braked heavy vehicles per year, the testing cost per vehicle would be less than $10. Since, as mentioned earlier, the agency does not anticipate any changes in the braking systems of hydraulic braked heavy vehicles in response to these requirements, the agency does not anticipate any cost impact resulting from necessary vehicle modification.

The agency welcomes comments about the anticipated cost of this proposal. In particular, the agency invites comments about the number of vehicles affected by the proposal and the unit cost of equipment needed to comply with the proposed requirements.

Leadtime

NHTSA believes that the major manufacturers have the facilities necessary to test, evaluate, and if necessary, upgrade their brake systems within two years. As previously stated, the agency further believes that many vehicles can already meet the proposed requirements without being upgraded and that those vehicles requiring upgraded designs can do so by selecting a more effective combination of readily available on-the-shelf brake components. Accordingly, the agency believes that two years should provide an adequate amount of leadtime for all vehicle manufacturers to comply with the proposed requirements. Vehicles would have until two years after the final rule is issued to allow for the additional modifications necessary to comply with the requirements. The agency requests comments on the adequacy of the leadtime in general and specifically about any types of vehicles or brake systems which would require extensive redesign.

Section 103(c) of the Vehicle Safety Act requires that each order shall take effect no sooner than 180 days or later than one year from the date the order is issued unless "good cause" is shown that an earlier or later effective date is in the public interest. Given the complexity of braking systems, especially those on heavy vehicles, the agency believes that there is "good cause" to propose leadtime of greater than one year.

This proposed rule would not have any retroactive effect. Under section 103(d) of the National Traffic and Motor Vehicle Safety Act (Safety Act; 15 U.S.C. 1392(d)), whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. Section 105 of the Safety Act (15 U.S.C. 1394) sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Rulemaking Analyses and Notices

Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures

NHTSA has analyzed this proposal and determined that it is neither "major" within the meaning of Executive Order 12291 nor "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. A PRE setting forth the agency's detailed analysis of the economic effects of this proposal (along with the other notice issued today) has been prepared and been placed in the docket. This rulemaking is based on the PRE and all additional data available to the agency.

As previously discussed, no improvements in the braking performance of current hydraulic brake equipped trucks will be necessary for those vehicles to comply with the proposed requirements. As such, no benefit is anticipated for these vehicles. However, the agency concludes that these proposed requirements, along with those for air brake equipped trucks, would improve safety by ensuring an equivalent level of safety for all heavy vehicles regardless of the brake system.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the proposed amendments would not have a significant economic impact on a substantial number of small entities. As mentioned above, most heavy vehicles would comply with the proposed requirements without the need for significant changes. In addition, the agency is not aware of any manufacturer of heavy vehicles or hydraulic brake systems that would be considered a small entity. The added cost of modifying a vehicle is small in comparison to the overall cost of a brake system and very small in comparison to the overall price of a vehicle. Therefore, these changes would not significantly affect purchase decisions. The industry test cost per vehicle to assure compliance with the proposal would be very small in comparison to the vehicle's overall price. For these reasons, vehicle manufacturers, small businesses, small organizations, and small governmental units which purchase motor vehicles would not be significantly affected by the proposed requirements. Accordingly, no regulatory flexibility analysis has been prepared.

Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule would not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws would be affected.

National Environmental Policy Act

Finally, the agency has considered the environmental implications of this proposed rule in accordance with the National Environmental Policy Act of 1969 and determined that the proposed rule would not significantly affect the human environment. No changes in existing production or disposal processes would result. Nor should production and disposal processes have a significant adverse affect on the environment.

Public Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A

request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, the agency proposes to amend Standard No. 105, Hydraulic Brake Systems, in title 49 of the Code of Federal Regulations at part 571 as follows:

PART 571—[AMENDED]

1. The authority citation for part 571 would continue to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

§ 571.105 [Amended]

2. In § 571.105, S4 would be amended by adding the following definitions to be placed in the proper alphabetical location:

§ 571.105 Standard No. 105; Hydraulic brake systems.

* * * * *

Limited lockup means a lockup of not more than one wheel per axle or two wheels per tandem."

* * * * *

Peak Friction Coefficient or *PFC* means the ratio of the maximum value of braking test wheel longitudinal force to the simultaneous vertical force occurring prior to wheel lockup, as the braking torque is progressively increased, when measured in accordance with ASTM E1337–90 test procedure as ASTM E1136 tire at 40 mph, without water delivery.

* * * * *

Permissible Wheel Lockup means a lockup of one or more wheels at 100 percent slip for one second or less.

* * * * *

3. In § 571.105, S5.1 would be revised to read as follows:

S5.1 *Service brake systems.* Each passenger car and each multipurpose passenger vehicle, truck, and bus with a GVWR of 10,000 pounds or less, and each school bus with a GVWR of greater than 10,000 pounds shall be capable of meeting the requirements of S5.1.1 through S5.1.6 under the conditions prescribed in S6, when tested according to the procedures and in the sequence set forth in S7. Each multipurpose passenger vehicle, truck, and bus (other than a school bus) with a GVWR greater than 10,000 pounds shall be capable of meeting the requirements of S5.1.1, S5.1.2, and S5.1.3 under the conditions prescribed in S6, when tested according to the procedures and in the sequence set forth in S7. Except as noted in S5.1.1.2 and S5.1.1.4, if a vehicle is incapable of attaining a speed specified in S5.1.1, S5.1.2, S5.1.3, or S5.1.6, its service brakes shall be capable of stopping the vehicle from the multiple of 5 mph that is 4 to 8 mph less than the speed attainable in 2 miles, within distances that do not exceed the corresponding distances specified in Table II. If a vehicle is incapable of attaining a speed specified in S5.1.4 in the time or distance interval set forth, it shall be tested at the highest speed attainable in the time or distance interval specified.

TABLE II.—STOPPING DISTANCES

Vehicle test speed (miles per hour)	Stopping distances in feet for tests indicated														
	I–1st (prebumished) & 4th effectiveness; spike effectiveness check				II–2d effectiveness			III–3d (lightly loaded vehicles) effectiveness				IV–Inoperative brake power and power assist unit; partial failure		
	(a)	(b)	(c)	(d)	(a)	(b) & (c)	(d)	(a)	(b)	(c)	(d)	(a)	(b) & (c)	(d)
30	[1]57	[1,2]65	69 (1st)[1,2] ... 65 (4th[1,2] .... and spike).											
35			[1]72	[1,2]88	[1]54	[1]57	[1,2]78	51	57	85	84	114	130	170
40	74	[illegible]	91	132	70	74	106	67	74	83	114	155	176	225
45	96	108	119	173	91	96	138	87	96	108	149	202	229	288
50	121	137	150	218	115	121	175	110	121	137	189	257	291	358
55	150	169	185	264	142	150	216	135	150	169	233	317	359	435
60	181	204	224	326	172	181	261	163	181	204	281	383	433	520
80	[1]216	[1]242	[1]267	[1,2]388	[1]204	[1]216	[1]310	[1]194	[1]216	[1]242	[1]335	[1]456	[1]517	[1]613
95	[1]405	[1]459	[1]510	NA	[1]383	NA	NA	NA	NA	NA	NA	NA	NA	NA
100	[1]607	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	[1]673	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

[1] Distance for specified tests.
[2] Applicable to school buses only. NA=Not applicable.

NOTE: (a) Passenger cars; (b) vehicles other than passenger cars with GVWR of less than 8,000 lbs; (c) Vehicles with GVWR of not less than 8,000 lbs and not more than 10,000 lbs; (d) vehicles with GVWR greater than 10,000 lbs.

* * * * *

4. In § 571.105, S5.1.1 would be revised to read as follows:

* * * * *

S5.1.1 Stopping distance.

(a) The service brakes shall be capable of stopping each vehicle with a GVWR

of 8,000 pounds or less, and each school bus with a GVWR between 8,001 pounds and 10,000 pounds in four effectiveness tests within the distances and from the speeds specified in S5.1.1.1, S5.1.1.2, S5.1.1.3, and S5.1.1.4.

(b) The service brakes shall be capable of stopping each vehicle with a GVWR of between 8,000 pounds and 10,000 pounds, other than a school bus, in three effectiveness tests within the distances and from the speeds specified in S5.1.1.1, S5.1.1.2, and S5.1.1.4.

(c) The service brakes shall be capable of stopping each vehicle with a GVWR greater than 10,000 pounds, other than a school bus, in two effectiveness tests within the distances and from the speeds specified in S5.1.1.2 and S5.1.1.3.

(d) The service brakes shall be capable of stopping each school bus with a GVWR of greater than 10,000 pounds in three effectiveness tests within the distances and from the speeds specified in S5.1.1.1, S5.1.1.2 and S5.1.1.3.

* * * * *

In § 571.105, S5.1.1.2 would be revised to read as follows:

* * * * *

S5.1.1.2 In the second effectiveness test, each vehicle with a GVWR of 10,000 pounds or less and school buses with a GVWR greater than 10,000 pounds shall be capable of stopping from 30 mph and 60 mph, and each vehicle with a GVWR greater than 10,000 pounds (except for school buses) shall be capable of stopping from 60 mph, within the corresponding distances specified in Column II of Table II. If the speed attainable in 2 miles is not less than 84 mph, a passenger car or other vehicle with a GVWR of 10,000 pounds or less shall also be capable of stopping from 80 mph within the corresponding distances specified in Column II of Table II.

* * * * *

6. In § 571.105, S6.9 would be revised to read as follows:

* * * * *

S6.9 *Road Surface.* Road tests are conducted on a 12-foot-wide, level roadway, having a skid number of 81 for vehicles with a GVWR of 10,000 pounds or less, or having a peak friction coefficient of 0.9 for vehicles with a GVWR greater than 10,000 pounds. Burnish stops are conducted on any surface. The parking brake test surface is clean, dry, smooth, Portland cement concrete. Peak friction coefficient is measured using an American Society for Testing and Materials (ASTM) E 1336 standard reference test tire, in accordance with ASTM Method E 1337–90, at a speed of 40 mph, without water delivery.

* * * * *

7. In § 571.105, S6.10 would be revised to read as follows:

* * * * *

S6.10 Vehicle Position. The vehicle is aligned in the center of the roadway at the start of each brake application. Stops, other than spike stops, are made without any part of the vehicle leaving the roadway. Except as noted below, stops are made without lockup of any wheel at speeds greater than 10 mph. There may be controlled lockup of an antilock-equipped axle, and lockup of not more than one wheel per vehicle, uncontrolled by an antilock system. (Dual wheels on one side of an axle are considered a single wheel. For vehicles with a GVWR greater than 10,000 pounds, limited lockup is permitted at speeds above 20 mph, and permissible lockups are allowed at any speed. Locked wheels at speeds greater than 10 mph are also allowed during spike stops (but not spike check stops), partial failure stops and inoperative brake power or power assist unit stops.

* * * * *

8. In § 571.105, S6.12 would be revised to read as follows:

* * * * *

S6.12 Initial brake temperature. Unless otherwise specified, the initial brake temperature is between 150° F. and 200° F. for vehicles with a GUWR of 10,000 pounds or less, and between 250° F. and 300° F. for vehicles with a GVWR greater than 10,000 pounds.

* * * * *

Issued on February 12, 1993.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 93–3940 Filed 2–22–93; 8:45 am]

BILLING CODE 4910–59–M

---

49 CFR Part 571

[Docket No. 93–06; Notice 1]

RIN 2127–AD07

Federal Motor Vehicle Safety Standards; Air Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to reinstate stopping distance performance requirements in Standard No. 121, Air Brake Systems, for trucks and buses that are equipped with air brake systems. These proposed requirements would be applicable to 60 mph stops on a high coefficient of friction surface. The agency has decided to propose different stopping distance requirements for different heavy vehicle configurations. This notice also proposes threshold pressure requirements for tractors and trailers to improve the compatibility of combination vehicles.

This notice is one part of a comprehensive effort by the agency to improve the braking ability of heavy vehicles. In another NPRM published elsewhere in today's **Federal Register**, the agency is proposing the identical stopping distance requirements for heavy vehicles that are equipped with hydraulic brake systems. In a June 1992 ANPRM, the agency announced that it plans to consider lateral stability and control requirements during braking for 30 mph stops on low coefficient of friction surfaces. That notice set forth the agency's other long-term considerations about improving the safety of braking systems on heavy vehicles.

DATES: *Comments.* Comments must be received on or before May 24, 1993.

Proposed effective date. The proposed amendments in this notice would become effective two years after publication of a final rule in the **Federal Register**.

Incorporation by reference. The incorporation by reference of certain publications listed in the regulations would be approved by the Director of the Federal Register as of the publication of the final rule.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. George Soodoo, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202–366–5892).

SUPPLEMENTARY INFORMATION:

Background

Regulatory History

NHTSA has been concerned about the safety of medium and heavy duty vehicles (hereinafter referred to as "heavy vehicles") equipped with air-brakes since the agency's inception. On October 11, 1967, the predecessor of NHTSA announced its intention to promulgate a standard for air-braked trucks, tractor trailers, and buses. (32 FR

14279). The initial notice of proposed rulemaking (NPRM) proposed various requirements about air-braked systems, including requiring vehicles equipped with such systems to stop within certain distances, from certain speeds, without leaving a 12-foot wide lane and without lockup of any wheel "more than momentarily." (35 FR 10368, June 25, 1970) That notice proposed that air-braked vehicles would have to stop from 60 mph within 216 feet on a surface with a skid number of 75. A skid number is the frictional resistance of a pavement. A high skid number such as 75 represents a dry, non-slippery surface. The "no lockup" provision was intended to minimize skidding, spinning, and jackknifing due to wheel lockup and loss of lateral stability.

In the final rule establishing Standard No. 121, Air Brake Systems (49 CFR § 571.121), the agency decided to increase the 60 mph stopping distance from 216 feet to 245 feet. (36 FR 3817, February 27, 1971). That notice explained that the less stringent stopping distance was being required to reflect more accurately the surface's friction characteristics. The standard was to become effective on January 1, 1973.

In responding to several petitions for reconsideration requesting that the stopping distances be lengthened, the agency stated that the distances specified were reasonable and well within the state-of-the-art and that greater distances would increase the disparity between heavy vehicles and cars and thus be contrary to the interests of safety (37 FR 3905, February 24, 1972). The agency did extend the effective date until September 1, 1974. Because the required stopping distances were shorter than the former stopping distances achieved by certain heavy vehicles, new braking systems were necessary for those vehicles. Most manufacturers adopted "antilock" devices because the standard required stops to be made without more than momentary lockup of wheels.

In a subsequent notice, the agency amended the stopping distance requirements, extending the 60 mph stopping distance requirements to 258 feet (39 FR 17550, May 17, 1974). The agency explained that the requirements were lengthened five percent to compensate for production variations. The notice delayed the standard's effective date until January 1, 1975 for trailers and until March 1, 1975 for trucks and buses.

In response to petitions for reconsideration of the May 1974 final rule, NHTSA extended the 60 mph stopping distance requirements to 277 feet. These requirements were to be effective until January 1, 1978, at which time the previous 258 foot requirement was to be reinstated. The agency explained that data submitted by manufacturers indicated that variability of performance of certain braking and related components could in some vehicles necessitate more aggressive brake packages than were desirable to achieve the stopping distances contemplated in development of the standard (40 FR 38160, August 27, 1975). The agency then announced a public meeting to explore the safety of antilock systems, which had been questioned by manufacturers (40 FR 43049, September 18, 1975). As a result of the meeting, the agency suspended the standard's applicability to buses for one year (40 FR 52856, November 13, 1975).

After further consideration, the agency amended the standard by extending the 60 mph stopping distance requirement to 293 feet, as requested by Freightliner in its petition (41 FR 8783, March 1, 1976). The notice explained that the most important measures to improve heavy vehicle braking were more effective brakes to reduce the disparity between passenger cars and heavy vehicles and a provision against wheel lockup during braking to prevent the vehicle from skidding out of control. The agency reasoned that this requirement would permit the "depowering" of steering axle brakes sufficiently to improve handling characteristics. In that rulemaking, Oshkosh commented that because the problems raised in the public meeting apply to buses and tractor trailers (but not single unit trucks), a stopping distance of 277 feet would be sufficient to ensure the safe stopping of single unit trucks.

In June 1987, NHTSA issued a final rule suspending the stopping distance requirements in Standard No. 121 for buses other than school buses. (52 FR 20602, June 2, 1987.) Because school buses equipped with air brakes had already been excluded from the stopping distance requirements, these requirements are currently not applicable to any heavy vehicles.

Judicial Considerations

In January 1975, PACCAR (a truck manufacturer), the American Trucking Association (ATA), and the Truck Equipment and Body Distributors Association (TEBDA) sued the agency, challenging the stopping distance requirements in Standard No. 121 which they believed required the use of anti-lock systems. The petitioners argued that the agency failed to demonstrate a safety need for the standard and that the testing procedures were nonobjective, impracticable, and unreasonable. TEBDA objected to the standard's certification requirements.

In response to the suit, the stopping distance and "no lockup" requirements in Standard No. 121, along with certain other provisions, were invalidated by the United States Court of Appeals in *PACCAR v. NHTSA*, 573 F.2d 632, (9th Cir. 1978) *cert. denied* 439 U.S. 862 (1978). The court held that NHTSA was justified in promulgating a standard requiring improved air brake systems and stability mechanisms. However, after reviewing the record about reliability problems with antilock brake systems then in use, the court further held that the standard was "neither reasonable nor practicable at the time it was put into effect." Among the court's other findings were that the agency had a responsibility (1) to examine the results of its rulemakings by investigating more fully the safety of vehicles in use, (2) to assure that the new systems it requires are reliable when placed in use, and (3) to determine that its regulations do not produce a more dangerous highway environment than that which existed prior to government intervention. Based on these findings, the court stated that

> * * * those parts of the Standard requiring heavier axles and the antilock device should be suspended. The evidence indicates that this can be accomplished if we hold, as we do, that the stopping distance requirements from 60 mph are invalid * * * We hold only that more probative and convincing data evidencing the reliability and safety of vehicles that are equipped with antilock and in use must be available before the agency can enforce a standard requiring its installation.

The court also ruled on the objectivity and practicability of the testing procedures in Standard No. 121. First, the court stated that road surface skid numbers used for testing certified vehicles were "ill-chosen" where they assumed the use of a particular tire no longer in production. Second, the skid number method of testing was objective. Third, the testing procedure was not practicable because fluctuations in skid numbers on a given road surface made it impracticable for manufacturers to conduct tests that assure that their vehicles will exactly meet the objective standard when tested by NHTSA. Fourth, manufacturers are entitled to testing criteria that they can rely on with certainty. Fifth, the standard failed to specify formal and reasonably specific testing criteria about the time intervals between tests, the duration of permissible wheel lockup during tests.

and the amount of curving in testing track roadways. Sixth, the agency's suggestions of alternative methods of satisfying the Safety Act's "due care" provision were inadequate since such alternatives were not set forth in the regulations.

The court remanded the matter to NHTSA to clarify certain provisions in Standard No. 121. In response to *PACCAR*, the agency issued several notices amending the standard to be consistent with the decision. (43 FR 39390, September 5, 1978; 43 FR 48646, October 19, 1978; 43 FR 58820, December 18, 1978; 44 FR 46849, August 9, 1979). In the September 1978 notice, the agency amended the standard to specify test procedures and conditions for frictional characteristics of the test track surface, duration of time intervals between road tests, duration of permissible wheel lockup during road tests, the amount of curving in the test track, and the means for establishing the frictional resistance of the road test surface. In the October 1978 notice, the agency set forth its interpretation of the *PACCAR* holdings to guide continuing compliance with the standard. Specifically, the notice explained that the court invalidated the "no lockup" provisions in S5.3.1 and S5.3.2, as they apply to trucks and trailers, along with the related stopping distances established for 60 mph stopping tests for heavy vehicles. That notice also amended the requirements to provide for "due care certification." In the December 1978 notice, the agency responded to petitions for reconsideration commenting on certain matters in the September 1978 notice, including vehicle exclusions and road test procedures. The changes to specification of initial brake temperatures, skid number ranges, and duration of wheel lockup that were made in the September notice were withdrawn. In the August 1979 notice, the agency further clarified its interpretation of certain findings of *PACCAR*.

Brake Designs and Equipment

Designing braking systems for the many heavy vehicle configurations and loading conditions is very complex. Heavy vehicles may be operated as a single unit (i.e., a straight truck), part of a tractor trailer combination, a longer combination vehicle (e.g., an LCV which may be a double or triple combination with up to nine axles), or in the bobtail configuration (i.e., a tractor operated with a trailer). Because heavy vehicles operate under greatly varying loading situations, heavy vehicle brakes must be designed to handle vehicle loaded weights which range up to three times more than empty weights. Heavy vehicles are typically designed to achieve their best braking performance when operating in the fully loaded condition. Accordingly, a vehicle with a brake system designed to operate ideally in the fully loaded condition has a tendency to lockup prematurely (i.e., one axle will lockup before the other axles achieve maximum braking) when operating in the lightly loaded condition. Another factor affecting stopping distance is the vehicle's wheelbase. Vehicles with shorter wheelbases tend to have longer stopping distances because of greater dynamic weight transfer (to the smaller front brakes) during braking. In addition, brake force needs to be distributed proportionally among the vehicle's axles.

Manufacturers have developed several devices related to the braking of heavy vehicles, including automatic front axle limiting valves (ALVs), bobtail proportioning valves (BPVs), load-sensing proportioning valves (LSVs), and antilock braking systems (ABS).

ALVs automatically limit the amount of braking pressure applied at steering axle brakes. They are typically installed to allay the concern of some drivers about loss of steering control during hard braking, which may result from wheel lockup. However, as the test data explained below indicate, these valves can actually compromise stopping performance, especially when lightly loaded or empty vehicles operate on slippery roads because the front axle brakes are not doing their share of the braking. With the ALV installed, lockup of the drive axles occurs at a lower rate of deceleration. Thus drivers must apply the brakes lightly when stopping the vehicle under these conditions, or the drive axle brakes will lock, causing the vehicle to become unstable. As a result of the light brake application, stopping distances increase. Accordingly, the use of ALVs may be contrary to the agency's long-range goal of improving stopping performance.

BPVs automatically reduce brake application pressure to the drive axles of a truck tractor when it is operating bobtail, thereby allowing greater use of the vehicle's steering-axle braking power. By automatically apportioning more brake pressure to the steering axle, the likelihood of premature drive-axle wheel lockup and loss-of-control is reduced. As a result, stopping performance is enhanced. The agency's long-range goal is to promulgate performance requirements for shorter stopping distances. Given the potential safety problems resulting from the significantly longer stopping distances for truck tractors in the bobtail configuration, the use of BPVs would be encouraged. Bobtails demonstrate the worst stopping capability of all vehicle types, primarily because the tractors are designed to stop ideally when connected to a loaded trailer. Without the trailer, the lack of load on the tractor drive axles can cause premature wheel lockup and reduced stopping capability. For instance, an agency study found that on average, bobtail tractors take approximately 122 feet more to stop than loaded truck tractors ("NHTSA Heavy Duty Vehicle Brake Research Program Report No. 1, "Stopping Capability of Air Braked Vehicles," (DOT HS 806 738, April 1985) and Report No. 9, "Stopping Distances of 1988 Heavy Vehicles.") However, significantly shorter stops have been obtained when bobtails are equipped with BPVs.

LSVs function by mechanically sensing drive-axle suspension deflection that results from cargo load. When the load is low on the drive-axle (i.e., the vehicle is operating lightly loaded or empty), brake proportioning is changed to apportion more of the braking to the steering axle. Because of problems keeping the device calibrated and maintained properly, most U.S. manufacturers do not equip vehicles with these devices. Accordingly, the agency does not plan to require their use on U.S. vehicles.

ABS automatically controls the amount of braking pressure applied to a wheel so as to prevent wheel lock, thus increasing stability and control in emergency stops by preventing skidding, spinouts, and jackknifes. Vehicles equipped with ABS also usually have shorter stopping distances compared to the same vehicle without ABS, particularly on low mu surfaces. Given the potential safety problems resulting from unstable stops, the agency published an advance notice of proposed rulemaking that explores whether the agency should propose braking stability and control requirements that would necessitate ABS on certain vehicles. [57 FR 24212, June 8, 1992]

Heavy Vehicle Crashes

Estimates based on the 1990 General Estimates Systems (GES) indicate that between 384,000 and 440,000 police-reported crashes involved heavy vehicles. Of these, approximately 252,000 and 294,000 involved combination units or truck-tractors. In 1990, heavy vehicle crashes resulted in 5,254 fatalities according to the Fatal Accident Reporting System (FARS). In

addition, crashes involving heavy vehicles result in more expensive and severe property damage.

Because numerous factors play a role in causing crashes, a single factor can very rarely be regarded as the cause of a crash. One of the most important vehicle-related contributing factors involves the brake system's performance. Crashes in which braking was a contributory factor can be further subdivided into (1) crashes due to brake failures or defective brakes, (2) runaways on downgrades, due to maladjusted or overheated brakes, (3) crashes in which vehicles were unable to stop in time (i.e., brakes were not defective or ineffective due to heat but simply did not provide the stopping force necessary to avoid the crash), and (4) skidding, jackknifing, or loss-of-control crashes due primarily to locked wheels during braking. This notice and the other NPRM focus on crashes attributable to the vehicle's inability-to-stop-in-time. The ANPRM mentioned above focuses on ways to reduce braking-induced loss-of-control crashes, although a vehicle equipped with ABS would also usually experience improved stopping distances.

Crashes in which vehicles are unable to stop before collisions are very difficult to quantify. In these crashes, the heavy vehicle's brakes function, but do not stop the vehicle quickly enough to avoid a crash. The number of these crashes might to reduced if heavy vehicle stopping performance (i.e., controlled stopping distances) were improved. Even if crashes of this type were not totally prevented, improvements in stopping distance performance would reduce collision impact speeds, thereby reducing crash severity.

Based on NHTSA's 1990 General Estimates System (GES) which is based on data transcribed from a nationally representative sample of state police accident reports (PARs), the agency estimates that between 30,225 and 39,609 of the between 236,500 to 280,000 total non-alcohol-related combination-heavy vehicle crashes that occurred in 1990 could be classified as heavy vehicle "unable-to-stop-in-time" crashes. Most injuries and fatalities from these crashes were sustained by occupants in other-involved vehicles. The GES estimates for 1990 were 69 fatalities and between 1,780 and 3,322 injuries of heavy vehicle occupants and 810 fatalities and between 11,232 and 15,582 injuries of occupants of other-involved vehicles resulting from these crashes. The Preliminary Regulatory Evaluation (PRE) provides greater detail about how these rulemakings would reduce injuries and fatalities resulting from such crashes.

The agency emphasizes that not all of these unable-to-stop-in-time crashes are preventable. Nevertheless, as explained above, it is likely that some can be prevented and many can be reduced in severity by improvements to heavy vehicle brake systems.

Vehicle Research and Test Center Reports #1 and 9

As a part of its review of heavy vehicle braking, NHTSA has issued two reports on the stopping distance capability of several different types of heavy air braked vehicles at various loading conditions. ("NHTSA Heavy Duty Vehicle Brake Research Program Report No. 1, "Stopping Capability of Air Braked Vehicles," (DOT HS 806 738, April 1985) and Report No. 9, "Stopping Distances of 1988 Heavy Vehicles." DOT HS 807 531, February 1990) The agency also tested some vehicles equipped with ALVs, BPVs, and ABS, thus allowing comparisons about stopping distances with and without these devices. These vehicles were equipped with new tires and with new original equipment brake system components to provide consistency in test results. The tests were conducted on various vehicles (school buses, transit buses, single unit trucks, tractor trailers) at the loaded and empty conditions and with various equipment (with ABS activated and deactivated, and with and without ALVs and BPVs). The PRE contains detailed information about the test results.

Among the conclusions reached from the test data were, (1) ALVs significantly degrade straight line stopping performance, especially in the bobtail configuration (with stopping distances as much as 531 feet), (2) BPVs are effective in reducing the stopping distances of bobtail tractors (with stopping distances reduced by as much as 118 feet over the base vehicle), (3) ABS are very effective in providing short stable stops in all operating conditions, (4) ABS provided the greatest performance gain in the bobtail configuration where stable stops as short as 233 feet and 248 feet were obtained, (5) braking performance of bobtail tractors and empty single unit trucks could be improved by removing ALVs on both vehicle types and installing BPVs on bobtails, and (6) a stopping distance performance requirement for truck tractors with empty trailers would not provide any additional performance benefits that could not be achieved through specifying requirements for either the bobtail or loaded condition.

Heavy Vehicle Safety Report to Congress

In response to section 9107 of the Truck and Bus Regulatory Reform Act of 1988, the agency submitted a report to Congress entitled "Improved Brake Systems for Commercial Vehicles" (PB91–182600). This report may be examined at the agency's Technical Reference Office, room 5108, at no charge. It is available from the National Technical Information Service (NTIS), Springfield, VA 22161 for a small charge. After discussing crash data concerning heavy vehicle brake systems, the report explains factors related to braking effectiveness, stability and control during braking, and braking system compatibility. The report indicates that stopping distances and vehicle stability could be improved by not equipping heavy vehicles with ALVs and instead equipping them with BPVs, load-sensing proportioning valves, and ABS.

Agency Proposal

Stopping Distance Requirements

Based on the available information, especially the results from the VRTC studies, NHTSA has decided to propose reinstating stopping distance performance requirements for trucks, truck tractors, and buses that are equipped with air brake systems. The agency's long-term objective is to upgrade the braking efficiency of heavy vehicles while making controlled, stable stops, under all loading and road surface conditions. If adopted, such requirements would reduce the disparity in braking ability between heavy vehicles and passenger cars. As illustrated in the chart below, the agency anticipates introducing stopping distance, and control and stability requirements.

Proposed Stopping Distance Requirements

[60 mph Stops on High Coefficient of Friction Surface]

Vehicle type:	
Loaded and Unloaded Buses	260 ft.
Loaded Truck Tractors with Braked Control Trailer.	280 ft.
Loaded Truck Tractors with Unbraked Control Trailer.	355 ft
Loaded Single-Unit Trucks	310 ft.
Empty Single-Unit Trucks & Truck Tractors (Bobtail).	335 ft.

Anticipated Lateral Stability Requirements

Lateral stability requirements for 30 mph stops on low coefficient of friction surfaces. (Considered in the ANPRM for a future proposal).

In this notice and in the companion notice published today on Standard No. 105, the agency is proposing to reinstate the stopping distance requirement for 60 mph stops on high coefficient of friction

surfaces (i.e., a non-slippery surface typical of dry concrete) for all heavy vehicles. Stopping distance requirements would become effective two years after the final rule is issued. The agency tentatively concluded that many vehicles currently comply with the proposed requirements with existing brake systems or can be brought into compliance by adding BPVs or eliminating ALVs; however, on some vehicles a more extensive redesign of the foundation brakes would be required. The agency anticipates that manufacturers could comply with these requirements without the need for ABS. The proposed stopping distance requirements for vehicles equipped with air-braked systems are consistent with the stopping distance requirements for hydraulic braked heavy vehicles proposed elsewhere in today's edition of the Federal Register.

The agency has decided to propose different stopping distance requirements for different heavy vehicle configurations. The agency tentatively concludes that one stopping distance requirement for all heavy vehicles with fully operational service brakes would be inappropriate. As explained below, a single requirement would be too stringent for bobtail tractors and unloaded single unit trucks and thus extremely costly and potentially impracticable. Conversely, such a single requirement might not be stringent enough for buses and for tractor trailers in the loaded condition, because these vehicles are capable of significantly shorter stops than can be reasonably expected of bobtails and other vehicles.

The agency is also considering the establishment of lateral stability and control requirements for 30 mph stops on surfaces with low coefficients of friction (i.e., slippery surfaces typical of wet asphalt.) Such requirements could in effect require antilock brakes on many heavy vehicles. The previously published ANPRM explains the agency's long term goals in this area.

The primary purpose for proposing to reinstate stopping distance requirements for heavy vehicles is to decrease the disparity of stopping performance between heavy vehicles and passenger cars, while assuring that the costs of any requirement are reasonable. A secondary, but still important, consideration is to have consistent requirements for similar vehicles, regardless of whether the vehicle is air-braked or hydraulically braked, provided that achieving consistency does not undermine the safety benefits of the stopping requirements. Given that test data indicate that stopping performance of heavy vehicles is similar for air-braked and hydraulically braked vehicles, the agency tentatively concludes that having the same stopping distance requirements in Standard Nos. 105 and 121 is appropriate. The agency initially adopted this policy of making the requirements in Standard No. 105 identical to Standard No. 121 where appropriate, in response to comments in the 1973 rulemaking when the standards had different stopping distance requirements. (38 FR 13017, May 18, 1973). Based on the above, the agency is proposing the same stopping distances in Standard Nos. 105 and 121. The agency welcomes comments about this issue.

The agency has decided to propose the stopping distances based on its analysis of the data in the VRTC reports. While the VRTC data are limited, the agency believes that they are representative of heavy vehicle braking performance. In ideal braking situations, the brake force distribution on a vehicle ensures that, during braking, each axle is doing a share of the total braking that is commensurate with the load on that axle. However, in actual braking, the rear axles typically exert a disproportionate amount of braking force, with the front axles doing very little braking. This situation results in longer stopping distances.

The agency is proposing an approach in which stopping distance requirements would be reinstated for those vehicle types that were found, by testing, to reasonably demonstrate the stopping capability for the requirement. The agency believes that such an approach could be reasonably and safely achieved with available technology without imposing excessive costs.

To achieve this end, the agency has decided to propose requirements for three separate classes of vehicles: "class one" would include loaded and unloaded buses and loaded truck tractors with a braked control trailer, "class two" would include loaded single-unit trucks, and "class three" would include empty truck tractors (bobtails) and empty single-unit trucks. Vehicles in class one—loaded and unloaded buses and loaded truck tractors with a braked control trailer—would have to stop within 280 feet. Loaded single-unit trucks would have to stop within 310 feet, and empty truck tractors and empty single-unit trucks would have to stop within 335 feet. This approach differs from the one taken in the rule invalidated by *PACCAR* in which all air-braked vehicles were required to comply with one stopping distance requirement. As explained in the section on control trailers, if an unbraked control trailer were required, loaded truck tractors would have to meet a 355 feet stopping distance requirement. The agency welcomes comments about its proposal to establish different stopping distance requirements for different types of vehicles.

The proposed 280 foot stopping distance for loaded and unloaded buses and loaded truck tractors with a braked control trailer is based on reinstating a stopping distance slightly below the previous requirement in Standard No. 121. The agency believes that such a requirement is appropriate given that all three of the post-121 buses, in both the unloaded and loaded conditions, and 13 of 14 post-121 truck tractors in the loaded condition in the VRTC reports Nos. 1 and 9 met this proposed requirement.

As for loaded single-unit trucks, the proposed 310 foot stopping distance appears appropriate in comparison to the typical stopping distances of these vehicles, as reported in the VRTC reports, and given the agency's expectations of future improvements in single unit truck brake performance, particularly an increase in front brake torque capability. In response to the proposed regulations and an increased awareness among heavy vehicle manufacturers and users of higher torque front brakes, the agency anticipates that such brake system upgrades would also produce a higher percentage of front axle braking which typically shortens stopping distances in the unloaded vehicle condition.

As for empty truck tractors, the proposed 335 foot stopping distance appears reasonable in light of the VRTC data, especially when such vehicles are equipped with BPVs and are not equipped with ALVs. These bobtail tractors demonstrate the poorest stopping capability of all vehicle types, because tractors are designed to stop ideally when connected to a loaded trailer. Without the trailer, the lack of load on the tractor drive axles can cause premature wheel lockup and reduced stopping capability. The poor braking performance of these vehicles provides the greatest opportunity for achieving the safety benefits through improved braking performance. These configurations account for a disproportionately large number of vehicle crashes. As the VRTC data indicate, while bobtails with ALVs stopped within 348 feet to 531 feet, the same vehicles when equipped with BPVs and no ALVs stopped within 275 feet to 359 feet. The proposed 335 foot stopping distance for these vehicles appears reasonable given the VRTC data

and the agency's expectations of future improvements in bobtail brake performance, including the use of BPVs. The agency further notes that although these stopping distance requirements would not require ABS, even greater improvements in stopping distance performance could be achieved by equipping vehicles with ABS.

As for empty single unit trucks, the proposed 335 foot stopping distance appears reasonable in light of the VRTC data. Based on these data, the agency believes that the braking characteristics of empty single unit trucks are sufficiently similar to bobtail tractors to be grouped in the same category with the same proposed stopping distance requirements. While most of the tested vehicles appear to be able to meet these requirements in their current condition, some would need to have their brake systems upgraded to produce a higher percentage of front axle braking to comply with the proposed stopping distance requirements. In addition, because empty single unit trucks equipped with ALVs have stopping distances longer than the proposed requirement, vehicles might have to be modified to eliminate these devices.

As for truck tractors operating with an empty trailer, the agency has tentatively decided that establishing requirements for them is unnecessary based on the VRTC data. These data indicated that, in most cases, empty tractor trailers equipped with ALVs required longer stopping distances than the baseline vehicles, but shorter distances than the trailerless bobtail tractors equipped with ALVs. The stopping distance for this configuration averaged 285 feet (with a range from 263 feet to 319 feet.) Accordingly, the agency believes that establishing such requirements would provide no additional benefits that could not be achieved with the proposed requirements in the loaded and bobtail conditions. In addition, there have never been requirements for tractor trailer combinations operating in the empty condition.

As for the testing conditions, the agency has decided to propose that the straight line stopping distance test must be conducted within a 12 foot wide lane without locking more than one wheel per axle or two wheels per tandem at speeds greater than 20 mph. Unlimited lockup would be allowed below 20 mph. The agency has proposed the following definition of permissible wheel lockup for testing purposes: "Permissible wheel lockup" would mean 100 percent slip of one or more wheels for a duration of one second or less. The agency requests comments about the proposed definition. NHTSA believes that this limited lockup provision combined with permissible wheel lockup ensures a safe and reasonably repeatable test condition while providing an indication of the vehicle braking performance up to its stability limit. Limitations on wheel lockup are discussed at length on pages 8 and 9 of "Stopping Capability of Air Braked Vehicles" (DOT HS 806 738, April 1985).

The agency is aware that braking performance tests could be conducted in other ways, including allowing unrestricted wheel lockup of test vehicles. The agency has compiled limited test data indicating that allowing unrestricted lockup could result in shorter stopping distances, perhaps as low as 300 feet for all vehicle types, including bobtails and unloaded single unit trucks. However, permitting unrestricted lockup would have corresponding problems. With unrestricted wheel lockup, the test becomes more sensitive to factors such as driver skill, crown, cross-slope, or other irregularities of the roadway, and wind speed and direction. These sensitivities would make the tests less repeatable, and therefore less practicable. In addition, the limited lockup provision offers some assurance of vehicle stability and driver safety during the tests, in the absence of a more definitive stability requirement. For these reasons, the agency has decided not to propose this testing approach. Nevertheless, the agency emphasizes that even though this notice is not proposing a test procedure in which unrestricted lockup is allowed, the agency could in the final rule conceivable adopt such a testing approach with corresponding stopping requirements as short as 300 feet, if the docket comments and further agency research indicated that this approach was superior to the proposal to allow only limited lockup and the inherent problems mentioned above could be solved. For purposes of developing a possible final rule based on this NPRM, the agency requests comments about the most appropriate way to test vehicles in terms of wheel lockup and the appropriate stopping distance requirements for each test procedure.

NHTSA welcomes comments about all aspects of this proposal, including the need for stopping distance requirements for heavy vehicles, test data about the stopping ability of heavy vehicles, the reasonableness of the various proposed distances and testing procedures, the three proposed classes of vehicles, and as discussed in the previous paragraph, the testing methods.

Even though the proposed stopping distance requirements do not appear to affect significantly most current vehicles, the agency believes that reinstating stopping distance requirements is a necessary step in its overall plan to improve heavy vehicle safety. As discussed in the ANPRM, the agency may also propose requirements concerning stopping on more slippery surfaces to improve vehicle braking performance. The agency further believes that such stopping distance requirements are desirable to establish minimum requirements to improve the performance of the poorest performing heavy vehicles, thus increasing the level of compatability between heavy vehicles and lighter vehicles. The proposed requirements would also discourage the use of ALVs that tend to reduce the stopping performance of many heavy vehicles.

Threshold Pressure Requirement

NHTSA notes that while this proposal about threshold pressure was being formulated, Congress passed the Motor Carrier Act of 1991 which directs the Secretary of Transportation to initiate rulemaking concerning methods for improving braking performance of new commercial motor vehicles [i.e., those vehicles with a gross vehicle weight rating of 26,001 or more pounds] for, among other things, the means of improving brake compatibility. (section 4012).

Brake force compatibility between tractor and trailer(s) affects a combination vehicle's availability to achieve stopping distances that are close to ideal for a given condition. Nevertheless, many tractor and trailer brake systems are not compatible, primarily because they are manufactured separately without any design guidelines in the heavy vehicle industry or Federal requirements about brake compatibility.

The concept of "compatibility" refers to the ability of the brakes of a tractor to work together with those on a trailer(s) when the units are mated to create a combination vehicle. If a combination unit is compatible, the tractor and trailer(s) brakes work together, resulting in a quick, controlled stop. If a combination unit is incompatible, brakes on the tractor may apply at an application pressure lower than the brakes on the trailer, or vice versa. Along with decreasing brake effectiveness, brake system incompatibility compromises vehicle stability during braking and may cause uneven brake wear problems. These problems include excessive brake lining and drum wear, brake drum cracking,

and the need to adjust brakes more frequently on the "overbraked" unit in the combination.

Compatibility is primarily a function of brake force distribution between the axles on the combination. One measure of compatibility is the threshold pressure differential between tractor and trailer. The threshold pressure, which is primarily determined by pneumatic valve characteristics, is the brake application pressure at which the brakes actually begin to generate braking torque. Threshold pressures are relatively easy to measure and are relatively easy to control through the proper selection of pneumatic valves in air brake systems. These valves take finite pressure (i.e., "crack pressure") to open due to internal friction and return spring resistance to the valve.

There are currently no industry design guidelines or Federal standards for tractor-trailer threshold pressure. Nevertheless, in support of the efforts by the Society of Automotive Engineers (SAE) Brake Systems Subcommittee to develop an SAE recommended practice for compatibility performance, the VRTC has collected data on threshold pressure. That study found that the average threshold pressure for 15 truck tractors was 6.1 psi and the average threshold pressure for 27 trailers/dollies was 4.9 psi. The difference of threshold pressure between the drive axles and trailer axles for 15 combination vehicles ranged from as little as zero to as high as 4.9 psi. The generally high front axle brake threshold pressures indicated that the front axles generally do less than their fair share of the braking in low pressure applications. This situation places more of the braking on the tractor drive axles and trailer axles causing them possibly to overheat more and wear out faster. (Flick, M., and Radlinski, R., "Tractor and Trailer Brake System Compatibility," SAE Technical Paper Series 861942, November 1986.)

The agency notes that the industry has developed a recommended practice (SAE J1854) which established 6 psi as an appropriate threshold pressure for tractor trailer combination vehicles. Despite lack of widespread adherence to the recommended practice by industry, it is generally agreed that compatibility would be improved if the threshold pressure for truck tractors and trailers were around 6 psi range and if the pressure differential between tractors and trailers were less than 4.0 psi. A differential of 4.0 psi represents the differential at which braking performance of a combination vehicle is degraded considerably due to a large brake temperature difference between the tractor and trailer brakes.

Based on the above considerations, the agency has decided to propose a requirement establishing threshold pressure levels for both tractors and trailers. Accordingly, the threshold pressures for tractors and trailers would be set at 6.0 ± 0.5 psi. The agency believes that such a requirement would improve brake performance by better ensuring the compatibility of tractors and trailers. Specifically, the proposal would improve the brake balance on combination vehicles and reduce the potential for vehicle instability when lightly loaded. The agency notes that the proposal about threshold pressures is not applicable to single unit trucks and buses since they do not have the problem of pneumatic imbalance experienced by combination units. The agency welcomes comments about the needs for establishing threshold pressures and whether the proposed threshold pressure and its range are appropriate and feasible.

Road Test Surface

In past rulemakings about braking requirements, the agency defined road test surfaces by specifying skid numbers. A skid number is the frictional resistance of a pavement measured in accordance with the American Society for Testing and Materials (ASTM) Method E–274–70. However, given the fluctuations of skid numbers on a given surface, the *PACCAR* ruling invalidated certain aspects of Standard No. 121's reliance on this measure based on its potential impracticability.

As a result of *PACCAR*, the agency has considered ways to better state the adhesion of test surfaces. In the rulemaking proposing Standard No. 135, *Passenger Car Brake Systems*, several commenters advocated specifying the "peak coefficient of friction" (PFC) as an alternative measure of a test surface's adhesion. The agency tentatively concludes that PFC is more relevant for the stopping distance tests required by the proposed standard because, unlike a skid number, the maximum attainable deceleration in a non-locked wheel stop is directly related to PFC.

The agency also conducted "Round Robin" testing to understand further how fluctuations of PFC affected the stopping performance of heavy vehicles. Among the observations drawn from this data for dry, high coefficient of friction surfaces were that:

(1) The six test surfaces each had similar PFCs, with the largest variation from the average being 3 percent,

(2) PFC measurements made a week apart indicated only negligible variations,

(3) Variation of the average stopping distances for the six different surfaces was small, with the deviation from the average being only 5 feet, and

(4) Variability in average stopping performance is more likely due to variation in the performance of the vehicle than to variability of the surfaces.

Based on the above, NHTSA is proposing that the primary 60 mph stopping distance tests be performed on a test surface with a PFC of 0.9, which is typical of dry concrete. In the June 1992 ANPRM, the agency is considering whether to propose lateral stability requirements on test surfaces with a low PFC to represent stops on wet or slippery pavement.

The agency has considered whether the proposed test surface specification raises any practicability or objectivity concerns in light of *PACCAR*. *PACCAR*'s first concern about road surface skid number being based on an out-of-production tire is not relevant to the proposal here, which specifies a currently produced tire. The proposal complies with *PACCAR*'s second concern about the testing method's objectivity because the peak coefficient of friction is an objective measure.

The proposal specifying test surfaces in terms of PFC rather than skid numbers complies with *PACCAR*'s third concern about practicability problems caused by skid number fluctuations. Because surfaces measured by PFC may experience some fluctuation, the agency considered whether the fluctuation was significant enough to invalidate the proposal. In an earlier rulemaking about Standard No. 208, *Occupant Crash Protection*, the agency explained that because some variability in test procedures is inherent, the agency need only be concerned about preventing "unreasonable" or "excessive" variability to avoid manufacturers from "overdesigning" vehicles to exceed the minimum levels of protection specified by the Federal safety standards (49 FR 20465, May 14, 1984; 49 FR 28962, July 17, 1984.) The above mentioned data about high coefficient of friction test surfaces indicate that the variability in the test surfaces is reasonable because such test surfaces do not present significant fluctuations. Therefore, specifying a test surface with a high PFC would appear to be reasonable and would not be a major source of variability in the stopping distance tests. Notwithstanding this tentative determination, commenters are asked to specify what they believe to be a reasonable range of variability of the test surface, within the meaning of *PACCAR*.

The proposed requirements comply with *PACCAR*'s fourth consideration that manufacturers are entitled to testing criteria that they can rely on with certainty. The proposed requirements also comply with *PACCAR*'s other consideration that all ways to comply with the requirement are set forth in the regulation.

In evaluating the proposal's practicability, NHTSA has also considered possible difficulties with respect to building and maintaining test surfaces with a PFC of 0.9, and whether stopping distances vary when the same vehicle is tested on different test tracks with a PFC of 0.9. Those interested in building and maintaining a test surface should refer to NHTSA's "Manual for the Construction and Maintenance of Skid Surfaces," (DOT HS 800 814). After reviewing the matter, NHTSA does not believe that the proposed test surface specification raises any such concerns.

As explained above, recent testing related to research about heavy vehicle braking by the agency and others on several test tracks indicates that the proposed test surface specification does not raise practicability or objectivity concerns. Specifically, the expected minor variability of a high coefficient of friction surface appears to have a small impact on the stopping distance performance of vehicles tested to comply with the proposed requirements. The test data are being placed in the docket for this notice. The agency specifically requests comments on the proposed test surface specification.

Control Trailers

Section S6 of Standard No. 121 sets forth the test conditions under which the agency conducts its compliance tests for vehicles equipped with air-braked systems. Section S6.1.10 specifies that a truck-tractor is tested at its GVWR by coupling it to a flatbed semi-trailer, known as the control trailer. Under the current requirements, the control trailer is equipped with service brakes (hereafter referred to as a "braked control trailer") capable of stopping the combination without assistance from the tractor brakes within a certain distance, pursuant to a mathematical formula that considers the vehicle's speed, the weight on all the combination's axles and the weight on the trailer's axles, and a constant factor. For instance, at 60 mph, the weight ratio is multiplied by the constant of 245. The purpose of this test condition is to simulate the stopping capability of tractor trailer combinations.

Testing conducted by the VRTC indicates that the current requirement for a braked control trailer is not representative of the stopping performance of trailers being produced today. Specifically, the braking torque levels required on control trailers appear to exceed the torque levels found with some currently produced trailers (i.e., the test control trailers provide more of the braking in a combination vehicle than real-world combinations.) The VRTC's test results on control trailers are contained in the agency's Heavy Vehicle Brake Report #9 which has been submitted to the docket.

As a result of this situation, NHTSA is considering two alternative approaches to improve the test conditions associated with control trailers. Under the first alternative which involves a braked control trailer, the agency is proposing to revise the factor in S6.1.10.6 for 60 mph tests from 245 to 290 to reduce the braking torque levels required on the control trailer. This would result in a lesser potential for premature wheel lockup on the control trailer. Under the second alternative which involves an unbraked control trailer, the agency is proposing to replace the current braked control trailer with an unbraked control trailer. After reviewing comments and test data, the agency will decide which approach to adopt in the final rule.

The first alternative, which would rely on a braked control trailer, is similar to the current test condition. Among the advantages of having a braked control trailer are that it better simulates the braking capability of on-the-road tractor trailers, provides a realistic real-world test for axle loading during braking of the tractor and trailer, provides easily understood and readily comparable stopping distance requirements for a loaded truck tractor, and allows the true benefits of a stopping distance requirement to be determined by specifying real-world stopping distances.

Nevertheless, there are some disadvantages with this approach. These include minor variability in control trailer performance stemming from brake lining variability and resulting in variable test results and inconsistent brake torque levels. Notwithstanding this variability, the agency tentatively believes the requirement would be objective and practicable.

NHTSA notes that with a braked control trailer, the potential for wheel lockup may be alleviated by equipping the control trailer with an ABS. The agency requests comments about whether ABS on the control trailer should be required. Because ABS performance for the control trailer may have to be specified to ensure uniform results when testing truck tractors, the agency proposes a revision to S6.1.10 to require ABS on the control trailer. The agency also invites comments about how ABS should be defined.

The second alternative, which would rely on an unbraked control trailer, differs from the current test condition. In addition, if this approach were adopted, the proposed stopping distance requirement for a loaded truck tractor would be revised to 355 feet to accommodate testing with the unbraked control trailer. Such a modification would be necessary because stopping distances with an unbraked trailer are approximately 20 to 30 percent longer than with a fully braked control trailer The major advantage of the second approach is that compliance testing by manufacturers would be easier because it would be less costly and less time consuming to use an unbraked control trailer. This approach eliminates repeatability problems associated with the braked control trailer. This approach would also eliminate the need to specify the control trailer's foundation brakes and antilock system.

The agency is aware of certain potential disadvantages with testing with an unbraked control trailer. First, there is only a limited amount of data on testing stopping distances with an unbraked control trailer. Second, the dynamic axle loading of truck tractors during braking with an unbraked control trailer differs from the axle loading with a braked control trailer and does not precisely represent an on-the-road combination with normal operating brakes. Third, the unbraked trailer weight of 4500 pounds imposes an extra load on the truck tractor's brakes, thus causing the rear axles to do more braking than normal. For these reasons, the stopping distances with an unbraked control trailer would be increased to 355 feet. A stopping distance of this length, although technically defensible, may be difficult to explain to the public to who this topping distance will appear significantly longer than the stopping distance requirements invalidated by *PACCAR*.

At this stage of the rulemaking, the agency believes that the requirements about the control trailer need to be modified. However, the agency is not certain which alternative would provide the better approach. Accordingly, the agency welcomes comments and test data addressing whether the control trailer should be braked or unbraked.

Initial Brake Temperature

In invalidating Standard No. 121, of the *PACCAR*'s criticisms was that the time interval between tests was not

specified. The time interval between tests may affect brake temperature and thus brake lining performance. In response, the agency initially specified that tests would be separated by the time needed to reach any initial brake temperature in the range of 150° F and 200° F. (43 FR 39390, September 5, 1978). However, in response to petitions for reconsideration, the agency revoked this provision which commenters believed was inappropriate. (43 FR 58820, December 18, 1978).

Based on additional study by the VRTC, the agency has decided to propose a time interval based on higher initial brake temperatures. ("Heavy Duty Vehicle Brake Research Program—Report No. 1). Specifically, the average brake lining temperature of the hottest axle would have to be between 250° and 300° F before a stopping test could be initiated. The agency believes that this provision would allow tests on heavy vehicles to be conducted with a reasonable time between measurements at temperatures representative of in-service conditions. The agency has tentatively decided not to specify a time period between tests because such a requirement would be subject to an external variable, the ambient temperature. In addition, such an approach would result in invalidating entire test sequences if interruptions occurred, because a specified time requirement would prohibit interruptions in a test series. The agency invites comments about the appropriateness of specifying the initial brake temperature.

Costs

As explained in detail in the PRE, the costs associated with the rulemaking involve additional testing costs and hardware/equipment costs. The agency estimates the minimum initial testing costs associated with reinstating stopping distance requirements for all heavy air-braked vehicles would be about $6 million. Assuming the industry continues to produce about 187,000 heavy Class 5–8 air-braked vehicles per year (which are the largest heavy vehicles and tractor trailers), the testing cost per vehicle would be about $32.

The hardware and equipment costs of meeting the proposed stopping distance requirements for air braked heavy vehicles are based on the anticipated improvements to heavy vehicles. The agency notes that most changes made to meet these requirements would affect vehicles operating in the bobtail and lightly loaded configurations. Among the possible improvements are equipping vehicles with BPVs, removing ALVs, and using more effective front brakes. For purposes of calculating the overall industry-wide cost of installing BPVs on most new manufactured tractors, the agency estimates that 88,000 tractors would need to be equipped with these devices at an increase in cost of $10 per tractor. For purposes of calculating an industry cost savings by elimination of ALVs from most new manufactured vehicles, the agency estimates that approximately 20,000 currently produced tractors are still being equipped with ALVs. Replacing an ALV with a standard quick release valve would save about $13 per vehicle. Therefore, the total cost of installing BPVs and eliminating ALVs on new tractors would have a net cost of approximately $620,000. [(88,000×$10—(20,000×$13).]

The improvements in braking performance achieved by substituting air chambers, slack adjusters and brake linings are estimated to be necessary on about 104,000 air brake vehicles, including both truck tractors and single-unit trucks. The average cost per vehicle of these changes is estimated to be $50, resulting in a total cost of $5.2 million. As mentioned earlier, a small number of vehicles, estimated to be 3,000, would require extensive brake system improvements. The agency estimates that the cost of these improvements would be less than $700 per vehicle, resulting in an estimated cost of $2.1 million. The total cost estimate for vehicle modifications is $7.92 million, which includes $620,000 net cost associated with the elimination of ALVs and the incorporation of BPVs, $5.2 million associated with minor improvements of front brake capability on most of the vehicles that require changes, and $2.1 million associated with the major improvements in brake performance needed for the poorest performing vehicles.

The total estimated cost impact of this proposal is $13.92 million ($6.0 million in compliance test costs plus $7.92 million in vehicle modification costs), which for an estimated annual production of 187,000 air braked equipped vehicles, is an average of less than $75 per vehicle.

The agency welcomes comments about the anticipated cost of this proposal. In particular, the agency invites comments about the number of vehicles affected by the proposal and the unit cost of equipment needed to comply with the proposed requirements.

Leadtime

NHTSA believes that the major manufacturers have the facilities necessary to test, evaluate, and if necessary, upgrade their brake systems as necessary to meet the proposed stopping distance requirements within two years. As previously stated, the agency further believes that some vehicles can already meet the proposed stopping distance requirements without being upgraded and that those vehicles requiring upgraded designs can do so by selecting a more effective combination of readily available on-the-shelf brake components. Accordingly, the agency believes that two years should provide an adequate amount of leadtime for all vehicle manufacturers to comply with the proposed requirements. The agency requests comments on the adequacy of the leadtime in general and specifically about any types of vehicles or brake systems which would require more extensive redesign.

Section 103(c) of the Vehicle Safety Act requires that each order shall take effect no sooner than 180 days or later than one year from the date the order is issued unless "good cause" is shown that an earlier or later effective date is in the public interest. As mentioned above, the agency has decided to propose the stopping distance requirements by having the requirements effective two years after the issuance of the final rule. The agency believes such an approach for reestablishing stopping distance requirements would allow manufacturers time to evaluate and, if necessary, redesign their braking systems. Accordingly, NHTSA believes that there is "good cause" to propose leadtime of greater than one year for these requirements.

This proposed rule would not have any retroactive effect. Under section 103(d) of the National Traffic and Motor Vehicle Safety Act (Safety Act; 15 U.S.C. 1392(d)), whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. Section 105 of the Safety Act (15 U.S.C. 1394) sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Rulemaking Analyses and Notices

Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures

NHTSA has analyzed this proposal and determined that it is neither "major" within the meaning of Executive Order 12291 nor "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. A PRE setting forth the agency's detailed analysis of the benefits and costs of this proposal (along with the other proposal issued today) has been prepared and been placed in the docket. This rulemaking is based on the PRE and all additional data available to the agency. The agency estimates that the proposed stopping distance requirements for Standard No. 121 would result in approximately 28 lives saved and between 776 and 916 injuries prevented. As mentioned above, the agency estimates that the costs attributable to these requirements would be approximately $13.92 million ($6 million for compliance testing and $7.92 million for net equipment costs.)

Based on its analysis, the agency concludes that the proposed requirements would improve safety by ensuring that all heavy vehicles are capable of stopping within a specified distance. The agency believes that implementing the stopping distance requirements for heavy vehicles would not result in significant costs since most of these vehicles currently would comply with the proposed requirements. For those vehicles that do not currently comply with the proposed requirements, the agency believes that they could be upgraded with currently produced braking components. Since these components are not significantly more expensive than those used on poorer performing brake systems, the net cost of substituting these components would not be significant.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the proposed amendments would not have a significant economic impact on a substantial number of small entities. As mentioned above, most heavy vehicles would comply with the proposed requirements without the need for significant changes. In addition, the agency is not aware of any manufacturer of heavy vehicles or air-brake systems that would be considered a small entity. The added cost of a BPV on a tractor is small in comparison to the overall cost of a brake system and very small in comparison to the overall price of a tractor. Therefore, these changes would not significantly affect purchase decisions. The industry test cost per vehicle to assure compliance with the proposal would be very small in comparison to the vehicle's overall price. For these reasons, vehicle manufacturers, small businesses, small organizations, and small governmental units which purchase motor vehicles would not be significantly affected by the proposed requirement. Accordingly, no regulatory flexibility analysis has been prepared.

Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule would not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws would be affected.

National Environmental Policy Act

Finally, the agency has considered the environmental implications of this proposed rule in accordance with the National Environmental Policy Act of 1969 and determined that the proposed rule would not significantly affect the human environment. No changes in existing production or disposal processes would result, except that there would be a reduction resulting from the removal of the ALV. There would be an increase of a few pounds per tractor with the installation of a BPV on tractors, but such a small weight increase should not have any significant effect on fuel consumption. Nor should production and disposal processes have a significant adverse affect on the environment.

Public Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Incorporation by reference, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, the agency proposes to amend Standard No. 121, *Air Brake Systems*, in title 49 of the Code of Federal Regulations at part 571 as follows:

PART 571—[AMENDED]

1. The authority citation for part 571 would continue to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

§ 571.121 [Amended]

2. In § 571.121, S3 would be amended by deleting the last sentence, which states "Notwithstanding any language to the contrary, sections S5.3.1, S5.3.1.1, S5.3.2, S5.3.2.1, S5.3.2.2, S5.7.1, S5.7.3(a) and S5.7.3(b) of this standard are not applicable to trucks and trailers, and section S5.3.1 of this standard is not applicable to buses."

3. In § 571.121, S4 would be amended by adding the following definitions to be placed in the prc per alphabetical location:

* * * * *

Limited lockup means a lockup of not more than one wheel per axle or two wheels per tandem."

* * * * *

Peak Friction Coefficient or *PFC* means the ratio of the maximum value of braking test wheel longitudinal force to the simultaneous vertical force occurring prior to wheel lockup, as the braking torque is progressively increased, when measured in accordance with ASTM E1337–90 test procedure and ASTM E1136 tire at 40 mph, without water delivery.

Permissible Wheel Lockup means a lockup of one or more wheels at 100 percent slip for one second or less.

* * * * *

4. In § 571.121, S4 would be amended by deleting the definition for *skid number.*

5. In § 571.121, S5.1.8 would be revised to read as follows:

S5.1.8 *Brake distribution.* Each vehicle shall be equipped with a service brake system acting on all wheels. Each tractor, when in a tractor trailer combination, shall have a threshold pressure of 6.0 ± 0.5 psi when tested according to the Society of Automotive Engineers (SAE) J1505, *Brake Force Distribution Test Code—Commercial Vehicles* (May 1985), *1990 SAE Handbook*, Society of Automotive Engineers, Inc. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096–0001. Copies may be inspected at Docket Room, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 or at the Office of the Federal Register, 800 N. Capitol St., Suite 700, NW., Washington, DC 20002.

6. In § 571.121, S5.2.2 would be revised to read as follows:

S5.2.2 *Brake distribution.* Each trailer shall be equipped with a service brake system acting on all wheels, and having a threshold pressure of 6.0 ± 0.5 psi, when tested in accordance with the Society of Automotive Engineers (SAE) J1505, *Brake Force Distribution Test Code—Commercial Vehicles* (May 1985).

7. In § 571.121, S5.3 would be revised to read as follows:

S5.3 *Service brakes—road tests.* The service brake system on each truck and bus shall, under the conditions of S6.1, meet the requirements of S5.3.1, S5.3.3, and S5.3.4 when tested without adjustments other than those specified in this standard. The service brake system on each trailer shall, under the conditions of S6.1, meet the requirements of S5.3.3 and S5.3.4, when tested without adjustments other than those specified in this standard. However, a heavy hauler trailer and the truck and trailer portions of an auto transporter need not meet the requirements of S5.3.

8. In § 571.121, S5.3.1 and Table 1 would be revised in one of two ways set forth below:

Alternative 1. S5.3.1 and Table 1 would be revised to read as follows:

S5.3.1 *Stopping distance—trucks and buses.* When stopped six times for each combination of weight, speed, and road conditions specified in S5.3.1.1, in the sequence specified in Table I, the vehicle shall stop at least once in not more than the distance specified in Table II, measured from the point at which movement of the service brake control begins, without any part of the vehicle leaving the roadway and with limited lockup permitted at speeds above 20 mph and with permissible wheel lockup allowed at any speed, except for lockup of wheels on nonsteerable axles other than the two rearmost nonliftable, nonsteerable axles on a vehicle with more than two nonsteerable axles.

Table I—STOPPING SEQUENCE

1. Burnish
2. Control trailer service brake stops at 60 mph for truck-tractors tested with a control trailer in accordance with S6.1.10.
3. Control trailer emergency brake stops at 60 mph for truck-tractors tested with a control trailer in accordance with S6.1.10.7.
4. Stops with vehicle at gross vehicle weight rating:
   (a) 60 mph service brake stops on a peak friction coefficient surface of 0.9 with loaded control trailer or single unit vehicle.
   (b) 30 mph service brake stops on a peak friction coefficient surface of 0.5 with loaded control trailer or single unit vehicle. (This provision (b) is being considered in context with the ANPRM. While it is included here to explain the complete test sequence, it would only be adopted as part of a separate rulemaking.)
   (c) 60 mph emergency brake stops on a peak friction coefficient surface of 0.9 with loaded control trailer or single unit vehicle.
5. Parking brake test with vehicle loaded to GVWR.
6. Stops with vehicle at unloaded weight plus 500 lbs.
   (a) 60 mph service brake stops on a peak friction coefficient surface of 0.9 with truck tractor or single unit vehicle.
   (b) 30 mph service brake stops on a peak friction coefficient surface of 0.5 with truck tractor or single unit vehicle. (This provision (b) is being considered in context with the ANPRM. While it is included here to explain the complete test sequence, it would only be adopted as part of a separate rulemaking.)
   (c) 60 mph emergency brake stops on a peak friction coefficient surface of 0.9 with truck tractor or single unit vehicle.
7. Parking brake test with vehicle at unloaded weight plus 500 lbs.

Alternative 2: S5.3.1 and Table 1 would be revised to read as follows:

S5.3.1 *Stopping distance—trucks and buses.* When stopped six times for each combination of weight, speed, and road conditions specified in S5.3.1.1, in the sequence specified in Table I, the vehicle shall stop at least once in not more than the distance specified in Table II, measured from the point at which movement of the service brake control begins, without any part of the vehicle leaving the roadway and with limited lockup permitted at speeds above 20 mph and with permissible wheel lockup allowed at any speed, except for lockup of wheels on nonsteerable axles other than the two rearmost nonliftable, nonsteerable axles on a vehicle with more than two nonsteerable axles.

Table I—Stopping Sequence

1. Burnish.
2. Stops with vehicle at gross vehicle weight rating:
   (a) 60 mph service brake stops on a peak friction coefficient surface of 0.9 with loaded unbraked control trailer or single unit vehicle.
   (b) 60 mph emergency brake stops on a peak friction coefficient surface of 0.9 with loaded unbraked control trailer or single unit vehicle.
3. Parking brake test with vehicle loaded to GVWR.
4. Stops with vehicle at unloaded wright plus 500 pounds.
   (a) 60 mph service brake stops on a peak friction coefficient surface of 0.9 with truck tractor or single unit vehicle.
   (b) 60 mph emergency brake stops on a peak friction coefficient surface of 0.9 with truck tractor or single unit vehicle.
5. Parking brake test with vehicle at unloaded to weight plus 500 pounds.

9. In § 571.121, Table II would be revised to appear as follows:

Alternative 1.—With Braked Control Trailer

TABLE II.—STOPPING DISTANCE IN FEET

Vehicle speed in miles per hour	Service brake			Emergency brake	
	PFC 0.9	PFC 0.9	PFC 0.9	PFC 0.9	PFC 0.9
	(1)	(2)	(2)	(4)	(5)
20	32	35	38	83	85
25	49	54	59	123	131
30	70	78	84	170	186
35	96	106	114	225	250
40	125	138	149	288	325
45	158	175	189	358	409
50	195	216	233	435	504
55	236	261	281	520	608
60	280	310	335	613	720

NOTE: (1) Loaded truck tractors; loaded and unloaded buses; (2) Loaded single unit trucks; (3) Unloaded truck tractors and single unit trucks; (4) All vehicles except unloaded truck tractors; (5) Unloaded truck tractors.

Alternative 2.—With Unbraked Control Trailer

TABLE II.—STOPPING DISTANCE IN FEET

Vehicle speed in miles per hours	Service brake				Emergency brake	
	PFC 0.9	PFC 0.9	PFC 0.9	PFC 0.9	PFC 0.9	PFC 0.9
	(1)	(2)	(3)	(4)	(5)	(6)
20	32	35	38	40	83	85
25	49	54	59	62	123	131
30	70	78	84	89	170	186
35	96	106	114	121	225	250
40	125	138	149	158	288	325
45	158	175	189	200	358	409
50	195	216	233	247	435	504
55	236	261	281	299	520	608
60	280	310	335	355	613	720

NOTE: (1) Loaded and unloaded buses; (2) Loaded single unit trucks; (3) Unloaded truck tractors and single unit trucks; (4) Loaded truck tractors tested with an unbraked control trailer; (5) All vehicles except unloaded truck tractors; (6) Unloaded truck tractors.

10. In § 571.121, S5.3.1.1 would be revised to read as follows:

S5.3.1.1 Stop the vehicle from 60 mph on a surface with a peak friction coefficient of 0.9 with vehicle loaded as follows: (a) loaded to its GVWR, (b) in the Bobtail configuration (truck-tractors only) plus 500 pounds, and (c) at its unloaded vehicle weight plus 500 pounds (including driver and instrumentation). If the speed attainable in two miles is less than 60 mph, the vehicle shall stop from a speed in Table II that is 4 to 8 mph less than the speed attainable in 2 miles.

11. In § 571.121, S5.3.2, S5.3.2.1, and S5.3.2.2 would be removed and reserved.

12. In § 571.121, S5.7.1. would be revised to read as follows:

S5.7.1 *Emergency brake system performance.* When stopped six times for each combination of weight and speed specified in S5.3.1.1 on a road surface having a PFC of 0.9, with a single failure in the service brake system of a part designed to contain compressed air or brake fluid (except failure of a common valve, manifold, brake fluid housing, or brake chamber housing), the vehicle shall stop at least once in not more than the distance specified in Column 4 of Table II, measured from the point at which movement of the service brake control begins, without any part of the vehicle leaving the roadway, except that a truck-tractor tested at its unloaded vehicle weight plus 500 pounds shall stop at least once in not more than the distance specified in Column 5 of Table II.

13. In § 571.121, S6.1.7 would be revised to read as follows:

S6.1.7 Unless otherwise specified, stopping tests are conducted on a 12-foot-wide level, straight roadway having a peak friction coefficient of 0.9. The vehicle is aligned in the center of the roadway at the beginning of a stop. Peak friction coefficient is measured using an American Society for Testing and Materials (ASTM) E 1136 standard reference test tire, in accordance with ASTM Method E1337–90, at a speed of 40 mph, without water delivery.

14. S6.1.10 through S6.1.10.6 would be amended in one of the two ways set forth below:

Alternative 1. S6.1.10.1, S6.1.10.2, and S6.1.10.6 would be revised to read as follows:

S6.1.10.1 The control trailer shall meet all other FMVSS No. 121 requirements applicable to trailers. The control trailer shall also be equipped with a system that automatically controls slip at the trailer's wheels. The system shall consist of wheel speed sensors located at each wheel and modulator control valves located at each axle. These components shall be connected to an electronic control unit which independently modulates the pressure to the brakes on each axle on the basis of the wheel speed signals in such a way as to maximize brake force on the axle.

* * * * *

S6.1.10.2 The center of gravity height of the ballast on the loaded

control trailer shall be less than 24 inches above the top of the tractor's fifth wheel.

* * * * *

S6.1.10.6 *Test equipment specification.* The control trailer's service brakes are capable of stopping the combination from the maximum speed at which the tractor is tested, under the conditions of S6.1, without assistance from the tractor brakes, in the distance found by multiplying the value 79, 105, 135, 168, 205, 246, or 290 (corresponding to a speed of 30, 35, 40, 45, 50, or 60 mph, as appropriate for the truck tractor tested) by the ratio:

Weight on all axles of combination/weight on trailer axles, with the tractor's fifth wheel adjusted as specified in S6.1.10.5, the trailer service reservoirs pressurized to 100 lb/in^2, and the trailer loaded so that its axle is at gross axle weight rating and its kingpin is at empty vehicle weight. The stopping distance is measured from the point at which movement of the valve controlling the trailer brakes begins, with permissible wheel lockup allowed at any speed. The service brake chambers on the trailer reach 60 lb/in^2 in not less than 0.20 second and not more than 0.30 second, measured from the instant at which movement of the valve controlling the trailer brakes begins.

Alternative 2. S6.1.10 through S6.1.10.4 would be revised to read as follows:

S6.1.10 In a test other than a static parking test, a truck tractor is tested at its gross vehicle weight rating by coupling it to an unbraked flatbed semi-trailer (hereafter, control trailer) as specified in S6.1.10.1 to S6.1.10.4.

S6.1.10.1 The control trailer conforms to the standard.

S6.1.10.2 The center of gravity height of the ballast on the loaded control trailer shall be less than 24 inches above the top of the tractor's fifth wheel.

S6.1.10.3 The control trailer has a single axle with a gross axle weight rating of 18,000 pounds and a length, measured from the transverse centerline of the axle to the centerline of the kingpin, of 258±6 in.

S6.1.10.4 The control trailer is loaded so that its axle is loaded at 4,500 pounds and the tractor is loaded to its gross vehicle weight rating, loaded above the kingpin only, with the tractor's fifth wheel adjusted so that the load on each axle measured at the tire-ground interface is most nearly proportional to the axles' respective gross axle weight ratings.

* * * * *

15. In § 571.121, S6.1.15 would be added to read as follows:

S6.1.15 unless otherwise specified, the initial brake temperature is between 250 °F and 300 °F.

Issued on: February 12, 1993.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 93–3942 Filed 2–22–93; 8:45 am]

BILLING CODE 4910–59M

Notices

Federal Register
Vol. 58, No. 34
Tuesday, February 23, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Exemption From Appeal, Franks Timber Salvage Project, Payette National Forest, Idaho

AGENCY: Forest Serivce, USDA.

ACTION: Notice of exemption from appeal.

SUMMARY: This is notification that timber salvage harvest and reforestation activities, to recover and rehabilitate natural resources from recent wildfire, on the Franks Timber Salvage project, Council Ranger District, Payette National Forest, are exempt from appeal in accordance with 36 CFR 217.4(a)(11).

DATES: Effective on publication of this notice in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Tracy Beck, Environmental Coordinator, Council Ranger District, Payette National Forest, P.O. Box 567, Council ID 83612, telephone: 208–253–4215.

SUPPLEMENTARY INFORMATION: Several years of drought in southwest Idaho have reduced soil moisture, weakened conifer trees, and increased the fire danger. In August of 1992, a lightning-ignited fire burned 17,500 acres of National Forest between Hells Canyon and the community of Cuprum, about 26 miles northwest of the town of Council in southwest Idaho.

As part of the effort to recover and rehabilitate natural resources damaged by the wildfire, Council Ranger District personnel have developed a proposal to harvest burned timber and reforest damaged acres. The Forest Service has completed the Franks Timber Salvage Environmental Assessment (EA), which identifies issues, develops alternatives, and analyzes the effects of implementing timber salvage and other recovery activities on a portion of the burned area.

The analysis area for the Franks Timber Salvage EA is located 26 miles northwest of Council, Idaho. The Forest would salvage harvest burned trees throughout the 840-acre project area and recover approximately 3.54 million board feet (MMBF) of timber. The project would harvest only dead and dying trees using helicopter, tractor, and skyline logging systems. Cutting areas would average 13 acres in size and not exceed 124 acres. Regional Forester approval has been given to the Payette National Forest to exceed the Forest Plan cutting unit size limit due to the catastrophic condition of the timber stands.

Cutover areas greater than five acres would be replanted, and smaller areas may be replanted depending on accessibility. Approximately 328 acres damaged by fire would be replanted with conifer seedlings. There is no road construction proposed for the salvage operations.

Management direction for the two project areas is established in the Payette National Forest Land and Resource Management Plan (Forest Plan) of 1988. The Forest Plan provides for the removal of salvage timber from lands within the project area. In addition, the Forest Plan prescribes standards to protect soil, water, wildlife, visual quality, and other affected resources. The proposed action for the Franks Salvage project is consistent with standards and guidelines, objectives, and direction contained in the Forest Plan.

An interdisciplinary team of Forest Service rehabilitation specialists has studied the burned area and prescribed watershed stabilization measures. Payette Forest and Council District foresters have analyzed the burned area and have found that salvage timber sales would be an economical and practical means to rehabilitate the burned area. This salvage project is the first of two that would: (1) Recover valuable timber that would otherwise deteriorate, (2) clean up burned trees that would otherwise become flammable fuels in the future, and (3) reforest those areas that have been left with little or no tree cover as a result of the fire. It is extremely important to remove the dead and dying timber before it deteriorates and loses its economic value. Through the timber salvage operations, Knutson-Vandenburg (K–V) funds can be generated to use in restoring forest resources that have been damaged by the wildfire.

The Forest Supervisor has determined through scoping and environmental analysis that there is justification to expedite this project.

The decision for the Franks Timber Salvage project will be implemented after publication of this notice in the **Federal Register**. If the project is delayed because of an appeal (delays of 150 days or more are possible), it is possible that the salvage harvest could not be implemented during the 1993 normal operating season. This would result in a loss of volume and value of the timber due to deterioration. The total estimated value of the merchantable dead and dying timber is $1,062,000. Of this, approximately $265,500 would be returned to counties from 25 percent funds receipts. Delays resulting from appeals could cause the loss of up to two-thirds of this value and potentially make the salvage sale unattractive to timber purchasers. This would jeopardize the objectives of the recovery and rehabilitation project.

Pursuant to 36 CFR 217.4(a)(11), it is my decision to exempt the Franks Salvage Project, Council Ranger District, Payette National Forest, from appeal. The Franks Salvage project EA discloses the effects of the proposed action on the environment and addresses issues resulting from the proposal.

Dated: February 28, 1993.

Gray F. Reynolds,

Regional Forester, Intermountain Region, USDA Forest Service.

[FR Doc. 93–4100 Filed 2–22–93; 8:45 am]

BILLING CODE 3410–01–M

Notice of Exemption

AGENCY: Forest Service, USDA.

ACTION: Notice of exemption from appeal, Ruby Multi-Product Fire Salvage Timber Sale Decision, Mi-Wok Ranger District, Stanislaus National Forest.

SUMMARY: The Forest Service is exempting from appeal the decision resulting from the Ruby Multi-Product Fire Salvage Timber Sale Environmental Analysis.

The Ruby fire started on September 7, 1992. It burned 3,460 acres. There are 2,883 acres of National Forest System land within the burned area. The Ruby Sale Area includes approximately 795 acres of Capable, Available, and

Suitable land, as described in the Stanislaus National Forest Land and Resource Management Plan. The Forest Service proposes to salvage harvest approximately 12 million board feet (MMBF) of the dead and dying timber within this timber sale area. Terrain is suitable for tractor skidding and cable yarding systems.

Approximately 4.2 miles of new road construction and reconstruction of 2.3 miles of existing roads, will be required.

The objective for this area is to promptly salvage the recently killed trees. Contributing information for this analysis are analyses that were completed during the early to mid 1980's for timber sales in the area, and the recent analysis supporting the decision for the Deer Creek Salvage sale, which is adjacent to this proposed project. The recently completed emergency fire rehabilitation plan provides for methods to maintain productivity in the short-term. Constraints and mitigation measures will ensure compliance with applicable interim California spotted owl direction and other habitat capability requirements. The salvage logging will not affect population viability or habitat distribution for the California spotted owl.

The fire burned intensely, leaving large, contiguous areas of dead trees that will be harvested, leaving only reserved trees. Trees will be designated as reserve trees to provide for wildlife habitat and soil productivity needs. No roadless area, wilderness, or threatened or endangered species would be affected.

The value and volume of lumber recovered from burned timber declines rapidly as the wood deteriorates. Prompt removal of affected timber minimizes value loss. If dead timber is not removed promptly, the decline in value caused by deterioration will prevent economical removal.

If not removed from the forest, the excessive number of dead trees can lead to heavy fuel concentrations, as the trees fall to the ground. This compounds future fire suppression difficulty, which in turn increases the risk of further severe watershed disturbance. Prompt timber harvest can replace some ground cover consumed in the fire with logging slash. Harvest activities also create disturbance that helps break up fire-caused "hydrophobic" soils that inhibit water infiltration. The combination of creating ground cover and increasing the ability of soils to absorb water helps to initiate watershed recovery in the shortest time possible.

A decision on the proposed project, supported by an environmental assessment, is expected in February 1993. Implementation will follow immediately, with salvage harvest operations beginning this spring.

Pursuant to 35 CFR 217.4(a)(11), it is my decision to exempt from appeal the decision relating to the harvest and restoration of lands following fire induced timber mortality within the area analyzed by the Ruby Fire Salvage Environmental Analysis.

EFFECTIVE DATE: This decision will be effective February 23, 1993.

FOR FURTHER INFORMATION CONTACT: Questions about this decision should be addressed to Ed Whitmore, Timber Staff Director, Pacific Southwest Region, USDA Forest Service, 630 Sansome Street, San Francisco, CA 94111, (415) 705–2648, or to Janet L. Wold, Forest Supervisor, Stanislaus National Forest, 19777 Greenley Road, Sonora, CA 95370; (209) 533–3671.

Dated: February 12, 1993.

Dale N. Bosworth,

Reviewing Officer, Deputy Regional Forester.

[FR Doc. 93–4096 Filed 2–22–93; 8:45 am]

BILLING CODE 3410–11–M

Sandy River Delta Master Plan, Columbia River Gorge National Scenic Area, Multnomah County, OR

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service, USDA, will prepare an environmental impact statement (EIS) and master plan which will describe the long term development, restoration, and management of the Sandy River Delta site, located in Oregon, Multnomah County, T.1N, R.3E, sections 13, 14, 24, 25 and T.1N, R.3E, sections 18, 19, 20, 29 and 30, W.M.

The EIS and Master Plan will describe the location of the National Scenic Area's south-west orientation and information gateway facilities, approximately 4 miles of new trails, and landscape restoration opportunities, particularly wetlands. The Master Plan will include design guidelines, and will fulfill National Scenic Area requirements for an open space plan.

Preliminary issues have been identified. Alternative considerations will include the location of gateway facilities and trails, and the type, location and degree of landscape restoration.

A permit from both the Army Corps of Engineers under section 404 of the Clean Water Act and from the Oregon Division of State Lands may be required if ground disturbance of wetlands is proposed.

The agency will give notice of the full environmental analysis and decision making process for the Forest Service proposal in order to provide interested and affected people information about how they may participate and contribute to the planning process.

DATES: Comments concerning the management of the Sandy River Delta should be received by April 1, 1993.

ADDRESS: Submit written comments and suggestions concerning the management of the Sandy River Delta to Arthur J. Carroll, Area Manager, Columbia River Gorge National Scenic Area, 902 Wasco Avenue, Hood River, OR 97031.

FOR FURTHER INFORMATION CONTACT: Please direct questions about the proposed action and EIS to Virginia Pugh, Planning Team Leader, Columbia River Gorge National Scenic Area, 902 Wasco Ave., Hood River, Oregon 97031. telephone (503) 386–2333.

SUPPLEMENTARY INFORMATION: The Forest Service proposed action is to develop a master plan for the Sandy River Delta site which will describe the location of gateway facilities, trails, and landscape restoration opportunities, will include design guidelines, and by providing direction for resource management, protection and enhancement will fulfill the National Scenic Area Management Plan requirements for an open space plan. The Sandy River Delta Site is located 18 miles east of Portland, Oregon, specifically in Multnomah County, T.1N, R.3E, sections 13, 14, 24, 25 and T.1N, R.3E, sections 18, 19, 20, 29 and 30, Willamette Meridian.

Scoping is currently underway. A public site tour occurred on January 23, 1993 and a public workshop on January 28, 1993. Scoping is viewed as an on-going process throughout the preparation of EIS. Scoping is a method of identifying relevant and significant issues related to the proposed action. Public participation will be especially important during the scoping process (40 CFR 1501.7).

The Forest Service proposed action will deal with issues identified during scoping. Public input, as well as Forest Service concerns and management requirements, will determine the full range of alternatives to the proposed action. The effects of these alternatives, the proposed action, and the No-Action alternative will be analyzed.

As a result of on going scoping, the following preliminary issues have been identified:

—Where will the gateway facilities and trails be located?
—What type of vegetation communities will be enhanced or restored and where?

—What types of human use will be allowed (hiking, fishing, bicycles, picnicking, camping, boating, etc.) and where?
—What types of vegetation management techniques will be employed?
—How will access be provided to the site?
—What are potential impacts to floodplains, wetlands, wildlife, plants and cultural resources?

Arthur J. Carroll, Area Manager is the responsible official and Virginia Pugh, Planning Team Leader, is project manager.

The Forest Service is seeking input for individuals, organizations, local and state agencies, tribes, and federal agencies who may be interested or affected by this proposal.

The draft EIS will be completed July 1993. The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the draft EIS comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

After the comment period ends on the draft EIS, comments will be analyzed and considered by the Forest Service in preparing the final EIS and Master Plan. In the final EIS, the Forest Service is required to respond to comments received (40 CFR 1503.4). The final EIS is scheduled to be completed by December 1993.

The responsible official will consider the comments, responses, and consequences discussed in the EIS, applicable laws, regulations, and policies in making a decision regarding management of the Sandy River Delta site. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to Forest Service Appeal Regulations (36 CFR part 217).

Dated February 10, 1993.

Arthur J. Carroll,

Area Manager.

[FR Doc. 93–4093 Filed 2–22–93; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

North East Middle Suwannee River Area Watershed, Suwannee County, FL; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture gives notice that an environmental impact statement is not being prepared for the North East Middle Suwannee River Area Watershed, Suwannee County, Florida.

FOR FURTHER INFORMATION CONTACT: T. Niles Glasgow, State Conservationist, Soil Conservation Service, Federal Building, 401 SE. First Ave., room 248, Gainesville, Florida 32601; Telephone: 904–377–0946.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action, developed by the Soil Conservation Service, indicates that the project will not cause significant local, regional, or national impacts on the environment.

As a result of these findings, T. Nile Glasgow, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this Project.

The project concerns a plan to relieve threats to human health and contamination of ground and surface waters by nitrate leaching from intensive agricultural operations. The planned works of improvement consist of agricultural Best Management Practices to safely collect, store, transport and utilize agricultural waste.

This Notice of A Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed for the environmental assessment are on file and may be reviewed by contacting T. Niles Glasgow.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local Officials)

Dated: February 12, 1993.

T. Niles Glasgow,

State Conservationist.

[FR Doc. 93–4044 Filed 2–22–93; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Docket No. 2102–01]

Decision and Order on Default

In the matter of: Daniel J. O'Hara, Respondent.

Summary

Pursuant to the January 19, 1993, recommended Decision and Order of the Administrative Law Judge (ALJ), which Decision and Order is attached hereto and affirmed by me, Daniel J. O'Hara and all successors, assignees, officers, partners, representatives, agents and employees are hereby denied for a period of twenty-five years from and after January 30, 1987, all privileges of participating directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United

States in whole or in part, or to be exported, or that are otherwise subject to the Export Administration Regulations (15 CFR parts 768–799).

Order

On January 19, 1993, the ALJ entered his Recommended Decision and Order in the above-referenced matter. The Decision and Order, a copy of which is attached hereto and made a part hereof, has been referred to me for final action. Having examined the record and based on the facts in this case, I hereby affirm the Decision and Order of the ALJ.

This constitutes final agency action in this matter.

Dated: February 16, 1993.

Robert F. Kugelman,

Acting Under Secretary For Export Administration.

Appearance for Respondent: Daniel J. O'Hara, 860 Wyoming Avenue, Reno, Nevada 89503, and Post Office Box L, Sparks, Nevada 89432.

Appearance for Agency: Thomas C. Barbour, Esq., U.S. Department of Commerce, Office of Chief Counsel for Export Administration, room H3839, 14th & Constitution Avenue, NW., Washington, DC 20230.

Preliminary Statement

A. The Facts

Counsel for the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department or Agency counsel), has moved upon default by Daniel J. O'Hara, the Respondent in the above captioned case, that I recommend to the Acting Under Secretary for Export Administration that, pursuant to section 13(c) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. 2401–2420 (1991) (the Act), and part 788 of the Export Administration Regulations (currently codified at 15 CFR parts 768–799 (1991) (the Regulations) [1], she enter an Order finding that O'Hara committed the violations alleged in a charging letter issued by the Agency on February 18, 1992. In this charging letter, the Agency alleged that O'Hara has failed to pay any part of the $5,000 assertedly due and payable under the terms of a January 30, 1987, Order issued against O'Hara by the then-Assistant Secretary for Trade Administration Paul Freedenberg, affirming a January 8, 1987, order and recommendation by Administrative Law Judge Hugh J. Dolan.[2] Assistant Secretary Freedenberg, in his 1987 order, gave effect to a Consent Agreement entered between the Department and O'Hara, both individually, and doing business as D.J. Associates,[3] which imposed a civil penalty against O'Hara in the amount of $20,000 and which denied O'Hara export privileges for a period of 20 years. Of the civil penalty, $1,000 was due within 20 days of service of the Order, $2,000 was due on November 1, 1987, and $2,000 was due on November 1, 1988. Payment of the remaining $15,000 was suspended for a period of three years from the date of the January 30, 1987, Order, and, absent further violations, was to be waived at the end of that three year period. The Department charges that O'Hara has not paid the $5,000 civil penalty, in whole or in part.

Citing O'Hara's failure to pay any of the civil penalty imposed by the January 30, 1987, Order issued under the Act and Regulations, the February 18, 1992, charging letter alleges that O'Hara, by having violated the terms of such Order, was subject to the sanctions set forth in § 787.1(b) of the Regulations. In accordance therewith, the charging letter further provided notice to O'Hara that an administrative proceeding was being instituted against him for the purpose of obtaining an order imposing administrative sanctions, including any or all of the following:

Revocation of validated export licenses under § 788.3(a)(1);

General denial of export privileges under § 788.3(a)(2);

Exclusion from practice under § 788.3(a)(3); and/or

Imposition of the maximum civil penalty allowed by law of $10,000 per violation under § 788.3(a)(4).

On April 6, 1992, Judge Dolan issued an Order in which he found that O'Hara was in default for having failed to answer, or to otherwise acknowledge, the February 18, 1992, charging letter, and wherein he directed that Agency counsel submit proposed sanctions and proof that the charging letter had been served upon O'Hara.

B. Agency Counsel's Position

Agency counsel, in his timely May 6 submission in response to Judge Dolan's above Order, seeks that I recommend to the Acting Under Secretary for Export Administration that she enter an order in this proceeding imposing against O'Hara the proposed sanction of a five-year denial of all U.S. export privileges for having violated the terms of the January 30, 1987, Order, as alleged in the recent charging letter. This five-year period, Agency Counsel asserts, should be imposed upon the twenty year denial period previously ordered for a total denial period of twenty-five years, commencing on January 30, 1987. The Department argues that this additional five-year denial period, in the context of O'Hara's failure to pay any of the civil penalty previously ordered, should be implemented in lieu of civil penalty since there is little likelihood that he would pay an additional civil penalty should such a remedy be enjoined. Agency counsel further argues in his June 8 submission,[4] that the Department was not attempting to convert the unpaid civil penalty into a denial period but, rather, was seeking to impose a separate sanction authorized by the Regulations against O'Hara for having committed the violation described in the February 18, 1992, charging letter. In response to questions raised in Judge Dolan's May 19 Order, Agency Counsel cited section 11(f) of the Act [5] in justification of the Department's decision to seek an administrative remedy, rather than to pursue same in the Courts. Agency counsel argues that, under section 11(f), the decision to initiate a proceeding to collect a civil penalty is discretionary within the Department, and that the decision to

[1] The Act expired on September 30, 1990. Executive Order 12730 (55 FR 40373, October 2, 1990) invoked the International Emergency Economic Powers Act (50 U.S.C.A. 1701–1706 (1991)), continuing in effect the Regulations, and, to the extent permitted by law, the provisions of the Act.

[2] As described in Judge Dolan's above Order, the original charging letter against O'Hara, which issued on April 23, 1986, alleged that he (a) had violated then-section 387.3 of the Regulations by conspiring and acting in concert with another individual to acquire and export two United States-origin automatic projection alignment systems; (b) had violated then-sections 387.4 and 387.6 of the Regulations by exporting those systems without having acquired the export licenses from the Department which he knew were required by then-section 372.1(b) of the Regulations; and (c) had violated then-section 387.5 of the Regulations by causing to be filed with the United States Customs Service three Shipper's Export Declarations which contained false and misleading statements, in order to export one of the automatic projection alignment systems in connection with three separate shipments. Section 387.3, 387.4, 387.6, 372.1(b) and 387.5 remain currently in effect as §§ 787.3, 787.4, 787.6, 772.1(b) and 787.5, respectively, of the Regulations.

[3] D.J. Associates is not referenced in the present proceeding.

[4] Agency counsel's June 8 submission was in response to Judge Dolan's May 19 Order.

[5] Section 11(f) of the Act, Actions for Recovery of Penalties, is as follows:

In the event of the failure of any person to pay a penalty imposed pursuant to subsection (c), a civil action for the recovery thereof may, in the discretion of the head of the department or agency concerned, be brought in the name of the United States. In any such action, the court shall determine de novo all issues necessary to the establishment of the liability. Except as provided in this subsection and in subsection (d), no such liability shall be asserted, claimed, or recovered upon by the United States in any way unless it has previously been reduced to judgment.

seek the administrative remedy requested here reflects O'Hara's demonstrated inability to pay the civil penalty initially applied. Accordingly, the Department had decided, in view of the relatively small dollar amount of the penalty compared with the cost of bringing such action in the U.S. District Court, that it would be the wisest course to save the resources of both the Departments of Commerce and of Justice—a course particularly applicable in the present matter where it appears that collection of any penalty in the present matter would be futile.[6] Although Judge Dolan, in his May 19 Order, had referenced the possibility of collecting the civil penalty against O'Hara by other means, such as administrative offset by the Internal Revenue Service or by other Federal agency, the Department's determination to proceed administratively would preclude such actions since they are dependent upon prior rendering of judgment by an appropriate court.

Conclusion

From the evidence and for the reasons presented by Agency counsel, I conclude that Daniel J. O'Hara has violated the Act and the Regulations promulgated thereunder, as charged. In light of the seriousness of this Respondent's conduct as established, and upon the entire record, noting the unlikelihood that further action to obtain payment of civil penalty would be successful, I agree with Agency counsel that O'Hara should be denied export privileges for a period of five years in addition to the twenty-year denial period previously found in the January 30, 1987, Order, with an effect that he would be denied export privileges for a total of twenty-five years, commencing on January 30, 1987.

Pursuant to the authority delegated to me under part 788 of the Regulations, I issue the following recommended

Order

It is ordered That

1. For a period of twenty-five years, commencing on January 30, 1987, Respondent Daniel J. O'Hara, his successors or assignees, officers, partners, representatives, agents and employees hereby are denied all privileges of participating directly or indirectly in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity:

(a) As a party or as a representative of a party to a validated export license application;

(b) In preparing or filing any export license application or reexport authorization, or any document to be submitted therewith;

(c) In obtaining or using any validated or general export license or other export control document;

(d) In carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported; and

(e) In the financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend only to those commodities or technical data which are subject to the Act and the Regulations.

2. Such denial of export privileges shall extend not only to the Respondent, but also to his agents and employees and to any successors. After notice and opportunity for comment, such denial may also be made applicable to any person, firm, corporation, or business organization with which the Respondent, if now or hereafter, may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services.

3. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to, and specific authorization from, the Office of Export Administration, shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any Respondent or any related party, or whereby the Respondent, or related party, may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part or to be exported by, to, or for any Respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any export, reexport, transshipment or diversion of any commodity or technical data exported or to be exported from the United States.

4. That the Charging Letter and Orders shall be made available to the public.

This Order, as affirmed or modified, shall become effective upon entry of the Secretary's final action in this proceeding pursuant to section 13(c) of the Export Administration Act, as amended, upon affirmation by the Secretary or her duty-designated representative.

Dated: January 19, 1993.

Robert M. Schwarzbart,

Administrative Law Judge.

To be considered in the 30 day statutory review process which is mandated by section 13(c) of the Act, submissions must be received in the Office of the Under Secretary for Export Administration, U.S. Department of Commerce, 14th & Constitution Ave., NW., room 3898B, Washington, DC 20230, within 12 days. Replies to the other party's submission are to be made within the following 8 days. 15 CFR 788.23(b), 50 FR 53134 (1985). Pursuant to section 13(c)(3) of the Act, the order of the final order of the Under Secretary may be appealed to the U.S. Court of Appeals for the District of Columbia within 15 days of its issuance.

[FR Doc. 93–4058 Filed 2–22–93; 8:45 am]
BILLING CODE 3510–DT–M

[6] In this regard, Agency counsel reported that the copies of the February 18, 1992 charging letter were mailed to O'Hara by certified mail, return receipt requested, at addresses previously verified as being his home location and a post office box registered under his name. Although neither the return receipts nor the envelopes containing copies of the charging letter were returned to the Department, I concur with the Agency Counsel that service has been validly made upon O'Hara in accordance with § 788.4(b) of the Regulations.

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews.

SUMMARY: The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders, findings and suspension agreements with December anniversary

dates. In accordance with the Commerce Regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: February 23, 1993.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 482–2104.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce ("the Department") has received timely requests, in accordance with §§ 353.22(a) and 355.22(a) of the Department's regulations, from interested parties as defined in §§ 353.2(k) and 355.2(i) of the Department's regulations, for administrative reviews of various antidumping and countervailing duty orders, findings, and suspension agreements, with December anniversary dates.

Initiation of Reviews

In accordance with §§ 353.22(c) and 355.22(c) of the Department's regulations, we are initiating administrative reviews of the following antidumping and countervailing duty orders, findings, and suspension agreements. We intend to issue the final results of these reviews not later than December 31, 1993.

Antidumping duty proceedings and firms	Period to be reviewed
Canada:	
Elemental Sulphur:	
A–122–047	
Alberta Energy Co., Ltd., Allied Corporation, Brimstone Export, Burza Resources, Canamex, Delta Marketing, Drummond Oil & Gas, Ltd., Fanchem, Husky Oil, Ltd., Mobil Oil Canada, Ltd., Norcen Energy Resources, Petrosul, Real International, Saratoga Processing Co., Ltd., Sulbow Minerals	12/1/91–11/30/92
Mexico:	
Porcelain-on-Steel Cooking Ware:	
A–201–504	
Cinsa, S.A. de C.V., Acero Porcelanizado, S.A. de C.V	12/1/91–11/30/92
The People's Republic of China:	
Oscillating Fans:	
A–570–807	
Esteem Industries/HASM Mfg./Holmes Products Corp., Shell Electric Mfg. (China Co./SMC Electric Mfg. (Sian Hua) Co./SMC Marketing Corp., Duracraft Corporation	6/5/91–11/30/92
Ceiling Fans:	
A–570–807	
CEC Electrical Mfg. (International) Co./CEC Industries (Shenghen) Ltd., Wing Tat Electric Mfg. Co., Ltd./China Miles Co., Ltd	6/5/91–11/30/92
Sweden:	
Stainless Steel Hollow Products:	
A–401–603	
Sandvik AB, AB Sandvik Steel, Sandvik Steel Company	12/1/91–11/30/92
Taiwan:	
Small Business Telephone Systems and Subassemblies Thereof:	
A–583–806	
Bitronic Telecoms Co., Ltd., Tecom Company Ltd	12/1/91–11/30/92
Countervailing Duty Proceedings:	
None	

Interested parties must submit applications for administrative protective orders in accordance with §§ 353.34(b) and § 355.34(b) of the Department's regulations.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended 19 U.S.C. 1675(a)) and 19 CFR 353.22(c)(1) and 355.22(c)(1) (1992).

Dated: February 5, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–4056 Filed 2–22–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–583–820]

Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Helical Spring Lock Washers From Taiwan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: February 23, 1993.

FOR FURTHER INFORMATION CONTACT: William H. Crow II, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0116.

PRELIMINARY DETERMINATION: We preliminarily determine that certain helical spring lock washers from Taiwan are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margin is shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of this investigation on September 28, 1992 (57 FR 45765, October 5, 1992), the following events have occurred:

On October 1, 1992, the American Institute in Taiwan (AIT) sent a cable both to the Department of Commerce (the Department) and to the International Trade Commission (ITC), stating that the three firms listed in the petition were exporters of the subject merchandise. In addition, it was noted that there were four known producers of the subject merchandise. At the request of those producers, the AIT did not identify them by name.

On October 15, 1992, the Department sent a cable to the AIT requesting information on the names of any Taiwanese companies, other than those listed in the petition, that produce and export the subject merchandise to the United States, and the corresponding value and quantity of their sales to the United States for the period April 1, 1992 to September 30, 1992.

On October 23, 1992, the ITC issued an affirmative preliminary injury determination.

On October 27, 1992, a response was received from AIT stating that the three firms listed in the petition did not export during the period of investigation (POI). AIT did not identify additional possible producers/exporters.

On November 3, 1992, the Department requested further clarification from AIT because the U.S. import statistics revealed that some exporters had been active during the POI.

On November 4, 1992, the Department received a response from the AIT in which it indicated that the only available information had been transmitted in its October 1, 1992, and October 27, 1992, cables.

On November 17, 1992, the Department sent an antidumping duty questionnaire to the three companies listed in the petition, requesting value and quantity statistics of the subject merchandise exported to the United States, details on ownership, and relationships among producers and exporters. We received one response to our questionnaire. Siguar Industrial Hardware Co., Ltd. (Siguar) responded that they did not sell or produce the subject merchandise during the POI.

On November 25, 1992, the petitioner informed the Department of another possible respondent, Par Excellence Industrial Co., Ltd. On December 9, 1992, the Department sent this company a questionnaire requesting the same information as in the other questionnaires sent in this investigation.

We received no response from this company.

On January 12, 1993, petitioner sent a request that the Department revert to best information available (BIA) in this investigation because no producer/exporter of the subject merchandise had responded to the Department's requests for information. Also, petitioner stated that the highest margin in the petition should be used as the rate for all types of the subject merchandise from Taiwan. In addition, petitioner requested that a preliminary determination be made that critical circumstances exist.

Scope of Investigation

For purposes of this investigation, certain helical spring lock washers (HSLWs) are circular washers of carbon steel, of carbon alloy steel, or of stainless steel, heat-treated or non heat-treated, plated or non plated, with ends that are off-line. HSLWs are designed to:

(1) Function as a spring to compensate for developed looseness between the component parts of a fastened assembly;

(2) Distribute the load over a larger area for screw or bolts; and

(3) Provide a hardened bearing surface. The scope does not include internal or external tooth washers, nor does it include spring lock washers made of other metals, such as copper. The lock washers subject to this investigation are currently classifiable under subheading 7318.21.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Period of Investigation

The period of investigation is April 1, 1992 through September 30, 1992.

Best Information Available

We have determined, in accordance with section 776(c) of the Act, that the use of best information available is appropriate for sales of HSLWs in this investigation. In deciding whether to use BIA, section 776(c) provides that the Department may take into account whether the respondent was able to produce information requested in a timely manner and in the form required. In this case, the producers/exporters of HSLWs from Taiwan did not do so. The only response came from Siguar which stated that it did not sell to the United States or produce the subject merchandise during the period of investigation.

During the course of this investigation, the Department has encountered serious problems in obtaining responses from Taiwanese manufacturers and exporters for its investigation. As outlined in the "Case History" section of this notice, the Department made repeated attempts to solicit this information, stating that if we did not receive a response to our requests, we might have to make our determination on the basis of BIA. In spite of the Department's attempts, we did not receive a response from any manufacturer or exporter who exported or produced during the POI. Consequently, we have based our preliminary determination in this investigation on BIA for all Taiwan companies. As BIA, we have selected the highest margin listed in this notice of initiation for this investigation, which was based on the petition. A description of how petitioner calculated the margins contained in its petition is included in our notice of initiation (57 FR 45765, October 5, 1992).

Critical Circumstances

Petitioner alleges that "critical circumstances" exist with respect to imports of the subject merchandise from Taiwan. Section 733(e)(1) of the Act provides that critical circumstances exist if we determine that there is a reasonable basis to believe or suspect that:

(A)(i) There is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or

(ii) The person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value, and

(B) There have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

Under 19 CFR 353.16(f), we normally consider the following factors in determining whether imports have been massive over a short period of time:

(1) The volume and value of the imports;

(2) seasonal trends (if applicable); and

(3) the share of domestic consumption accounted for by imports.

In determining knowledge of dumping, we normally consider margins of 15 percent or more sufficient to impute knowledge of dumping under section 733(e)(1)(A)(ii) for exporters sales price sales, and margins of 25 percent or more for purchase price sales. (See, *e.g.*, Final Determination of Sales at Less Than Fair Value; Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, from Italy, 52 FR 24198, June 29, 1987). Since the highest margin contained in the petition for HSLWs is above 25 percent, we determine in accordance with section 733(e)(1)(A)(ii) of the Act that there is a reasonable basis to believe or suspect that knowledge of dumping existed for HSLWs from Taiwan.

Because the Department did not receive responses to its questionnaire from any Taiwan companies who produced or exported during the period of investigation, we have relied upon BIA for determining whether there have been massive imports of HSLWs from Taiwan. Because we have not received responses from any producers/exporters in this investigation, we determine as BIA, that imports were massive over a relatively short period of time. Therefore, we preliminarily find that there is a reasonable basis to believe or suspect that imports of HSLWs from Taiwan have been massive over a relatively short period of time. Based on our analysis, we preliminarily determine that there is a reasonable basis to believe or suspect that critical circumstances exist for imports of HSLWs from Taiwan.

Suspension of Liquidation

In accordance with section 733(e)(2) of the Act, we are directing the Customs Service to suspend liquidation of all entries of HSLWs from Taiwan that are entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days prior to the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or posting of a bond equal to 31.93 percent on all entries of HSLWs from Taiwan, as shown below. This suspension of liquidation will remain in effect until further notice.

Manufacturers/producers/exporters	Margin percentage
Spring Lake Enterprise Co., Ltd	31.93
Ceimiko Industrial Co., Ltd	31.93
Par Excellence Industrial Co., Ltd	31.93
All Others	31.93

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than March 18, 1993, and rebuttal briefs no later than March 25, 1993. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on April 1, 1993, at 9:30 a.m. at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the ime, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B–099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

This determination is published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: February 16, 1993.

Joseph Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–4175 Filed 2–22–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–580–813]

Antidumping Duty Order: Certain Welded Stainless Steel Butt-Weld Pipe Fittings from Korea

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: February 23, 1993.

FOR FURTHER INFORMATION CONTACT: John Gloninger, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; (202) 482–2778.

SCOPE OF ORDER: The products subject to this investigation are certain welded stainess steel butt-weld pipe fittings ("pipe fittings"), whether finished or unfinished, under 14 inches inside diameter.

Pipe fittings are used to connect pipe sections in piping systems where conditions require welded connections. The subject merchandise can be used where one or more of the following conditions is a factor in designing the piping system: (1) Corrosion of the piping system will occur if material other than stainless steel is used; (2) contamination of the material in the system by the system itself must be prevented; (3) high temperatures are present; (4) extreme low temperatures are present; (5) high pressures are contained within the system.

Pipe fittings come in a variety of shapes, and the following five are the most basic: "elbows", "tees", "reducers", "stub ends", and "caps". The edges of finished fittings are beveled. Threaded, grooved, and bolted fittings are excluded from this investigation. The pipe fittings subject to this investigation are classifiable under subheading 7307.23.00 of the Harmonized Tariff Schedule of the United States (HTSUS).

Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

ANTIDUMPING DUTY ORDER: In accordance with section 735(a) of the Tariff Act of 1930, as amended (the Act), on December 18, 1992, the Department of Commerce (Department) made its final determination that certain welded stainless butt-weld pipe fittings from Korea are being sold at less than fair value (57 FR 61881 December 29, 1992). On February 16, 1993, in accordance with section 735(d) of the Act, the U.S. International Trade Commission notified the Department that such imports materially injure a U.S. industry.

Therefore, in accordance with section 736 of the Act, the Department will direct U.S. Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act, antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of certain welded stainless steel pipes from Korea. These antidumping duties will be assessed on all unliquidated entries of certain welded stainless steel butt-weld pipe fittings from Korea that are entered, or withdrawn from warehouse, for consumption on or after October 21, 1992, the date on which the Department published its preliminary determination notice in the **Federal Register** (57 FR 48018). On or after the date of publication of this notice in the **Federal Register**, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties, the following cash deposits for the subject merchandise.

Manufacturer/producer/exporter	Margin percentage
Asia Bend Company Ltd	21.2
All others	21.2

In its final determination, the Department found that critical circumstances exist with respect to exports from Korea by Asia Bend Company Ltd. However, on February 16, 1993, the ITC notified the Department that retroactive assessment of antidumping duties is not necessary to prevent recurrence of material injury from massive imports over a short period. As a result of the ITC's determination, pursuant to section 735(c)(3) of the Act, we shall order Customs to terminate the retroactive suspension of liquidation and to release any bond or other security and refund any cash deposit required under section 733(d)(2) with respect to Asia Bend Company's entry of subject merchandise entered, or withdrawn from warehouse, for consumption prior to October 21, 1992.

This notice constitutes the antidumping duty order with respect to certain welded stainless steel butt-weld pipe fittings from Korea, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 353.21.

Dated: February 18, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–4197 Filed 2–22–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–580–811]

Final Determination of Sales at Less Than Fair Value; Steel Wire Rope From Korea

AGENCY: Import Administration, International Trade Administration, Department of Commerce

ACTION: Final determination.

EFFECTIVE DATE: February 23, 1993.

FOR FURTHER INFORMATION CONTACT: Amy Beargie, Anna Snider or Richard

Rimlinger, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4733.

Final Determination

We determine that steel wire rope from Korea is being, or is likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the publication of our affirmative preliminary determination and postponement of the final determination on September 30, 1992 (57 FR 45035), the following events have occurred.

On October 8 and October 9, 1992, the respondents, Korea Iron & Steel Wire, Ltd. (KIS), Man Ho Rope Mfg. Co., Ltd. (Man Ho) and Young Heung Iron and Steel Co., Ltd. (YHC), submitted responses to the cost of production (COP) and constructed value (CV) portion of our questionnaire. We issued supplemental questionnaires covering respondents' October 8 and 9 submissions on November 4, 1992. We received responses to these supplemental questionnaires on December 1, 1992.

We conducted verification of the sales and cost questionnaire responses for all respondents between November 9 and December 18, 1992. Respondents submitted corrections of clerical errors to their sales and cost responses on November 10, November 25, December 8, and December 16, 1992. On November 20, 1992, YHC submitted updated duty drawback information for a small number of sales which we had requested at verification.

On October 13, 1992, petitioner requested a public hearing and respondents indicated their interest in participating in the hearing. On December 2, 1992, we notified interested parties that we were revising the case brief and hearing schedule set forth in the notice of the preliminary determination. We extended the deadlines for case briefs from December 4, 1992 to January 8, 1993, and rebuttal briefs to January 13, 1993. We also rescheduled the public hearing date for January 15, 1993.

On December 29, 1992, petitioner withdrew its request for a hearing, provided that the Department further extend the deadlines for case briefs and rebuttals to January 12 and January 19, 1993, respectively. Respondents objected to petitioner's extension request on December 30, 1992, but did not oppose the cancellation of the hearing.

On January 4, 1993, we notified interested parties that we were extending the deadlines for case briefs to January 11, 1993 and for rebuttals to January 19, 1993. We received no further objections regarding the deadline. Petitioner and respondents filed case and rebuttal briefs on these dates. We did not hold a public hearing to discuss issues raised in these submissions.

Scope of the Investigation

The product covered by this investigation is steel wire rope. Steel wire rope encompasses ropes, cables, and cordage of iron or carbon steel, other than stranded wire, not fitted with fittings or made up into articles, and not made up of brass plated wire. Imports of these products are currently classifiable under the following Harmonized Tariff Schedule (HTS) subheadings: 7312.10.9030, 7312.10.9060, and 7312.10.9090.

Excluded from this investigation is stainless steel wire rope, which is classifiable under the HTS subheading 7312.10.6000, and all forms of stranded wire. Although HTS subheadings are provided for convenience and customs purposes, our own written description of the scope of this proceeding is dispositive.

Period of Investigation

The period of investigation (POI) extends from November 1, 1991 through April 30, 1992.

Such or Similar Merchandise

We have determined that all products covered by this investigation constitute a single category of such or similar merchandise. For purposes of calculating a dumping margin, the Department compared products sold in the United States with identical or similar products sold in the home market. For model-match purposes, we relied on the following criteria: (1) Type of steel wire, i.e., bright carbon steel or galvanized carbon steel; (2) diameter of wire rope; (3) type of core, i.e., fiber or steel; (4) class of wire rope (number of strands by number of wires), e.g., 6x7, 6x19, 6x37 or 8x19; and (5) other characteristics including grade of steel, number of wires per strand, and design of strands.

Where there were no sales of identical merchandise in the home market with which to compare merchandise sold in the United States, sales of the most similar merchandise were compared on the basis of the criteria described above, ranked in order of importance from 1 through 5. For criterion (5), respondents were instructed to use grade of steel, number of wires per strand, and design of strands in the order they deemed appropriate. We determined that the ranking chosen by respondents was reasonable. We made adjustments for differences in the physical characteristics of the merchandise in accordance with section 773(a)(4)(C) of the Act.

Fair Value Comparisons

To determine whether sales of steel wire rope from Korea to the United States were made at less than fair value, we compared United States price (USP) with the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

We calculated USP using the methodology described in the preliminary determination, with the following exceptions:

1. We revised KIS' credit expense for one U.S. sale. See Comment 15.

2. For each PVC-coated product sold by KIS in the United States, we deducted the PVC-coating expense from the response field "other movement expenses" and added this expense to the corresponding difference-in-merchandise (difmer) amount. Where the U.S. sale of a PVC-coated product could not be matched to a home market item, we added the PVC-coating expense to the CV of the model. See Comment 18.

3. We adjusted KIS' U.S. database to reflect the revised estimate of number of days outstanding for those U.S. sales with credit expenses based on certain payment terms. See Comment 22.

Foreign Market Value

We calculated FMV using the methodology described in the preliminary determination, with the following exceptions:

1. For all respondents, we revised the claimed adjustments for home market credit expenses to exclude the value-added tax (VAT). See Comment 3.

Cost of Production

Based on petitioner's allegations, and in accordance with section 773(b) of the Act, we investigated whether the three respondents had made sales in the home market at less than their respective COP. If over 90 percent of the respondents' sales of a given model were at prices

above the COP, we did not disregard any below-cost sales because we determined that the respondent's below-cost sales were not made in substantial quantities. If between 10 and 90 percent of a respondent's sales of a given model were at prices above the COP and the below-cost sales occurred in two or more months, we disregarded only the below-cost sales. Where we found that more than 90 percent of a model's sales were at prices below the COP and the below-cost sales occurred in two or more months, we disregarded all sales for that model and calculated FMV based on CV. Respondents provided no evidence that their sales were at prices which would permit recovery of all costs within a reasonable period of time in the normal course of trade in accordance with 19 U.S.C. 1677b(b)(2). We calculated the COP based on the sum of the respondents' cost of materials, fabrication, general expenses, and packing. The submitted COP and CV data were relied upon, except in the following instances where the costs were not appropriately quantified or valued:

YHC

1. For both COP and CV, we increased YHC's general and administrative (G&A) expenses to account for expenses incurred as a result of a loan guarantee that was defaulted on by its former parent company. See Comment 12.

2. For both COP and CV, we revised YHC's interest expense calculation to include interest expenses incurred on the purchase of machinery used to produce non-subject merchandise. See Comment 13.

Man Ho

1. For both COP and CV, we set general interest expense equal to zero. See Comment 29.

In accordance with section 773(e)(1)(B)(i) of the Act, we included in CV the greater of the company's reported general expenses, adjusted as detailed above, or the statutory minimum of ten percent of the cost of manufacturing. For profit, we used the greater of the company's actual reported profit on home market sales or the statutory minimum of eight percent of the cost of manufacturing plus general expenses. See section 773(e)(1)(B)(ii) of the Act.

Currency Conversion

We made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

Verification

As provided in section 776(b) of the Act, we verified information provided by respondents using standard verification procedures, including the examination of relevant sales and financial records, and original source documentation containing relevant information.

Interested Party Comments

Common Issues

Comment 1: Petitioner argues that each of the respondents "knowingly submitted erroneous sales data in their respective responses to Section A of the Department's questionnaire," in that they did not submit volume and value of sales of the subject product in the home and U.S. markets during the POI on a date-of-sale basis, as requested by the Department, but instead submitted this information on a date-of-shipment basis. Petitioner contends that these figures on a date-of-shipment basis are inaccurate. Additionally, petitioner maintains that the August 10 and August 12, 1992 submissions that revised this information to a date-of-sale basis are untimely. In the absence of accurate and timely information, petitioner contends that the Department should proceed on the basis of best information available (BIA).

KIS, Man Ho and YHC argue that petitioner's assertion that respondents "knowingly submitted erroneous sales data" in the Section A responses is without support on the record. Respondents explain that they originally reported quantity and value of sales based upon date of shipment information contained in their existing records and had indicated in Section A that they would submit data on a date-of-sale basis, as required, after they had compiled data for Sections B and C. Respondents note that they did in fact submit this information and their actions "in no way interrupted, limited, jeopardized, or prejudiced the investigation." Consequently, respondents contend, there is no basis for petitioner's assertion that the responses warrant BIA.

DOC Position: We agree with the respondents. The Department agreed to respondents' requests in their Section A responses that they could submit revised quantity and value data after compiling data for Sections B and C. Thus, there would be no grounds to reject respondents' data as proposed by petitioner.

Comment 2: Petitioner argues that the respondents' submissions of corrections to the response found in the course of preparing for the sales and cost verifications are untimely, extensive, and, in the case of YHC, unsupported by source documents.

Regarding untimeliness, petitioner cites 353.31(a)(1)(i) of the Department's regulations, which states that new factual information may not be submitted later than seven days prior to the scheduled starting date of verification. Because these corrections were submitted after this deadline, petitioner maintains that the Department should reject them as untimely.

Petitioner also asserts that these corrections constitute more than corrections of clerical errors. Petitioner argues that the Department should reject respondents' responses and apply BIA. Petitioner cites Circular Welded Carbon Steel Pipes from Thailand: Final Determination of Sales at Less Than Fair Value, 51 FR 3384, 3386 (January 27, 1986), in which the Department determined that "while correction of minor errors is acceptable during verification, as a general matter we will not accept portions of responses (or entire responses) when they are changed in major respects shortly before the start of verification or at the verification site because there is insufficient time for analysis and verification." Petitioner also cites Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from the Federal Republic of Germany: Final Determination of Sales at Less Than Fair Value, 54 FR 18992, 19037 (May 3, 1989) (Antifriction Bearings) and Certain Granite Products from Italy: Final Determination of Sales at Less Than Fair Value, 53 FR 27187, 27191 (July 19, 1988) (Granite) in support of this position.

Petitioner also submits that YHC's figure for total value of U.S. sales of the subject merchandise during the POI presented at verification is not indicated in any of the respondent's submissions to the Department. Petitioner maintains that YHC failed to provide verifiable figures pertaining to its sales in the U.S. market. For this reason, petitioner argues that the Department should reject YHC's response.

In response to petitioner's assertions regarding the extensiveness of the corrections, respondents characterize their revisions as minor. They explain that their records did not permit them to respond readily to the antidumping questionnaire. As a consequence, respondents had to create new databases by entering all of their sales data manually into a computer. In this process, they made simple clerical and programming errors which they identified and submitted to the Department prior to verification.

Respondents state that the Department's determinations cited by petitioner in support of its BIA assertions are not applicable in this case. They argue that for the Antifriction Bearings determination to be relevant, the Department would have been required "to correct [the] response during the course of verification," and "to perform the recalculations necessary to develop accurate information." Likewise for Granite, the Department would have "borne the responsibility for attempting to identify and perform numerous and substantial recalculations necessary for the development of accurate sales and cost of production data."

Finally, YHC contests petitioner's claim that its total U.S. sales figure could not be verified. YHC admits that petitioner is correct in stating that its figure for total U.S. sales does not appear in any of its responses. However, respondent notes that the verified total can be reached by simply summing the U.S. sales amounts reported in two different submissions. Specifically, YHC explains that the verified total is the sum of the sales reported in Section C of its response and the three additional sales reported in a subsequent submission to the Department.

DOC Position: We agree with respondents. We do not consider the corrections identified in the course of preparing for verification to be of a frequency or magnitude to warrant rejecting the responses in their entirety and using petitioner's data as BIA. As determined in Circular Welded Carbon Steel Pipes from Thailand and by Department practice, "correction of minor errors is acceptable during verification." We do not agree that Antifriction Bearings and Granite are relevant in this case, as we did not need to perform substantial recalculations in order to obtain verifiable data. Indeed, we examined supporting documentation for the correction reports presented at verification and found that the revisions to the response were justified and did not constitute new factual information. In addition, we dispute petitioner's claim that the figure for total U.S. sales of the subject merchandise during the POI was not verified. As we noted in YHC's verification report, the figure presented by YHC for total U.S. sales tied to monthly trial balances and sales ledgers. Therefore, we have accepted the responses as corrected and verified for the final determination.

Comment 3: Petitioner argues that respondents' calculations of home market credit expenses should not include the VAT. Petitioner also asserts that Man Ho's and YHC's inclusion of the VAT in their respective calculations of the average collection period of accounts receivable is improper and results in "an artificial and arbitrary inflation" of these figures.

Petitioner cites Polyethylene Terephthalate Film, Sheet, and Strip from the Republic of Korea: Final Determination of Sales at Less Than Fair Value, 56 FR 16305, 16310 (April 22, 1991) (Pet Film) in which the Department determined that a circumstance-of-sale (COS) adjustment for VAT payments was not warranted because the respondent did not pay the VAT to the government at the time of sale, but instead maintained a rolling account. Petitioner argues that because respondents do not pay the VAT at the time of sale, but have arrangements similar to those of the respondent in Pet Film, the Department should exclude the VAT from the respondents' home market credit calculations.

In rebuttal, respondents argue that the use of a VAT-inclusive price to calculate credit expense is justified. For example, YHC notes that "VAT is part of the actual sales price charged by YHC to its customers. As such, the customer's obligation to YHC for the total sales price, including VAT, attaches on the date of sale. YHC's obligation to pay VAT to the government also attaches on the date of sale."

Respondents explain that they incur an imputed loss because they do not have use of the funds they are entitled to for VAT reimbursement until their customers pay their bills. Furthermore, they argue that, in addition to the credit actually extended to their customers by advancement of VAT on those customers' behalf, they also incur an opportunity cost due to the delay in reimbursement for VAT they are owed by their customers from the date of sale.

Respondents cite Color Television Receivers from Korea: Final Results of Antidumping Administrative Review, 51 FR 41,365, 41,376 (November 14, 1986) (Color TVs), which they claim supports the inclusion of the VAT in the total sales price when calculating credit expense. Specifically, they note that in Color TVs the Department allowed a home market imputed tax adjustment based upon the number of days between tax payment and receipt of payment from the customer.

Man Ho and YHC also disagree with petitioner's assertion that their average collection period methodology is improper, arguing that in order to reflect the actual amount owed to them by their customers in the calculation of credit expense, it is necessary to adjust the average collection period of accounts receivable for the VAT.

DOC Position: We agree with petitioner. It is not the Department's current practice to impute credit expenses related to VAT payments. We find that there is no statutory or regulatory requirement for making the proposed adjustment. While there may be a potential opportunity cost associated with the respondents' prepayment of the VAT, this fact alone is not a sufficient basis for the Department to make an adjustment in price-to-price comparisons. We note that virtually every charge or expense associated with price-to-price comparisons is either prepaid or paid for at some point after the cost is incurred. Accordingly, for each pre- or post-service payment, there may also be an opportunity cost or gain. Thus, to allow the type of adjustment suggested by the respondents would imply that in the future the Department would be faced with the virtually impossible task of trying to determine the potential opportunity cost or gain of every charge and expense reported in the respondents' home market and U.S. databases. This exercise would make our calculations inordinately complicated, placing an unreasonable and onerous burden on both respondents and the Department, without necessarily ensuring a more accurate dumping margin calculation. Consequently, we have not adjusted respondents' FMVs for this imputed VAT credit expense.

Comment 4: The three respondents contend that the final determination should be made without reference to COP since the cost allegations were filed after the regulatory deadline for such allegations. Respondents argue that the Department's action in initiating the COP investigation effectively reads the word "scheduled" out of § 353.31(c)(1)(i) of the Department's regulations. 19 CFR 353.31(c)(1)(i). Respondents assert that the subsequent extension of the preliminary determination does not retroactively render the cost allegations timely.

Petitioner responds that, pursuant to 19 U.S.C. 1677b(b), the Department may initiate a COP investigation on its own accord. Even assuming incorrectly that the Department lacked authority to self-initiate, petitioner maintains that the subject allegations were filed in a timely manner pursuant to 19 CFR 353.31(c)(1)(i). Notwithstanding its timely submission, petitioner states that respondents' relevant questionnaire responses were untimely and incomplete, thereby invoking the exception to the time guidelines set out in the subject regulation.

DOC Position: Section 353.31(c)(1)(i) of the Department's regulations states:

(c) Time limits for certain allegations. (1) The Secretary will not consider any allegation of sales below the cost of production that is submitted by the petitioner or other interested party, as defined in paragraph (k)(3), (k)(4), (k)(5), or (k)(6) of § 353.2, later than: (i) In an investigation, 45 days before the scheduled date for the Secretary's preliminary determination, unless a relevant response is, in the Secretary's view, untimely or incomplete, in which case the Secretary will determine the time limit;

19 CFR 353.31(c)(1)(i).

By letter of August 4, 1992, petitioner submitted cost allegations against the three respondents. On August 6, 1992, petitioner requested a postponement of the preliminary determination because it needed time to assess and comment on responses to Sections B and C of the Department's questionnaire which were filed by respondents on July 27, 1992. Respondents had been granted a three-week extension to file their responses which reduced the number of days petitioner had to review the information.

On August 24, 1992, in accordance with 19 CFR 353.15(d), the Department granted petitioner's request for an extension of the preliminary determination date from September 16, 1992 to September 23, 1992. On August 25, 1992, the Department initiated a cost investigation.

When the date of the preliminary determination was postponed, the effective deadline for submission of cost allegations became August 10, 1992. Because petitioner's allegations were filed on August 4, 1992, the Department deems them to be submitted in a timely manner pursuant to § 353.31(c)(1)(i) of the Department's regulations. We disagree with respondents' contention that, by accepting the subject allegations as timely, the Department has effectively read the word "scheduled" out of the regulation. The "scheduled date for the Secretary's preliminary determination" refers to the actual anticipated date of the preliminary determination, irrespective of whether or not such date has been rescheduled.

Comment 5: Petitioner claims KIS and Man Ho have improperly allocated depreciation, repairs and other overhead on the basis of weight. Petitioner argues that these costs bear no relation to the weight of the products manufactured and should be allocated on the basis of machine hours.

Respondents counter that their methodology is less distortive than petitioner's. Machine hours are not kept by respondents in their normal accounting system. Respondents argue that heavier ropes are made on larger machines, which incur higher operating expenses and maintenance costs. Therefore, allocating costs based on weight more accurately reflects the true cost of the product. Respondents also note that many of their machines are fully depreciated. If depreciation was based on machine hours, some products would not be burdened with any depreciation because products made on machines which were fully depreciated would have no depreciation allocated to them. Thus, respondents conclude that one avoids this anomaly by basing depreciation on weight.

DOC Position: We agree with respondents. KIS and Man Ho allocated overhead costs on a reasonable basis consistent with their normal accounting systems. During the plant tours at verification, we observed the machines used in the production process and we agree that weight does have a relationship to the indirect labor and overhead costs because the size of the machine dictates the weight of the rope produced. Therefore, we determine that the respondents' allocation method is reasonable.

Company-Specific Issues

YHC

Comment 6: Petitioner asserts that evidence presented at verification contradicts the date-of-sale methodology specified by YHC in its response. Petitioner contends that YHC had indicated in its narrative response that date of sale for home market sales was the same as date of shipment, except in a few specific circumstances.

At verification, YHC revised dates of shipment and dates of sale for a small number of transactions. YHC submitted these revisions to the Department on November 10, 1992. For these sales, dates of sale precede dates of shipment. Petitioner observes that "it does not appear from the verification report or exhibits that these revisions are related to one of the limited instances in which YHC had previously acknowledged that the date of sale would precede the date of shipment." In addition, petitioner notes that for some of YHC's home market sales to a particular customer, the dates of sale and shipment are the same, while for other sales to the same customer the dates differ. Petitioner claims that this finding is evidence that YHC's date-of-sale methodology is suspect.

Petitioner further argues that "(s)ince YHC's declared methodology for determining date of sale could not be verified, and in fact was contradicted by information provided by YHC at verification with respect to two of the ten pre-selected home market transactions, the Department must determine that (YHC's) response could not be verified." Petitioner contends that the Department should apply the highest margin alleged in the petition as BIA for these sales.

In rebuttal, YHC explains that it "did not maintain that shipment date was always the correct date of sale for home market sales." YHC notes that it had reported in the questionnaire response that it "generally uses the date of the sales slip for the date of sale in the home market," and that the date of the sales slip is often the date of shipment. YHC explains that it also indicated in its response that there are situations in which the date of sale precedes the date of shipment, such as for contract sales and sales made pursuant to written purchase orders. YHC maintains that "its methodology for determining date of sale fully complied with the instructions in the Department's questionnaire."

With regard to petitioner's observation that for some home market sales to a particular customer, dates of sale and shipment are the same, while for other sales to the same customer the dates differ, YHC notes the following: Home market sales are generally made from inventory, but on occasion steel wire rope is made to order. In the case of a sale from inventory, dates of sale and shipment would, in most instances, be the same, while dates of sale and shipment for merchandise produced to order would differ.

DOC Position: We do not agree with petitioner's assertion that YHC's data presented at verification contradict its date-of-sale methodology. Instead, we find that YHC's data confirm its methodology. The revisions that YHC presented at verification relate to situations in which YHC previously acknowledged that the date of sale might precede date of shipment. The sales that are the subject of Correction Report VII of the November 10, 1992 submission are sales made to customers for whom YHC had indicated that it would report the date of the purchase order as the date of sale. YHC stated in its response that it would use the date of the purchase order as the date of sale for these customers because the company issues written purchase orders. The remaining sales at issue from Correction Report VIII are sales made under contract. YHC noted in its response that it would report the date of

the contract as the date of sale for these transactions.

At verification, we examined sales documentation that supported YHC's date-of-sale methodology. For numerous home market transactions, we inspected the associated purchase orders, contracts, or sales invoices in order to establish that YHC had correctly reported dates of sale. These documents demonstrated that the dates of sale determined by YHC were the dates on which the essential terms of the transaction were fixed, namely price and quantity. Additionally, we reviewed relevant sales documentation (e.g., delivery slips) which supported YHC's reported dates of shipment. We found that YHC had reported this information accurately. Therefore, we have no justification for applying BIA.

Comment 7: Petitioner maintains that YHC failed to provide any evidence, either in its questionnaire response or at verification, to confirm its date-of-sale methodology with respect to sales of products purchased from Dae Heung Industrial Co., Ltd. (DHC), a related company. Petitioner argues that the Department should determine that the response could not be verified with respect to these transactions and should apply the highest margin alleged in the petition as BIA for these sales.

In rebuttal, YHC explains that its methodology for determining date of sale for DHC products is the same as the overall date-of-sale methodology explained in its questionnaire response. YHC writes that "U.S. sales of DHC products are produced to order" and "home market sales of DHC products are from inventory." Therefore, YHC explains that "for home market sales of DHC products, the sales date and shipment date match because YHC makes these sales of DHC-produced products from inventory. However, for YHC's sales of DHC products to the United States, the date of sale is significantly prior to the date of shipment."

DOC Position: We agree with respondent. We do not find that YHC failed to provide information regarding date-of-sale methodology for sales of DHC products. Instead, we verified that the DHC date-of-sale methodology is the same as the overall methodology we have accepted for all YHC sales. Therefore, there is no reason to apply BIA to these sales.

Comment 8: Petitioner claims that the methodology used by YHC to revise the total home market sales figure at verification is different from that specified in the Section B narrative and constitutes a new response. Petitioner also argues that the total home market sales figure does not tie to YHC's sales ledgers. Petitioner claims that because the Department could not verify the total value of YHC's total home market sales, which was used as the basis for allocating credit expenses, YHC's claimed adjustment for credit expenses must be disallowed.

Respondent contends that "the revised figure was verified, and directly contrary to petitioner's allegation, does reconcile with the supporting documentation submitted by YHC."

DOC Position: We agree with YHC. We believe that YHC justified and fully supported its revised calculation of the total home market sales figure used to calculate home market credit. At verification, YHC deducted from the total home market sales figure sales to a related company of non-subject merchandise (e.g., wire, materials, and lubricant). We examined invoices supporting these deductions and found that they were appropriately excluded from the home market sales total. Additionally, we tied the reported home market sales total to YHC's sales ledgers for finished goods and merchandise. We found no discrepancies. Therefore, YHC's revisions do not constitute a new response and we have no justification for disallowing the credit adjustment.

Comment 9: Petitioner maintains that interest expenses incurred on a general borrowing loan category used to calculate YHC's short-term interest rate could not be verified. Petitioner argues that information gathered in its review of the verification exhibits does not support the expense claimed by YHC in its response for general borrowing during the POI. Petitioner argues that the Department should: (a) Disallow the claimed credit adjustment; (b) use the lowest interest rate available to YHC during the POI to calculate home market credit as BIA; or (c) use the "correct" figure that it has discerned from verification documents for general borrowing interest expense to calculate home market credit.

Respondent argues that "contrary to petitioner's allegation, interest incurred by YHC during the POI for general borrowing was as reported in its Section B response." YHC explains that "the figure petitioner offers as YHC's total interest incurred during the POI * * * is misstated * * * and additionally, fails to account for interest on construction * * * [I]t is the sum of these two figures which is the total general borrowing interest incurred during the POI."

DOC Position: We agree with respondent. At verification, we examined interest expenses incurred on general borrowing in our review of home market credit expenses and found them to be as reported in Section B of YHC's response. In order to verify this element of home market credit expense, we examined actual loan ledgers for general borrowing which supported the terms of the loans, applicable interest rates, cumulative daily balances reported, and interest expenses incurred. Additionally, we tied these interest expenses to YHC's expense ledgers and to the monthly trial balances and found no discrepancies. Therefore, we have no justification for disallowing the adjustment or applying BIA.

YHC Cost Issues

Comment 10: Petitioner asserts that it was improper for YHC to use actual production costs in calculating COP for merchandise purchased from DHC, a related company, since there is not 50 percent direct and/or indirect ownership between these companies. Petitioner argues that the Department permits the use of actual costs instead of transfer prices for COP calculations for related-party purchases only when there is more than 50 percent direct and/or indirect ownership between companies. Petitioner claims that Antifriction Bearings (1989) supports this position. Petitioner contends that we should use transfer prices for these calculations. However, petitioner argues that since YHC did not provide transfer prices, the Department must use BIA for these transactions.

Petitioner also argues that it is improper to use actual production costs for CV purposes. Petitioner notes that the Department generally uses transfer prices for constructed value purposes unless such prices do not "fairly reflect the value in the market under consideration." Petitioner argues that since YHC did not provide transfer prices in the response, the Department should use BIA for these transactions.

YHC contends that the Department's practice is to allow the use of transfer prices for COP and CV of purchases from related suppliers when it can be demonstrated that such prices are at arm's length, but that actual costs are required when it cannot be demonstrated that prices are at arm's length. YHC argues that Antifriction Bearings supports its position, not petitioner's. YHC explains that it could not demonstrate that its purchases from DHC were made at arm's-length prices, therefore, its use of actual cost rather than transfer price was appropriate, if not required.

DOC Position: We agree with YHC that use of actual production costs is appropriate. Section 773(b) of the Act is

clear in its direction that the relevant cost involved in a below-cost investigation is the "cost of producing the merchandise in question." DHC is the producer of the finished product in question here, not YHC. YHC simply purchases the finished product from DHC. Therefore, we believe that it is appropriate to base COP on DHC's actual costs that YHC supplied in its response.

This approach is consistent with Fresh and Chilled Atlantic Salmon from Norway: Final Determination of Sales at Less Than Fair Value, 56 FR 7661, 7672 (February 25, 1991) in which we based the COP of a respondent's resold merchandise on the producer's COP, plus respondent's general, selling and administrative expenses, profit and packing. See also Fresh Kiwifruit from New Zealand: Final Determination of Sales at Less Than Fair Value, 57 FR 13695, 13701–2 (April 17, 1992) and Oil Country Tubular Goods from Canada: Final Results of Administrative Review, 56 FR 38408, 38411 (August 3, 1991).

Comment 11: Petitioner argues that YHC understated its general and administrative expenses (G&A) by basing these expenses on the twelve-month period ending June 30, 1992, rather than its fiscal year, January 1 to December 31, 1991. Petitioner states that the use of the financial statements from the most recent fiscal year is a long-established preference of the Department. Petitioner claims that the Department should disregard YHC's G&A calculation and use BIA.

YHC argues that it endeavored to have its G&A calculation more accurately correspond to the period of investigation. Respondent notes that it reported the period July 1, 1991 to June 30, 1992 and that the Department's November 4, 1992 deficiency letter failed to request the use of financial data from its audited financial statements.

DOC Position: We agree with petitioner in part. The Department's normal practice is to calculate G&A based on a company's most recent audited financial statement. However, at verification, we compared the G&A reported in the Section D response with the amount reported in the audited financial statements and confirmed that there was no substantial difference between the two because the year-end adjustments were included in the reported G&A figure. Therefore, we have used the reported G&A figure which we believe accurately reflects the G&A incurred by the company.

Comment 12: Petitioner argues that YHC improperly excluded certain expenses from its COP. The excluded expenses relate to a liability incurred as a result of a loan guarantee that was defaulted on by its former parent corporation. Petitioner maintains that the circumstances relating to the expense do not extend to what is considered an extraordinary expense under U.S. Generally Accepted Accounting Principles (GAAP). Petitioner argues that the Department has included in COP expenses that respondents have excluded as extraordinary, such as those resulting from strikes, fires, or restructuring. For example, petitioner cites Sweaters Wholly Or In Chief Weight of Man-Made Fiber From Korea: Final Determination of Sales at Less Than Fair Value, 55 FR 32659, 32669 (1990) in which the Department determined that the cost of a strike, which respondent excluded as extraordinary, was not unusual for a manufacturing concern and, therefore, not an extraordinary event, and should be included in COP.

YHC argues that the item is properly treated as an extraordinary item under both Korean and U.S. GAAP and should be excluded from production costs.

DOC Position: We agree with petitioner. The assumption of the loan by the respondent constitutes a normal cost of doing business and, as such, becomes an expense to the respondent. We do not agree with respondent that this item should be treated as extraordinary. For an item to be considered as "extraordinary" under U.S. GAAP, it must be unusual in nature and infrequent in occurrence. See Floral Trade Council v. United States, slip op. 92–213 (CIT December 1, 1992). The assumption of debt by a guarantor is neither unusual in nature nor infrequent and, therefore, not extraordinary under U.S. GAAP. Even if these expenses were considered extraordinary under Korean GAAP, these are costs incurred by YHC as part of its overall operations and, therefore, must be included in the calculation of YHC's COP.

Comment 13: Petitioner asserts that YHC made an improper reduction of interest expenses by decreasing total interest expense for a portion attributed to the purchase of machinery not used in the production of the subject merchandise. In support of its argument, petitioner cites Silicon Metal From Brazil: Final Determination of Sales at Less Than Fair Value, 56 FR 26977, 26987 (June 12, 1992) (Silicon Metal), in which the Department determined that the interest expense of a loan taken by respondent for the purchase of machinery used to produce merchandise not subject to the investigation should be included in COP.

DOC Position: We agree with petitioner that interest expense should not be reduced for amounts claimed to be related to the purchase of machinery used for non-subject merchandise. As stated in Silicon Metal, in determining COP, we regard interest as fungible, and thus, make no distinction regarding the type of interest incurred. Our long-standing practice is to calculate a respondent's total interest expense, offset by short-term interest income, as a percentage of cost of goods sold. Accordingly, we have disallowed this deduction.

Comment 14: Petitioner maintains that respondent improperly deducted interest income on short-term investments from its interest expense. Petitioner claims that YHC has failed to document properly that this income was in fact derived from short-term investment. Petitioner argues that, because this information was not verified, the Department should disallow this deduction.

DOC Position: We disagree with petitioner. We verified that the reported interest income was in fact derived from short-term investments.

KIS

Comment 15: Prior to the preliminary determination, KIS informed the Department that the credit expense for one U.S. observation was significantly overstated due to the fact that the dollar amount of the credit expense had been multiplied by an incorrect exchange rate twice. KIS contends that the Department should revise the subject credit expense to reflect the corrected amount.

Petitioner argues that the Department should use the credit expense originally reported for this sale since respondent offered no explanation as to why the noted error had not been repeated in calculating the credit expense for other U.S. sales. Petitioner further states that the Department did not seek to verify the corrected credit expense.

DOC Position: We have revised the U.S. database to reflect the change requested by KIS. We determine that respondent's explanation is reasonable because the original credit expense reported for the subject observation was grossly inflated compared with that of other sales. Furthermore, at verification we found that respondent did not repeat the noted errors in calculating the credit expense for other U.S. sales.

Comment 16: Petitioner contends that the Department should include in KIS' home market sales listing sales identified at verification that were made under a certain unit price agreement and shipped during the period between respondent's initial response and

supplemental response to the Department's questionnaire. Petitioner states that, given the respondent's lack of candor regarding these home market sales, the Department should apply as BIA the highest margin calculated to each U.S. sale of a such or similar product. Petitioner also states that the Department should estimate the amount of shipments made pursuant to this agreement up until the date of verification and calculate the margins accordingly.

KIS claims that petitioner erroneously refers to the updated shipments as "sales" under an "agreement." Respondent states that the "sale" was the "agreement" and, thus, these were shipments under the "sale." KIS contends that it brought the subject shipments to the Department's attention and provided all information requested by the Department at verification. Respondent also notes that the Department verified the completeness and accuracy of the updated shipment information. Respondent states that there is no basis in the record or in logic for the Department to go beyond the date of KIS' supplemental response and estimate the amount of wire rope shipped under the agreement up until the date of verification.

DOC Position: At verification, KIS identified shipments made pursuant to a contract negotiated during the period of investigation that had occurred subsequent to the date of the questionnaire response. We verified the accuracy and completeness of the additional shipments. The shipments represent a small percentage of respondent's home market database. Accordingly, for this determination, we determine that the addition of such shipments to respondent's home market database is a minor revision and, as such, does not warrant the application of a BIA rate. Furthermore, we are satisfied that respondent provided all information required by the Department.

Comment 17: Petitioner contends that the Department should ensure that the classes of wire rope and designs of strand categorized under "other" are consistent in the matching of such or similar home market merchandise to models sold in the United States.

KIS states that the Department found KIS' model matches consistent with the Department's methodology at verification. Respondent also states that petitioner has failed to make any specific allegations regarding design and strand in KIS' product matches and, therefore, has waived any rights it has to complain on this issue.

DOC Position: We agree with respondent. In the original questionnaire, we identified the hierarchy of criteria to be applied in the matching of similar merchandise. The Department further required that the cost variance for physical differences in merchandise be accounted for and reported under the difmer field. We find KIS' breakdown of each criterion for purposes of matching such or similar merchandise to be reasonable and in accordance with the Department's instructions. Furthermore, we verified that the difmer amounts accurately reflect the cost variance of physical differences in such or similar merchandise and that the cost variances are within 20 percent of the cost of manufacturing of U.S. merchandise, as required by the Department's questionnaire.

Comment 18: Petitioner contends that KIS failed to identify separately all sales of PVC-coated products in both the U.S. and home markets, thereby preventing the Department from making appropriate model matches and from quantifying adjustments for differences in merchandise. Petitioner states that it is inappropriate to bury the cost of a significant manufacturing process that results in a physically different product in a claimed adjustment for "other movement expenses." Petitioner asserts that the Department should apply a BIA rate (the highest margin calculated for any sale by any respondent) to each U.S. sale of a product with the same control number as the PVC-coated products identified by respondent. Petitioner also notes that the PVC contractor could be related to respondent, thereby calling into question the validity of respondent's reported PVC expenses.

Finally, petitioner states that the respondent failed to reveal whether any of its home market sales involved PVC-coated wire rope and, therefore, the Department should reject all information provided by the respondent for its home market sales and use BIA instead.

KIS responds that it properly included the actual PVC-coated fee amount in each relevant U.S. observation on a transaction-by-transaction basis in the field for other movement expenses. Respondent notes that the original questionnaire did not ask respondent to segregate PVC-coating expenses nor did it include PVC-coating in its hierarchy of model match criteria. Respondent states that the Department verified that KIS had no home market sales of PVC-coated steel wire rope during the POI.

DOC Position: In the questionnaire, we did not require respondents to report separately PVC-coating expenses, nor did we include PVC-coating in the criteria for model matches. However, we agree with petitioner that it is inappropriate to account for PVC-coating as an "other movement expense." PVC-coating is a manufacturing expense and, as such, should be accounted for in the difmer amount assigned to each U.S. sale of a PVC-coated product. Therefore, for each PVC-coated product sold in the United States, we have deducted PVC-coating expense from the field "other movement expenses" and added the expense to the corresponding difmer amount. Where the U.S. sale of a PVC-coated product could not be matched to a home market item, we added the PVC-coating expense to the CV of the model. Because this adjustment constitutes a minor revision, we reject petitioner's contention that we apply a BIA rate to each U.S. sale of a product with the same control number as the PVC-coated sales.

We verified that respondent had no sales of PVC-coated products in the home market. We also verified that the outside PVC contractor was not related to respondent. Therefore, we reject petitioner's contention that the Department should reject all information provided by the respondent for its home market sales and use instead the best information available.

Comment 19: Petitioner states that KIS reported nothing more than the maturity date of the discounted promissory notes as the date of payment for home market sales and failed to provide complete details of such notes as required by the Department's supplemental questionnaire. Thus, petitioner contends that the Department should calculate home market credit expense utilizing the shortest number of days outstanding for any home market sale as BIA.

Petitioner also notes that KIS reported credit expenses based on an estimated number of days outstanding for those sales not paid for as of the date of the supplemental questionnaire. Petitioner contends that, at a minimum, the Department should reject respondent's estimate of number of days outstanding and apply the shorter of the average period of time between shipment and payment for (a) that customer or (b) all home market sales.

KIS maintains that it did not simply report the maturity dates of the notes but, rather, that it calculated the date of payment on these notes by applying a FIFO methodology to the maturity dates of the promissory notes to derive a date of payment on a transaction-specific basis. Respondent notes that the Department verified KIS' calculation of

days outstanding and found no discrepancies.

As to sales with no date of payment, respondent contends that the Department verified a chart of pay dates for sales updated since the supplemental questionnaire response and that these verified pay dates should be used for those sales.

DOC Position: Since KIS maintains an open accounts receivable system, such that it is not possible to match invoices to specific payments, we find respondent's reporting of the date of payment based on a FIFO methodology to be reasonable. The Department examined this methodology at verification and found no discrepancies.

At verification, respondent provided the Department with a chart of actual payment dates for sales originally reported with no date of payment. We verified the actual number of days outstanding for sales selected from this chart in order to ascertain the reasonableness of respondent's estimate of number of days outstanding. Because the estimate of credit days fell within the range of the actual days outstanding for the sample sales verified, we consider respondent's estimate of number of days outstanding to be reasonable. Therefore, we have used respondent's estimates of dates of payment in the calculation of home market credit expenses for sales reported with no date of payment.

Comment 20: Petitioner claims that KIS failed to account for the short-term financing it receives from the discounting of letters of credit issued in payment of sales to the United States and other export markets in its calculation of the average interest rate for home market credit expenses. Thus, petitioner contends that the Department should use petitioner's estimated short-term financing interest rate of five percent as the home market interest rate. At a minimum, petitioner asserts that the Department should include the estimated interest rate for short-term financing in the calculation of the average interest rate.

Assuming that the respondent had not availed itself of the estimated five percent financing available, petitioner contends that the Department should use the interest rate which KIS claims to have paid on discounted notes, rather than the interest rate calculated by respondent. Petitioner cites Carbon Steel Wire Rod from Brazil: Final Determination of Sales at Less Than Fair Value (Carbon Steel) to support its argument. 48 FR 43202, 43204 (September 22, 1983).

KIS responds that it properly calculated an average short-term interest rate for home market credit expenses and that the Department verified the accuracy of this calculation. Respondent states that the Department's policy is to use a home market interest rate based on the company's actual home market borrowing practice. KIS contends that there is no basis in fact, law, or logic for substituting or including a U.S. interest rate in the calculation of home market credit expenses when the respondent has actual, arm's-length, verified borrowings in the home market.

Regarding petitioner's argument that the Department should use the interest rate claimed for discounted notes, KIS states that it properly included the interest which it paid on discounted notes in the calculation of a domestic interest rate. Respondent argues that Carbon Steel is inapposite and that the interest rate paid on discounted notes applies only to those notes which are discounted, not to notes which are kept to maturity, or to other payment arrangements.

DOC Position: We agree with respondent. To the extent that interest expense can be isolated for home market sales, we find it inappropriate to include interest expense for export sales in the calculation of a domestic interest rate. Thus, we find respondent's calculation of a domestic interest rate to be reasonable, and found no discrepancies in respondent's methodology at verification.

We agree with respondent that it properly included the interest paid on discounted notes as well as that paid on short-term loans and overdrafts in the calculation of the average short-term interest rate for home market sales, and that the interest on such notes should not be the sole determinant of the domestic interest rate. Carbon Steel is inapposite because, in that case, the Department was able to obtain the actual interest expense for each U.S. sale whereas, here, the respondent is imputing interest expense for each home market sale.

Comment 21: Petitioner contends that respondent failed to account for the period of time between the negotiation of shipping documents and date of shipment in its calculation of the number of days outstanding for U.S. credit expenses. Thus, petitioner concludes that the Department should make an adjustment to credit expense to account for this period. Petitioner further contends that the Department should calculate the credit expense for this period using the reported home market interest rate.

KIS responds that, as verified by the Department, its U.S. credit expense is actual rather than imputed, thereby rendering the time period between shipping and negotiation irrelevant.

DOC Position: We verified that the respondent reported actual credit expenses incurred for sales to the United States. Thus, we agree with respondent that the time period between negotiation and shipment is irrelevant.

Comment 22: Petitioner contends that a revised estimate of the number of days outstanding was not proffered at verification. Thus, petitioner concludes that the Department should calculate credit expenses for these U.S. sales based upon an estimate of 20 credit days.

KIS states that it presented a revised estimate of the number of days outstanding for these U.S. sales at verification.

DOC Position: The respondent presented at verification a revised estimate of the number of days outstanding for U.S. sales with certain payment terms, which we verified and found to be accurate. Accordingly, we have adjusted the U.S. database to reflect KIS' revised estimate of the number of days outstanding for those U.S. sales with certain payment terms.

Comment 23: Respondent reported "less" charges, L/C advice fees, monogram fees, and PVC-coating fees as other movement expenses. "Less" charges are incurred when the L/C opening bank's payment to the L/C advising bank is either untimely or insufficient. Petitioner contends that respondent improperly allocated other movement expenses over the value of total export sales rather than U.S. sales. Petitioner asserts that, at a minimum, the monogram fee should be allocated over U.S. sales.

KIS responds that "less" charges and L/C advice fees apply to all export sales and that the monogram fee applies to export sales other than the those made to the United States. Thus, respondent concludes that these charges and fees were properly allocated over all export sales.

DOC Position: We agree with respondent. We verified that "less" charges and L/C advice fees for all exports were used in the allocation of other movement expenses. Also, the record does not indicate that the subject monogram fee applies solely to products sold in the United States. Therefore, we determine that other movement expenses were properly allocated over all export sales. *See* Comment 18 for a discussion of PVC-coating expenses.

Comment 24: KIS provided estimates of movement charges for those sales not shipped as of the date of the supplemental questionnaire. For those sales with no date of payment, KIS

reported estimated credit expenses. Petitioner contends that, based on the record, respondent's estimated U.S. charges were understated by significant amounts and, therefore, the Department should reject such estimates and apply as BIA the highest reported expense for each U.S. sale.

As to home market sales, petitioner assumes that estimates were overstated to the same degree that U.S. sales were understated. Thus, petitioner concludes that the Department should reject such estimates and apply as BIA the lowest reported expense for each home market sale.

KIS states that estimates are the best approximation which one can make regarding an unknown figure and, based on the record, its estimates were astonishingly close to the actual figures. Respondent also states that the Department verified estimated home market charges and should, therefore, reject petitioner's assertion that the lowest reported expense should be applied to each home market sale.

DOC Position: Based on our verification of estimated expenses for U.S. sales and estimated payment dates for home market sales, we find respondent's estimates to be accurate and, therefore, have employed them in this final determination.

KIS Cost Comments

Comment 25: Petitioner claims that KIS used an incorrect period to report its costs, October 1991 through March 1992, when the period of investigation is November 1991 through April 1992.

KIS states that the primary reason it elected to report costs from October 1991 to March 1992 was to match costs to sales made during the POI. Respondent argues that the inventory holding period of one month from production to shipment was accurately applied to match the cost of production to sales during the POI.

DOC Position: We disagree with petitioner. KIS requested a shift in the reporting period by one month which the Department allowed since there was no indication of inflation or other factors which would impact the manufacturing costs. We reviewed the price level at verification between the two months in question and determined that there was no significant difference in costs for these two months.

Comment 26: Petitioner states that respondent's classification of communication, entertainment, and miscellaneous expenses as fixed overhead is incorrect. Petitioner asserts that these expenses should be classified as G&A.

Respondent contends that the costs and the allocation methodology were verified and petitioner offers no compelling reason why these verified costs should not be classified in KIS's response as they are classified in its normal accounting records which are consistent with Korean GAAP.

DOC Position: We agree with respondent. During verification, KIS explained that costs that did not generally vary with production were classified as fixed overhead costs. KIS classified as general and administrative costs those costs which related to the activities of the company as a whole, rather than solely to the production process. We find these classifications to be reasonable and consistent with KIS' normal accounting system.

Comment 27: Petitioner claims that there is no evidence to support KIS' assertion that subcontract services provided by related parties were provided at arm's-length prices.

Respondent states that the percentage of total material cost purchased from related suppliers during the POI was immaterial and not at prices below those paid to unrelated processors.

DOC Position: Whether the subcontract services provided by related parties were at arm's-length prices is irrelevant. We examined the total amount of materials purchased from related suppliers. We determined that the amount of material input from related suppliers was of such an inconsequential amount relative to the total cost of production, that it could not have had an impact on the final determination.

Man Ho

Comment 28: Petitioner contends that Man Ho failed to explain or account for a revision to total home market sales value submitted subsequent to verification. Petitioner claims that this revision constitutes a new response and that the response should be rejected. Alternatively, because the calculation of credit expense depends in part on total home market sales, petitioner argues that the Department should reject respondent's claimed adjustment for home market credit expenses.

Man Ho states that it explained and accounted for its revised total of home market sales prior to commencement of verification and that the Department verified such revised data.

DOC Position: Upon commencement of verification, Man Ho provided the Department with a list of corrections. Among these corrections was a revised total home market sales value to be used in the calculation of home market credit expenses. This correction was made pursuant to the discovery of a minor clerical error. Man Ho also identified additional shipments, pursuant to a contract negotiated during the POI, that had occurred subsequent to the date of the questionnaire. We verified both the correction and additional shipments. We consider these changes to be minor revisions of the home market database and we do not believe rejection of the response is warranted.

Although the total value of home market sales was not adjusted to account for the additional shipments in the calculation of an accounts receivable turnover rate, we have determined that the addition of such shipments has an insignificant impact on the calculation of credit expenses. Therefore, we have used the accounts receivable turnover rate reported by respondent for purposes of calculating home market credit expenses.

Man Ho Cost Comments

Comment 29: Petitioner states that Man Ho improperly offset the interest component of COP by the amount at which interest income earned from short-term investment of working capital exceeded total interest expense during the fiscal year. Thus, petitioner claims that general interest expense should be set equal to zero for purposes of calculating COP.

Man Ho argues that all interest income from short term investments should be deducted from the calculation of interest expense. Respondent asserts that the mere fact that income happens to exceed expenses is not a reasonable basis for treating a portion of the income differently.

DOC Position: We agree with petitioner. Short-term interest income related to production is an offset to interest expense, not to COP and, therefore, can only be used to reduce total interest expense to not less than zero. See Frozen Concentrated Orange Juice From Brazil: Final Results of Administrative Review, 55 FR 26721, 26723 (1990). Therefore, we have set general interest expense equal to zero for purposes of calculating COP.

Comment 30: Petitioner states that Man Ho improperly identified certain fixed overhead expenses as variable overhead expenses. Petitioner also claims that respondent improperly allocated some of these expenses to G&A.

Respondent maintains that fixed overhead expenses were properly classified in accordance with the Department's cost questionnaire.

DOC Position: We agree with respondent. It is immaterial whether factory overhead expenses are

categorized as fixed or variable because both are ultimately added to COP. During verification, respondent explained that portions of repairs, maintenance, taxes, dues, insurance and vehicle maintenance expenses varied with production. Man Ho classified as fixed overhead, those costs that generally did not vary with production. Man Ho classified general and administrative costs as those costs which related to the activities of the company as a whole rather than solely to the production process. We find these classifications to be reasonable and consistent with Man Ho's normal accounting system under Korean GAAP.

Continuation of Suspension of Liquidation

We are directing the U.S. Customs Service to continue to suspend liquidation for Man Ho of all entries of steel wire rope, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after September 30, 1992, the date of publication of our preliminary determination in the **Federal Register**. We are not ordering suspension of liquidation of entries of steel wire rope produced by KIS or YHC. The U.S. Customs Service shall require a cash deposit or posting of a bond equal to the estimated amount by which the FMV of the merchandise subject to this investigation exceeds the U.S. price, as shown below. This suspension of liquidation will remain in effect until further notice. The weighted-average dumping margins are as follows:

Manufacturer/producer/exporter	Weighted-average margin percentage
Korea Iron & Steel Wire, Ltd	0.23 (*de minimis*).
Man Ho Rope Mfg. Co., Ltd	1.51.
Young Heung Iron & Steel Co., Ltd.	0.10 (*de minimis*).
All Others	1.51.

Exclusion of KIS and YHC

Normally, the Department will exclude from the application of an antidumping duty order a producer found to have a *de minimis* or zero weighted-average dumping margin during the POI. 19 CFR 353.21(c). The Department's final determination resulted in *de minimis* dumping margins for KIS and YHC. However, the Department is currently drafting proposed regulations which would eliminate exclusions. In this case, the Department is concerned about the possibility that numerous small producers of Korean steel wire rope could start to funnel sales of their merchandise through KIS or YHC and evade any antidumping order which might result from this investigation. The Department's proposed regulation will address this problem and the practice of excluding firms from an order based on a negative fair value determination for that firm.

In the meantime, the Department wants to make clear that when KIS and YHC are excluded from an antidumping duty order on steel wire rope from Korea, this exclusion will apply only to steel wire rope which is both produced and sold by KIS or YHC to the United States. We will review import statistics and work closely with the U.S. Customs Service to ensure that other producers are not making sales through KIS or YHC to evade an order and to ensure that entry documentation identifies the producer of the steel wire rope.

The Department has the authority to conduct a changed circumstances review to determine whether KIS or YHC is reselling steel wire rope produced by other companies in Korea. We will immediately initiate a review if we have reason to believe that the integrity of the order on Korean steel wire rope is threatened as a result of such evasion. A preliminary or final affirmative finding could result in the suspension of liquidation of all entries of KIS or YHC, as appropriate.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination.

Notification of Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Failure to comply is a violation of the APO.

This determination is published pursuant to section 735(d) of the Act and 19 CFR 353.20(a)(4).

Dated: February 12, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–4057 Filed 2–22–93; 8:45 am]

BILLING CODE 3510–DS–P

National Oceanic and Atmospheric Administration

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of public hearing in Boise, Idaho on an application for a permit for scientific research and to enhance the survival of an endangered species and extension of the comment period (P504B).

SUMMARY: On January 26, 1993, (58 FR 6116) NMFS announced the receipt of an application for scientific research and to enhance the survival of an endangered species from the U.S. Army Corps of Engineers (Corps), Walla Walla District. The applicant requests authorization to collect and transport juvenile Snake River sockeye salmon (*Oncorhynchus nerka*) and juvenile Snake River spring/summer and fall chinook salmon (*O. tshawytscha*) around mainstem dams and associated downstream reservoirs on the Snake and Columbia Rivers for the purpose of increasing their chances of survival over the alternative of in-river passage, given current in-river conditions. The Corps proposes to route the fish to raceways and then load them into trucks or barges for transportation and release below Bonneville Dam. Subsets of salmon collected for transportation and additional listed salmon will be used for smolt monitoring and research purposes. Collection and transportation of juvenile salmon is proposed to occur March 25 through October 31 at Lower Granite, Little Goose, and Lower Monumental dams, and March 25 through December 31 at McNary Dam. The requested duration of the permit is March 25 through December 31, 1993.

This hearing is in addition to the public hearing scheduled for February 25, 1993, in Portland, Oregon (58 FR 7213). Anyone wishing to make a presentation at the public hearing should register upon arrival and be prepared to provide a written copy of their testimony at the time of presentation. Depending on the number of persons wishing to speak a time limit may be imposed.

DATES: The public hearing is scheduled for March 10, 1993, from 6 p.m.–9:30 p.m., or until all comments have been heard, at the Boise Interagency Fire Center Auditorium, 3905 Vista Avenue, Boise, Idaho. The comment period on this application is extended to March 13, 1993, to allow commentors the opportunity to respond to concerns voiced at the public hearing.

ADDRESSES: Send written comments to the Director, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, suite 8268, Silver Spring, MD 20910.

Documents submitted in connection with the above application are available for review by interested persons in the following offices by appointment:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, suite 8268, Silver Spring, MD 20910 (301/713–2322); and

Environmental and Technical Services Division, National Marine Fisheries Service, 911 North East 11th Ave., room 620, Portland, OR 97232 (503/230–5400).

FOR FURTHER INFORMATION CONTACT: Robert C. Ziobro, Office of Protected Resources, Karen Holtz, Environmental and Technical Services Division.

Dated: February 17, 1993.

Nancy Foster,

Director, Office of Protected Resources

[FR Doc. 92–4102 Filed 2–18–93; 10:35 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Endangered Species; Application for Modification to a Scientific Research Permit; David Nelson, Coastal Ecology Group, Environmental Laboratory, Waterways Experiment Station, U.S. Army Corps of Engineers (Permit No. 777)

Notice is hereby given that an applicant has applied in due form for a Modification to a Scientific Research Permit to take endangered species as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) and the National Marine Fisheries Service (NMFS) regulations governing endangered fish and wildlife permits (50 CFR part 217–222).

1. *Applicant:* David A. Nelson, Coastal Ecology Group, Environmental Laboratory, USAE Waterways Experiment Station, Vicksburg, MS 39160.
2. *Type of Permit:* Scientific Research
3. *Name and Number of Species:* 0–10 Kemp's Ridley Sea Turtles, *Lepidochelys kempi* 215 Loggerhead Sea Turtles, *Caretta caretta*
4. *Type of Take:* The applicant proposes to conduct radio and sonic telemetry studies on loggerhead and Kemp's ridley sea turtles to assess the baseline behavior of sea turtles in dredged channels and the behavior of sea turtles relocated from dredged channels in the Southeastern United States. The applicant will also implement a satellite telemetry study to determine the seasonal migration of sea turtles into and out of dredged material channels. The above information will be used to determine behavioral patterns with the potential for prevention of sea turtle impingement by the hopper dredge. Animals will be captured directly with dedicated trawlers, and tows will consist of 30 minutes or less of bottom time.
5. *Location and Duration of Activity:* These telemetric research activities will be conducted in the spring, fall and winter of 1993. All of the investigations during this period will take place in the entrance channels of Charleston, Savannah, and Kings Bay, Georgia, as well as Canaveral, Florida.

Written data or views, or requests for a public hearing on this application should be submitted to the NMFS, U.S. Department of Commerce, 1335 East-West Highway, Silver Spring, Maryland 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the applicant and do not necessarily reflect the views of NMFS.

Documents submitted in connection with the above application are available for review by interested persons in the following offices: Office of Protected Resources, NMFS, NOAA, 1335 East-West Highway, SSMC #1, room 8268, Silver Spring, Maryland 20910, (301/713–2219); and Director, Southeast Region, NOAA, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: February 11, 1993.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

[FR Doc. 93–4103 Filed 2–22–93; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals

AGENCY: National Marine Fisheries Service, (NMFS), NOAA, Commerce.

ACTION: Requests to modify permits (P368B) and (P66G).

SUMMARY: Notice is hereby given that the following Permit Holders have requested a modification to their Permit issued under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

James T. Harvey, Ph.D., Assistant Professor, Moss Landing Marine Laboratories, P.O. Box 450, Moss Landing, CA 95039–0450 (P368B).

Permit No. 737 issued on May 8, 1991 (56 FR 22402) authorizes the capture, blood sampling, flipper and radio tagging, and the injection of tetracycline on up to 100 harbor seals (*Phoca vitulina*) annually and to incidentally harass up to 550 harbor seals while capturing animals and collecting fecal samples. The Permitee requests a modification to the Permit to allow removal of three small (each 0.10g) biopsy samples. The samples will be used to monitor organic pesticide levels that will compliment those using blood.

Alaska Department of Fish and Game, P.O. Box 3–2000, Juneau, AK 99802 (P66G).

Permit No. 770 issued on March 20, 1992 (57 FR 10649) authorizes up to 200 harbor seals (*Phoca vitulina*) and 100 spotted seals (*Phoca largha*) to be captured, restrained, blood sampled, and flipper tagged. Of these: Up to 100 harbor seals and 50 spotted seals may be equipped with satellite-linked platform transmitter terminals (PTTs) and/or VHF telemetry and released; and up to 10 harbor seals and five (5) spotted seals may be unintentionally killed. Up to 500 harbor seals and 500 spotted seals may be unintentionally harassed over a 4-year period while conducting the authorized activities.

The Permittee requests the following modifications to the Permit: (a) Expansion of the study location to include the waters of southeast Alaska from Cape Spencer to Dixon Entrance; (b) deletion of the permit requirement that not more than 50% of the subject animals be taken in any one year; (c) substitution of Temple tags with miniature VHF radios attached for Allflex tags; and (d) collection of additional samples from 200 harbor seals (i.e., nasal, oral, genital, and rectal swabs; a blubber biopsy; flipper punches; a vibrissae and piece of a claw; urine; and colon contents (by enema) and stomach contents (by lavage) and 100 spotted seals (i.e., a blubber biopsy; flipper punches; a vibrassae and piece of claw); and urine. The Permittee also requests authorization to continue research as required by Special Condition B.1.e. of the Permit.

ADDRESSES: Written data or views, or requests for a public hearing on this

modification request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, NOAA, U.S. Department of Commerce, 1335 East-West Hwy., room 7324, Silver Spring, Maryland 20910, within 30 days of the publication of this notice.

Documents submitted in connection with these Permits and modification requests are available for review, by appointment, in the Permits Division, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., suite 7324, Silver Spring, MD 20901 (301/713–2289);

(P368B)—Director, Southwest Region, National Marine Fisheries Service, NOAA, 501 West Ocean Boulevard, suite 4200, Long Beach, CA 90802–4213 (310/980–4015); and

(P66G)—Director, Alaska Region, National Marine Fisheries Service, NOAA, Federal Annex, 9109 Mendenhall Mall Rd., suite 6, Juneau, AK 99802 (907/586–7221).

Dated: February 12, 1993.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 93–4098 Filed 2–22–93; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF ENERGY

Certification of the Radiological Condition of The Albany Research Center in Albany, OR

AGENCY: Office of Environmental Restoration and Waste Management, Department of Energy.

ACTION: Notice of certification.

SUMMARY: The Department of Energy has completed radiological surveys and taken remedial action to decontaminate process buildings and surroundings at the Albany Research Center in Albany, Oregon. The property was found to contain quantities of radiological material from work performed for the Manhattan Engineer District, Atomic Energy Commission, and Energy Research and Development Administration.

FOR FURTHER INFORMATION CONTACT: James J. Fiore, Director, Office of Eastern Area Programs, Office of Environmental Restoration and Waste Management (EM–42), U.S. Department of Energy, Washington, DC 20585. (301) 903–8141.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE), Office of Environmental Restoration and Waste Management, Office of Eastern Area Programs, Division of Off-Site Programs, has implemented a remedial action project at the Albany Research Center (ARC) in Albany, Oregon (City of Albany, Deed Book 161, page 421, #17277), as part of the Formerly Utilized Sites Remedial Action Program (FUSRAP). The objective of the program is to identify and clean up or otherwise control sites where residual radioactive contamination remains from activities carried out under contract to DOE's statutory predecessor agencies, i.e., the Manhattan Engineer District (MED), the Atomic Energy Commission (AEC), and the Energy Research and Development Administration (ERDA). In June 1983, ARC was formally designated by DOE for cleanup under FUSRAP.

ARC was established in 1943 to investigate innovative approaches for developing strategic mineral resources in the United States, reducing costs for metallurgical manufacturing processes, developing materials to fight corrosion, and other activities relevant to metallurgical research.

Various operations involving radioactive materials have been conducted at ARC. From 1948 to 1956, ARC conducted work for AEC involving the melting, machining, welding, and alloying of thorium. Additional work with uranium and thorium was performed at ARC for the Energy Research and Development Administration (ERDA).

During the era of AEC and ERDA contracts (1946–1977), process buildings and surroundings were decontaminated at various times to guidelines then applicable to AEC, ERDA, and DOE. Subsequent decontamination guidelines were stricter, and records relating to the previous decontamination efforts were not adequate to determine whether the buildings and surrounding areas met the new stricter DOE radiological guidelines. As a result, a radiological assessment was initiated in 1978. Subsequent to this assessment, it was advised that although the levels of contamination at ARC did not pose an immediate health hazard, further decontamination of the property should occur. In early 1984, a radiological survey was conducted at ARC to determine actual levels of contamination in each area identified by the 1978 assessment and to define the locations and boundaries of above-guideline contamination.

From 1987 to 1991, the subject property was decontaminated. Post-remedial action surveys have demonstrated, and DOE has certified, that the subject property is in compliance with DOE decontamination criteria and standards established to protect members of the general public and occupants of the site and that future use of the property will result in no radiological exposure above applicable radiological guidelines to the general public or the site occupants. These findings are supported by the DOE Certification Docket for the Remedial Action Performed at The Albany Research Center in Albany, Oregon, 1987–1988 and 1990–1991. Accordingly, this property is released from FUSRAP.

The certification docket will be available for review between 9 a.m. and 4 p.m., Monday through Friday (except Federal holidays) in the U.S. Department of Energy Public Reading Room located in room IE–190 of the Forrestal Building, 1000 Independence Avenue, SW., Washington, DC. Copies of the certification docket will also be available in the DOE Public Document Room, U.S. Department of Energy, Oak Ridge Field Office, Oak Ridge, Tennessee, and in the administrative record at the Albany Research Center Library, 1450 Queen Ave., SW., Albany, Oregon, from 9 a.m. to 3 p.m., Monday through Friday.

The Department of Energy has issued the following statement of certification:

Statement of Certification: Albany Research Center, Former MED/AEC/ERDA Operations

The U.S. Department of Energy, Oak Ridge Field Office, Former Sites Restoration Division, has reviewed and analyzed the radiological data obtained following remedial action at the Albany Research Center site. Based on this analysis of all data collected, the Department of Energy (DOE) certifies that the following property is in compliance with DOE decontamination criteria and standards. This certification of compliance provides assurance that future use of the property will result in no radiological exposure above applicable guideline established to protect members of the general public or site occupants. Accordingly, the property specified below is released from DOE's Former Utilized Sites Remedial Action Program.

Property owned by The Bureau of Mines, U.S. Department of the Interior, Albany Research Center, 1450 Queen Avenue, SW., Albany, Oregon, 97321, described in the deed, City of Albany Deed Book 161, page 421, #17277.

Paul D. Grimm,

Acting Assistant Secretary for Environmental Restoration and Waste Management.

[FR Doc. 93–4147 Filed 2–22–93; 8:45 am]

BILLING CODE 6450-01-M

Floodplain Statement of Findings for the Proposed Interim Remedial Action at the Jefferson Tennis Court Site

AGENCY: Department of Energy.

ACTION: Floodplain statement of findings.

SUMMARY: The U.S. Department of Energy (DOE) proposes to remediate the effects of mercy contamination by placing 0.5 to 1.0 feet of clean soil over a 1.5-acre portion of parcel 410, a 3.52-acre field near the Jefferson Tennis Courts within the City Limits of Oak Ridge, Tennessee. A portion of this property falls within the 100-year floodplain of East Fork Poplar Creek.

A Floodplain Assessment has been prepared, in accordance with Executive Order 11988 and 10 CFR part 1022, Compliance with Floodplain/Wetlands Environmental Review Requirements. On the basis of the floodplain assessment, DOE has determined that there is no practicable alternative to the proposed activities taking place within the floodplain ad that the proposed action has been designed to avoid or minimize potential harm to or within the floodplain of East Fork Poplar Creek. The other alternative (no action) considered would not alleviate the potential exposure to mercury contamination to the same degree as the proposed action.

DATES: Comments on the Statement of Findings are due no later than March 10, 1993.

ADDRESSES: Send comments to Mr. Robert Sleeman, Director, Environmental Restoration Division, Oak Ridge Field Office, U.S. Department of Energy, Post Office Box 2001, Oak Ridge, Tennessee 37831–8541 or fax comments to 615–576–6074.

FOR FURTHER INFORMATION CONTACT: For information on the proposed action and a copy of the Floodplain Assessment or the location map, contact the Oak Ridge Field Office at the above address. For information on the DOE floodplain/wetland environmental review requirements, contact Carol Borgstrom, Director, Office of NEPA Oversight, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, telephone 202–586–4600 or 800–472–2765.

SUPPLEMENTARY INFORMATION: Results of a HEC–2 backwater model for base flood and floodway were obtained from the Tennessee Valley Authority by the Corps of Engineers (COE) and used in preparing the Floodplain Assessment. On the basis of this Floodplain Assessment (available from the address above), the proposed action would serve to isolate the contamination and reduce the risks to human health and the environment from the potential exposure to mercury. The proposed action involves the placement of 0.5 to 1.0 feet of clean soil over a 1.5-acre field so the field can be used for recreational purposes.

The proposed action has been designed to conform to applicable Federal and State regulations. Discussions among DOE, U.S. Army COE, and City of Oak Ridge officials have indicated the acceptability of fill placement within the floodplain, and that fill placement in the floodway would not be desirable. Placement of fill in the floodway fringe (i.e., that part of the floodplain that is not floodway) would increase upstream flood elevations less than 1.0 foot. DOE shall endeavor to allow at least 15 days of public review after publication of this Statement of Findings.

Paul D. Grimm,

Acting Assistant Secretary for Environmental Restoration and Waste Management.

[FR Doc. 93–4140 Filed 2–22–93; 8:45 am]

BILLING CODE 6450–01–M

Notice of Intent To Issue a Grant in Response to an Unsolicited Proposal

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of Intent to issue a grant to the National Council on Radiation Protection and Measurements (NCRP) based on an unsolicited proposal to research and provide an independent and comprehensive report on the environmental, biological, and epidemiological risks of radionuclides of interest to DOE.

SUMMARY: The unsolicited proposal submitted by NCRP has been evaluated using the criteria identified in 10 CFR 600.14(e)(1)(i) and (ii) for acceptance of an unsolicited proposal, and has been determined to be meritorious, and represent a unique and innovative idea. It is anticipated that grant number DE–FG01–93NE32174 will be awarded in March of 1992.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Placement and Administration, Attn: Ms. Kris Wright/PR–322.4, 1000 Independence Avenue SW., Washington, DC 20585.

The point of contact, Ms. Wright, may be reached on (202) 634–4434.

Carol M. Rueter,

Acting Director, Division "B", Office of Placement and Administration.

[FR Doc. 93–4141 Filed 2–22–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER93–194–000, et al.]

Oklahoma Gas & Electric Co. et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

February 12, 1993.

Take notice that the following filings have been made with the Commission:

1. Oklahoma Gas and Electric Company

[Docket No. ER93–194–000]

Take notice that on February 8, 1993, Oklahoma Gas and Electric Company (OG&E) filed an amendatory letter requesting February 9, 1993 as the effective date of its membership to the Western Systems Power Pool.

Copies of this filing have been served on the Oklahoma Corporation Commission and the Arkansas Public Service Commission.

Comment date: February 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. New England Power Company, Massachusetts Electric Company, The Narragansett Electric Company

[Docket No. ER93–255–000]

Take notice that New England Power Company, Massachusetts Electric Company and The Narragansett Electric Company on February 8, 1993, tendered for filing an amendment to their combined filing in the above docket. According to the companies, the information submitted responds to staff's request for more data relative to the agreements already tendered in this docket.

Comment date: February 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Louisville Gas and Electric Company

[Docket No. ER92–853–000]

Take notice that Louisville Gas and Electric Company (LG&E) and Southern Indiana Gas & Electric Company (SIGECO), tendered for filing on February 9, 1993 an amendment to their filing dated September 21, 1992. The original filing was the Seventh Supplemental Agreement to the interconnection agreement between SIGECO and LG&E.

In the filing, Section 2.9 of Service Schedule H was amended to provide that sales made under A.B. Brown unit sales and under this and other agreements which contain prices reflecting the cost of Southern Indiana's A.B. Brown Units 1 and 2 cannot exceed 500 MW.

A copy of the filing was served upon the Kentucky Public Service

Commission and the Indian Utility Regulatory Commission.

Comment date: February 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Consolidated Edison Company of New York, Inc.

[Docket No. ER93–211–000]

Take notice that on February 8, 1993, Consolidated Edison Company of New York, Inc. (Con Edison), in response to a deficiency letter herein, tendered for filing additional information relative to an agreement for the construction of the Ladentown Switching Station for the benefit of Con Edison and Orange and Rockland Utilities, Inc. (Orange and Rockland).

Con Edison states that a copy of this filing has been served by mail upon Orange and Rockland.

Comment date: February 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. Wisconsin Electric Power Company

[Docket No. ER93–360–000]

Take notice that Wisconsin Electric Power Company (Wisconsin Electric) on February 8, 1993, tendered for filing a Notice of cancellation of FERC Rate Schedule No. 55.

Wisconsin Electric requests an effective date of December 31, 1987, coincident with its purchase of the assets of Upper Peninsula Generating Company in Docket Nos. EC87–26–000 and EC88–3–000.

Copies of the filing have been served on the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

Comment date: February 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Wisconsin Electric Power Company

[Docket No. ER93–359–000]

Take notice that Wisconsin Electric Power Company (Wisconsin Electric) on February 8, 1993, tendered for filing a request for rate schedule designation and a related Notice of Cancellation. According to data obtained from the Commission's RATIS system, when Wisconsin Electric sought cancellation of FERC Rate Schedule No. 57 in Docket No. ER90–547–000, the standby service rendered to the City of Menasha under a supplement to that agreement continued without proper designation.

Wisconsin Electric requests an effective date of November 1, 1991 for the standby service designation. Wisconsin Electric requests an effective date of May 10, 1993 for the cancellation of the standby service to the City of Menasha, pursuant to the terms of the agreements filed in Docket Nos. ER88–422–000 and ER91–200–000.

Copies of the filing have been served on the City of Menasha and the Public Service Commission of Wisconsin.

Comment date: February 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. Milford Power Limited Partnership

[Docket No. ER93–304–000]

Take notice that Milford Power Limited Partnership (Milford), on February 9, 1993, tendered for filing a further proposed change in its Rate Schedule FERC No. 1.

The further proposed change to Milford's Rate Schedule FERC No. 1 was required to allow Milford to increase the amount of test power that may be sold to NEPCO from the Milford Project. The proposed change does not affect the rate to be paid for test power from the Milford Project.

A copy of the filing was served upon New England Power Company.

Comment date: February 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. Consolidated Edison Company of New York, Inc.

[Docket No. ER93–214–000]

Take notice that on February 8, 1993, Consolidated Edison Company of New York, Inc. (Con Edison), in response to a deficiency letter herein, tendered for filing additional information relative to a Rate Schedule and a Supplement constituting agreements for the construction, operation, and maintenance of a 345 kV transmission line from Bowline Point to Ladentown for the benefit of Con Edison and Orange and Rockland Utilities, Inc. (Orange and Rockland).

Con Edison states that a copy of this filing has been served by mail upon Orange and Rockland.

Comment date: February 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. Consolidated Edison Company of New York, Inc.

[Docket No. ER93–208–000]

Take notice that on February 8, 1993, Consolidated Edison Company of New York, Inc. (Con Edison), in response to a deficiency letter herein, tendered for filing additional information relative to a Rate Schedule and Supplement constituting an agreement for the ownership, construction, operation and maintenance of the PJM facilities for the benefit of Con Edison and Orange and Rockland Utilities, Inc. (Orange and Rockland).

Con Edison states that a copy of this filing has been served by mail upon Orange and Rockland.

Comment date: February 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

10. Consolidated Edison Company of New York, Inc.

[Docket No. ER93–210–000]

Take notice that on February 8, 1993, Consolidated Edison Company of New York, Inc. (Con Edison), in response to a deficiency letter herein, tendered for filing additional information relative to an agreement for the construction, operation, maintenance, and ownership of certain facilities at its East Fishkill Substation for Central Hudson Gas & Electric Corporation (Central Hudson).

Con Edison states that a copy of this filing has been served by mail upon Central Hudson.

Comment date: February 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

11. Florida Power & Light Company

[Docket No. ER93–242–000]

Take notice that on February 9, 1993, Tampa Electric Company (Tampa Electric) submitted additional information in support of Tampa Electric's maximum Hourly Charge under the amendment to the Contract for Purchases and Sales of Scheduled Power and Energy between Florida Power & Light Company (FP&L) and Tampa Electric, as tendered by FP&L in this docket on November 27, 1992.

Tampa Electric continues to request that the contract amendment be made effective on February 1, 1993, and therefore requests waiver of the Commission's notice requirements.

Copies of Tampa Electric's submittal have been served on FP&L and the Florida Public Service Commission.

Comment date: February 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

12. New England Power Company

[Docket No. ER93–362–000]

Take notice that on February 9, 1993, New England Power Company (NEP) submitted for filing four proposed power sales contracts with UNITIL Power Corp. (UNITIL). NEP states that the proposed contracts provide for long term unit power sales from five generating units either owned, in whole or in part, by NEP or in which NEP holds entitlements: Ocean State Power Units 1 and 2 (up to 22.2 MW through 10/31/2010), Salem Harbor Unit 3 (up to 9.3 MW through 10/31/2005), Maine Yankee (up to 2.0 MW through 10/31/

2005) and Millstone Power Unit 3 (up to 3.0 MW through 10/31/2005). Each of the sales is at the full cost of service for the respective generating unit(s). NEP requests that the proposed tariff be made effective May 1, 1993.

Comment date: February 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

13. Northeast Utilities Service Company

[Docket No. ER93–361–000]

Take notice that on February 9, 1993, Northeast Utilities Service Company (NUSCO), submitted an Interconnection, Operation and Maintenance Agreement between Western Massachusetts Electric Company and Littleville Power Company, Inc.

NUSCO requests that the Commission waive its standard notice periods and filing regulations to the extent necessary to permit the rate schedule change to become effective on December 31, 1992.

NUSCO states that copies of this rate schedule have been mailed or delivered to each of the parties.

NUSCO further states that the filing is in accordance with section 35 of the Commission's regulations.

Comment date: February 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

14. The United Illuminating Company

[Docket No. ER93–364–000]

Take notice that on February 9, 1993, The United Illuminating Company (UI) tendered for filing an agreement between UI and UNITIL Power Corp. (UNITIL).

The agreement concerns the delivery through Northeast Utilities of certain capacity entitlements and associated energy that UNITIL is purchasing from UI. That purchase is being made pursuant to UI's Power Purchase Agreement with UNITIL dated February 10, 1992, which was accepted on a market basis in United Illuminating Co., 60 FERC ¶ 61,214 (1992) and which has been designated at UI Rate Schedule FERC No. 97.

The agreement provides for transmission of the capacity and energy in a manner similar to that set out in the Power Purchase Agreement. The agreement, however, includes a provision which can reduce the charges for transmission service below those that UNITIL would have had to pay under the Power Purchase Agreement.

Comment date: February 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

15. Consumers Power Company

[Docket No. ER93–88–000]

Take notice that on February 9, 1993, Consumers Power Company (Consumers) tendered for filing an amendment of its original filing in the above-referenced docket. The amendment provided additional information requested by Staff and modified certain Service Schedules without increasing rates above those included in the original filing in this docket.

Comment date: February 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

16. Malacha Hydro Limited Partnership

[Docket No. ER93–358–000]

Take notice that on February 5, 1993, Malacha Hydro Limited Partnership, organized under the laws of the State of Maryland, submitted for filing, pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.207, an initial rate schedule for sales of energy and capacity to Pacific Gas and Electric Company.

Comment date: February 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

17. Panther Creek Partners

[Docket No. QF87–59–007]

On January 29, 1993, Panther Creek Partners, c/o Constellation Energy, Inc. of 250 West Pratt Street, 23rd Floor, Baltimore, Maryland 21201, submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to section 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility is located in the Borough of Nesquehoning, Carbon County, Pennsylvania. The Commission previously certified the facility as an 83 MW anthracite waste-fired small power production facility. The instant request for recertification is due to a change in the facility's fuel supply sources and a change in the ownership structure.

Comment date: 30 days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4065 Filed 2–22–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP93–209–000, et al.]

Texas Gas Transmission Corp., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Texas Gas Transmission Corp.

[Docket No. CP93–209–000]

February 11, 1993.

Take notice that on February 9, 1993, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP93–209–000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate a delivery point to provide natural gas service to Poplar Grove Utility District of Tipton County, Tennessee (Poplar Grove), under Texas Gas' blanket certificate issued in Docket No. CP82–407–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Texas Gas proposes to construct a delivery point to be known as the Poplar Grove-Atoka Meter Station. Texas Gas states that it would install a 2-inch meter station on a site owned by Texas Gas at Mile Post 0+0000 on Texas Gas' Shelby County-Ripley 4-inch line in Tipton County, Tennessee. Texas Gas explains that firm transportation service pursuant to its FT rate schedule would be provided for Poplar Grove under Texas Gas' blanket transportation certificate. Texas Gas advises that the service would involve the delivery of up to 1,463 MMBtu equivalent of gas per day

Comment date: March 29, 1993, in accordance with Standard Paragraph G at the end of this notice.

2. Colorado Interstate Gas Co.

[Docket No. CP93–206–000]

February 11, 1993.

Take notice that on February 5, 1993, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP93–206–000 a request pursuant to § 157.205 of the Commission's Regulations to construct and operate a new delivery point for Koch Hydrocarbon Company (Koch), in Arapahoe County, Colorado for an interruptible transportation service under CIG's blanket certificate issued in Do. CP83–21–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

CIG proposes to construct and operate the Mitchell Fuel Meter Station (Mitchell) in Arapahoe County, Colorado. CIG states that it would install a two-inch meter on its existing 20-inch mainline to delivery to Koch up to 500 Mcf of Natural gas per day for use as fuel for a natural gas compressor, on an interruptible basis, pursuant to a facilities agreement dated August 28, 1992. CIG states that the estimated cost of these facilities is $20,300. The Mitchell station, which would have a maximum capability of 2,000 Mcf per day, would not have an effect on CIG's peak day and annual deliveries since the transportation service would be on an interruptible basis, it is indicated.

Comment date: March 29, 1993, in accordance with Standard Paragraph G at the end of this notice.

3. Tennessee Gas Pipeline Co.

[Docket No. CP93–199–000]

February 11, 1993.

Take notice that on February 4, 1993, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252 filed an application with the Commission in Docket No. CP93–199–000 pursuant to section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon four firm transportation services performed by Tennessee for ANR Pipeline Company (ANR), all as more fully set forth in the application which is open to public inspection.

Tennessee states that it requests permission to abandon four firm transportation Rate Schedules (T–16, T–109, T–111, and T–125), pursuant to which Tennessee has transported gas for ANR.

Tennessee states that it has been authorized to transport 50,000 Mcfd for ANR pursuant to its T–16 Rate Schedule.[1] The transportation is from Lafourche Parish, Louisiana to St. Mary's and Cameron Parishes, Louisiana. Tennessee also states that it has been authorized to transport up to 40,000 Mcfd of gas for ANR from Vermilion Block 242 to Acadia Parish, Louisiana pursuant to its Rate Schedule T–109.[2] In addition, Tennessee states that it is authorized to transport up to 750 Mcfd of gas for ANR from offshore Louisiana to St. Bernard Parish, Louisiana pursuant to its T–111 Rate Schedule.[3] Tennessee also states that pursuant to T–125 Rate Schedule, it transported on an interruptible basis up to 10,000 Mcfd of gas for ANR from West Cameron Block 601 to a point near Egan, Louisiana for redelivery by displacement at the Superior Oil Company's Lowry Plant in Cameron Parish, Louisiana.[4]

Comment date: March 4, 1993, in accordance with Standard Paragraph F at the end of this notice.

4. Arkla Energy Resources, a division of Arkla, Inc.

[Docket No. CP93–207–000]

February 12, 1993.

Take notice that on February 4, 1993, Arkla Energy Resources, a division of Arkla, Inc. (AER), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP93–207–000 an application, as supplemented on February 10, 1993, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued sale of natural gas for resale to Prairie View Gas Association (Prairie View) and for authority to operate existing facilities to implement the sale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

AER states that on October 20, 1992, it commenced emergency sales service to Prairie View under § 284.262, *et seq.*, of the Commission's Regulations. It is indicated that Prairie View is a locally-owned distribution company that serves approximately 65 residential customers in the town of Prairie View, Arkansas. It is also indicated that the town's sole natural gas supply comes from two locally owned and operated natural gas wells. AER states that lightning struck the main well supply, causing a fire and damaging the equipment severely. AER indicates that to assist Prairie View in this emergency, it provided emergency natural gas service through an existing one-inch tap on its Line JT–3 previously installed to provide service to Prairie View under a previous emergency. AER indicates that the emergency service expires on February 17, 1993.

AER states that Prairie View has not completed the necessary repairs. AER requests that the sales to Prairie View continue under section 7 of the Natural Gas Act for a term expiring May 1, 1993. AER also requests that it be authorized to continue to operate the tap facility previously used to provide the emergency sale. AER will charge Prairie View a rate based on AER's Rate Schedule G–2.

Comment date: March 5, 1993, in accordance with Standard Paragraph F at the end of this notice.

5. Williams Natural Gas Co.

[Docket No. CP93–201–000]

February 16, 1993.

Take notice that on February 4, 1993, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP93–201–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by reclaim the Clyde compressor station located in Grant County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

WNG proposes to abandon the 230 horsepower compressor station and appurtenant facilities because WNG has filed, in Docket No. CP92–711–000, a request to abandon the Clyde/Wakita gathering system for which the subject compressor was used. It is stated that the compressor has not been operated since 1989. The cost of the abandonment is estimated at $16,910, with a salvage value of $32,300. It is explained that the compressor station was constructed in 1963 under Commission authorization in Docket No. CP 63–304. It is asserted that the proposed abandonment will have no effect on WNG's system operation and that no customers will lose service as a result of the abandonment.

Comment date: March 9, 1993, in accordance with Standard Paragraph F at the end of this notice.

6. Trunkline Gas Co.

[Docket Nos. CP93–203–000, CP93–204–000, CP92–205–000]

February 16, 1993.

Take notice that on February 5, 1993, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251–1642, filed applications pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon

[1] See 47 FPC ¶ 937 (1972).
[2] See 5 FERC ¶ 61,115 (1978).
[3] See 11 FERC ¶ 61,311 (1980).
[4] See 15 FERC ¶ 62,306 (1981).

firm transportation services for Transcontinental Gas Pipe Line Corporation (Transco) and ANR Pipeline Company (ANR), under Rate Schedules, T–4 and T–6, and to abandon interruptible transportation service to Bridgeline Gas Distribution Company (Bridgeline) under Rate Schedule T–91, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Trunkline requests specific authority to abandon the transportation services provided to Transco, Bridgeline, and ANR, effective December 12, 1993, March 13, 1993, and April 28, 1993, respectively. Transco, Bridgeline, and ANR, as indicated by Trunkline, agreed to terminate the transportation services by respective termination notices dated December 9, 1992, January 21, 1993, and May 7, 1992.

Trunkline indicates that the transportation services are no longer desired by the relative parties and that the termination of the respective agreements would relieve both parties from the contractual obligations of such agreements.

Trunkline also contends that there will be no abandonment of facilities nor will the abandonment of the services proposed herein result in any abandonment of service to its other customers.

Comment date: March 9, 1993, in accordance with Standard Paragraph F at the end of the notice.

7. Big Sandy Gas Co.

[Docket No. CP93–198–000]

February 16, 1993.

Take notice that on February 4, 1993, Big Sandy Gas Company (Big Sandy), 15375 Memorial Drive, Houston, Texas 77079, filed in Docket No. CP93–198–000 a petition for declaratory order requesting that the Commission declare that facilities to be acquired from CNG Transmission Corporation (CNGT) are gathering facilities exempt from the Commission's Regulations pursuant to section 1(b) of the Natural Gas Act, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Big Sandy states that its parent, Cabot Oil & Gas Corporation (Cabot), and CNGT entered into a June 25, 1992 agreement under which CNGT would sell and Cabot would acquire certain assets and facilities located in Fayette, Logan, Mingo, Wyoming and Boone Counties, West Virginia. It is further stated that Cabot would acquire non-jurisdictional natural gas wells and acreage and approximately 159.26 miles of pipeline with three compressors involving approximately 675 horsepower. Big Sandy indicates that while Cabot is the party having agreed to purchase these assets from CNGT, the parties anticipate that if this Petition is granted, the pipeline and compressor facilities would actually be conveyed to Cabot's subsidiary, Big Sandy, and the reserves and wells would be conveyed to Cabot. Thus, it is stated, the pipeline and compressors to be ultimately acquired by Big Sandy are the subject of the Petition. Big Sandy states that CNGT has filed in Docket No. CP93–200–000 to abandon these certificated facilities by sale to Cabot.

Big Sandy states that by applying the modified primary function test as set forth in Amerada Hess Corp., et al., 52 FERC ¶61,268 (1990), the facilities to be acquired qualify as gathering facilities exempt from Commission Regulation under section 1(b) of the Natural Gas Act.

Comment date: March 9, 1993, in accordance with Standard Paragraph F at the end of this notice.

8. El Paso Natural Gas Co.

[Docket No. CP93–212–000]

February 16, 1993.

Take notice that on February 10, 1993, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP93–212–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas to Transcontinental Gas Pipe Line Corporation (Transco) which was authorized in Docket No. CP78–447–000,[5] all as more fully set forth in the application on file with the Commission and open to public inspection.

El Paso proposes to abandon the sale of gas to Transco that is being provided on a best efforts basis under a letter agreement dated July 13, 1978, which is on file as El Paso's special Rate Schedule Z–5. El Paso reports that the proposal results from its transition from a gas merchant to an open-access transporter of natural gas. El Paso explains that such transition has prompted it and its customers to address, among other things, gas purchase relationship with producers and the need to continue traditional NGA Section 7 certificated services. El Paso states that by letter agreement dated October 23, 1992, El Paso and Transco have agreed to terminate this case-specific, certificated sales service.

El Paso states that no facilities are proposed to be abandoned.

[5] *See* 5 FERC ¶61,112 (1978).

Comment date: March 9, 1993, in accordance with Standard Paragraph F at the end of the notice.

9. CNG Transmission Corp.

[Docket No. CP93–200–000]

February 16, 1993.

Take notice that on February 4, 1993, CNG Transmission Corporation (CNGT), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP93–200–000 an application pursuant to section 7(b) of the Natural Gas Act seeking authorization to abandon 159.26 miles of pipelines, measurement and regulating stations, three field compressor stations and associated structure and rights-of-way as well as certain sales points to Hope Gas, Inc. (Hope) and firm transportation delivery points for Hope and Albany Cogeneration Associates, (Albany) located in Mingo, Fayette, Logan, Wyoming and Boone Counties, West Virginia by sale to Cabot Oil & Gas Corporation (Cabot), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CNGT states that the facilities are currently used to gather and render transportation service to various shippers. In addition, it is stated that sales and transportation agreements for gas are provided by CNGT to Hope, an affiliate of CNGT. CNGT also states that it renders firm transportation for Albany under its open access certificate.

CNGT says that it has required Cabot to charge the same rate to the two transporters on the system through January 10, 1996, the same date the moratorium is in effect for all other producers on CNGT's system.

CNGT indicates that no interruption of Hope consumers' service currently provided by CNGT would occur. CNG states that Hope has consented to the transfer of the facilities which are necessary for Hope to render sales service to its customers. Hope and Cabot have negotiated for services satisfactory to Hope in order for Hope to continue service to its customers, it is stated.

CNGT states that Cabot would provide non-jurisdictional gathering service for other transportation service provided by CNGT to producers on the pipelines sold to Cabot. CNGT further states that Albany would be offered transportation service under special arrangements as agreed in the June 25, 1992, letter agreement with Cabot in the event the Commission grants Cabot's (or Cabot's affiliates's) request for a declaratory order that the facilities are non-jurisdictional gathering facilities.

Comment date: March 3, 1993, in accordance with Standard Paragraph F at the end of this notice.

10. Williams Natural Gas Co.

[Docket No. CP93–211–000]

February 16, 1993.

Take notice that on February 10, 1993, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP93–211–000 a request pursuant to §§ 157.205 and 157.211 of the Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to utilize facilities originally installed for the delivery of NGPA section 311 transportation gas for other purposes, under the authorization issued in Docket No. CP82–479–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

WNG proposes to utilize the NGPA section 311 facilities installed to deliver transportation gas to Gas Products & Supply, Inc. for subsequent delivery to the City of Hesston, Kansas, in Harvey County for any purpose. The cost to construct the facilities was $51,580 which was reimbursed by Gas Products & Supply, Inc.

WNG states that this change is not prohibited by an existing tariff, and it has sufficient capacity to accomplish the deliveries specified without detriment or disadvantage to its other customers.

Comment date: March 29, 1993, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4137 Filed 2–22–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ES93–17–000 and ES93–17–001]

Glen Park Associates Limited Partnership; Issuance of Commission Letter Order and Comment Period

February 16, 1993.

Take notice that on February 12, 1993, the Chief Accountant, pursuant to delegated authority, issued a Letter Order to Glen Park Associates Limited Partnership (Glen Park) conditionally granting blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liabilities by Glen Park.

The February 12, 1993 Letter Order, in ordering paragraphs (A), (B) and (C), reads as follows:

(A) Within 30 days of the date of this letter order, any person desiring to be heard or to protest this blanket approval of the issuances of securities or assumptions of liabilities by Glen Park should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

(B) Absent a request for hearing within the period set forth above, Glen Park is authorized to issue securities and assume obligations or liabilities as guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

(C) The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of Glen Park's issuances of securities or assumption of liabilities.

Notice is hereby given that the deadline for filing a motion to intervene or protest, as set forth above, is March 15, 1993.

Copies of the full text of the Letter Order are available from the Commission's Public Reference Branch, room 3308, 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4063 Filed 2–22–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER92–809–000 and ER92–809–001]

Illinois Power Co.; Order Dismissing Rehearing, Directing Summary Disposition, Accepting for Filing and Suspending Rates as Modified, Establish Hearing Procedures, and Granting Waiver of Notice

Issued February 16, 1993.

Background

On August 31, 1992, as completed on December 18, 1992, Illinois Power Company (Illinois Power) filed a proposed Power Coordination Agreement (Agreement) to supersede its existing power coordination agreement with the Illinois Municipal Electric Agency (Illinois Municipal). Under the proposed Agreement, Illinois Power will, among other things, continue to provide most of the services currently

provided under the existing agreement.[1] However, Illinois Power also proposes eliminating Service Schedule A (partial requirements service) and adding Service Schedules I, J and M (various transmission services). Illinois Power requests waiver of the 60-day prior notice requirement to permit an effective date of October 1, 1992.

Notices of Illinois Power's filings were published in the **Federal Register**,[2] with comments, protests and motions to intervene due on or before October 23, 1992.

On October 23, 1992, the Illinois Commerce Commission (Illinois Commission) filed a notice of intervention.

On September 24, 1992, and October 23, 1992, Illinois Municipal filed a motion to intervene and a supplemental pleading, respectively. In its pleadings, Illinois Municipal protests the transmission rates under Service Schedules I, J and M and requests suspension and hearing. Illinois Municipal, however, supports Illinois Power's request for waiver of the 60-day prior notice requirement to permit an October 1, 1992 effective date; Illinois Municipal states that a continuation of the existing agreement would require Illinois Municipal to continue its more expensive partial requirements service beyond October 1, 1992.

Illinois Municipal states that, when the Commission evaluates the reasonableness of Illinois Power's proposed rates, it must consider the inferior quality of the service Illinois Municipal will receive. Illinois Municipal notes that, under the proposed Agreement, Illinois Power retains the discretion to refuse short-term services for any reason and can foreclose other sellers from reaching Illinois Municipal in order that Illinois Power may itself make a sale to Illinois Municipal. Illinois Municipal states that, even if Illinois Power agrees to provide the service necessary for a third party to serve Illinois Municipal, Illinois Power's proposed short-term transmission rate of 10 mills/kWh is so high that it will economically foreclose Illinois Municipal from engaging in many third-party transactions.[3] With respect to long-term services, Illinois Municipal notes that the terms of the proposed Agreement require it to unreasonably make a minimum reservation equal to its maximum noncoincident peak demand at each delivery point (less 85 percent of its on-site generation). Illinois Municipal notes that it must also make separate, additional reservations to the extent it wants to transmit power to the same delivery point from more than one resource. Moreover, Illinois Municipal notes that it is not permitted to transmit power to anyone but an Illinois Municipal member or to transmit power over Illinois Power's interconnections with Iowa-Illinois Gas and Electric Company, Electric Energy, Inc., Tennessee Valley Authority, or the public utility subsidiaries of the American Electric Power Company system. Illinois Municipal states that these service characteristics are inconsistent with the basis used by Illinois Power to develop its rates, because the rates include the costs of delivery points that cannot be used, and the unit charges were designed as if the billing determinants equal Illinois Municipal's coincident peaks rather than Illinois Municipal's noncoincident peaks.

In support of its request for suspension and hearing, Illinois Municipal raises the following cost of service issues: (1) An excessive rate of return on common equity of 13.25 percent, and a failure to reduce debt cost to reflect likely refinancing due to the generally low interest rates available today; (2) an unsupported reclassification of distribution plant as transmission plant; (3) understated transmission revenue credits; (4) excessive cash working capital; (5) an unsupported inclusion of land held for future use; and (6) a failure to use a 13-month average balance for rate base.

Illinois Municipal also makes the following assertions concerning the ratemaking and rate design principles used to develop Illinois Power's rates: (1) Illinois Power's rates for firm transmission service reflect its rolled-in average system costs, yet the rates provide for restricted service; (2) Illinois Power's rates use an average of the 12 monthly coincident peaks (12 CP) as the billing determinants to develop the unit charge instead of the contract demands that will be used for bills; and (3) Illinois Power's proposed rate for short-term, nonfirm transmission service is equivalent to its rate for long-term, firm transmission (although Commission precedent requires that short-term, nonfirm rates should be lower than long-term, firm rates in order to reflect the fact that reserves are not provided for short-term service).[4] Illinois Municipal also argues that Illinois Power inappropriately prices losses on the basis of incremental production costs, rather than average system costs. Illinois Municipal also argues that Illinois Power improperly developed its nonfirm hourly rate under Service Schedule I because the rate reflects less than a full hour's utilization.

Illinois Municipal challenges Illinois Power's inclusion of the cost of various control area services in its transmission rates.[5] Illinois Municipal also objects to the following terms and conditions under the proposed Agreement: (1) A penalty charge of 30 mills/kWh (equal to three times the transmission rate) if Illinois Municipal's transmission loads exceed its reserved amount; (2) onerous termination provisions; and (3) a limitation that service may be only to Illinois Municipal members.

On November 5, 1992, Illinois Power filed an answer to the Illinois Commission's notice of intervention and to Illinois Municipal's pleadings. Illinois Power does not object to the interventions. Illinois Power states that the Commission should accept Illinois Power's filing and allow an effective date, after a nominal suspension, of October 1, 1992, as urged by all parties. Illinois Power further states that the Commission should establish a hearing as to the justness and reasonableness of the rates contained in Service Schedules I, J, and M.

On November 25, 1992, the Director, Division of Applications, Office of Electric Power Regulation (Director) issued a deficiency letter with regard to Illinois Power's filing.

On December 18, 1992, Illinois Power filed a "request for rehearing" of the Director's November 25, 1992 deficiency letter. Illinois Power requests that the Commission reverse the Director's letter order. Illinois Power asks the following specific relief:

1. A determination that the Power Coordination Agreement which was the subject of Illinois Power's filing become effective by operation of law on November 28, 1992, or, in the alternative, that the Commission grant the waiver requested by both Illinois Power and the affected customer (Illinois Municipal) to permit an effective date of October 1, 1992;

2. Acceptance of the Agreement for filing and a hearing on only those

[1] The following services are provided under the proposed agreement: regulating service, dump service, emergency service, standby service, term and economy energy, scheduled capacity, reactive power, and system support.

[2] 57 FR 43718 (September 22, 1992); 57 FR 47846 (October 20, 1992).

[3] Illinois Power has designed the 10 mills/kWh charge on the assumption that the service will be provided only during the 16 peak hours per day. Under the proposed Agreement, service provided for more than 16 hours is capped at the daily rate.

[4] Illinois Municipal's October 23 pleading at 15 (citing, e.g., New England Power Company, 49 FERC ¶ 61,129 at 61,554 (1989)).

[5] The various control area services are: Voltage support, load regulation, spinning and nonspinning reserves, load and frequency control service, and dispatch service.

limited aspects of the Agreement upon which the parties were unable to agree (specifically, the transmission service rates contained in Schedules I, J, and M); and

3. Alternatively, in the event that the Commission does not accept the Agreement without change or condition (except for setting for hearing those matters the parties agreed to submit to hearing), an order either determining now or setting for hearing the merits of the controversy which exists between the parties under the pre-existing Agreement (*i.e.*, whether there exists a continuing obligation on Illinois Municipal's part to make power purchases).

On December 31, 1992, Illinois Power filed a supplement to its December 18, 1992 request for rehearing. Illinois Power stated that the sole purpose of its supplement was to discuss the impact, on Illinois Power's request for rehearing, of the Commission's order issued three days later on December 21, 1992, in Southern Company Services, Inc.[6]

On December 31, 1992, Illinois Municipal filed a response to Illinois Power's December 18, 1992 request for rehearing. Illinois Municipal states that its response is permissible under 18 CFR 385.213(a)(3) since Illinois Municipal is responding only to Illinois Power's motion for a declaratory order or hearing and not to Illinois Power's request for rehearing.

Discussion

1. Preliminary Matters

(a) Intervention

Under Rule 214 of the Commission's Rules of Practice and Procedure,[7] the timely, unopposed motion to intervene and notice of intervention serve to make Illinois Municipal and the Illinois Commission parties to this proceeding.

(b) The Director's November 25, 1992 Letter Order and Illinois Power's "Rehearing"

Before addressing the merits of Illinois Power's filing, we address whether the Director's November 25, 1992 letter order is a final order such that rehearing lies.[8] As discussed below, we conclude that the Director's letter order is interlocutory and, as such, we dismiss Illinois Power's rehearing without prejudice.

The Commission has delegated certain authority to the Director of the Office of Electric Power Regulation, or his designee.[9] The Commission has delegated authority to take final action,[10] as well as actions that are interlocutory in nature.[11] We must decide which category the Director's November 25, 1992 letter order falls within.

Since the proceeding became contested when Illinois Municipal filed as a motion to intervene in opposition on September 24, 1992,[12] the Director's authority to act was limited. The only final action the Director could take on November 25, 1992 was to reject Illinois Power's filing. The Director's November 25 letter order clearly did *not* reject the filing. Accordingly, the Director's letter order could not constitute final agency action, and thus was instead interlocutory.[13]

When the Director issues an interlocutory order, the filing utility *must* respond to that order.[14] Three responses are possible. First, the utility may amend its proposed rates. Second, the utility may provide additional information to support its proposed rates. Third, the utility may respond by informing the Director that it disagrees that any amendment to its proposed rates or further information is necessary.[15]

Here Illinois Power did not respond to the Director; rather it sought "rehearing" with the Commission. Since Illinois Power presumably sought "rehearing" based upon the description of the letter order as a "final agency action", in this instance we will treat Illinois Power's pleading as a response that it disagrees that any amendment to its proposed rates or further information is necessary. Accordingly, we find that Illinois Power's filing was completed on December 18, 1992.

2. Summary Disposition

Illinois Power proposes to design its transmission rates, *i.e.*, to develop a per unit charge for transmission service, by dividing the revenue requirement by what it claims is the average of its 12 monthly coincident peaks. However, Illinois Power proposes to bill Illinois Municipal on the basis of its contract demands, not its coincident peak demands. As we explained in a recent order, Southern Company Services, Inc., 61 FERC ¶ 61,339 at 62,328 & nn. 9 & 10, (1992), to avoid over-recovery from customers when billing is on the basis of contract demands, then the rates should likewise be developed using contract demands.[16] If the customer's actual, and lower, demands are used in the development of the rate, then the rate will result in an over-recovery of costs from the customer. Accordingly, Illinois Power is directed to redesign its rates to compute the per unit charge using Illinois Municipal's billing determinants, *i.e.*, Illinois Municipal's contract demands.[17]

Section 4.5 of the proposed Agreement provides that Illinois Municipal will pay expansion costs (referred to by the parties as "System Advancement Costs") in addition to embedded cost rates. The collection of expansion costs in addition to embedded cost rates violates the Commission's transmission pricing guidelines. Under our precedent, Illinois Power may charge only the higher of its embedded cost rates expansion costs.[18] Therefore, Illinois Power is directed to revise the proposed Agreement, consistent with our precedent, to state the rate as the higher of: (1) Its embedded cost rate; or (2) its expansion cost.[19]

In Service Schedule F, Illinois Power proposes to charge a rate for economy energy, transactions equal to a share of the savings plus its transmission charge of 10 mills/kWh. This is inappropriate. The Commission has long accepted split-savings rates which disregard the fixed costs of the seller, but which ensure that the customer retains at least 50 percent of the transaction savings. Such rates permit the seller to obtain a

[6] 61 FERC ¶ 61,339 (1992).

[7] 18 CFR 385.214.

[8] See 18 CFR 385.713(a)

[9] 18 CFR 375.308

[10] See 18 CFR 375.308(a) (1), (3) (acceptance and rejection).

[11] See 18 CFR 375.308(d)(2) (deficiency letters).

[12] See 18 CFR 375.301(c).

[13] The letter order included "boilerplate" language incorrectly stating that the action was final.

[14] The filing cannot be complete until the utility responds. Accordingly, the 60-day clock for action under Federal Power Act section 205 cannot commence until a response is received.

[15] If the utility fails to respond within the time period provided by the Director in one of these three ways, the Director may reject the filing.

[16] *Cf.* Central Power and Light Company, Opinion No. 326, 47 FERC ¶ 61,339 at 62,163, 62,164–66, *order on reh'g*, Opinion No. 326–A, 49 FERC ¶ 61,003 at 61,003–05 (1989) (where party is required under contract to pay for, *i.e.*, is billed on, full contract demand regardless of actual demand, rates should be developed based on contract demand rather than actual demand).

[17] In support of its position, Illinois Power cites to the presiding judge's decision in Northern States Power Company, 59 FERC ¶ 63,003 at 65,049 (1992). We note that this initial decision, now pending on exceptions, is of no precedential value for the purposes of this case. More specifically as to the precedential effect of initial decisions, see Century Power Corporation, 56 FERC ¶ 61,067 at 61,298 (1991); Southern California Edison Company, 55 FERC ¶ 61,497 at 62,759 (1991)

[18] See Pennsylvania Electric Company, 60 FERC ¶ 61,034 at 61,129–2 & n.49 (1992); see also Pennsylvania Electric Company, 58 FERC ¶ 61,278 at 61,871–75, *reh'g denied*, 60 FERC ¶ 61,034 at 61,123 to 29–2 (1992); see also Public Service Electric & Gas Company, 61 FERC ¶ 61,014 (1993).

[19] *Id.*

contribution to fixed costs in excess of 100 percent, as long as the customer receives at least 50 percent of the savings. Illinois Power's proposed economy energy rate (allowing recovery of both a share of these savings plus a separate transmission charge) violates the Commission's pricing principles. Illinois Power retains over 50 percent of the savings, while Illinois Municipal receives less than 50 percent of the savings. Accordingly, Illinois Power is directed to revise Service Schedule F to eliminate the additional transmission charge.

For power sales from Illinois Power to Illinois Municipal, Iliinois Power proposes a ceiling demand charge for production plus 10 mills/kWh for transmission. Illinois Power has provided no cost support for the ceiling demand charge. Illinois Power simply states that the rates are less than those accepted in one of its previous rate filings, Docket No. ER91–535–000.[20] The rates accepted in that case reflected the fixed and variable costs of Illinois Power's Clinton nuclear unit and Illinois Power's average transmission investment.[21] The service schedules proposed here adopt a charge equal to 110 percent of system incremental costs, and require Illinois Municipal to pay separately for transmission under other service schedules. Accordingly, the rates accepted in Docket No. ER91–535–000 are not comparable to those proposed here. Therefore, Illinois Power is directed to include cost data (in the compliance filing, which we order Illinois Power to make below) demonstrating that the demand charge in its power sales rate will produce no more than a 100 percent contribution to the fixed production costs of the generating units likely to be used to price energy.[22] If the rates cannot be supported on this basis, Illinois Power is directed to reduce its rates accordingly.

3. Suspension and Hearing

Our preliminary review of Illinois Power's proposed rates, as modified by the summary dispositions above, indicates that the rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we will accept the proposed rates, as modified by the summary dispositions discussed above, for filing, suspend then, and set them for hearing.[23]

Our preliminary analysis indicates that the proposed rates may produce substantially excessive revenues, and so we would normally suspend the rates for five months.[24] However, a five-month suspension here could force Illinois Municipal to continue taking partial requirements service under the existing (and more expensive) agreement. Therefore, under these circumstances, a nominal suspension is appropriate. Accordingly, we will accept the rates for filing, as modified by summary disposition, suspend the rates for a nominal period, with the rates to become effective October 1, 1992, subject to refund, and set them for hearing.

4. Waiver of Notice

We will grant waiver of the 60-day prior notice requirement because, if the proposed agreement is not permitted to become effective on October 1, 1992, Illinois Municipal will be required to continue purchasing more expensive partial requirements service from Illinois Power. In Central Hudson Gas & Electric Corporation, et al., 60 FERC ¶ 61,106 at 61,338, reh'g denied, 61 FERC ¶ 61,089 (1992), the Commission stated that it would generally grant waiver for a service which allows the customer to avoid purchasing a more expensive service from the same utility. Accordingly, we will grant waiver of notice and allow the proposed Agreement to become effective October 1, 1992, subject to refund.

5. The Energy Policy Act of 1992[25]

Subsequent to the date of the original and supplemental rate filings in this docket, Congress enacted the Energy Policy Act of 1992, which expands the Commission's authority to order transmission services under sections 211 and 212 of the Federal Power Act. We currently are analyzing what impact, if any, the new transmission provisions should have on the transmission pricing policies we have applied in recent cases under sections 205 and 203 of the Federal Power Act. In the meantime, we will continue to apply our current policies. We expect to announce in the next future some procedure for soliciting and obtaining public input on future transmission rate design issues.

The Commission Orders

(A) Illinois Power's rehearing is hereby dismissed as discussed in the body of this order.

(B) Summary disposition is hereby ordered, as discussed in the body of this order. Within 30 days of the date of the issuance of this order, Illinois Power shall file revised rates and cost support reflecting these determinations. However, if a request for rehearing is filed, the compliance filing will be due within 15 days of the date the Commission disposes of rehearing.

(C) Illinois Power's proposed rates, as modified pursuant to Ordering Paragraph (B) above, are hereby accepted for filing, suspended for a nominal period to become effective on October 1, 1992, subject to refund.

(D) Illinois Power's request for waiver of the 60-day prior notice requirement is hereby granted.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of Illinois Power's proposed Agreement, as discussed in the body of this order.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing conference in this proceeding to be held within approximately fifteen (15) days from the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426. Such conference shall be held for the purpose of establishing a procedural schedule. The presiding judge is authorized to establish procedural dates (including a date for the submission of Illinois Power's case-in-chief), and to rule on all motions (except motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

---

[20] See Illinois Power Company, , 57 FERC ¶ 61,213 (1991).

[21] 57 FERC ¶ 61,697–98, 61,699–700.

[22] See , 57 FERC ¶ 61,699–700.

[23] See Cincinnati Gas and Electric Company, 59 FERC ¶ 61,072 at 61,291 (1992) (hearing is not confined to issues identified and explicitly set for hearing; hearing goes to all issues relevant to assessment of justness and reasonableness).

Service Schedule J, providing for firm long-term transmission service, *inter alia*, limits transmission to another public utility for the sole purpose of serving an Illinois Municipal's member load—and not for resale by Illinois Municipal or that member. See Service Schedule J at page J–2, section J2.2(e). An issue that we believe should be addressed at hearing is whether this limitation is an impermissible resale restriction, *e.g.*, Central Maine Power Company, 18 FERC ¶ 61,126 at 61,251, *reh'g denied*, 19 FERC ¶ 61,041 (1982), or is otherwise unjust, unreasonable or unduly discriminatory or preferential.

[24] See West Texas Utilities Company, 18 FERC ¶ 61,189 (1982).

[25] Pub. L. No. 102–486, 106 Stat. 2776 (1992).

(G) Illinois Power is hereby informed that rate schedule designations will be assigned when the Commission acts on Illinois Power's compliance rates filed pursuant to Ordering Paragraph (B) above.

(H) The Secretary shall publish a copy of this order in the **Federal Register**.

By the Commission. Commissioner Trabandt dissents in part on the issue of pricing for expansion costs and the rejection of Illinois Power's provision in § 4.5 of the proposed Agreement (slip op. at 7) for the reasons stated in his separate opinion in Pennsylvania Electric Company, 60 FERC ¶ 61,034 (1992).

Lois D. Cashell,

Secretary.

[FR Doc. 93–4138 Filed 2–22–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RS92–10–000]

Southern Natural Gas Co.; Notice of Conference

February 16, 1993.

Take notice that on Friday, February 26, 1993, at 10 a.m., a conference will be convened in the above-captioned docket to discuss those disputed terms and conditions in Southern's Order No. 636 compliance filing that the order on Southern's compliance filing, issued February 11, 1993, does not address. Staff will be sending the parties a tentative list of terms and conditions that will be addressed at the conference.

The conference will be held at the National Guard Association building, One Massachusetts Ave., NW. (intersection of Massachusetts Ave. and North Capitol St., opposite the Post Office Bldg.). All interested parties are invited to attend. Attendance at the conference will not confer party status. For additional information, interested persons can call Al Francese at 202–208–0736.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4064 Filed 2–22–93; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

[FE Docket No. 93–03–NG]

Anadarko Trading Co.; Order Granting Blanket Authorization to Export Natural Gas to Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Anadarko Trading Company blanket authorization to export up to 22 Bcf of natural gas to Canada over a two-year term beginning on the date of the first export.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 16, 1993.

Clifford Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

BILLING CODE 6450–01–M

[FE Docket No. 93–06–NG]

Aquila Energy Marketing Corp.; Order Granting Blanket Authorization to Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Aquila Energy Marketing Corporation blanket authorization to import up to 200 Bcf of natural gas to Canada over a two-year term beginning on the date of the first import.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 16, 1993.

Clifford Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–4143 Filed 2–22–93; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 93–17–NG]

Tenngasco Corp.; Authorization to Export Natural Gas to Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Tenngasco Corporation blanket authorization to export to Canada up to 100 Bcf of natural gas over a period of two years beginning on the date of the first delivery after February 28, 1993, the date Tenngasco's existing export authorization expires.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, room 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 16, 1993.

Clifford Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–4144 Filed 2–22–93; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 93–15–NG]

TM Star Fuel Co.; Long-Term Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting TM Star Fuel Company authorization to import from Canada up to 10,000 Mcf of natural gas per day over a period of 15 years beginning on the date of the first delivery (anticipated in April 1993). The gas will be resold as fuel to generate electricity at a cogeneration plant in Anacortes, Washington.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, room 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 16, 1993.

Clifford Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–4145 Filed 2–22–93; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 93–16–NG]

TM Star Fuel Co.; Authorization to Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice

that it has issued an order granting TM Star Fuel Company blanket authorization to import from Canada up to 15 Mcf of natural gas over a period of two years beginning on the date of the first delivery.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, room 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 16, 1993.

Clifford Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–4146 Filed 2–22–93; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Cases Filed During the Week of January 29 Through February 5, 1993

During the week of January 29 through February 5, 1993, the appeals and applications for other relief listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: February 12, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of January 29 through February 5, 1993]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 29, 1993	Gulf/R.J. Pele & C. Barone Gulf, Knight Gulf Station, Joseph M. Carroll, Cordova, TN.	RR300–226, RR300–227, RR300–228	Request for modification/rescission in the Gulf refund proceeding. If Granted: The September 13, 1991, March 20, 1991, and June 19, 1991 Dismissal Letters (Case Nos. RF300–16765, RF300–11608 and RF300–13020) issued to R.J. Pale & C. Barone Gulf, Knight Gulf Station, and Joseph M. Carroll regarding the firm's Application for Refund submitted in the Gulf refund proceeding would be modified.
Jan. 29, 1993	OCAW, Miamisburg, OH	LFA–0268	Appeal of an information request denial. If Granted: The January 5, 1993, Freedom of Information Request Denial issued by the Albuquerque Operations Office would be rescinded, and OCAW would receive access to salaries of the salaried exempt and non-exempt personnel relating to EG&G Mound Applied Technologies.
Feb. 02, 1993	Hanford Education Action League, Spokane, WA	LFA–0269	Appeal of an information request denial. If Granted: The January 12, 1993, Freedom of Information Request Denial issued by the Richard Field Office would be rescinded, and Hanford Education Action League would receive access to DOE information.

REFUND APPLICATIONS RECEIVED

Date received	Name of refund proceeding/name of refund applicant	Case No.
01/29/93 thru 02/05/93.	Gulf Oil Refund Applications Received.	RF300–20874 thru RF300–20905.
01/29/93 thru 02/05/93.	Crude Oil Refund Applications Received.	RF272–94070 thru RF272–94085.
01/29/93 thru 01/05/93.	Atlantic Richfield Refund Applications Received.	RF304–13561 thru RF304–13578.
01/29/93 thru 02/05/93.	Texaco Oil Refund Applications Received.	RF321–19576 thru RF321–19585.
02/01/93	Tom's Clark #200	RF342–316.
02/01/93	Doug's Clark Super 100.	RF342–317.
02/01/93	West Park Canal	RF346–24.
02/01/93	Morgan City & Patterson Canal.	RF346–25.
02/01/93	East End Canal	RF346–26.
02/01/93	Ville Platte Canal	RF346–27.
02/02/93	Corner Cash & Carry	RF343–12

[FR Doc. 93–4148 Filed 2–22–93; 8:45 am]

BILLING CODE 6450–01–M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Proposed decision and order.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy solicits comments concerning procedures that OHA proposes to follow in refunding a total of $31,199 obtained from the bankruptcy proceeding of the Lunday-Thagard Oil Company and pursuant to a consent order entered into by William T. Tootle, President of Lotus Petroleum, Inc. The funds were remitted to the DOE in order to resolve allegations of crude oil pricing violations by Lunday-Thagard and Lotus.

DATES AND ADDRESSES: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. All comments should conspicuously display a reference to Case Numbers LEF–0050 (Lunday-Thagard) or LEF–0051 (Lotus).

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–2860.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy (DOE), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order sets forth the procedures that the DOE has tentatively formulated to distribute monies obtained from the Bankruptcy Estate of Thagard Oil Company d/b/a Lunday-Thagard Oil Company, and pursuant to a consent order entered into with William T.

Tootle, President of Lotus Petroleum, Inc. In both cases, the monies remitted to the DOE settle allegations of crude oil pricing violations. The payments are being held in an interest-bearing escrow account pending distribution by the DOE. Distribution of the monies received from Lunday-Thagard and Tootle will be governed by the DOE's Statement of Modified Restitutionary Policy in Crude Oil Cases, which states that crude oil overcharge monies will be divided among the states, the federal government, and eligible purchasers of refined products. See 51 FR 27899 (August 4, 1987). Proposed claims procedures are explained in the Proposed Decision and Order.

Applications for refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments must be submitted within 30 days of publication of this notice in the **Federal Register** and should be sent to the address set forth at the beginning of this notice. All comments received will be available for public inspection between the hours of 1 p.m. and 5 p.m., Monday through Friday, except Federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in room 1E–234, 1000 Independence Avenue SW., Washington, DC 20585.

Dated: February 17, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Names of Petitioners: Lunday-Thagard Oil Company, Lotus Petroleum, Inc. and William T. Tootle

Date of Filing: September 17, 1992

Case Numbers: LEF–0050 and LEF–0051

This Proposed Decision and Order considers two Petitions, filed by the Economic Regulatory Administration (ERA), for the Implementation of Special Refund Procedures (Petition) for crude oil overcharge funds. Under the procedural regulations of the Department of Energy (DOE), the ERA may request that the Office of Hearings and Appeals (OHA) formulate and implement special refund procedures. See Petition for Implementation of Special Refund Procedures, 10 CFR 205.281. These procedures are used to refund monies to those persons who were injured by actual or alleged violations of the DOE price regulations. We have considered the ERA's September 17, 1992, requests to implement Subpart V procedures with respect to the monies received from Thagard Oil Company d/b/a Lunday-Thagard Oil Company (Lunday-Thagard) and William T. Tootle (Tootle), president of Lotus Petroleum, Inc. (Lotus), and have determined that such procedures are appropriate.

I. Background

On August 17, 1982, the DOE filed a general unsecured claim with the United States Bankruptcy Court for the Central District of California in the Chapter 11 reorganization of Lunday-Thagard. An amended proof of claim was filed on September 2, 1982 by the DOE. During the period of crude oil price controls, Lunday-Thagard was a small and independent refiner. The DOE audited the company's compliance during this period with the Mandatory Petroleum Pricing and Allocation Regulations (the regulations) and issued a Proposed Remedial Order (PRO) to the firm requiring refunds for alleged violations of the Entitlements Program. This PRO arose from the firm's alleged improper reporting of its crude oil runs to stills for purposes of the DOE's Entitlements Program in violation of the regulations codified at 10 CFR part 211. Under the regulations, entitlements violations had the same effect as crude oil overcharges. Thereafter, the firm filed a petition for relief with the above-mentioned Bankruptcy Court. The Bankruptcy Estate has remitted a total of $28,156 in settlement of the DOE's claim against Lunday-Thagard. The Lunday-Thagard Petition requests that the OHA implement a special refund proceeding to distribute these funds, plus accrued interest.

The Lotus Petition requests that OHA implement special refund procedures for monies remitted by Tootle in relation to a Final Remedial Order issued by the OHA on April 23, 1986. Lotus Petroleum, Inc., 14 DOE ¶ 83,020 (1986). Under that Remedial Order, Lotus, Tootle and Lynn O. Castle (Castle) were found to have violated provisions of the Federal petroleum price regulations with respect to the resale of crude oil during the period April 1, 1980 through December 31, 1980 (the audit period).[1] However, on July 24, 1989, Tootle entered into a Consent Order (the Order) with DOE to resolve all of his personal liability in this matter. Consent Order No. 6A0X00330. Under this agreement the DOE compromised its enforcement claim against Tootle on an ability-to-pay basis, and accepted a total amount of $3,043 from Tootle in settlement of its claims against him. In the Lotus Petition, the ERA states that this payment was made solely by Tootle and in no way compromises the DOE's claims against Lotus or Castle.

Lunday-Thagard and Tootle have remitted a total of $31,199 to the DOE. These funds are available for distribution through subpart V and currently are being held in an interest-bearing escrow account maintained at the Department of the Treasury pending a determination regarding their proper distribution.

II. Jurisdiction and Authority

The general guidelines that govern the OHA's ability to formulate and implement a plan to distribute refunds are set forth at 10 CFR part 205, subpart V. These procedures apply in situations where the DOE cannot readily identify the persons who were injured as a result of actual or alleged violations of the regulations or ascertain the amount of the refund each person should receive. For a more detailed discussion of subpart V and the authority of the OHA to fashion procedures to distribute refunds, see Office of Enforcement, 8 DOE ¶ 82,597 (1981).

III. The Proposed Crude Oil Refund Procedures

A. Crude Oil Refund Policy

The monies remitted by Lunday-Thagard and Tootle will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases (MSRP). See 51 FR 27899 (August 4, 1986). The MSRP was issued as a result of the court-approved settlement agreement in the DOE Stripper Well Exemption Litigation (MDL–378). See In Re: The Department of Energy Stripper Well Exemption Litigation, 653 F. Supp. 108, 3 Fed. Energy Guidelines ¶ 26,563 (D. Kan. 1986). This policy has been utilized in all subpart V proceedings involving alleged crude oil violations. See Order Implementing the MSRP, 51 FR 29689 (August 20, 1986) (the August 1986 Order). Under the MSRP, 40 percent of the crude oil overcharge funds will be refunded to the Federal government, another 40 percent to the states, and up to 20 percent may initially be reserved for the payment of claims by injured parties. The MSRP also specified that, after all valid claims by injured purchasers are paid, any remaining monies will be disbursed to the Federal government and the states in equal amounts.

On April 10, 1987, the OHA issued a Notice analyzing the numerous comments received in response to the August 1986 Order. 52 FR 11737 (April 10, 1987) (the April 10 Notice). This Notice provided guidance to claimants that anticipated filing refund applications for crude oil monies under the subpart V regulations. In general, we stated that all claimants would be required to (1) document their purchase volumes of petroleum products during the August 19, 1973, through January 27, 1981, crude oil price control period; and (2) prove they were injured by the alleged crude oil overcharges. End-users of petroleum products whose businesses are unrelated to the petroleum industry would be presumed to have been injured by the alleged crude oil

[1] Lotus was incorporated in the State of Texas on April 17, 1980. Tootle and Castle were its only shareholders. On May 3, 1984, the ERA issued a PRO alleging that during the audit period, Lotus engaged in the resale of crude oil through the process known as "layering" (Case No. 6A0X00330). The PRO alleged that Lotus charged prices for crude oil in excess of the actual cost of the crude oil without providing any service or function traditionally and historically associated with the resale of crude oil. After considering the objections filed by the PRO recipients, this Office issued the PRO as a Final Remedial Order on April 23, 1986. The Remedial Order found Lotus, Tootle and Castle jointly liable for $11,833,152 in overcharges plus interest.

overcharges and would not be required to submit any additional proof of injury beyond documentation of their purchase volumes. See City of Columbus, Georgia, 16 DOE ¶85,550 (1987).

B. Refund Claims

We propose to adopt the DOE's standard procedures, as set forth in the MSRP, to distribute the crude oil monies obtained from Lunday-Thegard and Tootle. The amount of money covered by this Proposed Decision and Order, as previously stated, is $31,199 plus accrued interest. We have chosen initially to reserve 20 percent of these funds ($6,239 plus interest) for direct refunds to claimants.

The OHA proposes to evaluate crude oil refund claims in a manner similar to that used in subpart V proceedings to evaluate claims based on alleged refined product overcharges. Claimants generally will be required to document their purchase volumes of petroleum products and prove that they were injured as a result of the alleged violations. We will adopt a presumption that the crude oil overcharges were absorbed, rather than passed on, by applicants who were (1) end-users of petroleum products, (2) unrelated to the petroleum industry, and (3) not subject to the regulations promulgated under the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. 751–760h. In order to receive a refund, end-user claimants need not submit any evidence of injury beyond documentation of their purchase volumes. See Shell Oil Co., 17 DOE ¶85,204 (1988).

Petroleum retailer, reseller, and refiner applicants must submit detailed evidence of injury; they may not rely upon the injury presumptions utilized in some refined product refund cases. *Id.* Finally, if a claimant has executed and submitted a valid waiver, pursuant to one of the escrow accounts established by the Stripper Well Settlement Agreement, then he has waived his right to file an application for subpart V crude oil refund monies. See *Mid-America Dairymen* v. *Herrington*, 878 F.2d 1448, 3 Fed. Energy Guidelines ¶26,617 (Temp. Emer. Ct. App. 1989); In re: Department of Energy Stripper Well Exemption Litigation, 707 F. Supp. 1267, 3 Fed. Energy Guidelines ¶26,613 (D. Kan. 1987).

Refunds to eligible claimants that purchased refined petroleum products will be calculated on the basis of a volumetric amount obtained by dividing the crude oil refund monies involved in this determination ($31,199) by the total U.S. consumption of petroleum products during the price control period. See Mountain Fuel Supply Co., 14 DOE ¶85,475 (1986).

As has been stated in prior Decisions, a crude oil refund applicant will only be required to submit one application for its share of all available crude oil overcharge funds. See, e.g., A. Tarricone, Inc., 15 DOE ¶85,495 (1987). A party that has already submitted a claim in any other crude oil refund proceeding implemented by the DOE need not file another claim. The prior application will be deemed to be filed in all crude oil refund proceedings finalized to date. The current deadline for filing an Application for Refund is June 30, 1994. See Anchor Gasoline Corp., 22 DOE ¶85,071 (1992). It is the policy of the DOE to pay all crude oil refund claims filed before June 30, 1994, at the rate of $0.0008 per gallon. We anticipate that applicants who filed their claims by June 30, 1988, will receive a supplemental refund payment; however, we will decide in the future whether claimants that filed later applications should receive additional refunds. Applicants may be required to submit additional information to support their refund claims for future amounts. Notice of any such additional amounts will be published in the **Federal Register**.

C. Payments to the States and Federal Government

Under the terms of the MSRP, we propose that the remaining 80 percent of the crude oil violation amounts subject to this Proposed Decision or $24,960 in principal, plus accrued interest, should be disbursed in equal shares to the states and federal government for indirect restitution. Refunds to the states will be in proportion to the consumption of petroleum products in each state during the period of price controls. The share or ratio of the funds allocated to each state is contained in Exhibit H of the Stripper Well Agreement.

Before taking the actions we have proposed in this Decision, we intend to publicize our proposal and solicit comments on it. Comments regarding the tentative distribution process set forth in this Proposed Decision and Order should be filed with the OHA within thirty days of its publication in the **Federal Register**.

It is therefore ordered that:

The refund amounts remitted to the Department of Energy by the Lunday-Thagard Oil Company and by William T. Tootle will be distributed in accordance with the foregoing Decision.

[FR Doc. 93–4149 Filed 2–22–93; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4560–2]

National Emission Standards for Hazardous Air Pollutants; Compliance Extensions for Early Reductions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of complete enforceable commitments received.

SUMMARY: This notice provides a list of companies that have submitted "complete" enforceable commitments to the EPA under the Early Reductions Provisions [section 112(i)(5)] of the Clean Air Act (CAA) as amended in 1990. The list covers commitments determined by the EPA to be complete through January 7, 1993 and includes the name of each participating company, the associated emissions source location, and the EPA Regional Office which is the point of contact for further information. This is one of a series of notices of this type. The most recent notice listed twelve sources which have had commitments deemed complete by the EPA. The EPA will publish additional lists of complete submittals on a monthly basis, as needed.

FOR FURTHER INFORMATION CONTACT: David Beck (telephone: 919–541–5421), Rick Colyer (telephone: 919–541–5262) or Mark Morris (telephone: 919–541–5416), Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711 for general information on the Early Reductions Program. For further information on specific submittals received under the Early Reductions Program contact the appropriate EPA Regional Office representative listed below:

Region I—Janet Beloin, (617) 565–2734
Region II—Umesh Dholakia or Harish Patel, (212) 264–6676
Region III—Jim Baker, (215) 597–3499
Region IV—Anthony Toney, (404) 347–2864
Region V—John Pavitt, (312) 886–6858
Region VI—Tom Driscoll or Tanya Murray, (214) 655–7549, (214) 655–7547
Region VII—Carmen Torres-Ortega, (913) 551–7873
Region VIII—Cory Potash, (303) 293–1886
Region IX—Ken Bigos, (415) 744–1240
Region X—Chris Hall, (206) 553–1949

SUPPLEMENTARY INFORMATION: Under section 112(i)(5) of the Clean Air Act (CAA) as amended in 1990, an existing source of hazardous air pollutant emissions may obtain a 6-year extension of compliance with an emission standard promulgated under section 112(d) of the CAA, if the source achieves sufficient reductions of hazardous air pollutant emissions prior to certain dates. On October 29, 1992 the EPA Administrator signed a final rule to implement this "Early Reductions" provision. The final rule was published in the **Federal Register** on December 29, 1992 (57 FR 61970).

Sources choosing to participate in the Early Reductions Program must document base year emissions and post-reduction emissions to show that sufficient emission reductions have been achieved to qualify for a compliance extension. As a first step toward this demonstration, some sources may be required to submit an enforceable commitment containing

base year emission information, or if not required, may voluntarily submit such emission information to the EPA for approval. As stated in the proposed Early Reductions rule, the EPA will review these submittals to verify emission information, and also will provide the opportunity for public review and comment. Following the review and comment process and after sources have had the chance to revise submittals (if necessary), the EPA will approve or disapprove the base year emissions.

To facilitate the public review process for program submittals, the proposed rule contains a commitment by the EPA to give monthly public notice of submittals received which have been determined to be complete and which are about to undergo technical review within the EPA. Members of the public wishing to obtain more information on a specific submittal then may contact the appropriate EPA Regional Office representative listed above.

Eighty-four enforceable commitments have been received by the EPA, and sixteen have been determined to be complete to date. Some of the early reductions submittals received actually contain multiple enforceable commitments; that is, some companies have decided to divide their particular plant sites into more than one early reductions source. Each of these sources must achieve the required emissions reductions individually to qualify for a compliance extension. The purpose of today's notice is to add commitments from Allied-Signal, Texaco-Neches, Wyeth Ayerst, and Marathon Oil to the previously published list of commitments that have been determined to be complete by the EPA under the Early Reductions Program. Since the last notice, the EPA has deemed complete one commitment from Allied-Signal for a source in Philadelphia, Pennsylvania, one from Texaco-Neches in Port-Neches, Texas, one from Wyeth Ayerst in Rouses Point, New York, and one from Marathon Oil in Garyville, Louisiana. As the remaining submittals are determined to be complete, they will appear in subsequent monthly notices.

At a later time (most likely within one to three months of today's date), the EPA Regional Offices will provide a formal opportunity for the public to comment on the submittals added to the list by today's notice. To do this, the Regional Office will publish a notice in the source's general area announcing that a copy of the source's submittal is available for public inspection and that comments will be received for a 30 day period.

The table below lists those companies that have made complete enforceable commitments or base year emission submittals under the Early Reductions Program through January 7, 1993. These submittals are undergoing technical review within the EPA at this time.

TABLE 1.—COMPLETE ENFORCEABLE COMMITMENTS AS OF JANUARY 7, 1993

Company	Location	EPA region
1. Kalama Chemical, Inc	Kalama, WA	X.
2. Amoco Chemical Co. (first source).	Texas City, TX.	VI.
3. Amoco Chemical Co. (second source).	Texas City, TX.	VI.
4. Johnson & Johnson Medical, Inc.	Sherman, TX	VI.
5. PPG Industries	Lake Charles, LA.	VI
6. Allied-Signal (first source).	Baton Rouge, LA.	VI.
7. Allied-Signal (second source).	Baton Rouge, LA.	VI.
8. Allied-Signal (third source).	Baton Rouge	VI.
9. Allied-Signal (first source).	Ironton, OH	V.
10. Allied-Signal (second source).	Ironton, OH	V.
11. Monsanto	Sauget, IL	V.
12. Dow Corning	Midland, MI	V.
13. Allied-Signal	Philadelphia, PA.	III.
14. Texaco-Neches	Port Neches, TX.	VI.
15. Wyeth Ayerst	Rouses Point, NY.	II.
16. Marathon Oil	Garyville, LA	VI.

Dated: February 10, 1993.

Michael Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 93–4119 Filed 2–22–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4599–9]

Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as Amended by the Superfund Amendments and Reauthorization Act; Fairchild Semiconductor Site, San Jose, CA

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act ("CERCLA"), notice is hereby given that a proposed administrative cost recovery settlement concerning the Fairchild Semiconductor site in San Jose, California was executed by the Agency on February 8, 1993. The proposed settlement resolves an EPA claim under section 107 of CERCLA against Fairchild Semiconductor, Inc. The proposed settlement was entered into under the authority granted EPA in section 122(h) of CERCLA, and requires Fairchild Semiconductor, Inc. to pay $291,930.73 to the Hazardous Substances Superfund In addition, this settlement requires Fairchild Semiconductor, Inc. to reimburse EPA for all future response costs incurred at or in connection with the Fairchild San Jose site. The response costs incurred by EPA for this site do not exceed $500,000. Therefore, EPA may settle this matter without the prior written approval of the Attorney General.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency's response to any comments received will be available for public inspection at: City of San Jose Public Library, located at 180 West San Carlos Street, San Jose, CA 95113; and the U.S. Environmental Protection Agency, 75 Hawthorne Street, 16th Floor, San Francisco, CA 94105 (Attention: Steven Armsey, Regional Hearing Clerk).

DATES: Comments must be submitted on or before March 25, 1993.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency at the address provided above. A copy of the proposed settlement may be obtained from Steven Armsey, U.S. EPA Regional Hearing Clerk (RC–1), 75 Hawthorne, San Francisco, CA 94105. Comments regarding the proposed settlement should be addressed to Steven Armsey at the address provided above, and should reference the Fairchild Semiconductor site located in San Jose, California (EPA Docket No. 93–07).

FOR FURTHER INFORMATION CONTACT: Mardi L. Black (RC–3–4), Assistant Regional Counsel, U.S. Environmental Protection Agency, San Francisco, CA 94105, Telephone: (415) 744–1395.

Dated: February 8, 1993.

Jeff Zelikson,

Director, Hazardous Waste Management Division.

[FR Doc. 93–4116 Filed 2–22–93; 8:45 am]

BILLING CODE 6560–50–M

[OPPTS-400075; FRL-4187-6]

Emergency Planning and Community Right-to-Know; Toxic Chemical Release Reporting; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Availability of Form R and Instructions.

SUMMARY: In March 1993, EPA plans to distribute the 1992 reporting form (Form R) and instructions for reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPRCA) and section 6607 of the Pollution Prevention Act (PPA). The 1992 reports are due by July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Emergency Planning and Community Right-to-Know Information Hotline, Environmental Protection Agency, Mail Stop OS-120, 401 M St., SW., Washington, DC 20460, Toll Free: 1-800-535-0202, Washington, DC and Alaska (703) 920-9877.

SUPPLEMENTARY INFORMATION: In March 1993, EPA plans to mail the 1992 Form R and Instructions for reporting under EPCRA section 313 and PPA section 6607 directly to facilities that reported for the 1991 reporting year. Facilities should expect to receive their packages, which will include a magnetic media reporting package, in April. Consultants and others who complete Form Rs for facilities should obtain the package from those facilities. Facilities that do not receive packages from EPA can request copies of the Form R and Instructions from the hotline after EPA's distribution to facilities. Questions about Form R and Instructions can also be directed to the hotline listed above. The Form R and Instructions have been updated to apply to the 1992 reporting year (e.g., by revising dates and addresses that have changed from the previous year). Facilities should therefore, use the 1992 Form R and Instructions for reports due by July 1, 1993. Facilities should not use the 1991 Form R to submit reports for the 1992 reporting year.

Dated: February 16, 1993.

Mark A. Greenwood,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 93-4121 Filed 2-22-93; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended: Regal Cruises Limited, 69 Spring Street, Ramsey, New Jersey 07446.

Vessel: Regal Empress.

Dated: February 17, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 93-4101 Filed 2-22-93; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License; Reissuance of License; A.P.C. International, Inc.

Notice is hereby given that the following ocean freight forwarder license has been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR part 510.

License No.	Name/Address	Date Reissued
3293-R	ACE Pool Car, Inc. dba A.P.C. International, Inc., 317 W. Lake Street, Northlake, IL 60164.	January 28, 1993.

Bryant L. VanBrakle,

Director, Bureau of Tariffs, Certification and Licensing.

[FR Doc. 93-4046 Filed 2-22-93; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

B.H. Cox Trust, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 15, 1993.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. B.H. Cox Trust, San Antonio, Texas, to acquire 15.57 percent; Patricia W. Cox Revocable Trust, San Antonio, Texas, to acquire 19.05 percent; Patricia W. Cox Family Trust, San Antonio, Texas, to acquire 11.54 percent; and Cox Family GST Trust, San Antonio, Texas, to acquire 10.98 percent of the voting shares of Security Bancorp, Inc., San Antonio, Texas, and thereby indirectly acquire Security National Bank, San Antonio, Texas.

Board of Governors of the Federal Reserve System, February 17, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-4105 Filed 2-22-93; 8:45 am]

BILLING CODE 6210-01-F

KeyCorp, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice

in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 19, 1993.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. KeyCorp, Albany, New York; to acquire 100 percent of the voting shares of Home Federal Savings Bank, Fort Collins, Colorado, as the result of a merger between Home Federal Savings Bank and Key Bank of Colorado, Fort Collins, Colorado, a proposed *de novo* bank.

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Intervest Bancshares Corporation, New York, New York; to become a bank holding company by acquiring 69.56 percent of the voting shares of Countryside Bankers, Clearwater, Florida.

C. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Howard Bancorp, Inc., Glenview, Illinois; to become a bank holding company by acquiring 95 percent of the voting shares of Howard Savings Bank, Glenview, Illinois.

Board of Governors of the Federal Reserve System, February 17, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-4107 Filed 2-22-93; 8:45 am]

BILLING CODE 6210-01-F

Otto Bremer Foundation and Bremer Financial Corporation; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than March 4, 1993.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Otto Bremer Foundation, St. Paul, Minnesota, and Bremer Financial Corporation, St. Paul, Minnesota; to acquire through its wholly owned subsidiary, First American Insurance Agencies, Inc., St. Paul, Minnesota, the general insurance agency accounts presently owned and/or serviced by Robert W. Becker, and thereby engage in general insurance agency activities pursuant to § 225.25(b)(8)(vii) of the Board's Regulation Y. These activities will be conducted in St. Cloud, Minnesota.

Board of Governors of the Federal Reserve System, February 17, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-4106 Filed 2-22-93; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

Revised Jurisdictional Thresholds for Section 8 of the Clayton Act

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission announces the revised thresholds for interlocking directorates required by the 1990 amendment of section 8 of the Clayton Act. Section 8 prohibits, with certain exceptions, one person for serving as a director or officer of two competing corporations if two thresholds are met. Competitor corporations are covered by section 8 if each one has capital, surplus, and undivided profits aggregating more than $10,000,000, with the exception that no corporation is covered if the competitive sales of either corporation are less than $1,000,000. Section 8(a)(5) requires the Federal Trade Commission to revise those thresholds annually, based on the change in gross national product. The new thresholds, which take effect immediately, are $11,367,699.81 for section 8(a)(1), and $1,136,769.98 for section 8(a)(2)(A).

EFFECTIVE DATE: February 23, 1993.

FOR FURTHER INFORMATION CONTACT: James Mongoven, Bureau of Competition, Office of Policy and Evaluation, (202) 326–2879

SUPPLEMENTARY INFORMATION: Section 8 of the Clayton Act, 15 U.S.C. 19, was amended on November 16, 1990. That section, as currently written, requires the Commission to announce the new thresholds by October 30 of each year, for the fiscal year ended September 30. It is impossible for the Commission to comply with that deadline since the final Department of Commerce GNP estimates for the quarter ending September 30 do not become available until late in December of each year. For that reason, the Commission has sent letters to the Chairman and Ranking Minority Members of the Senate and the House Judiciary Committees, and to the Chairman and Ranking Minority Member of the Antitrust, Monopolies and Business Rights Subcommittee of the Senate Judiciary Committee, requesting that Congress amend section 8(a)(5) to require the Commission to announce the new thresholds no later than January 31 of each year.

Authority: 15 U.S.C. 19(a)(5).

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 93–4151 Filed 2–22–93; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

The National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC), announces the following meeting.

NAME: Poverty-Associated Mental Retardation (PAMR) Prevention Technical Assistance Workshop for Planning Grant Recipients.

TIME AND DATES: 8:30 a.m.–4:30 p.m., March 10–11, 1993.

PLACE: Terrace Garden Inn-Buckhead, 3405 Lenox Road, NE., Atlanta, Georgia 30326.

STATUS: Open.

SUPPLEMENTARY INFORMATION: The workshop will convene a group of recipients of CDC PAMR Prevention Planning Grants.

Seven of every 1,000 ten-year-old children suffer from mild mental retardation, and three of every 1,000 suffer from more serious mental retardation. Poor children, especially those whose mothers have less than a high school education, are at risk for cognitive delay of as much as one standard deviation of IQ (15 points) at age three. Studies such as the Infant Health and Development Program and the Carolina Abecedarian Project have proven that an intensive early health and development intervention can prevent or reduce as much as two-thirds of PAMR. CDC is actively involved in research and planning to help states develop a community-based program to prevent PAMR.

PURPOSE: The primary purpose of this workshop is to provide technical assistance to recipients of CDC PAMR Prevention Planning Grants. The workshop is not designed to provide general information on mental retardation or on PAMR prevention.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Mike Vanchiere, Program Analyst, Developmental Disabilities Branch, Division of Birth Defects and Developmental Disabilities, NCEH, CDC, Mailstop F–15, 4770 Buford Highway, NE., Atlanta, Georgia 30341–3724, telephone 404/488–7360.

Dated: February 17, 1993.

Robert L. Foster,

Assistant Director, Office of Program Support, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–4095 Filed 2–22–93; 8:45 am]

BILLING CODE 4160–18–M

Centers for Disease Control and Prevention

Twenty-Fourth National Meeting of the Public Health Conference on Records and Statistics: Meeting

The National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC), announces the following meeting.

NAME: Twenty-Fourth National Meeting of the Public Health Conference on Records and Statistics.

TIMES AND DATES: 9 a.m.–5 p.m., July 19–20, 1993; 9 a.m.–3 p.m., July 21, 1993.

PLACE: Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, DC 20036.

STATUS: Open to the public, limited only by the space available.

Preregistration is recommended; however, there is no registration fee. Information regarding registration may be obtained from the contact person listed below.

PURPOSE: Papers presented will address the theme, "Toward the Year 2000—Refining the Measures," and the agenda will focus on health statistics refinements needed for better understanding health status and its determinants for the nation's population.

MATTERS TO BE DISCUSSED: Public health issues to be discussed will consist of increasing the span of healthy life, measuring health disparities, and assessing preventive and primary health services. The agenda will cover a broad spectrum of current and future public health concerns.

CONTACT PERSON FOR MORE INFORMATION: Substantive program and registration information for the meeting may be obtained from Nancy G. Hamilton, Public Health Conference on Records and Statistics, Office of Planning and Extramural Programs, NCHS, room 1100, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436–7122.

Dated: February 17, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

Food and Drug Administration

Neomycin Sulfate; Regulatory Status of Use in Animals; Clarification and Extension of Timeframe

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing a clarification of its notice concerning the regulatory status of neomycin dosage form drugs under the Federal Food, Drug, and Cosmetic Act (the act). The intent of this document is to make it clear that the manufacture of all dosage forms containing neomycin sulfate that are not the subject of an approved new animal drug application (NADA) will be subject to regulatory action. FDA is extending the dates after which the manufacture, distribution, and shipment of these products will be subject to regulatory action.

FOR FURTHER INFORMATION CONTACT: Edward J. Ballitch, Center for Veterinary Medicine (HFV–230), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8726.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 4, 1992 (57 FR 57466), FDA announced the regulatory status of neomycin sulfate-containing dosage form drugs under the act. It was the agency's intent in that notice to address all neomycin sulfate-containing dosage form drugs. As published, however, the notice could be interpreted as being limited to oral dosage form drugs containing neomycin sulfate. FDA therefore is clarifying the regulatory status of these animal drugs and extending the dates after which they will be subject to regulatory action. This notice clarifies that the manufacture and distribution of all dosage form drugs containing neomycin sulfate that are not the subject of an approved NADA will be subject to regulatory action following April 26, 1993. The shipment of bulk neomycin sulfate animal drug substances intended for use in manufacture of dosage form animal drugs to other than holders of approved NADA's will be subject to regulatory action after February 23, 1993.

Dated: February 12, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–4045 Filed 2–22–93; 8:45 am]

BILLING CODE 4160–01–F

Advisory Committee Meeting; Cancellation

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is canceling the meeting of the Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee

scheduled for February 25 and 26, 1993. The meeting was announced by a notice in the **Federal Register** of January 21, 1993 (58 FR 5398 at 5399).

FOR FURTHER INFORMATION CONTACT: Colin Pollard, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301–427–1180.

Dated: February 18, 1993.

Jane E. Henney,

Deputy Commissioner for Operations.

[FR Doc. 93–4232 Filed 2–19–93; 11:53 am]

BILLING CODE 4160–01–F

National Institutes of Health

Establishment: Multidisciplinary Special Emphasis Panel

Pursuant to the Federal Advisory Committee Act of October 6, 1972 [Pub. L. 92–463, 86 Stat. 770–776] and section 402(b)(6), of the Public Health Service Act, as amended [42 U.S. Code 282(b)(6)], the Director, National Institutes of Health (NIH), announces the establishment of the Multidisciplinary Special Emphasis Panel.

The Multidisciplinary Special Emphasis Panel will advise the Director, National Institutes of Health, regarding research grant and cooperative agreement applications, relating to biomedical and behavioral science.

Duration of this committee is continuing unless formally determined by the Director, NIH, that termination would be in the best public interest.

Dated: February 12, 1993.

Bernadine Healy,

Director, National Institutes of Health.

[FR Doc. 93–4073 Filed 2–22–93; 8:45 am]

BILLING CODE 4140–01–M

Notice of Meeting of the Genome Research Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Genome Research Review Committee, National Center for Human Genome Research, March 11 and 12, 1993, at the Embassy Suites Hotel, Chevy Chase Pavilion, 4300 Military Road, NW., Wisconsin at Western Avenue, Washington, DC. This meeting will be open to the public from 8:30 a.m. to 9 a.m. on March 12, 1993 to discuss administrative details or other issues relating to committee activities. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10 (d) of Public Law 92–463, the meeting will be closed to the public from 8:30 a.m. to closing on March 11 and from 9 a.m. to adjournment on March 12 for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Linda Engel, Chief, Office of Scientific Review, National Center for Human Genome Research, National Institutes of Health, Building 38A, room 604, Bethesda, Maryland 20892, (301) 402–0838, will furnish the meeting agenda, roster of committee members and consultants, and substantive program information upon request. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Elsa Weinstein, (301) 402–0838, two weeks in advance of the meeting.

(Catalogue of Federal Domestic Assistance Program No. 93.172, Human Genome Research)

Dated: February 11, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–4078 Filed 2–22–93; 8:45 am]

BILLING CODE 4140–01–M

National Institutes on Deafness and Other Communication Disorders; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the following National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussions and evaluation of individual grant applications, contract proposals, and/or cooperative agreements. These applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such a patentable material, and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Panel: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

Dates of Meeting: March 18–19, 1993.

Time of Meeting: March 18—8 a.m. until recess; March 19—8 a.m. until adjournment.

Place of Meeting: Holiday Inn Chevy Chase, Chevy Chase, Maryland.

Agenda: Review of Small Research Grants.

Contact Person: Dr. Mary Nakola, Scientific Review Administrator, NIDCD/SRB, Executive Plaza South, room 400B, Bethesda, Maryland 20892. (301) 496–8683.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Other Communicative Disorders)

Dated: February 11, 1993.

Susan K. Feldman,

Committee Management Officer, NIH

[FR Doc. 93–4074 Filed 2–22–93; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Diabetes and Digestive and Kidney Diseases; Meeting of Subcommittee C of the Diabetes and Digestive and Kidney Diseases Special Grants Review Committee

Pursuant to Public Law 92–463, notice is hereby given of a meeting of Subcommittee C of the Diabetes and Digestive and Kidney Diseases Special Grants Review Committee, National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), on March 4–5, 1993, at the Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, Maryland 20814. This meeting will be open to the public on March 4 from 8 a.m. to 8:30 a.m. to discuss administrative details or other issues relating to committee activities. Attendance by the public will be limited to space available. Notice of the meeting rooms will be posted in the hotel lobby.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public on March 4 from 8:30 a.m. to recess and on March 5 from 8 a.m. to adjournment for the review, discussion and evaluation of individual research grant applications. Discussion of these applications could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winnie Martinez, Committee Management Officer, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Building 31, room 9A19, Bethesda, Maryland 20892, 301–496–6917, will provide a summary of the meeting and a roster of the committee members upon request.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Scientific Review Administrator, Dr. Daniel Matsumoto at least two weeks prior to the meeting date (301) 496–8830.

(Catalog of Federal Domestic Assistance Program No. 93.847–849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: February 11, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–4075 Filed 2–22–93; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Deafness and Other Communication Disorders; Notice of Meeting of the Board of Scientific Counselors, NIDCD

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, NIDCD, March 25 and 26, 1993, Building 31C, Conference Room 9, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. to 9:30 a.m. on March 25, 1993 to present reports and discuss issues related to committee business. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public from 9:45 a.m. until recess on March 25, 1993 and from 8:30 a.m. until adjournment on March 26, 1993. The closed portions of the meeting will be for the review, discussion, and evaluation of the Laboratory of Cellular Biology, Division of Intramural Research, National Institute on Deafness and Other Communication Disorders, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Elizabeth A. Guy, address below, in advance of the meeting.

Elizabeth A. Guy, Secretary to the Director, Division of Intramural Research, NIDCD, Building 31, room 3C25, National Institutes of Health, Bethesda, Maryland 20892, 301–402–2829, will provide a summary of the meeting, roster of committee members, and substantive program information upon request.

Dated: February 11, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–4079 Filed 2–22–93; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Notice of Meeting of Heart, Lung, and Blood Research Review Committee A

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, National Institutes of Health, on March 25 and 26, 1993, in Building 31, Conference Room 7, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on March 25, from 8 a.m. to approximately 9 a.m., to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C., and section 10(d) of Public Law 92–463, the meeting will be closed to the public on March 25, from approximately 9 a.m. until recess, and from 9 a.m. until adjournment on March 26, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Long, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, room 4A–21, National Institutes of Health, Bethesda, Maryland 20892, 301–496–4236, will provide a summary of the meeting and a roster of the committee members.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Scientific Review Administrator in advance of the meeting.

Dr. Jon Ranhand, Scientific Review Administrator (Acting), Heart, Lung, and Blood Research Review Committee A, Westwood Building, room 554, National Institutes of Health, Bethesda, Maryland 20892, 301–496–7265, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; National Institutes of Health.)

Dated: February 11, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–4076 Filed 2–22–93; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the following Heart, Lung, and Blood Special Emphasis Panels.

These meetings will be closed in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications, contract proposals, and/or cooperative agreements. These applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Panel: NHLBI SEP on Obesity Prevention in American Indians/Alaska Natives.

Dates of Meeting: March 2–3, 1993.

Time of Meeting: 7 p.m.

Place of Meeting: Holiday Inn, Bethesda, Maryland.

Agenda: To review and evaluate grant applications.

Contact Person: Dr. Anthony M. Coelho, Jr., 5333 Westbard Avenue, room 648, Bethesda, Maryland 20892, (301) 496–8818.

Name of Panel: NHLBI SEP on Postmenopausal Estrogen and Progestin Interventions Trial 2.

Dates of Meeting: March 3, 1993.

Time of Meeting: 12 p.m.
Place of Meeting: Hyatt Regency Hotel, Bethesda, Maryland.
Agenda: To review and evaluate grant applications.
Contact Person: Dr. C. James Scheirer, 5333 Westbard Avenue, room 548, Bethesda, Maryland 20892, (301) 496–7363.

Name of Panel: NHLBI SEP on RFP for Natural History of Post-transfusion Hepatitis (Telephone Conference Call).
Dates of Meeting: March 12, 1993.
Time of Meeting: 2 p.m.
Place of Meeting: Westwood Building, room 550.
Agenda: To review and evaluate contract proposals.
Contact Person: Dr. Kathryn W. Ballard, 5333 Westbard Avenue, room 550, Bethesda, Maryland 20892, (301) 496–7361.

Name of Panel: NHLBI SEP on RFP for Clinical Coordinating Centers for Angiographic Trials in Women.
Dates of Meeting: March 13–14, 1993.
Time of Meeting: 7:30 p.m.
Place of Meeting: Embassy Suites Hotel, Irvine, California.
Agenda: To review and evaluate contract proposals.
Contact Person: Dr. C. James Scheirer, 5333 Westbard Avenue, room 548, Bethesda, Maryland 20892, (301) 496–7363.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: February 11, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–4077 Filed 2–22–93; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft Recovery Plan for the Lahontan Cutthroat Trout for Review and Comment

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for the threatened Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*). This species historically occupied the Lahontan basin in Carson City, Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Nye, Pershing, Storey and Washoe Counties, Nevada, Alpine, El Dorado, Lassen, Mono, Nevada, Placer and Sierra Counties, California, and Harney and Malheur Counties, Oregon. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before April 26, 1993, to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Field Supervisor, Nevada Ecological Services Field Office, U.S. Fish and Wildlife Service, 4600 Kietzke Lane, Building C–125, Reno, Nevada, 89502 (Phone: 702–784–5227), or Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 NE 11th Avenue, Portland, Oregon, 97232–4181 (Phone: 503–231–6241). Written comments and materials regarding the plan should be addressed to Mr. David L. Harlow, Field Supervisor, at the above Reno, Nevada address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above Reno, Nevada address.

FOR FURTHER INFORMATION CONTACT: Patrick Coffin at the above Reno, Nevada address (Phone: 702–784–5227).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure self-sustaining members of their ecosystems is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

Lahontan cutthroat trout are endemic to the Lahontan basin in northern Nevada, eastern California, and southern Oregon. Their historic range includes: Carson City, Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Nye, Pershing, Storey and Washoe Counties, Nevada; Alpine, El Dorado, Lassen, Mono, Nevada, Placer and Sierra Counties, California; and Harney and Malheur Counties, Oregon. The principle causes of decline for this species are habitat modification and nonnative fish introductions. Recovery efforts will focus on maintaining and enhancing 135 stream and two lake populations by increasing the extent of suitable habitat and eliminating threats from nonnative fish species, and reestablishing some populations within historic habitats where limited numbers of populations currently exist. Historic habitat is currently public lands administered by the United States Department of Agriculture, Forest Service, United States Department of Interior, Bureau of Land Management, Indian tribal governments, or private lands. The remaining populations of Lahontan cutthroat trout within historic habitat occur in the Carson, Truckee, Walker, Humboldt, Quinn/Black Rock, and Whitehorse basins. Populations also exist outside the historic range of the species because of introductions.

Public Comments Solicited

The Service solicits written comments on the Lahontan cutthroat trout recovery plan. All comments received by the date specified will be considered prior to approval of the plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: February 12, 1993.

Marvin L. Plenert,

Regional Director.

[FR Doc. 93–4099 Filed 2–22–93; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Missouri National Recreational River Advisory Group Meeting

ACTION: Notice of meeting.

SUMMARY: This notice sets the schedule for the first meeting of the Missouri National Recreational River Advisory Group. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463).

The advisory commission was established by the law that established the Missouri National Recreational River, Public Law 102–50. The purpose of the group, according to its charter, is to advise the Secretary of the Interior on matters pertaining to the development of a management plan, and management and operation of the Recreational River. The advisory group will report to Don Castleberry, Regional Director of the National Park Service in Omaha, Nebraska. The group will meet with the National Park Service several times a year as plans are developed for the Recreational River. Their duties are solely advisory. The appointments are for a three year period after which new or renewed appointments must be made. The members serve without compensation except for reasonable travel expenses.

Established May 24, 1991, the Missouri National Recreational River is the 39-mile free flowing segment of the Missouri from Fort Randall Dam to the vicinity of Springfield in South Dakota. No boundaries have yet been established and the Recreational River remains largely in private ownership. While the law says that the advisory group will provide advice on the 39-mile segment of the Missouri Recreational River, a 25-mile segment of the Niobrara River and an 8-mile segment of the Verdigre Creek are being studied in the same effort. Much of the advice received will probably apply to those segments as well. Work is underway on a general management plan that will delineate boundaries and establish management policies for the Recreational River. The advisory commission will have a role in reviewing the plan as it progresses.

Agenda topics include: Responsibilities of Federal Advisory Commissions; administrative procedures; the need for standard operating procedures and/or by laws for the commission; public participation in meetings; an update from the National Park Service on projects administered from the Niobrara/Missouri Scenic Riverways office in O'Neill, NE.; and a proposed agenda and date, time, and location of the next meeting.

The meeting is open to the public. Interested persons may make oral/written presentation to the Commission or file written statements. Requests for time for making presentations may be made to the Superintendent prior to the meeting or to the Chair at the beginning of the meeting. In order to accomplish the agenda for the meeting the Chair may want to limit or schedule public presentations.

The meeting will be recorded for documentation and a summary in the form of minutes will be transcribed for dissemination. Minutes of the meeting will be made available to the public after approval by the Commission members. Copies of the minutes may be requested by contacting the Superintendent. An audio tape of the meeting will be available at the headquarters office of the Niobrara/Missouri National Scenic Riverways in O'Neill, NE.

MEETING DATE AND TIME: March 17, 1993 1:30–4:30 p.m.

ADDRESS: Leona's Cafe, Highway 281, Lake Andes, South Dakota.

(In the event of inclement weather, the meeting will be held the following week, March 24, at 1:30 p.m., at Leona's. Cancellation notice will be communicated over the local radio stations.)

FOR FURTHER INFORMATION CONTACT: Warren Hill, Superintendent, Niobrara/Missouri National Scenic Riverways, P.O. Box 591, O'Neill, Nebraska 68763–0591, (402) 336–3970.

Dated: February 9, 1993.

William H. Schenk,

Acting Regional Director, Midwest Region.

[FR Doc. 93–4110 Filed 2–22–93; 8:45 am]

BILLING CODE 4310–70–M

Mississippi River Coordinating Commission Meeting

ACTION: Notice of meeting.

SUMMARY: This notice sets the schedule for the forthcoming meeting of the Mississippi River Coordinating Commission. Notice of this meeting is required under the Federal Advisory Committee Act.

The agenda for the meeting consists of continued Commission/staff review and discussion of the draft comprehensive management plan/environmental impact statement for the Mississippi National River and Recreation Area. National Park Service staff will report to the commission on planning input received via internal reviews. Public comments will be taken from 8:45 p.m. to 9:30 p.m.

DATES: April 29, 1993, 6:30 p.m. to 9:30 p.m.

ADDRESSES: Fridley City Hall, 6431 University Avenue NE., Fridley, Minnesota 55432.

FOR FURTHER INFORMATION CONTACT: Superintendent, Mississippi National River and Recreation Area, 175 East 5th Street, suite 418, St. Paul, Minnesota 55101, (612) 290–4160.

SUPPLEMENTARY INFORMATION: The Mississippi River Coordinating Commission was established by Public Law 100–696, November 18, 1988.

Dated: February 12, 1993.

William H. Schenk,

Acting Regional Director, Midwest Region.

[FR Doc. 93–4111 Filed 2–22–93; 8:45 am]

BILLING CODE 4310–70–M

Mississippi River Coordinating Commission Meeting

ACTION: Notice of meeting.

SUMMARY: This notice sets the schedule for the forthcoming meeting of the Mississippi River Coordinating Commission. Notice of this meeting is required under the Federal Advisory Committee Act.

The agenda for the meeting consists of continued Commission/staff review and discussion of the draft comprehensive management plan/environmental impact statement for the Mississippi National River and Recreation Area. Public comments will be taken from 8:45 a.m. to 9:30 a.m. and from 4:15 p.m. to 5:00 p.m.

DATES: April 5, 1993, 8:30 a.m. to 5 p.m.

ADDRESSES: Earle Brown Continuing Education Center, University of Minnesota, 1890 Buford Avenue, St. Paul, Minnesota 55108.

FOR FURTHER INFORMATION CONTACT: Superintendent, Mississippi National River and Recreation Area, 175 East 5th Street, suite 418, St. Paul, Minnesota 55101, (612) 290–4160.

SUPPLEMENTARY INFORMATION: The Mississippi River Coordinating Commission was established by Public Law 100–696, November 18, 1988.

Dated: February 12, 1993.

William H. Schenk,

Acting Regional Director, Midwest Region.

[FR Doc. 93–4112 Filed 2–22–93; 8:45 am]

BILLING CODE 4310–70–M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 13, 1993. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P O. Box 37127, Washington,

DC 20013–7127. Written comments should be submitted by March 10, 1993.

Antoinette J. Lee,

Acting Chief of Registration, National Register.

IOWA

Greene County

(Lincoln Highway Marker (1) (Lincoln Highway in Green County MPS), Address Restricted. Jefferson, 93000163

Lincoln Highway Marker (2) (Lincoln Highway in Green County MPS; County Courthouse in Iowa TR), Jct. of Lincoln Way and Chestnut Sts., Jefferson, 93000164

Lincoln Highway—Buttrick's Creek Abandoned Segment (Lincoln Highway in Greene County MPS), Approximately 3.5 mi. E of Jefferson on S side of Buttrick's Cr. bridge, Jefferson vicinity, 93000166

Lincoln Highway—Buttrick's Creek to Grand Junction Segment (Lincoln Highway in Greene County MPS), From Buttrick's Cr. E to 1A 144, Grand Junction vicinity, 93000167

Lincoln Highway—Grand Junction Segment (Lincoln Highway in Greene County MPS), Through and 1 mi. E of Grand Junction, S of Chicago & Northwestern RR tracks, Grand Junction, 93000168

Lincoln Highway—Little Beaver Creek Bridge (Lincoln Highway in Greene County MPS), 2.5 mi. E and 1 mi. N of Grand Junction across Little Beaver Cr., Grand Junction vicinity, 93000170

Lincoln Highway—Raccoon River Rural Segment (Lincoln Highway in Greene County MPS), Co. Rd. E53 approximately 0.1 mi. W of Jefferson City limits, going W across Raccoon R., Jefferson, 93000162

Lincoln Highway—West Greene County Rural Segment (Lincoln Highway in Greene County MPS), N from jct. of 1A 25 and US 30, approximately 0.5 mi. N of Scranton, then W to jct. with US 30. Scranton vicinity. 93000161

Lincoln Highway—West Beaver Creek Abandoned Segment (Lincoln Highway in Greene County MPS), Approximately 1 mi. E of Grand Junction between Chicago & Northwestern RR tracks and US 30. Grand Junction vicinity, 93000169

Lincoln Statue (Lincoln Highway in Greene County MPS; County Courthouses in Iowa TR), Jct. of Lincoln Way and Chestnut Sts., Jefferson, 93000165

OHIO

Erie County

Willdred Flats, 1116 Columbus Ave., Sandusky, 93000152

Fulton County

Lake Shore and Michigan Southern (LS&MS) Railroad Depot—Wauseon, Depot St. S side, between Fulton and Brunell Sts., Wauseon, 93000151

Lucas County

Huron—Superior Streets Warehouse—Produce Historic District, Roughly bounded by Erie, Monroe, Superior and Market Sts., Toledo, 93000153

OKLAHOMA

Cherokee County

Thompson, Joseph M., House, 300 S. College Ave., Tahlequah, 93000155

Okfuskee County

Weleetka Town Hall and Jail, Jct. of OK 75 and Seminole, Weleetka, 93000156

TENNESSEE

Hamilton County

Shavin, Seamour and Gerte, House, 334 N. Crest Rd., Chattanooga, 93000149

Lake County

Caldwell—Hopson House, 431 Wynn St., Tiptonville, 93000150

WISCONSIN

Fond Du Lac County

South Main Street Historic District, Roughly, 71–213 S. Main St., Fond du Lac, 93000160

Marinette County

Bijou Theatre Building, 1722–1726 Main St., Marinette, 93000159

Rock County

Conrad Cottages Historic District, 235–330 Milton Ave., Janesville, 93000157

Vilas County

Presque Isle State Graded School, Jct. of Co. Trunk Hwy. B and School Loop St., Presque Isle, 93000158

Waukesha County

McCall Street Historic District (Boundary Increase), Roughly, Charles and James Sts. from College Ave. to McCall St. and Hartwell Ave. from College to Grove St., Waukesha, 93000154

[FR Doc. 93–4109 Filed 2–22–93; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on November 27, 1992, Orpharm, Inc., 728 West 19th Street, Houston, Texas 77008, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Alphacetylmethadol (9603)	I
Methadone (9250)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than 30 days from publication.

Dated: February 5, 1993.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93–4115 Filed 2–22–93; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act Allotments; Wagner-Peyser Act Preliminary Planning Estimates; Program Year (PY) 1993

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces States' Job Training Partnership Act (JTPA) allotments for Program Year (PY) 1993 (July 1, 1992–June 30, 1994) for JTPA Titles II–A, II–C, and III, and for the JTPA Title II–B Summer Youth Program in Calendar Year (CY) 1993; and preliminary planning estimates for public employment service activities under the Wagner-Peyser Act for PY 1993.

FOR FURTHER INFORMATION CONTACT: For JTPA allotments, contact, Mr. Hugh Davies, Acting Director, Office of Employment and Training Programs, room N4703, 200 Constitution Avenue, NW., Washington, D.C. 20210; Telephone: 202–219–5580. For Employment Service planning levels contact Mr. Robert A. Schaerfl, Director, U.S. Employment Service, room N4470, 200 Constitution Avenue, NW., Washington, D.C. 20210; Telephone: 202–219–5257. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The Department of Labor (DOL or Department) is announcing Job Training Partnership Act (JTPA) allotments for Program Year (PY) 1993 (July 1, 1993–June 30, 1994) For JTPA Titles II–A, II–C, and III, and for the Summer Youth

Program in Calendar Year (CY) 1993 for JTPA Title II–B; and, in accord with section 6 of the Wagner-Peyser Act, preliminary planning estimates for public employment services (ES) activities under the Wagner-Peyser Act for PY 1993. The allotments and estimates are based on the appropriations for DOL for Fiscal Year (FY) 1992 and FY 1993.

Attached are a list of the allotments for PY 1993 for programs under JTPA Titles II–A, II–C, and III; a list of the allotments for the CY 1993 Summer Youth program under Title II–B of JTPA; and a list of preliminary planning estimates for public employment service activities under the Wagner-Peyser Act. The PY 1993 allotments for Titles II–A, II–C, and III and the ES preliminary planning estimates, are based on the funds appropriated by the Department of Labor Appropriations Act, 1993, Public Law 102–394, for FY 1993. The CY 1993 allotments for Title II–B are based on funds appropriated by the Department of Labor Appropriations Act, 1992, Public Law 102–170, for FY 1992.

The allotments for Title II–B total $682,912,000 and are approximately the same as the previous year's level without the Emergency Supplemental appropriations. The Congress provided 1993 Summer Youth funds in two amounts totaling $682,912,000: $495,212,000 are from the PY 1992 appropriation and become available for obligation on July 1,1992; and $187,700,000 were made available for obligation on October 1, 1993, thus it is a FY 1993 appropriation.

These JTPA allotments will not be updated for subsequent unemployment data. The Employment Service preliminary estimates will be updated as final allotments to reflect CY 1992 data and published in the **Federal Register** at a later date.

—Data for areas of substantial unemployment (ASU's) are averages for the 12-month period, July 1991 through June 1992.

—The number of excess unemployed individuals or the ASU excess (depending on which is higher) are averages for this same 12-month period.

—The economically disadvantaged adult data are from the 1990 Census. These data will be made available on diskette to the State JTPA Liaisons.

The allotments for the Insular Areas, including the Freely Associated States, are based on unemployment data from 1990 Census or, if not available, the most recent data available. A 90-percent relative share "hold-harmless" of the PY 1992 Title II–A allotments for these areas and a minimum allotment of $75,000 were also applied in determining the allotments. This minimum amount equals 60 percent of the old Title II–A minimum allotment, since the Job Training Reform Amendments of 1992 divided Title II–A into Titles II–A and II–C, and the Title II–A appropriation is 60 percent of the sum of Titles II–A and II–C.

Title II–A funds are to be distributed among designated Service Delivery Areas (SDAs) according to the statutory formula contained in Section 202(b) of JTPA, as amended by Section 701(c) of the Job Training Reform Amendments of 1992 (1992 Amendments). The formula specified by Section 701(c) of the 1992 Amendments is used since the FY 1993 appropriation level meets the conditions of that Section. This is the same formula which has been used in previous program years.

In determining any necessary hold-harmless levels for SDAs, the States of Kentucky, Minnesota, Montana, and Wisconsin shall not include any additional funds provided for rural concentrated employment programs (RCEPs).

JTPA Title II–B Allotments. Attachment II shows the CY 1993 JTPA Title II–B Summer Youth Program allotments by State based on a total FY 1992 available appropriation of $682,912,000. The data used for these allotments are the same data as were used for Title II–A and II–C allotments, except for the number of economically disadvantaged. The total number of economically disadvantaged individuals (including college and military) from the 1990 Census was used. This follows the "old" definition of "economically disadvantaged" rather than the definition found in the 1992 Amendments which will not be in effect until July 1, 1993, and therefore is not applicable to these Title II–B allotments.

For the Insular Areas and Native Americans, the amount is based on the percentage of Title II–B funds each received during the previous summer.

Title II–B funds for the 1993 Summer Program are to be distributed among designated SDAs in accordance with the statutory formula contained in Section 252(b) of JTPA, prior to the 1992 Amendments. This is the same formula which has been used in previous program years.

In determining any necessary hold-harmless levels for SDA's, the States of Kentucky, Minnesota, Montana, and Wisconsin shall not include any additional funds provided for RCEP's.

JTPA Title II–C Allotments. Attachment III shows the PY 1993 JTPA Title II–C allotments by State on a total appropriation of $2,696,682,000. The amount is composed entirely of PY 1993 formula funds. For all States, Puerto Rico, and the District of Columbia, the data used in computing the allotments are the same data as were used for Title II–A allotments, except that the number of economically disadvantaged youth (ages 16–21, excluding college and military) is used rather than the number of adults.

JTPA Title III Allotments. Attachment IV shows the PY 1993 JTPA Title III Dislocated Worker Program allotments by State, for a total of $517,046,000. The total includes 80 percent allotted by formula to the States ($413,636,800), and 20 percent for the National Reserve, including funds allotted to the Insular Areas.

Title III formula funds are to be distributed to State and substate grantees in accordance with the provisions in Section 302(c) and (d) of JTPA.

Except for the Insular Areas, the unemployment data used for computing these allotments, relative numbers of unemployed and relative numbers of excess unemployed, are averages for the October 1991 through September 1992 period. Long-term unemployed data used were for CY 1991.

Allotments for the Insular Areas are based on the PY 1993 Title II–A allotments for these areas.

A reallotment of these published Title III formula amounts, as provided for by Section 303 of JTPA, will be based on completed program year expenditure reports submitted by the States and received by October 1, 1993. The Title III allotment for each State will be adjusted upward or downward, based on whether the State is eligible to share in reallotted funds or is subject to recapture.

Wagner-Peyser Act Employment Service Preliminary Planning Estimates Attachment V shows planning estimates which have been produced using the formula set forth at Section 6 of the Wagner-Peyser Act, 29 U.S.C. 49e. These preliminary estimates are based on averages for the most current 12 months ending September 1992 for each State's share of the civilian labor force (CLF) and unemployment. Final planning estimates will be issued within 90 days, based on CY 1992 data, as required by the Wagner-Peyser Act.

The total planning estimate does not include $19,138,700 or 2.36 percent of the total amount available. This amount is withheld from distribution to States to finance postage costs associated with

the conduct of Employment Service business. The Department is proposing in a **Federal Register** notice, soon to be published, that it will allocate postage resources to the States effective October 1, 1993. For information purposes, Attachment VI reflects the preliminary planning estimates including postage distribution to States for three quarters of PY 1993 (October 1, 1993-June 30, 1994). A final decision on whether to allocate postage resources to the States will be made prior to the final allocations.

The Secretary of Labor has set aside 3 percent of the total available funds to assure that each State will have sufficient resources to maintain statewide employment services, as required under section 6(b)(4) of the Wagner-Peyser Act. In accordance with this provision, $23,754,639 is set aside for administrative formula allocation. These setaside funds are included in the total planning estimate. Setaside funds are distributed in two steps to States which have lost in relative share of resources from the prior year. In step one, States which have a CLF below one million and are below the median CLF density are maintained at 100 percent of their relative share of prior year resources. All remaining funds are distributed on a pro rata basis in step two to all other States losing in relative share from the prior year, but which do not meet the size and density criteria for step one.

Ten percent of the total sums allotted to each State shall be reserved for use by the Governor to provide performance incentives for public employment service offices; services for groups with special needs; and for the extra costs of exemplary models for delivering job services.

Signed at Washington, DC, this 9th day of February, 1993.

Carolyn M. Golding,

Acting Assistant Secretary for Employment and Training.

BILLING CODE 4510-30-M

U.S. DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING ADMINISTRATION
1993 SUMMER FUND SOURCES

State	PY 1992	FY 1993	1993 SUMMER TOTAL
Alabama	8,950,147	3,392,371	12,342,518
Alaska	1,272,767	482,416	1,755,183
Arizona	6,842,233	2,593,409	9,435,642
Arkansas	5,405,916	2,049,002	7,454,918
California	62,978,533	23,870,728	86,849,261
Colorado	5,428,208	2,057,451	7,485,659
Connecticut	5,209,836	1,974,682	7,184,518
Delaware	1,213,454	459,935	1,673,389
District of Columbia	2,242,378	849,927	3,092,305
Florida	26,098,440	9,892,081	35,990,521
Georgia	9,881,259	3,745,290	13,626,549
Hawaii	1,213,454	459,935	1,673,389
Idaho	1,638,955	621,213	2,260,168
Illinois	23,989,239	9,092,632	33,081,871
Indiana	8,050,262	3,051,288	11,101,550
Iowa	2,944,901	1,116,204	4,061,105
Kansas	1,925,128	729,681	2,654,809
Kentucky	7,764,094	2,942,821	10,706,915
Louisiana	13,583,848	5,148,680	18,732,528
Maine	2,425,072	919,174	3,344,246
Maryland	7,107,380	2,693,908	9,801,288
Massachusetts	13,380,783	5,071,712	18,452,495
Michigan	22,280,488	8,444,964	30,725,452
Minnesota	5,508,819	2,088,005	7,596,824
Mississippi	7,247,917	2,747,175	9,995,092
Missouri	8,527,172	3,232,051	11,759,223
Montana	1,714,043	649,673	2,363,716
Nebraska	1,213,454	459,935	1,673,389
Nevada	1,696,186	642,904	2,339,090
New Hampshire	1,989,689	754,151	2,743,840
New Jersey	13,048,086	4,945,611	17,993,697
New Mexico	3,132,144	1,187,175	4,319,319
New York	35,785,202	13,563,650	49,348,852
North Carolina	9,602,027	3,639,452	13,241,479
North Dakota	1,213,454	459,935	1,673,389
Ohio	18,068,569	6,848,522	24,917,091
Oklahoma	5,455,112	2,067,649	7,522,761
Oregon	5,073,989	1,923,192	6,997,181
Pennsylvania	21,177,464	8,026,886	29,204,350
Puerto Rico	17,708,164	6,711,918	24,420,082
Rhode Island	2,155,435	816,974	2,972,409
South Carolina	5,886,118	2,231,013	8,117,131
South Dakota	1,213,454	459,935	1,673,389
Tennessee	8,710,973	3,301,716	12,012,689
Texas	34,338,530	13,015,319	47,353,849
Utah	1,670,703	633,246	2,303,949
Vermont	1,213,454	459,935	1,673,389
Virginia	9,298,167	3,524,280	12,822,447
Washington	8,220,686	3,115,883	11,336,569
West Virginia	5,447,713	2,064,844	7,512,557
Wisconsin	6,024,731	2,283,552	8,308,283
Wyoming	1,213,454	459,935	1,673,389
American Samoa	37,594	14,249	51,843
Guam	458,497	173,784	632,281
Marshall Islands	13,512	5,121	18,633
Micronesia	32,020	12,136	44,156
Northern Marianas	17,586	6,665	24,251
Palau	5,302	2,010	7,312
Virgin Islands	259,974	98,538	358,512
Native Americans	9,005,831	3,413,477	12,419,308
NATIONAL TOTAL	495,212,000	187,700,000	682,912,000

U.S. DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING ADMINISTRATION
PY 1993 JTPA TITLE II–A ALLOTMENTS TO STATES

State	Dollars
Alabama	19,205,450
Alaska	2,759,988
Arizona	14,631,816
Arkansas	11,820,397
California	135,220,051
Colorado	11,894,856
Connecticut	11,231,091
Delaware	2,605,627
District of Columbia	2,950,916
Florida	56,906,155
Georgia	21,193,343
Hawaii	2,605,627
Idaho	3,607,474
Illinois	51,161,245
Indiana	17,268,341
Iowa	6,600,335
Kansas	4,127,490
Kentucky	17,446,665
Louisiana	29,817,839
Maine	5,201,890
Maryland	15,377,131
Massachusetts	28,706,202
Michigan	47,786,871
Minnesota	11,552,830
Mississippi	15,852,904
Missouri	18,290,966
Montana	3,773,659
Nebraska	2,605,627
Nevada	3,812,697
New Hampshire	4,223,565
New Jersey	28,213,441
New Mexico	6,839,541
New York	77,560,655
North Carolina	20,304,963
North Dakota	2,605,627
Ohio	38,399,130
Oklahoma	11,639,178
Oregon	10,977,924
Pennsylvania	45,251,676
Puerto Rico	38,069,506
Rhode Island	4,607,543
South Carolina	12,469,654
South Dakota	2,605,627
Tennessee	18,844,292
Texas	73,235,388
Utah	3,674,395
Vermont	2,605,627
Virginia	19,742,039
Washington	17,555,624
West Virginia	11,957,293
Wisconsin	12,246,955
Wyoming	2,605,627
American Samoa	165,739
Guam	631,051
Marshall Islands	338,783
Micronesia	630,752
Northern Marianas	140,627
Palau	107,525
Virgin Islands	755,770
TOTAL	1,045,021,000

U.S. DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING ADMINISTRATION
JTPA TITLE II–B ALLOTMENTS TO STATES
1993 SUMMER

State	Dollars
Alabama	12,342,518
Alaska	1,755,183
Arizona	9,435,642
Arkansas	7,454,918
California	86,849,261
Colorado	7,485,659
Connecticut	7,184,518
Delaware	1,673,389
District of Columbia	3,092,305
Florida	35,990,521
Georgia	13,626,549
Hawaii	1,673,389
Idaho	2,260,168
Illinois	33,081,871
Indiana	11,101,550
Iowa	4,061,105
Kansas	2,654,809
Kentucky	10,706,915
Louisiana	18,732,528
Maine	3,344,246
Maryland	9,801,288
Massachusetts	18,452,496
Michigan	30,725,452
Minnesota	7,596,824
Mississippi	9,995,092
Missouri	11,759,223
Montana	2,363,716
Nebraska	1,673,389
Nevada	2,339,090
New Hampshire	2,743,840
New Jersey	17,993,697
New Mexico	4,319,319
New York	49,348,852
North Carolina	13,241,479
North Dakota	1,673,389
Ohio	24,917,091
Oklahoma	7,522,761
Oregon	6,997,181
Pennsylvania	29,204,350
Puerto Rico	24,420,082
Rhode Island	2,972,409
South Carolina	8,117,131
South Dakota	1,673,389
Tennessee	12,012,689
Texas	47,353,849
Utah	2,303,949
Vermont	1,673,389
Virginia	12,822,447
Washington	11,336,569
West Virginia	7,512,557
Wisconsin	8,308,283
Wyoming	1,673,389
American Samoa	51,843
Guam	632,281
Marshall Islands	18,633
Micronesia	44,156
Northern Marianas	24,251
Palau	7,312
Virgin Islands	358,512
Native Americans	12,419,308
TOTAL	682,912,000

U.S. DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING ADMINISTRATION
PY 1993 JTPA TITLE II–C ALLOTMENTS TO STATES

State	Dollars
Alabama	12,803,658
Alaska	1,839,995
Arizona	10,003,972
Arkansas	7,880,279
California	93,538,095
Colorado	7,929,919
Connecticut	7,450,586
Delaware	1,737,088
District of Columbia	1,952,872
Florida	36,869,872
Georgia	14,128,923
Hawaii	1,737,088
Idaho	2,404,987
Illinois	34,348,407
Indiana	11,512,249
Iowa	4,400,232
Kansas	2,751,665
Kentucky	11,309,285
Louisiana	19,878,597
Maine	3,467,933
Maryland	10,061,975
Massachusetts	19,137,505
Michigan	31,857,975
Minnesota	7,711,810
Mississippi	10,568,623
Missouri	12,194,001
Montana	2,391,710
Nebraska	1,737,088
Nevada	2,517,894
New Hampshire	2,770,289
New Jersey	18,486,324
New Mexico	4,559,703
New York	49,575,373
North Carolina	13,334,469
North Dakota	1,737,088
Ohio	25,552,042
Oklahoma	7,567,858
Oregon	7,186,492
Pennsylvania	29,287,019
Puerto Rico	25,378,260
Rhode Island	2,990,286
South Carolina	8,347,719
South Dakota	1,737,088
Tennessee	12,306,524
Texas	51,086,504
Utah	2,449,602
Vermont	1,737,088
Virginia	13,071,835
Washington	11,809,656
West Virginia	7,872,395
Wisconsin	8,130,180
Wyoming	1,737,088
American Samoa	110,493
Guam	420,702
Marshall Islands	225,856
Micronesia	420,503
Northern Marianas	93,751
Palau	71,683
Virgin Islands	503,847
TOTAL	696,682,000

U.S. DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING ADMINISTRATION
PY 1993 JTPA TITLE III ALLOTMENTS TO STATES

State	Dollars
Alabama	6,379,917
Alaska	1,059,592
Arizona	5,073,430
Arkansas	3,654,634
California	59,364,587
Colorado	3,474,271
Connecticut	6,143,535
Delaware	825,522
District of Columbia	1,161,588
Florida	23,759,640
Georgia	7,297,216
Hawaii	430,828
Idaho	1,093,581
Illinois	22,749,098
Indiana	6,121,062
Iowa	1,982,773
Kansas	1,416,096
Kentucky	5,680,018
Louisiana	6,684,536
Maine	2,563,617
Maryland	7,065,512
Massachusetts	15,662,014
Michigan	20,039,145
Minnesota	3,911,499
Mississippi	4,589,454
Missouri	6,757,085
Montana	1,210,271
Nebraska	607,812
Nevada	1,631,330
New Hampshire	2,494,279
New Jersey	15,730,774
New Mexico	2,131,752
New York	35,267,711
North Carolina	7,701,811
North Dakota	404,747
Ohio	16,612,857
Oklahoma	3,918,541
Oregon	4,303,648
Pennsylvania	19,621,195
Puerto Rico	9,733,356
Rhode Island	2,451,597
South Carolina	4,677,957
South Dakota	288,469
Tennessee	6,348,778
Texas	26,115,828
Utah	1,161,930
Vermont	929,368
Virginia	8,654,704
Washington	6,588,228
West Virginia	5,242,689
Wisconsin	4,423,782
Wyoming	443,136
American Samoa	65,777
Guam	250,445
Marshall Islands	134,452
Micronesia	250,326
Northern Marianas	55,810
Palau	42,673
Virgin Islands	299,942
National Reserve	102,309,775
TOTAL	517,046,000

U.S. DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING ADMINISTRATION
PRELIMINARY PY 1993 WAGNER–PEYSER ALLOTMENTS TO STATES

State	Basic Formula	3% Distribution			Total Allotment***
		Step 1*	Step 2**	Total	
Alabama	10,924,906	0	497,098	497,098	11,422,004
Alaska	7,513,758	1,093,717	0	1,093,717	8,607,475
Arizona	9,836,061	0	0	0	9,836,061
Arkansas	6,518,959	0	360,702	360,702	6,879,661
California	90,763,600	0	0	0	90,763,600
Colorado	9,359,705	0	266,472	266,472	9,626,177
Connecticut	10,085,075	0	175,073	175,073	10,260,148
Delaware	2,145,182	0	66,513	66,513	2,211,695
District of Columbia	4,271,128	0	465,524	465,524	4,736,652
Florida	38,656,197	0	0	0	38,656,197
Georgia	17,039,988	0	566,964	566,964	17,606,952
Hawaii	2,702,155	0	0	0	2,702,155
Idaho	6,260,298	911,261	0	911,261	7,171,559
Illinois	35,720,444	0	19,454	19,454	35,739,898
Indiana	15,194,094	0	474,209	474,209	15,668,303
Iowa	7,646,849	0	558,193	558,193	8,205,042
Kansas	6,368,500	0	339,711	339,711	6,708,211
Kentucky	9,790,943	0	578,595	578,595	10,369,538
Louisiana	11,172,882	0	1,068,521	1,068,521	12,241,403
Maine	3,722,940	541,919	0	541,919	4,264,859
Maryland	14,362,221	0	0	0	14,362,221
Massachusetts	18,762,130	0	835,967	835,967	19,598,097
Michigan	28,190,595	0	950,888	950,888	29,141,483
Minnesota	12,339,553	0	540,808	540,808	12,880,361
Mississippi	6,981,361	0	536,120	536,120	7,517,481
Missouri	14,631,554	0	507,937	507,937	15,139,491
Montana	5,115,948	744,687	0	744,687	5,860,635
Nebraska	6,148,363	894,968	0	894,968	7,043,331
Nevada	4,973,240	723,914	0	723,914	5,697,154
New Hampshire	3,594,650	0	99,916	99,916	3,694,566
New Jersey	23,530,707	0	0	0	23,530,707
New Mexico	5,740,993	835,670	0	835,670	6,576,663
New York	50,727,452	0	956,928	956,928	51,684,380
North Carolina	18,513,004	0	214,373	214,373	18,727,377
North Dakota	5,209,564	758,315	0	758,315	5,967,879
Ohio	30,666,122	0	441,810	441,810	31,107,932
Oklahoma	10,062,417	0	1,096,734	1,096,734	11,159,151
Oregon	8,596,500	0	51,346	51,346	8,647,846
Pennsylvania	34,164,997	0	89,856	89,856	34,254,853
Puerto Rico	9,205,719	0	131,466	131,466	9,337,185
Rhode Island	3,143,409	0	47,507	47,507	3,190,916
South Carolina	9,674,579	0	45,171	45,171	9,719,750
South Dakota	4,814,835	700,857	0	700,857	5,515,692
Tennessee	13,386,985	0	292,384	292,384	13,679,369
Texas	49,688,142	0	723,982	723,982	50,412,124
Utah	10,530,630	1,532,859	0	1,532,859	12,063,489
Vermont	2,255,545	328,321	0	328,321	2,583,866
Virginia	18,294,912	0	0	0	18,294,912
Washington	14,340,298	0	0	0	14,340,298
West Virginia	5,511,055	802,200	0	802,200	6,313,255
Wisconsin	13,549,748	0	341,970	341,970	13,891,718
Wyoming	3,735,583	543,759	0	543,759	4,279,342
FORMULA TOTAL	766,136,475	10,412,447	13,342,192	23,754,639	789,891,114
Guam	370,511	0	0	0	370,511
Virgin Islands	1,559,675	0	0	0	1,559,675
Indicia Postage	19,138,700	0	0	0	19,138,700
NATIONAL TOTAL	787,205,361	10,412,447	13,342,192	23,754,639	810,960,000

* Funds are allocated to the 13 States whose relative share decreased from PY 1992 to the PY 1993 basic formula amount and which have a Civilian Labor Force (CLF) below one million and are below the median CLF density. These States are held harmless at 100% of their PY 1992 relative share

** The balance of the 3% funds are distributed to the remaining 31 States losing in relative share from PY 1992 to their PY 1993 total allotment amount.

*** Hold harmless provisions required under Section 6(B) of the Wagner–Peyser Act, as amended, are maintained at the revised allotment level.

U.S. DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING ADMINISTRATION
PRELIMINARY PY 1993 WAGNER–PEYSER ALLOTMENTS TO STATES

State	WITH * 3/4 POSTAGE	WITHOUT POSTAGE	STATE POSTAGE
Alabama	11,629,060	11,422,004	207,056
Alaska	8,763,510	8,607,475	156,035
Arizona	10,014,367	9,836,061	178,306
Arkansas	7,004,374	6,879,661	124,713
California	92,408,946	90,763,600	1,645,346
Colorado	9,800,678	9,626,177	174,501
Connecticut	10,446,142	10,260,148	185,994
Delaware	2,251,788	2,211,695	40,093
District of Columbia	4,822,517	4,736,652	85,865
Florida	39,356,949	38,656,197	700,752
Georgia	17,926,128	17,606,952	319,176
Hawaii	2,751,139	2,702,155	48,984
Idaho	7,301,564	7,171,559	130,005
Illinois	36,387,785	35,739,898	647,887
Indiana	15,952,336	15,668,303	284,033
Iowa	8,353,782	8,205,042	148,740
Kansas	6,829,817	6,708,211	121,606
Kentucky	10,557,516	10,369,538	187,978
Louisiana	12,463,314	12,241,403	221,911
Maine	4,342,171	4,264,859	77,312
Maryland	14,622,576	14,362,221	260,355
Massachusetts	19,953,368	19,598,097	355,271
Michigan	29,669,756	29,141,483	528,273
Minnesota	13,113,854	12,880,361	233,493
Mississippi	7,653,757	7,517,481	136,276
Missouri	15,413,938	15,139,491	274,447
Montana	5,966,875	5,860,635	106,240
Nebraska	7,171,011	7,043,331	127,680
Nevada	5,800,431	5,697,154	103,277
New Hampshire	3,761,541	3,694,566	66,975
New Jersey	23,957,267	23,530,707	426,560
New Mexico	6,695,884	6,576,663	119,221
New York	52,621,305	51,684,380	936,925
North Carolina	19,066,863	18,727,377	339,486
North Dakota	6,076,063	5,967,879	108,184
Ohio	31,671,852	31,107,932	563,920
Oklahoma	11,361,442	11,159,151	202,291
Oregon	8,804,612	8,647,846	156,766
Pennsylvania	34,875,819	34,254,853	620,966
Puerto Rico	9,506,448	9,337,185	169,263
Rhode Island	3,248,761	3,190,916	57,845
South Carolina	9,895,948	9,719,750	176,198
South Dakota	5,615,680	5,515,692	99,988
Tennessee	13,927,346	13,679,369	247,977
Texas	51,325,986	50,412,124	913,862
Utah	12,282,174	12,063,489	218,685
Vermont	2,630,706	2,583,866	46,840
Virginia	18,626,559	18,294,912	331,647
Washington	14,600,257	14,340,298	259,959
West Virginia	6,427,700	6,313,255	114,445
Wisconsin	14,143,544	13,891,718	251,826
Wyoming	4,356,917	4,279,342	77,575
FORMULA TOTAL	804,210,123	789,891,114	14,319,009
Guam	377,228	370,511	6,717
Virgin Islands	1,587,949	1,559,675	28,274
Indicia Postage	4,784,700	19,138,700	(14,354,000)
NATIONAL TOTAL	810,960,000	810,960,000	0

*Reflects proposal that States will assume responsibility for mail management effective October 1, 1993 The balance of postage reserves totaling $4,785M (July–Sept 1993), will be retained by ETA to finance a portion of the FY 1993 postal bill

[FR Doc. 93–4136 Filed 2–22–93; 8:45 am]
BILLING CODE 4510–30–C

LEGAL SERVICES CORPORATION

Designate Recipient for the Provision of State Support Services in the Area of Public Utility Law for the Provision of Legal Services in the State of New York

AGENCY: Legal Services Corporation.

ACTION: Announcement of intention to award grant.

SUMMARY: The Legal Services Corporation hereby announces its intention to make a grant to Public Utility Law Project of New York to provide state support services in the area of public utility law to the Legal Services Corporation's recipient programs in the State of New York. This grant will be made effective April 1, 1993.

The grant will be awarded pursuant to authority conferred by section 1006(a)(1)(A) of the Legal Services Corporation Act of 1974, as amended. This public notice is issued with a request for comments and recommendations within a period of 30 days from the date of publication of this notice.

DATES: All comments and recommendations must be received on or before 5 p.m. March 25, 1993.

ADDRESSES: Comments should be sent to the Office of Field Services, Legal Services Corporation, 750 First Street, NE., 11th Floor, Washington, DC 20002–4250.

FOR FURTHER INFORMATION CONTACT: Jay Brown, Grants Specialist, Grants and Budget Division, Office of Field Services, (202) 336–8828.

SUPPLEMENTARY INFORMATION: The Legal Services Corporation (LSC) is the national organization charged with administering federal funds provided for civil legal service to the poor. Public Utility Law Project (PULP) has been providing state support services in the area of public utility law in New York as a component of Legal Aid Society of Northeastern New York since 1976. With the consent of Legal Aid Society of Northeastern New York, the state support grant that program has previously received will be made directly to Public Utility Project of New York (PULPNY). PULPNY is a sister corporation to PULP and provides the same kind of legal services as PULP, but with non-LSC funds. PULP and PULPNY are merging and the resulting corporation will receive both the LSC grant and the non-LSC funds to provide state support services in the area of public utility law.

The amount of the 1993 grant to PULPNY will be equivalent to the grant that Legal Aid Society of Northeastern New York would have received for state support in 1993, less the funds already granted to Legal Aid Society of Northeastern New York for the months of January, February, and March 1993. Thus, Public Utility Law Project of New York will receive $165,027 for the remainder of 1993, and its annualized funding level for 1993 will be $220,035.

Dated: February 17, 1993.

Charles T. Moses III,

Deputy Director, Office of Field Services.

[FR Doc. 93–4113 Filed 2–22–93; 8:45 am]

BILLING CODE 7050–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (93–018)]

NASA Advisory Council (NAC) Task Force on National Facilities; Aeronautics R&D Facilities Task Group; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NAC Task Force on National Facilities, Aeronautics R&D Facilities Task Group.

DATES: March 11, 1993, 8:30 to 4:30 p.m.; and March 12, 1993, 8:30 a.m. to noon.

ADDRESSES: Matrix Corporation, 2011 Crystal Drive, Crystal Park One, suite 111, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne McKinney, National Aeronautics and Space Administration, Langley Research Center, Hampton, VA 23665, 804/864–8686.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Ad Hoc Group Reports

—Fiscal Year 1994 Budget Planning

—Near Term Plans

Dated: February 16, 1993.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 93–4104 Filed 2–22–93; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Literature Advisory Panel (Professional Development/Overview Section) to the National Council on the Arts will be held on March 10–11, 1993 from 9 a.m.–5 p.m. in room M–07 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on March 11 from 11 a.m.–5 p.m. The topics will be program overview, policy discussion, and guidelines review.

The remaining portions of this meeting on March 10 from 9 a.m.–5 p.m. and March 11 from 9 a.m.–11 a.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, as amended, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated: February 17, 1993.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–4052 Filed 2–22–93; 8:45 am]

BILLING CODE 7537–01–M

Meetings; Music Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Music Recording Section) to the National Council on the Arts will be held on March 10–11, 1993 from 9 a.m.–5:30 p.m. in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506. A portion of this meeting will be open to the public on March 11 from 4:30 p.m.–5:30 p.m. for policy discussion and guidelines review. The remaining portions of this meeting on March 10 from 9 a.m.–5:30 p.m. and March 11 from 9 a.m.–4:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5439.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–4050 Filed 2–22–93; 8:45 am]

BILLING CODE 7537–01–M

National Endowment for the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Presenting and Commissioning Advisory Panel (Artists' Communities Section) to the National Council on the Arts will be held on March 12, 1993 from 9 a.m.–5:30 p.m. in room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public from 4 p.m.–5:30 p.m. The topic will be policy discussion.

The remaining portion of this meeting from 9 a.m.–4 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, this session will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202–682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated: February 17, 1993.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–4051 Filed 2–22–93; 8:45 am]

BILLING CODE 7537–01–M

National Endowment for the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Office of Public Partnership Advisory Panel (Local Arts Agencies Section) will be held on March 16, 1993 from 9:15 a.m.–5 p.m., March 17 from 9:15 a.m.–5:30 p.m. and March 18 from 9:15 a.m.–12 p.m. in room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis. The topics will include opening remarks, application review, and policy discussion.

Any interested person may observe meetings, or portions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated: February 17, 1993.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–4053 Filed 2–22–93; 8:45 am]

BILLING CODE 7537–01–M

Meetings; Public Partnership Office Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Office of Public Partnership Advisory Panel (State and Regional Section) will be held on March 15, 1993 from 9 a.m.–5:30 p.m. and March 16 from 9 a.m.–5 p.m. in Room M–14 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis. The topics will include introductory remarks, application review, policy discussion, and guidelines review.

Any interested person may observe meetings, or portions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100

Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–4049 Filed 2–22–93; 8:45 am]

BILLING CODE 7537–01–M

National Endowment for the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Theater Advisory Panel (Professional Theater Companies A Section) to the National Council on the Arts will be held on March 15, 1993 from 9:30 a.m.–8:30 p.m., March 16–18 from 9:30 a.m.–9:30 p.m. and March 19 from 9:30 a.m.–5:30 p.m. in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public on March 15 from 9:30 a.m.–10:30 a.m. and March 19 from 4 p.m.–5:30 p.m. The topics will be opening remarks, policy discussion, and guidelines review.

The remaining portions of this meeting on March 15 from 10:30 a.m.–8:30 p.m., March 16–18 from 9:30 a.m.–9:30 p.m. and March 19 from 9:30 a.m.–4 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated: February 17, 1993.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–4054 Filed 2–22–93; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Blue Ribbon Panel on High Performance Computing; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Date and Time: March 11, 1993: 8:30 a.m. to 5:30 p.m. March 12, 1993: 8:30 a.m. to 2:30 p.m.

Place: Hotel Washington, 15th & Pennsylvania Ave., NW., Washington, DC 20004.

Type of Meeting: Open.

Contact Person: Dr. Melvyn Ciment, Executive Officer, Directorate for Computer and Information Science and Engineering, National Science Foundation, 1800 G St., NW., Washington, DC 20550. Telephone: (202) 357–7936.

Minutes: May be obtained from Odessa Dyson, Administrative Officer, Office of the Assistant Director, Directorate for Computer and Information Science and Engineering, National Science Foundation, 1800 G Street, NW., Washington, DC 20550. Telephone: (202) 357–7936.

Purpose of Meeting: To assess current knowledge on the state of supercomputing and the contributions of high performance computing to scientific research and education; to help project changes required by developments in this rapidly evolving field; and to provide recommendations to the National Science Board on NSF's possible future role in supercomputing.

Agenda: (1) Invited panelists of computer designers and industry vendors, NSF supercomputer center directors, and other experts will focus on the following questions:

(a) How would you project the emerging high performance computing environment and market forces over the next five years and the implications for change in the way scientists and engineers will conduct R&D, design and productions modelling?

(b) What do you see as the largest barriers to the effective use of these emergent technologies by scientists and engineers and what efforts will be needed to remove these barriers? What is the proper role of government, and, in particular, the NSF to foster progress?

(c) To what extent do you believe there is a future role for government-supported supercomputer centers? What role should NSF play in this spectrum of capabilities?

(d) To what extent should NSF use its resources to encourage use of high performance computing in commercial industrial applications through collaboration between high performance computing centers, academic users and industrial groups?

(2) Identify further needed inputs and sources.

(3) Discuss issues to be addressed.

(4) Discuss timetable and plan future writing assignments and meetings.

The panel welcomes comments from all interested parties. Persons wishing to file written comments should mail (hard copy or electronic) or fax the comments by April 1, 1993, to the Blue Ribbon Panel on High Performance Computing, room 306, National Science Foundation, 1800 G St., NW., Washington, DC 20550. FAX #202–357–0320 E-mail: hpcmail@nsf.gov (Internet) or hpcmail@nsf (Bitnet).

Dated: February 18, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–4153 Filed 2–22–93; 8:45 am]

BILLING CODE 7555–01–M

Expert Panel of the Federal Coordinating Council for Science, Engineering and Technology (FCCSET), Committee on Education and Human Resources (CEHR); Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Expert Panel of the FCCSET/CEHR

Dates and Times: March 11, 1993, 8:15 a.m. to 4:30 p.m.; March 12, 1993, 8:15 a.m. to 3 p.m.

Place: Washington, DC. Call contact person for location.

Type of Meeting: Open.

Contact Person: Mr. James S. Dietz, Program Analyst, the Division of Research, Evaluation and Dissemination, the Directorate of Human Resources, National Science Foundation, room 1249, 1800 G Street, NW., Washington, DC 20550. Telephone: (202) 357–7425.

Minutes: May be obtained from the contact person listed above.

Purpose of the Meeting: The National Science Foundation acting through the FCCSET/CEHR established an Expert Panel to review the status of Federal Science, Mathematics, Engineering, and Technology (SMET) programs of member agencies. The Expert Panel provides advice and recommendations to FCCSET/CEHR on the status of Federal SMET education programs

Agenda: Mission Discussion, Continuation of Panel Discussion on Data Update Mission, Subpanels Discussion for K–12 Programs, Program Evaluation and Undergraduate Programs, Discussion on Reform in Science Education and the Federal Role, Subpanel Discussion on Graduate/Public Literacy Programs, Continuation of Undergraduate SMET Program Review Roundtable Panelists Report on Program Topics, Summary Discussions and Closure.

Dated: February 18, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–4152 Filed 2–22–93; 8:45 am]

BILLING CODE 7555–01–M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Open Committee Meeting

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on—

Thursday, March 11, 1993
Thursday, March 25, 1993
Thursday, April 15, 1993
Thursday, April 29, 1993

The meetings will start at 10:45 a.m. and will be held in room 5A06A, Office of Personnel Management Building, 1900 E Street NW., Washington, DC.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives from five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives from five Federal agencies. Entitlement to membership on the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

These scheduled meetings will start in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would unacceptably impair the ability of the Committee to reach a consensus on the matters being considered and would disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public because of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations, and related activities. These reports are available to the public, upon written request to the Committee's Secretary.

The public is invited to submit material in writing to the Chairman on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, room 1340, 1900 E Street NW., Washington, DC 20415 (202) 606–1500.

Dated: February 16, 1993.

Anthony F. Ingrassia,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 93–4055 Filed 2–22–93; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Incorporated

February 17, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Global Health Sciences Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–10230)
HMO America, Inc.
Common Stock, $.01 Par Value (File No. 7–10231)
Hyperion 1999 Term Trust, Inc.
Common Stock, $.01 Par Value (File No. 7–10232)
Merry Land & Investment Co., Inc.
Common Stock, No Par Value (File No. 7–10233)
Nine West Group, Inc.
Common Stock, $.01 Par Value (File No. 7–10234)
Resurgens Communication Group, Inc.
Common Stock, $.01 Par Value (File No. 7–10235)
Strategic Global Income Fund, Inc.
Common Stock, $.001 Par Value (File No. 7–10236)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 10, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–4068 Filed 2–22–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31866; File No. SR–MSTC–93–02]

Self-Regulatory Organizations; Midwest Securities Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Modification of Fee Schedule To Provide Discounts to Primary Users

February 17, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on February 3, 1993, the Midwest Securities Trust Company ("MSTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR–MSTC–93–02) as described in Items I, II, and III below, which Items have been prepared primarily by the self-regulatory organization. The Commission is publishing this notice to

[1] 15 U.S.C. 78s(b)(1) (1988).

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change revises MSTC's fee schedule to provide discounts (see Exhibit A) to participants who are primary users [2] of available MSTC services. Eligibility for the discount would be based on a commitment in writing by the participant to continue to use MSTC as the primary provider of safekeeping services for a minimum period of two to three years and at least one year's experience as a participant at MSTC. The effectiveness of the proposed discount fee schedule will terminate on March 4, 1994, unless extended.[3]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to provide discounts, in the form of a two tiered fee revision, to participants who use MSTC as their primary securities depository. Under the proposal, participants who make a commitment in writing to continue to use MSTC as their primary custodian for a period of two to three years and who have been participants for at least one year would receive discounted service charges.

The first tier of the proposed discount would be calculated based on a participant's actual annualized revenue level paid to MSTC for the previous twelve month period. A participant who produces a minimum average revenue of $20,000 per month for MSTC would receive a discount of 50% off of each dollar spent in excess of their actual average annualized revenue level. Each year, the participant's actual average would be revised and would remain constant for the next twelve month period.

The second tier of the proposed discount would be based on the total amount of monthly revenues MSTC receives from a participant. In order to qualify for this discount, MSTC must receive monthly revenues at a level equal to or in excess of $20,000 from a participant. At this level, a participant with a two year commitment to use MSTC as its primary custodian would receive a discount of 6% off the total amount of fees the participant must pay to MSTC that month. A participant who makes a three year commitment at this level would receive a discount of 8% off the total amount of fees the participant must pay to MSTC that month. Similarly, participants who produce monthly revenues for MSTC in excess of $50,000 and sign a two year commitment would receive a 12% discount off the total amount of fees the participant must pay to MSTC that month. A participant who makes a three year commitment at this level would receive a discount of 16% off the total amount of fees the participant must pay to MSTC that month.

MSTC believes that the proposed rule change is consistent with the requirements of sections 17A(b)(3) (A) and (F) of the Act,[4] and the rules and regulations thereunder, in that it promotes the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MSTC does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

MSTC has not solicited written comments with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder, because the proposed rule change establishes or changes a due, fee, or other charge imposed by the self-regulatory organization. At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of MSTC. All submissions should refer to the File No. SR–MSTC–93–02 and should be submitted by March 16, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

---

[2] A "primary user" means either (1) a participant who uses MSTC solely as its depository and clearing agent or (2) a participant who is a member of more than one securities depository but who safekeeps the majority of its eligible inventory with MSTC. To document the latter, MSTC may request that participants verify the amount of business conducted at another depository.

[3] The present rule filing replaces an identical proposal filed by MSTC pursuant to Section 19(b)(3)(A) of the Act (Securities Exchange Act Release No. 31748 (January 19, 1993), 58 FR 6318) which was withdrawn by MSTC on February 2, 1993. Letter from J. Craig Long, Vice President, General Counsel and Secretary, MSTC, to Jerry Carpenter, Branch Chief, Division of Market Regulation, Commission (February 2, 1993). In addition, in conjunction with the withdrawal of the previous rule filing, MSTC also has filed an identical proposal which is to be considered pursuant to section 19(b)(2) of the Act. See Securities Exchange Act Release No. 31867 (February 17, 1993). The purpose of these related filings is to assure that the volume discount program, which was effective immediately upon filing with the Commission, will expire on March 4, 1994, unless approved by the Commission pursuant to section 19(b)(2) of the Act.

[4] 15 U.S.C. 78q–1(b)(3) (A) and (F) (1988).

[5] 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,
Deputy Secretary.

EXHIBIT A.—DISCOUNT FEE SCHEDULE [1]

Minimum average revenue (per month)	Percent discount	Length of commitment (years)
First tier: [2]		
$20,000 and above.	50% off each dollar spent in excess of actual average annualized revenue level.	
Total MSTC Revenues (per month)		
Second tier: [3]		
$20,000–$50,000	6%	2
	8%	3
$50,001 and above.	12%	2
	16%	3

[1] A commitment in writing to continue to use MSTC as their primary custodian for two to three years and experience of at least one year as a participant at MSTC is required in order for a participant to become eligible to receive discounted service charges under the proposal.

[2] The first tier discount is based on the participant's actual annualized revenue level for the previous twelve month period.

[3] The second tier discount is based on the total amount of monthly revenues MSTC receives from a participant.

[FR Doc. 93–4132 Filed 2–22–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Incorporated

February 17, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Acceptance Insurance Companies, Inc.
Common Stock, $.40 Par Value (File No. 7–10237)
Acceptance Insurance Companies, Inc.
Rights (Exp. 01/27/93) (File No. 7–10238)
American Re Corp.
Common Stock, $.01 Par Value (File No. 7–10239)
Breed Technologies, Inc.
Common Stock, $.01 Par Value (File No. 7–10240)
Capstead Mortgage Corp.
$1.26 Cumulative Convertible Preferred B, $.10 Par Value (File No. 7–10241)
Caremark International, Inc.
Common Stock, $1.00 Par Value (File No. 7–10242)
First Colony Holding Corp.
Common Stock, No Par Value (File No. 7–10243)
Health Images, Inc.
Common Stock, $.01 Par Value (File No. 7–10244)
Hyperion 1999 Term Trust
Common Stock, $.01 Par Value (File No. 7–10245)
Hyperion 1997 Term Trust
Common Stock, $.01 Par Value (File No. 7–10246)
Jackpot Enterprises, Inc.
Common Stock, $.01 Par Value (File No. 7–10247)
Paragon Trade Brands, Inc.
Common Stock, $.01 Par Value (File No. 7–10248)
Price Communications Corp.
Common Stock, $.01 Par Value (File No. 7–10249)
Wellpoint Health Networks, Inc.
Class A Common Stock, $.01 Par Value (File No. 7–10250)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 10, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 93–4067 Filed 2–22–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Incorporated

February 17, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following security:

Catellus Development Corporation
$3.75 Series A Cum. Cv. Pfd. Stock, $.01 Par Value (File No. 7–10229)

This security is listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 10, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 93–4066 Filed 2–22–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31869; File No. SR–AMEX–92–43]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange, Inc. Relating to a Waiver of Transaction Charges for SuperUnits

February 17, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 27, 1992, the American Stock Exchange Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Amex. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Until December 31, 1992, the Amex proposes to waive the imposition of

transactions charges for any transactions executed on the Exchange in either the Index Trust SuperUnit or the Money Market Trust SuperUnit (together, the "SuperUnits"). The text of the proposed fee change is available at the office of the Secretary, Amex and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

Until December 31, 1992, the Amex proposes to waive the imposition of transactions charges for any transactions executed on the Exchange in the SuperUnits.

Although the Exchange issued circulars announcing the startup of trading of SuperUnits [1] and held information seminars for floor members and representatives of its member organizations, trading volume to date by both floor professionals and off-floor accounts has been extremely light.

Accordingly, the Exchange has determined to waive its imposition and collection of transaction charges for orders in SuperUnits executed on the Exchange. The Waiver applies to all accounts, *e.g.*, accounts of floor traders, specialists, customers and broker-dealers. The waiver will extend through the close of business on December 31, 1992.

(2) Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(4), in particular, in that the waiver of transaction charges for SuperUnits will benefit all market participants who choose to trade these products.

[1] *See* Amex Options Information Circulars #92–50 and #92–200, dated March 18, 1992, and November 4, 1992, respectively.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee or other charge imposed by the Exchange, it has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to the file number in the caption above and should be submitted by March 16, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4134 Filed 2–22–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31867; File No. SR–MSTC–93–03]

Self-Regulatory Organizations; Midwest Securities Trust Company; Notice of Filing of Proposed Rule Change Relating to Modification of Fee Schedule To Provide Discounts to Primary Users

February 17, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on February 3, 1993, the Midwest Securities Trust Company ("MSTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR–MSTC–93–03) as described in Items I, II, and III below, which Items have been prepared primarily by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change revises MSTC's fee schedule to provide discounts (*see Exhibit A*) to participants who are primary users [2] of available MSTC services. Eligibility for the discount would be based on a commitment in writing by the participant to continue to use MSTC as the primary provider of safekeeping services for a minimum period of two to three years and at least one year's experience as a participant at MSTC.[3]

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] A "primary user" means either (1) a participant who uses MSTC solely as its depository and clearing agent or (2) a participant who is a member of more than one securities depository but who safekeeps the majority of its eligible inventory with MSTC. To document the latter, MSTC may request that participants verify the amount of business conducted at another depository.

[3] The present rule filing was submitted in conjunction with an identical proposal which became effective immediately upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act. See Securities Exchange Act Release No. 31866 (February 17, 1993). That filing replaced an identical proposal filed by MSTC pursuant to Section 19(b)(3)(A) of the Act (Securities Exchange Act Release No. 31748 (January 19, 1993), 58 FR 6318) which was withdrawn by MSTC on February 2, 1993. Letter from J. Craig Long, Vice President, General Counsel and Secretary, MSTC, to Jerry

Continued

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to provide discounts, in the form of a two tiered fee revision, to participants who use MSTC as their primary securities depository. Under the proposal, participants who make a commitment in writing to continue to use MSTC as their primary custodian for a period of two to three years and who have been participants for at least one year would receive discounted service charges.

The first tier of the proposed discount would be calculated based on a participant's actual annualized revenue level paid to MSTC for the previous twelve month period. A participant who produces a minimum average revenue of $20,000 per month for MSTC would receive a discount of 50% off of each dollar spent in excess of their actual average annualized revenue level. Each year, the participant's actual average would be revised and would remain constant for the next twelve month period.

The second tier of the proposed discount would be based on the total amount of monthly revenues MSTC receives from a participant. In order to qualify for this discount, MSTC must receive monthly revenues at a level equal to or in excess of $20,000 from a participant. At this level, a participant with a two year commitment to use MSTC as its primary custodian would receive a discount of 6% off the total amount of fees the participant must pay to MSTC that month. A participant who makes a three year commitment at this level would receive a discount of 8% off the total amount of fees the participant must pay to MSTC that month. Similarly, participants who produce monthly revenues for MSTC in excess of $50,000 and sign a two year commitment would receive a 12% discount off the total amount of fees the participant must pay to MSTC that month. A participant who makes a three year commitment at this level would receive a discount of 16% off the total amount of fees the participant must pay to MSTC that month.

MSTC believes that the proposed rule change is consistent with the requirements of sections 17A(b)(3) (A) and (F) of the Act,[4] and the rules and regulations thereunder, in that it promotes the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MSTC does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

MSTC has not solicited written comments with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of MSTC. All submissions should refer to the File No. SR–MSTC–93–03 and should be submitted by March 16, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz

Secretary.

Margaret H. McFarland,

Deputy Secretary.

EXHIBIT A.—DISCOUNT FEE SCHEDULE [1]

Minimum average revenue	Percent discount	Length of commitment (years)
First tier: [2]		
$20,000 and above.	50% off each dollar spent in excess of actual average annualized revenue level.	
Total MSTC Revenues (per month)		
Second tier: [3]		
$20,000–$50,000	6%	2
	8%	3
$50,001 and above.	12%	2
	16%	3

[1] A commitment in writing to continue to use MSTC as their primary custodian for two to three years and experience of at least one year as a participant at MSTC is required in order for a participant to become eligible to receive discounted service charges under the proposal.

[2] The first tier discount is based on the participant's actual annualized revenue level for the previous twelve month period.

[3] The second tier discount is based on the total amount of monthly revenues MSTC receives from a participant.

[FR Doc. 93–4135 Filed 2–22–93; 8:45 am]

BILLING CODE 8010–01–M

Carpenter, Branch Chief, Division of Market Regulation, Commission (February 2, 1993). The purpose of these related filings is to assure that the volume discount program, which was effective immediately upon filing with the Commission, will expire on March 4, 1994, unless approved by the Commission pursuant to section 19(b)(2) of the Act.

[4] 15 U.S.C. 78q–1(b)(3) (A) and (F) (1988).

[5] 17 CFR 200.30–3(a)(12).

[Release No. 34-31868; File No. SR-MBS-93-01]

Self-Regulatory Organizations; MBS Clearing Corp.; Filing and Immediate Effectiveness of Proposed Rule Change Relating to Modification of Fees in Connection With Recent Computer Systems Modernization

February 17, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on January 14, 1993, the MBS Clearing Corporation ("MBS") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR-MBS-93-01) as described in Items I, II, and III below, which Items have been prepared primarily by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

MBS is amending its fee schedule to correspond with its recent systems modernization. The proposed rule change will impose certain new fees and eliminate other fees for services which the systems modernization rendered unnecessary. On October 23, 1992, MBS implemented the first phase of the systems modernization which included, among other things, a new comparison and clearing system for processing eligible securities.[2] Subsequently, on December 31, 1992, MBS implemented new liquidation procedures and a new netting system.[3]

The proposed fee additions are as follows, with additions italicized:

Description of service	*Fee/ charge*
Surcharge for each account aggregate over the standard one per participant	*$35.00*
Broker trade recording fee (per side)	*.25*
Deletion of erroneous uncompared trade, cancel, or Notification of Settlement	*.00*
Hardcopy output charge (per page)	*.10*
Delinquent fees imposed for delinquent DKs, deletes, changes, affirms, and matches	*5.00*

In addition, implementation of the systems modernization has outdated certain services. Accordingly, MBS proposes to delete the fees charged for Special Cashiering and Netting Day Corrections from its schedule of fees and services.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to amend MBS' fee schedule to reflect changes resulting from the implementation of MBS' new systems. Under the proposal, MBS will impose certain new fees and eliminate other fees for services which the systems modernization rendered unnecessary.

Specifically, MBS will institute a $35.00 surcharge to recapture processing costs incurred if participants require multiple cash or margin settlements by maintenance of multiple account aggregates. At the present time, standard MBS procedures require that each account held by a broker or dealer be linked to an account aggregate for margin and cash settlement reporting purposes. In addition, a $0.25 per side broker trade recording fee will be instituted to recoup MBS processing costs for comparison of broker trades, and collection/disbursement of broker commissions.

The amended fee schedule also will impose a $1.00 charge for each deletion of an uncompared trade/cancel or Notification of Settlement. The purpose of this charge will be to encourage participants to be responsible for careful maintenance of records with regard to trade and settlement activity and to reflect MBS processing costs for the erroneous original entry and the consequent delete entry. A $0.10 per page hardcopy output charge also will be added under the proposed rule change. This charge will recover MBS costs for production and distribution of paper reports which are available over MBS' terminal system and which may be printed at a printer in a participant's office. Finally, the proposed rule change will establish a $5.00 per pass delinquent fee for DKs, deletes, changes, affirms and matches. The purpose of this charge will be to encourage participants to timely reconcile their unmatched activity with MBS.

In addition to the fee changes, MBS is eliminating the fees charged for Special Cashiering and Netting Day Corrections because these services no longer exist. These services have been replaced by on-line computer communication.

The proposed pricing changes are intended as an interim measure until MBS has had an opportunity to review any incremental activity with the new system in place and what effect it may have on MBS' costs.

MBS believes that the proposed rule change is consistent with the requirements of sections 17A of the Act, and the rules and regulations thereunder, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MBS does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The proposed fee schedule was distributed to MBS participants and MBS did not receive any written comments regarding the proposed fee change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder, because the proposed rule change establishes or changes a due, fee, or other charge imposed by the self-regulatory organization. At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and

[1] 15 U.S.C. 78s(b)(1).

[2] For further information regarding the first phase of MBS' systems modernization, see Securities Exchange Act Release No. 31352 (October 23, 1992), 57 FR 49728.

[3] For further information regarding implementation of this phase of MBS' systems modernization, see Securities Exchange Act Release Nos. 31680 (December 31, 1992), 58 FR 3312 and 31681 (December 31, 1992), 58 FR 3310.

arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of MBS. All submissions should refer to the File No. SR–MBS–93–01 and should be submitted by March 16, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4133 Filed 2–22–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31865; File No. SR–NSCC–92–09]

Self-Regulatory Organizations; National Securities Clearing Corp.; Order Approving a Proposed Rule Change Relating to the Elimination of the Stock Loan Rebate Payment and Collection Service

February 17, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change to eliminate the Stock Loan Rebate Payment and Collection Service. Notice of the proposed rule change was published in the **Federal Register** on October 19, 1992.[2] No comments were received. This order approves the proposal.

I. Description

The proposed rule change will allow NSCC to eliminate its Stock Loan Rebate Payment and Collection Service ("Service") by removing Rule 53.[3] Rule 53 allows members to submit the name of the member due a rebate and the amount of the rebate. NSCC then produces a report indicating the amount debited or credited, and makes the appropriate adjustments to the member's settlement account on settlement date. Thus, members that have rebate payment obligations to other members under stock loan agreements may process those payments through NSCC. Each member with a rebate payment obligation may instruct NSCC to process payments by submitting to NSCC a "Stock Loan Rebate Debit List" of charges to be debited from its account and members whose account should be credited for rebates.

As members began to use The Depository Trust Company's ("DTC") Payment Order ("PO") function[4] in 1988, use of the Service declined to a monthly volume of under 50 transactions by the end of 1989. There has been no use of the Service since late 1990. The proposed rule change will eliminate a function effectively replaced by the PO function.

II. Discussion

The Commission believes that NSCC's proposed rule change is consistent with section 17A of the Act. Specifically, it is consistent with sections 17A(b)(3) (A) and (F).[5] These sections require a clearing agency to be organized and its rules designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in its custody or control or for which it is responsible.

Although the Service was begun for the specific purpose of facilitating the payment of rebates on stock loan transactions among NSCC participants, that function has now been taken over by DTC's PO function. Consequently, this service has become obsolete. The Commission believes the proposed rule change will eliminate this duplicative and unused service and thus further the goals of section 17A of the Act by facilitating more effective procedures in the national clearance and settlement system and promoting prompt and accurate clearance and settlement of securities transactions.

III. Conclusion

For the foregoing reasons, the Commission finds that the proposal is consistent with the Act, particularly with section 17A of the Act, and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4131 Filed 2–22–93; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No.—IC–19265; 811–2799]

ABC Investment Company; Application for Deregistration

February 16, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: ABC Investment Company

RELEVANT ACT SECTIONS: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company

FILING DATE: The application on Form N–8F was filed on September 1, 1992, and amended on November 23, 1992 and February 11, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 15, 1993, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicant, P.O. Box 104, Georgetown, Georgia 31754.

FOR FURTHER INFORMATION CONTACT: James J. Dwyer, Staff Attorney, at (202) 504–2920; or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Office

---

[4] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 31314 (October 19, 1992), 57 FR 47682.

[3] The Service was introduced in the third quarter of 1986. See SR–NSCC–86–08, Securities Exchange Act Release No. 23539 (August 25, 1986), 51 FR 30278.

[4] DTC's payment order procedures are described in Securities Exchange Act Release No. 15193 (October 10, 1978), 43 FR 46615.

[5] 15 U.S.C. 78q–1(b)(3) (A) and (F)

of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a Delaware corporation registered as a closed-end diversified management investment company under the Act. Applicant originally was incorporated under the name American Buildings Company as an operating company engaged primarily in the manufacturing business. In 1977, applicant sold substantially all of its assets, and changed its name to ABC Investment Company. SEC records indicate that applicant filed a notification of registration on Form N–8A on December 30, 1977, pursuant to section 8(a) of the Act. Applicant's registration statement was filed on Form N–8B–1 on March 5, 1978, and became effective on April 21, 1978.

2. At a meeting held on October 10, 1991, applicant's board of directors authorized and recommended the sale of substantially all of its assets to Fidelity Limited Term Municipals ("Fidelity"), pursuant to an agreement and plan of reorganization and liquidation (the "Plan"). Fidelity is a Massachusetts business trust registered under the Act as an open-end diversified management investment company.

3. On June 5, 1992, applicant mailed proxy materials to its shareholders in connection with the Plan. At a meeting of applicant's shareholders held on June 26, 1992, a majority of the outstanding shares of applicant was voted in favor of the sale. As of June 29, 1992, applicant had outstanding 278,677 shares of common stock, with an aggregate net asset value of $4,836,907, and a net asset value per share of $17.36.

4. On June 29, 1992, pursuant to the Plan, applicant transferred $4,802,533.62 in portfolio securities to Fidelity in exchange for 502,357.073 shares of beneficial interest of Fidelity. The number of Fidelity shares transferred was based on the relative net asset value of the shares of applicant and Fidelity immediately prior to such transfer. Applicant retained cash assets of $191,033 to pay its outstanding debts.

5. On June 29, 1992, applicant distributed *pro rata* the Fidelity shares received in the exchange among all shareholders of applicant whose interests in applicant were valued at $1,000 or more as of that date. Such shareholders received approximately $17.27 per share of applicant.

6. On July 10, 1992, pursuant to the Plan, shareholders of applicant whose interests in applicant as of June 29, 1992 were valued at less than $1,000 received a cash distribution of $17.36 per share. Such distribution represented less than 1% of applicant's total outstanding shares.

7. On January 7, 1993, pursuant to the Plan, shareholders who had received Fidelity shares on June 29, 1992 then received cash amounting to a fraction more than $.08 per share of applicant, for an aggregate distribution in excess of $17.35 per share. This second distribution was effected when applicant distributed its remaining cash to Fidelity, which cash was then distributed *pro rata* among such shareholders.

8. Applicant and Fidelity are each responsible for their own expenses incurred in connection with the reorganization, including legal and accounting expenses, and miscellaneous expenses such as printing costs, distributing proxy materials to shareholders, and transfer agency fees incurred in connection with dividend payments.

9. As of the date of the application, applicant has no shareholders, no assets, and no outstanding debts or liabilities. Applicant is not a party to any litigation or administrative proceedings. Applicant is not now engaged, and does not propose to engage, in business activities other than those necessary for winding up its affairs. Applicant has filed a Certificate of Dissolution with the Delaware Secretary of State.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc 93–4069 Filed 2–22–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreement Filed During the Week Ended February 12, 1993

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 48646
Date filed: February 8, 1993
Parties: Members of the International Air Transport Association
Subject: Comp Telex—Reso 024f Local Currently Fare Changes—Egypt
Proposed Effective Date: April 1, 1993

Docket Number: 48651
Date filed: February 11, 1993
Parties: Members of the International Air Transport Association
Subject: Comp Meet/P0201 dated February 8, 1993, Report—Reso 015n Meeting—USA Add-Ons
Proposed Effective Date: March 1, 1993

Phyllis T. Kaylor,

Chief, Documentary Services Divisions.

[FR Doc. 93–4071 Filed 2–22–93; 8:45 am]

BILLING CODE 4910–62–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended February 12, 1993

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 48653.
Date filed: February 11, 1993.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 11, 1993.
Description: Application of J.D. Valenciana De Aviacion, C.A., pursuant to section 402 of the Act and subpart Q of the Regulations, applies for a foreign air carrier permit to operate scheduled and charter air services carrying passengers, cargo and mail between the United States and Venezuela.

Docket Number: 48075.
Date filed: February 10, 1993.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 10, 1993.
Description: Third Amendment to Application of Laker Airways (Bahamas) Limited, pursuant to section 402 of the Act and subpart Q of the Regulations, amends its currently pending application for a Foreign Air Carrier Permit to permit Laker to add the co-terminal points

Birmingham, AL; Jacksonville, FL; Memphis, TN; and Tampa, FL, to the U.S. co-terminal points Laker has applied to serve from Freeport, Bahamas.

Docket Number: 48641.
Date filed: February 10, 1993.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 10, 1993.
Description: Amendment No. 1 to the Application of United Parcel Service Co., pursuant to section 401 of the Act and subpart Q of the Regulations, to its certificate for scheduled foreign all-cargo authority (San Antonio-Guadalajara).

Docket Number: 46352.
Date filed: February 8, 1993.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 8, 1993.
Description: Fourth Amendment to the Application of Air Aruba, N.V., pursuant to section 402 of the Act and subpart Q of the Regulations, for a foreign air carrier permit, moves to amend its application in order to serve Boston, Massachusetts.

Phyllis T. Kaylor,
Chief, Documentary Services Division.
[FR Doc. 93-4070 Filed 2-22-93; 8:45 am]
BILLING CODE 4910-62-M

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use a Passenger Facility Charge (PFC) at Robert Mueller Municipal Airport, Austin, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use a PFC at Robert Mueller Municipal Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: comments must be received on or before March 25, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. William Perkins, Planning and Programming Branch, ASW-610D, Airports Division, Southwest Region, Fort Worth, Texas 76193-0611.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Charles Gates, Director of Aviation, City of Austin, Texas at the following address: City of Austin, Texas, Department of Aviation, 3600 Manor Road, Austin, TX 78723.

Comments from air carriers and foreign air carriers may be in the same form as provided to the City of Austin, Texas, Director of Aviation Airport, under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. William Perkins, Federal Aviation Administration, Planning and Programming Branch, ASW-610D, Airports Division, Southwest Region, Fort Worth, Texas 76193-0611, (817) 624-5979.

The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use a PFC at Robert Mueller Municipal Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On February 5, 1993, the FAA determined that the application to impose and use the revenue from a PFC submitted by the city of Austin substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 2, 1993.

The following is a brief overview of the application:
Level of the proposed PFC: $2.00
Proposed charge effective date: August 1, 1993
Proposed charge expiration date: July 31, 1995
Total estimated PFC revenue: $8,300,000.00
Brief description of proposed project(s):

Projects To Impose and Use PFC's

Concourse Safety Gates and Restroom Improvements
Baggage Claim and Main Terminal Lighting Improvements
Overlay Taxiways J and G, Reconstruct Taxiways G, H and P
Reconstruct Intersection of Taxiway H and Runway 17-35
Reconstruct Taxiway E at Cargo Ramp
Overlay Taxiways O and E
Terminal Access Road Overlay
Pavement Evaluation of Runway 13R-31L
Rehabilitate Runway 13R-31L
Terminal Apron Asphalt Rehabilitation
Taxiways C, H, and L Pavement Evaluation and Rehabilitation
Lighting Regulator and Design
Ramp and Road Rehabilitation
Willshire Boulevard Access
Terminal Building Rehabilitation
ARFF/FAA Emergency Alarm System
Passenger Loading Bridge Rehabilitation
Airfield Sweeper
Airfield Pavement Rehabilitation
Terminal Building Roof
Field Maintenance Equipment Building
Runways 13-31 and 17-35 and Taxiways C and D Lighting
Terminal Building Improvements
New Airfield Guidance Signs
Passenger Loading Bridge Replacements
Terminal Chiller Modifications
Aircraft Rescue and Fire Fighting Facility Requirements
Terminal Access Landside Revisions
Noise Monitoring Equipment
Airport Security Improvements

Proposed class or classes of air carriers to be exempted from collecting PFC's:

Part 135 air carriers in the class designation of on-demand air taxi/commercial operators (ATCO) and commuters or small certified air carriers (CAC) that (1) do not enplane or deplane at the Airport's main passenger building and (2) enplane fewer than 500 passengers per year at the airport.

Any person may inspect the application in person at the FAA office listed above under "**FOR FURTHER INFORMATION CONTACT**" and at the FAA regional Airports' office located at:

Federal Aviation Administration, Airports Division, Planning and Programming Branch ASW-610D, 4400 Blue Mound Road, Fort Worth, Texas 76193-0611.

In addition, any person may, upon request, inspect the application, notice, and other documents germane to the application in person at the Robert Mueller Municipal Airport.

Issued in Fort Worth, Texas on February 4, 1993.

John M. Dempsey,
Manager, Airports Division.
[FR Doc. 93-4197 Filed 2-22-93; 8:45 am]
BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

[Docket No. 92-18; Notice 1]

Receipt of Petition for Determination That Nonconforming 1980 BMW 628 CSi Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for determination that nonconforming 1980 BMW 628 CSi passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a determination that a 1980 BMW 628 CSi that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily modified to conform to the standards.

DATES: The closing date for comments on the petition is March 25, 1993.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. (Docket hours are from 9:30 a.m. to 4 p.m.)

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards must be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into the sale in the United States, certified under section 114 of the Act, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the **Federal Register**.

Champagne Imports Inc. of Lansdale, Pennsylvania (Registered Importer R-90-009) has petitioned NHTSA to determine whether 1980 BMW 628 CSi passenger cars are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1980 BMW 633 CSi. Champagne has submitted information indicating that Bayerische Motoren-Werke A.G., the company that manufactured the 1980 BMW 633 CSi, certified that vehicle as conforming to all applicable Federal motor vehicle safety standards and offered it for sale in the United States.

The petitioner contends that the 628 CSi is substantially similar to the 633 CSi, and "differs mainly in engine size and minor options which go with it." In accounting for the differences between the two vehicles, the petitioner observed that manufacturers such as Bayerische Motoren-Werke A.G. "generally design only a few basic body shell designs which they then equip with a multitude of engine-size and cosmetic or comfort options." The petitioner further surmised that the 628 CSi's absence from the United States market could be attributed to "salability considerations or legislative restrictions such as the strict emission control requirements in the United States."

Champagne submitted information with its petition intended to demonstrate that the 1980 model 628 CSi, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1980 model 633 CSi that was offered for sale in the United States, or is capable of being readily modified to conform to those standards.

Specifically, the petitioner claims that the 1980 model 628 CSi is identical to the certified 1980 model 633 CSi with respect to compliance with Standards Nos. 102 Transmission Shift Lever Sequence * * *, 103 Defrosting and Defogging Systems, 104 Windshield Wiping and Washing Systems, 105 Hydraulic Brake Systems, 106 Brake Hoses, 107 Reflecting Surfaces, 109 New Pneumatic Tires, 111 Rearview Mirrors, 113 Hood Latch Systems, 116 Brake Fluid, 124 Accelerator Control Systems, 201 Occupant Protection in Interior Impact, 202 Head Restraints, 203 Impact Protection for the Driver From the Steering Control System, 204 Steering Control Rearward Displacement, 205 Glazing Materials, 206 Door Locks and Door Retention Components, 207 Seating Systems, 209 Seat Belt Assemblies, 210 Seat Belt Assembly Anchorages, 211 Wheel Nuts, Wheel Discs and Hubcaps, 212 Windshield Retention, 216 Roof Crush Resistance, 219 Windshield Zone Intrusion, and 302 Flammability of Interior Materials.

Petitioner also contends that the vehicle is capable of being readily modified to meet the following standards, in the manner indicated:

Standard No. 101 Controls and Displays: (a) Substitution of a lens marked "Brake" for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 Lamps, Reflective Devices and Associated Equipment: (a) Installation of U.S.-model headlamp assemblies which incorporate sealed beam headlamps and front sidemarkers; (b) installation of U.S.-model taillamp assemblies which incorporate rear sidemarkers.

Standard No. 110 Tire Selection and Rims: Installation of a tire information placard.

Standard No. 114 Theft Protection: Installation of a buzzer microswitch in the steering lock assembly, and a warning buzzer.

Standard No. 115 Vehicle Identification Number: Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 Power Window Systems: Rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 Occupant Crash Protection: (a) Installation of either a U.S.-model seat belt in the driver's position or a belt webbing-actuated microswitch in the driver's seat belt retractor to activate the seat belt warning system; (b) installation of an ignition switch-actuated seat belt warning lamp and buzzer.

Standard No. 214 Side Door Strength. Installation of reinforcing beams.

Standard No. 301 Fuel System Integrity: Installation of a rollover valve in the fuel tank vent line between the fuel and the evaporative emissions collection canister.

Additionally, the petitioner states that the bumpers on the 1980 model 628 CSi must be reinforced to comply with the Bumper Standard found in 49 CFR part 581.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the Federal Register pursuant to the authority indicated below.

Comment closing date: March 25, 1993.

Authority: 15 U.S.C. 1397(c)(3) (A)(i)(II) and (C)(ii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 17, 1993.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 93-4082 Filed 2-22-93; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. 92-61; Notice 2]

Determination That Nonconforming 1989 Mercedes-Benz 260SE Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of determination by NHTSA that nonconforming 1989 Mercedes-Benz 260SE passenger cars are eligible for importation.

SUMMARY: This notice announces the determination by NHTSA that 1989 Mercedes-Benz 260SE passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the 1989 Mercedes-Benz 300SE), and they are capable of being readily modified to conform to the standards.

DATES: The determination is effective as of the date of its publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT:

Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards must be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 of the Act, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the Federal Register.

Champagne Imports Inc. of Lansdale, Pennsylvania (Registered Importer R-90-009) petitioned NHTSA to determine whether 1989 Mercedes-Benz 260SE passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on November 12, 1992 (57 FR 53810) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has determined to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final determination must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP 28 is the vehicle eligibility number assigned to vehicles admissible under this notice of final determination.

Final Determination

Accordingly, on the basis of the foregoing, NHTSA hereby determines that a 1989 Mercedes-Benz 260SE (Model ID 126.020) is substantially similar to a 1989 Mercedes Benz 300SE (Model ID 126.024) originally manufactured for importation into and sale in the United States and certified under section 114 of the National Traffic and Motor Vehicle Safety Act, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Authority: 15 U.S.C. 1397(c)(3)(A)(i)(II) and (C)(ii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 17, 1993.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 93-4081 Filed 2-22-93; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. 93-05; Notice 1]

Notice of Receipt of Petition for Determination That Nonconforming 1991 Mercedes-Benz 500SL Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for determination that nonconforming 1991 Mercedes-Benz 500SL passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a determination that a 1991 Mercedes-Benz 500SL that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily modified to conform to the standards.

DATES: The closing date for comments on the petition is March 25, 1993.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. [Docket hours are from 9:30 a.m. to 4 p.m.]

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards must be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 of the Act, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the **Federal Register**.

G&K Automotive Conversion, Inc. of Santa Ana, California (Registered Importer R–90–007) has petitioned NHTSA to determine whether 1991 Mercedes-Benz 500SL (Model ID 129.066) passenger cars are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1991 Mercedes-Benz 500SL that was manufactured for importation into, and sale in the United States, and certified by its manufacturer, Daimler Benz A.G., as conforming to all applicable Federal motor vehicle safety standards.

The petitioner contends that it carefully compared the non-U.S. certified 500SL to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most applicable Federal motor vehicle safety standards.

G&K submitted information with its petition intended to demonstrate that the non-U.S. certified 1991 model 500SL, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily modified to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1991 model 500SL is identical to its U.S. certified counterpart with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence . . . .*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts, Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

Petitioner also contends that the non-U.S. certified 1991 model 500SL is capable of being readily modified to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) Substitution of a lens marked "Brake" for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp that displays the seat belt symbol; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Installation of U.S.-model headlamp assemblies which incorporate sealed beam headlamps and front sidemarkers; (b) installation of U.S.-model taillamp assemblies which incorporate rear sidemarkers; (c) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims*: Installation of a tire information placard.

Standard No. 111 *Rearview Mirrors*: Replacement of the passenger's outside rearview mirror, which is convex but does not bear the required warning statement.

Standard No. 114 *Theft Protection*: Installation of a buzzer microswitch in the steering lock assembly, and a warning buzzer.

Standard No. 115 *Vehicle Identification Number*: Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power-Operated Window Systems*: Rewiring of the power window system so that the window transport is inoperative when the ignition is turned off.

Standard No. 208 *Occupant Crash Protection*: (a) Installation of an ignition switch-actuated seat belt warning buzzer; (b) replacement of the existing Type 1 rear seat belts with U.S. model belts equipped with retractors. The petitioner claims that the non-U.S. certified 1991 model 500SL is equipped with an automatic restraint system consisting of an airbag, sensor, contact components, and knee bolster, which have identical part numbers to those found on the U.S. certified 1991 model 500SL.

Standard No. 214 *Side Door Strength*: Installation of reinforcing beams.

Standard No. 301 *Fuel System Integrity*: Installation of a rollover valve in the fuel tank vent line between the fuel and the evaporative emissions collection canister.

Additionally, the petitioner states that the bumpers on the 1991 model 500SL must be reinforced to comply with the Bumper Standard found in 49 CFR part 581.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: March 25, 1993.

Authority: 15 U.S.C. 1397(c)(3) (A)(i)(I) and (C)(ii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 17, 1993.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 93–4080 Filed 2–22–93; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. 92–63; Notice 2]

Determination That Nonconforming 1990 Porsche 911C4 Passenger Cars are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of determination by NHTSA that nonconforming 1990 Porsche 911C4 passenger cars are eligible for importation.

SUMMARY: This notice announces the determination by NHTSA that 1990 Porsche 911C4 passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S. certified version of the 1990 Porsche 911C4), and they are capable of being readily modified to conform to the standards.

DATES: The determination is effective as of the date of its publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards must be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 of the Act, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the Federal Register.

Champagne Imports Inc. of Lansdale, Pennsylvania (Registered Importer R–90–009) petitioned NHTSA to determine whether 1990 Porsche 911C4 passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on November 17, 1992 (57 FR 54275) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has determined to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final determination must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP #29 is the vehicle eligibility number assigned to vehicles admissible under this notice of final determination.

Final Determination

Accordingly, on the basis of the foregoing, NHTSA hereby determines that a 1990 Porsche 911C4 not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1990 Porsche 911C4 originally manufactured for importation into and sale in the United States and certified under section 114 of the National Traffic and Motor Vehicle Safety Act, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Authority: 15 U.S.C. 1397(c)(3)(A)(i)(I) and (C)(ii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 17, 1993.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 93–4084 Filed 2–22–93; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. 92–57; Notice 2]

Determination That Nonconforming 1992 Mercedes-Benz 600SEL Passenger Cars are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of determination by NHTSA that nonconforming 1992 Mercedes-Benz 600SEL passenger cars are eligible for importation.

SUMMARY: This notice announces the determination by NHTSA that 1992 Mercedes-Benz 600SEL passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S. certified version of the 1992 Mercedes-Benz 600SEL), and they are capable of being readily modified to conform to the standards.

DATES: The determination is effective as of the date of its publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards must be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 of the Act, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment

period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the **Federal Register**.

Wallace Environmental Testing Laboratories, Inc., of Houston, Texas (Registered Importer R–90–005) petitioned NHTSA to determine whether 1992 Mercedes-Benz 600SEL passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on November 3, 1992 (57 FR 49742) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has determined to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final determination must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP #27 is the vehicle eligibility number assigned to vehicles admissible under this notice of final determination.

Final Determination

Accordingly, on the basis of the foregoing, NHTSA hereby determines that a 1992 Mercedes-Benz 600SEL (Model ID 140.057) not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1992 Mercedes-Benz 600SEL originally manufactured for importation into and sale in the United States and certified under section 114 of the National Traffic and Motor Vehicle Safety Act, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Authority: 15 U.S.C. 1397(c)(3)(A)(i)(I) and (C)(ii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 17, 1993.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 93–4083 Filed 2–22–93; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: February 17, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0143.
Form Number: IRS Form 2290.
Type of Review: Revision.
Title: Heavy Vehicle Use Tax Return.
Description: Form 2290 is used to compute and report the tax imposed by section 4481 on the highways use of certain motor vehicles. The information is used to determine whether the taxpayer has paid the correct amount of tax.
Respondents: Individuals or households, Farms, Businesses or other for profit, Non-profit institutions, Small businesses or organizations.
Estimated Number of Respondents/ Recordkeepers: 486,000.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping: 35 hours, 23 minutes.
Learning about the law or the form: 12 minutes.
Preparing, copying, and sending the form to the IRS: 47 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting/ Recordkeeping Burden: 17,675,820 hours.
OMB Number: 1545–0854.
Regulation ID Number: LR–1214 Final.
Type of Review: Extension.
Title: Discharge of Liens.
Description: The Internal Revenue Service needs this information to determine if the taxpayer has equity in the property. This information will be used to determine the amount, if any, to which the tax lien attaches.
Respondents: Individuals or households, Farms, Businesses or other for profit.
Estimated Number of Respondents: 500.
Estimated Burden Hours Per Respondent: 24 minutes.
Estimated Total Reporting Burden: 200 hours.
Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, room 5571; 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer

[FR Doc. 93–4114 Filed 2–22–93; 8:45 am]

BILLING CODE 4830–01–M

Office of the Secretary

[DEPARTMENT CIRCULAR—PUBLIC DEBT SERIES—NO. 9–93]

Treasury Notes of February 28, 1998, Series K–1998 (CUSIP No. 912827 J9 4)

Washington, February 17, 1993.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for United States securities, as described above and in the offering announcement, hereafter referred to as Notes. The Notes will be sold at auction, and bidding will be on a yield basis. Payment will be required at the price equivalent to the highest yield bid at which bids were accepted. The interest rate on the Notes and the price equivalent to the highest yield at which bids were accepted will be determined in the manner described below. Additional amounts of the Notes may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued to Federal Reserve Banks as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The issue date and maturity date of the Notes are stated in the offering announcement. The Notes will accrue interest from the issue date. Interest will be payable on a semiannual basis as described in the offering announcement through the date that the principal becomes payable. The Notes will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes will be issued only in book-entry form in the minimum and multiple amounts stated in the offering

announcement. They will not be issued in registered definitive or in bearer form.

2.3. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2–86 (31 CFR Part 357), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239–1500. The closing times for the receipt of noncompetitive and competitive tenders are specified in the offering announcement. Noncompetitive tenders will be considered timely if postmarked (U.S. Postal Service cancellation date) no later than the day prior to the auction and received no later than close of business on the issue day.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is stated in the offering announcement, and larger bids must be in multiples of that amount.

3.3. Competitive bids must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. A single bidder, as defined in Treasury's single bidder guidelines contained in Attachment A to this circular, may submit bids at more than one yield. However, at any one yield, the Treasury will not recognize any amount tendered by a single bidder in excess of 35 percent of the public offering amount. A competitive bid by a single bidder at any one yield in excess of 35 percent of the public offering will be reduced to that amount.

3.4. Noncompetitive tenders do not specify a yield. A single bidder should not submit a noncompetitive tender for more than $5,000,000. A noncompetitive bid by a single bidder in excess of $5,000,000 will be reduced to that amount. A bidder, whether bidding directly or through a depository institution or a government securities broker/dealer, may not submit a noncompetitive bid for its own account in the same auction in which it is submitting a competitive bid for its own account. A bidder may not submit a noncompetitive bid if the bidder holds a position, in the Notes being auctioned, in "when-issued" trading, or in futures or forward contracts. A noncompetitive bidder may not enter into any agreement to purchase or sell or otherwise dispose of the security being auctioned, nor may it commit to sell the security prior to the designated closing time for receipt of competitive bids.

3.5. The following institutions may submit tenders for accounts of customers: depository institutions, as described in Section 19(b)(1)(A), excluding those institutions described in subparagraph (vii), of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)); and government securities broker/dealers that are registered with the Securities and Exchange Commission or noticed as government securities broker/dealers pursuant to Section 15C(a)(1) of the Securities Exchange Act of 1934. Others are permitted to submit tenders only for their own account. A submitter, if bidding competitively for customers, must include a customer list with the tender giving, for each customer, the name of the customer and the amount bid. A separate tender and customer list should be submitted for each competitive yield. For noncompetitive bids, the customer list must provide, for each customer, the name of the customer and the amount bid. For mailed tenders, the customer list must be submitted with the tender. For other than mailed tenders, the customer list should accompany the tender. If the customer list is not submitted with the tender, information for the list must be complete and available for review by the deadline for submission of noncompetitive tenders. The customer list should be received by the Federal Reserve Bank on auction day. All competitive and noncompetitive bids submitted on behalf of trust estates must provide, for each trust estate, the name or title of the trustee(s), a reference to the document creating the trust with the date of execution, and the employer identification number of the trust. Customer bids may not be aggregated on the customer list. The customer list must include customers and customers of those customers, where applicable.

3.6 A competitive single bidder must report its net long position if the total of all its bids for the security being offered and its net position in the security equals or exceeds $2 billion, with the position to be determined as of one half-hour prior to the closing time for the receipt of competitive tenders. A net long position includes positions, in the security being auctioned, in "when-issued" trading, and in futures and forward contracts. Bidders who meet this reporting requirement and are customers of a depository institution or a government securities broker/dealer must report their positions through the institution submitting the bid on their behalf.

3.7. Tenders from bidders who are making payment by charge to a funds account at a Federal Reserve Bank and tenders from bidders who have an approved autocharge agreement on file at a Federal Reserve Bank will be received without deposit. In addition, tenders from States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks will be received without deposit. Tenders from all others, including tenders submitted for Notes to be maintained on the book-entry records of the Department of the Treasury, must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.8. After the deadline for receipt of competitive tenders, there will be a public announcement of the amounts of bids received and accepted, the highest yield accepted, and the interest rate on the notes. Subject to the reservations expressed in Section 4, noncompetitive bids will be accepted in full, and then competitive bids will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Bids at the highest yield at which bids were accepted will be prorated if necessary. All successful competitive bidders, regardless of the yields they each bid, will be awarded securities at the highest yield at which bids were accepted. After the determination is made as to which bids are accepted, an interest rate will generally be established, at a ⅛ of one percent increment, which produces a price equivalent to the highest yield at which bids were accepted and is closest to, but not above, par. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price equivalent to the highest yield at which bids were accepted will be determined, and each noncompetitive bidder and each successful competitive bidder will be required to pay such price for their securities. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of

noncompetitive bids received would absorb most or all of the public offering, competitive bids would be accepted in an amount determined by the Department to be sufficient to provide a fair determination of the highest yield for the securities being auctioned. Bids received from Federal Reserve Banks for their own account or for foreign and international monetary authorities will be accepted at the price equivalent to the highest yield at which bids were accepted.

3.9. No single bidder will be awarded securities in an amount exceeding 35 percent of the public offering. The determination of the maximum award to a single bidder will take into account the bidder's net long position, if the bidder has been obliged to report its position per the requirements outlined in Section 3.6.

3.10. Notice of awards will be provided by a Federal Reserve Bank or Branch or the Bureau of the Public Debt to bidders who have submitted accepted competitive bids, whether for their own account or for the account of customers. Those submitting non-competitive bids will be notified only if the bid is not accepted in full, or when the price at the highest yield at which bids were accepted is over par. No later than 12:00 noon local time on the day following the auction, the appropriate Federal Reserve Bank will notify each depository institution that has entered into an autocharge agreement with a bidder as to the amount to be charged to the institution's funds account at the Federal Reserve Bank on the issue date. Any customer that is awarded $500 million or more of securities must furnish, no later than 10 a.m. local time on the day following the auction, written confirmation of its bid to the Federal Reserve Bank or Branch where the bid was submitted. A depository institution or government securities broker/dealer submitting a bid for a customer is responsible for notifying its customer of this requirement if the customer is awarded $500 million or more of securities as a result of bids submitted by the depository institution or government securities broker/dealer.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all bids in whole or in part, to allot more or less than the amount of Notes specified in the offering announcement, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made timely at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted will be made by a charge to a funds account or pursuant to an approved autocharge agreement, as provided in Section 3.7. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.7. must be made or completed on or before the issue date. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury notes or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors by the time stated in the offering announcement. When payment has been submitted with the tender and the purchase price of the Notes allotted in over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted may, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the Note being purchased. In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

6.4. Attachment A and the offering announcement are incorporated as part of this circular.

Marcus W. Page,

Acting Fiscal Assistance Secretary.

Attachment A.—Treasury's Single Bidder Guidelines for Noncompetitive Bidding in All Treasury Security Auctions

The investor categories listed below define what constitutes a single noncompetitive bidder.

(1) *Bank Holding Companies and subsidiaries*—A bank holding company (includes the company and/or one or more of its subsidiaries, whether or not organized as separate entities under applicable law).

(2) *Banks and Branches*—A parent bank (includes the parent and/or one or more of its branches, whether or not organized as separate entities under applicable law).

(3) *Thrift Institutions and Branches*—A thrift institution, such as a savings and loan association, credit union, savings banks, or other similar entity (includes the principal or parent office and/or one or more of its branches, whether or not organized as separate entities under applicable law).

(4) *Corporations and Subsidiaries*—A corporation (includes the corporation and/or one or more of its majority-owned subsidiaries, i.e., any subsidiary more than 50 percent of whose stock is owned by the parent corporation or by any other of its majority-owned subsidiaries).

(5) *Families*—A married person (includes his or her spouse, and any unmarried adult children, having a common address and/or household).

Note: A minor child, as defined by the law of domicile, is *not* permitted to submit tenders individually, or jointly with an adult bidder. (A minor's parent acting as natural guardian is *not* recognized as a separate bidder.)

(6) *Partnerships*—Each partnership (includes a partnership or individual partner(s), acting together or separately, who own the majority or controlling interest in other partnerships, corporations, or associations).

(7) *Guardians, Custodians, or other Fiduciaries*—A guardian, custodian, or

similar fiduciary, identified by (a) the name or title of the fiduciary, (b) reference to the document, court order, or other authority under which the fiduciary is acting, and (c) the taxpayer identifying number assigned to the estate.

(8) *Trusts*—A trust estate, which is identified by (a) the name or title of the trustee, (b) a reference to the document creating the trust, e.g., a trust indenture, with date of execution, or a will, (c) the IRS employer identification number (not social security account number).

(9) *Political Subdivisions*—(a) A state government (any of the 50 states and the District of Columbia).

(b) A unit of local government (any county, city municipality, or township, or other unit of general government, as defined by the Bureau of the Census for statistical purposes, and includes any trust, investment, or other funds thereof).

(c) A commonwealth, territory, or possession.

(10) *Mutual Funds*—A mutual fund (includes all funds that comprise it, whether or not separately administered).

(11) *Money Market Funds*—A money market fund (includes all funds that have a common management).

(12) *Investment Agents/Money Managers*—An individual, firm, or association that undertakes to service, invest, and/or manage funds for others.

(13) *Pension Funds*—A pension fund (includes all funds that comprise it, whether or not separately administered).

Notes: The definitions do not reflect all bidder situations. "Single bidder" is not necessarily synonymous with "single entity".

Questions concerning the guidelines should be directed to the Office of Financing, Bureau of the Public Debt, Washington, DC 20239 (telephone 202/219–3350).

Auction of 2-Year and 5-Year Notes Totaling $26,250 Million

The Treasury will auction $15,250 million of 2-year notes and $11,000 million of 5-year notes to refund $12,511 million of securities maturing February 28, 1993, and to raise about $13,750 million new cash. The $12,511 million of maturing securities are those held by the public, including $564 million currently held by Federal Reserve Banks as agents for foreign and international monetary authorities.

The $26,250 million is being offered to the public, and any amounts tendered by Federal Reserve Banks as agents for foreign and international monetary authorities will be added to that amount.

In addition to the public holdings, Federal Reserve Banks, for their own accounts, hold $1,225 million of the maturing securities that may be refunded by issuing additional amounts of the new securities.

Both the 2-year and 5-year note auctions will be conducted in the single-price auction format. All competitive and non-competitive awards will be at the highest yield of accepted competitive tenders.

Details about each of the new securities are given in the attached highlights of the offerings and in the official offering circulars.

HIGHLIGHTS OF TREASURY OFFERINGS TO THE PUBLIC OF 2-YEAR AND 5-YEAR NOTES TO BE ISSUED MARCH 1, 1993

[February 17, 1993]

Amount offered to the public	$15,250 million	$11,000 million.
Description of Security:		
Term and type of security	2-year notes	5-year notes.
Series and CUSIP designation	Series T–1995 (CUSIP No. 912827 J8 6)	Series K–1998, (CUSIP No. 912827 J9 4).
Maturity date	February 28, 1995	February 28, 1998.
Interest rate	To be determined based on the highest accepted bid.	To be determined based on the highest accepted bid.
Investment yield	To be determined at auction	To be determined at auction.
Premium or discount	To be determined after auction	To be determined after auction.
Interest payment dates	August 31 and February 28	The last calendar day of August and February through February 28, 1998.
Minimum denomination available	$5,000	$1,000.
Terms of Sale:		
Method of sale	Yield auction	Yield auction.
Competitive tenders	Must be expressed as an annual yield, with two decimals, e.g., 7.10%.	Must be expressed as an annual yield, with two decimals, e.g., 7.10%.
Noncompetitive tenders	Accepted in full up to $5,000,000	Accepted in full up to $5,000,000.
Accrued interest payable by investor	None	None.
Key Dates:		
Receipt of tenders	Tuesday, February 23, 1993	Wednesday, February 24, 1993.
(a) noncompetitive	Prior to 12:00 noon, e.s.t	Prior to 12:00 noon, e.s.t.
(b) competitive	Prior to 1:00 p.m., e.s.t	Prior to 1:00 p.m., e.s.t.
Settlement (final payment due from institutions):		
(a) funds immediately available to the Treasury	Monday, March 1, 1993	Monday, March 1, 1993.
(b) readily-collectible check	Thurday, February 25, 1993	Thursday, February 25, 1993.

[FR Doc. 93–4169 Filed 2–18–93; 8:45 am]
BILLING CODE 4810–40–M

Office of the Secretary

[Department Circular—Public Debt Series—No. 8–93]

Treasury Notes of February 28, 1995, Series T–1995

(CUSIP No. 912827 J8 6)

Washington, February 17, 1993.

1. Invitation for Tenders

1.1 The Secretary of the Treasury, under the authority of chapter 31 of title 31, United States Code, invites tenders for United States securities, as described above and in the offering announcement, hereafter referred to as Notes. The Notes will be sold at auction, and bidding will be on yield basis. Payment will be required at the price equivalent to the highest yield bid at which bids were accepted. The interest rate on the Notes and the price equivalent to the highest yield at which bids were accepted will be determined in the manner described below. Additional amounts of the Notes may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued to Federal Reserve Banks as agents for foreign and international monetary authorities.

2. Description of Securities

2.1 The issue date and maturity date of the Notes are stated in the offering announcement. The Notes will accrue interest from the issue date. Interest will be payable on a semiannual basis as described in the offering announcement through the date that the principal becomes payable. The Notes will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes will be issued only in book-entry form in the minimum and multiple amounts stated in the offering announcement. They will not be issued in registered definitive or in bearer form.

2.3. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2–86 (31 CFR part 357), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239–1500. The closing times for the receipt of noncompetitive and competitive tenders are specified in the offering announcement. Noncompetitive tenders will be considered timely if postmarked (U.S. Postal Service cancellation date) no later than the day prior to the auction and received no later than close of business on the issue day.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is stated in the offering announcement, and larger bids must be in multiples of that amount.

3.3. Competitive bids must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. A single bidder, as defined in Treasury's single bidder guidelines contained in Attachment A to this circular, may submit bids at more than one yield. However, at any one yield, the Treasury will not recognize any amount tendered by a single bidder in excess of 35 percent of the public offering amount. A competitive bid by a single bidder at any one yield in excess of 35 percent of the public offering will be reduced to that amount.

3.4. Noncompetitive tenders do not specify a yield. A single bidder should not submit a noncompetitive tender for more than $5,000,000. A noncompetitive bid by a single bidder in excess of $5,000,000 will be reduced to that amount. A bidder, whether bidding directly or through a depository institution or a government securities broker/dealer, may not submit a noncompetitive bid for its own account in the same auction in which it is submitting a competitive bid for its own account. A bidder may not submit a noncompetitive bid if the bidder holds a position, in the Notes being auctioned, in "when-issued" trading, or in futures or forward contracts. A noncompetitive bidder may not enter into any agreement to purchase or sell or otherwise dispose of the security being auctioned, nor may it commit to sell the security prior to the designated closing time for receipt of competitive bids.

3.5. The following institutions may submit tenders for accounts of customers: depository institutions, as described in section 19(b)(1)(A), excluding those institutions described in subparagraph (vii), of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)); and government securities broker/dealers that are registered with the Securities and Exchange Commission or noticed as government securities broker/dealers pursuant to section 15C(a)(1) of the Securities Exchange Act of 1934. Others are permitted to submit tenders only for their own account. A submitter, if bidding competitively for customers, must include a customer list with the tender giving, for each customer, the name of the customer and the amount bid. A separate tender and customer list should be submitted for each competitive yield. For noncompetitive bids, the customer list must provide, for each customer, the name of the customer and the amount bid. For mailed tenders, the customer list must be submitted with the tender. For other than mailed tenders, the customer list should accompany the tender. If the customer list is not submitted with the tender, information for the list must be complete and available for review by the deadline for submission of noncompetitive tenders. The customer list should be received by the Federal Reserve Bank on auction day. All competitive and noncompetitive bids submitted on behalf of trust estates must provide, for each trust estate, the name or title of the trustee(s), a reference to the document creating the trust with the date of execution, and the employer identification number of the trust. Customer bids may not be aggregated on the customer list. The customer list must include customers and customers of those customers, where applicable.

3.6. A competitive single bidder must report its net long position if the total of all its bids for the security being offered and its net position in the security equals or exceeds $2 billion, with the position to be determined as of one half-hour prior to the closing time for the receipt of competitive tenders. A net long position includes positions, in the security being auctioned, in "when-issued" trading, and in futures and forward contracts. Bidders who meet this reporting requirement and are customers of a depository institution or a government securities broker/dealer must report their positions through the institution submitting the bid on their behalf.

3.7. Tenders from bidders who are making payment by charge to a funds account at a Federal Reserve Bank and tenders from bidders who have an

VOL
58
ISS
34
FE
23
1993
UMI

approved autocharge agreement on file at a Federal Reserve Bank will be received without deposit. In addition, tenders from States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks will be received without deposit. Tenders from all others, including tenders submitted for Notes to be maintained on the book-entry records of the Department of the Treasury, must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.8. After the deadline for receipt of competitive tenders, there will be a public announcement of the amounts of bids received and accepted, the highest yield accepted, and the interest rate on the notes. Subject to the reservations expressed in Section 4, noncompetitive bids will be accepted in full, and then competitive bids will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Bids at the highest yield at which bids were accepted will be prorated if necessary. All successful competitive bidders, regardless of the yields they each bid, will be awarded securities at the highest yield at which bids were accepted. After the determination is made as to which bids are accepted, an interest rate will generally be established, at a ⅛ of one percent increment, which produces a price equivalent to the highest yield at which bids were accepted and is closest to, but not above, par. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price equivalent to the highest yield at which bids were accepted will be determined, and each noncompetitive bidder and each successful competitive bidder will be required to pay such price for their securities. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive bids received would absorb most or all of the public offering, competitive bids would be accepted in an amount determined by the Department to be sufficient to provide a fair determination of the highest yield for the securities being auctioned. Bids received from Federal Reserve Banks for their own account or for foreign and international monetary authorities will be accepted at the price equivalent to the highest yield at which bids were accepted.

3.9. No single bidder will be awarded securities in an amount exceeding 35 percent of the public offering. The determination of the maximum award to a single bidder will take into account the bidder's net long position, if the bidder has been obliged to report its position per the requirements outlined in Section 3.6.

3.10. Notice of awards will be provided by a Federal Reserve Bank or Branch or the Bureau of the Public Debt to bidders who have submitted accepted competitive bids, whether for their own account or for the account of customers. Those submitting noncompetitive bids will be notified only if the bid is not accepted in full, or when the price at the highest yield at which bids were accepted is over par. No later than 12 noon local time on the day following the auction, the appropriate Federal Reserve Bank will notify each depository institution that has entered into an autocharge agreement with a bidder as to the amount to be charged to the institution's funds account at the Federal Reserve Bank on the issue date. Any customer that is awarded $500 million or more of securities must furnish, no later than 10 a.m. local time on the day following the auction, written confirmation of its bid to the Federal Reserve Bank or Branch where the bid was submitted. A depository institution or government securities broker/dealer submitting a bid for a customer is responsible for notifying its customer of this requirement if the customer is awarded $500 million or more of securities as a result of bids submitted by the depository institution or government securities broker/dealer.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all bids in whole or in part, to allot more or less than the amount of Notes specified in the offering announcement, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made timely at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted will be made by a charge to a funds account or pursuant to an

approved autocharge
provided in Section 3
Notes allotted to insti
and to others whose t
accompanied by a gua
in Section 3.7. must b
completed on or befor
Payment in full must
tenders submitted by
Payment must be in c
immediately available
in Treasury notes or b
or before the settleme
are not overdue as def
general regulations go
States securities; or by
the order of the institu
tender was submitted,
received from institut
the time stated in the
announcement. When
submitted with the te
purchase price of the
over par, settlement fo
must be completed th
above. When payment
submitted with the te
purchase price is und
discount will be remit

5.2. In every case wh
has not been complete
amount of up to 5 per
amount of Notes allott
discretion of the Secre
Treasury, be forfeited
States.

5.3. Registered defin
tendered in payment f
allotted and to be held
DIRECT are not requir
if the inscription on th
definitive security is i
registration of the Not
In any such case, the t
to place the Notes allo
TREASURY DIRECT r
to show all the inform
thereon, or the TREAS
account number previ

6. General Provisions

6.1. As fiscal agents
States, Federal Reserv
authorized, as directed
of the Treasury, to rec
make allotments, to iss
as may be necessary, t
for, and to issue, main
make payment on the

6.2. The Secretary o
may at any time suppl
provisions of this circ
supplements or amend
adversely affect existi
holders of the Notes. P
announcement of such
promptly provided.

6.3. The Notes issue
circular shall be oblig

United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

6.4. Attachment A and the offering announcement are incorporated as part of this circular.

Marcus W. Page,

Acting Fiscal Assistant Secretary.

Attachment A—Treasury's Single Bidder Guidelines for Noncompetitive Bidding in All Treasury Security Auctions

The investor categories listed below define what constitutes a single noncompetitive bidder.

(1) Bank Holding Companies and Subsidiaries—

A bank holding company (includes the company and/or one or more of its subsidiaries, whether or not organized as separate entities under applicable law).

(2) Banks and Branches—

A parent bank (includes the parent and/or one or more of its branches, whether or not organized as separate entities under applicable law).

(3) Thrift Institutions and Branches—

A thrift institution, such as a savings and loan association, credit union, savings banks, or other similar entity (includes the principal or parent office and/or one or more of its branches, whether or not organized as separate entities under applicable law).

(4) Corporations and Subsidiaries—

A corporation (includes the corporation and/or one or more of its majority-owned subsidiaries, i.e., any subsidiary more than 50 percent of whose stock is owned by the parent corporation or by any other of its majority-owned subsidiaries).

(5) Families—

A married person (includes his or her spouse, and any unmarried adult children, having a common address and/or household).

Note: A minor child, as defined by the law of domicile, is not permitted to submit tenders individually, or jointly with an adult bidder. (A minor's parent acting as natural guardian is not recognized as a separate bidder.)

(6) Partnerships—

Each partnership (includes a partnership or individual partner(s), acting together or separately, who own the majority or controlling interest in other partnerships, corporations, or associations).

(7) Guardians, Custodians, or Other Fiduciaries—

A guardian, custodian, or similar fiduciary, identified by (a) the name or title of the fiduciary, (b) reference to the document, court order, or other authority under which the fiduciary is acting, and (c) the taxpayer identifying number assigned to the estate.

(8) Trusts—

A trust estate, which is identified by (a) the name or title of the trustee, (b) a reference to the document creating the trust, e.g., a trust indenture, with date of execution, or a will, (c) the IRS employer identification number (not social security account number).

(9) Political Subdivisions—

(a) A state government (any of the 50 states and the District of Columbia).

(b) A unit of local government (any county, city, municipality, or township, or other unit of general government, as defined by the Bureau of the Census for statistical purposes, and includes any trust, investment, or other funds thereof).

(c) A commonwealth, territory, or possession.

(10) Mutual Funds—

A mutual fund (includes all funds that comprise it, whether or not separately administered).

(11) Money Market Funds—

A money market fund (includes all funds that have a common management).

(12) Investment Agents/Money Managers—

An individual, firm, or association that undertakes to service, invest, and/or manage funds for others.

(13) Pension Funds—

A pension fund (includes all funds that comprise it, whether or not separately administered).

Notes: The definitions do not reflect all bidder situations. "Single bidder" is not necessarily synonymous with "single entity".

Questions concerning the guidelines should be directed to the Office of Financing, Bureau of the Public Debt, Washington, DC 20239 (telephone 202/219–3350).

Auction of 2-Year and 5-Year Notes Totaling $26,250 Million

The Treasury will auction $15,250 million of 2-year notes and $11,000 million of 5-year notes to refund $12,511 million of securities maturing February 28, 1993, and to raise about $13,750 million new cash. The $12,511 million of maturing securities are those held by the public, including $564 million currently held by Federal Reserve Banks as agents for foreign and international monetary authorities.

The $26,250 million is being offered to the public, and any amounts tendered by Federal Reserve Banks as agents for foreign and international monetary authorities will be added to that amount.

In addition to the public holdings, Federal Reserve Banks, for their own accounts, hold $1,225 million of the maturing securities that may be refunded by issuing additional amounts of the new securities.

Both the 2-year and 5-year note auctions will be conducted in the single-price auction format. All competitive and non-competitive awards will be at the highest yield of accepted competitive tenders.

Details about each of the new securities are given in the attached highlights of the offerings and in the official offering circulars.

Attachment

HIGHLIGHTS OF TREASURY OFFERINGS TO THE PUBLIC OF 2-YEAR AND 5-YEAR NOTES TO BE ISSUED MARCH 1, 1993

[February 17, 1993]

Amount Offered to the Public	$15,250 million	$11,000 million.
Description of Security:		
Term and type of security	2-year notes	5-year notes
Series and CUSIP designation	Series T–1995 (CUSIP No. 912827 J8 6)	Series K–1998 (CUSIP No. 912827 J9 4)
Maturity date	February 28, 1995	February 28, 1998.
Interest rate	To be determined based on the highest accepted bid	To be determined based on the highest accepted bid
Investment yield	To be determined at auction	To be determined at auction.
Premium or discount	To be determined after auction	To be determined after auction.
Interest payment dates	August 31 and February 28	The last calendar day of August and February through February 28, 1998.
Minimum denomination available	$5,000	$1,000.
Terms of Sale:		
Method of sale	Yield auction	Yield auction
Competitive tenders	Must be expressed as an annual yield, with two decimals, e.g., 7.10%.	Must be expressed as an annual yield, with two decimals, e.g., 7.10%.
Noncompetitive tenders	Accepted in full up to $5,000,000	Accepted in full up to $5,000,000.
Accrued interest payable by investor	None	None
Key Dates:		
Receipt of tenders	Tuesday, February 23, 1993	Wednesday, February 24, 1993.
(a) Noncompetitive	Prior to 12:00 noon, e.s.t	Prior to 12:00 noon, e.s.t.
(b) Competitive	Prior to 1:00 p.m., e.s.t	Prior to 1:00 p.m., e.s.t.

VOL
58
ISS
34
FE
23
1993
UMI

HIGHLIGHTS OF TREASURY OFFERINGS TO THE PUBLIC OF 2-YEAR AND 5-YEAR NOTES TO BE ISSUED MAR
1993—Continued
[February 17, 1993]

Settlement (final payment due from institutions):		
(a) Funds immediately available to the Treasury	Monday, March 1, 1993	Monday, March 1, 1993.
(b) readily-collectible check	Thursday, February 25, 1993	Thursday, February 25, 1993.

[FR Doc. 93–4168 Filed 2–18–93; 3:36 pm]
BILLING CODE 4810–40–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee (TPSC); Notice of the Effective Date, With Respect to the Republic of Belarus, of the Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of the Effective Date, with respect to the Republic of Belarus, of the Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics.

SUMMARY: In Proclamation 6352 of October 9, 1991 (56 FR 51317), the President proclaimed that the "Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics" enters into force and nondiscriminatory treatment would be extended to products of the U.S.S.R. in accordance with the terms of the Agreement on the date of exchange of written notices of acceptance in accordance with article XVII of the Agreement. Subsequently, the U.S.S.R. was succeeded by twelve independent states, including the Republic of Belarus. An exchange of diplomatic notes with the Republic of Belarus in accordance with article X
Agreement, as modified
adjustments and retitled
Trade Relations between
States of America and the
Belarus," took place in M
on February 16, 1993. Ac
Agreement became effect
February 16, 1993, with
Republic of Belarus, and
nondiscriminatory treatm
extended to products of t
Belarus as of February 16
accordance with the Agre
provided for in Proclame
October 9, 1991.

Frederick L. Montgomery,
Chairman, Trade Policy Staf

[FR Doc. 93–4171 Filed 2–22
BILLING CODE 3190–01–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 34
Tuesday, February 23, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

AFRICAN DEVELOPMENT FOUNDATION

Board of Directors Meeting

TIME: 10:00 a.m.–12:00 Noon.

PLACE: Africare.

DATE: Monday, March 8, 1993.

STATUS: Open.

Agenda

10:00–10:15 President's Report
10:15–10:30 Status of ADF Board Member Selection
10:30–10:45 Advisory Council Update
11:00–11:30 Update on ADF Activities (Headquarters and Field)
11:45–12:00 Personnel Issues/New Structure (Executive Session)

If you have any questions or comments, please direct them to Ms. Janis McCollim, Executive Assistant to the President, who can be reached at (202) 673–3916.

Gregory Robeson Smith,
President.
[FR Doc. 93–4269 Filed 2–19–93; 2:42 pm]
BILLING CODE 6116–01–U

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, March 2, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 93–4310 Filed 2–19–93; 2:49 pm]
BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Monday, March 1, 1993.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 93–4270 Filed 2–19–93; 2:43 pm]
BILLING CODE 6351–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m., Tuesday, March 2, 1993.

PLACE: The Board Room, 5th Floor, 490 L'Enfant Plaza, SW., Washington, D.C. 20594.

STATUS: The first two items are open to the public. The last three items are closed under Exemption 10 of the Government in Sunshine Act.

MATTERS TO BE CONSIDERED:

5806A Aviation Accident Report: Controlled Collision With Terrain Involving GP Express, Inc., Flight 861, Beech C99A, Anniston, Alabama, June 8, 1992.
5977 Recommendations to States: Reducing Youth Involvement in Highway Crashes.
5955 Opinion and Order: Administrator v. Kekoa, Docket SE–11328; disposition of respondent's appeal.
5970 Opinion and Order: Administrator v. Nyren, Docket SE–11150; disposition of Administrator's appeal.
5983 Opinion and Order: Administrator v. Stern, Docket SE–11365; disposition of respondent's appeal.

NEWS MEDIA CONTACT: Telephone (202) 382–0660.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382–6525.

Dated: February 19, 1993.

Bea Hardesty,
Federal Register Liaison Officer.
[FR Doc. 93–4308 Filed 2–19–93; 2:48 pm]
BILLING CODE 7533–01–M

STATE JUSTICE INSTITUTE

TIME AND DATE:

9:00 a.m. to 5:00 p.m., March 5, 1993
9:00 a.m. to 5:00 p.m., March 6, 1993

PLACE: State Justice Institute, 1650 King Street, Suite 600, Alexandria, Virginia 22314.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED: Concept paper and application review, and internal Institute business.

PORTIONS OPEN TO THE PUBLIC: Business meeting (except as noted below) and grant decisions.

PORTIONS CLOSED TO THE PUBLIC: Internal personnel discussions.

CONTACT PERSON FOR MORE INFORMATION: David I. Tevelin, Executive Director, State Justice Institute, 1650 King Street, Suite 600, Alexandria, Virginia 22314, Tel.: (703)–684–6100.

David I. Tevelin,
Executive Director.
[FR Doc. 93–4307 Filed 2–19–93; 2:47 pm]
BILLING CODE 6820–SC–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of February 22, March 1, 8, and 15, 1993.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of February 22

Monday, February 22

9:00 a.m.
Briefing by Advisory Committee on Medical Uses of Isotopes (Public Meeting)
(Contact: John Glenn, 301–504–3415)

Friday, February 26

9:00 a.m.
Periodic Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting)
(Contact: Richard Major, 301–492–8109)
10:30 a.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Environmental and Resource Conservation Organization's Appeal of LBP–92–23 (Rancho Seco) (Tentative)
(Contact: Margaret Doane, 301–504–2001)
2:00 p.m.
Briefing on Status of Nuclear Safety Issues in Eastern Europe and Former Soviet Union (Public Meeting)
(Contact: Michael Congdon, 301–504–2744)

Week of March 1—Tentative

Wednesday, March 3

10:00 a.m.
Briefing by NARUC on Issues Associated with Nuclear Power Plant Operations and HLW Programs (Public Meeting) (Tentative)
(Contact: Spiros Droggitis, 301–504–2367)
11.30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)
2:00 p.m.
Briefing on Activities of Nuclear Waste Technical Review Board (Public Meeting)

(Contact: Seth Coplan, 301–504–1850)
3:30 p.m.
Discussion of Internal Management Issues (Closed—Ex. 2)

Thursday, March 4

2:00 p.m.
Briefing on License Renewal Issues (Public Meeting)
(Contact: William Travers, 301–504–1117)

Friday, March 5

10:00 a.m.
Briefing by Executive Branch (Closed—Ex. 1)

Week of March 8—Tentative

Monday, March 8

10:00 a.m.
Briefing on NRC Financial Management Matters (Public Meeting)
(Contact: Ron Scroggins, 301–492–4750)
2:30 p.m.
Discussion of NRC Policy Options Concerning Nuclear Safety Issues in Eastern Europe and Former Soviet Union (Public Meeting)
(Contact: Michael Congdon, 301–504–2744)

Tuesday, March 9

10:00 a.m.
Briefing on Activities of the Center for Nuclear Waste Regulatory Analysis (CNWRA) (Public Meeting)
(Contact: Malcolm Knapp, 301–504–3324)
11:00 a.m.
Affirmation/ Discussion and Vote (Public Meeting) (if needed)
2:00 p.m.
Briefing on Proposed Rulemaking for Preparation and Use of Radiopharmaceuticals (Public Meeting)
(Contact: Anthony Tse, 301–492–3797)

Week of March 15—Tentative

Monday, March 15

10:00 a.m.
Discussion/Possible Vote on Full Power Operating License for Comanche Peak (Unit 2) (Public Meeting) (Tentative)
(Contact: Brian Grimes, 301–504–1163)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meeting Call (Recording)—(301)–504–1292.

CONTACT PERSON FOR MORE INFORMATION: William M. Hill (301)–504–1661.

Date: February 19, 1993.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 93–4300 Filed 2–19–93; 2:46 pm]

BILLING CODE 7590–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, March 1, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 19, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–4289 Filed 2–19–93; 2:45 pm]

BILLING CODE 6210–01–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–93–03A; Emergency Notice]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 58FR7843—dated February 9, 1993.

CHANGE OF DATE, TIME, AND ADDITION OF AN AGENDA ITEM:

ORIGINAL DATE AND TIME: February 19, 1993 at 2:00 p.m.

NEW DATE AND TIME: March 2, 1993 at 10:00 a.m.

AMENDMENT TO THE AGENDA:

5. Inv. No. 731–TA–643 (Preliminary) (Defrost Timers from Japan)—briefing and vote.

Notice is given that a Commission meeting was scheduled at 2:00 p.m., on February 19, 1993 and in conformity with 19 CFR § 201.37(a), the Commission has voted to change the date and time for the meeting to March 2, 1993 at 10:00 a.m., and to add an item 5 to the agenda. The other agenda items are renumbered accordingly.

Commissioners Nuzum, Crawford, Brunsdale, Rohr, Watson, and Newquist determined by circulation of an action jacket that Commission business requires the change in the date and time, and the addition of Agenda Item 5, and affirmed that no earlier notice of the change was possible, and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Paul R. Bardos, Acting Secretary (202) 205–2000.

Dated: February 18, 1993.

Paul R. Brados,

Acting Secretary.

[FR Doc. 93–4271 Filed 2–19–93; 2:44 pm]

BILLING CODE 7020–02–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–93–05]

TIME AND DATE: March 4, 1993 at 10:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings.
2. Minutes.
3. Ratification List.
4. Invs. Nos. 701–TA–314–317 and 731–TA–552–555 (Final) Certain hot-rolled lead and bismuth carbon steel products from Brazil, France, Germany, and the United Kingdom)—briefing and vote.
5. Outstanding action jacket requests—None.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Paul R. Bardos, Acting Secretary, (202)–205–2000.

Issued: February 18, 1993.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–4272 Filed 2–19–93; 2:44 pm]

BILLING CODE 7020–02–M

Corrections

Federal Register
Vol. 58, No. 34
Tuesday, February 23, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 92-097-1]

Witchweed Quarantine and Regulations

Correction

In rule document 93-65 beginning on page 215 in the issue of Tuesday, January 5, 1993, make the following corrections:

§ 301.80-2a [Corrected]

On page 217, in the second column, in § 301.80-2a, in the fifth paragraph, in the second line, "of Secondary" should read "of State Secondary".

BILLING CODE 1505-01-D

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 92-193-1]

Availability of Environmental Assessments and Findings of No Significant Impact Relative to Issuance of Permits to Field Test Genetically Engineered Organisms

Correction

In notice document 93-928 beginning on page 4405 in the issue of Thursday, January 14, 1993, make the following correction:

On page 4406, in the table, in the first column, in the second entry, in the second line, "92-274-05," should read "90-274-05,".

BILLING CODE 1505-01-D

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1018 and 1312

[Ex Parte No. 508]

Fee Billing and Debt Collection

Correction

In rule document 93-3074 beginning on page 7748 in the issue of Tuesday, February 9, 1993, make the following corrections:

§ 1018.20 [Corrected]

1. On page 7751, in the first column, in § 1018.20(a)(5), in the second line, "and" should read "the".

§ 1018.50 [Corrected]

2. On page 7754, in the first column, in § 1018.50, in the sixth line, "affect" should read "effect".

§ 1312.4 [Corrected]

3. On page 7756, in the second column, in § 1312.4(b)(2)(ii)(D), in the second line, the sentence beginning with "If" should be a separate paragraph.

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8472]

RIN 1545-AL35

Certain Corporate Distributions to Foreign Corporations Under Section 367(e)

Correction

In rule document 93-1398 beginning on page 5927 in the issue of Monday, January 25, 1993, make the following correction:

§ 1.367(e)-1 [Corrected]

On page 5931, in § 1.367(e)-1(c)(3)(ii)(B), in the 3d column, in the 22d line "value of which" should read "value) of which".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8464]

RIN 1545-AQ44

Change in Functional Currency

Correction

In rule document 92-31467 beginning on page 231 in the issue of Tuesday, January 5, 1993, make the following corrections:

PART 1 [CORRECTED]

1. On page 232, in Part 1, in Paragraph 1, in the third line, " "Sections 1.985-OT" should read " "Sections 1.985-0T".

§ 1.985-5 [Corrected]

2. On page 234, in § 1.985-5(f), in *Example 1*, in the table, in the second column, in the eighth entry, "1,00,000" should read "1,000,000".

BILLING CODE 1505-01-D

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900-AE41

Schedule for Rating Disabilities; Endocrine System Disabilities

Correction

In proposed rule document 92-1543 beginning on page 5691 in the issue of Friday, January 22, 1993 make the following correction:

On page 5691, in the third column, in the Dates section the last sentence is corrected to read as follows:

This change is proposed to be effective 30 days after the date of publication of the final rule.

BILLING CODE 1505-01-D

VOL
58
SS
34
FE
23
993
UMI

Federal Register

Tuesday
February 23, 1993

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Public and Indian Housing

Funding Availability (NOFA) for Fiscal Year 1993 for Indian Applicants Under the HOME Program; Notices

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N-93-3565; FR-3400-N-01]

Funding Availability (NOFA) for Fiscal Year 1993 for Indian Applicants Under the HOME Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of funding availability (NOFA) for fiscal Year 1993 for Indian applicants for HOME Investment Partnerships Act (the HOME Act) programs, referred to as the HOME program (Pub. L. 101–625).

SUMMARY: This NOFA announces the availability of $10 million in funding for Fiscal Year (FY) 1993 for the HOME Program for Indian tribes, provides the selection criteria and information on how to apply and how selections shall be made. All eligible applicants are invited to submit applications for HOME funds in accordance with the requirements of this NOFA.

DATES: Applications must be physically received by the Indian Field Office (FO) having jurisdiction over the applicant on or before 3:15 p.m. (FO local time) on July 15, 1993. This application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, the Department shall treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems. Facsimile ("FAX") copies shall not be accepted.

FOR FURTHER INFORMATION CONTACT: Prospective applicants may contact the appropriate Indian FO. Refer to Appendix 1 of this NOFA for a complete list of Indian FOs and telephone numbers.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520), the information collection requirements contained in these application procedures for HOME funds were reviewed by the Office of Management and Budget for the HOME interim rule and approved under OMB control number 2501–0013.

I. Purpose and Substantive Description.
(a) Authority.
(b) Allocation Amounts.
(c) Eligibility.
(d) Threshold Requirements.
(e) Selection Criteria and Ranking Factors.
II. Application Process.
(a) Application Packages.
(b) Submittal of Complete Application.
(c) Application Due Date.
III. Checklist of Application Submission Requirements.
IV. Other Matters.
(a) Environment.
(b) Energy.
(c) Federalism Impact.
(d) Family Impact.
(e) Section 102 of the HUD Reform Act.
(f) Section 103 of the HUD Reform Act.
(g) Section 112 of the HUD Reform Act.
(h) Monitoring.

List of Appendices

Appendix 1. List of Indian Field Offices.
Appendix 2. Summary of 1992 Act Amendments.

I. Purpose and Substantive Description

(a) Authority

The HOME Investment Partnerships Act (title II of the Cranston-Gonzalez National Affordable Housing Act) was signed into law on November 28, 1990 (Pub. L. 101–625). The HOME Act creates the HOME Investment Partnerships (or HOME) Program that provides funds to Indian tribes to expand the supply of affordable housing for very low-income and low-income persons. Interim regulations for the HOME Investment Partnerships Program were published in the **Federal Register** on December 16, 1991 (56 FR 65312) and are codified at 24 CFR part 92. The requirements of 24 CFR part 92, subpart M (§§ 92.600–92.652) apply specifically to the Indian HOME program. Amendments to the interim rule were published on December 22, 1992 (57 FR 60960). Reference in this NOFA to sections and subparts of the rule refer to the interim rule.

The HOME Act was amended October 28, 1992 by the Housing and Community Development Act of 1992 (HCDA 1992) (Pub. L. 102–550). Some provisions of HCDA 1992 directly affect the operation of the HOME program and were effective upon enactment. They apply to grants made available pursuant to this NOFA. A summary of the effective provisions is provided in Appendix 2.

(b) Allocation Amounts

(1) In accordance with section 217(a)(2) of the HOME Act, each Fiscal Year (FY) HUD shall provide funds to Indian tribes, totaling one percent (or such other percentage or amount as authorized by Congress) of the amount appropriated for the HOME program to expand the supply of affordable housing. Following the procedures in the rule, the funds shall be awarded competitively by HUD FOs that have responsibility for the HOME Indian program, unless HUD determines for administrative convenience based on the amount of HOME funds available to hold a nationwide competition. For the fiscal year ending September 30, 1993, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1993, (approved October 6, 1992, Pub. L. 102–389), appropriated a total of $1.0 billion for the HOME program. Thus, the amount of funding available for the HOME Indian program for the fiscal year ending September 30, 1993 is $10 million.

(2) For FY 1993, HUD has determined for administrative convenience based on the amount of HOME funds available to hold a nationwide competition.

(3) Project Grant Amount. There is no maximum grant amount per project.

(4) Section 92.604 of the HOME rule established the selection criteria. Projects will be selected on the basis of those criteria as stated in this NOFA. Projects may be funded at a level less than applied for. Projects with the highest score after environmental review shall be funded in rank order until the funding allocation is exhausted.

(5) For the purposes of this NOFA, all environmental reviews will be performed in accordance with 24 CFR part 50, by HUD Indian field offices, after application rating and ranking, but before selection for award, and the process will permit changes in ranking or disqualification on the basis of the environmental review. Sufficient applications will be rated and ranked to substitute for applications changed in rank or disqualified on the basis of the environmental review.

(6) If the Department does not award the entire $10 million in this funding round because there is not a sufficient number of eligible applications, the amount not awarded shall be awarded at another time.

(c) Eligibility

(1) Eligible Applicants. For the purposes of the HOME program, eligible applicants are defined as any Indian Tribe, band, group, or Nation, including Alaskan Indians, Aleuts, and Eskimos, and any Alaskan Native Village of the United States that is considered an eligible recipient under Title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450) or was considered an eligible recipient under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C.

1221) before repeal of that Act. Eligible recipients under the Indian Self-Determination and Education Assistance Act are determined by the Bureau of Indian Affairs.

(2) Projects and Activities. (i) Applications for one or more projects shall be considered under this NOFA. 24 CFR sec. 92.2: "*Project* means a site or entire building (including a manufactured housing unit), or two or more buildings together with the site or sites on which the building or buildings is located, that are under common ownership, management, and financing and are to be assisted with HOME funds, under a commitment by the owner, as a single undertaking under this part. Project includes all of the activities associated with the site and building. If there is more than one site associated with a project, the sites must be within a four block area." However, "block" has no meaning for the Indian HOME program and should not be used in determining the extent of the project. As part of the application, the tribe must identify the scale and location of a project and show the project is within the operating area of the tribe. A project may be as small as one site or as large as the operating area of the tribe. 24 CFR 92.604: "There are four categories of projects that may be funded under the HOME Indian program: Housing rehabilitation (moderate and substantial), acquisition of housing, new housing construction, and tenant-based rental assistance." (1) A rehabilitation project consists of only rehabilitation, or includes acquisition of units with rehabilitation, (2) an acquisition project consists of the acquisition of standard units not requiring rehabilitation, (3) a new construction project consists of new construction of housing and may include acquisition and demolition, and (4) a tenant-based rental assistance project consists of tenant-based rental assistance, not tied to specific housing units. Project types (1), (2), and (3) may also include site improvements and relocation. An application may contain any number of projects. Each project must be presented separately and shall be rated and ranked separately. The project may be for rental or homeownership. If one project is needed for the success of a second, the second shall not be funded without the first.

(ii) Eligible activities are described at 24 CFR 92.611 as follows:

"(1) HOME funds may be used by an Indian tribe to provide incentives to develop and support affordable rental housing and homeownership affordability through the acquisition (including assistance to first-time homebuyers), new construction, reconstruction, or moderate or substantial rehabilitation of nonluxury housing with suitable amenities, including real property acquisition, site improvement, conversion, demolition, and other expenses, including financing costs, relocation expenses of any displaced persons, families, businesses, or organizations; to provide tenant-based rental assistance; and to pay administrative costs. The specific eligible costs for these activities are set forth in § 92.612.

"(2) Acquisition of vacant land or demolition must be undertaken only with respect to a particular housing project intended to provide affordable housing, and for which funds for construction have been committed.

"(3) Housing that has received an initial certificate of occupancy or equivalent document within a one-year period before an Indian tribe commits HOME funds to the project is new construction for purposes of this part.

"(4) Conversion of an existing structure to affordable housing is rehabilitation, unless the conversion entails adding a unit beyond the existing walls, in which case, the project is new construction for purposes of this part."

(d) Threshold Requirements

The applicant must ensure that its application meets each of the threshold requirements. The threshold requirements, to be included in the application package, are:

(1) A description of the proposed project. An application must provide a brief narrative summary description of the proposed project that tells HUD what the applicant wants to do with program funds. The applicant must include this brief narrative summary description. While there are no points for this project description requirement, it is a necessary threshold requirement. For an application to be considered for ranking, rating and funding, it must include a brief description of the project or projects proposed for funding.

(2) A description which addresses how the project meets each of the selection criteria. In addition to providing a brief summary project description, an application must tell HUD how each project meets the selection criteria. This NOFA presents the selection criteria in section I.(e), below. The selection criteria are taken from the regulation for the HOME program that was published as an interim rule in the **Federal Register** on December 16, 1991 (pp. 65,312–65,385). For each project, the applicant must tell HUD how its project meets each of the criteria listed in this NOFA. While there are no points for this requirement, it is also a threshold requirement.

(3) Information which demonstrates how the project will contribute to a comprehensive approach for expanding the supply of affordable housing for members of the Indian tribe. (Indian tribes are not required to submit a Comprehensive Housing Affordability Strategy (CHAS), a Tribal Housing Plan, or a housing strategy to receive HOME funds.)

HUD suggests that each applicant score its own project, even though there is no requirement to do so. This will help to show how a project might be scored by the reviewers. It will also help to show if the application meets the thresholds and the minimum point score requirement (50 points), and where the strengths and weaknesses in a project are located. Then, the applicant can strengthen the weaker parts of a project and use the stronger parts as a model for other projects. Copies of the scoring sheets that will be used by HUD to evaluate a project are available from the FO.

For an application to be considered for rating, ranking, and funding, all threshold requirements must be addressed. After rating, the project must receive at least 50 points to be considered for funding.

(e) Selection Criteria and Ranking Factors

Each project submitted for grant funding shall be evaluated using the three criteria provided in 24 CFR 92.604, as more fully explained is sections I.(e) (1), (2), and (3) of this NOFA, below. See Figure 1. The complete rating and ranking process is described in detail at section I.(e)(4). Remember, the HOME program is for low-income and very low-income persons. Applicants should provide—in the application—the median income amount for the location of the project. If this information is not available, the applicant should obtain it from the FO.

FIGURE 1.—INDIAN HOME PROGRAM SCORING

Selection criteria	Maximum points
Need and design	40
Planning and implementation	40
Leveraging	20

(1) Need and Design—40 points maximum.

The first of the three criteria provided in 24 CFR 92.604 is: The degree to which the proposed project addresses the housing needs of the tribe as

identified in the application and through other information available to HUD in the application, and the degree to which the proposed project is feasible while maximizing benefits to very low and low-income families.

This first criterion is divided into two parts that will be examined and evaluated separately:

(i) Need—20 points maximum. The degree to which the proposed project addresses the housing need(s) of the Indian tribe as identified in the documentation for the project and through other information available to HUD. Tribal need must be documented. This documentation should include current IHA waiting lists, data on the degree of overcrowding, percentage of population in need of housing based upon census data, etc.

(ii) Project feasibility—20 points maximum. Project feasibility as measured here is the degree to which the number and size of the proposed housing units matches the need for low income housing identified in the previous evaluation factor. Examples: There a match between the *size* of the proposed units and the *size* of units needed by the low income families to be housed. There is a match between the *number* of proposed units and the *number* of families to be housed

Documentation for a project must demonstrate that:

—The proposed project is feasible for its community in terms of the degree to which it maximizes benefits to very low and low-income members of the tribe.
—The proposed project shall provide a sufficient number of units of the appropriate size for the need that was identified.
—The units are suitable for occupancy (or shall be made suitable), and
—The units are in compliance with building code requirements (or shall be brought into compliance). Modular and manufactured homes are eligible forms of housing.

(2) Planning and Implementation—40 points maximum.

The second of the three criteria provided in 24 CFR 92.604 is: The degree to which the financial, legal, and administrative actions necessary to undertake the proposed project have been considered and addressed in the documentation for the project, and the degree to which the applicant has the administrative staff to successfully carry out the project.

This section must be concrete and specific about the financial, administrative, and legal actions necessary to carry out the project, and it must address administrative capability—existing or planned. The applicant must demonstrate that the proposed project is feasible and meets the regulatory affordability requirements. This evaluation must include complete cost and revenue estimates for the project.

(i) Financial—15 points maximum.

(ii) Legal and Administrative Actions—10 points maximum.

(iii) Administrative Staffing—15 points maximum.

(3) Leveraging—20 points maximum.

The third of the three criteria provided in 24 CFR 92.604 is: Leveraging of HOME funds. This means HOME funds attracting or bringing in other dollars. Leveraging is the degree to which other sources of assistance, including, but not limited to: Loans, advances, equity investments, interest subsidies, State funds, private contributions, and in-kind contributions are used in conjunction with HOME funds to carry out the proposed project.

Funds from all sources shall be documented by a written commitment and may be contingent on approval of the HOME award. Resources shall be counted only if they are currently available or shall be available within 3 months of grant notification. The degree to which other sources of assistance are used shall be evaluated, and points shall be awarded based upon the additional number of dollars for assisted housing made available by the other sources of assistance divided by the number of dollars for assisted housing in the grant under this program.

(i) Points shall be awarded as presented in Table 1. For example, when fifteen (or more) dollars are made available by other sources of assistance for each one hundred dollars made available by HOME funds, the maximum number of points (20) are awarded. When five dollars are made available by other sources of assistance for each one hundred dollars made available by HOME funds, ten points are earned.

TABLE 1.—SCORING GUIDE LEVERAGING

Ratio	Points	Score
1. 15% or more	20	
2. 10% but less than 15%	15	
3. 5% but less than 10%	10	
4. Greater than 0% but less than 5%	5	
5. None	0	

(ii) Ratio as a percentage is computed by dividing the number of dollars made available by other sources of assistance by the number of dollars made available by HOME funds, and multiplying by 100.

(iii) Applicants must provide documentation of the amount and sources of additional funds, including mortgage insurance, tribal funds, private contributions, tribal in-kind contributions directly related to the activity (labor, material, and equipment, as well as for soft costs, e.g., architectural and engineering costs, administrative costs), etc., which are to be used in conjunction with HOME funds to carry out the proposed project.

(iv) In-kind contributions must be documented. Land already owned by the tribe shall not be counted. In the case of land donated by individuals or entities, it shall be counted if the donation was contingent upon the receipt of the award. All funds, services, and land to be contributed must be documented. Land value shall be counted as a contribution only to the extent of its appraised value. All appraisals shall be in conformance with established and generally recognized appraisal practice and procedures in common use by professional appraisers. Donated services shall be accepted, provided: (1) The costs are demonstrated and determined necessary and directly attributable to the actual development of the project; and (2) comparable costs and time estimates are submitted that justify the costs attributable to the donated services or labor. Donated labor shall be valued at a level necessary for the work provided and shall be assessed at the skill level of the individual(s) providing the labor.

(v) The amounts recognized as leverage can include any other Federal grant or assistance program. Loans secured through mortgage loan insurance programs (e.g., section 248 mortgage loan insurance) can be recognized as leverage.

(4) Application Review.

(i) Eligibility, Technical Deficiencies, and Threshold. Upon receipt of the application, the FO shall note the date and time and provide written acknowledgement to the applicant indicating the date and time the application was received. If the applicant proposes to involve the IHA, the IHA must not have been disqualified for funding of new projects, as determined in accordance with 24 CFR 905.135. Each application will be screened at the FO for eligibility and technical deficiencies. For the project to be considered further, the applicant must be eligible and the application must have no technical deficiencies. If the applicant fails to submit certain technical items, or the application contains a technical mistake, such as an incorrect signatory or the involvement of a disqualified IHA, the FO shall

notify the applicant in writing that the applicant has additional time to submit the missing item or correct the technical mistake. The FO must receive the correction within 14 calendar days from the date of issuance of the HUD notification letter. If the FO does not receive the missing or corrected item within the required time period, the application shall be ineligible for further processing. Completeness will be determined by the FO as to whether the application includes all the items, properly prepared and executed, identified in the Checklist of Application Submission Requirements. Following screening for and correction of technical deficiencies, the application will be reviewed by the FO to determine whether the application includes all the items identified as threshold requirements under the Threshold Requirements heading. No rating or point scoring shall be done. Therefore, FO review does not include determining whether the application meets the minimum point score requirement. After these FO reviews, each application which has no technical deficiencies and passes threshold will be sent with the FO checklist by the FO to the national panel for rating and ranking.

(ii) Rating and Ranking. There will be a single national rating and ranking of projects.

The reviewer should use as a guide Figure 2.—Rating Form for Indian HOME Grant Applications, below, to roll-up the scores for each of the selection criteria.

Figure 2.—Rating Form for Indian HOME Grant Applications

Applicant _____

Reviewer _____

Date _____

Threshold factor	Yes	No
1. Submission of Project Narrative Description.		
2. Submission of How Project Meets Selection Criteria.		
3. Submission of how project contributes to a comprehensive approach for expanding the supply of affordable housing for members of the Indian tribe.		
Pass all thresholds.		

Point scores for each factor	Maximum points	Project score
1. Need and design	Total 40	
a. Housing need	Subtotal (20)	
b. Project feasibility	Subtotal (20)	
2. Planning and implementation.	Total 40	
a. Financial	Subtotal (15)	
b. Legal and administrative actions.	Subtotal (10)	
c. Administrative staffing.	Subtotal (15)	
3. Leveraging	Total 20	
Project total score	Max. 100	

(A) Merged Ranking. After the projects from all applicants have been rated, their scores will be assembled in a single, merged list of scores for all rated projects.

(B) Computation. Scores for ranking shall be carried out to two decimal places (e.g., 12.34).

(C) Selection. The ranking process shall produce an ordered list of projects that may receive funding. The order is established by the number of points the project received in the rating process. The threshold for further consideration shall be 50 out of 100 points. Project applications scoring lower than 50 points shall be set aside as non-responsive and ineligible. After rating and ranking, HUD Indian field offices will perform an environmental review of applications, and applications may be re-ranked or disqualified on the basis of the environmental review. Of the qualifying applications, the project with the highest ranking after environmental review shall be funded first, the next highest shall be funded second, and so on, continuing through all the projects that have met the threshold requirement or until the funds are exhausted.

(D) Tie Breaker. When rating results in a tie among projects, projects shall be approved in the following order:

(1) Those that can be fully funded over those that cannot be fully funded.

(2) Projects that benefit the most very low and low-income persons.

(3) Projects that benefit the highest percentage of the total population of the tribe.

II. Application Process

(a) *Application Packages.* An application kit, including Application Form 424 may be obtained from any Indian FO listed in Appendix 1.

(b) *Submittal of Complete Application.* Completed applications must be submitted to the Indian FO having jurisdiction for the applicant at the address/location listed at Appendix 1. The application shall be submitted on Form 424 and shall be accompanied by all the legal and administrative attachments required by the form.

(c) *Application Due Date.* An applicant may submit an applicant for a project at any time after the Publication Date of this NOFA, to the Indian FO having jurisdiction over the applicant on or before 3:15 P.M. FO local time, July 15, 1993. This application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, the Department shall treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems. Facsimile ("FAX") copies shall not be accepted.

III. Checklist of Application Submission Requirements

Each application must contain the following:

(a) _____Component that addresses the Comprehensive Approach For Expanding The Supply Of Affordable Housing threshold. Indian tribes are not required to submit a Comprehensive Housing Affordability Strategy (CHAS), a Tribal Housing Plan, or a housing strategy to receive HOME funds. However, the application must demonstrate how the proposed project will contribute to a comprehensive approach for expanding the supply of affordable housing for members of the Indian tribe.

(b) _____Component that addresses the summary description of the proposed project threshold.

(c) _____Components that address the selection criteria thresholds. The applicant must provide a narrative and supporting documentation that are responsive to the selection criteria of sections I.(e)(1), (2), and (3) of this NOFA. This includes, but is not limited to, a description of how the HOME funds shall be used, and the various kinds of information that are necessary in order to apply the selection criteria and rating factors.

(d) _____Standard Form 424, Application for Federal Assistance. Complete side one only.

(e) _____HUD Form 4122, Community Development Block Grants for Indian Tribes and Alaskan Native Villages. Project Summary.

(f) _____HUD Form 4123, Community Development Block Grants for Indian Tribes and Alaskan Native Villages. Cost Summary.

(g) _____HUD Form 4125, Community Development Block Grants for Indian Tribes and Alaskan Native Villages. Implementation Schedule.

(h) _____Project location map.

(i) _____HUD Form 2880, Applicant/Recipient Disclosure/Update Report.

(j) The following certifications:

(1) _____A certification that the applicant shall comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies

Act of 1970, as amended, implementing regulations at 49 CFR part 24 and the requirements of section 92.634.

(2) _____A certification that the applicant shall use HOME funds in compliance with all the requirements of 24 CFR part 92, the HOME investment partnerships program interim rule.

(3) _____Drug-free workplace. The certification with regard to the drug-free workplace required by 24 CFR part 24, subpart F and appendix C.

(4) _____Debarment. The certification that neither the applicant nor its principals are presently excluded from participation in any HUD programs, as required by 24 CFR part 24, appendix A.

IV. Other Matters

(a) *Environment.* A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection during business hours in the Office of the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410.

(b) *Energy.* Utility expenses place a heavy burden on Indian housing and often cause abandonment. Applicants are encouraged to address this problem in applications for funding. 24 CFR 92.621: "Newly constructed housing must meet the current edition of the Model Energy Code published by the Council of American Building Officials. Substantially rehabilitated housing must meet the cost-effective energy conservation and effectiveness standards in 24 CFR part 39." See also 24 CFR 905.250(b) and 24 CFR 85.36(b)(7).

(c) *Federalism Impact.* The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this NOFA shall not have substantial direct effects on states or their political subdivisions, or the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the order. The NOFA is limited to providing funds to Indian tribes in accordance with a program to expand the supply of affordable housing.

(d) *Family Impact.* The General Counsel, as the Designated Official for Executive Order 12606, the Family, has determined that the provisions of this NOFA have the potential for indirect, although positive, impact on family formation, maintenance and general well-being within the meaning of the Order. The NOFA provides funds to Indian tribes in accordance with a program to expand the supply of affordable housing. To the extent that housing for families is increased, the impact on the family is indirect and beneficial. Accordingly, no further review is considered necessary.

(e) *Section 102 of the HUD Reform Act.* Documentation and Public Access Requirements; Applicant/Recipient disclosures:

Documentation and public access requirements. HUD shall ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, shall be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material shall be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD shall include the recipients of assistance pursuant to this NOFA in its quarterly **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these documentation and public access requirements.)

Disclosures. HUD shall make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) shall be made available along with the applicant disclosure reports, but in no case for a period generally less than three years. All reports—both applicant disclosures and updates—shall be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

(f) *Section 103 of the HUD Reform Act.* HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a) was published on May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708–3815. (This is not a toll-free number.) The Office of Ethics shall provide information of a general nature to HUD employees, as well.

(g) *Section 112 of the HUD Reform Act.* Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the **Federal Register** on May 17, 1991 (56 FR 22912). If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in Appendix A of the rule. Forms necessary for compliance with the rule may be obtained from the local HUD office.

(h) *Monitoring.* (1) HUD Monitoring. HUD Monitoring will be in accordance with the provisions at 24 CFR 92.650, Performance Reviews.

(2) Grantee Reports. Grantees must submit performance reports in accordance with 24 CFR 92.649.

(3) Certifications. HUD monitoring will continue until the grant funds are expended and the project is complete. After that, HUD will rely upon an

annual statement from the grantee—throughout the required period—which affirms that the project continues to meet affordability requirements.

Authority: 42 U.S.C. 3535(d) and 12701–12839.

Dated: February 8, 1993.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

Appendix 1.—List of Indian Field Offices

Region V—Chicago

Office of Indian Programs, HUD, 77 West Jackson Boulevard, Chicago, Illinois 60606–3507, 312–353–1282 or 1–800–735–3239, TDD Numbers: 1–800–927–9275, 312–886–3741

Region VI—Oklahoma

Indian Programs Division, HUD, Murrah Federal Building, 200 N.W. 5th Street, Oklahoma City, Oklahoma 73102–3202, 405–231–4101, TDD Numbers: 405–231–4181, 405–231–4891

Region VIII—Denver

Office of Indian Programs, HUD, Executive Tower Building, 1405 Curtis Street, Denver, Colorado 80202–2349, 303–844–2963, TDD Number: 303–844–6158

Region IX—Phoenix

Office of Indian Programs, HUD, Two Arizona Center, 400 North Fifth Street, Suite 1650, Phoenix, Arizona 85004–2360, 603–379–4156, TDD Number: 602–379–4461

San Francisco, Office of Indian Programs, HUD, 450 Golden Gate Avenue, 8th Floor, Box 36003, San Francisco, CA 94102–3448, 415–556–9200 TDD Number: 415–556–8357

Albuquerque, Office of Indian Programs, HUD, P.O. Box 1128, 421 Gold Street, Room 304, Albuquerque, NM 87103, 505–766–1372, TDD Number: None

Region X—Seattle

Office of Indian Programs, HUD, Seattle Federal Office Building, 909 First Avenue, Suite 200, Seattle, WA 98104–1000, 206–220–5270, TDD Number: None

Region X—Anchorage

Indian Housing Division, HUD, 701 C Street, Box 64, Anchorage, Alaska 99513–7537, 907–271–4170, TDD Number: 907–271–4328

Appendix 2.—Summary of 1992 Act Amendments

The Housing and Community Development Act of 1992 amended several provisions of the HOME statute. The following sections of the 1992 Act that directly affect the operation of the HOME program were effective upon enactment (October 28, 1992) and are applicable to grants awarded under this NOFA. Conforming changes will be made to the regulations.

Section 204.—Policies and Preferences Rules

The law eliminates the requirement that tenants assisted with HOME tenant based assistance be on the Section 8 waiting list; tenant-based rental assistance may be provided to low- and very low-income families in accordance with written policies and criteria that are "reasonably related to" preference rules established under section 6(c)(4)(A) of the Housing Act of 1937.

[**Note:** the effect is to require 70% of the families assisted with rental assistance to meet a federal preference.]

Section 205.—Use of Home Funds for Homeless Assistance

Permanent housing for disabled homeless persons, transitional housing and single-room occupancy housing are included in the definition of "affordable housing."

[**Note:** the effect is to add transitional housing as an eligible activity; all permanent housing and SROs are currently eligible under the HOME regulation.]

Section 208.—Affordable Housing

Rental housing shall qualify as affordable if the rents are not greater than (i) the Fair Market Rent for comparable units or (ii) a rent that does not exceed 30 percent of the adjusted income of a family at 65 percent of median income for the area, *adjusted for the number of bedrooms in the unit.*

[**Note:** This adjustment replaces the adjustment for smaller and larger families, but should have no effect on the program because the Department has provided rents based on bedroom size.]

Tenants who occupy HOME-assisted housing, who no longer qualify as low-income because of increases in their income shall pay as rent the lesser of 30 percent of the family's adjusted monthly income, as recertified annually, or "the amount payable by the tenant under State or local law."

[**Note:** Only underlined section is new.] For rental housing with Low Income Housing Tax Credits and for units under local rent controls, when a tenant's income increases, that tenant's rent will not have to be adjusted to 30 percent of the family's income.

Rental housing must remain affordable, as outlined in 24 CFR 92.614, except "upon foreclosure by a lender, (or upon other transfer in lieu of foreclosure), if such action recognizes the legal rights of public agencies, nonprofits, or others to take actions that would not avoid termination of low-income affordability in the case of foreclosure or transfer in lieu of foreclosure, and is not for the purpose of avoiding low-income affordability restrictions."

Section 209.—Homeownership Resale Restrictions

An Indian tribe grantee may meet the resale restrictions created in the original law, "or recapture its HOME investment, provided it uses the recaptured funds to assist other persons in accordance with the requirements of this subsection [in other words, to assist first-time homebuyers], except where there are not net proceeds or where the net proceeds are insufficient to repay the full amount of the assistance."

[**Note:** For Indian tribes who choose this option, the subsidy technique used must permit the recapture of the HOME subsidy amount, in whole or in part, during the period of affordability, although the subsidy amount could be forgiven at the end of the period.]

Section 219.—Eligibility of Manufactured Home Owners as First-Time Homebuyers

The definition of "first-time homebuyer" is amended such that "an individual shall not be excluded from consideration as a first-time homebuyer under this paragraph on the basis that the individual owns or owned, as a principal residence during such 3-year period, a dwelling unit whose structure is—

(i) Not permanently affixed to a permanent foundation in accordance with local or other applicable regulations, or

(ii) Not in compliance with State, local, or model building codes, or other applicable codes, and cannot be brought into compliance with such codes for less than the cost of constructing a permanent structure."

This second provision has wider application beyond owners of manufactured housing and applies to individuals living in units not meeting applicable standards which can not be rehabilitated cost-effectively as described in (ii) in the document judgment of the Indian tribe.

[FR Doc. 93–39917 Filed 2–22–93; 8:45 am]

BILLING CODE 4210–33–M

OL

58

SS

34

E

23

993

MI

federal register

Tuesday
February 23, 1993

Part III

Environmental Protection Agency

40 CFR Part 51
Economic Incentive Program Rules; Proposed Rules

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[FRL-4591-8]

RIN 2060-AD58

Economic Incentive Program Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking; Notice of public hearing.

SUMMARY: This action proposes rules for economic incentive programs (EIP's) which either may or must be adopted by States for certain ozone (O_3) and carbon monoxide (CO) nonattainment areas upon the failure of a State to submit an adequate showing that an applicable reasonable further progress (RFP) or a specific emissions reductions milestone has been met (in serious, severe, and extreme O_3 and serious CO nonattainment areas), or upon the failure of a serious CO nonattainment area to attain the National Ambient Air Quality Standards (NAAQS) for CO. Under the Clean Air Act as amended in 1990 (Act), the EPA is required to promulgate final EIP rules for stationary, area, and mobile sources by November 15, 1992; this action is an initial step in that process. The provisions of these proposed rules are also being proposed as guidance for discretionary EIP's that any State may choose to adopt for any criteria pollutant, as explicitly allowed for in the Act. The Agency views this proposed action as an opportunity to encourage the development and early implementation of appropriate EIP's. In so doing, the Agency hopes this proposed rule and guidance will stimulate the adoption of incentive-based, innovative programs, where appropriate, that will assist States in meeting air quality management goals through flexible approaches which allow for less costly control strategies, and which provide stronger incentives for the development and implementation of innovative emissions reductions technology.

DATES: Written comments on the proposed EPA action must be received by the EPA at the address below on or before April 26, 1993. A public hearing will be held in the Research Triangle Park, NC. area, unless there are no requests for such a public hearing. Specific details will be published in a separate **Federal Register** notice. Requests to present oral testimony should be received on or before March 12, 1993.

ADDRESSES: Comments should be mailed (in duplicate if possible) to: EPA Central Docket Section, South Conference Center, room 4, 401 M Street, SW., Washington, DC, 20460.

DOCKET: The public docket for this action, A-91-56, is available for public inspection and copying between 8 a.m. and 4 p.m., Monday through Friday, at the address listed below. A reasonable fee for copying may be charged.

FOR FURTHER INFORMATION CONTACT: Mr. Willis P. Beal, U.S. EPA, MD-12, Research Triangle Park, North Carolina 27711, telephone (919) 541-5667. Persons interested in attending the public hearing or wishing to present oral testimony should contact Mr. Michael Sink, Pacific Environmental Services, Inc., 5001 South Miami Blvd. P.O. Box 12077 Research Triangle Park, North Carolina 27709-2077, (919) 941-0333 or via telefax at (919) 941-0234.

SUPPLEMENTARY INFORMATION: The contents of today's preamble are listed in the following outline:

I. Background and Purpose
A. Introduction
B. Overview
C. Principles and Regulatory Elements
II. Summary of Proposed Rules and Guidance
A. Applicability
B. Definitions
C. State Program Election and Submittal
D. State Program Requirements
E. Use of Program Revenues
III. Discussion of Proposed Rules and Guidance
A. Applicability
B. Definitions
C. State Program Election and Submittal
D. State Program Requirements
E. Use of Program Revenues
IV. Discussion of Issues
A. Program Goals
B. Interface With RACT Requirements
C. Program Baseline
D. Emission Quantification
E. Monitoring, Recordkeeping, Reporting
F. SIP Creditability
G. Audit/Reconciliation Procedures
H. Penalties for Noncompliance
I. Interface With Existing Emission Trading Policies
V. Public Participation
A. Comments and the Public Docket
B. Public Hearing
VI. Administrative Requirements
A. Executive Order 12291
B. Paperwork Reduction Act
C. Regulatory Flexibility Act

I. Background and Purpose

A. Introduction

The Act, as amended in 1990, broadly encourages the use of incentive-based approaches to control air pollution. This encouragement is reflected not only in the title IV acid rain program, but also in the title I general provisions for State and Federal implementation plans for achieving the NAAQS for criteria pollutants, as well as in the provisions for certain Federal O_3 measures. In title I, incentive-based approaches are encouraged, and, in certain cases, mandated through the use of what has been termed an "economic incentive program." Today's notice proposes rules and guidance for EIP's adopted by the States pursuant to title I of the Act.

The Agency views this proposed action as an opportunity to encourage and provide guidance on the early implementation of appropriate discretionary EIP's, as well as to provide mandated rules for use by States after certain specific failures occur. The Agency hopes that this guidance will stimulate the early adoption of innovative, incentive-based approaches, where appropriate, that will assist the States in avoiding such failures, meeting long-term milestones and goals, and lowering the cost of attaining and maintaining the NAAQS. Through this action, the Agency intends to encourage the development of EIP's which increase flexibility and stimulate the use of less costly strategies, as well as provide stronger incentives for development and implementation of innovative emissions reductions technology and strategies beyond those specifically mandated through State and Federal standards and regulations. However, the Agency believes that EIP's must also meet the standards of accountability and enforceability currently found in traditional regulatory programs.

B. Overview

Today's notice proposes rules for EIP's which may be adopted by an authorized governing body, including States, local governments, and Indian governing bodies (henceforth State), for certain O_3 and CO nonattainment areas pursuant to sections 182(g)(3), 182(g)(5), 187(d)(3), and 187(g) of the Act. These sections mandate for certain areas, and identify as one of three options for certain other areas, the use of EIP's in certain cases. An EIP is mandated upon the failure of a State to submit an adequate demonstration showing that the area has met applicable milestones for RFP in extreme O_3 nonattainment areas (section 182(g)(5)). An EIP is identified as one of three options upon such failure in serious and severe O_3 nonattainment areas (section 182(g)(3))[1]. Further, an EIP is also

[1] The other two options are to have the area reclassified to the next higher classification and to implement specific additional measures adequate .

mandated upon the failure of a State to submit a milestone demonstration showing adequately that the area has met a required specific emissions reductions milestone, or to attain the CO NAAQS in serious CO nonattainment areas (section 187(d)(3), 187(g)).

Section 182(g)(4)(A) of the Act requires that EIP's adopted by States pursuant to the sections of the Act cited above, characterized in today's notice as statutory EIP's, be consistent with the Agency's final rules for EIP's. This section also requires that such EIP's be nondiscriminatory with regard to applicable laws regarding interstate commerce. In addition, section 182(g)(4)(B) imposes constraints on how any revenues generated by such programs shall be used. The scope of the EIP rules includes programs which may be adopted for "reducing emissions from permitted stationary sources, area sources, and mobile sources."

Other sections of title I also explicitly allow for EIP's to be included as provisions in SIP's in general (section 110(a)(2)(A)), as well as specifically in nonattainment area SIP's (section 172(c)(6)). Economic incentives are allowable in Federal implementation plans (FIP's), by definition (section 302(y)), and in Federal O_3 measures through the system of regulations for control of emissions from consumer or commercial products (section 183(e)(4)). Today's proposal serves as the Agency's interim guidance for EIP's adopted by States pursuant to the sections of the Act relating to general SIP provisions, characterized in today's notice as discretionary EIP's, until final guidance is issued in conjunction with the final EIP rules. Discretionary EIP's may be adopted for any criteria pollutant in both nonattainment and attainment areas.

C. Principles and Regulatory Elements

The rules and guidance proposed in today's notice are broadly applicable to any type of statutory or discretionary EIP. The proposal requires that EIP's submitted for approval to the EPA as part of a SIP for a nonattainment area contain design features that will ensure that the program will not interfere with other requirements of the Act, and that emissions reductions credited to the program will be quantifiable; consistent with SIP attainment and RFP demonstrations; surplus to reductions required by, and credited to, other implementation plan provisions to avoid double counting of reductions; enforceable at both the State and Federal levels; and permanent within the timeframe specified by the program. However, the Agency does not intend to limit flexibility and innovation beyond those constraints that are necessary to meet these requirements.

The proposal identifies key program provisions which must generally be included to ensure that the above requirements will be met. Adequate program designs will generally include the following elements: A clearly defined purpose and goals, and an incentive mechanism that can be rationally related to accomplishing the goals; a clearly defined scope, which identifies affected sources and assures that the program will not interfere with any other applicable Federal regulatory requirements; a program baseline from which projected program results (e.g., quantifiable emissions reductions) can be determined; credible, workable, replicable procedures for quantifying emissions and/or emission-related parameters, as appropriate; source requirements, including those for monitoring, recordkeeping, and reporting (MRR), that are consistent with specified quantification procedures and allow for compliance certification and enforcement; requirements for projecting program results and dealing with uncertainty; and an implementation schedule, administrative system, and enforcement provisions adequate for ensuring Federal and State enforceability of the program. All EIP's for which SIP credit is taken in attainment and RFP demonstrations must include additional elements, such as audit procedures to evaluate program implementation and track results, and, in certain cases, reconciliation procedures to trigger corrective or contingency measures to make up any shortfall between projected emissions reductions and emissions reductions actually achieved in practice.

The proposal is, of necessity, general in nature with regard to criteria for designing adequate program elements. This generality arises due to the large variety of EIP types and designs which may be submitted and the Agency's goal of encouraging creativity and innovation on the part of the States developing such programs. There are three broad, highly interrelated aspects of any program design that significantly affect the approveability of an EIP: How the EIP relates to other SIP provisions, the level of certainty in quantifying emissions and projecting EIP results, and the nature and extent of MRR requirements for enabling determinations of compliance. Today's proposal reflects the Agency's current view that the standard of adequacy for any one of these aspects is, to some degree, a function of the way in which the other two aspects are addressed in any given program design. The Agency anticipates preparing additional guidance on adequate program design as it gains experience with EIP's, partly through ongoing program evaluation studies and participation in feasibility and demonstration projects.

Descriptions of a broad range of incentive strategies which exemplify potential EIP's are appended to the proposal. These descriptions identify key provisions which distinguish the different model program types. These examples are general in nature, so as to avoid limiting innovation on the part of the States in developing programs tailored to individual State needs. The EPA is currently preparing support documents which will survey a wide range of EIP's that have actually been implemented, as well as programs in the design stage. The EPA has also issued information and guidance, as required by section 108(f)(1)(A) of the Act, regarding the formulation and emissions reductions potential of various transportation control measures (TCM's).[2]

The EPA is also preparing guidance on the generation of emissions reductions credits (ERC's) from mobile source control programs. This guidance will take two forms: Generic guidance on the generation of ERC's from any "surplus" mobile source control program, and more detailed descriptions of the types of data required and analytical frameworks that can be employed to design approvable mobile source control programs such as vehicle scrappage, clean fuel conversions, and others. Both the generic and the more specific guidance will elaborate on the procedures that will need to be followed to generate approvable ERC's. Those procedures will be consistent with the rules and guidance set forth in this document.

The EPA intends that today's proposal be consistent with other related rules and policies, either in place or under development, such as the Title V operating permits rules, the title VII rules for enhanced monitoring and compliance certification, general guidance on the implementation of title I, and policies on emission trading.

. . to meet the next milestone as provided in the applicable contingency plan.

[2] Further information on potential TCM's and other mobile source measures is also contained in a staff memorandum, "Preliminary Mobile Source Economic Incentive Program Strategies," from P. Okurowski to P. Lorang, March 30, 1992, which is available in the docket.

II. Summary of Proposed Rules and Guidance

A. Applicability

The rules proposed in today's notice apply to any statutory EIP submitted to the EPA as a SIP revision to comply with sections 182(g)(3), 182(g)(5), 187(d)(3), or 187(g) of the Act, which either may or must be adopted by States upon the failure of a State either to meet or to submit an adequate showing that an applicable RFP or a specific emissions reductions milestone has been met [in serious, severe, and extreme O_3, and serious CO nonattainment areas], or upon the failure of a serious CO nonattainment area to attain the NAAQS for CO. The provisions contained in these proposed rules, except as explicitly exempted, also serve as the Agency's interim policy guidance on any discretionary EIP's submitted as SIP revisions.

B. Definitions

Consistent with section 182(g)(4)(A) of the Act, for purposes of today's rulemaking, "EIP" is defined to mean a program which may include "State established emission fees or a system of marketable permits, or a system of State fees on sale or manufacture of products the use of which contributes to O_3 formation, or any combination of the foregoing or other similar measures. In addition, the Act expands this definition to include any of the TCM's identified in section 108(f) of the Act.

C. State Program Election and Submittal

Under today's proposed rules, statutory EIP's submitted as SIP revisions, when applicable, must be sufficient, in combination with other elements of the plan, to achieve the next applicable milestone (for serious, severe, and extreme O_3 nonattainment areas), or to reduce the total tonnage of emissions of CO in the area by at least 5 percent per year until attainment is achieved (for serious CO nonattainment areas). Discretionary EIP's must not interfere with any applicable requirement concerning attainment and RFP, or any other applicable requirement of the Act.

D. State Program Requirements

Under today's proposed rules, EIP's must be State and federally enforceable, nondiscriminatory (with respect to interstate commerce), and consistent with the timely attainment and maintenance of NAAQS, all applicable RFP and visibility requirements, applicable prevention of significant deterioration (PSD) increments, and all other applicable requirements of the Act. Programs in nonattainment areas for which credit is taken in attainment and RFP demonstrations shall be designed to ensure that the effects of the program are quantifiable, and that the credit taken is limited to that which is surplus to other SIP-credited requirements. Statutory EIP's must be designed to result in quantifiable, significant reductions in actual emissions.

A number of program elements are outlined in the proposal which must be included, as applicable, as part of any EIP design. These elements are required to delineate program scope, to specify credible, workable, replicable emission quantification procedures and all affected source requirements, to project program results, to specify audit and, if appropriate, reconciliation procedures (to evaluate program implementation, track results, and, as appropriate, trigger corrective or contingency measures), and to define an implementation schedule, administrative procedures, and effective enforcement mechanisms.

E. Use of Program Revenues

The proposed rules incorporate statutory restrictions on the use of revenues generated by statutory EIP's. Specifically, any such revenues may be used by a State for providing incentives for achieving emissions reductions, providing assistance (up to 75 percent of the costs) for the development of innovative technologies for the control of O_3 air pollution and for the development of lower-polluting solvents and surface coatings, and funding (with up to 50 percent of the revenues) administrative costs of State programs under this Act. These restrictions on the use of revenues do not apply to discretionary EIP's.

III. Discussion of Proposed Rules and Guidance

This portion of the notice provides more detail on the provisions of the proposed rules and guidance.

A. Applicability

Today's proposed rules apply to any EIP submitted by a State pursuant to sections 182(g)(3), 182(g)(5), 187(d)(3), and 187(g) of the Act. Such statutory EIP's are those that are elected after certain nonattainment areas (i.e., serious, severe, and extreme O_3 nonattainment areas, and serious CO nonattainment areas) fail either to meet a required progress milestone or to submit an adequate demonstration showing that a progress milestone has been met; or, in the case of serious CO nonattainment areas, fail to attain the NAAQS by the applicable date. In addition, the EPA proposes to apply the provisions of the proposed rules as policy guidance for any other discretionary EIP authorized under general SIP provisions, sections 110(a)(2)(A) and 172(c)(6) of the Act. Further, the EPA proposes to use the provisions contained in these rules as guidance in preparing EIP's, when appropriate, for FIP's necessitated by State failures and for other Federal measures.

The EPA intends to review EIP's submitted as plan revisions based on the general SIP review requirements contained in sections 110(k), 110(l), 182, and 187 of the Act, as applicable, and associated Agency policies. For statutory programs, the Agency intends to review the plan revision and either approve or disapprove all or part of the revision within 9 months after the date of the State's submission of the plan revision, consistent with sections 182(g)(3) and 182(g)(5) of the Act. For discretionary EIP's, Agency action on plan revisions submitted for review will be taken according to the same schedule as is applicable to any other type of plan revision. An EIP submitted as a plan revision will be deemed to be approved only upon an affirmative decision by the Agency.

B. Definitions

The definitions in today's proposal include many terms drawn from the Act or other regulations or guidance documents, as well as new terms relating to EIP's. Key new terms are discussed below.

1. Economic Incentive Program

The key new term "EIP", according to section 182(g)(4)(A) of the Act, is taken to mean, for the purposes of this rulemaking, a program which may include "State established emission fees or a system of marketable permits, or a system of State fees on sale or manufacture of products the use of which contributes to O_3 formation, or any combination of the foregoing or other similar measures," as well as "incentives and requirements to reduce vehicle emissions and vehicle miles traveled in the area, including any of the transportation control measures identified in section 108(f)."

For purposes of this rulemaking, this proposal classifies EIP's into three broad categories: Emission limiting, market response, and directionally sound. This categorization is based on whether a quantifiable emission-related requirement is directly specified as an integral element of the program, or whether the program depends upon marketplace decisions, in response to a

program's incentive, to produce the intended emission-related objective of the program. Further, the categorization is a function of whether the results of the program are quantifiable.

Emission-limiting strategies directly specify limits on total mass emissions, emission-related parameters (e.g., emission rates per unit of production, product content limits), or levels of emissions reductions relative to a program baseline that are required to be met by affected sources, while providing flexibility to sources to reduce the cost of meeting such limits. A marketable permits program (i.e., emission trading with source-specific mass emissions limitations, or caps) is a primary example of such a program. If every affected source in such a program complies with its emissions cap (taking into account both emissions generated by the source as well as any emissions trading), the program will necessarily achieve the specified emissions limits.

A market-response strategy creates one or more incentives for affected sources to reduce emissions, without directly mandating emission-related requirements for individual sources or even for all sources in the aggregate. An emission fee program may be an example of a market-response strategy. In such a program, each source might be required to pay a fee on each unit of emissions. The response to the incentive, in terms of actions which affect emissions levels, will be determined by each source according to its abatement opportunities, costs, and other factors. Thus, each source has flexibility in determining its ultimate level of emissions (within any constraints imposed by other regulatory requirements).

A consequence of programs based on market-response strategies is that actual emissions from affected sources may differ from the preimplementation projected emissions level even if every affected source is in full compliance with the EIP requirements. This added degree of uncertainty in program results must be accounted for in designing such a strategy (see paragraph III.D.6.).

Directionally sound strategies do not yield quantifiable emissions reductions creditable towards RFP or attainment demonstrations. Such strategies may be included in an area's attainment plan, without credit, or in a maintenance plan if the strategy contributes to the area coming into or maintaining attainment. Emissions reductions from such programs are not creditable towards RFP or attainment demonstrations because the program lacks one or more of the basic program elements, such as a quantifiable program baseline or adequate emissions quantification procedures. However, a State may want to pursue such a strategy as a part of their overall program to attain and maintain the NAAQS. Directionally sound strategies must not be used as the primary basis for any statutory EIP submitted pursuant to sections 182(g)(3), 182(g)(5), 187(d)(3), and 187(g) of the Act.

A number of different types of incentive strategies have been identified upon which EIP's could be based. Appendix W contains descriptions of different types of strategies, together with a listing of the TCM's included in section 108(f) of the Act. There is not, however, in all cases a direct correspondence between a type of strategy and the regulatory categories described above, since program design details can in some cases make a difference in the extent to which program results are quantifiable or dependent on market response. Thus, examples of general types of EIP's cannot be inherently linked to any one of the regulatory categories.

2. Program Baseline

The determination of a program baseline is the first step in projecting program results. Results from EIP's can be measured in terms of quantifiable emissions reductions, or, in the case of directionally sound programs, in terms of other emission-related parameters. Further, some types of incentive strategies depend upon the establishment of a program baseline, in terms of a level of mass emissions or emission-related parameter(s), for each affected source or aggregated over all affected sources, as a starting point for the incentive program mechanism. For example, a marketable emissions permit program could be initialized by a program baseline that allocates to each source a cap on mass emissions that serves as its starting point for any emissions trading transactions or future emissions reductions requirements. For other types of programs, this program baseline could be defined in terms of emission-related parameters, such as average emission rates, solvent content, or vehicle ridership factors.

3. Nondiscriminatory

Section 182(g)(4) provides that statutory EIP's must be "nondiscriminatory," and must be "consistent with applicable law regarding interstate commerce." The EPA interprets these requirements to mean that a statutory EIP must not discriminate in favor of intrastate commerce, and against interstate commerce. In addition, an EIP must meet any other applicable limitations under the Commerce Clause of the U.S. Constitution. For example, State taxes must meet the requirements, to the extent applicable to the tax, set out by the U.S. Supreme Court in *Complete Auto Transit, Inc.* v. *Brady*, 430 U.S. 274 (1977). There, the Court stated that a State tax will pass scrutiny under the Commerce Clause only if "the tax is applied to an activity with a substantial nexus with the taxing State, is fairly apportioned, does not discriminate against interstate commerce, and is fairly related to the services provided by the State." *Id.* at 279. Under the EPA's interpretation, Congress did not intend, by the provisions authorizing EIP's, either statutory or discretionary, to delegate its authority under the Commerce Clause to the States, and thereby release State EIP's from the limitations that would apply under the Commerce Clause had Congress not specifically authorized the EIP; rather, Congress intended to maintain those limitations.

C. State Program Election and Submittal

The mandated schedules for the development, submittal, review/approval, and implementation of EIP's submitted pursuant to sections 182(g)(3), 182(g)(5), 187(d)(3), and 187(g) of the Act may leave as little as 6 months for the EIP to be operational prior to the next milestone requirement. Thus, in these cases, the time available to develop, implement, and achieve emissions reductions from an EIP will be extremely limited if a State waits until a milestone failure occurs to initiate the selection and development of an EIP. As a result, the EPA encourages States to initiate development of an EIP as soon as they determine that a milestone failure is likely, or even sooner, as part of their SIP. States are encouraged to consider inclusion of discretionary EIP's, where appropriate, in the SIP's (or SIP revisions) due 2, 3 or 4 years after enactment of the amended Act (under, e.g., sections 182(b)(1) and (c)(2), 187(a)(1)). Submittal at that time would more likely allow sufficient time to develop, implement, and evaluate the effectiveness of the program.

A State may submit a discretionary EIP to the EPA prior to the SIP submittals due 2, 3 or 4 years after enactment of the amended Act. If such an early EIP submittal is made, however, States must account for the effects of the EIP in the subsequent required SIP submittals. Further, nothing in today's proposal precludes a State from revisiting and amending its original EIP, or any other preexisting

rules, as necessary, to ensure consistency with the subsequent required SIP submittals.

The EPA interprets the requirements of sections 182(g)(3) and 182(g)(5) of the Act as applying any time that a State fails to submit an adequate milestone compliance showing, or the EPA determines that a milestone has been missed by an area covered by these provisions. For example, if such a milestone is not met by a serious or severe O_3 nonattainment area, the area may elect among three options, including an EIP. The Act does not provide any additional or different requirements that would apply when a State that missed one milestone, and makes a proper election, misses a subsequent milestone. Accordingly, if a subsequent milestone is missed, the same choices are available, including the election of an EIP. Thus, the imposed requirements or specified options apply not only the first time that a milestone is missed, but also if subsequent milestones are missed even if an EIP had previously been implemented Similarly, the EPA interprets section 187(g) (requiring serious CO nonattainment areas that fail to attain to adopt an EIP) as applying even if the area previously missed a milestone and adopted an EIP pursuant to section 187(d)(3). A second missed-milestone program must provide reductions beyond the reductions from a first statutory program The second EIP may either be a new program or a substantive revision of the first program.

D State Program Requirements

This section briefly describes each of the program elements that must be included, as applicable, in an EIP submitted to the EPA as a plan revision

1. Statement of Purpose, Goals, and Program Description

An acceptable EIP must clearly define the purpose and goals of the program, and provide a rationale relating the program elements to the goals. For instance, a goal might be to achieve a targeted emissions reduction at a lower overall cost, enabling a nonattainment area to meet some part of its RFP milestones. Alternatively, a goal of an EIP in an attainment area might be to lower the cost of maintaining compliance with applicable NAAQS. Other acceptable goals might be to enhance operational flexibility, provide incentives for technological innovation, or encourage reduction of emissions earlier than otherwise required.

A well-designed EIP may have multiple goals. For instance, a marketable emissions permit program, with mass emissions caps declining over time, may achieve several results. The declining cap aspect of the program results in emissions reductions creditable towards RFP milestones (to the extent that actual emissions are reduced). The marketable aspect of the program allows emission sources facing differing costs of further emission control to trade, lowering overall control costs. Such programs also encourage sources already able to meet their mass emissions caps to find ways of further reducing emissions (e.g., through technological innovation or changes in operational procedures).

An EIP should include a rationale for how the incentive mechanism(s) will achieve the stated goal(s). A State can create a better overall program design by carefully examining and explaining the linkage between a program's provisions and the desired outcome. The provisions of a program must be sufficient to ensure the program goals are successfully achieved without creating unintended detrimental side effects.

An EIP description must include all the elements of the incentive program. The description must identify the target pollutant(s) and the nature of the environmental problems addressed (e.g., peak episodes and/or long-term emission loading), specific environmental program objectives (e.g., caps on total mass emissions, reductions in emission-related product content), and the category and type of economic incentive strategy selected to achieve the objective. Proposed criteria for the environmental goals of EIP's are discussed below (see paragraph IV.A.)

2. Program Scope

As with any regulatory program, an EIP must identify the affected sources covered by the program The affected sources may be defined on the basis of source type (e.g., manufacturing operations), activity type (e.g., fuel storage tanks), location, firm size, quantity of emissions, or other such characteristics. In addition, a State may choose to grant exemptions from program requirements to sources meeting specified criteria. For example, States may consider exempting zero-emitting vehicles from a new parking price program. In establishing the affected source criteria, a State must assure that the resultant program is nondiscriminatory within the meaning given that term in this proposal.

The program must establish procedures for dealing with sources entering or exiting affected source categories. In order to promote economic growth consistent with achieving environmental goals, a regulatory program should not create unwarranted barriers to entry for new or expanding business entities.

In addition, the program must establish criteria and procedures for sources voluntarily choosing to opt-in or to be exempted from the program, to the extent that the program design allows for such movement into or out of the universe of affected sources. For example, the title IV acid rain allowance trading program includes provisions for sources not originally in the program to opt-in to the program in order to sell sulfur dioxide (SO_2) emission allowances to sources already in the program. Certain EIP's may also provide criteria for exempting sources such that they can leave the program; such criteria must be described and the procedures for leaving the program must be included in the EIP. Any such procedures must ensure that movement into or out of the program will not result in an increase in areawide emissions that is not reflected in the plan's attainment or RFP demonstrations. Finally, the opt-in program language must specify that it will not allow sources to opt-in if the net result of the opt-in program as a whole is to increase area emissions, unless such increase has been accounted for in the development of the EIP, and is consistent with attainment and maintenance of the NAAQS, RFP, and all other SIP requirements.

Affected sources in an EIP may also be covered by other Federal regulatory requirements. Based on the EPA's interpretation of the Act, EIP's may not interfere with applicable requirements concerning attainment and RFP, or any other applicable requirements of the Act. Thus, the program scope must be defined so as not to interfere with any other Federal regulatory requirements which apply to the affected sources. Such requirements for stationary sources may include, but are not limited to, reasonably available control technology (RACT), PSD and new source review (NSR) offset requirements, lowest achievable emission rate (LAER), best available control technology (BACT), new source performance standards (NSPS), national emissions standards for hazardous air pollutants (NESHAPS), acid deposition program requirements, reasonably available control measures (RACM), and best available control measures (BACM). Such requirements for mobile sources may include, but are not limited to, programs integral to vehicle inspection and maintenance (I/M), clean-fueled fleets, reformulated gasoline, oxygenated fuels, employer-sponsored

trip reductions, TCM's, and Federal motor vehicle controls.

Sources subject to the above listed statutory requirements may participate in emissions trades pursuant to an EIP as long as, apart from their participation in such trades, they continue to meet the statutory requirements. Thus, if these sources reduce their emissions below what the applicable statutory requirements call for, the reductions beyond the requirements may furnish credits for the EIP. Further, where reductions made to meet the statutory requirements are surplus to reductions required by, and credited to, attainment and RFP demonstrations or other SIP requirements, the reductions may also furnish credits for the EIP. However, these sources may not rely on credits furnished through the EIP to exceed the requirements of the applicable statutory provisions.

Following is a more specific discussion of the interplay of several of the statutory provisions listed above with the EIP rules.

RFP requirements. Credits for emissions reductions from stationary, mobile, or area sources may generally be used to meet the "progress" requirements of the nonattainment provisions of the Act. SIP's for O_3 nonattainment areas classified as moderate or higher under section 181(a)(1) are required to provide for reductions in volatile organic compounds (VOC) of at least 15 percent from baseline emissions by 1996, and areas classified as serious or higher are required to provide for reductions of at least three percent each year (averaged over a 3-year period) thereafter until the attainment date [section 182(b)(1), 182(c)(2)(B)] Emissions reductions from all sources may be used to meet these progress requirements, except for those reductions attributable to Federal motor vehicle programs and RACT and NSR corrections [section 182(b)(1)(C)–(D)].

RACT. Under the EPA's proposed interpretation, an EIP may allow sources subject to the RACT requirement to attain RACT level emissions reductions in the aggregate, and thereby trade among themselves. In addition, an EIP may allow sources subject to the RACT requirement to meet their RACT obligations by acquiring emissions reductions from sources not subject to the RACT requirement.

Under the 1977 Act, the EPA took the position that the RACT requirement found in section 172(b)(3) of part D did not require each affected emissions unit to achieve a prescribed amount of reductions in emissions from its own processes, but rather required the affected sources to provide in the aggregate the reductions that would be achieved if each applied RACT controls to itself. This interpretation, which is reflected in the Emissions Trading Policy Statement (51 FR 43814 (December 4, 1986), the "Bubble Policy"), was upheld in *NRDC* v. *EPA*, 33 ERC 1657 (4th Cir. 1991), an unpublished decision.

Under the 1990 Amendments, the 1977 Act's requirement for RACT was retained in subpart 1 of part D, section 172(c)(1), and RACT requirements specific to ozone nonattainment SIP's were added in subpart 2, particularly section 182(b)(2). Thus, under the 1990 Act, the EPA continues to take the position established under the 1977 Act that RACT applies in the aggregate.

The EPA also interprets the RACT requirement to authorize emissions trading between the stationary sources subject to the RACT requirement ("RACT sources") and any sources (i.e., stationary, mobile, and area sources) not subject to the RACT requirement ("non-RACT sources") when such trading results in an exceptional environmental benefit, e.g., a level of reductions that is significantly greater than RACT-level amounts. With respect to the level of emissions reductions required from the non-RACT sources, as described more fully below, the EPA believes that the appropriate amount of emissions reductions generally should be set at a level that takes into account the severity of the nonattainment status in a given area.

The EPA proposes to use the statutory offset ratios for nonattainment areas as the determinant of the amount of emissions reductions that would be required from non-RACT sources generating credits for RACT sources. The offset ratios are lower for lower-classified areas (e.g., compare section 182(a)(4), with a 1.1 to 1 offset ratio for marginal areas, and section 182(d)(2), with a 1 3 to 1 offset ratio for severe areas). Looking to offset ratios is instructive because offsets are an aspect of emissions trading that is directly addressed in the Act. The offset ratios provide a suitable analogy because they represent the most substantial benefit to the environment for a given area that is required in this statutory context of emissions trading

However, the EPA proposes to approve emissions trading between RACT and non-RACT sources at less than the offset ratios if exceptional environmental benefits are otherwise demonstrated. For example, the EPA would look favorably upon an emissions trade that promoted the market penetration of emissions reduction measures for non-RACT sources, such that future emissions reductions from the universe of non-RACT sources would be expected to increase over time. Such measures could include new vehicle technologies that utilize alternative fuels, provided that such technologies meet all relevant EPA standards and guidelines. Where a lower trading ratio is authorized in order to promote the market penetration of an environmentally beneficial new control measure, EPA is proposing a lower bound for the trading ratio of 1.1 to 1 to assure that in all events some additional benefit accrue to the environment. In setting the appropriate ratio for trades between RACT and non-RACT sources, the EPA is also proposing to allow States to take into account additional State and federally enforceable emissions reductions that are achieved as a result of other exceptional environmental features of an EIP (such as a separate "environmental bonus" provision, as discussed in EPA's Proposed Interim Guidance on the Generation of Mobile Source Emissions Reduction Credits). In no case, however, can a trading ratio be lower than 1 to 1, and in no case can the effective trading ratio be less than the appropriate offset ratio (or such ratio, as low as 1.1 to 1.0, as may be authorized to promote the market penetration of environmentally beneficial new control measures) For further discussion of related issues, refer to paragraph IV.B.

Offsets Credits for emissions reductions generated by stationary, mobile, or area sources may be used for purposes of meeting the offset requirement, so long as they meet the restrictions imposed on offsets by section 173 of the Act. Under the nonattainment provisions, new or modified major stationary sources may not receive permits for construction and operation in a nonattainment area unless, among other things, their new emissions are offset by reductions from other sources in the area [section 172(c)(5), 173(a)(1)(A)]. For O_3 nonattainment areas, minimum offset ratios range from 1.1 to 1 for marginal areas to 1.5 to 1 for extreme areas [section 182(a)(4), 182(b)(5), 182(c)(10), 182(d)(2), 182(o)(1)]

Section 173(c) places a number of restrictions on the types of emissions reductions which can be used for offsets, including requirements that the offsetting reductions be secured through enforceable emissions reductions, which are in effect at the time the new source commences operations, and which are calculated on the basis of "actual" emissions reductions In addition, emissions reductions

"otherwise required by the Act" shall not be creditable as emissions reductions for offsets.

However, the Act does not require that offsets be secured by the new source Rather, any portion of the necessary offsets may be generated by the local air quality district or by the State. In other words, a jurisdiction may set up an offset "bank" to supply new sources with sufficient emissions reductions to satisfy their offset obligations. To satisfy the requirements set forth in section 173, each time a new source commences operations, the jurisdiction must have already generated the necessary emissions reductions (meeting the specifications listed above) to offset the new emissions. This means that the jurisdiction must be able to demonstrate, at any point in time, that the program has secured sufficient excess emissions reductions to offset all new emissions at the proper ratio. If the source itself is only held responsible for securing emissions reductions in an amount equal to its new emissions (i.e., a 1 to 1 ratio), the SIP must generate sufficient reductions to cover the extra reductions required (e.g., 1.2 to 1 in serious O_3 nonattainment areas).

As noted, the Act limits offsets to emission reductions not "otherwise required by this Act." As part of the "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," which the EPA incorporates into this notice of proposed rulemaking, the EPA described certain circumstances under which reductions would not be creditable for offset purposes because those reductions are required by other provisions of the Act [57 FR 13498, 13553 (April 16, 1992)]. In addition, the EPA expects to provide additional guidance regarding this requirement specifically, as well as offsets generally, in a NSR regulatory update package which will be proposed in the near future.

BACT and LAER. Both the PSD program and the nonattainment NSR program contain technology-based emission limitations that are source specific. The Act expressly requires that these emissions limitations (i.e., BACT in the case of PSD, and LAER in the case of NSR) be met by the proposed major new source or major modification itself as a condition of permit issuance. Consequently, neither of these requirements can be met through emissions trading.

Regarding BACT, section 165(a) of the Act provides that no major new source or major modification may be constructed in a PSD area unless the requirements in section 165(a)(1)–(8) are met. Section 165(a)(1) specifies that among these requirements is a permit setting forth emission limitations for such facility which conform to the requirements of this part. Section 165(a)(3)(C) further specifies that the proposed facility must demonstrate that emissions from the facility will not exceed any applicable emission standard under the Act.[3] The applicable emissions limitations are those provided in section 165(a)(4), which provides that the proposed facility must be subject to the best available control technology for each pollutant subject to regulation under this Act emitted from, or which results from, such facility.[4]

The Act sets forth a similar statutory scheme with respect to LAER. Section 173(a) provides that the permit program applicable to major new sources or major modifications, which is required to be included in Part D SIP's under section 172(b)(5),[5] shall provide that permits to construct and operate may be issued only if the requirements set forth in section 173(a)(1)–(5) are met. Among these enumerated requirements is section 173(a)(2), which specifies that the proposed source is required to comply with the lowest achievable emission rate.[6]

The statutory provisions addressing both BACT and LAER clearly require the permitting authority to set, and the source owner to comply with, the applicable technology-based emission limitation. There is no provision in the statute for lawfully avoiding BACT or LAER through emissions reductions at other sources that would result in an equivalent reduction of emissions or ambient concentrations. Indeed, this possibility is implicitly precluded by other PSD and NSR provisions that independently require new sources to conform to air quality planning goals. Thus, in addition to complying with BACT, proposed PSD sources must demonstrate that they will not cause or contribute to a NAAQS or PSD increment violation (section 165(a)(3)(A) and (B)).[7] Similarly, under nonattainment NSR, in addition to the LAER requirement, a proposed new source must obtain sufficient emissions offsets such that its construction and operation results in a net decrease in actual emissions in the area (section 173(a)(1)(A) and 173(c)(1)).

Employer trip reduction programs. Section 182(d)(1)(B) requires States with severe O_3 nonattainment areas to submit SIP revisions requiring employers in such areas to implement programs to reduce work-related vehicle trips and miles traveled by employees. Such revisions shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(f) and shall, at a minimum, require that each employer of 100 or more persons in such areas increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods by not less than 25 percent above the average vehicle occupancy for all such trips in the area at the time the revision is submitted.

Section 187(b)(2) requires this same program in serious CO nonattainment areas. The EPA is interpreting this requirement to allow employers within a nonattainment area to trade trip reduction credits for reducing employee trips. The EPA believes that the statutory language is susceptible to a reading that an employer may obtain reductions in commuting trips from any employee in the area, not only from its own employees.

Also, the EPA interprets the term "vehicle" in the statutory phrase "average passenger occupancy per vehicle" to mean conventional "dirty vehicles." Therefore, zero emission vehicles, bicycles, mass transit and pedestrians are considered a zero in the employer's vehicle count. In addition, the EPA intends to allow States to include in their employer trip reduction (ETR) programs a factor (e.g., one-half vehicle) to be applied to certified alternative fueled vehicles. In this manner, shifts from commuting in conventional "dirty" vehicles to methods of low emission commuting would count towards meeting the ETR requirement.

---

[3] Section 302(k) of the Act defines the terms emission limitation and emission standard interchangeably

[4] Section 169(3) in turn defines BACT as an emission limitation based on the maximum degree of reduction of each pollutant subject to regulation under this Act emitted from or which results from any major emitting facility, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such facility.

[5] Section 173(a) incorrectly refers to the permit program required by section 172(b)(6). Section 172(b)(6) was renumbered as § 172(b)(5) by the 1990 Amendments. Apparently, this change was not picked up by the drafters of revised § 173.

[6] Section 171(3) defines LAER as that rate of emissions which reflects either the most stringent emission limitation which is contained in any SIP for such class or category of source, or the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

[7] This requirement can be met, for example, by the proposed new source obtaining sufficient emission reductions from another source to compensate for its adverse ambient impact, such that the combined emissions of both plants do not violate PSD increments. See 40 CFR 51.165(b)(3).

The ETR provision may not be read to authorize ETR credits from any source other than reductions in employee commuting trips. Employers may not use credits generated from stationary or area source emission reductions, or from other mobile source program reductions, to comply with the ETR requirements. Similarly, a SIP provision that required more than the minimum requirement for clean fuel vehicles could not, in and of itself, be used to meet the ETR requirement, only changes in commuting involving alternative fuel vehicles could contribute emissions reduction credits towards meeting the employer trip reduction requirement.

To the extent that employers generate emissions reductions from increasing average passenger occupancy in excess of the level required to comply with the ETR program, such credits could be traded towards compliance with any other statutory requirement that can be met through acquisition of credits generated by other programs.

Inspection and maintenance programs. The EPA interprets the I/M provisions to require a vehicle I/M program that meets specified performance standards. The requirements of the I/M provisions cannot be met by obtaining ERC's from sources other than vehicles, or from vehicles through means other than inspection and maintenance of the vehicle. An EIP may not substitute entirely for an enhanced or basic periodic vehicle I/M program.

The EPA bases this view on the provisions of the Act that set forth requirements for a basic I/M program, as well as certain provisions relating to enhanced I/M programs. Sections 182(a)(2)(B)(i) (I/M "fix-ups" for O_3 nonattainment areas classified marginal and higher), 182(b)(4) (I/M "catch-ups" for O_3 nonattainment areas classified moderate and higher), and 187(a)(4) (I/M "fix-up" requirement for CO nonattainment areas classified moderate and higher) each require a SIP revision that includes provisions for a "vehicle inspection and maintenance program" that meets a specified performance standard.

The provision for an enhanced I/M program for CO nonattainment areas classified as moderate and with a design value higher than 12.7 ppm, or classified as serious, requires the SIP to include provisions for "an enhanced vehicle inspection and maintenance program as required in section 182(c)(3) (concerning serious O_3 nonattainment areas)" [section 187(a)(6)]. This provision confirms that the required I/M program is in fact a vehicle I/M program. The primary provision for an enhanced I/M program for O_3 nonattainment areas classified as serious or higher does not include a comparable "inspection and maintenance" phrase (i.e., requires the SIP "to provide for an enhanced program to reduce hydrocarbon emissions and NO_x emissions from in-use motor vehicles"), but it further includes specific requirements for various types of testing, inspections, etc. that make clear that the program must obtain reductions from vehicle I/M [section 182(c)(3)]. The title of section 182(c)(3) also makes this point clear.

Nevertheless, both the basic I/M program and the enhanced I/M program requirements authorize a substantial degree of flexibility in program design. The Act directs the EPA to require a specific amount of emissions reductions, but also authorizes the State to design the program in a manner that meets the EPA established performance standard through different means. The EPA's final rule on I/M programs describes the EPA's performance standards and the ways that States can meet those standards [57 FR 52950–53014]. In so doing, the State can take advantage of economic efficiencies (e.g., have a better test on more older cars to get greater performance, in exchange for some relaxation in another element). In addition, States could address mal-maintenance in the vehicle fleet in part by including an old car scrappage program as an element of the overall package used to meet the performance standard. However, the SIP must include a vehicle inspection program.

3 Program Baseline

An EIP baseline must be fully defined within the EIP, and used as a basis for projecting program results and, if applicable, for initializing the incentive mechanism. For EIP's submitted in conjunction with, or subsequent to, the submission of an RFP plan (showing areawide reductions in VOC emissions of at least 15 percent from RFP baseline emissions [section 182(b)(1)(B)]), as applicable, and/or an attainment demonstration, a State has flexibility in defining the program baseline. Prior to the submission of a required RFP plan or attainment demonstration, States also have flexibility in defining the program baseline for EIP's that implement new RACT requirements (either for a previously unregulated source category or for sources for which an existing RACT rule is being newly imposed), provided the following conditions are met. For EIP's that allow trading with respect to new RACT requirements for previously unregulated source categories, the new RACT requirements must be based upon an analysis that considers the incentive mechanism upon which the EIP is based. For EIP's that allow trading with respect to newly imposed RACT requirements on previously unregulated sources in a previously regulated source category (e.g., sources newly covered by lower applicability cut-offs), the EIP must, in the aggregate, yield reductions in actual emissions at least equivalent to those which would result from source-by-source compliance with the existing RACT limit for that source category. This equivalency requirement can be satisfied by using existing data on actual and allowable emissions from the previously regulated sources in the affected source category.

In all such cases, the program baseline may be based on actual, allowable, or some other intermediate or lower level of emissions, provided the program baseline is consistent with and reflected in the associated RFP plan, attainment demonstration, or RACT rule. Further, for EIP's submitted prior to the submittal of an attainment demonstration, the State must include with its EIP submittal a commitment that its subsequent attainment demonstration will be consistent with the EIP baseline in effect at that time. However, if the EPA subsequently disapproves the attainment demonstration on the grounds that it does not provide for the required attainment of the NAAQS, the EPA may require the State to incorporate in the EIP a program baseline set no higher than the lower of actual or allowable emissions.

Conversely, for EIP's that do not meet the above conditions, the program baseline must be set no higher than the lower of actual or allowable emissions. Actual emissions are to be taken from the most appropriate inventory, such as the 1990 actual emission inventory (due for submission in November 1992), and allowable emissions are the lower of SIP allowable emissions or the level of emissions consistent with source compliance with all Federal requirements related to attainment and maintenance of the NAAQS.

The EPA's rationale for these baseline proposals is as follows. In considering emissions trading, the EPA continues to focus on the aspect of trading that involves the relaxation of a control requirement on a particular emissions-producing unit (or units) (the credit-receiving unit). Under trading programs, this relaxation is offset by tightening the control requirements on another emissions-producing unit (or units) (the credit-generating unit). Under section 110(l), this relaxation is authorized only

if it, taken in conjunction with the tighter control requirements, does not interfere with the ability of the SIP to meet the various requirements of the Act—most importantly, for present purposes, the RACT requirement and the requirements for RFP (i.e., for O_3 nonattainment areas, 15 percent reductions in VOC emissions by 1996; and 3 percent-per-year over each 3-year period until the attainment date), as well as attainment requirements (section 182(b)(1), 182(c)(2)). The EPA is aware that when the credit-generating unit's actual emissions are below the level mandated by the applicable control requirement, relaxing a control requirement on the credit-receiving unit in exchange for tightening the requirement on the credit-generating unit may result in an increase in aggregate actual emissions. Under these circumstances (i.e., trading from an allowables baseline), the relaxation and its resulting increase in actual emissions could, in some circumstances, jeopardize RFP and attainment.

As described above, the EPA is proposing to permit EIP's that authorize trading from an allowables baseline when the EIP is submitted in conjunction with, or following, the submission of the 15 percent RFP SIP revision, and the allowables baseline is consistent with that SIP revision. Under these circumstances, it is clear that trading on the basis of allowables would not jeopardize the 15 percent RFP requirement. The EPA acknowledges that, even with such a rule, trading may occur on the basis of allowables prior to submission of the attainment demonstration SIP (which is required to include, in the case of O_3 nonattainment areas classified serious or higher, the 3 percent-per-year RFP showing). However, the EPA believes that once the State has submitted the 15 percent RFP SIP, the State has made significant progress towards continued RFP (the 3 percent-per-year requirement) and eventual attainment. This significant progress, coupled with the sanctions provisions that provide strong safeguards that the State will develop a SIP requiring the 3 percent-per-year RFP and an attainment demonstration, lead the EPA to conclude that an EIP authorizing an allowables baseline submitted in conjunction with a 15 percent SIP revision will not jeopardize continued RFP or attainment.

In addition, as described above, the EPA is proposing to permit EIP's that authorize trading from an allowables baseline in the case of source categories, or portions of source categories, that are newly subjected to the RACT requirement under the RACT "catch-up" provisions of section 182(b)(2). Under these circumstances, the imposition of RACT-level controls is expected to result in emissions reductions with respect to the affected source categories or sources taken as a whole, even if some of the affected sources conduct emissions trades based on allowables. The fact that overall emissions from these source categories or sources will be reduced indicates that progress is being made towards attainment. This progress gives the EPA adequate assurance that any trades on an allowables basis will not jeopardize RFP or attainment requirements.

A State may define a program baseline to address a variety of equity considerations, such as differing degrees of emission control among affected sources prior to the start of the EIP. While emissions reductions creditable towards a specific required demonstration will be calculated according to the requirements for that demonstration, the EIP may use a different baseline. For example, a declining value marketable permits program, submitted in conjunction with an areawide RFP or attainment plan, could initially allocate mass emissions caps on the basis of allowable emissions. However, to the extent that such a program baseline exceeds the aggregate actual emissions for the sources covered by the program, the EIP baseline allocation would be required to decline at a rate consistent with achieving the areawide RFP milestone as measured against the RFP baseline (refer to paragraph IV.C.).

The EIP must clearly specify whether the program baseline applies to aggregate emissions from all affected sources (similar to the RFP baseline), or to individual sources (similar to source-specific LAER requirements, for example). If historic emissions are relevant in setting the program baseline, the time period must be specified in the program. Provisions must be made for determining baselines for sources not active during the specified baseline time period. Also, the averaging time associated with a program baseline for emissions must be specified.

4. Quantification Procedures

The EIP must describe how emissions and changes in emissions will be quantified for SIP credit. If other measurable factors are essential to an EIP, the quantification procedures for those must be specified in the program. For instance, if emissions reductions are generated by reducing total usage of a type of solvent, procedures for measuring solvent usage are critical. The program must specify the minimum required credible, workable, replicable procedures for quantifying emissions, which could include emission factor calculations, direct emission monitoring, calculation procedures which are a function of process parameters, production practices or volume, or inventory usage, or other procedures, as appropriate. Criteria for selecting quantification methods and time-averaging considerations are discussed in paragraph IV.D.

States must carefully consider matching the environmental goals with the various aspects of the program when determining adequate quantification procedures. For example, a procedure wholly adequate for determining compliance with long-term mass emissions caps may be clearly inadequate for a program aimed at limiting peak daily emissions.

An EIP must establish procedures for quantifying emissions reductions arising from sources that shut down or curtail production. A State may not take credit for such emissions reductions as part of an EIP if the same reductions have already received credit in the SIP's attainment or RFP demonstrations. For example, SIP demonstrations may include assumptions about equipment turnover rates and normal operating levels which may already credit some assumed rate of source shutdowns and curtailments. Credit also cannot be taken for shutdowns or curtailments that do not result in a decrease in an area's aggregate emissions. Changes in emissions at one source may merely increase emissions at another. For example, if one retail operation goes out of business, the total level of retail business will not necessarily change. Instead, customers may shift their business to other merchants in the area. The effect on aggregate emissions of such "demand shifting" will depend upon the nature of the business, and should be considered in the design of the EIP.

An EIP also must establish procedures for quantifying emissions from sources with uneven emission patterns due to batch, seasonal or cyclical operations. The appropriate procedure for handling these expected fluctuations in emissions will depend in part on the emissions averaging time upon which the EIP is based.

An economic incentive strategy for mobile sources must consider the factors which will affect or determine the level of participation in a transportation program. Any assumptions or models which States may use to predict behavioral modifications as a result of the implementation of an economic

incentive strategy must be presented as support information with the EIP submittal.

5. Source Requirements

Each affected source in an EIP must comply with requirements imposed by the program, and must initiate and subsequently maintain the MRR procedures necessary to provide State and Federal enforceability. Requirements imposed by an EIP could include meeting mass emissions limits (either directly or through trading marketable permits), paying an emission fee, using specified products or procedures, providing product content labeling, or other measures specified by the program. All source-specific program requirements must be structured in such a way that both inspectors and facility owners can judge the compliance status of a facility at any time, or, in the case of long-term emissions limits, at the end of the compliance period. This will require an authoritative, reliable repository of all relevant information at each facility (refer to section IV.E.).

6. Projected Results and Audit/ Reconciliation Procedures

A SIP revision that contains an EIP must include projections of the emissions reductions the State expects to achieve through the implementation of the program. The projections may be based on federally enforceable limits on mass emissions or on other emission-related parameters, estimates of market response, economic modelling, or other relevant information. The State does not have to project emission changes for each source, unless that is how the State chooses to estimate the emissions reduction from the program. All EIP submittals must include documentation which clearly states how sources in an EIP are or will be addressed in the emissions inventory, RFP plan, and attainment or maintenance plan, as applicable. This documentation should include a description of the assumptions used in estimating emissions and emissions reductions from affected sources.

For determining credit in a State plan, the projected emissions reductions must be adjusted to reflect the uncertainties inherent in EIP's. This adjustment is currently done for traditional stationary source control measures through the use of a rule effectiveness factor, developed from experience with traditional regulatory control programs.

For EIP's, the State must use two uncertainty adjustment factors, as appropriate, to calculate creditable emissions reductions. The sources of uncertainty that must be accounted for are the extent to which sources will actually comply with program requirements; and programmatic uncertainties, such as the extent to which voluntary market responses to incentives actually occur and the use of relatively "soft" quantification methods used for compliance determinations. These sources of uncertainty must be accounted for through the use of a rule compliance factor and a program uncertainty factor, respectively.

For EIP's, the State must specify values for rule compliance and program uncertainty factors, based on program elements such as the quantification and enforcement procedures, and on the predictive quality of the information used by the State to develop the projected emissions reductions. Inherent in the way in which these factors are defined, the value of either factor must be less than or equal to one. The State must include with its EIP submittal a justification for the values assigned to these factors, to the extent that they differ from any presumptive norms, and must use these factors in determining the SIP credit for the program (refer to paragraph IV.F.).

Unless otherwise provided in program-specific guidance issued by the EPA, EIP's for which SIP credit is taken must also contain program audit procedures designed to evaluate program implementation and track program results in terms of the actual emissions reductions obtained during program implementation. The auditing methods and the timing of the audits must be specified in the EIP (refer to paragraph IV.G.). Further, the State must provide timely post-audit reports to the EPA. For emission-limiting EIP's, program audit provisions must include a State commitment to ensure timely implementation of programmatic revisions or other measures which the State, in response to the audit, deems necessary for the successful operation of the program.

Program audit provisions for market-response EIP's must be accompanied by reconciliation procedures, designed to compare credited emissions (i.e., adjusted projected emissions) with actual emissions achieved through the implementation of the program. The reconciliation procedures must specify a range of appropriate actions (e.g., invoke part of a general SIP contingency plan or a program-specific contingency), revisions to the program requirements (e.g., increase the fee, include more sources) that will make up for any shortfall between credited and actual emissions revealed by the audit, or reductions in the credit taken for the EIP in the SIP (provided that RFP and attainment requirements continue to be satisfied area-wide based on such reduced EIP credits in combination with the effects of all other SIP programs). Such measures must be automatically executing to the extent necessary to make up the shortfall, with State action required only to identify which of the specified actions are necessary to make up the shortfall. Such measures must not require a revision to the implementation plan to be effectuated once identified by the State; rather, the measures must be built into the original EIP design (or incorporated by reference).

It is not the EPA's intent, however, necessarily to impose greater burdens on EIP's, compared to traditional regulatory programs, by virtue of the audit and reconciliation requirements. These audit and reconciliation procedures are consistent with the general approach to implementing the Act being taken by the EPA, as illustrated in the Agency's recently issued rule for vehicle I/M (November 5, 1992 at 57 FR 52950) and the Agency's recently proposed rule for reformulated gasoline (July 9, 1991 at 56 FR 31176; and April 16, 1992 at 57 FR 13416), and in the Agency's general guidance on the implementation of Title I dealing with the rule effectiveness of stationary source control measures. Further, in appropriate cases, routine ongoing air program management procedures may be sufficient to fulfill the audit and reconciliation requirements. In designing audit procedures, the State should consider the relative uncertainty associated with the EIP and specify the scope and extent of the audit procedures to be commensurate with that level of uncertainty.

7. Implementation Schedule

An EIP must contain a schedule for implementing the program. The schedule must include dates for notifying potentially affected sources, as early as possible, about the impending EIP; program initialization and start-up procedures; submittal requirements from affected sources; and the reconciliation process and any subsequent actions required to make up for any shortfall that occurs.

8. Administrative Procedures

As part of any EIP design, the State must establish appropriate administrative procedures, specific to the type of incentive strategy, necessary to implement all of the elements of the EIP. For example, in a fee program a State must assure the proper administration of the fee collection

process, and if rebate provisions are included, the administration of the rebate distribution process.

Administrative procedures specific to marketable emissions permit programs which the State must address in a program design are the mechanisms required for conducting, approving, verifying, recording, and tracking trades. The EIP must clearly describe the administrative system, and any State commitments to implement and maintain the system, that enables market participants to conduct valid and legally protected transactions. The State must design the program to ensure that all program requirements are met by sources involved in trades, such that the trades result in enforceable changes in allowable emissions levels. A well-designed EIP will include the minimum amount of transactional oversight, approval, recording, and tracking provisions necessary to create a verifiable and enforceable system. Unnecessary or excessive administrative requirements in a trading system increase the cost of the program and inhibit trading. An active trading market increases the opportunities for cost-savings. However, a State must establish sufficient administrative procedures to ensure that the environmental goals of the EIP are met, and that the program is adequately enforceable (refer to the discussion of emissions trading markets in Appendix W).

9. Enforcement Mechanisms

An EIP must include adequate enforcement consequences for noncompliance with any source requirements, including MRR requirements. Both Federal and State enforcement penalties must be included, such that the level of deterrence embodied in traditional regulatory programs is preserved.

Traditional regulatory programs provide for enforcement against noncompliance with emissions limits at both the Federal and State/local levels. The statutory maximum Federal penalties under the Act are $25,000 per day per source in violation. To preserve the existing level of deterrence under the Act, an EIP that imposes multiday and/or multisource emission limits must define violations of those limits in such a way that the violations will translate into sufficient numbers of source-days of violation. Further, the program must include provisions such that State/local penalties create a deterrent effect comparable to that of traditional regulatory programs. One possible approach would be for the EIP to authorize predetermined penalties based on the amount of an exceedance of such a cap, provided the predetermined amounts are sufficiently large.

Today's proposed rules also require EIP's that impose multisource emissions limits to require facilities to develop enforceable plans for remedying noncompliance in those cases where facilities have exceeded emissions limits for the specified averaging period. Such plans must identify appropriate and enforceable control measures or other procedures or strategies sufficient to achieve and maintain compliance with applicable emissions limits. Further, for sources subject to title V requirements, the elements of such plans must, at a minimum, be consistent with any applicable title V permit requirements concerning compliance plans.

Compliance with MRR requirements is generally critical to the integrity and success of EIP's. Thus, an EIP must include enforcement provisions which establish a regulatory structure which clearly and effectively deters inadequate or improper MRR, providing for both State/local and Federal penalties. Such provisions should preserve the Federal civil penalties and criminal sanctions (for knowing violations) authorized in the Act for violations of MRR requirements per se. Further, the enforcement provisions must include methods for determining required data when MRR violations result in missing, inadequate, or erroneous monitoring and recordkeeping data. These methods must ensure that sources have a sufficiently strong incentive to properly perform monitoring and recordkeeping in the first place (refer to paragraph IV.H.).

E. Use of Program Revenues

This section of the proposed rule incorporates the restrictions mandated by section 182(g)(4)(B) of the Act on the use of revenues generated by statutory EIP's submitted pursuant to sections 182(g)(3), 182(g)(5), 187(d)(3), and 187(g) of the Act. The revenues may be used to provide incentives for achieving emissions reductions; provide assistance (up to 75 percent of development costs) for the development of innovative O_3 control technologies and lower-polluting solvents and surface coatings; and fund administrative costs of State programs under the Act (using no more than 50 percent of such revenues). Revenues may be generated by an EIP from a wide variety of fees or charges, including emission or permit fees, fees associated with approving and recording trades, application fees associated with labelling or sources opting into an EIP, and fees or charges associated with TCM's.

The EPA proposes to limit these constraints on the use of revenues to only statutory programs, submitted pursuant to sections 182(g)(3), 182(g)(5), 187(d)(3), and 187(g) of the Act, for which the Act explicitly requires that these rules apply. Thus, discretionary programs would be exempt from these constraints.

Because the use of revenues from discretionary programs is not constrained, some or all of the revenues generated by discretionary EIP's may be rebated in order to create a revenue-neutral program, or one with less revenue retained by the State. Rebate provisions of revenue-generating EIP's can be designed to reduce the total cost to the affected sources without diminishing the incentive to reduce emissions created by the EIP. For example, an emission fee program could place a fee on total emissions from affected sources, and rebate an amount based on average emissions or percentage emissions reductions of the affected sources. In a program with a large number of sources, each source would only have a minor influence on the average emissions. Thus, the rebate is not dependent on a source's own actions, and would not distort the incentive of the fee on every unit of emissions created by the source.

IV. Discussion of Issues

In developing today's proposal, the Agency needed to address two important goals: ensuring environmental protection with an adequate degree of accountability, and, at the same time, fostering the development of innovative and flexible programs. The EPA believes that today's proposal appropriately addresses both goals. Through today's notice, the EPA encourages comments regarding areas where additional regulatory flexibility may be possible for either statutory or discretionary EIP's without sacrificing environmental protection. Conversely, comments are also requested regarding areas where additional safeguards may be needed to ensure that flexible approaches to environmental protection will be implemented with adequate accountability.

A. Program Goals

1. Statutory Programs

Statutory EIP's are those programs submitted pursuant to sections 182(g)(3), 182(g)(5), 187(d)(3), and 187(g) of the Act, generally as a result of failures in achieving required emissions reductions. However, the Act

does not specify the extent to which the EIP must, in and of itself, make up for the specific failure in achieving the emissions reductions necessary to meet the next milestone requirement. Rather, the provisions specify only that the EIP "shall be sufficient, in combination with other elements" of the plan or together with a "transportation control plan," to achieve the necessary reductions.

The EPA interprets these provisions as requiring that a statutory EIP make a significant contribution to the required reductions, while not necessarily bearing the full burden of achieving all the required reductions. Thus, for example, a program producing no emissions reductions or one based solely on a directionally sound strategy, without quantifiable benefits, would not satisfy the criteria for an acceptable statutory EIP.

Alternatively, the EPA is considering whether to require that some specified minimum percentage of the required reductions be met by a statutory EIP. The EPA solicits comments on this option through today's notice.

2. Discretionary Programs

In explicitly allowing for discretionary (i.e., nonstatutory) EIP's to be included as SIP provisions, the Act does not impose any specific emissions reductions requirements on such programs [sections 110(a)(2)(A) and 172(c)(6)]. Thus, today's proposed guidance imposes no specific emissions reductions requirements on discretionary EIP's, consistent with the flexibility accorded the States in incorporating discretionary nonincentive based programs in their SIP's. The EPA relies upon the new State planning, quantitative progress, and attainment requirements in the Act to ensure expeditious attainment of the NAAQS regardless of the type of programs that States may choose to include in their SIP's.

However, the EPA is aware of an alternative view that any savings in compliance costs resulting from discretionary EIP's (relative to nonincentive based programs) should be shared between the regulated sources and the environmental goals of the Act by requiring more rapid progress toward attainment. Through today's notice, the EPA solicits comments on this alternative view, and, in particular, on whether such requirements are more relevant prior to the approval of an attainment demonstration.

B. Interface With RACT Requirements

Today's proposal is based on an interpretation of the statutory RACT requirement that RACT sources are authorized to meet their RACT obligations by acquiring emissions reductions from non-RACT sources when such trading results in an exceptional environmental benefit (as discussed in paragraph III.D.2.). The EPA acknowledges that the statute permits different interpretations of the RACT requirement. Alternative interpretations could lead to differing views as to whether such trading is allowable, and, if so, under what conditions.

Through today's notice, the EPA solicits comment on the proposed interpretation of the RACT requirement. Further, the EPA solicits comment on alternative interpretations and on alternative conditions under which trading between RACT and non-RACT sources may be permitted. Alternative conditions might include different trading ratios (e.g., less than or greater than the proposed offset ratios). Other approaches might include dropping the requirement for extra emissions reductions (i.e., by going to a 1 to 1 trading ratio) at some future point in time (e.g., upon approval of the attainment demonstration or RFP plan) for all sources or some subset of sources (e.g., stationary sources). Comment is also solicited on approaches which States might use to allow RACT/non-RACT trading at a 1 to 1 ratio prior to the approval of an attainment demonstration or RFP plan. The EPA solicits comments on the implications of such approaches for SIP planning and on how States could assure that such trading remained consistent with RFP plans and attainment demonstrations.

C. Program Baseline

Today's proposal is based on the premise that a State can only take credit in attainment and RFP demonstrations for emissions reductions from EIP's that go beyond what is otherwise required and credited to other elements of a federally-approved SIP. This restriction is necessary to ensure that a State does not double count emissions reductions in SIP demonstrations. The requirements for program baselines included in today's proposal are intended to ensure that such double counting does not occur, while providing as much flexibility as possible.

Today's proposal allows States flexibility in setting program baselines for EIP's submitted in conjunction with, or subsequent to, the submission of an RFP plan, if applicable, an attainment demonstration, or new RACT requirements, provided certain conditions are met (as discussed in paragraph III.D.3.). States may exercise this flexibility to allocate to sources baseline emissions that are greater than the sources' actual emissions in order to address equity concerns. For instance, a State may decide that sources that have already implemented substantial emission controls should not be placed at a relative disadvantage to other sources as a result of being included in an EIP. Conversely, today's proposal requires the use of a lower-of-actuals-or-allowables baseline for EIP's which do not meet the conditions in paragraph III.D.3. for which flexibility in setting a program baseline is provided.

If a State chooses to use flexibility in setting a program baseline higher than the level of actual emissions (i.e., an "allowable" baseline), a question arises as to how the State can assure that the EIP will not interfere with any applicable RACT requirements, the RFP 15 percent plan, or subsequent 3 percent demonstrations (section 182(c)(2)(B)), and attainment requirements. This question arises in particular if a State initializes an EIP, such as a marketable permits program, with an aggregate program baseline that is greater than the sum of the actual emissions from all affected sources (i.e., sources covered by the EIP). In this case, the EIP could result in an increase in actual emissions from the program as a whole if a decrease in allowable emissions from one source could be traded for an increase in actual emissions from other sources. This question would not arise, however, if some individual sources are given higher-than-actual emissions limits, but the aggregate program baseline is no greater than the sum of the actual emissions from all affected sources.

For O_3 nonattainment areas, consistency with an applicable RFP 15 percent plan and 3 percent demonstration would require a showing by the State that an allowable program baseline does not interfere with satisfying the areawide RFP milestones and annual progress requirements. The EPA interprets the RFP requirements to mean that areawide actual emissions may not increase during any year prior to attainment and that the emissions reductions milestones are achieved areawide. Thus, consistency with RFP requirements could be achieved by an EIP (designed to meet some or all of the RFP requirements) using an allowable program baseline, provided that compensating reductions in actual emissions were achieved by sources outside of the EIP and/or sufficient constraints were imposed on trading within the EIP, to ensure that areawide RFP milestones and annual progress requirements were met.

Further, consistency between an EIP (designed to contribute to attainment of the NAAQS) using an allowable program baseline and an attainment demonstration could be achieved if the allowable baseline used for the EIP is consistent with the emissions inventory for the affected sources used in the attainment demonstration. However, if actual emissions were used in the attainment demonstration, the State would have to show that the EIP or the SIP included sufficient constraints on trading to ensure the necessary consistency. One such approach could be to restrict the use of emissions reductions credits resulting from the difference between an actual and an allowable EIP baseline. For example, such credits might only be allowed to be used by a source to satisfy its own future emission reduction requirements, such as those imposed by emissions limits which decline over time, but not to be traded or used to increase its own actual emissions.

Similarly, for EIP's designed to allow for flexibility in meeting a new RACT rule, a flexible program baseline could be used, provided the EIP was submitted in conjunction with, or subsequent to, the submission of a SIP revision for the entire new RACT rule, and the affected sources in the EIP were limited to sources newly covered by the rule. Any EIP's involving RACT sources submitted prior to the entire new RACT rule SIP submission must be based on the use of a lower-of-actuals-or-allowables baseline.

Through today's notice, the EPA solicits comments on the proposed conditions under which States should have the flexibility to use an "allowable" baseline. In particular, comments are solicited on the proposed approach to accept an "allowable" baseline in an EIP submitted in conjunction with the submission of the 15% RFP plan, prior to the submission of an attainment demonstration. Further, comments are solicited on approaches to achieving consistency between EIP's with "allowable" program baselines and statutory RACT, RFP, and attainment requirements.

D. Emission Quantification

1. Criteria for Adequacy of Approach

Today's proposal is based on the premise that the development and use of credible, workable, and replicable methods to quantify emissions are necessary elements of any quantifiable EIP. Replicability (i.e., different people applying the same methods would arrive at the same result) allows for the flexibility upon which most EIP's depend. Without replicable methods, a State could potentially need to conduct a case-by-case review of every operational change affecting emissions from any single emission point to ensure accountability. States must include quantification methods that address such items as the general conceptual approach to emissions quantification, the time averaging of the emissions, and the means to account for shutdowns, curtailments, batch, seasonal, and cyclical operations. Further, States must identify appropriate sources of data and criteria for assessing the adequacy of the quality of the data sources used to set program baselines and to project emissions reductions.

Today's proposal explicitly allows States to develop alternative approaches to emissions quantification, except for source categories for which the EPA prescribes specific quantification methods. The development of quantification methodologies by States must necessarily include consideration of the type of affected sources included in the program and other program design elements. The EPA recognizes that no one approach is the most appropriate, or even technically feasible, for all types of sources that may be included in any EIP.

An issue arises with regard to the criteria that a State should use to select the required quantification approach for each affected source category. One very general approach is for a State to select the most effective approach for each source category that is technically feasible and economically reasonable. The EPA anticipates the need to prepare future guidance on selection criteria, and through today's notice solicits comments on such criteria. In particular, the Agency requests comments on how the criteria for specifying adequate quantification approaches may differ for various types of source categories.

2. Extended Averaging Times

Historically, a 24-hour averaging time is generally used to construct attainment demonstrations in O_3 nonattainment plans. More specifically, the EPA requires that "typical summer day" emissions be used, which is a seasonally-adjusted, average-weekday measure of emissions for individual sources. States usually derive this value by applying a conversion factor to annual emissions estimates for each source in the area's emissions inventory.

However, in cases where the EPA has granted the use of a long-term averaging period (i.e., longer than 24 hours) to a source, the EPA has generally required that the State also impose a meaningful daily mass emissions cap on that source. In such cases, the source's daily cap is to be used in lieu of its typical summer day emissions in the State's RFP and attainment demonstrations.

As a result of this approach, the granting of long-term averaging would make it increasingly difficult for States to develop approvable RFP and attainment demonstrations. This approach requires a State to secure additional reductions from other sources to compensate for the higher assumed emissions from the sources given long-term averages.

The EPA has traditionally viewed long-term averaging as a significant relaxation of RACT or other types of emissions standards that require compliance on a daily basis. The RACT limits are typically expressed as an emission rate or solvent content limit (i.e., as a function of production or throughput, such as lb/gal), rather than as a total quantity of emissions per unit of time (i.e., lb/day). Since the EPA does not require States to regulate production and throughput, emissions from sources controlled by such rate-based limits can fluctuate and grow, sometimes substantially, even if the source continuously meets its emission rate limit.

The EIP's which include total mass emissions caps on affected sources (e.g., marketable emissions permit programs) have the potential to control growth-related increases that can result from traditional regulatory approaches, and affect real reductions in total emissions. State EIP's which place all affected sources under total mass emissions caps that decline over time could potentially mitigate the type of rule relaxation that has historically been associated with long-term averaging. As a result, in addressing such EIP's through this proposed rulemaking, the EPA is reconsidering its historical restrictions on the use of long-term averaging.

Today's proposal reflects a more flexible approach to the question of long-term averaging in the context of EIP's which aggregate the effects of a potentially large number of sources complying with total emissions caps or average emission rate limits. In such programs, unlike historical emissions trading programs which focus case-by-case on trades typically involving only two sources, the daily fluctuations in emissions that are likely to occur from any given source may tend to be compensated for by the canceling effect of daily fluctuations from other sources. Thus, to the extent that including many sources in such a program may allow for a statistical showing that long-term

average caps are not inconsistent with demonstrations of RFP and the attainment of short-term NAAQS, a more flexible approach is warranted. This approach is intended to provide increased flexibility to sources and to States in their plan development without undermining the EPA's traditional control programs or the validity of RFP or attainment demonstrations.

Through today's notice, the EPA proposes to require that any State that wishes to use long-term averaging must include, with the plan revision submittal, a statistical showing that the aggregate effect of the specified averaging time is consistent with attaining the O_3 NAAQS and satisfying applicable RFP requirements on a typical summer day basis; and, if applicable, a statistical showing that aggregate daily emissions from all affected sources covered by a Federal RACT requirement (net of any RACT/non-RACT trades) are no greater than the aggregate daily emissions from such sources that would result from the implementation of all applicable source-specific RACT requirements.

If a State chooses to design an EIP with long-term averaging that allows for source-by-source RACT requirements to be met by alternative approaches or in the aggregate, a showing of equivalency must be made. One approach to making such a showing would be for the EPA to determine appropriate adjustment factors for RACT emission rate limits that would reflect equivalent emissions from RACT sources as a function of the time period over which the emission rate limit is met. Based on a limited analysis of a small number of RACT source categories, the EPA is considering setting 70 percent as a presumptive norm for an adjustment factor of RACT limits averaged over 30 days. Alternatively, the EPA is also considering allowing States the flexibility to determine RACT-equivalency adjustment factors using EPA-developed equivalency procedures, set at a percentage of the RACT-allowable emission rate limit, contingent upon a showing by the State that the adjusted limit is equivalent to the daily RACT limit. Another approach might be to include additional safeguards, such as a short-term mass emissions cap in conjunction with long-term caps or emission rate limits. Through today's notice, the EPA solicits comments on these approaches.

The EPA anticipates the need to prepare additional guidance on criteria for equivalency demonstrations for both attainment demonstrations and RACT. Such guidance should outline the type of data and analysis procedures that a State would need to demonstrate statistical associations between short- and long-term averaging times. Through today's notice, the EPA solicits comments on such criteria.

E. Monitoring, Recordkeeping, Reporting

Today's proposal is based on the premise that EIP's, being inherently more flexible and less prescriptive than traditional technology or performance standards, depend more strongly than traditional control programs on MRR to ensure compliance and to allow for adequate enforcement. The EPA recognizes that while a wide range of monitoring methods are available that can be used to show compliance for different types of sources, no one approach is the most appropriate, or even technically feasible, for all types of sources that may be included in any EIP. Thus, the EPA is explicitly including alternative monitoring methods in today's proposal.

An issue arises with regard to the criteria that a State should use to specify monitoring methods and recordkeeping and reporting requirements for each affected source category in its program design. The EPA anticipates the need to prepare future guidance on criteria for MRR, and through today's notice solicits comments on such criteria.

F. SIP Creditability

Credit given in an SIP for traditional source-specific technology or performance standards begins with detailed evaluations of the emissions reductions that will be achieved by complying sources. The results of this analysis are then modified or adjusted to account for the lower reductions that will result from an anticipated level of less-than-complete compliance. For stationary sources, this adjustment is generally accomplished through the use of a rule effectiveness factor. For mobile sources, multiple adjustments to account for in-use effectiveness are included as an integral part of the analysis, rather than as a single exogenous factor.

Additional types of uncertainty arise in EIP's beyond that associated with less-than-complete compliance. One type of programmatic uncertainty arises in the case of EIP's that depend upon market incentives to motivate changes in behavior which affect total emission levels. For such programs it is inherently not possible to specify, prior to the implementation of such a strategy, the emissions reductions that will be achieved even if all sources comply with all relevant requirements of the program. Nevertheless, as part of designing such an EIP, the State should be able to project the emissions reductions that are likely to occur. (If such a projection cannot be made, then the strategy is, by definition, categorized only as directionally sound.)

Another type of programmatic uncertainty arises in the case of EIP's that depend upon the use of relatively "soft" quantification methods to produce the records upon which decisions about program compliance will be based. Examples of such programs might include programs that impose mass emission caps on fugitive emission sources, which are inherently difficult to quantify, or that involve certain types of requirements on mobile sources.

These compliance and programmatic uncertainties raise questions concerning to what extent, and when, the EPA should allow a State to take SIP credit for emissions reductions projected by a State to result from EIP's. Today's proposal addresses these questions through the introduction of two factors: a rule compliance factor and a program uncertainty factor. The EPA intends these factors to address the issues of less-than-complete compliance and the inherent programmatic uncertainties in EIP's, respectively.

Today's proposal allows credit to be taken upon approval of an EIP, with the level of credit based on emissions reductions projections which incorporate these two uncertainty factors. However, historical data upon which to base presumptive norms for these factors for EIP's are lacking. Thus, today's proposal requires States to develop a justification for the values of the factors used in the projections for their specific program design. The EPA has identified other options, involving the use of presumptive norms for uncertainty factors, and solicits comments through today's notice on the following approaches to setting such norms for EIP's.

For the rule compliance factor, a presumptive norm for EIP's could be based on historical compliance with traditional programs, as appropriate for the scope of the EIP. The historical stationary source rule effectiveness factor of 80 percent is one such option. Other options include selecting another single norm, or selecting different norms for different types of EIP's based on EPA projections of expected source compliance.

Similarly, for the program uncertainty factor, presumptive norms for EIP's could be set as a function of the nature of the uncertainty and the type of incentive strategy. For example, for market-response strategies, a

presumptive norm could be set to reflect a general lack of experience with such programs and the inherently uncertain techniques available for assessing market response. However, depending upon the type of program and the type of affected sources covered by the program, the availability of market-response data could vary significantly, from extensive to minimal to none. Thus, the use of a single presumptive norm would not reflect the highly variable nature of the information available used as a basis for a projection of EIP results.

For emission-limiting strategies, presumptive norms for EIP's could be set for program uncertainty factors as a function of the accuracy and precision of the emission quantification methodology required by the program. For EIP's that incorporate sufficiently accurate and precise methods, such as some types of continuous emission monitors, the presumptive norm might be 100 percent, since the entire uncertainty in the program could be limited to the extent to which sources comply with their caps (as reflected in the rule compliance factor). Under this option, the State could address the potential for program failure due to a breakdown of the administrative system needed to implement such a program through the required audit process.

An additional issue is what criteria the EPA should use to evaluate the adequacy of a State's justification for uncertainty factors calculated specific to its own program. Through today's notice, the EPA solicits comments on appropriate criteria. The Agency also solicits comments on any differences in the need for, or application of, these uncertainty factors to various types of source categories. In particular, the Agency anticipates the need to develop further guidance on SIP creditability for EIP's involving mobile sources.

G. Audit/Reconciliation Procedures

The frequency with which audits and reconciliations are required must be specified as part of the program design and submitted as part of the EIP. An issue which arises is how frequently should the EPA require that such audits and reconciliations be done. Today's proposal specifies that the audits and reconciliations be made at time intervals consistent with RFP milestones and other emission inventory requirements, which is generally once every 3 years. Alternatively, the State could specify a shorter period, so as to allow time to make programmatic corrections or adjustments (in either direction) to SIP credited emissions reductions, before an RFP milestone is reached. Through today's notice, the EPA solicits comment on this issue.

An additional issue is how the audit and reconciliation requirements may be applied to various types of EIP's, especially those involving mobile sources. Through today's notice, the EPA solicits comments in particular on the applicability of audit and reconciliation requirements for EIP's involving mobile sources.

H. Penalties for Noncompliance

The determination of appropriate penalties for noncompliance is significantly complicated in the case of EIP's that incorporate multisource emissions caps and/or long-term averaging times, since Federal statutory maximum penalty authority is specified on a per-day, per-source basis. At issue is how to apply Federal enforcement authority to instances of noncompliance with emissions limits specified on a multiday, multisource basis.

Today's proposal requires States, in designing EIP's for which such a concern is relevant, to include procedures for determining the number of days of violation and the number of sources in violation when multiday, multisource emission limits are violated. Today's proposal imposes the general criteria that such procedures shall not lessen the incentive for source compliance as compared to a program applied on a source-by-source, daily basis. The EPA anticipates the need to prepare more specific criteria and guidance for the development of such procedures, and through today's notice solicits comments on such criteria.

Further, today's proposal also requires the State to require plans for remedying noncompliance from facilities in cases where a facility has exceeded its multisource emission cap for a specified averaging period. The EPA anticipates the need to prepare specific criteria and guidance on the scope and content of such plans (taking into account, among other things, the extent and nature of the underlying exceedance), and through today's notice solicits comments on this issue.

I. Interface With Existing Emission Trading Policies

Today's proposal applies to a wide variety of EIP's, including, but not limited to, those that incorporate emission trading strategies as elements of a SIP. Existing Agency guidance on emission trading is primarily contained in the Emissions Trading Policy Statement (ETPS) (51 FR 43831, Dec. 4, 1986) and the appendices to the ETPS (e.g., Appendix D on averaging times for VOC emissions trades). Today's proposal and current Agency policies on emissions trading are predicated on the same general principles—that SIP-credited trading activity must be quantifiable, enforceable, surplus, permanent within the timeframe specified by the program, and consistent with all other statutory and Federal regulatory requirements.

Today's proposal is, of necessity, general in nature, requiring program elements that are broader, yet in some instances, less specific or constraining on individual sources than related provisions in current policies. The EPA believes that the levels of accountability and flexibility provided by today's proposal are an appropriate extension of the levels of accountability and flexibility found in existing emission trading policies. However, since the same type of trading that has historically been addressed by existing policies will now be covered by this new interim guidance, the EPA recognizes the need to clearly define the relationship between today's proposal and the existing ETPS.

Through today's notice, the EPA proposes that the provisions of the ETPS which apply to trading between existing sources, (i.e., the bubble and generic bubble provisions) would represent one particular model for how States could choose to design an EIP for emission trading between existing sources which would be approvable under today's proposal. Specifically, the bubble and generic bubble provisions of the ETPS provide guidance on source-specific trades of emission reduction credits, implemented through a process involving case-by-case State and EPA review and SIP revisions, as applicable. States choosing to adopt EIP's based on this bubble strategy could use the ETPS bubble provisions as a guide to designing an approvable EIP. In particular, for EIP's which satisfy all relevant ETPS bubble provisions, the audit procedures in today's proposal could be satisfied in appropriate cases by source-specific enforcement actions. Further, for such programs, the provisions relating to long-term averaging and equivalency showings in today's proposal could be satisfied through compliance with all provisions of Appendix D of the ETPS.

Today's proposal, however, in no way constrains EIP's involving emission trading to the specific ETPS bubble approach discussed above. Through today's notice, the Agency solicits comments on this proposed relationship between today's proposal and existing policies on emission trading.

V. Public Participation

A Comments and the Public Docket

The EPA welcomes comments on all aspects of this proposed rulemaking. All comments, with the exception of proprietary information, should be directed to the EPA Air Docket Section, Docket No. A–91–56.

Commenters who wish to submit proprietary information for consideration should clearly separate such information from other comments by labeling proprietary information "Confidential Business Information," and sending proprietary information directly to the contact person listed and not to the public docket. This will help ensure that proprietary information is not inadvertently placed in the docket. If a commenter wants the EPA to use a submission labeled as confidential business information as part of the basis for the final rule, then a nonconfidential version of the document, which summarizes the key data or information, should be sent to the docket.

Information covered by a claim of confidentiality will be disclosed by the EPA only to the extent allowed and by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when it is received by the EPA, the submission may be made available to the public without notifying the commenters.

B Public Hearing

Specific details will be published in a separate **Federal Register** notice. Requests to present oral testimony should be received on or before [March 12, 1993. Anyone who wants to present oral comments about this proposal at the public hearing should, if possible, notify the public hearing contact person at least 7 days prior to the day of the hearing. This notification should include an estimate of the time required for the presentation of the comments and identification of any need for audio/visual equipment. A sign-up sheet will be available at the registration table the morning of the hearing for scheduling those who have not notified the coordinator earlier. This testimony will be scheduled on a first-come, first-serve basis to follow the previously scheduled testimony.

The EPA requests that approximately 50 copies of the statement or material to be presented be brought to the hearing for distribution to the audience. In addition, the EPA would find it helpful to receive an advance copy of any statement or material to be presented at the hearing at least 1 week before the scheduled hearing date. This is to give EPA staff adequate time to review such material before the hearing. Such advance copies should be submitted to the public hearing contact person.

The official records of the hearing will be kept open for 30 days following the hearing to allow submission of rebuttal and supplementary testimony. All such submittals should be directed to the Air Docket, Docket No. A–91–56.

The hearing will be conducted informally, and technical rules of evidence will not apply. A written transcript of the hearing will be placed in the above docket for review. Anyone desiring to purchase a copy of the transcript should make individual arrangements with the public hearing contact person.

VI. Administrative Requirements

A. Executive Order 12291

Under Executive Order 12291, the EPA must judge whether a proposed rule is "major" and, therefore, subject to the requirement that a Regulatory Impact Analysis (RIA) be prepared. The proposed rule will apply to EIP's which may be adopted by States pursuant to sections 182(g)(3), 182(g)(5), 187(d)(3), and 187(g) of the Act, which either mandate, or identify as an option, the use of an EIP upon failure of a State to meet certain further progress milestones or attainment requirements in extreme, severe, and serious O_3 nonattainment areas or in serious CO nonattainment areas. Further, this rule is intended to serve as guidance to States in their development of any discretionary EIP's, as well as in the development of any EIP's which may possibly be included in FIP's or other Federal measures. This proposed rule does not of itself require that any EIP be developed unless, in very limited cases, air quality RFP milestones are missed (by extreme O_3 or serious CO nonattainment areas) or timely attainment by serious CO nonattainment areas of the CO ambient air quality standard is not achieved. Thus, any impacts from this proposed rule would only be felt if and when such failures occurred, or States or the EPA exercised their discretion to choose to develop an EIP.

Although impacts of this proposed rule may result in the future, the impacts are impossible to gauge since it is not known what, if any, relevant milestone or attainment failures will occur, or whether any State or the EPA will choose to exercise their discretion to develop an EIP. Further, it is not known what type of EIP would be implemented. Regardless of these unknown factors, to the extent that programs for which this proposed rule applies are implemented, the impact from such programs is anticipated to be no greater, and potentially less than, the impact from noneconomic incentive programs designed to achieve an equivalent environmental effect.

The Administrator finds that this proposed rule will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices; and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. This rule will result in no adverse environmental or energy impacts. Thus, this proposed rule does not qualify as a major rule, and is, therefore, not subject to the requirement of a RIA.

This proposed rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from the OMB and any EPA response to those comments are in the public docket for this rulemaking.

B. Paperwork Reduction Act

This proposed rule does not contain any information collection requirements subject to review by the OMB under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, *et seq.*

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires Federal agencies to identify potentially adverse impacts of Federal rules upon small entities. In instances where significant impacts are possible on a substantial number of these entities, agencies are required to perform a Regulatory Flexibility Analysis (RFA).

This proposed rule does not of itself impose any requirements on small entities, nor require or exclude small entities from any EIP's which may be implemented in the future. As a result, the EPA has determined that this proposed rule will not have a significant impact on a substantial number of small entities.

Therefore, as required under section 605 of the RFA, 5 U.S.C. 601 *et seq.*, I certify that this proposed rule does not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 51

Administrative practice and procedure, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: January 20, 1993.

William K. Reilly,

Administrator

For reasons set out in the preamble, 40 CFR part 51 is proposed to be amended as set forth below.

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

1. The authority citation for part 51 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. Part 51 is amended by adding a new subpart U, consisting of §§ 51.490 through 51.494, to read as follows:

Subpart U—Economic Incentive Programs

Sec

51.490 Applicability

51.491 Definitions.

51.492 State program election and submittal.

51.493 State program requirements.

51.494 Use of program revenues.

Subpart U—Economic Incentive Programs

§ 51.490 Applicability.

(a) The rules in this subpart apply to any statutory economic incentive program (EIP), submitted to the EPA as an implementation plan revision to comply with sections 182(g)(3), 182(g)(5), 187(d)(3), or 187(g) of the Act. Such programs may be submitted by any authorized governmental organization, including States, local governments, and Indian governing bodies.

(b) The provisions contained in this subpart, except as explicitly exempted, shall also serve as the EPA's policy guidance on discretionary EIP's submitted as implementation plan revisions for any purpose other than to comply with the statutory requirements specified in paragraph (a) of this section.

§ 51.491 Definitions.

Act means the Clean Air Act as amended November 15, 1990.

Actual emissions means the emissions of a pollutant from an affected source determined by taking into account actual emission rates and actual or representative production rates (i.e., capacity utilization and hours of operation).

Affected source means any stationary, area, or mobile source of a criteria pollutant(s) to which an EIP applies. This term applies to sources explicitly included at the start of a program, as well as sources that voluntarily enter (i.e., opt into) the program.

Allowable emissions means the emissions of a pollutant from an affected source determined by taking into account the most stringent of all applicable SIP emissions limits and the level of emissions consistent with source compliance with all Federal requirements related to attainment and maintenance of the NAAQS and the production rate associated with the maximum rated capacity and hours of operation (unless the source is subject to federally enforceable permit limits which restrict the operating rate, or hours of operation, or both).

Area sources means stationary and nonroad sources that are too small and/or too numerous to be individually included in a stationary source emissions inventory.

Attainment area means any area of the country designated or redesignated by the EPA at 40 CFR part 51 in accordance with section 107(d) as having attained the relevant NAAQS for a given criteria pollutant. An area can be an attainment area for some pollutants and a nonattainment area for other pollutants.

Attainment demonstration means the requirement in section 182(b)(1)(A) of the Act to demonstrate that the specific annual emissions reductions included in a SIP are sufficient to attain the primary NAAQS by the date applicable to the area.

Directionally sound strategies are strategies for which adequate procedures to quantify emissions reductions or specify a program baseline are not defined as part of the EIP.

Discretionary economic incentive program means any EIP submitted to the EPA as an implementation plan revision for purposes other than to comply with the statutory requirements of sections 182(g)(3), 182(g)(5), 187(d)(3), or 187(g) of the Act.

Economic incentive program (EIP) means a program which may include State established emission fees or a system of marketable permits, or a system of State fees on sale or manufacture of products the use of which contributes to O_3 formation, or any combination of the foregoing or other similar measures, as well as incentives and requirements to reduce vehicle emissions and vehicle miles traveled in the area, including any of the transportation control measures identified in section 108(f). Such programs may be directed toward stationary, area, and/or mobile sources, to achieve emissions reductions milestones, to attain and maintain ambient air quality standards, and/or to provide more flexible, lower-cost approaches to meeting environmental goals. Such programs are categorized into the following three categories: emission-limiting, market-response, and directionally sound strategies.

Emission-limiting strategies are strategies that directly specify limits on total mass emissions, emission-related parameters (e.g., emission rates per unit of production, product content limits), or levels of emissions reductions relative to a program baseline that are required to be met by affected sources, while providing flexibility to sources to reduce the cost of meeting program requirements.

Indian governing body means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the U.S. and recognized by the U.S. as possessing power of self-government.

Maintenance plan means an implementation plan for an area designated attainment, or for which the State is seeking designation or redesignation, under section 107(d) of the Act, which provides for the continued attainment of the NAAQS.

Market-response strategies are strategies that create one or more incentives for affected sources to reduce emissions, without directly specifying limits on emissions or emission-related parameters that individual sources or even all sources in the aggregate are required to meet.

Milestones means the reductions in emissions required to be achieved pursuant to section 182(b)(1) and the corresponding requirements in sections 182(c)(2) (B) and (C), 182(d), and 182(e) of the Act for O_3 nonattainment areas, as well as the reduction in emissions of CO equivalent to the total of the specified annual emissions reductions required by December 31, 1995, pursuant to section 187(d)(1).

Mobile sources means on-road (highway) vehicles (e.g., automobiles, trucks and motorcycles) and nonroad vehicles (e.g., trains, airplanes, agricultural equipment, industrial equipment, construction vehicles, off-road motorcycles, and marine vessels).

National ambient air quality standards (NAAQS) means a standard set by the EPA at 40 CFR part 50 under section 109 of the Act.

Nonattainment area means any area of the country designated by the EPA at 40 CFR part 51 in accordance with section 107(d) of the Act as nonattainment for one or more criteria pollutants. An area could be a nonattainment area for some pollutants and an attainment area for other pollutants.

Nondiscriminatory means that a program in one State does not result in discriminatory effects on other States or sources outside the State with regard to interstate commerce.

Program baseline means the level of emissions, or emission-related parameter(s), for each affected source or group of affected sources, from which program results (e.g., quantifiable emissions reductions) shall be determined

Program uncertainty factor means a factor applied to discount the amount of emissions reductions credited in an implementation plan demonstration to account for any strategy-specific uncertainties in an EIP.

Reasonable further progress (RFP) baseline means the total of actual volatile organic compounds or nitrogen oxides emissions from all anthropogenic sources in an O_3 nonattainment area during the calendar year 1990 (net of growth and adjusted pursuant to section 182(b)(1)(B) of the Act), expressed as typical O_3 season, weekday emissions

Replicable refers to methods which are sufficiently unambiguous such that the same or equivalent results would be obtained by the application of the methods by different users.

Rule compliance factor means a factor applied to discount the amount of emissions reductions credited in an implementation plan demonstration to account for less-than-complete compliance by the affected sources in an EIP

Shortfall means the difference between the amount of emissions reductions credited in an implementation plan and those that are actually achieved by an EIP, as determined through an approved reconciliation process.

State implementation plan (SIP) means a plan developed by a State or authorized governing body in a nonattainment area to show how the area intends to attain the NAAQS

Stationary source means any building, structure, facility or installation, other than an area or mobile source, which emits or may emit any criteria air pollutant subject to regulation under the Act.

Statutory economic incentive program means any EIP submitted to the EPA as an implementation plan revision to comply with sections 182(g)(3), 182(g)(5), 187(d)(3), or 187(g) of the Act

Surplus means, at a minimum, emissions reductions in excess of an established program baseline which are not required by current SIP requirements (including both Federal and State regulations), relied upon in any applicable attainment plan or demonstration, or credited in any RFP or milestone demonstration, so as to prevent the double-counting of emissions reductions.

Transportation control measure (TCM) is any measure of the types listed in section 108(F) of the Act, or any measure in an applicable implementation plan directed toward reducing emissions of air pollutants from transportation sources by a reduction in vehicle use or changes in traffic conditions.

§ 51.492 State program election and submittal.

(a) *Extreme O_3 nonattainment areas.* (1) A State or authorized governing body for any extreme O_3 nonattainment area shall submit a plan revision to implement an EIP, in accordance with the requirements of this part, pursuant to section 182(g)(5) of the Act, if

(i) A required milestone compliance demonstration is not submitted within the required period

(ii) The Administrator determines that the area has not met any applicable milestone

(2) The plan revision in paragraph (a)(1) of this section shall be submitted within 9 months after such failure or determination, and shall be sufficient, in combination with other elements of the SIP, to achieve the next milestone

(b) *Serious CO nonattainment areas* (1) A State or authorized governing body for any serious CO nonattainment area shall submit a plan revision to implement an EIP, in accordance with the requirements of this part, if:

(i) A milestone demonstration is not submitted within the required period, pursuant to section 187(d) of the Act.

(ii) The Administrator notifies the State, pursuant to section 187(d) of the Act, that a milestone has not been met.

(iii) The Administrator determines, pursuant to section 186(b)(2) of the Act that the NAAQS for CO has not been attained by the applicable date for that area Such revision shall be submitted within 9 months after such failure or determination.

(2) Submittals made pursuant to paragraphs (b)(1) (i) and (ii) of this section shall be sufficient, together with a transportation control program, to achieve the specific annual reductions in CO emissions set forth in the implementation plan by the attainment date Submittals made pursuant to paragraph (b)(1)(iii) of this section shall be adequate, in combination with other elements of the revised plan, to reduce the total tonnage of emissions of CO in the area by at least 5 percent per year in each year after approval of the plan revision and before attainment of the NAAQS for CO

(c) *Serious and severe O_3 nonattainment areas* If a State, for any serious or severe O_3 nonattainment area, elects to implement an EIP in the circumstances set out in section 182(g)(3) of the Act, the State shall submit a plan revision to implement the program in accordance with the requirements of this part If the option to implement an EIP is elected, a plan revision shall be submitted within 12 months after the date required for election, and shall be sufficient, in combination with other elements of the SIP, to achieve the next milestone.

(d) *Any nonattainment or attainment area* Any State may at any time submit a plan or plan revision to implement a discretionary EIP, in accordance with the requirements of this part, pursuant to sections 110(a)(2)(A) and 172(c)(6) and other applicable provisions of the Act concerning SIP submittals The plan revision shall not interfere with any applicable requirement concerning attainment and RFP, or any other applicable requirements of the Act

§ 51.493 State program requirements.

Economic incentive programs shall be State and federally enforceable, nondiscriminatory, and consistent with the timely attainment of NAAQS, all applicable RFP and visibility requirements, applicable PSD increments, and all other applicable requirements of the Act Programs in nonattainment areas for which credit is taken in attainment and RFP demonstrations shall be designed to ensure that the effects of the program are quantifiable, and that the credit taken is limited to that which is surplus to other SIP-credited requirements. Statutory programs shall be designed to result in quantifiable, significant reductions in actual emissions. The EIP's shall include the following elements, as applicable:

(a) *Statement of purpose and program description* This element shall include a clear statement as to the environmental problem being addressed and the intended environmental and economic goals of the program, a description of the EIP strategy upon which the program is based, and the rationale relating the EIP mechanisms to the program goals Any program shall be described in terms of one of the following three categories:

(1) Emission-limiting strategies, which directly specify limits on total mass emissions, emission-related parameters (e.g., emission rates per unit of production, product content limits), or levels of emissions reductions

relative to a program baseline that affected sources are required to meet, while providing flexibility to sources to reduce the cost of meeting program requirements.

(2) Market-response strategies, which create one or more incentives for affected sources to reduce emissions, without directly specifying limits on emissions or emission-related parameters that individual sources or even all sources in the aggregate are required to meet.

(3) Directionally sound strategies, for which adequate procedures to quantify emissions reductions are not defined.

(b) *Program scope.* (1) This element shall contain a clear definition of the sources affected by the program. This definition shall address.

(i) The extent to which the program is mandatory or voluntary for the affected sources

(ii) Provisions, if any, by which sources that are not required to be in the program may voluntarily enter the program

(iii) Provisions, if any, by which sources covered by the program may voluntarily leave the program.

(2) Any opt-in or opt-out provisions in paragraph (b)(1) of this section shall be designed to provide mechanisms by which such program changes are reflected in an area's attainment and RFP demonstrations, thus ensuring that there will not be an increase in the emissions inventory for the area caused by voluntary entry or exit from the program

(3) The program scope shall be defined so as not to interfere with any other Federal requirements which apply to the affected sources.

(c) *Program baseline.* A program baseline shall be defined as a basis for projecting program results and, if applicable, for initializing the incentive mechanism (e.g., for marketable permits programs) The program baseline shall be consistent with, and adequately reflected in, the assumptions and inputs used to develop an area's RFP plan and attainment and maintenance demonstrations, as applicable The State shall provide sufficient supporting information from the areawide emissions inventory and other sources to justify the baseline used in the EIP.

(1) For EIP's submitted in conjunction with, or subsequent to, the submission of an associated new RACT rule, areawide RFP 15 percent plan, or attainment demonstration, a State may exercise flexibility in setting a program baseline provided the program baseline is consistent with and reflected in the associated RACT rule, RFP 15 percent and/or 3 percent plans, or attainment demonstration. For any EIP submitted prior to the submittal of an attainment demonstration, the State shall include with its EIP submittal a commitment that its subsequent RFP 15 percent and/or 3 percent plans, if applicable, and attainment demonstration will incorporate the EIP baseline. A flexible program baseline may be based on actual, allowable, or some other intermediate or lower level of emissions.

(i) For EIP's that implement new RACT requirements for previously unregulated source categories, the new RACT requirements must be based upon an analysis that considers the incentive mechanism upon which the EIP is based

(ii) For EIP's that impose new RACT requirements on previously unregulated sources in a previously regulated source category (e.g., RACT "catch-up" programs), the new incentive-based RACT rule shall, in the aggregate, yield reductions in actual emissions at least equivalent to that which would result from source-by-source compliance with the existing RACT limit for that source category.

(2) For EIP's not submitted in conjunction with, or subsequent to, the submission of an associated new RACT rule, areawide RFP 15 percent plan, or attainment demonstration, the program baseline shall be based on the lower-of-actual-or-allowable emissions. In such cases, actual emissions shall be taken from the most appropriate inventory, such as the 1990 actual emission inventory (due for submission in November 1992), and allowable emissions are the lower of SIP-allowable emissions or the level of emissions consistent with source compliance with all Federal requirements related to attainment and maintenance of the NAAQS

(3) A program baseline for individual sources shall, as appropriate, be contained or incorporated in federally-enforceable operating permits or a federally-enforceable SIP.

(4) A baseline for TCM's shall be calculated by establishing the preexisting conditions in the areas of interest This may include establishing to what extent TCM's have already been implemented, what average vehicle occupancy (AVO) levels have been achieved during peak and off-peak periods, what types of trips occur in the region, and what mode choices have been made in making these trips. In addition, the extent to which travel options are currently available within the region of interest shall be determined. These travel options may include, but are not limited to the degree of dispersion of transit services, the current ridership rates, and the availability and usage of parking facilities.

(5) Information used in setting a program baseline shall be of sufficient quality to provide for at least as high a degree of accountability as currently exists for traditional control requirements for the categories of sources affected by the program.

(d) *Replicable emission quantification methods.* This program element, for programs other than those which are categorized as directionally sound, shall include credible, workable, and replicable methods for quantifying emissions and projecting program results from affected sources. Such methods, if used to determine credit taken in attainment, RFP, and maintenance demonstrations, as applicable, shall yield results which can be shown to have a level of certainty comparable to that for source-specific standards and traditional methods of control strategy development. Such methods include, as applicable, the following elements:

(1) Specification of quantification methods. This element shall specify the approach or the combination or range of approaches that are acceptable for each source category affected by the program. Acceptable approaches may include, but are not limited to:

(i) Test methods for the direct measurement of emissions, either continuously or periodically.

(ii) Calculation equations which are a function of process or control system parameters, ambient conditions, activity levels, and/or throughput or production rates.

(iii) Mass balance calculations which are a function of inventory, usage, and/or disposal records.

(iv) EPA-approved emission factors, where appropriate.

(v) Any combination of these approaches.

(2) Specification of averaging times. (i) The averaging time for any specified mass emissions caps or emission rate limits shall be consistent with: attaining and maintaining all applicable NAAQS, meeting RFP requirements, and ensuring equivalency with all applicable RACT requirements.

(ii) If the averaging time for any specified VOC mass emissions caps or emission rate limits for stationary sources (and for other sources, as appropriate) is longer than 24 hours, the State shall provide, in support of the SIP submittal· a statistical showing that the specified averaging time is consistent with attaining the O_3 NAAQS and satisfying RFP requirements, as

applicable, on a typical summer day basis; and, if applicable, a statistical showing that the longer averaging time will produce emissions reductions that are equivalent on a daily basis to source-specific RACT requirements.

(3) Accounting for shutdowns and production curtailments. This accounting shall include provisions which ensure that

(i) Emissions reductions associated with shutdowns and production curtailments are not double-counted in attainment or RFP demonstrations.

(ii) Any resultant "shifting demand" which increases emissions from other sources is accounted for in such demonstrations.

(4) Accounting for batch, seasonal, and cyclical operations. This accounting shall include provisions which ensure that the approaches used to account for such variable operations are consistent with attainment and RFP demonstrations.

(5) Procedures for determining the emissions contribution from affected sources for periods for which required data monitoring is not performed, data are otherwise missing, or data have been demonstrated to have been inaccurately determined.

(6) Accounting for travel mode choice options, as appropriate, for TCM's. This accounting shall consider the factors or attributes of the different forms of travel modes (e.g., bus, ridesharing) which determine which type of travel an individual will choose. Such factors include, but are not limited to, time, cost, reliability, and convenience of the mode.

(e) *Source requirements.* This program element shall include all source-specific requirements that constitute compliance with the program. Such requirements shall be appropriate, readily ascertainable, and State and federally enforceable, including, as applicable:

(1) *Emission limits.* For programs that impose limits on total mass emissions or emission-related parameter(s), there must be an appropriate tracking system so that a facility's mass emissions or emission-related parameter limits are readily ascertainable at all times.

(2) *Monitoring, recordkeeping, and reporting requirements.* Sources must be subject to clearly specified and appropriate MRR requirements. Responsible parties at each facility in the program must certify reported information. An EIP (or the SIP as a whole) must contain test methods and, at a minimum, general MRR requirements capable of providing a basis for inclusion of source-specific requirements in Title V permits, if appropriate. Monitoring methods shall be linked to the emission quantification approaches specified for each affected source category, as appropriate, and may include, but are not limited to:

(i) The continuous monitoring of mass emissions, emission rates, or process or control parameters.

(ii) In situ or portable measurement devices to verify control system operating conditions.

(iii) Periodic measurement of mass emissions or emission rates using reference test methods.

(iv) Operation and maintenance procedures and/or other work practices designed to prevent, identify, or remedy noncomplying conditions.

(v) Manual or automated recordkeeping of material usage, inventories, throughput, production, or levels of required activities.

(vi) Any combination of these methods.

(3) Any other applicable strategy-specific requirements.

(f) *Projected results and audit/reconciliation procedures.* (1) The SIP submittal shall include projections of the emissions reductions associated with the implementation of the program. These projected results shall be related to and consistent with the assumptions used to develop the area's attainment demonstration and maintenance plan, as applicable. For programs designed to produce emissions reductions creditable towards RFP milestones, projected emissions reductions shall be related to the RFP baseline and consistent with the area's RFP compliance demonstration. The State shall provide sufficient supporting information that shows how affected sources are or will be addressed in the emissions inventory, RFP plan, and attainment or maintenance plan, as applicable.

(i) For emission-limting programs, the projected results shall be consistent with the reductions in mass emissions or emissions-related parameters specified in the program design.

(ii) For market-response programs, the projected results shall be based on market analyses relating levels of targeted emissions and/or emission-related activities to program design parameters.

(iii) For directionally sound programs, the projected results may be descriptive and shall be consistent with the area's attainment demonstration or maintenance plan.

(2) Quantitative projected results shall be adjusted through the use of two uncertainty factors, as appropriate, to reflect uncertainties inherent in both the extent to which sources will comply with program requirements and the overall program design.

(i) Uncertainty resulting from incomplete compliance shall be addressed through the use of a rule compliance factor.

(ii) Programmatic uncertainty shall be addressed through the use of a program uncertainty factor. Any presumptive norms set by the EPA shall be used unless an adequate justification for an alternative factor is included in supporting information to be supplied with the SIP submittal. In the absence of any EPA-specified presumptive norms, the State shall provide an adequate justification for the selected factors as part of the supporting information to be supplied with the SIP submittal.

(3) Unless otherwise provided in program-specific guidance issued by the EPA, EIP's for which SIP credit is taken shall include audit procedures to evaluate program implementation and track program results. Such audits shall be required at specified time intervals, which are consistent with RFP milestones and other emission inventory submittal requirements, as applicable. The State shall provide timely post-audit reports to the EPA.

(i) For emission-limiting EIP's, the State shall commit to ensure the timely implementation of programmatic revisions or other measures which the State, in response to the audit, deems necessary for the successful operation of the program in the context of overall RFP and attainment requirements.

(ii) For market-response EIP's, reconciliation procedures that identify a range of appropriate actions or revisions to program requirements that will make up for any shortfall between credited results (i.e., projected results, as adjusted by the two uncertainty factors described above) and actual results obtained during program implementation shall be submitted together with the program audit provisions. Such measures must be federally enforceable, as appropriate, and automatically executing to the extent necessary to make up the shortfall within a specified period of time, consistent with relevant RFP and attainment requirements.

(g) *Implementation schedule.* The program shall contain a schedule for the adoption and implementation of all State commitments and source requirements included in the program design.

(h) *Administrative procedures.* The program shall contain a description of State commitments which are integral to the implementation of the program, and the administrative system to be used to

implement the program, addressing the adequacy of the personnel, funding, and legislative authority.

(1) States shall furnish adequate documentation of existing legal authority and demonstrated administrative capacity to implement and enforce the provisions of the EIP.

(2) For programs which require private and/or public entities to establish emission-related economic incentives (e.g., programs requiring employers to exempt carpoolers/multiple occupancy vehicles from paying for parking), States shall furnish adequate documentation of State authority and administrative capacity to implement and enforce the underlying program.

(i) *Enforcement mechanisms.* The program shall contain a compliance instrument(s) for all program requirements, which is legally binding and State and federally enforceable. This program element shall also include a State enforcement program which defines violations, and specifies auditing and inspections plans and provisions for enforcement actions. The program shall contain effective penalties for noncompliance, including:

(1) *Emission limit violations.* (i) Programs imposing limits on mass emissions or emission rates that provide for extended averaging times shall contain procedures for determining the number of days of violation and the number of sources in violation for Federal enforcement purposes when a multisource limit is exceeded for the time period over which averaging is allowed. The State shall demonstrate that such procedures shall not lessen the incentive for source compliance as compared to a program applied on a source-by-source daily basis. For all such programs, the manner of collection of penalties must be specified.

(ii) Programs shall require plans for remedying noncompliance at any facility that exceeds a multisource emissions limit for a given averaging period. These plans shall be enforceable both federally and by the State.

(2) *Violations of MRR requirements.* The MRR requirements shall apply on a daily basis, as appropriate, and violations thereof shall be subject to State enforcement sanctions and to the Federal penalty of up to $25,000 for each day a violation occurs or continues. In addition, knowing violations of such requirements shall be subject to the Act's criminal penalty sanctions of section 113(c)(2), which provides for fines and imprisonment of up to 2 years.

§ 51.494 Use of program revenues.

Any revenues generated from statutory EIP's shall be used by the State for any of the following:

(a) Providing incentives for achieving emissions reductions.

(b) Providing assistance for the development of innovative technologies for the control of O_3 air pollution and for the development of lower-polluting solvents and surface coatings. Such assistance shall not provide for the payment of more than 75 percent of either the costs of any project to develop such a technology or the costs of development of a lower-polluting solvent or surface coating.

(c) Funding the administrative costs of State programs under this Act. Not more than 50 percent of such revenues may be used for this purpose. The use of any revenues generated from discretionary EIP's shall not be constrained by the provisions of this part.

3. Part 51 is amended by adding a new appendix W to read as follows:

Appendix W to Part 51—Examples of Economic Incentive Programs

I. Introduction and Purpose

This Appendix contains examples of EIP's which are covered by the EIP rules in this part. Program descriptions identify key provisions which distinguish the different model program types. The examples provide additional information and guidance on various types of regulatory programs collectively referred to as EIP's. The examples include programs involving stationary, area, and mobile sources. The definition section at 40 CFR 51.491(j) defines EIP as a program which may include State established emission fees or a system of marketable permits, or a system of State fees on sale or manufacture of products the use of which contributes to O_3 formation, or any combination of the foregoing or other similar measures, as well as incentives and requirements to reduce vehicle emissions and vehicle miles traveled in the area, including any of the transportation control measures identified in section 108(f). Such programs span a wide spectrum of program designs.

The EIP's are comprised of several elements that, in combination with each other, must insure that the fundamental principles of any regulatory program (including accountability, enforceability and noninterference with other requirements of the Act) are met. There are many possible combinations of program elements that would be acceptable. For example, a program requiring direct emission monitoring may require less frequent reporting than one which was based on indirect emission calculations. Also, it is important to emphasize that the effectiveness of an EIP is dependent upon the particular area in which it is implemented. No two areas face the same air quality circumstances and, therefore, effective strategies and programs will differ among areas.

Because of these considerations, the EPA is not specifying one particular design or type of strategy as acceptable for any given EIP. Such specific guidance would potentially discourage States (or other entities with delegated authority to administer parts of an implementation plan) from utilizing other equally viable program designs that may be more appropriate for their situation. Thus, the examples given in this Appendix are general in nature so as to avoid limiting innovation on the part of the States in developing programs tailored to individual State needs.

Another important consideration in designing effective EIP's is the extent to which different strategies, or programs targeted at different types of sources, can complement one another when implemented together as an EIP "package." The EPA encourages States to consider packaging different measures together when such a strategy is likely to increase the overall benefits from the program as a whole. Furthermore, some activities, such as information distribution or public awareness programs, while not EIP's in and of themselves, are often critical to the success of other measures and, therefore, would be appropriate complementary components of a program package. All SIP emissions reductions credits should reflect a consideration of the effectiveness of the entire package.

II. Examples of Stationary and Mobile Source Economic Incentive Strategies

There is a wide variety of programs that fall under the general heading of EIP's. Further, within each general type of program are several different basic program designs. This section describes common types of EIP's that have been implemented, designed, or discussed in the literature for stationary and mobile sources. The program types discussed below do not include all of the possible types of EIP's. Innovative approaches incorporating new ideas in existing programs, different combinations of existing program elements, or wholly new incentive systems provide additional opportunities for States to find ways to meet environmental goals at lower total cost.

A. Emissions Trading Markets

One prominent class of EIP's is based upon the creation of a market in which trading of source-specific emissions requirements may occur. Such programs may include traditional rate-based emissions limits (generally referred to as emissions averaging) or overall limits on a source's total mass emissions per unit of time (generally referred to as an emissions cap). The emissions limits, which may be placed on individual emitting units or on facilities as a whole, may decline over time. The common feature of such programs is that sources have an ongoing incentive to reduce pollution and increase flexibility in meeting their regulatory requirements. A source may meet its own requirements either by directly controlling emissions or by trading or averaging with another source. Trading or averaging may occur within the same facility, within the

same firm, or between different firms. Sources with lower cost abatement alternatives may provide the necessary emissions reductions to sources facing more expensive alternatives. These programs can lower the overall cost of meeting a given total level of abatement. All sources eligible to trade in an emissions market are faced with continuing incentives to find better ways of reducing emissions at the lowest possible cost, even if they are already meeting their own emissions requirements.

Stationary, area, and mobile sources could be allowed to participate in a common emissions trading market. Programs involving emissions trading markets are particularly effective at reducing overall costs when individual affected sources face significantly different emissions control costs. A wider range in control costs among affected sources creates greater opportunities for cost-reducing trades. Thus, for example, areas which face relatively high stationary source control costs relative to mobile source control costs benefit most by including both stationary and mobile sources in a single emissions trading market.

Programs involving emissions trading markets may be designed as either a marketable emissions allowance program or as a marketable emissions reductions credit program. Programs based on marketable allowances establish an emission allocation or quota for each source, but give sources an opportunity to adjust their allocations through trading. Each source's actual emissions at some defined point(s) in time must be less than its adjusted allocation. Allowance programs may assign each affected source a certain number of allowances based on a percentage of their historical emissions or some other specified criteria, such as a reduced level of emissions necessary to satisfy a specific environmental goal. To achieve net emissions reductions, the program design could include declining limits over time. Emissions limits could also specify both a mass per unit time limit, and an effective time period. For instance, a source's limit may be 800 pounds per month for 1998, 780 pounds per month in 1999, etc. Sources are given considerable flexibility to decide how to assure their emissions will not exceed their allowances in each period, subject to meeting all other regulatory requirements. If they choose to, sources may buy or sell portions of their allowances for each period. If all sources emit only as much as permitted by the number of allowances they hold (adjusted by trades), the total emissions from all affected sources will not exceed the total emissions allocated for that period. The State or local air pollution authority will need to establish adequate enforceable procedures for tracking allowance trades, and for monitoring and enforcing compliance with the EIP.

In contrast, emission reduction credit (ERC) programs feature trading of emissions reductions, measured against a pre-established emissions baseline, rather than trading of emissions allowances. Each source's initial emissions baseline is established either by the EIP rules or through promulgation of traditional regulations. Sources can generate ERC's by implementing enforceable measures that reduce emissions below the source's emissions baseline. Conversely, sources may exceed their emissions baseline by obtaining sufficient ERC's from other sources. Thus, a major distinction between these two types of trading programs is that ERC trading involves the calculation of a change in emissions as a result of a specific emission reduction measure, whereas allowance trading involves only the calculation of actual emissions at a given point in time.

Since the Agency's existing guidance on emission trading, contained in the 1986 ETPS, is based on this type of trading, most emission trading experience to date has involved ERC trading. The ETPS has generally been applied case-by-case, through the review and approval that a valid credit has been generated, in advance of any individual source-to-source market trade. The ETPS prescribed constraints on how sources could calculate baseline emissions, as well as how the impacts of such trades needed to be taken into account prior to approving a trade. Thus, it is anticipated that the design of EIP's based on ERC trading will feature such pre-trade review and approval steps by the agency administering the program. To administer such a program, the State or local air pollution authority would need to establish adequate enforceable procedures for certifying that a surplus emissions reduction is a valid ERC, for approving and recording ERC trades, and for monitoring and enforcing compliance with the new emissions limits. Thus, another major distinction between ERC and allowance trading programs is that ERC trading is likely to involve a significantly higher degree of administrative intervention prior to sources being allowed to effect market transactions.

The definition of the commodity to be traded and the design of the administrative procedures the buyer and seller must follow to complete a trade are obvious elements that must be carefully selected to help ensure a successful trading market that achieves the desired environmental goal at the lowest cost. An emissions market is defined as efficient if it achieves the environmental goal at the lowest possible total cost. Any feature of a program that unnecessarily increases the total cost without helping achieve the environmental goals causes market inefficiency. Thus, the design of an emission trading program should be evaluated not only in terms of the likelihood that the program design will ensure that the environmental goals of the program will be met, but also in terms of the costs that the design imposes upon market transactions and the impact of those costs on market efficiency.

Transactions costs are the investment in time and resources to acquire information about the price and availability of allowances or ERC's, to negotiate a trade, and to assure the trade is properly recorded and legally enforceable. All trading markets impose some level of transaction costs. The level of transaction costs in an emissions trading market are affected by various aspects of the design of the market, such as uncertainties in the value of the allowance or credit being traded, the legitimacy of the allowance or credit being offered for sale, and the long-term integrity of the market itself. Emissions trading programs in which every transaction is different, such as programs requiring significant consideration of the differences in the chemical properties or geographic location of the emissions, can result in higher transaction costs than programs with a standardized trading commodity and well-defined rules for acceptable trades. Transaction costs are also affected by the relative ease with which information can be obtained about the availability and price of allowances or credits.

While the market considerations discussed above are clearly important in designing an efficient market to minimize the transaction costs of such a program, other considerations, such as regulatory certainty, enforcement issues, and public acceptance, also clearly need to be factored into the design of an emissions trading program.

B. Fee Programs

A fee on each unit of emissions is a strategy that can provide a direct incentive for sources to reduce emissions. Not all emission fee programs are designed to motivate sources to lower emissions. Fee programs using small fees are designed primarily to generate revenue, often to cover some of the administrative costs of a regulatory program. In order to motivate a change in emissions, the fees must be high enough that sources will actively seek to reduce emissions. Ideally fees should be set so as to result in emissions being reduced to the socially optimal level considering the costs of control and the benefits of the emissions reductions.

There are significant variations in emission fee programs. For example, potential emissions could be targeted by placing a fee on an input (e.g., a fee on the quantity and BTU content of fuel used in an industrial boiler) rather than on actual emissions. Sources paying a fee on potential emissions could be eligible for a fee waiver or rebate by demonstrating that potential emissions are not actually emitted, such as through a carbon absorber system on a coating operation.

Some fee program variations are designed to mitigate the potentially large amount of revenue that a fee program could generate. Although more complex than a simple fee program, programs that reduce or eliminate the total revenues may be more readily adopted in a SIP than a simple emission fee. Some programs lower the amount of total revenues generated by waiving the fee on some emissions. These programs reduce the total amount of revenue generated, while providing an incentive to decrease emissions. Alternatively, a program may impose higher per-unit fees on a portion of the emissions stream, providing a more powerful but targeted incentive at the same revenue levels. For example, fees could be collected on all emissions in excess of some fixed level. The level could be set as a percentage of a baseline (e.g., fees on emissions above some percentage of historical emissions), or as the lowest emissions possible (e.g., fees on emissions in excess of the lowest demonstrated emissions from the source category).

Other fee programs are "revenue neutral," meaning that the pollution control agency does not receive any net revenues. One way to design a revenue-neutral program is to have both a fee provision and a rebate provision. Rebates must be carefully designed to avoid lessening the incentive provided by the emission fee. For example, a rebate based on comparing a source's actual emissions and the average emissions for the source category can be designed to be revenue neutral and not diminish the incentive.

Other types of fee programs collect a fee in relation to particular activities or types of products to encourage the use of alternatives. While these fees are not necessarily directly linked to the total amount of emissions from the activity or product, the relative simplicity of a usage fee may make such programs an effective way to lower emissions. An area source example is a construction permit fee for wood stoves. Such a permit fee is directly related to the potential to emit inherent in a wood stove, and not to the actual emissions from each wood stove in use. Fees on raw materials to a manufacturing process can encourage product reformulation (e.g., fees on solvent sold to makers of architectural coatings) or changes in work practices (e.g., fees on specialty solvents and degreasing compounds used in manufacturing).

Road pricing mechanisms are fee programs that are available to curtail low occupancy vehicle use, fund transportation system improvements and control measures, spatially and temporally shift driving patterns, and attempt to effect land usage changes. Primary examples include increased peak period roadway, bridge, or tunnel tolls (this could also be accomplished with automated vehicle identification systems as well), and toll discounts for pooling arrangements and zero-emitting/low-emitting vehicles.

C. Tax Code Provisions

Modifications to the existing State or local tax code can provide an effective economic incentive. Possible tax code revisions to encourage emissions reductions cover a broad span of programs, such as accelerated depreciation of capital equipment used for emissions reductions, corporate income tax deductions or credits for emission abatement costs, property tax waivers based on decreasing emissions, and exempting low-emitting products from sales tax. Mobile source tax code incentive strategies include waiving or lowering any of the following for zero- or low-emitting vehicles: vehicle registration fees, vehicle property tax, sales tax, taxicab license fees, and parking taxes.

D. Subsidies

A State may create incentives for reducing emissions by offering direct subsidies, grants or low interest loans to encourage the purchase of lower-emitting capital equipment, or a switch to less polluting operating practices. Examples of such programs include clean vehicle conversions, starting shuttle bus or van pool programs, and mass transit fare subsidies. Subsidy programs often suffer from a variety of "free rider" problems. For instance, subsidies for people or firms who were going to switch to the cleaner alternative anyway lower the effectiveness of the subsidy program, or drive up the cost of achieving a targeted level of emissions reductions.

E. Transportation Control Measures

The following measures are the TCM's listed in section 108(f):

(i) programs for improved public transit;

(ii) restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or high occupancy vehicles;

(iii) employer-based transportation management plans, including incentives;

(iv) trip-reduction ordinances;

(v) traffic flow improvement programs that achieve emission reductions;

(vi) fringe and transportation corridor parking facilities serving multiple occupancy vehicle programs or transit service;

(vii) programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use;

(viii) programs for the provision of all forms of high-occupancy, shared-ride services;

(ix) programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of non-motorized vehicles or pedestrian use, both as to time and place;

(x) programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas;

(xi) programs to control extended idling of vehicles;

(xii) programs to reduce motor vehicle emissions, consistent with title II, which are caused by extreme cold start conditions;

(xiii) employer-sponsored programs to permit flexible work schedules;

(xiv) programs and ordinances to facilitate non-automobile travel, provision and utilization of mass transit, and to generally reduce the need for single-occupant vehicle travel, as part of transportation planning and development efforts of a locality, including programs and ordinances applicable to new shopping centers, special events, and other centers of vehicle activity;

(xv) programs for new construction and major reconstructions of paths, tracks or areas solely for the use by pedestrian or other non-motorized means of transportation when economically feasible and in the public interest. For purposes of this clause, the Administrator shall also consult with the Secretary of the Interior; and

(xvi) program to encourage the voluntary removal from use and the marketplace of pre-1980 model year light duty vehicles and pre-1980 model light duty trucks.

[FR Doc. 93–3684 Filed 2–22–93; 8:45 am]
BILLING CODE 6560–50–P

federal register

Tuesday
February 23, 1993

Part IV

Environmental Protection Agency

Interim Guidelines on the Generation of Mobile Source Emission Reduction Credits; Notice

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4591-2]

Interim Guidance on the Generation of Mobile Source Emission Reduction Credits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim guidance on the creation of emission reduction credits through the surplus control of mobile sources.

SUMMARY: This action proposes interim guidance for States and other interested parties on the general principles for creating emission reduction credits through the surplus control of mobile sources. This guidance addresses key issues involved in the generation of mobile source emission reduction credits, including the calculation of emissions baselines for participating sources, the projection of future emissions levels, and the time-averaging of emission reduction credits that vary over time. This action also provides guidance on the treatment of secondary emissions changes resulting from the subject mobile source controls and the discounting of the credits to reflect the level of uncertainty surrounding the actual level of mobile source emissions reduction likely to be realized by the proposed control program and the use of an environmental bonus to ensure that the production of the mobile source emissions reduction credit yields a direct benefit to the environment.

DATES: Comments on this proposed guidance should be provided by April 26, 1993.

ADDRESSES: Send written comments to Ms. Terri Wilsie, U.S. EPA, ANR-443, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Inquiries regarding the Interim Guidance on the Generation of Mobile Source Emissions Reduction Credits may be directed to: Ms. Terri Wilsie, U.S. EPA, ANR-443, 401 M Street SW., Washington, DC 20460; (202) 260-1360.

For information and copies of the associated technical addendum entitled Guidance for the Implementation of Accelerated Retirement of Vehicles Programs, please contact: Mr. Mark Simons, U.S. EPA, 2565 Plymouth Road, Ann Arbor, MI 48105, (313) 668-4417 or by Fax at (313) 668-4531.

For information and copies of the associated technical addenda entitled (1) Guidance for Emission Reduction Credit Generation by Clean Fuel Fleets and Vehicles or (2) Guidance for Mobile Emission Credit Generation by Urban Buses, please contact: Mr. Glenn Passavant, U.S. EPA, 2565 Plymouth Road, Ann Arbor, MI 48105, (313) 668-4408.

SUPPLEMENTARY INFORMATION: The contents of today's guidance are listed in the following outline:

I. Introduction
II. Elements of a MERC Program
III. Quantification of MERCs
  A. Calculation of Emissions Baseline
  B. Calculation of Projected Emissions Level
  C. Producing a Constant Stream of MERCs
IV. Averaging Times
V. Enforcement Requirements
VI. Secondary Air Quality Effects
VII. Emission Reduction Credit Discount Factors
VIII. Environmental Bonus

I. Introduction

The Clean Air Act, as amended in 1990 (Act), broadly encourages, and in certain cases mandates, market-based approaches for achieving the environmental goals of the Act. At the national level, the Environmental Protection Agency (EPA) has proposed and issued rules and guidance that incorporate the use of market-based economic incentives in Federal air programs, such as the acid rain allowance trading program and programs for alternative motor vehicle fuels, clean fuel fleet vehicle purchases, and emission reductions from urban buses.

Market-based approaches are also encouraged, and, in certain cases, mandated in programs at the State and local levels, and by individual sources, to facilitate the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS), and to meet associated emission reduction milestones. To encourage and facilitate the development of State and local economic incentive programs, the Agency is developing comprehensive guidance and rules (as required by the Act) for State/local agencies and individual sources to follow in designing and adopting such programs for inclusion in State Implementation Plans (SIP's). The newly proposed Economic Incentive Program (EIP) Rules[1] provide a broad framework for the development and use of a wide variety of incentive strategies for stationary, area, and/or mobile sources. One such approach is the generation and trading of emission reduction credits (ERCs), which historically has been allowed under guidance provided in the 1986 Emission Trading Policy Statement (ETPS)[2]. The rules and guidance proposed in the EIP draw upon the principles found in the ETPS (summarized in the next section), while providing increased flexibility in designing and implementing such programs.

In particular, for areas which face relatively high stationary source control costs relative to mobile source control costs, there may be significant benefits to creating EIPs which specifically allow for the trading of ERCs from mobile sources to stationary sources. While the general guidance contained in the proposed EIP rules applies to such programs, this supplemental guidance[3] is intended to provide more specific information about how to generate mobile source emission reduction credits (MERCs) for use in mobile/stationary source trading programs. This guidance addresses key issues involved in the generation of MERCs, including the calculation of emissions baselines for participating sources, the projection of future emissions levels, and the time-averaging of emission reduction credits that vary over time. The guidance contained in this document represents EPA's current position with regard to the generation of MERCs. However, EPA is interested in receiving the public's views and comments on these issues, and through today's notice solicits comments on this document.

It is hoped that the issuance of this guidance will encourage the development of MERC programs in cases where such programs can be employed to attain the NAAQS more expeditiously and/or at reduced cost, or to maintain an areas's attainment status. Because of the short-term nature of many MERC programs, the most likely uses of the ERCs generated by such programs are in situations involving delayed compliance or noncompliance penalties.[4] In addition, in accordance with the proposed EIP and other EPA rules and guidance regarding the use of emission reduction credits, MERCs can also be used (1) to satisfy emission reduction requirements beyond the Reasonably Available Control

[1] Proposed elsewhere in this issue of Federal Register.

[2] Emission Trading Policy Statement, 51 FR 43831, December 4, 1986.

[3] This guidance does not establish or affect legal rights or obligations. It does not establish a binding norm and it is not finally determinative of the issues raised. Agency decisions in any particular case will be made by applying the applicable law and regulations to the specific facts of the case. In any proceeding in which the policy may be applied, the Agency will thoroughly consider the policy's applicability to the facts and whether changes should be made in the policy based on submissions made by any person.

[4] Use of MERCs to offset portions of enforcement penalties would be subject to EPA policies regarding such offsets.

Technology (RACT) requirements, (2) to satisfy RACT requirements for existing sources[5] and (3) to meet new source emissions offsets requirements at the offset ratios specified in the Act. Elements and requirements of MERC programs that may be approvable for these uses are summarized in the next section. In addition, Appendix A contains a list of current rules, guidance, and policy statements that should be consulted for more specific requirements and constraints on the generation of MERCs for a specific use, such as for New Source Review (NSR) offsets.

Conversely, MERCs may not be used to satisfy the requirements of Best Available Control Technology (BACT), Lowest Achievable Emission Rate technology (LAER), New Source Performance Standards (NSPS), Federal Inspection and Maintenance (I/M),[6] and Employer Trip Reduction (ETR) programs. The BACT and LAER requirements are technology-based emissions limitations that must be met, where applicable, by specific stationary sources and do not allow emissions trading or averaging. The I/M and ETR programs include provisions which allow for trading and/or averaging of emissions or emission-producing activities, but only within the program. However, MERCs can be generated under the guidance contained in this document if they are based on controls which are surplus to any required controls or any trading activities which are allowed for within the rules and guidance specific to the above-listed, mobile source-related programs.

By providing interested parties with the specific program criteria and descriptions of certain elements of approvable MERC programs, it is expected that this document will serve to facilitate the development of such programs. Further, addenda to this document will elaborate on how MERCs can be generated from specific categories of mobile sources. These addenda are intended to provide both minimum required program elements and detailed descriptions of one particular pathway for designing an approvable MERC program for the subject mobile source category. Addenda on programs involving urban buses, clean fuel fleets, and accelerated vehicle scrappage are included in today's proposal. The EPA is considering preparing additional addenda for other mobile source categories in the future. It should be noted that individual programs can vary from the examples given in these addenda provided the program is consistent with the general requirements in this document, the EIP rules, and any other rules or guidance applicable to the program for which the MERCs are to be used.

II. Elements of a MERC Program

As for any type of EIP, the general principles and program elements that approvable MERC programs must satisfy are contained in the proposed EIP rules. The most basic of the principles that MERC programs must satisfy is that the program must not interfere with other requirements of the Act. The MERCs must also satisfy the minimum requirements of being quantifiable; enforceable at both the Federal and State levels; consistent with SIP attainment and RFP demonstrations; surplus to other Federal and State regulations relied upon in any relevant attainment plan or demonstration, or credited in any RFP or milestone demonstration; and permanent within the time-frame specified by the MERC program.[7]

The following key program elements, defined and discussed in the proposed EIP rules, must generally be included in any MERC program to ensure that the above principles and requirements are met:

(1) A clearly defined purpose and goal, and an incentive mechanism that can be rationally related to accomplishing the goals;

(2) A clearly defined scope, which identifies affected sources and assures that the program will not interfere with any other applicable regulatory requirements;

(3) A program baseline from which projected program results (e.g., quantifiable emissions reductions) can be determined;

(4) Credible, workable, replicable procedures for quantifying emissions and/or emission-related parameters, as appropriate;

(5) Source requirements, including those for monitoring, recordkeeping, and reporting (MRR), that are consistent with specified quantification procedures and allow for compliance certification and enforcement;

(6) Requirements for projecting program results and accounting for compliance and program uncertainty; and

(7) An implementation schedule, administrative system, and enforcement provisions adequate for ensuring Federal and State enforceability of the program.

Unless otherwise specified in program-specific guidance, MERC programs for which SIP credit is to be taken in attainment and RFP demonstrations must include additional elements, such as audit procedures to evaluate program implementation and track results, and, in certain cases, reconciliation procedures to trigger corrective or contingency measures to make up any shortfall between projected emissions reductions and emissions reductions actually achieved in practice. Reconciliation procedures are required for those MERC programs which are categorized as "market-response" programs, i.e., programs that create incentives for participating sources to reduce emissions, without directly specifying either emission-related requirements on individual vehicles or fleets or an enforceable emission reduction target. Conversely, "emission-limiting" programs, which directly specify enforceable limits on total emissions, emissions rates or levels of

[5] Although the Clean Air Act does not address the issue of trading ratios for trades between RACT and non-RACT sources, EPA has proposed to generally to require a ratio identical to the offset ratio specified for new sources in an area by the Clean Air Act. As proposed in the EIP rule and guidance, this trading ratio, which ranges from 1.1/1.0 to 1.5/1.0 in ozone non-attainment areas depending on the severity of the air quality of the area, will be required when trading any ERCs created by controls on non-RACT sources, such as mobile sources, for the emissions reduction that would have been achieved through the application of RACT.

EPA interprets the RACT requirement to authorize emissions trading between RACT and non-RACT sources when such trading results in an exceptional environmental benefit. EPA believes that the use of the offset ratio will ensure this benefit. In this spirit, however, EPA has proposed to allow a ratio as low as 1.1 to 1.0 if a mobile source control program involved the use of a fuel, process or technology whose widespread use held particular promise for significant future environmental benefits and the lower ratio against RACT would facilitate the market penetration of the fuel, process or technology. Furthermore, in setting the appropriate ratio for trades between RACT and non-RACT sources, EPA has proposed to let States take into account additional State and federally enforceable reductions that are achieved as a result of other exceptional environmental features of an EIP (such as the environmental bonus provision under Section VIII of this guidance document). In no case, however, can the trading ratio be lower than 1 to 1, and in no case can the effective trading ratio be less than the appropriate offset ratio (or such ratio, as low as 1.1 to 1.0, as may be authorized to promote the market penetration of environmentally beneficial new control measures).

[6] It should be noted that Accelerated Retirement programs can be used to meet the performance requirements of the federally mandated I/M programs.

[7] Where MERCs are used for NSR offsets, their use must be conditioned upon a permit requirement specifying that continued operation of the new source beyond the time-frame of the MERC program is contingent upon the new source obtaining other offsets that are enforceable by the time that the MERC program ceases to provide the requisite emissions credits. Similarly, where MERCs are used in lieu of RACT, the RACT obligation must be met by other means upon completion of the MERC program.

emissions reductions, do not require reconciliation procedures. For example, an accelerated vehicle retirement program designed to retire a specified number of a specific category of vehicles (by offering whatever price was necessary to acquire the specified number of vehicles) would be an emission-limiting program, for which reconciliation procedures would not be required. On the other hand, if the program offered only a fixed price, such that the resulting number of vehicles retired (and, hence, the resulting reductions in emissions) was dependent upon how the market responded to the fixed incentive, the program would be categorized as a market-response program for which reconciliation procedures would be required. For further discussion of these program categories and the related audit and reconciliation requirements, refer to the proposed EIP rules.

Additional requirements or conditions applicable to MERC programs, beyond those summarized above from the proposed EIP rules, are discussed below.

III. Quantification of MERCs

The quantification of MERCs for each year of the proposed control program is derived from a calculation of the annual difference between an "emissions baseline" and a "projected emissions level" after the mobile source emission control program has been put in place. Emissions levels both before and after the initiation of a control program are generally a function of the degree of use of the mobile source (e.g. vehicle miles travelled per year) and the emissions of that source per unit of use (e.g. grams of pollutant per mile driven). MERCs are generally quantified on an annual basis.

For the purposes of generating MERCs the "emissions baseline" is generally derived for each year of the control program from modeled estimates or actual measurements of the in-use emissions (taking into account all Federal and State requirements) of the sources in the participating group of mobile sources before any measures are taken to modify, replace, repair, eliminate or alter the operation of this participating group. The "projected emissions level" is the measure of emissions that is estimated to be emitted by substitute sources or measures that the control program employs, or projects will be employed, to supply the same level of service, particularly transportation services, as was or would have been supplied by the participating sources. As with the baseline level, the projected emissions level is based on an estimate of the actual emissions levels of the substitute sources.

A. Calculation of Emissions Baseline

For any program to modify, replace, repair, eliminate, fuel or operate a mobile source[8] or a group of mobile sources in a manner which reduces emissions for the purpose of generating MERCs, EPA will require a minimum level of validated data to adequately establish the baseline emissions level of the original set of participating mobile sources. A valid emissions baseline can be calculated using either: (1) Measured emissions of an appropriately sized sample of the participating mobile sources using an approved EPA test procedure or (2) estimated emissions of the participating mobile sources using the most recent edition of EPA's Mobile emissions factor model (or the EMFAC model in California, if approved by EPA) or a simplified model or algorithm approved by EPA which represents the actual emissions of the mobile sources in the baseline.[9] To ensure that MERCs are surplus, baseline emissions estimates for each year of the proposed mobile source control program must be the same as, or lower than, those used, or proposed to be used, in the Implementation Plan of the State in which the control program is proposed. Baseline emissions calculations should include the following information and data as appropriate:

—Emissions standard to which the mobile source is subject or emission performance to which the source is certified;
—Estimated or measured in-use emissions levels per unit of use from all significant emissions sources (exhaust, evaporative, etc);
—The number of sources in the participating group;
—The type, or types, of sources by vintage (or model year);
—The actual or projected activity level, hours of operation or miles travelled by type, and vintage (or model year). If a fraction of mobile source use takes place outside the relevant airshed, the baseline emissions level must be discounted to reflect the fact that these emissions cannot be included in the calculation of the baseline; and
—The projected remaining useful life of the participating group of sources.

[8] Throughout this document the term "mobile source" will be used rather than "motor vehicle" to clarify that the program can include both road vehicles such as cars and trucks, non-road vehicles such as boats and lawn mowers, and engines.

[9] Baseline emissions must reflect any tampering to the mobile source which has resulted in an emissions increase so as to preclude the generation of MERCs which would result from such tampering.

Specific examples of the techniques that can be employed to calculate the emissions baseline under alternative types of mobile source control programs and the data EPA will accept to support these calculations are included as addenda to this document. Three addenda ((1) Accelerated Vehicle Retirement, (2) Clean Fuel Vehicle Fleets and (3) Urban Buses) providing guidance on the generation of MERCs through the implementation of specific types of programs are included with this document. Other addenda will be issued as necessary to provide detailed, practical guidance to parties seeking to employ other types of mobile source control programs for the purpose of generating MERCs.

Because of the relatively short (compared to most stationary sources) useful life of mobile sources and because mobile source operations may change significantly over time, baseline emissions of the participating mobile sources will need to be estimated for each year for which credits are to be generated. After the initial year these annual estimates should reflect:

1. The change in the emissions of the participating mobile sources to reflect any deterioration in the emission control performance of the participating sources;
2. The change in the number of mobile sources resulting from normal retirement or attrition, and the replacement of retired mobile sources with newer and/or cleaner mobile sources;
3. The change in usage levels, hours of operation or VMT of the participating population, which tends to fall as a function of age;
4. The change in the expected useful life of the participating population; and
5. The change, by type of source, in the statistical distribution of mobile source vintage (or model year).

B. Calculation of Projected Emissions Level

Having estimated the baseline emissions of the participating group of mobile sources, MERCs are derived from the difference between that baseline and an estimate of the emissions of the new or replacement activities or transportation systems (e.g., new or modified vehicles or engines) that will be used to provide the same or greater level of service to affected consumers or the users of the mobile sources in the participating group. Any estimate of a projected annual emissions level based on an assumption of reduced consumer service or transportation service would not be allowed (i.e., reduced fleet size, reduced VMT or increased passenger

occupancy) without the support of a convincing analytical justification of the assumption.

The projected emissions levels must be based on the best estimate of the actual in-use emissions of the replacement or substitute vehicles or transportation systems. This estimate can be based on either: (1) Measured emissions of an appropriately sized sample of the replacement or substitute mobile sources or transportation systems using an approved EPA test procedure or (2) estimated emissions of these mobile sources or transportation systems using the most recent edition of EPA's mobile emissions factor model (or the EMFAC model in California, if approved by EPA) or an approved, simplified model or algorithm which represents the actual emissions of the mobile sources or transportation systems. The type of supporting data needed to determine the baseline (the number of mobile sources, their type, vintage, level of use, remaining useful life, etc.) would also need to be provided to support the estimate of the projected emissions level.

In projecting the new level of emissions a number of complicated analytical issues can arise. The addenda to this document, described above, are intended to help identify some of these issues and to provide suggestions of ways to deal with them. Although EPA has developed these analytical addenda for some types of mobile source control programs, it should be noted that these are only examples of acceptable control programs. Ultimately, EPA must rely on the States or other program initiators working through the States to develop credible emissions reduction measurement or estimation methodologies which satisfactorily address the analytical uncertainties of mobile source emissions reduction programs (see Section VII for discussion of uncertainty factors that must be addressed).

C. Producing a Constant Stream of MERCs

Most emissions trades involve a stationary source seeking to obtain a constant stream (over time) of ERCs to fulfill, or delay, an emissions reduction requirement that would have produced a constant stream of emissions reductions over the life of the facility being regulated. However, because of the rapid turnover of mobile sources, relative to stationary sources, the annual level of MERCs created by a mobile source control program [10] will seldom remain steady over time. For some types of control programs the level of MERCs generated may decline with time (as would be typical of a scrappage program) while other programs could create increasing levels of MERCs (as could be expected of an alternative fuels programs with an expanding market). Yet other control programs may result in a variable stream of emissions reductions. To make MERCs more "desirable" or useful in the emissions trading context, therefore, it is important to identify possible techniques for turning the rising, falling and uneven credits into a constant stream. Because of this EPA will approve the use of the following averaging algorithm in the calculation of a constant stream of MERCs:

$MERC = \Sigma R_i (i=1 \ldots N)/N$

Where R_i = emissions baseline in year "i" minus projected emissions level in year "i" where "i" equals 1 in the year the mobile source control program first takes effect.

N = the number of years the mobile source control program will be in effect. "N" could not exceed the number of years over which significant emissions reductions continue to occur.

MERC = constant level of annual emission reduction credits.

The use of such an averaging scheme does raise a number of significant policy issues primarily concerning the "saving" and "borrowing" of ERCs. Although these issues are discussed briefly below and EPA believes that this discussion is adequate to allow the use of "averaged" MERCs in many cases, it is EPA's intention to deal more comprehensively with these issues in separate guidance which it hopes to issue in the near term.

When emissions reduction credits are used in the same year they are created, the emissions "increases" and "decreases" created by the trade contemporaneously offset each other and no further adjustments are necessary by the State in their implementation plan process to accommodate the emissions changes caused by the trade. Because of this, EPA would encourage the use of MERCs in the year they are created or credited. However, EPA recognizes that there are many reasons to believe that MERCs may often be used in trades involving emissions reductions and increases which occur in different years. Because of this EPA will allow the "averaging" (or saving and borrowing) of MERCs as described in the equation above in certain situations to further facilitate and encourage the development of innovative mobile source control programs.

1. Declining Surplus Emission Reductions: With a declining stream of MERCs this averaging approach will permit the "saving" of credits in the early years of the control program, when the surplus emission reductions achieved exceed the credits needed, for use in the latter years, when credits needed in the trade exceed the surplus reductions achieved (see Figure 1). Permitting the use of this avereging technique could encourage "early", environmentally sound emissions reductions, but it does raise the issue of whether the later use of credits "saved" in earlier years is consistent with sound air quality management practices. To encourage the development of mobile source control programs which yield surplus emissions reductions, EPA will allow specific trades which use MERCs "saved" in this way. However, because of its concern over the inappropriate use of averaged credits in those years when credits would exceed surplus emissions reductions, EPA will require, consistent with existing EPA policy as articulated in the Title I General Preamble, that in meeting RFP and attainment demonstration requirements, States must rely on emission reductions in the year in which they occur.

2. Increasing Surplus Emission Reductions: If a mobile source control program results in increasing surplus emissions reductions over time, the same averaging technique shown above could be used to create a constant stream of credits (see Figure 2). However, averaging in this instance would not yield "early" reductions and would allow credits to be taken or "borrowed" before there were equivalent reductions of air pollutants Since the Clean Air Act requires that emission reductions used as offsets for new sources be in effect at the time a new source commences operation (see section 173(c) of the Clean Air Act), this approach cannot be used to generate emissions offsets under the new source review program. However, for MERCs intended to be used for trades not involving new source offsets, EPA would, at this time, approve the creation of an annual stream of MERCs determined by the equation shown above if the following criteria were met:

(i) The mobile source control program offered significant future environmental benefits because of the innovative control measures or technologies it was sponsoring (e.g. electric and alternative fuel powered fleets);

[10] A "program" is defined as any activity undertaken by a person or organization which produces surplus mobile source emission reductions. A program can be a one-time action, a series of one-time actions or a continuous set of actions as long as they are initiated and controlled by the same individual or organization.

(ii) Auditing and monitoring programs as discussed in the proposed EIP were included as integral elements of the control program to facilitate the measurement of actual emissions reductions over time; and

(iii) Reconciliation procedures, which identify and trigger the adoption of corrective or contingency measures to make up for any shortfall in projected emissions reductions, were included in the proposed program. The EIP should be referred to for an elaboration of such requirements.

As with the declining stream EPA would require State RFP and attainment demonstrations to rely on emissions reductions for the year in which they occur. [11]

[11] Programs of this type may be of particular concern in States which face difficult RFP or Attainment deadlines and milestones, and, where in the early years of such program, those States would need to find additional actual emissions reductions to compensate for the emissions increase allowed at sources using this type of MERC. To limit the amount of early year "borrowing", the term "N" in the averaging equation for this type of program should generally be limited, e.g., to the equivalent of the required year of attainment for the area in which the MERC is being created or used.

BILLING CODE 6560-50-P

FIGURE 1
"SAVING" CREDITS

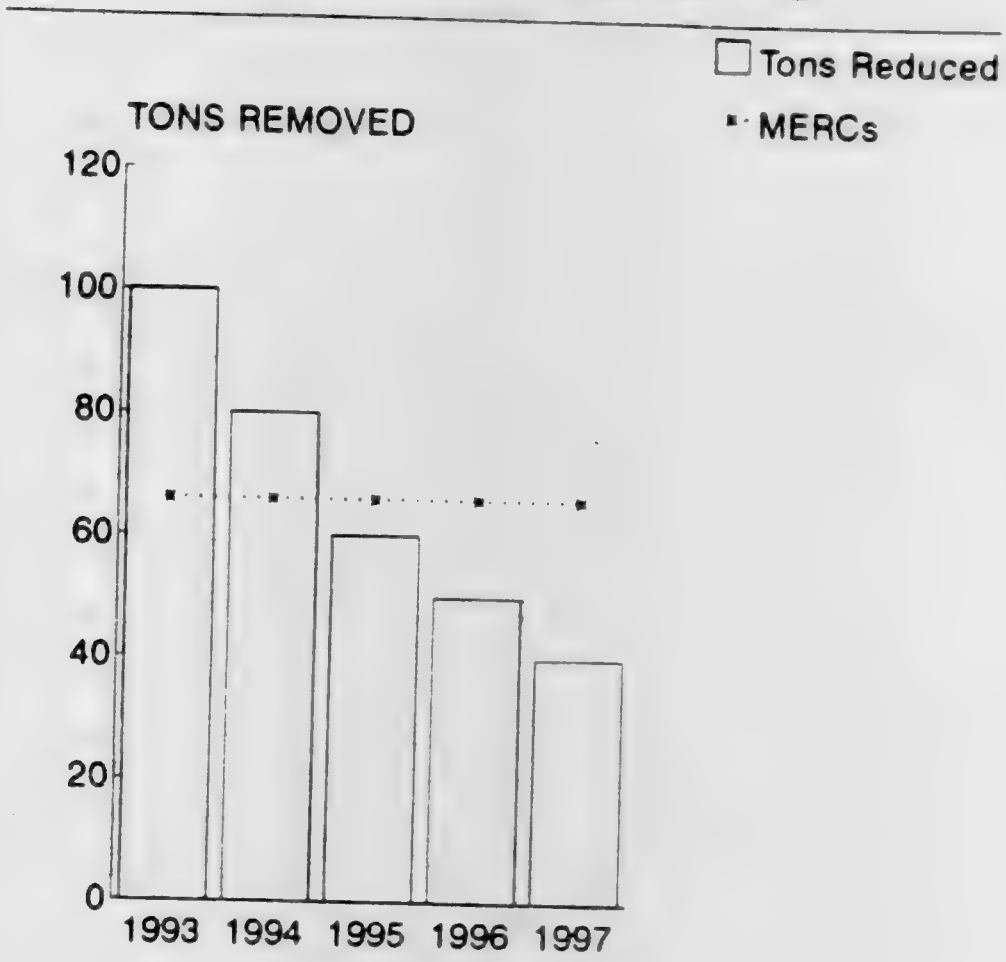

State benefits from early reductions
State must compensate in later years

FIGURE 2
"BORROWING" CREDITS

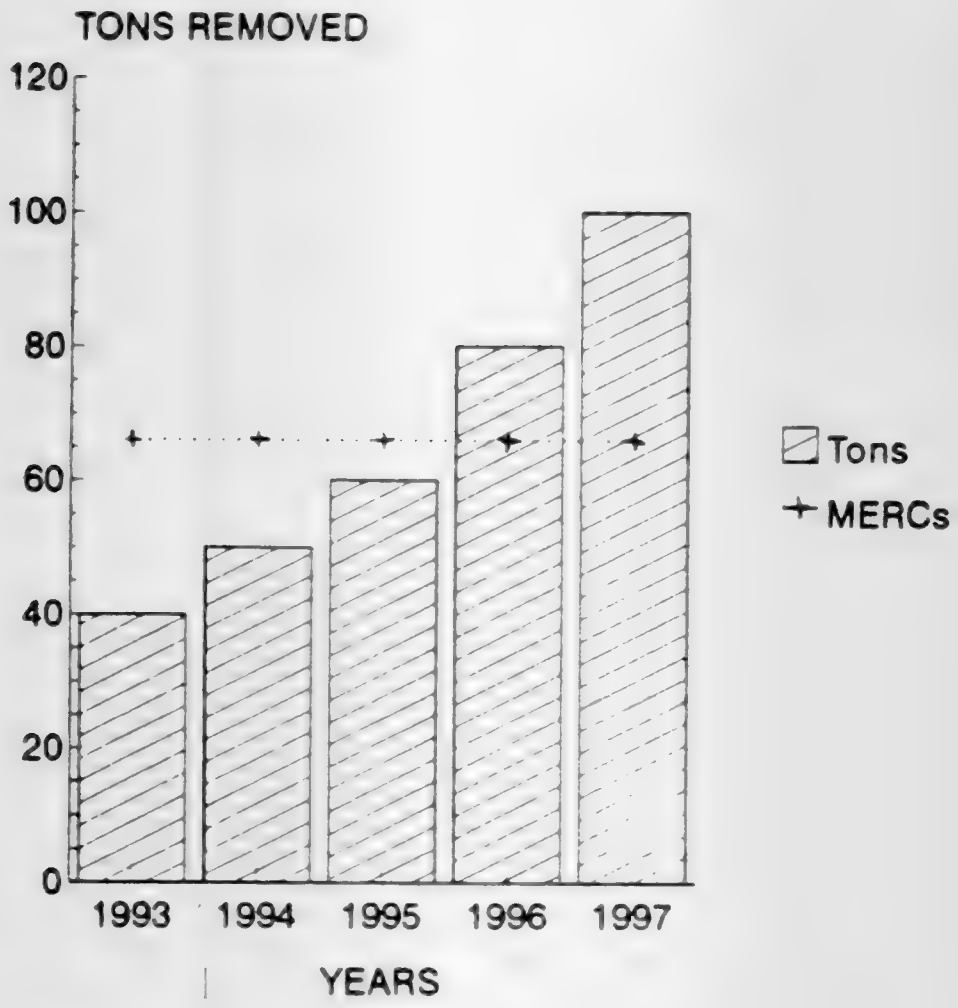

- State must compensate in early years

BILLING CODE 6560-50C

IV. Averaging Times

MERCs will generally be specified as annual emission reductions. However, MERCs will most often be used in trades with sources needing reduction credits of a much shorter time period (most SIP's rely on 24 hour emission limits for sources). Because of this it will often be necessary to convert the annual emission reduction credit derived from a mobile source control program into a shorter averaging period, such as 24 hours. For this type of conversion the preferred method would be a simple pro-rata technique. A conversion technique which resulted in temporal variations of less than a year in the size of the MERCs would not be allowed unless it is (1) supported by a convincing quantitative analysis showing the basis for the temporal variation in mobile source use or emissions (or other factors relevant to the emissions) or (2) shown to be equivalent to the approach used in EPA's Mobile Model in its estimation of the emissions of the mobile source fleet during those periods for which ambient air quality demonstrations must be carried out (e.g., a typical summer day for pollutants contributing to violations of the ambient ozone standard).

V. Enforcement Requirements

The enforcement requirements contained in the proposed EIP rule are generally applicable to MERC programs. Specifically, all sources to which a MERC trading program is applicable must be subject to appropriate, readily ascertainable, and state and federally enforceable, requirements that constitute compliance with the program—such as emission limits (and/or requirements or constraints on emission-related activities) and associated monitoring, recordkeeping and reporting (MRR) requirements.

Applicable source or facility permits will generally specify program requirements (e.g., emission limits, MRR requirements) for stationary sources subject to EIP's. MERC programs will need to address such requirements through enforceable analogues to the stationary source permit requirements, either by specifying such requirements directly in the SIP as part of the MERC program, or by creating a process which results in their inclusion in some other enforceable instrument. For instance, where sources rely on MERCs to meet offset requirements that must be federally enforceable (see, e.g., section 173(a)-(c) of the Clean Air Act), States must ensure that MERC program requirements are reflected in federally enforceable permit conditions (or federally enforceable permit condition analogues) for the sources providing the credit.

For stationary sources subject to EIP's, MRR requirements will generally specify activities to be implemented on an ongoing basis. For some MERC programs, e.g., vehicle scrappage, acceptable MRR provisions may merely require that certain required activities, e.g., conveyance of title and dismantling of a vehicle, be met on a one-time basis.

VI. Secondary Air Quality Effects

The emissions reductions of the mobile sources participating in a control program are not always the only air pollution consequences of a mobile source control program. Mobile source control programs can have secondary air pollution effects, often related to the fuel supply of the targeted and substitute vehicles. For example, a scrappage program can reduce overall fuel consumption which would reduce hydrocarbon emissions in the fuel supply system. Alternative fuels such as electricity can lead to the increased use of power plants which emit pollutants in a different ratio than vehicles and often in different locations. Where possible, secondary emissions changes involving the same criteria pollutant and taking place in the same non-attainment area should be identified in the proposed program submittal. Where such emissions changes can be identified and quantified they must be appropriately reflected in the State Implementation Plan of the area where the MERCs are being generated and used, and can be credited in the calculation of the MERCs.

VII. Emission Reduction Credit Discount Factors

Mobile source emissions reduction estimates are generally considered to be inherently more uncertain than those for large stationary sources because of the decentralized and disparate use and maintenance of mobile sources. In light of this uncertainty, to help ensure that the surplus emissions reductions credited to the control program actually occur, an approvable MERC program must (1) employ appropriate measurement, monitoring and enforcement measures and program auditing, and (2) use commensurate compliance and programmatic uncertainty factors to account for any remaining uncertainty and data bias. These uncertainty factors are discussed in more detail in the proposed EIP rule.

Emission reduction credit programs will generally be required to discount quantified emissions reductions to reflect uncertainties (or biases) inherent in both the extent to which sources will comply with program requirements and the overall program design. Discounting the projected results of regulatory programs for stationary sources to account for uncertainty resulting from incomplete compliance is required by EPA through the application of a rule-compliance factor; a default value of .8 has been adopted by EPA as a presumptive norm. If the baseline and the projected emissions levels are calculated with the same estimation procedure, a MERC rule compliance factor of 1.0 will generally be accepted as the default value because (1) estimated emissions based on EPA's approved Mobile Model (or the EMFAC model if approved by EPA) will already include rule-compliance factors built into the model, (2) measured emissions from an appropriately sized sample of in-use mobile sources will by the very nature of the test procedure include a rule-compliance factor, and (3) the use of emissions standards in both estimates automatically nets out emissions increases due to rule non-compliance. However, emissions estimation techniques other than listed above must include a rule-compliance factor and a justification for the factor used will be required.

Although there are no accepted default values for program design uncertainty factors, any program designed to generate MERCs will be required to address the issue of the uncertainty in the estimation of the MERCs created by the design of the control program. The size of the factor required to be applied to each MERC will be a function of program design elements included to reduce the uncertainty of program performance. Such elements could include

(1) Procedures to discourage emissions tampering in baseline sources,

(2) Sound procedures to determine actual remaining useful life of the participating sources,

(3) Techniques to provide unbiased measures of mobile source use levels in both the baseline and the substitute sources, and

(4) Auditing and enforcement procedures to monitor the performance of the control program over time.

VIII. Environmental Bonus

EPA is firmly committed to trading programs, such as this one, because they offer the greatest environmental benefit for a given level of cost to society (or conversely, the least costly method for achieving a given level of environmental benefit). However, the agency recognizes that, in some cases, local

officials have been reluctant to create broad trading programs because of a lack of public support. The agency is concerned that this reluctance may be even greater where, as in this case, the program involves trading between mobile and stationary sources.

Several organizations, including the Environmental Defense Fund and General Motors, have suggested that States should consider discounting trades involving MERCs by 10 percent, in order to provide an "environmental bonus" from each trade which would promote the market penetration of environmentally beneficial new control measures. If MERC trades were discounted in this way, the "environmental bonus" could help States move more rapidly to attainment of their clean air goals. It is felt that by enlisting more public support for mobile-stationary source trading, such a bonus would encourage more trades and reduce the overall cost of clean air compliance.

On the other hand, others believe that this "environmental bonus" simply represents an inefficient tax on emissions trading. Because it would raise the cost of trading, it could work against the purpose of achieving a given level of emissions reductions at the lowest cost to society. In addition, there is concern that such a bonus would mean that incremental reductions in emissions might not be achieved in a least cost manner.

Although EPA recognizes that, in theory, individual trades without an environmental bonus represent the economically most efficient form of trading, EPA believes that, in practice, the environmental and economic benefits that such a bonus would yield—because of the increased number of trades that will actually take place—tip the balance toward a policy which encourages States to consider the use of an environmental bonus for MERCs. However, EPA does seek further comment on the advantages and disadvantages of such a bonus for mobile source credits.

Appendix A—Bibliography of Relevant Documents

Economic Incentive Program Proposed Rules, published elsewhere in this issue of the **Federal Register**.

Economic Trading Policy Statement; General Principles for Creation, Banking and Use of Emission Reduction Credits; Final Policy Statement and Accompanying Technical Issues Document, 51 FR 43814, (12/4/86) Requirements for Implementation Plans; Air Quality New Source Review, 54 FR 27286, (6/28/89).

Requirements for the Preparation, Adoption and Submittal of Implementation Plans; Approval and Promulgation of Implementation Plans, 54 FR 27274 (6/28/89).

Dated: January 20, 1993.

William K. Reilly,

Administrator.

[FR Doc. 93–3683 Filed 2–22–93; 8:45 am]

BILLING CODE 6560-50-F

federal register

Tuesday
February 23, 1993

Part V

Department of Agriculture

Cooperative State Research Service

Special Research Grants Program; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Special Research Grants Program, Wood Utilization Research for Fiscal Year 1993; Solicitation of Applications

Applications are invited for competitive grant awards under the Special Research Grants, Wood Utilization Program for fiscal year 1993.

Authority and Funding

The authority for this program is contained in section 2(c)(1)(A) of the Act of August 4, 1965, Public Law 89–106, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990, Public Law 101–624 (7 U.S.C. 450i). This program is administered by the Cooperative State Research Service (CSRS) of the U.S. Department of Agriculture (USDA). Under this program, and subject to the availability of funds, the Secretary may award grants for periods not to exceed five years, for the support of research projects to further the program discussed below.

Proposals may be submitted by State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals. Proposals from scientists at non-United States organizations will not be considered for support.

Please note that section 726 of Public Law 102–341, an Act Making Appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1993, and for other purposes, prohibits CSRS from using funds available for fiscal year 1993 to pay indirect cost on research grants awarded competitively that exceed 14 per centum of the total Federal funds provided under each award.

Applicable Regulations

Regulations applicable to this program include the following:

(a) The Administrative Provisions governing the Special Research Grants Program, 7 CFR part 3400, as amended (56 FR 58146, November 15, 1991), which set forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals and the awarding of grants, and regulations relating to post-award administration of grant projects;

(b) The USDA Uniform Federal Assistance Regulations, 7 CFR part 3015;

(c) The USDA Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 7 CFR part 3016;

(d) The Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants), 7 CFR part 3017, as amended; and

(e) New Restrictions on Lobbying, 7 CFR part 3018.

Introduction to Program Description

CSRS Contact: Dr. Wayne K. Murphey; Telephone: (202) 401–4089.

A total of $1,231,478 will be available for this program for fiscal year 1993. Grants will be awarded to support basic studies in areas of wood science and technology that complement the research being conducted at three universities which are currently receiving special grants. Studies in wood machining by laser, wood chemistry, and wood composites are being conducted on eastern hardwoods at Michigan State University. The Oregon State University program is working with western conifers in harvesting timber, wooden structure engineering, wood chemistry, and wood composites. These same areas of research are being studied at Mississippi State University where southern pines are the species of focus. Special emphasis will be given to proposals dealing with the competitiveness of northern species. Areas of complementary research to be supported are:

Program Area

1.0 Wood Machining—Conduct practical and fundamental research concerned with the interface of the wood cutting tool and workpiece as well as the machine that controls the cutting tool. Cutting tool design involving cutting tool geometry, cutting tool materials, and cutting tool maintenance and their relationships with variables associated with wood are major areas of emphasis.

2.0 Species—Conduct research leading to improved production efficiencies and increased competitiveness of products using species of wood primarily growing in the northeastern United States.

How to Obtain Application Materials

Copies of this solicitation, the Application Kit, and the Administrative Provisions governing this program, 7 CFR part 3400, may be obtained by writing to the address or calling the telephone number below: Proposal Services Branch, Awards Management Division, Office of Grants and Program Systems, Cooperative State Research Service, U.S. Department of Agriculture, Room 303, Aerospace Center, Washington, DC 20250–2200. Telephone: (202) 401–5048.

What to Submit

Submit one original and nine unbound copies of each proposal securely stapled in upper left corner. This number of copies is necessary to permit thorough, objective peer evaluation of all proposals received before funding decisions are made.

Each copy of each proposal must include a Form CSRS–661, "Application for Funding." One copy of this form, preferably the original, must contain ink signatures of the principal investigator(s) and the authorized organizational representative. Form CSRS–661 and the other required forms and certifications are contained in the Application Kit. It should be noted that the September 1992 version of the Application Kit must be used, as previous versions are obsolete.

One copy of each proposal not selected for funding will be retained for a period of one year. The remaining copies will be destroyed.

Format for Research Grant Proposals

Members of review committees and the staff expect each project description to be complete. The administrative provisions governing the Special Research Grants Program, 7 CFR part 3400, set forth instructions for the preparation of grant proposals. The following proposal format requirements are in addition to or deviate from those contained in 7 CFR 3400.4(c). In accordance with 7 CFR 3400.4(c), to the extent that any of the following additional requirements are inconsistent or in conflict with the instructions at 7 CFR 3400.4(c), the provisions of this solicitation shall apply.

Length of Proposal

Grant proposals must be limited to 15 pages (singled-spaced) exclusive of required forms, the summary of progress for any prior Wood Utilization Research grants, bibliography, vitae of the principal investigator(s), senior associate(s) and other professional personnel, and the NEPA statement with its supporting documentation. Information should be typed on one side of the page only. Reduction by photocopying or other means for the purpose of meeting the 15-page limit is not permitted. Attachment of appendices is discouraged and should be included only if pertinent to understanding the proposal. Reviewers

are not required to read beyond the 15-page maximum to evaluate the proposal.

Application for Funding

Attach a completed and signed "Application for Funding," Form CSRS–661, to the front of the proposal. The Special Research Grants Program should be indicated in Block 7, and 'Wood Utilization Research" should be indicated in Block 8.

Prior Wood Utilization Special Research Grants.

Investigators and co-investigators who have received Special Research Grant awards in the Wood Utilization area during the past five years must include a brief summary of progress and a list of publications resulting from such grants.

Budget Form CSRS–55

A copy of the Form CSRS–55, along with instructions for completing it, is included in the Application Kit. Applicants should note the special instructions shown below when completing Form CSRS–55:

Item D., "Nonexpendable Equipment." Requested items of equipment must be itemized (by description and cost) on a separate sheet of paper attached to Form CSRS–55, or in the body of the proposal. The need for all requested equipment must be fully justified in the proposal.

Item F., "Travel." The type and extent of travel and its relationship to project objectives should be described and justified.

Item I., "All Other Direct Cost." Subawards are to be shown on each budget sheet of the primary budget. Subawardee budgets should be provided on separate forms in the same details.

Item K., "Indirect Costs." The recovery of indirect costs under this program may not exceed the lesser of the grantee institution's official negotiated indirect cost rate or the equivalent of 14% of total Federal funds. This limitation also applies to the recovery of indirect costs under any subawardee or subcontract budget.

Technology Transfer

Plans for the transfer of new technology should be expressed as a portion of each research proposal. Establishing cooperative relationships with industrial research and development programs, conducting seminars and workshops, and defining graduate education and continuing education programs are examples of such plans.

Compliance with the National Environmental Policy Act

As outlined in 7 CFR part 3407 (CSRS's implementing regulations of the National Environmental Policy Act of 1969 (NEPA)), environmental data or documentation for the proposed project is to be provided to CSRS in order to assist CSRS in carrying out its responsibilities under NEPA. The applicant should review the following relevant categorical exclusions (taken from 7 CFR 3407.6(a)) and determine whether the proposed project may fall within one or more of the exclusions.

(1) Department of Agriculture Categorical Exclusions (7 CFR 1b.3)

(i) Policy development, planning and implementation which are related to routine activities such as personnel, organizational changes, or similar administrative functions;

(ii) Activities which deal solely with the functions of programs, such as program budget proposals, disbursement, and transfer or reprogramming of funds;

(iii) Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity;

(iv) Educational and informational programs and activities;

(v) Civil and criminal law enforcement and investigative activities;

(vi) Activities which are advisory and consultative to other agencies and public and private entities; and

(vii) Activities related to trade representation and market development activities abroad.

(2) CSRS Categorical Exclusions

Based on previous experience, the following categories of CSRS actions are excluded because they have been found to have limited scope and intensity and to have no significant individual or cumulative impacts on the quality of the human environment:

(i) The following categories of research programs or projects of limited size and magnitude or with only short-term effects on the environment:

(A) Research conducted within any laboratory, greenhouse, or other contained facility where research practices and safeguards prevent environmental impacts;

(B) Surveys, inventories, and similar studies that have limited context and minimal intensity in terms of changes in the environment; and

(C) Testing outside of the laboratory, such as in small isolated field plots, which involves the routine use of familiar chemicals or biological materials.

(ii) Routine renovation, rehabilitation, or revitalization of physical facilities, including the acquisition and installation of equipment, where such activity is limited in scope and intensity.

In order for CSRS to make a determination regarding NEPA, as to whether any further action is required (e.g., preparation of an environmental assessment (EA) or environmental impact statement (EIS)), pertinent information regarding environmental aspects of the proposed project is necessary; therefore, a separate statement must be included in the proposal indicating the applicant's determination whether or not the project falls within one or more of the categorical exclusions listed above. This statement must include the reasons, with appropriate supporting documentation, as to why the proposed project falls within a particular exclusion or exclusions. If the proposed project falls within one or more of the categorical exclusions, the specific exclusion(s) must be identified. The information submitted in association with NEPA compliance should be identified in the Table of Contents as "NEPA Considerations" and the narrative statement with supporting documentation should be placed at the back of the proposal.

Most projects will not need further action regarding environmental considerations. However, CSRS may determine that an Environmental Assessment or an Environmental Impact Statement is necessary for a proposed project, whether or not it falls within the categorical exclusions, should substantial controversy on environmental grounds exist or other extraordinary conditions or circumstances are present that may cause such project to have a significant environmental effect.

Where and When To Submit Applications

All copies of a proposal must be mailed in one package. Every effort should be made to ensure that the proposal contains all pertinent information when initially submitted. Prior to mailing, compare your proposal with the guidelines contained in the Administrative Provisions that govern the Special Research Grants Program, 7 CFR part 3400, as amended.

To be considered for funding under the Special Research Grants Program, Wood Utilization Research, during fiscal year 1993, each completed research application must be postmarked by

March 29, 1993, if submitted by regular mail and sent to the following address: Proposal Services Branch, Awards Management Division, Office of Grants and Program Systems, Cooperative State Research Service, U.S. Department of Agriculture, Room 303, Aerospace Center, Washington, DC 20250–2200.

Please Note: Hand delivered proposals or those delivered by overnight express service should be brought or sent to: Proposal Services Branch, Awards Management Division, Office of Grants and Program Systems, Cooperative State Research Service, U.S. Department of Agriculture, room 303, Aerospace Center, 901 D Street SW., Washington, DC 20024. Telephone: (202) 401–5048.

Proposals delivered by hand or by overnight express service must be received in the Proposal Services Branch by close of business on March 29, 1993.

SUPPLEMENTARY INFORMATION: The Special Research Grants Program is listed in the Catalog of Federal Domestic Assistance under No. 10.200. For reasons set forth in the final Rule-related Notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524–0022.

Done at Washington, DC, this 12th day of February 1993.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

[FR Doc. 93–4002 Filed 2–22–93; 8:45 am]

BILLING CODE 3410-22-M

federal register

Tuesday
February 23, 1993

Part VI

Federal Emergency Management Agency

Changes to the Hotel and Motel Fire Safety Act National Master List; Notice

FEDERAL EMERGENCY MANAGEMENT AGENCY

Changes to the Hotel and Motel Fire Safety Act National Master List

AGENCY: United States Fire Administration, FEMA.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA or Agency) gives notice of additions and corrections/changes to, and deletions from, the national master list of places of public accommodations which meet the fire prevention and control guidelines under the Hotel and Motel Fire Safety Act.

EFFECTIVE DATE: March 25, 1993.

ADDRESSES: Comments on the master list or any changes to the master list are invited and may be addressed to the Rules Docket Clerk, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington, DC 20472, (fax) (202) 646–4536.

FOR FURTHER INFORMATION CONTACT: Larry Maruskin, Office of Fire Prevention and Arson Control, United States Fire Administration, Federal Emergency Management Agency, National Emergency Training Center, 16825 South Seton Avenue, Emmitsburg, MD 21727, (301) 447–1141.

SUPPLEMENTARY INFORMATION: Acting under the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. 2201 note, the United States Fire Administration has worked with each State to compile a national master list of all of the places of public accommodation affecting commerce located in each State that meet the requirements of the guidelines under the Act. FEMA published the national master list in the **Federal Register** on Tuesday, November 24, 1992, 57 FR 55314, and published changes on December 23, 1992, 57 FR 61234 and February 2, 1993, 58 FR 6856.

Periodically FEMA will update and redistribute the national master list to incorporate additions and corrections/changes to the list, and deletions from the list.

Each update contains or will contain three categories: "Additions;" "Corrections/changes;" and "Deletions." For the purposes of the updates, the three categories mean and include the following:

"Additions" are either names of properties submitted by a State but inadvertently omitted from the initial master list or names of properties submitted by a State after publication of the initial master list;

"Corrections/changes" are corrections to property names, addresses or telephone numbers previously published or changes to previously published information directed by the State, such as changes of address or telephone numbers, or spelling corrections; and

"Deletions" are entries previously submitted by a State and published in the national master list or an update to the national master list, but subsequently removed from the list at the direction of the State.

Copies of the national master list and its updates may be obtained by writing to the Government Printing Office, Superintendent of Documents, Washington, DC 20402–9325. When requesting copies please refer to stock number 069–001–00049–1.

The update to the national master list follows.

Dated: February 16, 1993.

William C. Tidball,

Acting Director.

Hotel and Motel Fire Safety Act National Master List February 12, 1993 Udpate

ADDITIONS

Arizona

Sheraton San Marcos Golf Resort & Conf Center, 1 San Marcos Place, Chandler, AZ 85224, (602) 963–6655
Tucson East Hilton Towers, 7600 E Broadway, Tucson, AZ 85710, (602) 721–5600
Holiday Inn Express, 831 W Bill Williams Avenue Williams, AZ 86046, (602) 635–9000

California

29 Palms Inn, 73950 Inn Avenue, 29 Palms, CA 92277, (619) 367–3505
Best Western Crystal Suite Hotel, 1752 S Clementine Street, Anaheim, CA 92802 (714) 535–7773
Stardust Motel, 666 E Foothill Blvd, Azusa, CA 91702, (818) 334–0251
Oak Inn, 889 Oak Street, Bakersfield, CA 93304, (805) 324–9686
Blythe Super 8 Motel, 550 W Donlon Street, Blythe, CA 92225, (619) 922–8881
Townhouse Lodge, 135 Main Street, Brawley, CA 92227, (619) 344–5120
The Cain House, 11 Main Street, Bridgeport, CA 93517, (619) 932–7040
Ramada Inn, 21340 Devonshire Street, Chatsworth, CA 91311, (818) 998–5289
Deano's Motel, 3868 S Sepulveda Blvd, Culver City CA 90230, (310) 390–3511
Dana Point Resort, 25135 Park Lantern, Dana Point, CA 92629, (714) 661–5000
Radisson Inn—Diamond Bar, 21725 E Gateway Drive, Diamond Bar, CA 91765, (714) 860–5440
Brunners Motel, 215 N Imperial Avenue, El Centro, CA 92243, (619) 352–6431
Twentieth Century Motor Lodge, 1345 E Alosta Avenue, Glendora, CA 91740, (818) 335–3348
Hemet Super 8 Motel, 3510 W Floride, Hemet, CA 92545, (714) 658–2281
Radisson Hotel—La Jolla, 3299 Holiday Court, LA Jolla, CA 92037, (800) 854–2900
Townhouse Motel, 44125 N Sierra Hwy, Lancaster, CA 93534, (805) 942–1195
Bevonshire Lodge Motel, 7575 Beverly Blvd, Los Angeles, CA 90036, (213) 936–6154
Chesterfield Hotel Deluxe, 10320 W Olympic Blvd, Los Angeles, CA 90064, (310) 556–2777
Blue Heron, 1899 9th Street, Los Osos, CA 93401, (805) 528–1493
Economy Motels Of America, 14684 Aloma Street, Lost Hills, CA 93249, (805) 797–2371
Manteca Inn, 150 Northwoods Avenue, Manteca, CA 95336, (209) 239–1291
Steele Park Resort, Inc., 1605 Steele Canyon Road, Napa, CA 94558, (707) 966–2123
Executive Inn—Embarcadero Cove, 1755 Embarcadero, Oakland, CA 94606, (510) 536–6633
Days Inn, 279 S Main Street, Orange, CA 92668, (714) 771–6704
Quality Inn Pacific Grove, 1111 Lighthouse Avenue, Pacific Grove, CA 93950, (408) 646–8885
Rosedale Inn, 775 Asilomar Blvd, Pacific Grove, CA 93950, (408) 655–1000
Lantern Motel, 5799 Wildwood Lane, Paradise, CA 95969, (916) 877–5553
Sheraton Suites Fairplex, 601 W McKinley Avenue, Pomona, CA 91768, (800) 722–4055
Howard Johnson Lodge, 7432 Reseda Blvd, Reseda, CA 91335, (818) 3440324
Days Inn Riverside, 1510 University Avenue, Riverside, CA 92507, (714) 788–8989
Sheraton Rosemead Hotel, 888 Montebello Blvd, Rosemead, CA 91770, (213) 722–8800
Executive Inn, 2030 Arden Way, Sacramento, CA 95825, (916) 929–5600
Comfort Inn, 144 Kern Street Salinas, CA 93905, (408) 758–8850
Hilton San Bernardino, 285 Hospitality Lane, San Bernardino, CA 92408, (714) 889–0133
Best Western Seven Seas, 411 Hotel Circle S, San Diego, CA 92108, (619) 291–1300
Comfort Inn—Mission Bay, 3747 Midway Drive, San Diego, CA 92110, (619) 225–1295
Comfort Suites, Mission Valley, 631 Camino Del Rio S, San Diego, CA 92108, (619) 294–3444
Corinthian Suites Hotel, 1840 Fourth Avenue, San Diego, CA 92101, (619) 236–1600
Dana Inn And Marina, 1710 W Mission Bay Drive, San Diego, CA 92109, (800) 445–3339
Days Inn—Hotel Circle, 543 Hotel Circle S, San Diego, CA 92108, (800) 227–4743
Humphrey's Half Moon Inn, 2303 Shelter Island Drive, San Diego, CA 92106, (619) 224–3411
Quality Inn Stadium, 5343 Adobe Falls Road, San Diego, CA 92120, (619) 287–1911
Ramada Inn—Hotel Circle, 2151 Hotel Circle S, San Diego, CA 92108, (800) 532–4241
The Horton Grand Hotel, 311 Island Avenue, San Diego, CA 92101, (619) 544–1886
Executive Suites—City Heights, 840 Post Street, San Francisco, CA 94133, (415) 567–5151
Executive Suites—Post Street Towers, 737 Post Street, San Francisco, CA 94133, (415) 567–5151

Executive Suites—St Francis Place, One St Francis Place, San Francisco, CA 94133, (415) 567–5151
Homewood Suites—San Jose, 10 W Trimble Road, San Jose, CA 95131, (408) 428–9900
Holiday Express, 350 Bayshore Blvd, San Mateo, CA 94401, (415) 344–6376
Holiday Inn, 330 Bayshore Blvd, San Mateo, CA 94401, (415) 344–3219
Howard Johnson Lodge, 2700 Hotel Terrace Drive, Santa Ana, CA 92705, (714) 432–8888
Radisson Suite Hotel—Santa Ana, 2720 Hotel Terrace Drive, Santa Ana, CA 92705, (714) 556–3838
Santa Barbara Beach Travelodge, 22 Castillo, Santa Barbara, CA 93101, (805) 965–8527
Sheraton Santa Barbara Hotel & Spa, 1111 E Cabrillo Blvd, Santa Barbara, CA 93103, (805) 963–0744
Resthaven Motel, 815 Grant Street, Santa Monica, CA 90405, (310) 452–3977
Ramada Inn—Solana Beach, 717 S Hwy 101, Solana Beach, CA 92075, (619) 792–8200
El Dorado Hotel, 405 First Street W, Sonoma, CA 95476, (707) 996–3030
Tahoe Valley Motel, 2241 Lake Tahoe Blvd, South Lake Tahoe, CA 96150, (916) 541–0353
Lake Of The Sky Motor Inn, 955 N Lake Blvd, Tahoe City, CA 96145, (916) 583–3305
Holiday Inn Torrance Gateway, 19800 S Vermont Avenue, Torrance, CA 90502, (310) 781–9100
Ramada West Hollywood, 8585 Santa Monica Blvd, West Hollywood, CA 90069, (310) 652–6400
Howard Johnson, 8620 Airport Blvd, Westchester, CA 90045, (310) 645–7700
Cross Roads West Inn, 452 N Humboldt Street, Willows, CA 95988, (916) 934–7026

Colorado

Breckenridge Hilton, 550 Village Road, Breckenridge, CO 80424, (303) 453–4500
Days Inn Fort Collins, 3625 E Mulberry, Fort Collins, CO 80524, (303) 221–5490
Foothills Executive Lodging, 6565 W Jewell Street #4–B, Lakewood, CO 80232, (303) 936–3070

Delaware

ITT Sheraton Suites—Wilmington, 422 Delaware Avenue, Wilmington, DE 19801, (302) 654–8300

Florida

Hojo Inn, 1317 S Orange Blossom Trail, Apopka, FL 32703, (407) 886–1010
Boca Raton Marriott At Crocker Center, 5150 Town Center Circle, Boca Raton, FL 33486, (407) 392–4600
Courtyard By Marriott, 2000 NW Executive Court, Boca Raton, FL 33431, (407) 241–7070
Clearwater Downtown Travelodge, 711 Cleveland Street, Clearwater, FL 34615, (813) 446–913
Courtyard By Marriott, 3131 Executive Drive, Clearwater, FL 34622, (813) 572–8484
Courtyard By Marriott, St. Petersburg/Clearwater, 3131 Executive Drive, Clearwater, FL 34622, (813) 572–8484
Raddisson Suites—Sand Key, 1201 Gulf Blvd, Clearwater, FL 34630, (813) 586–1100
St. Petersburg Super 8 Motel, 13260 34th Street, Clearwater, FL 34622, (813) 572–8881
Sherton Design Center Hotel, 1825 Griffin Road, Dania, FL 33004, (305) 920–3500
Days Inn South Of Majic Kingdom, 2425 Frontage Road, Davenport, FL 33837, (813) 424–2596
Howard Johnson Lodge, 5225 Us 27 N At I–4, Davenport, FL 33837, (813) 424–2120
Daytona Beach Hilton Resort, 2637 S Atlantic Avenue, Daytona, FL 32118, (904) 767–7350
Daytona Beach Mariott, 100 N Atlantic Avenue, Daytona, Beach FL 32118, (904) 254–8200
Holiday Inn Oceanside, 905 S Atlantic Avenue, Daytona, Beach FL 32118, (904) 255–5432
Indigo Lakes Hilton Golf & Tennis Resort, 2620 Volusia Avenue, Daytona Beach, FL 32114, (904) 258–6333
Indigo Lakes Hilton Golf & Tennis Resort, 2620 Volusia Avenue, Daytona Beach, FL 32114, (904) 258–6333
Ramada Beach Resort, 4060 Galt Ocean Drive, Fort Lauderdale, FL 33308, (305) 565–6611
Fort Myers Travelodge, 2038 W First Street, Fort Myers, FL 33901, (813) 334–2284
Ft Lauderdale Executive Airport Travelodge, 1500 W Commercial Boulevard, Ft Lauderdale, FL 33309, (305) 776–4222
Ft Lauderdale Marriott North, 6650 N Andrews Avenue, Ft Lauderdale, FL 33309, (305) 771–0440
Holiday Inn, Ft Lauderdale, 999 N Atlantic Blvd, Ft Lauderdale, FL 33304, (305) 563–5961
Holiday Inn Ft Myers, US 41 S (Airport), 13051 Bell Tower Drive, Ft Myers, FL 33907, (813) 482–2900
Gainesville Lodge, 413 University Avenue, Gainesville, FL 32601, (904) 376–1224
Fairfield Inn Gainesville, 6901 NW 4th Blvd, Gainesville, FL 32607, (904) 332–8292
Daytona Beach/Holly Hill Travelodge, 749 Ridgewood Avenue, Holly Hill, FL 32017, (904) 255–6511
Courtyard By Marriott Jacksonville/Mayo Clinc, 4600 San Pablo Road, Jacksonville, FL 32224, (904) 223–1700
Doubletree Club Hotel, 4700 Salisbury Road, Jacksonville, FL 32256, (904) 281–9700
Holiday Inn—Jax Airport, 14670 Duval Road, Jacksonville, FL 32218, (904) 741–4404
Travelodge/Baymeadows, 8765 Baymeadows Road, Jacksonville, FL 32206, (904) 731–7317
Courtyard By Marriott Jensen Beach, 10978 S Ocean Blvd, Jensen Beach, FL 34957, (407) 229–1000
Fairfield Inn By Marriott Key West, 2400 N Roosevelt Blvd, Key W, FL 33040, (305) 296–5700
Hyatt Orlando, 6375 W Irlo Bronson Mem Hwy, Kissimmee, FL, 34747, (407) 396–1234
Orlando/Kissimmee Hilton Inn Gateway, 7470 W 192, Kissimmee, FL 34747, (407) 396–4400
Howard Johnson Resort Hotel, 1805 Hotel Plaza Blvd, Lake Buena Vista, FL 32830, (407) 828–8888
Travelodge Hotel/Walt Disney World Village, 2000 Hotel Plaza Blvd, Lake Buena Vista, FL 32830, (407) 828–2424
Holiday Inn, Lake City, PO BOX. 1239 US Hwy 90 W I–75, Lake City, FL 32055, (904) 752–3901
Sheraton Inn & Conference Center, 4141 S Florida Avenue, Lakeland, FL 33813, (813) 647–3000
Holiday Inn Madeira Beach, 15208 Gulf Blvd, Madeira Beach, FL 33708, (813) 392–2275
Courtyard By Marriott/Melbourne, 2101 W New Haven, Melbourne, FL 32904, (407) 724–6400
Fairfield Inn By Marriott Miami West, 3959 NW 79th Avenue, Miami, FL 33166, (305) 599–5200
Grand Bay Hotel, 2669 S Bayshore Drive, Miami, FL 33133, (305) 858–9600
Hyatt Regency Miami, 400 SE 2 Avenue, Miami, FL 33131, (305) 358–1234
Miami Airport Marriott, 1201 NW Lejeune Road, Miami, FL 33126, (305) 649–5000
Howard Johnson Lodge, 221 Ninth Street, S, Naples, FL 33940, (813) 262–6181
Oceania Suite Hotel, 421 S Atlantic Avenue, New Smyrna Beach, FL 32169, (800) 874–1931
North Redington Beach Hilton Resort, 17120 Gulf Blvd, North Redington, FL 33708, (813) 391–4000
North Redington Beach Hilton Resort, 17120 Gulf Blvd, North Redington Bch., FL 33708, (813) 391–4000
Ocala South Travelodge, 1626 SW Pine Avenue, Ocala, FL 32670, (904) 622–4121
Courtyard By Marriott, 7155 N Frontage Road, Orlando, FL 32812, (407) 240–7200
Howard Johnson International Drive, 8020 International Drive, Orlando, FL 32819, (407) 351–1730
Howard Johnson Park Square Inn & Suites, 8501 Palm Parkway, Orlando, FL 32836, (407) 239–6900
Ramada Hotel Resort, 7400 International Drive, Orlando, FL 32819, (407) 351–4600
Travelodge Orlando Centroplex, 409 N Magnolia Avenue, Orlando, FL 32801, (407) 423–1671
Holiday Inn Palm Bay, 1681 Palm Bay Road, NE, Palm Bay, FL 32905, (407) 723–8181
La Brisa Inn, 9424 Pront Beach Road, Panama City, FL 32407, (904) 871–2345
La Brisa Inn, 5711 E Hwy 98, Panama City, FL 32404, (904) 871–2345
Courtyard By Marriott Ft. Lauderdale Plantatn, 7780 SW 6th Street, Plantation, FL 33324, (305) 475–1100
Hyatt Sarasota, 1000 Blvd Of The Arts, Sarasota FL 32436, (813) 366–9000
Sarasota Thriftlodge, 270 N Tamiami Trail, Sarasota, FL 32436, (813) 393–0414
Holiday Inn, St. Augustine Beach, 3250 Ala S, St. Augustine, FL 32804, (904) 471–2555
Courtyard By Marriott, 1018 Apalachee Parkway, Tallahassee, FL 32301, (904) 222–8822
Days Inn Downtown, 7221 Apalachee Parkway, Tallahassee, FL 32301, (904) 224–2181
Holiday Inn Northwest, 2714 Graves Road, Tallahassee, FL 32303, (904) 562–2000
Tallahassee Travleodge, 691 W Tennessee Street, Tallahassee, FL 32304, (904) 222–8161
Hyatt Regency Tampa, 211 N Tampa Street, Tampa, FL 33603, (813) 225–1234
Residence Inn By Marriott, 3705 N Rocky Point Drive, Tampa, FL 33607, (813) 281–5677

Shoney's Inn, 8602 Morris Bridge Road, Tampa, FL 33617, (813) 985–8525
Howard Johnson Lodge, 1725 Us 1, Vero Beach, FL 32960, (407) 562–5171

Georgia

Jameson Inn Americus, 1605 Cordele Hwy, Americus, GA 31709, (912) 924–2726
Atlanta Druid Hills #130, 1960 N Druid Hills Road, Atlanta, GA 30329, (404) 321–1653
Atlanta Penta Hotel, 590 West Peachtree Street, NW, Atlanta, GA 30308, (404) 881–5000
Atlanta, Six Flags #123, 4265 SW Shirley Drive, Atlanta, GA 30336, (404) 696–4391
Beverly Hills Inn, 65 Sheridan Drive NE, Atlanta, GA 30305, (404) 233–8520
Biltmore Suites, 30 5th Street, Atlanta, GA 30308, (404) 874–0824
Castlegate Hotel & Conference Center, 1750 Commerce Drive, NW, Atlanta, GA 30318, (404) 351–6100
Comfort Inn Hotel Downtown, 101 International Blvd, Atlanta, GA 30303, (404) 524–5555
Days Inn Lenox, 3377 Peachtree Road, Atlanta, GA 30326, (404) 264–1111
French Quarter Suites Hotel, 2780 Whitley Road NW, Atlanta, GA 30339, (404) 980–1900
Hawthorn Suites Hotel, 1500 Parkwood Circle, Atlanta, GA 30339, (404) 952–9595
Holiday Inn Howell Mill, 1810 Howel Mill Road, Atlanta, GA 30318, (404) 351–3831
Holiday Inn Crowne Plaza Ravinia, 4355 Ashford Dunwoody, Atlanta, GA 30346, (404) 395–7700
Lenox Inn Buckhead, 3387 Lenox Road, Atlanta, GA 30326, (404) 261–5500
Oakwood House Bed & Breakfast, 951 Edgewood Avenue NE, Atlanta, GA 30307, (404) 521–9320
Ritz Carlton Buckhead, 3434 Peachtree Road NE, Atlanta, GA 30326, (404) 237–2700
Shellmont Bed & Breakfast Lodge, 821 Piedmont Avenue NE, Atlanta, GA 30308, (404) 872–9290
Sheraton Colony Square Hotel, 188 Fourteenth Street NE, Atlanta, GA 30361, (404) 892–6000
Sheraton Suites Cumberland, 2844 Cobb Parkway, Atlanta, GA 30339, (404) 955–3900
Stouffer Waverly Hotel, 2450 Galleria Parkway, Atlanta, GA 30339, (404) 953–4500
Swiss 'O' Tell Atlanta, 3391 Peachtree Road NE, Atlanta, GA 30326, (404) 265–6431
Travelodge Atlanta Downtown, 311 Courtland St NW, Atlanta, GA 30303, (404) 659–4545
Partridge Inn, 2110 Walton Way, Augusta, GA 30904, (706) 737–8888
Wheeler Village Inn—Days Inn Augusta, 3654 Wheeler Road, Augusta, GA 30909, (706) 868–8610
Hampton Inn Brunswick, 112 Tourist Drive, Brunswick, GA 31520, (912) 261–0002
Jameson Inn Calhoun, 189 Jameson Street SE, Calhoun, GA 30701, (706) 629–8133
Red Top Mountain State Park Lodge, 653 Red Top Mountain Road, Cartersville, GA 30120, (404) 975–0055
Stonebrook Inn, PO Box 341, Hwy 441, Clayton, GA 30525, (706) 782–2214
Atlanta Airport #096, 2471 Old National Parkway, College Park, GA (404) 761–9701
Days Inn, 4601 Best Road, College Park, GA 30337, (404) 761–6500
Embassy Suites Hotel Atlana Airport, 4700 Southport Road, College Park, GA 30337, (404) 767–1988
Hyatt Atlanta Airport, 1900 Sullivan Road, College Park, GA 30337, (404) 991–1234
Super 8 Motel Atlanta Georgia, 2010 Sullivan Road, College Park, GA 30337, (404) 991–8985
Comfort Inn, 1363 Klondike Road, Conyers, GA 30207, (404) 760–0300
Holiday Inn Conyers, 1351 Dogwood Drive, Conyers, GA 30207, (404) 483–3220
Best Western White Columns Inn Covington, 10130 Alcovy Road, Covington, GA 30209, (404) 786–5800
Jameson Inn Covington, 10225 Hwy 142 N, Covington, GA 30209, (706) 784–1849
Hampton Inn Dalton, 1000 Market Street, Dalton, GA 30720, (706) 226–4333
Holiday Inn I–20 East, 4300 Snapfinger Woods Way, Decatur, GA 30032, (404) 981–5670
Super 8 Motel Douglas, 1610 S Peterson Avenue, Douglas, GA 31533, (912) 384–0886
Jameson Inn Eastman, 103 Pine Ridge Road, Eastman, GA 31023, (912) 374–7925
Jameson Inn Greensboro, 2252 S Main Street, Greensboro, GA 30642 (706) 453–9135
Jameson Inn Hartwell, 941 Anderson Hwy, Hartwell, GA 30643, (706) 376–7298
Jekyll Island Club Hotel, 371 Riverview Drive, Jekyll Island, GA 31527, (912) 635–2600
Jameson Inn Jesup, 205 N Hwy 301, Jesup, GA 31545, (912) 427–6800
Red Roof Inn, 520 Roberts Court, Kennesaw, GA 30144, (404) 429–0323
Red Roof Inn Atlanta (Town Center Mall) #179, 520 Roberts Court NW, Kennesaw, GA 30144, (404) 429–0323
Super 8 Motel Kingsland, I–98 Hwy 40 Exit 2, Kingsland, GA 31548, (912) 729–6888
Lake Lanier Island Hilton Resort, 7000 Holiday Road, Lake Lanier Island, GA 30518, (404) 945–8787
Stouffer Pineisle Resort, 9000 Holiday Road, Lake Lanier Island, GA 30518, (404) 945–8921
Days Inn Lakepark, 4913 Timber Drive, Lake Park, GA 31636, (912) 559–0229
Travelodge Lake Park, 107 Timber Drive, Lake Park, GA 31636, (912) 559–0110
Days Inn Madison, 2001 Eatonton Hwy, Madison, GA 30650, (706) 342–1839
Comfort Inn Marietta, 3000 NW Parkway, Marietta, GA 30067, (404) 952–3000
Hyatt Regency Suites Perimeter, 2999 Windy Hill Road, Marietta, GA 30067, (404) 956–1234
Jameson Inn Milledgeville, 2551 N Columbia Street, Milledgeville, GA 31061, (912) 453–8471
Atlanta South #114, 1348 Southlane Plaza Drive, Morrow, GA 30260, (404) 968–1483
Red Roof Inn #166, 5171 Indian Trail Industrial, Norcross, GA 30071, (404) 448–8944
Villa South Motor Inn P.O. 857, 725 S Harris Street, Sandersville, GA 31082, (912) 552–1234
Budget Inn Savannah, 3702 Ogeechee Road, Savannah, GA 31405, (912) 233–3633
Budgetel Inn, 8484 Abercorn Street, Savannah, GA 31406, (912) 927–7660
Planters Inn, 29 Abercorn Street, Savannah, GA 31401, (912) 232–5678
Atlanta North #088, 2200 Corporate Plaza, Smyrna, GA 30080, (404) 952–6966
Jameson Inn Statesboro, 1 Jameson Avenue, Statesboro, GA 30458, (912) 681–7900
Jameson Inn Thomaston, 1010 Hwy 19 N, Thomaston, GA 30286, (706) 648–2232
Evans House Bed & Breakfast, 725 S Hansell Street, Thomasville, GA 31792, (912) 226–1343
Best Western White Columns Inn, 1890 Washington Road, Thomson, GA 30824, (706) 595–8000
Atlanta Tucker #177, 2810 Lawrenceville Hwy, Tucker, GA 30084, (404) 496–1311
Econolodge Union City, 7410 Oakley Road, Union City, GA 30291, (404) 964–9999
Clubhouse Inn, 1800 Clubhouse Drive, Valdosta, GA 31601, (912) 247–7755
Shoney's Inn Valdost, 1828 W Hill Avenue, Valdosta, GA 31601, (912) 244–7711
Ramada Inn Warner Robins, 2725 Watson Blvd, Warner Robins, GA 31093, (912) 953–3000
Jameson Inn Washington, 115 Ann Denard Drive, Washington, GA 30673, (706) 678–7925
Holiday Inn Waycross, 1725 Memorial Drive, Waycross, GA 31501, (912) 283–4490
Pinecrest Motel, 1701 Memorial Drive, Waycross, GA 31501, (912) 283–3580
Jameson Inn Winder, 405 S Broad Street, Winder, GA 30680, (404) 867–1880

Iowa

Ramada Inn, 1522 Lincoln Way, Clinton, IA 52732, (319) 243–8841
Fairfield Inn By Marriott Des Moines, 1600 NW 114th Street, Clive, IA 50325, (515) 226–1600
Fairfield Inn By Marriott Davenport, 3206 East Kimberly Road, Davenport, IA 52807, (319) 355–2264
Pairfield Inn By Marriott Sioux City, 4716 Southern Hills Drive, Sioux City, IA 51106, (712) 276–5600
Sioux City Hilton Hotel, 707 4th Street, Sioux City, IA 51101, (712) 277–4101

Illinois

Days Inn—Arcola, 640 E Springfield Road, Arcola, IL 61910, (217) 268–3031
Red Roof Inn—Arlington Heights, 22 W Algonquin Road, Arlington Heights, IL 60005, (708) 228–6650
Belleville Motel, 931 S Belt W, Belleville, IL 62221, (618) 233–4551
Trails End Motel, 600 Water Street, Cahokia, IL 62206, (618) 337–2010
Best Inns Of America, 1345 E Main, Carbondale, IL 62901, (618) 529–4801
Heritage Motel, 1209 W Main Street, Carbondale, IL 62901, (618) 457–4142
Super 8 Motel—Champaign, 202 Marketview Drive, Champaign, IL 61820, (217) 359–2388
The Stouffer Riviere Hotel, 1 W Wacker Drive, Chicago, IL 60601, (312) 372–7200
Plaza Motel, 3030 S Cicero, Cicero, IL 60650, (708) 656–0300
Best Western Heritage Inn, 2003 Mall Road, Collinsville, IL 62234, (618) 345–5660
Ho Jo Inn, 301 N Bluff, Collinsville, IL 62234, (618) 345–1530
Holiday Inn—Country Side, 6201 Joliet Road, Countryside, IL 60525, (708) 354–5200

Candlelite Motel, 3626 N Vermilion Street, Danville, IL 61832, (217) 442–1988
Super 8 Motel—Danville, 327 Lynch, Danville, IL 61832, (217) 443–4499
Best Western Shelton Motor Inn, 450 E Pershing Road, Decatur, IL 62526, (217) 877–7255
Red Roof Inn—Downers Grove, 1113 Butterfield Road, Downers Grove, IL 60615, (708) 963–4205
Gabriel Motel, 600 N State Street, Freeburg, IL 62243, (618) 539–5588
Motel 6—Galesburg, 1487 N Henderson, Galesburg, IL 61401, (309) 344–2401
Chain Of Rocks Motel, 3228 Chain Of Rocks Motel, Granite City, IL 62040, (618) 931–8500
Land Of Lincoln Motel, 3220 W Chain Of Rocks Road, Granite City, IL 62040, (618) 931–1414
Cardinal Inn, Rt. 40 & 143, Highland, IL 62249, (618) 654–4433
Red Roof Inn #199—Hoffman Estates, 2500 Hassell Road, Hoffman Estates, IL 60195, (708) 885–7877
Lincoln Motel, 918 Woodlawn, Lincoln, IL 62656, (217) 732–2154
Lincoln Motel, Box 14A, Rr 3, Marshall, IL 62441, (217) 826–2941
Budget Inn, S Rt 445, Mattoon, IL 61938, (217) 235–4011
U. S. Grant Motel Ltd. Ptshp., 1313 Lakeland Blvd, Mattoon, IL 61938, (217) 235–5695
Skyline Motel, 8136 Joliet Road, Mc Cook, IL 60525, (708) 447–3566
Metroplis Inn, Rt.3 Box 668, Exit 37 Us 45 & I–24, Metropolis, IL 62960, (618) 524–3723
Super 8 Motel—Mokena, 9485 W 191st Street, Mokena, IL 60448, (708) 479–7808
Fairfield Inn—Moline, 2705 48th Avenue, Moline, IL 61265, (309) 762–9083
Davis Motel, Rt. 1, Hwy Us 36, Newman, IL 61942, (217) 837–2641
Red Roof Inn—Northbrook, 340 Waukegan Road, Northbrook, IL 60062, (708) 205–1755
Tiara Manor, 403 W Court, Paris, IL 61944, (217) 465–1865
Days Inn—Peoria, 2726 W Lake, Peoria, IL 61615, (309) 688–7000
Ho Jo Inn, 202 NE Washington Street, Peoria, IL 61602, (309) 676–8961
The Kaufmann House, 1641 Hampshire, Quincy, IL 62301, (217) 223–2502
Super 8—Rantoul, 207 S Murray, Rantoul, IL 61866, (217) 893–8888
Ramada Inn—Rock Falls, 2105 S 1st Avenue, Rock Falls, IL 61071, (815) 626–5500
Super 8 Motel—Rock Falls, 2100 1st Avenue, Rock Falls, IL 61071, (815) 626–8800
Holiday Inn—Rolling Meadow, 3405 Algonquin Road, Rolling Meadows, IL 60008, (708) 259–5000
Motel 6—Springfield, 3125 Wide Track Drive, Springfield, IL 62703, (217) 789–1063
Red Roof Inn—Springfield, 3200 Singer Avenue, Springfield, IL 62703, (217) 753–4302
Rend Lake Resort, Box 73B, Rt. 1, Whittington, IL 62897, (618) 629–2211

Indiana

Oak Meadow Lodge, 11503 Browning, Evansville, IN 47711, (812) 867–6431
Ramada Inn, 4101 Us 41 N, Evansville, IN 47711, (812) 424–6400
Fort Wayne Hilton, 1020 S Calhoun, Fort Wayne, IN 46802, (219) 420–1100
Hilton Indianapolis, 31 W Ohio Street, Indianapolis, IN 46204, (317) 635–2000
Red Roof Inn, 5221 Victory Drive, Indianapolis, IN 46203, (317) 788–9551
Carlton Lodge Merrillville, 7850 Rhode Island Avenue, Merrillville, IN 46410, (219) 756–1600
Terre Haute Travelodge, 530 S 3rd Street, Terre Haute, IN 47807, (812) 232–7075

Kansas

Wichita East, 549 S Rock Road, Wichita, KS 67207, (316) 686–7131

Kentucky

Roadway Inn & Motel, 656 E Dixie, Elizabethtown, KY 42701

Louisiana

Lafayette Hilton & Towers, 1521 W Pinhook Road, Lafayette, LA 70505 (318) 235–6111
Red Roof Inn #163, 7296 Greenwood Road, Shreveport, LA 71119, (318) 938–5342

Massachussetts

Hyatt Regency Cambridge, 575 Memorial Drive, Cambridge, MA 02139, (617) 492–1234

Maryland

Days Inn, 6700 Security Blvd, Baltimore, MD 21207, (410) 281–1800
Comfort Inn Hotel & Conference Center, 4500 Crain Hwy, Bowie, MD 20718, (301) 464–2200
Econo Lodge Gateway, 4502 Crain Hwy, Bowie, MD 20718, (301) 464–200
Ramada Inn—Camp Spring, 5151 Allentown Road, Camp Spring, MD 20746, (301) 899–7700
Comfort Inn—Clinton, 7979 Malcolm Road, Clinton, MD 20735, (301) 856–5200
Rodeway Inn, 9624 Baltimore Avenue, College Park, MD 20740, (301) 474–2797
Columbia Hilton, 5485 Twin Knolls Road, Columbia, MD 21045, (410) 997–1060
Comfort Inn, 6205 Annapolis Road, Landover Hills, MD (301) 322–6000
Comfort Suites, 14402 Laurel Avenue, Laurel, MD 20707, (301) 206–7600
Quality Inn, 825 Ocean Hwy, Pocomoke, MD 21851, (410) 957–1300

Michigan

Ann Arbor Hilton Inn, 610 Hilton Blvd, Ann Arbor, MI 48108, (313) 761–7800
Hilton Suites, 2300 Featherstone, Auburn Hills, MI 48326, (313) 334–2222
Red Roof Inn—Detroit Airport, 45501 N Expwy Service Drive, Belleville, MI 48111, (313) 697–2244
Red Roof Inn, 24300 Sinacola Court, Farmington Hills, MI 31347–8860, (313) 478–8640
Ramada Inn, 30375 Plymouth Road, Livonia, MI 48150, (313) 261–6800
Red Roof Inn, 32511 Concord, Madison Heights, MI 48071, (313) 583–4700
Red Roof Inn, 39700 Ann Arbor Road, Plymouth, MI 48170, (313) 459–3300
Red Roof Inn, 31800 Little Mack, Roseville, MI 48066, (313) 296–0310
Red Roof Inn, 27660 Northwestern Hwy, Southfield, MI 48034, (313) 353–7200
Red Roof Inn—Taylor, 21230 Eureka Road, Taylor, MI 48180, (313) 374–1150
Red Roof Inn, 26300 Dequindre Road, Warren, MI 48091, (313) 573–4300

Minnesota

Holiday Inn Bloomington Central, 1201 W 94th Street, Bloomington, MN 55431, (612) 884–8211
Holiday Inn, 2115 S 6th Street, Brainerd, MN 56401, (218) 829–1441
Holiday Inn Minneapolis North, 2200 Freeway Blvd, Brooklyn Center, MN 55430, (612) 566–8000
Holiday Inn Duluth, 200 W 1st Street, Duluth, MN (218) 722–1202
Holiday Inn Minneapolis Airport, 2700 Pilot Knob Road, Eagan, MN 55121, (612) 454–3434
Holiday Inn Of International Falls, 1810 Hwy 11 & 71, International Falls, MN 56649, (218) 283–4451
Radisson Hotel Metrodome, 615 Washington Avenue SE, Minneapolis, MN 55414, (612) 379–8888
Holiday Inn New Ulm, 2101 S Broadway, New Ulm, MN 56073, (507) 359–2941
Holiday Inn Winona, 956 Mankato Avenue, Winona, MN 55987, (507) 454–4390
Red Roof Inn, 1806 Wooddale Drive, Woodbury, MN 55125, (612) 738–7110

Missouri

Ben Franklin Motel, 4645 N Linebergh, Bridgeton, MO (314) 731–1010
Days Inn Hotel And Conference Center, 1900 I–70 Drive SW, Columbia, MO 65203, (314) 445–8511
Ramada Columbia, 1100 Vandiver Drive, Columbia, MO 65202, (314) 449–0051
Red Roof Inn, 307 Dum Road, Florissant, MO 63031, (314) 831–7900
Howard Johnson, 4200 S Noland Road, Independence, MO 64055, (816) 373–8856
Motel 6 1168, 808 Stadium Drive, Jefferson City, MO, (314) 634–2848
Days Inn Of Joplin, 3500 Rangeline, Joplin, MO 648044431, (417) 623–0100
Best Western Country Inn—K C I Airport, 11900 Plaza Circle, Kansas City, MO 64153, (816) 464–2002
Best Western Country Inn—North, 2633 NE 43rd Street, Kansas City, MO 64117, (816) 459–7222
Best Western Country Inn—Worlds Of Fun, 7100 NE Parvin Road, Kansas City, MO 64117, (816) 453–3355
Econolodge, 11300 NW Prairie View Road, Kansas City, MO 64153, (816) 464–5082
Quality Inn, 1600 NE Parvin Road, Kansas City, MO 64116, (816) 453–5210
Village Inn Budget Host, 1304 S Baltimore, Kirksville, MO 63501, (816) 665–3722
Rainbow Motel, 308 5th Street, Monroe City, MO 63456, (314) 735–4526
Days Inn N. Kansas City, 2232 Taney Street, North Kansas City, MO 64116, (816) 421–6000
Lake Hills Motel, Old 65 Loop Off New 65, S. Warsaw, MO 65355, (816) 438–5191
Best Inns Of America, 2355 N Glenstone, Springfield, MO 65803, (417) 866–6776
Red Roof Inn #175, 2655 N Glenstone, Springfield, MO 65803, (417) 831–2100
Congress Airport Inn, 3433 N Lindbergh Blvd, St. Ann, MO 63074, (314) 739–5100

Comfort Inn, 2750 Plaza Way Drive, St. Charles, MO 63303, (314) 949–8700
Best Western Inn At The Park, 4630 Lindell Blvd, St. Louis, MO, (314) 367–7500
Clarion Hotel—St. Louis, 200 S Fourth Street, St. Louis, MO 63102, (314) 241–9500
Courtyard By Marriott, 11888 Westline Industrial Dr, St. Louis, MO 63146, (314) 997–1200
Holiday Inn Riverfront, 200 N 4th Street, St. Louis, MO 63102, (314) 621–8200
Holiday Inn Westport, 1973 Craigshire, St. Louis, MO 63146, (314) 434–0100
Oak Grove Inn, 6602 S Lindbergh, St. Louis, MO 63123, (314) 894–9449
Red Roof Inn (Hampton), 5823 Wilson Avenue, St. Louis, MO 63110, (314) 645–0101
Red Roof Inn, Westport, 11837 Lackland Road, St. Louis, MO 63146, (314) 991–4900
Holiday Inn St. Peters St. Charles, PO Box 310, 221 S Outer Road, St. Peters MO 63376, (314) 928–1500

North Carolina

Days Inn—Blowing Rock, HWY 321 BYP, Blowing Rock, NC 28605, (704) 295–4422
Hilton At University Place, 8629 J M Keynes, Charlotte, NC 28262, (704) 547–7444
Red Roof Inn, 5623 Chapel Hill Blvd., Durham, NC 27707, (919) 489–9421
Holiday Inn—Henderson, I–85 & Parham Road, Henderson, NC 27536, (919) 492–1126
Holiday Inn—Lumberton, 5201 Fayetteville Road, Lumberton, NC 28358, (919) 671–1166
Econo Lodge, 100 Terrace Street, Murphy, NC 28906, (704) 837–8880
Holiday Inn Raleigh Durcham Airport, PO Box 138161—40 Exit 282 At Page Road, Research Triangle, NC 277093816, (919) 941–6000
Rutherford Inn, 210 Reservation Drive, Spindale, NC 28160, (704) 286–3681
The Country Squire Vintage Inn, RT 2 Box130R, Warsaw, NC 28398, (919) 296–1727
Hampton—Wilson, 1801 S Tarboro Street, Wilson, NC 27893, (919) 243–3171

Nebraska

New World Inn, Hwy 30 & 81 S, Columbus, NE 88601, (640) 256–41492

New Jersey

Sheraton Fairfield, 690 Route 46 E Fairfield, NJ 07004, (201) 227–9200
Hyatt Regency New Brunswick, 2 Albany Road, New Brunswick, NJ 08901, (908) 873–1234
Hilton Meadowlands, 2 Harmon Plaza, Secaucus, NJ 07024, (201) 348–6900

Nevada

Holiday Inn Express, 521 E Front Street, Battle Mountain, NV 89820, (702) 635–5880
Somerset House Motel, 294 Convention Center Drive, Las Vegas, NV 89109 (702) 735–4411

New York

Best Western Golden Arrow Hotel, 150 Main Street, Lake Placid, NY 12946, (518) 523–3353
Days Inn Of Liberty, Rt. 17, Liberty, NY 12754, (914) 292–7600
Days Inn, 845 Union Avenue, Newburgh, NY 12550, (914) 564–7550
Howard Johnson Lodge, Carrier Circle, Syracuse, NY 13206, (315) 437–2711
Syracuse Motel On James Street, 940 James Street, Syracuse, NY 13203, (315) 472–6281
Utica Travelodge, 1700 Genesee Street, Utica, NY 13502, (315) 724–2101

South Carolina

Lodge Alley Inn, 195 E Bay Street, Chas, SC 29401, (803) 722–1611
Crystal Sands, 130 Shipyard Drive, Hilton Head, SC 29928, (803) 842–2400
Holiday Inn Express, 40 Waterside Drive, Hilton Head, SC 29928, (803) 842–8888
Holiday Inn—Spartanburg West, 200 International Drive, Spartanburg, SC 29301, (803) 576–5220

Texas

Harvey Hotel Amarillo, 3100 W I H—40, Amarillo, TX 79102, (806) 358–6161
Arlington Hilton, 2401 E Lamar Blvd., Arlington, TX 76006, (817) 640–3322
Embassy Suites Austin Downtown Town Lake, 300 S Congress, Austin, TX 78704, (512) 469–9000
Holiday Inn Town Lake, 20 N Interregional, Austin, TX 78701, (512) 472–8211
Stouffer Austin Hotel, 9721 Arboretum Blvd., Austin, TX 78759, (512) 219–1449
Beaument—Midtown, 2095 N 11th Street, Beaumont, TX 77703, (409) 892–2222
Sheraton Inn Plaza Royale, 3777 N Expressway, Brownsville, TX 78520, (210) 350–9191
Varsity Motel, PO Box 714, 1004 E 1st Street, Cameron, TX 76520, (817) 697–6446
Bristol Suites Hotel, 7800 Alpha Road, Dallas, TX 75240, (214) 233–7600
Harvey Hotel Addison, 14315 Midway Road, Dallas, TX 75244, (214) 980–8877
Harvey Hotel Dallas, 7815 LBJ Freeway, Dallas, TX 75251, (214) 960–7000
Holiday Inn Northpark Plaza, 10650 N Central Expressway, Dallas, TX 75231, (214) 373–6000
Hyatt Regency Dallas, 300 Reunion Blvd., Dallas, TX 75207, (214) 651–1234
Red Roof Inn, #138 Dallas East, 6108 R L Thornton Freeway, Dallas, TX 75228, (214) 388–8741
Red Roof Inn #153, 10335 Gardner Road, Dallas, TX 75220, (214) 508–8100
Sheraton Suites Market Center, 2101 Stemmons Freeway, Dallas, TX 75207, (214) 747–3000
Howard Johnson Lodge, 8887 Gateway W., El Paso, TX (915) 591–9471
Miss Molly's Hotel, 109½ W Exchange Avenue, Fort Worth, TX 76106, (817) 626–1522
Holiday Inn Greenville, 1215 I 30, Greenville, TX 75401, (903) 454–7000
Harvey Suites Houston Medical Center, 6800 Main Street, Houston, TX 77030, (713) 528–7744
Hobby Airport Hilton, 8181 Airport Hilton, Houston, TX 77061, (713) 645–3000
Holiday Inn—Houston North, 16510 I–45 N., Houston, TX 77090, (713) 821–2570
Holiday Inn Northwest, 14996 NW Frwy, Houston, TX 77040, (713) 939–9955
Omni Houston Hotel, Four Riverway, Houston, TX 77056, (713) 871–8181
Harvey Hotel d F W Airport, 4545 W John Carpenter Frwy, Irving, TX 75063, (214) 929–4500
Harvey Suites d F W Airport, 4550 W John Carpenter Frwy, Irving, TX 75063, (214) 929–4499
Red Roof Inn #129, 8150 Esters Blvd., Irving, TX 75063, (214) 929–0020
Sheraton Grand Hotel, 4440 W John Carpenter Frwy, Irving, TX 75062, (214) 929–8400
Sheraton Inn Plaza, 1721 Central Texas Exprwy, Killeen, TX 76541, (817) 634–1555
Sheraton Inn Lubbock At The Civic Center, 505 Avenue Q, Lubbock, TX 79401, (806) 747–0171
Holiday Inn Country Villa, 4300 W Wall, Midland, TX (915) 697–3181
Midland Hilton And Towers, 117 W Wall Avenue, Midland, TX 79701, (915) 683–6131
Holiday Inn Centre, 6201 E Business I–20, Odessa, TX 79762, (915) 362–2311
Harvey Hotel Plano, 1600 N Central Exprwy, Plano, TX 75074, (214) 578–8555
Renaissance Hotel, 701 E Campbell Road, Richardson, TX 75081, (214) 231–9600
Courtyard By Marriott, 600 Santa Rosa S, San Antonio, TX 78204, (210) 229–9449
Embassy Suites Hotel N. W., 7750 Briarridge, San Antonio TX 78230, (210) 340–5421
Holiday Inn Downtown Market Square, 318 W Durango, San Antonio TX 78204, (210) 225–3211
Holiday Inn Express, 6023 NW Exprwy, San Antonio, TX 78201, (210) 736–1900
Holiday Inn Riverwalk North, 110 Lexington Avenue, San Antonio, TX 78205, (210) 223–9461
Rodeway Inn, 11591 I H 35 N, San Antonio, TX 78233, (210) 646–9400
Rodeway Inn Fiesta Park, 19793 I H 10 W, San Antonio, TX 78257, (210) 698–3991
Sheraton Gunter Hotel, 205 E Houston, San Antonio, TX 78205, (512) 227–3241
Oakridge Motor Inn, I H—10 Hwy 77 NW Corner, Schulenburg, TX 78956, (409) 743–4192
Holiday Inn of Stephenville, 2865 W Washington, Stephenville TX 76401, (817) 968–5256
Sheraton Hotel, 5701 S Broadway, Tyler, TX 75703, (903) 561–5800
Holiday Inn Uvalde, 920 E Main Street, Uvalde TX 78801, (512) 278–4511

Washington

Mariners Cove Inn, 303 Ocean Avenue, Westport, WA 98595, (206) 268–0531

CORRECTIONS

Georgia

Hampton Inn Atlanta North Druid Hill, 1975 N Druid Hill, Atlanta, GA 30329, (404) 320–6600

Indiana

Shelton Inn, 829 W Main, Peru, IN 46970, (219) 472–1925

North Carolina

Fairfield Inn By Marriott Charlotte Northeast, 5415 N I–85 Service Road, Charlotte, NC 28262, (704) 596–2999

DELETIONS

Indiana

Knob Hill Motel, 4530 Paoli Pike, Floyd Knobs, IN 47119

[FR Doc. 93–4026 Filed 2–22–93; 8:45 am]

BILLING CODE 6718–36–U

OL
58
SS
34
FE
23
993
MI

federal register

Tuesday
February 23, 1993

Part VII

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

February 1, 1993.

This report is submitted in fulfillment of the requirement of Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344). Section 1014(e) requires a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to Congress.

This report gives the status of nine deferrals contained in two special messages for FY 1993. These messages were transmitted to Congress on October 1, and December 30, 1992.

Rescissions

As of the date of this report, no rescission proposals are pending before the Congress.

Deferrals (Attachments A and B)

Attachment A provides the status of the $3,706.9 million in budget authority being deferred from obligation as of February 1, 1993. Attachment B provides the status of each deferral reported during FY 1993.

Information from Special Messages

The special messages containing information on the deferrals that are covered by this cumulative report are printed in the Federal Registers cited below:

57 FR 46730, Friday, October 9, 1992

58 FR 3368, Friday, January 8, 1993

Leon E. Panetta,

Director.

Attachments

ATTACHMENT A

STATUS OF FY 1993 DEFERRALS

	Amounts (in millions of dollars)
Deferrals proposed by the President	4,113.4
Routine Executive releases through February 1, 1993	−406.6
Overturned by the Congress	—
Currently before the Congress	3,706.9

ATTACHMENT B

Status of FY 1993 Deferrals—As of February 1, 1993

(Amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amounts Transmitted: Original Request	Amounts Transmitted: Subsequent Change (+)	Date of Message	Releases (−): Cumulative OMB/Agency	Releases (−): Congressionally Required	Congressional Action	Cumulative Adjustments (+)	Amount Deferred as of 2–1–93
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Economic support fund	D93–1	492,736		10–1–92					
	D93–1A		1,492,774	12–30–92	267,582				1,717,929
Foreign military financing grants	D93–8	1,487,000		12–30–92					1,487,000
Foreign military financing program	D93–9	149,200		12–30–92	138,997				10,203
Agency for International Development									
Demobilization and transition fund	D93–2	13,750		10–1–92					13,750
DEPARTMENT OF AGRICULTURE									
Forest Service									
Cooperative work	D93–3	364,582		10–1–92					364,582
Expenses, brush disposal	D93–4	40,241		10–1–92					
	D93–4A		5,835	12–30–92					46,076
DEPARTMENT OF DEFENSE—CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation, Defense	D93–5	2,175		10–1–92					2,175
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Social Security Administration									
Limitation on administrative expenses .	D93–6	7,267		10–1–92					7,267
DEPARTMENT OF STATE									
Bureau for Refugee Programs									
United States emergency refugee and migration assistance fund	D93–7	10,123		10–1–92					
	D93–7A		47,761	12–30–92					57,884
TOTAL, DEFERRALS		**2,567,075**	**1,546,371**		**406,579**	**0**	**0**		**3,706,867**

[FR Doc. 93–4048 Filed 2–22–93; 8:45 am]

BILLING CODE 3110–01–F

federal register

Tuesday
February 23, 1993

Part VIII

Department of Education

34 CFR Parts 608 and 609
Strengthening Historically Black Colleges and Universities and Graduate Institutions Programs; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Parts 608 and 609

RIN 1840–AB74

Strengthening Historically Black Colleges and Universities Program and Strengthening Historically Black Graduate Institutions Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations governing the Strengthening Historically Black Colleges and Universities (HBCU) Program and Strengthening Historically Black Graduate Institutions Program. These regulations are needed to implement the recently enacted Higher Education Amendments of 1992.

These programs address National Education Goal 5 that every adult American will possess the knowledge and skills necessary to compete in a global economy and assume the responsibilities of citizenship. The program furthers Goal 5 by assisting institutions in establishing and strengthening their physical plants, academic resources, and student services so that these institutions can provide equal educational opportunity for all adult Americans.

DATES: Comments must be received on or before March 25, 1993.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Elwood L. Bland, U.S. Department of Education, 400 Maryland Avenue, SW., room 3042, ROB–3, Washington, DC 20202–5336.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Elwood L. Bland. Telephone (202) 708–9926. Individuals who are hearing impaired may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC, 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: The Strengthening Historically Black Colleges and Universities and Strengthening Historically Black Graduate Institutions Programs are authorized under title III, part B of the Higher Education Act of 1965, as amended (HEA). The programs provide grants to assist eligible institutions in establishing and strengthening their physical plants, academic resources, and student services so that they may continue to participate in fulfilling the goal of equality of educational opportunity.

The proposed regulations would implement changes to title III, part B of the HEA. The changes were made by the Higher Education Amendments of 1992, Public Law 102–325, enacted July 23, 1992. The changes require each institution applying for funds to submit a comprehensive development plan describing its goals for financial management and academic programs and how the institution intends to achieve those goals.

The Secretary proposes to require greater accountability for activities under these programs. The Secretary has found that some of the current institutions' plans have not been particularly useful in evaluating the institutions' strategies for strengthening financial management and academic programs with a view toward achieving growth and self sufficiency.

The Secretary is proposing in these amendments a comprehensive development plan that an applicant must submit with its application describing the institution's goals and objectives for its financial management and academic programs. Other minor statutory changes also are reflected in these proposed regulations.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

The small entities that would be affected by these proposed regulations are 105 institutions of higher education. However, the regulations would not have a significant economic impact on the 105 small institutions of higher education because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1980

Sections 608.20, 608.21, 609.20, and 609.21 contain information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these sections to the Office of Management and Budget (OMB) for its review. (44 U.S.C. 3504(h))

Only 105 institutions of higher education are eligible to apply for grants under these regulations. The Department needs and uses the information to make grants. Annual public reporting burden for this collection of information is estimated to average 15 hours per response for 105 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collected information.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, room 3002, New Executive Office Building, Washington, DC 20503; Attention: Daniel J. Chenok.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. The Secretary seeks comments particularly on new §§ 608.21 and 609.21 that outline the goals for financial management and academic programs.

All comments submitted in response to the proposed regulations will be available for public inspection, during and after the comment period, in room 3042, ROB–3, 7th and D Streets, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Parts 608 and 609

Colleges and universities, Education, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Number 84.031B Strengthening Historically Black Colleges and Universities Programs)

Dated: February 10, 1993.

Richard W. Riley,

Secretary of Education.

The Secretary proposes to amend parts 608 and 609 of title 34 of the Code of Federal Regulations as follows:

PART 608—STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES PROGRAM

1. The authority citation for part 608 is revised to read as follows:

Authority: 20 U.S.C. 1060 through 1063a, 1063c, 1069c, 1069d, and 1069f, unless otherwise noted.

2. In § 608.20 paragraphs (c) through (g) are redesignated as paragraphs (d) through (h) respectively and a new paragraph (c) is added to read as follows:

§ 608.20 What are the application requirements for a grant under this part?

* * * * *

(c)(1) A comprehensive development plan as described in § 608.21; or

(2) If an applicant has already submitted a comprehensive development plan as described in § 608.21, a description of the progress the applicant has made in carrying out the goals of its plan;

* * * * *

3. A new § 608.21 is added to subpart C to read as follows:

§ 608.21 What is a comprehensive development plan and what must it contain?

(a) A comprehensive development plan must describe an institution's strategy for achieving growth and self-sufficiency by strengthening its—

(1) Financial management;

(2) Academic programs; and

(b) The comprehensive development plan must include the following:

(1) An assessment of the strengths and weaknesses of the institution's financial management and academic programs.

(2) A delineation of the institution's goals for its financial management and academic programs, based on the outcomes of the assessment described in paragraph (b)(1) of this section.

(3) A listing of measurable objectives designed to assist the institution to reach each goal with accompanying timeframes for achieving the objectives.

(4) A description of methods, processes and procedures that will be used by the college or university to institutionalize financial management and academic program practices and improvements developed under the proposed funded activities.

(Authority: 20 U.S.C. 1063a)

PART 609—STRENGTHENING HISTORICALLY BLACK GRADUATE INSTITUTIONS PROGRAM

1. The authority citation for part 609 is revised to read as follows:

Authority: 20 U.S.C. 1063b, 1063c, 1069c, 1069d, and 1069f, unless otherwise noted.

2. Section 609.20 is amended by removing "and" from the end of paragraph (c); removing the period at the end of paragraph (d) and adding a semicolon in its place; removing the period from the end of paragraph (e) and adding "; and" in its place; and adding a new paragraph (f) to read as follows:

§ 609.20 What are the application requirements for a grant under this part?

* * * * *

(f)(1) A comprehensive development plan as described in § 609.21; or

(2) If an applicant has already submitted a comprehensive development plan as described in § 609.21, a description of the progress the applicant has made in carrying out the goals of its plan.

* * * * *

3. A new section 609.21 is added to subpart C to read as follows:

§ 609.21 What is a comprehensive development plan and what must it contain?

(a) A comprehensive development plan must describe an institution's strategy for achieving growth and self-sufficiency by strengthening its—

(1) Financial management;

(2) Academic programs; and

(b) The comprehensive development plan must include the following:

(1) An assessment of the strengths and weaknesses of the institution's financial management and academic programs.

(2) A delineation of the institution's goals for its financial management and academic programs, based on the outcomes of the assessment described in paragraph (b)(1) of this section.

(3) A listing of measurable objectives designed to assist the institution to reach each goal with accompanying timeframes for achieving the objectives.

(4) A description of methods, processes and procedures that will be used by the college or university to institutionalize financial management and academic program practices and improvements developed under the proposed funded activities.

(Authority: 20 U.S.C. 1063a)

[FR Doc. 93–4087 Filed 2–22–93; 8:45 am]

BILLING CODE 4000–01–U

VOL
58
ISS
34
FE
23
993
UMI

Federal Register

Tuesday
February 23, 1993

Part IX

Department of Education

34 CFR Part 628

Endowment Challenge Grant Program; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 628

RIN 1840–AB70

Endowment Challenge Grant Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations for the Endowment Challenge Grant Program. These final regulations are needed to conform regulatory provisions to recently enacted changes to the statute authorizing the Endowment Challenge Grant Program, Title III of the Higher Education Act (HEA) of 1965, as amended by the Higher Education Amendments of 1992.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments, with the exception of §§ 628.20 and 628.32. These actions will become effective after the information collection requirements contained in those sections have been submitted by the U.S. Department of Education and approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980. If you want to know the effective date of these regulations, call or write the U.S. Department of Education contact person. A document announcing the effective date will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Anne Price-Collins, Institutional Aid Programs, U.S. Department of Education, L'Enfant Plaza, Post Office Box 23868, Washington, DC 20026. Telephone: (202) 708–8866. Hearing-impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC (202) area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION:

A. Background

The Endowment Challenge Grant Program is one of several programs authorized by title III of the HEA. The Endowment Challenge Grant Program provides grants to eligible institutions of higher education to establish or increase endowment funds, thereby providing additional incentives to promote fund-raising activities and fostering increased independence and self sufficiency at these institutions. Grantees must match half of the Federal grant funds that they receive. The Federal grant and the institutional match are called the endowment fund corpus. Institutions must invest and may not spend the endowment fund corpus for a 20-year grant period. When the grant expires, the institution may use the endowment fund corpus for any educational purpose.

By supporting these activities, the program furthers National Education Goal 5. Goal 5 specifically calls for ensuring that our college graduates demonstrate an advanced ability to think critically, communicate effectively, and solve problems; improving the quality of our education programs for part-time and mid-career students; and increasing the rate at which students complete their college programs.

B. Explanation of Changes

The Higher Education Amendments of 1992 (Pub. L. 102–325, enacted July 23, 1992) amended the statute authorizing the Endowment Challenge Grant Program, part C of title III of the HEA. The Secretary amends the regulations to conform them to the amended statute and to correct references to Education Department General Administrative Regulations (EDGAR) and other Department regulations.

The statutory changes include:

- Authorizing grants of up to $500,000 in fiscal years in which the appropriation for the Endowment Challenge Grant Program is less than $15 million; up to $1 million when the appropriation equals or exceeds $15 million but is less than $25 million; and up to $1.5 million when the appropriation equals or exceeds $25 million. Prior to this change, the statute authorized grants of $50,000 to $500,000, or more than $1,000,000 with no restriction on the maximum amount.
- Requiring one matching institutional dollar for every two Federal dollars. Prior to this change, the statute required one matching institutional dollar for every Federal dollar when the grant was $500,000 or less.
- Establishing a "wait out" period—a period of 10 years during which a grantee may not receive another grant—for existing grantees when the program appropriation is equal to or less than $20 million and establishing a five-year "wait out" for existing grantees if the appropriation exceeds $20 million. The trigger date for the "wait out" period is the date on which an institution is awarded a potential grant of money that must be matched, not the date on which the institution receives the grant funds as a result of a match. Moreover, the "wait out" period is measured in terms of fiscal years. Thus, for example, if an institution received a grant of fiscal year 1992 funds, it could not apply for another grant until fiscal year 2003, at the earliest, if the 10-year rule applied, or could not apply for another grant until fiscal year 1998 if the five-year rule applied. Prior to this change, the statute allowed an institution to receive two grants in any five consecutive fiscal years. If, however, an institution received a grant of more than $1,000,000, it had to wait out 10 fiscal years.
- Extending a priority to those applicants who are current grantees, or were grantees within the last five fiscal years preceding the date of application, under the Strengthening Institutions, Special Needs, Hispanic-Serving Institutions, Strengthening Historically Black Colleges and Universities, or Strengthening Historically Black Graduate Institutions Program. Prior to this change, the statute gave priority to those applicants who were grantees under those programs in the same fiscal year in which they were applying for an Endowment Challenge Grant.
- Requiring a narrative outlining short-term and long-term plans for raising and using endowment grant funds. Prior to this change, there was no requirement to submit a short-term or long-term plan.

Waiver of Notice of Proposed Rulemaking: In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedures Act, 5 U.S.C. 553, it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, these regulations merely incorporate statutory changes and technical corrections and do not implement substantive policy. Therefore, the Secretary has determined pursuant to 5 U.S.C. 553(b)(B) that public comment on the regulations is unnecessary and contrary to the public interest.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations would not have a significant economic impact on a substantial number of small entities. The changes made in these regulations will impose only the minimal requirements necessary to ensure the proper use of

program funds. The regulations will not impose excessive regulatory burden and will not have a significant economic impact on the small entities affected.

Assessment of Educational Impact

The Secretary has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 628

Colleges and universities, Education, Reporting and recordkeeping requirements.

Dated: February 9, 1993.

Richard W. Riley,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number 84.031G—Endowment Challenge Grant Program)

The Secretary amends part 628 of title 34 of the Code of Federal Regulations as follows:

PART 628—ENDOWMENT CHALLENGE GRANT PROGRAM

1. The authority citation for part 628 is revised to read as follows:

Authority: 20 U.S.C. 1065, unless otherwise noted.

2. In part 628, the authority citation following each section except § 628.47 is revised to read as follows:

(Authority: 20 U.S.C. 1065)

§§ 628.1, 628.2, 628.6, 628.45 [Amended]

3. In part 628, remove the words "of higher education" in the following places:

(a) Section 628.1, in the introductory text.

(b) Section 628.2, in the heading and introductory text.

(c) Section 628.6, in the definition of "Endowment fund" both times it appears.

(d) Section 628.45 (a)(3)(ii) and (a)(3)(iii).

4. Section 628.4 is revised to read as follows:

§ 628.4 What time limitations are placed on grantees applying for another grant?

(a) Except as provided in paragraphs (b) and (c) of this section, an institution that has received a grant under this part may apply for another grant under this part only after 10 fiscal years have elapsed following the fiscal year appropriation from which the institution's grant was awarded (base fiscal year).

(b) An institution that has received a grant under this part may apply for another grant under this part after five fiscal years have elapsed following the base fiscal year if the appropriation for this part exceeds $20 million in any of those five fiscal years.

(c) If an institution has received a grant under this part and the appropriation for this part exceeds $20 million in any of the sixth through tenth fiscal years following the base fiscal year, the institution may apply for another grant under this part in the fiscal year in which the appropriation exceeds $20 million, or any subsequent fiscal year.

(Authority: 20 U.S.C. 1065)

5. Section 628.5 is amended by revising paragraph (b) to read as follows:

§ 628.5 What regulations apply to the Endowment Challenge Grant Program?

* * * * *

(b)(1) The Education Department General Administrative Regulations (EDGAR) as follows:

(i) The regulations in 34 CFR 74.61(h), or 34 CFR 80.26 and the appendix to 34 CFR part 80, as applicable.

(ii) The regulations in 34 CFR 74.80, 74.84, and 74.85.

(iii) The regulations in 34 CFR 75.100 through 75.102, and 75.217.

(iv) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(2) Except as specifically indicated in paragraph (b)(1) of this section, the Education Department General Administrative Regulations do not apply.

* * * * *

6. In § 628.6, the definition of "institution of higher education" is removed, and the definition of "endowment fund corpus" is revised to read as follows:

§ 628.6 What definitions apply to the Endowment Challenge Grant Program?

* * * * *

"Endowment fund corpus" means an amount equal to the endowment challenge grant or grants awarded under this part plus matching funds provided by the institution.

* * * * *

7. Section 628.10 is revised to read as follows:

§ 628.10 What are the characteristics of an endowment challenge grant?

Each endowment challenge grant awarded by the Secretary under this part—

(a) Must be matched by the institution receiving the grant with one dollar of non-Federal funds for every two dollars of Federal grant funds;

(b) Must be invested by the institution; and

(c) Must have a duration of 20 years.

(Authority: 20 U.S.C. 1065)

8. Section 628.20 is amended by revising the introductory text to read as follows:

§ 628.20 What shall an applicant include in an application for an endowment challenge grant?

An applicant shall include in its application the amount of the endowment challenge grant it is requesting, a description of its short-term plan and long-term plan for raising and using endowment challenge grant funds, and information sufficient for the Secretary to—

* * * * *

9. Section 628.32 is amended by revising paragraph (a) to read as follows:

§ 628.32 What funding priorities does the Secretary use in evaluating an application for an endowment challenge grant?

* * * * *

(a) *Recipient or former recipient of a grant under the Strengthening Institutions, Special Needs, Hispanic-Serving Institutions, Strengthening Historically Black Colleges and Universities, or Strengthening Historically Black Graduate Institutions Program.* (Total: 20 points) The Secretary gives 20 points to each applicant who on October 1 of the fiscal year in which the applicant is applying for an endowment challenge grant is a current recipient of a planning or development grant, or was a recipient of a planning or development grant within the five preceding fiscal years, under the Strengthening Institutions, Special Needs, Hispanic-Serving Institutions, Strengthening Historically Black Colleges and Universities, or Strengthening Historically Black Graduate Institutions Program.

* * * * *

10. Section 628.40 is revised to read as follows:

§ 628.40 What are the restrictions on the amount of an endowment challenge grant?

(a) To receive an endowment challenge grant, an institution must raise at least $25,000 in matching funds and qualify for at least a $50,000 grant under paragraph (c) of this section.

(b) If an institution obtains at least $25,000 in matching funds and raises all the nongovernmental funds it proposed to raise in its application, the institution may receive a grant equal to twice the amount of matching funds it raises up to—

(1) $500,000 in any fiscal year in which the amount appropriated for the

Endowment Challenge Grant Program is less than $15,000,000;

(2) $1,000,000 in any fiscal year in which the amount appropriated for the Endowment Challenge Grant Program equals or exceeds $15,000,000 but is less than $25,000,000; or

(3) $1,500,000 in any fiscal year in which the amount appropriated for the Endowment Challenge Grant Program equals or exceeds $25,000,000.

(c) If an institution does not raise all the nongovernmental funds it proposes to raise in its application, the Secretary reduces the institution's grant by multiplying the grant amount requested by the following fraction:

$$\frac{\text{Amount of matching funds raised from nongovernmental sources}}{\text{Amount of matching funds proposed to be raised from nongovernmental sources}}$$

(Authority: 20 U.S.C. 1065)

§ 628.47 [Amended]

11. In § 628.47, paragraphs (d) and (e) are amended by removing "74.62" and adding in its place "80.26 and the appendix to 34 CFR Part 80"; and revising the citation of authority following the section to read as follows:

* * * * *

(Authority: 20 U.S.C. 1065 and 1232f)

[FR Doc. 93–4086 Filed 2–22–93; 8:45 am]

BILLING CODE 4000–01–M

federal register

Tuesday
February 23, 1993

Part X

Department of Education

34 CFR Part 770

The Library Services and Construction Act State-Administered Program; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 770

RIN 1850–AA39

The Library Services and Construction Act State-Administered Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the Library Services and Construction Act (LSCA or Act) State-Administered Program to add a definition of the statutory term "State aid." The Secretary takes this action in response to public comment on the proposed regulations for this program. This definition clarifies the meaning of the term "State aid" and, thus, affects the maintenance-of-effort provision prescribed by the Act.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the Federal Register or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Klassen, U.S. Department of Education, 555 New Jersey Avenue, NW., Washington, DC 20208. Telephone: (202) 219–1303. Individuals who are hearing impaired may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: The LSCA State-Administered Program provides assistance for libraries in the following program areas: Title I, Public Library Services; Title II, Public Library Construction and Technology Enhancement; and Title III, Interlibrary Cooperation and Resource Sharing.

These programs support the National Education Goals, by seeking to extend and improve public library services, construct and renovate public libraries, and develop and strengthen interlibrary cooperation and resource sharing. The National Education Goals specifically call for:

- Children to start school ready to learn (Goal 1);
- Students to demonstrate competency in challenging subject matter and to learn to use their minds well, so that they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy (Goal 3); and
- Adult Americans to be literate and to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship (Goal 5).

On October 17, 1990, the Secretary published in the Federal Register (55 FR 42152) a notice of proposed rulemaking (NPRM) to implement the LSCA Amendments of 1990 (Pub. L. 101–254). The Secretary published final regulations on March 17, 1992 (57 FR 9350). Among the public comments received on the NPRM of October 17, 1990, were a number of requests for clarification of the term "State aid," which, in turn, affects a new maintenance-of-effort requirement included in the LSCA Amendments of 1990 (section 7(a)(2)(A) of the Act).

The Secretary agreed that a formal definition of the term "State aid" should be included in the regulations for this program. Thus, on March 17, 1992, the Secretary published in the Federal Register (57 FR 9374) a notice of proposed rulemaking that would amend the regulations for the program by including this definition. These final regulations result from that NPRM. A more detailed discussion of this issue is included in the Supplementary Information section of the NPRM (57 FR 9374).

As a result of public comment on the NPRM of March 17, 1992, the regulations have been further changed to exclude from the definition of "State aid" funds derived from special purpose nonrecurring State appropriations. As a result of this exclusion, these appropriations will not be subject to the maintenance-of-effort requirement under section 7(a)(2)(A) of the Act.

Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, 12 parties submitted comments on the proposed regulations. An analysis of the comments and of the changes in the regulations since publication of the NPRM is published as an appendix to these final regulations.

Issues are grouped according to subject. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

The Secretary also received a number of requests for administrative guidance or interpretations of the statute or regulations. Administrative guidance and interpretations will be provided by the Secretary on a case by case basis, as necessary.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Paperwork Reduction Act of 1980

This definition has been examined under the Paperwork Reduction Act of 1980 and has been found to contain no information collection requirements.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program. (Please note that Federally recognized Indian tribal governments are not subject to Executive Order 12372.)

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed definition would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 770

Aging—libraries, Child-care centers, Construction—libraries, Correctional institutions—libraries, Drug abuse, Education, Education of disadvantaged, Grant programs—education, Handicapped, Libraries, Limited English-speaking proficiency, Literacy, Mental health programs—libraries, Networks, Penal institutions—libraries, Preservation, Prisons—libraries, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Numbers: 84.034 Public Library Services; 84.154 Public Library Construction; 84.035 Interlibrary Cooperation and Resource Sharing)

Dated: February 10, 1993.

Richard W. Riley,

Secretary of Education.

The Secretary amends part 770 of title 34 of the Code of Federal Regulations as follows:

PART 770—LIBRARY SERVICES AND CONSTRUCTION ACT STATE-ADMINISTERED PROGRAM

1. The authority citation for part 770 continues to read as follows:

Authority: 20 U.S.C. 351 *et seq.*, unless otherwise noted.

2. Section 770.4 is amended by adding to paragraph (c), in alphabetical order, a definition of the term "State aid" to read as follows:

§ 770.4 What definitions apply to the State-Administered Program?

* * * * *

(c) * * *

State aid means funds that are appropriated by a State legislature for aid to public libraries and to library systems for library services, including funds appropriated for subgrants by the State library administrative agency for those purposes. The term "State aid" does not include—

(1) Funds appropriated for the purpose of defraying the administrative expenses of the State library administrative agency;

(2) Funds expended directly by the State library administrative agency;

(3) Funds for construction;

(4) Funds from special purpose non-recurring appropriations; or

(5) Federal funds received by the State under a categorical assistance program.

* * * * *

Appendix—Analysis of Comments and Changes

(Note: This appendix will not be codified in the Code of Federal Regulations.)

Section 770.4 What Definitions Apply to the State-Administered Program?

Comment: Commenters were concerned with the meaning of the phrase "State and local public libraries" in the first paragraph of the definition of the term "State aid." The commenters noted that the definition of a State library could include many types of libraries operated by a State. Several commenters asked whether all libraries that serve the public and are funded wholly or in part by a State are "public libraries." One commenter recommended that both the word "State" and the word "local" be deleted from the first paragraph of the definition because those words are superfluous in the proposed regulations.

Several commenters also asked what the difference is between a "State library" and a "State library administrative agency." One commenter asked whether funds provided to a library that satisfies the definition of "public library" and is located in a State agency that is not part of either the State library or the State library administrative agency are included in the maintenance-of-effort calculation.

Discussion: The Secretary agrees that, since the intent of this regulation is to refer to all public libraries and library systems in a State, the phrase "State and local public libraries" in the first paragraph of the definition of "State aid" is confusing. Section 7(a)(2)(A) of the LSCA does not use the qualifying phrase "State and local" in setting maintenance-of-effort standards "for State aid to public libraries and library systems."

Further, the term "public library" is defined in section 3(5) of the LSCA without distinguishing between public libraries at the State or local level. Thus, for example, it is possible that a State library could be a public library if it were a general purpose library open to the public free of charge. However, State libraries that are not general purpose libraries would not be considered to satisfy the statutory definition. Section 3(5) of the Act also makes it clear that libraries that serve the public free of charge and receive financial support by a State are considered "public libraries."

The definition of "State library administrative agency" in section 3(10) of the LSCA distinguishes that agency from a State library. As defined, a State library administrative agency is charged by State law with the extension and development of public library services; however, the definition does not include the provision of public library services as that term is defined in section 3(6) of the LSCA, when referring to a public library as defined in section 3(5) of the LSCA.

Finally, for purposes of the maintenance-of-effort calculation, "State aid" may include funds that are not made available through the State library administrative agency, or that are made available to a public library located in a State agency other than the State library administrative agency, provided that the elements of the definition of "State aid" are satisfied.

Changes: The Secretary revises the definition of the term "State aid" in § 770.4(c) by deleting the phrase "State and local" each place it appears in the first paragraph of the definition of "State aid."

Comment: Commenters expressed concern with the meaning of the term "library systems." Commenters wished to know the effect that including the term "library systems" in the definition of State aid would have on maintenance-of-effort calculations. Two commenters asked how the State aid rule applies in instances where multi-type library systems provide services to all types of libraries, rather than just public libraries. One of these commenters inquired whether costs not related to public library services had to be broken out in calculating maintenance-of-effort. A third commenter believes that in many States multi-type library systems fund and engage in programs that are not eligible uses of LSCA Title I funds. The commenter concluded that appropriations of State funds for the multi-type library systems would not be subject to the maintenance-of-effort requirement. The commenter suggested that the term "library systems" be replaced with the term "public library systems".

Discussion: The Secretary interprets section 7(a)(2)(A) to require States to include in their maintenance-of-effort computations State aid to library systems that include public libraries, even if those systems also include libraries that are not public.

The Secretary believes that it would be burdensome and impractical for States to break out library system expenditures not made specifically for public libraries when they make their maintenance-of-effort computations. The Secretary also believes that Congress did not intend to require States to make a separate accounting of these expenditures for this purpose.

The Secretary has determined that the regulations should retain the reference to "public libraries and library systems" because this phrase is used in section 7(a)(2)(A) of the LSCA.

Changes: None.

Comment: One commenter noted a problem with the word "appropriated." Apparently, in the commenter's State government, the word does not have the same meaning that it has in the Federal government. In the commenter's State, the word "appropriated" has the same meaning that "authorized" has in the Federal government. The commenter asked whether the term "appropriated," as used in proposed § 770.4(c) of the LSCA regulations, could be interpreted by States to mean the process used by a State to provide funds for aid to public libraries.

Discussion: The Secretary uses the term "appropriated" as it is used in the Federal government, that is, the process

by which a legislative body provides funds to the government for expenditure.

Changes: None.

Comment: A commenter suggested adding the words "by a State legislature" following the words "including funds appropriated" and adding the words "as aid" following the word "payment" in the first paragraph of the definition. In the commenter's view, this addition distinguishes between appropriations that a State legislature might make to the State library administrative agency for aid to public libraries and library systems, and an appropriation that a State legislature might make to support a contractual arrangement between a State library administrative agency and a public library or library system.

Discussion: The language recommended by the commenter would be unnecessary and redundant. The term being defined is "aid." Therefore, any further mention of the term "aid" would be redundant. Further, funds expended by the State library administrative agency for procurement contracts for goods or services are considered funds spent directly by that agency and, by definition, are not considered "State aid." Funds spent directly by the State library administrative agency, or by that part of the agency charged with the extension and development of public library services throughout the State, are counted in computing maintenance-of-effort under section 7(a)(2)(B), but not section 7(a)(2)(A).

Changes: None.

Comment: Two commenters asked whether the proposed definition of the term "State aid" includes institutional libraries that serve the public and otherwise meet the definition of "public library."

Discussion: It would be unusual that an institutional library would satisfy the statutory definition of "public library" in section 3(5) of the LSCA, since libraries that are not general purpose libraries would not be considered to satisfy this definition. Although libraries serving individuals living in State-supported institutions may be funded under Title I of the LSCA, the libraries in these institutions would not be considered "public libraries" for purposes of the LSCA. Depending on the facts, an institutional library might be a part of a library system or network aid to which is considered "State aid." However, aid to an institutional library that is not a public library or does not receive the aid as part of a library system is not counted as "State aid."

Changes: None.

Comment: A commenter asked whether there are any libraries or library systems that meet the definition of "public library" in section 3(5) of the LSCA and receive funds wholly or in part from a State legislature that are not included in the proposed "State aid" definition and maintenance-of-effort requirements.

Discussion: The definition of "State aid" contains several exclusions. In general, funds received by a public library from a State legislature would not be considered "State aid" if these funds met one of the exclusions under that term. The proposed regulations made no attempt to define "public library" or "library systems." The definition of "public library" is set forth in section 3(5) of the LSCA and the description of "library systems" is set forth in section 102(a)(2) of the LSCA. No library that meets this definition would be excluded from the definition of "State aid."

Changes: None.

Comment: A commenter expressed several concerns about reporting State aid funds available for expenditure and State aid funds actually expended. The commenter asked how to report funds carried over by the State or by subgrantees for expenditure in a fiscal year later than the year that they were appropriated. The commenter pointed out that the State may intend certain funds for State aid to be expended in a year later than the year that they were appropriated. The questions dealt with State funds used to purchase a bookmobile, operating funds for a library from one period to the next, and sinking funds available for expenditure in the State's annual program. Finally, the commenter asked whether State disbursements to subgrantees are expenditures.

Discussion: The State's assurance in the annual program that a given amount of State aid is currently available for actual expenditure is the gauge for computing maintenance-of-effort. The Secretary considers the statutory prerequisite for grant payment to be satisfied if the amount stated in the assurance is at least ninety per cent of the amount reported to the Secretary as the amount actually expended in the "base year" (that is, the second year preceding the year of Federal allotment).

Since maintenance-of-effort calculations are based on actual expenditure and amounts available for expenditure rather than appropriations, it is immaterial when the funds for State aid were appropriated, or whether the funds have been carried over from one year to another. However, if at the time the State makes its assurance in the annual program, it is known that funds appropriated for State aid are not currently available for actual expenditure (for example, if appropriated funds have been subjected to a line item veto or formally earmarked by the State or a subgrantee for expenditure in a subsequent year) those funds should not be included in the annual program assurance. Also, continuous carryovers of funds for State aid could prompt questions from the Secretary's staff and auditors as to whether the funds had in fact been available for expenditure as reported in the annual program.

The State's post award reports to the Secretary should reflect all actual expenditures for State aid, both in the year of allotment and in the base year.

Finally, State disbursements to public libraries and library systems are not considered expenditures until they are expended by the subgrantee. However, for the purpose of assuring maintenance-of-effort in an annual program, disbursement would normally make funds available for expenditure, unless the subgrantee has formally determined that they are to be spent in a subsequent year.

Changes: None.

Comment: A commenter asked how the expenditure of funds under State aid is to be reported in the long-range plan, the annual program, and the annual report. The same commenter asked whether the Secretary expects the same types of evaluation, information sharing, cooperation, and coordination that are required of other LSCA projects.

Discussion: States should refer to the reporting instructions that accompany the forms used for the reports.

The term "State aid" is used only in the section 7(a)(2)(A) maintenance-of-effort requirement and should not be read into other LSCA requirements. State aid as an expenditure category need not be described as such in the basic and long-range programs. To the extent that State aid is relevant in some other reporting content (i.e., as a part of the State match) it should be described or reported as appropriate. A State is not required to account to the Federal government for its use of State aid as if the State aid were Federal grant money. However, the State must be prepared to document to auditors that it complied with section 7 of the LSCA by documenting that the assured amount of State aid was available for expenditure, and, for prior years, that the amount reported in the annual program assurance was actually expended.

Changes: None.

Comment: A commenter perceived that future reporting may be in a

different manner or method and wondered whether State library administrative agencies would be penalized if they submit reports concerning maintenance-of-effort under the proposed definition.

Discussion: The Secretary is bound by the final regulations and would not penalize grantees for following those regulations. Future substantive changes to the maintenance-of-effort reporting requirements would require publication of amended regulations with notice and opportunity for public comment. The Secretary would not issue final regulations that were significantly more restrictive than the proposed regulations. A change in procedure would necessitate another proposed rule with opportunity for public comment.

Grantees must realize, however, that regulations cannot address every question of interpretation that might arise under a program statute. For this reason grantees are urged to seek guidance from the Secretary's staff on a case-by-case basis. The General Education Provisions Act establishes a procedure by which the Secretary provides binding written advice to grant recipients. Grantees cannot be required to return grant funds expended in reliance on that advice. This "mitigating circumstances" procedure is set forth in 34 CFR 81.23.

Changes: None.

Comment. A commenter noted that the definition of "State aid" includes funds appropriated to a State library administrative agency, and asked whether funds appropriated to a State agency that is not the State library administrative agency can be used for maintenance-of-effort purposes.

Another commenter requested that the definition be revised to state that State aid means funds that are appropriated by a State legislature and available to State library administrative agencies for payment to public libraries and public library systems for public library services.

Discussion: Neither the proposed regulations nor these final regulations restrict State aid to aid distributed by the State library administrative agency. Nevertheless, it would be unusual for funds for public libraries and library systems not to be distributed by the State library administrative agency.

Changes: None

Comment: Several commenters recommended that the definition of "State aid" be revised to add that funds for State aid must be available for expenditure. One commenter recommended that the regulation be stated in terms of funds "provided" rather than "appropriated."

Discussion: The Secretary's purpose in publishing these final regulations is to define the statutory term "State aid." It is unnecessary to add language about availability to the definition since the statute and final regulations published March 17, 1992 already provided in § 770.41(a) that "State aid" must be available for expenditure. Appropriated funds for which the executive branch of a State has legally exercised a line item veto authority or other legal authority to reduce appropriations, or has failed to follow a required allocation process are not considered available for expenditure. There is no need to repeat this in the definition of "State aid."

Change: None.

Comment: Several commenters asked whether maintenance-of-effort calculations would be affected by special purpose non-recurring appropriations. First, one commenter asked how maintenance-of-effort would be affected by a special purpose supplemental or "one-time windfall" State aid to public libraries. The same commenter asked how a State would report on a supplemental allocation that did not receive funding.

Second, one commenter noted that a $75 million public library construction bond had been issued in his State a few years ago. The commenter stated that it would be unfair for this action to increase substantially the State's maintenance-of-effort level.

Third, one commenter asked that State funds appropriated for building or repairing public library facilities be excluded from the definition. The same commenter also asked that State funds appropriated for public library operating costs on a nonrecurring basis be excluded from the definition of the term "State aid."

Fourth, a number of commenters recommended that a fourth exclusion be added to the definition of the term "State aid." This additional exclusion would cover (1) general or limited obligation bonds, bonding authority, or appropriations that finance or secure debt obligations or fund capital investment; (2) major special programs for public libraries; or (3) special one-time appropriations to individual public libraries.

Finally, several commenters expressed the view that the actions of State legislatures to provide special one-time aid to public libraries should not be considered as part of general State aid on which the definition is based.

Discussion: The Secretary notes that construction expenditures—which are by their nature subject to year-to-year fluctuations—are not counted for purposes of maintenance-of-effort computation under section 7(a)(2)(A) of the LSCA. A clarifying change has been made to the definition. The exclusion for construction should cover most non-routine capital expenditures. Also, the Secretary notes that an allocation that is not funded would not affect maintenance-of-effort because, as noted above, maintenance-of-effort is concerned only with funds available for expenditure.

The Secretary agrees with the comments that actions of State legislatures to provide special purpose non-recurring appropriations should not affect maintenance-of-effort. States should not be discouraged from making additional funds available to meet one-time special needs. A change has been made to the definition of "State aid." The Secretary, however, has decided not to adopt the specific changes recommended by the commenters.

References to bonds or bonding authority are inappropriate. Section 7(a) of the LSCA is not concerned with whether the appropriations from which State aid is derived are raised from bond issues or from some other source such as tax revenues.

Also, the recommendation to exclude "major special programs" is vague and over-broad, and could be read to include funds appropriated for new ongoing programs. The Secretary is not authorized to interpret the LSCA to freeze, in effect, a State's base expenditure level for maintenance-of-effort. The point is that special purpose, non-recurring expenditures from whatever source should not adversely affect the State's maintenance-of-effort compliance.

Finally, it is not appropriate to limit the exclusion for special purpose non-recurring appropriations to appropriations to individual public libraries (as some commenters recommended).

Changes: The definition of "State aid" has been revised to exclude appropriations earmarked for construction, and to add a provision excluding funds derived from special purpose non-recurring appropriations.

Comment: A commenter asked for an explanation of the difference between payments to local public libraries and to library systems, and funds used for the extension and development of library services for the purposes of maintenance-of-effort. The commenter perceived a duplication of reporting.

Discussion: The commenter seems to be referring to the difference between two maintenance-of-effort provisions under the LSCA. These provisions are based on State aid to public libraries and library systems under section

7(a)(2)(A) and expenditures for a State library administrative agency under section 7(a)(2)(B). The difference between these two provisions is that section 7(a)(2)(A) refers to funds that are distributed, in general through the State library administrative agency, to certain entities as subgrantees, while section 7(a)(2)(B) refers to funds that are expended directly by the State library administrative agency, either for its own operating costs or to assist in providing public library services.

In section 7(a)(2)(B), Congress has used the phrase "for the part thereof charged by State law with the extension and development of public library services throughout the State" to distinguish a particular component of the State library administrative agency from other components of that agency. Although Congress wanted State library administrative agencies to continue to be maintained, Congress apparently did not intend to extend the maintenance-of-effort requirement to library administrative agencies that have no State-wide responsibility to public libraries.

Thus, there should be no duplication of reporting if the difference between the expenditures under sections 7(a)(2)(A) and 7(a)(2)(B), as well as the limitation on maintenance-of-effort under section 7(a)(2)(B), as described above, is understood and implemented.

Changes: The Secretary has modified the regulatory definition by eliminating the reference to the extension and development of library services and by replacing the word "payment" with the word "subgrants." These changes emphasize that the term "State aid" does not include any expenditures incurred directly by the State library administrative agency.

[FR Doc. 93–4088 Filed 2–22–93; 8:45 am]

BILLING CODE 4000-01-M

Federal Register

Tuesday
February 23, 1993

Part XI

Department of Agriculture

Extension Service

Outreach and Assistance Grants Program for Socially Disadvantaged Farmers and Ranchers; Notice of Application Guidelines for Fiscal Year 1993

DEPARTMENT OF AGRICULTURE

Extension Service

Outreach and Assistance Grants Program for Socially Disadvantaged Farmers and Ranchers

AGENCY: Extension Service (ES), Department of Agriculture.

ACTION: Notice.

SUBJECT: Outreach and Assistance Grants Program for Socially Disadvantaged Farmers and Ranchers; Fiscal Year 1993; Request for Proposals; Application Guidelines.

FOR FURTHER INFORMATION CONTACT: Dr. Ricardo Gomez, 202–720–2471 for program information or the Cooperative Funds Division of the Extension Service—USDA on 202–401–4527 for fiscal or budget information.

Program Description

(a) Purpose

Proposals are requested for fiscal year 1993 under the Outreach and Assistance Grants Program for Socially Disadvantaged Farmers and Ranchers. Competitive grants will be awarded to assist eligible organizations and institutions to provide outreach and technical assistance to encourage and assist socially disadvantaged farmers and ranchers to own and operate farms and ranches and to participate in agricultural programs. The authority for this Program is contained in section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990, Public Law 101–624, 7 U.S.C. 2279. The program is administered by the Extension Service (ES) of the U.S. Department of Agriculture (USDA). Assistance under the program should include information on application and bidding procedures, farm management, and other essential information to participate in agricultural programs.

(b) Available Funding

For fiscal year 1993, $1 million is available for this program. Individual grants will be awarded in amounts ranging from $25,000 to $50,000.

(c) Eligibility

Proposals are invited from any community-based organization that: (1) Has demonstrated experience in providing agricultural education or other agriculturally related services to socially disadvantaged farmers and ranchers; (2) provides documentary evidence of its past experience in working with socially disadvantaged farmers and ranchers during the 2 years preceding its application for assistance; and (3) does not engage in activities prohibited under section 501(c)(3) of the Internal Revenue Code of 1986. Proposals are also invited from 1890 Land-Grant Colleges, including Tuskegee University, Indian tribal community colleges and Alaska native cooperative colleges, Hispanic serving post-secondary educational institutions, and other post-secondary educational institutions with demonstrated experience in providing agricultural education or other agriculturally related services to socially disadvantaged family farmers and ranchers in their region. In addition to the above, an applicant must qualify as a responsible applicant in order to be eligible for a grant award under the Program. To qualify as responsible, an applicant must meet the following standards:

(1) Adequate financial resources for performance, the necessary experience, organizational and technical qualifications, and facilities, or a firm commitment, arrangement, or ability to obtain same (including any to be obtained through subagreement(s));

(2) Ability to comply with the proposed or required completion schedule for the project;

(3) Adequate financial management system and audit procedures that provide efficient and effective accountability and control of all funds, property, and other assets;

(4) Satisfactory record of integrity, judgement, and performance, including, in particular, any prior performance under grants and contracts from the Federal government; and

(5) Otherwise be qualified and eligible to receive a grant under the applicable laws and regulations.

(d) Definitions

For the purpose of awarding grants under this Program, the following definitions are applicable.

(1) *Agricultural programs* means those activities established or authorized by: the Agricultural Act of 1949; the Consolidated Farm and Rural Development Act; the Agricultural Adjustment Act of 1938; the Soil Conservation Act; the Domestic Allotment Assistance Act; and the Food Security Act of 1985;

(2) *Awarding official* means the Administrator of the Extension Service;

(3) *Grant* means the award by the Administrator to a grantee to assist eligible organizations and institutions to provide outreach and technical assistance to encourage and assist socially disadvantaged farmers and ranchers to own and operate farms and ranches and to participate in agricultural programs;

(4) *Grantee* means the entity designated in the grant award document as the responsible legal entity to whom a grant is awarded;

(5) *Peer review panel* means the appropriate employees of the U.S. Department of Agriculture;

(6) *Project* means the particular activity within the scope of the Program as identified herein;

(7) *Project director* means the individual who is responsible for technical direction of the project, as designated by the grantee in the grant proposal and approved by the Administrator;

(8) *Project period* means the total time approved by the Administrator for conducting the proposed project as outlined in an approved grant proposal or the approved portions thereof;

(9) *Socially disadvantaged farmer or rancher* means a farmer or rancher who is a member of a socially disadvantaged group; and

(10) *Socially disadvantaged group* means a group whose members have been subject to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities.

Proposal Preparation

(a) Proposal Cover Page

(1) Title of Proposal

The title of the proposal must be brief (80-character maximum) yet represent the major thrust of the project.

(2) Other information

Also include the following information on the proposal cover page:

(a) Name, address, telephone and fax numbers of applicant and project director.

(b) Signatures and date. The cover page must contain the original signatures of the Project Director and the Authorized Organizational Representative who possesses the necessary authority to commit the entity's time and other relevant resources.

(b) Project Summary

Each proposal must contain a project summary which may not exceed 2 pages in length. The project summary should contain the following:

(1) Overall project goal(s) and supporting objectives;

(2) A brief description of the plans to accomplish project goal(s); and

(3) Relevance or significance of the project to enhancing the participation of socially disadvantaged farmers and ranchers in agricultural programs.

(c) Project Description

The specific aims of the project must be included in all proposals. The text of the project description may not exceed 15 pages and must contain the following components:

(1) Introduction

A clear statement of the goal(s) and supporting objectives of the proposed project should preface the project description.

(2) Background and Existing Situation

Provide a detailed description giving rise to the need for the effort in the proposed project.

(3) Objectives

The objectives should be clear, complete, and logically arranged statements of the project goals with specific details of planned accomplishments and how such accomplishments will advance the goal of assisting socially disadvantaged farmers and ranchers in obtaining information on application and bidding procedures, farm management, and other essential information to participate in agricultural programs.

(4) Procedures

Describe the method of implementation or plan of action to be utilized in attaining each of the stated objectives.

(5) Evaluation

Give specific evaluation objectives including impact factors and indicators of effectiveness and efficiency in accomplishing objectives.

(d) Collaborative Arrangements

If the nature of the proposed project requires collaboration or subcontractural arrangements with other entities, the applicant must identify the collaborator/subcontractor and provide a full explanation of the nature of the relationship.

(e) Budget

A budget and a detailed narrative in support of the budget is required. Show all funding sources and itemize costs by the following line items: personnel costs, equipment, material and supplies, travel and all other costs.

Funds may be requested under any of the line items listed above provided that the item or service for which support is requested is identified as necessary for successful conduct of the project, is allowable under the authorizing legislation, the applicable Federal cost principles, and is not prohibited under any applicable Federal statute. Salaries of project personnel who will be working on the project may be requested in proportion to the effort that they will devote to the project.

Proposal Submission

(a) What To Submit

An original and two copies of the proposal must be submitted. Each copy of each proposal must be stapled securely in the upper lefthand corner (Do Not Bind). All copies of the proposal must be submitted in one package.

(b) Where and When to Submit

Proposals submitted through regular mail must be postmarked by April 26, 1993, and sent to the address below. Hand-delivered proposals must be submitted by April 26, 1993, to an express mail or courier service or brought to the following address: Extension Service—USDA, Cooperative Funds Division, Cotton Annex, 2d Floor Mez., 300 12th Street, SW., Washington, DC 20250–0900.

Proposal Review, Evaluation, and Disposition

(a) Proposal Review

All proposals received will be acknowledged. Prior to technical examination, a preliminary review will be made for responsiveness to this solicitation. Proposals that do not fall within the solicitation guidelines will be eliminated from competition. All accepted proposals will be reviewed by a peer review panel and recognized specialists in the areas covered by the proposals received.

The peer review panel will be selected and organized to provide maximum expertise and objective judgment in the evaluation of proposals. Proposals will be ranked and support levels will be recommended by the panel(s) within the limitation of total funding available in fiscal year 1993.

(b) Evaluation Criteria

In evaluating the proposal, the peer review panel will take into account the degree to which the proposal demonstrates the following:

(1) Responsiveness to the need to provide socially disadvantaged farmers and ranchers with information on application and bidding procedures, farm management, and other essential information to enhance participation of agricultural programs.

(2) Potential for encouraging and assisting socially disadvantaged farmers and ranchers to own and operate farms and ranches and to participate in agricultural programs.

(3) Originality, practicality, and creativity in developing and testing innovative solutions to existing or anticipated issues or problems of socially disadvantaged farmers and ranchers.

(4) Adequacy, soundness and appropriateness of the approach to the solution of the problem.

(5) Experience, qualifications, competence, and availability of personnel to direct and carry out the project.

(c) Proposal Disposition

When the peer review panel has completed its deliberations, the USDA program staff, based on the recommendations of the peer review panel, will recommend to the Awarding Official that the project be (a) approved for support from currently available funds or (b) declined due to insufficient funds or unfavorable review.

USDA reserves the right to negotiate with the Project Director and/or the submitting entity regarding project revisions (e.g., reductions in scope of work), funding level, or period of support prior to recommending any project for funding.

A proposal may be withdrawn at any time before a final funding decision is made. One copy of each proposal that is not selected for funding (including those that are withdrawn) will be retained by USDA for one year, and remaining copies will be destroyed.

Supplementary Information

(a) Grant Awards

Within the limit of funds available for such purpose, the awarding official shall make grants to those responsible, eligible applicants whose proposals are judged most meritorious under the evaluation criteria and procedures set forth in this solicitation and application guidelines.

The date specified by the awarding official as the beginning of the project period shall be not later than September 30, 1993.

All funds granted under the Program shall be expended solely for the purpose for which the funds are granted in accordance with the approved application and budget, the terms and conditions of any resulting award, the applicable Federal cost principles, and the Department's Federal assistance regulations.

(b) Obligation of the Federal Government

Neither the approval of any application nor the award of any grant commits or obligates the United States

in any way to provide further support of a project or any portion thereof.

(c) Other Applicable Federal Statutes and Regulations That Apply

Several other Federal statutes and regulations apply to grant proposals considered for review or grants awarded under the Program. These include, but are not limited to the following:

7 CFR part 1b—USDA Implementation of the National Environmental Policy Act;

7 CFR part 3—USDA implementation of OMB Circular A–129 regarding debt collection;

7 CFR part 1.1—USDA implementation of the Freedom of Information Act;

7 CFR part 15, Subpart A—USDA implementation of title VI of the Civil Rights Act of 1964;

7 CFR part 3015—USDA Uniform Federal Assistance Regulations, implementing OMB directives (i.e., Circular Nos. A–110, A–21, and A–122) and incorporating provisions of 31 U.S.C. 6301–6308 (formerly, the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95–224), as well as general policy requirements applicable to recipients of Departmental financial assistance;

7 CFR part 3016—USDA Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments;

7 CFR part 3017, as amended—USDA implementation of Governmentwide Debarment and Suspension (nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants);

7 CFR part 3018—USDA implementation of New Restrictions on Lobbying. Imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans;

29 U.S.C. 794, section 504—Rehabilitation Act of 1973, and 7 CFR part 15B (USDA implementation of the statute), prohibiting discrimination based upon physical or mental handicap in Federally assisted programs; and

35 U.S.C. 200 *et seq.*—Bayh-Dole Act, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally assisted programs (implementing regulations are contained in 37 CFR part 401).

Done at Washington, DC, on December 16, 1992.

Myron D. Johnsrud,

Administrator, Extension Service.

[FR Doc. 93–4163 Filed 2–22–93; 8:45 am]

BILLING CODE 3410–09–M

federal register

Tuesday
February 23, 1993

Part XII

Department of Transportation

Research and Special Programs Administration

National Solid Wastes Management Association; Application; Notice

DEPARTMENT OF TRANSPORTATION

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

[Preemption Determination No. PD–2(R); Docket No. PDA–5(R)]

Application by National Solid Wastes Management Association for a Preemption Determination Concerning Illinois Environmental Protection Agency's Uniform Hazardous Waste Manifest

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Administrative determination that the Uniform Hazardous Waste Manifest promulgated by the Illinois Environmental Protection Agency (IEPA) is preempted by the Hazardous Materials Transportation Act (HMTA).

Applicant: National Solid Wastes Management Association, on behalf of its Chemical Waste Transportation Institute.

State Requirement Affected: State of Illinois Uniform Hazardous Waste Manifest, EPA Form 8799–22/ Il.532.0610.

Applicable Federal requirements: Hazardous Materials Transportation Act (HMTA), 49 App. U.S.C. 1801 *et seq.*, and the Hazardous Materials Regulations (HMR), 49 CFR parts 171–180.

Mode Affected: Highway.

SUMMARY: To the extent indicated in this decision, the HMTA preempts the Illinois requirement that hazardous waste generators utilize the State of Illinois Uniform Hazardous Waste Manifest, EPA Form 8799–22/ Il.532.0610, and IEPA's accompanying requirements that regulate the completion of the IEPA Uniform Hazardous Waste Manifest.

As a shipping document, the IEPA Uniform Hazardous Waste Manifest is a "covered subject" under 49 App. U.S.C. 1804(a)(4)(B), as amended by the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA), Pub. L. 101–615. The IEPA Uniform Hazardous Waste Manifest is not "substantively the same as" the Federal Uniform Hazardous Waste Manifest, as required by the HMTA in order for the IEPA Uniform Hazardous Waste Manifest to be an acceptable substitution for the Federal Uniform Hazardous Waste Manifest.

The Federal regulations, 49 CFR 107.202, 171.3(c)(3), and 172.205 state that State requirements for hazardous waste manifests that differ from, or are in addition, to Federal requirements are preempted by Federal law. This explicit declaration of Federal preemption of non-uniform local requirements with regard to hazardous waste manifests is indicative that a State's varying the Federal Uniform Hazardous Waste Manifest's requirements does not meet the "substantively the same as" test and thus is preempted under the HMTA.

The Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6901 *et seq.*, requires EPA to consult with the Secretary of Transportation to establish standards applicable to the transportation of hazardous wastes. 42 U.S.C. 6823. RCRA specifically requires EPA to consult with the Secretary of Transportation with regard to the requirements of the hazardous waste manifest system. 42 U.S.C. 6923(a)(3). Furthermore, any regulations promulgated by EPA concerning hazardous wastes subject to the HMTA and the HMR must be consistent with the requirements and limitations of the HMTA and the HMR. 42 U.S.C. 6923(b).

Concerning an EPA-approved State hazardous waste program, EPA regulations state that if "an approved State program that has a greater scope of coverage than required by Federal law, the additional coverage is not part of the Federally approved program." 40 CFR 271.1(i)(2). Furthermore, since EPA's regulations concerning hazardous waste manifests are required to be consistent with the HMTA and the HMR, an inconsistent State Uniform Hazardous Waste Manifest, included in an EPA-approved State hazardous waste program, is not "otherwise authorized" by Federal law. The IEPA Uniform Hazardous Waste Manifest, therefore, is not "otherwise authorized" by Federal law and thus is not excluded from preemption under the HMTA.

FOR FURTHER INFORMATION CONTACT: Edward H. Bonekemper, III, Assistant Chief Counsel, Hazardous Materials Safety & Research and Technology Law, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590–0001 (Tel. No. (202) 366–4400).

I. Application for Preemption Determination

The April 12, 1990 petition of the National Solid Wastes Management Association (NSWMA), on behalf of its Chemical Waste Transportation Institute (CWTI), sought an administrative determination that the IEPA's Uniform Hazardous Waste Manifest was inconsistent with the HMTA and the HMR. Due to a statutory change in the HMTA, which directly affected the regulatory implementation of the HMTA's preemption provisions on June 12, 1992, NSWMA resubmitted its application for an administrative determination that the HMTA preempts the Uniform Hazardous Waste Manifest promulgated by IEPA. (The applicant is referred to as "CWTI" in the balance of this decision.)

A. Relevant EPA and IEPA's Requirements for the Transportation of Hazardous Wastes

RCRA grants EPA the authority to issue guidelines to assist States in developing their own Federally authorized hazardous wastes programs. RCRA requires, among others, that State hazardous waste programs be "equivalent to the Federal program . . . [and] consistent with the Federal or State programs applicable in other States . . ." in order for a State to be authorized to administer its own hazardous waste program. 42 U.S.C. 6926. Under EPA's regulations specifically pertaining to a State's use of a uniform hazardous waste manifest as part of the State's authorized program, ". . . the State RCRA program must require the use of EPA Manifest Forms 8700–22 and 8700–22A . . ." 40 CFR 271.6(d). "Manifest" is defined by RCRA to mean the "form used for identifying the quantity, composition, and the origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage." 42 U.S.C. 6903(12). The manifest form is an essential part of the manifest system about which the EPA must consult with the Secretary of Transportation prior to promulgating regulations with regard to the transportation of hazardous waste.

IEPA requires that the IEPA Uniform Hazardous Waste Manifest be utilized for all shipments of hazardous wastes originating in Illinois and being transported to a State that does not print or supply the IEPA Uniform Hazardous Waste Manifest. The generator of the hazardous waste must complete and certify the manifest as accurate. The transporter of the hazardous waste must acknowledge receipt of the waste described on the manifest and assure that the manifest accompanies the waste during transportation. The transporter must assure that the receiving facility or subsequent transporter acknowledges receipt of the shipment. Finally, the transporter must assure that both the generator and receiving facility receive a copy of the manifest, and also retain a copy of the manifest for its own records.

The IEPA Uniform Hazardous Waste Manifest system diverges from the Federal Uniform Hazardous Waste

Manifest requirements in two distinct areas. First, under EPA's and DOT's regulations, a generator who transports, or offers for transportation, hazardous waste must prepare a Federal Uniform Hazardous Waste Manifest in accordance with the regulations promulgated by EPA. 40 CFR 262.20, 49 CFR 172.205(a). The relevant requirements for the completion of the Federal Uniform Hazardous Waste Manifest require that the total quantity of hazardous waste being transported be entered in Item 13 of the Federal Uniform Hazardous Waste Manifest. 40 CFR part 262, Appendix. However, the corresponding item on the IEPA Uniform Hazardous Waste Manifest instructs the preparer to enter the quantity without using fractions or decimals; thus, the quantity described must be rounded to the nearest whole number.

Second, the Federal Uniform Hazardous Waste Manifest requires the use of a continuation sheet, EPA Form 8700–22A, if more space is necessary to complete the information required for EPA Form 8700–22. 40 CFR 262.20(a). EPA regulations require a generator to use EPA Form 8700–22A, the continuation sheet, when more than two transporters are to be used to transport the hazardous wastes or more space is needed to complete the section pertaining to the DOT description and related information. 40 CFR part 262, appendix. However, the IEPA Uniform Hazardous Waste Manifest prohibits the use of a continuation sheet when more space is needed to record the information required to complete the manifest. Rather, a generator must complete a second separate IEPA Uniform Hazardous Waste Manifest form when the generator otherwise would have utilized a continuation sheet under the Federal requirements. Therefore, IEPA adopted a procedure distinct from the one established by EPA.

It should be noted that CWTI's initial petition for an inconsistency ruling included a third issue. IEPA's instructions with regard to the IEPA Uniform Hazardous Waste Manifest had directed generators to use "1", instead of "G", to indicate gallons and "2" rather than "Y", to indicate cubic yards. "G" and "Y" are required Federal abbreviations for completion of the Federal Uniform Hazardous Waste Manifest. CWTI had petitioned DOT to find IEPA's restriction on the allowable abbreviations preempted under the HMTA. Subsequent to CWTI's application for an inconsistency ruling, IEPA reprinted its Uniform Hazardous Waste Manifest form to allow the abbreviations specified under the Federal regulations. Because this particular concern raised by CWTI is no longer an issue, it will not addressed in this decision.

B. Application of the HMTA and the HMR to Hazardous Wastes

"The term [hazardous materials] includes . . . hazardous wastes, . . ." 49 CFR 171.8 (as amended November 5, 1992, 57 FR 52930, 52935). See also "No person may offer for transportation or transport a hazardous waste . . . in interstate or intrastate commerce except in accordance with the requirements of [the HMR]." 49 CFR 171.3(a). RCRA specifically directs that EPA's regulations applicable to transporters of hazardous wastes "shall be consistent with the requirements of" the HMTA and the HMR. 42 U.S.C. 6923(b). (For purposes of the HMR, a hazardous waste also is a "hazardous substance" when the contents of a single package equal or exceed the "reportable quantity" for that hazardous substance. 49 CFR 171.8 and 172.101, Appendix A.)

The HMR include requirements for hazardous waste manifests. First, the HMR address the acceptable format of the Federal Uniform Hazardous Waste Manifest. The HMR require that EPA Form 8700–22 be used as the Federal Uniform Hazardous Waste Manifest form. If EPA Form 8700–22 does not provide adequate space for the completion of the DOT description, or other informational requirements, the HMR require EPA Form 8700–22A, the Federal Uniform Hazardous Waste Manifest Continuation Sheet, to be used to complete the manifest. 49 CFR 172.205(a). The HMR also specifically authorize the use of continuation sheets as part of shipping papers required for the transportation of hazardous materials. 49 CFR 172.201(c).

Second, the HMR instruct the generator to complete the Federal Uniform Hazardous Waste Manifest in accordance with EPA's regulations governing the Uniform Hazardous Waste Manifest. 49 CFR 172.205(b). Concerning the forms to be used by the preparer of the manifest, EPA's regulations parallel the HMR by requiring the use of EPA Form 8700–22 and EPA Form 8700–22A as the acceptable Federal Uniform Hazardous Waste Manifest forms. 40 CFR 262.20(a); 40 CFR part 262, Appendix. Both EPA's regulations and the HMR demonstrate that continuation sheets are an integral part of the overall Federal Uniform Hazardous Waste Manifest scheme.

Third, the HMR address the acceptable informational items to be entered onto the Federal Uniform Hazardous Waste Manifest by requiring the manifest preparer to comply with EPA's regulations. EPA requires the completion of the manifest and continuation sheets, if any are needed, to be in accordance with the instructions contained in the Appendix to 40 CFR part 262. 40 CFR 262.20(a). EPA's regulations, concerning the reporting of the quantity of hazardous waste being transported, require the *total* quantity of waste described on the Federal Uniform Hazardous Waste Manifest to be entered onto the manifest. 40 CFR part 262, appendix, item 13. Furthermore, the HMR, in describing the requirements of the shipping description of a hazardous material on the Federal Uniform Hazardous Waste Manifest, require the inclusion of the total quantity of the waste to appear adjacent to the shipping description. 49 CFR 172.202(c).

C. CWTI's Petition and Public Notice

CWTI's petition argues that IEPA's Uniform Hazardous Waste Manifest is preempted by Federal law because it constitutes an "obstacle" to the achievement and execution of the HMTA and the HMR and because "dual compliance" with both IEPA and Federal Uniform Hazardous Waste Manifest requirements is not possible. Furthermore, CWTI asserts that IEPA's Uniform Hazardous Waste Manifest is explicitly preempted by the HMTA as a "covered subject" which is not "substantively the same as" the Federal Uniform Hazardous Waste Manifest.

CWTI relies primarily upon the HMTA and the HMR provisions which preempt non-Federal requirements regarding the "preparation, execution, and use of shipping documents pertaining to hazardous materials and requirements respecting the number, content, and placement of such documents" which are not "substantively the same as" the Federal requirements. 49 App. U.S.C. 1804(a)(4)(A), 49 CFR 107.202. CWTI asserts that the IEPA Uniform Hazardous Waste Manifest is not excepted from preemption under the HMTA because the IEPA Uniform Hazardous Waste Manifest is not "otherwise authorized" by Federal law. CWTI elaborates upon its argument by stating that the IEPA Uniform Hazardous Waste Manifest fails to withstand the Federal preemption standards defined in 49 App. U.S.C. 1811(a) and 49 CFR 107.202(b). These preemption standards are: (1) the impossibility of "dual compliance" with both Federal and non-Federal requirements, and (2) the non-Federal requirement constitutes an "obstacle" to

the achievement and the execution of the HMTA or the HMR.

On April 30, 1990, RSPA published a Public Notice and Invitation To Comment on CWTI's Inconsistency Ruling Application (IRA–51). On May 16, 1991, due to the 1990 amendments to the HMTA, advisory inconsistency rulings were changed to legally binding preemption determinations. Consequently, CWTI resubmitted its application and requested a preemption determination concerning the same issues raised in its original petition. RSPA published a Public Notice and Invitation To Comment on CWTI's current application on July 21, 1992. 57 FR 32360. On September 25, 1992, RSPA published a Public Notice Extending Rebuttal Comment Period to clarify the fact that comments previously submitted on CWTI's IRA–51 application would be considered together with any comments submitted on CWTI's current application, PDA–5(R). 57 FR 44402.

In response to these Notices, three industry associations, nineteen companies and one university submitted comments in support of preemption. The IEPA, the Illinois Attorney General, and the Massachusetts Executive Office of Environmental Affairs, on behalf of the International Hazardous Waste Manifest Coordinators Group (IHWMCG), opposed the petition. One commenter did not address the issues raised in the petition. CWTI and IEPA submitted rebuttal comments. IEPA responded to select commenters and CWTI in particular. All of these comments are summarized in Part III below.

II. Preemption Under the HMTA

The HMTA was enacted to give DOT greater authority "to protect the Nation adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce." 49 App. U.S.C. § 1801. It replaced "a patchwork of state and federal laws and regulations concerning hazardous materials with a scheme of uniform, national regulations." *Southern Pac. Transp. Co.* v. *Public Serv. Comm'n of Nevada*, 909 F.2d 352, 353 (9th Cir. 1990).

As enacted in 1975, the HMTA preempted "any requirement, of a State or political subdivision thereof, which is inconsistent with any requirement set forth in [the HMTA], or in a regulation issued under [the HMTA]." HMTA, Pub. L. 93–633, Section 112(a), 88 Stat. 2161 (1975) (amended 1990, *see* 49 App. U.S.C. 1811(a)). This provision was intended by Congress "to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation." S. Rep. No. 1192, 93rd Cong., 2d Sess. 37 (1974), as quoted in Inconsistency Ruling-2 (IR–2) (State of Rhode Island Rules and Regulations Governing the Transportation of Liquefied Natural Gas and Liquefied Propane Gas, etc.), 44 FR 75566, 75567 (Dec. 20, 1979).

In 1976, DOT's Materials Transportation Bureau (MTB, whose responsibilities are now delegated to RSPA's Associate Administrator for Hazardous Materials Safety) published procedures to implement the preemption language of the HMTA by providing for the issuance of inconsistency rulings. Inconsistency rulings, while advisory in nature, were an alternative to litigation for a determination of the relationship of Federal and State or local relationships, and also a possible "basis for an application for a waiver under the HMTA." *Id.* RSPA's procedures for issuing inconsistency rulings incorporated the following criteria for determining whether a State or local requirement was inconsistent with, and thus preempted by, the HMTA:

> (1) Whether compliance with both the State or political subdivision requirement and the Act or the regulations issued under the Act is possible; and
>
> (2) The extent to which the State or political subdivision requirement is an obstacle to the accomplishment and execution of the Act and the regulations issued under the Act.

41 FR 38167, 38171 (Sept. 9, 1976); 49 CFR 107.209(c) (Oct. 1, 1990 ed.). These "dual compliance" and "obstacle" criteria, respectively, are based on United States Supreme Court decisions on preemption. *Hines* v. *Davidowitz*, 312 U.S. 52 (1941); *Florida Lime & Avocado Growers, Inc.* v. *Paul*, 373 U.S. 132 (1963); *Ray* v. *Atlantic Richfield, Inc.*, 435 U.S. 151 (1978).

In 1980, a preemption provision relating to hazardous wastes was added to the HMR. Subsection (c) of 49 CFR 171.3, unchanged to the present, states that:

> With regard to hazardous waste subject to [the HMR], any requirement of a state or its political subdivision is inconsistent with [the HMR] if it applies because that material is a waste material and applies differently from or in addition to the requirements of [the HMR] concerning—
>
> (1) Packaging, marking, labeling, or placarding;
>
> (2) Format or contents of discharge reports (except immediate reports for emergency response); and
>
> (3) Format or contents of shipping papers, including hazardous waste manifests.

45 FR 34560, 34586 (May 22, 1980). In the preamble to the final rule, RSPA stated that "Section 171.3(c) does not list all the conditions under which it might view a State or local law as 'inconsistent.'" 45 FR at 34567.

The preemption provision in the HMTA was expanded in HMTUSA, in which Congress found that uniform Federal standards for the transportation of hazardous materials were "necessary and desirable" to solve the problem that:

> . . . many States and localities have enacted laws and regulations which vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers which attempt to comply with multiple and conflicting registration, permitting, routing, notification, and other regulatory requirements.

Pub. L. 101–615, Section 2(3), 49 App. U.S.C. 1801 note.

"[U]niformity was the linchpin in the design of" the 1990 HMTUSA amendments. *Colorado Pub. Util. Comm'n* v. *Harmon*, 951 F.2d 1571, 1575 (10th Cir. 1991). The HMTA provides that, "unless otherwise authorized by Federal law" or unless a waiver of preemption is granted by DOT, "any requirement of a State or political subdivision or Indian tribe is preempted" when:

> (1) compliance with both the State or political subdivision or Indian tribe requirement and any requirement of [the HMTA] or of any regulation issued under [the HMTA] is not possible,
>
> (2) the State or political subdivision or Indian tribe requirement as applied or enforced creates an obstacle to the accomplishment and execution of [the HMTA] or the regulations issued under [the HMTA], or
>
> (3) it is preempted under section 1804(a)(4) [describing the five "covered subject" areas] . . . or section 1805(b) [with respect to highway routing requirements] . . .

Section 1811(a) adopted the "dual compliance" and "obstacle" criteria and also provided for preemption when non-Federal requirements in five "covered subject" areas are not "substantively the same as" the HMTA or the HMR (or "otherwise authorized by" Federal law). 49 App. U.S.C. 1804(a)(4). The five "covered subject" areas are:

> (i) The designation, description, and classification of hazardous materials.
>
> (ii) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials.
>
> (iii) the preparation, execution, and use of shipping documents pertaining to hazardous materials and requirements respecting the

number, content, and placement of such documents.

(iv) The written notification, recording, and reporting of the intentional release in transportation of hazardous materials.

(v) The design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous materials.

In a final rule published in the **Federal Register** on May 13, 1992 (57 FR 20424, 20428), RSPA defined "substantively the same" to mean "conforms in every significant respect to the Federal requirement. Editorial and other similar *de minimis* changes are permitted." 49 CFR 107.202(d).

The 1990 amendments to the HMTA also authorize any "directly affected" person to apply to the Secretary of Transportation for a determination whether a State, political subdivision or Indian tribe requirement is preempted by the HMTA, 49 App. U.S.C. 1811(c)(1). This administrative determination replaced RSPA's process for issuing inconsistency rulings. The Secretary of Transportation has delegated to RSPA the authority to make determinations of preemption, except for those concerning highway routing (which were delegated to the Federal Highway Administration 49 CFR 1.53(b)). Under RSPA's regulations, 49 CFR 107.201–107.211, preemption determinations are issued by RSPA's Associate Administrator for Hazardous Materials Safety.

Preemption determinations do not address issues of preemption arising under the Commerce Clause of the Constitution or under statutes other than the HMTA unless it is necessary to do so in order to determine whether a requirement is "otherwise authorized by Federal law." A State, local or Indian tribe requirement is not "otherwise authorized by Federal law" merely because it is not preempted by another Federal statute. *Colorado Pub. Util. Comm'n.* v. *Harmon*, 951 F.2d at 1581 n.10.

In making determinations regarding preemption under the HMTA, RSPA is guided by the principles and policy set forth in Executive Order No. 12,612, entitled "Federalism" (52 FR 41685, Oct. 30, 1987). Section 4(a) of that Executive Order authorizes preemption of State laws only when a statute contains an express preemption provision, there is other firm and palpable evidence of Congressional intent to preempt, or the exercise of State authority directly conflicts with the exercise of Federal authority. The HMTA contains express preemption provisions, which RSPA has implemented through its regulations.

III. Public Comments

A. Comments Supporting Preemption

The nineteen commenters who support CWTI's petition argue that IEPA's Uniform Hazardous Waste Manifest is "inconsistent" with the HMTA and the HMR and thus fails the preemption test of 49 App. U.S.C. 1804(a)(4). It should be noted that, due to the consolidation of the comments submitted regarding CWTI's application for an inconsistency ruling and its subsequent application for a preemption decision, some of the language utilized in the comments refers to the HMTA's preemption standards prior to the 1990 HMTUSA amendments.

Some commenters elaborate upon their view that IEPA's Uniform Hazardous Waste Manifest requirements are "inconsistent" with Federal requirements. Safety-Kleen and the National Tank Truck Carriers, Inc. (NTTC) are two such commenters. Both commenters state that the IEPA requirements attempted to regulate a "covered subject" under the HMTA and that the IEPA's variations on the Federal Uniform Hazardous Waste Manifest are "substantive." Safety-Kleen cites the fact that DOT and EPA Uniform Hazardous Waste Manifest regulations complement each other and that IEPA's requirements, which expand upon the Federal requirements, constitute variations that are not "substantively the same" as the Federal Uniform Hazardous Waste Manifest system. NTTC contends that IEPA's limitations are not only contrary to the Federal Uniform Hazardous Waste Manifest system, but are also of a substantive nature that are "unacceptable in terms of enforcement" since many people involved in the transportation industry may not be trained as to the distinctions of the IEPA Uniform Hazardous Waste Manifest.

Furthermore, two commenters contend that IEPA's Uniform Hazardous Waste Manifest, as a "covered subject," is not "otherwise authorized" by Federal law, and thus is not excepted from preemption under the HMTA pursuant to 49 App. U.S.C. 1804(a)(4). They respond to the commenters opposing the petition who assert that the IEPA Uniform Hazardous Waste Manifest is authorized by Federal law. The specific Federal law at issue is RCRA. The Hazardous Materials Advisory Council (HMAC) notes that IEPA's Uniform Hazardous Waste Manifest could not be protected by RCRA from preemption under the HMTA because EPA, the agency implementing RCRA, "lacked authority to resolve preemption issues under the HMTA and . . . such matters [are] reserved to DOT." Safety-Kleen agrees with HMAC's assertion by indicating that EPA's regulation of hazardous wastes subject to the HMTA must be consistent with the HMTA. 42 U.S.C. 6923.

HMAC cites a recent EPA interpretation of EPA's power to authorize a State to operate its own hazardous waste program as authority for the argument that EPA is not empowered by RCRA to decide preemption issues under the HMTA. Citing 57 FR 32726 (July 23, 1992), HMAC emphasizes and supports EPA's specific comments that preemption issues under the HMTA are to be resolved through the procedures DOT had established for inconsistency rulings.

Ten of the supporting commenters explain that completion of IEPA's Uniform Hazardous Waste Manifest has created numerous obstacles to the achievement and execution of the HMTA and the HMR. The American Trucking Association (ATA) asserts that the preeminent purpose of a nationally uniform hazardous waste manifest system, as envisioned by the HMTA, was to promote safety in the transport of hazardous wastes. Price Trucking Corporation contends that "the uniform hazardous waste manifest is a key component in the overall safe management of hazardous wastes [and] the confusion created by [IEPA's] regulations has a detrimental effect on the safe management of hazardous waste. . . ."

The commenters echo one another's concern that a multiplicity of requirements would undermine the safe transport of hazardous wastes. Chemical Waste Management, Inc. states that differences between IEPA's requirements and Federal regulations "create confusion on the part of shippers and carriers of hazardous waste and reduce the effectiveness of the [HMR]." Furthermore, NTTC expresses its concern that emergency response personnel may be burdened by having to "decipher" a non-standardized hazardous waste manifest. NTTC states that "not only would time be lost, but an error or misinterpretation [of a non-uniform manifest] could be life-threatening."

Various commenters contend that a goal of the HMTA is the efficient transport of hazardous materials. HMAC relies upon inconsistency rulings that determined that State requirements for additional documentation, beyond the

Federal requirements, create potential delays in transportation. IR–2, 44 FR 75566 (Dec. 20, 1979); IR–3, 46 FR 18918 (Mar. 26, 1981); IR–3(A), 47 FR 18457 (Apr. 29, 1982); IR–6, 48 FR 760 (Jan. 6, 1983); IR–16, 49 FR 20872 (May 20, 1985); IR–22, 52 FR 46574 (Dec. 8, 1987).

ATA buttresses HMAC's argument that the IEPA requirements lead to an inefficient hazardous waste transportation system by stating that the time necessary to obtain, complete, and check two sets of hazardous waste manifests "is in direct conflict with the provisions of 49 C.F.R. § 177.853 that mandate that highway shipments of hazardous materials [wastes] be transported without unnecessary delay." ATA further relies on IR–22, which stated, ". . . hazardous materials transportation delays . . . constitute an independent basis for finding [non-Federal regulations] to be inconsistent with the HMR." 52 FR at 46584.

The University of Washington asserts that IEPA's prohibition against the use of continuation sheets is an "obstacle". It contends that one shipment may involve a multitude of wastes and the "continuation sheet was developed specifically to allow flexibility to manifest large shipments under a single manifest number." Thus, to forbid continuation sheets would require the use of an "inordinate number" of manifests. The NTTC agrees and states that a rejection of the concept of a continuation sheet is "tantamount to a rejection of the paper trail tracking concept" and constitutes an "obstacle" to the accomplishment of the HMTA. Furthermore, ATA relies upon IR–8 (Appeal), 52 FR 13000 (April 20, 1987), to note that, in regard to applying the "obstacle" test, RSPA has determined that there is no *de minimis* exception to the test because thousands of jurisdictions could impose *de minimis* information requirements.

Twelve commenters state that they believe "dual compliance" with the IEPA and Federal requirements is not possible. The most frequently cited aspect of the IEPA's requirements that allegedly makes "dual compliance" impossible is the IEPA prohibition against using a continuation sheet. NTTC concisely states that "should a generator comply with the Federal manifesting requirement with the use of a continuation sheet, it would violate Illinois' requirements."

The University of Washington reiterates the impossibility of "dual compliance" when more than two transporters are used. It states that one premise for the use of continuation sheets was to facilitate the documentation of subsequent transporters because the Federal Uniform Hazardous Waste Manifest, EPA Form 8700–22, only refers to transporter "1" and "2." However, the University contends, that without use of a continuation sheet, the Federal Uniform Hazardous Waste Manifest will have to be defaced in order to properly refer to subsequent transporters.

HMAC refers to the impossibility of following both IEPA and Federal requirements because IEPA restricts the allowable unit entries in item 13 of the IEPA Uniform Hazardous Waste Manifest, with regard to the total quantity of hazardous waste being transported. IEPA specifically forbids the use of decimals or fractions in supplying this information, whereas there is no similar Federal limitation. Buffalo Fuel Corporation states that peculiar State requirements, such as IEPA's, create "confusion and unintentional non-compliance" with the manifesting requirements. Furthermore, Buffalo Fuel projected that if this system of non-uniformity were to continue, "it will be virtually impossible to comply with both state . . . and federal requirements . . . ."

B. Comments Opposing Preemption

IEPA, the Illinois Attorney General and the Massachusetts Executive Office of Environmental Affairs, on behalf of the International Hazardous Waste Manifest Coordinators Group (IHWMCG), a multi-State hazardous waste professional staff association, submitted comments opposing CWTI's preemption application. The commenters, while specifically addressing the instant preemption application, raised issues presented in CWTI's application that allegedly exist in the hazardous waste industry in other States as well.

IEPA and the Illinois Attorney General assert that CWTI lacks standing to petition for a preemption determination. The Illinois Attorney General acknowledges that 49 C.F.R. § 107.203 allows any person "affected" to bring a petition; however, the Attorney General relies upon case law that stands for the premise that an organization can only bring suit on behalf of its members if they "have been injured in fact . . ." *Simon* v. *Eastern Kentucky Welfare Rights Organization*, 426 U.S. 26 (1976). Both commenters argue that CWTI fails to meet this threshold requirement because CWTI represents transporters who are not "affected" by the Uniform Hazardous Waste Manifest since generators must supply and complete the information requested on a manifest.

Beyond the threshold standing requirement, the commenters address the specific issues raised by CWTI in its petition. The Illinois Attorney General, IEPA and the IHWMCG contend that the IEPA Uniform Hazardous Waste Manifest is not an "obstacle" to the achievement and execution of the HMTA and the HMR and that, furthermore, "dual compliance" with both IEPA and Federal requirements is possible. In support of these assertions, the IHWMCG states that IEPA is "more stringent in its requirements" and thus the IEPA Uniform Hazardous Waste Manifest helps to "simplify the completion of the manifest form and avoid confusion and error. . . ." IEPA also believes that full compliance is possible because other sections are provided on the IEPA Uniform Hazardous Waste Manifest to note discrepancies contained within the manifest form.

IEPA notes that, in regard to its decision to prohibit the use of decimals or fractions in reporting the total quantity of hazardous wastes being transported, the Federal regulations "do not comment on the use of decimals or fractions." Furthermore, IEPA acknowledges that although its requirements "may be more restrictive than Federal regulations, they do not conflict with them." The Illinois Attorney General and IHWMCG support IEPA's view.

The IHWMCG states that the IEPA Uniform Hazardous Waste Manifest "represents . . . [an] interpretation of federal guidelines . . ." and lends IEPA support in acknowledging that many other States diverge from Federal Uniform Hazardous Waste Manifest requirements. IHWMCG elaborates on this point by stating that "many states require the use of whole number reporting . . . [and] many states besides Illinois require the use of a second manifest . . ."

In addressing the issue of whether the IEPA Uniform Hazardous Waste Manifest is "otherwise authorized" by Federal law, IEPA and IHWMCG cite an April 30, 1987 letter from Carolyn Barley, EPA Office of Solid Waste and Emergency Response, as approval for IEPA's decision to eliminate the use of continuation sheets. The letter expressed EPA's view of IEPA's decision to require the use of a second Uniform Hazardous Waste Manifest as consistent with the Federal program. IEPA and IHWMCG refer to the curtailment of errors, Illinois' data entry system, and "common business practice" as decisive in IEPA's decision to disallow both the use of continuation sheets and fractions or decimals in the

reporting of the total quantity of hazardous wastes being transported.

C. Rebuttal Comments

In rebuttal, CWTI disputes the opposing commenters' assertion that the IEPA Uniform Hazardous Waste Manifest is not an "obstacle" to the accomplishment and the execution of the HMTA and the HMR. CWTI states that the IEPA Uniform Hazardous Waste Manifest contradicts the Federal Uniform Hazardous Waste Manifest and that its very nature makes "dual compliance" with the Federal requirements impossible. CWTI charges that IEPA's interest in maintaining its present record-keeping system cannot justify its Uniform Hazardous Waste Manifest being inconsistent with the HMTA and the HMR.

CWTI addresses the opposing commenters' challenge to CWTI's standing to petition RSPA for a preemption determination. First, relying on *Hunt* v. *Washington State Apple Advertising Comm'n*, 432 U.S. 333 (1977), and *Warth* v. *Seldin*, 422 U.S. 490 (1975), CWTI counters their argument by stating that an association does have standing to represent its members if one of its members has standing to assert its own rights as an individual. Second, CWTI asserts that its members are "affected" by the IEPA Uniform Hazardous Waste Manifest because its members are now being required to utilize the IEPA Uniform Hazardous Waste Manifest. CWTI also contends its members are "affected" because IEPA's prohibition against the use of fractions or decimals in the reporting of the total quantities of hazardous wastes being transported will result in the "rounding up" of the total quantities its members transport. Consequently, CWTI asserts that this "rounding up" of the total quantity would impose additional costs upon transporters in the States that levy taxes based upon the quantity of waste moved.

CWTI agrees with HMAC's assertion that IEPA's Uniform Hazardous Waste Manifest is not "otherwise authorized" by Federal law because it is in direct conflict with the EPA's regulations governing hazardous materials transportation. CWTI cites 40 CFR 271.4(c), which requires State hazardous waste programs to be consistent with similar hazardous waste programs established by other States. CWTI also cites 40 CFR 271.10(h), which requires State hazardous waste programs to be consistent with the HMTA. In a final point, CWTI notes that DOT, not EPA, has the authority to determine if a non-Federal requirement is an acceptable deviation from the Federal Uniform Hazardous Waste Manifest.

CWTI notes that the "rounding" of numbers to the nearest whole number would pose yet another "obstacle" to the accomplishment and execution of the HMTA and the HMR because "accuracy would be discouraged in Federal data collection activities." In particular, CWTI indicates that the EPA biennial report and the figures used by EPA in its Capacity Assurance Plans will suffer because of IEPA's prohibition of the use of fractions and decimals in reporting the total quantity of hazardous wastes being transported.

D. Supplemental Rebuttal Comments

IEPA addresses CWTI's assertion that the "rounding" of numbers fails the "obstacle" test because it would frustrate Federal data reports. IEPA states that only a small percentage of the hazardous wastes generated must be included in such reports and, since the "rounded" numbers will balance out in the total number reported, this practice is of "no consequence" to the Federal reporting programs. Rebutting IEPA's comment, CWTI asserts that any discrepancy in the total quantities reported is "significant" and that IEPA failed to address the proper aspect of the "rounding" issue by focusing on the effects of this requirement and not IEPA's deviation from the Federal requirement of reporting the total quantity.

IV. Discussion

Four grounds are asserted for Federal preemption of the IEPA Uniform Hazardous Waste Manifest: (1) The IEPA Uniform Hazardous Waste Manifest is a "covered subject," and it is not "substantively the same" as the HMR requirements; (2) the IEPA Uniform Hazardous Waste Manifest creates an "obstacle to the accomplishment and execution of" the HMTA and the HMR; (3) compliance with both the IEPA Uniform Hazardous Waste Manifest requirements and the HMR is not possible; and (4) the IEPA Uniform Hazardous Waste Manifest is not "otherwise authorized by" Federal law as part of an EPA-approved State hazardous wastes program under 42 U.S.C. 6926(b). Because discussion of issues (1) and (4) is sufficient to resolve this matter, issues (2) and (3) are not discussed in this decision. Before discussing these two matters, however, it is appropriate to address the separate argument that CWTI lacks standing to request a preemption determination on behalf of its members.

A. CWTI's Standing as a Petitioner

IEPA questions whether CWTI has standing to petition RSPA for a preemption determination concerning IEPA's Uniform Hazardous Waste Manifest. The HMTA, as originally enacted, provided for the preemption of non-Federal requirements that were "inconsistent" with the HMTA or the HMR. HMTA, Public Law 93–633, section 112(a), 88 Stat. 2161 (1975) [amended 1990, *see* 49 App. U.S.C. 1811(a)]. Issues of preemption were decided by RSPA, in accordance with its regulations, through a process which resulted in RSPA issuing inconsistency rulings. The 1990 amendments to the HMTA elevated the regulatory inconsistency ruling process to a statutory preemption determination process. In enacting the 1990 amendments, Congress intended to replace the inconsistency ruling process with a "binding administrative process for determining whether State and local requirements are preempted." H.R. Rep. No. 444, 101st Cong., 2d Sess. 1 (1990).

The HMTA provides that:

> Any person, including a State or political subdivision thereof or Indian tribe, directly affected by any requirement of a State or political subdivision or Indian tribe, may apply to the Secretary, in accordance with regulations prescribed by the Secretary, for a determination of whether that requirement is preempted by [the preemption provisions of the HMTA].

49 App. U.S.C. § 1811(c).

This provision codified, and amended, RSPA's prior practice in considering applications for preemption determinations.

The HMTA standing test is that a person be "directly affected" in order to apply for a preemption determination. Therefore, to resolve the issue of whether a party has met the standing requirement, it must be determined if the party will benefit by having the issues presented in its petition resolved because it is "directly affected" by the non-Federal requirement. In the past, RSPA has liberally construed the threshold requirements for obtaining inconsistency rulings. IR–32, 55 FR 36736 (Sept. 6, 1990); IR–21, 52 FR 37072 (Oct. 2, 1987). RSPA interprets "directly affected" person broadly because "important preemption issues [are raised] under the HMTA, and all parties engaged in hazardous materials transportation or the regulation of that transportation will be served by RSPA's addressing [preemption] issues." IR–32, 55 FR at 36741.

Furthermore, Congress made a number of findings regarding the transportation of hazardous materials

(which includes hazardous wastes) when it enacted the 1990 amendments to the HMTA. In explaining its rationale for the amendments, Congress stated:

> (3) many States and localities have enacted laws and regulations which vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding *shippers* and *carriers* which attempt to comply with multiple and conflicting * * * regulatory requirements.

49 App. U.S.C. 1801 (emphasis added).

The HMTA was enacted and amended, in part, to promote national uniformity of hazardous materials transportation regulation, a uniformity that benefits the Nation as a whole, including shippers and carriers. IEPA challenges CWTI's standing to bring the petition because CWTI does not represent the generators responsible for completing the IEPA Uniform Hazardous Waste Manifest. However, CWTI is an association with constituent members who specialize in the transportation of hazardous wastes and are required to have a Uniform Hazardous Waste Manifest accompany their shipments. Consequently, if CWTI's members do not comply with the IEPA Uniform Hazardous Waste Manifest requirements, they are subject to State enforcement action and to delays of their shipments. Thus, CWTI's members are "directly affected" by the Uniform Hazardous Waste Manifest system, and CWTI has standing to apply for this preemption determination.

B. "Covered Subject" Test

The HMTA specifically preempts non-Federal requirements pertaining to five vital areas of hazardous materials transportation where Congress deemed national uniformity to be critical to the achievement and execution of the HMTA and the HMR. If an area is one of five "covered subjects," a strict standard, whether the non-Federal requirement is "substantively the same as" the Federal requirement, is applied in order to determine if there is preemption under the HMTA. "Substantively the same as" means that the non-Federal requirement conforms in every significant respect to the Federal requirement. Editorial and other *de minimis* changes are permissible. 49 CFR 107.202(a); 57 FR 20424, 20425 (May 13, 1992).

The 1990 amendments to the HMTA strengthened Federal preemption of certain "covered subjects." Congress selected five distinct "covered subjects" because Congress recognized the need for Federal primacy in areas deemed to be " critical to the safe and efficient transportation of hazardous materials." H.R. Rep. No. 444, 101st Cong., 2d Sess. 1 (1990). Congress further explained its rationale for the 1990 amendments to the HMTA, which amendments included broad Federal preemption of requirements concerning "covered subjects," by stating that:

> (4) because of the potential risks to life, property, and the environment posed by the unintentional releases of hazardous materials, consistency in laws and regulations governing the transportation of hazardous materials is necessary and desirable,
>
> (5) in order to achieve greater uniformity and to promote the public health, welfare and safety at all levels, Federal standards for regulating the transportation of hazardous materials in intrastate, interstate and foreign commerce are necessary.

49 App. U.S.C. 1801.

One "covered subject" specifically selected by Congress for broad preemption under the HMTA and the HMR is the "preparation, execution and use of shipping documents * * *." 49 App. U.S.C. 1804(a)(4)(B)(iii); 49 CFR 107.202(a)(3). In selecting shipping documents as a "covered subject", it was recognized by Congress that:

> * * * shipping documents are the most common documents used in the transportation of hazardous materials. The Committee [on Energy and Commerce] believes consistency in all aspects of such documents will promote more precise and easier identification of any hazardous material, improve systems for handling hazardous materials, and enhance capabilities for dealing with emergencies associated with the transportation of hazardous materials.

H.R. Rep. No. 444, 101st Cong., 2d Sess. 1 (1990).

RSPA had determined, prior to the 1990 amendments to the HMTA, that national uniformity with regard to hazardous wastes shipping papers was necessary for the safe transport of hazardous materials. In issuing IR–4, RSPA determined that a State of Washington requirement that hazardous materials shipping papers be red in color or have a red border, was inconsistent with the HMTA, and consequently preempted under the HMTA. 47 FR 1231 (Jan 11, 1982). RSPA, in issuing its ruling, stated that, "shipping paper requirements [are] the type of requirements for which national uniformity is essential * * *." 47 FR at 1233.

Although the HMTA does not define "shipping document," "the terms 'shipping document' and 'shipping paper' are used interchangeably" in describing the parameters of this "covered subject." *Colorado Pub. Util. Comm'n* v. *Harmon*, 951 F.2d at 1577.

The HMR has regulated shipping documents by specifically addressing the format and contents of shipping papers, particularly hazardous material manifests. With specific regard to Federal regulation of hazardous waste transportation, 49 CFR 171.3(c)(3) provides that:

> * * * any requirement of a state or its political subdivision is inconsistent with [the HMR] if it applies because that material is a waste material and applies differently from or in addition to the requirements of this subchapter concerning: * * * (3) *Format or contents of shipping papers, including hazardous waste manifests.* (Emphasis added).

Therefore, CWTI is correct in its assertion that the IEPA Uniform Hazardous Waste Manifest is a "covered subject," pursuant to 49 CFR 107.202(a).

As discussed above, the HMR, in conjunction with EPA's regulations, regulate the area of hazardous waste manifests. The IEPA has differentiated its hazardous waste manifest requirements from the Federal requirements in two particular areas. First, IEPA requires the preparer of the IEPA Uniform Hazardous Waste Manifest to use a second manifest form when the first manifest does not provide adequate room for the completion of the DOT description or other additional information. IEPA's requirement to use a second manifest form is in direct opposition to the Federal requirement that EPA Form 8700–22A, the continuation sheet, be used when additional space is needed to complete the requisite information for the transport of hazardous materials. Compare 40 CFR 260.20(a); 40 CFR part 262, appendix; 49 CFR 172.201(c), 172.205(a), and 172.205(b).

Second, IEPA's requirements instruct the preparer of the IEPA Uniform Hazardous Waste Manifest to enter the total quantity of each hazardous waste described on the Manifest into item 13 in a different manner than the HMR. IEPA's Uniform Hazardous Waste Manifest directs the preparer to "round to the nearest whole number, do not use decimals or fractions" when entering the quantity. As previously discussed, the HMR regulate the acceptable form of the informational items required on the Federal Uniform Hazardous Waste Manifest. The HMR require that the Federal Uniform Hazardous Waste Manifest and any necessary continuation sheets be completed in accordance with the EPA's regulations for the proper completion of the Federal Uniform Hazardous Waste Manifest. 49 CFR 172.205(b). EPA's regulations require the preparer of the Federal Uniform Hazardous Waste Manifest to

enter into item number 13 the *total* quantity of hazardous wastes described on the manifest. 40 CFR 262.20(a), part 262, appendix. IEPA's prohibition against the use of decimals or fractions in reporting the total quantity of hazardous wastes being transported resulting in the rounding of the quantities to the nearest whole number diverges from the Federal requirement that the total quantity of hazardous waste be recorded on the Federal Uniform Hazardous Waste Manifest. In some cases, the difference could be significant, e.g., rounding down "4.4 tons (T)" to "4 tons."

IEPA's Uniform Hazardous Waste Manifest is not deemed to be "substantively the same" as the Federal Uniform Hazardous Waste Manifest because IEPA's diverging requirements are not *de minimis* and they are not mere editorial changes. Rather, the distinctions IEPA adopted for its Uniform Hazardous Waste Manifest significantly alter the information supplied on the manifest, as well as the format of the manifest itself. IEPA characterizes its requirements as "more restrictive than the Federal rules" and the IHWMCG acknowledges that the IEPA requirements serve as "more stringent criteria" than the Federal standards applicable to the Federal Uniform Hazardous Waste Manifest. Thus, the IEPA Uniform Hazardous Manifest, as a "covered subject" fails to meet the strict standard of being "substantively the same as" the HMR. Consequently, the IEPA Uniform Hazardous Waste Manifest is preempted by the HMTA under 49 App. U.S.C. 1811(a)(3).

C. "Otherwise Authorized by Federal Law"

IEPA and IHWMCG argue that IEPA's requirement of a second IEPA Uniform Hazardous Waste Manifest, as opposed to a continuation sheet, for a single shipment of hazardous wastes, is an improvement of the Federal manifest system and reflects IEPA's interpretation of basic Federal guidelines. Furthermore, these commenters contend the IEPA's prohibition against the use of continuation sheets is part of the EPA-approved State of Illinois hazardous waste program under RCRA. The commenters assert that the IEPA Uniform Hazardous Waste Manifest, therefore, is not preempted under the HMTA because it is "otherwise authorized" by Federal law. 49 App. U.S.C. 1811(a).

EPA is authorized, pursuant to RCRA, to approve State hazardous waste programs which are "consistent with Federal or State programs in other States * * *." 42 U.S.C. 6926. However, the standards applicable to the transportation of hazardous waste must be coordinated with the Secretary of Transportation. 42 U.S.C. 6923(a). In fact, EPA regulations concerning compliance with a hazardous waste manifest system must be promulgated by EPA after consultation with the Secretary of Transportation. 42 U.S.C. 6923(a)(3). RCRA specifically states that "in case of any hazardous waste identified or listed in this subtitle [42 U.S.C. 6921 *et seq.*] which is subject to the Hazardous Materials Transportation Act, the regulations * * * under this section shall be consistent with [the HMTA and the HMR]." 42 U.S.C. 6923(b). Furthermore, if a State's EPA-approved hazardous waste program contains requirements that are beyond the scope of those required by Federal law, the additional State requirements are not part of the Federally approved program. 40 CFR 271.1(i)(2).

EPA acknowledged, in final authorization of California's hazardous waste program, that EPA is empowered to approve a State hazardous waste program; however, EPA "does not believe that it is appropriate to use the authorization process [for State hazardous waste programs] to make the specific determinations of inconsistency where DOT has established procedures * * *." 57 FR 32726, 32727 (July 23, 1992).

Furthermore, EPA stated that "a regulation preempted by any other Federal law is invalid." 57 FR at 32728. In the instant case, the applicable Federal law that does preempt a local requirement is the HMTA.

Furthermore, in a detailed analysis of the far-reaching preemptive effect of the HMTA, RSPA recently issued PD–1. There RSPA concluded that States' requirements for the posting of a monetary bond as a condition for the issuance of a State permit to carry hazardous waste were not "otherwise authorized by Federal law." PD–1, 57 FR 58848, (Dec. 11, 1992). RSPA reached this conclusion even where there was no similar Federal counterpart requiring the posting of a monetary bond and where EPA had approved the States' hazardous waste programs. PD–1 also established that if a State chooses to require additional coverage, beyond what RCRA requires, as part of the State's hazardous waste program, the additional State requirements, beyond the scope of the applicable Federal requirements, are not included in the EPA approval of the State hazardous waste program.

Therefore, neither of the IEPA requirements, to utilize a second Uniform Hazardous Waste Manifest in lieu of a continuation sheet and to "round up" quantities of hazardous wastes, is "otherwise authorized by Federal law" within the meaning of 49 App. U.S.C. 1811(a).

D. "Dual Compliance" and "Obstacle" Tests

As discussed above, the IEPA Uniform Hazardous Waste Manifest, as a "covered subject", does deviate from the Federal Uniform Hazardous Waste Manifest in a non-*de minimis* fashion. Furthermore, the IEPA Uniform Hazardous Waste Manifest is not "otherwise authorized" by Federal law and, is thus preempted under the HMTA. Consequently, it is not necessary to determine whether the IEPA Uniform Hazardous Waste Manifest fails the HMTA's "dual compliance" and "obstacle" preemption tests.

V. Ruling

For the reasons set forth above, RSPA finds that, to the extent that they impose non-Federal Uniform Hazardous Waste Manifest requirements upon parties offering for transportation or transporting hazardous wastes, IEPA's Uniform Hazardous Waste Manifest, EPA Form 8799–22/IL.532.0610, and its accompanying requirements, are preempted by 49 App. U.S.C. 1811(a)(2). Specifically, IEPA's prohibition against the use of continuation sheets and IEPA's prohibition against the use of decimals or fractions in reporting the total quantity of hazardous wastes being transported are preempted under the HMTA because that manifest is a "covered subject" which is not "substantively the same as" the Federal Uniform Hazardous Waste Manifest, and it is not "otherwise authorized" by Federal law.

VI. Petition for Reconsideration/ Judicial Review

In accordance with 49 CFR 107.211(a), "[a]ny person aggrieved" by RSPA's decision on CWTI's petition may file a petition for reconsideration within 20 days of service of this decision. Any party to this proceeding may seek review of RSPA's decision "by the appropriate district court of the United States * * * within 60 days after such decision becomes final." 49 App. U.S.C. 1811(e).

This decision will become RSPA's final decision 20 days after service if no petition for reconsideration of this decision is final within that time. The filing of a petition for reconsideration is

not a prerequisite to seeking judicial review of this decision under 49 App. U.S.C. 1811(e).

If a petition for reconsideration of this decision is filed within 20 days of service, the action by RSPA's Associate Administrator for Hazardous Materials Safety on the petition for reconsideration will be RSPA's final decision. 49 CFR 107.211(d).

Issued in Washington, DC on February 5 1993.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety

[FR Doc. 93–4130 Filed 2–22–93; 8:45 am]

BILLING CODE [illegible]

VOL 58 ISS 34 FE 23 1993 UMI

Reader Aids

Federal Register

Vol. 58, No. 34

Tuesday, February 23, 1993

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection desk	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

6601–6678	1
6679–6874	2
6875–7046	3
7047–7184	4
7185–7476	5
7477–7714	8
7715–7860	9
7861–7952	10
7953–8200	11
8201–8516	12
8517–8690	16
8691–8892	17
8893–9106	18
9107–9516	19
9517–10936	22
10937–11184	23

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive orders:
12837 8205
12838 8207
12839 8515
12860 (Revoked by EO 12836) 7045
12818 (Revoked by EO 12836) 7045
12836 7045

Administrative Orders:

Memorandums:
January 22, 1993 7455
January 22, 1993 7457
January 22, 1993 7459
January 29, 1993 8201
February 3, 1993 8203

Proclamations:
6527 7477
6528 8691
6529 10937

5 CFR

Proposed Rules:
410 8912
970 7052

7 CFR

52 7607
301 ..... 8517, 8820, 11099
318 7953
319 8524
907 7964
908 7964
911 8533
915 ..... 7972, 8533
916 8534
918 8209
925 8893
927 8536
932 8538
948 8539
1097 8679
1099 8679
1106 8894
1209 8194
1477 9107
1478 9107

Proposed Rules:
52 7296
275 7298
283 7295
907 8912
908 8912
932 8558
1001 10893
1002 10893
1106 8559
1139 7996

9 CFR

161 8820

Proposed Rules:
317 8560
381 8560

10 CFR

19 7715
20 7715
30 7715
36 7715
40 7715
51 7715
70 7715
170 7715
456 9424

Proposed Rules:
20 8560
30 6730
40 6730
50 ..... 6730, 7757
70 6730
72 6730
150 9552

11 CFR

201 6875

12 CFR

203 6601
207 6602
208 7973
220 6602
221 6602
224 6602
225 7973
268 9517
303 8210
325 8220
607 10939
611 ..... 6604, 10945
612 6605
615 10945
618 10939
625 10945
627 10945
796 6605
1605 8220

Proposed Rules:
205 8714
208 8097
225 8097
Ch. III 6903
900 8563

13 CFR

121 ..... 7479, 9112, 9113

Proposed Rules:
121 9131

14 CFR

21 8222

23.....8222
33.....6875
39.....6703–6707, 6877–6881, 7185, 7479–7482, 7737, 7861, 7862, 7962, 7963, 8224, 8693, 9113–9115, 9117
71.....6709, 6884–6886, 7179, 7484, 7738, 8896
73.....6884
95.....6887
97.....6709, 6712, 7485, 7746, 10945, 10947

Proposed Rules:
Ch. I.....8244, 8719
23.....10994
39.....6740, 6742, 6743, 6745, 6746, 6906, 7196, 7494, 7495, 7759, 8719, 8721, 8723, 8914, 8916, 9131, 9133, 9552
61.....7197, 9514
63.....7197
65.....7197
71.....6911, 8244, 8724, 8725, 9134
93.....7950
121.....7197, 8917
129.....8917
135.....7197
142.....9514
300.....7040
399.....7053

15 CFR

Proposed Rules:
1200.....8564

16 CFR

4.....7047

Proposed Rules:
Ch. II...8013, 8016, 8020, 8023
305.....7852
307.....10997
1210.....8565

17 CFR

1.....10949
4.....8226
30.....10953
140.....6677
145.....7040
150.....6854
200.....8541
270.....7984

Proposed Rules:
1.....6748, 7056
3.....6748
10.....6748
145.....6748

18 CFR

3c.....7486
154.....7984
157.....6893
365.....8897
381.....7488, 8897
385.....7984

19 CFR

Proposed Rules:
10.....6677

20 CFR

416.....9597

21 CFR

73.....9539
177.....8820
520.....7864, 8541
522.....8542
1308.....7186

23 CFR

140.....6713

Proposed Rules:
625.....6914

24 CFR

207.....9541
770.....8186
882.....8186
889.....8186
890.....8186
941.....8186

Proposed Rules:
770.....8187
882.....8187
889.....8187
890.....8187
941.....8187

25 CFR

501.....8449
515.....8449
519.....8449
522.....8449
523.....8449
524.....8449
531.....8449
533.....8449
535.....8449
537.....8449
539.....8449
556.....8449
558.....8449
571.....8449
573.....8449
575.....8449
577.....8449

26 CFR

1.....6678, 7041, 7296, 7747, 7865, 7987, 7988, 8098, 9245, 11099
602.....6678, 7987, 7988, 9245

Proposed Rules:
1.....6854, 6922, 6923, 7179, 7497, 7845, 8027, 9553, 9597, 10997
26.....6854, 7497
31.....8726
52.....8099
301.....6854, 7497, 7761, 8098, 9597

27 CFR

Proposed Rules:
9.....8726

29 CFR

2616.....6605
2617.....6605
2619.....8230
2676.....8231

Proposed Rules:
103.....7199, 10997
402.....9418
403.....9418
2619.....7921
2676.....7921

30 CFR

77.....8543
218.....8907
254.....7489
701.....8655
785.....8655

Proposed Rules:
14.....8028
18.....8028
75.....8028, 9554
870.....7761, 8655

31 CFR

103.....7047

Proposed Rules:
357.....9134

32 CFR

201.....7865
592.....6715
606.....6715
608.....6715
612.....6715
616.....6715
706.....8694

33 CFR

1.....8884
3.....6716
100.....7492, 8543, 9118
110.....9543
117.....6717
150.....7330
154.....7330
155.....7376
165.....8543, 9543
334.....6718

Proposed Rules:
117.....6766, 6767, 7497, 7498
154.....8918
155.....8918
165.....7500
334.....6768

34 CFR

8.....7860
305.....9462
682.....9119

Proposed Rules:
300.....7938
361.....8688, 9458
608.....11158
609.....11158
628.....11162
770.....11166

36 CFR

Proposed Rules:
1191.....6924

37 CFR

301.....8655
304.....7051, 8820
311.....8655
201.....9544

38 CFR

1.....7296

Proposed Rules:
4.....11099

39 CFR

Proposed Rules:
111.....8921
3001.....6769

40 CFR

2.....7187
52.....6606, 8545, 10957–10982
58.....8252
60.....7189
82.....8136, 8820
86.....9468
122.....9404
123.....9404
168.....9062
169.....9062
180.....6893, 8695–8699
232.....8172
233.....8172
257.....9148
260.....8658
261.....6854
264.....8658
265.....8658
266.....6607
268.....8658
270.....8658
271.....6854, 7865, 8232, 8658, 9120
280.....9026
281.....6894
300.....7189, 7492
305.....7704
403.....9248
501.....9404
503.....9248
721.....7190

Proposed Rules:
Ch. I.....6609, 7501, 8565, 9554
51.....11110
52.....7762, 8245, 8247, 8565, 10998
54.....7870
81.....7762
112.....8824
144.....7924, 8028
180.....8728, 8729
191.....7924, 8028
194.....8029
228.....10999
260.....8102
261.....6925, 8102, 8504
262.....8102
264.....8102
265.....8102
268.....8102
270.....8102
273.....8102
372.....6609, 11002
700.....7646
720.....7661
721.....7676
723.....7646, 7679
763.....8926

41 CFR

302–11.....8547

42 CFR

59.....7462
435.....9120
436.....9120
440.....9120

Proposed Rules:
59.....7464
417.....8568
434.....8568
1003.....8568

43 CFR

Public Land Order:
6956.....6719

The authentic text behind the news

6957.....7867

44 CFR

64.....9121
65.....8551–8553
67.....8549
Proposed Rules:
67.....8568

45 CFR

303.....7040
1626.....6508
Proposed Rules:
1607.....6611
1609.....6612

46 CFR

525.....10983
530.....10983
571.....7190
586.....7988
Proposed Rules:
315.....9135
502.....7199
505.....7199
510.....7199
514.....7501
540.....7199

47 CFR

0.....9123
1.....6895, 8701, 9126
13.....9123
61.....7867, 8908
69.....7867, 8908, 9550
73.....7194, 7195, 7869, 8233–8235
76.....7990
Proposed Rules:
Ch. I.....6937, 7062, 8248, 8927, 8928
1.....8731
2.....6769, 8731
15.....6769, 7205
43.....7764
64.....9137
73.....6877, 7874, 7875, 8248
76.....7205, 7875
88.....8731
90.....8731
94.....8731

48 CFR

Ch. 20.....8449
552.....8235
701.....8701
706.....8701
716.....8701
719.....8701
726.....8701
733.....8701
752.....8701
925.....8909
952.....8909
Proposed Rules:
Ch. 53.....6771

49 CFR

1.....6896–6898
9.....6719
107.....10985
171.....6864, 10985
172.....6864, 8820
173.....6864
174.....6864
176.....6864
198.....10985
229.....6899
390.....6726
394.....6726
665.....10989
1002.....7748
1017.....7748
1018.....7748
1312.....7748
1313.....7748
1314.....7748
Proposed Rules:
40.....7197, 7506
199.....7197
213.....8928
217.....7197
219.....7197
350.....7197
382.....7197
383.....7197
391.....7197
392.....6937, 7197
395.....6937, 7197
531.....6939
571.....7206, 7506, 11003, 11009
572.....7506
611.....6946
653.....7197
654.....7197
1039.....8030
1056.....6912
1180.....6612

50 CFR

17.....8235
217.....8554
227.....8554
611.....8703
625.....8557
642.....10990
650.....7040
675.....7040, 8703–8712, 9129
Proposed Rules:
17.....8032, 8249, 8250
226.....7206
391.....9138
663.....7525
672.....8677

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last List February 11, 1993

ELECTRONIC BULLETIN BOARD

Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

VOL
58
ISS
34
FE
23
993
UMI

The authentic text behind the news . . .

The Weekly Compilation of **Presidential Documents**

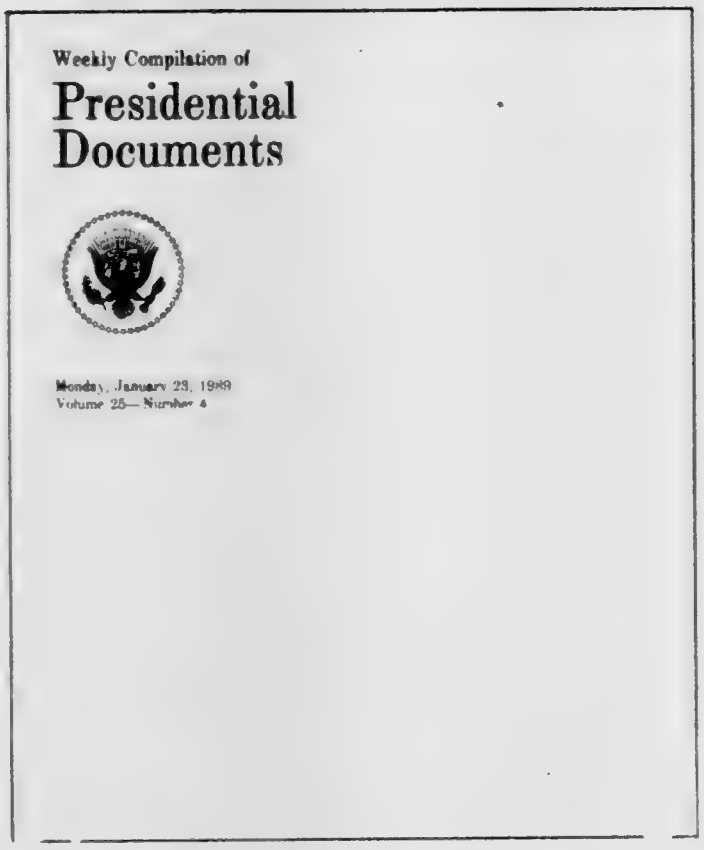

This unique service provides up-to-date information on Presidential policies and announcements. It contains the full text of the President's public speeches, statements, messages to Congress, news conferences, personnel appointments and nominations, and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. Each issue contains an Index of Contents and a Cumulative Index to Prior Issues.

Separate indexes are published periodically. Other features include lists of acts approved by the President, nominations submitted to the Senate, a checklist of White House press releases, and a digest of other Presidential activities and White House announcements.

Published by the Office of the Federal Register, National Archives and Records Administration.

Superintendent of Documents Subscriptions Order Form

Order Processing Code
*6466

Charge your order. It's easy! MasterCard VISA

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please enter my subscription for one year to the **WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS (PD)** so I can keep up to date on Presidential activities.

☐ $96.00 First Class ☐ $58.00 Regular Mail

1. The total cost of my order is $_____ All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____) _____
(Daytime phone including area code)

3. **Please choose method of payment:**
☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____ ***Thank you for your order!***
(Credit card expiration date)

_____
(Signature) (Rev. 1/89)

4. **Mail To: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954**

Public Laws

103d Congress, 1st Session, 1993

Pamphlet prints of public laws, often referred to as slip laws, are the initial publication of Federal laws upon enactment and are printed as soon as possible after approval by the President. Legislative history references appear on each law. Subscription service includes all public laws, issued irregularly upon enactment, for the 103d Congress, 1st Session, 1993.

(Individual laws also may be purchased from the Superintendent of Documents, Washington, DC 20402-9328. Prices vary. See Reader Aids Section of the Federal Register for announcements of newly enacted laws and prices).

Superintendent of Documents **Subscriptions** Order Form

Order Processing Code:
* 6216

S3

Charge your order.
It's Easy!

VISA

To fax your orders (202) 512-2233

☐ **YES**, enter my subscription(s) as follows:

_____ subscriptions to **PUBLIC LAWS** for the 103d Congress, 1st Session, 1993 for $156 per subscription.

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

_____
(Company or Personal Name) (Please type or print)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

_____
(Daytime phone including area code)

_____
(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐ (Credit card expiration date)

Thank you for your order!

_____
(Authorizing Signature) (1/93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

New Publication

List of CFR Sections Affected

1973-1985

A Research Guide

These four volumes contain a compilation of the "List of CFR Sections Affected (LSA)" for the years 1973 through 1985. Reference to these tables will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Volume I (Titles 1 thru 16) $27.00
Stock Number 069-000-00029-1

Volume II (Titles 17 thru 27) $25.00
Stock Number 069-000-00030-4

Volume III (Titles 28 thru 41) $28.00
Stock Number 069-000-00031-2

Volume IV (Titles 42 thru 50) $25.00
Stock Number 069-000-00032-1

Superintendent of Documents **Publications** Order Form

Order Processing Code:
***6962**

Charge your order. It's easy! MasterCard VISA

To fax your orders and inquiries–(202) 512-2250

Please Type or Print (Form is aligned for typewriter use.)

Prices include regular domestic postage and handling and are good through 12/92. After this date, please call Order and Information Desk at 202-783-3238 to verify prices. International customers please add 25%.

Qty.	Stock Number	Title	Price Each	Total Price
1	021-602-00001-9	Catalog–Bestselling Government Books	**FREE**	**FREE**

Total for Publications

(Company or personal name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

( )
(Daytime phone including area code)

Mail order to:
New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

Please Choose Method of Payment:

☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐☐–☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

(Credit card expiration date) ***Thank you for your order!***

(Signature)

Rev 6-92

Microfiche Editions Available...

Federal Register

The Federal Register is published daily in 24x microfiche format and mailed to subscribers the following day via first class mail. As part of a microfiche Federal Register subscription, the LSA (List of CFR Sections Affected) and the Cumulative Federal Register Index are mailed monthly.

Code of Federal Regulations

The Code of Federal Regulations, comprising approximately 200 volumes and revised at least once a year on a quarterly basis, is published in 24x microfiche format and the current year's volumes are mailed to subscribers as issued.

Microfiche Subscription Prices:

Federal Register:

One year: $353.00
Six months: $176.50

Code of Federal Regulations:

Current year (as issued): $223.00

Superintendent of Documents Subscriptions Order Form

Order Processing Code
*** 5348**

Charge your order. It's easy!

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please send me the following indicated subscriptions:

24x MICROFICHE FORMAT:

_____ **Federal Register:** _____ One year: $353.00 _____ Six months: $176.50

_____ **Code of Federal Regulations:** _____ One year: $223.00

1. The total cost of my order is $_____ . All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____) _____
(Daytime phone including area code)

3. **Please choose method of payment:**

☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐ - ☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

4. **Mail To:** Superintendent of Documents, Government Printing Office, Washington, D.C. 20402-9371

(Rev. 10/92)

VOL
58
SS
34
FE
23
993
UMI

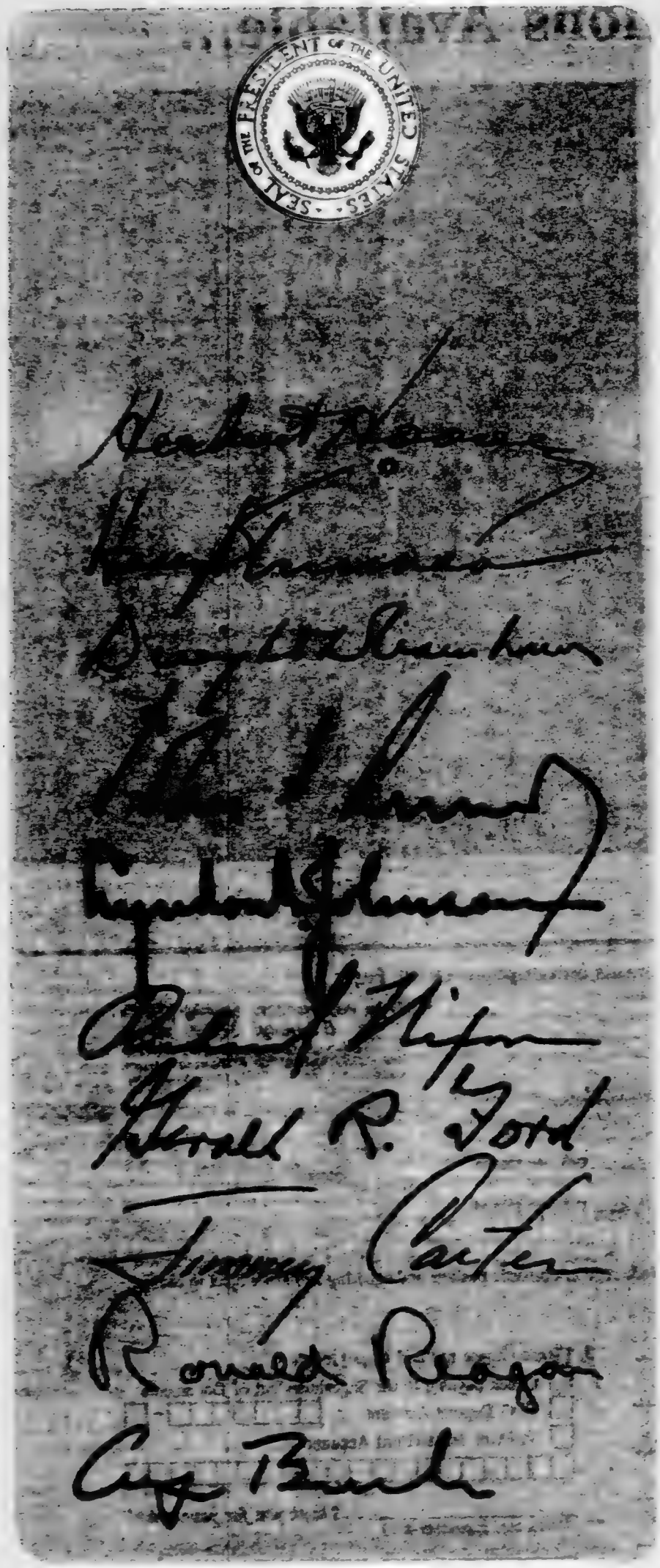

Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are available; other volumes not listed are out of print.

Ronald Reagan

1983
(Book I) $31.00

1983
(Book II) $32.00

1984
(Book I) $36.00

1984
(Book II) $36.00

1985
(Book I) $34.00

1985
(Book II) $30.00

1986
(Book I) $37.00

1986
(Book II) $35.00

1987
(Book I) $33.00

1987
(Book II) $35.00

1988
(Book I) $39.00

1988–89
(Book II) $36.00

George Bush

1989
(Book I) $38.00

1989
(Book II) $40.00

1990
(Book I) $41.00

1990
(Book II) $41.00

1991
(Book I) $41.00

1991
(Book II) $44.00

Published by the Office of the Federal Register, National Archives and Records Administration

Mail order to:
New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250–7954

VOL
58

ISS
34

FE
23

1993

UMI

Printed on recycled paper

VOL
58

ISS
35

FE
24

1993

UMI

U·M·I

THE PAPER AND INK USED IN THE ORIGINAL MATERIAL AFFECT THE QUALITY OF THE MICRO-EDITION. THIS REPRODUCTION IS MADE FROM THE BEST COPY AVAILABLE.

2–24–93
Vol. 58

United
Govern
Printing
SUPERINTEN
OF DOCUME
Washington,

OFFICIAL BU
Penalty for p

2–24–93
Vol. 58 No. 35

Federal Register

Wednesday
February 24, 1993

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 93 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
58
ISS
35
FE
24
1993
UMI

2-24-93
Vol. 58
Pages 111

2–24–93
Vol. 58 No. 35
Pages 11165–11360

federal register

Wednesday
February 24, 1993

Briefings on How To Use the Federal Register
For information on briefings in New York, NY, and Los Angeles, CA, see announcement on the inside cover of this issue.

VOL 58 ISS 35 FE 24 1993 UMI

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche format and magnetic tape. The annual subscription price for the **Federal Register** paper edition is $375, or $415 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $353; and magnetic tape is $37,500. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $4.50 for each issue, or $4.50 for each group of pages as actually bound; or $1.50 for each issue in microfiche form; or $175.00 per magnetic tape. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 58 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	202–783–3238
Magnetic tapes	512–1530
Problems with public subscriptions	512–2303
Single copies/back copies:	
Paper or fiche	783–3238
Magnetic tapes	512–1530
Problems with public single copies	512–2457
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	523–5243
Magnetic tapes	512–1530
Problems with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

NEW YORK, NY

WHEN: March 26, at 12:30 pm
WHERE: 26 Federal Plaza
Conference Room 305C
New York, NY
RESERVATIONS: Federal Information Center
1–800–347–1997

LOS ANGELES, CA

WHEN: March 31, at 9:00 am
WHERE: 300 North Los Angeles Street
Conference Room 8041
Los Angeles, CA
RESERVATIONS: Federal Information Center
1–800–726–4995

Printed on recycled paper containing 100% post consumer waste

Cont

Agricultur
RULES
Fruit, vege
and ce

Agricultur
NOTICES
Feed grain
Fort Ber

Agricultur
See Agricu
See Agricu
See Comm

Alcohol, T
PROPOSED
Alcohol; v
Spring M
Correc

Architectu
Board
NOTICES
Meetings,

Army Depa
See Engine
NOTICES
Meetings:
Science

Centers fo
NOTICES
Meetings:
National

Civil Right
NOTICES
Meetings; S
Tennesse

Coast Gua
RULES
Deepwater
Administ
Drawbridge
Louisiana
NOTICES
Meetings:
Merchant
Navigatio

Commerce
See Foreign
See Interna
See Nationa
See Nationa

Committee
NOTICES
Cotton, woo
Bahrain,

Contents

Federal Register
Vol. 58, No. 35
Wednesday, February 24, 1993

Agricultural Marketing Service
RULES
Fruit, vegetables, and other products, processed; inspection and certification; fee schedules, 11185

Agricultural Stabilization and Conservation Service
NOTICES
Feed grain donations:
Fort Berthold Indian Reservation, ND, 11207

Agriculture Department
See Agricultural Marketing Service
See Agricultural Stabilization and Conservation Service
See Commodity Credit Corporation

Alcohol, Tobacco and Firearms Bureau
PROPOSED RULES
Alcohol; viticultural area designation:
Spring Mountain, CA
Correction, 11290

Architectural and Transportation Barriers Compliance Board
NOTICES
Meetings, 11207

Army Department
See Engineers Corps
NOTICES
Meetings:
Science Board, 11221

Centers for Disease Control and Prevention
NOTICES
Meetings:
National Center for Environmental Health, 11238

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
Tennessee, 11207

Coast Guard
RULES
Deepwater ports:
Administrative rules, 11193
Drawbridge operations:
Louisiana, 11192
NOTICES
Meetings:
Merchant Marine Personnel Advisory Committee, 11286
Navigation Safety Advisory Council, 11286

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Bahrain, 11219
Bulgaria, 11220

Commodity Credit Corporation
NOTICES
Feed grain donations:
Fort Berthold Indian Reservation, ND, 11207

Commodity Futures Trading Commission
NOTICES
Meetings:
Financial Products Advisory Committee, 11220

Defense Department
See Army Department
See Engineers Corps
See Navy Department

Employment and Training Administration
NOTICES
Adjustment assistance:
Arkla Exploration Co., 11249
Eastman Teleco, 11250
Sundor Brands, Inc., 11250
Valley Dress Manufacturing Co. et al.; correction, 11250
Welchem, Inc., 11250

Energy Department
See Energy Research Office
See Federal Energy Regulatory Commission
NOTICES
Grant and cooperative agreement awards:
University of—
California, 11221

Energy Research Office
NOTICES
Grants and cooperative agreements; availability, etc.:
Special research program—
Molecular biological techniques in ocean margins system, 11221

Engineers Corps
NOTICES
Meetings:
Coastal Engineering Research Board, 11221

Environmental Protection Agency
PROPOSED RULES
Air pollutants, hazardous; national emission standards:
Synthetic organic chemical manufacturing industry end seven other progresses, 11201
Air pollution control; new motor vehicles and engines:
Federal emission test procedure review; public workshop, 11202
Air quality implementation plans; approval and promulgation; various States:
Indiana, 11200
NOTICES
Committees; establishment, renewal, termination, etc.:
FIFRA Scientific Advisory Panel, 11229
Pesticide registration, cancellation, etc.:
Rigo benomyl systematic fungicide, etc., 11232

Pesticides; emergency exemptions, etc.:
Benomyl, 11234
Pesticides; temporary tolerances:
Fenbuconazole, 11233

Farm Credit Administration
NOTICES
Meetings; Sunshine Act, 11289

Federal Aviation Administration
RULES
Airworthiness directives:
Airbus Industrie, 11186
Beech, 11188
Boeing, 11190

Federal Communications Commission
RULES
Common carrier services:
Filing and review of open network architecture plans, 11195
Radio stations; table of assignments:
Indiana, 11197
Louisiana, 11196
Minnesota, 11197
Texas, 11196
PROPOSED RULES
Common carrier services:
Access charges—
Interstate access tariff and revenue distribution processes, 11203
Radio stations; table of assignments:
Missouri, 11204
New York, 11204
Oregon, 11205
Virginia, 11205
Wyoming, 11206

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
Connecticut et al., 11193
NOTICES
Disaster and emergency areas:
Arizona, 11235
California, 11235
Louisiana, 11235

Federal Energy Regulatory Commission
NOTICES
Electric rate, small power production, and interlocking directorate filings, etc :
Western Resources, Inc., et al., 11223
Hydroelectric applications, 11224, 11225
Applications, hearings, determinations, etc.:
CNG Transmission Corp., 11226
Equitrans, Inc., 11226
Mid Louisiana Gas Co., 11227
Natural Gas Processing Co. et al., 11227
Panhandle Eastern Pipe Line Co., 11227
Texas Eastern Transmission Corp., 11228
Texas Gas Transmission Corp., 11228
Transcontinental Gas Pipe Line Corp., 11228

Federal Financial Institutions Examination Council
NOTICES
Northern Mariana Islands; State appraiser certification and licensure requirements; temporary waiver, 11235

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Erie County, NY, 11287

Federal Maritime Commission
NOTICES
Agreements filed, etc., 11237, 11238

Fish and Wildlife Service
NOTICES
Endangered and threatened species permit applications, 11243

Food and Drug Administration
NOTICES
Meetings:
Advisory committees, panels, etc., 11238

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Washington—
Toray Composites (America), Inc.; carbon fiber composite materials manufacturing plant, 11208

Health and Human Services Department
See Centers for Disease Control and Prevention
See Food and Drug Administration
See National Institutes of Health
See Public Health Service
See Social Security Administration

Health Resources and Services Administration
See Public Health Service

Housing and Urban Development Department
PROPOSED RULES
Public and Indian housing:
Certificate and voucher programs; conforming rules, 11292

Immigration and Naturalization Service
NOTICES
Naturalization applications; English language, American history, and civics; standardized test, 11248

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See National Park Service

Internal Revenue Service
PROPOSED RULES
Income taxes:
Qualified business unit; change to dollar approximate separate transactions accounting method
Correction, 11290

International Trade Administration
NOTICES
Antidumping:
Acetylsalicylic acid from Turkey, 11208
Television receivers, monochrome and color, from Japan, 11211
Scope rulings; list, 11209
United States-Canada Free-Trade Agreement; binational panel reviews and extraordinary challenge committees; candidate list applications, 11210

VOL 58 ISS 35 FE 24 1993 UMI

International Trade Commission
NOTICES
Import investigations:
Integrated circuit telecommunication chips and products containing same, including dialing apparatus, 11244
Stainless steel butt-weld pipe fittings from Korea, 11245
Stainless steel flanges from India and Taiwan, 11245
Stainless steel wire rod from Brazil et al., 11245
Sulfanilic acid from Hungary and India, 11246
Sulfur dyes from China and United Kingdom, 11246
Welded stainless steel pipe from Malaysia, 11247

Justice Department
See Immigration and Naturalization Service
NOTICES
Agency information collection activities under OMB review, 11248

Labor Department
See Employment and Training Administration
See Pension and Welfare Benefits Administration
NOTICES
Agency information collection activities under OMB review, 11249

Land Management Bureau
NOTICES
Closure of public lands:
Oregon, 11242
Meetings:
Montrose District Grazing Advisory Board, 11242
Realty actions; sales, leases, etc.:
Arizona, 11242, 11243
Withdrawal and reservation of lands:
Colorado; correction, 11290

National Highway Traffic Safety Administration
NOTICES
Meetings:
Rulemaking, research, and enforcement programs, 11287

National Institute of Standards and Technology
NOTICES
Meetings:
Computer System Security and Privacy Advisory Board, 11210

National Institutes of Health
NOTICES
Meetings:
National Eye Institute, 11240
National Institute on Aging, 11239
Research Grants Division Behavioral and Neurosciences Special Emphasis Panel, 11240

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Atlantic surf clam and ocean quahog, 11198
Bering Sea and Aleutian Islands groundfish, 11199
Gulf of Mexico and South Atlantic coastal migratory pelagic resources, 11198
NOTICES
Environmental statements, availability, etc.:
Tilefish fishery, 11217

National Park Service
NOTICES
Concession contract negotiations:
Cape Cod National Seashore, MA, 11244

Navy Department
RULES
Navigation, COLREGS compliance exemptions:
USS Mississippi, 11191

Nuclear Regulatory Commission
RULES
Radiation protection standards:
Waste oil disposal by incineration; correction, 11290
NOTICES
Meetings:
Reactor Safeguards Advisory Committee, 11258
Reactor Safeguards Advisory Committee et al.
Proposed schedule, 11258
Applications, hearings, determinations, etc.:
Duke Power Co., 11260
Illinois Power Co. et al., 11264

Pension and Welfare Benefits Administration
NOTICES
Employee benefit plans; prohibited transaction exemptions:
Mid-Hudson Medical Group P.C. Profit Sharing Trust et al., 11251

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration
See National Institutes of Health
NOTICES
Meetings:
National Vaccine Advisory Committee, 11241

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., 11265
Boston Stock Exchange, Inc., 11267
Chicago Board Options Exchange, Inc., 11269
Cincinnati Stock Exchange, Inc., 11268
Midwest Stock Exchange, Inc., 11271
Municipal Securities Rulemaking Board, 11272, 11273
National Association of Securities Dealers, Inc., 11275
New York Stock Exchange, Inc., 11276, 11277
Pacific Stock Exchange, Inc., 11279
Philadelphia Stock Exchange, Inc., 11280
Applications, hearings, determinations, etc.:
MFS Lifetime Gold & Natural Resources Fund et al., 11282
Neuwirth Fund, Inc., 11283
PFL Life Insurance Co. et al., 11283
Siebel Capital Partners, Inc., 11285

Small Business Administration
NOTICES
Agency information collection activities under OMB review, 11286

Social Security Administration
NOTICES
Agency information collection activities under OMB review, 11241

VOL
58
ISS
35
FE
24
1993
UMI

State Department
NOTICES
Passport travel restrictions; U.S.:
Lebanon, 11286

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Thrift Supervision Office
RULES
Federal regulatory review
Correction, 11186
NOTICES
Applications, hearings, determinations, etc.:
Brevard Federal Savings & Loan Association, 11288
Guernsey Bank, a federal savings bank, 11288

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Highway Administration
See National Highway Traffic Safety Administration

Treasury Department
See Alcohol, Tobacco and Firearms Bureau
See Internal Revenue Service
See Thrift Supervision Office

Separate Parts In This Issue

Part II
Department of Housing and Urban Development, 11292

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

CFR PA

A cumulat
Reader Ai

7 CFR
52.....
10 CFR
20.....
12 CFR
506.....
509.....
516.....
528.....
541.....
543.....
545.....
552.....
556.....
558.....
559.....
561.....
563.....
563b.....
563e.....
567.....
571.....
579.....
580.....
14 CFR
39 (3 docu
24 CFR
Proposed R
813.....
882.....
887.....
982.....
26 CFR
Proposed R
1.....
27 CFR
Proposed R
9.....
32 CFR
706.....
33 CFR
117.....
148.....
40 CFR
Proposed R
52.....
63.....
86.....
44 CFR
64.....
47 CFR
64.....
73 (4 docu
Proposed R
69.....
73 (5 docu
50 CFR
642.....
652.....
675.....

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
52.....11185

10 CFR
20.....11290

12 CFR
506.....11186
509.....11186
516.....11186
528.....11186
541.....11186
543.....11186
545.....11186
552.....11186
556.....11186
558.....11186
559.....11186
561.....11186
563.....11186
563b.....11186
563e.....11186
567.....11186
571.....11186
579.....11186
580.....11186

14 CFR
39 (3 documents).....11186, 11188, 11190

24 CFR
Proposed Rules:
813.....11292
882.....11292
887.....11292
982.....11292

26 CFR
Proposed Rules:
1.....11290

27 CFR
Proposed Rules:
9.....11290

32 CFR
706.....11191

33 CFR
117.....11192
148.....11193

40 CFR
Proposed Rules:
52.....11200
63.....11201
86.....11202

44 CFR
64.....11193

47 CFR
64.....11195
73 (4 documents).....11196, 11197

Proposed Rules:
69.....11203
73 (5 documents).....11204, 11205, 11206

50 CFR
642.....11198
652.....11198
675.....11199

VOL
58
ISS
35
FE
24
1993
UMI

Rules

This section contains regulations applicability are keyed to Federal Register 50 titles published

The Code of the Superintendent new books REGISTER

DEPARTMENT

Agricultural

7 CFR Part

[FV–92–33

Processed Processed Certain Other Products

AGENCY: A USDA.

ACTION: Fi

SUMMARY: Regulations Certificati Vegetable by increas inspection vegetables The revisi recover th inspection Agricultu

EFFECTIVE

FOR FURTH

Mr. Raym Products Division, Service, U P.O. Box Building, Telephon

SUPPLEME

rule has b Order 122 Regulatio designate not result economy will be no prices to

[1] Among s the followin stockfeed; n (cane, beet, except from condiments

Rules and Regulations

Federal Register
Vol. 58, No. 35
Wednesday, February 24, 1993

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

[FV-92-330]

Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Certain Other Products [1] by increasing the fees charged for the inspection of processed fruits and vegetables and certain other products. The revision will adjust the fees to recover the costs of performing inspection services as authorized by the Agricultural Marketing Act of 1946.

EFFECTIVE DATE: February 24, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Raymondo O'Neal, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, room 0709 South Building, Washington, DC 20090-6456, Telephone (202) 720-5021.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been designated as a "nonmajor" rule. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices to consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not result in significant adverse effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The Administrator, Agricultural Marketing Service (AMS), has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Public Law 96-354 (5 U.S.C. 601).

The final rule reflects fee increases needed to recover the costs of services rendered in accordance with the Agricultural Marketing Act (AMA) of 1946. Furthermore, the inspection, grading and certification program for processed fruits and vegetables and related products is voluntary.

The AMA authorizes voluntary official inspection, grading, and certification on a user-fee basis, of processed food products including processed fruits, vegetables, and processed products made from them. The AMA provides that reasonable fees be collected from the user of the program services to cover as nearly as practicable the costs of services rendered. This final rule will amend the schedule for fees and charges for services rendered to the processed fruit and vegetable industry to reflect the costs currently associated with the program.

AMS regularly reviews these programs to determine if fees are adequate. Since the last fee change, June 18, 1991 (56 FR 27898), program operating costs have increased. The major contributing factor was a salary increase for Federal employees of 4.2 percent effective January 1, 1992. A projected salary increase of 3.7 percent is scheduled for January 1993.

Employee salary and fringe benefits are major program costs that account for approximately 85 percent of the total operating budget. In addition the following increases occurred in program operating expenses: (1) A 15.7-percent increase in the cost of support services during FY-91; (2) a projected inflationary cost increase of 3.3 percent for fiscal year 1993. The Agency has determined that due to the aforementioned increases in program operating costs, these programs will incur over a $750,000 loss in fiscal year 1993.

A notice of proposed rulemaking was published in the Federal Register (57 FR 52595) on November 4, 1992 with a thirty-day comment period. The comment period closed on December 4, 1992. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Agricultural Marketing Service. No comments were received regarding this proposed rule.

Pursuant to 5 U.S.C. 553, it is found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) These programs will incur over a $750,000 loss in fiscal year 1993; (2) this action should be made effective upon publication in the Federal Register so that fees will reflect the costs of services rendered as soon as possible; and (3) interested persons were afforded a thirty-day comment period and no comments were received

List of Subjects in 7 CFR Part 52

Food grades and standards, Food labeling, Frozen foods, Fruit juices, Fruits, Reporting and recordkeeping requirements, and Vegetables.

Accordingly, for the reasons set forth in the preamble, this final rule amends 7 CFR part 52 as follows:

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

1. The authority citation for 7 CFR part 52 continues to read as follows:

Authority: Agricultural Marketing Act of 1946, secs. 203, 205, 60 Stat. 1087 as amended, 1990 as amended (7 U.S.C. 1622 1624).

2. In § 52.42, the 1st sentence is revised to read as follows:

[1] Among such other processed food products are the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); syrups (blended), syrups, except from grain; tea; cocoa; coffee; spices; condiments.

VOL 58 ISS 35 FE 24 1993 UMI

§ 52.42 Schedule of fees.

Unless otherwise provided in a written agreement between the applicant and the Administrator, the fee for any inspection service performed under the regulations in this part shall be at the rate of $37.00 per hour plus one-half the hourly rate per hour for all scheduled overtime hours. * * *

3. In section 52.50, the 1st sentence is revised to read as follows:

§ 52.50 Travel and other expenses.

Charges may be made to cover the cost of travel time incurred in connection with the performance of any inspection service, including appeal inspections, at the rate of $37.00 per hour. * * *

§ 52.51 [Amended]

4. In section 52.51, paragraph (c)(1), the rate is changed from "$29.00" per hour to "$32.00" per hour. In paragraph (c)(2), the rate is changed from "$34.50" per hour to "$37.00" per hour and the rate of "$14.00" per hour is changed to "$20.00" per hour.

5. In section 52.51, paragraph (d)(1), the rate is changed from "$34.50" per hour [1] to "$37.00" per hour [1] and in paragraph (d)(2), the rate is changed from "$14.00" per hour to "$20.00" per hour.

Dated: February 18, 1993.

L.P. Massaro,

Acting Administrator.

[FR Doc. 93–4252 Filed 2–23–93; 8:45 am]

BILLING CODE 3410–02–M

[1] Except a minimum of 8 hours per day will be billed in lieu of a minimum of 40 hours a week.

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Parts 506, 509, 516, 528, 541, 543, 545, 552, 556, 558, 559, 561, 563, 563b, 563e, 567, 571, 579 and 580

[No. 92–503]

RIN 1550–AA60

Regulatory Review; Correction

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Final rule; correction.

SUMMARY: In the final rule document 93–720 which eliminated over-burdensome regulations that discourage economic growth, beginning on page 4308 of the issue of January 14, 1993, on page 4308, in the second column, the caption entitled "**DATES:**" should read "**EFFECTIVE DATE:**".

EFFECTIVE DATE: February 16, 1993.

FOR FURTHER INFORMATION CONTACT: Mary H. Gottlieb, Regulations and Legislation Division, Office of Thrift Supervision, (202) 906–7135.

Dated: February 18, 1993.

By the Office of Thrift Supervision.

Mary H. Gottlieb,

Federal Register Liaison Officer.

[FR Doc. 93–4187 Filed 2–23–93; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–NM–10–AD; Amendment 39–8499; AD 93–02–15]

Airworthiness Directives; Airbus Industrie Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Airbus Industrie Model A320 series airplanes. This action requires a revision to the FAA-approved Airplane Flight Manual (AFM); an inspection of certain terminal blocks, and replacement, if necessary; and tests of the autopilot, electrical generation, and electrical emergency generation systems following the replacement of any terminal block in those systems. This amendment is prompted by a report that certain terminal blocks may contain soldering defects in the terminal block liaison. The actions specified in this AD are intended to prevent failure of the airplane to respond to autopilot commands during autoland, inability to start the constant speed motor/generator, and disconnection of battery power during landing gear extension.

DATES: Effective on March 11, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 11, 1993.

Comments for inclusion in the Rules Docket must be received on or before April 26, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–10–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Holt, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2140; FAX (206) 227–1320.

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on certain Airbus Industrie Model A320 series airplanes. The DGAC advises that manufacturing defects in the soldering process of the terminal block liaison may exist on certain terminal blocks manufactured by Souriau. These defective terminal blocks were installed on Airbus Model A320 series airplanes during production. Results of an engineering analysis performed by Airbus Industrie have revealed that four terminal blocks of the affected type were installed in the electrical path of the autopilot system on these airplanes; two were installed in the electrical generation system. The defective terminal blocks were manufactured between the 29th week of 1991 (date code 9129) and the 49th week of 1991 (date code 9149).

Defective terminal blocks, if not detected and corrected, could result in significant consequences: If installed in the autopilot system, defective terminal blocks could result in failure of the airplane to respond to autopilot commands during autoland. If installed in the electrical generation system, defective terminal blocks could prevent start-up of the constant speed motor/generator or could disconnect battery power during landing gear extension, while under emergency electrical power.

Airbus Industrie has issued Model A320 Airplane Flight Manual (AFM) Temporary Revision 9.99.99/90, Issue 2, dated December 22, 1992, which describes procedures to restrict autoland and CAT 3 approaches to dual channel autopilot engagement only, until defective terminal blocks are replaced.

Airbus Industrie has also issued All Operator Telex (AOT) 24–02, Revision 1, dated December 23, 1992, that describes procedures for an inspection

of certain terminal blocks installed in the autopilot and the electrical generation systems to determine the date of manufacture, and replacement of terminal blocks having date codes between 9129 to 9149, inclusive. The AOT also describes procedures for tests of the autopilot, electrical generation, and electrical emergency generation systems following the replacement of any terminal block in those systems. The DGAC classified this AOT as mandatory and issued French Airworthiness Directive 92–271–039(B)R2, dated January 6, 1993, in order to assure the continued airworthiness of these airplanes in France.

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent failure of the airplane to respond to autopilot commands during autoland, inability to start the constant speed motor/generator, and disconnection of battery power during landing gear extension. This AD requires revising the Limitations Section of the FAA-approved AFM to restrict autoland and CAT 3 approaches to dual channel autopilot engagement only, until defective terminal blocks are replaced. This AD also requires an inspection of certain terminal blocks that have been installed in the autopilot and the emergency electrical generation systems to determine the date of manufacture, and replacement, if necessary; and tests of the autopilot, electrical generation, and electrical emergency generation systems following the replacement of any terminal block in those systems. The actions are required to be accomplished in accordance with the AOT and AFM Temporary Revision described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption "ADDRESSES." All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93–NM–10–AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93–02–15 Airbus Industrie: Amendment 39–8499. Docket 93–NM–10–AD.

Applicability: Model A320 series airplanes manufacturer's serial numbers (MSN) 263 to 384, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the failure of the airplane to respond to autopilot commands during autoland, the inability to start the constant speed motor/generator, and the disconnection of battery power during landing gear extension, accomplish the following:

(a) Within 100 hours time-in-service after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD, or a copy of Model A320 AFM Temporary Revision 9.99.99/90, Issue 2, dated December 22, 1992, in the AFM.

DUAL APs OPERATION IS MANDATORY FOR AUTOLAND AND CAT 3 APPROACHES AND IS RECOMMENDED FOR ILS APPROACHES UNTIL REPLACEMENT OF POSSIBLE DEFECTUOUS ELECTRICAL TERMINAL BLOCKS.

VOL 58 ISS 35 FE 24 1993 UMI

(b) Within 400 hours time-in-service after the effective date of this AD, inspect the terminal blocks installed in the autopilot and the electrical generation systems to determine the date of manufacture, in accordance with Airbus Industrie All Operator Telex 24–02, Revision 1, dated December 23, 1992.

(1) If no terminal block with a date code between 9129 and 9149, inclusive, is found, the restriction required by paragraph (a) of this AD may be removed from the AFM.

(2) If any terminal block with a date code between 9129 and 9149, inclusive, is found, prior to further flight, replace the defective terminal block with a terminal block having a date code that is not between 9129 and 9149, inclusive, and perform an operational test of the system in which the terminal block is located, in accordance with the AOT. Following accomplishment of these requirements, the restriction required by paragraph (a) of this AD may be removed from the AFM.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The AFM revision shall be done in accordance with Model A320 AFM Temporary Revision 9.99.99/90, Issue 2, dated December 22, 1992; and the inspection, replacement, and testing shall be done in accordance with Airbus Industrie All Operator Telex 24–02, Revision 1, dated December 23, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(f) This amendment becomes effective on March 11, 1993.

Issued in Renton, Washington, on February 12, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–4212 Filed 2–23–93; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 93–CE–09–AD; Amendment 39–8501; AD 93–03–02]

Airworthiness Directives; Beech Aircraft Corporation 33, 36, and 58 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Beech Aircraft Corporation (Beech) 33, 36, and 58 series airplanes equipped with a Bendix/King KLN–88 Loran receiver system. This action requires modifying the wiring configuration of the switching system between the Bendix/King KLN–88 Loran receiver system and the instrument landing system localizer. The Federal Aviation Administration (FAA) has received a report where the pilot of a Beech Model A36 airplane selected a NAV localizer frequency, and, after utilizing this information, was ¾-mile away from the runway after descending to approximately 300 feet. Fortunately, the pilot was able to successfully land the airplane. The actions specified by this AD are intended to prevent the display of a Loran lateral deviation signal when the instrument landing system localizer frequency is selected, which could result in navigational errors.

DATES: Effective March 12, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 12, 1993.

Comments for inclusion in the Rules Docket must be received on or before April 30, 1993.

ADDRESSES: Submit comments in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 93–CE–09–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from the Beech Aircraft Corporation, Commercial Services Department, P.O. Box 85, Wichita, Kansas 67201–0085. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 93–CE–09–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Dale Vassalli, Aerospace Engineer, Systems and Equipment Branch, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946–4132; Facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION: The FAA has received a report of a problem with a Bendix/King KLN–88 Loran receiver system installed on a Beech Model A36 airplane. The pilot selected an instrument landing system localizer frequency on the channel selector control. The pilot's heading display indicated that he was obtaining valid localizer and glide slope information. After descending to approximately 300 feet, the pilot was unable to see the runway, which was off to the side approximately ¾-mile. Fortunately, the pilot was able to successfully land the airplane.

Further investigation of this incident reveals that, under the present design, the pilot's heading display can obtain heading information from the Bendix/King KLN–88 Loran receiver system instead of the instrument landing system localizer the pilot has selected. The NAV/Loran selecting circuit allows a voltage on the NAV/Loran deviation relay, and the tolerances on the circuit components can be sufficient to keep the relay energized. This prevents the display of the NAV-Localizer lateral deviation signal on the pilot's heading display, thus the pilot is unaware that the localizer is not providing the selected heading information.

Beech has issued Service Bulletin (SB) No. 2496, dated January 1993, which specifies procedures for modifying the wiring configuration of the switching system between the Bendix/King KLN–88 Loran receiver system and the instrument landing system localizer.

After examining the circumstances and reviewing all available information related to the incident described above including the referenced service information, the FAA has determined that (1) the accomplishment of the wiring configuration modification referenced by Beech SB No. 2496 will prevent the condition described above from occurring on certain Beech 33, 36, and 58 series airplanes; and (2) AD action should be taken in order to prevent the display of a Loran lateral deviation signal when the instrument landing system localizer frequency is selected, which could result in navigational errors.

Since an unsafe condition has been identified that is likely to exist or develop in other Beech 33, 36, and 58 series airplanes of the same type design

equipped with a Bendix/King KLN–88 Loran receiver system, this AD requires modifying the wiring configuration of the switching system between the Bendix/King KLN–88 Loran receiver system and the NAV instrument landing system localizer. The actions shall be accomplished in accordance with Beech SB No. 2496, dated January 1993.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for public prior comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 93–CE–09–AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93–03–02 Beech Aircraft Corporation: Amendment 39–8501; Docket No. 93–CE–09–AD.

Applicability: The following model and serial number airplanes equipped with a Bendix/King KLN–88 Loran receiver system, certificated in any category:

Models	Serial Nos.
F33A	CE–1620, CE–1640, CE–1655, CE–1659, CE–1662, CE–1680, CE–1682, and CE–1693.
A36	E–2563, E–2564, E–2575, E–2582, E–2599, E–2604, E–2614, E–2631, E–2633, E–2643, E–2645, E–2650, E–2660, E–2664, E–2673, E–2675, E–2680, E–2681, E–2688, E–2690, E–2693, E–2695, E–2698, E–2711, E–2727, E–2728, E–2737, E–2738, E–2743, E–2746, and E–2752.
B36TC	EA–515, EA–516, EA–519, EA–522, EA–524, and EA–529.
58	TH–1581, TH–1588, TH–1592, TH–1597, TH–1598, TH–1599, TH–1600, TH–1602, TH–1612, TH–1618, TH–1621, TH–1623, TH–1627, TH–1628, TH–1632, TH–1633, TH–1640, TH–1642, TH–1646, TH–1650, TH–1651, TH–1653, TH–1661, TH–1663, TH–1668, TH–1672, and TH–1673.

Compliance: Required within the next 50 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent the display of a Loran lateral deviation signal when the instrument landing system localizer frequency is selected, which could result in navigational errors, accomplish the following:

(a) Modify the wiring configuration of the switching system between the Bendix/King KLN–88 Loran receiver system and the instrument landing system localizer in accordance with the Accomplishment Instructions section of Beech Service Bulletin No. 2496, dated January 1993.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and send it to the Manager, Wichita Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita Aircraft Certification Office.

(d) The modification required by this AD shall be done in accordance with Beech Service Bulletin No. 2496, dated January 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment (39–8501) becomes effective on March 12, 1993.

VOL
58
ISS
35
FE
24
1993
UMI

Issued in Kansas City, Missouri, on February 11, 1993

Gerald W. Pierce,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–4211 Filed 2–23–93; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 93–NM–01–AD; Amendment 39–8500; AD 93–02–16]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes. This action requires repetitive high frequency eddy current inspections to detect cracking on all surfaces of the upper recess in each latch support fitting of the cargo doorway and replacement of cracked fittings. This amendment is prompted by reports of cracked fittings on two Model 747 series airplanes. The actions specified in this AD are intended to prevent the cargo door from opening while the airplane is in flight, which could result in rapid decompression of the airplane.

DATES: Effective on March 11, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 11, 1993.

Comments for inclusion in the Rules Docket must be received on or before April 26, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–01–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Steve Fox, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2777; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: Recently, an operator of Model 747 series airplanes found an 8-inch crack in a 7079–T6 aluminum fitting at the forward cargo doorway on one airplane. As a result, the operator conducted inspections of the other fittings on this airplane and found three additional cracked fittings at the forward cargo doorway. Subsequently, the operator conducted inspections of the other Model 747 series airplanes in its fleet and found another cracked fitting at the forward cargo doorway on another airplane. These stress corrosion cracks ranged from 3 inches to 7 inches in length in the recessed area of the fitting. Such cracking can reduce the capacity of the door latches to hold the door closed. This condition, if not corrected, could result in the cargo door opening while the airplane is in flight, which could result in rapid decompression of the airplane.

The FAA has reviewed and approved Boeing Service Bulletin 747–53A2377, Revision 1, dated January 28, 1993, that describes procedures for high frequency eddy current inspections to detect cracking on all surfaces of the upper recess in each 7079–T6 aluminum latch support fitting of the cargo doorway and replacement of cracked fittings.

Since an unsafe condition has been identified that is likely to exist or develop on other Model 747 series airplanes of the same type design, this AD is being issued to prevent the cargo door from opening during flight of the airplane, which could result in rapid decompression of the airplane. This AD requires repetitive high frequency eddy current inspections to detect cracking on the surfaces of the upper recess in each 7079–T6 aluminum latch support fitting of the cargo doorway and replacement of cracked fittings. This inspection procedure is expected to detect a single cracked fitting prior to crack propagation in the remaining fittings; multiple cracked fittings could reduce the capacity of the door latches to hold the door closed. The actions are required to be accomplished in accordance with the service bulletin described previously.

On airplanes having line numbers subsequent to 200, the latch support fittings were made from 7075–T73 aluminum, which is not susceptible to this type of stress corrosion cracking. Therefore, this rulemaking action would not require airplanes having line numbers subsequent to 200 (with 7075–T73 aluminum attach fittings) to be inspected.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption "**ADDRESSES.**" All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93–NM–01–AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93–02–16 Boeing: Amendment 39–8500. Docket 93–NM–01–AD.

Applicability: Model 747 airplanes, line numbers 1 through 200, inclusive; having 7079–T6 aluminum latch support fittings; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the cargo door from opening during flight of the airplane, which could result in rapid decompression of the airplane, accomplish the following:

(a) Within 60 days after the effective date of this AD, perform a high frequency eddy current (HFEC) inspection to detect cracking on all surfaces of the upper recess in each 7079–T6 aluminum latch support fitting of the cargo doorway in accordance with Boeing Service Bulletin 747–53A2377, Revision 1, dated January 28, 1993.

(1) If any fitting is found cracked, prior to further flight, replace the cracked fitting with a 7075–T73 aluminum fitting in accordance with the service bulletin.

(2) Repeat the HFEC inspection on any uncracked fitting, thereafter, at intervals not to exceed 18 months, until all affected fittings are replaced with 7075–T73 aluminum fittings in accordance with the service bulletin.

(b) Replacement of a 7079–T6 aluminum fitting with a 7075–T73 aluminum fitting in accordance with Boeing Service Bulletin 747–53A21377, Revision 1, dated January 28, 1993, constitutes terminating action for the inspection requirements of this AD for that fitting.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The inspections and replacement shall be done in accordance with Boeing Service Bulletin 747–53A2377, Revision 1, dated January 28, 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on March 11, 1993.

Issued in Renton, Washington, on February 12, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–4213 Filed 2–23–93; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Judge Advocate General of the Navy has determined that USS MISSISSIPPI (CGN 40) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval cruiser. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: January 28, 1993.

FOR FURTHER INFORMATION CONTACT: Captain R.R. ROSSI, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400, Telephone number: (703) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS MISSISSIPPI (CGN 40) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the vessel, the placement of the after masthead light, and the horizontal distance between the forward and after masthead lights, without interfering with its special function as a naval vessel. The Judge Advocate General of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine Safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR part 706 is amended as follows:

VOL 58 ISS 35 FE 24 1993 UMI

1. The authority citation for 32 CFR part 706 continues to read:

Authority: 33 U.S.C. 1605.

2. Table Five of § 706.2 is amended by revising the existing entry for USS MISSISSIPPI (CGN 40) to read as follows:

TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions, Annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship, Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light, Annex I, sec. 3(a)	Percentage horizontal separation attained
• • • •		•	•	•	
USS MISSISSIPPI	CGN 40	N/A	X	X	16
• • • •		•	•	•	

Dated: January 28, 1993.

W. L. Schachte, Jr.,

Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

[FR Doc. 93–4215 Filed 2–23–93; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD8–92–28]

Drawbridge Operation Regulations; Lafourche Bayou, LA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development (LDOTD), the Coast Guard is changing the regulation governing the operation of the existing S649 swing span bridge over Lafourche Bayou, mile 66.1 (planned to be replaced), and the planned S649 replacement swing span bridge over Lafourche Bayou, mile 66.6, near Thibodaux, Lafourche Parish, Louisiana, by requiring at least 48 hours advance notice for an opening of the draws. The present regulation for the existing bridge requires at least six hours advance notice for an opening of the draw. The planned replacement bridge is now in the design stage. This action should provide for the reasonable needs of navigation.

EFFECTIVE DATE: This regulation becomes effective on March 26, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. John Wachter, Bridge Administration Branch, Eighth Coast Guard District, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: On November 12, 1992, the Coast Guard published a proposed rule (57 FR 53674) concerning this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a Public Notice dated November 23, 1992. Interested parties were given until December 28, 1992 to submit comments.

Drafting Information

The drafters of this regulation are Mr. John Wachter, project officer, and CDR D. Dickman, project attorney.

Discussion of Comments

Two letters were received in response to Public Notice No. CGD8–15–92, dated November 23, 1992. The National Marine Fisheries Service offered no objection to the rule change. The Chamber of Commerce of Greater Lafourche and the Bayou Region, Inc., offered support of the rule change.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Economic Assessment and Certification

This final regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034: February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that there are so few openings of the draw. The Coast Guard feels that 48 hours notice for an opening is both reasonable and practical. If navigation increases on the waterway in the future to warrant installation of operating equipment on the bridge for more frequent openings and a shorter or no notice period, the Coast Guard will issue new regulations for the bridge to accommodate the increase in vessel traffic. Since the economic impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

Environment

This final rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.g.(5) of Commandant Instruction M16475.1B, and the National Environmental Policy Act. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, part 117 of title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. Section 117.465 is amended by revising paragraph (c) as follows, by redesignating existing paragraph (d) as paragraph (e), and by adding new paragraph (d) as follows:

§ 117.465 Lafourche Bayou.

* * * * *

(c) The draws of the S3199 bridge, mile 58.2, and the Lafourche Parish bridge, mile 58.7, both at Raceland, shall open on signal if at least six hours notice is given.

(d) The draws of the S649 bridge, mile 66.1, and the new S649 bridge, mile 66.6, shall open on signal if at least forty-eight hours notice is given.

* * * * *

Dated: February 1, 1993.

J. C. Card,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 93-4285 Filed 2-23-93; 8:45 am]

BILLING CODE 4910-14-M

---

33 CFR Part 148

[CGD 92-069]

Administrative Change to Rules on Deepwater Ports

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Certain rules on Deepwater Ports require the sending of information to Coast Guard Headquarters and specify a Division as recipient. Since the promulgation of the original rules, the Division has changed. This rule corrects the Code of Federal Regulations accordingly.

EFFECTIVE DATE: February 24, 1993.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA, 3406), U.S. Coast Guard Headquarters, Room 3406, 2100 Second Street SW., Washington, DC 20593-0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

FOR FURTHER INFORMATION CONTACT: Lieutenant Jonathan C. Burton, Project Manager, Division of Marine Environmental Protection (G-MEP-1), (202) 267-6714.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in the drafting of this rule are Lieutenant Jonathan C. Burton, Project Manager, Division of Marine Environmental Protection, and Mr. Patrick J. Murray, Project Counsel, Office of Chief Counsel.

Background and Purpose

Subchapter NN of title 33 of the Code of Federal Regulations comprises rules for Deepwater Ports. These rules were published in November 1975. Sections 148.103, 148.205, and 148.207 of title 33 outline information for applicants and others to provide to specific offices within Coast Guard Headquarters. The designations of offices have changed since the rules were published. The purpose of this rulemaking is to correct these inaccuracies.

No notice of proposed rulemaking preceded this final rule, which covers "agency organization" and is therefore exempt from the requirements of 5 U.S.C. 553(b) for public notice and comment. Because this rule is editorial and administrative, without substantive effect on Deepwater Ports or otherwise, good cause exists under 5 U.S.C. 553(d) to give it effect less than 30 days after publication.

Regulatory Evaluation

This rule is not major under Executive Order 12291 and not significant under the "Department of Transportation Regulatory Policies and Procedures" [44 FR 11040 (February 26, 1979)].

The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. This rule makes no substantive change to the present regulations and thus has no economic impact.

Collection of Information

This rule contains no new collection-of-information requirements under the Paperwork Reduction Act [44 U.S.C. 3501 *et seq.*].

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. The rule is editorial and administrative and has no impact on the environment. A Determination of Categorical Exclusion is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 148

Administrative practice and procedure; Environmental protection; Harbors; Petroleum.

SUBCHAPTER NN—DEEPWATER PORTS

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 148 as follows:

PART 148—GENERAL

1. The authority citation for part 148 continues to read as follows:

Authority: Sections 5(a), 5(b), Pub. L. 93-627, 88 Stat. 2131 [33 U.S.C. 1504(a), (b)]; 49 CFR 1.46(s).

2. Section 148.103 is revised to read as follows:

§ 148.103 Address of application staff.

The address of the application staff is: Commandant (G-M), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001.

3. Section 148.205(a) is revised to read as follows:

§ 148.205 Clerk: docket; record.

(a) The mailing address for the clerk in each proceeding is: Commandant (G-M), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001.

* * * * * * *

§ 148.207 [amended]

4. Section 148.207(d) is revised to read as follows:

* * * * * * *

(d) A copy of the application, except trade secrets and confidential information, is available for inspection and copying at: Commandant (G-M), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001.

* * * * *

Dated: February 11, 1993.

A. E. Henn,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection

[FR Doc. 93-4286 Filed 2-23-93; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-7565]

Suspension of Community Eligibility

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of

VOL
58
ISS
35
FE
24
1993
UMI

the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, 500 C Street SW., room 417, Washington, DC 20472, (202) 646–2717.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 et seq. Accordingly, the communities will be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having floodprone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Impact Analysis

This rule is not a major rule under Executive Order 12291, Federal Regulation, February 17, 1981, 3 CFR, 1981 Comp., p. 127 No regulatory impact analysis has been prepared.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Regular Program Conversions				
Region I				
Connecticut: Stonington, town of New London County.	090106	May 28, 1975, Emerg.; Sept. 30, 1980, Reg.; March 2, 1993 Susp.	June 19, 1992	Mar. 2, 1993
Region II				
New York: Greenfield, town of Saratoga County	360717	July 1, 1975, Emerg.; June 5, 1985, Reg.; Mar. 2, 1993, Susp.	Mar. 2, 1993	Do
Region V				
Illinois: Bensenville, village of Cook and Dupage Counties.	170200	May 22, 1974, Emerg.; Feb. 4, 1981, Reg., Mar. 2, 1993, Susp.	do	Do.
Region I				
Maine: Cutler, town of Washington County	230310	May 2, 1975, Emerg; Aug. 5, 1985, Reg.; Mar. 15, 1993, Susp.	Mar. 15, 1993	Mar. 15, 1993
Region II				
New York: Charlton, town of Saratoga County	360712	July 24, 1975, Emerg., July 18, 1985, Reg.; Mar. 15, 1993, Susp.	do	Do
Region IV				
Mississippi: Tishomingo County unincorporated areas.	280283	Oct. 30, 1991, Emerg.; Mar. 15, 1993, Reg.; Mar. 15, 1993, Susp.	do	[illegible]

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: February 18, 1993.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 93–4265 Filed 2–23–93; 8:45 am]

BILLING CODE 6718–21–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 88–2, Phase I; FCC 92–535]

Filing and Review of Open Network Architecture Plans

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On reconsideration of the BOC ONA Amendment Order ((55 FR 27468) (July 3, 1990)), the Commission affirmed and clarified the Operations Support Systems (OSS) same access requirement. The Commission also directed the Bell Operating Companies (BOCs) to work through the Information Industry Liaison Committee (IILC) to develop methods to provide enhanced service providers (ESPs) indirect access to Open Network Architecture (ONA) OSS services for complementary network services (CNSs) for their customers. In addition, the Commission required each BOC to report by July 15, 1992 on its progress in developing this ESP OSS access capability. Finally, the Commission modified the ONA requirement for geographic deployment projections to require end-of-year instead of mid-year projections, and to require a report of actual prior year deployment of ONA services, beginning April 15, 1993.

EFFECTIVE DATE: March 26, 1993.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rose Crellin, Policy and Program Planning Division, Common Carrier Bureau (202) 632–1292.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order, FCC 92–535, adopted December 1, 1992, and released January 4, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street NW., suite 140, Washington, DC 20037, (202) 857–3800.

Summary of Memorandum Opinion and Order

1. In this Order, the Commission granted in part and denied in part petitions filed by five BOCs for reconsideration and clarification of the requirement in the BOC ONA Amendment Order ((55 FR 27468) (July 3, 1990)) that the BOC enhanced services operations provide the same access to the BOC Operations Support Systems (OSSs) that the BOCs provide to independent enhanced services providers once structural separation requirements are lifted. The Commission affirmed the OSS same access requirement, and clarified that this OSS requirement applies to basic service arrangements (BSAs) and basic service elements (BSEs) that BOC enhanced services and independent ESPs order to provide enhanced services.

2. The Commission also clarified that the OSS same access requirement applies only to the four OSS services specified in the BOC ONA Reconsideration Order as ONA services: Service order entry and status; trouble reporting and status; diagnostics, monitoring, testing and network reconfiguration; and traffic data

VOL
58
ISS
35
FE
24
1993
UMI

collection. In addition, the Commission clarified that BOC enhanced services operations accessing these OSSs services for BSAs and BSEs they use to provide enhanced services may have only the same options and procedures for accessing these BOC OSS services as are available to other ESPs.

3. The Commission concluded that, for those ONA OSS services that BOCs provide through a gateway or by another means of mediated access, the BOCs should work with ESPs to determine ESP needs and demand for access to their customers' accounts and to enable ESPs to satisfy these needs by means of a secure access. The Commission directed each BOC to work within the Information Industry Liaison Committee (IILC) to develop methods to provide ESPs indirect access to BOC ONA OSS services for complementary network services (CNSs) for their customers, and to file an amendment to its ONA plan by July 15, 1993 to report on the means by which such access can be provided. Each BOC must also report, in that amendment, on its own progress in providing this OSS access capability and on the methods it has established to address the security and customer proprietary network information (CPNI) concerns raised in this proceeding.

4. The Commission declined to require that the BOC enhanced services operations take the same access to OSS for CNSs they order for their own customers. The Commission concluded that at this time the benefits of requiring BOC enhanced services personnel to use the same access to OSS for CNSs as independent ESPs do are outweighed by the costs and would not be in the public interest. In the BOC Safeguards Order the Commission concluded that there are benefits that derive from BOC integrated marketing and other operations. In this order, the Commission concluded that a same access requirement for access to OSS for CNSs by BOC integrated or enhanced services personnel, especially for joint marketing, appears to seriously undermine the benefits of integrated operations much more than a same access requirement for BSAs and BSEs.

5. In addition, BellSouth requested that the Commission reconsider the annual geographic deployment reporting requirement and have the BOCs report projected deployment as of the end of the year rather than mid-year. The Commission modified the requirement that the BOCs must report geographic deployment projections for ONA services to require end-of-year instead of mid-year projections, and to require a report of actual prior year deployment, beginning April 15, 1993. Thus, the Commission required that, beginning in 1993, each BOC file on April 15 of each year: (1) The actual deployment of its ONA services as of December 31 of the previous year; and (2) the projected deployment of its ONA services as of one, two, and three years from December 31 of the previous year. Each BOC must specify deployment in terms of the percent of access lines served, both for the entire region, and for each BOC-designated market area. Accordingly, in the April 15, 1993 annual report, the BOCs must provide deployment schedules as of December 31, 1992, and projected deployment schedules as of December 31, 1993, December 31, 1994, and December 31, 1995.

Ordering Clauses

6. *It is hereby ordered*, That pursuant to 47 U.S.C. 151, 154 (i) and (j), 201, 202, 203, 218, 303(r), and 405, the petitions for reconsideration and/or clarification filed in this proceeding are Granted to the extent described herein and are otherwise Denied.

List of Subjects in 47 CFR Part 64

Communications common carriers; Computer technology.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–4210 Filed 2–23–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR PART 73

[MM Docket No. 92–250; RM–8101]

Radio Broadcasting Services; Thibodaux, LA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of KXOR, Inc., substitutes Channel 292C3 for Channel 292A at Thibodaux, Louisiana, and modifies the license of Station KXOR–FM to specify operation on the higher powered channel. See 57 FR 55501, November 25, 1992. Channel 292C3 can be allotted to Thibodaux in compliance with the Commission's minimum distance separation requirements with a site restriction of 19.9 kilometers (12.4 miles) southeast to accommodate KXOR's desired site. The coordinates for Channel 292C3 are 29–37–36 and 90–45–07 With this action, this proceeding is terminated.

EFFECTIVE DATE: April 5, 1993.

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92–250, adopted February 1, 1993, and released February 18, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Channel 292A and adding Channel 292C3 at Thibodaux.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–4205 Filed 2–23–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 92–238; RM–8086]

Radio Broadcasting Services; Amarillo, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of KAEZ–FM, Inc., substitutes Channel 289C3 for Channel 289A at Amarillo, Texas, and modifies the license of Station KAEZ–FM to specify operation on the higher powered channel. See 57 FR 58769, December 11, 1992. Channel 289C3 can be allotted to Amarillo in compliance with the Commission's minimum distance separation requirements and can be used at KAEZ–FM's license site. The coordinates for Channel 289C3 at Amarillo are 35–12–28 and 101–51–18. With this action, the proceeding is terminated.

EFFECTIVE DATE: April 5, 1993.

FOR FURTHER INFORMATION CONTACT:

FOR FURTHER INFORMATION CONTACT:

Pamela Blumenthal, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92–238, adopted February 1, 1993, and released February 18, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 289A and adding Channel 289C3 at Amarillo.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–4206 Filed 2–23–93; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 92–192; RM–7960; RM–8036]

Radio Broadcasting Services; Walton and Rochester, IN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 229A to Walton, Indiana, as that community's first local aural transmission service, at the request of J.B. Ladd (RM–7960). A mutually exclusive proposal filed on behalf of Dowagiac Broadcasting Company, Inc. ("DBC"), licensee of Station WDOW–FM, Channel 221A, Dowagiac, Michigan, to substitute Channel 229A for Channel 221A at Rochester, Indiana and to modify the license of Station WROI (FM), to enable DBC to increase its effective radiated power to 6 kilowatts (RM–8036), is denied. See 57 FR 39663, September 1, 1992. Coordinates for Channel 229A at Walton are 40–40–45 and 86–12–39. As Walton is located within 320 kilometers (199 miles) of the Canadian border, concurrence of the Canadian government to the allotment of Channel 229A at that community was obtained. See Supplementary Information, *infra*. With this action, the proceeding is terminated.

DATES: Effective: April 5, 1993. The window period for filing applications for Channel 229A at Walton, Indiana, will open on April 6, 1993, and close on May 6, 1993.

FOR FURTHER INFORMATION CONTACT:

Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92–192, adopted January 29, 1993 and released February 17, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037.

The Walton proposal was selected after comparatively evaluating each proposal pursuant to the Commission's allotment priorities. That analysis revealed that neither proposal would provide any first or second fulltime aural service (priorities 1 and 2). The Walton proposal would provide a first local aural service (priority 3), whereas the Rochester proposal would provide an improved service to that community (priority 4, other public interest matters). Therefore, the Walton proposal was afforded the higher priority, and in accordance with the Commission's allotment priorities, was preferred over the Rochester proposal.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Indiana, is amended by adding Walton, Channel 229A.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau

[FR Doc. 93–4208 Filed 2–23–93; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 92–249; RM–8103]

Radio Broadcasting Services; Proctor, MN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 299A to Proctor, Minnesota, as that community's first local broadcast service in response to a petition filed by Frank P. Befera. The coordinates for Channel 299A are 46–44–42 and 92–13–54. Canadian concurrence has been received for the allotment of Channel 299A at Proctor. With this action, this proceeding is terminated.

DATES: Effective April 5, 1993. The window period for filing applications will open on April 6, 1993, and close on May 6, 1993.

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 92–249, adopted January 29, 1993, and released February 17, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 2100 M Street NW., suite 140, Washington, DC 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by adding Proctor, Channel 299A.

Federal Communications Commission

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–4209 Filed 2–23–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 920246–2229]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of trip limit reduction.

SUMMARY: NMFS reduces the trip limit to 500 pounds (227 kg) per day for the commercial fishery for Spanish mackerel from the southern zone of the Atlantic migratory group. NMFS has determined that 100 percent of the adjusted commercial allocation of Atlantic migratory group Spanish mackerel will be reached on February 19, 1993. This trip limit reduction is necessary to protect the overfished Atlantic Spanish mackerel resource.

EFFECTIVE DATES: February 20, 1993, through March 31, 1993.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813–893–3161.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP), prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils, and its implementing regulations at 50 CFR part 642, under the authority of the Magnuson Fishery Conservation and Management Act.

Commercial trip limits for Atlantic migratory group Spanish mackerel for the current fishing year (April 1, 1992, through March 31, 1993) were approved under Amendment 6 to the FMP and published in the **Federal Register** on December 9, 1992 (57 FR 58151). In accordance with 50 CFR 642.27(a)(2)(iv), the commercial vessel trip limits in the southern zone are set at 500 pounds (227 kg) per day when 100 percent of the adjusted allocation is taken. The southern zone extends from the Georgia/Florida boundary (30°42′45.6″N. latitude) southward to a line extending directly east from the Dade/Monroe County, Florida, boundary (25°20.4′N. latitude). The adjusted allocation for Atlantic group Spanish mackerel, as set forth at 50 CFR 642.27(b), is 3.25 million pounds (1.47 million kg).

As required by 50 CFR 642.27(b), NMFS announces that 100 percent of the adjusted allocation will be reached on February 19, 1993. Accordingly, the commercial trip limit for Spanish mackerel in the southern zone is 500 pounds (227 kg) per day effective February 20, 1993, through March 31, 1993, the end of the fishing year.

Classification

This action is required by 50 CFR 642.27 (a)(2)(iv) and (b) and complies with E.O. 12291.

Authority: 16 U.S.C. 1801 *et seq.*

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 19, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93–4293 Filed 2–19–93; 2:11 pm]

BILLING CODE 3510–22–M

50 CFR Part 652

[Docket No. 921076–3009]

Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: 1993 fishing quotas for surf clams and ocean quahogs.

SUMMARY: NMFS issues final quotas for the Atlantic surf clam and ocean quahog fisheries for 1993. These quotas were selected from a range defined as optimum yield (OY) for each fishery. The intended effect of this action is to establish allowable harvests of surf clams and ocean quahogs from the exclusive economic zone in 1993.

EFFECTIVE DATES: January 1, 1993 to December 31, 1993.

ADDRESSES: Copies of the Mid-Atlantic Fishery Management Council's Analysis and Recommendations are available from John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, room 2115, Federal Building, 300 South New Street, Dover, DE 19901.

FOR FURTHER INFORMATION CONTACT: Myles Raizin (Resource Policy Analyst), 508–281–9104.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) directs the Secretary of Commerce (Secretary), in consultation with the Mid-Atlantic Fishery Management Council (Council), to specify quotas for surf clams and ocean quahogs on an annual basis from within ranges that have been identified as an OY for each fishery.

For surf clams, the OY must fall within the range of 1.85 million bushels and 3.40 million bushels. For ocean quahogs, the OY must fall within the range of 4.00 million bushels and 6.00 million bushels.

In establishing the quotas, the Secretary considered the latest available stock assessments prepared by NMFS, data reported by harvesters and processors, and other relevant information concerning exploitable biomass and spawning biomass, fishing mortality rates, stock recruitment, projected effort and catches, and areas closed to fishing. This information was presented in a written report prepared by the Council and adopted by the Regional Director, Northeast Region, NMFS.

Proposed quotas of 2,850,000 bushels for surf clams and 5,400,000 bushels for ocean quahogs were recommended by the Council. While the quota for surf clams remains unchanged from the level recommended by the Council in 1992, the quota for ocean quahogs has increased by 100,000 bushels.

The quotas established by the Secretary are unchanged from the proposed quotas published in the **Federal Register** on November 17, 1992 (57 FR 54215). The public comment period for the proposed quotas ended on December 16, 1992. No comments were received.

Surf Clams

The 1993 quota for surf clams of 2.85 million bushels is identical to the base quota for the Mid-Atlantic region and Nantucket Shoals combined for the years 1986 through 1992. The potential harvest of 300,000 bushels for the Georges Bank area was not added to this quota on the assumption that the area east of 69° W. longitude will be closed for fishing in 1993 due to the continued danger of paralytic shellfish poisoning. Under the current FMP, the Mid-Atlantic, Nantucket Shoals, and Georges Banks areas are combined. Therefore, the 300,000 bushels could be taken in the areas west of 69° W. longitude. However, with the decline in abundance

of surf clams in the Mid-Atlantic and the absence of a significant year class since 1976 off New Jersey and 1977 off Delmarva, the conservation of the resource is best served by maintaining the present quota of 2.85 million bushels.

Ocean Quahogs

The 1993 proposed quota for ocean quahogs is 5.4 million bushels. Because only 2 percent of the minimum biomass estimate is removed each year, this level of quota is conservative in regard to biological restrictions. Although the Council recognizes the heavy concentration of the active fishery on the southern 10 percent of the resource, they believe that this relatively small increase in the level of quota would not be detrimental to the stock.

The Council considered an increase in the quota for the 1993 fishery but decided it had the potential to cause disruptions to the quahog market at a time when a new management regime (individual transferable quotas) had recently been put into place. Since prices and landings for the 1991 and 1992 fisheries have been relatively stable, the Council believes that a potential increase in supply of ocean quahogs, on the order of 1.8 percent, would not be disruptive.

The quotas for the 1993 Atlantic surf clam and ocean quahog fisheries are as follows:

1993 SURF CLAM/OCEAN QUAHOG QUOTAS

Fishery	1993 quotas (in bushels)
Surf clam	2,850,000
Ocean quahog	5,400,000

Other Matters

This action is taken under authority of 50 CFR Part 652 and in compliance with E.O. 12291.

List of Subjects in 50 CFR Part 652

Fisheries, Recordkeeping and reporting requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 18, 1993.

Samuel W. McKeen,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 93–4181 Filed 2–23–93; 8:45 am]

BILLING CODE 3510–22–M

---

50 CFR Part 675

[Docket No. 921185–3021]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for pollock by vessels using non-pelagic trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the first seasonal halibut bycatch allowance for the pollock/Atka mackerel/"other species" fishery in the BSAI.

EFFECTIVE DATES: 12 noon, Alaska local time (A.l.t.), February 18, 1993, through 12 noon, A.l.t, June 1, 1993.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, Resource Management Specialist, NMFS, (907) 586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

The first seasonal halibut bycatch allowance for the pollock/Atka mackerel/"other species" fishery, which is defined at § 675.21(b)(4)(vi), is 456 metric tons (58 FR 8703, February 17, 1993).

The Director of the Alaska Region, NMFS, has determined, in accordance with § 675.21(c)(1)(iv), that the 1993 first seasonal halibut bycatch allowance for the pollock/Atka mackerel/"other species" fishery has been caught. Therefore, NMFS is closing directed fishing for pollock by trawl vessels using non-pelagic trawl gear in the BSAI from 12 noon, A.l.t., February 18, 1993, until 12 noon, A.l.t., June 1, 1993. Non-pelagic trawl gear is any trawl other than a pelagic trawl as defined in 50 CFR 675.2.

Directed fishing standards for applicable gear types may be found in the regulations at § 675.20(h).

Classification

This action is taken under § 675.21, and complies with E.O. 12291.

List of Subjects in 50 CFR 675

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq*

Dated: February 18, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93–4180 Filed 2–18–93; 3:36 pm]

BILLING CODE 3510–22–M

VOL
58
ISS
35
FE
24
1993
UMI

Proposed Rules

Federal Register
Vol. 58, No. 35
Wednesday, February 24, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN03–1–5108; FRL–4560–5]

Disapproval of Air Quality Implementation Plan; Indiana

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: USEPA is proposing to disapprove a State submittal of a revision to the Indiana State Implementation Plan (SIP) for ozone. On April 10, 1989, the Indiana Department of Environmental Management (IDEM) submitted a new rule, 326 Indiana Administrative Code (IAC) 8–2–13, Marine Vessel Surface Coating. This new rule applies to only one source, Jeffboat, Incorporated (hereafter referred to as Jeffboat), located in Clark County, Indiana which is designated non-attainment for ozone. This rule was developed in response to the May 26, 1988 SIP call letters issued pursuant to section 110(a)(2)(H) of the Clean Air Act (Act). By these letters, USEPA informed Indiana that it had not adopted reasonably available control technology (RACT) for all major volatile organic compound (VOC) sources as required under the Act, as amended in 1977. In addition, this rule is required under section 182(a)(2)(A) of the Act, as amended in 1990.

DATES: Comments on this submitted revision and on the proposed USEPA action must be received on or before April 26, 1993.

ADDRESSES: Copies of the SIP revision request and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Fayette Bright, at (312) 886–6069, before visiting the Region 5 office.) U.S. Environmental Protection Agency, Region 5, Regulation Development Branch, 77 West Jackson, Chicago, Illinois 60604.

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, U.S. Environmental Protection Agency, 77 West Jackson, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Ms. Fayette Bright, Regulation Development Branch (5AR–18J), U.S. Environmental Protection Agency, 77 West Jackson, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: Under Section 107 of the Act, USEPA has designated certain areas in each State as not attaining the National Ambient Air Quality Standards (NAAQS) for ozone. For Indiana, see 43 FR 8962 (March 3, 1978), 43 FR 45993 (October 5, 1978), and title 40 of the Code of Federal Regulations, 40 CFR 81.315. For these areas, Part D of the Act, as amended 1977, required that the State revise its SIP to provide for attaining the primary NAAQS as expeditiously as practicable, but not later than December 31, 1982. Part D, however, allowed USEPA to grant extensions to as late as December 31, 1987, to States that could not demonstrate attainment of the ozone standard by December 31, 1982, and that met certain requirements through revisions to their air pollution control programs. See 47 FR 6274 (February 11, 1982) and 40 CFR 52.783.

I. Ozone Plan Policy and Guidance

Under the pre-amended Act, USEPA described the requirements for an approvable SIP are described in the "General Preamble" for Part D rulemaking published at 44 FR 20372 (April 4, 1979), 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979), and 44 FR 67182 (November 23, 1979). On January 22, 1981, (46 FR 7182), USEPA published guidance for the development of 1982 ozone SIPs in "State Implementation Plans: Approval of 1982 Ozone and Carbon Monoxide Plan Revisions for Areas Needing an Attainment Date Extension".

Section 172 of the pre-amended Act requires that for stationary sources, an approvable SIP must include legally enforceable requirements reflecting the application of RACT[1] to sources of VOC emissions. In partial response to the requirement for RACT VOC rules, Indiana submitted rules covering many of the applicable sources in the Indiana ozone nonattainment areas. Some applicable sources, however, were not previously covered by these rules.

II. Summary of State's Submittal

On May 26, 1988 USEPA issued a SIP Call, notifying the Governor of Indiana pursuant to section 110 (a)(2)(H) of the pre-amended Act that the Indiana SIP for ozone was substantially inadequate to attain the NAAQS. Shortly thereafter on June 17, 1988, USEPA sent a letter detailing the SIP inadequacies, including the absence of a marine vessel surface coating rule.

On November 15, 1990, Congress enacted the Act Amendments of 1990. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7617q. Under section 182(a)(2)(A) of the amendment Act, areas designated nonattainment before enactment of the Amendments and which retained that designation and were classified as marginal or above as of enactment are required to meet the RACT fix-up requirement. Under section 182(a)(2)(A), those areas were required by May 15, 1991, to correct RACT as it was required under pre-amended section 172(b) as that requirement was interpreted in pre-

[1] A definition of RACT is contained in a December 9, 1976, memorandum from Roger Strelow, former Assistant Administrator of Air and Waste Management. RACT is defined as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility.

The USEPA published Control Technique Guidelines (CTGs) in order to assist the State in determining RACT. The CTGs provide information on available air pollution control techniques and provide recommendations on what the USEPA considers the "presumptive norm" for RACT. RACT I regulations cover sources which are contained in USEPA's first set of control technique guidelines (CTGs), i.e., those which were published before January 1, 1978. These CTGs are referred to as "Group I CTGs" and pertain to "Group I Sources". Similarly, RACT II regulations cover sources which are contained in USEPA's second set of CTGs, published between January 1, 1978, and January 1, 1979. These CTGs are referred to as "Group II CTGs" and pertain to "Group II Sources". RACT III regulations cover sources which are contained in USEPA's CTGs published after January 1, 1979. These CTGs are referred to as "Group III CTGs" and pertain to "Group III Sources". As part of Indiana's control strategy for attainment of the NAAQS for ozone, the State has submitted, and USEPA has approved, regulations limiting emissions at all stationary sources of VOCs in Indiana covered by CTGs.

All other sources which are not covered by Groups I, II, or III CTGs are referred to as "non-CTG" sources. Major "non-CTG sources" are sources which have the potential to emit more than 100 tons of VOC per year and for which a CTG was not published.

amended guidance.[2] The SIP call letters interpreted that guidance and indicated corrections necessary for specific nonattainment areas. The nonattainment area encompassing Clark County Indiana is classified as moderate and is therefore, subject to the RACT fix-up requirement. Indiana's SIP revision request which it submitted in response to the SIP call letter, also responds to part of the RACT fix-up requirement.

On April 10, 1989, the IDEM submitted a new rule, 326 IAC 8–2–13, Marine Vessel Surface Coating. This new rule applies to only one source, Jeffboat, located in Clark County Indiana which is designated nonattainment for ozone. Rule 326 IAC 8–2–13 was developed in response to the Act's requirement that all States adopt RACT for major VOC sources in counties unable to attain the ozone standard by December 31, 1982, and which were granted an extension of the ozone attainment date until December 31, 1987. The following provides a summary of the State's requirements for marine vessel coating as contained in the submittal:

1. Inorganic zinc preconstruction primer shall be applied using an automatic airless system with automatic electronic sensors designed to minimize overspray and to limit primer thickness to no greater than 0.001 inches (0.0025 millimeters) on plates and 0.00125 inches (0.0032 millimeters) on other structural elements, as determined by ASTM procedure D–1186–81 (incorporated by reference in Indiana's rules), for all primer coating operations.

2. As an alternative, the inorganic zinc preconstruction primer shall contain no VOC as delivered to applicator. If Jeffboat elects to apply such a coating, it shall notify the State thirty (30) days prior to the change.

3. Jeffboat shall maintain daily records of the (a) tons and square feet of steel coated, and (b) gallons and VOC content of preconstruction primer used in the automatic airless systems.

4. Jeffboat shall submit an annual report containing the daily records required to the State thirty (30) days after the end of each calendar year. The annual report shall document the method of application of all preconstruction primer coatings and any operational changes which affect VOC emissions from the automatic blast and priming lines. If an inorganic zinc primer containing no VOC was not in use, the report shall document the current availability of such primers for the preconstruction priming operation at Jeffboat.

III. USEPA's Analysis of the Proposed Rule

IDEM asserts that it is not reasonable for Jeffboat to use a waterborne zinc primer, as recommended in the "Development of Control Guideline Document for Selected Non-CTG Sources in Indiana".[3] The State provided the following justification for this position:

1. There are no waterborne primers available to meet the requirement for a 3-minute drying time necessary for Jeffboat to continue using the equipment currently at the plant.

2. In order to use a waterborne primer with a longer drying time, Jeffboat would have to make significant changes to its painting lines.

3. Given Jeffboat's financial condition and the current state of the market, the costs of conversion cannot be justified.

However, Indiana has not adequately demonstrated that the requirements in Rule 325 IAC 8–2–13 represent RACT for Jeffboat. Specifically, the USEPA maintains that:

1. Jeffboat has not provided an adequate explanation of its basis for the cost estimate for changes to the painting lines to accommodate the use of a waterborne primer. The cost analysis submitted by Jeffboat provided a list of equipment, capital, and operating costs for both new and relocated equipment, but the submittal did not include an explanation of why this equipment was needed or how the costs were determined.

2. Jeffboat has not provided a complete evaluation of the feasibility of add-on control equipment. For example, Jeffboat does not appear to have evaluated the feasibility of controlling the omissions from only the spray booths or only the ovens through the use of add-on control devices.

3. Even if Jeffboat can provide the documentation discussed above, there is no justification provided for specifying only a maximum allowable film thickness as RACT, and placing no constraint on the amount of VOC per unit of applied coating. In addition, it should be noted that the specified film thickness units are not internally consistent. A thickness of 0.001 inch is 0.025 millimeters, not 0.0025 millimeters as specified in the proposed rule.

In addition to the RACT deficiencies stated above, USEPA also notes that 326 IAC 8–2–13(b) fails to define the phrase "minimize overspray," and fails to describe how the electronic sensors will be used to meet this requirement. The rule also needs to specify the test protocol which will be used to verify the allowable limits.

IV. Summary of USEPA's Action; Request for Public Comment

USEPA is proposing to disapprove this rule, Marine Vessel Surface Coating (326 IAC 8–2–13), because the State has not adequately demonstrated that the rule represents RACT for Jeffboat. Therefore, the rule does not meet the requirement under section 182(a)(2)(A) of the amended Act that Indiana correct that rule so that it applies RACT as required by pre-amended section 172.

Public comments are solicited on the requested SIP revision and on USEPA's proposed rulemaking action. Public comments received by April 26, 1993, will be considered in the development of USEPA's final rulemaking action.

Under 5 U.S.C. 605(b), I certify that disapproving this rule will not have a significant economic impact on a substantial number of small entities because it affects only one source, Jeffboat. (See 46 FR 8709.)

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Intergovernmental relations, Ozone.

Authority: 42 U.S.C. 7401–7671q.

Dated: February 10, 1993.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 93–4290 Filed 2–23–93; 8:45 am]

BILLING CODE 6560–50–M

---

40 CFR Part 63

[AD–FRL–4560–3]

National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry and Seven Other Processes

AGENCY: Environmental Protection Agency (EPA).

---

[2] Among other things, the pre-amendment guidance consists of the VOC RACT portions of the Post-87 policy, 52 FR 45044 (Nov. 24, 1987); the Bluebook, "Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (of which notice of availability was published in the **Federal Register** on May 25, 1988), and the existing CTGs.

[3] In order to assist Indiana in determining RACT for this source, the above-named report was prepared by Engineering—Science for USEPA, Region V, and was provided to the State.

VOL 58 ISS 35 FE 24 1993 UMI

ACTION: Notice of public hearing and extension of public comment period.

SUMMARY: On December 31, 1992 (57 FR 62608), EPA proposed standards to regulate the emissions of certain organic hazardous air pollutants from synthetic organic chemical manufacturing industry (SOCMI) production processes which are part of major sources under Section 112 of the Clean Air Act as amended in 1990 (the Act). This notice announces that EPA will hold a public hearing in Baton Rouge, Louisiana to hear comments on the proposed rule. The public hearing will be held on March 18, 1993. The period for receiving written public comments on the proposed rule is being extended.

DATES: *Comments.* Comments must be received on or before April 19, 1993.

Public Hearing. The public hearing will be held on March 18, 1993 in Baton Rouge, Louisiana. The hearing will start at 6 p.m. and end at 10 p.m.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by March 12, 1993. Each speaker will be allowed up to 10 minutes, and each organization will be allowed a maximum of 20 minutes.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to the EPA's Air Docket (LE–131), ATTN: Docket Number (see list following address) room M1500, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Comments that address areas pertinent to the proposed rule as a whole or that are applicable to more than one kind of emission point, such as general policy or legal comments, comments on the overall impacts of the standards, and comments on test methods should be marked ATTN: Docket Number A–90–19. Technical comments specific to process vents should be marked ATTN: Docket Number A–90–19; technical comments about equipment leaks and any other comments about the negotiated regulation for equipment leaks should be marked ATTN: Docket Number A–90–20; technical comments about storage vessels should be marked ATTN: Docket Number A–90–21; technical comments about transfer operations should be marked ATTN: Docket Number A–90–22; and comments specific to wastewater operations should be marked ATTN: Docket Number A–90–23.

Public Hearing. The public hearing will be held at the Conservation Hearing Room at the Louisiana Department of Natural Resources. Persons interested in attending the hearing or wishing to present oral testimony should notify Ms. Kim Teal, Standards Development Branch, Emission Standards Division, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards (MD–13), Research Triangle Park, North Carolina 27711, (919) 541–5580.

Background Information Docket. The background information document (BID) for this rulemaking may be obtained from the U.S. EPA Library (MD–35), Research Triangle Park, North Carolina 27711, (919) 541–2777. Refer to EPA–453/D–92–016a, b, and c. The HON BID comprises three volumes. Persons requesting copies of the BID should specify the volume(s) required. For information on the methodology and results of the analysis of national impacts, request BID Volume 1A. For information on emission control technologies and cost procedures, request BID Volume 1B. For information on the development of models for the five kinds of emission points, request BID Volume 1C.

Dockets. The dockets listed above under **ADDRESSES** contain supporting information used in developing the proposed rule. Supporting information used in developing the negotiated standard for equipment leaks is available in Docket Number A–89–10. These dockets are available for public inspection and copying between 8:30 a.m. and 3:30 p.m., Monday through Friday, at the EPA's Air Docket Section, Waterside Mall, room M1500, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Dr. Janet S. Meyer, Standards Development Branch, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5299.

SUPPLEMENTARY INFORMATION: On December 31, 1992 (57 FR 62608), EPA proposed standards to regulate the emissions of certain organic hazardous air pollutants from synthetic organic chemical manufacturing industry (SOCMI) production processes which are part of major sources under Section 112 of the Clean Air Act as amended in 1990 (the Act). The proposed notice announced that, if requested, a public hearing would be held in EPA offices located in Research Triangle Park (RTP), North Carolina. The EPA received several requests that the hearing be held in Baton Rouge, Louisiana to allow the affected community an opportunity to present oral testimony on the proposed rule. The March 18, 1993 hearing in Baton Rouge was scheduled in response to these requests. The hearing scheduled for February 25, 1993 will still be held at EPA offices in RTP because requests to speak at that hearing have already been received from several individuals.

Dated: February 17, 1993.

Michael H. Shapiro,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. 93–4291 Filed 2–23–93; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 86

[FRL–4599–7]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Federal Test Procedure Review

AGENCY: Environmental Protection Agency.

ACTION: Notice of public workshop.

SUMMARY: On March 9 and 10, 1993, the Environmental Protection Agency (EPA) will hold a public workshop to inform interested parties of EPA's current and planned activities regarding the Agency's review of the Federal Test Procedure (FTP) for measurement of motor vehicle emissions. Section 206(h) of the Clean Air Act (CAA) requires EPA to "review and revise as necessary" the regulations governing the FTP to "insure that vehicles are tested under circumstances which reflect the actual current driving conditions under which motor vehicles are used".

DATES: The workshop will be convened at 8:30 a.m. on March 9, 1993. Persons interested in making presentations at the workshop are requested to notify the Agency contact listed below at least two weeks prior to the workshop so that a final agenda may be prepared. Written comment may be submitted to the Air Docket (see **ADDRESSES** below) or the Agency contact until April 9, 1993.

ADDRESSES: The workshop will be held at the Sheraton Inn, 3200 Boardwalk Street, Ann Arbor, MI 48104. Telephone: (313) 996–0600. Materials relevant to the workshop are contained in Docket No. A–92–64. The docket is located at the Air Docket Room, room M–1500, Waterside Mall, 401 M Street, SW., Washington, DC, 20460. The docket may be inspected between the hours of 8:30 a.m. to 12 noon and from 1:30 to 3:30 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: John German, Certification Division. U.S.

EPA, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone: (313) 668–4214.

SUPPLEMENTARY INFORMATION: A Federal Register document announcing the availability of a status report which summarizes the Agency's review of the FTP to date is published in the Federal Register issue of Monday, February 22, 1993. The report is available to the public via three avenues: (1) The report is available and may be inspected by the public in the public docket, No. A–92–64, at the address provided in the **ADDRESSES** section above, (2) hard (paper) copies may be obtained by sending a written request to the contact person listed above, or (3) electronic copies of the report are available on EPA's Technology Transfer Network (TTN), CAAA Bulletin Board, Title II file area. TTN is an electronic bulletin board providing information, technology, and tools on air pollution control. The service is free, except for the cost of the phone call, and accessible from your own computer via a modem by dialing (919) 541–5742 (1200/2400/9600 baud). If you want more information or need help accessing the system, call the systems operator by phone at (919) 541–5384.

The agenda topics for the one and one-half day workshop will include:

—Background of the project;
—The Agency's projected schedule;
—Status reports from EPA, vehicle manufacturers, and the California Air Resources Board (CARB) on research activities and emission testing programs;
—Status report on the Agency's emission modeling program;
—Presentations and discussions on general approaches and priority settings for emission assessment and methods of test cycle development; and
—Discussion of coordination between EPA, CARB, and vehicle manufacturers on research and testing efforts.

The workshop is open to the public without advance registration and provides an opportunity for states, industry, and other interested parties to have early input into EPA's review of the FTP. Information gained from this workshop will support the Agency's efforts to implement the provisions of CAA section 206(h).

Dated: February 16, 1993.

Michael H. Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 93–4120 Filed 2–23–93; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[Common Carrier Docket No. 93–6; FCC 93–25]

Safeguards To Improve the Administration of the Interstate Access Tariff and Revenue Distribution Processes

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Communications Commission ("FCC" or "Commission") has adopted a Notice of Proposed Rulemaking ("Notice") proposing to reform the interstate access tariff and revenue distribution processes administered by the National Exchange Carrier Association, Inc. ("NECA"). The Notice proposes to amend 47 CFR 69.602 to include at least two directors from outside the local exchange carrier ("LEC") industry on NECA's Board of Directors. The Notice also proposes additional measures to increase NECA and LEC accountability to the FCC, and strengthen NECA's internal operations. The FCC issued this Notice to help assure that NECA administers the interstate access tariff and revenue distribution processes in accordance with FCC rules.

DATES: Comments are due April 14, 1993. Reply comments are due May 14, 1993.

ADDRESSES: All comments should be filed with the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. A copy should be sent to William A. Kehoe III, Accounting and Audits Division, 2000 L Street, NW., Washington, DC 20554.

A copy of any comments that concern proposed information collection requirements should also be sent to Jonas Neihardt at the Office of Management and Budget, room 3235, New Executive Office Building, Washington, DC 20503, telephone number 202–395–4814.

FOR FURTHER INFORMATION CONTACT: William A. Kehoe III, telephone number 202–632–7500.

SUPPLEMENTARY INFORMATION: 1. This is a summary of the FCC's Notice of Proposed Rulemaking ("Notice") in Safeguards to Improve the Administration of the Interstate Access Tariff and Revenue Distribution Processes, FCC No. 93–25, CC Docket No. 93–6, adopted January 14, 1993 and released February 11, 1993. The full text of the Notice is available for inspection and copying during normal business hours in the FCC Reference Center, room 230, 1919 M St., NW., Washington, DC. The full text will be published in the FCC Record and may also be purchased from the Commission's copy contractor, the International Transcription Service, at 2100 M Street, NW., suite 140, Washington, DC 20037, telephone number 202–857–3800.

2. To help assure that NECA considers independent views in administering the interstate access tariff and revenue distribution processes and that those processes comply with FCC rules, the Notice proposes to amend 47 CFR 69.602 to include at least two directors from outside the local exchange carrier ("LEC") industry on NECA's Board of Directors. The Notice also invites comment on whether the Commission should change the overall composition of that Board and proposes that eligibility for outside directorships be restricted to persons who are not current or former officers or employees of NECA or any of its members, or their relations, and that outside directors not have business relationships or other interests that could interfere with their judgment.

3. The Notice invites comment on additional measures to strengthen NECA's Board and improve its operations. These issues include whether the FCC should require NECA's Board to nominate multiple candidates for each outside director position, whether all NECA directors should serve two-year terms, and whether those terms should be staggered. To help ensure that outside directors function effectively, the Notice invites comment on whether outside directors should serve as voting members on NECA committees and whether at least one director representing LECs that do not participate in NECA common line (CL) and traffic sensitive (TS) pools should serve as voting members on NECA's CL and TS committees. In addition, the Notice invites comment on whether the FCC should require NECA to amend its bylaws to require that all NECA subcommittees be appointed by NECA committee resolution, keep formal minutes, and report all their actions to the full committee.

4. In the Notice, the Commission describes NECA's responsibilities under FCC rules and invites comment on how NECA can improve the procedures for discharging those responsibilities. In this regard, the FCC requests comment on whether responsible LEC officers or employees should be required to certify that data submitted to NECA comply with FCC rules. To help ensure that NECA's employees have proper

incentives, the Notice proposes to require NECA to submit its incentive pay plan for Commission review and, pending that review, to preclude NECA from paying any officer or employee based on the rate of return earned by the CL and TS pools. To improve the cost study process, the Notice requests comment on whether NECA should be required to provide the FCC with an annual report on the results of its cost study review process and on whether the FCC should require a sample of rate of return LECs that file their own tariffs to retain independent auditors to report annually on the sufficiency of the LECs' cost studies.

5. To enhance the FCC's ability to assure that NECA administers the interstate access tariff and revenue distribution processes in accordance with its rules, the Notice proposes that NECA be required to give the FCC on-line, dial-up access to computer-based files of data that individual LECs provide NECA. This proposed information collection requirement has been submitted to the Office of Management and Budget for review and assigned OMB control number _____ under the Paperwork Reduction Act.[1] A copy of any comments filed with OMB should also be sent to the following address at the Commission: Federal Communications Commission, Office of Managing Director, Paperwork Reduction Project, Washington, DC 20554. For further information on this matter, call Judy Boley at the Commission, telephone number 202–632–7513.

6. In the Notice, the Commission certifies that the Regulatory Flexibility Act of 1980 does not apply to this rulemaking proceeding because if the proposals in this proceeding are adopted, there will not be a significant economic impact on a substantial number of small business entities, as defined by section 601(3) of the Regulatory Flexibility Act.[2] Those proposals address the administration of the interstate access tariff and revenue distribution processes by NECA, which is an association of LECs. Because of the nature of local exchange and access service, the Commission has concluded that LECs, including small LECs, are dominant in their fields of operation and therefore are not "small entities" as defined by that act.[3] The Secretary shall send a copy of this Notice of Proposed Rulemaking, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of that act.[4]

[1] 44 U.S.C. 3504(h).

[2] 5 U.S.C. 601(3).

[3] See MTS and WATS Market Structure, 93 FCC 2d 241, 338–39 (1983).

[4] 5 U.S.C. 603(a).

Ordering Clauses

1. *Accordingly, it is ordered that,* Pursuant to sections 1, 4(i), 201–205, 218–220, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 201–05, 218–20, and 403, notice is hereby given of proposals described in this Notice of Proposed Rulemaking.

2. *It is further ordered,* That the petition for rulemaking filed January 28, 1991 by the National Association of Regulatory Utility Commissioners is hereby dismissed as moot.

List of Subjects in 47 CFR Part 69

Communications common carriers, Access charges.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–4200 Filed 2–23–93; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 93–19, RM–8176]

Radio Broadcasting Services; Kennett, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by PM Broadcasting, Inc. requesting the allotment of Channel 282A to Kennett, Missouri, as that community's second FM broadcast service. The coordinates for Channel 282A are 36–20–07 and 90–04–39. There is a site restriction 10.9 kilometers northwest of the community.

DATES: Comments must be filed on or before April 12, 1993, and reply comments on or before April 27, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: John Pelkey, Haley, Bader & Potts, 4350 North Fairfax Drive, suite 900, Arlington, Virginia 22203–1633.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–19, adopted January 29, 1993, and released February 17, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–4201 Filed 2–23–93; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 93–17, RM–8170]

Radio Broadcasting Services; Rosendale, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by the State University of New York, licensee of noncommercial educational Station WFNP, Channel 204A, Rosendale, New York, requesting the allotment of Channel 273A to Rosendale and the modification of Station WFNP's license to specify the alternate Class A channel. Allotment of Channel 273A to Rosendale could enable Station WFNP, which presently shares time with Station WRHV, Poughkeepsie, New York, to operate on a fulltime basis. Channel 273A can be allotted to Rosendale with a site restriction of 4.7 kilometers (2.9 miles) southeast to avoid a short-spacing to Station WUUU, Channel 273B, Rome, New York, at

coordinates North Latitude 41–49–14 and West Longitude 74–02–13. Canadian concurrence is required since Rosendale is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before April 12, 1993, and reply comments on or before April 27, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lewis Rosenthal, State University of New York, State University Plaza, Albany, New York 12246 (Petitioner) and Kyle E. Magrill, Magrill & Associates, P.O. Box 456, Orange Lake, Florida 32681 (Consultant).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–17, adopted January 29, 1993, and released February 17, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–4202 Filed 2–23–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 93–18, RM–8173]

Radio Broadcasting Services; Coos Bay, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Kenton Sturdevant seeking the allotment of Channel 271A to Coos Bay, Oregon, as the community's third local FM service. Channel 271A can be allotted to Coos Bay in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates North Latitude 43–22–00 and West Longitude 124–12–54.

DATES: Comments must be filed on or before April 12, 1993, and reply comments on or before April 27, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Kenton Sturdevant, 295 E. 41st; Eugene, Oregon 97405 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–18, adopted January 29, 1993, and released February 17, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–4204 Filed 2–23–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 93–16, RM–8163]

Radio Broadcasting Services; Remington, VA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Mountain Air Broadcasting proposing the allotment of Channel 283A to Remington, Virginia, as the community's first local FM service. Channel 283A can be allotted to Remington in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 283A are 38–22–00 and 77–48–42.

DATES: Comments must be filed on or before April 12, 1993, and reply comments on or before April 27, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Althea Bauers, Mountain Air Broadcasting, 14458 Long Channel Circle, Germantown, Maryland 20874 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–16, adopted January 29, 1993, and released February 17, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed

Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–4203 Filed 2–23–93; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 93–20, RM–8177]

Radio Broadcasting Services; Cheyenne, WY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Jackalope Broadcasting seeking the allotment of Channel 285A at Cheyenne, Wyoming, as its fourth local FM transmission service. Channel 285A can be allotted to Cheyenne in compliance with the Commission's minimum distance separation requirements at city reference coordinates without the imposition of a site restriction. The coordinates for Channel 285A at Cheyenne are North Latitude 41–08–18 and West Longitude 104–48–48.

DATES: Comments must be filed on or before April 12, 1993, and reply comments on or before April 27, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John F. Garziglia, Esq., Pepper & Corazzini, 1776 K Street, NW., suite 200, Washington, DC 20554 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–20, adopted February 1, 1993, and released February 18, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93–4207 Filed 2–23–93; 8:45 am]

BILLING CODE 6712–01–M

VOL 58 ISS 35 FE 24 1993 UMI

Notices

Federal Register
Vol. 58, No. 35
Wednesday, February 24, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Commodity Credit Corporation

Feed Grain Donations; Three Affiliated Tribes of the Fort Berthold Indian Reservation of North Dakota

AGENCY: Agricultural Stabilization and Conservation Service, and Commodity Credit Corporation, USDA.

ACTION: Notice.

SUMMARY: The Executive Vice-President, Commodity Credit Corporation (CCC) and the Administrator, Agricultural Stabilization and Conservation Service, is announcing that the reservation and grazing land of the Fort Berthold Indian Reservation, North Dakota, is an acute distress area and that CCC-owned feed grain will be donated to needy livestock owners on the reservation.

FOR FURTHER INFORMATION CONTACT: Margie L. Hartman, Livestock Programs Branch, Agricultural Stabilization and Conservation Service, P.O. Box 2415, Washington, DC 20013–2415, 202–720–6235.

SUPPLEMENTARY INFORMATION: Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), Executive Order 11336, and the delegation of authority in 7 CFR 2.65(a)(21), notice is being given that I have determined that:

1. The chronic economic distress of the needy members of the Three Affiliated Tribes (the Tribes) of the Fort Berthold Indian Reservation of North Dakota has been materially increased and become acute because of severe and prolonged drought, thereby creating a serious shortage of feed and causing increased economic distress. This reservation is designated for Indian use and is utilized by members of the Tribes for grazing purposes.

2. The use of feed grain or products thereof made available by CCC for livestock feed for such needy members of the Tribes will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing land of the Tribes to be acute distress areas and authorize the donation of feed grain owned by the CCC to livestock owners who are determined by the Bureau of Indian Affairs, United States Department of the Interior, to be needy members of the Tribes utilizing such lands. These donations by the CCC may commence upon February 10, 1993, and shall be made available through May 15, 1993, or such other date as may be stated in a notice issued by the Administrator, Agricultural Stabilization and Conservation Service.

Signed at Washington, DC, on February 18, 1993.

Bruce R. Weber,

Acting Administrator, Agricultural Stabilization and Conservation Service, and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 93–4253 Filed 2–23–93; 8:45 am]

BILLING CODE 3410–05–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has scheduled its regular business meetings to take place in Washington, DC on Tuesday and Wednesday, March 9–10, 1993 at the times and location noted below.

DATES: The schedule of events is as follows:

Tuesday, March 9, 1993

9:00–9:45 am—Technical Programs Committee
10:00–11:30 am—Planning and Budget Committee
1:00–5:00 pm—Public Hearing on Proposed Accessibility Guidelines for State and Local Government Facilities

Wednesday, March 10, 1993

9:00–11:30 am—Rulemaking Work Group (closed meeting)
1:00–3:00 pm—Board Meeting

ADDRESSES: The meetings will be held at: Sheraton City Centre, 1143 New Hampshire Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact Lawrence W. Roffee, Executive Director, (202) 272–5434 ext. 14.

SUPPLEMENTARY INFORMATION: At its business meeting, the Access Board will consider the following agenda items:

- Swearing in of New Members.
- Award to Departing Member.
- Approval of the Minutes of the January 13, 1993 Board Meeting.
- Executive Director's Report.
- Progress Report on Technical Program Projects and Technical Assistance and Research Contracts.
- Fiscal Year 1993 Budget Reprogramming.
- Status Report on Fiscal Year 1994 Budget.
- Status Report on Telephone Service Improvement Project.
- Status Report on Resolution on Federal Use of ADAAG (closed).
- Status Report on Pending Rulemaking (closed).
- Technical Corrections to ADAAG (closed).
- Major Issues for State and Local Government Facilities Rulemaking (closed).
- Report on Extraordinary Work.
- Complaint Status Report.

Some meetings or items may be closed to the public as indicated above. All meetings are accessible to persons with disabilities. Sign language interpreters and an assistive listening system are available at all meetings.

Lawrence W. Roffee,

Executive Director.

[FR Doc. 93–4283 Filed 2–23–93; 8:45 am]

BILLING CODE 8150–01–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Tennessee Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the

Tennessee Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 5 p.m. on Wednesday, March 17, 1993, at the Ramada Convention Center, Southern Suite, 160 Union Avenue, Memphis, Tennessee 37103. The purpose of the meeting is to: (1) To discuss civil rights progress and/or problems in the State; (2) to discuss the status of the Commission, SACs, rechartering, etc.; (3) to report/update on the current project, Racial Tensions in Tennessee; and (4) orientate new SAC members.

Persons desiring additional information, or planning a presentation to the Committee should contact Bobby D. Doctor, Regional Director, Southern Regional Office of the U.S. Commission on Civil Rights at (404/730–2476, TDD 404/730–2481). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Southern Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 16, 1993.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 93–4214 Filed 2–23–93; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 5–93]

Foreign-Trade Zone 86—Tacoma, WA; Application for Subzone, Toray Carbon Fiber Composite Plant, Tacoma, WA

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port of Tacoma, grantee of FTZ 86, requesting special-purpose subzone status for the carbon fiber composite materials manufacturing plant of Toray Composites (America), Inc. (TCA) (subsidiary of Toray Industries, Inc., of Japan) in Tacoma, Washington, within the Tacoma Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 16, 1993.

TCA's new facilities (U.S. headquarters and manufacturing plant—25 acres, 130 employees) at 19002 50th Avenue East, Tacoma, are scheduled to be completed by February 1994. They will be used to produce carbon fiber composite materials consisting of PAN-based (polyacrylonitrile) carbon fiber fabric impregnated with epoxy resin. The plant will supply Boeing with carbon fiber composite materials for use in the manufacture of primary structures for its next generation commercial airplane—the Boeing 777. Some 90 percent of TCA's production would be sold to Boeing, and the remainder would be exported.

Zone procedures would exempt TCA from Customs duty payments on foreign components used in production for export. On domestic sales, the company would be able to choose the duty rate that applies to the finished product (4.9%) with regard to the following foreign ingredients: epoxy resin and polyethersulfone (duty rate—6.1 percent), polyvinylformal (5.3%), and 1,1-dimethyl urea (6.8%). The epoxy resin and additives together comprise 15 percent of the value of the finished product. Both the primary imported component (carbon fiber fabric) and the final product (carbon fiber composite) are dutiable at a 4.9% rate. The company may request a ruling from Customs to classify the finished carbon fiber composite material as an aircraft part (duty-free) so that the duty-free rate applies. The application indicates that zone savings will help TCA in its export sales, and to reduce costs for the material sold to Boeing.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 26, 1993. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 10, 1993).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

Office of the District Director, U.S. Department of Commerce, suite 290, 3131 Elliott Ave., Seattle, WA 98121.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: February 17, 1993

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 93–4174 Filed 2–23–93; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–489–602]

Termination of Antidumping Duty Administrative Review; Acetylsalicylic Acid From Turkey

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce is notifying the public of its decision to terminate the administrative review of acetylsalicylic acid from Turkey for the period of review August 1, 1991 through July 31, 1992.

EFFECTIVE DATE: February 24, 1993.

FOR FURTHER INFORMATION CONTACT: J. David Dirstine or Richard Rimlinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On August 25, 1987, the Department of Commerce (the Department) published in the **Federal Register** (50 FR 3948) an antidumping duty order on acetylsalicylic acid from Turkey. On August 19, 1992, Atabay Kimya Sanayi ve Ticaret A. S. (Atabay), a Turkish manufacturer/exporter of the subject merchandise, requested in accordance with § 353.22(a)(2) of the Commerce Regulations that we conduct an administrative review for the period August 1, 1991 through July 31, 1992. Atabay was the only party to request an administrative review for this period. We published the notice of initiation on September 28, 1992 (57 FR 44551). On November 23, 1992, we received a timely request from Atabay to withdraw its request for review pursuant to § 353.22(a)(5) of the Commerce Regulations.

Scope of the Review

The product covered in this review is acetylsalicylic acid (aspirin) containing no additives, other than inactive substances (such as starch, lactose, cellulose, or coloring material), and/or active substances in concentrations less than that specified for particular non-prescription drug combinations of

aspirin and active substances as published in the Handbook of Non-Prescription Drugs, 8th edition, American Pharmaceutical Association, and is not in tablet, capsule or similar forms for direct human consumption. This product is currently classified under the Harmonized Tariff Schedule (HTS) subheading 2918.22.10.

Termination of Review

On the basis of the timely receipt of a request from Atabay to withdraw its request for review, we are terminating our administrative review.

This notice is in accordance with section 751(a) of the Tariff Act of 1930 and § 353.22(a)(5) of the Commerce Regulations

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93-4176 Filed 2-23-93; 8:45 am]

BILLING CODE 3510-DS-M

Notice of Scope Rulings

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of scope rulings.

SUMMARY: The International Trade Administration (ITA) hereby publishes a list of scope rulings completed between October 1, 1992, and December 31, 1992. In conjunction with this list, the ITA is also publishing a list of pending requests for scope clarifications. The ITA intends to publish future lists within thirty days of the end of each quarter.

EFFECTIVE DATE: February 24, 1993.

FOR FURTHER INFORMATION CONTACT: Melissa G. Skinner or Sandra Yacura, Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC. 20230; telephone (202) 482-4851.

Background

Sections 353.29(d)(8) and 355.29(d)(8) of the Department's regulations (19 CFR 353.29(d)(8) (1992) and 355.29(d)(8)) provide that on a quarterly basis the Secretary will publish in the Federal Register a list of scope rulings completed within the last three months. The lists are to include the case name, reference number, and brief description of the ruling.

This notice lists scope rulings completed between October 1, 1992 and December 31, 1992, and pending scope clarification requests. The ITA intends to publish in April 1993 a notice of scope rulings completed between January 1, 1993 and March 31, 1993, as well as pending scope clarification requests.

The following lists provide the country, case reference number, requester(s), and a brief description of either the ruling or product subject to the request.

Scope Rulings Completed Between October 1, 1992 and December 31, 1992

Country: Italy
A-475-802: Industrial belts
Pirelli Power Transmission Corp.—"Panther" industrial belts are within the scope of the order—11/12/92
Country: Korea
A-580-601: Stainless Steel Cooking Ware
William H. Campbell Company—Certain stainless steel eight cup coffee percolators are within the scope of the order—11/13/92
C-580-602: Stainless Steel Cooking Ware
William H. Campbell Company—Certain stainless steel eight cup coffee percolators are within the scope of the order—11/13/92
Country: Japan
A-588-087: Portable Electric Typewriters
Silver Seiko Ltd. and Silver Reed America Inc.—Typewriters Model EZ-40 and EZ-43 are not within the scope of the order—10/09/92
A-588-804: Antifriction Bearings
Brand Technologies—Certain cartridge assemblies comprised of a machined shaft, a machined housing, and two standard bearings are not within the scope of the order—10/27/92
Nippon Thompson Co., Ltd. and IKO International Inc.—Certain cylindrical roller bearings are within the scope of the order—12/29/92
A-588-817: Flat Panel Displays
Zenith Data Systems—Notebook computers Models Z-Note 320L, Z-Note 320Lb, Z-Note 325L are not within the scope of the order—12/09/92

Scope Inquiries Terminated Between October 1, 1992 and December 31, 1992

Country: Japan
A-588-815: Gray Portland Cement and Cement Clinker
En-Tech Inc.—"GEOSTA-E" Cement request terminated as insufficient application—11/04/92

Pending Scope Clarification Requests as of December 31, 1992

Country: Canada
A-122-601: Brass Sheet and Strip
Hussey Copper Ltd., The Miller Company, Olin Corp. (Brass Group), Outokumpu American Brass, Revere Copper Products, the International Association of Machinists & Aerospace Workers, the International Union, Allied Industrial Workers of America (AFL-CIO), the Mechanics Educational Society of America (Local 56), and the United Steelworkers of America (AFL-CIO/CLC)—Anti-circumvention inquiry to determine whether a producer of brass in Canada and a U.S. importer of brass are circumventing the antidumping order by importing Canadian brass plate, a product not included within the antidumping duty order, into the United States where it is rolled down slightly into brass sheet and strip
Country: Argentina
C-357-404: Certain Apparel
FBM S.R.L., Proteo S.A., Desatex S.A., and Four Seasons Wear Inc.—men's knit cotton T-shirts, men's knit cotton tank tops, boys' knit cotton tank tops, women's knit cotton tank tops, men's knit cotton pants, boys' knit cotton pants, men's knit cotton shorts, boys' knit cotton shorts, women's knit cotton pants, girls' knit cotton pants, women's knit cotton shorts, and girls' knit cotton shorts
Country: United Kingdom
A-412-801: Antifriction Bearings
Sinclair International—SAR series of bearings
Country: Thailand
A-549-502: Certain Circular Welded Carbon Pipes and Tubes
Intrepid, Inc.—British Standard (BS) light pipe 1387/67, Class A-1
Country: Federal Republic of Germany
A-428-801: Antifriction Bearings
INA Walzlager Schaeffler KG and INA Bearing Company, Inc.—Certain series of bearings
Country: Italy
A-475-703: Granular Polytetrafluroethylene (PTFE) Resin
E.I. DuPont de Nemours & Company, Inc.—Anti-circumvention inquiry to determine whether imports of granular PTFE raw polymer are circumventing the order—preliminary affirmative ruling—08/31/92
Country: Singapore
C-559-802: Antifriction Bearings
Sunstrand Aerospace—certain cylindrical roller bearings
Country: People's Republic of China
A-570-003: Shop Towels of Cotton
Venus Textiles, Inc —certain 18"x30" dish towels
A-570-504: Petroleum Wax Candles
Simcha Candle Co.—certain "utility/household" candles
Trade Advisory Group—certain terra cotta candles
San Francisco Candle Company—certain ball-shaped, holiday and/or value-added candles
A-570-802: Heavy Forged Hand Tools
Forrest Tool Company—MAX Multipurpose Tool
A-570-806: Silicon Metal
Petitioners (American Alloys, Inc.; Elkem Metals Company; Globe Metallurgical, Inc.; Silicon Metaltech Inc.; SiMETCO Inc.; and SKW Alloys, Inc.)—silicon metal with a silicon content of at least 89.00 percent but less that 99.99 percent
Country: Japan
A-588-014: Tuners
Alpine Electronics, Inc., Alpine Electronics of America, Inc., and Alpine Electronics Manufacturing of America, Inc.—certain replacement parts and certain car radio/stereo parts
Fujitsu Ten Corporation of America—certain electronically-tuned car stereos
A-588-055: Acrylic Sheet

VOL
58
ISS
35
FE
24
1993
UMI

Sekisui America Corp.—ESLON DC PLATE manufactured by Sekisui Chemical Co., Ltd.

A–588–405: Cellular Mobile Telephones and Subassemblies

Matsushita Communication Industrial Co., Ltd. and its related entities (Matsushita)—Panasonic models EB–3530 and EB–3531 portable cellular telephones, including their accessories and their subassemblies and/or components

Fujitsu Limited, Fujitsu America, Inc. and Fujitsu Network Transmission Systems, Inc.—hand-held portable cellular telephone, model F8OP–172, and its accessories

Sanyo North America Corporation—hand-held portable cellular telephone, model CMP350 and ANTEL brand model STR2000

Mitsubushi Electric Corporation, Mitsubushi Electronics Incorporated, Mitsubushi Consumer Electronic America, Inc.—hand-held portable cellular telephone models MT896FOR6A and MT892FOR6A

A–588–804: Antifriction Bearings

Nippon Pillow Block Sales Co., Ltd.—certain eccentric locking collars which are part of housed bearing units

A–588–807: Industrial Belts and Components

Nitta Industries Corp. and Nitta International Inc.—"conveyor belts"

BRECOflex Corp.—anti-circumvention inquiry to determine whether the order is being circumvented by the processing of belting into belts in Mexico before importation into the United States

Tower Group International, Inc. and Epson America, Inc.—closed loop synthetic timing belt used in Epson LX–800 desktop personal computer printer

A–588–810: Mechanical Transfer Presses

Aida Engineering, Ltd.—FMX series cold forging press

A–588–815: Cement

Surecrete, Incorporated—"Nittetsu Super Fine" cement

A–588–818: Personal Word Processors

Smith Corona Corporation—allegation of circumvention by virtue of the importation, completion and assembly of personal word processor parts and components by Brother Industries (USA), Inc.

Interested parties are invited to comment on the accuracy of the list of pending scope clarification requests. Any comments should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B–099, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: February 9, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance

[FR Doc. 93–4305 Filed 2–23–93; 8:45 am]

BILLING CODE 3510–DS–M

United States-Canada Free-Trade Agreement, Article 1904 Binational Panel Reviews; Notice of Decision of Panel

AGENCY: United States-Canada Free-Trade Agreement, Binational Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of Decision of Panel in the binational panel review of the final determination of injury made by the Canadian International Trade Tribunal (CITT) respecting Certain Beer Originating In or Exported From the United States.

SUMMARY: By a decision dated February 8, 1993, the Binational Panel affirmed the final determination on remand made by the CITT respecting Certain Beer Originating In or Exported From the United States of America by or on behalf of Pabst Brewing Company, G. Heileman Brewing Company, Inc. and The Stroh Brewery Company, their Successors and Assigns, for Use or Consumption in the Province of British Columbia (Secretariat File No. CDA–91–1904–02). A copy of the complete Panel decision is available from the Binational Secretariat.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, United States Secretary, Binational Secretariat, suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the United States-Canada Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from the other country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1989, the Government of the United States and the Government of Canada established Rules of Procedure for Article 1904 Binational Panel Review ("Rules"). These Rules were published in the **Federal Register** on December 30, 1988 (53 FR 53212). The Rules were amended by Amendments to the Rules of Procedure for Article 1904 Binational Panel Reviews, published in the **Federal Register** on December 27, 1989 (54 FR 53165). The panel review in this matter was conducted in accordance with these Rules.

Background

On October 16, 1991 a Request for Panel Review of the final injury determination made by CITT was filed by G. Heileman Brewing Company Inc., with the Canadian Section of the Binational Secretariat pursuant to Article 1904 of the United States-Canada Free Trade Agreement. The panel rendered a decision on August 26, 1992 (Canada Gazette, Part I, Vol. 125, No. 41, September 19, 1992), which affirmed in part and remanded in part the investigating authority's final determination.

On November 9, 1992, the investigating authority filed its determination on remand. G. Heileman and The Stroh Brewery Company requested review of the determination on remand, under Rule 75 of the Rules.

Panel Decision

The panel rendered a decision on February 8, 1993, which affirmed the investigating authority's determination on remand.

Dated: February 18, 1993.

James R. Holbein,

United States Secretary, FTA Binational Secretariat.

[FR Doc. 93–4306 Filed 2–23–93; 8:45 am]

BILLING CODE 3510–GT–M

National Institute of Standards and Technology

Announcing a Meeting of Computer System Security and Privacy Advisory Board

AGENCY: National Institute of Standards and Technology.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the Computer System Security and Privacy Advisory Board will meet Wednesday, March 17, 1993, and Thursday, March 18, 1993, from 9 a.m. to 5 p.m. The Advisory Board was established by the Computer Security Act of 1987 (Pub. L. 100–235) to advise the Secretary of Commerce and the Director of NIST on security and privacy issues pertaining to Federal computer systems. All sessions will be open to the public.

DATES: The meeting will be held on March 17 and 18, 1993, from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will take place at Marriott Hotel, 620 Perry Parkway, Gaithersburg, MD 20877. Please contact

the individual in the "for further information" section to obtain specific conference room assignment. Inquiries regarding the Board meeting should not be directed to the conference facility.

Agenda

—Welcome and Meeting Overview
—NIST Cryptographic Standards Update
—Congressional Update
—Federal Criteria Briefing
—Annual Report and Pending Business
—Public Participation
—Close

PUBLIC PARTICIPATION: The Board agenda will include a period of time, not to exceed thirty minutes, for oral comments and questions from the public. Each speaker will be limited to five minutes. Members of the public who are interested in speaking are asked to contact the Board Secretariat at the telephone number indicated below. In addition, written statements are invited and may be submitted to the Board at any time. Written statements should be directed to the Computer System Security and Privacy Advisory Board, Computer Systems Laboratory, Building 225, room B154, National Institute of Standards and Technology, Gaithersburg, MD 20899. It would be appreciated if fifteen copies of written material could be submitted for distribution to the Board by March 10, 1993. Approximately fifteen seats will be available for the public, including three seats reserved for the media. Seats will be available on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn McNulty, Associate Director for Computer Security, Computer Systems Laboratory, National Institute of Standards and Technology, Building 225, room B154, Gaithersburg, MD 20899, telephone: (301) 975–3240.

Dated: February 3, 1993.

John W. Lyons,

Director.

[FR Doc. 93–4255 Filed 2–23–93; 8:45 am]

BILLING CODE 3510–CN–M

International Trade Administration

A–588–015

Television Receivers, Monochrome and Color, From Japan; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On December 12, 1991, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on television receivers, monochrome and color, from Japan. The review covers two manufacturers/exporters of this merchandise to the United States, Citizen Watch Company, Ltd. and Victor Company of Japan, Ltd., and the period March 1, 1990 through February 28, 1991.

We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of comments received, we have changed the final results from those presented in our preliminary results of review.

EFFECTIVE DATE: February 24, 1993.

FOR FURTHER INFORMATION CONTACT: Karin Price or Maureen A. Flannery, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377–2923.

SUPPLEMENTARY INFORMATION:

Background

On December 12, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 64751) the preliminary results of its administrative review of the antidumping finding on television receivers, monochrome and color (TVs), from Japan (36 FR 4597, March 10, 1971). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act) and 19 CFR 353.22 (1990).

Scope of the Review

Imports covered by this review are shipments of television receiving sets, monochrome and color, from Japan. Television receiving sets include, but are not limited to, units known as projection televisions, receiver monitors, and kits (containing all parts necessary to receive a broadcast television signal and produce a video image). Not included are certain monitors not capable of receiving a broadcast signal, certain combination units, and certain subassemblies not containing the components essential for receiving a broadcast television signal and producing a video image. During the review period, television receiving sets, monochrome and color, were classifiable under Harmonized Tariff Schedule (HTS) item numbers 8528.10.80, 8528.11.60, and 8528.20.00. The HTS item numbers are provided for convenience and Customs purposes only. The written description remains dispositive.

This review covers two manufacturers/exporters of Japanese television receivers, monochrome and color, Citizen Watch Company, Ltd. (Citizen), and Victor Company of Japan, Ltd. (Victor), and the period March 1, 1990 through February 28, 1991.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results, as provided by § 353.38 of the Commerce Regulations. We received comments from Zenith Electronics Corporation (Zenith), Citizen, Victor, and P.T. Imports, Inc. (P.T. Imports), an importer of subject merchandise manufactured by Victor.

Comment 1

Zenith contends that, with respect to Citizen, the Department's treatment of Japanese consumption taxes rebated or not collected by reason of exportation of the merchandise was unlawful. According to Zenith, the Department calculated the amount of consumption tax forgiven upon export using the price to the first unrelated customer, added the full amount of the tax to United States price (U.S. price), and made a circumstance-of-sale (COS) adjustment to foreign market value (FMV) for the difference between the amount of Japanese and U.S. tax. Zenith argues that the appropriate tax base is the ex-factory price, that the Department should impose a cap on the amount of forgiven tax added to U.S. price equal to the amount of tax included in FMV as specified in 19 U.S.C. 1677a(d)(1)(C), and that no adjustment should be made to FMV for the difference between the two tax amounts. As support for its arguments, Zenith relies on the decisions of the Court of International Trade (CIT in *Zenith Electronics Corp.* v. *United States*, 633 F. Supp. 1382 (1986), *appeals dismissed*, 975 F. 2d 291 (Fed. Cir. 1989) (*Zenith I*); *Daewoo Electronics Co.* v. *United States*, 712 F. Supp. 931 (1989) (*Daewoo*); *Zenith Electronics Corp.* v. *United States*, 755 F. Supp. 397 (1990) (as clarified by the Court order dated February 20, 1991); and *Zenith Electronics Corp.* v. *United States*, 770 F. Supp. 648 (1991) (*Zenith II*).

Citizen replies that the Department has rejected Zenith's argument in previous reviews of this case, citing Television Receivers, Monochrome and Color, from Japan; Final Results of Antidumping Duty Administrative Review (56 FR 34180, July 26, 1991) and Television Receivers, Monochrome and

VOL 58 ISS 35 FE 24 1993 UMI

Color, from Japan; Final Results of Antidumping Duty Administrative Review (56 FR 56189, November 1, 1991).

Department's Position

We disagree with Zenith that the amount of consumption tax forgiven upon exportation should be calculated on the basis of the export price. The tax base used for determining the amount of tax which the Japanese taxing authorities would have imposed on exports of the merchandise to the United States is the price which is analogous to the home market tax base. With regard to the Japanese consumption tax, the Department has determined that the price to the first unrelated party in the United States is comparable to the price on which the merchandise is taxed in the home market, the sales price.

Because we believe that dumping margins should neither be inflated nor deflated by differences between Japanese taxes and constructed taxes applied to U.S. price, we do not agree with the CIT's position in Zenith I, Daewoo, or Zenith II on adjustments for differences in taxes and have sought an appeal on the merits of this issue. After calculating the amount of consumption tax and adding it to U.S. price, we make an adjustment to FMV for the differences in taxes by deducting the Japanese consumption tax from FMV and replacing it with the imputed consumption tax on the U.S. sales. See our response to Comment 1 of Television Receivers, Monochrome and Color, from Japan; Final Results of Antidumping Duty Administrative Review (56 FR 56189, November 1, 1991), our response to Comment 1 in Color Television Receivers from the Republic of Korea; Final Results of Antidumping Duty Administrative Review (56 FR 12701, March 27, 1991), and our response to Comment 3 in Color Television Receivers, Except for Video Monitors, from Taiwan; Final Results of Antidumping Duty Administrative Review (57 FR 20241, May 12, 1992).

Comment 2

Regarding adjustments to FMV for Citizen's home market selling expenses, Zenith argues that the Department has failed to take into account earnable interest on payments made after an obligation to pay is incurred. Zenith reasons that, when an obligation is paid after it is incurred, Citizen has, in effect, been granted "delayed payment terms," and the benefit from paying these obligations on a delayed basis should be taken into account when calculating the true cost of a claimed selling expense. According to Zenith, the true cost of an after-sale rebate, for example, should be measured as the amount of the paid rebate less any interest earned during the period that payment of the rebate was outstanding. Accordingly, Zenith argues that the Department should reduce the adjustment to FMV for Citizen's home market selling expenses by the amount of any interest earnable as a result of delayed payment of those expenses.

Citizen replies that the Department has rejected Zenith's arguments in previous reviews of this case, citing Television Receivers, Monochrome and Color, From Japan; Final Results of Antidumping Duty Administrative Review (56 FR 34180, July 26, 1991) and Television Receivers, Monochrome and Color, from Japan; Final Results of Antidumping Duty Administrative Review (56 FR 56189, November 1, 1991).

Department's Position

We disagree with Zenith. We find that there is no statutory or regulatory requirement for making the proposed adjustment. While there may be a potential opportunity gain associated with a respondent's delayed payment of discounts or rebates to its home market customers, that fact alone is not a sufficient basis for the Department to make such an adjustment in price-to-price comparisons. We note that virtually every charge or expense associated with both U.S. and home market sales is either prepaid or paid for at some time after the cost is incurred. Accordingly, for each pre- or post-service payment, there also may be an opportunity cost or gain. Thus, to allow the type of adjustment proposed by Zenith would require the Department to undertake the virtually impossible task of trying to determine the potential opportunity cost or gain of every freight charge, discount, rebate, and selling expense for each sale reported in the respondent's home market and U.S. sales databases. This exercise would make our calculations inordinately complicated, placing an unreasonable and onerous burden on both respondents and the Department, without necessarily ensuring a more accurate dumping margin calculation. Consequently, we have not made the requested adjustment.

Comment 3

Zenith argues that the Department should deduct antidumping-related legal expenses from Citizen's exporter's sales price (ESP). Zenith notes that under 19 U.S.C. 1677a(e)(2), the Department shall remove from ESP "the amount, if any, of expenses generally incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise." According to Zenith, antidumping-related legal expenses are selling expenses because they are incurred as a result of a respondent selling the merchandise under review in the United States at prices below FMV. Moreover, Zenith argues that there is no basis for retaining in ESP legal expenses incurred as a result of an antidumping proceeding when all other legal expenses incurred by a foreign company's U.S. subsidiary are deducted from ESP.

Citizen replies that the Department has rejected Zenith's arguments in previous reviews of this case, citing Television Receivers, Monochrome and Color, from Japan; Final Results of Antidumping Duty Administrative Review (56 FR 34180, July 26, 1991) and Television Receivers, Monochrome and Color, from Japan; Final Results of Antidumping Duty Administrative Review (56 FR 56189, November 1, 1991).

Department's Position

We disagree with Zenith. As we have stated in previous reviews of this finding, the antidumping duty order on color television receivers from the Republic of Korea, and the antidumping duty order on color television receivers, except for video monitors, from Taiwan, we do not consider legal expenses incurred in defending against an allegation of dumping to be expenses incurred in selling the merchandise in the United States. As a result, we have not deducted these expenses from Citizen's ESP in these final results. Moreover, this position was recently affirmed in Zenith II. See our response to Comment 3 in Television Receivers, Monochrome and Color, From Japan; Final Results of Antidumping Duty Administrative Review (56 FR 56189, November 1, 1991), our response to Comment 5 in Color Television Receivers, Except for Video Monitors, from Taiwan; Final Results of Antidumping Duty Administrative Review (57 FR 20241, May 12, 1992), and our response to Comment 5 in Color Television Receivers from the Republic of Korea; Final Results of Antidumping Duty Administrative Review (56 FR 12701, March 27, 1991).

Comment 4

Zenith argues that the Department should deduct from Citizen's U.S. price payments of estimated antidumping duties and any expenses related to such payments. According to Zenith, these

items should be deducted from U.S. price, along with the estimated ordinary duties paid, because 19 U.S.C. 1677a(d)(2)(A) specifically requires that "United States import duties" and charges "incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States" be deducted from U.S. price.

Citizen replies that the Department has rejected Zenith's arguments in previous reviews of this case, citing Television Receivers, Monochrome and Color, from Japan; Final Results of Antidumping Duty Administrative Review (56 FR 34180, July 26, 1991) and Television Receivers, Monochrome and Color, from Japan; Final Results of Antidumping Duty Administrative Review (56 FR 56189, November 1, 1991).

Department's Position

We disagree with Zenith. As we have stated in previous reviews of this finding, we believe that deducting estimated amounts of antidumping duties in our calculations would result in inaccurate margins. We do not consider payments of estimated antidumping duties to be expenses related to the sales of the merchandise under consideration for these review periods. Further, given the possibility that these estimated duties could vary significantly from duties that may be assessed, we do not consider them to be "expenses" within the meaning of section 772(d)(2)(A) of the Tariff Act for the purpose of determining U.S. price. Finally, estimated duties and duties assessed are paid by the importer, which, in some cases, is unrelated to the party whose sales are under review. As a result, we have not deducted them from Citizen's U.S. price in these final results. See our response to Comment 4 in Television Receivers, Monochrome and Color, From Japan; Final Results of Antidumping Duty Administrative Review (56 FR 56189, November 1, 1991), our response to Comment 6 in Color Television Receivers, Except for Video Monitors, from Taiwan; Final Results of Antidumping Duty Administrative Review (57 FR 20241, May 12, 1992), and our response to Comment 6 in Color Television Receivers from the Republic of Korea; Final Results of Antidumping Duty Administrative Review (56 FR 12701, March 27, 1991).

Comment 5

Zenith asserts that, with respect to Citizen, the Department may have improperly included non-selling expenses in home market indirect expenses for the ESP offset to FMV. According to Zenith, 19 CFR 353.56(b) requires that the offset to FMV be comprised only of indirect selling expenses, and not general and administrative expenses. Therefore, Zenith urges the Department to require an affirmative demonstration from Citizen that all home market indirect expenses they have claimed as an offset to FMV are actually selling expenses, and not general and administrative expenses.

According to Citizen, the Department has rejected Zenith's arguments in previous reviews of this case by stating that absent specific information from Zenith, there is no reason to suspect that the claimed expenses are not related to selling expenses. Citizen refers to the Department's position on this issue in Television Receivers, Monochrome and Color, from Japan; Final Results of Antidumping Duty Administrative Review (56 FR 56189, November 1, 1991).

Department's Position

We disagree with Zenith. Zenith has not directed its comments to any specific selling expenses. Without more specific information, the Department cannot respond in detail. The Department, however, has no reason to suspect that the claimed expenses are not related to selling activities. See our response to Comment 5 in Television Receivers, Monochrome and Color, from Japan; Final Results of Antidumping Duty Administrative Review (56 FR 56189, November 11, 1991) and our response to Comment 4 in Color Television Receivers from the Republic of Korea; Final Results of Antidumping Duty Administrative Review (56 FR 12701, March 27, 1991).

Comment 6

Zenith contends that the Department erroneously treated Citizen's selling commissions in the United States as though they consisted entirely of indirect selling expenses. According to Zenith, commissions compensate the recipient for both direct and indirect selling expenses incurred on behalf of the respondent. Zenith argues that, since FMV has already been adjusted for direct selling expenses, an offset to FMV comprised of indirect selling expenses up to the full amount of the U.S. commission overcompensates for the indirect portion of the commission and effectively negates the deduction from U.S. price of the direct expense portion of the commission. Accordingly, Zenith claims that commissions should be broken down into their direct and indirect expense components, and that the offset to FMV should be capped at the level of the indirect expense portion.

Citizens replies that the Department has rejected Zenith's arguments in previous reviews of this case, citing Television Receivers, Monochrome and Color, from Japan; Final Results of Antidumping Duty Administrative Review (56 FR 34180, July 26, 1991).

Department's Position

We disagree with Zenith. Section 353.56(b)(1) of our regulations requires us to make an adjustment for situations in which a commission is paid in one market but not in the other market. That adjustment is limited to "the amount of the other selling expenses" allowed in the other market. We do not interpret this regulation as requiring us to limit the offset to a specific portion of the expenses of the commissionaire. Indeed, it is not necessary to examine how the recipient of the commissions spends the money because, to the seller, such monies represent direct expenses incurred as a result of that particular sale. As a result, we have offset the full amount of Citizen's U.S. commissions in these final results. See our response to Comment 7 in Television Receivers, Monochrome and Color, from Japan; Final Results of Antidumping Duty Administrative Review (56 FR 34180, July 26, 1991), our response to Comment 7 in Color Television Receivers, Except for Video Monitors, from Taiwan; Final Results of Antidumping Duty Administrative Review, (57 FR 20241, May 12, 1992), and our response to Comment 7 in Color Television Receivers from the Republic of Korea; Final Results of Antidumping Duty Administrative Review (56 FR 12701, March 27, 1991).

Comment 7

Zenith contends that, where constructed value (CV) is relied upon as the basis for Citizen's FMV, the Department should include in its calculation of CV discounts, rebates, and consumption tax. According to Zenith, these items must be included among the "general expenses" component of CV because 19 U.S.C. 1677b(e)(1)(B) requires that general expenses encompass what is usually reflected in sales. Because Citizen acknowledges that discounts, rebates, and consumption taxes are included in the selling price of the merchandise, and because the Department routinely adjusts for these items under its authority to adjust for differences in circumstances of sale, Zenith argues that they are "general expenses" as defined in the statute, and should, therefore, be included in CV.

VOL 58 ISS 35 FE 24 1993 UMI

According to Citizen, the Department has rejected Zenith's arguments in previous reviews of this case by stating that discounts and rebates are adjustments to price rather than selling expenses and that there is no statutory basis for including taxes in CV. Citizen refers to Television Receivers, Monochrome and Color, from Japan; Final Results of Antidumping Duty Administrative Review (56 FR 38417, August 13, 1991).

Department's Position

We disagree with Zenith that these expenses should be included in CV. As we have stated in previous reviews of this finding, the antidumping duty order on color television receivers from Korea, and the antidumping duty order on television receivers, monochrome and color, from Taiwan, consumption taxes should not be included in CV. Pursuant to section 773(e) of the statute, the Department constructs an ex-factory value which consists of the sum of the cost of manufacture, general expenses, profit on home market sales, and the cost of packing the merchandise for shipment to the United States, exclusive of any internal tax applicable in the country of exportation directly to such materials or their disposition, but remitted or refunded upon the exportation of the merchandise. In order to make an "apples-to-apples" comparison of this FMV to U.S. price, all taxes are removed from U.S. price, and no tax is added thereto. Thus, contrary to Zenith's assertions, when CV is used to determine FMV, there is no basis in the statute, or otherwise, for including home market consumption taxes. With respect to the inclusion of rebates and discounts in CV, we do not agree with Zenith. As we have stated in previous reviews of this case, we consider discounts and rebates to be adjustments to price than selling expenses. Moreover, the Department has already deducted from the gross U.S. price any rebates or discounts which were granted on the sale of the merchandise; therefore, in order to make an apples-to-apples comparison, rebates and discounts are not included in CV. As a result, we have not included discounts, rebates, or consumption taxes in our calculation of CV. See our response to Comment 20 in Television Receivers, Monochrome and Color, From Japan; Final Results of Antidumping Duty Administrative Review (56 FR 38417, August 13, 1991), our response to Comment 8 in Color Television Receivers, Except for Video Monitors, from Taiwan; Final Results of Antidumping Duty Administrative Review (56 FR 65218, December 16, 1991), and our response to Comment 9 in Color Television Receivers from the Republic of Korea; Final Results of Antidumping Duty Administrative Review (56 FR 12701, March 27, 1991).

Comment 8

Citizen argues that the Department should calculate the weighted-average margin based only on sales which were made during the current (the twelfth) review period. Citizen notes that the Department calculated the weighted-average margin based on shipments during the current review period, some of which involve sales made during the previous review period. Citizens contends that it is unfair to include sales made during the previous review period in the calculation of the weighted-average margin for the twelfth review period because they reflect pricing decisions made during the previous review period, the first period in which Citizen was reviewed. Moreover, Citizen argues that it is not the Department's standard practice to include sales from previous review periods in the weighted-average margin for the current period.

Zenith replies that the statute is explicit in requiring that the determination of the amount of dumping duties to be assessed on entries subject to a review determination shall "be the basis * * * for deposits of estimated duties," citing 19 U.S.C. 1675(a)(2). Therefore, Zenith contends that there is no foundation for Citizen's argument that the Department should exclude a portion of the determined dumping duty liability from the calculation of the cash deposit rate.

Department's Position

We disagree with Citizen. Section 751 of the Tariff Act provides that the Department determine FMV and U.S. price for each entry of merchandise subject to the antidumping duty finding, and to determine the amount by which FMV exceeds U.S. price. Therefore, whenever the data permit, we conduct a review based on entries of the subject merchandise.

As Zenith indicates, the Department is required to include all sales analyzed during a review in its calculation of the weighted-average margin. The Department determined during the course of the previous administrative review to analyze sales of merchandise shipped during the current period of review, regardless of when they were sold. See our response to Comment 13 in Television Receivers, Monochrome and Color, from Japan; Notice of Final Results of Antidumping Duty Administrative Review (56 FR 34180, July 26, 1991). Therefore, we have included in our analysis for the current review period sales made during the eleventh review period which were shipped during the twelfth review period, and have included these sales in our calculation of the weighted-average margin.

Comment 9

According to Citizen, the Department improperly performed the sales below cost test twice, once for home market sales made during the eleventh review period, and again for those home market sales made during the twelfth review period, despite the fact that the Department had combined these sales for the purposes of the twelfth administrative review. Citizen argues that the Department should combine the home market sales examined during the current review for the purposes of determining the percentage of sales sold at prices below the cost of production (COP).

Zenith replies that it is the Department's longstanding practice to observe breaks in a respondent's recordkeeping. Therefore, Zenith contends that since Citizen's fiscal year is almost identical to the review period, and since prices and costs are presented annually in line with the review period, Citizen's management would assess profitability on an annual basis, not biannually. Accordingly, Zenith argues that the Department should not combine the eleventh and twelfth review home market sales for the purposes of performing the cost test, but should perform separate tests for sales made during each review period.

Department's Position

We agree with Citizen, and have combined the home market sales made during the eleventh review period and those made during the twelfth review period for the purposes of determining the percentage of sales which were sold at prices below the COP.

Comment 10

Citizen argues that the Department should exclude from its analysis sales of returned merchandise. Citizen contends that it reported sales of returned merchandise as well as the original sales of the merchandise on the U.S. sales database, and that the Department incorrectly calculated a margin for both of these sales. According to Citizen, because sales of the returned merchandise cannot be linked to entries or the original sale, these returned sales should be excluded from the analysis and the calculation of the weighted-average margin.

Department's Position

We disagree with Citizen. On November 21, 1991 and November 22, 1991, counsel for Citizen informed the Department that when a customer returns merchandise to Citizen, that merchandise is repackaged and resold. In that situation, according to Citizen's counsel, only the resale of the merchandise is reported on the U.S. sales database. See the December 12, 1991 memorandum from Karin Price, Case Analyst, to The File. Therefore, since only one sale of the merchandise has been reported, we have reviewed all sales listed on the U.S. sales database.

Comment 11

Citizen contends that the Department failed to use in the preliminary results of review the COP and CV data which were submitted to the Department on September 24, 1991. According to Citizen, the data in that response relate to merchandise sold during the eleventh review period and shipped during the twelfth review period.

Department's Position

We agree with Citizen, and, where possible, have used the data in the September 24, 1991 response for the final results of review.

Comment 12

Citizen contends that the Department incorrectly calculated the adjustment for interest expense for CV. According to Citizen, the interest expense for CV includes adjustments for interest attributable to accounts receivable, for purchase price (PP) and ESP sales, and finished goods inventory, for ESP sales, in order to avoid double-counting imputed credit and inventory carrying costs in the CV total. Citizen contends that the Department understated the accounts receivable and inventory interest adjustments by calculating them based on interest expense net of interest income. Citizen claims that it is appropriate to use the total interest expense because the imputed credit expense and inventory carrying expense have been calculated based on Citizen's short-term interest rate, not the short-term interest rate net of interest income.

Zenith replies that since the calculation in this review is consistent with that in the previous review, it should not be altered.

Department's Position:

Because of changes made for the final results of review, CV is not required; therefore, this issue is moot.

Comment 13:

Victor argues that the Department should not have classified it as a non-shipper for the purposes of the preliminary results of this review, and should calculate a dumping margin for Victor for this review period based upon the sales data which have already been submitted to the record of this review. According to Victor, the information on the record clearly shows that Victor had reason to know that all or part of its shipments to P.T. Imports were destined for the United States. Therefore, the Department should review Victor's sales to P.T. Imports based on the purchase price of the merchandise sold to P.T. Imports. Victor refers to the Statement of Administrative Action to the Trade Agreements Act of 1979 (H.R. Doc. No. 153, 96th Cong., 1st Sess., Pt. II 411), which states:

The definition [of PP] makes clear that if the producer knew or had reason to know that the goods were for sale to an unrelated U.S. buyer, and the terms of the sale were fixed or determinable from events beyond the control of the parties as of the date of importation, the producer's sales price will be used as the "purchase price" to be compared with that producer's foreign market value.

Victor points to the Department's notification to Victor in October 1990, during the current review period, that significant shipments of TVs produced by Victor had entered the United States during the eleventh review period (March 1, 1989 through February 28, 1990) to show that it had reason to know at the time of sale that all or a part of its ongoing shipments were destined for the United States. Victor notes that there were no changes in the pattern or quantity of orders from P.T. Imports subsequent to that notification which would indicate that P.T. Imports had stopped importing all or part of the merchandise into the United States. Moreover, Victor argues that, even if the Department had not specifically notified Victor that Victor-manufactured TVs were entering the United States, it would have realized by late 1990 that part of its shipments to P.T. Imports were destined for the United States because, on October 25, 1990, P.T. Imports requested a scope ruling as to whether Victor-manufactured multi-signalled TVs were included in the scope of the antidumping finding. This provides "irrefutable evidence," according to Victor, that it had reason to know that Victor-manufactured TVs were entering the United States.

As support for its arguments, Victor relies on the Department's decisions in two antidumping investigations. In Certain Stainless Steel Strip and Sheet from the Federal Republic of Germany; Final Determination of Sales at Less than Fair Value (48 FR 20459, May 6, 1983), the Department determined that the producer "knew or should have known that all or part of the merchandise was destined for the United States at the time of sale" when it sold the merchandise to an unrelated customer in a third country. In Certain Small Business Telephone Systems and Subassemblies Thereof from Korea; Final Determination of Sales at Less than Fair Value (54 FR 53141, December 27, 1989), the Department rejected the foreign producer's argument that it did not have knowledge at the time of sale, stating that the "merchandise in question was produced by Samsung in Korea and conforms to the product scope of this proceeding. Therefore, the Department has properly included those sales within its investigation." Victor argues that, at a minimum, the Department should determine that Victor had reason to know that all or a part of its shipments occurring after the Department's October 1990 notification to Victor were entering the United States.

Victor argues that the facts in this case are clearly distinguishable from those in other cases in which the Department determined that a producer or exporter did not have reason to know that merchandise was destined for the United States. For example, Victor points to the Department's finding in Oil Tubular Goods from Canada; Final Results of Antidumping Duty Administrative Review (55 FR 50739, December 10, 1990) that the foreign producer did not have reason to know. In that case, the foreign exporter took title to the merchandise at the producer's factory, the producer and the exporter were in the same country, and the exporter was solely responsible for marketing, invoicing, and establishing prices to the U.S. customers. In this case, to the contrary, Victor's buyer is located in the United States, Victor markets and invoices its merchandise to a non-related purchaser located in the United States, and Victor establishes the price for merchandise sold to that U.S. importer. Victor claims that, at the time these prices were established, it had reason to know that all or a part of the merchandise was entering the United States.

Further, victor argues that the fact that the merchandise shipped to P.T. Imports is capable of operating in countries other than the United States does not negate its assertions that it had reason to know at the time of sale that

VOL
58
ISS
35
FE
24
1993
UMI

at least part of the shipments were destined for the United States. Victor points to the Department's determination in its recent scope ruling that, since these TVs are capable of receiving the U.S. broadcast signal and operating in the United Stats, they are subject to the antidumping finding.

Finally, Victor claims that both itself and the U.S. importer expended much time and effort to submit the requested data to the Department in a timely fashion. Therefore, Victor concludes, it is arbitrary and capricious for the Department to determine that Victor did not have sales during the review period.

P.T. Imports also argues that Victor had reason to know, beginning in October 1990, that all or part of the merchandise shipped to P.T. Imports was destined for the United States. P.T. Imports notes that although Victor shipped the merchandise to a consignee in Canada, Victor invoices P.T. Imports, located in the United States, directly, and the invoices always list P.T. Imports as the account party. According to P.T. Imports, after receiving the merchandise in Canada, it shipped a portion of the TVs to the United States.

P.T. Imports explains that when it learned that the Victor-manufactured TVs it imported were considered by the Department and the U.S. Customs Service to be under the scope of the antidumping finding, it filed a scope request with the Department. P.T. Imports believes that it is unfair that it is required to pay high antidumping duties on merchandise it purchases at high prices from Victor. According to P.T. Imports, that merchandise consists of specialized TVs which are sold in a particular market and do not compete with TVs in the commercial market. Therefore, P.T. Imports urges the Department to conduct a thorough investigation, which should show that the TVs P.T. Imports purchases from Victor were not dumped in the United States.

Zenith replies that there is nothing in Victor's brief that contradicts the facts identified by the Department in the preliminary results of review which led the Department to conclude that Victor is a non-shipper and did not know or have reason to know that the TVs were destined for the United States. Zenith contends that not all of the shipments to Canada enter the United States, and that Victor has no control over whether, when, or how much of the merchandise enters the United States. Also, according to Zenith, neither Victor nor P.T. Imports can establish the dates of delivery to Canada which relate to entries into the United States during the period of review. Therefore, Zenith argues that even if the Department's notification to Victor in October 1990 put Victor on notice as to the ultimate destination of some of the merchandise it delivered to Canada, there is no evidence on the record to show that any of the TVs which entered the United States during the review period were sold by Victor after the Department's notification.

Department's Position

We disagree with Victor and P.T. Imports. Section 772(b) of the Tariff Act provides for PP to be used as the basis of U.S. price when merchandise is purchased or agreed to be purchased prior to the date of exportation from a reseller or the manufacturer for exportation to the United States. The Department's administrative practice is to base PP on the price from the manufacturer to the unrelated reseller if the manufacturer knew or had reason to know that the merchandise was destined for the United States. The standard for this knowledge is high. See our response to Comment 1 in Natural Bristle Paint Brush and Brush Heads from the People's Republic of China; Final results of Antidumping Duty Administrative review (55 FR 42599, October 22, 1990). Also, see Fuel Ethanol from Brazil; Final Determination of Sales at Less Than Fair Value (51 FR 5572, February 14, 1986) and Certain Stainless Steel Strip and Sheet from the Federal Republic of Germany; Final Determination of Sales at Less Than Fair Value (48 FR 20459, May 6, 1983). Therefore, in order for the Department to review the sales from Victor to P.T. Imports, the Department would have to find that Victor knew or should have known the ultimate destination of the TVs it sold to P.T. Imports.

Victor has provided no new evidence to indicate that it knew or had reason to know the final destination of specific shipments to Canada. As we stated in the preliminary results of review, the fact that Victor was notified that certain entries at issue in the previous review entered the United States does not establish that Victor had knowledge at the time of each sale of the ultimate destination of the merchandise at issue in the current review. Victor has stated on the record that it knows that some of the merchandise it sells to P.T. Imports is sold in duty-free trade to diplomats in Canada, Mexico, and Central and South America. Moreover, Victor and P.T. Imports have both indicated to the Department that Victor does not have control or knowledge regarding the distribution of the TVs after their arrival in Canada. *See*, for example, the December 7, 1990 letter from P.T. Imports to the Department, attached to the November 21, 1991 memorandum from Orlando Velez, Case Analyst, to The File, which states that "JVC [Victor] would not have any information on our entries or sales nor would they know that some of these sets entered the U.S. as they sell to us only for sales outside the U.S."

That the pattern and quantity of orders from P.T. Imports did not change after the Department's notification to Victor in October 1990, and the fact that P.T. Imports requested a ruling on whether these TVs were included in the scope of the finding, do not indicate that Victor had knowledge of the destination of specific shipments of its TVs. Moreover, the fact that the Department determined that these TVs were included in the scope of the finding does not provide Victor with the knowledge of the destination of its shipments. The fact that the merchandise is capable of operating in countries other than the United States does not refute Victor's assertions as to its knowledge of the final destination of the merchandise, but shows that the product specifications could not have indicated to Victor the ultimate destination of the merchandise.

With regard to Victor's argument that it is arbitrary and capricious for the Department not to use the sales data which Victor and P.T. Imports collected in response to the questionnaire, we note that the Department, in its May 20, 1991 letter to Victor's counsel, requested sales data only for those sales which Victor knew were destined for the United States at the time of sale. We again requested that Victor confirm that it knew at the time of sale whether the merchandise would enter the United States in the Department's September 17, 1991 supplemental questionnaire to Victor. Victor responded on October 8, 1991 that it "has no control over what PTI [P.T. Imports] does with the merchandise once delivered to the consignee in Canada."

Victor cites erroneously to two investigations and one review as evidence that it knew or had reason to know the ultimate destination of the merchandise. In the first, Certain Stainless Steel Sheet and Strip Products from the Federal Republic of Germany; Final Determination of Sales at Less than Fair Value (48 FR 20460, May 6, 1983), the Department determined that the foreign producer had reason to know because the producer explained to the Department that it knew at the time of delivery that the goods were to be shipped to the United States. As mentioned above, Victor does not have

such knowledge of the distribution of the merchandise at the time it delivers the merchandise to Canada.

In the second, Certain Small Business Telephone Systems and Subassemblies Thereof from Korea; Final Determination of Sales at Less than Fair Value (54 FR 53141, December 27, 1989), the respondent argued that the Department should consider certain sales to be third country sales, rather than U.S. sales, because the price at which the merchandise was sold to the third country party was determined before the date the respondent knew the ultimate destination of the merchandise. Thus, the respondent claimed that it could practice price discrimination with respect to sales to the United States. In its questionnaire response, the respondent claimed that prices and quantities were established through purchase orders; at verification, the Department found that the destination was established on the purchase order, bill of lading, and commercial invoice. Based on the information presented, the Department determined that the respondent knew, or had reason to know, that the sales were destined for the United States.

In Oil Tubular Goods from Canada; Final Results of Antidumping Duty Administrative Review (55 FR 50739, December 10, 1990), the Department determined that the producer did not know the disposition of the merchandise at the time of its sales to the unrelated reseller because the reseller sold the product in both Canada and the United States. The facts distinguishing this case from the current situation, according to Victor, that P.T. Imports is located in the United States and that Victor determined the price of the merchandise it sells to P.T. Imports, do not establish that Victor knew or should have known the ultimate destination of the merchandise it delivers to Canada. Victor's knowledge regarding the destination of the merchandise after it is delivered to Canada is limited to determining, after the fact, which TVs P.T. Imports enters into the United States. See the May 30, 1991 letter to the Department from Victor's counsel, which mentions Victor's ongoing efforts to ascertain through P.T. Imports and/or the U.S. Customs Service which shipments invoiced to P.T. Imports entered the United States.

The imprecise nature of the knowledge that Victor claims regarding the final destination of the subject merchandise does not establish effectively that Victor acted as the seller of the subject merchandise for export to the United States. Therefore, we have considered Victor to be a non-shipper for the purposes of this review, and have not reviewed its sales.

Final Results of the Review

As a result of our review, we have determined the margins to be:

Manufacturer/ exporter	Period of review	Margin (percent)
Citizen Watch Company, Ltd	03/01/90–02/28/91	1.26
Victor Company of Japan, Ltd.	03/01/90–02/28/91	*35.40

* No shipments during the period of review; rate is from last review in which there were shipments.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and FMV may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of television receivers, monochrome and color, from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act, and will remain in effect until publication of the final results of the next administrative review: (1) the cash deposit rate for the reviewed companies will be the rate established above; (2) for merchandise exported by manufacturers or exporters not covered in this review, but covered in previous reviews or the original less-than-fair-value investigation, the cash deposit rate will continue to be the company-specific rate published in the final determination covering the most recent period; (3) if the exporter is not a firm covered in this review, previous reviews, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of this review, or if not covered in this review, the most recent review period or the original investigation; and (4) the cash deposit rate for any future entries from all other manufacturers or exporters who are not covered in this or prior administrative reviews, and who are unrelated to Citizen or Victor, or any previously-reviewed firm, will be 1.26 percent. This rate represents the highest rate for any firm in this administrative review (whose shipments to the United States were reviewed), other than those firms receiving a rate based entirely on the best information available.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their repsonsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Failure to comply is a violation of the APO.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: February 9, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–4177 Filed 2–23–93; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

Tilefish Fishery; Intent To Prepare an Environmental Impact Statement

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of intent to prepare an environmental impact statement (EIS); request for comments.

SUMMARY: NMFS announces the intention of the Mid-Atlantic Fishery Management Council (Council) to prepare an EIS to assess the potential effects on the human environment of the fishery for changes to the management regime for tilefish (*Lopholatilus chamaeleonticeps*) occurring north of North Carolina pursuant to the Magnuson Fishery Conservation and Management Act, as amended (Magnuson Act). Management would be accomplished by developing and implementing a Tilefish Fishery Management Plan (FMP) that would include appropriate management measures.

The current proposed management unit is all tilefish (*Lopholatilus*

chamaeleonticeps) under U.S. jurisdiction in the Atlantic Ocean north of North Carolina. Tilefish south of the Virginia/North Carolina border are currently managed as part of the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region managed by the South Atlantic Fishery Management Council and NOAA. It may be appropriate and is a consideration to adjust the two management units.

In addition, the Council announces a public process for determining the scope of issues to be addressed and for identifying the significant issues relating to developing management of tilefish. The intended effect of this notice is to alert the interested public of the commencement of a scoping process and to provide for public participation. This action is necessary to comply with Federal environmental documentation requirements.

DATES: The scoping process will end at the conclusion of a scoping meeting that will begin at 7 p.m. on March 3, 1993, at the Holiday Inn, 1800 Market Street, Philadelphia, PA 19103, (215–561–7500).

ADDRESSES: Send comments to Mr. John C. Bryson, room 2115, Federal Building, 300 South New Street, Dover, Delaware 19901–6790 (Phone 302–674–2331) (FAX 302–674–5399).

FOR FURTHER INFORMATION CONTACT: Mr. John C. Bryson (See **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

Background

Overexploitation Must Be Reduced

Landings and catch-per-unit-effort data indicate that tilefish were heavily overexploited during the height of the demersal longline fishery between 1977 and 1982. Fishing mortality exceeded the estimates of the maximum sustainable yield associated fishing levels by three times. Catches during this period appear to be well above the long-term potential yield of the stock (2.5 million lbs or 1,100 mt). This period was followed by steadily declining values in catch-per-unit-effort, and a lesser decline in both total landings and average size. Changes are also indicated in the breeding structure of the population with decreases in the size and age of maturity in males. Significant declines in catch-per-unit-effort since the early 1980's reflect significant stock decline and continued overexploitation (1992 Status of the Fishery Resources). There is evidence that abundance has declined in recent years to the lowest in the time series by 1991 and therefore would be too low to support the average 1981–1991 catch levels. The number of vessels targeting tilefish has substantially declined over the last dozen years (14th Stock Assessment Workshop).

Overcapitalization Should Be Avoided

The tilefish fishery takes place 24-hours a day and goes on year round, although it is most intense from October to June, when the catch rates and value are the highest. Currently, tilefish vessels are usually of steel construction and range in length from 50 to 100 feet (15 to 30 meters). Although the number of vessels targeting tilefish has decreased since the peak in the early 1980's, the approximate dozen vessels currently in the fishery have more than adequate capacity to harvest the maximum sustainable yield level. Necessary reductions in fishing for most of the traditional New England and Mid-Atlantic fishery resources (i.e. groundfish, scallops, and summer flounder) most likely will result in additional pressure on the tilefish resource as more vessels enter this fishery.

Need for Better Data

Better commercial catch data for tilefish are needed to formulate and implement effective and efficient management measures at this time. The 14th Stock Assessment Workshop noted that the weighout interview coverage of the fishery was low and that other data which would allow for detection of changes in abundance would be useful to corroborate trends observed in the abundance indices. That workshop also called for the collection of size samples from landings. These data are necessary to assess the impact and effectiveness of management measures, as well as monitor fishing mortality and changes in stock size to determine if additional management measures for the FMP may be necessary.

Possible Management Objectives and Proposed Management Measures

The purpose and possible objectives of the FMP would be to: (1) Prevent overfishing; (2) prevent overcapitalization; (3) limit new entrants; (4) collect necessary data to develop, monitor, and assess biological, economic, and social impacts of management measures designed to prevent overfishing; (5) minimize harvesting conflicts among fishermen; and (6) rebuilding stocks to levels that would allow for historical recreational fishery.

Possible proposed management measures include: (1) Minimum fish size; (2) minimum hook size; (3) closed seasons; (4) closed areas; (5) quotas; (6) moratorium on vessels; (7) individual transferrable quotas; (8) dealer and vessel permits; (9) dealer and vessel reports; (10) operator permits; (11) gear restrictions; (12) gear limits; (13) trip limits; and (14) other measures to reduce effort.

It is likely that the measures that are implemented would be frameworked. A monitoring committee, made up of representatives of the three Councils and NMFS, would annually review and assess the condition of the resource and fishery and adjust the measures to achieve the desired goals.

Permitting and Reporting

It is anticipated that vessels landing tilefish for sale would be required to have permits, dealers purchasing this species from permitted vessels would be required to have permits, operators of commercial vessels (vessels with permits to sell tilefish) would be required to obtain permits, vessels landing tilefish for sale would need to submit logbook reports, and dealers purchasing this species from permitted commercial vessels would need to submit reports.

Under the Paperwork Reduction Act, burden hour estimates were calculated by NMFS for various recordkeeping and reporting requirements for Amendment 2 to the Summer Flounder Fishery Management Plan. The dealer purchase report was estimated to involve 1,255 respondents and more than 26 responses per respondent per year, for a total of 33,135 responses at 0.0448 hours per response, for a total of 1,485 hours. The vessel logbook was estimated at 1,314 respondents, 12 responses per respondent, at 0.08 hours per response, for a total of 1,261 burden hours. The vessel permit was estimated at 24,943 annual responses at 0.2878 hours per response, for a total of 7,179 burden hours. Burden hours for tilefish will be significantly less than for summer flounder since the fishery is mostly seasonal (October to June) and is currently prosecuted by only about twelve vessels. Using the same approach as was taken in summer flounder, it is anticipated that the twelve boats would make three trips per month for nine months, thus a total of 324 reports (responses) from the fishermen (12×3×9). At 0.08 hours per response, there would be 27 burden hours. At a maximum, the same amount of burden hours would be required for the tilefish processors.

Timetable for EIS Preparation and Decisionmaking

The Council has adopted a tentative preparation, review, and approval schedule for this FMP. Under this schedule, the draft EIS is planned for completion prior to the Council's December 1993 meeting. If an acceptable draft is completed, the Council would decide at that meeting whether to submit the draft EIS for public review. Oral comments to the Council on their decision could be made at that meeting. If the Council's decision is affirmative, public review of the draft would occur during 45 days in January and February, 1994. At its April 1994 meeting, the Council would decide on the revisions to the management of tilefish. Again, oral comments on this decision could be made to the Council at that meeting. If the Council's decision is affirmative, the EIS would be made final and submitted with the FMP recommendation and other rulemaking documents to the Secretary for review and approval. The Council reserves the right to modify or abandon this schedule, if determined necessary.

Under the Magnuson Act, Secretarial review and approval of a fishery management plan is completed in no more than 95 days and includes concurrent public comment periods on the proposed fishery management plan and proposed regulations. If approved by the Secretary under this schedule, the tilefish management measures would be effective late in 1994.

Dated: February 17, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93-4170 Filed 2-23-93; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of Import Restraint Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in Bahrain

February 19, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: February 26, 1993.

FOR FURTHER INFORMATION CONTACT: Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In a Memorandum of Understanding (MOU) dated January 27, 1993, the Governments of the United States and Bahrain agreed, among other things, to establish a Bilateral Textile Agreement for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textile products, produced or manufactured in Bahrain and exported during three consecutive one-year periods beginning on January 1, 1993 and extending through December 31, 1995.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits for the period beginning on January 1, 1993 and extending through December 31, 1993.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23, 1992). Also see 57 FR 46846, published on October 13, 1992; and 57 FR 54054, published on November 16, 1992.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the MOU, but are designed to assist only in the implementation of certain of its provisions.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements

Committee for the Implementation of Textile Agreements

February 19, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Effective on February 26, 1993, you are directed to cancel the directive dated November 9, 1992, which directed you to count imports of cotton and man-made fiber textile products in Categories 338/339/638/639, produced or manufactured in Bahrain and exported during the period beginning on October 31, 1992 and extending through October 30, 1993.

Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Memorandum of Understanding (MOU) dated January 27, 1993, between the Governments of the United States and Bahrain; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on February 26, 1993, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textile products in the following categories, produced or manufactured in Bahrain and exported during the twelve-month period beginning on January 1, 1993 and extending through December 31, 1993, in excess of the following levels of restraint:

Category	Twelve-month restraint limit [1]
Group I 237, 239, 330-336, 338, 339, 340-342, 345, 347, 348-354, 359, 431-436, 438-440, 442-448, 459, 630-636, 638, 639, 640-647, 648, 649, 650-654, 659, 831-836, 838, 839, 840, 842-847, 850-852, 858, 859.	30,000,000 square meters equivalent.
Sublevels in Group I	
338/339	416,856 dozen.
340/640	200,000 dozen of which not more than 150,000 dozen shall be in Categories 340-Y/640-Y [2]

[1] The limits have not been adjusted to account for any imports exported after December 31, 1992.

[2] Category 340-Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640-Y only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

Textile products in the foregoing categories, which have been exported to the United States prior to January 1, 1993 shall not be subject to this directive.

Textile products in the foregoing categories which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1) prior to the effective date of this directive shall not be denied entry under this directive.

Import charges will be provided at a later date.

The limits set forth above are subject to adjustment in the future pursuant to the provisions of the MOU dated January 27, 1993, between the Governments of the United States and bahrain.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs

exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–4301 Filed 2–23–93; 8:45 am]

BILLING CODE 3510–DR–F

Establishment of an Import Restraint Limit for Certain Wool Textile Products Produced or Manufactured in Bulgaria

February 19, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: February 26, 1993.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In a Memorandum of Understanding (MOU) dated February 3, 1993, the Governments of the United States and the Republic of Bulgaria agreed to establish a Bilateral Textile Agreement for wool textile products in Category 448, produced or manufactured in Bulgaria and exported during three consecutive one-year periods beginning on January 1, 1993 and extending through December 31, 1995.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish a limit for the period beginning on January 1, 1993 and extending through December 31, 1993.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23, 1992). Also see 57 FR 54055, published on November 16, 1992.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the MOU, but are designed to assist only in the implementation of certain of its provisions.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 19, 1993.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Effective on February 26, 1993, you are directed to cancel the directive dated November 10, 1992, which directed you to count imports of wool textile products in Category 448, produced or manufactured in Bulgaria and exported during the period beginning on October 27, 1992 and extending through October 26, 1993.

Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Memorandum of Understanding (MOU) dated February 3, 1993, between the Governments of the United States and the Republic of Bulgaria; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on February 26, 1993 entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 448, produced or manufactured in Bulgaria and exported during the twelve-month period beginning on January 1, 1993 and extending through December 31, 1993, in excess of 14,000 dozen [1].

Import charges will be provided at a later date.

The limits set forth above are subject to adjustment in the future pursuant to the provisions of the MOU dated February 3, 1993, between the Governments of the United States and the Republic of Bulgaria.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–4302 Filed 2–23–93; 8:45 am]

BILLING CODE 3510–DR–F

[1] The limit has not been adjusted to account for any imports exported after December 31, 1992.

COMMODITY FUTURES TRADING COMMISSION

Financial Products Advisory Committee; Meeting

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, section 10(a) and 41 CFR 101–6.1015(b), that the Commodity Futures Trading Commission's Financial Products Advisory Committee will conduct a public meeting in the Lower Level Hearing Room (B–1) at the Commission's Washington, DC, headquarters located at 2033 K Street, NW., Washington, DC 20581, on March 11, 1993, beginning at 1:30 p.m. and lasting until 5 p.m. The agenda will consist of:

Agenda

1. A panel discussion of the Chicago Board of Trade's HITS proposal to trade swaps and the Chicago Board Options Exchange's FLEX proposal to trade customized options.

2. A panel discussion of the pros and cons of proposals to create a single regulator for futures, securities and other financial products.

3. An update on recent developments regarding the position the Internal Revenue Service is taking in applying *Arkansas Best* v. *Commissioner* to the tax treatment of hedging transactions.

4. A briefing from the Division of Enforcement regarding the potential application on certain CFTC anti-fraud and anti-manipulation requirements to swap transactions.

5. A briefing from the Division of Economic Analysis regarding the status of the CFTC's study of off-exchange derivatives requested by Congress in the Conference Report on the Futures Trading Practices Act of 1992.

6. A report from the Office of General Counsel regarding the CFTC's proposal to provide exemptive relief for certain energy contracts.

7. A report from the Division of Trading and Markets on proposed rules regarding dual trading and representational requirements for exchange governing boards' disciplinary and oversight committees.

8. A discussion of the CFTC's final rulemaking on revisions to Rule 4.5. Comments by the Hedging Working Group on the revisions.

9. Other items of Committee consideration; timing of next meeting; other Committee business.

The purpose of this meeting is to solicit the views of the Committee on these agenda matters. The Advisory Committee was created by the

Commodity Futures Trading Commission for the purpose of advising the Commission on the assessment of issues concerning individuals and industries interested in or affected by financial markets regulated by the Commission. The purposes and objectives of the Advisory Committee are more fully set forth in the April 25, 1991 Charter of the Advisory Committee.

The meeting is open to the public. The Chairman of the Advisory Committee, CFTC Commissioner Sheila C. Bair, is empowered to conduct the meeting in a fashion that will, in her judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Advisory Committee should mail a copy of the statement to the attention of: The Commodity Futures Trading Commission Financial Products Advisory Committee, c/o Susan Milligan, 2033 K Street NW., Washington, DC 20581, before the meeting. Members of the public who wish to make oral statements should also inform Ms. Milligan in writing at the foregoing address at least three business days before the meeting. Reasonable provision will be made, if time permits, for an oral presentation of no more than five minutes each in duration.

Issued by the Commission in Washington, DC, on February 19, 1993.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–4264 Filed 2–23–93; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Coastal Engineering Research Board; Open Meeting

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of open meeting.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting.

Name of Committee: Coastal Engineering Research Board (CERB).

Date of Meeting: March 9 and 10, 1993.

Place: Casey Building, Fort Belvoir, Virginia.

Time: 8 a.m. to 5 p.m. on March 9. 8 a.m. to 12 noon on March 10.

Proposed Agenda: A task force meeting will be held to discuss the Chief of Engineer's Charge to the Coastal Engineering Research Board. The broad areas to be discussed will be Education/Training, Environment, Technology Transfer, Funding, and Programs.

This meeting is open to the public, but since seating capacity of the meeting room is limited, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

Inquiries and notice of intent to attend the meeting may be addressed to Colonel Leonard G. Hassell, Executive Secretary, U.S. Army Engineer Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, Mississippi 39180–6199.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–4191 Filed 2–23–93; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 23–24 March 1993.

Time of Meeting: 0800–1700, each day.

Place: Pentagon, 3E385.

Agenda: The Army Science Board's 1993 Summer Study Panel on "Missile Defense Programs" will meet to receive briefings on missile defense threats, missile defense Research and Development programs and current Missile defense programs. This meeting will be closed to the public in accordance with section 552b. (c) of title 5, U.S.C., specifically subparagraph (1) thereof and title 5, U.S.C. appendix 2, subsection 10(d). The classified and unclassified information to be discussed will be so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information on (703) 695–0781.

Sally A. Warner,

Administrative Officer, Army Service Board.

[FR Doc. 93–4192 Filed 2–23–93; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Financial Assistance: The University of California at San Diego

AGENCY: Department of Energy, Idaho Field Office.

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy announces that pursuant to 10 CFR 600.14(f) it plans to negotiate and award grant DE–FG07–93ID13247 to the University of California at San Diego. This new grant is the result of an unsolicited proposal (Number U9200081).

FOR FURTHER INFORMATION CONTACT: Linda A. Hallum, Contract Specialist, (208) 526–5545; U.S. Department of Energy, 785 DOE Place, MS 1221, Idaho Falls, ID 83401–1562.

SUPPLEMENTARY INFORMATION: The objective of the project is to develop theoretical models and numerical and computational techniques to determine the composition and chemical behavior of geothermal brines as a function of concentration, temperature, and pressure. The project effort is aimed at extending past work and will result in generalized software that incorporates geochemical models to include additional species in order to make it more applicable to the geothermal industry. A correlative objective is the transfer of the model to industry users. The acceptance of this unsolicited proposal is justified under 10 CFR 600.14(e). The project, as proposed, represents a unique of innovative approach that is significantly different than that used by other investigators. DOE has no recent, current, or planned solicitations under which this proposal would be eligible. This award will be for five years at a total estimated cost of $2,056,171. No mandatory cost-sharing is included in this grant. Statutory authority for this award is Public Law 93–410, Geothermal Energy Research, Development & Demonstration Act.

Procurement Request Number: 07–93ID13247.000.

Dated: February 16, 1993.

J.O. Lee,

Acting Director, Contracts Management Division.

[FR Doc. 93–4273 Filed 2–23–93; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research

Energy Research Financial Assistance Program Notice 93–10: Application of Molecular Biological Techniques in an Ocean Margins System

AGENCY: Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Health and Environmental Research (OHER) of the Department of Energy (DOE) announces its interest in receiving applications to support the application of molecular biological techniques to (1) estimate photosynthetic rates, determine mechanisms that modulate

VOL
58
ISS
35
FE
24
1993
UMI

photosynthetic processes, and elucidate the factors that control the dynamics of photosynthesis in bulk or in species populations in the coastal ocean, and to (2) estimate rates of bacterial metabolism and determine the principal mechanisms and factors controlling the mechanisms involved in the bacterial utilization of dissolved and particulate organic matter in the coastal ocean.

It is expected that the application of these molecular biological techniques will be adapted to, and conducted in concert with, the Ocean Margins Program field activities which are scheduled in the southwestern Middle Atlantic Bight in the general vicinity of Cape Hatteras.

Applications that concern, solely, the taxonomic characterization or distributions of organisms are excluded from consideration within this notice. Applications concerning marine viruses are not encouraged, unless they focus on special aspects of biogeochemical cycling.

PREAPPLICATION INFORMATION: In accordance with 10 CFR 600.10(d)(2), potential applicants must first submit a preapplication consisting of a project title and an abstract describing the research project objectives and method of accomplishment. Preapplications should be received by March 15, 1993, and should be forwarded to: Dr. George W. Saunders, Environmental Sciences Division, Office of Health and Environmental Research, ER–74, U.S. Department of Energy, Washington, DC 20585; or via OMNET if desired. Telephone and telefax numbers are required to be submitted with the preapplication. The preapplication will be used to determine the number and scope of applications being submitted. It will also be used to screen potential applications for their relevance to the terms of this notice. This will allow DOE to constitute an ad hoc merit review panel of the appropriate size and composition. Potential applicants whose applications are not responsive to the objectives of this notice will be notified concerning their questionable acceptability. After filing the preapplication, applicants will receive an acknowledgment that contains the necessary application forms.

DATES: To permit timely consideration for awards in Fiscal Year 1993, formal applications submitted in response to this notice should be received by 4:30 p.m., E.D.T., April 15, 1993.

ADDRESSES: Formal applications referencing Program Notice 93–10 should be forwarded to: U.S. Department of Energy, Office of Energy Research, Division of Acquisition and Assistance Management, ER–64, Washington, DC 20585, ATTN: Program Notice 93–10. The following address must be used when submitting applications by U.S. Postal Service Express Mail or any commercial mail delivery service: U.S. Department of Energy, Acquisition and Assistance Management Division, ER–64, 19901 Germantown Road, Germantown, MD 20874.

FOR FURTHER TECHNICAL INFORMATION: Contact Drs. George Saunders, Curtis Olsen or Jay Grimes, Environmental Sciences Division, Office of Health and Environmental Research, ER–74/GTN, U.S. Department of Energy, Washington, DC 20585, (301) 903–5548/5329/4183 or via OMNET G. Saunders, C. Olsen or J. Grimes.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to begin to establish a more complete understanding of the principal internal ways in which a coastal system processes carbon biologically, and in order to more fully understand the role of this system in the larger context of the global cycle.

This notice of availability of funds for the Application of Molecular Biological Techniques in an Ocean Margins System is expected to result in research projects complementary to projects presently supported in the Ocean Margins Program (OMP).

The OMP is a component of the OHER Oceans Program which is concerned with assessing the ocean's role in affecting climate change and the global carbon cycle. Other components of the OHER Program are focused on global-ocean measurement of pCO_2 concentrations and total CO_2 inventories, and on the development of global-ocean models for carbon cycling. The ocean margins program is also linked with the broad interests of the Joint Global Ocean Flux Studies Program. There is compelling evidence that the exchange of dissolved and particulate materials between the shelf and its boundaries might be a significant factor concerning the flux of CO_2 and biogenic elements within the global ocean. Linkages are being developed with other agencies conducting research on the continental margins.

The OMP is being conducted in two phases of approximately 3 years each. In the first phase, initiated in 1992, development of new instruments and methods is being evaluated and new and innovative science is being established. Preliminary characterization of the Hatteras system is being conducted. In the second phase, the full field year program concerning carbon exchange at the shelf boundaries will be initiated during 1995. Scientific planning is ongoing, and successful developments and projects will be melded into this full field year program as a multidisciplinary effort.

The DOE Ocean Margins Program was initiated in 1992 as a result of previous DOE oceanographic research on continental shelves. The program is expected to develop analytical, experimental, and theoretical studies of the processes of biogeochemical cycling and of the exchange of carbon between the continental shelf and the open ocean. A central purpose of the OMP is to evaluate whether continental shelves are quantitatively significant in removing carbon dioxide from the atmosphere and isolating it via burial in sediments or exporting it to the open ocean. Since both physical and biological processes are significant for carbon cycling on shelves, more specific objectives of the OMP are (1) to quantify the mechanisms by which carbon dioxide is assimilated by photosynthesis or physical-chemical processes on the continental shelf; to quantify the mechanisms by which inorganic and organic forms of carbon are transported by seawater circulation and exchanges of shelf water; to quantify the mechanisms by which the forms of carbon are transformed through biological activities in the coastal ocean and (2) to define sources and repositories of carbon relevant to the ocean margin that are important in global biogeochemical cycles.

Responses to this notice for the Application of Molecular Biological Techniques within the OMP are expected to provide a more explicit understanding concerning the *in situ* biological mechanisms of carbon metabolism, the processes that modulate these mechanisms, and the factors that control these processes in coastal margin systems. Applications which show high promise of fully participating in the multidisciplinary field year will be given preference over applications which appear to require longer or uncertain development periods. Opportunities to test applications of molecular methods *in situ* will be available prior to the multidisciplinary field year. The testing of these molecular biological tools should be applied to developing better understanding of the metabolic mechanisms operating *in situ* in the coastal ocean and to determining, quantitatively, the variables that control metabolic performance in these systems. Where automated measurement can be developed, an ultimate objective is to apply such measurement systems to

biological performance on the same temporal and spatial frequencies as many physical oceanographic measurements.

Since photosynthesis and bacterial metabolism are two dominant processes involved in the fixation and remineralization of carbon dioxide in the ocean, emphasis has been placed on obtaining more complete understanding of these processes in the ocean margin. Such understanding will result in a more definitive evaluation of the role of the ocean margin in global biogeochemical cycles.

Photosythesis—In the coastal ocean, photosynthesis is generally limited by light, temperature, and nutrients of which there is potentially a suite of elements; however, the situation is undoubtedly more complicated than this simple expression suggests. In stratified systems, photosynthesis may endure under low light or high light conditions, the physiological adaptations for which are not well understood. Photosynthesis may also occur under quasiflashing light conditions of a well mixed photic water column. Photoinhibition of photosynthesis may occur at different wave lengths of light and duration of light intensity, particularly at high light intensities. Photooxidative processes may disrupt photosynthesis directly or indirectly, depending upon the site of oxidation. Other factors may cause changes in system or species population photosynthetic performance, over longer periods of time.

Measurement of true or net photosynthesis may have relatively large quantitative uncertainties, particularly at intermediate or low light intensities. To a large extent these uncertainties derive from an inability to clearly discriminate light and dark respiration activity in phytoplankton or to discriminate between phytoplankton, bacterial, and zooplankton respiration *in situ*. They also derive from problems inherent with the measurement.

Applications which show high promise of resolving any of these examples in the near them, or any significant photosynthetic processes not mentioned, will be given preference over applications which require longer development time before techniques might be fully useful.

Bacterial metabolism—Continental shelves are believed to be net heterotrophic on an annual basis. This means that they receive more organic substrate than is produced within the system by photosynthesis. Bacteria metabolize a large fraction of the organic pool, both dissolved and particulate, and it appears that most of the excess organic matter on continental shelves is degraded within the shelf system itself.

On shorter time scales, bacterial biomass and bacterial activities are more dynamic. Asymmetries in the distribution and dynamics of bacterial metabolism do occur. Bacteria operate in many different ways in the ocean, of which there are at least three principal features:

1. They decompose a wide variety of organic substrates.

2. They participate in the aggregation of dissolved and particulate organic matter into large particles and the subsequent degradation of these particles.

3. They provide a direct food source for higher organisms.

The numbers of bacteria in ocean systems do not seem to vary widely, even though phytoplankton concentrations may vary over three or more orders of magnitude. Bacterial concentrations are the order of 10^5 individuals per liter. Greater concentrations seem to be transient, a result of very local conditions (i.e. resuspensions of sediments, zooplankton grazing, etc.) However, the concentration of bacterial biomass in the ocean has been estimated as much greater than phytoplankton biomass. This cannot happen unless there is an external source, to the system, of organic substrate or unless a significant fraction of this biomass is turned off, i.e., has switched to a very low rate of metabolism.

Amino acid concentrations across the shelf, e.g., in the South Atlantic Bight, tend to be low, a few nM, and more of less constant. Bacterial production is variable and patchy. Bacterial growth efficiency is variable, but nearshore it is >50%. In the Gulf Stream it is <20% and sometimes as low as 2%. Bacteria in the nearshore region tend to be larger, suggesting that they might have better nutrition and, in fact, many may be derived from resuspended sediments in which substrates may be relatively concentrated.

Presently available methods for the estimation of bacterial metabolic rates in bulk or in species populations in coastal ocean systems have uncertainties of measurement which range from a factor of 2–10. This notice calls for elucidation of mechanisms centrally involved in bacterial metabolism under conditions of starvation, maintenance, and surfeit nutrition. The notice also calls for applications which determine the factors which control metabolism at these levels of activity and which may be involved in switching from one level of activity to another.

It is anticipated that approximately $1,500,000 will be available for grant awards during FY 1993. Previous awards have ranged from approximately $50,000 to $500,000 (with terms of 1 to 3 years). Funding of multiple year grant awards is expected, with 3-year awards usual. Funding is contingent upon availability of funds. Applications should include detailed budgets for each year of support requested. Cost for shiptime requirements should be included in the respondent's application, as well as costs for participation in multidisciplinary science-team meetings, estimated at two (2) trips of one week's duration/year.

The technical portion of the application should not exceed twenty-five (25) double-spaced pages. Lengthy application appendices are not encouraged.

Information about the development and submission of applications, eligibility, limitations, evaluation and selection processes, and other policies and procedures may be found in the ER Special Research Grant Application Kit and Guide and 10 CFR part 605. The application kit and guide is available from the U.S. Department of Energy, Environmental Sciences Division, Office of Health and Environmental Research, Office of Energy Research, ER–74, Washington, DC 20585. Telephone requests may be made by calling (301) 903–4208. The Catalog of Federal Domestic Assistance Number for this program is 81.049.

Issued in Washington, DC, on February 11, 1993.

D.D. Mayhew,

Director, Office of Management, Office of Energy Research.

[FR Doc. 93–4274 Filed 2–23–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER93–372–000, et al.]

Western Resources, Inc., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

February 18, 1993.

Take notice that the following filings have been made with the Commission:

1. Western Resources, Inc.

[Docket No. ER93–372–000]

Take notice that on February 16, 1993, Western Resources, Inc. (WRI) tendered for filing a proposed change to its Federal Energy Regulatory Commission Electric Service Tariff No. 217. WRI states the purpose of the change is to

VOL 58 ISS 35 FE 24 1993 UMI

extend the term of the existing Electric Power Supply Contract between WRI and the City of Wathena, Kansas. The change is proposed to become effective April 16, 1993.

Copies of the filing were served upon the City of Wathena and the Kansas Corporation Commission.

Comment date: March 5, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Midwest Power Systems, Inc.

[Docket No. ER93–373–000]

Take notice that on February 16, 1993, Midwest Power Systems Inc. tendered for filing an executed Service Schedule Agreement for wholesale electric power and energy between Midwest Power Systems Inc. (MPSI) and the City of Breda, Iowa (City), whereby MPSI will provide wholesale electric power and energy as required by the City above the amount provided by the Western Area Power Administration (Western). MPSI is filing this Agreement pursuant to the established Electric Tariff Volume No. 1, Original issue Sheets Nos. 7, 8, and 9.

Copies of the filing were served upon the City of Breda and the Iowa Utilities Board.

Comment date: March 5, 1993, in accordance with Standard Paragraph E end of this notice.

3. Green Mountain Power Corp.

[Docket No. ER93–374–000]

Take notice that on February 16, 1993, Green Mountain Power Corporation (GMP) tendered for filing revised Service Agreements under FERC Electric Tariff No. 2, known as GMP's Opportunity Transaction Tariff (Tariff). The revised Service Agreements allow FERC jurisdictional utilities to conduct transactions with GMP pursuant to the Tariff that include exchange units. No terms or conditions of the Tariff are affected by the revised form of service agreement.

Comment date: March 5, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Massachusetts Electric Co.

[Docket No. ER93–376–000]

Take notice that on February 16, 1993, Massachusetts Electric Company (MECo) filed additional information regarding its borderline sales tariff designated MECo Electric Tariff, Original Volume No. 1. According to MECo, the information submitted shows a rate decrease for one delivery point at which Boston Edison Company receives borderline service.

Comment date: March 5, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. Public Service Co. of New Mexico

[Docket No. ER93–375–000]

Take notice that on February 16, 1993, Public Service Company of New Mexico (PNM) tendered for filing a Notice of Termination of the Contract for Electric Service Between PNM and the City of Gallup, New Mexico (Gallup) dated October 30, 1962 (PNM Rate Schedule FPC No. 2).

PNM requests that the applicable notice requirements be waived to permit the said Contract for Electric Service to be terminated effective as of February 20, 1993.

Copies of the filing have been served upon Gallup and the New Mexico Public Service Commission.

Comment date: March 5, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Northern Indiana Public Service Co.

[Docket No. ER92–649–000]

Take notice that on February 16, 1993, Northern Indiana Public Service Company (NIPSCO) tendered for filing Amendment No. 4 to its filing which was made on June 17, 1992, in Docket No. ER92–649–000.

This filing was made in order to extend facilities to Indiana Municipal Power Agency's (IMPA) customer, Rensselaer, and to make available to them several new Service Schedules for their operations.

During staff's review of this filing, they have asked several questions about the Unscheduled Power Rate and the cost justification of the proposed rates.

This filing is being made to respond to staff's questions.

Copies of this filing have been served upon all of the parties and the Indiana Utility Regulatory Commission.

Comment date: March 5, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. Waste Conversion Systems of Georgia, Inc.

[Docket No. QF93–42–000]

On February 2, 1993, Waste Conversion Systems of Georgia, Inc. (Applicant), of 5457 Roswell Road, suite 103–104, Atlanta, Georgia 30342, submitted for filing an application for certification of a facility as a small power production facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the small power production facility will be located in LaGrange, Georgia, and will consist of two waste-to-energy units. The maximum power production capacity of the facility will be approximately 13.5 MW. The primary energy source will be waste and renewable resources.

Comment date: March 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protest should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4314 Filed 2–23–93; 8:45 am]

BILLING CODE 6717–01–M

Application Filed With the Commission

February 19, 1993.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

a. *Type of Application:* Surrender of License.

b. *Project No.:* 9694–012.

c. *Date Filed:* January 26, 1993.

d. *Applicant:* Jefferson National Bank.

e. *Name of Project:* Fine Project.

f. *Location:* Oswegatchie River, East Branch, St. Lawrence County, NY.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(A)–825(r).

h. *Applicant Contact:* Mr. Peter C. Kissel, Baller Hammett, P.C., 1225 Eye Street, NW., suite 1200, Washington, DC 20005, (202) 682–3300.

i. *FERC Contact:* Hank Ecton (202) 219–2678.

j. *Comment Date:* March 22, 1993.

k. *Description of Project Action:* The license for this project, with a proposed capacity of 1,449 kilowatts, was issued on June 30, 1987, and transferred to Jefferson National Bank on August 19, 1992. The licensee states that it cannot develop the project. No construction has occurred, and the proposed site remains unaltered.

l. *This notice also consists of the following standard paragraphs:* B, C, and D2.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS," "RECOMMENDATIONS FOR TERMS AND CONDITIONS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "PROTEST" or "MOTION TO INTERVENE," as applicable, and the project number of the particular application to which the filing is in response. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: The Director, Office of Hydropower Licensing, Division of Project Compliance and Administration, Federal Energy Regulatory Commission, ATTN: HL–21, room 1148 UCP, at the above address. A notice of intent, competing application, or motion to intervene must also be served upon each representative of the applicant specified in the particular application.

D2. *Agency Comments*—The Commission invites federal, state, and local agencies to file comments on the described application. (Agencies may obtain a copy of the application directly from the applicant.) If an agency does not file comments within the time specified for filing comments, the Commission will presume that the agency has none. One copy of an agency's comments must also be sent to the applicant's representatives.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4221 Filed 2–23–93; 8:45 am]

BILLING CODE 6717–01–M

Application Filed With the Commission

February 19, 1993.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

a. *Type of Application:* Surrender of License.

b. *Project No.:* 8654–022.

c. *Date Filed:* February 3, 1993.

d. *Applicant:* Noah Corporation.

e. *Name of Project:* Hildebrand Hydroelectric Project.

f. *Location:* At the U.S. Army Corps of Engineers' Hildebrand Locks and Dam on the Monongahela River in Monongalia County, WV.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Noah Corporation, 120 Calumet Court, Aiken, SC 29801, Attention: James B. Price.

i. *FERC Contact:* Etta Foster, (202) 219–2679.

j. *Comment Date:* March 19, 1993.

k. *Description of Proposed Project:* The proposed run-of-river project would utilize the existing U.S. Army Corps of Engineers' Hildebrand Locks and Dam and would consist of: (1) A new intake structure and powerhouse at the northeast end of the dam to contain two 2,250-kW turbine-generator units; (2) a short tailrace; (3) a new 600-foot-long and 138-kV transmission line; and (4) other appurtenances.

The Licensee states that it does not consider the likelihood of success sufficient to continue development activities. There are no structures erected for the project that must be disassembled and no right-of-way easements have been obtained or granted by the project.

l. *This notice also consists of the following standard paragraphs:* B and C and D2.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS," "RECOMMENDATIONS FOR TERMS AND CONDITIONS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATIONS," "PROTEST" or "MOTION TO INTERVENE," as applicable, and the project number of the particular application to which the filing is in response. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: The Director, Office of Hydropower Licensing, Division of Project Compliance and Administration, Federal Energy Regulatory Commission, ATTN: HL–21, room 1148 UCP, at the above address. A notice of intent, competing application, or motion to intervene must also be served upon each representative of the applicant specified in the particular application.

D2. *Agency Comments*—The Commission invites federal, state, and local agencies to file comments on the described application. (Agencies may obtain a copy of the application directly from the applicant.) If an agency does not file comments within the time specified for filing comments, the Commission will presume that the agency has none. One copy of an agency's comments must also be sent to the applicant's representatives.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4222 Filed 2–23–93; 8:45 am]

BILLING CODE 6717–01–M

Application Filed With the Commission

February 19, 1993.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

a. *Type of Application:* Surrender of License.

b. *Project No.:* 8990–028.

c. *Date Filed:* February 3, 1993.

d. *Applicant:* Noah Corporation.

e. *Name of Project:* Opekiska Hydroelectric Project.

f. *Location:* Monongahela River, Monongalia County, West Virginia.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* James B. Price, President, Noah Corporation, 120 Calumet Court, Aiken, SC 29801, (803) 642–2749.

VOL
58
ISS
35
FE
24
1993
UMI

i. *FERC Contact:* Hank Ecton (202) 219–2678.

j. *Comment Date:* March 20, 1993.

k. *Description of Project Action:* The license for this project, with a proposed capacity of 10,000 kilowatts, was issued on September 27, 1989. The licensee states that it does not consider the likelihood of success sufficient to continue development activities. No construction has occurred, and the proposed site remains unaltered.

l. *This notice also consists of the following standard paragraph:* B, C, and D2.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS," "RECOMMENDATIONS FOR TERMS AND CONDITIONS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATIONS," "PROTEST" or "MOTION TO INTERVENE," as applicable, and the project number of the particular application to which the filing is in response. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: The Director, Office of Hydropower Licensing, Division of Project Compliance and Administration, Federal Energy Regulatory Commission, ATTN: HL–21, room 1148 UCP, at the above address. A notice of intent, competing application, or motion to intervene must also be served upon each representative of the applicant specified in the particular application.

D2. *Agency Comments*—The Commission invites federal, state, and local agencies to file comments on the described application. (Agencies may obtain a copy of the application directly from the applicant.) If an agency does not file comments within the time specified for filing comments, the Commission will presume that the agency has none. One copy of an agency's comments must also be sent to the applicant's representatives.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4220 Filed 2–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–77–000]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 18, 1993.

Take notice that CNG Transmission Corporation ("CNG"), on February 12, 1993, pursuant to section 4 of the Natural Gas Act, as amended, and §§ 154.14, 154.40, and 154.63 of the Commission's regulations, CNG Transmission Corporation submitted for filing as part of its FERC Gas Tariff, Original Volume No. 1, six copies each of the following: A Form of Service Agreement (Applicable to Sale of Natural Gas Under Rate Schedule CD), First Revised Sheet No. 235 superseding Original Sheet No. 235, and Original Sheet Nos. 236–248; and a Form of Service Agreement (Applicable to Sale of Natural Gas under Rate Schedule ACD), Second Revised Sheet No. 254 superseding First Revised Sheet No. 254, First Revised Sheet Nos. 255–260B superseding Original Sheet Nos. 254–260B; and Original Sheet Nos. 260C–260G.

CNG requests an effective date for the proposed tariff sheets of February 1, 1992.

CNG states that the purpose of this filing is to file a Form of Service Agreement for CD service, and to replace the currently effective Form of Service Agreement for ACD service to reflect the Commission's directive in its Order On Rehearing Granting Waiver, 61 FERC ¶ 61,356 (1992) and the restructured services as part of the Settlement of CNG's rate proceedings in Docket No. RP88–211, *et al.*

CNG states that copies of the filing were served upon CNG's jurisdictional customers and interested state commissions. Copies of the filing are also available for public inspection, during regular business hours, at CNG's Principal offices in Clarksburg, West Virginia.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before February 25, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4223 Filed 2–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–62–002]

Equitrans, Inc.; Notice of Compliance Filing

February 18, 1993.

Take notice that on February 16, 1993, Equitrans, Inc. ("Equitrans") tendered for filing revised tariff sheets in compliance with the Commission's January 29, 1993 "Order Accepting Primary Tariff Sheets As Pro Forma Tariff Sheets, Accepting And Suspending Alternate Tariff Sheets Subject To Refund And Conditions, Denying Motion To Consolidate, And Establishing Hearing" ("Suspension Order").

Equitrans states that the purpose of the filing is to (1) revise tariff language relating to Rate Schedules 10SS, 30SS, 60SS, 115SS and INSS by removing references requiring tied transportation services and no in-place title transfers, (2) clarify the storage withdrawal scheduling penalty, and (3) correct the pagination and tariff volume numbers on the tariff sheets which were submitted for filing by Equitrans in this docket on December 31, 1992 and also accepted for filing and suspended with effective dates of either April 1, 1993 or July 1, 1993 in the Suspension Order.

Equitrans states that the compliance filing also contains a proposed tariff sheet which gives a definition of "Transportation" which corresponds with the new storage services rate sheets which the Suspension Order accepted for filing with an April 1, 1993 effective date.

Equitrans states that copies of this filing were served on all of Equitrans' customers, interested state commissions

and parties to this proceeding, and are available for inspection at Equitrans' Pittsburgh office during normal business hours.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. All such protests should be filed on or before February 25, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4228 Filed 2–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT88–4–010]

Mid Louisiana Gas Co.; Tariff Filing

February 18, 1993.

Take notice that Mid Louisiana Gas Company (Mid Louisiana) on February 9, 1993, tendered for filing on electronic media its Sixth Revised Sheet No. 26L of its First Revised Volume No. 1 of its existing FERC Gas Tariff.

Mid Louisiana states that the purpose of the filing is to update its Shared Personnel and Facilities information.

Mid Louisiana states that copies of the filing were served on Mid Louisiana's jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 25, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4227 Filed 2–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT88–4–009]

Mid Louisiana Gas Co.; Tariff Filing

February 18, 1993.

Take notice that Mid Louisiana Gas Company (Mid Louisiana) on February 1, 1993, tendered for filing on electronic media its Fifth Revised Sheet No. 26L of its First Revised Volume No. 1 of its existing FERC Gas Tariff.

Mid Louisiana states that the purpose of the filing is to update its Shared Personnel and Facilities information.

Mid Louisiana states that copies of the filing were served on Mid Louisiana's jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 25, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4226 Filed 2–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–79–000]

Natural Gas Processing Co. v. El Paso Natural Gas Co.; Notice of Complaint

February 18, 1993.

Take notice that on February 12, 1993, Natural Gas Processing Co. (NGP), pursuant to Rule 206 of the Commission's rules of practice and procedure, hereby submits a complaint against El Paso Natural Gas Company (El Paso).

NGP states that on October 1, 1992 it requested that El Paso amend its existing FTS–S transportation service agreement with Capitan-Carrizozo Natural Gas Association (C&C) to substitute NGP's name as Shipper. NGP requested that El Paso tender to NGP a new transportation service agreement under Rate Schedule FTS–S.

NGP states that by letter dated October 13, 1992, El Paso responded by refusing NGP's requests. El Paso's letter states that NGP's request to amend the FTS–S TSA by substituting NGP's name for C&C's gives EPNG a problem.

NGP requests that the Commission issue an order: (1) finding El Paso's refusal to provide transportation service under its FTS–S tariff to NGP to be in violation of El Paso's tariff; and (2) directing El Paso to provide transportation service to NGP under the FTS–S rate schedule, consistent with the terms and conditions of that tariff.

Any person desiring to be heard or to protest said complaint should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214, 385.211. All such motions or protests should be filed on or before March 22, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. Answers to this complaint shall be due on or before March 22, 1993.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4231 Filed 2–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP87–103–014]

Panhandle Eastern Pipe Line Co.; Proposed Changes in FERC Gas Tariff

February 18, 1993.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on February 11, 1993 tendered for filing the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1.

Fourth Revised Sheet No. 32–AI
Third Revised Sheet No. 32–AP
Second Revised Sheet No. 32–BM
Fourth Revised Sheet No. 32–BU

Panhandle states that this filing being filed in accordance with the provisions of Article II, Paragraph 5 of the March 22, 1990 Stipulation and Agreement and the Commission's Orders dated November 26, 1991 and June 1, 1992 in the above-referenced matter.

Panhandle requests an effective date of June 1, 1992.

Panhandle states that copies of this filing have been sent to its jurisdictional customers, interested state regulatory commissions and parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance

with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 25, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4224 Filed 2–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–54–001 and GT93–6–002]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 18, 1993.

Take notice that Texas Eastern Transmission Corporation ("Texas Eastern") on February 10, 1993 resubmitted for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies each of the following tariff sheets:

Proposed To Be Effective November 1, 1992

Sub Revised Twenty-sixth Revised Sheet No. 51
Sub Revised Sixteenth Revised Sheet No. 51B
Sub Revised Sixteenth Revised Sheet No. 51D

This resubmission is made pursuant to the Commission's January 29, 1993 "Order On rehearing and Accepting Tariff Sheets" in Docket Nos. RP93–54–000 and GT93–6–001 ("January 29 Order"). The January 29 Order accepted certain tariff sheets filed on December 30, 1992 in Docket No. GT93–6–000 and noticed in Docket No. RP93–54–000, to be effective November 1, 1992, subject to Texas Eastern correcting minor pagination errors. The listed tariff sheets correct the pagination errors as specified by the Commission in its January 29 Order.

The proposed effective date of the tariff sheets is November 1, 1992.

Texas Eastern states that copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions. Copies of this filing have also been served on all parties on the service lists in Docket Nos. CP88–180, RP93–54–000 and GT93–6–001.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before February 25, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4225 Filed 2–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–78–000]

Texas Gas Transmission Corp.; Notice of Petition for Limited Waiver

February 18, 1993.

Take notice that on February 12, 1993, Texas Gas Transmission Corporation (Texas Gas) tendered for filing a petition seeking a limited waiver in order to allow the addition of certain delivery points to certain firm transportation agreements between Texas Gas and three of its customers.

Texas Gas states that it is filing the instant petition to request a limited waiver of the Commission's present policy regarding delivery point flexibility in order to allow the new delivery points for The Cincinnati Gas and Electric Company (CG&E), Western Kentucky Gas Company (Western Ky), and Indiana Gas Company, Inc. (Indiana Gas), to be added to the respective firm transportation agreements, without these customers forfeiting their position in Texas Gas's first-come, first-served queue.

Texas Gas respectfully requests that the Commission grant a waiver of its policy prohibiting delivery point flexibility, in order to allow CG&E, Western Ky. and Indiana Gas to add certain delivery points to the appropriate firm transportation agreements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before February 25, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–9230 Filed 2–23–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–137–012]

Transcontinental Gas Pipe Line Corp.; Notice of Tariff Filing

February 18, 1993.

Take notice that Transcontinental Gas Pipe Line Corporation (TGPL) tendered for filing on January 26, 1993 Third Substitute Original Sheet No. 374 and Second Substitute Original Sheet No. 374A to Third Revised Volume No. 1 of its FERC Gas Tariff, which tariff sheets are attached thereto. The proposed effective date of the revised tariff sheets is September 1, 1992.

On October 30, 1992, TGPL filed certain revised tariff sheets to comply with the Commission's order issued on October 5, 1992 in Docket No. RP92–137–000, which order addressed issues raised at an August 11, 1992 technical conference. By order issued January 8, 1993 (January 8 Order), the Commission accepted TGPL's filing to become effective September 1, 1992 subject to conditions. Specifically, the Commission directed TGPL to refile Second Substitute Original Sheet No. 374 to clarify that only one filing addressing electric cost changes will be made and such filing will become effective on April 1 of the year in question. In addition, the Commission directed TGPL to file a revised Substitute Original Sheet No. 374A, to delete Section 41.6 which incorporates an interim adjustment clause. The tariff sheets submitted herewith include revised language in accordance with the Commission's directives in the January 8 Order.

TGPL states that copies of the instant filing are being mailed to customers, State Commissions and other interested parties to Docket No. RP92–137. In accordance with the provisions of Section 154.16 of the Commission's Regulations, copies of this filing are available for public inspection, during regular business hours, in a convenient form and place at TGPL's main offices at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR

385.211. All such protests should be filed on or before February 25, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4229 Filed 2–23–93; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00349; FRL–4189–5]

Nominations to the FIFRA Scientific Advisory Panel; Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice provides the names, addresses, professional affiliations, and selected biographical data of persons nominated to serve on the FIFRA Scientific Advisory Panel established under section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The Panel was created on November 28, 1975, and made a statutory Panel by amendment to the FIFRA, dated October 25, 1988. Public comment on the nominations is invited. Comments will be used to assist the Agency in selecting nominees to comprise the Panel and should be so oriented.

DATES: Comments must be postmarked not later than March 26, 1993.

ADDRESSES: By mail, submit comments to: Public Docket and Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: By mail: Robert B. Jaeger, Designated Federal Official, FIFRA Scientific Advisory Panel (H7509C), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 819B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703) 305–5369/5244.

SUPPLEMENTARY INFORMATION:

I. Background

Amendments to FIFRA enacted November 28, 1975, added among other things, a requirement set forth in section 25(d) that notices of intent to cancel or reclassify pesticide registrations pursuant to section 6(b)(2), as well as proposed and final forms of rulemaking pursuant to section 25(a), be submitted to a Scientific Advisory Panel prior to being made public or issued to a registrant. In accordance with section 25(d), the Scientific Advisory Panel is to have an opportunity to comment on the health and environmental impact of such actions.

II. Charter

A Charter for the FIFRA Scientific Advisory Panel has been issued (dated October 13, 1992) in accordance with the requirements of section 9(c) of the Federal Advisory Committee Act, Public Law 92–463, 86 Stat. 770 (5 U.S.C. App I). The qualifications of members as provided by the Charter follow.

A. Qualifications of Members

Members are scientists who have sufficient professional qualifications, including training and experience, to be capable of providing expert comments as to the impact on health and the environment of regulatory actions under sections 6(b) and 25(a) of FIFRA. No person shall be ineligible to serve on the Panel by reason of his/her membership on any other advisory committee to a Federal department or agency or his/her employment by a Federal department or agency (except the Environmental Protection Agency). The Deputy Administrator appoints individuals to serve on the Panel for staggered terms of 4 years. Panel members are subject to the provisions of 40 CFR Part 3, Subpart F--Standards of Conduct for Special Government Employees, and 5 CFR Part 2635--Standards of Ethical Conduct for Employees of the Executive Branch, which include rules regarding conflicts-of-interest. Each nominee selected by the Deputy Administrator, before being formally appointed, is required to submit a Confidential Statement of Employment and Financial Interests, which shall fully disclose, among other financial interests, the nominee's sources of research support, if any.

In accordance with section 25(d) of FIFRA, the Deputy Administrator shall require all nominees to the Panel to furnish information concerning their professional qualifications, their educational background, employment history, and scientific publications. The Agency is required to publish in the **Federal Register** the name, address, and professional affiliations of each nominee.

B. Applicability of existing Regulations

With respect to the requirement of section 25(d) that the Administrator promulgate regulations regarding conflicts of interest, the Charter provides that EPA's existing regulations applicable to special government employees, which include advisory committee members, will apply to the members of the Scientific Advisory Panel. These regulations appear at 40 CFR part 3, subpart F. In addition, the Charter provides for open meetings with opportunities for public participation.

C. Process of Obtaining Nominees

In accordance with the provisions of section 25(d), EPA, in August 1992, requested the National Institutes of Health (NIH) and the National Science Foundation (NSF) to nominate scientists to fill two vacancies occurring on the Panel. NIH responded by letter dated August 24, 1992, enclosing a list of 12 nominees; NSF responded by letter dated September 10, 1992, with a list of 4 nominees.

III. Nominees

The following are the names, addresses, professional affiliations, and selected biographical data on nominees being considered for membership on the FIFRA Scientific Advisory Panel to fill two vacancies occurring during the calendar year 1992.

1. Rupert Amann, Department of Physiology, College of Veterinary Medicine and Biomedical Science, Colorado State University, Fort Collins, CO.

Expertise: Male Reproductive physiology; endocrinology.

Education: BS, Dairy husbandry, University of Maine; MS, PhD, Dairy Science, The Pennsylvania State University; Post-doctoral, Royal Veterinary and Agricultural College, Copenhagen, Denmark, 1962–63.

Professional Experience: Assistant Professor, Penn State, 1963; Professor, Penn State, 1972; Professor, Department of Physiology, Colorado State University, 1979;

Concurrent Positions: Head, Department of Physiology, Colorado State University, 1989; Director, Society for the Study of Reproduction; President, American Society of Andrology, 1989–90; Standing Committee for the International Congress on Animal Reproduction.

Research: Spermatogenesis and puberty in bulls and the role of hormones and regulatory factors which determine the number of Sertoli cells

formed in the developing testis; effects of microgravity associated with space flight on the pituitary gonadal axis and spermatogenesis; techniques for preserving sperm.

2. Janice M. Bahr, Department of Animal Sciences, Animal Genetics Laboratory, University of Illinois, IL.

Expertise: Physiology.

Education: PhD (Physiology), University of Illinois, 1974.

Professional Experience: Instructor in Biology, Viterbo College, 1968–70; Endocrinology Trainee, University of Illinois, 1970–74; Assistant Professor in Animal Sciences and Physiology, 1974–79; Associate Professor in Animal Sciences and Physiology, 1979–83; Professor in Animal Sciences and Physiology, 1983–Present.

Concurrent Position: NSF, NIH and USDA research grant; chair, Scientific Sessions at the Endocrine Society for the Study of Reproduction and Poultry Science; President-Elect, Society for the Study of Reproduction.

Research: Reproductive physiology and endocrine toxicology of domestic animals.

3. Charles C. Capen, Department of Veterinary Pathobiology, Ohio State University, OH.

Expertise: Veterinary Pathology and Endocrinology.

Education: DVM, Washington State University, 1960; M.Sc., Veterinary Pathology, Ohio State University, 1961; PhD., Veterinary Pathology, 1965; Diplomate, American College of Veterinary Pathologists, 1965.

Professional Experience: Instructor, Department of Veterinary Pathology, Ohio State University, 1960–65; Assistant Professor, Department of Veterinary Pathology, Ohio State University, 1965–67; Associate Professor, Department of Veterinary Pathology, Ohio State University, 1967–70; Professor, Department of Veterinary Pathology, Ohio State University, 1970–Present; Professor, Department of Medicine, Division of Endocrinology and Metabolism, College of Medicine, Ohio State University, 1972–Present.

Concurrent Position: National Toxicology Program Panel of Experts, NIEHS; Editorial Board, Laboratory Investigation, 1988–94; Editorial Advisory Board, Methods in Toxicology, 1989–92; Executive Council, U.S. and Canadian Academy of Pathology, 1989–92; Chairman, Department of Veterinary Pathology, Ohio State University, 1982–Present.

Research: Investigations on humoral factors secreted by malignant neoplasms in animals and man associated with hypercalcemia; role of environmental pollutants, food dyes, and other xenobiotics on thyroid function and secondary mechanisms of oncogenesis; comparative aspects of endocrine and metabolic disease.

4. Gary Carlson, Department of Pharmacology and Toxicology, School of Pharmacy and Pharmacal Sciences, Purdue University, IN.

Expertise: Pharmacology; Chemistry.

Education: BS, Chemistry, St. Bonaventure University, 1965; PhD, Pharmacology, University of Chicago, 1969.

Professional Experience: Assistant Professor of Pharmacology, 1969–74, Associate Professor of Pharmacology, 1974–75, Department of Pharmacology and Toxicology, University of Rhode Island, RI.; Associate Professor of Toxicology, 1975–80, Professor of Toxicology, 1980–Present, Department of Pharmacology and Toxicology, Purdue University, IN.

Concurrent Positions: Adjunct Associate Professor of Pharmacology, Department of Pharmacology and Toxicology, University of Rhode Island, 1975–79; Adjunct Professor of Pharmacology and Toxicology, Indiana University School of Medicine, 1982–Present; Associate Head, Department of Pharmacology and Toxicology, Purdue University, 1983–Present; Editorial Advisory Board, Journal of Biochemical Toxicology, 1985–Present; Associate Editor, Journal of Toxicology and Environmental Health, 1982–Present.

Research: Metabolism, in vitro and in vivo, distribution and toxicity of exogenous compounds in laboratory animals; hepatic drug metabolism.

5. Donald J. Ecobichon, McGill University, Montreal, Canada.

Expertise: Veterinary pharmacology and toxicology.

Education: B.Sc.Phm., University of Toronto, 1960; M.A., University of Toronto, 1962; PhD., University of Toronto, 1964.

Professional Experience: Assistant Professor, Department of Biomedical Sciences, Ontario Veterinary College, University of Guelph, Ont., 1965–66; Associate Professor, Department of Biomedical Sciences, University of Guelph, 1966–69; Associate Professor, Department of Pharmacology, Faculty of Medicine, Dalhousie University, Nova Scotia, 1969–77; Assistant Dean of Graduate Studies, Dalhousie University, NS, 1975–77; Professor, Department of Pharmacology and Therapeutics, McGill University, Quebec, 1977–Present.

Concurrent Position: Editor board for Toxicology, 1978–present, Pesticide Biochemistry and Physiology, 1987–Present, and Society of Toxicology of Canada Newsletter, 1981–Present; Research Advisory Board of the World Wildlife Fund, 1984–1990, 1992–Present; WHO/IPCS, Member of Task Group on selected insecticides, 1990 and 1991.

Research: Tissue esterases (e.g. carboxyl-esterases, arylesterases, cholinesterases) in various laboratory and domestic species, including man, and their inhibition by and metabolism of insecticides, particularly organophosphorus esters; neurotoxicity.

6. Margaret E. Gnegy, University of Michigan Medical School, Ann Arbor, MI.

Expertise: Chemistry and Clinical Pharmacology.

Education: BS, Chemistry, West Virginia University, 1971; PhD., Biochemistry, West Virginia University, 1975.

Professional Experience: Staff Fellow, Laboratory of Preclinical Pharmacology, NIH, 1974–77; Assistant Professor, Department of Pharmacology, University of Michigaon Medical School, 1977–84; Associate Professor, University of Michigan Medical School, 1984–90; Professor, Department of Pharmacology, University of Michigan, 1990–Present.

Concurrent Position: Member of cellular neurobiology and psychopharmacology research subcommittee, NIMH, 1985–91.

Research: Role of endogenous calcium binding protein, calmodulin, in synaptic acitivity; catecholaminergic receptors and their intramembrane linkage to adenylate cyclase; regulation of neurotransmitter receptor concentration and sensitivity.

7. Robert L. Hall, Department of Pathology, Hazleton Laboratories, Madison, Wisconsin.

Expertise: Clinical Pathology.

Education: DVM, Ohio State University, 1977; PhD., Veterinary Pathology, Colorado State University, 1985; Diplomate, American College of Veterinary Pathologists (Clinical Pathology).

Professional Experience: Private Veterinary Practice, Purcelleville, VA, 1977–78; Resident, Veterinary Clinical Pathology, Ohio State University, 1978–81; Consultant, Animal Health Technician Program, Columbus Technical Institute, OH, 1980–81; Resident, Veterinary Clinical Pathology, Colorado State University, 1981–85; Adjunct Assistant Professor, Department of Pathobiology, School of Veterinary Medicine, University of Wisconsin, 1986–Present; Associate Director of Clinical Pathology, Hazleton Laboratories, Wisconsin, 1991–Present.

Research: Veterinary hematology and blood chemical profile of laboratory and domestic animals.

8. Kathryn B. Horwitz, University of Colorado Health Science Center, Denver, CO.

Expertise: Biochemistry; Oncology.

Education: MS, NY University, 1966; PhD., Physiology and Oncology, University of Texas, 1975.

Professional Experience: Research Fellow, University of Texas Health Science Center, 1978–79; Assistant Professor, Department of Medicine and Biochemistry, University of Colorado, Denver, CO., 1979–Present.

Research: Steroid hormone action; estrogen, progesterone receptors; breast cancer; endocrinology.

9. Nancy K. Kim, Division of Environmental Health Assessment, New York Department of Health.

Expertise: Chemistry.

Education: BS, Chemistry, University of Delaware, Newark, DE, 1964; MS, Chemistry, Northwestern University, Evanston, IL, 1966; PhD, Chemistry, Northwestern University, IL, 1969.

Professional Experience: Consultant and Research Scientist, Division of Laboratories and Research, New York State Department of Health, 1975–80; Director, Bureau of Toxic Substance Assessment, New York Department of Health, 1980–86; Director, Division of Environmental Health Assessment, New York Department of Health, 1986–Present.

Concurrent Positions: Associate Professor, Faculty Advisor, Member of the Academic Committee, State University of New York at Albany, School of Public Health, 1989–Present.

Research: Structural activity correlations; X-ray crystallographic techniques to determine the mmolecular structure of inorganic compounds.

10. Gary J. Kociba, Department of Veterinary Pathobiology, The Ohio State University, Columbus, OH.

Expertise: Veterinary Pathology.

Education: BS, Michigan State University, 1966; DVM, Michigan State University, 1967; MS, Ohio State University, 1969; PhD, Ohio State University, 1971; Diplomate, Veterinary Pathology, American College of Veterinary Pathologists, 1972; Diplomate, Veterinary Clinical Pathology, American College of Veterinary Pathologists, 1974.

Professional Experience: Assistant Professor, Departments of Veterinary Pathology and Veterinary Clinical Sciences, The Ohio State University,1971–75; Associate Professor, Department of Veterinary Clinical Sciences, 1975–78; Associate Professor of Veterinary Pathobiology, The Ohio State University, 1975–81; Professor, Department of Veterinary Pathobiology, The Ohio State University, 1981–Present.

Concurrent Positions: Chief, Clinical Laboratory Services, Department of Veterinary Clinical Sciences, The Ohio State University, 1972–78; Clinical Diagnostic Coordinating Committee, The Ohio State University, 1986–Present; Ad Hoc Committee for Alternatives to Animal Use, The Ohio State University, 1990–91; Committee on Classification of Animal Leukemias, 1987–Present; Veterinary Clinical Pathology, Editor, 1979–85, Editorial Board, 1985–Present, Associate Editor, 1986–90.

Research: Stromal defects in retrovirus-induced myelosuppression; effects of equine infectious anemia virus on erythroid progenitors in vivo.

11. Daniel B. Menzel, Department of Community and Environmental Medicine, University of California, Irvine, CA.

Expertise: Chemistry; pharmacology.

Education: BS, Chemistry, University of Calilfornia, Berkeley, 1956; PhD, Biological Chemistry, University of California, Berkeley, 1962; Post Doctoral, Nutritional Sciences, University of California, Berkeley, 1962; Diplomate and Fellow, Academy of Toxicological Sciences.

Professional Experience: Assistant Professor of Food Science and Assistant Biochemist, Department of Nutritional Sciences, University of California, Berkeley, CA, 1965–67; Adjunct Associate Professor of Nutrition, Department of Animal Sciences, Washington State University, Pullman, WA, 1967–70; Director, Clinical Research, Ross Laboratories Division, Abbott Laboratories, Columbus, OH, 1970–71; Associate Professor of Pharmacology and Associate Professor of Experimental Medicine, Duke University Medical Center, Durham, NC, 1971–78; Professor of Pharmacology and Associate Professor of Experimental Medicine, Duke University Medical Center, NC, 1978–89; Professor and Chair, Department of Community and Environmental Medicine, CA, 1989–Present;

Concurrent Positions: Director, Laboratory of Environmental Toxicology and Pharmacology, Duke University Medical Center, NC, 1971–88; Head Division of Pharmacology, Duke University Medical Center, NC, 1973–75; Director, Cancer Toxicology and Carcinogenesis Program, Comprehensive Cancer Center, Duke University, NC, 1981–88; Director of Southern Occupational Health Center, University of California, Irvine, CA, 1989–90; Vice President, Southern California Chapter, Society of Toxicology, 1992–Present.

Research: Inhalation toxicology from airborne pollutants.

12. Alan H. Rebar, School of Veterinary Medicine, Purdue University, IN.

Expertise: Veterinary Pathologist.

Education: DVM, Purdue University, IN, 1973; PhD (Veterinary Pathology), Purdue University, IN, 1975; Diplomate, Clinical Pathology, American College of Veterinary Pathologists, 1978; Accredited Animal and Plant Health Inspector, IN, USDA, 1982.

Professional Experience: Assistant Professor, Clincal Pathology, School of Veterinary Medicine, Purdue University, IN, 1974–77; Clinical Pathologist, Lovelace Inhalation Toxicology Research Institute, Albuquerque, NM, 1977–79; Associate Professor, Clinical Pathology, Purdue University, 1979–83; Professor, Clinical Pathology, Purdue University, 1983–Present.

Concurrent Positions: Director, Veterinary Cytology Resource Center, Purdue University, 1986–Present; Director of Continuing Education, School of Veterinary Medicine, Purdue University, 1987–Present; Associate Dean for Research, School of Veterinary Medicine, Purdue University, 1989–Present; Editor, Veterinary Clinical Pathology, 1984–Present; Indiana Academy of Veterinary Medicine, Secretary of Board of Directors, 1987–Present.

Research: Diagnostic cytology; inhalation toxicopathology; veterinary hematology (red cell disorders; toxicologic effects on bone marrow).

13. Mary Frances Ruh, Department of Pharmacological and Physiological Science, School of Medicine, St. Louis University Medical Center, MO.

Expertise: Physiology; Endocrinology.

Education: BS, Medical Technology, Marquette University, 1963; MS, Physiology, Marquette University, 1966; PhD, Physiology, Marquette University, 1969.

Professional Experience: Instructor in Public Health, University of Massachusetts, 1966–67; Instructor in Physiology, University of Illinois, 1969–71; Assistant Professor, 1971–76; Associate Professor, 1976–84, Professor, 1984–90, Department of Physiology, St. Louis University School of Medicine; Professor, Department of Pharmacological and Physiological Science, St. Louis University School of Medicine, MO, 1990–Present.

Concurrent Positions: Interim Chairman, Department of Physiology, St. Louis School of Medicine, MO, 1988–90; Chairman, Reproductive

Endocrinology Study Section, NIH, 1990–92

Research: Steroid hormone action; mammalian reproductive physiology.

14. Raghubir P. Sharma, Center for Environmental Toxicology, Department of Animal, Dairy and Veterinary Science, Utah State University, UT.

Expertise: Veterinary Toxicology; Pharmacology.

Education: DVM (B.V.Sc.), University of Rajasthan, India, 1963; PhD (Pharmacology), University of Minnesota, 1968; Post Doctoral, drug distribution and metabolism, University of Minnesota, 1968–69; Diplomate, American Board of Veterinary Toxicology, 1974; Diplomate, American Board of Toxicology, 1981; Certified Industrial Hygienist, American Board of Industrial Hygiene, 1980.

Professional Experience: Assistant Professor, 1968–75, Associate Professor, 1975–79, Professor, 1979–Present, Pharmacology and Toxicology, Utah State University, UT.

Concurrent Positions: Chairman, Interdepartmental Toxicology Program, Utah State University, 1983–Present; Director, Center for Environmental Toxicology; Editorial Board, European Journal of Pharmacology, 1991–Present; Assitant Editor, Poisindex, 1990–Present; NIH Occupational Health and Study Section, PHS, 1991–95; Special Reviewer, ATSDR Toxicity Profiles, CDC, 1991–Present.

Research: Immunotoxicology; retinoic acid receptors.

15. Robert M. Shull, Department of Pathobiology, University of Tennessee College of Veterinary Medicine, Knoxville, TN.

Expertise: Veterinary Pathology (Clinical Pathology).

Education: BS, Animal Nutrition, Cornell University, NY, 1972; DVM, New York State College of Veterinary Medicine, Cornell University, 1976; Diplomate, American College of Veterinary Pathologists (Clinical Pathology), 1981.

Professional Experience: Assistant Professor of Clinical Pathology and Clinical Immunology, 1979–85, Associate Professor, Department of Pathobiology, University of Tennessee, 1985–90; Professor of Clinical Pathology and Comparative Hematology, Department of Pathobiology, University of Tennessee, 1990–Present.

Concurrent Positions: Director of Clinical Pathololgy Laboratory, Department of Pathobiology, Unversity of TN, 1985–87, 1991–92.

Research: Inherited metabolic and genetic disease; comparative hematology; clinical immunology.

16. Mary Anna Thrall, Department of Pathology, School of Veterinary Medicine and Biomedical Sciences, Colorado State University, Fort Collins, CO.

Expertise: Veterinary Pathology.

Education: BA, Biology and Education, University of Evansville, IN, 1966; DVM, Purdue University, IN, 1970; MS, Colorado State University, 1977; Diplomate, American College of Veterinary Pathologists (Clinical Pathology), 1977.

Professional Experience: Practice of Veterinary Medicine, 1970–1975; Resident, Veterinary clinical pathology, Department of Clinical Sciences, Colorado State University, CO, 1975–1978; Assistant Professor, 1978–84, Associate Professor, 1984–91, Professor, 1991–Present, Department of Pathology, Colorado State University, CO.

Research: liver damage and alteration of immune function; bone marrow transplant therapy.

Dated: February 11, 1993.

Victor J. Kimm,

Assistant Administrator, for Prevention, Pesticides and Toxic Substances.

[FR Doc. 93–4292 Filed 2–23–93; 8:45 am]

BILLING CODE 6560–50–F

[OPP–180885; FRL 4571–2]

Receipt of Application for Emergency Exemption to use Benomyl; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the California Environmental Protection Agency, Department of Pesticide Regulation (hereafter referred to as the "Applicant"), for the use of the pesticide benomyl (CAS 17804–35–2) to control *Ramularia* leaf spot on up to 850 acres of artichokes in California. In accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before March 11, 1993.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP–180885," should be submitted by mail to: Public Response and Human Resource Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain Confidential Business Information must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Susan Stanton, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 718, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703–305–6359).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any registration provision of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption for the use of the fungicide, benomyl, available as Benlate Fungicide (EPA Reg. No. 352–354) from E. I. du Pont de Nemours Co., to control *Ramularia* leaf spot, caused by *Ramularia sp.*, on up to 850 acres of artichokes in California. Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicant, *Ramularia* leaf spot is a new disease problem of artichokes in California which became a serious pest in 1987 and 1988. *Ramularia* attacks artichoke leaves, causing scattered necrotic spots to appear. As the disease progresses, the leaves and even the entire plant may appear to be "burned". The resulting reduction in the plant's photosynthetic ability causes poor plant growth and bud production. In severely affected fields, yields may be reduced by as much as 50 percent. According to the Applicant, there are no pesticides currently registered for the control of *Ramularia* leaf spot of artichoke that

will adequately control the disease. Without an effective control, the Applicant estimates that growers will lose approximately $1,500 per acre or more than $1 million over the entire 850 critically affected acres during the 1993 growing season.

Up to 4 ground or aerial applications of benomyl will be applied at 7 to 14 day intervals at a maximum rate of 0.5 pounds of active ingredient per acre. Ground application will be made in sufficient water to obtain full coverage of foliage. Aerial applications will be made in a minimum of 20 gallons of water per acre. A maximum of 1,700 pounds of active ingredient may be needed to treat a maximum of 850 acres of artichokes, located in Santa Barbara and Ventura counties. Applications will be completed by December 31, 1993.

Benomyl, was referred to Special Review in December of 1977, because of its mutagenic, teratogenic, spermatogenic, and acute aquatic effects. The Special Review process was completed on October 20, 1982, and the decision was made to require use of either cloth or commercially available disposable dust masks by mixer/loaders of benomyl intended for aerial application and to require that registrants of benomyl products conduct field monitoring studies to identify residues that may enter aquatic sites after use on rice.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require that the Agency publish notice of receipt in the **Federal Register** and solicit public comment on an application for a specific exemption proposing use of a pesticide which contains an active ingredient which has been the subject of a Special Review and is intended for a use that could pose a risk similar to the risk posed by any use of a pesticide which is or has been the subject of a Special Review (40 CFR 166.24 (a)(5)).

The regulations also require that the Agency publish notice of receipt in the **Federal Register** and solicit public comment on an application for a specific exemption if an emergency exemption has been requested or granted for that use in any 3 previous years, and a complete application for registration of that use and/or a petition for tolerance for residues in or on the commodity has not been submitted to the Agency (40 CFR 166.24 (a)(6)). This is the fourth year an exemption for the use of benomyl on artichokes has been requested, and an application for registration or tolerance petition has not been submitted to the Agency.

Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above. The Agency will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the California Environmental Protection Agency.

Dated: February 10, 1993.

Lawrence E. Culleen,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 93-3946 Filed 2-23-93; 8:45 am]

BILLING CODE 6560-50-F

[PP 2G4038/T632; FRL 4187-9]

Fenbuconazole; Establishment of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established a temporary tolerance for the combined residues of the fungicide fenbuconazole and its metabolites in or on the raw agricultural commodity pecans at 0.1 part per million (ppm).

DATES: This temporary tolerance expires December 31, 1993.

FOR FURTHER INFORMATION CONTACT: By mail: Cynthia Giles-Parker, Product Manager (PM) 22, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 229, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, 703-305-5540.

SUPPLEMENTARY INFORMATION: Rohm and Haas Company, Independence Mall West, Philadelphia, PA 19105, has requested in pesticide petition (PP) 2G4038, the establishment of a temporary tolerance for the combined residues of the fungicide fenbuconazole [alpha-(2-[4-chlorophenyl]-ethyl)-alpha-phenyl-3-(1*H*-1,2,4-triazole)-1-propanenitrile]; and its metabolites RH-9129 and RH-9130, the diastereomeric lactone metabolites of fenbuconazole [5-(4-chlorophenyl)-dihydro-3-phenyl-3-(methyl-1*H*-1,2,4-triazole-1-yl)-2-3*H*-furanone]; and RH-6467, the benzylic-ketone metabolite of fenbuconazole [4-(4-chlorophenyl)-2-(methyl-1*H*-1,2,4-triazole)-4-oxo-2-phenyl butanenitrile] in or on the raw agricultural commodity pecans at 0.1 part per million (ppm).

This temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of the experimental use permit 707-EUP-125, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that establishment of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Rohm and Haas Co., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires December 31, 1993. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirement of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Dated: February 9, 1993.

Lawrence E. Culleen,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 93-3947 Filed 2-23-93; 8:45 am]

BILLING CODE 6560-50-F

VOL 58 ISS 35 FE 24 1993 UMI

[OPP-34039; FRL 4183-8]

Notice of Receipt of Requests for Amendments to Delete Uses in Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request for amendment by registrants to delete uses in certain pesticide registrations.

DATES: Unless a request is withdrawn, the Agency will approve these use deletions and the deletions will become effective on May 25, 1993.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (H7502C), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Office location for commercial courier delivery and telephone number: Room 220, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5761.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pecticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

II. Intent to Delete Uses

This notice announces receipt by the Agency of applications from registrants to delete uses in the 18 pesticide registrations listed in the following Table 1. These registrations are listed by registration number, product names and the specific uses deleted. Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant before May 25, 1993 to discuss withdrawal of the applications for amendment. This 90-day period will also permit interested members of the public to intercede with registrants prior to the Agency approval of the deletion.

TABLE 1. — REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

Registration No.	Product Name	Delete From Label
000070-00263	Rigo Benomyl Systemic Fungicide	Roses, flowers, ornamentals, shade trees, bulbs
000192-00127	Dexol Benomyl Systemic Fungicide	Ornamentals, roses
000279-01254	Ethion 4 Miscible Insecticide	Apples, burmuda grass, cherries, grapes, melons, pears, summer squash, turf, ornamentals (greenhouse)
001022-00505	PQ-20 RTU	Use on wood to be used in contact with fruits and vegetables, i.e., field picking boxes, green house flats, grape & vegetable stakes
002935-00142	Methyl Parathion 4 Spray	Peppers
003125-00321	Bolstar 6	Soybeans
005481-00138	Alco Systemic Fungicide	Ornamentals
005481-00195	Metaldehyde Methiocarb Granules 2-1	Citrus & avocado groves
006720-00463	Science Benomyl 50W	Ornamentals
010162-00104	Fusilade 2000 Herbicide Systemic Fungicide	Spinach
010182-00135	Dylonate II 20-G	Sorghum (milo), sugarcane
010182-00180	Dylonate II 10-G	Sorghum (milo), sugarcane
010182-00187	Dylonate II 15-G	Sorghum (milo), sugarcane
010182-00212	Dylonate 4-EC	Sorghum (milo), sugarcane
034704-00602	Clean Crop Benomyl 50% DF	Greenhouse (hydroponic/chemigation uses) & drench treatment for strawberry transplants
056644-00016	Security Rose & Turf Fungicide	Roses, flowers, ornamentals
059639-00014	Dibrom 4 Dust	Adult mosquito control
062719-00114	Balan L.C.	Alfalfa, birdsfoot trefoil, clover (alsike, ladino & red), direct seeded lettuce

The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA company number.

TABLE 2. — REGISTRANTS REQUESTING AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Company No.	Company Name and Address
000070	Wilbur-Ellis Co., P.O. Box 16458, Fresno, CA 93755.
000192	Dexol Industries, 1450 W. 228th St., Torrance, CA 90501.
000279	FMC, 1735 Market St., Philadelphia, PA 19103.
001022	IBC Manufacturing Co., 416 Brooks Road, Memphis, TN 38109.
002935	Wilbur Ellis Co., 191 W. Shaw Ave., Fresno, CA 93704.
003125	Miles Inc., Agriculture Div., 8400 Hawthorn Rd., P.O. Box 4913, Kansas City, MO 64120.
005481	AMVAC Chemical Corp., 4100 E. Washington Blvd., Los Angeles, CA 90023.
006720	Southern Mill Creek Products, 5414 N. 56th St., Tampa, FL 33610.
010182	ICI Americas Inc., Agricultural Products, Mew Murphy Road & Concord Pike, Wilmington, DE 19897.

TABLE 2. — REGISTRANTS REQUESTING AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS—Continued

EPA Company No.	Company Name and Address
034704	Platt Chemical Co., Inc., 150 S. Main St., Fremont, NE 68025.
056644	Security Products Co. of Delaware, Inc., 7801 Metro Parkway, P.O. Box 59084, Minneapolis, MN 55420.
059639	Valent U.S.A. Corp., 1333 N. California Blvd., P.O. Box 8025, Walnut Creek, CA 94596.
062719	DowElanco, Quad IV 9002 Purdue Rd., Indianapolis, IN 46268.

III. Existing Stocks Provisions

The Agency has authorized registrants to sell or distribute product under the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions have been imposed, as in special review actions.

Dated: February 5, 1993.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 93–3945 Filed 2–23–93; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–977–DR]

Arizona; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Arizona (FEMA–977–DR), dated January 19, 1993, and related determinations.

EFFECTIVE DATE: February 9, 1993.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 9, 1993, the major disaster declaration of January 19, 1993, was amended under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

The President has determined that the damage in certain areas of the State of Arizona, resulting from flooding on January 5, 1993, and continuing, is sufficient in severity and magnitude to warrant the expansion of the incident type to include damage resulting from severe storms and tornadoes in the major disaster declaration of January 19, 1993, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act").

All other conditions specified in the original declaration remain the same.

Please notify the Governor of the State of Arizona and the Federal Coordinating Officer of this amendment to former President Bush's major disaster declaration.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Richard W. Krimm,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 93–4267 Filed 2–23–93; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–979–DR]

California; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of California, (FEMA-979-DR), dated February 3, 1993, and related determinations.

EFFECTIVE DATE: February 12, 1993.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of California dated February 3, 1993, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 3, 1993:

The counties of Humboldt, Napa, and Santa Barbara, the City of Los Angeles and Culver City for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Richard W. Krimm,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 93–4268 Filed 2–23–93; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–978–DR]

Louisiana; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Louisiana, (FEMA-978-DR), dated February 2, 1993, and related determinations.

EFFECTIVE DATE: February 11, 1993.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Louisiana dated February 2, 1993, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 2, 1993:

Iberville, St. Tammany, Tangipahoa, and Vermilion Parishes for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Richard W. Krimm,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 93–4266 Filed 2–23–93; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS93–1]

Appraisal Subcommittee; Final Order Granting Commonwealth of the Northern Mariana Islands Temporary Waiver Relief

AGENCY: Appraisal Subcommittee, Federal Financial Institutions Examination Council.

ACTION: Final order granting Commonwealth of the Northern Mariana Islands ("CNMI") temporary waiver relief from State appraiser certification and licensure requirements.

VOL
58
ISS
35
FE
24
1993
UMI

SUMMARY: The Appraisal Subcommittee ("ASC") of the Federal Financial Institutions Examination Council ("FFIEC"), with the FFIEC's approval, is issuing a final order granting CNMI temporary waiver relief under section 1119(b)[1] of title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), as amended.[2] This relief will run from February 22, 1993, through February 28, 1994, unless the scarcity of certified or licensed appraisers is alleviated before this order's termination date.

DATES: Effective date of this order is February 22, 1993.

FOR FURTHER INFORMATION CONTACT: Edwin W. Baker, Executive Director, or Marc L. Weinberg, General Counsel, at (202) 634–6520, Appraisal Subcommittee, 2100 Pennsylvania Avenue, NW., suite 200, Washington, DC 20037.

SUPPLEMENTARY INFORMATION:

I. Background

A. Relevant Statutory Provisions and Regulations

After December 31, 1992, title XI requires all federally regulated financial institutions to use State licensed or certified appraisers, as appropriate, in federally related transactions.[3] Thus, each State, territory and the District of Columbia ("State") should have had in place at that time its entire regulatory scheme for certifying, licensing and supervising real estate appraisers.

Section 1119(b) of title XI provides the ASC and the States with a degree of flexibility in dealing with extraordinary circumstances that may occur at any time after December 31st. This section enables the ASC to waive, on a temporary basis and with the FFIEC's concurrence, any State certification or licensing requirement on a written finding that: (1) "there is a scarcity of certified or licensed appraisers to perform appraisals in connection with federally related transactions"; and (2) that the scarcity is "leading to significant delays in the performance of such appraisals." Either a State in compliance with title XI or the ASC can make a written "scarcity/delay" finding. A State, however, cannot grant or deny a waiver under section 1119(b); that authority belongs only to the ASC. Congress intended that the ASC exercise this waiver authority "cautiously."[4] Temporary waivers terminate when the ASC "determines that such * * * delays have been eliminated."

In April 1992, the ASC adopted rules governing the handling of section 1119(b) temporary waiver requests.[5] For a waiver request to be received by the ASC for processing, ASC Rule 1102.2 requires a State appraiser regulatory agency ("State agency") to include in its request:

> (a) * * * a written, duly authorized determination by the * * * Agency that there is a scarcity of State licensed or State certified appraisers leading to significant delays in obtaining appraisals in federally related transactions;
>
> (b) The requirement or requirements of State law from which relief is being sought;
>
> (c) A description of all significant problems currently being encountered in efforts to comply with Title XI;
>
> (d) The nature of the scarcity of certified or licensed appraisers (including supporting documentation).
>
> (e) The extent of the delays anticipated or experienced in obtaining the services of certified or licensed appraisers (including supporting documentation);
>
> (f) The reasons why the requester believes that the requirement or requirements are causing the scarcity of certified or licensed appraisers and the service delays; and
>
> (g) A specific plan for expeditiously alleviating the scarcity and the service delays.

Rule 1102.4 requires the ASC to publish a notice promptly in the **Federal Register** respecting the received request. The notice which must "contain a concise general statement of the nature and basis for the action and [must] give interested persons 30 calendar days from its publication in which to submit written data, views and arguments." The ASC then, under Rule 1102.5, must "either grant or deny a waiver in whole, in part, and upon specified terms and conditions" within "45 calendar days of the date of publication of the notice * * * in the **Federal Register**." The ASC retains significant flexibility in the case of an emergency. If the ASC determines that an emergency exists, "the ASC may issue an interim approval Order simultaneously with its action" publishing the Rule 1102.4 notice in the **Federal Register**.

Rule 1102.7 relates to the termination of temporary waiver orders. The ASC at any time may terminate such an order on a finding that: (1) The "significant delays in obtaining" certified or licensed appraiser services "no longer exist"; or (2) the "terms and conditions of the waiver order are not being satisfied." The ASC is required under the Rule to publish its waiver termination finding promptly in the **Federal Register** and to solicit public comments on the finding for a 30 calendar day period. Absent further ASC action, the finding becomes final automatically 21 calendar days after the end of the comment period.[6]

B. Procedural Status

On December 21, 1992, the ASC received a letter dated December 16, 1992, from Lorenzo I. De Leon Guerrero, the Governor of CNMI. The letter requested a one-year waiver, *i.e.*, from January 1 through December 31, 1993, from the requirement to use certified or licensed real estate appraisers within CNMI. The letter effectively initiated a temporary waiver proceeding under 12 CFR part 1102, subpart A. In view of the immediacy of the January 1, 1993 full implementation date of title XI and the facts represented in the Governor's letter, the ASC, on December 31, 1992, issued an order both granting CNMI emergency interim temporary waiver relief and soliciting public comment on the request. The interim order was published in the **Federal Register** on January 6, 1993.[7] The formal comment period closed on February 5, 1993, and no comments were received. The ASC had until the close of business on Monday, February 22, 1993, to take final action on CNMI's request. The ASC called a special meeting to consider this matter on February 17, 1993, and voted to approve the issuance of this final order. On February 18, 1993, the Chairman of the FFIEC concurred in the ASC's determination pursuant to delegated authority from the FFIEC.

II. CNMI's Request and Plan To Alleviate the Scarcity and Service Delays

Governor Guerrero of the CNMI stated in his temporary waiver request that, while CNMI had made "substantial, documented progress," it continued "to encounter significant problems in [its] efforts to comply with Title XI" and has had "a serious shortage of [certified or licensed] appraisers."

---

[1] 12 U.S.C. 3348(b).

[2] Pub. L. 101–73, 103 Stat. 183 (1989), as amended by Pub. L. 102–233, 105 Stat. 1761, 1792 (1991), Pub. L. 102–242, 105 Stat. 2330, 2386 (1991), Pub. L. 102–550, 106 Stat. 3672 (1992), and Pub. L. 102–485, 106 Stat. 2771 (1992).

[3] See section 1119(a) of title XI, 12 U.S.C. 3348(a).

[4] House Comm. on Banking, Finance and Urban Affairs, Report Together With Additional, Supplemental, Minority, Individual, and Dissenting Views, Financial Institutions Reform, Recovery, and Enforcement Act of 1989, H.R. Rep. No. 101–54, Part 1, 101st Cong., 1st Sess., at 482–83.

[5] 12 CFR part 1102, subpart A (57 FR 10979 (April 1, 1992)).

[6] Rule 1102.6 allows the ASC to initiate an extension of temporary waiver relief and enables a State agency to request such an extension in writing. Such a request is subject to all of the requirements of 12 CFR part 1102, subpart A, and therefore is processed in the same manner as an initial temporary waiver request.

[7] 58 FR 551 (January 6, 1993).

More specifically, CNMI stated that only four appraisers in CNMI "theoretically qualify for appraisal work" and that, "[d]espite good faith efforts * * *, we still can't qualify the people we have available. In practice, we have only one person who might be able to meet Title XI requirements. This person must complete required courses." However, no appraisal education providers are situated on CNMI, and the closet educational provider is on the island of Guam, 120 miles south by air. CNMI concluded that "[e]ducation is our dilemma. It relates directly to our present scarcity of appraisers."

CNMI further represented that this scarcity of appraisers causes "inordinate delays in connection with federally related transactions. Six retail banks operate in CNMI * * *. Many people seek federally guaranteed home loans. Business loan applications are brisk. We have significant appraiser business and presently no local qualified appraisers to serve it." CNMI concedes that appraisers who are licensed or certified in Guam are willing to come to CNMI to perform appraisals. The use of such appraisers, however, "means delay" and "significant and burdensome costs to loan applicants."

CNMI noted in its request that it has a specific plan for resolving the scarcity and delays. A one-year waiver will "allow our local appraisers time to finish the required appraisal courses. At least one of our local appraisers has started the course work, presently only available on Guam." CNMI also is "working on getting the qualified Guam instructors to come to the CNMI to teach appraisal courses." CNMI subsequently related to the ASC its intentions to:

- Contact its appraisers to determine their educational needs and will assist them in making arrangements with course providers;
- Contact State or Appraiser Qualifications Board ("AQB") approved correspondence course providers to coordinate the providing of appraisal education to CNMI appraisers;
- Ensure that examinations in connection with correspondence courses will be properly proctored; and
- Send to the ASC any information that the ASC desires to enable the ASC to monitor CNMI's progress toward alleviating the scarcity and service delays.

In sum, CNMI promised to "work hard to make the plan a success."

III. ASC Discussion

On the basis of the foregoing representations of CNMI's Governor and other information received from CNMI, the ASC believes that a scarcity of State certified and licensed appraisers exists on CNMI and that the scarcity is leading to significant delays in obtaining the services of State certified or licensed appraisers on CNMI. Absent temporary waiver relief, CNMI's appraisers who have not been licensed or certified would be unable to perform appraisals in connection with federally related transactions for federally regulated lenders after February 22, 1993, the expiration date of the emergency interim temporary waiver relief order under Rule 1102.5. Those lenders then would be forced to fly into CNMI State certified or licensed appraisers from elsewhere, *e.g.*, Guam, Hawaii or the United States mainland. In the worst case, such appraisers would not be available and real estate loans in federally related transactions could not be made in compliance with federal law. And, in the best case, significant delays and additional costs would likely result. These facts, we conclude, create a situation for which the relief provided by section 1119(b) of title XI was intended.

IV. Order

Therefore, the ASC finds that a scarcity of State certified and licensed appraisers exists on CNMI and that significant delays in obtaining the services of such appraisers are being experienced. Accordingly, under section 1119(b) of title XI and 12 CFR part 1102, subpart A, thereunder, the ASC orders temporary waiver relief for CNMI for the period beginning on February 22, 1993, through February 28, 1994, subject to the following conditions:

(1) CNMI must take appropriate steps during the temporary waiver period to alleviate the scarcity of State certified and licensed appraisers on CNMI and the significant delays in obtaining the services of those appraisers;

(2) CNMI must provide the ASC, within 14 days after May 3, 1993, September 6, 1993, and January 3, 1994, monitoring reports tracing CNMI's efforts toward alleviating the scarcity and the service delays; and,

(3) CNMI must notify the ASC promptly of any circumstances that might adversely affect CNMI's compliance with the terms of this order.

During the time that this order is effective within CNMI, the federally regulated lenders specified in section 1120 of Title XI[8] may use appraisers who are not licensed or certified so long as appraisals are performed in a manner that is consistent with the appraisal regulations, requirements, guidelines and standards of the appropriate federal financial institutions regulatory agency.[9]

By the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

Dated: February 17, 1993.

Fred D. Finke,

Chairman.

[FR Doc. 93-4282 Filed 2-23-93; 8:45 am]

BILLING CODE 6210-01-M

[8] 12 U.S.C. 3349.

[9] These agencies are the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration. *See* section 1122(6) of title XI, 12 U.S.C. 3350(6). Their appraisal regulations can be found respectively at 12 CFR: part 225, subpart G; part 323; part 34; part 564; and part 722.

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed; San Diego Unified Port District/Tenth Avenue Cold Storage Co.

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916, and section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 560.602 and/or 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 224-200741.

Title: San Diego Unified Port District/ Tenth Avenue Cold Storage Company Terminal Agreement.

Parties: San Diego Unified Port District ("Port") Tenth Avenue Cold Storage Company ("Tenth Avenue")

Filing Party: L. Thomas Morgan, Assistant Manager, Property Department, Port of San Diego, P.O. Box 488, San Diego, California 92112-0488.

Synopsis: The Agreement establishes terminal operational services between the Port and Tenth Avenue. The term of the Agreement is for eleven months.

By Order of the Federal Maritime Commission.

Dated: February 18, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 93–4183 Filed 2–23–93; 8:45 am]

BILLING CODE 6730–01–M

Notice of Agreement(s) Filed; Jacksonville Port Authority et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200589–001.

Title: Jaxport/Green Cove Maritime Terminal Agreement.

Parties:

Jacksonville Port Authority
Green Cove Maritime, Inc.

Synopsis: The amendment provides for changes in the Agreement's throughput charges, rental, and other rates as specified in the amendment.

Agreement No.: 232–011391–001.

Title: TMM/Tecomar space Charter and Sailing Agreement.

Parties:

Transportacion Maritima Mexicana, S.A. De C.V.
Tecomar, S.A. De C.V.

Synopsis: The proposed amendment adds a new Article 5(h) to the Agreement's authority modifying the parties' space chartering arrangements

By Order of the Federal Maritime Commission.

Dated: February 18, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 93–4184 Filed 2–23–93; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Environmental Health; Meeting on Development of Innovative Technology for Measurement of Lead in Blood

The National Center for Environmental Health (NCEH), of the Centers for Disease Control and Prevention (CDC), announces the following meeting.

Name: Development of Innovative Technology for the Measurement of Lead in Blood: Meeting of Grant Recipients and Cooperative Research and Development Agreement (CRADA) Partners.

Time and Date: 8:30 a.m.–12:30 p.m., March 10, 1993.

Place: Omni Hotel, Elizafield Conference Room, 100 CNN Center, Atlanta, Georgia 30335.

Status: Open to the public, limited only by space available.

Purpose: The primary purpose of this meeting is to brief grantees and CRADA partners about CDC expectations for the grant and CRADA program, to encourage cooperation and collaboration among grantees and CRADA partners, and to review progress towards the objectives of the program.

Matters To Be Discussed: Topics to be discussed include objectives of the CDC grant and CRADA program for the development of innovative technology for the measurement of lead in blood, procedures for applying for continuation of grants, required reports, site visits, impact of the Clinical Laboratory Improvement Act on the development of new technology, requirements of the Food and Drug Administration for medical instrumentation, and an overview of each grantee and CRADA organization.

Agenda items are subject to change as priorities dictate.

Contact Person For More Information: Dayton T. Miller, Ph.D., Chief, Nutritional Biochemistry Branch, Division of Environmental Health Laboratory Sciences (F13), NCEH, CDC, 4770 Buford Highway, NE, Chamblee, Georgia 30341, telephone 404/488–4026.

Written comments are welcome and should be received by the contact person no later than March 5, 1993. Persons wishing to make oral comments at the meeting should notify the contact person in writing or by telephone no later than March 5, 1993. All requests to make oral comments should contain the name, address, telephone number, and organizational affiliation of the presenter. Depending on the time available and the number of requests to make oral comments, it may be necessary to limit the time of each presenter.

Dated: February 18, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–4250 Filed 2–23–93; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meeting and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETING: The following advisory committee meeting is announced:

Food Advisory Committee

Date, time, and place. February 26, 1993, 2:30 p.m., Food and Drug Administration, Center for Food Safety and Applied Nutrition, Federal Bldg. 8, rm. 6815, 200 C St. SW., Washington, DC.

Type of meeting and contact person. A meeting of the Human Resources Working Group of the Food Advisory Committee will be held by a telephone conference call. Although not required to do so, FDA has decided to allow public participation in the meeting by means of a speaker telephone which will be provided in the room. Open committee discussion, 2:30 p.m. to 3:30 p.m.; open public hearing, 3:30 p.m. to 4:30 p.m., unless public participation does not last that long; Lynn A. Larsen, Center for Food Safety and Applied Nutrition (HFS–5), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4727.

General function of the committee. The committee provides advice on emerging food safety, food science, and nutrition issues that FDA considers of primary importance in the next decade.

Open committee discussion. The working group will review minutes of the previous Food Advisory Committee meeting, receive individual assignments, and discuss plans for the next full committee meeting. No substantive working group decisions will be made during the conference call. Such discussion will be reserved for sessions during the meeting of the full committee.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Human Resources Working Group. Those desiring to make presentations should notify the contact person as soon as possible, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments. Because the purpose of the conference call is to prepare for the next full committee meeting, those wishing to make formal presentations are urged to do so at that time, rather than during the conference call. Written statements may be submitted to the working group or committee at any time through the contact person.

FDA regrets that it is publishing this notice in the **Federal Register** less than 15 days prior to the meeting because of scheduling difficulties and time constraints due in part to the holiday.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: February 22, 1993.

Jane E. Henney,

Deputy Commissioner for Operations.

[FR Doc. 93–4435 Filed 2–22–93; 8:45 am]

BILLING CODE 4160–01–F

National Institutes of Health

National Institute on Aging; Notice of Meetings

Pursuant to Public Law 92–463, notice is hereby given of Subcommittees A and B meetings of the Biological and Clinical Aging Review Committee, and of Subcommittees A and B of the Neuroscience, Behavior and Sociology of Aging Review Committee.

These meetings will be open to the public as indicated below to discuss administrative details and other issues relating to committee activities as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion, and evaluation of individual research grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, National Institute on Aging, Gateway Building, room 2C218, National Institutes of Health, Bethesda, Maryland, 20892 (301/496–9322), will provide summaries of the meetings and rosters of the committee members upon request.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Scientific Review Administrator listed for the meeting, in advance of the meeting.

Other information pertaining to the meetings can also be obtained from the Scientific Administrator indicated below:

Name of Subcommittee: Subcommittee A—Biological and Clinical Aging Review Committee.

Scientific Review Administrator: Dr. Arthur Schaerdel, Gateway Building, room 2C212, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–9666.

Date of Meeting: March 15, 1993.

Place of Meeting: Building 31, Conference Room 4, National Institutes of Health, Bethesda, Maryland 20814.

Open: March 15—8 to 8:30 a.m.

Closed: March 15—8:30 a.m. to adjournment.

Name of Subcommittee: Subcommittee B—Biological and Clinical Aging Review Committee.

Scientific Review Administrator: Dr. James Harwood, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–9666.

Dates of Meeting: March 8–11, 1993.

Place of Meeting: Marriott Residence Inn, 7335 Wisconsin Ave., Bethesda, Maryland 20814.
Open: March 8—8 p.m. to 9 p.m.
Closed: March 9, 10, 1993—8:30 a.m. to adjournment on March 11.
Name of Subcommittee: Subcommittee A—Neuroscience, Behavior and Sociology of Aging Review Committee.
Scientific Review Administrators: Dr. Maria Mannarino, Dr. Louise Hsu, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–9666.
Dates of Meeting: March 9–11, 1993.
Place of Meeting: Embassy Suites Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.
Open: March 9—7:30 p.m. to 8 p.m.
Closed: March 9—8 p.m. to adjournment on March 11.
Name of Subcommittee: Subcommittee B—Neuroscience, Behavior and Sociology of Aging Review Committee.
Scientific Review Administrator: Dr. Walter Spieth, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–9666.
Dates of Meeting: March 10–12, 1993.
Place of Meeting: Marriott Residence Inn, 7335 Wisconsin Ave., Bethesda, Maryland 20814.
Open: March 10—7:30 p.m. to 8:30 p.m.
Closed: March 10—8:30 p.m. to adjournment on March 12.

(Catalog of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health)

Dated: February 12, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–4389 Filed 2–23–93; 8:45 am]

BILLING CODE 4140–01–M

National Eye Institute; Notice of Meeting of the Vision Research Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Vision Research Review Committee, National Eye Institute, March 1, 1993, at the Chevy Chase Holiday Inn, Palladian West, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20815.

This meeting will be open to the public on March 1 from 8:30 to 9 a.m. for opening remarks and discussion of program guidelines. Attendance by the public will be limited to space available

In accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. section 10(d) of Public Law 92–463, the meeting will be closed to the public from 9 a.m. on March 1 until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Lois DeNinno, Committee Management Officer, National Eye Institute, Building 31, room 6A04, National Institutes of Health, Bethesda, Maryland 20892, 301/496–9110, will provide, upon request, summaries of the meeting, rosters of committee members, and substantive program information. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. DeNinno in advance of the meeting.

(Catalog of Federal Domestic Assistance Program No. 93.867, Vision Research; National Institutes of Health)

Dated: February 12, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–4390 Filed 2–23–93; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Meetings

Pursuant to Public Law 92–463, notice is hereby given of meetings of the Division of Research Grants Behavorial and Neurosciences Special Emphasis Panel.

The meetings will be closed in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications and Small Business Innovation Research Program Applications in the areas of the behavioral and neurosciences. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Office of Committee Management, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20892, telephone 301–496–7534, will furnish a summaries of the meetings and rosters of panel members.

Meetings To Review Individual Grant Applications

Scientific Review Administrator: Dr. Jane Hu (301) 496–7550.
Date of Meeting: March 18, 1993.
Place of Meeting: Beckman Institute, Chicago, IL.
Time of Meeting: 8:30 a.m.

Scientific Review Administrator: Dr. Joe Marwah (301) 496–7095.
Date of Meeting: March 19, 1993.
Place of Meeting: Ramada Inn, Rockville, MD.
Time of Meeting: 8 a.m.

Scientific Review Administrator: Ms. Carol Campbell (301) 496–7109.
Date of Meeting: March 19, 1993.
Place of Meeting: Embassy Square Suites, Washington, DC.
Time of Meeting: 9:30 a.m.

Scientific Review Administrator: Ms. Carol Campbell (301) 496–7109.
Date of Meeting: March 19, 1993.
Place of Meeting: Embassy Square Suites, Washington, DC.
Time of Meeting: 10:30 a.m.

Scientific Review Administrator: Ms. Carole Jelsema (301) 496–7795.
Date of Meeting: March 29, 1993.
Place of Meeting: Westwood Bldg., Room 319B, NIH, Bethesda, MD (Telephone Conference)
Time of Meeting: 2 p.m.

Scientific Review Administrator: Dr. Lillian Pubols (301) 496–7846.
Date of Meeting: March 30–31, 1993.
Place of Meeting: Holiday Inn, Chevy Chase, MD.
Time of Meeting: 8:30 a.m.

Meetings To Review Small Business Innovation Research Program Applications

Scientific Review Administrator: Dr. Anita Sostek (301) 496–8814.
Date of Meeting: March 4–5, 1993.
Place of Meeting: Embassy Suites, Washington, DC.
Time of Meeting: 9 a.m.

Scientific Review Administrator: Dr. Jane Hu (301) 496–7550.
Date of Meeting: March 8, 1993.
Place of Meeting: Holiday Inn, Chevy Chase, MD.
Time of Meeting: 9 a.m.

Scientific Review Administrator: Dr. Robert Weller (301) 496–7906.
Date of Meeting: March 26, 1993.
Place of Meeting: Hyatt Regency, Bethesda, MD.
Time of Meeting: 9 a.m.

Scientific Review Administrator: Dr. Peggy McCardle (301) 496–7640.
Date of Meeting: March 26, 1993.
Place of Meeting: Holiday Inn, Chevy Chase, MD.
Time of Meeting: 8:30 a.m.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878,

93.892, 93.893, National Institutes of Health, HHS)

Dated: February 12, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–4388 Filed 2–23–93; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

National Vaccine Advisory Committee; Public Meeting

AGENCY: Office of the Assistant Secretary for Health, HHS.

ACTION: Notice of meeting of the National Vaccine Advisory Committee.

SUMMARY: The Department of Health and Human Services (DHHS) and the Office of the Assistant Secretary for Health are announcing the forthcoming meeting of the National Vaccine Advisory Committee.

DATE: Date, Time and Place: March 18, at 9 a.m.; and March 19, at 8:30 a.m; Hubert H. Humphrey Building, room 703A, 200 Independence Avenue, SW., Washington, DC 20201. The entire meeting is open to the public.

FOR FURTHER INFORMATION CONTACT: Written requests to participate should be sent to Kenneth J. Bart, M.D. M.P.H., Executive Secretary, National Vaccine Advisory Committee, National Vaccine Program, 5600 Fishers Lane, Parklawn Building, room 13A–56, Rockville, Maryland 20857, (301) 443–0715.

Agenda

Open Public Hearing

Interested persons may formally present data, information, or views orally or in writing on issues pending before the Advisory Committee or on any of the duties and responsibilities of the Advisory Committee as described below. Those desiring to make such presentations should notify the contact person before March 5, 1993, and submit a brief statement of the information they wish to present to the Advisory Committee. Those requests should include the names and addresses of proposed participants and an indication of the approximate time required to make their comments. A maximum of 15 minutes will be allowed for a given presentation. Any person attending the meeting who does not request an opportunity to speak in advance of the meeting will be allowed to make an oral presentation at the conclusion of the meeting, if time permits, at the chairperson's discretion.

Open Advisory Committee Discussion

There will be updates on the National Vaccine Program, and the National Vaccine Compensation Program. There will be reports and discussions on the four working subcommittees: Adult Immunization; National Vaccine Plan; State and Local Impediments to Immunization Services; and Vaccine Licensure and Regulation. Meetings of the Advisory Committee shall be conducted, insofar as is practical, in accordance with the agenda published in the **Federal Register** notices. Changes in the agenda will be announced at the beginning of the meeting.

Persons interested in specific agenda items may ascertain from the contact person the approximate time of discussion. A list of Advisory Committee members and the charter of the Advisory Committee will be available at the meeting. Those unable to attend the meeting may request this information from the contact person. Summary minutes of the meeting will be made available upon request from the contact person.

Dated: February 12, 1993.

Kenneth J. Bart,

Executive Secretary, NVAC.

[FR Doc. 93–4179 Filed 2–23–93; 8:45 am]

BILLING CODE 4160–17–M

Social Security Administration

Agency Forms Submitted to the Office of Management and Budget for Clearance

Normally on Fridays, the Social Security Administration publishes a list of information collection packages that have been submitted to the Office of Management and Budget (OMB) for clearance in compliance with Public Law 96–511, The Paperwork Reduction Act. The following clearance packages have been submitted to OMB since the last list was published in the **Federal Register** on Friday, February 5, 1993. (Call Reports Clearance Officer on (410) 965–4142 for copies of package.)

1. Marriage Certification—0960–0009. The information on form SSA–3 is used by the Social Security Administration to determine if a person has a valid marriage to a Social Security beneficiary. The respondents are claimants for benefits as a spouse based on an alleged marriage to the beneficiary.

Number of Respondents: 300,000
Frequency of Response: 1
Average Burden Per Response: 5 minutes
Estimated Annual Burden: 25,000 hours

2. Application for Mother's or Father's Insurance Benefits—0960–0003. The information on form SSA–5 is used by the Social Security Administration to determine if a claimant can be entitled to benefits as a surviving spouse who has a child of the deceased worker in care. The respondents are claimants for mother's or father's insurance benefits.

Number of Respondents: 180,000
Frequency of Response: 1
Average Burden Per Response: 15 minutes
Estimated Annual Burden: 45,000 hours

3. Request for Hearing—0960–0269. The information on form HA–501 is used by the Social Security Administration to document an individual's request for a hearing on an unfavorable determination concerning his or her benefits. The respondents are such individuals who request a hearing.

Number of Respondents: 473,500
Frequency of Response: 1
Average Burden Per Response: 10 minutes
Estimated Annual Burden: 78,917 hours

4. Petition to Obtain Approval of a Fee for Representing a Claimant before the Social Security Administration—0960–0104. The information on form SSA–1560 is used to determine if a representative is asking for a reasonable fee for representing a claimant before the Social Security Administration (SSA). The respondents are attorneys or other persons representing claimants before SSA.

Number of Respondents: 89,500
Frequency of Response: 1
Average Burden Per Response: 30 minutes
Estimated Annual Burden: 44,750 hours
OMB Desk Officer: Laura Oliven

Written comments and recommendations regarding these information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: February 18, 1993.

Nicholas E. Tagliareni,

Acting Reports Clearance Officer, Social Security Administration.

[FR Doc. 93–4173 Filed 2–23–93; 8:45 am]

BILLING CODE 4190–29–M

VOL 58 ISS 35 FE 24 1993 UMI

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR120-6310-201-GPO 3-112]

Closure and Restrictions; North Spit Boat Launch, Coos Bay District, OR

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of closures and restrictions, North Spit Boat Launch.

SUMMARY: Pursuant to 43 CFR part 8364, the BLM will close designated areas of the North Spit Boat Launch to the public. Subject to valid existing rights, use of 4.61 acres of North Spit Boat Launch for overnight camping or off-road motorized vehicles is prohibited. This closure shall apply year round. Hunting, shooting firearms, and igniting fireworks or other explosive devices is prohibited. Vehicular parking, for a period of more than twelve hours in a twenty four hour period is prohibited. Designated public use areas will be open from dawn to dusk, overnight use is prohibited. Any Bureau of Land Management, Oregon Department of Fish and Wildlife, employee, agent, contractor or cooperator, while in the performance of official duties are exempt from this closure. Either agency may authorize volunteers, or other parties to enter the North Spit Boat Launch for administrative, maintenance or other authorized purposes.

The purpose of this closure and restriction notice is to provide a means by which the Secretary of the Interior through the Bureau of Land Management, may control and manage public use of the area to allow recreationists easy daily access to the waters of Coos Bay for the purpose of water related sports.

The closed area is depicted on a North Spit Boat Launch Map. The map and copies of this closure and restriction notice are available from the Coos Bay District Office, Bureau of Land Management, 1300 Airport Lane, North Bend, Oregon 97459.

This closure and restriction order is effective immediately and shall remain in effect until revised, revoked or amended by the authorized officer pursuant to 43 CFR part 8360.

Any person who violates this closure and restriction notice may be subject to a maximum fine of $1,000 and/or imprisonment not to exceed 12 months under authority of 43 CFR 8360.0–7.

Closed Areas

North Spit Boat Launch is located approximately 1 mile west of North Bend, Oregon, adjacent to the Trans Pacific Parkway and is further described as follows:

Township 25 South, Range 13 West, Willamette Meridian
Sec. 8 Lot 3

FOR FURTHER INFORMATION CONTACT: Keith Lenard, Outdoor Recreation Planner, Tioga Resource Area, Coos Bay District, Bureau of Land Management, 1300 Airport Lane, North Bend, Oregon 97459 (telephone 503/756/0100).

Daryl Albiston,
Tioga Area Manager.

[FR Doc. 93-4216 Filed 2-23-93; 8:45 am]
BILLING CODE 4310-33-M

[CO-030-93-4320-01-1784]

Montrose District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with 43 CFR 1784, that a meeting of the Montrose District Grazing Advisory Board will be held on April 6, 1993, in Montrose, Colorado.

DATES: A meeting is scheduled April 6, 1993.

FOR FURTHER INFORMATION CONTACT: Dave Kauffman, Bureau of Land Management, 2465 South Townsend, Montrose, Colorado, 81401, telephone (303) 249–7791.

SUPPLEMENTARY INFORMATION: The Board will convene at 10 a.m. on April 6, 1993, in the conference room at the Montrose District Office, Montrose, Colorado.

Agenda items include: Minutes of the previous meeting, public presentations and requests, election of Board Officers, range improvement project review, new Board proposals, updates of current issues, and arrangements for the next meeting. The meeting will adjourn at 4 p.m.

The meeting is open to the public. Anyone wishing to make an oral statement must notify the District Manager prior to the meeting date. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within thirty (30) days following the meeting.

Dated: February 11, 1993.

Alan L. Kesterke,
District Manager.

[FR Doc. 93-4190 Filed 2-23-93; 8:45 am]
BILLING CODE 4310-JB-M

[AZ-020-03-4212-04; AZA 27462]

Realty Action; Exchange of Public Land in Yavapai and Mohave Counties, AZ

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Exchange of public lands, Arizona.

BLM proposes to exchange public land in order to achieve more efficient management of the public land through consolidation of ownership.

The following described public lands are being considered for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

Gila and Salt River Meridian, Arizona

Yavapai County

T. 12 N., R. 5 W.,
Sec. 9, lots 3 and 4, W½SE¼;
Sec. 16, lots 1 to 4 inclusive, NW¼NE¼, NE¼NW¼, SE¼SW¼, SW¼SE¼;
Sec. 22, lots 3 and 4, SW¼NE¼, S½NW¼, S½.
T.12 N., R. 9 W.,
Sec. 11, lot 1, S½NW¼, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 14, W½NE¼, NE¼NW¼.
T. 13 N., R. 4 W.,
Sec. 33, N½.
T. 14 N., R. 4 W.,
Sec. 25, SW¼NE¼, NE¼SE¼;
Sec. 35, SW¼.

Containing 1,953.87 acres, more or less.

Mohave County

T. 24 N., R. 16 W.,
Sec. 2, lots 1 to 4, inclusive, S½NW¼, NW¼SW¼;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 26, inclusive, SE¼;
Sec. 8, 16, all;
Sec. 18, lots 1 to 16, inclusive, E½.
T. 25 N., R. 16 W.,
Sec. 24, N½;
Sec. 26, 32, 34, 36, all;
T. 22 N., R. 17 W.,
Sec. 2, lots 5, 8, 9, 11, 14, SE¼NE¼, E½SE¼, SW¼SE¼.
T 24 N., R. 17 W.,
Sec. 2, lots 1 to 4, inclusive, S½, N½, S½;
Sec.4, lots 1 to 4, inclusive, S½;
Sec. 10, E½SW¼, SE¼;
Sec. 12, all.

Containing 9,709.42 acres, more or less.

Final determination on disposal will await completion of an environmental assessment.

In accordance with the regulations of 43 CFR 2201.1(b), publication of this

notice will segregate the affected public lands from appropriation under the public land laws, and the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

The segregation of the above-described lands shall terminate upon issuance of a document conveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Dated: February 16, 1993.

David J. Miller,

District Manager.

[FR Doc. 93-4218 Filed 2-23-93; 8:45 am]

BILLING CODE 4310-32-M

[AZ-020-03-4210-05; AZA-27330 and AZA-27331]

Realty Action; Noncompetitive Sale of Public Lands in Mohave County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, noncompetitive sale.

SUMMARY: The following public lands have been found suitable for direct sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at not less than the estimated fair market value to be established by appraisal. Improvements have existed on both parcels since the early 1900's and sale has been determined to be the most desirable solution to resolve the long standing unauthorized uses. The land will not be offered for sale for at least 60 days after the date of this notice.

Gila and Salt River Meridian, Arizona

Township 19 North, Range 19 West

Parcel No. 1—Snyder—AZA-27330
Sec. 18, Lot 8.

Consisting of 0.63 acre.

Parcel No. 2—De Chenne—AZA-27331
Sec. 7, Lot 11.

Consisting of 1.21 acres;

The land described is hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action or 270 days from the date of publication of this notice, whichever occurs first.

Parcel No. 1 is being offered by direct sale to Alma Snyder. Parcel No. 2 is being offered by direct sale to Dennis and Judith De Chenne. The mineral estate in lot 11 of Section 7, Township 19 North, Range 19 West, and reconveyed to the United States by New Mexico and Arizona Land Company on June 10, 1988. The mineral estate in lot 8 of Section 18, Township 19 North, Range 19 West, has always been under Federal ownership. If it is determined that there are no known mineral values, the mineral interests shall be determined suitable for sale under section 209 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2757; 43 U.S.C. 1719) and may be conveyed simultaneously. Acceptance of the direct sale offer will qualify the purchaser to make application for conveyance of those mineral interests.

The conveyance document, when issued, will contain certain reservations to the United States and will be subject to any existing rights-of-way and any other valid existing rights. Detailed information concerning these sales is available for review at the Kingman Resource Area Office, Bureau of Land Management, 2475 Beverly Avenue, Kingman, Arizona 86401.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the Area Manager, Kingman Resource Area, at the above address. In the absence of timely objections, this proposal shall become the final determination of the Department of the Interior.

Dated: February 12, 1993.

David J. Miller,

District Manager.

[FR Doc. 93-4217 Filed 2-23-93; 8:45 am]

BILLING CODE 4310-03-M

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*)

PRT-774018

Applicant: H.T. Harvey & Associates, Alviso, CA

The applicant requests a permit to take (live-capture and handle) Mission blue butterflies (*Icaricia icarioides missionensis*), Smith's blue butterflies (*Euphilotes enoptes smith*), Bay checkerspot butterflies (*Euphydryas editha bayensis*), San Bruno elfin butterflies (*Callophrys mossii bayensis*), and Valley elderberry longhorn beetles (*Desmocerus californicus dimorphus*) in the counties of Alameda, Contra Costa, Fresno, Madera, Marin, Merced, Napa, Sacramento, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, and Stanislaus, California, for biological survey purposes aimed at enhancement of propagation or survival of the species.

PRT-775862

Applicant: Walter Sturgeon, Jr., Lee, New Hampshire

The applicant requests a permit to export two female captive-hatched Hawaiian geese (*Nesochen sandvicensis*) to N.S. Department of Natural Resources, Provincial Wildlife Park, Nova Scotia, Canada, for enhancement of propagation or survival of the species.

PRT-704301

Applicant: Jan Giacinto & Dirk Arthur, Exotic Animals, Tarzana, CA

The applicant request amendment to their current permit to export and re-import one captive-born male tiger (*Panthera tigris*) for enhancement of propagation and survival of the species. The permit authorizes multiple exports and re-imports.

PRT-774793

Applicant: Chaffee Zoological Gardens, Fresno, CA

The applicant requests a permit to export one female captive-bred lion-tail macaque (*Macaca silenus*) to the Zoological Center, Tel Aviv Ramat-Gan Ltd., Ramat-Gan, Israel, for enhancement of propagation and survival of the species.

PRT-774214

Applicant: The Peregrine Fund, Inc., Boise, ID

The applicant requests a permit to import one wild-caught, non-releasable female Harpy eagle (*Harpia harpyja*) from Ministerio del Ambiente de los Recursos Naturales Renovables/ PROFAUNA, Venezuela, for captive propagation.

PRT-775869

Applicant: Richard Friesen, Irvine, CA

The applicant requests a permit to take (capture, handle, collect hair samples, mark and release) Stephens' kangaroo rat (*Dipodomys stephensi*) for scientific research in Riverside County, Northern San Diego County and San Bernardino County, California.

PRT-775882

Applicant: Phillip Wiedman, Ann Arbor, MI

The applicant requests a permit to purchase in interstate commerce captive-hatched Jamaican boas (*Epicrates subflavus*) from Tom

Crutchfield, Reptile Enterprises, Bushnell, Florida, for enhancement of propagation.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: February 18, 1993.

Susan Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 93–4186 Filed 2–23–93; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Proposal To Award a Concession Contract; Cape Cod National Seashore

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Public notice is hereby given that the National Park Service proposes to award a concession contract authorizing continued snack bar food facilities and services for the public at Cape Cod National Seashore for a period of five (5) years from January 1, 1994, through December 31, 1998.

EFFECTIVE DATE: April 26, 1993.

ADDRESSES: Interested parties should contact the Regional Director, National Park Service, North Atlantic Region, Division of Concessions Program Management, 15 State Street, Boston, Massachusetts 02109 (Telephone: (617) 223–5074), to obtain a copy of the prospectus describing the requirements of the proposed contract.

SUPPLEMENTARY INFORMATION: This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The existing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which expired by limitation of time on December 31, 1989, and therefore pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract, providing that the existing concessioner submits a responsive offer (a timely offer which meets the terms and conditions of the Prospectus). This means that the contract will be awarded to the party submitting the best offer, provided that if the best offer was not submitted by the existing concessioner, then the existing concessioner will be afforded the opportunity to match the best offer. If the existing concessioner agrees to match the best offer, then the contract will be awarded to the existing concessioner.

If the existing concessioner does not submit a responsive offer, the right of preference in renewal shall be considered to have been waived, and the contract will then be awarded to the party that has submitted the best responsive offer.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be received by the Regional Director not later than the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Dated: January 20, 1993.

Marie Rust,

Acting Regional Director, North Atlantic Region.

[FR Doc. 93–4298 Filed 2–23–93; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–337]

Certain Integrated Circuit Telecommunication Chips and Products Containing Same, Including Dialing Apparatus; Commission Determination Not To Review an Initial Determination Granting Summary Determination and Dismissing a Respondent From the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's initial determination (ID) in the above-captioned investigation granting summary determination and dismissing respondent Hualon Microelectronics Corp. (California) ("HMC California") from the complaint and notice of investigation.

FOR FURTHER INFORMATION CONTACT: Matthew T. Bailey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202–205–3108.

SUPPLEMENTARY INFORMATION: On January 14, 1993, SGS-Thomsen Microelectronics, Inc. (ST) moved to "withdraw" its complaint as to HMC California due to counsel's representation that it is now a defunct corporation.

On January 15, 1993, the presiding administrative law judge (ALJ) (Judge Luckern) issued an initial determination (Order No. 139) granting ST's motion.

The ALJ treated ST's motion as a motion for summary determination to dismiss HMC California from the complaint and notice of investigation, rather than a motion to "withdraw" its complaint as to HMC California. ST represented that it had contacted the Commission investigative attorney and counsel for respondents HMC California, Hualon Microelectronics Corp. (Taiwan), and United Microelectronics Corp. all of whom stated that they had no objection to ST's motion. Further, in its prehearing statement served November 30, 1992, HMC California represented that it never became operational, and that it is a corporate shell which will be dissolved.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and section 210.53 of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.53.

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2000. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

Issued: February 16, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–4275 Filed 2–23–93; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731-TA-563 (Final)]

Certain Stainless Steel Butt-Weld Pipe Fittings From Korea

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from Korea of certain stainless steel butt-weld pipe fittings, whether finished or unfinished, under 14 inches inside diameter, provided for in subheading 7307.23.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective October 19, 1992, following a preliminary determination by the Department of Commerce that imports of certain stainless steel butt-weld pipe fittings from Korea were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of November 4, 1992 (57 FR 52615). The hearing was held in Washington, DC, on January 14, 1993, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on February 16, 1993. The views of the Commission are contained in USITC Publication 2601 (February 1993), entitled "Certain Stainless Steel Butt-Weld Pipe Fittings from Korea: Determination of the Commission in Investigation No. 563 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

Issued: February 16, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93-4276 Filed 2-23-93; 8:45 am]

BILLING CODE 7020-02-M

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Crawford did not participate.

[Investigations Nos. 731-TA-639 and 640 (Preliminary)]

Stainless Steel Flanges From India and Taiwan

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines,[2] pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from India and Taiwan of stainless steel flanges, finished or unfinished,[3] provided for in subheadings 7307.21.10 and 7307.21.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On December 31, 1992, a petition was filed with the U.S. International Trade Commission (Commission) and the U.S. Department of Commerce (Commerce) by Flowline Division, Markovitz Enterprises, Inc. (Flowline), New Castle, PA; Gerlin, Inc. (Gerlin), Carol Stream, IL; Ideal Forging Corp. (Ideal), Southington, CT; and Maass Flange Corp. (Maass), Houston, TX, alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of stainless steel flanges, finished or unfinished, from India and Taiwan. Accordingly, effective December 31, 1992, the Commission instituted antidumping investigations Nos. 731-TA-639 and 640 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 12, 1993 (58 FR 3967). The conference was held in Washington, DC, on January 21, 1993, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on February 16, 1993. The views of the Commission are contained in USITC Publication 2600 (February 1993), entitled "Stainless Steel Flanges from India and Taiwan: Determinations of the Commission in Investigations Nos. 731-TA-639 and 640 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

By order of the Commission.

Issued: February 17, 1993.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93-4277 Filed 2-23-93; 8:45 am]

BILLING CODE 7020-02-M

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] The Commission's vote was unanimous with respect to India; the vote with respect to Taiwan was 5 to 0, with Commissioner Carol T. Crawford not participating.

[3] As defined by Commerce, stainless steel flanges covered by these investigations "[A]re flanges both finished and not finished made in alloys such as 304, 304L, 316, and 316L. The scope includes 5 general types of flanges. They are Weld Neck, used to make butt-weld line connections, Threaded, used to make threaded line connections, Slip-On & Lap Joint, used to make stub end/butt-weld line connections, Socket Weld, used to fit pipe into machined recessions, and Blind, used to seal off lines. The sizes of the flanges covered in the scope range generally from one to six inches. However, all sizes of the above described merchandise are included within the scope. The flanges subject to these investigations are classifiable under subheadings 7307.21.1000 and 7307.21.5000 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes, but our written description of the scope of these investigations is dispositive."

[Investigations Nos. 731-TA-636-638 (Preliminary)]

Stainless Steel Wire Rod From Brazil, France, and India

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Brazil, France, and India of stainless steel wire rod, provided for in heading 7221.00.00 of the Harmonized Tariff Schedule of the Untied States, that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On December 30, 1992, a petition was filed with the Commission and the Department of Commerce by Al Tech Specialty Steel Corp., Dunkirk, NY; Armco Stainless & Alloy Products, Inc., Baltimore, MD; Carpenter Technology Corp., Reading, PA; Republic Engineered Steels, Inc., Massillon, OH; Talley Metals Technology, Inc.,

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

Hartsville, SC; and the United Steelworkers of America, AFL–CIO/CLC, alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of the subject product from Brazil, France, and India. Accordingly, effective December 30, 1992, the Commission instituted antidumping investigations Nos. 731–TA–636–638 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 12, 1993 (58 FR 3966). The conference was held in Washington, DC, on January 22, 1993, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in these investigations to the Secretary of Commerce on February 16, 1993. The views of the Commission are contained in USITC Publication 2599 (February 1993), entitled "Stainless Steel Wire Rod from Brazil, France, and India: Determinations of the Commission in Investigations Nos. 731–TA–636–638 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

Issued: February 17, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–4278 Filed 2–23–93; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 701–TA–318 (Final) and 731–TA–560 and 561 (Final)]

Sulfanilic Acid From the Republic of Hungary and India

Determinations

On the basis of the record [1] developed in its countervailing duty investigation, the Commission determines,[2] pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) (the Act), that an industry in the United States is threatened with material injury by reason of imports from India of sulfanilic acid [3] that have been found by the Department of Commerce (Commerce) to be subsidized by the Government of India. The Commission further determines, pursuant to 19 U.S.C. 1671d(b)(4)(B), that it would not have found material injury but for the suspension of liquidation of entries of the merchandise under investigation.

On the basis of the record developed in its antidumping investigations, the Commission determines,[4] pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from Hungary of sulfanilic acid that have been found by Commerce to be sold in the United States at less than fair value (LTFV). The Commission also determines,[5] pursuant to section 735(b), that an industry in the United States is threatened with material injury by reason of imports from India of sulfanilic acid that have been found by Commerce to be sold at LTFV. The Commission further determines, pursuant to 19 U.S.C. 1673d(b)(4)(B), that it would not have found material injury but for the suspension of liquidation of entries of the merchandise under investigation.

Background

Following preliminary determinations by Commerce that imports of sulfanilic acid from India were being subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and that imports of sulfanilic acid from Hungary and India were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)), the Commission, effective August 18, 1992, instituted investigation No. 701–TA–318 (Final) and, effective October 22, 1992, instituted investigations Nos. 731–TA–560 and 561 (Final). Notices of the institutions of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notices in the **Federal Register** of September 2, 1992 (57 FR 40201) and the **Federal Register** of November 18, 1992 (57 FR 54420). The hearing was held in Washington, DC, on January 5, 1993, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on February 18, 1993. The views of the Commission are contained in USITC Publication 2603 (February 1993), entitled "Sulfanilic Acid from the Republic of Hungary and India: Determination of the Commission in Investigation No. 701–TA–318 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation, and Determinations of the Commission in Investigations Nos. 731–TA–560 and 561 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

Issued: February 19, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–4279 Filed 2–23–93; 8:45 am]

BILLING CODE 7020–02–M

---

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioners Brunsdale and Crawford dissenting.

[3] The products covered by these investigations are all grades of sulfanilic acid, which include technical (or crude) sulfanilic acid, refined (or purified) sulfanilic acid, and sodium salt of sulfanilic acid (sodium sulfanilate). Sulfanilic acid and sodium sulfanilate are provided for in subheadings 2921.42.24 and 2921.42.75, respectively, of the Harmonized Tariff Schedule to the United States.

[4] Chairman Newquist and Commissioner Nuzum dissenting.

[5] Commissioners Brunsdale and Crawford dissenting.

[Investigations Nos. 731–TA–548 and 551 (Final)]

Sulfur Dyes From China and the United Kingdom

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, [2] by reason of imports from China and the United Kingdom of sulfur dyes, including sulfur vat dyes,[3] provided for in

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Brunsdale found two like products consisting of intermediate dyestuffs and finished dyes, voting in the affirmative with respect to intermediate dyestuffs from both countries, and negative with respect to finished dyes from both countries.

[3] Sulfur dyes are synthetic organic coloring matter containing sulfur. Sulfur dyes are obtained by high temperature sulfurization of organic material containing hydroxy, nitro, or amino groups, or by reaction of sulfur or alkaline sulfide with aromatic hydrocarbons. For purposes of these investigations, sulfur dyes include, but are not limited to, sulfur vat dyes with the following color index numbers: Vat Blue 42, 43, 44, 45, 47, 49, and 50 and Reduced Vat Blue 42 and 43. Sulfur vat dyes also have the properties described above. All forms of sulfur dyes are covered, including the reduced (leuco) or

subheadings 3204.15, 3204.19.30, 3204.19.40, and 3204.19.50 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted these investigations effective September 21, 1993, following preliminary determinations by the Department of Commerce that imports of sulfur dyes, including sulfur vat dyes, from China and the United Kingdom were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the institution of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of October 7, 1992 (57 FR 46195). The hearing was held in Washington, DC, on January 13, 1993, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on February 18, 1993. The views of the Commission are contained in USITC Publication 2602 (February 1993), entitled "Sulfur Dyes from China and the United Kingdom: Determinations of the Commission in Investigations Nos. 731–TA–548 and 551 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

Issued: February 19, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–4280 Filed 2–23–93; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–644 (Preliminary)]

Welded Stainless Steel Pipe From Malaysia

AGENCY: United States International Trade Commission.

ACTION: Institution and scheduling of a preliminary antidumping investigation.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigation No. 731–TA–644 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Malaysia of welded stainless steel pipe of circular cross section, provided for in subheadings 7306.40.10 and 7306.40.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. The Commission must complete preliminary antidumping investigations in 45 days, or in this case by April 2, 1993.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: February 16, 1993.

FOR FURTHER INFORMATION CONTACT: Olympia DeRosa Hand (202–205–3182), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on February 16, 1993, by Avesta Sheffield Pipe, Schaumburg, IL; Bristol Metals, Bristol, TN; Damascus Tubular Products, Greenville, PA; Trent Tube Division, Crucible Materials Corp., East Troy, WI; and the United Steelworkers of America.

Participation in the Investigation and Public Service List

Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven (7) days after publication of this notice in the **Federal Register**. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this preliminary investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than seven (7) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference

The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on March 9, 1993, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Olympia DeRosa Hand (202–205–3182) not later than March 5, 1993, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written Submissions

As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before March 12, 1993, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three (3) days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a

---

oxidized state, presscake, paste, powder, concentrate, or so-called "pre-reduced, liquid ready-to-dye" forms.

certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to section 207.12 of the Commission's rules.

Issued: February 18, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–4281 Filed 2–23–93; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Information Collections Under Review

February 18, 1993.

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;

(3) How often the form must be filled out or the information is collected;

(4) Who will be asked or required to respond, as well as a brief abstract;

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(6) An estimate of the total public burden (in hours) associated with the collection; and,

(7) An indication as to whether section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jefferson B. Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Don Wolfrey, on (202) 514–4115 or facsimile: (202) 514–1534. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Don Wolfrey, DOJ Clearance Officer, SPS/JMD/850 WCTR, Department of Justice, Washington, DC 20530.

Extension of the Expiration Date of a Currently Approved Collection Without Any Change in the Substance or in the Method of Collection

(1) Application for Registration and Application for Registration Renewal

(2) Form 224 and Form 224a. Drug Enforcement Administration

(3) On occasion

(4) Individuals or households and small businesses or organizations. The information is used to register with the Drug Enforcement Administration all firms and individuals who distribute or dispense controlled substances. Registration is required for control measures over legal handlers of controlled substances and is used to monitor their activities

(5) 275,000 annual responses at .2 hours per response

(6) 55,000 annual burden hours

(7) Not applicable under 3504(h)

Reinstatement of a Previously Approved Collection for Which Approval Has Expired

(1) Application by refugee for waiver of grounds of excludability

(2) Form I–602. Immigration and Naturalization Service

(3) On occasion

(4) Individuals or households. This form will be used by the Immigration and Naturalization Service to determine eligibility for waivers by refugee applicants

(5) 2,500 annual responses at .25 hours per response

(6) 625 annual burden hours

(7) Not applicable under 3504(h)

Public comment on these items is encouraged.

Dated: February 18, 1993.

Don Wolfrey,

Department Clearance Officer, Department of Justice.

[FR Doc. 93–4189 Filed 2–23–93; 8:45 am]

BILLING CODE 4410–10–M

Immigration and Naturalization Service

[INS No. 1275–92]

English Language, American History and Civics, Standardized Naturalization Test

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: The Immigration and Naturalization Service (Service) is announcing the implementation of standardized testing for naturalization applicants as an alternative means of meeting certain requirements for naturalization as United States Citizens. Educational Testing Services (ETS) and Comprehensive Adult Student Assessment System (CASAS) are authorized to administer a standardized English Language and Citizenship test for naturalization purposes. Test results from these two entities will be accepted, by the Immigration and Naturalization Service, as evidence of satisfactory fulfillment of section 312 of the Immigration and Nationality Act requirements concerning a basic knowledge of the history and form of government of the United States as well as a demonstrated ability to read and write ordinary English. The naturalization applicant will still be required, however, to demonstrate the ability to speak English at the time of the naturalization interview.

FOR FURTHER INFORMATION CONTACT: Patricia Trubiano, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536. Telephone: (202) 514–5014.

SUPPLEMENTARY INFORMATION: The Immigration and Nationality Act (Act) provides for the naturalization of certain qualified aliens to United States citizenship. Section 312 of the Act provides, in pertinent part, that applicants for naturalization must demonstrate an understanding of ordinary English literacy and a knowledge and understanding of the history and form of government of the United States.

On June 28, 1991, the Service published a notice of proposed program in the **Federal Register** at 56 FR 29714–29715 requesting written proposals from parties interested in developing and administering an alternative testing process based on the criteria provided in the supplementary information contained in the notice.

In response to that notice, five organizations submitted preliminary proposals. To date, only Educational Testing Services (ETS) and Comprehensive Adult Student Assessment System (CASAS) have finalized their proposals and been approved by the Service.

Although 8 CFR 312.3(a) provides for the acceptance of the results of a standardized test by an approved private entity in lieu of the testing by the Service at the time of the

naturalization interview, passage of the standardized test will not relieve an applicant of his or her obligation to speak and understand the English language. The Immigration and Naturalization Service, at the time of interview, will continue to evaluate an applicant's English language skills.

Information concerning test sites and dates, throughout the United States, can be obtained by writing directly to Educational Testing Services (ETS), 2 North Lake, suite 540, Pasadena, CA 91101, Attn: Mr. Reynaldo Baca; or Comprehensive Adult Student Assessment System (CASAS), 2725 Congress Street, suite 1–M, San Diego, CA 92110, Attn: Ms. Linda Taylor.

Dated: February 12, 1993.

Chris Sale,

Acting Commissioner, Immigration and Naturalization Service.

[FR Doc. 93–4193 Filed 2–23–93; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), considers comments on the reporting/recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

- The Agency of the Department issuing this recordkeeping/reporting requirement.
- The title of the recordkeeping/reporting requirement.
- The OMB and/or Agency identification numbers, if applicable.
- How often the recordkeeping/reporting requirement is needed.
- Whether small businesses or organizations are affected.
- An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.
- The number of forms in the request for approval, if applicable.
- An abstract describing the need for and uses of the information collection.

Comments and Questions: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Kenneth A. Mills ((202) 219–5095). Comments and questions about the items on this list should be directed to Mr. Mills, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue, NW., room N–1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, room 3001, Washington, DC 20503 ((202) 395–6880).

Any member of the public who wants to comment on recordkeeping/reporting requirements which have been submitted to OMB should advise Mr. Mills of this intent at the earliest possible date.

Extension

Employment and Training Administration

Title 29 CFR Part 29—Labor Standards for the Registration of Apprenticeship Programs
1205–0223; ETA 671
On occasion
Individuals or households; State or local governments; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; small businesses or organizations

Section	Respondents	Frequency	Average time per response
29.3+29.6 ...	98,000	1 time	15 minutes.
	78,000	1 time	5 minutes.
29.5	3,000	1 time	2 hours.
29.7	40	1 time	5 minutes.

Total hours 37,003.

Employment and Training Administration

Attestation by Employers for Off-Campus Work Authorization for F–1 Students
1205–0315; ETA 9034
On occasion
Individuals or households; State or local governments; Business or other for-profit; Federal agencies or employees; Non-profit institutions; small businesses or organizations
10,000 respondents; 1 hour 1 minute per response; 10,013 total hours; 1 form

The information provided on this form by employers seeking to use aliens admitted as students on F–1 visas in off-campus work will permit the Department of Labor to meet Federal responsibilities for program administration, management and oversight.

Mine Safety and Health Administration

Notification of Methane Detected in Mine Atmosphere
1219–0103
On occasion
Business or other for-profit; small businesses or organizations 15 minutes; 1 respondent; 1 total hour.

Requires operators of metal and nonmetal mines to notify MSHA when (a) there is an outburst that results in 0.25 percent or more methane in the mine atmosphere, (b) there is a blowout that results in 0.25 percent or more methane in the mine atmosphere, (c) there is an ignition of methane, (d) air sample results indicate 0.25 percent or more methane in the mine atmosphere of a Subcategory I–B, I–C, II–B, V–C, or Category VI mine, or (e) methane reaches 2.0 percent in a Category IV mine. MSHA investigates the occurrence to determine that the mine is placed in the proper category to follow appropriate precautionary standards.

Signed at Washington, DC, this 19th day of February 1993.

Kenneth A. Mills,

Departmental Clearance Officer.

[FR Doc. 93–4258 Filed 2–23–93; 8:45 am]

BILLING CODE 4510–30–M

Employment and Training Administration

[TA–W–27,517]

Arkla Exploration Co. a/k/a Seagull Mid-South Inc., Shreveport, LA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on October 21, 1992, applicable to all workers of the subject firm. The notice was published in the **Federal Register** on November 3, 1992 (57 FR 49722).

At the request of the company the Department reviewed the certification

for workers of the Arkla Exploration Company in Shreveport, Louisiana. New information received from the company shows that Seagull Energy Corporation of Houston, Texas purchased Arkla Exploration on January 1, 1993. Arkla Exploration is now known as Seagull Mid-South Inc. Accordingly, the Department is amending the certification to show the proper name of the worker group.

The amended notice applicable to TA-W-27,517 is hereby issued as follows:

All workers of Arkla Exploration Company a/k/a Seagull Mid-South, Inc., Shreveport, Louisiana who became totally or partially separated from employment on or after July 14, 1991 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 16th day of February 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93-4263 Filed 2-23-93; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-27,934; and TA-W-27,935]

Eastman Teleco, Houston, TX and Casper, WY; Termination of Investigations

Pursuant to section 221 of the Trade Act of 1974, investigations were initiated on October 26, 1992 in response to a worker petition which was filed on October 5, 1992 on behalf of workers at Eastman Teleco, operating out of Houston, Texas (the subject of investigation TA-W-27,934) and Casper, Wyoming (the subject of investigation TA-W-27,935).

On September 24, 1992, the Department of Labor determined in investigation TA-W-27,609, assigned to Eastman Teleco, Broussard, Louisiana that the workers were eligible to apply for trade adjustment benefits. The certification was issued to include various other operating locations (TA-W-27,609A-F). This determination (TA-W-27,609-A and C) covers the workers at the sites of the subject investigations. Therefore, further investigation in this case would serve no purpose, and the investigations have been terminated.

Signed at Washington, DC, this 17th day of February 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93-4260 Filed 2-23-93; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,553]

Sundor Brands, Inc., Weslaco, TX; Negative Determination on Reconsideration

By order dated December 14, 1993, the United States Court of International Trade (USCIT) in *Former Employees of Sundor Brands, v. Secretary of Labor* (USCIT) 92-03-00177 remanded this case to the Department for further investigation.

The Department's initial denial was based on the fact that the increased import criterion of the Group Eligibility Requirements of the Trade Act was not met for bottled and canned soft drinks. U.S. imports of bottled and canned soft drinks were negligible in the period relevant to the petition. Sundor did not import bottled and canned soft drinks.

Findings on remand show that concentrate production from locally grown fresh fruit was integral to the production of the primary product at the plant. The end products produced were grapefruit juice (fifty percent) orange juice (30 percent), Hawaiian Punch (15 percent) and apple juice (5 percent).

Concentrate production was dependent on the availability of fresh fruit. That availability ceased as of December 1989 as a result of a freeze that destroyed or damaged local fruit trees.

The freeze was the dominant factor that ultimately led to the closure of the plant on November 1, 1991. Efforts to use other sources, after the freeze closed off local fruit supplies for concentrates, including imported concentrates, were not cost effective according to company officials.

Accordingly, worker separations resulting from the cessation of concentrate production in 1989 are out of scope for certification since section 223(b)(1) of the Trade Act does not permit the certification of workers laid off prior to one year of the date of the petition. The petition date is October 29, 1991.

Other findings on remand show that foreign concentrate purchases accounted for less than ten percent of Weslaco sales in 1991 and were used to continue plant production of end products that was jeopardized because of the non-availability of local fruit supplies.

Other findings on remand show that, after the closure of the Weslaco plant, all production of juices and drinks were transferred to two other domestic corporate facilities and a domestic contractor. A domestic transfer of production would not form a basis for a worker group certification.

Other findings on remand show that U.S. imports of orange and grapefruit concentrates declined sharply in 1991 compared to 1990. U.S. imports of bottled and canned soft drinks were negligible in 1991 compared to 1990.

Conclusion

After reconsideration, I affirm the original notice of negative determination to apply for adjustment assistance to former workers of Sundor Brands, Inc., Weslaco, Texas. Signed at Washington, DC., this 16th day of February 1993.

Stephen A. Wandner,

Deputy Director, Office of Legislation & Actuarial Service Unemployment Insurance Service.

[FR Doc. 93-4262 Filed 2-23-93; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-27,903; TA-W-27,903A]

Welchem, Inc., Worland, WY and Gillette, WY; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Correction

This notice corrects the notice on petition TA-W-27,903 which was published in the **Federal Register** on October 23, 1992 (57 FR 48400) in FR Document 92-25746. Printing errors appear on page 48400 in the first and second columns of the 22nd line in the Appendix Table under TA-W-27,903. The line should read "Welchem, Inc., Worland, Wyoming" instead of "Wolchem, Inc., Houston, Texas".

Also, the 23rd line should read as follows: "Welchem, Inc. Gillette, Wyo. do 9/16/92 27,903A do."

Signed in Washington, DC, this February 17, 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93-4259 Filed 2-23-93; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-28,254]

Welchem, Inc., Gillette, WY; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 25, 1993 in response to a worker petition which was filed on January 19, 1993 on behalf of workers at Welchem, Inc. operating out of Gillette, Wyoming and the subject of this investigation.

On February 10, 1993, the Department of Labor determined in investigation TA-W-27,903, assigned to Welchem,

Inc., Worland, Wyoming, that the workers were not eligible to apply for trade adjustment benefits. This determination was issued to include the operating location in Gillette, Wyoming (TA–W–27,903–A). The relevant data regarding the subject firm has not changed. Therefore, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 17th day of February 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93–4261 Filed 2–23–93; 8:45 am]

BILLING CODE 4510–30–M

Pension and Welfare Benefits Administration

[Application No. D–9153, et al.]

Proposed Exemptions; Mid-Hudson Medical Group P.C. Profit Sharing Trust, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice. Comments and request for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, room N–5649, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, room N–5507, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice of Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Mid-Hudson Medical Group P.C. Profit Sharing Trust (the Plan) Located in Fishkill, New York

[Application No. D–9153]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the continued leasing (the Lease) of certain improved real property (the Property) by the Plan to Mid-Hudson Medical Group, P.C. (the Employer), a party in interest with respect to the Plan, provided the following conditions are satisfied: (a) The Property represents no more than 25% of the value of the Plan's assets; (b) the terms of the Lease are, and will remain, at least as favorable to the Plan as those obtainable in an arm's-length transaction with an unrelated party; (c) the fair market rental value of the Property has been, and will continue to be determined on an annual basis by a qualified, independent appraiser; (d) the Plan's independent fiduciary has determined, as of June 30, 1992, that the transaction is appropriate for the Plan and in the best interests of the Plan's participants and beneficiaries; (e) the Plan's independent fiduciary will continue to monitor the transaction and the conditions of the exemption and take whatever action is necessary to enforce the Plan's rights under the Lease; and (f) the Employer will pay to the Internal Revenue Service all applicable excise taxes due by reason of the Lease during the period from July 1, 1984 through June 29, 1992 within 90 days of the publication in the **Federal Register** of the grant of the exemption proposed herein.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective June 30, 1992.

Summary of Facts and Representations

1. The Employer is a professional corporation engaged in the practice of medicine. The Plan is a defined contribution profit sharing plan with approximately 75 participants. As of June 30, 1991, the Plan had total assets with a value of approximately $3,800,000.

2. On April 16, 1973, the Plan acquired the Property from unrelated parties for $96,586. The Property consists of land and a building located at Main and Jackson Streets, Fishkill, New York. The building situated on the Property serves as the medical offices of the Employer. Since its acquisition in 1973, the Property has been continually leased by the Plan to the Employer pursuant to the Lease at a fair market rental as determined by a qualified, independent appraiser. The applicant represents that the Lease satisfied the requirements of section 414(c)(2) of the Act and, therefore was exempt

VOL 58 ISS 35 FE 24 1993 UMI

statutorily from the prohibitions of sections 406 and 407 of the Act through June 30, 1984.[1]

3. The terms of the Lease are for one year at a time, but the Lease is automatically deemed renewed for additional one year periods unless the Plan's independent fiduciary (see rep. 4, below) wishes to cancel the Lease. The applicant represents that the Employer cannot cancel the Lease without the approval of the Plan's independent fiduciary. The applicant represents that the annual rental for the Property is the fair market value for the Property as determined on an annual basis by independent appraisal. The renewals of the Lease, and any changes in the rental pursuant to appraisals, are effective July 1 each year, which is the beginning of the Plan's fiscal year. The most recent independent appraisal of the Property, performed by Kenneth L. Golub, MAI, of American Property Counselors in Mt. Kisco, New York, states that the fair market rental value of the Property as of June 30, 1992, was $144,000 per year, which is the rent currently being paid to the Plan by the Employer.[2] Mr. Golub has performed the appraisals in each of the past several years as of June 30 to determine the rent that was paid to the Plan for its upcoming fiscal year. Mr. Golub has further determined that the Property has a fair market value of $950,000 as of June 30, 1992. The Property thus represents 25% of the assets of the Plan.

4. The applicant represents that Mr. Joseph J. Berger has been appointed to serve, effective January 8, 1992, as the Plan's independent fiduciary with respect to the subject transaction. Mr. Berger, an independent certified public accountant in White Plains, New York, represents that he is experienced in transactions involving real estate, and is knowledgeable in the area of qualified retirement plans. The applicant represents that Mr. Berger has no relationship to the Plan or to the Employer other than serving as the Plan's independent fiduciary. Mr. Berger represents that he is aware of his duties, responsibilities and liabilities as a fiduciary under the Act, and he has accepted them.

5. Mr. Berger represents that as an independent fiduciary, he has reviewed the Lease as of June 30, 1992, and will review any proposed renewals thereof to ensure that they are in the best interests of the Plan. He has, and will continue to confirm that the Lease and any renewal thereof reflects the current fair market rental rate as determined by a qualified, independent appraiser. Mr. Berger represents that he will monitor the Lease and take whatever action is necessary and proper to enforce the Plan's rights under the Lease. Mr. Berger will also continue to review the Plan's other assets to determine whether the value of the Property exceeds 25% of the value of the total assets of the Plan.

6. Mr. Berger represents that, based upon his review and analysis, he has determined that: (a) The Lease is an appropriate investment for the Plan; (b) the rights of the Plan's participants and beneficiaries are being protected; (c) the value of the Property represents 25% of the Plan's assets currently; and (d) the Lease complies with the Plan's investment objectives and will offer the Plan a fair market value return that is commensurate with prevailing lease rates.

7. The applicant acknowledges that, for the period from July 1, 1984 through June 29, 1992, the Lease constituted a prohibited transaction for which no exemptive relief is being proposed. Accordingly, the applicant represents that it will pay to the Internal Revenue Service all applicable excise taxes that are due as a result of the Lease for that period within 90 days of the publication in the **Federal Register** of the grant of the exemption proposed herein.

8. In summary, the applicant represents that the subject transaction meets the criteria of section 408(a) of the Act because: (a) The Property represents 25% of the assets of the Plan; (b) the rental for the Property has been, and will continue to be, determined by a qualified, independent appraiser; (c) the Plan's independent fiduciary, Mr. Berger, has determined as of June 30, 1992, that the Lease was appropriate for the Plan and in the best interests of the Plan's participants and beneficiaries; and (d) Mr. Berger will continue to monitor the Lease and take whatever action is necessary to enforce the Plan's rights under the Lease.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

[1] In this proposed exemption, the Department expresses no opinion on whether the Lease satisfied the requirements of section 414(c)(2) of the Act.

[2] Mr. Golub included the real estate taxes on the Property within his computation of the fair market rental value because the Lease provides that real estate taxes are to be paid by the Employer and are collectible by the Plan as additional rent.

The Amalgamated Insurance Fund—Insurance Fund; The Amalgamated Cotton Garment and Allied Industries Fund—Insurance Fund; The Amalgamated Neckwear Workers Insurance Fund—Social Insurance Fund; The Amalgamated Retail Insurance Fund, et al. Located in New York, New York

[Application Nos. D–9137 and D–9162 through D–9164]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted the restrictions of section 406(a)(1) (A) through (D) and section 406(b)(2) of the Act shall not apply to the proposed purchase by certain Taft-Hartley multiemployer employee benefit trust funds (the Patron Funds or Patron Fund) of shares of common stock (the Stock) of ALICO Services Corporation (ASC), a service provider to such Patron Funds, from the Amalgamated Insurance Fund—Insurance Fund (the Clofund), a party in interest with respect to the Patron Funds,[3] provided that prior to entry into the proposed transaction by any of the Patron Funds: (a) An independent fiduciary (the I/F) determines, on behalf of each of the Patron Funds participating in the transaction, that it is feasible, in the interest of, and protective of such Patron Funds and the participants and beneficiaries of such Patron Funds; (b) an I/F negotiates, reviews, approves, and monitors the terms of the purchase for each of the Patron Funds who participate in the transaction; (c) an I/F determines that the value of the ASC Stock purchased by a particular Patron Fund who participates in the transaction, constitutes, immediately after such purchase, no more than 15% of the assets of such Patron Fund; (d) an I/F determines that the terms of the purchase are no less favorable to the Patron Funds who participate in the transaction than those negotiated at arm's length by unrelated third parties in similar circumstances; (e) an I/F determines that the purchase price for the Stock paid by the Patron Funds who participate in the transaction is no greater than the fair market value of such Stock on the date of the purchase;

[3] The Department, herein, is not proposing exemptive relief for any transaction covered by section 408(b)(2) and 29 CFR 2550.408(b)(2) of the regulation for the provision of services to the Patron Funds.

(f) an independent qualified appraiser determines the fair market value of the Stock, as of the date the transaction is entered; and (g) the Patron Funds who participate in the purchase of ASC Stock incur no fees, costs, commissions, or other charges or expenses as a result of their participation in the transaction, other than the fee payable to the I/F.

Summary of Facts and Representations

1. The Patron Funds consist of approximately thirty (30) funds jointly trusteed by the Amalgamated Clothing and Textile Workers Union (ACTWU or the Union) and by various employers from the clothing and textile industry.[4] The Patron Funds provide health, life, and pension benefits to participants. It is represented that all of the Patron Funds are "employee benefit plans," as defined under section 3(3) of the Act; and that therefore, there is jurisdiction under title I of the Act. It is represented that the Patron Funds which offer pension benefits are also covered under title II of the Act, and, therefore, are subject to section 4975 of the Code. In addition, various Patron Funds qualify as tax exempt voluntary employees' beneficiary associations, as defined under section 501(c)(9) of the Code.

The total number of participants involved in all of Patron Funds is approximately 225,000. The Patron Funds with the most participants are Clofund Retirement, Cotfund, and Cotfund Retirement with 85,127; 34,551; 96,536; and 74,511 participants, respectively, as of July 7, 1992. As of the same date, Clofund, Clofund Retirement, Cotfund, and Cotfund Retirement also have the most assets with $175.5 million; $53.9 million; $425.1 million; and $75.4 million, respectively. The total assets of all of the Patron Funds is approximately $954 million.

The board of trustees of each of the Patron Funds consist of equal numbers of employer and Union sponsored members, ranging from two to twenty individuals. The largest is the board of trustees of the Cotfund with a total of 20 members, ten of which are sponsored by the employers and ten sponsored by the Union.

2. Clofund is a multiemployer health and life insurance fund which, as of July 7, 1992, had assets of approximately $53,909,286. Clofund was established in 1942, prior to the passage of the Taft-Hartley Act, by certain employers in the men's and boy's apparel industry. Clofund is a tax exempt voluntary employees' beneficiary association, as defined under section 501(c)(9) of the Code. Because Clofund is not qualified under section 401 of the Code, it is represented that Clofund is not subject to regulation under title II of the Act, including section 4975 of the Code. However, as Clofund is an "employee welfare benefit plan", as defined under section 3(1) of the Act, there is jurisdiction under title I of the Act.

It is represented that Clofund does not serve as a fiduciary with respect to any of the Patron Plans. However, Clofund is the owner of a service provider to all of the Patron Funds, and for this reason, pursuant to section 3(14)(H) of the Act, Clofund is a party in interest with respect to such Patron Funds. It is represented that Clofund is not a disqualified person, as such is defined under section 4975(e)(2)(H) of the Code.[5]

As a rule, a total of sixteen (16) members serve on the board of trustees for the Clofund (the Clofund Trustees), with the Union and the employers such selecting eight (8) individuals. It is represented that, at present, the Clofund Trustees number only fifteen (15), as one position is vacant. It is represented that certain individuals who serve as Clofund Trustees also serve as trustees for other Patron Funds, or on the board of directors of ASC, and/or the Amalgamated Life Insurance Company (Amalgamated Life) and/or its subsidiaries.

3. Amalgamated Life was established by Clofund in 1943 as a tax exempt non-profit voluntary employees' beneficiary association, pursuant to section 501(c)(9) of the Code. Amalgamated Life was formed for the purpose of establishing a government regulated entity that would satisfy the group life insurance needs of Clofund. Over the years, Clofund has shared with the other Patron Funds the services and insurance coverage provided by Amalgamated Life. It is represented that Amalgamated Life is not the sponsor of any of the Patron Funds and has no employees who participate in the Patron Funds.

Pursuant to policies issued by Amalgamated Life and administrative agreements made between Amalgamated Life and the trustees of the Patron Funds, Amalgamated Life has provided for payment of various benefits to eligible employees and their dependents covered under certain collective bargaining agreements entered into by the Union. In this regard, it is represented that Amalgamated Life has made payments for retirement, death, sickness, accident, hospitalization, maternity, physicians' charges, surgical and other benefits.

4. In 1943 when Amalgamated Life was established, Clofund contributed $1.2 million in capital to Amalgamated Life in return of all of Amalgamated Life's stock. Since that time, over the course of 47 years, the capital of Amalgamated Life has accumulated to $1.5 million with the addition of investment earnings on the original capital and any surplus. It is represented that no profit has ever accrued, inasmuch as Amalgamated Life has always operated at cost. All such operating costs have been allocated to the Patron Funds in an amount proportionate to each of the Patron Funds' patronage of Amalgamated Life.

Beginning in 1980, it is represented that the Patron Funds began to demand more sophisticated services and increased administrative support programs, including collection, legal, accounting, investigation, auditing, and disbursing services. In response, it is represented that the board of directors of Amalgamated Life expanded the services made available through

[4] The Patron Funds include the following: (1) The Clofund; (2) the Amalgamated Insurance Fund—Retirement Fund (Clofund Retirement); (3) the Amalgamated Cotton Garment & Allied Industries Fund—Insurance Fund (Cotfund); (4) the Amalgamated Cotton Garment & Allied Industries Fund—Retirement Fund (Cotfund Retirement); (5) the Amalgamated Neckwear Workers Insurance Fund—Social Insurance Fund; (6) the Amalgamated Neckwear Workers Insurance Fund—Retirement Fund; (7) the Amalgamated Retail Insurance Fund; (8) the Amalgamated Retail Retirement Fund; (9) the Amalgamated Service & Allied Industries Insurance Fund; (10) the Amalgamated Service & Allied Industries Retirement Fund; (11) the Amalgamated Washable Clothing, Sportswear and Allied Industries Fund—Social Insurance Fund; (12) the Amalgamated Washable Clothing, Sportswear and Allied Industries Fund—Retirement Fund; (13) the Amalgamated Cleaners and Dyers Insurance Fund; (14) the Amalgamated Cleaners and Dyers Retirement Fund; (15) the National Health and Welfare Fund—Headwear Division of ACTWU; (16) National Retirement Fund—Headwear Division of ACTWU; (17) the Retirement Plan of Local 340A; (18) the Amalgamated Service and Allied Industries Fund—Supplemental; (19) the Amalgamated & Apparel Industries Health Fund of Scranton & Wilkes Barre Joint Board; (20) Amalgamated Cotton Garment & Allied Industries Fund—Puerto Rico Subfund; (21) the Amalgamated Insurance Fund—Amalgamated Southern California Retail Retirement Fund; (22) the Amalgamated Shirt and Leisurewear Joint Board Health & Welfare Fund; (23) Amalgamated Tanners Feuer Pension Fund; (24) the Amalgamated Tanners Master Pension Fund; (25) the Apparel Industries & Amalgamated Health Fund of Pittsburgh; (26) Baby Bonnet Workers Union Local 110H Vacation Fund; (27) Hat and Cap Leather Workers Union Local 70H Retirement Fund; (28) New York Joint Board Scholarship Fund; (29) New York Joint Board Vacation and Holiday Fund; (30) Sidney Hillman Health Center, Inc. Fund.

[5] Clofund is not seeking relief from the prohibited transaction provisions of section 4975 of the Code, because it represents that it is not a disqualified person as defined in section 4975(e)(2)(H). The Department expresses no opinion herein as to whether Clofund is a disqualified person with respect to any of the Patron Funds. Further, the Department points out that the exemptive relief being proposed herein extends only to those sections of the Act as described above.

Amalgamated Life to the Patron Funds. At the same time, the board of directors of Amalgamated Life recognized that such expanded services could be sold, on a profit basis, to outside customers. Accordingly, in 1987, the board of directors of Amalgamated Life created four (4) wholly-owned subsidiaries of Amalgamated Life which operated on a profit basis. Once these subsidiaries were established, Clofund, as the sole shareholder of Amalgamated Life, also controlled the ownership of Amalgamated Life's four subsidiaries.

The four subsidiaries are named: (a) ALICARE, Inc. (ALICARE); (b) ALICOMP, Inc. (ALICOMP); (c) ALIVEST, Inc. (ALIVEST); and (d) Amalgamated Agency, Inc. (Amalgamated Agency). ALICARE serves as a third party administrator of employee benefit plans, specializing in state-of-the-art cost containment. ALICARE's revenues from commercial clients from 1991 were projected at $1,350,000 from approximately 35 customers. ALICOMP provides mainframe computer services and specializes in out-sourcing and disaster recovery. ALICOMP's projected 1991 revenues were $850,000 from approximately 50 customers. ALIVEST is an investment management firm, specializing in the fixed income market. ALIVEST's revenues from approximately 10 customers were projected to be $75,000 in 1991. Amalgamated Agency provides property and casualty insurance brokerage and specializes in the insurance and risk management needs of Taft-Hartley funds. Amalgamated Agency's revenues for 1991 were projected at $125,000, generated from approximately 65 customers.

5. It is represented that in January 1992, Amalgamated Life was converted from a tax exempt to a taxable organization, pursuant to a business plan (the Business Plan), dated September 6, 1991, prepared by the management of Amalgamated Life for consideration by the Clofund Trustees. As part of the Business Plan, Amalgamated Life was to be: (a) Involved in further capitalization; and (b) subject to a corporate restructuring. In addition, the Business Plan proposed redistribution of ownership of Amalgamated Life and its four subsidiaries among certain of the Patron Plans.

With respect to the corporate restructuring of Amalgamated Life, on October 3, 1991, the Clofund Trustees approved, effective January 1, 1992, the creation, under the laws of the state of New York, of two corporations, ASC and Amalgamated Life Resources Corporation (ARC). ASC and ARC were formed to serve as holding companies and are domiciled in New York. As of the date the application was filed: (a) Clofund was the sole shareholder of ASC; (b) ASC held all of the shares of Amalgamated Life and of ARC; and (c) ARC held all of the stock of Amalgamated Life's four existing subsidiaries and of a new subsidiary, Amalgamated Fund Administrators Inc. (AFA).

AFA was organized at the same time as the corporate restructuring of Amalgamated Life and its subsidiaries. It is represented that AFA provides on a non-profit basis to the Patron Funds the administrative services historically supplied by Amalgamated Life and uses the same cost sharing arrangements employed by Amalgamated Life. It is represented that in the future AFA will develop new programs and services in response to the changing needs of the Patron Plans.

With respect to the further capitalization of Amalgamated Life, the purpose was to enable Amalgamated Life to satisfy the capital and surplus requirements imposed on unrestricted general life insurance companies doing business in the State of New York. Accordingly, Clofund contributed $4.5 million to ASC. Immediately thereafter, ASC contributed the same amount to Amalgamated Life in order to increase Amalgamated Life's $1.5 million in capital and surplus to the $6 million minimum needed to satisfy the New York State Insurance Department. It is represented that, effective January 28, 1992, the New York State Insurance Department approved an amendment to Amalgamated Life's charter which permits Amalgamated Life to operate as an unrestricted general commercial life insurance company.

Accordingly, Amalgamated Life expanded its operation to act as an unrestricted general commercial life insurance company selling health and life insurance to third parties on a for-profit basis. It is represented that Amalgamated Life specializes in offering various insurance coverages to self-funded employee benefit plans. In addition, Amalgamated Life intends to directly market individual life insurance coverage under institutional sponsorships and joint marketing arrangements. Amalgamated Life represents that it will pursue licenses in as many other states as is deemed strategically and economically advantageous. It is anticipated that Amalgamated Life's capital and surplus, if adequate for New York State, will be adequate for all other states in whose jurisdiction Amalgamated Life will seek to do licensed commercial insurance business. However, notwithstanding Amalgamated Life's commercial insurance business, it is represented that Amalgamated Life through AFA will continue to provide fully retrospectively rated (i.e. without profit) group life insurance to the Patron Funds. Figures from the first six months of 1992 indicate that Amalgamated Life obtained twenty-two percent (22%) of its gross revenues from the sale of life insurance policies to the general market and seventy-eight percent (78%) of its gross revenues from the sale of policies to the Patron Funds.

In addition to the $4.5 million in capital contributed to ASC, Clofund also contributed to ASC 100% of the stock it owned in Amalgamated Life, effective January 1, 1992. In return, Clofund acquired 100% of the common stock of ASC, having a par value of $1.00 per share and one vote per share. Immediately thereafter, Clofund also contributed approximately $400,000 of additional capital to ASC. ASC then contributed this capital to ARC and received in return all of the stock of ARC. In this way, ASC became the holder of all of the stock of ARC, as well as that of Amalgamated Life.

6. With respect to the proposed redistribution of ownership of Amalgamated Life and its subsidiaries among the Patron Funds, Clofund has requested exemptive relief to permit certain of the Patron Funds to purchase approximately 49.8% of Clofund's ownership of ASC Stock. As Clofund is a party in interest with respect to such funds, the purchase by the Patron Funds of ASC Stock from Clofund will violate section 406(a)(1)(A) of the Act as a sale or exchange of any property between a plan and a party in interest. It is further represented that, because certain Clofund Trustees also serve as trustees of the Patron Funds, the decision by such trustees to purchase ASC Stock on behalf of such Patron Funds will constitute a violation of section 406(b)(2) of the Act, for which relief is also requested.

The percentage of shares of the ASC Stock offered to certain of the Patron Funds will be based on the approximate percentage of Amalgamated Life's past revenues from net administration fees and insurance premiums attributable to such Patron Funds. Using this method of allocation, thirteen of the thirty Patron Funds whose historical patronage of Amalgamated Life has been *de minimis* will not be offered an opportunity to purchase the Stock of

ASC[6] while the other sixteen Patron Funds (the Offerees or the Offeree) will have the opportunity to own ASC Stock along with Clofund.[7] It is represented that any shares of ASC Stock offered by Clofund but not purchased by any of the Offerees will remain in the ownership of Clofund.

It is anticipated that the offer made by Clofund for the Offerees to purchase ACS Stock would terminate no later than three months after the grant of this proposed exemption. Withdrawal of capital invested in Amalgamated Life is restricted by the New York State Insurance Law. Any Offerees who purchase ASC Stock will be required to enter into a shareholders agreement restricting any sale or other transfer of such Stock for three years. Thereafter, shareholders of ASC Stock will be subject to additional resale restrictions, as set forth in the Business Plan.

Until the proposed transaction is completed, Clofund represents that it is not possible to determine which of the Offerees will actually purchase ASC Stock or how many shares each will buy. However, it is anticipated that after the proposed transaction is completed Cotfund and/or Cotfund Retirement will own in the aggregate approximately 41.8% of the outstanding ASC Stock, and the other Offerees will have purchased approximately 8% of the outstanding ASC Stock. It is estimated that such purchases of ASC Stock by any of the Offerees, including Cotfund and/or Clofund Retirement, after the transaction is completed, will represent in the range of from 1% to 3% of the assets of such Offerees.

After the transactions are entered, it is represented that Clofund will own at least 50.2% of all the outstanding ASC Stock, and will retain a controlling interest in ASC, regardless of the resulting allocation of ASC Stock among the Offerees. As Clofund is currently the sole shareholder of ASC and after the sale will remain the majority shareholder of ASC, it has and will have the authority to elect the members of the board of directors of ASC. For this reason, it is anticipated that the ASC board of directors will be substantially similar to that of Amalgamated Life's current board. In addition, it is represented that the board of directors of ASC will elect the directors for each of the five subsidiaries. It is expected that the present officers of Amalgamated Life will be responsible for the day to day management of ASC and of its subsidiaries.

7. The Clofund Trustees represent that the reduced support attributable to the decline in the domestic clothing industry has threatened the continuation of the unique and low cost customized services provided for four decades by Amalgamated Life to the Clofund and the other Patron Plans. In the opinion of the Clofund Trustees, the corporate restructuring of Amalgamated Life, its recapitalization, and the distribution of ownership of ASC to the Patron Funds which participate in the purchase of ASC Stock will be in the interest of such Patron Funds. Specifically, it is intended that the allocation of overhead to profit making activities will benefit the Patron Funds directly in proportion to their current usage of services by directly offsetting user fees. In addition, by developing a broader customer base in which to distribute costs, it is anticipated that ASC should achieve certain economies of scale with respect to administrative costs which will assist AFA in providing to all of the Patron Funds the quality low cost administrative services which historically Amalgamated Life has provided.

The Clofund Trustees have stated that the transaction is protective of the Patron Funds and their participants and beneficiaries, as an I/F will act on behalf of each of the Patron Funds which participate in the purchase. Further, in the opinion of the Clofund Trustees the transaction is prudent and is priced at fair market value. Moreover, the profits, if any, from the operation of Amalgamated Life and its five subsidiaries, as deemed appropriate by the board of directors of ASC, will accrue as dividends to benefit any of the Patron Funds which are also stockholders of ASC. Further, it is anticipated that ASC Stock may appreciate to the extent of retained earnings and develop into an appreciating long term asset for the Patron Funds which own ASC Stock.

Finally, the Clofund Trustees represent that the proposed transaction is feasible in that the sale by Clofund of the ASC Stock is a one-time occurrence with no ongoing oversight requirements. Clofund will bear the cost of filing the exemption application, valuing the Stock, and of notifying all interested persons of this notice of proposed exemption. It is represented that the Patron Funds with the option to purchase ASC Stock will bear the cost of the fee payable to the I/F. In this regard, it is represented that each of the Patron Funds prior to participating in the proposed transaction will negotiate an agreement and fee arrangement with the I/F. Other than the I/F's fee, the Patron Funds which participate will bear no other fees, commissions, or costs as a result of the transaction.

8. For the purpose of determining the fair market value of ASC Stock, the Clofund Trustees sought the opinion of Duff & Phelps Financial Consulting Company (D&P). In this regard, the Clofund Trustees retained D&P to prepare a preliminary valuation report, a valuation letter, and letter analyzing the investment in ASC. It is represented that the I/F, acting on behalf of the Offerees, will rely upon these three documents for the purpose of reviewing the proposed sale of a portion of the ASC Stock by Clofund to such Offerees.

D&P represents that it is independent of and unrelated to the parties involved in the proposed transaction other than having performed the valuation of the Stock. D&P is a nationally recognized financial consulting firm, providing financial advisory services to a wide range of corporate clients, financial institutions, trusts, and other parties. In the recent past, D&P has completed several engagements involving the valuation of insurance companies.

In the preliminary valuation report, D&P noted that although Amalgamated Life has forty-seven years experience in the area of insurance underwriting and cost management in providing benefits to the Patron Funds, there is no past

[6] It is represented that the Patron Funds which will not be offered Stock in ASC include: (1) The Amalgamated Service and Allied Industries Fund-Supplemental; (2) the Amalgamated & Apparel Industries Health Fund of Scranton & Wilkes Barre Joint Board; (3) Amalgamated Cotton Garment & Allied Industries Fund-Puerto Rico Subfund; (4) the Amalgamated Insurance Fund-Amalgamated Southern California Retail Retirement Fund; (5) the Amalgamated Shirt & Leisurewear Joint Board Health & Welfare Fund; (6) Amalgamated Tanners Feuer Pension Fund; (7) the Amalgamated Tanners Master Pension Fund; (8) the Apparel Industries & Amalgamated Health Fund of Pittsburgh; (9) Baby Bonnet Workers Union Local 110H Vacation Fund; (10) Hat and Cap Leather Workers Union Local 70H Retirement Fund; (11) New York Joint Board Scholarship Fund; (12) New York Joint Board Vacation and Holiday Fund; (13) Sidney Hillman Health Center, Inc. Fund.

[7] It is represented that the following Patron Funds will be offered Stock in ASC: (1) The Amalgamated Insurance Fund-Retirement Fund; (2) the Amalgamated Cotton Garment & Allied Industries Fund-Insurance Fund; (3) the Amalgamated Cotton Garment & Allied Industries Fund-Retirement Fund; (4) the Amalgamated Neckwear Workers Insurance Fund-Social Insurance Fund; (5) the Amalgamated Neckwear Workers Insurance Fund-Retirement Fund; (6) the Amalgamated Retail Insurance Fund; (7) the Amalgamated Retail Retirement Fund; (8) the Amalgamated Service & Allied Industries Insurance Fund; (9) the Amalgamated Service & Allied Industries Retirement Fund; (10) the Amalgamated Washable Clothing, Sportswear and Allied Industries Fund-Social Insurance Fund; (11) the Amalgamated Washable Clothing, Sportswear and Allied Industries Fund-Retirement Fund; (12) the Amalgamated Cleaners and Dyers Insurance Fund; (13) the Amalgamated Cleaners and Dyers Retirement Fund; (14) the National Health and Welfare Fund-Headwear Division of ACTWU; (15) National Retirement Fund-Headwear Division of ACTWU; (16) the Retirement Plan of Local 340A.

history by which to judge ASC's or its largest subsidiary, Amalgamated Life's ability to operate as a profit driven entity or to successfully market insurance products. For this reason, D&P based its analysis upon public information on the industry and on discussions with senior management of Amalgamated Life. In reaching its conclusions, D&P assumed that Amalgamated Life would be restructured and that ASC would receive an infusion of $4.5 million in capital from investors. The valuation methodology employed by D&P included the use of three separate forecast scenarios which took into account the following factors: (a) The forecasted annual cash flows for 1992 through 1996; (b) discounted cash flows at a cost of equity deemed appropriate for Amalgamated Life's level of business and financial risk; and (c) the fair market value of ASC, as derived from aggregate present value of cash flows.[8] In the opinion of D&P, the fair market value of Amalgamated Life, as proposed to be restructured and recapitalized, would be between $6.5 and $7 million, as of August 30, 1991.

Subsequently, in a valuation letter dated October 3, 1991, D&P confirmed that the value of Amalgamated Life, as restructured and recapitalized, ranged from $6.5 and $7 million. In arriving at this conclusion, D&P represents that it, among other things: (a) Reviewed the Business Plan, dated August 29, 1991, including a detailed financial projection of Amalgamated Life; (b) reviewed other internal analyses and marketing materials prepared by the senior management of Amalgamated Life; (c) reviewed audited financial statements of Amalgamated Life for the years ending December 31, 1987, to December 31, 1990, and summary financial data with respect to the results of operations through June 30, 1991; (d) reviewed the terms of the corporate restructuring of Amalgamated Life; (e) conducted discussions with senior management with respect to past and current operations of Amalgamated Life and projected operations of ACS; (f) conducted limited discussions with Amalgamated Life's accounting firm, Ernst & Young, and general and special counsel for Amalgamated Life and Clofund; and (g) reviewed information respecting financial and stock market data for publicly held companies deemed similar to Amalgamated Life.

In response to a request from the Clofund Trustees, D&P also provided a summary of the analysis conducted in preparing the valuation of Amalgamated Life, regarding the extent of capital risk to Clofund in connection with its investment of $4.5 million in ASC. In that letter, dated October 3, 1991, D&P concluded that Clofund, as well as subsequent investors in ASC, faced a limited risk of capital loss relative to most other equity investments, subject to certain qualification and management representations.

In addition to the preliminary valuation report, the valuation letter, and the letter analyzing the investment in ASC, it is represented that Clofund will pay D&P to update its appraisal of the fair market value of the Stock, as of the date the transaction is entered. At that time, D&P represents it will use two methodologies to determine the fair market value of the Stock: (a) A discounted cash flow analysis; and (b) a comparable company analysis (to the extent information is sufficient to apply this approach). D&P represents that it will consider all of the relevant valuation elements set forth in the Proposed Regulation Relating to the Definition of Adequate Consideration issued pursuant to section 3(18) of title I of the Act and will give special consideration to: (a) The fact that Amalgamated Life is a new entrant in the broader market for individual and group life insurance, and (b) an appropriate discount for the lack of marketability of a minority interest in a closely held company.

9. The U.S. Trust Company of California (U.S. Trust) has agreed to act as the I/F and accept fiduciary responsibility on behalf of the Patron Funds with respect to the proposed transaction. In this regard, U.S. Trust represents that it understands the duties of a fiduciary under the Act and will serve as the I/F with discretion to make the final decision for each of the Patron Funds participating in the proposed transaction. U.S. Trust represents that it is independent and unrelated to the parties involved. It is represented that U.S. Trust is qualified in that it has experience serving in a fiduciary capacity for employee benefit accounts and has formed a division to handle employee benefit account investments similar to the one proposed herein. Since its formation in 1987, U.S. Trust represents that it has completed over $3 billion in transactions involving such investments for employee benefit accounts. In addition, U.S. Trust along with its affiliate, United States Trust Company of New York, and other affiliates currently manage investments in excess of $20 billion and hold $200 billion in custody.

In its role as I/F, U.S. Trust will be responsible for negotiating, reviewing, approving, and monitoring the terms of any purchase of ASC Stock by any of the Offerees from Clofund. U.S. Trust represents that it will not approve any investment by any of the Offerees in ASC Stock unless it has first determined that such investment is (a) administratively feasible; (b) in the interest of the Offerees and their participants and beneficiaries; and (c) protective of the rights of participants and beneficiaries of such Offerees.

U.S. Trust represents that will not approve any investment by any of the Offerees in ASC Stock, unless it has first determined that the investment is prudent and that such investment is appropriate given the diversification and liquidity requirements of each of the Offerees. It is represented that U.S. Trust will deem an investment in ASC Stock to satisfy the applicable diversification and liquidity requirements where such investment: (a) Constitutes less than 15% of the portfolio of any of the Offerees which participates in the purchase; and (b) will not reduce to an imprudent level such Offerees' cash or cash equivalents position. In preparing its prudence evaluation, U.S. Trust represents that it will take into account, among other factors, (a) that the Offerees will be purchasing a minority position in ASC; (b) that there are limitations on the resale of ASC Stock; (c) that the Stock is closely held; (d) that there is no public market for the Stock; and (e) that Amalgamated Life is a new entrant into the market for individual and group life insurance. In addition, U.S. Trust represents that it will take into account the projected yield of the investment by the Patron funds in ASC Stock as compared to the yield on the assets which the Patron Funds must liquidate in order to acquire the ASC Stock. U.S. Trust also represents that it will take into account any unpaid tax liabilities disclosed by ASC, any pending or threatened enforcement action, and any regulatory approvals needed to consummate the purchase of the Stock.

Further U.S. Trust represents that it will not approve any investment by any of the Offerees in ASC Stock, unless it first determines that the terms of the transaction will be no less favorable to such Offerees than terms which would be obtained in negotiations at arm's length with an unrelated third party. U.S. Trust represents that it will rely on

[8] It is represented that D&P used in its analysis the forecasted cash flows generated from Amalgamated Life, ALICARE, ALICOMP, ALIVEST, and Amalgamated Agency to value ASC, because when it issued its preliminary reports, the restructuring of Amalgamated Life and its subsidiaries and the creation of the holding companies, ASC, ARC, and the new subsidiary, AFA, had not yet occurred.

the independent appraisal of the fair market value of the ASC Stock prepared by D&P, as of the date the transaction is entered. In this regard, it is represented that U.S. Trust will: (a) Independently review and evaluate the appraisal of the fair market value of the ASC Stock prepared by D&P; and (b) will confirm the updated and revised valuation of the fair market value of the ASC Stock prepared by D&P at the time the transaction is entered.

Finally, upon completion of its evaluation of the purchase of ASC Stock by the Offerees, U.S. Trust will provide a final report to the Department.

10. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because:

(a) The Clofund Trustees have determined that the proposed transaction will contribute to sustaining the quality low cost administrative services which historically Amalgamated Life has provided to the Patron Funds;

(b) prior to entry into the proposed transaction by any of the Offerees, an I/F will determine, on behalf of each of the Offerees participating in such transaction, that it is feasible, in the interest of, and protective of such Offerees and the participants and beneficiaries of such Offerees;

(c) an I/F will negotiate, review, approve, and monitor the terms of the transaction for each of the Offerees who participate in the proposed transaction;

(d) an I/F will determine that the value of the ASC Stock purchased by a particular Offeree will, immediately after the purchase, constitute no more than 15% of the assets of such Offeree;

(e) an I/F will determine that the terms of the transaction are no less favorable to the Offerees which participate in the purchase of ASC Stock than those negotiated at arm's length by unrelated third parties in similar circumstances;

(f) an I/F will determine that the purchase price paid for the ASC Stock by the Offerees who participate in the transaction will be no greater than the fair market value of such Stock on the date of the purchase;

(g) an independent qualified appraiser will determine the fair market value of the ASC Stock, as of the date the transaction is entered;

(h) in the opinion of an independent qualified appraiser the proposed transaction offers a limited risk of capital loss to the Offerees who participate, as compared to most other equity investments;

(i) other than the fee payable to U.S. Trust for acting as the I/F, the Offerees will incur no fees, costs, commissions, or other charges or expenses as a result of their participation in the transaction; and

(j) the proposed transaction is a one-time sale for cash.

Notice to Interested Persons

Those persons who may be interested in the pendency of the requested exemption include the trustees of the Clofund and the other Patron Funds, all participants and beneficiaries of such funds, each union whose members are participants in any of the funds, all contributing employers, and ASC and its subsidiaries. It is represented that these various classes of interested persons will be notified through several different methods.

It is represented that notice will be provided to all participants in the Clofund and the other Patron Funds that are currently members of the Union through publication in or as an insert with the Union newsletter, "Labor Unity." The publication or insert will include a copy of the notice of pendency of this proposed exemption (the Notice) plus a copy of the supplemental statement (the Supplemental Statement), as required, pursuant to 29 CFR 2570.43(b)(2). It is represented that "Labor Unity" is mailed third class to the homes of all members of the Union and generally takes fourteen (14) days to reach such members. The newsletter is also distributed to certain union offices and halls. It is represented that the Notice and the Supplemental Statement will appear in the first edition of the bimonthly newsletter that has a copy deadline after the date the Notice is published in the **Federal Register**.

The trustees of the Clofund and the other Patron Funds, all sponsoring unions, all contributing employers, all vested deferred participants and beneficiaries, and members of the board of ASC and its subsidiaries will be notified by mailing first class copies of the Notice and the Supplemental Statement within fifteen (15) days of the publication of the Notice in the **Federal Register**.

It is represented that all participants and beneficiaries currently in pay status will be notified by mailing first class copies of the Notice and the Supplemental Statement in the envelope with the first monthly benefit check after the Notice appears in the **Federal Register**.

All written comments and requests for a hearing must be received by the Department no later than thirty (30) days from the date that is fourteen (14) days after the mailing of the newsletter which contains the Notice and the Supplemental Statement.

FOR FURTHER INFORMATION CONTACT: Angelena C. Le Blanc of the Department, telephone (202) 219–8883. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 19th day of February, 1993.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 93–4251 Filed 2–23–93; 8:45 am]

BILLING CODE 4510–29–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Joint Subcommittees on Materials and Metallurgy and Structural Engineering; Meeting

The ACRS Subcommittees on Materials and Metallurgy and Structural Engineering will hold a joint meeting on March 10, 1993, room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed to discuss proprietary information (5 U.S.C. 552b(c)(4)).

The agenda for the subject meeting shall be as follows: *Wednesday, March 10, 1993—8:30 a.m. until the conclusion of business.*

The Subcommittees will discuss: (1) The status of the NRC staff's concerns regarding steam generator tube degradation, and (2) the industry proposal on piping design improvements for ALWR plants to reflect current technical knowledge. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittees, their consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff and its consultants, the Steam Generator Repair Program group and its consultants, the Advanced Reactor Corporation, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff engineer, Mr. Elpidio Igne (telephone 301/492–8192) between 7:30 a.m. and 4:15 p.m. (e.s.t.). Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: February 18, 1993.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 93–4296 Filed 2–23–93; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Planning and Procedures; Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on March 10, 1993, room P–422, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance, with the exception of a portion that will be closed to discuss the qualifications of candidates nominated for appointment to the ACRS. This session will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6). The purpose of this meeting will be to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

The agenda for the subject meeting shall be as follows: Wednesday, March 10, 1993—3 p.m. until 5:30 p.m.

The Subcommittee will discuss proposed ACRS activities, practices and procedures for conduct of Committee business, and related matters. Qualifications of candidates nominated for appointment to the ACRS will also be discussed.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff engineer, Dr. John T. Larkins (telephone 301/492–8158) between 7:30 a.m. and 4:15 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: February 17, 1993.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 93–4295 Filed 2–23–93; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards (ACRS) and Advisory Committee on Nuclear Waste (ACNW); Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the ACRS full Committee, of the ACNW, and the ACNW Working Groups the following preliminary schedule is published to reflect the current situation, taking into account additional meetings that have been scheduled and meetings that have been postponed or cancelled since the last list of proposed meetings was published January 21, 1993 (58 FR 54216). Those meetings that are firmly scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that sessions of ACRS and ACNW full Committee meetings designated by an asterisk (*) will be closed in whole or in part to the public. The ACRS and ACNW full Committee meetings begin at 8:30 a.m. and ACRS Subcommittee and ACNW Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during ACRS and ACNW full Committee meetings,

and when ACRS Subcommittee and ACNW Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the March 1993 ACRS and ACNW full Committee meetings can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committees (telephone: 301/492–4600 (recording) or 301/492–7288, Attn: Barbara Jo White) between 7:30 a.m. and 4:15 p.m., Eastern Time.

ACRS Subcommittee Meetings

Thermal Hydraulic Phenomena, March 4 and 5, Idaho Falls, ID. The Subcommittee will review the status of the PWR version of the RELAP5/MOD–3 code with emphasis on analytical and experimental programs in support of the AP600 design certification effort.

Joint Materials and Metallurgy/ Structural Engineering, March 10, 1993, Bethesda, MD. The Subcommittees will discuss: (1) The status of the NRC staff's concerns regarding steam generator tube degradation, and (2) the industry proposal on piping design improvements to reflect current technical knowledge for ALWR plants.

Planning and Procedures, March 10, 1993, Bethesda, MD (3 p.m.–5:30 p.m.). The Subcommittee will discuss proposed ACRS activities and related matters. Qualifications of candidates nominated for appointment to the ACRS will also be discussed. Portions of this meeting will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

Joint Severe Accidents and Probabilistic Risk Assessment, March 18, 1993, Bethesda, MD. The Subcommittees will discuss Chapter 19 of the ABWR Standard Safety Analysis Report dealing with severe accident issues and the associated NRC staff's evaluation.

Regional Programs, March 23, 1993, Region II Office, Atlanta, GA. The Subcommittee will discuss the activities of the NRC Region II Office.

Planning and Procedures, April 14, 1993, Bethesda, MD (3 p.m.–5:30 p.m.). The Subcommittee will discuss proposed ACRS activities and related matters. Qualifications of candidates nominated for appointment to the ACRS will also be discussed. Portions of this meeting will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

ACRS Full Committee Meetings

395th ACRS Meeting, March 11–13, 1993, Bethesda, MD. Items are tentatively scheduled.

A. *Reactor Operating Experience*—Briefing and discussion regarding the reactor trip and stuck open pressurizer safety value event of July 3, 1992 that occurred at the Fort Calhoun Nuclear Power Plant. Representatives of the licensee and of the NRC staff will participate, as appropriate.

B. *ACRS Subcommittee Activities*—Reports on and discussion of the status of ACRS subcommittee assignments, including alternate plugging criteria for degraded steam generator tubes, piping design improvements for advanced plant designs, and proposed priority ranking of Generic Issue 152, "Design Basis for Values that Might be Subjected to Significant Blowdown Loads," PWR version of the RELAP5/MOD–3 code and the analytical and experimental programs in support of the AP600 design certification effort, and procedures for the conduct of ACRS business. Representatives of the NRC staff will participate, as appropriate.

C. *Current License Renewal Issues*—Briefing by and discussion with representatives of the NRC staff on the status of current license renewal issues, including the establishment of a senior management review group to review the harmonization of the Maintenance and License Renewal Rules.

D. *Effects of Hurricane Andrew on the Turkey Point Plant (Tentative)*—Briefing and discussion with representatives of the NRC staff regarding the effects of hurricane Andrew on the Turkey Point Nuclear Plant. Representatives of the industry will participate, as appropriate.

E. *Future ACRS Activities*—Discuss topics proposed for consideration by the full Committee.

F. *Resolution of ACRS Recommendations*—Discuss replies from the NRC Executive Director for Operations regarding the NRC staff reaction to recent ACRS comments and recommendations.

G. *ISO Quality Standards*—Briefing by and discussion with representatives of the NRC staff regarding the ISO 9000 quality management standard used by the European community, and how it differs from the quality standards being used in the U.S. nuclear industry.

H. *Proposed ACRS Reports*—Discuss proposed ACRS reports on computer related issues, Organizational Factors Research Program, and on AEOD study of human performance in operating events. Representatives of the NRC staff and industry will participate, as appropriate.

I. *Appointment of ACRS Members*—Discuss qualifications of candidates proposed for appointment as ACRS members. Portions of this session will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

J. *Miscellaneous*—Discuss miscellaneous matters related to the conduct of Committee activities and complete discussion of topics that were not completed during previous meetings as time and availability of information permit.

396th ACRS Meeting, April 14–17, 1993, Bethesda, MD. Agenda to be announced

397th ACRS Meeting, May 13–15, 1993, Bethesda, MD. Agenda to be announced.

ACNW Full Committee and Working Group Meetings

ACNW Working Group on Low-Level Waste Repository Performance Indicators, March 23, 1993, Bethesda, MD. The Working Group will consider the development of a performance indicator system to be used in monitoring various aspects of low-level radioactive waste handling and disposal.

52nd ACNW Meeting, March 24–25, 1993, Bethesda, MD. Items are tentatively scheduled.

A. The Committee will meet with representatives of the Electric Power Research Institute (EPRI) and possibly other interested parties to discuss studies EPRI has conducted on the volumes of LLW that may require interim storage, the applicable regulatory requirements, and the associated guidelines for waste generators.

B. The Committee will explore with invited State representatives and others the creation of a nationwide system for summarizing current trends and indicators of performance in LLW management and disposal. Included will be the possible development of a system to report significant events (mishaps) that occur during such operations.

C. The Committee will be briefed on proposed LLW disposal sites rejected by LLW host States. Representatives from host States, NMSS, and the Office of State Programs will participate.

D. The Committee will meet with the NRC staff to hear an updated report on the status of the Licensing Support System program.

E. The Committee will be briefed by the NRC staff on the relationship of the review of the State of Alaska radiation control program by the Conference of

VOL
58
ISS
35
FE
24
1993
UMI

Radiation Control Program Directors to similar reviews by the NRC staff.

F. The Committee will review a rulemaking-clarification of assessment requirements for the Siting criteria and performance objectives of a high-level radioactive waste geologic repository [10CFR60.122/112–113, Siting criteria for a geologic repository (122), Overall system performance objective for the geologic repository after permanent closure (112), Performance of particular barriers after permanent closure (113)].

G. Discuss anticipated and proposed Committee activities, future meeting agenda, administrative, and organizational matters, as appropriate. Also, discuss matters and specific issues that were not completed during previous meetings as time and availability of information permit.

Joint Meeting of the ACNW Working Group/ACRS Subcommittee on Occupational and Environmental Protection Systems, March 26, 1993, Bethesda, MD. The Working Group/ Subcommittee will review the following proposed final regulatory guides related to the implementation of the revised 10 CFR Part 20: (1) DG–8006, "Control of Access to High and Very High Radiation Areas in Nuclear Power Plants," (2) DG–8009, "Interpretation of Bioassay Measurements," and (3) DG–8013, "ALARA Radiation Protection Program for Effluents from Materials Facilities."

53rd ACNW Meeting, April 28–29, 1993, Bethesda, MD. Agenda to be announced.

54th ACNW Meeting, May 19–20, 1993, Bethesda, MD. Agenda to be announced.

Dated: February 18, 1993.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 93–4297 Filed 2–23–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–413 and 50–414]

Duke Power Co.; Consideration of Issuance of Amendments To Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF–35 and NPF–52 issued to the Duke Power Company (the licensee) for operation of the Catawba Nuclear Station, Units 1 and 2, located in York County, South Carolina.

The proposed amendments would revised the Technical Specifications (TS) as required for the operation of Catawba Unit 2 Cycle 6 after the partial reload of the reactor core with 76 fresh fuel assemblies supplied by the Babcock & Wilcox (B&W) Fuel Company. The remaining 117 assemblies are Westinghouse supplied Optimized Fuel Assemblies (OFA). The proposed TS changes reflect the application of core analysis methodology developed by the licensee and previously approved for the similar reloads of Catawba Unit 1. Changes were proposed to the Safety Limits (TS 2.1 and 2.2) and the Power Distribution Limits (TS 3/4.2.1, 3/4.2.2, 3/4.2.3, 3/4.2.4, and 3/4.2.5) based on using the new licensee analysis methods, a different critical heat flux (CHF), and a new thermal design DNBR (departure from nucleate boiling ratio) limit of 1.55.

The specifications on Catawba Units 1 and 2 TS pages are applicable to both units, with a few exceptions, since the two units are identical in many respects. One of these exceptions involves the transition from fuel manufactured by Westinghouse to fuel manufactured by the B&W Fuel Company (BWFC) combined with a transition in analysis methodology to B&W and Duke Power Company (DPC) methodology. As these changes were first introduced into the Catawba Unit 1 plant, separate TS pages were generated for Units 1 and 2. The changes for Unit 1 in Cycles 6 and 7 reflected the methodology change and a mixed core of BWFC and Westinghouse manufactured fuel while separate pages for Unit 2 continued to reflect the Unit's reliance on Westinghouse methodology and fuel. A similar transition for Unit 2, beginning in its Cycle 6, necessitates similar changes to its TS pages. This is accomplished by deleting the previous pages dedicated in Unit 2 and making the previous pages dedicated to Unit 1 again applicable to both units. Thus, the changes to Unit 1 TS related to the fuel and methodology changes are administrative only, to reflect page renumbering and applicability to both units.

The licensee also proposed TS changes to remove the power range neutron flux negative rate reactor trip (TS 3/4.3.1, Tables 3.3–1, 3.3–2, and 4.3–1); to increase the low steam line pressure setpoint (Table 3.3–4); to increase feedwater isolation and steam line isolation response times (Table 3.3–5); to increase pressurizer safety valve life setpoint tolerance (TS 3.4.4.2.1); to remove steam line pressure dynamic compensation (TS 3/4.3.2); and to increase main stream line isolation valve stroke time (TS 3/4.7.1.4).

In addition, the licensee proposed TS changes to reduce the flowrate limit for the reactor makeup water pump for Mode 5 (TS 3.3.3.11 and TS 3.3.3 12); to revise the stroke times of valves related to containment isolation (Tables 3.6–2a and 3.6–2b); and to add NRC-approved topical report DPC–NE–1004A to the list of analytical methods used to determine core operating limits (TS 6.9.1.9).

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Power Distribution and Safety Limits

Catawba Unit 1 Cycle 6 was the first [Catawba] Nuclear Station [reload] for which B&W Fuel Company (BWFC) supplied the reload fuel. The Catawba Unit 1, Cycle 6 Reload Report presented an evaluation that concluded the core reload using Mark-BW fuel would not adversely impact the safety of the plant. The Catawba Unit 1, Cycle 7 report was similar, but reflected that Duke Power performed the analyses in support of the operation of Cycle 7 rather than BWFC. This reload for Catawba Unit 2, Cycle 6 is a compilation of the changes made for Unit 1 during Cycles 6 and 7 in that it justifies the use of Mark-BW fuel using Duke Power analysis.

The Catawba Unit 2, Cycle 6 Reload Safety Evaluation Report presents an evaluation which demonstrates that the core reload using Mark-BW fuel will not adversely impact the safety of the plant. During Cycle 6, the core will contain 76 fresh fuel assemblies supplied by B&W and 117 Westinghouse supplied Optimized Fuel Assemblies (OFA).

The changes to the Safety Limit and Power Distribution Technical Specifications presented in section 8 of the Reload Report represent the application of previously approved methodology to Catawba Unit 2. The changes to remove the power range neutron flux negative rate reactor trip, increase the low steam line pressure setpoint, increase feedwater isolation response time, increase steam line isolation response time, increase pressurizer safety valve lift setpoint tolerance, remove steam line pressure

dynamic compensation, * * * and increase main steam line isolation valve stroke time reflect the use of Duke analysis, and have already been approved for Catawba Unit 1. The changes described above include the deletion of references to specific units on individual Technical Specification pages, and delete pages which were previously for Unit 2 only. The implementation of unit specific references became necessary due to the transition from Westinghouse to B&W supplied fuel during Unit 1 Cycle 6 and for the Unit 1 Cycle 7 Reload due to the transition to Duke analysis methodology. The analysis which made the changes necessary in the Unit 1 reload submittal is generic, and as described in the technical justification, is equally applicable to both McGuire and Catawba units.

A LOCA evaluation for operation of Catawba Nuclear Station with Mark-BW fuel has been completed (BAW 10174, Mark-BW Reload LOCA Analysis for the Catawba and McGuire Units). Operation of the station while in transition from Westinghouse supplied OFA fuel to B&W supplied Mark-BW fuel is also justified in this topical.

BAW–10174 demonstrates that Catawba Nuclear Station continues to meet the criteria of 10 CFR 50.46 when operated with Mark-BW fuel. Large Break LOCA calculations completed consistent with an approved evaluation model (BAW–10168P and revisions) demonstrate compliance with 10 CFR 50.46 for breaks up to and including the double ended severance of the largest primary coolant pipe. The small break LOCA calculations used to license the plant during previous fuel cycles are shown to be bounding with respect to the new fuel design. This demonstrates that the plant meets 10 CFR 50.46 criteria when the core is loaded with Mark-BW fuel.

During the transition from Westinghouse OFA fuel to Mark-BW fuel, both types of fuel assemblies will reside in the core for several fuel cycles. Appendix A to BAW–10174 demonstrates that results presented above apply to the Mark-BW fuel in the transition core, and that insertion of the Mark-BW fuel will not have an adverse impact on the cooling of the Westinghouse fuel assemblies.

Duke Power Company's Topical Reports DPC–NE–3000, DPC–NE–3001–PA, and DPC–NE–2004–PA provide evaluations and analyses for non-LOCA transients which are applicable to Catawba. The scope of these analyses includes all events specified by sections 15.1–15.6 of Regulatory Guide 1.70 (Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants) and presented in the Final Safety Analysis Report for Catawba. The analysis and evaluations performed for these topicals confirm that operation of Catawba Nuclear Station for reload cycles with Mark-BW fuel will continue to be within the previously reviewed and licensed safety limits.

One of the primary objectives of the Mark-BW replacement fuel is compatibility with the resident Westinghouse fuel assemblies. The description of the Mark-BW fuel design and the thermal-hydraulics and the core physics performance evaluation demonstrate the similarity between the reload fuel and the resident fuel. The extensive testing and analysis summarized in BAW–10173P shows that the Mark-BW fuel design performs, from the standpoint of neutronics and thermal-hydraulics, within the bounds and limiting design criteria applied to the resident Westinghouse fuel for the Catawba plant safety analysis.

Each FSAR accident has been reviewed to determine the effects of Cycle 6 operation and to ensure that the radiological consequences of postulated accidents are within applicable regulatory guidelines, and do not adversely affect the health and safety of the public. The design basis LOCA evaluations assessed the radiological impact of differences between the Mark-BW fuel and Westinghouse OFA fuel fission product core inventories. Also, the dose calculation effects from non-LOCA transients reanalyzed by Duke Power were evaluated using Cycle 6 characteristics. The calculated radiological consequences are all within specified regulatory guidelines and contain significant levels of margin.

The analyses contained in the referenced Topical Reports indicate that the existing design criteria will continue to be met. Therefore, the enclosed TS changes will not increase the probability or consequences of an accident previously evaluated.

As stated in the above discussion, normal operational conditions and all fuel-related transients have been evaluated for the use of Mark-BW fuel at Catawba Nuclear Station. Testing and analysis was also completed to ensure that, from the standpoint of neutronics and thermal-hydraulics, the Mark-BW fuel would perform within the limiting design criteria. Because the Mark-BW fuel performs within the previously licensed safety limits, the possibility of a new or different accident from any previously evaluated is not created.

The reload-related changes to the TSs do not involve a significant reduction in the margin of safety. The calculations and evaluations documented in BAW–10174 show that Catawba will continue to meet the criteria of 10 CFR 50.46 when operated with Mark-BW fuel. The evaluation of non-LOCA transients documented in DPC–NE–3001 also confirms that Catawba will continue to operate within previously reviewed and licensed safety limits. Because of this, the TS changes to support the use of Mark-BW fuel will not involve a significant reduction in the margin of safety.

The technical changes made to Table 2.2–1 reflect the use of the BWCMV CHF correlation and Duke Power's Statistical Core Design methodology with a 1.55 thermal design limit. These changes to Table 2.2–1 will not significantly increase the probability or consequences of an accident previously evaluated. The changes to the K values conservatively bound the allowable operating region, as defined by the new DNBR methodology. It can be concluded that these changes will not create the possibility of any new accident from those previously evaluated. It can also be concluded that since all new TS values are bounded by safety analysis assumptions that this change will not significantly decrease the margin of safety.

Deletion of Neutron Flux High Negative Rate Trip

The removal of the Power Range Neutron Flux Negative Rate trip will not result in any previously-reviewed accident becoming more probable or more severe. The trip is a response to a pre-existing transient condition and would not initiate any accident. The trip is designed to provide protection from a dropped control rod. However, in the event of a dropped rod, the reactor is assumed to trip on low pressurizer pressure. Therefore, the protection function is retained. The consequences of a dropped rod have been analyzed and found to be within acceptable limits.

Likewise, the removal of this trip will not create a new accident not previously reviewed. The removal of a response to a transient will not initiate a new transient. There are no credible unanalyzed transients which will occur as a result of a dropped rod. The removal of this trip will reduce the potential for spurious or unnecessary trips which may occur as a result of maintenance or the drop of a low-worth rod. There are no other hardware modifications or procedure changes that will be made as a result of this deletion which could create the possibility of a new accident.

No margin of safety will be reduced by this change. As noted above, if a dropped rod necessitates a trip, the trip function will be accomplished as a result of low pressurizer pressure. For those dropped rods for which no trip is necessary, the removal of this trip will provide protection against an unnecessary transient.

Low Steam Line Setpoint Pressure Change

Changing the Low Steam Line Pressure setpoint and removal of dynamic compensation will not increase the probability or consequences of any previously-reviewed accident. The higher steam line pressure setpoint is consistent with all licensing basis safety analyses. This change, in conjunction with the removal of the dynamic compensation of the steam pressure signal, is intended to reduce or eliminate spurious Engineered Safeguards Features (ESF) actuations which are caused by minor (but rapid) pressure decreases in the secondary system.

The proposed amendment will not result in a new accident not previously reviewed. A change in steam line pressure is a response to an existing transient condition, rather than a precursor or initiating event. A change in the steam line pressure setpoint is also not a precursor or initiating event.

The proposed amendment will not result in a significant decrease in a margin of safety The reanalysis of the steam line break accident which was performed shows that all imposed Condition II acceptance criteria are met.

Based on the above, it is concluded that no significant hazards exist.

Feedwater and Main Steam Line Isolation Valve Stroke Time

The proposed changes to the valve stroke times in Table 3.3–5 and Table 3.6–2a will not significantly increase the probability or consequences of any previously evaluated

accident. The effects of the delays in isolation times on the various transients affected have been analyzed and found to be acceptable. Since these valves do not receive a containment isolation signal, and no credit is taken for operation of these valves in the dose analysis for a containment isolation function, a maximum stroke time does not apply for containment isolation.

The proposed changes will not significantly increase the possibility of a new accident not previously evaluated. Feedwater and main steam isolation are responses to ongoing transients, rather than initiators or precursors of transients. No equipment or component reconfiguration will occur as a result of this change.

The proposed changes will not significantly decrease any margin of safety. As noted above, the effects of the longer isolation times have been evaluated and found to be acceptable.

Based on the above, it is concluded that no significant hazards exist.

Increase in Pressurizer Code Safety Valve Setpoint Tolerances

The proposed amendment will not result in a significant increase in the probability or consequences of any previously analyzed accident. The valve lift setting is challenged only after a transient has been initiated and is not a contributor to the probability of any transient or accident. The transients which involve pressure increases which would potentially challenge the safety valves have been analyzed to determine the consequences of delayed or premature valve actuation at the extremes of the new setpoint tolerances. These analyses show that all applicable acceptance criteria are met using the wider tolerances.

The proposed amendment will not result in the creation of any new accident not previously evaluated. As noted above, the setpoint tolerance only affects the time at which the safety valve opens following or during a transient, and is not a contributor to the probability of an accident.

The proposed amendment will not result in a significant decrease in a margin of safety. The limiting transient in each accident category has been analyzed to determine the effect of the change in lift setpoint tolerance on the transient. In each case, the results of the analyses met all acceptance criteria.

Based on the above, it is concluded that no significant hazards exist.

Containment Isolation Valves

The proposed changes to the valve stroke times in Table[s] 3.6–2a and 3.6[–]2b will not significantly increase the probability or consequences of any previously evaluated accident. The effects of the delays in isolation times on the various transients affected have been analyzed and found to be acceptable. Since these valves do not receive a containment isolation signal, and no credit is taken for operation of these valves in the dose analysis for a containment isolation function, a maximum stroke time does not apply for containment isolation.

The proposed changes will not significantly increase the possibility of a new accident not previously evaluated. Feedwater and main steam isolation are responses to ongoing transients, rather than initiators or precursors of transients. No equipment or component reconfiguration will occur as a result of this change.

The proposed changes will not significantly decrease any margin of safety. The isolation times which are applicable to these valves are specified in Table 3.3–5, Engineered Safety Features Response Times. The effects of the isolation of these valves was evaluated based on their ESF function, not a containment isolation function, and determined to be acceptable, therefore there is no significant decrease in the margin of safety.

Boron Dilution Mitigation System

TS 3.3.3.11.a.2 is changed to reduce the allowable Reactor Makeup Water Pump flow in Mode 5 from 75 gpm to 70 gpm. In the event that the Boron Dilution Mitigation System (BDMS) is inoperable, the Reactor Makeup Water Pump flowrates are limited to ensure that operator action times required to terminate a dilution event can be met. The limits on reactor makeup water pump flowrates when the BDMS is inoperable are verified each cycle to ensure that the safety analysis assumptions for these parameters remain valid. When the calculated Reactor Makeup Water Pump flowrate is found to be less than the existing flowrate limits, the flowrate limit must be reduced so that the operator action time acceptance criteria of Standard Review Plan 15.4.6 can be met.

Reducing the allowable Reactor Makeup Water Pump flow in Mode 5 does not involve a significant increase in the probability or consequences of an accident previously evaluated. The current TS flowrate does not allow enough time for the operator to terminate an uncontrolled dilution event when required operator response times are assumed. The lower flowrate allows needed operator response times and is therefore more conservative.

Reducing the allowable Reactor Makeup Water Pump flow in Mode 5 does not change the way that any plant equipment is operated or maintained, therefore it does not create the possibility of a new or different accident.

Reducing the Allowable Reactor Makeup Water Pump Flow in Mode 5 will not involve a significant reduction in the margin of safety. This flowrate is more conservative, and ensures that safety analysis assumptions regarding operator actions times in response to the termination of an uncontrolled dilution event can be met.

Core Operating Limits Report

The proposed change to TS 6.9.1.9 adds approved topical DPC–NE–1004A to the list of analytical methods used to determine core operating limits. This change is administrative, adding a topical report which has been approved for use on Catawba to the list of analytical methods used to determine core operating limits. Since this change is administrative, it has been determined that no significant hazards are involved.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied for those changes. In addition, the NRC staff finds that administrative changes including deleting pages no longer applicable to Unit 2, and the renumbering and redesignation of remaining pages in certain sections as applicable to both units, will not involve a significant increase in the probability or consequences of an accident previously evaluated. These changes will not create the possibility of a new or different kind of accident from any accident previously evaluated for the use of BWFC fuel and the revised analysis methodology in the Catawba units. These changes will not involve a significant reduction in a margin of safety since they reflect the usage of fuel and analysis methodology that have been previously approved for the Catawba units. Therefore, on the basis of the licensee's and the staff's discussions above, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules Review & Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 26, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10

CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the York County Library, 138 East Black Street, Rock Hill, South Carolina 29730. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to David B. Matthews: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Caroline 28242, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated December 15, 1992, as supplemented February 5, 1993, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Dated at Rockville, Maryland, this 18th day of February 1993.

For the Nuclear Regulatory Commission.

Robert E. Martin,

Project Manager, Project Directorate II–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–4199 Filed 2–23–93; 8:45 am]

BILLING CODE 7590–01–M

VOL 58 ISS 35 FE 24 1993 UMI

Illinois Power Company and Soyland Power Cooperative; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing

[Docket No. 50–461]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–62 issued to Illinois Power Company and Soyland Power Cooperative (the licensee), for operation of the Clinton Power Station located in DeWitt County, Illinois.

The proposed amendment modifies the Clinton Power Station Technical Specifications in order for the Clinton Power Station Radiation Protection Program to incorporate the new requirements of title 10 Code of Federal Regulations part 20.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Involve a significant increase in the probability or consequences of any accident previously evaluated.

The proposed revisions to the liquid and gaseous release rate limits will not result in a change in the types or amounts of effluents released nor will there be an increase in individual or cumulative radiation exposures. In addition, these changes do not impact the operation or design of any plant structures, systems or components. These changes ensure compliance with 10 CFR 50.36A and 10 CFR 50 appendix I and result in levels of radioactive materials in effluents being maintained [as low as reasonably achievable] ALARA. The revision to the high radiation area controls and dose measurement distance will ensure areas are conservatively posted as high radiation area in compliance with 10 CFR 20.1601(a)(1) and provide controls to ensure individuals are not overexposed. This change will not result in a change to plant design or operation. Therefore, it can be concluded that the proposed changes do not involve an increase in the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any previously evaluated.

The proposed changes do not affect the plant design or operation nor do they result in a change to the configuration of any equipment. There will be no change in types or increase in the amount of effluents released off-site. As a result, this proposed change cannot create the possibility of a new or different kind of accident from any previously evaluated.

(3) Involve a significant reduction in a margin of safety.

The proposed revisions do not involve any change in the types or increase in the amount of effluents released off-site. The proposed changes do not involve any actual change in the methodology used in the control of radioactive wastes or radiological environmental monitoring. The methodology that will be used in the control of radioactive effluents and calculation of effluent monitor setpoints will result in the same effluent release rate as the current methodology now being used. The operational flexibility needed for effluent releases allows the use of limits as proposed. In addition, the changes in measurement distances for determination of high radiation areas will not result in an increase in individual or cumulative occupational radiation exposures since it will result in more conservative identification of high radiation areas. Compliance with the limits of the new 10 CFR 20.1301 will be demonstrated by operating within the limits of 10 CFR part 50 Appendix I and 40 CFR part 190. Therefore, these changes cannot reduce a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 26, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors:

(1) The nature of the petitioner's right under the Act to be made a party to the proceeding;

(2) The nature and extent of the petitioner's property, financial, or other interest in the proceeding; and

(3) The possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner

wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to James E. Dyer: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Sheldon Zabel, Esq., Schiff, Hardin and Waite, 7200 Sears Tower, 233 Wacker Drive, Chicago, Illinois 60606, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 17, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room, located at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

Dated at Rockville, Maryland, this 17th day of February 1993.

For the Nuclear Regulatory Commission.

John F. Stang,

Acting Director, Project Directorate III–2, Division of Reactor Projects—III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 93–4198 Filed 2–23–93; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–31882; File No. SR–AMEX–92–44]

Self-Regulatory Organizations; Notice of Proposed Rule Change by the American Stock Exchange, Inc. Relating to Its Pre-Opening Application Rule

February 17, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 14, 1992, the American Stock Exchange, Inc. ("AMEX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the AMEX. The purpose of the proposal is to conform the AMEX's pre-opening application rules with the ITS pre-opening applications rules. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend AMEX Rule 232 regarding the pre-opening application in the Intermarket Trading System ("ITS").[1]

[1] The ITS is a National Market System ("NMS") plan approved by the Commission pursuant to Section 11A of the Act and Rule 11Aa3–2. The ITS was designed to facilitate intermarket trading in exchange-listed equity securities based on current quotation information emanating from the linked

Continued

VOL 58 ISS 35 FE 24 1993 UMI

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the AMEX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The AMEX has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to conform the AMEX's pre-opening application rule, Rule 232,[2] with the ITS pre-opening application rule. Recently, the ITS proposed amendments to its pre-opening application rule.[3] The AMEX's proposal would adopt the model ITS rule as proposed by the ITS.

The proposed rule change would amend the AMEX's pre-opening rule to clarify the use of a cancellation notification (designated as "CXL") sent after a pre-opening notification.[4] Under the proposed rule change, a cancellation notification will have the effect of indicating that the security will open within the applicable price change, including the price range contained in the original pre-opening notification.[5]

The proposed rule change applies to the situation where a specialist has sent a cancellation notification following the initial pre-opening notification, and subsequently receives additional orders indicating the security will open within the price range of the original pre-opening notification. Under the current pre-opening rule, a cancellation notification represents that the specialist will open the security within the applicable price change, but outside the price range of the original pre-opening applications.

For example, a specialist sends out a pre-opening notification of 30–31 for a stock that closed at 30. Subsequent to sending out the notification, the specialist receives sell orders indicating that the stock will be opened at 29⅞. The specialist then sends out a cancellation notification—which, by definition, means that the stock will open at 29¾ or 29⅞. The specialist then receives more buy orders and opens the stock at 30, which is outside the 29¾ or 29⅞ prices. The pre-opening rule does not currently address this situation.

As revised, the CXL notification procedure would operate as follows:

The CTA close in a stock is 30. A pre-opening notification is sent with any one of the following price ranges: 30–31; 30⅛–31⅛; or, 30¼–31¼. It is then determined that the stock will open at 29¾ or 29⅞ and the specialist sends a cancellation notification. If it is subsequently determined that stock will open at 30, 30⅛, or 30¼, under the proposed rule change the specialist would not be required to reindicate the stock. The proposed rule change would conform the pre-opening rule to commonly understood practice among the ITS participants markets.

The AMEX believes that the proposed rule change is consistent with section 6(b) of the Act, and specifically, with section 6(b)(5). Section 6(b)(5) of the Act requires that the rules of an exchange be designed to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a National Market System. The AMEX also believes that the proposed rule change is consistent with section 11A(a)(1)(D) of the Act which provides for the linking of all markets for qualified securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The AMEX does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others.

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of Publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the AMEX consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Intersted persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at

markets. Securities Exchange Act Release No. 19456 (January 27, 1983), 48 FR 4938.

Participants to the ITS Plan include the AMEX, the Boston Stock Exchange, Inc. ("BSE"), the Chicago Board Options Exchange, Inc. ("CBOE"), the Cincinnati Stock Exchange, Inc. ("CSE"), the Midwest Stock Exchange, Inc. ("MSE"), the National Association of Securities Dealers, Inc. ("NASD"), the New York Stock Exchange, Inc. ("NYSE"), the Pacific Stock Exchange, Inc. ("PSE"), and the Philadelphia Stock Exchange, Inc. ("PHLX").

[2] AMEX Rule 232 contains basic definitions pertaining to ITS, prescribes the transactions that may be effected through ITS and the pricing of commitments to trade, and specifies the procedures pertaining to the pre-opening application. The pre-opening application enables an AMEX specialist who wishes to open his or her market in an ITS security to obtain any pre-opening interest in that security of other market-markers registered in that security in other participant markets.

[3] *See* Securities Exchange Act Release No. 31396 (November 2, 1992), 57 FR 53530.

[4] The pre-opening rule prescribes that if an AMEX specialist anticipates that the opening transaction in the stock will be at a price that represents a change from the security's previous day's consolidated closing price of more than the "applicable price change," the specialist shall notify other participant markets by sending a pre-opening notification through ITS. *See* ITS Plan, Section 7(a) and Exhibit A. *See also infra* note 5.

The pre-opening rule also applies whenever an "indication of interest" is sent to the CTA plan processor prior to the reopening of trading of an ITS security following a trading halt, even if the anticipated price is not greater than the applicable price change. *See* ITS Plan, Section 7(a) and Exhibit A. *See also* Securities Exchange Act Release No. 27472 (November 24, 1989), 54 FR 49829.

[5] The ITS rules define "applicable price changes" as:

Security	Consolidated closing price	Applicable price change (more than)
Network B	Under $5	⅛ point.
	$5 or over	¼ point.

ITS Plan, Section 7(a) and Exhibit A, Section (b)(i)(A)(1).

the principal office of the AMEX. All submissions should refer to the file number in the caption above and should be submitted by March 17, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4292 Filed 2–23–93; 8:45 am]

BILLING CODE 8101–01–M

[Release No. 34–31884; File No. SR–BSE–93–02]

Self-Regulatory Organizations; Notice of Proposed Rule Change by the Boston Stock Exchange, Inc. Relating to its Pre-Opening Application Rule

February 17, 1993.

Pursuant to section 19(b) (1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 26, 1993, the Boston Stock Exchange, Inc. ("BSE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the BSE. The purpose of the proposal is to conform the BSE's pre-opening application rule with the ITS pre-opening application rule. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend Chapter XXXI of the BSE Rules regarding the pre-opening application in the Intermarket Trading System ("ITS").[1]

[1] The ITS is a National Market System ("NMS") plan approved by the Commission pursuant to Section 11A of the Act and Rule 11Aa3–2. The ITS was designed to facilitate intermarket trading in exchange-listed equity securities based on current quotation information emanating from the linked markets. Securities Exchange Act Release No. 19456 (January 27, 1983), 48 FR 4938.

Participants to the ITS Plan include the American Stock Exchange, Inc. ("AMEX"), the BSE, the Chicago Board Options Exchange, Inc. ("CBOE"), the Cincinnati Stock Exchange, Inc. ("CSE"), the Midwest Stock Exchange, Inc. ("MSE"), the National Association of Securities Dealers, Inc. ("NASD"), the New York Stock Exchange, Inc. ("NYSE"), the Pacific Stock Exchange, Inc. ("PSE"), and the Philadelphia Stock Exchange, Inc. ("PHLX").

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the BSE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The BSE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to conform the BSE's pre-opening application rule, Chapter XXXI,[2] with the ITS pre-opening application rule. Recently, the ITS proposed amendments to its pre-opening application rule.[3] The BSE's proposal would adopt the model ITS rule as proposed by the ITS.

The proposed rule change would amend the BSE's pre-opening rule to clarify the use of a cancellation notification (designated as "CXL") sent after a pre-opening notification.[4] Under the proposed rule change, a cancellation notification will have the effect of indicating that the security will open within the applicable price change, including the price range contained in the original pre-opening notification.[5]

The proposed rule change applies to the situation where a specialist has sent a cancellation notification following the initial pre-opening notification, and subsequently receives additional orders indicating the security will open within the price range of the original pre-opening notification. Under the current pre-opening rule, a cancellation notification represents that the specialist will open the security within the applicable price change, but outside the price range of the original pre-opening application.

For example, a specialist sends out a pre-opening notification of 30–30½ for a stock that closed at 30. Subsequent to sending out the notification, the specialist receives sell orders indicating that the stock will be opened at 29⅞. The specialist then sends out a cancellation notification—which, by definition, means that the stock will open at 29¾ or 29⅞. The specialist then receives more buy orders and opens the stock at 30, which is outside the 29¾ or 29⅞ prices. The pre-opening rule does not currently address this situation.

As revised, the CXL notification procedure would operate as follows:

The CTA close in a stock is 30. A pre-opening notification is sent with any one of the following price ranges: 30–30½; 30⅛–30⅝; or 30¼–30¾. It is then determined that the stock will open at 29¾ or 29⅞ and the specialist sends a cancellation notification. If it is subsequently determined that stock will open at 30, 30⅛, or 30¼, under the proposed rule change the specialist would not be required to reindicate the stock. The proposed rule change would conform the preopening rule to commonly understood practice among the ITS participant markets.

The BSE believes that the proposed rule change is consistent with Section 6(b) of the Act, and specifically, with Section 6(b)(5). Section 6(b)(5) of the Act requires that the rules of an exchange be designed to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a National Market System. The BSE also believes that the proposed rule

[2] Chapter XXXI of the BSE Rules contains basic definitions pertaining to ITS, prescribes the transactions that may be effected through ITS and the pricing of commitments to trade, and specifies the procedures pertaining to the pre-opening application. The pre-opening application enables a BSE specialist who wishes to open his or her market in an ITS security to obtain any pre-opening interest in that security of other market-markers registered in that security in other participant markets.

[3] *See* Securities Exchange Act Release No. 31396 (November 2, 1992), 57 FR 53530.

[4] The pre-opening rule prescribes that if a BSE specialist anticipates that the opening transaction in the stock will be at a price that represents a change from the security's previous day's consolidated closing price of more than the "applicable price change," the specialist shall notify other participants markets by sending a pre-opening notification through ITS. *See* ITS Plan, Section 7(a) and Exhibit A. *See also infra* note 5.

The pre-opening rule also applies whenever an "indication of interest" is sent to the CTA plan processor prior to the reopening of trading of an ITS security following a trading halt, even if the anticipated price is not greater than the applicable price change. *See* ITS Plan, Section 7(a) and Exhibit A. *See also* Securities Exchange Act Release No. 27472 (November 24, 1989), 54 FR 49829.

[5] The ITS rules define "applicable price changes" as:

Security	Consolidated closing price	Applicable price change (more than)
Network A	Under $15	⅛ point.
	$15 or over*	¼ point.
Network B	Under $5	⅛ point.
	$5 or over	¼ point.

*If the previous day's consolidated closing price of a Network A eligible security exceeded $100 and the security does not underlie an individual stock option contract listed and currently trading on a national securities exchange, the applicable price change is one point.

ITS Plan, Section 7(a) and Exhibit A, Section (b)(i)(A)(1).

change is consistent with Section 11A(a)(1)(D) of the Act which provides for the linking of all markets for qualified securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The BSE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the BSE consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the BSE. All submissions should refer to the file number in the caption above and should be submitted by March 17, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4241 Filed 2–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31886; File No. SR–CSE–93–01]

Self-Regulatory Organizations; Notice of Proposed Rule Change by the Cincinnati Stock Exchange, Inc., Relating to its Pre-Opening Application Rule

February 17, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 5, 1993, the Cincinnati Stock Exchange, Inc. ("CSE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CSE. The purpose of the proposal is to conform the CSE's pre-opening application rule with the ITS pre-opening application rule. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend CSE Rule 14.3(g)(2) regarding the pre-opening application in the Intermarket Trading System ("ITS").[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the CSE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CSE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to conform the CSE's pre-opening application rule, Rule 14,[2] with the ITS pre-opening application rule. Recently, the ITS proposed amendments to its pre-opening application rule.[3] The CSE's proposal would adopt the model ITS rule as proposed by the ITS.

The proposed rule change would amend the CSE's pre-opening rule to clarify the use of a cancellation notification (designated as "CXL") sent after a pre-opening notification.[4] Under the proposed rule change, a cancellation notification will have the effect of indicating that the security will open within the applicable price change, including the price range contained in the original pre-opening notification.[5]

---

[1] The ITS is a National Market System ("NMS") plan approved by the Commission pursuant to Section 11A of the Act and Rule 11Aa3–2. The ITS was designed to facilitate intermarket trading in exchange-listed equity securities based on current quotation information emanating from the linked markets. Securities Exchange Act Release No. 19456 (January 27, 1983), 48 FR 4938.

Participants to the ITS Plan include the American Stock Exchange, Inc. ("AMEX"), the Boston Stock Exchange, Inc. ("BSE"), the Chicago Board Options Exchange, Inc. ("CBOE"), the CSE, the Midwest Stock Exchange, Inc. ("MSE"), the National Association of Securities Dealers, Inc. ("NASD"), the New York Stock Exchange, Inc. ("NYSE"), the Pacific Stock Exchange, Inc. ("PSE"), and the Philadelphia Stock Exchange, Inc. ("PHLX").

[2] CSE Rules 14, 14.1, 14.3 contain basic definitions pertaining to ITS, prescribes the transactions that may be effected through ITS and the pricing of commitments to trade, and specifies the procedures pertaining to the pre-opening application. The pre-opening application enables a CSE specialist who wishes to open his or her market in an ITS security to obtain any pre-opening interest in that security of other market-markers registered in that security in other participant markets.

[3] *See* Securities Exchange Act Release No. 31396 (November 2, 1992), 57 FR 53530.

[4] The pre-opening rule prescribes that if a CSE specialist anticipates that the opening transaction in the stock will be at a price that represents a change from the security's previous day's consolidated closing price of more than the "applicable price change," the specialist shall notify other participant markets by sending a pre-opening notification through ITS. *See* ITS Plan, Section 7(a) and Exhibit A. *See also infra* note 5.

The pre-opening rule also applies whenever an "indication of interest" is sent to the CTA plan processor prior to the reopening of trading of an ITS security following a trading halt, even if the anticipated price is not greater than the applicable price change. *See* ITS Plan, Section 7(a) and Exhibit A. *See also* Securities Exchange Act Release No. 27472 (November 24, 1989), 54 FR 49829.

[5] The ITS rules define "applicable price changes" as:

Security	Consolidated closing price	Applicable price change (more than)
Network A	Under $15	⅛ point.
	$15 or over*	¼ point.

(continued)

The proposed rule change applies to the situation where a specialist has sent a cancellation notification following the initial pre-opening notification, and subsequently receives additional orders indicating the security will open within the price range of the original pre-opening notification. Under the current pre-opening rule, a cancellation notification represents that the specialist will open the security within the applicable price change, but outside the price range of the original pre-opening application.

For example, a specialist sends out a pre-opening notification of 30–30½ for a stock that closed at 30. Subsequent to sending out the notification, the specialist receives sell orders indicating that the stock will be opened at 29⅞. The specialist then sends out a cancellation notification—which, by definition, means that the stock will open at 29¾ or 29⅞. The specialist then receives more buy orders and opens the stock at 30, which is outside the 29¾ or 29⅞ prices. The pre-opening rule does not currently address this situation.

As revised, the CXL notification procedure would operate as follows:

The CTA close in a stock is 30. A pre-opening notification is sent with any one of the following price ranges: 30–30½; 30⅛–30⅝; or, 30¼–30¾. It is then determined that the stock will open at 29¾ or 29⅞ and the specialist sends a cancellation notification. If it is subsequently determined that stock will open at 30, 30⅛, or 30¼, under the proposed rule change the specialist would not be required to reindicate the stock. The proposed rule change would conform the pre-opening rule to commonly understood practice among the ITS participant markets.

The CSE believes that the proposed rule change is consistent with Section 6(b) of the Act, and specifically, with Section 6(b)(5). Section 6(b)(5) of the Act requires that the rules of an exchange be designed to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a National Market System. The CSE also believes that the proposed rule change is consistent with Section 11A(a)(1)(D) of the Act which provides for the linking of all markets for qualified securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CSE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the CSE consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the CSE. All submissions should refer to the file number in the caption above and should be submitted by March 17, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4238 Filed 2–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Docket No. 34–31878; File No. SR–CBOE–93–10]

Self-Regulatory Organizations; Notice of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to its Pre-Opening Application Rule

February 17, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1) notice is hereby given that on February 11, 1993, the Chicago Board Options Exchange, Inc. ("CBOE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The purpose of the proposal is to conform the CBOE's pre-opening application rule with the ITS pre-opening application rule. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend CBOE Rules 30.70, 30.71, and 30.72 regarding the pre-opening application in the Intermarket Trading System ("ITS").[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed

---

[1] The ITS is a National Market System ("NMS") plan approved by the Commission pursuant to Section 11A of the Act and Rule 11Aa3–2. The ITS was designed to facilitate intermarket trading in exchange-listed equity securities based on current quotation information emanating from the linked markets. Securities Exchange Act Release No. 19456 (January 27, 1983), 48 FR 4938.

Participants to the ITS Plan include the American Stock Exchange, Inc. ("AMEX"), the Boston Stock Exchange, Inc. ("BSE"), the CBOE, the Cincinnati Stock Exchange, Inc. ("CSE"), the Midwest Stock Exchange, Inc. ("MSE"), the National Association of Securities Dealers, Inc. ("NASD"), the New York Stock Exchange, Inc. ("NYSE"), the Pacific Stock Exchange, Inc. ("PSE"), and the Philadelphia Stock Exchange, Inc. ("PHLX").

[5]

Security	Consolidated closing price	Applicable price change (more than)
Network B	Under $5	⅛ point.
	$5 or over	¼ point.

* If the previous day's consolidated closing price of a Network A eligible security exceeded $100 and the security does not underlie an individual stock option contract listed and currently trading on a national securities exchange, the applicable price change is one point.

ITS Plan. Section 7(a) and Exhibit A, Section (b)(i)(A)(1).

rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to conform the CBOE's pre-opening application rules, Rule 30.70, 30.71, and 30.72,[2] with the ITS pre-opening application rule. Recently, the ITS proposed amendments to its pre-opening application rule.[3] The CBOE's proposal would adopt the model ITS rule as proposed by the ITS.

The proposed rule change would amend CBOE's pre-opening rule to clarify the use of a cancellation notification (designated as "CXL") sent after a pre-opening notification.[4] Under the proposed rule change, a cancellation notification will have the effect of indicating that the security will open within the applicable price change, including the price range contained in the original pre-opening notification.[5]

The proposed rule change applies to the situation where a specialist has sent a cancellation notification following the initial pre-opening notification, and subsequently receives additional orders indicating the security will open within the price range of the original pre-opening notification. Under the current pre-opening rule, a cancellation notification represents that the specialist will open the security within the applicable price change, but outside the price range of the original pre-opening application.

For example, a DPM sends out a pre-opening notification of 30–30½ for a stock that closed at 30. Subsequent to sending out the notification, the DPM receives sell orders indicating that the stock will be opened at 29⅞. The DPM then sends out a cancellation notification—which, by definition, means that the stock will open at 29¾ or 29⅞. The DPM then receives more buy orders and opens the stock at 30, which is outside the 29¾ or 29⅞ prices. The pre-opening rule does not currently address this situation.

As revised, the CXL notification procedure would operate as follows:

The CTA close in a stock is 30. A pre-opening notification is sent with any one of the following price ranges: 30–30½; 30⅛–30⅝; or, 30¼–30⅜. It is then determined that the stock will open at 29¾ or 29⅞ and the DPM sends a cancellation notification. If it is subsequently determined that stock will open at 30, 30⅛, or 30¼, under the proposed rule change the DPM would not be required to reindicate the stock. The proposed rule change would conform the pre-opening rule to commonly understood practice among the ITS participant markets.

The CBOE believes that the proposed rule change is consistent with Section 6(b) of the Act, and specifically, with Section 6(b)(5). Section 6(b)(5) of the Act requires that the rules of an exchange be designed to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a National Market System. The CBOE also believes that the proposed rule change is consistent with Section 11A(a)(1)(D) of the Act which provides for the linking of all markets for qualified securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the CBOE consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to the file number in the caption above and should be submitted by March 17, 1993.

[2] The CBOE's pre-opening application rules contain basic definitions pertaining to ITS, prescribes the transactions that may be effected through ITS and the pricing of commitments to trade, and specifies the procedures pertaining to the pre-opening application. The pre-opening application enables a CBOE designated primary market maker ("DPM") or the order book official ("OBO") who wishes to open his or her market in an ITS security to obtain any pre-opening interest in that security of other market-markers registered in that security in other participant markets.

[3] *See* Securities Exchange Act Release No. 31396 (November 2, 1992), 57 FR 53530.

[4] The pre-opening rule prescribes that if a CBOE DPM or OBO anticipates that the opening transaction in the stock will be at a price that represents a change from the security's previous day's consolidated closing price of more than the "applicable price change," the DPM or OBO shall notify other participant markets by sending a pre-opening notification through ITS. *See* ITS Plan, Section 7(a) and Exhibit A. *See also infra* note 5.

The pre-opening rule also applies whenever an "indication of interest" is sent to the CTA plan processor prior to the reopening of trading of an ITS security following a trading halt, even if the anticipated price is not greater than the applicable price change. *See* ITS Plan, Section 7(a) and Exhibit A. *See also* Securities Exchange Act Release No. 27472 (November 24, 1989), 54 FR 49829.

[5] The ITS rules define "applicable price changes" as:

Security	Consolidated closing price	Applicable price change (more than)
Network A	Under $15	⅛ point.
	$15 or over *	¼ point.
Network B	Under $5	⅛ point.
	$5 or over	¼ point.

* If the previous day's consolidated closing price of a Network A eligible security exceeded $100 and the security does not underlie an individual stock option contract listed and currently trading on a national securities exchange, the applicable price change is one point.

ITS Plan, Section 7(a) and Exhibit A, Section (b)(i)(A)(1).

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary

[FR Doc. 93–4237 Filed 2–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31879; File No. SR–MSE–93–02]

Self-Regulatory Organizations; Notice of Proposed Rule Change by the Midwest Stock Exchange, Inc., Relating to its Pre-Opening Application Rule

February 17, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 11, 1993, the Midwest Stock Exchange, Inc. ("MSE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the MSE. The purpose of the proposal is to conform the MSE's pre-opening application rules with the ITS pre-opening application rules. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend Article XX, Rule 39(c)(vi)(B) regarding the pre-opening application in the Intermarket Trading System ("ITS").[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the MSE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The MSE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to conform the MSE's pre-opening application rule, Article XX, Rule 39(c)(vi)(B),[2] with the ITS pre-opening application rule. Recently, the ITS proposed amendments to its pre-opening application rule.[3] The MSE's proposal would adopt the model ITS rule as proposed by the ITS.

The proposed rule change would amend the MSE's pre-opening rule to clarify the use of a cancellation notification (designated as "CXL") sent after a pre-opening notification.[4] Under the proposed rule change, a cancellation notification will have the effect of indicating that the security will open within the applicable price change, including the price range contained in the original pre-opening notification.[5]

The proposed rule change applies to the situation where a specialist has sent a cancellation notification following the initial pre-opening notification, and subsequently receives additional orders indicating the security will open within the price range of the original pre-opening notification. Under the current pre-opening rule, a cancellation notification represents that the specialist will open the security within the applicable price change, but outside the price range of the original pre-opening application.

For example, a specialist sends out a pre-opening notification of 30–30½ for a stock that closed at 30. Subsequent to sending out the notification, the specialist receives sell orders indicating that the stock will be opened at 29⅞. The specialist then sends out a cancellation notification—which, by definition, means that the stock will open at 29¾ or 29⅞. The specialist then receives more buy orders and opens the stock at 30, which is outside the 29¾ or 29⅞ prices. The pre-opening rule does not currently address this situation.

As revised, the CXL notification procedure would operate as follows:

The CTA close in a stock is 30. A pre-opening notification is sent with any one of the following price ranges: 30–30½; 30⅛–30⅝; or, 30¼–30¾. It is then determined that the stock will open at 29¾ or 29⅞ and the specialist sends a cancellation notification. If it is subsequently determined that stock will open at 30, 30⅛, or 30¼, under the proposed rule change the specialist would not be required to reindicate the stock. The proposed rule change would conform the pre-opening rule to commonly understood practice among the ITS participant markets.

The MSE believes that the proposed rule change is consistent with section 6(b) of the Act, and specifically, with section 6(b)(5). Section 6(b)(5) of the Act requires that the rules of an exchange be designed to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a National Market System. The MSE also believes that the proposed rule change is consistent with section

---

[1] The ITS is a National Market System ("NMS") plan approved by the Commission pursuant to Section 11A of the Act and Rule 11Aa3–2. The ITS was designed to facilitate intermarket trading in exchange-listed equity securities based on current quotation information emanating from the linked markets. Securities Exchange Act Release No. 19456 (January 27, 1983), 48 FR 4938.

Participants to the ITS Plan include the American Stock Exchange, Inc. ("AMEX"), the Boston Stock Exchange, Inc. ("BSE"), the Chicago Board Options Exchange ("CBOE"), the Cincinnati Stock Exchange, Inc. ("CSE"), the MSE, the National Association of Securities Dealers, Inc. ("NASD"), the New York Stock Exchange, Inc. ("NYSE"), the Pacific Stock Exchange, Inc. ("PSE"), and the Philadelphia Stock Exchange, Inc. ("PHLX").

[2] MSE Article XX, Rule 39 contains basic definitions pertaining to ITS, prescribes the transactions that may be effected through ITS and the pricing of commitments to trade, and specifies the procedures pertaining to the pre-opening application. The pre-opening application enables a MSE specialist who wishes to open his or her market in an ITS security to obtain any pre-opening interest in that security of other market-makers registered in that security in other participant markets.

[3] *See* Securities Exchange Act Release No. 31396 (November 2, 1992), 57 FR 53530.

[4] The pre-opening rule prescribes that if a MSE specialist anticipates that the opening transaction in the stock will be at a price that represents a change from the security's previous day's consolidated closing price of more than the "applicable price change," the specialist shall notify other participant markets by sending a pre-opening notification through ITS. *See* ITS Plan, Section 7(a) and Exhibit A. *See also infra* note 5.

The pre-opening rule also applies whenever an "indication of interest" is sent to the CTA plan processor prior to the reopening of trading of an ITS security following a trading halt, even if the anticipated price is not greater than the applicable price change. *See* ITS Plan, Section 7(a) and Exhibit A. *See also* Securities Exchange Act Release No. 27472 (November 24, 1989), 54 FR 49829.

[5] The ITS rules define "applicable price changes" as:

Security	Consolidated closing price	Applicable price change (more than)
Network A	Under $15	⅛ point.
	$15 or over*	¼ point.
Network B	Under $5	⅛ point.
	$5 or over	¼ point.

* If the previous day's consolidated closing price of a Network A eligible security exceeded $100 and the security does not underlie an individual stock option contract listed and currently trading on a national securities exchange, the applicable price change is one point.

ITS Plan, Section 7(a) and Exhibit A, Section (b)(i)(A)(1).

11A(a)(1)(D) of the Act which provides for the linking of all markets for qualified securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The MSE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the MSE consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the MSE. All submissions should refer to the file number in the caption above and should be submitted by March 17, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-4236 Filed 2-23-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-31888; File No. SR-MSRB-93-2]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to a Cover Sheet for the CDI Pilot System

February 17, 1993.

On January 12, 1993, the Municipal Securities Rulemaking Board ("Board" or "MSRB") filed with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change (File No. SR-MSRB-93-2), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), and Rule 19b-4 thereunder. The proposed rule change is described in Items I, II, and III below, which Items have been prepared by the Board. The Board has designated this proposal as one concerned solely with the administration of the self-regulatory organization under section 19(b)(3)(A) of the Act, which renders the form effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested people.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Board is filing herewith a proposed rule change to establish a form to be used as a cover sheet by submitters in the operation of the Board's Continuing Disclosure Information Pilot ("CDI Pilot" or "Pilot") system (hereafter referred to as "the proposed rule change").

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Board included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The texts of these statements may be examined at the places specified in Item IV below. The Board has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) On April 6, 1992, the Commission approved the CDI Pilot system for an 18-month period.[1] The system will function as part of the Board's MSIL system, and will accept and disseminate voluntary submissions of official disclosure notices relating to outstanding issues of municipal securities. The pilot system will accept only short submissions (one to three pages in length, or the equivalent in electronic form) by mail, facsimile, and computer modem. The system will use two methods of dissemination: (1) CDI that has been submitted to the system by mail or facsimile will be disseminated by facsimile transmission; and (2) CDI that has been submitted to the system electronically (*i.e.*, via computer modem) will be disseminated electronically. In addition, after the Board processes and transmits the disclosure notices to subscribers, it will make these documents available at its Public Access Facility ("PAF") in Alexandria, Virginia where any interested person may review the documents free of charge and copy the documents at $.20 per page (plus sales tax).

Before a trustee or issuer can begin submitting documents for dissemination through the CDI Pilot system, it is required to provide certain information to the Board. The Pilot system will keep this information in a "submitter file." To establish a submitter file, a trustee or issuer will provide: (i) Its name and address; (ii) the names and signatures of one or two persons who will be responsible for the documents sent to the system ("designated responsible persons"); and (iii) the telephone numbers that are to be used to communicate with the submitter. Submitters are responsible for notifying the Board of any changes in the submitter file information.

Upon creation of a submitter file, the Board will: (i) Provide the submitter with a submitter identification number, which identifies the trustee or issuer, and (ii) provide each designated responsible person for that submitter with one "personal identification number" ("PIN"). The Board will keep PINs confidential. Each designated

[1] Securities Exchange Act Release No. 30556.

responsible person will be responsible for the security of his or her PIN.

After a submitter file is established, a designated responsible person for that submitter will be able to submit CDI to the Pilot system. In order to facilitate submission and dissemination of the information via facsimile and mail, the Board has established a two-page "cover sheet" which requires that the submitter's incoming document be accompanied by the following information: (i) The authorized submitter's MSRB submitter identification number; (ii) the personal identification number ("PIN") for the designated responsible person; (iii) the name of the designated responsible person; (iv) the signature of the designated responsible person; (v) the issuer's name; (vi) the issuer's six-digit CUSIP number(s); (vii) a description of the disclosure document; (viii) the date of the disclosure document and the number of pages (excluding the cover); and (ix) the name of the authorized submitter.[2]

Before a document is accepted by the CDI Pilot system for dissemination, cover sheet items (i)–(iii) will be checked to ensure that the information matches the information in the submitter file. This procedure will help verify the authenticity of the document by ensuring that it is being received from a designated responsible person.[3] Before a document is disseminated through the system, the Board will delete the information contained on the first page of the cover sheet (items (i)–(iv)); this information will be used exclusively by the Board for its verification procedures, as described above. However, the second page of the cover sheet, with the remaining information, will be available to subscribers, as well as any member of the public through the Board's PAF.

The Board will operate the output side of the CDI Pilot system to ensure that the information is available to all interested parties who wish to subscribe to the service. As with all MSIL system services, this service will be available, on equal terms, to any party who requests the service.

(b) The Board has adopted the proposed rule change pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934 ("Act"), which provides that the Board's rules shall:

Be designated to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest.

In addition, Section 15B(b)(2)(I) authorizes the Board to adopt rules which provide for the operation and administration of the Board.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Use of the cover sheet will apply equally to all submitters to the CDI Pilot system.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Board has designated this proposal as one concerned solely with the administration of the self-regulatory organization under section 19(b)(3)(A) of the Act, which renders the form effective upon receipt of this filing by the Commission. At any time within 60 days of filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested people are invited to submit written data, views, and arguments concerning the foregoing. People making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the Board's principal offices. All submissions should refer to File No. SR–MSRB–93–2 and should be submitted by March 17, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4235 Filed 2–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31887; File No. SR–MSRB–93–1]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Subscription Fee for the CDI Pilot System

February 17, 1993.

On January 12, 1993, the Municipal Securities Rulemaking Board ("Board" or "MSRB") filed with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change (File No. SR–MSRB–93–1), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), and Rule 19b–4 thereunder. The proposed rule change is described in Items I, II, and III below, which Items have been prepared by the Board. The Board has designated this proposal as one establishing or changing a fee under section 19(b)(3)(A) of the Act, which renders the fee effective upon the Commission's receipt of this filing. The Commission is publishing this notice to solicit comments on the proposed rule change from interested people.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Board is filing herewith a proposed rule change to establish a fee relating to the operation of its Continuing Disclosure Information Pilot ("CDI Pilot" or "Pilot") system,[1] which will operate as part of the Municipal Securities Information Library™ ("MSIL"™) system.[2] The Board will

[2] For transmissions by modem, the submitter will be required to provide similar cover sheet information by modem.

[3] For documents transmitted by modem, these three items of information will be verified automatically by a computer program.

[1] The CDI Pilot system was approved in Securities Exchange Act Release No. 30556 (April 6, 1992). A full description of the system is contained in that approval order.

[2] The Municipal Securities Information Library System and the MSIL System are trademarks of the

Continued

VOL 58 ISS 35 FE 24 1993 UMI

charge $16,000 for an annual subscription to the CDI Pilot system and will charge to each subscriber the long-distance telephone charges incurred in transmitting disclosure information to that subscriber. The proposed fee is structured to defray part of the Board's costs associated with implementing and operating the Pilot system.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Board included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The texts of these statements may be examined at the places specified in Item IV below. The Board has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(A) On April 6, 1992, the Commission approved the CDI Pilot system for an 18-month period.[3] The system will function as part of the Board's MSIL system, and will accept and disseminate voluntary submissions of official disclosure notices relating to outstanding issues of municipal securities, i.e., continuing disclosure information. The CDI Pilot system will be implemented in phases. During its first phase of operation, the system will accept disclosure notices only from trustees. After this initial phase, the system also will accept disclosure notices from issuers.[4]

During the pilot period, the system will accept only short submissions (one to three pages in length, or the equivalent in electronic form) by mail, facsimile, and electronically by computer modem, using specific Pilot system submission procedures. The system will use two methods of dissemination to subscribers: (1) CDI that has been submitted to the system by mail or facsimile will be disseminated by facsimile transmission; and (2) CDI that has been submitted to the system electronically by computer modem will be disseminated electronically. In addition, after the Board processes and transmits the disclosure notices to subscribers, it will make these documents available at its Public Access Facility ("PAF") in Alexandria, Virginia where any interested person may review the documents free of charge and copy the documents at $.20 per page (plus sales tax).

While Board funds will be expended, at least initially, to implement and operate the Pilot system, the Board intends that user fees eventually will cover the operational costs of any permanent system. The Board, however, does not intend or expect to make a profit from the operation of the system. The Board believes that a $16,000 annual fee, plus actual long-distance telephone charges incurred in submitting information to a subscriber, represents a fair and reasonable subscription fee, based upon projected costs of the CDI Pilot system.

The Board is establishing the proposed fee to defray some of its costs associated with implementing and operating the Pilot system. This is consistent with the Commission's policy requiring that self-regulatory organizations' fees be based on expenses incurred in providing information to the public, i.e., cost-based.[5] The Board will review the MSIL system fees annually, and will file any new or modified fees with the Commission, pursuant to section 19(b)(1) of the Act.

In a prior filing with the Commission, the Board stated that it planned to charge a one-time set-up fee estimated at $2,000 per subscriber to cover costs associated with initiating services to an individual subscriber.[6] At this juncture, it is not technically feasible to properly allocate such a fee on this basis. Thus, the Board will not charge a set-up fee at this time, but will review this (and other) matters at the end of the pilot period.[7]

(b) The Board has adopted the proposed rule change pursuant to section 15B(b)(2(C) of the Securities Exchange Act of 1934 ("Act"), which provides that the Board's rules shall:

> Be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities; to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest.

The MSIL system is designed to increase the integrity and efficiency of the municipal securities market by, among other things, helping to ensure that the price charged for an issue in the secondary market reflects all available official information about that issue. The Board believes that the fee is fair and reasonable in light of the costs associated with disseminating continuing disclosure information via the CDI Pilot system. The Board also notes that all services provided by the MSIL system, including the CDI Pilot system, are available on fair and non-discriminatory terms to any interested person.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, since the fee will apply equally to all subscribers to the CDI Pilot system.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Board has designated this proposal as one establishing or changing a fee under section 19(b)(3)(A) of the Act, which renders the fee effective upon receipt of this filing by the Commission. At any time within 60 days of filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors,

---

Board. The MSIL system, which was approved in Securities Exchange Act Release No. 29298 (June 13, 1991), is a central facility through which information about municipal securities is collected, stored and disseminated.

[3] Securities Exchange Act Release No. 30556

[4] As noted in its prior filing, at the end of each phase of the Pilot, the Board will evaluate and address any technical, policy and cost issues which arise during that phase, prior to committing the Pilot system to greater capacity. The Board will report to the Commission on each phase after it is completed. In addition, the Board will report to the Commission at the end of the pilot period, and any changes or requests for permanent approval will be filed under SEC Rule 19b–4. See file No. SR–MSRB–90–4 Amendment No. 1 (Oct. 7, 1991), and Securities Exchange Act Release No. 30556 (April 8, 1992).

[5] See e.g., Securities Exchange Act Release No. 20874 (April 17, 1984) *aff'd, NASD* v. *SEC*, 801 F.2d 1415 (D.C. Cir 1986).

[6] See File No. SR–MSRB–90–4 Amendment No. 1 (October 7, 1991).

[7] In addition, the Board will not charge a fee for MSILMode (the software necessary for a submitter to submit notices electronically by modem to the Pilot system). The Board had contemplated a nominal charge for this software in an earlier filing. See File No. SR–MSRB–90–4 Amen lment No. 1 (October 7, 1991).

or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested people are invited to submit written data, views, and arguments concerning the foregoing. People making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the Board's principal offices. All submissions should refer to File No. SR–MSRB–93–1 and should be submitted by March 17, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4233 Filed 2–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31883; File No. SR–NASD–93–02]

February 17, 1993.

Self-Regulatory Organization; Notice of Proposed Rule Change by the National Association of Securities Dealers, Inc., Relating to the Pre-Opening Application in the Intermarket Trading System/Computer Assisted Execution System

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 28, 1993, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The purpose of the proposal is to conform the NASD's pre-opening application rule with the ITS pre-opening application rule. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing amendment to the pre-opening application and cancellation procedures in the NASD's Rules of Fair Practice and Procedures for the Intermarket Trading System/ Computer Assisted Execution System.[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the purposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to conform the NASD's ITS/ CAES Rules with the ITS pre-opening application rule.[2] Recently, the ITS proposed amendments to its pre-opening application rule.[3] The NASD's proposal would adopt the model ITS rule as proposed by the ITS.

The proposed rule change would amend the NASD's pre-opening rule to clarify the use of a cancellation notification (designated as "CXL") sent after a pre-opening notification.[4] Under the proposed rule change, a cancellation notification will have the effect of indicating that the security will open within the applicable price change, including the price range contained in the original pre-opening notification.[5]

The proposed rule change applies to the situation where a market maker has sent a cancellation notification following the initial pre-opening notification, and subsequently receives additional orders indicating the security will open within the price range of the original pre-opening notification. Under the current pre-opening rule, a cancellation notification represents that the market maker will open the security within the applicable price change, but outside the price range of the original pre-opening application.

For example, a maker maker sends out a pre-opening notification of 30–30½ for a stock that closed at 30. Subsequent to sending out the notification, the maker maker receives sell orders indicating that the stock will be opened at 29⅞. The maker maker then sends out a cancellation notification—which, by definition, means that the stock will open at 29¾ or 29⅞. The maker maker then receives more buy orders and opens the stock at 30, which is outside the 29¾ or 29⅞ prices. The pre-opening rule does not currently address this situation.

As revised, the CXL notification procedure would operate as follows:

---

[1] The ITS is a National Market System ("NMS") plan approved by the Commission pursuant to Section 11A of the Act and Rule 11Aa3–2. The ITS was designed to facilitate intermarket trading in exchange-listed equity securities based on current quotation information emanating from the linked markets. Securities Exchange Act Release No. 19456 (January 27, 1983), 48 FR 4938.

Participants to the ITS Plan include the American Stock Exchange, Inc. ("AMEX"), the Boston Stock Exchange, Inc. ("BSE"), the Chicago Board Options Exchange, Inc. ("CBOE"), the Cincinnati Stock Exchange, Inc. ("CSE"), the Midwest Stock Exchange, Inc. ("MSE"), the NASD, the New York Stock Exchange, Inc. ("NYSE"), the Pacific Stock Exchange, Inc. ("PSE"), and the Philadelphia Stock Exchange, Inc. ("PHLX").

[2] The NASD's ITS/CAES Rules and contain basic definitions pertaining to ITS, prescribes the transactions that may be effected through ITS and the pricing of commitments to trade, and specifies the procedures pertaining to the pre-opening application. The pre-opening application enables a NASD market marker who wishes to open his or her market in an ITS security to obtain any pre-opening interest in that security of other market-markers registered in that security in other participant markets.

[3] *See* Securities Exchange Act Release No. 31396 (November 2, 1992), 57 FR 53530.

[4] The pre-opening rule prescribes that if an NASD market maker anticipates that the opening transaction in the stock will be at a price that represents a change from the security's previous day's consolidated closing price of more than the "applicable price change," the market maker shall notify other participant markets by sending a pre-opening notification through ITS. *See* ITS Plan, Section 7(a) and Exhibit A. *See also infra* note 5.

The pre-opening rule also applies whenever an "indication of interest" is sent to the CTA plan processor prior to the reopening of trading of an ITS security following a trading halt, even if the anticipated price is not greater than the applicable price change. *See* ITS Plan, Section 7(a) and Exhibit A. *See also* Securities Exchange Act Release No. 27472 (November 24, 1989), 54 FR 49829.

[5] The ITS rules define "applicable price changes" as:

Security	Consolidated closing price	Applicable price change (more than)
Network A	Under $15	⅛ point.
	$15 or over*	¼ point.
Network B	Under $5	⅛ point.
	$5 or over	¼ point.

* If the previous day's consolidated closing price of a Network A eligible security exceeded $100 and the security does not underlie an individual stock option contract listed and currently trading on a national securities exchange, the applicable price change is one point.

ITS Plan, Section 7(a) and Exhibit A, Section (b)(i)(A)(1).

The CTA close in a stock is 30. A pre-opening notification is sent with any one of the following price ranges: 30–30½; 30⅛–30⅝; or, 30¼–30¾. It is then determined that the stock will open at 29¾ or 29⅞ and the maker maker sends a cancellation notification. If it is subsequently determined that stock will open at 30, 30⅛, or 30¼, under the proposed rule change the maker maker would not be required to reindicate the stock. The proposed rule change would conform the pre-opening rule to commonly understood practice among the ITS participant markets.

The NASD believes the proposed rule change is consistent with Section 15A(b)(6) of the Act. Section 15A(b)(6) requires that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade. The NASD believes that the amendment also is consistent with section 11A(a)(1)(D) of the Act which calls for the linking of all markets for qualified securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by March 17, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4240 Filed 2–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31880; File No. SR–NYSE–93–01]

Self-Regulatory Organizations; Notice of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Its Pre-Opening Application Rule

February 17, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 6, 1993, the New York Stock Exchange, Inc. ("NYSE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NYSE. The purpose of the proposal is to conform the NYSE's pre-opening application rule with the ITS pre-opening application rule. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend NYSE Rule 15 regarding the pre-opening application in the Intermarket Trading System ("ITS").[1]

[1] The ITS is a National Market System ("NMS") plan approved by the Commission pursuant to section 11A of the Act and Rule 11Aa3–2. The ITS was designed to facilitate intermarket trading in exchange-listed equity securities based on current quotation information emanating from the linked markets. Securities and Exchange Act Release No. 19456 (January 27, 1983), 48 FR 4938.

Participants to the ITS Plan include the American Stock Exchange, Inc. ("AMEX"), the Boston Stock Exchange, Inc. ("BSE"), the Chicago Board Options Exchange, Inc. ("CBOE"), the Cincinnati Stock Exchange, Inc. ("CSE"), the Midwest Stock Exchange, Inc. ("MSE"), the National Association of Securities Dealers, Inc. ("NASD"), the NYSE, the Pacific Stock Exchange, Inc. ("PSE"), and the Philadelphia Stock Exchange, ("PHLX").

[2] NYSE Rule 15 contains basic definitions pertaining to ITS, prescribes the transactions that may be effected through ITS and the pricing of commitments to trade, and specifies the procedures pertaining to the pre-opening application. The pre-opening application enables an NYSE specialist who wishes to open his or her market in an ITS security to obtain any pre-opening interest in that security of other market-markers registered in that security in other participant markets.

[3] *See* Securities Exchange Act Release No. 31398 (November 2, 1992), 57 FR 53530.

[4] The pre-opening rule prescribes that if an NYSE specialist anticipates that the opening transaction in the stock will be at a price that represents a change from the security's previous day's consolidated closing price of more than the "applicable price change," the specialist shall notify other participant markets by sending a pre-opening notification through ITS. *See* ITS Plan, Section 7(a) and Exhibit A. *See also infra* note 5.

The pre-opening rule also applies whenever an "indication of interest" is sent to the CTA plan processor prior to the reopening of trading of an ITS security following a trading halt, even if the anticipated price is not greater than the applicable price change. *See* ITS Plan, Section 7(a) and Exhibit A. *See also* Securities Exchange Act Release No. 27472 (November 24, 1989), 54 FR 49829.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the NYSE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NYSE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to conform the NYSE's pre-opening application rule, Rule 15,[2] with the ITS pre-opening application rule. Recently, the ITS proposed amendments to its pre-opening application rule.[3] The NYSE's proposal would adopt the model ITS rule as proposed by the ITS.

The proposed rule change would amend the NYSE's pre-opening rule to clarify the use of a cancellation notification (designated as "CXL") sent after a pre-opening notification.[4] Under the proposed rule change, a cancellation

notification will have the effect of indicating that the security will open within the applicable price change, including the price range contained in the original pre-opening notification.[5]

The proposed rule change applies to the situation where a specialist has sent a cancellation notification following the initial pre-opening notification, and subsequently receives additional orders indicating the security will open within the price range of the original pre-opening notification. Under the current pre-opening rule, a cancellation notification represents that the specialist will open the security within the applicable price change, but outside the price range of the original pre-opening application.

For example, a specialist sends out a pre-opening notification of 30–30½ for a stock that closed at 30. Subsequent to sending out the notification, the specialist receives sell orders indicating that the stock will be opened at 29⅞. The specialist then sends out a cancellation notification—which, by definition, means that the stock will open at 29¾ or 29⅞. The specialist then receives more buy orders and opens the stock at 30, which is outside the 29¾ or 29⅞ prices. The pre-opening rule does not currently address this situation.

As revised, the CXL notification procedure would operate as follows:

The CTA close in a stock is 30. A pre-opening notification is sent with any one of the following price ranges: 30–30½; 30⅛–30⅝; or, 30¼–30¾. It is then determined that the stock will open at 29¾ or 29⅞ and the specialist sends a cancellation notification. If it is subsequently determined that stock will open at 30, 30⅛, or 30¼, under the proposed rule change the specialist would not be required to reindicate the stock. The proposed rule change would conform the pre-opening rule to commonly understood practice among the ITS participant markets.

The NYSE believes that the proposed rule change is consistent with section 6(b) of the Act, and specifically, with section 6(b)(5). Section 6(b)(5) of the Act requires that the rules of an exchange be designed to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a National Market System. The NYSE also believes that the proposed rule change is consistent with section 11A(a)(1)(D) of the Act which provides for the linking of all markets for qualified securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NYSE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NYSE consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to the file number in the caption above and should be submitted by March 17, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4246 Filed 2–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31870; File No. SR–NYSE–92–29]

Self-Regulatory Organizations; New York Stock Exchange; Order Approving Proposed Rule Change Relating to Requirements for the Printing and Engraving of Bond Certificates

February 17, 1993

On October 6, 1992, the New York Stock Exchange ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change (File No. SR–NYSE–92–29) pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] The proposed rule change will amend the Exchange's requirements relating to the printing and engraving of bond certificates. The Commission published notice of the proposed rule change in the **Federal Register** on December 1, 1992.[2] No comments were received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

The proposed rule change consists of amendments relating to the printing and engraving of bond certificates. Specifically, the Exchange will amend its requirements relating to the printing and engraving of bond certificates by substantially adopting the American National Standard for Fully Registered Municipal Bonds X9.12–1991, (the "American National Standard").[3] In addition, the Exchange, through the proposed rule change, will re-organize its printing and engraving requirements (i.e., Subsection 502 of its Listed Company Manual) for all types of securities.

---

[5] The ITS rules define "applicable price changes" as:

Security	Consolidated closing price	Applicable price change (more than)
Network A	Under $15	⅛ point.
	$15 or over*	¼ point.

* If the previous day's consolidated closing price of a Network A eligible security exceeded $100 and the security does not underlie an individual stock option contract listed and currently trading on a national securities exchange, the applicable price change is one point.

ITS Plan, Section 7(a) and Exhibit A, Section (b)(i)(A)(1).

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 31494 (November 20, 1992), 57 FR 56940.

[3] The Exchange is not proposing to change printing and engraving standards applicable to equity securities.

VOL 58 ISS 35 FE 24 1993 UMI

A. Background

The Exchange's existing requirements for the printing and engraving of bond certificates were established when bond transactions were settled physically and have not been updated since the widespread adoption of book-entry settlement procedures. For this reason, the Exchange believed that their requirements no longer reflected industry norms and discouraged issuers from listing their bonds on the Exchange, thus denying investors the benefits of having their bonds trade on the Exchange. The Exchange, therefore, undertook a review of current industry standards relating to bond certificates with a view towards revising existing standards to conform to current industry norms. As a part of the review, the Exchange examined the American National Standard written by the Accredited Standards Committee X9 on Financial Services (the "Committee").

The Committee is a forum for the financial services industry to bring together banks, suppliers, vendors, regulators, associations, retailers, and others to address technical problems, to find solutions and to codify them as nationally accepted standards for the financial services industry. The Committee was founded in 1976, and accredited as a standards developer in 1984 by the American National Standards Institute ("ANSI"). ANSI is a voluntary federation which manages and coordinates the development of voluntary standards within the United States. It accredits committees to develop nationally accepted standards based on consensus procedures. The American Bankers Association is the Secretariat for the Committee, providing administrative and support services. It also copyrights and publishes all standards produced by the Committee.

B. Printing and Engraving Requirements of Bond Certificates

The American National Standard closely resembles the requirements which bank note companies have generally applied in engraving corporate bond certificates. The American National Standard was adopted by ANSI in response to concerns that registered municipal bonds were being counterfeited and then used as collateral for loans. The American National Standard requires border areas on municipal bonds to be fully engraved through a raised design procedure called the intaglio method. The process gives the border design a three dimensional texture that is difficult to duplicate and is designed to impede potential counterfeiters of bond certificates.

To assure continued Exchange review of the adequacy of the American National Standard, the Exchange is proposing to adopt the American National Standard only in the form it takes as of the date of this filing, that is, the American National Standard as adopted on February 20, 1991. If and when ANSI accepts any changes to the standard, the Exchange will review those changes and determine whether to file a proposed rule change endorsing any revisions to the American National Standard.

In view of the fact that the American National Standard pertains to registered municipal securities, the Exchange has determined to require only substantial compliance with the standard in order to provide the necessary flexibility in applying the requirements of the American National Standard. While the Exchange cannot anticipate all of the areas in which it might need to exercise this flexibility, one example involves "border" engraving. Specifically, the American National Standard requires certificate border engravings to occupy at least fifteen square inches and three sides of the certificate. The Exchange contemplates that it will characterize a certificate as in substantial compliance if it occupies fifteen square inches but fewer than three sides. While the three border requirement might be the standard used in connection with municipal securities, it is not the uniform practice for corporate bond certificates.

In addition to having to substantially comply with the American National Standard, a bond certificate must also comply with (1) certain of the Exchange's existing requirements relating to (a) denominating principal amounts on the face of bonds and (b) intaglio engraving in the counters and throat areas,[4] which requirements the American National Standard does not address, and (2) the appropriate certificate requirements of The Depository Trust Company ("DTC") so as to ensure that the bond remains eligible for settlement through DTC. For bonds issued prior to the effective date of the proposed rule change, the Exchange will strongly recommend, but not require, compliance with the intaglio engraving requirement.

C. Reorganization of Printing and Engraving Requirements

The revisions to the Exchange's bond certificate standards also necessitate a reorganization of Subsection 502.00 of its Listed Company Manual relating to printing and engraving requirements to allow the Subsection to read in a more logical manner. The revised organization divides the certificate requirements into five categories. The categories represent the requirements that apply to: (1) All certificates (Paragraph 502.00); (2) all equity securities (Paragraph 502.01); (3) stock certificates (Paragraph 502.02); (4) warrants (Paragraph 502.03); and (5) bonds (Paragraph 502.04).

II. Discussion

The Commission believes that the Exchange's proposed rule change is consistent with the Act and in particular with section 6(b)(5) of the Act. Section 6(b)(5) requires that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

By revising existing standards to conform to industry practice through the adoption of the American National Standard, the Exchange's requirements for the printing and engraving of bond certificates will more closely reflect current industry practice. Several depositories already have adopted the standards developed by ANSI relating to certificate format in connection with the eligibility of an issue for depository services.[5] The Commission, therefore, believes the proposed rule change is designed to foster cooperation and coordination with persons engaged in regulating and clearing and settling securities transactions as required by section 6(b)(5) of the Act.

The Commission believes that the Exchange's proposed rule change also will help deter and prevent would-be counterfeiters of bond certificates. The American National Standard was adopted in response to concerns that bond certificates were being

[4] The "counter" area is the area on the certificate face where the dollar amount (par value) of the certificate is imprinted in numerical form. The "counter" area is usually located in the upper one-third of the certificate. The "throat" area is the area on the certificate face where the name or names of the registered holder(s) and the par value of the certificate is imprinted, usually with the numbers expressed as words.

[5] For example, under DTC's operational arrangements necessary for an issue to become eligible for DTC services, the certificate format for registered certificates (excluding those for book-entry-only issues) must comply with general ANSI standards. See DTC Operational Arrangements Booklet (Eligibility, Certificate Format).

counterfeited and then used as collateral for loans. By requiring bond certificates to be engraved through the intaglio method, the proposed rule change will make it more difficult to duplicate certificate border engravings and will facilitate the detection of fraudulent registered issues. Accordingly, the Commission believes that the proposed rule change is consistent with the requirement of section 6(b)(5) of the Act in that it prevents fraudulent and manipulative acts and practices and, in general, protects investors and the public interest by providing adequate investor protection against the production and use of fraudulent bond certificates.

The Exchange also has established several requirements under the proposed rule change to ensure that the adequacy of the American National Standard is continually reviewed and that the American National Standard is not the sole method by which the printing and engraving of bond certificates is regulated. For example, the Exchange is proposing to adopt the American National Standard only in the form it takes as of the date of this filing, that is, the American National Standard as adopted on February 20, 1991. If ANSI accepts any changes to the standard, the Exchange will not automatically adopt those changes but will first review them and determine whether to file a proposed rule change endorsing the revision. This will ensure the continued adequacy of the American National Standard for use by the Exchange. In addition, a bond certificate must also comply with certain existing Exchange requirements relating to the printing and engraving of bond certificates which the American National Standard does not address as well as the certificate requirements of DTC to ensure that the bond remains eligible for settlement through DTC. Accordingly, the Commission believes that the safeguards and controls the Exchange has established under the proposed rule change are consistent with the requirement of section 6(b)(5) of the Act in that it removes impediments to and perfects the mechanism of a free and open market and a national market system and, in general, protects investors and the public interest.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the Act, and in particular with section 6(b)(5) of the Act, and with the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[6] that the proposed rule change (File No. SR–NYSE–92–29) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4234 Filed 2–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31885; File No. SR–PSE–92–43]

Self-Regulatory Organizations; Notice of Proposed Rule Change by the Pacific Stock Exchange, Inc., Relating to Its Pre-Opening Application Rule

February 17, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 16, 1992, the Pacific Stock Exchange, Inc. ("PSE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the PSE. The purpose of the proposal is to conform the PSE's pre-opening application rule with the ITS pre-opening application rule. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend PSE Rule 5.20 regarding the pre-opening application in the Intermarket Trading System ("ITS").[1]

[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200 30–3(a)(12).

[1] The ITS is a National Market System ("NMS") plan approved by the Commission pursuant to section 11A of the Act and Rule 11Aa3–2. The ITS was designed to facilitate intermarket trading in exchange-listed equity securities based on current quotation information emanating from the linked markets. Securities Exchange Act Release No. 19456 (January 27, 1983), 48 FR 4938.

Participants to the ITS Plan include the American Stock Exchange, Inc. ("AMEX"), the Boston Stock Exchange, Inc. ("BSE"), the Chicago Board Options Exchange, Inc. ("CBOE"), the Cincinnati Stock Exchange, Inc. ("CSE"), the Midwest Stock Exchange, Inc. ("MSE"), the National Association of Securities Dealers, Inc. ("NASD"), the New York Stock Exchange, Inc. ("NYSE"), the PSE, and the Philadelphia Stock Exchange, Inc. ("PHLX").

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the PSE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PSE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to conform the PSE's pre-opening application rule, Rule 5.20,[2] with the ITS pre-opening application rule. Recently, the ITS proposed amendments to its pre-opening application rule.[3] The PSE's proposal would adopt the model ITS rule as proposed by the ITS.

The proposed rule change would amend the PSE's pre-opening rule to clarify the use of a cancellation notification (designated as "CXL") sent after a pre-opening notification.[4] Under The proposed rule change, a cancellation notification will have the effect of indicating that the security will open within the applicable price change, including the price range contained in the original pre-opening notification.[5]

[2] PSE Rule 5.20 contains basic definitions pertaining to ITS, prescribes the transactions that may be effected through ITS and the pricing of commitments to trade, and specifies the procedures pertaining to the pre-opening application. The pre-opening application enables a PSE specialist who wishes to open his or her market in an ITS security to obtain any pre-opening interest in that security of other market-makers registered in that security in other participant markets.

[3] *See* Securities Exchange Act Release No. 31396 (November 2, 1992), 57 FR 53530

[4] The pre-opening rule prescribes that if a PSE specialist anticipates that the opening transaction in the stock will be at a price that represents a change from the security's previous day's consolidated closing price of more than the "applicable price change," the specialist shall notify other participant markets by sending a pre-opening notification through ITS. *See* ITS Plan, section 7(a) and Exhibit A. *See also infra* note 5.

The pre-opening rule also applies whenever an "indication of interest" is sent to the CTA plan processor prior to the reopening of trading of an ITS security following a trading halt, even if the anticipated price is not greater than the applicable price change. *See* ITS Plan, section 7(a) and Exhibit A. *See also* Securities Exchange Act Release No. 27472 (November 24, 1989), 54 FR 49829

[5] The ITS rules define "applicable price changes" as.

Continued

VOL 58 ISS 35 FE 24 1993 UMI

The proposed rule change applies to the situation where a specialist has sent a cancellation notification following the initial pre-opening notification, and subsequently receives additional orders indicating the security will open within the price range of the original pre-opening notification. Under the current pre-opening rule, a cancellation notification represents that the specialist will open the security within the applicable price change, but outside the price range of the original pre-opening application.

For example, a specialist sends out a pre-opening notification of 30–30½ for a stock that closed at 30. Subsequent to sending out the notification, the specialist receives sell orders indicating that the stock will be opened at 29⅞. The specialist then sends out a cancellation notification—which, by definition, means that the stock will open at 29¾ or 29⅞. The specialist then receives more buy orders and opens the stock at 30, which is outside the 29¾ or 29⅞ prices. The pre-opening rule does not currently address this situation.

As revised, the CXL notification procedure would operate as follows:

The CTA close in a stock is 30. A pre-opening notification is sent with any one of the following price ranges: 30–30½; 30⅛–30⅝; or, 30¼–30¾. It is then determined that the stock will open at 29¾ or 29⅞ and the specialist sends a cancellation notification. If it is subsequently determined that stock will open at 30, 30⅛, or 30¼, under the proposed rule change the specialist would not be required to reindicate the stock. The proposed rule change would conform the pre-opening rule to commonly understood practice among the ITS participant markets.

The PSE believes that the proposed rule change is consistent with section 6(b) of the Act, and specifically, with section 6(b)(5). Section 6(b)(5) of the Act requires that the rules of an exchange be designed to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a National Market System. The PSE also believes that the proposed rule change is consistent with section 11A(a)(1)(D) of the Act which provides for the linking of all markets for qualified securities.

Security	Consolidated closing price	Applicable price change (more than)
Network A	Under $15	⅛ point.
	$15 or over*	¼ point.
Network B	Under $5	⅛ point.
	$5 or over	¼ point.

*If the previous day's consolidated closing price of a Network A eligible security exceeded $100 and the security does not underlie an individual stock option contract listed and currently trading on a national securities exchange, the applicable price change is one point.

ITS Plan, section 7(a) and Exhibit A, section (b)(i)(A)(1).

B. Self-Regulatory Organization's Statement on Burden on Competition

The PSE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the PSE consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the PSE. All submissions should refer to the file number in the caption above and should be submitted by March 17, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4239 Filed 2–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31881; File No. SR–PHLX–92–32]

Self-Regulatory Organizations; Notice of Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Its Pre-Opening Application Rule

February 17, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 13, 1992, the Philadelphia Stock Exchange, Inc. ("PHLX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the PHLX. The purpose of the proposal is to conform the PHLX's pre-opening application rule with the ITS pre-opening application rule. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Subetance of the Proposed Rule Change

The proposed rule change would amend PHLX Rule 2001 regarding the pre-opening application in the Intermarket Trading System ("ITS").[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the PHLX included statements concerning the purpose of and basis for the proposed rule change and discussed any

[1] The ITS is a National Market System ("NMS") plan approved by the Commission pursuant to section 11A of the Act and Rule 11Aa3–2. The ITS was designed to facilitate intermarket trading in exchange-listed equity securities based on current quotation information emanating from the linked markets. Securities Exchange Act Release No. 19456 (January 27, 1983), 48 FR 4938.

Participants to the ITS Plan include the American Stock Exchange, Inc. ("AMEX"), the Boston Stock Exchange, Inc. ("BSE"), the Chicago Board Options Exchange, Inc. ("CBOE"), the Cincinnati Stock Exchange, Inc. ("CSE"), the Midwest Stock Exchange, Inc. ("MSE"), the National Association of Securities Dealers, Inc. ("NASD"), the New York Stock Exchange, Inc. ("NYSE"), the Pacific Stock Exchange, Inc. ("PSE"), and the PHLX.

proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PHLX has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to conform the PHLX's pre-opening application rule, Rule 2001,[2] with the ITS pre-opening application rule. Recently, the ITS proposed amendments to its pre-opening application rule.[3] The PHLX's proposal would adopt the model ITS rule as proposed by the ITS.

The proposed rule change would amend the PHLX's pre-opening rule to clarify the use of a cancellation notification (designated as "CXL") sent after a pre-opening notification.[4] Under the proposed rule change, a cancellation notification will have the effect of indicating that the security will open within the applicable price change, including the price range contained in the original pre-opening notification.[5]

The proposed rule change applies to the situation where a specialist has sent a cancellation notification following the initial pre-opening notification, and subsequently receives additional orders indicating the security will open within the price range of the original pre-opening notification. Under the current pre-opening rule, a cancellation notification represents that the specialist will open the security within the applicable price change, but outside the price range of the original pre-opening application.

For example, a specialist sends out a pre-opening notification of 30–30½ for a stock that closed at 30. Subsequent to sending out the notification, the specialist receives sell orders indicating that the stock will be opened at 29⅞. The specialist then sends out a cancellation notification—which, by definition, means that the stock will open at 29¾ or 29⅞. The specialist then receives more buy orders and opens the stock at 30, which is outside the 29¾ or 29⅞ prices. The pre-opening rule does not currently address this situation.

As revised, the CXL notification procedure would operate as follows:

The CTA close in a stock is 30. A pre-opening notification is sent with any one of the following price ranges: 30–30½; 30⅛–30⅝; or, 30¼–30¾. It is then determined that the stock will open at 29¾ or 29⅞ and the specialist sends a cancellation notification. If it is subsequently determined that stock will open at 30, 30⅛, or 30¼, under the proposed rule change the specialist would not be required to reindicate the stock. The proposed rule change would conform the pre-opening rule to commonly understood practice among the ITS participant markets.

The PHLX believes that the proposed rule change is consistent with section 6(b) of the Act, and specifically, with section 6(b)(5). Section 6(b)(5) of the Act requires that the rules of an exchange be designed to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a National Market System. The PHLX also believes that the proposed rule change is consistent with section 11A(a)(1)(D) of the Act which provides for the linking of all markets for qualified securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the PHLX consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the PHLX. All submissions should refer to the file number in the caption above and should be submitted by March 17, 1993.

---

[2] PHLX Rule 2001 contains basic definitions pertaining to ITS, prescribes the transactions that may be effected through ITS and the pricing of commitments to trade, and specifies the procedures pertaining to the pre-opening application. The pre-opening application enables a PHLX specialist who wishes to open his or her market in an ITS security to obtain any pre-opening interest in that security of other market-markers registered in that security in other participant markets.

[3] *See* Securities Exchange Act Release No. 31396 (November 2, 1992), 57 FR 53530.

[4] The pre-opening rule prescribes that if a PHLX specialist anticipates that the opening transaction in the stock will be at a price that represents a change from the security's previous day's consolidated closing price of more than the "applicable price change," the specialist shall notify other participant markets by sending a pre-opening notification through ITS. *See* ITS Plan, Section 7(a) and Exhibit A. *See also infra* note 5.

The pre-opening rule also applies whenever an "indication of interest" is sent to the CTA plan processor prior to the reopening of trading of an ITS security following a trading halt, even if the anticipated price is not greater than the applicable price change. *See* ITS Plan, section 7(a) and Exhibit A. *See also* Securities Exchange Act Release No. 27472 (November 24, 1989), 54 FR 49829.

[5] The ITS rules define "applicable price changes" as:

Security	Consolidated closing price	Applicable price change (more than)
Network A	Under $15	⅛ point.
	$15 or over*	¼ point.
Network B	Under $5	⅛ point.
	$5 or over	¼ point.

* If the previous day's consolidated closing price of a Network A eligible security exceeded $100 and the security does not underlie an individual stock option contract listed and currently trading on a national securities exchange, the applicable price change is one point.

ITS Plan, section 7(a) and Exhibit A, section (b)(i)(A)(1).

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4243 Filed 2–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19266; 812–8252]

MFS Lifetime Gold & Natural Resources Fund, et al.; Notice of Application

February 16, 1993.

AGENCY: Securities and Exchange Commission (the "Commission").

ACTION: Notice of application for amendment to prior orders for exemption under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: MFS Lifetime Gold & Natural Resources Fund, MFS Lifetime Intermediate Income Fund, MFS Lifetime Municipal Bond Fund, MFS Lifetime Money Market Fund, MFS Lifetime Government Income Plus Fund, MFS Lifetime High Income Fund, MFS Lifetime Capital Growth Fund, MFS Lifetime Emerging Growth Fund, MFS Lifetime Managed Sectors Fund, MFS Lifetime Worldwide Equity Fund, MFS Lifetime Government Securities Fund, MFS Lifetime Total Return Fund, and MFS Financial Services, Inc. ("FSI"), distributor for each of the above-mentioned investment companies, on their own behalf (including any series thereof) and on behalf of any future registered investment company whose shares may be distributed as part of the MFS Lifetime Investment Program. Each of the twelve investment companies (including any series thereof) in the MFS Lifetime Investment Program (and, where appropriate in the context, any investment company whose shares may in the future be distributed as part of the MFS Lifetime Investment Program) may be referred to herein individually as a "Fund" and collectively as the "Funds."

RELEVANT 1940 ACT SECTIONS: Exemption requested under section 6(c) from the provisions of sections 2(a)(32), 2(a)(35), 22(c), and 22(d) of the 1940 Act and rule 22c–1 thereunder.

SUMMARY OF APPLICATION: Applicants seek an order amending prior orders that permitted applicants to assess a contingent deferred sales charge ("CDSC") on certain redemptions of Fund shares and to waive the CDSC for certain specified types of redemptions. The order would permit applicants to waive the contingent deferred sales charge for two additional types of redemptions.

FILING DATE: The application was filed on January 19, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 15, 1993, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Applicants, c/o Stephen E. Cavan, Esq., Massachusetts Financial Services Company, 500 Boylston Street, Boston, Massachusetts 02116.

FOR FURTHER INFORMATION CONTACT: Fran Pollack-Matz, Senior Attorney at (202) 504–2801 or Nancy M. Rappa, Branch Chief at (202) 272–3030 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. Each Fund is an open-end management investment company registered under the 1940 Act organized as a business trust under the laws of the Commonwealth of Massachusetts.

2. The investment adviser of each Fund is Lifetime Advisers, Inc. ("LAI"), a Delaware corporation. FSI, a Delaware corporation, is the distributor of each Fund. LAI and FSI each is a subsidiary of Massachusetts Financial Services Company ("MFS"), a Delaware corporation. MFS is a subsidiary of Sun Life Assurance Company of Canada (U.S.), which in turn is a subsidiary of Sun Life Assurance Company of Canada.

3. Each Fund offers its shares for sale subject to a CDSC in an amount not to exceed 6% (or, in the case of shares sold on or after January 1, 1993, 5%) of the aggregate purchase made by an investor. See Investment Company Act Release Nos. 15555 (January 28, 1987), 16529 (August 17, 1988), and 18607 (March 11, 1992) (orders), ("Prior Orders").

4. The amount of the CDSC, if any, will be determined by the number of calendar years since the investor first purchased the shares to be redeemed. No CDSC is imposed on exchanges of shares of a Fund for shares of any other Fund. The CDSC is imposed on redemptions of shares provided that a dealer commission was paid in connection with the purchase of such shares.

5. Pursuant to the Prior Orders, a CDSC is waived upon the death of an investor, provided the account is held solely in the deceased individual's name or, in case of an individual retirement account ("IRA"), solely for the benefit of the deceased individual. In addition, pursuant to the Prior Orders, a CDSC may be waived in connection with the following transactions: (a) Distributions from a trust upon the death of a beneficiary; (b) distributions to a beneficiary from a retirement plan qualified under section 403(b) of the Internal Revenue Code of 1986, as amended, due to death, disability, or attainment of age 70½; (c) distributions to a beneficiary from any type of retirement plan due to death, disability, or attainment of age 70½ of a plan participant; (d) redemptions of shares of a Fund acquired as the result of a reinvestment of the proceeds of a redemption of shares of a fund in the MFS Family of Funds (an "MFS Fund") (except those not subject to a front-end sales load or those subject to a CDSC) where such reinvestment occurred within such number of days of the redemption of such shares of the MFS Fund as may be specified, from time to time, in the applicable MFS Fund prospectus; and (e) redemptions of shares acquired as the result of the investment of distributions from one Fund into shares of another Fund. The Prior Orders also permit FSI to provide a credit for any CDSC paid by a redeeming shareholder in connection with a redemption of shares of a Fund followed by a reinvestment in any Fund effected within such number of days of the redemption as may be specified, from time to time, in each Fund's prospectus.

6. Applicants request amendment of the Prior Orders to continue to permit the imposition and waiver of the CDSC as provided in the Prior Orders, and to permit the waiver of the CDSC in connection with: (i) Redemptions of shares of a Fund following the disability, as defined in section 72(m)(7) of the Internal Revenue Code of 1986, as amended, of a shareholder; and (ii) redemptions of shares of a Fund

pursuant to a Fund's systematic withdrawal plan.

Applicants' Legal Analysis

1. The Prior Orders granted an exemption from the definition of redeemable security in section 2(a)(32) of the 1940 Act, the definition of sales load in section 2(a)(35), and the pricing provisions of section 22(c) and rule 22c–1 so that applicants could impose a CDSC.

2. The Prior Orders also granted an exemption from section 22(d) of the 1940 Act to permit certain waivers of the CDSC. Section 22(d) requires a registered investment company, principal underwriter or dealer in redeemable securities to sell those securities only at a current public offering price described in the company's prospectus. Subject to certain conditions, rule 22d–1 provides an exemption from section 22(d) allowing investment companies to charge different front-end sales loads to different classes of investors. Applicants now request an amendment extending the Prior Orders so that the Funds may offer the CDSC waivers described above.

3. Applicants believe that the proposed waivers are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the 1940 Act. The waivers of the CDSC will not harm the Funds or their shareholders, nor unfairly discriminate amount shareholders or purchasers.

Applicants' Conditions

If the requested order is granted:

1. Applicants will comply with the provisions of proposed rule 6c–10 under the 1940 Act, as it currently exists and as it may be modified or adopted in the future.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4245 Filed 2–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19267; 811–1416]

Neuwirth Fund, Inc.; Application for Deregistration

February 17, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Neuwirth Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application on Form N–8F was filed on October 30, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 15, 1993, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 140 Broadway, New York, New York 10005.

FOR FURTHER INFORMATION CONTACT: Felicia H. Kung, Senior Attorney, at (202) 504–2803, or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a Delaware corporation registered as an open-end diversified management investment company under the Act. On August 10, 1966, applicant filed a notification of registration on Form N–8A. On the same date, applicant filed a registration statement under the Securities Act of 1933 and section 8(b) of the Act. Applicant's registration statement was declared effective on February 8, 1967, and its initial public offering commenced that day.

2. At a meeting held on February 12, 1992, applicant's board of directors unanimously approved an agreement and plan of reorganization ("Reorganization Plan") between applicant and Winthrop Focus Funds ("Winthrop"), a registered open-end diversified management investment company (File No. 811–4604), on behalf of its Aggressive Growth Fund series. On the same date, applicant's board of directors also approved a plan of liquidation and dissolution ("Liquidation Plan").

3. Applicant mailed to its shareholders a proxy statement, dated April 21, 1992, relating to the proposed reorganization. At a special meeting held on June 15, 1992, applicant's shareholders approved the Reorganization Plan and the Liquidation Plan.

4. As of July 10, 1992, applicant had outstanding 2,646,045.55 shares of common stock, each share with a net asset value of $12.91. Effective at the close of business on that date, all of applicant's assets and liabilities were transferred to the Aggressive Growth Fund in exchange for full and fractional shares of the Aggressive Growth Fund having an aggregate net asset value equal to applicant's aggregate net asset value. Following the transfer, Winthrop registered each of applicant's record shareholders' *pro rata* interest in the Aggressive Growth Fund to effect the distribution of the Aggressive Growth Fund shares to such shareholders.

5. All expenses in connection with the reorganization, including the costs of preparing and printing proxy materials and the solicitation of stockholder proxies, will be borne by Wood, Struthers & Winthrop Management Corp., investment adviser to applicant and Winthrop, or an affiliate thereof.

6. At the time of the application, applicant had no shareholders, assets or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

7. Applicant will be dissolved pursuant to the Liquidation Plan. Applicant intends to file a Certificate of Dissolution with the Secretary of State of Delaware and a Certificate of Surrender of Authority with the New York Department of State.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4244 Filed 2–23–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–19271; File No. 812–8116]

PFL Life Insurance Company et al.

February 17, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

VOL
58
ISS
35
FE
24
1993
UMI

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: PFL Life Insurance Company ("PFL Life") and PFL Endeavor Variable Annuity Account of PFL Life Insurance Company (the "Mutual Fund Account").

RELEVANT 1940 ACT SECTION: Order requested under section 26(b).

SUMMARY OF APPLICATION: Applicants seek an order to permit the Mutual Fund Account to substitute shares of the Global Growth Portfolio of the Endeavor Series Trust (the "Series Fund") for shares of the Global Managed Asset Allocation Portfolio of the Series Fund.

FILING DATES: The application was filed on October 13, 1992 and amended on January 21, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 15, 1993, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. PFL Life Insurance Company, 4333 Edgewood Road, N.E., Cedar Rapids, Iowa 52499.

FOR FURTHER INFORMATION CONTACT: C. Christopher Sprague, Senior Counsel, at (202) 504–2802, or Michael V. Wible, Special Counsel, at (202) 272–2060, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. PFL Life is a stock life insurance company incorporated in Iowa that is principally engaged in the sale of life insurance and annuity policies. PFL Life is licensed to operate in every state (except New York), the District of Columbia, and Guam.

2. The Mutual Fund Account was established in 1990 by PFL Life as a separate investment account under Iowa law to fund flexible premium variable annuity policies (the "Policies"). The Mutual Fund Account is registered as a unit investment trust under the 1940 Act, and consists of five "Subaccounts," four of which invest exclusively in a corresponding portfolio of the Series Fund. The fifth Subaccount invests exclusively in shares of the Growth Portfolio of WRL Series Fund, Inc. Income, gains, and losses incurred on the assets of a particular Subaccount, whether or not realized, are credited to or charged against that Subaccount without regard to other income, gains or losses of any other Account or Subaccount of PFL Life. In addition, the assets of the Mutual Fund Account are held separately from the other assets of PFL Life, and are not chargeable with liabilities arising out of any other business that PFL Life may conduct.

3. The Series Fund, a diversified, open-end management investment company, consists of four portfolios: The Domestic Managed Asset Allocation Portfolio, the Domestic Money Market Portfolio, the Global Managed Asset Allocation Portfolio, and the Global Growth Portfolio (collectively, the "Portfolios"). Series Fund shares are sold only to registered separate accounts of PFL Life that offer variable annuity and variable life products. Endeavor Management Co. served as the Series Fund's manager until November 23, 1992, when it was replaced by Endeavor Investment Advisers ("Endeavor Advisers"). Endeavor Advisers, the Series Fund's current manager, selects and contracts with advisers that provide investment advisory services to the Portfolios (subject to Policy Owner approval), reviews the advisers' activities, and performs other administrative and managerial functions for the Series Fund. Endeavor Management Co. had agreed to cap the management fees and other expenses at 1.53% for each of the Global Managed Asset Allocation Portfolio and Global Growth Portfolio, and Endeavor Advisers plans to continue to cap such expenses at that level.

4. Ivory & Sime International, Inc. is the investment adviser to the Global Managed Asset Allocation Portfolio and the Global Growth Portfolio. Ivory & Sime International, Inc. has entered into a sub-investment advisory contract with Ivory & Sime plc with respect to the Global Managed Asset Allocation Portfolio and the Global Growth Portfolio.

5. The investment objective of the Global Managed Asset Allocation Portfolio is to seek high total return through a policy of investment in common stocks and their convertible equivalents and, to a lesser degree, through investment in debt instruments of both corporate and government issuers, including their agencies, on a global basis. The investment objective of the Global Growth Portfolio is to seek long-term capital appreciation through a policy of investing in small capitalization common stocks and their equivalents on a global basis.

6. The Series Fund's Board of Trustees has decided to terminate the operation of the Global Managed Asset Allocation Portfolio because of its relatively slow growth, small asset size, and high level of expenses. In addition, the similarity between the investment objectives of the Global Managed Asset Allocation Portfolio and the Global Growth Portfolio has made it difficult for investors to choose between those Portfolios, according to the Applicants. Accordingly, the Series Fund has notified PFL Life that it plans to discontinue making shares of the Global Managed Asset Allocation Portfolio available to the Mutual Fund Account and to eliminate that Portfolio from the Series Fund.

7. PFL Life proposes to substitute shares of the Global Growth Portfolio for shares of the Global Managed Asset Allocation Portfolio held by the Mutual Fund Account. Given that the Portfolios have the same manager (Endeavor Advisers), the same investment adviser (Ivory & Sime International, Inc.), and the same sub-investment adviser (Ivory & Sime plc), that the investment objectives of the Portfolios are substantially similar (*i.e.*, both Portfolios invest on a global basis with an emphasis on equity securities), and that the maximum amount of annual expenses of the Portfolios is the same, PFL Life believes that the substitution would be consistent with the interests of Policy Owners.

8. Applicants state that the substitution would be effected by a simple accumulation unit exchange at net asset value, so that the total amount of the shares of the Global Managed Asset Allocation Portfolio held by the Mutual Fund Account would be redeemed at net asset value per share, calculated in accordance with Rule 22c-1 under the 1940 Act, and the same dollar amount invested in shares of the Global Growth Portfolio, at net asset value, also calculated in accordance with Rule 22c–1.

9. Any expenses incurred in winding down the Global Managed Asset Allocation Subaccount will be borne by PFL Life. Any expenses of the substitution with respect to the Policies and any expenses incurred in winding down the Global Managed Asset

Allocation Portfolio of the Series Fund will be borne by Endeavor Advisers or PFL Life. Accordingly, the costs of the substitution will not be borne directly or indirectly by the Policy Owners. The substitution will have no federal income tax consequences for Policy Owners, according to the Applicants. The substitution will in no way alter the insurance benefits to Policy Owners or the contractual obligations of PFL Life, and Policy Owners will continue to look to PFL Life with regard to their rights under the Policies. The voting rights of Policy Owners will be the same before and after the substitution. As of September 30, 1992, the expense ratios for the Global Growth Portfolio and the Global Managed Asset Allocation Portfolio were 2.40% and 2.31% respectively, and it is expected that over time there would be no material difference between the ratios. Moreover, Endeavor Advisers expects to maintain the cap on management fees and expenses as discussed above. Thus, Applicants state that the maximum fees and charges paid by Policy Owners will be no greater after the substitution than before the substitution as a result of the substitution.

10. Policy Owners have been supplied with a prospectus describing the Policies and all investment options available under the Mutual Fund Account. If the Commission approves the proposed substitution, Policy Owners will receive prior notice of the substitution, and will have the option of transferring the portion of their Policy Value allocated to the Global Managed Asset Allocation Portfolio to any other Investment Option available under the Mutual Fund Account free of any transfer charge. PFL Life does not limit the frequency of transfers. If no such transfer is made, amounts allocated to the Global Managed Asset Allocation Portfolio will be transferred to the Global Growth Portfolio.

Applicants' Legal Analysis

1. Section 26(b) of the 1940 Act requires Commission approval before any depositor or trustee of a registered unit investment trust holding the security of a single issuer may substitute another security for such security. The Commission will approve such a substitution if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Applicants contend that the economies of scale associated with combining the assets of the Global Managed Asset Allocation Portfolio and the Global Growth Portfolio will confer economic benefits to Policy Owners. Applicants also maintain that the proposed substitution will eliminate the confusion in the marketplace resulting from the similarity of the investment objectives of the Global Managed Asset Allocation Portfolio and the Global Growth Portfolio. Finally, Applicants note that Policy Owners will be given notice of the substitution and an opportunity (of at least 30 days) to allocate Policy Value among the Portfolios as they wish.

Conclusion

For the foregoing reasons, Applicants assert that the requested order under section 26(b) is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4248 Filed 2–23–93; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC–17270; 811–3837]

Siebel Capital Partners, Inc.; Application for Deregistration

February 17, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Siebel Capital Partners, Inc.

RELEVANT ACT SECTIONS: Section 8(f).

SUMMARY OF APPLICATION: Application seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application on Form N–8F was filed on October 16, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 15, 1993, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, Wood Island, Fourth Floor, 80 East Sir Francis Drake Boulevard, Larkspur, California 94939.

FOR FURTHER INFORMATION CONTACT: James J. Dwyer, Staff Attorney, at (202) 504–2920, or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representatives

1. Applicant is a California corporation and is an open-end diversified management company. On September 1, 1983, applicant filed a notification of registration on Form N–8A pursuant to section 8(a) of the Act. On September 9, 1983, applicant filed a registration statement under the Securities Act of 1933 and section 8(b) of the Act. The registration statement was declared effective on November 23, 1983, and applicant's initial public offering commenced shortly thereafter.

2. Applicant's investment adviser is Wood Island Associates, Inc. ("WIA"). WIA also sponsors Wood Island Total Return Fund, Inc., formerly Gamma Partners, Inc. ("WITR"), a registered investment company. Due to applicant's small size, and because applicant and WITR has the same investment objectives, applicant determined that its continued operation would be uneconomical and not in the best interests of its shareholders. On or about July 20, 1992, WIA contacted each of applicant's shareholders by phone and advised them of applicant's intention to wind up and dissolve its business. On July 20, 1992, there were 62,893 issued and outstanding shares of applicant's common stock having an aggregate net asset value of $421,513, and a per share net asset value of $6.70. All of applicant's then issued and outstanding shares were redeemed at net asset value on August 17, 1992. On August 19, 1992, WIA purchased one share of applicant's securities.

3. On September 30, 1992, applicant's board of directors resolved by unanimous written consent to dissolve applicant pursuant to a plan of liquidation and dissolution, and to authorize applicant's officers to take the necessary steps to deregister applicant as an investment company under the Act. On September 30, 1992, WIA, applicant's sole shareholder, consented to applicant's winding up and

dissolution and to applicant's deregistration as an investment company under the Act. Immediately thereafter, WIA redeemed its interest in applicant.

4. As of the time of filing the application, applicant had no assets, no liabilities, and no shareholders, and was not a party to any litigation or administrative proceeding. Applicant is not now engaged and does not propose to engage in any business activities other than those necessary for the winding-up of its affairs.

5. Applicant will file with the California Secretary of State a Certificate of Dissolution, including a Request for Tax Clearance Certificate and a Corporate Assumption of Tax Liability (pursuant to which WIA will unconditionally agree to pay in full all California state tax liabilities, penalty, and interest, if any, of applicant).

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-4249 Filed 2-23-93; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Comments should be submitted within 30 days of this publication in the **Federal Register**. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Cleo Verbillis, Small Business Administration, 409 3d Street, SW., 5th Floor, Washington, DC 20416, Telephone: (202) 205-6629.

OMB Reviewer: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

Title: Small Business Development Center Project Officer Checklist

SBA Form No.: SBA Form 59

Frequency: Quarterly

Description of Respondents: Small Business Development Centers

Annual Responses: 228

Annual Burden: 456

Dated: February 18, 1993.

Cleo Verbillis,

Chief, Administrative Information Branch.

[FR Doc. 93-4178 Filed 2-23-93; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 1767]

Extension of the Restriction on the Use of United States Passport for Travel To, In, or Through Lebanon

On January 26, 1987, pursuant to the authority of 22 U.S.C. 211a and Executive Order 11295 (31 FR 10603), and in accordance with 22 CFR 51.73(a)(3), all United States passports, with the exception of passports of immediate family members of hostages in Lebanon, were declared invalid for travel to, in, or through Lebanon unless specifically validated for such travel. This action was taken because the situation in Lebanon was so chaotic that American citizens there could not be considered safe from terrorist acts.

Although there has been some improvement in the security situation, review of the situation there has led me to conclude that Lebanon continues to be an area "* * * where there is imminent danger to the public health or the physical safety of United States travelers" within the meaning of 22 U.S.C. 211a and 22 CFR 51.73(a)(3).

Accordingly, all United States passports shall remain invalid for travel to, in, or through Lebanon unless specifically validated for such travel under the authority of the Secretary of State.

This Public Notice shall be effective upon publication in the **Federal Register** and shall expire at the end of one year unless extended or sooner revoked by Public Notice.

Dated: February 17, 1993.

Warren Christopher,

Secretary of State.

[FR Doc. 93-4172; Filed 2-23-93; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 93-006]

Merchant Marine Personnel Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: A meeting of the Merchant Marine Personnel Advisory Committee (MERPAC) will be held on Wednesday and Thursday, April 14 and 15, 1993, in room 2415 of U.S. Coast Guard Headquarters. The meeting is scheduled to run from 9 a.m. to 4 p.m. Attendance is open to the public.

FOR FURTHER INFORMATION CONTACT: Commander Scott J. Glover, Executive Director, Merchant Marine Personnel Advisory Committee (MERPAC), room 1210, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001, (202) 267-0221.

SUPPLEMENTARY INFORMATION: The agenda for the meeting consists of the following items:

(a) Call to Order.
(b) Introduction of members.
(c) Remarks by Committee Sponsor.
(d) Administration of oaths.
(f) Executive Director remarks.
(g) Presentations on the Marine Licensing Program.
(h) Group discussions.
(i) Adjournment.

With advance notice, and at the discretion of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the MERPAC Executive Director no later than the day before the meeting.

Written statements or materials may be submitted for presentation to the Committee at any time; however, to ensure distribution to each Committee member, 20 copies of the written material should be submitted to the Executive Director by April 9, 1993.

Dated: February 12, 1993.

A.E. Henn,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 93-4287 Filed 2-23-93; 8:45 am]

BILLING CODE 4910-14-M

[CGD 93-009]

Navigation Safety Advisory Council

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Navigation Safety Advisory Council will meet at the

Eighth Coast Guard District, 501 Magazine Street, New Orleans, LA on Sunday through Tuesday, March 28–30, 1993.

FOR FURTHER INFORMATION CONTACT: Margie G. Hegy, Executive Director, Navigation Safety Advisory Council, U.S. Coast Guard (G–NSR–3), Washington, DC 20593–0001, Telephone (202) 267–0415.

SUPPLEMENTARY INFORMATION: Committees will meet on Sunday, March 28 from 9 a.m. to 12 p.m. and 2 p.m. to 5 p.m. Committee meetings may be held on Sunday evening if additional time is needed. The discussions will include the following topics:

a. Navigation Rules

1. Proper lighting for barges and other vessels when moored to mooring buoys. At a previous meeting, NAVSAC requested input from the National Boating Safety Advisory Council (BSAC) and the Towing Vessel Safety Advisory Council (TSAC) on this issue. Committee will discuss BSAC and TSAC input and make appropriate recommendations.

2. Consistency review of International and Inland Rule 9—Narrow Channels.

b. Navigation Equipment Committee

1. Update on status of Electronic Chart Display (ECDIS).

c. Human Factors in Navigation Safety

1. Update on bridge procedures and bridge team management.

2. Discuss research relating to workhour limitations and fatigue.

3. Continue discussion on trials of one man bridge watch at night.

4. Continue discussion on fishing vessel lookout rules.

d. Ad Hoc OPA 90 Committee

1. Review Supplemental Notice of Proposed Rulemaking on tug escort regulation required by the Oil Pollution Act of 1990.

The Council will convene in plenary session on Monday, March 29 at 8 a.m. to 5 p.m. and reconvene on Tuesday, March 30 at 8 a.m. to 12 noon to hear Committee status reports and any matters properly brought before the Council.

The meeting is open to the public. Persons wishing to make oral statements should notify the Executive Director at the address below no later than Thursday, March 25, 1993. Any person may present a written statement to the Council at any time without advance notice.

Dated: February 17, 1993.

W.J. Ecker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 93–4288 Filed 2–23–93; 8:45 am]

BILLING CODE 4910–14–M

Federal Highway Administration

Environmental Impact Statement; Erie County, NY

AGENCY: Federal Highway Administration (FHWA), New York State Department of Transportation (NYSDOT).

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Erie County, New York.

FOR FURTHER INFORMATION CONTACT: Harold J. Brown, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 9th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: (518) 472–3616.

or

Robert J. Russell, Regional Director, New York State Department of Transportation, Region 5, General William J. Donovan Office Building, 125 Main Street, Buffalo, New York 14203, Telephone: (716) 847–3238.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the NYSDOT, will prepare an Environmental Impact Statement (EIS) on a proposal to improve U.S. Route 20 (Broadway) in Erie County, New York. The proposed improvement would involve the reconstruction of the existing route for a distance of approximately 2.2 miles in the Villages of Depew and Lancaster, including improvements to intersections with adjoining New York State Routes 78 and 130 and other intersecting county and village roads. Improvements to the corridor are considered necessary to provide for proper drainage, replace two deficient bridges over Cayuga Creek, reduce the accident frequency, correct pavement deficiencies, and provide for the projected traffic demand.

Alternatives under consideration include:

(1) Taking no action;

(2) Replacing only the two deficient bridges;

(3) Rebuilding the pavement at its present pavement widths with additional turning lanes at congested intersections;

(4) Widening the eastern portion of Broadway with an additional lane in each direction to provide four-lane continuity to both the east and the west;

(5) Widening the Depew section of Broadway with a continuous two-way left turn lane plus additional turning lanes at congested intersections in the Village of Lancaster; and

(6) Various combinations of the above.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed an interest or who are thought to have an interest in this proposal. No formal scoping meeting is planned at this time. The draft EIS will be available for public and agency review and comment. A public hearing will be held. Public notice will be given of the time and place of the hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the NYSDOT or FHWA at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued On: February 16, 1993.

Harold J. Brown,

Division Administrator, Federal Highway Administration, Albany, New York.

[FR Doc. 93–4219 Filed 2–23–93; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

Enforcement Program Meeting on Safety Recalls for Child Safety Seats

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting concerning Safety Recalls for Child Safety Seats. At this meeting, NHTSA will discuss its activities to increase the number of child safety seats that are repaired or replaced as a result of a safety recall. In addition, the agency will respond to questions from the public and the industry regarding the agency's rulemaking and enforcement programs on child restraint systems. Finally, the

agency will respond to topics and questions raised by attendees on the issue of child safety seat recalls.

DATES: The public meeting will be held on Sunday, March 14, 1993, beginning at 1 p.m. and ending at approximately 4 p.m. Individuals, groups, or companies wishing to make a presentation of 10 minutes or less must submit a request to the agency by March 3, 1993.

ADDRESSES: Requests to make a presentation should be submitted to JoAnn Murianka, Office of Defects Investigation, National Highway Traffic Safety Administration (NEF-12), 400 Seventh Street, SW., Washington, DC 20590. Ms. Murianka may be reached at (202) 366-5198. The meeting will be held at the Palmer House Hilton in Chicago, Illinois.

SUPPLEMENTARY INFORMATION: A manufacturer of child safety seats is required by law to conduct a safety recall campaign on its product if it or NHTSA determines that the product does not comply with the Federal safety standards covering the performance of child safety seats, or contains a defect that presents an unreasonable risk to motor vehicle safety. Manufacturers must notify the most recent purchaser known to the manufacturer and must also provide public notice of the recall in such a manner NHTSA determines after consultation with the manufacturer. The manufacturer must also provide a free remedy for the defect or noncompliance for all seats that are less than 8 years old at the time of the determination.

NHTSA regulations require manufacturers to submit quarterly reports to the agency concerning the recall, which provide information on the number and percentage of child safety seats that have been remedied. The effectiveness of a recall or completion rate (the percentage of seats that have been remedied) is influenced by many factors. These include the clarity and distribution of the public notice and NHTSA's news release, the manufacturer's accessibility by the public through toll-free telephone numbers, the responsiveness of the manufacturer to consumers, the complexity of the remedy, the consumer's perception of risk, the age of the product, and the percentage of seats still in use.

During the past year, NHTSA has increased its efforts to emphasize the importance of the public notification process with respect to the success of child safety seat recalls. In addition to its own news release, NHTSA requires manufacturers to:

(1) Provide toll-free numbers for consumers to contact to obtain information about the remedy;

(2) Notify retailers; and

(3) Provide extensive media notification. Further, NHTSA generally requires manufacturers to provide notification of child seat recalls to pediatricians. In addition to these actions, NHTSA issued a change to its child safety seat safety standard which requires that owner registration cards be provided with all new child safety seats manufactured on or after March 9, 1993. This will assist child safety seat manufacturers in notifying owners in the event of a recall.

At the meeting, the agency will describe the recall process, the notification requirements for child safety seats, and possible actions which may be taken to improve consumer response to recalls and manufacturers' performance. Child seat manufacturers, advocates, and other interested parties are requested to provide their perspective on the child seat recall process and suggestions for how recall completion rates could be improved.

Issued: February 18, 1993.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 93-4188 Filed 2-23-93; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC-11: OTS No. 4508]

Brevard Federal Savings and Loan Association, Brevard, NC; Approval of Conversion Application

Notice is hereby given that on February 12, 1993, the Acting Deputy Director for Washington Operations, Office of the Thrift Supervision, or his designee, acting pursuant to delegated authority, approved the application of Brevard Federal Savings and Loan Association, Rocky Mount, North Carolina for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Southeast Regional Office, Office of Thrift Supervision, 1475 Peachtree Street, NE., Atlanta, Georgia 30309.

Dated: February 19, 1993.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 93-4195 Filed 2-23-93; 8:45 am]

BILLING CODE 6720-01-M

[AC-10: OTS No. 1701]

The Guernsey Bank, a Federal Savings Bank, Cambridge, OH; Final Action; Approval of Voluntary Supervisory Conversion Application

Notice is hereby given that, on January 28, 1993, the Deputy Director for Washington Operations approved the application of The Guernsey Bank, a federal savings bank, Cambridge, Ohio, for permission to convert to the stock form of organization, in a voluntary supervisory conversion in connection with a change of control application. Copies of the applications are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Central Regional Office, Office of Thrift Supervision, 111 East Wacker Drive, suite 800, Chicago, Illinois 60601.

Dated: February 19, 1993.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 93-4194 Filed 2-23-93; 8:45 am]

BILLING CODE 6720-01-M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 35
Wednesday, February 24, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Special Meeting

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming special meeting of the Farm Credit System (FCS) Building Association matters.

DATE AND TIME: The special meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on February 18, 1993, from 9 a.m. until such time as the Board may conclude its business.

FOR FURTHER INFORMATION CONTACT: Curtis M. Anderson, Secretary to the Farm Credit Administration Board, (703) 883-4003, TDD (703) 883-4444.

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of this meeting will be closed to the public. The matters to be considered at the meeting are:

Open Session

A. Report

1. FCS Building Association

Closed Session*

A. Personnel

1. FCS Building Association

*Session Closed—Exempt pursuant to 5 U.S.C. 552b(c) (2) and (6).

Dated: February 17, 1993.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 93-4331 Filed 2-22-93; 10:25 am]

BILLING CODE 6705-01-P

Corrections

Federal Register
Vol. 58, No. 35
Wednesday, February 24, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO-930-4210-06; COC-54603]

Proposed Withdrawal; Opportunity for Public Meeting; Colorado

Correction

In notice document 93-3253 beginning on page 8060 in the issue of Thursday, February 11, 1993, make the following correction:

On page 8060, in the third column, in the land description, T. 2 S., R. 73 W., Sec. 16 should read "S½SW¼;".

BILLING CODE 1505-01-D

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

RIN 3150-AC14

Disposal of Waste Oil by Incineration

Correction

In rule document 92-29549 beginning on page 57649 in the issue of Monday, December 7, 1992, make the following corrections:

1. On page 57653, in the 2d column, in the 1st paragraph, in the 11th line, "bureau" should read "burial".

2. On page 57655, in the second column, in the second full paragraph, in the fourth line, "to order" should read "in order".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 768; Re. Notice No. 741]

RIN 1512-AA07

Spring Mountain District Viticultural Area (91F-067P)

Correction

In proposed rule document 93-3612 beginning on page 8726 in the issue of Wednesday, February 17, 1993, the subject heading should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[INTL-0045-92]

RIN 1545-AL24

Change From Profit and Loss Method to DASTM

Correction

In proposed rule document 92-31468 beginning on page 300 in the issue of Tuesday, January 5, 1993, make the following corrections:

1. On page 302, in the first column, in the first full paragraph, in the fourth line, after "currency" insert "at the spot exchange rate) generally permits continued".

2. On page 303, in the 2d column, in the 1st full paragraph, in the 26th line, "approximately" should read "approximating".

BILLING CODE 1505-01-D

Federal Register

Wednesday
February 24, 1993

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Part 813, et al.

Section 8 Certificate and Voucher Programs Conforming Rule; Proposed Rule

VOL 58 ISS 35 FE 24 1993 UMI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Parts 813, 882, 887, and 982

[Docket No. R-93-1628; FR-2294-P-01]

RIN 2577-AB14

Section 8 Certificate and Voucher Programs Conforming Rule

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Proposed rule.

SUMMARY: This rule would combine and conform rules for tenant-based Section 8 rental assistance under the rental certificate program and the rental voucher program. As far as possible under the law, the rule would apply the same requirements for both tenant-based programs. The rule is an extensive revision and restatement of the program rules, and is based on a broad reexamination and rethinking of program requirements. The rule also implements many statutory changes.

The rule also amends requirements for project-based assistance with funding under the Section 8 certificate program.

DATES: Comment due date: April 26, 1993.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. FAXed comments are not acceptable. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Madeline Hastings, Director, Rental Assistance Division, room 4204. Telephone numbers (202) 708-1842 (voice); (202) 708-0850 (TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements in this rule have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520).

The public reporting burden for each of these collections of information is estimated to include the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Information on the estimated public reporting burden is provided under the Preamble heading, Other Matters. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Housing and Urban Development, Rules Docket Clerk, 451 Seventh Street, SW., room 10276, Washington, DC 20410; and to the Office of Management and Budget, Attention: Desk Officer for HUD, Washington, DC 20503.

Abbreviations Used in Preamble

HA. A "housing agency", also called a "public housing agency".

PBC. Project-based assistance under the Section 8 certificate program.

1937 Housing Act. The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.). The law which authorizes the HUD Section 8 programs, including the Section 8 certificate and voucher programs.

1987 Housing Act. The Housing and Community Development Act of 1987 (Pub. L. 100-242, 101 Stat. 1815, February 5, 1988).

1989 Reform Act. The Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101-235, 103 Stat. 1987, December 15, 1989).

1990 NAHA. The National Affordable Housing Act of 1990 (Pub. L. 101-625, 104 Stat. 4079, November 28, 1990).

1992 Housing Act. The Housing and Community Development Act of 1992 (Pub. L. 102-550, 106 Stat. 3672).

I. Background

A. General Objectives

The proposed rule combines the program rules for the two tenant-based Section 8 rental subsidy programs: the rental certificate program (currently 24 CFR part 882) and the rental voucher program (currently 24 CFR part 887). The rules for both tenant-based programs will be unified in a new tenant-based rule at 24 CFR part 982.

The rule also amends requirements for project-based assistance using funding provided for the Section 8 certificate program. The rule proposes to amend the requirements for such project-based assistance at subpart G of 24 CFR part 882. The final rule will transfer the requirements for project-based assistance to a new part 983.

A primary objective of this rulemaking is to revise the certificate and voucher programs so that the program rules will be identical except for differences that are required by statute. Part 982 is a unified statement of program requirements for the two tenant-based housing assistance programs. In the new rule, almost all program requirements for the certificate and voucher programs are the same. The few differences are specifically noted in the rule. In general, the major differences between the programs concern the amount of the monthly rental subsidy paid by the housing agency, and the amount of the rent paid by the assisted family.

In this rulemaking, the Department has attempted the most thorough and systematic reexamination of program requirements since promulgation of the initial certificate program rules in 1975. The new rule addresses many problem areas. The Department hopes that the new program rules will improve and simplify Housing Agency (HA) program administration and the delivery of rental subsidies for low-income families.

Another objective of this rulemaking is to implement many legislative changes from:

1. The Housing and Community Development Act of 1987 (Pub. L. 100-242, 101 Stat. 1815, February 5, 1988).

2. The Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101-235, 103 Stat. 1987, December 15, 1989).

3. The National Affordable Housing Act of 1990 (Pub. L. 101-625, 104 Stat. 4079, November 28, 1990).

4. The Housing and Community Development Act of 1992 (Pub. L. 102-550, 106 Stat. 3672).

To achieve the objectives of this rulemaking, the Department invites public comment on all aspects of the proposed rules for Section 8 assistance.

B. Tenant-Based Assistance: Organization of New Rule

The following is a brief description of how part 982, the new tenant-based rule, is organized.

General Information

Subpart A includes a capsule description of the tenant-based programs, statements describing the applicability of part 982 and the role of HUD field offices, and a list of program terms.

Requirements and Plans for HA Administration of Program

Subpart B states the HA duty to administer a tenant-based program in accordance with equal opportunity and other HUD requirements, and to adopt policies for administration of the tenant-

based programs. These policies are contained in the HA's HUD-approved equal opportunity plan and administrative plan.

Funding and Application Procedures

Subpart C describes procedures for allocation and award of program funding.

Annual Contributions Contract

Subpart D describes the financial relationship between HUD and the HA under the contract for Federal funding of the HA program (called the consolidated annual contributions contract). This subpart includes a list of basic HA responsibilities, and describes fees for HA administration of the program, use and management of program funds, audits, and conflicts of interest.

Selection for Tenant-Based Program

Subpart E states family eligibility requirements, and procedures for selection of eligible families, including waiting list and non-waiting list selection, and Federal and local preferences for selection from the HA waiting list.

Family Self-Sufficiency (FSS)

Subpart F is reserved for rules concerning the family self-sufficiency program. The rules governing participation in the FSS program by families receiving tenant-based certificate or voucher assistance will be incorporated into Subpart F of the final rule.

Leasing a Unit

Subpart G describes the process for leasing a unit with tenant-based assistance. This subpart covers briefing of selected families, issuance of a certificate or voucher, ineligible housing, HA approval of the unit and lease, disapproval of an owner, lease and tenancy, tenant security deposit and owner damage claims.

Where Family can Live and Move

Subpart H describes the family's right to lease a unit in the HA jurisdiction, or elsewhere in the United States under "portability" procedures.

Dwelling Unit: Housing Quality Standards, Occupancy Standards, Inspection and Maintenance

Subpart I states HUD requirements governing quality and occupancy of an assisted unit. This subpart includes provisions on adoption of HA occupancy standards, relation between family size and program subsidy, owner and family responsibilities for maintenance of a unit, HA unit inspection and enforcement of housing quality standards.

Housing Assistance Payments Contract and Owner Responsibilities

Subpart J includes provisions on HA termination of the assistance contract for owner breach; required notice where an owner is terminating the assisted tenancy for business or economic reasons, or where the HA determines that available funding is not sufficient to support continued assistance.

Rent and Housing Assistance Payment

Subpart K describes the methods for calculating the assistance payment in the certificate and voucher programs, and limits on the amount of rent paid to the owner and on the portion of rent paid by the family.

Family Obligations: Denial and Termination of Assistance

Subpart L describes the obligations of a program family and the grounds and procedures for denial or termination of assistance.

Special Housing Types

Subpart M states special program requirements for the following special housing types: Cooperatives (including mutual housing), independent group residences, single room occupancy (SRO) housing, congregate housing, shared housing, manufactured homes.

II. Tenant-Based Assistance: Discussion

A. Subpart A—General Information

Tenant-Based Programs: Short Description

Section 982.1 gives a capsule description of the voucher and certificate programs, and explains the distinction between "tenant-based" and "project-based" rental assistance. This section is intended as an introduction and orientation for the reader, as background for more detailed and technical provisions in the rule.

Scope of Rule

Section 982.2 states the scope of Part 982. The rule is a unified statement of HUD requirements for tenant-based assistance under the Section 8 certificate program and the Section 8 voucher program. The rule states that all requirements apply to both programs unless a difference is specified in the rule.

Field Office Functions

Many provisions of the rule refer simply to "HUD", without explicit statement of the respective functions of the HUD headquarters of the field and regional offices. Section 982.3 states that the HUD regional or field offices have delegated responsibility for day-to-day administration of the program by HUD. In exercising these functions, the regional and field offices are subject to HUD regulations and other HUD requirements issued by HUD headquarters. Some functions are specifically reserved to HUD headquarters. Of course, in accordance with ordinary administrative law principles, HUD headquarters may at any time issue instructions to HUD field offices or choose to exercise any authority otherwise delegated to the field.

Terms

Section 982.4 is an extensive list and definition or cross-reference to terms and abbreviations used in the rule. This section is intended for the reader's convenience, as a comprehensive reference list. Most terms and definitions are repeated in the part of the rule where the terms are chiefly used.

Notices

Various provisions of the rule require notices to be given by the HA, the family or the Section 8 owner. Section 982.5 specifies that all such required notices must be in writing.

B. Requirements and Plans for Administration of Program Housing Agency—Definition

Under the Federal program statute, HUD has authority to enter into annual contributions contracts with "public housing agencies" (42 U.S.C. 1437f(b)[(1)]). A public housing agency is a governmental entity or public body authorized to engage in or assist development or operation of low-income housing, including an Indian housing authority (42 U.S.C. 1437(b)(6)).

In this rule, an entity which meets the statutory definition of a public housing agency is referred to as a "housing agency", abbreviated "HA" (§ 982.4). In prior program usage and regulation, the HA was generally called a "PHA". The change in terminology does not indicate a substantive change in meaning, but is intended to emphasize that the term "housing agency" or "HA" applies to an Indian housing authority, as well as to a non-Indian housing agency. The rule states that the abbreviations "PHA" and "HA" mean the same thing.

The rule adds new definitions (at § 982.4) of the terms "Indian housing authority" (or "IHA") and "Indian", adopting the definitions historically used in the Indian housing program

VOL 58 ISS 35 FE 24 1993 UMI

(under 24 CFR part 905). "Indian housing authority" includes both a housing agency established by tribal powers of self-government, and a housing agency established by operation of a State law which authorizes establishment of housing authorities for Indians. The term "Indian" includes any person recognized as an Indian or Alaska native by an Indian tribe, the Federal government or any state.

The same agencies which administer the Indian housing program may qualify to administer the Section 8 tenant-based assistance programs. The same tenant-based program rules apply to all HAs, Indian or non-Indian.

Demonstrating HA Authority and Jurisdiction

To participate in the tenant-base programs, a HA must demonstrate that the HA is a governmental body with power to run the programs under part 982 (§ 982.51).

The rule provides that the HA must be a governmental entity or public body which has authority to administer the tenant-based programs. The HA must provide HUD evidence of such authority, and of the HA jurisdiction. The evidence must be satisfactory to HUD (§ 982.51(a)).

The evidence submitted by the HA to HUD must include enabling legislation and a supporting legal opinion satisfactory to HUD. The HA must submit additional evidence when there is a change that affects its status as a HA, its authority to administer the program, or the HA jurisdiction (§ 982.51(b)).

The HA "jurisdiction" is defined as the area in which the HA is "not legally barred" by the State and local law from administration of the program (§ 982.4).

HUD Requirements

Section 982.52 is a broad statement of the HA duty to comply with HUD requirements, and the HA policies approved by HUD. The HA must:

1. Comply with HUD regulations and other requirements. "Requirements" include handbooks, notices or other HUD directives.
2. Comply with the consolidated ACC and approved funding applications.
3. Administer the program in accordance with the HUD-approved EO plan and administrative plan.

HA Local Policies

HUD requirements establish the broad framework for the HA tenant-based programs. Within this framework, an HA has the discretion and responsibility to develop and adopt local policies for proper and effective program administration. The requirement that the HA must adopt written policies fosters systematic consideration by the HA of how to run the HA program, and also fosters fair, orderly and consistent program management. By review of the HA's proposed policies, HUD can determine whether the HA has thought out basic issues of program management, and whether proposed procedures comply with HUD requirements.

Under the established structure of the tenant-based programs, a HA is required to adopt both an "administrative plan" and an "equal opportunity plan" (formerly "equal opportunity housing plan"). The rule provides that the plans "must establish the HA policies for administration of the program" (§ 982.53(a)).

The new rule would require the HA to adopt a single EO plan and administrative plan for the tenant-based programs—rather than separate plans for the HA certificate and voucher programs (§ 982.53(a)). The plans and any revisions must be submitted to and approved by HUD before the plans or revisions go into effect (§ 982.53(b)). Until HUD has approved new plans in accordance with the new rule, HAs must follow their prior HUD-approved policies.

To modify any policy covered by the EO or administrative plan, the HA must revise the plan, after obtaining the required HUD approval (§ 982.53(c)). The rule also clarifies that the HA must revise the plan when HUD requires a revision so that HA policies comply with HUD requirements (for example, to comply with a revision of the program rules).

Equal Opportunity Requirements

In administration of its tenant-based programs, the HA must comply with applicable civil rights laws and regulations (§ 982.54). The HA must help a family that is unable to find a unit because of illegal discrimination (§ 982.55).

The EO plan must (§ 982.56) state the HA policies for:

—Encouraging participation by eligible families.
—Encouraging participation by owners of suitable units located outside areas of low income or minority concentration.
—Selecting families for participation without discrimination because of race, color, religion, sex, national origin or disability.
—Assisting a family that alleges that such illegal discrimination prevents leasing of a suitable unit.

Administrative Plan

In general, the administrative plan must cover all aspects of local HA policies for administration of the tenant-based programs (other than the matters and policies laid out in the HA EO plan). The new rule states that the administrative plan: Covers HA policy on matters for which the HA has discretion to establish local policies in accordance with HUD regulations and other requirements (§ 982.57(a)).

This provision is intended to make clear that the administrative plan which is submitted to and approved by HUD is not a boilerplate reiteration of HUD program regulations and other program requirements—but a statement of the local discretionary policies adopted by an individual HA within the framework of the regulation and HUD requirements.

The rule gives a list of specific subjects which must be covered in the administrative plan (§ 982.57(b)). In addition, the plan must cover "other local HA policies for administration of the program". Thus the administrative plan is to be a comprehensive statement of the HA discretionary policies for running its unified tenant-based program.

The regulatory list of subjects which are covered in the administrative plan implies that the HA has discretionary authority to decide how to regulate the treatment of these subjects—though the HA policies must comply with HUD requirements and must be approved by HUD. Several of these items clarify the discretion of the HA to adopt policies in areas which may have been unclear or subject to dispute.

Family Absence From Unit

Section 8 assistance is paid to aid low income families to rent and live in decent housing (see 42 U.S.C. 1437f(a), and 1437f *passim*). Conversely, the subsidy is not intended by HUD or the Congress to subsidize rental of empty units. For the certificate program, the law provides that subsidy may not be made for more than 60 days after a family vacates a dwelling unit during the term of the assisted lease (42 U.S.C. 1437f(c)(4)). For the voucher program, the law provides that assistance may not be paid after the month when the unit is vacated by the family (42 U.S.C. 1437(o)(4)). There arises therefore the need to determine when absence from the unit signifies that the family has "vacated" the unit.

Like any other family, the members of an assisted family may enter and exit the home for a multitude of reasons, for purposes of daily life and work. Such

daily and temporary absence does not necessarily indicate that the family intends to leave the unit, or has terminated habitual and continuous occupancy of the unit.

There is, however, a broad spectrum of circumstances in which the HA must decide whether departure or extended absence of all family members means that the family has vacated the unit, so that rental subsidy should no longer be paid, and the assisted lease is considered to terminate because of vacancy. These circumstances may involve a prolonged absence because of recreation or vacation, medical treatment, imprisonment or conviction, or employment (e.g., migrant workers who leave the unit to follow the harvest). In many cases, the HA may be unable to determine why family members have been absent from the unit. It is also difficult for the HA to know when family members departed from the unit, and the length of absence.

In the past, HUD has not issued systematic guidelines for the HA decision when an absence is to be treated as a vacancy, but has left such issues substantially to resolution by the individual HA. This rule would specify that the HA administrative plan must include provisions governing: How long, and under what circumstances, the family may be absent from the dwelling unit (e.g., because of vacation, illness, or imprisonment) (§ 982.57(b)(4)(iv)).

This provision makes clear that the HA has the authority to regulate the resolution to these questions in the HA administrative plan. HUD hopes that this approach allows the HA to treat these issues with common sense and in the light of local experience. However, HUD invites comment on whether the regulation should also establish a specific Federally defined outer limit on the time for which subsidy may be paid for an empty unit, for specific causes or for any cause.

Family Breakup

The rule would provide that the HA administrative plan must include provisions governing "how to determine who remains in the program if a family breaks up" (§ 982.57(b)(4)).

The HA admits a "family" as a single unit, for a single program slot. Later, the family members may separate. The HA may need to decide who now speaks for the assisted family and which family members will continue to receive the assistance originally provided for the unitary family.

For example, assume that an assisted family consists of a husband, wife and their children. The wife moves out with the children, and requests HA approval to rent a new assisted unit. Does the assistance remain with the husband, the remaining family member still residing in the unit? Or does the HA approve rental of a new unit for the wife and children, now constituting the assisted "family", terminating the flow of assistance for the unit occupied by the husband?

HUD has not previously promulgated any national policy on how to resolve such questions. HUD now wishes to confirm that such questions are to be decided by the HA, within policies or procedures stated in the HA administrative plan. Such a policy could consider the interest of minor family members, could consider the reasons for family separation (e.g., spousal abuse), could provide that assistance remains with the family members who stays in the original unit, or could simply be based on the family's prior designation of the family head.

As for HA policies regarding family absence from the assisted unit, the decision which family members will receive assistance after a family breakup presents difficult questions. The Department does not possess any universal formula for determination of these issues, but desires that these questions should rest in the administrative discretion of the HA. The HA must act in accordance with local policies articulated in the administrative plan, and applied by the HA to the particular circumstances of particular cases.

C. Funding and Application Procedures

Allocation of Funds

Subpart C states the general framework for allocation and award of tenant-based program funds by HUD. Program funds are authorized and appropriated by the Congress. The distribution of available funds in any given Federal fiscal year is affected by standing statutory and regulatory requirements, by requirements of the authorization and appropriation by which the funds are provided, and by HUD administrative determination on how the funds are awarded—notably by competitive criteria stated in **Federal Register** notices announcing availability of the funding.

In current funding procedures, Congress grants funding for the certificate or voucher program in the form of "budget authority". In this rule, budget authority is defined (§ 982.4) as:

> An amount authorized and appropriated by the Congress for payment to HAs under the program. For each funding increment, in a HA program, budget authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.

HUD's appropriation act for a given Federal fiscal year typically states the amount of additional budget authority appropriated for certificate or voucher assistance—to add additional assisted units to HA programs, or to support prior HA program levels ("amendments" or "renewals"). The appropriation and authorization also state additional Congressional requirements for use of appropriated budget authority. Generally, the appropriation conference report provides a detailed line-item breakdown of the projected use of program funds.

Section 982.101 describes the general framework for allocation of program funds. HUD allocates budget authority to HUD regional or field offices (§ 982.101(a)).

Section 213(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 1439) establishes requirements for allocation of assisted housing budget authority, including budget authority for Section 8 tenant-based assistance. Some budget authority is exempt by law from allocation under section 213(d). In general, the 213(d) exemption is implied from the enactment of specific programmatic allocation procedures which are inconsistent with allocation procedures under section 213(d). The rule notes the broad distinction between allocation subject to 213(d), and allocation which is not subject to 213(d). The rule does not list the categories of tenant-based funding which are exempt from allocation under section 213(d). The rule states that "unless exempted by law, budget authority for the tenant-based programs must be allocated in accordance with section 213(d)" (§ 982.101(b)(1)).

The rule for allocations under Section 213(d) is at 24 CFR part 791, subpart D. This is a cross-cutting rule that applies to allocation of funding for all Section 8 and public housing programs. § 982.101(b)(2) describes the general scheme for allocation of budget authority under section 213(d) and part 791:

> There are three categories of section 213(d) funding allocations under part 791: (1) A portion of funding retained in a headquarters reserve for purposes specified by law (e.g., settlement of litigation); (2) funding incapable of geographic formula allocation (e.g., for renewal of expiring funding increments); or (3) funding allocated by an objective fair share formula. Funding allocated by fair share formula is distributed by a competitive process. (For funding from headquarters reserve, or funding incapable of formula allocation, competitive process is not required.)

Since enactment of HUD reform legislation in 1989, criteria for competitive award are stated in a Notice of Funding Availability or "NOFA". For funding (contract or budget authority) that HUD distributes by competitive process, HUD headquarters invites HA applications by publishing one or more notices in the **Federal Register**. The NOFA explains how to apply for assistance, and the criteria for awarding the funding. The NOFA may also state any special program requirements for use of the funding awarded under the NOFA. (§ 982.101(c); also definition of NOFA at § 982.4.)

HA Funding Application

To receive program funding, an HA must submit an application to HUD. The application must be submitted at the time and place required by HUD, and must be in the form required by HUD. (§ 982.102(a)). If the HA is applying for competitive funding under a NOFA, the HA must comply with application requirements stated in the NOFA (§ 982.102(b)). The application must contain any information required by HUD, including information specified in the NOFA for competitive selection (§ 982.102(c)).

Review of Application

HUD evaluates each HA application on the basis of regulatory requirements and the specific selection criteria stated in the NOFA (§ 982.103(a)(2)). In this process, HUD considers the HA's capability to administer the program. HUD also considers any comments submitted by the unit of general local government (§ 982.103(a)(3)).

The HA notifies the HA whether the application is approved or disapproved (§ 982.103(b)).

Family Unification

The 1990 NAHA authorizes special Section 8 funding to avoid the need to place or keep children in out-of-home care (1990 NAHA § 553, 104 Stat. 4224–4225; 42 U.S.C. 1437f(x)). The statute states requirements for allocation of this family unification funding by a national competition. The proposed rule implements the statutory requirements (§ 982.104).

D. Annual Contributions Contract and HA Administration of Program

Annual Contributions Contract

The local tenant-based program is established and funded under the annual contributions contract ("ACC") between HUD and the HA. Under the contract, HUD agrees to provide funding for operation of the program, and the HA agrees to comply with HUD requirements for the program (definition of "annual contributions contract" at § 982.4; § 982.151(a)(1)). The rule describes the basic contractual funding structure.

A commitment of funding by HUD is referred to as a "funding increment" (also called a "project") (definition of "funding increment" at § 982.4.). Typically an HA program is supported by a series of funding increments. The rule specifies that HUD's commitment to make payments for each funding increment in the HA tenant-based program is a separate annual contributions contract (§ 982.151(a)(2)). The ACC specifies the amount of the funding for the funding increment, and the period over which the HA may draw on this funding.

The rule provides that the commitments for all the funding increments in an HA program are listed in one consolidated contractual document called the "consolidated annual contributions contract" ("consolidated ACC"). There is a separate consolidated ACC for the HA certificate program and for the HA voucher program (§ 982.151(a)(2)).

Budget authority is provided by the Congress, and is allocated by HUD for use by an individual HA. The rule states that HUD reserves budget authority from amounts authorized and appropriated by the Congress for the tenant-based programs. The consolidated ACC states the amount of budget authority for each funding increment in the HA program. Budget authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment. In addition, the ACC controls how much budget authority can be drawn in each HA fiscal year. The term "contract authority" means the maximum annual payment for each funding increment under the consolidated ACC. Budget authority for each funding increment equals contract authority times the number of years in the ACC term of the funding increment (§ 982.151(b)(1)).

Although there is a separate annual commitment for each funding increment, at any point in time the HA program is supported by available funding from all of the funding increments in force under the consolidated ACC. The rule specifies that in each HA fiscal year, the maximum amount of HUD's annual payment for the HA program equals the sum of the contract authority amounts for all of the funding increments under the consolidated ACC. The rule makes clear that all amounts paid must be approved by HUD, and the amount approved may be less than the maximum payment. (§ 982.151(b)(2)).

In addition, if the HA draws less than the maximum available in a HA fiscal year, HUD credits the excess to an unfunded reserve (referred to as the "ACC reserve account" or "project reserve") (§ 982.154). With HUD approval, the HA can draw on this reserve to support the tenant-based program in following years.

HA Use of Funds

The rule states that all HUD ACC payments, and any other program receipts by the HA must be used in accordance with the HA HUD-approved budget. ACC payments and other receipts may only be used for assistance payments and the HA administrative fees (§ 982.151(c)(1)).

The HA has responsibility for managing and living within the financial resources available under the consolidated ACC. The rule provides that the HA must maintain a system to ensure that the HA will be able to make housing assistance payments for all participants within the amounts contracted under the consolidated ACC (§ 982.151(c)(2)).

Administrative Fees

HUD pays the HA an administrative fee to cover HA costs of running the tenant-based program. The administrative fee is included in HUD payments to the HA under the consolidated ACC. For each HA fiscal year, administrative fees are specified in the HA budget. The budget is submitted for HUD approval, and fees are paid in the amounts approved by HUD. Administrative fees may only be approved or paid from amounts appropriated by the Congress (§ 982.152(a)(2)).

The rule describes four types of administrative fees (§ 982.152):

—Preliminary fee.

—Hard-to-house fee for large families.

—Ongoing administrative fee.

—Portability fee.

The preliminary fee is paid to cover HA costs for adding new program units (§ 982.152(b)). The rule provides that the preliminary fee is a one time fee for each unit supported by a new funding increment. The amount of the preliminary fee is established by HUD. The preliminary fee is used to cover HA expenses to help families who inquire about or apply for the program, expenses to lease up new units, and ongoing expenses for family self-sufficiency activities (§ 982.152(b)).

Hard-to-House Fee

The hard-to-house fee is paid so the HA can help large families rent suitable units. The hard-to-house fee is for the cost of special HA assistance to a family with three or more minors. HUD determines the amount of the hard-to-house fee. Unlike the preliminary fee, the hard-to-house fee is not a one time fee. The HA qualifies for a hard-to-house fee each time a program family moves to a different unit (§ 982.152(d)).

Ongoing Administrative Fee

The ongoing administrative fee is paid by HUD for each unit under HAP contract on the first day of each month. As in the past, the ongoing administrative fee is a HUD-specified percentage of the section 8 existing housing fair market rent for two-bedroom units. (§ 982.152(c)(1)).

In recent years, the fixed ongoing administrative fees for most HAs have generally exceeded the amount needed to administer the tenant-based programs. If the HA fee income is more than the amount needed in the HA fiscal year, the excess is retained by the HA, and credited to the HA administrative fee reserve (also called "operating reserve") (discussed below).

Although administrative fees are usually sufficient, an HA operating over a large area may have legitimate need for higher ongoing fees. The rule would provide that if appropriations are available, HUD may decide to pay a higher ongoing administrative fee for an HA program operating over a large area. The higher fee level may not be approved unless the HA demonstrates that it is efficiently administering the HA tenant-based program. The HA must also show that the higher ongoing administrative fee is reasonable and necessary to administer the HA program in accordance with HUD requirements (§ 982.152(c)(2)).

HA Responsibilities

The rule states that the HA must comply with the consolidated ACC, the application, HUD regulations and other requirements, and the HUD-approved HA administrative plan and equal opportunity plan § 982.153(a)).

The new rule also contains a list of HA responsibilities in administering a tenant-based program (§ 982.153(b)).

Administrative Fee Reserve (Operating Reserve)

The rule would codify current requirements governing establishment and use of the administrative fee reserve (also called "operating reserve"). The reserve is an account established by the HA from excess administrative fee income (definition at § 982.4). The reserve requirements were previously stated in the program handbook, and in the form of consolidated ACC, but not in the certificate or voucher program regulations.

The rule would provide (§ 982.155(a)) that the HA must credit to the administrative fee reserve the total of:

—The amount by which program administrative fees paid by HUD for a HA fiscal year exceed the HA program administrative expenses for the fiscal year; plus

—Interest earned on the administrative fee reserve.

The HA must use funds in the administrative fee reserve to pay program administrative expenses in excess of administrative fees for a HA fiscal year. If any funds remain in the administrative fee reserve, the HA may use these funds for other "housing purposes" if permitted by State and local law. If the HA is not adequately administering any section 8 program, HUD may freeze HA use of funds in the administrative fee reserve, may direct the HA to use such funds to improve administration of the programs, or for reimbursement of ineligible expenses. (§ 982.155(b)).

Depositary

The rule codifies current ACC provisions which require the HA to deposit program funds in a depositary institution, under a form of depositary agreement prescribed by HUD. The HA may only withdraw the deposited funds for proper program purposes (§ 982.156).

The rule confirms that HUD may freeze depositary funds by notice to the depositary institution. After HUD notice, the depositary may not permit the HA to withdraw funds unless the withdrawals are expressly authorized by HUD. HUD may withdraw program funds held by the depositary (§ 982.156(d)).

Conflict of Interest

The rule would also codify, without substantive change, the current requirements governing conflict of interest. These requirements have been stated in the ACC and assistance contracts, but not in the program regulation (§ 982.160).

Program Records and Audit

The rule consolidates and revises requirements concerning HA program records (§ 982.157).

The rule restates the prior ACC requirement that the HA must maintain complete and accurate books of account and records. The books and records must be in accordance with HUD requirements, and must permit a speedy and effective audit (§ 982.157(a)). The HA must engage and pay an independent public accountant to conduct audits required by HUD (§ 982.158(a)).

The rule provides that the HA must furnish financial and program records when required by HUD (§ 982.157(b)). As in other Federal grant programs, HUD and the Comptroller General of the United States must be given full access to HA offices and records pertinent to administration of the program (§ 982.157(c)).

The rule specifies the period for which the HA must retain certain types of basic program records (§ 982.157 (d) and (e)).

E. Selection for Tenant-Based Program

Eligibility for Selection

The HA may only select eligible applicants for the tenant-based programs. There are two types of eligibility requirements:

—The applicant must qualify as a "family", including single person families.

—The family must be income eligible.

The family must be eligible when the family is first admitted to a tenant-based program. There is no continuing eligibility requirement after admission. A rise in family income after admission automatically reduces the subsidy paid for the family.

Income Eligibility

The law distinguishes between two levels of family income:

—A "low-income" family (or "lower-income" family). Family income up to 80 percent of area median income.

—A "very low-income" family. Family income up to 50 percent of area median.

In the certificate program, the law permits assistance for low-income families (42 U.S.C. 1437f(c)(4)). In the voucher program, the law permits assistance for very low-income families and other low-income (non very low-income) families who reside in specified types of housing affected by various Federal programs or activities (42 U.S.C. 1437f(o)(3)). In aggregate admission to Section 8 and other programs, HUD is authorized to limit admission of families other than very low-income families, but may not "totally prohibit" admission of such families (1937 Housing Act, 42 U.S.C. 1437n(c)).

The new rule establishes a unified income eligibility definition for the certificate and voucher programs (with two exceptions related to HUD property

disposition and loan management activities). The rule permits admission of very low-income families, and other listed categories of non very low-income families. All families must be under the low-income (80 percent of median) limit.

All elements of the new uniform eligibility definition are within the statutory income limits for the certificate program and for the voucher program. The uniform definition reflects several amendments of statutory eligibility for the Section 8 voucher program. The rule provides that the HA may select a low-income family in any of the following categories for the certificate program or voucher program:

—A very low-income family.
—A low-income family continuously assisted under the 1937 Housing Act (the statutory charter for the Section 8 and public housing programs).
—A low-income family physically displaced by rehabilitation activity under the HUD rental rehabilitation program (24 CFR part 511).
—A low-income non-purchasing family residing in a HOPE 1 (HOPE for Public and Indian Housing Homeownership) or HOPE 2 (HOPE for Homeownership of Multifamily Units) project.
—For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990 (41 U.S.C. 4101 *et seq.*), a non-purchasing family residing in a homeownership project, or displaced because of mortgage prepayment or voluntary termination of the mortgage insurance contract.

Continuously Assisted Family

The rule lists the 1937 Act programs (§ 982.201(b)(1)). For the first time, the rule would require the HA to establish policies on when a brief interruption is considered to break continuity of assistance (§ 982.201(b)(2)).

Displacement by Rental Rehabilitation Activity

By law, the HA must issue a certificate or voucher to a low-income family physically displaced by rehabilitation under the HUD rental rehabilitation program. However, since the rental rehabilitation program is no longer funded, HUD will consider whether this provision is still needed at the time of the final rule.

HOPE

HUD provides tenant-based assistance to protect a non-purchasing family residing in a HOPE 1 or HOPE 2 project (42 U.S.C. 1437aaa(b), 1437aaa–3(h)(2), 42 U.S.C. 12871, 42 U.S.C. 1437f(b) and (o)(9) (1990 NAHA, Title IV)). The 1990 NAHA authorizes voucher assistance for a non very low-income non-purchasing family who resided in a HOPE 1 or HOPE 2 project (42 U.S.C. 1437f(o)(3)).

Preservation

Section 223 and 226 of the 1990 LIHPRHA authorize certificate or voucher assistance for a low-income family residing in a homeownership project or displaced by mortgage prepayment or voluntary termination (NAHA, Section 601(a), 104 Stat. 4249). The 1992 Housing Act provides that such families are eligible for certificate or voucher assistance (1992 Housing Act, Section 141, amending 1937 Housing Act, Section 8(c)(4) and 8(o)(3)(A)).

Property Disposition and Loan Management

The rule provides that the following types of families are eligible for assistance in the certificate program only:

—A low-income family residing in a HUD-owned multifamily rental housing project when the project is sold by HUD.
—A low-income family residing in a multifamily rental project with a HUD-held mortgage, if the project is sold at foreclosure to a purchaser other than HUD.

This is the only departure from the common definition of regulatory eligibility standards in the certificate and voucher programs in this rule. This difference between certificate and voucher eligibility requirements was necessary because these categories of non very low-income family do not meet statutory eligibility for the voucher program.

Section 16 Limit on Non Very Low-Income Occupancy

Section 16 of the 1937 Housing Act limits the percentage of occupancy by non very low-income families in public housing and Section 8 (42 U.S.C. 1437n). Currently, 24 CFR 813.105 requires a HA to request an "exception" for issuance of a certificate or voucher to a non very low-income family. Substantive revisions of Section 16 regulatory requirements will be handled in a separate rulemaking. In this rulemaking, the final rule will make technical conforming changes in the current Section 16 requirements in part 813.

Family Eligibility

For the tenant-based programs (and for project-based assistance under the certificate program), the rule implements a 1992 statutory amendment which redefines "family" eligibility for the Section 8 and public housing program (§ 982.201(c); 1992 Housing Act, section 621, substituting a new text of 1937 Act, Section 3(b)(3), 42 U.S.C. 1437a(b)(3)).

As in the past, the rule confirms that a "family" is the entity which may receive program assistance under the 1937 Housing Act. The statutory term "family" includes eligible single persons (§ 982.201(a)(2)(i)).

In accordance with the 1992 amendments that redefine the meaning of "family", the rule provides new definitions of the terms: "disabled person", "elderly person" and "near-elderly person" (§ 982.201(a)(3)).

The old law defined when a single person qualifies as a family. However, the old law does not contain any general standard on when a group of two or more persons qualify as a family. The old law contained separate and largely overlapping definitions of disability and handicap. Families where the household head or spouse is a disabled or handicapped person of any age, or a person over 62, were referred to as "elderly families".

In accordance with the new law, the new rule contains a single definition of the term "disabled person". The definition of "disabled person" includes the essential defining elements of disability and handicap under the prior law. In addition, the law and rule specify that a person with AIDS, or with conditions arising from the AIDS etiologic agent may qualify for assisted housing as a "disabled person".

Under the statute and this rule, young disabled persons are no longer considered within the prior and confusing definition of "elderly" family or person. "Elderly person" means a person who is at least 62 years of age.

The law and regulation add the concept of a "near-elderly person": A person from 50 to 61 years of age.

The rule redefines the term family, in accordance with the new law (§ 982.201(a)(2))). The term "family" means any of the following:

—A family with children.
—A family whose head or spouse is elderly, near-elderly or disabled.
—A single person who is elderly, disabled or displaced.
—Any other single person, including a near-elderly person.

In selecting families for participation in the program, the HA must give preference to a single person who is elderly, disabled or displaced over any other single person.

Over the history of the Section 8 and public housing programs, the statute

and HUD rules have regulated the circumstances in which a single person may qualify as a family, but have left substantially undefined the determination of when a group of persons may qualify as a family. In historic practice in these programs, HAs or housing owners have been left to adopt their own definitions of a multi-person family. Under the statute and this rule a non-single "family" must be either:

—A family with children.
—A family with an elderly, near-elderly or disabled household head or spouse.

The Department is deeply concerned that the new statutory definition will no longer allow admission of a family consisting only of a husband and wife, neither of whom is elderly, near-elderly, or disabled.

This rule does not make conforming changes to other program regulations which contain definitions related to "family" eligibility. Currently, the tenant-based programs are subject to definitions in 24 CFR part 812 and part 813 (which also affect other Section 8 programs administered by the Assistant Secretary for Housing). There are also parallel provisions in 24 CFR part 912 and 913 concerning the public housing programs of the Assistant Secretary for Public and Indian Housing. It is expected that family eligibility and related provisions will be amended in a separate rulemaking.

How Families are Selected

The rule extensively revises provisions for HA selection among eligible families.

Families must be selected in accordance with HUD regulations and requirements, and with HA policies in the HA's HUD approved administrative plan and EO plan (§ 982.202(a)).

Prohibited Selection Criteria

The rule lists factors that may not be used by the HA as bases of for selection of program families (§ 982.202(c)):

Suitability for Tenancy

Selection may not be based on suitability for tenancy.

Identity or Location of Housing

Selection may not be based on the "identity or location" of the housing that will be occupied by the family with assistance under the program (§ 982.202(c)(2)). The prohibition of HA selection on this basis protects the family's right to live in a place and unit selected by the family.

However, the rule would eliminate the prior regulatory prohibition of selection based on the identity or location of the housing occupied by the family before entry into the program (with an exception for cases where HUD provides assistance for families living in certain housing). The HA may now select a families living in designated places or projects, for example, families living in the HA's public housing. Once issued a certificate, such a family can move to eligible housing anywhere in the local housing market (or elsewhere, under portability procedures), and may not be required to go to other housing directed by the HA, for example, HA-owned units.

Family Characteristics

HA selection of families for participation in the program may not be based on certain family characteristics (§ 982.202(c)(3)):

—Employment history or education of family members.
—Whether members of the family are unwed parents, recipients of public assistance, or children born out of wedlock.
—Whether the family includes children (family status).
—Any discrimination because of age, race, color, religion, sex, or national origin.
—Any discrimination because of disability.
—Whether a family elects to participate in a family self-sufficiency program. A recent statutory amendment provides that assistance under the certificate or voucher programs may not be delayed because family elects not to participate in a local family self-sufficiency program (1992 Housing Act, Section 106(c); 42 U.S.C. 1437u(b)).

Family Income

The HA may not adopt a preference for selection of higher income families over families of lower income.

Residence in Public or Indian Housing

A family that lives in public housing may apply for tenant-based assistance. Section 8(s) of the 1937 Housing Act provides that in selecting a family for Section 8 assistance a HA may not "exclude or penalize a family solely because the family resides in a public housing project" (42 U.S.C. 1437f(s), added by 1987 Housing Act, Section 146). Section 8(d)(1)(A)(i) of the 1937 Act provides that certificate program assistance for an otherwise eligible family may not be "delayed or otherwise adversely affected" solely because the family resides in public housing (42 U.S.C. 1437f(d)(1)(A)(i), added by Section 545(a) of the 1990 NAHA).

The rule provides that HA may not refuse to list the family on the waiting list for tenant-based assistance, and may not deny any federal preference or local preference, for which the family would otherwise qualify, because the family lives in public or Indian housing. However, to receive tenant-based assistance, the family must move out of public or Indian housing (§ 982.202(c)(4)).

Applicant Status

The rule provides that an applicant does not have any right to be listed on the HA waiting list, to any particular position on the waiting list,or to be selected for participation in the programs. However, the applicant may have a right, independent of the rule, to bring a judicial action challenging a HA violation of a constitutional or statutory requirement (§ 982.202(d)).

Waiting List and Other Admissions

The rule specifies that there are two bases for admission to the tenant-based programs:

—Selection from the waiting list.
—As a "special family selection", in cases specified in the rule.

Special Family Selection

In a special family selection, the HA must pick a certain family or category of family for participation in the program. The HA may select a family that is not on the HA waiting list, or without considering the family's waiting list position (§ 982.203). In a special family selection, the HA is not subject to the federal preference and other requirements for HA waiting list selections.

The rule lists the cases in which the HA may make a special family selection.

HUD-Targeted Assistance (Section 982.203(c))

Special family selection applies when HUD provides funding to the HA for specified families residing in a specified project. For example, HUD may give the HA funds for a family displaced by demolition of a public housing project; for a family living in a project sold by HUD; or to continue assistance for a family living in a Section 8 project when the project-based assistance contract is about to expire. Generally, amounts available for targeted assistance are specified by line item in the Conference Report for HUD's annual appropriation. When HUD provides targeted assistance for specified families, the HA must use the funding for this purpose, and cannot select other families.

VOL 58 ISS 35 FE 24 1993 UMI

Residents of Certain Section 8 or Public Housing Projects (Section 982.203(d) and (e))

In certain circumstances, the HA may make a special selection (non waiting list selection) of families who live in a Section 8 moderate rehabilitation project, certificate program project-based assistance project or public housing project:

—If the family's unit is too big or too small and there is no suitable vacant unit.

—If the project-based Section 8 assistance contract expires or is terminated by the HA.

Settlement of Litigation (Section 982.203(f))

When HUD provides the HA with program funding for settlement of litigation, the HA may admit eligible families in accordance with the HUD-approved settlement.

Selection from Waiting List

Single Waiting List

An HA must have a single waiting list of applicants for the HA tenant-based programs, and for assistance under the project-based certificate (PBC) program (§ 982.204(a)(1)). The use of a single waiting list promotes economic and consistent administration, and fairness and consistency in distribution of available program slots to applicant families.

Under the present rule, an HA may adopt a non-durational preference for residents of the HA jurisdiction. Questions have been raised as to whether an HA with State-wide or other broad-area jurisdiction may have separate waiting lists for portions of the HA jurisdiction. The proposed rule provides that if the HA jurisdiction includes all or a portion of more than one fair market rent area or county, the HA may either maintain a single waiting list for the whole HA jurisdiction, or maintain separate waiting lists for residents of each fair market rent area or county in the HA jurisdiction (§ 982.204(a)(3)).

Although there is a single tenant-based waiting list, a family does not lose its place on the HA waiting list if the family refuses an HA offer of admission to the HA certificate program or voucher program to wait for assistance under the other tenant-based program (§ 982.204(f)).

Relation of Section 8 and Public Housing Waiting Lists

Merger and Cross-Listing

An HA may merge the waiting list for tenant-based programs and PBC program with the waiting list for:

—The HA public housing or Indian housing program.

—The HA moderate rehabilitation program (§ 982.204(a)(2)(i)).

The HA is not required to merge the waiting lists for its Section 8 program and public housing program. If the HA decides not to merge the waiting lists, the HA must offer to cross-list a family on both lists. If the Section 8 waiting list is open when a family is placed on the public housing waiting list, the HA must offer to also place the family on the Section 8 waiting list (§ 982.204(a)(2)(iii)).

Waiting list merger or cross-listing tends to give a family maximum access to and choice of available HA-administered subsidy programs and housing. Merger and cross-listing also helps to minimize racial disparities in access to and use of available subsidy programs.

Retention of Position on Waiting List

The acceptance of tenant-based Section 8 or of admission to public housing should not trap the family in the selected program, or lock the family out of the later opportunity to receive assistance in the other program.

The rule provides that a family does not lose its place on a public housing waiting list if the family applies for tenant-based assistance. Similarly, the HA may not remove the family from the Section 8 waiting list:

—Because the family applies for or accepts public housing.

—Because the family refuses an offer of public housing or other project-based assistance from the HA (§ 982.204(g)).

Waiting List: Selection Procedures

How HA Selects Families From Waiting List

The HA must adopt policies on how to select applicants from the HA waiting list, including a description of any selection preferences. The HA selection policies are stated in the HA's HUD-approved administrative plan (§ 982.204(c)).

There are two types of preferences:

—Local preferences, adopted by the HA to meet local needs and priorities.

—Federal preferences, required by federal law and regulation (for families that are displaced, homeless or living in substandard housing, or paying over 50 percent of family income for rent) (§ 982.204(c)(1)).

Local preferences may be used both for admissions not subject to federal preference requirements, and for selection between families that qualify for the federal preference.

The HA maintains information needed to select families from the waiting list. The information about each waiting list family includes:

—The size unit needed by the family.

—when the family applied.

—Whether the family is eligible for any federal or local preference (§ 982.204(d)).

The rule describes the process for selection of applicants (§ 982.204(e)):

—Applicants are selected from the waiting list for available program slots in each housing unit size.

—For available program slots in each housing unit size, the HA selects families who quality for the appropriate housing unit size category.

—The HA determines whether a family in a housing unit size category qualifies for a federal preference or any local preference.

—Federal preference governs selection among families in each housing unit size category. The federal preference requirements determine how many selected families must be families with a federal preference, and how many selected families may be families without a federal preference.

—Local preference governs selection among families in a housing unit size category which qualify for a federal preference, and among families in a housing unit size category which do not qualify for a federal preference.

—Date and time of application govern selection among families that qualify for the same housing unit size, the same federal preference status, and the same local preference status.

Preferences

The rule presents a more comprehensive and integrated statement of selection procedures, and the relation of federal and local preferences. The 1990 NAHA contained a series of statutory changes affecting operation of federal and local preferences (1990 NAHA, Section 545). The rule implements all of the preference changes needed to comply with the NAHA. However, the present rule is not a comprehensive reexamination and revision of the existing uniform regulatory federal preference requirements, which affect other Section 8 and public housing, as well as the tenant-based programs. There will be a

separate rulemaking with a more complete reexamination of federal preference requirements for all the affected programs.

Local Preference

For non-Federal preference admissions, the certificate and voucher law provides that the HA may use a "system of local preferences * * * to respond to local housing needs and priorities". The law contains an illustrative, but non-exclusive list of some purposes for which a local preference may be adopted. Local preference may also be used to achieve "other objectives" of national housing policy. The local preferences must be established in writing and after public hearing. (42 U.S.C. 1437f(d)(1)(A)(ii) and 1437f(o)(3)(B); amended by 1990 NAHA, section 545 and 92 Housing Act, Section 144.)

The statutory local preference provision only pertains to non-federal preference selection. The statute is silent on the use of local preferences in selecting among federal preference holders. The rule treats local preferences the same—whether local preferences are used for selection among federal preference holders or among non-federal preference holders. The rule provides the local preferences, for either purpose, may be adopted after public hearing to respond to local housing needs and priorities (§ 982.205).

The rule would eliminate the prohibition of selection based on where a family lives. The rule specifies that an HA's local preference system may include a local preference for a family living in public housing, Section 8 moderate rehabilitation housing or project-based certificate housing. However, a family may not benefit from tenant-based assistance while the family is living in public housing or Section 8 project-based housing (§ 982.205(b)(1)).

The rule lists some purposes of a local preference, and provides that the HA may adopt other local preferences in order to achieve other objectives of national housing policy (§ 982.205(b)).

As in the past, the HA local preference system may include a preference for selection of families who live within the HA jurisdiction. However, a residency preference may not be based on how long the family has lived in the HA jurisdiction. (Preferences based on length of residency violate the Constitutional right to travel.) (§ 982.205(c))

The HA local preference system may limit the number of families who may qualify for any local preference (§ 982.205(d)).

The system of local preferences may be consistent with federal preference requirements (§ 982.205(e)).

Federal Preference

When Federal Preference is Applicable

For the certificate program only, the 1990 NAHA amends the statutory limit on non-federal preference admissions (1937 Housing Act, Section 8(d)(1)(A)(i); 1990 NAHA, Section 545(a)). For certificate program tenant-based assistance ("assistance not attached to a structure"), federal preference applies to 90 percent of families who initially receive assistance each year. The new law eliminates HUD's discretionary authority to approve "for good cause" certificate program non-federal preference admissions in excess of the 10 percent limit.

The new rule establishes the same federal preference requirements and non-federal preference admission limit for the tenant-based certificate and voucher programs. The rule provides that at least 90 percent of waiting list admissions to the tenant-based programs in each successive one-year period must be families which qualify or federal preference. However, up to ten percent of such admissions during the year period may be families which do not qualify for federal preference (§ 982.205(a)(2)).

The rule seeks to clarify what admissions are counted against the non-federal preference admission limit.

Federal "preference" means that a qualifying family must be "preferred" over a non-qualifying family. Therefore the admission limit only applies if a non-qualifying family is selected over a qualifying family (§ 982.206(a)(3)(i)).

Federal preference requirements only apply if a federal preference family and a non-federal preference family are competing for the same program slot (available funding).

In the tenant-based programs, available program funding is used to support the desired program unit size distribution, i.e., so many 0-bedroom, 1-bedroom, 2-bedroom, 3-bedroom * * * units. In this program structure, federal preference governs selection for available slots in each housing unit size category. If a unit size slot is available in the program, and there are no federal preference holders who qualify for that housing unit size, selection of a non federal preference holder who qualifies for the housing unit size does not count against the ten percent limit on selection of families which do not qualify for federal preference (§ 982.204(e), § 982.206(a)(3)(ii) and § 982.206(a)(6)(i)).

Federal preference requirements do not apply to a special family selection (non-waiting list) (§ 982.206(a)(4)).

Federal preference requirements do not apply when a family is received in the HA program under portability procedures (§ 982.206(a)(5)).

If an admission (of a federal preference or non-federal preference family) is not subject to federal preference requirements, the admission is not included in the computation of families which "initially receive assistance" during the year: the base for calculation of the 90 percent/10 percent breakdown. Furthermore, in this case, the admission of a non-federal preference family is not counted against the 10 percent limit (§ 982.206(a)(3)(ii)).

Retention of Federal Preference

Public Housing Residents: Retention of Federal Preference

For the certificate program, legislation provides that the family may not be denied federal preference solely because the family residents in public housing (42 U.S.C. 1437f(d)(1)(A); 1990 NAHA, Section 545). For both tenant-based programs, the rule provides that if a public housing family was on the tenant-based waiting list when admitted to public housing (after the effective date of this rule), and the family qualified for federal preference at the time of such admission, the family retains its federal preference (§ 982.206(d)(2)(B)). For example, if a family was homeless when admitted to public housing (and was also on the tenant-based waiting list at that time), the family keeps its federal preference status (homeless) on the Section 8 waiting list.

Family Receiving HOME Tenant-Based Assistance

Similarly, for an applicant family that is receiving tenant-based assistant under the HOME program (24 CFR part 92), a HA must determine the applicant's qualification for federal preference based on the applicant's federal preference status at the time the applicant began to receive tenant-based assistance under the HOME program (42 U.S.C. 12742(a)(3)(D), 1990 NAHA, Section 212, as amended by the 1992 Housing Act).

Drug Crime Eviction: Disqualification for Federal Preference

The rule implements legislation generally prohibiting federal preference for a family evicted from Section 8 or public housing in the last three years for drug-related criminal activity (1990 NAHA, Section 545; § 982.206(c)(2)).

F. Family Self-Sufficiency

Subpart F of part 982 is reserved for provisions on the Family Self-sufficiency program.

G. Leasing A Unit

Information When Family is Selected

After a family is selected for tenant-based assistance, the HA gives the family an oral briefing on the program, and an information packet. The briefing explains the program to the family. The information packet reinforces the oral briefing, and contains other important program information. The rule revises the list of subjects that must be covered in the briefing and information packet (§ 982.301).

The briefing describes how the program works, including family and owner responsibilities. The HA must brief the family on what to consider in deciding whether to rent a unit. These factors include: condition of the unit, whether the unit rent is reasonable, cost of any tenant-paid utilities, and location of the unit, including nearness to public transportation, centers of employment, schools and shopping (§ 982.301(a)(4)).

The heart of the tenant-based programs is the family's opportunity to choose a unit from available rental housing in the private market. The HA must brief the family on where the family can rent a unit, including rental of a dwelling unit inside or outside the HA jurisdiction. The HA must explain how to rent a unit outside the HA jurisdiction under program "portability" procedures (§ 982.301(a)(5)).

The rule lists the types of information that must be included in the family's information packet (§ 982.301(b)). The packet includes information on:

—How the HA figures the subsidy payment for a certificate or voucher family.
—How the family requests approval of the lease.
—The text of the HUD-prescribed language that must be included in each lease.
—The HA occupancy standards, which govern the appropriate unit size and subsidy for a family, and the HA policy on exceptions to the occupancy standards.
—How to select a unit that meets the housing quality standards and dangers of lead-based paint.
—Fair housing information.
—Family program responsibilities.
—Program hearing procedures.

The rule adds a new requirement that the HA must share available information on prospective landlords (§ 982.301(a)(4)). The rule does not mandate that the HA gather additional information on owners willing to participate in the program, but requires the HA to share available information in the HA's possession, at the request of a family seeking to find a unit in the local housing market.

The rule also adds a new requirement that if a member of the family is disabled, the HA must also provide information about current available accessible units known to the HA, and inform the family that the HA will assist the family in locating an available accessible dwelling unit (§ 982.301(b)(9)).

Term of Certificate or Voucher

Previously the program rules defined the initial term and maximum extension of the certificate or voucher which is issued to a family selected for participation in the program. During the term, the family searches for a unit. The family must request unit approval from the HA before expiration of the term (§ 982.302(a)).

Lawsuits have been brought against certain HAs, claiming that the HAs violated the HUD regulations concerning the certificate or voucher term, or claiming that the regulations toll (suspend) running of the certificate or voucher term when the family submits a request for lease approval.

The new rule would provide that the HA must establish a policy on whether to grant extensions of the initial certificate or voucher term (§ 982.302(c)(1)).

The policy governing the certificate or voucher term and any extension or suspension is determined by the HA's own policy (in the HA administrative plan) rather than by a uniform national regulation and policy imposed by HUD. The administrative plan must include provisions defining: "HA policy governing the voucher or certificate term and any extensions or suspension of the term" (§ 982.57(b)(2)). "Suspension" means that the clock on the term of a family's certificate or voucher is stopped from the time when the family requests HA approval of the lease, to the time when the HA approves or denies the request (§ 982.302(c)(2)(ii)). The HA decides the length of the initial term (though the initial term must be at least 60 days (§ 982.302(b)), decides whether and when to allow any extensions, the length of any extensions, and whether the time to find and request approval is suspended on submission of the family's request for approval of the lease.

The decision on how to handle these questions rests on a balancing of legitimate program interests. From the standpoint of the certificate or voucher-holder, the length of the term or the availability of extensions may determine whether the family receives assistance under the program. A liberal extension policy may extend the family chance to search for a unit in a tight housing market. On the other hand, however, program resources are limited and there are typically many families on the HA waiting list. By limiting the search term, the HA can give other families the opportunity to seek and find housing in the local market. A liberal extension policy may undercut or complicate the ability of the HA to effectively lease up available slots in the program—since the HA may be uncertain how many outstanding certificates or vouchers will actually result in assisted rental. Under this rule, the HA policy controlling trade off between these different considerations is substantially left to local determination by the HA, in the management of available program resources.

After the HA has issued a certificate or voucher, the HA may require the family to report its progress in leasing a unit, at intervals or times determined by the HA (§ 982.302(d)). By giving encouragement or advice to the families, the HA may increase the number of families who succeed in finding and renting housing.

What Units Can Be Selected by Family

The tenant-based programs are designed to allow families a wide choice of rental housing in a wide geographical area. The rule would continue to provide that the HA may not directly or indirectly reduce the family's opportunity to select among available units (§ 982.303(d)). However, the new rule confirms that the rule specifies certain cases when HA has the power or obligation to impose certain limits on the family's choice of a unit. For example, the family may not rent a substandard unit, or specified ineligible housing, or a unit that rents for more than the maximum rents allowed under the programs.

As in the past, the rule lists categories of "ineligible housing", that may not be assisted by a HA in the tenant-based programs. (§ 982.304(a)). Three new categories are added to this list:

—College or other school dormitories.
—A unit owned by HUD
—Any unit receiving, or which received in the past 5 years, a local or State mortgage interest subsidy, construction or rehabilitation subsidy, or project-based rent subsidy.

Prohibition of Other Housing Subsidy

The current tenant-based rules prohibit "double subsidy" for a family that is also receiving assistance under various housing subsidy programs. There are some differences in the voucher and certificate provisions on this subject. The new rule restates and enlarges the prohibition against providing tenant-based assistance for a family which is also benefitted by other housing subsidy.

The prohibition is intended to prevent the waste of scarce housing subsidy dollars. The certificate or voucher programs are designed to provide a complete housing subsidy—a subsidy sufficient so a family can afford good housing—and to assure that the family contributes a fair share of its housing cost.

The new rule would provide that the family may not receive the benefit of a double subsidy "for the same unit or for a different unit". Thus the prohibition would apply both if tenant-based assistance is combined with other housing subsidy for the same family in the same unit, or for the same family in different units.

The rule lists specific types of housing subsidy that may not be combined with tenant-based subsidy under the certificate or voucher program. The rule also prohibits "any duplicative federal, State or local housing subsidy as determined by HUD" (§ 982.304(c)(9)). This residual category expresses the general purpose to preclude the family from receiving the benefit of another governmental subsidy that duplicates the purpose of the tenant-based subsidy, and thereby provides an excessive aggregate subsidy for the benefit of the family. For this purpose, "housing subsidy" does not include the housing component of a welfare payment or social security payment received by the family.

The rule prohibits the family from receiving "other section 8 assistance" together with tenant-based assistance (§ 982.304(c)). This prohibition would apply regardless of the form of the "other" Section 8 assistance. Section 8 tenant-based assistance may not be combined with Section 8 project-based assistance for the family. Section 8 tenant-based assistance also may not be combined with other tenant-based assistance (e.g., the family may not receive both certificate and voucher assistance, or receive certificate assistance from two HAs).

Section 8 tenant-based subsidy may not be combined with a tenant-based subsidy under the HOME program. However, Section 8 may be used to continue subsidy for the family after the HOME tenant-based subsidy has ended.

HA-Owned Housing

Before enactment of the 1990 NAHA, the law prohibited Section 8 assistance for a unit owned or otherwise substantially controlled by the HA that is administering the assistance under an ACC with HUD. The present program rules state this prohibition. However, the law was amended in 1990, and now specifically permits an HA to contract with itself to receive Section 8 assistance for a project that it owns. The law provides that:

> A public housing agency may contract to make assistance payments to itself * * * as the owner of dwelling units if such agency is subject to the same program requirements as are applied to other owners. In such cases, the Secretary may establish initial rents within applicable limits. (1937 Housing Act, section 8(a) (42 U.S.C. 1437f(a)), as amended by Section 548 of the 1990 NAHA.)

(This amendment became effective on enactment of the 1992 Housing Act. Section 150 of the 1992 Housing Act provides that Section 548 of the 1990 NAHA shall be effective notwithstanding the absence of any HUD regulations.)

Because of the statutory change, the rule removes the prior rule prohibiting use of HA-owned housing. By Congressional direction, the HA as contract administrator of program funding under the ACC may now enter into a Section 8 HAP contract with itself, or its instrumentality, as Section 8 owner. As required by the law, the rule provides that the HA as owner of the assisted units is subject to the same "program requirements" that apply to other owners in the program (§ 982.304(b)(2)). In accordance with this principle, the rule provides that the HA must brief the family on its right to select a dwelling unit anywhere in the normal leasing area (§ 982.304(b)(1)(i)). The HA is not authorized to abridge the family's freedom to choose among all available units in the private rental market, not just the units owned by the HA (§ 983.303(d)). The rule provides that while a family may choose to reside in an HA-owned unit with tenant-based assistance, the housing must be "freely selected by the family, without HA pressure or steering" (§ 982.304(b)(1)(i)). Furthermore, the rule confirms that HA-owned housing is subject to the normal program prohibition against use of ineligible housing—notably the prohibition against use of public or Indian housing units (§ 982.304(b)(1)(ii)).

Since there is an inherent conflict between the HA's proprietary interest as unit owner, and the HA's normal responsibility for approving owner rents, the rule provides (§ 982.304(b)(1)(iii) and (iv)) that HUD must approve both:

—The initial subsidized rent (for a certificate unit) and the initial rent to owner (for a certificate program or voucher program unit). The approval must be obtained prior to execution of the HAP contract and commencement of the assisted lease.
—Any adjustment or change in the subsidized rent or rent to owner.

HA Approval of Tenancy

After the family finds a unit, the family requests HA approval to rent under the program. The HA inspects the unit and determines whether the unit is eligible and complies with the housing quality standards. The HA also determines whether the lease and rent meet program requirements. If the tenancy satisfies all program requirements, the HA approves the unit and executes a HAP contract.

From time to time, questions are raised concerning the sequence of the basic steps to establish an assisted tenancy. HAs and others have asked whether particular requirements may be satisfied "retroactively", after commencement of the assisted tenancy—the period of assisted occupancy. The proposed rule seeks to minimize such questions, by restating the procedure to establish an assisted tenancy, including an explicit description of the timing of required HA actions (§ 982.305).

The HA may not approve the unit until the HA has inspected the unit, and has determined, based on the inspection, that the unit complies with housing quality standards (§ 982.305(b)(1) and (b)(2)(iii)). There is no exception to this rule. The HA must always inspect and approve the unit before the beginning of the assisted lease term (§ 982.305(b) (1) and (c)). Conversely, the HA may never postpone the unit inspection to a point after the beginning of the term.

All of the following steps must always be completed before the beginning of the lease term:

—HA inspection of the unit.
—HA approval to rent the unit.
—Execution of the HA-approved lease by the tenant and the owner.

(§ 982.305(c)(1); see also § 982.306(b).)

Under the current tenant-based program rules, the HA must also enter the HAP contract before the beginning of the lease term. The rule proposes a significant relaxation of this requirement. The rule provides (§ 982.305(c)(3)) that:

VOL 58 ISS 35 FE 24 1993 UMI

The HA must use best efforts to execute the HAP contract before the beginning of the lease term. The HAP contract must be executed no later than 60 days after the beginning of the lease term.

This new provision would allow limited additional time for processing of HAP execution after the beginning of the lease term, but only where other essential steps (inspection, HA approval, and lease execution) were completed at the time required, before the beginning of the lease term. After late execution of the HAP contract within the 60 day interval, the HA will pay the owner the subsidy payments due for the period from the beginning of the lease term.

Owner Selection and Screening of Tenants

The HA selects families for the tenant-based programs, but does not screen families to determine suitability for tenancy (§ 982.202(c)(1). Selection of tenants is the function of the owner (1937) Housing Act, section 8(d)(1)(A), 42 U.S.C. 1437(d)(1)(A)).

HAs, local officials and residents have expressed concerns with the actions of some tenants and household members who are assisted in the Section 8 tenant-based programs. Some concerns relate to whether particular assisted families are responsible tenants, in such matters as payment of rent, treatment of units, disturbance of neighbors, or skipping from a unit during the lease term. Other concerns relate specifically to alleged drug related or other criminal behavior by household members.

Listing of a family on the HA waiting list, or selecting a family for participation in the tenant-based program, is not a representation by the HA to the owner about the family's expected behavior, or the family's suitability for tenancy. The proposed rule adds a new requirement that the HA must inform a prospective owner that the HA has not screened the family for suitability, and that such screening is the owner's own responsibility (§ 982.305(d)(1)).

The HA may possess information which could affect a landlord's decision whether to rent to a particular family. For example, the HA may have information on how family members behaved in the HA's public housing. The HA may have paid owner damage claims for a prior Section 8 tenancy. Under current program rules, the HA can choose whether to give available information about family members to a prospective landlord.

The proposed rule requires the HA to give such information to the landlord. When the family wants to rent a landlord's apartment, the HA must offer the landlord information in the HA possession about the rental history of family members, or about drug-trafficking by family members. In briefing a selected family, the HA must inform the family that such information will be provided to owners. The rule does not require the HA to record or gather information on the family's rental history or drug-trafficking, but merely requires that the HA turn over whatever information it has.

HA Disapproval of Owner

The current program rules do not state when or whether the HA may refuse to approve a tenancy because of the owner's identity—based on direct HA experience with the owner in HA programs, or other HA information about the owner's history or past behavior. For the first time, the new rule would specify cases when the HA may or must refuse to accept an owner in its program.

The rule confirms that the HA may not enter into a HAP contract with an owner if the owner is barred from participation in federal programs, or if an enforcement action under the Fair Housing Act has been initiated against the owner. (§ 982.305(e)(1)).

In addition, the HA may refuse to execute a HAP contract with an owner if the HA believes that the owner, including a principal or other interested party, has committed any of the following (§ 982.305(e)(2)):

—The owner violated a Section 8 assistance contract.
—The owner committed fraud in connection with any federal housing program.
—The owner engaged in drug-trafficking.
—The owner has a history or practice of non-compliance with housing standards for units leased under a federal housing program.
—The owner has a history or practice of non-compliance with State or local housing codes.
—The owner owes State or local real property taxes.

The HA refusal to approve the owner may be based on information received from HUD, or otherwise available to the HA. The decision whether to approve the owner in these cases is in the HA's administrative discretion.

The rule specifies that the owner does not have any right to participate in a tenant-based program (§ 982.305(e)(3)). Thus the refusal to allow a family to rent from the owner does not deprive the owner of any property right.

Lease

Meaning of "Tenant"

Section 8 rental assistance is paid for a unit under lease for occupancy by a "family". However, in accordance with normal landlord/tenant practice, the lease is a contract between the "tenant" and the owner.

In the new rule, the term "tenant" is defined to mean "the adult person or persons (other than a live-in-aide) who executes the lease as lessee of the dwelling unit" (§ 982.306(a)). The tenant is the legal representative of the family: the member or members of the family who is the signatory of the lease, is legally bound by the lease, and who may enforce the lease against the owner.

The new definition clarifies that the tenant must be an "adult"—that is a person with the legal capacity to contract for the leasehold, to be bound by and enforce the lease. The rule does not, however, establish a uniform definition of legal majority. The age of legal majority is determined by State and local law.

Contents of Lease

The lease between the tenant and the owner must contain terms and conditions specified by HUD (1937 Housing Act, section 8, 42 U.S.C. 1437f(d)(1)(B)(i)). In most of HUD's Section 8 project-based programs, the owner is required to use a HUD-prescribed "model" lease. In the tenant-based programs, HUD does not provide or prescribe the use of a model lease. Instead HUD requires the use of required lease language.

The required language must be incorporated verbatim in the lease between the owner and tenant. The rule provides that the assisted lease must include "word for word" all provision required by HUD and may not contain any provisions prohibited by HUD (§ 982.306(c)(1)). In general, HUD prohibits use of lease language that would effectively deprive the tenant of the opportunity for a judicial hearing on disputes arising under the lease (§ 982.306(c)(2)).

The HUD-required lease language may be combined with a lease form developed by the owner or used by landlords in the community, or may be included in a lease form specially developed by the HA for use in the tenant-based program.

The proposed rule provides that an HA may develop a model program lease "for the convenience of families and owners". However, the rule does not permit the HA to require use of the PHA developed model lease. An owner may use another form of lease, or may use

special lease language developed by the owner, so long as the program lease contains word-for-word all provisions required by HUD and does not contain any provisions prohibited by HUD (§ 982.306(d)).

Term of Lease

Initial Lease Term

Under the statute, the tenant-owner lease must be for at least one year unless the HAP contract has a shorter term (1937 Housing Act, section 8, 42 U.S.C. 1437f(d)(1)(B)(i)). Under the HUD rules, the term of the HAP contract tracks the term of the assisted lease. The term of the HAP contract is not shorter than one year. The minimum lease term is therefore one year.

The current rules are intended to provide for an initial one year lease term, followed by an indefinite and automatic extension of the lease. The current rules contain several provisions which reflect HUD's intention that the initial lease term is for one year: Including provision that during the first year of the lease term an owner may not terminate the tenancy for "other good cause" unless the termination is based on action or nonaction by the family (see 51 FR 16296, May 2, 1986). However, the current rule does not explicitly state that the initial term is for one year. The proposed rule provides that "the initial term of the lease must be for at least one year" (§ 982.306(e)(2)(i)).

Short-Term Contracts

The current tenant-based program rules provide that the lease term must begin at least one year before the end of the HA's program funding under the consolidated ACC. This provision was originally intended by HUD to assure that the initial lease term runs for at least one year. However, this provision had the technical effect of preventing families from leasing units if new program funding (amendments or renewals) was not contracted to the HA at least a year before ACC expiration. To prevent this problem, the law was amended to provide that HUD must permit housing agencies:

* * * to enter into contracts for assistance payments of less than 12 months duration in order to avoid disruption in assistance to eligible families if the annual contributions contract is within 1 year of its expiration date. (1990 NAHA, Section 552(b), amending 42 U.S.C. 1437f(d)(2)(A).) In accordance with this law, the new rule provides (§ 982.306(e)(2)(v)) that:

The HA may approve the lease, and execute the HAP contract, even if there is less than one year remaining from the beginning of the initial lease term to the end of the last expiring funding increment under the consolidated ACC.

Extension After Initial Term

The new rule restates provisions on extension of the assisted tenancy after the initial lease term. The new rule states (§ 982.(e)(2)(ii)) that:

The lease must provide for automatic renewal after the initial term of the lease. The lease may provide either:

(A) For automatic renewal for successive definite terms (e.g., month-to-month or year-to-year), or

(B) For automatic indefinite extension of the lease term.

This new provision is intended to confirm and clarify the legal mechanism for lease extension after the initial term. However, the new provision does not essentially change the character or requirements for such extensions. In the tenant-based programs, the end date of the assisted tenancy is not specified at the start of the lease term. Instead, the tenancy continues automatically after the end of the initial lease term. There is no need or requirement for the parties to execute a new lease or lease extension. The automatic extension is provided for in the lease originally executed by the landlord and family.

In the current rule, the automaticity of the lease extension is implied by stating that the lease continues until lease termination by the owner (or certain other defined events). The owner may only terminate the tenancy for lease violation or other statutory good cause grounds. The tenancy continues until the owner terminates tenancy for appropriate grounds. By contrast, the new rule states explicitly that the lease renewal is "automatic".

The new rule also makes clear that the automatic extension may take the form of an "automatic" indefinite extension or an "automatic" renewal for successive definite terms: such as month-to-month or year-to-year. These forms of extension are permitted under the current rule, but are not specifically articulated. In the unassisted rental market, a tenancy typically extends for successive defined terms, either by provision of the lease or by operation of State law. The new rule confirms that lease extension in the tenant-based program may take the customary form of a month-to-month or other definite automatic extension.

The difference between an automatic indefinite extension and an extension for pre-defined definite terms is only a difference of form. For all program tenancies, the owner may only terminate the tenancy for statutory good cause grounds, whether during the course of the initial or extended term, or at the end of the initial or any extended term. In this respect, tenancies in the Section 8 tenant-based programs differ from private unassisted tenancies, where the owner may typically evict the tenant without cause at the end of the lease term. In the tenant-based Section 8 programs, simple expiration of the lease term is not grounds for termination of tenancy.

The new rule also restates the list of events that will end the assisted tenancy (§ 982.306(e)). The rule provides that the lease continues until any of the following occurs:

—The owner terminates the lease.
—The owner and the family agree to terminate the lease.
—The HA terminates the HAP contract.
—The HA terminates assistance for the family.
—The family terminates the lease.
—The family moves out.

The rule provides that a family must be allowed to terminate the lease without cause, at any time after the first year of the lease term, on no more than 60 days notice to the owner.

Eviction

Criminal Activity

The rule implements statutory provisions that permit the owner to evict for criminal activity by members of the assisted household (1937 Housing Act, section 8(d)(1)(B)(iii) and section 8(f)(5), 42 U.S.C. 1437f(d)(1)(B)iii) and 1437f(f)(5); amended by 1990 Housing Act, sections 546 and 549; 1992 Housing Act, section 145).

The rule provides (§ 982.307(b)) that any of the following types of criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control is cause for termination of tenancy:

—Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents.
—Any criminal activity that threatens the health, safety or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises.
—Any drug-related criminal activity on or near the premises.

As defined in the law and the rule, "drug-related criminal activity" includes both drug use and drug-trafficking (§ 982.307(d)). The same definition applies to eviction by the private owner of tenant-based assisted housing in the HA Section 8 program, as to eviction by the HA itself as landlord of public housing.

Under the law owner may evict for drug crime "on or near" the assisted

"premises", for criminal activity that threatens peaceful enjoyment by residents of the "premises", or residing in the vicinity of the "premises". The rule defines "premises" as the building or project in which the assisted unit is located, including common areas and grounds (§ 982.307(d)).

The statute affirms that in an eviction for criminal activity, the family may be evicted for covered criminal activity by any household member—not just criminal activity by the family member who signs the lease as tenant. The family may also be evicted for criminal activity by a guest or another person under the tenant's control. The rule defines "guest" as a person in the assisted dwelling unit "with the consent of a household member" (§ 982.307(d)).

Eviction: Notice of Grounds

The rule implements a statutory amendment which requires that the owner must give the tenant written notice which specifies the grounds for termination of tenancy (1990 Housing Act, section 546, 42 U.S.C. 1437f(d)(1)(B)(iv)). The rule provides that the notice may be combined with and run concurrently with any notices required under State or local law. Thus the federal notice may be combined with, or run concurrently with, a notice to quit or vacate required by State eviction procedures prior to commencement of eviction, or with the complaint or other process served to commence the eviction action (§ 982.307(e)).

Security Deposit

The owner may collect a security deposit from the family. Under the new rule the maximum security deposit is one month's rent to owner. (§ 982.308(a)).

HA Payments to Owner if Family Moves Out

As under the current voucher rule, the owner would not be paid any "vacancy payment" if the family moves out during the lease term. The owner may keep the assistance payment for the month the family moves (§ 982.309(a)).

The owner may claim reimbursement from the HA for tenant damage and unpaid rent. The maximum claim is limited to one month's rent to owner minus the security deposit the owner could have collected. Since the maximum security deposit is one month's rent to owner, the HA would be able to effectively eliminate owner reimbursement claims by allowing an owner to collect a security deposit equal to one month's current rent to owner (§ 982.309(b)(1)).

HUD believes that handling of owner reimbursement claims has been a major problem for HAs. On the one hand, it is hard for the HA to assess or verify owner claims of damage or unpaid rent owed by the tenant. On the other hand, the HA may need to pay claims with minimum delay and difficulty, so that owners are willing to participate in the program.

The family also has an interest in the amount paid to the owner, since the failure to reimburse the HA may be a ground for denial or termination of assistance. If the owner has paid the claim on representations of the owner, the family may subsequently assert that the payment was wrongly made—that the tenant did not owe the amounts to the owner. The family may demand a hearing on this issue if the HA later seeks to deny or terminate assistance because the family has not reimbursed the HA for its payment to the owner. Just as it is difficult for the HA to evaluate the original owner claim for reimbursement, it is difficult for the HA to evaluate the family objection to prior payment of the claim. Indeed the competing allegations of the owner and the family, presented at different points in time, may result in inconsistent HA determinations on precisely the same issues.

For fairness to the family, and so that the HA can try to hear both sides of the story at the same time—before payment of owner's claim—the rule provides that before paying the owner's claim for reimbursement, the HA must give the tenant notice of the owner's claim, and opportunity to be heard as to whether the amounts claimed by the owner are properly payable by the family under the lease (§ 982.309(b)(2)).

The rule also solves a major irritation and concern to HAs under the current rule (the so-called ABC problem). When an assisted family wants to move from one unit to another, the HA does not know if owner of the first unit will claim damages, or may be uncertain whether reimbursement should be paid. Under the current rule, the HA may not refuse to process the family move until an owner damage claim has been submitted and resolved, and may not terminate the HAP payments for a family that has moved to a new unit, for unpaid damage claims paid by the HA after the family move. The new rule eliminates the distinction between grounds for denial of assistance to a participant, as distinguished from grounds for termination of payments for the family under an outstanding HAP contract. Since this distinction was the source of the ABC dilemma, the problem is now eliminated.

H. Where Family Can Live and Move

Area Where Family Can Move

Currently, a family in the certificate or voucher program may move with continued assistance anywhere in the same State, metropolitan statistical area (MSA) or contiguous MSA as the HA which selected the family. A family in the voucher program can also move anywhere in the United States where there is an HA administering a voucher program.

The current voucher regulations allow HAs to limit the number of portability moves to 15 percent of the number of leased units.

The new rule proposes the same requirements for the certificate and voucher programs. A family in either tenant-based program would be able to lease a unit located anywhere in the jurisdiction of the HA, in the same State as the HA, in the same MSA or contiguous MSA, or in the jurisdiction of any other HA administering a certificate or voucher program. The area where the family can move, inside or outside the HA jurisdiction is called the "leasing area" (§ 982.352 and § 982.353).

The rule contains these significant policy changes:

—A certificate program family may move nationwide to the jurisdiction of a HA administering a certificate or voucher program.

—In the voucher program, the rule eliminates the optional 15 percent limit on nationwide moves.

When Family Can Rent Outside HA Jurisdiction

Currently, as soon as the HA issues a certificate or voucher, the family can rent a unit outside the HA jurisdiction in the same State, metropolitan area or contiguous metropolitan area.

Some Section 8 applicants shop for the shortest waiting list by applying at numerous HAs throughout a State or area, with no intention of moving from their current location to the jurisdiction of the HA which issues the applicant a certificate or voucher.

A 1992 law requires applicants not living in the jurisdiction of the HA at the time the family applied for assistance to rent a unit within the HA's jurisdiction for at least 12 months (1992 Housing Act, Section 147, 42 U.S.C. 1437f(r)(1)). The new rule implement this statutory change, which would reduce the incidence of waiting list shopping and HA administrative costs because of this practice (§ 982.353(b)(1)).

Number of Family Moves

The new rule provides that an HA may establish policies which regulate the number of moves a family may make during the initial one-year lease period for a unit (§ 982.354). This provision gives the HA discretion to deny permission for two or more moves during any 12-month period.

Type of Assistance After Portability Move

In addition, the new rule specifies that regardless of whether a portable family was previously assisted in the certificate or voucher program, a receiving HA may provide assistance for the family under either the certificate or voucher programs (§ 982.356). An HA needs this flexibility because it may not administer a voucher program, or may not have the same form of assistance available for the family when the family moves into its jurisdiction.

Absorption, Billing, and Replacement Funding

Portability increases housing choice for low-income families. At the same time, portability has resulted in miscommunication and lack of cooperation between HAs, confusion about portability procedures and requirements, and late billings. Most problems occur when billing for housing assistance payments is necessary because the receiving HA elects not to issue the portability family one of its own certificate or vouchers.

The new rule proposes policies which would eliminate, or at least significantly reduce, billing between HAs. A receiving HA would be required to absorb a portability family by issuing one of its own certificates or vouchers, using funding under the receiving HA's ACC (§ 982.356). If the receiving HA does not have unused certificate or voucher funding, the receiving HA would temporarily bill the initial HA for housing assistance payments. When a receiving HA certificate or voucher becomes available through new funding or turnover, the receiving HA must absorb the portable family.

In order to avoid an adverse impact on the families on the receiving HA's waiting list, HUD is committed to providing funding for absorptions to receiving HAs from available appropriated funding. The funding would be provided on a one-to-one basis. It is expected that this funding would either come off the top of the fair-share allocations for each State or allocation area, and/or from the HUD Headquarters Reserve. HAs and other interested parties are invited to submit comments on the best source of funding for portability reimbursements. In addition, it is noted that HUD considered reimbursing receiving HAs for a lower percentage of the absorptions, but determined this was not desirable since it would not eliminate billing situations, which are root of most portability problems. Comments on the decision for 100 percent reimbursement are also requested.

I. Dwelling Unit Housing Quality Standards, Occupancy Standards, Inspection and Maintenance of Unit

Housing Quality Standards

The housing quality standards or "HQS" are the HUD minimum quality standards for housing assisted under the tenant-based programs. Program housing must comply with HQS, both at initial occupancy and during the term of the assisted lease (§ 982.401(a)(1)). The HA inspects the unit before approving the tenancy (§ 982.305), and must reinspect the unit at least once every year (§ 982.404(a)).

There are two levels of requirements in the HQS: "performance requirements" and "acceptability criteria". All program housing must satisfy the performance requirements (§ 982.401(a)(3)).

HUD may permit an HA to use acceptability criteria variations that are based on local codes or national standards, or variations because of local climatic or geographic conditions (§ 982.401(a)).

The HQS state performance requirements and acceptability criteria for these keys aspects of housing quality:

—Sanitary facilities.
—Food preparation and refuse disposal.
—Space and security.
—Thermal environment.
—Illumination and electricity.
—Structure and materials.
—Interior air quality.
—Water supply.
—Lead-based paint.
—Access.
—Site and neighborhood.
—Sanitary condition.
—Smoke detectors.

The rule retains the housing quality standards stated in the current rules and program handbook. The rule does not seek to implement recent statutory changes concerning lead-based paint.

Occupancy Standards

The new rule restates requirements governing HA "occupancy standards"—the HA policies for determining the size of the unit needed by a family (§ 982.402). Under the occupancy policy, the HA determines the appropriate number of bedrooms for each family. This number is called the "family unit size"—a new defined term. The rule describes the programmatic function of the HA occupancy standards, and the relation between the HA occupancy standards and the HUD HQS space standards.

Relation Between HQS and HA Occupancy Standards

The HQS space standard performance requirement is broadly stated, and merely provides, without elaboration, that a unit must provide "adequate" space for the family. The HQS acceptability criteria provide that:

—There must be at least one bedroom (or living/bedroom) for every two people who live in the unit.
—There must be enough bedrooms so that people of opposite sex, other than husband or wife or very young children, do not have to sleep in the same bedroom.

The HQS define the minimum size of a unit which may be rented by an assisted family. The HA occupancy standards do not determine or affect the minimum unit size. The occupancy standards are used to determine the maximum rent subsidy that can be paid for the family, based on the family size and composition.

The rule provides that the occupancy standards must be "consistent with" HQS space requirements (§ 982.402(b)(2)). By permitting a subsidy appropriate for the family size, the occupancy standards allow the family to shop for a unit that at least meets the HQS.

Family Unit Size: Use in Determining Program Subsidy

In the certificate program, HUD establishes fair market rents (FMR) by unit size. The rule makes clear that there are two separate FMR-based limits on the unit rent subsidized by HUD. First, the subsidized rent may not exceed the FMR (or exception rent) for the unit actually rented by the family (and which must satisfy the HQS space standard). Second, the subsidized rent may not exceed the FMR for the family unit size established by the HA under the HA occupancy policy. The distinction between these limits is illustrated by these contrasting examples:

Example 1.

If a certificate family qualifies for a 3 bedroom family unit size under the occupancy policy, but selects and rents a 2 bedroom unit, the subsidized unit

VOL 58 ISS 35 FE 24 1993 UMI

rent may not exceed the 2 bedroom FMR.

Example 2.

If a certificate family qualifies for a 2 bedroom family unit size under the occupancy policy, but selects and rents a 3 bedroom unit, the subsidized unit rent may not exceed the 2 bedroom FMR. The family may rent a unit bigger than the family unit size, but only if subsidized rent does not exceed the FMR for the family unit size.

In the voucher program, the amount of subsidy for a family is determined by the "payment standard" adopted by the HA. The HA establishes payment standards by number of bedrooms. The family unit size determines the appropriate payment standard for the family, and thus the amount of the subsidy paid on behalf of the family.

Example 3.

A voucher family qualifies for a 3 bedroom family unit size, but selects and rents a 2 bedroom unit. The amount of subsidy is determined by the 3 bedroom payment standard, and is not affected by the family's choice to rent a smaller unit. The family has the incentive to shop for a smaller unit at a lower rent, reducing the part of rent paid by the family, and increasing the part of the rent covered by the fixed 3 bedroom formula subsidy.

Occupancy Standards: Determining Family Unit Size

The new rule continues prior policy that occupancy standards adopted by the HA must provide for the smallest number of bedrooms needed to house a family without overcrowding (as well as the prior requirement that the occupancy standards must be consistent with HQS) (§ 982.402(b) (1) and (2)). Occupancy standards must be applied consistently for all families of like size and composition (§ 982.402(b)(3)).

The new rule contains specific requirements for determination of family unit size under the HA occupancy policy:

Temporary absence of child. The temporary absence of a child from the home because the child has been placed in foster care may not be considered in determining the family unit size (§ 982.402(b)(4)). This provision reflects Section 574 of the 1990 NAHA, which provides that:

> The temporary absence of a child from the home due to placement in foster child care shall not be considered in considering family composition and family size.

This statutory provision seeks to promote re-unification of a separated family, by permitting the family to rent a subsidized unit big enough to house the absent child, as well as other family members. It should be emphasized, however, that the statutory and regulatory provisions only pertain to the child's "temporary" absence from the home, and are not intended to artificially enlarge the space available for other family members.

Family with disabled or elderly member. For a family with a disabled or elderly family member, any live-in aide must be counted in determining the family unit size.

Pregnant woman. In determining the family unit size, a single, pregnant woman, with no other children, must be considered as if she were a family consisting of two persons.

Single person. For a single person, the family unit size must be either a zero or one-bedroom unit, as determined under the HA occupancy standards. (However, as noted above, the family unit size must count a live-in aide who resides in the unit to care for a disabled or elderly single person family.)

The 1937 Housing Act prohibits Section 8 assistance for a housing unit of 2 or more bedrooms for a single person family other than a disabled person, elderly person, or single remaining member of an assisted family (42 U.S.C. 1437a(b)(3)(A), amended by the 1990 NAHA, section 573(a), and by the 1992 Housing Act, section 621). The rule implements this provision for the tenant-based programs as a limitation on family unit size, and therefore on the amount of subsidy paid on behalf of the single. Consistent with the general structure of the rule, and the purpose of the statutory limitation, the rule does not prohibit the single person from residing in a larger unit (2 or more bedrooms) with the amount of subsidy for a zero or one-bedroom family unit size.

Although the statutory limitation does not apply to a single person who is a disabled person, elderly person, or remaining family member, the regulatory limitation applies also to such singles. The Department believes that zero or one bedroom family unit size is appropriate for all classes of singles (modified, as noted above, to allow for occupancy by a live-in aide).

The rule does not allow the HA to grant any exception to the statutory single person bedroom count limit (§ 982.402(b)(8)).

Occupancy Standard Exceptions

As in the past, the HA has discretion to grant occupancy standard exceptions for a particular family (§ 982.402(b)(8)). Exceptions are based on the personal circumstances of the family.

Size of Unit Occupied by Family

Initial occupancy. The rule specifies that the family may rent a dwelling unit that is larger or smaller than the family unit size under the HA occupancy policy (§ 982.402(d)(1)). As discussed above, the family unit size determines the appropriate subsidy level for a family of a given size and composition. The family unit size does not constrain the family choice of units that can be rented with the tenant-based subsidy.

If the family rents a bigger unit, the federal subsidy is nevertheless constrained by the FMR (certificate program) or payment standard (voucher program) that defines the appropriate maximum subsidy for the family size and composition. If the family rents a smaller unit (that nevertheless complies with the HQS), the certificate program subsidy is limited by the FMR or exception rent limit for the smaller unit size actually rented by the family. In the voucher program, the family has the incentive to shop for a smaller unit and reduce the family's net housing cost.

HAP Contract Termination: Unit Too Small for Family

The rule restates provisions of termination of the HAP contract where the leased unit is too big or too small for the family.

Even if a unit met HQS space standards at the beginning of the assisted tenancy, the unit may subsequently violate HQS space standards because of changes in family size or composition that cause overcrowding of the unit. This may occur, for example, if children are born to or adopted by family members.

If the dwelling unit violates the space standards, the HA must terminate the HAP contract if an acceptable unit is available for rental by the family within the FMR/exception rent limit (certificate program) or payment standard (voucher program) for the family unit size.

HAP Contract Termination: Subsidy Too Big for Family Unit Size

Because of the death or departure of family members, the size of the assisted family may shrink after initial occupancy. A family with children may become a family of empty nesters. A large family may be reduced to a single remaining family member. As a result of this decrease, the family no longer needs the number of bedrooms provided in the family unit size determined by the HA at initial occupancy of the unit.

In the certificate program, the decrease in family size results in an excessive subsidy for the remaining family members. The HA is paying rent

for an oversize unit. If the unit size and unit are too big for the current family size, the HA may terminate the HAP contract if an acceptable unit is available for rental by the family within the FMR/exception rent limit (§ 982.402(d)(3)).

In the voucher program, the subsidy for a family is readjusted each year to the appropriate payment standard for the current family size under the HA occupancy policy. If the remaining family members are paying an excessive rent, they can move to another unit that meets the family's present housing need.

Maintenance: Owner and Family Responsibility

Under the current rule, the owner has total responsibility for compliance with HQS, even if an HQS violation is caused by the family. The new rule provides (§ 982.403(c); § 982.551(c)) that the family is responsible for a breach of HQS which is caused by:

—The family's failure to pay for tenant-paid utilities.
—The family's failure to provide and maintain tenant-supplied appliances.
—Family damage to the dwelling unit (other than ordinary wear and tear).
—Vermin and rodent infestation caused by trash accumulation from poor family housekeeping.

A family-caused violation of the HQS is a violation of the family's program obligations. The HA may deny or terminate assistance for the violation.

For other HQS violations, the rule reaffirms the owner's obligation to maintain the unit in accordance with the HQS, and to provide all services, maintenance and utilities specified in the lease.

The rule states the HA's remedial rights and responsibilities for an owner's breach of HQS. These new rule provisions are principally modeled on provisions now stated in the forms of assistance contract.

If the owner fails to maintain the dwelling unit in compliance with HQS, the HA must take prompt and vigorous action to enforce the owner obligations. HA rights and remedies include termination or reduction of housing assistance payments and termination of the HAP contract (§ 982.403(b)(1)). The HA must not make any housing assistance payments for a dwelling unit that fails to meet the HQS, unless the owner corrects the defect within the period specified by the HA and the HA verifies the correction (§ 982.403(b)(2)).

The rule specifically distinguishes between the contractual rights and roles of the HA and the assisted family. The family is not a party to or third party beneficiary of the HAP contract, and may not exercise any right or remedy against the owner under the HAP contract. However, the tenant may exercise any right or remedies against the owner under the lease between the tenant and the owner (§ 982.403(b)(4)).

Even if the family continues to occupy the unit, the HA may exercise any rights and remedies against the owner under the HAP contract for an owner's failure to maintain the unit in accordance with the HQS (§ 982.403(b)(3)). However, the rule does not create any right of the family, or any party other than HUD or the HA, to require enforcement of the HQS requirements by HUD or the HA, or to assert any claim against HUD or the HA, for damages, injunction or other relief, for alleged failure to enforce the HQS (§ 982.405).

J. Housing Assistance Contract, Owner Responsibility

Housing Assistance Contract

In the tenant-based programs, the HA enters a separate assistance contract with an owner for each assisted family. The contract is called a "housing assistance payments contract" or "HAP contract". Under the new rule, the same term is used for both programs (eliminating the separate term "voucher contract").

In the HAP contract, the owner agrees to lease a specified dwelling unit to a specified eligible family, and the HA agrees to make monthly housing assistance payments under the program to the owner on behalf of the family. The HA payment to the owner is applied against rent to owner under the family's lease (§ 982.451(a)). As under the old rules, the term of the HAP contract is the same as the term of the assisted lease (§ 982.451(b)(2)).

Each month during the lease term, the HA makes a payment to the owner, and the payment is credited against rent owed by tenant under the lease. The amount of this monthly assistance payment by the HA to the owner is determined by separate requirements for the certificate or voucher program (§ 982.451(c)).

For all families receiving tenant-based assistance (including assistance under the voucher program or a certificate program excess rent tenancy), the rent to owner must be "reasonable". The amount of the HA payment to the owner may not be more than the rent to owner, and the owner must return any excess payment (§ 982.451(b)(3)). The family pays the portion of rent to owner not covered by the HA subsidy payment. The owner may not demand or accept any other rent payment, and must immediately return any excess rent payment to the tenant (§ 982.451(b)(4)(ii)).

Payment for Occupied Unit

Housing assistance payments may only be paid to the owner while the unit is leased and occupied by the family. If the family moves out, the owner keeps the HA payment for the month of move-out, but there is no payment after that month. For the certificate program, the rule eliminates the "vacancy payment" for the month after move-out (§ 982.452).

Owner Responsibilities

The owner is responsible for performing obligations under the HAP contract with the HA, and the lease with the tenant (§ 982.453(a). The rule lists owner responsibilities (§ 982.453(b)). The owner must permit the tenant to make reasonable modifications for occupancy by a disabled member of the family (§ 982.453(c)).

Owner Breach of HAP Contract

The rule lists the types of owner action which constitute a breach of the HAP contract, and HA remedies for owner breach (§ 982.454). Most of these provisions are substantially based on language of the assistance contract forms currently used in the voucher and certificate programs.

The rule provides that violation of "any other" Section 8 assistance contract is a breach of the particular tenant-based HAP contract. Thus the HA has the right to terminate a tenant-based HAP contract because the owner has breached a project-based Section 8 HAP contract (between the owner and the same or another HA, or between the owner and HUD). The HA could also terminate a tenant-based HAP contract because of owner's violation of other tenant-based HAP contracts (§ 982.454(a)(2)).

The rule provides that fraud in connection with "any Federal housing assistance program" is a violation of the tenant-based HAP contract (§ 982.454(a)(3)).

The ability to terminate, or invoke other contractual remedies, for owner violation of other Section 8 assistance contracts or for owner fraud in a federal housing subsidy program, is a potentially valuable tool to discipline or remove bad and dishonest owners in the tenant-based programs: for example, an owner with a history or practice of overcharging tenants, or of HQS or civil rights violations.

Drug-trafficking by the owner is a breach of the assistance contract (§ 982.454(a)(5)). This provision is not limited to drug-trafficking where the tenant-based unit is located in the same project, or in other assisted housing. The provision gives the HA the ability to purge known drug-traffickers from its tenant-based program (§ 982.454(a)(5)).

Termination of HAP Contract

Insufficient funding. The HA may terminate the HAP contract if the HA does not have sufficient funding to support continued assistance for families in the program. The HA must act in accordance with HUD-prescribed procedures (§ 982.455).

The Section 8 programs operate with funds authorized and appropriated by the Congress. In the history of the tenant-based programs, the Congress has consistently provided enough funding to maintain and increase the number of assisted families. (§ 982.455). Consequently, HUD has not yet needed to establish procedures for reduction in the number of assisted families that can be served in a HA tenant-based program.

Automatic expiration. In the Section 8 programs, the amount of monthly subsidy depends on the level of family income. In general, the subsidy payment equals the maximum program subsidy (certificate subsidized rent plus utility allowance or voucher payment standard) minus 30 percent of family income. As family income goes up, subsidy goes down. By operation of the statutory subsidy formulas, there is no subsidy once 30 percent of a family's income equals or exceeds the maximum subsidy.

The rule provides that a HAP contract terminates automatically when three months has elapsed since the date of the last housing assistance payment (§ 982.456). The current program rules provide for termination one year after the last payment.

Termination of the HAP contract for a family which no longer needs the tenant-based program subsidy allows the HA to make the family's program slot available for another family. The termination also relieves the HA of the cost and administrative burden of a program unit: Such as unit reinspections and annual reexaminations of family income. It should also be noted that as the family rental share increases because of progressive increases in family income, and the amount of the subsidy decreases, the importance of the subsidy for the family tends to decrease. The final termination of subsidy is merely the last stage in the formula reduction.

Termination of HAP Contract: Owner Notice

The rule implements a law providing that a certificate or voucher owner must give 90 days notice, to the HA and to HUD, of a proposed HAP contract "termination" (1937 Housing Act, Section 8(c)(9) and (10), 42 U.S.C. 1437f(c)(9) and (10); originally enacted in 1987 Housing Act, Section 262). The statute provides that for this purpose the term "termination" means either an "expiration" of the assistance contract or an owner's "refusal to renew" the assistance contract. The statute was recently amended to specify that "termination" of the HAP contract includes termination of the HAP contract "for business reasons" (42 U.S.C. 1437f(c)(9), as amended by 1992 Housing Act, Section 143).

The law provides that when HUD receives notice of an owner's proposed decision to "terminate" the HAP contract, HUD must review the owner's notice, and "issue a written finding of the legality of the termination and the reasons for the termination including the actions considered or taken to avoid the termination" (42 U.S.C. 1437f(c)(9)).

Definitions. To describe the cases when the statutory notice is required, the rule defines the terms "termination", "opt-out" and "expiration" (§ 982.457(b)).

"Termination" means termination of the HAP contract because of:

—Owner opt-out, or
—Expiration of the HAP contract.

"Opt-out" means an owner's decision to terminate tenancy of an assisted family for an "other good cause" which is a business or economic reasons for termination of tenancy.

"Expiration" means either:

—Automatic termination of the HAP contract when three months has passed since the last housing assistance payment, or
—A HA determination (in accordance with HUD requirements) that the HAP contract must be terminated because there is insufficient funding under the consolidated ACC to support continued assistance for the family.

Owner notice of termination. Not less than 90 days before a termination of a tenant-based HAP contact because of an opt-out or expiration, the owner must provide written notice of the termination to HUD, the HA and the family. The notice must specify the reasons for the termination, with sufficient detail to enable HUD to evaluate whether the termination is lawful and whether there are additional actions that can be taken by HUD to avoid the termination. The owner notice must state that the owner and HA may agree to a renewal of the HAP contract, thus avoiding the termination (§ 982.457(c)).

HUD review of owner notice. HUD must review the owner's notice, and consider whether there are additional actions which should be taken to avoid the termination.

For a unit assisted under the certificate program, HUD would determine whether the HA has properly adjusted the subsidized rent in accordance with the HAP contract and HUD regulations. If such adjustments were not properly made, HUD would require the HA to make a proper adjustment of the subsidized rent in accordance with the HAP contract and the regulation. The owner must be offered the opportunity to enter into a new HAP contract (and assisted lease) at the maximum initial subsidized rent allowed in the certificate program. However, the rent to owner may not exceed the reasonable rent for a comparable unassisted unit.

For both tenant-based programs, after HUD review of the owner notice, HUD would issue a written finding of the legality of the HAP contract termination and the reasons for the termination, including actions taken to avoid the termination. Within 30 days of HUD's finding, the owner must provide written notice of HUD's decision to the tenant (§ 982.457(d)(3)).

Third Parties

The rule makes clear that the HA has authority to take any necessary remedial action against an owner who committed any breach of the HAP contract even if the family continues in occupancy of the unit. Although a HAP contract is entered for the benefit of the assisted family, the family is not a "third party beneficiary" of the contract. The family may not exercise any right or remedy against the owner under the HAP contract. The right to enforce the HAP contract rests with the HA, not with the family (§ 982.458).

Discrimination Against Certificate or Voucher Holders

Section 8(t) of the United States Housing Act of 1937 prohibits certain discrimination against certificate or voucher families by an owner who has previously participated in Section 8 (42 U.S.C. 1437f(t), added by 1987 Housing Act, Section 147). The rule simply recites the statutory requirement (§ 982.459). This provision is included in the rule only for public information, since HUD does not have any statutory responsibility for administration or

enforcement of these statutory nondiscrimination requirements.

K. Rent and Housing Assistance Payment

Summary

Subpart K reformulates certificate and voucher requirements respecting rent paid to owner, the HUD subsidy payment and the family share of the rent. The most important statutory differences between the certificate and voucher programs relate to the subsidy formula and family share.

Subpart K establishes new requirements in these areas:

—*Rent reasonableness:* Implements the same requirements for the certificate and voucher programs (§ 982.502).

—*Exception rent:* Revises bases on which the HA is permitted to approve a certificate program initial subsidized rent that is more than the published fair market rent (§ 982.503).

—*Excess rent tenancy:* Allows HA to approve a certificate program tenancy, where the family pays a higher share of the rent (§ 982.505).

—*Formula for annual adjustment:* Restates the procedures for annual adjustment of the certificate program subsidized rent (§ 982.506(c)).

—*Special adjustments:* Specifies that HUD may approve a special adjustment of the certificate program subsidized rent to cover security costs (§ 982.506(d)).

Terminology

To express the various changes with maximum clarity and consistency, the rule provides a new set of defined terms (§ 982.501).

Since there are separate program requirements governing the rent received by the owner as contrasted with the portion of rent subsidized by HUD, the terminology is designed to plainly distinguish between these concepts.

"Rent to owner" is the monthly rent payable to the owner under the lease. This term was previously used only in the voucher program, and is now used for both programs.

The rule adds the new term "subsidized rent", which is only used for the certificate program. "Subsidized rent" is the portion of the rent to owner which is used to calculate the housing assistance payment under the statutory certificate program subsidy formula. The term subsidized rent replaces the prior term "contract rent".

For the voucher program, the rule retains the term "payment standard"—an amount used to calculate the housing assistance payment under the statutory voucher subsidy formula.

Rent Reasonableness

The rent to owner is negotiated by the owner and the family. If the family asks for help in negotiating the rent, the HA must assist the family (§ 982.502(a)).

Since the beginning of the certificate program, rents have been subject to a "rent reasonableness" test. Rents paid to an owner must be in line with rents for comparable unassisted private market units—both at initial occupancy and when the rent is adjusted. (For adjustments, comparability is mandated by statute. 42 U.S.C. 1437f(c)(2)(c).)

In the voucher program, however, the tenant could agree to pay any rent. There was no rent limit. Program subsidy was controlled by the defined amount produced by the voucher subsidy formula. The family could agree to any rent to owner, reasonable or unreasonable, and there was no limit on the amount of rent that could be paid out of pocket by the family.

The statute was amended in 1990, and now provides that the rent for voucher program units must be reasonable in comparison with rents charged in the private assisted market and rents for Section 8 existing assisted units (1990 NAHA, Section 550; 42 U.S.C. 1437f(o)(10((A)). The HA must review proposed initial rents and all rent increases for voucher units.

The rule proposes a uniform rent reasonableness limit and procedure for the certificate and voucher programs. "Reasonable rent" is defined (§ 982.501) as:

A rent to owner that is not more than either:

1. Rents charged for comparable units in the private unassisted market, or

2. Rent charged by the owner for a comparable assisted or unassisted unit in the same building or complex.

The HA may not approve the lease until the HA has determined that the initial rent to owner is not more than a reasonable rent. At least annually during the assisted tenancy, the HA must redetermine that the current rent to owner (including any changes in the rent to owner during the lease term) is not more than a reasonable rent. The owner may not charge or receive a rent to owner which is more than the reasonable rent (§ 982.502(b)(2)).

In determining whether the rent to owner for the assisted dwelling unit is a reasonable rent (in comparison with rent charged by the owner or others for comparable unassisted units), the HA must consider the location, size, type, quality, age, and amenities of the dwelling unit, and any services, maintenance and utilities to be provided by the owner in accordance with the lease (§ 982.502(b)(4)(i)).

During the assisted tenancy, the owner must certify that the rent to owner is not more than rents charged by the owner for another comparable unit in the same building or complex (§ 982.502(b)(3)).

Exception Rents

In the certificate program, the FMR published by HUD in the **Federal Register** is generally the maximum initial unit rent (subsidized rent plus allowance for tenant-paid utilities). However, in certain cases, the rule allows exceptions to the published FMR limit. Such higher rents are commonly referred to as "exception rents", although this term was not used in the rule.

This rule adds definitions of the terms "exception rent" (§§ 982.4 and 982.501) and "FMR/exception rent limit" (§ 982.4). The latter is defined as the Section 8 existing housing fair market rent published by HUD, or the HUD-approved exception rent limit.

Under the proposed rule, HUD may approve an exception rent limit for all units, or for all units of a given size, leased in a designated part of the FMR area. FMRs are based on the 45th percentile of rents to lease standard quality rental housing. Under the new rule, exceptions from the FMR limit would be based on the same standard. An exception rent limit may not exceed the 45th percentile rent for the exception rent area, determined by the same methodology used to determine the 45th percentile rent for the whole FMR area (§ 982.503(b)).

To obtain exception rent approval, the HA must submit supporting data. In considering whether to grant a HA request for approval of an exception rent limit, HUD may consider the appropriateness of the applicable fair market rent, and the relationship of estimated program costs to program objectives.

The new exception rent standard replaces all of the prior bases for exception rent approval (HA or HUD unit-by-unit approval, and HUD approval for units in designated locality or neighborhood). HUD believes the new standard will be easier to administer, will be less subject to arbitrary variation, and appropriately applies the same criterion used for the basic FMR determination—that the FMR or exception rent should make available 45 percent of standard units in the market area.

In the certificate program, the initial subsidized rent for a dwelling unit plus any utility allowance may not exceed the FMR/exception rent limit (for the dwelling unit or for the family unit

VOL 58 ISS 35 FE 24 1993 UMI

size). In the voucher program, the HA may adopt a payment standard up to the FMR/exception rent limit.

Certificate Program: Excess Rent Tenancy

Excess Rent Tenancy—Statute

The rule implements statutory authority for some certificate program families to lease higher rent units, and pay a higher share of family income toward the rent (42 U.S.C. 1437f(c)(3)(B), added by section 543 of the 1990 NAHA). As in the voucher program, the family may be able to rent a unit that could not otherwise be rented, and the family's decision to rent a higher rent unit does not increase the federal subsidy (§ 982.505).

In the basic certificate program design, the subsidized unit rent is established in accordance with statute and regulation. The family share of the rent is a percentage of income determined by law. The balance of the unit rent is covered by a federal subsidy payment. However, the family cannot rent a unit that rents for more than the FMR/exception rent limit that determines the maximum subsidized rental. Any additional payment by the family to rent a unit over this limit is treated as an illegal side-payment.

The 1990 Housing law allows the HA to approve rental of a unit that rents at over the FMR/exception rent limit, and where the "excess rent" will be paid by the family. The HA may approve such rentals for up to 10 per cent of the HA's "annual allocation of incremental rental assistance". The HA may approve an "excess rent tenancy" if:

—The family requests approval to rent a unit renting for an amount that exceeds the permissible maximum monthly rent for the market area (i.e., the FMR/exception rent limit).

—The HA determines that the rent for the unit and the rental payments of the family are reasonable, after taking into account other family expenses (including child care, unreimbursed medical expenses, and other appropriate family expenses).

Excess Rent Tenancy—New Rule

The rule defines "excess rent tenancy" as a certificate program tenancy where the sum of the initial rent to owner plus any utility allowance will exceed the FMR/exception rent limit (§ 982.505(b)(1)).

The rule provides (§ 982.505(b)(2)) that an HA has discretion to approve an excess rent tenancy if:

—The family requests HA approval of the tenancy.

—The family's residual income at the time of lease approval is at least 50 percent of monthly adjusted income.

"Residual income" is the amount of family income left over for other family expenses after paying for the portion of rent not covered by the program subsidy payment. (See definitions of "residual income" and "tenant contribution". § 982.501.) For ease and uniformity of administration, a tenant contribution to rent that leaves 50 percent of income for other family purposes is established as the maximum "reasonable" rent.

Under the rule, the HA has discretion whether to allow excess rent tenancies in the HA program, or in particular cases. The HA is not required to approve an excess rent tenancy.

The HA may only approve an excess rent tenancy if the total number of excess rent tenancies in the HA certificate program at any time does not exceed 10 percent of the total of the number of incremental units under the consolidated ACC for the HA certificate program (§ 982.505(b)(3)). "Incremental unit" does not include any ACC units provided by HUD for families previously assisted in other Section 8 or federal housing programs, e.g., a family living in a Section 8 new construction project when the assistance contract expires.

In an excess rent tenancy, the amount of the federal subsidy payment for the family (initially and during the lease term) is the same as the amount that would be paid for a non-excess rent family renting a unit at the FMR/exception rent limit. The HA is prohibited from using housing assistance payments or other program funds (including any administrative fee reserve) to pay any part of the rent to owner which exceeds the subsidized rent (§ 982.505(c)).

Certificate Program: Adjustment of Subsidized Rent

The procedure for adjustment of annual and special adjustment of subsidized rent (formerly "contract rent") is not substantially changed. Since subsidized rent does not include the "excess rent" paid by an excess rent tenancy family, the same adjustment procedures apply to all certificate program tenancies—including an excess rent tenancy family or a non-excess rent tenancy family.

Certificate Program: Annual Adjustment

As in the past, subsidized rent is adjusted on the annual anniversary of the contract. Under the statute, HUD is authorized to adjust contract rent "on the basis of a reasonable formula" (42 U.S.C. 1437f(c)(2)(A)). Further, adjustments "may not result in material differences between the rents charged for assisted units and unassisted units * * *" (42 U.S.C. 1437f(c)(2)(C)), the rent reasonableness test.

The adjustment requirements are restated to make clear that the rent reasonableness test is a part of HUD's adjustment formula (§ 982.506(c)(2)).

The rule provides that the formula adjustment—based on the published factor and the reasonable rent—may result in an upward or downward adjustment of the subsidized rent. The rule would eliminate the old rule provision that adjustment may not reduce the contract rent (now subsidized rent) below the level of the initial contract rent (§ 982.506(c)).

The owner must request an upward adjustment in writing (§ 982.506(c)(ii)). A downward adjustment can be made by the HA without any request from the owner.

The subsidized rent would only be adjusted for housing assistance payments for months commencing after the HA receives the owner request, and would not be adjusted retroactively. Thus, for example, if the annual anniversary falls on January 1, and the owner's written adjustment request is received on February 15, the subsidized rent is adjusted for months from March onward (§ 982.506(c)(4)(iii)).

The annual adjustment with respect to any anniversary date must be requested by the next anniversary date (§ 982.506(c)(4)(iv)).

Certificate Program: Special Adjustment—General Cost Increases

An owner may request a Section 8 "special adjustment" for cost increases that are both "substantial" and "general" (42 U.S.C. 1437f(c)(2)(B)). These special adjustments may not be approved because of cost increases particular to operation of the individual owner or project, but may only be granted for "general increases" that affect operation of housing in the community. The rule provides that these special adjustments may only be approved to reflect "major, substantial and general" increases in "actual and necessary" expenses of owning and maintaining the dwelling unit (§ 982.506(d)(1)).

The owner does not have a contractual or regulatory right to receive the special adjustment. HUD "may approve" a special adjustment, and the HA "may make" a special adjustment. A special adjustment must be approved by HUD (§ 982.506(d)(1)).

The new rule specifies that a special adjustment may be granted for "security costs" (§ 982.506(d)(1)(ii)(C)).

Certificate Program: Special Adjustment—Expiration of Real Property Tax Exemption

A recent statutory amendment requires HUD to give a special adjustment when an exemption from real property tax expires (1992 Housing Act, Section 142, amending 42 U.S.C. 1437f(c)(2)(B)). In accordance with this law, the rule is amended to provide that HUD must approve a special adjustment of the subsidized rent (if appropriations are available) if HUD determines such special adjustments are necessary to reflect increases in the actual and necessary expenses of owning and maintaining the unit that have resulted from the expiration of a real property tax exemption (§ 982.506(d)(2)).

Certificate Program: Special Adjustment—One-Time Increase

The rule is amended to clarify the treatment of special adjustments for one-time or temporary costs (§ 982.506(d)(3)).

If a special adjustment is approved to cover temporary or one-time costs, the special adjustment is only a one-time increase of the subsidized rent. When granting approval of a special adjustment, HUD would specify whether the special adjustment is a one-time increase of the subsidized rent (§ 982.506(d)(3)(i)).

If the special adjustment is a one-time increase, the dollar amount of the special adjustment must be subtracted from the subsidized rent before application of the annual adjustment factor. A special adjustment for a one-time increase must be reapproved before the special adjustment is added to the newly adjusted subsidized rent. The special adjustment may only be reapproved, in whole or in part, if the HA and HUD determine that the special adjustment is necessary (§ 982.506(d)(3)(ii)).

The requirements concerning temporary or one-time adjustments apply both to adjustments for "general" cost increases in the area, and to adjustments on expiration of a real property tax exemption (§ 982.506(d)(2)).

Certificate Program: Special Adjustment—Only if Cost is not Covered by Annual Adjustment

For both types of special adjustment, the rule provides that an adjustment may only be approved to cover increases that are not adequately compensated by annual adjustments. The owner must submit financial statements which clearly support the increase.

Certificate Program: Subsidized Rent in Subsidized Project

The rule provides that in a project that is receiving an interest reduction subsidy under the HUD Section 236 program, or the Farmers Home Administration (FmHA) Section 515 program, the subsidized rent is equal to the basic rent, as determined under the procedures for the 236 or 515 program (§ 982.506(f)). Thus, the housing assistance payment to the owner equals the basic rent minus the amount paid by the family to the owner (tenant rent).

Under this special adjustment procedure, the formula for the federal certificate program subsidized rent and subsidy payment tracks the federally determined subsidized rent needed to operate the project (basic rent). This special procedure would no longer apply for State and local subsidy programs.

Voucher Program: Calculation of Subsidy

In the new rule, the procedure for determining the voucher subsidy is restated for clarity, but is largely the same in substance (§ 982.507).

Under the current rule, the HA may set the payment standard for each unit size in the band from 80 percent to 100 percent of the published FMR. The new rule provides that the payment standard may not be more than the FMR/exception rent limit in effect when the payment standard is adopted (§ 982.507(d)(2)(ii)). However, the rule no longer defines the minimum percent of the FMR to be used in setting the payment standard. Under the statute the HA has discretion to adjust the payment standard each year so that families can afford to lease units in the local market (42 U.S.C. 1437f(o)(6)(A); § 982.507(d)(2)(iii)). In setting the payment standard, the HA decides the balance between enhancing affordability for assisted families, and assisting more families with available funds.

Under the current rule, the HA could set the voucher payment standard up to the level of a "community-wide" exception rent adopted for the HA certificate program: an exception rent for the whole HA jurisdiction (but not exception rents granted for an area that is smaller than the HA jurisdiction). Under this rule, the voucher payment standard may be set up to the certificate program FMR/exception rent limit. This authority is not limited to community-wide exception rents. An exception rent may be established for any designated part of an FMR area. For a rental in the exception rent area, the exception rent is the maximum subsidy for both the certificate program (initial subsidized rent) and voucher program (payment standard).

Voucher or Excess Rent Tenancy: Tenant Contribution

In both the voucher program and in an excess rent tenancy under the certificate program, the rent to owner may not exceed the program subsidy standard (certificate subsidized rent and voucher payment standard). The family share of rent ("tenant contribution") is not fixed.

For both cases, the new rule establishes two restrictions on the rent to owner which may be negotiated by the family.

—First, the rent to owner must be reasonable. This limit is applied both at initial rental, and during the term of assisted occupancy.

—Second, at the time of initial lease approval, at least 50 percent of income must be available for the family's other costs ("residual income").

To express the second limit, the rule defines the terms "tenant contribution" and "residual income":

Tenant contribution. The portion of rent and utilities paid by the family. The tenant contribution is calculated by subtracting the amount of the housing assistance payment from the sum of the rent to owner plus any utility allowance (§ 982.508(a)).

Residual income. The amount obtained by subtracting the monthly tenant contribution from monthly adjusted income. Residual income remains available for family expenses other than housing. Such family expenses include food, child care, unreimbursed medical expenses, and other appropriate family expenses.

For a voucher tenancy or a certificate program excess rent tenancy, at the time of HA lease approval the family's residual income must be at least 50 percent of monthly adjusted income (§ 982.507(b) (vouchers) and § 982.505(b)(2)(ii) (excess rent tenancy))

For both types of tenancy, the HA is prohibited from supplementing the program formula subsidy (based on the payment standard or subsidized rent), and thereby reducing the amount of the tenant contribution. The rule provides that the HA may not use housing assistance payments or other program funds (including any administrative fee reserve) to pay any part of the tenant contribution. Payment of the tenant contribution is the responsibility of the family (§ 982.508(b) and § 982.505(c)).

Reexamination

The rule restates existing program requirements for regular and interim reexamination of family income and composition (§ 982.509).

Utility Allowance Schedules

The rule retains existing requirements on how the HA establishes a schedule of allowances for tenant-paid utilities.

In the certificate program, the utility allowance is used to determine the family's share of the total rent, including tenant-paid utilities. In the voucher program, the utility allowance is only used to determine the so-called "minimum rent" (actually maximum subsidy) for a family renting a low rent unit. (Generally, the utility allowance does not affect the amount of the subsidy for a voucher family unless the family rents a unit well-below the payment standard.)

The rule specifies that in determining the housing assistance payment for a family (in either tenant-based program), the HA uses the appropriate utility allowance for the size of the unit actually leased by the family—not the "family unit size" determined under the HA occupancy standards.

L. Family Obligations, Denial and Termination of Assistance

Obligations of Assisted Family

The rule restates the obligations of an assisted family (§ 982.551). For the most part, the family obligations are essentially the same as under the prior rule. The HA may terminate assistance for violation of these obligations (§ 982.552(b)(1)).

HQS Violations

The family is now responsible for certain HQS violations caused by the family.

Example. The unit may be without heat or light because the tenant has not paid the electric bill (§ 982.551(c)). The HA may deny or terminate assistance for the family-caused HQS violations.

Example. If a family damaged the family's first assisted unit, the HA may refuse to process the family's request for approval to rent a second assisted unit.

Use of Unit

The purpose of the tenant-based program is to provide housing for low-income individuals and families. The rule provides that the unit must be used as the family's residence. For the first time, the rule specifies that household members may engage in legal "profitmaking" activities in the dwelling unit. Any use of the unit for business activities by family members must be incidental to primary use of the dwelling unit for residence by members of the family, and must be in accordance with local law (§ 982.551(f)).

The dwelling must be the family's only residence. Assistance will not be provided for a family that has a second residence, assisted or unassisted (for example, a family with seasonal residences).

The family may not sublease or assign the lease or transfer the dwelling unit (§ 982.551(f)(5)).

Composition of Family

The rule provides that the composition of the assisted family residing in the dwelling unit must be approved by the HA. The family must promptly inform the HA of the birth or adoption of children. The family must request HA approval to add any other family member as an occupant of the unit (§ 982.551(f)(3)).

With the HA's consent, a live-in aide may reside in the assisted unit (§ 982.551(f)(4)(i)). The live-in aide is not a member of the assisted family, but resides in the unit to care for an elderly or disabled person. The rule adopts the definition of "live-in aide" currently used in 24 CFR part 813 and part 913 (§ 982.551(f)(4)(ii)). This term and definition replaces the substantially similar term "resident assistant" currently used and defined in the tenant-based rules.

The rule confirms that the HA may adopt reasonable policies on residence by a foster child or live-in aide, and defining when HA consent may be given or denied (§ 982.551(f)(4)(i)).

Other Duplicative Housing Assistance

An assisted family, or members of the family, may not receive the benefit of Section 8 tenant-based assistance while receiving the benefit of another housing subsidy under any duplicative federal, State or local housing assistance program. The rule prohibits any duplicative subsidy—whether for occupancy of the same unit or for a different unit. HUD determines whether another housing subsidy duplicates the purpose of the Section 8 tenant-based subsidy for the family (or the criteria for determining whether a subsidy is deemed duplicative) (§ 982.551(i)).

A welfare housing payment or social security payment is not regarded as a duplicative housing subsidy. The welfare or social security payment is included in family income used to compute the subsidy payment and family share of rent.

Lease Violation

Under the current rule and the proposed rule, breach of an assisted lease is grounds for eviction by the landlord, but is not a separate ground for denial or termination of assistance by the HA. An assisted family may commit such lease violations as engaging in noisy or disruptive behavior, non-payment of rent or damage to the unit. The owner may evict the family for a serious or repeated violation of the lease. However, the HA may not deny or terminate assistance because of the family's lease violation. The HA may only deny assistance if the family behavior falls within some other specified basis for denial or termination of assistance (e.g., a family-caused violation of the HQS or a violation of the family obligations under the family self-sufficiency contract of participation—including a violation of the FSS family's lease).

HUD specifically invites comment on whether the family's behavior in occupancy of a Section 8 assisted unit, or the family's violation of the assisted lease, should be designated as a distinct regulatory ground for HA denial or termination of assistance (This was the case in the certificate program prior to 1984. See 49 FR 12215, 12217.)

Criminal Activity by Members of Family

Currently, regulations for the tenant-based programs permit the HA to deny or terminate assistance if family members engage in drug-related criminal activities or in violent criminal activities. These requirements are incorporated in this unified rule without substantive change (§ 982.551(j)).

The provisions that authorize HA action to withhold assistance because of drug or other criminal activity complement the provisions of the statute and of this rule which give an owner the right to evict the family for drug crimes or threats to other residents.

Ground for Denial or Termination of Assistance

The existing program rules specifically and comprehensively enumerate the grounds (including violation of the family's program obligations) for which the HA may deny or terminate assistance for a family because of the family's action or non-action. In addition, the rules distinguish between those grounds which support denial of a new assistance commitment for the family (e.g., admission to program, issuing a certificate or voucher, entering a new assistance contract), as contrasted with a short list

of the grounds for which the HA may cut off the flow of assistance payments on behalf of the family under an outstanding assistance contract. See current certificate program regulations at § 882.210.

This rule retains, without essential change, the grounds for which the HA may deny or terminate assistance. However, the rule removes the distinction between allowable grounds for denial of a new assistance commitment and allowable grounds for terminating payments under an existing assistance contract. This distinction has proved neither useful nor practical, and has been the cause of considerable dispute and confusion. (As previously indicated, the distinction was the source of the ABC problem.) The HA may deny or terminate assistance at any time for any of the authorized grounds, including termination of assistance payments under an outstanding HAP contract (§ 982.552).

Informal Hearing

The rule would retain, without essential change, the informal hearing procedures under the existing tenant-based rules (§ 982.553). These procedures define the cases in which a hearing is or is not required, and the elements of the HA hearing procedures. The hearing requirements are designed to assure that the family has a fair opportunity to be heard on the subject of dispute. (The current hearing requirements for the tenant-based programs were originally adopted in 1984 for the Section 8 certificate program, and were subsequently incorporated in the regulations for the Section 8 voucher program. The factors considered by HUD are discussed in the regulatory preamble at 49 FR 12215 ff, March 29, 1984.)

Under the current rule, the HA is required to afford opportunity for an informal hearing only to a "participant"—a family for whom the HA has already entered into an assistance contract with the owner. The HA is not required to grant an informal hearing to an applicant for admission to the program, including a family which has been selected for participation but for which the HA has not yet entered into an assistance contract. Under the current rule, the HA must give an applicant the opportunity for an "informal review" of the HA determination, rather than an "informal hearing".

HUD now believes that the distinction between these two types of informal procedure is an unnecessary and confusing complication. The proposed rule does not distinguish between "hearing" procedures for participants and "review" procedures for applicants. The same informal hearing requirements would apply in all cases where the HA is required to give the opportunity for informal hearing on a denial or termination of assistance (and where the HA would previously have been required to offer opportunity for either an informal review or an informal hearing).

Family Right to Examine HA Documents

The rule adds one new element to the hearing procedures requirements under the current rule. The rule grants the family a right to pre-hearing discovery of HA documents, including records and regulations, that are directly related to the hearing. The family must be allowed to copy any such document at the family's expense. If the HA does not make a document available for examination on request of the family, the HA may not rely on the document at the hearing (§ 982.553(f)).

These new discovery requirements are essentially the same as the public housing discovery requirements promulgated by HUD under Section 6(k) of the 1937 Housing Act (42 U.S.C. 1437(k)).

Family Self-Sufficiency

The rule provides that the HA may deny or terminate Section 8 assistance if a family participating in the family self-sufficiency (FSS) program has failed to comply with the requirements under the family's FSS contract of participation (§ 982.552(b)(6)). Under the FSS statute (1937 Housing Act, Section 23(c)(1), as amended by section 106(d) of the 1992 Housing Act), the HA may terminate or withhold Section 8 assistance and FSS supportive services after providing an administrative grievance procedure in accordance with Section 6(k) of the 1937 Housing Act. (Section 6(k) mandates public housing grievance procedures, and is not otherwise applicable to assistance under Section 8.)

After addition of the discovery requirements described above, the Section 8 informal hearing procedures provide all elements of a Section 6(k) administrative grievance procedure.

M. Special Housing Types

Subpart M of the rule gathers provisions on special housing types in the tenant-based programs. The special housing types are:

—Cooperative housing (including mutual housing).
—Independent group residence.
—Single room occupancy (SRO) housing.
—Congregate housing.
—Shared housing.
—Manufactured home (including pad rental by a manufactured home owner).

The purpose of subpart M is to consolidate provisions on each of the special housing types for ready reference. Except for modifications stated in subpart M, all of the regulatory requirements for other tenant-based assistance also apply to the special housing types.

The special housing types meet special housing needs within the overall structure of the tenant-based programs. A single individual or other family has the choice whether to use one of the special housing types that meets the family housing needs, or to rent other eligible housing.

For the most part, provisions for the special housing types are largely unchanged, with some technical clarification and reorganization.

Rent and Housing Assistance Payment

Provisions on rent to owner and on how to calculate the housing assistance payment are revised in accordance with the general treatment of this subject in this rule, including the use of new program terminology.

In shared housing or in an independent group residence (IGR), the assisted person or family shares a dwelling unit with other assisted or unassisted persons, and pro-ration is used to compute the amount of subsidy, rent to owner and utility allowance. The new rule restates the pro-ration procedure for greater clarity. For shared housing and for an IGR, the rule adds new definitions of the term "pro-rata portion" to state the respective pro-ration procedure for that type of housing (§ 982.3 and § 982.14).

Shared Housing

Tenant-based regulations currently distinguish between "individual lease" shared housing (where there is a separate assistance contract for each family) and "related lease" shared housing (where there is a single assistance contract for two families). Related lease shared housing was available only in the certificate program.

The rule would provide for a single form of shared housing in both tenant-based programs. In accordance with the regular requirements for all forms of tenant-based assistance, there is a separate assistance contract and lease for each assisted family (as under so-called individual lease shared housing). Related lease shared housing performed no useful role, and has been eliminated (§ 982.614).

Cooperative (Including Mutual Housing)

The rule revises and unifies requirements for certificate or voucher assistance in cooperatives (including mutual housing). In the certificate program, the statute permits assistance for cooperative residents, but there are no special statutory requirements for such housing (see 42 U.S.C. 1437f(f)(2)). In the voucher program, the HA may provide assistance for members of "cooperative or mutual housing" to maintain affordability of the housing and if there are resale restrictions to maintain affordability for low-income families (42 U.S.C. 1437f(o)(7)).

Meaning of "Cooperative"

The rule contains a revised definition of "cooperative" housing for both tenant-based programs (§ 982.4 and 982.602(b)). The definition comprises these elements:

—A cooperative is owned by a non-profit corporation or association.
—A member of the corporation or association has the right to reside in a particular apartment and to participate in management.

This definition expands the prior voucher regulatory definition by specifying that the cooperative may be organized as an "association", as well as by a corporate form of ownership (compare § 887.453 of the present voucher rule). Since "mutuel" housing satisfies the elements of a cooperative, as expressed in this definition, the rule specifies that the term "cooperative" includes mutual housing. There is no need for a separate definition of "mutual" housing.

Cooperative: Application of Tenancy Requirements

For purposes of cooperative housing, the rule contains a special definition of the term "lease" (§ 982.602(b)). The lease is a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the cooperative unit by the member's family with housing assistance payments to the cooperative under an assistance contract between the cooperative and the HA.

From time to time, HUD is asked to explain the nature of leasehold requirements as applied to a tenant-based subsidy for occupancy of a cooperative unit. The rule specifies that the occupancy agreement between the family and the cooperative must meet the "lease" requirements of the tenant based programs. For purposes of the tenant-based programs, the cooperative is the "owner" of the dwelling unit, and the cooperative member is the "tenant". ("Lease" definition is at § 982.602(b).)

The rule provides that in a cooperative "rent to owner" is the carrying charge under the cooperative occupancy agreement. The rule specifies what is included in the cooperative carrying charge. The cooperative carrying charge is subject to the general tenant-based program limitations on rent to owner. The carrying charge/rent to owner must be reasonable at the time of initial occupancy and over the term of the assisted lease (§ 982.602(d)).

Cooperative: Affordability

In keeping with the objective of conforming, so far as possible, the rules for the certificate and voucher program, the rule would apply the same affordability requirements for both programs, though mandated by statute only for the voucher program. (§ 982.602(c)). Any transfer of the occupant's interest in a cooperative unit must be controlled by a formula designed to ensure continued low-income affordability for at least 15 years from commencement of the "lease" (occupancy agreement) term.

Voucher Program: Manufactured Home Pad Rental

The rule would authorize the use of voucher assistance for a family that owns a manufactured home, and is renting a manufactured home pad. The amount of assistance for the pad-renter family is governed by a special statutory subsidy formula (42 U.S.C. 1437f(o)(11)(B)(ii), added by 1990 NAHA, section 550(c)). The maximum subsidy does not cover the family's total housing cost, but is equal to the pad rental minus 10 percent of the family's gross income. (§ 982.624 to § 982.628).

As in the past, the rule also authorizes similar assistance for pad rental in the certificate program, which also provides a subsidy only for the pad rental cost.

For both tenant-based programs the subsidy is limited by a special pad rental fair market rent published by HUD.

III. Section 8 Certificate Program: Project-Based Assistance, (PBC)

PBC: Moving Rule

The regulations for project-based assistance using funding for the Section 8 certificate program are currently located at subpart G of 24 CFR part 882 (in 24 CFR chapter VIII, the regulations of the HUD Assistant Secretary for Housing). The Section 8 certificate program, including project-based assistance under the Section 8 certificate program, is currently administered by the HUD Assistant Secretary for Public and Indian Housing.

This rule proposes amendments to part 882, subpart G. However, in the final rule the Project-Based Certificate Program regulation text under subpart G will be transferred from part 882 to 24 CFR part 983 (in 24 chapter IX, the regulations of the HUD Assistant Secretary for Public and Indian Housing). At that time, corresponding references to part 882 will be changed to reflect the difference in numbering in the new part 982.

PBC: Term of HAP Contract

Currently, a project-based certificate HAP contract must be for a minimum term of 2 years and cannot exceed a cumulative term of 15 years based on the ACC term of the funding source. The proposed rule deletes the minimum 2 year contract term (§ 882.740).

The rule also allows HAs, with HUD approval, to renew expiring contracts indefinitely, if the renewal term does not exceed the ACC term of the funding source. This amendment would implement Section 547 of the 1990 NAHA which requires HAs to extend, contingent upon future appropriations, project-based certificate program HAP contracts for such period or periods as HUD determines is appropriate to achieve long-term affordability of the assisted housing. Further, under the statute and HUD's rule, the HAP contract must provide that the owner, and owner's successors in interest, must accept these HAP contract extensions.

PBC: Owner Tenant Selection Policies; Notification to Applicants Who are Not Selected

Section 882.753 would be revised to implement tenant selection requirements mandated by Section 547 of the 1990 NAHA.

Owners must adopt written tenant selection procedures. The selection procedures must be:

1. Consistent with the purpose of improving housing opportunities for very low-income families, and
2. Reasonably related to program eligibility and an applicant's ability to perform the lease obligations.

An owner must notify in writing any rejected applicant of the grounds for any rejection.

PBC: Maximum Number of Project-Based Certificate Units

Currently, PHAs may opt to project-base up to 15 percent of the certificate units under ACC. Section 613 of the 1990 NAHA allows HAs to project-base up to 30 percent of the certificate units

under ACC if the additional 15 percent of assistance is for the rehabilitation of units in projects assisted under a State program that permits owners to prepay State-assisted or subsidized mortgages, and project-basing is necessary to provide owner incentives to preserve the projects for occupancy by low and moderate income families and to provide affordable rents for the low-income families. This legislative provision is proposed to be implemented in § 882.703 of the proposed rule.

PBC: HA-Owned Units

Section 548 of the National Affordable Housing Act of 1990 permits HAs to own units assisted under the rental certificate and voucher programs including the project-based certificate program. The requirements for HA-owned project-based units are contained in Section 882.709 and similar to the requirements for tenant-based certificate and voucher units. The principal difference is that the HUD field office would select project-based units when the HA-owned units are competing for the funds.

PBC: Relocation Policies

Section 882.712 describes policies governing displacement, relocation and real property acquisition that result from a project assisted under the Project-Based Certificate Program. Most of these policies implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA).

Effective April 2, 1989, the URA was amended to expand coverage. All persons (families, individuals, businesses, nonprofit organizations and farms) displaced as a direct result of publicly or privately undertaken rehabilitation, demolition or acquisition for a HUD-assisted project are entitled to relocation payments and other assistance under the URA. HUD policies implementing the URA are contained in HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition.

Proposed changes to the Project-Based Certificate Program relocation policies are summarized below.

PBC: Minimizing Displacement

Currently, the Section 8 Project-Based Certificate Program prohibits the displacement of any residential tenant from a unit to be assisted under the program. HUD believes this policy eliminates many otherwise suitable projects, including projects where the failure to carry out timely rehabilitation leads to property deterioration that ultimately increases displacement—displacement without assistance to those forced to relocate.

Therefore, HUD is proposing to revise the current policy to conform it to the standard applicable in other HUD-assisted rehabilitation programs. Under the revised policy, and consistent with the other goals and objectives of the program, owners would be required to take all reasonable steps to minimize the displacement of persons as a result of a project assisted under the program.

Persons displaced by rehabilitation for the program must be provided relocation assistance at URA levels. Accordingly, displaced low-income tenants would obtain standard housing at a cost that is usually lower then what they had been paying for substandard housing.

PBC: Applicability of URA to "Partially Assisted" Buildings

HUD proposes to conform current relocation policy governing "partially assisted" buildings under the Section 8 Project-Based Certificate Program to the policy followed in other HUD-assisted rehabilitation programs. The term "partially assisted" is used to describe a building in which some, but not all, of the units will be "assisted" with a project-based subsidy upon completion of the rehabilitation.

Under the current policy governing the rehabilitation of "partially assisted" buildings under the program, only the occupants of the units to be assisted under the Section 8 HAP contract are protected by the URA. Tenants displaced from the "unassisted" non-Section 8 units that are rehabilitated are not eligible for URA relocation assistance. This policy is an exception to that governing other HUD-assisted programs.

Under the proposed change, tenants in all of the rehabilitated units in a "partially assisted" building will be protected whether or not the units they occupy will be "assisted" under the Project-Based Certificate Program.

Example: A single rehabilitation contract is executed for a 12-unit multifamily building, but only five of the units will be assisted under the Section 8 Project-Based Certificate Program upon completion of the rehabilitation. Under the proposed change, any person displaced from any one of the 12 units, including any tenant displaced from one of the seven non-Section 8 units would be eligible for URA assistance.

PBC: Non-Displaced Tenants

Generally, in-place tenants who will not be displaced from the building or complex must be provided a written notice which offers the opportunity to lease a unit in the building/complex, under reasonable terms and conditions, after the rehabilitation is complete. As described in § 882.712(g)(1)(iii)(A), such reasonable terms and conditions include a post-rehabilitation rent that does not exceed the greater of the rent charged prior to the Agreement or an affordable rent based on the tenant's income. If these requirements are not met and the in-place tenant moves permanently from the building/complex, the tenant will be considered to have been displaced by the rehabilitation, and entitled to relocation assistance.

Section 882.712(g)(1)(iii)(C) of the proposed rule requires reimbursement for reasonable out-of-pocket expenses incurred by an eligible in-place tenant who is required to move permanently to another unit in the building or complex so the rehabilitation can be carried out. If payment for such expenses is not offered and the in-place tenant moves from the building/complex permanently, he or she will be considered to have been displaced by the rehabilitation and entitled to relocation assistance.

PBC: Contract Rents: Initial Rents and Rent Adjustments

PBC: Limiting Amount of Housing Assistance

Sections 882.714 and 882.715 of the proposed rule have been revised to provide that project-based certificate contract rents cannot exceed the amount HUD determines is necessary to make the assisted activity feasible after considering assistance from other government sources. These provisions implement requirements of section 102 of the 1989 HUD Reform Act. These amendments supplement requirements of the Departmental rule at 24 CFR part 12, subpart D.

PBC: Rent Adjustments—Comparability Studies

Section 882.715 of the proposed rule has been revised to implement section 801(c) of the 1989 Reform Act for the Project-Based Certificate Program by providing the method by which the HAs adjust contract rents for projects where application of the annual adjustment factors would result in a material difference in the rents charged for assisted units and unassisted units of similar quality, type, and age in the same market area.

PBC: Rent Adjustments—Drug Crime Costs

Section 882.715 of the proposed rule has been revised to implement section 542 of the National Affordable Housing

Act of 1990 which authorized HUD to approve drug-related rent adjustments under certain circumstances.

PBC: PHA Selection of Non-Federal Preference Families

Section 882.753 of the proposed rule has been revised to implement for the Project-Based Certificate Program section 545 of the National Affordable Housing Act to allow up to 30 percent of the families which initially receive assistance during a year to be families which do not qualify for federal preference. The current statutory limit is 10 percent.

In addition, the proposed rule implements the provision in section 613 of the National Affordable Housing Act which allows families selected to occupy certain units in State-assisted or subsidized projects to not be counted when determining whether 70 percent of the families have a federal preference.

IV. Other Matters

A. Public Reporting Burden

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520).

SECTION 8.—CONFORMING RULE

Description	Number of respondents	Responses per respondent	Total annual responses	Hours per response	Total hours	Regulatory reference
Application forms HUD–52515	2,500	1	2,500	3.2	8,000	982.102, 982.553, 982.53.
Tenant-furnished utilities HUD–52667	2,500	1	2,500	3.2	8,000	982.510.
Inspection form HUD–52580	2,500	600	1,500,000	.5	750,000	982.157, 982.305, 982.404, 982.406.
Financial forms HUD–52663; 52672; 52673; 52681	2,500	7	17,500	1.43	25,000	982.151, 982.157.
Request for lease approval HUD–52517A	300,000	1	300,000	.08	24,000	982.157, 982.305.
Balance sheet HUD–52595	2,500	1	2,500	1.05	2,625	982.151, 982.157.
Certificate	2,500	100	250,000	.05	12,500	982.302.
Voucher	2,500	40	100,000	.08	8,000	982.302.
Notification of applicants not selected	100 owners	1	100	.5	50	882.753.
Tenant selection policies	100 owners	1	100	2.00	200	882.753.
Owner preparation of information for HA	100,000	1	100,000	.5	50,000	982.453.
Owner 90-day or one-year notice of termination	7,500	1	7,500	.5	3,750	982.456.
Total burden hours					892,125	

** The letter behind the regulatory reference refers to the particular subpart in the program regulation.

B. Executive Order 12291

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, federal, State or local government agencies or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

C. NEPA

An environmental assessment of the effects of this proposed rule has been conducted by the Department and a Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk at the above address.

D. Regulatory Flexibility Act

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities. The rule would provide a unified statement of program requirements for tenant-based assisted housing under the Section 8 certificate and voucher programs, and would alleviate problems in administration of these programs.

E. Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule does not have a potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. The rule would improve the living conditions of low income families by improving and simplifying the delivery of rental subsidies for such families.

F. Executive Order 12612, Federalism

The General Counsel, as the designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the federal government and State or local governments, or on the distribution of power and responsibilities between them and other levels of government because the rule would not substantially alter the established roles of HUD, the States and local governments, including HAs.

G. Semiannual Agenda

This rule was listed as sequence number 1496 in the Department's Semiannual Agenda of Regulations published on November 3, 1992 (57 FR 51434) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

H. Catalog

The Catalog of Federal Domestic Assistance numbers for the Section 8 Rental Voucher and Rental Certificate Programs are 14.855 and 14.857.

List of Subjects

24 CFR Part 813

Housing and community development, Lower income housing, Utilities.

24 CFR Part 882

Grant programs—housing and community development, Lead poisoning, Manufactured homes, Rent subsidies; Reporting and recordkeeping requirements.

24 CFR Part 887

Grant programs—housing and community development, Housing; Low and moderate income housing; Rent subsidies; Reporting and recordkeeping requirements.

24 CFR Part 982

Grant programs—housing and community development, Housing; Rent subsidies; Reporting and recordkeeping requirements.

Accordingly, 24 CFR parts 813, 882, 887, and 982 are proposed to be amended as follows:

PART 813—DEFINITION OF INCOME LIMITS, RENT AND REEXAMINATION OF FAMILY INCOME FOR THE SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS AND RELATED PROGRAMS

1. The authority citation for part 813 would be revised to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 1437n, and 3535(d).

2. In § 813.102, the definition of "Shared housing" would be removed and the definition of "Contract rent" would be revised to read as follows:

§ 813.102 Definitions.

* * * * *

Contract rent. The total amount of rent specified in the Housing Assistance Payments (HAP) Contract as payable to the Owner by the Family, and by HUD or the PHA on the Family's behalf. In the case of a cooperative, Contract Rent means charges under the occupancy agreement between the members and the cooperative.

* * * * *

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING PROGRAM

3. The authority citation for part 882 would be revised to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, and 3535(d). In addition, subpart H is issued under the authority of 42 U.S.C. 11401.

Subparts A, B, C, & F—[Removed & Reserved]

4. In part 882, subparts A, B, C, and F would be removed and reserved.

5. In § 882.702, definitions of *percent limit* and *30-percent limit* would be added at the end, to read as follows:

§ 882.702 Additional definitions.

* * * * *

Percent Limit. The applicable maximum number of units under the consolidated ACC for a PHA's certificate program that may be project-based. (The applicable Percent Limit is either the 15-Percent Limit or the 30-Percent Limit.)

30-Percent Limit. Thirty percent of the total of the number of units under ACC for a PHA's Section 8 Certificate Program.

6. In § 882.703, paragraph (a)(1) would be revised to read as follows:

§ 882.703 Information to be submitted to HUD by the PHA concerning its plan to attach assistance to units.

(a) * * *

(1)(i) The number of project-based units in the PHA's Certificate Program does not exceed the applicable Percent Limit as approved by HUD.

(ii) The applicable Percent Limit is either:

(A) The 15-Percent Limit (unless the 30-Percent Limit is applicable), or

(B) The 30-Percent Limit.

(iii) The 30-Percent Limit is only applicable if:

(A) There are no project-based new construction units in the PHA's Certificate Program.

(B) The additional 15 percent of project-based units (in excess of the 15-Percent Limit) is for the rehabilitation of units in projects assisted under a State program that permits owners to prepay State-assisted or subsidized mortgages, and

(C) The additional 15 percent of project-based units is necessary to provide incentives for project owners to preserve the projects for occupancy by low and moderate income families for the term of the HAP contract, and assist low-income tenants to afford any rent increases.

(iv) HUD approval of the Percent Limit is based on the assumption that units in a PHA's Certificate Program that are identified as reserved but not under ACC will be under ACC before Agreements for project-based units are executed. However, before the PHA enters into an Agreement for project-based units, the PHA must ensure that the number of project-based units does not exceed the applicable Percent Limit of units actually under ACC for the PHA Certificate Program.

* * * * *

7. In § 882.709, paragraph (b)(1) would be removed and paragraphs (b)(2) through (b)(7) would be redesignated as paragraphs (b)(1) through (b)(6); newly numbered paragraph (b)(2) would be revised; new paragraphs (b)(7) and (b)(8) would be added; and a new paragraph (h) would be added; to read as follows:

§ 882.709 Eligible and ineligible properties: Housing types.

* * * * *

(b) * * *

(2) Housing for which the construction or rehabilitation is started before Agreement execution;

* * * * *

(7) Housing for which any local or State government below-market mortgage interest subsidy, construction or rehabilitation subsidy, or project-based rent subsidy, was received in the five years before execution of the Agreement, or will be received thereafter.

(8) A public housing or Indian housing unit.

* * * * *

(h)(1) *PHA-owned unit* means a unit that is owned by the PHA which administers the assistance under this subpart G pursuant to an ACC between HUD and the PHA (including a unit owned by an entity substantially controlled by the PHA).

(2) A PHA-owned unit may only be assisted under the project-based certificate program if:

(i) The PHA-owned unit is not ineligible housing under § 882.709.

(ii) The HUD Field Office selects the PHA-owned unit pursuant to the competitive ranking and rating process specified in the PHA's HUD-approved unit selection policy (see § 882.720).

(iii) The HUD Field Office establishes the initial contract rents.

(iv) The HUD Field Office has conducted all PHA reviews required under this subpart before execution of the Agreement.

(3) Any adjustment of the contract rent for a PHA-owned unit must be approved in advance by the HUD Field Office.

(4) As owner of a PHA-owned unit, the PHA is subject to all of the same program requirements that apply to other owners in the program.

8. Section 882.712 would be revised to read as follows:

§ 882.712 Displacement, relocation, and acquisition.

(a) *Minimizing displacement.* (1) Consistent with the other goals and objectives of this subpart, an owner must assure that it has taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit

organizations, and farms) as a result of a rehabilitation project assisted under this subpart.

(2) Whenever a building is rehabilitated and some, but not all, of the rehabilitated units in the building will be assisted upon completion of the rehabilitation, the relocation requirements described in this section cover the occupants of all the rehabilitated units, regardless of whether Section 8 assistance will be provided.

(b) *Temporary relocation.* The following policies cover residential tenants who will not be required to move permanently, but who must relocate temporarily for the project. Such tenants must be provided:

(1) Reimbursement for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including the cost of moving to and from the temporary housing and any increase in monthly rent/utility costs; and

(2) Appropriate advisory services, including reasonable advance written notice of:

(i) The date and approximate duration of the temporary relocation;

(ii) The location of the suitable, decent, safe and sanitary dwelling to be made available for the temporary period;

(iii) The terms under which the tenant may lease and occupy a suitable, decent, safe, and sanitary dwelling in the project upon completion of the building/complex; and

(iv) The assistance required under paragraph (b)(1) of this section.

(c) *Relocation assistance for displaced persons.* A *displaced person* (defined in paragraph (g) of ths section) must be provided relocation assistance at the levels described in, and in accordance with the requirements of, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) (42 U.S.C. 4201–4655) and implementing regulation at 49 CFR part 24. A *displaced person* must be advised of his or her rights under the Fair Housing Act (42 U.S.C. 3600–3620), and, if the representative comparable replacement dwelling used to establish the amount of the replacement housing payment to be provided to a minority is located in an area of minority concentration, such person must also be given, if possible, referrals to comparable and suitable, decent, safe, and sanitary replacement dwellings not located in such areas.

(d) *Real property acquisition requirements.* The acquisition of real property for a project is subject to the URA and the requirement of 49 CFR part 24, subpart B.

(e) *Appeals.* A person who disagrees with the PHA's determination concerning whether the person qualifies as a *displaced person*, or the amount of relocation assistance for which the person is eligible, may file a written appeal of that determination with the PHA. A low-income person who is dissatisfied with the PHA's determination on his or her appeal my submit a written request for review of that determination to the HUD Field Office responsible for administering URA requirements in the jurisdiction.

(f) *Responsibility of PHA.* (1) The PHA must provide assurance of compliance as required by 49 CFR part 24 that it will comply with the URA, the regulations at 49 CFR part 24, and the requirements of this section, and must ensure such compliance notwithstanding any third party's contractual obligation to the PHA to comply with these provisions.

(2) The cost of required relocation assistance may be paid for with local public funds or funds available from other sources. The cost of PHA advisory services for temporary relocation of tenants may be paid from preliminary fees or ongoing administrative fees.

(3) The PHA must maintain records in sufficient detail to demonstrate compliance with the provisions of this section. The PHA must maintain data on the race, ethnic, gender, and handicap status of displaced persons.

(g) *Definition of displaced person.* (1) For purposes of this section, the term "displaced person" means a person (family, individual, business, nonprofit organization, or farm) that moves from real property or moves personal property from real property, permanently, as a direct result of acquisition, rehabilitation, or demolition for a project assisted under this part. This includes any permanent, involuntary move for an assisted project, including any permanent move from the real property that is made:

(i) After notice by the Owner to move permanently from the property if the move occurs on or after the date of the submission of the Owner application to the PHA;

(ii) Before the submission of the Owner application to the PHA, if the PHA or HUD determines that the displacement resulted directly from acquisition, rehabilitation, or demolition for the assisted project; or

(iii) By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:

(A) The tenant moves from the building or complex permanently and the move occurs after the "initiation of negotiations" (see paragraph (h) of this section), but before the tenant is provided written notice offering him or her the opportunity to lease and occupy a suitable, decent, safe, and sanitary dwelling in the same building or complex under reasonable terms and conditions, upon its completion. Such reasonable terms and conditions include a monthly rent and estimated average monthly utility costs that do not exceed the greater of:

(*1*) The tenant's monthly rent before the "initiation of negotiations" and estimated average monthly utility costs; or

(*2*) The total tenant payment, as determined under 24 CFR 813.107, if the tenant is low income, or 30 percent of gross household income, if the tenant is not low income; or

(B) The tenant is required to relocate temporarily, does not return to the building/complex and either:

(*1*) The tenant is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the move, or

(*2*) Other conditions of the temporary relocation are not reasonable; or

(C) The tenant is required to move to another dwelling unit in the building or complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable, and the tenant moves permanently from the building or complex.

(2) Notwithstanding the provisions of paragraph (g)(1) of this section, a person does not qualify as a "displaced person" (and is not eligible for relocation assistance under the URA or this section), if:

(i) The person has been evicted for serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable federal, State of local law, or other good cause, and the PHA determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;

(ii) The person moved into the property after the submission of the Owner application to the PHA and, before signing a lease and commencing occupancy, was provided written notice of the owner application, its possible impact on the person (e.g., the person may be displaced, temporarily relocated, or suffer a rent increase) and the fact that the person would not qualify as a *displaced person* (or for any assistance provided under this section) if the owner application is approved;

(iii) The person is ineligible under 49 CFR 24.2(g)(2); or

(iv) HUD determines that the person was not displaced as a direct result of acquisition, rehabilitation, or demolition for the project.

(3) The PHA may request, at any time, HUD's determination of whether a displacement is or would be covered by this section.

(h) *Definition of initiation of negotiations.* For purposes of determining the formula for computing the replacement housing assistance to be provided to a residential tenant displaced as a direct result of privately undertaken rehabilitation or demolition of the real property, the term "initiation of negotiations" means the execution of the Agreement between the owner and the HA.

§ 882.713 [Amended]

9. In § 882.713, paragraph (c)(9) would be removed and paragraph (c)(10) would be redesignated as paragraph (c)(9).

10. In § 882.714, paragraph (a) would be amended by adding a new sentence at the end; paragraphs (b), (c)(1), and (d)(1) would be revised; a new paragraph (d)(3) would be added; and paragraph (f)(2) would be revised, to read as follows:

§ 882.714 Initial contract rents.

(a) *General.* * * * The PHA and the Owner must certify that the assistance, including adjustments of the Contract Rent, will not be more than is necessary to make the assisted activity feasible, after taking into account assistance from other government sources.

(b) *Fair Market Rent (FMR) limitation.* The initial gross rent (initial Contract Rent plus any applicable Utility Allowance) for any unit approved under this subpart G must not exceed the FMR/exception limit in effect for the unit on the date the Agreement is executed. The FMR/exception rent limit is determined in accordance with 24 CFR part 982.503.

(c) *Rent reasonableness limitation: Applicable to initial Contract Rents.* (1) the initial Contract Rent must be:

(i) Reasonable in relation to rents currently being charged by the Owner or others for unassisted units that are comparable to the newly constructed units or to the units after they are rehabilitated, taking into account the location, size, structure, type, quality, age, and amenities of the units and any services, maintenance and utilities to be provided by the Owner in accordance with the Lease;

(ii) Not in excess of rents charged by the Owner for comparable unassisted units; and

(iii) Not in excess of the rents necessary to make the assisted activity feasible, as determined by HUD, after taking into account assistance from other government sources.

* * * * *

(d) *Congregate housing.* (1) In congregate housing, the FMR/exception rent limit is equal to:

(i) The 0-bedroom FMR, or

(ii) If HUD has approved the use of a 0-bedroom exception rent limit for the FMR area, the HUD-approved 0-bedroom exception rent limit.

* * * * *

(3) Meal charges may not be included in the Contract Rent. If the Family entered an agreement with the Owner prior to initial assisted occupancy to purchase one or more meals, the owner cannot require the Family to purchase more than the number originally agreed to by the Family.

* * * * *

(f) *Single room occupancy units.*

* * *

(2) In a SRO, the FMR/exception rent limit is equal to 75 percent of:

(i) The 0-bedroom FMR, or

(ii) If HUD has approved the use of a 0-bedroom exception rent limit for the FMR area, the HUD-approved 0-bedroom exception rent limit.

* * * * *

11. Section 882.715 would be revised to read as follows:

§ 882.715 Contract Rent Adjustments.

(a) *Requirement.* Contract Rents may only be adjusted as provided in this section.

(b) *Annual adjustments*—(1) *Annual anniversary.* The Contract Rent may be adjusted on each annual anniversary date of the HAP contract. The annual adjustment of Contract Rent on the anniversary date is determined by the formula described in paragraph (b)(2).

(2) *Adjustment formula*—(i) *Gross Rent less than 110 percent of FMR/exception limit.* If an Owner requests an adjusted Contract Rent such that the sum of the Contract Rent plus Utility Allowance would be less than 110 percent of the current FMR/exception rent limit, the adjusted Contract Rent is equal to the lesser of paragraph (b)(2)(i)(A) or (B):

(A) The product of:

(*1*) The Contract Rent in effect on the anniversary date, multiplied by:

(*2*) The applicable Section 8 annual adjustment factor most recently published by HUD in the **Federal Register** (under 24 CFR part 888).

(B) The Contract Rent requested by the Owner.

(ii) *Gross Rent 110 percent or more than FMR/exception limit.* If an Owner requests an adjusted Contract Rent such that the sum of the Contract Rent plus Utility Allowance would be 110 percent or more of the FMR/exception rent, the adjusted contract rent is equal to the lesser of paragraph (b)(2)(ii) (A), (B) or (C):

(A) The product of:

(*1*) The Contract Rent in effect on the anniversary date, multiplied by

(*2*) The applicable Section 8 annual adjustment factor (24 CFR part 888) most recently published by HUD in the **Federal Register**.

(B) The reasonable rent (as determined by the PHA in accordance with paragraph (e)).

(C) The Contract Rent requested by the Owner.

(c) *Adjustment up or down.* (1) The Contract Rent may be adjusted up or down as determined by the adjustment formula.

(2) Contract Rents are subject to post-audit change in accordance with HUD requirements, including the correction of errors in establishing the initial Contract Rents or in adjusting the Contract Rents.

(d) *Adjustment up at Owner's request.* (1) The Owner is not entitled to any upward adjustment of Contract Rent unless the dwelling unit meets the HQS, and the Owner is in compliance with the terms of the lease and the HAP contract.

(2) To receive an upward adjustment of the Contract Rent, the Owner must request the annual adjustment in writing.

(3) The Contract Rent will only be adjusted for housing assistance payments for months commencing at least 60 days after the PHA receives the Owner request, and will not be adjusted retroactively. The annual adjustment with respect to any anniversary date must be requested no later than 60 days before the next anniversary date.

(e) *Notice to Owner concerning the rent reasonableness study.* The PHA will notify the Owner in writing of its intention to conduct a rent reasonableness study. If no increase or only a limited increase in Contract Rents is approved by the PHA after a rent reasonableness study is conducted, a notice showing the results of the study will be provided to the Owner within 30 calendar days of receipt of the Owner's request for a rent increase.

(f) *Special adjustments.* (1) A PHA may make a special adjustment of the Contract Rent, if approved by HUD, at HUD's sole discretion, to reflect major,

substantial and general increases in actual and necessary expenses of owning and maintaining the dwelling unit.

(2) HUD may approve such special adjustments of the Contract Rent to cover major, substantial and general:

(i) Increases in real property taxes or special assessments.

(ii) Increases of utility rates or costs of utilities not covered by regulated rates.

(iii) Security expenses.

(iv) Increases in operating, maintenance and capital repair costs primarily due to drug-related criminal activity.

(v) Other expenses, as determined by HUD.

(3)(i) Special adjustments for costs of drug-related criminal activity pursuant to paragraph (b)(2) of this section may only be approved:

(A) If the Congress provides a specific appropriation of funds for this purpose.

(B) For projects located in communities where drug-related criminal activity is generally prevalent.

(C) For up to 20 percent of Contract Rents.

(D) To cover the costs of maintenance, security, capital repairs, and reserves required for the Owner to carry out a strategy approved by HUD for addressing the problem of drug-related criminal activity.

(ii) On a case by case basis, HUD may waive the rent reasonableness requirement described in paragraph (g) for this category of special adjustment for costs of drug-related criminal activity.

(4) If a special adjustment is approved to cover temporary or one-time costs, the special adjustment is only a one-time increase of the subsidized rent. When granting approval of a special adjustment, HUD will specify whether the special adjustment is a one-time increase of the Contract Rent. If the special adjustment is a one-time increase, the dollar amount of the special adjustment must be subtracted from the subsidized rent before application of the annual adjustment factor. A special adjustment for a one-time increase must be reapproved before the special adjustment is added to the newly adjusted Contract Rent. The special adjustment may only be reapproved, in whole or in part, if the PHA and HUD determine that the special adjustment is necessary.

(5) HUD must approve a special adjustment of the Contract Rent (if appropriations are available) if HUD determines such special adjustments are necessary to reflect increases in the actual and necessary expenses of owning and maintaining the unit that have resulted from the expiration of a real property tax exemption.

(6) A special adjustment of Contract Rent may only be approved to cover increases in these items which are not adequately compensated for by annual adjustments and should not exceed a reasonable rent (as determined by the PHA in accordance with paragraph (g)). The owner must submit financial statements to the PHA which clearly support the increase.

(g) *Rent reasonableness limitation applicable to annual and special rent adjustments.* Annual and special adjustments of Contract Rents must not result in any of the following:

(1) A material difference, as determined by the PHA, between the rents charged for assisted units and unassisted units of similar age, quality, and type in the same market area. A material difference between the assisted and comparable unassisted rent is defined as a dollar amount equal to five percent of the comparable rent plus one dollar.

(2) Rents in excess of the rents charged by the Owner for comparable unassisted units; and

(3) Where the results of a PHA rent reasonableness study show that a material difference between the comparables and the assisted units would result from application of the annual adjustment factors or a special adjustment, the Contract Rent will be set at least one dollar below the level at which a material difference occurs.

12. In § 882.720, the second sentence of paragraph (b)(1) would be revised; paragraph (b)(3)(v) would be revised; and the first sentence of paragraph (b)(3)(vi) would be revised to read as follows:

§ 882.720 PHA unit selection policy.

* * * * *

(b) *Specific selection policy requirements.* * * *

(1) * * * The advertisement must be approved by HUD and may not be published until after the later of HUD authorization to implement a project-based program or ACC execution. * * *

* * * * *

(3) * * *

(v) A statement identifying:

(A) The number of persons (families, individuals, businesses and nonprofit organizations) occupying the property on the date of the submission of the application;

(B) The number to be displaced, temporarily relocated or moved permanently within the building or complex;

(C) The estimated cost of relocation payments and services, and the source of funding; and

(D) The organization(s) that will carry out the relocation activities;

(vi) The identity of the Owner and other project principals and the names of officers and principal members, shareholders, investors, and other parties having a substantial interest; the previous participation of the project principals on the prescribed HUD form; and a disclosure of any possible conflict of interest by any of these parties that would be a violation of the Agreement or the Contract; and information on the qualifications and experience of the principal participants. * * *

* * * * *

§ 882.721 [Amended]

13. In § 882.721, the first sentence of paragraph (a) would be amended by removing the phrase "Before selecting a unit" and substituting in its place, the phrase "Before selecting a unit or executing an Agreement"; paragraphs (b) and (c) would be redesignated (c) and (b), respectively; in the first sentence of the redesignated paragraph (c), the phrase "Before selecting a unit, the PHA must" would be removed, and the phrase "Before selecting a unit or executing an Agreement, the PHA must receive the HUD-determined initial contract rents and" would be substituted.

14. In § 882.721, the new paragraph (b) would be revised to read as follows:

§ 882.721 Rehabilitation: Initial inspection and determination of unit eligibility.

* * * * *

(b) Before selecting a unit or executing an Agreement, the PHA must also consider whether the property is eligible housing under section 882.709; meets the other federal requirements in section 882.713, and the site and neighborhood standards cross-referenced in section 882.706; and will be rehabilitated with other than assistance under the U.S. Housing Act of 1937 in accordance with section 882.711. The PHA must also determine the number of current tenants that are lower income families.

15. In § 882.723, the first sentence of paragraph (a) would be amended by removing the phrase "The PHA" and substituting for it the phrase "Before selecting a unit or executing an Agreement, the PHA"; and a new paragraph (c) would be added, to read as follows:

§ 882.723 New construction: PHA evaluation and technical processing.

* * * * *

(c) The PHA must not execute any Agreements until the PHA receives the

HUD-determined initial contract rents and HUD authorization to execute an Agreement.

16. In § 882.724, paragraph (a)(4) would be removed; paragraphs (a)(5) and (a)(6) would be redesignated as paragraphs (a)(4) and (a)(5); and paragraph (a)(3) would be revised to read as follows:

§ 882.724 New construction: HUD Field Office review of applications.

(a) * * *

(3) Previous participation of project principals;

* * * * *

17. In § 882.730, paragraphs (a) and (b) would be revised to read as follows:

§ 882.730 Agreement to enter into Housing Assistance Payments Contract, and Contract Rents in Agreement.

(a) *Agreement.* After receiving HUD authorization, the PHA must enter into an Agreement with the Owner in the form prescribed by HUD for assistance provided under this subpart G. The Agreement must be executed before the start of any new construction or rehabilitation. Under the Agreement, the Owner agrees to construct the units in accordance with the PHA-approved working drawings and specifications or to rehabilitate the units in accordance with the PHA-approved work write-ups.

(b) *Contract Rents in agreement.* The Agreement must list the HUD-determined Contract Rents that will apply to the units after they are constructed or rehabilitated. The amounts of the Contract Rents that are listed in the Agreement or, if applicable, as lowered under section 882.732(c), shall be the initial Contract Rents upon execution of the Contract. These initial Contract Rents may only be increased if:

(1) The project is financed with a HUD insured or coinsured multifamily mortgage,

(2) The initial contract rents listed in the Agreement were based on the amount determined by HUD to be necessary to amortize the insured or coinsured mortgage, and

(3) HUD approves a cost increase prior to closing. In such a case, the HUD Field Office may redetermine the initial contract rents in accordance with section 882.714 except that the Field Office may use the comparable rents originally used in processing the insured or coinsured mortgage in lieu of the amount determined in accordance with section 882.714(c)(3).

* * * * *

§ 882.732 [Amended]

18. In § 882.732, the fifth sentence of paragraph (c) would be amended by removing the last five words which read "or for any other reason".

19. In § 882.733, paragraph (d)(3) would be revised to read as follows:

§ 882.733 New construction or rehabilitation completion.

* * * * *

(d) *Acceptance.* * * *

(3) If other deficiencies exist, the PHA must determine whether and to what extent the deficiencies are correctable and whether a time extension is warranted, and HUD must determine whether the Contract Rents should be reduced.

* * * * *

20. In § 882.740, paragraphs (b) and (c) would be revised to read as follows:

§ 882.740 Housing assistance payment Contract (Contract).

* * * * *

(b) *Term of Contract.* The initial Contract term may not be less than one year and may not extend beyond the ACC expiration date for the Funding Source. Within these limitations, the PHA has the sole discretion to determine the Contract term. For example, assuming that the ACC expiration date for the applicable Funding Source is June 30, 2003, and the effective date of a Contract will be July 1989, the Contract could have a fixed term of 1 to 14 years.

(c) *Renewal of Contracts.* With HUD approval and at the sole option of the PHA, PHAs may renew expiring Contracts for such period or periods as HUD determines appropriate to achieve long-term affordability of the assisted housing, provided that the term does not extend beyond the ACC expiration date for the Funding Source. PHAs must identify the funding source for renewals; different Funding Sources may be used for the initial term and renewal terms of the Contract. In addition to assessing whether the Contract should be renewed to achieve long term affordability, HUD will review a PHA's renewal request to determine that the requirements listed in § 882.703(a) (2) and (3) will be satisfied, and to determine if a rent reduction is warranted pursuant to 24 CFR part 12. The owner and owner's successors in interest must accept all contract renewals agreed to by the PHA and approved by HUD.

* * * * *

§ 882.751 [Amended]

21. In § 882.751, the second sentence would be amended by removing the period at the end, and adding the following words: , disclosing information and submitting certifications as required by 24 CFR part 12 and implementing instructions, providing the PHA with a copy of any termination of tenancy notification, and offering vacant, accessible units to a Family having handicaps requiring the accessibility features of the vacant unit and occupying an assisted unit not having such features.

22. In § 882.753, paragraphs (a), (c)(4), and (g) would be revised to read as follows:

§ 882.753 Family participation.

* * * * *

(a) *Selection for participation.* In selecting families for the project-based program from the waiting list for the Rental Certificate and Rental Voucher Programs in each successive one year period:

(1)(i) At least 70 percent of families which initially receive assistance in the PHA project-based program during the year (and where there is a selection between federal preference-holders and non-federal preference holders) must be families which qualify for federal preference.

(ii) PHAs authorized to use the 30-Percent Limit to prevent prepayments under State mortgage programs shall not count families selected to occupy units in these State-assisted or subsidized projects when determining whether 70 percent of the families have a federal preference.

(2) Up to 30 percent of families that initially receive project-based assistance during the year, instead of federal preference-holders, may be families which do not qualify for federal preference.

(3) The Percent Limit only applies if a family which does not qualify for federal preference receives assistance before another waiting list family which qualifies for federal preference. Otherwise, selection of a family is not counted for purposes of paragraph (a)(1) or (2) of this section. Thus, the family is not included in the computation of families which initially receive assistance during the year, and selection of the family is not counted against the limit on non-federal preference selections under paragraph (a)(2) of this section.

Example. Selection of a non-Federal preference family with a disabled family member having a handicap requiring the accessibility features of the vacant unit ahead of Federal preference families on the waiting list who do not need the accessibility features does not count against the 30 percent limit on selection of families which do not qualify for federal preference.

(4) Federal preference requirements only apply to selection from the PHA

VOL 58 ISS 35 FE 24 1993 UMI

waiting list. Federal preference requirements do not apply to the selection of eligible in-place families as described in paragraph (b).

* * * * *

(c) * * *

(4)(i) The owner is responsible for screening and selection of tenants. The owner must adopt written tenant selection procedures which must be submitted to the HUD field office for approval. The HA must review the owner's policies to determine whether the policies are consistent with the purpose of improving housing opportunities for very low-income families, and reasonably related to program eligibility and an applicant's ability to perform the lease obligations.

(ii)(A) An owner shall promptly notify in writing any rejected applicant of the grounds for any rejection.

(B) If the owner rejects an applicant and the family believes that the rejection was the result of unlawful discrimination, the family may request the assistance of the PHA in resolving the issue. If the issue is not resolved promptly, the family may file a complaint with HUD.

* * * * *

(g) *Lease requirements.* (1) The Lease between the Family and the Owner must be in accordance with § 882.759 and any other applicable HUD regulations and requirements. The Lease must include all provisions required by HUD and must not include any of the provisions prohibited by HUD.

(2) When offering an accessible unit to an applicant not having handicaps requiring the accessibility features of the unit, the Owner may require the applicant to agree (and may incorporate this agreement in the Lease) to move to a non-accessible unit when available.

PART 887—HOUSING VOUCHERS

23. Part 887 would be removed.

PART 982—SECTION 8 TENANT-BASED ASSISTANCE: UNIFIED RULE FOR TENANT-BASED ASSISTANCE UNDER THE SECTION 8 RENTAL CERTIFICATE PROGRAM AND THE SECTION 8 RENTAL VOUCHER PROGRAM

24. A new part 982 would be added, to read as follows:

Subpart A—General Information

Sec.

982.1 Tenant-based programs: Purpose and structure.
982.2 Applicability.
982.3 HUD.
982.4 Terms.
982.5 Notices required by this rule.

Subpart B—Requirements and Plans for HA Administration of Program

982.51 HA authority to administer tenant-based programs.
982.52 HUD requirements.
982.53 HA Policies.
982.54 Equal opportunity requirements.
982.55 Illegal discrimination—HA assistance to family.
982.56 Equal opportunity plan.
982.57 Administrative plan.

Subpart C—Funding and Application Procedures

982.101 Allocation of funding.
982.102 HA application for funding.
982.103 HUD review of application.
982.104 Assistance to promote family unification.

Subpart D—Annual Contributions Contract and HA Administration of Program

982.151 Annual contributions contract.
982.152 Administrative fee.
982.153 HA responsibilities.
982.154 ACC reserve account ("project reserve").
982.155 Administrative fee reserve ("operating reserve").
982.156 Depositary for program funds.
982.157 Program records.
982.158 Audit requirements.
982.159 HUD determination to administer a local program.
982.160 Conflict of interest.
982.161 Use of HUD prescribed contract forms.

Subpart E—Selection for Tenant-Based Program

982.201 Eligibility.
982.202 How families are selected for participation.
982.203 Special family selection (non-waiting list).
982.204 Selection from waiting list.
982.205 Local preference in selection from the waiting list.
982.206 Federal preference in selection from waiting list.
982.207 Opening and closing waiting list; public notice.

Subpart F—Family Self-Sufficiency [Reserved]

Subpart G—Leasing a Unit

982.301 Information when family is selected for program.
982.302 Term of a voucher or certificate.
982.303 Where family can live.
982.304 Eligible housing.
982.305 HA approval for assisted tenancy.
982.306 Lease.
982.307 Owner termination of tenancy.
982.308 Security deposit.
982.309 Amount owner receives if family moves.

Subpart H—Where Family Can Live and Move

982.351 Overview.
982.352 Terms.
982.353 Leasing area: Where family can rent a unit with tenant-based assistance.
982.354 Right to move from assisted unit.

Portability

982.355 Portability: Renting in an area where there is no tenant-based program.
982.356 Portability: Procedures when family wants to rent a unit outside HA jurisdiction, and there is a tenant-based program in the area where the family wants to rent.

Subpart I—Dwelling Unit: Housing Quality Standards, Occupancy Standards, Inspection and Maintenance

982.401 Housing quality standards (HQS).
982.402 Occupancy standards.
982.403 Maintenance: Owner and family responsibility; HA remedies.
982.404 HA periodic unit inspection.
982.405 Enforcement of HQS.
982.406 Inspection reports.

Subpart J—Housing Assistance Payments Contract and Owner Responsibility

982.451 Housing assistance payments contract.
982.452 Occupancy of dwelling unit.
982.453 Owner responsibilities.
982.454 Owner breach of contract.
982.455 Termination of HAP contract: Insufficient funding.
982.456 Termination of HAP contract: Automatic expiration when payment is not made.
982.457 Termination of HAP contract: Procedure if owner decides to terminate the HAP contract for business or economic reasons or if ACC funding is insufficient to support continued assistance.
982.458 Third parties.
982.459 Owner refusal to lease.

Subpart K—Rent and Housing Assistance Payment

982.501 Terms.
982.502 Certificate and voucher programs: Rent to owner—rent reasonableness limitation.
982.503 Certificate program: FMR/exception rent limit—Subsidized rent and rent to owner.
982.504 Certificate program: Housing assistance payment—Calculation and distribution.
982.505 Certificate program: Excess rent tenancy.
982.506 Certificate program: Adjustment of subsidized rent.
982.507 Rental voucher program.
982.508 Tenant contribution.
982.509 Regular and interim examinations of family income and composition.
982.510 Utility allowance schedules.

Subpart L—Family Obligations; Denial and Termination of Assistance

982.551 Obligations of participant family.
982.552 HA denial or termination of assistance for family.
982.553 Informal hearing.

Subpart M—Special Housing Types

982.601 Purpose of this subpart.

Cooperative

982.602 Cooperative housing.

Independent Group Residence (IGR)

982.603 IGR: Terms.
982.604 IGR: Occupancy.
982.605 IGR: Rent and housing assistance payment.
982.606 IGR: Utility allowance.
982.607 IGR: Housing quality standards.

Single Room Occupancy (SRO)

982.608 SRO: Definition and eligibility.
982.609 SRO: Rent and housing assistance payment.
982.610 Single room occupancy: Housing quality standards.

Congregate Housing

982.611 Congregate housing: Definition and occupancy.
982.612 Congregate housing: Rent and housing assistance payment.
982.613 Congregate housing: Housing quality standards.

Shared Housing

982.614 Shared housing: HA choice to include in HA tenant-based programs.
982.615 Shared housing: Definitions.
982.616 Shared housing: HA administration.
982.617 Shared housing: Occupancy of a unit.
982.618 Shared housing: Rent and housing assistance payment.
982.619 Shared housing: Utility allowance.
982.620 Shared housing: HQS.

Manufactured Home

982.621 Manufactured home: Applicability of requirements.
982.622 Manufactured home: Definition.
982.623 Manufactured home (General): Housing quality standards.

Manufactured Home Pad Rental

982.624 Manufactured home pad rental: Applicability.
982.625 Manufactured home pad rental: Definitions.
982.626 Manufactured home pad rental: Fair market rent.
982.627 Manufactured home pad rental: Rent and housing assistance payment.
982.628 Manufactured home pad rental: Schedule of utility allowances.

Authority: Secs. 3, 5, 8, United States Housing Act of 1937 (42 U.S.C. 1437a, 1437c, 1437f); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subpart A—General Information

§ 982.1 Tenant-based programs: Purpose and structure.

(a) *General description.* (1) The HUD rental voucher program and the HUD rental certificate program provide a rent subsidy so eligible families can afford rent for decent, safe, and sanitary housing. Both programs are administered by State, local governmental or tribal bodies called housing agencies (HAs). HUD provides funds to a HA for rent subsidy on behalf of eligible families. HUD also provides funds for HA administration of the programs.

(2) The family selects and rents a unit which meets program housing quality standards. If the HA approves the unit and lease, the HA contracts with the owner to make rent subsidy payments on behalf of the family. A HA may not approve a lease if the rent is not reasonable.

(3) In the rental certificate program the rental subsidy is generally based on the actual rent of a unit leased by the assisted family. In the rental voucher program, the rental subsidy is determined by a formula, and is not based on the actual rent of the lease unit.

(4) In the rental certificate program, the unit rent generally may not exceed a HUD-published fair market rent for units rented in the local housing market. For most program families, the subsidy is the difference between the unit rent and 30 percent of income. In the rental voucher program, the subsidy for a family is the difference between 30 percent of income and a "payment standard" that is based on the HUD-published fair market rent. If the unit rent is less than the voucher payment standard, the family pays a smaller share of the rent. If the unit rent is more than the payment standard, the family pays a larger share of the rent.

(b) *Tenant-based and project-based assistance.* (1) Section 8 assistance may be "tenant-based" or "project-based". In project-based programs, rental assistance is paid for families who live in specific housing projects or units. With tenant-based assistance, the assisted unit is selected by the family. The unit may be located anywhere in the HA jurisdiction or State, in the same metropolitan area or a contiguous metropolitan area, or in the jurisdiction of another HA which runs a rental certificate or rental voucher program.

(2) Except for project-based assistance under the certificate programs (covered in 24 CFR part 983) all assistance under the certificate and voucher programs is "tenant-based". After the family selects a suitable unit, the HA enters into a contract with the owner to make rent subsidy payments to the owner to subsidize occupancy by the family. The contract only covers a single unit and the specific assisted family. If the family moves out of the leased unit, the contract with the owner terminates. In the tenant-based programs, the family may move to another unit with continued assistance.

(3) With project-based assistance, the HA enters into a contract to make rent subsidy payments during the contract term for a specific unit or building. The subsidy is paid when the owner leases the unit to an eligible family. Because the assistance is tied to the unit, a family that moves from the unit does not have any right to continued assistance. The unit is rented to another eligible family.

§ 982.2 Applicability.

(a) Part 982 is a unified statement of program requirements for the tenant-based housing assistance programs under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f). The tenant-based programs are the Section 8 tenant-based rental certificate program and the Section 8 rental voucher program.

(b) Unless specifically stated in this part, requirements for both tenant-based programs are the same.

§ 982.3 HUD.

The HUD regional or field offices have delegated responsibility for day-to-day administration of the program by HUD. In exercise of these functions, the regional and field offices are subject to HUD regulations and other HUD requirements issued by HUD headquarters. Some functions are specifically reserved to HUD headquarters.

§ 982.4 Terms.

1937 Housing Act. The United States Housing Act of 1937 (42 U.S.C. 1437 and following sections). The HUD tenant-based programs are authorized by section 8 of the 1937 Housing Act.

Absorption. In portability, the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family. The receiving HA uses funds available under the receiving HA consolidated ACC.

ACC. Annual contributions contract.

ACC reserve account (or "project reserve"). Account established by HUD from amounts by which the maximum payment to the HA under the consolidated ACC (during a HA fiscal year) exceeds the amount actually approved and paid. This account is used as the source of additional payments for the program.

Adjusted income. Defined in 24 CFR 813.102.

Administrative fee. Fee paid by HUD to the HA for administration of the program.

Administrative fee reserve (or "operating reserve"). Account established by HA from excess administrative fee income. The

administrative fee reserve must be used for housing purposes. See § 982.155.

Administrative plan. The administrative plan describes HA policies for administration of the tenant-based programs. See Part B of part 982. Section 982.57 describes subjects which must be covered in the administrative plan.

Amortization payment. In a manufactured home pad rental, the monthly debt service payment by the family to amortize the purchase price of the manufactured home.

Annual contributions contract (ACC). A written contract between HUD and a HA. Under the contract HUD agrees to provide funding for operation of the program, and the HA agrees to comply with HUD requirements for the program.

Annual income. Defined in 24 CFR 813.106.

Budget authority. An amount authorized and appropriated by the Congress for payment to HAs under the program. For each funding increment, in a HA program, budget authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.

Certificate. A document issued by a HA to a family selected for participation in the rental certificate program. The certificate describes the program, and the procedures for HA approval of a unit selected by the family. The certificate also describes the obligations of the family under the program.

Certificate or voucher holder. A participant family with an unexpired voucher or certificate.

Certificate program. Rental certificate program.

Common space: In shared housing, space available for use by the assisted family and other occupants of the unit.

Congregate housing. Housing for elderly, handicapped, or disabled persons that meets the HQS for congregate housing. (A special housing type: see § 982.611 to § 982.613.)

Consolidated annual contributions contract (consolidated ACC). See § 982.151.

Contiguous MSA. In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.

Contract authority. The maximum annual payment by HUD to a HA for a funding increment.

Cooperative (term includes mutual housing). Housing owned by a non-profit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing. (A special housing type: see § 982.602.)

Disabled person. A person who is any of the following:

(1) A person who has a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423).

(2) A person who has a physical, mental, or emotional impairment that: (i) Is expected to be of long-continued and indefinite duration, (ii) substantially impedes his or her ability to live independently, and (iii) is of such a nature that such ability could be improved by more suitable housing conditions.

(3) A person who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

(4) A person who has the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

Displaced person. A person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief laws.

Drug-related criminal activity. The illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-trafficking. The felonious manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Elderly person. A person who is at least 62 years of age.

Eligibility. See § 982.201.

EO plan. Equal opportunity housing plan. See 24 CFR part 982, subpart B. The EO plan establishes HA policies for implementing civil rights requirements. Section 982.56 describes subjects which must be covered in the EO plan.

Exception rent. In the certificate program, an initial rent (subsidized rent plus any utility allowance) in excess of the published FMR. In the certificate program, the exception rent is approved by HUD, and is used in determining the initial subsidized rent. In the voucher program, the HA may adopt a payment standard up to the exception rent limit approved by HUD for the HA certificate program.

Excess rent tenancy. In the certificate program, a tenancy where the sum of the initial rent to owner plus any utility allowance exceeds the FMR/exception rent limit.

Expiration. Definition only for purpose of §§ 982.455 and 982.456: Term means either:

(1) Automatic termination of the HAP contract when three months has passed since the last housing assistance payment, or

(2) A HA determination (in accordance with HUD requirements) that the HAP contract must be terminated because there is insufficient funding under the consolidated ACC to support continued assistance for the family.

Extended operation area. In portability, an area which is outside the HA jurisdiction (as determined by State or local law), but is inside the same State, the same MSA, or an MSA that is next to the same MSA.

Fair market rent (FMR). The rent, including utilities (except telephone), ranges and refrigerators, and all maintenance, management, and other services, which would be required to be paid in order to rent privately owned decent, safe and sanitary rental housing of a modest (non-luxury) nature with suitable amenities in the market area. Fair market rents for existing housing are published in the **Federal Register** by HUD headquarters under 24 CFR part 888.

Family. Term means any of the following:

(1) A family with children.

(2) A family whose head or spouse is elderly, near-elderly or disabled.

(3) A single person who is elderly, disabled or displaced.

(4) Any other single person, including a near-elderly person.

(A "family" is the entity which may receive program assistance under the 1937 Housing Act. If other family members leave an assisted family, the remaining family member or members qualify as a family.)

Family unification assistance. In the certificate program, assistance on behalf of any family:

(1) Who is otherwise eligible for such assistance, and

(2) Who the public child welfare agency for the jurisdiction has certified is a family for whom the lack of adequate housing is the primary factor in the imminent placement of the family's child or children in out-of-home care or the delayed discharge of a child or children to the family from out-of-home care.

Family unit size. The appropriate number of bedrooms for a family, as determined by the HA under the HA occupancy standards.

Federal preference. Preference under federal law for selection of families that are:

(1) Involuntarily displaced;

(2) Living in substandard housing; or

(3) Paying more than 50 percent of family income for rent. See § 982.206.

Felony. Any criminal activity that is classed as a felony under federal, State, or local law.

FMR. Fair market rent.

FMR/exception rent limit. The Section 8 existing housing fair market rent published by HUD headquarters, or any exception rent. In the certificate program, the initial subsidized rent for a dwelling unit plus any utility allowance may not exceed the FMR/exception rent limit (for the dwelling unit or for the family unit size). In the voucher program, the HA may adopt a payment standard up to the FMR/exception rent limit.

Funding increment. Each commitment of budget authority by HUD to a HA under the consolidated annual contributions contract for the HA program.

Guest. A person in the dwelling unit with the consent of a household member.

HA. Housing Agency.

HAP contract. Housing assistance payments contract.

Housing assistance payment. The monthly assistance payment by a HA. (24 CFR part 982, subpart K explains how the amount of the payment is determined.) The total assistance payment consists of:

(1) A payment to the owner for rent to owner under the family's lease.

(2) An additional payment to the family if the total assistance payment exceeds the rent to owner. In the certificate program, the additional payment is called a "utility reimbursement".

Housing assistance payments contract (HAP contract). A written contract between a HA and an owner, in the form prescribed by HUD headquarters, in which the HA agrees to make housing assistance payments to the owner on behalf of an eligible family.

Housing agency (HA). A State, county, municipality or other governmental entity or public body authorized to administer the programs. The term "HA" includes an Indian housing authority (IHA). ("PHA" and "HA" mean the same thing.)

Housing quality standards (HQS). The HUD minimum quality standards for housing assisted under the tenant-based programs. See § 982.401.

HQS. Housing quality standards.

HUD. The U.S. Department of Housing and Urban Development.

HUD requirements. HUD requirements for the Section 8 programs under part 982. HUD requirements are issued by HUD headquarters, as regulations, Federal Register notices or other binding program directives.

IGR. Indpendent group residence.

IHA. Indian housing authority.

Incremental units. In the certificate program, the number obtained by subtracting the number of any units provided to the HA under the consolidated ACC for families previously assisted under other Section 8 or federal housing programs from the total of the number of units under the consolidated ACC for the program. The term is used in determining the maximum number of excess rent tenancies in the HA certificate program.

Independent group residence (IGR). A dwelling unit for the exclusive residential use of two to twelve elderly, handicapped, or disabled persons (not including any live-in aide) who are not capable of living completely independently and who require a planned program of continual supportive services. (A special housing type: See § 982.603 to § 982.607.)

Indian. Any person recognized as an Indian or Alaska Native by an Indian Tribe, the federal Government, or any State.

Indian housing authority (IHA). A housing agency established either:

(1) By exercise of the power of self-government of an Indian Tribe, independent of State law; or

(2) By operation of State law providing specifically for housing authorities for Indians.

Initial subsidized rent. In the certificate program, the subsidized rent at the beginning of the initial lease term.

Initial HA. In portability, the term refers to both:

(1) An HA that originally selected a family that subsequently decides to move out of the jurisdiction of the selecting HA.

(2) An HA that absorbed a family which subsequently decides to move out of the jurisdiction of the absorbing HA.

Initial lease term. The initial term of the assisted lease. The initial lease term must be for at least one year.

Initial rent owner. The rent to owner at the beginning of the initial lease term.

Jurisdiction. The area in which the HA is not legally barred by State and local law from administration of the programs.

Lease. (1) A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP Contract between the owner and the HA.

(2) In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's cooperative dwelling unit by the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the HA. For purposes of part 982, the cooperative is the Section 8 "owner" of the unit, and the cooperative member is the section 8 "tenant".

Leasing area. The area where the family may lease a unit with tenant-based assistance (inside or outside the HA jurisdiction). The leasing area is described in § 982.353.

Live-in aide means a person who resides with an elderly person, a near-elderly person or a disabled person and who:

(1) Is determined to be essential to the care and well-being of the elderly, near-elderly or disabled person;

(2) Is not obligated for the support of the person; and

(3) Would not be living in the dwelling unit except to provide necessary supportive services.

(A live-in aide may not be related by blood, marriage, or operation of law to any of the persons receiving Section 8 housing assistance.)

Local preferences. Admission preferences adopted to meet local needs and priorities. See § 982.205.

Low-income family. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family income.

Manufactured home. A structure, with or without a permanent foundation, that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the housing quality standards. (A special housing type: see § 982.621 to § 982.623)

Manufactured home pad. The space that is leased by an owner to a family, on which a manufactured home owned and occupied by the family is located.

Metropolitan statistical area (MSA). An area designated by the Office of Management and Budget as a metropolitan statistical area.

MSA. Metropolitan statistical area.

Mutual housing. Included in definition of "cooperative." See § 982.602.

Near-elderly person. A person who is at least 50 years of age, but below the age of 62.

NOFA. Notice of funding availability. For funding (contract or budget authority) that HUD distributes by competitive process, HUD headquarters invites HA applications by publishing a NOFA in the **Federal Register**. The NOFA explains how to apply for assistance, and the criteria for awarding the funding.

Occupancy standards. Standards established by a HA for determining the appropriate number of bedrooms needed to house families of different sizes and compositions. See definition of "family unit size".

Operating reserve. Administrative fee reserve.

Opt-out. Definition only for purpose of § 982.457: Owner's decision to terminate tenancy of the assisted family for an "other good cause" which is a business or economic reason for termination of tenancy.

Owner. Any person or entity with the legal right to lease or sublease a unit to a participant.

Participant. A family currently assisted under a HA voucher program or certificate program. The family becomes a participant when the HA first executes a HAP contract for the family.

Payment standard. In the voucher program, an amount used by the HA to calculate the housing assistance payment for a family. Each payment standard amount is based on the fair market rent. The HA adopts a payment standard for each bedroom size and for each fair market rent area in the HA jurisdiction. The payment standard for a family is the maximum monthly subsidy payment.

PBC. Project-based certificate program. See 24 CFR part 882, subpart G.

PHA. Public housing agency. See definition of "HA". ("PHA" and "HA" mean the same thing.)

Portability. Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction or extended operation area of the initial HA.

Premises. The building or project in which the dwelling unit is located, including common areas and grounds.

Private space. In shared housing, the portion of the dwelling unit that is for the exclusive use of an assisted family.

Program. The tenant-based rental certificate program or rental voucher program.

Project-based. Rental assistance that is attached to the structure. See § 982.1(b) for a description of the difference between tenant-based and project-based assistance.

Project-based certificate program (PBC). Project-based assistance under 24 CFR part 882, subpart G, using funding under the consolidated ACC for the HA certificate program.

Project reserve. ACC reserve amount. See § 982.154.

Pro-rata portion. (1) *Definition for independent group residence* (IGR). The ratio derived by dividing 1 (one) by the total number of occupants (assisted and unassisted) living in the IGR minus one resident assistant, if any, living in the IGR. For example, if three Section 8 recipients and a live-in aide live in a four-bedroom unit, the pro rata portion is ⅓.

(2) *Definition for shared housing.* The ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five-bedroom unit, the ratio would be ⅗. In the special case of two persons sharing a one-bedroom unit, the ratio for each person is ½.

Public child welfare agency. The public agency responsible under applicable State law for determining that a child is at imminent risk of placement in out-of-home care or that a child in out-of-home care under the supervision of the public agency may be returned to his or her family.

Public housing agency (PHA). A State, county, municipality or other governmental entity or public body authorized to administer the programs. The term "PHA" includes an Indian housing authority (IHA). (In this rule, a PHA is referred to as a "housing agency" (HA)).

Reasonable rent. A rent to owner that is not more than either:

(1) Rents charged for comparable units in the private unassisted market, or

(2) Rent charged by the owner for a comparable assisted or unassisted unit in the same building or complex.

Receiving HA. In portability, a HA that is required to receive a family selected for the tenant-based program of another HA into the receiving HA tenant-based program. After absorption of the family, the receiving HA may not bill the initial HA for future assistance payments or administrative fees on behalf of the family.

Rent to owner. The monthly rent payable to the owner under the lease. Rent to owner includes payment for any services, maintenance and utilities to be provided by the owner in accordance with the lease.

Rental certificate. Certificate.

Rental certificate program. Certificate program.

Rental voucher. Voucher.

Rental voucher program. Voucher program.

Residual income. In an excess rent tenancy under the certificate program, the amount obtained by subtracting the monthly tenant contribution from monthly adjusted income. Residual income remains available for family expenses other than housing. Such family expenses include food, child care, unreimbursed medical expenses, and other appropriate family expenses.

Service agency. For assistance in an IGR, a public or private nonprofit organization that is recognized by the State as qualified to determine the supportive service needs of persons who will reside in an IGR. The service agency must identify and coordinate appropriate local, public or private resources to furnish these services and may provide all or a portion of the supportive services. The service agency may own or sublease an IGR.

Service agreement. For assistance in an IGR, a written agreement, approved by the State, between the owner (including an entity with the right to sublease) of an IGR and the service agency or other entities providing the supportive services to the occupants of an IGR. The agreement specifies the types and frequency of the supportive services to be furnished.

Set-up charges. In a manufactured home pad rental, charges payable by family for assembling, skirting and anchoring the manufactured home.

Shared housing. A dwelling unit occupied by two or more families capable of living independently, consisting of common space for shared use by the occupants of the units and (except in the case of a shared one-bedroom unit) separate private space for each assisted family. (A special housing type: see § 982.614 to § 982.620).

Single room occupancy housing. A unit:

(1) That is located in a building with 13 or more dwelling units.

(2) That contains no sanitary facilities or food preparation facilities, or contains one but not both types of facilities,

(3) That is suitable for occupancy by an eligible person capable of independent living. (A special housing type: see § 982.608 to § 982.610.)

Special housing types. See subpart M of part 982. Subpart M contains special regulatory requirements concerning: congregate housing, cooperative housing, IGRs, manufactured homes, shared housing, and SRO housing.

Special family selection. A non-waiting list selection for participation in the program. In a special family selection, the HA selects a family that is not on the HA waiting list, or selects a family without considering the family's waiting list position.

Subsidized rent. In the certificate program, the portion of the rent to owner which is used to calculate the housing assistance payment. Except for an excess rent tenancy, subsidized rent equals rent to owner.

Tenant. The adult person or persons (other than a live-in-aide) who executes the lease as lessee of the dwelling unit.

Tenant-based. Rental assistance that is not attached to the structure. (See § 982.1(b) for a description of the difference between tenant-based and project-based assistance.)

Tenant contribution. The portion of rent and utilities paid by the family. Tenant contribution is calculated by subtracting the amount of the housing assistance payment from the sum of the rent to owner plus any utility allowance.

Tenant rent. In the certificate program, total tenant payment minus any utility allowance.

Termination. Definition only for purpose of §§ 982.456 and 982.457, termination of the HAP contract because of:

(1) Owner opt-out, or

(2) Expiration of the HAP contract.

Suspension. Stopping the clock on the term of a family's certificate or voucher from the time when the family submits a request for HA approval of the lease, to the time when the HA approves or denies the request.

Total tenant payment. In the certificate program, the highest of the following, rounded to the nearest dollar:

(1) 30 percent of monthly adjusted income.

(2) 10 percent of monthly income.

(3) If the family receives welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the monthly portion of such payments which is so designated. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph 3 is the amount resulting from one application of the percentage.

Unit. Dwelling unit.

Utility allowance. An amount that applies when the cost of utilities (except telephone) and other housing services (e.g., garbage collection) for an assisted unit is not included in the rent to owner and is instead the responsibility of the family. The allowance is an amount equal to the estimate made or approved by the HA of the monthly costs of a reasonable consumption of these utilities and other services for the unit by an energy-conservative household of modest circumstances, consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility hook-up charges. In a manufactured home pad rental, costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical and sewer lines.

Utility reimbursement. In the certificate program, the amount, if any, by which any utility allowance for family-paid utilities or services exceeds the total tenant payment.

Very low-income family. A low-income family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD with adjustments for smaller or larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

Violent criminal activity. Any felonious criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Voucher (rental voucher). A document issued by a HA to a family selected for participation in the rental voucher program. The voucher describes the program, and the procedures for HA approval of a unit selected by the family. The voucher also states the obligations of the family under the program.

Voucher program. Rental voucher program.

Waiting list. See § 982.204.

§ 982.5 Notices required by this rule.

Where this rule requires any notice to be given by the HA, the family or the owner, the notice must be in writing.

SUBPART B—REQUIREMENTS AND PLANS FOR HA ADMINISTRATION OF PROGRAM

§ 982.51 HA authority to administer tenant-based programs.

(a) The HA must be a governmental entity or public body with authority to administer the tenant-based programs. The HA must provide HUD evidence, satisfactory to HUD, of such authority, and of the HA jurisdiction.

(b) The evidence submitted by the HA to HUD must include enabling legislation and a supporting legal opinion satisfactory to HUD. The HA must submit additional evidence whenever there is a change that affects its status as a HA, authority to administer the program, or the HA jurisdiction.

§ 982.52 HUD requirements.

(a) The HA must comply with HUD regulations and other HUD requirements for the program. HUD requirements are issued by HUD headquarters, as regulations, **Federal Register** notices or other binding program directives.

(b) The HA must comply with the consolidated ACC and the HA HUD-approved program funding applications.

(c) The HA must administer the program in accordance with the HUD-approved EO plan and administrative plan.

§ 982.53 HA policies.

(a) The HA must adopt a single equal opportunity housing plan ("EO plan") and a single administrative plan for the tenant-based programs. The plans must establish the HA policies for administration of the programs.

(b) Before the EO plan or administrative plan, or any revisions of these plans, go into effect, the plans and revisions must be submitted to and approved by HUD.

(c) The HA must revise the EO plan or administrative plan to revise the HA policies covered by the Plan.

(d) The HA must revise the EO plan or administrative plan, when required by HUD for compliance with HUD requirements.

§ 982.54 Equal opportunity requirements.

(a) Each HA and owner must comply with the following, and with related regulations and requirements:

(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–40 (implementing regulations at 24 CFR part 1).

(2) The Fair Housing Act (42 U.S.C. 3600–3620).

(3) Executive Order 11063, Equal Opportunity in Housing, 1962 (implementing regulations at 24 CFR part 107).

(4) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (implementing regulations at 24 CFR part 8).

(5) The Age Discrimination Act of 1975 (42 U.S.C. 6101–6107).

(b) The HA must comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u).

(c) The HA must submit to HUD a certification that the HA will comply

with the equal opportunity requirements described in this section.

§ 982.55 Illegal discrimination—HA assistance to family.

The HA must assist a family which alleges that illegal discrimination because of race, color, religion, sex, national origin, age, family status or disability prevents the family from finding or leasing a suitable unit. In this case, the HA must provide the family with a copy of the form prescribed by HUD for filing a housing discrimination complaint.

§ 982.56 Equal opportunity plan.

The EO plan must state the HA policies for:

(a) Encouraging participation by eligible families.

(b) Encouraging participation by owners of suitable units located outside areas of low income or minority concentration.

(c) Selecting families for participation without discrimination because of race, color, religion, sex, national origin or disability.

(d) Assisting a family that alleges that such illegal discrimination prevents leasing of a suitable unit.

§ 982.57 Administrative plan.

(a) The administrative plan must state the HA policies for administration of the program. The administrative plan covers HA policy on matters for which the HA has discretion to establish local policies in accordance with HUD regulations and other requirements.

(b) The HA administrative plan must include provisions governing:

(1) How the HA selects applicants, including federal and local preferences for selection of applicants on the HA waiting list, and procedures for closing and reopening the HA waiting list.

(2) Issuing or denying vouchers or certificates, including HA policy governing the voucher or certificate term and any extensions or suspension of the term. "Suspension" means stopping the clock on the term of a family's certificate or voucher from the time when the family requests HA approval of the unit, to the time when the HA approves or denies the request.

(3) Any special rules for use of available funds when HUD provides funding to the HA for a special purpose, including funding for specified families or a specified category of families.

(4) Occupancy policies, including:

(i) Definition of when a group of persons may qualify as a "family".

(ii) Definition of when a family is considered to be "continuously assisted".

(iii) Occupancy standards.

(iv) How long, and under what circumstances, the family may be absent from the dwelling unit (e.g., because of vacation, illness, or imprisonment).

(v) How to determine who remains in the program if a family breaks up.

(vi) Excess rent tenancies (in HA certificate program).

(5) Certification and recertification of program families.

(6) Unit inspection.

(7) A statement whether the HA will use HQS acceptability criteria, or any specified HUD-approved variations in the acceptability criteria.

(8) Enforcing HQS.

(9) Disapproval of owners.

(10) Lease approval.

(11) Security deposits.

(12) Enforcing participant obligations.

(13) Hearings for participants.

(14) Administration of HAP contracts and relations with owners.

(15) Enforcing owner obligations.

(16) Collecting amounts owned by participants.

(17) Program staffing and organization.

(18) Financial management.

(19) Family self-sufficiency policies.

(20) Portability policies.

(21) In the case of the voucher program: the process for establishing and revising payment standards, including affordability adjustments.

(22) Special policies concerning special housing types in the program (e.g., use of shared housing).

(23) Other local HA policies for administration of the programs.

Subpart C—Funding and Application Procedures

§ 982.101 Allocation of funding.

(a) *Allocation to HUD offices.* The Department allocates budget authority for the tenant-based programs to HUD regional offices or field offices.

(b) *Section 213(d) allocation.* (1) Section 213(d) of the HCD Act of 1974 (42 U.S.C. 1439) establishes requirements for allocation of assisted housing Budget Authority. Some budget authority is exempt by law from allocation under section 213(d). Unless exempted by law, budget authority for the tenant-based programs must be allocated in accordance with section 213(d).

(2) Budget authority subject to allocation under section 213(d) is allocated in accordance with 24 CFR part 791, subpart D. There are three categories of section 213(d) funding allocations under part 791: (1) A portion of funding retained in a headquarters reserve for purposes specified by law (e.g., settlement of litigation); (2) funding incapable of geographic formula allocation (e.g., for renewal of expiring funding increments); or (3) funding allocated by an objective fair share formula. Funding allocated by fair share formula is distributed by a competitive process. (For funding from headquarters reserve, or funding incapable of formula allocation, competitive process is not required.)

(c) *Competitive process.* For budget authority that is distributed by competitive process, the Department solicits applications from HAs by publishing one or more notices of funding availability (NOFA) in the **Federal Register**. See 24 CFR part 12, subpart B; and 24 CFR 791.406. The NOFA explains how to apply for assistance, and specifies the criteria for awarding the assistance. The NOFA may also identify any special program requirements related to use of the funding.

§ 982.102 HA application for funding.

(a) A HA must submit an application for program funding to HUD at the required time and place required. The application must be in the form required by HUD headquarters.

(b) For competitive funding under a NOFA, the application must be submitted by a HA in accordance with the requirements of the NOFA.

(c) The application must contain all information required by HUD.

§ 982.103 HUD review of application.

(a) *Processing applications.* (1) HUD will provide opportunity for the chief executive officer of the unit of general local government to review and comment on an application for funding for more than 12 units. The local comment requirements are stated in 24 CFR part 791, subpart C.

(2) HUD must evaluate an application on the basis of the requirements of part 982, and on selection criteria stated in the NOFA. HUD will consider the HA capability to administer the program.

(3) HUD must consider any comments received from the unit of general local government.

(b) *Approval or disapproval of HA funding application.* (1) HUD must notify the HA of its approval or disapproval of the HA application.

(2) When HUD approves an application, HUD must notify the HA of the amount of approved funding.

§ 982.104 Assistance to promote family unification.

This section only applies to the certificate program.

(a) *Terms.—Family unification assistance.* Assistance on behalf of any family:

(i) Who is otherwise eligible for such assistance, and

(ii) Who the public child welfare agency for the jurisdiction has certified is a family for whom the lack of adequate housing is the primary factor in the imminent placement of the family's child or children in out-of-home care or the delayed discharge of a child or children to the family from out-of-home care.

Public child welfare agency. The public agency responsible under applicable State law for determining that a child is at imminent risk of placement in out-of-home care or that a child in out-of-home care under the supervision of the public agency may be returned to his or her family.

(b) *Allocation.* (1) Amounts authorized and appropriated for family unification assistance must be allocated by HUD through a national competition among applicants based on HA administrative capacity, demonstrated need for such assistance, and other criteria stated in the NOFA.

(2) To be considered for family unification assistance, a HA must submit a written application to HUD in accordance with § 982.102. The application must contain a report from the public child welfare agency serving the HA jurisdiction. The report must describe:

(i) How a lack of adequate housing in the jurisdiction is resulting in the initial or prolonged separation of children from their families.

(ii) How the HA will coordinate with the public child welfare agency to identify eligible families and provide the families with family unification assistance under this section.

Subpart D—Annual Contributions Contract and HA Administration of Program

§ 982.151 Annual contributions contract.

(a) *Nature of ACC.* (1) An annual contributions contract (ACC) is a written contract between HUD and a HA. Under the ACC, HUD agrees to make payments to the HA, over a specified term, for housing assistance payments to owners and for the HA administrative fee. The ACC specifies the maximum annual payment by HUD, and the maximum payment over the ACC term. The HA agrees to administer the program in accordance with HUD regulations and requirements.

(2) HUD's commitment to make payments for each funding increment in the HA program constitutes a separate ACC. However, commitments for all the funding increments in a HA program are listed in one consolidated contractual document called the consolidated annual contributions contract (consolidated ACC). There is a separate consolidated ACC for a HA certificate program and for a HA voucher program.

(b) *Budget authority and contract authority.* (1) Budget authority is the maximum amount that may be paid by HUD to a HA over the ACC term of a funding increment. Contract authority is the maximum annual payment for the funding increment. Budget authority for a funding increment is equal to contract authority times the number of years in the increment term. Before adding a funding increment to the consolidated ACC for a HA program, HUD reserves budget authority from amounts authorized and appropriated by the Congress for the program.

(2) For each funding increment, the ACC specifies the initial term over which HUD will make payments for the HA program, and the contract authority and budget authority for the funding increment. For a given HA fiscal year, the amount of HUD's maximum annual payment for the HA program equals the sum of the contract authority for all of the funding increments under the consolidated ACC. However, this maximum amount does not include contract authority for an expired funding increment. Where the term of a funding increment expires during the HA fiscal year, this maximum amount only includes the pro-rata portion of contract authority for the portion of the HA fiscal year prior to expiration. (Additional payments may be made from the ACC reserve account described in § 982.154.) However, the amount to be paid must be approved by HUD, and may be less than the maximum payment.

(c) *HA use of consolidated ACC payments and other receipts.* (1) HUD payments under the consolidated ACC, and any other amounts received by the HA in connection with the program, must be used in accordance with the HA HUD-approved budget. Such HUD payments and other receipts may only be used for:

(i) Housing assistance payments.

(ii) The HA administrative fee.

(2) The HA must maintain a system to ensure that the HA will be able to make housing assistance payments for all participants within the amounts contracted under the consolidated ACC.

§ 982.152 Administrative fee.

(a) *Types of fees.* (1) HUD pays four types of administrative fees to a HA for HA costs to administer the program:

(i) Preliminary fee.

(ii) Hard-to-house fee for large families.

(iii) Ongoing administrative fee.

(iv) A portability fee.

(2) For each HA fiscal year, administrative fees are specified in the HA budget. The budget is submitted for HUD approval. Fees are paid in the amounts approved by HUD. Administrative fees may only be approved or paid from amounts appropriated by the Congress.

(b) *Preliminary fee.* (1) A preliminary fee is paid by HUD for each new unit added to the HA program. The preliminary fee is a one time fee for each new unit supported by a new funding increment. HUD establishes the maximum preliminary fee.

(2) The preliminary fee covers HA expenses to help families who inquire about or apply for the program, expenses to lease up new units, and ongoing expenses for family self-sufficiency program activities.

(c) *Ongoing administrative fee.* (1) The HA ongoing administrative fee is paid by HUD for each program unit under HAP contract on the first day of each month. The ongoing administrative fee equals a HUD-specified percentage of the Section 8 existing housing fair market rent for two-bedroom units.

(2) If appropriations are available, HUD may decide to pay a higher ongoing administrative fee for an HA program operating over a large area. This higher fee level may not be approved unless the HA demonstrates, in accordance with HUD requirements, that the HA is efficiently administering the HA tenant-based program, and that the higher ongoing administrative fee is reasonable and necessary for administration of the HA program in accordance with HUD regulations and requirements.

(d) *Hard-to-house fee for large families.* The HA hard-to-house fee is paid by HUD to cover the cost of special assistance given to a family with three or more minors to enable the family to find suitable housing. The HA receives a hard-to-house fee in an amount specified by HUD. The HA qualifies for a hard-to-house fee each time a family moves to a different unit, and a new HAP Contract is executed for the family. No hard-to-house fee is paid for an HA-owned unit.

(e) *Portability fee.* See § 982.356 (d) and (e).

§ 982.153 HA responsibilities.

(a) The HA must comply with the consolidated ACC, the application, HUD regulations and other requirements, the

VOL 58 ISS 35 FE 24 1993 UMI

HA HUD-approved administrative plan and the HA HUD-approved EO plan.

(b) The activities the HA must carry out in administering the program include the following:

(1) Publish and disseminate information about the availability and nature of housing assistance under the program.

(2) Explain the program to owners and families.

(3) Encourage owners to make units available for leasing in the program.

(4) Comply with equal opportunity requirements.

(5) Seek to provide opportunities for assisted families to locate housing outside areas of economic and racial concentration.

(6) Seek to provide opportunities for disabled persons to locate satisfactory housing.

(7) Receive applications from families, determine eligibility and maintain a waiting list, select applicants, issue a voucher or certificate to each selected family, provide housing information to families selected.

(8) Promptly review the family's request for approval of the unit and lease.

(9) Inspect the unit before assisted occupancy and at least annually during the assisted tenancy.

(10) Determine the amount of the housing assistance payment for a family.

(11) Determine the maximum rent to the owner.

(12) Examination, and annual reexamination of family income and family size and composition, including verification of income and other family information.

(13) Administer and enforce the housing assistance payments contract with an owner, including taking appropriate action, as determined by the HA if the owner defaults.

(14) Terminate assistance to a family for violation of family obligations.

(15) Conduct hearings for a participant family.

(16) Sound financial management of the program.

§ 982.154 ACC reserve account ("project reserve").

(a)(1) HUD establishes an unfunded reserve account (referred to as the "project reserve" or "ACC reserve account") for each consolidated ACC with an HA. The ACC reserve account is established and maintained in the amount determined by HUD.

(2) At the end of each HA fiscal year, HUD credits the ACC reserve account from the amount by which the sum of contract authority for all funding increments under the consolidated ACC (maximum annual payment) exceeds the amount actually approved and paid for the HA fiscal year. However, the maximum annual payment does not include contract authority for an expired funding increment. Where the term of a funding increment expires during the HA fiscal year, this maximum amount only includes the pro-rata portion of contract authority for the funding increment for the portion of the HA fiscal year prior to expiration.

(b) HUD may approve additional payments for the HA program from available amounts in the ACC reserve account.

§ 982.155 Administrative fee reserve ("operating reserve").

(a) The HA must maintain an administrative fee reserve (also referred to as "operating reserve") for the program. The HA must credit to the administrative fee reserve the total of:

(1) The amount by which program administrative fees paid by HUD for a HA fiscal year exceed the HA program administrative expenses for the fiscal year, plus

(2) Interest earned on the administrative fee reserve.

(b) The HA must use funds in the administrative fee reserve to pay program administrative expenses in excess of administrative fees paid by HUD for a HA fiscal year. If any funds remain in the administrative fee reserve, the HA may use these funds for other housing purposes if permitted by State and local law. If the HA is not adequately administering any Section 8 program, HUD may prohibit HA use of funds in the administrative fee reserve and may direct the HA to use such funds to improve administration of the programs or for reimbursement of ineligible expenses.

§ 982.156 Depositary for program funds.

(a) Unless otherwise required or permitted by HUD, all program receipts must be promptly deposited with a financial institution selected as depositary by the HA in accordance with HUD requirements.

(b) The HA may only withdraw deposited program receipts for use in connection with the program in accordance with HUD requirements.

(c) The HA must enter into an agreement with the depositary institution in the form prescribed by HUD.

(d) If required under a written notice from HUD to the depositary institution:

(1) The depositary may not permit any withdrawal by the HA of funds held under the depositary agreement unless withdrawals by the HA are expressly authorized by written notice from HUD to the depositary, and

(2) The depositary must permit withdrawals of such funds by HUD.

§ 982.157 Program records.

(a) The HA must maintain complete and accurate books of account and records for the program. The books and records must be in accordance with HUD requirements, and must permit a speedy and effective audit.

(b) The HA must furnish HUD such financial and program reports, records, statements and documents, at such times, in such form, and accompanied by such supporting data as required by HUD.

(c) HUD and the Comptroller General of the United States shall have full and free access to all HA offices and facilities, and to all the books, documents and records of the HA that are pertinent to administration of the program, including the right to audit, and to make excerpts and transcripts.

(d) During the term of each assisted lease, and for at least three years thereafter, the HA must keep in its files:

(1) A copy of the executed lease.

(2) The HAP contract.

(e) The HA must keep the following records in its files for at least three years:

(1) Records which provide income, racial, ethnic, gender, and disability status data on program applicants and participants.

(2) Applications for participation, notices to applicants, and applicant responses.

(3) HUD-required reports, including unit inspection reports.

(4) Lead-based paint inspection records (as required by § 982.401(j)(7)).

(5) Financial documentation supporting HA program budget and financial statements.

(6) Other records specified by HUD.

§ 982.158 Audit requirements.

(a) The HA must engage and pay an independent public accountant to conduct audits that are required by HUD.

(b) The HA is subject to the audit requirements in 24 CFR part 44.

§ 982.159 HUD determination to administer a local program.

If the Assistant Secretary for Public and Indian Housing determines that there is no HA organized, or that there is no HA able and willing to implement the provisions of this part for an area, HUD (or an entity acting on behalf of HUD) may enter into HAP contracts with owners and perform the functions otherwise assigned to HAs under this part with respect to the area.

§ 982.160 Conflict of interest.

(a) Neither the HA nor any of its contractors or their subcontractors may enter into any contract or arrangement in connection with the tenant-based programs in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:

(1) Any present or former member or officer of the HA (except a participant commissioner).

(2) Any employee of the HA or any contractor, subcontractor or agent who formulates policy or who influences decisions with respect to the programs.

(3) Any public official, member of a governing body, or State or local legislator who exercises functions or responsibilities with respect to the programs.

(4) Any member of the Congress of the United States.

(b) Any member of the classes described in paragraph (a) must disclose their interest or prospective interest to the HA and HUD.

(c) The interest prohibition under this section may be waived by the HUD field office for good cause.

§ 982.161 Use of HUD prescribed contract forms.

(a) The HA must use program contract forms as prescribed by HUD. Such prescribed forms include:

(1) The consolidated ACC between HUD and the HA.

(2) The HAP contract between the HA and the owner.

(3) Required lease provisions in the lease between the owner and the tenant.

(b) Prescribed contract forms must be word for word in the form prescribed by HUD. Any additions to or modifications of prescribed program contract forms must be approved by HUD headquarters.

Subpart E—Selection for Tenant-Based Program

§ 982.201 Eligibility.

(a) *When family is eligible*—(1) *Eligibility requirements.* The HA may only select a family that is eligible for participation in a tenant-based program. At the time the family initially receives assistance under the program, the applicant must qualify as a family, and must also qualify as any of the following:

(i) A very low-income family.

(ii) A low-income family continuously assisted under the 1937 Housing Act.

(iii) A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511.

(iv) A low-income non-purchasing family residing in a HOPE 1 (HOPE for Public and Indian Housing Homeownership) or HOPE 2 (HOPE for Homeownership of Multifamily Units) project.

(v) For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990 (41 U.S.C. 4101 et seq.):

(A) A low-income non-purchasing family residing in a project subject to a homeownership program under 24 CFR 248.173.

(B) A low-income family displaced as a result of the prepayment of the mortgage or voluntary termination of the mortgage insurance contract (as provided in 24 CFR 248.165).

(vi) For the certificate program only:

(A) A low-income family residing in a HUD-owned multifamily rental housing project when the project is sold by HUD.

(B) A low-income family residing in a multifamily rental project with a HUD-held mortgage, if the project is sold at foreclosure to a purchaser other than HUD.

(2) *Family.* (i) A "family" is the entity which may receive program assistance under the 1937 Housing Act. The term "family" means any of the following:

(A) A family with children;

(B) A family whose head or spouse is elderly, near-elderly of disabled;

(C) A single person who is elderly, disabled or displaced; or

(D) Any other single person, including a near-elderly person.

(ii) In selecting for participation in the program, the HA must give preference to a single person who is elderly, disabled or displaced over any other single person.

(iii) If other family members leave an assisted family, the remaining member or members qualify as a family.

(iv) The temporary absence of a child from the home due to placement in foster care shall not be considered in determining what constitutes a family.

(3) *Terms—Disabled person.* A person who is any of the following:

(A) A person who has a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423).

(B) A person who has a physical, mental, or emotional impairment that:

(*1*) Is expected to be of long-continued and indefinite duration,

(*2*) Substantially impedes his or her ability to live independently, and

(*3*) Is of such a nature that such ability could improve by more suitable housing conditions.

(C) A person who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

(D) A person who has a disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

Displaced person. A person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief laws.

Elderly person. A person who is at least 62 years of age.

Low-income family. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family income.

Near-elderly person. A person who is at least 50 years of age, but below the age of 62.

Very low-income family. A low-income family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD with adjustments for smaller or larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

(b) *Continuously assisted.* (1) A family is continuously assisted under the 1937 Housing Act if the family is receiving assistance under any of the following programs when the family initially receives assistance under a tenant-based program:

(i) The public housing program or Indian housing program;

(ii) Any Section 8 program (including assistance under a Section 8 tenant-based or project-based program);

(iii) The Section 23 leased housing program; or

(iv) The Section 23 housing assistance payments program.

(2) To determine whether a family is continuously assisted under the 1937 Housing Act, the HA must establish policies concerning whether and to what extent a brief interruption between assistance under one of these programs and admission to the tenant-based program will be considered to break continuity of assistance.

(c) *When HA verifies that family is eligible.* The HA must verify that a family is eligible within the period of 90

VOL 58 ISS 35 FE 24 1993 UMI

days before the family initially receives assistance under the program.

(d) *Notice to ineligible family.* If the HA determines a family is not eligible, the HA must notify the family, stating why the family is not eligible.

§ 982.202 How families are selected for participation.

(a) *Selection policies.* The HA must select families for participation in a tenant-based program in accordance with HUD regulations and other requirements, and with policies stated in the HA administrative plan and EO plan.

(b) *Waiting list and other selection.* The HA may select a family for participation in the program either:

(1) As a special family selection (authorized under § 982.203); or

(2) From the HA waiting list (in accordance with § 982.204).

(c) *Prohibited selection criteria or preferences*—(1) *Suitability for tenancy.* The owner selects the tenant. The owner decides whether the family is suitable for tenancy. In selecting families for participation in the program, HA selection may not be based on a family's suitability for tenancy.

(2) *Where family will live.* HA selection of families for participation in the program may not be based on the identity or location of the housing that will be occupied by a family with tenant-based assistance.

(3) *Family characteristics.* (i) HA selection of families for participation in the program may not be based on:

(A) Employment history or education of family members;

(B) Whether members of the family are unwed parents, recipients of public assistance, or children born out of wedlock;

(C) Whether the family includes children (family status);

(D) Any discrimination because of age, race, color, religion, sex, or national origin;

(E) Any discrimination because of disability; or

(F) Whether a family elects to participate in a family self-sufficiency program.

(ii) The HA may not adopt a preference for selection of higher income families over families of lower income.

(4) *Residence in public or Indian housing.* A family that lives in public or Indian housing may apply for assistance under the tenant-based program. The HA may not refuse to list the family on the waiting list for tenant-based assistance, and may not deny any federal preference or local preference, for which the family would otherwise qualify, because the family lives in public or Indian housing. (However, to receive tenant-based assistance, the family must move out of public or Indian housing.)

(d) *Applicant status.* An applicant for participation in the tenant-based programs does not have any right to be listed on the HA waiting list, to any particular position on the waiting list, or to be selected for participation in the programs. The preceding sentence does not affect or prejudice any right, independent of this rule, to bring a judicial action challenging a HA violation of a constitutional or statutory requirement.

(e) *Denial of assistance.* Section 982.552 describes when the HA may decide to deny selection for participation because of action or non-action by the family.

§ 982.203 Special family selection (non-waiting list).

(a) *When HA may select a non-waiting list family.* In the special family selection cases described in this section, a HA may select a family for participation in the program that is not on the HA waiting list, or without considering the family's waiting list position.

(b) *Families affected by rental rehabilitation activities.* A HA must select an eligible low-income family that is forced to vacate a dwelling unit because of physical construction, housing overcrowding, or a change in use of the unit as a result of rental rehabilitation activities under 24 CFR part 511.

(c) *HUD-targeted assistance.* When HUD provides the HA with program funding to be used initially to provide tenant-based assistance for specified eligible low-income families residing in a specified project, the HA must use the funding for this purpose. Examples of this type of funding include funding provided to a HA by HUD for:

(1) A family displaced as a result of demolition or disposition of a public or Indian housing project;

(2) A family residing in a HUD-owned multifamily rental housing project when the project is sold by HUD;

(3) A family residing in a multifamily rental project with a HUD-held mortgage, if the project is sold at foreclosure to a purchaser other than HUD;

(4) For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990 (41 U.S.C. 4101 *et seq.*):

(i) A non-purchasing family residing in a project subject to a homeownership program under 24 CFR 248.173; or

(ii) A family displaced as a result of the prepayment of the mortgage or voluntary termination of the mortgage insurance contract (as provided in 24 CFR 248.165);

(5) A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term;

(6) A non-purchasing family residing in a HOPE 1 or HOPE 2 project; and

(7) Other cases when HUD provides program funding to the HA for specified families.

(d) *Residents of moderate rehabilitation project or certificate program project-based assistance project.* The HA may select an eligible family for participation in the HA tenant-based program if both of the following conditions apply:

(1) The family resides in a Section 8 moderate rehabilitation project or certificate program project-based assistance project; and

(2) Either: (i) The family unit is too large or too small for the family size and composition (as determined under the HA occupancy standards), and there is no vacant unit of the appropriate size, or

(ii) The project-based HAP contract for the unit expires, or is terminated by the HA. (If the HA terminates the HAP contract for a Section 8 moderate rehabilitation project, the HA uses available funding under the moderate rehabilitation ACC to continue assistance for residents of the project.)

(e) *Residents of a public or Indian housing project.* The HA may select an eligible family for participation in the HA tenant-based program if the following three conditions apply:

(1) The family resides in a public or Indian housing dwelling unit;

(2) The unit where the family resides is too large or too small for the family size and composition (as determined under the HA occupancy standards for the public or Indian housing program); and

(3) There is no vacant public housing unit of the appropriate size.

(f) *Settlement of litigation.* When HUD provides the HA with program funding for settlement of litigation, the HA may admit eligible families in accordance with the HUD-approved settlement.

§ 982.204 Selection from waiting list.

(a) *Single waiting list.* (1) A HA must establish and maintain a single waiting list of applicants for the HA tenant-based programs, and for project-based certificate assistance.

(2)(i) A HA may merge the waiting list for admission to the tenant-based programs with:

(A) The HA waiting list for admission of families to public housing (under 24 CFR part 960) or Indian housing (under 24 CFR part 905, subpart D); or

(B) The HA waiting list for admission of families to the Section 8 moderate rehabilitation program.

(ii) Selection for each program from the merged waiting list is subject to HUD regulations and requirements for each of the covered programs.

(iii) The following requirements apply if the HA decides not to merge the tenant-based program waiting list with the waiting list for the HA public housing or Indian housing program:

(A) If the HA waiting list for tenant-based assistance is open when a family is placed on the HA waiting list for the HA public or Indian housing program, the HA must offer to also place the family on the waiting list for tenant-based assistance; and

(B) If the HA waiting list for public or Indian housing is open when a family is placed on the waiting list for HA tenant-based assistance, the HA must offer to also place the family on the waiting list for the HA public or Indian housing program.

(3) If the HA jurisdiction includes all or a portion of more than one fair market rent area or county (for example, a HA with State-wide jurisdiction), the HA may either maintain a single waiting list of applicants for the HA tenant-based and PBC programs, or maintain a separate waiting list for residents of each fair market rent area or county.

(b) *Preliminary determination that family is eligible.* Before placing a family on the waiting list, the HA must make a preliminary determination that the family is eligible for assistance.

(c) *Preferences (for selection from the waiting list).* (1) The HA selection policies are stated in the HA administrative plan. The policies must state preferences which are used by the HA to select applicants from the waiting list. There are two types of preferences:

(i) "Local preferences," which may be adopted by a HA to meet local needs and priorities. (Local preference requirements are described in § 982.205.)

(ii) "Federal preferences," which are required by federal law and part 982. (Federal preference requirements are described in § 982.206.)

(2) Any selection preferences that are used by a HA must be established and administered in a manner that is compatible with title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d; the Fair Housing Act, 42 U.S.C. 3601–19; Executive Order 11063 on Equal Opportunity in Housing, 27 FR 11527 (1962), as amended, 46 FR 1253 (1980); section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794; the Age Discrimination Act of 1975, 42 U.S.C. 6101–07; or HUD's regulations and requirements issued under these authorities. Preferences must also be consistent with HUD's affirmative fair housing objectives. The HA may not discriminate against families or family members on the basis of age, family status, race, color, religion, sex, disability or national origin.

(d) *Organization of waiting list.* The HA must maintain sufficient information about applicants, and in such form, to permit selection of participants in accordance with the HA administrative plan and EO plan. The waiting list must contain the following information for each family listed:

(1) Applicant name;

(2) Family unit size (number of bedrooms for which family qualifies under HA occupancy standards);

(3) Date and time of application;

(4) Eligibility for local preference; and

(5) Eligibility for federal preference.

(e) *How applicants are selected from waiting list.* (1)(i) Applicants are selected from the waiting list for available program slots in each housing unit size.

(ii) For available program slots in each housing unit size, the HA selects families who qualify for the appropriate housing unit size category.

(iii) The HA determines whether a family in a housing unit size category qualifies for a federal preference or any local preference.

(iv) Federal preference governs selection among families in each housing unit size category. The federal preference requirements determine how many selected families must be families with a federal preference, and how many selected families may be families without a federal preference.

(v) Local preference governs selection among families in a housing unit size category which qualify for a federal preference, and among families in a housing unit size category which do not qualify for a federal preference.

(vi) Date and time of application govern selection among families that qualify for the same housing unit size, the same federal preference status, and the same local preference status.

(2) *Funding for specified category of families.* When HUD requires the HA to use program slots for a specified category of waiting list families (for example, families who qualify for family unification assistance), the HA must select families in the specified category.

(f) *Refusing tenant-based assistance.* A family does not lose its place on the HA waiting list because the family refuses the HA offer of assistance under the HA certificate program to wait for assistance under the HA voucher program, or of assistance under the HA voucher program to wait for assistance under the HA certificate program.

(g) *Relation of HA Section 8 waiting list to HA waiting list for public and Indian housing.* (1) A family does not lose its place on a waiting list for public housing or Indian housing by applying for tenant-based Section 8 assistance.

(2) If a family is on the waiting list for assistance under the HA tenant-based Section 8 programs, the HA may not remove the family from the waiting list without the family's permission:

(i) Because the family applies for admission to public or Indian housing;

(ii) Because the family accepts a public housing or Indian housing unit; or

(iii) Because the family refuses an offer of project-based assistance from the HA (including an offer of admission to a certificate program project-based assistance unit, a moderate rehabilitation program unit or public or Indian housing unit).

§ 982.205 Local preference in selection from the waiting list.

(a) In addition to the federal preferences, the HA may establish a system of local preferences for selection from the HA waiting list for participation in the programs. Local preferences may be used:

(1) For selection among families who qualify for a federal preference; or

(2) For selection among families who do not qualify for any federal preference.

(b) The HA system of local preferences must be established after public hearing to respond to local housing needs and priorities. (Local preferences may not be based on the prohibited selection criteria described in § 982.202(c).) For example, the HA local preference system may establish preferences for:

(1) A family living in public housing, Section 8 moderate rehabilitation housing or project-based certificate housing (However, the family may not receive Section 8 tenant-based assistance for occupancy of such housing.);

(2) Families that move from transitional housing or a homeless shelter;

(3) Families that participate in a program designed to provide public assistance recipients with greater access to employment and educational opportunities;

(4) Families (identified by local public agencies which promote the welfare of

VOL 58 ISS 35 FE 24 1993 UMI

children) that lack adequate housing that is a primary factor in the imminent placement of a child in foster care, or in preventing the discharge of a child from foster care and reunification with the child's family;

(5) Assisting a youth, after discharge from foster care, if the youth cannot be adopted or returned to the youth's family;

(6) Assisting a veteran who will use the assistance for a dwelling designed for the handicapped, and (upon discharge from a hospital or nursing home) has a physical disability which prevents access to or use of the dwelling unit, because of the unit's configuration; or

(7) Achieving other objectives of national housing policy.

(c) The system of local preferences may include a preference for selection of families who live within the HA jurisdiction. However, a residency preference may not be based on how long the family has lived in the HA jurisdiction.

(d) The HA local preference system may limit the number of families who may qualify for any local preference.

(e) Local preferences may only be used to the extent consistent with federal preference requirements. If a HA selects a family that qualifies for a local preference, but is not eligible for any federal preference, instead of a family that qualifies for a federal preference, the family must be counted against the HA authority to admit families who do not qualify for federal preference.

§ 982.206 Federal preference in selection from waiting list.

(a) *Meaning of federal preference.*—(1) *Federal preference* means a preference under federal law for selection of families that are:

(i) Involuntarily displaced;

(ii) Living in substandard housing (including families that are homeless or living in a shelter for the homeless); or

(iii) Paying more than 50 percent of family income for rent.

(2) In selecting families for the HA tenant-based programs from the HA waiting list in each successive one year period:

(i) At least ninety percent of families which initially receive assistance in the HA tenant-based certificate and voucher programs during the year must be families which qualify for federal preference; and

(ii) Up to ten percent of families which initially receive assistance during the year may be families which do not qualify for federal preference.

(3)(i) These selection requirements only apply if a family which does not qualify for federal preference receives assistance before another waiting list family which qualifies for federal preference.

(ii) Otherwise, selection of a family is not counted for purposes of paragraph (2)(i) or (2)(ii). Thus, the family is not included in the computation of families which initially receive assistance during the year, and selection of the family is not counted against the limit on non-federal preference selections under paragraph (2)(ii).

Example. If a unit size slot is available in the program, and there are no federal preference holders who qualify for that housing unit size, selection of a non federal preference holder who qualifies for the housing unit size does not count against the ten percent limit on selection of families which do not qualify for federal preference.

(4) Federal preference requirements only apply to selection from the HA waiting list. Federal preference requirements do not apply to a special selection (non-waiting list selection) (see § 982.203).

(5) Federal preference requirements do not apply when a family is received in the HA program under portability procedures.

(6)(i) An applicant who qualifies for a federal preference must be selected from the waiting list before any other applicant in the same family unit size category which does not qualify for a federal preference.

(ii) The holder of a federal preference must be admitted before a non-federal preference holder without regard to local preference status or to date and time of application.

(7) The HA must inform applicants of the availability of the federal preferences. The HA must give all applicants an opportunity to show that they qualify for a federal preference.

(b) *Application of federal preference definitions and verification procedures.* (1) Unless the HA submits alternative definitions for HUD's review and approval, the HA must apply the definitions of the following terms in this section: "standard, permanent replacement housing" (at paragraph (d)(5)); "involuntary displacement" (at paragraph (e)); "substandard housing" (at paragraph (g)); "homeless family" (at paragraph (g)(3)); "family income" (at paragraph (i)); and "rent" (at paragraph (j)).

(2) HAs may either:

(i) Apply the verification procedures contained in paragraphs (f) for applicants involuntarily displaced, (h) for applicants living in substandard housing, and (k) for verification of income and rent; or

(ii) Adopt verification procedures of their own.

(c) *Applying federal preferences.* (1) In applying the federal preferences, the HA may determine the relative weight of the federal preferences, through means such as:

(i) Applying local preferences as a way of selecting families from among those who qualify for a federal preference (*e.g.*, provide that applicants who qualify for a federal preference and a local residency preference take precedence over non-resident federal preference holders);

(ii) Aggregating the federal preferences (*that is*, two federal preferences outweigh one and three outweigh two);

(iii) Ranking the federal preferences (*e.g.*, provide that an applicant living in substandard housing has greater need for housing than—and, therefore, would be considered for assistance before—an applicant paying more than 50 percent of income for rent); or

(iv) Ranking the definitional elements of a federal preference (*e.g.*, provide that those living in housing that is dilapidated or has been declared unfit for habitation by an agency or unit of government have a greater need for housing than those whose housing is substandard only because it does not have a usable bathtub or shower inside the unit for the exclusive use of the family).

(2)(i) A family may not be granted a federal preference if any member of the family is a person or member of a family evicted from 1937 Housing Act housing, during the past three years, because of drug-related criminal activity. "1937 Act housing" means public or Indian housing, or housing assisted with tenant-based or project-based assistance under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f). However, the family may qualify for federal preference if each evicted person who engaged in such drug-related criminal activity, and is a member of the family seeking admission to the program, has successfully completed a rehabilitation program approved by the HA.

(ii) The HA may waive the federal preference prohibition (pursuant to paragraph (c)(2)(i)). The prohibition may be waived by the HA for an evicted person if the HA determines that the evicted person clearly did not participate in and had no knowledge of the drug-related criminal activity, or if the HA determines that the evicted person is no longer engaged in any drug-related criminal activity.

(d) *Qualifying for a federal preference.* (1) An applicant qualifies for a federal preference if:

(i) The applicant has been involuntarily displaced and is not living in standard, permanent replacement housing or, within no more than six months from the date of certification under paragraph (d)(2) of this section or verification under paragraph (d)(3) of this section (as appropriate), the applicant will be involuntarily displaced;

(ii) The applicant is living in substandard housing (including a family that is homeless or living in a shelter for the homeless); or

(iii) The applicant is paying more than 50 percent of family income for rent.

(2) An applicant may claim qualification for a federal preference by certifying to the HA that the family qualifies for preferred status under paragraph (d)(1) of this section. The HA must accept this certification, unless it verifies that the applicant is not qualified for preferred status.

(3)(i) Except as provided in paragraph (d)(3)(ii) of this section, before selecting an applicant for participation on the basis of a federal preference, the HA must require the applicant to provide verification that the family qualifies for preferred status under paragraph (d)(1) of this section by virtue of the applicant's current status at the time of admission to a tenant-based program. The applicant's current status must be determined without regard to whether there has been a change in the applicant's preferred qualification for a federal preference between the certification under paragraph (d)(2) of this section and the time when the applicant initially receives assistance under the program, including a change from one federal preference category to another.

(ii)(A) For an applicant family that is receiving tenant-based assistance under the HOME program (24 CFR part 92), a HA must determine the applicant's qualification for federal preference based on the applicant's federal preference status at the time the applicant began to receive tenant-based assistance under the HOME program.

(B) For an applicant assisted in the HA public or Indian housing program, and that was on the HA tenant-based program waiting list when admitted to the HA public or Indian housing after [Insert Effective Date of Rule], the HA must determine the applicant's qualification for federal preference based on the applicant's federal preference status at the time the applicant was admitted to such public or Indian housing.

(4) If an applicant's qualification for a federal preference under paragraph (d)(1) of this section has once been verified, the HA need not require the applicant to verify such qualification again, unless, as determined by the HA, such a long time has elapsed since verification as to make reverification desirable, or the HA has reasonable grounds to believe that the applicant no longer qualifies for a federal preference.

(5) For purposes of this paragraph (d), "standard, permanent replacement housing" is housing: that is decent, safe, and sanitary; that is adequate for the family size; and that the family is occupying pursuant to a lease or occupancy agreement. Such housing does not include transient facilities, such as motels, hotels, or temporary shelters for victims of domestic violence or homeless families, and in the case of domestic violence referred to in paragraph (e)(2), does not include the housing unit in which the applicant and the applicant's spouse or other member of the household who engages in such violence live.

(6) An applicant may not qualify for a federal preference under paragraph (d)(1)(iii) of this section if the applicant is paying more than 50 percent of family income to rent a unit because the applicant's housing assistance under the United States Housing Act of 1937, or section 101 of the Housing and Urban Development Act of 1965 with respect to that unit has been terminated because of the applicant's refusal to comply with applicable program policies and procedures with respect to the occupancy of underoccupied and overcrowded units.

(e) *Definition of involuntary displacement.* (1) An applicant is or will be involuntarily displaced if the applicant has vacated or will have to vacate the applicant's housing unit as a result of one or more of the following actions:

(i) A disaster, such as a fire or flood, that results in the uninhabitability of an applicant's unit;

(ii) Activity carried on by an agency of the United States or by any State or local governmental body or agency in connection with code enforcement or a public improvement or development program; or

(iii) Action by a housing owner that results in an applicant's having to vacate the applicant's unit, where:

(A) The reason for the owner's action is beyond an applicant's ability to control or prevent;

(B) The action occurs despite an applicant's having met all previously imposed conditions of occupancy; and

(C) The action taken is other than a rent increase.

(2)(i) An applicant is also involuntarily displaced if:

(A) The applicant has vacated its housing unit as a result of actual or threatened physical violence directed against one or more members of the applicant family by a spouse or other member of the applicant's household; or

(B) The applicant lives in a housing unit with such a person who engages in such violence.

(ii) To qualify as involuntarily displaced under paragraph (2)(i):

(A) The actual or threatened violence must, as determined by the HA in accordance with HUD's administrative instructions, have occurred recently or be of a continuing nature; and

(B) The applicant must certify that the person who engaged in such violence will not reside with the applicant family while the family is assisted under the program.

(3) For purposes of paragraph (e)(1)(iii) of this section, reasons for an applicant's having to vacate a housing unit include, but are not limited to, conversion of an applicant's housing unit to non-rental or non-residential use; closure of an applicant's housing unit for rehabilitation or for any other reason; notice to an applicant that the applicant must vacate a unit because the owner wants the unit for the owner's personal or family use or occupancy; sale of a housing unit in which an applicant resides under an agreement that the unit must be vacant when possession is transferred; or any other legally authorized act that results or will result in the withdrawal by the owner of the unit or structure from the rental market. Such reasons do not include the vacating of a unit by a tenant as a result of actions taken because of the tenant's refusal to comply with applicable program policies and procedures under this title with respect to the occupancy of underoccupied and overcrowded units or to accept a transfer to another housing unit in accordance with a court decree or in accordance with such policies and procedures under a HUD-approved desegregation plan.

(f) *Verification procedures for applicants involuntarily displaced.* Verification of an applicant's involuntary displacement is established by the following documentation:

(1) Written notice from a unit or agency of government that an applicant has been or will be displaced either (A) as a result of a disaster, as defined in paragraph (e)(1)(i) of this section, or (B)

VOL 58 ISS 35 FE 24 1993 UMI

by government action, as defined in paragraph (e)(1)(ii) of this section;

(2) Written notice from an owner or owner's agent that an applicant had to or will have to vacate a unit by a date certain because of an owner action referred to in paragraph (e)(1)(iii) of this section; or

(3) Written confirmation of displacement because of the domestic violence referred to in paragraph (e)(2) of this section, from the local police department, social services agency, or court of competent jurisdiction, or a clergyman, physician, or public or private facility that provides shelter or counseling to the victims of domestic violence.

(g) *Definition of substandard housing.* (1) A unit is substandard if the unit:

(i) Is dilapidated;

(ii) Does not have operable indoor plumbing;

(iii) Does not have a usable flush toilet inside the unit for the exclusive use of a family;

(iv) Does not have a usable bathtub or shower inside the unit for the exclusive use of a family;

(v) Does not have electricity, or has inadequate or unsafe electrical service;

(vi) Does not have a safe or adequate source of heat;

(vii) Should, but does not, have a kitchen; or

(viii) Has been declared unfit for habitation by an agency or unit or government.

(2) For purposes of paragraph (g)(1) of this section, a housing unit is dilapidated if it does not provide safe and adequate shelter, and in its present condition endangers the health, safety, or well-being of a family, or it has one or more critical defects, or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding. The defects may involve original construction, or they may result from continued neglect or lack of repair or from serious damage to the structure.

(3) For purposes of this paragraph (g), an applicant that is a "homeless family" is living in substandard housing. For purposes of the preceding sentence, a "homeless family" includes any person or family that:

(i) Lacks a fixed, regular, and adequate nighttime residence; and

(ii) Has a primary nighttime residence that is:

(A) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing);

(B) An institution that provides a temporary residence for persons intended to be institutionalized; or

(C) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. A "homeless family" does not include any person imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

(4) For purposes of paragraph (g)(1) of this section, single room occupancy (SRO) housing is not substandard solely because it does not contain either sanitary or food preparation facilities (or both).

(h) *Verification procedures for applicants living in substandard housing.* Verification that an applicant is living in substandard housing consists of a written statement or notice from the HA or another unit or agency of government or from an applicant's present landlord that the applicant's unit has one or more of the deficiencies listed in, or the unit's condition is as described in, paragraph (g)(1) or (2) of this section. In the case of a "homeless family" (as described in paragraph (g)(3) of this section), verification consists of written confirmation of this status from a public or private facility that provides shelter for such persons, or from the local police department or social services agency.

(i) *Definition of family income.* For purposes of this section, family income is Monthly Income, as defined in 24 CFR 813.102.

(j) *Definition of rent.* For purposes of this section, rent is defined as:

(1)(i) The actual amount due, calculated on a monthly basis, under a lease or occupancy agreement between a family and the family's current landlord; and

(ii) In the case of utilities purchased directly by tenants from utility providers,

(A) The utility allowance (if any) determined for the tenant-based program, for the tenant-purchased utilities (except telephone) and the other housing services that are normally included in rent; or

(B) If the family chooses, the average monthly payments that the family actually made for these utilities and services for the most recent 12-month period or, if information is not obtainable for the entire period, for an appropriate recent period.

(2) For purposes of calculating rent under this paragraph (j), amounts paid to or on behalf of a family under any energy assistance program must be subtracted from the otherwise applicable rental amount, to the extent that they are not included in the family's income.

(3) In the case of an applicant who owns a manufactured home, but who rents the space upon which it is located, rent under this paragraph (j) includes the monthly payment to amortize the purchase price of the home, calculated in accordance with HUD's requirements.

(4) In the case of members of a cooperative, rent under this paragraph (j) means the charges under the occupancy agreement between the members and the cooperative.

(k) *Verification of an applicant's income, and rent.* The HA must verify that an applicant is paying more than 50 percent of family income for rent, as follows:

(1) The HA must verify a family's income in accordance with the standards and procedures that it uses to verify income for the purpose of determining family income under 24 CFR part 813;

(2) The HA must verify the amount due to the family's landlord (or cooperative) under the lease or occupancy agreement by requiring the family to furnish copies of its most recent rental (or cooperative) receipts (which may include canceled checks or money order receipts) or a copy of the family's current lease or occupancy agreement, or by contacting the landlord (or cooperative) or its agent directly. The HA must verify the amount paid to amortize the purchase price of a manufactured home by requiring the family to furnish copies of its most recent payment receipts (which may include canceled checks or money order receipts) or a copy of the family's current purchase agreement, or by contacting the lienholder directly; and

(3) To verify the actual amount a family paid for utilities and other housing services, the HA must require the family to provide copies of the appropriate bills or receipts, or must obtain the information directly from the utility or service supplier.

(l) *Notice and opportunity for a meeting where federal preference is denied.* If the HA determines that an applicant does not meet the criteria for receiving a federal preference claimed by the family, the HA must promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reasons for the determination, and state that the applicant has the right to meet with the HA designee to review the determination. The meeting must be conducted by any person or persons designated by the HA, who may be an officer or employee of the HA, including the person who made or reviewed the determination or a subordinate employee. The procedures specified in this paragraph (l) must be carried out in accordance with HUD's requirements.

The applicant may exercise other rights if the applicant believes that the applicant has been discriminated against on the basis of race, color, religion, sex, national origin, age, or disability.

§ 982.207 Opening and closing waiting list; public notice.

(a) *Public notice.* (1) The HA must give public notice that families may apply for tenant-based assistance when the HA opens a waiting list, or reopens a closed waiting list, and at other times as may be necessary. The public notice must state where and when a family may apply.

(2) The HA must give the public notice by publication in a local newspaper of general circulation, and also by minority media and other suitable means described in the EO plan. The notice must comply with the HUD-approved EO plan and with HUD fair housing requirements.

(b) *Criteria defining what families may apply.* The HA may adopt criteria defining what families may apply for assistance under a public notice. For example, the HA may decide that applications will only be accepted for certain family sizes, from families that qualify for federal preference, or from homeless families. The public notice must state any limitations defining what families may apply for available slots in the program.

(c) *Closing waiting list.* (1) If the HA determines that the existing waiting list contains an adequate pool for use of available program funding, the HA may stop accepting new applications, or may accept only applications meeting criteria adopted by the HA.

(2) Even if the HA is not accepting additional applications, the HA must place an eligible applicant on the waiting list if the family claims a federal preference. However, the HA is not required to place such applicant on the waiting list if the HA determines that:

(i) The number of applicants already on the waiting list who claim a federal preference is an adequate pool of applicants who are likely to qualify for a federal preference, and

(ii) It is unlikely that, on the basis of the HA system for applying federal and local preferences, the preference or preferences that the applicant claims, and the preferences claimed by applicants on the waiting list, such applicant would qualify for assistance before other applicants on the waiting list.

Subpart F—Family Self-Sufficiency [Reserved]

Subpart G—Leasing a Unit

§ 982.301 Information when family is selected for program.

(a) *HA briefing of family.* When the HA selects a family for participation in the tenant-based program, the HA must conduct an oral briefing that explains the program to the family. The briefing must include information on the following subjects:

(1) A description of how the program works;

(2) Family and owner responsibilities under the lease and HAP contract;

(3) A brief description of the HQS;

(4) What the family should consider in deciding whether to rent a dwelling unit. The family should consider the condition of the unit, whether the rent is reasonable, the cost of any tenant-paid utilities, and the location of the unit, including nearness to public transportation, centers of employment, schools and shopping. If requested by the family, the HA will also give the family available information about prospective landlords;

(5) Where the family may rent a unit, including rental of a dwelling unit inside or outside the HA jurisdiction. The briefing must include an explanation of how portability works; and

(6) That when the family wants to rent a dwelling unit, the HA will offer the owner information in the HA possession, about the rental history of family members, or drug-trafficking by family members.

(b) *Information packet.* When a family is selected for participation in the program, the HA must give the family a packet which includes information on the following subjects:

(1) Term of the certificate or voucher, and HA policy governing any extensions (including how to request extensions, if allowed by the HA);

(2) How the HA figures the housing assistance payment for a family. For the certificate program, this information includes fair market rents and the HA utility allowance schedule. For the voucher program, this information includes the payment standard and the HA utility allowance schedule;

(3) How the family requests approval of a lease;

(4) What lease provisions are required or prohibited;

(5) HA occupancy standards, including when the HA will consider granting exceptions to the standards;

(6) How to select a unit that meets HQS;

(7) Lead-based paint poisoning hazards, symptoms and prevention, the availability of blood lead level screening (including screening advisability for children under seven years of age), and HUD requirements for inspecting, testing, and, in certain circumstances, abating lead-based pain;

(8) Fair housing information and housing discrimination forms;

(9) If a member of the family is disabled, the HA must also provide information about current available accessible units known to the HA, and inform the family that the HA will assist the family in locating an available accessible dwelling unit;

(10) Family obligations under the program; and

(11) HA informal hearing procedures. This information must describe when the HA is required to give the family the opportunity for an informal hearing, and how to request a hearing.

§ 982.302 Term of a voucher or certificate.

(a) *Submitting request for unit approval.* When a family is selected for participation, the HA issues a certificate or voucher to the family. The initial term is stated on the certificate or voucher. The family must request approval of a dwelling unit and lease during the certificate or voucher term.

(b) *Initial term.* The initial term of a voucher or certificate is at least 60 days.

(c) *Extensions of term.* (1) The HA must establish a policy on whether extensions of the initial term of a voucher or certificate will be granted by the HA. The HA policy on extensions must be stated in the HA administrative plan.

(2)(i) If the HA decides to allow extensions, the extension policy must describe how the HA decides whether to grant extensions, and the length of any extensions. The HA extension policy may or may not allow the family to submit one or more additional requests for lease approval after the initial term of the certificate or voucher, and may or may not provide for suspension of the initial or any extended term of the certificate or voucher.

(ii) *Suspension* means that the running of the clock for an initial or extended term is stopped during the period from the time when the family submits a request for HA approval of the unit, to the time when the HA approves or denies the request.

(d) *Progress report by family to the HA.* During the initial or any extended term, the HA may require the family to report progress in leasing a unit. Such reports may be required at such intervals or times as determined by the HA.

VOL 58 ISS 35 FE 24 1993 UMI

§ 982.303 Where family can live.

(a) A family may select a dwelling unit located in any of the following:

(1) In the HA jurisdiction;

(2) In the same State as the HA;

(3) If the HA includes any metropolitan statistical area, in the same metropolitan statistical area as the HA, or in a contiguous metropolitan statistical area; or

(4) Anywhere in the United States that is in the jurisdiction of a HA that administers a voucher program or certificate program.

(b) For procedures when the family wants to rent a unit outside the HA jurisdiction with continued tenant-based assistance, see portability requirements in subpart H of part 982.

(c) If the dwelling unit is approvable, a family may select the dwelling unit occupied by the family before selection for participation in the program.

(d) Except as provided in part 982 (e.g., prohibition on use of ineligible housing or housing not meeting HQS), the HA may not directly or indirectly reduce the family's opportunity to select among available units.

§ 982.304 Eligible housing.

(a) *Ineligible housing.* The following types of housing may not be assisted by a HA in the tenant-based programs:

(1) A public housing or Indian housing unit;

(2) A unit receiving project-based assistance under section 8 of the 1937 Act (42 U.S.C. 1437f);

(3) Nursing homes, board and care homes, or facilities providing continual psychiatric, medical, or nursing services;

(4) College or other school dormitories;

(5) Units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions;

(6) A unit occupied by its owner or by a person with any interest in the dwelling unit (Modifications for certain special housing types: Assistance may be provided for a family residing in a cooperative, or to the owner of a manufactured home leasing a manufactured home space. In the case of shared housing, the owner may reside in the unit, but assistance may not be paid on behalf of the resident owner. See part M of this rule for provisions on leasing of a cooperative unit, manufactured home space or shared housing.);

(7) Any unit owned by HUD; or

(8) Any unit receiving, or which received in the past 5 years, a local or State mortgage interest subsidy, construction or rehabilitation subsidy, or project-based rent subsidy.

(b) *HA-owned housing.* (1) A unit that is owned by the HA which administers the assistance under the consolidated ACC (including a unit owned by an entity substantially controlled by the HA) may only be assisted under the tenant-based program if:

(i) The family has been briefed on its right to select a dwelling unit anywhere in the leasing area, and an HA-owned unit is freely selected by the family, without HA pressure or steering, in accordance with § 982.303;

(ii) The unit is not ineligible housing under § 982.304(a);

(iii) The initial subsidized rent (for a certificate program unit) and the initial rent to owner (for a certificate program or voucher program unit) has been approved by HUD before execution of the HAP contract and commencement of the assisted lease term; or

(iv) Any adjustment of the subsidized rent (for a certificate program unit) and any changes in the rent to owner (for a certificate program or voucher program unit) is approved in advance by HUD.

(2) The HA as owner is subject to the same program requirements that apply to other owners in the program.

(c) *Prohibition against other housing subsidy.* A family may not receive the benefit of tenant-based assistance while receiving the benefit of one of the following forms of other housing subsidy, for the same unit or for a different unit:

(1) Public or Indian housing assistance;

(2) Other Section 8 assistance (including other tenant-based assistance);

(3) Assistance under former section 23 of the United States Housing Act of 1937 (before amendment by the Housing and Community Development Act of 1974);

(4) Section 101 rent supplements;

(5) Section 236 rental assistance payments;

(6) Tenant-based assistance under the HOME Program;

(7) Rental assistance payments under section 521 of the Housing Act of 1949 (a Farmers Home Administration program);

(8) Any local or State mortgage interest subsidy, construction or rehabilitation subsidy, or project-based rent subsidy; or

(9) Any other duplicative federal, State, or local housing subsidy, as determined by HUD. For this purpose, "housing subsidy" does not include the housing component of a welfare payment or social security payment received by the family.

§ 982.305 HA approval for assisted tenancy.

(a) *Requesting HA approval.* (1)(i) If a family finds a dwelling unit and the owner is willing to lease the unit under the program, the family must request HA approval to rent the unit under the program. The family must submit a copy of the proposed lease to the HA.

(ii) The family must submit the request and proposed lease during the term of the certificate or voucher.

(b) *HA approval.* (1) The HA must inspect a dwelling unit before giving approval for a family to rent the unit with assistance under the program.

(2) The HA may not give approval to rent a dwelling unit under the program until the HA has determined that all the following meet program requirements:

(i) The lease;

(ii) Eligibility of unit;

(iii) Unit compliance with HQS (This determination must be based on HA inspection.);

(iv) The rent to owner; and

(v) The subsidized rent (for the certificate program only).

(c) *Sequence of required actions.* (1) All of the following must be completed before the beginning of the lease term:

(i) HA inspection of the unit;

(ii) HA approval to rent the unit (in accordance with all program requirements); and

(iii) Lease execution by the tenant and the owner.

(2) The HA may not execute a HAP contract until the HA has inspected the dwelling unit, and has given approval to rent the dwelling unit.

(3) The HA must use best efforts to execute the HAP contract before the beginning of the lease term. The HAP contract must be executed no later than 60 days after the beginning of the lease term.

(d) *Owner responsibility for screening tenants.* (1) Listing a family on the HA waiting list, or selecting a family for participation in the program, is not a representation by the HA to the owner about the family's expected behavior, or the family's suitability for tenancy. At or before HA approval of the lease, the HA must inform the owner that the HA has not screened the family for suitability, and that such screening is the owner's own responsibility.

(2) When a family wants to rent a dwelling unit from an owner, with tenant-based assistance under the program, the HA must offer to provide the owner information in the HA possession, about the rental history of family members, or about drug-trafficking by family members. In briefing of a selected family, the HA must inform the family that any such information will be provided to owners.

(e) *HA disapproval of owner.* (1) The HA must not approve rental of a unit:

(i) If the owner is debarred, suspended, or subject to a limited denial

of participation under 24 CFR part 24; or

(ii) If an enforcement action under the Fair Housing Act has been initiated.

(2) In its administrative discretion, the HA may deny approval for rental of a unit if the HA believes, on the basis of information available to the HA, or is informed by HUD, that the owner (including a principal or other interested party) has committed any of the following:

(i) The owner has violated obligations under a housing assistance payments contract under section 8 of the 1937 Act (42 U.S.C. 1437f);

(ii) The owner has committed fraud or made any false statement in connection with any federal housing program;

(iii) The owner has engaged in drug-trafficking;

(iv) The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with project-based Section 8 assistance or under any other federal housing program;

(v) The owner has a history or practice of renting units that fail to meet State or local housing codes; or

(vi) The owner has not paid State or local real property taxes.

(3) Nothing in this rule is intended to give any owner any right to participate in the program.

(f) *Notice to family and owner.* After receiving the family's request for approval of an assisted tenancy, the HA must promptly notify the family and owner whether the assisted tenancy is approved.

(g) *Procedure after HA approval.* If the HA has approved the assisted tenancy:

(1) The tenant and owner execute the lease; and

(2) The owner and the HA execute the HAP contract.

§ 982.306 Lease.

(a) *Tenant.* The "tenant" is the adult person or persons (other than a live-in-aide) who executes the lease as lessee of the dwelling unit.

(b) *HA approval of lease.* The assisted lease between the tenant and owner (including any new lease or lease revision) must be approved by the HA. Before approving the lease, the HA must determine that the lease meets the requirements of this section. The lease must be approved before the beginning of the lease term.

(c) *Contents of lease*—(1) *Required language.* The lease must include word for word all provisions required by HUD and may not contain any provisions prohibited by HUD.

(2) *Prohibited lease terms.* The lease may not contain any of the following provisions:

(i) *Agreement to be sued.* Agreement by the tenant to be sued, to admit guilt, or to a judgment in favor of the owner in a lawsuit brought in connection with the lease;

(ii) *Treatment of personal property.* Agreement by the tenant that the owner may take, hold, or sell personal property of household members without notice to the tenant, and a court decision on the rights of the parties. This prohibition, however, does not apply to an agreement by the tenant concerning disposition of personal property left in the dwelling unit after the tenant has moved out. The owner may dispose of this personal property in accordance with State law;

(iii) *Excusing owner from responsibility.* Agreement by the tenant not to hold the owner or the owner's agent legally responsible for any action or failure to act, whether intentional or negligent;

(iv) *Waiver of notice.* Agreement by the tenant that the owner may bring a lawsuit against the tenant without notice to the tenant;

(v) *Waiver of legal proceedings.* Agreement by the tenant that the owner may evict the tenant or household members either without instituting a civil court proceeding in which the tenant has the opportunity to present a defense, or before a court decision on the rights of the parties;

(vi) *Waiver of a jury trial.* Agreement by the tenant to waive any right to a trial by jury;

(vii) *Waiver of right to appeal court decision.* Agreement by the tenant to waive a right to appeal, or to otherwise challenge in court, a court decision in connection with the lease; or

(viii) *Tenant chargeable with cost of legal actions regardless of outcome.* Agreement by the tenant to pay the owner's attorney's fees or other legal costs even if the tenant wins in a court proceeding by the owner against the tenant. However, the tenant may be obligated to pay costs if the tenant loses.

(d) *Model lease.* A HA may develop, for the convenience of families and owners, a model program lease that complies with the requirements of this section and with State and local law. The model lease must include the provisions required by HUD. However, the HA may not require use of a HA-developed model lease.

(e) *Term of assisted tenancy.*—(1) *Term of HAP contract.* (i) The term of the HAP contract begins on the first day of the term of the lease and ends on the last day of the term of the lease.

(ii) The HAP contract terminates if the lease terminates.

(2) *Term of lease.* (i) The term of the lease begins on a date stated in the lease. The initial term of the lease must be for at least one year.

(ii) The lease must provide for automatic renewal after the initial term of the lease. The lease may provide either:

(A) For automatic renewal for successive definite terms (e.g., month-to-month or year-to-year), or

(B) For automatic indefinite extension of the lease term.

(iii) The lease continues until any of the following occurs:

(A) The owner terminates the lease;

(B) The owner and the family agree to terminate the lease;

(C) The HA terminates the HAP contract;

(D) The HA terminates assistance for the family;

(E) The family terminates the lease; or

(F) The family moves out.

(iv) The family may terminate the lease at any time after the initial term. The lease may not require the family to give more than 60 days notice of such termination to the owner.

(v) The HA may approve the lease, and execute the HAP contract, even if there is less than one year remaining from the beginning of the initial lease term to the end of the last expiring funding increment under the consolidated ACC.

(f) *New lease or revision.* (1) Any new lease or revision between the owner and family must be approved in advance by the HA. The new lease or revision must be approved by the HA in accordance with § 982.303, and must comply with the requirements of this section. The HA and owner must enter a new HAP contract for the tenancy under the new or revised lease.

(2) The owner may offer the family a new lease, for a term beginning at any time after the initial term. The owner must give the tenant written notice of the offer at least 60 days before the proposed beginning date of the new lease term. The offer must specify a reasonable time limit for acceptance by the family.

§ 982.307 Owner termination of tenancy.

(a) *Grounds.* The owner may not terminate the tenancy except on the following grounds:

(1) Serious or repeated violation of the terms and conditions of the lease;

(2) Violation of federal, State, or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or

(3) Other good cause.

(b) *Criminal activity.* Any of the following types of criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control shall be cause for termination of tenancy:

(1) Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents;

(2) Any criminal activity that threatens the health, safety or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; or

(3) Any drug-related criminal activity on or near the premises.

(c) *Other good cause.* (1) "Other good cause" for termination of tenancy by the owner may include, but is not limited to, any of the following examples:

(i) Failure by the family to accept the offer of a new lease;

(ii) A family history of disturbance of neighbors or destruction of property, or of living or housekeeping habits resulting in damage to the unit or premises;

(iii) The owner's desire to use the unit for personal or family use; or

(iv) A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, desire to rent the unit at a higher rental).

(2) If the owner terminates the tenancy for other good cause which is a business or economic reason, the owner must give 90 day notice of HAP contract termination (to HUD, the HA and the family) in accordance with § 982.457.

(3) During the first year of the lease term, the owner may not terminate the tenancy for "other good cause", unless the termination is based on family malfeasance or nonfeasance. For example, during this period, the owner may not terminate the tenancy for "other good cause" based on any of the following grounds: failure by the family to accept the offer of a new lease; the owner's desire to use the unit for personal or family use or for a purpose other than as a residential rental unit; or a business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, desire to rent the unit at a higher rental).

(d) *Definitions. Drug-related criminal activity.* The illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Guest. A person in the dwelling unit with the consent of a household member.

Premises. The building or project in which the dwelling unit is located, including common areas and grounds.

Tenant. The adult person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

(e) *Notice of Grounds.* The owner must give the tenant and HA written notice which specifies the grounds for termination of tenancy. The notice may be combined with and run concurrently with any notices required under State or local law.

(f) *Eviction by court action.* The owner may only evict the tenant from the unit by instituting a court action.

(g) *Regulations not applicable.* 24 CFR part 247 (concerning evictions from certain subsidized and HUD-owned projects) does not apply to a tenancy assisted under this part.

§ 982.308 Security deposit.

(a) *Maximum amount.* The owner may collect a security deposit from the family. The HA shall adopt a policy determining the maximum amount of the security deposit that may be collected by an owner. However, the security deposit may not exceed one month's rent to owner.

(b) *Use of security deposit.* (1) When the tenant moves out of the dwelling unit, the owner, subject to State or local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid rent payable by the tenant, damages to the unit or for other amounts the tenant owes under the lease.

(2) The owner must give the tenant a written list of all items charged against the security deposit, and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must refund promptly the full amount of the unused balance to the tenant.

§ 982.309 Amount owner receives if family moves.

(a) If the family moves from the unit during the lease term, the owner may retain the assistance payment for the month the family moves.

(b)(1) If the family moves from the unit during the lease term, the owner may claim reimbursement from the HA for unpaid rent payable by the family before the family move-out and for damages to the unit. This HA reimbursement to the owner may not exceed one month's rent to owner minus the maximum security deposit the owner could have collected. (If the HA allows a security deposit of one month's rent to owner, the owner does not receive any HA reimbursement.)

(2) Before paying the owner's claim for reimbursement, the HA must give the tenant notice of the owner's claim and opportunity to be heard as to whether the amounts claimed by the owner are properly payable by the family under the lease.

Subpart H—Where Family can Live and Move

§ 982.351 Overview.

This subpart describes where a family can live and move with tenant-based assistance. The subpart covers:

(a) Assistance for a family that rents a dwelling unit in the jurisdiction of the HA which originally selected the family for tenant-based assistance.

(b) "Portability" assistance for a family that rents a unit outside the jurisdiction of the initial HA.

§ 982.352 Terms.

Absorption. Point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family.

Contiguous MSA. An MSA that shares a common boundary with the MSA in which the initial HA is located.

Extended operation area. An area that is outside the HA jurisdiction (as determined by State or local law), but is inside the same State, the same MSA, or an MSA that is next to the same MSA.

Initial HA. Term applies to both:

(1) The HA that originally selected a family that subsequently decides to move out of the jurisdiction of the selecting HA.

(2) An HA that absorbed a family which subsequently decides to move out of the jurisdiction of the absorbing HA.

Leasing area. The area where the family leases a dwelling unit with tenant-based assistance (inside or outside the HA jurisdiction). The leasing area is described in § 982.353.

Metropolitan statistical area (MSA). An area designated by the Office of Management and Budget as a metropolitan statistical area.

MSA. Metropolitan statistical area.

Portability. Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial HA.

Receiving HA. A HA which is required to receive a family selected for the tenant-based program of another HA into the receiving HA tenant-based program. After absorption of the family, the receiving HA may not bill the initial HA for future assistance payments or administrative fees on behalf of the family.

§ 982.353 Leasing area: Where family can rent a unit with tenant-based assistance.

(a) The family may receive tenant-based assistance to lease a unit located anywhere:

(1) In the jurisdiction of the initial HA;

(2) In the same State as the initial HA;

(3) In the same metropolitan statistical area (MSA) as the initial HA, but in a different State;

(4) In an MSA that is next to the same MSA on the HA, but in a different State; or

(5) In the United States, in the jurisdiction of a HA administering a tenant-based program.

(b)(1) If a family was not living in the HA jurisdiction when the family applied to the HA, during the 12 month period from the time when the family initially receives assistance under the HA program, the family may only lease a unit in the HA jurisdiction. After the 12 month period, the family may lease a unit inside or outside the HA jurisdiction, anywhere in the leasing area described in paragraph (a).

(2) If the family was living in the HA jurisdiction when the family applied to the HA, starting with the initial issuance of a certificate or voucher to the family on selection for participation in the program, the family may lease a unit inside or outside the HA jurisdiction, anywhere in the leasing area described in paragraph (a).

§ 982.354 Right to move from assisted unit.

(a) *When family may move.* A family may move from an assisted unit with continued tenant-based assistance if:

(1) The assisted lease has terminated. This includes a termination because:

(i) The HA has terminated the HAP contract for the owner's breach; or

(ii) The lease has terminated by mutual agreement of the owner and the tenant.

(2) The owner has given notice of lease termination (for grounds authorized under the lease), or has commenced an action to evict the tenant, or has obtained a court judgment allowing the owner to evict the tenant.

(3) The tenant has given notice of lease termination (where the tenant has a right to terminate the lease on notice to the owner, for owner breach or otherwise).

(b) *Notice that family wants to move.* (1) If the family wants to move to another dwelling unit, the family must notify the HA before moving from the assisted unit.

(2) If the family wants to move to a dwelling unit that is located outside the initial HA jurisdiction, the notice to the initial HA must specify the area where the family wants to move.

(3) If the leasing area is outside the HA jurisdiction, see portability procedures in §§ 982.355 and 982.356.

(c) *When family may move.* (1) A family may move one or more times either inside the HA jurisdiction, or under the portability procedures.

(2) The HA may establish policies which regulate the number of moves by an assisted family (with continued tenant-based assistance) during the initial one-year term, or which prohibit such moves. Such HA policies on moves during the initial lease term may apply to moves within the HA jurisdiction, or to moves outside the HA jurisdiction under portability procedures.

(d) *When HA may deny permission to move.* (1) The HA may deny permission to move if the HA does not have sufficient funding for continued assistance.

(2) At any time, the HA may deny permission to move in accordance with § 982.552 (grounds for denial or termination of assistance) and § 982.553 (informal hearings).

Portability

§ 982.355 Portability: Renting in an area where there is no tenant-based program.

(a) The initial HA must continue assistance for a family in a HA tenant-based program if the following two conditions apply:

(1) The family wants to rent a unit located in the area ("extended operation area") which is:

(i) Outside the HA jurisdiction (as determined by State or local law), but

(ii) Inside the same State, the same MSA, or a MSA that is next to the same MSA; and

(2) No other HA with a tenant-based program has jurisdiction in the extended operation area.

(b) The family remains in the program for the initial HA. The initial HA has the same responsibilities for administration of assistance in the extended operation area as for other families assisted by the HA, within the HA jurisdiction. For the purpose of permitting HA administration of program assistance for the family in the area outside of the HA jurisdiction as defined by State and law (and thereby to satisfy the family's right to portability under federal law), the federal law and this regulation preempt limits on the HA jurisdiction under State or local law.

(c) The initial HA may choose to use another HA, a private management entity or other contractor or agent to help the initial HA administration of assistance in the extended operation area.

(d) To provide assistance for the family, the initial HA uses funding under its consolidated ACC.

§ 982.356 Portability: Procedures when family wants to rent a unit outside HA jurisdiction, and there is a tenant-based program in the area where the family wants to rent.

(a) *Applicability.* The procedures in this section apply if the following two conditions apply:

(1) The family wants to rent a unit located in an area that is:

(A) Outside the HA jurisdiction (as determined by State or local law, but

(B) Inside the leasing area (as determined under § 982.353(a)); and

(2) A HA with a tenant-based program has jurisdiction in the area.

(b) *Receiving HA: duty to assist portability family.* (1) A HA with jurisdiction in the area where the family wants to rent must receive the family in its tenant-based program. If there is more than one such HA, the initial HA may choose the receiving HA.

(2) Whether the family was assisted under the initial HA certificate program or voucher program, the receiving HA may provide assistance for the family under either the certificate program or the voucher program.

(c) *Procedures.* (1) The initial HA must advise the family how to contact and request assistance from the receiving HA. The initial HA must promptly notify the receiving HA to expect the family.

(2)(i) The family must promptly contact the receiving HA, and comply with receiving HA procedures for incoming portability families.

(ii) If the initial HA issued a certificate or voucher, but has not yet executed a HAP contract for the family, the family must contact the receiving HA, and must submit a request for assistance to the receiving HA during the term of the certificate or voucher issued by the initial HA (including any extension granted by the initial HA).

(iii) The receiving HA must issue a certificate or voucher to the family. The family must submit a request for lease approval to the receiving HA during the term of the receiving HA certificate, or voucher. The term of the receiving HA certificate or voucher must not expire before the expiration date of the initial HA certificate or voucher.

(3) The initial HA must give the receiving HA the most recent certification or recertification of family income. This information is used by the receiving HA in determining the amount of the housing assistance payment for the family. However, since the family has already been determined eligible by

the initial HA, the receiving HA does not need to redetermine eligibility of the family for participation in the program.

(4) The receiving HA must determine the family unit size for the portability family. The family unit size is determined in accordance with the occupancy standards of the receiving HA.

(5) To provide tenant-based assistance for portability families, the receiving HA must perform all HA program functions such as reexaminations of family income and composition. At any time, either the initial HA or the receiving HA may make a determination to deny or terminate assistance to the family in accordance with § 982.552.

(6) The amount of the housing assistance payment for a portability family in the receiving HA program is determined in the same manner as for other families in the receiving HA program.

(d) *Funding.* (1)(i) If funding is available under the consolidated ACC for the receiving HA certificate or voucher program when the portability family is received, the receiving HA must absorb the family into the receiving HA certificate or voucher program. After absorption, the family is assisted with funds available under the receiving HA consolidated ACC for the program.

(ii) In determining if funding is available, use of funding for assistance to portability families takes precedence over selection of new families from the receiving HA waiting list. (However, availability of funding for assistance to portability families is subject to HUD conditions controlling use of funding under the consolidated ACC.)

(iii) If funding is not available under the receiving HA consolidated ACC, the receiving HA must nevertheless receive the family into its certificate or voucher program, and provide assistance for the family under the program. The receiving HA must bill the initial HA for housing assistance payments and administrative fees. The receiving HA may only bill for assistance on behalf of the portability family until funding is available under the receiving HA consolidated ACC (for the tenant-based program into which the family was received). As soon as the funding is available, the receiving HA must absorb the family into the receiving HA certificate program or voucher program.

(iv) When an incoming family requests assistance from the receiving HA, the receiving HA must immediately inform the initial HA if funding for assistance to the family is available under the receiving HA consolidated ACC for a tenant-based program, and, if not, that the receiving HA will bill the initial HA for assistance on behalf of the portability family. As soon as funding becomes available, the receiving HA must cease billing, and inform the initial HA that the family has been absorbed into the receiving HA tenant-based program.

(2)(i) Subject to availability of appropriated funds, HUD will offer funding to an HA for the net annual increase (for each housing unit size) in the number of families in the HA tenant-based programs by operation of portability procedures.

(ii) *Net annual increase* means the amount by which:

(A) The number of families received by the HA into its tenant-based programs during the HA fiscal year under portability procedures exceeds

(B) The number of families in the HA tenant-based programs who are received into tenant-based programs of other HAs during the HA fiscal year under portability procedures.

(3) An HA must manage the HA tenant-based programs in a manner that ensures that the HA has the financial ability to provide assistance for families that move out of the HA program under the portability procedures, and have not yet been absorbed by receiving HAs, as well as for families which remain in the HA program.

(4) Regardless of whether the receiving HA has absorbed a portability family, the receiving HA may receive a portability fee for cost-justified expenses, and a hard-to-house fee (for large families actually placed).

(e) *Billing.* (1) To cover assistance on behalf of the portability family for the period prior to absorption, the receiving HA bills the initial HA for housing assistance payments and administrative fees. This subsection describes the billing procedure.

(2) The initial HA must reimburse the receiving HA for the full amount of the housing assistance payments made by the receiving HA for the portability family.

(3) The initial HA must reimburse the receiving HA 80 percent of the initial HA on-going administrative fee for each unit month that the family receives assistance under the tenant-based programs from the receiving HA.

(4) When a portability family leaves the tenant-based programs, or when the receiving HA has absorbed the portability family into its own tenant-based program, the initial HA may use the funding previously needed for the portability family to assist other families.

(5) When a portability family moves from the jurisdiction (and any extended operation area) of a receiving HA that has not absorbed the family, the HA in the new jurisdiction to which the family moves becomes the receiving HA, and the first receiving HA is no longer required to provide assistance for the family.

Subpart I—Dwelling Unit: Housing Quality Standards, Occupancy Standards, Inspection and Maintenance

§ 982.401 Housing quality standards (HQS).

(a) *Performance and acceptability requirements.* (1) This section states the housing quality standards (HQS) for housing assisted in the programs. Program housing must comply with the HQS, both at initial occupancy of the dwelling unit, and during the term of the assisted lease.

(2)(i) The HQS consist of:

(A) Performance requirements, and

(B) acceptability criteria or HUD approved variations in the acceptability criteria.

(ii) This section states performance and acceptability standards for these key aspects of housing quality:

(A) Sanitary facilities;

(B) Food preparation and refuse disposal;

(C) Space and security;

(D) Thermal environment;

(E) Illumination and electricity;

(F) Structure and materials;

(G) Interior air quality;

(H) Water supply;

(I) Lead-based paint;

(J) Access;

(K) Site and neighborhood;

(L) Sanitary condition; and

(M) Smoke detectors.

(3) All program housing must meet the HQS performance requirements both at commencement of assisted occupancy, and during the assisted tenancy.

(4)(i) In addition to meeting HQS performance requirements, the housing must meet the acceptability criteria stated in this section, unless variations are approved by HUD.

(ii) HUD may grant approval for the HA to use acceptability criteria variations that are based on local codes or national standards that satisfy the purposes of the HQS.

(iii) HUD may approve acceptability criteria variations because of local climatic or geographic conditions.

(b) *Sanitary facilities*—(1) *Performance requirements.* The dwelling unit must include sanitary facilities located in the unit. The sanitary facilities must be in proper operating condition, and adequate for

personal cleanliness and the disposal of human waste. The sanitary facilities must be usable in privacy.

(2) *Acceptability criteria.*(i) The bathroom must be located in a separate private room and have a flush toilet in proper operating condition.

(ii) The dwelling unit must have a fixed basin in proper operating condition, with a sink trap and hot and cold running water.

(iii) The dwelling unit must have a shower or a tub in property operating condition with hot and cold running water.

(iv) The facilities must utilize an approvable public or private disposal system (including a locally approvable septic system).

(c) *Food preparation and refuse disposal*—(1) *Performance requirement.* The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There must be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary.

(2) *Acceptability criteria.* (i) The dwelling unit must have a cooking stove or range, and a refrigerator of appropriate size for the family. All of the equipment must be in proper operating condition. The equipment may be supplied by either the owner or the family.

(ii) The dwelling unit must have a kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must drain into an approvable public or private system.

(iii) The dwelling unit must have space for the storage, preparation, and serving of food.

(iv) There must be facilities and services for the sanitary disposal of food waste and refuse, including temporary storage facilities where necessary.

(d) *Space and security*—(1) *Performance requirement.* The dwelling unit must provide adequate space and security for the family.

(2) *Acceptability criteria.* (i) At a minimum, the dwelling unit must have a living room, a kitchen, area, and a bathroom.

(ii) The dwelling unit must have at least one bedroom or living/bedroom for each two persons. Persons of opposite sex, other than husband and wife or very young children, may not be required to occupy the same bedroom or living/bedroom.

(iii) Dwelling unit windows which are accessible from the outside, such as basement, first floor, and fire escape windows, must be lockable (such as window units with sash pins or sash locks, and combination windows with latches). Windows which are nailed shut are acceptable if these windows are not needed as an alternate exit in case of fire.

(iv) The exterior doors of the dwelling unit must be lockable. Exterior doors are doors by which someone can enter or exit the dwelling unit.

(e) *Thermal environment*—(1) *Performance requirement.* The dwelling unit must have and be capable of maintaining a thermal environment healthy for the human body.

(2) *Acceptability criteria.* (i) There must be a safe system for heating the dwelling unit (and a safe cooling system, where present). The system must be in proper operating condition. The system must be able to provide adequate heat (and cooling, if applicable), either directly or indirectly, to each room, in order to assure a healthy living environment appropriate to the climate.

(ii) The dwelling unit must not contain unvented room heaters which burn gas, oil, or kerosene. Electric heaters are acceptable.

(f) *Illumination and electricity*—(1) *Performance requirement.* Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. The electrical fixtures and wiring must ensure safety from fire.

(2) *Acceptability criteria.* (i) There must be at least one window in the living room and in each bedroom.

(ii) The kitchen area and the bathroom must have a permanent ceiling or wall light fixture in proper operating condition. The kitchen area must also have at least one electrical outlet in proper operating condition.

(iii) The living room and each bedroom must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets.

(g) *Structure and materials*—(1) *Performance requirement.* The dwelling unit must be structurally sound. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment.

(2) *Acceptability criteria.* (i) Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, holes, loose surface materials, severe buckling, missing parts, or other serious damage.

(ii) The roof must be structurally sound and weathertight.

(iii) The exterior wall structure and surface must not have any serious defects such as serious leaning, buckling, sagging, holes, or defects that may result in air infiltration or vermin infestation.

(iv) The condition and equipment of interior and exterior stairs, halls, porches, walkways, etc., must not present a danger of tripping and falling. For example, broken or missing steps or loose boards are possible dangers.

(v) Elevators must be working and safe.

(h) *Interior air quality.*—(1) *Performance requirement.* The dwelling unit must be free of pollutants in the air at levels that threaten the health of the occupants.

(2) *Acceptability criteria.* (i) The dwelling unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants.

(ii) There must be adequate air circulation in the dwelling unit.

(iii) Bathroom areas must have one openable window or other adequate exhaust ventilation.

(iv) Any bedroom must have at least one openable window, if the window was so designed.

(i) *Water supply.*—(1) *Performance requirement.* The water supply must be free from contamination.

(2) *Acceptability criteria.* The dwelling unit must be served by an approvable public or private water supply, which is sanitary and free from contamination.

(j) *Lead-based paint.*—(1) *Purpose and applicability.* The purpose of subsection (j) of this section is to implement the provision of section 302 of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4822, by establishing procedures to eliminate as far as practicable the hazards of lead-based paint poisoning with respect to a housing unit for which a family requests approval for leasing with tenant-based assistance. Subsection (j) is issued under the authorization granted in 24 CFR 35.24(b)(4) and supersedes, for all housing to which it applies, the requirements prescribed by subpart C of 24 CFR part 35. The requirements of subsection (j) do not apply to 0-bedroom units. The requirements of subpart A of 24 CFR part 35 apply to all units constructed prior to 1978 covered by a HAP contract under part 982.

(2) *Definitions.—Applicable surface.* All intact interior and exterior painted surfaces of a residential structure.

Chewable surface. All chewable protruding painted surfaces up to five feet from the floor or ground, which are readily accessible to children under

seven years of age, for example, protruding corners, window sills and frames, doors and frames, and other protruding woodwork.

Defective paint surface. Paint on applicable surfaces that is cracking, scaling, chipping, peeling, or loose.

Elevated blood lead level (EBL). Excessive absorption of lead. Excessive absorption is a confirmed concentration of lead in whole blood of 25 ug/dl (micrograms of lead per deciliter of whole blood) or greater.

Lead-based paint. A paint surface, whether or not defective, identified as having a lead content greater than or equal to 1 mg/cm^2.

(3) *Defective paint.* If a dwelling unit which was constructed before 1978 is occupied by a family which includes a child under the age of seven years, the initial and each periodic inspection (as required under this part), must include an inspection for defective paint surfaces. If defective paint surfaces are found, treatment as required by 24 CFR 35.24(b)(2)(ii) is required. Correction of defective paint conditions discovered at periodic inspection must be completed within 30 days of HA notification to the owner. When weather conditions prevent completion of repainting of exterior surface within the 30 day period, repainting may be delayed, but covering or removal of the defective paint must be completed within the prescribed period.

(4) *Chewable surfaces.* In the case of a dwelling unit constructed before 1978, occupied by a family which includes a child under the age of seven years with an identified EBL condition, the initial and each periodic inspection (as required under this part) must include a test for lead-based paint on chewable surfaces. Testing must be conducted by a State or local health or housing agency, an inspector certified or regulated by a State or local health or housing agency, or an organization recognized by HUD. Lead content shall be tested by using an X-ray fluorescence analyzer (XRF) or other method approved by HUD. Test readings of 1 mg/cm^2 or higher using an XRF shall be considered positive for presence of lead-based paint. Where lead-based paint on chewable surfaces is identified, covering or removal of the paint surface in accordance with 24 CFR 35.24(b)(2)(ii) is required, as appropriate, and correction shall be completed within the time limits in paragraph (j)(3) of this section.

(5) *Abatement without testing.* In lieu of the procedures set forth in paragraph (j)(4) of this section, the HA may at its discretion, forego testing and require the owner to abate all interior and exterior chewable surfaces in accordance with the method set out at 24 CFR 35.24(b)(2)(ii).

(6) *Protection of residents.* The owner must take appropriate action to protect residents from dangers resulting from abatement procedures.

(7) *Records.* The HA must keep a copy of each inspection report for at least three years. If a dwelling unit requires testing, or if the dwelling unit requires treatment of chewable surfaces based on the testing, the HA must keep the test results indefinitely and, if applicable, the owner certification of treatment. The records must indicate which chewable surfaces in the dwelling units have been tested and which chewable surfaces in the units have been treated. If records establish that certain chewable surfaces were tested or tested and treated in accordance with the standards prescribed in this section, such chewable surfaces do not have to be tested or treated at any subsequent time.

(k) *Access.* (1) *Performance requirement.* The dwelling unit must be able to be used and maintained without unauthorized use of other private properties, and the building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

(2) *Acceptability criteria.* Same as performance requirement.

(l) *Site and Neighborhood.* (1) *Performance requirement.* The site and neighborhood must be reasonably free from disturbing noises and reverberations and other dangers to the health, safety, and general welfare of the occupants.

(2) *Acceptability criteria.* The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade, such as a very high crime rate; dangerous walks or steps; instability; flooding, poor drainage, septic tank back-ups or sewage hazards; mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or danger of fire.

(m) *Sanitary condition.* (1) *Performance requirement.* The dwelling unit and equipment must be in sanitary condition.

(2) *Acceptability criteria.* The dwelling unit and equipment must be free of vermin and rodent infestation.

(n) *Smoke detectors.* (1) *Performance requirement.* Each dwelling unit must have at least one battery-operated or hardwired smoke detector, in proper operating condition, on each level of the dwelling unit. If the dwelling unit is occupied by any hearing-impaired persons, smoke detectors must have an alarm system, designed for hearing-impaired persons, in each bedroom occupied by a hearing-impaired person.

(2) *Acceptability criteria.* The smoke detector must be located, to the extent practicable, in a hallway adjacent to a bedroom, unless the unit is occupied by a hearing-impaired person, in which case each bedroom occupied by a hearing-impaired person must have an alarm system connected to the smoke detector installed in the hallway.

(o) *HQS for special housing types.* Subpart M of Part 982 states HQS modifications for certain special housing types. The HQS for special housing types are subject to the HQS modifications described in that subpart.

§ 982.402 Occupancy standards.

(a) *Purpose.* (1) The HA must establish occupancy standards which determine the number of bedrooms needed for families of different sizes and compositions.

(2) For each family, the HA determines the appropriate number of bedrooms under the HA occupancy standards (family unit size).

(3) The family unit size number is entered on the certificate or voucher issued to the family. The HA issues the family a voucher or certificate for the family unit size when a family is selected for participation in the program.

(b) *Determining family unit size.* The following requirements shall apply to determination of family unit size under the HA occupancy standards:

(1) The occupancy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding;

(2) The occupancy standards must be consistent with space requirements under the housing quality standards (See § 982.401(d).);

(3) The occupancy standards must be applied consistently for all families of like size and composition;

(4) The temporary absence of a child from the home due to placement in foster care may not be considered in determining the family unit size;

(5) A single, pregnant woman, with no other children, must be considered as if she were a family consisting of two persons;

(6) For a family with a disabled or elderly family member, any live-in aide must be counted in determining the family unit size;

(7) Except as provided in paragraph (6) (occupancy by a live-in aide to care for a disabled or elderly person), the family unit size for any family consisting of a single person must be

either a zero or one-bedroom unit, as determined under the HA occupancy standards; and

(8) In determining family unit size for a particular family, the HA may grant an exception to its established occupancy standards if the HA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances. (For a single person other than a disabled or elderly person or remaining family member, such HA exception may not override the limitation in paragraph (b)(7) of this section.)

(c) *Effect of family unit size—maximum subsidy.* The family unit size, as determined for a family under the HA occupancy standards, is used to determine the maximum rent subsidy for the family;

(1) *Certificate program.* HUD establishes fair market rents by number of bedrooms. The sum of the initial subsidized rent plus any utility allowance may not exceed either;

(i) The FMR/exception rent limit for the family unit size, or

(ii) The FMR/exception rent limit for the unit rented by the family.

(2) *Voucher program.* The HA establishes payment standards by number of bedrooms. The family unit size for a family determines the appropriate payment standard for the family. The payment standard is used to determine the amount of subsidy for the family.

(d) *Size of unit occupied by family.*—(1) *At beginning of tenancy.* (i) The family may rent an otherwise acceptable dwelling unit with fewer bedrooms than the family unit size. However, the dwelling unit must meet the applicable HQS space requirements.

(ii) The family may rent an otherwise acceptable dwelling unit with more bedrooms than the family unit size.

(2) *Termination of HAP contract: violation of HQS space standards.* (i) At any time during the term of the assisted tenancy, the HA must terminate the HAP contract if the HA determines that both the following two conditions are applicable:

(A) The dwelling unit does not meet the HQS space standards. (This may occur because of a change in family size or composition.)

(B) An acceptable unit is available for rental by the family within the FMR/exception rent limit (certificate program) or payment standard (voucher program) for the family unit size.

(3) *Certificate program only: Termination of HAP contract—if subsidy is too big for family size.* At any time during the assisted tenancy, the HA must terminate the certificate program HAP contract if the HA determines that the following three conditions are applicable:

(i) The family is residing in a dwelling unit with more bedrooms than the current family unit size (as determined by the HA at the most recent reexamination of family income and composition);

(ii) The sum of the current subsidized rent plus any utility allowance for the unit leased by the family exceeds the current FMR/exception rent limit for the current family unit size (The HA must notify the family that exceptions to the occupancy standards may be granted, and the circumstances in which the grant of an exception will be considered by the HA.); and

(iii) An acceptable unit is available for rental by the certificate program family within the FMR/exception rent limit.

(4) *Termination.* When the HA terminates the HAP contract (under paragraph (d)(2) or (d)(3):

(i) The HA must notify the family and the owner of the termination.

(ii) The HAP contract terminates at the end of the calendar month which follows the calendar month in which the HA gives such notice to the owner.

§ 982.403 Maintenance: Owner and family responsibility; HA remedies.

(a) The owner must maintain the unit in accordance with HQS. The owner must provide all the services, maintenance, and utilities agreed to in the lease.

(b)(1) If the owner fails to maintain the dwelling unit in compliance with HQS, the HA must take prompt and vigorous action to enforce the owner obligations. HA rights and remedies include termination or reduction of housing assistance payments and termination of the HAP contract.

(2) The HA must not make any housing assistance payments for a dwelling unit that fails to meet the HQS, unless the owner corrects the defect within the period specified by the HA and the HA verifies the correction.

(3) Even if the family continues to occupy the unit, the HA may exercise any rights and remedies against the owner under the HAP contract for owner's failure to maintain the unit in accordance with the HQS.

(4) The family is not a party to or third party beneficiary of the HAP contract, and may not exercise any right or remedy against the owner under the HAP contract. (However, the tenant may exercise any right or remedies against the owner under the lease between the tenant and the owner.)

(c) The family is responsible for a breach of the HQS which is caused by any of the following:

(1) The family fails to pay for any utilities which the owner is not required to pay for, but which are to be paid by the tenant;

(2) The family fails to provide and maintain any appliances which the owner is not required to provide, but which are to be provided by the tenant;

(3) Damage to the dwelling unit (other than ordinary wear and tear); or

(4) Vermin and rodent infestation that violates HQS sanitary condition requirements, where the violation is caused by trash accumulation from poor family housekeeping.

§ 982.404 HA periodic unit inspection.

(a) The HA must inspect the unit leased to a family at least annually, and at other times as needed, to determine if the owner is meeting the obligation to maintain the unit in accordance with HQS, and is providing services, maintenance and utilities in accordance with the lease.

(b) In scheduling inspections, the HA must consider complaints and any other information brought to the attention of the HA.

§ 982.405 Enforcement of HQS.

Part 982 does not create any right of the family, or any party other than HUD or the HA, to require enforcement of the HQS requirements by HUD or the HA, or to assert any claim against HUD or the HA, for damages, injunction or other relief, for alleged failure to enforce the HQS.

§ 982.406 Inspectioin reports.

The HA must prepare and retain for 3 years a report of every unit inspection required under this part. Each report must specify:

(a) Any defects or deficiencies in the unit that must be corrected to meet the HQS.

(b) Other defects or deficiencies observed by the HA inspector (for use if the owner later claims that the defects or deficiencies were caused by the family).

Subpart J—Housing Assistance Payments Contract and Owner Responsibility

§ 982.451 Housing assistance payments contract.

(a) The housing assistance payments contract (HAP contract) is a contract between the HA and an owner. In the HAP contract, the owner agrees to lease a specified dwelling unit to a specified eligible family, and the HA agrees to make monthly housing assistance

payments under the program to the owner on behalf of the family. The HA payment to the owner is applied against rent to owner under the family's lease.

(b)(1) The HAP contract must be in the form prescribed by HUD.

(2) The term of the HAP contract is the same as the term of the lease.

(c)(1) The amount of the monthly housing assistance payment by the HA to the owner is determined by the HA in accordance with HUD regulations and other requirements. The amount of the housing assistance payment is subject to change during the HAP contract term.

(2) The monthly housing assistance payment by the HA is credited toward the monthly rent to owner payable by the tenant under the lease.

(3) The housing assistance payment to the owner from the HA may not be more than the rent to owner. The owner must immediately return any excess payment to the HA.

(4)(i) The part of the rent to owner which is paid by the tenant may not be more than:

(A) The rent to owner, minus

(B) The HA housing assistance payment to the owner.

(ii) The owner may not demand or accept any rent payment from the tenant in excess of this maximum, and must immediately return any excess rent payment to the tenant.

§ 982.452 Occupancy of dwelling unit.

(a) Housing assistance payments may only be paid to the owner for a period the dwelling unit is leased to and occupied by the family.

(b) If the family moves out, the HA may not make any housing assistance payment to the owner for any month after the month when the family moves out. The owner may keep the housing assistance payment for the month when the family moves out.

§ 982.453 Owner responsibilities.

(a) The owner is responsible for performing all of the owner's obligations under the HAP contract and the lease.

(b) The owner is responsible for:

(1) Performing all management and rental functions for the assisted unit, including selecting a family to lease the unit, and deciding if the family is suitable for tenancy of the unit.

(2) Maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance.

(3) Complying with equal opportunity requirements.

(4) Preparing and furnishing to the HA information required under the HAP contract.

(5) Collecting from the family.

(i) Any security deposit.

(ii) The tenant contribution (the part of rent to owner not covered by the housing assistance payment).

(iii) Any charges for unit damage by the family.

(6) Enforcing tenant obligations under the lease.

(7) Paying for utilities and services (unless paid by the family under the lease).

(c) In accordance with 24 CFR 100.203, the owner must permit a tenant to make reasonable modifications to a dwelling unit that is occupied or to be occupied by a disabled person, at the expense of the tenant, if the proposed modifications are necessary to afford the disabled person full enjoyment of the dwelling unit.

§ 982.454 Owner breach of contract.

(a) Any of the following actions by the owner (including a principal or other interested party) is a breach of the HAP contract by the owner:

(1) If the owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligation to maintain the unit in accordance with the HQS.

(2) If the owner has violated any obligation under any other housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).

(3) If the owner has committed fraud or made any false statement in connection with any federal housing assistance program.

(4) For projects with mortgages insured by HUD or loans made by HUD, if the owner has failed to comply with the regulations for the applicable mortgage insurance or loan program, with the mortgage or mortgage note, or with the regulatory agreement; or if the owner has committed fraud or made any false statement in connection with the mortgage or loan.

(5) If the owner has engaged in drug-trafficking.

(b) The HA rights and remedies against the owner under the HAP contract include recovery of overpayments, termination or reduction of housing assistance payments, and termination of the HAP contract.

§ 982.455 Termination of HAP contract: Insufficient funding.

The HA may terminate the HAP contract if the HA determines, in accordance with procedures prescribed by HUD, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program.

§ 982.456 Termination of HAP contract: Automatic expiration when payment is not made.

When three months has elapsed since the date of the last housing assistance payment, the HAP contract terminates automatically.

§ 982.457 Termination of HAP contract: Procedure if owner decides to terminate the HAP contract for business or economic reasons or if ACC funding is insufficient to support continued assistance.

(a) *Purpose.* This section implements Section 8(c) (9) and (10) of the 1937 Act (42 U.S.C. 1437f(c) (9) and (10)) for the tenant-based Section 8 programs.

(b) *Terms.* The following terms are defined for purposes of this section:

(1) *Termination.* Termination of the HAP contract because of:

(i) Owner opt-out, or

(ii) Expiration of the HAP contract.

(2) *Opt-out.* Owner's decision to terminate tenancy of an assisted family for an "other good cause" which is a business or economic reasons for termination of tenancy (pursuant to § 982.307(a)(3) and (c)).

(3) *Expiration.* "Expiration" means either:

(i) Automatic termination of the HAP contract when three months has passed since the last housing assistance payment, or

(ii) A HA determination (in accordance with HUD requirements) that the HAP contract must be terminated because there is insufficient funding under the consolidated ACC to support continued assistance for the family.

(c) *Owner notice of termination.* Not less than 90 days before a termination of a tenant-based HAP contract because of an opt-out or expiration, the owner must provide written notice of the termination to HUD, the HA and the family. The notice must specify the reasons for the termination, with sufficient detail to enable HUD to evaluate whether the termination is lawful and whether there are additional actions that can be taken by HUD to avoid the termination. The owner notice must state that the owner and HA may agree to a renewal of the HAP contract, thus avoiding the termination.

(d) *HUD review of owner notice.* (1) HUD must review the owner's notice, and consider whether there are additional actions which should be taken to avoid the termination.

(2) For a unit assisted under the certificate program:

(i) HUD will determine whether the HA has properly adjusted the subsidized rent in accordance with the HAP contract and HUD regulations. If

such adjustments were not properly made, HUD will require the HA to make a proper adjustment of the subsidized rent in accordance with the HAP contract and the regulation.

(ii) The owner must be offered the opportunity to enter into a new HAP contract (and assisted lease) at the maximum initial subsidized rent allowed pursuant to § 982.503 (within the FMR/exception rent limit). However, the rent to owner may not exceed the reasonable rent for a comparable unassisted unit.

(3) HUD will issue a written finding of the legality of the HAP contract termination and the reasons for the termination, including actions taken to avoid the termination. Within 30 days of HUD's finding, the owner must provide written notice of HUD's decision to the tenant.

§ 982.458 Third parties.

(a) Even if the family continues to occupy the unit, the HA may exercise any rights and remedies against the owner under the HAP contract.

(b) The family is not a party to or third party beneficiary of the HAP contract. The family may not exercise any right or remedy against the owner under the HAP contract. (However, the tenant may exercise against right or remedies against the owner under the lease between the tenant and the owner.)

(c) The HAP contract shall not be construed as creating any right of the family or other third party (other than HUD) to enforce any provision of the HAP contract, or to assert any claim against HUD, the HA or the owner under the HAP contract.

§ 982.459 Owner refusal to lease.

(a) Section 8(t) of the 1937 Act (42 U.S.C. 1437f(t)) provides that an owner who has entered into a housing assistance payments contract under Section 8 of the 1937 Act on behalf of any tenant in a multifamily housing project shall not refuse:

(1) To lease any available dwelling unit in any multifamily housing project of the owner that rents for an amount not greater than the fair market rents for a comparable unit to a holder of a rental certificate under Section 8 and to enter into a housing assistance payments contract respecting the unit, if a proximate cause of the refusal is the status of the prospective tenant as a holder of a certificate; or

(2) To lease any available dwelling unit in any multifamily housing project of the owner to a voucher holder and to enter into a housing assistance payments contract respecting the unit, a proximate cause of which is the status of such prospective tenant as a holder of such voucher.

(b) For the purposes of Section 8(t), the term *multifamily housing project* means a residential building containing more than four dwelling units.

Subpart K—Rent and Housing Assistance Payment

§ 982.501 Terms.

Exception rent. In the certificate program, an initial rent (initial subsidized rent plus any utility allowance) in excess of the published fair market rent. In the certificate program, the exception rent must be approved by HUD, and is used in determining the initial subsidized rent. In the voucher program, the HA may adopt a payment standard up to the exception rent limit approved by HUD for the HA certificate program.

Excess rent tenancy. In the certificate program, a tenancy where the sum of the initial rent to owner plus any utility allowance exceeds the FMR/exception rent limit.

Housing assistance payment. The monthly assistance payment by a HA. The total assistance payment consists of:

(1) A payment to the owner for rent to owner under the family's lease.

(2) An additional payment to the family if the total assistance payment exceeds the rent to owner.

(In the certificate program, the additional payment is called a "utility reimbursement".)

Incremental units. In the certificate program, the number obtained by subtracting the number of any units provided to the HA under the consolidated ACC for families previously assisted under other Section 8 or federal housing programs from the total of the number of units under the consolidated ACC for the program. The term is used in determining the maximum number of excess rent tenancies in the HA certificate program.

Initial subsidized rent. In the certificate program, the subsidized rent at the beginning of the initial lease term.

Initial rent to owner. The rent to owner at the beginning of the initial lease term.

Payment standard. In the voucher program, an amount used by the HA to calculate the housing assistance payment for a family. Each payment standard amount is based on the fair market rent. The HA adopts a payment standard for each bedroom size and for each fair market rent area in the HA jurisdiction. The payment standard for a family is the maximum monthly subsidy payment.

Reasonable rent. A rent to owner that is not more than either:

(1) Rents charged for comparable units in the private unassisted market, or

(2) Rent charged by the owner for a comparable assisted or unassisted unit in the same building or complex.

Rent to owner. The monthly rent payable to the owner under the lease. Rent to owner includes payment for any services, maintenance and utilities to be provided by the owner in accordance with the lease.

Residual income. The amount obtained by subtracting the monthly tenant contribution from monthly adjusted income. Residual income remains available for family expenses other than housing. Such family expenses include food, child care, unreimbursed medical expenses, and other appropriate family expenses.

Subsidized rent. In the certificate program, the portion of the rent to owner which is used to calculate the housing assistance payment. Except for an excess rent tenancy, subsidized rent equals rent to owner.

Tenant contribution. The portion of rent and utilities paid by the family. The tenant contribution is calculated by subtracting the amount of the housing assistance payment from the sum of the rent to owner plus any utility allowance.

Tenant rent. In the certificate program, total tenant payment minus any utility allowance.

Total tenant payment. In the certificate program, the highest of the following, rounded to the nearest dollar:

(1) 30 percent of monthly adjusted income.

(2) 10 percent of monthly income.

(3) If the family receives welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the monthly portion of such payments which is so designated. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph 3 is the amount resulting from one application of the percentage.

Utility allowance. An amount that applies when the cost of utilities (except telephone) and other housing services (e.g., garbage collection) for an assisted unit is not included in the rent to owner and is instead the responsibility of the family. The allowance is an amount equal to the estimate made or approved by the HA of the monthly costs of a reasonable consumption of these

VOL 58 ISS 35 FE 24 1993 UMI

utilities and other services for the unit by an energy-conservative household of modest circumstances, consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility reimbursement. In the certificate program, the amount, if any, by which any utility allowance for family-paid utilities or services exceeds the total tenant payment.

§ 982.502 Certificate and voucher programs: Rent to owner—rent reasonableness limitation.

(a) *Negotiating the rent.* The rent to owner is negotiated by the owner and the family. At the request of the family, the HA must assist the family in negotiating the rent to owner.

(b) *Rent reasonableness limitation.* (1) During the assisted tenancy, the rent to owner must be reasonable.

(2) The HA may not approve the lease until the HA has determined that the initial rent to owner is not more than a reasonable rent. At least annually during the assisted tenancy, the HA must redetermine that the current rent to owner (including any changes in the rent to owner during the lease term) is not more than a reasonable rent. The owner may not charge or receive a rent to owner which is more than the reasonable rent as determined by the HA.

(3) By accepting each monthly housing assistance payment from the HA, the owner certifies that the current rent to owner is not more than rents currently being charged by the owner for any comparable assisted or unassisted unit in the same building or complex. The owner must give the HA information, as required by the HA, on rents currently charged by the owner for other units.

(4)(i) In determining whether the rent to owner for the assisted dwelling unit is a reasonable rent (in comparison with rent charged by the owner or others for comparable unassisted units), the HA must consider the location, size, type, quality, age, and amenities of the dwelling unit, and any services, maintenance and utilities to be provided by the owner in accordance with the lease.

(ii) For an assisted dwelling unit that is subject to local rent control, comparable units are rent-controlled units. However, for a dwelling unit that is not subject to local rent control while the unit is assisted (regardless of whether the unit would be subject to such control if it were not assisted), comparable units are units that are not subject to rent-control.

§ 982.503 Certificate program: FMR/exception rent limit—Subsidized rent and rent to owner.

(a) *Applicability.* This section only applies to the certificate program.

(b) *FMR/exception rent limit.*—(1) *How limit is determined.* (i) The FMR/exception rent limit is the section 8 existing housing fair market rent published by HUD or HUD-approved exception rent limit.

(ii) On request from a HA, HUD may approve an exception rent limit of up to 120 percent of the fair market rent for all units, or all units of a given size (number of bedrooms), leased by program families in a designated part of the fair market rent area. The HA must support the request for exception rent limit approval with data which justifies the request.

(iii)(A) In considering whether to grant a HA request for approval of an exception rent limit, HUD may consider the appropriateness of the applicable fair market rent, and the relationship of estimated program costs to program objectives.

(B) The exception rent limit may not exceed the 45th percentile of rents to lease standard quality rental housing in the exception rent area. The 45th percentile rent is determined in accordance with the methodology described in § 888.113.

(2) *Maximum initial subsidized rent.* The sum of the initial subsidized rent for the dwelling unit plus any utility allowance may not exceed either:

(i) The FMR/exception rent limit for the dwelling unit, or

(ii) The FMR/exception rent limit for the family unit size.

(3) *Maximum rent to owner.* Except for an excess rent tenancy in accordance with § 982.505, the sum of the initial rent to owner for the dwelling unit plus any utility allowance may not exceed the FMR/exception rent limit for the dwelling unit.

§ 982.504 Certificate program: Housing assistance payment—Calculation and distribution.

(a) *Applicability.* This section only applies to the certificate program.

(b) *Housing assistance payment: How payment is calculated.* The monthly housing assistance payment is equal to:

(1) The subsidized rent plus any utility allowance.

(2) Minus the total tenant payment.

(c) *Housing assistance payment: How payment is distributed.* The monthly housing assistance payment is distributed as follows:

(1) The HA pays the owner the subsidized rent minus any tenant rent. (The tenant rent is equal to any amount by which the total tenant payment exceeds any utility allowance).

(2) The HA pays any balance of the housing assistance payment to the family or, with the consent of the family, to the utility supplier. (This balance is the utility reimbursement, which is equal to any amount by which the utility allowance exceeds the total tenant payment.)

§ 982.505 Certificate program: Excess rent tenancy.

(a) *Applicability.* This section only applies to the certificate program.

(b) *Excess rent tenancy: When approvable.* (1) "Excess rent tenancy" means an assisted tenancy where the sum of the initial rent to owner plus any utility allowance will exceed the FMR/exception rent limit.

(2) An HA has discretion to approve an excess rent tenancy if:

(i) The family requests HA approval of the tenancy.

(ii) The family's residual income at the time of lease approval is at least 50 percent of monthly adjusted income.

(3) The HA may only approve an excess rent tenancy if the total number of excess rent tenancies in the HA certificate program at any time does not exceed 10 percent of the total of the number of incremental units under the consolidated ACC for the HA certificate program.

(4) The HA is not required to approve an excess rent tenancy.

(c) *Excess rent tenancy: Prohibition against using program funds to pay excess rent.* The HA may not use housing assistance payments or other program funds (including any administrative fee reserve) to pay any part of the rent to owner which exceeds the subsidized rent. Such excess rent is the responsibility of the family.

§ 982.506 Certificate program: Adjustment of subsidized rent.

(a) *Applicability.* This section only applies to the certificate program.

(b) *Requirement.* Subsidized rent may only be adjusted as provided in this section.

(c) *Annual adjustments of subsidized rent*—(1) *Annual anniversary.* The subsidized rent may be adjusted on each annual anniversary date of the HAP contract. The annual adjustment of subsidized rent on the anniversary date is determined by the formula in paragraph (2).

(2) *Adjustment formula.* The adjusted subsidized rent is equal to the lesser of:

(i) The product of:

(A) The subsidized rent in effect on the anniversary date, multiplied by

(B) The applicable Section 8 annual adjustment factor (24 CFR part 888)

most recently published by HUD in the **Federal Register**. (For this purpose, subsidized rent in effect does not include any special adjustments previously approved by the HA).

(ii) The reasonable rent (as determined by the HA in accordance with § 982.502).

(iii) The amount requested by the owner.

(3) *Adjustment up or down.* The subsidized rent may be adjusted upward or downward, as determined by the adjustment formula.

(4) *Adjustment up at owner's request.* (i) The owner is not entitled to any upward adjustment of subsidized rent unless the dwelling unit meets the HQS, and the owner is in compliance with the terms of the lease and the HAP contract.

(ii) To receive an upward adjustment of the subsidized rent, the owner must request the annual adjustment in writing.

(iii) The subsidized rent will only be adjusted for housing assistance payments for months commencing after the HA receives the owner request, and will not be adjusted retroactively.

(iv) The annual adjustment with respect to any anniversary date must be requested by the next anniversary date.

(d) *Special adjustments*—(1) *Major, substantial and general cost increases.*

(i) A HA may make a special adjustment of the subsidized rent, if approved by HUD, to reflect major, substantial and general increases in actual and necessary costs of owning and maintaining the dwelling unit.

(ii) HUD may approve such special adjustment of the subsidized rent to cover major, substantial and general:

(A) Increases in real property taxes or special assessments.

(B) Increases of utility rates or costs of utilities not covered by regulated rates.

(C) Security costs.

(D) Other similar costs, as determined by HUD.

(2) *Expiration of real property tax exemption.* HUD must approve a special adjustment of the subsidized rent (if appropriations are available) if HUD determines such special adjustments are necessary to reflect increases in the actual and necessary expenses of owning and maintaining the unit that have resulted from the expiration of a real property tax exemption.

(3) *One-time costs.* (i) If a special adjustment is approved to cover temporary or one-time costs, the special adjustment is only a one-time increase of the subsidized rent. When granting approval of a special adjustment, HUD will specify whether the special adjustment is a one-time increase of the subsidized rent.

(ii) If the special adjustment is a one-time increase, the dollar amount of the special adjustment must be subtracted from the subsidized rent before application of the annual adjustment factor. A special adjustment for a one-time increase must be reapproved before the special adjustment is added to the newly adjusted subsidized rent. The special adjustment may only be reapproved, in whole or in part, if the HA and HUD determine that the special adjustment is necessary.

(4) *Adjustment for uncompensated costs.* A special adjustment of subsidized rent may only be approved to cover increases in these items which are not adequately compensated for by annual adjustments. The owner must submit financial statements which clearly support the increase to the HA.

(e) *Rent reasonableness limitation.* During the lease term, the subsidized rent must not exceed the reasonable rent. This rent reasonableness limitation applies to the determination of the initial subsidized rent, and also applies to annual adjustments and any special adjustments of the subsidized rent.

(f) *Unit in Section 236 or Farmers Home Administration (FmHA) Section 515 project.* For a dwelling unit in an insured or noninsured Section 236 project or a FmHA Section 515 project, the subsidized rent is the basic rent.

§ 982.507 Rental voucher program.

(a) *Applicability.* This section only applies to the voucher program.

(b) *Residual income.* At the time of lease approval, the family's residual income must be at least 50 percent of monthly adjusted income.

(c) *Housing assistance payment.* (1) The housing assistance payment is equal to the lesser of:

(i) The applicable payment standard minus 30 percent of the family's monthly adjusted income, or

(ii) The monthly rent to owner plus any utility allowance minus 10 percent of the family's monthly gross income.

(2) The monthly housing assistance payment is distributed as follows:

(i) The HA pays the owner the lesser of the housing assistance payment or the rent to owner.

(ii) If the housing assistance payment exceeds the rent to owner, the HA pays any balance of the housing assistance payment to the family or, with the consent of the family, to the utility suppliers.

(d) *Payment standard*—(1) *Payment standard amount.* (i) The payment standard is an amount used to calculate the monthly housing assistance payment.

(ii) Each payment standard amount is based on the published Section 8 existing housing fair market rent or any HUD-approved exception rent for the HA certificate program. The HA must establish a separate payment standard amount by unit size (zero-bedroom, one-bedroom, and so on) for each fair market rent area within its jurisdiction.

(2) *Payment standard schedule.* (i) The payment standard schedule is a list of the payment standard amounts for each unit size in a fair market rent area in the HA jurisdiction. A HA must adopt and maintain a payment standard schedule for each fair market rent area in the HA jurisdiction. A HA may only adopt a single payment standard schedule for each fair market rent area. Each payment standard schedule may have only one payment standard amount for each unit size in the fair market rent area.

(ii) Each payment standard amount for a unit size may not be more than the FMR/exception rent limit in effect when the payment standard amount is adopted by the HA.

(iii) The HA may adopt annual increases of payment standard amounts on the payment standard schedule so that families can continue to afford to lease units with assistance under the voucher program.

(iv) When revised Section 8 existing housing fair market rents are published for effect in the Federal Register and the FMR/exception rent limit is lower than the corresponding payment standard amount on the HA payment standard schedule, the HA must adopt a new payment standard amount which is not more than the revised FMR/exception rent limit.

(e) *When payment standard amount applies to a family.* To compute the housing assistance payment for a family, the HA must use:

(1) The payment standard amount on the HA payment standard schedule for:

(i) The fair market rent area in which the dwelling unit rented by the family is located, and

(ii) The unit size which equals to the family unit size under the HA occupancy policy.

(2) The payment standard amount in effect on the HA payment standard schedule at the most recent of:

(i) The effective date of the most recent regular reexamination.

(ii) When the family moves to another assisted unit, the commencement date of the initial lease term for the new unit.

(f) *Shopper's incentive. If the rent to owner for the unit* selected by the family is more than the payment standard, the housing assistance payment is not increased. If the rent to owner for the unit selected by the family is less than the payment standard, the housing

assistance payment is not decreased (but the assistance payment may not be more than the amount described in § 982.507(c)(1)(ii)).

§ 982.508 Tenant contribution.

(a) The tenant contribution is the portion of rent and utilities that is paid by the family. The tenant contribution is calculated by subtracting the amount of the housing assistance payment from the sum of the rent to owner plus any utility allowance.

(b) The HA may not use housing assistance payments or other program funds (including any administrative fee reserve) to pay any part of the tenant contribution. Payment of the tenant contribution is the responsibility of the family.

§ 982.509 Regular and interim examinations of family income and composition.

(a) The HA must reexamine family income and family size and composition at least annually. The reexamination must be in accordance with 24 CFR 813.109.

(b) At any time the family may request an interim determination of family income or composition because of any changes since the last determination, and the HA must determine, in accordance with polices in the administrative plan, whether a change should be made.

(c) At the effective date of a regular or interim reexamination, the HA must make appropriate adjustments in the housing assistance payment, tenant contribution and family unit size.

(d) On addition of any new family member, family income must include any income of such additional family member. The HA must conduct a reexamination to determine such additional income, and must make appropriate adjustments in the housing assistance payment, tenant contribution and family unit size.

§ 982.510 Utility allowance schedules.

(a) *General.* (1) The HA must establish and maintain a utility allowance schedule for all utilities (except telephone) and other services (e.g., garbage collection and tenant-supplied refrigerators and ranges).

(2) The utility allowance schedule is determined based on the typical cost of utilities and services paid by energy-conservative households which occupy housing of similar size and type in the same locality. In developing the schedule, the HA must use normal pattern of consumption for the community as a whole and current utility rates. (National average consumption data, with adjustments for local conditions, may be used if data from local sources are not available.)

(3) In establishing the utility allowance schedule, the HA must classify utilities according to the following general categories: heating; air-conditioning; cooking; other electric; water heating; water; and other services based on the practices in the community. For each of these categories, the utility allowance schedule must take into consideration unit size (by number of bedrooms), structure type (e.g., apartment, row- or town house, single-family detached, and manufactured housing) that are typical in the community.

(b) *HUD approval.* The HA must submit its initial utility allowance schedule to the HUD field office for review and approval. The HA must also submit any new categories of utility allowances that the HA wants to add to its utility allowance schedule. The submission must include supporting documentation. The HUD field office must promptly notify the HA of its approval or disapproval of the proposed utility allowance schedule.

(c) *Revisions.* A HA must review its schedule of utility allowances each year, and must revise its allowance for a utility category if there has been a change of 10 percent or more in the utility rate since the last time the utility allowance schedule was revised. The HA must maintain information supporting its annual review of utility allowances and any revisions made in its utility allowance schedule.

(d) *Use of utility allowance schedule.* (1) In determining the housing assistance payment, the HA uses the appropriate utility allowance for the size of dwelling unit actually leased by the family (rather than the family unit size as determined under the HA occupancy standards).

(2) In making adjustments of the housing assistance payment and tenant contribution at reexamination, the HA must use the HA current utility allowance schedule.

Subpart L—Family Obligations; Denial and Termination of Assistance

§ 982.551 Obligations of participant family.

(a) *Purpose.* This section states the obligations of a participant family under the program.

(b) *Supplying required information.* (1) The family must supply any certification, release, information, or documentation that the HA or HUD determines are necessary in the administration of the program, and information required for use by the HA in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements. For provisions on reexamination and computation of family income, see 24 CFR part 813.

(2) The family obligation includes the disclosure and verification of social security numbers (as provided by 24 CFR part 750) and the signing and submitting of consent forms for the obtaining of wage and claim information from state wage information collection agencies (as provided by 24 CFR part 760).

(c) *HQS breach caused by family.* The family is responsible for a breach of the HQS if the breach is caused by any of the following:

(1) The family's failure to pay for any utilities which the owner is not required to supply, but which are to be supplied by the tenant.

(2) The family's failure to supply any appliances which the owner is not required to supply, but which are to be supplied by the tenant. The lease must specify what appliances are to be supplied by the tenant. The tenant-supplied appliances must be in proper operating condition.

(3) Family-caused damage to the dwelling unit (other than damage from ordinary wear and tear).

(4) Vermin and rodent infestation that violates HQS sanitary condition requirements, where the violation is caused by trash accumulation from poor family housekeeping.

(d) *Allowing HA inspection.* The family must allow the HA to inspect the dwelling unit at reasonable times and after reasonable notice.

(e) *Notice of move.* The family must notify the HA and the owner before the family moves out of the dwelling unit.

(f) *Use and occupancy of unit.*

(1) The family must use the assisted dwelling unit for residence by the family. The dwelling unit must be the family's only residence.

(2) Members of the household may engage in legal profitmaking activities in the dwelling unit, but only if such activities are incidental to primary use of the dwelling unit for residence by members of the family, and if such activities are in accordance with local law.

(3) The composition of the assisted family residing in the dwelling unit must be approved by the HA. The family must promptly inform the HA of the birth or adoption of children. The family must request HA approval to add any other family member as an occupant of the unit.

(4)(i) If the HA has given consent, a foster child or a live-in aide may reside

in the dwelling unit. The HA may adopt reasonable policies concerning residence by a foster child or a live-in-aide, and defining when HA consent may be given or denied.

(ii) *Live-in aide* means a person who resides with an elderly, disabled or handicapped person and who:

(A) Is determined to be essential to the care and well-being of the person;

(B) Is not obligated for the support of the person; and

(C) Would not be living in the dwelling unit except to provide necessary supportive services.

(5) The family must not sublease or assign the lease or transfer the dwelling unit.

(g) *Interest in unit.* (1) The family must not own or have any interest in the dwelling unit.

(2) Modifications for certain special housing types: Assistance may be provided for a family residing in a cooperative, or to the owner of a manufactured home leasing a manufactured home space. In the case of shared housing, the owner may reside in the unit, but assistance may not be paid on behalf of the resident owner. See part M of this rule for provisions on leasing of cooperative units, manufactured home space or shared housing.

(h) *Fraud.* The family must not commit any fraud in connection with the programs.

(i) *Other housing assistance.* An assisted family, or members of the family, may not receive the benefit of section 8 tenant-based assistance while receiving the benefit of another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) Federal, State or local housing assistance program.

(j) *Crime by family members.* (1) *Drug crime.* The members of the family must not engage in either:

(i) Drug-trafficking, or

(ii) Felonious use or possession (other than use or possession for purpose of drug-trafficking) of a controlled substance. Such use or possession must have occurred within one year before the date that the HA provides notice to the family of the HA determination to deny or terminate assistance. The HA may not deny or terminate assistance for such use or possession by a family member, if the family member can demonstrate that he or she:

(A) Has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment; and

(B) Has recovered from such addiction and does not currently use or possess controlled substances.

(2) *Violent crime.* (i) The members of the family must not engage in violent criminal activity.

(ii) *Violent criminal activity* includes any felonious criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

(3) *Felony.* "Felonious" means that the criminal activity is classed as a felony under federal, State, or local law.

(4) *Evidence of criminal activity.* In determining whether to deny or terminate assistance based on drug-related criminal activity or violent criminal activity the HA may deny or terminate assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted.

(5) *HA discretion to consider circumstances.* (i) The HA has discretion to consider all of the circumstances in each case, including the seriousness of the offense, the extent of participation by family members, and the effects that denial or termination would have on family members not involved in the proscribed activity.

(ii)(A) In appropriate cases, the HA may permit the remaining members of the family to continue receiving assistance. The HA may impose, as a condition of continued assistance, a requirement that family members who have engaged in the proscribed activities will not reside in the unit.

(B) The HA may require a family member who has engaged in the illegal use of drugs to submit evidence of successful completion of a treatment program as a condition to being allowed to reside in the unit.

§ 982.552 HA denial or termination of assistance for family.

(a) *Action or inaction by family.* (1) This section states the grounds on which a HA may deny or terminate assistance for a family under the programs because of the family's action or failure to act. The provisions of this section do not affect denial or termination of assistance for grounds other than action or failure to act by the family.

(2) This section does not limit or affect exercise of the HA rights and remedies against the owner under the HAP contract, including termination or reduction of housing assistance payments, or termination of the HAP contract.

(b) *Grounds for denial or termination of assistance.* The HA may at any time deny or terminate program assistance for a family for any of the following grounds:

(1) If the family has violated any family obligations under the program (see § 982.551).

(2) If the family has committed any fraud in connection with any federal housing program.

(3) If the family currently owes rent or other amounts to the HA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.

(4) If the family has not reimbursed the HA or another HA for any amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

(5) If the family has breached an agreement with the HA to pay amounts owed to a HA; or amounts paid to an owner by a HA. (The HA, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a HA or amounts paid to an owner by a HA. The HA may prescribe the terms of the agreement.)

(6) If a family participating in the family self sufficiency program has failed to comply with the requirements under the family's FSS contract of participation.

(c) *Requirement to sign consent forms.* The HA must deny or terminate assistance if any member of the family, fails to sign and submit consent forms for the obtaining of wage and claim information from state wage information collection agencies, as provided by 24 CFR part 760.

§ 982.553 Informal hearing.

(a) *When hearing is required.* A HA must give a family an opportunity for an informal hearing to consider whether the following HA decisions relating to the individual circumstances of the family are in accordance with the law, HUD regulations and HA rules:

(1) A determination to deny or terminate assistance for a family under § 982.552, because of the family's action of failure to act.

(2) A determination of the family's annual or adjusted income, and the use of such income in computation of the housing assistance payment.

(3) A determination of the family unit size under the HA occupancy standards.

(4) A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the HA utility allowance schedule.

(5) A determination that a certificate program family is residing in a unit with a larger number of bedrooms than appropriate under the HA occupancy standards, or the HA determination to

deny the family's request for an exception from the standards.

(b) *When hearing is not required.* The HA is not required to provide family an opportunity for an informal hearing for any of the following:

(1) Discretionary administrative determinations by the HA.

(2) General policy issues or class grievances.

(3) A HA determination not to approve a dwelling unit or Lease.

(4) A HA determination that an assisted dwelling unit is not in compliance with HQS or that the owner has failed to provide all services, maintenance and utilities the owner is obligated to provide in accordance with the lease. (However, the HA must provide the opportunity for an informal hearing for a decision to deny or terminate assistance for a breach of the HQS caused by the family as described in § 982.551(c).)

(5) A HA determination that the dwelling unit is not in accordance with HQS because of the family size or composition.

(6) A determination by the HA to exercise any right or remedy against the owner under a HAP contract.

(c) *Notice to family.* (1) When the HA is required to provide a family the opportunity for an informal hearing on a HA decision, the HA must give the family prompt written notice that the family may request a hearing. Except for the HA determinations described in paragraph (c)(2) of this section, the notice must state:

(i) A brief statement of reasons for the decision,

(ii) If the family does not agree with the decision, the family may request an informal hearing on the decision, and

(iii) The deadline for the family to request an informal hearing.

(2) When the HA makes a determination concerning the family's annual or adjusted income, and the use of such income in computation of the hearing assistance payment, or determines the family unit size, the HA must notify the family that the family may ask for an explanation of the basis of the HA determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.

(d) *Termination of HAP contract payments.* If the HA has decided to terminate assistance on behalf of an assisted family and is required to give the family an informal hearing on the decision in accordance with this section, the family must be afforded the opportunity for the informal hearing before the HA terminates housing assistance payments on behalf of the family under an outstanding HAP contract.

(e) *Expeditious hearing process.* Where a hearing is required under this section, the HA must proceed with a hearing in a reasonably expeditious manner upon the request of the family.

(f) *Hearing procedures.* The HA must adopt written procedures for conducting informal hearings. The HA hearing procedures must comply with the following:

(1) The family must be given the opportunity to examine before the HA hearing any HA documents, including records and regulations, that are directly relevant to the hearing. The family must be allowed to copy any such document at the family's expense. If the HA does not make the document available for examination on request of the family, the HA may not rely on such document at the hearing.

(2) The hearing may be conducted by any person or persons designated by the HA, other than a person who made or approved the decision under review or a subordinate of this person.

(3) At its expense, the family may be represented by a lawyer or other representative.

(4) The person who conducts the hearing may regulate the conduct of the hearing in accordance with the HA hearing procedures.

(5) The HA and the family must be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

(6) The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the family.

(g) *Effect of decision.* The HA is not bound by a hearing decision:

(1) Concerning a matter for which the HA is not required to provide an opportunity for an informal hearing under this section, or that is otherwise in excess of the authority of the person conducting the hearing under the HA hearing procedures.

(2) Contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.

(3) If the HA determines that it is not bound by a hearing decision, the HA must promptly notify the family of the determination, and of the reasons for the determination.

Subpart M—Special Housing Types

§ 982.601 Purpose of this subpart.

(a) Subpart M states special program requirements for the following special housing types:

(1) Cooperative (including mutual housing).

(2) Independent group residence.

(3) Single room occupancy (SRO) housing.

(4) Congregate housing.

(5) Shared housing.

(6) Manufactured home.

(b) Except as modified by this subpart M, requirements in the other subparts of 24 CFR part 982 apply to the special housing types. Provisions in this subpart apply only to the special housing type specified in the title of each section.

Cooperative

§ 982.602 Cooperative housing.

(a) *Applicability.* This section applies to occupancy of cooperative housing.

(b) *Cooperative housing terms.* *Cooperative* (term includes mutual housing). Housing owned by a non-profit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing.

Lease. A written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's cooperative dwelling unit by the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the HA. (The occupancy agreement must meet all of the lease requirements under subpart G of this part.) For purposes of part 982, the cooperative is the "owner" of the dwelling unit, and the cooperative member is the "tenant".

(c) *When cooperative housing may be used.* The HA may provide assistance under the program for occupancy of a dwelling unit in cooperative housing if both of the following conditions are met:

(1) Any transfer of the occupant's interest in the dwelling unit (such as a sale of an occupant's share in a cooperative corporation) is controlled by a formula and requirements designed to ensure continued affordability of the cooperative to low-income families for at least fifteen years from commencement of the lease term. The formula and requirements must be adopted by the management of the cooperative.

(2) The HA determines that provision of such assistance under this part will

help maintain affordability of the cooperative housing for low-income families.

(d) *Rent to owner.* (1) The rent to owner is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative. The monthly carrying charge consists of the member's proportionate share of the debt service, operating expenses and necessary payments to reserve funds of the cooperative. The monthly carrying charges may not include downpayments or other amounts to purchase membership shares.

(2) The occupancy agreement/lease and other appropriate documents must provide that the monthly carrying charge is subject to Section 8 limitations on rent to owner.

Independent Group Residence (IGR)

§ 982.603 IGR: Terms.

IGR. Independent group residence.

Independent group residence (IGR). A dwelling unit for the exclusive residential use of two to twelve elderly, handicapped, or disabled persons (excluding any live-in aide), who are not capable of living completely independently and who require a planned program of continual supportive services.

Live-in aide means a person who resides with an elderly, disabled or handicapped person and who:

(1) Is determined to be essential to the care and well-being of the person;

(2) Is not obligated for the support of the person; and

(3) Would not be living in the dwelling unit except to provide necessary supportive services. A live-in aide may not be related by blood, marriage, or operation of law to any of the persons receiving Section 8 housing assistance.

Pro-rata portion. The ratio derived by dividing 1 (one) by the total number of occupants (assisted and unassisted) living in the IGR minus the number of live-in aides (up to one live-in aide for each assisted occupant), if any, living in the IGR. For example, if three Section 8 recipients and a live-in aide live in a four-bedroom unit, the pro-rata portion is 1/3.

Service agency. A public or private nonprofit organization that is recognized by the State as qualified to determine the supportive service needs of persons who will reside in an IGR. The service agency must identify and coordinate appropriate local, public or private resources to furnish these services and may provide all or a portion of the supportive services. The service agency may own or sublease an IGR.

Service agreement. A written agreement, approved by the State, between the owner (including an entity with the right to sublease) of an IGR and the service agency or other entities providing the supportive services to the occupants of an IGR. The agreement specifies the types and frequency of the supportive services to be furnished.

§ 982.604 IGR: Occupancy.

(a) *Who may reside in IGR.* (1) After receiving a certificate or voucher, an elderly, handicapped or disabled person may choose to reside in an IGR. IGR residents must be elderly, handicapped or disabled persons who cannot live independently, and require continual supportive services.

(2) Assisted IGR residents must not require continual medical or nursing care, must be ambulatory or not continuously confined to a bed, and must be capable of taking appropriate actions for their own safety in an emergency.

(b) *Live-in aide.* (1) The HA may permit an IGR resident to reside in the IGR unit with a live-in aide determined essential to the person's care and well-being. A live-in aide may not be related by blood, marriage, or operation of law to any person in the IGR unit who receives Section 8 housing assistance.

(2) The income of a live-in aide is not counted in determining family income or income eligibility.

(c) *Lease and HAP contract.* (1) A separate lease and HAP contract must be executed for each assisted person.

(2) An IGR lease must incorporate by reference or otherwise specify the supportive services to be provided in accordance with a written service agreement between the owner and the service agency or other entities providing the necessary supportive services. When there is no service agreement, the owner must provide the necessary supportive service, and the owner must be required to provide such services pursuant to the lease. The service agreement or owner agreement to provide the services must be approved in writing by the State before the HA executes the HAP contract.

§ 982.605 IGR: Rent and housing assistance payment.

(a) *Certificate and voucher programs: Rent to owner—Reasonable rent limit.* (1) The rent to owner for an assisted person may not exceed the pro-rata portion of the reasonable rent for the dwelling unit. The reasonable rent is determined in accordance with § 982.502.

(2) In determining the reasonableness of the rent to owner, consideration must be given to the presence or absence of common (rather than private) cooking, dining and sanitary facilities, and to the provision of special amenities or of maintenance or management services.

(b) *Certificate program: Exception rent/limit—Maximum subsidized rent and rent to owner.*—(1) *Maximum subsidized rent.* The sum of the initial subsidized rent plus any utility allowance may not exceed either:

(i) The pro-rata portion of the FMR/exception rent limit for the dwelling unit, or

(ii) The FMR/exception rent limit for the person's family unit size.

(2) *Maximum rent to owner.* Except for an excess rent tenancy, the sum of the initial rent to owner plus any utility allowance may not exceed the pro-rata portion of the FMR/exception rent limit for the dwelling unit.

(c) *Voucher program—Payment standard.* While the assisted person resides in an IGR, the payment standard for the person may not exceed the pro-rata portion of the payment standard amount for the dwelling unit size of the IGR unit where the person resides (rather than the payment standard amount for the family unit size under the HA occupancy policy). (§ 982.507(e)(1) is not applicable.)

§ 982.606 IGR: Utility allowance.

The utility allowance for an assisted person residing in an IGR is the pro-rata portion of the utility allowance for the dwelling unit where the person resides.

§ 982.607 IGR: Housing quality standards.

(a) *Applicable HQS standards.* The HQS in § 982.401 apply to IGRs. However, the standards in this section apply in place of § 982.401(b) (sanitary facilities), § 982.401(c) (food preparation and refuse disposal), § 982.401(d) (space and security), § 982.401(g) (structure and materials) and § 982.401(l) (site and neighborhood).

(b) *Additional performance requirements.* In addition, the following performance requirements also apply to IGR housing:

(1) *Sanitary facilities.* The dwelling unit must contain and have ready access to a flush toilet that can be used in privacy, a fixed basin with hot and cold running water, and a shower or tub equipped with hot and cold running water all in proper operating condition and adequate for personal cleanliness and the disposal of human waste. These facilities must utilize an –approvable public or private disposal system, and must be sufficient in number so that they need not be shared by more than

four occupants. Those units accommodating physically handicapped occupants with wheelchairs or other special equipment must provide access to all sanitary facilities, and must provide, as appropriate to the needs of the occupants, basins and toilets, of the appropriate heights; grab bars to toilets and to showers and/or bathtubs; shower seats; and adequate space for movement.

(2) *Kitchen facilities.* The unit must contain adequate space to store, prepare, and serve foods in a sanitary manner. A cooking stove or range, a refrigerator of appropriate size and in sufficient quantity for the number of occupants, and a kitchen sink with hot and cold running water must be present in proper operating condition. The sink must drain into an approvable private or public system. There must be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage where necessary.

(3) *Space and security.* The dwelling unit must provide the family adequate space and security. A living room, kitchen, dining area, bathroom, and other appropriate social, recreational or community space must be within the unit, and the unit must contain at least one bedroom of appropriate size for each two persons. Exterior doors and windows accessible from outside each unit must be lockable. An emergency exit plan must be developed and occupants must be apprised of the details of the plan. All emergency and safety features and procedures must meet applicable State and local standards.

(4) *Structure and material.* The unit must be structurally sound to avoid any threat to the health and safety of the occupants and to protect the occupants from the environment. Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other significant damage. The roof structure must be firm and the roof must be weathertight. The exterior or wall structure and exterior wall surface may not have any serious defects such as serious leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., must not present a danger of tripping or falling. Elevators must be maintained in safe and operating condition. Units accommodating physically handicapped occupants with wheelchairs and other special equipment may not contain architectural barriers that impede access or use, and handrails and ramps must be provided as appropriate.

(5) *Site and neighborhood.* The site and neighborhood must be reasonably free from disturbing noises and reverberations and other hazards to the health, safety, and general welfare of the occupants, and must not be subject to serious adverse environmental conditions, natural or manmade, such as very high crime rates, dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazards or mudslides; abnormal air pollution, smoke or dust; excessive noise, vibrations or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards. The unit must be located in a residential setting and be similar in size and appearance to housing generally found in the neighborhood, and be within walking distance or accessible via public and available private transportation to medical and other appropriate commercial and community service facilities.

(6) *Supportive Services.* (i) A planned program of adequate supportive service appropriate to the needs of the occupants must be provided on a continual basis by a qualified live-in aide residing in the unit, or other qualified person(s) not residing in the unit, who will provide these services on a continual, planned basis. Supportive services that are provided within the unit may include the following types of services: counseling; social services that promote physical activity, intellectual stimulation, or social motivation; training or assistance with activities of daily living, including housekeeping, dressing, personal hygiene, or grooming; provision of basic first aid skills in case of emergencies; supervision of self-administration of medications, diet, and nutrition; and assurance that occupants obtain incidental medical care, as needed, by facilitating the making of appointments at, and transportation to, medical facilities. Supportive services provided within the unit may not include the provision of continual nursing, medical, or psychiatric care.

(ii) The provision for and quality of the planned program of supportive services, including the minimum qualifications, quantity, and working hours of the live-in aide or other qualified person(s) providing supportive services, must be determined initially by the service agency in accordance with the standards established by the State. Compliance with these standards by the service agency must be monitored regularly throughout the term of the housing assistance payments contract by the HA and the State (e.g., Department of Human Resources, Mental Health, Mental Retardation, Social Services), or a local authority (other than the service agency providing services) designated by the State to establish, maintain, and enforce these standards.

(iii) A written service agreement, approved by the State and in effect between the owner and the service agency or the entities that provide the necessary supportive service, must be submitted to the HA with the request for lease approval. The lease between the eligible person and the owner must set forth the owner's obligation for and means of providing these services. If the owner provides the supportive services, a service agreement is not required and the provision of these services must be incorporated into the lease and must be approved by the State.

(iv) *State approval.* Independent group residences must be licensed, certified, or otherwise approved in writing by the State (e.g., Department of Human Resources, Mental Health, Retardation, Social Services, etc.) before the execution of the initial housing assistance payments contract. This approval must be reexamined periodically based on a schedule established by the State. To assure that facilities and the supportive services are appropriate to the needs of the occupants, the State also must approve the written service agreement (or lease, if the provider of services is the lessor) for each independent group residence.

Single Room Occupancy (SRO)

§ 982.608 SRO: Definition and eligibility.

(a) *Definition.* Single room occupancy housing means a unit that:

(1) Is located in a building with 13 or more dwelling units.

(2) Contains no sanitary facilities or food preparation facilities, or contains one but not both types of facilities.

(3) Is suitable for occupancy by an eligible person capable of independent living.

(b) *Additional criteria.* Single persons may use SRO housing only if:

(1) The property is located in an area in which HUD determines there is significant demand for SRO units.

(2) The HA and the unit of general local government in which the property is located approve the use of SRO units for this purpose; and

(3) The unit of general local government and the HA certify to HUD that the property meets applicable local health and safety standards for SRO housing.

(c) *Family unit size.* The family unit size for a single person is always a zero

VOL 58 ISS 35 FE 24 1993 UMI

or one bedroom. The single person may choose to rent a SRO unit.

§ 982.609 SRO: Rent and housing assistance payment.

(a) *SRO FMR/exception rent limit.* In a SRO, the FMR/exception rent limit is equal to 75 percent of:

(1) The 0-bedroom FMR, or

(2) If HUD has approved the use of a 0-bedroom exception rent limit for the FMR area, the HUD-approved 0-bedroom exception rent limit.

(b) *Voucher program; Payment standard.* While the assisted person resides in a SRO, the payment standard for the person may not exceed the SRO FMR/exception rent limit.

§ 982.610 Single room occupancy: Housing quality standards.

(a) *Application HQS standards.* The HQS in § 982.401 apply to SRO housing. However, the standards in this section apply in place of § 982.401(b) (sanitary facilities), § 982.401(c) (food preparation and refuse disposal), and § 982.401(d) (space and security).

(b) *Additional performance requirements.* In addition, the following performance requirements also apply to SRO housing:

(1) *Sanitary facilities.* Sanitary facilities, space and security characteristics must meet local code standards for single room occupancy housing. In the absence of applicable local code standards, the following standards shall be used:

(i) At least one flush water closet, lavatory, basin, and bathtub or shower, properly connected to a water and sewer system approved by the appropriate authority and in proper operating condition, must be supplied for each six persons or fraction of six persons residing in the SRO housing.

(ii) If SRO units are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. However, there must be at least one water closet.

(iii) Sanitary facilities must be reasonably accessible from a common hall or passageway to all persons sharing them. These facilities may not be located more than one floor above or below the SRO units.

(iv) Every lavatory basin and bathtub or shower stall must be supplied at all times with an adequate quantity of heated and unheated water under pressure.

(v) If the SRO has only bathrooms for use by the occupants of the SRO units, the bathrooms may not be located below grade unless the SRO units are located on that level.

(2) *Space and security.* (i) A SRO unit may be occupied by no more than one person.

(ii)(A) A SRO unit must contain at least one hundred ten square feet of floor space.

(B) A SRO unit must contain at least four square feet of closet space for each occupant (with an unobstructed height of at least five feet). If the closet space is lacking in whole or in part, space equal to the amount of the deficiency must be subtracted from the area of the habitable room space when determining the amount of floor space in the SRO (that is, the SRO unit must contain at least one hundred ten square feet of remaining floor space after subtracting the amount of the deficiency in minimum closet space).

(iii) Exterior doors and windows accessible from outside the SRO unit must be lockable.

(3) *Access.* (i) Access doors to a SRO unit must have locks for privacy in proper operating condition.

(ii) A SRO unit must have immediate access to two or more approved means of exit, appropriately marked, leading to safe and open space at ground level, and any means of exit required by State and local law.

(iii) The occupant must be able to access or exit from a SRO unit without passing through any other unit.

Congregate Housing

§ 982.611 Congregate housing: Definition and occupancy.

(a) *Congregate housing* means housing for elderly, handicapped, or disabled persons that meets the HQS for congregate housing.

(b) Assistance in congregate housing may only be provided for elderly, handicapped or displaced persons.

§ 982.612 Congregate housing: Rent and housing assistance payment.

(a) *Congregate housing FMR/exception rent limit.* In congregate housing, the FMR/exception rent limit is equal to:

(1) The 0-bedroom FMR, or

(2) If HUD has approved the use of a 0-bedroom exception rent limit for the FMR area, the HUD-approved 0-bedroom exception rent limit.

(b) *Voucher program: Payment standard.* While the assisted person resides in congregate housing, the payment standard for the person may not exceed the congregate housing FMR/exception rent limit.

§ 982.613 Congregate housing: Housing quality standards.

(a) *Applicable HQS standards.* The HQS in § 982.401 apply to congregate housing. However, the standards in this section apply in place of § 982.401(c) (food preparation and refuse disposal), and congregate housing is not subject to the requirement in § 982.401(d) that there must be adequate space for kitchen area.

(b) *Food preparation and refuse disposal—Additional performance requirements.*—In addition, the following performance requirements also apply to congregate housing:

(1) The unit must contain a refrigerator of appropriate size.

(2) The central dining facility and central kitchen must be located within the building or housing complex and be accessible to the occupants of the congregate units, and must contain suitable space and equipment to store, prepare, and serve food in a sanitary manner. The central dining facility and central kitchen must be used to provide a food service for the occupants, and which is not provided by the occupants. The facilities must be for the primary use of occupants of the congregate units and be sufficient in size to accommodate the occupants.

(3) There must be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage where necessary.

Shared Housing

§ 982.614 Shared housing: HA choice to include in HA tenant-based programs.

(a) In shared housing, an assisted family shares a dwelling unit (such as a house or an apartment) with the other resident or residents of the unit. After receiving a certificate or voucher, the family may choose to reside in shared housing. There is a separate HAP contract and lease for each assisted family that resides in shared housing.

(b) The HA has discretion to determine whether to include shared housing in its program, and to design the shared housing component to meet local needs.

§ 982.615 Shared housing: Definitions.

Common space. Space available for use by the assisted family and other occupants of the unit.

Private space. The portion of the dwelling unit that is for the exclusive use of an assisted family.

Pro-rata portion. The ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five-bedroom unit, the ratio would be ⅗. In the special case of

two persons sharing a one-bedroom unit, the ratio for each person is ½.

Shared housing. A dwelling unit occupied by two or more families capable of living independently, consisting of common space for shared use by the occupants of the units and (except in the case of a shared one-bedroom unit) separate private space for each assisted family.

§ 982.616 Shared housing: HA administration.

(a) *HA election.* A HA is not required to permit use of shared housing in its program. At any time, a HA may decide to change or discontinue shared housing in its program. However, the HA must continue to administer, in accordance with applicable requirements, any shared housing HAP contracts that the HA has executed.

(b) *Administrative plan.* (1) If the HA decides to permit shared housing in its program, or to change or discontinue shared housing, the HA must submit an amendment to its administrative plan for HUD approval.

(2) The administrative plan must state the HA policies for operating shared housing. The plan may not set aside vouchers or certificates for shared housing, or otherwise require a family to rent shared housing.

§ 982.617 Shared housing: Occupancy of a unit.

(a) *Who may share a dwelling unit with assisted family.* (1) Persons who are not assisted under this part 982 may reside in a shared housing unit.

(2) Except for a one-bedroom unit, an owner of a shared housing unit may reside in the unit, and a resident owner may enter into a HAP contract with the HA. However, housing assistance may not be provided on behalf of an owner. An assisted person may not be related to a resident owner.

(b) *Size of unit and family space.* The number of bedrooms in the private space of an assisted family must be the same as the family unit size (except in the case of two persons sharing a one bedroom unit). The HA may not approve a lease or execute a HAP contract for shared housing unless the unit, including the portion of the unit available for use by the assisted family under its lease, meets the housing quality standards.

§ 982.618 Shared housing: Rent and housing assistance payment.

(a) *Certificate and voucher programs: Reasonable rent.* The rent to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit. The reasonable rent is determined in accordance with § 982.502.

(b) *Certificate program: FMR/exception rent limit—subsidized rent and rent to owner.* (1) The sum of the initial subsidized rent plus any utility allowance may not exceed either:

(i) The pro-rata portion of the FMR/exception rent limit for the dwelling unit, or

(ii) The FMR/exception rent limit for the family unit size.

(2) *Maximum rent to owner.* Except for an excess rent tenancy, the sum of the initial rent to owner plus any utility allowance may not exceed the pro-rata portion of the FMR/exception rent limit for the dwelling unit.

(c) *Voucher program—Payment standard.* While the assisted family resides in shared housing, the payment standard for the family may not exceed the pro-rata portion of the payment standard amount for the dwelling unit size of the shared housing unit where the family resides (rather than the payment standard amount for the family unit size under the HA occupancy policy (§ 982.507(e)(1) is not applicable.)

§ 982.619 Shared housing: Utility allowance.

The utility allowance for an assisted family residing in shared housing is the pro-rata portion of the utility allowance for the dwelling unit where the person resides.

§ 982.620 Shared housing: HQS.

(a) *Applicable HQS standards.* (1) The HQS in § 982.401 apply to shared housing. However, the standards in this section apply in place of § 982.401(d) (space and security).

(2) The entire unit must comply with the HQS.

(b) *Facilities available for family.* The facilities available for the use of an assisted family in shared housing under the family's lease must include (whether in the family's private space or in the common space) a living room, sanitary facilities in accordance with § 982.401(b), and food preparation and refuse disposal facilities in accordance with § 982.401(c).

(c) *Space and security.* (1) Inapplicability of § 982.401(d) (space and security). Section 982.401(d) does not apply to shared housing.

(2) *Performance requirement.* (i) The entire unit must provide adequate space and security for all its occupants (whether assisted or unassisted). The total number of occupants in the unit may not exceed 12 persons.

(ii) Each unit must contain private space containing at least one bedroom for each assisted family, plus common space for shared use by the occupants of the unit. The private space for each assisted family must contain at least one bedroom for each two persons in the family. (The two preceding sentences do not apply to the case of two persons sharing a one-bedroom unit. However, in that situation, no other persons may occupy the unit.) Common space must be appropriate for shared use by the occupants.

(iii) If any member of the family is physically handicapped (at the time of lease approval), the unit's common space and the family's private space must be accessible and usable by any such family member.

(3) *Acceptability criteria.* The unit must contain a living room, a kitchen, bathrooms(s), and bedroom(s). Persons of opposite sex, other than husband and wife or very young children, may not be required to occupy the same bedroom. Exterior doors and windows accessible from outside the unit must be lockable.

Manufactured Home

§ 982.621 Manufactured home: Applicability of requirements.

(a) The PHA may provide tenant-based assistance under the programs for a family to occupy a manufactured home. Assistance may be provided both:

(1) For a family that leases both the manufactured home and the manufactured home pad, or

(2) For a family that owns the manufactured home and leases only the manufactured home pad.

(b) The requirements in §§ 982.622 to 982.623 apply when assistance is provided to a family occupying a manufactured home.

(c) Sections 982.624 to 982.628 only apply when assistance is provided to a manufactured home owner to lease a manufactured home pad.

§ 982.622 Manufactured home: Definition.

Manufactured home. A structure, with or without a permanent foundation, that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the housing quality standards.

§ 982.623 Manufactured home (General): Housing quality standards.

A manufactured home must meet all the HQS performance and acceptability standards in § 982.401. In addition, a manufactured home must meet the following:

(a) *Performance requirement.* A manufactured unit must be placed on the site in a stable manner and must be free from hazards such as sliding or wind damage.

(b) *Acceptability criteria.* A manufactured home must be securely anchored by a tie-down device that distributes and transforms the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

Manufactured Home Pad Rental

§ 982.624 Manufactured home pad rental: Applicability.

Sections 982.625 to 982.628 only apply when assistance is provided to a family that owns a manufactured home and leases only the manufactured home pad.

§ 982.625 Manufactured home pad rental: definitions.

Amortization payment. The monthly debt service payment by the family to amortize the purchase price of the manufactured home.

Manufactured home pad. The space that is leased by an owner to a family, on which a manufactured home owned and occupied by the family is located.

Rent to owner. The monthly rent to an owner for rental of a manufactured home pad to a family.

Set-up charges. Charges payable by family for assembling, skirting and anchoring the manufactured home.

Utility hook-up charges. Costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical and sewer lines.

§ 982.626 Manufactured home pad rental: Fair market rent.

(a) HUD will establish separate FMRs for rental of manufactured home pads. The FMRs are published in the **Federal Register** in accordance with 24 CFR part 888.

(b) The FMR for a manufactured home pad is based on the rent which would be required to be paid in order to obtain a privately owned, decent, safe and sanitary manufactured home pad of a modest nature. This rent includes all maintenance and management services necessary for decent, safe and sanitary housing, such as maintenance of utility lines, and maintenance of roads, walkways and other common areas and facilities, but does not include the costs of utilities and trash collection for the manufactured home.

§ 982.627 Manufactured home pad rental: Rent and housing assistance payment.

(a) *Rent to owner for rental of manufactured home pad*—(1) *What is included.* (i) Rent to owner for rental of a manufactured home pad includes payment for maintenance and management services provided by the owner in accordance with the lease.

(ii) Rent to owner does not include the costs of utilities and trash collection for the manufactured home. However, the owner may charge the family a separate fee for the cost of utilities or trash collection provided and paid for by the owner.

(2) *Reasonable rent.* During the term of the assisted lease, the rent to owner may not exceed a reasonable rent. For this purpose, "reasonable rent" means that the rent to owner for rental of the manufactured home pad does not exceed any of the following:

(i) Rent charged for comparable pads in the private unassisted market.

(ii) Rents charged by the owner for comparable unassisted pads.

(iii) Rents charged by the owner for comparable pads in the same manufactured housing park.

(b) *Certificate program.* (1) Paragraph (b) only applies to rental of a manufactured home pad under the certificate program.

(2) The initial subsidized rent for the manufactured home pad may not exceed the lesser of (i) and (ii):

(i) The existing housing FMR for manufactured home pads.

(ii) The FMR/exception rent limit for the family unit size.

(3) The initial subsidized rent for a manufactured home pad may not exceed the existing housing FMR for manufactured home pads.

(4) During the assisted tenancy, the amount of the monthly housing assistance payment is equal to the lesser of (i) and (ii):

(i) The amount obtained by subtracting the total tenant payment from the sum of:

(A) The amortization payment.

(B) The utility allowance; and

(C) The subsidized rent for the manufactured home pad.

(ii) The subsidized rent for the manufactured home pad.

(5) §§ 982.503(b)(2) and 982.504 are not applicable.

(c) *Voucher program.* (1) Paragraph (c) only applies to rental of a manufactured home pad under the voucher program.

(2) The amount of the housing assistance payment is equal to the lesser of (i) and (ii):

(i) An amount obtained by subtracting 30 percent of the family's monthly adjusted gross income from the sum of:

(A) The amortization cost.

(B) The utility allowance; and

(C) The payment standard for the manufactured home pad; and

(ii) The rent to owner for the manufactured home pad minus 10 percent of the family's monthly gross income.

(3) Section 982.507(c) and (e) are not applicable.

(d) *Amortization payment.* (1) The amortization payment may include debt service to amortize costs (other than furniture costs) included in the purchase price of the manufactured home. The debt service includes the payment for principal and interest on the loan. The debt service amount must be reduced by 15 percent to exclude debt service to amortize the cost of furniture, unless there is evidence that furniture was not included in the purchase price.

(2) The amount of the amortization cost is the debt service established at time of application to a lender for financing purchase of the manufactured home. Any increase in debt service due to refinancing after purchase of the home is not included in the amortization cost.

(3) Debt service for set-up charges incurred by a family that relocates its home may be included in the monthly amortization payment made by the family. In addition, set-up charges incurred before the family became an assisted family may be included in the amortization cost if monthly payments are still being made to amortize such charges.

(e) *Annual income.* In determining annual income, the value of equity in the manufactured home owned by the assisted family, and in which the family resides, is not counted as a family asset.

§ 982.628. Manufactured homes pad rental: Schedule of utility allowances.

Utility allowances must be established for manufactured home pad rental. Allowances must include a reasonable amount, for the first twelve months of the initial lease term only, to assist the family in defraying utility hook-up charges payable by the family if the family actually incurs the expenses because of a move. Allowances for utility hook-up charges do not apply to families leasing the manufactured home pad in place. Utility allowances for manufactured home pad must not cover costs payable by a family to cover the digging of a well or installation of a septic system.

Dated: February 8, 1993.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 93–4003 Filed 2–23–93; 8:45 am]

BILLING CODE 4210–33–M

VOL
58
ISS
35
FE
24
1993
UMI

Reade

INFORMATIO

Federal Regi

Index, finding
Public inspec
Corrections to
Document dra
Machine read

Code of Fede

Index, finding
Printing sched

Laws

Public Laws U
Additional in

Presidential D

Executive ord
Public Papers
Weekly Comp

The United St

General inform

Other Service

Data base and
Guide to Reco
Legal staff
Privacy Act C
Public Laws U
TDD for the h

FEDERAL RI

6601–6678.....
6679–6874.....
6875–7046.....
7047–7184.....
7185–7476.....
7477–7714.....
7715–7860.....
7861–7952.....
7953–8200.....
8201–8516.....
8517–8690.....
8691–8892.....
8893–9106.....
9107–9516.....
9517–10936.....
10937–11184...
11185–11360...

Reader Aids

Federal Register

Vol. 58, No. 35

Wednesday, February 24, 1993

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection desk	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

6601–6678.....1
6679–6874.....2
6875–7046.....3
7047–7184.....4
7185–7476.....5
7477–7714.....8
7715–7860.....9
7861–7952.....10
7953–8200.....11
8201–8516.....12
8517–8690.....16
8691–8892.....17
8893–9106.....18
9107–9516.....19
9517–10936.....22
10937–11184.....23
11185–11360.....24

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive orders:
12837.....8205
12838.....8207
12839.....8515
12800 (Revoked by EO 12836).....7045
12818 (Revoked by EO 12836).....7045
12836.....7045

Administrative Orders:

Memorandums:
January 22, 1993.....7455
January 22, 1993.....7457
January 22, 1993.....7459
January 29, 1993.....8201
February 3, 1993.....8203

Proclamations:
6527.....7477
6528.....8691
6529.....10937

5 CFR

Proposed Rules:
410.....8912
970.....7052

7 CFR

52.....7607, 11185
301.....8517, 8820, 11099
318.....7953
319.....8524
907.....7964
908.....7964
911.....8533
915.....7972, 8533
916.....8534
918.....8209
925.....6893
927.....8536
932.....8538
948.....8539
1097.....6679
1099.....6679
1106.....8894
1209.....8194
1477.....9107
1478.....9107

Proposed Rules:
52.....7296
275.....7296
283.....7296
907.....8912
908.....8912
932.....8558
1001.....10993
1002.....10993
1106.....8559
1139.....7996

9 CFR

161.....8820

Proposed Rules:
317.....8560
381.....8560

10 CFR

19.....7715
20.....7715, 11290
30.....7715
36.....7715
40.....7715
51.....7715
70.....7715
170.....7715
455.....9424

Proposed Rules:
20.....8560
30.....6730
40.....6730
50.....6730, 7757
70.....6730
72.....6730
150.....9552

11 CFR

201.....6875

12 CFR

203.....6601
207.....6602
208.....7973
220.....6602
221.....6602
224.....6602
225.....7973
268.....9517
303.....8210
325.....8220
506.....11186
509.....11186
516.....11186
528.....11186
541.....11186
543.....11186
545.....11186
552.....11186
556.....11186
558.....11186
559.....11186
561.....11186
563.....11186
563b.....11186
563e.....11186
567.....11186
571.....11186
579.....11186
580.....11186
607.....10939
611.....6604, 10945
612.....6605
615.....10945

618.....10939
625.....10945
627.....10945
796.....6605
1605.....8220
Proposed Rules:
205.....8714
208.....8007
225.....8007
Ch. III.....6903
900.....8563

13 CFR

121.....7479, 9112, 9113
Proposed Rules:
121.....9131

14 CFR

21.....8222
23.....8222
33.....6875
39.....6703–6707, 6877–6881, 7185, 7479–7482, 7737, 7861, 7862, 7982, 7983, 8224, 8693, 9113–9115, 9117, 11186, 11188, 11190
71.....6709, 6884–6886, 7179, 7484, 7738, 8896
73.....6884
95.....6887
97.....6709, 6712, 7485, 7746, 10945, 10947
Proposed Rules:
Ch. I.....8244, 8719
23.....10994
39.....6740, 6742, 6743, 6745, 6746, 6906, 7196, 7494, 7495, 7759, 8719, 8721, 8723, 8914, 8916, 9131, 9133, 9552
61.....7197, 9514
63.....7197
65.....7197
71.....6911, 8244, 8724, 8725, 9134
93.....7950
121.....7197, 8917
129.....8917
135.....7197
142.....9514
300.....7040
399.....7053

15 CFR

Proposed Rules:
1200.....8564

16 CFR

4.....7047
Proposed Rules:
Ch. II.....8013, 8016, 8020, 8023
305.....7852
307.....10997
1210.....8565

17 CFR

1.....10949
4.....8226
30.....10953
140.....6677
145.....7040
150.....6854
200.....8541
270.....7984
Proposed Rules:
1.....6748, 7056
3.....6748
10.....6748
145.....6748

18 CFR

3c.....7486
154.....7984
157.....6893
365.....8897
381.....7488, 8897
385.....7984

19 CFR

Proposed Rules:
10.....6677

20 CFR

416.....9597

21 CFR

73.....9539
177.....8820
520.....7864, 8541
522.....8542
1308.....7186

23 CFR

140.....6713
Proposed Rules:
625.....6914

24 CFR

207.....9541
770.....8186
882.....8186
889.....8186
890.....8186
941.....8186
Proposed Rules:
770.....8187
813.....11292
882.....8187, 11292
887.....11292
889.....8187
890.....8187
941.....8187
982.....11292

25 CFR

501.....8449
515.....8449
519.....8449
522.....8449
523.....8449
524.....8449
531.....8449
533.....8449
535.....8449
537.....8449
539.....8449
556.....8449
558.....8449
571.....8449
573.....8449
575.....8449
577.....8449

26 CFR

1.....6678, 7041, 7296, 7747, 7865, 7987, 7988, 8098, 9245, 11099
602.....6678, 7987, 7988, 9245
Proposed Rules:
1.....6854, 6922, 6923, 7179, 7497, 7845, 8027, 9553, 9597, 10997, 11290
26.....6854, 7497
31.....8726
52.....8099
301.....6854, 7497, 7761, 8098, 9597

27 CFR

Proposed Rules:
9.....8726, 11290

29 CFR

2616.....6605
2617.....6605
2619.....8230
2676.....8231
Proposed Rules:
103.....7199, 10997
402.....9418
403.....9418
2619.....7921
2676.....7921

30 CFR

77.....8543
218.....8907
254.....7489
701.....8655
785.....8655
Proposed Rules:
14.....8028
18.....8028
75.....8028, 9554
870.....7761, 8655

31 CFR

103.....7047
Proposed Rules:
357.....9134

32 CFR

201.....7865
592.....6715
606.....6715
608.....6715
612.....6715
616.....6715
706.....8694, 11191

33 CFR

1.....8884
3.....6716
100.....7492, 8543, 9118
110.....9543
117.....6717, 11192
148.....11192
150.....7330
154.....7330
155.....7376
165.....8543, 9543
334.....6718
Proposed Rules:
117.....6766, 6767, 7497, 7498
154.....8918
155.....8918
165.....7500
334.....6768

34 CFR

8.....7860
305.....9462
682.....9119
Proposed Rules:
300.....7938
361.....8688, 9458
608.....11158
609.....11158
628.....11162
770.....11166

36 CFR

Proposed Rules:
1191.....6924

37 CFR

301.....8655
304.....7051, 8820
311.....8655
201.....9544

38 CFR

1.....7296
Proposed Rules:
4.....11099

39 CFR

Proposed Rules:
111.....8921
3001.....6769

40 CFR

2.....7187
52.....6606, 8545, 10957–10982
58.....8252
60.....7189
82.....8136, 8820
86.....9468
122.....9404
123.....9404
168.....9062
169.....9062
180.....6893, 8695–8699
232.....8172
233.....8172
257.....9148
260.....8658
261.....6854
264.....8658
265.....8658
266.....6607
268.....8658
270.....8658
271.....6854, 7865, 8232, 8658, 9120
280.....9026
281.....6894
300.....7189, 7492
305.....7704
403.....9248
501.....9404
503.....9248
721.....7190
Proposed Rules:
Ch. I.....6609, 7501, 8565, 9554
51.....11110
52.....7762, 8245, 8247, 8565, 10998, 11200
54.....7870
63.....11201
81.....7762
86.....11202
112.....8824
144.....7924, 8028
180.....8728, 8729
191.....7924, 8028
194.....8029
228.....10999
260.....8102
261.....6925, 8102, 8504
262.....8102
264.....8102
265.....
268.....
270.....
273.....
372.....
700.....
720.....
721.....
723.....
763.....

41 CFR

302–11.....

42 CFR

59.....
435.....
436.....
440.....
Proposed Rule
59.....
417.....
434.....
1003.....

43 CFR

Public Land O
6956.....
6957.....

44 CFR

64.....
65.....
67.....
Proposed Rule
67.....

45 CFR

303.....
1626.....
Proposed Rule
1607.....
1609.....

46 CFR

525.....
530.....

265.....8102
268.....8102
270.....8102
273.....8102
372.....6609, 11002
700.....7646
720.....7661
721.....7676
723.....7646, 7679
763.....8926

41 CFR

302–11.....8547

42 CFR

59.....7462
435.....9120
436.....9120
440.....9120

Proposed Rules:

59.....7464
417.....8568
434.....8568
1003.....8568

43 CFR

Public Land Order:

6956.....6719
6957.....7867

44 CFR

64.....9121, 11193
65.....8551–8553
67.....8549

Proposed Rules:

67.....8568

45 CFR

303.....7040
1626.....6608

Proposed Rules:

1607.....6611
1609.....6612

46 CFR

525.....10983
530.....10983
571.....7190
586.....7988

Proposed Rules:

315.....9135
502.....7199
505.....7199
510.....7199
514.....7501
540.....7199

47 CFR

0.....9123
1.....6895, 8701, 9128
13.....9123
61.....7867, 8908
64.....11195
69.....7867, 8908, 9550
73.....7194, 7195, 7869, 8233–8235, 11196, 11197
76.....7990

Proposed Rules:

Ch. I.....6937, 7062, 8248, 8927, 8928
1.....8731
2.....6769, 8731
15.....6769, 7205
43.....7764
64.....9137, 11195
69.....11203
73.....6677, 7874, 7875, 8248, 11196, 11197
76.....7205, 7875
88.....8731
90.....8731
94.....8731

48 CFR

Ch. 20.....8449
552.....8235
701.....8701
706.....8701
716.....8701
719.....8701
726.....8701
733.....8701
752.....8701
925.....8909
952.....8909

Proposed Rules:

Ch. 53.....6771

49 CFR

1.....6896–6898
9.....6719
107.....10985
171.....6864, 10985
172.....6864, 8820
173.....6864
174.....6864
176.....6864
198.....10985
229.....6899
390.....6726
394.....6726
665.....10989
1002.....7748
1017.....7748
1018.....7748
1312.....7748
1313.....7748
1314.....7748

Proposed Rules:

40.....7197, 7506
199.....7197
213.....8928
217.....7197
219.....7197
350.....7197
382.....7197
383.....7197
391.....7197
392.....6937, 7197
395.....6937, 7197
531.....6939
571.....7206, 7506, 11003, 11009
572.....7506
611.....6948
653.....7197
654.....7197
1039.....8030
1056.....6912
1180.....6612

50 CFR

17.....8235
217.....8554
227.....8554
611.....8703
625.....8557
642.....10990, 11198
650.....7040
652.....11198
675.....7040, 8703–8712, 9129, 11199

Proposed Rules:

17.....8032, 8249, 8250
226.....7206
301.....9138
663.....7525
672.....6677

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last List February 11, 1993

ELECTRONIC BULLETIN BOARD

Free **Electronic Bulletin** Board service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920

VOL
58
ISS
35
FE
24
1993
UMI

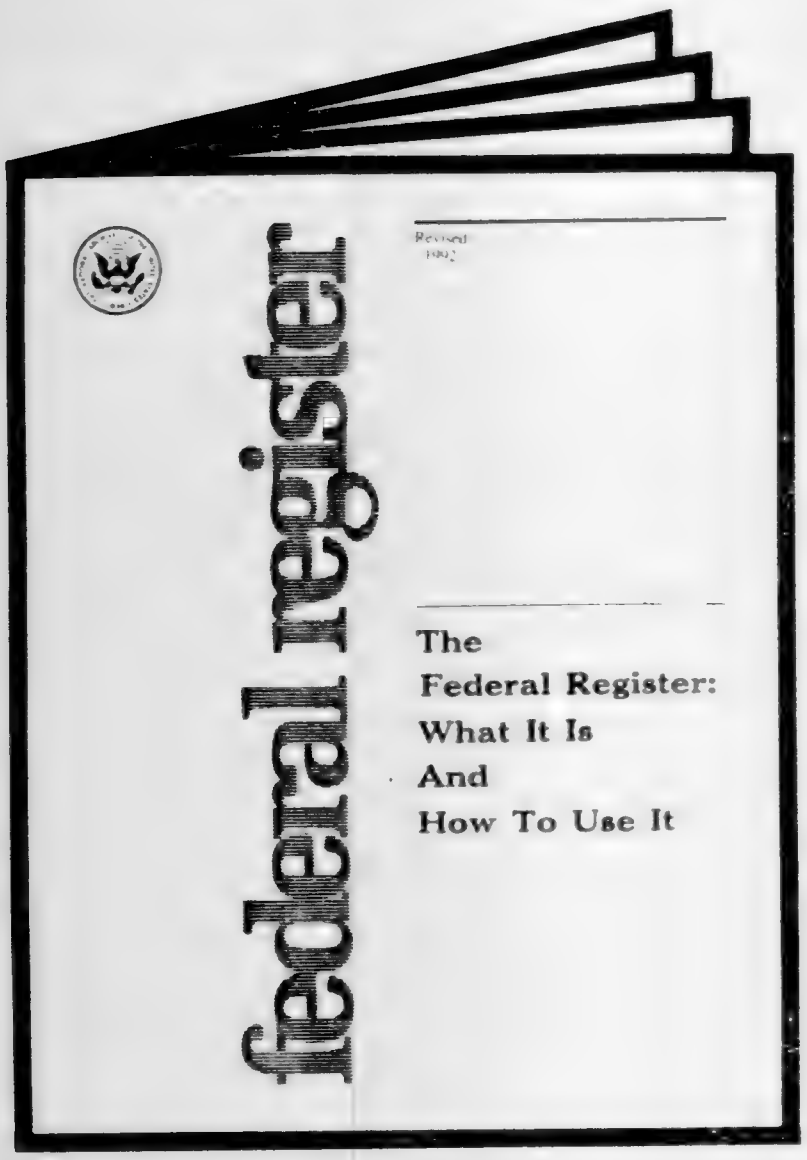

Announcing the Latest Edition

The Federal Register: What It Is and How to Use It

A Guide for the User of the Federal Register—Code of Federal Regulations System

This handbook is used for the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide guidelines for using the *Federal Register* and related publications, as well as an explanation of how to solve a sample research problem.

Price $7.00

Superintendent of Documents **Publications** Order Form

Order processing code:
*6173

☐ **YES**, please send me the following:

Charge your order. It's Easy!
To fax your orders (202)-512-2250

_____ copies of **The Federal Register-What It Is and How To Use It**, at $7.00 per copy. Stock No. 069-000-00044-4

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

_____
(Company or Personal Name) (Please type or print)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

_____
(Daytime phone including area code)

_____
(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐☐–☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐ (Credit card expiration date)

Thank you for your order!

_____
(Authorizing Signature)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

federal register
or processing co
YES, p
_____ cop
The total cost of
prices include re
Type or Print
Company or person
additional address/
(Street address)
City, State, ZIP Cod
)
Daytime phone incl
Mail To: New Orde

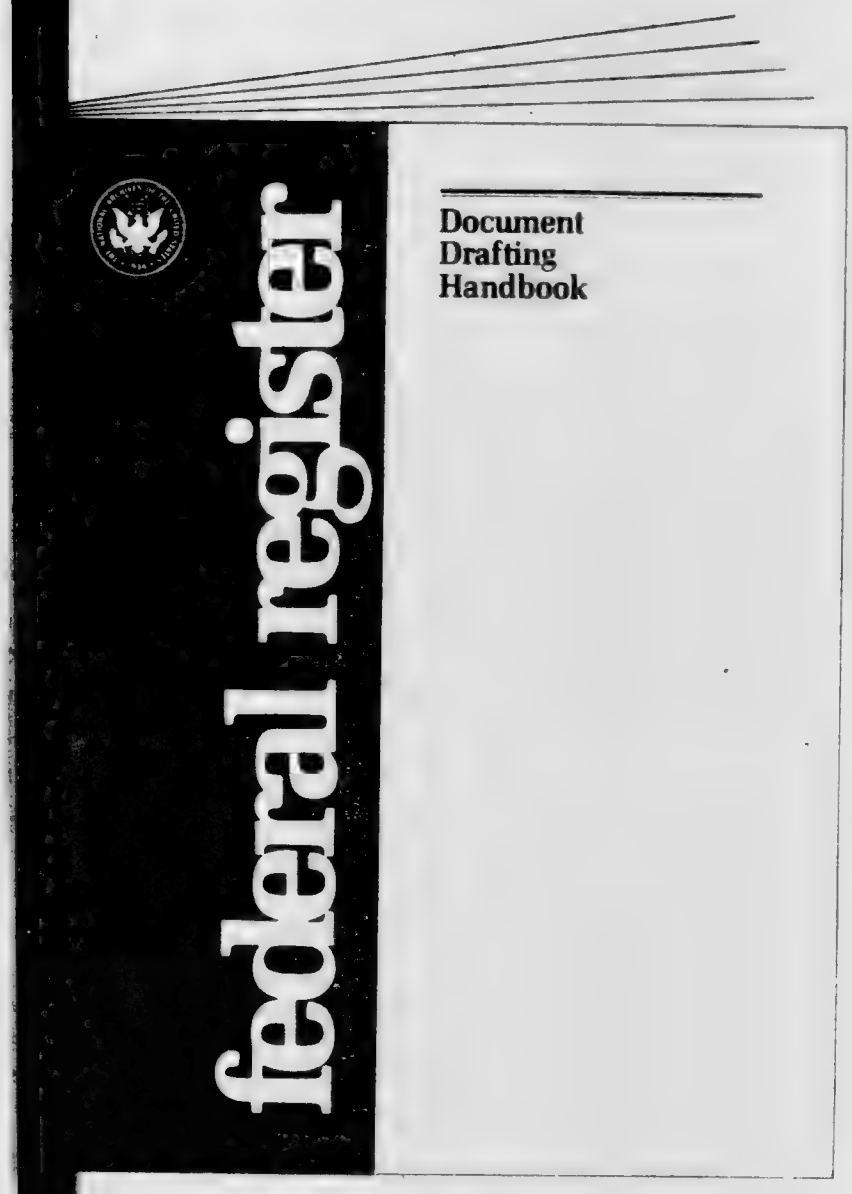

Federal Register Document Drafting Handbook

A Handbook for Regulation Drafters

This handbook is designed to help Federal agencies prepare documents for publication in the Federal Register. The updated requirements in the handbook reflect recent changes in regulatory development procedures, document format, and printing technology.

Price $5.50

Superintendent of Documents Publication Order Form

or processing code: *6133

Charge your order. It's easy!

To fax your orders and inquiries—(202) 512-2250

☐ **YES,** please send me the following indicated publications:

_____ copies of **DOCUMENT DRAFTING HANDBOOK at $5.50 each.** S/N 069-000-00037-1

The total cost of my order is $_____ Foreign orders please add an additional 25%. Prices include regular domestic postage and handling and are subject to change.

Please Type or Print

(Company or personal name)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(_____) _____

(Daytime phone including area code)

3. Please choose method of payment:

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

(Credit card expiration date)

Thank you for your order!

(Signature)

(Rev 12/91)

Mail To: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954

May we make your name/address available to other mailers? ☐ ☐

P.O. Box 371954, Pittsburgh, PA 15250-7954

VOL
58

ISS
35

FE
24

1993

UMI

Would you like to know...

if any changes have been made to the Code of Federal Regulations or what documents have been published in the Federal Register without reading the Federal Register every day? If so, you may wish to subscribe to the *LSA (List of CFR Sections Affected)*, the *Federal Register Index*, or both.

LSA • List of CFR Sections Affected

The LSA (List of CFR Sections Affected) is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. The LSA is issued monthly in cumulative form. Entries indicate the nature of the changes—such as revised, removed, or corrected.
$21.00 per year

Federal Register Index

The index, covering the contents of the daily Federal Register, is issued monthly in cumulative form. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.
$19.00 per year

A finding aid is included in each publication which lists Federal Register page numbers with the dates of publication in the Federal Register.

Superintendent of Documents Subscriptions Order Form

*5351

Charge your order. It's easy! MasterCard VISA

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please send me the following indicated subscriptions:

☐ LSA • List of CFR Sections Affected—one year as issued—$21.00 (LCS)

☐ Federal Register Index—one year as issued—$19.00 (FRSU)

1. The total cost of my order is $_____ All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____) _____
(Daytime phone including area code)

3. **Please choose method of payment:**

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

(Rev. 10/92)

4. **Mail To:** Superintendent of Documents, Government Printing Office, Washington, DC 20402-9371

15250-7954

VISA

e GPO order
to 4:00 p.m.
olidays)

change.

uments
-

ur order!

Rev. 10/92)

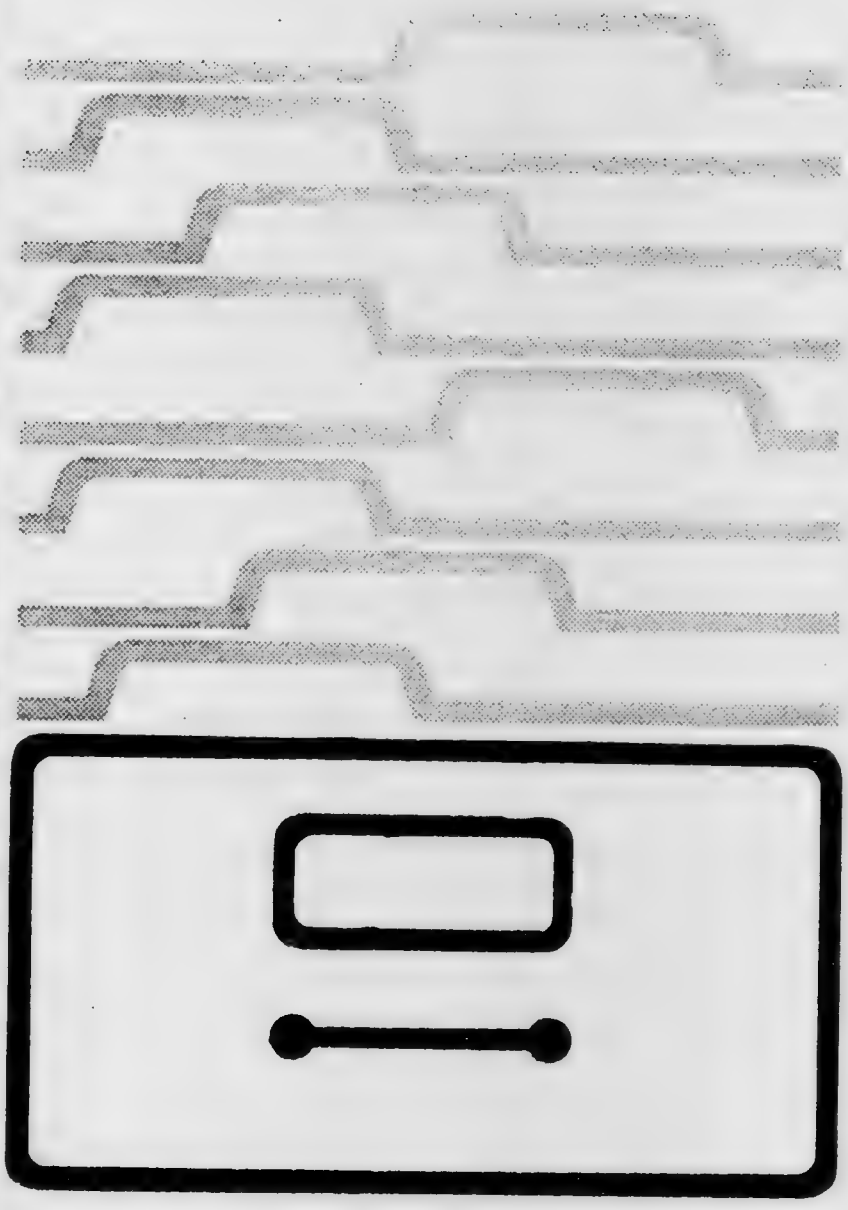

Guide to Record Retention Requirements

in the Code of Federal Regulations (CFR)

GUIDE: Revised January 1, 1992

The GUIDE to record retention is a useful reference tool, compiled from agency regulations, designed to assist anyone with Federal recordkeeping obligations.

The various abstracts in the GUIDE tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The GUIDE is formatted and numbered to parallel the CODE OF FEDERAL REGULATIONS (CFR) for uniformity of citation and easy reference to the source document.

Compiled by the Office of the Federal Register, National Archives and Records Administration.

Superintendent of Documents **Publications** Order Form

Order Processing Code:
*

P3

Charge your order. It's Easy! VISA

To fax your orders (202) 512-2250

☐ **YES**, please send me the following:

_____copies of the 1992 GUIDE TO RECORD RETENTION REQUIREMENTS IN THE CFR
S/N 069-000-00046-1 at $15.00 each.

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

(Company or Personal Name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(Daytime phone including area code)

(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐☐ - ☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date) *Thank you for your order!*

(Authorizing Signature)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

VOL
58
ISS
35
FE
24
1993
UMI

FEDERAL REGISTER SUBSCRIBERS: IMPORTANT INFORMATION ABOUT YOUR SUBSCRIPTION

After 6 years without an adjustment, it has become necessary to increase the price of the **Federal Register** in order to begin recovering the actual costs of providing this subscription service. Effective October 1, 1992, the price for the **Federal Register** will increase and be offered as follows:

(1) FEDERAL REGISTER COMPLETE SERVICE—Each business day you can continue to receive the daily **Federal Register**, plus the monthly **Federal Register Index** and **Code of Federal Regulations List of Sections Affected (LSA)**, all for **$415.00** per year.

(2) FEDERAL REGISTER DAILY ONLY SERVICE—With this subscription service, you will receive the **Federal Register** every business day for **$375.00** per year.

HOW WILL THIS AFFECT YOUR CURRENT SUBSCRIPTION?

You will receive your current complete **Federal Register** service for the length of time remaining in your subscription.

AT RENEWAL TIME

At renewal time, to keep this important subscription coming—you can continue to receive the complete **Federal Register** service by simply renewing for the entire package, or you can select and order only the parts that suit your needs:

- renew your entire **Federal Register Service** (complete service)

or select. . .

- the daily only **Federal Register** (basic service)
- and complement the basic service with either of the following supplements: the monthly **Federal Register Index** or the monthly **LSA**

When your current subscription expires, you will receive a renewal notice to continue the complete **Federal Register** service. At that time, you will also receive an order form for the daily **Federal Register** basic service, the **Federal Register Index**, and the **LSA**.

To know when to expect the renewal notice, check the top line of your subscription mailing label for the month and year of expiration as shown in this sample:

A renewal notice will be sent approximately 90 days before the end of this month.

```
A FR SMITH212J                    DEC 92   R
JOHN SMITH
212 MAIN ST
FORESTVILLE      MD   20747
```

May we make your name/address available to other mailers? ☐ ☐

P.O. Box 371954, Pittsburgh, PA 15250-7954

ederal

ntinue
Code

e, you

aining

the
elect

thly

e daily

g label

VOL
58

ISS
35

FE
24

1993

UMI

Printed on recycled paper

VOL
58

ISS
36

FE
25

1993

UMI

U·M·I

THE PAPER AND INK USED IN THE ORIGINAL MATERIAL AFFECT THE QUALITY OF THE MICRO-EDITION. THIS REPRODUCTION IS MADE FROM THE BEST COPY AVAILABLE.

2–25–93
Vol. 58

United S
Governm
Printing
SUPERINTEN
OF DOCUME
Washington,

OFFICIAL BU
Penalty for p

2–25–93
Vol. 58 No. 36

federal register

Thursday
February 25, 1993

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 93 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
58
ISS
36
FE
25
1993
UMI

2-25-93
Vol. 58
Pages 1

2–25–93
Vol. 58 No. 36
Pages 11361–11496

federal register

Thursday
February 25, 1993

Briefings on How To Use the Federal Register
For information on briefings in New York, NY, and Los Angeles, CA, see announcement on the inside cover of this issue.

VOL
58
ISS
36
FE
25
1993
UMI

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche format and magnetic tape. The annual subscription price for the **Federal Register** paper edition is $375, or $415 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $353; and magnetic tape is $37,500. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $4.50 for each issue, or $4.50 for each group of pages as actually bound; or $1.50 for each issue in microfiche form; or $175.00 per magnetic tape. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 58 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	202–783–3238
Magnetic tapes	512–1530
Problems with public subscriptions	512–2303
Single copies/back copies:	
Paper or fiche	783–3238
Magnetic tapes	512–1530
Problems with public single copies	512–2457
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	523–5243
Magnetic tapes	512–1530
Problems with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

NEW YORK, NY

WHEN: March 26, at 12:30 pm
WHERE: 26 Federal Plaza
Conference Room 305C
New York, NY
RESERVATIONS: Federal Information Center
1–800–347–1997

LOS ANGELES, CA

WHEN: March 31, at 9:00 am
WHERE: 300 North Los Angeles Street
Conference Room 8041
Los Angeles, CA
RESERVATIONS: Federal Information Center
1–800–726–4995

Printed on recycled paper containing 100% post consumer waste

Contents

Federal Register

Vol. 58, No. 36

Thursday, February 25, 1993

Agency for Health Care Policy and Research
NOTICES
Advisory committees; annual reports; availability, 11413

Agriculture Department
See Animal and Plant Health Inspection Service
See Food and Nutrition Service
See Forest Service
See Soil Conservation Service
NOTICES
Agency information collection activities under OMB review, 11393

Air Force Department
NOTICES
Environmental statements; availability, etc.:
Base realignments and closures—
George AFB, CA, 11400
Meetings:
Reserve Officer Training Corps Advisory Committee, 11400
Scientific Advisory Board, 11400

Animal and Plant Health Inspection Service
RULES
Exportation and importation of animals and animal products:
Rinderpest, foot-and-mouth disease, hog cholera, and swine vesicular disease; disease status change for Spain, 11365
Interstate transportation of animals and animal products:
Brucellosis in swine—
State and area classifications, 11364
Plant-related quarantine, foreign:
Honeydew melons from Brazil, 11363
Viruses, serums, toxins, etc.:
Veterinary biologics, 11367
PROPOSED RULES
Plant-related quarantine, foreign:
Fruit and vegetables, importation, 11383

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
Hospital Association of Greater Des Moines, Inc., et al., 11422

Army Department
See Engineers Corps
NOTICES
Military traffic management:
Personal property shipping and storage program; inclusion of DOD non-appropriated fund employees, 11401
Patent licenses; non-exclusive, exclusive, or partially exclusive:
Malaria parasites, plasma-free medium for cultivation, 11402
Nerve agent antidotes preparation, 11402
Typhoid fever, rapid diagnosis, 11402

Coast Guard
NOTICES
Devine IL; Elgin, Joliet & Eastern Railroad bridge; hearing, 11434

Commerce Department
See International Trade Administration
See National Oceanic and Atmospheric Administration

Commodity Futures Trading Commission
NOTICES
Meetings; Sunshine Act, 11448

Defense Department
See Air Force Department
See Army Department
See Engineers Corps
See Navy Department

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Research Biochemicals Inc., 11424

Energy Department
See Federal Energy Regulatory Commission
See Hearings and Appeals Office, Energy Department

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
Willamette River Basin, OR; temperature control facilities installation, 11401

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Virginia, 11374
Pesticide; tolerances in food, animal feeds, and raw agricultural commodities:
Pendimethalin, 11377
NOTICES
Agency information collection activities under OMB review, 11409
Reports; availability, etc.:
Electric and magnetic fields; perspective on research needs and priorities for improving health risk assessment, 11409
Integrated Risk Information System (IRIS), 11490

Executive Office of the President
See Presidential Documents

Farm Credit Administration
RULES
Farm credit system:
Loan policies and operations—
Lending authorities, etc. appraisal standards, participations, and lending limits; correction, 11371

VOL
58
ISS
36
FE
25
1993
UMI

Federal Aviation Administration
RULES
Control zones and transition areas, 11373
Transition areas, 11373
PROPOSED RULES
Rulemaking petitions; summary and disposition, 11391
NOTICES
Exemption petitions; summary and disposition, 11434, 11435
Grants and cooperative agreements; availability, etc.:
National Airspace System (NAS) long-term technical needs, 11436
Passenger facility charges; applications, etc.:
Phoenix Sky Harbor International Airport, AZ; correction, 11439

Federal Bureau of Investigation
NOTICES
Meetings:
Uniform Crime Reporting Data Providers's Advisory Policy Board, 11424

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 11448

Federal Energy Regulatory Commission
NOTICES
Electric rate, small power production, and interlocking directorate filings, etc.:
Tampa Electric Co. et al., 11403
Environmental statements; availability, etc.:
CH2M Hill et al., 11404
Energy Storage Partners, Inc., 11405
Meetings; Sunshine Act, 11448
Natural gas certificate filings:
National Fuel Gas Supply Corp. et al., 11405
Natural Gas Policy Act:
State jurisdictional agencies tight formation recommendations; preliminary findings—
Texas Railroad Commission, 11406, 11407

Federal Highway Administration
PROPOSED RULES
Engineering and traffic operations:
Truck size and weight—
Longer combination vehicles (LCV's) and vehicles with 2 or more cargo carrying units; restrictions, 11450
NOTICES
Environmental statements; notice of intent:
Sutter and Yuba Counties, CA, 11436

Federal Maritime Commission
NOTICES
Agreements filed, etc., 11410
Freight forwarder licenses:
Panatrex Corp. et al., 11410

Federal Reserve System
NOTICES
Meetings; Sunshine Act, 11448
Applications, hearings, determinations, etc.:
DIMECO, Inc., et al., 11410
Signet Banking Corp. et al., 11411
Union Planters Corp., 11412

Federal Trade Commission
NOTICES
Premerger notification waiting periods; early terminations, 11412
Prohibited trade practices:
Clinique Laboratories, Inc., 11413
Mobil Oil Corp., 11413

Fish and Wildlife Service
NOTICES
Meetings:
Klamath Fishery Management Council, 11418

Food and Nutrition Service
NOTICES
Child nutrition programs:
Meals and milk, free and reduced price; income eligibility guidelines, 11393

Forest Service
NOTICES
Boundary establishment, descriptions, etc.:
Bagley Valley Purchase Unit, CA, 11395
Environmental statements; availability, etc.:
Deerlodge National Forest, MT, 11395

Health and Human Services Department
See Agency for Health Care Policy and Research
See National Institutes of Health

Hearings and Appeals Office, Energy Department
NOTICES
Cases filed, 11407
Decisions and orders, 11408

Housing and Urban Development Department
NOTICES
Meetings:
Occupancy Standards in Public Assisted Housing Task Force, 11415

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See National Park Service

International Trade Administration
NOTICES
Antidumping:
Low-fuming brazing copper wire and rod from South Africa, 11397
Roller chain, other than bicycle, from Japan, 11397

Interstate Commerce Commission
NOTICES
Motor carriers:
Household Goods Carriers' Bureau, Inc.; tariffs filed by non-participating carriers; cancellation, 11419
Railroad services abandonment:
Norfolk & Western Railway Co., 11419

Justice Department
See Antitrust Division
See Drug Enforcement Administration
See Federal Bureau of Investigation
NOTICES
Pollution control; consent judgments:
Anchor Motor Freight et al., 11419

Apache Energy & Mineral Co. et al., 11420
Automation Components, Inc., et al., 11420
Case Corp., 11421
Chateaugay Corp. (LTV), 11421
Kerr-McGee Chemical Co., 11422
Leslie Salt Co., 11422

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
Coal preference right lease, Rio Blanco, CO, 11415
Meetings:
Kingman Resource Area Grazing Advisory Board, 11416
Realty actions; sales, leases, etc.:
Idaho, 11416
Nevada, 11417
Withdrawal and reservation of lands:
Alaska; correction, 11417
New Mexico, 11418

Legal Services Corporation
NOTICES
Grants and cooperative agreements; availability, etc.:
Law school civil clinical programs, 11425

National Advisory Council on the Public Service
NOTICES
Meetings, 11425

National Institutes of Health
NOTICES
Meetings:
National Heart, Lung, and Blood Institute, 11413, 11414
Research Grants Division Advisory Committee, 11414

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Bering Sea and Aleutian Islands, Groundfish, 11381
Summer flounder; correction, 11381
NOTICES
Marine mammals:
Incidental taking; authorization letters, etc.:
Western Geophysical et al., 11399
Meetings:
Gulf of Mexico Fishery Management Council, 11399
Permits:
Experimental fishing, 11399

National Park Service
NOTICES
Meetings:
National Capital Memorial Commission, 11418

National Science Foundation
NOTICES
Meetings:
Alan T. Waterman Award Committee, 11426
Biological Instrumentation and Resources Special Emphasis Panel, 11426

National Transportation Safety Board
RULES
Practice rules:
Civil penalty proceedings, 11379

Navy Department
NOTICES
Meetings:
Chief of Naval Operations Executive Panel task forces, 11402

Nuclear Regulatory Commission
PROPOSED RULES
Radiation protection standards:
NRC-licensed facilities radiological criteria; decommissioning; workshop, 11389
Regulatory agenda:
Quarterly report, 11388

Presidential Documents
PROCLAMATIONS
Special observances:
American Wine Appreciation Week (Proc. 6530), 11361

Public Health Service
See Agency for Health Care Policy and Research
See National Institutes of Health

Securities and Exchange Commission
NOTICES
Applications, hearings, determinations, etc.:
ICOS Corp., 11426
United International Holdings, Inc., 11429

Selective Service System
NOTICES
Agency information collection activities under OMB review, 11432

Small Business Administration
RULES
Small Business size standards:
Nonmanufacturer rule; waivers—
Computer disk drives; termination, 11372
NOTICES
Agency information collection activities under OMB review, 11432
Interest rates; quarterly determinations, 11432
License surrenders:
Alpha Capital Venture Partners, L.P., 11432
Meetings:
El Paso District Advisory Council, 11433
Honolulu District Advisory Council, 11433
Indianapolis District Advisory Council, 11433
Applications, hearings, determinations, etc.:
Polaris Capital Corp., 11433
United Financial Resources Corp., 11433

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
South West Middle Suwannee River Area Watershed, FL, 11396

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Highway Administration

U.S. Commission on Improving Effectiveness of United Nations
NOTICES
Meetings, 11439

VOL
58
ISS
36
FE
25
1993
UMI

United States Information Agency
NOTICES
Grants and cooperative agreements; availability, etc.:
Central and Eastern European citizens network initiative, 11440
Public and private non-profit organizations in support of international educational and cultural activities, 11443

Separate Parts In This Issue

Part II
Department of Transportation, Federal Highway Administration, 11450

Part III
Environmental Protection Agency, 11490

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free **Electronic Bulletin Board** service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

CFR PA

A cumulat
Reader Ai

3 CFR
Proclamati
6530.....
7 CFR
319.....
Proposed
300.....
319.....
9 CFR
78.....
94.....
124.....
10 CFR
Proposed
Ch. I.....
20.....
12 CFR
614.....
13 CFR
121.....
14 CFR
71 (2 docu
Proposed
Ch. I.....
23 CFR
Proposed
657.....
658.....
40 CFR
52.....
180.....
49 CFR
821.....
826.....
50 CFR
625.....
675.....

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations:

6530.....11361

7 CFR

319.....11363

Proposed Rules:

300.....11383
319.....11383

9 CFR

78.....11364
94.....11365
124.....11367

10 CFR

Proposed Rules:

Ch. I.....11388
20.....11389

12 CFR

614.....11371

13 CFR

121.....11372

14 CFR

71 (2 documents).....11373

Proposed Rules:

Ch. I.....11391

23 CFR

Proposed Rules:

657.....11450
658.....11450

40 CFR

52.....11374
180.....11377

49 CFR

821.....11379
826.....11379

50 CFR

625.....11381
675.....11381

VOL
58
ISS
36
FE
25
1993
UMI

Federal
Vol. 58,
Thursday

Title 3-

The P

[FR Doc. 9
Filed 2-23-
Billing cod

Federal Register
Vol. 58, No. 36
Thursday, February 25, 1993

Presidential Documents

Title 3—

The President

Proclamation 6530 of February 23, 1993

American Wine Appreciation Week, 1993

By the President of the United States of America

A Proclamation

The wine industry in this Nation has a heritage dating back to our Founding Fathers. Today it continues as a proud tradition, nurtured by thousands of family-owned farms, in every region of our country. From generation to generation, grape growers have helped sustain and preserve our agricultural resources, keeping 850,000 acres of American land as open space for active agricultural production.

More than 8,000 grape and other fruit growers work together with more than 1,300 wineries to produce 85 percent of all wine consumed in the United States. This $8 billion industry strengthens the American economy by supporting more than 200,000 jobs and contributing $1 billion a year in government taxes and fees.

The history of wine grape growing in the world spans more than 7,000 years. In our own history, wine has continually played an important role in a wide variety of American cultural, religious, and familial traditions. Vineyards and wineries across the Nation are scenic tourist attractions, drawing millions of foreign and American visitors each year.

In gratitude to those who contribute to the high quality of agricultural products produced in the United States, and in recognition of the role of agriculture in our daily life and our life as a Nation, the Congress, by Public Law 102–468, has designated the week of February 21–27, 1993, as "American Wine Appreciation Week" and has authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week of February 21–27, 1993, as "American Wine Appreciation Week." I call upon the people of the United States to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of February, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

William J. Clinton

[FR Doc. 93–4591
Filed 2–23–93; 5:01 pm]
Billing code 3195–01–M

VOL
58
ISS
36
FE
25
1993
UMI

Rule

This sectio
contains re
applicabilit
are keyed
Federal Re
50 titles pu

The Code
the Superi
new books
REGISTER

DEPARTI

**Animal a
Service**

7 CFR Pa

[Docket N

Honeyde

AGENCY: A
Inspectio
ACTION: F

SUMMARY:
and veget
importati
an area of
free of the
subject to
action is v
appears to
associated
honeydew
condition
restriction
honeydew
presenting
introducin
United St

EFFECTIVE

FOR FURTH
Frank E. C
Port Oper
room 635,
Belcrest R
(301) 436-

SUPPLEME

Backgrou

The reg
through 3
"the regul
the import
into the U
of the wor
and disse
that are ne
within the

Rules and Regulations

Federal Register
Vol. 58, No. 36
Thursday, February 25, 1993

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 92-126-2]

Honeydew Melons From Brazil

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the fruits and vegetables regulations to allow the importation of honeydew melons from an area of Brazil that is considered to be free of the South American cucurbit fly, subject to certain conditions. This action is warranted because there appears to be no significant pest risk associated with the importation of honeydew melons under these conditions. This action relieves restrictions on the importation of honeydew melons from Brazil without presenting a significant risk of introducing injurious insects into the United States.

EFFECTIVE DATE: February 25, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Frank E. Cooper, Senior Staff Officer, Port Operations, PPQ, APHIS, USDA, room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8646.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR 319.56 through 319.56-8 (referred to below as "the regulations") prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of injurious insects that are new to or not widely distributed within the United States.

Prior to the effective date of this final rule, the regulations in § 319.56 did not provide for the importation of honeydew melons from Brazil. The South American cucurbit fly (*Anastrepha grandis*) is the only injurious insect known to attack honeydew melons in Brazil that is not readily detectable by inspection. This pest is considered a potentially destructive pest by the Animal and Plant Health Inspection Service (APHIS) and is not present in the United States.

The Ministry of Agriculture of Brazil (Departamento de Defenso Sanitaria Vegetal) (DDV) requested that we consider allowing the importation of honeydew melons from Brazil. In a document published in the Federal Register on November 30, 1992 (57 FR 56527-56529, Docket No. 92-126-1), we proposed to amend the regulations to allow honeydew melons from Brazil to be imported into the United States under certain conditions to prevent the introduction into the United States of the South American cucurbit fly and any other insect pests that may be carried by the honeydew melons.

Comments on the proposed rule were required to be received on or before December 15, 1992. We received no comments. Therefore, based on the rationale set forth in the proposal, we are adopting the proposal as a final rule without change.

Effective Date

This is a substantive rule that relieves restrictions, and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the Federal Register. Immediate implementation of this rule is necessary to provide relief to those persons who are adversely affected by restrictions we no longer find warranted. Therefore, the Administrator of APHIS has determined that this rule should be effective upon publication in the Federal Register.

Executive Order 12291 and Regulatory Flexibility Act

This rule has been reviewed in conformance with Executive Order 12291 and has been determined not to be a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule provides for the importation into the United States of honeydew melons from the area of Brazil that is considered to be free of the South American cucurbit fly (*Anastrepha grandis*).

In 1990, total U.S. production of honeydew melons was estimated at 452,000,000 pounds. Over 95 percent of U.S. honeydew melons are grown in Arizona, California, and Texas. APHIS experts estimate that imports of honeydew melons from Brazil will only amount to about one percent of the total honeydew melon production in the United States. Even if this estimate is doubled, Brazilian imports will comprise at most two percent of domestic production.

Consequently, the effect of this rule on U.S. producers of honeydew melons will be very small because the extra imports will cause hardly any fluctuation in honeydew melon prices. Although the exact number of honeydew melon growers who are small entities is not known, the majority of the growers do not fall under the definition of a small business (sales of less than $500,000 annually). Most of the growers produce other melons as well, such as cantaloupe and watermelon, and some have farms in all three States of Arizona, California, and Texas. Growers who constitute small entities usually produce honeydew melons for alternative markets, such as roadside markets, which should not be affected at all by Brazilian imports.

The season for honeydew melon production in the United States runs from May to November, with only a small amount of melons being grown and shipped in November. The growing/shipping season for honeydew melons in Brazil is November 15 through February 15. Honeydew melons cannot be stored for an extended length of time. Consequently, the honeydew melons from Brazil will not compete significantly with U.S. melons because the growing/shipping seasons do not

overlap. Substitute domestic fruits whose markets might be affected by the importation of honeydew melons from Brazil would likely be other domestic melons, such as cantaloupe and watermelon. However, domestic cantaloupe and watermelon have the same growing/shipping season as domestic honeydew melons. Hence, their seasons also do not overlap with the season for honeydew melons from Brazil.

Therefore, it can be determined that allowing honeydew melons to be imported from Brazil will have no significant impact on U.S. producers, large or small. This is the case because the estimated amount of imports is very small in comparison to domestic production and also will be shipped after the U.S. growing season has come to an end.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This final rule allows honeydew melons to be imported into the United States from Brazil. State and local laws and regulations regarding honeydew melons imported under this rule will be preempted while the fruit is in foreign commerce. Fresh honeydew melons are generally imported for immediate distribution and sale to the consuming public, and will remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases will be addressed on a case-by-case basis. No retroactive effect will be given to this rule; and this rule will not require administrative proceedings before parties may file suit in court.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this final rule will be submitted for approval to the Office of Management and Budget.

List of Subjects in 7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, the regulations in 7 CFR part 319 are amended to read as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167; 21 U.S.C. 136a; 7 CFR 2.17, 2.51, and 371.2(c), unless otherwise noted.

2. In subpart—Fruits and Vegetables, to part 319, a new § 319.56–2aa is added to read as follows:

§ 319.56–2aa Administrative instructions governing the entry of honeydew melons from Brazil.

Honeydew melons may be imported into the United States from Brazil only under permit, and only in accordance with this section and all other applicable requirements of this subpart:

(a) *Area considered free of the South American cucurbit fly.* The honeydew melons must have been grown in the area of Brazil considered by the Animal and Plant Health Inspection Service to be free of the South American cucurbit fly, (*Anastrepha grandis*), in accordance with § 319.56–2(e)(4) of this subpart. In addition, all shipments of honeydew melons must be accompanied by a phytosanitary certificate issued by the Departamento de Defenso Sanitaria Vegetal (the Ministry of Agriculture of Brazil) that includes a declaration indicating that the melons were grown in this area. The following area is considered free of the South American cucurbit fly: that portion of Brazil bounded on the north by the Atlantic Ocean; on the east by the River Assu (Acu) from the Atlantic Ocean to the city of Assu; on the south by Highway BR 304 from the city of Assu (Acu) to Mossoro, and by Farm Road RN–015 from Mossoro to the Ceara state line; and on the west by the Ceara state line to the Atlantic Ocean.

(b) *Shipping requirements.* The honeydew melons must be packed in an enclosed container or vehicle or under tarpaulin cover while in transit from the area of Brazil considered free of the South American cucurbit fly to the United States, to prevent exposure of the fruit to insect pests.

(c) *Labelling.* All shipments of honeydew melons must be labelled in accordance with § 319.56–2(g) of this subpart.

Done in Washington, DC, this 19th day of February 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–4347 Filed 2–24–93; 8:45 am]

BILLING CODE 3410–34–M

9 CFR Part 78

[Docket 92–184–1]

Validated Brucellosis-Free States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of swine by adding Mississippi and Missouri to the list of validated brucellosis-free States. We have determined that they meet the criteria for classification as validated brucellosis-free States. This action relieves certain restrictions on moving breeding swine from Mississippi and Missouri.

DATES: Interim rule effective on February 25, 1993. Consideration will be given only to comments received on or before April 26, 1993.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 92–184–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Delorias M. Lenard, Senior Staff Veterinarian, Swine Health Staff, VS, APHIS, USDA, room 736, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7767.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and man, caused by bacteria of the genus *Brucella*. The brucellosis regulations contained in 9 CFR part 78 (referred to below as the regulations) prescribe conditions for the interstate movement of cattle, bison and swine.

Under the swine brucellosis regulations, States, herds, and individual animals are classified according to their brucellosis status. Interstate movement requirements for swine are based upon the disease status of the herd or the State from which the animal originates.

We are amending § 78.43 of the regulations, which lists validated brucellosis-free States, to include Mississippi and Missouri. Validated brucellosis-free status is based on a State having:

(1) The necessary authorities for classification as a validated brucellosis-free State for swine;

(2) No known focus of swine brucellosis at the time of validation and completion of one of several methods of surveillance; or no diagnosed case of swine brucellosis in the 12-month period preceding the classification, and a statistical analysis of the combined results of certain tests that indicate the testing is equivalent to either complete herd testing or slaughter surveillance during a 1- or 2-year period, as chosen by the State; and

(3) Certification by the appropriate State animal health official, the Veterinarian in Charge and the Administrator.

After reviewing the brucellosis program records of Mississippi and Missouri, we have concluded that these States meet the criteria for classification as validated brucellosis-free States. Therefore, we are adding Mississippi and Missouri to the list of States in § 78.43. This action relieves certain restrictions on moving breeding swine interstate from Mississippi and Missouri.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause to publish this rule without prior opportunity for public comment. Immediate action is warranted to remove unnecessary restrictions on the interstate movement of breeding swine from Mississippi and Missouri.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these conditions, there is good cause under 5 U.S.C. 553 to make it effective upon publication. We will consider comments received within 60 days of publication of this interim rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register** including a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

This action will affect herd owners in Mississippi and Missouri by allowing breeding swine to be moved interstate without being tested for brucellosis. Approximately 20,900 swine are tested annually for brucellosis in Mississippi and Missouri, at an average cost to the seller of $5.00 per test, in order to be eligible for interstate movement. Using these numbers, we estimate that removing the testing requirement would result in a potential annual savings of $104,500 for swine herd owners in Mississippi and Missouri. Of the approximately 3,000 swine herd owners nationwide who regularly ship breeding swine interstate, approximately 50 regularly ship breeding swine interstate from Mississippi and 1,000 from Missouri. All of these herd owners would be considered small entities.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 78 is amended as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 continues to read as follows:

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 78.43 [Amended]

2. Section 78.43 is amended by adding "Mississippi, Missouri," immediately after "Minnesota,".

Done in Washington, DC, this 19th day of February, 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–4349 Filed 2–24–93; 8:45 am]

BILLING CODE 3410–34–M

---

9 CFR Part 94

[Docket No. 92–147–2]

Change in Disease Status of Spain Because of Rinderpest, Foot-and-Mouth Disease, Hog Cholera, and Swine Vesicular Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are declaring Spain free of rinderpest, foot-and-mouth disease (FMD), hog cholera, and swine vesicular disease (SVD). Rinderpest and SVD have never been reported in Spain, and the last outbreaks of FMD and hog cholera took place, respectively, in 1986 and 1985. These changes in the animal disease status of Spain relieve certain prohibitions and restrictions on the importation into the United States of ruminants and swine and animal products of ruminants and swine from Spain. Restrictions on dairy products are being lifted.

Because Spain accepts ruminant and swine meat and meat products from countries where FMD, hog cholera, and SVD exist, however, the importation from Spain of ruminant and swine meat and meat products continues to be subject to certain restrictions because of these diseases. Also, because African swine fever continues to exist in Spain, certain pork and pork products continue to be prohibited.

EFFECTIVE DATE: March 29, 1993.

VOL 58 ISS 36 FE 25 1993 UMI

FOR FURTHER INFORMATION CONTACT:
Dr. Harvey A. Kryder, Chief Staff Veterinarian, Import-Export Products Staff, VS, APHIS, USDA, room 756–A, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7885.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products in order to prevent the introduction of various diseases, including rinderpest, foot-and-mouth disease (FMD), African swine fever, hog cholera, and swine vesicular disease (SVD). These are dangerous and destructive communicable diseases of ruminants and swine.

On October 19, 1992, we published a document in the **Federal Register** (57 FR 47578–47580, Docket No. 92–147–1) in which we proposed to revise the regulations by declaring Spain free of rinderpest, FMD, hog cholera, and SVD. Accordingly, we proposed to add Spain to the list of countries in §§ 94.1(a)(2), 94.9(a), 94.10(a), and 94.12(a) of the regulations that have been declared free of rinderpest, FMD, hog cholera, and SVD. We proposed these changes in the animal disease status of Spain at the request of the Government of Spain, after determining that rinderpest and SVD have never been reported in Spain, and that the last Spanish outbreaks of FMD and hog cholera occurred, respectively, in 1986 and 1985.

At the same time, we proposed adding Spain to the list of countries in §§ 94.11 and 94.13 that, although free of rinderpest and FMD, in the first case, and free of SVD in the second, are, under certain circumstances, subject to special restrictions on the importation into the United States of their meat and meat products.

We solicited comments on the proposed rule, to be received on or before December 18, 1992. We received 1 comment, from a professional association, before the comment period closed.

The commenter opposed the proposed changes, claiming that Spain's failure to eradicate African swine fever and African horse sickness reflects unfavorably on Spain's ability to control animal diseases. The commenter expressed concern that, despite the regulations, ruminant and swine meat and meat products from Spain might be commingled with meat and meat products from countries where FMD, hog cholera, and SVD exist. Despite the special restrictions to which meat and meat products imported into the United States from Spain would be subject, the commenter feared a disease risk.

APHIS has determined that the surveillance measures of the animal health officials of the Government of Spain are sufficient to ensure compliance with all provisions of the regulations. We believe the regulatory safeguards discussed in the proposed rule are sufficient to prevent meat and meat products from Spain from introducing FMD, hog cholera, or SVD into the United States, and are adopting the provisions of the proposed rule as a final rule based on the rationale set forth in the proposed rule and in this document.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule eliminates certain requirements concerning the importation of ruminants and swine, ruminant meat and dairy products, and port and pork products from Spain into the United States. However, other requirements continue to restrict the importation of live swine and the meat and meat products of ruminants and swine.

Even without considering the export-constraining effects of the restrictions that remain in effect, it is unlikely that the changes in Spain's disease status will noticeably affect U.S. markets for ruminants, swine, meat or dairy products. In 1989, the total value of meat and meat products (excluding poultry) from Spain to the United States was only $11,000. Dairy exports from Spain to the United States were worth $1,052,000. These amounts represented only 0.0004 percent and 0.1 percent, respectively, of total U.S. imports for these commodity categories.

Before Spain's potential exports to the United States of meat, meat products, and dairy products would reach significant magnitude, an excess domestic supply of these commodities in Spain would be expected. Spain is a net importer worldwide of these commodities, however, receiving from other countries approximately three times as much as it exports. As Spain's per capita income rises, domestic supplies of meat, meat products, and dairy products can be expected to be consumed domestically, further limiting potential exports.

Given Spain's negative trade balance for meat, meat products, and dairy products and the relative insignificance of its exports of these commodities, the economic impact of the regulatory changes will have an insignificant effect on U.S. businesses, including small entities. Importers of dairy products might marginally benefit from the changes.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB), and there are no new requirements. The assigned OMB control number is 0579–0015.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 is amended as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, and 134f; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

§ 94.1 [Amended]

2. In § 94.1, paragraph (a)(2) is amended by adding "Spain," immediately after "Papua New Guinea,".

§ 94.9 [Amended]

3. In § 94.9, paragraph (a) is amended by adding "Spain," immediately after "Republic of Ireland,".

§ 94.10 [Amended]

4. In § 94.10, paragraph (a) is amended by adding "Spain," immediately after "the Republic of Ireland,".

§ 94.11 [Amended]

5. In § 94.11, paragraph (a) is amended by adding "Spain," immediately after "Papua New Guinea,".

§ 94.12 [Amended]

6. In § 94.12, paragraph (a) is amended by adding "Spain," immediately after "Rumania,".

§ 94.13 [Amended]

7. In § 94.13, the first sentence of the introductory text is amended by adding "Spain," immediately after "Republic of Ireland,".

Done in Washington, DC, this 19th day of February 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–4348 Filed 2–24–93; 8:45 am]

BILLING CODE 3410–34–M

---

9 CFR Part 124

[Docket No. 90–011–2]

Patent Term Restoration for Veterinary Biologics

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes procedures for the restoration of the time lost to the terms of veterinary biologics patents while awaiting premarket government approval. The effect of the rule is to enable veterinary biologics producers to apply for the restoration of such lost time. The rule is necessary in order to implement the patent term extension provisions of the Generic Animal Drug and Patent Term Restoration Act of 1988.

EFFECTIVE DATE: March 29, 1993.

FOR FURTHER INFORMATION CONTACT: Dr. Frank Y. Tang, Biotechnologist, BCTA, BBEP, APHIS, USDA, room 851, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–4833.

SUPPLEMENTARY INFORMATION:

Background

On November 16, 1988, the President signed into law the Generic Animal Drug and Patent Term Restoration Act of 1988. Title II of this act (35 U.S.C. 156, as amended by Pub. L. 100–670) (the "Act") amended the U.S. patent laws to enable owners of patents relating to certain animal drugs and veterinary biological products, and the owners of patents relating to methods of using or manufacturing them, to apply for extension of the patent term to recover some of the time lost while awaiting premarket government approval. Patents concerning veterinary biologics subject to the Virus-Serum-Toxin Act (VSTA), as amended, 21 U.S.C. 151–159, are covered by the Act. Patents on products primarily manufactured using recombinant DNA, recombinant RNA, hybridoma technology, or other processes involving site-specific genetic manipulation techniques are not eligible for patent term restoration under the Act.

United States patents are effective for 17 years from the date they are issued. A patent gives an inventor the right to exclude others from making, using, or selling the patented invention within the United States (*See* 35 U.S.C. 154.) This exclusive right is designed to encourage innovation and development of new products by protecting the patent holder from direct competition for a period of time. However, a patent does not automatically give an inventor the right to actually make, use, or sell the invention. Federal law requires some inventions, such as veterinary biological products, to be Federally approved before they are manufactured or marketed. For these inventions, a portion of the 17 years of protection afforded by a patent may be lost waiting for Federal review and approval.

The Virus-Serum-Toxin Act, among other things, prohibits the preparation, sale, barter, or exchange of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product intended for use in the treatment of domestic animals, in places under Federal jurisdiction. It also prohibits the shipment of such products anywhere in or from the United States. The VSTA also states that it is unlawful for anyone to prepare, sell, barter, or exchange in places under Federal jurisdiction, or ship in or from the United States, any virus, serum, toxin, or analogous product unless it is prepared in compliance with USDA regulations at an establishment holding a valid USDA license (21 U.S.C. 151). Therefore, veterinary biological products cannot be marketed until these requirements are met. It takes time to satisfy the regulations and standards under the VSTA which are designed to assure that only pure, safe, potent, and effective biological products are marketed. If a product is covered in any way by a patent, the time spent waiting for Federal review and approval reduces the effective length of the patent. Profits therefore are reduced, along with the incentive to develop new veterinary biological products. The Generic Animal Drug and Patent Term Restoration Act is designed to restore these incentives.[1]

The Generic Animal Drug and Patent Term Restoration Act of 1988

The Generic Animal Drug and Patent Term Restoration Act of 1988 contains two titles: Title I, among other things, authorizes the Food and Drug Administration to approve abbreviated new drug applications for generic animal drugs; Title II allows patent term restoration for certain patents covering animal drugs and veterinary biological products.

Administrative responsibility for Title II of the Act is divided among the Food and Drug Administration (FDA) of the Department of Health and Human Services, the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA), and the Patent and Trademark Office (PTO) of the United States Department of Commerce.

Under the Act, applications for patent term extension are submitted to PTO for a determination whether a patent is eligible for extension. USDA assists PTO by determining the length of the regulatory review period for any veterinary biological product involved; FDA does the same for animal drugs. In addition, APHIS and FDA are responsible for determining, if they are petitioned to do so, whether the applicant for patent term restoration

---

[1] In September, 1984, a similar statute, The Drug Price Competition and Patent Term Restoration Act (Pub. L. 98–417) became law. This Act, which allows patent term restoration to holders of patents claiming human drug products (including biologics and antibiotics), medical devices, food additives and color additives, became law in September, 1984. Regulations have been issued under this Act by both the Food and Drug Administration (FDA) and the Patent and Trademark Office (PTO). The FDA regulations appear at 21 CFR part 60. The PTO regulations appear at 37 CFR part 1.

acted with due diligence to obtain approval from the Agency involved with the animal drug or veterinary biological product. A notice of a Memorandum of Understanding between the PTO and APHIS concerning implementation of procedures in determining a veterinary biological product's eligibility for patent term extension under 35 U.S.C. 156 was published in the **Federal Register** on June 23, 1989 (see 54 FR 26399). PTO issued regulations (see 54 FR 30375, July 20, 1989), governing the format, content, and submission of patent term restoration applications. The PTO regulations are codified at 37 CFR 1.710–1.785. Regulations covering FDA responsibilities for patent term extension for animal drugs have been finalized by that agency (see 57 FR 56260–56262, November 27, 1992).

On July 13, 1992, we published in the **Federal Register** a proposed rule on patent term restoration for veterinary biologics (see 57 FR 30926–30932, Docket No. 90–011). We proposed adding a new part 124 to our existing regulations in title 9, chapter I, Code of Federal Regulations. Subpart A of the regulations contains general provisions. Subpart B provides for APHIS to assist PTO in determining a patent holder's eligibility for patent term restoration. Subpart C contains regulations governing the determination of regulatory review periods. Subpart D provides for filing due diligence petitions; that is, challenging a regulatory review period determination on the grounds that an applicant did not diligently pursue premarketing approval. Standards for determining due diligence are also included in subpart D. Subpart E contains regulations governing informal hearings on the issue of due diligence.

We solicited comments for 60 days with the comment period ending September 11, 1992.

Summary and Analysis of Comments

We received comments from one trade association. Those comments and our response to them are discussed below. We have made changes to the proposed rule in response to the commenter and the changes are identified below. Based on the rationale set forth in the proposed rule and in this document in response to comments, we are adopting the provisions of the proposed rule as a final rule with changes made in response to the comments as well as minor editorial changes.

The commenter requested that in § 124.21(b)(2), the term "generic name" be changed to "true name" to be consistent with APHIS terminology in 9 CFR 101.4(d). APHIS agrees with this comment and has amended § 124.21(b)(2) accordingly.

The comment further requested that the term "any interested person" in §§ 124.22(a) and 124.40(a) be defined under *Definitions* in § 124.2. The term "person" is undefined even though it is used in the regulations. "Person" will therefore be added to the definition and shall mean "[A]ny individual, firm, partnership, corporation, company, association, educational institution, State or local government agency, or other organized group of any of the foregoing, or any agency, officer, or employee of any thereof." The term "interested person" is intended to have a broad meaning and includes any person interested in the subject matter who has information bearing on a regulatory review period or due diligence petition.

The commenter also requested that the applicant be notified and allowed an opportunity for comment prior to a revision of a regulatory review period. APHIS agrees with this request and has amended the proposal in § 124.22 accordingly in response to this comment.

The commenter also requested that the applicant for patent term extension be granted 30 days (rather than the 10 days in the proposed rule) in which to respond to a due diligence petition because the applicant has to prove due diligence.

In response to this request, APHIS agrees to grant the applicant an additional 10 days in which to respond to a due diligence petition. This should be sufficient time to reply. At the same time, APHIS should have adequate time, before the statutory limit of 90 days after its receipt of a due diligence petition, in which to evaluate the information which is submitted to the Agency, to conduct an investigation, to resolve any differences in information submitted by the petitioner and the applicant, to determine whether the period of time alleged in which the applicant did not act with due diligence will affect the maximum patent term extension to which the applicant is entitled, to publish a notice of the Agency's determination in the **Federal Register** along with the factual and legal basis for its determination, and to provide written notification of its determination to PTO, the applicant, and the petitioner.

Finally, the commenter requested that the word "initially" be added before the word "submitted" in § 124.20(a)(1), in order to be consistent with the language in § 124.20(a)(2). APHIS agrees with this request and has amended the regulations accordingly.

Executive Order 12291 and Regulatory Flexibility Act

This rule has been reviewed in accordance with Executive Order 12991 and Departmental Regulation 1512–1 and has been determined to be a non-major rule since it does not meet the criteria for a major regulatory action. Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The patent extension provision in 35 U.S.C. 156 (as amended by Title II of Pub. L. 100–670) benefits the patent holder by restoring to the patent holder that part of the term of the patent which has been lost due to regulatory review of the patented product. Thus the statute results in a net economic benefit to the patent holder. The final rule merely implements the statute. The rule provides procedures to allow APHIS to assist PTO in carrying out the requirements of the Act. An application for patent term restoration is made voluntarily by the patent holder. The time and cost required to comply with the regulation is far outweighed by the benefit conferred by patent term restoration to the patent holder.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or

recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB) and assigned OMB control no. 0579–0013.

List of Subjects in 9 CFR Part 124

Animal biologics, Patents.

Accordingly, we are amending 9 CFR, chapter I, subchapter E by adding a new part 124 to read as follows:

PART 124—PATENT TERM RESTORATION

Subpart A—General Provisions

Sec.
124.1 Scope.
124.2 Definitions.

Subpart B—Eligibility Assistance

124.10 APHIS liaison with PTO.

Subpart C—Regulatory Review Period

124.20 Patent term extension calculation.
124.21 Regulatory review period determination.
124.22 Revision of regulatory review period determination.
124.23 Final action on regulatory review period determination.

Subpart D—Due Diligence Petitions

124.30 Filing, format, and content of petitions.
124.31 Applicant response to petition.
124.32 APHIS action on petition.
124.33 Standard of due diligence.

Subpart E—Due Diligence Hearing

124.40 Request for hearing.
124.41 Notice of hearing.
124.42 Hearing procedure.
124.43 Administrative decision.

Authority: 35 U.S.C. 156; 7 CFR 2.17, 2.51, and 371.2(m).

Subpart A—General Provisions

§ 124.1 Scope.

(a) This parts sets forth procedures and requirements for APHIS review of applications for the extension of the term of certain patents for veterinary biological products pursuant to 35 U.S.C. 156—Extension of patent term. Responsibilities of APHIS include:

(1) Assisting PTO in determining eligibility for patent term restoration;

(2) Determining the length of a product's regulatory review period;

(3) If petitioned, reviewing and ruling on due diligence challenges to APHIS's regulatory review period determinations; and

(4) Conducting hearings to review initial APHIS findings on due diligence challenges.

(b) The regulations in this part are designed to be used in conjunction with regulations issued by PTO concerning patent term extension which may be found at 37 CFR 1.710 through 1.785.

§ 124.2 Definitions.

Animal and Plant Health Inspection Service (APHIS). The agency in the Department of Agriculture responsible for licensing veterinary biological products under the Virus-Serum-Toxin Act.

Applicant. Any person who submits an application or an amendment or supplement to an application under 35 U.S.C. 156 seeking extension of the term of a patent.

Due diligence petition. A petition submitted under § 124.30 of this part.

Informal hearing. A hearing which is not subject to the provisions of 5 U.S.C. 554, 556, and 557 and which is conducted as provided in 21 U.S.C. 321(y).

License applicant. Any person who, in accordance with part 102 of this chapter, submits an application to the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture for a U.S. Veterinary Biological Product License.

Patent. A patent issued by the Patent and Trademark Office of the United States Department of Commerce.

Person. Any individual, firm, partnership, corporation, company, association, educational institution, State or local government agency, or other organized group of any of the foregoing, or any agent, officer, or employee of any thereof.

PTO. The Patent and Trademark Office of the United States Department of Commerce.

Subpart B—Eligibility Assistance

§ 124.10 APHIS liaison with PTO.

Upon receipt of a copy of an application for extension of the term of a veterinary biologic patent from PTO, APHIS will assist PTO in determining whether a patent related to a biological product is eligible for patent term extension by:

(a) (1) Verifying whether the product was subject to a regulatory review period before its commercial marketing or use;

(2) Determining whether the permission for commercial marketing or use of the product after the regulatory review period was the first permitted commercial marketing or use of the product under the provision of law under which such regulatory review period occurred, and, if so, whether it was the first permitted commercial marketing or use of the veterinary biological product for administration to a food-producing animal;

(3) Ascertaining whether the patent term restoration application was submitted within 60 days after the product was approved for marketing or use; and

(4) Providing such other information as may be necessary and relevant to PTO's determination of whether a patent related to a product is eligible for patent term restoration.

(b) APHIS will notify PTO of its findings in writing, send a copy of this notification to the applicant, and make a copy available for public inspection in room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Subpart C—Regulatory Review Period

§ 124.20 Patent term extension calculation.

(a) As provided in 37 CFR 1.779 of PTO's regulations, in order to determine a product's regulatory review period, APHIS will review the information in each application to determine the lengths of the following phases of the review period, and will then find their sum:

(1) The number of days in the period beginning on the date authorization to prepare an experimental biological product under the Virus-Serum-Toxin Act became effective and ending on the date an application for a license was initially submitted under the Virus-Serum-Toxin Act; and

(2) The number of days in the period beginning on the date an application for a license was initially submitted for approval under the Virus-Serum-Toxin Act and ending on the date such license was issued.

(b) A license application is "initially submitted" on the date it contains sufficient information to allow APHIS to commence review of the application. A product license is issued on the date of the APHIS letter informing the applicant of the issuance. The issuance of a license releases the product for commercial marketing or use.

§ 124.21 Regulatory review period determination.

(a) Not later than 30 days after the receipt of an application from PTO, APHIS shall determine the regulatory review period. Once the regulatory review period for a product has been determined, APHIS will notify PTO in writing of the determination, send a copy of the determination to the applicant, and make a copy available for public inspection in room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

(b) APHIS will also publish a notice of the regulatory review period

determination in the **Federal Register**. The notice will include the following:

(1) The name of the applicant;

(2) The trade name and true name of the product;

(3) The number of the patent for which an extension of the term is sought;

(4) The approved indications or uses for the product;

(5) The regulatory review period determination, including a statement of the length of each phase of the review period and the dates used in calculating each phase.

§ 124.22 Revision of regulatory review period determination.

(a) Any interested person may request a revision of the regulatory review period determination within the 30 day period beginning on its publication in the **Federal Register**. The request must be sent to Deputy Director, Veterinary Biologics, BBEP, APHIS, USDA, room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

The request must specify the following:

(1) The identity of the product;

(2) The identity of the applicant for patent term restoration;

(3) The docket number of the **Federal Register** notice announcing the regulatory review period determination; and

(4) The basis for the request for revision, including any documentary evidence.

(b) If APHIS decides to revise its prior determination, APHIS will notify PTO of the decision, and will send a copy of notification to the applicant and the person requesting the revision (if different from the applicant) with a request for comments within 10 days of notification. If no comment on the proposed revision is received, APHIS will publish the revision in the **Federal Register**, and include a statement giving the reasons for the revision. If comment is received, APHIS will make a final determination regarding the revision based on such comment and will then publish the revision in the **Federal Register**, giving reasons for its determination.

§ 124.23 Final action on regulatory review period determination.

APHIS will consider its regulatory review period determination to be final upon expiration of the 180-day period for filing a due diligence petition under § 124.30 unless it receives:

(a) New information from PTO records, or APHIS records, that affects the regulatory review period determination;

(b) A request § 124.22 for revision of the regulatory review period determination;

(c) A due diligence petition filed under § 124.30; or

(d) A request for a hearing filed under § 124.40.

Subpart D—Due Diligence Petitions

§ 124.30 Filing, format, and content of petitions.

(a) Any interested person may file a petition with APHIS, no later than 180 days after the publication of a regulatory review period determination under § 124.21, alleging that a license applicant did not act with due diligence in seeking APHIS approval of the product during the regulatory review period.

(b) The petition must be filed with APHIS under the docket number of the **Federal Register** notice of the agency's regulatory review period determination. The petition must contain any additional information required by this subpart.

(c) The petition must allege that the applicant failed to act with due diligence sometime during the regulatory review period and must set forth sufficient facts to merit an investigation by APHIS of whether the applicant acted with due diligence.

(d) The petition must contain a certification that the petitioner has served a true and complete copy of the petition on interested parties by certified or registered mail (return receipt requested) or by personal delivery.

§ 124.31 Applicant response to petition.

(a) The applicant may file with APHIS a written response to the petition no later than 20 days after the applicant's receipt of a copy of the petition.

(b) The applicant's response may present additional facts and circumstances to address the assertions in the petition, but shall be limited to the issue of whether the applicant acted with due diligence during the regulatory review period. The applicant's response may include documents that were not in the original patent term extension application.

(c) If the applicant does not respond to the petition, APHIS will decide the matter on the basis of the information submitted in the patent term restoration application, the due diligence petition, and APHIS records.

§ 124.32 APHIS action on petition.

(a) Within 90 days after APHIS receives a petition filed under § 124.30, the Assistant Secretary for Marketing and Inspection Services shall make a determination under paragraphs (b) or (c) of this section or under § 124.33 whether the applicant acted with due diligence during the regulatory review period. APHIS will publish its determination in the **Federal Register** together with factual and legal basis for the determination, notify PTO of the determination in writing, and send copies of the determination to PTO, the applicant, and the petitioner.

(b) APHIS may deny a due diligence petition without considering the merits of the petition if:

(1) The petition is not filed in accordance with § 124.30;

(2) The petition does not contain information or allegations upon which APHIS may reasonably determine that the applicant did not act with due diligence during the applicable regulatory review period; or

(3) The petition fails to allege a sufficient total amount of time during which the applicant did not exercise due diligence so that, even if the petition were granted, the petition would not affect the maximum patent term extension which the applicant is entitled to under 35 U.S.C. 156.

§ 124.33 Standard of due diligence.

(a) In determining the due diligence of an applicant, APHIS will examine the facts and circumstances of the applicant's actions during the regulatory review period to determine whether the applicant exhibited the degree of attention, continuous directed effort, and timeliness as may reasonably be expected from, and are ordinarily exercised by, a person during a regulatory review period. APHIS will take into consideration all relevant factors, such as the amount of time between the approval of an experimental use permit and licensure of the veterinary biological product.

(b) For purposes of this Part, the actions of the marketing applicant shall be imputed to the applicant for patent term restoration. The actions of an agent, attorney, contractor, employee, licensee, or predecessor in interest of the marketing applicant shall be imputed to the applicant for patent term restoration.

Subpart E—Due Diligence Hearing

§ 124.40 Request for hearing.

(a) Any interested person may request, within 60 days beginning on the date of publication of a due diligence determination by APHIS in accordance with § 124.32, that APHIS conduct an informal hearing on the due diligence determination.

(b) The request for a hearing must:

(1) Be in writing;
(2) Contain the docket number of the **Federal Register** notice of APHIS's regulatory review period determination;
(3) Be delivered to the Deputy Director, Veterinary Biologics, BBEP, APHIS, USDA, room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782;
(4) Contain a full statement of facts upon which the request for hearing is based;
(5) Contain the name, the address, and the principal place of business of the person requesting the hearing; and
(6) Contain a certification that the person requesting the hearing has served a true and complete copy of the request upon the petitioner of the due diligence determination and the applicant for patent term extension by certified or registered mail (return receipt requested) or by personal service.

(c) The request must state whether the requesting party seeks a hearing not later than 30 days after the date APHIS receives the request, or, at the request of the person making the request, not later than 60 days after such date.

§ 124.41 Notice of hearing.

No later than ten days before the hearing, APHIS will notify the requesting party, the applicant, the petitioner, and any other interested person of the date, time, and location of the hearing.

§ 124.42 Hearing procedure.

(a) The presiding officer shall be appointed by the Administrator of APHIS from officers and employees of the Department who have not participated in any action of the Secretary which is the subject of the hearing and who are not directly responsible to an officer or employee of the Department who has participated in any such action.

(b) Each party to the hearing shall have the right at all times to be advised and accompanied by an attorney.

(c) Before the hearing, each party to the hearing shall be given reasonable notice of the matters to be considered at the hearing, including a comprehensive statement of the basis for the action taken or proposed by the Secretary which is the subject of the hearing and any general summary of the information which will be presented at the hearing in support of such action.

(d) At the hearing the parties to the hearing shall have the right to hear a full and complete statement of the action which is the subject of the hearing together with the information and reasons supporting such action, to conduct reasonable questioning, and to present any oral and written information relevant to such action.

(e) The presiding officer in such hearing shall prepare a written report of the hearing to which shall be attached all written material presented at the hearing. The participants in the hearing shall be given the opportunity to review and correct or supplement the presiding officer's report of the hearing.

(f) The Secretary may require the hearing to be transcribed. A party to the hearing shall have the right to have the hearing transcribed at his expense. Any transcription of a hearing shall be included in the presiding officer's report of the hearing.

(g) The due diligence hearing will be conducted in accordance with rules of practice adopted for the proceeding. APHIS will provide the requesting party, the applicant, and the petitioner with an opportunity to participate as a party in the hearing. The standard of due diligence set forth in § 124.33 will apply at the hearing. The party requesting the due diligence hearing will have the burden of proof at the hearing.

§ 124.43 Administrative decision.

Within 30 days after completion of the due diligence hearing, the Assistant Secretary for Marketing and Inspection Services, taking into consideration the recommendation of the Administrator, will affirm or revise the determination made under § 124.32. APHIS will publish the due diligence redetermination in the **Federal Register**, notify PTO of the redetermination, and send copies of the notice to PTO and the requesting party, the applicant, and the petitioner.

Done in Washington, DC, this 19th day of February 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Service.

[FR Doc. 93–4345 Filed 2–24–93; 8:45 am]
BILLING CODE 3410–34–M

FARM CREDIT ADMINISTRATION

12 CFR Part 614

RIN 3052–AB34

Loan Policies and Operations; Collateral Evaluation Requirements, Actions on Applications, and Review of Credit Decisions; Correction

AGENCY: Farm Credit Administration.

ACTION: Final rule; correcting amendments.

SUMMARY: The Farm Credit Administration (FCA), by the Farm Credit Administration Board (Board), adopted on November 12, 1992, a final regulation amending FCA regulations relating to collateral evaluation requirements for Farm Credit System (FCS or System) institutions engaged in lending or leasing. This regulation was published as a final regulation on November 20, 1992, 57 FR 54683, but will not become effective until March 1, 1993. The FCA Board now publishes corrections and a clarifying change to the regulation which will make it clear that for certain loans, transactional independence between the credit decision and the collateral evaluation where the same employee or officer is responsible for both can be satisfied by providing for prior approval or post-review of the credit decision by the senior management or the board of directors.

DATES: The regulation shall become effective March 1, 1993, or upon the expiration of 30 days after November 20, 1992 during which either or both houses of Congress are in session, whichever is later. Notice of the effective date will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Dennis K. Carpenter, Senior Policy Analyst, Regulation Development Division, Office of Examination, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION: The preamble to the final regulation (57 FR 54683) discussed evaluator independence requirements for collateral evaluations not requiring an appraisal. In such cases, the preamble stated that a loan officer could prepare the collateral evaluation and complete the credit decision if the final credit decision was also reviewed by the FCS institution's senior management and/or board of directors. However, the regulatory language did not accurately reflect the Board's intention. In addition, the preamble did not specify whether the review must be a prior approval or a post-review.

Section 614.4255 Independence requirements is corrected to indicate that if an employee or officer of the institution prepares the collateral evaluation as well as approves the credit decision, the institution's internal control procedures required by § 618.8430 of this chapter must provide for either a prior approval or a post-review of the credit decision.

In the case of a director of the institution, the regulation would still prohibit the director from performing

VOL 58 ISS 36 FE 25 1993 UMI

the collateral evaluation and also taking part in the credit decision, under all circumstances.

In addition, in the preamble, the third line from the bottom of the third full paragraph in the third column of page 54689 should read "credit decision is reviewed by the * * *" rather than the "evaluation is reviewed by the * * *."

The FCA has been requested to clarify whether it intended that the lending institution be responsible for the engagement of an environmental impact expert to ascertain the magnitude of the environmental concern that has been identified (as described in the Section-by-Section Analysis, paragraph d., second column, page 54692).

It is the FCA's position that once an environmental concern has been identified, either through the collateral evaluation process or through some other means, the institution is responsible for analyzing the potential impact of the environmental concern on the borrower and ensuring that an environmental assessment is conducted if appropriate. However, either the borrower or the institution may engage the environmental impact expert.

Therefore, the FCA clarifies this point by correcting page 54692, to eliminate the sentence beginning on line 21 from the bottom of the second column (which begins "Once an environmental concern * * *") through line 11 from the bottom of the second column. In substitution the FCA adds the following: "Once an environmental concern is identified, it is the lender's responsibility to analyze the potential impact of the environmental concern on both the collateral value and the financial viability of the borrower and to ensure that an environmental assessment is obtained if needed. As appropriate, the institution may engage an environmental impact expert to conduct an impact assessment or may require the borrower to take appropriate action."

List of Subjects in 12 CFR Part 614

Agriculture, Banks and banking, Foreign trade, Reporting and recordkeeping requirements, Rural areas.

Accordingly, 12 CFR part 614 is amended as follows:

Subpart F—Collateral Evaluation Requirements

§ 614.4250 [Corrected]

1. Section 614.4250 is amended by removing the reference to "§ 614.4240(l)" and adding in its place "§ 614.4240(k)" in paragraph (a)(1).

§ 614.4255 [Corrected]

2. Section 614.4255 is amended by revising paragraph (a); redesignating existing paragraphs (b), (c), and (d) as new paragraphs (c), (d), and (e); adding a new paragraph (b); and by adding an "s" at the end of the word "serve" in the introductory text of redesignated paragraph (c) to read as follows:

§ 614.4255 Independence requirements.

(a) *Prohibitions.* For all personal and intangible property, and for all real property exempted under § 614.4260(c) of this subpart, no person may:

(1) Perform evaluations in connection with transactions in which such person has a direct or indirect interest, financial or otherwise, in the loan or subject property;

(2) As a director, vote on or approve a loan decision on which such person performed a collateral evaluation; or

(3) As a director, perform a collateral evaluation in connection with any transaction on which such person made or will be required to make a credit decision.

(b) *Officers and employees.* If the institution's internal control procedures required by § 618.8430 of this chapter include requirements for either a prior approval or post-review of credit decisions, officers and employees may:

(1) Participate in a vote or approval involving assets on which they performed a collateral evaluation; or

(2) Perform a collateral evaluation in connection with a transaction on which they have made or will be required to make a credit decision.

* * * * *

Dated: February 19, 1993.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 93–4332 Filed 2–24–93; 8:45 am]

BILLING CODE 6705–01–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards; Termination of Waiver of the Nonmanufacturer Rule

AGENCY: Small Business Administration.

ACTION: Notice of the termination of a waiver of the nonmanufacturer rule for computer disk drives.

SUMMARY: The Small Business Administration (SBA) is terminating the waiver of the Nonmanufacturer Rule for computer disk drives. The decision to terminate this waiver of the Nonmanufacturer Rule is based on evidence provided to the SBA that there are several small businesses which manufactures computer disk drives and are available to provide them to the Federal Government. Terminating the waiver will require recipients of contracts set aside for small or 8(a) businesses to provide the products of small business manufacturers or processors.

EFFECTIVE DATES: May 26, 1993.

FOR FURTHER INFORMATION CONTACT:

James Parker, Procurement Analyst, phone (703) 695–2435.

SUPPLEMENTARY INFORMATION: Public Law 100–656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set aside for small businesses or SBA 8(a) Program procurements must provide the products of small business manufacturers or processors. The SBA regulations imposing this requirement are found at 13 CFR 121.906(b) and 121.1106(b). Section 210 of Public Law 101–574 further amended the law to allow for waivers for classes of products for which there are no small business manufacturers or processors "available to participate in the Federal procurement market."

SBA announced the waiver for computer disk drives in the **Federal Register** on August 8, 1991, p. 23526. Computer disk drives are identified under Product and Service Code (PSC) 7025 and Standard Industrial Classification (SIC) Code 3572. Subsequently, through contacts with a Traditional Procurement Center Representative the SBA was made aware of contracts awarded to small businesses that manufacture computer disk drives. Our knowledge of the existence of small business manufacturers available to participate in the Federal procurement market requires us to terminate the waiver.

Therefore, the waiver previously granted for computer disk drives under PSC 7025 and SIC 3572 is terminated, effective ninety days from the date of this notice. Small business set-aside or SBA 8(a) contracts for computer disk drives may rely on this waiver where the solicitation is dated before the ninetieth day after the date of **Federal Register** publication of this termination.

Dated: February 11, 1993.

Robert J. Moffitt,

Associate Administrator for Procurement Assistance.

[FR Doc. 93–4412 Filed 2–24–93; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 92-ASO-17]

Revocation of Control Zone and Transition Area, Oak Grove, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the Oak Grove, NC Control Zone and Transition Area. The Oak Grove HOLF (Navy) Airport has been permanently closed; thus a need no longer exists for the controlled airspace associated with the existing control zone and transition area.

EFFECTIVE DATE: 0901 u.t.c., May 27, 1993.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Patterson, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On October 29, 1992, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revoke the Oak Grove, NC Control Zone and Transition Area (57 FR 58166). The proposed action would revoke the controlled airspace around the Oak Grove HOLF (Navy) Airport. The airport has been permanently closed and the controlled airspace associated with the existing control zone and transition area is no longer needed. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This revocation is the same as that in the notice. Control Zones and Transition Areas are published in section 71.171 and section 71.181, respectively, of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The coordinates for this airspace docket are based on North American Datum 83. The Control Zone and Transition Area listed in this document will be removed subsequently from the Handbook.

The Rule

This amendment to part 71 of the Federal Aviation Regulations revokes the Oak Grove, NC Control Zone and Transition Area.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Control zones, Transition areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, is amended as follows:

Section 71.171 Designation of Control Zones

* * * * *

ASO NC CZ Oak Grove, NC [Removed]

* * * * *

Section 71.181 Designation of Transition Areas

* * * * *

ASO NC TA Oak Grove, NC [Removed]

Issued in East Point, Georgia, on February 9, 1993.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 93-4350 Filed 2-24-93; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 92-ASO-18]

Establishment of Transition Area, Summerville, SC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes the Summerville, SC Transition Area. A standard instrument approach procedure (SIAP) has been developed to serve the Dorchester County Airport based on the Dorchester County Non-directional Radio Beacon (NDB). This action would lower the base of controlled airspace from 1200 feet to 700 feet above the surface of the airport to provide additional controlled airspace for instrument flight rules (IFR) aeronautical operations.

EFFECTIVE DATE: 0901 u.t.c., May 27, 1993.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Patterson, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On November 9, 1992, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish the Summerville, SC Transition Area (57 FR 58167). This action will provide controlled airspace for aircraft executing a new instrument approach procedure to the Dorchester County Airport. The operating status of the airport is changed to include IFR. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Transition Areas are published in section 71.181 of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The coordinates for this airspace docket are based on North American Datum 83. The Transition Area listed in this document will be published subsequently in the Handbook.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes the Summerville, SC Transition Area to accommodate Instrument Flight Rules

VOL 58 ISS 36 FE 25 1993 UMI

operations at the Dorchester County Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Transition areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, is amended as follows:

Section 71.181 Designation of Transition Areas

* * * * *

ASO SC TA Summerville, SC [New]

Dorchester County Airport, SC
(lat. 33°03'49"N, long. 80°16'46"W)

That airspace extending upward from 700 above the surface within a 7-mile radius of Dorchester County Airport.

* * * * *

Issued in East Point, Georgia, on February 9, 1993.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 93–4351 Filed 2–24–93; 8:45 am]

BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA–9–1–5467; A–1–FRL–4538–6]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Recodification of Air Quality Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. These revisions consist of a revised format for Virginia's air pollution control regulations. The changes are administrative in nature, and do not substantively revise the current SIP, except for the addition to the SIP of Virginia's public participation guidelines. The intended effect of this action is to ensure that the Commonwealth of Virginia's current regulatory numbering format and the Virginia SIP numbering format are consistent with each other. This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective on March 29, 1993.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460; and Virginia Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240.

FOR FURTHER INFORMATION CONTACT: Harold A. Frankford, (215) 597–1325.

SUPPLEMENTARY INFORMATION:

Background

On February 14, 1985, the Commonwealth of Virginia submitted to EPA Region III both a revised format and numerous amendments, both administrative and substantive, to its Regulations for the Control and Abatement of Air Pollution. Virginia requested that these changes be reviewed and processed as revisions of the Virginia State Implementation Plan (SIP). Many of the nonsubstantive changes were made to the regulations to improve their clarity and simplicity. The new format of the regulations primarily organizes the emission standards into separate rules based on source category, although there are a limited number of pollutant-specific rules. These pollutant-specific rules pertain to visible emissions, fugitive dust/emissions, and open burning. The emission standards in these rules are cross-referenced in the source-specific rules.

The State certified that public hearings pertaining to these proposed revisions were held on June 15, 1984, and September 18, 1984, in Richmond, as required by 40 CFR 51.102. Additional public hearings were held in Abingdon, Roanoke, Lynchburg, Virginia, and Springfield.

On October 19, 1987, 52 FR 38787, EPA proposed approval of Virginia's procedural language changes and format amendments as revisions of the Virginia SIP. During the 30-day public comment period following this proposed rulemaking notice, no comments were received. This final rulemaking notice summarizes EPA's final action with respect to the renumbering and format changes only. EPA's evaluation of Virginia's substantive regulatory revisions will be discussed in separate final rulemaking notices.

Revised Regulation Format

One element of the reorganization effort was to relocate those definitions previously located in part I that were primarily used or associated with a particular element (part, rule, or section), within the regulations. Parts I (Definitions) and II (General Provisions) contain the definitions of general applicability and general provisions, respectively, as in the old format, with the exception of section 2.33, which has been relocated to Part VIII (Permits for New and Modified Sources). Part IV (Existing and Certain Other Sources) contains the source category-specific rules and includes the applicable definitions.

The format and numbering of Virginia's air pollution control regulations have been extensively revised. A description and cross-reference of these changes are listed below:

Part I—Definitions

Sections 1.01 (General) and 1.02 (Terms Defined) have been converted to Sections 120–01–01 and 120–01–02, respectively.

Part II—General Provisions

Sections 2.01 through 2.14, 2.30 through 2.32 and 2.34 have been converted to Sections 120–02–01

through 120–02–14, 120–02–30 through 120–02–32, and 120–02–34, respectively. Section 2.33 is now located in Part VIII, Section 120–08–01. Section 120–02–02B. contains a provision referencing Virginia's public participation guidelines, which are being added to the federally-approved Virginia SIP. The following Part II provisions are not included in the Virginia SIP: Sections 120–02–02E., 120–02–05B., C., 120–02–08, and 120–02–13.

Part III—Ambient Air Quality Standards

Sections 3.01 through 3.08 have been converted to Sections 120–03–01 through 120–03–08, respectively.

Part IV—Existing and Certain Other Sources

Revised Format

The format for Part IV has been extensively revised, especially the provisions governing control of manufacturing process operations and volatile organic compound (VOC) emissions. The provisions were formerly found in Rules EX–4 and EX–5 are now renumbered as follows:

Rule EX–4 (Particulate Emissions from Manufacturing Operations) has been reorganized as follows:

Rule 4–4 General Process Operations
Rule 4–10 Asphalt Concrete Plants
Rule 4–12 Chemical Fertilizer Manufacturing Operations
Rule 4–13 Kraft Pulp Mills
Rule 4–14 Sand and Gravel Processing and Stone Quarrying Operations
Rule 4–15 Coal Preparation Plants
Rule 4–16 Portland Cement Plants
Rule 4–17 Woodworking Operations
Rule 4–18 Primary and Secondary Metal Operations
Rule 4–19 Lightweight Aggregate Process Operations
Rule 4–20 Feed Manufacturing Operations

Rule EX–5 (Emission Standards for Gaseous Pollutants) has been reorganized as follows:

Rule 4–8 Fuel Burning Equipment (SO_2 Standards)
Rule 4–21 Sulfuric Acid Plants
Rule 4–22 Sulfur Recovery Operations (SO_2 Standards)
Rule 4–19 Lightweight Aggregate Process Operations (SO_2 Standards)
Rule 4–23 Nitric Acid Production Units (SIP Reg. 4.53)

The following rules have been reorganized and renumbered from former SIP Regulations 4.54 through 4.57:

Rule 4–5 Synthesized Pharmaceutical Products Manufacturing Operations
Rule 4–6 Rubber Tire Manufacturing Operations
Rule 4–11 Petroleum Refinery Operation
Rule 4–24 Solvent Metal Cleaning Operations
Rule 4–25 Transfer and Storage Operation
Rule 4–26 Large Appliance Coating Lines
Rule 4–27 Magnet Wire Coating Lines
Rule 4–28 Automobile and Light-Duty Truck Coating Lines
Rule 4–29 Can Coating Lines
Rule 4–30 Metal Coil Coating Lines
Rule 4–31 Paper & Fabric Coating Lines
Rule 4–32 Vinyl Coating Lines
Rule 4–33 Metal Furniture Coating Lines
Rule 4–34 Miscellaneous Metal Parts and Products Coating Application Systems
Rule 4–35 Flatwood Paneling
Rule 4–36 Graphic Arts Printing
Rule 4–37 Petroleum Liquid Storage and Transfer Operations
Rule 4–38 Dry Cleaning Systems
Rule 4–39 Asphalt Paving Operations

In addition, the following other Part IV renumbering changes have been made:

Old SIP citation	Revised SIP citations
Special provisions (Sections 4.01–4.05).	Sections 120–04–01 through 120–04–05.
Rule EX–1 Open burning.	Rule 4–40.
Rule EX–2 Visible emissions/fugitive.	Rule 4–1.
Rule EX–3 Fuel burning equipment.	Rule 4–8.
Rule EX–7 Incinerators	Rule 4–7.
Rule EX–8 Coal refuse disposal areas.	Deleted.
Rule EX–9 Coke Ovens.	Rule 4–9.
Rule EX–10 Mobile sources.	Rule 4–41.

Part V—Emission Standards From New and Modified Sources

The format of Part V is revised as follows: SIP Sections 5.01 through 5.05 are redesignated as Sections 120–05–01 through 120–05–05, respectively. SIP rules NS–1 and NS–4 are redesignated as Rules 5–1 and 5–4, respectively.

SIP Sections 7.01 through 7.05 have converted to Sections 120–07–03 through 120–07–07, respectively. Section 120–07–01 (Applicability) has been moved from Part I to Part VII as an explanatory section which does not change any substantive provisions in this Part. The definitions found in Section 120–07–02 (Definitions) have been moved from Part I to Part VII.

Part VIII—Permits For New and Modified Sources

SIP section 2.33 (Permits—New and Modified Sources) has been relocated from Part II to Part VIII, and designated as Section 120–08–01. Section 8.02 (Permits for Major Stationary Sources and Major Modifications located in Nonattainment Areas) has been redesignated as Section 120–08–03. With regard to Section 120–08–02 (Permits—Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas), Virginia carries out PSD authority via a delegation of agreement with EPA to implement and enforce 40 CFR part 52, § 52.21. The PSD regulations at 40 CFR 52.21 were federally promulgated for Virginia at 40 CFR 52.2451.

Appendices

The current SIP version of appendix E, referring to coal refuse disposal areas, is deleted. A new appendix E, which describes Virginia's public participation guidelines, is added. In addition, the wording of appendices A, G, J, K, N, and P has been revised to reflect administrative changes associated with the recodification of Virginia's air pollution control regulations. These changes include revision of the boundaries of Metropolitan Statistical Areas as defined by the United States Department of Commerce, references to the revised State citations, and removal of obsolete provisions.

Revisions to Administrative Provisions

EPA is also approving certain other administrative amendments associated with the renumbering and reformatting of Parts I, II, IV, and V of Virginia's regulations, including the deletion of outdated provisions, as revisions to the Virginia SIP. The affected provisions were listed in the October 19, 1987 NPR, and EPA's evaluation and determination of approval are discussed in the accompanying technical support document entitled "Approval of Revision to the Virginia State Implementation Plan—52.2420(c)(89)," dated October 16, 1992 which is available upon request from the EPA Regional Office listed in the ADDRESSES section of this notice.

EPA has not reviewed at this time the substance of certain regulations which were part of Virginia's February 14, 1985 SIP revision submittal. These rules, which pertain to substantive revisions of Virginia's sulfur dioxide (SO_2), good engineering practice (GEP) stack height, particulate matter (PM), volatile organic compounds (VOC),

VOL 58 ISS 36 FE 25 1993 UMI

sulfuric acid mist, total reduced sulfur (TRS) from kraft pulp mills and open burning requirements, as well as new source review provisions concerning both Federal/State enforceability and exclusion of vessel emissions will be the subject of separate rulemaking actions. By today's action, EPA is now only approving the numbering system and associated administrative changes submitted by the State. The EPA's approval of the renumbering system, at this time, does not imply any position with respect to the approvability of the substantive rule changes to the above-listed changes. To the extent EPA has issued any SIP calls to the State with respect to the adequacy of any of the rules subject to this recodification, EPA will continue to require the State to correct any such rule deficiencies despite EPA's approval of this recodification.

Final Action

EPA is approving Virginia's request to revise the SIP to reflect the revised format of the Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution, except for those provisions which EPA does not regard to be part of the SIP. EPA's action is limited to approval of the revised numbering system and the revised format within such system of the federally-approved language of the definitions, regulatory provisions, and administrative provisions of the SIP.

The Agency has reviewed this request for revision of the federally-approved State implementation plan for conformance with the provisions of the 1990 amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action to approve recodification of Virginia's SIP regulations and the associated administrative revisions has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 26, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur Oxides.

Dated: November 12, 1992.

A.R. Morris,

Acting Regional Administrator, Region III.

40 CFR part 52, chapter I, title 40 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart VV—Virginia

2. Section 52.2420 is amended by adding paragraph (c)(89) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(89) Revisions to the Virginia Regulations for the Control and Abatement of Air Pollution were submitted on February 15, 1985 by the Commonwealth of Virginia:

(i) *Incorporation by reference.*

(A) Letter of February 15, 1985 from the Virginia State Air Pollution Control Board transmitting a recodification and restructuring of the Virginia Regulations for the Control and Abatement of Air Pollution.

(B) The following provisions of the Virginia regulations, effective February 1, 1985:

(1) Part I General Definitions

Sections 120–01–01, 120–01–02 (former sections 1.01, 1.02) (except for definitions of "dispersion technique," "excessive concentrations," "good engineering practice (GEP) stack height," "hazardous air pollutant," "nearby," "stationary source" and "variance").

(2) Part II General Provisions

Sections 120–02–01 through 120–02–04 (former sections 2.01–2.04); 120–02–05A (former section 2.05A); 120–02–06 through 120–02–07 (former sections 2.06–2.07) 120–02–11, 120–02–14 (former sections 2.11, 2.14); 120–02–31, 120–02–32, and 120–02–34 (former sections 2.31, 2.32, 2.34).

Note: SIP Sections 2.09, 2.10, 2.12, and 2.30 have been redesignated as Sections 120–02–09, 120–02–10, 120–02–12, and 120–02–30 respectively. There are no wording changes. SIP Section 2.33 has been moved to Part VIII.

(3) Part III Ambient Air Quality Standards

Sections 120–03–01 through 120–03–05 (former sections 3.01–3.05), 120–03–07, 120–03–08 (former Sections 3.07–3.08)

(4) Part IV Emission Standards From Existing Sources

Sections 120–04–01 through 120–04–05 (except for sections 120–04–02.A.3. and 120–04–02I).

Rule 4–4, Sections 120–04–0401, 120–04–0402.A.–C. (definitions of "heat input" and "rated capacity" only), 120–04–0407, 120–04–0408, 120–04–0411 through 120–04–0417.

Rules 4–5, 4–6, 4–23, and 4–38 (except for sections within each rule pertaining to control of odors and noncriteria pollutants).

Rule 4–7 (except for sections 120–04–0706 through 120–04–0708).

Rule 4–8, Sections 120–04–0801, 120–04–0802.A.–C. (except for definitions of "fuel burning equipment," "fuel burning equipment installation," "refuse derived fuel" and "total capacity"), 120–04–0805A. and B., 120–04–0807A., 120–04–0808, 120–04–0811 through 120–04–0817.

Rule 4–9, Sections 120–04–0901, 120–04–0902, 120–04–0909, 120–04–0910 (except for 120–04–0910.B.2.), 120–04–0911 through 120–04–0915.

Rule 4–10 (except for sections 120–04–1002.C., 120–04–1003, 120–04–1006, 120–04–1007).

Rule 4–11 (except for sections 120–04–1104, 120–04–1110, 120–04–1111, and the definition of "gasoline" in section 120–04–1102.C.).

Rule 4–12, Sections 120–04–1201, 120–04–1202.A.–C. (definition of "chemical fertilizer" only), 120–04–1204, 120–04–1205, 120–04–1208 through 120–04–120–04–1414.

Rule 4–13, Sections 120–04–1301, 120–04–1302.A. and B., 120–04–1305, 120–04–1306, 120–04–1309 through 120–04–1315.
Rule 4–14, Sections 120–04–1401, 120–04–1402.A. and B., 120–04–1404, 120–04–1405, 120–04–1408 through 120–04–1414.
Rule 4–15, Sections 120–04–1501, 120–04–1502.A. and B., 120–04–1504, 120–04–1505, 120–04–1508 through 120–04–1514.
Rule 4–16, Sections 120–04–1601, 120–04–1602.A. and B., 120–04–1605, 120–04–1606, 120–04–1609 through 120–04–1615.
Rule 4–17, Sections 120–04–1701, 120–04–1702.A. and B., 120–04–1704, 120–04–1705, 120–04–1708 through 120–04–1714.
Rule 4–18, Sections 120–04–1801, 120–04–1802.A.–C. (definition of "melt time" only), 120–04–1805, 120–04–1806, 120–04–1809 through 120–04–1815.
Rule 4–19, Sections 120–04–1901, 120–04–1902.A. and B., 120–04–1905, 120–04–1906, 1204–04–1909 through 120–04–1915.
Rule 4–20, Sections 120–04–2001, 120–04–2002.A.–C. (definition of "production rate" only), 120–04–2004, 120–04–2005, 120–04–2008 through 120–04–2014.
Rule 4–21, Sections 120–04–2101, 120–04–2102.A. and B., 120–04–2105, 120–04–2106, 120–04–2109 through 120–04–2115.
Rule 4–22 (except for sections 120–04–2203, 120–04–2206 and 120–04–2207).
Rule 4–24 (except for sections 120–04–2401.C., 120–04–2407, and 120–04–2408).
Rule 4–25 (except for sections 120–04–2501.C., 120–04–2507, and 120–04–2508).
Rule 4–26 (except for sections 120–04–2601.C., 120–04–2607, 120–04–2608, and 120–04–2609.B.).
Rule 4–27 (except for sections 120–04–2701.C., 120–04–2707, 120–04–2708, and 120–04–2709.B.).
Rule 4–28 (except for sections 120–04–2801.C., 120–04–2807, 120–04–2808, and 120–04–2809.B.).
Rule 4–29 (except for sections 120–04–2901.C., 120–04–2907, 120–04–2908, and 120–04–2909.B.).
Rule 4–30 (except for sections 120–04–3001.C., 120–04–3007, 120–04–3008, and 120–04–3009.B.).
Rule 4–31 (except for sections 120–04–3101.C., 120–04–3107, 120–40–3108, and 120–04–2609.B.).
Rule 4–32 (except for sections 120–04–3201.C., 120–04–3207, 120–04–3208, and 120–04–3209.B.).
Rule 4–33 (except for sections 120–04–3301.C., 120–04–3307, 120–04–3308, and 120–04–3309.B.).
Rule 4–34 (except for sections 120–04–3401.C., 120–04–3407, 120–04–3408, and 120–04–3409.B.).
Rule 4–35 (except for sections 120–04–3501.C., 120–04–3507, 120–04–3508, and 120–04–3509.B.).
Rule 4–36 (except for sections 120–04–3601.C., 120–04–3607, 120–04–3608, and 120–04–3609.B.).
Rule 4–37 (except for sections 120–04–3703.D.3.b., 120–04–3707, and 120–04–3708).
Rule 4–39 (except for sections 120–04–3906 and 120–04–3507).
Rule 4–40, Sections 120–04–4001.A. and B., 120–04–4002.A., B., C. (definitions of "refuse" and "household refuse" only).
Rule 4–41, Sections 120–04–4101, 120–04–4102, 120–04–4103.C., 120–04–4104, and 120–04–4105.

Deletion of Rule EX–8

Note: (1) All sections within each rule pertaining to control odors and noncriteria pollutants are not part of the SIP.

(2) Emission standards for hydrogen sulfide (sections 120–04–0406, 120–04–1105), total reduced sulfur (section 120–04–1304), and sulfuric acid mist (section 120–04–2104) are currently not part of the SIP.

(3) Section 120–04–3703D.3.b. (former section 4.56(e)(3)(ii)) pertaining to monthly throughput exemptions for gasoline bulk plants is not an approved part of the SIP.

(5) Part V Emission Standards for New and Modified Sources

Sections 120–05–01 through 120–05–05 (except for section 120–05–02.H.).
Rule 5–1, Sections 120–05–0101, 120–05–0102.A., B., C. (definition of "opacity" only), 120–05–0104 through 120–05–0107.
Rule 5–4 (except for sections 120–05–0406 and 120–05–0409).

Note: All sections within each rule pertaining to odors and noncriteria pollutants are not part of the SIP.

(6) Part VII Air Pollution Episodes

Sections 120–07–01, 120–07–02 (added).
Sections 120–07–03 through 120–07–07 (revised) (former Sections 7.01–7.05).

(7) Part VIII Permits for New and Modified Sources

Section 120–08–01.A., B. (except for definitions of "allowable emissions," "potential to emit," "secondary emissions," and "stationary source"), C. (except for C.1.b.), D. through G., and I. through M. (former section 2.33).

Section 120–08–03.A., B. (except for definitions of "allowable emissions," "building, structure, or facility," "net emissions increase," "potential to emit," "secondary emissions," and "stationary source"), C. through G. (except for F.1.), and I. through P. (former section 8.02).

Note: Sections pertaining to sources of hazardous pollutants (sections 120–08–01C.1.b., 120–08–01H.2., 120–08–03C.1.b., and 120–08–03H.2) are not part of the SIP.

(8) Appendices

A, D, F, G, J, K, N, P (Revised)
New E (Added)
B, H—No Change
Old E—Deleted

(ii) *Additional material.*

(A) Remainder of February 15, 1985 State submittal.

(B) Letter with attachments from the Virginia State Air Pollution Control Board (VSAPCB) to U.S. EPA Region III; June 21, 1985.

(C) Letter from VSAPCB to U.S. EPA Region III; September 5, 1985.

(D) Letter with attachments VSAPCB to U.S. EPA Region III; August 7, 1986.

* * * * *

3. Section 52.2423 is amended by revising paragraph (f) to read as follows:

§ 52.2423 Approval status.

* * * * *

(f) Section 120–04–02.A.3. of the Virginia Regulations for the Control and Abatement of Air Pollution is not considered part of the applicable plan because it contradicts a previously approved section of the SIP.

* * * * *

[FR Doc. 93–4161 Filed 2–24–93; 8:45 am]
BILLING CODE 6560–50–M

40 CFR Part 180

[PP 3F2765/R1182; FRL–4572–7]
RIN 2070–AB78

Pesticide Tolerance for Pendimethalin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a tolerance for the combined residues of the herbicide pendimethalin [*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine] and its metabolite 4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on the raw agricultural commodity sugarcane at 0.1 part per million (ppm). This regulation was requested by the American Cyanamid Co. and would establish the maximum permissible residue of the herbicide on sugarcane.

EFFECTIVE DATE: This regulation becomes effective February 25, 1993.

ADDRESSES: Written objections, identified by the document control number, [PP 3F2765/R1182], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, rm. M3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Robert J. Taylor, Product Manager (PM) 25, (H7505C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: rm. 241, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-305-6800.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 22, 1982 (47 FR 57128), EPA issued a notice which announced that the American Cyanamid Co., P.O. Box 400, Princeton NJ 08540, had submitted pesticide petition (PP) 3F2765 to EPA proposing that under the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, 40 CFR 180.361 be amended by

VOL
58
ISS
36
FE
25
1993
UMI

establishing a regulation to permit residues of the herbicide pendimethalin (*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine) in or on the raw agricultural commodity sugarcane at 0.1 ppm.

There were no comments or requests for referral to an advisory committee received in response to the notice of filing.

Subsequently, the petitioner amended the petition and proposed to establish a tolerance for the combined residues of pendimethalin [*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine] and its metabolite [4-([1-ethylpropyl]-amino)-2-methyl-3,5-dinitrobenzyl alcohol] in or on the raw agricultural commodity sugarcane at 0.10 ppm. Because this revision was a redefinition of the proposal to be consistent with other crop tolerances and did not significantly alter the proposal, a period of public comment is not necessary.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data listed below were considered in support of this tolerance.

1. Several acute studies placing technical-grade pendimethalin in Toxicity Category III.

2. A subchronic feeding study with rats fed dosages of 0, 5, 25, and 250 milligrams/kilogram/day (mg/kg/day) with a no-observable-effect level (NOEL) of 25 mg/kg/day based on decrease in hematocrit and hemoglobin in males, decreased body weight gain and food consumption, and hypertrophy of the liver accompanied by increased liver weights at 250 mg/kg/day.

3. A chronic feeding in dogs fed dosages of 1, 12.5, 50, and 200 mg/kg/day with a NOEL of 12.5 mg/kg/day based on an increase in serum alkaline phosphatase and increased liver weight and hepatic lesions at 50 mg/kg/day.

4. A chronic feeding/carcinogenicity study in rats fed dosages of 0, 5, 25, and 50 mg/kg/day with a statistically significant increased trend and pairwise comparison between the high-dose group and control for thyroid follicular cell adenomas in male and female rats. The systemic NOEL is 5 mg/kg/day based on pigmentation of thyroid follicular cells in males and females.

5. A carcinogenicity study in mice fed dosages of 0, 12.3, 62.3, and 622.1 mg/kg/day (males) and 0, 15.6, 783, and 806.9 mg/kg/day with no carcinogenic effects observed under the conditions of the study up to 622.1 mg/kg/day (highest dose tested (HDT)).

6. A developmental toxicity study with rats fed dosages of 0, 125, 250, and 500 mg/kg/day with a developmental NOEL > 500 mg/kg/day (HDT) and a maternal NOEL > 500 mg/kg/day (HDT).

7. A developmental toxicity study with rabbits fed dosages of 0, .5, 30, and 60 mg/kg/day with a developmental NOEL > 60 mg/kg/day (HDT).

8. A two-generation reproduction study with rats fed dosages of 1, 25, 125, and 250 mg/kg/day (males) and 0, 35, 175, and 350 mg/kg/day (females) with a reproductive NOEL of 25 mg/kg/day based on decrease in pup weight at 125 mg/kg/day. The parental NOEL is 25 mg/kg/day based on decrease in body weight and food consumption at 125 mg/kg/day.

9. Mutagenicity data included assays with *Salmonella typhimurium* (positive in strains TA 1538 and TA 98 with metabolic activation; an in vitro cytogenetics-CHO assay (negative up to 25 *ug*/plate without metabolic activation and 100 *ug*/mL with activation); and an unscheduled DNA synthesis (negative between 30 and 3,000 *ug*/well). A micronucleus assay in mice was negative at 625 and 1,250 mg/kg.

The Health Effects Division Carcinogenicity Peer Review Committee (PRC) evaluated the toxicology data for carcinogenic potential. The PRC classified pendimethalin as a Group C—possible human carcinogen and recommended that for the purpose of characterization, the Reference Dose (RfD) approach should be used for quantification of human risk. This decision was based on statistically significant increased trend and pairwise comparison between the high-dose group and controls for thyroid follicular cell adenomas in male and female rats. This study was conducted using adequate doses for the determination of carcinogenic activity. Pendimethalin induces gene mutations, but not aberrations or DNA damage/repair based on acceptable studies. Structurally-related compounds showed evidence of tumorigenic activity.

The PRC was requested to consider the possibility of using the threshold model for thyroid neoplasms for pendimethalin. While it was suggestive, the evidence was not sufficient to support hormonal mechanisms for thyroid neoplasms.

Based on the NOEL of 12.5 mg/kg/day (2-year dog feeding study) and an uncertainty factor of 300, the RfD (reference dose) for pendimethalin is calculated to be 0.04 mg/kg/day body weight/day (bwt). The theoretical maximum residue contribution (TMRC) is 0.000226 mg/kg/ bwt/day for existing tolerances for the overall U.S. population. The current action will increase the TMRC by 0.000038 mg/kg bwt/day or 0.1 percent of the RfD. This tolerance and previously established tolerances utilize 0.7 percent of the RfD. The subgroup most highly exposed, children aged 1 through 6, has a TMRC from published and proposed uses of 0.000568 mg/kg/ bwt/day or 1.4 percent of the RfD, assuming that residue levels are at the established tolerances and 100 percent of the crop is treated.

There are no desirable data lacking and no pending regulations against the continuing registration of this chemical. The chronic dietary risk from this chemical appears to be minimal, particularly since none of the U.S. population subgroups has an exposure greater than 2 percent of the RfD.

The nature of the residues in plants and animals is adequately understood, and adequate analytical methodology (GLC using a ^{63}Ni electron capture detector) is available for enforcement and has been published in the Pesticide Analtyical Method (PAM), Method I. No secondary residues are expected to occur in meat, milk, poultry, or eggs from this use.

Based on the informtion submitted above, the Agency has determined that the establishment of the tolerance by amending 40 CFR part 180 will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above (40 CFR 178.20). The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

The Office of Management and Budget has exempted this rule from the

requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 17, 1993.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.361(a) in the table therein, by adding and alphabetically inserting the raw agricultural commodity sugarcane, to read as follows:

§ 180.361 Pendimethalin; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Sugarcane	0.1
* * * * *	

* * * * *

[FR Doc. 93-4393 Filed 2-24-93; 8:45 am]

BILLING CODE 6560-50-F

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Parts 821 and 826

Rules of Practice in Civil Penalty Proceedings

AGENCY: National Transportation Safety Board.

ACTION: Interim rules and request for comment.

SUMMARY: The NTSB is adopting interim rules to implement the FAA Civil Penalty Administrative Assessment Act of 1992, signed into law on August 26, 1992. This law transfers adjudication of appeals of civil penalties assessed by the Federal Aviation Administrator against pilots, flight engineers, mechanics, and repairmen from the FAA to the NTSB. In light of the immediate effectiveness of the law, the NTSB is adopting interim rules without notice and comment. Comments are invited and will be considered in the formulation of final rules.

DATES: The interim rules are effective on February 25, 1993. Comments are invited by March 29, 1993. Reply comments may be filed by April 21, 1993.

ADDRESSES: An original and two copies of any comments must be submitted to: Office of General Counsel, National Transportation Safety Board, 490 L'Enfant Plaza East, SW., Washington, DC 20594, Attention: Civil Penalty Rules.

Comments may be inspected at the above address, Room 6333, from 8 a.m. to 5 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Daniel D. Campbell, General Counsel, (202) 382-6540.

SUPPLEMENTARY INFORMATION: The NTSB currently has rules, at 49 CFR part 821, that govern practice and procedure in certain air safety proceedings, including proceedings in which the Administrator of the Federal Aviation Administration seeks to suspend or revoke various certificates or privileges. Our rules provide generally that, upon appeal from an order of the Administrator, the matter will be heard by an administrative law judge, who will issue an initial decision appealable to the Board itself. Especially relevant to our inquiry here, subpart B contains general procedural rules, subpart D specifies due dates for filing appeals from orders of the Administrator, and subparts E, F and G describe the functions of the law judges, the conduct of hearings held by them, and issuance of their decisions. Subpart H explains the process of appealing the law judge's decision to the Board.

Interim Rules

Public Law No. 102-345 expands the Board's jurisdiction to review actions of the Administrator. Section 901(a)(3)(D)(ii) of the Federal Aviation Act of 1958 (49 U.S.C. 1471(a)(3)) has been amended to provide that any person acting in the capacity of a pilot, flight engineer, mechanic, or repairman against whom an order assessing a civil penalty is issued by the Administrator under this paragraph may appeal the order to the National Transportation Safety Board, and the Board shall, after notice and a hearing on the record in accordance with section 554 of title 5, United States Code, affirm, modify, or reverse the order of the Administrator.

Thus, in addition to our current docket of appeals involving suspension, revocation, and medical qualification matters, we now will also hear appeals from the Administrator's orders imposing civil penalties against individuals in the listed categories.

We believe that our current rules require few immediate changes to accommodate our new authority. The existing appeal procedures already include, as required by Public Law 102-345, notice and a hearing on the record pursuant to the Administrative Procedure Act, 5 U.S.C. 554 *et seq.* The changes below merely add information to reflect the scope of our new authority.[1] These interim rules should permit processing of any civil penalty cases instituted while the Board has final rules under consideration.

Request for Comments

Interested parties should feel free to offer comments as to any of the existing part 821 rules that they believe require modification to facilitate civil penalty practice before the Board. Commentors should be aware that it is the Board's intention to publish an additional notice of proposed rule covering part 821 generally. The Board has received numerous suggestions for improvement of its Part 821 rules, and we believe it will be beneficial to pursue generalized "housekeeping" amendment of these rules to add to their efficiency. In this upcoming proceeding, all interested persons will be asked for additional suggested improvements to the basic rules.

The present docket should be used only for submissions that pertain specifically to the issue of new civil penalty jurisdiction. One area in which we specifically seek comment is the applicability of the stale complaint rule, § 821.33, to the civil penalty docket. We propose no changes to this rule.[2] Thus,

[1] We do not believe that all relevant provisions of P.L. No. 102-345 (such as the section restricting civil penalties to $50,000) need be reproduced in rules, and we do not propose to do so.

[2] The new Act imposes a statute of limitations of 2 years from the date the violation occurred for civil penalties not appealable to the NTSB. The NTSB stale complaint rule bars some violations where 6 months or more has elapsed between the date of the violation and the Administrator's notice to respondent of reasons for a proposed action. We are unaware of any legislative history to suggest that the new statutory provision was intended to affect the Board's ability to apply its long-standing stale complaint rule in civil penalty cases.

VOL 58 ISS 36 FE 25 1993 UMI

unless comments convince us otherwise, it will continue to apply not only to suspensions but to civil penalties as well. The Board is also particularly interested in hearing any comments or proposals relating to the new codification of rules of deference and the provisions of Public Law No. 102–345 that pertain to the modification of proposed sanctions.

Public Law 102–345 amended existing statutory authorities of the Board to indicate that the Board, while not bound by any findings of fact made by the Administrator, is bound by all validly adopted interpretations of laws and regulations administered by FAA and, with respect to the choice of sanctions, by such written FAA policy guidance as is available to the public. This deference is to be accorded FAA unless the Administrator's interpretations are found to be arbitrary, capricious, or otherwise not in accordance with the law. The new law also indicates that the Board may, consistent with the foregoing, modify the type of sanction imposed by the Administrator. For example, the law indicates that the Board may, in an appropriate case, change a civil penalty to a suspension or it may change a suspension to a civil penalty. From the standpoint of current practice, the foregoing provisions regarding deference do not appear to require great departure from current practice.[3] On the other hand, the new provision regarding the modification of sanction clearly results in some tension with existing practice.[4]

The Board does not now propose any specific amendment to its rules to accommodate these new deference and sanction provisions. Indeed it may be that no rules are required, as the statutory authority is largely self-executing. Furthermore, it will be difficult to anticipate the types of questions that may arise under these provisions, and it may prove equally difficult to specify by general rule an answer that will actually be dispositive of the many questions that could arise. Nevertheless, some of the areas of concern are obvious. Among these are questions such as the meaning of "validly adopted" in the context of interpretations proffered by FAA; the scope of authorities which may be deemed to be "written agency policy guidance" to which deference should be given in sanction determinations; and the circumstances in which the Board may or should consider the modification of sanction as between civil penalties on the one hand and suspensions or revocations on the other. The Board believes that it will be useful to receive public comment on issues such as these, even if it should prove impossible to construct specific rules of procedure from the comments made.

[3] The Board has traditionally given great deference to the Administrator's interpretation of FAA rules, where that interpretation was free of the types of defect now specified by statute. See, *e.g.*, *Administrator* v. *Miller*, NTSB Order No. EA–3581 (1992).

[4] It has been the traditional practice of the Board to defer to the Administrator's choice of sanction except where clear and compelling reasons indicate that a reduced sanction is warranted. See *Administrator* v. *Muzquiz*, 2 NTSB 1474 (1975). It is also true as a practical fact, if perhaps not explicitly stated as doctrine, that the Board does not increase sanction over that sought by the Administrator. While the inclusion of in the Board's traditional policies, the parameters of policy change, if any, are not easily established by statute or reference to its legislative history.

Regulatory Matters

Because the legislation is already effective, we are adopting necessary implementing amendments on an interim basis, pending receipt and consideration of comments. We intend to issue final rules as soon as possible thereafter.

As required by the Regulatory Flexibility Act, we certify that the amended rules will not have a substantial impact on a significant number of small entities. The rules are not major rules for the purposes of Executive Order 12291. We also conclude that this action will not significantly affect either the quality of the human environment or the conservation of energy resources, nor will this action impose any information collection requirements requiring approval under the Paperwork Reduction Act.

List of Subjects

49 CFR Part 821

Administrative practice and procedure, Airmen, Aviation safety.

49 CFR Part 826

Claims, Equal access to justice, Lawyers.

Accordingly, 49 CFR parts 821 and 826 are amended as set forth below.

PART 821—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

1. The authority citation for part 821 is revised to read as follows:

Authority: Title VI, Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1421 *et seq.*); Independent Safety Board Act of 1974, Pub. L. 93–633, 88 Stat. 2166 (49 U.S.C. App. 1901, *et seq.*), and FAA Civil Penalty Administrative Assessment Act of 1992, Pub.L. 102–345 (49 U.S.C. App. 1471), unless otherwise noted.

2. Section 821.1 is amended to add the following definitions:

§ 821.1 Definitions.

* * * * *

Flight engineer means a person who holds a flight engineer certificate issued under part 63 of title 14 of the Code of Federal Regulations.

* * * * *

Mechanic means a person who holds a mechanic certificate issued under part 65 of title 14 of the Code of Federal Regulations.

Order means the document (sometimes also called a complaint) in which the Administrator seeks to impose a civil penalty or amend, modify, suspend or revoke a certificate.

* * * * *

Pilot means a person who holds a pilot certificate issued under part 61 of title 14 of the Code of Federal Regulations.

Repairman means a person who holds a repairman certificate issued under part 65 of Title 14 of the Code of Federal Regulations.

* * * * *

3. Section 821.1 is also amended by revising the two definitions below as follows:

§ 821.1 Definitions.

Complaint means an order of the Administrator from which an appeal to the Board has been taken pursuant to sections 501(e)(2), 609, 611(c), or 901 of the Act.

* * * * *

Respondent means the holder of a certificate who has appealed to the Board from an order of the Administrator imposing a civil penalty or amending, modifying, suspending, or revoking a certificate.

* * * * *

4. Section 821.2 is revised to read as follows:

§ 821.2 Applicability and description of part.

The provisions of this part govern all air safety proceedings, including proceedings involving airman medical certification, before a law judge on petition for review of the denial of any airman certificate or on an appeal from any order of the Administrator amending, modifying, suspending or revoking any certificate. The provisions of this part also govern all proceedings on appeal from an order of the Administrator imposing a civil penalty on a flight engineer, mechanic, pilot, or repairman, where the underlying violation occurred on or after August 26, 1992, and all proceedings on appeal to

the Board from any order or decision of a law judge.

5. Section 821.30 is revised to read as follows:

§ 821.30 Initiation of proceedings.

(a) *Appeal.* A certificate holder may file with the Board an appeal from any order of the Administrator amending, modifying, suspending or revoking a certificate. A flight engineer, mechanic, pilot, or repairman may file with the Board an appeal from any order of the Administrator imposing a civil penalty. Such appeals shall be filed with the Board within 20 days from the time of service of the order, along with proof of service on the Administrator.

(b) *Contents.* Each appeal shall contain a concise but complete statement of the facts relied on and the relief sought. It shall identify the Administrator's order and any certificate affected and shall recite the Administrator's action from which the appeal is sought. It shall also contain proof of service on the Administrator.

(c) *Effect of timely appeal with the Board.* Timely filing with the Board of an appeal from an order of the Administrator shall postpone the effective date of the order until final disposition of the appeal by the law judge or the Board, except in emergency proceedings.

6. Section 821.64 is revised to read as follows:

§ 821.64 Judicial review.

Judicial review of a final order of the Board may be sought as provided in section 1006 of the Act (49 U.S.C. App. 1486) and section 304(d) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903(d)) by the filing of a petition for review within 60 days of the date the Board Order is served, subject to the restrictions contained in section 609(a) of the Act, and new § 901(a)(3)(D)(v) enacted in the FAA Civil Penalty Administrative Assessment Act of 1992.

7. The authority citation for part 826 continues to read as follows:

Authority: Section 203(a)(1) Pub. L. 99–80, 99 Stat. 186 (5 U.S.C. 504).

8. Section 826.2 is revised to read as follows:

§ 826.2 When the Act applies.

The Act applies to any adversary adjudication identified in § 826.3 as covered under the Act.

9. Section 826.3(a) is revised to read as follows:

§ 826.3 Proceedings covered.

(a) The Act applies to certain adversary adjudications conducted by the Board. These adjudications under 5 U.S.C. 554 in which the position of the FAA is presented by an attorney or other representative who enters an appearance and participates in the proceedings. Proceedings to grant or renew certificates or documents, hereafter referred to as "licenses," are excluded, but proceedings to modify, suspend, or revoke "licenses," are excluded, but proceedings to modify, suspend, or revoke licenses or to impose a civil penalty on a flight engineer, mechanic, pilot, or repairman are covered if they are otherwise "adversary adjudications." For the Board, the type of proceeding covered includes (but may not be limited to) aviation enforcement cases appealed to the Board under sections 501, 602, 609, 611 and 901 of the Federal Aviation Act (49 U.S.C. App. 1401(e), 1422, 1429, 1431, 1471).

* * * * *

Issued in Washington, DC, on this 19th day of February 1993.

Carl W. Vogt,

Chairman.

[FR Doc. 93–4309 Filed 2–24–93; 8:45 am]

BILLING CODE 7533–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

50 CFR Part 625

[Docket No. 920543–2293]

RIN 0648–AE21

Summer Flounder Fishery; Correction

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule; corrections.

SUMMARY: This document corrects errors in the final rule implementing Amendment 2 to the Fishery Management Plan for the Summer Flounder Fishery, which was published December 4, 1992 (57 FR 57358).

EFFECTIVE DATE: December 4, 1992.

FOR FURTHER INFORMATION CONTACT: Kathi L. Rodrigues, Resource Policy Analyst, (508) 281–9324.

SUPPLEMENTARY INFORMATION:

Correction

In final rule document 92–29290, beginning on page 57358, in the issue of Friday, December 4, 1992, make the following corrections:

1. On page 57358, in the **EFFECTIVE DATES** section, in the second column, in the 31st line of text from the bottom of the page, "635.26" is corrected to read "625.26".

§ 625.4 [Corrected]

2. On page 57370, in the regulatory text, in the first column, in § 625.4(b)(1)(ii), in the 17th line from the bottom of the page, "October 15, 1992" is corrected to read "November 30, 1992".

§ 625.5 [Corrected]

3. On page 57371, in the regulatory text, in the second column, in § 625.5(b)(1), in the 23rd line of text from the top of the page, "application" is corrected to read "applicant".

§ 625.27 [Corrected]

4. On page 57376, in the regulatory text, in the second column, in § 625.27(e)(2), in the sixth line of text from the top of the page, "agencies" is corrected to read "species".

Dated: February 18, 1993.

Samuel W. McKeen,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 93–4182 Filed 2–24–93; 8:45 am]

BILLING CODE 3510–22–M

---

50 CFR Part 675

[Docket No. 921185–3021]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for pollock by the offshore component in the Bering Sea subarea (BS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the first allowance of the pollock total allowable catch (TAC) for the offshore component in the BS.

EFFECTIVE DATES: Effective 12 noon, Alaska local time (A.l.t.), February 22, 1993, until the second allowance of pollock total allowable catch becomes available.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, Resource Management Specialist, Fisheries Management Division, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP) prepared by the North Pacific Fishery Management Council under authority of

VOL
58
ISS
36
FE
25
1993
UMI

the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

In accordance with § 675.20(a)(2), the first allowance of pollock TAC for the offshore component in the BS was established by the final notice of groundfish specifications (February 17, 1993, 58 FR 8703) as 323,212 metric tons (mt).

The Director of the Alaska Region, NMFS (Regional Director), has determined, in accordance with § 675.20(a)(8), that the first allowance of pollock TAC for the offshore component in the BS soon will be reached. Therefore, the Regional Director has established a directed fishing allowance of 309,621 mt, with consideration that 13,591 mt will be taken as incidental catch in directed fishing for other species in the BS. Consequently, NMFS is prohibiting directed fishing for pollock by the offshore component in the BS, effective from 12 noon A.l.t., February 22, 1993, until the second allowance of pollock total allowable catch becomes available.

Directed fishing standards for applicable gear types may be found in the regulations at § 675.20(h).

Classification

This action is taken under 50 CFR 675.21 and complies with E.O. 12291.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 19, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93-4446 Filed 2-22-93; 4:19 pm]

BILLING CODE 3510-22-M

Propo

This section contains notic issuance of r purpose of th persons an o rule making p rules.

DEPARTMI

Animal and Service

7 CFR Part

[Docket No.

Importatio

AGENCY: Ar Inspection

ACTION: Pro

SUMMARY: V number of and vegetal United Stat world. Som would be r mandatory other injuri entry, or to conditions and vegetal would be s disinfectio arrival as n Departmen This propo United Sta sources of continuing the introdu injurious p and vegetal

DATES: Cor to commen 12, 1993.

ADDRESSES three copie

We w

§ 319.56–6

Belize: Banan
Bermuda:
Mandarin
Papaya .
Peach ...
Pineapple

Proposed Rules

Federal Register
Vol. 58, No. 36
Thursday, February 25, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 300 and 319

[Docket No. 92-070-1]

Importation of Fruits and Vegetables

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to allow a number of previously prohibited fruits and vegetables to be imported into the United States from certain parts of the world. Some of the fruits and vegetables would be required to undergo mandatory treatment for fruit flies or other injurious insects as a condition of entry, or to meet other special conditions. In addition, all of the fruits and vegetables, as a condition of entry, would be subject to inspection, disinfection, or both, at the port of first arrival as may be required by a U.S. Department of Agriculture inspector. This proposed action would provide the United States with additional kinds and sources of fruits and vegetables while continuing to provide protection against the introduction and dissemination of injurious plant pests by imported fruits and vegetables.

DATES: Consideration will be given only to comments received on or before April 12, 1993.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 92-070-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead (202-690-2817) to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Frank E. Cooper, Senior Operations Officer, Port Operations, PPQ, APHIS, USDA, room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8295.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR 319.56 *et seq.* (referred to below as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of injurious insects that are new to or not widely distributed within and throughout the United States.

In a final rule published in the **Federal Register** on November 19, 1992 (57 FR 54485-54492, Docket No. 88-143-2), we revised the regulations to allow a number of previously prohibited fruits and vegetables to be imported into the United States from certain parts of the world. That final rule also revised the regulations to allow seven fruits and vegetables to enter the United States from certain parts of the world under less restrictive conditions.

We are now proposing to amend the regulations by allowing additional fruits and vegetables to be imported into the United States from certain parts of the world. The importation of these fruits and vegetables has been prohibited because of the risk that the fruits and vegetables could introduce injurious insects into the United States. We are proposing to allow these importations at the request of various importers and foreign ministries of agriculture, and after conducting pest risk analyses [1] that indicate the fruits or vegetables can be imported under certain conditions without significant pest risk.

All of the fruits and vegetables included in this document would be subject to the requirements in § 319.56-6 of the regulations. Section 319.56-6 provides, among other things, that all imported fruits and vegetables, as a condition of entry, shall be subject to inspection, disinfection, or both, at the port of first arrival as may be required by a U.S. Department of Agriculture (USDA) inspector to detect and eliminate plant pests. Section 319.56-6 also provides that any shipment of fruits and vegetables may be refused entry if the shipment is infested with fruit flies or other dangerous plant pests and an inspector determines that it cannot be cleaned by disinfection or treatment.

Some of the fruits and vegetables proposed for importation would be required to undergo mandatory treatment for fruit flies or other insect pests as a condition of entry, or to meet other special conditions.

The proposed conditions of entry, which are discussed in greater detail below, appear adequate to prevent the introduction and dissemination of injurious plant pests by the importation of fruits and vegetables from foreign countries and localities.

[1] Information on these pest risk assessments and any other pest risk assessment referred to in this document may be obtained by writing to the person listed under "FOR FURTHER INFORMATION CONTACT."

Subject to Inspection and Treatment Upon Arrival

We would allow the following fruits and vegetables to be imported into the United States in accordance with § 319.56-6 and all other applicable requirements of the regulations:

Country and common name	Botanical name	Plant part(s)
Belize: Banana	*Musa* spp	Flower in bracts with stems
Bermuda:		
Mandarin orange	*Citrus reticulata*	Fruit.
Papaya	*Carica papaya*	Fruit.
Peach	*Prunus persica*	Fruit.
Pineapple guava	*Feijoa* spp	Fruit.

Country and common name	Botanical name	Plant part(s)
Cook Islands:		
Carambola	*Averrhoa carambola*	Fruit.
Lemongrass	*Cymbopogon* spp	Leaf.
Tossa jute	*Corchorus olitorius*	Leaf.
Costa Rica: Yam bean	*Pachyrhizus tuberosus* or *P. erosus*	Root.
Jamaica: Fenugreek	*Trigonella foenum-graecum*	Leaf, stem, root.
Panama: Fenugreek	*Trigonella foenum-graecum*	Leaf, stem.
St. Vincent and the Grenadines: Turmeric	*Curcuma longa*	Rhizome.
South Korea:		
Aster greens	*Aster scaber*	Leaf, stem.
Cucurbits	*Cucurbitaceae*	Fruit.
Youngia greens	*Youngia sonchifolia*	Leaf, stem, root.
Taiwan: Burdock	*Arctium lappa*	Root.
Tonga: Pumpkin	*Cucurbita maxima*	Fruit.
Zambia: Pea, snow	*Pisum sativum* spp. *sativum*	Flat immature pod.

Pest risk analyses conducted by the Animal and Plant Health Inspection Service (APHIS) have shown that these fruits and vegetables are not attacked by fruit flies or other injurious plant pests in the countries and localities listed, either because they are not hosts to the pests or because the pests are not present in the country of origin. In addition, we have determined that any other injurious plant pests that might be carried by the fruits or vegetables would be readily detectable by a USDA inspector. Therefore, the provisions in § 319.56–6 concerning inspection, disinfection, or both, upon arrival appear adequate to prevent the introduction of injurious plant pests by the importation of these fruits and vegetables.

Subject to Inspection and Treatment Upon Arrival; Additional Conditions

In addition to the fruits and vegetables mentioned above, we are also proposing to allow strawberries (*Fragaria* spp.) and dasheen (*Colocasia* spp., *Alocasia* spp., and *Xanthosoma* spp.) from South Korea and ginger (*Zingiber officinale*) from the Cook Islands to be imported into the United States. These commodities, like the fruits and vegetables mentioned above, would be imported into the United States in accordance with § 319.56–6 and all other applicable requirements of the regulations. However, in order to prevent the spread of certain injurious plant pests, we are attaching additional conditions to their proposed importation. These additional conditions, which are explained below, appear to be adequate to prevent the introduction and dissemination of injurious plant pests.

We are proposing to allow strawberries from South Korea to be imported into the United States from September 15 to May 31, inclusive. Although several exotic pests, including a thrips (*Haplothrips chinensis*) and a leafroller (*Capua tortrix*), are known to attack strawberries grown in South Korea, the pests of concern do not attack strawberries between the end of August and early June. The strawberries would, therefore, pose no significant risk of carrying injurious plant pests into the United States if they were imported from September 15 to May 31, inclusive.

We are proposing to allow ginger grown in the Cook Islands to be imported into all parts of the United States except Puerto Rico, the Virgin Islands, and Guam. Ginger grown in the Cook Islands is reported to be a host of the ginger weevil (*Elytroteinus subtruncatus*), a pest found in tropical areas of the world. We would allow ginger from the Cook Islands to be imported into the continental United States because the ginger weevil can be detected through a visual inspection, and because the more temperate climate of the continental United States makes it unlikely that the pest could become established here. We would allow ginger from the Cook Islands to be imported into Hawaii because the ginger weevil is already established there and is considered to be only a minor pest. The ginger weevil has, however, been reported to be a major pest in other tropical areas. Therefore, we would continue to prohibit the importation of ginger from the Cook Islands into Puerto Rico, the Virgin Islands, and Guam to prevent the ginger weevil becoming established in those places.

We are proposing to allow dasheen grown in South Korea to be imported into all parts of the United States except Guam. Dasheen grown in South Korea is known to be a host of dasheen mosaic virus, which occurs in all parts of the United States except Guam. In order to prevent dasheen mosaic virus becoming established there, we would continue to prohibit the importation into Guam of dasheen grown in South Korea.

Treatment Required

The fruits and vegetables listed below are attacked by the Mediterranean fruit fly or other injurious insects, as specified below, in their country of origin. Visual inspection cannot be relied upon to detect these insects, but the fruits and vegetables can be treated to destroy the insects. Therefore, we propose to allow these fruits and vegetables to be imported into the United States, or specified parts of the United States, only if they have been treated in accordance with the Plant Protection and Quarantine (PPQ) Treatment Manual, which has been incorporated by reference into the Code of Federal Regulations in 7 CFR part 300. We would revise the PPQ Treatment Manual to show that treatments are required as follows for the fruits and vegetables listed below:

Country	Common name	Botanical name	Plant part(s)
Guyana	Apple	*Malus domestica*	Fruit.
	Cold treatment as follows for Mediterranean fruit fly and fruit flies of the genus *Anastrepha*:		
	11 days at 0 °C (32 °F) or below		
	13 days at 0.55 °C (33 °F) or below		
	15 days at 1.11 °C (34 °F) or below		
	17 days at 1.68 °C (35 °F) or below		
	(Pulp of the fruit must be at or below the indicated temperature at time of beginning treatment.)		

Country	Common name	Botanical name	Plant part(s)
Israel	Litchi (Precaution: A sample of fruits should be exposed to the treatment to determine fruit tolerance before commercial shipments are attempted.) Cold treatment as follows for Mediterranean fruit fly: 10 days at 0 °C (32 °F) or below 11 days at 0.55 °C (33 °F) or below 12 days at 1.11 °C (34 °F) or below 14 days at 1.66 °C (35 °F) or below 16 days at 2.22 °C (36 °F) or below (Pulp of the fruit must be at or below the indicated temperature at time of beginning treatment.)	*Litchi chinensis*	Fruit.
Jordan	Grape Fumigation as follows for Mediterranean fruit fly and grape vine moth (*Lobesia botrana*): With methyl bromide at NAP—chamber or tarpaulin: *32 g/m³* (2 lb/1000 ft³) for 3½ hours at 21 °C (70 °F) or above, with minimum gas concentrations of: 26g (oz) at ½ hour after fumigation begins 22g (oz) at 2 or 2½ hours after fumigation begins 21g (oz) at 3½ hours after fumigation begins *32 g/m³* (2 lb/1000 ft³) for 4 hours at 18–20.5 °C (65–69 °F), with minimum gas concentrations of: 26g (oz) at ½ hour after fumigation begins 22g (oz) at 2 or 2½ hours after fumigation begins 19g (oz) at 4 hours after fumigation begins (Fruit must be at the indicated temperature at start of fumigation.)	*Vitis* spp.	Fruit.
Zimbabwe	Apple Cold treatment for Mediterranean fruit fly and Natal fly as set forth above for litchi from Israel.	*Malus domestica*	Fruit.
	Kiwi Cold treatment for Mediterranean fruit fly and Natal fly as set forth above for litchi from Israel.	*Actinidia deliciosa*	Fruit.
	Pear Cold treatment for Mediterranean fruit fly and Natal fly as set forth above for litchi from Israel.	*Pyrus communis*	Fruit.

The treatments described above have been determined to be effective against the specified insects. This determination is based on research evaluated and approved by the Department. A bibliography and additional information on this research may be obtained from the Hoboken Methods Development Center, PPQ, APHIS, USDA, 209 River Street, Hoboken, NJ, 07030.

Fruits and vegetables required to be treated for fruit flies would be restricted to North Atlantic ports of arrival if treatment has not been completed before the fruits and vegetables arrive in the United States. Climatic conditions at North Atlantic ports are unsuitable for the fruit flies listed above. Therefore, in the unlikely event that any fruit flies escape before treatment, they will not become established pests in the United States. North Atlantic ports are: Atlantic Ocean ports north of and including Baltimore; ports on the Great Lakes and St. Lawrence Seaway; Canadian border ports on the North Dakota border and east of North Dakota; and, for air shipments, Washington, DC (including Baltimore-Washington International and Dulles International airports).

Pest risk analyses conducted by APHIS have determined that any other injurious plant pests that might be carried by the fruits and vegetables listed above would be readily detectable by a USDA inspector. As noted, the fruits and vegetables would be subject to inspection, disinfection, or both, at the port of first arrival, in accordance with § 319.56–6.

Miscellaneous

In addition to the changes set forth above, we are proposing to make four changes for the sake of clarity. First, we would revise § 319.56a, paragraph (a)(7), so that the items listed in the paragraph will be in alphabetical order, as are the items in the other paragraphs of this section. Second, we would correct a reference in § 319.56a(a)(12) by removing the words "this section" and replacing them with the words "this subpart." Third, we would remove a reference in § 319.56–2(a) to a paragraph designation for a definition in § 319.56–1. The definitions in § 319.56–1 no longer have paragraph designations, but are arranged in alphabetical order. Fourth, we would amend the list of commodities in § 319.56–2t by removing the word "Korea" and replacing it with the words "South Korea" to avoid any potential confusion.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rule would amend the regulations governing the importation of fruits and vegetables by allowing a number of previously prohibited fruits and vegetables to be imported into the United States from certain parts of the world. The importation of these fruits and vegetables has been prohibited because of the risk that they could introduce injurious plant pests into the United States. This proposed rule would revise the status of certain commodities from certain countries, allowing their importation into the United States for the first time.

Our proposed changes are based on biological risk assessments that were conducted by APHIS at the request of various importers and foreign ministries of agriculture. The risk assessments indicate that the fruits or vegetables listed in this proposed rule could, under certain conditions, be imported into the United States without significant pest risk. Some of the fruits and vegetables in this proposal would be required to undergo mandatory treatment for fruit flies or other injurious insects as a condition of entry, or to meet other special conditions. In addition, all of the fruits and vegetables, as a condition of entry, would be subject to inspection, disinfection, or both, at the port of first arrival as may be required by a USDA inspector. Thus, our proposed action would provide the United States with

VOL
58
ISS
36
FE
25
1993
UMI

additional kinds and sources of fruits and vegetables while continuing to provide protection against the introduction of injurious plant posts by imported fruits and vegetables.

Most of the fruits and vegetables in this proposal are specialty items that are either not grown in the United States or are grown in very limited quantities. In general, U.S. fruit and vegetable producers would not be negatively affected by the increased importation of these specialty items. Consumers would benefit from the greater availability of the items at potentially lower prices. A positive net impact on the U.S. economy is expected overall.

A positive net impact on the U.S. economy is also expected with regard to those fruits and vegetables that are produced in significant quantities in the United States. Those fruits and vegetables include apples, pears, grapes, strawberries, and cucurbits.

The average annual U.S. production of fresh apples for 1987–1989 was approximately 2.5 million metric tons (Agricultural Statistics, 1991). Zimbabwe and Guyana have requested permission to export apples to the United States, but it is unlikely that either country would export quantities significant enough to affect domestic apple producer prices. Total apple production in Zimbabwe for 1987–1989 averaged approximately 6,000 metric tons annually (FAO Yearbook, 1989). If Zimbabwe exported its entire annual apple production to the United States, it would represent only about .24 percent of total annual U.S. fresh apple production. Guyana produces less than 500 metric tons of apples annually (FAO Yearbook, 1989), which is less than .02 percent of the average annual U.S. fresh apple production.

The same situation exists for pears from Zimbabwe and grapes from Jordan. U.S. pear production is approximately 450,000 metric tons annually (Agricultural Statistics, 1991). Zimbabwe produces less than 500 metric tons of pears annually (FAO Yearbook, 1989), which is less than .11 percent of annual U.S. pear production. Additionally, any pears exported from Zimbabwe are likely to be exported to the United States in the spring, which is opposite the peak U.S. pear production season (September to December). Therefore, it is unlikely that these exports would affect U.S. fresh pear prices. Total grape production in Jordan is approximately 3 percent of U.S. fresh grape production and 0.4 percent of total U.S. grape production (FAO Yearbook, 1989).

South Korea has expressed interest in exporting strawberries and cucurbits to the United States. Total strawberry production in South Korea was estimated to average approximately 36,000 metric tons annually from 1987–1989 (FAO Yearbook, 1989). This figure represents over 9 percent of fresh U.S. strawberry production and almost 7 percent of total U.S. strawberry production (Agricultural Statistics, 1991). South Korean annual production figures for several types of cucurbits—cantaloupe, watermelon, pumpkin, squash, and gourds—averaged 550,000 metric tons for 1987–1989 (FAO Yearbook, 1989). Estimates of annual U.S. production for the same commodities averaged over 1.8 million metric tons for 1987–1989 (FAO Yearbook, 1989). South Korean melon production figures are almost 30 percent of U.S. figures.

South Korean strawberry and cucurbit production levels are high enough that U.S. melon and strawberry prices could be influenced by significant quantities of South Korean exports. However, South Korean agricultural officials have provided APHIS with some sense of the volume of each commodity it is likely to export to the United States on an annual basis. For strawberries, the officials estimated that exports will be very minimal or almost zero, due in part to the relatively high market price being received for fresh strawberries in South Korean markets. The officials also indicated that exports of South Korean cucurbits to the United States will be limited, although there seems to be a growing demand for those items in the United States. The South Korean cucurbits are of different varieties than the U.S. cucurbits, however, so they would not be in direct competition for established U.S. melon and squash markets. Therefore, the importation of strawberries and cucurbits from South Korea is not expected to have a significant effect on U.S. producers of those commodities.

The aggregate impact of this proposed rule is expected to be positive. U.S. consumers would benefit from greater availability of specialty fruits and vegetables. It is not likely that any producers, large or small, of traditional U.S. fruits and vegetables would be affected in a significant way by the easing of importation restrictions on these particular commodities. There may be a very limited number of U.S. producers growing small quantities of specialty items who may decide to no longer compete with their foreign counterparts, but it is not possible to determine how many of these smaller entities exist.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This proposed rule would allow certain fruits and vegetables to be imported into the United States from certain parts of the world. If this proposed rule is adopted, State and local laws and regulations regarding the importation of fresh fruits and vegetables under this rule would be preempted while the fruits and vegetables are in foreign commerce. Fresh fruits and vegetables are generally imported for immediate distribution and sale to the consuming public, and would remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. If this proposed rule is adopted, no retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court.

National Environmental Policy Act

An environmental assessment and finding of no significant impact has been prepared for this proposed rule. The assessment provides a basis for the conclusion that the importation of fruits and vegetables under the conditions specified in this proposed rule would not present a significant risk of introducing or disseminating plant pests and would not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381–50384, August 28, 1979, and 44 FR 51272–51274, August 31, 1979).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. In addition,

copies may be obtained by writing to the individual listed under "FOR FURTHER INFORMATION CONTACT."

Paperwork Reduction Act

This document contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects

7 CFR Part 300

Incorporation by reference, Plant diseases and pests, Quarantine.

7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery Stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we propose to amend title 7, chapter III, of the Code of Federal Regulations as follows:

PART 300—INCORPORATION BY REFERENCE

1. The authority citation for part 300 would continue to read as follows:

Authority: 7 U.S.C. 150ee, 161.

2. In § 300.1, paragraph (a) would be revised to read as follows:

§ 300.1 Materials incorporated by reference.

(a) The Plant Protection and Quarantine Treatment Manual, which was reprinted May 1985, and includes all revisions through _____, has been approved for incorporation by reference in 7 CFR chapter III by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

* * * * *

PART 319—FOREIGN QUARANTINE NOTICES

3. The authority citation for part 319 would continue to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167; 21 U.S.C. 136a; 7 CFR 2.17, 2.51, and 371.2(c), unless otherwise noted.

4. In § 319.56a, paragraph (a)(7) would be revised to read as follows:

§ 319.56a Administrative instructions and interpretation relating to entry into Guam of fruits and vegetables under § 319.56.

(a) * * *

(7) Arrowroot, asparagus, bean sprouts, broccoli, cabbage, carrots (without tops), cassava, cauliflower, celery, chives, cow-cabbage, dasheen, garlic, gingerroot, horseradish, kale, kudzu, leek, lettuce, onions, Portuguese cabbage, turnip, udo, water chestnut, watercress, waterlilyroot, and yam bean root, from Taiwan (Formosa).

* * * * *

§ 319.56a [Amended]

5. In § 319.56a, paragraph (a)(12), the word "section" would be removed and the word "subpart" would be added in its place.

§ 319.56–2 [Amended]

6. In § 319.56–2, at the end of paragraph (a), "§ 319.56–1(b)." would be removed and "§ 319.56–1." would be added in its place.

7. In § 319.56–2t, the introductory paragraph would be revised, and the list of commodities would be amended by revising the entry for "Korea" in the first column to read "South Korea" and moving that entry to the appropriate alphabetical order and by adding, in alphabetical order, the following:

§ 319.56–2t Administrative instructions; conditions governing the entry of certain fruits and vegetables.

The following commodities may be imported into all parts of the United States, unless otherwise indicated, from the places specified, in accordance with § 319.56–6 and all other applicable requirements of this subpart:

Country/locality	Common name	Botanical name	Plant part(s)
• •	• •	• •	•
Belize	Banana	*Musa* spp	Flower in bracts with stems.
Bermuda			
• •	• •	• •	•
	Mandarin orange	*Citrus reticulata*	Fruit.
• •	• •	• •	•
	Papaya	*Carica papaya*	Fruit.
• •	• •	• •	•
	Peach	*Prunus persica*	Fruit.
	Pineapple guava	*Feijoa* spp	Fruit.
• •	• •	• •	•
Cook Islands			
• •	• •	• •	•
	Carambola	*Averrhoa carambola*	Fruit.
• •	• •	• •	•
	Ginger	*Zingiber officinale*	Root.
(Prohibited entry into Puerto Rico, Virgin Islands, and Guam due to ginger weevil (*Elytroteinus subtruncatus*))			
• •	• •	• •	•
	Lemongrass	*Cymbopogon* spp	Leaf.
	Tossa jute	*Corchorus olitorius*	Leaf.
• •	• •	• •	•
Costa Rica			
• •	• •	• •	•
	Yam bean	*Pachyrhizus tuberosus* or *P. erosus*	Root.

Country/locality	Common name	Botanical name	Plant part(s)
Jamaica	Fenugreek	*Trigonella foenum-graecum*	Leaf, stem, root.
Panama	Fenugreek	*Trigonella foenum-graecum*	Leaf, stem.
St. Vincent and the Grenadines	Turmeric	*Curcuma longa*	Rhizome.
South Korea	Aster greens	*Aster scaber*	Leaf, stem.
	Cucurbits	*Cucurbitaceae*	Fruit.
	Dasheen	*Colocasia* spp., *Alocasia* spp., and *Xanthosome* spp.	Root.
	(Prohibited entry into Guam due to dasheen mosaic virus)		
	Strawberry	*Fragaria* spp	Fruit.
(Entry permitted only from September 15 to May 31, inclusive, to prevent the introduction of a complex of exotic pests including, but not limited to, a thrips (*Haplothrips chinensis*) and a leafroller (*Capua tortrix*))			
	Youngia greens	*Youngia sonchifolia*	Leaf, stem, root.
Taiwan	Burdock	*Arctium lappa*	Root.
Tonga	Pumpkin	*Cucurbita maxima*	Fruit.
Zambia	Pea, snow	*Pisum sativum* spp. *sativum*	Flat immature pod.

8. In § 319.56–2x, paragraph (a), the list of fruits and vegetables would be amended by adding, in alphabetical order, the fo[l]lowing:

§ 319.56–2x [A]dministrative instructions; conditions governing the entry of certain fruits and vegetables for which treatment is required.

(a) * *

Country	Fruit or Vegetable	Treatment
Guyana	Apple (fruit) *Malus domestica*	Cold treatment—for Mediterranean fruit fly and flies of the genus *Anastrepha*.
Israel	Litchi (fruit) *Litchi chinensis*	Cold treatment—for Mediterranean fruit fly (A sample of fruits should be exposed to the treatment to determine fruit tolerance before commercial shipments are attempted.)
Jordan	Grape (fruit) *Vitis* spp	Fumigation with methyl bromide—for Mediterranean fruit fly and grape vine moth (*Lobesia botrana*).
Zimbabwe	Apple (fruit) *Malus domestica*	Cold treatment—for Mediterranean fruit fly and Natal fly.
	Kiwi (fruit) *Actinidia deliciosa*	Cold treatment—for Mediterranean fruit fly and Natal fly.
	Pear (fruit) *Pyrus communis*	Cold treatment—for Mediterranean fruit fly and Natal fly.

Done in [W]
February 1
Kenneth C
Acting Ass
Inspection
[FR Doc. 9[3]
BILLING COD

NUCLEA[R]
COMMISS

10 CFR C

Issuance
Regulato[r]

AGENCY: N
Commissi

ACTION: Is

SUMMARY:
Commissi
Regulator
quarter, C
1992. Thi
with infor
rulemakin
Agenda is
rules on v
completed
action, or
all petitio
NRC has r
dispositio
is consiste
Regulator

ADDRESSE
designate
(NUREG–
available
a fee, at th
Commissi
2120 L St
Washingt

In addit
Printing C
Regulator
customer
(202) 512-
Superinte
Governme
Box 3708
7082.

FOR FURTH
Michael T
Section, R
Branch, D
Informatio
Office of A
Regulator
DC 20555
toll-free n

Dated at
of February

Done in Washington, DC, this 19th day of February 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–4346 Filed 2–24–93; 8:45 am]

BILLING CODE 3410–34–M

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter 1

Issuance of Quarterly Report on the Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Regulatory Agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued the NRC Regulatory Agenda for the fourth quarter, October through December, of 1992. This agenda provides the public with information about NRC's rulemaking activities. The Regulatory Agenda is a quarterly compilation of all rules on which the NRC has recently completed action, or has proposed action, or is considering action, and of all petitions for rulemaking that the NRC has received that are pending disposition. Issuance of this publication is consistent with Section 610 of the Regulatory Flexibility Act.

ADDRESSES: A copy of this report, designated NRC Regulatory Agenda (NUREG–0936) Vol. 11, No. 4, is available for inspection, and copying for a fee, at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

In addition, the U.S. Government Printing Office (GPO) sells the NRC Regulatory Agenda. To purchase it, a customer may call (202) 512–2303 or (202) 512–2249 or write to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082.

FOR FURTHER INFORMATION CONTACT:

Michael T. Lesar, Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492–7758, toll-free number (800) 368–5642.

Dated at Bethesda, Maryland, this 19th day of February 1993.

For the Nuclear Regulatory Commission.

Michael T. Lesar,

Acting Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 93–4344 Filed 2–24–93; 8:45 am]

BILLING CODE 7590–01–M

10 CFR Part 20

Radiological Criteria for Decommissioning of NRC-licensed Facilities; Workshop

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of workshop.

SUMMARY: The Nuclear Regulatory Commission (NRC) is preparing to initiate an enhanced participatory rulemaking on establishing the radiological criteria for the decommissioning of NRC-licensed facilities. The Commission intends to enhance the participation of affected interests in the rulemaking by soliciting commentary from these interests on the rulemaking issues before the staff develops the draft proposed rule. The Commission plans to conduct a series of workshops to solicit commentary from affected interests on the fundamental approaches and issues that must be addressed in establishing the radiological criteria for decommissioning. The third workshop will be held in Boston, Massachusetts on March 12 and 13, 1993 and will be open to the public.

DATES: March 12, 1993 from 9 am to 6 pm; March 13, 1993, from 8 am to 4:30 pm, Hyatt Regency Cambridge, 575 Memorial Drive, Cambridge, Massachusetts, 617–491–6906.

As discussed later in this notice, the workshop discussions will focus on the issues and approaches identified in a Rulemaking Issues Paper prepared by the NRC staff. The Commission will accept written comments on the Rulemaking Issues Paper from the public, as well as from workshop participants. Written comments should be submitted by May 28, 1993.

ADDRESSES: Send written comments on the Rulemaking Issues Paper to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. ATTN: Docketing and Service Branch. Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland between 7:45 a.m. and 4:15 p.m. on Federal workdays. The Rulemaking Issues Paper is available from Francis X. Cameron (See **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Francis X. Cameron, Special Counsel for Public Liaison and Waste Management, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–504–1642.

SUPPLEMENTARY INFORMATION:

Background

The NRC has the statutory responsibility for protection of health and safety related to the use of source, byproduct, and special nuclear material under the Atomic Energy Act. The NRC believes that one portion of this responsibility is to ensure the safe and timely decommissioning of nuclear facilities which it licenses and to provide guidance to licensees on how to plan for and prepare their sites for decommissioning. Once licensed activities have ceased, licensees are required to decommission their facilities so that their licenses may be terminated. This requires that the radioactivity in land, groundwater, buildings, and equipment resulting from the licensed operation be reduced to levels that allow the property to be released for unrestricted use. Licensees must then demonstrate that all facilities have been properly decontaminated and that radioactive material has been transferred to authorized recipients. Confirmatory surveys are conducted by NRC, where appropriate, to verify that sites meet NRC radiological criteria for decommissioning.

The types of nuclear fuel cycle facilities that will require decommissioning include nuclear power plants; non-power (research and test) reactors; fuel fabrication plants, uranium hexafluoride production plants, and independent spent fuel storage installations. In addition there are currently about 24,000 materials licensees. About one third of these are NRC licensees, while the remainder are licensed by Agreement States acting under the authority of the Atomic Energy Act, Section 274. These licensees include universities, medical institutions, radioactive source manufacturers, and companies that use radioisotopes for industrial purposes. About 50% of NRC's 7,500 materials licensees use either sealed radioactive sources or small amounts of short-lived radioactive materials. Decommissioning of these facilities should be relatively simple because there is usually little or no residual radioactive contamination. Of the remaining 50%, a small number (e.g. radioactive source manufacturers, radiopharmaceutical producers, and radioactive ore processors) conduct

VOL
58
ISS
36
FE
25
1993
UMI

operations that could produce substantial radioactive contamination in portions of the facility. These facilities, like the fuel cycle facilities identified above, must be decontaminated before they can be safely released for unrestricted use.

Several hundred NRC and Agreement State licenses are terminated each year. The majority of these licenses involve limited operations, produce little or no radioactive contamination, and do not present complex decommissioning problems or potential risks to public health or the environment from residual contamination. However, as the nuclear industry matures, it is expected that more and more of the larger nuclear facilities that have been operating for a number of years will reach the end of their useful lives and be decommissioned. Therefore, both the number and complexity of facilities that will require decommissioning is expected to increase.

The Commission believes that there is a need to incorporate into its regulations radiological criteria for termination of licenses and release of land and structures for unrestricted use. The intent of this action would be to provide a clear and consistent regulatory basis for determining the extent to which lands and structures must be decontaminated before a site can be decommissioned. The Commission believes that inclusion of criteria in the regulations would result in more efficient and consistent licensing actions related to the numerous and frequently complex site decontamination and decommissioning activities anticipated in the future. A rulemaking effort would also provide an opportunity to reassess the basis for the residual contamination levels contained in existing guidance in light of changes in basic radiation protection standards and decommissioning experience obtained during the past 15 years.

The new criteria would apply to the decommissioning of power reactors, non-power reactors, fuel reprocessing plants, fuel fabrication plants, uranium hexafluoride production plants, independent spent fuel storage installations, and materials licenses. The criteria would apply to nuclear facilities that operate through their normal lifetime, as well as to those that may be shut down prematurely. The proposed criteria would not apply to uranium (other than source material) mines and mill tailings, high-level waste repositories, or low-level waste disposal facilities.

Until the new criteria are in place, the Commission intends to proceed with the decommissioning of nuclear facilities on a site-specific basis as the need arises considering existing criteria. Case and activity-specific risk decisions will continue to be made as necessary during the pendency of this process.

The Enhanced Participatory Rulemaking

The Commission believes it is desirable to provide for early and comprehensive input from affected interests on important public health and safety issues, such as the development of radiological criteria for decommissioning. Accordingly, the Commission is initiating an enhanced participatory rulemaking to establish these criteria. The objective of the rulemaking is to enhance the participation of affected interests in the rulemaking by soliciting commentary from these interests on the rulemaking issues before the NRC staff develops the draft proposed rule. The NRC staff will consider this commentary in the development of the draft proposed rule, as well as document how these comments were considered in arriving at a regulatory approach. The Commission believes that this will be an effective method for illuminating the decision making process on complex and controversial public health and safety issues. This approach will ensure that the important issues have been identified; will assist in identifying potential information gaps or implementation problems; and will facilitate the development of potential solutions to address the concerns that affected interests may have in regard to the rulemaking.

The early involvement of affected interests in the development of the draft proposed rule will be accomplished through a series of workshops. A workshop format was selected because it will provide representatives of the affected interests with an opportunity to discuss the rulemaking issues with one another and to question one another about their respective positions and concerns. Although the workshops are intended to foster a clearer understanding of the positions and concerns of the affected interests, as well as to identify areas of agreement and disagreement, it is not the intent of the workshop process to attempt to develop a consensus agreement on the rulemaking issues. In addition to the commentary from the workshop participants, the workshops will be open to the public and the public will be provided with the opportunity to comment on the rulemaking issues and the workshop discussions at discrete intervals during the workshops.

The workshops were initially announced in the **Federal Register** on December 11, 1992 (57 FR 58727). The complete schedule for the workshops is:

January 27 and 28, 1993—Chicago, Illinois
February 23 and 24, 1993—San Francisco, California
March 12 and 13, 1993—Boston, Massachusetts
March 23 and 24, 1993—Dallas, Texas
April 13 and 14, 1993—Philadelphia, Pennsylvania
April 29 and 30, 1993—Atlanta, Georgia
May 6 and 7, 1993—Washington, DC

The normal process for conducting Commission rulemakings is NRC staff development of a draft proposed rule for Commission review and approval, publication of the proposed rule for public comment, consideration of the comments by the NRC staff, and preparation of a draft final rule for Commission approval. In the enhanced participatory rulemaking, not only will comments be solicited before the NRC staff prepares a draft proposed rule, but the mechanism for soliciting these early comments will also provide an opportunity for the affected interests and the NRC staff to discuss the issues with each other, rather than relying on the traditional one-to-one written correspondence with the NRC staff. After Commission review and approval of the draft proposed rule that is developed using the workshop commentary, the general process of issuing the proposed rule for public comment, NRC staff evaluation of comments, and preparation of a draft final rule for Commission approval, will occur.

Participants

In order to have a manageable discussion among the workshop participants, the number of participants in each workshop must be limited. Based on discussions with experts on workshop facilitation, the NRC staff believes that the optimum size of the workshop group is fifteen to twenty participants. Due to differing levels of interest in each region, the actual number of participants in any one workshop, as well as the number of participants that represent a particular interest in any one workshop, may vary. Invitations to attend the workshops will be extended by the NRC staff using several selection criteria. First, to ensure that the Commission has the benefit of the spectrum of viewpoints on the issues, the NRC staff is attempting to achieve the participation of the full range of interests that may be affected by the rulemaking. The NRC staff has

identified several general interests that will be used to select specific workshop participants—state governments, local governments, tribal governments, Federal agencies, citizens groups, nuclear utilities, fuel cycle facilities, and non-fuel cycle facilities. In addition to these interests, the staff also plans to invite representatives from the contracting industry that performs decommissioning work and representatives from professional societies, such as the Health Physics Society and the American Nuclear Society. The NRC anticipates that most of the participants will be representatives of organizations. However, it is also possible that there may be a few participants who, because of their expertise and influence, will participate without any organizational affiliation.

The second selection criterion is the ability of the participant to knowledgeably discuss the full range of rulemaking issues. The NRC staff wishes to ensure that the workshops will elicit informed discussions of options and approaches, and the rationale for those options and approaches, rather than simple statements of opinion. The NRC staff's identification of potential participants has been based on an evaluation of such factors as the extent of a potential participant's experience with a broad range of radiation protection issues and types of nuclear facilities, specific experience with the decommissioning issue, and the extent of a potential participant's substantive comment and participation on previous Commission regulatory or licensing actions.

The third criterion emphasizes participation from organizations within the region encompassed by the workshop. As much as practicable, those organizations that primarily operate within the region, as opposed to regional units of national organizations, will have priority in terms of participating in the corresponding regional workshops. Organizations with a national standing will be part of the "national" workshop to be held in Washington, DC.

Workshop Format

To assure that each workshop addresses the issues in a consistent manner, the workshops will have a common pre-defined scope and agenda focused on the Rulemaking Issues Paper discussed below. However, the workshop format will be sufficiently flexible to allow for the introduction of any additional issues that the participants may want to raise. At each workshop, the NRC staff will begin each discussion period with a brief overview of the rulemaking issues to be discussed and the remainder of the workshop will be devoted to a discussion of the issues by the participants. The workshop commentary will be transcribed and made available to participants and to the public.

Personnel from The Keystone Center, a nonprofit organization located in Keystone, Colorado, will serve as neutral facilitators for each workshop. The facilitators will chair the workshop sessions and ensure that participants are given an opportunity to express their viewpoints, assist participants in articulating their interests, ensure that participants are given the opportunity to question each other about their respective viewpoints, and assist in keeping the discussion moving at a pace that will allow all major issue areas to be addressed.

Rulemaking Issues Paper

The NRC staff has prepared a Rulemaking Issues Paper to be used as a focal point for the workshop discussions. This paper, which will be distributed to participants in advance of the workshops, sets forth in neutral terms the issues that must be addressed in the rulemaking, as well as background information on the nature and extent of the problem to be addressed. In framing the issues and approaches discussed in the Rulemaking Issues Paper, the NRC staff has attempted to anticipate the variety of views that exist on these approaches and issues. The paper will provide assistance to the participants as they prepare for the workshops, suggest the workshop agenda, and establish the level of technical discussion that can be expected at the workshops. The workshop discussions are intended to be used by the staff in developing the draft proposed rule. Prior to the workshops no staff positions will be taken on the rulemaking approaches and issues identified in the Rulemaking Issues Paper. As noted earlier, to the extent that the Rulemaking Issues Paper fails to identify a pertinent issue, this may be corrected at the workshop sessions.

The discussion of issues is divided into two parts. First are two primary issues dealing with: (1) The objectives for developing radiological criteria; and (2) application of practicality considerations. The objectives constitute the fundamental approach to the establishment of the radiological criteria, and the NRC staff has identified four distinct possibilities including: (1) Risk Limits, which is the establishment of limiting values above which the risks to the public are deemed unacceptable, but allows for criteria to be set below the limit using practicality considerations; (2) Risk Goals, where a goal is selected and practicality considerations are used to establish criteria as close to the goal as practical; (3) Best Effort, where the technology for decontamination considered to be the best available is applied; and (4) Return to Preexisting Background, where the decontamination would continue until the radiological conditions were the same as existed prior to the licensed activities.

Following the primary issues are several secondary issues that are related to the discussions of the primary issues, but which the NRC staff believe warrant separate presentations and discussions. These secondary issues include the time frame for dose calculation, the individuals or groups to be protected, the use of separate criteria for specific exposure pathways such as groundwater, the treatment of radon, and the treatment of previously buried materials.

The Rulemaking Issues Paper will be provided to each potential workshop participant. Additional copies will be available to members of the public in attendance at the workshop. Copies will also be available from the NRC staff contact identified above.

In addition to the comments on the Rulemaking Issues Paper provided at the workshops, the Commission is also receptive to the submittal of written comments on the rulemaking issues, as noted under the heading **DATES**.

Dated at Rockville, MD this 19th day of February 1993.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 93–4341 Filed 2–24–93; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Summary Notice No. PR–93–4]

Petition for Rulemaking; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application,

processing, and disposition of petitions for rulemaking (14 CFR part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received by April 26, 1993.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn; Rules Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: D. Michael Smith, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7470.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC on February 16, 1993.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Rulemaking

Docket No.: 27067
Petitioner: Mr. Fred G. DeLacerda
Sections of the FAR Affected: 14 CFR part 61
Description of Rulechange Sought: To add qualifications for aerobatic instructors. Specifically, Mr. DeLacerda proposes that at the time a certified flight instructor applies for renewal of his or her certificate, the instructor should be given the option of adding to the certificate the highest category International Aerobatic Club Achievement Award held by the applicant.
Petitioner's Reason for the Request: The petitioner feels that there should be certificates or ratings and flight training requirements to fly aerobaticly or to be an aerobatic instructor.

Docket No.: 27081
Petitioner: International Association of Machinists and Aerospace Workers
Regulations Affected: 14 CFR 121.377
Description of Rulechange Sought: To limit the amount of time a mechanic can perform maintenance on an aircraft to a maximum of 16 hours; thereafter, the mechanic would be required to be relieved of duty for a period of 8 hours.
Petitioner's Reason for the Request: The petitioner believes that when people become overtired, they are more prone to making errors (in judgement, or during actual maintenance work performed). The rule change would afford all mechanics the opportunity to get the rest required so they can perform their duties in peak mental condition.

Docket No.: 27100
Petitioner: Air Transport America
Regulations Affected: 14 CFR 121.577(a), and 91.535(a)
Description of Rulechange Sought: To permit individual pre-flight beverage and snack items provided by part 121 carriers to be retrieved by flight attendants during surface movement prior to take-off.
Petitioner's Reason for the Request: The petitioner states that reverting to rule language that was applicable prior to September 1992 would not adversely affect safety, and would be in the public interest. The petitioner states that when the new language was adopted, the FAA did not cite supporting data that individual beverage and snack items would become a safety hazard during an emergency.

[FR Doc. 93–4352 Filed 2–24–93; 8:45 am]
BILLING CODE 4910–13–M

VOL 58 ISS 36 FE 25 1993 UMI

Notic

This section contains doc proposed rul public. Notic committee m rulings, dele petitions and statements o examples of section.

DEPARTM

Forms Unc Manageme

February 19,

The Dep submitted following p information Paperwork chapter 35) published. proposals, reinstateme following i

(1) Agenc collection; collection; applicable; information be required estimate of An estimat needed to p Name and t agency con

Question listing shou person nam Copies of th supporting from: Depa USDA, OIR Bldg., Wash 690–2118.

Extension

- *Federal C* Crop Insu Continuous FCI–12. Annually Individua 80,723 resp Bonnie L.
- *Forest Se* Technica Land Use. FS–2700– On occasi

Notices

Federal Register
Vol. 58, No. 36
Thursday, February 25, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

February 19, 1993.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404–W Admin. Bldg., Washington, DC 20250, (202) 690–2118.

Extension

- *Federal Crop Insurance Corporation*
  Crop Insurance Application and Continuous Contract.
  FCI–12.
  Annually.
  Individuals or households; farms; 80,723 responses; 6,781 hours.
  Bonnie L. Hart (202) 254–8393.
- *Forest Service*
  Technical Data—Electronic Type Land Use.
  FS–2700–10.
  On occasion.
  Individuals or households; State or local governments; farms; businesses or other for-profit; Federal agencies or employees; non-profit institutions; small businesses or organizations; 400 responses; 100 hours.
  Mark Scheibel (202) 205–1371.

New Collection

- *Forest Service*
  Environmental Ethics Study.
  One time only.
  Individuals or households; 500 responses; 125 hours.
  Patricia Winter (909) 276–6877.

Reinstatement

- *Food and Nutrition Service*
  Food Distribution Commodity Acceptability Report.
  FNS–663.
  Annually.
  State or local governments; 466 responses; 11,794 hours.
  Virginia Ross (703) 305–2644.
- *Rural Electrification Administration*
  Request for approval to Sell Capital Assets.
  REA Form 369.
  On occasion.
  Businesses or other for-profit; 260 responses; 780 hours.
  Monte Heppe (202) 720–9550.
- *Rural Electrification Administration*
  Request for Release of Lien and/or Approval of Sale.
  REA Form 793.
  Businesses or other for-profit; 75 responses; 213 hours.
  Monte Heppe (202) 720–9550.

Larry K. Roberson,
Deputy Department Clearance Officer.
[FR Doc. 93–4320 Filed 2–24–93; 8:45 am]
BILLING CODE 3410–01–M

Food and Nutrition Service

Child Nutrition Programs—Income Eligibility Guidelines

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces the Department's annual adjustments to the Income Eligibility Guidelines to be used in determining eligibility for free and reduced-price meals or free milk for the period from July 1, 1993 through June 30, 1994. These guidelines are used by schools, institutions, and centers participating in the National School Lunch Program, School Breakfast Program, Special Milk Program for Children, Child and Adult Care Food Program and Commodity School Program. The annual adjustments are required by section 9 of the National School Lunch Act. The guidelines are intended to direct benefits to those children most in need and are revised annually to account for increases in the Consumer Price Index.

EFFECTIVE DATE: July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, FNS, USDA, Alexandria, Virginia 22302, or by phone at (703) 305–2618.

SUPPLEMENTARY INFORMATION: This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act. In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), no new recordkeeping or reporting requirements have been included that are subject to approval from the Office of Management and Budget.

These programs are listed in the Catalog of Federal Domestic Assistance under No. 10.553, No. 10.555, No. 10.556 and No. 10.558 and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V, and the final rule related notice published at 48 FR 29114, June 24, 1983.)

Background

Pursuant to sections 9(b)(1) and 17(c)(4) of the National School Lunch Act (42 U.S.C. 1758(b)(1) and 42 U.S.C. 1766(c)(4)), and sections 3(a)(6) and 4(e) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)(6) and 1773(e)), the Department annually issues the Income Eligibility Guidelines for free and reduced-price meals in the National School Lunch Program (7 CFR part 210), School Breakfast Program (7 CFR part 220), Child and Adult Care Food Program (7 CFR part 226), and Commodity School Program (7 CFR part 210), and the guidelines for free milk in the Special Milk Program for Children (7 CFR part 215). These eligibility guidelines are based on the Federal

VOL 58 ISS 36 FE 25 1993 UMI

income poverty guidelines and are stated by household size.

The Department requires schools and institutions which charge for meals separately from other fees to serve free meals to all children from any household with income at or below 130 percent of the poverty guidelines. The Department also requires such schools and institutions to serve reduced-price meals to all children from any household with income higher than 130 percent of the poverty guidelines, but at or below 185 percent of the poverty guidelines. Schools and institutions participating in the Special Milk Program may, at local option, serve free milk to all children from any household with income at or below 130 percent of the poverty guidelines.

Definition of Income

"Income," as the term is used in this Notice, means income before any deductions such as income taxes, social security taxes, insurance premiums, charitable contributions and bonds. It includes the following: (1) Monetary compensation for services, including wages, salary, commissions or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) social security; (5) dividends or interest on savings or bonds or income from estates or trusts; (6) net rental income; (7) public assistance or welfare payments; (8) unemployment compensation; (9) government civilian employee or military retirement, or pensions or veterans payments; (10) private pensions or annuities; (11) alimony or child support payments; (12) regular contributions from persons not living in the household; (13) net royalties; and (14) other cash income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources which would be available to pay the price of a child's meal.

"Income," as the term is used in this Notice, does not include any income or benefits received under any Federal programs which are excluded from consideration as income by any legislative prohibition. Furthermore, the value of meals or milk to children shall not be considered as income to their households for other benefit programs in accordance with the prohibitions in section 12(e) of the National School Lunch Act and section 11(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1760(e) and 1780(b)).

The Income Eligibility Guidelines

The following are the Income Eligibility Guidelines to be effective from July 1, 1993 through June 30, 1994. The Department's guidelines for free meals and milk and reduced-price meals were obtained by multiplying the 1993 Federal income poverty guidelines by 1.30 and 1.85, respectively, and by rounding the result upward to the next whole dollar. Weekly and monthly guidelines were computed by dividing annual income by 52 and 12, respectively, and by rounding upward to the next whole dollar.

INCOME ELIGIBILITY GUIDELINES

[Effective from July 1, 1993 to June 30, 1994]

Household size	Federal poverty guidelines			Reduced price meals—185%			Free meals—130%		
	Annual	Month	Week	Annual	Month	Week	Annual	Month	Week
48 Contiguous United States, District of Columbia, Guam and Territories									
1	6,970	581	135	12,895	1,075	248	9,061	756	175
2	9,430	786	182	17,446	1,454	336	12,259	1,022	236
3	11,890	991	229	21,997	1,834	424	15,457	1,289	298
4	14,350	1,196	276	26,548	2,213	511	18,655	1,555	359
5	16,810	1,401	324	31,099	2,592	599	21,853	1,822	421
6	19,270	1,606	371	35,650	2,971	686	25,051	2,088	482
7	21,730	1,811	418	40,201	3,351	774	28,249	2,355	544
8	24,190	2,016	466	44,752	3,730	861	31,447	2,621	605
For each add'l family member add	+2,460	+205	+48	+4,551	+380	+88	+3,198	+267	+62
Alaska									
1	8,700	725	168	16,095	1,342	310	11,310	943	218
2	11,780	982	227	21,793	1,817	420	15,314	1,277	295
3	14,860	1,239	286	27,491	2,291	529	19,318	1,610	372
4	17,940	1,495	345	33,189	2,766	639	23,322	1,944	449
5	21,020	1,752	405	38,887	3,241	748	27,326	2,278	526
6	24,100	2,009	464	44,585	3,716	858	31,330	2,611	603
7	27,180	2,265	523	50,283	4,191	967	35,334	2,945	680
8	30,260	2,522	582	55,981	4,666	1,077	39,338	3,279	757
For each add'l family member add	+3,080	+257	+60	+5,698	+475	+110	+4,004	+334	+77
Hawaii									
1	8,040	670	155	14,874	1,240	287	10,452	871	201
2	10,860	905	209	20,091	1,675	387	14,118	1,177	272
3	13,680	1,140	264	25,308	2,109	487	17,784	1,482	342
4	16,500	1,375	318	30,525	2,544	588	21,450	1,788	413
5	19,320	1,610	372	35,742	2,979	688	25,116	2,093	483
6	22,140	1,845	426	40,959	3,414	788	28,782	2,399	554
7	24,960	2,080	480	46,176	3,848	888	32,448	2,704	624
8	27,780	2,315	535	51,393	4,283	989	36,114	3,010	695
For each add'l family member add	+2,820	+235	+55	+5,217	+435	+101	+3,666	+306	+71

Authority
Dated: Fe
Andrew Ho
Acting Adm
[FR Doc. 93-
BILLING CODE

Forest Se

Establishm
Purchase

AGENCY: Fo

ACTION: No

SUMMARY:
Acting Ass
Resources
Bagley Val
purchase u
more or les
California.
document
descriptio
purchase u
notice.

EFFECTIVE
this purcha

ADDRESSES
the purcha
available f
Office of th
Auditor's
SW., Wash

FOR FURTHE
Ralph Bau
Service, US
Washingto
1248.

Dated: Feb
Gerald Cog
Acting Depu

Establishme
Unit, Alpine

Pursuant
authority un
(90 Stat. 294
Unit is being
California. T
unit are des

Alpine Cou
Meridian

T. 8 N., R. 2
Section 1:
T. 9 N., R. 2
Section 14
Section 15
Section 22
Section 23
Section 25
Section 26
Section 27
Section 35
Section 36
T. 9 N., R 22
Section 31

Authority: (42 U.S.C. 1758(b)(1)).

Dated: February 19, 1993.

Andrew Hornsby,

Acting Administrator.

[FR Doc. 93–4343 Filed 2–24–93; 8:45 am]

BILLING CODE 3410-30-M

Forest Service

Establishment of Bagley Valley Purchase Unit

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: On January 7, 1993, the Acting Assistant Secretary, Natural Resources and Environment created the Bagley Valley Purchase Unit. This purchase unit comprises 3,631.97 acres, more or less, within Alpine County, California. A copy of the establishment document which includes the legal description of the lands within the purchase unit appears at the end of this notice.

EFFECTIVE DATE: The effective date of this purchase unit was January 7, 1993.

ADDRESSES: A copy of the map showing the purchase unit is on file and available for public inspection in the Office of the Chief of the Forest Service, Auditor's Building, 201 14th Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ralph Bauman, Lands Staff, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090, (202) 205–1248.

Dated: February 11, 1993.

Gerald Coghlan,

Acting Deputy Chief.

Establishment of Bagley Valley Purchase Unit, Alpine County, California

Pursuant to the Secretary of Agriculture's authority under section 17, Pub. L. 94–588 (90 Stat. 2949), the Bagley Valley Purchase Unit is being created in Alpine County, California. The lands within the purchase unit are described as follows:

Alpine County, California, Mount Diablo Meridian

T. 8 N., R. 21 E.
Section 1: Lots 3, 4, S½ N½, S½
T. 9 N., R. 21 E.
Section 14: W½ W½
Section 15: All
Section 22: E½
Section 23: W½; S½ SE¼
Section 25: SW¼ SW¼
Section 26: W½; S½ SE
Section 27: E½
Section 35: NW¼ SE¼; S½ SE¼
Section 36: All
T. 9 N., R 22 E.
Section 31: Lot 9

The area described contains 3,631.97 acres more or less and is adjacent to the Tioyabe National Forest.

These lands are well suited for watershed protection and meet the requirements of the Act of March 1, 1911, as amended.

Dated: January 7, 1993.

John H. Beuter,

Acting Assistant Secretary, Natural Resources and Environment.

[FR Doc. 93–4313 Filed 2–24–93; 8:45 am]

BILLING CODE 3410-11-M

South Beal Project; Deerlodge National Forest, Silver Bow County, MT

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare environmental impact statement.

SUMMARY: The USDA, Forest Service, is preparing an environmental impact statement (EIS) with the Montana Department of State Lands, Hardrock Bureau, to disclose the environmental effects of expansion of the Beal Mountain Mine. The proposal as submitted by Beal Mountain Mining Incorporated, (BMMI) includes the development of two additional open pits for ore production. Both of the pits will be located entirely on National Forest System lands, within the Butte Ranger District of the Deerlodge National Forest. Project location is in Silver Bow County, at the head of German Gulch, 16 air miles southwest of Butte, Montana.

The proposal to develop the two open pits would extend the life of Beal Mountain Mine by one year, and represents both connected or cumulative actions as defined by the Council on Environmental Quality (40 CFR 1508.25). The purpose of the project is to continue the development of a mineral resource. Forest Service policy is to encourage and facilitate the orderly exploration, development and production of mineral resources from National Forest System lands. At the same time, the Forest Service is charged to ensure that these activities are conducted in an environmentally sound manner, and that once completed, reclamation of the land to a stable and usable condition is accomplished.

This project level EIS will tier to the Deerlodge National Forest Land and Resource Management Plan (Forest Plan) and incorporate by reference the Forest Plan (September, 1987), which provides overall guidance of all land management activities on the Deerlodge National Forest, including mineral exploration and development. This document incorporates by reference the 1988 Environmental Assessment for the Beal Mountain Mine, and the 1992 Environmental Assessment for the modified Beal Mountain Mine haul road.

DATES: Written comments and suggestions should be received by March 29, 1993.

ADDRESSES: Submit written comments and suggestions on the proposed management activities or a request to be placed on the project mailing list to Margie Ewing, District Ranger, Butte Ranger District, Deerlodge National Forest, P.O. Box 3840, Butte, Montana 59702.

FOR FURTHER INFORMATION CONTACT: Dan Avery, EIS Team Leader, Deerlodge National Forest Supervisor's Office, Federal Building, P.O. Box 400, Butte, Montana 59703, Phone (406) 496–3452.

SUPPLEMENTARY INFORMATION: Continued mineral development is proposed on approximately 25 acres of forested and nonforested land which is open to mineral exploration and development as discussed in the Deerlodge Forest Plan. The proposal is within the permit boundary of the current operation. The proposal will include the mining of 959,840 tons of gold ore, and removal of 1,289,000 tons of waste rock from the two open pits. The plan for development of the South Beal ore bodies includes reclamation of the pits back to natural contour. Waste rock subsequently mined from the main Beal pit will be used to backfill the two South Beal pits. The project area consists of approximately 25 additional acres of National Forest land located in T2N, R10W, Section 6, P.M. MT.

The Deerlodge Forest Plan provides guidance for management activities within the potentially affected area through its goals, objectives, standards and guidelines, and management area direction. The proposal would occur within Management Areas D2 and E1. Below is a brief description of the applicable management direction.

Management Area D2—This area includes grasslands, meadows, open timber stands and other forage producing areas on slopes generally less than 40 percent. Lands within this management area are to provide a balanced amount of livestock forage and big game habitat. Mineral related operations will maintain forage production to the extent practical.

Management Area E1—This area includes productive forest land containing stands of Douglas-fir, lodgepole pine, subalpine fir and spruce. Most areas are on slopes of less than 40 percent. Mineral related operations will maintain timber production to the extent practical.

VOL
58
ISS
36
FE
25
1993
UMI

The decision to be made is what should be done in relation to the proposal submitted by BMMI: (a) approve the project as proposed, (b) approve the project with mitigation measures to address the issues, (c) deny approval of the proposal. Under the United States Mining Laws of May 10, 1872 as amended (30 U.S.C. 22), United States citizens and corporations have the right to search for and develop minerals upon public lands, including National Forest Systems lands, open to mineral entry. Forest Service regulations (36 CFR 228, subpart A) require that the agency work with mineral operators to minimize or eliminate adverse environmental impacts from mineral activities on other resources on National Forest System lands.

The EIS will analyze the direct, indirect, and cumulative environmental effects of the alternatives. Past, present, and projected activities on both private and National Forest lands will be considered.

Public participation is an important part of the analysis process (40 CFR 1501.7). Scoping activities to date have included the following: a public meeting on February 6, 1992, letters to citizens and groups interested in activities in the project area, and press releases in the Montana Standard newspaper. The public is encouraged to visit with Forest Service officials at any time during the analysis and prior to the decision. In addition, the Forest Service is seeking information, comments, and assistance from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. No additional public meetings are scheduled at this time.

Comments from the public and other agencies are being used to prepare the draft EIS. The scoping process to date has:

1. Identified potential issues.
2. Identified major issues to be analyzed in depth.
3. Eliminated minor issues or those which have been covered by a relevant previous environmental analysis, such as the Deerlodge Forest Plan EIS.
4. Identified alternatives to the proposed action.
5. Identified potential environmental effects of the proposed action and alternatives (i.e., direct, indirect, and cumulative effects).

From the public comments received during initial scoping, the following issues have been identified:

1. Would the South Beal pits be stable? If they fail, would the area to be reclaimed be expanded?
2. How will erosion within the disturbed area be controlled?
3. What is the potential for acid rock drainage as a result of the proposed action?
4. What is the potential for acid rock drainage to affect surface and ground water quality in the German Gulch drainage as a result of the proposed action?
5. Would the proposed action produce erosion and sediment deposition which would affect water quality and fish habitat in German Gulch?
6. Would water monitoring be adequate to detect and allow for the correction of any water quality problems resulting from the proposed action?
7. Would the low pH of soils salvaged in the South Beal area affect reclamation?

Other issues commonly associated with mineral exploration and development include: effects on cultural resources, wildlife habitat, old growth, safety and scenery values. This list may be verified, expanded, or modified based on additional scoping for this proposal.

In order to implement the project, the proponent, BMMI, must obtain approval of their proposed amendment from the regulatory agencies. Implementation may take place through the selection of an alternative from this EIS.

The environmental analysis and resulting EIS is being jointly conducted by the Deerlodge National Forest and the Montana Department of State Lands, Hardrock Bureau, which is acting as the lead agency.

The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in late March or early April of 1993. At that time, the EPA will publish a Notice of Availability of the Draft EIS in the **Federal Register**. The comment period on the Draft EIS will be 45 days from the date the EPA's notice of availability appears in the **Federal Register**. It is very important that those interested in this proposal participate at that time. To be most helpful, comments on the Draft EIS should be as specific as possible. The Final EIS is scheduled to be completed by the end of May, 1993.

The Forest Service believes, at this stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage, but that are not raised until after completion of the final environmental impact statement, may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments should be as specific as possible. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

I am the responsible official for this environmental impact statement. My address is Butte Ranger District, 1820 Meadowlark, P.O. Box 3840, Butte, MT 59702.

Dated: February 16, 1993.

Elizabeth McFarland,

Acting District Ranger.

[FR Doc. 93–4357 Filed 2–24–93; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

South West Middle Suwannee River Area Watershed, Lafayette County, FL

AGENCY: Soil Conservation, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture gives notice that an environmental impact statement is not being prepared for the South West Middle Suwannee River Area Watershed, Lafayette County, Florida.

FOR FURTHER INFORMATION CONTACT: T. Niles Glasgow, State Conservationist, Soil Conservation Service, Federal Building, 400 SE First Ave. room 248, Gainesville, Florida 32601; Telephone: 904–377–0946.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action, developed by the Soil Conservation Service, indicates that the project will not cause significant local, regional, or national impacts on the environment.

As a result of these findings, T. Niles Glasgow, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this Project.

The project concerns a plan to relieve threats to human health and contamination of ground and surface waters by nitrate leaching from intensive agricultural operations. The planned works of improvement consist of agricultural Best Management Practices to safely collect, store, transport and utilize agricultural waste.

This Notice of A Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed for the environmental assessment are on file and may be reviewed by contacting T. Niles Glasgow.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultations with State and local Officials.)

Dated: February 18, 1993.

T. Niles Glasgow,

State Conservationist.

[FR Doc. 93–4358 Filed 2–24–93; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–791–502]

Determination Not To Revoke Antidumping Duty Order; Low-Fuming Brazing Copper Wire and Rod From South Africa

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of determination not to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty order on low-fuming brazing copper wire and rod from South Africa.

EFFECTIVE DATE: February 25, 1993.

FOR FURTHER INFORMATION CONTACT: Valerie Turoscy, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–3601.

SUPPLEMENTARY INFORMATION: The Department of Commerce (the Department) may revoke an antidumping duty order or finding, pursuant to section 353.25(d)(4) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no interested party objects to the revocation (19 CFR 353.25(d)(4)(iii) (1992)). We had not received a request to conduct an administrative review of the antidumping duty order on low-fuming brazing copper wire and rod from South Africa (51 FR 3640, January 29, 1986) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on January 4, 1993, we published in the **Federal Register** a notice of intent to revoke the order and served written notice of the intent to revoke to each interested party on the Department's service list.

On January 29, 1993, the Copper & Brass Fabricators Council, Inc., an interested party under 19 CFR 353.2(k), objected to our intent to revoke this order. Therefore, because an interested party objects to the revocation, we no longer intend to revoke this antidumping duty order.

Dated: February 17, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–4303 Filed 2–24–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–588–028]

Roller Chain, Other Than Bicycle, from Japan; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request from the American Chain Association, the petitioner in this proceeding, the Department of Commerce has conducted an administrative review of the antidumping finding on roller chain, other than bicycle, from Japan. The review covers four manufacturers/exporters of this merchandise to the United States and the period April 1, 1991 through March 31, 1992. The review indicates the existence of dumping margins. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 25, 1993.

FOR FURTHER INFORMATION CONTACT: Tom Prosser, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–5255.

SUPPLEMENTARY INFORMATION:

Background

On November 27, 1992, the Department of Commerce (the Department) published in the **Federal Register** (57 FR 56319) the final results of its last administrative review of the antidumping finding on roller chain, other than bicycle, from Japan (38 FR 9226; April 12, 1973). In April 1992, the petitioner, the American Chain Association, requested, in accordance with section 353.22(a)(1) of the Department's Regulations, (19 CFR 353.22(a)(1)), that we conduct an administrative review of the period April 1, 1991 through March 31, 1992. We published a notice of initiation of review on May 22, 1992 (57 FR 21769). The Department has now conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of the Review

Imports covered by the review are shipments of roller chain, other than bicycle, from Japan. The term "roller chain, other than bicycle," as used in this review includes chain, with or without attachments, whether or not plated or coated, and whether or not manufactured to American or British standards, which is used for power transmission and/or conveyance. Such chain consists of a series of alternately-assembled roller links and pin links in which the pins articulate inside the bushings and the rollers are free to turn on the bushings. Pins and bushings are press fit in their respective link plates. Chain may be single strand, having one row of roller links, or multiple strand, having more than one row of roller links. The center plates are located between the strands of roller links. Such chain may be either single or double

VOL
58
ISS
36
FE
25
1993
UMI

pitch and may be used as power transmission or conveyer chain.

This review also covers leaf chain, which consists of a series of link plates alternately assembled with pins in such a way that the joint is free to articulate between adjoining pitches. This review further covers chain model numbers 25 and 35. Roller chain is currently classified under the Harmonized Tariff Schedule (HTS) subheadings 7315.11.00 through 7619.90.00. HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers Hitachi Metals Techno Ltd. (Hitachi), Izumi Chain Manufacdturing Co., Ltd. (Izumi), Pulton Chain Co., Ltd. (Pulton), and R.K. Excel (Excel), for the period April 1, 1991 through March 31, 1992. On July 6, 1992, the ACA withdrew its request for review for Sugiyama Chain Co., Ltd. Pursuant to a temporary restraining order issued by the Court of International Trade, we have suspended our review of two additional manufacturer/exporters, Daido Kogyo Co., Ltd./Daido Corporation and Enuma Chain Manufacturing Co., Ltd./Daido Corporation. These companies will be reviewed separately, and their preliminary results will be published in a later notice.

United States Price

In calculating United States price (USP), the Department used purchase price (PP) as defined in section 772 of the Tariff Act, because the sale to the first unrelated purchaser occurred prior to importation and exporter's sales price was not otherwise indicated. PP was based on the packed, FOB or ex-go-down Japanese port price, or CIF duty-paid, delivered price to unrelated purchasers in the United States. Where applicable, we made deductions for brokerage and handling charges, foreign inland freight, foreign inland insurance, ocean freight, and marine insurance. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value (FMV), the Department used home market price, as defined in section 773 of the Tariff Act, when sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Where there were no contemporaneous home market sales of such or similar merchandise, we based FMV on constructed value (CV), in accordance with section 773(a)(2) of the Tariff Act.

Home market price was based on a packed, FOB or CIF, delivered price to unrelated purchasers in Japan. We calculated CV as the sum of materials, fabrication costs, general expenses, profit, and U.S. packing. We added statutory or actual amounts for the general expenses and profit components of CV, as appropriate.

For PP sales comparisons, where applicable, we made deductions from FMV for inland freight, insurance, and discounts. Where applicable, we made adjustments for differences in packing expenses, credit expenses, advertising expenses, warranty expenses, technical services, commissions, consumption taxes, and differences in merchandise. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following weighted-average margins exist for the April 1, 1991 through March 31, 1992 period:

Manufacturer/exporter	Margin (percent)
Hitachi Metals Techno, Ltd	[1] 12.68
Izumi	0.54
Pulton Chain	0.01
RK Excel (Takasago)	0.32
All Others	0.54

[1] No shipments during the period. Rate is from the last period in which there were shipments.

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held no later than 44 days after the date of publication of this notice, or the first workday thereafter.

Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication of this notice. The Department will publish the final results of the administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of roller chain, other than bicycle, from Japan, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed companies will be that established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review, but covered in previous reviews or the original less-than-fair-value investigation, the cash deposit rate will continue to be the company-specific rate published in the final determination covering the most recent previous review; (3) if the exporter is not a firm covered in this review, previous reviews, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of the most recently completed review of the manufacturer; and (4) the cash deposit rate for any future entries from all other manufacturers or exporters who are not covered in this or prior administrative reviews, and who are unrelated to any firms listed above, or any previously reviewed firm, will be the "All Others" rate established in the final results of this administrative review. This rate represents the highest rate for any firm in this administrative review (whose shipments to the United States were reviewed), other than those firms receiving a rate based entirely on the best information available. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's Regulations (19 CFR 353.22).

Dated: February 4, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–4304 Filed 2–24–93; 8:45 am]

BILLING CODE 3510–DS–M

Incidental Take of Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of issuance of Letters of Authorization.

SUMMARY: Notice is given that on February 18, 1993, NMFS issued two Letters of Authorization for a take of ringed seals incidental to on-ice seismic activities in the Beaufort Sea for 1993. These letters were issued under the authority of the Marine Mammal Protection Act and 50 CFR part 228, subparts A and B.

Letters were issued to Western Geophysical, 351 E. International Airport Road, Anchorage, Alaska 99518, and GECO–PRAKLA, 500 W. International Airport Road, Anchorage, Alaska 99518. These letters are valid only for activities conducted in 1993, and are subject to the provisions of the Marine Mammal Protection Act, regulations governing small takes of marine mammals incidental to specified activities, and regulations governing the taking of ringed seals incidental to on-ice seismic activities in the Beaufort Sea (50 CFR part 228, subparts A and B 2 and 58 FR 4091, January 13, 1993).

Issuances of letters are based on findings that the total takings will have a negligible impact on the ringed seal species or stock and will not have an unmitigable adverse impact on the availability of the species for subsistence uses.

ADDRESSES: These letters are available for review in the following offices: Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, Maryland 20910, and Western Alaska Field Office, NMFS, 701 C. Street, Anchorage, Alaska 99513.

Dated: February 18, 1993.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

[FR Doc. 93–4359 Filed 2–24–93; 8:45 am]

BILLING CODE 3510–22–M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council (Council) and its Committees will meet on March 9–12, 1993, at the Holiday Inn Crown Plaza, 333 Poydras, New Orleans, LA; telephone: (504) 525–9444. The agenda is as follows:

Council

The Council will convene on March 11 at 8:30 a.m. and recess at 5 p.m. Council agenda items and the times allocated for discussion are as follows:

From 8:45 a.m. to 9:15 a.m.: Receive Public Testimony on a change to the Reef Fish Stressed Area Boundary which regulates where fish traps can be used. Note: Testimony cards must be turned in to staff before the start of public testimony.

From 9:15 a.m. to 9:45 a.m.: Discuss Committee recommendations on the Stressed Area Boundary Change.

From 9:45 a.m. to 5 p.m.: Discuss Committee recommendations on Draft Reef Fish Amendment #7/Environmental Impact Statement (EIS).

The Council will reconvene at 8:30 a.m. on March 12 with adjournment at 12 noon.

From 8:30 a.m. to 9:15 a.m.: Consider appointment of Advisory Panel (AP) members (in Closed Session).

From 9:15 a.m. to 9:45 a.m.: Consider appointment of Scientific and Statistical Committee (SSC) and Stock Assessment Panel members (in Closed Session).

The Council will then receive reports from the following Committees:

1. Mackerel Management Committee (9:45 a.m. to 10:15 a.m.);
2. Spiny Lobster Management Committee (10:15 a.m. to 10:30 a.m.);
3. Law Enforcement Committee (10:30 a.m. to 10:45 a.m.);
4. International Commission for the Conservation of Atlantic Tunas Advisory Committee (10:45 a.m. to 11 a.m.) on the meeting held in Silver Spring, Maryland, on October 19, 1992; and
5. Receive a report on the Magnuson Act Amendment meeting held in Silver Spring, Maryland, on February 22, 1993 (11 a.m. to 11:15 a.m.);
6. Enforcement reports and the Director's reports and adjournment at 12 noon.

Committees

On March 9 at 10:30 a.m. the following Committees will meet, with adjournment at 5:30 p.m.: The Law Enforcement Committee, the SSC Selection Committee (in Closed Session), and the AP Selection Committee (in Closed Session).

Committee meetings will reconvene on March 10. The Reef Fish Management Committee, the Mackerel Management Committee, and the Spiny Lobster Management Committee will meet at that time, and adjourn at 5 p.m.

For more information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL; telephone: (813) 228–2815.

Dated: February 17, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93–4325 Filed 2–24–93; 8:45 am]

BILLING CODE 3510–22–M

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Issuance of an experimental fishing permit.

SUMMARY: NMFS announces the issuance of an experimental fishing permit (EFP) to allow the vessels TOPAZ and DAWN to harvest arrowtooth flounder in the Gulf of Alaska during times otherwise prohibited by Federal regulations. Issuance of experimental fishing permits is authorized by the Fishery Management Plan for Groundfish of the Gulf of Alaska and its implementing regulations at 50 CFR part 672.

ADDRESSES: Copies of the experimental fishing permit are available by writing to Steven Pennoyer, Director, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 (Attn: Lori Gravel).

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 907–586–7230.

SUPPLEMENTARY INFORMATION: NMFS announced the receipt of an application for an EFP from the Alaska Fisheries Development Foundation in the **Federal Register** (57 FR 58461, December 10, 1992). The EFP will authorize the fishing vessels TOPAZ and DAWN to harvest a limited amount of arrowtooth flounder for purposes of producing market-grade surimi for product development and test marketing by surimi analog producers elsewhere in the United States. Additional information including project design and disposition of fish harvested is contained in the application.

The application was reviewed by the North Pacific Fishery Management Council (Council) at its December 8–13, 1992, public meeting. At the Council's recommendation, the Director, Alaska Region, NMFS, approved the application and issued an EFP to the Alaska Fisheries Development Foundation, Inc. (AFDF) for two vessels:

TOPAZ (Documentation Number 575428) and DAWN (Documentation Number 532081).

The following conditions are imposed on the use of this EFP:

1. The maximum amount of arrowtooth flounder authorized to be caught under this EFP is a round-weight equivalent of 750,000 pounds, or 340 metric tons (mt);

2. Harvesting arrowtooth flounder is limited to the Gulf of Alaska;

3. Each of the harvesting vessels that will participate under this EFP must comply with Federal regulations under 50 CFR part 672, except paragraphs (c), (f), and (g) of § 672.7;

4. In addition to other requirements under § 672.27, each of the harvesting vessels must carry a NMFS certified observer at all times while harvesting arrowtooth flounder;

5. This EFP is effective during closures to directed fishing except for pollock by vessels using pelagic trawl gear, for the remainder of a season to which a halibut prohibited species catch limit or seasonal apportionment applies, as required by 50 CFR 672.20(f)(1)(i), or until (1) 750,000 pounds, calculated in round-weight equivalents, of arrowtooth flounder have been caught, or (2) a bycatch allowance of 9 mt of halibut mortality has been reached, whichever is earlier.

6. All fish catches other than arrowtooth flounder must be treated as prohibited species; and

7. AFDF must make all information resulting from the experiment conducted under this EFP available to the public in the form of a written report submitted to the Council no later than December 31, 1993.

(**Authority:** 16 U.S.C. 1801 *et seq.*)

Dated: February 19, 1993.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93–4326 Filed 2–24–93; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Record of Decision for Disposal and Reuse of George AFB, CA

On January 14, 1992 the Air Force signed the Record of Decision (ROD) for the Disposal and Reuse of George AFB. The decisions included in this ROD have been made in consideration of but not limited to the information contained in the Final Environmental Impact Statement (FEIS).

George AFB was closed on December 15, 1992, pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (BRAC) (Public Law 100–526) and recommendations of the Defense Secretary's Commission on Base Realignment and Closure. This ROD documents the decisions made by the Air Force on how the property will be divided into parcels for disposal, how parcels are to be conveyed or transferred and what mitigation measures should be adopted.

Basically, the base has been divided into 12 parcels of land, railroad right of way, roads and utilities. Two airfield parcels are to be conveyed for public benefit (airport use), 3 parcels for negotiated sales, 2 parcels conveyed to Department of Education, 2 lease parcels, 2 parcels by public sale and the remaining parcels deferred to a later date. The Federal Aviation Administration (FAA) has jurisdiction by law regarding reuse of the runways, and associated facilities, as a civilian airport. A decision, if any, by the FAA to approve an airport layout plan (ALP) will be announced by a separate ROD issued by the FAA based on the analysis in the FEIS and any additional FAA analysis that may be required.

The implementation of the closure and reuse action and associated mitigation measures will proceed with minimal adverse impact to the environment. This action conforms with applicable federal, state and local statutes and regulations, and all reasonable and practical efforts have been incorporated to minimize harm to the local public and environment.

Any questions regarding this matter should be directed to Lt Col Gary Baumgartel, AFCEE/ESE, Brooks AFB, TX 78235–5000, (512) 536–3869.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–4360 Filed 2–24–93; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

The Architecture & Assessment Panel of the USAF Scientific Advisory Board's Committee on Options for Theater Air Defense will meet on 22 March 1993, at AFSPACECOM, Colorado Springs, CO and 23 March 1993 at Kirtland AFB, NM from 8 a.m. to 5 p.m.

The purpose of this meeting will be to receive briefings and gather information on issues related to theater air defense.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–4361 Filed 2–24–93; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

The Boost Phase Panel of the USAF Scientific Advisory Board's Committee on Options for Theater Air Defense will meet on 22–23 March 1993, at Livermore, CA from 8 a.m. to 5 p.m.

The purpose of this meeting will be to receive briefings and gather information on issues related to theater air defense.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–4362 Filed 2–24–93; 8:45 am]

BILLING CODE 3910–01–M

Air Force Reserve Officer Training Corps; Advisory Committee Meeting

The Air Force Reserve Officer Training Corps (AFROTC) Advisory committee will meet on March 26, 1993, from 7:30 a.m. to 12 p.m. at Wright-Patterson Air Force Base, Building 262, Headquarters Conference Room, Dayton, Ohio 45433–5000.

The AFROTC Advisory Committee meets to offer advice, views and recommendations regarding the educational mission of AFROTC. The Committee is an external source of expertise and services in an advisory capacity to the commander, Air Training Command and the Commandant, AFROTC. Issues expected to be discussed include: AFROTC curriculum review; scholarships; production; summer camp update; minority recruiting, and Air Force Junior ROTC.

Meeting is open to the public.

For further information, contact AFROTC Advisory Committee, Capt Mitchell D. Norton, Project Officer, HQ ATC/RSCX, Randolph Air Force Base,

Texas 78150–4527, telephone (210) 652–4364/3729.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 93–4311 Filed 2–24–93; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Notice of Intent To Prepare a Draft Environmental Impact Statement for the Willamette River Temperature Control Feasibility Study

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The proposed action to be evaluated in this feasibility study and EIS is the installation of temperature control facilities at Blue River and Cougar Projects in the McKenzie River Subbasin of the Willamette River Basin, Oregon. These facilities would allow the selective withdrawal of warm or cool water as needed from various elevations within the reservoirs to control the temperature of releases from these projects. The goal is to achieve approximate pre-project water temperatures in releases from Cougar and Blue River Projects to improve habitat for anadromous and resident fish species.

FOR FURTHER INFORMATION CONTACT: David Kurkoski, telephone (503) 326–6094, Portland District, U.S. Army Corps of Engineers, Regulatory and Environmental Resources Branch, P.O. Box 2946, Portland, Oregon 97208–2946.

SUPPLEMENTARY INFORMATION: Blue River Lake, which began operation in 1969, is located on the Blue River at River Mile (RM) 1.7. It provides more than 89,000 acre-feet of storage. Cougar Lake is located on the South Fork of the McKenzie River at RM 4.5, and provides 219,000 acre-foot of storage. It has been in operation since 1963. Both projects provide flood control during the winter season. During the low water season, supplemental releases furnish downstream flows for irrigation, navigation, fisheries, pollution abatement, and recreation. Power generation is included at Cougar Lake; construction of power generation facilities at Blue River Lake is planned by the Eugene Water and Electric Board (EWEB), a non-Federal entity. A license for power development by EWEB was obtained from the Federal Energy Regulatory Commission (FERC) on 16 November 1989.

The purpose of installing temperature control facilities is to provide the flexibility needed to achieve approximate pre-project water temperatures in releases from Cougar and Blue River Projects. Controlling water temperatures is believed to improve habitat for anadromous and resident fish species, including spring chinook salmon, rainbow trout, and bull trout in the McKenzie River downstream of the projects.

Temperature control is needed because the operation of Cougar and Blue River projects has altered the flow and temperature of the South Fork McKenzie River, Blue River, and the mainstem McKenzie River downstream from the projects. In general, when compared to pre-project conditions, flows and temperatures are decreased in the spring and summer when the reservoirs are filled and releases are made from deep in the reservoir pool, and they are increased in the late summer and fall during reservoir drawdown to flood control pool. These changes are most noted in the South Fork McKenzie and Blue Rivers, and moderated in the mainstem by flows above their confluences.

Temperature and flow changes are believed to cause delays in upstream migration of adult spring chinook. Incubation and rearing life stages of spring chinook are also of concern; accelerated incubation and premature fry emergence are associated with increased water temperatures in the fall during reservoir drawdown. Early emerging fry are presumed to be at a severe disadvantage for survival.

The feasibility study will identify specific fishery needs relating to temperature control releases at Blue River and Cougar projects and examine the ability of alternative temperature control structures to meet those needs under typical climatic and hydrologic conditions.

Two alternative structural plans will be considered for each project. Alternative design concepts are currently being developed. The design goal of each plan will be to provide a facility which will be able to meet release temperatures recommended by fishery agencies under a range of climatic and flow conditions. Plan evaluation will consider the alternatives of both individual and joint operation of the projects for temperature control.

The feasibility study will evaluate structural rather than operational alternatives. Structural modification is needed in order to provide the capability to withdraw water from different levels within the reservoirs to achieve significant temperature control effects. The alternative of no action will also be considered in this EIS.

The scoping process will commence in February 1993 with the issuance of a scoping letter. Federal, state, and local agencies, Indian tribes, and interested organizations and individuals will be asked to comment on the significant issues relating to the potential effects of the alternatives. Potentially significant issues to be addressed in the EIS include: the effects of alternatives on downstream water temperatures; effects of alternatives on habitat and populations of spring chinook and resident fish, including rainbow trout and bull trout, a candidate for listing as an endangered species; and, temporary changes in project operations during construction of temperature control facilities, and the effects of these changes on reservoir levels, downstream flows, biological resources, and human use of the projects and downstream areas.

Other environmental review and consultation requirements to be addressed in the EIS include:

a. Clean Water Act of 1977, as amended.

b. Fish and Wildlife Coordination Act.

c. Endangered Species Act of 1973, as amended.

d. Cultural Resources Acts.

e. Executive Order 11988, Floodplain Management.

f. Executive Order 11990, Protection of Wetlands.

The Draft EIS is scheduled to be published and distributed for public review and comment in October 1994.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–4365 Filed 2–24–93; 8:45 am]

BILLING CODE 3710–AR–M

Notice of Inclusion of DOD Non-Appropriated Fund (NAF) Employees in the DOD Personal Property Shipping and Storage Program

AGENCY: Military Traffic Management Command, DOD.

ACTION: Notice.

SUMMARY: MTMC intends to amend the domestic personal property rate solicitation to include provisions extending the applicability of the solicitation to NAF employees. NAF employees are Federal employees within the DOD. As such, according to the NAF Personnel Policy Office, entitlements similar to those provided for APF employees have been authorized for NAF employees.

DATES: April 26, 1993.

ADDRESSES: Send comments to Headquarters, Military Traffic Management Command, ATTN: MTOP–

T–NI, 5611 Columbia Pike, Falls Church, VA 22041–5050.

FOR FURTHER INFORMATION CONTACT: Headquarters, Military Traffic Management Command, ATTN: MTOP–T–NI, 5611 Columbia Pike, Falls Church, VA 22041–5050, Janet Nemier (703) 756–1870.

SUPPLEMENTARY INFORMATION: NAF employees should be provided "quality service and responsive personal property movement and storage service" similar to those services authorized for APF employees as long as transportation and storage costs are paid with NAF funds. This **Federal Register** item advises the moving and storage industry the personal property programs will be amended to include NAF employees.

The following language will be included in all MTMC personal property rate solicitations: "The rates are solicited on behalf of the entire DOD, including civilian appropriated and non-appropriated fund employees, and the U.S. Coast Guard." This provision is currently in the international personal property rate solicitation, Chapter 1, Item 102.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–4364 Filed 2–24–93; 8:45 am]

BILLING CODE 3710–08–M

Availability of Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Concerning Preparation of Nerve Agent Antidotes

AGENCY: U.S. Army Medical Research and Development Command, DOD.

ACTION: Notice of availability.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability of U.S. Patent No. 5,130,438 entitled "Bis-Methylene Ether Pyridinium Compound Preparation" issued July 14, 1992 for licensing. This patent has been assigned to the United States Government as represented by the Secretary of the Army.

FOR FURTHER INFORMATION CONTACT: Mr. John F. Moran, Patent Attorney, Office of the Command Judge Advocate, U.S. Army Medical Research and Development Command, Fort Detrick, Frederick, Maryland 21702–5012, telephone (301) 619–2065.

SUPPLEMENTARY INFORMATION: Organophosphorus-containing insecticides and nerve agents or nerve gases are potent inhibitors of synaptic acetylcholinesterase, a key regulator of cholinergic neurotransmission. An illustrative embodiment of the invention substitutes solid, non-carcinogenic bis(methanesulfonoxymethyl) ether for the toxic bischloromethyl ether in a low temperature reaction to produce the important nerve agent antidotes, such as Toxogonin, HI–6, HS–S6, HGG–12 and HLO–7. The bis-methylene ether pyridinium quaternary compounds prepared according to the process of this invention are powerful nerve agent antidotes and, more specifically, evidence indicates that these compounds demonstrate total protection against all known organophosphate nerve agents.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–4363 Filed 2–24–93; 8:45 am]

BILLING CODE 3710–08–M

Availability of Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Plasma-Free Medium for Cultivating Malaria Parasites

AGENCY: U.S. Army Medical Research and Development Command, DOD.

ACTION: Notice of availability.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability of U.S. Patent Application Serial No. 07/835,832 entitled "Defined Plasma-Free Medium for the Cultivation of Plasmodium Falciparum" filed February 13, 1992 for licensing. This patent will be assigned to the United States Government as represented by the Secretary of the Army.

FOR FURTHER INFORMATION CONTACT: Mr. John F. Moran, Patent Attorney, Office of the Command Judge Advocate, U.S. Army Medical Research and Development Command, Fort Detrick, Frederick, Maryland 21702–5012, telephone (301) 619–2065.

SUPPLEMENTARY INFORMATION: The invention represents a method for the maintenance or cultivation of malaria parasites *in vitro* without the use of plasma or serum. The invention replaces serum or plasma with commercially available constituents. Use of this medium precludes the need for plasma or serum without compromising parasite growth rates.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–4386 Filed 2–24–93; 8:45 am]

BILLING CODE 3710–08–M

Availability of Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Concerning the Rapid Diagnosis of Typhoid Fever

AGENCY: U.S. Army Medical Research and Development Command, DOD.

ACTION: Notice of availability.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability of U.S. Patent No. 5,055,394 entitled "Nucleric Acid Probe and Method for the Rapid Detection of Typhoid Fever Bacteria" issued October 8, 1991 for licensing. This patent has been assigned to the United States Government as represented by the Secretary of the Army.

FOR FURTHER INFORMATION: Mr. John F. Moran, Patent Attorney, Office of the Command Judge Advocate, U.S. Army Medical Research and Development Command, Fort Detrick, Frederick, Maryland 21702–5012, telephone (301) 619–2065.

SUPPLEMENTARY INFORMATION: The invention involves nucleric acid probe comprising all or part of the DNA region encoding the Vi capsular antigen of enteric bacteria, such as Salmonella typhi, Salmonella paratyphi, and Citrobacter fruendi. Also, the invention encompasses a nucleric acid hybridization method in which the above nucleric acid probe can be used with clinical specimens for the rapid detection of typhoid fever bacilli.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–4387 Filed 2–24–93; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

CNO Executive Panel; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Future Naval Forces Task Force will meet March 4, 1993, from 9 a.m. to 5 p.m., at 4401 Ford Avenue, Alexandria, Virginia. This session will be closed to the public.

The purpose of this meeting is to develop a framework for the place of naval forces in U.S. national defense. The entire agenda for the meeting will consist of discussion of key issues regarding the future weapons and command and control systems. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to

such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: J. Kevin Mattonen, Executive Secretary to the Executive Panel, 4401 Ford Avenue, suite 601, Alexandria, Virginia 22302-0268, telephone (703) 756-1205.

February 16, 1993.

Michael P. Rummel

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 93-4366 Filed 2-24-93; 8:45 am]

BILLING CODE 3810-AE-F

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER92-488-000, et al.]

Tampa Electric Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

February 17, 1993.

Take notice that the following filings have been made with the Commission:

1. Tampa Electric Co.

[Docket No. ER92-488-000]

Take notice that on February 5, 1993, Tampa Electric Company (Tampa Electric) amended its prior filing in this docket by providing additional information concerning the calculation of energy and purchased power charges under interchange Service Schedules A and B.

Tampa Electric proposes an effective date of May 1, 1992, for the revised daily capacity charge under Service Schedule B, as tendered previously, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served on all utilities with which Tampa Electric has an interchange contract that includes Service Schedules A and B, and the Florida Public Service Commission.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Delmarva Power & Light Co.

[Docket Nos. ER93-96-000 and EL93-11-000]

Take notice that on February 1, 1993, Delmarva Power & Light Company filed revised rate schedule sheets in compliance with the Commission's December 31, 1992 order. The revised rate schedule sheets eliminate paragraph M of each firm power rate power schedule (Original Leaf No. 36b) as filed on November 3, 1992, and contains a new paragraph D for each transmission rate schedule (Eleventh Revised Leaf No. 37) which implements the January 3, 1993 effective date assigned to the distribution-voltage transmission rate submitted on November 3, 1992. Delmarva also filed a new tariff sheet (Supplement 1 to Fourth Revised Leaf No. 36) to correct a mislabeled tariff sheet submitted with the November 3, 1992 filing.

Delmarva states that it has served the compliance filing upon each affected customer and upon the regulatory commissions of the States of Delaware and Maryland and the Commonwealth of Virginia.

Comment date: March 3, 1993, in accordance with Standard Paragraph E end of this notice.

3. Central Power and light Co.

[Docket No. ER93-151-000]

Take notice that on February 1, 1993, Central Power and Light Company (CPL) tendered for filing a supplement to its November 16, 1992 filing in the above-referenced proceeding. The filing sets forth additional information required to be provided in response to a deficiency letter issued by the Commission on December 31, 1992.

Copies of the filing have been served on Southeast Texas Electric Cooperative, Inc. Medina Electric Cooperative, Inc. and the Public Utility Commission of Texas.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Puget Sound Power & Light Co.

[Docket No. ER93-161-000]

Take notice that on January 19, 1993, Puget Sound Power & Light Company (Puget) tendered for filing additional information requested by Commission staff in the above-referenced docket.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. Green Mountain Power Corp.

[Docket No. ER93-341-000]

Take notice that on January 23, 1993, Green Mountain Power Corporation (Green Mountain) tendered for filing a letter agreement between Green Mountain and Bozrah Light and Power Company (Bozrah) to defer the effectiveness of rate increases for the sales by Green Mountain to Bozrah which has been established in a Settlement Agreement accepted by letter order dated August 6, 1992.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Public Service Electric and Gas Co.

[Docket No. ER93-357-000]

Take notice that Public Service Electric and Gas Company (PSE&G) of Newark, New Jersey on February 5, 1993, tendered for filing an agreement for the sale of Capacity and Energy to Old Dominion Electric Cooperative (Old Dominion). Pursuant to the agreement, PSE&G will sell capacity and associated energy for a ten year period commencing on January 1, 1995, as scheduled by Old Dominion.

Copies of the filing have been served upon Old Dominion, the New Jersey Board of Regulatory Commissioners, Maryland Public Service Commission, Delaware Public Service Commission, and Virginia State Corporate Commission.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. PSI Energy, Inc.

[Docket No. ER92-653-001]

Take notice that on January 25, 1993, PSI Energy, Inc. tendered for filing its compliance filing in this docket pursuant to the Commission's order issued on October 27, 1992.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. The United Illuminating Co.

[Docket No. ER93-365-000]

Take notice that on February 8, 1993, The United Illuminating Company (UI) tendered for filing a letter agreement that modifies and extends the term of a previously filed and accepted exchange agreement dated June 1, 1985, and which had previously been executed by letters dated October 23, 1986, November 22, 1991, June 2, 1992 and August 27, 1992, between UI and The Connecticut Light and Power Company.

UI states that a copy of this filing has been mailed to CL&P.

UI requests that the rate schedule filed become effective May 1, 1993.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. Boston Edison Co.

[Docket No. ER93-223-000]

Take notice that on February 1, 1993, Boston Edison Company (Boston) tendered for filing additional information to its November 18, 1992 filing in this docket.

VOL
58
ISS
36
FE
25
1993
UMI

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

10. Central Power and Light Co.

[Docket No. ER93–152–000]

Take notice that on February 2, 1993, Central Power and Light Company (CPL), by its counsel, tendered for filing a supplement to its November 16, 1992 filing in the above referenced proceeding. The filing sets forth additional information required to be provided in response to the deficiency letter issued by the Commission on December 31, 1992.

Copies of the filing have been served on Magic Valley Electric Cooperative and the Public Utility Commission of Texas.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

11. Appalachian Power Co.

[Docket No. ER93–350–000]

Take notice that on January 29, 1993, Appalachian Power Company tendered for filing an addendum to the existing Electric Service Agreement with Union Power Company, executed on January 19, 1993.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

12. Washington Water Power Co.

[Docket No. ER93–127–000]

Take notice that on February 5, 1993, Washington Water Power Company (WWP) tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.11 an Amendment to its filing of a Service Agreement with Bonneville Power Administration under WWP's FERC Electric Tariff Volume No. 3. WWP states that the purpose of the amendment is to make changes requested by Commission staff.

A copy of the filing was mailed to Bonneville Power Administration.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

13. Indiana Michigan Power Co.

[Docket No. ER93–195–000]

Take notice that American Electric Power Service Corporation on February 5, 1993, tendered for filing on behalf of Indiana Michigan Power Company (I&M), information requested by the staff of the Commission which supports the charges made by I&M to Northern Indiana Public Service Company, Inc. in connection with a Contributions in Aid of Construction agreement filed in the referenced docket.

A copy of this filing has been sent to the Indiana Utility Regulatory Commission and the Michigan Public Service Commission.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

14. Montaup Electric Co.

[Docket No. ER93–80–000]

Take notice that on January 29, 1993, Montaup Electric Company (Montaup) tendered for filing additional information in the above referenced docket in response to the Commission Staff's letter dated December 30, 1992.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

15. Western Massachusetts Electric Co.

[Docket Nos. ER93–219–000 and ER93–222–000]

Take notice that on January 25, 1993, Western Massachusetts Electric Company tendered for filing corrected pages to its filing dated January 11, 1993 in the above-referenced dockets.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

16. Midwest Power Systems, Inc.

[Docket No. ER93–363–000]

Take notice that on February 9, 1993, Midwest Power Systems, Inc. tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 56, effective April 30, 1993.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

17. Montaup Electric Co.

[Docket No. ER93–366–000]

Take notice that on February 10, 1993, Montaup Electric Company (Montaup) tendered for filing a credit of $2,030,791.22 under its Purchase Capacity Adjustment Clause (PCAC) to true up the amounts billed in 1992 under a forecast billing rate to conform with actual purchased capacity costs. The credit will appear in bills for January 1993 service rendered for all requirements service to Montaup's affiliates Eastern Edison Company in Massachusetts and Blackstone Valley Electric Company in Rhode Island, contract demand service to its affiliate Newport Electric Corporation in Rhode Island, and contract demand service to two non-affiliates: Pascoag Fire District in Rhode Island and the Town of Middleborough in Massachusetts.

Comment date: March 4, 1993, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4316 Filed 2–24–93; 8:45 am]

BILLING CODE 6717–01–M

Notice of Contractors Qualified To Prepare Environmental Impact Statements

February 19, 1993.

On September 13, 1991, the Federal Energy Regulatory Commission (Commission or FERC) solicited Request For Proposals (Announcement No. DE–AC–39–92–RC2001) from organizations qualified to prepare National Environmental Policy Act documents for hydroelectric project license applications. On April 13, 1992, the Commission determined that the following contractors were qualified to prepare environmental impact statements (EIS) for the Commission:

CH2M Hill, Denver, Colorado
EBASCO Services Incorporated, New York, New York
Stone and Webster Environmental Services, Boston, Massachusetts

The Commission hereby provides notice that these contractors represent an initial list of contractors qualified to prepare EISs under the Third Party Contracting provisions of section 2403 (a) of the Energy Policy Act of 1992.

The Commission will publish in the Commerce Business Daily a notice of intent—under the provisions of Third Party Contracting—to solicit additional proposals from contractors seeking qualified status to prepare environmental impact statements (EIS) for the Commission.

For further information please contact Commission staff member John Blair, at (202) 219–2845.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4339 Filed 2–24–93; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 11181–000]

Energy Storage Partners, Inc.; Notice of Intent To Prepare an Environmental Impact Statement

February 19, 1993.

The Federal Energy Regulatory Commission (FERC) has issued a Preliminary Permit, No. 11181 to Energy Storage Partners, Inc. of Minneapolis, Minnesota, to prepare and submit an application for the Lorella Pumped Storage Hydroelectric Project located in Klamath County, Oregon.

Pursuant to the National Environmental Policy Act, the Commission staff has determined that licensing this project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, FERC staff intends to prepare—under the Third Party Contracting provisions of section 2403 (a) of the National Energy Policy Act of 1992—an environmental impact statement (EIS) on the proposed hydroelectric facility.

The Commission has selected EBASCO Services Incorporated of New York, NY as the Third Party Contractor to prepare the EIS.

The EIS will objectively consider both site specific and cumulative environmental impacts of the proposed project and reasonable alternatives, and will include an economic, financial and engineering analysis.

Scoping meetings to solicit comments on the proposed project will be held at a later date and will be announced in the **Federal Register** and in local newspapers. Scoping documents will be prepared for further review and comment subsequent to those meetings.

A draft EIS will be issued and circulated for review to all interested persons. All comments filed on the draft EIS will be analyzed by the staff and considered in a final EIS.

For further information please contact Commission staff member Sabina Joe, at (202) 219–1648.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4340 Filed 2–24–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP93–210–000, et al.]

National Fuel Gas Supply Corp., et al.; Natural Gas Certificate Filings

February 18, 1993.

Take notice that the following filings have been made with the Commission:

1. National Fuel Gas Supply Corp.

[Docket No. CP93–210–000]

Take notice that on February 10, 1993, National Fuel Gas Supply Corporation (National Fuel), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP93–210–000, an application requesting permission and approval to abandon certain minor storage facilities, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, National Fuel proposes to abandon approximately 1,147 feet of 2″ pipeline known as SX–W1 in Elk County, Well #1202–P in Warren County and Well #303P and well line S–W1303 in McKean County, Pennsylvania. National Fuel indicates that the facilities are no longer needed as the reason for the abandonment authorization sought herein.

Comment date: March 11, 1993 in accordance with Standard Paragraph F at the end of the notice.

2. KN Energy, Inc.

[Docket No. CP93–202–000]

Take notice that on February 5, 1993, KN Energy, Inc. (KN), P.O. Box 281304, Lakewood, Colorado 80228, filed in Docket No. CP93–202–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon sales and transportation service to Panhandle Eastern Pipe Line Company (Panhandle) pursuant to an agreement with Panhandle which is on file with the Commission as Rate Schedule T–1 of KN's FERC Gas Tariff, Second Revised Volume No. 2, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

KN states that it transports all gas purchased by it from certain leases located in the Buffalo Wallow Field in Hemphill County, Texas and other gas purchased by KN and Panhandle along KN's Buffalo Wallow Line, and redelivers this gas to Panhandle at its Aledo Plant in Dewey County, Oklahoma, pursuant to a March 11, 1969 agreement. According to KN, Panhandle requested, by letter dated October 10, 1992, the termination of the agreement referenced above, effective October 31, 1992. KN indicates that it has agreed to Panhandle's request to terminate the referenced agreement.

Comment date: March 11, 1993, in accordance with Standard Paragraph F at the end of this notice.

3. Tennessee Gas Pipeline Co.

[Docket No. CP93–213–000]

Take notice that on February 11, 1993, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed a prior notice request with the Commission in Docket No. CP93–213–000 pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to reassign a portion of the delivery entitlements to Honesdale Gas Company (Honesdale) pursuant to two existing gas sales contracts between Tennessee and Honesdale, under the blanket certificate issued in Docket No. CP82–413–000 pursuant to section 7 of the NGA, all as more fully set forth in the request which is open to public inspection.

Tennessee proposes to reassign its daily and annual natural gas delivery volumes to Honesdale at two delivery points in Wayne and Pike Counties, Pennsylvania. Tennessee currently delivers 4,892 dekatherms daily and 1,048,518 dekatherms annually to Honesdale at the Wayne County delivery point and proposes to decrease deliveries to 4,492 dekatherms daily and 962,433 dekatherms annually. Tennessee also currently delivers 985 dekatherms daily and 238,035 dekatherms annually to Honesdale at the Pike County delivery point and proposes to increase deliveries to 1,385 dekatherms daily and 324,120 dekatherms annually. Tennessee states that Honesdale has requested the reassignment of these delivery volumes in order to provide Honesdale more operational flexibility. Tennessee would deliver the gas to Honesdale at these existing delivery points pursuant to Tennessee's FERC Rate Schedule GS–4.

Comment date: April 5, 1993, in accordance with Standard Paragraph G at the end of this notice.

4. El Paso Natural Gas Co.

[Docket No. CP93–214–000]

Take notice that on February 11, 1993, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP93–214–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to upgrade the Cochise Power Plant meter station to permit the firm transportation and delivery of additional volumes of natural gas to Arizona Electric Power Cooperative, Inc.

(AEPCO), for use in AEPCO's electric power generation plant in Cochise County, Arizona, under the certificate issued to El Paso in Docket No. CP82–435–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

It is stated that effective September 1, 1991, AEPCO elected to convert its firm sales entitlements under its then-existing August 1, 1991, service agreement, to firm transportation service pursuant to the provisions of El Paso's Global Settlement at Docket No. RP88–44–000, *et al.* El Paso states that this firm transportation service is being rendered pursuant to the terms of a September 12, 1991, transportation service agreement which provides for the firm transportation of AEPCO's full requirements of natural gas for use in its Cochise Power Plant located in Arizona.

El Paso states that by letter dated March 12, 1992, AEPCO has requested that El Paso modify its facilities, as necessary, to expand the delivery capability of the Cochise Power Plant meter station in order to transport 160,000 Mcf of natural gas per day. El Paso further states that it has been advised that the increase in delivery capacity will be used to increase AEPCO's electric power generation capability.

It is stated that in order to accommodate AEPCO's request, El Paso proposes to install two 6-inch O.D. tap and valve assemblies, one 12-inch O.D. senior orifice-type meter run and approximately 100 feet of 6-inch O.D. pipe, with appurtenances, to be installed in the NW/4 of Section 10, Township 16 South, Range 24 East, Cochise County, Arizona.

El Paso estimates the cost of upgrading the Cochise Power Plant meter station to be $131,900, of which AEPCO has agreed to reimburse El Paso.

Comment date: April 5, 1993, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4315 Filed 2–24–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–04536T Texas–107]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

February 19, 1993.

Take notice that on February 16, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to section 271.703(c)(3) of the Commission's regulations, that the Wilcox Basal House Formation underlying a portion of Duval County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area contains approximately 4,800 acres in Railroad Commission District No. 4 and consists of all or part of the following surveys:

Section 138, P.E. White, A–1624, All
Section 58, C.R. Pyburn, A–1973, All
Section 57, J. Poitevent, A–429, All
Section 140, Harry A. Lundell, A–1060, All
Section 59, J. Poitevent, A–428, All
Section 13, H.E. & W.T. RR, A–808, All
Section 247, G.B. & C.N.G. RR, A–1201, All
Section 249, G.B. & C.N.G. RR, A–995, W/2

The notice of determination also contains Texas' findings that the referenced portions of the Wilcox Basal House Formation meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4336 Filed 2–24–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–04537T Texas–108]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

February 19, 1993.

Take notice that on February 16, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to section 271.703(c)(3) of the Commission's regulations, that the Vicksburg Formation, McAllen Ranch E (Vicksburg 15,650) Field, underlying a portion of Hidalgo County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area contains approximately 40 acres in Railroad Commission District No. 4 and consists of that portion of the "Santa Anita" Manuel Gomez (A–63) highlighted on Exhibit 2.

The notice of determination also contains Texas' findings that the referenced portions of the Vicksburg

Formation meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice if issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4337 Filed 2–24–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–04538T; Texas–109]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

February 19, 1993.

Take notice that on February 16, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to section 271.703(c)(3) of the Commission's regulations, that the Heard-Mission Formation, underlying a portion of Hidalgo County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area contains approximately 176 acres in Railroad Commission District No. 4 and consists of those portions of the W. Kozel Survey, Section 216, (A–798) and J. Hudson Survey, Section 216, (A–649) highlighted on Exhibit 2.

The notice of determination also contains Texas' findings that the referenced portions of the Heard-Mission Formation meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4338 Filed 2–24–93; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Notice of Cases Filed During the Week of February 5 Through February 12, 1993

During the Week of February 5 through February 12, 1993, the appeals and applications for other relief listed in the appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: February 19, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of February 5 through February 12, 1993]

Date	Name and location of applicant	Case No.	Type of submission
2/8/93	Federal Sources, Inc., McLean, VA	LFA–0270	Appeal of an Information Request Denial. If granted: The January 28, 1993 Freedom of Information Request Denial issued by the Office of Placement and Administration would be rescinded, and Federal Sources, Inc. would receive access to Agency Procurement Requests (APRs) sent to the General Services Administration.
2/9/93	Arco/Mapco, Inc., Memphis, TN	RR304–56	Request for Modification/Rescission in the Arco Refund Proceeding. If granted: The March 20, 1992 and February 8, 1991 Decision and Order (RF304–12162 & RF304–10556) issued to Mapco would be modified regarding the firm's application for refund submitted in the Arco refund proceeding.

REFUND APPLICATIONS RECEIVED

Date received	Name of refund proceeding/name of refund application	Case No.
2/3/93	Bob Spaulding Texaco.	RF321–19586
2/4/93	Max's Texaco	RF321–19587
2/4/93	Max's Texaco	RF321–19588
2/5/93	Perkins Texaco	RF321–19589
2/5/93 thru 2/12/93.	Gulf Oil Applications Received.	RF300–20906 thru RF300–20931

REFUND APPLICATIONS RECEIVED—Continued

Date received	Name of refund proceeding/name of refund application	Case No.
2/5/93 thru 2/12/93.	Crude Oil Refund Applications Received.	RF272–94006 thru RF272–94131
2/5/93 thru 2/12/93.	Atlantic Richfield Applications Received.	RF304–13579 thru RF304–13603
2/8/93	Bayou Service Station.	RF346–28
2/8/93	Patterson Canal	RF346–29
2/8/93	Jim's Tee Coteau Canal.	RF346–30

REFUND APPLICATIONS RECEIVED—Continued

Date received	Name of refund proceeding/name of refund application	Case No.
2/8/93	Dare Allen Texaco Service.	RF321–19594
2/8/93	Stuckey's Store #035.	RF321–19595
2/8/93	Store #104 Round Rack Texas.	RF321–19596
2/8/93	Stuckey's Store #118.	RF321–19597
2/8/93	American Colloid Company.	RF321–19598
2/8/93	Rich's Texaco Service.	RF321–19591
2/8/93	Vic's Texaco	RF321–19592
2/8/93	Country Squire Texaco.	RF321–19593

VOL 58 ISS 36 FE 25 1993 UMI

REFUND APPLICATIONS RECEIVED—Continued

Date received	Name of refund proceeding/name of refund application	Case No.
2/9/93	Adams County Co-op.	RF272-94118
2/9/93	Abdul's Clark Service.	RF342-318
2/9/93	Jim's Clark Super 100.	RF342-319
2/10/93	Raymond Chala	RF315-10276
2/10/93	Chala Enterprises, Inc.	RF315-10277
2/11/93	Lasco Shipping Co.	RF321-19599

[FR Doc. 93-4402 Filed 2-24-93; 8:45 am]

BILLING CODE 6450-01-M

Notice of Issuance of Decisions and Orders During the Week of January 4 Through January 8, 1993

During the week of January 4 through January 8, 1993, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Seehuus Associates, 1/8/93, LFA-0256

Seehuus Associates filed an Appeal from a denial by the DOE's Office of Inspector General (the IG) of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the search for responsive documents conducted by the IG was adequate. Accordingly, the Appeal was denied.

Refund Application

Aminoil U.S.A., Inc./Fred G. McKenzie, 1/7/93, RR139-73

The DOE issued a Decision and Order denying a Motion for Reconsideration filed by Michael O'N Barron, an attorney, on behalf of Fred McKenzie d/b/a Fred G. McKenzie Company in the Aminoil U.S.A., Inc. Subpart V special refund proceeding. The DOE found that the reconsideration motion was both substantively and procedurally deficient. In particular, the DOE noted that the firm did not present any new or changed circumstances that justified reconsideration. Rather, the Motion simply disagreed with prior determinations disallowing the McKenzie claim. See Aminoil U.S.A., Inc./Fred G. McKenzie Co., 18 DOE ¶ 285,341 (1988), reconsideration denied, 18 DOE ¶ 85,994 (1989). Further, the DOE found that factors such as the availability of funds to pay the claim, and the fact that a proceeding has open cases do not, in themselves, justify the grant of a reconsideration motion. Finally, the DOE determined that a case relied upon by McKenzie that was decided after the original McKenzie decision presented a factually distinct situation and did not undermine the decision to deny the McKenzie application. Accordingly, the Motion for Reconsideration was denied.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Atlantic Richfield Company/Beaverton School District.	RF304-13393	01/06/93
C.B. White & Bros., Inc.	RF304-13399	
Atlantic Richfield Company/Bootheel Petroleum Co. Inc. et al.	RF304-13256	01/08/93
Atlantic Richfield Company/Ed & Marty's Fuel Oil.	RR304-50	01/07/93
Atlantic Richfield Company/Whip-It Auto Shoppes, Inc.	RF304-11778	01/08/93
Atlantic Richfield Company/Yate's Truck Center et al.	RF304-11189	01/07/93
Boston Gas Co	RF272-67203	01/06/93
City of Franklin et al	RF272-82713	01/05/93
City of Jasper	RF272-82630	01/07/93
City of La Salle	RF272-82606	01/06/93
City of Nacogdoches	RF272-82786	01/08/93
City of Union	RF272-82623	01/04/93
Decamp Bus Lines et al.	RF272-82063	01/07/93
Enron Corp./John E. Jones Oil Co., Inc.	RF340-32	01/05/93
Gulf Oil Corporation/Chap's Gulf et al.	RF300-16500	01/05/93
Gulf Oil Corporation/City of Cleveland.	RF300-16256	01/06/93
Gulf Oil Corporation/Curry & Sons Gulf et al.	RF300-15725	01/07/93
Gulf Oil Corporation/Davis Gulf Service et al.	RF300-14103	01/07/93
Gulf Oil Corporation/Peter Balco.	RF300-17134	01/05/93
Bill Pitts Gulf Service.	RF300-17371	
Gulf Oil Corporation/Petroleum Fuels, Inc. et al.	RF300-14069	01/08/93
Gulf Oil Corporation/Santa Fe Trail Transportation.	RF300-12898	01/08/93
Gulf Oil Corporation/The Marble Cliff Quarries Co.	RF300-20818	01/08/93
Jefferson County Schools.	RF272-82617	01/06/93
Murphy Oil Corp./Seymour Service Station et al.	RF309-655	01/04/93
Ravena-Coeymans Selkirk Central School District et al.	RF272-80871	01/06/93
Shell Oil Company/Beckett Aviation et al.	RF315-7477	01/04/93
Shell Oil Company/International Trading & Transport.	RF315-1543	01/08/93
Crown Central Petroleum Corp.	RF315-6283	
Southern Bulk Haulers et al.	RF272-86072	01/06/93
Texaco Inc./B G Oil Company et al.	RF321-16496	01/08/93
Texaco Inc./East Main Texaco Service Station et al.	RR321-60	01/07/93
Texaco Inc./Glenn's Freeway Texaco et al.	RF321-6102	01/07/93
Texaco Inc./J & J Texaco et al.	RF321-16276	01/06/93
Texaco Inc./Lew's Texaco et al.	RF321-617	01/04/93
Texaco Inc./Riggs Texaco et al.	RR321-1	01/07/93
Town of Fort Fairfield et al.	RF272-84305	01/08/93
West Bend Community School District et al.	RF272-79163	01/06/93
Yeatts Transfer Co. et al.	RF272-92968	01/05/93

Dismissals

The following submissions were dismissed:

Name	Case No.
A.O. Smith Corporation	RF321-18631
Arnold Corporation	RF321-18632
Bob Parsons Texaco	RF321-17920
Borg Warner Chemicals Inc	RF321-18545
Carolina Power & Light	RF321-18571
Dan Bavuso's Arco	RR304-53
Draughton's Texaco #2	RF321-10686
Equity Ten	RF272-67795
Fred's Gulf	RF300-14382
General Time Corp	RF321-18633
Great Neck Saw Mfg., Inc	RF321-18630
H.D.'s Texaco	RF321-10767
Highway 33 Gulf	RF300-14337
Kenroy Export	RF272-67793
M.E. Cunningham's Texaco	RF321-12351
Malvern Public Schools Bus Garage.	RF321-10768
McGuire's Gulf Service	RF300-17890
Nichols Texaco	RF321-15339
P&J Auto	RF304-13367
Reliance Universal, Inc	RF321-18573
Sents Fe Texaco	RF321-10765
Tony's Auto Service	RF321-15341
United Truck & Bus Service Co	RF300-15632
Ward Transformer	RF321-18572
Wasilla Self Service	RF321-10647
Watcher's Texaco	RF321-10617
Y R Bar Trucking	RF272-68527

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E-234,

Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: February 19, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 93–4403 Filed 2–24–93; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4560–4]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 29, 1993.

FOR FURTHER INFORMATION OR A COPY OF THIS ICR CONTACT: Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Policy, Planning and Evaluation

Title: Residential Solid Waste Unit Pricing Demonstration Project: Household Survey and Community Performance Records (ICR No. 1634.01). This ICR requests approval for a new collection.

Abstract: As part of a residential unit pricing demonstration project, EPA plans to collect data from households, residential and commercial solid waste haulers, and local government departments within a selected host community.

Unit pricing is a financing system which charges households for waste collection and disposal services based on the weight or volume of waste set-out for collection. The Demonstration Project is designed to determine how reductions in general trash were achieved, the source of cost savings, and the broader waste flow and economic impacts associated with unit pricing. EPA will select a host community, one already committed to adopting a unit pricing system, who will coordinate its transition to unit pricing with the Agency. The information is being collected to provide more complete and reliable data on the resource and environmental consequences of adopting residential municipal solid waste unit pricing. These data could be used in guiding Federal, state, and local solid waste management practices.

To collect household data, EPA will administer a questionnaire to a random sample of households in the host community. The Agency will recruit and screen these households using a telephone screener interview and will mail three waves of questionnaires to households during the course of a year. The household survey is designed to identify households' solid waste management practices, waste management effort, and waste flows. In each of the three waves of mail surveys, households will provide information on: (1) Household characteristics that affect their waste management; (2) the amount of each category of trash (general trash, recycled material, yard waste, oversized goods) that the household disposes of and means of disposal (set-out, self-disposal on site, and self-disposal off site); (3) processes that the household engages in as it prepares trash for disposal (e.g., rinsing, sorting); and (4) household preferences for different methods of financing, trash collection, and disposal.

Supporting data will be requested from residential and commercial solid waste haulers that provide service in the host community and public entities such as the host community's Department of Public Works and Recycling Program. Residential haulers, such as the community's Department of Public Works, will be asked to provide data on general trash, recyclables, yard waste, and oversize waste flows, and data on the cost of providing service to households and on service revenues. Commercial haulers will be asked to provide data on the amount of commercial waste collected; reports of unauthorized use or abuse of materials dropoff sites and commercial receptacles and activities and costs undertaken to counter such unauthorized use; and conditions of service offered to commercial customers (e.g., receptacle size, frequency of collection), and associated rates or charges.

Local government departments will provide background information such as: description of the organization and operation of the host community's current waste management program; roster of residential solid waste accounts; other waste flows collected, processed, or monitored by public entities (e.g., roadside litter); and enforcement action related solid waste ordinances (e.g., written warnings, assessed fines).

Burden Statement: The public reporting burden for this collection is estimated to average 3.4 hours per household, 66 hours per residential and commercial hauler, and 126 hours for local government, and includes all aspects of the information collection including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: Households, residential waste haulers, and local government departments.

Estimated Number of Respondents: 804

Estimated Number of Responses Per Respondent: 3

Estimated Total Annual Burden on Respondents: 4,442 hours

Frequency of Collection: One-time

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street SW., Washington, DC 20460.

and

Jonathan Gledhill, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: February 18, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93–4394 Filed 2–24–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4561–1]

Research Needs Document on Electric and Magnetic Fields; Availability

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability to the public of a U.S. Environmental Protection Agency (EPA) document entitled, "Electric and Magnetic Fields: An EPA Perspective on Research Needs and Priorities for Improving Health Risk Assessment"

(EPA/600/1–91/016F). This document describes research needs on electric and magnetic fields (EMF) in the environment. The discussion is devoted exclusively to EMF in the range of 0 to 500,000 Hertz. The goal of the document is to identify research needed to reduce uncertainties in the risk assessment of EMF and to prioritize categories of these research needs.

To obtain a copy of the document interested parties should contact the Office of Research and Development (ORD) Publications Center, Center for Environmental Research Information (CERI), U.S. Environmental Protection Agency, Cincinnati, Ohio 45268. Telephone: (513) 569–7562 or FAX: (513) 569–7566. Please provide your name, mailing address and be sure to cite the EPA number assigned to the report, EPA/600/1–91/016F.

FOR FURTHER INFORMATION CONTACT: Dr. Joe A. Elder, Health Effects Research Laboratory, MD–51, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, Telephone: (919) 541–2542.

Dated: February 18, 1993.

Gary Foley,

Acting Assistant Administrator for Research and Development.

[FR Doc. 93–4395 Filed 2–24–93; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; Lykes Bros. Steamship Co., Inc., et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 232–011247–003

Title: Safbank/Lykes Reciprocal Space Charter and Coordinated Sailing Agreement

Parties:

Lykes Bros. Steamship Co., Inc.
Safbank Line, Ltd.

Synopsis: The proposed amendment expands the geographic scope of the Agreement to include ports and points between the U.S. Gulf of Mexico and Pacific Coast and ports and points in Venezuela and Brazil. The parties have requested a shortened review period.

Agreement No.: 202–011375–005

Title: Trans-Atlantic Agreement

Parties:

A.P. Moller-Maersk Line
Polish Ocean Lines
Orient Overseas Container Line (UK) Ltd.
DSR-Senator Joint Service
P&O Containers Limited
Cho Yang Shipping Co.
Atlantic Container Line AB
Sea-Land Service, Inc.
Nedlloyd Lijnen BV
Hapag Lloyd AG
Mediterranean Shipping Co.

Synopsis: The proposed amendment extends the Capacity Management Program's second accounting period from March 31, 1993 to April 30, 1993. It also corrects a prior oversight in the computation of the Agreement's annualized TEU cargo capacities.

Agreement No.: 203–011401

Title: TMM/H–L Space Charter and Sailing Agreement

Parties:

Transportacion Maritime Mexicana, S.A. de C.V.
Hapag-Lloyd Aktiengesellschaft

Synopsis: The proposed Agreement permits the parties to charter space to each other and to discuss and agree upon the number of sailings, schedules and ports of call in the trade between ports in the U.S. Atlantic and Gulf and ports and points in Europe (including ports in the United Kingdom, and the Republic of Ireland) and the Gulf Coast of Mexico. The parties may also discuss and agree upon conference memberships, rates, charges and practices. Adherence to any agreement reached by the parties is strictly voluntary.

By Order of the Federal Maritime Commission.

Dated: February 19, 1993.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 93–4318 Filed 2–24–93; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Panatrex Corporation, 3911 S.W. 47th Ave., #906, Ft. Lauderdale, FL 33314, Officer: Hector J. Mata, President.

Navigo International, 3103 McKinney, Houston, TX 77003, Veronica Sandra McFadden, Sole Proprietor.

A & E International, Inc., 2800 Hirachfield #242, Spring, TX 77373, Officers: Ernest R. Evensen, President and Ann Taylor, Vice President/Secretary/Treasurer.

C J International, Inc., 3021 E. Baltimore Street, Baltimore, MD 21224, Officers: Curtis Rodger Perry, President/Stockholder; Joan Patricia Shindledecker, Executive Vice President; Samya Deeb Keiger, Vice President/Stockholder; Jill Lynn Perry, Stockholder; and Cynthia Leigh Perry, Stockholder.

Richard Boas U.S.A., Inc., 29 Broadway, Ste. 1608, New York, NY 10006, Officers: Hans J. Eggeling, President/Director/Stockholder; Johannes Fischer, Chairman/Director/Stockholder; Micheal Baldorf, Exec. Vice President/Director; and Brigitte Day, Vice President.

Unitrons Consolidated Inc., 420 W. Florence Ave., Inglewood, CA 90301, Officers: Chester Chong, President; Evan Gee, Controller; Chi-Wing Wong, Operation Manager; and Danny Tam, Manager-Ocean Division.

C.A. Mar Freight Forwarding, 10380 S.W. 97th Street, Miami, FL 33176, Richard Diaz, Sole Proprietor.

Dated: February 22, 1993.

By the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 93–4330 Filed 2–24–93; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

DIMECO, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are

considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 22, 1993.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. DIMECO, Inc., Honesdale, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of The Dime Bank, Honesdale, Pennsylvania.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. The Banc Ed Corp., Edwardsville, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The Bank of Edwardsville, Edwardsville, Illinois.

2. First Breckinridge Bancshares, Inc., Irvington, Kentucky; to acquire at least an additional 90.56 percent for a total of 95.54 percent of the voting shares of Bank of Clarkson, Clarkson, Kentucky.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Dickinson Bancorporation, Inc., Dickinson, North Dakota; to acquire 100 percent of the voting shares of The First National Bank of Bowman, Bowman, North Dakota.

2. International Bancorporation, Bemidji, Minnesota; to merge with First National Agency of Baudette, Inc., Baudette, Minnesota, and thereby indirectly acquire The First National Bank of Baudette, Baudette, Minnesota, and Blackduck State Bank, Blackduck, Minnesota.

3. Marquette Bancshares, Inc., Minneapolis, Minnesota; to acquire 100 percent of the voting shares of Marquette Capital Bank, Minneapolis, Minnesota, a *de novo* bank.

D. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. First National Beatrice Corporation Employee Stock Ownership Plan, Beatrice, Nebraska; to become a bank holding company by acquiring up to 47.5 percent of the voting shares of First National Beatrice Corporation, Beatrice, Nebraska, and thereby indirectly acquire First National Bank & Trust Co., Beatrice, Nebraska.

2. Fourth Financial Corporation, Wichita, Kansas; to merge with Nichols Hills Bancorporation, Inc., Oklahoma City, Oklahoma, and thereby indirectly acquire Nichols Hills Bank and Trust Co., Oklahoma City, Oklahoma.

E. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Mountain Bank Holding Company, Enumclaw, Washington; to become a bank holding company by acquiring 100 percent of the voting shares of Mt. Rainier National Bank, Enumclaw, Washington.

Board of Governors of the Federal Reserve System, February 19, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–4398 Filed 2–24–93; 8:45 am]

BILLING CODE 6210–01–F

Signet Banking Corporation, et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 17, 1993.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Signet Banking Corporation, Richmond, Virginia; to engage *de novo* in community development activities through making equity and debt investments in corporations or projects which promote economic rehabilitation and development of low-income communities by providing housing, services, or jobs for residents pursuant to § 225.25(b)(6) of the Board's Regulation Y.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Comerica Incorporated, Detroit, Michigan; to engage *de novo* through its subsidiary, Gladeshire Limited Dividend Housing Association Limited Partnership, Kalamazoo, Michigan, in a community investment project pursuant to § 225.25(b)(6) of the Board's Regulation Y.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Victoria Bankshares, Inc., Victoria, Texas; to engage *de novo* through its subsidiary, Victoria Securities Corporation, Victoria, Texas, in full service brokerage activities and advisory services pursuant to §§ 225.25(b)(4) and (b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 19, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–4399 Filed 2–24–93; 8:45 am]

BILLING CODE 6210–01–F

Union Planters Corporation; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than March 6, 1993.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Union Planters Corporation, Memphis, Tennessee; to acquire 100 percent of the voting shares of First Cumberland Bank, Madison, Tennessee.

Board of Governors of the Federal Reserve System, February 23, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–4546 Filed 2–24–93; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 020193 AND 021293

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Fluor Corporation, Pittston Company, Eastern Coal Corporation	93–0554	02/01/93
Sandoz Ltd., Cytel Corporation, Cytel Corporation	93–0556	02/01/93
Midwest Medical Insurance Holding Company, Iowa Physicians Mutual Insurance Trust, Iowa Physicians Mutual Insurance Trust	93–0559	02/01/93
CML Group, Inc., Smith & Hawken, Ltd., Smith & Hawken, Ltd	93–0572	02/01/93
Karl M. Parrish, IFC Holdings, Inc., Industrial Leasing Corporation	93–0573	02/01/93
Information Partners Capital Fund, L.P., Wachovia Corporation, Wachovia Student Financial Services, Inc	93–0540	02/03/93
Thames Water Plc, Simon Engineering Plc, Asbrook-Simon-Hartley Inc., Simon WTS Inc	93–0560	02/03/93
Sears, Roebuck and Co., TF Acquisition Corporation, Tom's Foods Inc	93–0571	02/03/93
HC Associates, Santa Fe Energy Resources, Inc., Santa Fe Energy Resources, Inc	93–0523	02/04/93
Inacom Corp., Sears Roebuck and Co., Sears Business Centers	93–0575	02/04/93
APC Associates, L.P., The Alden Press Company, The Alden Press Company	93–0579	02/04/93
Printing Holdings, L.P., APC Associates, L.P., APC Holding, Inc	93–0581	02/04/93
Snyder Oil Corporation, Atlantic Richfield Company, Atlantic Richfield Company	93–0531	02/05/93
Joseph Littlejohn & Levy Fund, L.P., John T. Lynch, Noble Broadcast of New York, Inc	93–0539	02/05/93
J. C. Penney Company Inc., May Department Stores Company, Brea Mall and Westminster Mall	93–0574	02/05/93
Horizon Cellular Telephone Co., L.P., Carol Ann Chun, Centerum Georgia Limited Partnership	93–0580	02/05/93
Creative Technology Ltd., E-Mu Systems, Inc., E-Mu Systems, Inc	93–0587	02/05/93
Galen Health Care, Inc., Humana Inc., Galen Hospital-Pembroke Pines, Inc	93–0589	02/05/93
Blockbuster Entertainment Corporation, Republic Pictures Corporation, Republic Pictures Corporation	93–0604	02/05/93
Sara Lee Corporation, Bessin Corporation, Bessin Corporation	93–0515	02/06/93
Local Area Telecommunications, Inc., Southwestern Bell Corporation, Metromedia Paging Services, Inc	93–0555	02/08/93
SuperValu Inc., Hyper Shoppes, Inc., Hyper Shoppes, Inc	93–0578	02/08/93
TRI Valley Growers, Sacramento Growers Cooperative, Sacramento Growers Cooperative	93–0583	02/08/93
American Home Products Corporation, Artal N.V., MPI—B&G Holdings, Inc	93–0606	02/08/93
LDDS Communications, Inc., Dial-Net, Inc., Dial-Net, Inc	93–0558	02/09/93
Kelso Investment Associates IV, L.P., Hans A. Pfelenz, United Refrigerated Service, Inc	93–0565	02/09/93
Mulberry Phosphates, Inc., The Dai-Ichi Kangyo Bank, Limited, The Dai-Ichi Kangyo Bank, Limited	93–0612	02/09/93
N.V. Koninklijke KNP, Buhrmann-Tetterode N.V., Buhrmann-Tetterode N.V	93–0592	02/10/93
Liberty Media Corporation, Roy M. Speer, Home Shopping Network, Inc	93–0395	02/11/93
Roy M. Speer, Liberty Media Corporation, Liberty Media Corporation	93–0396	02/11/93
Royal Dutch Petroleum Company, Ashland Oil, Inc., Super America Group, Inc./Super America of Florida, Inc	93–0594	02/12/93
General Electric Company, Weyerhaeuser Company, GNA Corporation	93–0600	02/12/93
Kaneb Services, Inc., Sun Company, Inc., Sun Marine Terminals Company	93–0603	02/12/93
Continental Bank Corporation, Arr-Maz Products, Inc., Arr-Maz Products, Inc	93–0608	02/12/93
Associated Insurance Companies, Inc., Southeastern Mutual Insurance Company, Southeastern Mutual Insurance Company	93–0609	02/12/93
InterMedia Capital Management V, L.P., InterMedia Capital Management V, L.P., Melanie Cable Partners, L.P	93–0611	02/12/93
Welsh, Carson, Anderson & Stowe V, L.P., TRW Inc., TRW Real Estate Loan Services, Inc	93–0615	02/12/93
Oregon Steel Mills, Inc., CF&I Steel Corporation, CF&I Steel Corporation	93–0626	02/12/93
Steven Hoffenberg, Peter S. Kalikow, as Debtor-in-Possession, The New York Post Co., Inc. & Peter S. Kalikow	93–0639	02/12/93

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, or Renee A. Horton, Contact Representatives; Federal Trade Commission, Premerger Notification Office, Bureau of Competition, room 303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 93–4411 Filed 2–24–93; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. No. C–3027]

Clinique Laboratories, Inc.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying Order.

SUMMARY: This order reopens and modifies the 1980 consent order by deleting a provision that restricts the respondent's ability to prescribe to dealers the prices at which they should advertise their products, in connection with cooperative advertising and promotional programs. The Commission concluded that reopening the order and deleting the provision of Paragraph III(2) is in the public interest.

DATES: Consent order issued July 23, 1980. Modifying order issued February 8, 1993.[1]

FOR FURTHER INFORMATION CONTACT: Joseph Eckhaus, FTC/S–2115, Washington, DC 20580. (202) 326–2665.

SUPPLEMENTARY INFORMATION: In the Matter of Clinique Laboratories, Inc. The prohibited trade practices and/or corrective actions, as set forth at 45 FR 53455, are changed, in part, as indicated in the summary.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 93–4410 Filed 2–24–93; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3415]

Mobil Oil Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Virginia-based manufacturer and seller of plastic bags from making unsubstantiated degradability and environmental benefit claims.

DATES: Complaint and Order issued February 1, 1993.[1]

FOR FURTHER INFORMATION CONTACT: Michael Dershowitz, FTC/S–4002, Washington, DC 20580. (202) 326–3158.

SUPPLEMENTARY INFORMATION: On Monday, August 10, 1992, there was published in the **Federal Register**, 57 FR 35589, a proposed consent agreement with analysis In the Matter of Mobil Oil Corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 93–4409 Filed 2–24–93; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Notice of Filing of Annual Reports of Federal Advisory Committees

Notice is hereby given that, pursuant to section 13 of the Federal Advisory Committee Act (5 U.S.C. App. 2), the Annual Reports prepared for the public by the committees set forth below have been filed with the Library of Congress:

Health Care Policy and Research Contracts Review Committee
Health Care Technology Study Section
Health Services Research and Developmental Grants Review Committee
Health Services Research Dissemination Study Section
Health Services Research Training Advisory Committee
National Advisory Council for Health Care Policy, Research and Evaluation

Copies of these reports, prepared in accordance with section 10(d) of the Federal Advisory Committee Act, are available to the public for inspection at: (1) The Library of Congress, Special Forms Reading Room, Main Building, on weekdays between 9 a.m. and 4:30 p.m.; and (2) the Information Resource Center, Agency for Health Care Policy and Research, suite 501, 2101 East Jefferson Street, Rockville, Maryland 20852, on weekdays between 8:30 a.m. and 5 p.m.

Copies may be obtained from Mr. James E. Owens, Committee Management Officer, Agency for Health Care Policy and Research, suite 601, 2101 East Jefferson Street, Rockville, Maryland 20852.

Dated: February 16, 1993.

J. Jarrett Clinton,

Administrator.

[FR Doc. 93–4333 Filed 2–24–93; 8:45 am]

BILLING CODE 4160–90–M

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the following Heart, Lung, and Blood Special Emphasis Panels.

These meetings will be closed in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications, contract proposals, and/or cooperative agreements. These applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Panel: NHLBI SEP on RFA for Dietary Patterns and Blood Pressure
Dates of Meeting: March 11, 1993.
Time of Meeting: 7 p.m.
Place of Meeting: Hyatt Regency, Bethesda, Maryland.
Agenda: To review and evaluate grant applications.
Contact Person: Dr. Lynn M. Amende, 5333 Westbard Avenue, room 648, Bethesda, Maryland 20892, (301) 496–8818.

Name of Panel: NHLBI SEP for Review of the Vascular Disease Academic Award (K07).
Dates of Meeting: March 18–19, 1993.

---

[1] Copies of the Modifying Order are available from the Commission's Public Reference Branch, H–130, 6th and Pennsylvania Avenue NW., Washington, DC 20580.

[1] Copies of the Complaint, the Decision and Order, and Commissioner Owen's statement are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

VOL
58
ISS
36
FE
25
1993
UMI

Time of Meeting: 8 a.m.
Place of Meeting: Holiday Inn Bethesda, Bethesda, Maryland.
Agenda: To review and evaluate grant applications.
Contact Person: Dr. Kathryn W. Ballard, 5333 Westbard Avenue, room 550, Bethesda, Maryland 20892, (301) 496–7361.
Name of Panel: NHLBI SEP on SCOR Programs in Acute Lung Injury, Cardiopulmonary Disorders in Sleep, and Cystic Fibrosis.
Dates of Meeting: March 22–24, 1993.
Time of Meeting: 8 p.m.
Place of Meeting: Hyatt Regency, Bethesda, Maryland.
Agenda: To review and evaluate grant applications.
Contact Person: Dr. Matthew Starr, 5333 Westbard Avenue, room 553, Bethesda, Maryland 20892, (301) 496–7351.
Name of Panel: NHLBI SEP for Program Project Grants (PPGs).
Dates of Meeting: March 24, 1993.
Time of Meeting: 7 p.m.
Place of Meeting: Holiday Inn Chevy Chase, Chevy Chase, Maryland.
Agenda: To review and evaluate grant applications.
Contact Person: Dr. Deborah P. Beebe, 5333 Westbard Avenue, room 555, Bethesda, Maryland 20892, (301) 496–4485.
Name of Panel: NHLBI SEP for Coronary Artery Risk Development in Young Adults (CARDIA) Study.
Dates of Meeting: April 20–21, 1993.
Time of Meeting: 7 p.m.
Place of Meeting: Hyatt Regency, Bethesda, Maryland.
Agenda: To review and evaluate contract proposals.
Contact Person: Dr. Lynn M. Amende, 5333 Westbard Avenue, room 648, Bethesda, Maryland 20892, (301) 496–8818.
Name of Panel: NHLBI SEP for Therapy Groups to Study T Cell-Depletion in Unrelated-Donor Marrow Transplantation.
Dates of Meeting: April 26–27, 1993.
Time of Meeting: 7 p.m.
Place of Meeting: Hyatt Regency, Bethesda, Maryland.
Agenda: To review and evaluate contract proposals.
Contact Person: Dr. Lynn M. Amende, 5333 Westbard Avenue, room 648, Bethesda, Maryland 20892, (301) 496–8818.
(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: February 18, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–4404 Filed 2–24–93; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the following Heart, Lung, and Blood Special Emphasis Panel.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications, contract proposals, and/or cooperative agreements. These applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Panel: NHLBI SEP on RFA for the Collaborative Projects on Women's Health.
Dates of Meeting: March 18, 1993.
Time of Meeting: 8:30 a.m.
Place of Meeting: Holiday Inn, Chevy Chase, Maryland.
Agenda: To review and evaluate grant applications.
Contact Person: Dr. Louise Corman, 5333 Westbard Avenue, room 548, Bethesda, Maryland 20892, (301) 496–7363.
(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: February 18, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–4405 Filed 2–24–93; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute; Notice of Meeting of Heart, Lung, and Blood Research Review Committee B

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, National Institutes of Health, on March 25–26, 1993 in Building 31, Conference Room 9, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on March 25, from 8 a.m. to approximately 9 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C., and section 10(d) of Public Law 92–463, the meeting will be closed to the public from approximately 9 a.m. on March 25 to adjournment on March 26 for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Long, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of the committee members.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Scientific Review Administrator in advance of the meeting.

Dr. Jeffrey H. Hurst, Scientific Review Administrator, Heart, Lung, and Blood Research Review Committee B, Westwood Building, room 555, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4485, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research, National Institutes of Health)

Dated: February 12, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–4406 Filed 2–24–93; 8:45 am]

BILLING CODE 4140-01-M

Division of Research Grants; Notice of Meeting of the Division of Research Grants Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Division of Research Grants Advisory Committee, April 12–13, 1993, Building 31C, Conference Room 10, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 8:30 a.m. on April 12 to adjournment on April 13. The topics for the meeting will include among others, the NIH peer review process and the orientation of new study section members. Attendance by the public will be limited to space available.

The Office of Committee Management, Division of Research Grants, Westwood Building, room 453, National Institutes of Health, Bethesda, Maryland 20892, telephone (301) 496–7534, will furnish a summary of the meeting and a roster of the committee members.

Dr. Samuel Joseloff, Executive Secretary of the Committee, Westwood Building, room 449, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496–7441, will provide substantive program information upon request.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary at least two weeks in advance of the meeting.

Dated: February 17, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–4407 Filed 2–24–93; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Fair Housing and Equal Opportunity

[Docket No. N–93–3558; FR–3428–N–03]

Task Force on Occupancy Standards in Public and Assisted Housing; Meetings

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of open meetings.

SUMMARY: The Task Force on Occupancy Standards in Public and Assisted Housing was established on December 31, 1992 in accordance with the provisions of section 643 of the Housing and Community Development Act of 1992 (Pub. L. 102–550) and the Federal Advisory Committee Act (FACA) (5 U.S.C. app 2). The Task Force's charter was published in the **Federal Register** on January 7, 1993 at 58 FR 3039. The Task Force was created to review all rules, policy statements, handbooks, and technical assistance memoranda issued by the Department on the standards and obligations governing residency in public and assisted housing and to make recommendations to the Secretary for the establishment of reasonable criteria for occupancy. The Task Force has established an Executive Committee and three additional subcommittees—Admissions, Occupancy and Evictions. This is a notice announcing the schedule of meetings for the subcommittees of the Task Force.

FOR FURTHER INFORMATION CONTACT: Laurence D. Pearl, Office of Fair Housing and Equal Opportunity, room 5226, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone: (202) 708–3727, (TDD) (202) 708–0113 (These are not toll-free numbers). If a sign language interpreter is needed for any meeting, please call either telephone number for assistance at least seven days prior to the meeting.

SUPPLEMENTARY INFORMATION:

SUBCOMMITTEE MEETING SCHEDULE

Date	Time	Subcommittee
Tuesday, March 2.	10 a.m. to 5 p.m	Occupancy.
Wednesday, March 3.	9 a.m. to 5 p.m	Admissions.
Thursday, March 4.	9 a.m. to 12 noon ...	Evictions.
Thursday, March 4.	1 p.m. to 5 p.m	Executive.

Fifteen days advance notice of the meetings on March 2–4 could not be provided because of the desire of the Task Force to proceed expeditiously with its business and to submit its final report to the Congress and the Secretary of HUD at the earliest possible date.

Monday, March 29.	10 a.m. to 5 p.m	Admissions.
Tuesday, March 30.	9 a.m. to 5 p.m	Occupancy.
Wednesday, March 31.	9 a.m. to 12 noon ...	Evictions.
Wednesday, March 31.	1 p.m. to 5 p.m	Executive.
Tuesday, April 20.	10 a.m. to 5 p.m	Admissions.
Wednesday, April 21.	9 a.m. to 5 p.m	Occupancy.
Thursday, April 22.	9 a.m. to 12 noon ...	Evictions.
Thursday, April 22.	1 p.m. to 5 p.m	Executive.
Wednesday, May 12.	10 a.m. to 5 p.m	Admissions.
Thursday, May 13.	9 a.m. to 5 p.m	Occupancy.
Friday, May 14	9 a.m. to 12 noon ...	Evictions.
Friday, May 14	1 p.m. to 5 p.m	Executive.

PLACE: The meetings on March 2–4 will be held at the Capitol Holiday Inn, 550 C Street, SW., Washington, DC. The sites for future meetings will be announced in the **Federal Register** prior to the meetings.

AGENDA: The Admissions, Occupancy and Evictions Subcommittee meetings will review all relevant information regarding the Department's occupancy standards in public and assisted housing and develop proposals to be considered by the full Task Force, circulated to the public and considered at public hearings. The Executive Committee will recommend the time and place for the public hearings and make such other recommendations to the full Task Force as may be appropriate.

PUBLIC PARTICIPATION: These are open meetings. The public is also invited to submit written comments on any aspect of the Task Force's mandate or activities to Ms. Bonnie Milstein, the Chair of the Task Force, at 1101 Fifteenth Street, NW., suite 1212, Washington, DC 20005–2765.

Dated: February 19, 1993.

Bonnie Milstein,

Chair, Task Force on Occupancy Standards in Public and Assisted Housing.

William O. Anderson,

Acting General Deputy Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 93–4322 Filed 2–24–93; 8:45 am]

BILLING CODE 4210–28–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–920–93–4120–03; COC–4275]

Colorado; Notice of Availability of the Draft Environmental Cost Estimate Document for Coal Preference Right Lease Application C–4275

ACTION: Pursuant to the amended court order in the case of *NRDC* v. *Berklund* and the regulations at 43 CFR 3430.3–4, the Bureau of Land Management has prepared a draft Cost Estimate Document for coal preference right lease application (PRLA) C–4275. The draft Cost Estimate Document is now available to the public for a sixty (60) day comment and review period.

SUMMARY: A draft Cost Estimate Document (CED) for coal PRLA C–4275 has been prepared and is now available to the public. The draft CED is an independent cost analysis of the expenses a company would incur in mitigating environmental impacts while permitting, mining and reclaiming the PRLA. The draft CED was prepared by the Bureau of Land Management based on the final showing analysis submitted by the PRLA applicants, Jensen and Miller. The PRLA is located in Rio Blanco County, Colorado, and encompasses 480 acres of federal coal; 440 acres is private surface estate and 40 acres is federal surface estate.

Persons or organizations wishing to review and comment on the draft CED may obtain a copy from the address listed below. Comments on the draft must be in writing to the State Director (CO–923), Bureau of Land Management,

2850 Youngfield Street, Lakewood, Colorado 80215. In order to be most useful, the comment should contain specific reference to the part or portions of the draft which the commentor believes to be in error; a concise statement explaining why the draft CED is incorrect; and, if possible, information or data which the commentor believes to be more accurate.

DATES: Comments must be received in writing by April 26, 1993.

FOR FURTHER INFORMATION CONTACT: Copies of the draft CED are available on request by writing Colorado State Office (CO–923), Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215, or by calling Betsy Daniel. Her phone number is (303) 239–3775.

SUPPLEMENTARY INFORMATION: BLM's cost analysis was prepared in consultation with the staff of the Western Support Center of the Office of Surface Mining, Reclamation, and Enforcement under an Interagency Agreement. The draft CED addresses only the costs of environmental mitigation necessary to develop, mine and reclaim the PRLA in compliance with existing laws and regulations and specific lease stipulations developed by BLM. It was prepared specifically for public review and comment. Following the close of the public comment period, BLM will incorporate substentive comments into a final Cost Estimate Document. BLM's independent environmental protection cost estimates, as well as all other capital and operating costs associated with exploration, development, mining and reclamation of the PRLA, will form the basis for a final decision regarding whether the applicants have demonstrated that there are commercial quantities of coal on the PRLA which would justify a prudent person in the further expenditure of their labor and means with a reasonable prospect of developing a valuable mine.

Procedures for processing coal PRLA's were published on July 8, 1987. The rulemaking was the result of more than three years of negotiations with major environmental groups over the detailed procedures for processing the pending applications. As a result of those negotiations, the regulations were intended to allow full public participation throughout the administrative process and comply with the court order in *Natural Resources Defense Council (NRDC)* v. *Berklund*, 458 F. Supp. 925 (D.D.C. 1978), aff'd 609 F. 2d 553 (DC Cir. 1979). The requirement for preparation of a Cost Estimate Document applies only to pending coal PRLA's.

Dated: February 12, 1993.

Gary McVicker,

Acting State Director.

[FR Doc. 93–4368 Filed 2–24–93; 8:45 am]

BILLING CODE 4310–JB–M

[AZ–020–08–4320–12]

Meeting; Kingman Resource Area Grazing Board

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting—Kingman Resource Area Grazing Board.

SUMMARY: The Kingman Resource Area Grazing Advisory Board will hold a meeting on Thursday, March 25, 1993. The meeting will start at 9 a.m. in the Kingman Resource Area Conference Room, 2475 Beverly Avenue, Kingman, Arizona 86401.

The agenda for the meeting will include:

1. Update on the status of the Kingman Resource Management Plan.
2. Update on the Burro-Bighorn Sheep Management Issue.
3. Status of Wilderness/Range Improvement Maintenance Schedules.
4. Report on Range Improvements for FY 92/93.
5. Allotment Management Plan Update.
6. Request for Advisory Board Expenditures.
7. Arrangements for Future Meetings (Crozier Allotment Tour).

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2015 West Deer Valley Road, Phoenix, Arizona 85027, at least two days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the Kingman Resource Area Office and in the Phoenix District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: February 17, 1993.

David J. Miller,

District Manager.

[FR Doc. 93–4369 Filed 2–24–93; 8:45 am]

BILLING CODE 4310–32–M

[ID–020–4210–04; I–29551]

Realty Action; Exchange of Public Lands in Power County, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, exchange of public land in Power County, Idaho.

SUMMARY: The following described public land has been determined to be suitable for disposal by exchange under section 206 of the Federal Land Management and Policy Act of 1976, 43 U.S.C. 1716:

Boise Meridian, Idaho

T. 9 S., R. 31 E.,
Sec. 35: NE¼SE¼.
Containing 40 acres, more or less.

In exchange for these lands, the United States will acquire the following described lands from the State of Idaho:

Boise Meridian, Idaho

T. 9 S., R. 31 E.,
Sec. 2: Lot 3.
Containing 40.86 acres, more or less.

DATES: Comments must be received by April 15, 1993.

ADDRESSES: Interested parties may submit comments to the District Manager, Burley District, Bureau of Land Management, Route 3, Box 1, Burley, Idaho, 83318, (208) 678–5514.

FOR FURTHER INFORMATION CONTACT: Wes Duggan, BLM, Deep Creek Resource Area Office, 138 South Main, Malad, Idaho 83252, (208) 766–4766.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to acquire the non-Federal lands which have high public value and to consolidate land ownership for three land owners, the Bureau of Land Management (BLM), the State of Idaho, and a private party, Melvin Munk of Rockland, Idaho. The values of the lands to be exchanged are approximately equal.

The BLM will acquire 40.86 acres of state land which adjoin the Bowen Canyon Area of Critical Environmental Concern (ACEC) for wintering Bald Eagles. Acquisition of the state land parcel will consolidate public land ownership in the Bowen Canyon area and will bring into public ownership and management lands having important wildlife, recreation, and livestock grazing values.

The State of Idaho will acquire a 74.14 acre parcel of Mr. Munk's private land at the mouth of East Fork Canyon. Acquisition of this land parcel will consolidate state land ownership in the East Fork Canyon area, provide legal access from a county road to the state and BLM lands in East Fork Canyon,

and will bring into state ownership lands having important watershed, wildlife, and recreational values.

Mr. Munk will acquire the 40 acre parcel of public land the State of Idaho would acquire from the BLM/State of Idaho exchange described above and additional state land that adjoins his private land along the East Fork Canyon road. Acquisition of this land would consolidate his private land holdings in the area which is valuable for his farming and ranching operation.

Lands to be transferred from the United States will be subject to the following reservations, terms, and conditions:

- Reservations for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945) and be subject to all valid existing rights.

The State of Idaho lands acquired by the United States are not subject to any reservations, terms, or conditions.

Publication of this notice segregates the public lands described above from appropriation under the land and mining laws including the mineral leasing laws. The segregative effect shall terminate upon issuance of patent, upon publication in the **Federal Register** of a termination of the segregation, or two years from the date of its publication, whichever occurs first.

Dated: February 16, 1993.

Gerald L. Quinn,

District Manager.

[FR Doc. 93–4370 Filed 2–24–93; 8:45 am]

BILLING CODE 4310–GG–M

Bureau Of Land Management

[NV–930–4210–05; N–53194]

Realty Action; Direct Sale of Public Lands, Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Direct sale of public lands in Clark County.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada has been examined and found suitable for disposal by direct sale pursuant to sections 203 and 208 under the provisions of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1713.

Mount Diablo Meridian, Nevada

T. 22 S., R. 61 E.,
Sec. 26: SE¼SE¼, S½S½NE¼SE¼.
Containing 50 acres more or less.

The land is not required for any Federal purpose. The sale is consistent with current Bureau planning for this area and would be in the public interest.

Publication of this NORA in the **Federal Register** will modify Exchange Classification N–54981 for disposal by exchange of the following described lands:

Mount Diablo Meridian, Nevada

T. 22 S., R. 61 E.,
Sec. 26: SE¼SE¼, S½S½NE¼SE¼.
Containing 50 acres more or less.

In accordance with the regulations in 43 CFR 2711.1–2, publication of this notice in the **Federal Register** will segregate the public lands, as described in this Notice, from all forms of appropriation under the public land laws, including the general mining laws, except for leasing under the mineral leasing laws and from any subsequent sale proposals filed by any other proponent other than the City of Henderson. The conveyance document when issued will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

and will be subject to:

1. An easement for streets, roads, public utilities and flood control purposes in accordance with the transportation plan for Clark County/the City of Las Vegas.

2. Those rights for power transmission line purposes which have been granted to Nevada Power Company by Permit No. N–2557 under the Act of October 21, 1976.

3. Those rights for power transmission line purposes which have been granted to Nevada Power Company by Permit No. N–53121 under the Act of October 21, 1976.

4. Those rights for Federal aid highway purposes which have been granted to Nevada Department of Transportation by Permit No. Nev–031066 under the Act of November 9, 1921.

The segregation of the above described lands shall terminate upon issuance of the patent conveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation, or the expiration of two years from the date of publication, whichever comes first.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may subject comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the lands described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The land will not be offered for sale until after the classification becomes effective.

Dated: February 16, 1993.

Ben F. Collins,

District Manager, Las Vegas, NV.

[FR Doc. 93–4371 Filed 2–24–93; 8:45 am]

BILLING CODE 4310–HC–M

Bureau of Land Management

[AK–932–4210–06; F–88329]

Proposed Withdrawal and Opportunity for Public Meeting, Correction; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice corrects the notice of proposed withdrawal for the Coldfoot Visitor Center, Administrative Site and Campground, Alaska.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, #13, Anchorage, Alaska 99513–7599, 907–271–5477.

SUPPLEMENTARY INFORMATION: In the notice published on January 28, 1993, 58 FR 6417 & 6418, make the following corrections:

1. On page 6417, column 2, under the heading **SUMMARY**, line 8 which reads "entry, mining, and mineral leasing." is corrected to read "entry and mining, but not mineral leasing."

2. On page 6417, column 2, under the heading **SUPPLEMENTARY INFORMATION**, line 8 which reads "laws, including the mining and mineral" is corrected to read "laws, including the mining laws, but not the mineral".

Dated: February 17, 1993.

Sue Wolf,

Chief, Branch of Lands.

[FR Doc. 93–4372 Filed 2–24–93; 8:45 am]

BILLING CODE 4310–JA–M

[NM-920-4210-06; NMNM 46844]

Proposed Continuation of Withdrawal; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Department of Agriculture, Forest Service, proposes that a 157.50-acre withdrawal of National Forest System land for the Doc Long and Sulphur Recreation Areas continue for an additional 20 years. The land would remain closed to location and entry under the mining laws, but would be opened to surface entry and has been and would remain open to leasing under the mineral leasing laws.

DATES: Comments should be received by May 26, 1993.

ADDRESSES: Comments should be sent to the New Mexico State Director, P.O. Box 27115, Santa Fe, NM 87502-0115.

FOR FURTHER INFORMATION CONTACT: Georgiana E. Armijo, BLM, New Mexico State Office, 505-438-7594.

The United States Department of Agriculture, Forest Service, proposes that the existing land withdrawal made by Public Land Order No. 725 dated June 4, 1951, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988). The land is described as follows:

New Mexico Principal Meridian

Cibola National Forest

Doc Long and Sulphur Recreation Areas

T. 11 N., R. 5 E.,
Sec. 14, E½E½NE¼NW¼, E½SW¼NW¼, E½SE¼NW¼, SW¼SE¼NW¼, NE¼SW¼, SE¼NW¼SW¼, NE¼NE¼SW¼SW¼, E½SE¼SW¼, NW¼SE¼SW¼, W½SW¼NW¼SE¼, and W½W½SW¼SE¼.

The area described contains 157.50 acres in Bernalillo County.

The withdrawal is essential for protection of substantial improvements on the site described above located with the Sandia Ranger District, Cibola National Forest. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal, except to open the land to such forms of disposition that may by law be made of National Forest lands other than under the mining laws.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the New Mexico State Director at the address indicated above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources.

A report will also be prepared for consideration by the Secretary of the Interior, The President, and Congress, who will determine whether or not the withdrawal will be continued, and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dated: February 17, 1993.

Monte G. Jordan,

Associate State Director.

[FR Doc. 93-4373 Filed 2-24-93; 8:45 am]

BILLING CODE 4310-FB-M

Fish and Wildlife Service

Meeting: Klamath Fishery Management Council

AGENCY: Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Klamath Fishery Management Council, established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss *et seq.*). The meeting is open to the public.

DATES: The Klamath Fishery Management Council will meet from 1 p.m. to 9 p.m. on Saturday, March 6, 1993; and from 9 a.m. to 6 p.m. on Sunday, March 7, 1993, with possible evening sessions on March 6, 7, 8, and/or 9, 1993.

PLACE: The meeting will be held at the Holiday Inn, Crowne Plaza, 600 Airport Boulevard, Burlingame, California 94010.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, P.O. Box 1006 (1215 South Main, suite 212), Yreka, California 96097-1006, telephone (916) 842-5763.

SUPPLEMENTARY INFORMATION: For background information on the Management Council, please refer to the notice of their initial meeting that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639). The principal agenda items will be to develop recommendations to the Pacific Fishery Management Council for management of 1993 ocean harvest of Klamath-origin chinook salmon stocks and recommend options to the tribes and the State of California for in-river salmon harvest.

Dated: February 12, 1993.

William E. Martin,

Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 93-4367 Filed 2-24-93; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

National Capital Memorial Commission; Public Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Commission will be held on Thursday, March 18, 1993, at 1 p.m., at the National Building Museum, room 312, 5th and F Streets, NW.

The Commission was established by Public Law 99-652, the Commemorative Works Act, for the purpose of preparing and recommending to the Secretary of the Interior, Administrator, General Services Administration, and Members of Congress broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended), through the media of monuments, memorials and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary and Administrator, and to serve as information focal point for those persons seeking to erect memorials on Federal land in the National Capital Region.

The members of the Commission are as follows:

Director, National Park Service
Chairman, National Capital Planning Commission
The Architect of the Capitol
Chairman, American Battle Monuments Commission
Chairmnan, Commission of Fine Arts
Mayor of the District of Columbia
Administrator, General Services Administration
Secretary of Defense

The purpose of the meeting will be to review the following:

I. Legislative Proposals

S. 27, to authorize the Alpha Phi Alpha Fraternity to establish the Martin Luther King, Jr., Memorial, in the District of Columbia or its environs.

S. 297, to authorize the establishment of the United States Air Force Memorial in the District of Columbia or its environs.

H.R. 682, to authorize the establishment of a World War II Memorial in the District of Columbia or its environs.

H.J. Res. 98, to authorize the National Committee of American Airmen Rescued by General Mihailovich to establish a memorial to General Mihailovich in the District of Columbia or its environs.

II. Site Approvals

Memorial to African-Americans Who Served with Union Forces in the Civil War.

III. Other Business

Draft amendments to the Commemorative Works Act of 1986.

The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed. Persons who wish to file a written statement or testify at the meeting or who want further information concerning the meeting may contact the Commission at 202–619–7097. Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the Office of Land Use Coordination, National Capital Region, 1100 Ohio Drive, SW., room 201, Washington, DC 20242.

Dated: February 19, 1993.

Robert Stanton,

Regional Director, National Capital Region.

[FR Doc. 93–4391 Filed 2–24–93; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Docket No. 40787]

Household Goods Carriers' Bureau, Inc.; Petition for Cancellation of Tariffs of Non-Participating Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Tariff reference cancellation.

SUMMARY: Pursuant to 49 U.S.C. 10702(a) and 10762(a)(1), unless by the pertinent date the carriers subject to this decision comply with 49 CFR 1312.4(d) and 1312.27(e), the Commission directs those carriers to cancel, on one day's notice, all references in the cited tariffs to Household Goods Carriers' Bureau Mileage Guide No. 15, HGB 100–D (Mileage Guide).

DATES: The carriers subject to this decision shall cancel all references in the cited tariffs to the Mileage Guide if they have not complied with 49 CFR 1312.4(d) and 1312.27(e) by April 15, 1993. This decision will be effective on February 24, 1993.

FOR FURTHER INFORMATION CONTACT:

Richard B. Felder (202) 927–5610. [TDD for hearing impaired: (202) 927–5721.]

Thomas M. Auchincloss, Jr., Rea, Cross & Auchincloss, 1920 N. Street, NW., suite 420, Washington, DC 20036.

SUPPLEMENTARY INFORMATION: In this decision, the Commission declines to issue an order requiring certain motor carriers to show cause why their mileage tariffs should not be canceled for failure to comply with §§ 1312.4(d) and 1312.27(e). The Commission finds that the cited mileage tariffs are void for application as a matter of law.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Decided: February 4, 1993.

By the Commission, Chairman Philbin, Vice Chairman Simmons, Commissioners Phillips, McDonald, and Walden.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–4256 Filed 2–24–93; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–290 (Sub-No. 122X)]

Norfolk and Western Railway Company—Abandonment Exemption—in Randolph, Macon, Adair, and Schuyler Counties, MO, and Davis, Appanoose, and Monroe Counties, IA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10903–10904 the abandonment by Norfolk and Western Railway Company of 121.8 miles of its Des Moines line in Randolph, Macon, Adair, and Schuyler Counties, MO, and Davis, Appanoose, and Monroe Counties, IA, subject to environmental and standard labor protective conditions. In addition, a notice of interim trail use or abandonment over the 95.9-mile segment between Moberly, MO, and Moulton, IA, has been issued.

DATES: As a *formal* expression of intent to file an offer of financial assistance has been received, this exemption will be effective on April 6, 1993. Additional formal expressions of intent to file an offer of financial assistance [1] under 49 CFR 1152.27(c)(2) must be filed by March 7, 1993, petitions to stay must be filed by March 12, 1993, and petitions for reconsideration must be filed by March 22, 1993. Requests for a public use condition must be filed by March 17, 1993.

ADDRESSES: Send pleadings referring to Docket No. AB–290 (Sub-No. 122X) to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Robert J. Cooney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510–2191.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder (202) 927–5610, [TDD for hearing impaired: (202) 927–5721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Decided: February 16, 1993.

By the Commission, Chairman Philbin, Vice Chairman Simmons, Commissioners Phillips, McDonald, and Walden.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–4334 Filed 2–24–93; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that three proposed consent decrees in *United States* v. *Anchor Motor Freight, et al.*, Civil Action No. 4:89CV1999, were lodged on February 12, 1993, with the United States District Court for the Northern District of Ohio. The proposed consent decrees require ten defendants in this action under the Comprehensive Environmental Response, Compensation, and Liability

[1] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

Act, to partially reimburse the United States a total of approximately $2.7 million for costs incurred by the United States in connection with the Laskin/Polar Oil Superfund Site (the "Laskin Site"), located in Jefferson, Ohio. Two prior consent decrees have been entered in connection with the Laskin Site. Through entry of the 1989 consent decree in *United States* v. *Alvin F. Laskin, et al.*, CA No. 84–2035Y (N.D. Ohio), defendants paid the United States $1.47 million as partial reimbursement for certain past costs. In 1990, the United States entered into a Remedial Design/Remedial Action consent decree with certain defendants in *United States* v. *Alvin Laskin, et al.*, CA No. 4:90CV0483 (N.D. Ohio), wherein 27 defendants became obligated to conduct the remedial action at the Laskin Site and pay, along with 131 *de minimis* defendants, certain future oversight costs and approximately $1.38 million as partial reimbursement of additional United States' past costs.

Each settling defendant in the current action, *United States* v. *Anchor Motor Freight, et al.*, signed one of the three proposed consent decrees, depending on whether the defendant signed the 1989 consent decree, the 1990 consent decree, or neither consent decree that was previously entered. Settling defendants in these proposed consent decrees are: Perfection Corporation, General Refractories Co., R.W. Sidley, Inc., Gulf Oil Corporation (n/k/a Chevron U.S.A.), Midwest Rubber Liquidating Trust, Buffalo Molded Plastics, Inc., East Ohio Gas Co., Diver-Steel City Auto Crushers, North East Service Plaza, and Perry Shipbuilding.

For a period of thirty (30) days from the date of this publication, the Department of Justice will receive comments relating to the proposed Consent Decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Anchor Motor Freight, et al.* (N.D. Ohio) and DOJ Ref. No. 90–11–3–38A.

The proposed consent decrees may be examined at the office of the United States Attorney, Northern District of Ohio, 600 Superior Street, Cleveland, Ohio 44114; the Region 5 office of U.S. EPA, 77 West Jackson Blvd., Chicago, Illinois 60604–3590; and at the Consent Decree Library, 1120 G Street, NW., Washington, DC 20005, (202) 624–0892. Copies of the proposed consent decrees may be obtained in person or by mail from the Consent Decree Library. In requesting a copy of a consent decree, please identify which consent decree is sought and enclose a check in the amount of $8.75 for the consent decrees (25 cents per page reproduction costs) payable to "Consent Decree Library."

Myles E. Flint,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 93–4374 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Final Judgment by Consent Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, and section 122 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622, notice is hereby given that on February 12, 1993, a proposed consent decree in *United States* v. *Apache Energy & Mineral Company, et al.*, Civil Action No. 86–C–1675, was lodged with the United States District Court for the District of Colorado.

The proposed consent decree with defendant Leadville Corporation ("LC") resolves the company's alleged liability to the United States based on its property ownership and operations at the California Gulch Superfund Site ("Site"). The decree requires LC to pay $3 million to the United States by making annual payments equal to 3% of its adjusted net income, as defined in the decree, or minimum annual payments totaling $250,000, whichever is greater, over the next 15 years. The proposed decree allows LC to conduct mining operations within the Site only if it complies with all applicable laws and obtains necessary government approval for matters which might adversely affect, impair, or delay response actions at the Site. The United States covenants not to sue or take any other civil or administrative action against LC for reimbursement of response costs incurred by the United States or for injunctive relief, pursuant to sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), unless LC either fails to make timely payments or declares bankruptcy, in which case the covenant may be nullified. The decree also states that LC waives all claims it has against the United States and residential property owners at the Site.

The Department of Justice will receive comments relating to the proposed consent decree with Leadville Corporation for a period of thirty (30) days from the date of this publication. Comments on the decree should be addressed to the Assistant Attorney General, Environment & Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Apache Energy and Mineral Company*, DOJ Ref. 90–11–3–138.

A copy of the proposed consent decree may be examined at the Office of the United States Attorney, District of Colorado, 633 17th Street, suite 1600, Denver, Colorado 80202; the Region VIII Office of the Environmental Protection Agency, 999 18th Street, Denver, Colorado, 80202; and the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202–624–0892). A copy of the proposed decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. When requesting a copy of the proposed consent decree, please enclose a check in the amount of $22.75 (including exhibits) (twenty-five cents per page reproduction costs) payable to the "Consent Decree Library."

Myles E. Flint,

Acting Assistant Attorney General, Environment & Natural Resources Division.

[FR Doc. 93–4375 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

In accordance with 42 U.S.C. 9622(i), notice is hereby given that on February 5, 1993 a proposed consent decree in *United States of America* v. *Automation Components, Inc., et al.*, Civil Action No. 90–1279, was lodged with the United States District Court for the District of New Jersey. The United States' complaint sought recovery of response costs, civil penalties, and punitive damages under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), from the Delaware Container Company, Inc. and other defendants who failed to comply with Administrative Orders issued to them by EPA and were responsible for hazardous wastes found at the Scientific Chemical Processing ("SCP") Site in Newark, New Jersey.

Pursuant to the terms of the proposed consent decree, Delaware Container Company, Inc. shall pay the United States $70,000 in reimbursement of past response costs incurred by the United States in connection with the SCP Site, and $10,000 in civil penalties and punitive damages for its failure to

comply with a Unilateral Administrative Order issued by EPA under Section 106(a) of CERCLA, 42 U.S.C. 9606(a).

Four other consent decrees involving the SCP Site were entered by the court in this case on November 10, 1992. The first consent decree required Environmental Waste Resources, Inc. to pay $35,000 of EPA's past response costs. The second consent decree required Dominick Presto and the partnership of Sigmond & Presto to make a combined payment of $50,000 toward EPA's past response costs. The third decree required Randolph Products Company to pay $85,000 toward EPA's past response costs and required the estate of Wendell Randolph (former president of the company) to pay penalties and punitive damages totalling $300,000. The fourth decree required Matlack Systems Inc. to pay $75,000 toward EPA's past response costs and required a penalty/punitive damages payment of $125,000.

With the proposed Delaware settlement, the United States will have recovered all of EPA's total response costs of $315,000, and a total of $435,000 in civil penalties and punitive damages for failure by the Estate of Wendell Randolph, Matlack Systems Inc., and Delaware to comply with CERCLA Section 106 Unilateral Administrative Orders.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530 and should refer to *United States* v. *Automation Components, Inc., et al.*, D.J. Ref. 90–11–2–486.

The proposed consent decree may be examined at the Office of the United States Attorney, 970 Broad St., room 502, Newark, NJ 07102; the Region II office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278; and the Consent Decree Library, 1120 G St., NW., 4th Floor, Washington, DC 20005, telephone (202) 624–0892. A copy of the proposed consent decrees may be obtained in person or by mail from the Consent Decree Library, 1120 G St., NW., 4th Floor, Washington, DC 20005. In requesting a copy of the consent decree, please enclose a check in the amount of $5.25 per copy payable to the "Consent Decree Library."

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resource Division.

[FR Doc. 93–4376 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on February 3, 1993, a proposed Consent Decree in *United States* v. *Case Corporation d/b/a/ Case Corporation*, (Civil Action No. 3–93–CV–70020) was lodged with the United States District Court for the Southern District of Iowa (Davenport Division).

The Complaint in this enforcement action was filed on February 3, 1993, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9607, seeking reimbursement of costs incurred by the United States in responding to the release or threat of release of hazardous substances from four sites (the Bettendorf Site, the Rolff Road Site, the Rockingham Road Site, and the Farragut Road Site) located in the Bettendorf/Davenport area of Iowa. The proposed consent decree has been entered into between the United States and Case Corporation (d/b/a/ J.I. Case). Under the terms of the proposed consent decree, Case Corporation will pay the United States two hundred and seventy-five thousand dollars and no cents ($275,000.00) to reimburse the United States for its response costs.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Case Corporation d/b/a/ J.I. Case* (DOJ # 90–11–3–555B).

The proposed Consent Decree may be examined at the office of the United States Attorney, Southern District of Iowa, 115 U.S. Courthouse, East 1st & Walnut Sts., Des Moines, Iowa 50309 and the United States Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101. Copies of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892). In requesting a copy, please enclose a check in the amount of $5.50 (25 cents per page reproduction costs), payable to the "Consent Decree Library."

John C. Cruden,

Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93–4377 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree

Notice is hereby given that a proposed Settlement Agreement and Stipulated Order ("Agreement") in *In re Chateaugay Corp. (LTV)*, Case Nos. 86 B 11270 through 86 B11334, 86 B 11402, and 86 B 11464 (BRL) (S.D.N.Y.) has been lodged with the United States District Court for the Southern District of New York. Under the Agreement, LTV agrees to a cash payment of $1,001,000 and an allowed general unsecured claim of $34,791,050 in LTV's bankruptcy proceeding. As is indicated in the agreement, of the $37,491,050 general unsecured claim, $32,615,500 is for response costs, and natural resource damages, under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*, at the following fifteen sites: the Arrowhead Refinery Site, Hermantown, Minnesota; Bio-Ecology Systems Site, Grand Prairie, Texas; Chemresol Site, Brunswick, Georgia, Cherokee County Site, Cherokee County, Kansas; Conservation Chemical Company of Indiana Site, Gary, Indiana; Forest Waste Products Site, Otisville, Michigan; G & H Landfill Site, Shelby Township, Michigan; LH Inc. Site, Cambridge, Ohio; Liquid Disposal, Inc. Site, Utica, Michigan; Maxey Flats Site, Fleming County, Kentucky; the Ninth Avenue Dump Site, Gary, Indiana; Republic Steel Quarry Site, Elyria, Ohio; Royal Hardage Site, Criner, Oklahoma; Tar Creek Site, Ottawa County, Oklahoma; and the U.S. Scrap Site, Chicago, Illinois. As is indicated in the agreement, of the $34,791,050 general unsecured claim, the remaining $2,175,550 is for civil penalties for LTV's violation of various environmental statutes.

The Settlement Agreement also provides that LTV's obligations and liabilities arising from prepetition acts, omissions, or conduct of LTV or its predecessors at any Additional Sites not owned by LTV will be discharged under the bankruptcy laws but will be liquidated and satisfied as general unsecured claims if and when the

United States undertakes enforcement activities in the ordinary course.

The Department of Justice will receive comments relating to the proposed Settlement Agreement and Stipulated Order for 30 days following the publication of this Notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *In re Chateaugay Corp. (LTV)*, Case Nos. 86 B 11270 through 86 B11334, 86 B 11402, and 86 B 11464 (BRL) (S.D.N.Y.), D.J. Ref. No. 90–11–3–160. The proposed Settlement Agreement and Stipulated Order may be examined at the Office of the United States Attorney for the Southern District of New York, 100 Church Street, New York, New York 10007; the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC. 20005 (202–624–0892). A copy of the proposed Settlement Agreement and Stipulated Order may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please enclose a check in the amount of $12.50 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

Myles E. Flint,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 93–4378 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree in Action Under the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on January 20, 1993, the United States Department of Justice, by the authority of the Attorney General and acting at the request of and on behalf of the Administrator of the United States Environmental Protection Agency, lodged a consent decree in *United States* v. *Kerr-McGee Chemical Company*, Civil Action No. 91–685–WLB, with the United States District Court for the Southern District of Illinois. The consent decree addresses alleged violations of the Clean Air Act and Applicable portions of the Illinois State Implementation Plan ("Illinois SIP") that occurred during the operation of Kerr-McGee's creosote treatment plant in Madison, Illinois. The consent decree requires Kerr-McGee Chemical Company to pay civil penalties of $95,875.00 to the United States and $51,625.00 to the State of Illinois and to fully comply with the requirements of the Clean Air Act and the Illinois SIP.

The Department of Justice will receive written comments relating to the consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Kerr-McGee Chemical Company*, DOJ Reference No. 90–5–2–1–1622.

The proposed consent decree may be examined at the Office of the United States Attorney, 9 Executive Drive, Suite 300, Fairview Heights, Illinois 62208; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590; and the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005 202–624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $1.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental, Enforcement Section, Environment and Natural Resource Division.

[FR Doc. 93–4379 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Proposed Final Judgment Pursuant to the Clean Water Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed final judgment in *Leslie Salt Co.* v. *United States*, No. C–85–8615–CAL and consolidated case (N.D. Cal.), was lodged with the United States District Court for the Northern District of California, on February 18, 1993.

The proposed final judgment concerns violations of sections 301 and 404 of the Clean Water Act, 33 U.S.C. 1311, 1344, as a result of the discharge of fill material into waters of the United States present at the Newark Coyote property, located in Newark, California. The final judgment requires Leslie Salt Co. to pay a $50,000 civil penalty under section 309(d) of the Clean Water Act. The judgment also requires Leslie Salt Co. to restore two of the violations.

The Department of Justice will receive written comments until March 19, 1993, relating to the proposed final judgment. Comments should be addressed to the Assistant Attorney General, Environment & Natural Resources Division, United States Department of Justice, P.O. Box 23986, Washington DC 20026–3986, Attention: Scott A. Schachter. The comments should refer to DJ 1# 90–5–1–1–2583.

The proposed final judgment may be examined at the Clerk's Office, United States District Court for the Northern District of California, 450 Golden Gate Avenue, 16th Floor, San Francisco, California 94102.

Myles E. Flint,

Acting Assistant Attorney General, Environment & Natural Resources Division.

[FR Doc. 93–4380 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Public Comment and Response on Proposed Final Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), the United States publishes below an additional comment it received on the proposed Final Judgment in *United States* v. *Hospital Association of Greater Des Moines, Inc., et al.*, Civil Action No. 4–92–70648, filed in the United States District Court for the Southern District of Iowa, Central Division, together with the response of the United States to the comment.

Copies of the response and the public comment are available on request for inspection and copying in room 3233 of the Antitrust Division, U.S. Department of Justice, Tenth Street and Pennsylvania Ave., NW., Washington, DC 20530, and for inspection at the Office of the Clerk of the United States District Court for the Southern District of Iowa, Central Division, United States Courthouse, East 1st & Walnut Streets, Des Moines, Iowa 50329.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

United States' Additional Response to Public Comment

Filed: February 10, 1993.

United States of America, Plaintiff, v. Hospital Association of Greater Des Moines, Inc.; Broadlawns Medical Center; Des Moines General Hospital Co.; Iowa Lutheran Hospital; Iowa Methodist Medical Center; Mercy Hospital Medical Center, Des Moines, Iowa, Defendants.

Pursuant to section 2(d) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(d) (the "APPA"), the United States responds to an additional public comment to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

This action began on September 22, 1992, when the United States filed a Complaint alleging that the defendants unreasonably restrained competition among the hospitals in Polk County, Iowa by agreeing to limit the types and amounts of advertising in which they would engage, in violation of section 1 of the Sherman Act, 15 U.S.C. 1. The United States simultaneously filed a proposed Final Judgment, Competitive Impact Statement, and a stipulation signed by all the defendants for entry of the proposed Final Judgment. The proposed Final Judgment embodies the relief sought in the Complaint.

The 60-day period provided by 15 U.S.C. 16(d) for submission of public comments expired on January 13, 1993. The United States received comments from one individual, Dr. Mayank K. Kothari. The initial comment from Dr. Kothari and our response to his comment was filed with the Court on January 14, 1993 and published in the **Federal Register** on January 25, 1993, 48 FR 6013. As required by 15 U.S.C. 16(b) and 16(d), Dr. Kothari's second comment was filed with court on November 27, 1992.

The United States has now responded to Dr. Kothari's second comment on the proposed Final Judgment.[1] Dr. Kothari questioned the adequacy of the proposed Final Judgment because it does not require the hospitals to advertise, its entry would mean that a full trial on the merits would not occur, and the comment period was too short. The United States answered Dr. Kothari by indicating that the antitrust laws forbid collective activities of competitors that lessen competition. The proposed final judgment precluded the defendants from participating in such joint actions. Individual hospitals are free to decide for themselves what types and amount of advertising is in their best interest, and as long as this decision is not jointly made with competing hospitals, there is no injury to competition.

In addition, the United States responded that the proposed judgment provided for a full and complete remedy to the alleged violation and thus no benefit would be gained by requiring a full trial on the merits. Finally, the United States informed Dr. Kothari that the length of the comment period was established by statute and not by the parties to the case. However, given the nature of the case, it appears that 60 days was ample time for the public to participate in the process.

Dated: February 8, 1993.

[1] The comment and response are both attached as Exhibit 1.

Respectfully submitted,

Nancy M. Goodman,
Karen L. Gable,
John B. Arnett, Sr.,
Attorneys, U.S. Department of Justice, Antitrust Division, 555 4th Street, NW., Washington, DC 20001, Telephone: (202) 307-0798.

United States District Court for the Southern District of Iowa, Central Division

Exhibit 1

Civil Action No.
Filed: 4-92-70648

United States of America, Plaintiff, v. Hospital Association of Greater Des Moines, Inc.; Broadlawns Medical Center; Des Moines General Hospital Company; Iowa Lutheran Hospital; Iowa Methodist Medical Center; Mercy Hospital Medical Center, Des Moines, Iowa.

Public Comment Heretofore Presented To The Honorable Judge Harold Vietor

Fri, Nov 27, 1992.

Cause of Action

On September 22, 1992, the United States of America filed a civil antitrust complaint alleging that the defendants conspired unreasonably to restraint competition among themselves, by agreeing to limit the types and amounts of advertising in which they would engage, in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. This conspiracy diminished competition among these defendant hospitals for patients, physician referrals, and third-party contracts, and deprived patients, physicians, and third-party payers of information necessary for them to make informed choices on the selection of hospitals and of the benefits of free and open competition in the sale of hospital services.

The Concerted Action

The defendants acted in concerted action by the account of the United States. The statutory phrase, "contract, combination or conspiracy," conjures up the classic image of robber barons gathering clandestinely to carve up a market. The statute, classically conceived, aims at bad conduct of the conspirators who eschew competition, who plan and execute action to stifle market forces. . . . A court may in these cases take inferences from indirect evidence in reaching the conclusion that the conspirators entered into an express agreement to follow a given course. And where the course agreed upon is not explicitly to fix prices or divide territories, there may also be, as there was in *Socony-Vacuum*, inference involved in the conclusion that the purpose and effect of what was expressly agreed upon is tantamount to price fixing or market division or that the purpose and effect (though not capable of being assimilated under one of the *per se* violations) is nevertheless unreasonable. Inference, be it understood, may be involved in one or more of several steps in the analysis, in deciding that an agreement took place, in concluding that the agreement which did take place should be characterized in a way which offends *per se* rule, or in concluding that the agreement is, on balance, unreasonable. But the bottom layer of the analysis is always the finding that concerted action did occur, that conspirators in one way or another dealt with each other, came to terms on a course of conduct to be concertedly followed. . . .[1]

Remedies Offered in the Proposed Settlement Evade Public Interests

The proposed settlement provides inadequate remedies for the following reasons:

a. Neither the conduct nor the credo of the defendants appear to have changed a bit. On 10/26/92, Mr. Willis Fry, the Chief Executive Officer of Broadlawns Medical Center stated confidently in a public forum that this case had been "dropped". The overconfidence exuded mocked official judicial action which has not taken place as of yet. His presumptuous statements were perceived by the citizenry at the time that the court case was fixed.

b. In the proposed settlement, there is no provision for any method or series of action which would ensure that competitively oriented consumer information would be publicized. Without proper consumer information being available, providers, insurers and taxpayer funded medical programs will be consequentially paying more and receiving less.

c. Public interests are harmed by the very nature of having a settlement as opposed to a trial. The historical financial damage if even one per cent of the financial impact would be negative over a period of years and the damages would exceed tens of millions of dollars.

d. During my communications with Mr. Arnett of the United States Attorney's office in Washington, DC, he was forthright and pointed out the fact that public comments were welcome but proceeded to state that they would be totally inconsequential in the adjudication of this case. The arbitrary rationale for this settlement compared with having a full trial, is far from reasonable, evades public interests and has the effect of having no deterrent effect on potential violators of the Sherman Act. Furthermore, it presents unreasonable immunity to the defendants against any future civil actions by the aggrieved citizenry by way of excluding evidentiary introduction of this case of public domain in future actions against the defendants. The overconfidence exuded by Mr. Arnett and Mr. Fry are highly suggestive of a *res judicata* which already has the appearance of an imprimatur of the Court. All these statements and actions have severely diminished the value of public comments, much less the dignity of the Honorable Court.

Finally, it is felt that unreasonable burden is placed upon the citizenry by creating a deadline of November 30, 1992 in order to have public comments placed in this matter. It is even more unreasonable given the consideration that the attorneys are given years in preparation of such intricate cases. The paucity of resources and the

[1] Antitrust, *Handbook Series*, Lawrence Anthony Sullivan: West Publishing Company.

unreasonable deadline have resulted into a highly rushed preparation. The Court is requested to take notice of the procedure which may be largely statuary and not discretionary. If so, the legislative and the executive branches of the government have placed one more dark cloud upon our judiciary in this democracy.

Submitted with respects,

Mayank K. Kothari,

Adult Care Clinic, 1221 Center, Suite 3, Des Moines, IA 50309, (515) 243–1878.

Department of Justice

EXHIBIT 1

February 8, 1993.

Mayank K. Kothari, M.D.
1221 Center St., #3
Des Moines, Iowa 50309

Re: United States v. Hospital Association of Greater Des Moines, et al.

Dear Dr. Kothari: This letter responds to comments filed by you with the court on November 27, 1992, that have been recently forwarded to us. Your comments raise a number of concerns as to the adequacy of the proposed final judgment in the above-referenced matter. Since we have previously responded to comments submitted by you to the court, I will limit my response to those additional points raised by your filing of November 27, 1992.

Your comments suggest that the proposed final judgement is inadequate because (1) it does not require the hospitals to advertise, (2) it will not have a deterrent effect because the parties did not have to bear the time and expense of a full trial, and (3) the comment period was too short to allow the public to understand fully the case.

As to the first point, the defendants were charged with *jointly* agreeing on the types and amount of advertising they would do. The final judgment precludes them from entering into such collective agreements. The antitrust laws protect the public from competitors acting together to restrain competition. As long as each hospital decides on its own about its advertising budget, the antitrust laws are not violated even if one hospital decides to discontinue all public advertisements. Therefore, the relief you have suggested would be inappropriate given the scope of the statute under which this case was brought.

As to your second point, the relief in the final judgment is the relief that was requested in our complaint. It precludes the parties from continuing their activities or engaging in any similar conduct and requires them to establish an antitrust compliance program that is to be in effect for ten years. In addition, the Court will retain jurisdiction over this matter in order to determine whether there have been any violations of the terms of the judgment. Given the extent of the relief agreed to, a full adjudication of the issues was unnecessary and would have been a poor use of judicial resources.

Finally, the time frame for the public comment period is established by the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h). The time period is to allow the public to comment on the final judgment and its adequacy given the charges contained in the complaint. Given the straightforward nature of the allegations in this case and the proposed final judgment, it appears that 60 days is enough time for the public to evaluate the adequacy of the proposed relief.

As required by the Antitrust Procedures and Penalties Act, your comments and our responses are being filed with the court and published in the **Federal Register**. Ultimately, the court will determine whether the judgment is in the public interest.

I hope that the above explanation helps you better to understand the proposed final judgment. Again, we appreciate your interest in antitrust enforcement and your comments.

Sincerely yours,

Robert E. Bloch,

Chief, Professions & Intellectual Property Section.

Certificate of Service

I, John B. Arnett, Sr., hereby certify that a copy of the United States' Response to Additional Public Comments in United States v. Hospital Association of Greater Des Moines, Inc., et al., Civil Action No. 4–92–70648, was served on the 8th day of February 1993, first class mail, to counsel as follows:

Mark McCormick, Esq., Belin, Harris, McCormick, 2000 Financial Center, Des Moines, Iowa 50309
Gene Olson, Esq., Connolly Law Office, 820 Liberty Building, 418 6th Avenue, Des Moines, Iowa 50309
Norene Jacobs, Esq., Dorsey & Whitney, 801 Grand, Suite 3900, Des Moines, Iowa 50309
Thomas Burke, Esq., Whitfield, Musgrave, 1300 First Interstate Bank Building, Des Moines, Iowa 50309
John Shors, Esq., Davis Hockenberg, 2300 Financial Center, 666 Walnut Street, Des Moines, Iowa 50309
Edgar Hansell, Esq., Nyemaster, Goode, McLaughlin, Voigts, West & O'Brien, 1900 Hub Tower, 699 Walnut Street, Des Moines, Iowa 50309

John B. Arnett, Sr.

[FR Doc. 93–4381 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated December 28, 1992, and published in the **Federal Register** on January 6, 1993 (58 FR 583), Research Biochemicals Inc., One Strathmore Road, Natick, Massachusetts 01760, made application to the Drug Enforcement Administration to be registered as an importer of Morphine (9300), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with title 21 Code of Federal Regulations 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: February 16, 1993.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93–4319 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–09–M

Federal Bureau of Investigation

Uniform Crime Reporting (UCR) Data Providers' Advisory Policy Board; Meeting

The Advisory Policy Board of the Uniform Crime Reporting (UCR) Program will meet on March 26–27, 1993, from 9 a.m. until 5 p.m., at the Loews Anatole Hotel, 2210 Stemmons Freeway, Dallas, Texas, telephone (214) 748–1200.

The topics to be discussed will include the progress of the National Incident Based Reporting System (NIBRS), the status of the Criminal Justice Information Services Division (CJIS), the advisory groups process in CJIS, and other operational matters.

The meeting will be open to the public on a first-come, first-served basis. Any member of the public may file a written statement with the Board before or after the meeting. Anyone wishing to address a sessions of the meeting should notify the Committee Management Liaison Officer, Mr. David F. Nemecek, Federal Bureau Investigation (FBI), at least 24 hours prior to the start of the session. The notification may be by mail, telegram, cable, or a hand-delivered note. It should contain the name, corporate designation, consumer affiliation, or Government designation, along with a capsulized version of the statement and an outline of the material to be offered. A person will be allowed not more than 15 minutes to present a topic, except with the special approval of the Chairman of the Board.

Inquiries may be addressed to Mr. David F. Nemecek, Inspector-Deputy Assistant Director, CJIS Division, FBI, 10th Street and Pennsylvania Avenue, NW., Washington, DC 20535, telephone (202) 324–8920.

Dated: February 18, 1993.

William S. Sessions,

Director.

[FR Doc. 93–4382 Filed 2–24–93; 8:45 am]

BILLING CODE 4410–02–M

LEGAL SERVICES CORPORATION

Funding Availability for Law School Civil Clinical Programs

AGENCY: Legal Services Corporation.

ACTION: Announcement of funding.

SUMMARY: The Legal Services Corporation (LSC or Corporation) requests proposals for the development or expansion of the Law School Civil Clinical Program (LSCCP) to provide civil legal services to indigent clients for the 1993–94 academic year.

All grants would be issued on a one-time, non-recurring basis pursuant to the authority conferred on LSC by Section 1006(a)(1)(B) of the Legal Services Corporation Act of 1974, as amended. Applicants may request funding in an amount of up to $100,000 per grant and for a term of up to 12 months. LSC expects to announce grant awards in May 1993.

Applicants are hereby notified that the LSC Board of Directors recently voted to reprogram the FY 1993 line item appropriation for law schools and to seek Congressional approval of the reprogramming. Therefore, applicants should be aware that there will be no funds available for the LSCCP in 1993–94 if reprogramming is approved. This solicitation is made in the event Congress does not approve the Corporation's request to reprogram the law school funds. LSC will advise law schools of the final status of the 1993–94 LSCCP as soon as possible.

DATES: Grant proposals must be received by the Office of Field Services by 5 p.m. (EST) on March 26, 1993.

ADDRESSES: Law School Civil Clinical Program, Office of Field Services, Attn: Janice P. White, Legal Services Corporation, 750 First Street, NE., 11th Floor, Washington, DC 20002–4250.

FOR APPLICATIONS OR FURTHER INFORMATION CONTACT: Leslie Q. Russell, Manager, or Janice P. White, Grants Research Analyst, Program Support and Technical Assistance Division, Office of Field Services, (202) 336–8908.

SUPPLEMENTARY INFORMATION: This grant program is designed to provide monetary assistance for expansion or development of law school clinical programs that address the civil legal needs of poor persons. This expansion may include increasing the number of supervising attorneys and participating students, developing new areas of clinical coverage, providing legal services to LSC-eligible clients who are not otherwise receiving legal assistance, developing projects that provide services to underserved segments of the population (e.g., Native American, disabled, homebound, isolated, or rural residents) or filling in the gaps in existing services and resources.

All law schools and consortia of law schools that are currently accredited by the American Bar Association or accredited for purposes of bar admission by the state bar associations of the states in which the law schools are located are eligible to apply. Law schools enrolling primarily minority students are encouraged to apply. Similarly, all types of civil legal clinics will be considered for available 1993–94 LSCCP funding based on their merits. In areas of specialized service delivery, the clinic will be assessed as to whether that specialized service meets an existing legal need within the locality.

Grant proposals are evaluated by an advisory panel composed of experts in clinical programs, staff of legal services programs, and LSC staff. The President of LSC makes all final funding decisions, pursuant to Section 1007(e) of the LSC Act and based on the availability of funds.

Law schools should also be aware that LSC's FY 1994 budget request will not include a request for law school funding for the 1994–95 academic year. Thus, if the LSCCP is funded for FY 1993–94, funded schools should not expect continued funding for the project by the Corporation.

In an effort to address geographic shifts in the nation's poverty population, priority for any available LSCCP funding will be given to applicants whose services are to be provided in areas where the poverty population has increased (based on the 1990 Census). Thus, LSC has eliminated the regional configuration of law schools used in the past. LSC will continue to use its best efforts to encourage nationwide participation and ensure geographic distribution of all available LSCCP funds.

The selection criteria, which will be used to review the proposals, are as follows:

1. Goals and Objectives of Legal Clinic Program Development/Expansion (20%)

The applicant's objectives will be reviewed in terms of the quality of the proposed project, as well as the extent to which they will supplement existing service delivery provided by current LSC field programs. Goals and objectives will be assessed in the context of the amount of funding requested and the clinic's prior LSCCP grant history, if any.

2. Capability of Applicant to Accomplish Objectives (20%)

The proposed project design, management plan, staff level and experience, and clinic structure will be evaluated to determine whether the applicant can accomplish its stated objectives effectively.

3. Potential of Clinic To Respond To Unmet Client Needs (25%)

In light of the shifts of poverty population, proposals will be reviewed to determine the extent to which proposed clinical services can respond to increased client need in areas that have experienced an increase in poverty population without a commensurate increase in available resources.

4. Reasonableness of Costs in Relation To LSCCP Objectives and University Commitment to the LSCCP Objectives (20%)

(a) The extent to which the applicant has or will be able to obtain substantial non-federal support for its LSCCP project;

(b) The extent to which the costs and expenses set forth in budget submissions appear reasonable;

(c) The extent of in-kind contributions from the university to the project;

(d) The extent to which the university's funding levels for the proposed project will be maintained or increased beyond the grant term; and

(e) The extent to which the applicant can demonstrate a commitment to continued funding of the proposed project for at least one academic year beyond the expiration of the LSCCP grant term.

5. Community Support (15%)

Community support will be measured by the extent of the cooperative effort or relationship maintained between the applicant and LSC-funded field programs, local courts and bar associations.

Dated: February 19, 1993.

Ellen J. Smead,

Director, Office of Field Services.

[FR Doc. 93–4392 Filed 2–24–93; 8:45 am]

BILLING CODE 7050–01–M

NATIONAL ADVISORY COUNCIL ON THE PUBLIC SERVICE (NACPS)

Meetings

CHANGE: Time and Agenda.

SUMMARY: The meeting of the National Advisory Council on Public Service scheduled for Monday, March 15, 1993, Dupont Plaza Hotel, 1500 New

Hampshire Avenue, NW., Washington, DC which was published in the **Federal Register**, February 19, 1993, has changed its meeting time from 9 a.m. to 9:30 a.m. and the agenda will be as follows:

9:30 a.m.–10:30 a.m.
Executive Session (Closed)
10:30 a.m.–10:45 a.m.
Break
Status of the remainder of the meeting:
Open
10:45 a.m.–11:45 a.m.
Presentation by Mark Abramson, President, The Council for Excellence in Government
12:00 Noon–1:15 p.m.
Members Only Working Lunch
Presenter: Dr. Paul Lorentzen, University of Southern California
1:30 p.m.–2:30 p.m.
Council Business
- Summary of February public hearing
- Review of Committee Activities to date
- Selection of publications committee

2:30 p.m.–3 p.m.
Public Comment
3 p.m.
Adjournment
3:30 p.m.–5 p.m.
Focus Group on the public image of the Federal Workforce sponsored by the NACPS Public Understanding Committee.

FOR FURTHER INFORMATION CONTACT: Jane Riddleberger, NACPS, suite 420, National Press Building, 529 14th Street, NW., Washington, DC 20045 (202–724–0796).

Dated: February 22, 1993.

Jean M. Curtis,

Executive Director.

[FR Doc. 93–4327 Filed 2–24–93; 8:45 am]

BILLING CODE 7525–01–M

NATIONAL SCIENCE FOUNDATION

Alan T. Waterman Award Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Date and Time: Monday, March 15, 1993; 9 a.m.—3 p.m.

Place: Room 543, National Science Foundation, 1800 G Street, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Mrs. Susan E. Fannoney, Executive Secretary, room 545, National Science Foundation, 1800 G Street, NW., Washington, DC 20550. Telephone: 202/357–7512.

Purpose of Meeting: To provide advice and recommendations in the selection of the Alan T. Waterman Award recipient.

Agenda: To review and evaluate nominations as part of the selection process for awards.

Reason for Closing: The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are exempt under 5 U.S.C. 552b(c)(6) of the Government in the Sunshine Act.

Dated: February 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–4329 Filed 2–24–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Biological Instrumentation and Resourc ...; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Date and Time: Monday, March 15, 1993; 8:30 am–6 pm Tuesday, March 16, 1993; 8:30 am–12 noon.

Place: Room 540, National Science Foundation, 1800 G St., NW., Washington, DC 20550.

Type of Meeting: Open.

Contact Person: Dr. Peter W. Arzberger, Program Director, Biological Instrumentation and Resources, room 312, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7652.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To discuss issues related to Computational Biology.

Agenda: To discuss topics related to Computational Biology and to draft summary of discussion.

Dated: February 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–4328 Filed 2–24–93; 8:45 am]

BILLING CODE 7555–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–19274; 812–7885]

ICOS Corporation; Notice of Application

February 18, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for an Order under the Investment Company Act of 1940 (the "Act").

APPLICANT: ICOS Corporation.

RELEVANT ACT SECTIONS: Order requested under section 3(b)(2).

SUMMARY OF APPLICATION: Applicant seeks an order under section 3(b)(2) declaring that it is engaged primarily in a business other than that of investing, reinvesting, owning, holding, or trading in securities.

FILING DATE: The application was filed on March 5, 1992, and amendments thereto were filed on October 26, 1992, and December 22, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Any interested person may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 15, 1993, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 22021 20th Avenue S.E., Bothell, Washington 98021.

FOR FURTHER INFORMATION CONTACT: John V. O'Hanlon, Staff Attorney, at (202) 272–3922, or Nancy M. Rappa, Branch Chief, at (202) 272–3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. ICOS is a development stage biopharmaceutical company incorporated in Delaware. ICOS researches and develops medications to treat diseases for which there currently is no effective treatment. In June 1991, ICOS completed an initial public offering. Based upon the NASDAQ price of its stock and the number of shares outstanding, ICOS had a market valuation of approximately $140 million at the time the application was filed.[1]

[1] ICOS had a market valuation of approximately $189 million as of January 27, 1993.

ICOS is a reporting company under the Securities Exchange Act of 1934, and has no subsidiaries.

2. ICOS currently has no drug products approved for commercial use and, as a result, has no revenue from drug sales. Nonetheless, ICOS requires substantial amounts of working capital to fund drug research and development and the preclinical and clinical trials required by the government approval process for therapeutic drugs. Like other development stage companies in its industry, ICOS has provided for its current and future working capital through private and public stock offerings, and has raised approximately $90 million to date. ICOS has invested the proceeds of its offerings in securities to preserve such proceeds pending their use in funding losses incurred in ICOS' research and development programs.

3. Throughout its existence, ICOS has been engaged primarily in the business of researching and developing applications of its technology. Since beginning operations in September 1990, ICOS has recruited recognized scientists and management experienced in the biotechnology industry, invested in the laboratory facilities and equipment to conduct its current research and development programs, and established strategic collaborative and joint research agreements with leading corporate and academic organizations.

4. ICOS' current research is focused on chronic inflammatory diseases. ICOS is using a combination of scientific approaches to understand the molecular and cellular basis of inflammation and to translate that understanding into effective treatments for asthma, multiple sclerosis, and rheumatoid arthritis. Human proteins discovered by ICOS may be useful directly as therapeutics or may lead to the discovery of nonbiological therapeutics, enabling their use in a broader array of acute and chronic illnesses.

5. ICOS employs a team of veteran scientists who combine experience in genetic engineering, cell biology, and chemistry, as well as a senior management team experienced in operating biopharmaceutical companies. An additional 29 full-time employees support the company's research and development programs administratively. ICOS has 129 full-time employees, 44 of whom hold doctorate degrees.

6. ICOS' administrative offices and research laboratories are located in a 50,000-square-foot building in Bothell, Washington. ICOS currently occupies 80% of this facility and is in the process of making improvements in the remaining space, which are expected to be completed in early 1993. Upon completion of the current expansion, 80% of ICOS' space will be dedicated to laboratory facilities and offices for scientists. As of June 30, 1992, ICOS has invested directly or through capital leases over $2.9 million in equipment used directly in research and development programs, and recently acquired an additional $4.2 million in furniture, equipment, and leasehold improvements to support operations.

7. ICOS currently has no products approved for commercial use and has received no revenue from the sale of any product. Due to both competitive pressures and the need to quickly alleviate human suffering from disease, ICOS has sought to accelerate its drug development efforts by directing as much of its cash resources as practicable on research and development of its technology. As is typical of development stage biopharmaceutical companies, ICOS has operated at a loss, and expects to do so for the next several years while potential products are developed, tested, and approved for sale. During the development stage, ICOS' expenditures on research and development have been funded principally by depleting its equity capital, by interest earned on the proceeds from its offerings, and, to a lesser extent, by revenues received under collaborative research arrangements and government grants.

8. ICOS requires substantial amounts of working capital to fund drug research and development and the preclinical and clinical trials required by the government approval process for therapeutic drugs, significant portions of which already have been used to fund ICOS' programs and to acquire laboratory facilities and equipment. Of the approximately $90 million in net proceeds received by ICOS from its offerings of common stock, approximately $16.5 million has been used during the period from incorporation through June 30, 1992 to fund operations, purchase furniture and equipment, and expand laboratory space, and approximately $73 million remained available as of June 30, 1992. The majority of ICOS' expenses were for research and development. The aggregate expenses for investment advisory and management activities, investment research and selection, and supervisory and custodial fees and expenses, as determined in accordance with generally accepted accounting principles, incurred by ICOS for the four fiscal quarters ended September 30, 1992, accounted for less than one percent of ICOS' total expenses.

9. ICOS expects that over the next three years, it will continue to use the funds its has raised to date, plus funds received from collaborative research agreements and government grants, to fund the cash requirements of its research and development operations and to expand its laboratory facilities and equipment. During that period, ICOS does not anticipate meaningful revenues from product sales. ICOS intends to use its existing capital, together with the interest income it generates and revenues from collaborative agreements and government grants, to support research and development, capital expenditures, and working capital requirements through at least the mid-1990s.

10. ICOS has invested the proceeds of its offerings in short-term Government and commercial debt securities pending the application of such proceeds to its research and development programs and capital expenditures. ICOS invests in such instruments to preserve capital while providing a reasonable return and avoiding unreasonable risk.

11. As of June 30, 1992, ICOS' balance sheet reflects total assets of approximately $83 million. Based on financial statements dated June 30, 1992 (exhibit E to the application), ICOS has investments in securities totalling in excess of $75 million, of which approximately $19 million consisted of Government securities.

12. Based upon the statements of operations contained in the prospectus dated April 17, 1992 (attached as exhibit A to the application) and Form 10–Q (attached as exhibit E to the application), in the 1989 ICOS' total operating expenses were approximately $360,000, all of which were general and administrative expenses. In 1990, ICOS' total operating expenses were approximately $4.0 million. Of this amount, $2.6 million, or 65%, were research and development expenses, and the balance were general and administrative expenses. In 1991, ICOS' total operating expenses were approximately $10.2 million. Of this amount, $7.7 million, or 76%, were research and development expenses, and the balance were general and administrative expenses. Finally, in the first six months of 1992, ICOS' total operating expenses were approximately $6.2 million. Of this amount, $4.8 million, or 77%, were research and development expenses, and the balance were general and administrative expenses.

13. ICOS derives most of its income from interest on its securities. For the quarter ended September 30, 1992, investment revenues accounted for

approximately 67% of ICOS' total revenues, and investment revenues from the previous three quarters exceeded 50% of total revenues.

Applicant's Legal Analysis

1. Under section 3(a)(1), an issuer is a *prima facie* investment company if it "is or holds itself out as being engaged primarily * * * in the business of investing, reinvesting, or trading in securities."

2. Under section 3(a)(3), an issuer is a *prima facie* investment company if it "is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Section 3(a) defines "investment securities" to include all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies.

3. ICOS has always been engaged primarily in the business of developing biopharmaceutical products, and is not an investment company as defined in the Act. As a result of ICOS' holdings in investment securities on June 30, 1992, ICOS falls within the 40% test set forth in section 3(a)(3) and, thus, ICOS could be deemed to be an investment company pursuant to that section.

4. At times, ICOS has had significant amounts invested in U.S. Treasury bills, which would be considered "Government securities" as defined in section 2(a)(16) of the Act and, thus, excluded from the definition of "investment securities" in section 3(a)(3).[2] These funds, however, since have been invested in other instruments which could be viewed as investment securities. ICOS' net after-tax yield on U.S. Treasury bills is significantly less than the average return available to ICOS from other short-term investments.

5. ICOS has never intended to be nor held itself out as being in the business of investing, reinvesting, owning, holding, or trading in securities, and it has no intention of doing so in the future. ICOS' business activities to date have been researching and developing medications to treat diseases and its intention is to continue to engage in that business. As a result, ICOS believes that it is not an investment company within the meaning of the Act pursuant to section 3(b)(1). Section 3(b)(1) provides that notwithstanding section 3(a)(3), any issuer engaged primarily, directly or through a wholly-owned subsidiary or subsidiaries, in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, is not an investment company.

6. ICOS is concerned, however, that the issue may not be entirely free from doubt or could be subject to challenge. So that it may continue its operations and effectuate its plans without delay, interruption, or challenge, ICOS requests a Commission order under section 3(b)(2) of the Act that it is engaged primarily in a business other than that of investing, reinvesting, owning, holding, or trading in securities, to wit, the business of developing medications for the treatment of chronic inflammatory diseases.

7. Section 3(b)(2) provides that notwithstanding section 3(a)(3), "any issuer which the Commission, upon application by such issuer, finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses, is not an investment company."

8. In determining whether a company is "primarily engaged" in a non-investment company business for purposes of section 3(b)(2), the Commission has considered the following factors: (a) the company's historical development; (b) its public representations of policy; (c) the activity of its officers and directors; (d) the nature of its present assets; and (e) the sources of its present income. Tonopah Mining Company of Nevada, 26 S.E.C. 426, 427 (1947).

9. ICOS submits that its historical development, its public representations of policy, the activities of its officers and directors, the nature of its assets, and the nature of its income demonstrate that applicant is not engaged primarily in the business of investing, reinvesting, owning, holding, or trading in securities within the meaning of section 3(b)(2).

10. During its brief history, ICOS' efforts have been devoted solely to developing medications for the treatment of chronic inflammatory diseases. ICOS was formed for this purpose in 1989 and all activities since inception have been devoted to this purpose. After closing its first private placement, ICOS hired its scientific staff and has been involved continuously and primarily in the business of researching and developing biopharmaceutical drug products.

11. ICOS consistently has represented in its prospectuses, reports to stockholders, press releases, and filings with the Commission that it is involved in the biopharmaceutical business. In fact, ICOS has never made any public representation that would indicate that it is in any business other than biopharmaceutical research. Press releases and written communications issued by ICOS have related primarily to recent events regarding ICOS' operations and research and development.

12. In addition, all of ICOS' officers devote substantially all their time to its business of developing pharmaceutical products. ICOS has retained Wells Fargo Bank, an outside money management firm, to manage its investment portfolio. Of ICOS' 129 full-time employees, only two devote an average of less than four hours each per month to ICOS' investment process, reviewing and reconciling bank statements and preparing accounting entries. The involvement of ICOS' board of directors in ICOS' investment process has been limited to establishing policies of preserving capital and obtaining a reasonable return while avoiding unreasonable risk to capital. As indicated above, the aggregate expenses for investment advisory and management activities, investment research and selection, and supervisory and custodial fees and expenses incurred by ICOS for the four fiscal quarters ended September 30, 1992, accounted for less than one percent of ICOS' total expenses.

13. As of September 30, 1992, ICOS had investable assets (cash and short-term investments not otherwise unencumbered) of approximately $68 million, representing approximately 86% of total assets. The high percentage of its assets held in securities results from the nature of ICOS' business. Like other emerging companies in the industry, ICOS requires large amounts of working capital due to the substantial capital requirements for product research and development, the long lead time before products are commercialized, and the lengthy government approval process for pharmaceutical products. ICOS is legally prohibited from commercializing its products pending the completion of the government approval process, which usually takes several years. The average

[2] In the application, ICOS uses a broader definition of investment securities. In this notice, all references to investment securities refer to the term as defined in section 3(a).

cost to develop, conduct preclinical and clinical trials, and bring a drug to market exceeds $200 million. Given such requirements, ICOS seeks to raise capital whenever market conditions are favorable. Moreover, ICOS' assets must be relatively liquid to permit ICOS to use the assets as needed in operations. The maintenance of adequate cash reserves is of critical importance to ICOS' ongoing product research and development activities and requires obtaining reasonable returns on short-term investments. ICOS' programs are subject to substantial fluctuation depending upon the results of ICOS' scientific inquiry.

14. ICOS holds, and will continue to hold, investment securities solely for capital preservation purposes, and not for speculative purposes, pending the application of capital to ICOS' current and future operations. ICOS anticipates that as potential products are commercialized, accounts receivable and inventory will become a larger component of total assets.

15. ICOS receives a substantial portion of its revenues from interest income. Investment revenues as a percentage of total revenues are high because ICOS is in the development stage and does not generate significant revenues from operations. However, the most significant indication that its primary business is developing medications for the treatment of chronic inflammatory diseases is that ICOS' expenditures on research and development exceed by a large proportion the revenues ICOS receives from interest on its invested capital. ICOS does not expect to have meaningful revenues from product sales or royalties for at least several more years and expects that its cash expenditures during that period will continue to substantially exceed its revenues from research projects and interest income. In fact, since inception in 1989 through December 31, 1991, ICOS has incurred a net loss of $9.5 million; ICOS' operating loss during that period was $13.8 million with 75% of the operating loss representing research and development expense to pursue development of medications for the treatment of chronic inflammatory diseases. Until its products become approved for commercialization, ICOS must rely upon use of its invested capital and the interest income therefrom to support its programs.

16. ICOS is depleting its cash reserves to fund the losses inherent at this stage of its drug development business. ICOS anticipates, based on current estimates of revenues, that the aggregate amount of cash, cash equivalents, and investment securities it holds will be depleted in 1995, with some exceptions. Competitive conditions, together with funding commitments under ICOS' agreements with strategic partners, ensure ICOS' continued use of its cash resources in excess of interest earned on short-term investments.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-4321 Filed 2-24-93; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-19275; 812-7927]

Notice of Application; United International Holdings, Inc.

February 18, 1993.

AGENCY: Securities and Exchange Commission (the "SEC").

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 (the "Act").

APPLICANT: United International Holdings, Inc.

RELEVANT 1940 ACT SECTION: Order requested under section 3(b)(2) of the Act.

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it is engaged primarily in a business other than that of investing, reinvesting, owning, holding, or trading in securities.

FILING DATES: The application was filed on May 26, 1992 and amended on October 13, 1992 and January 26, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 18, 1993, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, 4643 South Ulster Street, suite 1300, Denver, Colorado 80237.

FOR FURTHER INFORMATION CONTACT: Fran M. Pollack-Matz, Senior Attorney, (202) 504-2801 or Nancy M. Rappa, Branch Chief, (202) 272-3030 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. United International Holdings, Inc. ("United International") was incorporated under the laws of Delaware in 1989. United International's parent, United International Holdings ("UIH"), a Colorado general partnership, also was formed in 1989.

2. United International provides multi-channel television services to households outside the United States and Canada. Authorizations for systems now operated by United International cover over 1.8 million homes. Those systems now serve over 740,000 active subscribers and are located in Hungary, Ireland, Israel, Norway, Malta and Sweden. Multi-channel television systems include cable television, multi-channel multi-point distribution services ("MMDS"), and direct broadcast satellite systems.

3. Until recently, United International conducted its business activities with its parent, UIH. UIH recently transferred all its assets relating to the multi-channel television business to United International. References herein to United International also include United International's wholly-owned subsidiaries.

4. United International actively pursues opportunities to develop and operate multi-channel television systems outside the United States and Canada together with financial and strategic partners. Its financial and strategic partners in projects undertaken to date are Tele-Communications, Inc. ("TCI"), Time Warner, Inc. ("Time Warner"), and US West, Inc. ("US West").

5. Currently, United International holds the majority of its assets in two general partnerships, United Communications International ("UCI") and United International Investments ("UII"). UCI is a Colorado general partnership between United International and Tele-West Europe Group, a Colorado general partnership between wholly-owned subsidiaries of US West and TCI ("Tele-West"). UCI owns interests in cable television systems in Hungary, Norway, and Sweden. UII, a Colorado general partnership between United International and a wholly-owned subsidiary of TCI, owns interests in multi-channel television systems in Ireland and Israel and is acquiring

United International's interest in a multi-channel television system in Malta. UCI and UII together are referred to as the "Partnerships."

6. UIH and a wholly-owned subsidiary of US West formed UCI in 1990 and initially agreed to contribute 10 percent and 90 percent, respectively, of UCI's capital. UIH transferred its entire interest in UCI to United International, effective December 31, 1992. US West transferred its interest in UCI to Tele-West in early 1992. UCI's original agreed capital was funded some time ago. Tele-West has provided additional capital to UCI, which has resulted in a corresponding increase in its economic interest in UCI. No changes were made in the management of UCI.

7. UCI owns an 86 percent interest in the shares of NorKabel A/S ("NorKabel"). NorKabel, through wholly-owned subsidiaries, owns and operates 13 cable television systems in Norway, making it Norway's second largest cable television operator. UCI owns an approximate 26 percent interest [1] in two "sister" corporations, Swedish Cable & Dish AB and SCD Invest AB (collectively, "SCD"). SCD through an operating subsidiary owns a number of local limited partnerships that hold contracts with local housing companies for the provision of multi-channel television services. The SCD subsidiary is the general partner and owns the majority interest (typically 80 percent) in the local partnerships. UCI also owns an approximate 50 percent interest in the Kabelkom Group, two general partnerships that directly or indirectly through a wholly-owned subsidiary own a 50 percent or greater interest in a number of operating companies providing multi-channel television services in Hungary. A wholly-owned subsidiary of Time Warner owns the remaining interest in the Kabelkom Group.

8. United International and a wholly-owned subsidiary of TCI formed UII in 1991. UII owns interests in multi-channel television systems in Israel and Ireland and is acquiring United International's interest in a multi-channel television system in Malta. United International currently has a 50 percent interest in the profits and losses of UII with respect to Israel, a 44.44 percent interest with respect to Ireland, and anticipates having a 50 percent interest with respect to Malta.

[1] A portion of the UCI interest in SCD is held in the form of debentures that are immediately convertible into shares of SCD. The 26 percent interest assumes conversion of substantially all debentures held by UCI and the other stockholders of SCD. UCI's interest in each SCD sister company exceeds 25 percent.

9. UII, indirectly through wholly-owned subsidiaries, owns a 46.55 percent interest in Tevel Israel International Communications, Ltd. ("Tevel"), a cable television operator in Israel. UII owns a 98 percent interest [2] in a Utah limited liability company that holds a 90 percent general partner interest in a Colorado limited partnership, which in turn holds a 50 percent voting interest in Princes Holdings, Ltd. ("Princes"), an Irish corporation. Princes, through three wholly and majority-owned subsidiaries, owns established cable television and MMDS systems in Ireland.

10. United International, indirectly through its beneficial ownership of Melita Partnership, a Colorado general partnership, and Melita Cable Holdings Limited ("Melita Holdings"), a Maltese limited liability company, which is the other partner in the partnership, owns an approximate 71 percent interest in Melita Cable TV Limited ("Melita"), an operating company currently developing a system to provide cable television services in Malta. In particular, UCI owns a 50 percent interest in Melita Partnership and an approximate 42 percent interest in Melita Holdings, which holds the other 50 percent interest in Melita Partnership. It is anticipated that UII will acquire the 70 percent interest in Melita from United International.

Applicant's Legal Analysis

1. Under section 3(a)(3), an issuer is an investment company if it "is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis."

2. United International is engaged primarily in the multichannel television business directly and through majority-owned subsidiaries and controlled companies and is not in the business of investing, reinvesting, or trading in securities.

3. United International believes it should not be an investment company within the meaning of section 3(a) since the principal assets it owns are general partnership interests, not securities, within the meaning of the Act.

4. The Partnerships likewise should not be considered investment companies under the Act because neither Partnership has issued any securities or has any interest outstanding that could constitute a security other than its general partnership interests. The partners of UCI and UII each retain ultimate control over their investments through participation on the management committees of UCI and UII. A company that does not issue securities cannot be an "issuer" as defined in section 2(a)(22) of the Act. Even if the Partnerships were treated as having issued securities, then neither Partnership would be an investment company within the meaning of the Act by virtue of section 3(c)(1).[3] However, if United International increases the number of beneficial owners of its securities in a public offering or other financing, then the exclusion under section 3(c)(1) would not be available to the Partnerships.[4]

5. Although the Partnerships may not be issuers and, therefore, United International may not be engaged in the business of investing in securities, United International is concerned that its structure could be viewed as an indirect mechanism to invest in the operating companies. The operating companies (other than the one located in Malta) would not be majority-owned subsidiaries; therefore, United International's interest in those securities would be "investment securities" under the Act and United International would own investment securities having a value exceeding 40 percent of the value of its total assets. United International thus could fall within the definition of investment company under section 3(a)(3) of the Act. Moreover, if the Partnerships were issuers, the Partnerships might be *prima facie* investment companies under section 3(a)(3) due to the nature of their holdings. To clarify its status under the Act, United International requests an order under section 3(b)(2).

6. Notwithstanding section 3(a)(3) of the Act, the SEC may, pursuant to

[2] The remaining 2 percent interest in the Utah company is owned directly by United International and the TCI subsidiary.

[3] Section 3(c)(1) excludes from the definition of investment company an issuer "whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities." Neither UIH nor United International currently is an investment company by virtue of section 3(c)(1). Approximately 76 persons, including those holding interests in two family partnerships, beneficially own interests in UIH, as determined in accordance with section 3(c)(1).

[4] Applicant states that "[a]lmost any type of financing by United International (*e.g.*, a public offering or a private placement with more than 24 new investors) could render section 3(c)(1) unavailable to [United International]." Application at 4.

section 3(b)(2), issue an order declaring an issuer to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly, through majority-owned subsidiaries, or through controlled companies conducting similar types of businesses.

7. In determining whether a company is engaged primarily in a non-investment company business under section 3(b)(2), the SEC considers certain factors; *i.e.*, the company's historical development, its public representations of policy, the activities of its officers and directors, and, most importantly, the nature of its assets and the sources of its income. *See* Tonopah Mining Company of Nevada, 26 S.E.C. 426 (1947).

8. United International's historical development indicates that it is and has been engaged in a non-investment company business. United International's business is, and will continue to be, the pursuit of opportunities to develop and operate multi-channel television systems outside the United States and Canada. United International first identifies and pursues cable and other multi-channel television opportunities by obtaining rights to acquire and develop the systems and then identifying local partners to satisfy any local legal requirements and to provide additional capital and helpful understanding and relationships for the local market. United International maintains significant control of the operating companies and provides management or consulting services, either alone or with financial and strategic partners. United International is pursuing development opportunities in multi-channel television and similar businesses. It has identified additional development opportunities in multichannel television in Europe and the Far East; in some cases, United International is primarily responsible for pursuing those opportunities, in others, it is doing so with financial, strategic, and local partners.

9. United International is not publicly owned and, thus, is not subject to the periodic reporting requirements of the Securities Exchange Act of 1934. However, United International has always held itself out to those with which it does business as being directly and actively involved in the multi-channel television business worldwide. Any representations of policy have been consistent with that view; neither UIH nor United International has made any public representations to the effect that it is engaged in the business of an investment company.

10. United International's management is actively involved in operating the companies in which it has an interest, and has extensive experience in all aspects of multi-channel television operations. Management devotes substantial time to serving on boards of directors or their equivalent of its operating companies and in carrying out its obligations under management or consulting agreements with operating companies. Under those agreements, United International provides technical advice and consulting services to the operating companies in which it has invested.

11. As of November 30, 1992, United International had 60 full-time employees (including its executive officers), of whom 24 were engaged primarily in the management and oversight of operating companies or were seconded to operating companies as full time employees, 13 were primarily engaged in new business development, two were primarily engaged in obtaining financing for operating companies (and to a lesser extent United International) and 21 were engaged in corporate administration (including secretarial and other support to those engaged in United International's other activities). Bernard G. Dvorak, an executive officer, is responsible for overseeing United International's investments, other than those investments in controlled companies through which United International's business is conducted. As almost all of United International's investments (other than in controlled companies) currently consist of temporary investment of funds pending their use in business, Mr. Dvorak devotes only a fraction of his time to managing such investments.

12. United International estimates that practically none of management's time is devoted to consideration of investment issues unrelated to its investments in operating companies, and that about 30 percent of management time is devoted to considering issues relating to its holdings in operating companies. Management's responsibilities unrelated to actual cable operations and the pursuit of new business consist of maintaining partner relations, including those with TCI, US WEST, and Time Warner (as well as local partners), obtaining financing for both United International and operating companies, maintaining relations with United International's own investors and corporate administration, including financial reporting and tax compliance. United International does not engage in the trading of securities for short-term speculative purposes or for purposes of investment.

13. As of November 30, 1992, 16.6% and 72% [5] of United International's assets consisted of ownership of UCI and UII, respectively.[6] Thus, for the past four fiscal quarters, excluding securities issues by controlled companies, 1.3% of United International's total assets has been represented by securities other than government securities and securities issued by majority-owned subsidiaries. Moreover, substantially all of United International's total net loss for each of the last four fiscal quarters is attributable to operating losses. The foregoing financial information is derived from unaudited financial statements of United International being prepared on a basis that combines the portion of UIH's assets and business being transferred to United International with those of United International as though such transfer had been completed prior to the period to which the statements relate.

14. United International is primarily engaged in multichannel television business and related businesses directly, through wholly-owned subsidiaries, and through controlled companies, all of which engage in the multi-channel television business or a similar type of business. The control analysis is a two-step process. United International controls the Partnerships, which in turn control the operating companies in which they have an interest. United International controls both Partnerships because it appoints one-half of the members of the management committee

[5] The value of United International's assets is computed in accordance with section 2(a)(41) of the Act. In accordance with such section, the value of securities held as of the end of the last preceding fiscal quarter for which market quotations are readily available is market value as of such date and the value of all other securities and assets owned as of the end of the last preceding fiscal quarter is fair value at the end of such quarter as determined in good faith by United International's board of directors.

[6] The analysis of United International's assets and income is derived from rule 3a–1 under the Act, except that, consistent wit section 3(b)(2), the assets of, and the income from, controlled companies are treated the same as those of majority-owned subsidiaries. Rule 3a–1 provides that, notwithstanding section 3(a)(3), an issuer is not an investment company provided that no more than 45% of the value of the issuer's total assets (exclusive of Government securities and cash items) consists of and no more than 45% of its net income after taxes (for the last four fiscal quarter combined) is derived from, securities, other than government securities, and securities issued by companies which are controlled primarily by the issuer, through which the issuer engages in a business other than that of investing in securities, and which are not investment companies. The Division notes that the United International may not be able to rely on rule 3a–1 because United International may not control primarily either the Partnerships or the operating companies.

of each Partnership and all actions require the affirmative vote of at least one United International representative. United International also serves as managing partner of each Partnership, therefore, influencing how management committee decisions are implemented.[7]

15. UCI and UII presumptively control the operating companies in which they have an interest through beneficial ownership of more than 25 percent of the voting securities of those operating companies. UCI and UII also exercise a controlling influence over the management and policies of the operating companies through representation on boards of directors or their equivalent, through shareholder and other voting agreements and through the provision of management and consulting services to the operating companies.

16. United International's structure is required because of foreign laws affecting investment in telecommunications, the practical need to work with local partners familiar with local markets, practices and customs, and the need to obtain capital from financial and strategic partners. In many cases, foreign governmental regulations require a minimum ownership or voting interest by local partners. Substantial capital requirements for developing cable and other multi-channel television systems has necessitated pursing opportunities in conjunction with others who primarily contribute to the financial requirements of the project.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4401 Filed 2–24–93; 8:45 am]

BILLING CODE 8010–01–M

SELECTIVE SERVICE SYSTEM

Form Submitted to the Office of Management and Budget for Extension of Clearance

The following form, to be used only in the event that inductions into the armed services are resumed, has been submitted to the Office of Management and Budget (OMB) for the extension of clearance in compliance with the Paperwork Reduction Act (44 U.S. chapter 35):

SSS–9

Title: Registrant Claim Form.

Purpose: Is used to submit a claim for postponement of induction or a different classification.

Respondents: Registrants filing claims for either postponement or reclassification.

Frequency: One-time.

Burden: The reporting burden is five minutes or less per individual.

Copies of the above identified form can be obtained upon written request to Selective Service System, Reports Clearance Officer, Washington, DC 20435.

Written comments and recommendations for the purposed extension of clearance of the form should be sent within 60 days of publication of this notice to Selective Service System, Reports Clearance Officer, Washington, DC 20435.

A copy of the comments should be sent to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Selective Service System, Office of Management and Budget, New Executive Office Building, room 3235, Washington, DC 20503.

Dated: February 16, 1993.

Robert W. Gambino,

Director.

[FR Doc. 93–4312 Filed 2–24–93; 8:45 am]

BILLING CODE 8015–01–M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Comments should be submitted by March 29, 1993. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Cleo Verbillis, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416, Telephone: (202) 205–6629.

OMB Reviewer: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

Title: Portfolio Financing Report.

SBA Form No: SBA Form 1031.

Frequency: On Occasion.

Description of Respondents: Small Business Investment Companies.

Annual Responses: 2,100.

Annual Burden: 525.

Cleo Verbillis,

Chief, Administrative Information Branch.

[FR Doc. 93–4385 Filed 2–24–93; 8:45 am]

BILLING CODE 8025–01–M

Interest Rates; Quarterly Determinations

AGENCY: Small Business Administration.

ACTION: Notice of interest rate.

SUMMARY: Pursuant to 13 CFR 108.503–8(b)(4), the maximum legal interest rate for a commercial loan which funds any portion of the cost of a project (see 13 CFR 108.503–4) shall be the greater of 6% over the New York prime rate or the limitation established by the constitution or laws of a given State. For a fixed rate loan, the initial rate shall be the legal rate for the term of the loan.

Dated: February 17, 1993.

William S. Hogbin,

Acting Assistant Administrator for Financial Assistance.

[FR Doc. 93–4420 Filed 2–24–93; 8:45 am]

BILLING CODE 8025–01–M

Alpha Capital Venture Partners, L.P. (License No. 05/05–0191); Notice of Surrender of License

Notice is hereby given that Alpha Capital Venture Partners, L.P., Three First National Plaza, 14th Floor, Chicago, Illinois 60602 has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Alpha Capital Venture Partners, L.P., was licensed by the Small Business Administration on April 23, 1984.

[7] If the general partnership interests in UCI and UII are treated as voting securities, United International's interest in each would constitute 50 percent of the voting securities of each Partnership because United International is entitled to appoint 50 percent of the management committee of each and has other rights comparable to a person holding 50 percent of a company's voting securities.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender was accepted on January 29, 1993, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 8, 1993.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 93–4419 Filed 2–24–93; 8:45 am]

BILLING CODE 8025–01–M

El Paso District Advisory Council; Public Meeting

The U.S. Small Business Administration El Paso District Advisory Council will hold a public meeting at 9 a.m. to 12 noon on Friday, March 26, 1993 in the board room at the Montwood National Bank, 2110 Yarbrough, El Paso, Texas, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Rudy H. Ortiz, U.S. Small Business Administration, 10737 Gateway Blvd. West, suite 320, El Paso, Texas 79935–4996, (915) 540–5560.

Dated: February 11, 1993.

Dorothy A. Overal,

Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93–4413 Filed 2–24–93; 8:45 am]

BILLING CODE 8025–01–M

Honolulu District Advisory Council; Public Meeting

The U.S. Small Business Administration Honolulu District Advisory Council will hold a public meeting at 9:30 a.m. on Thursday, March 4, 1993 at the Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Conference Room 4113A, Honolulu, Hawaii, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Andrew K. Poepoe, District Director, U.S. Small Business Administration, 300 Ala Moana Boulevard, room 2314, Honolulu, Hawaii 96850, (808) 541–2965.

Dated: February 16, 1993.

Dorothy A. Overal,

Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93–4414 Filed 2–24–93; 8:45 am]

BILLING CODE 8025–01–M

Indianapolis District Advisory Council; Public Meeting

The U.S. Small Business Administration Indianapolis District Advisory Council will hold a public meeting at 9:30 a.m. on Thursday, April 1, 1993 at the North Meridian Inn, 1530 North Meridian Street, Indianapolis, Indiana, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Robert D. General, District Director, U.S. Small Business Administration, 429 North Pennsylvania Street, suite 100, Indianapolis, Indiana 46204–1873, (317) 226–7275.

Dated: February 16, 1993.

Dorothy A. Overal,

Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93–4415 Filed 2–24–93; 8:45 am]

BILLING CODE 8025–01–M

Polaris Capital Corporation (License No. 05/05–0212)

Notice is hereby given that Polaris Capital Corporation (Polaris), One Park Plaza, 11270 West Park Place, suite 320, Milwaukee, Wisconsin 53224, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application with the Small Business Administration (SBA) pursuant to section 312 of the Act and covered by § 107.903 of the SBA Rules and Regulations (the Regulations) governing Small Business Investment Companies (13 CFR 107.903 (1993)) for approval of a conflict of interest transaciton falling within the scope of the above sections of the Act and the Regulations.

Subject to such approval, Polaris proposes to provide funds to Artcraft Industries Corporation (Artcraft), 320 East Buffalo Street, Milwaukee, Wisconsin 53202–5888, to be used for working capital needs.

The proposed financing is brought within the purview of § 107.903(b)(1) of the Regulations because Mrs. Barbara Gardner, 100% shareowner, president and C.E.O. of Artcraft, is the wife of Mr. John Gardner, an employee of Artcraft, a director of Polaris and the Polaris Group, the 100% shareowner of the Licensee. Mr. Gardner owns directly or through an Artcraft Industries Profit Sharing Trust, of which he is Trustee, more than 10% of the Polaris Group's outstanding common stock. Artcraft is considered to be an associate of Polaris as defined by § 107.3 of the SBA Regulations.

Notice is further given that any person may, not later than 15 days from the date of the publication of the Notice, submit written comments on the proposed transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

A copy of this Notice shall be published, in accordance with § 107.903(e) of the Regulations, in a newspaper of general circulation in Milwaukee, Wisconsin.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 8, 1993.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 93–4418 Filed 2–24–93; 8:45 am]

BILLING CODE 8025–01–M

United Financial Resources Corp. (License No. 07/07–0087); Notice of Filing of an Application for an Exemption Under Regulation 107.903 Governing Conflicts of Interest

Notice is hereby given that United Financial Resources Corp. (the Licensee), 7401 "F" Street, Omaha, Nebraska 68127, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application with the U.S. Small Business Administration (SBA) pursuant to section 107.903(b) of the Regulations governing small business investment companies (13 CFR 107.903(b) (1992)) for an exemption from the provisions of the cited Regulations.

Subject to SBA approval, the Licensee proposes to provide funds to an associate, Jim & Dean's Town & Country Market, Inc. (J&D), 4010 Fourth Street, Council Bluffs, Iowa 51501, to be used for equipment and working capital.

The proposed financing is brought within the purview of section 107.903(b) of the Regulations because Mr. James Scheer is a director of the Licensee's parent, United-A.G. Cooperative, Inc. (UAG) which owns 100% of the Licensee, and is also an owner of J&D.

Notice is hereby given that any interested person may, not later than fifteen (15) days from the date of publication of this Notice, submit

written comments on the proposed transaction to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in Omaha, Nebraska.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 8, 1993.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 93–4417 Filed 2–24–93; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD–93–011]

Public Hearing Concerning the Elgin, Joliet & Eastern Railroad Bridge Across the Illinois Waterway, Mile 270.6, Devine, Illinois

AGENCY: Coast Guard, DOT.

ACTION: Notice of public hearing.

SUMMARY: Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Second Coast Guard District, at Joliet, Illinois. The purpose for the hearing is to provide an opportunity to all interested persons to present data, views and comments orally or in writing concerning the alteration of the Elgin, Joliet, and Eastern Railroad Bridge across the Illinois Waterway, mile 207.6, at Devine, Illinois.

DATES: April 14, 1993, commencing at 1 p.m., until all speakers in attendance wishing to comment have provided comments.

ADDRESSES: The hearing will be held in the City Council Chambers, Second Floor, City Hall, 150 West Jefferson Street, Joliet, Illinois.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Wiebusch, Second Coast Guard District (ob), 1222 Spruce Street, St. Louis, Missouri 63103–2832, (314) 539–3724.

SUPPLEMENTARY INFORMATION: Complaints have been received alleging that the bridge is unreasonably obstructive to navigation. Information available to the Coast Guard indicates there were 81 marine collisions with the bridge between 1972 and 1990. These collisions have caused moderate to heavy damage to the bridge. Based on this information, the bridge appears to be a hazard to navigation. This may require increasing the horizontal clearance of the bridge to meet the needs of navigation. All interested parties shall have full opportunity to be heard and to present evidence as to whether any alteration of this bridge is needed, and if so, what alterations are needed, giving due consideration to the necessities of free and unobstructed water navigation. The necessities of rail traffic will also be considered.

Any person who wishes, may appear and be heard at this public hearing. Persons planning to appear and be heard are requested to notify the Commander, Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri 63103–2832, Telephone: (314) 539–3724, any time prior to the hearing indicating the amount of time required. Depending upon the number of scheduled statements, it may be necessary to limit the amount of time allocated to each person. Any limitations of time allocated will be announced at the beginning of the hearing. Written statements and exhibits may be submitted in place of or in addition to oral statements and will be made a part of the hearing record. Such written statements and exhibits may be delivered at the hearing or mailed in advance to the Commander, Second Coast Guard District.

Transcripts of the hearing will be made available for purchase upon request.

The public hearing will be held: April 14, 1993, commencing at 1 p.m., City Council Chambers, Second Floor, City Hall, 150 West Jefferson Street, Joliet, IL

Authority: 33 U.S.C. 513: 49 CFR 1.46(c)(3)

Dated: February 19, 1993.

W. J. Ecker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 93–4421 Filed 2–24–93; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

[Summary Notice No. PE–93–8]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 16, 1993.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mrs. Jeanne Trapani, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7624.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on February 18, 1993.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 25652.

Petitioner: Cochise Community College.

Sections of the FAR Affected: 14 CFR part 141, Appendix H(3)(c) (1) and (3).

Description of Relief Sought: To extend the termination date of Exemption No. 5530, which expires June 30, 1993, and which allows students to enroll in the ground curriculum of Cochise Community College's Part 141 Flight Instructor-Airplane Certification Course prior to completing the flight portion of the Commercial Pilot-Airplane Certification/Instrument-Airplane Rating Course.

Docket No.: 27148.

Petitioner: Heliflight, Inc.
Sections of the FAR Affected: 14 CFR 141.27(c).
Description of Relief Sought: To allow Heliflight, Inc., to reapply for a provisional pilot school certificate without waiting at least 180 days after the expiration date of its current provisional certificate.

Dispositions of Petitions

Docket No.: 26736.
Petitioner: Executive Airlines, Inc.
Sections of the FAR Affected: 14 CFR 121.371(a), and 121.378.
Description of Relief Sought/ Disposition: To allow Executive Airlines, Inc., to use components, parts, and accessories that have been repaired, overhauled, or otherwise maintained by its foreign original equipment manufacturers on the Spanish-built CASA–212 or the French-built Aerospatiale ATR–42 and ATR–72 aircraft operated by Executive Airlines, Inc. *Grant, February 12, 1993, Exemption No. 5605.*

Docket No.: 27046.
Petitioner: Bay Cities Medical Supply.
Sections of the FAR Affected: 14 CFR 43.3(g).
Description of Relief Sought/ Disposition: To allow properly trained pilots employed by Bay Cities Medical Supply, Inc., to remove and reinstall the left rear seat in the company aircraft. *Grant, January 29, 1993, Exemption No. 5602.*

Docket No.: 27121.
Petitioner: Tower Air.
Sections of the FAR Affected: 14 CFR part 121, Appendix H.
Description of Relief Sought/ Disposition: To allow Tower Air to conduct initial training for its current group of highly experienced pilots in the B–747 as seconds in command in a Phase II simulator without receiving any training or checking in the actual airplane. *Grant, January 29, 1993, Exemption No. 5596.*

Docket No.: 27121.
Petitioner: Tower Air.
Sections of the FAR Affected: 14 CFR part 121, Appendix H.
Description of Relief Sought/ Disposition: To amend Exemption No. 5596, which was issued January 29, 1993, to permit Tower Air to continue to use its current training program as it pertains to the initial training of its second-in-command pilots in a Phase II simulator in accordance with the provisions of appendix H of part 121. *Grant, February 16, 1993, Exemption No. 5596A.*

Docket No.: 27123.
Petitioner: Atlas Air, Inc.
Sections of the FAR Affected: 14 CFR 121.358(c)(1).
Description of Relief Sought/ Disposition: To allow Atlas Air, Inc., to submit a request for approval of a retrofit schedule for installing windshear equipment after the June 1, 1990, deadline to the Flight Standards Division Manager in the region of the certificate holding district office. *Grant, February 12, 1993, Exemption No. 5604.*

[FR Doc. 93–4353 Filed 2–24–93; 8:45 am]
BILLING CODE 4910–13–M

[Summary Notice No. PE–93–10]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration, DOT.
ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 16, 1993.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mrs. Jeanne Trapani, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7624.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on February 18, 1993.

Donald P. Byrne,
Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 25103.
Petitioner: Air Wisconsin, Inc.
Sections of the FAR Affected: 14 CFR 121.371(a) and 121.378.
Description of Relief Sought: To extend the termination date of Exemption No. 4803, which allows Air Wisconsin, Inc. (AWA), to utilize foreign repair agencies for the maintenance, preventive maintenance, and alteration of components and parts used on its aircraft, and to use foreign original equipment manufacturers to maintain and/or modify AWA's aircraft.

Docket No.: 25983.
Petitioner: Federal Express Corporation.
Sections of the FAR Affected: 14 CFR 121.613 and 121.625.
Description of Relief Sought: To extend the termination date of Exemption No. 5392, which expires May 30, 1993, and which allows relief from certain weather requirements applicable to supplemental air carriers, establishing in their place requirements applicable to domestic air carrier operations listed as a condition of the exemption.

Docket No.: 26412.
Petitioner: The Soaring Society of America, Inc.
Sections of the FAR Affected: 14 CFR 61.118.
Description of Relief Sought: To extend the termination date of Exemption No. 5303, which expires May 31, 1993, and which permits private pilots who are members of The Soaring Society of America, Inc., to log the flight time accumulated while towing gliders.

Docket No.: 27025.
Petitioner: Flight Review, Inc.
Sections of the FAR Affected: 14 CFR 135.293; 135.297; 135.299; 135.337(a)(2) and (3); 135.339(c); and part 121, appendix H.
Description of Relief Sought: To allow Flight Review, Inc., to use its in-house initial and recurrent training program to meet the flight check requirements for instructors, and to provide credible training to its clients from instructors who may not be technically qualified to fly as pilots in command under part 135.

Docket No.: 27027.
Petitioner: Skyways International.
Sections of the FAR Affected: 14 CFR 21.197(c).
Description of Relief Sought: To allow Skyways International to issue Special Flight Permits for continuing authorization to conduct Ferry Flights internationally for maintenance purposes.

Docket No.: 27063.
Petitioner: Gulkana Air Service, Inc.
Sections of the FAR Affected: 14 CFR 43.3(g).
Description of Relief Sought: To allow pilots employed by Gulanka Air Service, Inc., to remove and replace passenger seats of aircraft used in FAR Part 135 operations to accommodate freight, baggage, passengers, or stretcher systems.

Docket No.: 27117.
Petitioner: Paragators, Inc.
Sections of the FAR Affected: 14 CFR 105.43(d).
Description of Relief Sought: To allow foreign skydivers to make parachute jumps using parachute equipment approved or accepted in the skydiver's country of citizenship.

Docket No.: 27122.
Petitioner: Air Tractor, Inc.
Sections of the FAR Affected: 14 CFR 61.31(a)(1).
Description of Relief Sought: To allow purchasers of specific models of Air Tractor, Inc.'s aircraft to operate them without a type rating although the maximum gross weight of these aircraft may exceed 12,500 pounds during some operations.

Dispositions of Petitions

Docket No.: 26149.
Petitioner: The Boeing Company.
Sections of the FAR Affected: 14 CFR 21.197.
Description of Relief Sought/ Disposition: To allow the Boeing Company to conduct flight crew training of its flight crews while operating under a special flight permit. *Grant, February 8, 1993, Exemption No. 5600.*

Docket No.: 26900.
Petitioner: Boeing Commercial Airplane Group.
Sections of the FAR Affected: 14 CFR 25.562 (c)(5) and (c)(6).
Description of Relief Sought/ Disposition: To allow an exemption from the Head Injury Criterion and femur load limitations for front row seating and cockpit seating in Boeing Model 777 airplanes, until such time as design solutions are available. *Denial, January 29, 1993, Exemption No. 5597.*

Docket No.: 27048.
Petitioner: Shannon Engineering, Inc.
Sections of the FAR Affected: 14 CFR 25.841(a).
Description of Relief Sought/ Disposition: To allow type certification of the Cessna Citation Model 500 with approval to operate at cabin altitudes up to 10,000 feet. *Denial, January 25, 1993, Exemption No. 5595.*

[FR Doc. 93–4354 Filed 2–24–93; 8:45 am]
BILLING CODE 4910–13–M

Availability of Solicitation for Aviation Research Grants Proposals

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability.

SUMMARY: The Federal Aviation Administration (FAA) is soliciting proposals for research grants and cooperative agreements addressing the long-term technical needs of the National Airspace System (NAS) pursuant to Section 9205, Aviation Research Grant Program, and Section 9208, Catastrophic Failure Prevention Research Program, of the FAA Research, Engineering, and Development Authorization Act of 1990 (Pub. L. 101–508), and section 107 of the Aviation Security Improvement Act of 1990 (Pub. L. 101–604). Specific research areas called out include air traffic control (ATC) automation, aviation applications of artificial intelligence, aviation training techniques and technologies, human factors in highly automated environments, and aircraft safety. Grant awards typically will range from $50,000.00 to $500,000.00. Although sections 9208 and 9209 of Public Law 101–508 permit the FAA Administrator to establish Centers of Excellence, no applications for designation as a Center of Excellence are being solicited or accepted at this time.

DATES: Proposals may be submitted to the person listed below in the **ADDRESSES** section at any time after the effective release date of this notice. No closing date for proposal submission is specified. This solicitation is open until further notice is provided in the **Federal Register**. Applicants should allow at least 3 months for review and processing.

ADDRESSES: Inquiries regarding this subject matter should be directed to: James H. Remer, Aviation Research Grants Officer, Office of Research and Technology Applications, ACL–1, FAA Technical Center, Building 270, room B115, Atlantic City International Airport, New Jersey 08405, (609) 484–5356.

SUPPLEMENTARY INFORMATION:

Background

Title IX, The Aircraft Safety and Capacity Expansion Act of 1990 (Pub. L. 101–508), was enacted to enhance the FAA's access to resources and research facilities available at colleges, universities, and other non-profit research institutions. The Aviation Research Grant Program, Section 9205, states its purpose is "to conduct aviation research into areas deemed by the Administrator to be required for the long-term growth of civil aviation." The Catastrophic Failure Prevention Research Grants Program, Section 9208, directs the FAA "to conduct aviation research relating to development of technologies and methods to assess the risk and prevent defects, failures, and malfunctions of products, parts, processes, and articles manufactured for use in aircraft, aircraft engines, propellers, and appliances that could result in a catastrophic failure of an aircraft." The Act authorizes the FAA to establish a research grant program that encompasses a broad spectrum of aviation research activities and Centers of Excellence that are targeted at specific areas of long-term aviation research. As a result the base of aviation research talent will be increased and this valuable resource will be available to the FAA and the aviation community. By encouraging academic institutions to establish aviation research programs, and by expanding the role these institutions play in aviation research, the FAA will nurture the long-term growth of the aviation industry.

The Aviation Security Improvement Act of 1990 (Pub. L. 101–604) responded to the report issued by the President's Commission on Aviation Security and Terrorism, dated May 15, 1990. This Act authorized the creation of a grants program "to accelerate and expand the research, development, and implementation of technologies and procedures to counteract terrorist acts against civil aviation." There is a special emphasis on human factors projects that include "research and development of both technological improvements and ways to enhance human performance."

The central purpose of the FAA Research Grant Program is to encourage and support innovative, advanced research of potential benefit to the long-term growth of civil aviation.

Research Areas

The legislation cited earlier provides for aviation research grants programs in three general categories:

(1) Areas deemed by the FAA Administrator to be required for the long-term growth of civil aviation;

(2) Areas related to research on the prevention of catastrophic failures; and

(3) Areas related to research, development, and implementation of technologies and procedures to counteract terrorist acts against civil aviation. These three specific areas of interest may be found within the eight broad program areas identified in the FAA Research, Engineering, & Development (RE&D) Plan that comprises the agency's research and development initiatives. A ninth area, that of Systems Science/Operations Research, which supports and ties together these eight areas, also is included. These areas, which contribute to the FAA's mission of improving aviation safety, capacity, efficiency, and security, are as follows:

a. Capacity and Air Traffic Control Technology.

b. Communications, Navigation, and Surveillance.

c. Aviation Weather.

d. Airports.

e. Aircraft Safety Technology.

f. System Security Technology.

g. Human Factors and Aviation Medicine.

h. Environment and Energy.

i. Systems Science/Operations Research.

The following is a more detailed descriptions of these nine program areas and is offered to illustrate possible topics of interest to those who may consider applying for an aviation research grant.

a. Capacity and Air Traffic Control Technology

This area represents the FAA's effort to improve the capacity of the airspace while maintaining high safety standards. The primary goal is to increase the capacity and use of airspace and airport resources in a safe manner through automation of enroute and terminal ATC and flow management. Successful implementation of the results of this research will reduce delays and enable as many aircraft as possible to operate on their preferred flight paths. Major areas of interest include research in advanced cockpit technologies and the development of automation tools for ATC in enroute and terminal airspace and on the airport surface.

b. Communications, Navigation, and Surveillance

The thrust of this area is the development and standardization of essential communication, navigation, and surveillance services required for air traffic management. The goals are to exploit emerging technologies to provide cost-effective services that have high levels of integrity, reliability, availability, and coverage. A principal initiative in this area is the development and application of satellite based-services.

(1) Communications

Communications users include computer systems, surveillance systems, weather sensors, and air-ground equipment users as well as pilots and controllers. These users are linked together today with the largest civil communications system in the Federal Government.

(2) Navigation and Landing

The FAA has the responsibility for developing and implementing radionavigation systems to meet the need for safe and efficient navigation and control of all civil aviation and a significant portion of military aviation. Three major areas comprise this program: precision approach and landing, navigational systems development, and improvements to present landing systems.

(3) Surveillance

This technical area includes radar, ground based surveillance of airborne aircraft, and the surveillance of aircraft and ground vehicles on airport surfaces. Secondary surveillance employing active airborne transponders, such as Mode S, and related equipment such as Airborne Collision Avoidance and Automatic Dependent Surveillance, would be three related research areas.

(4) Satellite Applications

The maturing of satellite technology has substantially increased interest in satellite systems, although questions remain concerning their applications in an aviation environment and their economic viability. The two principal technical areas that comprise satellite applications are Satellite-Based Air-Ground Communications and Future Satellite Communications, Navigation and Surveillance Systems.

c. Aviation Weather

Weather remains a critical factor in all flight operations. Inclement weather is the single largest contributor to delays and a major factor in aircraft accidents and incidents. Weather service users encompass the entire spectrum of the aviation community, from general aviation to large air transport operators.

An overall system is required that includes the acquisition of a wide variety of weather data, analysis, and forecasting based on ATC and pilot needs. The system must quickly and efficiently communicate appropriate weather data to the controller and the pilot. Activities in the weather area include airborne windshear detection equipment, hazardous weather cell detection and warning, and improved forecasting of winds, turbulence, etc., to support air traffic management automation.

d. Airports

Agency efforts in this area target a plethora of issues comprising the physical and environmental aspects of airports. Efforts in airport standards and guidelines address the design, construction, operation, and maintenance of airports. Specific considerations are airport layout and geometrics; pavements, terminal buildings, and heliports; fire fighting and rescue equipment; runway friction; snow and ice control; surface lighting and visual guidance aids; bird and wildlife control; runway surface contamination detection and removal; and environmental impacts of aircraft operations. Landside capacity is also addressed through such considerations as highway systems, pedestrian systems, parking, and mass transit access.

e. Aircraft Safety Technology.

One of the central responsibilities of the FAA is the certification of aircraft based on appropriate technical and operational standards. Modification of these standards and regulatory criteria is a continuous process as the regulatory framework keeps pace with the technological and operational changes to ensure safe, efficient air travel. The research goal in this area is to assure a continuing solid technology base to support the regulatory framework designed to improve the airworthiness and crashworthiness of aircraft. The primary focus in the aircraft safety research area is on aging aircraft, fire protection, engine maintenance, and structural crashworthiness. Atmospheric hazards such as icing and lightning, as well as raw materials and advanced control systems, are also subjects of research.

f. System Security Technology

The presence of international terrorism makes it imperative for the FAA to identify and develop the advanced technologies that can be applied to practical security systems. The goal is to improve security without unreasonable increases in cost or inconvenience to passengers. The focus of FAA initiatives in this area is on

VOL
58
ISS
36
FE
25
1993
UMI

developing systems that deter or prevent hijacking and sabotage against civil aviation. The continued emphasis of the RE&D program has been on the development of capabilities to prevent the introduction of explosives and weapons onto the aircraft. This effort encompasses research in the areas of sensors, image processing, nuclear, X-ray and chemical instrumentation, as well as systems integration.

g. Human Factors and Aviation Medicine

Human error is identified as a causal factor in 66 percent of fatal air carrier accidents, in 79 percent of fatal commuter accidents, and in 88 percent of fatal general aviation accidents. Research in this area focuses on increasing both the understanding and effectiveness of human performance. The goals are to assess approaches to automation that minimize human error, and to understand and alleviate errors caused by lack of training and experience. Areas of research include human factor concerns for flight crews, controllers, and maintenance technicians.

h. Environment and Energy

This area represents the FAA's effort to improve regulatory standards for sources of air and noise pollution, and to develop better technologies for predicting, measuring and abating the environmental impact of emissions. Projects in this area support national goals to protect the environment while keeping the transportation industry strong and competitive. RE&D goals are technology improvements that address environmental and regulatory issues such as noise abatement, aircraft pollution, and improved certification of clean, quiet, fuel efficient aircraft.

i. Systems Science/Operations Research

The importance of Systems Science/Engineering and Operations Research to the NAS has come to prominence in recent years. The macroscopic tools of mathematical modeling, simulation, decision support systems and prototyping, as well as optimization are playing a greater role in research related to the NAS. In some cases this will involve new paradigms implemented as novel algorithms and software packages. In other cases, innovative computational platforms and architectures may emerge as major contributors. The goal of research in all facets of this technical area is common—the improvement of the safety, security, capacity, and efficiency of the National Airspace System.

Eligibility

Applicant eligibility for the award of an aviation research grant varies depending upon the nature of the proposer's organization as well as the character of work one proposes to perform. In general, colleges, universities, and other nonprofit research institutions are eligible to qualify for grants to perform research in all specified areas. Other appropriate research institutions and non-Federal Governmental entities may qualify for grants to perform research in aviation security under section 107 of Public Law 101-604. The FAA is seeking to ensure an equitable geographical distribution of grant funds and the inclusion of historically black colleges and universities and other minority institutions for funding consideration.

Proposal Submission

The proposal should contain sufficient information to demonstrate that the proposed activity is both sound and worthy of support under the FAA criteria listed below for the selection of projects. The proposal should be succinct and self-contained. The FAA has a published solicitation and application kit. These guidelines on the application format and content are contained in the Solicitation for Grants for Aviation Research Number 93.1, which is available by contacting the office identified in the **ADDRESSES** paragraph. Recipients of the previous solicitation, No. 91.1, will automatically be mailed the new document. One original plus three copies of the proposal should be forwarded to the address indicated in the **ADDRESSES** paragraph. The outside of the mailer should be marked "Aviation Research Grant Proposal." A return mail postcard will be sent to the proposer to acknowledge receipt of the proposal. Every effort will be made to reach a decision and inform the applicant promptly.

Proposal Review

Research proposals, when received, will be assigned a proposal number, and acknowledged in writing. Each proposal will be reviewed by the grants staff to assure that it has been signed, that it is in the format described in the solicitation/application kit "Grants for Aviation Research Number 93.1," that all relevant information has been submitted, that it satisfies the conditions of a grant instrument rather than a procurement instrument, and that the proposed research falls under the FAA research grant authority. After initial proposal review, the proposal will be reviewed carefully for technical merit by a technical evaluation team. The team will consist of three or more technically qualified people, some of whom may be reviewers from outside the Government. An FAA representative will be designated as the team leader. The team leader is responsible for developing an overall rating based on the ratings of the team members.

Evaluation Criteria

The FAA established four criteria against which each proposal will be evaluated to determine funding eligibility. Failure to meet any one of the criteria may result in the proposal being judged ineligible. The criteria and a brief explanation of each are listed below.

a. Intrinsic Value

This is the likelihood that the proposed research will lead to new discoveries or fundamental advances within a specific field of science or engineering or have substantial impact on progress in that field or in other scientific or engineering fields pertinent to FAA research. The introduction of new ideas or innovative approaches will be viewed positively.

b. Relevance to the FAA Mission

This is the establishment of a logical connection and probable application to the long-term growth of civil aviation.

c. Technical Soundness of the Proposal

This is the quality of the overall approach proposed to verify concepts or apply new technologies. The proposal must be formulated in a clear and logical fashion, using known scientific principles and their extensions to reach a definable, substantial, relevant goal.

d. Research Performance Competence

This is the capability of the organization (personnel and resources) to carry on successful work. The grantee should identify specific resources that are required and note whether adequate access to these will exist or whether they will be acquired in the course of the proposed activity. Past achievement will be considered in evaluating performance competence. The principal investigator should demonstrate an established reputation in the relevant field. Such reputation may be shown by publications, patents, conference contributions, or any other relevant information that demonstrates capability to advance the state of knowledge in the proposed area.

Each eligible proposal will be rated as either a category A, B, or C proposal. These categories will be used to

differentiate the proposals according to technical merit.

(1) Category A proposals—meet the evaluation criteria with no distinction.

(2) Category B proposals—meet the evaluation criteria with distinction in one or more of the criteria.

(3) Category C proposals—meet each of the evaluation criteria with distinction and presents a strong, well-constructed program in all respects.

Funding

Appropriated discretionary funds are not currently available for grants. Awards will be made via program funding sponsorship.

Award Date

Recipients of FAA research grants will be announced on a continuous basis.

Issued in Atlantic County, New Jersey, on January 29, 1993.

Harvey B. Safeer,

Director, FAA Technical Center, ACT-1.

[FR Doc. 93-4355 Filed 2-24-93; 8:45 am]

BILLING CODE 4910-13-M

Phoenix Sky Harbor International Airport, AZ; Notice of Intent To Rule on Application

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Intent To Rule on application to impose a Passenger Facility Change (PFC) at Phoenix Sky Harbor International Airport, Phoenix, Arizona; correction.

SUMMARY: This correction incorporates information from the public agency's application.

In notice document 93-2503 beginning on page 7033 in the issue of Wednesday, February 3, 1993 make the following correction:

In the third column "Class or classes of air carriers which the public agency has requested not be required to collect PFCs:

Business Air Service South
Corporate Flight Inc.
Critical Care Services Inc."
IJA Inc.
KMR Aviation Inc.
Louisiana Pacific Corporation
Ponderosa Aviation and Poncero
Raleigh Jet Charter
Sioux Valley Hospital Intensive Air
Windstar Aviation Corporation

Should read "Class or classes of air carriers which the public agency has requested exemption from collecting PFC's:

ATCO: Air Taxi/Commercial Operators filing FAA form 1800-31.

CRAC: Large Certificated Route Air Carriers filing RSPA form T-100 providing non-scheduled service with less than 7,500 enplanements each annually at Phoenix Sky Harbor International Airport.

FFC: Foreign Flag Air Carriers filing RSPA form T-100(f) including Canadian Flag Air Carriers."

Issued in Los Angeles California on February 10, 1993.

Ellsworth Chan,

Acting Manager, Airport Division, Western Pacific Region.

[FR Doc. 93-4356 Filed 2-24-93; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Sutter and Yuba Counties, CA

AGENCY: Federal Highway Administration (FHWA). DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Sutter and Yuba Counties, California.

FOR FURTHER INFORMATION CONTACT: Leonard E. Brown, Chief District Operations, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95812-1915, Telephone (916) 551-1307.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation, will prepare an Environmental Impact Statement (EIS) on a proposal to upgrade State Route 70 in Sutter and Yuba Counties to a four-lane expressway capable of supporting future traffic volumes. The proposed construction would begin 0.8 miles south of Striplin Road, extend north across the Bear River, and terminate 0.3 mile south of the McGowan Road overcrossing.

A number of alternatives will be considered in the EIR/EIS. All of the alternatives generally follow the existing Route 70 alignment, at East Nicholas, where the route will be realigned to bypass the community. The alternatives consist of widening on different sides of the existing highway, different median widths to allow future lane additions, and interchange locations. Right-of-Way would be purchased to accommodate an ultimate six-lane freeway with interchanges. The EIS will evaluate the proposed expressway as well as ultimate freeway alternatives.

Route 70 is a principal transportation corridor connecting Chico and Oroville to Sacramento. The existing highway serves commuter, commercial and recreational traffic between urban and rural areas of Sutter, Yuba and Butte Counties and the large urban area that includes the City of Sacramento. Without the proposed improvements, the existing facility would have a Level of Service (LOS) of F by the year 2017.

An initial public meeting was held on the Route 70 project on Thursday, April 23, 1992, in the evening at the Marcum-Illinois Union Elementary School. Open house workshops will be held at key stages of the project studies in addition to a public hearing on the Draft EIS. A notice for formal scoping meetings will be published in area newspapers.

Views of agencies which may have knowledge about historic resources potentially affected by the proposal or interested in the effects of the project on historical properties are hereby solicited.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal Programs and activities apply to this program.)

Issued on February 16, 1993.

Leonard E. Brown,

Chief, District Operations, Sacramento, California.

[FR Doc. 93-4384 Filed 2-24-93; 8:45 am]

BILLING CODE 4910-22-M

UNITED STATES COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

Hearing

AGENCY: United States Commission on Improving the Effectiveness of the United Nations.

ACTION: Notice: Public hearing.

SUMMARY: The purpose of this hearing is to obtain information on the subject of United Nations reform and U.S. policy toward the United Nations, and to conduct other Commission business. The hearing will be open to the public.

DATES: Atlanta, Georgia, March 12, 1993, 9 a.m. to 5 p.m..

ADDRESSES: The Atlanta hearing will be held in the Atlanta City Council Chambers in City Hall, 55 Trinity Avenue, SW., Atlanta, GA.

VOL 58 ISS 36 FE 25 1993 UMI

FOR FURTHER INFORMATION CONTACT: Kathleen O'Leary, Administrative Officer, 1825 Connecticut Avenue, suite 1011, Washington, DC 20009; telephone: (202) 673–5012; telefax: (202) 673–5007.

Experts or representatives of interested groups wishing to present testimony should contact the Administrative Officer and submit a summary of their presentation by March 5.

Citizens interested in testifying at the Atlanta hearing may sign up at the Atlanta City Council Chambers between 9:30 a.m. and 11 a.m. on the date of the hearing and will be selected on a first-come, first-served basis. Testimony will be heard after 3:30 p.m. Citizen witnesses are required to limit their statements to one minute. All witnesses may submit additional material for the record.

The U.S. Commission on Improving the Effectiveness of the United Nations was established by Public Law 100–204, 101 Stat. 1934 (22 U.S.C. 287 note). The Commission is charged with preparing and submitting to the President and Congress a report containing a detailed statement of its findings, conclusions and recommendations regarding reform of the United Nations system and the role of the United States in the United Nations system. The Commission is bipartisan and is privately funded.

The Commission members are: Representative James A. Leach and Charles M. Lichenstein, Co-Chairs; Thomas F. Eagleton, Edward F. Feighan, Edwin J. Feulner, Jr., Walter Hoffmann, Alan L. Keyes, Jeane J. Kirkpatrick, Peter M. Leslie, Gary E. MacDougal, Father Richard John Neuhaus, Senator Claiborne Pell, Senator Larry Pressler, Jerome J. Shestack, Harris O. Schoenberg, and Jose S. Sorzano.

Dated: February 22, 1993.

Gregory Wierzynski,

Executive Director.

[FR Doc. 93–4335 Filed 2–24–93; 8:45 am]

BILLING CODE 6820–BB–M

UNITED STATES INFORMATION AGENCY

Central and Eastern European Citizens Network Initiative (CNI)

AGENCY: United States Information Agency.

ACTION: Notice—request for proposals.

SUMMARY: The Office of Citizen Exchanges (E/P) announces a competitive grants program for private, non-profit organizations to develop indigenous, non-governmental, professional, civic, youth, philanthropic, and issue-oriented institutions and citizen exchange organizations. These projects should link the U.S. organization's exchange interests with counterpart institutions and groups in Albania, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Macedonia, Poland, Slovak Republic and Slovenia.

Interested applicants are urged to read the complete **Federal Register** announcement before addressing inquiries to the Office or submitting their proposals. After the deadline for submitting proposals, USIA officers may not discuss this competition in any way with applicants until final decisions are made.

ANNOUNCEMENT NAME AND NUMBERS: All communications concerning this announcement should refer to the Central and Eastern European Citizens Network Initiative (CNI). This announcement number is E/P–93–10. Please refer to this title and number in all correspondence or telephone calls to USIA.

DATES: Deadlines for Proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC, time on April 16, 1993. Faxed documents will not be accepted, nor will documents postmarked April 16, 1993, but received at a latter date.

It is the responsibility of each grant applicant to ensure that proposals are received by the above deadline. CNI grant project activity should begin after September 1, 1993.

ADDRESSES: The original and 14 copies of the completed application and required forms should be submitted by the deadline to: U.S. Information Agency, Ref CNI–E/P–93–10, Office of Grants Management (E/XE), 301 4th Street, SW., room 336, Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested organizations, institutions should contact: European Division, Office of Citizen Exchanges (E/P), room 216, U.S. Information Agency, 301 4th Street SW., Washington, DC 20547, telephone 202/619–5348, fax 202/619–4350 to request detailed application packets, which include award criteria, all necessary forms, and guidelines for preparing proposals, including specific budget preparation.

OBJECTIVES OF CENTRAL AND EASTERN EUROPEAN CITIZEN NETWORK INITIATIVE

Overview

Proposals must be for projects which enhance the growth of indigenous, non-governmental, professional, civic, youth, philanthropic, and issue-oriented institutions and citizen exchange organizations. They should serve as an important avenue for community participation in problem solving, quality of life enhancement and professional development. Proposals should also enhance links between American and Central/Eastern European citizen organizations. Grant proposals which are overly ambitious or general will not be competitive. Doing a few tasks well is preferred. Other objectives which may apply:

—The advancement of mutual understanding through targeted professional development programs for Central/Eastern European leaders of citizen organizations;

—The development of culturally sensitive and relevant study tours in the U.S. for small groups of citizen activists to observe how theories and concepts are put into practice;

—The transfer at minimal cost of relevant knowledge through short courses and intensive workshops (preferable of at least two weeks duration conducted in Central/Eastern Europe);

—Well-planned internships in the U.S. and extended learning programs overseas (from four to ten weeks with considerable in-country cost-sharing);

—The transfer of American academic and professional expertise through consultations in Central/Eastern Europe for period of not less than one month;

—The development of specialized materials for secondary and post-secondary teachers, plus special workshops for such teachers.

Programmatic Considerations

Pursuant to the Bureau's authorizing legislation, grant programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life.

The Office of Citizen Exchanges strongly encourages the coordination of these activities between respected universities, professional associations, and significant cultural, educational and political institutions in the U.S. and abroad. In addition, coordination in the design of program with U.S. Information Agency officers overseas and with foreign government officials will likely make the proposal more competitive. The themes addressed in these exchange programs must be of long-term importance rather than focussed on current events or short-term issues.

In every case, a compelling rationale for the development and execution of an exchange program must be presented as part of the proposal, one that clearly indicates the distinctive and important

contribution of the overall project and its enduring impact.

USIA will give priority to proposals from U.S. organizations which have partner organizations in Central/Eastern Europe, which will assist logistically and will contribute to the realization of program goals and objectives and will themselves be enhanced by the program. Applicants are encouraged to demonstrate partner relationships by providing copies of correspondence or other materials as appendices to proposals.

The CEE partner institutions are encouraged to provide cost-sharing or significant in-kind contributions such as local housing, transportation, interpreting, translating and other local currency costs and to assist with the organization of projects. USIA is interested in multi-phase programs. A model program could include a planning visit by the American organizer; an in-country workshop or seminar led by American experts; a travel/study program in the United States for selected foreign participants; U.S.-based internships where appropriate; and, finally, follow-up consultations overseas by American organizers. Internships usually work best when arranged for the most promising participants in earlier, in-country workshops.

The development of new curricula and instructional materials in Central/Eastern European languages is encouraged; however, USIA does not pay for publication of materials for distribution in the United States.

Planning Trips

USIA grants will pay for planning trips to partner CEE countries by staff or consultants for consultations and planning meetings with partner institutions, but these should be trips which build on previous communications and agreements for cooperation.

Seminars and In-Country Workshops

Seminars and workshops should be at least two weeks in duration. CEE language skills on the part of American experts are desirable but not essential. American presenters should be experienced trainers and professionals in the development of non-governmental, professional, civic, youth, philanthropic, and issue-oriented institutions and citizen exchange organizations and be sufficiently knowledgeable of local conditions and needs to tailor presentations.

Orientation Activities

All CNI grant projects should include a pre-departure orientation to introduce travellers, in both directions, to administrative and substantive details of the grant program. On arrival in the USA, all projects should begin with two to three days of local orientation to such matters as geographic and historical setting, medical insurance, health, cultural values and practices, the roles of police and mass media and other sectors of society which visitors may encounter, and the like. In addition, there should be an orientation for hosts, whether families or individuals or institutions; if overseas visitors will stay longer than a couple of weeks, it is advisable to establish some sort of support network to monitor the project and resolve problems which develop.

The purpose in all these orientations is not only to inform participants about agenda and logistics but also to raise issues of economic, social, political, and cultural sensitivities, knowledge, and practice.

Finally, there should be a re-entry orientation and project evaluation just before visitors return home to ease their re-entry, to promote understanding, to identify strengths and weaknesses in the program, and to make adjustments in the remainder of the program where possible.

Study Tours in the United States

Study tours are generally three-four weeks in length and can be a mix of site visits, mini-workshops, and consultations. The purpose of these visits is to provide participants with a first-hand look at U.S. non-governmental, professional, civic, youth, philanthropic, and issue-oriented institutions and citizen exchange organizations, as well as an introduction to the cultural and geographic richness of the U.S.

U.S.-Based Internships

For the purposes of this competition, internships are practical work experiences in non-governmental, professional, civic, youth, philanthropic, and issue-oriented institutions and citizen exchange organizations. Active, productive internships are preferred over passive job shadowing. They are not university-based residency programs or research opportunities. Participants must be fluent in English. The length of stay for an internship should be at least one month, including orientation activities, but probably not longer than ten weeks. USIA gives priority to proposals which demonstrate private sector cost-sharing, either in the form of in-kind contributions or through corporate or foundation support. Funding from private sources is encouraged to cover food, lodging, and pocket money for the participant. In no case could the intern receive a wage or be "hired" by the sponsoring institution.

Well-designed internships require considerable planning and monitoring. Critical to the success of internship programs is the matching of expectations of host institution and participant. USIA will give priority to proposals that include a detailed plan for how internships will be developed and organized, including the recruitment of institutions for placements and their preparation, the detailed course of work for participants, extra curricular activities, on-going monitoring, contingency planning for any required changes, and final evaluation.

Internships should begin with a basic orientation program as described above but also with due emphasis on American work habits and detailed information on the particular structure of each non-governmental, professional, civic, youth, philanthropic, and issue-oriented institutions and citizen exchange organizations included in the program. For internships of an extended duration, organizations may wish to design a mid-point workshop which brings participants together for a few days to evaluate the experience and make mid-course corrections if necessary.

Materials Development

USIA encourages the development, where needed, of written, audio and video materials in CEE languages to enhance the training programs. For example, if not already available, glossaries of specialized terms used by non-governmental, professional, civic, youth, philanthropic, and issue-oriented institutions and citizen exchange organizations might be developed.

In developing materials, consideration should be given to their wider use, beyond the immediate training program. USIA is interested in organizations' ideas on how to "reuse" specialized materials by providing them to universities, libraries, or other institutions for use by a larger audience.

Scope

CNI will focus on facilitating the development of new citizen groups and associations, providing information to leaders who are eager to create these institutions and consortia. CNI will train trainers and pool resources to maximize the probability of assisting in the

VOL 58 ISS 36 FE 25 1993 UMI

solution of long-term problems. Initially, American assistance may prove beneficial, but the U.S. Government role should end soon after the transfer of information is accomplished and sustainable information/training centers and professional associations/consortia are established. The major exception to this reduced U.S. role is continued contact through international linkages, exchanges of resource materials and exchange of persons programs. The development of Citizen Network programs should respond to the needs and interests of the people of Central and Eastern Europe. U.S. support is designed to provide an array of information or models from which Central and Eastern Europeans may wish to choose.

Proposals will be considered that contribute to the development of private sector support institutions in one of six general thematic areas. Applicants must indicate which of the following areas is addressed in its proposal cover sheet.

1. Public administration, public policy, and public relations;

2. Local, municipal, and regional government professional association development for cities, provinces, states, for their governors, mayors, key bureaucrats and other officials;

3. Small business and entrepreneurial development and enhancement through professional associations, research centers, and volunteer support groups;

4. Legal and judicial association and related institutional development;

5. Indigenous foundation development;

6. Volunteer, professional and youth association development (civic, business, education parent/teacher or environment);

USIA is interested in proposals for programs which target one of the CEE countries, and focuses on one of the six major topics listed above. A program that is broader in scope is less likely to receive USIA support.

USIA will consider geographic distribution in selecting grantee institutions to ensure a wide distribution of this program.

USIA encourages proposals which feature "train the trainers" models; the creation of indigenous training centers; schemes to create professional networks or professional associations to disseminate information, and other enduring aspects.

Guidelines and Restrictions

In the selection of all foreign participants, USIA and USIS posts retain the right to nominate participants and to accept or deny participants recommended by the program institution. Grantee organizations are strongly encouraged to consult with USIS posts throughout the selection process.

Selection of Participants

All grant proposals must clearly describe the type of persons who will participate in the program as well as the process by which participants will be selected. It is recommended that programs in support of internships in USA should include letters tentatively committing host institutions to support the internships.

USIA does not support proposals limited to conferences or seminars of only a few days length which are organized as plenary sessions, major speakers, and panels with a passive audience. It will support conferences only insofar as they are a minor part of a larger project in duration and scope which is receiving USIA funding from this competition. Furthermore, grants are not given to support projects whose focus is limited to technical issues, or for research projects, for publications intended for dissemination in the United States, for individual student exchanges, for film festivals or exhibits. Nor does this Office provide scholarships or other support for long-term (i.e., a semester or more) academic studies. Competitions sponsored by other offices of USIA's Bureau of Educational and Cultural Affairs are also announced in the **Federal Register**, and may have different guidelines or restrictions.

Funding

The amount requested from USIA should not exceed $125,000. However, exchange organizations with less than four years of successful experience in managing international exchange programs are limited to $60,000.

Applicants are invited to provide both an all-inclusive budget as well as separate sub-budgets for each program component, phase, location or activity in order to facilitate USIA decisions on funding. While an all-inclusive budget must be provided with each proposal, separate component budgets are optional. Competition for USIA funding support is keen.

The following project costs are eligible for consideration for funding:

1. International and domestic air fares; visas; transit costs; ground transportation costs.

2. Per Diem. For the U.S. program, organizations have the option of using a flat $140/day for program participants or the published U.S. Federal per diem rates for individual American cities.

Note: U.S. escorting staff must use the published Federal per diem rates, not the flat rate. For activities in Central/Eastern Europe, the Federal per diem rates must be used.

3. Interpreters: If needed, interpreters for the U.S. program are provided by the U.S. State Department Language Services Division. Typically, a pair of simultaneous interpreters is provided for every four visitors who need interpretation. USIA grants do not pay for foreign interpreters to accompany delegations from their home country. Grant proposal budgets should contain a flat $140/day per diem for each DOS interpreter, as well as home-program-home air transportation of $400 per interpreter plus any U.S. travel expenses during the program. Salary expenses are covered centrally and should not be part of an applicant's proposed budget.

4. Book and cultural allowance: Participants are entitled to and escorts are reimbursed a one-time cultural allowance of $150 per person, plus a book allowance of $50. U.S. staff do not get these benefits.

5. Consultants. May be used to provide specialized expertise or to make presentations. Daily honoraria generally do not exceed $250 per day. Subcontracting organizations may also be used, in which case the written agreement between the prospective grantee and subcontractor should be included in the proposal.

6. Room rental, which generally should not exceed $250 per day.

7. Materials development. Proposals may contain costs to purchase, develop and translate materials for participants.

8. One working meal per project. Per capita costs may not exceed $15–20 for a lunch and $20–30 for a dinner; this includes room rental if applicable. The number of invited guests may not exceed participants by more than a factor of two to one.

9. Administrative costs. USIA-funded administrative costs are limited to 22% of total funds requested. Administrative costs are defined as salaries for grantee organization employee, benefits, other direct and indirect costs incurred in the United States. Overseas administrative costs, such as employee compensation in an office abroad, are not counted in this 22% limit. Important note for universities: The U.S. Information Agency's Bureau of Educational and Cultural Affairs defines U.S. faculty salaries as an administrative expense, regardless of how the faculty time is to be used.

10. A return travel allowance of $70 for each participant which is to be used for incidental expenditures incurred during international travel. Please Note: All delegates will be covered under the

terms of a USIA-sponsored health insurance policy. The premium is paid by USIA directly to the insurance company.

Application Requirements

Proposals must be structured in accordance with the instructions contained in the application package.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. Proposals are reviewed by USIS posts and by USIA's Office of European Affairs. Proposals may also be reviewed by the Office of General Counsel or other Agency offices. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer. The award of any grant is subject to availability of funds.

The U.S. Government reserves the right to reject any or all applications received. USIA will not pay for design and development costs associated with submitting a proposal. Applications are submitted at the risk of the applicant; should circumstances prevent award of a grant all preparation and submission costs are at the applicants expense. USIA will not award funds for activities conducted prior to the actual grant award.

Review Criteria

USIA will consider proposals based on their conformance with the objectives and considerations already stated in this RFP, as well as the following criteria:

1. Quality of Program Idea

Proposals should exhibit relevance, originality, rigor and substance to the USIA mission. They should demonstrate the match of U.S. resources to a clearly defined need.

2. Institutional Ability/Capacity/Record

Applicant institutions should demonstrate their potential for program excellence and/or provide documentation of successful programs. If an organization is a previous USIA grant recipient, responsible fiscal management and full compliance with all reporting requirements for past USIA grants as determined by the Office of Contracts (M/KG) will be considered. Relevant program evaluation of previous projects may also be considered in this assessment.

3. Project Personnel

Personnel's thematic and logistical expertise should be relevant to the proposed program. Resumes should be relevant to the specific proposal.

4. Program Planning

A detailed agenda and relevant work plan should demonstrate substantive rigor and logistical capacity.

5. Thematic Expertise

Proposal should demonstrate the organization's expertise in the subject area.

6. Cross-Cultural Expertise and Area Expertise

Evidence of sensitivity to historical, linguistic, and other cross-cultural factors, as well as relevant knowledge of target area/country.

7. Ability to Achieve Program Objectives

Objectives should be realistic and attainable. Proposal should clearly demonstrate how the grantee institution will meet program objectives.

8. Multiplier Effect

Proposed programs should strengthen long-term mutual understanding, to include maximum sharing of information and establishment of long-term institutional and individual ties.

9. Cost-effectiveness

Overhead and administrative costs should be kept as low as possible. All other items proposed for USIA funding should be necessary and appropriate to achieve the program's objectives.

10. Cost-Sharing

Proposals should maximize cost-sharing through other private sector support as well as direct funding contributions and/or in-kind support from the prospective grantee institution.

11. Follow-on Activities

Proposals should provide a plan for continued exchange activity (without USIA support) which ensures that USIA-supported programs are not one-time events.

12. Project Evaluation

Proposals should include a plan to evaluate the activity success. In this respect the applicant should include a draft survey questionnaire or other technique and a methodology to use to link outcomes to original project objectives. Applicants will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by USIA that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the U.S. Government. Awards cannot be made until funds have been fully appropriated by the U.S. Congress and allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about July 1, 1993. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: February 22, 1993.

Barry Fulton,

Acting Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 93–4342 Filed 2–24–93; 8:45 am]

BILLING CODE 8230–01–M

Public and Private Non-Profit Organizations In Support of International Educational and Cultural Activities; Exchange Programs for the Development of Legislatures in Yemen and Nepal

ACTION: Notice: request for proposals.

SUMMARY: The Office of Citizen Exchanges (E/P) of the Bureau of Educational and Cultural Affairs announces a competitive grants program for non-profit organizations to develop two multi-phased exchange programs (one for Nepal and one for Yemen) for national/provincial legislators, their staff members, and representatives of organizations which support these bodies in efforts to legislate more effectively.

Interested applicants are urged to read the complete **Federal Register** announcement before addressing inquires to the Office or submitting their proposals. After the RFP deadline, the Office of Citizen Exchanges may not discuss this competition in any way with applicants until the final decisions are made.

ANNOUNCEMENT NUMBER: This Announcement number is E/P–93–11. Please refer to the title given above and this number in all correspondence or telephone calls to USIA.

DATES: Deadline for Proposals: All copies must be received at the U.S.

Information Agency by 5 p.m. Washington, DC time on April 23, 1993. Faxed documents will not be accepted, nor will documents postmarked April 23, 1993 but received at a later date. It is the responsibility of each grant applicant to ensure that proposals are received by this deadline. Grant activity should begin after August 1, 1993.

ADDRESSES: The original and 14 copies of the completed application and required forms should be submitted by the deadline to: U.S. Information Agency, Ref: E/P–93–11, Office of Grants Management (E/XE), 301 Fourth Street, SW, room #336, Washington, DC 20547.

CONTACT FOR INFORMATION: Interested organizations/institutions should contact the Office of Citizen Exchanges (E/P), room 224, USIA, 301 Fourth Street, SW., Washington, DC 20547, fax (202) 619–4350, to request detailed Application Packages which include all necessary forms and guidelines for RFP proposals, including specific budget preparation. Please specify the name of USIA Program Specialist Michael Weider on all inquiries and correspondence.

Objectives of This Program

Each project should concentrate on comparative analysis of legislatures at the national and state or provincial levels in the U.S. and the target country and on the application of management, information, and resource systems used in the U.S. which might be adapted for use in legislatures of Nepal and Yemen. Program modules should be designed to stimulate discussion among U.S. hosts/experts and delegates from Nepal or Yemen to improve mutual understanding and the performance of legislatures in both countries. Applicants may design programs for elected legislators or their professional staff or both; if both types of participants are included, they probably should take part in separate, specially designed components; applicants should provide a convincing rationale for each component of their proposed programs and the audience to be addressed.

Thematically, each program should:

—Introduce overseas participants to the organization and functions of the legislative, executive, and judicial branches of the U.S. Federal Government, including the formal and informal channels of communications among them;
—Analyze the structure, functions, and needs of the Yemeni or Nepalese legislative bodies;
—Introduce delegations from overseas to the organization and management of U.S. legislatures at the state and national levels;
—Analyze how U.S. legislators and their staffs influence and develop domestic and foreign policies;
—Examine the structure of U.S. Congressional Committees and Subcommittees and discuss the applicability of such arrangements in other systems, with particular emphasis on their roles in legislative development, appropriations, and in oversight;
—Provide opportunities for foreign legislators with specific expertise and committee assignments to discuss and observe U.S. legislative offices with similar problems, concerns and needs of constituents;
—Observe institutions such as the Congressional Research Service, the Library of Congress, and other public and private support groups which are available to U.S. legislators;
—Assess staff skills which are necessary for effective functioning of a legislative office and methods for developing those skills;
—Address issues related to lobbying and to other types of constraints, concerns and pressures which a legislator faces;
—Analyze the role of the U.S. media in the legislative process.

USIA is interested in supporting programs which will lay the groundwork for new and continuing links between American and Middle Eastern and South Asian professional organizations and legislatures and encourage the further growth and development of democratic institutions. Proposals which are overly ambitious and those which are very general will not be competitive. Therefore, institutions should provide strong evidence of their ability to accomplish a few tasks exceptionally well. Other structural or procedural objectives recommended include:

—Culturally sensitive and professionally relevant study tours and seminars in the United States for small groups of key legislators with similar backgrounds and committee assignments so that they can directly observe theories and concepts at work in the United States legislatures;
—The development of institutional links in the private or independent sectors that continue beyond the duration of USIA funding support, preferably with funding commitments;
—Coordination, in the design of these programs, with U.S. Information Service officers overseas, and with foreign government officials and private sector leaders with direct experience in determining needs of constituents, and the development of feasible legislative approaches to respond to those needs;
—Short courses and intensive workshops (each at least two weeks in duration) conducted in the Middle East and South Asia;
—Carefully crafted internships and extended learning programs (six weeks to three months with considerable in-country cost-sharing) in the U.S. for visiting legislative staff members;
—Consultations by American specialists with foreign language fluency in the Middle East and South Asia for periods of not less than one month;
—The development and distribution of written, audio, and video instructional materials in Arabic and English to complement and enhance educational training programs.

Participants

The grantee should provide the names of American participants and brief, relevant biographical data. All Yemeni and Nepalese participants will be nominated by the USIS officers in participating countries, although recommendations from the grantee institution are welcome. The USIS offices will facilitate the issuance of visas and other program related materials. Programs or program elements should be designed for either elected members of National or Provincial Assemblies or their respective staffs. Components designed for elected officials should take protocol considerations into account. Please note: U.S. government funds may not be used for entertainment.

Programmatic Considerations

Pursuant to the legislation authorizing the Bureau of Educational and Cultural Affairs, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life.

USIA will give priority to proposals from U.S. organizations with relevant institutional contacts in Nepal and Yemen. Partner institutions are encouraged to provide cost-sharing or significant in-kind contributions such as local housing and transportation, interpreting, translating and other local currency costs. These institutions are also encouraged to assist with the organization of various program activities.

Programmatic Recommendations

In both Nepal and Yemen, there is a preponderance of newly elected officials at all levels of government. Many have little if any experience in city, regional, state or national government administration. A variety of program methodologies should be considered to address their interests and those of their staffs, including study tours, workshops, U.S.-based internships, and consultancies.

Carefully constructed internships or cohort arrangements in Washington, DC, and in state governments may be especially useful for emerging leaders, current law makers and professional staff from overseas to enhance their skills in legislation and other activities of representative government. Ideally, such experiential learning programs would be developed in conjunction with related outreach programs by suitable organizations in the partner country. Such efforts would help address the desire of the USIA to fund programs which promote relationships between U.S. and overseas institutions which will continue beyond the duration of the funded program.

The American participants should be selected on the basis of their knowledge and experience in developing and shaping relevant policies and programs, and their ability to convey their expertise to foreign audiences. While awareness of the Middle East or South Asia is generally desirable, it is not essential for all speakers selected.

Meetings with members of Congress who are familiar with the Middle East or South Asia and with U.S. foreign policy decision-making will strengthen a proposal if backed by written commitments.

The grantee will be responsible for most arrangements associated with this program. These include selecting speakers, themes, and topics for discussion; organizing a coherent progression of activities; providing international and domestic travel arrangements for all delegates and U.S. domestic travel for escort-interpreters; making lodging and local transportation arrangements for visitors; orienting and debriefing participants; preparing any necessary support materials; and working with host institutions and individuals to achieve maximum program effectiveness.

To prepare foreign legislators for this project prior to their arrival in the U.S., E/P encourages the grantee to develop a set of materials that would be sent to USIS offices overseas for distribution to delegates. These briefing materials might include a tentative project outline with clearly defined goals and objectives; relevant background information; a list of U.S. participants and lecturers, including Members of Congress or State Legislators committed to supporting the program; explanation of the bicameral U.S. Congressional organization including the Committee and Subcommittee system; and materials outlining rules of order and the structuring of Congressional staffs.

At the start of the U.S. portion of the program, the grantee should conduct an orientation session for the visiting delegation which addresses administrative and substantive details of the program plus geographic, historical, and cross-cultural factors which they should consider to enhance program success. Also, early in the program, visiting participants should be provided a forum where they are able to make presentations to U.S. colleagues summarizing the systems and resources currently at their disposal, and the major demands and challenges which they face in present legislation.

Upon conclusion of the program the grantee will be required to submit a report to E/P summarizing results of the entire program.

While activities in Washington are essential to portions of U.S.-based programs, they should be balanced with programming outside the capital to emphasize the decentralized nature of the U.S. political system. Often, in their scope, mandate, and budget, U.S. state legislatures more closely parallel foreign legislatures then does the U.S. Congress. Likewise, State officials and representatives may be valuable participants for certain program activities which will be conducted overseas.

At the conclusion of the U.S. portion of the program, the group should meet in a symposium to review what had been presented, to define possible future collaborative efforts, and to refine the goals and objectives of the follow-on components of the project.

Possible Structure

For projects dealing with Yemeni audiences, the program might begin by sending teams of Americans with practical experience in legislative affairs to Yemen to conduct a series of seminars for legislators and/or staff. They would simultaneously assess needs, leading to a refined plan for the ensuing phases of the exchange. For projects directed to Nepalese audiences, the program might commence with a U.S. study tour and then include a follow-up visit to Nepal by a team of American specialists.

The U.S. seminar/study tour component for both countries might be designed for groups of up to ten members of newly elected National Assemblies or Provincial Assemblies from specific committee assignments. Such a tour should be three-to-four weeks in duration and consist of seminars, site visits and meetings with various groups concerned with the workings of Congress and the committee system. This portion of the project would include an analysis of at least one state legislature which resembles the respective legislative body in size and function. The U.S. tour would be conducted in Arabic for Yemeni audiences and, if required, in Nepalese for Nepali audiences.

Overseas program components should include workshops, seminars, and consultancies designed to provide insight and encourage the development of legislative staffs to help them pursue their responsibilities more effectively and to determine subjects and modalities for collaboration between U.S. and overseas legislatures and their support services.

Some months later, a select group of foreign professional staff might travel to the U.S. to participate in extended internships with American counterparts.

Scope

Proposals should be developed for audiences from either Nepal or Yemen and may also be designed to target sub-audiences identified by their thematic expertise or committee assignments.

Other Logistical Considerations

Program monitoring and oversight will be provided by appropriate USIA elements. Per Diem support from host institutions during an internship component is strongly encouraged. However, for all programs which include internships, a non-profit grantee institution which receives funds from corporate or other cosponsors should then use those monies to provide food, lodging, and pocket money for the participants. In no case could the intern receive a wage or "be hired" by the sponsoring institution. Internships should also have an American studies/values orientation component at the beginning of the exchange program in the U.S. Grantee institutions should try to maximize cost-sharing in all facets of their program design, and to stimulate U.S. private sector (foundation and corporate) support

Additional Guidelines and Restrictions

Proposals recommending internships in the U.S. will be more competitive if

VOL
58
ISS
36
FE
25
1993
UMI

letters committing host institutions to support these efforts are provided.

Bureau grants are not given to support projects whose focus is limited to technical issues, or for research projects, or for developing publications for dissemination in the United States, for individual student exchanges, for film festivals or exhibits. Neither does this Office provide scholarships or support for long-term (a semester or more) academic studies. Competitions sponsored by other Bureau offices are also announced in the **Federal Register** and may have different application requirements as well as different objectives.

Funding

Competition for USIA funding support is keen. The final selection of a grantee institution will depend on assessment of proposals according to the review criteria delineated below.

USIA will consider funding up to $200,000 for the Nepalese program and up to $200,000 for the Yemeni program. Any proposal whose request to USIA exceeds these limits will be considered technically ineligible. Proposals may be submitted to manage both the Yemeni and Nepali programs or they may be submitted for only one of these programs. If submitting proposals for both programs, applicants should be careful to avoid duplication of costs. Note: Organizations with less than four years of successful experience in managing international exchange programs are limited to $60,000.

USIA Will Consider Funding the Following Project Costs

1. International and domestic air fares; visas; transit costs (e.g., airport taxes); ground transportation costs.

2. Per diem: For the U.S. program, organizations have the option of using a flat $140/day for international participants or the published DOS/DOD per diem rates for individual American cities. Note: Accompanying staff must use the published federal per diem rates, not the flat rate. For activities in the Middle East and South Asia, the DOS/DOD Federal per diem rates must be used.

3. Escort-Interpreters: Interpretation for U.S.-based programs is provided by the State Department's Language Services Division. USIA grants do not pay for foreign interpreters to accompany delegations during travel from and to their home country. Grant proposal budgets should contain a flat $140/day per diem for each State Department interpreter, who normally work in pairs, as well as home-program-home air transportation of $400 per interpreter and any U.S. travel expenses during the program itself. Salary expenses are covered centrally and are not part of a grantee's budget proposal.

4. Book and cultural allowance: Participants and escorts are entitled to a one-time book allowance of $200 plus a cultural allowance of $150/person. U.S. staff do not get these benefits.

5. Consultants: May be used to provide specialized expertise or to make presentations. Honoraria should not exceed $250 per day. Subcontract organizations may also be used, in which case the written contract(s) should be included in the proposal.

6. Room rental, which generally should not exceed $250 per day.

7. Materials development: Proposals may contain costs to purchase, develop and translate materials for participants.

8. One working meal per project: Per capita cost may not exceed $15–20 per lunch and $20–30 per dinner. Invited guests may not exceed participants by two to one.

9. Administrative Costs: USIA-funded administrative costs are limited to 22% of total funds requested from USIA. Administrative costs are defined as salaries, benefits, and other direct and indirect costs incurred in U.S. as defined in the Application Package. Please note: The USIA Bureau of Education and Cultural Affairs defines U.S. faculty salaries as an administrative expense, regardless of how the faculty time is to be used.

10. A return travel allowance: $70 for each participant which is to be used for incidental expenditures incurred during international travel.

Please note: All delegates will be covered under the terms of a USIA-sponsored health insurance policy. The premium is paid by USIA directly to the insurance company.

Application Requirements

Proposals must be structured in accordance with the instructions contained in the Application Package. Confirmation letters from U.S. and foreign co-sponsors noting their intention to participate in the program will enhance a proposal.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the Application Package.

Eligible proposals will be forwarded to panels of USIA officers for advisory review. Proposals will be reviewed by USIS posts and by USIA's Office of North African, Near Eastern and South Asian Affairs. Proposals may also be reviewed by the Office of General Counsel or other Agency offices. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer. The award of any grant is subject to availability of funds.

The U.S. Government reserves the right to reject any or all applications received. USIA will not pay for design and development costs associated with submitting a proposal. Applications are submitted at the risk of the applicant; should circumstances prevent award of a grant, all preparation and submission costs are at the applicant's expense. USIA will not award funds for activities conducted prior to the actual grant award.

Review Criteria

USIA will consider proposals based on the following criteria:

1. *Quality of Program Idea:* Proposals should exhibit originality, substance, rigor, and relevance to the Agency mission. They should demonstrate the matching of U.S. resources to a clearly defined need.

2. *Institutional Reputation and Ability:* Applicant institutions should demonstrate their potential for excellence in program design and implementation and/or provide documentation of successful programs. If an applicant is a previous USIA grant recipient, responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts will be considered. Relevant substantive evaluations of previous projects may also be considered in this assessment.

3. *Project Personnel:* The thematic and logistical expertise of project personnel should be relevant to the proposed program. Resumes or C.V.s should be summaries which are relevant to the specific proposal and no longer than two pages each.

4. *Program Planning:* A detailed agenda and relevant work plan should demonstrate substantive rigor and logistical capacity.

5. *Thematic Expertise:* Proposal should demonstrate the organization's expertise in the subject area which promises an effective sharing of information.

6. *Cross-Cultural Sensitivity and Area Expertise:* Evidence should be provided of sensitivity to historical, linguistic, religious, and other cross-cultural factors, as well as relevant knowledge of the target geographic area/country.

7. *Ability to Achieve Program Objectives:* Objectives should be realistic and feasible. The proposal should clearly demonstrate how the grantee institution will meet program objectives.

8. *Multiplier Effect:* Proposal programs should strengthen long-term mutual understanding and contribute to maximum sharing of information and establishment of long-term institutional and individual ties.

9. *Cost-Effectiveness:* Overhead and direct administrative costs to USIA should be kept as low as possible. All other items proposed for USIA funding should be necessary and appropriate to achieve the program's objectives.

10. *Cost-Sharing:* Proposals should maximize cost-sharing through other private sector support as well as direct funding contributions and/or in-kind support from the prospective grantee institution and its partners.

11. *Follow-on Activities:* Proposals should provide a plan for continued exchange activity (without USIA support) which ensures that USIA-supported programs are not isolated events.

12. *Project Evaluation:* Proposals should include a plan to evaluate the activity's success. USIA recommends that the proposal include a draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives. Grantees will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency which contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the U.S. Government. Awards cannot be made until funds have been fully appropriated by Congress and allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about July 21, 1993. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: February 17, 1993.

Barry Fulton,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 93–4091 Filed 2–24–93; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 36
Thursday, February 25, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 58 F.R. 7178

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, February 25, 1993.

CHANGES IN THE MEETING: The Commodity Futures Trading Commission has postponed the meeting previously scheduled to 10 a.m., Tuesday, March 2, 1993. The open meeting schedule for March 2 is:

—Quarterly Review, 1st quarter, FY 1993
—Proposed rules on Dual Trading
—Proposed rules on Disciplinary Committees and Governing Boards of Self-Regulatory Organizations

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–4474 Filed 2–23–93; 10:44 am]

BILLING CODE 6351–01–M

FEDERAL ENERGY REGULATORY COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: February 22, 1993, 58 FR 9595.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., February 24, 1993.

CHANGE IN THE MEETING: The following Docket Numbers have been added to Items CAG–2 and RS–8(B) on the Agenda scheduled for February 24, 1993:

Item No., Docket No., and Company

CAG–2, RP91–51–000, *et al.*, CNG Transmission Company
RS–8(B), RP89–160–000, Trunkline Gas Company

Lois D. Cashell,

Secretary.

[FR Doc. 93–4570 Filed 2–23–93; 3:51 pm]

BILLING CODE 6717–02–M

FEDERAL ELECTION COMMISSION

FEDERAL REGISTER NUMBER: 93–3978

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, February 25, 1993 at 2 p.m. (Open to public).

This meeting has been rescheduled to start at 10 a.m.

DATE AND TIME: Tuesday, March 2, 1993 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, March 4, 1993 at 10 a.m.

PLACE: 999 E Street NW., Washington, DC, (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Setting of Dates for Future Meetings.
Title 26 Certification Matters
Final Repayment Determination—Simon for President Committee
Regulation—Request for Public Hearing on Best Efforts NPRM
Letter to New Candidates
Report from the Inspector General
Routine Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 219–4155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 93–4560 Filed 2–23–93; 2:30 pm]

BILLING CODE 6715–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Wednesday, March 3, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 23, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–4515 Filed 2–23–93; 2:11 pm]

BILLING CODE 6210–01–M

federal register

Thursday
February 25, 1993

Part II

Department of Transportation

Federal Highway Administration

23 CFR Parts 657 and 658

Truck Size and Weight; Restrictions on Longer Combination Vehicles (LCV's) and Vehicles with Two or More Cargo-Carrying Units; Proposed Rule

VOL 58 ISS 36 FE 25 1993 UMI

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 657 and 658

[FHWA Docket No. 92-15]

RIN 2125-AC86

Truck Size and Weight; Restrictions on Longer Combination Vehicles (LCV's) and Vehicles With Two or More Cargo-Carrying Units

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 restricts the operation of longer combination vehicles on the Interstate Highway System and commercial motor vehicle combinations with two or more cargo-carrying units on the National Network to the types of vehicles in use on or before June 1, 1991, subject to whatever State rules, regulations, or restrictions were in effect on that date. The ISTEA also includes special variances from the June 1 date for Alaska, Ohio, and Wyoming which are discussed in this SNPRM. The FHWA published a notice of proposed rulemaking (NPRM) regarding these requirements on March 20, 1992. This SNPRM is being published to clarify and standardize the information listed in the previous NPRM. In addition, it also includes a definition and applicable length limits for a "maxi-cube" vehicle; changes to the proposed definition of a nondivisible load; changes in the proposal to allow States to make temporary minor adjustments in approved routes and operating restrictions for these vehicles; and corrections or clarifications to 23 CFR parts 657 and 658 reflecting statutory changes made by the ISTEA and the Surface Transportation Assistance Act of 1982 (STAA).

DATES: Comments on this docket must be received on or before April 12, 1993.

ADDRESSES: Submit written, signed comments to FHWA Docket No. 92-15, Federal Highway Administration, room 4232, HCC-10, Office of the Chief Counsel, 400 Seventh Street SW., Washington, DC 20590. All comments received, as well as material submitted by the States used in preparing this SNPRM, will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Klimek, Office of Motor Carrier Information Management, at (202) 366-2212 or Mr. Charles Medalen, Office of the Chief Counsel, at (202) 366-1354, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: Section 1023 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) [Pub. L. 102-240, 105 Stat. 1914, 1951, codified at 23 U.S.C. 127(d)] required States, within 60 days of adoption, to submit to the Secretary of Transportation, for publication in the **Federal Register** 30 days thereafter, a complete list of (1) all operations of longer combination vehicles (LCV's) being conducted as of June 1, 1991; (2) State laws, regulations, and any other limitations and conditions, including routing specific and configuration specific designations governing the operation of LCV's; and (3) a copy of such laws, regulations, limitations, and conditions. LCV's are defined in the ISTEA as:

> Any combination of a truck tractor and 2 or more trailers or semitrailers which operates on the Interstate System at a gross vehicle weight greater than 80,000 pounds.

Similarly, section 4006 of the ISTEA (49 U.S.C. App. 2311(j)) also required the States to submit a complete list of State length limitations applicable to commercial motor vehicle (CMV) combinations with two or more cargo-carrying units in effect on or before June 1, 1991. This section prohibits States from allowing the operation (by statute, regulation, permit, or other means) of CMV's with cargo-carrying unit lengths that exceed the length, by specific configuration, allowed and in actual lawful operation on a regular or periodic basis (including continuing seasonal operation) on the National Network (NN) in that State on or before June 1, 1991. The NN is defined in 23 CFR 658.5(f). The NN includes the Interstate System, with minor exceptions, and selected non-Interstate routes. The non-Interstate NN highways are listed in appendix A to part 658.

Sections 1023 and 4006 provide that no statute or regulation shall be included on the list submitted by a State or published by the Secretary merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of LCV or CMV combinations not in actual operation on a regular or periodic basis on or before June 1, 1991.

States may continue to issue special permits, in accordance with applicable State laws, for those vehicles and loads which cannot be easily dismantled or divided. A proposed definition of such nondivisible loads is included in this SNPRM.

The ISTEA includes three narrow exceptions to the June 1, 1991, freeze date. Wyoming may allow the operation of additional vehicle configurations not in actual operation on June 1, 1991, provided they are authorized by State law not later than November 3, 1992. These configurations must also comply with the Federal single-axle, tandem-axle, and bridge formula weight limits.

Ohio may allow LCV's with three cargo-carrying units of 28.5 feet each (not including the truck tractor) not in actual operation on June 1, 1991, to be operated within its boundaries on the 1-mile segment of Ohio State Route 7 which begins at, and extends south of, Exit 16 on the Ohio Turnpike.

Alaska may continue to allow the operation of LCV's which were not in actual operation on June 1, 1991, but which were in actual operation prior to July 6, 1991. It may also continue to allow the operation of CMV's with two or more cargo-carrying units which were not in actual operation on June 1, 1991, but which were in actual operation prior to July 6, 1991.

A preliminary list of the information provided by the States in response to sections 1023 and 4006 was published in the **Federal Register** as an NPRM on March 20, 1992 (57 FR 9900). The proposed list of vehicles and restrictions being presented here includes corrections, clarifications, and additional material submitted to the docket in response to the March 20 NPRM. One significant change in the way the information provided by the States is being presented is that appendices C and D have been combined into a single list of vehicles and restrictions as shown in new appendix C.

Section 4006 defines the length of cargo-carrying units as the distance from the front of the first cargo unit to the rear of the last cargo unit. In compiling the cargo-carrying unit lengths for the March 20 NPRM, assumptions were made regarding the distance between units and the length of the driver's cab. For combinations including a truck tractor subject to an overall vehicle length requirement, the cargo-carrying unit length was estimated at 10 feet less than the overall length. If both overall length and individual cargo-carrying unit length are controlled, the sum of

the cargo-carrying unit maximum lengths plus 4 feet between units was first compared against the overall length. If the sum of the cargo-carrying unit lengths plus the 4-foot inter-unit spacing was less than the overall combination length minus 10 feet for the tractor, then the length was estimated at overall length minus 10 feet. If the sum of unit lengths plus spacing was greater than the overall length minus 10 feet, the unit length plus spacing sum was listed as the cargo-carrying length. In order to allow for a 7-foot cab, however, the shortest tractor likely to be used in over-the-road operations, the cargo-carrying unit length was not allowed to exceed the overall vehicle length minus 7 feet. For truck-trailer combinations, 7 feet was allowed for cab space, making the cargo-carrying unit length for these combinations no greater than the overall combination length minus 7 feet.

Very few comments were received on the cargo-carrying length values derived by the use of these guidelines. In general, the cargo-carrying length values listed for each vehicle in proposed appendix C continue to be based on the same guidelines. Some changes have been made, however, and they are discussed next.

Many States do not differentiate between a "Rocky Mountain" and "Turnpike" double in the statutes or regulations which authorize their operation. Typically these States allow a truck tractor-semitrailer-trailer, or a truck tractor and two trailing units where each trailing unit can be up to some maximum length. Under such rules both "Rocky Mountain" and "Turnpike" doubles can operate. For States with such laws or regulations, the maximum cargo-carrying length listed in the March 20 NPRM was the same for both configurations.

Sections 1023 and 4006 of the ISTEA both impose the freeze on a "configuration specific" basis. The common description of a "Rocky Mountain" double is a combination with a semitrailer and a full trailer which normally operates with a long semitrailer and a shorter second trailer. Typical lengths for the first unit are 45 to 53 feet and for the second unit 27 to 28.5 feet. A "Turnpike" double is also a combination with two trailers or semitrailers. Each of the two units traditionally have exceeded 40 feet in length, and currently are typically 45 to 48 feet long. Obviously, "Rocky Mountain" and "Turnpike" doubles are not the same configuration, and therefore, should not have the same maximum cargo-carrying length or allowable gross weight.

In the March 20 NPRM, eight States (Alaska, Florida, Idaho, Kansas, Nevada, New York, North Dakota, and Oklahoma) reported the same cargo-carrying length for both configurations. In order to differentiate the two configurations in these States, this SNPRM includes reduced values for the length of cargo-carrying units and the maximum allowable gross weight of "Rocky Mountain" double configurations.

The revised cargo-carrying length was derived by combining the State's maximum semitrailer length in effect June 1, 1991, a 4-foot inter-unit spacing, and 28.5 feet for a trailing unit. The revised maximum allowable gross weight for the shorter combination was determined by applying the weight limitations described for that State's "Turnpike" double combination. For example, if the "Turnpike" double's maximum allowable gross weight is determined by the Federal bridge formula, that formula has been applied to the estimated length of the "Rocky Mountain" double to produce the gross weight limit listed here.

Comment is invited on the method used to develop the reduced values for the "Rocky Mountain" double combination.

Further review of the LCV and extra-length, multi-unit vehicle information for Alaska has resulted in a reduction of the cargo-carrying length for their "Turnpike" double listed in proposed appendix C. The 95-foot length listed in the March 20 NPRM, has been reduced to 90 feet.

For continued operation under the terms of ISTEA section 4006, a CMV with two or more cargo-carrying units in Alaska not only had to have had a legal basis to operate prior to July 6, 1991, but also had to have been in actual operation. The amendment to the Alaska Administrative Code (AAC) increasing the cargo-carrying length to 95 feet was published July 3, 1991, in AAC Register 119. The FHWA, however, has received no documentation that a "Turnpike" double with a cargo-carrying length of 95 feet actually began operations in Alaska prior to July 6, 1991.

In order to establish a cargo-carrying length greater than the 90 feet listed for Alaska "Turnpike" doubles, information documenting actual operation of this combination, including the routes used, must be provided to the docket.

Further review of the LCV information for Kansas has resulted in the elimination of a route for use by special vehicle combinations (SVC's), i.e., triples, included in the March 20 NPRM. Interstate 70 from the Colorado State Line to I–70 Exit 19 has been removed from the list of routes available for triples. According to the Conference Report on the ISTEA [H.R. Conf. Rep. No. 404, 102d Cong., 1st Sess. 314 (1991)], "Use of an LCV on only one or two occasions pursuant to a special permit would not provide a basis for satisfactorily certifying grandfather rights or operations under this subsection." A review of the Kansas size and weight program, conducted last February by the FHWA Kansas Division Office of Motor Carriers, determined that one trip under a special permit issued May 31, 1991, was made on I–70 between Goodland and the Colorado State Line prior to 12:01 a.m. on June 1, 1991.

This finding, coupled with the conference report language, disqualifies the I–70 segment from use by triples. The route list for Kansas triples, included as part of appendix C, has been corrected accordingly.

Vehicles Submitted by States but Excepted From or not Subject to Section 4006 of the ISTEA

In preparing the March 20 interim list required by section 4006(a) of the ISTEA, published as proposed appendix D to part 658 in that proceeding, the FHWA decided not to list certain vehicle combinations which it determined Congress did not intend to include in the ISTEA freeze. No additional information regarding conditions, routes, or authority to operate these vehicles was required. However, in publishing the proposed list of vehicles and restrictions today, the same approach regarding vehicles not to be included has been followed, with one adjustment and a consolidation of exception criteria as follows:

1. STAA Doubles

In the March 20 NPRM, truck tractor-semitrailer-semitrailer and truck tractor-semitrailer-trailer combinations with a length of cargo-carrying units of 62 feet or less were excluded because these vehicles are subject to other provisions in part 658. These are the twin 28-foot or grandfathered 28.5-foot units authorized by the STAA and the 28-foot B-train doubles authorized by the FHWA as specialized equipment under the authority of the STAA. The 62-foot dimension resulted from adding twin 28.5-foot units, a 4-foot inter-unit spacing, and an additional foot to allow for rounding, measuring differences, and other minor length-related contingencies. The STAA, however, requires States to allow twin 28-foot or grandfathered 28.5-foot units in a

doubles combination regardless of inter-unit spacing. The 62-foot limitation required some States to list an STAA double in appendix D as an extra-length, multi-unit vehicle because the allowed inter-unit spacing exceeded 5 feet. As a result, the exception criteria intended to cover STAA doubles are being clarified to exclude all STAA doubles, regardless of inter-unit spacing.

2. Other STAA Vehicles

No State needs to report on the following vehicles, all of which are specialized equipment authorized by the FHWA, on the authority of section 411(d) of the STAA:

a. Saddlemount combinations 75 feet or less in length;
b. Dromedary equipped truck tractor-semitrailer combinations authorized under § 658.13(f); and
c. Automobile or boat transporter combinations 65 feet or less in length (75 feet if stinger steered).

3. Truck-trailer and truck-semitrailer combinations, including maxi-cubes

The March 20 NPRM separately excluded maxi-cube vehicles and other truck-trailer and truck-semitrailer combinations from the freeze. Maxi-cubes were excluded because States are required to allow them to operate on the NN with a maximum overall length of 65 feet (49 U.S.C. 2311 (c), (f)(2)). In addition, the report issued by the House Appropriations Committee on the FY 1991 Department of Transportation Appropriations Act (Pub. L. 101–516, 104 Stat. 2155) made it clear that Congress intended to allow a maximum cargo-carrying unit length of 60 feet [H.R. Rep. No. 584, 101st Cong., 2d Sess. 78–79 (1990)]. In response to comments received on the March 20 NPRM, this SNPRM proposes to define the term "maxi-cube" and establish applicable length limits. A detailed discussion of the maxi-cube changes is found later in the **SUPPLEMENTARY INFORMATION** section.

Other truck-trailer or truck-semitrailer combinations were excluded because they are used primarily in construction or farming, e.g., dump trucks with tag-along trailers or straight trucks with hopper trailers or flatbeds. We do not believe Congress intended to include such vehicles, used locally for relatively short distances and often on secondary roads, within the scope of the ISTEA freeze. The question, however, is at what length the exclusion should end.

The statutory definition of a maxi-cube includes an overall length of 65 feet (49 U.S.C. 2311(f)(2)). If a State allowed a longer maxi-cube vehicle on June 1, 1991, the vehicle's cargo box length would have to be listed. Other truck-trailer and truck-semitrailer combinations, however, were excluded in the March 20 NPRM if the cargo-carrying distance was 65 feet or less. Using the cargo-carrying length determination conventions discussed earlier, a nonmaxi-cube truck-trailer and truck-semitrailer combination could have an overall length of up to 72 feet and still be excluded from these freeze provisions.

In order to eliminate an exclusion category essentially based on vehicle design and provide a consistent exclusion rule for a common vehicle type, it is proposed that all truck-trailer and truck-semitrailer combinations, including maxi-cubes, would now be subject to a single exclusion category, and would not be listed in appendix C unless they exceed an overall length of 65 feet. The 65-foot dimension follows the congressional intent expressed in deliberations involving the maxi-cube and the regulatory precedent established with respect to conventional automobile transporters. In addition, 65 feet was a relatively common overall length control established by those States which allowed multi-unit combination vehicles prior to passage of the STAA. Additional information regarding conditions, routes, or authority to operate is required for these configurations if the overall length is greater than 65 feet. We believe most combinations with an overall length greater than 65 feet are likely to be over-the-road CMV's. For the nonmaxi-cube combinations this change requires that certain vehicles, excluded from appendix D in the March 20 NPRM, now be listed, albeit in appendix C. This change has been made where necessary.

4. Tow truck operations

In commenting on the March 20 NPRM, both the Wisconsin DOT and the Wyoming Highway Patrol stated that emergency towing operations should be exempted from any of the provisions in either of sections 1023 or 4006 of the ISTEA. The Connecticut DOT, while indicating that wreckers are exempt from length and weight statutes, nevertheless provided the information necessary to list a wrecker-towed vehicle combination in appendix C.

The nature of the service provided by wreckers or tow trucks is such that these vehicles need to have immediate access to all roads in a State to remove disabled or abandoned, as well as accident-damaged, vehicles. They are, to that extent, emergency vehicles. There is no evidence that Congress intended to include these operations under the freeze restrictions. Therefore, the FHWA would exclude emergency towing operations from any of the freeze provisions proposed in appendix C.

These exclusions from the ISTEA freeze would be codified at § 658.23(b).

In responding to our original request for the LCV information, and the March 20 NPRM, many States included information about vehicles which either fall under one of the exception categories described above, or are not subject to the provisions of the ISTEA freeze. For these reasons, the following vehicles will not be listed in appendix C.

Note: The term "double" means a truck tractor-semitrailer-trailer combination vehicle.

California

1. A double with an individual unit length of 28.5 feet or less (Exclusion 1).

Colorado

1. A double with an individual unit length of 28.5 feet or less (Exclusion 1).

Connecticut

1. A wrecker with towed vehicle (Exclusion 4).
2. Farm equipment. Not a CMV with multiple cargo-carrying units.
3. A school bus. Not a CMV with multiple cargo-carrying units.
4. A boat transporter (Exclusion 2).

Florida

1. Tractor-semitrailer combinations where the semitrailer is 57.5 feet or less in length. Single-trailer vehicles are not subject to the ISTEA freeze.
2. Maxi-cubes allowed by 49 U.S.C. 2311 (Exclusion 3).

Georgia

1. A truck pulling a maximum 15-foot-long trailer. The maximum overall length is 55 feet 7 inches (Exclusion 3).

Idaho

1. A double with an individual unit length of 28.5 feet or less (Exclusion 1).

Indiana

1. A combination of two vehicles coupled together with an overall length not to exceed 60 feet (Exclusion 3).
2. A double with an individual unit length of 28.5 feet or less (Exclusion 1).
3. A maxi-cube vehicle with an overall length of 65 feet or less (Exclusion 3).

Louisiana

1. A truck and trailer with an overall length restricted to 65 feet, cargo-carrying length limited to 58 feet (Exclusion 3).

Maryland

1. A maxi-cube consisting of a truck pulling a trailer having a maximum length of 34 feet. The maximum overall length of the combination is 65 feet (Exclusion 3).

2. A truck pulling a trailer having a maximum length of 28 feet. The maximum overall length of the combination vehicle is 60 feet (Exclusion 3).

Massachusetts

1. A truck and trailer with a maximum cargo-carrying length of 45.5 feet (Exclusion 3).

Missouri

1. Any vehicle combination, other than a double with twin 28-foot units and a truck tractor-semitrailer with a maximum semitrailer length of 53 feet, operating on Interstate and primary highways plus 10-mile access is limited to a maximum overall length of 65 feet. The resulting maximum cargo-carrying length is 58 feet or less (Exclusion 3).

Nebraska

1. A truck and full trailer where the maximum overall length is 65 feet, with cargo-carrying length limited to 58 feet (Exclusion 3).

Oklahoma

1. A recreational vehicle pulling two trailers with an overall length of 65 feet for recreational purposes only. The total length of the cargo-carrying units is 58 feet or less (Exclusion 3).

2. A pickup or light truck pulling two recreational-related trailers with a maximum overall length of 70 feet. The trailers are not CMV's.

Oregon

1. A truck tractor-semitrailer equipped with a dromedary box on the tractor.

2. Specialized equipment authorized by the STAA of 1982, including automobile and boat transporters and saddlemount combinations (Exclusion 2).

South Dakota

1. Specialized equipment authorized by the STAA of 1982, including automobile and boat transporters and saddlemount combinations (Exclusion 2).

2. A pickup or light truck pulling two recreational-related trailers. Overall length is 70 feet or less. The maximum length of the second trailer is 24 feet. The trailers are not CMV's.

3. Heavy-haul combination consisting of a four-axle truck tractor pulling a two-axle semitrailer (a "jeep") which is noncargo-carrying, but supports part of the load of the second three-axle semitrailer. The second semitrailer is the primary load-carrying unit and is followed by a third two-axle trailer (jeep) which also supports part of the load of the second semitrailer. The overall length of the combination vehicle is 110 feet or less. The vehicle is operated only under permit and used only for nondivisible loads. Nondivisible loads are not subject to the ISTEA freeze, provided the State issues a permit for their operation.

Tennessee

1. A truck and trailer with a maximum overall length of 65 feet with a cargo-carrying length limited to 58 feet (Exclusion 3).

2. A tractor-semitrailer with a kingpin to end of trailer length that does not exceed 50 feet, provided the kingpin to center of rear axle(s) length does not exceed 41 feet. Single trailer vehicles are not subject to the ISTEA freeze.

3. A wrecker towing disabled vehicles (Exclusion 4).

4. A truck tractor pulling a 53-foot seed cotton module. See paragraph 2 above.

Wisconsin

1. A truck-trailer-trailer where each trailer is an empty pressurized or nonpressurized tank unit used in connection with hauling or storing liquid agricultural fertilizer. The overall length is 60 feet or less (Exclusion 3).

2. A truck and three trailers where each trailer carriers a cargo of warning signs used exclusively for highway maintenance or construction. The overall length is 60 feet or less. This vehicle is not a CMV.

3. A farm tractor and two trailers where the trailers are used primarily as implements of husbandry in connection with seasonal agricultural activities. The overall length is 60 feet or less (Exclusion 3).

4. A truck and three or fewer trailer-type vehicles designed to carry passengers on educational or recreational excursions. The overall length is 50 feet or less. This vehicle is not a CMV.

5. Stinger-steered automobile transporters with an overall length of 66 feet (Exclusion 2).

6. The Wisconsin DOT asked if the restrictions imposed by section 4006 would apply to a combination vehicle comprised of a straight truck and two empty semitrailers or trailers moving between a manufacturer and a dealer, or between two dealers. There are several factors to consider. Empty trailers or semitrailers are cargo-carrying units. In the ISTEA definition of cargo-carrying unit (section 4006(a)), the term "used for the carrying of cargo" must be read as "designed and constructed to be used." Otherwise, the freeze would end every time a carrier unloaded. The State noted that the enabling legislation for this combination became effective August 15, 1991. Accordingly, unless the overall length of this combination is 65 feet or less, the restrictions in section 4006 would apply and the vehicle could not operate on any NN route. However, if loaded truck-trailers or truck-semitrailer combinations of the same or greater length were running legally on June 1, 1991, then empty vehicles would also be allowed to operate on the same NN routes.

Wyoming

1. A dromedary equipped truck tractor-semitrailer combination authorized under a § 658.13(f). (Exclusion 2).

For the reasons noted, all of the above vehicles are excluded from the ISTEA freeze and therefore are not listed in appendix C.

States and/or carriers should furnish information on any other combinations with two or more cargo-carrying units which were allowed to operate on the NN on or before June 1, 1991, but not covered by the exclusion categories previously noted. If this information is not provided to the docket by April 12, 1993, so that the FHWA can include it in the final list, the State could ultimately be prohibited from allowing any further use of such vehicles on the NN highways in the State.

List of ISTEA Vehicle Operations and Conditions Submitted By States

In addition to the lists of vehicle configurations, the ISTEA also required each State to submit a copy of all its statutes, regulations, limitations, and conditions which apply to the operation of each of the LCV's or extra-length vehicles reported as in use on or before June 1, 1991.

The content of the States' original responses to this request covered the full range of what could be supplied, both in terms of items covered and volume of material. The diversity of the contents of the responses was so great that the FHWA determined that before any list could be finalized, increased uniformity both in terms of items covered and the type of information would be necessary.

One of the subheadings for each LCV or extra-length vehicle described in proposed appendix C of 23 CFR part 658 is "Operational Conditions." The information in the March 20 NPRM was

taken directly from the State responses to the questionnaire, regardless of content. In those cases where another document was referenced, the FHWA attempted to summarize that document. Because of the differences in State-provided responses, there was little consistency as to coverage or depth. Therefore, in addition to asking for comments, the March 20 NPRM also asked the States and all other sources, including industry trade groups, either to reformat existing information, or to provide new information following a suggested format. Those States which allow LCV's or extra-length vehicles were requested to provide the operational condition information in the following format:

1. The weight—list the maximum single-axle, tandem-axle, and gross weight, as well as any axle spacing requirements for each combination vehicle.

2. The driver—describe any special training, experience, or licensing requirements required to handle the combination vehicle described.

3. The vehicle—describe any special requirements that apply, such as horsepower, braking ability, off-tracking limits, or order of trailers.

4. Permit requirements—indicate whether a permit is required and, if so, its duration, type (i.e., whether it is for a single or multiple trip), and if a fee is charged.

5. Access requirements—recognizing that approved operating routes are listed separately, describe any conditions which would restrict vehicle access between terminals and approved highways, i.e., describe what, if any, "reasonable access" conditions exist for the combination described.

The information included in proposed appendix C reflects the States' responses to the NPRM's request. For States which did not respond, the FHWA reformatted previously submitted information.

Operators of the vehicles described in appendix C are cautioned, however, that any such operation must be in full compliance with all applicable State regulations. The "Operational Conditions" described in appendix C are intended to be an informational summary of the major conditions for the public at large. They do not replace State regulations as the basis for actual operations.

A summary of the material furnished by the States is shown in appendix C to 23 CFR part 658. The actual State submissions, as well as comments on the March 20 NPRM, are on file at the FHWA Headquarters, room 4232, and may be viewed there from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except on holidays.

Documentation of Actual Operation

For continued operation under the terms of ISTEA sections 1023 and 4006, a CMV with two or more cargo-carrying units may only operate if on or before June 1, 1991 (Alaska prior to July 6, 1991), the specific configuration was (1) legally allowed in the State, and (2) was in actual lawful operation on a regular or periodic basis. If a specific multi-trailer configuration was authorized by State statute or regulation, but not in actual lawful operation on a regular basis on or before June 1, 1991, it may not now be put into service.

The information which the States have supplied in response to the ISTEA and the March 20 NPRM has satisfied the legal requirement for operation, i.e., documenting the basis for legal operation in the States involved. The demonstration of actual lawful operation on a regular or periodic basis on or before June 1, 1991, however, has yet to be similarly supported.

The situation with respect to "Turnpike" double operation in Alaska was discussed earlier. To reiterate briefly, the authorizing legislation/regulation was passed 3 days prior to the operations cutoff date established by the ISTEA. Given the distances involved on the authorized routes and the fact that 1 of the 3 days was a national holiday, the FHWA is justified in asking for some evidence that each authorized route was covered in a relatively short time period.

The Alaska situation represents a special circumstance and is not typical of the other States and vehicles listed in appendix C. What is common to all States and motor carriers, however, is the requirement to demonstrate actual operation of each configuration and the maximum length and weight at which that vehicle configuration was operated on or before June 1, 1991. Accordingly, this SNPRM is requesting information, from any source, to show actual operation of the vehicles described in appendix C. While a copy of the special permit under which operations occurred is the preferred means of satisfying this requirement, any item which can support operation of the vehicle described on or before June 1, 1991, is acceptable. This information can be supplied by the States, carriers, State trucking associations, or any other entity having knowledge of such vehicle's operation.

This information must be supplied to the docket. Any vehicle combination for which an entry is included in appendix C which is not supported by some type of operational documentation, will not be included in the final list of allowable multi-unit combination vehicles, and therefore will no longer be allowed to operate in that State.

The FHWA anticipates that operation of a specific vehicle configuration, and the maximum weight and cargo-carrying length associated with that configuration, should be documentable in a relatively straightforward manner. The requirements of the ISTEA with regard to route specificity, however, may not be so easily supported. Since more than one route might have been legally available between terminals, the fact that carriers preferred or used one route more than others does not preclude the continued availability of the other potential route(s). If configuration-specific operation in a State can be supported, the FHWA will accept as *prima facie* evidence that all of the routes listed in appendix C as being available to that configuration, were in fact used on or before June 1, 1991.

Minor Adjustments to Listed Information

Sections 1023 and 4006 of the ISTEA allow States to make minor adjustments of a temporary and emergency nature which will relax route designations and vehicle operating restrictions in effect on June 1, 1991. They also direct the Secretary to issue regulations establishing criteria for the States to follow in making such adjustments.

Minor adjustments must be both temporary and caused by an emergency. According to the Conference Report on the ISTEA [H.R. Conf. Rep. No. 404, 102d Cong., 1st Sess. 314 (1991)], such adjustments are intended to be temporary and limited, for example, a bridge failure that would require the rerouting of ISTEA vehicles to highways where they would otherwise be prohibited. Since it is impossible to foresee all types of emergencies that might necessitate a minor adjustment, and it is not the intent of the FHWA to establish a burdensome reporting requirement, the proposed regulation would require a State to report the details of an adjustment only if the duration was expected to exceed 30 days. Emergency adjustments with a duration of 30 days or less would not be reported to the FHWA.

The March 20 NPRM proposed to cap the duration of minor adjustments at 1 year. Adjustments lasting more than 1 year would not be considered to be of a temporary or emergency nature. Minor adjustments for the same emergency would not be permitted to be broken into periods of less than 1 year to extend

the emergency for a period longer than that. Similarly, an emergency would not be permitted to be broken into 30-day or shorter periods to avoid reporting.

The FHWA has re-examined the 1-year limitation in light of the fact that highway and bridge construction or repair can require significant amounts of time depending on the extent and/or complexity of the work involved. Accordingly, this SNPRM proposes to allow minor adjustments to remain in effect until replacement construction or repair work is completed, without a time limit.

In its response to the docket, the Citizens For Reliable And Safe Highways (CRASH) opposed, as far too liberal, the language proposed for § 658.23(c) allowing temporary route and/or restriction adjustments to remain in effect for as long as 1 year. The CRASH maintains that any situation requiring an adjustment that can last as long as 1 year is neither "temporary," nor of an "emergency nature." If a situation lasts that long, then carriers must be made to comply with the reduced weight, length, or number of unit regulations which would normally apply to the detour route. The FHWA does not agree, as our re-examination of the issue highlights. While the FHWA obviously will not encourage lengthy "minor adjustments" as a way to circumvent the intent of this rulemaking, neither do we feel that it is reasonable to put an arbitrary time limit on what might truly be an extensive and/or complex project. In order to avoid misunderstandings, however, the proposed regulatory language is being revised to clearly indicate that the FHWA must approve any submissions for minor adjustments that will exceed 30 days. Rejection of a State's request would cause freeze restrictions to be reimposed.

Yellow Freight System, Inc., commented that the use of extra-length, multi-unit vehicles was developed primarily in response to multi-state regional economic needs. Yellow Freight feels that despite the freeze language of the ISTEA, States should be allowed to continue to pursue interstate harmonization of LCV routes and regulations in order to support regional economic needs.

Congress had many options in writing the ISTEA language with regard to LCV operations. In the end, Congress clearly established a freeze date (June 1, 1991) as a cutoff for LCV operations. The FHWA has no statutory latitude to allow permanent changes to LCV routes and restrictions in a State after June 1, 1991. The only adjustments allowed after the June 1, 1991, date are the temporary minor adjustments covered by this section.

Further Restrictions on ISTEA Vehicles

The ISTEA provides that States may further restrict, or even prohibit, the operation of LCV's or CMV's with two or more cargo-carrying units after June 1, 1991. Such restrictions, however, must be consistent with sections 411, 412, and 416(a) of the STAA. This means States may not prohibit twin-trailer combinations with trailers not over 28 feet long (28.5 feet if grandfathered) from operating on the NN or reasonable access routes. States may not restrict the width of vehicles on the NN or reasonable access routes to less than 102 inches or the metric equivalent, 102.36 inches.

A State must notify the Secretary within 30 days after the imposition of further restrictions or prohibitions on the operation of LCV's or CMV's with two or more cargo-carrying units. The FHWA does not have approval authority over any additional restrictions a State may impose, but is merely required to publish such restrictions in the **Federal Register**. The FHWA may require further information or clarification before publishing the restrictions in the **Federal Register**.

In providing a general comment on the NPRM, the National-American Wholesale Grocers' Association (NAWGA) cautioned States considering further restrictions on LCV's or CMV's with two or more cargo-carrying units that such restrictions would impose an undue burden on NAWGA members using these vehicles in the food distribution process. The proposed language in § 658.23(d) directly reflects congressional intent as expressed in the ISTEA.

Definition of Nondivisible Loads

With only a few exceptions, section 4006(a) of the ISTEA freezes the length of vehicles with two or more cargo-carrying units at the length allowed on June 1, 1991. There is, however, an exception for nondivisible loads. States may issue permits for vehicles with loads that exceed the length allowed in 1991 if the load cannot be easily dismantled or divided. The Conference Report on the ISTEA [p. 441] states that the types of loads envisioned by this provision are long loads, e.g., missiles or bridge sections on two or more connected flatbed trucks.

The exemption would also apply to very large objects moved on a series of dollies, each of which is technically a cargo-carrying unit. Because Congress has authorized the States, in identical terms, to issue overweight and oversize permits "for those vehicles and loads which cannot be easily dismantled or divided" [23 U.S.C. 127(a); section 4006(a) of the ISTEA, 49 U.S.C. app. 2311(j)(1)], the FHWA initially proposed a definition of "nondivisible load" which would be equally applicable to an overweight and/or oversize load. Briefly, a load would be considered nondivisible if dividing it into smaller or lighter components would destroy its value or cause the shipper or motor carrier to incur a significant additional expense to dismantle it.

There were eight responses to the March 20 NPRM discussing the proposed nondivisible load definition. The CRASH opposed the definition on the grounds that wording such as "destroying the value * * *" and "imposing significant additional costs * * *" are too subjective and vague. Further, the CRASH argued that the proposed purpose of the definition, i.e., to implement 23 U.S.C. 127(a) as well as section 4006(a) of the ISTEA, goes beyond the congressional intent expressed by the ISTEA. The CRASH feels that this combination of vagueness, subjectivity, and coverage will encourage shippers and motor carriers to encourage the States to consider more items as nondivisible, which would increase circumvention of State weight laws. One respondent, the North Carolina DOT, supported the definition as proposed.

The other six commenters generally supported the concept of the definition with comments on two issues, safety and the phrase "significant additional expense."

The Wyoming Highway Patrol (WHP), Wyoming Trucking Association (WTA), and the American Trucking Associations (ATA) all support the inclusion of a safety reference in the definition as a factor in helping to determine a load's divisibility. The ATA wrote that:

> [T]he movement of concrete construction panels, each of which are over statutory dimensions if carried horizontally or vertically and considered a risky move from a safety and stability standpoint if transported one at a time; could be moved two at a time, diagonally cribbed to support each other, providing a safer and more stable operation.

The ATA contends that such a load should be considered nondivisible.

Several commenters echoed the statement of the WHP that, "Economics should not be a consideration when making a determination on divisible vs. nondivisible configurations." This referred to the language in the proposed definition about imposing "significant additional costs on the shipper or motor

carrier to dismantle the load." The Connecticut, Idaho, and Oregon DOT's all support the elimination of "economics" as a factor in the nondivisibility determination. Each suggested different approaches to change the original proposal. For example, Idaho suggests using the definition of nondivisible load recently adopted by the Western Association of State Highway and Transportation Officials (WASHTO) Subcommittee on Highway Transport. That definition is:

> Nondivisible load—a load which cannot be readily or reasonably dismantled and which is reduced to a minimum practical size and weight. Portions of a load can be detached and reloaded on the same hauling unit provided that the separate pieces are necessary to the operation of the machine or equipment which is being hauled, if the arrangement does not exceed permittable limits.

The Oregon DOT commented that the reference to "significant additional expense" should be more specific and proposed a criteria based on the time needed, by those who originally assembled, the item, to dismantle it. The Connecticut DOT proposed that the permitting authority decide on the necessity and feasibility of shipping an item by highway before issuing a permit.

As indicated in the March 20 NPRM, the statutory language dealing with permits for "vehicles and loads which cannot be easily dismantled or divided" is the same for overweight and overlength vehicles. The language in section 4006 of the ISTEA was adopted from Federal vehicle weight law [23 U.S.C. 127(a)]. The FHWA has long had authority to promulgate rules and regulations to carry out the Interstate weight limits [23 U.S.C. 315]. At this time, however, there is no rule which defines nondivisible overweight loads, even though there is regulatory authority for States to issue permits for nondivisible overweight movements [23 CFR 658.17(g)]. Since the ISTEA directed the FHWA to define nondivisible overlength loads, it makes sense to adopt a definition applicable to both kinds of loads. This approach is completely consistent with the requirements of the ISTEA.

Further, the FHWA is concerned by the rapidly expanding use of nondivisible load permits. Data submitted by the States, in their annual size and weight certifications, and transmitted to Congress in the FHWA's reports on "Overweight Vehicles—Penalties and Permits," indicate that between fiscal years 1984 and 1990 the number of single-trip nondivisible load permits increased by 29 percent, while the number of multiple-trip nondivisible load permits grew by 119 percent. There is no reason to believe that the number of nondivisible products is expanding faster than that of other goods, yet the growth of multiple-trip permits has outstripped that of the economy by a large margin. A few States have recently defined bulk liquids as nondivisible loads, which conflicts with common sense, since liquids are inherently divisible. It is hard to avoid the conclusion that existing Federal authority for nondivisible load permits is sometimes abused. The FHWA believes that the proposed definition would be reasonable and practical, and that its inclusion in this regulatory action will help to reduce unjustified use of nondivisible load permits.

The NPRM proposed that a load be defined as nondivisible if it could not be reduced into smaller or lighter components "without destroying the value of the shipment or imposing significant additional costs on the shipper or motor carrier to dismantle the load." The ATA argued that the phrase "destroying the value" should be changed to "significantly reducing the value." The two parts of the definition—destroying the value, and imposing significant added costs—were intended to deal with somewhat different kinds of loads. The first part covered cargo which is essentially a single piece (boilers, long I-beams or pipes, blocks of quarried stone) and which would have to be cut into smaller pieces to meet the applicable size or weight limit, thereby destroying or enormously reducing the value of the load. The second part dealt with manufactured products assembled from smaller components which could be dismantled and reassembled without destroying the use value of the product, but only at the cost of unreasonably time, effort, and expense to the shipper or motor carrier. The ATA's concerns are adequately addressed by the revised definition discussed below.

The CRASH argued that the definition was vague and susceptible to misinterpretation. The FHWA agrees in part—the concept of "significant added costs" was not sufficiently specific—and is therefore now proposing a definition which excludes a specific reference to cost.

The proposed definition reads as follows: *Nondivisible vehicle or load.* As used in this part, "nondivisible" means any vehicle or load exceeding applicable length or weight limits which cannot readily be separated into smaller vehicles or loads that comply with such limits without (1) compromising the intended use of the vehicle, (2) destroying the value of the load, or (3) using expert knowledge or specially designed tools. The intended use of a vehicle would be compromised if separating it into smaller units would make it unable to perform the function for which it was designed. The value of a load would be destroyed if separating it into smaller units would make the load unusable for its intended purpose. Expert knowledge means familiarity with procedures required to dismantle and reassemble a load which are beyond the job requirements typically associated with positions in the motor carrier industry. Specially designed tools means equipment designed and manufactured only for use with the load in question. A State may treat a sealed containerized load moving in international commerce as a nondivisible.

The intended use of a vehicle is not "compromised" simply because it is required to comply with applicable weight limits. For example, the fact that a combination with GCWR of 90,000 or 100,000 pounds may not be allowed to operate on the Interstate at more than 80,000 pounds does not compromise its intended use since the vehicle's cargo-carrying function remains entirely unchanged. This definition does not imply that vehicles must be allowed to operate at their design limits. The term "specially designed tools" does not include lifting equipment such as cranes, hoists, or forklifts routinely available where cargo is loaded, even though special attachments may be needed to secure the lifting equipment to the load.

The option of treating a containerized load in international commerce as nondivisible simply codifies an FHWA policy that has been in effect since 1984. In the early 1980's some State highway agencies did not issue special permits to allow carriers with containerized loads to exceed State weight limits, mainly because of questions about their grandfathered permit authority. This was seen as putting port facilities in the State at a competitive disadvantage, especially against ports in States which routinely issue overweight permits for container shipments. The 1984 policy was based in part on the needs of international maritime commerce and possible tax implications for sealed and bonded cargoes. By allowing a maritime container shipment to be considered a nondivisible load, States can legally issue a permit to the carrier to exceed appropriate weight limits, without consideration of the grandfather rights needed for issuing divisible load permits. The FHWA requests comments on the revised definition.

As stated above, several commenters support the point of view that all forms of economic criteria should be excluded as a factor in the determination of nondivisibility. In that case, the authority to issue a permit would turn

entirely on the physical characteristics of the vehicle and cargo. Metal products cast, extruded, or welded as a single piece would qualify as nondivisible, and so would large concrete castings. But the rule would prohibit a nondivisible load permit if a product assembled from smaller parts could be dismantled without significantly reducing the use value, no matter how great the cost and time required to do so. The FHWA believes this is a result more stringent than Congress intended. The decision as to whether reducing a load will make it unusable must also include consideration of reassembly at the eventual destination. A carrier should not need tools specifically designed for the item, or expertise on the function of the item, in order to properly reassemble any parts which have been removed. If special tools or functional knowledge about the item are necessary to reattach any components, then the item should be considered nondivisible. This is the only practical way to insure that States are able to authorize the movement of large and valuable, but not absolutely monolithic, loads without imposing unreasonable costs on motor carriers, shippers, and the economy. Nonetheless, nondivisible load permits should be used sparingly. Loads which are inherently divisible, including bulk items such as liquids, grain, or cement, would not qualify as "nondivisible." Nor would shipments consisting of more than one of a unit item or assembly, which by itself may be nondivisible. In such cases, items can be removed until the load meets the legal limits. Nondivisible load permits are not "loopholes" in Federal law, and the FHWA expects to see the number of nondivisible load permits stabilize or even decline in the next few years.

The WASHTO definition cited by Idaho is partially self-contradictory. Although it requires the reduction of a load to the minimum practical size and weight, it also allows certain detached parts of the load to be carried on the same vehicle as the nonreducible portion of the load. Such a cargo is obviously divisible. While this policy might reduce the excess length or width of oversize cargo, it would not reduce the excess weight of an overweight load. The latter result is clearly inconsistent with congressional intent.

The argument that a reference to safety should be included in the definition of a nondivisible load is not persuasive. Safety is obviously a critical consideration where oversize or overweight vehicles are concerned. States typically impose a variety of constraints on such vehicles, for example prohibiting their operation after dark, in bad weather, or on weekends or holidays when recreational travel is likely to be heavy. In some circumstances, States might impose a special speed limit and require these vehicles to be accompanied by pilot cars with warning lights and placards. However, if the State is convinced that an oversize or overweight vehicle would not be sufficiently safe even if it complied with these or similar conditions, it can and should refuse to issue a permit.

The example offered by the ATA is similar to the Idaho comment. It is not obvious that concrete construction panels could be considered risky "from a safety and stability standpoint if transported one at a time," as the ATA argued. A flat concrete panel is more stable when loaded horizontally than in any other position. If a horizontal loading exceeds statutory width or length limits, then an overwidth or overlength permit with accompanying special travel or escort conditions should be considered. Loading two panels diagonally "cribbed" to each other would considerably increase the weight and stopping distance of the vehicle and make it far more susceptible to sidewinds than if a single panel were carried horizontally.

A similar argument has been made, although not in this rulemaking, that tank vehicles weighing more than 80,000 pounds should be eligible for nondivisible-load overweight permits because a partially loaded tank of legal weight is susceptible to cargo surge that can make the vehicle unstable and even cause accidents in turns or emergency maneuvers. By this reasoning, a nondivisible-load overweight permit would be authorized to increase safety. Proponents of this position do not explain the reason tanker operators purchase vehicles that necessarily exceed applicable weight limits when fully loaded. It is certainly true that tank trucks must be operated with particular care; that is the reason the FHWA's commercial driver's license regulations require drivers of these vehicles to obtain a special endorsement [49 CFR 383.93(b)(2)]. But the fact is that liquids, like two concrete panels, are easily divisible. If a safety element were added to the definition of a nondivisible load, the concept of nondivisibility could lose all meaning if economic interests were to masquerade as safety issues.

Meaning of "On Or Before"

Section 1023(b) of the ISTEA specifies that LCV's may continue to be used only if "in actual operation on a regular or periodic basis (including seasonal operations) *on or before* June 1, 1991." It also provides, however, that all such operations shall continue to be subject to rules "in force *on* June 1, 1991" [23 U.S.C. 127(d)(1)(A) and 127(d)(1)(B), respectively (emphasis added)].

The differences in wording raise the question whether a State could allow certain combinations, e.g., triples, in lawful use at some earlier time but unlawful as of June 1, 1991, to be used after that date. Under the proposed rule, the answer would be that it could not. "On or before" relates to LCV's used on a periodic basis under authority in effect on June 1, 1991, so that even if not in actual use on that very day, they nevertheless were authorized to operate on a regular or periodic basis on that date.

Procedure to Review and Correct Final List

Sections 1023 and 4006 of the ISTEA provide a review and correction procedure for the final list of ISTEA vehicles, to be published as appendix C to 23 CFR part 658. Any person or State may request that the Secretary review the final list to determine if there is cause to believe that it contains a mistake. The Secretary may also initiate the review. If the Secretary believes an error exists, he or she must commence a proceeding to determine if the list should be corrected, and if so, make the correction.

OTHER ISSUES RAISED BY THE ISTEA AND COMMENTS TO THE MARCH 20 NPRM

Applicability of LCV Restrictions

Three commenters—Yellow Freight System, Inc., the Idaho DOT, and the ATA—suggested that the applicability of the restrictions for LCV's in proposed appendix C be clearly highlighted as involving operations on the Interstate System only. The term "longer combination vehicle" is defined in the ISTEA and in proposed § 658.5 as "* * * any combination of a truck tractor and two or more trailers or semitrailers which operates on the Interstate System * * *." The motor carrier industry's previous use of the term LCV never included route limitations. In order to avoid confusion, all three commenters suggested that the phrase "on the Interstate System" be included in the proposed wording of § 658.23(a)(1). The FHWA agrees with this suggestion and has changed the proposed wording of that section.

Reorganization of the Appendices to Part 658

The ATA suggested that appendices A, B, C, and D to part 658 could be more easily understood by users if the information was combined into a single

appendix organized by State, rather than four topical appendices. Presently, appendix A lists routes, which prior to October 1, 1991, were Federal-aid Primary highways, designated by the Secretary as part of the NN. Appendix B lists the grandfathered semitrailer lengths which must be allowed in the State on the NN as part of a truck-tractor-semitrailer combination vehicle. Proposed appendix C now lists the operations of LCV's and CMV's with two or more cargo-carrying units which are frozen by the ISTEA, and represents a consolidation of the information presented as appendices C and D in the March 20 NPRM.

The information provided by the three appendices is not likely to have the same user audience all the time. For example, a carrier operating a grandfathered 53-foot-long semitrailer as part of the truck tractor-semitrailer combination in Missouri wants to know what routes are on the NN, and is not interested in "Rocky Mountain" double restrictions.

Due to the disparate audiences, the FHWA feels that a reformatting of the information would confuse as many users as it might help. Accordingly, the format of the current and proposed appendices will be retained.

Definition of Maxi-Cube

Among the vehicles specifically excluded from the listing in appendix C, and therefore not subject to the restrictions described in section 4006 of the ISTEA, is the maxi-cube. While these combinations have been in use for several years, the FHWA has not adopted a definition of the vehicle. The ISTEA provisions on vehicles with two or more cargo-carrying units have increased the need for a definition and operational rule for maxi-cubes. The Connecticut Department of Transportation noted the reference to maxi-cubes in the NPRM and asked where the vehicle was defined. The American Movers Conference and the ATA suggested that the FHWA promulgate a definition in the course of this rulemaking. The FHWA is, therefore, including a proposed definition of *maxi-cube vehicle* in this SNPRM at § 658.5.

In 1987, Congress defined a maxi-cube combination as "a truck tractor combined with a semitrailer and a separable cargo-carrying unit which is designed to be loaded and unloaded through the semitrailer, except that the entire combination shall not exceed 65 feet in length and the separable cargo-carrying unit shall not exceed 34 feet in length" [49 U.S.C. app. 2311(f)(2)]. In 1990, Congress designated a maxi-cube vehicle as specialized equipment subject to the authority of the U.S. Department of Transportation [49 U.S.C. app. 2311(d)]. In explaining that action, however, the House Appropriations Committee used a description of the vehicle somewhat different from the definition enacted in 1987 [H.R. Rep. No. 584, 101st Cong., 2d Sess. at 78–79 (1990)]. The legislative history of section 2311(d), no matter how detailed, cannot overrule or by implication repeal the statutory definition in section 2311(f)(2). Nevertheless, the Committee Report is a clear statement of congressional intent, and the FHWA has broad discretionary authority to make rules to accommodate specialized equipment. The FHWA is therefore proposing to combine, as far as possible, the existing statutory definition of a maxi-cube vehicle with the Committee's policy guidance.

A maxi-cube would be defined [§ 658.5] as a combination of a truck and trailer or semitrailer designed so that the cargo box on the truck can be loaded and unloaded through the box on the trailer or semitrailer. The American Movers Conference suggested a definition that did not include a load-through provision. That design feature is required by the statutory definition of a maxi-cube in 49 U.S.C. app. 2311(f)(2). Neither cargo box may be more than 34 feet long, excluding the hitching device, the combined box length cannot exceed 60 feet, and the overall vehicle length may not exceed 65 feet. The operational rule [§ 658.13(e)(4)] would require States to allow these vehicles to operate on the NN and reasonable access routes. Many maxi-cube designs include adjustable drawbars to facilitate loading of the first cargo box through the second. The FHWA believes the 60- and 65-foot lengths should be measured with an adjustable drawbar at its maximum extension, since that is where it would normally be positioned for over-the-road operations. The FHWA seeks comments on this issue.

Cargo-Carrying Length Determination

The CRASH contends that the FHWA cannot use an overall length dimension in determining the cargo-carrying length of a "Rocky Mountain" or "Turnpike" double, because such dimension was made illegal by the STAA of 1982. The relevant section of the STAA provides in part that "No State shall establish, maintain, or enforce any regulation of commerce which imposes an overall length limitation on commercial motor vehicles operating in truck-tractor semitrailer or truck-tractor semitrailer, trailer combinations" [49 U.S.C. app. 2311(b)]. Both "Rocky Mountain" and "Turnpike" doubles are truck tractor-semitrailer-trailer combinations.

Continuing its docket response, the CRASH states that, "In employing overall length restrictions as a basis for calculating cargo unit lengths, the FHWA would be abetting chronic state failures to amend their existing laws * * * to conform to the STAA." Further, "The agency has an [sic] duty to act expeditiously to notify the LCV states to repeal or otherwise void the application of * * * overall length restrictions * * *."

The CRASH is correct that overall length limits on these two vehicle types conflict with the STAA. Such limits were preempted by Federal law and cannot be enforced if challenged in court. That, however, does not diminish the usefulness of these limits in determining a physical characteristic of a vehicle. The FHWA believes that overall length limits are useful in helping to determine the cargo-carrying capacity of these vehicles, especially "Turnpike" doubles, as they reflect actual dimensions. Insofar as the legality of overall length limits for these vehicles is concerned, the FHWA is taking the following actions. For "Rocky Mountain" and "Turnpike" doubles described in appendix C, no State will be allowed to list an overall length limit as an operational condition for these vehicles. Previously listed overall limits have been removed as part of the appendix C information for vehicles in Arizona, Florida, Idaho, Kansas, Missouri, Montana, Nebraska, New York, North Dakota, Ohio, South Dakota, Washington, and Wyoming. Overall length limits, however, are legal for triples and combinations involving a straight truck, since these vehicles are not subject to the length provisions of the STAA.

The Connecticut DOT also raised some questions regarding cargo-carrying units and their length determination. Should the definition of a cargo-carrying unit be limited to open flats beds, closed containers, and stake sides with open tops? Can an expandable pole trailer be a cargo unit? How is it measured? Should the overall limit(s) of the cargo-carrying unit(s) include the cargo (i.e., overhangs)? Does the measurement exclude overhanging cargo?

First, the definition of a cargo-carrying unit in section 4006 of the ISTEA includes all of the vehicle types Connecticut mentioned, and could not be changed without further congressional action. Second, expandable trailers for poles, logs, or pipe are obviously cargo-carrying units, but the statutory description is not readily applicable to such vehicles. The

weight of the cargo on these trailers is usually carried by two transverse members, each a few feet long at most. For practical purposes, the length of the cargo-carrying unit(s) is essentially the length of the cargo itself. In some cases, the cargo may even serve as the structural element connecting the tractor to a dolly, or one dolly to another. It seems likely that most States have special length limitations for pole or log trailers. The FHWA is therefore proposing to list, as the authorized length of such trailers and combinations, the lengths allowed by State law, even if these limits refer to the cargo rather than the vehicle itself. We believe this is a practical way to establish length limits for pole trailers which is also consistent with the purpose of section 4006. Comments on this approach are requested, as well as specific information on the length of trailer combinations used for poles, logs, pipes, or similar cargo which were in operation on June 1, 1991. Finally, section 4006 defines the term cargo-carrying unit as "any portion of a commercial motor vehicle * * * used for the carrying of cargo." Cargo is not part of the vehicle, and (except in the case of pole or log trailers) its length cannot be used in lieu of the actual length of the cargo unit. The only Federal provisions that address cargo overhangs, however, are the FHWA rules on automobile and boat transporters [23 CFR 658.13(d)(1) and (2)]. The States retain all of their present authority to allow, prohibit, or otherwise regulate cargo overhangs.

Route Availability for Vehicles Described in Appendix C

The Oregon DOT raised several questions regarding the availability of routes for through travel and access by LCV's and CMV's with two or more cargo-carrying units. The questions center on the relationship between the NN and operating routes included in the limitations described in appendix C. While not directly affecting this rulemaking, the State's questions are relevant to the issue of where larger combination vehicles can operate. The FHWA feels this topic is of sufficient general interest to warrant discussion.

Route questions and answers are as follows:

1. When a highway originally designated as a NN route is reconstructed or realigned in the same transportation corridor, but no longer travels entirely over the old alignment, does the new facility become the NN route? If the new alignment carries the route number previously assigned to the old alignment when that old alignment was designated as part of the NN, the new alignment becomes the NN route. If CMV's with two or more cargo-carrying units described in appendix C were legally able to use the old route, they may also use the new route.

2. What happens when an existing non–NN highway is improved between two points and becomes better suited to handling LCV and extra-length, multi-unit vehicles, but is located in a different transportation corridor from an existing NN route which serves the same two points? If the newly improved route remains non-designated by the Secretary, i.e., not included in appendix A to part 658, it is a State (or local) decision to allow CMV's with two or more cargo-carrying units described in appendix C to use the improved highway. If the newly improved route is added to the NN by the FHWA at a State's request, vehicles described in appendix C may only use the route if they were authorized to and actually did use the route on or before June 1, 1991.

3. Can LCV's and extra-length, multi-unit vehicles continue to use a non-NN highway if the jurisdiction (ownership) of the highway changes, such as from State to County? The ISTEA freeze does not apply to non-NN highways. The decision whether to continue allowing the larger vehicles would be a matter for State or local determination.

4. Do the LCV and extra-length, multi-unit vehicle route restrictions resulting from sections 1023 and 4006 of the ISTEA apply to highways which are not a part of the NN? No, they do not.

The remaining questions apply uniquely to Oregon.

5. Oregon allows a truck tractor-semitrailer-trailer combination with a cargo-carrying length of up to 68 feet (commonly known as an "Oregon double") to operate on all NN highways. Does reasonable access, as defined in 23 CFR part 658, apply to these vehicles? The FHWA's reasonable access rule (23 CFR 658.19) applies only to STAA vehicles, and "Oregon doubles" do not appear to qualify as such. An STAA double [§ 658.19 (a)(2), (b) (2) and (5)] may not have trailers more than 28 feet long (or 28.5 feet if in actual, lawful use on December 1, 1982, within a 65-foot overall length). Two 28.5-foot trailers connected by a 4-foot drawbar, for example, would have a cargo-carrying length of only 61 feet, compared to the 68 feet Oregon allows. It thus seems likely that one (or both) of the trailers in an "Oregon double" exceeds 28.5 feet in length, which means that the access provisions of part 658 would not apply. If, however, the combination were to consist of two units with each being 28.5 feet or less in length, the vehicle would qualify as an STAA vehicle regardless of inter-unit spacing, and therefore would be eligible for reasonable access as defined in 23 CFR part 658.

6. Are "Oregon doubles" considered LCV's as defined by the ISTEA? Are they vehicles with "two or more cargo-carrying units"? Or are they vehicles subject to the rules set forth by the STAA of 1982? The "Oregon double" is considered an LCV when it is operated on the Interstate with a gross vehicle weight in excess of 80,000 pounds. If either trailing unit is over 28.5 feet long, the "Oregon double" is considered a vehicle with two or more cargo-carrying units and, as such, may continue to operate only under the conditions and on the routes set forth in appendix C. The "Oregon double" becomes subject to the rules implementing the STAA of 1982 only if each traveling unit is 28.5 feet or less in length and an overweight permit is not required for the load being carried.

Operation of Certain Specialized Hauling Vehicle on Interstate Route 68

Section 1023(d) of the ISTEA added 23 U.S.C. 127(e) to read as follows:

(e) Operation of Certain Specialized Hauling Vehicles on Interstate Route 68.—The single axle, tandem axle, and bridge formula limits set forth in subsection (a) [23 U.S.C. 127(a)] shall not apply to the operation on Interstate Route 68 in Garrett and Allegany Counties, Maryland, of any specialized vehicle equipped with a steering axle and a tridem axle and used for hauling coal, logs, and pulpwood if such vehicle is of a type of vehicle as was operating in such counties on United States Route 40 or 48 for such purpose on August 1, 1991.

This exempts the described vehicles with selected cargo from the axle and bridge formula weight limits that Maryland must enforce on Interstate Route 68 in Allegany and Garrett Counties. However, the normal gross weight limit remains in effect. This change is reflected in proposed § 658.17(j).

Temporary Exemption for Emergency Vehicles

Section 1023(e) of the ISTEA added the following exemption from 23 U.S.C. 127:

(1) *Temporary exemption.*—The second sentence of section 127 of title 23, United States Code, relating to axle weight limitations and the bridge formula for vehicles using the Dwight D. Eisenhower System of Interstate and Defense Highways, shall not apply, in the 2-year period beginning on the date of the enactment of this Act, to any existing vehicle which is used for the purpose of protecting persons and property from fires and other disasters

VOL 58 ISS 36 FE 25 1993 UMI

that threaten public safety and which is in actual operation before such date of enactment and to any new vehicle to be used for such purpose while such vehicle is being delivered to a fire fighting agency. The Secretary may extend such 2-year period for an additional year.

This removes the Interstate axle-weight and bridge formula limits for fire or emergency vehicles in actual operation before December 18, 1991, and for such equipment being delivered from the manufacturer to a fire department. The normal gross weight limit remains in effect. The exemption applies until December 17, 1993, or 1994, if extended for a year by the Secretary. This exemption is proposed to be codified at § 658.17(k).

Certification

Section 1023(c) of the ISTEA amended 23 U.S.C. 141(b) by adding a new sentence at the end reading as follows:

> Each State shall also certify that it is enforcing and complying with the provisions of section 127(d) of this title and section 411(j) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(j)).

As implemented by 23 CFR 657.15, 23 U.S.C. 141(b) requires each State to certify annually that it is enforcing its size and weight laws on the Federal-aid Primary System (FAP), Federal-aid Urban System (FAU), Federal-aid Secondary System (FAS), and the Interstate System in accordance with 23 U.S.C. 127.

Under the new ISTEA provision, States must also certify that they are enforcing and complying with the ISTEA freeze on the use of LCV's and other multi-unit vehicles. Failure to certify would subject a State to the penalties provided in 23 U.S.C. 141.

The ISTEA, however, effectively replaced the FAP with the National Highway System (NHS), and eliminated the FAU and FAS Systems, without providing a conforming amendment to 23 U.S.C. 141(b).

Until 23 U.S.C. 141 is amended to reflect changes in system nomenclature, the FHWA will require the States to certify size and weight enforcement on those routes which prior to October 1, 1991, were designated as part of the FAP, FAS, or FAU Systems.

Bus Length and Access

Section 4006(b)(1) of the ISTEA amended section 411(a) of the STAA of 1982 [49 U.S.C. app. 2311(a)] by inserting "of less than 45 feet on the length of any bus," after "vehicle length limitation."

Section 4006(b)(2) of the ISTEA amended section 412(a)(2) of the STAA [49 U.S.C. app. 2312(a)(2)] by inserting "motor carrier of passengers" after "household goods carriers."

The first provision has the effect of requiring States to allow buses with a length of 45 feet or less on the NN and reasonable access routes. The second provision requires States to allow motor carriers of passengers to have the same access off the NN as household goods carriers, i.e., to "points of loading and unloading." The FHWA is therefore changing § 658.13(d) to reflect these provisions.

Interstate System Weight Requirements

The first sentence in 23 U.S. C. 127(a) was amended by the STAA to require all States to allow the maximum weights permitted by Federal law on the Interstate System. In other words, the upper limits set by section 127 until 1982 are now lower limits as well. States must allow vehicles that comply with the Federal single-axle, tandem-axle, and bridge formula limits, subject to a maximum gross weight of 80,000 pounds, to operate on the Interstate System. A few States have argued that, although Interstate single-axle, tandem-axle, and gross weight limits are both maximum and minimum values, bridge formula limits are maximum but not minimum values. That position is incorrect since it contradicts the purpose and legislative history of the 1982 amendment. The bridge formula generates many gross weight limits, each of which has the same legal status as the 80,000 pound limit, i.e., each is both the maximum weight a State may, and the minimum it must, allow.

By the early 1980's, the few States that still retained gross weight limits of 73,280 pounds on the Interstate had become barriers to the east-west movement of cargo. The House Report on the STAA described the congressional response.

> This section amends section 127 of title 23, United States Code, to provide for national uniform vehicle axle and gross weight limits for the Interstate System. These limits are set at 20,000 pounds for a single axle and 34,000 pounds on a tandem axle. *The overall gross vehicle weight is to be limited by the operation of the bridge formula* to a maximum of 80,000 pounds, except for nondivisible loads for which special permits have been issued by States in accordance with applicable State laws. *No funds* authorized to be appropriated under the 1956 Highway Act *may be apportioned to a State which does not permit the operation of such vehicles at such maximum weights* on the Interstate System within that State * * *. This provision would eliminate the problem of the three so-called "barrier States" which have not adjusted their weight laws in conformity with the other States and which thus impose an undue burden on interstate commerce [emphasis added].

H.R. Rep. No. 555, 97th Cong., 2d Sess. 22–23 (1982), reprinted in 1982 U.S. Code Cong. & Admin. News 3639, 3660–3661.

The House Report makes it clear that 80,000 pounds is not a single-number weight limit like 34,000 pounds for a tandem axle. Allowable gross weight on the Interstate is a function of the bridge formula, and 80,000 pounds is simply the maximum weight allowed to vehicles complying with that formula. The bridge formula provides for literally dozens of lower gross weight limits which depend on the number and spacing of the axles on a given vehicle. Since gross weight limits on the Interstate are determined by the bridge formula, it necessarily follows that the maximum and minimum gross weights a State must allow include all of the gross weight limits less than 80,000 pounds generated by the bridge formula. The purpose of the STAA amendment, in the words of the House Report, was to create "national uniform vehicle * * * gross weight limits for the Interstate System." Yet vehicles that comply fully with the bridge formula could be required to offload cargo, or be cited for illegal overloads, if a State has bridge table weights lower than those in Table B. That is precisely the kind of nonuniformity and burden on interstate commerce the STAA was designed to eliminate. Reading section 127(a) to permit weights below those prescribed by the bridge formula would defeat the stated purpose of the STAA amendment because it would require funds to be "apportioned to a State which does not permit the operation of such vehicles at such maximum weights on the Interstate System * * *." The FHWA is proposing to adopt § 658.17(f) to clarify and resolve this issue.

Reassignment of Size and Weight Responsibilities Within the FHWA

On October 1, 1991, responsibility for the vehicle Size and Weight and National Network programs in the FHWA's regional and divisional offices was transferred to the Office of Motor Carriers. Provisions in 23 CFR 657.11, 657.15, and 657.17 must be amended to reflect this change. Size and weight responsibilities in the Washington, DC Headquarters office remain assigned to the Office of Motor Carriers.

National Network—Virginia

The ISTEA freeze applies to the operation of specified CMV's on the NN or the Interstate portions thereof. The

identification of NN routes in Virginia contained in appendix A to 23 CFR part 658 utilizes Interstate System exit numbers to identify the beginning or end of some NN routes. We have been notified by the State that it has converted all Interstate System exit numbers from a consecutive number system to a milepost numbering system. In order to identify NN routes in Virginia, we are reissuing the State's NN routes in appendix A, 23 CFR part 658, to reflect the new exit numbers.

Rulemaking Analyses and Notices

As noted in the following paragraphs the FHWA has determined that this rulemaking is (1) not a major action under Executive Order 12291, (2) not a significant action under DOT rules, (3) will not have significant economic impact on a substantial number of small entities, (4) does not require a federalism assessment, and (5) does not require an environmental impact statement. All of these findings were made and included in the March 20 NPRM, after careful review of the various requirements against the content of the document.

The WTA, in commenting to the docket, indicated that a long-term effect of any freeze would be to prohibit the natural evolution of technological advances in an industry. Such a situation, in turn, is likely to cause major and significant impacts on competing transportation modes, related businesses, and the general public. Accordingly, WTA argued that the FHWA should conduct (1) a full regulatory evaluation, (2) a full economic assessment, (3) a federalism assessment, and (4) an environmental impact study.

As restated below, the FHWA continues to believe that the economic and environmental impacts of this proposed rule will be minimal. The freeze about which the WTA is concerned is statutorily mandated, and the FHWA is not authorized to vary the terms of this freeze. This rulemaking merely documents the State limitations in effect on June 1, 1991, and does not impose any requirements beyond those contained in sections 1023 and 4006 of the ISTEA.

Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not major within the meaning of Executive Order 12291 or significant within the meaning of Department of Transportation regulatory policies and procedures. It is anticipated that the economic impact of this supplemental notice of proposed rulemaking will be minimal; therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. This action merely lists applicable limitations by specific vehicle combination, by State, in effect on June 1, 1991, and will not further restrict the operation of any vehicle in lawful operation on or before June 1, 1991, which is subject to those limitations.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. This action merely implements requirements of the ISTEA.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

Paperwork Reduction

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

The Agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Parts 657 and 658

Grant programs—transportation, Highways and roads, Motor carrier size and weight.

Issued on: February 17, 1993.

E. Dean Carlson,

Executive Director.

In consideration of the foregoing, the FHWA proposes to amend chapter I of Title 23, Code of Federal Regulations, parts 657 and 658 as set forth below.

PART 657—CERTIFICATION OF SIZE AND WEIGHT ENFORCEMENT WIDTH AND WEIGHT LIMITATIONS

1. The authority citation for 23 CFR part 657 is revised to read as follows:

Authority: Sec. 123, Pub. L. 95–599, 92 Stat. 2689; 23 U.S.C. 127, 141, and 315; 49 U.S.C. app. 2311, 2312, and 2316; Sec. 1023, Pub. L. 102–240, 105 Stat. 1914; and 49 CFR 1.48(b)(19) and (23); 1.48(c)(1) and (19).

2. Section 657.11 is revised to read as follows:

§ 657.11 Evaluation of operations.

(a) The State shall submit its enforcement plan or annual update to the Office of Motor Carriers in the FHWA division office by July 1. However, if a State's legislative or budgetary cycle is not consonant with that date, the FHWA and the State may jointly select an alternate date. In any event, a State must have an approved plan in effect by October 1 of each year. Failure of a State to submit or update a plan will result in the State being unable to certify in accordance with § 657.13 for the period to be covered by the plan.

(b) The Office of Motor Carriers in the FHWA division office shall review the State's operation under the accepted plan on a continuing basis and shall prepare an evaluation report annually. The State will be advised of the results of the evaluation and of any needed changes either in the plan itself or in its implementation. Copies of the evaluation report and subsequent modifications resulting from the evaluation shall be forwarded through the Regional Director of Motor Carriers to the Washington, DC Headquarters office.

3. In § 657.15, paragraphs (a), (b), and (c) are revised, paragraphs (d) and (e) are redesignated as paragraphs (e) and (f), respectively, and a new paragraph (d) is added to read as follows:

§ 657.15 Certification content.

* * * * *

(a) A statement by the Governor of the State, or an official designated by the

Governor, that the State's vehicle weight laws and regulations governing use of the Interstate System conform to 23 U.S.C. 127.

(b) A statement by the Governor of the State, or an official designated by the Governor, that all State size and weight limits are being enforced on the Interstate System and those routes which prior to October 1, 1991, were designated as part of the Federal-aid Primary, Urban, and Secondary Systems, and that the State is enforcing and complying with the provisions of 23 U.S.C. 127(d) and 49 U.S.C. app. 2311(j). Urban areas not subject to State jurisdiction shall be identified. The statement shall include an analysis of enforcement efforts in such areas.

(c) The certifying statements required by paragraphs (a) and (b) of this section shall be worded as follows:

I, *(name of certifying official), (position title),* of the State of _____ do hereby certify:

(1) That all State laws and regulations governing vehicle size and weight are being enforced on those highways which, prior to October 1, 1991, were designated as part of the Federal-aid Primary, Federal-aid Secondary, or Federal-aid Urban Systems;

(2) That the State is enforcing the freeze provisions of the Intermodal Surface Transportation Efficiency Act of 1991 [23 U.S.C. 127(d) and 49 U.S.C. app. 2311(j)]; and

(3) That all State laws governing vehicle weight on the Interstate System are consistent with 23 U.S.C. 127 (a) and (b).

(d) If this statement is made by an official other than the Governor, a copy of the document designating the official, signed by the Governor, shall also be included in the certification made under this part.

* * * * *

4. Section 657.17 is revised to read as follows:

§ 657.17 Certification submittal.

(a) The Governor, or an official designated by the Governor, shall each year submit the certification to the Office of Motor Carriers in the FHWA division office prior to January 1.

(b) The Office of Motor Carriers in the FHWA division office shall forward the original certification to the Associate Administrator for Motor Carriers and one copy to the Office of Chief Counsel. Copies of appropriate evaluations and/or comment shall accompany any transmittal.

PART 658—TRUCK SIZE AND WEIGHT, ROUTE DESIGNATIONS—LENGTH, WIDTH, AND WEIGHT LIMITATIONS

5. The authority citation for 23 CFR part 658 is revised to read as follows:

Authority: 23 U.S.C. 127 and 315; 49 U.S.C. app. 2311, 2312, and 2316; 49 CFR 1.48(b)(19) and (c)(19).

6. Section 658.5 is amended by removing the arabic letter paragraph designations from all definitions, placing the definitions in alphabetical order, and adding four new definitions in appropriate order as follows:

§ 658.5 Definitions.

* * * * *

Cargo-carrying unit. As used in this part, cargo-carrying unit means any portion of a commercial motor vehicle (CMV) combination (other than a truck tractor) used for the carrying of cargo, including a trailer, semitrailer or the cargo-carrying section of a single-unit truck.

* * * * *

Longer combination vehicle. As used in this part, longer combination vehicle (LCV) means any combination of a truck tractor and two or more trailers or semitrailers which operates on the Interstate System at a gross vehicle weight greater than 80,000 pounds.

* * * * *

Maxi-cube vehicle. A maxi-cube vehicle is a combination vehicle consisting of a power unit and a trailing unit, both of which are designed to carry cargo. The power unit is a nonarticulated truck with one or more drive axles that carries either a detachable or a permanently attached cargo box. The trailing unit is a trailer or semitrailer with a cargo box so designed that the power unit may be loaded and unloaded through the trailing unit. Neither cargo box may exceed 34 feet in length, excluding drawbar or hitching device; the distance from the front of the first to the rear of the second cargo box may not exceed 60 feet; and the overall length of the combination vehicle may not exceed 65 feet.

* * * * *

Nondivisible vehicle or load. As used in this part, "nondivisible" means any vehicle or load exceeding applicable length or weight limits which cannot readily be separated into smaller vehicles or loads that comply with such limits without:

(1) Compromising the intended use of the vehicle,

(2) Destroying the value of the load, or

(3) Using expert knowledge or specially designed tools. The intended use of a vehicle would be compromised if separating it into smaller units would make it unable to perform the function for which it was designed. The value of a load would be destroyed if separating it into smaller units would make the load unusable for its intended purpose. Expert knowledge means familiarity with procedures required to dismantle and reassemble a load which are beyond the job requirements typically associated with positions in the motor carrier industry. Specially designed tools means equipment designed and manufactured only for use with the load in question. A State may treat a sealed containerized load moving in international commerce as a nondivisible load.

* * * * *

7. In § 658.13, paragraphs (d), (e), and (f) are redesignated as paragraphs (e), (f), and (g), respectively, a new paragraph (d) is added, and a new paragraph (e)(4) is added under redesignated paragraph (e) to read as follows:

§ 658.13 Length.

* * * * *

(d) No State shall impose a limit of less than 45 feet on the length of any bus on the NN.

(e) * * *

(4) Maxi-cube vehicle. No State shall impose a length limit on a maxi-cube vehicle, as defined in § 658.5 of this part, of less than 34 feet on either cargo box, excluding drawbar or hitching device; 60 feet on the distance from the front of the first to the rear of the second cargo box, including the space between the cargo boxes; or 65 feet on the overall length of the combination, including the space between the cargo boxes. If the maxi-cube vehicle is equipped with an adjustable drawbar, the 60- and 65-foot distances shall be measured with the drawbar positioned at its maximum extension.

* * * * *

8. In § 658.17, paragraphs (f), (g), and (h) are redesignated as paragraphs (g), (h), and (i), respectively, and new paragraphs (f), (j), and (k) are added, and redesignated paragraph (h) is revised to read as follows:

§ 658.17 Weight.

* * * * *

(f) States may not enforce on the Interstate System vehicle weight limits of less than 20,000 pounds on a single axle, 34,000 pounds on a tandem axle, or the weights derived from the bridge formula, up to a maximum of 80,000

pounds, including all enforcement tolerances.

* * * * *

(h) States may issue special permits without regard to the axle, gross, or Federal bridge formal requirements for nondivisible vehicles or loads.

* * * * *

(j) The provisions of paragraphs (c) through (e) of this section shall not apply to the operation on Interstate Route 68 in Allegany and Garrett Counties, Maryland, of any specialized vehicle equipped with a steering axle and a tridem axle and used for hauling coal, logs, and pulpwood if such vehicle is of a type of vehicle as was operating in such counties on United States Route 40 or 48 for such purposes on August 1, 1991.

(k) Beginning December 18, 1991, and ending December 17, 1993, the provisions of paragraphs (c) through (e) of this section shall not apply to any existing vehicle used for the purpose of protecting persons and property from fire and other disasters that threaten public safety which was in actual operation between December 18, 1991, and to any new vehicle to be used for such purpose while such vehicle is being delivered to a firefighting agency. The Secretary may extend this temporary exemption for an additional year.

9. In § 658.19, paragraph (a) is revised to read as follows:

§ 658.19 Reasonable access.

(a) No State may enact or enforce any law denying reasonable access to vehicles with dimensions authorized by the STAA between the National Network and terminals and facilities for food, fuel, repairs, and rest. In addition, no State may enact or enforce any law denying reasonable access between the National Network and points of loading and unloading to household goods carriers, motor carriers of passengers, and any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28 feet (28.5 feet where allowed pursuant to § 658.13(b)(5) of this part) and which generally operates as part of a vehicle combination described in §§ 658.13(b)(5) and 658.15(a) of this part.

* * * * *

10. Part 658 is amended by adding § 658.23 as follows:

§ 658.23 LCV freeze; cargo-carrying unit freeze.

(a) (1) Except as otherwise provided in this section, a State may allow the operation on the Interstate System of longer combination vehicles (LCV's) only as listed in appendix C.

(2) Except as otherwise provided in this section, a State may not allow the operation on the National Network of any commercial motor vehicle (CMV) combination with two or more cargo-carrying units (not including the truck tractor) whose cargo-carrying units exceed:

(i) The maximum combination trailer, semitrailer, or other type of length limitation authorized by State law or regulation of that State on or before June 1, 1991; or

(ii) The length of the cargo-carrying units of those CMV combinations, by specific configuration, in actual, lawful operation on a regular or periodic basis (including continuing seasonal operation) in that State on or before June 1, 1991, as listed in appendix C.

(b) Notwithstanding paragraph (a)(2) of this section, the following CMV combinations with two or more cargo-carrying units may operate on the National Network.

(1) Truck tractor-semitrailer-trailer and truck tractor-semitrailer-semitrailer combinations with a maximum length of the individual cargo units of 28.5 feet or less.

(2) Vehicles described in section 658.13 (d) and (f).

(3) Truck-trailer and truck-semitrailer combinations (including maxi-cubes) with an overall length of 65 feet or less.

(4) Tow trucks and vehicles in tow.

(c) Wyoming shall notify the Federal Highway Administrator within 30 days after November 3, 1992, if additional vehicle configurations were authorized by law on or before that date. The notification shall include a copy of the law and a description of the vehicle length and weight restrictions and other operating conditions imposed.

(d) For specific safety purposes and road construction, a State may make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions applicable to combinations subject to sections 1023 and 4006 of Public Law 102–240 and in effect on June 1, 1991 (July 6, 1991, for Alaska and November 3, 1992, for Wyoming). Adjustments which last 30 days or less may be made without notifying the FHWA. Minor adjustments which exceed 30 days require approval of the Division Office of Motor Carriers. When such adjustments are needed, a State must submit to the Division Office of Motor Carriers, by the end of the 30th day, a written description of the emergency; the date on which it began; and the date on which it is estimated to conclude. If the adjustment involves route designations, the State shall describe the new routes on which vehicles otherwise subject to the freeze imposed by sections 1023 and 4006 of Public Law 102–240 are allowed to operate. The Division Office of Motor Carriers approval of adjustments involving route designations shall be coordinated with the Division Office of Motor Carriers. If the adjustment involves vehicle operating restrictions, the State shall list the restrictions that have been removed or modified. If the adjustment is approved, the FHWA will publish a notice of adjustment, with an expiration date, in the **Federal Register**. Requests for extensions of time beyond the originally established conclusion date shall be subject to the same approval and publication process as the original request. If the Division Office of Motor Carriers determines that minor adjustments made by a State are not legitimately attributable to road or bridge construction or safety, the Division Office of Motor Carriers will so inform the State, and the original conditions of the freeze must be reimposed immediately. Failure to do so may subject the State to a penalty pursuant to 23 U.S.C. 141.

(e) A State may issue a permit authorizing a commercial motor vehicle to transport an overlength nondivisible load on two or more cargo-carrying units on the NN without regard to the restrictions in § 658.23(a)(2).

(f) States further restricting or prohibiting the operation of vehicles subject to sections 1023 and 4006 of Pub. L. 102–240 after June 1, 1991, shall notify the FHWA Division Office of Motor Carriers within 30 days after the restriction is effective. The FHWA will publish the restriction in the **Federal Register** as an amendment to appendix C. Failure to provide such notification may subject the State to a penalty pursuant to 23 U.S.C. 141.

(g) The FHWA Administrator, on his or her own motion or upon a request by any person (including a State), shall review the information set forth in appendix C to this part. If the FHWA Administrator determines there is cause to believe that a mistake was made in the accuracy of the information contained in appendix C, the FHWA Administrator shall commence a proceeding to determine whether the information published should be corrected. If the FHWA Administrator determines that there is a mistake in the accuracy of the information contained in appendix C, the FHWA Administrator shall publish in the **Federal Register** the appropriate corrections to reflect that determination.

11. Appendix A to part 658—National Network—Federally Designated Routes is amended by revising the entry for the State of Virginia to read as follows:

Appendix A to Part 658—National Network—Federally Designated Routes

* * * * *

VIRGINIA

Route	From	To
US 11	I–81 Exit 195	0.18 Mi. N. of VA 645 Rockbridge Co.
US 11	VA 220 Alt. N. Int.	2.15 Mi. S. of VA 220 Alt. N. Int. Cloverdale.
US 11	VA 100 Dublin	VA 643 S. of Dublin.
US 11	1.52 Mi. N. of VA 75	US 19 N. Int. Abington.
US 13	MD State Line	I–64 Exit 282 Norfolk.
US 17	US 29 Opal	VA 2/US 17 BR New Post.
US 17	VA 134 York County	I–64 Exit 258 Newport News.
US 17 BR/VA 2	SCL Fredericksburg	US 17 New Post.
US 19	I–81 Exit 14 (via VA 140) Abington	US 460 N. Int./VA 720 Bluefield.
US 23	TN State Line	US 58 Alt. Big Stone Gap.
US 23	0.33 Mi. N. of US 23 BR Norton	KY State Line.
US 25E	TN State Line	KY State Line.
US 29	NC State Line	I–66 Exit 43 Gainesville.
US 33	N. Carlton Street Harrisonburg	US 340 Elkton.
US 33	I–295 Exit 49	0.96 Mi. W. of I–295 Hanover County.
US 50	VA 259 Gore	VA 37 Frederick County.
US 50	Apple Blossom Loop Rd. Winchester	I–81 Exit 313 Winchester.
US 58	VA 721 W. of Martinsville	US 220 BR N. Int. Martinsville.
US 58	S. Fairy Street Martinsville	WCL Emporia.
US 58	0.6 Mi. E. of ECL Emporia	VA 35 S. Int. Courtland.
US 58	US 58 BR E. of Courtland	US 13/I–264 Bowers Hill.
US 58 Alt	US 23 Norton	US 19 Hansonville.
US 58 Alt	0.4 Mi. W. of US 11	I–81 Exit 17 Abington.
US 58 BR	VA 35 Courtland	US 58 E. of Courtland.
US 58	W. Int. VA 337 Claremont St. Norfolk	US 460/St. Paul's Blvd. Norfolk.
US 60	0.03 Mi. West of VA 887 Chesterfield County	US 522 Powhatan.
US 220	NC State Line	I–581 Roanoke.
US 220	I–81 Exit 150	SCL Fincastle.
US 220 BR	US 220 S. Int.	0.16 Mi. N. of VA 825 S. of Martinsville.
US 220 BR	US 58 N. Int. Martinsville	US 220 N. Int. Bassett Forks.
US 250	US 340 E. Int. Waynesboro	VA 254 Waynesboro
US 250	I–81 Exit 222	VA 261 Staller Blvd. Staunton.
US 258	NC State Line	US 58 Franklin.
US 258	VA 10 Benns Church	VA 143 Jefferson Ave. Newport News.
US 301	VA 1250 S. of I–295	I–295 Exit 41 Hanover County.
US 301	US 301 BR N. Int. Bowling Green	MD State Line.
US 340/522	I–66 Exit 6 Front Royal	2.85 Mi. N. of I–66.
US 340	VA 7 Berryville	WV State Line.
US 360	US 58 South Boston	VA 150 Chesterfield County.
US 360	I–64 Exit 192 Richmond	VA 627 Village.
US 460	VA 67 W. Int. Raven	US 19 Claypool Hill.
US 460	VA 720 Bluefield	WV State Line at Bluefield.
US 460	WV State Line at Glen Lyn	I–81 Exit 118 Christiansburg.
US 460	I–581 Roanoke	0.08 Mi. E. of VA 1512 Lynchburg.
US 460	US 29 Lynchburg	1 Mi. W. of VA 24 Appomattox County.
US 460	0.64 Mi. E. of VA 707 Appomattox County	I–85 Exit 61 Petersburg.
US 460	I–95 Exit 50 Petersburg	US 58 Suffolk.
US 501	VA 360 S. Int. Halifax	US 58 South Boston.
US 522	0.6 Mi. S. of US 50	US 50 Frederick County.
US 522	VA 37 Frederick County	1.07 Mi. N. of VA 705 Cross Junction.
VA 3	US 1 Fredericksburg	VA 20 Wilderness.
VA 7	I–81 Exit 315 Winchester	0.68 Mi. W. of WCL Round Hill.
VA 10	US 58 Suffolk	VA 666 Smithfield.
VA 10	ECL Hopewell	0.37 Mi. W. of W. Int. VA 156 Hopewell.
VA 10	US 1 Chesterfield County	VA 827 W. of Hopewell.
VA 20	I–64 Exit 121	Carlton Rd. Charlottesville.
VA 30	I–95 Exit 98 Doswell	US 1.
VA 33	I–64 Exit 220	VA 30 E. Int. West Point.
VA 36	I–95 Exit 52 Petersburg	VA 156 Hopewell.
VA 37	I–81 Exit 310 S. of Winchester	I–81 Exit 317 (via US 11) N. of Winchester.
VA 42	VA 257 S. Int. Bridgewater	VA 290 Dayton.
VA 57	VA 753 Bassett	US 220 Bassett Forks.
VA 86	US 29 Danville	NC State Line.
VA 100	I–81 Exit 98	US 11 Dublin.
VA 105	US 60 Newport News	I–64 Exit 250.
VA 114	US 460 Christiansburg	0.09 Mi. E. of VA 750 Montgomery County.
VA 156	VA 10 W. Int. Hopewell	VA 36 Hopewell.
VA 199	US 60 Williamsburg	I–64 Exit 242.
VA 207	I–95 Exit 104	0.2 Mi. S. of VA 619 Milford.
VA 220 Alt	US 11 N. Int. N. of Cloverdale	I–81 Exit 150/US 220.
VA 277	I–81 Exit 307 Stephens City	1.6 Mi. E. of I–81 Exit 307.
VA 419	I–81 Exit 141 Salem	Midland Ave. Salem.
VA 624	I–64 Exit 96	Old SCL Waynesboro.
Commonwealth Blvd. in Martinsville.	Market Street	N. Fairy Street.

Note 1: I–66 Washington, DC area—**There is a 24-hour total truck ban on I–66 from I–495** Capital Beltway to the District of Columbia. [Excepted under 23 CFR 658.11(f)].

Note 2: I–264 Norfolk—Truck widths are limited to 96 inches for the westbound tube of the Elizabeth River Downtown Tunnel from Norfolk to Portsmouth because of clearance deficiencies.

12. Part 658 is amended by adding appendix C to read as follows:

Appendix C to Part 658—Trucks Over 80,000 Pounds on the Interstate System and Trucks Over STAA Lengths on the National Network

This appendix contains information, by State, regarding longer combination vehicles (LCV's), i.e., commercial motor vehicle (CMV) combinations consisting of a truck tractor and two or more trailers or semitrailers lawfully operating on the Interstate System on a regular or periodic basis (including seasonal operations) with a gross weight in excess of 80,000 pounds as of June 1, 1991. It also contains information, by State, regarding the cargo-carrying length of CMV combinations with two or more cargo-carrying units lawfully operating on the National Network (NN), on a regular or periodic basis (including seasonal operation), on or before June 1, 1991. All vehicles are listed by configuration type.

Trucks Over 80,000 Pounds on the Interstate System

CMV combinations which can also be LCV's are identified with the letters "LCV" following the type of combination vehicle in the State-by-State descriptions. The maximum allowable gross vehicle weight is given (in thousands of pounds indicated by a "K"), as well as information summarizing the operational conditions, routes, and legal citations is provided in this appendix. The term "Interstate System" as used herein refers to the Dwight D. Eisenhower System of Interstate and Defense Highways.

Trucks Over STAA Lengths on the National Network

Listed for each State by combination type is either:

a. The maximum cargo-carrying length (shown in feet); or

b. A notation that such vehicle was not allowed (indicated by a "NO").

CMV's are categorized as follows:

1. A CMV combination with two trailers or semitrailers either of which is over 28.5 feet long, but which normally operates with a long semitrailer plus a shorter trailer, commonly known as a "Rocky Mountain" double.

2. A CMV combination with two trailers or semitrailers, both of which exceed 40 feet in length, commonly known as a "Turnpike" double.

3. A CMV combination with three trailers or semitrailers, commonly known as a "Triple."

4. CMV combinations with two or more cargo-carrying units not included in descriptions 1, 2, or 3.

In the following table the top number is the maximum cargo-carrying length measured in feet from the front of the first cargo unit to the rear of the last cargo unit. The number below the length measurement is the maximum gross weight in thousands of pounds that the vehicle can carry when operating as an LCV on the Interstate System. For every State where there is a length or weight number in the table that follows, additional information is provided.

VEHICLE COMBINATIONS SUBJECT TO PUBLIC LAW 102–240

State	Rocky Mountain doubles 1	Turnpike doubles 2	Triples 3	Other 4
Alabama	No	No	No	No
Alaska	80.5′	90′	110′	[illegible]
	111.5K	135K	135K	
Arizona	92′	95′	95′	(1)
	111K	111K	123.5K	
Arkansas	No	No	No	[illegible]
California	No	No	*55′	No
Colorado	85′	95′	[illegible]	78′
	110K	110K	110K	
Connecticut	No	No	No	[illegible]
Delaware	No	No	No	62′
Dist. of Columbia	No	No	No	No
Florida	*85.5′	*106′	No	No
Georgia	No	No	No	No
Hawaii	*65′	No	No	[illegible]
Idaho	85.5′	95′	95′	(1)
	105.5K	105.5K	105.5K	
Illinois	No	No	No	No
Indiana	86′	106′	104.5′	No
	127.4K	127.4K	127.4K	
Iowa	No	No	No	[illegible]
Kansas	92′	109′	109′	No
	116K	120K	110K	
Kentucky	No	No	No	No
Louisiana	*75′	No	No	[illegible]
Maine	No	No	No	No
Maryland	No	No	No	No
Massachusetts	No	114′	No	No
		127.4K		
Michigan	58′	No	[illegible]	[illegible]
	128K			
Minnesota	No	No	No	No
Mississippi	No	No	No	No
Missouri	102′	109′	100′	[illegible]
	120K	120K	120K	
Montana	85′	93′	[illegible]	(1)
	124K	124K	131.06K	
Nebraska	85′	95′	95′	[illegible]
	95K			

VEHICLE COMBINATIONS SUBJECT TO PUBLIC LAW 102-240—Continued

State	Rocky Mountain doubles 1	Turnpike doubles 2	Triples 3	Other 4
Nevada	85.5′ 114.5K	95′ 129K	95′ 129K	96′
New Hampshire	No	No	No	85′
New Jersey	No	No	No	No
New Mexico	61′ 86.4K	No	No	No
New York	85.5′ 114.5K	102′ 143K	No	No
North Carolina	No	No	No	No
North Dakota	85.5′ 105.5K	103′ 105.5K	100′ 105.5K	103′
Ohio	80′ 90K	102′ 127.4K	95′ 127.4K	No
Oklahoma	92′ 90K	123′ 90	95′ 90K	No
Oregon	68′ 105.5K	No	95′ 105.5K	68′
Pennsylvania	No	No	No	No
Puerto Rico	No	No	No	No
Rhode Island	No	No	No	No
South Carolina	No	No	No	No
South Dakota	81.5′ 129K	100′ 129K	100′ 129K	(1)
Tennessee	No	No	No	No
Texas	No	No	No	No
Utah	88′ 129K	95′ 129K	95′ 129K	(1)
Vermont	No	No	No	No
Virginia	No	No	No	No
Washington	68′ 105.5K	No	No	68′
West Virginia	No	No	No	No
Wisconsin	No	No	No	No
Wyoming	81′ 101K	81′ 117K	(2)	(1)

*=These vehicles are not considered "LCV's" per the ISTEA definition and therefore do not have a maximum allowable gross weight figure listed.
(1)=State submission includes multiple vehicles in this category—see individual State listings.
(2)=Wyoming has until November 3, 1992, to determine this length.

State: Alaska

Combination: Rocky Mountain Double—LCV

Length of the Cargo-Carrying Units: 80.5 feet

Maximum Allowable Gross Weight: 111,500 pounds

Operational Conditions

Weight: The maximum single-axle weight is 20,000 pounds for a 10-foot minimum spacing. Any axle spaced less than 10 feet from any other axle, measured between the centers of the nearest axles, is considered as part of an axle group. The maximum tandem-axle weight is 38,000 pounds for two axles spaced a minimum of 3.5 feet. Three axles spaced a minimum of 3.5 feet can carry a maximum weight of 42,000 pounds, and four axles spaced a minimum of 3.5 feet can carry a maximum of 50,000 pounds. The above weight limits include all weighing tolerances.

The weight on any tire located on a steering axle may not exceed 600 pounds per inch of tire width based upon the tire manufacturer's rating of tire width, while the weight on any tire located on any other axle may not exceed 550 pounds per inch of tire width based upon the tire manufacturer's rating of tire width.

During the annual spring thaw, all commercial vehicles, including LCV's, are further restricted as to allowable axle weight. The Alaska Department of Transportation and Public Facilities (DOT&PF) determines the percentage weight reduction and the highways affected.

The weight carried on an axle before or after a pintle hook in a two-trailer combination may not exceed the standards of 17 AAC 25.060(a). This regulation provides the general legal weight allowances for axles and for vehicle combinations. The weight of the power unit and the first trailer in a two-trailer combination may not exceed the weight allowable under 17 AAC 25.060(a) for a power unit and single trailer with the same axle configuration and of equal length, calculated without regard to the presence of the second trailer in the combination.

Driver: Commerical driver's license with multiple-trailer endorsement.

Vehicle: Combinations with an overall length greater than 75 feet, measured bumper to bumper, must display an "OVERSIZE" warning sign on the front and rear. In combinations where one cargo-carrying unit is more than 5,000 pounds heavier than the other, the heavier shall be placed immediately behind the power unit.

The weight of the power unit and the first load-carrying unit in a combination with two load-carrying units may not exceed the weight allowed under 17 AAC 25.060(a) for a power unit and single load-carrying unit with the same axle configuration and length, calculated without regard to the presence of the second load-carrying unit in the combination.

Weather restrictions are imposed when hazardous conditions exist, as determined by the Alaska DOT&PF and the Alaska Department of Public Safety, Division of State Troopers.

Travel is not restricted by time of day.

Permit: Single- or multiple-trip permits are required for divisible overweight loads. A fee is charged. No other permits are required.

Access: Alaska allows reasonable access not to exceed 5 miles to reach or return from terminals and facilities for food, fuel, or rest. The most direct route must be used. The Commissioner of the

Alaska DOT&PF may allow access to specific routes if it can be shown that travel frequency, necessity, and route accommodation are required.

ROUTES

	From	To
AK-1	Anchorage (Potter Weigh Station).	Palmer (Palmer-Wasilla Highway Junction).
AK-2	Fairbanks (Gaffney Road Junction).	Delta Junction (MP 1412 Alaska Highway).
AK-3	From its junction with AK-1.	Fairbanks (Gaffney Road Junction).

Legal Citations

17 AAC 35
17 AAC 25
Administrative Permit Manual

State: Alaska

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 90 feet
Maximum Allowable Gross Weight: 135,000 pounds

Operational Conditions: Same as for Alaska "Rocky Mountain" doubles.

Routes: Same as for Alaska "Rocky Mountain" doubles.

Legal Citations: Same as for Alaska Rocky Mountain" doubles.

State: Alaska

Combination: Triple—LCV
Length of the Cargo-Carrying Units: 110 feet
Maximum Allowable Gross Weight: 135,000 pounds

Weight and Access: Same as for Alaska "Rocky Mountain" doubles.

Driver: Commercial driver's license with multiple-trailer endorsement. Drivers of triples must have 10 years of experience in Alaska and certified training in triples operation.

Vehicle: Triples may consist of three cargo-carrying units. Trailer length shall not exceed 28.5 feet. Engine power rating shall not be less than 400 horsepower.

Triples are allowed to operate only between April 15 and September 30 of each year. Weather restrictions are imposed when hazardous conditions exist, as determined by the Alaska DOT&PF and the Department of Public Safety, Division of State Troopers. No movement is permitted if visibility is restricted to less than 1,000 feet by inclement weather.

Triple trailer combinations are allowed to operate only during the following hours:

1 a.m. Sunday to 12 p.m. Sunday
7 p.m. Sunday to 6 a.m. Monday
8 p.m. Monday to 7 a.m. Tuesday
8 p.m. Tuesday to 8 p.m. Wednesday

Permit: Permits are required with specified durations of not less than 3 months or more than 18 months. There is a fee.

ROUTES

	From	To
AK-1	Anchorage (Potter Weigh Station).	Junction of AK-1 and AK-3 (5 miles S. of Palmer).
AK-3	From its Junction with AK-1.	Fairbanks (Gaffney Road Junction).

Legal Citations: Same as for Alaska "Rocky Mountain" doubles.

State: Alaska

Combination: Truck-trailer
Length of the Cargo-Carrying Units: 83 feet

Operational Conditions

Weight, Driver, Permit, and Access: Same as for Alaska "Rocky Mountain" doubles.

Vehicle: Same as for Alaska "Rocky Mountain" doubles, except overall length may not exceed 90 feet.

Routes: Same as for Alaska "Rocky Mountain" doubles.

Legal Citations: Same as for Alaska "Rocky Mountain" doubles.

State: Arizona

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 92 feet
Maximum Gross Vehicle Weight: 111,000 pounds

Operational Conditions

Weight: Single-axle maximum weight limit is 20,000 pounds, tandem-axle maximum weight limit is 34,000 pounds, and the gross vehicle weight limit is 111,000 pounds, subject to the Federal bridge formula.

Driver: Commercial driver's license with multiple-trailer endorsement. Drivers must comply with the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation and Title 28, Arizona Revised Statutes.

Vehicle: This vehicle must be able to operate at speeds compatible with other traffic on level roads and maintain 20 miles per hour speed on grades where operated. A heavy-duty fifth wheel is required. The kingpin must be a solid type, not a screw-out or folding type. All hitch connectors must be of a no-slack type, preferably an air-actuated ram. Axles must be those designed for the width of the body. All braking systems must comply with State and Federal requirements. A brake force limiting valve, sometimes called a "slippery road" valve, may be provided on the steering axle. Mud flaps or splash guards are required. When traveling on a smooth, paved surface, LCV trailers must follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side when the towing vehicle is moving in a straight line.

Permits: Permits are required. Fees are charged. This vehicle is allowed continuous travel, however, the State may restrict or prohibit operations during periods when traffic, weather, or other safety considerations make such operations unsafe or inadvisable. All multiple-trailer combinations shall be driven in the right-hand traffic lane.

Access: Access is allowed for 20 miles from I–15 Exits 8 and 27 or 20 miles from other authorized routes.

ROUTES

	From	To
I–15	Nevada	Utah.
US 89	20 miles south of the Utah State Line.	Utah.
US 160	US 163	New Mexico.
US 163	US 160	Utah.

LEGAL CITATIONS

ARS 28–107	ARS 28–1009.01.	ARS 28–1011.N
ARS 28–108.5	ARS 28–1011.A	ARS 28–1011.O
ARS 28–108.13	ARS 28–1011.C	ARS 28–1013
ARS 28–108.14	ARS 28–1011.F	ARS 28–1014
ARS 28–1001	ARS 28–1011.K	ARS 28–1031
ARS 28–1004.G.	ARS 28–1011.L	ARS 28–1051
ARS 28–1008	ARS 28–1011.M.	ARS 28–1052
ARS 28–1009	R17–40–428	ARS 28–403
ARS 28–1012		ARS 28–405

State: Arizona

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 95
Maximum Allowable Gross Weight: 111,000 pounds

Operational Conditions: Same as for Arizona "Rocky Mountain" doubles.

Routes: Same as for Arizona "Rocky Mountain" doubles.

Legal Citations: Same as for Arizona "Rocky Mountain" doubles.

State: Arizona

Combination: Triple—LCV
Length of the Cargo-Carrying Units: 95 feet
Maximum Allowable Gross Weight: 123,500 pounds

Operational Conditions

Weight, Vehicle, and Access: Same as for Arizona "Rocky Mountain" doubles.

Driver: The requirements are the same as for Arizona "Rocky Mountain" doubles, except that, in addition, drivers of triples must be trained by an experienced triple trailer driver. Training shall be through special instructions or by traveling with the new driver until such time as the new driver is deemed adequately qualified by the trainer on the use and operation of triple trailer combinations.

Permit: The requirements are the same as for Arizona "Rocky Mountain" doubles, except that, in addition, triple trailers shall not be dispatched during adverse weather conditions.

Routes: Same as for Arizona "Rocky Mountain" doubles.

Legal Citations: Same as for Arizona "Rocky Mountain" doubles.

State: Arizona

Combination: Truck-semitrailer-trailer
Length of the Cargo-Carrying Units: 98 feet

Operational Conditions: Same as for Arizona "Rocky Mountain" doubles.

Routes: Same as for Arizona "Rocky Mountain" doubles.

Legal Citations: Same as for Arizona "Rocky Mountain" doubles.

State: Arizona

Combination: Truck-trailer
Length of the Cargo-Carrying units: 69 feet

Operational Conditions: Same as for Arizona "Rocky Mountain" doubles.

Routes: Same as for Arizona "Rocky Mountain" doubles.

Legal Citations: Same as for Arizona "Rocky Mountain" doubles.

State: California

Combination: Triple
Length of Cargo-Carrying Units: 55 feet

Operational Conditions

Weight: Maximums: single axle=18,000 pounds, tandem axle=36,000 pounds, and gross weight=76,800 pounds.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: Overall length limited to 65 feet.

Permit: None required.

Access: As allowed by the State.

Routes: All National Network routes.

Legal Citations: CVC 12804.9 (CDL), 15278(a) (Double-trailer endorsement), 35401(a) (Maximum length of vehicle combinations), and 35551.5 (Weight).

State: Colorado

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 85 feet
Maximum Allowable Gross Weight: 110,000 pounds

Operational Conditions

Weight: The maximum gross weight is 110,000 pounds, subject to the formula W=800(L+40) where "W" equals the gross weight in pounds and "L" equals the length in feet between the centers of the first and last axles, or the gross weight determined by the Federal bridge formula, whichever is least. A single axle shall not exceed 20,000 pounds and a tandem axle shall not exceed 36,000 pounds.

Driver: Commercial driver's license with multiple-trailer endorsement. The driver cannot have had any suspension of driving privileges in any State during the past 3 years where such suspension arose out of the operation of a motor vehicle used as a contract or common carrier of persons or property.

The driver must be certified by the motor carrier permit holder's safety office. The certification shall demonstrate that the driver has complied with all written requirements, and that the driver has successfully completed a company-approved road test for each type of combination vehicle operated.

Vehicle: Vehicles shall not have fewer than six axles or more than nine axles. They shall be configured such that the shorter trailer shall be operated as the rear trailer, and the trailer with the heavier gross weight shall be operated as the front trailer. In the event that the shorter trailer is also the heavier, the load must be adjusted so that the front trailer is the longer and heavier of the two.

Vehicles shall have adequate power to maintain a minimum speed of 20 miles per hour on any grade over which the combination operates and can resume a speed of 20 miles per hour after stopping on any such grade.

Tires must conform to the standards in the Department of Public Safety's (DPS) Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Motor Vehicles, at 8 CCR 1507–1 and C.R.S. 42–4–225 and 42–2–406.

Vehicles are required to have a heavy-duty fifth wheel and equal strength pick-up plates that meet the standards in the DPS Commercial Vehicle Rules. This equipment must be properly lubricated and located in a position that provides stability during normal operation, including braking. The trailers shall follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side when the towing vehicle is moving in a straight line.

Kingpins must be of a solid type and permanently fastened. Screw-out or folding type kingpins are prohibited.

Hitch connections must be of a no-slack type, preferably air-actuated ram.

Drawbar lengths shall be adequate to provide for the clearances required between the towing vehicle and the trailer(s) for turning and backing maneuvers.

Axles must be those designed for the width of the body of the trailer(s).

Braking systems must comply with the DPS Commercial Vehicle Rules and C.R.S. 42–4–220. Fast air-transmission and release valves must be provided on all trailer(s) and converter dolly axles. A brake force limiting valve, sometimes called a "slippery road" valve, may be provided on the steering axle.

Permit: An annual permit is required for which a fee is charged. A "Rocky Mountain" double shall not operate on the following designated highway segments during the hours of 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, for Colorado Springs, Denver, and Pueblo ("Rocky Mountain" doubles operating above the legal maximum weight are subject to different hours of operation restrictions. Refer to rules pertaining to Extra-Legal Vehicles or Loads).

Colorado Springs: I–25 between Exit 135 (CO 83 Academy Blvd. So.) and Exit 150 (CO 83, Academy Blvd. No.).
Denver: I–25 between Exit 200 (Jct. I–225) and Exit 223 (CO 128, 120th Avenue),
I–70 between Exit 259 (CO 26/US 40) and Exit 282 (Jct. I–225),
I–76 between Exit 5 (Jct. I–25) and Exit 12 (US 85),
I–225 entire length,
I–270 entire length.
Pueblo: I–25 between Exit 94 (CO 45 Lake Ave.) and Exit 101 (US 50/CO 47).

Access: A vehicle shall not be operated off the designated portions of the Interstate System except to access food, fuel, repairs, and rest or to access a facility. Access to a facility shall be subject to the following conditions:

(1) The facility must:

(a) Be either a manufacturing or a distribution center, a warehouse, or truck terminal located in an area where industrial uses are permitted; or

(b) Be a construction site; and

(c) Meet the following criteria:

(i) Vehicles are formed for transport or broken down for delivery on the premises;

(ii) Adequate off-roadway space exists on the premises to safely maneuver the vehicles; and

(iii) Adequate equipment is available on the premises to handle, load, and

unload the vehicle, its trailers, and cargo.

(2) The facility must be located within a maximum distance of 10 miles from the point where the vehicle enters or exits the designated portions of the Interstate System. Such 10-mile distance shall be measured by the actual route(s) to be traveled to the facility, rather than by a straight line radius from the designated Interstate System to the facility;

(3) The access route(s) between the designated Interstate System and the facility must be approved in advance by the public entity (CDOT, municipality, or county) having jurisdiction for the roadway(s) that make up the route(s). Where the State of Colorado has jurisdiction over the access route(s), it will consider the following safety, engineering, and other criteria in determining whether to approve the route(s):

(a) Safety of the motoring public;

(b) Geometrics of the street and roadway;

(c) Traffic volumes and patterns;

(d) Protection of State highways, roadways, and structures;

(e) Zoning and general characteristics of the route(s) to be encountered; and

(f) Other relevant criteria warranted by special circumstances of the proposed route(s).

Local entities, counties, and municipalities having jurisdiction over route(s), should consider similar criteria in determining whether to approve the proposed ingress and egress route(s); and

(4) A permit holder shall access only the facility or location authorized by the permit. If the permit authorizes more than one facility or location, then on any single trip by an LCV from the designated Interstate System the permit holder may access only one facility or location before returning to the designated Interstate System.

Routes: National Network routes except that LCV's may not operate on I–70 from Exit 90 to Exit 259.

Legal Citations: Vehicles must comply with all applicable statutes, such as C.R.S. 42–4–402(1), C.R.S. 42–4–404(1), 42–4–407(1)(C)(III)(A), 42–4–409(11)(a)(II) (A), (B) or (C), and Rule 4–15 in the Extra-Legal Vehicles and Loads and Longer Combination Vehicle Rules.

State: Colorado

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 95 feet
Maximum Allowable Gross Weight: 110,000 pounds

Operational Conditions: Same as for Colorado "Rocky Mountain" doubles.

Routes: Same as for Colorado "Rocky Mountain" doubles.

Legal Citations: Same as for Colorado "Rocky Mountain" doubles.

State: Colorado

Combination: Triple—LCV
Length of the Cargo-Carrying Units: 95 feet
Maximum Allowable Gross Weight: 110,000 pounds

Operational Conditions: Same as for Colorado "Rocky Mountain" doubles.

Routes: Same as for Colorado "Rocky Mountain" doubles.

Legal Citations: Same as for Colorado "Rocky Mountain" doubles.

State: Colorado

Combination: Truck-trailer
Length of the Cargo-Carrying Units: 78 feet

Operational Conditions: Same as for Colorado "Rocky Mountain" doubles.

Routes: Same as for Colorado "Rocky Mountain" doubles.

Legal Citations: Same as for Colorado "Rocky Mountain" doubles.

State: Connecticut

Combination: Vehicle and trailer for carrying poles, lumber, piling, or structural units.
Length of the Cargo-Carrying Unit: 68 feet.

Operational Conditions

Weight: Single axle—20,000 pounds, tandem axle—34,000 pounds, and gross vehicle weight—80,000 pounds.

Driver: Commercial driver's license.

Vehicle: No restrictions up to an overall length of 80 feet.

Permits: None Required.

Access: No restrictions for this vehicle.

Routes: All National Network Routes.

Legal Citation: Connecticut General Statutes, Section 14–262(2)(A).

State: Delaware

Combination: Truck tractor-semitrailer-trailer
Length of the Cargo Carrying Unit: 62 feet

Operational Conditions

Weight: Single axle—20,000 pounds, tandem axle—34,000 pounds, and gross vehicle weight—80,000 pounds.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: No restrictions.

Permits: None Required.

Access: No restrictions for this vehicle.

Routes: All National Network Routes.

Legal Citation: Delaware Code, title 21, chapter 45.

State: Florida

Combination: Rocky Mountain Double
Length of the Cargo Carrying Units: 85.5 feet

Operational Conditions: Same as for Florida "Turnpike" doubles.

Routes: Same as for Florida "Turnpike" doubles.

Legal Citations: Same as for Florida "Turnpike" doubles.

State: Florida

Combination: Turnpike Double
Length of the Cargo Carrying Units: 106 feet

Operational Conditions: All overdimensional and weight regulations of the Florida Turnpike Authority shall apply to such units unless specifically excluded under the terms of the Tandem Trailer Permit or these regulations.

Weight: Maximum weight limits (including all tolerances) are single axle: 22,000 pounds, tandem axle: 44,000 pounds, overall gross weight: 147,000 pounds, and gross weight of converter dolly plus second trailer: 67,000 pounds. There are no special axle-spacing requirements for LCV's. For further information, see Rule 14–62.003 FAC.

Driver: Commercial driver's license with multiple-trailer endorsement. Proposed drivers of tandem-trailer units shall be registered by the Florida Turnpike Authority prior to driving such equipment on the turnpike system. For further information, see Rule 14–62.016 FAC.

Vehicle: A complete tandem-trailer combination shall consist of a truck tractor, first semitrailer, fifth-wheel converter dolly, and a second semitrailer. The converter dolly may be either a separate unit or an integral component of the first semitrailer. The width shall not exceed 102 inches and the height shall not exceed 13 feet 6 inches. A tractor used in the tandem-trailer operations shall be capable of hauling the maximum gross load to be transported by a permittee at a speed of not less than 40 miles per hour on all portions of the turnpike system excepting that portion of the roadway, as posted in 1988, between mileposts 234 and 238 where a minimum speed of 30 miles per hour will be permitted.

Every tandem-trailer combination shall be equipped with full air brakes or air-activated hydraulic brakes on the tractor and either air or electric brakes on the dolly and trailers.

A tractor, which will be used to haul a complete tandem-trailer combination

with a total gross weight of 110,000 pounds or more, shall be equipped with tandem rear axles and driving power shall be applied to all wheels on both axles. When the above tandem-axle tractor is required, a tandem-axle dolly converter must be used.

Every tandem-trailer combination shall be equipped with emergency equipment that equals or exceeds both the equipment requirements and the performance standards cited in Chapter 316, Florida Statutes and subpart H "Emergency Equipment" of 49 CFR 393.95.

A converter (fifth-wheel) dolly used in the tandem-trailer operations may have either single or tandem axles, according to its total gross weight. In addition to the primary towbar(s), the dolly vehicle must be equipped with safety chains or cables for connecting the dolly to the lead semitrailer and must be adequate to prevent breakaway.

Lamps and Reflectors. Each tractor, trailer, and converter dolly in a tandem-trailer combination shall be equipped with electric lamps and reflectors mounted on the vehicle, in accordance with chapter 316, Florida Statutes, and subpart B "Lighting Devices, Reflectors and Electrical Equipment," of 49 CFR parts 393.9 through 393.33.

Coupling Devices. Coupling devices shall be so designed, constructed, and installed and the vehicles in a tandem-trailer combination shall equal or exceed both the equipment requirements and the performance standards established on 49 CFR part 393.70, except that such devices shall be so designed and constructed as to ensure that any such combination traveling on a level, smooth paved surface will follow in the path of the towing vehicle without shifting or swerving from side to side over 2 inches to each side of the path of the vehicle when it is moving in a straight line. (For further information see Rule 14–62.002; 14–62.005; 14–62.006; 14–62.007; 14–62.008; 14–62.009; 14–62.010; 14–62.011; 14–62.012; 14–62.013; and 14–62.015, FAC.)

Permit: Tandem-trailer units may operate on the turnpike system under a Tandem Trailer Permit issued by the Florida Turnpike Authority upon application, except as provided in subparagraph (2) below.

(1) The Florida Turnpike Authority shall provide a copy of each such permit to the Motor Carrier Compliance Office.

(2) Tandem-trailer trucks of the dimensions mandated by the Surface Transportation Assistance Act of 1982 (STAA of 1982) and operating in compliance with Rule Chapter 14–54, FAC, and under the provisions of section 316.515, Florida Statutes shall be exempt from the provisions of this rule chapter to the extent provided in Rule 14–54.0011, FAC.

(For further information see Rules 14–62.001; 14–62.022; 14–62.023; 14–62.024; 14–62.026; 14–62.027, FAC)

Access: Staging. Tandem-trailer truck combinations shall be made up and broken up only in special assembly (staging) areas as designated for this purpose. For further information, see Rule 14–62.017, FAC. Make-up and break-up of tandem-trailer truck combinations shall not be allowed on a public right-of-way unless the area is designated for such use or unless an emergency exists.

ROUTES

	From	To
Florida's Turnpike.	So. end Homestead Extension at US1.	Exit 90 (Wildwood).

Legal Citations: Chapter 14–62, "Regulations Governing Tandem Combinations of Florida's Turnpike," Florida Administrative Code.

State: Hawaii

Combination: Rocky Mountain Double
Length of Cargo Carrying Units: 85 feet

Operational Conditions

Weight: Single axle (or two or more consecutive axles less than 42 inches apart): 22,500 pounds. Tandem axles (over 42 inches but less than 6 feet apart): 34,000 pounds. Bridge formula (Interstate routes) limits—axles 6 feet or more apart: Federal bridge formula limits. Bridge formula (Non-Interstate routes) limits—axles 6 feet or more apart: W=900 (L + 40). *Driver:* Commercial driver's license with multiple-trailer endorsement.

Vehicle: No load may exceed the carrying capacity of the axles specified by the manufacturer and no combination vehicle shall have a total weight in excess of its designed gross combination weight limit.

Permits: No permits are required.

Access: Designated routes off the National Network.

Routes: All National Network routes except HI–95 from H–1 to Barbers Point Harbor.

Legal Citations: Chapter 291, section 34, Hawaii Revised Statutes and chapter 104 of title 19, Administrative Rules.

State: Idaho

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 85.5 feet
Maximum Allowable Gross Weight: 105,500 pounds

Operational Conditions

Weight: Single axle: 20,000 pounds, tandem axle: 34,000 pounds, and gross vehicle weight: registered weight up to 105,500 pounds.

Axle spacing: must comply with Idaho Code 49–1001.

Trailer weights: The respective loading of any trailer shall not be substantially greater than the weight of any trailer located ahead of it in the vehicle combination. Substantially greater shall be defined as more than 4,000 pounds heavier.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: The rules provide that all CMV's with two or more cargo-carrying units (except for truck-trailer combinations which are limited to an 85-foot combination length) are subject to calculated maximum off-tracking (CMOT) limits. The CMOT formula is:

$$CMOT=R-[R^2-(A^2+B^2+C^2+D^2+E^2)]^{1/2}$$

R=161

A, B, C, D, E, etc.=measurements between points of articulation or pivot. Squared dimensions to stinger steer points of articulation are negative.

The power unit of LCV's and extra-length combinations shall have adequate power and traction to maintain a speed of 15 miles per hour under normal operating conditions on any upgrade over which the combination is operated.

Fifth wheel, drawbar, and other coupling devices shall be as specified by Federal Motor Carrier Safety Regulations, Section 393.70.

Every combination operated under special permit authority shall be covered by insurance meeting State and Federal requirements. Evidence of this insurance must be carried in the permitted vehicle.

Permit: Permits are required. Permit duration is for 1 year from the date of issuance.

Access: Combinations with a CMOT limit of less than 6.5 feet may use any Interstate or designated highway system interchange for access. Combinations with a CMOT of 6.5 to 8.75 feet may use only the following Interstate System interchanges:

I–15 Exits 58 and 119.
I–84 Exits 3, 49, 50, 52, 54, 57, 95, 168, 173, 182, 208, and 211.
I–86 Exits 36, 40, 56, and 58.

Routes: All National Network routes.

Legal Citations: Other regulations and restrictions that must be complied with are:

Idaho Code 49–1001, 49–1002, 49–1004, 49–1010, and 49–1011.

Idaho Transportation Department Rules 39.C.01, 39.C.06, 39.C.08, 39.C.09, 39.C.10, 39.C.11, 39.C.15, and 39.C.19–23.

State: Idaho

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 95 feet
Maximum Allowable Gross Weight: 105,500 pounds

Operational Conditions: Same as for Idaho "Rocky Mountain" doubles.

Routes: Same as for Idaho "Rocky Mountain" doubles.

Legal Citations: Same as for Idaho "Rocky Mountain" doubles.

Combination: Triple—LCV
Length of the Cargo-Carrying Units: 95 feet
Maximum Allowable Gross Weight: 105,500 pounds

Operational Conditions: Same as for Idaho "Rocky Mountain" doubles. The maximum number of units allowed in a combination vehicle is one power unit and three cargo units.

Routes: Same as for Idaho "Rocky Mountain" doubles.

Legal Citations: Same as for Idaho "Rocky Mountain" doubles.

Combination: Truck-trailer-trailer and Truck-semitrailer-trailer
Length of the Cargo-Carrying Units: 98 feet

Operational Conditions: *Weight, Driver, Permit, and Access:* Same as for Idaho "Rocky Mountain" doubles.

Vehicle: Overall combination length limited to 105 feet.

Routes: Same as for Idaho "Rocky Mountain" doubles.

Legal Citations: Same as for Idaho "Rocky Mountain" doubles.

Combination: Truck-trailer
Length of the Cargo-Carrying Units: 78 feet

Operational Conditions: *Weight, Driver, Permit, and Access:* Same as for Idaho "Rocky Mountain" doubles.

Vehicle: Overall combination length limited to 85 feet.

Routes: Same as for Idaho "Rocky Mountain" doubles.

Legal Citations: Same as for Idaho "Rocky Mountain" doubles.

Combination: Dromedary Tractor-semitrailer or Dromedary Tractor-semitrailer-trailer combination.
Length of the Cargo-Carrying Units: 98 feet

Operational Conditions: *Weight, Driver, Permit, and Access:* Same as for Idaho "Rocky Mountain" doubles.

Vehicle: Overall combination length limited to 105 feet.

Routes: Same as for Idaho "Rocky Mountain" doubles.

Legal Citations: Same as for Idaho "Rocky Mountain" doubles.

State: Indiana

Combination: Rocky Mountain Double-LCV
Length of the Cargo-Carrying Units: 86 feet
Maximum Allowable Gross Weight: 127,400 pounds

Operational Conditions: *Weight:* Single axle = 22,400 pounds. Axles spaced less than 40 inches between centers are considered to be single axles.

Tandem axle = 36,000 pounds. Axles spaced more than 40 inches but less than 9 feet between centers are considered to be tandem axles.

Gross vehicle weight = 90,000 pounds plus 1,070 pounds per foot for each foot of total vehicle length in excess of 60 feet with a maximum gross weight not to exceed 127,400 pounds.

Driver: Commercial driver's license with multiple-trailer endorsement. Toll Road identification card. Drivers must be at least 26 years old, in good health, and with 5 years of experience driving tractor-semitrailers or tandem-trailer trucks. Experience must include driving in all four seasons.

Vehicle: Lightest trailer to the rear. Distance between coupled trailers shall not exceed 9 feet. The combination vehicle, including coupling devices, shall be designed and constructed so as to ensure that while traveling on a level, smooth paved surface each trailing unit will follow in the path of the towing vehicle without shifting or swerving from side to side more than 3 inches. The combination vehicle must have at least five axles but not more than nine axles and except on ramps be able to achieve and maintain a speed of 45 miles per hour. Following distance is 500 feet, and passing maneuvers must be completed within 1 mile.

Permit: A free annual tandem-trailer permit must be obtained from the Indiana DOT for loads which exceed 90,000 pounds. A multiple-trip access permit, for which a fee is charged, must also be obtained for access to points of delivery or to breakdown locations. Permission to operate can be temporarily suspended by the Indiana DOT due to weather, road conditions, holiday traffic, or other emergency conditions.

Access: 15 miles from toll gates.

ROUTES

	From	To
I–80/90 (IN Toll Road).	Toll Road Gate 21.	OH State Line.
I–90 (IN Toll Road).	IL State Line	Toll Road Gate 21.

Legal Citations:
Indiana Code 9–8–1–16
Indiana Code 8–15–2
135 Indiana Administrative Code 2

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 106 feet
Maximum Allowable Gross Weight: 127,400 pounds

Operational Conditions: Same as for Indiana "Rocky Mountain" doubles.

Routes: Same as for Indiana "Rocky Mountain" doubles.

Legal Citations: Same as for Indiana "Rocky Mountain" doubles.

Combination: Triple—LCV
Length of the Cargo-Carrying Units: 104.5 feet
Maximum Allowable Gross Weight: 127,400 pounds

Operational Conditions: *Weight, Driver, Permit, and Access:* Same as for Indiana "Rocky Mountain" doubles.

Vehicle: Semitrailers and trailers shall not be longer than 28.5 feet, and the minimum number of axles for the combination is seven.

Routes: Same as for Indiana "Rocky Mountain" doubles.

Legal Citations: Same as for Indiana "Rocky Mountain" doubles.

Combination: Combination of three or more vehicles coupled together
Length of the Cargo-Carrying Units: 58 feet

Operational Conditions: Weight: Single axle=22,400 pounds. Axles spaced less than 40 inches between centers are considered to be single axles.

Tandem axle=36,000 pounds. Axles spaced more than 40 inches but less than 9 feet between centers are considered to be tandem axles.

Gross vehicle weight=Determined by the bridge formula not to exceed 80,000 pounds.

Driver: Commercial driver's license.

Vehicle: Maximum width=102 inches. Maximum height=13 feet 6 inches.

Permit: None required.

Access: Unlimited.

Routes: All roads within the State.

Legal Citations: Indiana Code 9–8–1–2.

State: Kansas

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 92 feet

Maximum Allowable Gross Weight: 116,000 pounds

Operational Conditions: *Weight:* "Rocky Mountain" double combinations must comply with the Federal bridge formula with maximum axle weights of 20,000 pounds on a single axle and 34,000 pounds on a tandem axle with a maximum gross weight of 120,000 pounds.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: "Rocky Mountain" double combinations must meet legal width and height with no time-of-day travel restrictions or other special requirements.

Permit: Permits are not required for operation on the Kansas Turnpike. A permit is required for access between the turnpike and motor freight terminals located within a 10-mile radius of each toll booth, except at the northeastern end of the turnpike where a 20-mile radius is allowed. Access permits are valid for 6 months.

Access: Turnpike access routes include all routes between the turnpike and a motor freight terminal located within a 10-mile radius of each toll booth, except at the northeastern end of the turnpike where a 20-mile radius is allowed.

ROUTES

	From	To
I–35 Kansas Turnpike Authority (KTA).	OK State Line ..	KTA Exit 127.
I–70 KTA	KTA Exit 182 ...	KTA Exit 223.
I–335 KTA	KTA Exit 127 ...	KTA Exit 177.
I–470 KTA	KTA Exit 177 ...	KTA Exit 182.

LEGAL CITATIONS

Kansas Statutes Annotated (KSA).		
KSA 8–1911	KSA 68–2003 ..	KSA 68–2019
KSA 8–1914	KSA 68–2004 ..	KSA 68–2048a
KSA 8–1915	KSA 68–2005 ..	

Combination: Turnpike Double—LCV

Length of the Cargo-Carrying Units: 109 feet

Maximum Allowable Gross Weight: 120,000 pounds

Operational Conditions: Same as for Kansas "Rocky Mountain" doubles.

Routes: Same as for Kansas "Rocky Mountain" doubles.

Legal Citations: Same as for Kansas "Rocky Mountain" doubles.

Combination: Triple—LCV

Length of the Cargo-Carrying Units: 109 feet

Maximum Allowable Gross Weight: 110,000 pounds

Operational Conditions: The operations of triple combinations, called special vehicle combinations (SVC's) in Kansas, are governed by two sets of criteria: (1) The turnpike and turnpike access rules, and (2) the SVC rules. The turnpike and turnpike access rules allow a maximum combination vehicle length of 119 feet overall. The SVC rules require triples to have trailers of no more than 28.5 feet maximum length or a cargo-carrying length of approximately 95 feet.

The turnpike and turnpike access rules have no time-of-day travel restrictions or other special requirements.

The SVC rules have several operational conditions. SVC's cannot operate on holidays or during holiday weekends. SVC's cannot be dispatched or operated during adverse weather conditions. SVC's must travel in the right lane, except for passing, and the following distance is 100 feet for every 10 miles per hour. SVC permits can include any restrictions deemed necessary, including specific routes and hours, days, and/or seasons of operation. Rules and regulations can be promulgated regarding driver qualifications, vehicle equipment, and operational standards.

Weight: All triple combinations must comply with the Federal bridge formula with maximum axle weights of 20,000 pounds on a single axle and 34,000 pounds on a tandem axle. The maximum gross weight is 120,000 pounds on the turnpike and turnpike access routes, but the SVC's have a maximum weight of 110,000 pounds.

Driver: Driver qualifications apply to the SVC program only. In addition to a commercial driver's license with multiple-trailer endorsement, drivers must have completed SVC driver training and a company road test. Drivers must also have 2 years of experience driving tractor-semitrailers and 1 year driving doubles.

Vehicle: Vehicle requirements apply to the SVC program only. All axles, except steering axles, must have dual wheels, and all vehicles must be able to achieve and maintain a speed of 40 miles per hour on all grades. Drop and lift axles are prohibited. Vehicles may have a minimum of six and a maximum of nine axles. All but the steering axle must be equipped with an antispray device. The heaviest trailers are to be placed forward. Hazardous cargo is prohibited. Convex mirrors are required on both sides of the cab. Equipment must comply with the requirements of 49 CFR 390–399.

Permit: Same as for Kansas "Rocky Mountain" doubles for the turnpike and turnpike access. SVC's are prohibited from carrying certain types and quantities of hazardous materials. A fee per company plus a permit fee for each power unit is required for the SVC program, and the SVC permits are valid for 1 year.

Access: Turnpike access routes include all routes between the turnpike and a motor freight terminal located within a 10-mile radius of each tool booth, except at the northeastern end of the turnpike where a 20-mile radius is allowed.

ROUTES

	From	To
I–35 Kansas Turnpike Authority (KTA).	OK State Line ..	KTA Exit 127
I–70 KTA	KTA Exit 182 ...	KTA Exit 223
I–335 KTA	KTA Exit 127 ...	KTA Exit 177
I–470 KTA	KTA Exit 177 ...	KTA Exit 182

Legal Citations: Same as for Kansas "Rocky Mountain" doubles plus KSA 8–1915.

State: Louisiana

Combination: Rocky Mountain Double—LCV

Length of the Cargo-Carrying Units: 75 feet

Operational Conditions: *Weight:* Maximum single axle—20,000 pounds, tandem axle—34,000 pounds, and gross vehicle weight—80,000 pounds. Axle-spacing requirements are governed by the Federal bridge formula. Weight limits can be reduced due to weather, other emergency conditions, or pavement deterioration.

Driver: Qualifications for drivers are covered by commercial driver's license requirements.

Vehicle: The drawbar between trailers shall not exceed 15 feet. Tire load on the pavement is limited to 650 pounds per inch of tire width.

Permit: Combination vehicles with two cargo-carrying units that meet the legal size and weight requirements are not required to obtain a special permit. Movement is allowed on the National Network (NN).

Access: Travel on highways other than the NN is limited to 10 miles, except travel to or from terminals may be prohibited on highways determined to be unsafe.

Routes: All National Network routes.

Legal Citations:

LA R.S. 32:382 (A) (1); (2) (b) (c) (d); (B); (C); (D)

LA R.S. 32:384 (A); (C)

LA R.S. 32:386 (A); (B); (C); (D); (H); (J)

State: Massachusetts

Combination: Turnpike Double—LCV
Length of Cargo-Carrying Units: 114 feet
Maximum Allowable Gross Weight:
127,400 pounds

Operational Conditions: *Weight:* Any combination of vehicles may not exceed a maximum gross weight of 127,400 pounds. The maximum gross weight of the tractor and first semitrailer shall not exceed 71,000 pounds. The maximum gross weight of each unit of dolly and semitrailer shall not exceed 56,400 pounds. The maximum gross weight for the tractor and first semitrailer is governed by the formula 35,000 pounds plus 1,000 pounds per foot between the center or the foremost axle and the center of the rearmost axle of the semitrailer. The maximum gross weight on any one axle is 22,400 pounds, and on any tandem axle is 36,000 pounds. Axles less than 46 inches between centers are considered as one axle.

Driver: Commercial driver's license with multiple-trailer endorsement. Drivers must be registered by the Massachusetts Turnpike Authority (MTA). Registration shall include all specified driving records, safety records, physical examinations, and minimum of 5 years of driving experience with tractor trailers.

Vehicle: (1) Brake Regulation. The brakes on any vehicle, dolly converter, or combination of vehicles used in tandem trailer operations as a minimum shall comply with Federal Motor Carrier Safety Regulations in 49 CFR part 393. In addition, any vehicle, dolly converter or combination of vehicles used in tandem trailer operations shall meet the requirements of the provisions of the Massachusetts Motor Vehicle Law. Tandem trailer combinations certified on or after June 1, 1968, shall be equipped with suitable devices to accelerate application and release of the brakes of the towed vehicle.

(2) Axles. A tractor used to haul a tandem trailer combination with a gross weight of more than 110,000 pounds shall be equipped with tandem rear axles, each of which shall be engaged to bear its full share of the load on the roadway surface.

(3) Tandem Assembly. When the gross weight of the trailers vary by more than 20 percent, they shall be coupled with the heaviest trailer attached to the tractor. Coupling devices and towing devices shall comply with the Federal regulations as stated in 49 CFR part 393. When the distance between the rear of the one semitrailer and the front of the following semitrailer is 10 feet or more, the dolly shall be equipped with a device, or the trailers shall be connected along the sides with suitable material, which will indicate to other Turnpike users that the trailers are connected and are in effect one unit. The MTA shall approve the devices or connections to be used on the semitrailers that would indicate it is one unit. Coupling devices shall be so designed, constructed, and installed, and the vehicles in a tandem trailer combination shall be so designed and constructed to ensure that when traveling on a level, smooth paved surface, they will follow in the path of the towing vehicle without shifting or swerving over 3 inches to each side of the path of the towing vehicle when it is moving in a straight line.

Permit: Both the tractor manufacturer and the permittee shall certify to the MTA, prior to the approval of a tractor, that it is capable of hauling the maximum permissible gross load to be transported by the permittee at a speed not less than 20 miles per hour on all portions of the turnpike system. The MTA may revoke or temporarily suspend any permit at will and the instructions of the MTA or Massachusetts State Police shall be complied with immediately.

Access: Makeup and breakup areas. Tandem trailer units shall not leave the turnpike right-of-way and shall be assembled and disassembled only in designated areas.

ROUTES

	From	To
I-90 Mass Turnpike.	New York State	Turnpike Exit 18

Legal Citations: Massachusetts Turnpike Authority, Massachusetts Rules and Regulations 730, and CMR 4.00.

State: Michigan

Combination: Rocky Mountain Double—LCV
Length of Cargo-Carrying Units: 58 feet
Maximum Allowable Gross Weight:
128,000 pounds

Operational Conditions: *Weight:* The single-axle weight limit for LCV's is 18,000 pounds for axles spaced 9 feet or more apart. For axles spaced more than 3.5 feet but less than 9 feet apart, the single-axle weight limit is 13,000 pounds. The tandem-axle weight limit is 16,000 pounds per axle for the first tandem and 13,000 pounds per axle for all other tandems. Axles spaced less than 3.5 feet apart are limited to 9,000 pounds per axle. Maximum load per inch width of tire is 700 pounds. Maximum gross weight is determined based on axle and axle group weight limits.

When restricted seasonal loadings are in effect, load per inch width of tire and maximum axle weights are reduced as follows: Rigid pavements—525 pounds per inch of tire width, 25 percent axle weight reduction; Flexible pavements—450 pounds per inch of tire width, 35 percent axle weight reduction.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: Truck height may not exceed 13.5 feet. There is no overall length for LCV's operating on the Interstate System when semitrailer and trailer lengths do not exceed 28.5 feet. If either the trailer or semitrailer is longer than 28.5 feet, the distance from the front of the first box to the rear of the second box may not exceed 58 feet. A truck and semitrailer or trailer cannot exceed 65 feet in length when operating on the designated routes. A combination of vehicles shall not have more than 11 axles, and the ratio of gross weight to net horsepower delivered to the clutch shall not exceed 400 to 1. In counties with a population of 600,000 or more, LCV's can only be operated on designated routes from midnight to 6 a.m. or at other times set by the Department of State Police, and they cannot transport a flammable liquid in bulk which has a flash point at or below 70 degrees Fahrenheit except from midnight to 6 a.m. or at other times set by the State Fire Safety Board.

Permit: Permits for divisible loads of more than 80,000 pounds must conform to either Federal or grandfathered axle and bridge spacing requirements.

Access: All State highways. Vehicles equipped with 32,000-pound tandem axles are limited to highways designated by the State.

Routes: All Interstate routes.

Legal Citations:

Michigan Public Act 300, section 257.722
Michigan Public Act 300, section 257.719

State: Missouri

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 102 feet

Maximum Allowable Gross Weight: 120,000 pounds when entering Missouri from Kansas; 90,000 pounds when entering from Oklahoma.

Operational Units: Missouri allows vehicles from neighboring States access to terminals in Missouri which are within 20 miles of the Missouri State Line. These vehicles must be legal in the State from which they are entering Missouri.

Weight, Driver, Vehicle: Commercial driver's license with multiple-trailer endorsement. Same conditions which apply to a "Rocky Mountain" double legally operating in Kansas or Oklahoma with a cargo-carrying length of 102 feet or less.

Permit: Annual blanket overdimension permits are issued to allow a "Rocky Mountain" double legally operating in Kansas or Oklahoma with a cargo-carrying length of 102 feet or less, to move to and from terminals in Missouri which are located within a 20-mile band of the State line with those two states. There is a permit fee per power unit. The permits carry routine restrictions that are included in the rules and regulations for all permitted movement.

Access: Routes as necessary to reach terminals.

Routes: All National Network routes within a 20-mile band from the Oklahoma and Kansas borders.

Legal Citations: § 304.170 & § 304.200 Revised Statutes of Missouri 1990.

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 109 feet

Maximum Allowable Gross Weight: Same as for Missouri "Rocky Mountain" doubles.

Operational Conditions: Same as for Missouri "Rocky Mountain" doubles, except the maximum allowable cargo-carrying length is 109 feet.

Routes: Same as for Missouri "Rocky Mountain" doubles.

Legal Citations: Same as for Missouri "Rocky Mountain" doubles.

Combination: Triple—LCV
Length of the Cargo-Carrying Units: 100 feet

Maximum Allowable Gross Weight: Same as for Missouri "Rocky Mountain" doubles.

Operational Conditions: Same as for Missouri "Rocky Mountain" doubles, except the maximum allowable cargo-carrying length is 100 feet.

Routes: Same as for Missouri "Rocky Mountain" doubles.

Legal Citations: Same as for Missouri "Rocky Mountain" doubles.

State: Montana

Combination: Rocky Mountain Double—LCV
Length of Cargo-Carrying Units: 85 feet
Maximum Allowable Gross Weight: 124,000 pounds

Operational Conditions:

Weight: Except for vehicles operating under the Montana/Alberta Memorandum of Understanding (MOU), any vehicle carrying a divisible load over 80,000 pounds must comply with the Federal bridge formula found in 23 U.S.C. 127.

Maximum single-axle limit: 20,000 pounds

Maximum tandem-axle limit: 34,000 pounds

Maximum gross weight is based upon application of the bridge formula.

Maximum weight allowed per inch of tire width is 600 pounds.

Weight, Montana/Alberta MOU:

Maximum single-axle limit: 20,000 pounds

Maximum tandem-axle limit: 37,500 pounds

Maximum tridem-axle limit:

Axles spaced from 94" to less than 118"—46,300 pounds

Axles spaced from 118" to less than 141"—50,700 pounds

Axles spaced from 141" to 146"—52,900 pounds

(axle-spacing limits apply to tridem-axle groups.)

Maximum gross weight:

A-Train: 118,000 pounds

B-Train (eight axle): 137,800 pounds

B-Train (seven axle): 124,600 pounds

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: No special requirements beyond compliance with Federal Motor Carrier Safety Regulations.

Permit: Special permit required for double trailer combinations if either trailer exceeds 28.5 feet. Permits are available on an annual or a trip basis and provide for continuous travel. Statutory reference: 61–10–124, MCA. For vehicles being operated under the Montana/Alberta MOU, operators must have paid gross vehicle weight fees for the total weight being carried. In addition, a term Restricted Route and Oversize Permit for which an annual fee is charged must be obtained. Finally, vehicle operators must secure a single-trip, overweight permit prior to each trip.

Access: Access must be authorized by the Montana DOT. For vehicles operated under the Montana/Alberta MOU, access routes from I–15 into Shelby are authorized when permits are issued.

Routes: Combinations with cargo length of 88 feet or less can use all National Network routes except U.S. 87 from milepost 79.3 to 82.5. For vehicles being operated under the Montana/Alberta MOU, the only route available is I–15 from the border with Canada to Shelby.

LEGAL CITATION

61–10–124 MCA. 61–10–107 (3) MCA.	61–10–104 MCA. 61–10–121 MCA.	ARM 18.8.509(6) ARM 18.8.517, 518

Montana/Alberta Memorandum of Understanding.
Administrative Rules of Montana (ARM).

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 93 feet
Maximum Allowable Gross Weight: 124,000 pounds

Operational Conditions: *Weight, Driver, and Vehicle:* Same as for Montana "Rocky Mountain" doubles.

Permit: Special permits are required for operation on all highways. They are available on an annual or trip basis.

Access: A 2-mile access from the Interstate System is automatically granted to terminals and service areas. Access outside the 2-mile provision may be granted on a case-by-case basis by the Administrator of the Motor Carrier Services Division. Access from the National Network must be authorized by the State.

Routes: Combinations with a cargo-carrying length greater than 88 feet, but not more than 93 feet, are limited to the Interstate System. Combinations with cargo length of 88 feet or less can use all National Network routes except U.S. 87 from milepost 79.3 to 82.5.

Legal Citation: 61–10–124, MCA.

Combination: Triple—LCV
Length of the Cargo-Carrying Units: 100 feet
Maximum Allowable Gross Weight: 131,060 pounds

Operational Conditions: *Weight:* Same as for Montana "Rocky Mountain" doubles.

Driver: Drivers of triple vehicle combinations must be certified by the operating company. This certification includes an actual driving test and knowledge of Federal Motor Carrier Safety Regulations and State law pertaining to triple vehicle operations. Drivers are also required to have a CDL with the proper endorsements.

Vehicle: The 100-foot cargo-carrying length is only with a conventional tractor within a 110-foot overall length limit. If a cabover tractor is used, the cargo length is 95 feet within a 105-foot overall length limit. Vehicles involved in triples operations must comply with the following regulations:

1. Shall maintain a minimum speed of 20 miles per hour on any grade;
2. Kingpins must be solid and permanently affixed;
3. Hitch connections must be no-slack type;
4. Drawbars shall be of minimum practical length;

5. Permanently affixed axles must be designed for the width of the trailer;

6. Anti-sail mudflaps or splash and spray suppression devices are required;

7. The heavier trailers shall be in front of lighter trailers;

8. A minimum distance of 100 feet per 10 miles per hour is required between other vehicles except when passing;

9. Operating at speeds greater than 55 miles per hour is prohibited; and

10. Vehicle and driver are subject to Federal Motor Carrier Safety Regulations.

Reference: 18.8.517 Administrative Rules of Montana.

Permit: Special triple vehicle permits are required for the operation of these combinations. Permits are available on an annual or trip basis. Permits are good for travel on the Interstate System only and are subject to the following conditions:

1. Travel is prohibited during adverse weather conditions;

2. Transportation of Class A explosives is prohibited; and

3. Companies operating triple combinations must have an established safety program including driver certifications.

Access: Access is for 2 miles beyond the Interstate System, or further if granted by the Administrator of the Motor Carrier Services Division.

Routes: Interstate System routes in the State.

Legal Citation: 18.8.517 Administrative Rules of Montana.

State: Montana

Combination: Truck-Trailer

Length of Cargo-Carrying Units: 88 feet

Operational Conditions: *Weight, Driver, and Access:* Same as for Montana "Rocky Mountain" doubles.

Vehicle: Same as Montana "Rocky Mountain" doubles, except overall length limited to 95 feet.

Permit: Special permit required if overall length exceeds 75 feet. Special permits allow continuous travel and are available on an annual or trip basis.

Routes: Same as for Montana "Rocky Mountain" doubles.

Legal Citations: 61–10–121 and 61–10–124, MCA.

Combination: Truck-trailer-trailer

Length of the Cargo-carrying Units: 103 feet

Weight, Driver, and Vehicle: Same as for Montana "Rocky Mountain" doubles.

Permit: Permits are required if overall length exceeds 75 feet. The cargo-carrying unit length is 103 feet with a conventional truck within a 110-foot overall length limit, and 98 feet with a cab-over-engine truck within a 105-foot overall length limit. On two-lane highways the cargo-carrying unit length is 88 feet within a 95-foot overall length limit. Permits are available on an annual or trip basis.

Access: Must be authorized by the Montana DOT.

Routes: All National Network routes except U.S. 87 between mileposts 79.3 and 82.5.

Legal Citations: 61–10–124 MCA, 61–10–121 MCA, ARM 18–8–509.

State: Nebraska

Combination: Rocky Mountain Double—LCV

Length of the Cargo-Carrying Units: 85 feet

Maximum Allowable Gross Weight: 95,000 pounds

Operational Conditions: *Weight:* The following conditions are for "Rocky Mountain" doubles with a length of cargo-carrying units of 65 feet or less.

Maximum Weight:

Single axle = 20,000 pounds,

Tandem axle = 34,000 pounds,

Gross = Determined by Federal Bridge Formula B, but not to exceed 95,000 pounds.

"Rocky Mountain" doubles with a length of cargo-carrying units of over 65 feet are required to travel empty.

Driver: Commercial driver's license with multiple-trailer endorsement. There are no additional special qualifications where the cargo-carrying unit lengths are 65 feet or less. For cargo-carrying unit lengths over 65 feet, the driver must comply with all State and Federal requirements and must not have had any accidents while operating such vehicles.

Vehicle: The semitrailer cannot exceed 48 feet in length and the full trailer cannot be less than 26 feet or more than 28 feet long. The shorter trail must be placed to the rear. Lift axles which may be raised or lowered from within the vehicle are disregarded in determining lawful weight. The wheel path of the trailer(s) cannot vary more than 3 inches from that of the towing vehicle.

Permit: A weight permit in accordance with Chapter 12 of the Nebraska Department of Roads Rules and Regulations is required for operating on the Interstate System with weight in excess of 80,000 pounds. "Rocky Mountain" doubles with a length of cargo-carrying units over 65 feet are not eligible for the overweight permit. A length permit, in accordance with Chapter 11 of the Nebraska Department of Roads Rules and Regulations, is required for "Rocky Mountain" doubles with a length of cargo-carrying units over 65 feet in length. Conditions of the length permit prohibit movements on Saturdays, Sundays, and holidays when ground wind speed exceeds 25 miles per hour and when visibility is less than 800 feet. Movement is also prohibited during steady rain, snow, sleet, ice, or other conditions causing slippery pavement. Between November 15 and April 15 permission to move must be obtained from the Nebraska Department of Roads Permit Office within 3 hours of the movement. Between April 15 and November 15 permission to move must be obtained within 3 days of the movement. Fees are charged for the 10-day weight permit and the annual length permit. These permits can be revoked if the terms are violated.

Access: "Rocky Mountain" doubles with a length of cargo-carrying units of not more than 65 feet may operate on all State highways. For "Rocky Mountain" doubles with a length of cargo-carrying units over 65 feet, access to and from the Interstate is limited to designated staging areas within 6 miles of I–80 between the Wyoming State Line and Exit 440 (Nebraska Route 50). Except for weather, emergency, and repair "Rocky Mountain" doubles with a length of cargo-carrying units over 65 feet cannot reenter the Interstate after having left it.

Routes: Vehicles requiring length permits are restricted to I–80 from the Wyoming State Line to Exit 440 (Nebraska Highway 50). There are no route restrictions for other vehicles.

Legal Citations: Nebraska Revised Statutes Reissued 1988, § 39–6,179 (Double trailers under 65 feet) § 39–6,179.01 (Double trailers over 65 feet) § 39–6,180.01 (Authorized weight limits) § 39–6,181 (Vehicles; size; weight; load; overweight; special permits; etc.)

Nebraska Department of Roads Rules and Regulations, Title 408, Chapter 1 (Double trailers over 65 feet)

Combination: Turnpike Double

Length of the Cargo-Carrying Units: 95 feet

Operational Conditions: *Weight, Driver, Permit, and Access:* Same as for Nebraska "Rocky Mountain" doubles.

Vehicle: Same conditions as for Nebraska "Rocky Mountain" doubles with a length of cargo-carrying units over 65 feet except that the trailers must be of approximately equal length.

Routes: Same routes as for Nebraska "Rocky Mountain" doubles with a length of cargo-carrying units over 65 feet.

Legal Citations: Same as for Nebraska "Rocky Mountain" doubles.

Combination: Triple

Length of the Cargo-Carrying Units: 95 feet

Operational Conditions: *Weight, Driver, Permit, and Access:* Same as for Nebraska "Rocky Mountain" doubles.

Vehicle: Same conditions as for Nebraska "Rocky Mountain" doubles with a length of cargo-carrying units over 65 feet, except that the trailers must be of approximately equal length and the overall vehicle length cannot exceed 105 feet. Triples cannot be loaded.

Routes: Same routes as for Nebraska "Rocky Mountain" doubles with a length of cargo-carrying units over 65 feet.

Legal Citations: Neb. Rev. Stat. § 39–6.179,01 (Reissue 1988) Nebraska Department of Roads Rules and Regulations, Title 408, Chapter 1.

Combination: Truck and trailer
Length of the Cargo-Carrying Units: 68 feet

Operational Conditions: *Weight:* The following conditions apply to one truck and one trailer, loaded or unloaded, used in transporting a combine to be engaged in harvesting, while being transported into or through the State during daylight hours.

Maximum Weight: Single axle = 20,000 pounds, Tandem axle = 34,000 pounds, Gross = Determined by the Federal Bridge Formula B but not to exceed 80,000 pounds on the Interstate System and 95,000 pounds on non-Interstate System National Network routes.

Driver: No special qualifications.

Vehicle: The overall vehicle length, including load, cannot exceed 75 feet.

Permit: No permit is required unless gross vehicle weight exceeds 80,000 pounds on the Interstate System or 95,000 pounds on non-Interstate System National Network routes.

Access: Statewide during daylight hours only.

Routes: All National Network routes.

Legal Citations: Neb. Rev. Stat. § 39–6,179.

State: Nevada

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 85.5 feet
Maximum Allowable Gross Weight: 114,500 pounds

Operational Conditions: *Weight:* The single-axle weight limit is 20,000 pounds, the tandem-axle weight limit is 34,000 pounds, subject to the Federal bridge formula limits, provided that two consecutive tandems with a distance of 36 feet or more between the first and last axle may carry 34,000 pounds on each tandem. Total gross weight cannot exceed 114,500 pounds.

Driver: Commercial driver's license with multiple-trailer endorsement. Drivers must be at least 25 years old and must have had a medical exam within previous 24 months.

Vehicle: Combinations may consist of no more than one truck tractor and three trailers or one truck and two trailers. No trailer may be longer than 48 feet. If one trailer is 48 feet long, the other trailer cannot exceed 42 feet.

Towed vehicles must not shift or sway more than 3 inches to right or left and must track in a straight line on a level, smooth paved highway. Vehicles must be able to accelerate and operate on a level highway at speeds which are compatible with other traffic and with the speed limits and must be able to maintain a minimum of 20 miles per hour on any grade on which they may operate. All vehicles must have safety chains on converter dollies. Vehicles must carry snow chains for each drive wheel.

Vehicle operations may be suspended in adverse weather and high winds, as determined by police or the Nevada DOT.

The shortest trailer must be in the rear of a combination unless it is heavier than the longer trailer.

Brakes must comply with all State and Federal requirements for commercial vehicles including automatic braking for separation of vehicles, parking brakes, and working lights.

Vehicles must not exceed posted speed limits and cannot operate on any highway on which they cannot at all times stay on the right side of the center line. LCV's must keep a distance of at least 500 feet from each other.

Permit: Permits are required and a fee is charged. They may be revoked for violation of any of the provisions of the legal regulations. The State may suspend operation on roads deemed unsafe or impracticable. Permits must be carried in the vehicle along with identification devices issued by the Nevada Department of Motor Vehicles.

Access: As authorized by the Nevada DOT.

Routes: All National Network Routes.

Legal Citations: NRS 484.739, NRS 706.531, "Regulations for the Operation of 70 to 105 foot Combinations" (1990).

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 95 feet
Maximum Allowable Gross Weight: 129,000 pounds

Operational Conditions: Same as for Nevada "Rocky Mountain" doubles.

Routes: Same as for Nevada "Rocky Mountain" doubles.

Legal Citations: Same as for Nevada "Rocky Mountain" doubles.

Combination: Triple—LCV
Length of the Cargo-Carrying Units: 95 feet
Maximum Allowable Gross Weight: 129,000 pounds

Operational Conditions: Same as for Nevada "Rocky Mountain" doubles.

Routes: Same as for Nevada "Rocky Mountain" doubles.

Legal Citations: Same as for Nevada "Rocky Mountain" doubles.

Combination: Truck-trailer
Length of the Cargo-Carrying Units: 98 feet

Operational Conditions: *Weight, Driver, Vehicle, and Access:* Same as for Nevada "Rocky Mountain" doubles.

Permits: Same as for Nevada "Rocky Mountain" doubles, except permits for Truck-trailer combinations are only required when the overall length is 70 feet or more.

Routes: Same as for Nevada "Rocky Mountain" doubles.

Legal Citations: Same as for Nevada "Rocky Mountain" doubles.

Combination: Truck-trailer-trailer
Length of the Cargo-Carrying Units: 98 feet

Operational Conditions: Same as for Nevada "Rocky Mountain" doubles.

Routes: Same as for Nevada "Rocky Mountain" doubles.

Legal Citations: Same as for Nevada "Rocky Mountain" doubles.

State: New Hampshire

Combination: Truck and Trailer
Length of the Cargo-Carrying Units: 85 feet

Operational Conditions: *Weight:* Single axle = 20,000 pounds, tandem axle = 34,000 pounds, Gross = 80,000 pounds on the Interstate System and 95,000 pounds on State roads.

Driver: Commercial driver's license.

Vehicle: Straight truck up to 40 feet in length with a tag trailer up to 48 feet in length.

Permits: None required.

Access: No restrictions.

Routes: All routes.

Legal Citations: RSA 265.108, RSA 266.11.

State: New Mexico

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 61 feet
Maximum Allowable Gross Weight: 86,400 pounds

Operational Conditions: *Weight:* Single axle = 21,600 pounds. Tandem

axle = 34,320 pounds. Load per inch of tire width = 600 pounds. The total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is less than 19 feet shall not exceed that given for the respective distances in the following table:

Distance in feet between first and last axles of group	Allowed load in pounds on group of axles
4	34,320
5	35,100
6	35,880
7	36,660
8	37,440
9	38,220
10	39,000
11	39,780
12	40,560
13	41,340
14	42,120
15	42,900
16	43,680
17	44,460
18	45,240

The total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is 19 feet or more shall not exceed that given for the respective distances in the following table:

Distance in feet between first and last axles of group	Allowed load in pounds on group of axles
19	53,100
20	54,000
21	54,900
22	55,800
23	56,700
24	57,600
25	58,500
26	59,400
27	60,300
28	61,200
29	62,100
30	63,000
31	63,900
32	64,800
33	65,700
34	66,600
35	67,500
36	68,400
37	69,300
38	70,200
39	71,100
40	72,000
41	72,900
42	73,800
43	74,700
44	75,600
45	76,500
46	77,400
47	78,300
48	79,200
49	80,100
50	81,000
51	81,900
52	82,800
53	83,700
54	84,600
55	85,500
56 and over	86,400

The distance between the centers of the axles shall be measured to the nearest foot. When a fraction is exactly one-half the next larger whole number shall be used.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: No special requirements beyond normal Federal Motor Carrier or State regulations.

Permit: None Required.

Access: STAA vehicles must be allowed reasonable access in accordance with 23 CFR part 658.19. Access for non-STAA vehicles is at the State's discretion.

Routes: All Interstate highways.

Legal Citations: 66–7–409 NMSA 1978, 66–7–410 NMSA 1978.

State: New York

Combination: Rocky Mountain Double—LCV

Length of the Cargo-Carrying Units: 85.5 feet

Maximum Allowable Gross Weight: 114,500 pounds

Operational Conditions: Same as for New York "Turnpike" doubles.

Route: Same as for New York "Turnpike" doubles.

Legal Citations: Same as for New York "Turnpike" doubles.

Combination: Turnpike Double—LCV

Length of the Cargo-Carrying Units: 102 feet

Maximum Allowable Gross Weight: 143,000 pounds

Operational Conditions:

Weight: The following information pertains to tandem trailer combinations consisting of a tractor, first semitrailer, dolly, and second semitrailer with either trailer more than 28 feet long but not more than 48 feet long. A nine-axle combination vehicle may not exceed a total maximum gross weight of 143,000 pounds. An eight-axle combination vehicle may not exceed a total maximum gross weight of 138,400 pounds. The maximum gross weight that may be carried upon any combination of units is limited by the maximum gross weight that can be carried upon the axles as follows. For a nine-axle combination: drive axles—36,000 pounds, four/five axles—36,000 pounds, six/seven axles—27,000 pounds, and eight/nine axles—36,000 pounds. A minimum 12-foot axle spacing between the fifth and sixth axles is also required on the nine-axle LCV. For an eight-axle combination: drive axles—36,000 pounds, four/five axles—36,000 pounds, sixth axle—22,400 pounds, and seven/eight axles—36,000 pounds. The eight-axle LCV has no minimum axle-spacing requirements. For gross weights in excess of 138,400 pounds the combination must include a tandem-axle dolly to meet the nine-axle requirements. Maximum permissible gross weight for B-train combination is 127,000 pounds.

When the gross weight of the two trailers in a tandem combination vary more than 20 percent, the heaviest of the two must be placed in the lead position.

Driver: Driver must hold a Tandem Trailer Driver's Permit issued by the New York State Thruway Authority (NYSTA). In order to obtain an NYSTA driver's permit, an applicant must (1) hold a valid CDL with multiple-trailer endorsement; (2) be over 26 years old, in good health, and have at least 5 years of provable experience driving tractor-trailer combinations; and (3) meet all other application requirements with regard to driving history established by the Authority. Qualified drivers receive a Tandem Trailer Driver's Permit for Tandem Vehicle Operation which is valid only for the operation of the certified equipment owned by the company to which the permit is issued.

Vehicle: The tractor manufacturer and the permittee shall certify to the Authority prior to the approval of the tractor that it is capable of hauling the maximum permissible gross load at a speed of not less than 20 miles per hour on all portions of the thruway system.

The brakes on any vehicle, dolly converter, or combination of vehicles shall comply with 49 CFR part 393 and, in addition, any vehicle or dolly converter shall meet the provisions of the New York State Traffic Law.

Axle Type. Tractors to be used for hauling 110,000 pounds or more shall be equipped with tandem rear axles, both with driving power. Tractors to be used for hauling 110,000 pounds or less may have a single drive axle. Tandem combinations using single wheel tires commonly referred to as "Super Singles" are required to use triple-axle tractors, dual-axle trailers, and dual-axle dollies.

Dollies. Every converter dolly certified on and after June 1, 1968, used to convert a semitrailer to a full trailer may have either single or tandem axles at the option of the permittee. Single-axle dollies may not utilize low profile tires. Combination vehicles with a gross weight in excess of 138,400 pounds must have a tandem-axle dolly to meet the nine-axle requirement. If the distance between two semitrailers is 10 feet or more, the dolly shall be equipped with a device or the trailers connected along the sides with suitable material to indicate they are in effect one unit. The devices or connection shall be approved

by the Authority prior to use on a tandem trailer combination. Tandem combinations using a sliding fifth wheel attached to the lead trailer, known as a "B-Train" combination, will require a separate Thruway Engineer Service approval prior to the initial tandem run. Special provisions regarding B-Trains will be reviewed at the time of the application or request for use on the thruway.

Permit: Companies must file an application for a Tandem Trailer Permit with the Authority. Permits are issued to such companies upon meeting qualifications, including insurance, for tandem combinations over 65 feet in length. No permit fee is charged; however, thruway tolls are charged for each use of the thruway, and the equipment must be certified by the Authority annually. The annual recertification of equipment is handled by: New York State Thruway Authority, Manager of Traffic Safety Services, P.O. Box 189, Albany, New York 12201–0189.

Transportation of hazardous materials is subject to special restrictions plus 49 CFR part 397 of the Federal Motor Carrier Safety Regulations.

Access:

I–87 (New York Thruway) Access provided at thruway Exit 21B to or from a point 1,500 feet north of the thruway on US 9W.

I–90 (New York Thruway-Berkshire Section) access provided at:
(1) Thruway Exit B–1 to or from a point 0.8 mile north of the southern most access ramp on US 9.
(2) Thruway Exit B–3 within a 2,000-foot radius of the thruway ramps to NY 22.

I–90 (New York Thruway) access provided at:
(1) Thruway Exit 28 within a radius of 1,500 feet of the toll booth at Fultonville, New York.
(2) Thruway Exit 32 to or from a point 0.6 mile north of the thruway along NY 233.
(3) Thruway Exit 44 to or from a point 0.8 mile from the thruway along NY 332 and Collett Road.
(4) Thruway Exit 52 to or from:
(a) a point 1.7 miles west and south of the thruway via Walden Avenue and NY 240 (Harlem Road);
(b) a point 0.85 mile east and south of the thruway via Walden Avenue and a roadway purchased by the Town of Cheektowaga from Sorrento Cheese, Inc.
(5) Thruway Exit 54 to or from a point approximately 2.5 miles east and north of the thruway via routes NY 400 and NY 277.
(6) Thruway Exit 56 to or from a point approximately 2 miles west and south of the thruway via NY 179 and Old Mile Strip Road.

I–190 (New York Thruway—Niagara Section) access provided at:
(1) Thruway Exit N1 to or from:
(a) a point 0.8 mile west of the thruway exit along Dingens Street.
(b) a point 0.45 mile from the thruway exit via Dingens Street and James E. Casey Drive.
(2) Thruway Exit N5 to or from a point approximately 1.0 miles south of the thruway via Louisiana Street and South Street.
(3) Thruway Exit N15 to or from a point 0.5 mile southeast of the thruway via NY 325 (Sheridan Drive) and Kenmore Avenue.
(4) Thruway Exit N17 to or from:
(a) a point 1.5 miles north of the thruway on NY 266 (River Road).
(b) a point approximately 0.4 mile south of the thruway on NY 266 (River Road).

ROUTES

	From	To
I–81 (Thousand Islands Bridge).	I–81 Exit 50	Int'l Border with Canada.
I–87 (New York Thruway).	Bronx/Westchester County Line.	Thruway Exit 24.
I–90 (New York Thruway).	Pennsylvania	Thruway Exit 24.
I–90 (New York Thruway Berkshire Section).	Thruway Exit B–1.	Massachusetts.
I–190 (New York Thruway Niagara Section).	Thruway Exit 53	Int'l Border with Canada.
NY 912M (Berkshire Connection of the New York Thruway).	Thruway Exit 21A.	Thruway Exit B–1.

Legal Citations:

Public Authorities Law—Title 9, section 350, et. seq. (section 361 is most relevant)

New York State Thruway Authority Rules & Regulations, sections 100.6. 100.8, and 103.13

New York State Vehicle & Traffic Law, sections 385 and 1630

State: North Dakota

Combination: Rocky Mountain Double—LCV

Length of the Cargo-Carrying Units: 85.5 feet

Maximum Allowable Gross Weight: 105,500 pounds

Operational Conditions:

Weight: The Gross Vehicle Weight (GVW) of any vehicle or combination of vehicles is determined by the Federal bridge formula, including the exception for two sets of tandems spaced 36 feet apart.

No single axle shall carry a gross weight in excess of 20,000 pounds. Axles spaced 40 inches or less apart are considered one axle. Axles spaced 8 feet or more apart are considered as individual axles. The gross weight of two individual axles may be restricted by the weight formula. Spacing between axles shall be measured from axle center to axle center.

Axles spaced over 40 inches but less than 8 feet apart shall not carry a gross weight in excess of 17,000 pounds per axle. The gross weight of three or more axles in a grouping is determined by the measurement between the extreme axle centers. During the spring breakup season or on otherwise posted highways, reductions in the above axle weights may be specified.

The weight in pounds on any one wheel shall not exceed one-half the allowable axle weight. Dual tires are considered one wheel.

The weight per inch of tire width shall not exceed 550 pounds. The width of tire shall be the manufacturer's rating.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: The cargo-carrying length of "Rocky Mountain" doubles may not exceed 85.5 feet (when the power unit is a truck tractor) or 88.5 feet (when the power unit is a truck) when traveling on the National Network or local highways designated by local authorities.

All hitches must be of a load-bearing capacity capable of bearing the weight of the towed vehicles. The towing vehicle must have a hitch commonly described as a fifth wheel or gooseneck design, or one that is attached to the frame.

The hitch on the rear of the vehicle connected to the towing vehicle must be attached to the frame of the towed vehicle. All hitches, other than a fifth wheel or gooseneck, must be of a ball and socket type with a locking device or a pintle hook.

The drawn vehicles shall be equipped with brakes and safety chains adequate to control the movement of, and to stop and hold, such vehicles. When the drawn vehicle is of a fifth wheel or gooseneck design, safety chains are not required.

In any truck or truck tractor and two trailer combination, the lighter trailer must always be operated as the rear trailer, except when the gross weight differential with the other trailer does not exceed 5,000 pounds.

In any truck or truck tractor and three trailer combination, the lightest trailer

must always be operated as the rear trailer. The other two trailers must be arranged as provided in the above paragraph.

The power unit shall have adequate power and traction to maintain a minimum speed of 15 miles per hour on all grades.

Permit: No permits are required for GVW of 80,000 pounds or less. Single-trip permits are required for GVW exceeding 80,000 pounds GVW. Weather restrictions (37–06–04–06, NDAC), weight distribution on trailers (37–06–04, NDAC), and signing requirements (37–06–04–05, NDAC) are applicable.

Movements of longer combination vehicles (LCV's) are prohibited when:

1. Road surfaces, due to ice, snow, slush, or frost present a slippery condition which may be hazardous to the operation of the unit or to other highway users;

2. Wind or other conditions may cause the unit or any part thereof to swerve, whip, sway, or fail to follow substantially in the path of the towing vehicle; or

3. Visibility is reduced due to snow, ice, sleet, fog, mist, rain, dust, or smoke.

The North Dakota Highway Patrol may restrict or prohibit operations during periods when in its judgement traffic, weather, or other safety conditions make travel unsafe.

The last trailer in any combination must have a "LONG LOAD" sign mounted on the rear. It must be a minimum of 12 inches in height and 60 inches in length. The lettering must be 8 inches in height with 1-inch brush strokes. The letters must be black on a yellow background.

Legal width—8 feet 6 inches on all highways.

Legal height—13 feet 6 inches.

Access: Access for vehicles with cargo-carrying length of 68 feet or more is 10 miles off the National Network. Vehicles with a cargo-carrying length less than 68 feet may travel on all highways in North Dakota.

Routes: All National Network routes.

Legal Citations: North Dakota Century Code, section 38–12–04; North Dakota Administrative Code, article 37–06.

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 103 feet
Maximum Allowable Gross Weight: 105,500 pounds

Operational Conditions: Same as for North Dakota "Rocky Mountain" doubles.

Routes: Same as for North Dakota "Rocky Mountain" doubles.

Legal Citations: Same as for North Dakota "Rocky Mountain" doubles.

Combination: Triple-LCV
Length of the Cargo-Carrying Units: 100 feet
Maximum Allowable Gross Weight: 105,500 pounds

Operational Conditions: Same as for North Dakota "Rocky Mountain" doubles.

Routes: Same as for North Dakota "Rocky Mountain" doubles.

Legal Citations: Same as for North Dakota "Rocky Mountain" doubles.

Combination: Truck-trailer
Length of the Cargo-Carrying Units: 103 feet

Operational Conditions: Same as for North Dakota "Rocky Mountain" doubles.

Routes: Same as for North Dakota "Rocky Mountain" doubles.

Legal Citations: Same as for North Dakota "Rocky Mountain" doubles.

Combination: Truck-trailer-trailer
Length of the Cargo-Carrying Units: 103 feet

Operational Conditions: Same as for North Dakota "Rocky Mountain" doubles.

Routes: Same as for North Dakota "Rocky Mountain" doubles.

Legal Citations: Same as for North Dakota "Rocky Mountain" doubles.

State: Ohio

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 80 feet
Maximum Allowable Gross Weight: 90,000 pounds

Operational Conditions: Long double combination vehicles are only allowed on that portion of Ohio's Interstate System which is under the jurisdiction of the Ohio Turnpike Commission. These same vehicles are not allowed on any portion of the Interstate System under the jurisdiction of the Ohio Department of Transportation.

Weight: The Commission has established the following provisions for operation:

Maximum Weight: Single axle = 21,000 pounds; tandem axle spaced 4 feet or less apart = 24,000 pounds; tandem axle spaced more than 4 feet but less than 8 feet apart = 34,000 pounds; gross weight for doubles 90 feet or less in length = 90,000 pounds; gross weight for doubles over 90 feet but less than 112 feet in length = 127,400 pounds.

Driver: Commercial drivers license with multiple-trailer endorsement. Drivers must be over 26 years of age, in good health, and shall have not less than 5 years of experience driving tractor-trailer or tractor-short double trailer motor vehicles. Such driving experience shall include experience throughout the four seasons. Drivers must comply with the applicable current requirements of the Federal Motor Vehicle Safety Regulations, Federal Hazardous Materials Regulations, and the Economic and Safety regulations of the Ohio Public Utility Commission.

Vehicle: Vehicles being operated under permit at night must be equipped with all lights and reflectors required by the Ohio Public Utilities Commission and the Federal Motor Carrier Safety Regulations, except that the trailer shall be equipped with two red tail lights and two red or amber stop lights mounted with one set on each side. Trailer and semitrailer length for doubles cannot exceed 48 feet, and mixed trailer length combinations are not allowed for combination vehicles over 90 feet in length. Combined cargo-carrying length, including the trailer hitch, cannot be less than 80 feet or more than 102 feet. The number of axles on a double shall be a minimum of five and a maximum of nine. A tractor used in the operation of a double shall be capable of hauling the maximum weight at a speed of not less than 40 miles per hour on all portions of the turnpike.

Permit: A special permit is required if the vehicle is over 102 inches wide, 14 feet high, or 65 feet in length including overhang. Tractor-semitrailer combinations require a permit if over 75 feet in length, excluding an allowed 3-foot front overhang and a 4-foot rear overhang. For vehicles over 120 inches wide, 14 feet high, or 80 feet long or if any unit of the combination vehicle is over 60 feet in length, travel is restricted to daylight hours Monday through noon Saturday, except holidays and the day before and after holidays. Operators are restricted to daylight driving if the load overhang is more than 4 feet. A "Long Double Trailer Permit" issued by the Commission is required for operation of doubles in excess of 90 feet in length. Towing units and coupling devices shall have sufficient structural strength to ensure safe operation. Vehicles and coupling devices shall be so designed, constructed, and installed in a double as to ensure that any towed vehicles when traveling on a level, smooth paved surface will follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side of the path of the towing vehicle when the latter is moving in a straight line. Vehicle coupling devices and brakes shall meet the requirements of the Public Utility Commission and Federal Motor Carrier Safety Regulations. The distance between the rearmost axle of a semitrailer and the

front axle of the next semitrailer in a coupled double unit shall not exceed 12 feet 6 inches. In no event shall the distance between the semitrailers coupled in a double exceed 9 feet. Double and triple trailer combinations must be equipped with adequate, properly maintained spray-suppressant mud flaps on all axles except the steering axle. In the event that the gross weights of the trailers vary by more than 20 percent, they shall be coupled according to their gross weights with the heavier trailer forward. A minimum distance of 500 feet shall be maintained between double units and/or triple units except when overtaking and passing another vehicle. A double shall remain in the right-hand, outside lane except when passing or when emergency or work-zone conditions exist. When, in the opinion of the Commission, the weather conditions are such that operation of a double is inadvisable, the Commission will notify the permittee that travel is prohibited for a certain period of time.

Class A and B explosives; Class A poisons; and Class 1, 2, and 3 radioactive material cannot be transported in double trailer combinations. Other hazardous materials may be transported in one trailer of a double. The hazardous materials should be placed in the front trailer unless doing so will result in the second trailer weighing more than the first trailer.

Access: Tandem trailer units shall not leave the turnpike right-of-way and shall be assembled and disassembled only in designated areas located at Exits 4, 7, 10, 11, 13, 14, and 16.

ROUTES

	From	To
I–76 Ohio Turnpike.	Turnpike Exit 15	PA State Line.
I–80 Ohio Turnpike.	Turnpike Exit 8A	Turnpike Exit 15.
I–80/90 Ohio Turnpike.	IN State Line	Turnpike Exit 8A.

Legal Citations: Statutory authority, as contained in chapter 5537 of the Ohio Revised Code, to regulate the dimensions and weights of vehicles using the turnpike.

State: Ohio

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 102 feet
Maximum Allowable Gross Weight: 127,400 pounds

Operational Conditions: Same as for Ohio "Rocky Mountain" doubles.

Routes: Same as for Ohio "Rocky Mountain" doubles.

Legal Citations: Same as for Ohio "Rocky Mountain" doubles.
Combination: Triple—LCV
Length of the Cargo-Carrying Units: 95 feet
Maximum Allowable Gross Weight: 127,400 pounds

Operational Conditions: Same as for Ohio "Rocky Mountain" doubles, except as follows:

Weight: The maximum gross weight for triples with an overall length greater than 90 feet but less than 105 feet is 115,000 pounds.

Driver: Commercial driver's license with multiple-trailer endorsement. Drivers must be over 26 years of age, in good health, and shall have not less than 5 years of experience driving double trailer combination units. Such driving experience shall include experience throughout the four seasons. Each driver must have special training on triple combinations to be provided by the Permittee.

Vehicle: Triple trailer combination vehicles are allowed to operate on the turnpike provided the combination vehicle is at least 90 feet long but less than 105 feet long and each trailer is not more than 28.5 feet in length. The minimum number of axles on the triple shall be seven and the maximum is nine.

Permit: A triple trailer permit to operate on the turnpike is required for triple trailer combinations in excess of 90 feet in length. There is an annual fee for the permit. Class A and B explosives; Class A poisons; and Class 1, 2, and 3 radioactive material cannot be transported in triple trailer combinations. Other hazardous materials may be transported in two trailers of a triple. The hazardous materials should be placed in the front two trailers unless doing so will result in the third trailer weighing more than either one of the lead trailers.

Access: With two exceptions, triple trailer units shall not leave the turnpike right-of-way and shall be assembled and disassembled only in designated areas located at Exits 4, 7, 10, 11, 13, 14, and 16. The first exception is that triple trailer combinations are allowed on State Route 21 from I–80 Exit 11 (Ohio Turnpike) to a terminal located approximately 500 feet to the north in the town of Richfield. The second exception is for a segment of State Route 7 from Ohio Turnpike Exit 16 to one mile south.

ROUTES:

	From	To
I–76 Ohio Turnpike.	Turnpike Exit 15	Turnpike Exit 17.
I–80 Ohio Turnpike.	Turnpike Exit 8A	Turnpike Exit 15.
I–80/90 Ohio Turnpike.	IN State Line	Turnpike Exit 8A.
OH–7	Turnpike Exit 16	Extending 1 mile south.

Legal Citations: Same as for Ohio "Rocky Mountain" doubles.

State: Oklahoma

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 92 feet
Maximum Allowable Gross Weight: 90,000 pounds

Operational Conditions:

Weight: Single axle = 20,000 pounds; tandem axle = 34,000 pounds; gross vehicle weight = 90,000 pounds. The total weight on any group of two or more consecutive axles shall not exceed the amounts shown in Table 1.

TABLE 1.—OKLAHOMA ALLOWABLE AXLE GROUP WEIGHT

Axle Spacing (ft)	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
	Maximum Load (Lbs) by Axle Group				
4	34,000	.....	.....	.....	.....
5	34,000	.....	.....	.....	.....
6	34,000	.....	.....	.....	.....
7	34,000	.....	.....	.....	.....
8	34,000	42,000	.....	.....	.....
9	39,000	42,500	.....	.....	.....
10	40,000	43,500	.....	.....	.....
11	.....	44,000	.....	.....	.....
12	.....	45,000	50,000	.....	.....

TABLE 1.—OKLAHOMA ALLOWABLE AXLE GROUP WEIGHT—Continued

Axle Spacing (ft)	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
13	.....	45,500	50,500	.....	.....
14	.....	46,500	51,500	.....	.....
15	.....	47,000	52,000	.....	.....
16	.....	48,000	52,500	58,000	.....
17	.....	48,500	53,500	58,500	.....
18	.....	49,500	54,000	59,000	.....
19	.....	50,000	54,500	60,000	.....
20	.....	51,000	55,500	60,500	66,000
21	.....	51,500	56,000	61,000	66,500
22	.....	52,500	56,500	61,500	67,000
23	.....	53,000	57,500	62,500	68,000
24	.....	54,000	58,000	63,000	68,500
25	.....	54,500	58,500	63,500	69,000
26	.....	55,000	59,500	64,000	69,500
27	.....	57,500	60,000	65,000	70,000
28	.....	59,000	60,500	65,500	71,000
29	.....	60,500	61,500	66,000	71,500
30	.....	62,000	62,000	66,500	72,000
31	.....	63,500	63,500	67,000	72,500
32	.....	64,000	64,000	68,000	73,500
33	.....	.....	64,500	68,500	74,000
34	.....	.....	65,000	69,000	74,500
35	.....	.....	66,000	70,000	75,000
36	.....	.....	66,000	70,500	75,500
37	.....	.....	66,000	71,000	76,000
38	.....	.....	66,000	72,000	77,000
39	.....	.....	70,000	72,500	77,500
40	.....	.....	71,000	73,000	78,000
41	.....	.....	72,000	73,500	78,500
42	.....	.....	73,000	74,000	79,000
43	.....	.....	73,280	75,000	80,000
44	.....	.....	73,280	75,500	80,500
45	.....	.....	73,280	76,000	81,000
46	.....	.....	73,280	76,500	81,500
47	.....	.....	73,500	77,500	82,000
48	.....	.....	74,000	78,000	82,000
49	.....	.....	74,500	78,500	83,500
50	.....	.....	75,500	79,000	84,000
51	.....	.....	76,000	80,000	84,500
52	.....	.....	76,500	80,500	85,000
53	.....	.....	77,500	81,000	86,000
54	.....	.....	78,000	81,500	86,500
55	.....	.....	78,500	82,500	87,000
56	.....	.....	79,500	83,000	87,500
57	.....	.....	80,000	83,500	88,000
58	.....	.....	.....	84,000	89,000
59	.....	.....	.....	85,000	89,500
60	.....	.....	.....	85,500	90,000

Driver: All drivers must have a commercial driver's license with multiple-trailer endorsement and must meet Federal Motor Carrier Safety Regulations (49 CFR parts 390–397) requirements. State requirements more stringent and not in conflict with Federal requirements take precedence.

Vehicle: All vehicles must meet the requirements of applicable Federal and State statutes, rules, and regulations. Vehicle and load shall not exceed 102 inches in width on the Interstate System and four-lane divided highways. Maximum semitrailer length is 59.5 feet.

Multiple trailer combinations must be stable at all times during braking and normal operation. A multiple trailer combination when traveling on a level, smooth paved surface must follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side when the towing vehicle is moving in a straight line. Heavier trailers are to be placed to the front in multiple trailer combinations.

Permit: An annual special authorization permit is required for tandem trailer vehicles operating on the Interstate System having a gross weight of more than 80,000 pounds. Gross weight cannot, however, exceed 90,000 pounds. A fee is charged for the special authorization permit.

Access: Access is allowed from legally available routes (listed below) to service facilities and terminals within a 5-mile radius.

	From	To
I–40 Bus.	I–40 Exit 119	US 81 El Reno.
US 60	I–35 Exit 214	US 177 Ponca City.
US 62	US 69 Muskogee	OK 80 Ft. Gibson.
US 62	I–44 Exit 39A Lawton.	OK 115 Cache.

	From	To
US 64	I–35 Exit 186 Perry.	US 77 Perry.
US 64	I–40 Exit 325 Roland.	Arkansas State Line.
US 70	OK 76 Wilson	I–35 Exit 31A–B Ardmore.
US 77	I–35 Exit 141 Edmond.	3.5 mi. W of I–35.
US 81	OK 51 Hennessey.	11.5 mi. N of US 412.
US 169	OK 51 Tulsa	OK 20 Collinsville.
US 270	OK 9 Tecumseh	I–40 Exit 181.
US 412	OK 58 Ringwood	I–35 Exit 194A–B.
US 412	US 69 Chouteau	OK 412 B.
OK 3	I–44 Exit 123	Oklahoma/Canadian County Line.
OK 7	I–44 Exit 36A–B	OK 65 Pumpkin Center.
OK 7	I–35 Exit 55	US 177 Sulphur.
OK 7	South intersection US 81 Duncan.	7.5 mi. E of US 81.

	From	To
OK 9	I–35 Exit 108A	US 77 Norman.
OK 11	I–35 Exit 222	US 177 Blackwell.
OK 33	US 77 Guthrie	I–35 Exit 157 Guthrie.
OK 51	I–35 Exit 174	US 177 Stillwater.
OK 165	US 64/Bus. US 64 Muskogee.	Muskogee Tpk.

Routes: Doubles with 29-foot trailers may use any route on the National Network. Doubles which include a grandfathered 59.5-foot semitrailer or trailer are limited to Interstate and four-lane divided highways as shown below:

	From	To
I–35	Texas State Line.	Kansas State Line.
I–40	Texas State Line.	Arkansas State Line.
I–44	Texas State Line.	Missouri State Line.
I–235	Entire length in Oklahoma City.	
I–240	Entire length in Oklahoma City.	
I–244	Entire length in Tulsa.	
I–444	Entire length in Tulsa.	
US 64	Cimarron Turnpike.	I–244/Tulsa.
US 69	Texas State Line.	I–44 (Will Rogers Tpk.) Exit 282.
US 75	I–40 Exist 240A–B Henryetta.	I–244 Exit 2 Tulsa.
US 75	I–44 Exit 6A–B Tulsa.	Dewey.
US 81	I–44 (Bailey Tpk.) Exit 80.	South Intersection OK 7 Duncan.
US 270	Indian Nation Tpk. Exit 4.	US 69 McAlester.
US 271	Texas State Line.	Indian Nation Tpk. Hugo.
US 412	I–44 Exit 241 Catoosa.	US 69.
OK 3A	OK 3 Oklahoma City.	I–44 Exit 125B Oklahoma City.
SH 11	US 75 Tulsa	I–244 Exit 12B Tulsa.
SH 51	I–44 Exit 231 Tulsa.	Muskogee Tpk. Broken Arrow.
SH 165	Connecting two sections of the Muskogee Turnpike at Muskogee.	
Cimarron Tpk.	I–35 Exit 194	US 64.
Cimarron Tpk. Conn.	US 177 Stillwater.	Cimarron Tpk.
Indian Nation Turnpike.	US 70/271 Hugo.	I–40 Exit 240A–B Henryetta.
Muskogee Tpk.	OK 51 Broken Arrow.	US 62/OK 165 Muskogee.
Muskogee Tpk.	OK 165 Muskogee.	I–40 Exit 286 Webber's Falls.

Legal Citations:

Title 49 1981 O.S. 14–101.
Title 49 1990 O.S. 14–103C(3).

State: Oklahoma

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 123 feet
Maximum Allowable Gross Weight: 90,000 pounds
Operational Conditions: Same as for Oklahoma "Rocky Mountain" doubles.
Routes: Same as for Oklahoma "Rocky Mountain" doubles.
Legal Citations: Same as for Oklahoma "Rocky Mountain" doubles.
Combination: Triple—LCV
Length of the Cargo-Carrying Units: 95 feet
Maximum Allowable Gross Weight: 90,000 pounds
Operational Conditions:
Weight and Access: Same as for Oklahoma "Rocky Mountain" doubles.
Driver: Same as for Oklahoma "Rocky Mountain" doubles, except that a driver of a triple trailer combination must have had at least 2 years of experience driving tractor-trailer combinations.
Vehicle: All vehicles must meet the requirements of applicable Federal and State statutes, rules, and regulations. Vehicle and load shall not exceed 102 inches in width on the Interstate System and four-lane divided highways. Maximum unit length of triple trailers is 29 feet. Truck tractors pulling triple trailers must have sufficient horsepower to maintain a minimum speed of 40 miles per hour on the level and 20 miles per hour on grades under normal operation conditions. Heavy-duty fifth wheels, pick-up plates equal in strength to the fifth wheel, solid kingpins, no-slack hitch connections, mud flaps and splash guards, and full-width axles are required on triple trailer combinations. All braking systems must comply with State and Federal requirements.

Multiple trailer combinations must be stable at all times during braking and normal operation. A multiple trailer combination when traveling on a level, smooth paved surface must follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side when the towing vehicle is moving in a straight line. Heavier trailers are to be placed to the front in multiple trailer combinations.

Permit: An annual special authorization permit is required for triple trailer combination vehicles operating on the Interstate System having a gross weight of more than 80,000 pounds. Gross weight cannot, however, exceed 90,000 pounds. A special vehicle combination permit is required for the operation of triple trailers on the Interstate System and on four-lane divided primary highways. The permit holder must certify that the driver of triple trailer combinations is qualified. Operators of triples must maintain a 500-foot following distance and must drive in the right lane except when passing or in an emergency.

Speed shall be reduced and extreme caution exercised when operating triples under hazardous conditions such as those caused by snow, wind, ice, sleet, fog, mist, rain, dust, or smoke. When conditions become sufficiently dangerous as determined by the company or driver, operations shall be discontinued and shall not resume until the vehicle can be safely operated. The State may restrict or prohibit operations during periods when, in the State's judgment, traffic, weather, or other safety conditions make such operations unsafe or inadvisable.

Class A and B explosives; Class A poisons; and Class 1, 2, and 3 radioactive material or any other material deemed to be unduly hazardous by the U.S. DOT cannot be transported in triple trailer combinations.

Permit movements are limited to travel from one-half hour before sunrise to one-half hour after sunset, 7 days week except on specified holidays, beginning at noon the day preceding the holiday. Specified holidays are: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day.

A fee is charged for both the special authorization and triple trailer combination permits.

Routes: Same as for Oklahoma "Rocky Mountain" doubles.

Legal Citations:

DPS Regulation 595:30–1–11 (f)(1).

DPS Regulation 595:30–3–1 through 595:30–5–1.

State: Oregon

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 68 feet
Maximum Allowable Gross Weight: 105,500 pounds
Operational Conditions:
Weight: Maximum allowable weights are as follows: single wheel—10,000 pounds, single axle—20,000 pounds, tandem axle—34,000 pounds, and gross weight as allowed by Oregon Permit Weight Tables, with a maximum of 105,500 pounds. Weight is also limited to 600 pounds per inch of tire width.

TABLE III.—OREGON PERMIT WEIGHT

Spacing (ft) between first and last axle	Maximum Weight (pounds) for the number of axles in the group				
	2 Axles	3 Axles	4 Axles	5 Axles	6 or more
4	34,000	.....	.....	.....	.....
5	34,000	.....	.....	.....	.....
6	34,000	.....	.....	.....	.....
7	34,000	.....	.....	.....	.....
8	34,000	.....	.....	.....	.....
More than 8 but less than 9	34,000	42,000	.....	.....	.....
9	39,000	42,000	.....	.....	.....
10	40,000	43,500	.....	.....	.....
11	40,000	44,000	.....	.....	.....
12	40,000	45,000	50,000	.....	.....
13	40,000	45,500	50,500	.....	.....
14	40,000	46,500	51,500	.....	.....
15	40,000	47,000	52,000	.....	.....
16	40,000	48,000	52,500	52,500	.....
17	40,000	48,500	53,500	53,500	.....
18	40,000	49,500	54,000	54,000	.....
19	40,000	50,000	54,500	54,500	.....
20	40,000	51,000	55,500	55,500	.....
21	40,000	51,500	56,000	56,000	56,000
22	40,000	52,500	56,500	56,500	56,500
23	40,000	53,000	57,500	57,500	57,500
24	40,000	54,000	58,000	58,000	58,000
25	40,000	54,500	58,500	58,500	58,500
26	40,000	55,500	59,500	59,500	59,500
27	40,000	56,000	60,000	60,000	60,000
28	40,000	57,000	60,500	61,000	61,000
29	40,000	57,500	61,500	62,000	62,000
30	40,000	58,500	62,000	63,000	63,000
31	40,000	59,000	62,500	64,000	64,000
32	40,000	60,000	63,500	65,000	65,000
33	40,000	60,000	64,000	66,000	66,000
34	40,000	60,000	64,500	67,000	67,000
35	40,000	60,000	65,500	68,000	68,000
36	40,000	60,000	66,000	69,000	69,000
37	40,000	60,000	66,500	70,000	70,000
38	40,000	60,000	67,500	71,000	71,000
39	40,000	60,000	68,000	72,000	72,000
40	40,000	60,000	68,500	73,000	73,000
41	40,000	60,000	69,500	73,500	73,500
42	40,000	60,000	70,000	74,000	74,000
43	40,000	60,000	70,500	75,000	75,000
44	40,000	60,000	71,500	75,500	75,500
45	40,000	60,000	72,000	76,000	76,000
46	40,000	60,000	72,500	76,500	80,000
47	40,000	60,000	73,500	77,000	80,000
48	40,000	60,000	74,000	78,000	80,000
49	40,000	60,000	74,500	78,500	80,000
50	40,000	60,000	75,500	79,000	80,000
51	40,000	60,000	76,000	80,000	80,000
52	40,000	60,000	76,500	80,000	80,000
53	40,000	60,000	77,500	80,000	80,000
54	40,000	60,000	78,000	80,000	80,000
55	40,000	60,000	78,500	80,000	80,000
56	40,000	60,000	79,500	80,000	80,000
57 or over	40,000	60,000	80,000	80,000	80,000

Extended Weight Table

Gross weights over 80,000 pounds are authorized only when operating under the authority of a Special Transportation Permit.

Maximum Allowable Weights

1. The maximum allowable weights for single axles and tandem axles shall not exceed those specified under ORS 818.010.

2. The maximum allowable weight for groups of axles spaced at 46 feet or less apart shall not exceed those specified under ORS 818.010.

3. The maximum weights for groups of axles spaced at 47 feet or more and the gross combined weight for any combination of vehicles shall not exceed those set forth in the following table:

Axle spacing in feet	Maximum Gross Weight in Pounds on			
	5 Axles	6 Axles	7 Axles	8 or more Axles
47	77,500	81,000	81,000	81,000

Axle spacing in feet	Maximum Gross Weight in Pounds on			
	5 Axles	6 Axles	7 Axles	8 or more axles
48	78,000	82,000	82,000	82,000
49	78,500	83,000	83,000	83,000
50	79,000	84,000	84,000	84,000
51	80,000	84,500	85,000	85,000
52	80,500	85,000	86,000	86,000
53	81,000	86,000	87,000	87,000
54	81,500	86,500	88,000	91,000
55	82,500	87,000	89,000	92,000
56	83,000	87,500	90,000	93,000
57	83,500	88,000	91,000	94,000
58	84,000	89,000	92,000	95,000
59	85,000	89,500	93,000	96,000
60	85,500	90,000	94,000	97,000
61	86,000	90,500	95,000	98,000
62	87,000	91,000	96,000	99,000
63	87,500	92,000	97,000	100,000
64	88,000	92,500	97,500	101,000
65	88,500	93,000	98,000	102,000
66	89,000	93,500	98,500	103,000
67	90,000	94,000	99,000	104,000
68	90,000	95,000	99,500	105,000
69	90,000	95,500	100,000	105,500
70	90,000	96,000	101,000	105,500
71	90,000	96,500	101,500	105,000
72	90,000	96,500	102,000	105,500
73	90,000	96,500	102,500	105,500
74	90,000	96,500	103,000	105,500
75	90,000	96,500	104,000	105,500
76	90,000	96,500	104,500	105,500
77	90,000	96,500	105,000	105,500
78	90,000	96,500	105,500	105,500

Distance measured to nearest foot; when exactly one-half foot, take next larger number.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: For a combination which includes a truck tractor and two trailing units, the lead trailing unit (semitrailer) may be up to 40 feet long. The second trailing unit may be up to 35 feet long. However, the primary control is the total cargo-carrying distance which has a maximum length of 68 feet.

Permit: A permit is required for operation if the gross combination weight exceeds 80,000 pounds. A fee is charged. Permitted movements must have the lighter trailing unit placed to the rear, and use splash and spray devices when operating in rainy weather. Movement is not allowed when road surfaces are hazardous due to ice or snow, or when other atmospheric conditions make travel unsafe.

Access: As allowed by the Oregon DOT.

Routes: All National Network routes.

Legal citations: ORS 810.010, ORS 810.030 through 810.060, and ORS 818.010 through 818.235

State: Oregon

Combination: Triple—LCV

Length of the Cargo-Carrying Units: 95 feet

Maximum Allowable Gross Weight: 105,500 pounds

Operational Conditions:

Weight, Driver, Permit, and Access: Same as for Oregon "Rocky Mountain" doubles.

Vehicle: Trailing units must be of equal length.

Routes: Oregon National Network routes also open to triples.

	From	To
I–5	Entire length	
I–105	Entire length	
I–205	Entire length	
I–405	Entire length	
I–82	Entire length	
I–84	Entire length	
US 20	Jct OR 22/OR 126 Santiam Junction	US 26 Vale.
US 20	East Jct OR 99E Albany	I–5 Exit 233.
US 26	US 101 Cannon Beach Junction	OR 126 Prineville.
US 20/26	Vale	Idaho State Line.
US 30	US 101 Astoria	I–405 Exit 3 Portland.
US 95	Nevada State Line	Idaho State Line.
SPUR US 95	OR 201	Idaho State Line.
US 97	California State Line	Washington State Line.
US 101	US 30 Astoria	US 26 Cannon Beach Jct.
US 101	OR 18 Otis	US 20 Newport.
US 101	Bandon	NCL Coos Bay.
US 197	I–84 Exit 87 The Dalles	Washington State Line.
US 395	I–82 Exit 1 Umatilla	I–84 Exit 188 Stanfield.
US 395	US 26 John Day	OR 140 Lakeview.
US 730	I–84 Exit 168	Washington State Line.

	From	To
OR 6	US 101 Tillamook	US 26 near Banks.
OR 8	OR 47 Forest Grove	OR 217 Beaverton.
OR 11	Washington State Line	Mission Cutoff near Pendleton.
OR 18	US 101 Otis	OR 99W Dayton.
OR 19	I–84 Exit 137	South 2.5 miles.
OR 22	OR 18 near Willamena	OR 99E Salem.
OR 22	I–5 Exit 253	Jct US 20/OR 126 Santiam Jct.
OR 31	US 97 La Pine	US 395 Valley Falls.
OR 34	Jct US 20/OR 99W Corvallis	I–5 Exit 228.
OR 35	I–84 Exit 64 Hood River	Mt. Hood.
OR 39	OR 140 East of Klamath Falls	California State Line.
OR 58	I–5 Exit 188 Goshen	US 97 near Chemult.
OR 62	OR 99 Medford	OR 140 White City.
OR 78	Jct US 20/US 395 Burns	US 95 Burns Junction.
OR 99	I–5 Exit 58 Grants Pass	I–5 Exit 48 Rogue River.
OR 99	I–5 Exit 192 Eugene	Jct OR 99E/OR 99W Junction City.
OR 99E	I–5 Exit 307 Portland	I–205 Exit 9 Oregon City.
OR 99E	I–5 Exit 233 Albany	Tangent.
OR 99E	OR 228 Halsey	Harrisburg.
OR 99W	Jct US 20/OR 34 Corvallis	I–5 Exit 294 Portland.
OR 126	US 20 Sisters	US 26 Prineville.
OR 138	I–5 Exit 136 Sutherlin	East 2 miles.
OR 140	OR 62 White City	Jct US 97/OR 66 Klamath Falls.
OR 201	Jct US 20/US 26 Cairo Junction	SPUR US 95.
OR 207	I–84 Exit 182	OR 74 Lexington.
OR 207/OR 74	Jct OR 207/OR 74 Lexington	Jct OR 207/OR 74/OR 206 Heppner.
OR 212	I–205 Exit 12	US 26 Boring.
OR 214	I–5 Exit 271 Woodburn	OR 99E Woodburn.
OR 217	I–5 Exit 292 Tigard	US 26 Beaverton.
OR 224	OR 99E Milwaukee	I–205 Exit 13.

Legal Citations: Same as for Oregon "Rocky Mountain" doubles.

State: Oregon

Combination: Canadian B-train Double
Length of the Cargo-Carrying Units: 68 feet
Maximum Allowable Gross Weight: 105,500 pounds
Operational Conditions: Same as for Oregon "Rocky Mountain" doubles.
Routes: All National Network routes.
Legal Citations: ORS 810.010, ORS 810.030 through 810.060, and ORS 818.010 through 818.235

State: South Dakota

Combination: Rocky Mountain Double—LCV
Length of Cargo-Carrying Units: 81.5 feet
Maximum Allowable Gross Weight: 129,000 pounds
Operational Conditions:

Weight: The maximum gross weight on two or more consecutive axles is limited by the Federal bridge formula but cannot exceed 129,000 pounds. The weight on the steering axle may not exceed 600 pounds per inch of tire width, and the weight on all other axles may not exceed 500 pounds per inch of tire width. The weight on single axles or tandem axles spaced 40 inches or less apart may not exceed 20,000 pounds. Tandem axles spaced more than 40 inches but 96 inches or less may not exceed 34,000 pounds. Two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, provided the overall distance between the first and last axles of the tandems is 36 feet or more. Lift axles and belly axles are not considered load-carrying axles and will not count when determining allowable vehicle weight.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: Neither trailer may exceed 45 feet, including load overhang. A semitrailer or trailer may neither be longer than nor weigh 3,000 pounds more than the trailer located immediately in front of it. Loading the rear of the trailer heavier than the front is not allowed. All axles except the steering axle require dual tires. Axles spaced 8 feet or less apart must weigh within 500 pound of each other. The trailer hitch offset may not exceed 6 feet. The maximum effective rear trailer overhang may not exceed 35 percent of the trailer's wheelbase. Towbars longer than 19 feet must be flagged during daylight hours and lighted at night. The power unit must have sufficient power to maintain 40 miles per hour. Speed limit is 55 miles per hour. A "LONG LOAD" sign measuring 18 inches high by 7 feet long and is black on yellow with 10-inch lettering is required on the rear. Offtracting is limited to 8.75 feet for a turning radius of 161 feet.

Offtracking Formula = $61-(161^2-L_1^2-L_2^2+L_3^2-L_4^2-L_5^2+L_6^2-L_7^2-L_8^2)^{1/2}$.

Note: L_1 through L_8 are measurements between points of articulation or vehicle pivot points. Squared dimensions to stinger steer points of articulation are negative.

Permit: A single-trip permit is required if the gross vehicle weight exceeds 80,000 pounds. A permit fee is charged. Operations must be discontinued when roads are slippery due to moisture conditions. Visibility must be good. Wind or other weather conditions must not cause trailer whip or sway.

Access: Statewide off the National Network unless restricted by the South Dakota Department of Transportation.

Routes: All National Network routes.
Legal Citations: SDCL 32–22–8.1, 32–22–38, 32–22–39, 32–22–41, and 32–22–42; and Administrative Rules 70:03:01:37, 70:03:01:47 and 48, and 70:03:01:60 through 70

State: South Dakota

Combination: Turnpike Double—LCV
Length of Cargo-Carrying Units: 100 feet
Maximum Allowable Gross Weight: 129,000 pounds

Operational conditions:

Weight and Driver: Same as for South Dakota "Rocky Mountain" doubles.

Vehicle: Same as for South Dakota "Rocky Mountain" doubles except that the maximum trailer length is 48 feet, including load overhang.

Permit: Same as for South Dakota "Rocky Mountain" doubles.

Access: Access to operating routes must be approved by the South Dakota Department of Transportation.

Routes: All Interstate routes and:

	From	To
US 14	Jct US 14/Bypass US 14 W. of Brookings.	US 14 and US 281 S. of Woolsey.

	From	To
Bypass US 14.	I–29	Jct US 14 Bypass/US 14 W. of Brookings.
US 85	North Dakota	I–90 North of Spearfish.
US 281	I–90	US 14 and US 281 S. of Woolsey.
US 281	North Dakota	US 281 and 8th Ave. in Aberdeen.
SD 50	I–29	SD 50 and Burleigh St. in Yankton.

Legal Citation: SDCL 32–22–38, 32–22–39, 32–22–41, 32–22–42, and 32–22–42.14; and Administrative Rules 70:03:01:60 through 70.

State: South Dakota

Combination: Triple—LCV
Length of Cargo-Carrying Units: 100 feet
Maximum Allowable Gross Weight: 129,000 pounds

Operational Conditions

Weight, Driver, Permit, and Access: Same as for South Dakota "Rocky Mountain" doubles.

Vehicle: Same as for South Dakota "Turnpike" doubles, except trailer lengths are limited to 28.5 feet, including load overhang, and the overall length cannot exceed 110 feet, including load overhang.

Routes: Same as for South Dakota "Turnpike" doubles.

Legal Citations: SDCL 32–22–38, 32–22–39, 32–22–41, and 32–22–42; and Administrative Rules 70:03:01:60 through 70.

State: South Dakota

Combination: Truck-Trailer
Length of Cargo-Carrying Units: 78 feet

Operational Conditions

Weight, Driver, Permit, and Access: Same as for South Dakota "Rocky Mountain" doubles.

Vehicle: Same as for South Dakota "Turnpike" doubles, except overall length limited to 85 feet, including load overhang, and trailer length is limited to 48 feet, including load overhang.

Routes: Same as for South Dakota "Turnpike" doubles.

Legal Citations: Same as for South Dakota "Turnpike" doubles.

State: South Dakota

Combination: Truck-Trailer
Length of Cargo-Carrying Units: 73 feet

Operational Conditions

Weight, Driver, Permit, and Access: Same as for South Dakota "Rocky Mountain" doubles.

Vehicle: Overall length limited to 80 feet, including load overhang. The towbar needs to be flagged during daylight hours and lighted at night if it exceeds 19 feet. Vehicle may be 12 feet wide when hauling baled feed during daylight hours.

Routes: Same as for South Dakota "Rocky Mountain" doubles.

Legal Citations: Same as for South Dakota "Rocky Mountain" doubles.

State: South Dakota

Combination: Truck Tractor-Trailer-Trailer
Length of Cargo-Carrying Units: 80 feet

Operational Conditions

Weight, Driver, Permit, and Access: Same as for South Dakota "Rocky Mountain" doubles.

Vehicle: Tip to tail of trailer length is limited to 80 feet, including load overhang, including towbar length. No trailer may exceed 28.5 feet, including overhang. If the towbar exceeds 19 feet it must be flagged during daylight hours and lighted at night.

Routes: Same as for South Dakota "Rocky Mountain" doubles.

Legal Citations: Same as for South Dakota "Rocky Mountain" doubles.

State: South Dakota

Combination: Special vehicle
Length of Cargo-Carrying Units: 60 feet

Operational Conditions

Weight, Driver, Permit, and Access: Same as for South Dakota "Rocky Mountain" doubles.

Vehicle: Overall length limited to 70 feet, including load overhang. Rear trailer length limited to 24 feet, including load overhang. Rear trailer weighing more than 3,000 pounds must be equipped so that the vehicle braking system can effectively stop the towing unit if the trailer should breakaway.

Routes: Same as for South Dakota "Rocky Mountain" doubles.

Legal Citations: SDCL 32–22–12.1, 32–22–38, 32–22–39, and 32–22–41; and Administrative Rules 70:03:01:37 and 70:03:01:47 through 48.

State: Utah

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 88 feet
Maximum Allowable Gross Weight: 129,000 pounds

Operational Conditions

Weight: Weight limits are as follows: Single axle: 20,000 pounds, Tandem axle: 34,000 pounds, Gross weight: 129,000 pounds. Vehicles must comply with the Federal Bridge Formula.

Tire loading on vehicles requiring an overweight or oversize permit shall not exceed 500 pounds per inch of tire width for tires 11 inches wide and greater, and 450 pounds per inch of tire width for tires less than 11 inches wide as designated by the tire manufacturer on the side wall of the tire. Tire loading on vehicles not requiring an overweight or oversize permit shall not exceed 600 pounds per inch of tire width as designated by the tire manufacturer on the sidewall.

Driver: Commercial driver's license with multiple-trailer endorsement. Carriers must certify that their drivers have a safe driving record and have passed a road test administered by a qualified safety supervisor.

Vehicle: "Rocky Mountain" doubles may operate on the following highways, based on overall length, as follows:

Divided highway	Non-divided highway
Regular combination: 98 feet.	Maximum length. 92 feet. (For regular combinations between 92 and 96 feet in length, see "ROUTES" below).
Fuel Transporters: 95 feet.	Maximum length: 85 feet.
Auto Transporters: 105 feet.	Maximum length: 92 feet.

While in transit, no trailer shall be positioned ahead of another trailer which carries an appreciably heavier load. An empty trailer shall not precede a loaded trailer. Vehicles shall be powered to operate on level terrain at speeds compatible with other traffic. They must be able to maintain a minimum speed of 20 miles per hour under normal operating conditions on any grade of 5 percent or less over which the combination is operated and be able to resume a speed of 20 miles per hour after stopping on any such grade, except in extreme weather conditions.

Oversize signs are required on vehicles in excess of 75 feet in length on two-lane highways.

A heavy-duty fifth wheel is required. All fifth wheels must be clean and lubricated with a light-duty grease prior to each trip. The fifth wheel must be located in a position which provides adequate stability. Pick-up plates must be of equal strength to the fifth wheel.

The kingpin must be of a solid type and permanently fastened. Screw-out or folding-type kingpins are prohibited.

All hitch connections must be of a non-slack type, preferably a power-actuated ram. Air-actuated hitches which are isolated from the primary air transmission system are recommended.

The drawbar length should be the practical minimum consistent with the clearances required between trailers for turning and backing maneuvers.

Axles must be those designed for the width of the body.

All braking systems must comply with State and Federal requirements. In addition, fast air transmission and release valves must be provided on all semitrailer and converter-dolly axles. A brake force limiting valve, sometimes called a "slippery road" valve, may be provided on the steering axle. Anti-sail type mud flaps are recommended.

The use of single tires on any combination vehicle requiring an overweight or oversize permit shall not be allowed on single axles. A single axle is defined as one having more than 8 feet between it and the nearest axle or group of axles on the vehicle.

Loads shall be securely fastened to the transporter with material and devices of sufficient strength to prevent the load from becoming loose, detached, dangerously displaced, or in any manner a hazard to other highway users. The components of the load shall be reinforced or bound securely in advance of travel to prevent debris from being blown off the unit and endangering the safety of the traveling public. Any debris from the special permit vehicle deposited on the highway shall be removed by the permittee.

Bodily injury and property damage insurance is required before a special Transportation Permit will be issued.

In the event any claim arises against the State of Utah, Utah Department of Transportation, Utah Highway Patrol, or their employees from the operation granted under the permit, the permittee shall agree to indemnify and hold harmless each of them from such claim.

Permit: Permits must be purchased. The Utah DOT, the Motor Carrier Safety Division will, on submission of an LCV permit request, assign an investigator to perform an audit on the carrier, which must have an established safety program that is in compliance with the Federal Motor Carrier Safety Regulations (CFR 49 parts 387–399), the Federal Hazardous Materials Regulations (CFR 49 parts 171–178), and a "Satisfactory" safety rating. The request must show a travel plan for the operation of the vehicles. Permits are subject to Highway Patrol supervision and permitted vehicles may be subject to temporary delays or removed from the highways when necessary during hazardous road, weather, or traffic conditions. The permit will be cancelled without refund if violated. Expiration dates cannot be extended except for reasons beyond the control of the permittee, including adverse weather. Permits are void if defaced, modified, or obliterated. Lost or destroyed permits cannot be duplicated and are not transferable.

Access: Routes approved by the Utah DOT plus local delivery destination travel on two-lane roads. Routes: All National Network routes with restrictions as noted under "Operational Conditions." In addition, regular combinations with an overall length between 92 and 96 feet may operate only on the following National Network routes:

	From	To
UT 10	I–70 Exit 89	Jct. US 6/191 In Price.
UT 29	UT 57	UT 10.
UT 57	Entire length	

Legal Citations

Utah Code 27–12–154(a) and 27–12–155
Utah Regulations for Legal and Permitted Vehicles
Legal authority—Section 100
Size and Weight—Section 400
Single Tire Configurations—Section 909–76

State: Utah

Combination: Turnpike Double—LCV
Length of the Cargo-Carrying Units: 95 feet
Maximum Allowable Gross Weight: 129,000 pounds

Operational Conditions: Same as for Utah "Rocky Mountain" doubles.

Routes: Same as for Utah "Rocky Mountain" doubles.

Legal Citations: Same as for Utah "Rocky Mountain" doubles.

State: Utah

Combination: Triple—LCV
Length of the Cargo-Carrying Units: 95 feet
Maximum Allowable Gross Weight: 129,000 pounds

Operational Conditions: Same as for Utah "Rocky Mountain" doubles.

Routes: Divided highways only.

	From	To
I–15	Arizona	Idaho.
I–70	I–15	Colorado State Line.
I–80	Nevada	Wyoming.
I–84	Idaho	I–80.
I–215	Entire Route	
SR–201	I–80	300 West, SLC.

Legal Citations

Utah Code (Statutes) 27–12–148 and 27–12–149
Utah Regulations for Legal and Permitted Vehicles, sections 400 and 500

State: Utah

Combination: Truck-trailer-trailer
Length of the Cargo-Carrying Units: 88 feet

Operational Conditions: Same as for Utah "Rocky Mountain" doubles.

Routes: Same as for Utah triples.

Legal Citations: Same as for Utah triples.

State: Utah

Combination: Truck-trailer
Length of the Cargo-Carrying Units: 70 feet

Operational Conditions

Weight, Driver, Permit, and Access: Same as for Utah "Rocky Mountain" doubles.

Vehicle: Same as Utah "Rocky Mountain" doubles, except this vehicle may operate within an overall length limit of 77 feet on all National Network routes.

Routes: All National Network Routes

Legal Citations: Same as for Utah "Rocky Mountain" doubles.

State: Washington

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 68 feet
Maximum Allowable Gross Weight: 105,500 pounds

Operational Conditions

Weight: Single axle limit = 20,000 pounds; tandem axle limit = 34,000 pounds; must comply with the Federal bridge formula.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: Operating conditions are the same for permitted doubles as for 60-foot or less doubles.

Permit: Combinations with cargo-carrying units over 60 feet in length but not exceeding 68 feet must obtain an annual overlength permit to operate. A fee is charged.

Access: All State routes except SR 410 and SR 123 in or adjacent to Mt. Rainier National Park. In addition, restrictions may be imposed by local governments having maintenance responsibilities for local highways.

Routes: All National Network routes except SR 410 and SR 123 in the vicinity of Mt. Rainer National Park.

Legal citations

RCW 46.44.030 (legal combination)
RCW 46.44.041 (weight limits)
RCW 46.44.0941 (permits)
RCW 46.37 (brakes)
RCW 46.44.037(3) (dromedary boxes)

State: Washington

Combination: Truck tractor with dromedary box-semitrailer-trailer
Length of the Cargo-Carrying Units: 68 feet

VOL
58
ISS
36
FE
25
1993
UMI

Operational Conditions: Same as for Washington "Rocky Mountain" doubles.
Routes: Same as for Washington "Rocky Mountain" doubles.
Legal Citations: Same as for Washington "Rocky Mountain" doubles.

State: Washington

Combination: Dump truck with pup trailers
Length of the Cargo-Carrying Units: 68 feet
Operational Conditions: Same as for Washington "Rocky Mountain" doubles.
Vehicle: Same as Washington "Rocky Mountain" doubles, except overall length shall not exceed 75 feet.
Routes: Same as for Washington "Rocky Mountain" doubles.
Legal Citations: Same as for Washington "Rocky Mountain" doubles.

State: Washington

Combination: Truck tractor-semitrailer-trailer (commonly known as a "Log Truck" Double)
Length of the Cargo-Carrying Units: 68 feet
Operational Conditions: Same as for Washington "Rocky Mountain" doubles.
Routes: Same as for Washington "Rocky Mountain" doubles.
Legal Citations: Same as for Washington "Rocky Mountain" doubles.

State: Wyoming

Combination: Rocky Mountain Double—LCV
Length of the Cargo-Carrying Units: 81 feet
Maximum Allowable Gross Weight: 101,000 pounds

Operational Conditions

Weight: A "Western" double or truck tractor-semitrailer-semitrailer (five axles) can be operated up to 85,000 pounds gross vehicle weight (GVW); a truck tractor with two or more trailing units (six axles) can be operated up to 90,000 pounds GVW; a "Rocky Mountain" double (seven axles) can be operated up to 101,000 pounds GVW; and a tractor-semitrailer-trailer (eight axles) can be operated up to 111,000 pounds GVW.

No wheel shall carry a load in excess of 10,000 pounds. No tire on a steering axle shall carry a load in excess of 750 pounds per inch of tire width and no other tire on a vehicle shall carry a load in excess of 600 pounds per inch of tire width. "Tire width" means the width stamped on the tire by the manufacturer

No single axle shall carry a load in excess of 20,000 pounds. No tandem axle shall carry a load in excess of 36,000 pounds. No triple axle, consisting of three consecutive load-bearing axles that articulate from an attachment to the vehicle including a connecting mechanism to equalize the load between axles having a spacing between the first and third axle of at least 96 inches and not more than 108 inches, shall carry a load in excess of 42,500 pounds. No vehicles operated on the Interstate System shall exceed the maximum weight allowed by application of Federal Bridge Weight Formula B. See the Wyoming statutory weight tables in W.S. 31–5–1002.

Driver: Commercial driver's license with multiple-trailer endorsement.

Vehicle: The lead semitrailer can be up to 48 feet long with the trailing unit up to 40 feet long. In a truck tractor-semitrailer-trailer combination, the heavier towed vehicle shall be directly behind the truck-tractor and the lighter towed vehicle shall be last if the weight difference between consecutive towed vehicles exceeds 5,000 pounds.

Permits: No permits required.

Access: Unlimited access off the National Network to terminals.

Routes: All National Network routes in the State.

Legal Citations

WS 31–5–1001
WS 31–5–1002
WS 31–5–1004
WS 31–5–1008
WS 31–17–101 through 31–17–117

State: Wyoming

Combination: Turnpike Double—LCV
Length of Cargo-Carrying Units: 81 feet

Operational Conditions: Same as for Wyoming "Rocky Mountain" doubles except the "Turnpike" double (nine axles) can be operated up to 117,000 pounds GVW.

Vehicle: Same as Wyoming "Rocky Mountain" doubles, except that the semitrailer and trailer are the same length but not over 40 feet each.

Routes: Same as for Wyoming "Rocky Mountain" doubles.

Legal Citations: Same as for Wyoming "Rocky Mountain" doubles.

State: Wyoming

Combination: Truck-trailer
Length of the Cargo-Carrying Units: 78 feet

Operational Conditions

Weight, Driver, Permit, and Access: Same as for Wyoming "Rocky Mountain" doubles.

Vehicle: No single vehicle shall exceed 60 feet in length within an overall limit of 85 feet.

Routes: Same as for Wyoming "Rocky Mountain" doubles.

Legal Citations

WS 31–5–1002

State: Wyoming

Combination: Truck tractor-semitrailer-semitrailer (B-Train)
Length of Cargo-Carrying Units: 75 feet

Operational Conditions: Same as for Wyoming "Rocky Mountain" doubles.
Routes: All National Network routes.

Legal Citations

WS 31–5–1002

State: Wyoming

Combination: Automobile/Boat Transporter
Length of Cargo-Carrying Units: 85 feet

Operational Conditions: Same as for Wyoming "Rocky Mountain" doubles.
Routes: Same as for Wyoming "Rocky Mountain" doubles.
Legal Citations: Same as for Wyoming "Rocky Mountain" doubles.

State: Wyoming

Combination: Saddlemount Combination
Length of Cargo-Carrying Units: 75 feet

Weight, Driver, Permits, and Access: Same as for Wyoming "Rocky Mountain" doubles.

Vehicle: No more than three saddlemounts may be used in any combination, except additional vehicles may be transported when safely loaded upon the frame of a vehicle in a properly assembled saddlemount combination.

Towed vehicles in a triple saddlemount combination shall have brakes acting on all wheels which are in contact with the roadway.

All applicable State and Federal rules on coupling devices shall be observed and complied with.

Routes: Same as for Wyoming "Rocky Mountain" doubles.

Legal Citations: Same as for Wyoming "Rocky Mountain" doubles.

[FR Doc. 93–4090 Filed 2–24–93; 8:45 am]
BILLING CODE 4910–22–M

federal register

Thursday
February 25, 1993

Part III

Environmental Protection Agency

Integrated Risk Information System; Announcement of Availability of Background Paper; Notice

VOL 58 ISS 36 FE 25 1993 UMI

ENVIRONMENTAL PROTECTION

[FRL-4560-8]

Integrated Risk Information System (IRIS); Announcement of Availability of Background Paper

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice; announcement of availability of background paper on IRIS, request for comments on internal review, and announcement of substances scheduled for work group review.

SUMMARY: The Integrated Risk Information System (IRIS) is a data base of the United States Environmental Protection Agency (EPA) that contains EPA scientific consensus positions on potential human health effects from environmental contaminants. This notice provides information and requests information on IRIS for the purposes of improving the system and addressing questions regarding increased peer review and public participation.

This notice contains three components. First, it announces the availability of a background paper describing IRIS, its contents, and the current processes used by the two Agency work groups responsible for developing the IRIS information. Second, it discusses an Agency activity to review IRIS processes, solicits comments on this activity, and highlights points in the current process where public input is encouraged. Third, it announces a new process for publication of a list of the substances scheduled for IRIS work group review and the solicitation of pertinent data, studies, and comments on these substances. This list will appear in the **Federal Register** every six months for the next six-month period following its publication. The list for March 1 to December 31, 1993, is provided in this notice. Subsequent lists will cover a six-month period.

DATES: Please submit written comments by April 12, 1993.

ADDRESSES: Please send comments, an original and one unbound copy, to: Iris Quality Action Team, Attention: Linda C. Tuxen, Room 3809H, Waterside Mall (RD-689), USEPA, 401 M Street, SW., Washington, DC 20460.

For a copy of the IRIS Background Paper contact: IRIS User Support (Staffed by Computer Sciences Corporation), USEPA, Environmental Criteria and Assessment Office (MS-190), 26 W. Martin Luther King Drive, Cincinnati, OH 45268, Telephone: (513) 569-7254 Facsimile: (513) 569-7916.

FOR FURTHER INFORMATION CONTACT: Linda C. Tuxen, EPA IRIS Coordinator, Office of Health and Environmental Assessment (RD-689), USEPA, 401 M Street, SW., Washington, DC 20460, Telephone: (202) 260-5949 Facsimile: (202) 260-0393.

SUPPLEMENTARY INFORMATION:

Background

IRIS is an EPA data base, updated monthly, containing Agency consensus scientific positions on potential adverse human health effects that may result from exposure to environmental contaminants. Currently IRIS contains health effects information on approximately 500 specific substances.

Since IRIS was developed in 1986 and made available to the public in 1988, its use by EPA and by the environmental health community has grown substantially. EPA uses the data base to provide consistent risk information across EPA programs and the regions. States, national and international organizations, and other public and private organizations involved with assessing potential health hazards of exposure to a variety of environmental contaminants use IRIS as a source for EPA scientific opinion on the potential effects. EPA sees IRIS as a primary mechanism for communicating technical scientific information on potential chronic human health hazards to Agency risk assessors and to trained outside users. The Agency's goal is that IRIS contain high-quality human health information, based on credible science.

Availability of Background Paper

As one step in the ongoing development of this widely used data base, EPA is reevaluating several aspects of IRIS. This evaluation, described below (see Internal Review of IRIS and Request for Comment), is being conducted in a manner that reflects the history, purposes, and goals that led to the initial development of IRIS. This review takes into consideration the current processes used by the two Agency scientific work groups responsible for developing the health hazard information in IRIS.

Therefore, EPA has developed and is making available an IRIS Background Paper that contains the contextual information described above. For those generally unfamiliar with the intent and history of IRIS, this paper will serve as a primer for that information. For those who are regular IRIS users, the paper details the current processes used to develop the health hazard information on IRIS, especially regarding activities of the work groups responsible for developing IRIS information. Interested persons are strongly encouraged to obtain this paper as it provides background information for this **Federal Register** notice and helps to better understand the context of the Agency's internal review of IRIS.

Internal Review of IRIS and Request for Comment

As part of an Agency-wide effort to improve the quality of science used to evaluate and manage risks, and because of growing interest in IRIS and its role as a widely used resource throughout the risk assessment and risk management community, EPA has begun a review of processes by which the information in IRIS is developed and maintained. The purpose of this review is to seek ways to improve how IRIS information is developed and how it is being used by risk managers.

The Agency has convened a team to address issues involving the quality of information and service IRIS provides those who use the system, both inside and outside the Agency. The goal of the team is to study the entire IRIS process, from nomination of substances through delivery of information. The team has been asked to provide a series of recommendations to senior Agency managers to improve quality, including consideration of increased public involvement and additional peer review and more efficient and timely processes. To achieve this goal, the team may address concerns that could include: public involvement, peer review, limitations of IRIS information for risk management decisions, and balancing the addition of new substances with updates of existing information. Issues related to the adequacy of resources devoted to the system, improved efficiency and timeliness of the process for adding and updating files, effective mechanisms for issue resolution, the quality of and need for regulatory action information and supplemental data, outreach and training, and science and methodological issues may also be considered in the future.

As a first step in the team's effort, EPA is focusing on two issues, public involvement and external peer review. For the purposes of this effort, public involvement is defined as opportunities for affected or interested parties to have some level of input into IRIS health hazard information. These groups or individuals can involve a broader spectrum of participants than external peer review. External peer review is defined as critical appraisal of Agency products by independent experts who are peers of those who generate them.

Current practices for public involvement and peer review are described in detail later in this notice and in the IRIS Background Paper, respectively. Briefly, under current peer-review procedures, the technical bases for the oral reference dose, inhalation reference concentration, and cancer information on IRIS undergo various levels of internal peer review by EPA scientists familiar with the substance at issue. In addition, many undergo external peer review from groups ranging from the Agency's Science Advisory Board and the Office of Pesticide Programs's Science Advisory Panel to specially-convened peer-review panels and workshops. EPA is seeking ways to address concerns for increased and improved public involvement and external peer review.

The Agency wishes to identify mechanisms that can involve qualified outside scientists and members of the public in improving the quality of information in IRIS, while not unduly delaying the process of adding critical new information to the data base. Because EPA is bound by statutory and public mandates and schedules, the impact of increased public involvement and peer review on the ability of EPA work groups to develop the IRIS information and on the ability of the data base itself to deliver the information to EPA programs and regions in a timely manner will also be taken into consideration by the team.

In this notice, EPA requests comments from the public on these two issues. The Agency requests information from interested persons on how and how often they use IRIS information and how it affects their decision making. The Agency also requests comments on the following issues relating to peer review and public involvement:

Peer Review—

1. Should decisions made by the EPA work groups responsible for developing the health hazard information on IRIS have further peer-review by scientists outside the Agency?

2. What are the advantages and value (to EPA, the regulated community, and the public) of adopting an enhanced peer-review system for IRIS information? What are the disadvantages and problems?

3. What kind of peer-review system should the Agency consider in view of the significant statutory, public mandates, resource and time constraints related to IRIS and its users? What specific approach or mechanisms should the Agency explore?

Public Involvement—

1. As described later in this notice, EPA provides several current opportunities for public involvement and input into IRIS. What are the advantages and disadvantages of developing further avenues for public participation in the IRIS processes?

2. What are specific other opportunities for improving the science and value of IRIS by involving the public?

3. What should be the goals and objectives of further public involvement given the significant statutory, public mandates, resource and time constraints related to IRIS and its users? What specific approach or mechanisms should the Agency explore?

The Agency would especially welcome suggestions from members of the public experienced in various forms of peer review regarding how we can tailor any peer review to assure optimum use of scientific talent, both within and outside the Agency, and available resources in addressing the most important scientific issues raised. Since the team is in the process of gathering information that relates to public involvement and peer review issues, comments should be focused on those areas. If parties submit comments pertaining to issues other than those of public involvement and peer review, they will be catalogued and reviewed when that issue is taken up by the team. Other issues related to IRIS are expected to be considered at a later time in 1993.

While the Agency will continue to accept informal comments as it evaluates the IRIS processes, the most helpful comments will be those received within 45 days from date of this notice.

Please direct written comments, an original and one unbound copy, to the IRIS Quality Action Team at the address given in the beginning of this notice. Public comments will be considered in developing options for improved processes for IRIS. EPA will summarize and address the comments received in a subsequent **Federal Register** notice.

Materials submitted to the Agency in response to this request for comments on the Internal Review activity can be inspected in the following two ways:

1. In person at the Office of Research and Development (ORD), Public Information Shelf, EPA Headquarters Library, 401 M Street SW., Washington, DC 20460. The EPA Headquarters Library is open from 10 a.m. to 4 p.m., Monday through Friday except for Federal holidays. Requests for copies of these materials cannot be handled by phone. If you have any questions about the procedures for the EPA Library, call 202–260–5922.

2. By sending a written Freedom of Information request for the materials you need to: Jeralene Green, Freedom of Information Officer, A–101, USEPA, 401 M Street, SW., Washington, DC 20460.

Under EPA's Freedom of Information Act procedures, there is no charge for duplication of the first 166 pages requested. For detailed information on costs, call the Freedom of Information Office at 202–260–4048.

Current Opportunities for Public Involvement in the IRIS Process

As detailed in the companion piece to this notice, the IRIS Background Paper, there are several points in the current IRIS process where public input is encouraged. IRIS users are invited to participate in the IRIS information development process. Four current methods for public involvement and input are listed below in a suggested hierarchical order of use. They are:

1. IRIS Scientific Contacts

Since 1988, when IRIS was made available to the public, the names and telephone numbers of two EPA staff who are the scientific contacts for a specific assessment have been included on the data base. The Agency believes that the inclusion of Agency scientific contacts able to discuss the basis for the Agency's position is very important. These individuals play a major role in providing public access to IRIS and provide a conduit for valued public comment.

2. IRIS Public Reading Room

Another opportunity for information access is a newly created IRIS Public Reading Room located in the library facility in the Andrew W. Breidenbach Research Center, U.S. EPA, 26 West Martin Luther King Drive, Cincinnati, OH, which is scheduled to open in the Spring of 1993.

The IRIS Public Reading Room has information related to substances on IRIS. It does not have copies of correspondence submitted in response to the Agency's request for comments on the internal review of IRIS that was outlined above. To review those comments, follow the directions detailed in the **Internal Review of IRIS and Request for Comment** section of this notice.

Visitors will be able to review the documentation files for substances on IRIS. These files contain the background and supporting material, including a synopsis of the scientific discussion underlying the RfDs, RfCs, and carcinogenicity information that are on IRIS. The files also may include the following: CRAVE and RfD/RfC Work

VOL 58 ISS 36 FE 25 1993 UMI

Group meeting notes, IRIS printouts with bibliographies, public information submissions, correspondence, and annotated literature searches. Files for substance assessments not yet on the system will not be available for viewing.

Individuals wishing to review the documentation files for substances on IRIS should contact the Cincinnati office to schedule an appointment. The IRIS files can be viewed by appointment only. Appointments should be scheduled at least one week in advance and interested persons should identify the specific substances they wish to review at that time. For more information on the IRIS Public Reading Room or to make an appointment, contact IRIS User Support (operated by Computer Sciences Corporation) at (513) 569–7254.

The IRIS Public Reading Room is only a first step in providing increased access to IRIS processes. At this time, the Agency is unable to respond to informal requests for paper copies of the files. As part of the internal review of IRIS described previously, the Agency is evaluating other means of increased public access.

3. IRIS Information Submission Desk

The most important of the current opportunities is the IRIS Information Submission Desk that was set up in 1988 when the data base became publicly available. The Desk staff distribute submissions to the appropriate Agency offices for subsequent use in the IRIS information development processes.

The most useful submissions are those received on substances that are scheduled for initial work group review in the near future. This permits timely and thorough review and consideration of a submission as an integral part of the work groups' scientific deliberations. EPA hopes that the list of substances scheduled for work group review contained in this notice will prompt submission of scientific comments and analysis, studies, and identification of other pertinent scientific information from interested persons. New studies and other information on substances already on IRIS are also welcomed.

Submissions to the IRIS Information Submission Desk are handled in a three-step process:

First, interested persons should simply provide a list (submission inventory) and briefly identify all the information that they wish to submit to the IRIS Information Submission Desk. This submission inventory could include studies, statistical analyses, or comments on data interpretations. If appropriate, the materials should be listed using scientific citation format, that is, author(s), title, journal, and date. The submitter will receive an acknowledgement of receipt of the submission inventory.

It is important to note that interested persons should only include information that they believe the Agency would not otherwise have, such as unpublished studies or other studies not available through standard literature searches. Published scientific literature that is readily identifiable and obtainable should not be submitted to the Desk; this information is gathered during the standard work group review process. The use of the preliminary submission inventory will help prevent an influx of duplicative information.

The submission should include:

A. A cover letter that:

- States that the correspondence is an IRIS information submission;
- Describes in general terms the purpose of the submission; and
- Includes the names, addresses, and telephone numbers of persons to contact for additional information on the submission.

B. A submission inventory of all materials that persons wish to submit that:

- Identifies the substance(s) by name and Chemical Abstracts Service (CAS) number(s). If the submission is not related to a specific substance, but related to an issue(s) such as dose-response extrapolation methods, this should be clearly stated;
- States the section of IRIS (for example, oral reference dose, inhalation reference concentration, inhalation carcinogenicity assessment, etc.) that is being addressed; and
- Lists and describes briefly the information or supporting documents suggested for consideration.

In the second step, EPA will identify from the submission inventory the information that should be submitted. The submitter will receive notification requesting submission of the selected material. If certain pieces of information are not requested for submission, an explanation will be provided to the sender.

In the third step, the submitter should send in copies of the information requested by the Agency using the following format:

- Submitters should send three copies (at least one of which should be unbound);
- Submitters should identify the substance(s) by name and Chemical Abstracts Service (CAS) number(s);
- Persons submitting health effects data for substance files already on IRIS should include, for each study submitted, a specific explanation of how and why the study results could change a quantitative risk value or relevant IRIS narrative; and
- Persons submitting health effects data for those substances scheduled for consideration by the work groups should include, for each study submitted, an explanation of the significance of the study results to a potential RfD or RfC, carcinogen assessment value, etc.

Submitters are cautioned that:

- Health effects data on substances subject to the reporting rules under Section 8(d) of the Toxic Substances Control Act (TSCA) must be submitted to the address given in the rule. Submitting them to the IRIS Information Submission Desk does not relieve persons from an 8(d) reporting requirement,
- All submissions are public information,
- Confidential Business Information (CBI) should *not* be submitted to the IRIS Information Submission Desk. CBI must be submitted to the appropriate office via approved Agency procedures for submission of CBI as codified in the Code of Federal Regulations (40 CFR, Part 2, Subpart B),
- If a submitter believes that a CBI submission contains information with implications for IRIS, it should be noted in the cover letter accompanying the submission, and
- Any materials marked Confidential will be immediately returned to the submitter.

Once a submission has been evaluated and appropriate work group review and conclusions recorded, a letter will be sent to the submitter, briefly describing how the information was evaluated and used.

Comments on Drinking Water Health Advisories or regulatory summary information will not be considered by the IRIS Information Submission Desk unless the commenter identifies an inconsistency between the information summarized in IRIS and the actual USEPA Office of Drinking Water Health Advisory or EPA regulatory information. Questions about Drinking Water Health Advisories should be addressed to the Safe Drinking Water Hotline (1–800–426–4791) or the other EPA contact listed for that section on IRIS. Although EPA regulations are summarized in IRIS, letters on the content of regulations will not be considered by the IRIS Information Submission Desk; they should be addressed to the EPA program office responsible for the regulatory action.

Information submissions should be sent to: IRIS Information Submission

Desk, USEPA, Environmental Criteria and Assessment Office (MS–190), 26 Martin Luther King Drive, Cincinnati, OH 45268.

4. Scientific Seminars

A fourth avenue for public input into development of EPA risk information is to organize a scientific seminar with scientists from EPA. Requests for a seminar can be originated either by interested outside scientists or by EPA scientists.

This is an opportunity for exchange of ideas on either a general scientific issue or on a substance-specific topic. However, these scientific seminars may not include policy issues. Scientific seminars have been used in the past to examine new approaches to health assessment and differences in data interpretation of key studies. These scientific discussions are invaluable during review of a substance.

Scientific seminars should be coordinated with interested staff in all appropriate program and research offices.

Public Access to IRIS

There are currently two means of public access to the IRIS data base. These are supported as official versions of IRIS by the Agency. For further information on these access methods, please call IRIS User Support at (513) 569–7254.

1. TOXNET

The primary method of access for the private sector is the TOXicology Data NETwork (TOXNET), which is maintained by the National Library of Medicine (NLM), National Institutes of Health. IRIS has been a component of TOXNET since 1990.

TOXNET is an on-line integrated system that is flexible in search, print, and other commands. Users can easily and quickly extract data either on entire or selected portions of a specified data field. TOXNET provides sophisticated search and retrieval features for NLM users.

IRIS on TOXNET is updated at the beginning of each month with new information, modifications, deletions, revisions, and notification of pending actions, as needed. IRIS users can gain access to TOXNET by direct call or through several widely used telecommunications networks. IRIS on TOXNET is also available through NLM's International MEDLARS Centers. For further information on gaining access to IRIS via TOXNET, contact: IRIS Representative, Specialized Information Services Division, National Library of Medicine, 8600 Rockville Pike, Bethesda, MD 20894, Telephone: (301) 496–6531.

2. National Technical Information Service

IRIS is also available on high density 5¼" floppy diskettes that may be purchased from the National Technical Information Service (NTIS). The files are in ASCII format and are intended for use with a text editor. IRIS diskettes are updated quarterly, while the IRIS data base is updated monthly; therefore, NTIS diskettes will not always reflect the most current IRIS information. For information on ordering IRIS diskettes, contact: National Technical Information Service, US Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161, Telephone: (703) 487–4650.

The order number for a single set of diskettes is PB91–591331: for a quarterly subscription, the number is PB91–591330. Call (800) 553–6847 for RUSH orders.

Work Group Substance Review Schedule and Data Solicitation

The following substances are tentatively scheduled for review by EPA work groups during the period from March 1, 1993 to December 31, 1993. The list of substances includes those that will be evaluated by the work groups for the first time and those that are being revisited. In the list below new substances are designated by N and revisits by R.

To submit information to the IRIS Information Submission Desk, follow the guidelines outlined previously. Also, this list of substances, with appropriate updates if necessary, is also expected to be available on IRIS itself in the near future. If you have questions, please call IRIS User Support at (513) 569–7254.

Name	CAS. No.	N/R
Carcinogen Risk Assessment Verification Endeavor (CRAVE)		
Acetylaminofluorine, 2-	53–96–3	N
Acifluorfen	62476–59–9	R
Beryllium	7440–41–7	R
Boron	7440–42–8	R
Bromoacetic acid	79–08–3	N
Bromacil	314–40–9	N
Carbofuran phenol	1563–38–8	N
Chloroacetic acid	79–11–8	N
Chloral hydrate	302–17–0	N
Chlorine dioxide	10049–04–4	N
Chlorite	14998–27–7	N
Chlorate	14866–68–3	N
Chloromethane	74–87–3	R
Cyanazine	21725–46–2	R
Dibromoacetic acid	631–64–1	N
Dibromo-3-chloropropane, 1,2-	96–12–8	R
Dicamba	1918–00–9	R
Dichloroacetic acid	79–43–6	R
Dichloropropane, 1,2-	78–87–5	N
Dichloropropene, 1,3-	542–75–6	R
Dimethyl aminoazobenzene	60–11–7	N
Dimethylcarbamoyl chloride	79–44–7	N
Dimethylhydrazine, 1,1-	57–14–7	N
Dinitrotoluene, 2,4-	121–14–2	R
Environmental tobacco smoke	—	N
Ethyl carbamate	51–79–6	N
Ethyleneimine	151–56–4	N
Ethylene oxide	75–21–8	N
Formaldehyde	50–00–0	R

Name	CAS. No.	N/R
Ethylene thiourea (ETU)	96-45-7	R
Methomyl	16752-77-5	R
Methylaziridine, 2-	75-55-8	N
Methylbenzenamine, 2-	95-53-4	N
Methylenebis (2-chloroaniline), 4,4'-	101-14-4	N
Methyl iodide	77-88-4	N
Methyl tert-butyl ether	1634-04-4	N
Metolachlor	51218-45-2	R
Molybdenum	7439-98-7	N
Nitropropane, 2-	79-46-9	N
N-Nitroso-N-methylurea	684-93-5	R
Pentachloronitrobenzene	82-68-8	N
o-Phenylenediamine	95-54-5	N
Prometon	1610-18-0	N
Propane sultone, 1,3-	1120-71-4	N
Quinoline	91-22-5	N
Tetrachloroethylene	127-18-4	R
Toluene-2,4-diamine	95-80-7	N
Trichloroacetic acid	76-03-9	N
Trichloroethylene	79-01-6	R
Trichloropropane, 1,2,3-	96-18-4	R
Vinyl chloride	75-01-4	R

Oral Reference Dose/Inhalation Reference Concentration Work Group (RfD/RfC Work Group)

RfD Verification		
Acetone	67-64-1	R
Aroclor 1248	12672-29-6	R
Aroclor 1254	11096-82-5	N
Beryllium	7440-41-7	R
Boron	7440-42-8	R
Bromomethane	74-83-9	R
Cadmium	7440-43-9	R
Chromium (III)	16065-83-1	R
Chromium (VI)	18540-29-9	R
Cobalt	7440-48-4	R
Dichloropropene, 1,3-	542-75-6	R
Di-N-octyl phthalate	117-84-0	N
Hydrazine	301-01-2	N
Mercury (inorganic)	7439-97-6	R
Methyl ethyl ketone peroxide	1338-23-4	R
Methyl isobutyl ketone	108-10-1	R
Methyl mercury	22967-92-6	R
Methylphenol, 2-	95-48-7	R
Methylphenol, 3-	108-39-4	R
Methylphenol, 4-	106-44-4	R
Naphthalene	91-20-3	R
N-Nitrosodiphenylamine	86-30-6	N
Terphenyl	26140-60-3	N
Thiophenol	108-98-5	R
Trichloroethane, 1,1,1-	71-55-6	R
RfC Verification		
Acetonitrile	75-05-8	R
2-Acetylaminofluorene	53-96-3	N
4-Aminobiphenyl	92-67-1	N
Anthracene	120-12-7	N
Arsenic, inorganic	7440-38-2	N
Benzene	71-43-2	R
Benz(a)anthracene	56-55-3	N
Beryllium and compounds	—	R
Butadiene, 1,3-	106-99-0	N
Cadmium and compounds	—	R
Calcium cyanamide	156-62-7	N
Carbon disulfide	75-15-0	R
Carbon tetrachloride	56-23-5	N
Chlordane	57-74-9	R
Chlorine	7782-50-5	R
Chloromethane	74-87-3	R
Chromium and compounds	—	R
Cobalt and compounds	—	N
Coke oven emissions	8007-45-2	N
Cumene	98-82-8	R
Dibromodifluoromethane	75-61-6	N
Dichloro-2,2,2- trifluoroethane, 1,1-	306-83-2	R
Dichloromethane	75-09-2	R
Dichloroethane, 1,1-	75-34-3	R
Dichloroethylene, 1,1-	75-35-4	R
Difluoromethane	75-10-5	N
Dioxane, 1,4-	123-91-1	N

Name	CAS. No.	N/R
Ethylene oxide	75-21-8	N
Ethyl acrylate	140-88-5	N
Fluoranthene	206-44-0	N
Hepatfluoropropane,1,1,1,2,3,3,3-	431-89-0	N
Hydrogen fluoride	7664-39-3	R
d-limonene	5989-27-5	N
Manganese	7439-96-5	R
Mercury and compounds	—	R
Methyl isobutyl ketone	108-10-1	R
Methyl methacrylate	80-62-6	N
Methyl tert-butyl ether	1634-04-4	R
Methylene dianiline, 4,4-	101-77-9	R
Naphthalene	91-20-3	N
Nickel and compounds	—	R
Nitrobenzene	98-95-3	R
N-Nitrosomorpholine	59-89-2	N
N-Nitroso-N-methylurea	684-93-5	N
Pentachlorobenzene	608-68-8	N
Pentafluoroethane, 1,1,2,2,2-	354-33-6	N
Decafluorobutane	355-35-9	N
Tetradecafluorohexane	355-42-0	N
Phenanthrene	85-01-8	N
Phosphorous	7723-14-0	N
α-Pinene	80-56-8	N
β-Pinene	127-91-3	N
Polychlorinated biphenyls	1336-36-3	N
Polycyclic organic matter	—	N
Pyrene	129-00-0	N
Selenium	7782-49-2	N
Silica compounds	—	N
Styrene oxide	96-09-3	N
Tetrachloroethane, 1,1,2,2-	79-34-5	N
Tetrachloroethylene	127-18-4	N
Tetrafluoroethane, 1,1,1,2-	811-97-2	R
Tetrahydrofuran	109-99-9	R
Trichloroethane, 1,1,1-	71-55-6	R
Trichloroethylene	79-01-6	R
Trifluoroethane	420-46-2	N
Trifluoromethane	75-46-7	N
Vinyl chloride	75-01-4	N

A list of the substances scheduled for work group review from January 1, 1994, to June 30, 1994, will be published in the **Federal Register** in June/July, 1993.

Dated: February 12, 1993.

Gary J. Foley,

Acting Assistant Administrator for Research and Development.

[FR Doc. 93-4397 Filed 2-24-93; 8:45 am]

BILLING CODE 6560-50-P

VOL
58
ISS
36
FE
25
1993
UMI

Read

INFORMA

Federal Re
Index, find
Public insp
Correction
Document
Machine re

Code of Fe
Index, find
Printing sc

Laws
Public Law
Additional

Presidenti
Executive
Public Pap
Weekly Co

The United
General inf

Other Serv
Data base a
Guide to R
Legal staff
Privacy Ac
Public Law
TDD for th

FEDERAL

6601–6678..
6679–6874..
6875–7046..
7047–7184..
7185–7476..
7477–7714..
7715–7860..
7861–7952..
7953–8200..
8201–8516..
8517–8690..
8691–8892..
8893–9106..
9107–9516..
9517–10936
10937–1118
11185–1136
11361–1149

Reader Aids

Federal Register

Vol. 58, No. 36

Thursday, February 25, 1993

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection desk	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

6601–6678.....1
6679–6874.....2
6875–7046.....3
7047–7184.....4
7185–7476.....5
7477–7714.....8
7715–7860.....9
7861–7952.....10
7953–8200.....11
8201–8516.....12
8517–8690.....16
8691–8892.....17
8893–9106.....18
9107–9516.....19
9517–10936.....22
10937–11184.....23
11185–11360.....24
11361–11496.....25

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive orders:
12800 (Revoked by EO 12836).....7045
12818 (Revoked by EO 12836).....7045
12836.....7045
12837.....8205
12838.....8207
12839.....8515
Administrative Orders:
Memorandums:
January 22, 1993.....7455
January 22, 1993.....7457
January 22, 1993.....7459
January 29, 1993.....8201
February 3, 1993.....8203
Proclamations:
6527.....7477
6528.....8691
6529.....10937
6530.....11361

5 CFR

Proposed Rules:
410.....8912
970.....7052

7 CFR

52.....7607, 11185
301.....8517, 8820, 11099
318.....7953
319.....8524, 11363
907.....7964
908.....7964
911.....8533
915.....7972, 8533
916.....8534
918.....8209
925.....8893
927.....8536
932.....8538
948.....8539
1097.....6679
1099.....6679
1106.....8894
1209.....8194
1477.....9107
1478.....9107
Proposed Rules:
52.....7296
275.....7296
283.....7296
300.....11383
319.....11383
907.....8912
908.....8912
932.....8558
1001.....10993
1002.....10993
1106.....8559
1139.....7996

9 CFR

78.....11364
94.....11365
124.....11367
161.....8820
Proposed Rules:
317.....8560
381.....8560

10 CFR

19.....7715
20.....7715, 11290
30.....7715
36.....7715
40.....7715
51.....7715
70.....7715
170.....7715
455.....9424
Proposed Rules:
Ch. I.....11388
20.....8560, 11389
30.....6730
40.....6730
50.....6730, 7757
70.....6730
72.....6730
150.....9552

11 CFR

201.....6875

12 CFR

203.....6601
207.....6602
208.....7973
220.....6602
221.....6602
224.....6602
225.....7973
268.....9517
303.....8210
325.....8220
506.....11186
509.....11186
516.....11186
528.....11186
541.....11186
543.....11186
545.....11186
552.....11186
556.....11186
558.....11186
559.....11186
561.....11186
563.....11186
563b.....11186
563e.....11186
567.....11186
571.....11186
579.....11186
580.....11186

607.....10939
611.....6604, 10945
612.....6605
614.....11371
615.....10945
618.....10939
625.....10945
627.....10945
796.....6605
1605.....8220

Proposed Rules:
205.....8714
208.....8007
225.....8007
Ch. III.....6903
900.....8563

13 CFR

121.....7479, 9112, 9113, 11372

Proposed Rules:
121.....9131

14 CFR

21.....8222
23.....8222
33.....6875
39.....6703–6707, 6877–6881, 7185, 7479–7482, 7737, 7861, 7862, 7982, 7983, 8224, 8693, 9113–9115, 9117, 11186, 11188, 11190
71.....6709, 6884–6886, 7179, 7484, 7738, 8896, 11373
73.....6884
95.....6887
97.....6709, 6712, 7485, 7746, 10945, 10947

Proposed Rules:
Ch. I.....8244, 8719, 11391
23.....10994
39.....6740, 6742, 6743, 6745, 6746, 6906, 7196, 7494, 7495, 7759, 8719, 8721, 8723, 8914, 8916, 9131, 9133, 9552
61.....7197, 9514
63.....7197
65.....7197
71.....6911, 8244, 8724, 8725, 9134
93.....7950
121.....7197, 8917
129.....8917
135.....7197
142.....9514
300.....7040
399.....7053

15 CFR

Proposed Rules:
1200.....8564

16 CFR

4.....7047

Proposed Rules:
Ch. II.....8013, 8016, 8020, 8023
305.....7852
307.....10997
1210.....8565

17 CFR

1.....10949
4.....8226
30.....10953
140.....6677
145.....7040
150.....6854
200.....8541
270.....7984

Proposed Rules:
1.....6748, 7056
3.....6748
10.....6748
145.....6748

18 CFR

3c.....7486
154.....7984
157.....6893
365.....8897
381.....7488, 8897
385.....7984

19 CFR

Proposed Rules:
10.....6677

20 CFR

416.....9597

21 CFR

73.....9539
177.....8820
520.....7864, 8541
522.....8542
1308.....7186

23 CFR

140.....6713

Proposed Rules:
625.....6914
657.....11450
658.....11450

24 CFR

207.....9541
770.....8186
882.....8186
889.....8186
890.....8186
941.....8186

Proposed Rules:
770.....8187
813.....11292
882.....8187, 11292
887.....11292
889.....8187
890.....8187
941.....8187
982.....11292

25 CFR

501.....8449
515.....8449
519.....8449
522.....8449
523.....8449
524.....8449
531.....8449
533.....8449
535.....8449
537.....8449
539.....8449
556.....8449
558.....8449
571.....8449
573.....8449
575.....8449
577.....8449

26 CFR

1.....6678, 7041, 7296, 7747, 7865, 7987, 7988, 8098, 9245, 11099
602.....6678, 7987, 7988, 9245

Proposed Rules:
1.....6854, 6922, 6923, 7179, 7497, 7845, 8027, 9553, 9597, 10997, 11290
26.....6854, 7497
31.....8726
52.....8099
301.....6854, 7497, 7761, 8098, 9597

27 CFR

Proposed Rules:
9.....8726, 11290

29 CFR

2616.....6605
2617.....6605
2619.....8230
2676.....8231

Proposed Rules:
103.....7199, 10997
402.....9418
403.....9418
2619.....7921
2676.....7921

30 CFR

77.....8543
218.....8907
254.....7489
701.....8655
785.....8655

Proposed Rules:
14.....8028
18.....8028
75.....8028, 9554
870.....7761, 8655

31 CFR

103.....7047

Proposed Rules:
357.....9134

32 CFR

201.....7865
592.....6715
606.....6715
608.....6715
612.....6715
616.....6715
706.....8694, 11191

33 CFR

1.....8884
3.....6716
100.....7492, 8543, 9118
110.....9543
117.....6717, 11192
148.....11192
150.....7330
154.....7330
155.....7376
165.....8543, 9543
334.....6718

Proposed Rules:
117.....6766, 6767, 7497, 7498
154.....8918
155.....8918
165.....7500
334.....6768

34 CFR

8.....7860
305.....9462
628.....11162
682.....9119
770.....11166

Proposed Rules:
300.....7938
361.....8688, 9458
608.....11158
609.....11158

36 CFR

Proposed Rules:
1191.....6924

37 CFR

301.....8655
304.....7051, 8820
311.....8655
201.....9544

38 CFR

1.....7296

Proposed Rules:
4.....11099

39 CFR

Proposed Rules:
111.....8921
3001.....6769

40 CFR

2.....7187
52.....6606, 8545, 10957–10962, 11374
58.....8252
60.....7189
82.....8136, 8820
86.....9468
122.....9404
123.....9404
168.....9062
169.....9062
180.....6893, 8695–8699, 11377
232.....8172
233.....8172
257.....9148
260.....8658
261.....6854
264.....8658
265.....8658
266.....6607
268.....8658
270.....8658
271.....6854, 7865, 8232, 8658, 9120
280.....9026
281.....6894
300.....7189, 7492
305.....7704
403.....9248
501.....9404
503.....9248
721.....7190

Proposed Rules:
Ch. I.....6609, 7501, 8565, 9554
51.....11110
52.....7762, 8245, 8247, 8565, 10998, 11200
54.....7870
63.....11201
81.....7762
86.....11202
112.....8824
144.....7924, 8028
180.....8728, 8729

191.....
194.....
228.....
260.....
261.....
262.....
264.....
265.....
268.....
270.....
273.....
372.....
700.....
720.....
721.....
723.....
763.....

41 CFR

302–11.....

42 CFR

59.....
435.....
436.....
440.....

Proposed Rul

59.....
417.....
434.....
1003.....

43 CFR

Public Land C

6956.....
6957.....

44 CFR

64.....
65.....
67.....

Proposed Rul

67.....

45 CFR

303.....
1626.....

Proposed Rul

1607.....
1609.....

191.....7924, 8028
194.....8029
228.....10999
260.....8102
261.....6925, 8102, 8504
262.....8102
264.....8102
265.....8102
268.....8102
270.....8102
273.....8102
372.....6609, 11002
700.....7646
720.....7661
721.....7676
723.....7646, 7679
763.....8926

41 CFR

302–11.....8547

42 CFR

59.....7462
435.....9120
436.....9120
440.....9120

Proposed Rules:

59.....7464
417.....8568
434.....8568
1003.....8568

43 CFR

Public Land Order:

6956.....6719
6957.....7867

44 CFR

64.....9121, 11193
65.....8551–8553
67.....8549

Proposed Rules:

67.....8568

45 CFR

303.....7040
1626.....6608

Proposed Rules:

1607.....6611
1609.....6612

46 CFR

525.....10983
530.....10983
571.....7190
586.....7988

Proposed Rules:

315.....9135
502.....7199
505.....7199
510.....7199
514.....7501
540.....7199

47 CFR

0.....9123
1.....6895, 8701, 9128
13.....9123
61.....7867, 8908
64.....11195
69.....7867, 8908, 9550
73.....7194, 7195, 7869, 8233–8235, 11196, 11197
76.....7990

Proposed Rules:

Ch. I.....6937, 7062, 8248, 8927, 8928
1.....8731
2.....6769, 8731
15.....6769, 7205
43.....7764
64.....9137, 11195
69.....11203
73.....6677, 7874, 7875, 8248, 11196, 11197
76.....7205, 7875
88.....8731
90.....8731
94.....8731

48 CFR

Ch. 20.....8449
552.....8235
701.....8701
706.....8701
716.....8701
719.....8701
726.....8701
733.....8701
752.....8701
925.....8909
952.....8909

Proposed Rules:

Ch. 53.....6771

49 CFR

1.....6896–6898
9.....6719
107.....10985
171.....6864, 10985
172.....6864, 8820
173.....6864
174.....6864
176.....6864
198.....10985
229.....6899
390.....6726
394.....6726
665.....10989
821.....11379
826.....11379
1002.....7748
1017.....7748
1018.....7748
1312.....7748
1313.....7748
1314.....7748

Proposed Rules:

40.....7197, 7506
199.....7197
213.....8928
217.....7197
219.....7197
350.....7197
382.....7197
383.....7197
391.....7197
392.....6937, 7197
395.....6937, 7197
531.....6939
571.....7206, 7506, 11003, 11009
572.....7506
611.....6948
653.....7197
654.....7197
1039.....8030
1056.....6912
1180.....6612

50 CFR

17.....8235
217.....8554
227.....8554
611.....8703
625.....8557, 11381
642.....10990, 11198
650.....7040
652.....11198
675.....7040, 8703–8712, 9129, 11199, 11381

Proposed Rules:

17.....8032, 8249, 8250
226.....7206
301.....9138
663.....7525
672.....6677

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List February 11, 1993

ELECTRONIC BULLETIN BOARD

Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

VOL
58
ISS
36
FE
25
1993
UMI

Guide to Record Retention Requirements

in the Code of Federal Regulations (CFR)

GUIDE: Revised January 1, 1992

The GUIDE to record retention is a useful reference tool, compiled from agency regulations, designed to assist anyone with Federal recordkeeping obligations.

The various abstracts in the GUIDE tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The GUIDE is formatted and numbered to parallel the CODE OF FEDERAL REGULATIONS (CFR) for uniformity of citation and easy reference to the source document.

Compiled by the Office of the Federal Register, National Archives and Records Administration.

Superintendent of Documents **Publications** Order Form

Order Processing Code:
*

P3

Charge your order. It's Easy! VISA

To fax your orders (202) 512-2250

☐ **YES**, please send me the following:

_____copies of the 1992 GUIDE TO RECORD RETENTION REQUIREMENTS IN THE CFR
S/N 069-000-00046-1 at $15.00 each.

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

_____
(Company or Personal Name) (Please type or print)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

_____
(Daytime phone including area code)

_____
(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date)

Thank you for your order!

_____
(Authorizing Signature)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

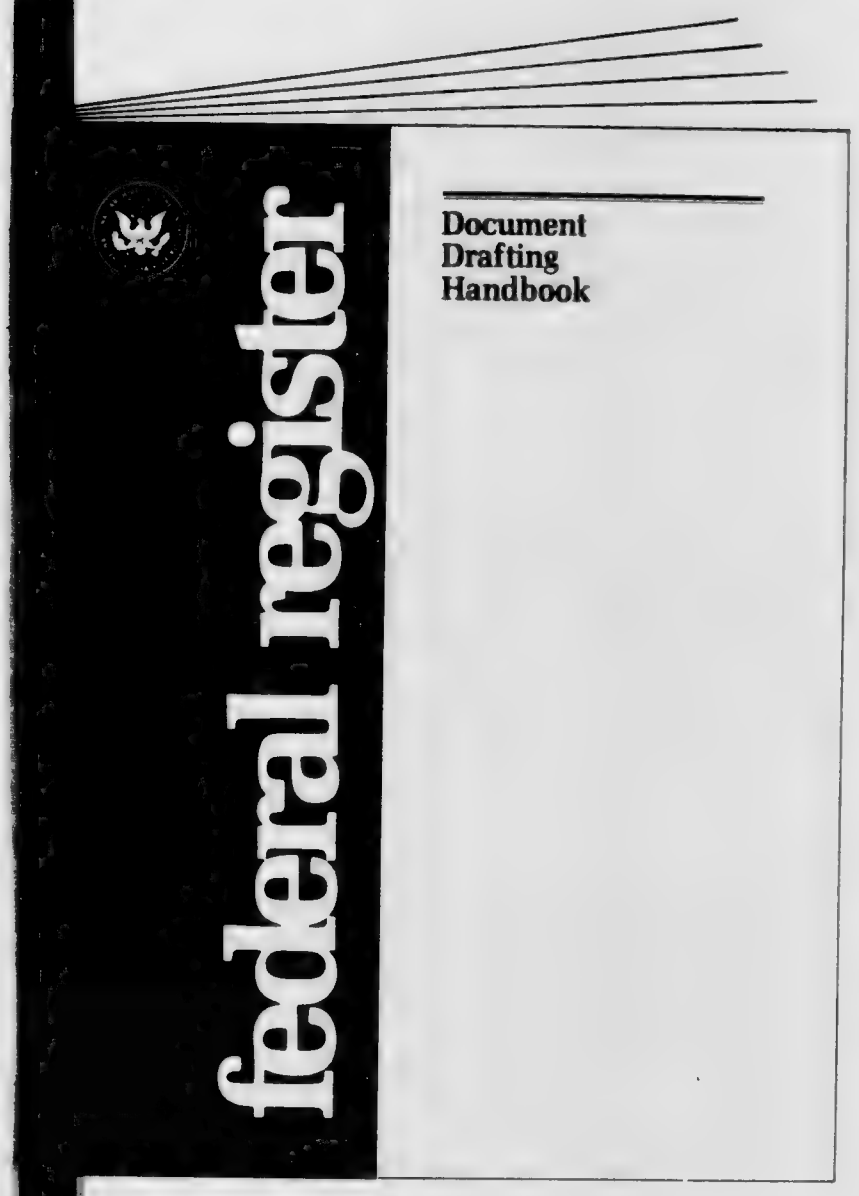

Federal Register Document Drafting Handbook

A Handbook for Regulation Drafters

This handbook is designed to help Federal agencies prepare documents for publication in the Federal Register. The updated requirements in the handbook reflect recent changes in regulatory development procedures, document format, and printing technology.

Price $5.50

Superintendent of Documents Publication Order Form

er processing code: *6133

Charge your order. It's easy!

To fax your orders and inquiries – (202) 512-2250

☐ **YES,** please send me the following indicated publications:

_____ copies of **DOCUMENT DRAFTING HANDBOOK at $5.50 each.** S/N 069–000–00037–1

he total cost of my order is $_____ Foreign orders please add an additional 25%.
prices include regular domestic postage and handling and are subject to change.

se Type or Print

_____
Company or personal name)

_____
dditional address/attention line)

_____
treet address)

_____
ity, State, ZIP Code)

(_____) _____
aytime phone including area code)

3 Please choose method of payment:

- ☐ Check payable to the Superintendent of Documents
- ☐ GPO Deposit Account ☐☐☐☐☐☐☐☐–☐
- ☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

(Rev 12/91)

ail To: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954

May we make your name/address available to other mailers? YES ☐ NO ☐

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

Public Laws

103d Congress, 1st Session, 1993

Pamphlet prints of public laws, often referred to as slip laws, are the initial publication of Federal laws upon enactment and are printed as soon as possible after approval by the President. Legislative history references appear on each law. Subscription service includes all public laws, issued irregularly upon enactment, for the 103d Congress, 1st Session, 1993.

(Individual laws also may be purchased from the Superintendent of Documents, Washington, DC 20402-9328. Prices vary. See Reader Aids Section of the Federal Register for announcements of newly enacted laws and prices).

Superintendent of Documents **Subscriptions** Order Form

Order Processing Code:
* 6216

Charge your order. It's Easy!
To fax your orders (202) 512-2233

☐ **YES**, enter my subscription(s) as follows:

_____ subscriptions to **PUBLIC LAWS** for the 103d Congress, 1st Session, 1993 for $156 per subscription.

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

(Company or Personal Name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(Daytime phone including area code)

(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date)

Thank you for your order!

(Authorizing Signature) (1/93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

FEDERAL REGISTER SUBSCRIBERS: IMPORTANT INFORMATION ABOUT YOUR SUBSCRIPTION

After 6 years without an adjustment, it has become necessary to increase the price of the **Federal Register** in order to begin recovering the actual costs of providing this subscription service. Effective October 1, 1992, the price for the **Federal Register** will increase and be offered as follows:

(1) FEDERAL REGISTER COMPLETE SERVICE—Each business day you can continue to receive the daily **Federal Register**, plus the monthly **Federal Register Index** and **Code of Federal Regulations List of Sections Affected (LSA)**, all for **$415.00** per year.

(2) FEDERAL REGISTER DAILY ONLY SERVICE—With this subscription service, you will receive the **Federal Register** every business day for **$375.00** per year.

HOW WILL THIS AFFECT YOUR CURRENT SUBSCRIPTION?

You will receive your current complete **Federal Register** service for the length of time remaining in your subscription.

AT RENEWAL TIME

At renewal time, to keep this important subscription coming—you can continue to receive the complete **Federal Register** service by simply renewing for the entire package, or you can select and order only the parts that suit your needs:

- renew your entire **Federal Register Service** (complete service)

or select. . .

- the daily only **Federal Register** (basic service)
- and complement the basic service with either of the following supplements: the monthly **Federal Register Index** or the monthly **LSA**

When your current subscription expires, you will receive a renewal notice to continue the complete **Federal Register** service. At that time, you will also receive an order form for the daily **Federal Register** basic service, the **Federal Register Index**, and the **LSA**.

To know when to expect the renewal notice, check the top line of your subscription mailing label for the month and year of expiration as shown in this sample:

A renewal notice will be sent approximately 90 days before the end of this month.

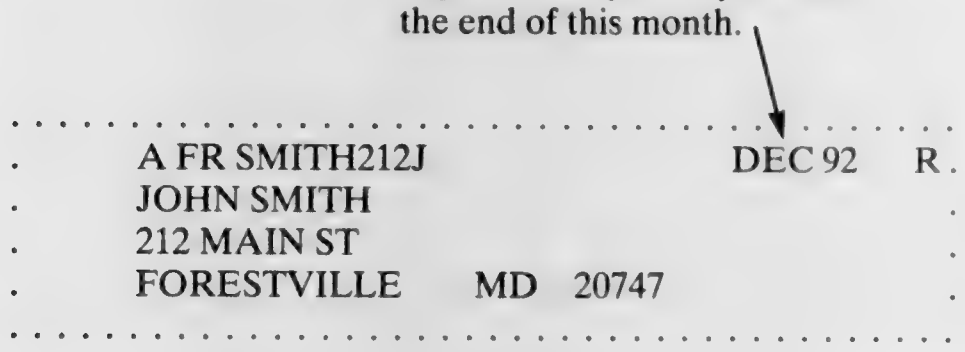

VOL
58
ISS
36
FE
25
1993
UMI

Microfiche Editions Available...

Federal Register

The Federal Register is published daily in 24x microfiche format and mailed to subscribers the following day via first class mail. As part of a microfiche Federal Register subscription, the LSA (List of CFR Sections Affected) and the Cumulative Federal Register Index are mailed monthly.

Code of Federal Regulations

The Code of Federal Regulations, comprising approximately 200 volumes and revised at least once a year on a quarterly basis, is published in 24x microfiche format and the current year's volumes are mailed to subscribers as issued.

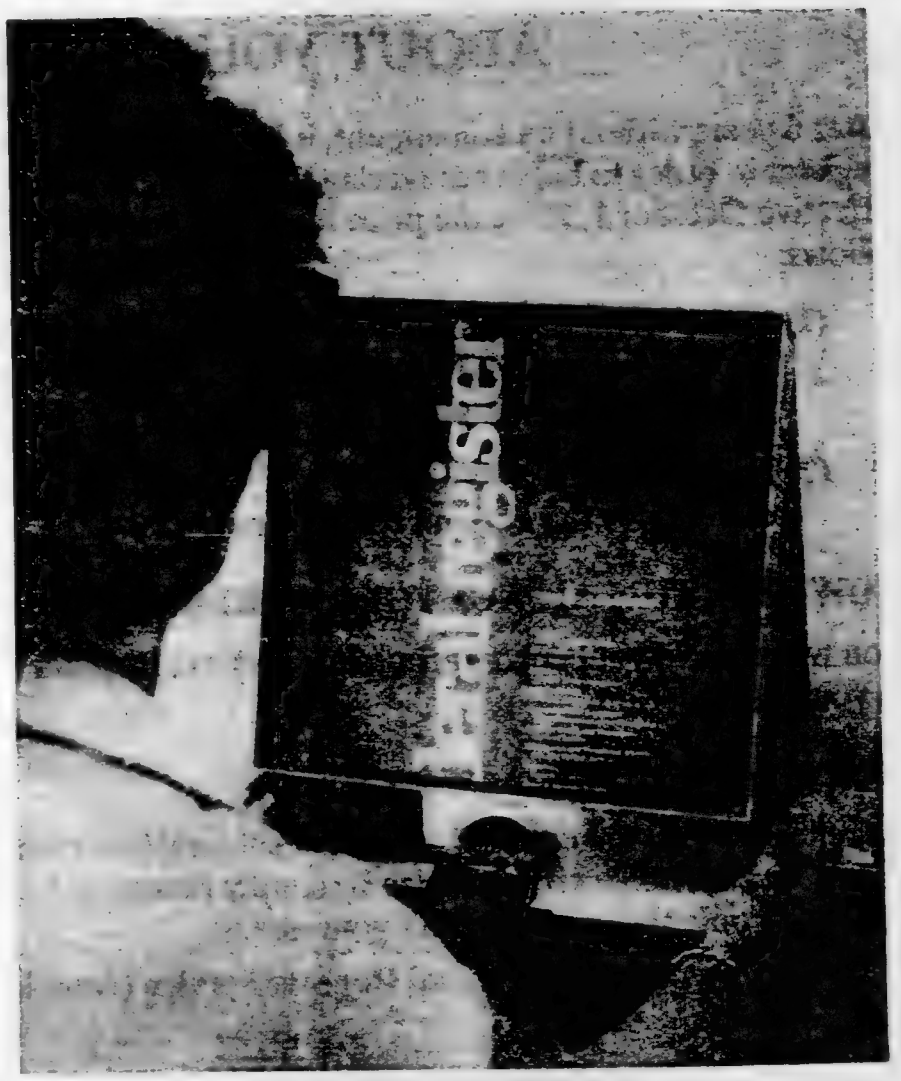

Microfiche Subscription Prices:

Federal Register:

One year: $353.00
Six months: $176.50

Code of Federal Regulations:

Current year (as issued): $223.00

Superintendent of Documents Subscriptions Order Form

Order Processing Code
*** 5348**

Charge your order. It's easy! MasterCard VISA

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please send me the following indicated subscriptions:

24x MICROFICHE FORMAT:

_____ **Federal Register:** _____ One year: $353.00 _____ Six months: $176.50

_____ **Code of Federal Regulations:** _____ One year: $223.00

1. The total cost of my order is $_____ . All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____) _____
(Daytime phone including area code)

3. **Please choose method of payment:**

☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

4. **Mail To:** Superintendent of Documents, Government Printing Office, Washington, D.C. 20402-9371 **(Rev. 10/92)**

4. **Mail To:** Superintendent of Documents, Government Printing Office, Washington, D.C. 20402-9371 (Rev. 10/92)

VOL
58
ISS
36
FE
25
1993
UMI

Printed on recycled paper

VOL
58

ISS
37

FE
26

1993

UMI

U·M·I

THE PAPER AND INK USED IN THE ORIGINAL MATERIAL AFFECT THE QUALITY OF THE MICRO-EDITION. THIS REPRODUCTION IS MADE FROM THE BEST COPY AVAILABLE.

2-26-93
Vol. 58

United Stat
Governmer
Printing Off
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20

OFFICIAL BUSINES
Penalty for private

2–26–93
Vol. 58 No. 37

federal register

Friday
February 26, 1993

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

**********5-DIGIT 48106

A FR SERIA300S NOV 93 R
SERIALS PROCESSING
UNIV MICROFILMS INTL
300 N ZEEB RD
ANN ARBOR MI 48106

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

VOL
58
ISS
37
FE
26
1993
UMI

2-26-93
Vol. 58
Pages 11

2-26-93
Vol. 58 No. 37
Pages 11497-11782

federal register

Friday
February 26, 1993

Briefings on How To Use the Federal Register
For information on briefings in New York, NY, and Los Angeles, CA, see announcement on the inside cover of this issue.

VOL
58
ISS
37
FE
26
1993
UMI

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche format and magnetic tape. The annual subscription price for the **Federal Register** paper edition is $375, or $415 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $353; and magnetic tape is $37,500. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $4.50 for each issue, or $4.50 for each group of pages as actually bound; or $1.50 for each issue in microfiche form; or $175.00 per magnetic tape. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 58 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	202–783–3238
Magnetic tapes	512–1530
Problems with public subscriptions	512–2303
Single copies/back copies:	
Paper or fiche	783–3238
Magnetic tapes	512–1530
Problems with public single copies	512–2457
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	523–5243
Magnetic tapes	512–1530
Problems with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

NEW YORK, NY

WHEN: March 26, at 12:30 pm
WHERE: 26 Federal Plaza
Conference Room 305C
New York, NY
RESERVATIONS: Federal Information Center
1–800–347–1997

LOS ANGELES, CA

WHEN: March 31, at 9:00 am
WHERE: 300 North Los Angeles Street
Conference Room 8041
Los Angeles, CA
RESERVATIONS: Federal Information Center
1–800–726–4995

Printed on recycled paper containing 100% post consumer waste

Contents

Federal Register

Vol. 58, No. 37

Friday, February 26, 1993

Agriculture Department
See Animal and Plant Health Inspection Service
See Food and Nutrition Service
See Forest Service
See Rural Electrification Administration
See Soil Conservation Service

Animal and Plant Health Inspection Service
NOTICES
Environmental statements; availability, etc.:
Genetically engineered organisms; field test permits—
Petunia plants, 11582
Genetically engineered organisms for release into environment; permit applications, 11582

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Bonneville Power Administration
NOTICES
Billing credits contracts:
Decision to sign, 11592

Children and Families Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Developmental disabilities expenditures; basic support, protection, and advocacy funds; State allotments, 11607
Meetings:
President's Committee on Mental Retardation, 11608

Commerce Department
See Export Administration Bureau
See International Trade Administration

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement list; additions and deletions, 11589, 11590

Commodity Futures Trading Commission
NOTICES
Contract market proposals:
Chicago Board of Trade—
Non-member officials of member firms and non-member parent firms; registration, 11591

Defense Department
NOTICES
Meetings:
DOD Government-Industry Technical Data Committee, 11592

Education Department
RULES
Elementary and secondary education:
Special educational programs for students whose families are engaged in migrant and other seasonal farmwork; high school equivalency and college assistance programs; correction, 11538
PROPOSED RULES
Special education and rehabilitative services:
Individuals with Disabilities Education Act; implementation—
Serious emotional disturbance definition; correction, 11776

Employment Standards Administration
NOTICES
Minimum wages for Federal and federally assisted construction; general wage determinations decisions, 11631, 11641

Energy Department
See Bonneville Power Administration
See Federal Energy Regulatory Commission
NOTICES
Grant and cooperative agreement awards:
Yakima Indian Nation, 11592

Environmental Protection Agency
RULES
Hazardous waste program authorizations:
Georgia, 11539
PROPOSED RULES
Air pollutants, hazardous; national emission standards:
Synthetic organic chemical manufacturing industry and seven other processes; correction, 11667
Air pollution; standards of performance for new stationary sources:
Appendix A; test methods 18, 26, and 26A; correction, 11709
Air quality implementation plans; approval and promulgation; various States:
Delaware, 11555
Clean Air Act:
Fuel and fuel additives; reformulated gasoline, 11722
NOTICES
Agency information collection activities under OMB review, 11599, 11600
Environmental statements; availability, etc.:
Agency statements—
Comment availability, 11601
Weekly availability, 11600
Hazardous waste:
Land disposal restrictions; exemptions—
Allied-Signal, Inc., 11601
Meetings:
Environmental Policy and Technology National Advisory Council, 11603
New source review simplification; workshop, 11602
State and Tribal Toxics Action Forum Coordinating Committee and Projects, 11603
Reports; availability, etc.:
Ozone precursors role in tropospheric ozone formation and control, 11603
Toxic and hazardous substances control:
Asbestos—
National Directory of AHERA Accredited Courses; availability, 11604

Executive Office of the President
See Trade Representative, Office of United States

Export Administration Bureau
NOTICES
Meetings:
Regulations and Procedures Technical Advisory Committee, 11585

Federal Aviation Administration
RULES
Airworthiness directives:
Bell, 11523
McDonnell Douglas, 11525
Airworthiness standards:
Transport category airplanes—
Nitrogen or other inert gas use for tire inflation in lieu of air, 11778
PROPOSED RULES
Rulemaking petitions; summary and disposition, 11554
Transition areas, 11553
NOTICES
Passenger facility charges; applications, etc.:
Jackson Hole Airport, WY, 11658

Federal Communications Commission
RULES
Privacy Act; implementation, 11549
NOTICES
Meetings:
Network Reliability Council, 11605
Public safety radio communications plans:
Buffalo area, 11604
El Paso area, 11605
Iowa, 11605
Radio services, special:
Digital audio radio service satellite system applications; launch fee requirement, 11605

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 11665

Federal Emergency Management Agency
RULES
Flood elevation determinations:
Arizona et al., 11540, 11544
California et al., 11542
PROPOSED RULES
Flood elevation determinations:
Alabama et al., 11556

Federal Energy Regulatory Commission
NOTICES
Electric rate, small power production, and interlocking directorate filings, etc.:
Green Mountain Power Corp. et al., 11594
Environmental statements; availability, etc.:
Indiana Michigan Power Co., 11595
Natural Gas Policy Act:
Natural gas data collection system—
Software for the FERC Form No. 2-A, 11595
State jurisdictional agencies tight formation recommendations; preliminary findings—
Texas Railroad Commission, 11596, 11597
Wyoming Oil and Gas Conservation Commission, 11597
Preliminary permits surrender:
Wayne County Water Conservancy District, 11597
Applications, hearings, determinations, etc.:
El Paso Natural Gas Co., 11597
KN Energy, Inc., 11598
Panhandle Eastern Pipe Line Co., 11598
Pan Pacific Hydro, Inc., 11598
Questar Pipeline Co., 11598
Trunkline Gas Co., 11599

Federal Highway Administration
NOTICES
Meetings:
Scenic Byways Advisory Committee, 11658

Federal Maritime Commission
NOTICES
Agreements filed, etc., 11607

Federal Trade Commission
PROPOSED RULES
Rules and guides; notice of intent to request comments 11554

Federal Transit Administration
RULES
Bus testing facility program
Meeting, 11549

Financial Management Service
See Fiscal Service

Fiscal Service
NOTICES
Surety companies acceptable on Federal bonds:
American Resources Insurance Co., Inc., 11663

Fish and Wildlife Service
RULES
Endangered and threatened species:
Leptocereus grantianus (cactus from Culebra Island, PR), 11550
PROPOSED RULES
Endangered and threatened species:
Louisiana pearlshell, 11579

Food and Drug Administration
NOTICES
Biological product licenses:
Plasmatek of Victoria, Inc., 11609
Food additive petitions:
Kalsec, Inc., 11609
Medical devices:
Suspect adverse events and product problems with medications and devices, reporting; draft form, 11768
Shellfish, arsenic, etc.; guidance documents, 11609

Food and Nutrition Service
RULES
Child nutrition program:
Women, infants, and children; special supplemental food programs—
Drug and other harmful substance abuse information and referrals, 11497

Forest Service
NOTICES
Environmental statements; availability, etc.:
Humboldt National Forest, NV, 11583
San Bernardino National Forest, CA, 11583

Health and Human Services Department
See Children and Families Administration

See Food and Drug Administration
See Health Resources and Services Administration
See Public Health Service
See Social Security Administration
NOTICES
Agency information collection activities under OMB review, 11607

Health Resources and Services Administration
See Public Health Service
NOTICES
Health professions student loan (HPSL) program:
Primary care loan program; proposed "residency training program in primary health care" definition, 11610

Housing and Urban Development Department
RULES
Low income housing:
Housing assistance payments (Section 8)—
Contract rent annual adjustment factors, 11526
NOTICES
Grants and cooperative agreements; availability, etc.:
Facilities to assist homeless—
Excess and surplus Federal property, 11612

Indian Affairs Bureau
NOTICES
Metlakatla Indian Community, AK; child custody, jurisdiction reassumption, 11766

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See National Park Service
See Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
RULES
Incomes taxes:
Casualty and theft losses and loss reimbursements, 11537

International Trade Administration
NOTICES
Antidumping:
Brass sheet and strip from France, 11585
Canned bartlett pears from Australia, 11586
Chloropicrin from China, 11586
Ferrosilicon from—
Venezuela et al., 11586
Fresh cut flowers from Canada, 11587
Applications, hearings, determinations, etc.:
Brooklyn College of City University of New York et al., 11587
City of Chicago et al., 11588
Federal Highway Administration, 11588
University of—
California et al., 11588

Interstate Commerce Commission
RULES
Motor carriers:
Interpretations and routing regulations; incidental for-hire transportation, 11549
NOTICES
Motor carriers:
Compensated intercorporate hauling operations, 11624
Railroad operation, acquisition, construction, etc.:
Fox River Valley Railroad Corp., 11625
Genesee & Wyoming Industries, Inc., 11625
Union Pacific Corp. et al., 11626
Willamette & Pacific Railroad, Inc., 11629
Railroad services abandonment:
Missouri Pacific Railroad Co., 11626

Judicial Conference of the United States
NOTICES
Meetings:
Judicial Conference Advisory Committee on—
Bankruptcy Procedure Rules, 11629
Civil Procedure Rules, 11630
Criminal Procedure Rules, 11629
Evidence Rules, 11630
Practice and Procedure Rules, 11630

Justice Department
See Parole Commission
See Prisons Bureau

Labor Department
See Employment Standards Administration

Land Management Bureau
NOTICES
Opening of public lands:
Nevada, 11622
Realty actions; sales, leases, etc.:
Idaho, 11622
Survey plat filings:
California, 11623
Idaho, 11623

Maritime Administration
NOTICES
Applications, hearings, determinations, etc.:
American President Lines, Ltd., 11659

National Commission on Manufactured Housing
NOTICES
Meetings, 11642

National Highway Traffic Safety Administration
PROPOSED RULES
Motor vehicle safety standards:
Lift systems for accessible transportation, 11562
NOTICES
Motor vehicle theft prevention standard; exemption petitions, etc.:
General Motors Corp., 11659

National Park Service
NOTICES
Management and land protection plans; availability, etc.:
Trail of Tears National Historic Trail, 11623

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Envirocare of Utah, Inc., 11642
Meetings; Sunshine Act, 11665
Applications, hearings, determinations, etc.:
South Carolina Electric & Gas Co., 11643

Office of United States Trade Representative
See Trade Representative, Office of United States

Parole Commission
NOTICES
Meetings; Sunshine Act, 11665

Prisons Bureau
NOTICES
Environmental statements; availability, etc.:
Oahu Island, HI, 11630

Public Health Service
See Food and Drug Administration
See Health Resources and Services Administration
NOTICES
Organization, functions, and authority delegations:
Health Resources and Services Administration, 11612

Rural Electrification Administration
RULES
Rural development:
Distance learning and medical link grant program, 11507

Securities and Exchange Commission
NOTICES
Meetings; Sunshine Act, 11665
Self-regulatory organizations; proposed rule changes:
Boston Stock Exchange, Inc., 11647
Applications, hearings, determinations, etc.:
Merrill Lynch Series Fund, Inc., et al., 11650
PFL Life Insurance Co. et al., 11653
Public utility holding company filings, 11655
Van Kampen Merritt Insured Tax Free Income Fund, Inc., 11656
Van Kampen Merritt Tax Free High Income Fund, Inc., 11657

Social Security Administration
NOTICES
Social security; foreign insurance or pension system:
Estonia, 11612

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
Colorado River Salinity Control program, NV, 11584
North West Middle Suwannee River Area Watershed, FL, 11584

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Initial and permanent regulatory programs:
Surface coal mining and reclamation operations—
Definitions; requirements for permits for special categories of mining; coal preparation plants; performance standards; withdrawn, 11555

Trade Representative, Office of United States
NOTICES
Trade relations agreements:
Kazakhstan, 11647

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Transit Administration
See Maritime Administration
See National Highway Traffic Safety Administration

Treasury Department
See Fiscal Service
See Internal Revenue Service
NOTICES
Agency information collection activities under OMB review, 11662

United States Information Agency
NOTICES
Art objects, importation for exhibition:
Splendid Legacy: The Havemeyer Collection, 11663

Separate Parts In This Issue

Part II
Environmental Protection Agency, 11721

Part III
Department of the Interior, Bureau of Indian Affairs, 11765

Part IV
Department of Health and Human Services, Food and Drug Administration, 11767

Part V
Department of Education, 11775

Part VI
Department of Transportation, Federal Aviation Administration, 11777

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

VOL 58 ISS 37 FE 26 1993 UMI

CFR PAR
A cumulativ
Reader Aid
7 CFR
246
1703
14 CFR
25
39 (2 docu
Proposed Ru
71
93
16 CFR
Proposed Ru
Ch. I
24 CFR
888
26 CFR
1
30 CFR
Proposed Ru
700
785
827
34 CFR
206
Proposed Ru
300
40 CFR
271
Proposed Ru
52
60
63
80
44 CFR
65 (2 docu
67
Proposed Ru
67
47 CFR
0
49 CFR
665
1004
Proposed Ru
571
50 CFR
17
Proposed Ru
17

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
246.....11497
1703.....11507

14 CFR
25.....11778
39 (2 documents).....11523, 11525

Proposed Rules:
71.....11553
93.....11554

16 CFR

Proposed Rules:
Ch. I.....11554

24 CFR
888.....11526

26 CFR
1.....11537

30 CFR

Proposed Rules:
700.....11555
785.....11555
827.....11555

34 CFR
206.....11538

Proposed Rules:
300.....11776

40 CFR
271.....11539

Proposed Rules:
52.....11555
60.....11709
63.....11667
80.....11722

44 CFR
65 (2 documents).....11540, 11542
67.....11544

Proposed Rules:
67.....11556

47 CFR
0.....11549

49 CFR
665.....11549
1004.....11549

Proposed Rules:
571.....11562

50 CFR
17.....11550

Proposed Rules:
17.....11579

VOL
58
ISS
37
FE
26
1993
UMI

Rules

This section
contains reg
applicability
are keyed to
Federal Reg
50 titles pur

The Code of
the Superint
new books a
REGISTER

DEPARTM

Food and

7 CFR Part

Special Su
for Women
Drug and
Abuse Info

AGENCY: Fo
USDA.

ACTION: Fin

SUMMARY: T
regulations
Supplemen
Women, In
comply wit
3201 of the
1988, enact
rule delines
participant
drug and ot
counseling
programs. T
responsibil
information
abusing dru
substances
provided th
intended ef
WIC partici
about the d
and other h
pregnancy
to facilitate
counseling
appropriate

In additio
regulations
to comply w
Child Nutri
Reauthoriza
November 1
State agenc
plan of prog
administrat
operations
alcohol and
services. Th

Rules and Regulations

Federal Register
Vol. 58, No. 37
Friday, February 26, 1993

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 246

Special Supplemental Food Program for Women, Infants and Children (WIC); Drug and Other Harmful Substance Abuse Information and Referrals

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends regulations governing the Special Supplemental Food Program for Women, Infants and Children (WIC) to comply with the mandates of Section 3201 of the Anti-Drug Abuse Act of 1988, enacted November 18, 1988. The rule delineates WIC's role in screening participants and making referrals to drug and other harmful substance abuse counseling, treatment and education programs. The rule also integrates responsibilities for the provision of information about the dangers of abusing drugs and other harmful substances into the nutrition education provided through the WIC Program. The intended effect of this rule is to increase WIC participants' access to information about the dangers of the use of drugs and other harmful substances during pregnancy and while breastfeeding and to facilitate referrals of participants for counseling and treatment, as appropriate.

In addition, this rule amends regulations governing the WIC Program to comply with the mandates of the Child Nutrition and WIC Reauthorization Act of 1989, enacted November 10, 1989, which requires WIC State agencies to include in their State plan of program operation and administration a plan to coordinate operations under the program with alcohol and drug abuse treatment services. This reauthorization also requires State agencies to ensure that each local agency maintains and makes available for distribution to WIC adult participants and applicants, as appropriate, a list of local resources for substance abuse counseling and treatment.

EFFECTIVE DATE: March 29, 1993.

FOR FURTHER INFORMATION CONTACT: Barbara Hallman, Chief, Policy and Program Development Branch, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, room 540, Alexandria, Virginia 22302, (703) 305–2746.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291

This final rule has been reviewed under Executive Order 12291, and has been classified to be not major because it does not meet any of the three criteria identified under the Executive Order. This action will not have an annual impact on the economy of $100 million or more, nor will it result in major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Furthermore, this rule will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). Pursuant to that review, it was determined that this rule does not have a significant economic impact on a substantial number of small entities. State and local agencies will be most affected because of the additional program administration and education involved, however, the effect on these small entities will be minimal. Participants and applicants will be affected because of the distribution of the list of local resources for drug and other harmful substance abuse counseling and treatment. Pregnant, postpartum, and breastfeeding women and parents or caretakers of infants and children will be affected because of the provision of information about the dangers of the use of drugs and other harmful substances and the potential for referrals to counseling and treatment.

Paperwork Reduction Act

The reporting requirements established in the proposed rulemaking of March 30, 1990, in §§ 246.4, 246.7, and 246.11 were reviewed by the Office of Management and Budget under Control Number 0584–0386 in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507) No changes in the reporting/recordkeeping burden have been incorporated into the final rule.

Executive Order 12372

The WIC Program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.557 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR part 3015, subpart V, and final rule-related notice published June 24, 1983 (48 FR 29114)).

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the "Effective Date" paragraph of this preamble. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted. In the WIC Program, the administrative procedures are as follows:

(1) Local agencies and vendors—State agency hearing procedures issued pursuant to 7 CFR 246.18;

(2) Applicants and participants—State agency hearing procedures issued pursuant to 7 CFR 246.9;

(3) Sanctions against State agencies (but not claims for repayment assessed against a State agency) pursuant to 7 CFR 246.19—administrative appeal in accordance with 7 CFR 246.22; and

(4) Procurement by State or local agencies—administrative appeal to the

VOL 58 ISS 37 FE 26 1993 UMI

extent available under 7 CFR 246.24(b) and 3016.36.

Background

This final rule has three purposes: the codification of the self-implementing provisions of the Anti-Drug Abuse Act of 1988 (Pub. L. 100–690); the augmentation, pursuant to the intent of the Child Nutrition Act of 1966, as amended, of the categories of substances which should be included in the WIC Program's drug abuse information and referral activities by adding a definition of the term "other harmful substances"; and the codification of the requirements of the Child Nutrition and WIC Reauthorization Act of 1989 (Pub. L. 101–147) pertaining to coordination of Program operations with alcohol and drug abuse counseling and treatment services and provision of abuse education.

Section 3201 of Public Law 100-690, the Anti-Drug Abuse Act of 1988, amended section 17 of the Child Nutrition Act of 1966 (CNA) to require enhanced emphasis on the provision of drug abuse information and referrals to WIC participants. The WIC Program provides supplemental foods, nutrition education, and health and social service referrals to program participants. Since enactment of Public Law 95-627 in 1978, program regulations have required that health and social service referrals include the referral of participants, when appropriate, to alcohol and drug abuse counseling. Section 3201 of Public Law 100-690 further emphasizes WIC's role in this area by mandating that the program provide drug abuse education. The legislation specifically defines drug abuse education for the WIC Program to be the provision of information concerning the dangers of drug abuse and referrals for drug abuse counseling and treatment.

For the purpose of this regulation, the Department is using the two terms "drug" and "other harmful substances." Use of the term "other harmful substances" allows this final regulation to augment the term "drug" as defined in Public Law 100-690. The term "other harmful substances" includes substances such as tobacco, prescription drugs and over-the-counter medications that can be harmful to the health of the WIC population, especially the pregnant woman and her fetus. The use of both of these terms permits the Department's definitions to encompass the definition of the term "alcohol and other drugs" which is used by the Center for Substance Abuse Prevention (CSAP), U.S. Department of Health and Human Services, when communicating drug abuse prevention messages. In order to promote coordination at the Federal level and adhere to the CSAP guidelines, the term "alcohol and other drugs" is used interchangeably with the two terms "drug" and "other harmful substances" in many of the drug abuse prevention education materials developed by USDA. See the more extensive explanation and definitions which follow in this preamble in section 2. Additions to definitions (§ 246.2).

The document entitled Healthy People 2000: National Health Promotion and Disease Prevention Objectives, prepared by the Public Health Service, U.S. Department of Health and Human Services, contains a national strategy for improving the health of the nation. The objectives are organized under four broad categories—health promotion, health protection, preventive services, and surveillance and data systems. With its statutory mandate to serve as an adjunct to good health care, the WIC Program can play an important role in helping to achieve some of these long-term health objectives. Several of the health objectives relate directly to increasing abstinence from tobacco, alcohol and other drug use by pregnant women. Although there is no statutory requirement that the Department coordinate WIC Program goals with DHHS' health objectives, the Department does have a mandate to coordinate WIC Program operations with other health and social services programs, including many administered by DHHS. Therefore, in an effort to further improve the health status of WIC participants, the Department takes these objectives into consideration whenever feasible. The Department believes that the WIC Program can help attain the following Healthy People 2000 goals: promote smoking cessation during pregnancy; increase the proportion of service providers who screen for alcohol and other drug use problems and provide counseling and referral as needed; reduce the rate of fetal alcohol syndrome; and, increase abstinence from use of tobacco, alcohol, cocaine, and marijuana by pregnant women.

Low birth weight and prematurity, both of which are associated with an increased risk of infant mortality, are the most serious known consequences of maternal drug use. By providing drug abuse prevention information and referrals, the WIC Program can also contribute to the attainment of two additional Healthy People 2000 health objectives: Reduce the infant mortality rate; and reduce low birth weight and very low birth weight.

By improving the health of infants and children through the provision of nutritious, supplemental foods, health care referrals, nutrition education and information about the dangers to the fetus of drug and other harmful substance use, the WIC Program can assist in the attainment of the health component of the first of the President's six National Goals for Education: "By the year 2000, all children in America will start school ready to learn." One of the objectives of this goal is, "children will receive the nutrition and health care needed to arrive at school with healthy minds and bodies, and the number of low birth weight babies will be significantly reduced through enhanced pre-natal systems."

A child must be physically and emotionally healthy in order to learn. Ensuring that a child arrives at school healthy and well nourished and ready to learn begins with the health of their parents and the care the child received prenatally. Early, high-quality prenatal care, including attention to maternal nutrition, illness, smoking and alcohol or other drug use, is critical to improving pregnancy outcomes, especially low birth weight. For example, women who are substance abusers are less likely to get prenatal care. In addition, parents or caretakers of infants and children who use drugs or other harmful substances may not be able to provide their infants and young children with the nurturing necessary to enable them to be physically and emotionally healthy in order to learn and be successful in school.

The Department of Health and Human Services' Healthy Start initiative has the goal of reducing infant mortality by 50 percent in 5 years in 15 U.S. communities with extremely high infant mortality rates. Through grants administered by the Health Resources and Services Administration, medical and social services providers in these 15 Healthy Start Communities will work collaboratively to develop new and innovative means to deliver services that meet the needs of pregnant women and infants. Each community that received a grant is tailoring its program to its special needs and population groups by developing creative plans to deal with teenage pregnancy, inadequate prenatal care, poor nutrition, smoking, alcohol and other drug abuse. Clearly, the WIC Program, by providing referrals to health care providers and drug and other harmful substance abuse counseling, treatment and education programs, will be an important resource in assisting the selected communities in this effort.

The legislative emphasis on the problem of drug use during pregnancy results from continuing concerns about the infant mortality rate in the United

States and the number of infants born with health problems associated with the drug use of their mothers. The WIC Program was included under Public Law 100–690 because of its experience in providing direct services to low-income, high-risk pregnant, postpartum and breastfeeding women as well as the program's ability to link this high-risk population with needed social services through referrals and service coordination. Congress realistically limited WIC Program involvement to the provision of drug abuse information and referrals. This limitation is based on the recognition that the complex nature of drug use and the physiology of addiction demand specialized professional assistance. The WIC Program can encourage and assist women and teenage girls who have or are at risk for drug and other harmful substance use problems to seek necessary comprehensive prevention, education, counseling and treatment services offered by community drug treatment specialists. By warning women about the dangers of abusing drugs and other harmful substances and making appropriate referrals, WIC contributes to the broader goal of decreasing the incidence of drug abuse among pregnant women, perinatal addiction, and infant mortality and morbidity.

The legislation and this rule recognize that WIC's overall effectiveness in this effort is dependent upon the availability of professional drug abuse prevention, education, counseling and treatment resources and commitments of the health community at large. Further, the rule recognizes that WIC's effectiveness in providing drug and other harmful substance abuse information and referrals will be limited if drug-abusing individuals avoid or discontinue participation in the WIC Program. Therefore, this rule incorporates the legislative mandates in a manner that depends appropriately on external expertise and will not act as a barrier to program participation.

Some WIC Program activity in the area of drug and other harmful substance abuse prevention already exists. In addition to current regulations that require referrals to be made to alcohol and drug abuse counseling as part of the WIC Program's role as an adjunct to health care, it is routine for many WIC local agencies to warn pregnant and breastfeeding women about the dangers of using alcohol, tobacco and other drugs and harmful substances. Most WIC State agencies consider alcohol, tobacco and drug abuse as nutritionally-related risk criteria for certification purposes. Also, many WIC State and local agencies are involved in special initiatives that address the problem of drug and other harmful substance use during pregnancy and while breastfeeding.

The amendments to Program regulations made necessary by Public Law 100–690 reflect Congressional intent that there be very little change from current operations. A review of the legislative history indicates the recognition that most of the WIC responsibilities mandated by Public Law 100–690 are already common practice. In debating the Anti-Drug Abuse Act of 1988, Senator Leahy stated that the drug abuse education responsibilities required by Public Law 100–690, especially the referrals, are "likely already being done in most instances" (134 Cong. Rec. 17,316 (daily ed. Oct. 21, 1988, statement of Sen. Leahy)). The Senator further stated that Congress does not intend the drug abuse education efforts to "reduce or impair each State agency's operation of WIC nutrition education efforts, WIC nutrition risk assessments and the other vital aspects of the WIC Program." Rather, Congress emphasizes WIC's responsibility to refer participants with possible drug or alcohol problems to appropriate counseling or treatment where it is locally available.

The provisions of Public Law 100–690 make it necessary to include explicit reference in program regulations to WIC's responsibility to provide drug and other harmful substance abuse information and to reemphasize WIC's role in making referrals to drug and other harmful substance abuse counseling, treatment and education programs. Program operation will be primarily affected in agencies in which such efforts are not already underway.

It is important to note that State efforts will be facilitated by legislatively mandated Federal responsibilities for identifying effective methods for providing drug abuse information and referrals and developing and distributing materials. The Department, as required by Public Law 100–690, conducted a study of appropriate methods of drug abuse education in the WIC program. The study report, entitled "A Study of Appropriate Methods of Drug Abuse Education for Use in the WIC Program," was published in January 1990, and distributed to all WIC State and local agencies. The report presents practical information about drug abuse prevention which can be applied to decisions about drug abuse education in WIC. The report also emphasizes that drug abuse assessment, counseling and treatment services must be provided by drug abuse prevention professionals. It stresses that WIC's appropriate complementary role is to provide information about the dangers of drug abuse and to make referrals to appropriate drug abuse services.

The following materials have been or are currently being developed by the Department to assist WIC local agency professionals with their drug abuse prevention information and referral activities and to warn WIC participants about the dangers of alcohol and other drug use during pregnancy and while breastfeeding:

- A brochure in English entitled "Pregnant? Drugs and Alcohol Can Hurt Your Unborn Baby" and a companion poster in English and Spanish were developed to warn WIC participants about the dangers of alcohol and other drug use during pregnancy and breastfeeding. These materials were distributed to WIC State agencies in January 1991. The brochure should be available in Spanish in early Fiscal Year 1993.
- A videotape entitled "Lifelines: To Healthy Babies" has been developed to warn participants about the dangers of alcohol and other drug use during pregnancy and breastfeeding. A companion leader's guide for WIC professionals to use with participants in discussing the dangers of alcohol and other drug use during pregnancy is currently under development. The videotape and companion guide will be available for distribution in early Fiscal Year 1993.
- A resource manual entitled "Providing Drug Abuse Information and Referrals in the WIC Program: A Local Agency Resource Manual" has been developed to assist WIC local agency staff. It contains information about the following: The various types of drugs; the dangers of drug use during pregnancy and breastfeeding; methods for screening for drug use and presenting anti-drug use messages; how to identify local drug abuse resources and establish referral networks; and selected professional and participant materials. The manual will be available for distribution in early Fiscal Year 1993.
- A videotape entitled "The WIC Connection: Substance Use Information and Referral" has been developed to assist WIC local agency staff in meeting the drug abuse information and referral requirements. A companion piece which will outline effective interviewing, screening and referral techniques is currently under development. These materials will be available for distribution in early Fiscal Year 1993.

VOL
58
ISS
37
FE
26
1993
UMI

Section 123(a)(4) of Public Law 101–147, which amended section 27(f)(1)(C)(iii)of the CNA, requires WIC State agencies to include in their State plan of operation and administration a plan to coordinate operations under the program with alcohol and drug abuse treatment services. State agency plans to coordinate operations with alcohol and drug abuse counseling services were already required. Section 123(a)(3)(D) of Public Law 101–147, which amended section 17(e)(4) of the CNA, requires State agencies to ensure that each local agency maintains and makes available for distribution a list of local resources for substance abuse counseling and treatment.

The proposed rule, published on March 30, 1990 (55 FR 11946), provided for a 60-day comment period, which ended on May 29, 1990. During that period, 15 comments were received from a variety of sources, including State and local health professionals, other State agency staff and a non-profit public interest group. The Department would like to thank all of the commenters who responded to the proposed rule. Their comments were helpful in formulating this final rule.

All provisions of the proposed rule are being finalized as proposed except for the paragraph (n) in § 246.7 and new paragraph (a)(3) in § 246.11. The proposed language in § 246.7(n) was revised to clarify that if a State agency determines that screening is necessary to fulfill referral requirements for drug and other harmful substance abuse, the State agency must require local agencies to undertake screening as part of their referral process. The proposed paragraph in § 246.11(a)(3) would have required distribution of anti-drug and other harmful substance abuse materials to all pregnant, postpartum and breastfeeding women and to parents or caretakers of infants and children applying for and participating in the Program. In response to comments that such a wide distribution of materials would be a waste of resources, the proposed paragraph is revised in this final rule to require the provision of anti-drug and other harmful substance abuse information, which does not necessarily have to be in the form of written materials, to all categories of adult participants and to parents or caretakers of child participants. Anti-drug and other harmful substance abuse information may also be provided to WIC Program applicants and pregnant, postpartum, and breastfeeding women and to parents or caretakers of infants and children participating in local agency services other than the WIC Program, as deemed appropriate by State and local WIC agencies.

The remainder of this preamble discusses each provision, the major concerns expressed by commenters regarding each provision, and the rationale behind the decisions embodied in this final rule.

1. Drug and Other Harmful Substance Abuse Prevention Specified in General Purpose and Scope (Section 246.1)

Public Law 100–690 amended section 17(a) of the CNA by adding a specific reference to drug abuse as one of the health problems to be addressed by the WIC Program. The legislation amends the last sentence in section 17(a) to read: "The program shall serve as an adjunct to good health care, during critical times of growth and development, to prevent the occurrence of health problems, including drug abuse, and improve the health status of these persons" (Pub. L. 100–690, sec. 3201). To parallel this amendment to the CNA and the associated concern for other harmful substances, the proposed rule added specific reference to drug and other harmful substance abuse to § 246.1.

The Department received five comments concerning the reference to drug and other harmful substance abuse prevention in the general purpose and scope of the WIC Program. Three commenters were supportive. Two commenters questioned whether this requirement is within the mission of the WIC Program, including one who suggested that it is not appropriate to identify a specific health problem in this section without addressing other critical health problems. This change, however, reflects Congress' decision to make drug abuse an area of focus for the WIC Program. Although the explicit reference to the prevention of the occurrence of health problems, including drug and other harmful substance abuse, in the Program's legislative purpose statement is new, as indicated previously, State agency activity and interest in the potential problems of drug and other harmful substance abuse among WIC's target population is not.

Because drug and other harmful substance use is associated with low birthweight, prematurity and other major causes of infant death and disability, the Department believes it is appropriate and within the mission of the WIC Program to address this problem. Further, it was Congress' clear intent in enacting Public Law 101–147 and the WIC-related provisions of Public Law 100–690 that WIC play a role in drug and other harmful substance abuse referrals. In addition, coordination of WIC Program services with programs serving the same population, within the legislated parameters of the WIC Program, may help further the goals set forth by the President as described earlier in this preamble. Therefore with the exception of one change discussed in §§ 246.7 and 246.11 this rule will be adopted as proposed.

2. Additions to Definitions (Section 246.2)

Section 3201 of Public Law 100–690 added the definition of "drug abuse education" to section 17(b) of the CNA. Section 3201 of the legislation stipulates that, for WIC. " 'Drug abuse education' means—(A) the provision of information concerning the dangers of drug abuse; (B) the referral of participants who are suspected drug abusers to drug abuse clinics, treatment programs, counselors, or other drug abuse professionals; and (C) the provision of materials developed by the Secretary * * *." This definition outlines the role Congress envisioned as feasible for the WIC Program, to inform but not necessarily educate WIC participants about the dangers of drug abuse and to make appropriate referrals. In order to make clear the role envisioned for WIC by Congress, the term "drug abuse education" is not used in program regulations. Rather, the regulatory amendments reference the relevant components of drug abuse education for WIC as defined by the legislation: drug abuse information and referrals.

In connection with this, definitions for the terms "drug" and "other harmful substances" were proposed to be added to program regulations. The term "drug" is defined in section 3601 of Public Law 100–690 as "(A) a beverage containing alcohol, (B) a controlled substance, or (C) a controlled substance analogue." However, the scientific literature also attributes serious health problems of pregnant women and their fetuses to the use of substance not addressed by this definition. Since the CNA of 1966, as amended, states that the purpose of the WIC Program is to prevent the occurrence of health problems, including drug abuse, the restricted definition of drugs stipulated in Public Law 100–690 does not address the full range of substances that could be harmful to maternal and fetal health. Therefore, the Department also proposed to add a definition of the term "other harmful substances," which includes "such substances as tobacco, prescription drugs and over-the-counter medications, that can be harmful to the health of the WIC population, especially the pregnant woman and her fetus."

Three commenters addressed the proposed additions to the definitions. One commenter agreed with the definitions. One commenter suggested that the definition "other harmful substances" is too broad and one commenter suggested that the Department should change the definition of "other harmful substances" to include: "(a) drugs, as defined above; and (b) substances such as tobacco, prescription drugs * * *".

The Department agrees that defining both "drugs" and "other harmful substances" is cumbersome. However, to be legally sufficient, it is necessary to use the definition of "drug" as defined in Public Law 100–690. Furthermore, it is also important to augment this definition and to include a definition of other substances that are not addressed in Public Law 100–690, but which are nonetheless harmful to the WIC population. Therefore, the definitions of "drugs" and "other harmful substances" are adopted as proposed in this final rule.

As stated previously, CSAP, U.S. Department of Health and Human Services, encourages use of the term "alcohol and other drugs" when communicating drug abuse prevention messages. In addition to illegal drugs, this term includes tobacco, prescription drugs and over-the-counter medications. The fact that alcohol is a drug is emphasized. Therefore, in order to promote coordination at the Federal level and to be consistent with the CSAP guidelines, the Department has used the term "alcohol and other drugs" in various materials it has developed for both WIC participants and professionals. This term encompasses both the WIC regulatory definitions for "drug" and "other harmful substances" in § 246.2 and is used interchangeably with these two terms defined in this rulemaking.

3. State Plan (Section 246.4)

One addition was proposed to be made to § 246.4(a)(8), which outlines responsibilities for referrals to health and social services, to comply with the referral requirements stipulated in Public Law 100–690.

WIC's responsibility to refer participants to alcohol and drug abuse treatment and education programs was proposed to be added to § 246.4(a)(8). The proposed rule amended § 246.4(a)(8) to reference "drug and other harmful substance abuse counseling, treatment and education programs" to be consistent with the newly defined terms in the proposal and the Congressional intent that the role of the WIC Program is to refer possible drug-abusing participants not only to necessary professional alcohol and drug abuse counseling, but also to treatment and education services, when such services are available (134 Cong. Rec. 17,316 (daily ed. Oct. 21, 1988, statement of Sen. Leahy)).

Six comments were received on this proposal. The majority of commenters supported the provision as proposed. One commenter suggested that WIC's role should be to coordinate and refer participants to counseling, treatment and education programs only, and this role is adequately described in § 246.4(a)(8). The Department believes, however, that these actions alone would not fulfill the legislative mandate, which specifically defines drug abuse education as including the provision of information concerning the dangers of drug abuse. Therefore, § 246.4(a)(8) is adopted in this final rule as originally proposed.

One commenter requested clarification about the categories of participants which should be referred to such services. Since section 3201 of Public Law 100–690 specifically includes referrals of pregnant, postpartum and breastfeeding participants in its definition of "drug abuse education," clearly it is the intent of the Congress that referrals should be provided to all categories of adult participants. However, local agencies may also provide referrals to parents or caretakers of infant and child participants, when appropriate. Pursuant to Public Law 100–690, referrals may also be provided to pregnant, postpartum and breastfeeding women and to caretakers of infants and children participating in local agency services other than the program, as deemed appropriate by local agencies. Providing referrals to all categories of participants and to caretakers reflects concern about the effects of drug and other harmful substance abuse on maternal health, the health of the fetus and newborn, and the impact on the nurturing and care of young children when their mothers or caretakers are using drugs and other harmful substances.

Concern was expressed by one commenter that referral of participants to drug abuse counseling can be time consuming. To allow flexibility for the development of appropriate referral protocols at the State level based on local program and legal requirements, the Department is not including specific requirements for referral protocols in these regulatory amendments. A referral can be accomplished simply by providing all adult participants and caretakers of participating infants and children with the list of local substance abuse counseling and treatment resources which Public Law 101–147 and this regulation require WIC local agencies to maintain and make available for distribution. Receiving such a resource list may prompt some participants and caretakers to voluntarily seek out counseling or group support services. Some State agencies may, however, opt to develop a more formal referral system wherein a staff member initiates contact with a substance abuse counseling or treatment agency on behalf of an interested participant. Information about developing appropriate referral protocols is included in the resource manual entitled "Providing Drug Abuse Information and Referrals in the WIC Program: A Local Agency Resource Manual" that the Department has developed for WIC professionals.

Section 246.4(a)(9) of the proposed rule would require that a description of the methods that will be used to provide drug and other harmful substance abuse information be included in the State plan of operation and administration's description of nutrition education goals and action plans. This revision provides a mechanism for State planning and allows Departmental review of State compliance with the mandate.

Of the four comments received on this Section of the proposal, two commenters were opposed, stating that including a description of methods that will be used to provide drug and other harmful substance abuse information in the description of nutrition education goals and action plans implies that this is a part of nutrition education. One commenter noted that past experience identifying and referring alcohol abusers has not been entirely successful, and urged the provision of effective staff training.

The rationale for including a description of the methods that will be used to provide drug and other harmful substance abuse information in the State plan description of nutrition education goals and action plans is that abuse of drugs and other harmful substances is incompatible with good nutrition. Tobacco, alcohol and other drugs tend to suppress appetite and can, therefore, interfere with healthy eating habits and normal weight gain during pregnancy. Cigarette smoking may affect maternal nutrition (and consequently, fetal nutrition) in the following ways: the increased metabolic rate in smokers can lead to the lower availability of calories; and exposure to tobacco may increase iron requirements and decrease the availability of certain nutrients such as vitamin B12, amino acids, vitamin C,

folate, and zinc. Alcohol consumption may be related to decreased dietary intake, impaired metabolism and absorption of nutrients, and altered nutrient activation and utilization. Interactions between alcohol and deficiencies of such nutrients as protein and zinc may also play a role in the etiology of alcohol-related effects in the fetus. Therefore, the Department continues to believe that inclusion of drug and other harmful substance use information in the provision of nutrition education is appropriate, and § 246.4(a)(9) is adopted by this final rule as originally proposed.

Additionally, § 246.4(a)(11)(ii) was proposed to be revised to require that methods for providing drug and other harmful substance abuse information to participants be described in the local agency procedure manual. This change is necessary to reinforce the responsibility of State agencies for providing local agencies with the guidance or materials to facilitate incorporation of drug and other harmful substance abuse information in nutrition education.

Also, to implement the goals of coordinating WIC services with those of other counseling and treatment services, as set forth in section 123(a)(3)(D) of Public Law 101–147, which amended Section 17(e) of the Child Nutrition Act of 1966, 42 U.S.C. 1786(e), a new paragraph 246.4(a)(11)(v) was proposed to be added to require that the local agency procedure manual include instructions on coordinating operations under the program with drug and other harmful substance abuse counseling and treatment services.

One commenter addressed both of the proposed local agency procedure manual requirements. The commenter was opposed to the requirements and objected to incorporating drug and other harmful substance abuse information in nutrition education. As described previously, however, the rationale for including drug and other harmful and substance abuse information with nutrition education is that abuse of drugs and other harmful substances is incompatible with good nutrition because it can affect dietary intake, nutritional status, and metabolism.

Another commenter addressed only the proposed requirement that methods for providing drug and other harmful substance abuse information be described in the local agency procedure manual. The commenter was opposed and stated that the requirement is unnecessary because the appropriateness of particular methods and services varies among communities. The Department acknowledges that the extent and pervasiveness of drug and other harmful substance abuse problems, and, therefore, the appropriateness of particular methods and services, do vary greatly from community to community. The Department believes, however, that the local agency procedure manual requirement is the most effective way to reinforce the responsibility of the State agencies for providing local agencies with the guidance or materials to facilitate incorporation of drug and other harmful substance abuse information in nutrition education. Therefore, the referral requirement and the inclusion in the State plan of the procedure to be used in making such referrals, are adopted in this final rule as proposed.

4. Provision of List of Local Resources for Substance Abuse Counseling and Treatment; and Screening for Drug and Other Harmful Substance Abuse (Section 246.7)

Section 123(a)(3)(D) of Public Law 101–147 revised section 17(e) of the CNA to require the State agency to ensure that each local agency maintains and makes available for distribution to WIC participants and applicants, as appropriate, a list of local resources for substance abuse counseling and treatment. Section 246.7(a) was proposed to be revised to incorporate this requirement. It should be pointed out, however, that it was neither the intent of Congress nor of the Department that there be documentation in case files that applicants or WIC participants were provided with this list.

The Department received eight comments addressing the requirement to maintain and make available a list of local resources for substance abuse counseling and treatment. All of these commenters supported the general concept, but expressed concern about the unavailability of services and barriers to treatment, especially for low-income pregnant women. As previously stated in the background section, the legislation and this rule recognize that WIC's overall effectiveness in this effort is dependent upon the availability of professional substance abuse resources and commitments of the health community at large. The Department also recognizes that reaching women who are dependent on drugs or other harmful substances with health information and encouraging them to follow through on referrals can be difficult, and not always successful. Simply handing out a list of referral resources is unlikely to help these women. However, the Department believes that receiving such a resource list may prompt some participants and applicants to voluntarily seek out counseling or group support services. These individuals might include nondependent drug and other harmful substance users and cigarette smokers who are sufficiently motivated to assume responsibility for their own health.

The Department is aware that resources in many communities are limited and that often programs are filled to capacity. Some WIC agencies may find that participants referred for assessment and then diagnosed as dependent on drugs or other harmful substances cannot be accommodated. Even those areas with limited or no substance abuse treatment resources, however, are likely to have hotlines or self-help groups which may be able to provide assistance. The list of local resources maintained by WIC local agencies should include a listing of hotlines and self-help groups for alcohol and other drug users (e.g., Alcoholics Anonymous, Narcotics Anonymous, Cocaine Anonymous, Al-Anon Family Groups, Adult Children of Alcoholics, Women for Sobriety) as well as local smoking cessation programs sponsored by organizations such as the American Lung Association and American Cancer Society. Staff should be realistic with participants about the availability of resources. Therefore, in light of the support generally expressed by commenters, § 246.7(a) is adopted unchanged by this final rule.

As noted in the preamble to the proposed rule, Public Law 100–690 does not include specific requirements for assessing drug abuse by WIC participants. Further, the Department believes drug use assessments could create barriers to program participation by discouraging drug-using women from applying for or participating in the program. Most States already include some basic screening for alcohol, tobacco and other drug use as part of WIC's medical or nutritional assessment since abuse by pregnant women is identified as a nutritional risk criterion in current WIC regulations at § 246.7(d)(2)(iv). Individual States may deem additional screening necessary to effectively fulfill WIC's drug and other harmful substance abuse information and referral responsibilities.

In the WIC Program, screening for drug and other harmful substance use is not intended to diagnose, but to detect warning signs of drug and other harmful substance use and to uncover potential problems. The results of such screening are not intended to be definitive and, if appropriate, should be followed by a referral for assessment. The assessment

process is an in-depth evaluation of the extent of an individual's problems with drugs and other harmful substances and should be conducted by a professional trained in drug and other harmful substance abuse assessment, counseling and treatment.

In the proposed rule a paragraph was added to § 246.7(n) which would permit State agencies to require screening for the use of drugs and other harmful substances. This paragraph stipulated that, where such screening is required, it must be limited to the minimum extent necessary to facilitate drug and other harmful substance abuse information and referral responsibilities. Any screening WIC State agencies determine to be necessary to fulfill the requirements of this regulation would be integrated into the medical or nutritional assessment performed during a participant's certification process. In the proposed rule, it was the intention of the Department that such screening should be reasonably related to the mandated referral requirement. Screening was not required to meet the minimum referral obligations, but if screening was performed, it was proposed that it must be reasonably related to the mandated referral requirement in order to be considered an allowable WIC cost.

Six comments addressing screening were received. Four commenters opposed regulations that would permit screening, stating that it:

(1) Would be a drain on nutrition assessment and education resources;

(2) Would require a level of skill not obtainable through in-service training alone; and

(3) Could discourage drug-abusing women from participating in WIC.

One commenter suggested that a public health nurse has the medical training or is more adept in evaluating and screening for the effects of drugs and other harmful substances than a WIC nutritionist, and recommended that referral be made in conjunction with the public health nurse at the time of prenatal visits at the clinic, not during WIC certification. The commenter also questioned the validity of screening and referring for drugs and other harmful substances, since most nutritional risk criteria are based on self-declaration by the client or on diagnosis by the physician in conjunction with current treatment in a drug or other harmful substance abuse treatment program.

One commenter stated that screening for tobacco, alcohol and other drugs has been incorporated into the certification process for some time, and one commenter suggested that screening would be more effective if there were mandatory drug testing.

Comments which opposed the proposed provision permitting screening were given serious consideration by the Department. Since referrals are required by Public Law 100–690 as a part of drug abuse education, however, some very basic screening may be necessary to effectively fulfill WIC's drug and other harmful substance abuse information and referral responsibilities. The Department continues to believe that screening WIC participants for drug and other harmful substance use is well within the Congressional mandate that WIC refer participants who are suspected drug abusers to drug abuse clinics, treatment programs, counselors, or other drug abuse professionals. As previously discussed, this final regulation allows State agencies flexibility in deciding the extent and type of screening activities, if any, which will be appropriate for that State's particular WIC population. If a State agency determines screening is necessary, asking a limited number of questions during certification in order to screen for drug and other harmful substance use would be an adequate and reasonable method for determining which WIC participants need referral for assessment. Many State agencies already include some basic screening as part of the medical or nutritional assessment.

In response to the concern expressed that screening would be a drain on nutrition assessment and education resources, the sponsoring legislators made it clear that the drug abuse information and referral efforts are not meant to reduce or interfere with WIC's primary and ongoing responsibilities. Although some basic screening may be necessary to assist in fulfilling the referral mandate, WIC staff are not expected to diagnose drug and other harmful substance abuse problems or to provide in-depth counseling. Through established linkages and coordination with local resources, suspected drug and other harmful substance users are to be referred to existing assessment agencies for professional evaluation, as appropriate. Special in-service staff training should be sufficient to provide the skills necessary for conducting minimal basic screening activities.

In response to the commenter suggesting mandatory drug testing, the Department believes that such testing would serve as a barrier to program participation. In addition, the costs related to mandatory testing could lead to a diversion of resources which would run counter to Congressional intent that WIC's drug abuse information and referral activities not detract from other vital program services. And finally, such a requirement would impose a condition on eligibility not authorized by current legislation.

Concern was expressed by several commenters that the proposed regulation made no mention of the need for participant consent when screening for the use of drugs and other harmful substances to the extent needed to fulfill the referral mandate. Pub. L. 100–690 does not address the issue of confidentiality pertaining to WIC's drug and other harmful substance abuse referral activities. However, in response to this concern, the Department would like to clarify that current WIC regulations at 7 CFR 246.26(d) and instructions pertaining to confidentiality of information (FNS Instruction 800–1 "WIC Program—General Administration: Confidentiality") apply in the unusual situations of providing information on drug and other harmful substance use in general nutrition education sessions, handing out brochures, providing a list of local resources for counseling and treatment or performing minimal basic screening for purposes of informal or formal referral for further assessment.

If an agency carries out activities beyond the minimum mandates of Public Law 100–690 and has drug and alcohol abuse specialists, whose primary function is to conduct screening and referral activities, or has a separate unit whose primary function is drug and alcohol abuse diagnosis, treatment, or referral for treatment, the information obtained on WIC participants may also be subject to the Department of Health and Human Services' (DHHS) "Confidentiality of Alcohol and Drug Abuse Patient Records" regulations (42 CFR part 2). WIC agencies performing activities which cause DHHS confidentiality regulations to apply must adhere to these regulations or potentially face criminal penalty. DHHS confidentiality regulations specifically mandate, for example, the content of written release forms, the notice of DHHS's Federal confidentiality requirements, and security of the records which contain alcohol and other drug abuse information. It is not anticipated, however, that DHHS regulations will apply to the basic minimal screening activities that will characterize the majority of WIC local agency efforts in support of the legislative mandate to provide drug abuse information and referrals. It is not the intent of the Department to require State agencies to go beyond the mandates of Public Law 100–690 and hire drug and alcohol

VOL
58
ISS
37
FE
26
1993
UMI

abuse specialists or otherwise conduct drug and other harmful substance abuse information and referral activities in such a way as to be subject to DHHS' confidentiality regulations.

In addition to Federal regulations, once WIC agencies screen participants for drug and other harmful substance use, they may, depending on the answers given, possess information deemed confidential by the State or by the code of ethics governing the professional conduct of the screener.

Participant consent issues are discussed in detail in the resource manual entitled "Providing Drug Abuse Information and Referrals in the WIC Program: A Local Agency Resource Manual" that the Department has developed for WIC professionals. It must be emphasized that before State and local WIC agencies develop screening procedures, all relevant legal issues need to be resolved. Current State laws and reporting requirements about prenatal drug use must be considered. Applicable statutes for the protection of client confidentiality and specific State regulations governing consent by emancipated minors must also be considered. Laws governing these issues vary from State to State. WIC State agencies should consult with State legal counsel prior to developing screening procedures.

Finally, a commenter suggested that since the intent of the drug and other harmful substance abuse information and referral policy seems to be for the WIC Program to initiate outreach for drug and other harmful substance abuse programs, it may be more cost-effective for those facilities working with drug and other harmful substance abuse rehabilitation to have copies of WIC outreach brochures for referral to WIC. It should be emphasized that the primary intent of providing drug and other harmful substance abuse information and referrals is not for the WIC Program to initiate outreach for drug and other harmful substance abuse programs, per se. The intent of WIC's drug and other harmful substance abuse information and referral responsibilities is to increase participants' access to information about the dangers of the use of drugs and other harmful substances during pregnancy and while breastfeeding and to facilitate referrals of participants for counseling and treatment and thereby contribute to the broader goal of decreasing perinatal addiction, infant mortality and morbidity, and the incidence of drug and other harmful substance abuse among pregnant women.

For the reasons discussed above, the Department has decided to finalize § 246.7 (a) and (n) essentially as proposed. The only change has been to reorganize § 246.7(n) to make clear that a State agency shall mandate screening when the State agency determines that screening is necessary to fulfill the referral and other harmful substance abuse information requirements.

5. Provision of Information to Participants About the Dangers of Drug and Other Harmful Substance Use (Section 246.11)

Section 3201(3) of Public law 100–690 added drug abuse education to services required to be provided by the WIC Program. Section 17(e)(1) of the CNA, as amended, states in part that the State agency shall ensure that nutrition education and drug abuse education is provided to all pregnant, postpartum, and breastfeeding participants in the program; and that the State agency may also provide nutrition education and drug abuse education to pregnant, postpartum and breastfeeding women who do not participate in the program.

In response, the Department proposed to add a paragraph to § 246.11(a) of the regulations which would outline requirements regarding the provision of drug and other harmful substance abuse information to WIC Program participants and parents or caretakers of infant and child participants. Section 246.11(a)(3) was proposed to clarify the extent and scope of WIC's involvement in drug and other harmful substance abuse information efforts.

This proposed paragraph would require that information about the dangers of using drugs and other harmful substances be integrated into the nutrition education provided by the WIC Program. Consistent with Congressional intent, the goal of WIC's information provision effort about the use of drugs and other harmful substances would be the heightened awareness among WIC participants about the dangers of such use, especially during pregnancy and while breastfeeding.

State agencies would have the discretion to determine who at the local agency level can most reasonably provide drug and other harmful substance abuse information. The delivery of such information would not necessarily have to be the responsibility of WIC nutritionists.

It would continue to be the responsibility of the State and local agencies to determine the appropriate amount of emphasis to be placed on drug and other harmful substance abuse information within nutrition education, based on the magnitude of the drug and other harmful substance abuse problem among the State or local WIC population. Proposed § 246.11(a)(3) was not intended to diminish the traditional goals of the nutrition services component of the WIC Program; rather, it was designed to permit attention to the problem of abusing drugs and other harmful substances in the larger context of the WIC Program. The proposal did not specify a minimum amount of time to be spent on providing drug and other harmful substance abuse information.

The Department received twelve comments concerning the integration of drug and other harmful substance abuse information into the nutrition education provided through the WIC Program. Five commenters were supportive of the requirement and provided suggestions for the materials to be distributed, stating that they should be appropriate for a semi-literate and multicultural population. Five commenters also discussed the inclusion of drug and other harmful substance abuse prevention information as part of the one-sixth nutrition education requirement.

Seven commenters opposed the requirement to integrate drug and other harmful substance abuse information into the nutrition education provided through WIC, stating that this would undermine the current level of nutrition education. Another concern was that it would imply that dissemination of written information through distribution of materials is nutrition education. Concern was also expressed that it is not an effective way to get drug-abusing women into treatment programs, and distributing materials that are not targeted to those who need them will be a waste of program resources. One of these commenters suggested incorporating information about the dangers of abusing drugs and other harmful substances into Subpart D, Participant Benefits, as a new and separate section.

Another commenter stated that making the provision of information on drugs and other harmful substance abuse an integral part of nutrition education infers that the provision of this information is the responsibility of the nutritionist, despite a later statement which gives States discretion in determining who at the local level will provide this information. The commenter indicated that this inference is contradictory to the intent of retaining WIC's traditional role as a provider of nutrition services. If the State elects to have a health professional other than the nutritionist (or the individual providing nutrition information) provide drug and other harmful substance information, such integration

could result in nutrition counseling which contains no nutrition information or nutrition counseling provided by individuals with no expertise on the subject matter.

As discussed earlier in relation to the revised State Plan requirements, the Department has carefully considered suggestions by those commenters who oppose the requirement to integrate drug and other harmful substance abuse information in the nutrition education provided through WIC. The strategy of integrating information about the danger of abusing drugs and other harmful substances in nutrition education is, however, intended to reflect current knowledge about the effectiveness of delivering anti-drug and other harmful substance abuse messages in the context of advice about positive lifestyle choices such as healthy eating. The Department believes that this approach most closely resembles current WIC local agency practices for warning pregnant women about the danger of abusing drugs and other harmful substances. The purpose of this requirement is to ensure that WiC provides drug and other harmful substance abuse information to program participants while retaining its traditional role as a provider of nutrition services. In addition, as previously noted, abuse of drugs and other harmful substances is incompatible with good nutrition.

In response to the concern that providing drug abuse information is not an effective way to get drug abusing women into treatment, the Department believes that for many participants, a clear presentation of basic information about the potential reproductive hazards of using drugs and other harmful substances may be enough to change attitudes and behaviors. Further, many pregnant women are already abstinent and only need reinforcement of this chosen lifestyle. Many participants do not use drugs and other harmful substances and will welcome information that can help them assure healthier pregnancies.

For other clients, a goal of total abstinence during pregnancy is not achievable because they used drugs or other harmful substances before confirming their pregnancy or before receiving and understanding prevention information. Some of these women, however, may be persuaded to stop using drugs or other harmful substances. They need to know that stopping use at any time, even late in pregnancy, can decrease risk of harm to the developing fetus and improve parenting practices. The Department acknowledges that reaching women who are dependent on drugs or other harmful substances with health information and encouraging them to follow through on referrals can be difficult, and frequently unsuccessful.

In response to the commenters' concern that distribution of drug and other harmful substance abuse materials to all pregnant, postpartum and breastfeeding women and to parents or caretakers of infants and children applying for and participating in WIC would be a waste of resources, in § 246.11(a)(3) of this final rule the Department is deleting the requirement that drug and other harmful substance abuse information be provided to WIC applicants. As required by section 17(e)(1) of the CNA, final § 246.11(a)(3) further makes clear that drug and other harmful substance abuse information may be provided to pregnant, postpartum, and breastfeeding women and to parents or caretakers of infants and children participating in local agency services other than the WIC Program, as the local agency deems appropriate.

In addition, § 246.11(a)(3) of this final rule specifies the provision of drug and other harmful substance abuse information, rather than the actual distribution of drug and other harmful substance abuse materials. Thus, under the final rule it is not a requirement that written drug and other harmful substance abuse materials be distributed to all the listed categories of participants and caretakers; however, for the reasons cited in section 3 of this preamble, information about the dangers of drug and other harmful substance use must be communicated to all these groups in some manner. As one example, a participant could receive information by viewing the video "Lifelines: To Healthy Babies" and would not necessarily have to receive a brochure containing information.

The inclusion of drug and other harmful substance abuse information as a component of nutrition education also means that, as stipulated in § 246.14(c)(1) of the current regulations, costs incurred for providing drug and other harmful substance abuse information may be counted toward the requirement that an amount equal to one-sixth of the State agency's administrative grant or expenditures be spent on nutrition education. However, the proposed rule would have amended § 246.14(c)(1) to make clear that costs incurred for screening for drug and other harmful substance use and making referrals to drug and other harmful substance abuse services would not contribute toward fulfillment of the one-sixth requirement. This rule would not preclude States from funding drug and other harmful substance abuse initiatives with their WIC administration and program services grants, except as provided in the new § 246.14(c)(9), which is discussed in section 6 of this preamble, and in new § 246.7(n), as discussed in section 4 of this preamble.

With respect to commenter concern that materials should be appropriate for multi-cultural populations, the Department notes that the provision of drug and other harmful substance abuse education materials in languages other than English as required by the amendment to section 17(f)(14) of the CNA is already reflected in WIC regulations, given the longstanding requirement for bilingual nutrition education materials in § 246.11(c)(3).

The Department received five comments discussing the consequence of including drug and other harmful substance abuse prevention information in nutrition education, i.e., that provision of such information may be counted toward the one-sixth nutrition education requirement. One commenter supported this result and four commenters opposed it, stating that resources are insufficient and this would diminish the nutrition education component. In response to the concern that WIC is not adequately funded to conduct these activities, the Department would like to reiterate that no new major requirements are being imposed and that, in fact, most of the WIC responsibilities mandated by Public Law 100–690 are already common practice. It should also be noted that recent legislative (Pub. L. 101–147) and regulatory changes to the administrative funding formula will generate more, and more stable, administrative and service grants, thus ensuring States' ability to perform this program function effectively. For the reasons discussed above, no change is made to this provision in the final rule.

6. Costs for Drug and Other Harmful Substance Abuse Screening and Referral (Section 246.14)

Section 246.14(c)(9) was proposed to be added to identify drug and other harmful substance abuse screening and referral as allowable administrative and program services costs. The screening would be limited to the level deemed necessary by the State agency to determine when referrals to drug and other harmful substance abuse counseling and treatment services are appropriate. Proposed § 246.14(c)(9) also indicated that laboratory tests for the purpose of drug and other harmful substance use screening would not be allowable WIC administrative and

VOL 58 ISS 37 FE 26 1993 UMI

program services costs. As stated previously, the Department believes that allowing the cost of laboratory tests may lead to a diversion of resources which would run counter to Congressional intent that WIC's drug and other harmful substance abuse information and referral activities not detract from other vital program services.

The Department received six comments concerning the provision that the cost, exclusive of laboratory tests, of screening for drug and other harmful substance use and making referrals to drug abuse services would be considered an allowable administrative and program services cost. All six commenters expressed concern that WIC is not adequately funded to conduct these activities. Two of these commenters suggested limiting WIC's involvement in providing drug and other harmful substance abuse information and referrals, and four commenters recommended additional funding and personnel.

The Department's rationale behind the strategy of integrating information about the danger of abusing drugs and other harmful substances into the nutrition education provided through WIC has been previously discussed in section 5 of this Preamble. It logically follows that the costs incurred for providing this information may be counted toward the nutrition education expenditure requirement. Further, should a State agency determine that screening is not a necessary part of the referral process, it may not be treated as an allowable expense. Therefore, no change is made to this provision in the final rule.

Finally, pursuant to the review and approval of the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), § 246.28 is amended to reflect the appropriate document control numbers.

List of Subjects in 7 CFR Part 246

Food assistance programs, Food donations, Grant programs—social programs, Indians, Infants and children, Maternal and child health, Nutrition, Nutrition education, Public assistance programs, WIC, Women.

For the reasons set out in the preamble, 7 CFR part 246 is amended as follows:

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

1. The authority citation for part 246 continues to read as follows:

Authority: Secs. 123 and 213, Pub. L. 101–147, 103 Stat. 877 (42 U.S.C. 1786); sec. 3201, Pub. L. 100–690, 102 Stat. 4181 (42 U.S.C. 1786); sec. 645, Pub. L. 100–460, 102 Stat. 2229 (42 U.S.C. 1786); secs. 212 and 501, Pub. L. 100–435, 102 Stat. 1645 (42 U.S.C. 1786); sec. 3, Pub. L. 100–356, 102 Stat. 669 (42 U.S.C. 1786); secs. 8–12, Pub. L. 100–237, 101 Stat. 1733 (42 U.S.C. 1786); secs. 341–353, Pub. L. 99–500 and 99–591, 100 Stat. 1783 and 3341 (42 U.S.C. 1786); sec. 815, Pub. L. 97–35, 95 Stat. 521 (42 U.S.C. 1786); sec. 203, Pub. L. 96–499, 94 Stat. 2599 (42 U.S.C. 1786); sec. 3, Pub. L. 95–627, 92 Stat. 3611 (42 U.S.C. 1786).

2. In § 246.1, the fourth sentence is revised to read as follows:

§ 246.1 General purpose and scope.

* * * The Program shall serve as an adjunct to good health care during critical times of growth and development, in order to prevent the occurrence of health problems, including drug and other harmful substance abuse, and to improve the health status of these persons.* * *

3. In § 246.2, the definitions of *Drug* and *Other harmful substances* are added in alphabetical order to read as follows:

§ 246.2 Definitions.

* * * * *

Drug means:

(a) A beverage containing alcohol;

(b) A controlled substance (having the meaning given it in section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)); or

(c) A controlled substance analogue (having the meaning given it in section 102(32) of the Controlled Substance Act (21 U.S.C. 802(32)).

* * * * *

Other harmful substances means other substances such as tobacco, prescription drugs and over-the-counter medications that can be harmful to the health of the WIC population, especially the pregnant woman and her fetus.

* * * * *

4. In § 246.4:

a. Paragraph (a)(8) is revised;

b. paragraph (a)(9) is revised;

c. paragraph (a)(11)(ii) is revised;

d. the word "and" is removed at the end of paragraph (a)(11)(iii);

e. the period at the end of paragraph (a)(11)(iv) is removed, and "; and" is added in its place; and

f. a new paragraph (a)(11)(v) is added.

The revisions and addition read as follows:

§ 246.4 State plan.

(a) * * *

(8) A description of how the State agency plans to coordinate program operations with special counseling services and other programs, including, but not limited to, the Expanded Food and Nutrition Education Program (7 U.S.C. 343(d) and 3175), the Food Stamp Program (7 U.S.C. 2011–2032), the Early and Periodic Screening, Diagnosis and Treatment Program (title XIX of the Social Security Act), the Aid to Families with Dependent Children (AFDC) Program (42 U.S.C. 601–615), the Maternal and Child Health (MCH) Program (42 U.S.C. 701–709), the Medicaid Program (42 U.S.C. 1396 et seq.), family planning, immunization, prenatal care, well-child care, drug and other harmful substance abuse counseling, treatment and education programs, and child abuse counseling.

(9) The State agency's nutrition education goals and action plans, including a description of the methods that will be used to provide drug and other harmful substance abuse information, and to meet the special nutrition education needs of migrant farmworkers and their families, Indians, and homeless persons.

* * * * *

(11) * * *

(ii) Methods for providing nutrition education, including drug and other harmful substance abuse information, to participants, including homeless individuals;

* * * * *

(v) Instructions on coordinating operations under the program with drug and other harmful substance abuse counseling and treatment services.

* * * * *

5. In § 246.7:

a. A new sentence is added at the end of paragraph (a); and

b. a new paragraph (n) is added.

The additions read as follows:

§ 246.7 Certification of participants.

(a) * * * Local agencies shall maintain and make available for distribution to all pregnant, postpartum, and breastfeeding women and to parents or caretakers of infants and children applying for and participating in the Program a list of local resources for drug and other harmful substance abuse counseling and treatment.

* * * * *

(n) *Drug and other harmful substance abuse screening.* When a State agency determines that screening is necessary to fulfill the referral requirements in this part, the State agency must require screening for the use of drugs and other harmful substances. When such screening is required, it shall:

(1) Be limited to the extent the State agency deems necessary to fulfill the referral requirement of § 246.4(a)(8) of this part and the drug and other harmful substance abuse information requirement of § 246.11(a)(3) of this part, and

(2) Be integrated into certification process as part of the medical or nutritional assessment.

6. In § 246.11:

a. A new paragraph (a)(3) is added; and

b. paragraph (b)(1) is revised.

The addition and revision read as follows:

§ 246.11 Nutrition education.

(a) * * *

(3) As an integral part of nutrition education, the State agency shall ensure that local agencies provide drug and other harmful substance abuse information to all pregnant, postpartum, and breastfeeding women and to parents or caretakers of infants and children participating in the program. Drug and other harmful substance abuse information may also be provided to pregnant, postpartum, and breastfeeding women and to parents or caretakers of infants and children participating in local agency services other than the Program.

(b) * * *

(1) Stress the relationship between proper nutrition and good health with special emphasis on the nutritional needs of pregnant, postpartum, and breastfeeding women, infants and children under five years of age, and raise awareness about the dangers of using drugs and other harmful substances during pregnancy and while breastfeeding.

* * * * *

7. In § 246.14:

a. In paragraph (c)(1) introductory text, the eighth sentence is revised; and

b. A new paragraph (c)(9) is added.

The revision and addition read as follows:

§ 246.14 Program costs.

* * * * *

(c) * * *

(1) * * * The cost of dietary assessments for the purpose of certification, the cost of prescribing and issuing supplemental foods, and the cost of screening for drug other harmful substance use and making referrals to drug and other harmful substance abuse services shall not be applied to the one-sixth minimum amount required to be spent on nutrition education. * * *

* * * * *

(9) The cost, exclusive of laboratory tests, of screening for drug and other harmful substance use and making referrals for counseling and treatment services.

* * * * *

8. In § 246.28, in the table:

a. The OMB control number for § 246.4 is removed; and

b. OMB control numbers for §§ 246.4 (a)(8), (9), (11), 246.7 (a) and (n) and 246.11(a)(3) are added.

§ 246.28 OMB control numbers.

* * * * *

7 CFR Part 246 section where requirements are described	Current OMB control no.
.4(a) (8), (9), (11)	0584-0306
.7(a)	0584-0306
.7(n)	0584-0306
.11(a)(3)	0584-0306

Dated: February 18, 1993.

George A. Braley,

Acting Assistant Secretary for Food and Consumer Services

[FR Doc. 93-4317 Filed 2-25-25; 8:45 am]

BILLING CODE 3410-30-M

Rural Electrification Administration

7 CFR Part 1703

Distance Learning and Medical Link Grant Program

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) hereby adds a regulation concerning the Distance Learning and Medical Link Grant Program. This final rule will promulgate regulations for a program that will provide grants for distance learning and medical link projects benefiting rural areas. The regulation is necessary to implement a rural development program created by the Rural Economic Development Act of 1990. The program will provide grants to rural community facilities, such as schools, hospitals, and medical centers, to encourage, improve, and make affordable the use of advanced telecommunications and computer networks to provide educational and medical benefits to people living in rural areas and to improve rural opportunities. The regulation will establish REA's policy, the method of selecting projects to receive grants and allocating the available funds, the method of determining the beneficiaries of the program, the requirements for the application to be submitted to REA, the method of notifying potential applicants of maximum and minimum amounts of grant funds that will be considered for a single application, and the requirements for qualifying for expedited telephone loan consideration and determination.

EFFECTIVE DATE: This regulation is effective on March 29, 1993.

FOR FURTHER INFORMATION CONTACT: Blaine D. Stockton, Jr., Assistant Administrator, Economic Development and Technical Services, Rural Electrification Administration, telephone number (202) 720-9552.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512-1. This action has been classified as "nonmajor" because it does not meet the criteria for a major regulation as established by the Order.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This proposed rule: (1) Will not preempt any State or local laws, regulations, or policies; (2) Will not have any retroactive effect; and (3) Will not require administrative proceedings before parties may file suit challenging the provisions of this rule.

Regulatory Flexibility Act

The Administrator has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The Distance Learning and Medical Link Grant Program has been designed specifically to benefit small rural educational and health organizations, thus enhancing the rural environment for business formation and expansion. In response to the proposed rule some comments were received indicating that the Distance Learning and Medical Link Grant Program is too complex for those who intend to apply for grants under the program. Notwithstanding the inherent complexity of the highly technical Distance Learning and Medical Link Grant Program, REA has crafted a regulation which addresses the complexities, while requiring a minimum amount of documentation to support a grant application in order to ensure prudent use of grant funds. Further, since the application for grants under the program are discretionary, regulatory requirements will apply only to those entities which choose to apply for funding. For those relatively few entities which encounter difficulty meeting regulatory requirements for application, REA's Rural Development

VOL 58 ISS 37 FE 26 1993 UMI

Assistance Staff is available as a source of assistance.

Information Collection and Recordkeeping Requirements

The reporting and recordkeeping requirements contained in this final rule have been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The OMB control number for these requirements is 0572–0096.

The public reporting and recordkeeping burden for this collection of information is estimated to average 1.85 hours per response including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. Send comment of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Department of Agriculture, Clearance Office, Office of Information Resources Management, room 404-W, Washington, DC 20250, and to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for USDA, room 3201, NEOB, Washington, DC 20503.

National Environmental Policy Act Certification

The Administrator has determined that this final rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require the preparation of an environmental impact statement or environmental assessment.

Intergovernmental Review

The Administrator has determined that this program is subject to the provisions of Executive Order 12372 that requires intergovernmental consultation with State and local officials. For detailed information, concerning the requirements of the Order, refer to the final rules published in 7 CFR part 3015, subpart V; 48 FR 29100, June 24, 1983.

Catalog of Federal Domestic Assistance

The program described by this rule is listed in the Catalog of Federal Domestic Assistance Programs under number 10.855, Distant Learning and Medical Link Grants. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402.

Comments

On May 26, 1992, REA published a proposed rule at 57 FR 21900 for a new program that would provide grant funds for distance learning and medical link projects to provide educational and medical benefits to people living in rural areas. This action was necessary to comply with Title XXIII, Subtitle D, Chapter 1 of the Rural Economic Development Act of 1990 (Act) (7 U.S.C. 950aaa *et seq.*). The purpose of the program is to provide incentives for local telephone exchange carriers, rural community facilities, and rural residents to improve the quality of phone service, to provide access to advanced telecommunications services and computer networks, and to improve rural opportunities. It is believed that the incentives of this program will contribute to achieving these Federal goals. Furthermore, a goal of the Federal Government is to make affordable advanced telecommunications available to rural residents, including services such as reliable facsimile document and data transmission, multifrequency tone signaling services, 911 emergency service with automatic number identification, interactive audio and visual transmissions, voice mail services designed to record, store, and retrieve voice messages, and other advanced telecommunications services.

REA received 44 comments regarding the proposed rule, which were taken into consideration in preparing the final rule. Comments were received from the following:

(1) Tennessee Exceed and Visions Five Group.
(2) College of Agriculture and Life Sciences, Texas A&M University.
(3) Philips County Community College, Arkansas.
(4) Steuben Rural Electric Cooperative, Inc.
(5) Mayo Foundation, Mayo Clinic.
(6) Ira Davenport Memorial Hospital, Inc., Bath, New York.
(7) Community Memorial Hospital, Crawford, Nebraska.
(8) Cavalier Electric Cooperative, Inc.
(9) U.S. West Communications, Inc.
(10) Annette Island Medical Service Unit, Alaska.
(11) Communication and Technology, USDA Extension Service.
(12) Mountain Area Health Education Center, North Carolina.
(13) United States Telephone Association.
(14) North Central Regional Educational Laboratory, Illinois.
(15) Idaho COG.
(16) Iowa Methodist Medical Center.
(17) Association of America's Public Television Stations.
(18) National Telephone Cooperative Association.
(19) Deaconess Development Foundation, Montana.
(20) The Agricultural Satellite Corporation.
(21) National Rural Electric Cooperative Association.
(22) Center for Health Services Communication, East Carolina University.
(23) Mississippi Educational Network.
(24) Covington Electric Cooperative, Inc.
(25) Police Jury, Parish of Cameron, Louisiana.
(26) Council For Educational Development and Research.
(27) Northwest Kansas Area Health Education Center.
(28) The University of the State of New York.
(29) Valley Rural Health Cooperative, North Dakota.
(30) Regional Laboratory for Educational Improvement of The Northeast & Islands.
(31) Appalachia Educational Laboratory.
(32) New Hampshire Public Television.
(33) Southwestern Bell.
(34) East River Electric Power Cooperative.
(35) Heartland Community College, Illinois.
(36) Satellite Educational Resources Consortium, Inc.
(37) Montana State Board of Nursing.
(38) Telemedical Interactive Consultative Services, Inc.
(39) Reed, Veach, Wurdeman & Associates, Inc., Nebraska.
(40) University of Missouri-Rolla.
(41) Tele-Systems Associates, Inc.
(42) Standing Rock College, North Dakota.
(43) Honorable David R. Obey, U.S. House of Representatives.
(44) Software Valley Corporation, West Virginia.

Overall, REA received widespread support for the proposed rule, and six respondents expressed unqualified support. Other respondents generally expressed support, but made specific comments.

By far, the greatest concern on the part of the responding organizations was the definition of "rural" contained in § 1703.102. The proposed definition was adapted from the definition contained in Websters Third New International Dictionary (1981) and based on a case involving the Alaska National Interests Lands Conservation Act, *Kenaitize Indian Tribe v. State of Alaska*, 860 F2d 312, 316–317 (9 CA 1988). REA believes that under the holding of that case, the

absence of a statutory definition of "rural" in the Act means that REA must define the term in its commonly understood sense. However, this does not mean that REA must use the same methodology used by the court to arrive at what the common meaning of "rural" is when used in the Act. That methodology used by the court employed definitions used by Websters and the Bureau of the Census (Census Bureau). Although REA adopted this approach in the proposed rule, the commenters generally found the definition to be unduly restrictive in two respects.

First, commenters objected to the element of the definition of "rural" that required the economy of a rural area to be centered on "agriculture and ranching." Commenters pointed out that rural economies often center on other occupations, such as mining, timber production, and tourism. REA recognizes this and agrees that there is no evidence in the Act or its legislative history evidencing a Congressional intention to exclude rural communities that depend upon occupations other than agriculture and ranching from participating in the program. Therefore, REA has expanded the definition of rural in the rule by using the somewhat broader interpretation of "rural" found in The American Heritage Dictionary of the English Language, Third Edition (1992). As redefined, a rural area must be "sparsely settled or agricultural country." Thus, communities that are sparsely settled but do not depend on agriculture or ranching would be considered "rural" for purposes of the rule.

Second, commenters objected to the exclusion of communities having populations of 2,500 or more persons. Although they recognized that this has been the historic standard used by the Census Bureau, they pointed out that neither the Act nor its legislative history suggests REA is limited to using the Census Bureau's methodology, and Congress itself has in various statutes defined "rural" as encompassing communities much larger than 2,500 persons. Although REA recognizes that in authorizing other programs, Congress has employed a wide range of definitions of "rural" which often included much larger communities, Congress did not do so in this case. REA does not think that such an omission represents a Congressional intention that REA should feel free to choose a definition of "rural" from among statutes having no legal relevance to this program. Instead, REA believes it demonstrates an intention that REA administratively adopt a definition that is consistent with the common meaning and that does not exclude communities that are generally perceived as being rural in character. Based on responses to the proposed rule, it appears that the problem is more complex than the relatively simple dictionary definitions and Census Bureau definitions are capable of resolving. Where a community's eligibility to receive a grant for these important services depends on its being properly classified as "rural," a more rigorous definition seems warranted.

REA's implementation of a revised rural definition consists of two parts: (1) qualifying a project as serving a rural area; and (2) once a project has been determined to serve a rural area, prioritizing that project for grant funding based on the degree of rurality of its service area compared with other projects.

Qualifying a Project as Rural

Research revealed a considerable body of professional literature from various disciplines recognizing the problem of defining "what is rural" in formulating contemporary rural policy. Bell, "The Fruit of Difference: The Rural-Urban Continuum as a System of Identity," *Rural Sociology*, Vol. 57, No. 1 at 65–82 (1992). Willits et al., "Popular Images of 'Rurality': Data form a Pennsylvania Survey," Rural Sociology Vol 55, No. 4 at 559–578 (1990). Butler, Rural—Urban Continuum Codes for Metro and Nonmetro Counties, AGES 9028, United States Department of Agriculture, Economic Research Service (April 1990). Deavers, "What is Rural?" Policy Studies Journal, Vol. 20 No. 2 at 184–189 (1992). Hewitt, "Defining 'Rural' Areas: Impact on Health Care Policy and Research," Health Program, Office of Technology Assessment, United States Congress (July 1989). Rural Conditions and Trends, Economic Research Service, United States Department of Agriculture, Vol. 3, No. 1 (Spring 1992). Rural Conditions and Trends, Economic Research Service, United States Department of Agriculture, Vol. 2, No. 4 (Winter 1991/92). Although "rural" is commonly understood to mean "not urban," the concepts of "rural" and "urban" exist as part of a continuum. Rarely does a clear line of demarcation exist between what is "rural" and what is "urban". Research revealed broad support for the more sophisticated approach to defining "rural" which was developed by analysts of the Economic Research Service of the United States Department of Agriculture (ERS).

"The [ERS] typology, which is a mixture of economic and social/political dimensions, is useful for three reasons: it generally conforms with people's intuitive understanding of rurality; in a small number of categories it captures a wide variety of the most important social and economic characteristics influencing development among nonmetro counties; and it recognizes the continuing political significance of counties while at the same time illustrating that economic and political geography are different." Deavers, 187 footnotes omitted.

The ERS typology (See Appendix A to Subpart D of Part 1703—ERS Rural-Urban Continuum Scale) classifies nonmetropolitan counties on two dimensions: (1) the aggregate size of their urban populations, and (2) proximity/adjacency to metropolitan counties. The urban population follows the Census Bureau's definition. Urbanized counties are distinguished from less urbanized counties by the size of the urban population. A nonmetropolitan county's adjacency to a "metropolitan statistical area" (MSA) is defined both by shared boundaries and commuting patterns. The ERS approach emphasizes three important characteristics of rural areas that in combination make them different from urban areas: (1) small scale, low density settlement (i.e. small towns and open country), (2) distance from large urban centers (physical distance, remoteness due to geographic barriers, cultural and social isolation), and (3) specialization of the local economy (either physical or natural resource based, such as farming or dominated by a single relatively large manufacturing employer).

The ERS typology offers several particular advantages to REA in administering this program. First, it is consistent with the use of the term "rural" in the Act. Second, it is likely to produce results consistent with the holding in *Kenaitze Indian Tribe v. Alaska*. Third, the county-based classification system is objective and easy for REA to administer and for applicants to understand. Fourth, the methodology has gained wide acceptance. Fifth, the methodology has been developed and continues to be refined by an agency within this Department which is readily accessible to REA personnel and which is recognized for its technical expertise in rural demographic issues.

REA has modified the final rule in order to implement the ERS typology. The definition of "rural" has been revised to mean "any area of the county that REA determines to be sparsely settled or agricultural country". These two elements, sparse settlement or agricultural use, are generally associated with common perceptions of rurality and at least one element must be present for the project service area to be

considered "rural". The definition has been adapted from the American Heritage Dictionary. REA will employ the ERS rural urban continuum scale in determining whether the definition has been satisfied. A new § 1703.108 has been added to do this.

Section 1703.108 provides two general methods for qualifying as rural. If the project service area is located entirely within counties that are all among the lowest four categories of the continuum, they are categorically "rural" and the rural eligibility requirement is met. In all other cases, REA will determine rurality of the project service area on a case-by-case basis using features such as population size and density, urbanization, adjacency and relationship to metropolitan areas, and principal economic activity. If such analysis by REA shows that the project service area is rural, it will be so determined and the eligibility requirement is met. Where such analysis reveals that a project can reasonably be expected to benefit both urban and rural residents, REA, in order to establish eligibility, may make an appropriate allocation of the grant to assure that grant funds primarily benefit only residents of the rural areas. Provision has been made for applicants to appeal to the Administrator in those instances where the initial determination is that the project service area is not rural.

REA has added a working definition for "project service area" which is a concept REA used in defining "rural" in the final rule. The definition is consistent with the approach used in the proposed rule of emphasizing the location of the residences of the users of the project, as contrasted with the site of the project itself, in determining whether a project is eligible for funding under this subpart.

Ranking Eligible Projects for Funding

REA employs the ERS Rural Urban Continuum Scale to rank applications for funding priority once basic eligibility requirements have been established. The degree of rurality enhances the likelihood that a project will be funded. Thus even though projects that serve both rural and urban residents may sometimes qualify for funding, the inclusion of a non-rural population within a project's service area will lessen its chances for funding.

To implement the ranking system and limit the complexity of the rule, § 1703.118, Criteria for ranking applications, has been reformatted and split into three sections, § 1703.117, § 1703.118 and § 1703.119, to simplify reading and reference. Sections 1703.117 and 1703.119 as written in this final rule contain the contents of § 1703.118 as written in the proposed rule. Section 1703.118 contains the new ranking system that looks at the rural community from the county level and classifies that county based on both population and proximity to metropolitan areas, i.e., rurality.

Further, in implementing a ranking system, REA considered numerous comments stating that aggregate county population change and density ranking criteria contained in proposed rule § 1703.118(a)(2)(iii) and (iv), respectively, may not be accurate because population declines or sparsity in a rural area may be offset by an increase or heavy concentration of urban population. Therefore, REA has determined it appropriate to eliminate those ranking criteria of county population density and population decline (totalling 25 points maximum), and replace with the ranking system based on the degree of "rurality" (totalling 60 points maximum).

Under this system, the end user sites and hubs (as defined in § 1703.102) contained within the proposed project service area are identified. Then, that service area is given a ranking according to the population statistics of the county or counties in which the end user sites are located. Hubs which are also utilized as end user sites will be considered in the ranking; however, hubs which are not utilized as end user sites are excluded for ranking purposes. This system incorporates a framework based on the ERS typology discussed in the previous section.

In addition to the comments regarding the rural definition, other comments were received as follows.

One organization expressed a concern that linking urban and rural facilities would allow the majority of funds to be captured by urban institutions. REA believes that Congress intended primarily to benefit people, not institutions. The legislative history of the Act evidences a clear intention to use the benefits of technology to bring the advantages of sophisticated urban educational and medical resources to residents of rural areas. Thus urbanized entities will participate in the program but only for the express purpose of providing service to rural residents. Section 1703.103 has been revised to clarify REA policy with regard to participation by urban entities.

There were numerous comments regarding the definition of eligible entities. Among these comments were suggestions to include institutions such as regional educational laboratories, partnership, land grant university consortia, public television stations, community colleges, and nonprofit telecommunications entities such as Ag*Sat and SERC. REA believes that the regulation does not exclude such entities. However, for entities such as consortia or partnerships, applicants should keep in mind that REA will require written evidence of the applicant's legal capacity to contract with REA and to carry out the purposes of the grant for which the entity is applying. Sections 1703.103 and 1703.114(b) have been revised to clarify their references to corporate authority, incorporated organizations, and other legally recognized eligible entities that may apply for grant funding.

There were three comments suggesting more flexibility in determining those entities or groups which could serve as "recognized experts" in evaluating the need for improved educational or medical services in the proposed rural area. The intent of REA is to allow applicants flexibility to submit any qualified opinions which those applicants feel will strengthen the documentation of their applications relative to need.

There were several comments and suggestions regarding the proposed method of ranking and selecting applicants. Except for changes previously discussed, REA has determined that no further changes in the ranking and selection process are warranted.

Some organizations indicated concern regarding the required consultation with local service providers. REA recognizes these concerns; however, the requirements are necessary in order to adhere to the provisions of the Act. There were also concerns expressed about REA's authority to determine if the proposed service is provided at reasonable rates. Some were concerned that the service providers would promote inferior transport facilities even though they were capable of better quality or offer a product not based on an honest financial analysis or unduly delay the project. There was concern that REA's evaluation of service at reasonable rates could conflict with the authority of the state public utilities commissions and the Federal Communications Commission. Although REA does not intend to establish telephone exchange carrier or other telecommunications carrier rates, REA will determine for the proposed project whether appropriate service from the telephone exchange carrier or telecommunications service providers will provide the necessary service for a feasible project within a reasonable timeframe.

There were concerns that the intent of the legislation was for REA to provide grants for up to 100 percent, and that no matching funds should be required. REA has taken these concerns into consideration and recognizes that the Act provides that grants may be made for up to 100 percent of a project's cost. However, REA has determined that based upon the great need for these types of projects and the limited amount of available grant funds, limiting the amount of grant participation to 80 percent would allow REA to fund more projects. Therefore, REA was not persuaded by the comments and has determined that in this regard the regulation should remain unchanged. A few suggestions were made regarding allowance for in kind contributions, including salaries. REA recognizes that many needy rural communities have difficulty in generating cash, and § 1703.104 has been revised to allow for certain "in kind" contributions to substitute for cash. These allowances will be limited to the value of (1) equipment, facilities, and activities eligible for grant funding, (2) facilities, equipment, or activities that are described in an approved telecommunications plan, and/or (3) improvements made to real property necessary to accommodate eligible equipment, or additional real property acquired or facilities constructed to accommodate eligible equipment, such as buildings in which terminal equipment and/or transmission facilities would be located. Such improvements/items must be an integral component of an approved telecommunications plan. The present value of long-term leases of eligible equipment (with duration according to recognized industry wide standards and compatible with the type of equipment leased) may also be considered.

With regards to the payment of salaries, those costs do not qualify as an in kind contribution. The Act specifically prohibits grant funds for payment of salaries; thus prohibition of salary expenses as in kind contributions is consistent with funding limitations imposed by legislation. Section 1703.104(b) (1), (2), and (3) have been added to incorporate the in kind matching criteria.

Section 1703.103 has been revised to clarify conditions under which applicants may be eligible to receive grant funding. The rule has been clarified to replace the word schools with the term educational institutions and specifically mention organizations which are eligible to apply for grant funding, including regional educational laboratories, colleges, vocational training facilities or other educational institutions. In addition, the rule has been clarified to specifically include partnerships or consortia consisting of two or more entities, provided that at least one of those entities would be eligible individually and written evidence of legal capacity to contract with REA is submitted. The section has also been revised to clarify that while state entities operating rural community facilities are eligible for funding, state government entities which do not operate rural community facilities, or partnerships or consortia comprised of state government entities which do not operate rural community facilities, are not considered eligible applicants.

Several organizations expressed concern that § 1703.101(c) of the proposed rule indicates REA bias toward certain technologies, and thus implies that REA would give preferential treatment of certain applications based solely on the type of technology. It is REA's intent to be technologically neutral in the evaluation of project applications. The beginning language in § 1703.101(c) affirms this by stating that decisions regarding the most appropriate forms of technology for a specific area should be made by area residents and local institutions, and "...REA will not favor or mandate the use of one particular technology over another." The intent of the language in question was to conform to the provisions under the Act. REA believes that system technology should be flexible for future expansion, utilization of equipment for other purposes if needed, and integration with other systems. Section 1703.101(c) has been revised to clarify that it is generally desirable to use technology that would incidentally allow other providers or developers to purchase the elemental functions or access so other users, in addition to educational and medical users, may benefit from any transmission facilities receiving grant funding. Further, § 1703.101(c) has been revised to clarify that it is generally desirable for the project to use products and technologies that are considered open systems, and REA believes that it is desirable to use products and technologies that employ or adhere to nationally recognized standards that will permit equipment from various companies to be connected to the system, and permit the system to be connected to other systems or networks.

There was a suggestion to revise the definition of end user, to also allow use of eligible equipment by both educational institutions and medical facilities, rather than only allowing use by either an educational institution or a medical facility. REA concurs, and the definition of end user in § 1703.102 has been revised to allow dual use. Accordingly, § 1703.103 has been revised to include as eligible entities those organizations that would incorporate a dual use of facilities.

Recommendations were made that would allow grant funds to be used for the non-recurring charges associated with design, installation and administrative costs. It is the intent of REA to fund through lease or purchase the otherwise non-recurring initial costs of equipment installation and other expenses associated with eligible equipment provided those expenses would be incurred as a non-recurring initial cost of acquisition or lease. Section 1703.104 has been revised to clarify this issue.

One organization recommended that transmission facilities owned by local exchange carriers whose service is leased to the applicant be added as an eligible purpose for funding. Although the regulation does not preclude grant funds from being used for lease or purchase of transmission facilities, REA intends to get maximum benefit for the dollars invested. Thus, considering the funding limitations for this program, it is desirable to fund those projects which rely, to the extent possible, on outside sources of funding for transmission facilities which link hubs and end user sites. Generally, direct program benefits are maximized by acquiring, to the maximum extent possible, eligible equipment which will directly benefit users at end user sites and hubs. Therefore, REA will give priority to those projects which target the highest percentage of REA grant funds for eligible equipment at end user sites and hubs. However, REA recognizes that in many cases, investment in upgraded transmission facilities may in the long term result in greater project viability through lower capital investment requirements at end user sites and hubs, lower depreciation, and/or reduced system operating costs. Therefore, REA will consider funding transmission facilities for those projects where savings of capital costs or operating expenses of end user sites will be commensurate with investment in transmission facilities. Section 1703.119(b) has been revised in the final rule to clarify REA's policy on this issue and to specifically enumerate criteria for ranking applications.

Comments were received stating that the definition of telecommunications terminal equipment in the proposed rule is too limited by defining equipment as located at the end of a circuit. Therefore, it was asserted that

REA unfairly favors particular technologies since the definition excludes over the air broadcast, satellite and related wireless transmission media. The definition of telecommunications terminal equipment in the proposed rule is consistent with the statutory definition contained in the Act. However, REA recognizes that the definition as written could be interpreted as favoring particular technologies. REA does believe the clear intent of the Act is for technological neutrality and to consider all available technologies as eligible for grant funding. For regulatory clarity and consistency with the overall thrust of the Act, REA believes that revision of the definition of telecommunications terminal equipment is both necessary and appropriate. Therefore, § 1703.102 has been revised to clarify that over-the-air broadcast, satellite, coaxial cable, optical fiber, microwave and twisted pair signals can be received by end users.

REA received numerous comments questioning whether or not the proposed rule allows funding for teacher training as well as student training. In addition, questions were raised whether or not students in remote sites could be linked together as a network. Comments were also received regarding training of medical personnel. It is REA's intent to fund eligible equipment for teacher and medical personnel training and to link together remote student sites in a network. For clarification, the definition of distance learning in § 1703.102 has been revised to include connecting teachers with other teachers and students with other students. Further revision includes connections for staff training in medical and educational applications.

REA concurs with a recommendation that eligible instructional programming should include alternative types of technologies. The definition of "instructional programming" in § 1703.102 has been revised to read: "educational programming, including computer software, which would be used for tutorial purposes in connection with eligible equipment".

A comment was made regarding the conflict of interest provision in § 1703.107. The commenting organization wanted REA to define specifically what actions on the part of an applicant would constitute a conflict of interest. REA believes that it is not practical to anticipate all possible scenarios which could constitute a serious conflict of interest or the appearance of a serious conflict of interest. With this in mind, § 1703.107 will be administered on a case by case basis by the REA Administrator.

List of Subjects in 7 CFR Part 1703

Community development, Grant programs—education, Grant programs—health care, Grant programs—housing and community development, Reporting and recordkeeping requirements, Rural areas.

Chapter XVII of Title 7 of the Code of Federal Regulations is amended as follows:

PART 1703—RURAL DEVELOPMENT

1. The authority citation for 7 CFR Part 1703 is revised to read as follows:

Authority: 7 U.S.C. 901 *et seq.* and 950aaa *et seq.*

2. Subpart C is added and reserved and subpart D of part 1703 is added to read as follows:

Subpart C—[Reserved]

Subpart D—Distance Learning and Medical Link Grant Program

Sec.

1703.100 Purpose.
1703.101 Policy.
1703.102 Definitions.
1703.103 Applicant eligibility.
1703.104 Grant purposes.
1703.105 Ineligible grant purposes.
1703.106 Maximum and minimum sizes of a grant.
1703.107 Conflicts of interest.
1708.108 Determining what is rural.
1703.109—1703.110 [Reserved]
1703.111 Compliance with other Federal statutes and regulations.
1703.112 [Reserved]
1703.113 Application filing dates and location.
1703.114 Application processing and contents.
1703.115 Public notice of applications received.
1703.116 [Reserved]
1703.117 Criteria for ranking applications.
1703.118 The comparative rurality of the proposed project service area.
1703.119 Other application ranking criteria.
1703.120—1703.121 [Reserved]
1703.122 Further processing of selected applications.
1703.123—1703.125 [Reserved]
1703.126 Disbursement of grant funds.
1703.127 Reporting and oversight requirements.
1703.128 Audit requirements.
1703.129—1703.134 [Reserved]
1703.135 Grant administration.
1703.136 Changes in project objectives or scope.
1703.137 Grant termination provisions.
1703.138 Environmental information.
1703.139 Telecommunications plan.
1703.140 Expedited telephone loans.

Appendix A to Subpart D of Part 1703—ERS Rural-Urban Continuum Scale

Subpart C—[Reserved]

Subpart D—Distance Learning and Medical Link Grant Program

§ 1703.100 Purpose.

The grants provided under this subpart D are to encourage, improve, and make affordable the use of advanced telecommunications, computer networks, and related advanced technologies to provide educational and medical benefits through distance learning and medical link projects to people living in rural areas and to improve rural opportunities.

§ 1703.101 Policy.

(a) REA recognizes that the transmission of communications and information is a vital component of the infrastructure of rural areas and is necessary to promote rural development. Enhancing communication and information transmission by making affordable advanced telecommunications, computer networks, and related advanced technologies more widely available in rural areas will improve rural opportunities, promote rural economic growth, and enhance the quality of life of rural residents. To further this objective, REA will award grants under this subpart to distance learning and medical link projects that will improve the access of people residing in rural areas to improved educational, training, and medical services, and to opportunities that rely on advanced communication and information technologies to provide such services.

(b) In providing assistance under this subpart, REA will give priority to rural areas that it believes have the greatest need of enhanced communications. REA believes that generally the need is greatest in the most sparsely populated rural areas and in rural areas that are experiencing economic hardship.

(c) REA believes that the residents of rural areas and their local institutions which serve them can best determine what are the most appropriate communications or information systems for use in their respective communities. Therefore, in administering this subpart, REA will not favor or mandate the use of one particular technology over another. REA does believe that it is generally desirable to use technology that would incidentally allow other providers or developers to purchase the

elemental functions or access so other users, in addition to educational and medical users, may benefit from any transmission facilities receiving funding under this subpart. In addition, REA believes it is generally desirable for the project to use products and technologies that are considered open systems. Further, REA believes that it is desirable to use products and technologies that employ or adhere to nationally recognized standards that will permit equipment from various companies to be connected to the system, and permit the system to be connected to other systems or networks.

(d) Applicants are encouraged to promote projects that:

(1) Are based on sound economic and financial analysis;

(2) Take a long-term perspective; and

(3) Primarily benefit rural areas.

(e) REA electric and telephone borrowers are encouraged to cooperate with each other and with applicants and end users in promoting the program being implemented under this subpart.

(f) REA staff will make diligent efforts to inform potential applicants in rural areas of the program being implemented under this subpart.

§ 1703.102 Definitions.

Act—Title XXIII, subtitle D, chapter 1, of the Rural Economic Development Act of 1990 (7 U.S.C 950aaa *et seq.*).

Administrator—the Administrator of the Rural Electrification Administration or his or her designee.

Applicant—an eligible organization which applies for a grant under this subpart.

Approved purpose—a purpose that REA has specifically approved in the letter of agreement and scope of work covering the use of REA grant funds provided to the grantee.

Borrower—an entity that has outstanding electric or telephone REA and/or Rural Telephone Bank loans or loan guarantees under the provisions of the RE Act.

Communication satellite ground station complex—includes transmitters, receivers, and communications antennas at the earth station site together with the interconnecting terrestrial transmission facilities (cables, line, or microwave facilities) and modulating and demodulating equipment necessary for processing traffic received from the terrestrial distribution system prior to transmission via satellite and the traffic received from the satellite prior to transfer to terrestrial distribution systems.

Computer networks—computer hardware and software, terminals, signal conversion equipment including both modulators and demodulators, or related devices, used to communicate with other computers to process and exchange data through a telecommunication network in which signals are generated, modified, or prepared for transmission, or received, via telecommunications terminal equipment and telecommunications transmission facilities.

Data terminal equipment—equipment that converts user information into data signals for transmission, or reconverts the received data signals into user information, and is normally found on the terminal of a circuit and on the premises of the end user.

Demonstration project—one which the applicant agrees in writing to:

(1) Provide REA, if requested, with detailed information on the process used to organize and operate the project;

(2) Permit REA and REA's guests to make reasonable visits to the project; and

(3) Honor any other reasonable REA request to disseminate information concerning the project. Examples of information include a description of the process of incorporation, types of financing obtained, permits required by governments, amount of time required for various stages of the project, sources of technical assistance from government programs, private foundations or trade organizations, type of equipment used for the project, any experiences or lessons that the applicant will share with the public and other information which will assist REA in promoting rural opportunities to improve the use of telecommunications, computer networks, and related advanced technologies. REA will not require the disclosure of trade secrets or proprietary techniques.

Distance learning—a telecommunications link to an end user through the use of eligible equipment to:

(1) Provide educational programs, instruction, or information originating in nonrural areas to students and teachers who are located in rural areas; or

(2) Connect teachers and/or students, located in one rural area with teachers and/or students that are located in a different rural area.Eligible equipment—a communication satellite ground station complex, computer networks, data terminal equipment, fiber-optic cable, interactive video equipment, microwave transmission equipment, telecommunications transmission facilities and telecommunications terminal equipment.

Eligible organization—an incorporated entity that meets the requirements of § 1703.103.

End user—either or both of the following:

(1) Rural elementary or secondary schools or other educational institutions, such as institutions of higher education, county extension services, vocational and adult training and education centers, and teacher training centers, and students, teachers and instructors using such rural educational facilities, that participate in a rural distance learning telecommunications program through a project funded under this subpart; and

(2) Rural hospitals, primary care centers or facilities, such as medical centers and clinics, and physicians and staff using such rural medical facilities, that participate in a medical link telecommunications program through a project funded under this subpart.

End user site—a facility located in a rural area that is part of a network or telecommunications system that is utilized by end users.

Fiber optic cable—a bundle of optical transmission elements or waveguides usually consisting of a fiber core and fiber cladding that can guide a lightwave and that are incorporated into an assembly of materials that provide tensile strength and external protection.

Grant beneficiary—a person who resides in a rural area that directly benefits from a project receiving assistance with a grant provided pursuant to this subpart.

Grantee—a recipient of a grant from REA to carry out the purposes of this subpart.

Hub—originating source of a network or telecommunications system.

Instructional programming—educational programming, including computer software, which would be used for tutorial purposes in connection with eligible equipment.

Interactive video equipment—equipment used to produce and prepare for transmission audio and visual signals from at least two distant locations such that individuals at such locations can verbally and visually communicate with each other, and such equipment includes monitors, other display devices, cameras or other recording devices, audio pickup devices, and other related equipment.

Letter of agreement—a legal document executed by REA and the grantee that contains specific terms, conditions, requirements and understandings applicable to a particular grant.

Local telephone exchange carrier—a commercial, cooperative or mutual-type association or public body that provides

telephone service, through a local central switching office, to the subscribers within its designated service area, and between the local subscribers and the toll network.

Medical link—a telecommunications link to an end user through the use of eligible equipment which electronically links medical professionals at separate sites in order to exchange medical information in audio, video, graphic or other format for the purpose of providing improved health care services primarily to residents of rural areas.

Project—an undertaking to provide or improve a distance learning or medical link by using financial assistance from REA under this subpart.

Project service area—the area in which at least 90% of the persons to be served by the project are likely to reside.

RE Act—the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*).

REA—the Rural Electrification Administration, an agency of the United States Department of Agriculture.

Rural—any area of the country that REA determines pursuant to § 1703.108 of this subpart to be sparsely settled or agricultural country.

Rural community facilities—facilities such as schools, libraries, hospitals, medical centers, or similar facilities, located in rural areas, or primarily used by residents of rural areas, that will use a telecommunications, computer network, or related advanced technology system to provide educational and/or medical benefits primarily to residents of rural areas.

Scope of work—a detailed plan of work that has been approved by the Administrator and that will be performed by the applicant using funds provided under the grant.

Technical assistance—(1) assistance in learning to operate equipment or systems; and

(2) studies, analyses, designs, reports, manuals, guides, literature, or other forms of creating, acquiring and/or disseminating information.

Telecommunications plan—a comprehensive rural telecommunications plan submitted by an applicant in accordance with 7 U.S.C. 2333(3) and §§ 1703.114(e) and 1703.139.

Telecommunications terminal equipment—the assembly of telecommunications equipment at the end of a circuit or path of a signal, including but not limited to over the air broadcast, satellite and microwave, normally located on the premises of the end user, that interfaces with telecommunications transmission facilities, and that is used to modify, convert, encode, or otherwise prepare signals to be transmitted via such telecommunications facilities, or that is used to modify, reconvert or carry signals received from such facilities, the purpose of which is to accomplish the goal for which the circuit or signal was established.

Telecommunications transmission facilities—facilities that transmit, receive, or carry data between the telecommunications terminal equipment at each end of the telecommunications circuit or path. Such facilities include microwave antennae, relay stations and towers, other telecommunications antennae, fiber-optic cables and repeaters, coaxial cables, communication satellite ground station complexes, copper cable electronic equipment associated with telecommunications transmissions, and similar items.

Telephone service—telephone service as defined in section 203(a) of the RE Act (7 U.S.C. 901 *et seq.*).

§ 1703.103 Applicant eligibility.

To be eligible to receive a grant under this subpart, the applicant must be an incorporated organization or other legal entity which operates a school, college, vocational training facility, or other educational institution, including a regional educational laboratory, library, hospital, medical center, medical clinic or other rural community facility. The applicant may be a private or municipal corporation and may be organized on a profit or non-profit basis. The applicant may also be a partnership or consortium, consisting of two or more entities, provided that at least one of those entities would be eligible individually, and provided that the partnership or consortium provides written evidence of its legal capacity to contract with REA. The state government, other than a state government entity that operates a rural community facility, is not considered an eligible applicant. A partnership or consortium which includes a state government entity which does not operate a rural community facility, also is not considered an eligible applicant. However, if a partnership or consortium lacks the capacity to contract, each individual entity must execute the Letter of Agreement on its own behalf. The applicant must be capable of using eligible equipment to provide distance learning or medical links, and provide written evidence of its legal existence and capacity to contract. The applicant must also demonstrate its ability and willingness to carry out the purposes of the grant under which it is applying. The applicant must not be delinquent on any obligation owed to the Federal Government (7 CFR parts 3015 and 3016).

§ 1703.104 Grant purposes.

(a) Grants may be used by eligible organizations for distance learning and medical link projects to finance up to 80 percent of the cost, including installation, of:

(1) Acquiring, by lease or purchase, eligible equipment;

(2) Acquiring, by lease or purchase, software to operate eligible equipment, including any related software;

(3) Acquiring or developing instructional programing;

(4) Providing technical assistance and instruction for using eligible equipment, including any related software;

(5) Engineering or environmental studies relating to the establishment or expansion of the phase of the project that is being financed with the REA grant; and

(6) Facilities, equipment or activities and non-recurring service charges that are described in a telecommunications plan which has been approved by the Administrator.

(b) In kind matching—generally, the applicant's 20 percent contribution is required in the form of cash. However, cash may be substituted in whole or in part with certain in-kind contributions as follows:

(1) Equipment, activities and facilities as set forth in § 1703.104(a);

(2) Improvements made to real property necessary to accommodate eligible equipment;

(3) Facilities constructed to accommodate eligible equipment, such as buildings in which terminal equipment and/or transmission facilities would be located;

(4) Real property purchased or acquired for the sole purpose of accommodating distance learning and medical link facilities;

(5) The present value of long term leases of eligible equipment, with duration according to recognized industry standards and compatible with the type of equipment leased.

(c) In kind items furnished in paragraph (b)(1) of this section will be non-depreciated or new assets with established monetary value by industry standards. The value of improvements or construction in paragraphs (b)(2) and (b)(3) of this section will be established by a qualified independent real property appraiser based on the actual cost of those improvements. The value of land in paragraph (b)(4) of this section will be established by a qualified independent real property appraiser based on a market value appraisal.

(d) In kind contributions will be an integral component of an approved telecommunications plan as set forth in § 1703.139 of this subpart.

(e) In kind contributions will not consist of eligible equipment which has been subject to depreciation, or for equipment, services and labor not eligible for grant funding as set forth in § 1703.105 of this subpart.

(f) Funding may be provided for end user sites. Funding may also be provided for hubs located in rural and non-rural areas, if they are necessary to provide distance learning and/or medical link services to rural residents at end user sites. However, funding will not be provided for sites proposed as hubs if it is not demonstrated that they are an integral part of the proposed network and are necessary to transmit distance learning and/or medical link services to end users.

§ 1703.105 Ineligible grant purposes.

(a) Grants must not be used:

(1) To fund more than 80 percent of the eligible costs of a project under this subpart;

(2) To cover the costs of installing or constructing telecommunications transmission facilities, except as provided in paragraph (c) of this section;

(3) To pay for medical equipment except medical equipment primarily used for encoding and decoding data, such as images, for transmission over a telecommunications or computer network;

(4) To pay salaries, wages or employee benefits to medical or educational personnel;

(5) To pay for the salaries or administrative expenses of the applicant;

(6) To purchase equipment that will be owned by the local telephone exchange carrier or another telecommunications service provider;

(7) For site development, the destruction or alteration of buildings, or other activities that might adversely affect the environment or limit the choice of reasonable alternatives unless and until the requirements of § 1703.111(j) have been satisfied;

(8) To duplicate services in place on the date of the completed application to REA, or replace or substitute financial support that was previously provided;

(9) To pay costs of preparing the application package for funding under this program;

(10) To refinance indebtedness incurred prior to receipt of the completed application at REA;

(11) For projects whose sole object is merely to provide links between teachers and students who are located at the same facility;

(12) For any purpose that the Administrator has not specifically approved; or

(13) For projects located in areas covered by the Coastal Barrier Resources Act (16 U.S.C. 3501 *et seq.*).

(b) Except as otherwise provided in § 1703.140, funds will not be used to finance a project in part when success of the project is dependent upon the receipt of additional funding under this subpart or is dependent upon the receipt of other funding that is not assured.

(c) Grants must not be used to cover the costs of telecommunications transmission facilities if the local telephone exchange carrier for the project area will install such facilities through the use of the expedited telephone loans made under the RE Act or through other financing procedures within a reasonable time period and at a cost that does not destroy the feasibility of the project, as determined by the Administrator.

(d) Except for leases provided in § 1703.104(a)(1) and (2), grants must not be used to pay the cost of recurring or operating expenses for the project.

§ 1703.106 Maximum and minimum sizes of a grant.

Applications for grants to be considered under this subpart will be subject to limitations on the proposed amounts of funding. The maximum grant amount that will be awarded for any one project in any given fiscal year will not exceed 10 percent of the appropriated funds available for all grants during the fiscal year in which the application for such project is selected. The Administrator may publish notice of the annual maximum grant amount in the **Federal Register**. An applicant submitting an application which exceeds the maximum will be notified to that effect by REA and given the opportunity to revise the application. The minimum size of a grant will be $10,000.

§ 1703.107 Conflicts of interest.

At any time prior to the disbursement of a grant awarded under this subpart, the Administrator may disqualify an otherwise eligible project whenever, in the judgement of the Administrator, the project would create a serious conflict of interest or the appearance of a serious conflict of interest. The Administrator will notify the applicant in writing of his/her intention to disqualify the project under this section and set forth the basis for his/her determination that a serious conflict of interest or appearance exists. Thereafter, the applicant will have 30 days from the date of such notice to file a written response with the Administrator. If the Administrator receives the applicant's response within the 30-day period, the Administrator will consider the information contained therein before making a final determination whether to disqualify the project. The Administrator will promptly notify the applicant of the final determination whether a serious conflict of interest or appearance of a serious conflict exists. If the determination is affirmative, the notice will also advise the applicant whether the project is disqualified or conditionally disqualified. If the project is conditionally disqualified, the notice will state under what circumstances the project may continue to be eligible for assistance under this subpart. The Administrator's decision under this section will be final.

§ 1703.108 Determining what is rural.

The REA Assistant Administrator for Economic Development and Technical Services shall determine whether a project service area possesses sufficient characteristics to be considered a rural area for purposes of this subpart. The Assistant Administrator shall make such determination on the following basis:

(a) The project service area is located within a non-metropolitan county that is included in one of the lowest four categories (6–9) of the ERS Rural Urban Continuum Scale (rural urban continuum) as set forth in Appendix A to this subpart. Those categories are as follows:

(1) Aggregate urban population (sum of cities, towns, villages or other incorporated communities of 2,500 or more) of less than 20,000, adjacent to a metropolitan area (category 6);

(2) Urban population of less than 20,000, not adjacent to a metropolitan area (category 7);

(3) Completely rural (no cities, towns, villages or other incorporated areas of 2,500 or greater) adjacent to a metropolitan area (category 8);

(4) Completely rural, not adjacent to a metropolitan area (category 9).

(b) In the case of project service areas not categorized as rural areas under paragraph (a) of this section, consideration will be given to the degree of rurality the area possesses taking into account such factors as:

(1) Whether the project service area is located within the boundaries of an incorporated community of 2,500 persons or more as determined by the U.S. Census Bureau;

(2) Where the county or counties in which the project service area is located

VOL 58 ISS 37 FE 26 1993 UMI

ranks or rank on the rural urban continuum;

(3) Whether natural geographic barriers or an absence of roads may impede access from the project service area to metropolitan areas;

(4) Whether the county is a spatially large county and the project service area is far from an urbanized area; and

(5) Whether the economy of the project service area centers on natural resource-based activities such as farming, ranching, mining or timber production or is highly specialized.

(c) In the case of a project that will serve end users located in more than one county, at least one of which is not categorized as rural under paragraph (a) of this section, REA will determine the rurality of the project service area case-by-case using factors such as those identified in paragraph (b) of this section. To the extent practicable, in the case of a project that is expected to benefit residents of urban areas as well as residents of rural areas, instead of rejecting an application because it benefits areas that are not rural, REA may allocate the grant accordingly to assure that grant funds primarily benefit only residents of rural areas.

(d) If a determination made under this section results in the denial of an application, the applicant may appeal such determination to the Administrator in writing setting forth the reasons why it disagrees. Thereafter, the Administrator will review the determination and decide in writing whether to sustain, reverse or modify the original determination. The Administrator's determination will be final. A copy of the Administrator's decision will be furnished promptly to the applicant.

§§ 1703.109—1703.110 [Reserved]

§ 1703.111 Compliance with other Federal statutes and regulations.

(a) *Equal opportunity and nondiscrimination requirements.* All grants made under this subpart are subject to the nondiscrimination provisions of title VI of the Civil Rights Act of 1964, as amended, (7 CFR part 15); Section 504 of the Rehabilitation Act of 1973, as amended, (7 CFR part 15b); the Age Discrimination Act of 1975, as amended, (45 CFR part 90); and Executive Order 11246, as amended by Executive Order 11375.

(b) *Architectural barriers.* All facilities financed with REA grants that are open to the public, or in which physically handicapped persons may be employed or reside, must be designed, constructed, and/or altered to be readily accessible to, and usable by handicapped persons. Standards for these facilities must comply with the Architectural Barriers Act of 1968, as amended, and with the Uniform Federal Accessibility Standards (UFAS), (Appendix A to 41 CFR subpart 101–19.6).

(c) *Flood hazard area precautions.* In accordance with part 1788 of this title, if the project is in an area subject to flooding, flood insurance must be provided to the extent available and required under the National Flood Insurance Act of 1968, as amended by the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 through 4128). The insurance must cover, in addition to the buildings, any machinery, equipment, fixtures and furnishings contained in the buildings. REA will comply with Executive Order 11988, Floodplain Management, in considering the application for the project.

(d) *Real property acquisition.* Acquisition of real property in connection with this program is subject to 7 CFR part 21, Uniform Relocation Assistance and Real Property Acquisition for Federal and federally Assisted Programs. Owners of real property acquired under Federal or federally-assisted programs, and persons displaced from their dwellings, businesses, or farms as a result of such an acquisition, must be provided fair, consistent, and equitable treatment, as defined by 7 CFR part 21.

(e) *Drug-free workplace.* Grants made under this subpart are subject to the requirements set forth in 7 CFR part 3017, Subpart F, Drug-Free Workplace Requirements, which implements the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 *et seq.*). An applicant requesting a grant will be required to certify that it will establish and make a good faith effort to maintain a drug-free workplace program.

(f) *Debarment and suspension.* The requirements of Executive Order 12549, Debarment and Suspension, and 7 CFR part 3017, Subparts A through E, Governmentwide Debarment and Suspension (Nonprocurement), regarding debarment and suspension are applicable to this subpart.

(g) *Intergovernmental review of Federal programs.* This program is subject to the requirements of Executive Order 12372, Intergovernmental Review of Federal Programs and 7 CFR part 3015, Subpart V, Intergovernmental Review of Department of Agriculture Programs and Activities, which implements Executive Order 12372. Proposed projects are subject to the State and local government review process set forth in part 3015 of this title. Under the review process, State and local governments have 60 days to comment on the proposed project. The Administrator will not give final approval to an application until the requirements of subpart V, part 3015 of this title, regarding State and local government review have been satisfied.

(h) *Restrictions on lobbying.* The restrictions and requirements imposed by 31 U.S.C. 1352, entitled "Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions" and the implementing regulation, part 3018 of this title, New Restrictions on Lobbying, are applicable to this program. The regulation that implements this statute requires applicants for a grant in excess of $100,000 to file a certification statement regarding the use of federally appropriated funds to lobby the Executive and Legislative branches of the Federal Government and to file a disclosure form if engaged in these activities using unappropriated funds. In addition, persons that receive subgrants, contracts or subcontracts in excess of $100,000 under a grant must file certification statements regarding lobbying the Executive and Legislative branches and, if engaged in these activities, to file disclosure forms.

(i) *Management assistance.* REA will monitor grant recipients as necessary to assure that projects are completed in accordance with the approved scope of work and that funds are expended for approved purposes. Grants made under this subpart will be administered under, and are subject to parts 3015 through 3018 of this title.

(j) *Environment.* Applicants for grants must consider the potential environmental impact of their proposed projects at the earliest planning stage and should plan development in a manner that reduces, to the extent practicable, the potential to affect the quality of the human environment adversely. Grants made under this subpart are subject to part 1794 of this chapter which contains the policies and procedures of REA for implementing a variety of Federal statutes, regulations and executive orders generally pertaining to protection of the quality of the human environment that are listed in § 1794.1 of this chapter.

§ 1703.112 [Reserved]

§ 1703.113 Application filing dates and location.

(a) Applications for funding under this subpart may be submitted to the Administrator, Rural Electrification Administration, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC 20250–

1500. Applications should be marked "Attention: Assistant Administrator, Economic Development and Technical Services."

(b) Applicants may file applications at any time during a fiscal year period. Applications will be reviewed for eligibility and considered for funding on a quarterly basis. Application cut-off dates for consideration in a particular quarterly period are on the fourteenth day of January, April, July, and October of each year. Applications which are considered eligible but are not selected for funding in a quarter will be considered for funding in the following quarter(s) for not more than four quarters in total consideration unless withdrawn sooner by the applicant. An application considered in four consecutive quarters and not selected for funding will be returned to the applicant. The Administrator may establish a special selection period in an extraordinary circumstance.

§ 1703.114 Application processing and contents.

For instances where multiple applicants are necessary to carry out a project due to project feasibility or applicant authorities, multiple applications may be submitted jointly by the applicants. The applicants must clearly mark or otherwise identify any information in the application it deems proprietary. The application consists of:

(a) *An application form.* The applicant must provide an original and one copy of a completed SF 424 "Application for Federal Assistance." The applicant must submit a copy of the application to the State government point of contact at the same time it submits the application to REA. All applications must be accompanied by the information described in paragraphs (a) through (n) of this section.

(b) *Evidence of legal existence and authority.* The applicant must provide evidence of its legal existence and authority to execute the letter of agreement and perform the activities under the grant, and an opinion by its attorney that it is legally formed according to state statutes and has authority to execute the letter of agreement and perform the proposed activities under the grant and to comply with the provisions of this subpart.

(c) *A board resolution.* The applicant must provide a board resolution or equivalent that:

(1) Authorizes the request of a grant under this subpart in the amount required to the nearest hundred dollars; and

(2) Authorizes appropriate applicant official(s) by name or title to requisition grant funds and execute all documents required by REA under this subpart.

(d) *Miscellaneous Federal forms.* The applicant must provide the following completed forms:

(1) "Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transaction" (See 7 CFR 3017.510.);

(2) An assurance statement or certification statement required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, if appropriate;

(3) "Certification Regarding Drug-Free Workplace Requirements (Grants)" (See 7 CFR 3017.600.); and

(4) For an application for a grant in excess of $100,000, a certification statement, "Certification Regarding Lobbying;" and, if the applicant is engaged in lobby activities described under § 1703.111(h) of this subpart, a completed disclosure form, "Disclosure of Lobbying Activities" (See 7 CFR part 3018.). Copies of these certifications are available upon request.

(e) *A telecommunications plan.* The applicant must provide a Telecommunications Plan prepared in accordance with § 1703.139 and placed in a separate section of this application entitled "Comprehensive Rural Telecommunications Plan."

(f) *A section on compliance with ranking criteria.* The applicant must provide an explanation of how the proposed project meets each of the criteria for making applications set forth in §§ 1703.117 through 1703.119.

(g) *A section on compliance with technical standards.* The applicant must provide an explanation of how the plan complies with generally accepted standards for advanced telecommunications systems and any specific technical standards otherwise established by the Administrator pursuant to published regulations.

(h) *Financial information.* The applicant must provide the latest financial information to support the need for grant funds for the project, and to show its financial capacity to carry out the proposed work. At a minimum, the information should include a balance sheet and income statement. A current audit report is preferred.

(i) *A statement of experience.* The applicant must provide a written narrative describing its demonstrated capability and experience, if any, in operating a project similar to the proposed project.

(j) *Funding commitments from other sources.* The applicant must provide evidence of commitment of funds for the project in addition to the funds requested under this subpart. Evidence should be from an authorized representative of the source organization that the funds are available and will be used for the proposed project.

(k) *Environmental information.* The applicant must provide environmental information which shall be prepared in accordance with § 1703.138 and placed in a separate section entitled "Environmental Impact of the Project."

(l) *The proposed scope of work.* The applicant must provide a proposed scope of work which includes, at a minimum, the following:

(1) The specific activities to be performed under the project;

(2) Who will carry out the activities;

(3) The timeframes for accomplishing the project objectives and activities; and

(4) A budget reflecting the line item costs for both the grant funds and other sources of funds for the project.

(m) *The proposed evaluation methodology.* The applicant must provide a proposed method of evaluating the success of the project in meeting the objectives of the program as set forth in §§ 1703.100 and 1703.101 of this subpart and the proposed scope of work.

(n) *Supplemental information.* The applicant should provide any additional information the applicant considers relevant to the project and likely to be helpful in determining the extent to which the proposed project would further the purposes of this subpart.

(o) *Additional Information Requested by REA.* The applicant must provide any additional information the Administrator may consider relevant to the application and necessary to adequately evaluate the application and make grant decisions. The Administrator may also request modifications or changes, including changes in the amount of funds requested, in any proposal described in a grant application submitted under this subpart.

§ 1703.115 Public notice of applications received.

On or about the 25th day of January, April, July, and October of each year, the Administrator will publish notice in the **Federal Register** of the applications received for funding under this subpart. The Administrator will also make those applications available for public inspection at the U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC, by any telecommunications provider described in section 2333(f) of the Act. For purposes of this section, applications include any information not protected by the Privacy Act of 1974, 5 U.S.C.

552a, and any other information that has not been designated as proprietary information by the applicant.

§ 1703.116 [Reserved]

§ 1703.117 Criteria for ranking applications.

The criteria in this section and §§ 1703.118 and 1703.119 will be used by the Administrator to rank applications that have been determined to be in compliance with the requirements of this subpart. Applications will be selected for funding that receive the greatest number of total points based on the following factors, subject to available funds and provisions of § 1703.119. The Administrator will make determinations regarding the reasonableness of all numbers, dollars, levels and rates, as well as the nature, cost, location and other characteristics of the application and the proposed project, to determine the number of points assigned to an application for all selection criteria. Joint applications submitted by multiple applicants as set forth in § 1703.114 will be rated as a single application.

(a) Project worthiness criteria include:

(1) The extent to which the project will encourage and improve the use of advanced telecommunications, computer networks, and related advanced technologies to provide quality educational and/or medical benefits to residents of rural areas. The Administrator will consider the overall design of the project, the manner in which the project will improve access of rural residents to improved educational, training, and medical services using advanced communication and information links, the technologies to be employed in the project, and whether the educational and/or medical benefits of the project will be made accessible to rural residents through the use of advanced telecommunications, computer networks, and related advanced technologies—up to 15 points;

(2) The nature and extent of the benefits of the project given the cost of the project. The Administrator will evaluate the applicant's analysis of the benefits and cost of the project. The applicant should quantify the benefits and cost to the extent possible and propose projects that maximize net benefits. Examples of educational benefits include offering the students in a rural school more advanced or specialized courses, meeting curriculum requirements, providing a means to train and develop the teaching staff of a rural school, establishing a means to access information that is not available locally, offering job training, continuing education, and higher education courses or degrees to rural residents, and offering job training options for rural residents. Examples of medical benefits include affording rural physicians and medical professional access to support functions such as consulting with others on a diagnosis or the latest recommendations in treatment procedures and techniques, up-to-date health-care research, and continuing medical studies. Other benefits include retaining more patients at rural hospitals and medical facilities, preventing the closure of rural hospitals and medical facilities, retaining more medical care professionals in rural areas, and reducing the potential complications and costs of travel for patients. The Administrator will take into consideration the number of rural residents to be served or directly receive the benefits of the project. The benefit-cost analysis will consider both the recurring benefits and the non-recurring benefits to the rural residents from project. The costs will be reviewed on the basis of capital investments costs, other non-recurring costs, and the recurring costs over the life of the project. Applicants should address these costs separately. The Administrator will compare the benefits to the costs in determining the cost-effectiveness of the project and the number of points that will be assigned to an application—up to 20 points;

(3) The extent to which the proposed methods of performing the project relating to buying or leasing equipment are the most cost-effective for the type of project proposed. The application must contain information necessary for the Administrator to use accepted financial methodologies to determine whether the applicant is proposing the most cost-effective option—up to 10 points;

(4) The demonstrated capability, experience, and knowledge of the applicant and others who will be active in the proposed project for carrying out the project purpose—up to 10 points;

(5) The extent to which the proposed techniques or designs have been proven in similar projects created for the rural environment and will offer quality educational and medical benefits—up to 10 points;

(6) The project concept and design are well developed to ensure that the project has a high probability of accomplishing its objectives and will likely result in long-term success as measured by improved educational and medical benefits to rural residents—up to 10 points; and

(7) Whether or not the project will be a demonstration project and the project can be duplicated or applied to other rural areas—up to 5 points.

(b) Criteria on the financial capabilities and needs of the applicant include:

(1) Whether the applicant is unable to finance, at reasonable rates and terms, the proposed project without the grant funds requested under this subpart—up to 60 points. REA will consider:

(i) The demonstrated financial need of the applicant based on financial statements and potential sources of revenue;

(ii) Whether the applicant has the ability to finance the entire project without grant funds or whether the addition of the grant funds will make the project feasible that otherwise would be unfeasible due to the rural nature of the affected area; and

(iii) Whether it is likely that the proposed project will be undertaken or completed in the absence of an REA grant.

(2) Evidence of additional financial support for the project. For applications that receive the highest number of points under paragraph (a)(2)(i) of this section, evidence of additional financial support for the project from nonFederal sources above the required 20 percent supplement to the project; including evidence from authorized representatives of the sources that the funds are available and will be used for the proposed project:

(i) More than 30 percent and less than 40 percent supplemental funds—5 points; or

(ii) 40 percent or more supplemental funds—10 points.

(c) Criteria on the need of the affected rural communities for the project that include:

(1) The extent to which the need for improved educational or medical services in the proposed rural area compared to other regions is well documented. REA will also consider any support by recognized experts in the related educational or medical field—up to 25 points.

(2) A comparison of the per capita personal income in the county or counties where the project or the beneficiaries are located to the state and national per capita personal income levels.

(i) If the per capital personal income level in the county where the grant beneficiaries will be located:

(A) Is less than or equal to 90 percent of the National per capita personal income level—15 points, the maximum number of points;

(B) Is equal to the National per capita personal income level—5 points; or

(C) Exceeds the National per capita personal income level by 15 percent or more—0 points.

(ii) If the per capita personal income level in the county or counties where the grant beneficiaries will be located:

(A) Is less than or equal to 90 percent of the state per capita personal income level—8 points, the maximum number of points;

(B) Is equal to the state per capita personal income level—4 points; or

(C) Exceeds the state per capita personal income level by 15 percent or more—0 points.

(iii) Per capita personal income levels falling between these national or state levels will be assigned points based on straight-line interpolation calculated to the nearest whole point. The result will be rounded based on the standard convention of a fraction of 1/2 or greater equals 1.

(iv) If the project will serve grant beneficiaries in several counties, the Administrator will use a simple average (mean) of the counties for the comparison.

(v) REA will use the most recent annual per capita personal income levels it has obtained from the Bureau of Economic Analysis, U.S Department of Commerce or other government sources and processed into a suitable format.

§ 1703.118 The comperative rurality of the proposed project service area.

This criterion is used after a project service area has been determined eligible in accordance with § 1703.108 of this subpart. The methodology contained in this section is used to evaluate the relative rurality (i.e., population and isolation) of service areas for various projects. Under this system, the end user sites and hubs (as defined in § 1703.102) contained within the proposed project service area are identified. Then, that service area is given a ranking according to the characteristics of the county(ies) in which the end user sites are located. Evaluation is based on the population of the county or counties, and the location of the county or counties relative to metropolitan statistical areas. This system incorporates a framework based on the classification of nonmetropolitan counties by urbanization and proximity to metropolitan areas, developed by analysts and demographers at the U.S.D.A. Economic Research Service (ERS), as set forth in Appendix A to this subpart.

(a) The following definitions are used in the evaluation of rurality:

(1) Metropolitan statistical area (MSA)—as defined by the Office of Management and Budget (OMB), an MSA includes core counties containing a city of 50,000 or greater population or containing several smaller cities totaling 50,000 or greater population and a total population of at least 100,000. Additional contiguous counties are included in the MSA if they are economically and socially integrated with the core county.

(2) Metropolitan County—defined by OMB, a metropolitan county is part of an MSA and contains a place, or two adjoining places, totaling at least 50,000 in population, and has residents who are economically and socially integrated with a metropolitan core.

(3) Adjacency to Metropolitan area—the proximity of a county to a MSA measured by a shared boundary with a MSA, and having at least 2 percent of employed county residents commuting to MSA's for employment.

(b) If the end user site(s) for the project are located in a non-metropolitan county or counties (ERS Rural—Urban Continuum Scale categories 4–9 as set forth in Appendix A to this subpart) with the following characteristics:

(1) With an ERS category of 9–60 points, the maximum number of points;

(2) With an ERS category of 8–55 points;

(3) With an ERS category of 7–35 points;

(4) With an ERS category of 6–30 points;

(5) With an ERS category of 5–10 points;

(6) With an ERS category of 4–5 points; or

(7) Metropolitan Counties, ERS categories 0–3–0 points.

(c) Applicants having proposed end user sites located in a nonmetropolitan county or counties which are adjacent to a metropolitan area may receive an adjustment of up to 5 additional points, as determined by the Administrator. Applicants must document that the end users are isolated from urban centers by virtue of available mass transportation, highway infrastructure, or geography.

(d) Applicants having proposed user sites located in a metropolitan county or counties (ERS categories 0–3) may receive 10 points if the population density of the county or counties is no greater than 110 percent of the adjoining nonmetropolitan county with the lowest population density.

(e) If all the end user sites in a proposed network or system are located in a single county or in multiple counties which have the same characteristics, a rating will be assigned directly from one of the categories set forth in § 1703.118(b).

(f) If end user sites are located in multiple counties with different characteristics, a weighted average will be calculated using the following methodology:

(1) The total number of end user sites located in rural areas will be determined and be assigned a uniform percentage to be used in a weighted average formula (e.g., with 5 sites, each site would be weighted 20%). A hub will not be counted in a weighted average unless the hub is also utilized as an end user site. For purposes of ranking, if a hub also is utilized as an end user site, the hub will be considered as an end user site.

(2) The counties which contain end user sites will be identified.

(3) Each end user site will be assigned a number of points according to the classification system for the county in which it is located.

(4) The percentage value for each site determined in step 1 will be multiplied by the number of points scored from the site's county classification.

(5) The total points for each end user site, obtained from the calculations in step 4, will be added to reach a final weighted average for the project.

(g) The following example illustrates the provision of paragraph (f) of this section.

Example Calculation. Greenbriar Valley Development Authority has submitted an application for an interactive classroom network which includes a hub in a metropolitan area and 3 end user sites, located in 3 rural counties. The hub is located in a large city and is not utilized as an end user site, so the hub will not be considered part of the network or system.

The first end user site is located in the town of Midway, in Greenbriar County, which has an aggregate urban population of less than 20,000, adjacent to a metropolitan area. Thus, it has a category of 6 on the ERS Rural—Urban Continuum Scale.

The second end user site is in Lewistown, in Lewis County, which has an aggregate urban population of less than 20,000, not adjacent to a metropolitan area. Thus, it has a category of 7 on the ERS Rural—Urban Continuum Scale.

The third end user site is in the town of Rocky Creek, in Fayette County, which has an aggregate urban population of 20,000 or more, but not adjacent to a metropolitan area. Thus, it has a category of 5 on the ERS Rural—Urban Continuum Scale.

Step (1) The total number of end user sites = 3; thus each end user site receives 33% weight in the formula.

Step (2) The counties identified are Greenbriar, Lewis and Fayette.

Step (3) Greenbriar County, ERS Rural—Urban Continuum Scale category 6 = 30 points;

Lewis County, ERS Rural—Urban Continuum Scale category 7 = 35 points;

Fayette County, ERS Rural—Urban Continuum Scale category 5 = 10 points.

Step (4) Midway site—30 points x 33% = 9.9 points

Lewistown site—35 points x 33% = 11.6 points

Rocky Creek site—10 points x 33% = 3.3 points

Step (5) 9.9 + 11.6 + 3.3 = 24.8 total weighted average score

§ 1703.119 Other application ranking criteria.

(a) Proposed projects for telecommunications transmission facilities to be funded under this subpart will be jointly shared by other projects that would enhance the purpose(s) of this subpart—up to 50 points.

(b) Projects that use telecommunications transmission facilities and/or computer networks not financed through grants under this subpart for which the applicant has obtained a certification that the carrier will provide the facilities necessary for the project—up to 25 points.

(1) In determining the number of points an applicant will receive, REA will consider:

(i) Whether 0 percent of the REA grant will be used for the cost of transmission facilities and/or computer networks—25 points, the maximum number of points;

(ii) Whether less than 25 percent of the REA grant will be used for the cost of transmission facilities and/or computer networks—10 points;

(iii) Whether 25 to 40 percent of the REA grant will be used for the cost of transmission facilities and/or computer networks—5 points;

(iv) Whether over 40 percent of the REA grant will be used for the cost of transmission facilities and/or computer networks—0 points.

(2) Notwithstanding the percentage of REA financing requested for transmission facilities and/or computer networks, up to 15 additional points may be awarded for those projects in which it is clearly demonstrated that grant funded costs for transmission facilities will yield a corresponding reduction in capital costs or operating expenses of end user sites and hubs.

(c) Projects that have the greatest probability of long-term success of fulfilling the purpose and policy goals of this subpart—to 20 points.

(d) Regardless of the number of points an application may receive, the Administrator may:

(1) Limit the number of applications selected for projects located in any one state during a fiscal year;

(2) Limit the number of selected applications for an applicant during a fiscal year;

(3) Limit the number of selected applications for a particular project; and

(4) Select an application receiving fewer points than another higher scoring application if there are insufficient funds during a particular funding period to select the higher ranked application; provided, however, the Administrator may ask the applicant of the higher scoring application if it desires to reduce the amount of its application to the amount of funds available if the Administrator determines the project is feasible at the lower amount.

(e) REA reserves the right to use the region or other data it considers most appropriate if "county" data are unavailable for a particular area. In those cases, the Administrator will use data compiled on a basis of the equivalent of a county in the state, such as a parish, or on another basis that most approximates "county" level data.

§ 1703.120—1703.121 [Reserved]

§ 1703.122 Further processing of selected applications.

(a) During the period between the selection of the application and the execution of implementing documents, the applicant must inform the Administrator if the project is no longer viable or the applicant no longer desires a grant for the project. If the applicant so informs the Administrator, the selection will be rescinded and written notice to that effect shall be sent promptly to the applicant.

(b) If an application has been selected and the nature of the project changes, the applicant may be required to submit a new application to the Administrator for consideration depending on the degree of change. A new application will be subject to review in accordance with this subpart. The selection may not be transferred to another project.

(c) If state or local governments raise objections to a proposed project under the intergovernmental review process that are not resolved within 3 months of the Administrator's selection of the application, the Administrator may rescind the selection and written notice to that effect will be sent promptly to the applicant.

(d) After an applicant has submitted such additional information, if any, the Administrator determines is necessary for completing the grant documents, the Administrator will send the documents to the applicant to execute and return to REA.

(1) The grant documents will include a letter of agreement and any other legal documents the Administrator deems appropriate, including suggested forms of certifications and legal opinions.

(2) The letter of agreement will, among other things, constitute the Administrator's approval of funds for the project subject to certain terms and conditions and include at a minimum, a project description, approved purposes of the grant, the maximum amount of the grant, supplemental funds to be provided to the project and certain agreements or commitments the applicant may have proposed in its application.

(e) Until the letter of agreement has been executed and delivered by REA and by the applicant, the Administrator reserves the right to require any changes in the project or legal documents covering the project to protect the integrity of the program and the interests of the United States Government.

(f) If the applicant fails to submit, within 120 calendar days from the date of the Administrator's selection of an application, all of the information that the Administrator determines to be necessary to prepare legal documents and satisfy other requirements of this subpart, the Administrator may rescind the selection of the application and written notice to that effect will be sent promptly to the applicant.

§ 1703.123—1703.125 [Reserved]

§ 1703.126 Disbursement of grant funds.

(a) Prior to the disbursement of funds, the grantee, if it is not a unit of government, will provide evidence of fidelity bond coverage as required by § 3015.17 of this title.

(b) Grant funds will be disbursed to grantees on a reimbursement basis by the following process:

(1) An SF 270, "Request for Advance or Reimbursement," will be completed by the applicant and submitted to REA not more frequently than once a month; and

(2) After receipt of a properly completed SF 270, payment will ordinarily be made within 30 days.

(c) The grantee's share in the cost of the project will be disbursed in advance of grant funds, or if the grantee agrees, on a pro rata distribution basis with grant funds during the disbursement period. Grantee will not be permitted to provide its contribution at the end of the project.

§ 1703.127 Reporting and oversight requirements.

(a) An SF 269, "Financial Status Report," and a project performance activity report will be required of all grantees on a quarterly basis.

(b) A final project performance report will be required with the last SF 269. The final report also must provide an

evaluation of the success of the project in meeting the objectives of the program. The final report may serve as the last quarterly report.

(c) Grantees shall diligently monitor performance to ensure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are being achieved. Grantees are to submit an original and one copy of each report to REA. The project performance reports shall include, but not be limited to, the following:

(1) A comparison of actual accomplishments to the objectives established for that period;

(2) Reasons why established objectives were not met;

(3) A description of any problems, delays, or adverse conditions which have occurred, or are anticipated, and which may affect the attainment of overall project objectives, prevent the meeting of time schedules or objectives, or preclude the attainment of particular project work elements during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation; and

(4) Objectives and timetable established for the next reporting period.

§ 1703.128 Audit requirements.

The grantee will provide an audit report in accordance with part 3015, subpart I, of this title. The audit requirements only apply to the year(s) in which grant funds are received. Audits must be prepared in accordance with generally accepted government auditing standards (GAGAS) using publication, "Standards for Audit of Governmental Organization, Programs, Activities and Functions."

§ 1703.129—1703.134 [Reserved]

§ 1703.135 Grant administration.

(a) The Administrator will review grantees, as necessary, to determine whether funds were expended for approved purposes. The grantee is responsible for ensuring that the project complies with all applicable regulations, and that the grant funds are expended only for approved purposes. The grantee is responsible for ensuring that disbursements and expenditures of funds are properly supported by invoices, contracts, bills of sale, cancelled checks, or other appropriate forms of evidence, and that such supporting material is provided to the Administrator, upon request, and is otherwise made available, at the grantee's premises, for review by the REA representatives, grantee's certified public accountant, the office of Inspector General, U.S. Department of Agriculture, the General Accounting Office and any other officials conducting an audit of the grantee's financial statements or records, and program performance under the grant awarded under this subpart. Grantees will be required to permit REA to inspect and copy any records and documents that pertain to the project.

(b) Grants provided under this program will be administered under, and are subject to parts 3015 and 3016 of this title, as appropriate. Parts 3015 and 3016 of this title subject grantees to a number of requirements which cover, among other things, financial reporting, accounting records, budget controls, record retention and audits, bonding and insurance, cash depositories for grant funds, grant related income, use and disposition of real property and/or equipment purchased with grant funds, procurement standards, allowable costs for grant related activities, and grant close-out procedures.

§ 1703.136 Changes in project objectives or scope.

The grantee will obtain prior approval for any material change to the scope or objectives of the approved project, including changes to the scope of work or budget. Failure to obtain prior approval of changes can result in suspension or termination of grant funds.

§ 1703.137 Grant termination provisions.

(a) *Termination for cause.* The Administrator may terminate any grant in whole, or in part, at any time before the date of completion of grant disbursement, whenever it is determined that the grantee has failed to comply with the conditions of the grant. The Administrator will promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date.

(b) *Termination for convenience.* The Administrator or the grantee may terminate a grant in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with further expenditure of funds. The two parties will agree upon termination conditions, including the effective date, and in the case of partial terminations, the portion to be terminated. The grantee will not incur new obligations for the terminated portion after the effective date, and will cancel as many outstanding obligations as possible. The Administrator will allow full credit to the grantee for the Federal share of the noncancelable obligations, properly incurred by the grantee prior to termination.

§ 1703.138 Environmental information.

(a) *Grants for technical assistance projects.* For a proposal to fund a technical assistance project, the only environmental information normally required is whether or not the proposed project being studied or analyzed will be located within an area protected under the Coastal Barrier Resources Act (16 U.S.C. 3501 *et seq.*). Generally, the use of Federal funds to promote development on coastal barriers is strictly limited by the Coastal Barrier Resources Act.

(b) *Grants for all other projects.* Applications for a grant to fund a project that is not subject to paragraph (a) of this section must be accompanied by the information described in this paragraph. The Administrator will review supporting materials in the application and initiate an environmental review process pursuant to part 1794 of this chapter. This process will focus on any environmental concerns or problems that are associated with the project. The level and scope of the environmental review will be determined in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, (42 U.S.C. 4321 *et seq.*), the Council on Environmental Policy for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500—1508), REA's Environmental Policies and Procedures (part 1794 of this chapter) and other relevant Federal environmental laws, regulations and Executive Orders. Activity related to the project that may adversely affect the environment or limit the choice of reasonable alternatives shall not be undertaken prior to completion of REA's environmental review process.

(1) For a proposed project that only involves internal modifications or equipment additions to buildings or other structures (for example; relocating interior walls or adding computer facilities) and/or external changes or additions to existing buildings, structures or facilities requiring physical disturbance of less than 0.4 hectare (0.99 acre) the environmental information normally required is:

(i) A description of the internal modifications or equipment additions, and the external changes or additions to existing buildings, structures or facilities being proposed, the size of the site in hectares, and the general nature of the proposed use of the facilities once the project is completed, including any

VOL 58 ISS 37 FE 26 1993 UMI

hazardous materials to be used, created or discharged, any substantial amount of air emissions, wastewater discharge, or solid waste that will be generated; and

(ii) Whether the project site contains or is near a property listed or eligible for listing in the National Register of Historic Places (16 U.S.C. 470).

(2) For all other proposed projects that do not meet the requirements in paragraph (a) or (b)(1) of this section, the environmental impact discussion in the application should include:

(i) A diagram showing the general layout of the proposed facilities on the project site;

(ii) The size of the project site in hectares;

(iii) A map (preferably a U.S. Geological Survey map) of the project area indicating the boundaries of the project;

(iv) The presence of floodplains at the project site;

(v) The amount of property to be cleared, excavated, fenced or otherwise disturbed by the project;

(vi) The current land use and zoning of the project site and any vegetation on the project site;

(vii) Buildings or other major structures, including dimensions, to be constructed or modified;

(viii) The presence of wetlands or existing agricultural operations at the project site; properties listed or eligible for listing in the National Register of Historic Places on or near the project site; threatened or endangered species or critical habitat on or near the project site (16 U.S.C. 1531 *et seq.*);

(ix) The general nature of the proposed use of the facilities once the project is completed, including any hazardous materials to be used, created or discharged, any substantial amount of air emissions, wastewater discharge, or solid waste that will be generated (42 U.S.C. 4321 *et seq.*); and

(x) A copy of any environmental review, study, assessment, report or other document that has been prepared in connection with obtaining permits, approvals or other financing for the proposed project from State, local or other Federal bodies. Such material, to the extent relevant, may be used to fulfill the requirements of this section.

(3) REA may request additional environmental information in specific cases to satisfy § 1703.111(j).

§ 1703.139 Telecommunications plan.

A telecommunications plan submitted pursuant to this subpart must include:

(a) A detailed explanation of the proposed rural telecommunications system project to be funded under this subpart, how the project is to be funded, and a description of the intended uses for the grant received from REA under this subpart. This must include a breakdown of the specific uses of the grant funds requested under this subpart and the specific uses and sources of all funds necessary to ensure completion of the project. Project costs should be limited to the amount of funds to be expended over the grant performance period;

(b) An explanation of the manner in which such plan complies with the requirements set forth under this subpart regarding how the proposed project will fulfill the purpose and policies of the Distance Learning and Medical Link Grant Program;

(c) A listing of the proposed purchases or leases of telecommunications terminal equipment, telecommunications transmission facilities, data terminal equipment, interactive video equipment, computer hardware and software systems, and components that process data for transmission via telecommunications, computer network components, communication satellite ground station equipment, or any other elements of the telecommunications system designed to further the purposes of this subpart, that the applicant intends to build or fund under a grant received under this subpart;

(d) An explanation of the special financial or other needs of the affected rural communities and of the applicant for grant assistance under this subpart;

(e) An analysis of the relative costs and benefits of proposals for leasing or purchasing of facilities, equipment, components, hardware and software, or other items; and

(f) A description of the consultations with the appropriate local telephone exchange carrier(s), if appropriate for the project, or with other telecommunications service providers appropriate for the project which include other interexchange carriers, cable television operators, enhanced service providers, providers of satellite services, and telecommunications equipment manufacturers and distributors. The plan must discuss the anticipated role of any these providers in the project. Consultations are considered necessary if the proposed project will rely on these services for project success. The description should contain, at a minimum, identification of the proposed project area, the authorized individuals representing those entities, the date of contact, and the anticipated role of the entity(s) in the proposed project. It must include an explanation of the local telephone exchange carrier or other telecommunications service providers' capabilities relative to the proposed project and whether they will provide any portion of the needed service for the proposed project, whether their short-term plan (1 year) or long-term plan includes capability to provide the service for the proposed project, and whether the telephone exchange carrier(s) or other telecommunications service providers, as appropriate, will charge reasonable rates. If the rates to be charged are considered to be unreasonable, a basis for that determination must be provided. The Administrator will determine whether appropriate service from the telephone exchange carrier(s) or telecommunications service providers, as appropriate, can and will provide the needed service necessary to the project at reasonable rates and within a reasonable timeframe.

§ 1703.140 Expedited telephone loans.

(a) *General.* (1) The Administrator will afford expedited consideration and determination to an application for a loan or a request for advance of funds submitted by a local telephone exchange carrier pursuant to section 2334(h) of the Act (7 U.S.C. 950aaa *et seq.*).

(2) Funds obtained through the expedited procedures established by this section must be used primarily to provide advanced telecommunications services in rural areas using a telecommunications project that the Administrator has approved under this subpart.

(3) Only those elements of a telecommunications project that have not been funded in whole, or in part, with a grant made under this subpart are eligible for expedited consideration or determination under this section.

(b) *Expedited loan applications.* (1) In order to qualify for expedited consideration or determination under paragraph (a)(1) of this section, the loan application must:

(i) Be from a local telephone exchange carrier that will use the requested funds for the purpose set forth in paragraph (a)(2) of this section;

(ii) Be a completed one that complies with the requirements of part 1737, subpart C, of this chapter; and

(iii) Be received concurrently with the related grant application or within 14 days of the date notice of such application is published in the **Federal Register** as set forth in § 1703.115.

(2) Expedited consideration and determination of a qualifying application for a loan under this section means that within 45 days of receipt or 45 days of selection of the related grant

application, whichever occurs later, the Administrator will:

(i) Issue a characteristics letter, as set forth in part 1737, subpart I, of this chapter, to the loan applicant; or

(ii) Inform the loan applicant that its application for a loan has been denied.

(c) *Expedited advances.* (1) In order to qualify for expedited consideration or determination under paragraph (a)(1) of this section, the request for advance of funds must:

(i) Be from a local telephone exchange carrier that will use the funds for the purpose set forth in paragraph (a)(2) of this section;

(ii) Be for all or part of a loan which has received release approval pursuant to part 1737, subpart K, of this chapter; and

(iii) Be in compliance with the requirements of part 1744 of this chapter.

(2) Expedited consideration and determination of a qualifying request for advance of loan funds under this section means that the Administrator will advance funds to the borrower within 45 days of receiving a request which complies with the provision of this section.

Appendix A to Subpart D of Part 1703—ERS Rural-Urban Continuum Scale

ERS Rural-Urban Continuum Scale

Category	
	Metropolitan Counties
0	Central counties of metropolitan areas of 1 million population or more.
1	Fringe counties of metropolitan areas of 1 million population or more.
2	Counties in metropolitan areas of 250 thousand to 1 million population.
3	Counties in metropolitan areas of less than 250 thousand population.
	Nonmetropolitan Counties
4	Aggregate urban population (sum of cities, towns, villages or other incorporated communities of 2,500 or more) of 20,000 or more, adjacent to metropolitan area.
5	Aggregate urban population of 20,000 or more, not adjacent to a metropolitan area.
6	Aggregate urban population of less than 20,000, adjacent to a metropolitan area.
7	Aggregate urban population of less than 20,000, not adjacent to a metropolitan area.
8	Completely rural (no cities, towns, villages or other incorporated areas of 2,500 or greater) adjacent to a metropolitan area.
9	Completely rural, not adjacent to a metropolitan area.

Notes: Metropolitan status is that which was first announced by the Office of Management and Budget in June 1983, when the codes were first applied to results of the 1980 Census. Adjacency was determined by physical boundary adjacency and a finding that at least 2 percent of the employed labor force in the nonmetropolitan county commuted to metropolitan central counties.

Categories prepared in Economic Development Division, Economic Research Service, USDA.

Dated: February 18, 1993.

Charles Resnick,

Acting Under Secretary, Small Community and Rural Development.

[FR Doc 93–4167 Filed 2–25–93; 8:45 am]

BILLING CODE 3410-15-F

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–ASW–39; Amendment 39–8489; AD 93–02–07]

Airworthiness Directives; Bell Helicopter Textron, Inc., Model 412 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Bell Helicopter Textron, Inc., Model 412 helicopters, that currently requires inspection of the vertical fin spar cap assembly every 20 hours time in service until the assembly is replaced with a cold-bonded assembly. This amendment requires inspection of the cold-bonded assembly every 25 hours time in service until it is replaced with a hot-bonded assembly. This amendment is prompted by reports that certain assemblies modified in accordance with AD 85–17–03R1 failed in service. The actions specified by this AD are intended to prevent failure of the vertical fin spar cap, which could cause the assembly to separate and subsequently cause loss of control of the helicopter.

DATES: Effective March 22, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 22, 1993.

Comments for inclusion in the Rules Docket must be received by April 12, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of Assistant Chief Counsel, Attention: Rules Docket No. 92–ASW–39, 4400 Blue Mound Road, Fort Worth, Texas 76106.

The service information referenced in this AD may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 4400 Blue Mound Road, Bldg. 3B, room 158, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Henry, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Certification Office, ASW–170, Fort Worth, Texas 76193–0170, telephone (817) 624–5168, fax (817) 740–3394.

SUPPLEMENTARY INFORMATION: On December 11, 1985, the FAA issued AD 85–17–03R1, Amendment 39–5194 (51 FR 1489, January 14, 1986), to require inspection of the vertical fin spar cap assembly every 20 hours time in service, or after completion of five flight operation days. The requirements of this inspection were eliminated if vertical fin spar modifications were accomplished in accordance with Part II of Bell Helicopter Textron, Inc. (BHTI) Alert Service Bulletin (ASB) 412–85–20, Revision B, dated November 8, 1985; these modifications included a cold-bonding process. That action was prompted by reported cracks in the left-hand vertical fin spar cap assembly, part number (P/N) 212–030–121–005. That condition, if not corrected, could result in loss of the vertical fin and subsequent loss of control of the helicopter.

Since the issuance of that AD, there have been five reported failures of the appropriately modified vertical fin spar cap assemblies. These failures (cracks) resulted from corrosion at the interface of the cold-bonded steel doublers and the aluminum fin spar cap. To further address this condition, BHTI issued ASB 412–92–65, dated August 17, 1992, which cancelled ASB 412–85–20. ASB 412–92–65 provides for repetitive inspections of the spar cap assembly, P/N 212–030–447–001, that contains cold-bonded steel doublers installed by the operator. The ASB also provides for a terminating action, replacing the –001 spar cap assembly with P/N 212–030–447–101, using hot-bonded steel doublers on a new aluminum spar cap supplied by the manufacturer. After review of ASB 412–92–65 and the associated service failures, the FAA has determined that further AD action is necessary to mandate additional inspections and to provide for newly modified assemblies.

Since an unsafe condition has been identified that is likely to exist or develop on other helicopters of this

same type design, this AD supersedes AD 85–17–03R1 to require a repetitive inspection for cracks, corrosion or doubler debonding in the spar cap assembly until replaced with a spar cap assembly, P/N 212–030–447–101. The actions are required to be accomplished in accordance with ASB 412–92–65, that was previously described.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–ASW–39." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–5194 (51 FR 1489, January 14, 1986), and by adding a new airworthiness directive (AD), Amendment 39–8489, to read as follows:

AD 93–02–07 Bell Helicopter Textron, Inc. (BHTI) Amendment 39–8489. Docket Number 92–ASW–39. Supersedes AD 85–17–03R1, Amendment 39–5194, Docket Number 85–ASW–37.

Applicability: BHTI Model 412 helicopters, serial numbers 33001 through 33120 and serial numbers 34001 through 34012, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the vertical fin spar cap assembly, which could result in loss of the vertical fin and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 25 hours time in service after the effective date of this AD, inspect the vertical fin spar cap assembly, P/N 212–030–447–001, in accordance with the Accomplishment Instructions, Part I, of BHTI Alert Service Bulletin (ASB) No. 412–92–65, dated August 17, 1992, and every 25 hours time in service thereafter until it is replaced with a vertical fin spar cap assembly, P/N 212–030–447–101, in accordance with the Accomplishment Instructions, Part II, of the ASB. If any cracks, corrosion or doubler debonding is found, replace the spar cap assembly before further flight with an airworthy part in accordance with the Accomplishment Instructions, Part II, of the ASB.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Rotorcraft Certification Office, ASW–170, 4400 Blue Mound Road, Fort Worth, Texas 76106. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Manager, Rotorcraft Certification Office.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished.

(d) The inspection and replacement of the fin spar cap shall be done in accordance with the Accomplishment Instructions, Parts I and II, of BHTI ASB No. 412–92–65, dated August 17, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101–0482. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, 4400 Blue Mound Road, Bldg. 3B, room 158, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on March 22, 1993.

Issued in Fort Worth, Texas, on January 27, 1993.

James D. Erickson,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 93–4470 Filed 2–25–93; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 92–NM–203–AD; Amendment 39–8502; AD 93–04–01]

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD–11 series airplanes, that requires modification of the flight compartment overhead circuit breaker panel. This amendment is prompted by an operator's report that the number 1 and number 3 display units in the cockpit went blank momentarily on several occasions. The actions specified by this AD are intended to prevent display units from going blank, which could lead to loss of display information that is critical for continued safe flight.

DATES: Effective April 2, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 2, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846–1771, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1–L5B. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Brett E. Portwood, Aerospace Engineer, Los Angeles Aircraft Certification Office, ANM–132L, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806–2425; telephone (310) 988–5347; fax (310) 988–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–11 series airplanes was published in the **Federal Register** on November 20, 1992 (57 FR 54730). That action proposed to require modification of the flight compartment overhead circuit breaker panel.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 61 McDonnell Douglas Model MD–11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 22 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1.5 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. The cost for required parts is expected to be negligible. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,815, or $83 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. app. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

93–04–01 McDonnell Douglas: Amendment 39–8502. Docket 92–NM–203–AD.

Applicability: Model MD–11 series airplanes, as listed in McDonnell Douglas Model MD–11 Alert Service Bulletin A24–51, dated September 11, 1992; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent display units from going blank, which could lead to momentary loss of flight critical display information, accomplish the following:

(a) Within 90 days after the effective date of this AD, modify the flight compartment overhead circuit panel in accordance with McDonnell Douglas Model MD–11 Alert Service Bulletin A24–51, dated September 11, 1992.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with McDonnell Douglas Model MD–11 Alert Service Bulletin A24–51, dated September 11, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846–1771, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1–L5B. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or

at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on April 2, 1993.

Issued in Renton, Washington, on February 19, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–4471 Filed 2–25–93; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 888

[Docket No. N–93–3550; FR–3346–N–02]

Section 8 Housing Assistance Payments Program—Contract Rent Annual Adjustment Factors; Clarification

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of clarification for use of Annual Adjustment Factors.

SUMMARY: This notice clarifies the Department's instructions for using the Section 8 Annual Adjustment Factors (AAFs) that were published in the **Federal Register** on January 13, 1993 (58 FR 4272.)

EFFECTIVE DATE: February 26, 1993.

FOR FURTHER INFORMATION CONTACT: Michael R. Allard, Economic and Market Analysis Division, Office of Policy Development and Research, room 8224, 451 Seventh Street SW., Washington, DC 20410; (202) 708–0577; TDD (202) 708–0770. (Telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: On January 13, 1993 (58 FR 4272), the Department published Annual Adjustment Factors (AAFs) in accordance with 24 CFR 888.202. In general, AAFs are used to adjust the Contract Rents for certain Section 8 program units. The specific application of the AAFs is determined by reference to Housing Assistance Payments contracts and to the appropriate program regulations or requirements.

The AAFs published on January 13 included: Separate AAF schedules for the 73 metropolitan areas with local Consumer Price Index (CPI) surveys; and AAFs for the metropolitan parts (exclusive of the 73 areas with CPI surveys) and the nonmetropolitan parts of the 10 HUD Regions. The January 13 publication also provided tables listing the States in each HUD region and the definitions of the 73 metropolitan areas by their corresponding counties or towns.

The Department has received numerous inquiries concerning which set of the 10 HUD Regional AAFs (metropolitan or nonmetropolitan) are to be used for areas that are not among the 73 CPI areas, and whether the AAF areas are affected by the new metropolitan area definitions released by the Office of Management and Budget (OMB) on December 28, 1992 (OMB Bulletin No. 93–05).

This Notice supplements the January 13 publication of AAFs by providing a listing (alphabetized by state and within states) of metropolitan areas (exclusive of the 73 CPI metropolitan areas) and of nonmetropolitan areas. To determine the appropriate AAF schedule, users should first check to see if the unit is located in one of the 73 CPI areas listed in the January 13 publication. If that is not the case, they should refer to the appropriate state in the list included in this publication and check the metropolitan or nonmetropolitan area listing. The HUD Region Metropolitan or the Nonmetropolitan AAF schedule is to be used, depending on whether the unit is located within a PMSA or MSA or within a nonmetropolitan county.

The list of metropolitan areas in HUD Region I are defined in terms of towns within counties because metropolitan areas in the New England states are not coextensive with whole counties. Puerto Rico and the Virgin Islands use the HUD Region IV AAFs. All areas of Hawaii use the AAF schedule for Hawaii, which is based on the CPI survey for the Honolulu metropolitan area; the Pacific Islands use the HUD Region IX nonmetropolitan AAFs. The Anchorage metropolitan area has its own AAFs based on a local CPI survey; all other areas in Alaska use the HUD Region X nonmetropolitan area AAFs.

Because the AAFs are intended to be used from the November 8 anniversary date, and the survey data for the HUD Regions were collected prior to OMB's change in the metropolitan area definitions, the Department will continue using the definitions that were in effect prior to the December 31, 1992 effective date established by the OMB Bulletin. The new metropolitan area definitions are now being evaluated to determine how they will be used in next year's publication of AAFs.

Dated: February 19, 1993.

Grady J. Norris,

Assistant General Counsel for Regulations.

SCHEDULE C.—CONTRACT RENT ANNUAL ADJUSTMENT FACTORS: AREA DEFINITIONS (EXCLUDING CPI AREAS)

	Counties
Alabama	
PMSA/MSA Metropolitan Areas:	
MSA: Anniston, AL	Calhoun.
MSA: Birmingham, AL	Blount, Jefferson, St Clair, Shelby, Walker.
MSA: Columbus, GA–AL	Russell.
MSA: Decatur, AL	Morgan, Lawrence.
MSA: Dothan, AL	Dale, Houston.
MSA: Florence, AL	Colbert, Lauderdale.
MSA: Gadsden, AL	Etowah.
MSA: Huntsville, AL	Marshall.
MSA: Mobile, AL	Baldwin, Mobile.
MSA: Montgomery, AL	Autauga, Elmore, Montgomery.
MSA: Tuscaloosa, AL	Tuscaloosa.
Nonmetropolitan Areas	Barbour, Bibb, Bullock, Butler, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Escambia, Fayette, Franklin, Geneva, Greene, Hale, Henry, Jackson, Lamar, Lee, Limestone, Lowndes, Macon, Marengo, Marion, Marshall, Monroe, Perry, Pickens, Pike, Randolph, Sumter, Talladega, Tallapoosa, Washington, Wilcox, Winston.
Arizona	
PMSA/MSA Metropolitan Areas:	
MSA: Phoenix, AZ	Maricopa.
MSA: Tucson, AZ	Pima.

SCHEDULE C.—CONTRACT RENT ANNUAL ADJUSTMENT FACTORS: AREA DEFINITIONS (EXCLUDING CPI AREAS)—Continued

MSA: Yuma, AZ	Yuma.
Nonmetropolitan Areas	Apache, Cochise, Coconino, Gila, Graham, Greenlee, Lapaz, Mohave, Navajo, Pinal, Santa Cruz, Yavapai.
Arkansas	
PMSA/MSA Metropolitan Areas:	
MSA: Fayetteville-Springdale, AR	Washington.
MSA: Fort Smith, AR–OK	Crawford, Sebastian.
MSA: Little Rock-North Little Rock, AR	Faulkner, Lonoke, Pulaski, Saline.
MSA: Memphis, TN–AR–MS	Crittenden.
MSA: Pine Bluff, AR	Jefferson.
MSA: Texarkana, TX-Texarkana, AR	Miller.
Nonmetropolitan Areas	Arkansas, Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Chicot, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Cross, Dallas, Desha, Drew, Franklin, Fulton, Garland, Grant, Greene, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Johnson, Lafayette, Lawrence, Lee, Lincoln, Little River, Logan, Madison, Marion, Mississippi, Monroe, Montgomery, Nevada, Newton, Ouachita, Perry, Phillips, Pike, Poinsett, Polk, Pope, Prairie, Randolph, St Francis, Scott, Searcy, Sevier, Sharp, Stone, Union, Van Buren, White, Woodruff, Yell.
California	
PMSA/MSA Metropolitan Areas:	
MSA: Bakersfield, CA	Kern.
MSA: Chico, CA	Butte.
MSA: Fresno, CA	Fresno.
MSA: Merced, CA	Merced.
MSA: Modesto, CA	Stanislaus.
MSA: Redding, CA	Shasta.
MSA: Sacramento, CA	El Dorado, Placer, Sacramento, Yolo.
MSA: Salinas-Seaside-Monterey, CA	Monterey.
MSA: Santa Barbara-Santa Maria-Lompoc, CA	Santa Barbara.
MSA: Stockton, CA	San Joaquin.
MSA: Visalia-Tulare-Porterville, CA	Tulare.
MSA: Yuba City, CA	Sutter, YUBA.
Nonmetropolitan Areas	Alpine, Amador, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Imperial, Inyo, Kings, Lake, Lassen, Madera, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, San Benito, San Luis Obispo, Sierra, Siskiyou, Tehama, Trinity, Tuolumne.
Colorado	
PMSA/MSA Metropolitan Areas:	
MSA: Colorado Springs, CO	El Paso.
MSA: Fort Collins-Loveland, CO	Larimer.
MSA: Greeley, CO	Weld.
MSA: Pueblo, CO	Pueblo.
Nonmetropolitan Areas	Alamosa, Archuleta, Baca, Bent, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Dolores, Eagle, Elbert, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Kiowa, Kit Carson, Lake, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Yuma.
Connecticut	*Towns*
PMSA/MSA Metropolitan Areas:	
PMSA: Briston, CT:	
County:	
Hartford	Briston, Burlington.
Litchfield	Plymouth.
PMSA: Hartford, CT:	
County:	
Hartford	Avon, Bloomfield, Canton, East Granby, East Hartfor, East Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, South Windso, Suffield, West Hartfor, Wethersfield, Windsor, Windsor Lock.
Litchfield	Barkhamsted, New Hartford.
Middlesex	East Haddam.
New London	Colchester.
Tolland	Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Somers, Stafford, Tolland, Vernon, Willington.
PMSA: Middletown, CT: County: Middlesex	Cromwell, Durham, East Hampton, Haddam, Middlefield, Middletown, Portland.
PMSA: New Britain, CT: County: Hartford	Berlin, New Britain, Plainville, Southington.
MSA: New Haven-Meriden, CT:.	
County:	
Middlesex	Clinton, Killingworth.
New Haven	Bethany, Branford, Cheshire, East Haven, Guilford, Hamden, Madison, Meriden, New Haven, North Branfo, North Haven, Orange, Wallingford, West Haven, Woodbridge.
MSA: New London-Norwich, CT–RI:	
County:	
New London	Bozrah, East Lyme, Franklin, Griswold, Groton, Ledyard, Lisbon, Montville, New London, North Stonin, Norwich, Old Lyme, Preston, Salem, Sprague, Stonington, Waterford.
Windham	Canterbury.

SCHEDULE C.—CONTRACT RENT ANNUAL ADJUSTMENT FACTORS: AREA DEFINITIONS (EXCLUDING CPI AREAS)—Continued

MSA: Waterbury, CT:	
County:	
Litchfield	Bethlehem, Thomaston, Watertown, Woodbury.
New Haven	Middlebury, Naugatuck, Prospect, Southbury, Waterbury, Wolcott.
Nonmetropolitan Areas:	
County:	
Hartford	Hartland
Litchfield	Canaan, Colebrook, Cornwall, Goshen, Harwinton, Kent, Litchfield, Morris, Norfolk, North Canaan, Roxbury, Salisbury, Sharon, Torrington, Warren, Washington, Winchester.
Middlesex	Chester, Deep River, Essex, Old Saybrook, Westbrook.
New London	Lebanon, Lyme, Voluntown.
Tolland	Mansfield, Union.
Windham	Ashford, Brooklyn, Chaplin, Eastford, Hampton, Killingly, Plainfield, Pomfret, Putnam, Scotland, Sterling, Thompson, Windham, Woodstock.
Delaware	
	Counties
PMSA/MSA Metropolitan Areas:	
Nonmetropolitan Areas	Kent, Sussex.
Florida	
PMSA/MSA Metropolitan Areas:	
MSA: Bradenton, FL	Manatee.
MSA: Daytona Beach, FL	Volusia.
MSA: Fort Myers-Cape Coral, FL	Lee.
MSA: Fort Pierce, FL	Martin, St. Lucie.
MSA: Fort Walton Beach, FL	Okaloosa.
MSA: Gainesville, FL	Alachua, Bradford.
MSA: Jacksonville, FL	Clay, Duval, Nassau, St Johns
MSA: Lakeland-Winter Haven, FL	Polk.
MSA: Melbourne-Titusville-Palm Bay, FL	Brevard.
MSA: Naples, FL	Collier.
MSA: Ocala, FL	Marion.
MSA: Orlando, FL	Orange, Osceola, Seminole.
MSA: Panama City, FL	Bay.
MSA: Pensacola, FL	Escambia, Santa Rosa.
MSA: Sarasota, FL	Sarasota.
MSA: Tallahassee, FL	Gadsden, Leon.
MSA: Tampa-St. Petersburg-Clearwater, FL	Hernando, Hillsborough, Pasco, Pinellas.
MSA: West Palm Beach-Boca Raton-Delray Beach, FL	Palm Beach.
Nonmetropolitan Areas	Baker, Calhoun, Charlotte, Citrus, Columbia, De Soto, Dixie, Flagler, Franklin, Gilchrist, Glades Gulf, Hamilton, Hardee, Hendry, Highlands, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Levy, Liberty, Madison, Monroe, Okeechobee, Putnam, Sumter, Suwannee, Taylor, Union, Wakulla, Walton, Washington.
Georgia	
PMSA/MSA Metropolitan Areas:	
MSA: Albany, GA	Dougherty, Lee.
MSA: Athens, GA	Clarke, Jackson, Madison, Oconee.
MSA: Augusta, GA–SC	Columbia, McDuffie, Richmond.
MSA: Chattanooga, TN–GA	Catoosa, Dade, Walker.
MSA: Columbus, GA–AL	Chattahoochee, Muscogee.
MSA: Macon-Warner Robins, GA	Bibb, Houston, Jones, Peach.
MSA: Savannah, GA	Chatham, Effingham.
Nonmetropolitan Areas	Appling, Atkinson, Bacon, Baker, Baldwin, Banks, Barton, Ben Hill, Berrien, Bleckley, Brantley, Brooks, Bryan, Bulloch, Burke, Calhoun, Camden, Candler, Carroll, Charlton, Chattooga, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Dawson, Decatur, Dodge, Dooly, Early, Echols, Elbert, Emanuel, Evans, Fannin, Floyd, Franklin, Gilmer, Glascock, Glynn, Gordon, Grady, Greene, Habersham, Hall, Hancock, Haralson, Harris, Hart, Heard, Irwin, Jasper, Jeff Davis, Jefferson, Jenkins, Johnson, Lamar, Lanier, Laurens, Liberty, Lincoln, Long, Lowndes, Lumpkin, McIntosh, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Montgomery, Morgan, Murray, Oglethorpe, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Rabun, Randolph, Schley, Screven, Seminole, Stephens, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Taylor, Telfair, Terrell, Thomas, Tift, Toombs, Towns, Treutlen, Troup, Turner, Twiggs, Union, Upson, Ware, Warren, Washington, Wayne, Webster, Wheeler, White, Whitfield, Wilcox, Wilkes, Wilkinson, Worth.
Idaho	
PMSA/MSA Metropolitan Areas:	
MSA: Boise City, ID	Ada.
Nonmetropolitan areas	Adams, Bannock, Bear Lake, Benewah, Bingham, Blaine, Boise, Bonner, Bonneville, Boundary, Butte, Camas, Canyon, Caribou, Cassia, Clark, Clearwater, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Idaho, Jefferson, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Madison, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Teton, Twin Falls, Valley, Washington.
Illinois	
PMSA/MSA Metropolitan Areas:	
MSA: Bloomington-Normal, IL	McLean.
MSA: Champaign-Urbana-Rantoul, IL	Champaign.
MSA: Davenport-Rock Island-Moline, IA–IL	Henry, Rock Island.

SCHEDULE C.—CONTRACT RENT ANNUAL ADJUSTMENT FACTORS: AREA DEFINITIONS (EXCLUDING CPI AREAS)—Continued

MSA: Decatur, IL	Macon.
MSA: Kankakee IL	Kankakee.
MSA: Peoria, IL	Peoria, Tazewell, Woodford.
MSA: Rockford, IL	Boone, Winnebago.
MSA: Springfield, IL	Menard, Sangamon.
Nonmetropolitan Areas	Adams, Alexander, Bond, Brown, Bureau, Calhoun, Carroll, Cass, Christian, Clark, Clay, Coles, Cranford, Cumberland, De Kalb, De Witt, Douglas, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Hamilton, Hancock, Hardin, Henderson, Iroquois, Jackson, Jasper, Jefferson, Jo Daviess, Johnson, Knox, La Salle, Lawrence, Lee, Livingston, Logan, McDonough, Macoupin, Marion, Marshall, Mason, Massac, Mercer, Montgomery, Morgan, Moultrie, Ogle, Perry, Piatt, Pike, Pope, Pulaski, Putnam, Randolph, Richland, Saline, Schuyler, Scott, Shelby, Stark, Stephenson, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Williamson.
Indiana	
PMSA/MSA Metropolitan Areas:	
MSA: Anderson, IN	Madison.
MSA: Bloomington, IN	Monroe.
MSA: Elkhart-Goshen, IN	Elkhart.
MSA: Evansville, IN–KY	Posey, Vanderburgh, Warrick.
MSA: Fort Wayne, IN	Allen, De Kalb, Whitley.
MSA: Indianapolis, IN	Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, Shelby.
MSA: Kokomo, IN	Howard, Tipton.
MSA: Lafayette-West Lafayette, IN	Tippecanoe.
MSA: Louisville, KY–IN	Clark, Floyd, Harrison.
MSA: Muncie, IN	Delaware.
MSA: South Bend-Mishawaka, IN	St Joseph.
MSA: Terre Haute, IN	Clay, Vigo.
Nonmetropolitan Areas	Adams, Bartholomew, Benton, Blackford, Brown, Carroll, Cass, Clinton, Crawford, Daviess, Decatur, Dubois, Fayette, Fountain, Franklin, Fulton, Gibson, Grant, Greene, Henry, Huntington, Jackson, Jasper, Jay, Jefferson, Jennings, Knox, Kosciusko, Lagrange, La Porte, Lawrence, Marshall, Martin, Miami, Montgomery, Newton, Noble, Ohio, Orange, Owen, Parke, Perry, Pike, Pulaski, Putnam, Randolph, Ripley, Rush, Scott, Spencer, Starke, Steuben, Sullivan, Switzerland, Union, Vermillion, Wabash, Warren, Washington, Wayne, Wells, White.
Iowa	
PMSA/MSA Metropolitan Areas:	
MSA: Cedar Rapids, IA	Linn.
MSA: Davenport-Rock Island-Moline, IA–IL	Scott.
MSA: Des Moines, IA	Dallas, Polk, Warren.
MSA: Dubuque, IA	Dubuque.
MSA: Iowa City, IA	Johnson.
MSA: Omaha, NE–IA	Pottawattamie.
MSA: Sioux City, IA–NE	Woodbury.
MSA: Waterloo-Cedar Falls, IA	Black Hawk, Bremer.
Nonmetropolitan Areas	Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Boone, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Crawford, Davis, Decatur, Delaware, Des Moines, Dickinson, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Jones, Keokuk, Kossuth, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Poweshiek, Ringgold, Sac, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Washington, Wayne, Webster, Winnebago, Winneshiek, Worth, Wright.
Kansas	
PMSA/MSA Metropolitan Areas:	
MSA: Lawrence, KS	Douglas.
MSA: Topeka, KS	Shawnee.
MSA: Wichita, KS	Butler, Sedgwick, Harvey.
Nonmetropolitan Areas	Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Comanche, Cowley, Crawford, Decatur, Dickinson, Doniphan, Edwards, Elk, Ellis, Ellsworth, Finney, Ford, Franklin, Geary, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Haskell, Hodgeman, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Lane, Lincoln, Linn, Logan, Lyon, McPherson, Marion, Marshall, Meade, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pawnee, Phillips, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Riley, Rooks, Rush, Russell, Saline, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wabaunsee, Wallace, Washington, Wichita, Wilson, Woodson.
Kentucky	
PMSA/MSA Metropolitan Areas:	
MSA: Clarksville-Hopkinsville, TN–KY	Christian.
MSA: Evansville, IN–KY	Henderson.
MSA: Huntington-Ashland, WV–KY–OH	Boyd, Carter, Greenup.
MSA: Lexington-Fayette, KY	Bourbon, Clark, Fayette, Jessamine, Scott, Woodford.
MSA: Louisville, KY–IN	Bullitt, Jefferson, Oldham, Shelby.
MSA: Owensboro, KY	Daviess.

SCHEDULE C.—CONTRACT RENT ANNUAL ADJUSTMENT FACTORS: AREA DEFINITIONS (EXCLUDING CPI AREAS)—Continued

Nonmetropolitan Areas	Adair, Allen, Anderson, Ballard, Barren, Bath, Bell, Boyle, Bracken, Breathitt, Breckinridge, Butler, Caldwell, Calloway, Carlisle, Carroll, Casey, Clay, Clinton, Crittenden, Cumberland, Edmonson, Elliott, Estill, Fleming, Floyd, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Hancock, Hardin, Harlan, Harrison, Hart, Henry, Hickman, Hopkins, Jackson, Johnson, Knott, Knox, Larue, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Livingston, Logan, Lyon, McCracken, McCreary, McLean, Madison, Magoffin, Marion, Marshall, Martin, Mason, Meade, Menifee, Mercer, Metcalfe, Monroe, Montgomery, Morgan, Muhlenberg, Nelson, Nicholas, Ohio, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster, Whitley, Wolfe.
Louisiana	
PMSA/MSA Metropolitan Areas:	
MSA: Alexandria, LA	*Parishes*
MSA: Baton Rouge, LA	Rapides.
MSA: Houma-Thibodaux, LA	Ascension, East Baton Rouge, Livingston, West Baton Rouge.
MSA: Lafayette, LA	Lafourche, Terrebonne.
MSA: Lake Charles, LA	Lafayette, St Martin.
MSA: Monroe, LA	Calcasieu.
MSA: New Orleans, LA	Ouachita.
MSA: Shreveport, LA	Jefferson, Orleans, St Bernard, St Charles, St John The, St Tammany.
Nonmetropolitan Areas	Bossier, Caddo.
	Acadia, Allen, Assumption, Avoyelles, Beauregard, Bienville, Caldwell, Cameron, Catahoula, Claiborne, Concordia, De Soto, East Carroll, E Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson Davis, La Salle, Lincoln, Madison, Morehouse, Natchitoches, Plaquemines, Pointe Coupee, Red River, Richland, Sabine, St Helena, St James, St Landry, St Mary, Tangipahoa, Tensas, Union, Vermilion, Vernon, Washington, Webster, West Carroll, W Feliciana, Winn.
Mains	*Towns*
PMSA/MSA Metropolitan Areas:	
MSA: Bangor, ME:	
County:	
Penobscot	Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Old Town, Orono, Orrington, Penobscot In, Veazie.
Waldo	Winterport.
MSA: Lewiston-Auburn, ME:	
County:	
Androscoggin	Auburn, Green, Lewiston, Lisbon, Mechanic Fal, Poland, Sabattus.
MSA: Portland, ME:	
County:	
Cumberland	Cape Elizabe, Cumberland, Falmouth, Freeport, Gorham, Gray, North Yarmou, Portland, Raymond, Scarborough, South Portla, Standish, Westbrook, Windham, Yarmouth.
York	Buxton, Hollis, Old Orchard.
MSA: Portsmouth-Dover-Rochester, NH–ME:	
County:	
York	Berwick, Eliot, Kittery, North Berwic, South Berwic, Wells, York.
Nonmetropolitan Areas:	
County:	
Androscoggin	Durham, Leeds, Livermore, Livermore Fa, Minot, Turner, Wales.
Aroostook.	
Cumberland	Baldwin, Bridgton, Brunswick, Casco, Harpswell, Harrison, Naples, New Gloucest, Pownal, Sebago.
Franklin.	
Hancock.	
Kennebec.	
Knox.	
Lincoln.	
Oxford.	
Penobscot	Alton, Argyle, Bradford, Bradley, Burlington, Carmel, Carroll, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew, East Millino, Edinburg, Enfield, Etna, Exeter, Garland, Grand Falls, Greenbush, Greenfield, Howland, Hudson, Kingman, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell, Mattawamkeag, Maxfield, Medway, Milford, Millinocket, Mount Chase, Newburgh, Newport, North Penobs, Passadumkeag, Patten, Plymouth, Prentiss, Seboeis, Springfield, Stacyville, Stetson, Summit, Twombly, Webster, Whitney, Winn, Woodville,
Piscataquis.	
Sagadahoc.	
Somerset.	
Waldo	Belfast, Belmont, Brooks, Burnham, Frankfort, Freedom, Islesboro, Jackson, Knox, Liberty, Lincolnville, Monroe, Montville, Morrill, Northport, Palermo, Prospect, Searsmont, Searsport, Stockton Spr, Swanville, Thorndike, Troy, Unity, Waldo.
Washington.	
York	Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkpor, Lebanon, Limerick, Limington, Lyman, Newfield, Parsonfield, Saco, Sanford, Shapleigh, Waterboro.
Maryland	*Counties*
PMSA/MSA Metropolitan Areas:	
MSA: Cumberland, MD–WV	Allegany.
MSA: Hagerstown, MD	Washington.
MSA: Columbia, MD	Howard.
Nonmetropolitan Areas	Caroline, Dorchester, Garrett, Kent, St Mary's, Somerset, Talbot, Wicomico, Worcester.

VOL 58 ISS 37 FE 26 1993 UMI

SCHEDULE C.—CONTRACT RENT ANNUAL ADJUSTMENT FACTORS: AREA DEFINITIONS (EXCLUDING CPI AREAS)—Continued

Massachusetts	
PMSA/MSA Metropolitan Areas:	
PMSA: Fall River, MA–RI: County: Bristol	*Towns* Fall River, Somerset, Swansea, Westport.
MSA: Fitchburg-Leominster, MA:	
County:	
Middlesex	Ashby.
Worcester	Ashburnham, Fitchburg, Leominster, Lunenburg, Westminster.
MSA: New Bedford, MA:	
County:	
Bristol	Acushnet, Dartmouth, Fairhaven, Freetown, New Bedford.
Plymouth	Marion, Mattapoisett, Rochester.
PMSA: Pawtucket-Woonsocket-Attleboro, RI–MA:	
County:	
Bristol	Attleboro, North Attleb, Rehoboth, Seekonk.
Norfolk	Plainville.
Worcester	Blackstone, Millville.
MSA: Pittsfield, MA: County: Berkshire	Cheshire, Dalton, Hinsdale, Lanesborough, Lee, Lenox, Pittsfield, Richmond, Stockbridge.
MSA: Springfield, MA:	
County:	
Hampden	Agawam, Chicopee, East Longmea, Hampden, Holyoke, Longmeadow, Ludlow, Monson, Montgomery, Palmer, Russell, Southwick, Springfield, Westfield, West Springf, Wilbraham.
Hampshire	Belchertown, Easthampton, Granby, Huntington, Northampton, Southampton, South Hadley.
MSA: Worcester, MA: County: Worcester	Auburn, Barre, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, East Brookfi, Grafton, Holden, Leicester, Millbury, Northborough, Northbridge, North Brookf, Oxford, Paxton, Princeton, Rutland, Shrewsbury, Spencer, Sterling, Sutton, Uxbridge, Webster, Westborough, West Boylsto, Worcester.
Nonmetropolitan Areas:	
County:	
Barnstable.	
Berkshire	Adams, Alford, Becket, Clarksburg, Egremont, Florida, Great Barrin, Hancock, Monterey, Mount Washin, New Ashford, New Marlboro, North Adams, Otis, Peru, Sandisfield, Savoy, Sheffield, Tyringham, Washington, West Stockbr, Williamstown, Windsor.
Bristol	Berkley, Dighton, Taunton.
Dukes.	
Franklin.	
Hampden	Blandford, Brimfield, Chester, Granville, Holland, Tolland, Wales.
Hampshire	Amherst, Chesterfield, Cummington, Goshen, Hadley, Hatfield, Middlefield, Pelham, Plainfield, Ware, Westhampton, Williamsburg, Worthington.
Nantucket.	
Plymouth	Wareham.
Worcester	Athol, Gardner, Hardwick, Hubbardston, New Braintre, Oakham, Petersham, Phillipston, Royalston, Southbridge, Sturbridge, Templeton, Warren, West Brookfi, Winchendon.
Michigan	
PMSA/MSA Metropolitan Areas:	*Counties*
MSA: Battle Creek, MI	Calhoun.
MSA: Benton Harbor, MI	Berrien.
MSA: Flint, MI	Genesee.
MSA: Grand Rapids, MI	Kent, Ottawa.
MSA: Jackson, MI	Jackson.
MSA: Kalamazoo, MI	Kalamazoo.
MSA: Lansing-East Lansing, MI	Clinton, Eaton, Ingham.
MSA: Muskegon, MI	Muskegon.
MSA: Saginaw-Bay City-Midland, MI	Bay, Midland, Saginaw.
Nonmetropolitan Areas	Alcona, Alger, Allegan, Alpena, Antrim, Arenac, Baraga, Barry, Benzie, Branch, Cass, Charlevoix, Cheboygan, Chippewa, Clare, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand Traverse, Gratiot, Hillsdale, Houghton, Huron, Ionia, Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Leelanau, Lenawee, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta, Menominee, Missaukee, Montcalm, Montmorency, Newaygo, Oceana, Ogemaw, Ontonegon, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, St Joseph, Sanilac, Schoolcraft, Shi[illegible], Tuscola, Van Buren, Wexford.
Minnesota	
PMSA/MSA Metropolitan Areas:	
MSA: Duluth, MN–WI	St Louis.
MSA: Fargo-Moorhead, ND–MN	Clay.
MSA: Rochester, MN	Olmsted.
MSA: St. Cloud, MN	Benton, Sherburne, Stearns.
Nonmetropolitan Areas	Aitkin, Becker, Beltrami, Big Stone, Blue Earth, Brown, Carlton, Cass, Chippewa, Clearwater, Cook, Cottonwood, Crow Wing, Dodge, Douglas, Faribault, Fillmore, Freeborn, Goodhue, Grant, Houston, Hubbard, Itasca, Jackson, Kanabec, Kandiyohi, Kittson, Koochiching, Lac Qui Parle, Lake, Lake of the Woods, Le Sueur, Lincoln, Lyon, Mcleod, Mahnomen, Marshall, Martin, Meeker, Mille Lacs, Morrison, Mower, Murray, Nicollet, Nobles, Norman, Otter Tail, Pennington, Pine, Pipestone, Polk, Pope, Red Lake, Redwood, Renville, Rice, Rock, Roseau, Sibley, Steele, Stevens, Swift, Todd, Traverse, Wabasha, Wadena, Waseca, Watonwan, Wilkin, Winona, Yellow Medicine.
Mississippi	
PMSA/MSA Metropolitan Areas:	
MSA: Biloxi-Gulfport, MS	Hancock, Harrison.

SCHEDULE C.—CONTRACT RENT ANNUAL ADJUSTMENT FACTORS: AREA DEFINITIONS (EXCLUDING CPI AREAS)—Continued

MSA: Jackson, MS	Hinds, Madison, Rankin.
MSA: Memphis, TN–AR–MS	De Soto.
MSA: Pascagoula, MS	Jackson.
Nonmetropolitan Areas	Adams, Alcorn, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, Forrest, Franklin, George, Greene, Grenada, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, Leflore, Lincoln, Lowndes, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Scott, Sharkey, Simpson, Smith, Stone, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.
Missouri	
PMSA/MSA Metropolitan Areas:	
MSA: Columbia, MO	Boone.
MSA: Joplin, MO	Jasper, Newton.
MSA: St. Joseph, MO	Buchanen.
MSA: Springfield, MO	Christian, Greene.
Nonmetropolitan Areas	Adair, Andrew, Atchison, Audrain, Barry, Barton, Bates, Benton, Bollinger, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Charlton, Clark, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, De Kalb, Dent, Douglas, Dunklin, Gasconade, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Iron, Johnson, Knox, Laclede, Lawrence, Lewis, Lincoln, Linn, Livingston, McDonald, Macon, Madison, Maries, Marion, Mercer, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Nodaway, Oregon, Osage, Ozark, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St Clair, STE. Genevieve, St Francois, Saline, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.
Montana	
PMSA/MSA Metropolitan Areas:	
MSA: Billings, MT	Yellowstone.
MSA: Great Falls, MT	Cascade.
Nonmetropolitan Areas	Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Chouteau, Custer, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, YL–St–NT–PK.
Nebraska:	
PMSA/MSA Metropolitan Areas:	
MSA: Lincoln, NE	Lancaster
MSA: Omaha, NE–IA	Douglas, Sarpy, Washington.
MSA: Sioux City, IA–NE	Dakota.
Nonmetropolitan Areas	Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Boyd, Brown, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dawes, Dawson, Deuel, Dixon, Dodge, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Holt, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Keya Paha, Kimball, Knox, Lincoln, Logan, Loup, McPherson, Madison, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Rock, Saline, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Wayne, Webster, Wheeler, York.
Nevada	
PMSA/MSA Metropolitan Areas:	
MSA: Las Vegas, NV	Clark.
MSA: Reno, NV	Washoe.
Nonmetropolitan Areas	Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon Mineral, Nye, Pershing, Storey, White Pine, Carson City.
New Hampshire	
	Towns
PMSA/MSA Metropolitan Areas:	
MSA: Manchester, NH:	
County:	
Hillsborough	Bedford, Goffstown, Manchester.
Merrimack	Allenstown, Hooksett.
Rockingham	Auburn, Candia.
MSA: Portsmouth-Dover-Rochester, NH–ME:	
County:	
Rockingham	Exeter, Greenland, Hampton, New Castle, Newfields, Newington, Newmarket, North Hampto, Portsmouth, Rye, Stratham.
Strafford	Barrington, Dover, Durham, Farmington, Lee, Madbury, Milton, Rochester, Rollinsford, Somersworth.
Nonmetropolitan Areas:	
County:	
Belknap.	
Carroll.	
Cheshire	

VOL 58 ISS 37 FE 26 1993 UMI

SCHEDULE C.—CONTRACT RENT ANNUAL ADJUSTMENT FACTORS: AREA DEFINITIONS (EXCLUDING CPI AREAS)—Continued

Coos.	
Grafton.	
Hillsborough	Antrim, Bennington, Deering, Francestown, Greenfield, Greenville, Hancock, Hillsborough, Lyndeborough, Mason, New Boston, New Ipswich, Petersborough, Sharon, Temple, Weare, Windsor.
Merrimack	Andover, Boscawen, Bow, Bradford, Canterbury, Chichester, Concord, Danbury, Dunbarton, Epsom, Franklin, Henniker, Hill, Hopkinton, Loudon, Newbury, New London, Northfield, Pembroke, Pittsfield, Salisbury, Sutton, Warner, Webster, Wilmot.
Rockingham	Chester, Deerfield, Epping, Fremont, Hampton Fall, Kensington, Northwood, Nottingham, Raymond, South Hampto.
Strafford	Middleton, New Durham, Strafford.
Sullivan.	
New Jersey	
PMSA/MSA Metropolitan Areas:	*Counties*
MSA: Allentown-Bethlehem, PA–NJ	Warren
MSA: Atlantic City, NJ	Atlantic, Cape May
New Mexico	
PMSA/MSA Metropolitan Areas:	
MSA: Albuquerque, NM	Bernalillo
MSA: Las Cruces, NM	Dona Ana
MSA: Sante Fe, NM	Los Alamos, Sante Fe
Nonmetropolitan Areas	Catron, Chaves, Cibola, Colfax, Curry, De Baca, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Luna, McKinley, Mora, Otero, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Sierra, Socorro, Taos, Torrance, Union, Valencia.
New York	
PMSA/MSA Metropolitan Areas:	
MSA: Albany-Schenectady-Troy, NY	Albany, Greene, Montgomery, Rensselaer, Saratoga, Schenectady.
MSA: Binghamton, NY	Broome, Tioga.
MSA: Elmira, NY	Chemung.
MSA: Glens Falls, NY	Warren, Washington.
MSA: Jamestown-Dunkirk, NY	Chautauqua.
MSA: Poughkeepsie, NY	Dutchess.
MSA: Rochester, NY	Livingston, Monroe, Ontario, Orleans, Wayne.
MSA: Syracuse, NY	Madison, Onondaga, Oswego.
MSA: Utica-Rome, NY	Herkimer, Oneida.
Nonmetropolitan Areas	Allegany, Cattaraugus, Cayuga, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Hamilton, Jefferson, Lewis, Otsego, St Lawrence, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tompkins, Ulster, Wyoming, Yates.
North Caroline	
PMSA/MSA Metropolitan Areas:	
MSA: Asheville, NC	Buncombe.
MSA: Burlington, NC	Alamance.
MSA: Charlotte-Gastonia-Rock Hill, NC–SC	Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union.
MSA: Fayetteville, NC	Cumberland.
MSA: Greensboro—Winston-Salem—High Point, NC	Davidson, Davie, Forsyth, Guilford, Randolph, Stokes, Yadkin.
MSA: Hickory, NC	Alexander, Burke, Catawba.
MSA: Jacksonville, NC	Onslow.
MSA: Raleigh-Durham, NC	Durham, Franklin, Orange, Wake.
MSA: Wilmington, NC	New Hanover.
Nonmetropolitan Areas	Alleghany, Anson, Ashe, Avery, Beaufort, Bertie, Bladen, Brunswick, Caldwell, Camden, Carteret, Caswell, Chatham, Cherokee, Chowan, Clay, Cleveland, Columbus, Craven, Currituck, Dare, Duplin, Edgecombe, Gates, Graham, Granville, Greene, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Hyde, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, McDowell, Macon, Madison, Martin, Mitchell, Montgomery, Moore, Nash, Northampton, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Richmond, Robeson, Rockingham, Rutherford, Sampson, Scotland, Stanly, Surry, Swain, Transylvania, Tyrrell, Vance, Warren, Washington, Watauga, Wayne, Wilkes, Wilson, Yancey.
North Dakota	
PMSA/MSA Metropolitan Areas:	
MSA: Bismarck, ND	Burleigh, Morton.
MSA: Fargo-Moorehead, ND–MN	Cass.
MSA: Grand Forks, ND	Grand Forks.
Nonmetropolitan Areas	Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cavalier, Dickey, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grant, Griggs, Hettinger, Kidder, La Moure, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ramson, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, Williams.
Ohio	
PMSA/MSA Metropolitan Areas	
MSA: Canton, OH	Carroll, Stark.
MSA: Columbus, OH	Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, Union.
MSA: Dayton-Springfield, OH	Clark, Greene, Miami, Montgomery.

SCHEDULE C.—CONTRACT RENT ANNUAL ADJUSTMENT FACTORS: AREA DEFINITIONS (EXCLUDING CPI AREAS)—Continued

MSA: Huntington-Ashland, WV–KY–OH	Lawrence.
MSA: Lima, OH	Allen, Auglaize.
MSA: Mansfield, OH	Richland.
MSA: Parkersburg-Marietta, WV–OH	Washington.
MSA: Steubenville-Weirton, OH–WV	Jefferson.
MSA: Toledo, OH	Fulton, Lucas, Wood.
MSA: Wheeling, WV–OH	Belmont.
MSA: Youngstown-Warren, OH	Mahoning, Trumbull.
Nonmetropolitan Areas	Adams, Ashland, Ashtabula, Athens, Brown, Champaign, Clinton, Columbiana, Coshocton, Crawford, Darke, Defiance, Erie, Fayette, Gallia, Guernsey, Hancock, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Knox, Logan, Marion, Meigs, Mercer, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pike, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Tuscarawas, Van Wert, Vinton, Wayne, Williams, Wyandot.
Oklahoma	
PMSA/MSA Metropolitan Areas:	
MSA: Enid, OK	Garfield.
MSA: Fort Smith, AR–OK	Sequoyah.
MSA: Lawton, OK	Comanche.
MSA: Oklahoma City, OK	Canadian, Cleveland, Logan, McClain, Oklahoma, Pottawatomie.
MSA: Tulsa, OK	Creek, Osage, Rogers, Tulsa, Wagoner.
Nonmetropolitan Areas	Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Carter, Cherokee, Choctaw, Cimarron, Coal, Cotton, Craig, Custer, Delaware, Dewey, Ellis, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Love, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Okmulgee, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pushmataha, Roger Mills, Seminole, Stephens, Texas, Tillman, Washington, Washita, Woods, Woodward.
Oregon	
PMSA/MSA Metropolitan Areas:	
MSA: Eugene-Springfield, OR	Lane.
MSA: Medford, OR	Jackson.
MSA: Salem, OR	Marion, Polk.
Nonmetropolitan Areas	Baker, Benton, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jefferson, Josephine, Klamath, Lake, Lincoln, Linn, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Wheeler.
Pennsylvania	
PMSA/MSA Metropolitan Areas:	
MSA: Allentown-Bethlehem, PA–NJ	Carbon, Lehigh, Northampton.
MSA: Altoona, PA	Blair.
MSA: Erie, PA	Erie.
MSA: Harrisburg-Lebanon-Carlisle, PA	Cumberland, Dauphin, Lebanon, Perry.
MSA: Johnstown, PA	Cambria, Somerset.
MSA: Lancaster, PA	Lancaster.
MSA: Reading, PA	Berks.
MSA: Scranton—Wilkes-Barre, PA	Columbia, Lackawanna, Luzerne, Monroe, Wyoming.
MSA: Sharon, PA	Mercer.
MSA: State College, PA	Centre.
MSA: Williamsport, PA	Lycoming.
MSA: York, PA	Adams, York.
Nonmetropolitan Areas	Armstrong, Bedford, Bradford, Butler, Cameron, Clarion, Clearfield, Clinton, Crawford, Elk, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, McKean, Mifflin, Montour, Northumberland, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne.
Rhode Island	
	Towns
PMSA/MSA Metropolitan Areas:	
PMSA: Fall River, MA–RI: County: Newport	Little Compt, Tiverton.
MSA: New London-Norwich, CT–RI: County: Washington	Hopkinton, Westerly.
PMSA: Pawtucket-Woonsocket-Attleboro, RI–MA: County: Providence.	Burrillville, Central Fall, Cumberland, Lincoln, North Smithf, Pawtucket, Smithfield, Woonsocket.
PMSA: Providence, RI:	
County:	
Bristol	Barrington, Bristol, Warren.
Kent	Coventry, East Greenwi, Warwick, West Warwick.
Newport	Jamestown.
Providence	Cranston, East Provide, Foster, Glocester, Johnston, North Provid, Providence, Scituate.
Washington	Exeter, Narragansett, North Kingst, Richmond, South Kingst.
Nonmetropolitan Areas:	
Kent	West Greenwi.
Newport	Middletown, Newport, Portsmouth.
Washington	Charlestown, New Shoreham.
South Carolina	
	Counties
PMSA/MSA Metropolitan Areas:	
MSA: Anderson, SC	Anderson.
MSA: Augusta, GA–SC	Aiken.
MSA: Charleston, SC	Berkeley, Charleston, Dorchester.

VOL 58 ISS 37 FE 26 1993 UMI

SCHEDULE C.—CONTRACT RENT ANNUAL ADJUSTMENT FACTORS: AREA DEFINITIONS (EXCLUDING CPI AREAS)—Continued

MSA: Charlotte-Castonia-Rock Hill, NC–SC	York.
MSA: Columbia, SC	Lexington, Richland.
MSA: Florence, SC	Florence.
MSA: Greenville-Spartanburg, SC	Greenville, Pickens, Spartanburg.
Nonmetropolitan Areas	Abbeville, Allendale, Bamberg, Barnwell, Beaufort, Calhoun, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Edgefield, Fairfield, Georgetown, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, McCormick, Marion, Marlboro, Newberry, Oconee, Orangeburg, Saluda, Sumter, Union, Williamsburg.
South Dakota	
PMSA/MSA Metropolitan Areas:	
MSA: Rapid City, SD	Pennington.
MSA: Sioux Falls, SD	Minnehaha.
Nonmetropolitan Areas	Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Moody, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Sully, Todd, Tripp, Turner, Union, Walworth, Yankton, Ziebach.
Tennessee	
PMSA/MSA Metropolitan Areas:	
MSA: Chattanooga, TN–GA	Hamilton, Marion, Sequatchie.
MSA: Clarksville-Hopkinsville, TN–KY	Montgomery.
MSA: Jackson, TN	Madison.
MSA: Johnson City-Kingsport-Bristol, TN–VA	Carter, Hawkins, Sullivan, Unicoi, Washington.
MSA: Knoxville, TN	Anderson, Blount, Grainger, Jefferson, Knox, Sevier, Union.
MSA: Memphis, TN–AR–MS	Shelby, Tipton.
MSA: Nashville, TN	Cheatham, Davidson, Dickson, Robertson, Rutherford, Sumner, Williamson, Wilson.
Nonmetropolitan Areas	Bedford, Benton, Bledsoe, Bradley, Campbell, Cannon, Carroll, Chester, Claiborne, Clay, Cocke, Coffee, Crockett, Cumberland, Decatur, De Kalb, Dyer, Fayette, Fentress, Franklin, Gibson, Giles, Greene, Grundy, Hamblen, Hancock, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Johnson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, Loudon, McMinn, McNairy, Macon, Marshall, Maury, Meigs, Monroe, Moore, Morgan, Obion, Overton, Perry, Pickett, Polk, Putnam, Rhea, Roane, Scott, Smith, Stewart, Trousdale, Van Buren, Warren, Wayne, Weakley, White.
Texas	
PMSA/MSA Metropolitan Areas:	
MSA: Abilene, TX	Taylor.
MSA: Amarillo, TX	Potter, Randall.
MSA: Austin, TX	Hays, Travis, Williamson.
MSA: Beaumont-Port Arthur, TX	Hardin, Jefferson, Orange.
MSA: Brownsville-Harlingen, TX	Cameron.
MSA: Bryan-College Station, TX	Brazos.
MSA: Corpus Christi, TX	Nueces, San Patricio.
MSA: El Paso, TX	El Paso.
MSA: Killeen-Temple, TX	Bell, Coryell.
MSA: Laredo, TX	Webb.
MSA: Longview-Marshall, TX	Gregg, Harrison.
MSA: Lubbock, TX	Lubbock.
MSA: Mc Allen-Edinburg-Mission, TX	Hidalgo
MSA: Midland, TX	Midland.
MSA: Odessa, TX	Ector.
MSA: San Angelo, TX	Tom Green.
MSA: San Antonio, TX	Bexar, Comal, Guadalupe.
MSA: Sherman-Denison, TX	Grayson.
MSA: Texarkana, TX-Texarkana, AR	Bowie.
MSA: Tyler, TX	Smith.
MSA: Victoria, TX	Victoria.
MSA: Waco, TX	McLennan.
MSA: Wichita Falls, TX	Wichita.

SCHEDULE C.—CONTRACT RENT ANNUAL ADJUSTMENT FACTORS: AREA DEFINITIONS (EXCLUDING CPI AREAS)—Continued

Nonmetropolitan Areas	Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Blanco, Borden, Bosque, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Colorado, Comanche, Concho, Cooke, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Delta, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Edwards, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Franklin, Freestone, Frio, Gaines, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grimes, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Limestone, Lipscomb, Live Oak, Llano, Loving, Lynn, McCulloch, McMullen, Madison, Marion, Martin, Mason, Matagorda, Maverick, Medina, Menard, Milam, Mills, Mitchell, Montague, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parmer, Pecos, Polk, Presidio, Rains, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Terrell, Terry, Throckmorton, Titus, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Walker, Ward, Washington, Wharton, Wheeler, Wilbarger, Willacy, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, Zavala.
Utah	
PMSA/MSA Metropolitan Areas:	
MSA: Provo-Orem, UT	Utah.
MSA: Salt Lake City-Ogden, UT	Davis, Salt Lake, Weber.
Nonmetropolitan Areas	Beaver, Box Elder, Cache, Carbon, Daggett, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah Wasatch, Washington, Wayne.
Vermont	*Towns*
PMSA/MSA Metropolitan Areas:	
MSA: Burlington, VT:	
County:	
Chittenden	Burlington, Charlotte, Colchester, Essex, Hinesburg, Jericho, Milton, Richmond, St George, Shelburne, South Burlin, Williston, Winooski.
Franklin	Georgia.
Grand Isle	Grande Isle, South Hero.
Nonmetropolitan Areas:	
County:	
Addison.	
Bennington.	
Caledonia.	
Chittenden	Bolton, Buels, Huntington, Underhill, Westford.
Essex.	
Franklin	Bakersfield, Berkshire, Enosburg, Fairfax, Fairfield, Fletcher, Franklin, Highgate, Montgomery, Richford, St. Albans, St. Albans, Sheldon, Swanton.
Grand Isle	Alburg, Isle La Motte, North Hero.
Lamoille.	
Orange.	
Orleans.	
Rutland.	
Washington.	
Windham.	
Windsor.	
Virginia	*Counties*
PMSA/MSA Metropolitan Areas:	
MSA: Charlottesville, VA	Albemarle, Fluvanna, Greene, Charlottesville.
MSA: Danville, VA	Pittsylvania, Danville.
MSA: Johnson City-Kingsport-Bristol, TN–VA	Scott, Washington, Bristol.
MSA: Lynchburg, VA	Amherst, Campbell, Lynchburg.
MSA: Norfolk-Virginia Beach-Newport News, VA	Gloucester, James City, York, Chesapeake, Hampton, Newport News City, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, Williamsburg City.
MSA: Richmond-Petersburg, VA	Charles City, Chesterfield, Dinwiddie, Goochland, Hanover, Henrico, New Kent, Powhatan, Prince George, Colonial Heights, Hopewell, Petersburg, Richmond.
MSA: Roanoke, VA	Botetourt, Roanoke, Roanoke, Salem.
Nonmetropolitan Areas	Accomack, Alleghany, Amelia, Appomattox, Augusta, Bath, Bedford, Bland, Brunswick, Buchanan, Buckingham, Caroline, Carroll, Charlotte, Clarke, Craig, Culpeper, Cumberland, Dickenson, Essex, Fauquier, Floyd, Franklin, Frederick, Giles, Grayson, Greensville, Halifax, Henry, Highland, Isle of Wight, King and Queen, King George, King William, Lancaster, Lee, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Montgomery, Nelson, Northampton, Northumberland, Nottoway, Orange, Page, Patrick, Prince Edward, Pulaski, Rappahannock, Richmond, Rockbridge, Rockingham, Russell, Shenandoah, Smyth, Southampton, Spotsylvania, Surry, Sussex, Tazewell, Warren, Westmoreland, Wise, Wythe, Bedford, Buena Vista, Clifton Forge City, Covington, Emporia, Franklin, Fredericksburg, Galax, Harrisonburg City, Lexington, Martinsville City, Norton, Radford, South Boston City, Staunton, Waynesboro, Winchester.
Washington	
PMSA/MSA Metropolitan Areas:	
MSA: Bellingham, WA	Whatcom.

SCHEDULE C.—CONTRACT RENT ANNUAL ADJUSTMENT FACTORS: AREA DEFINITIONS (EXCLUDING CPI AREAS)—Continued

MSA: Bremerton, WA	Kitsap.
MSA: Olympia, WA	Thurston.
MSA: Richland-Kennewick-Pasco, WA	Benton, Franklin.
MSA: Spokane, WA	Spokane.
MSA: Yakima, WA	Yakima.
Nonmetropolitan Areas	Adams, Asotin, Chelan, Clallam, Columbia, Cowlitz, Douglas, Ferry, Garfield, Grant, Grays Harbor, Island, Jefferson Kittitas, Klickitat, Lewis, Lincoln, Mason, Okanogan, Pacific, Pend Oreille, San Juan, Skagit, Skamania, Stevens, Wahkiakum, Walla Walla, Whitman.
West Virginia	
PMSA/MSA Metropolitan Areas:	
MSA: Charleston, WV	Kanawha, Putnam.
MSA: Cumberland, MD–WV	Mineral.
MSA: Huntington-Ashland, WV–KY–OH	Cabell, Wayne.
MSA: Parkersburg-Marietta, WV–OH	Wood.
MSA: Steubenville-Weirton, OH–WV	Brooke, Hancock.
MSA: Wheeling, WV–OH	Marshall, Ohio.
Nonmetropolitan Areas	Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Harrison, Jackson, Jefferson, Lewis, Lincoln, Logan, McDowell, Marion, Mason, Mercer, Mingo, Monongalia, Monroe, Morgan, Nicholas, Pendleton, Pleasants, Pocahontas, Preston, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Webster, Wetzel, Wirt, Wyoming.
Wisconsin	
PMSA/MSA Metropolitan Areas:	
MSA: Appleton-Oshkosh-Neenah, WI	Calumet, Outagamie, Winnebago.
MSA: Duluth, MN–WI	Douglas.
MSA: Eau Claire, WI	Chippewa, Eau Claire.
MSA: Green Bay, WI	Brown.
MSA: Janesville-Beloit, WI	Rock.
MSA: La Crosse, WI.	La Crosse.
MSA: Madison, WI	Dane.
MSA: Sheboygan, WI	Sheboygan.
MSA: Wausau, WI	Marathon.
Nonmetropolitan Areas	Adams, Ashland, Barron, Bayfield, Buffalo, Burnett, Clark, Columbia, Crawford, Dodge, Door, Dunn, Florence, Fond du Lac, Forest, Grant, Green, Green Lake, Iowa, Iron, Jackson, Jefferson, Juneau, Kewaunee, Lafayette, Langlade, Lincoln, Manitowoc, Marinette, Marquette, Menominee, Monroe, Oconto, Oneida, Pepin, Pierce, Polk, Portage, Price, Richland, Rusk, Sauk, Sawyer, Shawano, Taylor, Trempealeau, Vernon, Vilas, Walworth, Washburn, Waupaca, Waushara, Wood.
Wyoming	
PMSA/MSA Metropolitan Areas:	
MSA: Casper, WY	Natrona.
MSA: Cheyenne, WY	Laramie.
Nonmetropolitan Areas	Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Lincoln, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

[FR Doc. 93–4467 Filed 2–25–93; 8:45 am]

BILLING CODE 4210–32–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8477]

RIN 1545–AO01

Casualty and theft losses and loss reimbursements

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final and temporary regulations.

SUMMARY: This document contains final and temporary regulations relating to the limitations on passive activity losses and credits under section 469. The final regulations affect taxpayers subject to these limitations. They provide guidance by specifying certain casualty and theft losses and loss reimbursements to which the limitations do not apply.

EFFECTIVE DATE: The final regulations are effective for tax years ending after May 10, 1992.

FOR FURTHER INFORMATION CONTACT: Martin Schaffer, (202) 622–3080 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document finalizes § 1.469–2T(c)(7)(vi) and (d)(2)(xi). See T.D. 8290, 55 FR 6980 (February 28, 1990).

No written comments and no requests for a public hearing were received in response to the cross reference notice of proposed rulemaking, PS–065–89, 55 FR 7006 (February 28, 1990).

Explanation of Provisions

The preamble to the temporary regulations explains the final regulations. Notice 90–21, 1990–1 C.B. 332, provides further guidance.

This document amends the temporary regulations to provide cross references to the final regulations.

Special Analyses

These rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. Further, section 553 (b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these rules. Therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the temporary regulations and the cross-reference notice of proposed rulemaking were submitted to the Chief Counsel for

Advocacy of the Small Business Administration for comment on their impact on small businesses.

Drafting Information

The principal author of these regulations is Martin Schaffer of the Office of Assistant Chief Counsel (Passthroughs & Special Industries), Internal Revenue Service. However, other persons from the Internal Revenue Service and the Treasury Department participated in the development of these regulations.

List of Subjects in 26 CFR 1.461–1 through 1.469–11

Accounting, Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805. * * *

Par. 2. In § 1.469–0, the entries for designated sections 1.469–2(c)(6)(iv) Example 3 through (d)(2)(xii) are revised to read as follows:

§ 1.469–0 Table of contents.

* * * * *

§ 1.469–2 Passive activity loss.

* * * * *

(c)(6)(iv) Example 3 through (c)(7)(iii) [Reserved].

(c)(7)(iv) through (vi) (no paragraph headings).

(d)(1) through (d)(2)(viii) [Reserved].

(d)(2)(ix) through (d)(2)(xii) (no paragraph headings).

* * * * *

Par. 3. Section 1.469–2 is amended as follows:

1. The paragraph designation "(c)(6)(iv) *Example 3* through (c)(7)(vi) [Reserved]" is revised.

2. New paragraphs (c)(7) (iv) through (vi) are added.

3. Paragraph (d)(2)(ix) is revised.

4. New paragraphs (d)(2)(x) and (xi) are added.

5. The revised and added provisions read as follows:

§ 1.469–2 Passive activity loss.

* * * * *

(c) * * *

(c)(6)(iv) *Example 3* through (c)(7)(iii) [Reserved]

(c)(7)(iv) Gross income of an individual from a covenant by such individual not to compete;

(v) Gross income that is treated as not from a passive activity under any provision of the regulations under section 469, including but not limited to § 1.469–1T(h)(6) (relating to income from intercompany transactions of members of an affiliated group of corporations filing a consolidated return) and § 1.469–2T(f) and paragraph (f) of this section (relating to recharacterized passive income);

(vi) Gross income attributable to the reimbursement of a loss from fire, storm, shipwreck, or other casualty, or from theft (as such terms are used in section 165(c)(3)) if—

(A) The reimbursement is included in gross income under § 1.165–1(d)(2)(iii) (relating to reimbursements of losses that the taxpayer deducted in a prior taxable year); and

(B) The deduction for the loss was not a passive activity deduction; and

* * * * *

(d) * * *

(2) * * *

(ix) An item of loss or deduction that is carried to the taxable year under section 172(a), section 613A(d), section 1212(a)(1) (in the case of corporations), or section 1212(b) (in the case of taxpayers other than corporations);

(x) An item of loss or deduction that would have been allowed for a taxable year beginning before January 1, 1987, but for section 704(d), 1366, or 465;

(xi) A deduction for a loss from fire, storm, shipwreck, or other casualty, or from theft (as such terms are used in section 167(c)(3)) if losses that are similar in cause and severity do not recur regularly in the conduct of the activity; and

* * * * *

Par. 4. Section 1.469–2T is amended as follows:

1. Paragraphs (c)(7) (iv) through (vi) are revised.

2. Paragraphs (d)(2) (x) and (xi) are revised.

3. New paragraph (d)(2)(xii) is added.

4. The revised and added provisions read as follows:

§ 1.469–2T Passive activity loss.

* * * * *

(c) * * *

(7) * * *

(iv) [Reserved] See § 1.469–2(c)(7)(iv) for rules relating to this paragraph (c)(7)(iv).

(v) [Reserved] See § 1.469–2(c)(7)(v) for rules relating to this paragraph (c)(7)(v).

(vi) [Reserved] See § 1.469–2(c)(7)(vi) for rules relating to this paragraph (c)(7)(vi).

* * * * *

(d) * * *

(2) * * *

(x) [Reserved] See § 1.469–2(d)(2)(x) for rules relating to this paragraph (d)(2)(x).

(xi) [Reserved] See § 1.469–2(d)(2)(xi) for rules relating to this paragraph (d)(2)(xi).

(xii) [Reserved] See § 1.469–2(d)(2)(xii) for rules relating to this paragraph (d)(2)(xii).

* * * * *

Michael P. Dolan,

Commissioner of Internal Revenue.

Approved: February 16, 1993.

James Fields,

(Acting) Assistant Secretary of the Treasury.

[FR Doc. 93–4423 Filed 2–22–93; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF EDUCATION

34 CFR Part 206

Special Educational Programs for Students Whose Families Are Engaged in Migrant and Other Seasonal Farmwork

AGENCY: Department of Education.

ACTION: Final rule; correction.

SUMMARY: This document corrects an error made in the final regulations published in the **Federal Register** on December 18, 1992 (57 FR 60406) concerning the High School Equivalency Program (HEP) and the College Assistance Migrant Program (CAMP), by removing 34 CFR part 81 (General Education Provisions Act—Enforcement) as applicable regulations. Section 81.2 excludes all programs authorized by the Higher Education Act of 1965, as amended, including HEP and CAMP.

EFFECTIVE DATE: This correction is effective February 1, 1993.

FOR FURTHER INFORMATION CONTACT: Lorraine Wise, Office of Migrant Education, Department of Education, 400 Maryland Avenue, SW., room 2149, Washington, DC 20202. Telephone: (202) 401–0744. Deaf and hearing impaired individuals may call (202) 401–1985 for TDD services.

Dated: February 17, 1993.

Mary Jean LeTendre,

Acting Assistant Secretary for Elementary and Secondary Education.

(Catalog of Federal Domestic Assistance Numbers: 84.141 Migrant Education-High

School Equivalency Program; and 84.149 Migrant Education-College Assistance Migrant Program)

The following correction is made in FR Doc. 92-30588, 57 FR 60406 in the issue of December 18, 1992:

§ 206.4 [Corrected]

On page 60407, column 2, remove § 206.4(a)(5), and renumber (a)(6) to (8) as (a)(5) to (7), respectively.

[FR Doc. 93-4324 Filed 2-25-93; 8:45 am]
BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-4561-3]

Georgia; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Georgia has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Georgia has adopted by reference and is seeking authority to regulate certain revisions promulgated between July 1, 1990, and June 30, 1991, otherwise known as RCRA Cluster I. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed Georgia's application and has made a decision, subject to public review and comment, that Georgia hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Georgia's hazardous waste program revisions. Georgia's application for program revision is available for public review and comment.

DATES: Final authorization for Georgia's program revision shall be effective April 27, 1993, unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Georgia's program revision application must be received by the close of business, March 29, 1993.

ADDRESSES: Copies of Georgia's program revision application are available during normal business hours at the following addresses for inspection and copying: Georgia Department of Natural Resources, Waste Management Branch, 205 Butler Street, SE., Floyd Towers East, Atlanta, Georgia 30334, 404-656-2833. U.S. EPA Region IV, Library, 345 Courtland Street, NE., Atlanta, Georgia 30365; 404-347-4216. Written comments should be sent to Leonard W. Nowak at the address listed below.

FOR FURTHER INFORMATION CONTACT: Leonard W. Nowak, Acting Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365; (404-347-2234).

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260-266, 268, 124, and 270.

B. Georgia

Georgia initially received final authorization for its base RCRA program effective on August 21, 1984, and the latest Immediate Final Rule for authorizing revisions to its program was published at (57 FR 55465) on November 25, 1992. Today Georgia is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Georgia's application and has made an immediate final decision that Georgia's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Georgia. The public may submit written comments on EPA's immediate final decision up until March 29, 1993. Copies of Georgia's application for these program revisions are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of Georgia's program revisions shall become effective April 27, 1993, unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

If an adverse comment is received, EPA will publish either (1) a withdrawal of the immediate final decision, or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

Georgia is today seeking authority to administer the following federal requirements promulgated between July 1, 1990 and June 30, 1991, for RCRA Cluster I.

Provision	FR reference	Federal promulgation date	State authority
CL 80. Toxicity Characteristic: Hydrocarbon Recovery Operation	55 FR 40834; 56 FR 13406	10/5/90; 4/2/91	391-3-11-.07(1)
CL 84. Toxicity Characteristic: Chlorofluorocarbon Refrigerants .	56 FR 5910	2/13/91	391-3-11-.07(1)
CL 86. Removal of Strontium Sulfide from List of Hazardous Waste, Technical Amendment.	56 FR 7567	2/25/91	391-3-11-.07(1)

Provision	FR reference	Federal promulgation date	State authority
CL 87. Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment.	56 FR 19290	4/26/91	391-3-11-.10(1) & (2); 391-3-11-.11(3)(g)
CL 88. Hazardous Waste Management Systems Identification and Listing of Hazardous Waste Administrative Stay to Portions of Haz. Waste Listing KO69.	56 FR 19951	5/1/91	391-3-11-.07(1)

Georgia is not authorized to operate the federal program on Indian Lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Decision

I conclude that Georgia's application for these program revisions meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Georgia is granted final authorization to operate its hazardous waste program as revised.

Georgia now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision application and previously approved authorities. Georgia also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under section 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under The Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 604(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Georgia's program, thereby eliminating duplicate requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials, Transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This Notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: February 18, 1993.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 93-4463 Filed 2-25-93; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646-2766.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Administrator has resolved any appeals resulting from this notification.

The modified base (100-year) flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their fooodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973,

42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Impact Analysis

This rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and County	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Arizona:					
Maricopa	City of Phoenix (Docket No. 7054).	Oct. 22, 1992, Oct. 29, 1992, The Arizona Republic.	The Honorable Paul Johnson, Mayor, City of Phoenix, 251 West Washington Street, Phoenix, Arizona 85003.	Oct. 1, 1992	040051
California:					
Monterey	City of Salinas (Docket No. 7043).	Mar. 5, 1992, Mar. 12, 1992, Salinas Californian.	The Honorable Alan Styles, Mayor, City of Salinas, 200 Lincoln Avenue, Salinas, California 93901.	Feb. 21, 1992 .	060202
Riverside	City of Riverside (Docket No. 7054).	Oct. 30, 1992, Nov. 6, 1992, The Press Enterprise.	The Honorable Terry Frizzel, Mayor, City of Riverside, 3900 Main Street, Riverside California 92522.	Oct. 1, 1992	060260
Sacramento	Unincorporated areas (Docket No. 7054).	Oct. 22, 1992, Oct. 29, 1992, Sacramento Bee.	Mr. Douglas M. Fraleigh, Director, Sacramento County Department of Public Works, 827 Seventh Street, Room 301, Sacramento, California 95814.	Oct. 1, 1992	060262
Georgia:					
Chatham (FEMA Docket No. 7049).	Unincorporated areas	July 24, 1992, July 31, 1992, Savannah Morning News.	Mr. Robert L. McCorkle, Chairman of the Board of Chatham County Commissioners, P.O. Box 8161, Savannah, Georgia 31412.	July 17, 1992 ..	130030 C
Idaho:					
Bingham	Unincorporated areas (Docket No. 7052).	July 2, 1992, July 9, 1992, The Morning News.	The Honorable Dale Arave, Chairman, Bingham County Board of Commissioners, P.O. Box 1028, Blackfoot, Idaho 83221.	July 10, 1992 ..	160018
Illinois:					
Cook (FEMA Docket No. 7052).	Village of Hoffman Estates	Sep. 23, 1992, Sep. 30, 1992, Daily Herald.	The Honorable Michael J. O'Malley, Mayor of the Village of Hoffman Estates, Cook County, 1200 North Gannon Drive, Hoffman Estates, Illinois 60196.	Sep. 15, 1992 .	170107 B
Cook (Docket No. FEMA–7054).	Unincorporated areas	Feb. 7, 1992, Feb. 14, 1992, Chicago Tribune.	Mr. Richard J. Phelan, President of the Cook County Board of Commissioners, County Building, Room 537, 118 North Clark Street, Chicago, Illinois 60602.	Jan. 27, 1992 .	170054 B
Kansas:					
Johnson	City of Olathe (Docket No. 7054).	Oct. 23, 1992, Oct. 30, 1992, Olathe Daily News.	The Honorable Jacob Ruf, Mayor, City of Olathe, P.O. Box 768, Olathe, Kansas 66061.	Oct. 6, 1992	200173
Massachusetts:					
Plymouth (FEMA Docket No. 7051).	Town of Wareham	July 30, 1992, Aug. 6, 1992, Wareham Courier.	Mr. Charles P. Balczun, Administrator of the Town of Wareham, Plymouth County, 54 Marion Road, Wareham, Massachusetts 02571.	July 22, 1992 ..	255223 D
Minnesota:					
Hennepin (FEMA Docket No. 7051).	City of Plymouth	Sep. 2, 1992, Sep. 9, 1992, Plymouth Sailor.	The Honorable Kim Bergman, Mayor of the City of Plymouth, Hennepin County, 3400 Plymouth Boulevard, Plymouth, Minnesota 55447.	Aug. 24, 1992 .	270179 C
Oklahoma:					
Canadian/Cleveland ...	City of Oklahoma City (Docket No. 7052).	Sep. 23, 1992, Sep. 30, 1992, Journal Record.	The Honorable Ronald J. Norick, Mayor, City of Oklahoma City, 200 North Walker, Suite 302, Oklahoma City, Oklahoma 73102.	Sep. 10, 1992 .	405378
Canadian/Cleveland ...	City of Oklahoma City (Docket No. 7054).	Oct. 22, 1992, Oct. 29, 1992, Journal Record.	The Honorable Ronald J. Norick, Mayor, City of Oklahoma City, 200 North Walker, Oklahoma City, Oklahoma 73102.	Oct. 5, 1992	405378
Cleveland	City of Norman (Docket No. 7052).	Sep. 29, 1992, Oct. 6, 1992, Norman Transcript.	The Honorable Bill Nations, Mayor, City of Norman, P.O. Box 370, Norman, Oklahoma 73070.	Sep. 23, 1992 .	400046

State and County	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Oregon: Curry County	Unincorporated areas (Docket No. 7052).	Sep. 9, 1992, Sep. 16, 1992, Curry County Reporter.	The Honorable Peg Reagan, Commissioner, Curry County Board of Commissioners, P.O. Box 746, Gold Beach, Oregon 97444.	Aug. 17, 1992 .	410052
Jackson	City of Phoenix (Docket No. 7052).	Oct. 22, 1992, Oct. 29, 1992, Medford Mail Tribune.	The Honorable Otis Carter, Mayor, City of Phoenix, P.O. Box 666, Phoenix, Oregon 97535.	Sep. 28, 1992 .	410097
Jackson	Unincorporated areas (Docket No. 7054).	Oct. 22, 1992, Oct. 29, 1992, Medford Mail Tribune.	The Honorable Sue Kupillas, Chairperson, Jackson County Board of Commissioners, Jackson County Courthouse, Room 200, 10 South Oakdale, Medford, Oregon 97501.	Oct. 5, 1992	415589
Pennsylvania: Lycoming (FEMA Docket No. 7049).	Township of Fairfield	Aug. 5, 1992, Aug. 12, 1992, Williamsport Sun-Gazette.	Mr. Robert A. Wein, Chairman of the Fairfield Township of Supervisors, Lycoming County, R.D. No. 1, Box 464, Montoursville, Pennsylvania 17754.	July 27, 1992 ..	420972 B
York (FEMA Docket No. 7049).	Township of Dover	Aug. 24, 1992, Aug. 31, 1992, York Dispatch.	Mr. James Euclide, Chairman of the Township of Dover Board of Supervisors, York County, 2480 West Canal Road, Dover, Pennsylvania 17315.	July 27, 1992 ..	420920 B
Tennessee: Shelby (FEMA Docket No. 7052).	City of Memphis	Sep. 16, 1992, Sep. 23, 1992, The Commercial Appeal.	The Honorable W.W. Herenton, Mayor of the City of Memphis, Shelby County, 125 North Mid-America Mall, Memphis, Tennessee 38103.	Sep. 10, 1992 .	470117 C
Texas: Tarrant and Denton (Docket No. FEMA-7054).	City of Fort Worth	Jan. 23, 1992, Jan. 30, 1992, Fort Worth Star-Telegram.	The Honorable Kay Granger, Mayor of the City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102.	Jan. 17, 1992 .	480596 D

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: February 19, 1993.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 93-4516 Filed 2-25-93; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA-7060]

Changes in Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modifications of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Administrator reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the Office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646-2766.

SUPPLEMENTARY INFORMATION: The modified base (100-year) flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No

environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regualtory Impact Analysis

This rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12278, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
California:					
Placer	City of Rocklin	Jan. 19, 1993, Jan. 26, 1993, The Placer Herald.	The Honorable Peter Hill, Mayor, city of Rocklin, P.O. Box 1136, Rocklin, California 95677.	Jan. 12, 1993 .	060242
San Diego	City of San Diego	Jan. 22, 1993, Jan. 29, 1993, San Diego Daily Transcript.	The Honorable Susan Golding, mayor, city of San Diego, 202 C Street, 11th Floor, San Diego, California 92101.	Jan. 12, 1993 .	060295
Connecticut: Fairfield	Town of Weston	Jan. 6, 1993, Jan. 13, 1993, The Weston Forum.	The Honorable George C. Guldera, First Selectman of the Town of Weston, Fairfield County, P.O. Box 1007, Weston, Connecticut 06883.	Dec. 30, 1992 .	090018 B
Illinois:					
Kane and DuPage	City of Batavia	Dec. 31, 1992, Jan. 7, 1993, Kane County Chronicle.	The Honorable Jeffery D. Schielke, mayor of the city of Batavia, Kane and DuPage Counties, 101 North island Avenue, Batavia, Illinois 60510.	Dec. 22, 1992 .	170321 A
DuPage	City of Darien	Dec. 23, 1992, Dec. 30, 1992, Bolingbrook Metropolitan.	The Honorable Carmen Soldado, mayor of the city of Darien, DuPage County, 1702 Plainfield Road, Darien, Illinois 60559.	Dec. 15, 1992 .	170750 A
McLean	Town of Normal	Jan. 7, 1993, Jan. 14, 1993, The Normalite.	The Honorable Paul Harmon, mayor of the town of Normal, McLean County, 100 East Phoenix Avenue, Normal, Illinois 61761.	December 29, 1992.	170502 B
Michigan:					
Berrien	Township of Royalton	Oct. 21, 1992, Oct. 28, 1992, The Journal Era.	Mr. Harley Marschke, supervisor for the township of Royalton, Berrien County, 980 Miners Road, St. Joseph, Michigan 49085.	Sept. 30, 1992	260043 B
Oakland	Township of Bloomfield	Apr. 23, 1992, Apr. 30, 1992, The Birmingham Eccentric.	Mr. Fred Korzon, supervisor of the township of Bloomfield, Board of Trustees, Oakland County, P.O. Box 489, Bloomfield Hills, Michigan 48303–0489.	Apr. 7, 1992	260169 B&C
New Jersey:					
Union	Borough of Garwood	Dec. 24, 1992, Dec. 31, 1992, Cranford Chronicle.	The Honorable Fred Strahlendorf, mayor of the borough of Garwood, Union County, Municipal Building, 403 South Avenue, Garwood, New Jersey 07027.	Dec. 16, 1992 .	340464 B
New York: Rockland	Town of Ramapo	Jan. 15, 1993, Jan. 22, 1993, Rockland Journal.	The Honorable Herbert Reisman, supervisor of the town of Ramapo, Rockland County, 237 Route 59, Suffern, New York 10901.	Jan. 6, 1993 ...	365340 C
Texas:					
Denton	City of Denton	Jan. 13, 1993, Jan. 20, 1993, Denton Record Chronicle.	The Honorable Bob Castleberry, mayor, city of Denton, 215 East McKinney Street, Denton, Texas 76201.	Dec. 10, 1992 .	480194
Harris	Unincorporated areas	May 15, 1992, May 22, 1992, Houston Chronicle.	The Honorable John Lindsay, Harris County Judge, Harris County Administration Building, 1001 Preston, Suite 911, Houston, Texas 77002.	May 7, 1992 ..	480287 G
Virginia: Campbell	Town of Altavista	Feb. 3, 1993, Feb. 10, 1993, The Altavista Journal.	The Honorable J.R. Burgess, mayor, town of Altavista, 510 Seventh Street, Drawer 420, Altavista, Virginia 24517.	Dec. 9, 1992 ...	510029

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Wisconsin:					
Dane	Village of Cross Plains	Jan. 7, 1993, Jan. 14, 1993, News Sickle Arrow.	Mr. Richard Greffin, President for the village of Cross Plains, Dane County, 2107 Julius Street, Cross Plains, Wisconsin 53528–9499.	Dec. 23, 1992 .	550081 B
Juneau	City of Elroy	Apr. 16, 1992, Apr. 23, 1992, Tribune Keystone.	The Honorable Don Picha, mayor of the city of Elroy, Juneau County, 225 Main Street, Elroy, Wisconsin 53929–1251.	Mar. 11, 1992 .	550201 C

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: February 19, 1993.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 93–4517 Filed 2–25–93; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Base (100-year) flood elevations and modified base (100-year) flood elevations are made final for the communities listed below.

The base (100-year) flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street SW., Washington, DC 20472, (202) 646–2768.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) gives notice of the final determinations of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Impact Analysis

This rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
ARIZONA	
Scottsdale (City), Maricopa County (FEMA Docket No. 7006)	
Galloway Wash Middle Branch:	
Approximately 50 feet upstream of Pima Road	*2,596
At Cow Tract Drive	*2,619
Galloway Wash Lower Branch:	
Just upstream of Pima Road	*2,585
Approximately 500 feet upstream of Pima Road	*2,598
Maps are available for review at the City Hall, 3939 Civic Center Plaza, Scottsdale, Arizona.	

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
ARKANSAS	
Heber Springs (City) Cleburne County (Docket No. 7063)	
Sulphur Creek:	
Approximately 2,400 feet downstream of Hollowell Drive	*289
Approximately 7,700 feet upstream of South 12th Street	*374
Greers Ferry Lake:	
Entire lake	*480
Maps are available for review at Municipal Building, 1001 West Main Street, Heber Springs, Arkansas.	
CALIFORNIA	
Corning (City), Tehama County (Docket No. 7015)	
Jewett Creek:	
At Woodson Avenue	*273
Approximately 300 feet downstream of Toomes Avenue	*278
Approximately 200 feet downstream of Interstate Highway 5 northbound lane	*283
Maps are available for review at Department of Public Works, City Hall, 794 Third Street, Corning, California.	
Grass Valley (City), Nevada County (FEMA Docket No. 7008)	
Wolf Creek:	
Just downstream of Idaho-Maryland Road near intersection of Sutton Way	*2,528
Just upstream of confluence of White Water Creek	*2,556
Little Wolf Creek:	
Just upstream of State Highway 49	*2,380
Just upstream of South Auburn Street	*2,407
Just above a private drive, 1,000 feet upstream of South Auburn Street	*2,451
Approximately 350 feet upstream of a private drive	*2,452
Maps are available for review at City Hall, 125 East Main Street, Grass Valley, California.	
San Clemente (City), Orange County (FEMA Docket No. 7020)	
Cascadita Creek:	
Approximately 200 feet downstream of Via Cascadita	*29
Just upstream of Via Cascadita	*40
Approximately 1,700 feet upstream of Via Cascadita	*63
Approximately 250 feet downstream of the San Diego Freeway	*77
Maps are available for review at the Department of Community Development, 910 Negocio, San Clemente, California.	
LOUISIANA	
East Baton Rouge Parish (Unincorporated Areas) (FEMA Docket Nos. 7034 and 7050)	
Amite River:	
At confluence with Bayou Manchac	*20
At upstream Parish boundary	*110
Blackwater Bayou:	
At upstream side of Blackwater Road	*76
Approximately 1.0 mile upstream of Blackwater Road	*78
Blackwater Bayou Tributary No. 1:	
Approximately 25 feet upstream of McCullaugh Road	*78
Approximatey 5.8 miles upstream of confluence with Blackwater Bayou	*79
Blackwater Bayou Tributary No. 2:	
At confluence with Blackwater Bayou	*78
Approximately .6 mile upstream of confluence with Blackwater Bayou	*78
Clay Cut Bayou:	
At the confluence with Amite River	*25
Approximately 1.0 mile upstream of confluence with Amite River	*26
Comite River:	
At the confluence with Amite River	*45
Just downstream of Greenwell Springs Road	*47
Draughans Creek:	
At the confluence with Comite River	*47
Approximately 2.2 miles upstream of confluence with Comite River	*47
Beaver Bayou:	
At the confluence with Comite River	*47
Approximately 900 feet upstream of Frenchtown Road	*47
Engineer Depot Canal:	
At the confluence with Comite River	*47
Approximately 850 feet upstream of Sarasota River	*47
Hub Bayou:	
At the confluence with Amite River	*84
Approximately .4 mile upstream of State Route 37	*84
Draughans Creek:	
Approximately 180 feet upstream of Magnolia Bridge Road	*58
Approximately 150 feet upstream of Wax Road	*58
Maps available for inspection at the Flood Office, Engineering Department, 4th Floor, Municipal Building, North Street, Baton Rouge, Louisiana.	
MAINE	
Dover-Foxcroft (town), Piscataquis County (FEMA Docket No. 7048)	
Piscataquis River:	
Approximately 3,000 feet downstream of corporate limits	*301
At upstream corporate limits	*367
Fox Brook:	
At confluence with Piscataquis River	*318
Approximately 50 feet upstream of upstream side of State Route 7	*391
Dunham Brook:	
Approximately 200 feet upstream from confluence with Piscataquis River	*346
At downstream side of Forest Street	*368
Davee Brook:	
At upstream side of Railroad Avenue	*349
Approximately 220 feet downstream of confluence of East Branch Davee Brook	*374
East Branch Davee Brook:	
Approximately 120 feet upstream of confluence with Davee Brook	*374
Approximately 190 feet upstream of upstream side of State Route 153	*374
Brann's Mill Pond Outlet:	
At upstream side of Brann's Mill Pond Dam	*440
At confluence of Brann's Mill Pond	*443
Sebec Lake: Entire shoreline within community	*329
Garland Pond: Entire shoreline within community	*567
Brann's Mill Pond: Entire shoreline within community	*443
Maps available for inspection at Dover-Foxcroft Town Office, 34 E. Main Street, Dover-Foxcroft, Maine.	
St. George (town), Knox County (FEMA Docket No. 7053)	
Stream to Mosquito Harbor:	
At mouth	*10
Approximately 40 feet upstream of Ridge Road	*26
Stream to the Marsh:	
At mouth	*10
Approximately 80 feet upstream of State Route 131	*12
Maps available for inspection at the Town Office, St. George, Maine.	
MASSACHUSETTS	
Webster (town), Worcester County (FEMA Docket No. 7039)	
Lake Webster: Entire shoreline	*461
Maps available for inspection at the Town Hall, Building Inspector's office, Engineering Department, Webster, Massachusetts.	
MINNESOTA	
Chisago County (Unincorporated Areas) (FEMA Docket No. 7065)	
South Center Lake: Entire shoreline	*901
North Center Lake: Entire shoreline	*901
North Lindstrom Lake: Entire shoreline	*901
South Lindstrom Lake: Entire shoreline	*901
Chisago Lake: Entire shoreline	*901
Lake Emily: Entire shoreline	*895
Ogren Lake: Entire shoreline	*901
Maps available for inspection at the Chisago County Building, 313 North Main, Room 174, Center City, Minnesota 55012.	
MISSOURI	
Riverview (village), St. Louis County (FEMA Docket No. 7056)	
Malina Creek:	
About 360 feet upstream of Riverview Drive	*433
About 1,160 feet downstream of Bellefontaine Road	*436
NEW HAMPSHIRE	
Hampstead (town), Rockingham County (FEMA Docket No. 7042)	
Hill Brook:	
At State Route 111	*219
Approximately 45 feet upstream of Sherry Lane	*231
Wash Pond Tributary:	
At confluence with Wash Pond	*235
Approximately 40 feet upstream of Kent Farm Road	*237
Wash Pond: Entire shoreline within community	*235
Shop Pond: Entire shoreline within community	*232
Island Pond: Entire shoreline within community	*207
Maps available for inspection at the Town Office, 11 Main Street, Hampstead, New Hampshire.	
NEW YORK	
Gates, Town (Monroe County) (FEMA Docket No. 7055)	
Long Pond Creek:	
Upstream of Detention Pond Outlet (approximately 1,320 feet downstream of Lyell Road)	*549
Approximately 1,100 feet upstream of Lyell Road	*558
Long Pond Creek Tributary:	
Just upstream of State Route 31 (Spencerport Road)	*541
At upstream side of Lyell Road	*550
Elmford Creek:	
At confluence with Round Pond Creek (corporate limits)	*517
Upstream side of Lyell Road	*566
Round Pond Creek:	
At confluence of Elmford Creek (corporate limits)	*517

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
At Manitou Road	*571
Maps available for inspection at the Department of Public Works, Gates Town Hall, 1605 Buffalo Road, Rochester, New York 14624.	
Lyme, Town (Jefferson County) (FEMA Docket No. 7050)	
Chaumont River:	
At Village of Chaumont corporate limits	*250
At upstream corporate limits	*251
Lake Ontario: Entire shoreline within the community	*250
Chaumont Bay: Entire shoreline within the community	*250
Maps available for inspection at the Lyme Town Office, Main Street, Chaumont, New York.	
Middletown, Town (Delaware County) (FEMA Docket No. 7053)	
East Branch Delaware River:	
At downstream corporate limits	*1,327
At upstream corporate limits	*1,412
Dry Brook:	
At confluence with East Branch Delaware River	*1,339
Approximately 100 feet upstream of Erpf Road	*1,402
Bush Kill:	
At confluence with Dry Brook	*1,365
At upstream corporate limits	*1,468
Delaware Kill:	
At confluence with East Branch Delaware River	*1,364
At upstream corporate limits	*1,630
Vly Creek:	
Approximately 75 feet downstream of downstream corporate limits	*1,558
Approximately 25 feet upstream of upstream corporate limits	*1,714
Maps available for inspection at the Middletown Town Hall, Main Street, Margaretville, New York.	
Schoharie (Village), Schoharie County (FEMA Docket No. 7050)	
Schoharie Creek:	
Approximately 1.52 miles downstream of Bridge Street	*805
Approximately 0.74 mile upstream of Bridge Street	*812
Fox Creek:	
Approximately 0.36 mile downstream of State Route 30 (North Main Street)	*806
Approximately 335 feet upstream of Covered Bridge (North Main Street)	*806
Maps available for inspection at the Village Hall, Schoharie, New York.	
Watertown, City (Jefferson County) (FEMA Docket No. 7055)	
Cold Creek:	
At Hunt Street	*510
Approximately 50 feet downstream of Gifford Street	*513
Maps available for inspection at the City Engineers Office, Municipal Building, 245 Washington Street, Room 305, Watertown, New York.	
Watertown, Town (Jefferson County) (FEMA Docket No. 7055)	
Cold Creek:	
At confluence with the Black River	*495
Approximately 50 feet downstream of the most upstream crossing of State Route 12 (Gifford Street)	*531
Maps available for inspection at the Code Enforcement Office, 8673 Brookside Drive, Watertown, New York.	
NORTH DAKOTA	
Harwood (city), Cass County (FEMA Docket No. 7007)	
Sheyenne River:	
At northernmost corporate limit and between the Burlington Northern Railroad and Interstate Highway 29	*891
Intersection of Bender Boulevard and Bender Lane	*891
Just upstream of County Highway 22 and west of Interstate Highway 29	*893
At southern corporate limit and between Burlington Northern Railroad and Interstate Highway 29	*891
Red River of the North:	
At northernmost corporate limit and east of Burlington Northern Railroad	*890
Just downstream of County Highway 22	*890
At southernmost corporate limit and east of Burlington Northern Railroad	*891
Maps are available for review at the Harwood City Office, Main Street, Harwood, North Dakota.	
OKLAHOMA	
Sand Springs (City) Tulsa & Osage Counties (FEMA Docket No. 7055)	
Anderson Creek:	
At confluence with Fisher Creek	*658
Approximately 750 feet upstream of confluence with Fisher Creek	*660
West Blackboy Creek:	
Approximately 0.3 mile west downstream 81st W. Avenue	*657
Approximately 1.4 miles upstream of Old North Road	*792
Euchee Creek:	
Approximately 0.4 mile upstream of U.S. Route 64	*661
Approximately 1.1 miles upstream of Willow Street	*662
Fisher Creek:	
Approximately 200 feet upstream of confluence with Arkansas River	*549
Approximately 0.3 mile upstream of confluence with Arkansas River	*549
Blackboy Creek:	
Approximately 400 feet upstream of the downstream corporate limits	*674
Approximately 130 feet upstream of the upstream corporate limits	*722
Maps available for inspection at the Sand Springs Municipal Building, 100 East Broadway Street, San Springs, Oklahoma 74063.	
TEXAS	
Austin (city), Travis and Williamson Counties (FEMA Docket No. 7040)	
Boggy Creek North:	
Approximately 400 feet upstream of Dekwau Lane	*433
Approximately 1,400 feet upstream of Wilshire Drive	*593
Tannehill Branch of Boggy Creek:	
At confluence with Boggy Creek North	*445
Approximately 1,590 feet upstream of Helen Street	*661
Boggy Creek Tributary 1:	
At confluence with Boggy Creek	*446
Approximately 1,540 feet upstream of the confluence	*452
East Bouldin Creek:	
Approximately 320 feet downstream of Riverside Drive	*443
Approximately 500 feet upstream of Fort McGruder Lane	*650
West Bouldin Creek:	
Approximately 70 feet upstream of Riverside Drive	*446
Approximately 100 feet upstream of Clawson Road	*640
Bull Creek:	
Approximately 350 feet upstream of confluence with Colorado River	*496
Approximately 200 feet upstream of Bull Creek Tributary 5	*753
Bull Creek Tributary 1:	
At confluence with Bull Creek	*506
Approximately 446 feet upstream of FM 2222	*519
Bull Creek Tributary 2:	
At confluence with Bull Creek	*599
Approximately 1,125 feet upstream of the confluence	*741
Bull Creek Tributary 4:	
At confluence with Bull Creek	*718
Approximately 850 feet upstream of the confluence	*718
Cherry Creek:	
At confluence with Williamson Creek	*656
Approximately 1,120 feet upstream of Lazy Oaks River	*756
Cottonmouth Creek:	
At confluence with Onion Creek	*479
Approximately 50 feet upstream of U.S. Route 183	*497
Kicheon Branch of Williamson Creek (previously known as Dry Branch):	
At confluence with Williamson Creek	*678
Approximately 425 feet upstream of Escarpment Boulevard	*842
Foster Branch:	
At confluence with Shoal Creek	*696
Approximately 1,050 feet upstream of Caberry Street	*749
Gilleland Creek Tributary 3:	
Approximately 440 feet downstream of downstream Interstate Route 35 Frontage Road	*805
Approximately 80 feet upstream of upstream Interstate Route 35 Frontage Road	*819
Givens Park Tributary No. 1:	
Approximately 180 feet upstream of confluence with Tannehill Branch of Boggy Creek	*484
Approximately 100 feet upstream of Anchor Lane	*558
Givens Park Tributary No. 2:	
At confluence with Givens Park Tributary No. 1	*493
Approximately 0.45 mile upstream of Martin Luther King Boulevard	*572
Hancock Branch:	
At confluence with Shoal Creek	*607
Approximately 290 feet upstream of Cullen Avenue	*714
Harris Branch:	
Approximately 1,900 feet downstream of Boyce Lane	*550
Approximately 0.40 mile downstream of Harris Branch Tributary No. 4	*592
Harris Branch Tributary No. 5:	
At confluence with Harris Branch	*567
Approximately 1,800 feet upstream of Cameron Road	*587
Hemphill Branch:	
At confluence with Waller Creek	*530
At West 33rd Street	*578
Johnson Creek:	
Approximately 500 feet upstream of confluence with Colorado River	*446
Approximately 170 feet upstream of Margarita Crescent North	*568
Little Walnut Creek:	
At confluence with Walnut Creek	*470
Approximately 800 feet upstream of Golden Meadow Drive	*725
Little Walnut Creek Tributary 1:	
At confluence with Little Walnut Creek	*536
Approximately 270 feet upstream of Interstate Route 35	*678
Little Walnut Creek Tributary 2:	
Approximately 220 feet upstream of confluence with Little Walnut Creek	*507

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 500 feet upstream of Rundberg Lane	*887
Little Walnut Creek Tributary 3 (Quail Creek):	
At confluence with Little Walnut Creek	*670
Approximately 0.41 mile upstream of Hunter's Trace	*714
Marble Creek:	
At confluence with Onion Creek	*538
Approximately 300 feet upstream of Thaxton Road	*561
Onion Creek:	
Approximately 0.84 mile downstream of FM 973	*450
Approximately 200 feet upstream of Interstate Route 35	*606
Possum Trot Branch:	
At confluence with Johnson Creek	*481
Approximately 200 feet upstream of Enfield Road	*548
Shoal Creek:	
Approximately 840 feet downstream of West Avenue	*445
Approximately 1,930 feet upstream of Union Pacific Railroad	*757
Sunset Valley Tributary of Williamson Creek:	
At confluence with Williamson Creek	*652
At Westgate Boulevard	*665
Waller Creek:	
At confluence with the Colorado River	*444
Approximately 960 feet upstream of Denson Drive	*581
Walnut Creek:	
At downstream crossing of Southern Pacific Railroad	*437
Approximately 50 feet upstream of Council Bluff Drive	*761
Walnut Creek Tributary 1:	
Approximately 1,600 feet upstream of confluence with Walnut Creek	*431
Approximately 0.84 mile upstream of upstream crossing of Southern Pacific Railroad	*483
Walnut Creek Tributary 2:	
At confluence with Walnut Creek	*440
At downstream face of Martin Luther King Jr. Boulevard	*485
Walnut Creek Tributary 3:	
At downstream face of U.S. Route 290 eastbound	*523
Approximately 220 feet upstream of U.S. Route 290 westbound	*526
Walnut Creek Tributary 4:	
Approximately 1,060 feet upstream of confluence with Walnut Creek	*500
Approximately 1,540 feet upstream of confluence with Walnut Creek	*500
Walnut Creek Tributary 5:	
Approximately 340 feet downstream of U.S. Route 290 eastbound	*512
Approximately 300 feet upstream of U.S. Route 290 westbound	*517
Walnut Creek Tributary 6:	
At confluence with Walnut Creek	*810
Approximately 0.45 mile upstream of upstream Interstate Route 35 Frontage Road	*881
Walnut Creek Tributary 7:	
At confluence with Walnut Creek	*693
Approximately 840 feet upstream of Bull Run	*832
Walnut Creek Tributary 7A:	
At confluence with Walnut Creek TGributary 7	*754
Approximately 0.65 mile upstream with Walnut Creek Tributary 7	*772
Walnut Creek Tributary 8:	
Approximately 125 feet upstream of confluence with Walnut Creek	*702
Approximately 100 feet upstream of Union Pacific Railroad	*805
Walnut Creek Tributary 9:	
At confluence with Walnut Creek	*710
Approximately 550 feet upstream of Howard Lane	*776
Walnut Creek Tributary 9 Diversion:	
At confluence with Walnut Creek	*711
At diversion from Walnut Creek Tributary 9	*720
Walnut Creek Tributary 10:	
At confluence with Walnut Creek	*757
Approximately 1,420 feet upstream of Del Robles Drive	*789
Wells Branch:	
At confluence with Walnut Creek	*627
At upstream face of Howard Lane	*754
West Bull Creek:	
At confluence with Bull Creek	*516
Approximately 0.63 mile upstream of most upstream crossing of FM 2222	*806
West Tributary 3 of Tannehill Branch:	
At confluence with Boggy Creek North Tributary 2 (Tannehill Branch)	*506
Approximately 40 feet upstream of Manor Road	*560
Williamson Creek:	
At confluence with Onion Creek	*524
Approximately 0.7 mile upstream of Covered Bridge Drive	*943
Williamson Creek Tributary 1:	
At confluence with Williamson Creek	*524
Approximately 150 feet upstream of Knuckols Crossing Road	*571
Williamson Creek Tributary 2:	
At confluence with Williamson Creek	*524
Approximately 200 feet downstream of Knuckols Crossing Road	*579
Williamson Creek Tributary 3:	
At confluence with Williamson Creek	*536
Approximately 320 feet upstream of Pino Lane	*567
Williamson Creek Tributary 4:	
At confluence with Williamson Creek	*589
At downstream face of Stassney Lane	*632
Williamson Creek Tributary 5:	
Approximately 300 feet upstream of confluence with Williamson Creek	*847
Approximately 370 feet upstream of Southbrook Drive	*913
Williamson Creek Tributary 6:	
At confluence with Williamson Creek	*813
Approximately 0.75 mile upstream of William Cannon Drive	*863
Long Hog Hollow:	
At confluence with Bull Creek	*624
Approximately 1.6 miles upstream of confluence with Bull Creek	*741
St. Edwards Branch:	
At confluence with East Bouldin Creek	*591
Approximately 800 feet upstream of Congress Avenue	*630
North Fork West Bouldin Creek:	
At confluence with West Bouldin Creek	*566
Approximately 80 feet upstream of Glen Ora	*626
Bull Creek Tributary 5:	
At confluence with Bull Creek	*751
Approximately 320 feet upstream of Spicewood Springs Road	*751

Maps available for inspection at the Austin City Hall, 505 Barton Springs Road, Austin, Texas

---

Garland (City), Dallas County (FEMA Docket No. 7503)

Duck Creek: Tributary 2 Ct:	
Approximately 2,500 feet downstream of Interstate Highway 30	*450
Approximately 200 feet downstream of Interstate Highway 30	*460
Approximately 700 feet downstream of Rowlett Road	*489

Maps are available for review at City of Garland, 500 Main Street, Garland, Texas.

Hays County (Unincorporated Areas) (FEMA Docket No. 7048)

San Marcos River:	
Approximately 0.4 mile downstream of Bypass Creek	*552
Approximately 1.8 miles upstream of confluence of Blanco River	*574
Plum Creek:	
At the old State Route 22	*542
Approximately 0.9 mile upstream of Union Pacific Railroad	*731
Stream Plum-1:	
At confluence with Plum Creek	*632
Approximately 0.7 mile upstream of Union Pacific Railroad	*727
Brushy Creek:	
At State Route 21	*543
Approximately 0.8 mile upstream of dam	*683
Stream Brushy-1:	
At confluence with Brushy Creek	*557
Approximately 540 feet upstream of County Route 131	*845
Stream Brushy-1A:	
At confluence with Stream Brushy-1	*597
Approximately 0.5 mile upstream of County Route 157	*631
Cottonwood Creek:	
Approximately 200 feet downstream of County Route 266	*883
Approximately 1,580 feet upstream of confluence of Stream CC–2	*948
Stream CC–1:	
At confluence with Cottonwood Creek	*808
At upstream corporate limits	*806
Stream CC–2:	
At confluence with Cottonwood Creek	*644
Approximately 0.3 mile upstream of County Route 2439	*711
Stream CC–2D:	
At confluence with Cottonwood Creek	*837
At upstream corporate limits	*841
Blanco River:	
At confluence with San Marcos River	*572
Approximately 6.2 miles upstream of County Route 181	*1,089
Lone Man Creek:	
At confluence with Blanco River	*787
Approximately 3.2 miles upstream of Deer Lake Road	*1,044
Smith Creek:	
At confluence with Lone Man Creek	*877
Approximately 1.0 mile upstream of Deer Lake Road	*1,015
Cypress Creek:	
At confluence with Blanco River	*841
Approximately 1.5 miles upstream of confluence of Stream Cypress-1	*1,004
Stream Cypress-1:	
At confluence with Cypress Creek	*971
Approximately 0.7 mile upstream of dam	*1,035
Wilson Creek:	
At confluence with Blanco River	*848
Approximately 0.9 mile upstream of dam	*1,006
Willow Springs Creek:	
At downstream corporate limits	*837
Approximately 0.5 mile upstream of McCarty Lane	*718
Stream Tributary WS–1:	
At confluence with Willow Springs Creek	*672
Approximately 600 feet upstream of McCarty Lane	*708
Purgatory Creek:	
At downstream corporate limits	*807
Approximately 3.8 miles upstream of SCS Dam No. 4	*910
Stream Tributary PC–1:	
At confluence with Purgatory Creek	*858
Approximately 1.2 miles upstream of McCarty Lane	*793
Sink Creek:	
At Limekiln Road	*586
Approximately 4.4 miles upstream of SCS Dam No. 1	*802
Onion Creek:	
Approximately 660 feet downstream of County boundary	*548
Approximately 6.1 miles upstream of U.S. Route 12	*1,146
Bear Creek:	
Approximately 100 feet downstream of County boundary	*806
Approximately 1.9 miles upstream of FM 1826	*963
Little Bear Creek:	
At most downstream County boundary	*858
Approximately 3.6 miles upstream of confluence of Stream LB–1	*815
Stream LB–1:	
At confluence with Little Bear Creek	*743
Approximately 1.4 miles upstream of confluence with Little Bear Creek	*791
Stream Bear–1:	
At confluence with Bear Creek	*848
Approximately 140 feet upstream of County boundary	*864
Stream Bear–1A:	
At confluence with Stream Bear–1	*861
Approximately 1.9 miles upstream of FM 1826	*1,036
Stream Bear–2:	

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
At confluence with Bear Creek	*850
Approximately 0.9 mile upstream of confluence with Bear Creek	*920
Barton Creek:	
At County boundary	*951
At Ranch Road 12	*1,026
Long Branch:	
At County boundary	*1,036
Approximately 125 feet upstream of dam	*1,160
Stream BC–1:	
At confluence with Barton Creek	*955
Approximately 0.6 mile upstream of confluence of BC–1A	*1,151
Stream BC–1A:	
At confluence with Stream BC–1	*1,085
Approximately 1,870 feet upstream of confluence with Stream BC–1	*1,124
Roy Branch:	
At confluence with Barton Creek	*962
Approximately .4 mile upstream of Oakwood Lane	*1,105
Cottonwood Branch:	
At confluence with Roy Branch	*993
Approximately 1,620 feet upstream of Right Bank Dam	*1,096
Little Barton Creek:	
At confluence with Barton Creek	*998
Approximately 1.7 miles upstream of State Route 12	*1,246
Stream BC–2:	
530 feet upstream of confluence with Barton Creek	*1,100
Approximately .9 mile upstream of confluence of Stream BC–2A	*1,227
Stream BC–2A:	
At confluence with Stream BC–2	*1,154
Approximately 1.0 mile upstream of confluence with Stream BC–2	*1,236
Schoolhouse Hollow:	
630 feet upstream of confluence with Barton Creek	*1,123
Approximately 275 feet upstream of confluence of Stream SH–1	*1,192
Stream SH–1:	
At confluence with Schoolhouse Hollow	*1,186
Approximately 0.7 mile upstream of confluence with Schoolhouse Hollow	*1,262
Bypass Creek:	
Approximately .9 mile downstream of confluence of Bypass Creek Tributary–2	*567
Approximately 1 mile upstream of Uhland Road	*607
Bypass Creek Tributary–2:	
At downstream corporate limits	*580
Approximately 660 feet upstream of Uhland Road	*597

Maps available for inspection at the County Courthouse, Broadway, San Marcos, Texas.

Manor (city), Travis County (FEMA Docket No. 7040)

Gilleland Creek:	
At upstream face of Parsons Street	*506
At downstream face of eastbound U.S. Route 290	*513

Maps available for inspection at the Manor City Hall, 201 E. Parsons, Manor, Texas.

Round Rock (city), Travis and Williamson Counties (FEMA Docket No. 7040)

Gilleland Creek:	
Approximately 1,200 feet upstream of confluence of Gilleland Creek Tributary 3	*792
Approximately 330 feet upstream of Interstate Route 35	*817

Maps available for inspection at the Round Rock City Hall, 221 E. Main Street, Round Rock, Texas.

Sunset Valley (city), Travis County (FEMA Docket No. 7040)

Kincheon Branch of Williamson Creek (previously known as Dry Branch):	
At confluence with Williamson Creek	*678
Approximately 0.6 mile upstream of the confluence with Williamson Creek	*693
Sunset Valley Tributary of Williamson Creek:	
At upstream face of Westgate Boulevard	*685
Approximately 0.8 mile upstream of Lone Oak Road	*700
Williamson Creek:	
At upstream face of Westgate Boulevard	*685
Approximately 80 feet downstream of Brodie Lane	*707

Maps available for inspection at the Sunset Valley City Hall, 2 Lone Oak Trail, Austin, Texas.

Travis County (Unincorporated Areas) (FEMA Docket No. 7040)

Barton Creek:	
Approximately 0.75 mile downstream of Fitzhugh Road	*640
Approximately 50 feet upstream of Hays County-Travis County boundary	*951
Bear Creek:	
At its confluence with Onion Creek	*619
At Hays County-Travis County boundary	*806
Stream Bear–1:	
Approximately 380 feet downstream of Hays County-Travis County boundary	*921
Approximately 700 feet upstream of Hays County-Travis County boundary	*930
Boggy Creek South:	
At confluence with Onion Creek	*560
Approximately 140 feet upstream of Bluff Springs Road	*560
Bull Creek:	
Approximately 1.2 miles upstream of confluence of Long Hog Hollow	*658
At a point approximately 200 feet upstream of Bull Creek Tributary 5	*753
Bull Creek Tributary 4:	
Approximately 200 feet upstream of confluence with Bull Creek	*718
Approximately 850 feet upstream of the confluence with Bull Creek	*718
Cottonmouth Creek:	
Approximately 0.45 mile upstream of confluence with Onion Creek	*481
Approximately 50 feet upstream of Sasaman Road	*508
Kincheon Branch of Williamson Creek (previously known as Dry Branch):	
Approximately 0.6 mile upstream of confluence with Williamson Creek	*693
Approximately 425 feet upstream of Escarpment Boulevard	*842
Gilleland Creek:	
Approximately 450 feet downstream of Taylor Lane	*419
Approximately 200 feet upstream of Interstate Route 35	*817
Gilleland Creek Tributary 1:	
At confluence with Gilleland Creek	*449
Approximately 1,180 feet upstream of the confluence with Gilleland Creek	*450
Gilleland Creek Tributary 2:	
At confluence with Gilleland Creek	*548
At upstream face of Dessau Road	*675
Gilleland Creek Tributary 3:	
At confluence with Gilleland Creek	*783
At downstream side of Interstate Route 35 (Frontage Road)	*811
Harris Branch:	
At confluence with Gilleland Creek	*529
Approximately 0.72 mile upstream of Cape Cod Drive	*742
Harris Branch Tributary No. 3:	
At confluence with Harris Branch	*553
Approximately 1.75 mile upstream of the confluence	*749
Harris Branch Tributary No. 4:	
At confluence with Harris Branch	*573
Approximately 50 feet upstream of Dessau Road	*597
Harris Branch Tributary No. 5:	
Approximately 80 feet downstream of Cameron Road	*573
Approximately 100 feet upstream of Yager Lane	*597
Little Bear Creek:	
At confluence with Bear Creek	*636
At Hays County-Travis County boundary	*975
Long Branch:	
Approximately 0.55 mile downstream of Hays County-Travis County boundary	*1,015
At Hays County-Travis County boundary	*1,036
Marble Creek:	
Approximately 180 feet downstream of Colton Bluff Springs Road	*549
Approximately 50 feet upstream of Old Lockhart Highway	*643
Onion Creek:	
Approximately 280 feet upstream of confluence with Colorado River	*414
At Hays County-Travis County boundary	*649
Rinard Creek:	
At confluence with Onion Creek	*578
Approximately 1,440 feet upstream of Bradshaw Road	*578
Slaughter Creek:	
At confluence with Onion Creek	*573
Approximately 0.79 mile upstream of confluence with Onion Creek	*574
Walnut Creek:	
Approximately 1,160 feet downstream of confluence of Walnut Creek Tributary 3	*488
Approximately 0.5 mile upstream of upstream crossing of Southern Pacific Railroad	*506
Walnut Creek Tributary 3:	
At confluence with Walnut Creek.	
Approximately 1.85 mile upstream of U.S. Route 290 westbound	*578
Walnut Creek Tributary 4:	
At confluence with Walnut Creek	*500
Approximately 70 feet downstream of Springdale Road	*545
Walnut Creek Tributary 5:	
At confluence with Walnut Creek	*512
Approximately 0.50 mile upstream of Sansom Road	*556
Walnut Creek Tributary 10:	
Approximately 360 feet upstream of Del Robles Drive	*759
Approximately 50 feet downstream of McNeil Drive	*803
Wells Branch:	
At upstream face of Howard Lane	*734
Approximately 750 feet upstream of Wells Branch Parkway	*775
Williamson Creek:	
Approximately 80 feet downstream of Brodie Lane	*707
Approximately 1,650 feet upstream of Brodie Lane	*720

Maps available for inspection at Public Improvements and Transportation, 811 Barton Springs Road, Suite No. 750, Austin, Texas.

WASHINGTON

Ferry County (unincorporated areas) (FEMA Docket No. 7053)

Kettle River:	
Approximately 3.7 miles upstream from the confluence of Cottonwood Creek with Kettle River	*1,811
Approximately 4.33 miles upstream from the confluence of Cottonwood Creek with Kettle River	*1,814
Approximately 4.7 miles upstream from the confluence of Cottonwood Creek with Kettle River	*1,816

Maps are available for review at the Ferry County Planning Department, 157 North Clark, Suite 7, Republic, Washington.

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
WEST VIRGINIA	
Jefferson County (unincorporated areas) (FEMA Docket No. 7053)	
Evitts Run:	
Approximately 280 feet downstream of County Route 36	*427
Approximately 0.6 mile upstream of confluence of Tributary A	*515
Tributary A:	
At confluence with Evitts Run	*507
At upstream side of Private Road	*520
Flowing Springs Run:	
At upstream side of U.S. Route 340	*385
Approximately 880 feet upstream of Norfolk and Western Railway	*512
Map available for inspection at the Planning Commission Department, 104 E. Washington Street, Charles Town, West Virginia.	

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: February 19, 1993.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 93–4518 Filed 2–25–93; 8:45 am]

BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[MD Docket No. 92–92; FCC 93–49]

Privacy Act Regulations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission adopted (FCC 93–49) a final rule to exempt two systems of records entitled "FCC/OIG–1, Criminal Investigative Files" and "FCC/OIG–2, General Investigative Files," from certain sections of the Privacy Act of 1974. The Commission took this action in order to comply with the Privacy Act of 1974.

EFFECTIVE DATE: March 29, 1993.

FOR FURTHER INFORMATION CONTACT: William Cline, Privacy Act Officer, Records Management Division, (202) 632–7513.

SUPPLEMENTARY INFORMATION: The Commission adopted a NPRM proposing new rules to provide for the exemption of two new Privacy Act systems of records from certain provisions of its regulations implementing the Privacy Act of 1974. (57 FR 21052; May 18, 1992.)

List of Subjects in 47 CFR Part 0

Privacy.

Amendatory Text

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

2. Section 0.561 is amended by adding new paragraphs (f) and (g) to read as follows:

§ 0.561 Exemptions.

* * * * *

(f) *System name.* Criminal Investigative Files—FCC/OIG–1. Compiled for the purpose of criminal investigations. This system of records is exempt pursuant to section (j)(2) of the Act because the records contain investigatory material compiled for criminal law enforcement purposes.

(g) *System name.* General Investigative Files—FCC/OIG–2. Compiled for law enforcement purposes. This system of records is exempt pursuant to section (k)(2) of the Act because the records contain investigatory material compiled for law enforcement purposes.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–4434 Filed 2–25–93; 8:45 am]

BILLING CODE 6712–01

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 665

[Docket No. 89–B]

Bus Testing Program: Meeting

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting between the Federal Transit Administration (FTA) and the Community Transportation Association of America (CTAA) to further gather information to assist the FTA in establishing a process for the testing of small buses under the FTA's bus testing program. Such testing is statutorily mandated by section 12(h) of the Federal Transit Act, as amended. This meeting is open to the public, and the meeting site is accessible to persons with disabilities.

DATES: The meeting will take place on Monday, March 8, 1993, from 2:30 p.m. to 4 p.m., Eastern Standard Time.

ADDRESSES: The meeting will be held in the Cabinet Room of the Capitol Hill Quality Hotel, 415 New Jersey Avenue NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Steven A. Barsony, Director, Office of Engineering, Office of Technical Assistance and Safety, FTA, at (202) 366–0090.

SUPPLEMENTARY INFORMATION:

Background

By interim final rule published February 23, 1993 (58 FR 10989), the FTA has delayed the effective date of its bus testing regulation as applied to small buses until October 1, 1993, and extended the comment period for 120 days. In this connection, the goal of the meeting described in this notice is to receive advice and recommendations on means of implementing testing procedures for the two remaining categories of vehicles which must be tested under the FTA's bus testing regulation (49 CFR part 665).

Meeting Procedures

A written transcript of the meeting will be included in the docket for the bus testing rule (89–B). This meeting is open to members of the public, and is accessible to persons with disabilities. Interpreters will be provided for persons with hearing disabilities if requested in advance.

Issued on: February 24, 1993.

Robert H. McManus

Acting Administrator.

[FR Doc. 93–4655 Filed 2–24–93; 4:04 pm]

BILLING CODE 4910–57–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1004

[Ex Parte No. MC–55 (Sub 87)]

Interpretations and Routing Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is eliminating the requirement that private carriers engaged in incidental for-hire transportation must conduct such operations independently of their private operations and maintain separate records for each operation. The Commission finds that this requirement is no longer necessary to discharge its

VOL 58 ISS 37 FE 26 1993 UMI

regulatory responsibilities and that the burden of maintaining separate accounts is no longer justified.

EFFECTIVE DATE: This action is effective on March 29, 1993.

FOR FURTHER INFORMATION CONTACT: Maynard Dixon, (202) 927–5293; Joseph Dettmar, (202) 927–5660 (TDD for hearing impaired: 202–927–5721.)

SUPPLEMENTARY INFORMATION: By notice served and published in the **Federal Register** on June 1, 1992, (57 FR 23072) we proposed to eliminate the requirement that private carriers engaged in incidental for-hire transportation must conduct such operations independently of their private operations and maintain separate records for each operation. Comments in support of the proposal were received from the National Private Truck Council and the National-American Wholesale Grocers' Association, Inc. No comments were filed in opposition to the proposal. Based on the commentary, we find that the proposal is justified, and we adopt it.

Additional information is contained in the Commission's decision in Ex Parte No. MC–55 (Sub-No. 87). To purchase a copy of this decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone (202) 289–4357/4359. (Assistance for the hearing impaired is available through TDD services, (202) 927–5721.)

Pursuant to 5 U.S.C. 605(b), we reaffirm our initial finding that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. No new regulatory requirements are imposed, directly or indirectly, on such entities. The purpose of our proposal is to remove the burden of an unnecessary regulation from all private carriers holding operating authority, large and small. Because there is no reason to believe that the private firms holding operating authority or owning motor common carrier subsidiaries are predominantly small, the economic impact, if any, of our proposal is not likely to fall disproportionately on a substantial number of small entities.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1004

Administrative practice and procedure, Motor carriers.

Decided: February 12, 1993

By the Commission, Chairman Philbin, Vice Chairman Simmons, Commissioners Phillips, McDonald, and Walden.

Sidney L. Strickland, Jr.,

Secretary.

For the reasons set out in the preamble, title 49, chapter X, part 1004 of the Code of Federal Regulations is amended as follows:

PART 1004—INTERPRETATIONS AND ROUTING REGULATIONS

1. The authority citation for part 1004 continues to read as follows:

Authority: 49 U.S.C. 10321 and 5 U.S.C. 553.

Subpart C also issued under 49 U.S.C. 10922(h)(1)(A).

§ 1004.3 [Removed]

2. Section 1004.3 is removed.

[FR Doc. 93–4521 Filed 2–25–93; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AB75

Endangered and Threatened Wildlife and Plants; Endangered Status for the Cactus *Leptocereus grantianus*

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Leptocereus grantianus* (no common name) to be an endangered species pursuant to the Endangered Species Act (Act) of 1973, as amended. This cactus is endemic to Culebra Island, Puerto Rico. Only one population, consisting of approximately 50 individuals, is known to occur on the southwestern coast of the island. It is threatened by proposed housing developments and erosion of its shoreline habitat. This final rule will implement the Federal protection and recovery provisions afforded by the Act for *Leptocereus grantianus*.

EFFECTIVE DATE: March 29, 1993.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours, at the Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622; and at the Service's Southeast Regional Office, suite 1282, 75 Spring Street, SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Silander at the Caribbean Field Office address (809/851–7297).

SUPPLEMENTARY INFORMATION:

Background

Leptocereus grantianus was discovered on the island of Culebra in 1932 by Major Chapman Grant. It was later described by Nathaniel Britton from material cultivated by Grant. The population has been much reduced in numbers and areal extent over the years, and it has also died out in cultivation (Proctor 1991).

Leptocereus grantianus is a sprawling or suberect, nearly spineless cactus which may reach up to 2 meters in height and from 3 to 5 centimeters in diameter. The elongated stems have from three to five prominent ribs with broadly scalloped edges. Ribs of young joints are thin and the small areoles may bear from one to three minute, nearly black spines which disappear as the joints grow older. The flowers are solitary at terminal areoles, from 3 to 6 centimeters long, and nocturnal. The outer perianth segments are linear, green, and tipped by an areole like those of the tube and ovary. The inner perianth segments are numerous, cream-colored, oblong-obovate, obtuse and about 8 millimeters long. The fruit is subglobose to ellipsoid and about 4 centimeters in diameter (Britton 1933, Proctor 1991).

Leptocereus grantianus is endemic to Culebra, an island located just off the northeastern corner of Puerto Rico. On Culebra, only 1 population of approximately 50 individuals occurs in dry thickets along the rocky coast near Punta Melones (Proctor 1991). The island of Culebra is currently subject to intense pressure for rural and urban, as well as tourist, development. Housing projects are currently proposed for the area. The cactus is also threatened by erosion of the unstable, rocky slope.

Leptocereus grantianus was recommended for listing by Dr. George Proctor and Dr. Alain Liogier during a September 1986 meeting concerning the revision of the candicate plant species list in Puerto Rico and the U.S. Virgin Islands. It was subsequently included as a Category 1 species (species for which the Service has substantial information supporting the appropriateness of proposing to list them as endangered or threatened) in the February 21, 1990 (55 FR 6184) notice of review. A proposed rule to list *Leptocereus grantianus* as endangered was published on May 20, 1992 (57 FR 21374).

Summary of Comments and Recommendations

In the May 20, 1992, proposed rule and associated notifications, all interested parties were requested to

submit factual reports of information that might contribute to the development of a final rule. Appropriate agencies of the Commonwealth of Puerto Rico, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice inviting general public comment was published in the San Juan Star on June 6, 1992, and in the El Día on June 3, 1992. Three letters of comment were received and are discussed below. A public hearing was neither requested nor held.

The Puerto Rico Department of Natural Resources supported the listing of *Leptocereus grantianus* and stated that no additional information on the species was available. The U.S. Forest Service stated that they had no comments on the listing of the species.

The U.S. Army Corps of Engineers (Corps), Jacksonville District, stated that the Corps had no actions proposed or under consideration at the site described in the proposed rule, and that according to that information the species is outside of the Corps' regulatory jurisdiction under the Clean Water Act.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Leptocereus grantianus* should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Leptocereus grantianus* Britton are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

Leptocereus grantianus is found on privately owned land near the town of Dewey in an area subject to intense pressure for various types of development. Currently there is a proposal for home construction in the area where the cactus occurs.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The species has been cut in the past for livestock feed. In addition, its ornamental potential may result in take becoming a problem in the future (G. Proctor, pers. comm.).

C. Disease or Predation

Disease and predation have not been documented as factors in the decline of this species.

D. The Inadequacy of Existing Regulatory Mechanisms

The Commonwealth of Puerto Rico has adopted a regulation that recognizes and provides protection for certain Commonwealth listed species. Federal listing would provide immediate protection and, if the species is ultimately placed on the Commonwealth list, enhance its protection and possibilities for funding needed research.

E. Other Natural or Manmade Factors Affecting its Continued Existence

The most important factors affecting the continued survival of this species is its limited distribution and limited numbers. Because so few individuals are known to occur in a limited area, the risk of extinction is extremely high. The steep rocky banks where the species is located are unstable and located close to the shoreline. Hurricane Hugo recently devastated Culebra and, although the impacts to this species were not documented, the passage of another hurricane might result in the elimination of this population.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Leptocereus grantianus* as endangered. Only 1 population consisting of 54 individuals is known to exist. Clearing for development is an imminent threat to the survival of the species. Therefore, endangered rather than threatened status seems an accurate assessment of the species' condition. The reasons for not proposing critical habitat for this species are discussed below in the **Critical Habitat** section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary propose critical habitat at the time the species is proposed to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time, as such a determination would result in no known benefit. The number of individuals of *Leptocereus grantianus* is sufficiently small that vandalism and collection could seriously affect the survival of the species. Publication of descriptions and maps required when critical habitat is designated would only increase the potential from such threats, and therefore could contribute to the species' decline. There are no ongoing or proposed Federal actions that will affect the species, and it does not appear that any are likely in the foreseeable future. All involved parties and landowners have been notified of the location and importance of protecting this species' habitat. Protection of this species' habitat will be addressed through the recovery process, and also through the Section 7 jeopardy standard in the unlikely event that a Federal action should affect the species.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, Commonwealth, and private agencies, groups and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the Commonwealth, and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, required Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. No critical habitat is being proposed for *Leptocereus grantianus*, as discussed above. Federal involvement is not anticipated where the species is known to occur.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general prohibitions and exceptions that apply to all endangered plants. All trade

VOL 58 ISS 37 FE 26 1993 UMI

prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered plant, transport it in interstate or foreign commerce in the course of commercial activity, sell or offer it for sale in interstate or foreign commerce, or remove it from areas under Federal jurisdiction and reduce it to possession. In addition, for endangered plants, the 1988 amendments (Pub. L. 100–478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any Commonwealth law or regulation, including Commonwealth criminal trespass law. Certain exceptions can apply to agents of the Service and Commonwealth conservation agencies.

The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits for *Leptocereus grantianus* will ever be sought or issued, since the species is not known to be in cultivation and is uncommon in the wild. Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, room 432, Arlington, Virginia 22203 (703/358–2104).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Britton, N. 1933. An undescribed cactus of Culebra Island, Puerto Rico. Cactus and Succ. Soc. Amer. 5:469.

Proctor, G. R. 1991. Status report on *Leptocereus grantianus* Britton. Unpublished status report submitted to the U.S. Fish and Wildlife Service, Boquerón, Puerto Rico. 8 pp.

Author

The primary author of this final rule is Ms. Susan Silander, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto, Rico 00622 (809/851–7297).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations is amended, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Amend § 17.12(h) by adding the following, in alphabetical order under Cactaceae, to the list of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
. .	.	.	.	.	.	.
Cactaceae—Cactus family:						
. .	.	.	.	.	.	.
Leptocereus grantianus	None	U.S.A. (PR)	E	491	NA	NA
. .	.	.	.	.	.	.

Dated: February 4, 1993.

Richard N. Smith,

Deputy Director, Fish and Wildlife Service.

[FR Doc. 93–4448 Filed 2–25–93; 8:45 am]

BILLING CODE 4310–55–M

Proposed Rules

Federal Register
Vol. 58, No. 37
Friday, February 26, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 92-ANM-22]

Proposed Establishment of Transition Area; Deer Park, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would establish a 700-foot transition area at Deer Park, Washington, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Deer Park Airport, Deer Park, Washington. The airspace would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before April 10, 1993.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, ANM-530, Federal Aviation Administration, Docket No. 92-ANM-22, 1601 Lind Avenue SW., Renton, Washington 98055-4056, Telephone: (206) 227-2530.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Ted Melland, ANM-536, Federal Aviation Administration, Docket No. 92-ANM-22, 1601 Lind Avenue SW., Renton, Washington 98055-4056, Telephone: (206) 227-2536.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92-ANM-22." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, ANM-530, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a 700-foot transition area at Deer Park, Washington, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Deer Park Airport, Deer Park, Washington. The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Transition areas are published in § 71.181 of FAA Order 7400.7A, dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference 14 CFR 71.1. The transition area listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Transition areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, is amended as follows:

Section 71.181 Designation of Transition Areas

* * * * *

ANM WA TA Deer Park, WA
Deer Park Airport, WA (lat. 47°58'07" N, long. 117°25'21" W)

VOL 58 ISS 37 FE 26 1993 UMI

Deer Park Nondirectional Radio Beacon, WA
(lat. 47°58'04" N, long. 117°25'36" W)

That airspace extending from 700 feet above the surface within a 4-mile radius of the Deer Park Airport and within 1.5 miles either side of the 339° bearing of the Deer Park Nondirectional Radio Beacon extending from the 4-mile radius to 6.5 miles northwest of the Deer Park Airport excluding the Spokane, Washington, Transition Area.

* * * * *

Issued in Seattle, Washington, on February 9, 1993.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division.

[FR Doc. 93–4508 Filed 2–25–93; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 93

[Summary Notice No. PR–93–5]

Petition for Rulemaking; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for rulemaking received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking, this notice contains a summary of a petition filed by American Airlines, Inc. and Federal Express Corp. requesting the initiation of rulemaking procedures to amend Federal Aviation Regulations concerning allocation of commuter and air carrier IFR operations at high density traffic airports. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before April 25, 1993.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Federal Aviation Administration, Attn: Rules Docket No. 27160, 800 Independence Ave., SW., Washington DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–10), room 915G, FAA Headquarters Building (FOB10A), 800 Independence Ave., SW., Washington DC 20591: telephone (202) 267–3132

FOR FURTHER INFORMATION CONTACT: Patricia R. Lane, Manager, Air Traffic and Airspace Law Branch, (AGC–230), Regulations Division, Office of the Chief Counsel, 800 Independence Ave., SW., Washington DC 20591; telephone (202) 267–3491.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington DC on February 19, 1993.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petition for Rulemaking

Docket No. 27160

Petitioners American Airlines, Inc. and Federal Express Corp.

Regulations Affected: 14 CFR 93.213(c) and 93.217(a)(1) and (a)(10).

Description of rule change sought: To modify subpart S of part 93 of the Federal Aviation Regulations (14 CFR 93.213 and 93.217) to restrict slot availability to foreign carriers at O'Hare International Airport by authorizing the FAA to withdraw existing slots from foreign air carriers, unless: (1) DOT certifies that the foreign carrier's country provides slots to U.S. carriers under procedures that are not more restrictive than 14 CFR 93.217; and (2) the foreign carrier does not own more than 10% of the voting stock of any U.S. carrier. The petition also requests that the FAA not withdraw slots from a U.S. carrier for a U.S. carrier that has more than 10% ownership by a foreign air carrier.

Petitioners reason for the request: This petition seeks to modify the rules that govern the withdrawal of slots from domestic carriers at O'Hare for the allocation of international slots to foreign carriers. Petitioners assert that foreign carriers gain an unfair advantage over U.S. carriers, in that other countries apply more restrictive slot rules to U.S. carriers in foreign countries than the U.S. applies at O'Hare to foreign operators under the provisions of § 93.217 (14 CFR 93.217).

[FR Doc. 93–4507 Filed 2–25–93; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Chapter I

Notice of Intent to Request Public Comments on Rules and Guides

AGENCY: Federal Trade Commission.

ACTION: Notice of intent to request public comments.

SUMMARY: The Federal Trade Commission ("Commission") gives notice that it intends to request public comments. The Commission will publish notices soliciting comments on the rules and guides listed below during 1993. No Commission determination on the need for or the substance of a rule, regulation, guide or interpretation or any other procedural option should be inferred from the intent to publish requests for comments. In certain instances, however, the reviews also will address other specific matters or issues, such as reviews mandated by the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and issues concerning disclosure of measurements in metric terms. Omnibus Trade and Competitiveness Act, 15 U.S.C. 205, Executive Order 12770 ("Metric Usage in Federal Government Programs"), 56 FR 35801 (July 25, 1991), and 1992 amendments to the Fair Packaging and Labeling Act ("FPLA"), 15 U.S.C. 1451, *et seq.*

FOR FURTHER INFORMATION CONTACT: Further details may be obtained from the Commission's contact person listed for each particular regulation.

SUPPLEMENTARY INFORMATION: The Commission is publishing a list of rules and guides for which it intends to request public comments during 1993. The Commission intends to publish documents requesting comments about the following items in 1993:

Agency Contact for the following items: Neil W. Averitt, Federal Trade Commission, Bureau of Competition, Washington, DC 20580, 202/326–2885.

(1) Guides for the Greeting Card Industry Relating to Discriminatory Practices (16 CFR part 244).

(2) Trade Regulation Rule on Discriminatory Practices in Men's and Boys' Tailored Clothing Industry (16 CFR part 412).

Agency Contact for the following item: Neil J. Blickman, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202/326–3038.

(3) Rule on Octane Posting and Certification (16 CFR part 306).

Agency Contact for the following items: Richard F. Kelly, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202/326–3304.

(4) Trade Regulation Rule on Advertising and Labeling as to Size of Sleeping Bags (16 CFR part 400).

(5) Trade Regulation Rule on Deceptive Advertising and Labeling as

to Size of Tablecloths and Related Products (16 CFR part 404).

(6) Trade Regulation Rule on Deceptive Advertising and Labeling as to Length of Extension Ladders (16 CFR part 418).

Agency Contact for the following item: Anne Maher, Federal Trade Commission, Division of Advertising Practices, Bureau of Consumer Protection, Washington, DC 20580, 202/326–2987.

(7) Trade Regulation Rule on Deceptive Advertising as to Sizes of Viewable Pictures Shown by Television Receiving Sets (16 CFR part 410).

Agency Contact for the following items: Bret S. Smart, Federal Trade Commission, Los Angeles Regional Office, suite 13209, 11000 Wilshire Blvd., Los Angeles, CA 90024, 310/575–7975.

(8) Regulations under section 4 of the Fair Packaging and Labeling Act (16 CFR part 500).

(9) Exemptions from Requirements and Prohibitions under part 500 (16 CFR part 501).

(10) Regulations under section 5(c) of the Fair Packaging and Labeling Act (16 CFR part 502).

(11) Statements of General Policy or Interpretation [of the Fair Packaging and Labeling Act] (16 CFR part 503).

Authority: 15 U.S.C. 41–58.

By direction of the Commission.

Donald S. Clark,

Secretary.

Concurring Statement of Commissioner Dennis A. Yao Concerning Commission Actions Pursuant to Commission Directive to Review All Regulations and Guides on a Recurring 10-Year Cycle

I dissented from the Commission's decision to schedule mandatory reviews of all regulations and guides on a recurring 10-year cycle because I was not persuaded that the Commission had sufficient information to show that the potential benefits from such a mandatory review process warranted diversion of resources from our positive enforcement agenda. A more flexible approach would have allowed the Commission, in my opinion, to identify and modify or rescind potentially problematic rules or guides while balancing the costs and benefits of these reviews against those of our enforcement agenda. See Dissenting Statement of Commissioner Dennis A. Yao Concerning Commission Directive to Review All Regulations and Guides on a Recurring 10-Year Cycle.

Nevertheless, since the Commission did adopt the 10-year mandatory review process that I opposed, I am voting in favor of the current motion because it is consistent with the 10-year mandatory review process that is now Commission policy.

[FR Doc. 93–4408 Filed 2–25–93; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 785, and 827

Withdrawal of Petition to Initiate Rulemaking; Surface Coal Mining and Reclamation Operations; Definitions; Requirements for Permits for Special Categories of Mining; Coal Preparation Plants; Performance Standards

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of withdrawal.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the Department of the Interior (DOI) is announcing the withdrawal of a petition from the Joint National Coal Association/American Mining Congress (NCA/AMC) Committee on Surface Mining Regulations submitted pursuant to the Surface Mining Control and Reclamation Act.

FOR FURTHER INFORMATION CONTACT: Suzanne Hudak, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240; Telephone: (202) 208–2700.

SUPPLEMENTARY INFORMATION:

Background and Substance of Petition

OSM received a letter on November 25, 1991, from Stuart A. Sanderson, Senior Counsel, and Harold P. Quinn, Jr., Vice President and Counsel, representing the Joint NCA/AMC Committee on Surface Mining Regulations, Coal Building, 1130 17th St., NW., Washington, DC, as a petition for rulemaking. The petitioners requested that the agency propose for comment a rulemaking to revise the definition of "surface coal mining operations" at 30 CFR 700.5 so that the phrase "at or near the mine site" would encompass coal processing and preparation activities and, consistent with the revised definition, to also amend the rules at 30 CFR 785.21(a) and 827.1 by inserting the phrase "at or near the mine site" in those provisions where appropriate. The petition was included in the comments received from the Joint NCA/AMC Committee on a proposed rule to amend portions of OSM's permanent program regulations governing coal preparation plants published in the **Federal Register** on September 25, 1991 (56 FR 48714). A Notice of Availability of the petition was published in the **Federal Register** on December 18, 1991 (56 FR 65716).

On January 8, 1993, OSM published in the **Federal Register** (58 FR 3466) the final rule to amend the permanent program regulations by revising the definition of "previously mined area" and by clarifying the requirements governing off-site coal preparation plants. Subsequent to the publication of the final rule, OSM received a letter from the NCA/AMC Committee dated January 11, 1993 withdrawing the petition. The letter stated in part that the Joint Committee decided to withdraw the petition to reevaluate the content and scope of its request for rulemaking.

After consideration of the comments received in response to the Notice of Availability and in light of the petitioners request to withdraw their petition, no further action will be taken on the petition.

Dated: February 19, 1993.

W. Hord Tipton,

Acting Director.

[FR Doc. 93–4505 Filed 2–25–93; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE6–1–5543; A–1–FRL–4561–7]

Approval and Promulgation of Air Quality ImplementationPlans; Delaware; Withdrawal of the General Motor–Wilmington Compliance Date Extension Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: Notice is hereby given that the State of Delaware has withdrawn its request for a State Implementation Plan (SIP) revision pertaining to a compliance date extension for the topcoat and final repair surface coating operations at the General Motors–Wilmington (GM-Wilmington) plant in Wilmington, Delaware.

FOR FURTHER INFORMATION CONTACT: Cynthia Stahl, (215) 597–9337, U.S. Environmental Protection Agency Region III, 841 Chestnut Building (3AT13), Philadelphia, Pennsylvania 19107.

SUPPLEMENTARY INFORMATION: On October 15, 1984, the State of Delaware submitted a formal revision to its State Implementation Plan (SIP) pertaining to a compliance date extension for the topcoat and final repair surface coating operations at the GM-Wilmington

automobile and light-duty truck assembly plant located in Wilmington, Delaware. On September 21, 1990 (55 FR 38814), EPA published a Notice of Proposed Rulemaking (NPR) to disapprove this compliance date extension for GM-Wilmington. On December 16, 1992, Delaware withdrew its request to approve the compliance date extension for the topcoat and final repair surface coating operations at the GM-Wilmington plant. EPA is hereby informing all interested parties that Delaware has withdrawn this request for a revision to its SIP.

Authority: 42 U.S.C. 7401–7671q.

Dated: February 12, 1993.

W. T. Wisniewski,

Acting Regional Administrator, Region III.

[FR Doc. 93–4532 Filed 2–25–93; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–7061]

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (100-year) flood elevations and proposed base flood elevation modifications for the communities listed below. The base (100-year) flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646–2766.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for each community listed, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Impact Analysis

This proposed rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. Section 67.4 is proposed to be amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ALABAMA	
Newton (town), Dale County	
Choctawhatchee River:	
Approximately 2,000 feet downstream of the confluence of Hurricane Creek	*171
Downstream side of State Route 123	*174
Maps available for inspection at the Town Hall, Newton, Alabama.	
Send comments to The Honorable Freddy Harden, mayor of the town of Newton, Dale County, P.O. Box 10, Newton, Alabama 36352.	
OHIO	
Arcanum, Village (Darke County)	
Painter Creek:	
At downstream corporate limits	*1,042
Approximately 1,800 feet upstream of upstream corporate limits	*1,049
Maps available for inspection at the Arcanum Village Hall, 104 West South Street, Arcanum, Ohio.	
Send comments to The Honorable B.G. Fourman, Mayor of the Village of Arcanum, Darke County, 104 West South Street, Arcanum, Ohio 45304.	

§ 67.4 [Amended]

3. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
California	City of Mission Viejo, Orange County.	Trabuco Creek	Approximately 4,200 feet upstream of Viejo Road.	*235	*239
			Approximately 3,000 feet upstream of unnamed road.	*260	*255

Maps are available for review at City Hall, 26522 La Alameda, Suite 190, Mission Viejo, California.

Send comments to The Honorable Sharon Cody, Mayor, City of Mission Viejo, 26522 La Alameda, Mission Viejo, California 92691.

California	City of Orange	Alameda Storm Channel	Approximately 1,500 feet downstream of Hewes Street.	*308	None
	Orange County		At Hewes Street	*354	None
			At Linda Vista Street	*365	None
			At Jamestown Way	*393	None
			Approximately 500 feet upstream of Jamestown Way.	*398	None
		Handy Creek	Approximately 1,900 feet downstream of Orange Park Boulevard.	*404	*401

Maps are available for review at City Hall, 300 East Chapman Avenue, Orange, California.

Send comments to The Honorable Gene Beyer, Mayor, City of Orange, 300 East Chapman Avenue, Orange, California 92666.

California	Orange County (Unincorporated Areas).	Aliso Creek	Just downstream of El Toro Road	*614	*614
			Approximately 600 feet upstream of El Toro Road.	None	*625
			Approximately 1,000 feet downstream of Normandale Road.	None	*670
			Just upstream of Normandale Road	None	*784
			Approximately 6,600 feet upstream of Normandale Road.	None	*784
		Handy Creek	Approximately 1,700 feet downstream of Orange Park Boulevard.	*404	*401
			Just downstream of Orange Park Boulevard	*432	*431
			Just downstream of Meads Avenue	*446	*446
			At Amapola Avenue	*470	*472
			Approximately 300 feet upstream of Amapola Avenue.	*474	*474
		San Juan Creek	Approximately 1,920 feet downstream of Ortega Highway.	None	*143
			Just downstream of Ortega Highway	None	*160
			Approximately 440 feet upstream of Ortega Highway.	None	*171
		Serrano Creek	Just upstream of Bake Parkway	None	*363
			Just upstream of Trabuco Road	None	*438
			Just upstream of Dimension Drive (channel/overbank).	None	*652/659
			Approximately 370 feet downstream of Access Road (channel/overbank).	None	*676/680
			Approximately 900 feet upstream of Access Road in the north overbank.	None	,2
			Approximately 1,300 feet downstream of Lake Forest Drive in the north overbank.	None	;1
			Approximately 800 feet upstream of Lake Forest Drive in the north overbank.	None	,2
			Approximately 3,100 feet upstream of Lake Forest Drive.	None	*791
		Trabuco Creek	Approximately 1,000 feet upstream of Unnamed Road.	*245	*251
			Approximately 3,000 feet upstream of the City of Mission Viejo corporate limits.	*290	*275
			Approximately 3,050 feet upstream of the City of Mission Viejo corporate limits.	*295	None
			Approximately 7,750 feet upstream of the City of Mission Viejo corporate limits.	*355	None

Maps are available for review at 400 Civic Center Drive, Building 12, Room 314, Santa Ana, California.

Send comments to The Honorable Mike Ruane, Director, Orange County Environmental Management Agency, 400 Civic Center Drive, Santa Ana, California 92702.

California	San Juan Capistrano	San Juan Creek	Just downstream of the Atchison, Topeka and Santa Fe Railroad.	*72	*72
	Orange County		Just upstream of San Diego Freeway	*81	*80
			Just downstream of the confluence of Horno Creek.	*89	*88
			Approximately 1,540 feet upstream of La Novia Avenue (streamside/landside of levee).	*114/114	*112/110
			Approximately 7,700 feet upstream of La Novia Avenue.	None	*142
		Trabuco Creek	Just downstream of the Atchison, Topeka and Santa Fe Railroad.	None	*158

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD) Existing	Modified
			At Camino Capistrano	None	*189
			At Viejo Road	None	*196
			Approximately 4,050 feet upstream of Viejo Road.	None	*238

Maps are available for review at City Hall, 32400 Paseo Adelanto, San Juan Capistrano, California.

Send comments to The Honorable Gil Jones, Mayor, City of San Juan Capistrano, 32400 Paseo Adelanto, San Juan Capistrano, California 92675.

Colorado	Arapahoe County, Unincorporated Areas.	Big Dry Creek	Approximately 2,000 feet downstream of East Dry Creek Road.	*5,570	*5,570
			Approximately 70 feet upstream of East Dry Creek Road.	*5,586	*5,590
			Just upstream of South Colorado Boulevard	*5,611	*5,612
			Approximately 400 feet upstream of South Colorado Boulevard.	*5,620	*5,620
		Goldsmith Gulch	Approximately 750 feet downstream of East Orchard Road.	*5,643	*5,643
			Just upstream of East Orchard Road	*5,667	*5,670
			At East Maplewood Avenue	*5,696	*5,696
			Just downstream of East Arapahoe Road	*5,769	*5,769
		Piney Creek	Approximately 650 feet upstream of the confluence with Cherry Creek.	*5,627	*5,627
			Just upstream of South Parker Road	*5,640	*5,643
			At South Ouray Street extended	*5,680	*5,680
			Approximately 13,700 feet upstream of South Parker Road.	*5,733	*5,733
		Willow Creek downstream of Englewood Dam.	Just downstream of South Holly Street	*5,538	*5,538
			Just upstream of East Arapahoe Road	*5,550	*5,542
			Approximately 2,260 feet upstream of East Arapahoe Road.	*5,555	*5,555
		Willow Creek upstream of Englewood Dam.	Approximately 250 feet downstream of East Dry Creek Road.	*5,603	*5,603
			Approximately 200 feet upstream of East Dry Creek Road.	*5,608	*5,612
			Just upstream of South Quebec Street	*5,636	*5,644
			Just upstream of East Mineral Drive	N/A	*5,670
			Just downstream of County Line Road (State Highway 470).	*5,708	*5,717

Maps are available for review at the Department of Engineering and Planning, 5434 South Prince Street, Littleton, Colorado.

Send comments to The Honorable Thomas R. Eggert, Chairman, Arapahoe County Board of Commissioners, 5334 South Prince Street, Littleton, Colorado 80166.

Colorado	Larimer County (Unincorporated Areas).	Boxelder Creek	Approximately 3,600 feet downstream of State Highway 14.	None	*4,916
			Just upstream of Vine Drive	None	*4,963
			At County Road 50	None	*4,984
			At County Road 52	None	*5,018
			Just upstream of County Road 54	None	*5,049
			Just upstream of County Road 56	None	*5,082
			Approximately 50 feet downstream of County Road 58.	None	*5,110
			Just upstream of County Road 60	None	*5,148
			Approximately 50 feet downstream of County Road 62.	*5,183	*5,180
			Approximately 3,200 feet upstream of County Road 64.	*5,233	*5,226
		Boxelder Creek, Overflow Channel.	Approximately 1,800 feet downstream of State Highway 14, at the convergence with Boxelder Creek.	None	*4,917
			Approximately 1,700 feet upstream of Vine Drive.	None	*4,967
			Just downstream of County Road 50	None	*4,995
			At County Road 52	None	*5,020
			Approximately 3,000 feet upstream of County Road 52.	None	*5,033
		Boxelder Creek, Left Overbank.	At the convergance with Boxelder Creek	None	*5,115
		Divided Flow At Indian Creek	Approximately 3,600 feet upstream of the convergence with Boxelder Creek.	None	*5,130
			Approximately 6,000 feet upstream of the convergence with Boxelder Creek.	None	*5,139

Maps are available for review at Larimer County Engineering Department, 218 West Mountain Avenue, Fort Collins, Colorado.

Send comments to The Honorable Courtlyn W. Hotchkiss, Chairman, Larimer County Board of Commissioners, P.O. Box 1190, Fort Collins, Colorado 80522.

Colorado	Larimer County (Unincorporated Areas).	Cache La Poudre River	At Larimer-Weld County Line Road	None	*4,788
			Just upstream of Larimer County Road 32 East	None	*4,800
			At Greeley Canal #2 Diversion Structure	None	*4,817
			Just upstream of Harmony Road	*4,840	*4,842

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			At Horsetooth Road	*4,858	*4,855
		Cache La Poudre River-Interstate Highway 25.	At the confluence with the Cache La Poudre River.	None	*4,818
		Divided Flow	At Larimer County Road 36 East	None	*4,833
			Approximately 2,250 feet upstream of Harmony Road, at the divergence from the Cache La Poudre River.	None	*4,850

Maps are available for review at Larimer County Engineering Department, 218 West Mountain Avenue, Fort Collins, Colorado.

Send comments to The Honorable Courtlyn W. Hotchkiss, Chairman, Larimer County Board of Commissioners, P.O. Box 1190, Fort Collins, Colorado 80522.

Georgia	Union County (Unincorporated Areas).	Nottely River	Approximately 0.4 mile downstream of Nicholson Bridge.	None	*1,848
			Approximately 1,450 feet upstream of Morris Ford Road.	None	*1,864
		Coosa Creek	At upstream side of Coosa Creek Road Bridge	None	*1,822
			Approximately 1,900 feet upstream of Owltown Road Bridge.	None	*1,865

Maps available for inspection at Union County Courthouse, Zoning Administration, 114 Courthouse Street, Blairsville, Georgia.

Send comments to Mr. Glen Gooch, Commissioner of Union County, 114 Courthouse Street, Box 1, Blairsville, Georgia 30512.

Kentucky	City of Augusta, Bracken County.	Ohio River	At upstream corporate limits	*509	*510
			Approximately 0.5 mile downstream of upstream corporate limits.	*509	*510

Maps available for inspection at the Augusta City Hall, 219 Main Street, Augusta, Kentucky.

Send comments to The Honorable Louis Habermehl, Jr., Mayor of the City of Augusta, Bracken County, P.O. Box 65, Augusta, Kentucky 41002.

Nevada	City of Reno, Washoe County.	Dry Creek/Boynton Slough	Just upstream of East McCarran Boulevard	*4,393	*4,393
			Just downstream of Peckham Lane	None	*4,414
			Approximately 1,500 feet downstream of South Virginia Street.	*4,450	*4,452
			Approximately 600 feet upstream of Huffacker Lane.	*4,488	*4,490
			At Panorama Drive	*4,510	*4,513

Maps are available for review at the Community Development Engineering Department, 450 Sinclair Street, Third Floor, Reno, Nevada.

Send comments to The Honorable Pete Sferrazza, Mayor, City of Reno, P.O. Box 1900, Reno, Nevada 89505.

Nevada	Washoe County, Unincorporated Areas.	Dry Creek/Boynton Slough	Just upstream of East McCarran Boulevard	*4,393	*4,393
			Approximately 500 feet upstream of South McCarran Boulevard.	None	*4,425
			Approximately 350 feet downstream of South Virginia Street.	*4,458	*4,460
			Approximately 100 feet upstream of Dieringer Drive.	*4,532	*4,536
			Approximately 1,400 feet upstream of Holcomb Lane.	*4,651	*4,649
		Truckee River	Approximately 1,250 feet upstream of Mustang Ranch Road No. 2.	*4,326	*4,326
			Approximately 4,500 feet upstream of Mustang Ranch Road No. 1.	*4,337	*4,340
			Approximately 1,800 feet upstream of State Highway 45.	*4,361	*4,361

Maps are available for review at the Washoe County Department of Public Works, 1001 East 9th Street, Reno, Nevada.

Send comments to The Honorable Larry Beck, Chairman, Washoe County Board of Commissioners, P.O. Box 11130, Reno, Nevada 89520.

New Jersey	Linden, City (Union County).	Peach Orchard Brook	At the confluence with West Brook	*12	*10
			Approximately 100 feet downstream of St. Georges Avenue.	[illegible]	*27
		West Brook	At the confluence with Morses Creek	*12	*8
			At St. George Avenue	*40	*36

Maps available for inspection at the City Engineer's Office, City Hall, 301 North Wood Avenue, Room 208, Linden, New Jersey.

Send comments to The Honorable John T. Gregorio, Mayor of the City of Linden, Union County, City Hall, 301 North Wood Avenue, Linden, New Jersey 07036.

New York	Rockland, town, Sullivan County.	Beaver Kill	At its confluence of Willowemoc Creek	*1,277	*1,276
			At approximately 1.46 miles upstream of Old State Route 17.	*1,307	*1,306
		Little Beaver Kill	At confluence with Willowemoc Creek	*1,422	*1,421
			Approximately 150 feet upstream of County Route 178.	*1,468	*1,467
		Willowemoc Creek	At the confluence with Beaver Kill	*1,276	1,277

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 0.6 mile upstream of County Route 178.	*1,445	*1,444
		Stewart Brook	At confluence with Willowemoc Creek	*1,293	*1,290
			Approximately 530 feet upstream of the confluence with Willowemoc Creek.	*1,293	*1,290
		Cattail Brook	At confluence with Willowemoc Creek	*1,422	*1,421
			Approximately 350 feet upstream of confluence with Willowemoc Creek.	*1,422	*1,421

Maps available for inspection at the Town Clerk's Office, Main Street, Livingston Manor, New York.

Send comments to Mr. Elton Harris, Supervisor of the Town of Rockland, Sullivan County, Livingston Manor, New York 12758.

New York	Yorktown, town (Westchester County).	Shrub Oak Brook	Approximately 0.3 mile upstream of Barger Street.	*424	*423
			Approximately 0.2 mile upstream of U.S. Route 6.	*426	*425

Maps available for inspection at the Yorktown Town Hall, 363 Under Hill Avenue, Yorktown Heights, New York.

Send comments to Mr. Aaron Buck, Yorktown Town Supervisor, Westchester County, P.O. Box 703, 363 Under Hill Avenue, Yorktown Heights, New York 10598.

North Carolina	Burke County (Unincorporated Areas).	Linville River	At confluence with Lake James	None	*1,207
			Approximately 2.6 miles upstream of State Route 126.	None	*1,308

Maps available for inspection at the Burke County Resource Center, Morganton, North Carolina.

Send comments to Mr. Tom Robinson, Burke County Manager, P.O. Box 219, Resource Center, Morganton, North Carolina 28655.

North Carolina	Davie County (Unincorporated Areas).	Yadkin River	Approximately 1,300 feet downstream of Idols Dam.	None	*700
			Approximately 500 feet upstream of Interstate 40.	None	*710
		Carter Creek Tributary	At confluence of Carter Creek	None	*701
			Approximately 0.7 mile upstream of confluence of Carter Creek.	None	*701
		Carter Creek	Within community	None	*701
		Bailey Creek	Approximately 2,500 feet downstream of SR 1621.	None	*701
			Approximately 1,800 feet upstream of Private Drive.	None	*721
		Smith Creek	At mouth of Carter Creek	None	*701
			Approximately 1,000 feet upstream of Interstate 40.	None	*749

Maps available for inspection at the Davie County Courthouse, 123 South Main Street, Mocksville, North Carolina.

Send comments to Mr. Jim Stockert, Davie County Manager, 123 South Main Street, Mocksville, North Carolina 27028.

Oregon	Marion County, Unincorporated Areas.	Willamette River	Approximately 7,200 feet downstream of South River Road.	None	*157
			Approximately 4,000 feet upstream of South River Road.	None	*160
		Croisan Creek	Approximately 100 feet downstream of Private Drive, at the downstream City of Salem Corporate Limits.	None	*213
			Just downstream of Croisan Creek Road	None	*300
			Approximately 1,500 feet downstream of Kuebler Road.	None	*384
			Just upstream of Kuebler Road	None	*430
			Approximately 2,300 feet upstream of Balyntine Road.	None	*495

Maps are available for review at the Marion County Planning Department, 148 High Street, Salem, Oregon.

Send comments to The Honorable Mary Pearmine, Chairperson, Marion County Board of Commissioners, 100 High Street, NE., Salem, Oregon 97301.

Oregon	Polk County, Unincorporated Areas.	Glenn Creek	At the intersection of Glenn Creek Road and Doaks Ferry Road Northwest.	None	*253
			Approximately 600 feet downstream of Doaks Ferry Road Northwest.	None	*268
			Approximately 230 feet upstream of Doaks Ferry Road Northwest.	None	*291
			Approximately 650 feet downstream of 34th Avenue Northwest.	None	*352
		Gibson Creek	Approximately 450 feet upstream of Doaks Ferry Road Northwest.	None	*155
			Approximately 1.0 mile upstream of Doaks Ferry Road Northwest.	None	*169

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps are available for review at Polk County Courthouse, 850 Main Street, Dallas, Oregon.					
Send comments to The Honorable Ralph Blanchard, Chairman, Polk County Board of Supervisors, 850 Main Street, Dallas, Oregon 97338.					
Oregon	City of Salem, Marion and Polk Counties.	West Fork Pringle Creek	Approximately 1,550 feet upstream of Madrone Avenue SE.	*213	*213
			Just upstream of Pringle Road SE	None	*244
			Approximately 750 feet upstream of Pringle Road SE.	None	*258
		Croisan Creek	Just upstream of Burlington Northern Railroad	*145	*145
			Just upstream of South River Road	None	*153
			Just upstream of Croisan Creek Road	None	*210
			Approximately 1,400 feet downstream of Kuebler Road.	None	*364
			Just upstream of Kuebler Road	None	*430
		Glenn Creek	Just upstream of Wallace Road	None	*139
			At Orchard Heights Road Northwest	None	*175
			Just upstream of Glenn Creek Road	None	*252
			Just upstream of Doaks Ferry Road	None	*285
			Approximately 2,970 feet upstream of Gloneden Court NW.	None	*511
		Gibson Creek	Just downsteram of Wallace Road	*135	*136
			Just upstream of Brush College Road NW	None	*151
			Just upstream of Doaks Ferry Road NW	None	*156
			Approximately 2,100 feet upstream of Doaks Ferry Road NW.	None	*159
Maps are available for review at the Department of Public Works, 555 Liberty Street, SE, Salem, Oregon.					
Send comments to The Honorable R.G. Andersen-Wyckoff, Mayor, City of Salem, 555 Liberty Street SE., room 220, Salem, Oregon 97301.					
Puerto Rico	Rio Culebrinas Basin	Rio Guayabo	Approximately 110 meters upstream of confluence with Bahia De Aguadilla (Atlantic Ocean.	None	*2.7
		Rio Culebra	At the confluence of Rio Culebra	None	*3.1
			Approximately 3.4 kilometers above confluence with Bahia De Aguadilla (Atlantic Ocean).	None	*12.0
		Cano Guayabo	At the confluence with Rio Guayabo	None	*3.1
			At confluence with Rio Guayabo	None	*7.1
			Approximately 1.5 kilometers upstream of confluence with Rio Guayabo.	None	*9.5
		Unnamed Stream	At confluence with Cano Guayabo	None	*9.6
			Approximately 510 meters upstream of confluence with Cano Guayabo.	None	*10.1
Maps available for inspection at the Minillas Governmental Center, De Diego Avenue, Stop 22, North Building, 13th Floor, San Juan, Puerto Rico.					
Send comments to Ms. Patria G. Custodio, Chairperson, Puerto Rico Planning Board, Minillas Governmental Center, North Building, De Diego Avenue, Stop 22, P.O. Box 41119, San Juan, Puerto Rico 00940–1119.					
South Dakota	City of Fort Pierre, Stanley County.	Bad River	Approximately 300 feet above mouth	*1,428	*1,431
			At U.S. Highway 83	*1,435	*1,439
			Just downstream of the second crossing of Chicago & Northwestern Railway, from the mouth going upstream.	*1,444	*1,445
			Approximately 800 feet upstream of Chicago & Northwestern Railway.	*1,447	*1,447
Maps are available for review at City Hall, City of Fort Pierre, 8 East Second Avenue, Fort Pierre, South Dakota.					
Send comments to The Honorable Jim Klemann, Mayor, City of Fort Pierre, 8 East Second Street, P.O. Box 700, Fort Pierre, South Dakota 57532.					
Texas	City of Freeport Brazoria County.	Velasco Drainage Area	At the crossing of Velasco Boulevard and Missouri Pacific Railroad.	None	*2
		North Freeport Drainage Area	At the intersection of Twelfth Street and Cedar Street.	None	*6
Maps are available for review at the City Hall, 128 East Fourth Street, Freeport, Texas.					
Send comments to The Honorable Allan R. Faulk, 128 East Fourth Street, Freeport, Texas 77541.					
Texas	Galveston County, Unincorporated Areas.	Gulf of Mexico	Gulf Shore Drive at Avenue G	*15	*16
			Approximately 500 feet southwest of intersection of Broadway Avenue and 7th Street.	*16	*17
			At intersection of 22nd Street and Broadway Avenue.	*16	*14
			At intersection of Boyt Road State Highway 87	*16	*15
Maps are available for inspection at the Galveston County Courthouse, 722 Moody, Galveston, Texas.					
Send comments to The Honorable Ray Holbrook, Galveston County Judge, 722 Moody, Galveston, Texas 77550					
Texas	Granbury, city, Hood County.	Stream LB–2	Approximately 80 feet upstream of U.S. Route 377.	None	*774

State	City/town/county	Source of flooding	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 800 feet upstream of U.S. Route 377.	None	*775

Maps are available for inspection at the Granbury City Hall, 116 West Bridge Street, Granbury, Texas.

Send comments to The Honorable Rick Frye, Mayor of the City of Granbury, Hood County, 116 West Bridge Street, P.O. Box 969, Granbury, Texas 76048.

Washington	City of Wenatchee, Chelan County.	Dry Gulch	At the intersection of Oak Street and Splett Street.	None	#1
			500 feet south along Seneca Avenue from its intersection with Crawford Street.	None	#1

Maps are available for review at the City of Wenatchee, Department of Planning and Development, 25 North Worthen, Wenatchee, Washington.

Send comments to The Honorable Jim Lynch, Mayor, City of Wenatchee, 129 South Chelan, Wenatchee, Washington 98801.

*Elevations in Meters (Mean Sea Level).

(Catalog of Federal Domestic Assistance No. 83.100. Flood Insurance.)

Issued: February 19, 1993.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 93–4519 Filed 2–25–93; 8:45 am]

BILLING CODE 6718–03–M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 91–19; Notice 1]

RIN 2127–AD50

Federal Motor Vehicle Safety Standards; Lift Systems for Accessible Transportation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice solicits comments on a proposal to create a new safety standard specifying requirements for buses equipped with lift systems. The standard would specify minimum platform dimensions. To protect persons riding on the platform while it is in motion, the standard would set limits on the size of protrusions in the platform surface and gaps between the platform and either the bus floor or the ground. In addition, the standard would require platforms to have wheelchair retaining barriers or devices, handrails, and warning signals. Performance tests are proposed for the evaluation of lift strength, the ability of the lift to retain a wheelchair on its platform, and the slip resistance of the platform. A set of operational and interlock requirements are included to prevent accidental movement of the lift when someone is aboard. The standard is intended to prevent injuries and fatalities during lift operation.

DATES: Comments must be received by April 27, 1993. If adopted, the proposed amendment would become effective 12 months following the publication of the final rule.

ADDRESSES: Comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. (Docket Room hours are 9:30 a.m.–4 p.m., Monday through Friday.)

The agency has assigned reference numbers to specific requests for comments. The agency requests that commenters refer to these numbers in their comments.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Neill, NRM–11, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, Telephone: (202) 366–5281.

SUPPLEMENTARY INFORMATION:

Background

Much of the impetus for this rulemaking proceeding comes from the Americans with Disabilities Act [ADA] of 1990 (Pub. L. 101–336, 42 U.S.C. 12101, *et seq.*), which the President signed into law on July 26, 1990. Title II of the ADA requires newly purchased or leased or remanufactured vehicles purchased by public entities and used in fixed route bus systems to be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. Title II also requires a public entity operating a demand responsive system to obtain accessible vehicles unless the system, when viewed in its entirety, provides to individuals with disabilities a level of service equivalent to that provided to individuals without disabilities. Title II further requires public entities operating a fixed route bus system (other than a system which provides solely commuter bus service) to provide complementary paratransit and other special transportation services to individuals with disabilities. Title III requires that designated public transportation, provided by private entities, be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

The Department of Transportation (DOT) is generally responsible for issuing regulations to implement the transportation vehicle provisions in titles II and III of the ADA. Section 504 of the ADA requires the Architectural and Transportation Barriers Compliance Board (the Access Board) to issue guidelines to assist DOT in establishing these regulations. On September 6, 1991, the Access Board published the final guidelines. These guidelines specify that, to be considered accessible, a vehicle must be equipped with a lift or other level change mechanism, and have sufficient clearance to permit a wheelchair to reach a wheelchair securement location once it is on the vehicle. If the vehicle is 22 feet or less in length, it must have at least one wheelchair securement location and device, and if the vehicle is more than 22 feet in length, it must have at least two securement locations and devices (56 FR 45530). On the same day, DOT published a final rule implementing the transportation provisions of the ADA. That final rule incorporates and requires compliance with the September 6, 1991 guidelines issued by the Access Board with only editorial changes (56 FR

45584). The Access Board's final guidelines and DOT's final rule will be referred to collectively as the ADA standards in this document.

NHTSA believes that it is important to supplement these actions under the ADA by reviewing and improving as appropriate the safety of the means provided for making vehicles accessible. Under the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) (the Vehicle Safety Act), NHTSA establishes Federal motor vehicle safety standards to reduce motor vehicle crashes and the resulting deaths, injuries, and economic losses. NHTSA's authority under the Vehicle Safety Act extends to both motor vehicles and motor vehicle equipment. Therefore, NHTSA has the authority to regulate accessible vehicles, if there is a safety problem.

Safety Problem

To determine if there is a safety problem with the means provided for making vehicles accessible, NHTSA's National Center for Statistics and Analysis [NCSA] conducted a study to estimate the number of wheelchair users who are injured or killed in motor vehicle-related accidents other than those involving a collision between an occupied wheelchair and a motor vehicle. The Technical Note for this analysis has been placed in the docket for this rulemaking.

For purposes of this analysis, NCSA examined the Consumer Product Safety Commission's (CPSC) National Electronic Injury Surveillance System (NEISS) accident data for the 5-year period 1986–90. From the NEISS data base, NCSA was able to obtain information on wheelchair users who were nonfatally injured and subsequently treated in a hospital emergency center. The NCSA survey can be considered a conservative estimate of the number of injuries for two reasons. First, the NEISS data base sample does not include information on injured persons treated at smaller hospitals without emergency centers, emergency care centers not associated with a hospital, or doctors' offices. Second, in examining the NEISS data base, NCSA only included in the sample those cases that could be positively identified as being relevant to the analysis. NCSA excluded cases from the analysis if, due to missing or incomplete information, the injury could not be positively identified as resulting from malfunctioning lifts, improper wheelchair/occupant securement within the vehicle, falling off the vehicle ramp, or transferring to or from the vehicle in some manner.

The NCSA survey indicated that, of the estimated 3,774 wheelchair occupants injured in relevant types of accidents, 2 percent had serious injuries and required hospitalization, 16 percent had serious injuries and did not require hospitalization, 43 percent had moderate injuries, 34 percent had minor injuries, and 5 percent were released without treatment.

The NCSA survey shows further that malfunctioning hydraulic lift accidents accounted for 14 percent of the projected total number of wheelchair accident cases in this time period (521 cases out of 3,774). For these accidents, there were no seriously injured persons which required hospitalization. All of the wheelchair occupants which were injured were released without admittance to the hospital, and consisted of the following levels of injuries: 29 percent minor, 44 percent moderate, and 27 percent serious.

These malfunctioning lift accidents involved vans and buses. The accident scenario varies. In some cases, the lift malfunctioned and the lift itself fell. In other cases, it is not clear whether the lift malfunctioned, only that the person was injured on or by the lift in some manner.

NCSA also examined the CPSC's Death Certificate file for the period July 1973 to the present. This database revealed only 8 wheelchair fatalities due to motor vehicle-related accidents which met the criteria for this analysis. Because of the variability in state reporting from one year to the next, and variability in data collection from those states that do report, NCSA did not attempt to extrapolate these data to the national level. The sample included two fatalities involving a hydraulic lift. On November 2, 1981, a fatality occurred when the occupant fell down a wheelchair in a hydraulic lift while boarding a bus. On May 17, 1990, a fatality occurred when a wheelchair was pinned under the hydraulic lift of a van.

NHTSA's Office of Defects Investigation (ODI) has opened two investigations concerning possible defects in lifts. The first investigation involved an Environmental Equipment Corporation (EEC) lift when the platform stowed while a passenger was on the lift. The EEC lift is a stair-to-platform type lift. The bus stairs unfold to form the platform. Conversely, the platform folds to form stairs during the stow configuration. The person was thrown to the pavement, suffering injuries which proved fatal. As a result of this accident and investigation, EEC modified the lift to incorporate a load sensing device to prevent stowage of the lift when it is occupied. The second investigation involved a Braun Corporation lift which had a roll stop that was not functioning correctly. A person in a wheelchair fell off the lift, landing on a child standing near the lift. Both persons were injured and hospitalized. The cause of this accident was insufficient maintenance.

NHTSA expects that the implementation of the ADA will cause the number of accessible vehicles to increase, and that many of these vehicles will be equipped with lifts. In addition, as public and private transportation systems become more accessible, NHTSA expects that persons with disabilities will use public and private transportation systems in greater numbers and more frequently. Given that individuals in wheelchairs may be utilizing transportation systems to a higher degree in the future, NHTSA is concerned that the accident rate suggested by the NCSA study could increase. Therefore, NHTSA decided to propose a new safety standard specifying requirements for lift systems and for buses equipped with lift systems.

Other Standards

In developing this proposal, the agency examined a number of existing standards and guidelines for wheelchair lifts. These included the ADA standards, the set of advisory guidelines developed in 1986 under the sponsorship of the Federal Transit Administration (formerly the Urban Mass Transportation Administration) [the FTA-sponsored guidelines], the Department of Veteran Affairs (personal vehicles), the Eleventh National Conference on School Transportation (school buses), Indiana (school buses), Arizona (school buses), the Canadian Standards Association, the Swedish Board of Transport, and the British Code of Practice. Of these, the ADA standards and the FTA-sponsored guidelines had the greatest influence on the current proposal. The ADA standards, though not as comprehensive as other standards and guidelines, were influential because the largest number of accessible vehicles will be required to comply with them. The FTA-sponsored guidelines were influential because they reflect the then current state-of-the-art for lifts on the market.

The agency has incorporated many aspects of the ADA standards in its proposed standard because buses required to be accessible by the ADA are expected to comprise the largest number of vehicles equipped with lifts and therefore the largest number of vehicles affected by NHTSA's standard. While school buses outnumber transit and

VOL
58
ISS
37
FE
26
1993
UMI

paratransit buses, school buses are exempt from the ADA (although public school systems must comply with the accessibility requirements of section 504 of the Rehabilitation Act of 1973).

The FTA-sponsored guidelines were developed in 1986 as a result of an FTA project to develop a set of advisory guidelines for accessibility of transit buses and paratransit vehicles. The developmental work was performed by an advisory panel composed of lift and vehicle manufacturers, transit operators, state and local government officials, consumers with disabilities, wheelchair manufacturers, and Federal government agencies. The panel produced guidelines for two types of lift systems: Passive lifts and active lifts. (Passive lifts are devices which are normally located in doorways used by both persons with disabilities and those without disabilities, which, when stowed, allow unimpeded use of the door by persons without disabilities and which are typically installed on transit buses. Active lifts are normally located in doorways used only by persons with disabilities and are typically installed in paratransit vehicles, school buses and personally owned lift equipped vehicles.) The guidelines were intended to aid transit and paratransit agencies in preparing their specifications for vehicle accessibility. Both sets of guidelines are available in a single volume titled "National Workshop on Bus-Wheelchair Accessibility", FTA publication FTA–IT06–0322–87.

To a great extent, NHTSA's proposed standard was derived from the FTA-sponsored guidelines for passive lifts. Since the provisions of the FTA-sponsored guidelines were developed by consensus among all the parties, including lift manufacturers, the recommendations have generally been accepted and incorporated in designs by manufacturers. In addition, many provisions have been incorporated in bid specifications by some of the largest purchasers of accessible equipment, and, therefore, have been incorporated in designs to accommodate those large markets. Thus, where the proposed standard does not vary from the FTA-sponsored guidelines, the practicability of the requirement has been proven. In some cases, to provide harmony with the ADA standards, NHTSA has departed from the FTA-sponsored guidelines in developing its proposal.

Note: For comparison purposes, the discussion below of the proposed requirements includes citations for comparable sections of the ADA standards and the FTA-sponsored guidelines. If a citation is not included, the ADA standards or FTA-sponsored guidelines do not have a comparable requirement.

In addition, to satisfy the requirements of the Vehicle Safety Act, this proposal goes beyond the requirements of the FTA-sponsored guidelines in many areas. The FTA-sponsored guidelines were intended to be advisory in nature, providing transit agencies with a model that they could use, as appropriate, in the development of their specifications for accessible vehicles. In addition, the FTA-sponsored guidelines are general in nature and therefore would not be easily enforceable, even if adopted by a transit agency.

By contrast, if a manufacturer or NHTSA determines that its vehicles or items of motor vehicle equipment do not comply with a safety standard, the Vehicle Safety Act requires the agency to order the manufacturer to conduct a recall campaign and remedy the defect. In addition, the Vehicle Safety Act authorizes NHTSA to seek civil penalties or a restraining order against sales of noncomplying vehicles. Because of the potentially serious consequences of noncompliance with a safety standard, the Vehicle Safety Act requires each safety standard to meet certain requirements, including, among other things, that the standard be practicable, meet the need for motor vehicle safety, and be stated in objective terms.

Issues

Applicability (S3)

NHTSA proposes to make this new standard applicable to all new buses equipped with a lift. While this proposal is based on standards developed for transit buses, the agency has also examined the existing school bus standards of Indiana, Arizona, and the Eleventh National Conference on School Transportation. Because of the similarity between these standards and NHTSA's proposal, the agency tentatively concludes that the proposed requirements would be appropriate for school buses also.

(1) The agency requests comments on the appropriateness of applying the proposed requirements to over-the-road buses, i.e., a bus with an elevated passenger deck located over a baggage compartment. The agency is aware that these buses will not be required to comply with the requirements of the ADA until July 26, 1996, at the earliest, if purchased by a private entity. However, over-the-road buses purchased by public entities must now comply with the requirements of the ADA. NHTSA does not anticipate that there would be any problems with applying the requirements to over-the-road buses equipped with lifts.

(2) The agency also requests comments on whether the proposed standard should apply to vehicles that would have been classified under the Vehicle Safety Act as buses (having a capacity to carry 11 persons or more) if equipped with regular seats, but which are instead classified as multipurpose passenger vehicles (MPV) (having a capacity of 10 persons or less) due to the installation of wheelchair restraints in place of regular seats.

Standard No. 222, *School Bus Passenger Seating and Crash Protection* specifies occupant protection requirements for school bus passenger seating which includes limits on the fore and aft spacing between adjacent rows of seats in order to keep students compartmentalized or contained within their immediate seating area during a crash. Because of these requirements, school buses generally have areas which are dedicated to wheelchair securement. Often, especially when a school bus is equipped with multiple wheelchair locations, the bus's carrying capacity can be lowered to the point that it is classified as an MPV. As an MPV, such a vehicle would not be subject to the proposed lift standard if it is limited to buses. For transit buses however, the agency believes that seats are designed to flip up or down to accommodate a wheelchair. In this situation, there is no reduction in capacity.

(3) The agency requests information about the types of vehicles (bus, school bus, or MPV) which are equipped with lifts.

(4) The agency requests comments on whether the proposed performance requirements for buses should be applied to MPVs as well.

Single Set of Requirements for All Vehicles Versus a Different Set for Each Type and Size of Vehicle and Lift

As stated previously, the advisory panel that developed the FTA-sponsored guidelines specified separate guidelines for passive and active lifts. The agency is proposing a single set of requirements, based primarily on the FTA-sponsored guidelines for passive lifts, for all buses. NHTSA has tentatively concluded that a distinction based on the type of lift is not necessary. When developing this proposal, NHTSA examined any areas where the FTA-sponsored guidelines differ for active and passive lifts. In general, the FTA-sponsored guidelines differed only in sections dealing with operational or maintenance issues. Since NHTSA safety standards regulate the

manufacture of motor vehicles and motor vehicle equipment only, these differences were not relevant to the current proposal. When NHTSA's proposal addresses an area where there are differences between active and passive lifts, the proposal either provides alternative means of compliance or has been modified so that either type of lift can comply. For example, in the requirements for the controls, the labeling requirement allows for different wording to reflect differences in the lift functions. (See *Control System.*) In the requirement for maximum lift acceleration, the agency tentatively chose a value with which either type of lift could comply. (See *Lift Operational Requirements.*) The agency also notes that the ADA standards generally do not make any distinction based on the type of lift.

(5) Nevertheless, the agency seeks comment on whether any of the requirements should be differentiated by type of lift.

(6) Even if a commenter believes that a general differentiation should not be made, comment is requested on whether there are any particular requirements which should include alternative provisions or exceptions for a specific type of lift.

Warning Signals (S5.1 and S5.2)

To warn persons in and near the vehicle that the lift is about to be deployed, the agency has tentatively concluded that buses should be equipped with an audible warning signal of 85 dBA that sounds for a period of not less than four seconds and not more than eight seconds, beginning when deployment of the lift begins. If this standard were to be generally extended to MPV's, the audible warning signal requirement might still apply only to buses. In vans and other personally licensed vehicles for transportation of persons with disabilities, the warning signal would be annoying and unnecessary because the lift would be operated by the vehicle owner in many cases.

The proposed sound level is identical to that recommended by the FTA-sponsored guideline (section 2.1.6.1) and was selected because it is the same as that frequently used for audible backup warning indicators on trucks. The level is high enough to be heard above normal background noise, yet still low enough that a person can be exposed to it for long periods of time without hearing damage.

Section 2.1.6.1 of the FTA-sponsored guideline recommends that there be a warning signal "(w)hen the lift is being deployed." In developing this proposal, the agency was concerned with balancing the safety need to warn persons near the vehicle that the lift was about to be deployed with the possible irrigation that extended operation of the signal could cause for passengers on the bus. The agency has tentatively concluded that the time period the signal is required to operate can be shortened without any decrease in the safety benefit the signal provides. The time span the agency is proposing is based upon the warning signal required by Standard No. 208, *Occupant Crash Protection,* for safety belts.

(7) The agency requests information from transit providers regarding accidents that have occurred to persons in the area of lift operation.

(8) The agency also requests comments on the length of time that the warning signal should operate.

To prevent noise caused by lift operation from obscuring the warning signal, and to allow oral instructions from the transit operator to be heard during lift operation, the agency has also tentatively concluded that the maximum noise level for the lift itself should be limited to 75 dBA. This proposal is identical to the FTA-sponsored guidelines (section 2.1.7).

In addition to the audible warning signal, the agency has tentatively concluded that the four-way flasher hazard lights should operate automatically during lift operation. Since lift operation can add to the time that a bus remains stationary at a bus stop, the visual signal would alert motorists that the bus will be stopped for longer than the usual period. This would let motorists behind the bus know that they should switch lanes and pass if it is safe to do so. This proposal is also identical to the FTA-sponsored guidelines (section 2.1.6.2).

This requirement would not apply to school buses. The agency notes that school buses have separate amber and red lights. The agency is concerned that operating the hazard lights in addition to these lights could confuse passing motorists.

Platform Size (S5.3.1)

Platform size, i.e., its length and width, determines the size of wheelchair which can be accommodated. The FTA-sponsored guidelines specify that "(t)he lift platform should have a minimum clear width of 28½ inches," "(t)he minimum clear length of the lift platform* * *should be 40 inches," and "(a)t a distance two and one half inches above the platform, the clear distance should be 44 inches" (section 2.2). The FTA-sponsored guidelines allowed a shorter length at the platform surface because the effective length of a wheelchair tends to be longer than the wheel "footprint" made by the wheelchair resting on the platform surface. Because the footrests and other parts of the wheelchair which extend beyond the "footprint" are higher up, the available clear space can be less at the platform level without decreasing the accessibility of the lift.

The dimensions in the FTA-sponsored guidelines were based on estimates that they would accommodate 90 to 95 percent of the wheelchair population in 1986. NHTSA believes that the percentage of wheelchairs which could actually use a lift of this size would now be lower for two reasons. First, these figures were for the entire fleet of wheelchairs, not just wheelchairs used in transport. The ones used in transport are typically of the larger type. Figures from the Access Board indicate that, while only 10 percent of all wheelchairs are of the powered type, powered wheelchairs represent 50 percent of the wheelchairs used in transport.

Second, the majority of three-wheeled scooters cannot be accommodated on lifts of the size specified in the FTA-sponsored guidelines. This inability had little significance several years ago, since scooters were then low volume sales devices commonly used for indoor transport. However, they have now become popular mobility devices and are being used widely for outdoor transport. The longest of these scooters are 44 to 48 inches in length at a height of three of six inches above the ground and could not be accommodated on a lift with the dimensions specified in the FTA-sponsored guidelines.

The ADA standards require "a minimum clear width of 28½ inches at the platform, a minimum clear width of 30 inches measured from two inches above the platform surface to 30 inches above the platform and a minimum clear length of 48 inches measured from 2 inches above the surface of the platform to 30 inches above the surface of the platform" (36 CFR 1192.23(b)(6); 49 CFR 38.23(b)(6)). NHTSA has tentatively decided to include these dimensions in the new safety standard. However, the agency has tentatively concluded that the dimensions should be stated in terms of unobstructed platform operating volume. The proposal makes it clear that at no point while the lift is occupiable during its operation could any part of the lift or bus, except for any required barrier on a platform edge, intrude into the area above the portion of the platform that would be occupied by a large

wheelchair. This area is represented in the proposed regulation by a rectangular solid of specified dimensions. (See Illustration 1.)

BILLING CODE 4910-62-M

VOL
58
ISS
37
FE
26
1993
UMI

Illustration 1.
LIFT PLATFORM CLEAR SPACE REQUIREMENTS

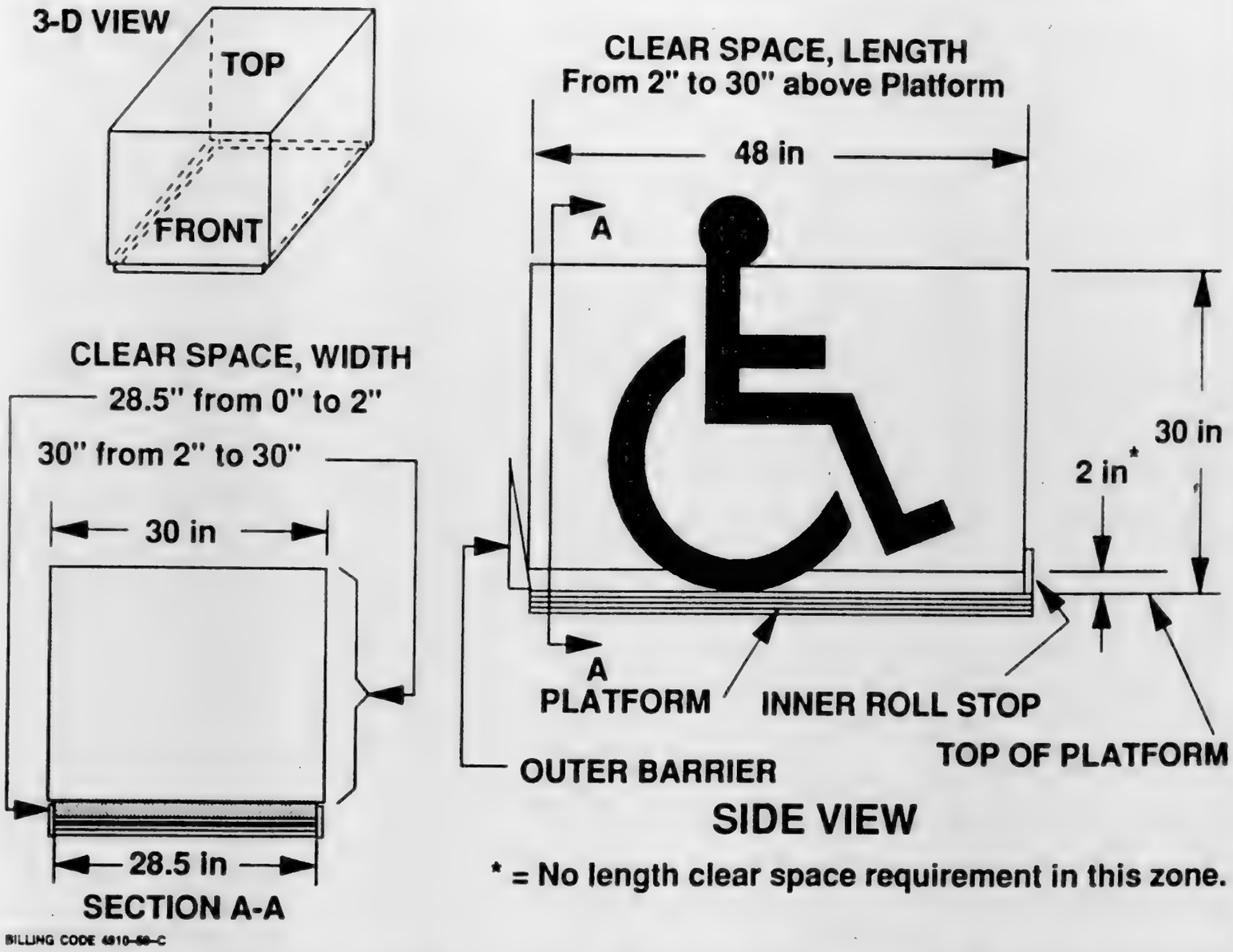

BILLING CODE 4910-59-C

Platform Slip Resistance (S5.3.2 and S6.2)

The agency tentatively concludes that a slip resistant platform surface is important to reduce the potential for accidents for both standees and wheelchair users. This potential occurs particularly as a result of rain or other precipitation, but is present even in dry weather. Both the FTA-sponsored guidelines (section 2.2.2) and the ADA standards (36 CFR 1192.23(b)(6); 49 CFR 38.23(b)(6)) specify that the platform surface should be slip resistant. Mobility-impaired persons who use lifts usually need a higher level of slip resistance for safe walking than an able-bodied person. In addition, they may have greater difficulty in regaining their balance and standing up again after a slip. In addition, a slip-resistant surface would provide the traction necessary for a person moving in a wheelchair from the bus floor to the lift platform to stop on the platform without hitting the outer barrier.

In the appendix to its final guideline, the Access Board recommended that lift platform surfaces have a static coefficient of friction of 0.6. This figure is based upon a research project of the Access Board which showed that a standee would need this level of coefficient of friction to be able to walk on the platform. The Access Board decided not to include a specific value in the guideline itself, however, based upon comments it received regarding the technical difficulties in using devices, e.g., the NBS-Brungraber Tester, to test the compliance of a surface with a specific value. (The NBS-Brungraber is a portable testing machine, weighing about 50 pounds, which is used to measure surface friction coefficient.) NHTSA tentatively agrees that, since standees will be using lifts, the platform surface should have a static coefficient of 0.6. However, instead of specifying the requirement in terms of coefficient of friction, thus necessitating the use of such a test device to determine compliance, the agency has tentatively concluded that it is more appropriate to use a surrogate requirement whose satisfaction by a platform surface would be equivalent to its compliance with this coefficient of friction.

Under the proposed slip resistance test, a wheelchair must remain on the platform when the vehicle or lift platform is tilted so that the lift platform has a 30 degree slope, and the platform is wet. The 30 degree value was derived from the 0.6 coefficient of friction in the manner described below. For a horizontal plane, static friction is determined by dividing the amount of tangential force required to move an object parallel to the plane by the normal force (force acting perpendicular to the plane). In the case of a horizontal plane, that force is equivalent to the object's weight. On an inclined plane, the force (gravity) acting on an object on the plane can be broken down into two components, one normal to and the other tangential to the surface of the inclined plane. As the angle of inclination increases, the normal force decreases and the tangential force increases. The interaction of these two components can be used to determine the plane's coefficient of static friction, i.e., the coefficient is equal to the tangential force divided by the normal force. A simple geometric function defines this relationship between tangential force, normal force, and the angle of the inclined plane. The tangent of the inclination of the plane is equal to the tangential force divided by the normal force which, in turn, is equal to the static coefficient of friction. Using this relationship, it is possible to determine an appropriate angle of inclination of the platform on which an object would not move if the static coefficient of friction was not less than 0.6. The inclination of the platform is the ARCTAN (0.6) or approximately 30 degrees. Thus, by tilting a surface to an inclination of 30 degrees, the surface becomes a surrogate pass/fail test for whether the surface has the desired coefficient of static friction of 0.6. A platform would pass the test if, with the platform tilted to 30 degrees, a wheelchair or other mobility aid on the platform remains at rest, or does not move far enough to contact the planes perpendicular to the lift platform at the platform perimeter. If it slides and contacts these planes, it fails the test. Therefore, the agency has tentatively concluded that the lift platform should be placed at a 30 degree outward slope for the purpose of conducting the compliance test. The agency has also tentatively concluded that, since a platform could be wet from precipitation, the platform should be wet when tested. The agency believes that it is not necessary to test for slip resistance with the platform dry, since a test with the platform wet should constitute a worst case scenario.

The agency is proposing that the test be conducted with each of three different types of wheelchairs both unloaded and loaded with 165 pounds with sand ballast. While research suggests that standees require a more slip resistant surface than a wheelchair, the agency is not proposing a test that attempts to replicate a standee on a platform surface. Developing an objective test using a standee would be very difficult. However, the agency believes that testing with wheelchairs would also ensure that the platform is sufficiently slip resistant for a standee to use the lift safely. The agency believes that most persons with a disability that limits their mobility wear rubber-soled shoes and that most crutches and walkers have rubber tips. Thus, the material in contact with the platform surface should be similar for both wheelchair users and standees. The agency is aware that an inclination angle of 30 degrees may be excessive for a bus, especially one with a rear mounted lift. Therefore, for this test, the agency would allow the necessary control arms to be removed between the bus and the lift to allow for the platform to be tilted separate from the bus.

(9) The agency requests comments on the merits of both the test proposed and other methods of measuring surface friction, such as testing using the NBS-Brungraber Tester which was evaluated by the Access Board in their research. (Kulakowski, B.T. et al. "Slip Resistant Surfaces Research Project," Vol. I, Tech. Rpt., The Pennsylvania Transportation Institute, The Pennsylvania State University, 1988.)

(10) The agency additionally requests comments on the qualitative value (static coefficient of friction = 0.6) from which our test requirement was established.

Platform Protrusions (S5.3.3)

In order to facilitate movement on and off the platform, the agency has tentatively concluded that the platform should be free from protrusions greater than 0.25 inch if the sides of the protrusion are perpendicular to the platform surface, or 0.5 inch if the sides of the protrusion are not perpendicular to the platform surface, with the maximum allowable slope for non-perpendicular sides being 1:2. (See Illustration 2.) If a protrusion is too high, a wheelchair user would have to accelerate to get over it. Even if the protrusion did not prevent a person in a wheelchair from entering or exiting a bus, the additional propulsive power needed to overcome the obstacle could result in an accident. Protrusions could also be a tripping hazard to any standees who use the lift.

BILLING CODE 4910-06-M

Illustration 2.

MAXIMUM PLATFORM PROTRUSIONS

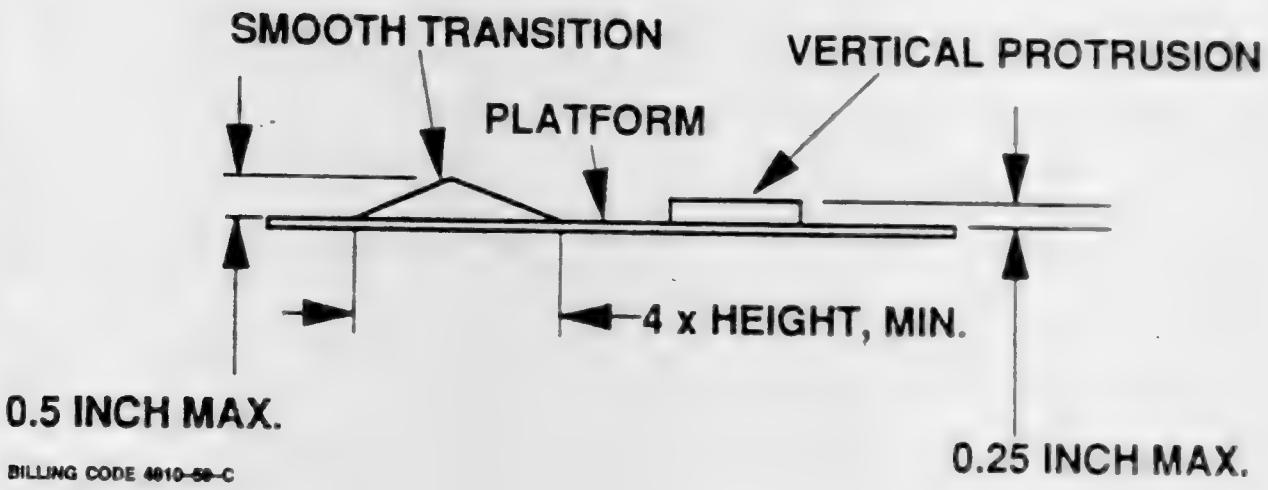

BILLING CODE 4910-59-C

VOL
58
ISS
37
FE
26
1993
UMI

The agency also understands that the levers and/or devices which operate outer and/or inner barrier(s) often protrude through the platform surface when the barriers are deployed. The agency tentatively concludes that these protrusions should be allowed as they do not protrude through the platform surface while the wheelchair or standee is boarding or leaving the lift, and therefore do not constitute a hazard. Therefore, the agency is proposing language limiting the prohibition against protrusions to occasions when the lift barrier and roll stop are stowed.

The FTA-sponsored guidelines include an identical requirement (section 2.2.3). The ADA standards prohibit any protrusions greater than ¼ inch, with no distinction made between protrusions which are perpendicular to the platform surface and those which are not (36 CFR 1192.23(b)(6); 49 CFR 38.23(b)(6)). Since the ADA guidelines do not include a slope requirement, the agency believes that this prohibition applies only to vertical protrusions. The agency believes that slightly higher protrusions can be allowed for smooth rise without either compromising safety or decreasing the accessibility of the vehicle and that such a requirement would go beyond the ADA standards. The smooth rise requirement is intended to allow for some types of bolts, i.e., round head and oval head, which have sloped edges, to protrude through the platform surface.

(11) The agency requests comments on the practicability of the ADA standards requirements.

Static Load Tests. (S5.4, S6.3, S6.4, and S6.5)

Since the agency does not anticipate that the weight of wheelchairs will increase substantially in the future, the agency has tentatively concluded that the lift should be tested for compliance with the gap dimension and platform deflection requirements with a 600 pound load. (A discussion of both of these requirements follows this section.) This value was based on both the FTA-sponsored guidelines (section 2.3.1) and the ADA standards (36 CFR 1192.23(b)(1); 49 CFR 38.23(b)(1)). These standards specify a design load of 600 pounds, based upon typical loads that a lift would be carrying. Discussions with wheelchair manufacturers by the FTA sponsored advisory panel indicated that the heavier, powered wheelchairs can weigh up to 250 pounds, while heavy manual wheelchairs can weigh up to 60 pounds. The 99th percentile male weighs approximately 241 pounds. Thus, the weight of an occupied powered wheelchair could approach 490 pounds. The weight of an occupied manual wheelchair and attendant could approach 540 pounds. While the weight of an occupied powered wheelchair and attendant can approach 750 pounds, the agency does not believe that this is an appropriate test load. A powered wheelchair would occupy most of the platform, thus preventing a person from simultaneously standing on the lift. In addition, since a powered wheelchair provides independent movement, there is reduced need for a person riding in such a wheelchair on a lift to be accompanied by an attendant.

The agency is proposing a sequence of three static load tests which a life must pass. During the sequence of tests, the lift is operated only as specified in the standard. For the first test, a load of 600 pounds is placed on the lift when the lift is at the ground level loading position. The lift is then raised to the bus floor level loading position, then lowered to the ground level loading position. With this load on the lift, compliance with the gap dimension and platform deflection requirements is determined.

For the second test, a load of 1800 pounds is placed on the lift when the lift is at the bus floor level loading position. This test is not intended to simulate an actual load condition for the lift. Instead, this test is intended to be severe enough to ensure that the lift is unlikely to fail, even under an excessive load condition, without any separation, breakage, or fracture. This requirement is similar to the requirement in the FTA-sponsored guidelines (section 2.3.2) and the ADA standards (36 CFR 1192.23(b)(1); 49 CFR 38.23(b)(1)) that the lift have a structural safety factor of three.

After this test, the lift is again operated, this time without any load, through an entire cycle to determine that the lift continues to comply with the interlock and lift operational requirements. (See *Interlocks* and *Lift Operational Requirements*.) A load of 600 pounds is then placed on the lift and compliance with the gap dimension and platform deflection requirements is again determined.

Gap Dimensions (S5.3.4, S6.3, and S6.5)

The agency proposes to limit the horizontal and vertical gaps between the lift platform surface and the vehicle when the lift is at the vehicle floor level and gaps between the lift and the ground when the lift is at the ground level since gaps can impede the movement of the wheels of a wheelchair. As with protrusions on the platform surface, the additional propulsive power needed to overcome an overly large gap could result in an accident. The FTA-sponsored guidelines limit vertical gaps to ⅝ inch and horizontal gaps to ½ inch (section 2.2.4). The ADA standards limit vertical gaps to ⅝ inch and horizontal gaps to ½ inch (36 CFR 1192.23(b)(7); 49 CFR 38.23(b)(7)). The proposed standard is consistent with both. It specifies that vertical gaps are not to exceed 0.625 inches and horizontal gaps are not to exceed 0.5 inches.

The agency has added an additional provision that gaps would not be permitted to exceed these requirements when the platform is loaded as required for the first and third static load tests. (A discussion of the static load test precedes this section.) When the platform is loaded, platform deflection can potentially increase the gap dimension. This additional requirement would ensure that the platform gap does not exceed the specified dimensions at any time.

The ADA standards also include a requirement limiting the horizontal gaps between the lift platform and raised barriers to ⅝" (36 CFR 1192.23(b)(7); 49 CFR 38.23(b)(7)). This requirement is "intended to prevent the front castor of a wheelchair from turning sideways and dropping between the gap between the raised barrier and the platform." (56 FR 45530, 45536) The Access Board based this requirement on the fact that a wheelchair castor wheel width is approximately ⅝ inch. The agency has tentatively concluded that this provision should be adopted also.

Platform Deflection (S5.3.5, S6.3 and S6.5)

NHTSA proposes that the deflection of a lift platform under load be limited. Platform deflection negatively affects the lift user's sense of security and balance. For standees, a steep angle could make it very difficult to walk onto a lift. In addition, platform deflection could allow a wheelchair, especially manual wheelchairs, to be propelled towards the outer barrier, and possibly to gain sufficient momentum to pass over it. For this reason, the agency has tentatively concluded that platform deflection should be limited to 3 degrees. This is consistent with both the FTA-sponsored guidelines (sections 2.2.5 and 3.1.3) and the ADA standards (36 CFR 1192.23(b)(9); 49 CFR 38.23(b)(9)).

The agency believes that any additional platform deflection would be unsafe. When climbing an incline, the occupant of a manual wheelchair must increase the amount of force being applied to the wheels to make the

wheelchair move. When descending an incline, the wheelchair will accelerate, making it necessary for the occupant to apply a resistive force to maintain a cautious speed. Therefore, the agency believes that platform deflection should be limited to an angle that ensures that excessive arm strength will not be necessary in order for a wheelchair occupant to maneuver onto and off the platform.

The test requirement is based upon both the FTA-sponsored guidelines (section 3.1.3) and the ADA standards (36 CFR 1192.23(b)(9); 49 CFR 38.23(b)(9)). The test pallet (a platform on which the load is placed) would measure 26 inches by 26 inches, the dimensions of the average wheelchair "footprint." With the platform unloaded, platform deflection is measured. Then the platform is loaded with 600 pounds and platform deflection is again measured. The difference between these two measurements cannot be greater than 3 degrees. The agency has modified the test requirement found in the FTA-sponsored guidelines and the ADA standards by specifying that deflection is measured in relation to a plane tangent to the side of the vehicle on which the lift is attached.

Edge Guards (S5.3.6)

The agency has tentatively concluded that the sides of the platform which parallel the direction that a wheelchair would travel during entry or exit should be required to be equipped with edge guards. Edge guards can help prevent a wheelchair from sliding off or being driven off the side of the platform. The edge guards would not be required along the sides of any portion of the platform that never extends outside the vehicle. This will facilitate maneuvering the wheelchair into or out of the vehicle. Edge guards are required by both the FTA-sponsored guidelines (section 2.2.6.1) and the ADA standards (36 CFR 1192.23(b)(5); 49 CFR 38.23(b)(5)). The sides of the platform are not in the direct path of the wheelchair, and would be subject to only a small fraction of the weight of the occupied wheelchair. Therefore, the agency tentatively concludes that it would be sufficient to require only that the edge be high enough to deflect the motion of the wheelchair and alert the wheelchair occupant that the wheelchair is at the edge of the platform. NHTSA believes that it would be sufficient for this purpose if the edge guards were one and one-half inches high. This height is the same as that in the ADA standards and is greater than that required by the FTA-sponsored guidelines.

Platform Inner Roll Stop (S5.3.8 and S6.7)

The inner roll stop prevents the wheelchair from rolling off the platform's inner edge. For arc lifts, i.e., lifts which have an arcing motion during operation, this device prevents the lift occupant from falling off the inner edge. For all lifts, it prevents accidents due to pinching and shearing of the occupant's legs or feet between the platform and the bus. For elevator lifts, i.e., lifts which move vertically during operation, it is possible for the bus wall below the wheelchair lift entry door to perform the function of the inner roll stop. Either design is permissible under the proposed standard, as it is under both the FTA-sponsored guidelines (sections 2.2.6.4 and 2.2.6.5) and the ADA standards (36 CFR 1192.23(b)(5); 49 CFR 38.23(b)(5)).

Since the agency does not have any information that there have been any accidents involving a failure of the inner roll stop to retain a wheelchair on the platform, and since the possible accident scenarios appear to involve less risk of serious injury than if a wheelchair were to fall off the outer edge of the platform, the agency has tentatively concluded that a static test is sufficient for this device. The proposed inner roll stop test is based on the FTA-sponsored guidelines (section 3.1.6.2), modified by specifying the length of time that the load is applied and the amount of permissible deflection.

Wheelchair Retention (S5.3.7 and S6.6)

The FTA-sponsored guidelines (section 2.2.6.2) require an outer barrier. The ADA standards state that the outer barrier "shall be sufficient when raised or closed, or a supplementary system shall be provided, to prevent a power wheelchair or mobility aid from riding over or defeating it . . ." (36 CFR 1192.23(b)(5); 49 CFR 38.23(b)(5)) In addition, the ADA standards require the outer barrier to move into position automatically, or the supplementary system to engage, whenever the platform is more than 3 inches above the ground.

Because a wheelchair falling off a platform could drop as far as three feet, there is a potential for severe injuries. Therefore, the agency tentatively concludes that there should be a requirement for a device that retains a wheelchair on the platform. In the past, lifts have been equipped with an outer barrier for this purpose. However, the agency understands that other types of systems similar to the restraints used inside the bus are being developed. To allow for development of this, or any other type of system, the agency is requiring "a means of retaining a wheelchair." The agency has also modified the test procedure so that it is performance related.

The FTA-sponsored guideline for passive lifts requires the outer barrier to meet dynamic test requirements intended to ensure that the outer barrier will retain a powered wheelchair. (sections 2.2.6.3 and 3.1.6.1) The dynamic test in section 3.1.6.1 specifies that the outer barrier cannot be defeated when 2 of 4 named wheelchairs are tested under the following conditions:

(a) Fully charged battery system

(b) Equivalent occupant loads of both 110 and 250 pounds

(c) Accelerated at full power from a starting position off the lift platform and a minimum of 48 inches between the front edge of the foot rests or rim of the rear tires and the outer barrier

(d) A platform positioned with an 8 degree outward slope

(e) The lift platform in a raised position.

The FTA-sponsored guidelines included a dynamic test requirement based upon the results of testing done in 1985 by Garrett Engineers, Inc., a California sponsored contractor.

These tests were initiated by the Southern California Rapid Transit District following an accident investigation that indicated a powered wheelchair had defeated an outer barrier. The tests showed that outer barriers on all then-existing passive wheelchair lifts could be overcome by commonly available powered wheelchairs, which either rode over the outer barrier or pushed them down.

NHTSA tentatively agrees with the statement in the supporting rationale for the FTA-sponsored guideline that "the unsafe condition of an outer barrier not retaining a wheelchair on the platform is unacceptable." Therefore, the agency has included a dynamic test in the proposed standard.

After reviewing the test vehicles, NHTSA has tentatively concluded that the number of tests specified in the FTA-sponsored guidelines can be reduced by specifying testing with only one wheelchair. The FTA-sponsored guidelines require testing with two types of wheelchairs, the power base chair and the large-rear-wheeled chair. The agency believes that the Invacare Ranger 2 (a large-rear-wheeled chair) can simulate both of these test conditions. The agency believes that the worst case crash is an outer barrier impact with a large-rear-wheeled wheelchair during the rear facing test, as

the chair will tend to climb over the outer barrier. The agency believes that, during the front facing test, the front wheels of the test wheelchair will impact the barrier in a manner similar to that of the power base chair, thus making the front-facing test with the large rear wheeled wheelchair a surrogate for the power base wheelchair. Therefore, the agency believes the number of compliance tests can be reduced while continuing to ensure the safety of the lift.

While the FTA-sponsored guidelines did not specify testing with a three-wheeled "scooter," the agency believes that the proposed test would adequately demonstrate whether this type of wheelchair would also be retained on the platform. Typical three-wheeled "scooters" have wheels that are approximately the size of those used on power base chairs. However, "scooters" typically are lighter and less powerful than the power base chairs. Therefore, the agency believes that a "scooter" would be less able to push down a barrier than a power base chair.

While reviewing the wheelchair types used in this test, NHTSA also considered adopting a surrogate test device for testing the outer barrier. However, a suitable surrogate wheelchair is not currently available. The surrogate used by Australia is mounted on skids, not wheels. While Britain and Canada are developing a surrogate on wheels, the surrogate only has small wheels and is not powered, and therefore could not be used to simulate a rear-facing crash by the large-rear-wheeled chair which would tend to climb over the barrier.

The agency is specifying one permissible wheelchair for this test, rather than specifying a generic type of wheelchair. The Vehicle Safety Act's requirement that safety standards be objective requires the agency to ensure that test results are equivalent. The agency believes that the proposed slip resistance test (S6.2), which specifies generic wheelchair types will be sufficiently objective since the characteristics of the wheelchair which affect the outcome of that test are limited to the tires and overall weight. However, the agency believes that such a wide variety of wheelchair characteristics affect the outcome of a dynamic wheelchair retention test that it is necessary to designate one specific model of wheelchair for that test. The basic design of the electric wheelchair which the agency is proposing be used for this test has not changed since the mid-sixties. Therefore, the agency does not anticipate any need to amend the standard in the near future because of design changes in this wheelchair.

The agency is proposing that test loads of 104 and 225 pounds be secured in the wheelchair for the retention test. These loads correspond with the weights of 5th percentile females and 95th percentile males, respectively. With a lighter load, the wheelchair would be more likely to climb or bounce over the barrier. With a heavier load, the wheelchair would be more likely to power through the barrier. Because this standard would apply to school buses, the agency has considered lowering the lower weight the test will be performed with, possibly even to test with loads of zero and 225 pounds.

(12) The agency requests comments on this option.

The agency tentatively concludes that the load should consist of ballast rather than test dummies. Since no occupant dynamics are being measured, the agency believes the cost of using dummies would not be justified. The proposed ballast consists of a box structure capable of being restrained in the wheelchair seat, with sufficient capacity to hold up to 225 pounds of sand (approximately 2.5 cubic feet). The box's base would be approximately 12 to 18 inches square and would rest on the wheelchair seat. When loaded with the approximate amount of sand, the box's center of gravity height (above the seat surface) would be 9 to 10 inches for the 104 pound test and 12 to 13 inches for the 225 pound test. These heights correspond to the center of volume height location above the surface of the seat for the 5th percentile female (9¼ inches) and the 95th percentile male (12¼ inches).

NHTSA also believes there should be one other change made to the dynamic test in the FTA-sponsored guidelines. The guidelines specify a test impact velocity in terms of an acceleration zone of 48 inches over which the wheelchair would be accelerated at full power until impact. After further review, NHTSA believes this is not sufficiently objective, and therefore, the agency is proposing to change the procedure by specifying an impact velocity of 4 mph. The wheelchair is to achieve this impact velocity under its own power, not by an external propulsion, i.e., by being towed or by a hydraulic ram. The agency believes this is a more appropriate measure for dynamic impact testing because it simulates the real-world situation.

The agency is considering a pass/fail criteria based on retention of the wheelchair (test vehicle) on the platform with the wheelchair upright and resting on its wheels. The test for this requirement is conducted with the lift at the bus floor level loading position Since this is a dynamic test, a possibility exists that the wheelchair could bounce back into the vehicle, while maintaining its upright position. The agency believes this would be a safe outcome and has allowed for this outcome in the requirements for the retention device.

(13) The agency requests comments on the merits of a dynamic test versus a static test as proposed in the FTA-sponsored guidelines for active lifts, section 3.1.6.2, Option B. Additionally, the agency requests comments on how this static test could be applied to retention systems which do not make use of an outer barrier.

(14) In addition, the agency requests comments on the agency's proposed changes to the FTA-sponsored guidelines' dynamic test.

Handrails (S5.3.9 and S6.8)

NHTSA is proposing to require lifts to have movable handrails. Handrails are necessary for passengers to assist themselves in moving into and off of the platform. They also provide a sense of security to standees during lift operation and help prevent lateral movement of wheelchairs. Current lift designs use either stationary (i.e., fixed in relation to the bus) or movable (i.e., that move with the lift platform) handrails. The FTA-sponsored guidelines (section 2.2.7) require movable handrails for arc lifts, and permit either movable or stationary handrails for elevator lifts. While stationary handrails currently in use have not been reported to be a major problem, movable handrails are easier to grasp and therefore, provide a greater sense of security to standees. For this reason, the ADA standards require movable handrails for all lifts (36 CFR 1192.23(b)(13); 49 CFR 38.23(b)(13)).

(15) While the agency's proposed requirement is taken from the ADA standards, the agency requests comments on the availability of movable handrails for elevator lifts.

(16) The agency also requests comments regarding the relative safety benefits of movable and stationary handrails.

The agency is proposing to require handrails having the same dimensions as those specified in the ADA standards, which are also very similar to those in the FTA-sponsored guidelines, except for height. The height dimensions in the ADA standards are based on the most recent research on the height of a handrail which can be used by persons with a disability. For this reason, the agency believes that these ADA height dimensions are the most appropriate.

The agency notes that the final ADA standards removed a reference in the Access Board's NPRM to the diagonal or horizontal when measuring the length of a handrail. The ADA standards require "a usable component at least 8 inches long with the lowest portion a minimum 30 inches above the platform and the highest portion a maximum 38 inches above the platform." This language appears to allow a vertical handrail. NHTSA is concerned that such a handrail would offer less support and would be less usable when entering and exiting the lift. The agency has tentatively concluded that the handrails should have a length of at least 8 inches measured horizontally. While this would allow non-horizontal handrails, the handrail would still have to cover a horizontal distance of 8 inches.

(17) The agency requests comments on the change the Access Board made in its final rule regarding measuring the length of a handrail.

The retention test requirement is the same as that included in both of these guidelines, except that the agency is proposing to specify the time the load will be applied and the amount of permissible displacement, either permanent or elastic. This requirement would increase the sense of stability provided by the handrails and ensure that sufficient space is maintained between the handrail and other portions of the vehicle or lift to protect fingers and hands.

(18) The agency requests comments on whether the handrails of some lifts are on adjacent sides instead of opposite sides.

Platform Markings (S5.3.10)

NHTSA is proposing platform markings to provide greater visibility for the edges of the lift and therefore reduce the potential for accidents. For standees, it is also desirable to mark the safest area for them to stand. The proposal requires that the lift platform be marked with a continuous stripe around the perimeter of the platform, the bus floor be marked along the edge where the platform is boarded, and the standing area be marked by right and left footprints. These requirements are based on the FTA-sponsored guidelines (section 2.2.9).

(19) The agency requests comments on whether the degree of contrast for these markings should be specified.

The agency has examined two alternate methods of designating the amount of contrast required. First, one would be to require that the lift be marked with a contrasting color or shade observable with the unaided eye from 10 feet. Second, to require that the lift be marked with a contrasting color or shade with at least 70 percent contrast, defined as follows:

Contrast=100* ((L1–L2)/L1)

where:

L1=luminance in footlamberts of the lighter color or shade, and

L2=luminance in footlamberts of the darker color or shade.

Platform Free Fall Velocity Limits (S5.5)

To prevent accidents from sudden impacts with the ground, should a free fall occur, the agency has tentatively concluded that the free fall velocity of the lift platform should be limited to 12 inches per second (twice allowable velocity limit). This requirement is included in both the FTA-sponsored guidelines (section 2.4.2) and the ADA standards (36 CFR 1192.23(b)(4); 49 CFR 38.23(b)(4)).

Control Systems (S5.6)

Designing control systems to reduce the possibility of operator error can increase the safety of the lift. Several factors contribute to lift operator error: Infrequent use of the lift; variations in the controls for different lifts; and lack of training. Therefore, one means to reduce operator error is to make lift control systems standard and simple to use. The agency is proposing requirements to accomplish this.

First, the lift operation would have to be controlled by three switches: The power switch; the function selection switch; and the operating switch. The power switch must be "on" in order to operate the function selection and operating switches. This switch can also act as a back-up, emergency "off" switch. The function selection switch must be used for selecting one of the various functions of the lift and preventing operation of more than one function at a time. The operating switch would allow the lift to perform the selected function. For safety reasons, this switch must be continuously pressed for the function to be performed. Thus the only required operation to stop the lift is release of this switch.

The proposed standard is based on section 2.5 of the FTA-sponsored guidelines. The ADA standards only contain one requirement for the controls; i.e., each control must be of the type requiring continuous force in order to operate (36 CFR 1192.23(b)(2); 49 CFR 38.23(b)(2)). While the function selection switches in the proposed standard are not required to be of the continuous force type, the operating switch which activates these switches is. The agency believes that, therefore, the proposed standard is consistent with the ADA standards.

The agency believes that other aspects of the proposed standard would also make controls standard and simpler to use, thus reducing the possibility of operator error. These provisions include ones requiring simple instructions, positioning switches to prevent simultaneous one-handed operation of more than one switch, mandating a specified sequencing of function switches, specifying terms used to designate functions, and positioning the control box so the operator has a clear view of the lift.

The agency is concerned that the specification of the exact labeling of each of the three operational switches may be too restrictive. Different manufacturers may use different systems to perform these functions safely, without using the established procedures formulated by the FTA-sponsored guidelines.

(20) NHTSA requests specific comment on its proposal for the types of operation switches and the specification of the positions of these switches.

(21) NHTSA also requests comment on the compatibility of existing controls with the proposal, and also on the compatibility of current control systems with the intent of the proposal.

(22) Additionally, NHTSA requests comments on any human factors research which has been performed by the manufacturers of these control consoles in determining the design of these devices.

Jacking Prevention (S5.7)

NHTSA is proposing to require that lifts be designed to prevent jacking, i.e., the raising of a bus as a result of the lift being lowered. Because of the stress that this could place on the lift, jacking can damage the lift, and result in an unsafe condition for subsequent lift riders. This proposal would not prohibit the release of the load from the bus when the occupied platform contacts the ground, often mistakenly referred to as jacking. Such release results only in a shifting of the suspension system and does not actually raise the bus. Therefore, it is not harmful to the lift. This requirement is adopted from section 2.5.6 of the FTA-sponsored guidelines.

Manual Operation (S5.8)

It is proposed that buses with lifts be equipped with a manual backup system to permit operation of the lift in the event that powered means of operation fails as a result of an accident or a vehicle component failure. To permit the removal of passengers, the manual

system would have to be able to lower and raise the lift. For the passenger's safety, the outer barrier and inner roll stop also would be required to be operable manually. In addition, the manual system should be able to stow the lift so the vehicle can be moved.

These requirements are based on the FTA-sponsored guideline (section 2.5.7). The ADA standards requires "an emergency method" of operation, which can be manual or otherwise (36 CFR 1192.23(b)(3); 49 CFR 38.23(b)(3)).

(23) The agency requests comments regarding other methods of operation in case of power failure, either currently in production or possible in the future, to determine whether NHTSA's adoption of the broader language of the ADA standards would be appropriate.

(24) The agency also requests comments on whether the agency should include a requirement for the maximum strength needed to operate the manual system. The agency is concerned that such a requirement might be necessary to increase the probability that anyone, including children and small adults, would be physically able to operate the system in an emergency if the bus driver were not available.

Interlocks (S5.9)

The agency is proposing that interlocks be required to operate in five different situations. Interlocks are electrical or mechanical devices which prevent the operation of a device until a particular event has occurred. Their use in lift systems is to prevent injury due to mechanical or human error. The first interlock would prevent vehicle movement when a passenger is on a lift or when the lift extends beyond the normal width of the vehicle. The second interlock would prevent lift movement unless the vehicle is appropriately inhibited from moving and the lift can be deployed through an open door. These interlocks would reduce a possible hazard for the passenger and reduce damage to the lift or vehicle.

Another possible hazard is failure of the wheelchair retention device or inner roll stop. To prevent this, the third interlock would prevent the lift from being able to move higher than three inches above the ground or down unless the wheelchair retention device and the inner roll stop are deployed. A fourth interlock would prevent the outer barrier from lowering its deployed position unless the lift is within three inches of the ground level or on a surface that allows safe boarding and unloading.

(25) The agency requests comments on whether an additional interlock preventing the inner roll stop from being lowered unless the platform is at the vehicle loading level should be required.

Finally, NHTSA's ODI has investigated one accident which allegedly resulted from a lift being moved into the stowed position while a passenger was still on the lift. Therefore, the agency is proposing a fifth interlock, one that would prevent stowage of the lift when the platform is occupied.

These requirements are based on section 2.5.8 of the FTA-sponsored guidelines. The first three interlocks are also specified in the ADA standards (36 CFR 1192.23 (b)(2) and (b)(5); 49 CFR 38.23 (b)(2) and (b)(5)).

The agency notes that there is one type of lift, a rotary lift, whose stowed position is the same as the vehicle floor level loading position. For this type of lift, the agency would interpret the raising and rotating of the lift into the vehicle as the "raise" function and not the "stow" function.

(26) The agency requests comment on the operation of the interlocks during the manual operation of the lift functions.

Lift Operational Requirements (S5.10)

Like most existing lift guidelines, this proposal includes provisions limiting maximum speeds and operating times for the safety of lift users, especially standees. The FTA-sponsored guidelines specify a maximum speed of 6 inches per second and a maximum acceleration of 0.2 g (section 2.5.11). (The FTA-sponsored guideline for active lifts specifies a maximum acceleration of 0.3 g (section 2.5.10).) The ADA standards specify a maximum speed of 6 inches per second when occupied, a maximum speed of 12 inches per second when the lift is being deployed or stowed, and maximum acceleration of 0.3 g (36 CFR 1192.23(b)(10); 49 CFR 38.23(b)(10)). The agency tentatively agrees with the Access Board that the slower speed limit need apply only during those portions of a lift cycle when the platform might be occupied. For the safety of persons in or near the bus when the lift is being deployed, however, a maximum speed limit appears to be necessary at all times. For this reason, the agency has tentatively concluded that the maximum speed limits included in the ADA standards are appropriate. The agency is also proposing the maximum acceleration limit included in the ADA standards

Additional Questions

Protective Covering

The FTA-sponsored guidelines require potential hazardous areas to be covered or protected (section 2.1.8). While the agency believes that such a requirement may be desirable, the requirement would not, without greater detail, satisfy the Vehicle Safety Act's requirement that safety standards be objective.

(27) The agency requests comments on how the requirement could be made sufficiently objective and on the ways that manufacturers are protecting potentially hazardous areas. The agency is concerned about pinching and shearing by the lift system and the possibility of a standee's head impacting the doorway.

(28) The agency also requests any data on accidents caused by users getting caught in the moving parts of lifts.

Platform Lighting

The FTA-sponsored guidelines require a minimum of one foot-candle of illumination on the platform when the lift is operated (section 2.2.8). The ADA standards requires a minimum of two foot-candles of illumination in the stepwell or on the lift platform, and one foot-candle for a distance of three feet from "all points on the bottom step tread outer edge" (36 CFR 1192.31; 49 CFR 38.31). The agency has not included a lighting requirement in the proposed regulatory text. While lighting is an important safety feature at night time or during times of low ambient light, the agency believes that this may be one area that does not need to be covered by both the ADA standards and a safety standard. Any bus required to be accessible by the ADA will have illumination for the lift. The agency believes that the only lift-equipped vehicles which will not be subject to the ADA are school buses.

(29) Because school buses are not frequently operated at night, the agency requests comments on the need to include a lighting requirement similar to the ADA standards.

Platform Seating

While not requiring seating for non-wheelchair users on lifts, the FTA-sponsored guidelines include specifications for seating if it is provided (section 2.2.10).

(30) The agency does not believe that seating is being provided on lifts currently being installed on a widespread basis and requests comments on the necessity of such a requirement.

Standing Area

A designated standing area was permitted under the FTA-sponsored guidelines (section 2.2.9.2) and is required by the ADA standards (36 CFR

1192.23(b)(12); 49 CFR 38.23(b)(12)). The agency agrees that, since standees are allowed on the lift while it is operating, designating the area on the lift which has adequate headroom and clearance for holding handle bars is desirable. However, such a requirement would not, without greater detail, satisfy the Vehicle Safety Act's requirement that safety standards be objective.

(31) The agency requests comments on whether a specific standee area on a lift should be specified in the requirements and comments on how the requirements could otherwise be made sufficiently objective.

(32) The agency also requests comment on whether standees are allowed on lifts other than buses which are required to be accessible by the ADA.

Miscellaneous

For the convenience of comparing this proposed rule to other regulations, this notice uses U.S. units of weights and measurements. However, pursuant to E.O. 12770 (56 FR 35801; July 29, 1991), the agency is in the process of converting all safety standards to metric units. Therefore, metric equivalents, rounded to the nearest whole unit, would be used in any final rule issued as a result of this notice.

This proposed rule would not have any retroactive effect. Under section 103(d) of the National Traffic and Motor Vehicle Safety Act (Safety Act; 15 U.S.C. 1392(d)), whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. Section 105 of the Safety Act (15 U.S.C. 1394) sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court

Rulemaking Analyses and Notices

Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures

NHTSA has examined the impact of this rulemaking action and determined that it is not major within the meaning of E.O. 12291. It is however, "significant" within the meaning of the Department of Transportation's regulatory policies and procedures because of the public interest in the subject of this proposed rulemaking action. Accordingly, a Preliminary Regulatory Evaluation (PRE) has been prepared for this proposal. A copy of that document has been placed in the public docket for this rulemaking action. A copy of the PRE may be obtained by writing to: Docket Section, NHTSA, room 5109, 400 Seventh Street SW., Washington, DC 20590.

Because this proposal is based on existing lift guidelines, the agency believes that most lifts on the market already meet most of the proposed requirements. The agency expects that the additional modifications necessary to comply with the proposed requirements would be approximately $100 per lift for transit and paratransit buses and $75 per lift for school buses. The agency also estimates that the average compliance certification cost per lift for all types of buses will be approximately $23. The agency estimates that approximately 7,000 to 9,000 lift equipped buses will be sold annually (3,000 to 4,000 transit buses; 950 to 1,250 paratransit buses; and 2,950 school buses). Based upon these estimates, the agency expects that the total annual costs of this proposed standard would be $773,000 to $934,000.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this rulemaking action under the Regulatory Flexibility Act. This analysis appears in the PRE. Based on the available information, I certify that this proposal would not have a significant impact on a substantial number of small entities.

The Regulatory Flexibility Act requires each agency to evaluate the potential effects of a proposed rule on small businesses (SB), small organizations (SO), and small governmental jurisdictions (SGJ). The groups most likely to be affected by the subject rulemaking are:

(1) Transit, paratransit, intercity, and school bus manufacturers (SB);

(2) wheelchair lift manufacturers (SB);

(3) public/private transit and paratransit bus owners and operators (SO/SB);

(4) public/private school bus operators (SB/SO/SGJ);

(5) school bus manufacturers (SB).

The agency believes that some of the paratransit and school bus manufacturers are small businesses. The agency also believes that most of the lift manufacturers are small businesses. The agency believes that the remainder of the affected manufacturers are not small businesses. Finally, the agency believes that many of the bus owners and operators are small businesses.

However, as explained above, the agency does not expect the effects of the proposed rulemaking to be significant. interested persons are invited to examine this section of the PRE.

National Environmental Policy Act

NHTSA has also analyzed this rulemaking action for the purpose of the National Environmental Policy Act. The agency has tentatively determined that implementation of this action would not have any significant impact on the quality of the human environment.

Executive Order 12612 (Federalism)

Finally, NHTSA has analyzed this proposal in accordance with the principles and criteria contained in E.O. 12612, and has determined that this proposal does not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Submission of Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted. The agency also requests that commenters included the reference number for questions the agency has asked when responding to them.

All comments must not exceed 15 pages in length. (49 CFR 553.21.) Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation, 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments

VOL
58
ISS
37
FE
26
1993
UMI

received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, it is proposed that 49 CFR part 571 be amended to add a new safety standard 571.401, "Lift Systems for Accessible Transportation," as follows:

1. The authority citation for part 571 of title 49 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407, delegation of authority at 49 CFR 1.50.

2 Section 571.401 is added to read as follows:

§ 571.401 Standard No. 401; Lift systems for accessible transportation.

S1. *Scope.* This standard specifies requirements for vehicles equipped with a lift.

S2. *Purpose.* The purpose of this standard is to prevent injuries and fatalities during the operation of lifts installed in vehicles.

S3. *Application* This standard applies to buses.

S4. *Definitions.*

Cycle means deploying the lift from a stowed position, lowering the lift to the ground level loading position, raising the lift to the vehicle floor level loading position, and stowing the lift; including operation of any wheelchair retention device and inner roll stop.

Deploy means, with respect to a lift, its movement from a stowed position to a loading position; and, with respect to a wheelchair retention device or inner roll stop, its movement to a raised and locked position.

Lift means a hydraulic or electro-mechanic level change device used to assist those with limited mobility in entering or leaving a vehicle.

Loading position means a position at which a wheelchair can either board or disembark from a lift.

Platform surface means the load carrying surface of the lift platform.

Range of passenger operation means that portion of the lift cycle when the lift is moving from the ground level loading position to the vehicle floor level loading position, or from the vehicle floor level loading position to the ground level loading position.

Stow means, with respect to a lift, its movement from a loading position to a stowed position; and, with respect to a wheelchair retention device or inner roll stop, its movement from the raised and locked position.

Test Pallet means a platform on which required test loads are placed for handling and moving.

Wheelchair means a wheeled seat frame for the support and conveyance of a person with physical disabilities, comprised of at least a frame, seat, and wheels.

S5 *Requirements.* Each vehicle equipped with a lift shall meet the requirements in this section when it is tested in accordance with S6.

S5.1 *Warning signals.*

S5.1.1 When the lift begins to deploy, a continuous audible warning signal of not less than 85 dBA shall sound for a period of not less than 4 seconds and not more than 8 seconds as measured 5 feet from the lift along a line perpendicular to a longitudinal vertical plane tangent to the outer edge of the lift platform when it is at the ground level loading position.

S5.1.2 In vehicles other than school buses, the four-way, warning hazard lights required by Standard No. 108 (49 CFR 571.108) shall operate automatically throughout the lift cycle.

S5.2 *Maximum noise level.* Except as provided in S5.1, the noise level of the lift shall not exceed 75 dBA as measured anywhere within the vehicle or the area on the lift defined in S5.3.1.

S5.3 *Platform.*

S5.3.1 *Unobstructed platform operating volume.*

S5.3.1.1 Expect as provided in S5.3.3, throughout the range of passenger operation, no portion of the lift shall intersect a rectangular solid whose base is 28.5 inches wide by the length of the platform surface, whose height is 2 inches, and which is resting on the platform surface with each side of the base parallel with the nearest side of the platform surface.

S5.3.1.2 Throughout the range of passenger operation, no portion of the lift shall intersect a rectangular solid whose base is 30 inches by 48 inches, whose height is 28 inches, whose base is tangent to the top surface of the rectangular solid described in S5.3.1.1, and whose vertical axis coincides with that of the lower rectangular solid.

S5.3.2 *Platform slip resistance.* When tested in accordance with S6.2, a test vehicle shall remain on the platform for 2 minutes without contacting the planes perpendicular to the lift platform surface at its perimeter.

S5.3.3 *Protrusions.*

S5.3.3.1 Except as provided in S5.3.3.2, when the wheelchair retention device and inner roll stop are deployed, the platform surface shall have no protrusions which rise more than 0.25 inches above the platform surface, measured perpendicular to the plane of the platform surface.

5.3.3.2 If the outboard and inboard sides of a protrusion are nonvertical and have a slope not greater than 1:2, the protrusion shall not rise more than 0.5 inches above the platform surface, measured perpendicular to the plane of the platform surface.

S5.3.4 *Gap dimensions.*

S5.3.4.1 When tested in accordance with S6.3 and S6.5, the lift shall meet the requirements of sections S5.3.4.2 through S5.3.4.5.

S5.3.4.2 When tested in accordance with S6.3 and S6.5, when the lift is at the vehicle floor level loading position, the vertical distance between the lift platform and the vehicle floor shall not exceed 0.625 inch, as measured vertically from the horizontal plane tangent to the platform surface to the horizontal plane tangent to the vehicle floor, and the horizontal distance between the platform and floor shall not exceed 0.5 inch, as measured laterally and horizontally from the longitudinal vertical plane tangent to the outermost edge of the vehicle floor adjacent to the platform to the longitudinal vertical plan tangent to the inboard edge of the platform surface.

S5.3.4.3 Except as provided in S5.3.4.4, when the lift is at the ground level loading position, the vertical distance between the ground and the top of the outboard edge of the platform surface, or the top of any outer barrier when it is used as a loading ramp, shall be not greater than 0.25 inches.

S5.3.4.4 When the lift is at the ground level loading position, the vertical distance between the ground and the top of the outboard edge of the platform surface, or the top of any outer barrier when it is used as a loading ramp, shall be not greater than 0.5 inches if the slope of the platform surface or loading ramp is not greater than 1:2.

S5.3.4.5 Throughout the range of passenger operation, when tested in

accordance with S6.3 and S6.5, the horizontal distance between the lift platform and any outer barrier shall not exceed 0.625 inch as measured laterally and horizontally from a longitudinal vertical plane tangent to the side of the barrier adjacent to the platform to the longitudinal vertical plane tangent to the edge of the platform surface adjacent to the barrier.

S5.3.4.6 Throughout the range of passenger operation, the horizontal distance between the lift platform and the inner roll stop or vehicle structure required by S5.3.8 shall not exceed 0.625 inch as measured laterally and horizontally from a longitudinal vertical plane tangent to the side of the inner roll stop or vehicle structure adjacent to the platform to the longitudinal vertical plane tangent to the edge of the platform surface adjacent to the inner roll stop or vehicle structure.

S5.3.5 *Platform deflection.* When measured under S6.3 and S6.5 in the same horizontal direction, the vertical angle of deflection of the platform surface, in relation to a plane tangent to the side of the vehicle on which the lift is attached, when loaded, shall not differ by more than three degrees from the vertical angle of deflection of the surface from the same reference when unloaded.

S5.3.6 *Edge guards.*

S5.3.6.1 Except as provided in S5.3.6.3, the lift shall have edge guards which extend continuously along each side of the lift platform parallel to the direction of wheelchair movement during loading and unloading.

S5.3.6.2 Edge guards shall have vertical sides facing the platform surface and have a minimum height of 1.5 inches, measured vertically from the platform surface.

S5.3.6.3 The lift need not have edge guards on the sides of any portion of its platform which does not extend outboard of the vertical longitudinal plane tangent to the side of the vehicle on which the lift is installed throughout the range of passenger operation.

S5.3.7 *Wheelchair retention.*

S5.3.7.1 Except as provided in S5.3.7.2, the lift shall, throughout its range of passenger operation, have a means of retaining a wheelchair upright with all of its wheels on the platform surface, on the vehicle floor, or a combination of the platform surface and vehicle floor, when the wheelchair ceases motion after the wheelchair retention device is tested in accordance with S6.6.

S5.3.7.2 If the means of complying with S5.3.7.1 is an outer barrier, the outer barrier shall be deployed whenever any part of the platform surface is above a horizontal plane 3 inches above the ground. For the purpose of this paragraph, "deployed" means the outer barrier is in the same position relative to the platform surface as when the barrier is tested for the purposes of S5.3.7.2.

S5.3.8 *Inner roll stop.*

S5.3.8.1 Except as provided in S5.3.8.2, the lift shall have an inner roll stop that meets the requirements of S5.3.8.3 throughout the lift's range of passenger operation.

S5.3.8.2 The lift need not have an inner roll stop in a vehicle that meets the requirements of S5.3.4.5 and S5.3.8.3 by means of a portion of the vehicle structure throughout the range of passenger operation.

S5.3.8.3 When tested in accordance with S6.7, the inner roll stop or vehicle structure shall withstand a total force of 300 pounds applied perpendicular to the inner roll stop or vehicle structure in the horizontal plane and parallel to the platform surface in the vertical plane, at any height on the roll stop or portion of the vehicle structure functioning as the roll stop, without more than 0.5 inches of horizontal deflection.

S5.3.9 *Handrails.*

S5.3.9.1 Throughout the range of passenger operation, there shall be handrails located on each side of the lift that meet the requirements of S5.3.9.2 through S5.3.9.6.

S5.3.9.2 Each handrail shall be not less than 30 inches and not more than 38 inches above the platform, measured vertically.

S5.3.9.3 The vertical projection of each handrail shall intersect two vertical planes that are perpendicular to the direction of travel of a wheelchair on the lift, and are 8 inches apart.

S5.3.9.4 When tested in accordance with S6.8, the handrails shall withstand a force of 100 pounds applied at any point and in any direction on the handrail without more than 0.125 inches of displacement.

S5.3.9.5 The handrails shall be not less than 1.25 inches and not more than 1.5 inches in diameter or width, with no less than 1.5 inches of clearance between the outside of the handrail and any fixed portion of the vehicle.

S5.3.9.6 Throughout the range of passenger operation, the handrails shall move such that the relative position of the handrails to the platform surface does not change.

S5.3.10 *Platform markings.* All edges of the platform surface, the inner edge of the floor of the vehicle adjacent to the lift, and any designated standing area shall be outlined. The markings shall be at least 1 inch wide and of a color that contrasts with its background.

S5.4 *Structural integrity requirements.* No separation, fracture, or breakage of the platform, the supporting structure, or the lifting mechanism shall occur as a result of conducting the static load test in S6.4.

S5.5 *Platform free fall limits.* The platform, loaded as specified in S6.3, shall not fall vertically faster than 12 inches per second in the event of any failure of either or both of the powered and manual systems for raising and lowering the platform.

S5.6 *Control systems.*

S5.6.1 *Control console.*

S5.6.1.1 The lift controls shall be located on a console and shall consist of a power switch, a function selection switch, and an operating switch.

S5.6.1.2 The control console shall be located in a position such that the control operator has a direct, unobstructed view of the lift passenger and wheelchair, if the passenger is using one, when the lift is in the ground loading position, and of the lift passenger throughout the lift's range of passenger operation.

S5.6.1.3 The control console shall have simple instructions, written in English, on or near it that directs the operator in the lift operating procedures.

S5.6.1.4 Each operating position of each lift control shall be identified on the lift console with characters which are at least 0.5 inches in height and which are capable of being illuminated in accordance with S5.3 of Standard No. 101 when the headlights are illuminated.

S5.6.2 *Power switch.* The power switch shall have two positions: on and off. The "on" position shall allow lift operation whenever the function selection switch is in any position other than the "off" position and the operating switch is depressed. When the power switch is in the "on" position, an indicator light on the console shall be activated. The "off" position shall prevent lift movement.

S5.6.3 *Function selection switch.*

S5.6.3.1. The function selection switch shall have positions for not less than five designated functions in the following order:

(a) Off—No function shall be operable.

(b) Deploy or Unfold—The lift shall be movable from a stowed position to a platform position.

(c) Down—The lift platform shall be lowerable.

(d) Up—The lift platform shall be raisable.

(e) Stow or Fold—The lift shall be movable from a platform position to a stowed position.

S5.6.3.2 The function selection switch may have four additional functions: deactivate wheelchair retention device; activate wheelchair retention device; roll stop down; and roll stop up. If any one or more of these functions are included, their order on the function switch shall be as follows:

(a) Off.
(b) Deploy or Unfold.
(c) Down.
(d) Deactivate Wheelchair Retention Device.
(e) Activate Wheelchair Retention Device.
(f) Up.
(g) Lower Roll Stop.
(h) Raise Roll Stop.
(i) Stow or Fold.

S5.6.3.3 The function selection switch shall prevent the simultaneous performance of more than one function.

S5.6.4 *Operating switch.* The operating switch shall be identified on the console with the word "operate" and shall activate the lift function selected with the function selection switch. The operating switch shall activate the selected function only while it is pressed. Release of the operating switch shall stop the lift motion.

S5.6.5 *Design safety.* Any malfunction of the control system shall not prevent the operation of any of the interlocks as specified in S5.9.

S5.7 *Jacking prevention.* The control system or lift design shall prevent raising of the vehicle by the lift system if the operating switch is continuously pressed while the function selection switch in the "down" position and the lift is at the ground level loading position.

S5.8 *Manual operation.* The lift shall have a manual method of operating the lift to lower the platform to the ground level loading position and raise the platform to the vehicle floor level loading position from any position in its cycle when loaded in accordance with S6.3. The wheelchair retention device and inner roll stop shall be manually deployable and stowable.

S5.9 *Interlocks.*

S5.9.1 The vehicle shall have interlocks that prevent—

S5.9.1.1 Forward or rearward mobility of the vehicle unless the lift is stowed.

S5.9.1.2 Operation of the lift from the stowed position until forward and rearward mobility of the vehicle is inhibited, by means of a parking brake, placing the transmission in park, or other positive device other than the vehicle's service brakes, and the lift access door is open.

S5.9.1.3 Stowing of the lift whenever there is a load of 50 pounds or greater on the platform surface.

S5.9.1.4 Movement of the lift up or down unless any inner roll stop required to comply with S5.3.8 is deployed.

S5.9.1.5 Movement of the lift up or down when the platform surface is above the horizontal plane three inches above the ground level loading position unless the wheelchair retention device required to comply with S5.3.7 is deployed.

S5.9.1.6 The wheelchair retention device required to comply with S5.3.7 from being stowed unless the platform surface is below the horizontal plane three inches above the ground level loading position.

S5.9.2 The vehicle shall comply with S5.9.1 through S5.9.1.5 both before and after static load test II specified in S6.4.

S5.10 *Lift operational requirements.*

S5.10.1 Throughout the range of passenger operation, the maximum vertical and horizontal velocity of the platform shall be 6 inches per second.

S5.10.2 Except when operating in the manual method of operation required by S5.8, the lift shall complete a cycle in not more than 65 seconds.

S5.10.3 Throughout the range of passenger operation, the maximum platform horizontal and vertical acceleration shall not exceed 0.3 g, with either no load or with a 600 pound load applied as specified in S6.3, when tested in accordance with SAE Standard J211 OCT88 Channel Class 60.

S5.10.4 The vehicle shall comply with S5.10.1 through S5.10.3 both before and after static load test II specified in S6.4.

S6 *Test conditions and procedures.*

S6.1 *Test pallet.* The surface of the test pallet which rests on the platform used for the tests specified in S6.3 through S6.5 measures not less than 25 inches by 25 inches and not more than 27 inches by 27 inches.

S6.2 *Slip resistance test.* Determine compliance with S5.3.2, using the test vehicles specified in S6.2.1 and S6.2.2, loaded as specified in S6.2.3, oriented as specified in S6.2.4, under the procedures specified in S6.2.5.

S6.2.1 The test vehicles are—

(a) An electric wheelchair,
(b) A manual wheelchair, and
(c) An electric three-wheeled "scooter" wheelchair.

S6.2.2 The test vehicles are current production models having at least 10 percent of the sales volume for that type of wheelchair (electric, manual, scooter), equipped with standard production brakes and tires. The brakes are engaged during this test. The tires are inflated to the manufacturer's recommended pressure.

S6.2.3 Test vehicle loads are—

(a) No load, and
(b) A ballast of 165 pounds, with a center of gravity height of not less than 11 inches.

S6.2.4 Test vehicle orientations are—

(a) Forward, with the front of the wheelchair oriented towards the outer edge of the platform.
(b) Rearward, with the rear of the wheelchair oriented towards the outer edge of the platform.

S6.2.5 Test procedure.

S6.2.5.1 Position the lift platform according to either paragraph (a) or (b):

(a) Position the vehicle so as to obtain a 30 degree slope of the lift platform, as measured from the horizontal, with the outer edge of the platform at the lower end.

(b) Disconnect the lift platform from the vehicle and position the platform to obtain a 30 degree slope of the lift platform, as measured from the horizontal, with the outer edge of the platform at the lower end.

S6.2.5.2 Using a spray pattern which evenly wets the entire platform surface, and an application rate of 1 to 2 gallons per minute, continuously wet the platform with water beginning two minutes before placing the test vehicle on the platform, and continuing during the conduct of the test.

S6.2.5.3 Except as provided in S6.2.2, do not use any restraint or securement, including the wheelchair retention device, to retain the test vehicle on the platform.

S6.2.5.4 Place each test vehicle on the wetted platform at the inner edge of the lift platform (the higher end).

S6.3 *Static load test I.*

S6.3.1 With the unloaded lift platform at the vehicle floor level loading position, measure the vertical angle of the platform surface deflection from a plane tangent to the side of the vehicle on which the lift is attached. The angle is measured in a transverse vertical plane, in the case of a lift mounted on the side of a vehicle and in a longitudinal vertical plane, in the case of a lift mounted on the rear of a vehicle.

S6.3.2 Determine compliance with S5.3.4.2.

S6.3.3 Lower the lift platform to the ground level loading position to determine compliance with S5.4.3.5 and S5.4.3.6.

S6.3.4 Determine compliance with S5.3.4.3.

S6.3.5 Place a static load on the geometric center of the upper surface of the test pallet such that the total weight of the static load and test pallet is 600 pounds.

S6.3.6 Place the loaded test pallet on the geometric center of the platform surface.

S6.3.7 Raise the lift platform from the ground level loading position to the vehicle floor level loading position. Measure the vertical and horizontal gaps to determine compliance with S5.3.4.2 and measure the vertical angle of platform surface deflection from a plane tangent to the side of the vehicle as specified in S6.3.1, and subtract the angle measured under S6.3.1 from the angle measured under this paragraph to determine compliance with S5.3.5.

S6.3.8 Lower the lift platform from the vehicle floor level loading position to the ground level loading position and determine compliance with S5.4.3.5 and S5.4.3.6. Measure the vertical gap specified in S5.3.4.3 to determine compliance with that section.

S6.4 *Static load test II.*

S6.4.1 Place a static load on the geometric center of the upper surface of the test pallet such that the total weight of the static load and test pallet is 1,800 pounds.

S6.4.2 When the lift platform is at the vehicle floor level loading position, place the loaded test pallet on the geometric center of the platform surface.

S6.4.3 Two minutes after placing the loaded test pallet on the platform surface, remove the loaded test pallet and examine the lift and vehicle for compliance with structural integrity requirements of S5.4.

S6.4.4 After removing the loaded test pallet, operate the lift through an entire cycle.

S6.4.5 *Static load test III.* After completing the static load test specified in S6.4.1 through S6.4.4, repeat static load test I specified in S6.3, except make no measurement under S6.3.1.

S6.6 *Wheelchair retention test.* Determine compliance with S5.3.7 using the test vehicle specified in S6.6.1, loaded with the ballast specified in S6.6.2, under the procedures specified in S6.6.3.

S6.6.1 The test vehicle is an Invacare Ranger 2 wheelchair, equipped with batteries, a standard adult size seat, standard foot rests, 20-inch rear wheels, 8-inch front castors, and a standard upright back.

S6.6.2 The ballast consists of sand loaded in a box structure which—

(a) Is capable of being restrained to the wheelchair seat.

(b) Has sufficient capacity to hold up to 225 pounds of sand (approximately 2.5 cubic feet).

(c) Has a rectangular base whose sides are not less than 12 and not more than 18 inches long.

(d) Has a center of gravity height of not less than 9 and not more than 10 inches when filled with 104 pounds of sand.

(e) Has a center of gravity height of not less than 12 and not more than 13 inches when filled with 225 pounds of sand.

S6.6.3 Conduct the wheelchair retention test under the following procedures:

(a) Place the lift platform at the vehicle floor level loading position.

(b) Position the vehicle so that the lift platform has an 8 degree downward slope from the horizontal, measured in a transverse vertical plane, in the case of a lift mounted on the side of a vehicle and in a longitudinal vertical plane, in the case of a lift mounted on the rear of a vehicle.

(c) Position the test vehicle in the vehicle, with the front or rear wheels (depending on the wheelchair orientation required by paragraph (e) of this section) at or near the inboard edge of the platform surface, so that the test vehicle will move parallel to the edge guards.

(d) Accelerate the test vehicle on the platform so that the vehicle impacts the wheelchair retention device at a speed of not less than 3.8 mph and not more than 4.2 mph, 4 times, once for each of the 4 combinations of the directions and weights specified in paragraph (e) of this section.

(e) The test vehicle is operated in the following directions and with the following ballast loads secured to its seat with its wheelchair seat belt—

(1) Forward, with a load of 104 pounds.

(2) Forward, with a load of 225 pounds.

(3) Rearward, with a load of 104 pounds.

(4) Rearward, with a load of 225 pounds.

S6.7 *Inner roll stop test.* With the inner roll stop deployed, apply a force of 300 pounds as specified in S5.3.8, through two points (150 pounds per point), with each point having an area of not more than 2 square inches each, with the geometric center of the load applicator located 11.8 inches on either side of the midpoint of the roll stop or of the portion of the vehicle structure functioning as the roll stop, and with the geometric center of the load applicator at a height of 2.5 inches above the platform surface. The force is applied perpendicular to a vertical longitudinal plane through the vehicle longitudinal centerline for lifts mounted on the side of the vehicle and parallel to that plane for lifts mounted on the rear of the vehicle. Attain the force within 1 minute after beginning to apply it. Maintaining the force, measure the amount of deflection 1 minute after attaining the force to determine compliance with S5.3.8.

S6.8 *Handrail test.* Apply a force of 100 pounds through an area of more than 2 square inches in any direction at any point on the handrail. Attain the force within 1 minute after beginning to apply it. Maintaining the force, measure the amount of displacement 5 seconds after attaining the force to determine compliance with S5.3.9.

Issued on February 22, 1993.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 93-4455 Filed 2-25-93; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB88

Endangered and Threatened Wildlife and Plants; Proposed Rule to Reclassify the Louisiana Pearlshell (*Margaritifera hembeli*) from Endangered to Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to reclassify the Louisiana Pearlshell, *Margaritifera hembeli*, from endangered to threatened under the authority of the Endangered Species Act of 1973 (Act), as amended. This freshwater mussel is currently known from two major drainage systems in Rapides and Grant Parishes, Louisiana, with populations in the latter drainage system having been discovered subsequent to its classification as endangered. The species still faces threats due to sedimentation from gavel mining, the potential for collecting, and population fragmentation by impoundments, but the degree of threat is now less than originally thought. Reclassification from endangered to threatened would more appropriately reflect the species' current status. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by April 27, 1993. Public hearing requests must be received by April 12, 1993.

ADDRESSES: Comments and materials concerning this proposal should be sent to U.S. Fish and Wildlife Service, 6578

VOL 58 ISS 37 FE 26 1993 UMI

Dogwood View Parkway, Suite A, Jackson, Mississippi 39213. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Stewart at the above address (601/965–4900).

SUPPLEMENTARY INFORMATION:

Background

The Louisiana pearlshell was described as *Unio hembeli* by Conrad in 1838. This species was placed in the genus *Margaron* by Lea (1870), then in *Margaritana* by Simpson (1900), and finally in *Margaritifera* by Athearn (1970). This mussel is about 100 millimeters (mm) (3.9 inches) long, 50 mm (2.0 inches) high, and 30 mm (1.2 inches) wide. The shell is generally elliptical with an angular posterior margin, obtuse undulations on the posterior slope, with a dark brown to black periostracum, and white nacre. The species has been collected from only the Bayou Boeuf drainage, Rapides Parish, and the Red River drainage, Grant Parish, Louisiana. The Alabama population of earlier records is now considered a different species, the Alabama pearlshell, which was described as *Margaritifera marrianae* by Johnson (1983).

The Service initially listed the Louisiana pearlshell as an endangered species on February 5, 1988 (53 FR 3567). Since the initial listing, the species has been discovered in the Red River drainage of Grant Parish. The Service conducted the surveys of this drainage in 1991 and 1992 in an effort to completely define the range of the species. The 1991 survey found 12 populations in 8 streams that are tributary to the Red River. The 1992 survey (Hall 1992) confirmed these findings, extended the range within these streams, and searched more than 50 streams in Grant, Rapides, and Winn Parishes, Louisiana. Hall did not locate any additional populations of the Louisiana pearlshell. However, within the Grant Parish portion of the range there are several streams that are posted private property. Since Hall did not survey streams where he could not get permission to enter the property, it is possible that additional populations of the Louisiana pearlshell occur on private property within the geographic area of the currently known range. The current known range of this species now consists of 8 streams in the Red River drainage and 11 streams in the Bayou Boeuf drainage. The Red River is a major tributary of the Mississippi River and the water from Bayou Boeuf eventually flows into Vermilion Bay of the Gulf of Mexico.

The objective of the 1990 recovery plan for this species was to reclassify it to threatened status by improving populations within the historic occupied range in the Bayou Boeuf drainage. While this objective has not been fully met, the extent of the known range has increased substantially with the discovery of the Red River drainage populations and the danger of extinction has diminished. This expansion of known range is sufficient to consider the reclassification of this mussel.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for reclassifying a species. The Service's listing regulations (50 CFR part 424) provide for a review of the five following factors when reclassifying (or listing or delisting) a species. These factors and their application to the Louisiana pearlshell, *Margaritifera hembeli*, are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

At the time of listing, the Louisiana pearlshell was thought to be restricted to 11 streams in the Bayou Boeuf drainage of Rapides Parish, Louisiana. The range in this system had been reduced and fragmented by impoundments. Beaver dams were inundating populations and had eliminated a population of approximately 1000 pearlshells in 1985. In addition, populations were being impacted by sedimentation from gravel pits on private lands and from erosion where clear cuts extended to the bank of streams. Clear cuts extending to the stream bank can increase runoff with resultant scouring of the stream bed that creates unstable habitat for mussels. Since the listing in 1988, the discovery of eight additional populations has substantially increased the known range of the species. The U.S. Forest Service has an active program to control beavers within the range of the Louisiana pearlshell and has a policy on Kisatchie National Forest that provides for streamside zones of generally 100 feet along the banks of perennial and intermittent streams. The streamside zones are managed for water quality and wildlife. Timber harvesting in these zones is limited to selective cutting by removing trees or groups of trees for the purpose of wildlife habitat improvement. During timber harvest, additional measures are used to minimize sedimentation of perennial streams. While the populations of this species are still fragmented and isolated by impoundments and are still being impacted by sedimentation from private lands, the number of populations has increased and threats to populations on Kisatchie National Forest have been reduced.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Collecting poses a significant threat to this species. This mussel occurs in very shallow, clear streams and generally has about one inch of the shell protruding from the substrate. An entire population may occur within a relatively short stretch of a stream. The restricted distribution within a stream and the ease of observing individual mussels makes collection of the species very easy. A single overzealous recreational or scientific collector could drastically reduce the population of any given stream in a few hours. The collecting impacts could easily reduce the population below levels necessary for reproduction. The threat of collecting remains unchanged since the listing.

C. Disease or Predation

There is no evidence of threats from disease. The shallow stream habitat of this species makes it very vulnerable to predation by raccoons and muskrats. However, there has not been a consistent pattern of predation on this mussel.

D. The Inadequacy of Existing Regulatory Mechanisms

This species is protected by the Endangered Species Act of 1973, as amended. It is also protected by the Louisiana Department of Wildlife and Fisheries as an endangered species. The Service does not believe that reclassification to threatened status will result in substantive change in the protection afforded this species under these regulatory mechanisms.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

The discovery of the Louisiana pearlshell in eight streams of a different river drainage from the historically known populations greatly benefitted the recovery program for this species. This increase in number of populations and number of individual mussels significantly reduces the threat of natural or manmade factors affecting the

continued existence of this species. The fish host remains unknown and impacts to this aspect of the life history cannot be evaluated. Many of the streams where this species occurs are still isolated from each other and this may restrict gene flow. Isolated gene pools are vulnerable to loss of genetic variability resulting in greater susceptibility of the population to catastrophic events, whether natural or man-made.

Summary of Status

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to reclassify this species from endangered status to threatened status. Threatened status is more appropriate because the species is now known from 19 streams in two major drainages. While a stream's population is still susceptible to a single catastrophic event, the entire population of the species is much less likely to be affected to an extent the species would be in danger of extinction throughout all or a significant portion of its range. The recovery plan for this species will be revised to include an objective for delisting. When that objective is attained, the Service will recommend the Louisiana pearlshell for delisting.

Available Conservation Measures

This rule changes the status of the Louisiana pearlshell from endangered to threatened. This rule acknowledges that the populations of the Louisiana pearlshell are relatively secure and are no longer in danger of extinction. This change in classification does not significantly alter the protection of this species under the Endangered Species Act. Anyone taking, attempting to take, or otherwise possess a Louisiana pearlshell in an illegal manner would be subject to penalty under the Endangered Species Act. There are no differences in penalties for the illegal take of an endangered species versus a threatened species. Section 7 of the Act would also continue to protect this species from Federal actions that would jeopardize the continued existence of the species.

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species; and

(4) Current or planned activities in the subject area and their possible impacts on the species.

Final promulgation of the regulation on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal. Such requests must be made in writing and addressed to Field Supervisor (see **ADDRESSES** section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Athearn, H.D. 1970. Discussion of Dr. Heard's paper (Eastern freshwater mollusks, the south Atlantic and Gulf drainages): Pages 28–31: in A.H. Clarke (ed.), Papers on the rare and endangered mollusks of North America. Malacologia 20(1):1–56.

Conrad, T.A. 1838. Monography of the family *Unionidae*, or naiades of Lamarck (Freshwater bivalve shells) of North America 1:93–94; plate 51.

Hall, II, A.L. 1992. Field survey of *Margaritifera hembeli* 1992. Unpublished report to U.S. Fish and Wildlife Service, Jackson, MS. 4 pp.

Johnson, R.E. 1983. *Margaritifera marrianae*, a new species of Unionacea (Bivalve:Margaritiferidae) from Mobile-Alabama-Coosa and Escambia River systems, Alabama. Occasional Papers on Mollusks (Museum of Comparative Zoology, Harvard University) 4(62):299–304.

Lee, I. 1870. A synopsis of the family Unionidae: 4th edition. H.C. Lea, Philadelphia. 184 pp.

Louisiana Natural Heritage Program. 1985. Status of *Margaritifera hembeli* (Unionacea:Margaritiferidae) in Kisatchie National Forest, Evangeline Ranger District, Rapides Parish, Louisiana, November 1985. An unpublished report to the U.S. Forest Service, 20 pp.

Simpson, C.T. 1900. Synopsis of the naiades or pearly fresh-water mussels. Proc. U.S. Natl. Mus. 22–679.

Author

The author of this proposed rule is James H. Stewart (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

§ 17.11 [Amended]

2. It is proposed to amend § 17.11(h), the list of Endangered and Threatened Wildlife, under "CLAMS", by revising the "Status" column for the entry "Pearlshell, Louisiana" to read "T" instead of "E".

Dated: February 4, 1993.

Richard N. Smith,

Deputy, Director, Fish and Wildlife Service.

[FR Doc. 93–4447 Filed 2–25–93; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 58, No. 37
Friday, February 26, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 93-002-1]

Availability of an Environmental Assessment and Finding of No Significant Impact Relative to Issuance of a Permit to Field Test Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment and a finding of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of a permit to allow the field testing of genetically engineered organisms. The environmental assessment provides a basis for our conclusion that the field testing of the genetically engineered organisms will not present a risk of introducing or disseminating a plant pest and will not have a significant impact on the quality of the human environment. Based on its finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

ADDRESSES: Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect these documents are encouraged to call ahead (202-690-2817) to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, APHIS, USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612. For copies of the environmental assessment and finding of no significant impact, write to Mr. Clayton Givens at the same address. Please refer to the permit number listed below when ordering documents.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340 (referred to below as the regulations) regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article may be introduced into the United States. The regulations set forth the procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

In the course of reviewing the permit application, APHIS assessed the impact on the environment that releasing the organisms under the conditions described in the permit application would have. APHIS has issued a permit for the field testing of the organisms listed below after concluding that the organisms will not present a risk of plant pest introduction or dissemination and will not have a significant impact on the quality of the human environment. The environmental assessment and finding of no significant impact, which are based on data submitted by the applicant and on a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impact associated with conducting the field tests.

An environmental assessment and a finding of no significant impact have been prepared by APHIS relative to the issuance of a permit to allow the field testing of the following genetically engineered organisms:

Permit No.	Permittee	Date issued	Organisms	Field test location
92-250-01 ..	Rogers NK Seed Company	01-08-93 ...	Petunia plants genetically engineered to express the dihydrofolate-4-reductase gene to modify flower color.	Florida.

The environmental assessment and finding of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381-50384, August 28, 1979, and 44 FR 51272-51274, August 31, 1979).

Done in Washington, DC, this 22nd day of February 1993.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93-4502 Filed 2-25-93; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 93-003-1]

Receipt of Permit Application for Release into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an application for a permit to release genetically engineered

organisms into the environment is being reviewed by the Animal and Plant Health Inspection Service. The application has been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

ADDRESSES: Copies of the application referenced in this notice, with any confidential business information deleted, are available for public inspection in room 1141, South Building, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect an application are encouraged to call ahead (202–690–2817) to facilitate entry into the reading room. You may obtain copies of the document by writing to the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, APHIS, USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which are Plant Pests or Which There is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) into the United States certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following application for a permit to release genetically engineered organisms into the environment:

Application No.	Applicant	Date received	Organisms	Field test location
93–008–01 ..	Frito-Lay, Incorporated	01–08–93 ...	Potato plants genetically engineered to express a delta-endotoxin from Bacillus *thuringiensis* subsp. *tenebrionis*, chitinase, and the coat proteins of potato leaf roll virus (PLRV) and potato virus Y (PVY) for resistance to Colorado potato beetle, *Rhizoctonia solani*, PLRV, and PVY, respectively.	Wisconsin

Done in Washington, DC, this 22d day of February 1993.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93–4503 Filed 2–25–93; 8:45 am]

BILLING CODE 3410–34–M

Forest Service

American Sports Kids Association Little Green Valley Camp, San Bernardino National Forest, San Bernardino County, CA; Cancellation of Notice of Intent to Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service, hereby cancels its Notice of Intent to prepare an Environmental Impact Statement (EIS) for the American Sports Kids Association (ASKA) proposal to refurbish and expand the organization camp at Little Green Valley which was published in the **Federal Register**, Volume 55, No. 211, page 45829, Wednesday, October 31, 1990. A Notice of Availability for the Draft Environmental Impact Statement was published in the **Federal Register** on January 4, 1991.

Dated: February 18, 1993.

Gene Zimmerman,

Forest Supervisor.

[FR Doc. 93–4439 Filed 2–25–93; 8:45 am]

BILLING CODE 3410–11–M

Jerritt Canyon Mine Expansion, Humboldt National Forest, NV

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Department of Agriculture, Forest Service will be directing the preparation of an Environmental Impact Statement (EIS) for the proposed expansion and development of open pit gold mines in Elko County, Nevada. This EIS will be prepared by contract and funded by the proponent, Independence Mining Company, Incorporated (IMC).

DATES: Scoping meetings will be held March 8, 1993, at the Red Lion Inn and Casino, 2065 E. Idaho St., Elko, Nevada at 7:00 p.m.: an informal open house meeting at the Bureau of Land Management State Office, 850 Harvard Way, Reno, Nevada on March 15, 1993 between 3–8 p.m.; and an informal open house to be held at Independence School, Tuscarora and Forest Service Office, Mountain City, Nevada on March 17, and 18 from 3 to 7 p.m. respectively. Comments concerning the scope of the analysis must be received by April 10, 1993 to ensure timely consideration.

ADDRESSES: Scoping comments are to be sent to: Jack Carlson, District Ranger, Humboldt National Forest, P.O. Box 276, Mountain City, NV 89831.

Responsible officer. John Inman, Forest Supervisor, Humboldt National Forest, 976 Mountain City Highway, Elko, NV 89801.

FOR FURTHER INFORMATION CONTACT: Direct questions about the proposed project and DEIS to Don Carpenter, Project Coordinator, Humboldt National Forest, P.O. Box 276, Mountain City, NV 89831 702–763–6691.

SUPPLEMENTARY INFORMATION: Independence Mining Company has submitted to the Mountain City Ranger District, Humboldt National Forest, a Proposed Plan of Operation (POO). The POO describes the proposed mining development activities, operation and reclamation procedures in Elko County, Nevada. The proposal includes: developing three new open pits mines; constructing additional waste rock dumps, soil stockpiles, ore stockpiles, haul roads and support facilities; expanding an existing open pit and waste rock dump; and development of specific mitigation measures. The proposal would disturb approximately 3,000 acres of land of which about 280 acres have been disturbed by previous and current mining activities. The detailed analysis area is about 10,850 acres in size. Ore will be processed at the existing mill site. Two additional tentative alternatives have been developed for analysis based on internal scoping. They were developed to reduce the acres of disturbance in response to resource values and economics; and the other was intended to increase the area of potential revegetation. A No Action

alternative will also be considered during the analysis process. Other alternatives may be developed to address significant issues and to mitigate impacts. Initial internal scoping with cooperating and participating agencies developed issues which were used to develop two tentative alternatives for analysis. The following issues are not intended to be an all inclusive list, but to identify some of the basic issues involved in the proposed project area. They are: Effects on golden eagle nests identified in the area; impacts to ground water quality; impacts to surface water quality; what is the potential for acid rock drainage (ARD); what are the impacts to the mule deer habitat and sage grouse brooding habitat; what impacts will result from aspen removal; how much wetland area is going to be removed; what will be the reduction in grazing AUM's; what is the reclamation potential for the area; will the project be economical to mine?

Public participation will be especially important at several points during the analysis. The first point is during the scoping process. The Forest Service will be seeking information, comments, and assistance from Federal, State and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. This input will be used in preparation of the draft EIS. The process will include: (1) Identifying potential issues; (2) Identifying issues to be analyzed in depth; (3) Eliminating issues or those which have been covered by a relevant previous environmental analysis; (4) Exploring additional alternatives; (5) Identifying potential environmental effects of the proposed action and alternatives; (6) Determining potential cooperating agencies and task assignments. Several government agencies have been invited to participate in this project. The Bureau of Land Management is a cooperating agency because the mill site is located on lands they administer. In addition the Nevada State Department of Minerals and Nevada State Department of Wildlife are also cooperating agencies. The U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency and the Nevada Department of Environmental Protection will participate in the process as technical advisors and reviewers on those areas they have technical expertise and/or regulatory authority. Various Federal, State and local permits and licenses will be required to implement the proposed action. They include, but are not limited to, a 404 permit and National Pollution Discharge Elimination System Permit for stormwater discharges.

The Forest Service is the lead agency for this project. John Inman, Forest Supervisor of the Humboldt National Forest is the responsible officer. He will need to make a decision to approve the proposed Plan of Operation or one of the alternatives and mitigation measures giving consideration to IMC's rights under the 1872 Mining Law as amended and other applicable Forest Service regulations and allowances for surface uses consistent with the Humboldt National Forest Land and Resource Management Plan (1986), while providing for resource protection which is necessary for the proposal to comply with federal and state statues and regulations. The Draft Environmental Impact Statement (DEIS) is expected to be filed with the U.S. Environmental Protection Agency (EPA) and be available for public review in July, 1993. At that time, EPA will publish a notice of availability of the DEIS in the Federal Register.

The comment period on the draft environmental impact statement will be 45 days from the date that the Environmental Protection Agency publishes the notice of availability in the Federal Register.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC, 435 U.S. 519, 553 (1978).* Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: February 22, 1993.

John P. Inman,

Forest Supervisor.

[FR Doc. 93–4544 Filed 2–25–93; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Colorado River Salinity Control Program (CRSCP), Moapa Valley Unit, NV; Record of Decision

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of a record of decision.

SUMMARY: William D. Goddard, Responsible Federal Official for projects administered under the provisions of title II of the Colorado River Basin Salinity Control Act (Pub. L. 93–320 as amended by Pub. L. 98–569) in the state of Nevada, is hereby providing notification that a record of decision to proceed with installation of the Moapa Valley Unit of the Colorado River Salinity Control Program is available. Single copies of this record of decision may be obtained from William D. Goddard at the address shown below.

FOR FURTHER INFORMATION CONTACT: William D. Goddard, State Conservationist, Soil Conservation Service, 5301 Longley Lane, Bldg. F, suite 201, Reno, NV 89511, Telephone (702) 784–5863.

(Catalog of Federal Domestic Assistance Program No. 10.902, Conservation Operations Program. Executive Order 12372 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Date: February 17, 1993.

William D. Goddard,

State Conservationist.

[FR Doc. 93–4442 Filed 2–25–93; 8:45 am]

BILLING CODE 3410-16-M

North West Middle Suwannee River Area Watershed, Lafayette County, FL

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture gives notice that an environmental impact statement is not being prepared for the North West Middle Suwannee River Area Watershed, Lafayette County, Florida.

FOR FURTHER INFORMATION CONTACT: T. Niles Glasgow, State Conservationist, Soil Conservation Service, Federal Building, 401 SE First Ave., room 248, Gainesville, Florida 32601; Telephone: 904–377–0946.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action, developed by the Soil Conservation Service, indicates that the project will not cause significant local, regional, or national impact on the environment.

As a result of these findings, T. Niles Glasgow, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this Project.

The project concerns a plan to relieve threats to human health and contamination of ground and surface waters by nitrate leaching from intensive agricultural operations. The planned works of improvement consist of agricultural Best Management Practices to safely collect, store, transport and utilize agricultural waste.

This Notice of A Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agenices and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed for the environmental assessment are on file and may be reviewed by contacting T. Niles Glasgow.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local Officials)

Dated: February 18, 1993.

T. Niles Glasgow,

State Conservationist.

[FR Doc. 93–4545 Filed 2–25–93; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Regulations and Procedures Technical Advisory Committee; Open Meeting

A meeting of the Regulations and Procedures Technical Advisory Committee will be held March 17, 1993, 9:30 a.m., in the Herbert C. Hoover Building, room 1617M(2), 14th Street and Pennsylvania Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis on implementation of the Export Administration Regulations (EARs), and provides for continuing review of update the EARs as needed.

AGENDA

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Status report on work projects:
   - Nonproliferation control regimes
   - Prelicensing and post-shipment checks
   - Regulatory review process.
4. Discussion of nonproliferation licensing process.
4. Discussion of Enhanced Proliferation Control Initiative (EPCI) end-use controls.

The meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials, two weeks prior to the meeting date, to the following address: Ms. Lee Ann Carpenter, TAC Unit/ODAS–EA/BXA, room 1621, U.S. Department of Commerce, Washington, DC 20230.

For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 482–2583.

Dated: February 22, 1993.

Lee Ann Carpenter,

Acting Director, Technical Advisory Committee Unit.

[FR Doc. 93–4468 Filed 2–25–93; 8:45 am]

BILLING CODE 3510–DT–M

International Trade Administration

[A–427–602]

Brass Sheet and Strip From France; Intent To Revoke Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of intent to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the antidumping duty order on brass sheet and strip from France. Interested parties who object to this revocation must submit their comments in writing no later than March 31, 1993.

EFFECTIVE DATE: February 26, 1993.

FOR FURTHER INFORMATION CONTACT: John Kugelman, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–3601.

SUPPLEMENTARY INFORMATION:

Background

On March 6, 1987, the Department of Commerce published an antidumping duty order on brass sheet and strip from France (52 FR 1217). The Department has not received a request to conduct an administrative review of this order for the most recent four consecutive annual anniversary months.

The Department may revoke an antidumping duty order or finding if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this antidumping duty order.

Opportunity to Object

No later than March 31, 1993, interested parties, as defined in § 353.2(k) of the Department's regulations, may object to the Department's intent to revoke this antidumping duty order.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B–099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties do not request an administrative review in accordance with the Department's notice of opportunity to request administrative review, or object to the Department's intent to revoke by March 31, 1993, we shall conclude that the order is no

VOL 58 ISS 37 FE 26 1993 UMI

longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 353.25(d)(4)(i).

Dated: February 18, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–4432 Filed 2–25–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–602–039]

Canned Bartlett Pears From Australia; Intent To Revoke Antidumping Funding

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of intent to revoke antidumping finding.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the antidumping finding on canned bartlett pears from Australia. Interested parties who object to this revocation must submit their comments in writing no later than March 31, 1993.

EFFECTIVE DATE: February 26, 1993.

FOR FURTHER INFORMATION CONTACT: David Levy or Michael Rill, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On March 23, 1973, the Department of the Treasury published an antidumping finding on canned bartlett pears from Australia (38 FR 7566). The Department of Commerce (the Department) has not received a request to conduct an administrative review of this finding for the most recent four consecutive annual anniversary months.

The Department may revoke an antidumping duty order or finding if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this antidumping finding.

Opportunity to Object

No later than March 31, 1993, interested parties, as defined in § 353.2(k) of the Department's regulations, may object to the Department's intent to revoke this antidumping finding.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B–099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties do not request an administrative review in accordance with the Department's notice of opportunity to request administrative review, or object to the Department's intent to revoke by March 31, 1993, we shall conclude that the finding is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 353.25(d)(4)(i).

Dated: February 18, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–4429 Filed 2–25–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–570–002]

Chloropicrin From the People's Republic of China; Intent To Revoke Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Intent to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the antidumping duty order on chloropicrin from the People's Republic of China. Interested parties who object to this revocation must submit their comments in writing no later than March 31, 1993.

EFFECTIVE DATE: February 26, 1993.

FOR FURTHER INFORMATION CONTACT: Michael Rill, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On March 22, 1984, the Department of Commerce published an antidumping duty order on chloropicrin from the People's Republic of China (49 FR 10691). The Department has not received a request to conduct an administrative review of this order for the most recent four consecutive annual anniversary months.

The Department may revoke an antidumping duty order or finding if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this antidumping duty order.

Opportunity to Object

No later than March 31, 1993, interested parties, as defined in § 353.2(k) of the Department's regulations, may object to the Department's intent to revoke this antidumping duty order.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B–099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties do not request an administrative review in accordance with the Department's notice of opportunity to request administrative review, or object to the Department's intent to revoke by March 31, 1993, we shall conclude that the order is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 353.25(d)(4)(i).

Dated: February 18, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–4431 Filed 2–25–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–307–807, A–357–807]

Notice of Postponement of Final Antidumping Duty Determinations of Sales at Less Than Fair Value: Ferrosilicon From Venezuela and Argentina

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: February 26, 1993.

FOR FURTHER INFORMATION CONTACT: Shawn Thompson, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–1776.

POSTPONEMENT: On December 18, 1992 (57 FR 61879, December 29, 1992), the Department of Commerce ("the Department") issued an affirmative preliminary determination in the antidumping duty investigation of ferrosilicon from Venezuela. Also on December 18, 1992 (57 FR 61874, December 29, 1992), the Department issued a negative preliminary determination in the antidumping duty investigation of ferrosilicon from Argentina.

On January 13, 1993, CVG-Venezolana de Ferrosilicio C.A., respondent and a

producer of significant proportion of the merchandise in the Venezuelan investigation, requested that the Department postpone the final determination in that investigation 60 days, in accordance with section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) 19 U.S.C. 1673d(a)(2)(A)). This postponement was requested in order to allow the Department sufficient time to analyze the data it has gathered in the investigation.

In addition, on January 14, 1993, petitioners in the antidumping duty investigation of ferrosilicon from Argentina (AIMCOR, Alabama Silicon, American Alloys, Globe Metallurgical, Silicon Metaltech, United Autoworkers of America Local 523, United Steelworkers of America Locals 2528, 5171, 3081, and 12646, and Oil Chemical & Atomic Workers Local 389) requested that the Department postpone the final determination in that investigation 60 days, in accordance with section 735(a)(2)(B) of the Act. This postponement was requested in order to give the Department additional time to investigate and to verify whether there were sales to the United States during the period of investigation and to consider other issues raised in the proceeding.

We find no compelling reasons to deny the requests. Thus, in accordance with 19 CFR 353.20(b)(1), we are postponing the dates of the final determinations until May 3, 1993.

This notice is published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)) and 19 CFR 353.20(b)(2).

Dated: February 2, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–4433 Filed 2–25–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–122–804]

Certain Fresh Cut Flowers From Canada; Intent to Revoke Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of intent to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the antidumping duty order on certain fresh cut flowers from Canada. Interested parties who object to this revocation must submit their comments in writing no later than March 31, 1993.

EFFECTIVE DATE: February 26, 1993.

FOR FURTHER INFORMATION CONTACT: John Kugelman, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–3601.

SUPPLEMENTARY INFORMATION:

Background

On March 18, 1987, the Department of Commerce published an antidumping duty order on certain fresh cut flowers from Canada (52 FR 8491). The Department has not received a request to conduct an administrative review of this order for the most recent four consecutive annual anniversary months.

The Department may revoke an antidumping duty order or finding if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this antidumping duty order.

Opportunity to Object

No later than March 31, 1993, interested parties, as defined in § 353.2(k) of the Department's regulations, may object to the Department's intent to revoke this antidumping duty order.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B–099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties do not request an administrative review in accordance with the Department's notice of opportunity to request administrative review, or object to the Department's intent to revoke by March 31, 1993, we shall conclude that the order is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 353.25(d)(4)(i).

Dated: February 18, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–4430 Filed 2–25–93; 8:45 am]

BILLING CODE 3510–DS–M

Brooklyn College of the City University of New York et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 92–075. *Applicant:* Brooklyn College of the City University of New York, Brooklyn, NY 11210. *Instrument:* Coaxial Nanosecond Flashlamp, Model Mark 3. *Manufacturer:* IBH Consultants, Ltd., United Kingdom. *Intended Use:* See notice at 57 FR 27215, June 18, 1992. *Reasons:* The foreign instrument provides: (1) Repetition rates of 1.0 Hz to 100 kHz, (2) 2.0 ns UV light pulses and (3) 1.0 ns lifetime resolution. *Advice Submitted By:* National Institutes of Health, September 11, 1992.

Docket Number: 92–078. *Applicant:* St. Louis University, St. Louis, MO 63104. *Instrument:* High Intensity Xenon Flashlamp System, Model XP–10. *Manufacturer:* Hi Tech Scientific, United Kingdom. *Intended Use:* See notice at 57 FR 30470, July 9, 1992. *Reasons:* The foreign instrument provides 210 mJ of irradiated energy in the range from 300 to 400 nm with a temporal resolution of 1.0 ms or less. *Advice Submitted By:* National Institutes of Health, September 11, 1992.

Docket Number: 92–094. *Applicant:* Duke University, Durham, NC 27706. *Instrument:* Magnetic Measuring System. *Manufacturer:* Institute of Nuclear Physics, C.I.S. *Intended Use:* See notice at 57 FR 40435, September 3, 1992. *Reasons:* The foreign instrument provides an 11-element Hall probe array with high accuracy and spatial field definition. *Advice Received From:* National Institute of Standards and Technology, October 21, 1992.

Docket Number: 92–104. *Applicant:* Auburn University, Auburn University, AL 36849. *Instrument:* Four Frame X-ray Imaging System. *Manufacturer:* Ingenieurburo Armin Schulz, Germany. *Intended Use:* See notice at 57 FR 39394, August 31, 1992. *Reasons:* The foreign instrument provides a four-sector field with: (1) Spatial resolution to 30 mm $^{-1}$, (2) minimum frame exposition of 10^{-9}s and (3) gain to 10^{5}. *Advice Received From:* National Institute of Standards and Technology, October 26, 1992.

Docket Number: 92–105. *Applicant:* University of Miami, Miami, FL 33149.

VOL 58 ISS 37 FE 26 1993 UMI

Instrument: Radar. *Manufacturer:* Marex Technology Ltd., United Kingdom. *Intended Use:* See notice at 57 FR 39394, August 31, 1992. *Reasons:* The foreign instrument provides: (1) Mapping of areas to 700 km at 20-minute intervals with spatial resolution to 250 m, (2) pusle-to-pulse coherent signal processing and (3) a phased array antenna for high directional accuracy. *Advice Received From:* Department of Defense, October 28, 1992.

Docket Number: 92–108. *Applicant:* University of California, Los Alamos, NM 87545. *Instrument:* Spectrometer System. *Manufacturer:* Turner Scientific, United Kingdom. *Intended Use:* See notice at 57 FR 39395, August 31, 1992. *Reasons:* The foreign instrument provides both inductively coupled plasma and glow discharge mass spectrometry with detection limits of 1 pptr for a 1 ppb equimolar solution of Pb, In, and Be and a minimum copper ion signal of 10.0 $^{-9}$A. *Advice Received From:* National Institute of Standards and Technology, December 4, 1991 (comparable case).

The National Institutes of Health, National Institute of Standards and Technology, and Department of Defense advise that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel

Director, Statutory Import Programs Staff

[FR Doc. 93–4424 Filed 2–25–93; 8:45 am]

BILLING CODE 3510–DS–F

City of Chicago, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 92–106. *Applicant:* City of Chicago, Chicago, IL 60611. *Instrument:* Electron Microscope, Model EM 910. *Manufacturer:* Carl Zeiss, Germany. *Intended Use:* See notice at 57 FR 39395, August 31, 1992. *Order Date:* January 24, 1992.

Docket Number: 92–114. *Applicant:* Charlotte-Mecklenburg Hospital Authority, d/b/a Carolinas Medical Center, Charlotte, NC 28232–2861. *Instrument:* Electron Microscope, Model CM–10. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 57 FR 44361, September 25, 1992. *Order Date:* April 14, 1992.

Docket Number: 92–119. *Applicant:* Howard Hughes Medical Institute, New Haven, CT 06536–0812. *Instrument:* Electron Microscope, Model CM 10. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 57 FR 44362, September 25, 1992. *Order Date:* May 14, 1992.

Docket Number: 92–124. *Applicant:* Louisiana State University Medical Center, New Orleans, LA 70112–1393. *Instrument:* Electron Microscope, Model JEM–1210EX. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 57 FR 44362, September 25, 1992. *Order Date:* June 26, 1992.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. *Reasons:* Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel

Director, Statutory Import Programs Staff

[FR Doc. 93–4427 Filed 2–25–93; 8:45 am]

BILLING CODE 3510–DS–F

Federal Highway Administration, Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 92–133. *Applicant:* Federal Highway Administration, McLean, VA 22101-2296. *Instrument:* Asphalt Concrete Slab Wheel Track Tester. *Manufacturer:* Helmut Wind, Germany. *Intended Use:* See notice at 57 FR 44360, September 25, 1992.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* This is a compatible accessory for an instrument previously imported for the use of the applicant.

The accessory is pertinent to the intended uses and we know of no domestic accessory which can be readily adapted to the instrument.

Frank W. Creel

Director, Statutory Import Programs Staff

[FR Doc. 93–4426 Filed 2–25–93; 8:45 am]

BILLING CODE 3510–DS–F

University of California, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 92–128. *Applicant:* University of California, Santa Barbara, Santa Barbara, CA 93106. *Instrument:* Noble Gas Mass Spectrometer, Model MAP 216. *Manufacturer:* Mass Analyzer Products, Ltd., United Kingdom. *Intended Use:* See notice at 57 FR 44362, September 25, 1992. *Reasons:* The foreign instrument provides a sensitivity of 6.0 x 10^{-4} A/torr for M/e 40 and an M/e 36 background less than 5.0 x 10^{-14} cm^3 STP.

Docket Number: 92–131. *Applicant:* Woods Hole Oceanographic Institution, Woods Hole, MA 02543. *Instrument:* Mass Spectrometer, Model 252. *Manufacturer:* Finnigan MAT, Germany. *Intended Use:* See notice at 57 FR 44360, September 25, 1992. *Reasons:* The foreign instrument provides an internal precision of 0.005 per mil for 3

bar µl samples of CO_2 and a computer-controlled carbonate preparation system for samples to 10 µg.

The capability of each of the foreign instruments described above is pertinent to each applicant's intended purposes. We know of no instrument or apparatus being manufactured in the United States which is of equivalent scientific value to either of the foreign instruments.

Frank W. Creel

Director, Statutory Import Programs Staff

[FR Doc. 93–4425 Filed 2–25–93; 8:45 am]

BILLING CODE 3510-DS-F

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Addition

AGENCY: Committee for Purchase from People who are Blind or Severely Disabled.

ACTION: Addition to procurement list.

SUMMARY: This action adds to the Procurement List a service to be furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: March 29, 1993.

ADDRESSES: Committee for Purchase from People who are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603-7740.

SUPPLEMENTARY INFORMATION: On July 6, 1992, the Committee for Purchase from People who are Blind or Severely Disabled published notice (57 FR 29712) of the proposed addition to the Procurement List.

No comments were received in response to the notice. However, the Committee has been informed that the current contractor for this food service, which originally indicated that it would not compete for a new contract, now wishes to have the opportunity to bid on the next contract. The contractor is engaged in proceedings under Chapter 11 of the Federal bankruptcy code, and has no other contracts.

The Committee has concluded that despite the current contractor's dependence on its contract for this service and interest in bidding on it in the future, adding the service to the Procurement List will not have a severe adverse impact on the contractor. The Committee has reached this conclusion on the basis of information provided by the contracting office for the service and the current contractor.

The contracting officer informed the Committee that, if he had to make a competitive award to the current contractor now for the next contract period, which begins April 1, 1993, he would be unable to do so because of the firm's financial condition. He noted, however, that final authority on the matter is vested in the Small Business Administration (SBA). The Committee did not discuss the matter with SBA, which normally reviews such matters only when a competitive contract award is imminent. However, the Committee did contact the small business officer for the contracting activity, who concurred with the contracting officer's assessment. The Committee was also influenced by the fact that the current contractor has not consistently won the contract since it became available for competitive bidding. Given the existence of competition and the current contractor's financial condition, the Committee considers it unlikely that the contractor would win a bidding competition, which is a prerequisite for a determination by the contracting officer and SBA on the firm's financial capability to perform the contract, as discussed in the last paragraph.

In the Committee's judgment, the information set forth in the last two paragraphs supports a conclusion that the current contractor would not obtain the next contract for the service in question regardless of action by the Committee. Thus, the Committee has determined that the current contractor will not experience severe adverse impact as a result of this addition to the Procurement List.

After consideration of the material presented to it concerning the capability of a qualified nonprofit agency to provide the service, fair market price, and the impact of the addition on the current or most recent contractor, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will not have a severe economic impact on current contractors for the service.

3. The action will result in authorizing small entities to furnish the service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the service proposed for addition to the Procurement List.

Accordingly, the following service is hereby added to the Procurement List:

Food Service Attendant
Davis-Monthan Air Force Base, Arizona

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 93–4541 Filed 2–25–93; 8:45 am]

BILLING CODE 6820-33-M

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to procurement list.

SUMMARY: This action adds to the Procurement List a service and commodities to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: March 29, 1993.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman, (703) 603–7740.

SUPPLEMENTARY INFORMATION: On December 18, 1992, January 4 and 8, 1993, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (57 FR 60176, 58 FR 90 and 3263) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service and commodities, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the service and commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service and commodities to the Government.

2. The action will not have a severe economic impact on current contractors for the service and commodities.

3. The action will result in authorizing small entities to furnish the service and commodities to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service and commodities proposed for addition to the Procurement List. Accordingly, the following service and commodities are hereby added to the Procurement List:

Commodities

Floorboard, Wood
2510–01–067–2630

Rail, Target Framing
6920–01–E02–1996
(Requirements for the U.S. Marine Corps, Parris Island, SC)

DOE This Month Newsletter (GPO Program B635–S)
7690–00–NSH–0033
(Requirements for the Department of Energy)

Smithsonian Institution Women's Council Newsletter (GPO Program B417–S)
7690–00–NSH–0037
(Requirements for the Smithsonian Institution)

VA Medical Center Newsletter (GPO Program D51–S)
7690–00–NSH–0042
(Requirements for the Department of Veterans Affairs)

Yard News (GPO Program C101–S)
7690–00–NSH–0046
(Requirements for the Department of Transportation)

Service

Janitorial/Custodial, Federal Building and U.S. Courthouse, 301 South Park Avenue, Helena, Montana.

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 93–4540 Filed 2–25–93; 8:45 am]

BILLING CODE 6820–33–M

Procurement List Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 29, 1993.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe adverse impact on the current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following commodities and services to the Procurement List for production by the nonprofit agency listed:

Commodities

Adhesive, Rubber
8040–00–938–6860
Nonprofit Agency: Lighthouse for the Blind, Berkeley, Missouri

Trousers, Woodland Camouflage
8415–01–184–1340 thru –1360
(300,000 pair annually)
Nonprofit Agency: Goodwill Industries of South Florida, Inc., Miami, Florida

Services

Janitorial/Custodial, U.S. Army Engineer District, Waterway Project Office, Peoria, Illinois
Nonprofit Agency: Community Workshop Training Center, Peoria, Illinois

Janitorial/Grounds Maintenance
East Totten Trail Recreation Area
Lake Sakakawea
Riverdale, North Dakota
Nonprofit Agency: Minot Vocational Adjustment Workshop, Inc., Minot, North Dakota

Beverely L. Milkman,

Executive Director.

[FR Doc. 93–4543 Filed 2–25–93; 8:45 am]

BILLING CODE 6820–33–M

Procurement List Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 29, 1993.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and service listed below from nonprofit agency employing persons who are blind or have other severe disabilities.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and service to the Government.

2. The action will result in authorizing small entities to furnish the commodities and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and service proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following commodities and service to the Procurement list for production by the nonprofit agencies listed:

Commodities

Parka, Wet Weather
8405–01–053–9202
8405–01–001–1547
8405–01–001–1548
8405–01–001–1549
8405–01–001–1550
8405–01–001–1551
(50% of the Government's requirement)
Nonprofit Agency: ORC Industries, Inc.
LaCrosse, Wisconsin

Service

Janitorial/Custodial
Buildings 2103, 2151, 2157, 2159, 2170, 2178, 2180, 2182, 2188, 2206, 2208, 2209, 2301, 2303, 2303T, 865, 2104, 2131, 2133, 2135, 2150, 2172, 2174, 2176, 2205, 2207, 2430 and 2435
Fort Campbell, Kentucky
Nonprofit Agency: Progressive Directions, Inc., Clarksville, Tennessee.

Beverly L. Milkman,

Executive Director.

[FR Doc. 93–4542 Filed 2–25–93; 8:45 am]

BILLING CODE 6820–33–M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade Proposal to Register Certain Non-Member Officials of Member Firms and to Require Consent to Jurisdiction by Certain Non-Member Parent Firms

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The Chicago Board of Trade ("CBT" or "Exchange") has submitted a proposed new rule which would require that certain non-member officials of member firms and partnerships register with the Exchange and that certain non-member parent firms consent to CBT jurisdiction. Acting pursuant to the authority delegated by Commission Regulation 140.96, the Director of the Division of Trading and Markets ("Division") has determined to publish the CBT proposal for public comment. The Division believes that publication of the CBT proposal is in the public interest and will assist the Commission in considering the views of interested persons.

DATES: Comments must be received on or before March 29, 1993.

FOR FURTHER INFORMATION CONTACT: David Van Wagner, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Description of Proposed Rule

By a letter dated February 2, 1993 and received by the Commission on February 3, 1993, the CBT submitted a proposed new Rule 230.03 pursuant to section 5a(a)(12)(A) of the Commodity Exchange Act ("Act") and Commission Regulation 1.41(c) which would require that certain non-member officials of members register with the Exchange and that certain non-member parent firms consent to CBT jurisdiction. The CBT submitted different versions of proposed Rule 230.03 to the Commission on two earlier occasions. The CBT originally submitted the rule to the Commission in a letter dated July 29, 1992. By letter dated August 8, 1992, the Division remitted the submission pursuant to the authority delegated by Commission Regulation 1.41a(a)(1) and raised certain questions with the CBT with respect to Rule 230.03. The Exchange responded to the questions and resubmitted the proposed rule in a letter dated September 18, 1992. The CBT has amended that most recently proposed version of Rule 230.03 and refiled the proposal in its current form.[1]

Proposed CBT Rule 230.03(a) would require each CBT member firm or partnership ("member") to designate officials as being responsible for the member's compliance with CBT rules. These designated officials would have to either become members or register with the CBT as "designated persons" who would be subject to Exchange rules as if they were members. A designated person would not be held liable for the actions of other employees, agents or independent contractors of the member if the designated person demonstrated that he or she acted in good faith and with reasonable care.

The proposed CBT Rule 230.03(a) differs from the CBT's earlier versions of this rule in two respects. First, it requires the member to select the person who will be responsible for the member's conduct rather than making such a selection solely on the basis of a person's work title. Second, the proposal's "good faith and reasonable care" liability standard is intended to provide a clearer standard for assessing a designated person's conduct.

In addition, under CBT proposed Rule 230.03(b), any non-member individual who holds more than a 25 percent financial interest in or exercises control over the management of a member firm would be required to either register as a designated person or to consent to CBT jurisdiction. Similarly, the proposal would require any non-member firm that holds more than a 25 percent financial interest in or exercises control over the management of a member firm to consent to CBT jurisdiction. Such non-member individuals and firms could receive exemption from this requirement upon showing the CBT good cause. Proposed CBT Rule 230.03(b)'s 25 percent financial interest threshold replaces the ten percent requirement of the earlier versions of Rule 230.03(b).[2]

[1] The version of CBT Rule 230.03 submitted to the Commission on September 18, 1992 was published in the **Federal Register** for a 30-day public comment period on October 7, 1992. 57 FR 46151. The comment period for that proposed version of CBT Rule 230.03 was extended until February 22, 1933 by three subsequent **Federal Register** releases. 57 FR 53887 (November 13, 1992), 58 FR 91 (January 4, 1993) and 58 FR 6388 (January 28, 1993).

[2] Under the earlier versions of CBT Rule 230.03, U.S. domiciled firms which were parent firms of member firms and which had over $100,000,000 in adjusted net capital were automatically exempted from this requirement. There is no equivalent exemption in the current proposal.

II. Request for Comments

The Commission requests comments on any aspect of the CBT's proposed new Rule 230.03 that members of the public believe may raise issues under the Act or Commission regulations.

Copies of the proposed rule and related materials are available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Copies also may be obtained through the Office of the Secretariat at the above address or by telephoning (202) 254–6314. Some materials may be subject to confidential treatment pursuant to 17 CFR 145.5 or 145.9.

Any person interested in submitting written data, views, or arguments on the proposed rule should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, by the specified date.

Issued in Washington, DC, on February 23, 1993.

Alan L. Seifert,

Deputy Director.

[FR Doc. 93–4473 Filed 2–25–93; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

DoD Government-Industry Technical Data Committee

AGENCY: Office of the Under Secretary of Defense (Acquisition).

ACTION: Notice.

SUMMARY: Pursuant to section 807 of Public Law 102–120, the National Defense Authorization Act for Fiscal Years 1992 and 1993, a Government-Industry Technical Data Committee has been formed. The committee will make recommendations to the Secretary of Defense for the final regulations required by subsection (a) of 10 U.S.C. 2320, "Rights in Technical Data."

The next committee meetings are scheduled for March 16 and 17, 1993, from 9:30 a.m. to 4 p.m. at The Herman Lay Room, The U.S. Chamber of Commerce, 1615 "H" Street, Washington, DC 20062–2000. This meeting will be open to the public. For more information, please contact the Committee Executive Secretary, Angelena Moy at (703) 693–5639.

Dated: February 23, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–4482 Filed 2–25–93; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Financial Assistance Award to the Yakima Indian Nation

AGENCY: U.S. Department of Energy (DOE), Richland Field Office.

ACTION: Notice of intent to renew a noncompetitive financial assistance award.

SUMMARY: The DOE Richland Field Office, Office of Environmental Assurance, Permits and Policy, in accordance with 10 CFR 600.7(b)(2), gives notice of its plan to renew a noncompetitive grant to the Yakima Indian Nation (YIN). Under the terms of the award, the YIN will continue to conduct activities related to the protection of YIN treaty rights which may be impacted by activities associated with DOE's environmental restoration activities at the Hanford Site. This award implements elements of the DOE Five Year Plan recognizing DOE's commitment to the participation of affected Indian tribes in the review and implementation of the Plan.

DOE has determined that the renewal on a noncompetitive basis is appropriate because the recipient is a unit of government and the activities to be supported are related to the performance of governmental functions within the jurisdiction of that unit of government, thereby precluding DOE provision of support to another entity. Since the award is related to agreements and treaties already made between the United States Government and the YIN, it would clearly be inappropriate for DOE to consider funding any other entity to be responsible for carrying out these activities. FY 1993 funding is expected to be approximately $800,000. Funding is also contemplated in subsequent years, at levels to be negotiated by DOE and the YIN.

FOR FURTHER INFORMATION CONTACT: Marji W. Parker, U.S. Department of Energy Richland Field Office, Procurement Division, P.O. Box 550, Richland, WA 99352. Telephone: (509) 376–2029.

Dated: February 19, 1993.

P.E. Rasmussen,

Acting Director, Procurement Division, Richland Field Office.

[FR Doc. 93–4536 Filed 2–25–93; 8:45 am]

BILLING CODE 6450–01–M

Bonneville Power Administration

Decision to Sign Two Proposed Billing Credits Conservation Contracts

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of intent.

SUMMARY: BPA File No.: BCR–13. BPA announces its decision to sign one conservation Billing Credit contract and one Customer System Efficiency Improvement (CSEI) contract. Both contracts are with the Tillamook People's Utility District, Tillamook, Oregon.

BPA has previously signed other billing credit conservation and CSEI contracts, in addition to the contracts described in this Notice. These signed contracts were addressed in previously released **Federal Register** Notices. (57 FR 22214; May 27, 1992 57 FR 33501; July 29, 1992, and 57 FR 48792; October 28, 1992).

Tillamook People's Utility District (PUD), under its Institutional Buildings contract, will install energy conservation measures in institutional buildings. Energy conservation measures will be building specific and will include building envelope, energy management systems, water heat efficiency improvements, and interior lighting and exterior lighting. The institutional buildings are all located within the Customer's service area.

Tillamook PUD's CSEI contract will reduce energy losses by increasing the voltage from 20.8 kilovolts (kV) to 115 kV on a 6.1-mile section of an existing transmission line. The transmission line which is currently connected to a 20.8 kV distribution circuit from BPA's Hebo Substation will be reconnected to operate at 115 kV. A 115 kV connection will be to the Hebo Substation bus at one end of the transmission line and a new 115/20.8 kV Nestucca Substation will be built at the other end of the line. The work required to be performed by BPA for the 115 kV connection at Hebo Substation and the metering at Nestucca Substation will be covered by a separate reimbursable agreement. SUMMARY: BPA, pursuant to its Billing Credits Policy, as amended August 30, 1984, (49 FR 34395), and its Billing Credit Solicitation July 1990, has negotiated with the Tillamook People's Utility District for one conservation project and one CSEI project.

The Administrative Record, available for public review, contains background on BPA's Billing Credits Policy, the need for billing credit resources, a summary of the Billing Credit Solicitation, a summary of the

evaluation process for proposals, and environmental considerations. The Administrative Record includes three Appendices: Appendix A—Billing Credit Solicitation, Appendix B—Issue Resolution Log. Addendum One of the Draft Administrative Record—Customer System Efficiency Improvements (CSEI) Contract Development, and Amendment A to Addendum One provide specific information about CSEI projects and how billing credits are determined. These were previously released for public review (57 FR 1161; January 10, 1992 and 57 FR 9250; March 17, 1992).

Addendum Two of the Administrative Record—Contract Development Conservation Proposals, provides specific information about the conservation projects and how billing credits are determined for these projects. This addendum was previously released for public review (57 FR 9250; March 17, 1992).

Responsible Official: Paul Norman, Billing Credits Project Manager, is the official responsible for BPA's Billing Credit contracts, the Administrative Record, and Addenda.

DATES: Payment or credits will not be made or granted until 90 days after the date of a **Federal Register** Notice is published announcing that the contracts have been signed.

FOR FURTHER INFORMATION CONTACT: For a copy of a specific generation billing credit contract(s), or the Administrative Record, please contact the Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

Telephone numbers, voice/TTY, for the Public Involvement Office are 503–230–3478 in Portland, or toll free 800–622–4519.

Information may also be obtained from:

Mr. George E. Bell, Lower Columbia Area Manager, 1500 NE. Irving Street, room 243, Portland, Oregon 97208, 503–230–4551,
Mr. Robert Laffel, Eugene District Manager, Federal Building, room 206, 211 East Seventh Street, Eugene, Oregon 97410, 503–465–6952,
Mr. Wayne R. Lee, Upper Columbia Area Manager, room 561 U.S. Court House, 920 W. Riverside Avenue, Spokane, Washington 99201, 509–353–2518,
Ms. Carol S. Fleischman, Spokane District Manager, room 112 U.S. Court House, 920 W. Riverside Avenue, Spokane, Washington 99201, 509–353–3279,
Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3060,
Mr. Ronald K. Rodewald, Wenatchee District Manager, 301 Yakima Street, room 307, Wenatchee, Washington 98807, 509–662–4377,
Mr. Terence G. Esvelt, Puget Sound Area Manager, 201 Queen Avenue North, suite 400, Seattle, Washington 98109, 206–553–4130,
Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 508–522–6226,
Mr. Jim Normandeau, Boise District Manager, Federal Building, 304 North Eighth Street, room 450, Boise, Idaho 83702, 208–334–9137,
Ms. C. Clark Leone, Idaho Falls District Manager, 1527 Hollipark Drive, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION:

I. Background

BPA is a self-financing power marketing agency with the United States Department of Energy. BPA was established by the Bonneville Project Act of 1937, 16 U.S.C. 832 et seq., to market wholesale power from Bonneville Dam and to construct power lines for the transmission of this power to load centers in the Northwest. BPA sells wholesale electric power and energy to 126 utilities, 13 direct service industrial customers (DSIs) and several government agencies.

The Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act) directs BPA to serve the net power requirements of any electric utility requesting service, and to serve existing DSIs in the Pacific Northwest. 16 U.S.C. 839c(b)(1) and (d). Although BPA cannot own or construct electric generating facilities, the Northwest Power Act directs BPA to acquire rights to the output or capability of electric power resources to serve increased customer requirements. See 16 U.S.C. 839a(1) and (d). The Northwest Power Act requires BPA to grant credits to BPA's customers on their power bills for electric power resources that reduce the Administrator's obligation to acquire resources to meet BPA's electric power requirements. 16 U.S.C. 839d(h). Billing credits may be adjustments to customers' power bills or equivalent cash payments. Resources eligible for billing credits include conservation and generation. Specific requirements for resources and the amount BPA can pay for these resources are outlined in the Northwest Power Act and BPA's Billing Credits Policy.

BPA's Billing Credits Policy interprets the billing credits provisions in the Northwest Power Act, prescribes criteria for customer and resource eligibility, and establishes procedures for granting billing credits.

BPA's 1990 Resource Program focused on choosing near-term resource actions for Fiscal Years 1992 and 1993. Subsequent to receiving comments from customers on the draft 1990 Resource Program that suggested BPA use billing credits, BPA developed a solicitation requesting proposals for billing credits resources. Billing credits provide a way to shift some of the risk for resource development to utilities and others, which was an objective of the chosen strategy in the 1990 Resource Program. In July 1990, BPA released the solicitation. It proposed to test the billing credit approach for acquiring energy resources by granting 50 average MW of billing credits to eligible resources. BPA's objective in the test was to ensure that the billing credit mechanism is workable for BPA customers.

II. Billing Credit Proposals

The proposals submitted in response to the Billing Credit Solicitation were divided into two groups, conservation and generation resources. Because CSEI projects reduce electric power consumption or losses by increasing efficiency of electric use, production, transmission, or distribution, they were considered a subset of conservation measures, but covered in separate contracts.

III. Description of the Conservation Proposals

Thirty-seven conservation proposals representing twenty-six public bodies or cooperative utilities were submitted pursuant to the July 1990 Billing Credit Solicitation. Thirteen proposals were withdrawn, three utilities withdrew from participation in group-sponsored proposals, and some proposals were rejected. Conservation projects include measures in the residential, commercial, industrial, and production. Conservation projects include residential weatherization, lighting retrofit, institutional and industrial energy conservation measure, municipal water system improvements, heat pump installation, and removal of irrigation pumps. These measures reduce electric power consumption or increase production.

BPA intends to sign one conservation contract with this public utility for the following conservation project:

1. Tillamook PUD—Institutional Energy Purchase program—a conservation project to install various energy conservation measures.

IV. Description of the CSEI Proposals

Twenty-four CSEI proposals representing 30 public bodies or cooperative utilities were submitted pursuant to the July 1990 Billing Credit Solicitation. CSEI projects include voltage modifications, reconductoring,

VOL
58
ISS
37
FE
26
1993
UMI

transformer replacements, and other system improvements undertaken to reduce electric power consumption or losses as a result of an increase in the efficiency of electric use, production, transmission or distribution.

BPA intends to sign one CSEI contract with this public utility for the following conservation project:

1. Tillamook PUD—Voltage Upgrade project—a CSEI project to reduce energy losses.

Both of these projects meet the qualifications for billing credits, and BPA has completed its obligations under NEPA. The customers will comply with all applicable environmental requirements in the construction of the project and during the operation phase.

V. Methodology for Determining Generation Billing Credits

The payment for billing credits (BC) for this customer will be calculated and paid monthly as follows:

As shown in the Exhibit F of the proposed contracts, the Alternative Cost, minus the Priority Firm rate, times the savings from the measures, times the cost share percentage, equals the BC.

VI. Materials Available

Copies of the Billing Credits Policy, the Administrative Record, its Appendices, Addendum One, Amendment A to Addendum One, Addendum Two, and Addendum Three are available from BPA's Public Involvement office. Refer to the "For Further Information Contact" section of this notice.

Issued in Portland, Oregon, on February 11, 1993.

Randall W. Hardy,

Administrator.

[FR Doc. 93–4537 Filed 2–25–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER93–272–000, et al.]

Green Mountain Power Corp. et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

February 19, 1993.

Take notice that the following filings have been made with the Commission:

1. Green Mountain Power Corporation

[Docket No. ER 93–272–000]

Take notice that on January 26, 1993, Green Mountain Power Corporation (GMP) tendered for filing a letter confirming that GMP will limit charges for back-up power sold under the Agreement between GMP and the Vermont Department of Public Service (VDPS) after October 31, 1992 to $131.00/kw/yr.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Montaup Electric Company

[Docket No. ER92–91–001]

Take notice that on January 19, 1993, Montaup Electric Company (Montaup) tendered for filing an amendment to its compliance filing in the above-referenced docket.

Comment date: March 3, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Nevada Power Company

[Docket No. EL92–41–000]

Take notice that on February 16, 1993, Nevada Power Company (NPC), tendered for filing a request for a waiver of § 35.14 of the Federal Energy Regulatory Commission's Regulations for all tariffed service provided by NPC to the City of Needles (Needles) under Rate Schedule FERC No. 41. This request is being amended to include the filing of requisite cost support for the waiver. The Primary purpose of the filing is to allow NPC to exclude the purchase power costs and energy of the Boulder Canyon Project Schedule B (Hoover B) Power from the calculation of the fuel adjustment clause for power sold to Needles. The request asks that the waiver be for all service rendered since March 1990.

NPC states that copies of the filing were served upon Needles.

Comment date: March 5, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Southern Indiana Gas and Electric Company

[Docket No. ER93–339–000]

Take notice that on February 8, 1993, Southern Indiana Gas and Electric Company (Southern Indiana) tendered a Letter Agreement and request for term extension of its rate schedule FPC–29 under which it sells standby electrical power to ALCOA Generating Corporation (AGC). The change is for a one (1) year term extension only and will result in no rate increase or decrease or revenue change. Southern Indiana has requested a waiver of the minimum 60 day notice requirement. The only affected customer is the purchaser, AGC. Southern Indiana and AGC are parties to a written Letter Agreement executed on August 1, 1991, for the service, and to a written Letter Agreement dated January 13, 1993, for an extension of the term of the service for one year from January 13, 1993.

The reason for the Letter Agreement extending the term is to give the parties additional time to negotiate and file a long term rate. The Term Extension Agreement is therefore mutually beneficial.

A copy of the filing has been served upon AGC.

Comment date: March 5, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. The Detroit Edison Company

[Docket No. ER93–367–000]

Take notice that on February 11, 1993, The Detroit Edison Company (Detroit Edison) filed the First Amendment to Power Supply Agreement (Amendment), which consists of an amendment to the Power Supply Agreement Between Wolverine Power Supply Cooperative, Inc. and The Detroit Edison Company, dated December 14, 1987. The Amendment is dated as of December 31, 1992, and provides for two types of changes. First, the compensation for associated administrative costs and transmission has been changed to delete a percentage adder, leaving the adder as three mills per kWhr. Second, modifications have been made to the determination of billing determinants for purchases under the Power Supply Agreement. Wolverine's generation capability has been revised in order to better match the characteristics of the units which will allow Wolverine to buy more interruptible energy when its needs are likely to be greatest and cost savings highest. Also, changes have been made to Appendix A of the Agreement to replace the fixed schedule of firm capacity purchases with one based on Wolverine's sales.

Detroit Edison requests that the proposed Amendment be made effective as of January 1, 1993, and thus requests waiver of the Commission's notice requirements for good cause shown. Detroit Edison states copies of the filing were served on Wolverine and on the Michigan Public Service Commission.

Comment date: March 5, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. New York State Electric & Gas Corporation

[Docket No. EL93–20–000]

Take notice that New York State Electric & Gas Corporation (NYSEG) on February 16, 1993, tendered for filing pursuant to § 385.207 of the Federal Energy Regulatory Commission's

Regulations, 18 CFR 385.207 (1992), a Petition for Declaratory Order Disclaiming Jurisdiction Under the Federal Power Act. The Petition requests that the Commission issue a declaratory order disclaiming jurisdiction under Federal Power Act section 201(f) over a facilities agreement between NYSEG and the New York Power Authority.

NYSEG served copies of the filing upon the New York Power Authority.

Comment date: March 10, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. Public Service Company of New Mexico

[Docket No. ER93–378–000]

Take notice that on February 16, 1993, Public Service Company of New Mexico (PNM) tendered for filing a new Contract for Electric Service Between PNM and the City of Gallup, New Mexico (Gallup). The new contract has a 10-year term, and replaces the existing Contract for Electric Service which terminates by its own terms effective February 20, 1993. Under the new contract, PNM will continue to supply Gallup with firm requirements electric power and energy and other electric services at wholesale.

PNM has requested that the applicable notice requirements be waived, and that the commission accept for filing the new Contract for Electric Service to be effective February 20, 1993.

Copies of the filing have been served upon Gallup and the New Mexico Public Service Commission.

Comment date: March 5, 1993, in accordance with Standard Paragraph E end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4458 Filed 2–25–93; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 10661–000 Michigan]

Indiana Michigan Power Co., Availability of Environmental Assessment

February 22, 1993.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for minor license for the existing, unlicensed Constantine Hydroelectric Project located on the St. Joseph River in St. Joseph County, near the Village of Constantine, Michigan, and has prepared an Environmental Assessment (EA) for the existing project. In the EA, the Commission's staff analyzed the environmental impact of the existing project, with appropriate enhancement measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3308, of the Commission's offices at 941 North Capitol Street NE., Wahsington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4487 Filed 2–25–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RM87–17–000]

Natural Gas Data Collection System; Notice of Availability of Data Entry Software for the FERC Form No. 2–A

February 22, 1993.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of availability of the data entry software for the FERC form No. 2–A (DEFTA).

SUMMARY: A PC version of DEFTA, data entry software for the FERC Form No. 2–A, "Annual Report of Nonmajor Natural Gas Companies," is now available. This software is being made available to assist nonmajor pipeline companies in complying with the Commission's electronic filing requirements for the FERC Form No. 2–A.

An Order Form to request the new software and a copy of the DEFTA sublicensing agreement are available from the Federal Energy Regulatory Commission.

DATES: DEFTA, *Data Entry* software for the FERC Form No. 2–A, "Annual Report of Nonmajor Natural Gas Companies," is available on February 22, 1993.

ADDRESSES: Requests for the software and documentation should be directed to: James M. Krug, PR20.2, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., room 6010, Washington, DC 20426 (202) 208–0677.

FOR FURTHER INFORMATION CONTACT: For general information, contact: Bill Anderson, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., room 6000–D, Washington, DC 20426, (202) 208–2221.

For information related to the execution of the software, contract: Conrad Chuang, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., room 6000–G, Washington, DC 20426, (202) 208–1043.

SUPPLEMENTARY INFORMATION: DEFTA has been developed by staff to assist nonmajor pipelines in complying with the electronic submission requirements for filing the FERC Form No. 2–A in accordance with Order Nos. 493 (53 FR 15,025 (Apr. 27, 1988)), 493–A (53 FR 30,027 (Aug. 10, 1988)), 493–B (53 FR 49,652 (Dec. 9, 1988), 493–C (54 FR 21,197 (May 17, 1989)) and 493–D (58 FR 7,985 (Feb. 11, 1993)). The new data entry software has been developed using Borland International's (BORLAND) Paradox Runtime Version 3.5, a proprietary non-interactive version of Paradox that permits users to run applications developed with Paradox. DEFTA users can perform only the operations included in DEFTA and not any of the ad hoc design interactions included in Paradox itself.

The Form No. 2–A data entry software is being made available with no licensing fees under the terms of the Commission's Paradox Runtime license. However, each nonmajor pipeline company requesting the DEFTA software will be required to sign and return to the Commission, a sublicensing agreement acknowledging BORLAND's copyright on the Paradox Runtime Version 3.5 software and absolving BORLAND of culpability for any damages that might result from the use of this software. A signed copy of the DEFTA sublicensing agreement must be on file with the Commission

before Staff will issue the software to the requesting party.

DEFTA can be run on an IBM or compatible PC with DOS 3.3 or later version and 640K of RAM. The complete software is available on one 3.5" (1.44MB) or one 5.25" (1.25MB) double-sided, high density diskette. A hardcopy of the instructions for installing and operating the software will also be forwarded to each person ordering the software.

The DEFTA software is available without charge. Persons requesting the software must sign a copy of the DEFTA sublicensing agreement, and return it to James M. Krug of the Commission's Staff in room 6010, 825 North Capitol Street, NE., Washington, DC 20426.

DEFTA has been tested by staff. However, if problems occur relating to the software, the Commission's staff recommends that users submit written comments as to the exact nature of the problem to Conrad Chuang, Office of Pipeline and Producer Regulation, room 6000–G, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426.

This notice is available through the Commission Issuance Posting System (CIPS), an electronic bulletin board service that provides access to formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed on a 24-hour basis using a personal computer with a modem. Your communications software should be set at full duplex, no parity, eight data bits and one stop bit. To access CIPS at 300, 1200 or 2400 baud dial (202) 208–1397. For access at 9600 baud, dial (202) 208–1781. FERC is using U.S. Robotics HST Dual Standard modems. If you have any problems in obtaining a copy of this notice through CIPS, please call (202) 208–2474. This notice will be available on CIPS for 30 days from the date of issuance.

In addition to publishing the text of this notice in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this notice during normal business hours in the Reference and Information Center (room 3308) at the Commission's headquarters, 941 North Capitol Street NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4498 Filed 2–25–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–0454OT Texas–111]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

February 22, 1993.

Take notice that on February 16 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Vicksburg Formation, Texan Gardens (R, FB–4) Field, underlying a portion of Hildago County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area contains approximately 555 acres in Railroad Commission District No. 4 and consists of portions of the following surveys:

Portion 48—Nicolas Zamora—A–76
Portion 80—Francisco Cantu—A–570
Portion 79—Yldifonso Ramirez—A–584
Portion 78—Dionisio Ramirez—A–563

The notice of determination also contains Texas' findings that the referenced portions of the Vicksburg Formation, Texan Gardens (R, FB–4) Field meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Louis Cashell,

Secretary.

[FR Doc. 93–4490 Filed 2–25–93; 8:45 am]

BILLING CODE 6717–01–M

[FERC No. JD93–04541T Texas–112, et al.]

State of Texas; NGPA Notices of Determination by Jurisdictional Agency Designating Tight Formations

February 22, 1993.

Take notice that on February 16, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notices of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the M Sand (Docket No. JD93–04541T), R Sand (Docket No. JD93–04589T), S Sand (Docket No. JD93–04590), and T Sand (Docket No. JD93–04591T) of the Vicksburg Formation underlying portions of Hidalgo County, Texas, qualify as tight formations under section 107(b) of the Natural Gas Policy Act of 1978. The determinations represent a reduction in the area previously recommended in a pending notice of determination filed in Texas–15 Addition 3 (FERC No. JD92–02505T). The designated areas are more fully described on the attached appendix.

The notices of determination also contains Texas' findings that the referenced portions of the M, R, S and T Sands of the Vicksburg Formation meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

Appendix

JD93–04541T
Texas–112

M Sand

The area of application includes approximately 3,010 acres located in the "San Ramon" Juan Farias Grant, A–62, bounded to the west and east by lease lines and to the north and south by horizontal lines and excludes a 320 acre rectangular area in the crest of the structure around the Woods Christian #8 and #16 wells.

JD93–04589T
Texas–113

R Sand

The area of application includes approximately 1,440 acres located in the "San Ramon" Juan Farias Grant, A–62, and the "Santa Anita" Manuel Gomez Grant, A–63, bounded to the south and east by Fault F–9N (excluding the crest of the structure), and bounded to the north by the −11,200′ structural contour.

JD93–04590T
Texas–114

S Sand

The area of application includes approximately 11,700 acres located in the "San Ramon" Juan Farias Grant, A–62 and the "Santa Anita" Manuel Gomez Grant, A–63, bounded to the west, south and east by lease lines and to the north by the contact with the Eocene and which excludes two structural crests where sand thickens and improves in quality north of Fault A and Fault B.

JD93–04591T
Texas–115

T Sand

The area of application includes approximately 7,320 acres located in the "San Ramon" Juan Farias Grant, A–62, and the "Santa Anita" Manuel Gomez Grant, A–63, bounded to the west, south and east by lease lines and bounded to the north by a line which approximates the contract with the Eocene and is 120 degrees from the lease line.

[FR Doc. 93–4488 Filed 2–25–93; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. JD93–04539T Texas–110]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

February 22, 1993.

Take notice that on February 16, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the FB–D Formation, underlying a portion of McMullen County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area contains approximately 121.6 acres in Railroad Commission District No. 1 and consists of portions of the following surveys:

Section 68—Justo Corona Survey—A–112
Section 44—V. Yeager Survey—A–1230
Section 38—W.A. Lowe, Jr. Survey—A–1758
Section 69—A.B. & M. Survey—A–1448

The notice of determination also contains Texas' findings that the referenced portions of the FB–D Formation meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4489 Filed 2–25–93; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. JD93–04113T Wyoming–40]

State of Wyoming; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

February 22, 1993.

Take notice that on February 4, 1993, the Wyoming Oil and Gas Conservation Commission (Wyoming) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Mowry/Belle Fourche Formations underlying a portion of Campbell County, Wyoming, qualify as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The notice covers Federal and Fee leases and includes all of Sections 29–30, Township 51 North, Range 75 West.

The notice of determination also contains Wyoming's findings that the referenced portion of the Mowry/Belle Fourche Formations meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4491 Filed 2–25–93; 8:45 am]
BILLING CODE 6717–01–M

[Project No. 10917–002 Utah]

Wayne County Water Conservancy District; Surrender of Preliminary Permit

February 22, 1993.

Take notice that Wayne County Water Conservancy District, permittee of the Fremont River Project No. 10917, has requested that its permit be terminated. The permit was issued June 28, 1990. The project would have been located on the Fremont River in Wayne County, Utah, within the Fishlake National Forest.

The permittee filed the request on January 22, 1993, and the permit for Project No. 10917 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR part 4, may be filed on the next business day.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4493 Filed 2–25–93; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. CP93–218–000]

El Paso Natural Gas Co.; Request Under Blanket Authorization

February 19, 1993.

Take notice that on February 17, 1993, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed a request with the Commission in Docket No. CP93–218–000 pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to operate two delivery points originally constructed and installed under Section 311(a) of the Natural Gas Policy Act of 1978 (NGPA) for Southern Union Gas Company, a division of Southern Union Company (Southern Union), under El Paso's blanket certificates issued in Docket Nos. CP82–435–000 and CP88–433–000, all as more fully set forth in the application which is open to public inspection.

El Paso proposes to operate the Waste Disposal Fuel Delivery Point and the Flying J. Commercial Development Tap in El Paso County, Texas, under the NGA for service to Southern Union, a local distribution company. El Paso states that it originally constructed these delivery taps for use exclusively in the transportation of natural gas under subpart B of part 284 of the Regulations, which restricts El Paso's use of the facilities to section 311(a) service.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the allowed time, the proposed activity shall be deemed to be authorized effective the date after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an

application for authorization pursuant to section 7 of the NGA.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4457 Filed 2–25–93; 8:45 am]

BILLING CODE 6717–01–M

KN Energy, Inc.; Application

February 19, 1993.

Take notice that on February 9, 1993, KN Energy, Inc. (KN), P.O. Box 281304, Lakewood, Colorado 80228, filed in Docket No. CP93–208–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon gathering, transportation and sales service to Panhandle Eastern Pipe Line Company (Panhandle) pursuant to an agreement with Panhandle which is on file with the Commission as Rate Schedule X–9 of KN's FERC Gas Tariff, Second Revised Volume No. 2, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

KN states that pursuant to an agreement with Panhandle dated June 30, 1980, Panhandle is obligated to gather up to 10,000 Mcf of gas per day which KN may purchase from various sources at points in Ellis County, Oklahoma, and to transport this gas and deliver it to KN at a point of interconnection in Reno County, Kansas. KN indicates that under the terms of this agreement, Panhandle has the option to purchase from KN up to 25 percent of the gas KN delivers to Panhandle. According to KN, Panhandle has requested the termination of the referenced agreement by letter dated August 12, 1992, and has filed to abandon this agreement on December 15, 1992 in Docket No. CP93–112–000. KN states that it has agreed to Panhandle's request to terminate the above-referenced services effective October 31, 1992.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 12, 1993, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for KN to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4456 Filed 2–25–93; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6955–004 California]

Pan Pacific Hydro, Inc.; Surrender of Exemption

February 22, 1993.

Take notice that Pan Pacific Hydro, Inc. exemptee for the Stoney Creek Project No. 6955 located on Stoney Creek, near Weaverville, in Trinity County, California, has requested that its exemption from licensing be terminated. The exemption was issued on February 28, 1985. Construction has not started.

The exemptee filed the request on January 28, 1993, and the exemption for Project No. 6955 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.007, in which case the exemption shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR part 4, may be filed on the next business day.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4492 Filed 2–25–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–120–000]

Panhandle Eastern Pipe Line Co.; Informal Settlement Conference

February 22, 1993.

Take notice that an informal settlement conference will be convened in this proceeding on Tuesday, March 2, 1993, at 10 a.m. The conference will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of all issues raised in the above-referenced docket.

Any party, as defined in 18 CFR 385.102(c) or any participant, as defined in 18 CFR 385.102(b) is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations, 18 CFR 385.214.

For additional information, contact Carmen Gastilo at (202) 208–2182 or Joanne Leveque at (202) 208–5705.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4494 Filed 2–25–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–76–000]

Questar Pipeline Co.; Tariff Filing

February 22, 1993.

Take notice that Questar Pipeline Company, on February 11, 1993, tendered for filing and acceptance to be effective March 13, 1993, First Revised Sheet Nos. 65 through 67 and Original Sheet Nos. 67A through 67F to Original Volume No. 1–A of its FERC Gas Tariff.

Questar states that this filing revises Section 14.6 of the General Terms and Conditions to Original Volume No. 1–A of its FERC Gas Tariff by implementing tariff provisions to resolve current and future transportation imbalances. Questar states further that implementation of these provisions will provide a method whereby Questar may eliminate imbalances on its transportation system between the effective date of the proposed revision and the date that Questar implements the changes required by Order No. 636, *et. seq.*

Questar states that this filing was served upon its transportation customers and the Wyoming and Utah Public service commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules

385.211 and 385.214 of the Commission's Rules and Regulations (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 1, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4495 Filed 2–25–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–54–009]

Trunkline Gas Co.; Proposed Changes In FERC Gas Tariff

February 22, 1993.

Take notice that Trunkline Gas Company (Trunkline) on January 29, 1993, tendered for filing working papers reflecting its first annual take-or-pay volumetric surcharge reconciliation. Trunkline states that the information is submitted pursuant to Article II Section 8 of the Stipulation and Agreement in the above-captioned proceeding which requires Trunkline to submit, on an annual basis, a report of the take-or-pay volumetric surcharge amounts collection from its customers.

Trunkline states that copies of this filing have been served on all participants in the proceeding and applicable state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 1, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–4496 Filed 2–25–93; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4560–6]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before March 29, 1993.

FOR FURTHER INFORMATION OR TO OBTAIN A COPY OF THIS ICR, CONTACT: Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Prevention, Pesticide and Toxic Substances

Title: Notice of Pesticide Registration by States to Meet a Special Local Need. (EPA ICR No. 0595.05; OMB No. 2070–0055). This is a request for extension of the expiration date of a currently approved collection.

Abstract: Under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), States and Territories are authorized to issue pesticide registrations or amendments to meet special local needs. However, the registration requirements must be consistent with Federal regulations under the FIFRA as well as sections 408 and 409 of the Federal Food and Drug, and Cosmetic Act (FFDCA). To ensure compliance with FIFRA and FFDCA, representatives of States or Territories, must submit to the Agency a completed form entitled: "Application for/Notice of State Registration of a Pesticide to Meet a Special Local Need". The form contains general information on the applicant, name and usage of the product in question, labeling requirements, and whether the product is federally registered. Official representatives of States or Territories must sign the form as well as the applicants or their official representatives. The applicants must keep records of their applications.

The EPA reviews the information on the form to decide whether to allow the State or Territory to issue a new or amended registration of a pesticide product. Also, the information on the form helps the Agency ensure compliance with Federal environmental laws.

Burden Statement: The estimated public burden for this collection of information is estimated to average 2.5 hours per response for reporting and 6 minutes per recordkeeper annually. This estimate includes the time needed to review instructions, gather the information needed, complete the form and review the collection of information.

Respondents: States and Territories.

Estimated Number of Respondents: 52 States or Territories for reporting and 550 applicants for recordkeeping.

Estimated Number of Responses Per Respondent: 11.

Estimated Total Annual Burden on Respondents: 1,375 hours.

Frequency of Collection: On occasion.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM 223Y), 401 M Street, SW., Washington, DC, 20460.

and

Matthew Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC, 20503.

Dated: February 22, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93–4529 Filed 2–25–93; 8:45 am]

BILLING CODE 6560–50–F

[FRL–4560–7]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before March 29, 1993.

FOR FURTHER INFORMATION OR TO OBTAIN A COPY OF THIS ICR, CONTACT: Sandy Farmer at EPA (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Prevention, Pesticides and Toxic Substances

Title: Tolerance Petitions for Pesticides on Food/Feed and New Inert Ingredients. (EPA ICR No. 0597.05; OMB No. 2070–0024). This is a request for an extension of the expiration date of a currently approved collection.

Abstract: Sections 402, 406, and 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA) authorize the EPA to regulate the amount of pesticides that enter the diet of humans and animals. The Agency must establish tolerances (and tolerance exemptions) for pesticide residues (and new inert ingredients) found in or on raw agricultural commodities and in processed foods. To establish a tolerance, pesticide registrants submit a petition to the EPA requesting the tolerance. The registrant must furnish information to the EPA on the chemical identity and composition of the pesticide and its use pattern on crops, as well as toxicology data and data on the nature of the residue and the residue levels resulting from the proposed use pattern. The registrants must keep records of all the information submitted to the Agency. The EPA uses these data to establish tolerances and exemptions in compliance with the FFDCA.

Burden Statement: The public burden for this collection of information is estimated to average 1,480 hours per response for reporting and 104 hours per recordkeeper annually. These estimates include the time needed to review instructions, search existing data sources, gather and maintain the data needed, and review the collection of information.

Respondents: Pesticide registrants.

Estimated Number of Respondents: 579.

Estimated Number of Responses Per Respondent: 1.

Estimated Total Annual Burden on Respondents: 917,136 hours.

Frequency of Collection: On occasion.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street, SW., Washington, DC, 20460.

and

Matthew Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC, 20503.

Dated: February 22, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93–4530 Field 2–25–93; 8:45 am]

BILLING CODE [illegible]

[FRL–4561–4]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before March 29, 1993.

FOR FURTHER INFORMATION OR TO OBTAIN A COPY OF THIS ICR, CONTACT: Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Prevention, Pesticides and Toxic Substances

Title: Data Generation for Registration—Phases 4 and 5 of the Pesticide Reregistration Process. (EPA ICR No. 1504.02; OMB No. 2070–0107). This is a request for extension of the expiration date of a currently approved collection.

Abstract: The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as amended in 1988, requires registrants of pesticides registered before November 1, 1984, to provide the EPA with additional information on their products. Under Phases 4 and 5 of the reregistration process, this additional information must provide data support for reregistration equivalent to that required of new registrations. The types of additional data are listed in 40 CFR Part 158, and fall under the following categories: Product Chemistry; Residue Chemistry; Environmental Fate; Toxicology; Reentry Protection; Spray Drift; Wildlife and Aquatic Organism; Plant Protection; Nontarget Insect; Product Performance; Biochemical Pesticides; Microbial Pesticides. Under Phase 4 and 5,special studies may also be required to support the reregistration; the studies required would be determined by the particular characteristics of the product. Registrants must maintain the data and other information submitted to the Agency in company files. The Agency uses the additional information collected under Phase 4 and 5 to determine whether a pesticide has unreasonable adverse effects on human health and the environment and whether the product should be reregistered.

Burden Statement: The estimated public burden for this collection of information is estimated to average 1,724 hours per response for reporting and 96 hours per recordkeeper annually. This estimate includes the time needed to review instructions, gather the information needed, complete the form and review the collection of information.

Respondents: Pesticide Registrants.

Estimated Number of Respondents: 323.

Estimated Number of Responses Per Respondent: 1.

Estimated Total Annual Burden on Respondents: 587,808 hours.

Frequency of Collection: On occasion.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM 223Y), 401 M Street, SW., Washington, DC, 20460.

and

Matthew Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC, 20503.

Dated: February 22, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93–4531 Filed 2–25–93; 8:45am]

BILLING CODE [illegible]

[ER–FRL–4596–9]

Environmental Impact Statements; Notice of Availability

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 260–5076 OR (202) 260–5075.

Availability of Environmental Impact Statements Filed February 15, 1993 Through February 19, 1993 Pursuant to 40 CFR 1506.9.

EIS No. 930042, DRAFT EIS, FHW, WI, WI–TH–29 Improvement, from Chippewa Falls to Abbotoford and Marathon City in Martin Lane, Funding and Possible COE 404 Permit, Clark and Marathon Counties, WI , Due: April 12, 1993, Contact: Thomas J. Fudaly (608) 264–5940.

EIS No. 930043, FINAL EIS, AFS, CA, Southbranch Resource Management

Project, Harvest Timber, Road Closures and Developing Water Storage Facilities, Peavine Compartment, Tahoe National Forest, Foresthill Ranger District, Placer County, CA , Due: March 29, 1993, Contact: Slim Stout (916) 367–2224.

EIS No. 930044, DRAFT EIS, AFS, WA, OR, WA, OR, Umatilla and Malheur National Forests, Land and Resource Management Plan, Oil and Gas Leasing, Application for Permit Drilling, Several Counties, WA and OR , Due: April 12, 1993, Contact: Russell Betts (503) 276–3811.

EIS No. 930045, FINAL SUPPLEMENT, COE, MS, Upper Steele Bayou Flood Control Plan, Updated Information for Proposed Changes to the Unconstructed Portion of the Project, Boliver, Washington and Greenville Counties, MS, Due: March 29, 1993, Contact: Steve Reed (601) 631–5439.

EIS No. 930046, DRAFT EIS, AFS, CA, National Forest Trails System Management Plan, Implementation, Off-Highway Vehicle Permit, Los Padres National Forest, Santa Lucia Ranger District, San Luis Obispo County, CA , Due: May 27, 1993, Contact: K. J. Silverman (805) 681–2775.

EIS No. 930047, DRAFT EIS, VAD, OK, Oklahoma City Area National Cemetery Construction and Operation, Site Selection, Lake Arcadia, City of Guthrie or Fort Reno, Logan, Canadian or Oklahoma County, OK, Due: April 12, 1993, Contact: George Hermance (202) 233–7080.

EIS No. 930048, DRAFT EIS, AFS, CO, Fish Creek Reservoir Enlargement, Special Use Permit, Routt National Forest, Steamboat Springs, Routt County, CO, Due: April 12, 1993, Contact: Wandy Schmitzer (303) 879–1722.

EIS No. 920325, DRAFT EIS, DOD, Defense Evaluation Support Activity Testing and Evaluation Program for Advanced Weapons Systems, Implementation, Due: October 05, 1992, Contact: Charles Albright (505) 262–4542. Published FR 8–21–92—Officially Withdrawn by Preparing Agency.

EIS No. 930013, DRAFT SUPPLEMENT, APH, Nationwide Cooperative Animal Damage Control Program, Additional Information, Integrated Pest Management Approach, Implementation, Due: March 29, 1993, Contact: William H. Clay (301) 436–8281.

Published FR—01–22–93—Review period extended.

EIS No. 930034, DRAFT EIS, BLM, MT, Royal East Joint Venture Mineral Exploration Project, Plan of Operation Approval and Implementation, East Butte, Sweet Grass Hills, Liberty County, MT, Due: April 27, 1993, Contact: David L. Mari (406) 538–7461.

Published FR—02–12–93—Refiled per the Lead Agency's Request.

Dated: February 23, 1993.

Richard E. Sanderson,

Deputy Director, Office of Federal Activities.

[FR Doc. 93–4483 Filed 2–25–93; 8:45 am]

BILLING CODE 6560–50–P

[ER–FRL–4597–1]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared February 8, 1993 through February 12, 1993 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260–5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1992 (57 FR 12499).

Draft EISs

ERP No. DS–TVA–A82025–00 Rating LO

Control of Eurasian Watermilfoil, Implementation, Updated Information on Aquatic Plant Management Program.

Summary: EPA had no objections to continuing the subject aquatic weed control program.

Final EISs

ERP No. F–DOE–L00003–WA

Hanford Site Eight Surplus Plutonium Production Reactors Decommissioning, Implementation, Richland, WA.

Summary: EPA provided no formal written comments. EPA had no objections to the preferred alternative as it is described in the final EIS.

ERP No. F–NPS–K61121–NV

Great Basin National Park General Management and Development Concept Plans, Implementation, White Pine County, NV.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to th preparing agency.

ERP No. F–SCS–K39033–NV

Moapa Valley Unit, Irrigation Systems, Irrigation Water Management Delivery System Improvements, Colorado River Salinity Control Program, Funding and Possible Section 404 Permit, Clark and Lincoln Counties, NV.

Summary: EPA still had environmental objections with the proposed project. The document does not fully disclose functions, values and acreages of affected wetlands or provide clear information on whether wetlands would be created and/or enhanced on the Overton Wildlife Management Area as replacement for lost wetlands. EPA recommended that the Record of Decision include additional information.

Dated: February 23, 1993.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 93–4469 Filed 2–25–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4561–2]

Final Decision to Grant Allied-Signal, Inc., a Modification of an Exemption From the Land Disposal Restrictions of the Hazardous and Solid Waste Amendments of 1984 Regarding Injection of Hazardous Waste

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Notice of final decision on the modification of an exemption petition.

SUMMARY: Notice is hereby given by the United States Environmental Protection Agency (USEPA or Agency) that modification of an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act (RCRA) has been granted to Allied-Signal, Inc. (Allied) of Danville, Illinois. As required by 40 CFR part 148, Allied has demonstrated to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This modification allows Allied to inject additional RCRA regulated hazardous wastes, identified by codes U211, U121, U226, and U075, through waste disposal well (WDW) No. 1 at the Danville facility. This decision constitutes a final USEPA action for which there is no administrative appeal.

Background

Allied had submitted a petition for exemption from the land disposal restrictions of hazardous waste on February 25, 1988. The exemption was granted on May 8, 1990, and allows Allied to inject RCRA hazardous waste D004, arsenic, into WDW #1. On April 15, 1991, Allied submitted a request to modify its existing petition to include six additional wastes. This action adds four new wastes to the exemption:

Genetron 11 (U121), Genetron 12 (U075), carbon tetrachloride (U211), and 1,1,1-trichloroethane (U226). Two wastes, carbon tetrachloride (D019), and chloroform (D022), are currently not restricted. Although USEPA originally proposed to finalize the exemption of these wastes without reproposal, it has reconsidered its position and determined that such a decision must be made in view of the most recent factual and technical data. Accordingly, if Allied wishes to include these two wastes in its exemption, they will need to submit a new request for modification of the exemption when a ban date for these two wastes is proposed. The public will be offered an opportunity to submit comments thereon. With respect to the currently banned wastes, after a comprehensive review of all material submitted, the USEPA has determined, as required by 40 CFR part 148, that there is a reasonable degree of certainty that Allied's injected wastes will not migrate out of the injection zone within the next 10,000 years. The injection zone at this site is the Eminence/Potosi Formation, and the immediate confining zone is the Prairie du Chien Group, at a depth of 2620 to 3332 feet below ground level. The confining zone is separated from the lowermost source of underground drinking water, located at a depth of 1700 feet, by sequences of permeable and less permeable sedimentary rocks which provide additional protection from fluid migration into underground sources of drinking water. A fact sheet containing a complete summary of the decision now being finalized was published in the **Federal Register** on September 1, 1992, at 57 FR 40028.

A public notice of the proposed decision was issued on September 2, 1992, pursuant to 40 CFR 124.10, and a public hearing was subsequently held in Danville on September 30, 1992. The public comment period expired on October 16, 1992. A number of comments were received and all comments have been considered in making the final decision. A responsiveness summary has been mailed to all commentors and included as part of the Administrative Record relating to this decision.

Conditions

General conditions of this exemption are found at 40 CFR part 148. In addition, as a condition of granting this exemption to the ban on injection of certain hazardous wastes, the USEPA requires that the following conditions be met:

1. Allied must remain in compliance with all conditions in both the Federal and State Underground Injection Control permits.

2. Allied must limit the concentration of carbon tetrachloride in the wastestream to 50 mg/l.

DATES: This action is effective as of January 26, 1993.

FOR FURTHER INFORMATION CONTACT: George Hudak, Lead Petition Reviewer, USEPA, Region 5, telephone (312) 353–4142. Copies of the petition and all pertinent information relating thereto are on file and are part of the Administrative Record. It is recommended that you contact the lead reviewer prior to reviewing the Administrative Record.

Dale S. Bryson,

Director, Water Division, Region 5, U.S. Environmental Protection Agency.

[FR Doc. 93–4464 Filed 2–25–93; 8:45 am]

BILLING CODE 6560–50–P

[FRL–4560–9]

New Source Review Simplification Workshop

AGENCY: Environmental Protection Agency. (EPA).

ACTION: Notice of public meeting (workshop).

SUMMARY: The EPA is considering ways to simplify the new source review (NSR) process. The EPA conducted a public workshop on August 12–13, 1992, in Chapel Hill, North Carolina, to facilitate identifying potential methods for simplifying the NSR process. Workshop participants identified issues and provided comments on proposed options for simplifying the NSR process. A summary of that workshop is included in docket A–90–37 for the NSR rulemaking.

The EPA is announcing today a second workshop on NSR simplification. The primary purpose of this second workshop is to explore in greater detail a number of the specific issues and recommendations identified on a conceptual basis at the August 1992 workshop. Agenda items to be covered at the workshop include: An in-depth discussion of the plantwide emissions limit concept for NSR applicability, the definition and treatment of environmentally-beneficial projects for NSR purposes, and a consideration of other forums (e.g., regulatory negotiation) for addressing improvements to the NSR program. Other issues may be addressed as well.

In a memorandum dated January 19, 1993, former EPA Administrator William K. Reilly decided to retain, for the present time, the Agency's so-called "top-down" policy for determining best available control technology (BACT) under the Clean Air Act's prevention of significant deterioration (PSD) program. In addition, he recommended that the Agency consider improvements in the BACT process as one element of the overall effort to simplify NSR. As a result of that recommendation, options for improving the PSD program requirement for BACT will also be discussed.

Approximately forty selected representatives from industry, environmental organizations, other Federal agencies, EPA Regions, and State/local air pollution control agencies, who are knowledgeable on the NSR rules, will be invited to serve as principle spokespersons to discuss various NSR topics. Members of the general public will also be given an opportunity to provide their comments.

The workshop is not subject to the provisions of the Federal Advisory Committee Act, Public Law 92–463, as amended.

DATES: The workshop will convene on March 17, 1993, from 8 a.m. until 5 p.m.; and March 18, 1993, from 8 a.m. until 3 p.m. Written comments may be submitted untilApril 18, 1993, to Wm. Larry Elmore, Office of Air Quality Planning and Standards, New Source Review Section (MD–15), Research Triangle Park, North Carolina 27711, telephone (919) 541–5433; telefax (919) 541–5509.

ADDRESSES: This workshop will be held at the Sheraton Inn University Center, 2800 Middleton Avenue, Durham, North Carolina 27705, telephone (919) 383–8575.

DOCKET: A summary of this workshop will also be included in docket A–90–37 for the NSR rulemaking, including all written comments submitted within 30 days of the workshop. The docket is available for public inspection and copying between 8:30 a.m. and 3:30 p.m., weekdays, at EPA's Air Docket (LE–131), room M–1500, 401 M Street SW., Washington, DC 20460. A reasonable fee may be charged for copying.

PUBLIC PARTICIPATION: The workshop will be open to the public. Seating for interested members of the public will be available on a first-come, first-serve basis and will begin at 7:30 a.m. each day of the workshop.

FOR FURTHER INFORMATION CONTACT: JoAnn Allman, New Source Review Section, Mail Drop 15, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711 (telephone (919) 541–5591; telefax (919) 541–5509).

Dated: February 12, 1993.

James B. Weigold,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 93–4396 Filed 2–25–93; 8:45 am]

BILLING CODE 6560–50–P

[OPPTS–00133; FRL–4573–5]

Forum on State and Tribal Toxics Action (FOSTTA); Coordinating Committee and Projects; Open Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Coordinating Committee and the four Projects of the Forum on State and Tribal Toxics Action (FOSTTA) will hold meetings at the time and place listed below in this notice. The meetings are open to the public.

DATES: The meetings are scheduled as follows.

1. The Coordinating Committee and all the Projects will hold a meeting March 15 and 16.

2. The Projects will meet March 15 from 8 a.m. to 5 p.m. and March 16 from 8 a.m. to noon.

On March 15 there will be a plenary session on pollution prevention issues. On March 16 there will be a plenary session on "An Introduction to the Right-to-Know Computer Network."

ADDRESSES: The meetings will be held at: The Holiday Inn, 480 King St., Alexandria VA.

FOR FURTHER INFORMATION CONTACT: By mail: Shirley Pate, Office of Compliance Monitoring (EN–342), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, or Sarah Hammond, Office of Pollution Prevention and Toxics (TS–799), at the same address. By telephone: Shirley Pate can be reached at (202) 260–8318 and Sarah Hammond at (202) 260–7258.

SUPPLEMENTARY INFORMATION: FOSTTA, a group of State toxics environmental managers, is intended to foster the exchange of toxics-related program and enforcement information among the States and between the States and EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS). FOSTTA currently consists of the Coordinating Committee and four issue-specific Projects. The Projects are: The Chemical Information Management Project; the State and Tribal Enhancement Project; the Chemical Management Project; and the Lead (Pb) Project.

Dated: February 22, 1993.

Connie A. Musgrove,

Acting Director, Office of Compliance Monitoring.

[FR Doc. 93–4535 Filed 2–25–93; 8:45 am]

BILLING CODE 6560–50–P

[FRL–4562–1]

Toxics Data Reporting Subcommittee of the National Advisory Council for Environmental Policy and Technology; Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: Under Pub. L. 92–563 (the Federal Advisory Committee Act), EPA gives notice of a two-day meeting of the Toxics Data Reporting Subcommittee, a subcommittee of the National Advisory Council for Environmental Policy and Technology. This will be the first meeting of the Toxics Data Reporting subcommittee, whose mission is to provide advice to EPA regarding the Agency's Toxics Release Inventory (TRI) Program.

Discussion on the first day will focus on possible issue areas for subcommittee review. EPA is proposing that the subcommittee review the following issue areas: TRI data management, TRI program directions, and Form R elements and reporting policy (Form R is the EPA form used to report information required under section 313 of the Emergency Planning and Community Right to Know Act). The second day's agenda will focus on discussion of Form R elements and reporting policy. If time allows, the agenda for this second day will include discussion of specific definition issues associated with elements added to Form R as a result of the Pollution Prevention Act of 1990.

DATES: The public meeting will take place on March 17, 1993 from 9 a.m. to 4:30 p.m., and March 18, 1993 from 8:30 a.m. to 3 p.m.

ADDRESSES: Members of the public wishing to make comments at this meeting should submit their comments, in writing, by March 8, 1993. Written comments must be submitted to: USEPA, 401 M St., SW., Washington, DC 20460, attn: Robin Cornwell, TS–799. The public meeting will be held at the Dulles Ramada Renaissance Hotel, 13869 Park Center Rd., Herndon, VA, 22071 (703–478–2900).

FOR FURTHER INFORMATION CONTACT: Robin Cornwell, Environmental Assistance Division, USEPA, Mail Stop TS–799, 401 M St., SW., Washington, DC 20460 (202–260–3544).

Dated: February 23, 1993.

Abby J. Pirnie,

Director, Office of Cooperative Environmental Management.

[FR Doc. 93–4534 Filed 2–25–93; 8:45 am]

BILLING CODE 6560–50–M

[AD–FRL–4562–2]

Section 185B Report on Tropospheric Ozone

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of report for public review.

SUMMARY: The EPA announces availability of the draft report entitled The Role of Ozone Precursors in Tropospheric Ozone Formation and Control for public comment. The report is required by section 185B of the 1990 Clean Air Act Amendments (1990 Amendments). A 30-day public comment period for this draft report is to be followed by submission of a final report to Congress. The report addresses the following topics: extent of recent high ambient ozone, air quality trends, atmospheric chemistry of ozone formation and the roles of nitrogen oxides (NO_x) and volatile organic compounds (VOC) emission reductions, anthropogenic VOC and NO_x emissions, biogenic emissions, air quality measurements, ozone air quality models and data needs, the State implementation plan process for ozone, alternative fuels for motor vehicles, and availability and extent of NO_x controls.

The complete report required by section 185B includes two attachments: Attachment 1 is the National Academy of Science (NAS) report entitled Rethinking the Ozone Problem in Urban and Regional Air Pollution, which is a comprehensive review of the science underlying section 185B and related topics, and Attachment 2 is an EPA report addressing availability and extent of NO_x controls.

DATES: The draft section 185B report will be available for review and comment for 30 days after publication in the Federal Register.

ADDRESSES: Availability: The draft section 185B report to Congress and Attachment 2 can be received electronically by registered users of the Support Center for Regulatory Air Models Bulletin Board System by downloading the appropriate files. To register or access this electronic bulletin board, users with a personal computer should dial (919) 541–5742. Specific

information regarding access to the bulletin board and names and locations of files is available through the Source Receptor Analysis Branch (MD–14), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Also, the draft report to Congress and Attachment 2 may be obtained by writing or calling Richard D. Scheffe, Source Receptor Analysis Branch (MD–14), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541–4650.

The NAS report entitled Rethinking the Ozone Problem in Urban and Regional Air Pollution (Attachment 1) can be purchased for (prepaid) $47.95 plus $3.00 shipping from the National Academy Press at: 2101 Constitution Avenue, NW., Washington, DC 20418; telephone (202) 334–3313.

COMMENTS: Written statements should be submitted (in duplicate if possible) to: Richard D. Scheffe, Source Receptor Analysis Branch (MD–14), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541–4650.

FOR FURTHER INFORMATION CONTACT: Richard D. Scheffe, Source Receptor Analysis Branch (MD–14), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541–4650.

Dated: February 22, 1993.

Michael Shapiro,

Assistant Administrator for Air and Radiation.

[FR Doc. 93–4533 Filed 2–25–93; 8:45 am]

BILLING CODE 6560–50–M

[OPPTS–62124; FRL–4188–9]

Accredited Training Programs Under The Asbestos Hazard Emergency Response Act (AHERA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: National Directory of AHERA Accredited Courses (NDAAC); Notice of Availability of New Edition.

SUMMARY: Effective February 26, 1993, the EPA is announcing the availability of a new edition of its National Directory of AHERA Accredited Courses (NDAAC). This publication, updated quarterly, provides information to the public about training providers and courses approved for accreditation purposes pursuant to the Asbestos Hazard Emergency Response Act (AHERA). As a nationwide listing of approved asbestos training programs and courses, the NDAAC has replaced the similar listing which was formerly published quarterly by EPA in the **Federal Register**. The February 26, 1993, directory, which supersedes the version released on November 30, 1992, may be ordered through the NDAAC Clearinghouse along with a variety of related reports.

ADDRESSES: Parties interested in receiving a brochure which describes the national directory and provides ordering information should contact: NDAAC Clearinghouse, c/o ATLIS Federal Services, 6011 Executive Blvd., Rockville, MD 20852, Telephone: (301) 984–1929.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: Pursuant to AHERA, as amended by the Asbestos School Hazard Abatement Reauthorization Act (ASHARA), contractors who prepare management plans for schools, inspect for asbestos in schools or public and commercial buildings, or design or conduct response actions with respect to friable asbestos-containing materials in schools or public and commercial buildings, are required to obtain accreditation by completing prescribed training requirements. EPA therefore maintains a current national listing of AHERA-accredited courses and approved training providers so that this information will be readily available to assist the public in accessing these training programs and obtaining the necessary accreditation. The information is also maintained so that the Agency and approved state accreditation and licensing programs will have a reliable means of identifying and verifying the approval status of training courses and organizations.

Previously, EPA had published this listing in the **Federal Register** on a quarterly basis. The last **Federal Register** listing required by law was published on August 30, 1991 (56 FR 43064). EPA recognized the need to continue publication of this document even though the legislative mandate had expired. The NDAAC fulfills the public need for this information while at the same time, it reduces EPA cost and improves the service's capabilities.

Dated: February 16, 1993.

Joseph A. Carra,

Acting Director, Office of Pollution Prevention and Toxics.

[FR Doc. 93–4122 Filed 2–25–93; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

[PR Docket No. 92–287; DA 93–172]

Private Land Mobile Radio Services; Buffalo Public Safety Plan

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Chief, Private Radio Bureau and the Chief Engineer released this Order accepting the Public Safety Radio Plan for Buffalo (Region 55). As a result of accepting the Plan for Region 55, licensing of the 821–824/866–869 MHz band in that region may begin immediately.

EFFECTIVE DATE: February 19, 1993.

FOR FURTHER INFORMATION CONTACT: Betty Woolford, Private Radio Bureau, Policy and Planning Branch, (202) 632–6497.

SUPPLEMENTARY INFORMATION:

Order

Adopted: February 10, 1993.
Released: February 19, 1993.

By the Chief, Private Radio Bureau and the Chief Engineer:

1. On May 15, 1992, Region 55 (Buffalo) submitted its Public Safety Plan to the Commission for review. The Plan sets forth the guidelines to be followed in allotting spectrum to meet current and future mobile communications requirements of the public safety and special emergency entities operating in the Buffalo area.

2. The Buffalo Plan was placed on Public Notice for comments on November 27, 1992, 57 FR 57456 (December 4, 1992). The Commission received no comments in this proceeding.

3. We have reviewed the Plan submitted for Buffalo and find that it conforms with the National Public Safety Plan. The plan includes all the necessary elements specified in the Report and Order in Gen. Docket No. 87–112, 3 FCC Rcd 905 (1987), and satisfactorily provides for the current and projected mobile communications requirements of the public safety and special emergency entities in the Buffalo area.

4. Therefore, we accept the Buffalo Public Safety Radio Plan. Furthermore, licensing of the 821–824/866–869 MHz band in the Buffalo area may commence immediately.

Federal Communications Commission.

Ralph A. Haller,

Chief, Private Radio Bureau.

[FR Doc. 93–4551 Filed 2–25–93; 8:45 am]

BILLING CODE 6712–01–M

[PR Docket No. 92–286; DA 93–171]

Private Land Mobile Radio Services; El Paso Public Safety Plan

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Chief, Private Radio Bureau and the Chief Engineer released this Order accepting the Public Safety Radio Plan for El Paso (Region 50). As a result of accepting the Plan for Region 50, licensing of the 821–824/866–869 MHz band in that region may begin immediately.

EFFECTIVE DATE: February 19, 1993.

FOR FURTHER INFORMATION CONTACT: Betty Woolford, Private Radio Bureau, Policy and Planning Branch, (202) 632–6497.

SUPPLEMENTARY INFORMATION:

Order

Adopted: February 10, 1993.
Released: February 19, 1993.

By the Chief, Private Radio Bureau and the Chief Engineer:

1. On August 5, 1992, Region 50 (El Paso) submitted its Public Safety Plan to the Commission for review. The Plan sets forth the guidelines to be followed in allotting spectrum to meet current and future mobile communications requirements of the public safety and special emergency entities operating in the El Paso area.

2. The El Paso Plan was placed on Public Notice for comments on November 27, 1992, 57 FR 57456 (December 4, 1992). The Commission received no comments in this proceeding.

3. We have reviewed the Plan submitted for El Paso and find that it conforms with the National Public Safety Plan. The plan includes all the necessary elements specified in the Report and Order in Gen. Docket No. 87–112, 3 FCC Rcd 905 (1987), and satisfactorily provides for the current and projected mobile communications requirements of the public safety and special emergency entities in the El Paso area.

4. Therefore, we accept the El Paso Public Safety Radio Plan. Furthermore, licensing of the 821–824/866-869 MHz band in the El Paso area may commence immediately.

Federal Communications Commission.

Ralph A. Haller,

Chief, Private Radio Bureau.

[FR Doc. 93–4550 Filed 2–25–93; 8:45 am]

BILLING CODE 6712–01–M

[PR Docket No. 92–288; DA 93–173]

Private Land Mobile Radio Services; Iowa Public Safety Plan

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Chief, Private Radio Bureau and the Chief Engineer released this Order accepting the Public Safety Radio Plan for Iowa (Region 15). As a result of accepting the Plan for Region 15, licensing of the 821–824/866–869 MHz band in that region may begin immediately.

EFFECTIVE DATE: February 19, 1993.

FOR FURTHER INFORMATION CONTACT: Betty Woolford, Private Radio Bureau, Policy and Planning Branch, (202) 632–6497.

SUPPLEMENTARY INFORMATION:

Order

Adopted: February 10, 1993.
Released: February 19, 1993.

By the Chief, Private Radio Bureau and the Chief Engineer:

1. On June 23, 1992, Region 15 (Iowa) submitted its Public Safety Plan to the Commission for review. The Plan sets forth the guidelines to be followed in allotting spectrum to meet current and future mobile communications requirements of the public safety and special emergency entities operating in Iowa.

2. The Iowa Plan was placed on Public Notice for comments on November 27, 1992, 57 FR 57456 (December 4, 1992). The Commission received no comments in this proceeding.

3. We have reviewed the Plan submitted for Iowa and find that it conforms with the National Public Safety Plan. The plan includes all the necessary elements specified in the Report and Order in Gen. Docket No. 87–112, 3 FCC Rcd 905 (1987), and satisfactorily provides for the current and projected mobile communications requirements of the public safety and special emergency entities in Iowa.

4. Therefore, we accept the Iowa Public Safety Radio Plan. Furthermore, licensing of the 821–824/866–869 MHz band in Iowa may commence immediately.

Federal Communications Commission

Ralph A. Haller,

Chief, Private Radio Bureau.

[FR Doc. 93–4552 Filed 2–25–93; 8:45 am]

BILLING CODE 6712–01–M

Network Reliability Council; Meeting

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the sixth meeting of the Network Reliability Council ("Council"), which will be held at the Federal Communications Commission in Washington, DC.

DATES: Wednesday, March 17, 1993 at 1 p.m.

ADDRESSES: Federal Communications Commission, room 856, 1919 M Street, NW., Washington, DC 20554.

SUPPLEMENTARY INFORMATION: The Council was established by the Federal Communications Commission to bring together leaders of the telecommunications industry and telecommunications experts from academic and consumer organizations to explore and recommend measures that would enhance network reliability.

The agenda for the sixth meeting is as follows. There will be a status report from the Threshold Reporting Group, and final recommendations of the Fire Prevention Focus Team, The Digital Cross Connects Systems Focus Team and the Power Systems Focus Team will be presented for Council consideration. The Council may also address other issues. After confirming the next meeting date, the Council will adjourn.

Members of the general public may attend the meeting. The Federal Communications Commission will attempt to accommodate as many people as possible. However, admittance will be limited to the seating available. There will be no public oral participation, but the public may submit written comments to James Keegan, the Council's designated Federal Officer, before the meeting.

For additional information, contact Robert Kimball at (202) 634–1860.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–4548 Filed 2–25–93; 8:45 am]

BILLING CODE 6712–01–M

[DA 93–179]

Digital Audio Radio Service Satellite System Applications Acceptable for Filing

Comments: April 9, 1993.
Replies and Oppositions: May 21, 1993.
Responses: June 25, 1993.

The Commission has found, upon initial review, that five applications for authority to construct, launch, and operate a satellite digital audio radio service (DARS) are acceptable for filing. The Commission reserves the right to return any of these applications, however, if, upon further review, any is determined to be defective or not conforming to the Commission's rules, regulations, or policies.

VOL 58 ISS 37 FE 26 1993 UMI

It also appears that the applications listed below, together with the application of Satellite CD Radio, Inc., see 7 FCC Rcd 6763 (1992), may be mutually exclusive on the grounds of electrical interference. The processing of these applications is therefore considered to be a restricted adjudicative proceeding. See 47 CFR 1.1208. Accordingly, the restrictions on ex parte communications of 47 CFR 1.1210–1.1216 apply to these applications. Specifically, all ex parte contacts are prohibited with respect to these proposals. An ex parte contact is a message (spoken or written) concerning the merits or outcome of any aspect of this proceeding made to a Commissioner, a Commissioner's assistant, or other decision-making staff member, other than comments officially filed at the Commission or oral presentations made with an opportunity for all parties to be present.

The applications are as follows:

American Mobile Radio Corp.

File Nos. 26/27–DSS–LA–93; 10/11–DSS–P–93

Application for authority to construct, launch, and operate a satellite digital audio radio service. The system application proposes an earth station for feeder links and for telemetry, tracking, and telecommand, two geostationary satellites, and numerous mobile and fixed receivers. The American Mobile Radio Corp. (AMRC) earth station will use the 6530–6535 MHz and 6540–6545 MHz bands for uplink transmissions and space stations will use frequencies in the 2310–2360 MHz band for downlink. One space station will downlink transmissions to the contiguous United States (CONUS) using a single CONUS beam. The other space station will provide an identical CONUS beam and transmit spot beams to provide service to Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands. AMRC proposes to offer 15 channels of compact disc quality programming and ancillary services on a non-common carrier, subscription basis. Some channels will be offered free-of-charge to the consumer on an advertiser-supported basis.

Digital Satellite Broadcasting Corp.

File Nos. 28–DSS–LA–93; 12/13–DSS–P–93

Application for authority to construct, launch, and operate a satellite digital audio radio service. Digital Satellite Broadcasting Corp. (DSBC) proposes to select one of three system designs (Systems A, B, and C hereafter) depending on DARS rulemaking developments by the Commission. Each system consists of an earth station for feeder links and for telemetry, tracking, and telecommand, one geostationary satellite, and numerous mobile receivers. The space station will provide a single beam transmission to the CONUS and provide spot beams to Alaska, Hawaii, and Puerto Rico. Spot beams will also provide supplementary service to 28 major metropolitan areas within the CONUS. Compact disc quality audio programming and ancillary services will be offered and downlinked to individual receivers in the 2310–2360 MHz band. System A proposes to uplink transmissions in the 6500–6855 MHz band offering 16 compact disc quality channels within the CONUS beam and 16 per spot beam. System B proposes 15 compact disc quality channels comprising the CONUS beam and 15 per spot beam using the 6620–6855 MHz band for uplink transmissions. System C is capable of increasing the CONUS channel capacity of System A or B by 40% or spot beam channel capacity by 12 channels. The proposed uplink frequency band for System C is 6425–6890 MHz. DSBC proposes to offer DARS on a subscription or pay-per-use basis and requests regulation as a non-common carrier. Also proposed is a basic DARS service where programming by existing broadcasters who have purchased channel capacity from DSBC will be available to anyone without subscription who purchase receiver equipment which is compatible with the satellite DARS system.

Loral Aerospace Holdings, Inc.

File Nos. 14–DSS–P/LA–93; 15–DSS–P–93

Application for authority to construct, launch, and operate a satellite digital audio radio service consisting of an earth station for feeder links and for telemetry, tracking, and telecommand, one geostationary satellite, and numerous mobile receivers. The proposed earth station will uplink transmissions within the 7046–7052 MHz band and the space station will downlink transmissions to individual receivers in the 2310–2360 MHz band using a single CONUS beam. Loral proposes to offer 32 compact disc quality channels and information services to the CONUS on a non-common carrier, subscription basis.

Primosphere Limited Partnership

File Nos. 29/30–DSS–LA–93; 16/17–DSS–P–93

Application for authority to construct, launch, and operate a satellite digital audio radio service. The Primosphere system includes an earth station to supply feeder links and telemetry, tracking, and telecommand to two geostationary satellites. The proposed uplink band is 7025–7075 MHz and the space stations will downlink transmissions within the 2310–2360 MHz band to portable, mobile and fixed receivers. Two space stations, each transmitting identical CONUS beams, will offer 23 compact disc quality channels and six non-music channels. Primosphere proposes to provide free, over-the-air, advertiser-supported audio programming.

Sky-Highway Radio Corp.

File Nos. 31/32–DSS–LA–93; 18/19–DSS–P–93

Application for authority to construct, launch, and operate a satellite digital audio radio service. Sky-Highway's design includes an earth station for feeder links and for telemetry, tracking, and telecommand using uplink frequencies of 7048–7052 MHz, and two geostationary satellites for downlink to numerous fixed, mobile, and portable receivers on frequencies within the 2310–2360 MHz band. The Sky-Highway system will provide subscription satellite delivered compact disc quality audio services and ancillary information throughout the CONUS. One space station will provide service to the western half of the CONUS and the other will provide service to the eastern half. The two space stations will provide separate programming consisting of ancillary services and 15 channels of compact disc quality audio. Terrestrial rebroadcast is proposed to enhance reception in limited areas, as needed, using existing frequency assignments in the AM broadcast band. Use of current silent AM stations is proposed for the initial in-band infrastructure.

Comments or petitions regarding these applications may be filed on or before April 9, 1993. Replies and Oppositions may be filed on or before May 21, 1993. Responses may be filed on or before June 25, 1993.

For further information, contact Rosalee Chiara at (202) 634–1781 or Ronald Repasi at (202) 634–1841.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–4549 Filed 2–25–93; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Alabama State Docks Department/ Ceres et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916, and section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 560.602 and/or 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement Nos.: (1) 224–200738, (2) 224–200739, (3) 224–200740

Title: (1) Alabama State Docks Department/Ceres, Gulf Incorporated Terminal Agreement, (2) Alabama State Docks Department/River Terminals, Inc. Terminal Agreement, (3) Alabama State Docks Department/ Coastal Cargo Alabama Terminal Agreement

Parties: Alabama State Docks Department ("Department") and, (1) Ceres Gulf Incorporated, (2) River Terminals, Inc., (3) Coastal Cargo Alabama

Filing Party: E. G. Browning, Jr., General Manager, General Cargo Marketing and Operations, Alabama State Docks Department, P.O. Box 1588, Mobile, Alabama 36633

Synopsis: The Agreements permit the individual parties to perform cargo and freight handling service at the Department's facilities at the Port of Mobile.

Dated: February 22, 1993.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 93–4440 Filed 2–25–93; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

On Fridays, the Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following are those information collections recently submitted to OMB.

1. Pretest of the Survey of Homeless Persons Who Use Services (HPWUS)—Recipient Survey—This component of the pretest will test the utility of the recipient questionnaire in obtaining information on the characteristics of homeless persons who use services:

Respondents: individuals;
Number of Respondents: 90;
Frequency of Response: once;
Average Burden per Response: 37 minutes;
Estimated Burden: 56 hours.
OMB Desk Officer: Allison Eydt

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 619–0511. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: February 10, 1993.

Dennis P. Williams,

Deputy Assistant Secretary, Budget.

[FR Doc. 93–3974 Filed 2–25–93; 8:45 am]

BILLING CODE 4150–04–M

Administration for Children and Families

Intent to Reallot Part C—Protection and Advocacy Funds to States for Developmental Disabilities Expenditures

AGENCY: Administration on Developmental Disabilities, Administration for Children and Families, Department of Health and Human Services.

ACTION: Notice of Intent to Reallot Fiscal Year 1993 Funds, pursuant to section 142(b) of the Developmental Disabilities Assistance and Bill of Rights Act, as amended (Act).

SUMMARY: The Administration on Developmental Disabilities herein gives notice of intent to reallot funds which are not available to the Federated States of Micronesia and the Republic of Marshall Islands (formerly part of the Trust Territories of the Pacific Islands) under the terms of the Compact of Free Association under the Protection and Advocacy program. Any State or Territory which wishes to release funds or cannot use the additional funds under Part C—Protection and Advocacy program for Fiscal Year 1993 should notify Bettye J. Mobley, Chief, Family Support Branch, Office of Financial Management, Administration for Children and Families, Department of Health and Human Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, in writing within thirty (30) days of the date of this promulgation. This notice is hereby given in accordance with section 142(b) of the Act.

FOR FURTHER INFORMATION CONTACT: Bettye J. Mobley on (202) 690–7220.

The proposed reallotment for Part C—Protection and Advocacy program are set forth below:

ADMINISTRATION ON DEVELOPMENTAL DISABILITIES FISCAL YEAR 1993 REALLOTMENT

	Protection & advocacy	Reallotment	Revised allotment
Total	$22,506,496	$0	$22,506,496
Alabama	401,707	1,755	403,462
Alaska	214,470	937	215,407
Arizona	275,023	1,201	276,224
Arkansas	234,775	1,025	235,800
California	1,772,774	7,803	1,780,577

VOL 58 ISS 37 FE 26 1993 UMI

ADMINISTRATION ON DEVELOPMENTAL DISABILITIES FISCAL YEAR 1993 REALLOTMENT—Continued

	Protection & advocacy	Reallotment	Revised allotment
Colorado	233,248	1,019	234,267
Connecticut	221,578	968	222,546
Delaware	214,470	937	215,407
Dist. of Columbia	214,470	937	215,407
Florida	896,921	3,919	900,840
Georgia	516,099	2,255	518,354
Hawaii	214,470	937	215,407
Idaho	214,470	937	215,407
Illinois	816,112	3,566	819,678
Indiana	453,861	1,983	455,844
Iowa	243,802	1,064	244,866
Kansas	214,470	937	215,407
Kentucky	371,715	1,624	373,339
Louisiana	425,104	1,857	426,961
Maine	214,470	937	215,407
Maryland	291,843	1,274	292,917
Massachusetts	389,617	1,702	391,319
Michigan	741,120	3,236	744,356
Minnesota	317,043	1,385	318,428
Mississippi	287,507	1,256	288,763
Missouri	413,327	1,806	415,133
Montana	214,470	937	215,407
Nebraska	214,470	937	215,407
Nevada	214,470	937	215,407
New Hampshire	214,470	937	215,407
New Jersey	453,845	1,983	455,828
New Mexico	214,470	937	215,407
New York	1,239,120	5,414	1,244,534
North Carolina	565,619	2,471	568,090
North Dakota	214,470	937	215,407
Ohio	895,298	3,912	899,210
Oklahoma	267,411	1,168	268,579
Oregon	225,313	984	226,297
Pennsylvania	956,299	4,179	960,478
Rhode Island	214,470	937	215,407
South Carolina	323,424	1,413	324,837
South Dakota	214,470	937	215,407
Tennessee	445,344	1,946	447,290
Texas	1,265,303	5,529	1,270,832
Utah	214,470	937	215,407
Vermont	214,470	937	215,407
Virginia	432,700	1,890	434,590
Washington	327,348	1,430	328,778
West Virginia	241,256	1,054	242,310
Wisconsin	405,123	1,770	406,893
Wyoming	214,470	937	215,407
American Samoa	114,741	501	115,242
Guam	114,741	501	115,242
Puerto Rico	726,132	3,173	729,305
Virgin Islands	114,741	501	115,242
Northern Mariana Islands	114,741	501	115,242
Trust Territories consists of:			
Palau	16,855	0	16,855
Micronesia	63,268	−63,268	0
Marshall Islands	34,618	−34,618	0

Dated: February 23, 1993.

Will Wolstein,

Acting Commissioner, Administration on Developmental Disabilities.

[FR Doc. 93–4538 Filed 2–25–93; 8:45 am]

BILLING CODE 4130–01–M

Cancellation of the President's Committee on Mental Retardation Meeting

AGENCY: Administration for Children and Families (ACF), HHS.

ACTION: Cancellation of the President's Committee on Mental Retardation (PCMR) meeting scheduled to be held on March 29–30, 1993.

SUMMARY: On Thursday, February 11, 1993, the PCMR published a Notice in the **Federal Register** (58 FR 8053) to announce that an Executive Committee Meeting will be held on Monday, March 29, 1993, from 8 a.m.–9 a.m., and a Full Committee Meeting will be held on March 29–30, 1993 from 9:30 a.m. to 5 p.m. The meeting was open to the public and was to take place at the Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, Virginia 22202. (FR Doc. 93–3200).

Due to the change in Administration, the PCMR meeting has been cancelled until further notice. Please direct all questions concerning the cancellation to the contact person listed below:

Contact: James J. Colarusso, Wilbur J. Cohen Bldg., room 5325, 330 Independence Avenue, SW., Washington, DC 20201–0001, (202) 619–0634.

Dated: February 22, 1993.

James J. Colarusso,

Acting Executive Director, PCMR.

[FR Doc. 93–4539 Filed 2–25–93; 8:45 am]

BILLING CODE 4130–01–M

Food and Drug Administration

[Docket No. 92N-0485]

Plasmatek of Victoria, Inc.; Revocation of U.S. License No. 1113

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocation of the establishment license (U.S. License No. 1113) and the product license issued to Plasmatek of Victoria, Inc., for the manufacture of Source Plasma. In a letter to FDA dated July 8, 1992, the firm voluntarily requested the revocation of its establishment and product licenses and thereby waived an opportunity for a hearing.

DATES: The revocation of the establishment license (U.S. License No. 1113) and product license became effective September 15, 1992.

FOR FURTHER INFORMATION CONTACT: S. J. Whidden, Center for Biologics Evaluation and Research (HFM-635), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852-1448, 301-295-9075.

SUPPLEMENTARY INFORMATION: FDA has revoked the establishment license (U.S. License No. 1113) and the product license issued to Plasmatek of Victoria, Inc., 1702 North Navarro St., Victoria, TX 77901, for the manufacture of Source Plasma. The current mailing address for Plasmatek of Victoria, Inc., is in care of Plasmatek Management, Inc., 609 Hepburn, Suite 101, Jupiter, FL 33458.

FDA conducted an inspection of Plasmatek of Victoria, Inc., located in Victoria, TX, from May 12 through May 16, 1992. The inspection and concurrent investigation revealed serious deviations from the applicable Federal regulations and biologics standards established in the license that constituted a danger to health. These deviations included, but were not limited to, the following: (1) Failure to maintain a complete record of unsuitable donors, so as to preclude product distribution from such individuals (21 CFR 606.160(e)); (2) failure to adequately determine donor suitability, in that medical history questions were routinely shortened or eliminated on repeat donors (21 CFR 640.63(a)); (3) failure to record accurate donor vital signs in the donor record file that allowed a donor with abnormal results to donate blood (21 CFR 606.160(b)(1) and 640.63(c)(1), (c)(2), (c)(3), and (c)(4)); and (4) failure to thoroughly and carefully prepare the donor's phlebotomy site by a method that gives maximum assurance of sterility, in that donors were routinely allowed to prepare their own venipuncture site (21 CFR 640.64(e)).

FDA determined that the deviations from Federal regulations were serious and presented a danger to health, warranting suspension pursuant to 21 CFR 601.6(a). In a letter to Plasmatek of Victoria, Inc., dated June 10, 1992, FDA detailed the violations noted above and suspended the firm's establishment and product licenses for Source Plasma manufacture. In a letter to FDA dated July 8, 1992, Plasmatek of Victoria, Inc., requested voluntary revocation of its license and thereby waived its opportunity for a hearing under 21 CFR 601.5(a). In a letter dated September 15, 1992, FDA acknowledged voluntary revocation of the establishment license (U.S. License No. 1113) and product license of Plasmatek of Victoria, Inc., for the manufacture of Source Plasma.

FDA has placed copies of the letters relevant to the license revocations on file under the docket number found in brackets in the heading of this document in the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857. These documents are available for public examination in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Accordingly, under 21 CFR 601.5, section 351 of the Public Health Service Act (42 U.S.C. 262), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Biologics Evaluation and Research (21 CFR 5.68), the establishment license (U.S. License No. 1113) and the product license issued to Plasmatek of Victoria, Inc., for the manufacture of Source Plasma were revoked, effective September 15, 1992.

This notice is issued and published under 21 CFR 601.8 and the redelegation at 21 CFR 5.67.

Dated: February 16, 1993.

Gerald V. Quinnan,

Director, Office of Blood Research and Review, Center for Biologics Evaluation and Research.

[FR Doc. 93-4437 Filed 2-25-93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 93F-0037]

Kalsec, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Kalsec, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of tetrahydro-isohumulones and hexahydro-isohumulones derived from hop alpha acids, as flavoring agents in beer.

FOR FURTHER INFORMATION CONTACT: Emily Florio, Center for Food Safety and Applied Nutrition (HFS-217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9515.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2A4339) has been filed by Kalsec, Inc., P.O. Box 511, Kalamazoo, MI 49005-0511. The petition proposes that the food additive regulations in § 172.560 *Modified hop extract* (21 CFR 172.560) be amended to provide for the safe use of tetrahydro-isohumulones and hexahydro-isohumulones derived from hop alpha acids, as flavoring agents in beer.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: February 19, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93-4436 Filed 2-25-93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 93D-0057]

"Guidance Document for Arsenic in Shellfish"; "Guidance Document for Cadmium in Shellfish"; "Guidance Document for Chromium in Shellfish"; and "Guidance Document for Nickel in Shellfish"; Availability

AGENCY: Food and Drug Administration HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of four guidance documents on elemental contaminants in shellfish entitled "Guidance Document for Arsenic in Shellfish," "Guidance Document for Cadmium in Shellfish,"

VOL
58
ISS
37
FE
26
1993
UMI

"Guidance Document for Chromium in Shellfish," and "Guidance Document for Nickel in Shellfish." FDA developed these documents in response to requests from various State public health and environmental agencies. They address contaminants that are of particular concern to State authorities. The information provided in the guidance documents should assist State and local decisionmakers in addressing the local or regional public health significance of contaminants in seafood. The information will be useful in determining the need to issue consumption advisories or to close harvesting waters when seafood harvested from particular waters is found to be contaminated. FDA is developing additional guidance documents to address other contaminants that are of public health significance that may be present in shellfish and finfish.

ADDRESSES: Submit written requests for single copies of these four guidance documents (free of charge) to the Food and Drug Administration, Policy Guidance Branch (HFS–416), 200 C St. SW., Washington, DC 20204. Requests should be identified with the docket number found in brackets in the heading of this document. Send two self-addressed adhesive labels to assist that office in processing your requests. The four guidance documents are available for public examination in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Gregory M. Cramer, Center for Food Safety and Applied Nutrition (HFS–416), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–3888.

SUPPLEMENTARY INFORMATION: The purpose of the Federal Food, Drug, and Cosmetic Act (the act) is to ensure a safe and wholesome food supply. The act and other related statutes, including the Public Health Service Act, provide the regulatory framework under which FDA assesses the effects of environmental contaminants on the safety of consumption of fish and shellfish.

Under the act, FDA may establish a formal tolerance limiting the level in food of an added poisonous or deleterious substance that is required in the production of the food or that cannot be avoided by current good manufacturing practice. However, when toxicological data are scanty or conflicting, when additional data are being developed, or when other conditions are rapidly changing, FDA may choose not to establish a tolerance. Nevertheless, it may still be appropriate to control exposure to a contaminant. In such circumstances, FDA may consider developing guidelines or regulatory limits. In either case, tolerances, regulatory limits, and guidelines are typically designed for use on a national basis, when the agency judges that a national problem exists with respect to a particular contaminant.

In the present instance, however, the substances that are the subject of these guidance documents are primarily of local concern, and FDA has not developed tolerances, regulatory limits, or guidelines for them. In the absence of a reference for assessing the public health significance of contaminants found in local seafood, local and State officials have repeatedly sought the advice of FDA on these matters.

These guidance documents are intended for use by public health officials as a tool for assessing the public health significance of contaminants found in local seafood. Each of the documents provides public health information about the contaminant in question, how to sample shellfish in preparation for testing for that contaminant, procedures for analyzing for the contaminant, consumption and exposure assessments, and a summary of the toxicological and adverse effects of the contaminant. Guidance is also provided on how tolerable levels of shellfish consumption or contamination might be determined.

FDA plans to develop additional guidance documents to address other contaminants present in shellfish and finfish that are of public health significance.

Dated: February 22, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–4475 Filed 2–25–93; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Announcement of Proposed Definition, Post-Residency Activities and School Implementation Efforts for Primary Care Loan Program

SUMMARY: The Health Professions Education Extension Amendments of 1992 (Pub. L. 102–408, dated October 13, 1992) amend the Health Professions Student Loan (HPSL) Program, now found in sections 721–735 of Title VII of the Public Health Service (PHS) Act, to include a new section 723. Section 723 established the Primary Care Loan (PCL) Program. Under this program, schools of medicine and osteopathic medicine must use their new and existing HPSL funds to make loans only to students who are committed to careers as generalist physicians (i.e., family physician, general internist, general pediatrician, osteopathic general practitioner) or a specialist in preventive medicine/public health, except that previous HPSL borrowers may be funded through completion of their educational program.

These changes do not affect the HPSL program at schools of dentistry, pharmacy, podiatric medicine, optometry, or veterinary medicine. However, for schools of medicine and osteopathic medicine, the changes significantly alter the existing HPSL program by: (1) Restricting HPSL to borrowers with a commitment to these primary health care disciplines; and (2) imposing penalties on schools that do not have a primary health care emphasis. Effectively, the law transforms the HPSL fund at schools of medicine and osteopathic medicine into a PCL fund. First-time HPSL student borrowers at schools of medicine and osteopathic medicine must agree: (A) To enter and complete a residency training program in primary health care not later than 4 years after the date on which the student graduates from such school; and (B) to practice in such care through the date on which the loan is repaid in full. This notice will describe a proposed definition of "residency training program in primary health care", proposed acceptable and unacceptable post-residency activities, and proposed school implementation efforts for implementing section 723(a).

EFFECTIVE DATE: The program elements described in this notice are proposed for use in fiscal year (FY) 1993 and would become effective with loans made to medical and osteopathic medical students who are first-time borrowers from the loan fund on or after July 1, 1993. Public comments are invited on the proposed definition, post-residency activities and school implementation efforts. The comments will be considered prior to the publication of the final notice.

Proposed Definition of "Residency Training Program in Primary Health Care"

Section 723(d)(5) defines the term "primary health care" as family medicine, general internal medicine, general pediatrics, preventive medicine, or osteopathic general practice. The adjective "general" is not used as a modifier of internal medicine and

pediatrics training programs. Residency programs that focus on training generalists are not separately approved by the Accreditation Council for Graduate Medical Education (ACGME) or listed in the National Resident Matching Program based on uniform criteria. Thus, it is difficult to discern in any given year which programs should be considered as "general". General internal medicine and general pediatrics "practice" is ultimately defined by decisions residents make following the completion of their 3-year residency programs.

"Residency Training Program in Primary Health Care" is defined as a 3-year residency program in allopathic family medicine, internal medicine, pediatrics, or preventive medicine approved by the ACGME, or a 2–3 year osteopathic residency program in internal medicine, pediatrics, preventive medicine or general practice (including an internship which emphasizes family medicine) approved by the American Osteopathic Association. Two year osteopathic general practice programs that have not as yet converted to 3 years would also be considered primary health care residency programs for purposes of the PCL program.

The allopathic and osteopathic programs are described separately to make it clear that approved osteopathic internal medicine, pediatrics and preventive medicine programs are included.

The osteopathic profession is converting its residency training programs from two years of post-doctoral training to three years of training. The authorizing legislation does not differentiate based on length of training. Therefore, both are acceptable training programs for the maintenance of physician eligibility under the PCL program.

Proposed Post-Residency Activities

Acceptable activities: Residency graduates who will qualify to retain the lower interest rate on a PCL include:

(1) Generalist physician graduates of a 3-year program in family practice, internal medicine or pediatrics who enter clinical practice;

(2) Preventive medicine graduates who practice, in the primary health care fields of clinical preventive medicine, occupational medicine, or public health;

(3) Senior (chief) residents in one of the residency programs defined above;

(4) Faculty, administrators, or policy makers who maintain certification in one of the primary health care disciplines;

(5) Family physicians and internists who obtain a certificate of added qualification in geriatrics; and

(6) Internists and pediatricians who enter training to qualify for a certificate of added qualification in adolescent medicine or board certification in adolescent pediatrics.

Unacceptable activities: Physicians who will forfeit their eligibility for the lower interest rate on a PCL include those who:

(1) Enter medical or pediatric subspecialty training (e.g., cardiology, gastroenterology);

(2) Enter training to qualify for a certificate of added qualification in sports medicine;

(3) Receive subspecialty certification; or

(4) Enter a non-primary health care specialty (e.g. obstetrics/gynecology, surgery, dermatology, radiology).

In establishing this loan program, Congress has recognized that access to affordable quality health care is dependent on a better balance between primary care and other specialties. Today only one-third of all physicians are in the generalist disciplines and less than one percent are in preventive medicine. At the same time the Nation has a growing supply of medical specialists which hinders efforts to expand access to primary care and control costs. Therefore, Congress has determined that these loan funds should be awarded on a targeted basis that supports the Nation's need for more generalist or public health physicians.

The authorizing legislation requires PCL participants to practice in primary health care through the date on which the loan is repaid in full. The above list of post-residency activities is an attempt to cover most of the general categories of potential activities that loan recipients are likely to be engaged in and to thereby indicate how all activities will be evaluated. The principal criterion used to assess questionable activities was the likelihood that physicians engaged in the activity will have a long-term commitment to the delivery and promotion of primary health care services through practice, teaching, administration or policy activities.

Noncompliance by Student

If a PCL recipient fails to enter and complete a primary health care residency training program within 4 years of graduation, and to practice primary health care until the loan is repaid in full, the following penalties, as provided in section 723(a)(3), will apply:

(1) The balance due on the loan will be immediately recomputed from the date of issuance at an interest rate of 12 percent per year, compounded annually; and

(2) The recomputed balance must be repaid not later than 3 years after the date on which the borrower fails to comply with the agreement.

Schools will be responsible for monitoring the borrower's compliance with the primary health care practice requirement, and for imposing the interest penalty on those who fail to comply with the terms of the agreement. Section 723(b) establishes conditions which must be met by the school to avoid penalties under the PCL program.

Proposed School Implementation Efforts

In addition to the statutory requirements for schools, each participating school will be expected to establish a systematic process for the selection of the medical students to receive the PCLs. At a minimum, the process should include (1) a committee with representation from each of the primary health care disciplines and (2) a system to fully educate students about each of these careers and to evaluate candidates in relation to their commitment to generalist and preventive medicine practice and other pertinent factors.

Participants in the PCL program will be required to submit a report of their PCL implementation efforts by December 31, 1993. This basic information is required to provide assurance to the Secretary that the program is being managed in a manner which is consistent with the goals of the authorizing legislation. A medical school committee which includes all the primary health care specialties is viewed as the preferred method of identifying the most appropriate loan recipients. This information collection requirement is subject to Office of Management and Budget (OMB) review under the Paperwork Reduction Act.

The performance of a school in implementing the PCL program will be determined ultimately by the percentage of students who maintain their commitment to primary health care practice through the life of the loan. Today, 90 percent of the family medicine graduates enter generalist practice, but only 60 percent of pediatricians and 30 percent of internal medicine graduates remain in primary care practice. Therefore, successful schools will have to assure that students are fully informed about what it means to select primary health care practice.

VOL 58 ISS 37 FE 26 1993 UMI

particularly in internal medicine and pediatrics.

Additional Information

Interested persons are invited to comment on the proposed definition, post-residency activities and school implementation efforts. The comment period is 30 days. All comments received on or before March 29, 1993 will be considered before the final definition, post-residency activities and school implementation efforts are established. Written comments should be addressed to: Mr. Michael Heningburg, Director, Division of Student Assistance, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, room 8–48, 5600 Fishers Lane, Rockville, Maryland 20857.

All comments received will be available for public inspection and copying at the Division of Student Assistance, Bureau of Health Professions, at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

Dated: February 19, 1993.

Robert G. Harmon,

Administrator.

[FR Doc. 93–4477 Filed 2–25–93; 8:45 am]

BILLING CODE 4160–15–M

Title II, Section 224 of the Public Health Service Act Protect Certain Health Care Professionals From Liability; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of authorities to the Administrator, Health Resources and Services Administration (HRSA), by the Assistant Secretary for Health on January 19, 1993, the Administrator, HRSA, has delegated to the Director, Bureau of Primary Health Care (BPHC), without authority to redelegate, the authorities for the Protection of Certain Health Care Professionals From Liability under title II, section 224, of the Public Health Service Act, as amended. This delegation excluded the authority to promulgate regulations and to submit reports to Congress.

This delegation was effective on February 11, 1993.

Dated: February 11, 1993.

Robert G. Harmon,

Administrator.

[FR Doc. 93–4478 Filed 2–25–93; 8:45 am]

BILLING CODE 4160–15–M

SOCIAL SECURITY ADMINISTRATION

Finding Regarding Foreign Social Insurance or Pension System; Estonia

AGENCY: Social Security Administration, HHS.

ACTION: Notice of finding regarding Foreign Social Insurance or Pension System—Estonia.

FINDING: Section 202(t)(1) of the Social Security Act (42 U.S.C. 401(t)(1)) prohibits payment of monthly benefits to any individual who is not a United States citizen or national for any month after he or she has been outside the United States for 6 consecutive months. This prohibition does not apply to such an individual where one of the exceptions described in section 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)) affects his or her case.

Section 202(t)(2) of the Social Security Act provides that, subject to certain residency requirements of section 202(t)(11), the prohibition against payment shall not apply to any individual who is a citizen of a country which the Secretary of Health and Human Services finds has in effect a social insurance or pension system which is of general application in such country and which:

(A) Pays periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death; and

(B) permits individuals who are United States citizens but not citizens of that country and who qualify for such benefits to receive those benefits, or the actuarial equivalent thereof, while outside the foreign country regardless of the duration of the absence.

The Secretary of Health and Human Services has delegated the authority to make such a finding to the Commissioner of Social Security. The Commissioner has redelegated that authority to the Director of the Office of International Policy. Under that authority, the Director of the Office of International Policy has approved a finding that Estonia, beginning August 20, 1991, has a social insurance system of general application in effect which pays periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death, but that under this social insurance system, citizens of the United States who are not citizens of Estonia and who leave Estonia, are not permitted to receive such benefits, or their actuarial equivalent, at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Estonia has in effect, beginning August 20, 1991, a social insurance system which meets the requirements of section 202(t)(2)(A) of the Social Security Act (42 U.S.C. 402(t)(2)(A)), but not the requirements of section 202(t)(2)(B) of the Act (42 U.S.C. 402(t)(2)(B)).

This finding also affects the application of subparagraphs (A) and (B) of section 202(t)(4) of the Social Security Act (42 U.S.C. 402(t)(4)(A) and (B)). That section provides that, subject to certain residency requirements of section 202(t)(11), section 202(t)(1) shall not be applicable to benefits payable on the earnings record of an individual who has 40 quarters of coverage under Social Security or who has resided in the United States for a period or periods aggregating 10 years or more. However, the provisions of subparagraphs (A) and (B) of section 202(t)(4) shall not apply to an individual who is a citizen of a foreign country that has in effect a social insurance or pension system which is of general application in such country and which satisfies the provisions of subparagraph (A) of section 202(t)(2) but not the provisions of subparagraph (B) of section 202(t)(2).

By virtue of the finding with respect to section 202(t)(2) herein, the provisions of subparagraphs (A) and (B) of section 202(t)(4) do not apply to citizens of Estonia beginning August 20, 1991.

FOR FURTHER INFORMATION CONTACT: Donna Powers, Room 1104, West High Rise Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–3568.

(Catalog of Federal Domestic Assistance Program Nos. 93.802 Social Security—Disability Insurance; 93.803 Social Security—Retirement Insurance; 93.805 Social Security—Survivors Insurance)

Dated: February 18, 1993.

James A. Kiraki,

Director, Office of International Policy.

[FR Doc. 93–4497 Filed 2–25–93; 8:45 am]

BILLING CODE 4190–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–93–1917; FR–3350–N–20]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–4300; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* versus *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD:

(1) Its intention to make the property available for use to assist the homeless;

(2) Its intention to declare the property excess to the agency's needs; or

(3) A statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A–10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Air Force: Bob Menke, USAF, Bolling AFB, SAF–MIIR, Washington, DC 20332–5000; (202) 767–6235; (202) 272–0520; (This is not a toll-free number).

Dated: February 19, 1993.

Don I. Patch,

Acting Deputy Assistant Secretary for Grant Programs.

Correction: Property Numbers—419130001, 419130002, 419210001, 419040001, 419220001 were published 2/12/93 and 2/19/93 as suitable/available. The Department of Energy has authorized disposal of those properties, therefore, these properties are not available.

Title V, Federal Surplus Property Program Federal Register Report for 02/26/93

Suitable/Available Properties

Buildings (by State)

California

Bldgs. 604, 605, 612, 611, 613–618
Point Arena Air Force Station
Mendocino County, CA 95468–5000
Landholding Agency: Air Force
Property Numbers: 189010237–189010246
Status: Unutilized
Comment: 1,232 sq. ft. each; stucco-wood frame; most recent use—housing.

Bldg. 21180
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437
Location: Hwy 1, Hwy 246, Coast Rd., PT Sal Rd., Miguelito CYN
Landholding Agency: Air Force
Property Number: 189130364
Status: Unutilized
Comment: 7,487 sq. ft., 1 story/wood shingle structure, most recent use—contracting administrative office, needs major rehab

Guam

Anderson VOR
In the municipality of Dededo
Dededo Co: Guam GU 96912–
Location: Access is through Route 1 and Route 3, Marine Drive.
Landholding Agency: Air Force
Property Number: 189010267
Status: Unutilized
Comment: 550 sq. ft.; 1 story perm/concrete; on 226 acres.

Anderson Radio Beacon Annex
In the municipality Dededo
Dedeco Co: Guam GU 69612–
Location: Approximately 7.2 miles southwest of Anderson AFB proper; access is from Route 3, Marine Drive.
Landholding Agency: Air Force
Property Number: 189010268
Status: Unutilized
Comment: 480 sq. ft.; 1 story perm/concrete; on 25 acres; most recent use—radio beacon facility.

Annex No. 4
Anderson Family Housing
Municipality of Dededo
Dededo Co: Guam GU 69612–
Location: Access is through Route 1, Marine Drive.
Landholding Agency: Air Force
Property Number: 189010545
Status: Underutilized
Comment: various sq. ft.; 1 story frame/modified quonset; on 376 acres; portions of building and land leased to Government of Guam.

Harmon VORsite (Portion) (AJKZ)
Municipality of Dededo
Dededo Co: Guam GU 96912–
Location: Approx. 12 miles southwest of Anderson AFB proper.
Landholding Agency: Air Force
Property Number: 189120234
Status: Unutilized
Comment: 550 sq. ft. bldg., needs rehab on 82 acres.

Idaho

Bldg. 121

Mountain Home Air Force Base
Main Avenue
Elmore County, ID 83648–
Landholding Agency: Air Force
Property Number: 189030007
Status: Excess
Comment: 3,375 sq. ft.; 1 story wood frame; potential utilities; needs rehab; presence of asbestos; building is set on piers; most recent use—medical administration, veterinary services.

Louisiana

Barksdale Radio Beacon Annex
Barksdale Radio Beacon Annex
Curtis Co: Bossier LA 71111–
Location: 7 miles south of Bossier City on highway 71 south; left 1¼ miles on highway C1552.
Landholding Agency: Air Force
Property Number: 189010269
Status: Unutilized
Comment: 360 sq. ft.; 1 story wood/concrete; on 11.25 acres.

Michigan

Bldg. 21
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010776
Status: Excess
Comment: 2,146 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—storage.

Bldg. 22
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010777
Status: Excess
Comment: 1,546 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—administrative facility.

Bldg. 30
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010779
Status: Excess
Comment: 2,593 sq. ft.; 1 floor; concrete block; possible asbestos; potential utilities; most recent use—communications transmitter building.

Bldg. 40
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010780
Status: Excess
Comment: 2,069 sq. ft.; 2 floors; concrete block; possible asbestos; potential utilities; most recent use—administrative facility.

Bldg. 41
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010781
Status: Excess
Comment: 2,069 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—dormitory.

Bldg. 42
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010782
Status: Excess
Comment: 4,017 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—dining hall.

Bldg. 43
Calumet Air Force Station
Calumet Co.: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010783
Status: Excess
Comment: 3,674 sq. ft.; 2 story; concrete block; potential utilities; possible asbestos; most recent use—dormitory.

Bldg. 44
Calumet Air Force Station
Calumet Co.: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010784
Status: Excess
Comment: 7,216 sq. ft.; 2 story; concrete block; possible asbestos; potential utilities; most recent use—dormitory.

Bldg. 45
Calumet Air Force Station
Calumet Co.: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010785
Status: Excess
Comment: 6,070 sq. ft.; 2 story; concrete block; potential utilities; possible asbestos; most recent use—administrative facility.

Bldg. 46
Calumet Air Force Station
Calumet Co.: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010786
Status: Excess
Comment: 5,898 sq. ft.; 2 story; concrete block; potential utilities; possible asbestos; most recent use—visiting personnel housing.

Bldg. 47
Calumet Air Force Station
Calumet Co.: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010787
Status: Excess
Comment: 83 sq. ft.; 1 story; concrete block; potential utilities; most recent use—storage.

Bldg. 48
Calumet Air Force Station
Calumet Co.: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010788
Status: Excess
Comment: 96 sq. ft.; 1 story; concrete block; potential utilities; most recent use—storage.

Bldg. 49
Calumet Air Force Station
Calumet Co.: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010789
Status: Excess
Comment: 1,944 sq. ft.; 1 story; concrete block; potential utilities; most recent use—dormitory.

Bldg. 50
Calumet Air Force Station
Calumet Co.: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010790
Status: Excess
Comment: 6,171 sq. ft., 1 story; concrete block; potential utilities; possible asbestos; most recent use—Fire Department vehicle parking building.

Bldgs. 51–62
Calumet Air Force Station
Calumet Co.: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Numbers: 189010791–189010802
Status: Excess
Comment: 1,134 sq. ft. each; 1 story wood frame residence with garages; possible asbestos.

Bldgs. 63–67
Calumet Air Force Station
Calumet Co.: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Numbers: 189010803–189010807
Status: Excess
Comment: 1,308 sq. ft. each; 1 story wood frame residence with garages; possible asbestos.

Bldg. 68
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010808
Status: Excess
Comment: 1478 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 70
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010809
Status: Excess
Comment: 2,394 sq. ft.; 1 story concrete block; possible asbestos; most recent use—youth center.

Bldgs. 72–89
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Numbers: 189010811–189010828
Status: Excess
Comment: 1,168 sq. ft. each; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 97
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010829
Status: Excess
Comment: 171 sq. ft.; 1 floor; potential utilities; most recent use—pump house.

Bldg. 98
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010830
Status: Excess
Comment: 114 sq. ft.; 1 floor; potential utilities; most recent use—pump house.

Bldg. 14
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010833
Status: Excess
Comment: 6,751 sq. ft.; 1 floor concrete block; possible asbestos; most recent use—gymnasium.

Bldg. 16

Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010834
Status: Excess
Comment: 3,000 sq. ft.; 1 floor concrete block; most recent use—commissary facility.

Bldgs. 9–13
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Numbers: 189010835–189010839
Status: Excess
Comment: 1,056 sq. ft. each; 1 story wood frame residences.

Bldgs. 5–8
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Numbers: 189010840–189010843
Status: Excess
Comment: 864 sq. ft. each; 1 floor wood frame residences; possible asbestos.

Bldg. 4
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010844
Status: Excess
Comment: 2,340 sq. ft.; 1 floor concrete block; most recent use—heating facility.

Bldg. 3
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010845
Status: Excess
Comment: 5,314 sq. ft.; 1 floor concrete block; possible asbestos; most recent use—maintenance shop and office.

Bldg. 1
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010846
Status: Excess
Comment: 4,528 sq. ft.; 1 floor concrete block; possible asbestos; most recent use—office.

Bldgs. 216–224, 212, 214
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Numbers: 189010847–189010855, 189010859, 189010861
Status: Excess
Comment: 780 sq. ft. each; 1 story wood frame housing garages.

Bldg. 215
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010856
Status: Excess
Comment: 390 sq. ft.; 1 story wood frame housing garage.

Bldg. 158
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010857
Status: Excess
Comment: 3,603 sq. ft.; 1 story concrete/steel; possible asbestos; most recent use—electrical power station.

Bldg. 15
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010864
Status: Excess
Comment: 536 sq. ft.; 1 floor; concrete/wood structure; potential utilities; most recent use—gymnasium facility.

Bldg. 23
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010865
Status: Excess
Comment: 44 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldg. 24
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010866
Status: Excess
Comment: 44 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldgs. 31–35
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Numbers: 189010867–189010871
Status: Excess
Comment: 36 sq. ft. each; 1 story; metal frame; prior use—storage of fire hoses.

Bldgs. 36–37, 39, 201–207
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Numbers: 189010872–189010874, 189010879–189010885
Status: Excess
Comment: 25 sq. ft. each; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 153
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010886
Status: Excess
Comment: 4,314 sq. ft.; 2 story concrete block facility; (radar tower bldg.) potential use—storage.

Bldg. 154
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010887
Status: Excess
Comment: 8,960 sq. ft.; 4 story concrete block facility; (radar tower bldg.) potential use—storage.

Bldg. 157
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010888
Status: Excess
Comment: 3,744 sq. ft.; 1 story concrete/steel facility; (radar tower bldg.); potential use—storage.

Land (by State)

California

60 ARG/DE
Travis ILS Outer Marker Annex
Rio-Dixon Road
Travis AFB Co: Solano CA 94535–5496
Location: State Highway 113
Landholding Agency: Air Force
Property Number: 189010189
Status: Excess
Comment: .13 acres; most recent use—location for instrument landing systems equipment.

Guam

Annex 1
Andersen Communication
Dededo Co: Guam GU 96912–
Location: In the municipality of Dededo.
Landholding Agency: Air Force
Property Number: 189010427
Status: Underutilized
Comment: 862 acres; subject to utilities easements.

Annex 2 (Partial)
Andersen Petroleum Storage
Dededo Co: Guam GU 96912–
Location: In the municipality of Dededo.
Landholding Agency: Air Force
Property Number: 189010428
Status: Underutilized
Comment: 35 acres; subject to utilities easements.

Michigan

Calumet Air Force Station
Section 1, T57N, R31W
Houghton Township
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010862
Status: Excess
Comment: 34 acres; potential utilities.

Calumet Air Force Station
Section 31, T58N, R30W
Houghton Township
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010863
Status: Excess
Comment: 3.78 acres; potential utilities.

Suitable/Unavailable Properties

Buildings (by State)

California

Hawes Site (KHGM)
March AFB Hinckley Co: San Bernardino CA 92402
Landholding Agency: Air Force
Property Number: 189010084
Status: Unutilized
Comment: 9,290 sq. ft., 2 story concrete, most recent use—radio relay station, possible asbestos, land belongs to Bureau of Land Management, potential utilities.

Bldg. 21185
Vandenberg Air Force Base
Santa Barbara County, CA 93437
Location: Hwy 1, Hwy 246; Coast Road, PT SAL Road; Miguelito CYN
Landholding Agency: Air Force
Property Number: 189240054
Status: Unutilized
Comment: 168 sq. ft., 1 story wood frame, needs rehab., most recent use—storage.

Michigan

Bldg. 20
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010775
Status: Excess
Comment: 13,404 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—warehouse/supply facility.

Bldg. 28
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010778
Status: Excess
Comment: 1,000 sq. ft.; 1 floor; possible asbestos; potential utilities; most recent use—maintenance facility.

Missouri

Jefferson Barracks ANG Base
Missouri National Guard
1 Grant Road
St. Louis Co: St. Louis MO 63125–4118
Landholding Agency: Air Force
Property Number: 189010081
Status: Underutilized
Comment: 20 acres; portion near flammable materials; portion on archaeological site; special fencing required.

Texas

Bldg. 697
Brooks Air Force Base
San Antonio Co: Bexar TX 78235
Landholding Agency: Air Force
Property Number: 189110092
Status: Unutilized
Comment: 770 sq. ft., possible asbestos, most recent use—supply store, needs rehab.

Bldg. 698
Brooks Air Force Base
San Antonio Co: Bexar TX 78235
Landholding Agency: Air Force
Property Number: 189110093
Status: Unutilized
Comment: 5,815 sq. ft., 1 story corrugated iron, possible asbestos, needs rehab, most recent use—recreation, workshop.

Bldg. 605
Brooks Air Force Base
San Antonio Co: Bexar TX 78235–
Landholding Agency: Air Force
Property Number: 189110090
Status: Unutilized
Comment: 392 sq. ft.; 1 story sheet metal building; most recent use—storage; possible asbestos; needs rehab.

Bldg. 696
Brooks Air Force Base
San Antonio Co: Bexar TX 78235–
Landholding Agency: Air Force
Property Number: 189110091
Status: Unutilized
Comment: 1344 sq. ft.; possible asbestos; most recent use—auto hobby shop; needs rehab.

Bldg. 699
Brooks Air Force Base
San Antonio Co: Bexar TX 78235–
Landholding Agency: Air Force
Property Number: 189110094
Status: Unutilized
Comment: 2659 sq. ft.; 1 story; possible asbestos; most recent use—arts and crafts center.

Land (by State)

California

Norton Com. Facility Annex
Norton AFB
Sixth and Central Streets
Highland Co: San Bernardino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010194
Status: Excess
Comment: 30.3 acres; most recent use—recreational area; portion subject to easements.

Camp Kohler Annex
McClellan AFB
Sacramento Co: Sacramento CA 95652–5000
Landholding Agency: Air Force
Property Number: 189010045
Status: Unutilized
Comment: 35.30 acres+.11 acres easement; 30+ acres undeveloped; potential utilities; secured area; alternate access.

Suitable/To Be Excessed

Nevada

Bldgs. 300–302
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Numbers: 189120001–189120003
Status: Unutilized
Comment: 1573 sq. ft. each, one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldgs. 303–306
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Numbers: 189120004–189120007
Status: Unutilized
Comment: 2750 sq. ft. each, one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldgs. 307–310, 318, 320–322
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Numbers: 189120008–189120011, 189120019, 189120021–189120023
Status: Unutilized
Comment: 2170 sq. ft. each, one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldgs. 311–317, 319, 324–326
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Numbers: 189120012–189120018, 189120020, 189120025–189120027
Status: Unutilized
Comment: 2424 sq. ft. each, one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 323
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120024
Status: Unutilized
Comment: 1233 sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldgs. 331–341, 343, 345–346, 348–353
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Numbers: 189120028–189120047
Status: Unutilized
Comment: 1170 sq. ft. each, one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 400
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120048
Status: Unutilized
Comment: 2464 sq. ft., one story, most recent use—maintenance shop, easement restrictions, potential utilities, off-site removal only.

Bldg. 402
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120049
Status: Unutilized
Comment: 2570 sq. ft., one story, most recent use—Chapel, easement restrictions, potential utilities, off-site removal only.

Bldg. 404
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120050
Status: Unutilized
Comment: 2376 sq. ft., one story, most recent use—religious education facility, easement restrictions, potential utilities, off-site removal only.

Bldg. 406
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120051
Status: Unutilized
Comment: 2605 sq. ft., one story, most recent use—child care facility, easement restrictions, potential utilities, off-site removal only.

Bldg. 3027, 3029–3040
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Numbers: 189120052, 189120054–189120065
Status: Unutilized
Comment: 120 sq. ft., one story, most recent use—storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3028
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force

Property Number: 189120053
Status: Unutilized
Comment: 60 sq. ft., one story, most recent use—storage, easement restrictions, potential utilities, off-site removal only.

North Dakota

Bldg. 101
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110095
Status: Excess
Comment: 768 sq. ft.; 2 bedroom single family housing unit; needs rehab; off-site use only.

Bldgs. 102–106
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Numbers: 189110096–189110100
Status: Excess
Comment: 988 sq. ft. each; 3 bedroom single family housing units; needs rehab; off-site use only.

Bldgs. 107, 110–111
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Numbers: 189110101–189110103
Status: Excess
Comment: 768 sq. ft. each; 2 bedroom single family housing units; needs rehab; off-site use only.

Bldgs. 112–116, 123–129
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Numbers: 189110104–189110108, 189110115–189110121
Status: Excess
Comment: 1510 sq. ft. each; 3 bedroom single family housing units with attached garages; needs rehab; off-site use only.

Bldgs: 117, 119–122
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Numbers: 189110109, 189110111–189110114
Status: Excess
Comment: 1595 sq. ft. each; 3 bedroom single family housing units with attached garages; needs rehab; off-site use only.

Bldg. 118
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189110110
Status: Excess
Comment: 2295 sq. ft.; 4 bedroom single family housing unit, needs rehab; off-site use only.

Bldg. 141
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189110122
Status: Excess
Comment: 364 sq. ft.; 1 stall vehicle garage; needs rehab; off-site use only.

Bldgs. 142–145
Fortuna Air Force Base
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Numbers: 189110123–189110126
Status: Excess
Comment: 624 sq. ft. each; 2 stall vehicle garages; needs rehab; off-site use only.

Bldgs. 201–218
Fortuna Air Force Base
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Numbers: 189110127–189110144
Status: Excess
Comment: 1203 sq. ft. each; 3 bedroom single family relocatable housing units; needs rehab; off-site use only.

Bldgs. 221–229
Fortuna Air Force Base
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Numbers: 189110145–189110153
Status: Excess
Comment: 672 sq. ft. each; 2 stall vehicle garages; needs rehab; off-site use only.

Land (by State)

Florida

Springfield Annex (VZTD)
Tyndall Air Force Base
Springfield Co: Bay FL
Landholding Agency: Air Force
Property Number: 189240053
Status: Unutilized
Comment: 7.55 acres; improved w/parking lot, 2 loading ramps and railroad tracks.

Unsuitable Properties

Buildings (by State)

Alaska

Bldg. 203, 113
Tin City Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Numbers: 189010296–189010297
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 165, 150, 130
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Numbers: 189010298–189010300
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 306
King Salmon Airport
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010301
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1401
Galena Airport
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010302
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 11–230, 21–116, 34–616, 43–010, 63–320, 63–325
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Numbers: 189010303–189010308
Status: Unutilized
Reason: Secured Area; Contamination.

Bldg. 103, 110, 112–115, 118, 1001, 1018, 1025, 1055
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Numbers: 189010309–189010319
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 107, 115, 113, 150, 152, 301, 1001, 1003, 1055, 1056
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Numbers: 189010320–189010329
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 103–105, 110, 114, 202, 204–205, 1001, 1015
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Numbers: 189010330–189010339
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination

Bldg. 50
Cold Bay Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010433
Status: Unutilized
Reason: Other; Isolated area; Not accessible by road
Comment: Isolated and remote; Arctic environment

Alabama

48 Bldgs.
Maxwell AFB
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Numbers: 189010002–189010005, 189110165–189110167, 189120231–189120232, 189130335–189130336, 189130370–189130381, 189140010–189140014, 189220005–189220014
Status: Unutilized
Reason: Secured Area

22 Bldgs.
Gunter AFB

Montgomery Co: Montgomery AL 36114–
Landholding Agency: Air Force
Property Numbers: 189010011–189010013, 189010015–189010016, 189010019–189010020, 189010022, 189040853–189040855, 189130349, 189140001–189140009, 189140021
Status: Underutilized
Reason: Secured Area

Bldg. 1435–1436, 1440–1441
Maxwell Air Force Base
Mimosa Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Numbers: 189030220–189030223
Status: Unutilized
Reason: Floodway; Secured Area

Bldg. 1004
Reserves Forces Training Facility
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Location: 1004 Maxwell Blvd. & Kelly Street
Landholding Agency: Air Force
Property Number: 189130369
Status: Unutilized
Reason: Secured Area; Within airport runway clear zone

Bldgs. 906–907, 931, 933–934
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112
Landholding Agency: Air Force
Property Number: 189240013–189240017
Status: Unutilized
Reason: Secured Area; Extensive Deterioration

Bldgs. 143, 839
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112
Landholding Agency: Air Force
Property Number: 189240018–189240019
Status: Unutilized
Reason: Secured Area

Bldgs. 603, 315, 314, 301, Gunter Annex
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36411–3112
Landholding Agency: Air Force
Property Numbers: 189310042–189310045
Status: Unutilized
Reason: Secured Area; Extensive Deterioration

Water Supply Bldg.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112
Landholding Agency: Air Force
Property Number: 189310046
Status: Unutilized
Reason: Secured Area, Extensive Deterioration

Recreation/Library
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112
Landholding Agency: Air Force
Property Number: 189310047
Status: Unutilized
Reason: Secured Area, Extensive Deterioration

BE Storage Shed
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112
Landholding Agency: Air Force
Property Number: 189310048
Status: Unutilized
Reason: Secured Area

Data Processing Bldg.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112
Landholding Agency: Air Force
Property Number: 189310049
Status: Unutilized
Reason: Secured Area

Youth Center
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112
Landholding Agency: Air Force
Property Number: 189310050
Status: Unutilized
Reason: Secured Area

Arizona

Dormitory Building 632
Williams Air Force Base
Corner of 4th and D Street
Williams AFB Co: Maricopa AZ 85240–5000
Landholding Agency: Air Force
Property Number: 189040856
Status: Unutilized
Reason: Secured Area

California

Bldg. 4052
March AFB
Ice House in West March
Riverside Co: Riverside CA 92518–
Landholding Agency: Air Force
Property Number: 189010082
Status: Unutilized
Reason: Within airport runway clear zone

Bldg. 392 60 ABG/DE
Travis Air Force Base
Hospital Drive
Travis AFB Co: Solano CA 94535–5496
Landholding Agency: Air Force
Property Number: 189010187
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1182 60 ABG/DE
Travis Air Force Base
Perimeter Road
Travis AFB Co: Solano CA 94535–5496
Landholding Agency: Air Force
Property Number: 189010188
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area

Bldgs. 152, 159, 384 60 ABG/DE
Travis Air Force Base
Broadway Street
Travis AFB Co: Solano CA 94535–5496
Landholding Agency: Air Force
Property Numbers: 189010190–189010192
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area

Bldgs. 707, 502, 23 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Numbers: 189010193, 189010196–189010197
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material Secured Area

Bldg. 575 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010195
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. 100–101, 116, 202
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Numbers: 189010233–189010236
Status: Unutilized
Reason: Secured Area

Bldg. 201–204
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Numbers: 189010546–189010549
Status: Unutilized
Reason: Secured Area

Bldgs. 1009, 1022–1024
Vandenberg Air Force Base
Off Tangair Road
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Numbers: 189010558, 189010561–189010563
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area

Bldgs. 1100–1101, 1103–1107, 1110, 1108
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Numbers: 189010567–189010569, 189010571–189010574, 189010579–189010580
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area

Bldg. 1823
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246, Coast Road, PT Sal Rd., Miguelito CYN
Landholding Agency: Air Force
Property Number: 189130360
Status: Unutilized
Reason: Secured Area Within 2000 ft. of flammable or explosive material

Bldgs. 8006, 11443, 1016–1021, 1027, 1031, 6105, 8111, 8140–8141, 9341, 10312, 10314, 10503, 5431, 8117, 13009, 13012, 13013, 13015, 13221
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246, Coast Road, PT Sal Rd., Miguelito CYN
Landholding Agency: Air Force
Property Numbers: 189130362, 189140029, 189210011–189210020, 189210023–189210028, 189230005–189230006, 189230014–189230017, 189230019
Status: Unutilized
Reason: Secured Area

Bldg. 10748
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force

Property Number: 189210029
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

Bldgs. 11195, 10004, 10702, 10704, 10706, 10710, 10726, 10742, 16104
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437
Landholding Agency: Air Force
Property Numbers: 189220017, 189230007–189230013, 189230020
Status: Underutilized
Reason: Secured Area

Bldgs. 1791, 7001, 7002, 7008, 13028
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437
Landholding Agency: Air Force
Property Numbers: 189240044–189240047, 189240050
Status: Unutilized
Reason: Secured Area

Bldgs. 10721, 11026
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437
Landholding Agency: Air Force
Property Numbers: 189240048–189240049
Status: Underutilized
Reason: Secured Area

30 Bldgs.
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437
Landholding Agency: Air Force
Property Numbers: 189310011–189310025, 189310027–189310041
Status: Unutilized
Reason: Secured Area

Colorado

Bldg. 24
Buckley Air Nat'l Guard Base
Aurora Co: Arapahoe CO 80011–9599
Location: Demolished 7 Dec. 90.
Landholding Agency: Air Force
Property Number: 189010249
Status: Unutilized
Reason: Secured Area

Bldg. 291
Lowry Air Force Base
Denver Co: Denver CO 80230–5000
Location: South of 6th Avenue and east of Rosemary Court.
Landholding Agency: Air Force
Property Number: 189010250
Status: Excess
Reason: Secured Area

Delaware

Bldg. 230
Dover Air Force Base
436 ABG/DE
Dover AFB Co: Kent DE 19902–
Landholding Agency: Air Force
Property Numbers: 189140017
Status: Unutilized
Reason: Secured Area

Bldgs. 1900, 1304
436 CSG Dover AFB
Dover Co: Kent DE 19902–5516
Landholding Agency: Air Force
Property Numbers: 189120230, 189140018
Status: Unutilized
Reason: Within airport runway clear zone Secured Area

Florida

Bldg. 400
Patrick Air Force Base
C Street bet. First & Second Streets
Cocoa Beach Co: Brevard FL 32925
Landholding Agency: Air Force
Property Number: 189220001
Status: Unutilized
Reason: Secured Area

Bldg. 430
Patrick Air Force Base
Third Street bet. B and C Streets
Cocoa Beach Co: Brevard FL 32925
Landholding Agency: Air Force
Property Number: 189220002
Status: Underutilized
Reason: Secured Area

Bldg. 902
Tyndall Air Force Base
Panama City Co: Bay FL 32403–5000
Landholding Agency: Air Force
Property Number: 189130348
Status: Underutilized
Reason: Secured Area

Facility 01322
Cape Canaveral AFS
1301 Flight Control Road
Cape Canaveral Co: Brevard FL 32920
Landholding Agency: Air Force
Property Number: 189220004
Status: Unutilized
Reason: Secured Area

Bldgs. 1176, 1179, 659
Patrick Air Force Base
Co: Brevard FL 32935
Landholding Agency: Air Force
Property Numbers: 189240029–189240031
Status: Unutilized
Reason: Secured Area; Extensive Deterioration

Idaho

Bldgs. 1012, 923, 604
Mountain Home Air Force Base
Elmore County, ID 83648
Landholding Agency: Air Force
Property Numbers: 189030004–189030006
Status: Excess
Reason: Within 2,000 ft. of flammable or explosive material

Bldg. 229
Mt. Home Air Force Base
1st Avenue and A Street
Elmore County, ID 83648
Landholding Agency: Air Force
Property Number: 189040857
Status: Unutilized
Reason: Within 2,000 ft. of flammable or explosive material; Within airport runway clear zone

Illinois

Bldg. 3191
Scott Air Force Base
East Drive 375/ABG/DE
Scott AFB Co: St. Clair IL 62225–5001
Landholding Agency: Air Force
Property Number: 189010247
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area

Bldg. 3670, 503, 869, 865
Scott Air Force Base
Scott AFB Co: St. Clair IL 62225–5001
Landholding Agency: Air Force
Property Numbers: 189010248, 189010725, 189110087, 189130347
Status: Unutilized
Reason: Secured Area

Indiana

Bldg. 520, 309, 301
Grisson Air Force Base
Grisson Co: Miami IN 46971–
Landholding Agency: Air Force
Property Numbers: 189010183–189010184, 189010186
Status: Underutilized
Reason: Secured Area

Bldg. 219, 307
Grissom Air Force Base
Grissom AFB Co: Miami IN 46971–5000
Landholding Agency: Air Force
Property Numbers: 189110084–189110085
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 707
Parallel to NE–SW runway & alternate runway
Grissom AFB Co: Miami IN 46971–
Landholding Agency: Air Force
Property Number: 189130334
Status: Underutilized
Reason: Within airport runway clear zone; Secured Area

Iowa

Bldg. 00273
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110
Landholding Agency: Air Force
Property Number: 189310008
Status: Underutilized
Reason: Secured Area

Bldg. 00671
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110
Landholding Agency: Air Force
Property Number: 189310009
Status: Underutilized
Reason: Fuel Pump Station

Bldg. 00736
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110
Landholding Agency: Air Force
Property Number: 189310010
Status: Underutilized
Reason: Pump Station

Louisiana

Bldg. 3477
Barksdale Air Force Base
Davis Avenue
Barksdale AFB Co: Bossier LA 71110–5000
Landholding Agency: Air Force
Property Number: 189140015
Status: Underutilized
Reason: Secured Area

Massachusetts

Bldg. 1900, 1833
Westover Air Force Base
Chicopee Co: Hampden MA 01022–
Landholding Agency: Air Force
Property Numbers: 189010438, 189040002
Status: Underutilized
Reason: Secured Area

Maryland

Bldg. 4–5
Brandywine Storage Annex
1776 ABW/DE Brandywine Road, Route 381
Andrews AFB Co: Prince Georges MD 20613–

Landholding Agency: Air Force
Property Numbers: 189010261, 189010264
Status: Unutilized
Reason: Secured Area

Bldg. 3427
Andrews Air Force Base
3427 Pensylvania Avenue
Andrews AFB Co: Prince George's MD 20335–
Landholding Agency: Air Force
Property Number: 189140016
Status: Unutilized
Reason: Secured Area

Maine

Bldg. 5200, 6200, 6100
Loring Air Force Base
Limestone Co: Aroostook ME 04750–
Landholding Agency: Air Force
Property Numbers: 189010541–189010543
Status: Unutilized
Reason: Secured Area

Michigan

Bldg. 560, 5658, 580, 856, 1005, 1012, 1041, 1412, 1434, 1688, 1689, 5670
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Numbers: 189010522–189010533
Status: Unutilized
Reason: Secured Area

Bldg. 71
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010810
Status: Excess
Reason: Sewage treatment and disposal facility

Bldg. 99–100
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Numbers: 189010831–189010832
Status: Excess
Reason: Water Well

Bldg. 118, 120, 168
Calumet Air Force Station
Calument Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Numbers: 189010875–189010876, 189010878
Status: Excess
Reason: Gasoline Station

Bldg. 166
Calumet Air Force Station
Calument Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010877
Status: Excess
Reason: Pump lift station

Bldg. 69
Calumet Air Force Station
Calument Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010889
Status: Excess
Reason: Sewer pump facility

Bldg. 2
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010890
Status: Excess
Reason: Water pump station

Minnesota

Bldgs. 641, 643, 646, 665
Minnesota Air National Guard
934th Airlift Group
Minneapolis Co: Hennepin MN 55111–4098
Landholding Agency: Air Force
Property Numbers: 189310003–189310006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Missouri

Bldgs. 42, 45–47, 61
Jefferson Barracks ANG Base
1 Grant Road, Missouri National Guard
St. Louis Co: St. Louis MO 63125–
Landholding Agency: Air Force
Property Numbers: 189010726, 189010728–189010731
Status: Unutilized
Reason: Secured Area

Montana

Bldg. 140
Malmstrom AFB
Between Goddard Avenue & 2nd Street
Malmstrom Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189010076
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area; Other environmental

Bldg. 280
Malmstrom AFB
Flightline & Avenue G
Malmstrom Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Numbers: 189010077
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area; Other environmental

Bldg. 621
Malmstrom AFB
1st Street & Avenue I
Malmstrom Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Numbers: 189010078
Status: Unutilized
Reason: Other environmental—friable asbestos; Secured Area

Bldg. 1500, 1502
Malmstrom AFB
Perimeter Road
Malmstrom Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Numbers: 189010079–189010080
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Other environmental

Bldg. 627, 677
Malmstrom Air Force Base
Great Falls Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Numbers: 189010722–189010723
Status: Unutilized
Reason: Secured Area; Other environmental

Bldg. 1991
Malmstrom Air Force Base
Between Avenue G and H
Malmstrom Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189040057
Status: Underutilized
Reason: Secured Area; Other environmental

Nebraska

Offutt Communications Annex-#3
Offutt Air Force Base
Scribner Co: Dodge NE 68031–
Landholding Agency: Air Force
Property Number: 189210006
Status: Unutilized
Reason: Former sewage lagoon

Bldgs. 637, 639
Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster NE 68524
Landholding Agency: Air Force
Property Numbers: 189230021–189230022
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 31, 311, 401, 416, 417, 545
Offutt Air Force Base
Offutt Co: Sarpy NE 68113
Landholding Agency: Air Force
Property Numbers: 189240007–189240012
Status: Unutilized
Reason: Secured Area

New Hampshire

Bldg. 132, 317, 343, 439
Pease Air Force Base
Pease AFB Co: Rockingham NH 03803–
Landholding Agency: Air Force
Property Numbers: 189010536–189010539
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

New Mexico

Bldg. 831
833 CSG/DEER
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189130333
Status: Unutilized
Reason: Secured Area

Bldgs. 21, 80, 98, 324, 598, 801, 802, 1095, 1096, 321, 75115
Holloman Air Force Base
Co: Otero NM 88330
Landholding Agency: Air Force
Property Numbers: 189240032–189240042
Status: Unutilized
Reason: Secured Area

New York

Bldg. 626 (Pin: RVKQ)
Niagara Falls International Airport
914th Tactical Airlift Group
Niagara Falls Co: Niagara NY 14303–5000
Landholding Agency: Air Force
Property Number: 189010075
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 272, 888
Griffiss Air Force Base
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Numbers: 189140022–189140023
Status: Excess
Reason: Secured Area

Facilities 814, 808, 807

Griffiss Air Force Base
Rome Co: Oneida NY 13441
Landholding Agency: Air Force
Property Numbers: 189230001–189230003
Status: Excess
Reason: Within airport runway clear zone; Secured Area

Facilities 126, 127, 135, 137, 138, 173, 261, 308, 1200
Griffiss Air Force Base
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Numbers: 189240020–189240028
Status: Unutilized
Reason: Secured Area

Bldg. 759, Hancock Field
6001 East Molloy Road
Syracuse Co: Onondaga NY 13211–7099
Landholding Agency: Air Force
Property Number: 189310007
Status: Unutilized
Reason: Secured Area; Extensive deterioration

North Carolina

Bldg. 187
Pope Air Force Base
317 CSG/DE Reilly Road
Pope AFB Co: Cumberland NC 28308–5045
Landholding Agency: Air Force
Property Number: 189010262
Status: Unutilized
Reason: Secured Area

Bldg. 4230—Youth Center
Cannon Ave.
Goldsboro Co: Wayne NC 27531–5005
Landholding Agency: Air Force
Property Number: 189120233
Status: Underutilized
Reason: Secured Area

North Dakota

Bldg. 422
Minot Air Force Base
Minot Co: Ward ND 58705–
Landholding Agency: Air Force
Property Number: 189010724
Status: Underutilized
Reason: Secured Area

Ohio

Bldg. 404, Hydrant Fuel
910 Airlift Group
Kings-Graves Road
Vienna Co: Trumbull OH 44473–5000
Landholding Agency: Air Force
Property Number: 189220015
Status: Unutilized
Reason: Secured Area

Bldg. 405, Test Cell
910 Airlift Group
Kings-Graves Road
Vienna Co: Trumbull OH 44473–5000
Landholding Agency: Air Force
Property Number: 189220016
Status: Unutilized
Reason: Secured Area

Oklahoma

Bldg. 604
Vance Air Force Base
Enid Co: Garfield OK 73705–5000
Landholding Agency: Air Force
Property Number: 189010204
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material

Puerto Rico

Bldg. 10
Punta Salinas Radar Site
Toa Baja Co: Toa Baja PR 00759–
Landholding Agency: Air Force
Property Number: 189010544
Status: Underutilized
Reason: Secured Area

South Dakota

Bldgs. 88513, 88501
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706
Landholding Agency: Air Force
Property Numbers: 189210001–189210002
Status: Unutilized
Reason: Extensive deterioration

Texas

Bldg. 400
Laughlin Air Force Base
Val Verde Co. Co: Val Verde TX 78843–5000
Location: Six miles on Highway 90 east of Del Rio, Texas.
Landholding Agency: Air Force
Property Number: 189010173
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone

Bldg. 645
Reese Air Force Base
Lubbock Co: Lubbock TX 79489–
Location: West of Lubbock
Landholding Agency: Air Force
Property Number: 189010210
Status: Excess
Reason: Secured Area

Bldg. 02106
Reese Air Force Base
Lubbock Co: Lubbock TX
Landholding Agency: Air Force
Property Number: 189210005
Status: Unutilized
Reason: Secured Area

Utah

Bldg. 789
Hill Air Force Base
Co: Davis UT 84056–
Landholding Agency: Air Force
Property Number: 189040859
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area

Washington

21 Bldgs.
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Numbers: 189010139–189010159
Status: Unutilized
Reason: Secured Area

Bldg. 100, Geiger Heights
Grove and Hallet Streets
Fairchild AFB Co: Spokane WA 99204–
Landholding Agency: Air Force
Property Number: 189210004
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

Wyoming

Bldg. 31, 34, 37, 284, 385, 803
F. E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Numbers: 189010198–189010203
Status: Unutilized
Reason: Secured Area

Bldgs. 802, 804–806, 2780, 2781
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189240001–189240006
Status: Unutilized
Reason: Secured Area

Land (by State)

Alaska

Campion Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010430
Status: Unutilized
Reason: Other; Isolated area; Not accessible by road
Comment: isolated and remote area; Arctic environment

Lake Louise Recreation
21 CSG–DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010431
Status: Unutilized
Reason: Other; Isolated area; Not accessible by road;
Comment: Isolated and remote area; Arctic coast

Nikolski Radio Relay Site
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010432
Status: Unutilized
Reason: Other; Isolated area; Not accessible by road
Comment: Isolated and remote area; Arctic coast

Florida

Land
MacDill Air Force Base
6601 S. Manhattan Avenue
Tampa Co: Hillsborough FL 33608–
Landholding Agency: Air Force
Property Number: 189030003
Status: Excess
Reason: Floodway

Maryland

Land
Brandywine Storage Annex
1776 ABW/DE Brandywine Road, Route 381
Andrews AFB Co: Prince Georges MD 20613–
Landholding Agency: Air Force
Property Number: 189010263
Status: Unutilized
Reason: Secured Area

New Mexico

Facility 75100

Holloman Air Force Base
Co: Otero NM 88330
Landholding Agency: Air Force
Property Number: 189240043
Status: Unutilized
Reason: Secured Area

South Dakota

Badlands Bomb Range
60 miles southeast of Rapid City, SD
1½ miles south of Highway 44
Co: Shannon SD
Landholding Agency: Air Force
Property Number: 189210003
Status: Unutilized
Reason: Secured Area

Virginia

Parcel 1 (Byrd Field)
Richmond IAP
5680 Beulah Road
Richmond Co: Henrico VA 23150–
Landholding Agency: Air Force
Property Number: 189010435
Status: Unutilized
Reason: Floodway

Parcel 3, (Byrd Field)
Richmond IAP
5680 Beulah Road
Richmond Co: Henrico VA 23150–
Landholding Agency: Air Force
Property Number: 189010436
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Parcel 2, (Byrd Field)
Richmond IAP
5680 Beulah Road
Richmond Co: Henrico VA 23150–
Landholding Agency: Air Force
Property Number: 189010437
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

ANG Site
Camp Pendleton
Virginia Air National Guard
Virginia Beach Co: (See County) VA 23451–
Landholding Agency: Air Force
Property Number: 189010589
Status: Unutilized
Reason: Secured Area

Washington

Fairchild AFB
SE corner of base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010137
Status: Unutilized
Reason: Secured Area

Fairchild AFB
Fairchild AFB Co: Spokane WA 99011–
Location: NW corner of base
Landholding Agency: Air Force
Property Number: 189010138
Status: Unutilized
Reason: Secured Area

[FR Doc. 93–4294 Filed 2–25–93; 8:45 am]
BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–4210–05; N–39903]

Termination of Desert Land Classification and Opening Order; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice terminates desert land classification N–39903 in its entirety and provides for opening the land to the operation of the public land laws, including location under the mining laws.

EFFECTIVE DATE: Termination of the classification is effective on February 26, 1993. The segregation terminated on February 11, 1993, the date on which the relinquishment of the entry was accepted.

FOR FURTHER INFORMATION CONTACT: Mary Clark, Nevada State Office, Bureau of Land Management, 850 Harvard Way, Reno, NV 89520, (702) 785–6530.

SUPPLEMENTARY INFORMATION: The lands affected by this action are described as follows:

Mount Diablo Meridian, Nevada

T. 21 N., R. 64 E.,
Sec. 18, NE¼, E½W½.

The area described contains 320 acres in White Pine County, Nevada.

The classification was made pursuant to the Desert Land Act of March 3, 1877, as amended and supplemented (43 U.S.C. 321, *et seq.*). Entry to the land was allowed on November 5, 1985, and on that date the lands became segregated from all other forms of appropriation under the public land laws, including location under the mining laws. By letter dated November 24, 1988, the entryman relinquished the entry. The relinquishment was accepted on February 11, 1993, and on that date the segregation terminated. Pursuant to Section 7 of the Taylor Grazing Act (48 Stat. 1272), desert land classification N–39903 is hereby terminated in its entirety.

At 10 a.m. on February 26, 1993, the lands will become open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 26, 1993, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

At 10 a.m. on February 26, 1993, the lands will be open to location under the United States mining laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Billy R. Templeton,
State Director, Nevada.

[FR Doc. 93–4445 Filed 2–25–93; 8:45 am]
BILLING CODE 4310-HC-M

[ID–030–03–4210–05; IDI–28581]

Realty Action; Recreation and Public Purposes Act Classification, Bannock County, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; Recreation and Public Purposes (R&PP) Act classification; Idaho.

SUMMARY: The following Public lands in Bannock County, Idaho have been examined and found suitable for classification for lease to the Gate City Sport Shooters Association under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The Gate City Sport Shooters Association proposes to use the lands for a public shooting range.

Boise Meridian, Idaho

T. 5 S., R. 35 E.
Sec. 31, NE¼NW¼
Containing 40 acres.

The lands are not needed for Federal purposes. Lease of the lands is consistent with current BLM land use planning and would be in the public interest. The lease, when issued, will be subject to the following terms and conditions:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. All valid existing rights documented on the official public land records at the time of lease issuance.

3. A lease term not to exceed twenty years.

Detailed information concerning this action is available for review at the Pocatello Resource Area Office, Bureau of Land Management, Federal Building, 250 S. 4th Ave., suite 172, Pocatello, Idaho 83201.

Upon publication of this notice in the Federal Register, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for leasing under the Recreation and Public Purposes Act and the mineral leasing laws. For a period of 45 days from the date of publication of this notice, interested persons may submit comments regarding the proposed lease or classification of the lands to the District Manager, Idaho Falls District, 940 Lincoln Road, Idaho Falls, Idaho 83401. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

Dated: February 19, 1993.

Lloyd H. Ferguson,

District Manager.

[FR Doc. 93-4484 Filed 2-25-93; 8:45 am]

BILLING CODE 4310-GG-M

[CA-942-5700-10]

Filing on Plats of Survey; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested state and local government officials of the latest filing of Plats of Survey in California.

EFFECTIVE DATES: Filing was effective at 10 a.m. on the date of submission to the Bureau of Land Management (BLM), California State Office, Public Room.

FOR FURTHER INFORMATION CONTACT: Clifford A. Robinson, Chief, Branch of Cadastral Survey, Bureau of Land Management (BLM), California State Office, 2800 Cottage Way, room E-2845, Sacramento, CA 95825, 916-978-4775.

SUPPLEMENTARY INFORMATION: The plats of Survey of lands described below have been officially filed at the California State Office, Sacramento, CA.

Humboldt Meridian, California

T. 10 N., R. 8 E.,—Metes-and-bounds survey of Tract 48, (Group 1121) accepted November 16, 1992, to meet certain administrative needs of the U.S. Forest Service, Klamath National Forest.

T. 12 N., R. 6 E.,—Metes-and-bounds survey of Tract 52, (Group 1121) accepted November 16, 1992, to meet certain administrative needs of the U.S. Forest Service, Klamath National Forest.

Mount Diablo Meridan, California

T. 9 S., R. 24 E.,—Dependent resurvey and survey, (Group 1120) accepted November 13, 1992, to meet certain administrative needs of the U.S. Forest Service, Sierra National Forest.

T. 38 N., R. 11 W.,—Metes-and-bounds survey of Tract 45, (Group 1121) accepted November 16, 1992, to meet certain administrative needs of the U.S. Forest Service, Klamath National Forest.

T. 40 N., R. 11 W.,—Metes-and-bounds survey of Tract 46, (Group 1121) accepted November 16, 1992, to meet certain administrative needs of the U.S. Forest Service, Klamath National Forest.

T. 24 and 25 N., R. 10 E.,—Dependent resurvey, subdivision of section 6, and metes-and-bounds survey, (Group 1047) accepted November 24, 1992, to meet certain administrative needs of the U.S. Forest Service, Plumas National Forest.

T. 15 N., R. 8 W.,—Dependent resurvey and subdivision of section 29, (Group 1125) accepted December 1, 1992, to meet certain administrative needs of the U.S. Forest Service, Mendocino National Forest.

San Bernardino Meridan, California

T. 1 S., R. 3 E.,—Dependent resurvey, and subdivision of section 12, (Group 1091) accepted December 2, 1992, to meet certain administrative needs of the BLM, California Desert District, Barstow Resource Area.

T. 1 S., R. 4 E.,—Dependent resurvey and subdivision of section 18, accepted December 2, 1992, to meet certain administrative needs of the BLM, California Desert District, Barstow Resource Area.

All of the above listed survey plats are now the basic record for describing the lands for all authorized purposes. The survey plats will be placed in the open files in the BLM, California State Office, and will be available to the public as a matter of information. Copies of the survey plats and related field notes may be furnished to the public upon payment of the appropriate fee.

Dated: February 18, 1993.

Clifford A. Robinson,

Chief, Branch of Cadastral Survey.

[FR Doc. 93-4443 Filed 2-25-93; 8:45 am]

BILLING CODE 4310-40-M

[ID-942-03-4730-02]

Filing of Plats of Survey; Idaho

The plat of survey of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., February 19, 1993.

The plat representing the dependent resurvey of portions of the east boundary, subdivisional lines, and adjusted 1892 meanders of the Clearwater River in section 25, and the subdivision of section 25, Boise Meridian, Idaho, Group No. 834, was accepted February 12, 1993.

This survey was executed to meet certain administrative needs of the Bureau of Indian Affairs.

All inquiries concerning the survey on the above-described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Dated: February 19, 1993.

Gary T. Oviatt,

Acting Chief Cadastral Surveyor for Idaho.

[FR Doc. 93-4444 Filed 2-25-93; 8:45 am]

BILLING CODE 4310-GG-M

[ID-942-03-4730-02]

Filing of Plats of Survey; Idaho

The plat of survey of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., February 19, 1993.

The plat representing the dependent resurvey of a portion of the subdivisional lines, Township 5 South, Range 18 East, Boise Meridian, Idaho, Group No. 852, was accepted February 11, 1993.

This survey was executed to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above-described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Dated: February 19, 1993.

Gary T. Oviatt,

Acting Chief Cadastral Surveyor of Idaho.

[FR Doc. 93-4441 Filed 2-25-93; 8:45 am]

BILLING CODE 4310-GG-M

National Park Service

Trail of Tears National Historic Trail; Route Selection and Availability of the Comprehensive Management and Use Plan

AGENCY: National Park Service, Interior.

ACTION: Notice of route selection and availability of the Comprehensive Management and Use Plan.

SUMMARY: The Trail of Tears National Historic Trail was established as a component of the National Trails System Public Law 100-192, December 16, 1987. The National Trails System Act as amended, 82 Stat. 919, 16 U.S.C.

1241, *et seq.* provides a period of two complete fiscal years following the establishment of the trail for preparation of a Comprehensive Management and Use, including selection of the trail route. Planning for the trail included a significant amount of public input, and was completed in June 1992.

Notice is hereby given that a route for the Trail of Tears National Historic trail has been selected, and maps of the route can be found in the Comprehensive Management and Use Plan and Comprehensive Management and Use Plan Map Supplement. The official set of trail maps will be kept at the administrative office of the Trail of Tears National Historic Trail, given below. The maps are available for inspection upon request. As research findings indicate changes in trial locations or branches, or the need to add sites to or delete them from the inventory, then such changes will be officially documented in that office. Notice of changes to the national historic trail route will be published in the **Federal Register**, in conformance with the National Trails System Act. Copies of the comprehensive plan have been sent to agencies, organizations, and individuals who participated in the preparation of the plan, and to others who may potentially become involved in developing and managing portions of the trail. Copies of the comprehensive plan or map supplement are available from the National Park Service, Southwest Region, Branch of Long Distance Trails, P.O. Box 728, Santa Fe, New Mexico 87504–0728.

FOR FURTHER INFORMATION CONTACT: David Gaines, Chief, Branch of Long Distance Trails, at the address given above; telephone (505) 988–6888.

SUPPLEMENTARY INFORMATION: The National Park Service is responsible for overall administration of the Trail of Tears National Historic Trail. However, actual development and management of the trail will be accomplished through many cooperating Federal, state, and local agencies, private trail organizations, and individual landowners.

Through preparation of the Comprehensive Management and Use Plan, and based on Congressional direction, a route has been selected for the Trail of Tears National Historic Trail that retraces, as closely as possible, the route used by 16,000 Cherokee Indians who were forcibly removed in 1838–39 from their homeland in the southeast to Indian Territory, generally located within the corridor described in the final report of the Secretary of the Interior entitled "Trail of Tears" and dated June 1986. In accordance with section 3(C) of the National Trails System Act, components of the trail selected on Federal lands are established as initial Federal protection components. Where the route crosses Federal lands, it will be developed in accordance with agreements to be established between the National Park Service and the Federal managing agencies. Non-Federal portions of the trail may be certified as official trail components in accordance with a voluntary certification procedure established by the comprehensive plan.

The Authorities of the National Trails System Act provide for three types of components of a National Historic Trail which can be termed "trail sites," "trail segments," and "motor routes." Development of National Historic Trails need not be continuous, making it possible to designate historic sites as trail sites even though there is no opportunity to include them in developed cross-country trail routes. Cross-country trail routes following the historic route make up trail segment components of the National Historic Trail. The final development category—motor routes—utilizes roads and highways that closely follow the historic route. Motor routes serve to connect trail sites and trail segments, where the opportunity for cross-country trail development is not possible, and provide an auto tour route system to visit trail sites. Each of these components will be appropriately marked with the official trail marker as they are certified, in accordance with the comprehensive management and use plan.

Dated: January 22, 1993.

John Cook,

Regional Director, Southwest Region.

[FR Doc. 93–4438 Filed 2–25–93; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

Notice of Intent to Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

The parent corporation is Ryder System, Inc. a Florida corporation. Its address is 3600 NW 82nd Avenue, Miami, FL 33166.

The names of all wholly owned subsidiaries which will participate in the operations, and the state of incorporation, are as follows:

Aeronautical Improvements Corporation.	Florida.
Airplane Things, Inc	Texas.
APS Technical Specialities, Inc.	California.
ATE Management & Service Company, Inc.	Delaware.
ATE Management of Duluth, Inc.	Minnesota.
Automotive Rail Handling, Inc.	Michigan.
Aviall Far East, Inc	Florida.
Aviation Sales Company, Inc.	Florida.
Aviation Sales leasing Company, Inc.	Florida.
B&C, Inc	Michigan.
Blazer Truck Lines, Inc .	Michigan.
F. J. Boutell Driveaway Co., Inc.	Michigan.
Cape Area Transportation System, Inc.	Massachusetts.
Carrier Support, Inc	Delaware.
Central Virginia Transit Management Company, Inc.	Virginia.
Commercial Carriers, Inc	Michigan.
Complete Auto Transit, Inc.	Michigan.
Consolidated Convoy Company.	Oregon.
Convoy Company	Oregon.
E/H Service Corporation	Wisconsin.
Far East Freight, Inc	Florida.
Fleet Carrier Corporation	New York.
Fleet Carrier Dealers Service, Inc.	Michigan.
H.N.S. Management Company, Inc.	Connecticut.
Inventory Locator Service, Inc.	Tennessee.
Jackson Public Transportation Company, Inc.	Mississippi.
Janeville Auto Transit Company.	Delaware.
M&G Convoy, Inc	New York.
Managed Logistics System, Inc.	Delaware.
Merrimack Valley Area Transportation Co., Corp.	Massachusetts.
Metro Service Corp	Wisconsin.
Mid-South Transportation Management, Inc.	Tennessee.
Murry Recon, Inc	New York.
National Trucking Company.	Delaware.
Network Sales, Inc	Tennessee.
Network Vehicle Central, Inc.	Florida.
9755 S.W. 67 Avenue, Inc.	Florida.
Old Dominion Transit Management Company.	Virginia.
OSHCO, Inc	Florida.
Parking Management of Southwest Virginia, Inc.	Virginia.
Port Terminal Transport, Inc.	California.
QAT Inc	Florida.
RMX, Inc	Delaware.
RSI Acquisition Corp	Delaware.

RSI Aviation, Inc	Florida.
RSI Purchase Corp	Delaware.
Ryder Airline, Inc	Delaware.
Ryder Airline Service, Inc.	Delaware.
Ryder Automotive Carrier Group, Inc.	Florida.
Ryder Automotive Operations, Inc.	Florida.
Ryder Aviall, Inc	Florida.
Ryder Aviation Sales International, Inc.	Florida.
Ryder Capital Corp., Inc	Florida.
RYDERCORP	Florida.
RYDERCORP, Inc	Delaware.
Ryder Dedicated Capacity, Inc.	Tennessee.
Ryder Dedicated Logistics, Inc.	Delaware.
Ryder Driver Leasing, Inc.	Florida.
Ryder Energy Distribution Corporation.	Florida.
Ryder Equity, Inc	Nevada.
Ryder Finance, Inc	Florida.
Ryder Freight Broker, Inc.	Virginia.
Ryder Move Management, Inc.	Oregon.
Ryder Realty, Inc	Delaware.
Ryder Relocation Services, Inc.	Florida.
Ryder Services Corporation.	Florida.
Ryder St. Louis Redevelopment Corporation.	Missouri.
Ryder Student Assistance Fund, Inc.	Rhode Island.
Ryder Student Transportation Services, Inc.	Florida.
Ryder Support, Inc	Florida.
Ryder Truck Rental, Inc	Florida.
Ryder Truck Rental-One Way, Inc.	Delaware.
Ryder Truckstops, Inc	Florida.
South Florida Mortgage Group, Inc.	Florida.
Southwestern Virginia Transit Management Co., Inc.	Virginia.
Summit Industries, Inc	Delaware.
Terminal Service Co	Washington.
Transit Contractors, Inc	California.
Transit Management Company of Laredo.	Texas.
Transit Management of Alexandria, Inc.	Virginia.
Transit Management of Charlotte, Inc.	North Carolina.
Transit Management of Connecticut, Inc.	Connecticut.
Transit Management of Danville, Inc.	Illinois.
Transit Management of Decatur, Inc.	Illinois.
Transit Management of Durham, Inc.	North Carolina.
Transit Management of Great Falls, Inc.	Montana.
Transit Management of Hamilton, Inc.	Ohio.
Transit Management of Jamestown, Inc.	New York.
Transit Management of Monroe County, Inc.	Michigan.
Transit Management of St. Joseph, Inc.	Missouri.
Transit Management of Spartanburg, Inc.	South Carolina.
Transit Management of Tucson, Inc.	Arizona.
Transit Management of Washoe, Inc.	Nevada.
Transit Management of Waukesha, Inc.	Wisconsin.
Transport Support, Inc.	Delaware.
Transportation Management of Tennessee, Inc.	Tennessee.
Westside Corporate Center, Inc.	Florida.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–4522 Filed 2–25–93; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 32247]

Fox River Valley Railroad Corp., Trackage Rights Exemption

Chicago and North Western Transportation Company (C&NW) has agreed to grant overhead trackage rights to Fox River Valley Railroad Corporation (FRVR) over 1.7-mile rail line between milepost 4.00 at Duck Creek, WI, and milepost 5.70 at Howard, WI. FRVR will use these trackage rights to reach the outer limits of the Industrial Park, at Howard, WI,[1] to serve the interests of its customer, GenCorp, located at the Village of Howard Industrial Park, in Howard, WI. The trackage rights became effective February 11, 1993.[2]

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Charles A. Spitulnik and Alicia M. Serfaty, Hopkins & Sutter, 888 Sixteenth Street, NW., suite 700, Washington, DC 20006.

[1] FRVR has access to the Industrial Park by virtue of its status as successor in interest to a Construction Agreement between C&NW and the Escanaba & Lake Superior Railroad dated November 27, 1985, which provided for joint access to the Industrial Park.

[2] To qualify for an exemption under 49 CFR 1180.2(d), a railroad must file a verified notice of the transaction with the Commission at least a week before the transaction is consummated. See 49 CFR 1180.4(g). In this proceeding, the parties filed their verified notice of exemption on January 4, 1993, and indicated that the transaction had been consummated on December 18, 1992. However, counsel for the parties has clarified that December 18, 1993, was the date the parties executed their agreement, not the consummation date. According to counsel, the parties did not consummate the transaction prior to the effective date.

As a condition to the use of this exemption, any employees affected by the trackage rights will be protected pursuant to Norfolk and Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980).

Decided: February 19, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–4523 Filed 2–25–93; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 32246]

Genesee & Wyoming Industries, Inc. Continuance in Control Exemption

Genesee & Wyoming Industries, Inc. (GWI), a noncarrier, has filed a notice of exemption to continue in control of Willamette & Pacific Railroad, Inc. (W&P) upon the latter's becoming a carrier. W&P, a noncarrier, has concurrently filed a notice of exemption in Finance Docket No. 32245, *Willamette & Pacific Railroad, Inc.—Lease and Operation Exemption—Southern Pacific Transportation Company* for W&P: (1) To lease and operate approximately 183.82 miles of rail line owned by Southern Pacific Transportation Company (SPT) in the State of Oregon; and (2) to acquire incidental overhead trackage rights over a 41.2-miles SPT line in the State of Oregon. W&P expected that transaction to be consummated on or about February 15, 1993.

GWI also controls six class III rail carriers that operate in the States of New York, Louisiana, and Pennsylvania: (1) Genesee & Wyoming Railroad Company; (2) Dansville and Mount Morris Railroad Company; (3) Rochester & Southern Railroad, Inc.; (4) Louisiana & Delta Railroad, Inc.; (5) Buffalo and Pittsburgh Railroad, Inc.; and (6) Allegheny & Eastern Railroad, Inc. GWI indicates that: (1) W&P and the other railroads will not connect with each other; (2) the continuance in control is not a part of a series of anticipated transactions that would connect W&P with any of the other railroads in GWI's corporate family; and (3) the transaction does not involve a class I carrier. The transaction therefore is exempt from the prior approval requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in New York Dock

Ry.—Control—Brooklyn Eastern Dist., 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: William P. Quinn, Rubin Quinn Moss and Patterson, P.C., 1800 Penn Mutual Tower, 510 Walnut St., Philadelphia, PA 19106.

Decided: February 19, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–4524 Filed 2–25–93; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–3 (Sub-No. 103)]

Missouri Pacific Railroad Co.—Abandonment—In Douglas, Champaign and Vermilion Counties, IL. (Westville and Jamaica Branches); Notice of Findings

The Commission has found that the public convenience and necessity permit Missouri Pacific Railroad Company to abandon 9.2 miles of rail line between Villa Grove (milepost 164.20) and Broadlands (milepost 155.00) in Douglas and Champaign Counties, IL.

A certificate will be issued authorizing abandonment unless by March 15, 1993, the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served on the applicant no later than March 8, 1993. The following notation must be typed in boldface on the lower left-hand corner of the envelope containing the offer: "Section of Legal Counsel, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

This notice supersedes the previous notice issued in this proceeding and published at 57 FR 58027 (Dec. 8, 1992) with respect to the Villa Grove-Broadlands segment.

Decided: February 22, 1993.

By the Commission, Chairman McDonald, Chairman Simmons, Commissioners Phillips, Philbin, and Walden. Chairman McDonald voted to deny abandonment authority over the Villa Grove-Broadlands segment. Vice Chairman Simmons dissented with a separate expression.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–4588 Filed 2–25–93; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 32133]

Union Pacific Corporation, Union Pacific Railroad Co. and Missouri Pacific Railroad Co.—Control—Chicago and North Western Holdings Corp. and Chicago and North Western Transportation Co.; Notice of Findings

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Decision No. 5.

SUMMARY: The Commission is accepting for consideration the application filed January 29, 1993, the Union Pacific Corporation (UPC), Union Pacific Railroad Company (UPRR), Missouri Pacific Railroad Company (MPRR),[1] Chicago and North Western Holdings Corp. (Holdings) and Chicago and North Western Transportation Company (CNW) (collectively applicants) seeking Commission approval and authorization under 49 U.S.C. 11343–45 for the common control of UP and CNW.

DATES: Written comments must be filed with the Commission no later than April 14, 1993, and second lists of protective conditions must be filed by May 14, 1993. Responsive applications must be filed no later than June 1, 1993. For further information, see the attached procedural schedule.[2]

ADDRESSES: Unless otherwise indicated, an original and 20 copies of all documents must be sent to: Interstate Commerce Commission, Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 3213, Washington, DC 20423.

Two copies of all pleadings in this proceeding must be sent to: Interstate Commerce Commission, room 2118, Office of Proceedings, Washington, DC 20423.

In addition, one copy of all documents in this proceeding must be sent to each of applicants' representatives:

Fritz R. Kahn, Verner, Liipfert, Bernhard, McPherson and Hand, suite 700, 901 Fifteenth Street NW., Washington, DC 20005.

Arvid E. Roach II, Covington & Burling, 1201 Pennsylvania Avenue NW., P.O. Box 7566, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, (202) 927–5610; Marc Lerner, (202) 927–6289; or Thomas Shick, (202) 927–5257 [TDD for hearing impaired: (202) 927–5721].

SUPPLEMENTARY INFORMATION: On January 29, 1993, pursuant to 49 U.S.C. 11343–45 and our rules at 49 CFR 1180.4, applicants filed this application for approval of the common control of UP and CNW. We are accepting for consideration the control application filed in this proceeding.

Upon the effectiveness of a final order of the Commission authorizing control, UP Rail, Inc. (UP Rail), a wholly-owned subsidiary of UPC, proposes to convert its nonvoting common stock in Holdings (now approximately 29.5 percent)[3] into voting common stock and to vote that stock on any appropriate occasions thereafter. Applicants seek control authority to ensure that this stock can be converted and voted because, even if this step itself would not result in the common control of UP and CNW, subsequent transactions in Holdings stock by third parties could cause UP to fall passively into a control situation in the future. UPC also wishes to be free to increase its stock ownership (directly or otherwise) in Holdings. Moreover, implementation of marketing and operating coordinations between UP and CNW to achieve efficiency savings and service improvements that might otherwise be discouraged by concerns over triggering unauthorized control could then occur. And, although UPC has no present plans to do so, it wishes to be free to acquire (directly or thorough UP Rail or other subsidiaries) majority, or even 100 percent, ownership of Holdings if market conditions and business considerations warrant. According to applicants, the application demonstrates that such ownership, and the full integration of UP and CNW, would clearly be in the public interest.

UPRR operates approximately 6,000 miles of main line and approximately 3,000 miles of branch line in the western United States. The main lines stretch from the Pacific Coast ports and terminals of Seattle, Portland, Oakland and Los Angeles to Missouri River gateways including Kansas City and Omaha/Council Bluffs. Routes over main lines extend from the Pacific

[1] UPRR and MPRR will subsequently be referred to collectively as "UP."

[2] The Commission adopted this schedule previously in its Decision No. 4 in this proceeding, served January 28, 1993.

[3] Blackstone Capital Partners L.P. owns 28.8 percent; Donaldson, Luffkin & Jenrette Capital Corporation owns 5.1 percent; CNW management owns 4.2 percent; and public stockhoders own the remainder.

Northwest through Washington, Oregon, Idaho and Utah to Ogden and Salt Lake City, from Northern California through Nevada and Utah to Ogden and Salt Lake City, and from Southern California through Nevada and Utah to Ogden and Salt Lake City. UPRR's double-track main line connects Omaha/Council Bluffs at the east with Ogden and Salt Lake City at the west and runs through Nebraska, Colorado, Wyoming and Utah.

MPRR operates approximately 8,000 miles of main line and 2,000 miles of branch line in the midwestern and southwestern United States. While UPRR's lines basically form east-west routes, MPRR's lines basically form east-west routes, MPRR's lines principally form north-south routes. MPRR's lines connect the major Midwest gateways of Chicago, Omaha, St. Louis, Memphis and Kansas City with the principal ports and the terminals of New Orleans and Lake Charles, LA, and Galveston, Houston, Beaumont, Corpus Christi, Brownsville and Laredo, TX. MPRR also serves important interior Texas points including Dallas, Forth Worth, San Antonio, Austin, Midland/Odessa and El Paso. Its lines extend into the grain producing regions of Kansas and Nebraska and as far west as Pueblo, CO.

CNW operates approximately 2,500 miles of main line and 3,100 miles of branch line in the upper midwestern United States. CNW's east-west main line between Chicago and Fremont/Omaha/Council Bluffs connects the UP system with the lines of various major eastern railroads. CNW's lines also run from Chicago to Milwaukee, and thence to Winona, WI and (via trackage rights over Wisconsin Central Ltd.) Duluth/Superior, and from Duluth/Superior to Minneapolis/St. Paul (via trackage rights over Burlington Northern Railroad Company) and thence to Des Moines and Kansas City. A CNW line extends from a point near Green Bay, WI, to Ishpeming and Escanaba, MI, while CNW's Milwaukee-to-St. Louis line passes through Chicago. CNW has a considerable network of branch lines in Iowa and southern Minnesota, and a line extending from northwestern Nebraska into South Dakota. Service was discontinued on CNW's line from Norfolk, NE, to Chadron, NE, in November 1992.

In addition, Western Railroad Properties, Incorporated, a wholly-owned subsidiary of CNW, transports low-sulphur coal in unit trains over a railroad approximately 200 miles in length, from the southern Powder River Basin in Wyoming to South Morrill, NE, where it interchanges with UP. These trains are principally destined for electric generating plants, the majority of which are located in the Southwest and Midwest. CNW also provides commuter service in the Chicago area under a purchase-of-services contract with Metropolitan Rail (METRA).

According to applicants, the consolidation of UP and CNW would be almost entirely an end-to-end transaction, which would create new single-line routes and increase, not reduce, competition. UP and CNW currently handle transcontinental traffic, via their interline connection at Fremont, NE. Other important joint-line routes involve north-south routes between the Upper Midwest and the South Central United States, as well as the handling of coal traffic originating in the Powder River Basin of Wyoming. UP and CNW both have physical connections between the four mid-continent gateway cities that they both serve (Chicago, St. Louis, Kansas City and Omaha/Council Bluffs). However, they add that a consolidation would not have any material parallel aspects and that UP and CNW provides exclusive rail service only at the point of Norfolk, NE.

According to applicants, no new security issuances or other material, or new financial arrangements are contemplated in connection with the conversion and voting of UP Rail's common stock in Holdings or the implementation of agreed-upon marketing and operating coordinations between UP and CNW. Should UPC purchase (directly or through UP Rail or other subsidiaries) additional Holdings common stock, such purchases would be made with available resources, financed through stock or borrowings. Applicants indicate that UPC has substantial additional borrowing capacity. Should a full acquisition of Holdings or CNW by UPC ever occur, such an acquisition might be carried out in a variety of ways, including a stock-for-stock exchange, a cash tender offer or an asset purchase.

For purposes of the pro forma financial statements depicting the effects of a full integration of the railroads, applicants have presented two alternatives: (a) A stock-for-stock exchange of UPC stock for Holdings stock on the basis of illustrative prices ($58.00 per share and $20.50 per share, respectively); and (b) purchases of Holdings common stock at $20.50 per share in cash, for a total cost of $638.4 million, funded through 10-year debt at a 7 percent interest rate. According to applicants, a stock-for-stock exchange would have no effect on UPC's fixed charges. Borrowings in connection with the purchase of Holdings' stock for cash would add some $89.8 million to UPC's fixed charges in each of the 10 years of the debt amortization period that has been assumed. Applicants believe that UPC could readily absorb these additional fixed charges. The per-share prices used in these calculations are, for Holdings, the price used in its 1992 stock offering and, for UPC, a recent share price.[4]

Applicants add that, subsequent to the approval of common control, should UPC or any affiliate acquire additional stock of Holdings (other than through purchases on the open market or arm's-length transactions with other principal owners) or enter into any other control-related transaction involving the acquisition or modification of securities of Holdings or CNW, it will request a finding from the Commission regarding the fairness of the terms of such transaction in accordance with *Schwabacher* v. *United States*, 334 U.S. 192 (1948), or a declaratory order that no such finding is required.

As noted, the application was filed under 49 U.S.C. 11343 *et seq.* and 49 CFR part 1180. We are accepting the application for consideration because it complies with the applicable regulations, waivers, and requirements. We reserve the right, however, to require the filing of supplemental information from applicants or any other party or individual, as necessary to complete the record in this matter.

In our Decision No. 4, served January 28, 1993, we adopted an expedited procedural schedule and we have attached it here to give notice to all interested persons. All of the filing deadlines are in accordance with the governing regulations as modified by the expedited procedural schedule. We advise applicants and all other parties to this proceeding that, particularly because of the accelerated schedule we have adopted, they must strictly comply with all requirements. If questions arise concerning an interpretation of a requirement, they may contact the Commission's Office of Proceedings at 202–927–5610 for assistance. See 49 CFR 1180.4(c)(6)(iii).

The application and accompanying exhibits are available for inspection in the Public Docket Room, room 1221, at the offices of the Interstate Commerce Commission in Washington, DC.

Any interested persons, including government parties, may participate in this proceeding by submitting written comments regarding the application.

[4] Applicants state that these prices are for illustrative purposes only and are not meant to indicate the present or future value of Holdings or UPC.

VOL
58
ISS
37
FE
26
1993
UMI

Comments must be filed no later than April 14, 1993. An original and 20 copies must be filed with the Secretary, Interstate Commerce Commission, Washington, DC 20423. Two additional copies of all pleadings in this proceeding must be filed directly with the Office of Proceedings, room 2118, Interstate Commerce Commission, Washington, DC 20423.

Written comments must be concurrently served by first class mail on the United States Secretary of Transportation (DOT), the Attorney General of the United States, Antitrust Division, (DOJ), and applicants' representatives. Written comments must also be served upon all parties of record within 10 days of service of the service list by the Commission. We plan to issue the service list shortly after comments have been received. Any person who files timely written comments shall be considered a party of record if they so indicate in their comments. In this event, no petition for leave to intervene need be filed. Written comments shall include:

1. The docket number and title of the proceeding;

2. The name, address, and telephone number of the commenting party and its representative upon whom service shall be made;

3. The commenting party's position, *i.e.*, whether it supports or opposes the proposed transaction;

4. A statement on whether the commenting party intends to participate formally in the proceeding or merely comment upon the proposal;

5. A list of all information sought to be discovered from applicant carriers;

6. An initial list of specific protective conditions sought;

7. An analysis of the issues the Commission must consider in this proceeding. Particular attention should be given to our general policy statement for the merger or control of at least two class I railroads, 49 CFR 1180.1, the statutory criteria, and antitrust policy.

Because we have determined that this proceeding constitutes a major transaction within the meaning of our rail consolidation rules, 49 CFR part 1180, railroads filing written comments must also submit at that time a statement of whether the commenting railroad intends to file inconsistent applications, petitions for inclusion, trackage rights, or any other affirmative relief requiring an application to be filed with the Commission and a general statement of what that application is expected to include. THIS WILL BE CONSIDERED A PREFILING NOTICE WITHOUT WHICH THE COMMISSION WILL NOT ENTERTAIN APPLICATIONS FOR THIS TYPE OF RELIEF.

Comments from the Secretary of Transportation and Attorney General must be filed by April 29, 1993. Parties seeking to modify any protective conditions specified in their initial comments must file a second list of protective conditions no later than May 14, 1993. Parties shall not be permitted to seek any protective conditions other than those requested in their final list.

Parties seeking to file responsive applications must do so no later than June 1, 1993. Responsive applications include inconsistent applications, petitions for inclusion, or any other affirmative relief that requires an application to be filed with the Commission (such as trackage rights, purchase, purchase of a portion, acquisition, extension, construction, operation, pooling, terminal operations, abandonment, etc.). Parties should contact Marc Lerner (202) 927–6289 to obtain docket numbers for their responsive applications.

Petitions for waiver or clarification by responsive applicants shall be filed no later than April 14, 1993. Each responsive application filed and accepted will be consolidated with the primary application in this proceeding.

Discovery may begin immediately. The Commission will not tolerate dilatory tactics in response to discovery requests designed to elicit relevant evidence. A refusal voluntarily to supply information will be treated as an objection to the request for discovery. Responses must be served upon all parties of record, and five copies of those responses must be concurrently filed with the Commission.

We plan to conclude the evidentiary phase of this proceeding by January 11, 1994.[5] The initial decision will be waived, and the determination of the merits of the application(s) will be made in the first instance by the entire Commission under 49 U.S.C. 11345.

Any traffic studies and data submitted in opposition to the primary application must use calendar year 1991 data and, where relevant, use depreciation accounting, in order to be comparable with the evidence submitted by applicants. Evidence supporting protestants' responsive applications must use 1991 as the base year, and the depreciation accounting system and applicants' evidence in opposition to the responsive applications must use 1991 and depreciation accounting.

We advise protestants that, if they seek to have the primary application denied, or seek conditions if approved, because they contend their ability to provide essential service and/or competition will be harmed, they must present substantial evidence in support of their positions. See *Lamoille Valley R.R. Co.* v. *ICC*, 711 F.2d 295 (D.C. Cir. 1983).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The application in Finance Docket No. 32133 is accepted for consideration.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on February 26, 1993.

Decided: February 22, 1993.

By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips, Philbin, and Walden.

Sidney L. Strickland, Jr.,

Secretary.

Procedural Schedule

January 29, 1993—Primary application filed.
February 26, 1993—Commission notice of acceptance of primary application published.
April 14, 1993—Comments on primary application (except DOJ, DOT) due.
April 29, 1993—DOJ, DOT comments on primary application due.
May 14, 1993—Second lists of protective conditions due.
June 1, 1993—Responsive applications due; opposition to primary application due.
July 1, 1993—Commission notice of acceptance of responsive applications published.
August 30, 1993—Government parties' evidence due; opposition to responsive applications due; rebuttal in support of primary application due.
September 29, 1993—Responses to government parties' evidence due; rebuttal in support of responsive applications due.
October 20–26, 1993—Hearing on all evidence; witnesses to be cross-examined only to the extent specific need is shown in order to resolve material issues of disputed fact (see note below).
November 15, 1993—Opening briefs due.
December 6, 1993—Reply briefs due.
January 11, 1994—Oral argument.
March 30, 1994—Final decision.

Notes: Immediately upon each evidentiary filing, the filing party shall

[5] Under the procedural schedule we have adopted, the end of the evidentiary phase will be the day of oral argument. Technically, under our schedule, that day would fall on Sunday, January 9, 1994; however, we will tentatively schedule oral argument for the following Tuesday instead.

place all documents relevant to the filing (other than documents that are privileged or otherwise protected from discovery) in a depository open to all parties, and shall make its witnesses available for discovery depositions. Access to documents subject to protective order shall be appropriately restricted. Parties seeking discovery depositions may proceed by agreement. Relevant excerpts of transcripts will be received in lieu of cross-examination at the hearing, unless cross-examination is needed to resolve material issues of disputed fact. Discovery on responsive applications shall begin immediately upon their filing.

The Administrative Law Judge to whom this matter is assigned shall have the authority: (1) To revise the schedule as may appear necessary; and (2) initially to resolve any discovery disputes. The Commission itself shall also have the authority to make schedule modifications.

[FR Doc. 93–4587 Filed 2–25–93; 8:45 am]
BILLING CODE 7035–01–M

[Finance Docket No. 32245]

Willamette & Pacific Railroad, Inc., Lease and Operation Exemption

Willamette & Pacific Railroad, Inc. (W&P), a noncarrier, has filed a notice of exemption: (1) To lease and operate approximately 183.82 miles of rail lines owned by the Southern Pacific Transportation Company (SPT) in the State of Oregon; and (2) to acquire incidental overhead trackage rights over a 41.2-mile SPT line in the State of Oregon. W&P will become a class III rail carrier. Parties expected to consummate the transaction on or after February 15, 1993.

The lines involved in the lease transaction consist of: (1) The Toledo Branch between from milepost 691.61 near Albany and milepost 766.70 at the end of the track, near Toledo; (2) that portion of the Newberg Branch between milepost 738.00 near St. Joseph and milepost 749.67 near Newberg; (3) that portion of the West Side Branch between milepost 738.00 near St. Joseph and milepost 671.58 at the end of the track, near Monroe; (4) the Dallas Branch between milepost 729.01 near Gerlinger and milepost 733.80 at the end of the track, near Dallas; (5) the Willamina Branch between milepost 730.46 near Whiteson and milepost 749.46 at the end of the track, near Willamina; and (6) the Bailey Branch between milepost 673.21 near Alpine Junction and milepost 680.06 near Dawson.

The incidental overhead trackage rights that W&P will acquire as part of the transaction will be over SPT's line between milepost 690.9 near Albany and milepost 649.7 near Eugene Yard, a distance of 41.2 miles. The trackage rights will enable W&P to interchange traffic with SPT at Eugene Yard.

This proceeding is related to Finance Docket No. 32246, *Genesee & Wyoming Industries, Inc.—Continuance in Control Exemption—Willamette & Pacific Railroad, Inc.*, wherein Genesee & Wyoming Industries, Inc., parent company of W&P, has concurrently filed a notice of exemption for its continuance in control of W&P when W&P becomes a rail carrier upon consummation of the transaction described in this notice.

Any comments must be filed with the Commission and served on: William P. Quinn, Rubin Quinn Moss & Patterson, P.C., 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, PA 19106.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) will be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: February 19, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–4525 Filed 2–25–93; 8:45 am]
BILLING CODE 7035–01–M

JUDICIAL CONFERENCE OF THE UNITED STATES

Judicial Conference Advisory Committee on Rules of Bankruptcy Procedure; Hearing

AGENCY: Judicial Conference of the United States Advisory Committee on Rules of Bankruptcy Procedure.

ACTION: Notice of open hearing.

SUMMARY: The Advisory Committee on Rules of Bankruptcy Procedure has proposed amendments to Bankruptcy Rules 8002 and 8006. The Judicial Conference Committee on Rules of Practice and Procedure submits these rules for public comment. All comments and suggestions with respect to them must be placed in the hands of the Secretary as soon as convenient and, in any event, no later than April 15, 1993.

A hearing on the proposed amendments will be held by the Advisory Committee on Rules of Bankruptcy Procedure on April 2, 1993, in Washington, DC, at the Federal Judiciary Building, One Columbus Circle, NE., in the Education Center, room C–415. The hearing will start at 10 a.m.

Anyone interested in testifying should write to Mr. Peter G. McCabe, Secretary, Committee on Rules of Practice and Procedure, Administrative Office of the United States Courts, Washington, DC 20544, at least 30 days before the hearing. For additional information contact John K. Rabiej, Chief, Rules Committee Support Office, at (202) 273–1820.

Dated: February 4, 1993.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 93–4512 Filed 2–25–93; 8:45 am]
BILLING CODE 2210–01–M

Judicial Conference Advisory Committee on Rules of Criminal Procedure; Hearings and Meeting

AGENCY: Judicial Conference of the United States Advisory Committee on Rules of Criminal Procedure.

ACTION: Notice of Open Hearings and Meeting.

SUMMARY: The Advisory Committee on Rules of Criminal Procedure has proposed amendments to Criminal Rules 16, 29, 32, and 40. The Judicial Conference Committee on Rules of Practice and Procedure submits these rules for public comment. We request that all comments and suggestions be placed in the hands of the Secretary as soon as convenient and, in any event, no later than April 15, 1993.

In order that persons and organizations wishing to do so may comment orally on the proposed amendments, hearings will be held by the Advisory Committee on Rules of Criminal Procedure on March 29, 1993, in San Francisco, California, at the United States Courthouse, 450 Golden Gate Avenue, 17th Floor, Courtroom One; and on May 6, 1993, in Washington, DC, at the United States Courthouse, 3rd and Constitution, NW., Ceremonial Courtroom, Courtroom 20. Each hearing will start at 9 a.m.

Anyone interested in testifying should write to Mr. Peter G. McCabe, Secretary, Committee on Rules of Practice and Procedure, Administrative Office of the United States Courts, Washington, DC 20544, at least 21 days before the hearing.

Also, a two-day meeting of the Advisory Committee on Rules of Criminal Procedure will be held on April 22–23, 1993, in Washington, DC, at the Federal Judiciary Building, One

Columbus Circle, NE., in the Fourth Floor Agency Conference Room. The meeting will be open to public observation but not participation and will begin each day at 9 a.m.

For additional information contact John Rabiej, Chief, Rules Committee Support Office, at (202) 273–1820.

Dated: February 9, 1993.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 93–4510 Filed 2–25–93; 8:45 am]

BILLING CODE 2210–01–M

Judicial Conference Advisory Committee on Rules of Evidence; Hearings and Meetings

AGENCY: Judicial Conference of the United States Advisory Committee on Rules of Evidence.

ACTION: Notice of open hearings and meetings.

SUMMARY: The Judicial Conference Committee on Rules of Practice and Procedure submits an amendment to Evidence Rule 412 for public comment. We request that all comments and suggestions be placed in the hands of the Secretary as soon as convenient and, in any event, no later than April 15, 1993.

In order that persons and organizations wishing to do so may comment orally on the proposed amendment, hearings will be held by the Advisory Committee on Rules of Evidence on March 29, 1993, in San Francisco, California, at the United States Courthouse, 450 Golden Gate Avenue, 17th Floor, Courtroom One; and on May 6, 1993, in Washington, DC, at the United States Courthouse, 3rd and Constitution, NW., Ceremonial Courtroom, Courtroom 20. Each hearing will start at 9 a.m.

Anyone interested in testifying should write to Mr. Peter G. McCabe, Secretary, Committee on Rules of Practice and Procedure, Administrative Office of the United States Courts, Washington, DC 20544, at least 21 days before the hearing.

Also, a one-day meeting of the Advisory Committee on Rules of Evidence will be held on March 30, 1993, in San Francisco, California, at the San Francisco Marriott, 55 Fourth Street; and a one-day meeting will be held on May 7, 1993, in Washington, DC, at the Federal Judiciary Building, One Columbus Circle, NE., in the Fourth Floor Agency Conference Room. The meetings will be open to public observation but not participation and will begin each day at 9 a.m.

For additional information contact John Rabiej, Chief, Rules Committee Support Office, at (202) 273–1820.

Dated: February 9, 1993.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 93–4511 Filed 2–25–93; 8:45 am]

BILLING CODE 2210–01–M

Judicial Conference Committee on Rules of Practice and Procedure; Meeting

AGENCY: Judicial Conference of the United States Committee on Rules of Practice and Procedure.

ACTION: Notice of open meeting.

SUMMARY: The Committee on Rules of Practice and Procedure will hold a three-day meeting. The meeting will be open to public observation but not participation and will commence each day at 8:30 a.m.

DATES: June 17–19, 1993.

ADDRESSES: Administrative Office of the U.S. Court, Federal Judiciary Building, Fourth Floor Agency Conference Room, One Columbus Circle, NE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 273–1820.

Dated: February 4, 1993.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 93–4514 Filed 2–25–93; 8:45 am]

BILLING CODE 2210–01–M

Judicial Conference Advisory Committee on Rules of Civil Procedure; Meeting

AGENCY: Judicial Conference of the United States Advisory Committee Rules of Civil Procedure.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Civil Procedure will hold a two-day meeting. The meeting will be open to public observation but not participation and will commence each day at 8:30 a.m.

DATES: May 3–4, 1993.

ADDRESSES: Administrative Office of the U.S. Courts, Federal Judiciary Building, Fourth Floor Agency Conference Room, One Columbus Circle, NE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 273–1820.

Dated: February 4, 1993.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 93–4513 Filed 2–25–93; 8:45 am]

BILLING CODE 2210–01–M

DEPARTMENT OF JUSTICE

Bureau of Prisons

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Construction of a Federal Detention Center in Oahu Island, Hawaii

AGENCY: U.S. Department of Justice; Federal Bureau of Prisons.

ACTION: Notice of intent to prepare a draft Environmental Impact Statement (DEIS).

SUMMARY: 1. Proposed Action: The United States Department of Justice, Federal Bureau of Prisons has determined that a new Federal Detention Center (FDC) is needed to provide Federal detention capacity in Oahu Island, Hawaii.

The sites under consideration include the following:

(A) Manana Housing Area Site
(B) Halawa Industrial Park Property
(C) Airport Industrial Park Property
(D) Kalihi District Site
(E) Campbell Industrial Park Property

The Federal Bureau of Prisons proposes to construct a 500 unit detention facility for individuals who are awaiting trial, sentencing, or having other business before the United States District Court. As such, the facility is considered an extension of the Federal judiciary and law enforcement activity.

The sites under consideration are of sufficient size to provide space for detainee housing, programs, services and support areas, as well as administration, staff training and parking.

2. The Process: In the process of evaluating the five sites, several aspects will receive detailed examination including: utilities, traffic patterns, noise levels, visual intrusion, threatened and endangered species, cultural resources and socio-economic impacts.

3. Alternatives: In developing the DEIS, the options of no action and alternative sites for the proposed facility will be fully and thoroughly examined.

4. Scoping Process: During the preparation of the DEIS, there will be numerous opportunities for public involvement. A public Scoping Meeting

will be held at a time and location convenient to the citizens of Oahu. The meeting will be well-publicized and will be held at a time which will make it possible for the public and interested agencies or organizations to attend. In addition, a number of informal meetings will be conducted by representatives of the Bureau of Prisons with interested citizens, officials and community leaders.

5. DEIS Preparation: Public notice will be given concerning the availability of the DEIS for public review and comment.

6. Address: Questions concerning the proposed action and the DEIS can be answered by: Kevin McMahon, Senior Site Selection Specialist, Site Selection and Environmental Review Branch, Federal Bureau of Prisons, 320 First Street, Northwest, Washington, DC 20534, (202) 514–8697.

Dated: February 18, 1993.

Patricia K. Sledge,

Chief, Site Selection and Environmental Review Branch, Department of Justice.

[FR Doc. 93–4465 Filed 2–25–93; 8:45 am]

BILLING CODE 4410–05–M

DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modification issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue NW., room S–3014, Washington, DC 20210.

Supersedeas Decisions to General Wage Determination Decision

The number of the decisions being superseded and their date of notice in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the number of decisions being superseded.

Volume I

Alabama:
- AL91–1 (Feb. 22, 1991) p. All. (AL93–1).
- AL91–2 (Feb. 22, 1991) p. All. (AL93–2).
- AL91–3 (Feb. 22, 1991) p. All. (AL93–3).
- AL91–4 (Feb. 22, 1991) p. All. (AL93–4).
- AL91–5 (Feb. 22, 1991) p. All. (AL93–5).
- AL91–6 (Feb. 22, 1991) p. All. (AL93–6).
- AL91–7 (Feb. 22, 1991) p. All. (AL93–7).
- AL91–8 (Feb. 22, 1991) p. All. (AL93–8).
- AL91–9 (Feb. 22, 1991) p. All. (AL93–9).
- AL91–10 (Feb. 22, 1991) p. All. (AL93–10).
- AL91–11 (Feb. 22, 1991) p. All. (AL93–11).
- AL91–12 (Feb. 22, 1991) p. All. (AL93–12).
- AL91–13 (Feb. 22, 1991) p. All. (AL93–13).
- AL91–14 (Feb. 22, 1991) p. All. (AL93–14).
- AL91–15 (Feb. 22, 1991) p. All. (AL93–15).
- AL91–16 (Feb. 22, 1991) p. All. (AL93–16).
- AL91–18 (Feb. 22, 1991) p. All. (AL93–18).
- AL91–19 (Feb. 22, 1991) p. All. (AL93–19).
- AL91–20 (Feb. 22, 1991) p. All. (AL93–20).
- AL91–21 (Feb. 22, 1991) p. All. (AL93–21).
- AL91–22 (Feb. 22, 1991) p. All. (AL93–22).
- AL91–23 (Feb. 22, 1991) p. All. (AL93–23).
- AL91–24 (Feb. 22, 1991) p. All. (AL93–24).
- AL91–25 (Feb. 22, 1991) p. All. (AL93–25).
- AL91–26 (Feb. 22, 1991) p. All. (AL93–26).
- AL91–27 (Feb. 22, 1991) p. All. (AL93–27).
- AL91–28 (Feb. 22, 1991) p. All. (AL93–28).
- AL91–29 (Feb. 22, 1991) p. All. (AL93–29).
- AL91–30 (Feb. 22, 1991) p. All. (AL93–30).
- AL91–31 (Feb. 22, 1991) p. All. (AL93–31).
- AL91–32 (Feb. 22, 1991) p. All. (AL93–32).
- AL91–33 (Feb. 22, 1991) p. All. (AL93–33).

Connecticut:
- CT91–1 (Feb. 22, 1991) p. All. (CT93–1).
- CT91–2 (Feb. 22, 1991) p. All (CT93–2).

CT91-3 (Feb. 22, 1991) p. All. (CT93-3).
CT91-4 (Feb. 22, 1991) p. All. (CT93-4).
CT91-5 (Feb. 22, 1991) p. All. (CT93-5).
CT91-6 (Feb. 22, 1991) p. All. (CT93-6).

District of Col:

DC91-1 (Feb. 22, 1991) p. All. (DC93-1).
DC91-2 (Feb. 22, 1991) p. All. (DC93-2).

Delaware:

DE91-1 (Feb. 22, 1991) p. All. (DE93-1).
DE91-2 (Feb. 22, 1991) p. All. (DE93-2).
DE91-3 (Feb. 22, 1991) p. All. (DE93-3).
DE91-4 (Feb. 22, 1991) p. All. (DE93-4).
DE91-5 (Feb. 22, 1991) p. All. (DE93-5).
DE91-6 (Feb. 22, 1991) p. All. (DE93-6).

Florida:

FL91-1 (Feb. 22, 1991) (FL93-1). p. All.
FL91-3 (Feb. 22, 1991) (FL93-3). p. All.
FL91-4 (Feb. 22, 1991) (FL93-4). p. All.
FL91-5 (Feb. 22, 1991) (FL93-5). p. All.
FL91-6 (Feb. 22, 1991) (FL93-6). p. All.
FL91-7 (Feb. 22, 1991) (FL93-7). p. All.
FL91-8 (Feb. 22, 1991) (FL93-8). p. All.
FL91-9 (Feb. 22, 1991) (FL93-9). p. All.
FL91-10 (Feb. 22, 1991) p. All. (FL93-10).
FL91-11 (Feb. 22, 1991) p. All. (FL93-11).
FL91-12 (Feb. 22, 1991) p. All. (FL93-12).
FL91-13 (Feb. 22, 1991) p. All. (FL93-13).
FL91-14 (Feb. 22, 1991) p. All. (FL93-14).
FL91-15 (Feb. 22, 1991) p. All. (FL93-15).
FL91-16 (Feb. 22, 1991) p. All. (FL93-16).
FL91-17 (Feb. 22, 1991) p. All. (FL93-17).
FL91-18 (Feb. 22, 1991) p. All. (FL93-18).
FL91-19 (Feb. 22, 1991) p. All. (FL93-19).
FL91-20 (Feb. 22, 1991) p. All. (FL93-20).
FL91-21 (Feb. 22, 1991) p. All. (FL93-21).
FL91-22 (Feb. 22, 1991) p. All. (FL93-22).
FL91-23 (Feb. 22, 1991) p. All. (FL93-23).
FL91-24 (Feb. 22, 1991) p. All. (FL93-24).
FL91-25 (Feb. 22, 1991) p. All. (FL93-25).
FL91-26 (Feb. 22, 1991) p. All. (FL93-26).
FL91-27 (Feb. 22, 1991) p. All. (FL93-27).
FL91-28 (Feb. 22, 1991) p. All. (FL93-28).
FL91-29 (Feb. 22, 1991) p. All. (FL93-29).
FL91-30 (Feb. 22, 1991) p. All. (FL93-30).
FL91-31 (Feb. 22, 1991) p. All. (FL93-31).
FL91-32 (Feb. 22, 1991) p. All. (FL93-32).
FL91-33 (Feb. 22, 1991) p. All. (FL93-33).
FL91-34 (Feb. 22, 1991) p. All. (FL93-34).
FL91-35 (Feb. 22, 1991) p. All. (FL93-35).
FL91-36 (Feb. 22, 1991) p. All. (FL93-36).
FL91-37 (Feb. 22, 1991) p. All. (FL93-37).
FL91-38 (Feb. 22, 1991) p. All. (FL93-38).
FL91-39 (Feb. 22, 1991) p. All. (FL93-39).
FL91-40 (Feb. 22, 1991) p. All. (FL93-40).
FL91-41 (Feb. 22, 1991) p. All. (FL93-41).
FL91-42 (Feb. 22, 1991) p. All. (FL93-42).
FL91-43 (Feb. 22, 1991) p. All. (FL93-43).
FL91-44 (Feb. 22, 1991) p. All. (FL93-44).
FL91-45 (Feb. 22, 1991) p. All. (FL93-45).
FL91-46 (Feb. 22, 1991) p. All. (FL93-46).
FL91-47 (Feb. 22, 1991) p. All. (FL93-47).
FL91-48 (Feb. 22, 1991) p. All. (FL93-48).
FL91-49 (Feb. 22, 1991) p. All. (FL93-49).
FL91-50 (Feb. 22, 1991) p. All. (FL93-50).
FL91-51 (Feb. 22, 1991) p. All. (FL93-51).
FL91-52 (Feb. 22, 1991) p. All. (FL93-52).
FL91-53 (Feb. 22, 1991) p. All. (FL93-53).

Georgia:

GA91-1 (Feb. 22, 1991) p. All. (GA93-1).
GA91-2 (Feb. 22, 1991) p. All. (GA93-2).
GA91-3 (Feb. 22, 1991) p. All. (GA93-3).
GA91-4 (Feb. 22, 1991) p. All. (GA93-4).
GA91-5 (Feb. 22, 1991) p. All. (GA93-5).
GA91-6 (Feb. 22, 1991) p. All. (GA93-6).
GA91-7 (Feb. 22, 1991) p. All. (GA93-7).
GA91-8 (Feb. 22, 1991) p. All. (GA93-8).
GA91-9 (Feb. 22, 1991) p. All. (GA93-9).
GA91-10 (Feb. 22, 1991) p. All. (GA93-10).
GA91-11 (Feb. 22, 1991) p. All. (GA93-11).
GA91-12 (Feb. 22, 1991) p. All. (GA93-12).
GA91-13 (Feb. 22, 1991) p. All. (GA93-13).
GA91-14 (Feb. 22, 1991) p. All. (GA93-14).
GA91-15 (Feb. 22, 1991) p. All. (GA93-15).
GA91-16 (Feb. 22, 1991) p. All. (GA93-16).
GA91-17 (Feb. 22, 1991) p. All. (GA93-17).
GA91-18 (Feb. 22, 1991) p. All. (GA93-18).
GA91-19 (Feb. 22, 1991) p. All. (GA93-19).
GA91-20 (Feb. 22, 1991) p. All. (GA93-20).
GA91-21 (Feb. 22, 1991) p. All. (GA93-21).
GA91-22 (Feb. 22, 1991) p. All. (GA93-22).
GA91-23 (Feb. 22, 1991) p. All. (GA93-23).
GA91-24 (Feb. 22, 1991) p. All. (GA93-24).
GA91-25 (Feb. 22, 1991) p. All. (GA93-25).
GA91-26 (Feb. 22, 1991) p. All. (GA93-26).
GA91-27 (Feb. 22, 1991) p. All. (GA93-27).
GA91-28 (Feb. 22, 1991) p. All. (GA93-28).
GA91-29 (Feb. 22, 1991) p. All. (GA93-29).
GA91-30 (Feb. 22, 1991) p. All. (GA93-30).
GA91-31 (Feb. 22, 1991) p. All. (GA93-31).
GA91-32 (Feb. 22, 1991) p. All. (GA93-32).
GA91-33 (Feb. 22, 1991) p. All. (GA93-33).
GA91-34 (Feb. 22, 1991) p. All. (GA93-34).
GA91-35 (Feb. 22, 1991) p. All. (GA93-35).
GA91-36 (Feb. 22, 1991) p. All. (GA93-36).
GA91-37 (Feb. 22, 1991) p. All. (GA93-37).
GA91-38 (Feb. 22, 1991) p. All. (GA93-38).
GA91-39 (Feb. 22, 1991) p. All. (GA93-39).
GA91-40 (Feb. 22, 1991) p. All. (GA93-40).

Kentucky:

KY91-1 (Feb. 22, 1991) p. All. (KY93-1).
KY91-2 (Feb. 22, 1991) p. All. (KY93-2).
KY91-3 (Feb. 22, 1991) p. All. (KY93-3).
KY91-4 (Feb. 22, 1991) p. All. (KY93-4).
KY91-5 (Feb. 22, 1991) p. All. (KY93-5).
KY91-6 (Feb. 22, 1991) p. All. (KY93-6).

KY91-7 (Feb. 22, 1991) p. All. (KY93-7).
KY91-8 (Feb. 22, 1991) p. All. (KY93-8).
KY91-9 (Feb. 22, 1991) p. All. (KY93-9).
KY91-10 (Feb. 22, 1991) p. All. (KY93-10).
KY91-11 (Feb. 22, 1991) p. All. (KY93-11).
KY91-12 (Feb. 22, 1991) p. All. (KY93-12).
KY91-13 (Feb. 22, 1991) p. All. (KY93-13).
KY91-14 (Feb. 22, 1991) p. All. (KY93-14).
KY91-15 (Feb. 22, 1991) p. All. (KY93-15).
KY91-16 (Feb. 22, 1991) p. All. (KY93-16).
KY91-17 (Feb. 22, 1991) p. All. (KY93-17).
KY91-18 (Feb. 22, 1991) p. All. (KY93-18).
KY91-19 (Feb. 22, 1991) p. All. (KY93-19).
KY91-20 (Feb. 22, 1991) p. All. (KY93-20).
KY91-21 (Feb. 22, 1991) p. All. (KY93-21).
KY91-22 (Feb. 22, 1991) p. All. (KY93-22).
KY91-23 (Feb. 22, 1991) p. All. (KY93-23).
KY91-24 (Feb. 22, 1991) p. All. (KY93-24).
KY91-25 (Feb. 22, 1991) p. All. (KY93-25).
KY91-26 (Feb. 22, 1991) p. All. (KY93-26).
KY91-27 (Feb. 22, 1991) p. All. (KY93-27).
KY91-28 (Feb. 22, 1991) p. All. (KY93-28).
KY91-29 (Feb. 22, 1991) p. All. (KY93-29).
KY91-30 (Feb. 22, 1991) p. All. (KY93-30).
KY91-31 (Feb. 22, 1991) p. All. (KY93-31).
KY91-32 (Feb. 22, 1991) p. All. (KY93-32).
KY91-33 (Feb. 22, 1991) p. All. (KY93-33).
KY91-34 (Feb. 22, 1991) p. All. (KY93-34).
KY91-35 (Feb. 22, 1991) p. All. (KY93-35).
KY91-36 (Feb. 22, 1991) p. All. (KY93-36).

Massachusetts:

MA91-1 (Feb. 22, 1991) p. All. (MA93-1).
MA91-2 (Feb. 22, 1991) p. All. (MA93-2).
MA91-3 (Feb. 22, 1991) p. All. (MA93-3).
MA91-4 (Feb. 22, 1991) p. All. (MA93-4).
MA91-5 (Feb. 22, 1991) p. All. (MA93-5).
MA91-6 (Feb. 22, 1991) p. All. (MA93-6).
MA91-7 (Feb. 22, 1991) p. All. (MA93-7).
MA91-8 (Feb. 22, 1991) p. All. (MA93-8).
MA91-9 (Feb. 22, 1991) p. All. (MA93-9).
MA91-10 (Feb. 22, 1991) p. All. (MA93-10).

Maryland:

MD91-1 (Feb. 22, 1991) p. All. (MD93-1).
MD91-2 (Feb. 22, 1991) p. All. (MD93-2).
MD91-3 (Feb. 22, 1991) p. All. (MD93-3).
MD91-4 (Feb. 22, 1991) p. All. (MD93-4).
MD91-5 (Feb. 22, 1991) p. All. (MD93-5).
MD91-6 (Feb. 22, 1991) p. All. (MD93-6).
MD91-7 (Feb. 22, 1991) p. All. (MD93-7).
MD91-8 (Feb. 22, 1991) p. All. (MD93-8).
MD91-9 (Feb. 22, 1991) p. All. (MD93-9).
MD91-10 (Feb. 22, 1991) p. All. (MD93-10).
MD91-11 (Feb. 22, 1991) p. All. (MD93-11).
MD91-12 (Feb. 22, 1991) p. All. (MD93-12).
MD91-13 (Feb. 22, 1991) p. All. (MD93-13).
MD91-14 (Feb. 22, 1991) p. All. (MD93-14).
MD91-15 (Feb. 22, 1991) p. All. (MD93-15).
MD91-16 (Feb. 22, 1991) p. All. (MD93-16).
MD91-17 (Feb. 22, 1991) p. All. (MD93-17).
MD91-18 (Feb. 22, 1991) p. All. (MD93-18).
MD91-19 (Feb. 22, 1991) p. All. (MD93-19).
MD91-20 (Feb. 22, 1991) p. All. (MD93-20).
MD91-21 (Feb. 22, 1991) p. All. (MD93-21).
MD91-22 (Feb. 22, 1991) p. All. (MD93-22).
MD91-23 (Feb. 22, 1991) p. All. (MD93-23).
MD91-24 (Feb. 22, 1991) p. All. (MD93-24).
MD91-25 (Feb. 22, 1991) p. All. (MD93-25).
MD91-26 (Feb. 22, 1991) p. All. (MD93-26).
MD91-27 (Feb. 22, 1991) p. All. (MD93-27).
MD91-28 (Feb. 22, 1991) p. All. (MD93-28).
MD91-29 (Feb. 22, 1991) p. All. (MD93-29).
MD91-30 (Feb. 22, 1991) p. All. (MD93-30).
MD91-31 (Feb. 22, 1991) p. All. (MD93-31).
MD91-32 (Feb. 22, 1991) p. All. (MD93-32).
MD91-33 (Feb. 22, 1991) p. All. (MD93-33).
MD91-34 (Feb. 22, 1991) p. All. (MD93-34).
MD91-35 (Feb. 22, 1991) p. All. (MD93-35).
MD91-36 (Feb. 22, 1991) p. All. (MD93-36).
MD91-37 (Feb. 22, 1991) p. All. (MD93-37).

Maine:

ME91-1 (Feb. 22, 1991) p. All. (ME93-1).
ME91-2 (Feb. 22, 1991) p. All. (ME93-2).
ME91-3 (Feb. 22, 1991) p. All. (ME93-3).
ME91-4 (Feb. 22, 1991) p. All. (ME93-4).
ME91-5 (Feb. 22, 1991) p. All. (ME93-5).
ME91-6 (Feb. 22, 1991) p. All. (ME93-6).
ME91-7 (Feb. 22, 1991) p. All. (ME93-7).
ME91-8 (Feb. 22, 1991) p. All. (ME93-8).
ME91-9 (Feb. 22, 1991) p. All. (ME93-9).
ME91-10 (Feb. 22, 1991) p. All. (ME93-10).
ME91-11 (Feb. 22, 1991) p. All. (ME93-11).
ME91-12 (Feb. 22, 1991) p. All. (ME93-12).
ME91-13 (Feb. 22, 1991) p. All. (ME93-13).
ME91-14 (Feb. 22, 1991) p. All. (ME93-14).
ME91-15 (Feb. 22, 1991) p. All. (ME93-15).
ME91-16 (Feb. 22, 1991) p. All. (ME93-16).
ME91-17 (Feb. 22, 1991) p. All. (ME93-17).
ME91-18 (Feb. 22, 1991) p. All. (ME93-18).
ME91-19 (Feb. 22, 1991) p. All. (ME93-19).
ME91-20 (Feb. 22, 1991) p. All. (ME93-20).
ME91-21 (Feb. 22, 1991) p. All. (ME93-21).
ME91-22 (Feb. 22, 1991) p. All. (ME93-22).
ME91-23 (Feb. 22, 1991) p. All. (ME93-23).

Mississippi:

MS91-1 (Feb. 22, 1991) p. All. (MS93-1).
MS91-2 (Feb. 22, 1991) p. All. (MS93-2).
MS91-3 (Feb. 22, 1991) p. All. (MS93-3).
MS91-4 (Feb. 22, 1991) p. All. (MS93-4).
MS91-5 (Feb. 22, 1991) p. All. (MS93-5).
MS91-6 (Feb. 22, 1991) p. All. (MS93-6).
MS91-7 (Feb. 22, 1991) p. All. (MS93-7).
MS91-8 (Feb. 22, 1991) p. All. (MS93-8).
MS91-9 (Feb. 22, 1991) p. All. (MS93-9).
MS91-10 (Feb. 22, 1991) p. All. (MS93-10).
MS91-11 (Feb. 22, 1991) p. All. (MS93-11).

MS91-12 (Feb. 22, 1991) p. All. (MS93-12).
MS91-13 (Feb. 22, 1991) p. All. (MS93-13).
MS91-14 (Feb. 22, 1991) p. All. (MS93-14).
MS91-15 (Feb. 22, 1991) p. All. (MS93-15).
MS91-16 (Feb. 22, 1991) p. All. (MS93-16).
MS91-17 (Feb. 22, 1991) p. All. (MS93-17).
MS91-18 (Feb. 22, 1991) p. All. (MS93-18).
MS91-19 (Feb. 22, 1991) p. All. (MS93-19).
MS91-20 (Feb. 22, 1991) p. All. (MS93-20).
MS91-21 (Feb. 22, 1991) p. All. (MS93-21).
MS91-22 (Feb. 22, 1991) p. All. (MS93-22).
MS91-23 (Feb. 22, 1991) p. All. (MS93-23).
MS91-24 (Feb. 22, 1991) p. All. (MS93-24).
MS91-25 (Feb. 22, 1991) p. All. (MS93-25).
MS91-26 (Feb. 22, 1991) p. All. (MS93-26).
MS91-27 (Feb. 22, 1991) p. All. (MS93-27).
MS91-28 (Feb. 22, 1991) p. All. (MS93-28).
MS91-29 (Feb. 22, 1991) p. All. (MS93-29).
MS91-30 (Feb. 22, 1991) p. All. (MS93-30).
MS91-31 (Feb. 22, 1991) p. All. (MS93-31).
MS91-32 (Feb. 22, 1991) p. All. (MS93-32).
MS91-33 (Feb. 22, 1991) p. All. (MS93-33).
MS91-34 (Feb. 22, 1991) p. All. (MS93-34).
MS91-35 (Feb. 22, 1991) p. All. (MS93-35).
MS91-36 (Feb. 22, 1991) p. All. (MS93-36).
MS91-37 (Feb. 22, 1991) p. All. (MS93-37).
MS91-38 (Feb. 22, 1991) p. All. (MS93-38).
MS91-39 (Feb. 22, 1991) p. All. (MS93-39).
MS91-40 (Feb. 22, 1991) p. All. (MS93-40).
MS91-41 (Feb. 22, 1991) p. All. (MS93-41).
MS91-42 (Feb. 22, 1991) p. All. (MS93-42).
MS91-43 (Feb. 22, 1991) p. All. (MS93-43).
MS91-44 (Feb. 22, 1991) p. All. (MS93-44).
MS91-45 (Feb. 22, 1991) p. All. (MS93-45).
MS91-46 (Feb. 22, 1991) p. All. (MS93-46).
MS91-47 (Feb. 22, 1991) p. All. (MS93-47).
MS91-48 (Feb. 22, 1991) p. All. (MS93-48).
MS91-49 (Feb. 22, 1991) p. All. (MS93-49).
MS91-50 (Feb. 22, 1991) p. All. (MS93-50).
MS91-51 (Feb. 22, 1991) p. All. (MS93-51).
MS91-52 (Feb. 22, 1991) p. All. (MS93-52).
MS91-53 (Feb. 22, 1991) p. All. (MS93-53).
MS91-54 (Feb. 22, 1991) p. All. (MS93-54).
MS91-55 (Feb. 22, 1991) p. All. (MS93-55).

North Carolina:

NC91-1 (Feb. 22, 1991) p. All. (NC93-1).
NC91-2 (Feb. 22, 1991) p. All. (NC93-2).
NC91-3 (Feb. 22, 1991) p. All. (NC93-3).
NC91-4 (Feb. 22, 1991) p. All. (NC93-4).
NC91-5 (Feb. 22, 1991) p. All. (NC93-5).
NC91-6 (Feb. 22, 1991) p. All. (NC93-6).
NC91-7 (Feb. 22, 1991) p. All. (NC93-7).
NC91-8 (Feb. 22, 1991) p. All. (NC93-8).
NC91-9 (Feb. 22, 1991) p. All. (NC93-9).
NC91-10 (Feb. 22, 1991) p. All. (NC93-10).
NC91-11 (Feb. 22, 1991) p. All. (NC93-11).
NC91-12 (Feb. 22, 1991) p. All. (NC93-12).
NC91-13 (Feb. 22, 1991) p. All. (NC93-13).
NC91-14 (Feb. 22, 1991) p. All. (NC93-14).
NC91-15 (Feb. 22, 1991) p. All. (NC93-15).
NC91-16 (Feb. 22, 1991) p. All. (NC93-16).
NC91-17 (Feb. 22, 1991) p. All. (NC93-17).
NC91-18 (Feb. 22, 1991) p. All. (NC93-18).
NC91-19 (Feb. 22, 1991) p. All. (NC93-19).
NC91-20 (Feb. 22, 1991) p. All. (NC93-20).
NC91-21 (Feb. 22, 1991) p. All. (NC93-21).
NC91-22 (Feb. 22, 1991) p. All. (NC93-22).
NC91-23 (Feb. 22, 1991) p. All. (NC93-23).
NC91-24 (Feb. 22, 1991) p. All. (NC93-24).
NC91-25 (Feb. 22, 1991) p. All. (NC93-25).
NC91-26 (Feb. 22, 1991) p. All. (NC93-26).
NC91-27 (Feb. 22, 1991) p. All. (NC93-27).
NC91-28 (Feb. 22, 1991) p. All. (NC93-28).
NC91-29 (Feb. 22, 1991) p. All. (NC93-29).
NC91-30 (Feb. 22, 1991) p. All. (NC93-30).
NC91-31 (Feb. 22, 1991) p. All. (NC93-31).
NC91-32 (Feb. 22, 1991) p. All. (NC93-32).
NC91-33 (Feb. 22, 1991) p. All. (NC93-33).

New Hampshire:

NH91-1 (Feb. 22, 1991) p. All. (NH93-1).
NH91-2 (Feb. 22, 1991) p. All. (NH93-2).
NH91-3 (Feb. 22, 1991) p. All. (NH93-3).
NH91-4 (Feb. 22, 1991) p. All. (NH93-4).
NH91-5 (Feb. 22, 1991) p. All. (NH93-5).
NH91-6 (Feb. 22, 1991) p. All. (NH93-6).
NH91-7 (Feb. 22, 1991) p. All. (NH93-7).
NH91-8 (Feb. 22, 1991) p. All. (NH93-8).
NH91-9 (Feb. 22, 1991) p. All. (NH93-9).
NH91-10 (Feb. 22, 1991) p. All. (NH93-10).
NH91-11 (Feb. 22, 1991) p. All. (NH93-11).
NH91-12 (Feb. 22, 1991) p. All. (NH93-12).
NH91-13 (Feb. 22, 1991) p. All. (NH93-13).
NH91-14 (Feb. 22, 1991) p. All. (NH93-14).
NH91-15 (Feb. 22, 1991) p. All. (NH93-15).
NH91-16 (Feb. 22, 1991) p. All. (NH93-16).
NH91-17 (Feb. 22, 1991) p. All. (NH93-17).
NH91-18 (Feb. 22, 1991) p. All. (NH93-18).
NH91-19 (Feb. 22, 1991) p. All. (NH93-19).
NH91-20 (Feb. 22, 1991) p. All. (NH93-20).
NH91-21 (Feb. 22, 1991) p. All. (NH93-21).
NH91-22 (Feb. 22, 1991) p. All. (NH93-22).
NH91-23 (Feb. 22, 1991) p. All. (NH93-23).
NH91-24 (Feb. 22, 1991) p. All. (NH93-24).

New Jersey:

NJ91-1 (Feb. 22, 1991) (NJ93-1). p. All.
NJ91-2 (Feb. 22, 1991) (NJ93-2). p. All.
NJ91-3 (Feb. 22, 1991) (NJ93-3). p. All.
NJ91-4 (Feb. 22, 1991) (NJ93-4). p. All.
NJ91-5 (Feb. 22, 1991) (NJ93-5). p. All.
NJ91-6 (Feb. 22, 1991) (NJ93-6). p. All.
NJ91-7 (Feb. 22, 1991) (NJ93-7). p. All.

New York:

NY91-1 (Feb. 22, 1991) p. All. (NY93-1).
NY91-2 (Feb. 22, 1991) p. All. (NY93-2).
NY91-3 (Feb. 22, 1991) p. All. (NY93-3).

NY91-4 (Feb. 22, 1991) p. All. (NY93-4).
NY91-5 (Feb. 22, 1991) p. All. (NY93-5).
NY91-6 (Feb. 22, 1991) p. All. (NY93-6).
NY91-7 (Feb. 22, 1991) p. All. (NY93-7).
NY91-8 (Feb. 22, 1991) p. All. (NY93-8).
NY91-9 (Feb. 22, 1991) p. All. (NY93-9).
NY91-10 (Feb. 22, 1991) p. All. (NY93-10).
NY91-11 (Feb. 22, 1991) p. All. (NY93-11).
NY91-12 (Feb. 22, 1991) p. All. (NY93-12).
NY91-13 (Feb. 22, 1991) p. All. (NY93-13).
NY91-14 (Feb. 22, 1991) p. All. (NY93-14).
NY91-15 (Feb. 22, 1991) p. All. (NY93-13).
NY91-17 (Feb. 22, 1991) p. All. (NY93-14).
NY91-18 (Feb. 22, 1991) p. All. (NY93-18).
NY91-19 (Feb. 22, 1991) p. All. (NY93-19).
NY91-20 (Feb. 22, 1991) p. All. (NY93-20).
NY91-22 (Feb. 22, 1991) p. All. (NY93-22).
NY91-23 (Feb. 22, 1991) p. All. (NY93-23).
NY91-24 (Feb. 22, 1991) p. All. (NY93-24).
NY91-25 (Feb. 22, 1991) p. All. (NY93-25).
NY91-26 (Feb. 22, 1991) p. All. (NY93-26).

Pennsylvania:

PA91-1 (Feb. 22, 1991) p. All. (PA93-1).
PA91-2 (Feb. 22, 1991) p. All. (PA93-2).
PA91-3 (Feb. 22, 1991) p. All. (PA93-3).
PA91-5 (Feb. 22, 1991) p. All. (PA93-5).
PA91-6 (Feb. 22, 1991) p. All. (PA93-6).
PA91-7 (Feb. 22, 1991) p. All. (PA93-7).
PA91-8 (Feb. 22, 1991) p. All. (PA93-8).
PA91-9 (Feb. 22, 1991) p. All. (PA93-9).
PA91-10 (Feb. 22, 1991) p. All. (PA93-10).
PA91-11 (Feb. 22, 1991) p. All. (PA93-11).
PA91-12 (Feb. 22, 1991) p. All. (PA93-12).
PA91-13 (Feb. 22, 1991) p. All. (PA93-13).
PA91-14 (Feb. 22, 1991) p. All. (PA93-14).
PA91-15 (Feb. 22, 1991) p. All. (PA93-15).
PA91-16 (Feb. 22, 1991) p. All. (PA93-16).
PA91-17 (Feb. 22, 1991) p. All. (PA93-17).
PA91-18 (Feb. 22, 1991) p. All. (PA93-18).
PA91-19 (Feb. 22, 1991) p. All. (PA93-19).
PA91-20 (Feb. 22, 1991) p. All. (PA93-20).
PA91-21 (Feb. 22, 1991) p. All. (PA93-21).
PA91-22 (Feb. 22, 1991) p. All. (PA93-22).
PA91-24 (Feb. 22, 1991) p. All. (PA93-24).
PA91-25 (Feb. 22, 1991) p. All. (PA93-25).
PA91-26 (Feb. 22, 1991) p. All. (PA93-26).
PA91-27 (Feb. 22, 1991) p. All. (PA93-27).
PA91-28 (Feb. 22, 1991) p. All. (PA93-28).
PA91-29 (Feb. 22, 1991) p. All. (PA93-29).
PA91-30 (Feb. 22, 1991) p. All. (PA93-30).
PA91-31 (Feb. 22, 1991) p. All. (PA93-31).

Puerto Rico:

PR91-1 (Feb. 22, 1991) p. All. (PR93-1).
PR91-2 (Feb. 22, 1991) p. All. (PR93-2).
PR91-3 (Feb. 22, 1991) p. All. (PR93-3).

Rhode Island:

RI91-1 (Feb. 22, 1991) (RI93-1). p. All.

South Carolina:

SC91-1 (Feb. 22, 1991) p. All. (SC93-1).
SC91-2 (Feb. 22, 1991) p. All. (SC93-2).
SC91-3 (Feb. 22, 1991) p. All. (SC93-3).
SC91-4 (Feb. 22, 1991) p. All. (SC93-4).
SC91-5 (Feb. 22, 1991) p. All. (SC93-5).
SC91-6 (Feb. 22, 1991) p. All. (SC93-6).
SC91-7 (Feb. 22, 1991) p. All. (SC93-7).
SC91-8 (Feb. 22, 1991) p. All. (SC93-8).
SC91-9 (Feb. 22, 1991) p. All. (SC93-9).
SC91-10 (Feb. 22, 1991) p. All. (SC93-10).
SC91-11 (Feb. 22, 1991) p. All. (SC93-11).
SC91-12 (Feb. 22, 1991) p. All. (SC93-12).
SC91-13 (Feb. 22, 1991) p. All. (SC93-13).
SC91-14 (Feb. 22, 1991) p. All. (SC93-14).
SC91-15 (Feb. 22, 1991) p. All. (SC93-15).
SC91-16 (Feb. 22, 1991) p. All. (SC93-16).
SC91-17 (Feb. 22, 1991) p. All. (SC93-17).
SC91-18 (Feb. 22, 1991) p. All. (SC93-18).
SC91-19 (Feb. 22, 1991) p. All. (SC93-19).
SC91-20 (Feb. 22, 1991) p. All. (SC93-20).
SC91-21 (Feb. 22, 1991) p. All. (SC93-21).
SC91-22 (Feb. 22, 1991) p. All. (SC93-22).
SC91-24 (Feb. 22, 1991) p. All. (SC93-24).
SC91-25 (Feb. 22, 1991) p. All. (SC93-25).
SC91-26 (Feb. 22, 1991) p. All. (SC93-26).
SC91-27 (Feb. 22, 1991) p. All. (SC93-27).
SC91-28 (Feb. 22, 1991) p. All. (SC93-28).
SC91-29 (Feb. 22, 1991) p. All. (SC93-29).
SC91-30 (Feb. 22, 1991) p. All. (SC93-30).
SC91-31 (Feb. 22, 1991) p. All. (SC93-31).
SC91-32 (Feb. 22, 1991) p. All. (SC93-32).
SC91-33 (Feb. 22, 1991) p. All. (SC93-33).
SC91-34 (Feb. 22, 1991) p. All. (SC93-34).

Tennessee:

TN91-1 (Feb. 22, 1991) p. All. (TN93-1).
TN91-2 (Feb. 22, 1991) p. All. (TN93-2).
TN91-3 (Feb. 22, 1991) p. All. (TN93-3).
TN91-4 (Feb. 22, 1991) p. All. (TN93-4).
TN91-5 (Feb. 22, 1991) p. All. (TN93-5).
TN91-6 (Feb. 22, 1991) p. All. (TN93-6).
TN91-7 (Feb. 22, 1991) p. All. (TN93-7).
TN91-8 (Feb. 22, 1991) p. All. (TN93-8).
TN91-9 (Feb. 22, 1991) p. All. (TN93-9).
TN91-10 (Feb. 22, 1991) p. All. (TN93-10).
TN91-11 (Feb. 22, 1991) p. All. (TN93-11).
TN91-12 (Feb. 22, 1991) p. All. (TN93-12).
TN91-13 (Feb. 22, 1991) p. All. (TN93-13).
TN91-14 (Feb. 22, 1991) p. All. (TN93-14).
TN91-15 (Feb. 22, 1991) p. All. (TN93-15).
TN91-16 (Feb. 22, 1991) p. All. (TN93-16).
TN91-17 (Feb. 22, 1991) p. All. (TN93-17).
TN91-18 (Feb. 22, 1991) p. All. (TN93-18).
TN91-19 (Feb. 22, 1991) p. All. (TN93-19).
TN91-20 (Feb. 22, 1991) p. All. (TN93-20).
TN91-21 (Feb. 22, 1991) p. All. (TN93-21).
TN91-22 (Feb. 22, 1991) p. All. (TN93-22).
TN91-23 (Feb. 22, 1991) p. All. (TN93-23).

TN91-24 (Feb. 22, 1991) p. All. (TN93-24).
TN91-25 (Feb. 22, 1991) p. All. (TN93-25).
TN91-26 (Feb. 22, 1991) p. All. (TN93-26).
TN91-27 (Feb. 22, 1991) p. All. (TN93-27).
TN91-28 (Feb. 22, 1991) p. All. (TN93-28).
TN91-29 (Feb. 22, 1991) p. All. (TN93-29).
TN91-30 (Feb. 22, 1991) p. All. (TN93-30).
TN91-31 (Feb. 22, 1991) p. All. (TN93-31).
TN91-32 (Feb. 22, 1991) p. All. (TN93-32).
TN91-33 (Feb. 22, 1991) p. All. (TN93-33).
TN91-34 (Feb. 22, 1991) p. All. (TN93-34).
TN91-35 (Feb. 22, 1991) p. All. (TN93-35).
TN91-36 (Feb. 22, 1991) p. All. (TN93-36).
TN91-37 (Feb. 22, 1991) p. All. (TN93-37).
TN91-38 (Feb. 22, 1991) p. All. (TN93-38).
TN91-39 (Feb. 22, 1991) p. All. (TN93-39).
TN91-40 (Feb. 22, 1991) p. All. (TN93-40).
TN91-41 (Feb. 22, 1991) p. All. (TN93-41).

Virginia:

VA91-1 (Feb. 22, 1991) p. All. (VA93-1).
VA91-2 (Feb. 22, 1991) p. All. (VA93-2).
VA91-3 (Feb. 22, 1991) p. All. (VA93-3).
VA91-4 (Feb. 22, 1991) p. All. (VA93-4).
VA91-5 (Feb. 22, 1991) p. All. (VA93-5).
VA91-6 (Feb. 22, 1991) p. All. (VA93-6).
VA91-7 (Feb. 22, 1991) p. All. (VA93-7).
VA91-8 (Feb. 22, 1991) p. All. (VA93-8).
VA91-9 (Feb. 22, 1991) p. All. (VA93-9).
VA91-10 (Feb. 22, 1991) p. All. (VA93-10).
VA91-11 (Feb. 22, 1991) p. All. (VA93-11).
VA91-12 (Feb. 22, 1991) p. All. (VA93-12).
VA91-13 (Feb. 22, 1991) p. All. (VA93-13).
VA91-14 (Feb. 22, 1991) p. All. (VA93-14).
VA91-16 (Feb. 22, 1991) p. All. (VA93-16).
VA91-18 (Feb. 22, 1991) p. All. (VA93-18).
VA91-19 (Feb. 22, 1991) p. All. (VA93-19).
VA91-20 (Feb. 22, 1991) p. All. (VA93-20).
VA91-21 (Feb. 22, 1991) p. All. (VA93-21).
VA91-22 (Feb. 22, 1991) p. All. (VA93-22).
VA91-23 (Feb. 22, 1991) p. All. (VA93-23).
VA91-24 (Feb. 22, 1991) p. All. (VA93-24).
VA91-25 (Feb. 22, 1991) p. All. (VA93-25).
VA91-26 (Feb. 22, 1991) p. All. (VA93-26).
VA91-27 (Feb. 22, 1991) p. All. (VA93-27).
VA91-28 (Feb. 22, 1991) p. All. (VA93-28).
VA91-29 (Feb. 22, 1991) p. All. (VA93-29).
VA91-30 (Feb. 22, 1991) p. All. (VA93-30).
VA91-31 (Feb. 22, 1991) p. All. (VA93-31).
VA91-32 (Feb. 22, 1991) p. All. (VA93-32).
VA91-33 (Feb. 22, 1991) p. All. (VA93-33).
VA91-34 (Feb. 22, 1991) p. All. (VA93-34).
VA91-35 (Feb. 22, 1991) p. All. (VA93-35).
VA91-36 (Feb. 22, 1991) p. All. (VA93-36).
VA91-37 (Feb. 22, 1991) p. All. (VA93-37).
VA91-38 (Feb. 22, 1991) p. All. (VA93-38).
VA91-39 (Feb. 22, 1991) p. All. (VA93-39).
VA91-40 (Feb. 22, 1991) p. All. (VA93-40).
VA91-41 (Feb. 22, 1991) p. All. (VA93-41).
VA91-42 (Feb. 22, 1991) p. All. (VA93-42).
VA91-43 (Feb. 22, 1991) p. All. (VA93-43).
VA91-44 (Feb. 22, 1991) p. All. (VA93-44).
VA91-45 (Feb. 22, 1991) p. All. (VA93-45).
VA91-46 (Feb. 22, 1991) p. All. (VA93-46).
VA91-47 (Feb. 22, 1991) p. All. (VA93-47).
VA91-48 (Feb. 22, 1991) p. All. (VA93-48).
VA91-49 (Feb. 22, 1991) p. All. (VA93-49).
VA91-51 (Feb. 22, 1991) p. All. (VA93-51).
VA91-52 (Feb. 22, 1991) p. All. (VA93-52).
VA91-53 (Feb. 22, 1991) p. All. (VA93-53).
VA91-54 (Feb. 22, 1991) p. All. (VA93-54).
VA91-55 (Feb. 22, 1991) p. All. (VA93-55).
VA91-56 (Feb. 22, 1991) p. All. (VA93-56).
VA91-57 (Feb. 22, 1991) p. All. (VA93-57).
VA91-58 (Feb. 22, 1991) p. All. (VA93-58).
VA91-59 (Feb. 22, 1991) p. All. (VA93-59).
VA91-60 (Feb. 22, 1991) p. All. (VA93-60).
VA91-61 (Feb. 22, 1991) p. All. (VA93-61).
VA91-62 (Feb. 22, 1991) p. All. (VA93-62).
VA91-63 (Feb. 22, 1991) p. All. (VA93-63).
VA91-64 (Feb. 22, 1991) p. All. (VA93-64).
VA91-65 (Feb. 22, 1991) p. All. (VA93-65).
VA91-66 (Feb. 22, 1991) p. All. (VA93-66).
VA91-67 (Feb. 22, 1991) p. All. (VA93-67).
VA91-68 (Feb. 22, 1991) p. All. (VA93-68).
VA91-69 (Feb. 22, 1991) p. All. (VA93-69).
VA91-70 (Feb. 22, 1991) p. All. (VA93-70).
VA91-71 (Feb. 22, 1991) p. All. (VA93-71).
VA91-72 (Feb. 22, 1991) p. All. (VA93-72).
VA91-73 (Feb. 22, 1991) p. All. (VA93-73).
VA91-74 (Feb. 22, 1991) p. All. (VA93-74).
VA91-75 (Feb. 22, 1991) p. All. (VA93-75).
VA91-76 (Feb. 22, 1991) p. All. (VA93-76).
VA91-77 (Feb. 22, 1991) p. All. (VA93-77).
VA91-82 (Feb. 22, 1991) p. All. (VA93-82).
VA91-83 (Feb. 22, 1991) p. All. (VA93-83).

Virgin Islands:

VI91-1 (Feb. 22, 1991) (VI93-1). p. All.
VI91-2 (Feb. 22, 1991) (VI93-2). p. All.

Vermont:

VT91-1 (Feb. 22, 1991) p. All. (VT93-1).
VT91-2 (Feb. 22, 1991) p. All. (VT93-2).
VT91-3 (Feb. 22, 1991) p. All. (VT93-3).
VT91-4 (Feb. 22, 1991) p. All. (VT93-4).
VT91-5 (Feb. 22, 1991) p. All. (VT93-5).
VT91-6 (Feb. 22, 1991) p. All. (VT93-6).
VT91-7 (Feb. 22, 1991) p. All. (VT93-7).
VT91-8 (Feb. 22, 1991) p. All. (VT93-8).
VT91-9 (Feb. 22, 1991) p. All. (VT93-9).
VT91-10 (Feb. 22, 1991) p. All. (VT93-10).
VT91-11 (Feb. 22, 1991) p. All. (VT93-11).
VT91-12 (Feb. 22, 1991) p. All. (VT93-12).

West Virginia:

WV91-1 (Feb. 22, 1991) p. All. (WV93-1).
WV91-2 (Feb. 22, 1991) p. All. (WV93-2).
WV91-3 (Feb. 22, 1991) p. All. (WV93-3).

WV91-4 (Feb. 22, 1991) p. All. (WV93-4).
WV91-5 (Feb. 22, 1991) p. All. (WV93-5).
WV91-6 (Feb. 22, 1991) p. All. (WV93-6).
WV91-7 (Feb. 22, 1991) p. All. (WV93-7).
WV91-8 (Feb. 22, 1991) p. All. (WV93-8).
WV91-9 (Feb. 22, 1991) p. All. (WV93-9).
WV91-10 (Feb. 22, 1991) p. All. (WV93-10).
WV91-11 (Feb. 22, 1991) p. All. (WV93-11).
WV91-12 (Feb. 22, 1991) p. All. (WV93-12).
WV91-13 (Feb. 22, 1991) p. All. (WV93-13).
WV91-14 (Feb. 22, 1991) p. All. (WV93-14).
WV91-15 (Feb. 22, 1991) p. All. (WV93-15).
WV91-16 (Feb. 22, 1991) p. All. (WV93-16).

Volume II

Arkansas:
AR91-1 (Feb. 22, 1991) p. All. (AR93-1).
AR91-2 (Feb. 22, 1991) p. All. (AR93-2).
AR91-3 (Feb. 22, 1991) p. All. (AR93-3).
AR91-4 (Feb. 22, 1991) p. All. (AR93-4).
AR91-5 (Feb. 22, 1991) p. All. (AR93-5).
AR91-6 (Feb. 22, 1991) p. All (AR93-6).
AR91-7 (Feb. 22, 1991) p. All (AR93-7).
AR91-8 (Feb. 22, 1991) p. All (AR93-8).

Iowa:
IA91-1 (Feb. 22, 1991) (IA91-1). p. All.
IA91-2 (Feb. 22, 1991) (IA91-2). p. All.
IA91-3 (Feb. 22, 1991) (IA91-3). p. All.
IA91-4 (Feb. 22, 1991) (IA91-4). p. All.
IA91-5 (Feb. 22, 1991) (IA91-5). p. All.
IA91-6 (Feb. 22, 1991) (IA91-6). p. All.
IA91-7 (Feb. 22, 1991) (IA91-7). p. All.
IA91-8 (Feb. 22, 1991) (IA91-8). p. All.
IA91-9 (Feb. 22, 1991) (IA91-9). p. All.
IA91-10 (Feb. 22, 1991) p. All. (IA91-10).
IA91-11 (Feb. 22, 1991) p. All. (IA91-11).
IA91-12 (Feb. 22, 1991) p. All. (IA91-12).
IA91-13 (Feb. 22, 1991) p. All. (IA91-13).
IA91-14 (Feb. 22, 1991) p. All. (IA91-14).
IA91-15 (Feb. 22, 1991) p. All. (IA91-15).
IA91-16 (Feb. 22, 1991) p. All. (IA91-16).
IA91-17 (Feb. 22, 1991) p. All. (IA91-17).
IA91-18 (Feb. 22, 1991) p. All. (IA91-18).
IA91-19 (Feb. 22, 1991) p. All. (IA91-19).
IA91-20 (Feb. 22, 1991) p. All. (IA91-20).
IA91-21 (Feb. 22, 1991) p. All. (IA91-21).
IA91-22 (Feb. 22, 1991) p. All. (IA91-22).
IA91-23 (Feb. 22, 1991) p. All. (IA91-23).

Illinois:
IL91-1 (Feb. 22, 1991) (IL93-1). p. All
IL91-2 (Feb. 22, 1991) (IL93-2). p. All
IL91-3 (Feb. 22, 1991) (IL93-3). p. All
IL91-4 (Feb. 22, 1991) (IL93-4). p. All
IL91-5 (Feb. 22, 1991) (IL93-5). p. All
IL91-6 (Feb. 22, 1991) (IL93-6). p. All
IL91-7 (Feb. 22, 1991) (IL93-7). p. All
IL91-8 (Feb. 22, 1991) (IL93-8). p. All
IL91-9 (Feb. 22, 1991) (IL93-9). p. All
IL91-10 (Feb. 22, 1991) (IL93-10). p. All
IL91-11 (Feb. 22, 1991) (IL93-11). p. All
IL91-12 (Feb. 22, 1991) (IL93-12). p. All
IL91-13 (Feb. 22, 1991) (IL93-13). p. All
IL91-14 (Feb. 22, 1991) (IL93-14). p. All
IL91-15 (Feb. 22, 1991) (IL93-15). p. All
IL91-16 (Feb. 22, 1991) (IL93-16). p. All
IL91-17 (Feb. 22, 1991) (IL93-17). p. All
IL91-18 (Feb. 22, 1991) (IL93-18). p. All
IL91-19 (Feb. 22, 1991) (IL93-19). p. All

Indiana:
IN91-1 (Feb. 22, 1991) (IN91-1). p. All.
IN91-2 (Feb. 22, 1991) (IN91-2). p. All.
IN91-3 (Feb. 22, 1991) (IN91-3). p. All.
IN91-4 (Feb. 22, 1991) (IN91-4). p. All.
IN91-5 (Feb. 22, 1991) (IN91-5). p. All.
IN91-6 (Feb. 22, 1991) (IN91-6). p. All.
IN91-7 (Feb. 22, 1991) (IN91-7). p. All.
IN91-8 (Feb. 22, 1991) (IN91-8). p. All.
IN91-9 (Feb. 22, 1991) (IN91-9). p. All.
IN91-10 (Feb. 22, 1991) p. All. (IN91-10).
IN91-11 (Feb. 22, 1991) p. All. (IN91-11).
IN91-12 (Feb. 22, 1991) p. All. (IN91-12).
IN91-13 (Feb. 22, 1991) p. All. (IN91-13).
IN91-14 (Feb. 22, 1991) p. All. (IN91-14).
IN91-15 (Feb. 22, 1991) p. All. (IN91-15).
IN91-16 (Feb. 22, 1991) p. All. (IN91-16).
IN91-17 (Feb. 22, 1991) p. All. (IN91-17).
IN91-18 (Feb. 22, 1991) p. All. (IN91-18).
IN91-19 (Feb. 22, 1991) p. All. (IN91-19).

Kansas:
KS91-1 (Feb. 22, 1991) p. All. (KS93-1).
KS91-2 (Feb. 22, 1991) p. All. (KS93-2).
KS91-3 (Feb. 22, 1991) p. All. (KS93-3).
KS91-4 (Feb. 22, 1991) p. All. (KS93-4).
KS91-5 (Feb. 22, 1991) p. All. (KS93-5).
KS91-6 (Feb. 22, 1991) p. All. (KS93-6).
KS91-7 (Feb. 22, 1991) p. All. (KS93-7).
KS91-8 (Feb. 22, 1991) p. All. (KS93-8).
KS91-9 (Feb. 22, 1991) p. All. (KS93-9).
KS91-10 (Feb. 22, 1991) p. All. (KS93-10).
KS91-11 (Feb. 22, 1991) p. All. (KS93-11).
KS91-12 (Feb. 22, 1991) p. All. (KS93-12).
KS91-13 (Feb. 22, 1991) p. All. (KS93-13).
KS91-14 (Feb. 22, 1991) p. All. (KS93-14).
KS91-15 (Feb. 22, 1991) p. All. (KS93-15).
KS91-16 (Feb. 22, 1991) p. All. (KS93-16).
KS91-17 (Feb. 22, 1991) p. All. (KS93-17).
KS91-18 (Feb. 22, 1991) p. All. (KS93-18).
KS91-19 (Feb. 22, 1991) p. All. (KS93-19).

Louisiana:
LA91-1 (Feb. 22, 1991) p. All. (LA93-1).
LA91-2 (Feb. 22, 1991) p. All. (LA93-2).
LA91-3 (Feb. 22, 1991) p. All. (LA93-3).
LA91-4 (Feb. 22, 1991) p. All. (LA93-4).
LA91-5 (Feb. 22, 1991) p. All. (LA93-5).
LA91-6 (Feb. 22, 1991) p. All. (LA93-6).
LA91-7 (Feb. 22, 1991) p. All. (LA93-7).
LA91-8 (Feb. 22, 1991) p. All. (LA93-8).
LA91-9 (Feb. 22, 1991) p. All. (LA93-9).

LA91-10 (Feb. 22, 1991) p. All. (LA93-10).
LA91-11 (Feb. 22, 1991) p. All. (LA93-11).
LA91-12 (Feb. 22, 1991) p. All. (LA93-12).
LA91-13 (Feb. 22, 1991) p. All. (LA93-13).
LA91-14 (Feb. 22, 1991) p. All. (LA93-14).
LA91-15 (Feb. 22, 1991) p. All. (LA93-15).
LA91-16 (Feb. 22, 1991) p. All. (LA93-16).
LA91-17 (Feb. 22, 1991) p. All. (LA93-17).

Michigan:
MI91-1 (Feb. 22, 1991) p. All. (MI93-1).
MI91-2 (Feb. 22, 1991) p. All. (MI93-2).
MI91-3 (Feb. 22, 1991) p. All. (MI93-3).
MI91-4 (Feb. 22, 1991) p. All. (MI93-4).
MI91-5 (Feb. 22, 1991) p. All. (MI93-5).
MI91-6 (Feb. 22, 1991) p. All. (MI93-6).
MI91-7 (Feb. 22, 1991) p. All. (MI93-7).
MI91-8 (Feb. 22, 1991) p. All. (MI93-8).
MI91-9 (Feb. 22, 1991) p. All. (MI93-9).
MI91-10 (Feb. 22, 1991) p. All. (MI93-10).
MI91-11 (Feb. 22, 1991) p. All. (MI93-11).
MI91-12 (Feb. 22, 1991) p. All. (MI93-12).
MI91-13 (Feb. 22, 1991) p. All. (MI93-13).
MI91-14 (Feb. 22, 1991) p. All. (MI93-14).
MI91-15 (Feb. 22, 1991) p. All. (MI93-15).
MI91-16 (Feb. 22, 1991) p. All. (MI93-16).
MI91-17 (Feb. 22, 1991) p. All. (MI93-17).
MI91-18 (Feb. 22, 1991) p. All. (MI93-18).
MI91-19 (Feb. 22, 1991) p. All. (MI93-19).
MI91-20 (Feb. 22, 1991) p. All. (MI93-20).

Minnesota:
MN91-1 (Feb. 22, 1991) p. All. (MN93-1).
MN91-2 (Feb. 22, 1991) p. All. (MN93-2).
MN91-3 (Feb. 22, 1991) p. All. (MN93-3).
MN91-4 (Feb. 22, 1991) p. All. (MN93-4).
MN91-5 (Feb. 22, 1991) p. All. (MN93-5).
MN91-6 (Feb. 22, 1991) p. All. (MN93-6).
MN91-7 (Feb. 22, 1991) p. All. (MN93-7).
MN91-8 (Feb. 22, 1991) p. All. (MN93-8).
MN91-9 (Feb. 22, 1991) p. All. (MN93-9).
MN91-10 (Feb. 22, 1991) p. All. (MN93-10).
MN91-11 (Feb. 22, 1991) p. All. (MN93-11).
MN91-12 (Feb. 22, 1991) p. All. (MN93-12).
MN91-13 (Feb. 22, 1991) p. All. (MN93-13).
MN91-14 (Feb. 22, 1991) p. All. (MN93-14).
MN91-15 (Feb. 22, 1991) p. All. (MN93-15).
MN91-16 (Feb. 22, 1991) p. All. (MN93-16).

Missouri:
MO91-1 (Feb. 22, 1991) p. All. (MO93-1).
MO91-2 (Feb. 22, 1991) p. All. (MO93-2).
MO91-3 (Feb. 22, 1991) p. All. (MO93-3).
MO91-4 (Feb. 22, 1991) p. All. (MO93-4).
MO91-5 (Feb. 22, 1991) p. All. (MO93-5).
MO91-6 (Feb. 22, 1991) p. All. (MO93-6).
MO91-7 (Feb. 22, 1991) p. All. (MO93-7).
MO91-8 (Feb. 22, 1991) p. All. (MO93-8).
MO91-9 (Feb. 22, 1991) p. All. (MO93-9).
MO91-10 (Feb. 22, 1991) p. All. (MO93-10).
MO91-11 (Feb. 22, 1991) p. All. (MO93-11).
MO91-12 (Feb. 22, 1991) p. All. (MO93-12).
MO91-13 (Feb. 22, 1991) p. All. (MO93-13).
MO91-14 (Feb. 22, 1991) p. All. (MO93-14).
MO91-15 (Feb. 22, 1991) p. All. (MO93-15).

Nebraska:
NE91-1 (Feb. 22, 1991) p. All. (NE93-1).
NE91-2 (Feb. 22, 1991) p. All. (NE93-2).
NE91-3 (Feb. 22, 1991) p. All. (NE93-3).
NE91-4 (Feb. 22, 1991) p. All. (NE93-4).
NE91-5 (Feb. 22, 1991) p. All. (NE93-5).
NE91-6 (Feb. 22, 1991) p. All. (NE93-6).
NE91-7 (Feb. 22, 1991) p. All. (NE93-7).
NE91-8 (Feb. 22, 1991) p. All. (NE93-8).
NE91-9 (Feb. 22, 1991) p. All. (NE93-9).
NE91-10 (Feb. 22, 1991) p. All. (NE93-10).
NE91-11 (Feb. 22, 1991) p. All. (NE93-11).
NE91-12 (Feb. 22, 1991) p. All. (NE93-12).
NE91-13 (Feb. 22, 1991) p. All. (NE93-13).
NE91-14 (Feb. 22, 1991) p. All. (NE93-14).

New Mexico:
NM91-2 (Feb. 22, 1991) p. All. (NM93-2).
NM91-3 (Feb. 22, 1991) p. All. (NM93-3).
NM91-4 (Feb. 22, 1991) p. All. (NM93-4).

Ohio
OH91-1 (Feb. 22, 1991) p. All. (OH91-1).
OH91-2 (Feb. 22, 1991) p. All. (OH91-2).
OH91-3 (Feb. 22, 1991) p. All. (OH91-3).
OH91-4 (Feb. 22, 1991) p. All. (OH91-4).
OH91-5 (Feb. 22, 1991) p. All. (OH91-5).
OH91-6 (Feb. 22, 1991) p. All. (OH91-6).
OH91-7 (Feb. 22, 1991) p. All. (OH91-7).
OH91-8 (Feb. 22, 1991) p. All. (OH91-8).
OH91-9 (Feb. 22, 1991) p. All. (OH91-9).
OH91-10 (Feb. 22, 1991) p. All. (OH91-10).
OH91-11 (Feb. 22, 1991) p. All. (OH91-11).
OH91-12 (Feb. 22, 1991) p. All. (OH91-12).
OH91-13 (Feb. 22, 1991) p. All. (OH91-13).
OH91-14 (Feb. 22, 1991) p. All. (OH91-14).
OH91-15 (Feb. 22, 1991) p. All. (OH91-15).
OH91-16 (Feb. 22, 1991) p. All. (OH91-16).
OH91-17 (Feb. 22, 1991) p. All. (OH91-17).
OH91-18 (Feb. 22, 1991) p. All. (OH91-18).
OH91-19 (Feb. 22, 1991) p. All. (OH91-19).
OH91-20 (Feb. 22, 1991) p. All. (OH91-20).
OH91-21 (Feb. 22, 1991) p. All. (OH91-21).
OH91-22 (Feb. 22, 1991) p. All. (OH91-22).
OH91-24 (Feb. 22, 1991) p. All. (OH91-24).
OH91-28 (Feb. 22, 1991) p. All. (OH91-28).
OH91-29 (Feb. 22, 1991) p. All. (OH91-29).
OH91-32 (Feb. 22, 1991) p. All. (OH91-32).
OH91-33 (Feb. 22, 1991) p. All. (OH91-33).
OH91-34 (Feb. 22, 1991) p. All. (OH91-34).
OH91-35 (Feb. 22, 1991) p. All. (OH91-35).
OH91-36 (Feb. 22, 1991) p. All. (OH91-36).

Oklahoma:
OK91-1 (Feb. 22, 1991) p. All. (OK93-1).
OK91-2 (Feb. 22, 1991) p. All. (OK93-2).
OK91-3 (Feb. 22, 1991) p. All. (OK93-3).

OK91-4 (Feb. 22, 1991) p. All. (OK93-4).
OK91-5 (Feb. 22, 1991) p. All. (OK93-5).
OK91-6 (Feb. 22, 1991) p. All. (OK93-6).
OK91-7 (Feb. 22, 1991) p. All. (OK93-7).
OK91-8 (Feb. 22, 1991) p. All. (OK93-8).
OK91-9 (Feb. 22, 1991) p. All. (OK93-9).
OK91-10 (Feb. 22, 1991) p. All. (OK93-10).
OK91-11 (Feb. 22, 1991) p. All. (OK93-11).
OK91-12 (Feb. 22, 1991) p. All. (OK93-12).
OK91-13 (Feb. 22, 1991) p. All. (OK93-13).
OK91-14 (Feb. 22, 1991) p. All. (OK93-14).
OK91-15 (Feb. 22, 1991) p. All. (OK93-15).
OK91-16 (Feb. 22, 1991) p. All. (OK93-16).
OK91-17 (Feb. 22, 1991) p. All. (OK93-17).
OK91-18 (Feb. 22, 1991) p. All. (OK93-18).
OK91-19 (Feb. 22, 1991) p. All. (OK93-19).
OK91-20 (Feb. 22, 1991) p. All. (OK93-20).
OK91-21 (Feb. 22, 1991) p. All. (OK93-21).
OK91-22 (Feb. 22, 1991) p. All. (OK93-22).

Texas:

TX91-1 (Feb. 22, 1991) p. All. (TX93-1).
TX91-2 (Feb. 22, 1991) p. All. (TX93-2).
TX91-3 (Feb. 22, 1991) p. All. (TX93-3).
TX91-4 (Feb. 22, 1991) p. All. (TX93-4).
TX91-5 (Feb. 22, 1991) p. All. (TX93-5).
TX91-6 (Feb. 22, 1991) p. All. (TX93-6).
TX91-7 (Feb. 22, 1991) p. All. (TX93-7).
TX91-8 (Feb. 22, 1991) p. All. (TX93-8).
TX91-9 (Feb. 22, 1991) p. All. (TX93-9).
TX91-10 (Feb. 22, 1991) p. All. (TX93-10).
TX91-11 (Feb. 22, 1991) p. All. (TX93-11).
TX91-12 (Feb. 22, 1991) p. All. (TX93-12).
TX91-13 (Feb. 22, 1991) p. All. (TX93-13).
TX91-14 (Feb. 22, 1991) p. All. (TX93-14).
TX91-15 (Feb. 22, 1991) p. All. (TX93-15).
TX91-16 (Feb. 22, 1991) p. All. (TX93-16).
TX91-17 (Feb. 22, 1991) p. All. (TX93-17).
TX91-18 (Feb. 22, 1991) p. All. (TX93-18).
TX91-19 (Feb. 22, 1991) p. All. (TX93-19).
TX91-20 (Feb. 22, 1991) p. All. (TX93-20).
TX91-21 (Feb. 22, 1991) p. All. (TX93-21).
TX91-22 (Feb. 22, 1991) p. All. (TX93-22).
TX91-23 (Feb. 22, 1991) p. All. (TX93-23).
TX91-24 (Feb. 22, 1991) p. All. (TX93-24).
TX91-25 (Feb. 22, 1991) p. All. (TX93-25).
TX91-26 (Feb. 22, 1991) p. All. (TX93-26).
TX91-27 (Feb. 22, 1991) p. All. (TX93-27).
TX91-28 (Feb. 22, 1991) p. All. (TX93-28).
TX91-29 (Feb. 22, 1991) p. All. (TX93-29).
TX91-30 (Feb. 22, 1991) p. All. (TX93-30).
TX91-31 (Feb. 22, 1991) p. All. (TX93-31).
TX91-32 (Feb. 22, 1991) p. All. (TX93-32).
TX91-33 (Feb. 22, 1991) p. All. (TX93-33).
TX91-34 (Feb. 22, 1991) p. All. (TX93-34).
TX91-35 (Feb. 22, 1991) p. All. (TX93-35).
TX91-36 (Feb. 22, 1991) p. All. (TX93-36).
TX91-37 (Feb. 22, 1991) p. All. (TX93-37).
TX91-38 (Feb. 22, 1991) p. All. (TX93-38).
TX91-39 (Feb. 22, 1991) p. All. (TX93-39).
TX91-40 (Feb. 22, 1991) p. All. (TX93-40).
TX91-41 (Feb. 22, 1991) p. All. (TX93-41).
TX91-42 (Feb. 22, 1991) p. All. (TX93-42).
TX91-43 (Feb. 22, 1991) p. All. (TX93-43).
TX91-44 (Feb. 22, 1991) p. All. (TX93-44).
TX91-45 (Feb. 22, 1991) p. All. (TX93-45).
TX91-46 (Feb. 22, 1991) p. All. (TX93-46).
TX91-47 (Feb. 22, 1991) p. All. (TX93-47).
TX91-48 (Feb. 22, 1991) p. All. (TX93-48).
TX91-49 (Feb. 22, 1991) p. All. (TX93-49).
TX91-50 (Feb. 22, 1991) p. All. (TX93-50).
TX91-51 (Feb. 22, 1991) p. All. (TX93-51).
TX91-52 (Feb. 22, 1991) p. All. (TX93-52).
TX91-53 (Feb. 22, 1991) p. All. (TX93-53).
TX91-54 (Feb. 22, 1991) p. All. (TX93-54).
TX91-55 (Feb. 22, 1991) p. All. (TX93-55).
TX91-56 (Feb. 22, 1991) p. All. (TX93-56).
TX91-57 (Feb. 22, 1991) p. All. (TX93-57).
TX91-58 (Feb. 22, 1991) p. All. (TX93-58).
TX91-59 (Feb. 22, 1991) p. All. (TX93-59).
TX91-60 (Feb. 22, 1991) p. All. (TX93-60).
TX91-61 (Feb. 22, 1991) p. All. (TX93-61).
TX91-62 (Feb. 22, 1991) p. All. (TX93-62).
TX91-63 (Feb. 22, 1991) p. All. (TX93-63).
TX91-64 (Feb. 22, 1991) p. All. (TX93-64).
TX91-65 (Feb. 22, 1991) p. All. (TX93-65).
TX91-66 (Feb. 22, 1991) p. All. (TX93-66).
TX91-67 (Feb. 22, 1991) p. All. (TX93-67).
TX91-68 (Feb. 22, 1991) p. All. (TX93-68).
TX91-69 (Feb. 22, 1991) p. All. (TX93-69).
TX91-70 (Feb. 22, 1991) p. All. (TX93-70).
TX91-71 (Feb. 22, 1991) p. All. (TX93-71).

Wisconsin:

WI91-1 (Feb. 22, 1991) p. All. (WI91-1).
WI91-2 (Feb. 22, 1991) p. All. (WI91-2).
WI91-3 (Feb. 22, 1991) p. All. (WI91-3).
WI91-4 (Feb. 22, 1991) p. All. (WI91-4).
WI91-5 (Feb. 22, 1991) p. All. (WI91-5).
WI91-6 (Feb. 22, 1991) p. All. (WI91-6).
WI91-7 (Feb. 22, 1991) p. All. (WI91-7).
WI91-8 (Feb. 22, 1991) p. All. (WI91-8).
WI91-9 (Feb. 22, 1991) p. All. (WI91-9).
WI91-10 (Feb. 22, 1991) p. All. (WI91-10).
WI91-11 (Feb. 22, 1991) p. All. (WI91-11).
WI91-12 (Feb. 22, 1991) p. All. (WI91-12).
WI91-13 (Feb. 22, 1991) p. All. (WI91-13).
WI91-14 (Feb. 22, 1991) p. All. (WI91-14).
WI91-15 (Feb. 22, 1991) p. All. (WI91-15).
WI91-16 (Feb. 22, 1991) p. All. (WI91-16).
WI91-17 (Feb. 22, 1991) p. All. (WI91-17).
WI91-18 (Feb. 22, 1991) p. All. (WI91-18).
WI91-19 (Feb. 22, 1991) p. All. (WI91-19).

Volume III

Alaska:

AK91-1 (Feb. 22, 1991) p. All. (AK93-1).

VOL 58 ISS 37 FE 26 1993 UMI

Arizona:
AZ91-1 (Feb. 22, 1991) p. All. (AZ93-1).
AZ91-2 (Feb. 22, 1991) p. All. (AZ93-2).
AZ91-3 (Feb. 22, 1991) p. All. (AZ93-3).
AZ91-4 (Feb. 22, 1991) p. All. (AZ93-4).
California:
CA91-1 (Feb. 22, 1991) p. All. (CA93-1).
CA91-2 (Feb. 22, 1991) p. All. (CA93-2).
CA91-3 (Feb. 22, 1991) p. All. (CA93-3).
CA91-4 (Feb. 22, 1991) p. All. (CA93-4).
CA91-5 (Feb. 22, 1991) p. All. (CA93-5).
CA91-6 (Feb. 22, 1991) p. All. (CA93-6).
CA91-7 (Feb. 22, 1991) p. All. (CA93-7).
Colorado:
CO91-1 (Feb. 22, 1991) p. All. (CO93-1).
CO91-2 (Feb. 22, 1991) p. All. (CO93-2).
CO91-3 (Feb. 22, 1991) p. All. (CO93-3).
CO91-4 (Feb. 22, 1991) p. All. (CO93-4).
CO91-5 (Feb. 22, 1991) p. All. (CO93-5).
CO91-6 (Feb. 22, 1991) p. All. (CO93-6).
CO91-7 (Feb. 22, 1991) p. All. (CO93-7).
CO91-8 (Feb. 22, 1991) p. All. (CO93-8).
CO91-9 (Feb. 22 1991) p. All. (CO93-9).
CO91-10 (Feb. 22, 1991) p. All. (CO93-10).
CO91-11 (Feb. 22, 1991) p. All. (CO93-11).
CO91-12 (Feb. 22, 1991) p. All. (CO93-12).
CO91-13 (Feb. 22, 1991) p. All. (CO93-13).
CO91-14 (Feb 22, 1991) p. All. (CO93-14).
Guam:
GU91-1 (Feb. 22, 1991) p. All. (GU93-1).
Hawaii:
HI91-1 (Feb. 22, 1991) (HI93- p. All. 1).
Idaho:
ID91-1 (Feb. 22, 1991) (ID93- p. All. 1).
ID91-2 (Feb. 22, 1991) (ID93- p. All. 2).
ID91-3 (Feb. 22, 1991) (ID93- p. All. 3).
ID91-4 (Feb. 22, 1991) (ID93- p. All. 4).
ID91-5 (Feb. 22, 1991) (ID93- p. All. 5).
Montana:
MT91-1 (Feb. 22, 1991) p. All. (MT93-1).
MT91-2 (Feb. 22, 1991) p. All. (MT93-2).
MT91-3 (Feb. 22, 1991) p. All. (MT93-3).
MT91-4 (Feb. 22, 1991) p. All. (MT93-4).
MT91-5 (Feb. 22, 1991) p. All. (MT93-5).
MT91-6 (Feb. 22, 1991) p. All. (MT93-6).
MT91-7 (Feb. 22, 1991) p. All. (MT93-7).
MT91-8 (Feb. 22, 1991) p. All. (MT93-8).
North Dakota:
ND91-1 (Feb. 22, 1991) p. All. (ND91-1).
ND91-2 (Feb. 22, 1991) p. All. (ND91-2).
ND91-3 (Feb. 22, 1991) p. All. (ND91-3).
ND91-4 (Feb. 22, 1991) p. All. (ND91-4).
ND91-5 (Feb. 22, 1991) p. All. (ND91-5).
Nevada:
NV91-2 (Feb. 22, 1991) p. All. (NV93-2).
NV91-3 (Feb. 22, 1991) p. All. (NV93-3).
NV91-5 (Feb. 22, 1991) p. All. (NV93-5).
NV91-6 (Feb. 22, 1991) p. All. (NV93-6).
NV91-7 (Feb. 22, 1991) p. All. (NV93-7).
NV91-8 (Feb. 22, 1991) p. All. (NV93-8).
Oregon:
OR91-1 (Feb. 22, 1991) p. All. (OR93-1).
OR91-2 (Feb. 22, 1991) p. All. (OR93-2).
OR91-3 (Feb. 22, 1991) p. All. (OR93-3).
OR91-4 (Feb. 22, 1991) p. All. (OR93-4).
South Dakota:
SD91-1 (Feb. 22, 1991) p. All. (SD93-1).
SD91-2 (Feb. 22, 1991) p. All. (SD93-2).
SD91-3 (Feb. 22, 1991) p. All. (SD93-3).
SD91-4 (Feb. 22, 1991) p. All. (SD93-4).
SD91-5 (Feb. 22, 1991) p. All. (SD93-5).
SD91-6 (Feb. 22, 1991) p. All. (SD93-6).
Utah:
UT91-1 (Feb. 22, 1991) p. All. (UT93-1).
UT91-2 (Feb. 22, 1991) p. All. (UT93-2).
UT91-3 (Feb. 22, 1991) p. All. (UT93-3).
UT91-4 (Feb. 22, 1991) p. All. (UT93-4).
UT91-5 (Feb. 22, 1991) p. All. (UT93-5).
UT91-6 (Feb. 22, 1991) p. All. (UT93-6).
UT91-7 (Feb. 22, 1991) p. All. (UT93-7).
UT91-8 (Feb. 22, 1991) p. All. (UT93-8).
UT91-9 (Feb. 22, 1991) p. All. (UT93-9).
UT91-10 (Feb. 22, 1991) p. All. (UT93-10).
UT91-11 (Feb. 22, 1991) p. All. (UT93-11).
UT91-12 (Feb. 22, 1991) p. All. (UT93-12).
UT91-13 (Feb. 22, 1991) p. All. (UT93-13).
UT91-14 (Feb. 22, 1991) p. All. (UT93-14).
UT91-15 (Feb. 22, 1991) p. All. (UT93-15).
UT91-16 (Feb. 22, 1991) p. All. (UT93-16).
UT91-17 (Feb. 22, 1991) p. All. (UT93-17).
UT91-18 (Feb. 22, 1991) p. All. (UT93-18).
UT91-19 (Feb. 22, 1991) p. All. (UT93-19).
UT91-20 (Feb. 22, 1991) p. All. (UT93-20).
UT91-21 (Feb. 22, 1991) p. All. (UT93-21).
UT91-22 (Feb. 22, 1991) p. All. (UT93-22).
UT91-23 (Feb. 22, 1991) p. All. (UT93-23).
UT91-24 (Feb. 22, 1991) p. All. (UT93-24).
UT91-25 (Feb. 22, 1991) p. All. (UT93-25).
UT91-26 (Feb. 22, 1991) p. All. (UT93-26).
UT91-27 (Feb. 22, 1991) p. All. (UT93-27).
UT91-28 (Feb. 22, 1991) p. All. (UT93-28).
UT91-29 (Feb. 22, 1991) p. All. (UT93-29).
UT91-30 (Feb. 22, 1991) p. All. (UT93-30).
UT91-31 (Feb. 22, 1991) p. All. (UT93-31).
UT91-32 (Feb. 22, 1991) p. All. (UT93-32).
Washington:
WA91-2 (Feb. 22, 1991) p. All. (WA93-1).
WA91-3 (Feb. 22, 1991) p. All. (WA93-1).
WA91-4 (Feb. 22, 1991) p. All. (WA93-1).
WA91-5 (Feb. 22, 1991) p. All. (WA93-1).
WA91-6 (Feb. 22, 1991) p. All. (WA93-1).
WA91-7 (Feb. 22, 1991) p. All. (WA93-1).
WA91-8 (Feb. 22, 1991) p. All. (WA93-1).
WA91-9 (Feb. 22, 1991) p. All. (WA93-1).
WA91-10 (Feb. 22, 1991) p. All. (WA93-1).
WA91-11 (Feb. 22, 1991) p. All. (WA93-1).
Wyoming:
WY91-1 (Feb. 22, 1991) p. All. (WY91-1).
WY91-2 (Feb. 22, 1991) p. All. (WY91-2).
WY91-3 (Feb. 22, 1991) p. All. (WY91-3).
WY91-4 (WY91-
(WY91-
WY91-5
(WY91-
WY91-6
(WY91-
WY91-7
(WY91-
WY91-8
(WY91-
WY91-9
(WY91-

Modificati
Determina

The nun
the Gover
Document
Determina
Bacon and
are listed b
number(s).
Federal Re
following t

Delaware:
DE93-1 (
DE93-2 (
DE93-5 (
New Jersey:
NJ93-2 (F
NJ93-3 (F
New York
NY93-4 (
NY93-16
NY93-21
NY93-25
Pennsylvani
PA93-4 (
PA93-9 (
PA93-14
PA93-23
South Carol
SC93-23 (
Virginia:
VA93-15
VA93-17
VA93-50
VA93-78
VA93-79
VA93-80
VA93-81

Iowa:
IA93-2 (F
IA93-14 (
IA93-16 (
Illinois:
IL93-9 (Fe
Indiana:
IN93-3 (F
Michigan:
MI93-17 (
New Mexico
NM93-1 (
Oklahoma:
OK93-14

Idaho:
ID93-1 (Fe
Nevada:
ND93-1 (F
ND93-4 (F

WY91–4 (Feb. 22, 1991) p. All. (WY91–4).
WY91–5 (Feb. 22, 1991) p. All. (WY91–5).
WY91–6 (Feb. 22, 1991) p. All. (WY91–6).
WY91–7 (Feb. 22, 1991) p. All. (WY91–7).
WY91–8 (Feb. 22, 1991) p. All. (WY91–8).
WY91–9 (Feb. 22, 1991) p. All. (WY91–9).

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office Document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I

Delaware:
DE93–1 (Feb. 19, 1993) .....
DE93–2 (Feb. 19, 1993) .....
DE93–5 (Feb. 19, 1993) .....
New Jersey:
NJ93–2 (Feb. 19, 1993) .....
NJ93–3 (Feb. 19, 1993) .....
New York
NY93–4 (Feb. 19, 1993) .....
NY93–16 (Feb. 19, 1993) .....
NY93–21 (Feb. 19, 1993) .....
NY93–25 (Feb. 19, 1993) .....
Pennsylvania:
PA93–4 (Feb. 19, 1993) .....
PA93–9 (Feb. 19, 1993) .....
PA93–14 (Feb. 19, 1993) .....
PA93–23 (Feb. 19, 1993) .....
South Carolina
SC93–23 (Feb. 19, 1993) .....
Virginia:
VA93–15 (Feb. 19, 1993) .....
VA93–17 (Feb. 19, 1993) .....
VA93–50 (Feb. 19, 1993) .....
VA93–78 (Feb. 19, 1993) .....
VA93–79 (Feb. 19, 1993) .....
VA93–80 (Feb. 19, 1993) .....
VA93–81 (Feb. 19, 1993) .....

Volume II

Iowa:
IA93–2 (Feb. 19, 1993) .....
IA93–14 (Feb. 19, 1993) .....
IA93–16 (Feb. 19, 1993) .....
Illinois:
IL93–9 (Feb. 19, 1993) .....
Indiana:
IN93–3 (Feb. 19, 1993) .....
Michigan:
MI93–17 (Feb. 19, 1993) .....
New Mexico:
NM93–1 (Feb. 19, 1993) .....
Oklahoma:
OK93–14 (Feb. 19, 1993) .....

Volume III

Idaho:
ID93–1 (Feb. 19, 1993) .....
Nevada:
ND93–1 (Feb. 19, 1993) .....
ND93–4 (Feb. 19, 1993) .....
Utah:
UT93–20 (Feb. 19, 1993) .....
UT93–25 (Feb. 19, 1993) .....
UT93–26 (Feb. 19, 1993) .....
UT93–29 (Feb. 19, 1993) .....
UT93–30 (Feb. 19, 1993) .....
UT93–31 (Feb. 19, 1993) .....
Washington:
WA93–1 (Feb. 19, 1993) .....
WA93–2 (Feb. 19, 1993) .....
WA93–3 (Feb. 19, 1993) .....
WA93–5 (Feb. 9, 1993) .....

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783–3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 12th Day of February 1993.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 93–3818 Filed 2–25–93; 8:45 am]

BILLING CODE 4510–27–M

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from mother sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S–3014, Washington, DC 20210.

New General Wage Determination Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume and State.

Volume II

Arkansas:
AR93–10 (Feb. 26, 1993) .....
AR93–11 (Feb. 26, 1993) .....
AR93–12 (Feb. 26, 1993) .....
AR93–13 (Feb. 26, 1993) .....
AR93–14 (Feb. 26, 1993) .....
AR93–15 (Feb. 26, 1993) .....
AR93–16 (Feb. 26, 1993) .....
AR93–17 (Feb. 26, 1993) .....
AR93–18 (Feb. 26, 1993) .....
AR93–19 (Feb. 26, 1993) .....
AR93–20 (Feb. 26, 1993) .....
AR93–21 (Feb. 26, 1993) .....
AR93–22 (Feb. 26, 1993) .....
AR93–23 (Feb. 26, 1993) .....
AR93–24 (Feb. 26, 1993) .....
AR93–25 (Feb. 26, 1993) .....
AR93–26 (Feb. 26, 1993) .....
AR93–27 (Feb. 26, 1993) .....
AR93–28 (Feb. 26, 1993) .....
Kansas:
KS93–18 (Feb. 26, 1993) .....
KS93–19 (Feb. 26, 1993) .....
KS93–20 (Feb. 26, 1993) .....

Modification to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Massachusetts: MA93–5 (FEB. 19, 1993).
New Hampshire: NH93–4 (FEB. 19, 1993).
New York:
NY93–8 (Feb. 19, 1993) .....
NY93–13 (Feb. 19, 1993) .....
NY93–16 (Feb. 19, 1993) .....
NY93–23 (Feb. 19, 1993) .....
Pennsylvania:
PA93–17 (Feb. 19, 1993) .....

Volume II

Indiana IN93–3 (Feb. 19, 1993)
Michigan:
MI93–1 (Feb. 19, 1993) .....
MI93–2 (Feb. 19, 1993) .....
MI93–3 (Feb. 19, 1993) .....
MI93–5 (Feb. 19, 1993) .....
MI93–7 (Feb. 19, 1993) .....
MI93–12 (Feb. 19, 1993) .....

Volume III

Washington:
WA93–2 (Feb. 19, 1993) .....
WA93–7 (Feb. 19, 1993) .....

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783–3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 19th day of February, 1993.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 93–4257 Filed 2–25–93; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL COMMISSION ON MANUFACTURED HOUSING

Meeting

AGENCY: National Commission on Manufactured Housing.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 101–625, as amended, the National Commission on Manufactured Housing announces a forthcoming meeting of the Commission.

CLOSED SESSION: March 11, 1993, 8:30 a.m. until 10:30 a.m.

DATES March 11, 1993, 10:45 a.m.–5 p.m., March 12, 1993, 8:30 a.m.–3 p.m.

ADDRESSES: Hyatt Regency, 400 New Jersey Avenue, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Carmelita R. Pratt, Administrative Officer, The National Commission on Manufactured Housing, (GSA) 7th & D Street, SW., 7109, Washington, DC 20407 (202) 708–5702.

Type of Meeting: Open.

Due to administrative error this notice could not be published 15 days prior to this meeting as required by Federal Advisory Committee Act.

In addition to this meeting, the following is a list of full commission meetings scheduled for 1993.

Dates and days
March 11 & 12, 1993—Thursday & Friday
April 15 & 16, 1993—Thursday & Friday
May 6 & 7, 1993—Thursday & Friday
June 10 & 11, 1993—Thursday & Friday
July 15 & 16, 1993—Thursday & Friday
August 19 & 20, 1993—Thursday & Friday
September 22 & 23, 1993—Thursday & Friday
October 21 & 22, 1993—Thursday & Friday
November 18 & 19, 1993—Thursday & Friday
December No Meeting

Carmelita R. Pratt,

Administrative Officer.

[FR Doc. 93–4520 Filed 2–25–93; 8:45 am]

BILLING CODE 8820–EA–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 04008989]

Envirocare of Utah, Inc.; Availability of the Envirocare Draft Environmental Impact Statement

1. Description of Proposed Action

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has published a Draft Environmental Impact Statement (DEIS) regarding the Envirocare of Utah, Inc. license action. The DEIS documents the environmental consequences of granting Envirocare of Utah, Inc. a license to receive, store, and dispose of uranium and thorium byproduct material (as defined in section 11e.(2) of the Atomic Energy Act, as amended) received from other persons, at a site near Clive, Tooele County, Utah.

The applicant proposes to dispose of high-volume, low-activity 11e.(2) byproduct material received in bulk by rail and truck. The material will be placed in earthen disposal cells in lifts and covered with earth and rock. The applicant proposes to conduct operations on a site where the applicant

currently disposes of Naturally Occurring Radioactive Material (NORM) and Low-Level radioactive waste under licenses from the Utah Department of Health, Bureau of Radiation Control. The State of Utah, however, does not have the authority to regulate the disposal of section 11e.(2) byproduct material, which remains with the Nuclear Regulatory Commission (NRC).

2. Document Availability

A **Federal Register** Notice by the U.S. Environmental Protection Agency will also be issued advising of the availability of this DEIS. A free single copy of draft NUREG–1476 may be requested by those considering public comment by writing to the U.S. Nuclear Regulatory Commission, ATTN: Distribution Section, room P–368B, Washington, DC 20555. A copy is also available for inspection and/or copying in the NRC Public Document Room, 2120 L St. NW., Washington, DC.

Any interested party may submit comments on this document for consideration by the staff. To be certain of consideration, comments on this report must be received by the date published in the **Federal Register** Notice. Comments received after the due date will be considered to the extent practical. Comments on the DEIS should be sent to Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publication Services, Mail Stop P–223, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Sandra L. Wastler, Uranium Recovery Branch, Division of Low-Level Radioactive Waste Management and Decommissioning, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 504–2582.

Dated at Rockville, Maryland, this 22 day of February, 1993.

For the Nuclear Regulatory Commission.

John J. Surmeier,

Chief, Uranium Recovery Branch, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Materials Safety and Safeguards, NRC.

[FR Doc. 93–4480 Filed 2–25–93; 8:45 am]

BILLING CODE 7590–01–M

South Carolina Electric & Gas Co., Virgil C. Summer Nuclear Station; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing

[Docket No. 50–395]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–12 issued to South Carolina Electric & Gas Company (the licensee) for operation of the Virgil C. Summer Nuclear Station, Unit No. 1 (V.C. Summer), located in Fairfield County, South Carolina.

The proposed amendment would allow the use of interim plugging criteria (IPC) at V.C. Summer; specifically it would modify Technical Specifications 3/4.4.5, Steam Generators, 3/4.4.6, Reactor Coolant System Leakage, and the associated bases which provide tube inspection requirements and acceptance criteria to determine the level of degradation for which a tube experiencing outside diameter stress corrosion cracking (ODSCC) at the tube support plate elevations may remain in service in the V.C. Summer steam generators. For Cycle 8 operation of V.C. Summer, an interim tube support plate elevation plugging criteria that uses a voltage based plugging limit is proposed; specifically, flaw indications with a bobbin coil voltage less than or equal to 1.0 volt can remain in service without further action. For flaw indications in excess of 1.0 volt but less than 2.2 volts, the tube can remain in service provided a rotating pancake coil (RPC) inspection of the indication does not detect a defect. Indications involving modes of tube degradation other than ODSCC will be assessed for operability based on the current plugging criteria.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Operation of V.C. Summer in accordance with the proposed license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Testing of model boiler specimens for free span tubing (no tube support plate restraint) at room temperature conditions show burst pressures in excess of 5475 psi for indications of outer diameter stress corrosion cracking with voltage measurements as high as 11 volts (WCAP–13522). Burst testing performed on pulled tubes from similar plants with ¾ inch tubing shows a measured burst pressure of approximately 5400 psi at room temperature for an indication at 3.5 volts. Correcting for the effects of temperature on material properties and minimum strength levels (as the burst testing was done at room temperature), tube burst capability significantly exceeds the RG [Regulatory Guide] 1.121 criterion requiring the maintenance of a margin of 3 times normal operating pressure differential (3 [delta] P) on tube burst. The 3 [delta] P for the V.C. Summer steam generators corresponds to 3996 psi. Bobbin voltages of tubes which burst near the 3 [delta] P limit on pressure differential ranged from 8.55 to 15.7 volts. Based on the existing date base, this criterion is satisfied with ¾" diameter tubing with bobbin coil indications with signal amplitudes less than 3.7 volts, regardless of the indicated depth measurement. This structural limit is based on a least squares fit of the burst data at a lower 95% prediction interval, further reduced for operating temperature. Burst tube crack morphologies include tubes with single or only a few large axial cracks (more representative of Model Boilers), multiple axial crack networks which form larger macrocracks, and macrocrack networks which are formed predominantly of axial macrocracks with smaller, shallower circumferential cracks joining the axial macrocracks. This last morphology has been termed cellular corrosion. The burst data reduction conservatively bounds all data points from destructive examinations performed to date. No crack morphology detected has resulted in burst pressures for a particular voltage which is not representative of the entire data spread and not bounded by the voltage/burst correlation Therefore, it is judged that the current voltage/burst correlation is representative of any observed or expected (by metalography) tube degradation morphology affecting the TSP [tube support plate] crevice area.

When considering the calculated growth rates for ODSCC within the V.C. Summer steam generators, a 1.0 volt plugging is shown to adequately protect the structural limit. Considering an average voltage increase from the previous cycles eddy current results of 0.29 volts, and adding a 15% NDE [non-destructive evaluation] uncertainty of 0.15 volts (15% of 1 volt) to

the interim plugging criteria of 1.0 volts results in an EOC [end of cycle] voltage of 1.44 volts. This end of cycle voltage compares favorably with the structural limit of 3.7 volts. When 90% cumulative probability values for growth (0.70 volts) and 14% NDE uncertainty values (0.14 volt) are applied to the 1.0 volt plugging limit, the projected EOC voltage of 1.84 volts is obtained. From the voltage/burst correlation in WCAP–13522, the predicted burst pressure of a 1.84 volt indication is 4740 psi, 19% greater than the 3 [delta] P limit established by RG 1.121 of 3996 psi. The growth rate used to determine the projected EOC voltage is based on the review of growth rates for 87 TSP intersections. This includes all reported indications for which detectable eddy current signals were observed from both the 1990 and 1991 inspections.

Additionally, representing the bounding case, the maximum voltage increase from the previous cycle of 2.0 volts is applied to the 1.0 volt plugging limit, resulting in an EOC voltage of 3.0 volts, which is still below the EOC structural limit. Adding NDE uncertainty at 99% cumulative probability to the maximum growth results in a bounding EOC voltage of 3.25 volts, which is 0.45 volts below the RG 1.121 structural limit of 3.7 volts. It must further be noted that the RG 1.121 structural limit applies a factor of safety of 3 to the normal operating pressure differential. A more realistic comparison would be to compare this bounding EOC voltage of 3.25 volts to the voltage which would indicate a burst potential at SLB [steam line break]. Using the lower 99% prediction interval burst correlation results in a burst pressure voltage for SLB conditions of approximately 9.3 volts.

The BOC [beginning of cycle] voltage limit of 2.2 volts is used to protect against EOC voltages exceeding the 3.7 volt, RG 1.121 structural limit. The 2.2 volt value represents an upper bound to assess the acceptability of bobbin coil indications, regardless of RPC [rotating pancake coil] verification. It is conservatively assumed that BOC voltage levels of this magnitude and greater could result in an indication reaching the structural limit at EOC conditions. The 2.2 volt limit is derived by starting with the 3.7 volt structural limit and reducing it by the NDE uncertainty at 90% cumulative probability (20% uncertainty, .45 volts) and the average voltage growth (45% growth, 1.0 volt). This methodology is considered conservative since the 90% cumulative uncertainty value is found to be 14%, but conservatively assumed to be 20% for the analysis. Average growth values for all indications was 44%, while average growth from BOC indications above 0.75 volt was found to be 16%. The 1.0 volt growth allowance (45%) corresponds to 96% cumulative voltage growth. Use of a 1.0 volt interim plugging limit implies an inherent 1.2 volt margin to a plugging limit developed using RG 1.121 methodology.

Only three indications of ODSCC have been reported to have operating leakage—all three have been in European plants. No field leakage has been reported at other plants from tubes with indications with a voltage level of under 7.7 volts (from ¾" tubing). Relative to the expected leakage during accident condition loadings, the accident analyses affected by primary-to-secondary leakage and steam release to the environment as described in the V.C. Summer FSAR [Final Safety Analysis Report] will not be affected upon implementation of the IPC [interim plugging criteria].

A deterministic bobbin voltage-leakage potential correlation is applied to the Monte Carlo voltage predictions to calculate the potential SLB leakage at the EOC–8 at V.C. Summer. The leak rate data for the model boiler and pulled tube specimens were analyzed in order to establish an algebraic relationship that could be used to predict the probability of leakage as a function of bobbin voltage amplitude. A correlation between bobbin voltage and SLB leak rate has been established. The slope of the SLB leak rate correlation is affected by the selection of the regressor variable (voltage vs. leak rate or leak rate vs. voltage). The final correlation combines the portions of the two regression curves to obtain a conservative relationship over the entire voltage range. Based on the protected EOC voltage distribution established by the Monte Carlo analysis, a particular probability of leakage for each voltage bin (i.e., each voltage increment, usually kept to 0.1 volts for simplicity) is established. The values for SLB leak rate for each voltage bin are applied to the leakage probability for each bin. The total SLB leak rate is then determined by integrating the result of the entire EOC voltage distribution. Applying this methodology to the V.C. Summer projected EOC voltage distribution from the previous cycle results in a maximum leak rate of 0.02 gpm for loop B, the most limiting steam generator. The 0.02 gpm SLB leak rate compares favorably with the accident analyses assumptions of 1.0 gpm identified in Table 15.4–23 of the V.C. Summer FSAR. When the probability of leakage and leak rate at 95% confidence limits are applied to a 2.0 volt indication, it is determined that overall effect of each 2.15 volt EOC indication would be to contribute approximately 0.0009 gpm per 2.15 volt indication during an SLB with a [delta] P of 2335 psia. The Monte Carlo analyses indicate a maximum EOC 7 projection of 2.97 volts (99.5% cumulative probability). This value is typical of the maximum voltages observed following application of the existing depth based criteria.

Upon application of the interim plugging criteria, only a negligible increase in leakage (if any increase at all is determined) above normal operating leakage would be expected during plant transients.

Therefore, as implementation of the proposed 1.0 volt interim plugging criteria during Cycle 8 does not adversely affect steam generator tube integrity and results in acceptable dose consequences, the proposed amendment does not result in any [significant] increase in the probability or consequences of an accident previously evaluated within the V.C. Summer FSAR.

2. The proposed license amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Implementation of the proposed interim tube support plate elevation steam generator tube plugging criteria does not introduce any significant changes to the plant design basis. Neither a single or multiple tube rupture event would be expected in a steam generator in which the plugging criteria has been applied (during all plant conditions). And use of the criteria does not provide a mechanism which could result in an accident that has not previously been evaluated.

Upon application of the interim plugging criteria, no excessive primary-to-secondary leakage is anticipated during all plant conditions due to degradation at the tube support plate elevations in the V.C. Summer steam generators. However, the RG 1.121 criterion of providing protection against the leakage from the maximum permissible single crack length which may be achieved during Cycle 8 operation must be met. The primary-to-secondary leakage limits proposed to be implemented with the interim plugging criteria is conservative with respect to the RG 1.121 criterion.

Concurrent with the implementation of the interim plugging criteria, SCE&G will implement a maximum operational leakage limit of 450 gpd for all steam generators, and a maximum of 150 gpd for any one steam generator. The leakage limits will help preclude the potential for excessive leakage during all plant conditions. The RG 1.121 acceptance criteria for establishing operating leakage limits are based on leak-before-break considerations such that plant shutdown is initiated if the leakage associated with the longest permissible crack is exceeded. The longest permissible crack is the crack length that provides a factor of safety of 3 against bursting at normal operating pressure differential. A voltage amplitude of 3.7 volts for typical ODSCC corresponds to this tube burst requirement at a lower 95% prediction interval on the burst correlation. Alternate crack morphologies can correspond to 3.7 volts so that a unique crack length is not defined by the burst pressure versus voltage correlation. Consequently, typical burst pressure versus through-wall crack length correlations are used below to define the "longest permissible crack" for evaluating operating leakage limits.

The single through-wall crack lengths that result in tube burst at 3 times normal operating pressure differential and SLB conditions are 0.44 inch and 0.76 inch, respectively. Nominal leakage for these crack lengths would range from about 0.2 gpm to 2.3 gpm, respectively, while lower 95% confidence level leak rates would range from about 0.04 gpm to 0.33 gpm, respectively. A leak rate of 150 gpd will provide for detection of 0.4 inch long cracks at nominal leak rates and 0.6 inch long cracks at the lower 95% confidence level leak rates. Thus, the 150 gpd limit provides for plant shutdown prior to reaching critical crack lengths for SLB conditions at leak rates less than a lower 95% confidence level and for three times normal operating pressure differential at less than nominal leak rates.

Application of the 1.0 volt interim steam generator tube plugging criteria at V.C. Summer will help preclude tube burst during all plant conditions during Cycle 8 operation. Tube burst margins are expected to meet or exceed RG 1.121 acceptance criteria. The

limiting consequence of the application of the interim plugging criteria is a potential for primary to secondary leakage below the currently allowable value of 1.0 gpm. Based on the previous cycle eddy current results projected to EOC conditions, a maximum SLB leakage of 0.02 gpm is predicted. This amount of leakage would result in off-site radiological consequences well within a small fraction of 100 CFR part 100 limits. Unacceptable leakage is not anticipated at normal operating or reactor coolant pump locked rotor conditions. Therefore, as the existing tube integrity criteria and 7 accident analyses assumptions and results continue to be met, the proposed license amendment does not create the possibility of a new or different kind of accident from any previously evaluated. During the Refueling Cycle 7 outage (projected for March 1993) the eddy current results will be evaluated and a specific leak rate calculation for EOC–8 will be generated. Based on the prior eddy current inspection results, the leak rate is expected to be much less than 1.0 gpm.

3. The proposed license amendment does not involve a significant reduction in margin of safety.

The use of the voltage based bobbin probe interim plugging criteria at V.C. Summer has been demonstrated to maintain steam generator tube integrity commensurate with the criteria of Regulatory Guide 1.121. RG 1.121 describes a method acceptable to the NRC staff for meeting GDCs 14, 15, 31, and 32 by reducing the probability or the consequences of steam generator tube rupture. This is accomplished by determining the limiting conditions of degradation of steam generator tubing, as established by inservice inspection, for which tubes with unacceptable cracking should be removed from service. Upon implementation of the criteria, even under the worst case conditions, the occurrence of ODSCC at the tube support plate elevations is not expected to lead to a steam generator tube rupture event during normal or faulted plant conditions. The end of cycle distribution of crack indications at the tube support plate elevations is calculated to result in minimal primary to secondary leakage during all plant conditions and radiological consequences are not adversely impacted.

It has been determined that the combined effects of LOCA + SSE [loss of coolant accident plus safe shutdown earthquake] on the steam generator component (as required by GDC 2), may result in localized tube deformation in the area of the wedge regions, at the upper support plates.

Analyses results show that for the V.C. Summer steam generators several tubes near wedge locations could be affected in this manner. These tubes have been precluded from application of interim plugging criteria * * * For all other steam generator tubes, the possibility of secondary to primary leakage in the event of a LOCA + SSE event is not significant. In actuality, the expected amount of secondary to primary leakage in the event of a LOCA + SSE is expected to be much less than the maximum primary to secondary leakage associated with the application of this criteria, i.e., 150 gpd per steam generator. Secondary to primary in-leakage would be less than primary to secondary leakage for the same pressure differential since the cracks would tend to close under a secondary to primary pressure differential. Additionally, since no TSP deflection would be postulated during a LOCA, the presence of the tube support plate is expected to reduce the amount of in-leakage. Any estimation of in-leakage is further reduced based on the expectation that EOC bobbin voltages are predicted (by Monte Carlo) to be a maximum of 2.97 volts, compared to the threshold limit for normal operation leakage of 7.7 volts.

With regard to limits on tube structural integrity as defined by RG 1.121, the proposed V.C. Summer single cycle, 1.0 volt plugging limit provides for additional margin against tube burst at EOC conditions compared to the currently used 40% depth based criteria. Previous studies have indicated that the through-wall growth rate for ODSCC at the TSP's to be about 10 to 15% per cycle. When these values are combined with eddy current uncertainty (assumed to be 15% for depth based calls), an indication just below the plugging limit of 40% can result in EOC reported depths of up to about 70% through-wall. Depth based criteria modeling would permit crack lengths up to the TSP thickness for which 70% depth provides 3 [delta] P capability. This is approximately equal to the structural limit determined by the criteria of RG 1.121. Using the 1.0 volt criteria, a maximum EOC voltage of 2.97 volts is predicted using Monte Carlo. This methodology predicts EOC voltages at a cumulative probability of approximately 99.5% for 200 indications in the population. The EOC voltage which corresponds with a burst pressure equal to three times the normal operating pressure differential is approximately 3.7 volts, therefore, a 20% margin (0.73 volts) between maximum projected EOC voltages and the structural limit voltage is afforded using the voltage based criteria, where little or no margin could be expected for a similar condition tube using the current 40% depth based criteria. Also, comparing the maximum projected EOC voltage with the maximum bobbin voltage obtained during the last inspection indicates that EOC voltages are approximately equal for both criteria. The maximum voltage from the last inspection was 2.81 volts, with a growth of 2.01 volts. The maximum EOC voltage predicted by Monte Carlo of 2.97 volts assumed an initial BOC voltage of 1.0, indicating total growth and uncertainty of 1.97 volts.

Addressing RG 1.83 considerations, implementation of the bobbin probe voltage based interim tube plugging criteria of 1.0 volt is supplemented by: use of a probe wear standard, enhanced eddy current inspection guidelines to provide consistency in voltage normalization, a 100% eddy current inspection sample size at the tube support plate elevations, and rotating pancake coil inspection requirements for the larger indications left inservice. Whether a depth based or voltage based criteria is used, the peak-to-peak voltage is independent of the phase angle calibration for depth and will inherently provide for a more accurate methodology for assessing degraded tube operability. Pulled tube experience, for some crack morphologies has shown that as crack depth and length increase, bobbin voltage increases also.

As noted previously, implementation of the tube support plate elevation-plugging criteria will decrease the number of tubes which must be repaired by sleeving or taken out of service by plugging. The installation of steam generator tube plugs reduces the RCS [reactor coolant system] flow margin. Thus, implementation of the interim plugging criteria will maintain the margin of flow that would otherwise be reduced in the event of increased tube plugging.

Based on the above, it is concluded that the proposed license amendment request does not result in a significant reduction in margin with respect to plant safety as defined in the Final Safety Analysis Report or any BASES of the plant Technical Specifications.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposed to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules Review & Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 29, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facilities operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be

VOL 58 ISS 37 FE 26 1993 UMI

filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above. Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists which the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–800–342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Jocelyn A. Mitchell: Petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Randolph R. Mahan, South Carolina Electric & Gas Company, Post Office Box 764, Columbia, South Carolina 29218, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 12, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Dated at Rockville, Maryland, this 22nd day of February 1993.

For the Nuclear Regulatory Commission.

George F. Wunder,

Project Manager, Project Directorate II–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–4481 Filed 2–25–93; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee (TPSC); Notice of the Effective Date, With Respect to the Republic of Kazakhstan, of the Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of the effective date, with respect of the Republic of Kazakhstan, of the Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics.

SUMMARY: In Proclamation 6352 of October 9, 1991 (56 FR 51317), the President proclaimed that the "Agreement on Trade Relations Between the United States of America and the Union of Soviet Socialist Republics" enters into force and nondiscriminatory treatment would be extended to products of the U.S.S.R. in accordance with the terms of the Agreement on the date of exchange of written notices of acceptance in accordance with Article XVII of the Agreement. Subsequently, the U.S.S.R. was succeeded by twelve independent states, including the Republic of Kazakhstan. An exchange of diplomatic notes with the Republic of Kazakhstan in accordance with Article XVII of the Agreement, as modified by technical adjustments and retitled "Agreement on Trade Relations between the United States of America and the Republic of Kazakhstan," took place in Alma Ata, Kazakhstan on February 18, 1993. Accordingly, the Agreement became effective on February 18, 1993, with respect to the Republic of Kazakhstan, and nondiscriminatory treatment is extended to products of the Republic of Kazakhstan as of February 18, 1993 in accordance with the Agreement and as provided for in Proclamation 6352 of October 9, 1991.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 93–4547 Filed 2–25–93; 8:45 am]

BILLING CODE 3190–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–31890; File No. SR–BSE–92–04]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Order Approving Proposed Rule Change and Amendments No. 1, No. 2, and No. 3 to Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendments No. 4, No. 5, No. 6, and No. 7 to Proposed Rule Change Relating to Its Specialist Performance Evaluation Program

February 19, 1993.

I. Introduction

On April 23, 1992, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its Specialist Performance Evaluation Program ("SPEP" or "Evaluation Program") to incorporate objective measures of performance. The Exchange has requested that the Commission approve this filing on a 12-month pilot basis effective beginning with the January to April 1993 review period, at which point the BSE's current performance evaluation pilot would cease to exist as a separate program.[3]

On May 26, 1992, the BSE submitted to the Commission Amendment No. 1 to the proposed rule change.[4] On July 27, 1992, the BSE submitted Amendment No. 2 to the proposed rule change.[5] On September 28, 1992, the BSE submitted Amendment No. 3 to the proposed rule change.[6] These amendments make certain technical and clarifying corrections to the Evaluation Program. The BSE submitted two further amendments on December 16, 1992. Amendment No. 4 would clarify the conditions under which a specialist's performance would be reviewed.[7] Amendment No. 5 would raise the threshold levels for the objective measures of performance.[8] Two final amendments, Amendments No. 6 and No. 7, were submitted by the BSE on January 15, 1993[9] and January 28, 1993.[10] These amendments would further specify the conditions under which a specialist's overall performance would subject him to review.

The proposed rule change, together with Amendments No. 1, No. 2 and No. 3, was published for comment in Securities Exchange Act Release No. 31268 (September 30, 1992), 57 FR 46208 (October 7, 1992). No comments were received on the proposal. This order approves the proposed rule change, including all seven amendments.

II. Background

The BSE's Specialist Performance Evaluation Program presently consists of a questionnaire,[11] which asks floor brokers to rate various aspects of the specialist's performance. The questionnaire consists of twelve questions, eight of which are weighted and used in computing an average score. Both for each question and overall, the specialist is graded on a nine-point scale (with one being the worst and nine the best).

For purposes of the Evaluation Program, the Exchange has set certain minimum acceptable levels of performance. Failure to meet these thresholds subjects the specialist to performance improvement actions. Specifically, if a specialist scores below 4.5 overall, for any one review period, or on one question, for two out of three

---

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1991).

[3] The Commission initially approved the BSE's SPEP pilot program in Securities Exchange Act Release No. 22993 (March 10, 1986), 51 FR 8928 (March 14, 1986) (File No. SR–BSE–84–04) ("1984 Approval Order"). The Commission extended the pilot program in Securities Exchange Act Release Nos. 26162 (October 6, 1988), 53 FR 40301 (October 14, 1988) (File No. SR–BSE–87–06), 27656 (January 30, 1990), 55 FR 4296 (February 7, 1990) (File No. SR–BSE–92–01); 28919 (February 26, 1991), 56 FR 9990 (March 8, 1991) (File No. SR–BSE–91–01); and 30401 (February 24, 1992), 57 FR 7413 (March 2, 1992) (File No. SR–BSE–92–01). Commission approval of BSE's current SPEP pilot program expires on February 26, 1993.

[4] See letter from Karen Aluise, Attorney, BSE, to Mary Revell, Branch Chief, SEC, dated May 18, 1992 ("Amendment No. 1").

[5] See letter from Karen Aluise, Attorney, BSE, to Sharon Lawson, Assistant Director, SEC, dated July 27, 1992 ("Amendment No. 2").

[6] See letter from Karen Aluise, Attorney, BSE, to Diana Luka-Hopson, Branch Chief, SEC, dated September 28, 1992 ("Amendment No. 3").

[7] See letter from Karen Aluise, Attorney, BSE, to Beth Stekler, Staff Attorney, SEC, dated December 11, 1992 ("Amendment No. 4").

[8] See letter from Karen Aluise, Attorney, BSE, to Beth Stekler, Staff Attorney, SEC, dated December 11, 1992 ("Amendment No. 5").

[9] See letter from Karen Aluise, Attorney, BSE, to Beth Stekler, Staff Attorney, SEC, dated January 13, 1993 ("Amendment No. 6").

[10] See letter from Karen Aluise, Attorney, BSE, to Beth Stekler, Staff Attorney, SEC, dated January 22, 1993 ("Amendment No. 7").

[11] When the Commission first approved BSE's SPEP pilot program it included a quotation evaluation score. See 1984 Approval Order, *supra* note 3. The Commission later approved a BSE proposal to eliminate this quotation evaluation score from the SPEP, on the condition that the BSE develop new objective criteria for evaluating specialists. See Securities Exchange Act Release No. 26162 (October 6, 1988), 53 FR 40301 (October 14, 1988) (File No. SR–BSE–87–06).

VOL 58 ISS 37 FE 26 1993 UMI

consecutive review periods, he is requested to meet with the Performance Improvement Action Committee. This is a voluntary meeting to discuss, informally, possible methods of improving the specialist's performance.

If, during either one of the next two review periods, the specialist repeats his poor performance (e.g., fails to score above 4.5 overall or on the same one question, whichever condition was the basis for his informal review), he is then referred to the Market Performance Committee. This meeting is mandatory. Among the actions the Market Performance Committee can take are reallocating the specialist's stock or suspending his trading account.[12]

As described in more detail below, the BSE has proposed significant revisions to its existing Evaluation Program. The current pilot program would be deleted concurrent with the adoption of these proposals.

III. Description of the Proposal

The Exchange proposes to amend its Specialist Performance Evaluation Program to revise its questionnaire[13] and to incorporate objective measures of performance.[14] The BSE proposal would use the BEACON system[15] to assess how well a specialist handles market and marketable limit orders routed to him for execution. For each specialist, a record of all action taken on relevant BEACON orders would be accumulated in a special file, from which the four calculations described below would be run.

First, Turnaround Time would measure the average number of seconds from the receipt of a guaranteed market or marketable limit order (i.e., for 1239 shares or less) in BEACON until it is executed (in whole or in part), stopped or cancelled.[16] Time would continue to accumulate if the specialist just moves an order from the auto-ex screen to the manual one, until that order is executed (in whole or in part), stopped or cancelled.

Second, Holding Orders Without Action would measure the number of market and marketable limit orders which are neither executed, stopped nor cancelled within twenty-five seconds. This measure differs from Turnaround Time in that orders of all sizes (including those already counted towards Turnaround Time) would be analyzed.[17]

Third, Trading Between the Quote would measure the number of market and marketable limit orders that are executed between the best consolidated bid and offer where the spread is greater than ⅛.

Fourth, Executions in Size Greater than Best Bid and Offer (BBO) would measure the number of market and marketable limit orders which exceed, and are executed in a size larger than, BBO size.

For each of the above measures, including the revised questionnaire, the specialist would receive a raw score. A ten point grading scale would then be applied to ranges of raw scores. In computing the overall program score, the measures would be assigned the following weights: Turnaround Time, 15%; Holding Orders Without Action, 15%; Trading Between the Quote, 25%; Executions in Size Greater than BBO, 25%; Questionnaire, 20%.

The Exchange also proposes to amend the conditions for performance review. For each measure, the Evaluation Program would state at what score specialist performance would be deemed adequate.[18] A specialist who is deficient in the same one objective measure, for two out of three consecutive review periods, would be required to appear before the Performance Improvement Action Committee.[19] The purpose of this meeting is to discuss, informally, possible methods of improving the specialist's performance.

If the specialist does not improve in the next review period, he would be referred to the Market Performance Committee. The Market Performance Committee would be directed to take such actions as it deems necessary and appropriate to address the deficient score. These actions would include suspending a specialists's trading account, suspending his alternate specialist account privilege,[20] or reallocating his specialty stocks.[21]

The Exchange also proposes to add modified relative rankings to the Evaluation Program. A specialist who is deficient on the overall program score, for two out of three consecutive review periods, would be required to appear before the Market Performance Committee, with the same possible consequences as above.[22] In addition, the Exchange staff would review the performance of any other specialists whose scores place them in the bottom ten percent of all BSE units.[23]

The BSE believes that the proposed rule change will promote just and equitable principles of trade and aid in the perfection of a free and open market and a national market system. The Exchange states that the SPEP results

---

[12] A specialist's trading account permits him to trade stocks other than his specialty stock.

[13] The questionnaire was revised to clarify certain language, to adjust the weights of certain questions and to minimize overlap with the objective measures. See Amendment No. 1, *supra*, note 4.

[14] In addition to the substantive changes, Chapter XV of the BSE Rules is being reorganized; SPEP, now ¶ 2155.03, will be moved to new ¶ 2156.

[15] BEACON is the BSE's automated order-routing and execution system. Of all incoming BEACON orders, SPEP would collect data for regular buy and sell market and marketable limit orders only. Thus BEACON orders with qualifiers (e.g., buy minus or sell plus, market-on-close, stop, stop limit, all or none, etc.) and crosses would be excluded from analysis.

[16] Data collection would start when the stock opens on the primary market. Blocks of time would be excluded in the event of trading halts, BEACON system failure, etc.

[17] The same exclusions would apply for Holding Orders Without Action as for Turnaround Time. See, *supra*, note 16.

[18] A specialist is deficient in any individual objective measure or the overall program if he scores below certain minimum performance levels, as set forth in Amendment No. 5 to the proposed rule change.

Thus for his performance to be deemed adequate, a specialist must receive the following scores:

Overall Evaluation Score—at or above weighted score of 5.80

Turnaround Time—below 21.0 seconds (8 points)

Holding Orders Without Action—below 21% (7 points)

Trading Between the Quote—at or above 28% (5 points)

Executions Greater than BBO—at or above 76% (6 points)

Questionnaire—at or above weighted score of 50 (4 points)

See Amendment No. 5, *supra*, note 8.

[19] Amendment No. 4 specifies that, in the event a specialist receives a deficient score on the questionnaire alone, the Exchange staff would review the deficient questionnaire to determine if there is sufficient reason to warrant informing the Performance Improvement Action Committee of potential performance problems. See Amendment No. 4, *supra*, note 7.

[20] Alternate specialists provide added liquidity to the market, by promising to trade up to a certain amount of shares, on the request of the primary specialist. A specialist must apply for the privilege of being an alternate.

[21] The possible performance improvement actions are described in the BSE Rules under SPEP's Supplemental Material. This Supplemental Material is intended to provide specialists with adequate notice of the consequences of poor performance. It does not articulate any new substantive standards.

[22] See Amendment No. 6, *supra*, note 9.

[23] Amendment No. 7 specifies that, in the event a specialist ranked in the bottom ten percent does not fall below the threshold for the overall performance evaluation program, the Exchange staff would review the performance of the specialist to determine if there is sufficient reason to warrant informing the Performance Improvement Action Committee of potential performance problems. See Amendment No. 4, *supra*, note 7.

According to the BSE, a specialist need only fall within the above provision for one review period before his performance would be looked at by the Exchange staff. In appropriate circumstances, the Performance Improvement Action Committee (after being informed by the staff) would call in the specialist for informal discussion and/or refer him to the Market Performance Committee for formal proceedings. Telephone conversation between Karen Aluise, Attorney, BSE, and Beth Stekler, Staff Attorney, SEC, on January 21, 1993. Staff review of specialists who are deficient on the questionnaire alone, see *supra*, note 19, would proceed along the same lines.

weigh heavily in stock allocation decisions and, as a result, specialists are encouraged to improve their market quality and administrative duties.

IV. Discussion

The Commission believes that specialists play a crucial role in providing stability, liquidity and continuity to the trading of stocks. Among the obligations imposed upon specialists by the Exchange, and by the Act and the rules thereunder, is the maintenance of fair and orderly markets in their designated securities.[24] To ensure that specialists fulfill these obligations, it is important that the Exchange conduct effective oversight of their performance. The BSE's Specialist Performance Evaluation Program is critical to this oversight.

The Commission notes that the proposed rule change includes both subjective and objective measures of performance. Together the questionnaire and the objective BEACON criteria should adequately measure specialist performance on the BSE. For example, specialists' handling of both manually executed and automated orders would be examined. Accordingly, the Commission believes that this Evaluation Program is a fair tool by which to judge specialist performance.[25]

The Commission continues to believe that questionnaires completed by floor brokers can provide an additional source of useful information for purposes of evaluating specialist performance.[26] Floor brokers have direct and frequent interaction with specialists, making them qualified to rate specialist performance. Moreover, even with the increased use of automated execution and trading systems, specialists must still handle many orders, including all those above a certain size, manually.

Nevertheless, the Commission has consistently encouraged the exchanges to develop objective measures of specialist performance. The Commission believes that a specialist evaluation program which measures performance through a combination of floor broker surveys and objective criteria should provide an effective and fair means of evaluating specialists.[27] In response, the BSE is proposing to add several objective criteria to measure specialist performance: Turnaround Time and Holding Orders Without Action (30% of the overall program) apply to timeliness of execution; Trading Between the Quote (25%) applies to price; and Executions in Size Greater than BBO (25%) applies to depth. The Commission believes this proposal represents a good first step for the BSE in developing a truly effective specialist evaluation program. These measures, together with the floor broker questionnaire, should generate sufficiently detailed information to enable the Exchange to make accurate assessments of specialist performance.

The Commission, therefore, believes that the proposed rule change should provide the BSE with the means to identify and correct poor performance by specialists.[28] Furthermore the possibility of the institution of a performance improvement action as a result of the evaluation process, in addition to the use of the scores in making stock allocation decisions, should help motivate and provide an incentive for specialists to maintain high levels in the market making performance. This, in turn, should benefit the execution of public orders and further the protection of investors. Nevertheless, the Commission believes that the BSE should continue to look for ways to improve its Evaluation Program. To this end, the Commission encourages the Exchange to examine its minimum performance thresholds in order to ensure that they are set at appropriate levels and also to consider incorporating additional objective measures into its program.[29]

Furthermore, as noted above, the BSE is proposing to adopt a modified relative performance review. The Commission has long favored the use of relative performance standards in the specialist evaluation process. In its study of the 1987 Market Break, the Division of Market Regulation ("Division") found a wide disparity in specialist performance. The Division concluded that, if there are specialists whose performance diverges widely from the best units, the exchanges should ensure that they are subject to review and, if necessary, to stock reallocation.[30]

The Commission believes that the BSE's modified relative performance standards should enhance its specialist evaluation program. With its review of units falling in the bottom ten percent of the rankings,[31] the Exchange has added a mechanism for identifying specialists who, despite having surpassed the threshold for the overall program score, are nevertheless performing comparatively poorly. The Commission previously has suggested that the bottom ten percent of the overall performance rankings should be a fair approximation of those specialists whose performance is largely inferior to the bulk of units.[32] The Commission would have preferred that all BSE specialists ranked in the bottom ten percant be subjected to mandatory performance improvement actions. Nevertheless, the Commission is satisfied that, taking the staff review provision together with the other conditions for review, all performance problems should be brought to the attention of the appropriate committees and that corrective actions will be taken where warranted.

The Commission believes that it is appropriate to approve this rule filing on a 12-month pilot basis, expiring December 31, 1993. This 12-month period will enable the Exchange to determine the appropriateness of the

---

[24] Rule 11b–1, 17 CFR 240.11b–1 (1991); Ch. XV, ¶ 2155.01 of the BSE Rules.

[25] The Commission recently approved, on a permanent basis, a similar proposal by the Philadelphia Stock Exchange. See Securities Exchange Act Release No. 29369 (June 26, 1991), 56 FR 30604 (July 3, 1991) (File No. SR–Phlx–87–42). Furthermore, the Commission has temporarily approved a New York Stock Exchange ("NYSE") program combining objective and subjective measures of specialist performance. See, e.g., Securities Exchange Act Release No. 30676 (May 7, 1992), 57 FR 20544 (May 13, 1992).

[26] The Commission has previously approved numerous specialist performance evaluation questionnaires. See, e.g., Securities Exchange Act Release Nos. 27675 (February 5, 1990), 55 FR 4922 (February 12, 1990) (File No. SR–NYSE–89–32); 27455 (November 22, 1989), 54 FR 49152 (November 29, 1989) (File No. SR–Amex–89–27); 27846 (March 26, 1990), 55 FR 12084 (March 30, 1990) (File No. SR–MSE–87–13); and 28843 (February 1, 1991), 56 FR 5040 (February 7, 1991) (File No. SR–PSE–87–19).

[27] See, e.g., Securities Exchange Act Release Nos. 30676 (May 7, 1992), 57 FR 20544 (May 13, 1992) (File No. SR–NYSE–92–11); 28843 (February 1, 1991), 56 FR 5040 (February 7, 1991) (File No. SR–PSE–87–19). See also SEC, Division of Market Regulation, The October 1987 Market Break (February 1988) ("Market Break Report"), at xvii.

[28] The BSE has also improved its ability to correct poor specialist performance by making its review process more rigorous. For example, deficient specialists would be required, rather than merely requested, to attend an informal meeting with the Performance Improvement Action Committee. This should help the specialist address weaknesses before his performance deteriorates to a level where formal remedial actions are necessary.

[29] For example, the BSE could develop additional measures of market depth, such as how often the specialist's quote exceeds 100 and 500 shares, or how often the BSE quote, in size, is larger than the BBO market (excluding quotes for 100 shares).

[30] See Market Break Report at xvii and 4–28 to 4–29.

[31] See, supra, note 23.

[32] In 1990, The Commission approved an NYSE proposal to revise its specialist performance evaluation pilot program. See Securities Exchange Act Release No. 27675 (February 5, 1990), 55 FR 4922 (February 12, 1990) (File No. SR–NYSE–89–32). As under the BSE's proposal, NYSE Rule 103A ranks specialists and subjects those falling in the bottom ten percent to performance review. See Securities Exchange Act Release No. 30676 (May 7, 1992), 57 FR 20544 (May 13, 1992) (File No. SR–NYSE–92–11).

objective measures, their respective weights and the acceptable levels of performance; as well as to review the effectiveness of the overall Evaluation Program. The Commission therefore requests that the BSE submit a report to the Commission, by September 15, 1993, describing its experience with the pilot. At a minimum, this report should contain data, for the first two 4-month review periods of 1993, on (1) the number of specialists who fell below acceptable levels of performance for each objective measure, the questionnaire and the overall program, and the specific measures in which each such specialist was deficient; (2) the number of specialists who, as a result of the objective measures, appeared before the Performance Improvement Action Committee for informal counseling; (3) the number of such specialists then referred to the Market Performance Committee and the type of action taken against them; (4) the number of specialists who, as a result of the overall program, appeared before the Market Performance Committee and the type of action taken against them; (5) the number of specialists who, as a result of the questionnaire or falling in the bottom ten percent, were referred by the Exchange staff to the Performance Improvement Action Committee and the type of action taken against them (this should include the number of specialists then referred to the Market Performance Committee and the type of action taken by that Committee); and (6) a list of stocks reallocated due to substandard performance and the particular unit involved. Any requests to modify this pilot, to extend its effectiveness or to seek permanent approval for the Evaluation Program also should be submitted to the Commission by September 15, 1993, as a proposed rule change pursuant to section 19(b) of the Act.

The Commission finds good cause for approving Amendments No. 4, No. 5, No. 6 and No. 7 prior to the thirtieth day after the date of publication of notice of filing thereof. Amendment No. 4 refines certain details of the Specialist Performance Evaluation Program in a manner which is both thorough and fair. This amendment would provide the Exchange with a more precise, but still informal, means of identifying potential performance problems before they occur. The conditions triggering formal review, however, would remain the same. As a result, no specialists could be subjected to such review without having received notice thereof. Similarly, Amendment No. 5 makes certain technical adjustments to the Evaluation Program but leaves its overall structure unchanged. While the thresholds for the objective measures of performance would be made somewhat more stringent, the Commission preliminarily does not believe that this should place a substantial burden on the BSE's specialists. In fact, the Commission believes that the proposed thresholds more adequately measure specialist performance. Amendments No. 6 and No. 7 refine certain details of the performance review procedures. Finally, the original proposal and Amendments No. 1, No. 2 and No. 3 were published for the full statutory period. No comments were received on any aspect of the proposal, which involves significant changes to the BSE's Specialist Performance Evaluation Program.

Interested persons are invited to submit written data, views and arguments concerning Amendments No. 4, No. 5, No. 6 and No. 7 to the proposed rule change. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rules change that are filed with the Commission, and all written communications relating to Amendments No. 4, No. 5, No. 6 and No. 7 between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available at the principal office of the BSE. All submissions should refer to File No. SR–BSE–92–04 and should be submitted by March 19, 1993.

V. Conclusion

For the reasons discussed above, the Commission finds that the proposed rule change is consistent with the requirements of sections 6 and 11 of the Act and the rules and regulations thereunder applicable to a national securities exchange. In particular, the Commission believes the proposal is consistent with the section 6(b)(5)[33] requirement that the rules of the Exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

Further, the Commission finds that the proposal is consistent with section 11(b) of the Act,[34] and Rule 11b–1 thereunder,[35] which allow securities exchanges to promulgate rules relating to specialists in order to maintain fair and orderly markets and to remove impediments to and perfect the mechanism of a national market system.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[36] that the proposed rule change (SR–BSE–92–04) is approved on a pilot basis until December 31, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[37]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4461 Filed 2–25–93; 8:45 am]

BILLING CODE 8010–01–M

[33] 15 U.S.C. 78f(b)(5) (1988).

[34] 15 U.S.C. 78k(b) (1988).

[35] 17 CFR 240.11b–1 (1991).

[36] 15 U.S.C. 78s(b)(2) (1988).

[37] 17 CFR 200.30–3(a)(12) (1991).

[Rel. No. IC–19279; 812–7680]

Merrill Lynch Series Fund, Inc., et al.; Application for Exemptions

February 22, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or the "Commission").

ACTION: Notice of application for exemptions under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Merrill Lynch Series Fund, Inc. (the "Fund"); ML Life Insurance Company of New York, Merrill Lynch Life Insurance Company (together, the "Merrill Lynch Insurance Companies") and Monarch Life Insurance Company ("Monarch") (collectively, the "Participating Insurance Companies"); Variable Account A of Monarch Life Insurance Company ("Variable Account A"), ML of New York Variable Life Separate Account, ML of New York Variable Life Separate Account II, Merrill Lynch Variable Life Separate Account, and Merrill Lynch Life Variable Life Separate Account II (collectively, the "Separate Accounts").

RELEVANT 1940 ACT SECTIONS: Exemptions requested under section 6(c) from sections 9(a), 13(a), 15(a) and 15(b) of the Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder.

SUMMARY OF APPLICATION: Applicants seek an order to the extent necessary to permit shares of the Fund to be sold to and held by the Separate Accounts and

any separate account organized in the future by the Merrill Lynch Insurance Companies that issues variable life insurance policies.

FILING DATES: The application was filed on February 11, 1991 and amended on September 18, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 19, 1993, and should be accompanied by proof of service on Applicants in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.
Applicants: Merrill Lynch Series Fund, Inc., Merrill Lynch Life Insurance Company, Merrill Lynch Variable Life Separate Account and Merrill Lynch Life Variable Life Separate Account II, 800 Scudders Mill Road, Plainsboro, New Jersey 08536; Monarch Life Insurance Company and Variable Account A of Monarch Life Insurance Company, One Monarch Place, Springfield, Massachusetts 01133; ML Life Insurance Company of New York, ML of New York Variable Life Separate Account and ML of New York Variable Life Separate Account II, 717 Fifth Avenue, New York, NY 10022.

FOR FURTHER INFORMATION CONTACT: Wendy Finck Friedlander, Senior Attorney, at (202) 272–3045, or Wendell M. Faria, Deputy Chief, at (202) 272–2060, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. The Merrill Lynch Insurance Companies are wholly owned subsidiaries of Merrill Lynch & Co., Inc. ML Life Insurance Company of New York formerly was Royal Tandem Life Insurance Company. Merrill Lynch Life Insurance Company is the successor in interest to Tandem Insurance Group, Inc. pursuant to merger. Monarch is not affiliated with the Merrill Lynch Insurance Companies.

2. The Separate Accounts are organized as unit investment trusts that invest in shares of the Fund or in series of unit investment trusts sponsored by Merrill Lynch, Pierce, Fenner & Smith Incorporated.

3. The Fund is a Maryland corporation registered under the Act as an open-end management investment company. The Fund's investment adviser is Merrill Lynch Investment Management, Inc., doing business as Merrill Lynch Asset Management ("MLAM"), an investment adviser registered under the Investment Advisers Act of 1940. MLAM is a subsidiary of Merrill Lynch & Co., Inc. and an affiliate of the Merrill Lynch Insurance Companies.

4. Pursuant to an Indemnity Reinsurance and Assumption Agreement (the "Assumption Agreement") dated November 14, 1990, the Merrill Lynch Insurance Companies agreed to assume the obligations of Monarch with respect to certain of the variable life insurance policies issued by Monarch through its Variable Account A, with Monarch remaining obligated with respect to the policies not assumed by the Merrill Lynch Insurance Companies.

5. From the time the Fund was organized in 1980 until the Assumption Agreement, the Fund's shares were held only by Monarch's Variable Account A to fund benefits under variable life insurance policies issued by Variable Account A. Since the assumption of the policies, the Separate Accounts of each of the Participating Insurance Companies have been invested in shares of the Fund to fund benefits under variable life insurance policies assumed or issued by the respective Separate Accounts. The Fund does not anticipate that any other insurance company will participate in the Fund.

6. The Participating Insurance Companies desire to continue to invest in the Fund through their Separate Accounts although Monarch is not affiliated with the Merrill Lynch Insurance Companies. The Merrill Lynch Insurance Companies may organize additional separate accounts that would issue variable life insurance policies and that also would purchase and hold shares of the Fund.

7. The Participating Insurance Companies through their Separate Accounts which invest in the Fund rely, as appropriate, on Rules 6e–2 and 6e–3(T) under the Act, in connection with the issuance of variable life insurance policies.

Applicants' Legal Analysis and Conditions

1. Rules 6e–2(b)(15) and 6e–3(T)(b)(15) provide life insurance company separate accounts organized as unit investment trusts partial exemptions from section 9(a) of the Act and from sections 13(a), 15(a) and 15(b) of the Act to the extent those sections may require "pass-through" voting with respect to an underlying fund's shares. Rules 6e–2(b)(15) and 6e–3(T)(b)(15) limit their exemptive relief to unit investment trust separate accounts investing in management investment companies that offer their shares exclusively to separate accounts of a life insurer and any affiliated life insurer (the "Exclusivity Requirement"). The Merrill Lynch Insurance Companies and Monarch are not affiliated, and therefore cannot rely on Rules 6e–2(b)(15) and 6e–3(T)(b)(15).

2. Accordingly, Applicants request exemptions from sections 9(a), 13(a), 15(a) and 15(b) of the Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder to the extent necessary to permit the Separate Accounts, and any separate account organized in the future by the Merrill Lynch Insurance Companies, offering single premium, scheduled premium and flexible premium variable life insurance policies to invest in the Fund ("shared funding"). Applicants assert that granting the requested relief will benefit all owners of variable life insurance policies issued by the Separate Accounts investing in the Fund by eliminating a significant portion of the costs of establishing and administering separate funds. In addition, Applicants assert that policyowners will benefit from the cost efficiencies and investment flexibility afforded by a large pool of funds, including economies of scale, greater potential for diversification, and the feasibility of adding new portfolios.

3. Section 9(a)(3) of the Act provides that a company is ineligible to serve as investment adviser or principle underwriter of any registered open-end investment company if an affiliated person, as defined by the Act, of that company is subject to a disqualification enumerated in sections 9(a)(1) or (2). Subject to the Exclusivity Requirement, Rules 6e–2(b)(15) (i) and (ii), and 6e–3(T)(b)(15) (i) and (ii) provide exemptions from section 9(a) under certain circumstances. These exemptions limit the application of the disqualification provisions of section 9(a) to affiliated persons that directly participate in the management or administration of the underlying management company.

4. Applicants state that the partial relief granted in Rules 6e–2(b)(15) and 6e–3(T)(b)(15) from the requirements of section 9(a) in effect limits the amount of monitoring necessary to ensure compliance with section 9(a) to that which is necessary to exclude disqualified persons from the management or administration of the underlying investment company. Applicants argue that applying the monitoring requirements of section 9(a), solely because each of the Separate Accounts is not affiliated with each other Separate Account that invests in the Fund, would be unjustified and would not serve any regulatory purpose.

5. If the Exclusivity Requirement is met, Rules 6e–2(b)(15)(iii) and 6e–3(T)(b)(15)(iii) provide partial exemptions to separate accounts organized as unit investment trusts from the "pass-through" voting requirements of sections 13(a), 15(a) and 15(b), and permit an insurance company to disregard policyowners' voting instructions under certain enumerated circumstances, such as if a state insurance regulator requires a change in the investments of the underlying fund, or in its principal underwriter or any investment adviser. Applicants state that pass-through voting privileges will be provided with respect to all Participating Insurance Companies to the extent required by applicable federal securities laws or regulations, or interpretations of such laws or regulations.

6. Applicants assert that shared funding with unaffiliated insurance companies is no different from shared funding with affiliated insurance companies domiciled in different states and subject to different state law requirements. A particular state insurance regulator may require action that conflicts with the requirements of other states in which an insurer offers its policies. Affiliation does not reduce any potential for conflicts between state regulatory requirements, nor does it eliminate any potential for divergent judgments as to the advisability or legality of a change in investment policies, principal underwriter, or investment adviser initiated by policyowners. The right of insurance companies to disregard policyowners' voting instructions does not differ on the basis of whether the insurance companies are affiliated or unaffiliated, nor does it raise any issues different from those raised by the right of insurance companies to disregard policyowner voting instructions when required to do so by an insurance regulatory authority.

7. The fund and the Participating Insurance Companies will enter into a Participating Agreement designed to safeguard against any adverse effects that discrepancies between state regulations may produce. The Participation Agreement will provide that if a particular state insurance regulator's decision conflicts with other state regulators, the Participating Insurance Companies will resolve the conflict in the manner provided in the Participation Agreement. If a Participating Insurance Company veto of contract owner voting instructions represents a minority interest in the Fund or precludes a majority vote, the Participation Agreement also will provide procedures to resolve the conflict. Resolution of a conflict may require affected Participating Insurance Companies to withdraw their Separate Accounts' investment in the Fund. No charge or penalty will be imposed against a Separate Account for withdrawing its investment in the Fund to resolve a conflict under the terms of the Participation Agreement. A copy of the Participation Agreement is provided as Exhibit A to the application.

8. The Participation Agreement will provide that each Participating Insurance Company will designate an individual to monitor for the occurrence of any event that may give rise to the existence of any material irreconcilable conflict between the interests of the participants of all Separate Accounts investing in the Fund, and to advise each other Participating Insurance Company and the Fund's board of directors (the "Board") if any such event should occur. After such notice, the Participating Insurance Companies will consult with each other in good faith to determine whether the event gives rise to such a conflict, and if it does, to resolve any conflict within a reasonable period of time without resort to the provisions of the Participation Agreement. If the Participating Insurance Companies are unable to resolve any conflict, and if any Participating Insurance Company determines that such conflict is a material irreconcilable conflict, the Participation Agreement provides procedures to resolve the conflict. The procedures may require Participating Insurance Companies to withdraw their investment in the Fund within a reasonable time. No charge or penalty will be imposed on policyowners directly or indirectly as a result of such withdrawal.

9. The Participation Agreement provides for the resolution of conflicts as follows:

(a) If the event giving rise to the conflict involves the inability, for state insurance regulatory or any other reason, of one or more of the Participating Insurance Companies to invest in the Fund or one of its portfolios unless the investment adviser or principal underwriter of the Fund is changed, then such Participating Insurance Company or Companies shall withdraw its/ their investments from the Fund or such portfolio within a reasonable period of time; provided, however, that if such Participating Insurance Company or Companies own a majority of the then-outstanding shares of the Fund or such portfolio, the Participating Insurance Companies will advise the Board of the Fund that the agreement with the investment adviser or principal underwriter for the Fund or such portfolio is to be terminated and that the Participating Insurance Companies intend to vote their shares in the Fund to effect such termination. If the Board then does not terminate such agreement, the Participating Insurance Companies will recommend to their respective participants that the shares in the Fund be voted to effect such termination.

(b) If the event giving rise to the conflict involves a need to change the investment policy of the Fund or one of its portfolios so that one or more of the Participating Insurance Companies may continue to invest in the Fund or such portfolio, the Participating Insurance Companies agree to advise the Board of the Fund of the changes in the investment policies of the Fund or such portfolio that must be effected so as to permit all of the Participating Insurance Companies to continue to invest in the Fund or such portfolio (and if required to effect such change, the Participating Insurance Companies will recommend to their respective participants that the shares in the Fund be voted to effect such change).

(c) If it is determined by the Participating Insurance Companies that a material irreconcilable conflict exists and that one or more of the Participating Insurance Companies must withdraw its assets from the Fund or one of its portfolios (or if a Participating Insurance Company determines that it should withdraw its assets from the Fund so as to avoid a material irreconcilable conflict), such Company or Companies shall, at its/their own expense, take whatever steps are necessary to effect such withdrawal within a reasonable period of time, up to and including: (i) Withdrawing the assets allocable to some or all of the Separate Accounts from the Fund or any portfolio and reinvesting such assets in a different

investment medium (including another portfolio of the Fund) or submitting the question of whether such segregation should be implemented to a vote for all affected participants and, as appropriate, segregating the assets of any particular group (i.e. life insurance policyowners of one or more Participating Insurance Companies) that votes in favor of such segregation, or offering to the affected participants the option of making such a change; and (ii) establishing a new registered management investment company or management separate account. No charge or penalty will be imposed on policyowners directly or indirectly as a result of such withdrawal. For purposes of this condition, in no event will the Fund or the investment adviser be required to establish a new funding medium for any variable life insurance policy. No Participating Insurance Company will be required to establish a new funding medium for any variable life insurance policy if an offer to do so has been declined by vote of a majority of participants materially adversely affected by the conflict.

10. The Participating Insurance Companies represent that they believe that the means set forth in the Participation Agreement for resolving any conflicts that may arise are fair to their respective participants and are an appropriate basis for the Participating Insurance Companies to invest in the Fund on a shared funding basis under the unusual circumstances of the Assumption Agreement.

11. The Participating Insurance Companies will provide pass-through voting to all policyowners so long as the Commission interprets the Act to require pass-through voting privileges. Participating Insurance Companies shall be responsible for assuring that each of their Separate Accounts calculates voting privileges in a manner consistent with all other Participating Insurance Companies. The obligation to calculate voting privileges in a manner consistent with all other Separate Accounts investing in the Fund shall be a contractual obligation of all Participating Insurance Companies under the Participation Agreement.

12. The Fund will notify all Participating Insurance Companies that prospectus disclosure regarding potential risks of shared funding may be appropriate. The Fund will disclose in its prospectus that shares of the Fund are offered to insurance company separate accounts, not all of which are affiliated with each other; the interests of various contractors participating in the Fund might at some time be in conflict; and the Participating Insurance Companies will monitor for any material conflicts and determine what action, if any, should be taken.

13. The Participating Insurance Company that initially advises of an event that may give rise to a conflict shall also advise the Board of the Fund whether such event in fact rise to a conflict, the action taken by the Participating Insurance Companies to resolve the conflict, and a description of the basis upon which any action taken is, under the circumstances, in the best interests of the policyowners of those insurance companies affected by the conflict or a majority in interest of such policyowners. If the Board is required to act to implement the action proposed to be taken by the Participating Insurance companies pursuant to the Participation Agreement to resolve a conflict, the Board will, in connection with determining whether or not to implement such action and with its fiduciary duties in this regard in mind, seek to obtain, and take into consideration, relevant information from the Participating Insurance Companies concerning the manner in which they, in resolving such conflict, determined that such action is, under the circumstances, in the best interest of the policyowners (or, if applicable, a majority in interest of the policyowners) affected by the action. The Board will reflect in its minutes any notification it receives of a potential or existing conflict and of any action taken with respect to the conflict, and will make the minutes available to the Commission upon request.

14. Applicants represent that a majority of the Board shall consist of persons who are not "interested persons" of the Fund as defined by section 2(a)(19) of the Act and the Rules thereunder, except that if this condition is not met by reason of the death, disqualification, or bona fide resignation of any director, then the operation of this condition shall be suspended: For a period of 45 days if the vacancy may be filled by the Board; for 60 days if a vote of shareholders is required to fill the vacancy; or for such longer period as the Commission may prescribe by order upon application.

15. The Fund will comply with all provisions of the Act requiring voting by shareholders.

16. Any action taken by any of the Participating Insurance Companies under the Participation Agreement will be carried out with a view only to the interest of the policyowners participating in the Fund. Applicants represent that the Fund's investment adviser will manage each portfolio of the Fund solely by reference to the investment objectives and policies of that portfolio (and the direction of the Fund's Board) and without reference to whether or not the particular strategies employed favor or disfavor a particular Participating Insurance Company. The Board of the Fund may establish new portfolios that will be available only to one or several of the Participating Insurance Companies but not all of the Participating Insurance Companies.

Conclusion

Applicants assert that, for the reasons and upon the facts set forth above, the requested exemptions from section 9(a), 13(a), 15(a) and 15(b) of the Act, and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder, to the extent necessary to permit shared funding, meet the standards in section 6(c) of the Act. Applicants assert that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the policies and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4485 Filed 2–25–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19278; 812–8244]

PFL Life Insurance Co., et al.; Application for Exemption

February 22, 1993.

AGENCY: Securities and Exchange Commission ("SEC or Commission").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("1940 Act").

APPLICANTS: PFL Life Insurance Company ("PFL Life"), PFL Endeavor Variable Annuity Account ("Variable Account"), and AEGON USA Securities, Inc. ("AEGON Securities"), collectively the "Applicants."

RELEVANT 1940 ACT SECTIONS: Order requested under section 6(c) of the 1940 Act for exemptions from sections 26(a)(2) and 27(c)(2) thereof.

SUMMARY OF APPLICATION: Applicants seek an order to permit the assessment and deduction of a mortality and expense risk charge from the assets of the Variable Account which serves as the funding medium for certain individual flexible premium variable annuity contracts (the "Contracts").

FILING DATE: The application was filed on January 13, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be

VOL 58 ISS 37 FE 26 1993 UMI

issued unless the Commission orders a hearing. Interested persons may request a hearing on the application by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on March 19, 1993, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, by certificate. Hearing requests should state the nature of the interest, the reason for the request, and the issues contested. Persons may request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Applicants, c/o Craig D. Vermie, Esq., PFL Life Insurance Company, 4333 Edgewood Road, NE., Cedar Rapids, Iowa 52499.

FOR FURTHER INFORMATION CONTACT: Patrice M. Pitts, Attorney, or Michael Wible, Special Counsel, at (202) 272–2060, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from the Commission's Public Reference Branch.

Applicants' Representations and Statements

1. PFL Life (formerly known as NN Investors Life Insurance Company) is a stock life insurance company incorporated under the laws of Iowa on April 19, 1961. PFL Life is an indirect wholly-owned subsidiary of AEGON USA, Inc. which, in turn, is indirectly owned by AEGON n.v.

2. The Variable Account is registered with the Commission under the 1940 Act as a unit investment trust. The Variable Account is divided into a number of subaccounts, each of which invests solely in a specific corresponding portfolio of the Endeavor Series Trust (the "Series Fund") or in the shares of the Janus Growth Portfolio of the WRL Series Fund, Inc. (the "Janus Growth Portfolio").

3. The Contracts may be purchased on a non-tax qualified basis or may be purchased and used in connection with retirement plans or individual retirement accounts that qualify for favorable federal income tax treatment. The Contracts may be purchased with an initial premium payment of at least $25,000. Contract owners may allocate premium payments to one or more subaccounts of the Variable Account, each of which will invest in a corresponding portfolio of the Series Fund or the Janus Growth Portfolio. The minimum amount allocable to any subaccount is $500.

4. AEGON Securities formerly known as MidAmerica Management Corporation) will serve as the distributor and principal underwriter of the Contracts.

5. If an annuitant who is not the Policy owner dies before the annuity commencement date, then the owner will become the annuitant. In the event that the annuitant (who also is the Policy owner) dies before the annuity commencement date, a death benefit is payable to the beneficiary upon receipt of due proof of death, and will be the greater of (i) the Contract value on the date proof of death and election of the method of settlement are received, or (ii) the total premiums paid less any partial surrenders plus interest at an annual rate of 5 percent.

6. Prior to the annuity commencement date, a Contract owner may surrender all or a portion of the Contract value, or transfer Contract value between subaccounts of the Variable Account. The minimum amount that can be withdrawn from a subaccount is $500. The minimum amount that can be transferred from one subaccount to another is the lesser of $500 or the entire subaccount value. PFL Life currently imposes no charge for any transfers, but reserves the right to impose a $25 charge for the thirteenth and each subsequent transfer request made by the Contract owner during a single Contract year.

7. PFL Life will deduct an annual contract maintenance charge of the lesser of 2% of Contract value or $35 per Contract year. This charge will be deducted pro rata from each subaccount in which the Contract owner is invested at the end of each Contract year prior to the annuity commencement date (an upon full surrender on any date other than a Contract anniversary) to compensate PFL Life for the administrative services provided to Contract owners. PFL Life also deducts a daily administrative expense charge from the assets of each subaccount of the Variable Account. This charge is equal to an effective annual rate of .15% of the net assets of the subaccount. PFL Life does not anticipate any profit from any of these administrative charges, and will monitor its administrative expenses and the proceeds of these charges on at least an annual basis, to ensure compliance with Rule 16a–1 under the 1940 Act.

8. PFL Life will deduct the aggregate premium taxes paid on behalf of a particular Contract for the Contract value on the annuity commencement date (or upon full surrender or payment of the death benefit). No charges currently are made for federal, state, or local taxes other than premium taxes. PFL Life reserves the right to deduct such taxes from the Variable Account in the future.

9. PFL Life will impose a daily charge to compensate it for bearing certain mortality and expense risks under the Contracts. The charge is equal to an effective annual rate of 1.25% of the value of the net assets in the Variable Account. Of that amount, approximately .45% is attributable to mortality risks, and approximately.80% is attributable to expense risks. The mortality risk borne by PFL Life arises from its obligation to make monthly annuity payments regardless of how long all annuitants may live. The expense risk borne by PFL Life is that the deductions for administrative costs under the Contracts may be insufficient to cover the actual future costs incurred by PFL Life.

10. PFL also incurs a risk in connection with the death benefit guarantee. On the Contract owner's death, PFL will pay the greater of (a) the Contract value, or (b) premium payments (net of withdrawals) plus 5% annual interest.

11. The cost of distributing the Contracts will be met from funds from the general account of PFL Life, which may include amounts derived from the charge for mortality and expense risks.

Applicants' Legal Analysis and Conditions

1. Sections 26(a)(2) and 27(c)(2), as herein pertinent, prohibit a registered unit investment trust and any depositor thereof or underwriter therefor from selling periodic payment plan certificates unless the proceeds of all payments (other than sales load) are deposited with a qualified bank as trustee or custodian and held under arrangements which prohibit any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amounts as the Commission may prescribe, for performing bookkeeping and other administrative services. Applicants request exemptions from sections 26(a)(2) and 27(c)(2) of the 1940 Act to the extent relief is necessary to permit the deduction from the Variable Account of the mortality and expense risk charges under the Contracts.

2. Applicants submit that PFL Life is entitled to reasonable compensation for its assumption of mortality and expense risks, and that the charge of 1.25% for mortality and expense risks is consistent

with the protection of investors because it is a reasonable and proper insurance charge. The Applicants also submit that the charge of 1.25% for mortality and expense risks is within the range of industry practice with respect to comparable annuity products. This representation is based upon PFL Life's analysis of publicly available information about similar industry products, taking into consideration such factors as current charge levels, the existence of charge level guarantees, and guaranteed annuity rates. PFL Life will maintain at its administrative offices, available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, its comparative survey.

3. If the mortality and expense risk charge is insufficient to cover actual costs and assumed risks, the loss will fall on PFL Life. Conversely, if the charge is more than sufficient to cover costs, any excess will be profit to PFL Life. If a profit is realized from the mortality and expense risk charge, all or a portion of such profit may be viewed by the Commission as being offset by distribution expenses not reimbursed by a sales charge. PFL Life has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements will benefit the Variable Account and the contract owners. The basis for such conclusion is set forth in a memorandum which will be maintained by PFL Life at its administrative offices and will be available to the Commission.

4. PFL Life also represents that the Variable Account will only invest in management investment companies which undertake, in the event such companies adopt plans under Rule 12b–1 to finance distribution expenses, to have a board of directors (or trustees), a majority of whom are not interested persons of the company, formulate and approve any such plans under Rule 12b–1.

Conclusion

Applicants assert that for the reasons and upon the facts set forth above, the requested exemptions from sections 26(a)(2) and 27(c)(2) of the 1940 Act to permit the deduction of mortality and expense risk charges under the Contracts meet the standards in section 6(c) of the 1940 Act. In this regard, the Applicants assert that the exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and the policies and purposes of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4486 Filed 2–25–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–25744]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

February 19, 1993.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 15, 1993 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

The Columbia Gas System, Inc., et al. (70–7910)

The Columbia Gas System, Inc. ("Columbia"), a registered holding company and a debtor in possession under Chapter 11 of the United States Bankruptcy Code,[1] and its nonutility subsidiary companies, Columbia Gas System Service Corporation; Columbia LNG Corporation ("Columbia LNG"); Columbia Atlantic Trading Corporation; TriStar Ventures Corporation; Tristar Capital Corporation, 20 Montchanin Road, Wilmington, Delaware 19807; Columbia Natural Resources, Inc.; Columbia Coal Gasification Corporation, 900 Pennsylvania Avenue, Charleston, West Viriginia 25302; Columbia Gulf Transmission Company, 1700 MacCorkle Avenue, SE., Charleston, West Viriginia 25314; Columbia Gas Development Corporation, 5847 San Felipe, Houston, Texas 77057; Commonwealth Propane, Inc.; Columbia Propane Corporation, 800 Moorefield Park Drive, Richmond, Virginia 23236; and Columbia's public-utility subsidiary companies, The Inland Gas Company, Inc., 20 Monchanin Road, Wilmington, Delaware 19807; Columbia Gas of Kentucky, Inc.; Columbia Gas of Ohio, Inc.; Columbia Gas of Maryland, Inc.; Columbia Gas of Pennsylvania, Inc.; and Commonwealth Gas Services, Inc., 200 Civic Center Drive, Columbus, Ohio 43215, have filed with the Commission a post-effective amendment to their application-declaration under sections 6(a), 7, 9(a), 10, 12(b), and 12(f) of the Act and rules 43 and 45 thereunder.

Columbia LNG owns a liquefied natural gas ("LNG") receiving terminal and regasification facility located at Cove Point, Maryland (Facility") and an 87 mile pipeline extending from the facility to Loudon County, Virginia. The pipeline is currently being used for gas transportation but the Facility has been inactive since 1980.

Columbia attempted, successfully, to sell Columbia LNG to Shell LNG Company under a sales agreement that was approved by Commission order dated April 15, 1992 (HCAR No. 22515). An application-declaration concerning the termination of the sales agreement, related litigation and a settlement agreement is pending for this Commission (S.E.C. File No. 70–7921).

Columbia LNG now proposes to reactivate the Facility to provide peak shaving services to interested companies, including affiliated and nonaffiliated retail gas distribution companies. Applicants expect that this use of the Facility will be profitable. Columbia LNG also is continuing to investigate the possibility of resuming LNG imports to the Facility.

By order dated December 23, 1991 (HCAR No. 25438) ("Order"). Columbia was authorize to make advances on a short-term revolving basis, through unsecured notes, to Columbia LNG and Columbia LNG was authorized to issue such unsecured notes to Columbia through September 30, 1993. Columbia proposes to increase the maximum amount of such advances to Columbia LNG which may be made and outstanding during the period from

[1] Columbia and its wholly owned subsidiary, Columbia Gas Transmission Corporation, filed for protection with the Bankruptcy Court for the District Court of Delaware on July 31, 1991, In re The Columbia Gas System, Inc. and Columbia Gas Trans. Corp., No. 91–803.

$18.7 million, as previously authorized, to $26.7 million. The advances will be made under the same term and and conditions previously authorized in the October.

The application states that under Columbia LNG's new business plan, up to $8 million in addition to the original $18.7 million funding is needed to: (i) Service [Columbia LNG's] debt to Columbia through September, 1993; (ii) maintain the Facility and pipeline in good condition; (iii) accumulate the information required to prepare an application to FERC to obtain a certificate authorizing the proposed services; (iv) investigate opportunities for sources of permanent financing; and (v) begin other preliminary work related to the development of business opportunities at the Facility.

Eastern Utilities Associates, et al. (70–8137)

Eastern Utilities Associates ("EUA"), a registered holding company, and its wholly owned subsidiary company, EUA Ocean State Corporation ("EUA–OS"), both located at P.O. Box 2333, Boston Massachusetts 02107, have filed an application-declaration under sections 6(a), 7, 9(a), 10 and 12(b) of the Act and Rules 43(a) and 45 thereunder.

EUA proposes to fund EUA–OS, through December 31, 1994, up to an aggregate principal amount of $10 million, in the form of purchases of common stock, capital contributions, short-term loans and/or open account advances (collectively, "EUA Investments"). The short-term loans and/or open account advances will be evidenced by short-term notes issued by EUA–OS ("Short-Term Notes").

As an alternative to borrowing from EUA, EUA–OS proposes to issue and sell, through December 31, 1994, up to an aggregate principal amount of $5 million of short-term notes to banks ("Bank Notes"). The maximum amount of all borrowings from EUA and/or the banks will not exceed $10 million at any one time outstanding. EUA proposes to guarantee the Bank Notes.

EUA will finance and/or refinance the EUA Investments by short-term borrowings under its existing bank lines of credit evidenced by the issuance of notes ("Notes") which may be issued and renewed through December 31, 1994.

The Notes and Bank Notes will bear interest either at the commercial bank prime rate as adjusted from time-to-time or at available money market rates ("Cost of Funds") and will mature in not more than twelve months. Such borrowings from lending institutions will be made under the EUA system's existing credit lines. Short-Term Notes issued by EUA–OS to EUA will bear interest at EUA's effective Cost of Funds, mature in not more than twelve months from the date of issuance, and be prepayable at anytime without penalty.

The proceeds from the EUA Investments and/or Bank Notes will be used by EUA–OS for working capital purposes including the payment of interest on, and sinking fund payments on previously issued long-term notes and dividend payments to EUA. EUA–OS will repay the Short-Term Notes and the Banks Notes with the proceeds from cash distributions from EUA–OS partnership interests in the Ocean State Power Project and from EUA Investments.

Eastern Utilities Associates (70–8139)

Eastern Utilities Associates ("EUA"), P.O. Box 2333, Boston, Massachusetts 02107, a registered holding company, has filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(c) and 12(e) of the Act and Rules 42, 50(a)(5) and 62 thereunder.

EUA proposes to put into effect certain amendments of the Eastern Utilities Associates Amended Restricted Stock Plan ("EUA Stock Plan"), the EUA Cogenex Corporation Restricted Stock Plan ("Cogenex Stock Plan") and the EUA Cogenex Corporation Performance Share Plan ("Cogenex Performance Plan") (collectively, "Plans"). In anticipation of the adoption of the proposed amendments, EUA purposes, through June 30, 1998, to: (1) Acquire EUA common shares ("Shares") from time to time on the open market; (2) acquire Shares which have been granted to but forfeited by employees under the Plans; (3) issue from time to time authorized but unissued Shares; and (4) reissue Shares granted to but forfeited by the employees. In order to receive approval of the EUA Stock Plan as revised by the proposed amendments, EUA proposes to solicit proxies from its shareholders for EUA's annual meeting to be held on May 17, 1993.

EUA proposes to acquire, issue or reissue, through June 30, 1998, up to a total of 500,000 Shares in the aggregate. Of this total amount of Shares to be acquired, issued or reissued, it is proposed that, through June 30, 1998: the Compensation and Nominating Committee ("Committee") of the Trustees of EUA grant up to 400,000 Shares pursuant to the EUA Stock Plan; the Committee and the Chief Executive Officer ("CEO") of EUA grant up to 50,000 shares pursuant to the Cogenex Stock Plan; and, the Committee and the CEO of EUA grant up to 50,000 shares pursuant to the Cogenex Performance Plan. Purchases of Shares on the open market will not exceed such numbers of Shares as are required to meet grants or allocations previously made or to be made in the ensuing twelve month period. The value of Shares granted or allocated to employees will be determined based on the market as of the date of purchase or issuance. EUA states that funds utilized for the purchase of Shares in the open market will be provided by internally generated cash, by EUA's dividend reinvestment plan and its employees' savings plan and by the issuance of new common shares through a public offering.

The net proceeds of the sale or sales of Shares will be used by EUA for the reduction of its outstanding short-term debt under existing lines of credit, the reduction of the need for such borrowings in the future and for other general corporate purposes.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4462 Filed 2–25–93; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. IC–19276; 811–4426]

Van Kampen Merritt Insured Tax Free Income Fund, Inc.; Application for Deregistration

February 19, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Van Kampen Merritt Insured Tax Free Income Fund, Inc.

RELEVANT ACT SECTIONS: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application on Form N–8F was filed on October 19, 1992, and amended on November 25, 1992, January 13, 1993, and January 28, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 16, 1993, and should be accompanied by proof of service on

applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, One Parkview Plaza, Oakbrook Terrace, Illinois 60181.

FOR FURTHER INFORMATION CONTACT: James J. Dwyer, Staff Attorney, at (202) 504–2920, or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a registered open-end diversified management investment company, incorporated under the laws of the State of Maryland. SEC records indicate that on August 27, 1984, applicant filed a notification of registration on Form N–8A under section 8(a) of the Act and a registration statement on Form N–1A under the Securities Act of 1933 and section 8(b) under the Act. SEC records indicate that applicant's registration statement was declared effective on October 25, 1984.

2. At a meeting held on March 4, 1987, applicant's board of directors approved an agreement and plan of reorganization (the "Plan"). Under the Plan, applicant would transfer all of its assets and liabilities to Van Kampen Merritt Insured Tax Free Fund (the "New Fund"). The New Fund is a newly formed sub-trust of Van Kampen Merritt Tax Free Fund, a Massachusetts business trust.

3. According to the proxy statement attached as an exhibit to the application, the principal purpose of the reorganization was to combine into a single trust all of the funds distributed by Van Kampen Merritt Inc. that invest primarily in tax-free debt securities, and thereby achieve significant operational and marketing advantages. Applicant's board determined that participation in the Plan was in the best interests of applicant and that the interests of the existing shareholders of applicant would not be diluted as a result of the Plan.

4. Applicant distributed proxy materials dated March 30, 1987, to its shareholders in connection with the proposed Plan. At applicant's annual meeting of shareholders held on May 8, 1987, applicant's shareholders approved the Plan. As of June 30, 1987, applicant had 30,343,778 shares outstanding, with an aggregate net asset value of $511,633,370, and a net asset value of $16.86 per share.

5. Pursuant to the Plan, on July 1, 1987, applicant transferred all of its assets and liabilities to the New Fund. As a result of the transaction, each shareholder of the applicant received an equal number of full and fractional shares of the New Fund having an equal net asset value in exchange for the shares of applicant's common stock previously held by such shareholders. Following the reorganization, a shareholder's investment in the New Fund was identical to such shareholder's investment in applicant prior to the transaction. In addition, applicant represents in its proxy statement that the New Fund will operate in the same manner and with the same investment objectives, policies, and restrictions as applicant had operated in the past.

6. The New Fund assumed the liabilities for all fees and expenses in the reorganization. Subsequent to the reorganization, applicant dissolved as a corporation in accordance with Maryland law.

7. At the time of the application, applicant had no shareholders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4459 Filed 2–25–93; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. IC–19277; 811–4099]

Van Kampen Merritt Tax Free High Income Fund, Inc.; Application for Deregistration

February 19, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Van Kampen Merritt Tax Free High Income Fund, Inc.

RELEVANT ACT SECTIONS: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application on Form N–8F was filed on October 19, 1992, and amended on November 25, 1992, January 13, 1993, and January 28, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 16, 1993, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, One Parkview Plaza, Oakbrook Terrace, Illinois 60181.

FOR FURTHER INFORMATION CONTACT: James J. Dwyer, Staff Attorney, at (202) 504–2920, or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a registered open-end diversified management investment company, incorporated under the laws of the State of Maryland. SEC records indicate that on August 27, 1984, applicant filed a notification of registration on Form N–8A under section 8(a) of the Act and a registration statement on Form N–1A under the Securities Act of 1933 and section 8(b) under the Act. SEC records indicate that applicant's registration statement was declared effective on October 25, 1984.

2. At a meeting held on March 4, 1987, applicant's board of directors approved an agreement and plan of reorganization (the "Plan"). Under the Plan, applicant would transfer all of its assets and liabilities to Van Kampen Merritt Tax Free High Income Fund (the "New Fund"). The New Fund is a newly formed sub-trust of Van Kampen Merritt Tax Free Fund, a Massachusetts business trust.

VOL 58 ISS 37 FE 26 1993 UMI

3. According to the proxy statement attached as an exhibit to the application, the principal purpose of the reorganization was to combine into a single trust all of the funds distributed by Van Kampen Merritt Inc. that invest primarily in tax-free debt securities, and thereby achieve significant operational and marketing advantages. Applicant's board determined that participation in the Plan was in the best interests of applicant and that the interests of the existing shareholders of applicant would not be diluted as a result of the Plan.

4. Applicant distributed proxy materials dated March 30, 1987, to its shareholders in connection with the proposed Plan. At applicant's annual meeting of shareholders held on May 8, 1987, applicant's shareholders approved the Plan. As of June 30, 1987, applicant had 19,689,251 shares outstanding, with an aggregate net asset value of $317,835,191, and a net asset value of $16.14 per share.

5. Pursuant to the Plan, on July 1, 1987, applicant transferred all of its assets and liabilities to the New Fund. As a result of the transaction, each shareholder of applicant received an equal number of full and fractional shares of the New Fund having an equal net asset value in exchange for the shares of applicant's common stock previously held by such shareholders. Following the reorganization, a shareholder's investment in the New Fund was identical to such shareholder's investment in applicant prior to the transaction. In addition, the New Fund will operate in the same manner and with the same investment objectives, policies, and restrictions as applicant had operated in the past.

6. The New Fund assumed the liabilities for all fees and expenses in the reorganization. Subsequent to the reorganization, applicant dissolved as a corporation in accordance with Maryland law.

7. At the time of the application, applicant had no shareholders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–4460 Filed 2–25–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Application to Impose and Use Passenger Facility Charge (PFC) at Jackson Hole Airport, Jackson, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use a PFC at Jackson Hole Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before March 29, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Alan E. Wiechmann, Manager, Denver Airports District Office, DEN–ADO, Federal Aviation Administration, 5440 Roslyn, suite 300, Denver, CO 80216–6026.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. George Larson, Airport Manager of the Jackson Hole Airport Board, at the following address: P.O. Box 159, Jackson, WY 83001.

Air carriers and foreign air carriers may submit copies of written comments previously provided to Jackson Hole Airport Board under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Dakota Chamberlain, (303) 286–5543; Denver Airports District Office, DEN–ADO; Federal Aviation Administration; 5440 Roslyn, suite 300; Denver, Colorado 80216–6026. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use at PFC at Jackson Hole Airport, under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On February 19, 1993, the FAA determined that the application to impose and use the revenue from a PFC submitted by Jackson Hole Airport Board was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 25, 1993.

The following is a brief overview of the application:

Level of the proposed PFC: $3.00
Proposed charge effective date: August 1, 1993
Proposed charge expiration date: January 31, 1996
Total estimated PFC revenue: $1,081,183.00

Brief description of proposed project: Airport planning studies; purchase safety equipment; runway safety project; apron safety projects; access control system and perimeter fencing and terminal building expansion.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM–600, 1601 Lind Avenue SW., suite 540, Renton, WA 98055–4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Jackson Hole Airport Board at Jackson Airport.

Issued in Renton, Washington on February 19, 1993.

Edward G. Tatum,

Manager, Airports Division, Northwest Mountain Region.

[FR Doc. 93–4509 Filed 2–25–93; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Scenic Byways Advisory Committee; Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FHWA announces a meeting of the Scenic Byways Advisory Committee. The focus of the meeting will be to develop and make recommendations regarding minimum criteria and standards for use by State and Federal agencies in designating highways as scenic byways and all-American roads for the purpose of a national scenic byways program. The national scenic byways program is authorized by section 1047(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991.

DATES: March 30, 1993, 8:30 a.m. to 4:30 p.m., and March 31, 1993, 8:30 a.m. to 4:30 p.m. This meeting is open to the public.

ADDRESSES: 1440 New York Avenue, NW., suite 200, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Mr. Eugene Johnson, Federal Highway Administration, Intermodal Planning Division, HEP–50, room 3301, 400 Seventh St., SW., Washington, DC 20590, (202) 366–0150. Office hours are 7:30 a.m. to 4 p.m., e.t., Monday through Friday, except legal holidays.

Authority: 23 U.S.C. 315; 49 CFR 1.48; sec. 1047, Pub. L. 102–240, 105 Stat. 1914, 1996.

Issued on: February 22, 1993.

E. Dean Carlson,

Executive Director.

[FR Doc. 93–4527 Filed 2–25–93; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

[Docket S–897]

American President Lines, Ltd.; Application for Modification of Conditions of Three Waivers of Section 804(a) of the Merchant Marine Act, 1936, As Amended

American President Lines, Ltd. (APL), by application dated January 6, 1993, requests modification of conditions of three waivers of the provisions of section 804(a) of the Merchant Marine Act, 1936, as amended (Act), for foreign-flag operations of APL, to delete the prohibition of carrying military cargo on the foreign-flag vessels.

APL's Existing Services

APL now performs three subsidized containership services. Its Transpacific Trade Route (TR) 2 service covers (as now operated) the range of former TR 29 to/from California-Oregon-Washington for up to 188 annual sailings. Former TR 29 includes ports in the Far East on the continent of Asia from Asian Russia to Thailand, inclusive, Japan, Taiwan, and the Philippines.

APL's two Extension services add authority to serve ports of Southeast and South Asia and the Persian Gulf-Red Sea on up to 28 sailings to/from California and up to 80 sailings to/from Oregon-Washington. APL is permitted by its contract to provide any part of the service by transfer or relay of cargo between subsidized vessels at any foreign port on the authorized services.

APL performs its TR 2 transpacific service primarily with line-haul vessels making direct calls at most major foreign TR 2 ports, including Yokohama, Kobe, Hakata, Nagoya, and Okinawa, Japan; Kaohsiung, Taiwan; Pusan, Korea; and Hong Kong.

The APL Extension services are currently performed by a feeder network that includes four subsidized U.S.-flag APL vessels providing service on a relay basis to Singapore, Colombo, and Fujayrah via Kaohsiung.

APL also operates chartered foreign-flag feeders in and to Extension areas in the range Indonesia-Red Sea under authority of a section 804 waiver (Waiver 6 in Appendix G to APL's operating subsidy contract). APL also operates foreign-flag feeders to Thailand and to the People's Republic of China in the TR 2 foreign area (Waivers 5 and 7 in APL's contractual Appendix G). Waivers 5, 6, and 7 are subject to the following conditions:

(a) The waiver may be canceled in whole or in part upon 90 days' written notice to APL, such notice to state the reason(s) for such cancellation;

(b) No change in the character of the services rendered between the ports as described above shall be made without prior notice to and approval by the Maritime Administration, otherwise the Maritime Administration may take such action as is appropriate;

(c) The Maritime Administration may upon its own motion modify the waiver to the extent deemed advisable upon proper written notice to the Operator, such notice to state the reason(s) for such modification;

(d) APL shall not carry military cargo on the foreign-flag vessels operated pursuant to this waiver;

(e) APL covenants that no ODS paid to APL will be paid to or used for the benefit of any foreign interest whose relationship with APL is approved by this waiver; and

(f) APL shall not enter into any charter arrangements involving vessels under the flag of the following countries, unless otherwise permitted by law:

Albania
Bulgaria
Estonia
Laos
Latvia
Lithuania
Mongolian People's Republic
Commonwealth of Independent States (formerly U.S.S.R.)
North Korea
Vietnam
Cambodia
Cuba
Libya
Iraq

(g) The Maritime Administration staff may request a cargo report for one or more voyages of such vessels.

APL is requesting that condition (d) for Waivers 5, 6, and 7 be deleted.

APL believes condition (d) can serve no useful purpose. According to APL's application, the Cargo Preference Act of 1904 requires defense cargoes to move on U.S.-flag vessels when available, therefore if there is a U.S.-flag service to a particular area, APL's foreign-flag feeder to such an area is prohibited by statute from carrying defense cargoes. However, lacking U.S.-flag service, APL avers there can be no valid reason to bar APL from carrying defense cargoes utilizing a combination of U.S.-flag line haul vessel and foreign-flag feeder vessel.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such request within the meaning of section 804 of the Act and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, room 7300, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Comments must be received no later than 5 p.m. on March 8, 1993. This notice is published as a matter of discretion and publication should in no way be considered a favorable or unfavorable decision on the application, as filed or as may be amended. The Maritime Administrator will consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

Dated: February 22, 1993.

(Catalog of Federal Domestic Assistance Program No. 20.804 (Operating-Differential Subsidies)).

By Order of the Maritime Administrator.

James E. Saari,

Secretary, Maritime Administration.

[FR Doc. 93–4454 Filed 2–25–93; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

Petition for Exemption from the Vehicle Theft Prevention Standard; General Motors Corp.

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Grant in part of petition for exemption.

SUMMARY: This notice grants in part the petition by General Motors Corporation (GM) for exemption from the parts marking requirements of the vehicle theft prevention standard for the Cadillac Eldorado (Eldorado) and Cadillac Seville (Seville) car lines for Model Year (MY) 1994, pursuant to 49 CFR part 543, Exemption From Vehicle Theft Prevention Standard, for MY 1994 and beyond. GM is required to mark only the engines and transmissions of the exempted car lines.

VOL
58
ISS
37
FE
26
1993
UMI

DATES: The exemption granted by this notice is effective beginning with the 1994 model year.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara A. Gray, Office of Market Incentives, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Gray's telephone number is (202) 366–1740.

SUPPLEMENTARY INFORMATION: On November 5, 1992, the agency received a submission from GM requesting an exemption from the theft prevention standard for its Cadillac Eldorado (Eldorado) and Cadillac Seville (Seville) car lines, pursuant to 49 CFR part 543 Exemption From Vehicle Theft Prevention Standard, for MY 1994 and beyond. GM did not request confidential treatment for any of the information provided in its petition.

The information submitted by GM constitutes a complete petition, as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6. Accordingly, November 5, 1992 is the date on which the statutory 120 day period for processing GM's petition began.

In its petition for the Eldorado and Seville car lines, GM requests an exemption from parts marking based on the inclusion of the "PASS-Key II" theft deterrent system as standard equipment for these car lines. GM noted that the "PASS-Key II" is a modification of the "PASS-Key I" theft deterrent system. The petitioner also noted that in August 1989 and on several occasions since, the agency has determined that the "PASS-Key" system, installed as standard equipment in various GM car lines, will likely be as effective in reducing and deterring motor vehicle theft as compliance with the requirements of the theft prevention standard (see e.g., 54 FR 33655, August 15, 1989). In a February 7, 1992 letter to GM, the agency determined that the changes in "PASS-Key II" constituted a *de minimis* change in the "PASS-Key" system that was the basis for the agency's previous granting of a theft exemption for a car line that had, as standard equipment, the "PASS-Key" system.

The "PASS-Key II" theft deterrent system utilizes an ignition key, an ignition lock cylinder and a decoder module. The conventional mechanical code permits the key to release the steering wheel and transmission shift lever locks. Before the vehicle can be started, the electrical resistance of a pellet embedded in the shank of the key must be sensed by elements in the lock cylinder and its value compared to a fixed resistance in the decoder module located in the instrument panel in the passenger compartment. If the key pellet has the proper resistance, the starter enable relay is energized and a discrete signal is transmitted to the engine control module. Recognition of the signal by the engine control module allows fuel injector pulses to begin. If a key other than the one with proper resistance for that vehicle is inserted, the decoder module will shut down for a period of three minutes plus or minus 18 seconds. GM states that this period of time is controlled by a timer within the decoder module, and is not a programmable feature. Unlike "PASS-Key," in "PASS-Key II," the timer for the decoder module does not reset back to zero if further resistance comparisons are made while the decoder module is shut down. GM has stated that despite this difference, a similar level of performance will continue since the module, whole shut down, will ignore any further attempts to start the vehicle by means of a key with an improper pellet resistance. GM claims that any process of trial and error using various keys with different resistance pellets, after the initial three minute shut down period, will result in the module shutting down again.

The components are located in the passenger compartment behind the instrument panel, with the exception of the starter solenoid/starter motor combination which is located in the engine compartment. GM states that unlike many other theft deterrent systems, removing and subsequently reapplying vehicle power does not alter "PASS-Key II" performance.

GM states that "PASS-Key II" is passive in that the system becomes fully functional once the ignition is turned off and the key is removed. No further operator action is required for activation. GM states that because "PASS-Key II" is fully operational once the engine has been turned off and the key removed, it has not provided specific visual or audio warnings, beyond the key warning buzzer, that unauthorized attempts have been made to enter or move the vehicles. However, the "PASS-Key II" system includes a starter interrupt function which, when activated, makes the vehicle inoperable.

In order to draw attention to improper use of a key to start the vehicle, GM has installed a yellow "Security" light inside the passenger compartment of the Eldorado and the Seville. This light is designed to activate if the proper key with a dirty or contaminated resistor pellet is used and the vehicle does not start. If this happens, it is necessary to clean the key and delay a further attempt to start the engine until the "PASS-Key II" timer has run its course. The "Security" light is designed to illuminate also if a key with the proper mechanical but improper electrical code is used to try and start the vehicle.

In addition, for the Eldorado and Seville car lines, GM has placed a "Driver Information Center" that displays appropriate messages to the operator if a dirty or improper key should be used, or if there should be a "PASS-Key" malfunction.

GM states that a premise for the design of any theft deterrent system in its products has been that a failure in such a system would not affect a running vehicle. Although it may not be possible to restart a vehicle after such a failure, that failure would not stop an engine that has been started. That criterion has been met in "PASS-Key II." Once an "Engine Running" signal has been identified by the engine control module, a "PASS-Key II" failure will not cause the engine to stop.

GM's analysis of the failure mode effects of the "PASS-Key II" system indicated that the component with the highest probability for failure was the ignition lock cylinder with its key, wiring, contacts, and rotational motion. A 52,000 cycle automated bench test of the key, ignition lock cylinder, wiring, and "PASS-Key II" electronics module was conducted over a temperature range of approximately −40 degrees Fahrenheit to +212 degrees Fahrenheit. GM stated that each cycle consisted of inserting the key, rotating the cylinder to its "Start" position and then measuring the output from the electronics module to assure that the proper signals for the Starter Enable Relay and engine control module were present. The absence of either signal would terminate the test.

GM states that the "PASS-Key II" decoder module has undergone other durability tests to ensure that the component meets or exceeds specified performance requirements over an equivalent of approximately 10 years of vehicle life. These other tests were: A power and temperature cycling test; high temperature endurance test; humidity test; moisture susceptibility test; and random vibration durability tests. As part of the validation process for the "PASS-Key" system, GM subjected the starter enable relay to testing to ensure component reliability. GM states that the same component is used in "PASS-Key II."

GM also states that during 225,000 miles of durability testing on preproduction MY 1994 Seville and Eldorado prototype and pilot vehicles equipped with "PASS-Key II," there were no system failures. GM states that

since "PASS-Key II" system failures have the potential to affect owner satisfaction, it will continue to carefully monitor warranty data and make any necessary changes to improve system reliability.

Since the "PASS–Key II" system has been installed in GM vehicles as standard equipment only since the 1992 model year, GM states that directly relevant theft data are not yet available. GM asserts that since the "PASS–Key II" system has been designed to provide the same kind of protection as the "PASS–Key" system, theft data for "PASS–Key" equipped vehicles can be used to form the basis for GM's belief that the "PASS–Key II" system will be effective in reducing and deterring motor vehicle theft. The agency concurs that theft data for "PASS–Key" equipped vehicles is probative of the likelihood of success of the "PASS–Key II" system in reducing and deterring vehicle theft.

To substantiate its statements on the "PASS–Key" antitheft system's effectiveness, GM provided data on Chevrolet Camaro, Pontiac Firebird, Cadillac Seville, Cadillac Eldorado, and Cadillac DeVille/Fleetwood car line theft rates for MYs 1986 through 1990. "PASS–Key" was made standard equipment on the Camaro and Firebird car lines beginning with the 1989 model, on the Seville and Eldorado beginning with MY 1989, and in the DeVille/Fleetwood with the 1990 model. The data provided by GM is reported by the Federal Bureau of Investigation's National Crime Information Center (NCIC), which is NHTSA's official source of theft data (See 50 FR 46666, November 12, 1985). The NCIC receives reports on all thefts.

The NCIC data reported by GM showed that Firebird, Camaro, Seville, Eldorado and DeVille/Fleetwood theft rates (per thousand vehicles) by Model Year were: For 1986, 27.83 for the Firebird, 29.49 for the Camaro, 1.71 for the Seville, 2.27 for the Eldorado, 7.11 for the DeVille/Fleetwood; for 1987, 30.14 for the Firebird, 26.03 for the Camaro, 9.24 for the Seville, 3.90 for the Eldorado, 6.16 for the DeVille/Fleetwood; for 1988, 29.34 for the Firebird, 25.74 for the Camaro, 9.54 for the Seville, 3.16 for the Eldorado, 7.19 for the DeVille/Fleetwood; for 1989, 8.99 for the Firebird, 8.69 for the Camaro, 8.31 for the Seville, 2.35 for the Eldorado, 5.57 for the DeVille/Fleetwood; and for 1990, 8.56 for the Firebird, 9.04 for the Camaro, 9.86 for the Seville, 2.48 for the Eldorado, 3.81 for the DeVille/Fleetwood.

GM stated a belief, based on the decreases in thefts of the Firebird and the Camaro car lines during the 1989 model year, and the DeVille/Fleetwood car line during the 1990 model year, which occurred with the implementation of "PASS–Key" as standard equipment, that the "PASS–Key" system is "extremely effective in deterring motor vehicle theft." GM stated that based on the performance of "PASS–Key" on other models and its similarity of design and functionality to the "PASS–Key II" system, it believes that "PASS–Key II" will be at least as effective as the first generation "PASS–Key" system when "PASS–Key II" becomes standard on the Eldorado and Seville car lines.

NHTSA believes that there is substantial evidence indicating that the antitheft system to be installed as standard equipment will likely be as effective in reducing and deterring motor vehicle theft as compliance with the requirements of the theft prevention standard (49 CFR part 541). This determination is based on the information GM submitted with its petition and on other available information. The agency believes that the device will provide all but one of the types of performance listed in § 543.6(a)(3); promoting activation; preventing defeat or circumventing of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device. The single exception is that the device lacks an alarm which would attract attention to unauthorized entries.

As required by section 605(b) of the statute and 49 CFR 543.6(a)(4), the agency also finds that GM has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information GM provided on its device. This information included a description of reliability and functional tests conducted by GM for the antitheft system and its components. GM presented extensive data on the life cycle test results of the "PASS-Key" ignition lock system, and durability testing of prototype MY 1994 Sevilles and Eldorados equipped with "PASS-Key II."

The decision to grant this exemption is consistent with earlier agency exemption decisions. As the petitioner noted, the "PASS-Key" ignition lock system has been the basis for the agency's exempting, in part, several high theft GM car lines from the requirements of 49 CFR part 541. The following GM car lines have the "PASS-Key" system as standard equipment, and have been exempted in part from the requirements of 49 CFR part 541: The Chevrolet Camaro and Pontiac Firebird, beginning with MY 1990 (see 54 FR 3365, August 15, 1989); the Cadillac DeVille/Fleetwood and Oldsmobile 98, beginning with MY 1991 (see 55 FR 17854, April 27, 1990); and the Pontiac Bonneville and Buick Park Avenue, beginning with MY 1992 (see 56 FR 14413, April 9, 1991). In a **Federal Register** notice of March 26, 1992, the agency granted an exemption in part for the Oldsmobile 88 Royale and Buick LeSabre car lines, beginning from MY 1993, based on these car lines' incorporation, as standard equipment, of the "PASS-Key II" system (see 57 FR 10517).

For the foregoing reasons, the agency hereby exempts the MY 1994 Cadillac Eldorado and Cadillac Seville car lines in part from the requirements of 49 CFR part 541. GM will be required to mark only the engines and transmissions, and replacement engines and transmissions, for the vehicles in these car lines. Those major parts were chosen since they are among the most interchangeable of the 14 parts for which labeling is required.

The reason for the partial grant is that the GM antitheft system for the Eldorado and Seville includes neither an audio nor a visual alarm system. As such, the GM system lacks, as standard equipment, an important feature that the agency has defined in its rulemaking on part 543 as one of several desirable attributes which contribute to the effectiveness of an antitheft system: Automatic activation of the device; an audible or visual signal that is connected to the hood, doors, and trunk and draws attention to vehicle tampering; and a disabling mechanism designed to prevent a thief from moving a vehicle under its own power without a key.

The agency acknowledges that, since Model Year 1989, the theft rates for the Firebird/Camaro car lines have been reduced substantially. The agency notes, however, that based on two years of data, theft rates for the Firebird, Camaro, DeVille/Fleetwood, and Seville are still at levels higher than the 1983/84 median theft rate of 3.2712. The agency believes that more than two years of data are needed in order to accurately evaluate the effectiveness of an antitheft device.

If GM decides not to use the partial exemptions for the MY 1994 Eldorado and Seville car lines, it should formally notify the agency. If such a decision is made, these car lines must be fully marked according to the requirements under 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

The agency notes that the limited and apparently conflicting data on the effectiveness of the pre-standard parts marking programs continue to make it difficult to compare the effectiveness of an antitheft device with the effectiveness of compliance with the theft prevention standard. The statute clearly invites such comparisons, which the agency has made on the basis of the limited data available.

NHTSA notes that if GM wishes in the future to modify the device on which this partial exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions "(t)o modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in the exemption."

The agency wishes to minimize the administrative burden which § 543.9(c) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting part 543 to require the submission of a modification petition for every change in the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if GM contemplates making any changes the effects of which might be characterized as *de minimis*, then the company should consult the agency before preparing and submitting a petition to modify.

Authority: 15 U.S.C. 2025; delegation of authority at 49 CFR 1.50 and 501.4.

Issued on: February 22, 1993.

Howard M. Smolkin,

Executive Director.

[FR Doc. 93–4452 Filed 2–25–93; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: February 22, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515–0059.
Form Number: CF 1303.
Type of Review: Extension.
Title: Ship's Stores Declaration.
Description: Customs Form 1303 is used by the importing carrier to list articles to be retained on board the vessel such as sea stores, ships stores, or bunker coal or bunker oil.
Respondents: Businesses or other for-profit.
Estimated Number of Respondents: 8,000.
Estimated Burden Hours Per Respondent: 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 26,000 hours.

OMB Number: 1515–0062.
Form Number: CF 1301.
Type of Review: Extension.
Title: General Declaration.
Description: The Customs Form 1301 is used as the form by which the master of the vessel can set forth various items of information as to the location of the vessel in the port, or the itinerary prior to arrival in the U.S. and the itinerary after leaving the U.S.
Respondents: Businesses or other for-profit.
Estimated Number of Respondents: 8,000.
Estimated Burden Hours per Respondent: 5 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 17,326 hours.
Clearance Officer: Ralph Meyer (202) 927–1552, U.S. Customs Service, Paperwork Management Branch, room 6316, 1301 Constitution Avenue, NW., Washington, DC 20229.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 93–4449 Filed 2–25–93; 8:45 am]

BILLING CODE 4820–02–M

Public Information Collection Requirements Submitted to OMB for Review

February 22, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Comptroller of the Currency

OMB Number: 1557–0014.
Form Number: None.
Type of Review: Revision.
Title: Comptroller's Manual for Corporate Activities.
Description: The Comptroller's Manual for Corporate Activities explains the Office of Comptroller of the Currency's (OCC's) policies and procedures for the formation of a new national bank, entry into the national banking system by other institutions and corporate expansion and structural change by existing national banks.
Respondents: Businesses or other for-profit, small businesses or organizations.
Estimated Number of Recordkeepers: 3,650.
Estimated Burden Hours Per Respondent: 7 hours, 18 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 43,155 hours.
Clearance Officer: John Ference (202) 874–4697, Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.
OMB Reviewer: Gary Waxman (202) 395–7340, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 93–4450 Filed 2–25–93; 8:45 am]

BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to OMB for Review

February 22, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance

Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0837.
Regulation ID Number: 26 CFR part 503.
Type of Review: Extension.
Title: Regulations Under Tax Conventions—Germany.
Description: This information is needed to secure for individuals and businesses the benefits to which they are entitled under the tax convention and to facilitate the administration and enforcement of the tax laws of the United States.
Respondents: Individuals or households, businesses or other for-profit.
Estimated Number of Respondents: 65.
Estimated Burden Hours Per Respondent: 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 16 hours.

OMB Number: 1545–0844.
Regulation ID Number: 26 CFR part 502.
Type of Review: Extension.
Title: Regulations Under Tax Conventions—Greece.
Description: This information is needed to secure for individuals and businesses the benefits to which they are entitled under the tax convention and to facilitate the administration and enforcement of the tax laws of the United States.
Respondents: Individuals or households, businesses or other for-profit.
Estimated Number of Respondents: 50.
Estimated Burden Hours Per Respondent: 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 13 hours.

OMB Number: 1545–0846.
Regulation ID Number: 26 CFR part 509.
Type of Review: Extension.
Title: Regulations Under Tax Conventions—Switzerland.
Description: This information is needed to secure for individuals and businesses the benefits to which they are entitled under the tax convention and to facilitate the administration and enforcement of the tax laws of the United States.
Respondents: Individuals or households, businesses or other for-profit.
Estimated Number of Respondents: 50.
Estimated Burden Hours Per Respondent: 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 13 hours.

OMB Number: 1545–0848.
Regulation ID Number: 26 CFR part 521.
Type of Review: Extension.
Title: Regulations Under Tax Conventions—Denmark.
Description: This information is needed to secure for individuals and businesses the benefits to which they are entitled under the tax convention and to facilitate the administration and enforcement of the tax laws of the United States.
Respondents: Individuals or households, businesses or other for-profit.
Estimated Number of Respondents: 100.
Estimated Burden Hours Per Respondent: 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 25 hours.

OMB Number: 1545–0849.
Regulation ID Number: 26 CFR part 517.
Type of Review: Extension.
Title: Regulations Under Tax Conventions—Pakistan.
Description: This information is needed to secure for individuals and businesses the benefits to which they are entitled under the tax convention and to facilitate the administration and enforcement of the tax laws of the United States.
Respondents: Individuals or households, businesses or other for-profit.
Estimated Number of Respondents: 20.
Estimated Burden Hours Per Respondent: 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 5 hours.

OMB Number: 1545–1026.
Form Number: IRS Form 8645.
Type of Review: Extension.
Title: Soil and Water Conservation Plan Certification.
Description: Form 8645 is used to certify that conservation expenses claimed as a deduction on Schedule F, (Form 1040), Form 1040–PR, and Form 1040–SS are part of an approved plan for their farm area. The approved plan requirement comes under Code section 175(c)(3).
Respondents: Farms.
Estimated Number of Respondents/Recordkeepers: 85,000.
Estimated Burden Hours Per Respondent/Recordkeeping:

Recordkeeping	7 minutes.
Learning about the law or the form.	5 minutes.
Preparing the form	8 minutes.
Copying, assembling, and send the form to IRS.	11 minutes.

Frequency of Response: Annually.
Estimated Total Reporting/Recordkeeping Burden: 44,200 hours.
Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Louis K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 93–4451 Filed 2–25–93; 8:45 am]
BILLING CODE 4830–01–M

DEPARTMENT OF TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds; American Resources Insurance Co., Inc., Fraudulent Bonding

Federal bond-approving officers are advised that American Resources Insurance Co., Inc. of Mobile, Alabama, has informed the Treasury Department that fraudulent bonds have been issued under their name.

All bonds received in the name of American Resources Insurance Co., Inc. should be verified as to their authenticity with James Kuhl, Senior Underwriter or Elden Cox, Surety Underwriter, of American Resources Insurance Co., Inc. at (800) 432–9310. In addition, the authenticity of bonds currently in force, that were written during the past year, should also be verified.

Dated: February 18, 1993.

Charles F. Schwan III,
Director, Funds Management Division, Financial Management Service.
[FR Doc. 93–4428 Filed 2–25–93; 8:45 am]
BILLING CODE 4810–35–M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I

VOL
58
ISS
37
FE
26
1993
UMI

hereby determine that the object to be included in the exhibit "Splendid Legacy: The Havemeyer Collection" (see list [1]), imported from abroad for the temporary exhibition without profit within the United States, is of cultural significance. This object is imported pursuant to a loan agreement with a foreign lender. I also determine that the temporary exhibition or display of the listed exhibit object at The Metropolitan Museum of Art, New York, New York, beginning on or about March 27, 1993, to on or about June 20, 1993, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register**.

[1] A copy of this list may be obtained by contacting Lorie J. Nierenberg of the Office of the General Counsel of USIA. The telephone number is 202/619-6975; the address is room 700, U.S. Information Agency, 301-4th Street, SW., Washington, DC 20547.

Dated: February 23, 1993.

R. Wallace Stuart,

Acting General Counsel.

[FR Doc. 93-4592 Filed 2-25-93; 8:45 am]

BILLING CODE 8230-01-M

Suns

This sectio
contains no
the "Gover
L. 94-409)

FEDERAL D
CORPORAT

Notice of
Agency M

Pursua
subsectio
the Sunsh
notice is h
meeting h
February
Board of D
motion of
Steinbrink
Currency)
Jonathan
Office of T
in by Acti
Jr., that Co
the additi
considerat
than sever
a memora
wide area

The Boa
same majo
business m
the agenda
meeting, o
to the pub
regarding
Plan.

.By the s
determine
changes in
meeting w

Dated: Fe

Federal Dep

Hoyle L. Ro

Executive S

[FR Doc. 93-

BILLING CODE

FEDERAL D
CORPORATI

Notice of C
Agency Me

Pursuant
subsection
the Sunshi
notice is he
meeting he
February 2
Board of D
motion of I
Steinbrink

Sunshine Act Meetings

Federal Register
Vol. 58, No. 37
Friday, February 26, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 10:02 a.m. on Tuesday, February 23, 1993, the Corporation's Board of Directors determined, on motion of Director Stephen R. Steinbrink (Acting Comptroller of the Currency), seconded by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), concurred in by Acting Chairman Andrew C. Hove, Jr., that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum regarding a contract for wide area network services.

The Board also determined, by the same majority vote, that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum regarding the Corporation's Strategic Plan.

.By the same majority vote, the Board determined that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: February 23, 1993.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 93-4583 Filed 2-23-93; 4:13 pm]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 10:22 a.m. on Tuesday, February 23, 1993, the Corporation's Board of Directors determined, on motion of Director Stephen R. Steinbrink (Acting Comptroller of the Currency), seconded by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), concurred in by Acting Chairman Andrew C. Hove, Jr., that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of matters relating to the Corporation's liquidation activities.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(9)(B), and (c)(10)).

Dated: February 23, 1993.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 93-4584 Filed 2-23-93; 4:13 pm]

BILLING CODE 6714-01-M

DEPARTMENT OF JUSTICE

UNITED STATES PAROLE COMMISSION

DATE AND TIME: Tuesday, March 2, 1993, 3:30 p.m., Eastern Daylight Time.

PLACE: 5550 Friendship Boulevard, Chevy Chase, Maryland, 20815.

STATUS: Closed—Meeting.

MATTER CONSIDERED:

Discussion by the National Commissioners involving one case pursuant to an appeal under 28 CFR Section 2.27. This case was originally heard by an examiner panel wherein the inmate of Federal prison has been paroled and is contesting the revocation of parole.

AGENCY CONTACT: Jeffrey Kostbar, Case Analyst, National Appeals Board, United States Parole Commission, (301) 492-5968.

Dated: February 23, 1993.

Michael A. Stover,

General Counsel, U.S. Parole Commission.

[FR Doc. 93-4689 Filed 2-24-93; 2:57 pm]

BILLING CODE 4410-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Tuesday, March 2, 1993.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Tuesday, March 2

3:00 p.m.

Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 and 6)

TO VERIFY THE STATUS OF MEETING CALL: (Recording)—(301) 504-1292

CONTACT PERSON FOR MORE INFORMATION: William Hill, (301) 504-1661.

Dated: February 23, 1993.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 93-4608 Filed 2-24-93; 10.54 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of March 1, 1993.

A closed meeting will be held on Tuesday, March 2, 1993, at 10:00 a.m. An open meeting will be held on Friday, March 5, 1993, at 10.00 a.m., in Room 1C30.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Beese, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, March 2, 1993, at 10:00 a.m., will be:

Institution of injunctive actions.

Settlement of injunctive actions.

Institution of administrative proceedings of an enforcement nature.

Settlement of administrative proceedings of an enforcement nature.

Opinions.

VOL
58
ISS
37
FE
26
1993
UMI

The subject matter of the open meeting scheduled for Friday, March 5, 1993, at 10:00 a.m., will be:

The Commission will meet with the Public Oversight board (POB) of the American Institute of Certified Public Accountants to discuss the POB's oversight of the accounting profession's quality control program, including recommendations for change in that program as discussed in the recently published "Report of the Public Oversight Board on Issues Confronting the Accounting Profession". The POB is an independent board of prominent individuals established by the AICPA to oversee the activities of the SEC Practice Section of the AICPA's Division for CPA Firms and to represent the public interest in the performance of its oversight function. Topics of discussion are expected to include POB and Commission oversight of the peer review and quality control inquiry processes, litigation reform and the recently published report. For further information, please contact Mike Kigin at (202) 272–2165 or Bob Burns at (202) 272–2130.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Chris Sakach at (202) 272–2300.

February 23, 1993.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–4697 Filed 2–24–93; 3:51 pm]

BILLING CODE 8010-01-M

Corr

This sectio
contains e
published
and Notice
prepared b
Register. A
issued as
the approp
elsewhere

ENVIRON
AGENCY

40 CFR P

[AD-FRL-4

National
Hazardou
Categorie
Pollutant
Chemical
Seven Ot

Correctio

In prop
beginning
Thursday
of §§ 63.1
63.145, ar
the conve
sections li
their entir

§ 63.128 T
test metho

(a) A pe
determini
reduction
§ 63.126(b
than: Vap
and certai
listed in p
Performan
follows:

(1) A pe
three runs

(2) All t
prepared a
the approp

(3) For c
continuou
shall repre
filling peri
organic HA

(4) For i
systems, e
least one c

(5) Meth
appendix A
used for se

(i) For a
complying

Corrections

Federal Register
Vol. 58, No. 37
Friday, February 26, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL-4535-5]

National Emission Standards for Hazardous Air Pollutants for Source Categories; Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Seven Other Processes

Correction

In proposed rule document 92-28292 beginning on page 62608 in the issue of Thursday, December 31, 1992, portions of §§ 63.128, 63.131, 63.143, 63.144, 63.145, and 63.150 were illegible. For the convenience of the reader, the sections listed above are reprinted in their entirety.

§ 63.128 Transfer operations provisions—test methods and procedures.

(a) A performance test is required for determining compliance with the reduction of organic HAP emissions in § 63.126(b) for all control devices other than: Vapor balancing systems; flares; and certain boilers and process heaters listed in paragraph (c) of this section. Performance test procedures are as follows:

(1) A performance test shall consist of three runs.

(2) All testing equipment shall be prepared and installed as specified in the appropriate test methods.

(3) For control devices capable of continuous vapor processing, each run shall represent at least one complete filling period, during which liquid organic HAP's are loaded.

(4) For intermittent vapor processing systems, each run shall represent at least one complete control device cycle.

(5) Method 1 or 1A of part 60, appendix A, as appropriate, shall be used for selection of sampling sites.

(i) For an owner or operator complying with the 98-percent organic HAP reduction requirements in § 63.126(b)(1), sampling sites shall be located as specified in paragraph (a)(5)(i)(A) or (a)(5)(i)(B).

(A) Sampling sites shall be located at the inlet and outlet of the control device, except as provided in paragraph (a)(5)(i)(B).

(B) If a vent stream is introduced with the combustion air or as a secondary fuel into a boiler or process heater with a design capacity less than 44 megawatts, selection of the location of the inlet sampling sites shall ensure the measurement of total organic HAP or TOC (minus methane and ethane) concentrations in all vent streams and primary and secondary fuels introduced into the boiler or process heater. A sampling site shall also be located at the outlet of the boiler or process heater.

(ii) For an owner or operator complying with the 20 parts per million by volume limit in § 63.126(b)(1), the sampling site shall be located at the outlet of the control device.

(6) The volume exhausted shall be determined using Method 2, 2A, 2C, or 2D of part 60, appendix A, as appropriate.

(7) For the purpose of determining compliance with the 20 parts per million by volume limit in § 63.126(b)(1), Method 18 or Method 25A of part 60, appendix A shall be used to measure either organic compound concentration or organic HAP concentration, except as provided in paragraph (a)(9) of this section.

(i) If Method 25A is used, the following procedures shall be used to calculate the concentration of organic compounds (C_T):

(A) The principal organic HAP in the vent stream shall be used as the calibration gas.

(B) The span value for Method 25A shall be twice the concentration being measured.

(C) Use of Method 25A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

(D) The concentration of TOC shall be corrected to 3 percent oxygen using the procedures and equation in paragraph (a)(7)(v) of this section.

(ii) If Method 18 is used to measure the concentration of organic compounds, the organic compound concentration (C_T) is the sum of the individual components and shall be computed for each run using the following equation:

$$C_T = \sum_{j=1}^{n} C_j$$

where:

C_T=Total concentration of organic compounds (minus methane and ethane), dry basis, parts per million by volume.

C_j=Concentration of sample components "j", dry basis, parts per million by volume.

n=Number of components in the sample.

(iii) If an owner or operator uses Method 18 to compute total organic HAP concentration rather than organic compounds concentration, the equation in paragraph (a)(7)(ii) of this section shall be used except that only organic HAP species shall be summed. The list of organic HAP's is provided in § 63.104 of subpart F of this Part.

(iv) The emission rate correction factor or excess air integrated sampling and analysis procedures of Method 3B of part 60, appendix A shall be used to determine the oxygen concentration. The sampling site shall be the same as that of the organic HAP or organic compound samples, and the samples shall be taken during the same time that the organic HAP or organic compound samples are taken.

(v) The organic compound concentration corrected to 3 percent oxygen (C_c) shall be calculated using the following equation:

$$C_c = C_T \left(\frac{17.9}{20.9 - \%O_{2d}} \right)$$

where:

C_c=Concentration of organic compounds corrected to 3 percent oxygen, dry basis, parts per million by volume.

C_T=Total concentration of organic compounds, dry basis, parts per million by volume.

$\%O_{2d}$=Concentration of oxygen, dry basis, percent by volume.

(8) For the purpose of determining compliance with the 98-percent reduction requirement in § 63.126(b)(1), Method 18 or Method 25A of 40 CFR part 60, appendix A shall be used, except as provided in paragraph (a)(9) of this section.

(i) For the purpose of determining compliance with the reduction efficiency requirement, organic compound concentration may be measured in lieu of organic HAP concentration.

(ii) If Method 25A is used to measure the concentration of organic compounds (C_T), the principal organic HAP in the vent stream shall be used as the calibration gas.

(A) An emission testing interval shall consist of each 5-minute period during the performance test. For each interval, a reading from each measurement shall be recorded.

(B) The average organic compound concentration and the volume measurement shall correspond to the same emissions testing interval.

(C) The mass at the inlet and outlet of the control device during each testing interval shall be calculated as follows:

$M_j = FKV_sC_T$

where:

M_j=Mass of organic compounds emitted during testing interval j, kilograms.

V_s=Volume of air-vapor mixture exhausted at standard conditions, 20 °C and 760 millimeters mercury, standard cubic meters.

C_T=Total concentration of organic compounds (as measured) at the exhaust vent, parts per million by volume, dry basis.

K=Density, (kilograms per standard cubic meter organic HAP).

$F=10^{-6}$=Conversion factor, (cubic meters organic HAP per cubic meters air) (parts per million by volume)$^{-1}$.

(D) The organic compound mass emission rates at the inlet and outlet of the control device shall be calculated as follows:

$$E_i = \frac{\sum_{j=1}^{n} M_{ij}}{T}$$

$$E_o = \frac{\sum_{j=1}^{n} M_{oj}}{T}$$

where:

E_i, E_o=Mass flow rate of organic compounds at the inlet (i) and outlet (o) of the combustion or recovery device, kilograms per hour.

M_{ij}, M_{oj}=Mass of organic compounds at the inlet (i) or outlet (o) during testing interval j, kilograms.

T=Total time of all testing intervals, hours.

n=Number of testing intervals.

(iii) If Method 18 is used to measure organic compounds, the mass rates of organic compounds (E_i, E_o) shall be computed using the following equations:

$$E_i = K_2\left(\sum_{j=1}^{n} C_{ij}MW_{ij}\right)Q_i$$

$$E_o = K_2\left(\sum_{j=1}^{n} C_{oj}MW_{oj}\right)Q_o$$

where:

C_{ij}, C_{oj}=Concentration of sample component "j" of the gas stream at the inlet and outlet of the control device, respectively, dry basis, parts per million by volume.

MW_{ij}, MW_{oj}=Molecular weight of sample component "j" of the gas stream at the inlet and outlet of the control device, respectively, gram/gram-mole.

Q_i, Q_o=Flow rate of gas stream at the inlet and outlet of the control device, respectively, dry standard cubic meter per minute.

K_2=Constant, 2.494×10^{-6} (parts per million)$^{-1}$ (gram-mole per standard cubic meter) (kilogram/gram) (minute/hour), where standard temperature for (gram-mole per standard cubic meter) is 20 °C.

(iv) Where Method 18 or 25A is used to measure the percent reduction in organic compounds, the percent reduction across the control device shall be calculated as follows:

$$R = \frac{E_i - E_o}{E_i}(100)$$

where:

R=Control efficiency of control device, percent.

E_i=Mass emitted or mass flow rate of organic compounds at the inlet to the combustion or recovery device as calculated under paragraph (a)(8)(ii)(D) or (a)(8)(iii) of this section, kilogram per hour.

E_o=Mass emitted or mass flow rate of organic compounds at the outlet of the combustion or recovery device, as calculated under paragraph (a)(8)(ii)(D) or (a)(8)(iii) of this section, kilogram per hour.

(9) The owner or operator may use any methods or data other than Method 18 or Method 25A, if the method or data has been validated according to Method 301 of 40 CFR part 63 of appendix A.

(b) When a flare is used to comply with § 63.126(b)(2), the owner or operator shall comply with the flare provisions in § 63.11 of subpart A of this part.[11]

(1) The compliance determination required by § 63.6(g) of subpart A of this part[12] shall be conducting using Method 22 of 40 CFR part 60, appendix A, to determine visible emissions. The observation period shall be at least 2 hours and shall be conducted according to Method 22.

(i) The compliance determination shall be conducted during at least three complete loading cycles with a separate test run for each loading cycle. The observation period for detecting visible emissions shall encompass each loading cycle.

(ii) Integrated sampling to measure vent stream flow rate shall be performed continuously during each loading cycle.

(2) An owner or operator is not required to conduct a performance test to determine the percent emission reduction or outlet HAP or TOC concentration when a flare is used.

(c) An owner or operator is not required to conduct a performance test when any device specified in paragraphs (c)(1), (c)(2), (c)(3), or (c)(4) of this section is used.

[11] The EPA will propose subpart A in the future.

[12] See Footnote 11.

(1) A boiler or process heater with a design heat input capacity of 44 megawatts or greater.

(2) A boiler or process heater burning hazardous waste for which the owner or operator:

(i) Has been issued a final permit under 40 CFR part 270 and complies with the requirements of 40 CFR part 266 subpart H, or

(ii) Has certified compliance with the interim status requirements of 40 CFR part 266 subpart H.

(3) A boiler or process heater into which the vent stream is introduced with the primary fuel.

(4) A vapor balancing system.

(d) An owner or operator using a combustion device followed by a scrubber to control a halogenated transfer vent stream in compliance with § 63.126(d) shall conduct a performance test to determine compliance with the control efficiency or emission limits for hydrogen halides and halogens.

(1) For an owner or operator determining compliance with the 99 percent reduction of total hydrogen halides and halogens, sampling sites shall be located at the inlet and outlet of the scrubber. For an owner or operator complying with the 0.5 milligram per dry standard cubic meter outlet emission limit for each hydrogen halide and halogen, the sampling site shall be located at the outlet of the scrubber.

(2) Except as provided in paragraph (d)(5) of this section, Method 26 or 26A of part 60, appendix A, shall be used to determine the concentration in milligrams per dry standard cubic meter, corrected to a 3 percent oxygen basis, of the hydrogen halides and halogens that may be present in the stream.

(3) To determine compliance with the 99 percent emissions reduction limit, the emissions for any hydrogen halides and halogens present at the scrubber inlet shall be summed together. The mass emissions of the compounds present at the scrubber outlet shall be summed together. Percent reduction shall be determined by comparison of the summed inlet and outlet measurements.

(4) To demonstrate compliance with the 0.5 milligram per dry standard cubic meter emission limit, the test results must show that the concentration of each individual compound measured at the scrubber outlet, corrected to 3 percent oxygen, is below 0.5 milligram per dry standard cubic meter or is below detectable levels.

(5) The owner or operator may use any other method or data to demonstrate compliance if the method or data has been validated according to the protocol of Method 301 of 40 CFR part 63, appendix A.

(e) The owner or operator shall inspect the vapor collection system and vapor balancing system for detectable emissions greater than 500 parts per million.

(1) Method 21 of 40 CFR part 60, appendix A and visual inspections shall be used.

(2) Inspections shall be performed only while a tank truck or railcar is being loaded.

(3) Inspections shall be performed at the following times:

(i) By the compliance date and annually thereafter to demonstrate compliance with § 63.126(a)(3) and (4), or (b)(3); and

(ii) Before each performance test required to demonstrate compliance with § 63.126(b)(1).

(f) For the purposes of demonstrating vapor tightness to determine compliance with § 63.126(e)(2), the following procedures and equipment shall be used:

(1) The pressure test procedures specified in Method 27 of part 60, appendix A; and

(2) A pressure measurement device which has a precision of ±2.5 millimeters of mercury and which is capable of measuring above the pressure at which the tank truck or railcar is to be tested for vapor tightness.

* * * * *

§ 63.131 Process wastewater provisions—flow diagrams and tables.

(a) The flow diagrams in this section are provided as guidance for understanding the basic interrelationships of the wastewater provisions for process units at new and existing sources. Paragraphs (a)(1) through (a)(8) of this section briefly outline the flow diagrams provided.

(1) Figure 1 provides an overview of the HON wastewater provisions,

(2) Figure 2 outlines the process for determining whether a stream meets the HON definition of a process wastewater stream,

(3) Figure 3 summarizes Group 1 and Group 2 determinations for wastewater streams containing Table 8 HAP's,

(4) Figure 4 summarizes Group 1 and Group 2 determinations for wastewater streams containing Table 9 HAP's,

(5) Figure 5 summarizes compliance options for control of wastewater streams containing Table 8 HAP's,

(6) Figure 6 summarizes compliance options for control of wastewater streams containing Table 9 HAP's,

(7) Figure 7 presents the process unit alternative compliance option for control of wastewater streams at existing sources containing Table 9 HAP's, and

(8) Figure 8 outlines compliance options for control of residuals.

(b) Because the flow diagrams are intricately related to Table 8 and Table 9 and for easy reference, these two tables are also included in this section.

BILLING CODE 1505-01-D

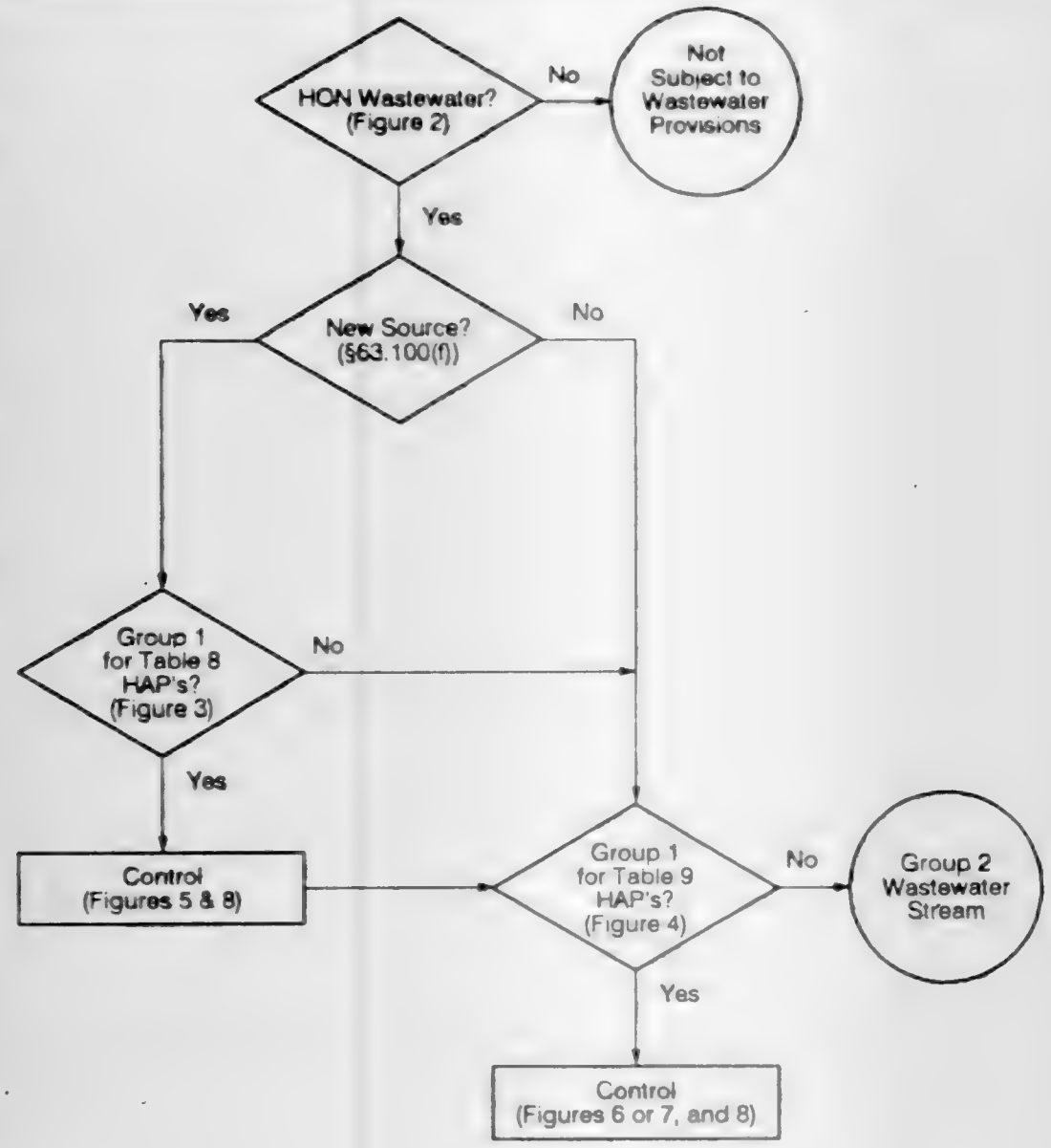

Figure 1. Overview of HON Wastewater Provisions

70279904

Figure

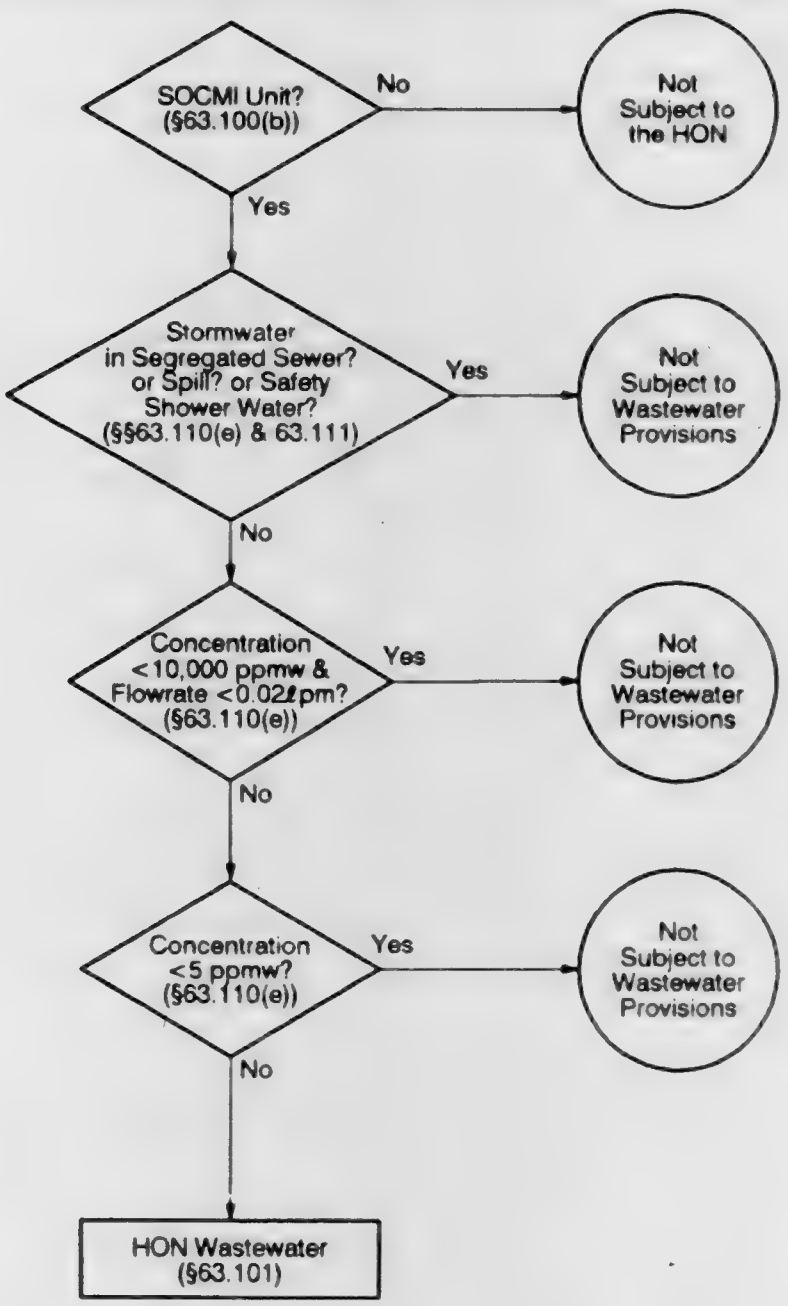

Figure 2. HON Wastewater Determination

7027991R

VOL 58 ISS 37 FE 26 1993 UMI

Do for each wastewater stream generated from a process unit at a new source

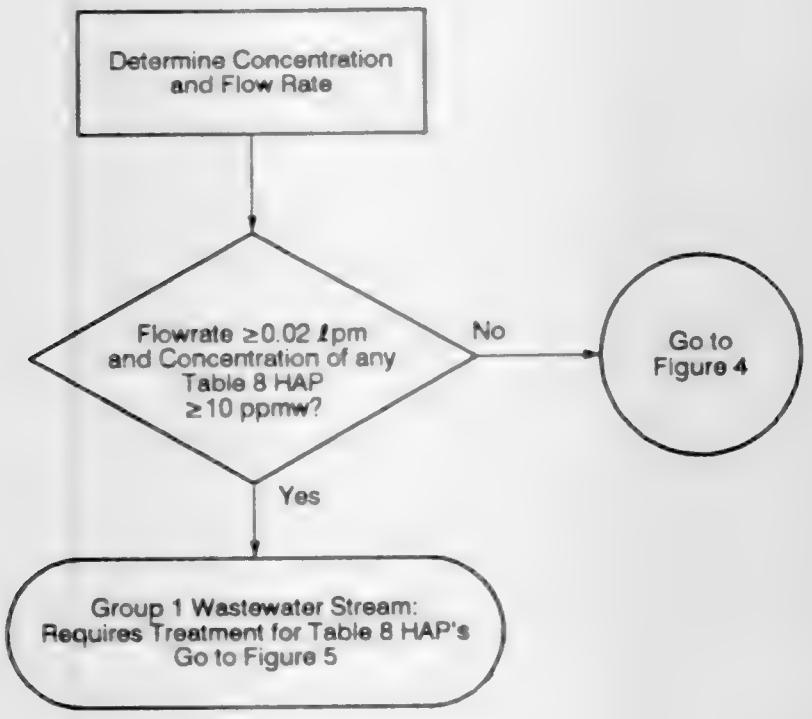

Figure 3 Group 1 and Group 2 Determinations for Wastewater Streams - Table 8 HAP's (Refer to §63.132(c))

7027992R

Do for each wastewater stream

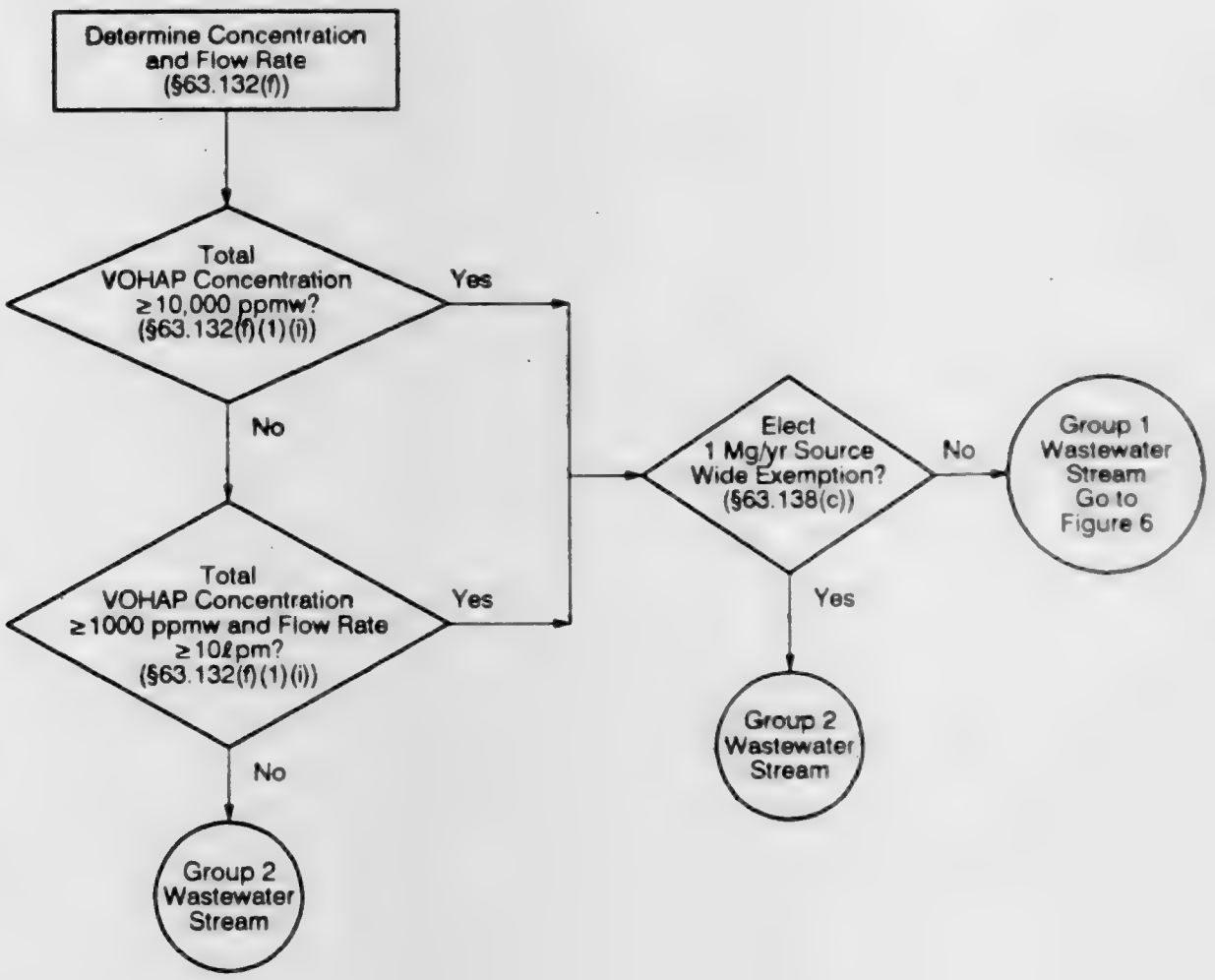

Figure 4. Group 1 and Group 2 Determinations for Wastewater Streams - Table 9 HAP's (Refer to §§63.132(f) and 63.138(c))

7027903R

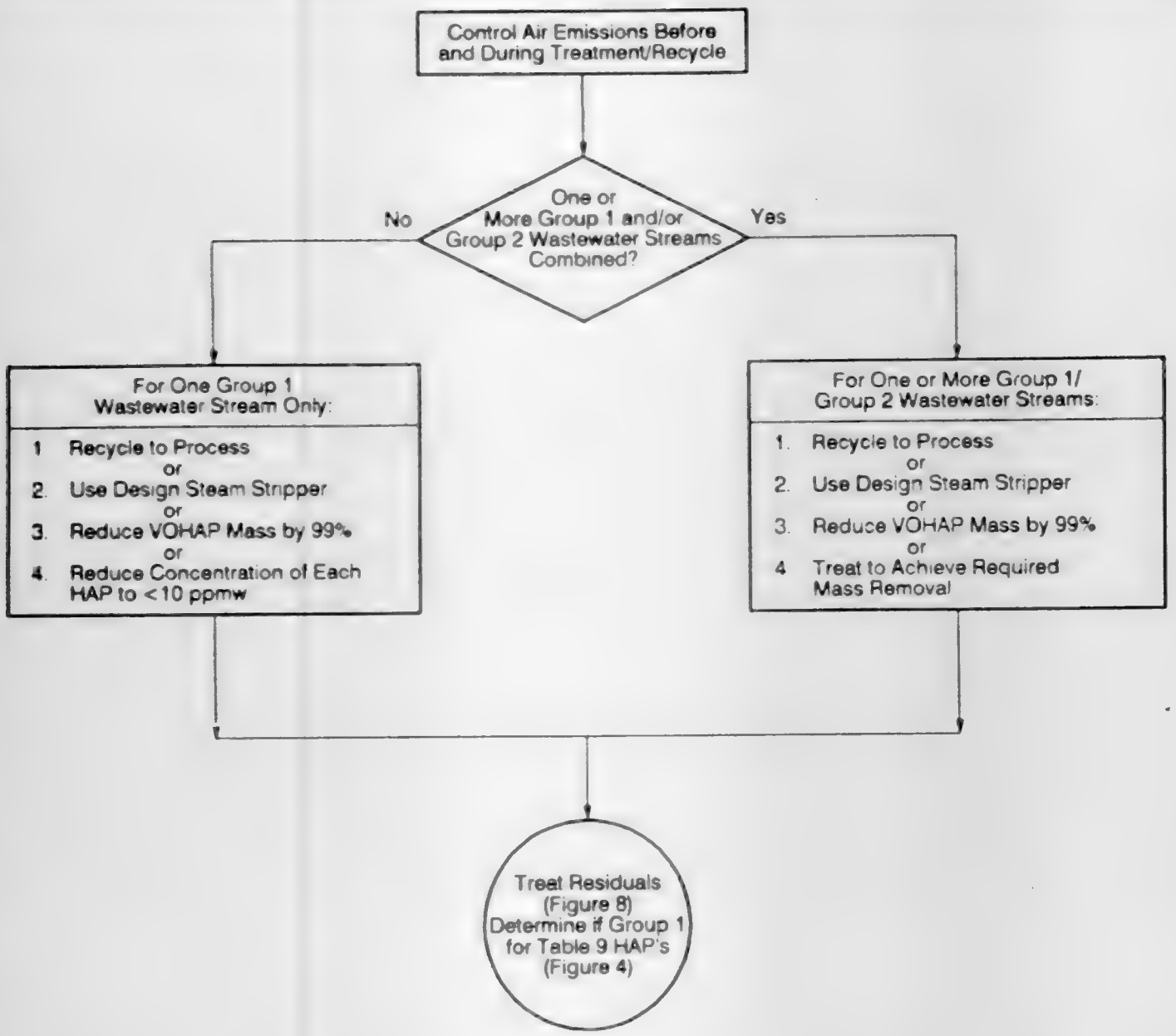

Figure 5. Compliance Options for Control of Table 8 HAP's
(Refer to §63.138(b))

7027994H

VOL 58 ISS 37 FE 26 1993 UMI

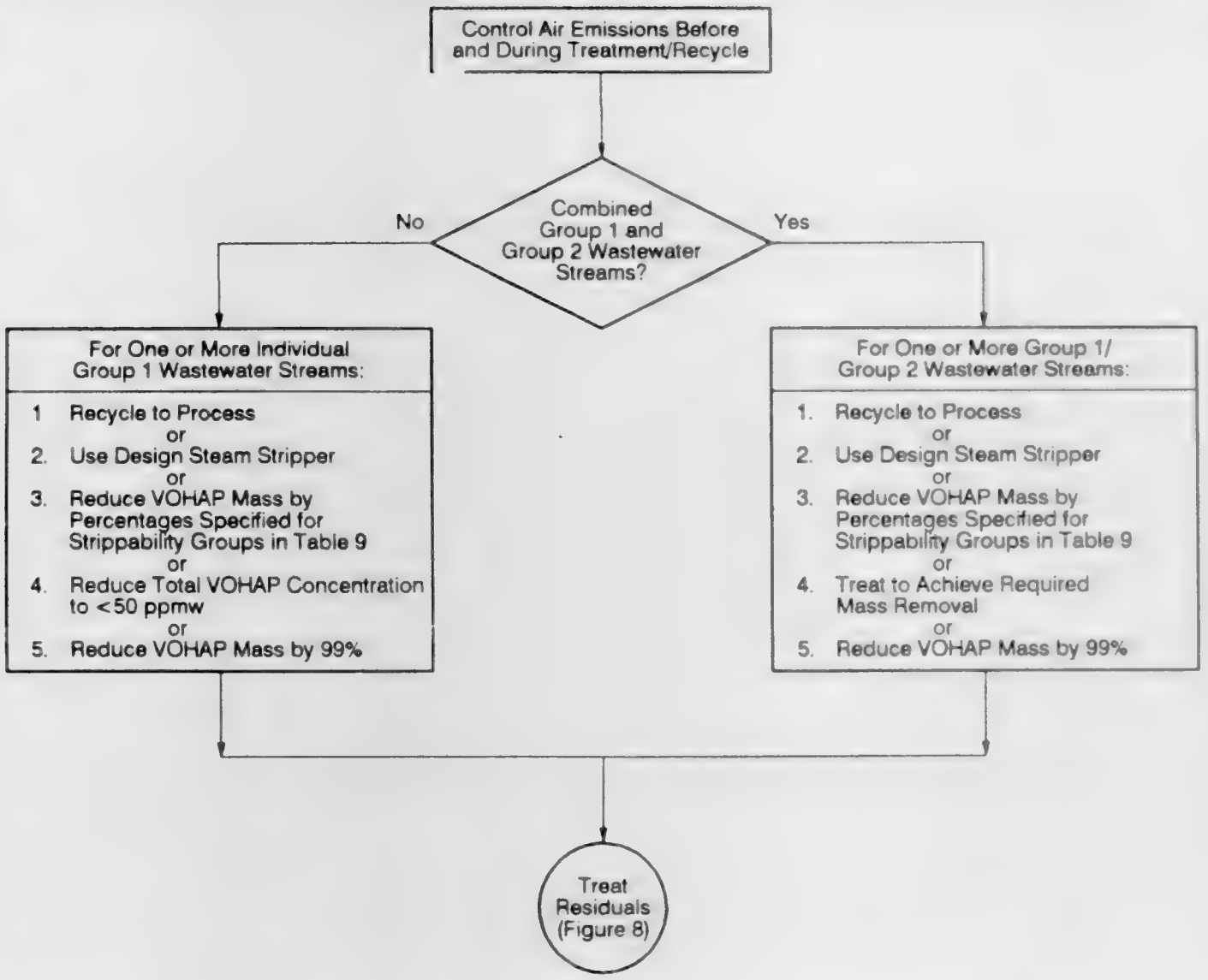

Figure 6. Compliance Options for Control of Table 9 HAP's
(Refer to §63.138(c))

7027995R

VOL 58 ISS 37 FE 26 1993 UMI

For control of Table 9 HAP's only

Non-process wastewater streams and wastewater streams from other process units cannot be combined when using this option

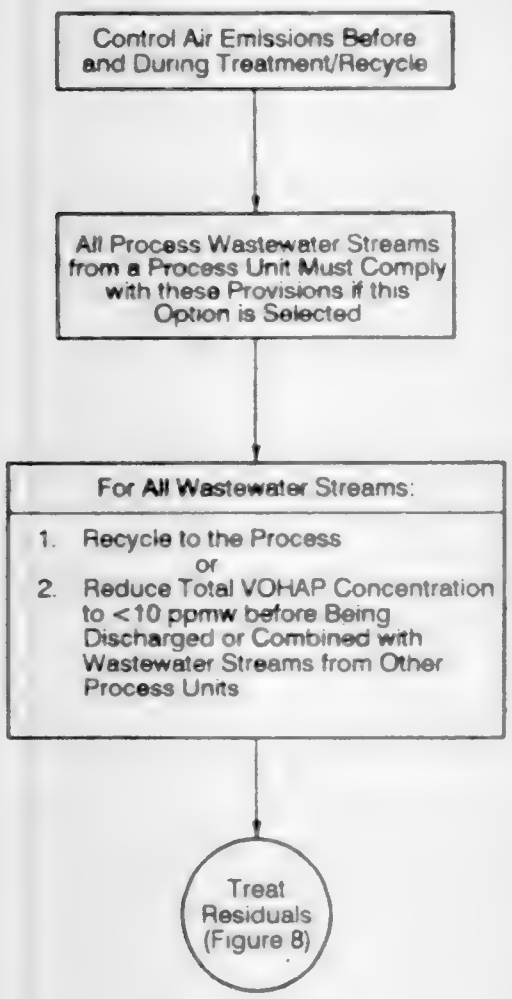

Figure 7. Process Unit Alternative Compliance Option
(Refer to §63.138(d))

7027990r-

Figure

BILLING COD

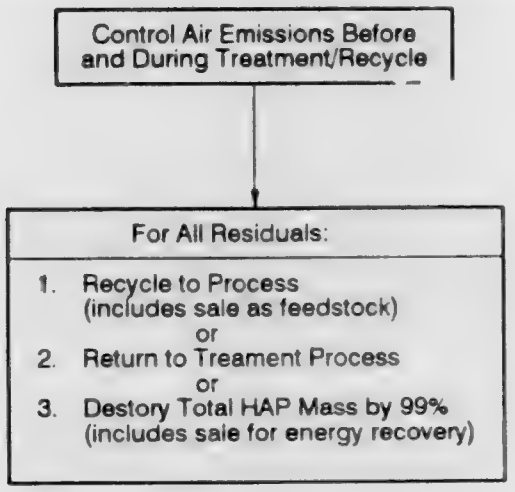

Figure 8. Compliance Options for Control of Residuals (Refer to §63.138(g))

BILLING CODE 1505-01-C

TABLE 8.—ORGANIC HAP COMPOUNDS SUBJECT TO REQUIREMENTS FOR PROCESS UNITS AT NEW SOURCES

Chemical name	CAS number[a]
Allyl chloride	107051
Benzene	71432
1,3-Butadiene	106990
Carbon disulfide	75150
Carbon tetrachloride	56235
Cumene (isopropyl benzene)	98828
Ethylbenzene	100414
Ethyl chloride (Chloroethane)	75003
Ethylidene dichloride (1,1-Dichloroethane)	75343
Hexachlorobutadiene	87683
Hexachloroethane	67721
Hexane	110543
Methyl bromide (Bromomethane)	74839
Methyl chloride (Chloromethane)	74873
Methyl chloroform (1,1,1-Trichloroethane)	71556
Phosgene	75445
Tetrachloroethylene (Perchloroethylene)	127184
Toluene	108883
Trichloroethylene	79016
2,2,4-Trimethylpentane	540841
Vinyl chloride	75014
Vinylidene chloride (1,1-Dichloroethylene)	75354
m-Xylene	108383
p-Xylene	106423

[a]CAS numbers refer to the Chemical Abstracts Service registry number assigned to specific compounds, isomers, or mixtures of compounds.

TABLE 9.—ORGANIC HAP STRIPPABILITY GROUPS AND TARGET REMOVAL EFFICIENCIES

Strippability group	Compound name	Target removal efficiency (percent)
A	See attached list of compounds.	99
B	See attached list of compounds.	95
C	See attached list of compounds.	70

Strippability group	Compound name	CAS number[a]
A	Acetaldehyde	75070
	Allyl chloride	107051
	Benzene	71432
	Benzyl chloride	100447
	Biphenyl	92524
	Bromoform	75252
	1,3-Butadiene	106990
	Carbon disulfide	75150
	Carbon tetrachloride.	56235
	Chlorobenzene	108907
	Chloroform	67663
	Chloroprene (2-Chloro-1,3-Butadiene).	126998
	Cumene (isopropyl benzene).	98828
	1,4-Dichlorobenzene(p).	106467
	1,3-Dichloropropene.	542756
	Ethylbenzene	100414
	Ethyl chloride (Chloro- ethane).	75003
	Ethylene dibromide.	106934
	Ethylene dichloride (1,2-Dichloro- ethane).	107062
	Ethylene oxide	75218
	Ethylidene dichloride (1,1-Dichloro- ethane).	75343
	Hexachloro- benzene.	118741
	Hexachloro- butadiene.	87683
	Hexachloro- ethane.	67721
	Hexane	110543
	Methyl bromide (Bromo- methane).	74839
	Methyl chloride (Chloro- methane).	74873
	Methyl chloroform (1,1,1-Trichloro- ethane).	71556
	Methyl ethyl ketone (2-Butanone).	78933
	Methyl isobutyl ketone (Hexone).	108101
	Methyl tert-butyl ether.	1634044
	Methylene chloride (Dichloromethane).	75092
	Naphthalene	91203
	2-Nitropropane	79469
	Phosgene	75445
	Propylene dichloride (1,2-Dichloro- propane).	78875
	Propylene oxide	75569
	Styrene	100425
	1,1,2,2-Tetrachloroethane.	79345
	Tetrachloro-ethylene (Perchloroethylene).	127184
	Toluene	108883
	1,2,4-Trichlorobenzene.	120821
	1,1,2-Trichloroethane.	79005
	Trichloro- ethylene	79016
	Triethylamine	121448
	2,2,4-Trimethylpentane.	540841
	Vinyl acetate	108054
	Vinyl chloride	75014
	Vinylidene chloride.	
	(1,1-Dichloroethylene).	75354
	m-Xylene	108383
	o-Xylene	95476
	p-Xylene	106423
B	Acetonitrile	75058
	Acetophenone	98862
	Acrolein	107028
	Acrylonitrile	107131
	2-Chloroacetophenone.	532274
	Dichloroethyl ether	111444
	N,N-Dimethyl-aniline.	121697
	2,4-Dinitro-phenol	51285
	Ethyl acrylate	140885
	Ethylene glycol dimethyl ether.	110714
	Ethylene glycol mono-butyl ether acetate.	112072
	Isophorone	78591
	Methyl methacrylate.	80626
	Nitrobenzene	98953
	Propionalde-hyde	123386
	2,4,5-Trichlorophenol.	95954
C	Aniline	62533
	o-Cresol	95487
	Diethyl sulfate	64675
	3,3'-Dimethyl-benzidine.	119937
	1,1-Dimethyl- hydrazine.	57147
	Dimethyl sulfate	77781
	2,4-Dinitro-toluene	121142
	1,4-Dioxane (1,4-Di- ethyleneoxide).	123911
	Epichloro-hydrin.	
	(1-Chloro-2,3-epoxy- propane).	106898
	Ethylene glycol mono-methyl ether acetate.	110496
	Diethylene glycol diethyl ether.	112367
	Diethylene glycol dimethyl ether.	111966
	Ethylene glycol mono-ethyl ether acetate.	111159
	Methanol	67561
	o-Toluidine	95534

[a]CAS numbers refer to the Chemical Abstracts Service registry number assigned to specific compounds, isomers, or mixtures of compounds.

* * * * *

§ 63.143 Process wastewater provisions—inspections and monitoring of operations.

(a) For each wastewater tank, surface impoundment, container, individual drain system, and oil-water separator that receives, manages, or treats a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream, the owner or operator shall

comply with the inspectionrequirements specified in Table 10 of this subpart.

TABLE 10.—MONITORING REQUIREMENTS FOR WASTE MANAGEMENT UNITS

To comply with	Inspection or monitoring requirement	Frequency	Method
Tanks:			
63.133(b)(1)(ii)	Inspect fixed roof and all openings for leaks[a]	Annually	Method 21[b].
63.133(c)	Inspect floating roof in accordance with §§ 63.120(a)(2) and (a)(3).	See § 63.120(a)(2) and (a)(3)	Visual.
63.133(d)	Measure floating roof seal gaps in accordance with §§ 63.120(b)(2)(i) through (b)(6)(ii).		See § 63.120(b)(2)(ii) through (b)(6)(ii)
	—Primary seal gaps	Once every 5 years.	
	—Secondary seal gaps	Annually.	
63.133(e)	Inspect wastewater tank for failures and improper work practices.	Semi-annually	Visual.
Surface impoundments:			
63.134(b)(1)(ii)	Inspect cover and all openings for leaks[a]	Annually	Method 21[b].
63.134(c)	Inspect surface impoundment for failures and improper work practices.	Semi-annually	Visual.
Containers:			
63.135(b)(2)	Inspect cover and all openings for leaks[a]	Annually	Method 21[b].
63.135(d)(2)	Inspect enclosure and all openings for leaks[a]	Annually	Method 21[b].
63.135(e)	Inspect container for failures and improper work practices.	Semi-annually	Visual.
Individual drain systems[c]:			
63.136(b)(1)(ii)	Inspect cover and all openings for leaks[a]	Annually	Method 21[b].
63.136(b)(3)	Inspect individual drain system for failures and improper work practices.	Semi-annually	Visual.
63.136(c)(1)	Verify flow of water supply to all drains using water seals to ensure appropriate water levels and to prevent other conditions that reduce water seal control effectiveness.	Semi-annually	Visual.
63.136(c)(4)(i)	Inspect all drains using tightly-sealed caps or plugs to ensure caps and plugs are in place and properly installed.		
63.136(c)(4)(ii)	Inspect all junction boxes to ensure covers are in place and have tight seals around edges.	Semi-annually	Visual.
63.136(c)(4)(iii)	Inspect unburied portion of all sewer lines for cracks and gaps.	Semi-annually	Visual.
Oil-water separators:			
63.137(b)(1)(ii)	Inspect fixed roof and all openings for leaks[a]	Annually	Method 21[b]
63.137(c)	Measure floating roof seal gaps in accordance with 40 CFR 60.696(d)(1).		See 40 CFR 60.696(d)(1).
	—Primary seal gaps	Once every 5 years.	
	—Secondary seal gaps	Annually.	
63.137(d)	Inspect oil-water separator for failures and improper work practices.	Semi-annually	Visual.

[a] Leaks are detectable emissions of 500 parts per million by volume above background.
[b] Method 21 of 40 CFR Part 60, Appendix A.
[c] As specified in § 63.136(a), the owner or operator shall comply with the requirements of either § 363.136 (b) or (c).

(b) For each waste management unit or treatment process used to comply with § 63.138(b)(1), (c)(1), or (d) of this subpart, the owner or operator shall comply with the monitoring requirements specified in Table 11 of this subpart.

TABLE 11.—MONITORING REQUIREMENTS FOR TREATMENT PROCESSES

To comply with	Parameters to be monitored	Frequency	Methods
1. Effluent total VOHAP average concentration: 63.138-(c)(1)(ii)(C) 63.138(d)(2)(i).	A. Measure effluent total VO concentration as a surrogate for VOHAP concentration, or	Monthly	Method 25D
	B. Measure effluent total VOHAP concentration	Monthly	Proposed Method 305, or any other applicable method which has been validated using section 5.1 or 5.3 of Method 301[a]

TABLE 11.—MONITORING REQUIREMENTS FOR TREATMENT PROCESSES—Continued

To comply with	Parameters to be monitored	Frequency	Methods
2. Effluent VOHAP concentration of each HAP: 63.138-(b)(1)(ii)(A).	Measure VOHAP concentration of each HAP	Monthly	Proposed Method 305, or any other applicable method which has been validated using section 5.1 or 5.3 of Method 301[a]
3. Percentage reduction of total VOHAP mass flow rate: 63.138(c)(1)(ii)(B) 63.138(c)(1)(iii)(B).	A. Measure total VO concentration as a surrogate for VOHAP concentration in influent and effluent, or	Monthly	Method 25D
	B. Measure total VOHAP concentration in influent and effluent	Monthly	Proposed Method 305, or any other applicable method which has been validated using section 5.1 or 5.3 of Method 301[a]
4. Percent reduction of VOHAP mass flow rate for each strippability group of HAP's: 63.138(b)(1)(ii)(C) 63.138(b)(1)(iii)(A) 63.138(c)(1)(ii)(D) 63.138-(c)(1)(iii)(C).	A. Measure VOHAP concentration of each strippability group of HAP's in influent and effluent, or	Monthly	Proposed Method 305, or any other applicable method which has been validated using section 5.1 or 5.3 of Method 301[a]
	B. Measure concentrations of speciated HAP's in influent and effluent	Monthly	Any applicable method which has been validated using section 5.1 or 5.3 of Method 301[a]
5. VOHAP mass removal of HAP's in a treatment process other than a properly operated biological treatment unit 63.138(b)(1)(iii)(C).	A. Measure VOHAP concentration of each HAP in influent and effluent of treatment process or treatment process train, or	Monthly	Proposed Method 305, or any other applicable method which has been validated using section 5.1 or 5.3 of Method 301[a]
	B. Measure concentrations of speciated HAP's in influent and effluent of treatment process or treatment process train	Monthly	Any applicable method which has been validated using section 5.1 or 5.3 of Method 301[a]
6. VOHAP mass removal of total HAP's in a treatment process other than a properly operated biological treatment unit 63.138(c)(1)(iii)(D).	Measure total VOHAP concentration in influent and effluent of treatment process or treatment process train	Monthly	Proposed Method 305, or any other applicable method which has been validated using Section 5.1 or 5.3 of Method 301[a]
7. VOHAP mass removal of each or total HAP's in a properly operated biological treatment unit 63.138(b)(1)-(iii)(C) 63.138(c)(1)(iii)(D).	Appropriate parameters may be monitored upon approval from the Administrator in accordance with the requirements specified in § 63.143(c)	Monthly	Method 304, or any other method which has been approved by EPA during compliance demonstrations
8. Alternative to items 1 through 7 above.	Other parameters may be monitored upon approval from the Administrator in accordance with the requirements specified in § 63.143(d)		
9. Design steam stripper 63.138(f)(3), (4), (5), and (6).	Steam flow rate	Continuously	Integrating steam flow monitoring device equipped with a continuous recorder
	Wastewater feed mass flow rate	Continuously	Liquid flow meter installed at stripper influent and equipped with a continuous recorder
	Wastewater feed temperature	Continuously	Liquid temperature monitoring device installed at stripper influent and equipped with a continuous recorder
	Condenser vapor outlet temperature	Continuously	Temperature monitoring device installed at condenser vapor outlet and equipped with a continuous recorder

[a] If method(s) are used to measure organic HAP concentrations in a waste or wastewater stream, rather than measuring VOHAP concentrations in an air stream purged from a waste or wastewater stream, the correction factors listed in Table 13 may be used to adjust the results to provide a measure of the volatile portion (i.e., the VOHAP concentration) of the organic HAP's.

VOL 58 ISS 37 FE 26 1993 UMI

(c) If the owner or operator elects to comply with Item 7 in Table 11 of this subpart, the owner or operator shall request approval to monitor appropriate parameters that demonstrate proper operation of the biological treatment unit. The request shall be submitted according to the procedures specified in § 63.146(a)(3) and in either § 63.151(f) or § 63.152(e) of this subpart.

(d) If the owner or operator elects to comply with Item 8 in Table 11 of this subpart, the owner or operator shall request approval to monitor parameters other than those listed in Items 1 through 7 of Table 11. The request shall be submitted according to the procedures specified in § 63.146(a)(3) and in either § 63.151(f) or § 63.152(e) of this subpart, and shall include a description of planned reporting and recordkeeping procedures. The Administrator will specify appropriate reporting and recordkeeping requirements as part of the review of the Implementation Plan or permit application.

(e) Except as provided in paragraphs (e)(4) and (e)(5) of this section, for each closed vent system and control device used to comply with the requirements of §§ 63.133 through 63.139 of this subpart, the owner or operator shall comply with the requirements in § 63.139(e), (f), and (h) of this subpart, and with the requirements specified in paragraph (e)(1), (e)(2), or (e)(3) of this section.

(1) The owner or operator shall comply with the monitoring requirements specified in Table 12 of this subpart; or

TABLE 12.—MONITORING REQUIREMENTS FOR CONTROL DEVICES

Control device	Monitoring equipment required	Parameters to be monitored	Frequency
All control devices	1. Flow indicator installed at all bypass lines to the atmosphere and equipped with continuous recorder[b] *or*.	1. Presence of flow diverted from the control device to the atmosphere *or*.	Continuous
	2. Valves sealed closed with car-seal or lock-and-key configuration.	2. Monthly inspections of sealed valves.	Monthly
Thermal incinerator	Temperature monitoring device installed in firebox or in ductwork immediately downstream of firebox[a] and equipped with a continuous recorder[b].	Firebox temperature	Continuous
Catalytic incinerator	Temperature monitoring device installed in gas stream immediately before and after catalyst bed and equipped with a continuous recorder[b].	Temperature upstream and downstream of catalyst bed.	Continuous
Flare	Heat sensing device installed at the pilot light and equipped with a continuous recorder[b].	Presence of a flame at the pilot light.	Continuous
Boiler or process heater <44 megawatts and vent stream is not mixed with the primary fuel.	Temperature monitoring device installed in firebox[a] and equipped with continuous recorder[b].	Combustion temperature	Continuous
Condenser	Temperature monitoring device installed at condenser exit and equipped with continuous recorder[b].	Condenser exit (product side) temperature.	Continuous
Carbon adsorber (regenerative).	Integrating regeneration stream flow monitoring device having an accuracy of ±10 percent and equipped with a continuous recorder[b], *and*.	Total regeneration stream mass flow during carbon bed regeneration cycle(s).	Continuous
	Carbon bed temperature monitoring device equipped with a continuous recorder[b].	Temperature of carbon bed after regeneration [and within 15 minutes of completing any cooling cycle(s)] and duration of the carbon bed steaming cycle.	Continuous
Carbon adsorber (non-regenerative).	Organic compound concentration monitoring device[c].	Organic compound concentration of adsorber exhaust.	Daily or at intervals no greater than 20 percent of the design carbon replacement interval, whichever is greater

[a] Monitor may be installed in the firebox or in the ductwork immediately downstream of the firebox before any substantial heat exchange is encountered.

[b] "Continuous recorder" is defined in § 63.111 of this Subpart.

[c] As an alternative to conducting this monitoring, an owner or operator may replace the carbon in the carbon adsorption system with fresh carbon at a regular predetermined time interval that is less than the carbon replacement interval that is determined by the maximum design flow rate and organic concentration in the gas stream vented to the carbon adsorption system.

(2) The owner or operator shall use an organic monitoring device installed at the outlet of the control device and equipped with a continuous recorder. Continuous recorder is defined in § 63.111 of this subpart; or

(3) The owner or operator shall request approval to monitor parameters other than those specified in paragraphs (e)(1) and (e)(2) of this section. The request shall be submitted according to the procedures specified in § 63.146(a)(3) and in either § 63.151(f) or § 63.152(e) of this subpart, and shall include a description of planned reporting and recordkeeping procedures. The Administrator will specify appropriate reporting and recordkeeping requirements as part of

VOL 58 ISS 37 FE 26 1993 UMI

the review of the Implementation Plan or permit application.

(4) For a boiler or process heater in which all vent streams are introduced with primary fuel, the owner or operator shall comply with the requirements in § 63.139 (e), (f), and (h), but the owner or operator is exempt from the monitoring requirements specified in paragraphs (e)(1) through (e)(3) of this section.

(5) For a boiler or process heater with a design heat input capacity of 44 megawatts or greater, the owner or operator shall comply with the requirements in § 63.139 (e), (f), and (h), but the owner or operator is exempt from the monitoring requirements specified in paragraphs (e)(1) through (e)(3) of this section.

(f) For each parameter monitored in accordance with paragraph (c), (d), or (e) of this section, the owner or operator shall establish a range that indicates proper operation of the treatment process or closed vent system and control device. In order to establish the range, the information required in § 63.152(b)(2) of this subpart shall be submitted in the Notification of Compliance Status or the operating permit application in accordance with the requirement specified in §§ 63.146 (b)(6)(ii)(A) and (b)(7)(iii).

(g) Monitoring equipment shall be installed, calibrated, and maintained according to the manufacturer's specifications.

§ 63.144 Process wastewater provisions—test methods and procedures to determine applicability.

(a) An owner or operator shall determine the annual wastewater quantity for a wastewater stream by one of the following methods:

(1) Selecting the highest annual quantity of wastewater managed from historical records representing the most recent 5 years of operation or, if the process unit at the source has been in service for less than 5 years but at least 1 year, from historical records representing the total operating life of the source;

(2) Using the maximum design capacity of the waste management unit;

(3) Using the maximum wastewater generation rate based on the maximum design production capacity of the process unit generating the wastewater stream; or

(4) Measurements that are representative of maximum wastewater generation rates.

(b) An owner or operator shall determine the total VOHAP average concentration or average VOHAP concentration of each HAP for the point of generation of each wastewater stream by one of the following methods:

(1) Knowledge of the wastewater. The owner or operator shall provide sufficient information to document the total VOHAP average concentration or average VOHAP concentration of each HAP of each wastewater stream. Examples of information that could constitute knowledge include material balances, records of chemicals purchases, process stoichiometry, or previous test results provided the results are still representative of current operating practices at the process unit(s). If test data are used, then the owner or operator shall provide documentation describing the testing protocol and the means by which sampling variability and analytical variability were accounted for in the determination of the total VOHAP average concentration or average VOHAP concentration of each HAP for the wastewater stream.

(2) Bench-scale or pilot-scale test data. The owner or operator shall provide sufficient information to demonstrate that the bench-scale or pilot-scale test concentration data are representative of the actual total VOHAP average concentration or average VOHAP concentration of each HAP. The owner or operator shall also provide documentation describing the testing protocol, and the means by which sampling variability and analytical variability were accounted for in the determination of total VOHAP average concentration or average VOHAP concentration of each HAP for the wastewater stream.

(3) Measurements made at the point of generation or, when not feasible, measurements made at a downstream location that are corrected to point of generation values of the total VOHAP average concentration or average VOHAP concentration of each HAP in the wastewater stream in accordance with the following procedures:

(i) Collect a minimum of three samples from each wastewater stream which are representative of normal flow and concentration conditions. Where feasible, samples shall be taken from an enclosed pipe prior to the wastewater being exposed to the atmosphere. Wastewater samples shall be collected using the sampling procedures specified in 40 CFR part 60, appendix A, Method 25D.

(ii) When sampling from an enclosed pipe is not feasible, a minimum of three representative samples shall be collected in a manner to minimize exposure of the sample to the atmosphere and loss of HAP compounds prior to sampling.

(iii) Each wastewater sample shall be analyzed using one of the following test methods for determining the total VOHAP average concentration or average VOHAP concentration of each HAP in a wastewater stream:

(A) For total VOHAP average concentration or average VOHAP concentration of each HAP, proposed Method 305 shall be used. The target components shall be stripped from the wastewater samples using the procedures specified in proposed Method 305 (i.e., suspended in a polyethylene glycol/water matrix, heated to 75 °C, purged with 6 liters per minute of gaseous nitrogen, sampled for 30 minutes, etc.). The exiting purge stream containing the target components shall be collected and analyzed using the appropriate techniques described in proposed Method 305. The precision and accuracy requirements of proposed Method 305 must be met as part of the compliance requirements of this rule. Performance audit samples, if available, shall be analyzed using the procedures specified in proposed Method 305.

The following equation shall be used to calculate the VOHAP concentration of an individually-speciated compound in the wastewater from the proposed Method 305 result:

$$C_w = \left(C_c \times \frac{MW}{24.055} \times \frac{P_i}{760} \times \frac{293}{T_i} \times t \times L \times 10^3 \right) / M_s$$

where:

C_W=VOHAP concentration of the individually-speciated HAP compound in the wastewater, parts per million by weight.

C_C=Concentration of compound in the gas stream, as measured by proposed Method 305, parts per million by volume on a dry basis.

M_S=Mass of sample, from proposed Method 305, milligrams.

MW=Molecular weight of the HAP compound, grams per gram-mole.

24.055=Ideal gas molar volume at 293 °Kelvin and 760 millimeters of mercury, liters per gram-mole.

P_i=Barometric pressure at the time of sample analysis, millimeters mercury absolute.

760=Reference or standard pressure, millimeters mercury absolute.

293=Reference or standard temperature, °Kelvin.

T_i=Sample gas temperature at the time of sample analysis, °Kelvin.

t=Actual purge time, from proposed Method 305, minutes.

L=Actual purge rate, from proposed Method 305, liters per minute.

10^3=Conversion factor, milligrams per gram.

Total VOHAP average concentration can be determined by summing the VOHAP concentrations of all HAP compounds in the wastewater.

(B) Method 25D of part 60, appendix A may be used instead of proposed Method 305 to measure total VO average concentration as a surrogate for total VOHAP average concentration;

(C) A test method or results from a test method that measures organic HAP concentrations in the wastewater, and that has been validated according to section 5.1 or 5.3 of Method 301 of appendix A of this part may be used. The specific requirement of proposed Method 305 to collect the sample into polyethylene glycol would not be applicable. The concentrations of the individual organic HAP compounds measured in the water may be corrected to their concentrations had they been measured by proposed Method 305, by multiplying each concentration by the compound-specific fraction measured factor in Table 13 of this subpart.

TABLE 13.—FRACTION MEASURED (F_m) AND FRACTION EMITTED (F_e) FOR HAP COMPOUNDS IN WASTEWATER STREAMS

Chemical Name	F_m	F_e
Acetaldehyde	0.724	0.489
Acetonitrile	0.739	0.354
Acetophenone	0.807	0.302
Acrolein	0.850	0.445
Acrylonitrile	0.875	0.457

TABLE 13.—FRACTION MEASURED (F_m) AND FRACTION EMITTED (F_e) FOR HAP COMPOUNDS IN WASTEWATER STREAMS—Continued

Chemical Name	F_m	F_e
Allyl chloride	1.000	0.755
Aniline	0.245	0.194
Benzene	1.000	0.721
Benzyl chloride	1.000	0.534
Biphenyl	1.000	0.550
Bromoform	0.481	0.568
1,3-Butadiene	1.000	0.888
Carbon disulfide	1.000	0.802
Carbon tetrachloride	1.000	0.832
2-Chloroacetophenone	0.841	0.375
Chlorobenzene	1.000	0.696
Chloroform	1.000	0.699
Chloroprene (2-Chloro-1,3-Butadiene)	1.000	0.604
o-Cresol	0.119	0.189
Cumene (isopropyl benzene)	1.000	0.777
1,4-Dichlorobenzene(p)	1.000	0.684
Dichloroethyl ether	0.939	0.358
1,3-Dichloropropene	1.000	0.692
N,N-Dimethylaniline	1.000	0.329
Diethyl sulfate	0.014	0.275
3,3'-Dimethylbenzidine	0.110	0.233
1,1-Dimethylhydrazine	0.486	0.189
Dimethyl sulfate	0.077	0.247
2,4-Dinitrophenol	0.014	0.297
2,4-Dinitrotoluene	0.004	0.231
1,4-Dioxane (1,4-Diethyleneoxide)	0.681	0.268
Epichlorohydrin(1-Chloro-2,3-epoxy propane)	0.859	0.293
Ethyl acrylate	0.788	0.459
Ethylbenzene	1.000	0.744
Ethyl chloride (Chloroethane)	1.000	0.772
Ethylene dibromide	1.000	0.581
Ethylene dichloride (1,2-Dichloroethane)	1.000	0.619
Ethylene oxide	0.712	0.515
Ethylidene dichloride (1,1-Dichloroethane)	1.000	0.722
Diethylene glycol diethyl ether	0.770	0.206
Ethylene glycol monobutyl ether acetate	0.100	0.328
Ethylene glycol dimethyl ether	0.680	0.389
Ethylene glycol monoethyl ether acetate	0.360	0.194
Diethylene glycol dimethyl ether	0.370	0.184
Ethylene glycol monomethyl ether acetate	0.370	0.208
Hexachlorobenzene	1.000	0.637
Hexachlorobutadiene	1.000	0.761
Hexachloroethane	1.000	0.748
Hexane	1.000	1.000
Isophorone	0.997	0.397
Methanol	0.321	0.278
Methyl bromide (Bromomethane)	0.539	0.735
Methyl chloride (Chloromethane)	1.000	0.751
Methyl chloroform (1,1,1-Trichloroethane)	1.000	0.796
Methyl ethyl ketone (2-Butanone)	0.881	0.475

TABLE 13.—FRACTION MEASURED (F_m) AND FRACTION EMITTED (F_e) FOR HAP COMPOUNDS IN WASTEWATER STREAMS—Continued

Chemical Name	F_m	F_e
Methyl isobutyl ketone (Hexone)	0.954	0.547
Methyl methacrylate	0.802	0.447
Methyl tert-butyl ether	0.911	0.570
Methylene chloride (Dichloromethane)	1.000	0.680
Naphthalene	1.000	0.561
Nitrobenzene	0.575	0.365
2-Nitropropane	0.537	0.469
Phosgene	0.868	0.945
Propionaldehyde	0.813	0.424
Propylene dichloride (1,2-Dichloropropane)	1.000	0.678
Propylene oxide	0.841	0.541
Styrene	1.000	0.671
1,1,2,2-Tetrachloroethane	1.000	0.518
Tetrachloroethylene (Perchloroethylene)	1.000	0.797
Toluene	1.000	0.731
o-Toluidine	0.267	0.198
1,2,4-Trichlorobenzene	1.000	0.652
1,1,2-Trichloroethane	0.966	0.596
Trichloroethylene	1.000	0.761
2,4,5-Trichlorophenol	0.286	0.208
Triethylamine	0.930	0.473
2,2,4-Trimethylpentane	1.000	1.000
Vinyl acetate	0.748	0.564
Vinyl chloride	1.000	0.823
Vinylidene chloride (1,1-Dichloroethylene)	1.000	0.822
m-Xylene	1.000	0.740
o-Xylene	1.000	0.712
p-Xylene	1.000	0.740

(iv) The total VOHAP average concentration or average VOHAP concentration of each HAP shall be calculated by averaging the results of the sample analyses as follows:

$$\bar{C} = \frac{1}{Q_t} \times \sum_{i=1}^{n} (Q_i)(C_i)$$

where:

$\bar{C}$=Total VOHAP average concentration or average VOHAP concentration of each HAP for wastewater stream, parts per million by weight.

Q_t=Total annual wastewater quantity for wastewater stream, kilograms per year.

n=Number of wastewater samples (at least 3).

Q_i=Annual wastewater quantity for wastewater stream represented by C_i, kilograms per year.

C_i=Measured average concentration (i.e., total VOHAP average concentration or average VOHAP concentration of each HAP) in wastewater sample i, parts per million by weight.

VOL 58 ISS 37 FE 26 1993 UMI

(c) To demonstrate that the total VOHAP mass flow rate from Group 1 wastewater streams in new and existing SOCMI units is less than 1 megagram per year as specified in § 63.138(c)(5) of this subpart, an owner or operator shall determine for the source the total VOHAP mass flow rate from all Group 1 wastewater streams identified in § 63.132(f)(1) of this subpart at their points of generation by the following procedure:

(1) Determine the annual wastewater quantity for each wastewater stream using the procedures specified in paragraph (a) of this section.

(2) Determine the total VOHAP average concentration for each wastewater stream using the procedures specified in paragraph (b) of this section.

(3) Calculate the annual total VOHAP mass flow rate in each wastewater stream by multiplying the annual average flow rate of the wastewater stream times the total VOHAP average concentration.

(4) Calculate the total source VOHAP mass flow rate from all Group 1 wastewater streams by adding together the annual total VOHAP mass flow rate from each Group 1 wastewater stream.

(d) An owner or operator electing to reduce the total source VOHAP mass flow rate to less than 1 megagram per year in accordance with § 63.138(c)(6) of this subpart shall determine the total source VOHAP mass flow rate from Group 1 wastewater streams identified in § 63.138(f)(1) of this subpart by the following procedures:

(1) The annual total VOHAP mass flow rate of each Group 1 wastewater stream treated to the level of the provisions of 63.138(c) of this subpart shall not be included in the total source VOHAP mass flow rate calculation.

(2) For each untreated Group 1 wastewater stream, annual total VOHAP mass flow rate shall be determined by the procedures in paragraph (c) of this section.

(3) For each Group 1 wastewater stream treated to levels less than required by the provisions of § 63.138(c) of this subpart, the annual total VOHAP mass flow rate shall be determined as follows:

(i) Measurement or sampling shall occur at the point of discharge of the treatment process or series of treatment processes. The point of discharge is defined as the point where the treated wastewater exits the treatment process but before it is mixed with other wastewater streams, and prior to exposure to the atmosphere.

(ii) Determine the annual wastewater quantity for each wastewater stream at the point of discharge of the treatment process or series of treatment processes using the procedures specified in paragraph (a) of this section.

(iii) Determine the total VOHAP average concentration for each wastewater stream at the point of discharge using the procedures specified in paragraph (b) of this section.

(iv) Calculate the annual total VOHAP quantity in each wastewater stream by multiplying the annual wastewater quantity of the wastewater stream times the total VOHAP average concentration.

(4) The total source VOHAP mass flow rate shall be calculated by summing the annual total VOHAP quantity from all wastewater streams as determined in paragraphs (d)(2) and (d)(3) of this section.

(e) To determine the annual average wastewater flow rate for a wastewater stream, one of the following methods shall be used:

(1) Use the maximum production capacity of the process unit, knowledge of the process, and mass balance information to either: estimate directly the average wastewater flow rate; or estimate the total annual wastewater volume and then divide total volume by 525,600 minutes in a year;

(2) Select the highest average flow rate of wastewater from historical records representing the most recent 5 years of operation or, if the process unit has been in service for less than 5 years but at least 1 year, from historical records representing the total operating life of the process unit;

(3) Measure the flow rate of the wastewater for the point of generation during conditions that are representative of average wastewater generation rates.

§ 63.145 Process wastewater provisions—test methods and procedures to determine compliance.

(a) This paragraph applies to the use of all performance tests to demonstrate compliance of a treatment process or waste management unit.

(1) The test shall be conducted when the treatment process or waste management unit is operating at a representative inlet wastewater stream flow rate and VOHAP concentration under which it would be most difficult to demonstrate compliance.

(2) Operations during periods of startup, shutdown, or malfunction shall not constitute representative conditions for the purpose of a test.

(3) All testing equipment shall be prepared and installed as specified in the appropriate test methods.

(4) The owner or operator shall record all process information as is necessary to document operating conditions during the test.

(b) This paragraph applies to the use of performance tests to demonstrate compliance of a treatment process with the parts per million by weight wastewater stream concentration limits at the outlet of the treatment process.

(1) The total VOHAP average concentration shall be measured for compliance with the concentration alternatives specified in § 63.138(c)(1)(ii)(C) and (d)(1)(i) of this subpart; or the average concentration of each VOHAP shall be measured for compliance with the concentration alternatives specified in § 63.138(b)(1)(ii)(A) of this subpart.

(2) A minimum of three representative samples of the wastewater stream exiting the treatment process shall be collected and analyzed using the procedures in § 63.144(b)(3) of this subpart.

(c) This paragraph applies to the use of performance tests to demonstrate compliance of a noncombustion treatment process with the percent reduction limits for total VOHAP mass flow rate or VOHAP mass flow rate for strippability groups of HAP's.

(1) The percent reduction of total VOHAP mass flow rate shall be measured for compliance with § 63.138(c)(1)(ii)(B) or (c)(1)(iii)(B) of this subpart; or of VOHAP mass flow rate for strippability groups of HAP's for compliance with § 63.138(b)(1)(ii)(C), (b)(1)(iii)(A), (c)(1)(ii)(D), or (c)(1)(iii)(C) of this subpart.

(2) The same test method shall be used to analyze the wastewater samples from both the inlet and outlet of the treatment process.

(3) The mass flow rate of total VOHAP or of VOHAP for a strippability group of HAP's entering the treatment process (E_b) and exiting the treatment process (E_a) shall be determined by computing the product of the flow rate of the wastewater stream entering or exiting the treatment process, and the total VOHAP or strippability group VOHAP average concentration of the entering or exiting wastewater streams, respectively.

(i) The flow rate of the entering and exiting wastewater streams shall be determined using the inlet and outlet flow meters, respectively.

(ii) The total VOHAP or strippability group VOHAP average concentrations of the entering and exiting wastewater streams shall be determined using the method specified in § 63.144(b)(3)(iii) of this subpart.

(iii) Three grab samples of the entering wastewater stream shall be taken at equally spaced time intervals

over a 1-hour period. Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs.

(iv) Three grab samples of the exiting wastewater stream shall be taken at equally spaced time intervals over a 1-hour period. Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs conducted over the same 3-hour period at which the mass flow rate of total VOHAP or strippability group VOHAP entering the treatment process is determined.

(v) The mass flow rates of total VOHAP or strippability group VOHAP entering and exiting the treatment process are calculated as follows:

$$E_b = \frac{K}{n \times 10^6}\left(\sum_{i=1}^{n} V_{bi} C_{bi}\right)$$

$$E_a = \frac{K}{n \times 10^6}\left(\sum_{i=1}^{n} V_{ai} C_{ai}\right)$$

where:

E_b=Mass flow rate of total VOHAP or strippability group VOHAP entering the treatment process, kilograms per hour.

E_a=Mass flow rate of total VOHAP or strippability group VOHAP exiting the treatment process, kilograms per hour.

K=Density of the wastewater stream, kilograms per cubic meter.

V_{bi}=Average volumetric flow rate of wastewater entering the treatment process during each run i, cubic meters per hour.

V_{ai}=Average volumetric flow rate of wastewater exiting the treatment process during each run i, cubic meters per hour.

C_{bi}=Average concentration of total VOHAP or strippability group VOHAP in the wastewater stream entering the treatment process during each run i, parts per million by weight. This shall be the sum of the average VOHAP concentrations of all HAP's in the stream, or of all HAP's in the target strippability group that are in the stream.

C_{ai}=Average concentration of total VOHAP or strippability group VOHAP in the wastewater stream exiting the treatment process during each run i, parts per million by weight. This shall be the sum of the average VOHAP concentrations of all HAP's in the stream or of all HAP's in the target strippability group that are in the stream.

n=Number of runs.

(4) The percent reduction across the treatment process shall be calculated as follows:

$$R = \frac{E_b - E_a}{E_b} \times 100$$

where:

R=Control efficiency of the treatment process, percent.

E_b=Mass flow rate of total VOHAP or strippability group VOHAP entering the treatment process, kilograms per hour.

E_a=Mass flow rate of total VOHAP or strippability group VOHAP exiting the treatment process, kilograms per hour.

(d) This paragraph applies to the use of a performance test to demonstrate compliance of a combustion treatment process with the percent reduction limits for total VOHAP mass flow rate or VOHAP mass flow rate for strippability groups of HAP's. The percent reduction of total VOHAP mass flow rate shall be measured for compliance with § 63.138(c)(1)(ii)(B) or (c)(1)(iii)(B) of this subpart; or of VOHAP mass flow rate for strippability groups of HAP's for compliance with § 63.138(b)(1)(ii)(C), (b)(1)(iii)(A), (c)(1)(ii)(D), or (c)(1)(iii)(C) of this subpart.

(1) The mass flow rate of total VOHAP or of VOHAP for a strippability group of HAP's entering the combustion unit shall be determined by computing the product of the average flow rate of the wastewater stream entering the combustion unit, as determined by the inlet flow meter, and the total VOHAP or group VOHAP average concentration of the waste stream, as determined using the sampling procedures in § 63.144(b)(3) of this subpart.

(2) Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs conducted over at least a 3-hour period.

(3) If grab sampling techniques are used, then these grab samples shall be taken at a minimum of three equally spaced time intervals during the run.

(4) The mass flow rate of total VOHAP or strippability group VOHAP into the combustion unit is calculated as follows:

$$E_b = \frac{K}{n \times 10^6}\left(\sum_{i=1}^{n} V_i C_i\right)$$

where:

E_b=Mass flow rate of total VOHAP or strippability group VOHAP into the combustion unit, kilograms per hour.

K=Density of the waste stream, kilograms per cubic meter.

V_i=Average volumetric flow rate of waste entering the combustion unit during each run i, cubic meters per hour.

C_i=Average concentration of total VOHAP or strippability group VOHAP in the waste stream entering the combustion unit during each run i, parts per million by weight. This shall be the sum of the average VOHAP concentrations of all HAP's in the stream, or of all HAP's in the target strippability group that are in the stream.

n=Number of runs.

(5) The mass flow rate of total VOHAP or strippability group VOHAP exiting the combustion unit exhaust stack shall be determined as follows:

(i) The time period for the test shall not be less than 3 hours during which at least three 1-hour runs are conducted and be the same time period at which the mass flow rate of VOHAP entering the treatment process is determined. Each run shall represent a time-integrated composite sample corresponding to the periods when the waste feed is sampled.

(ii) A run shall consist of a 1-hour period during the test. For each run:

(A) The volume exhausted shall be determined using Method 2, 2A, 2C, or 2D from appendix A of 40 CFR part 60, as appropriate.

(B) The total VOHAP or strippability group VOHAP average concentration in the exhaust downstream of the combustion unit shall be determined using Method 18 of appendix A of 40 CFR part 60. Alternatively, any other test method validated according to the procedures in Method 301 of appendix A of this part.

(iii) The mass of total VOHAP or strippability group VOHAP emitted during each run shall be calculated as follows:

$$M_t = \frac{V}{10^6}\sum_{j=1}^{m} 0.0416\, MW_j C_j$$

where:
M_i=Mass of total VOHAP or strippability group VOHAP emitted during run i, kilograms.
V=Volume of air-vapor mixture exhausted at standard conditions, cubic meters.
$6C_j$=VOHAP concentration of compound j measured in the exhaust, parts per million by volume.
MW_j=Molecular weight of compound j in exhaust stream, kilograms per kilogram-mole.
m=Number of HAP compounds in total or in strippability group.
0.0416=Conversion factor for molar volume, kilogram-mole per cubic meter at 293 °Kelvin and 760 millimeters mercury absolute.

(iv) The total VOHAP or strippability group VOHAP mass emission rate in the exhaust shall be calculated as follows:

$$E_a = \left(\sum_{i=1}^{n} M_i\right) / T$$

where:
E_a=Mass flow rate of total or strippability group VOHAP emitted, kilograms per hour.
M_i=Mass of total or strippability group VOHAP emitted during run i, kilograms.
T=Total time of all runs, hours.
n=Number of runs.

(6) The total VOHAP or strippability group VOHAP destruction efficiency for the combustion unit shall be calculated as follows:

$$R = \frac{E_b - E_a}{E_b} \times 100$$

where:
R = Total or strippability group VOHAP destruction efficiency for the combustion unit, percent.
E_b = Mass flow rate of total or strippability group VOHAP entering the combustion unit, kilograms per hour.
E_a = Mass flow rate of total or strippability group VOHAP exiting the combustion unit, kilograms per hour.

(e) An owner or operator shall test equipment for emissions of 500 parts per million by volume or greater required in §§ 63.133 through 63.137 and 63.139 of this subpart in accordance with the following requirements:

(1) Monitoring shall comply with Method 21 from Appendix A of 40 CFR part 60.

(2) The detection instrument shall meet the performance criteria of Method 21.

(3) The instrument shall be calibrated before use on each day of its use by the procedures specified in Method 21.

(4) Calibration gases shall be:

(i) Zero air (less than 10 parts per million by volume of hydrocarbon in air); and

(ii) A mixture of methane and air at a concentration of approximately, but less than, 500 parts per million by volume methane.

(iii) The instrument may be calibrated at a higher methane concentration up to 2,000 parts per million by volume higher than the leak definition concentration for a specific piece of equipment for monitoring that piece of equipment. The instrument may not be calibrated at a methane concentration lower than the leak definition concentration for a specific piece of equipment.

(5) The background level shall be determined as set forth in Method 21.

(6) The instrument probe shall be traversed around all potential leak interfaces as close as possible to the interface as described in Method 21.

(7) The instrument response factors shall be considered according to paragraphs (e)(7)(i) and (e)(7)(ii) of this section.

(i) The response factors used shall be the instrument response factor determined for the predominant HAP (i.e., the HAP present at the highest percentage) at 500 parts per million by volume. The response factors may be obtained from the available literature, the instrument manufacturer, or determined for the specific instrument and HAP.

(ii) Chemical composition of individual process streams may be determined by sampling, engineering calculations, or process knowledge. A separate determination for each stream is not necessary if all or portions of the process unit can be shown to exhibit similar composition. The basis for all process stream composition determinations shall be documented as required in § 63.144(b) of this subpart.

(8) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared to 500 parts per million by volume for determining compliance.

(f) A performance test to demonstrate compliance of a vent stream control device with the organic compound reduction efficiency requirement specified under § 63.139(b) of this subpart shall use the following procedures:

(1) Sampling sites shall be selected using Method 1 or 1A from appendix A of 40 CFR part 60, as appropriate.

(2) The mass flow rate of organics entering and exiting the control device shall be determined as follows:

(i) The time period for the test shall not be less than 3 hours during which at least three runs are conducted.

(ii) A run shall consist of a 1-hour period during the test. For each run:

(A) The volume exhausted shall be determined using Method 2, 2A, 2C, or 2D from appendix A of 40 CFR part 60, as appropriate;

(B) The organic concentration in the vent stream entering and exiting the control device shall be determined using Method 18 from appendix A of 40 CFR part 60. Alternatively, any other test method validated according to the procedures in Method 301 of appendix A of this part may be used.

(iii) The mass flow rate of organics entering and exiting the control device during each run shall be calculated as follows:

$$E_a = \frac{0.0416}{10^6 \times m}\left[\sum_{j=1}^{m} V_{aj}\left(\sum_{i=1}^{n} C_{aij} MW_i\right)\right]$$

$$E_b = \frac{0.0416}{10^6 \times m}\left[\sum_{j=1}^{m} V_{bj}\left(\sum_{i=1}^{n} C_{bij} MW_i\right)\right]$$

where:

E_a=Mass flow rate of organics exiting the control device, kilograms per hour.

E_b=Mass flow rate of organics entering the control device, kilograms per hour.

V_{aj}=Average volumetric flow rate of vent stream exiting the control device during run j at standards conditions, cubic meters per hour.

V_{bj}=Average volumetric flow rate of vent stream entering the control device during run j at standards conditions, cubic meters per hour.

m=Number of runs.

C_{aij}=Organic concentration of compound i measured in the vent stream exiting the control device during run j as determined by Method 18, parts per million by volume on a dry basis.

C_{bij}=Organic concentration of compound i measured in the vent stream entering the control device during run j as determined by Method 18, parts per million by volume on a dry basis.

MW_i=Molecular weight of organic compound i in the vent stream, kilograms per kilogram-mole.

n=Number of organic compounds in the vent stream.

0.0416=Conversion factor for molar volume, kilograms-mole per cubic meter at 293 °Kelvin and 760 millimeters mercury absolute.

(4) The organic reduction efficiency for the control device shall be calculated as follows:

$$R = \frac{E_b - E_a}{E_b} \times 100$$

where:

R=Total organic reduction efficiency for the control device, percent.

E_b=Mass flow rate of organics entering the control device, kilograms per hour.

E_a=Mass flow rate of organics exiting the control device, kilograms per hour.

(g) A performance test to demonstrate compliance with the mass removal provision for new SOCMI process units in § 63.138(b)(1)(iii)(C) of this subpart shall consist of a determination of mass removal required to be achieved, and a determination of mass removal actually achieved. Actual mass removal and compliance shall be determined by the procedure in paragraph (i) of this section. The required mass removal for each Group 1 wastewater stream prior to combination of the streams for treatment shall be determined using the following equation:

$$RMR = \left(\frac{K}{10^6} V \sum_{j=1}^{n} \overline{C_j}\right) 0.99$$

where:

RMR=Required mass removal of VOHAP from Table 8 HAP compounds in a Group 1 wastewater stream, in kilograms per year.

K=Density of the Group 1 wastewater stream, kilograms per cubic meter.

V=Annual wastewater quantity of the Group 1 wastewater stream, cubic meters per year.

n=Number of Table 8 HAP compounds in stream.

$\check{C}j$=Average VOHAP concentration of each Table 8 organic HAP compound "j" in the Group 1 wastewater stream at the point of generation, parts per million by weight.

0.99=Required removal fraction of VOHAP from Table 8 compounds.

(1) The annual wastewater quantity for each Group 1 wastewater stream to be combined for treatment (V), shall be determined using the procedures specified in paragraph (a) of this section.

(2) The VOHAP average concentration of each Table 8 HAP compound ($\check{C}j$) in each Group 1 wastewater stream to be combined for treatment shall be determined using the procedures specified in § 63.144(b)(3) of this subpart.

(3) The total required mass removal is calculated by adding together the required mass removal for each individual Group 1 stream to be combined for treatment.

(h) A performance test to demonstrate compliance with the mass removal provisions for new and existing SOCMI process units in § 63.138(c)(1)(iii)(D) of this subpart shall consist of a determination of mass removal required to be achieved, and a determination of mass removal actually achieved. Actual mass removal and compliance shall be determined by the procedure in paragraph (i) of this section. The required mass removal for each Group 1 wastewater stream prior to combination of the streams for treatment shall be determined using the following equation:

$$RMR = \frac{K}{10^6} V \sum_{j=1}^{n} \left(\overline{C_j} * \frac{F}{100} \right)$$

where:

RMR=Required mass removal of total VOHAP average concentration in the Group 1 wastewater stream, prior to combination with other Group 1 wastewater streams, kilograms per year.

K=Density of the Group 1 wastewater stream, kilograms per cubic meter.

V=Average wastewater flow rate for the Group 1 wastewater stream, cubic meters per year.

n=Number of organic HAP compounds in stream.

Čj=Average VOHAP concentration of compound "j" in the Group 1 wastewater stream at the point of generation, parts per million by weight.

F=Required percent removal of each compound "j" (target removal efficiency from Table 9).

(1) The average wastewater flow rate for each Group 1 wastewater stream to be combined for treatment (V), shall be determined using the procedures specified in § 63.144(e) of this subpart.

(2) The average of each VOHAP concentration (Cj) in each Group 1 wastewater stream to be combined for treatment shall be determined using the procedures specified in § 63.144(b)(3) of this subpart.

(3) The total required mass removal is calculated by adding together the required mass removal for each individual Group 1 wastewater stream to be combined for treatment.

(i) For a performance test to demonstrate compliance of a treatment process with the mass removal standards, the actual mass removal of total VOHAP [for compliance with § 63.138(c)(1)(iii)(D) of this subpart] or of VOHAP from table 8 compounds [for compliance with § 63.138(b)(1)(iii)(C) of this subpart] in the wastewater stream shall be determined by the following procedure:

(1) The actual mass removal of a treatment process, or series of treatment processes other than a properly operated biological treatment unit shall be determined using the following equation:

$$MR=(E_b - E_a)$$

where:

MR=Actual mass removal by the treatment process or series of treatment processes of total VOHAP for Table 9 HAP compounds or VOHAP from Table 8 HAP compounds, kilograms per hour.

E_b=Mass flow rate of total VOHAP for Table 9 HAP compounds or VOHAP from Table 8 HAP compounds entering the treatment process or series of treatment processes, kilograms per hour.

E_a=Mass flow rate of total VOHAP for Table 9 HAP compounds or VOHAP from Table 8 HAP compounds exiting the treatment process or series of treatment processes, kilograms per hour.

(i) The mass flow rate of total VOHAP for Table 9 HAP compounds or VOHAP from Table 8 HAP compounds entering the treatment process (E_b) shall be determined using the procedures specified in paragraph (c)(3) of this section.

(ii) The mass flow rate of total VOHAP for Table 9 HAP compounds or VOHAP from Table 8 HAP compounds exiting the treatment process (E_a) shall be determined using the procedures specified in paragraph (c)(3) of this section.

(2) The actual mass removal (MR) of a treatment process which is a properly operated biological treatment unit is equal to the mass removed due to biological destruction. The mass removal should be determined using the following equation:

$$MR=(E_b - E_a) * F_{bio}$$

where:

MR=Actual mass removal by the treatment process or series of treatment processes of total VOHAP for Table 9 HAP compounds or VOHAP from Table 8 HAP compounds, kilograms per hour.

E_b=Mass flow rate of total VOHAP for Table 9 HAP compounds or VOHAP from Table 8 HAP compounds entering the treatment process or series of treatment processes, kilograms per hour.

E_a=Mass flow rate of total VOHAP for Table 9 HAP compounds or VOHAP from Table 8 HAP compounds exiting the treatment process or series of treatment processes, kilograms per hour.

F_{bio}=The fraction of VOHAP from Table 8 HAP compounds, or total VOHAP for Table 9 HAP compounds, biodegraded in a properly operated biological treatment unit. This fraction shall be determined using WATER7. The site specific biorate constants used as inputs to WATER7 shall be determined using Method 304 of appendix A of this part.

(3) Compliance with the mass removal provisions in § 63.138(b)(1)(iii)(C) or § 63.138(c)(1)(iii)(D) of this subpart is achieved when the actual mass removal of the treatment process (MR) is demonstrated to meet or exceed the total required mass removal (RMR), determined using the procedures specified in paragraphs (g) or (h) of this section, respectively.

* * * * *

§ 63.150 Emissions averaging provisions.

(a) This section applies to owners or operators who seek to comply with emission limits by using emissions averaging according to § 62.112(c)(2) of this subpart rather than following the provisions of §§ 63.113 through 63.149 of this subpart for all emission points.

(b) Unless an operating permit application has been submitted, the owner or operator shall develop, and submit for approval, an Implementation Plan containing all of the information required in § 63.151(d) of this subpart for all points to be included in an emission average. The Implementation Plan or operating permit application shall identify all emission points to be included in the emissions averaging. This must include any Group 1 emission points to which the reference control technology (defined in § 63.111 of this subpart) is not applied and all other emission points being controlled as part of the average.

(c) The following emission points can be credited in an emissions average to offset use of controls less stringent than the reference technology on Group 1 emission points, if sufficient information is available to determine the appropriate value of credits for the point:

(1) A Group 2 emission point to which a new control has been applied after November 15, 1990.

(2) A Group 1 emission point that is controlled by a technology that the Director of the EPA Office of Air Quality Planning and Standards or the operating permit authority agrees has a higher nominal control efficiency than the reference technology if the emission point was not controlled to this level on or before November 15, 1990. Information on the nominal control efficiencies for such technologies must be submitted and approved as provided in paragraph (h) of this section.

(3) Emission points from which emissions are reduced by pollution prevention projects initiated after 1987. For Group 1 emission points, in order to be credited, the pollution prevention projects must result in emission levels lower than what would have occurred if the reference technology had been applied to the emission points at their emission levels prior to pollution

prevention. Pollution prevention is defined in paragraph (i) of this section.

(4) Any Group 2 emission point to which controls were applied as part of the early reduction program established by the EPA under section 112(i)(5) of the Clean Air Act as amended in 1990 (56 FR 27338).

(5) A Group 1 emission point controlled by a technology EPA agrees has a higher nominal control efficiency than the reference technology if this control was applied as part of the early reduction program established by the EPA under section 112(i)(5) of the Clean Air Act as amended in 1990 (56 FR 27338).

(6) Any Group 2 emissions point to which controls were applied as part of a commitment under the Agency's 33/50 program described in EPA Publication Number EPA–741–K–92–001.

(7) Any Group 1 emissions point controlled by a technology EPA agrees has a higher nominal control efficiency than the reference control technology if the control was applied as part of a commitment under the Agency's 33/50 program described in EPA Publication Number EPA–741–K–92–001.

(d) The following emission points cannot be used to generate credits in emission averaging:

(1) Emission points already controlled on or before November 15, 1990, except those that were controlled as part of the Section 112(i)(5) early reduction program, the 33/50 program, or a pollution prevention program as described in paragraph (c) of this section.

(2) Emission points achieving control levels higher than the nominal efficiency of a reference technology when using a reference control technology, unless the requirements of § 63.150(h)(6) of this subpart have been satisfied for process vents, or the requirements in § 63.150(g)(3)(ii)(C) or (g)(3)(iii)(D) have been satisfied for storage vessels. For example, it is not allowable to claim that an internal floating roof meeting the specifications of § 63.119(b) of this Subpart applied to a storage vessel is achieving greater than 95 percent control.

(3) Production cutbacks and shutdowns. The emission credits are calculated at the actual monthly production level and do not include any process units that are shut down.

(e) For all points included in an emission average, the owner or operator shall:

(1) Calculate and record monthly debits for all Group 1 emission points that are controlled to a level less stringent than the reference technology level for those emission points. Equations in paragraph (f) of this section shall be used to calculate debits.

(2) Calculate and record monthly credits for all Group 1 or Group 2 emission points that are overcontrolled to compensate for the debits using equations in paragraph (g) of this section. Emission points that meet the criteria of paragraph (c) of this section may be included in the credit calculation, whereas those described in paragraph (d) of this section shall not be included.

(3) Demonstrate that annual credits calculated according to paragraph (g) of this section are greater than or equal to debits calculated for the same annual compliance period according to paragraph (f) of this section. If the credits are not greater than or equal to the debits for the same annual compliance period, and the owner or operator has met the requirements in paragraphs (e)(3)(i) through (e)(3)(iv) of this section, the owner or operator may use banked credits and credits from the relevant compliance period to offset the debits. If banked credits are available and necessary, compliance shall be judged based on the sum of banked credits and credits from the relevant compliance period, averaged with debits from the relevant compliance period.

(i) If the credits calculated according to paragraph (g) of this section are greater than the debits calculated for the same annual compliance period according to paragraph (f) of this section, the owner or operator may bank the extra credits for use in future compliance periods.

(A) In order to bank credits for use in future compliance periods, the owner or operator must report the data used to calculate that the extra credits were generated and certify the accuracy of that data in the Periodic Reports as specified in § 63.152(c) of this Subpart. These records must be readily accessible for 5 years after the period in which the credit is available for use as specified in paragraph (e)(3)(iv) of this section.

(B) The owner or operator may choose to include more than the required number of credit generating emission points in an average in order to increase the likelihood of creating bankable credits. However, these additional points are not required to create bankable credits.

(ii) Banked credits can only be used to comply with the annual requirement specified in paragraph (e)(3) of this section. Banked credits cannot be used for the quarterly requirement specified in paragraph (e)(4) of this section.

(iii) In the Implementation Plan for emissions averaging as specified in § 63.151(c) and (d) of this subpart or the operating permit application as specified in § 63.152(e) of this subpart, the credit generating emission points must be capable of generating sufficient credits to offset the debits from the debit generating emission points under representative operating conditions. The owner or operator shall not develop an Implementation Plan or operating permit application for emissions averaging that relies on banked credits to ensure that credits will exceed debits. If such an averaging plan is submitted, it will not be approved.

(iv) The length of time that banked credits shall be available for use after the year in which the extra credit was generated is (a range of 2 to 5 years is being proposed; a single number will be selected at promulgation). If a banked credit is not used within (2 to 5) years of the year in which it was generated, it is no longer available for use.

(4) Demonstrate that debits calculated for a quarterly (3-month) period according to paragraph (f) of this section are not more than (a range of 1.25 to 1.35 is being proposed; a single number will be selected at promulgation) times the credits for the same period calculated according to paragraph (g) of this section. Compliance for the quarter shall be determined based on the ratio of credits and debits from that quarter, with (25 to 35) percent more debits than credits allowed on a quarterly basis.

(5) Calculation of monthly credits and debits shall not include periods of startup, shutdown, and malfunction as described in the source's startup, shutdown, and malfunction plan required by § 63.6(e)(3) of subpart A of this part.[16]

(6) The quarterly and annual credits and debits shall be recorded and reported in the Periodic Reports as specified in § 63.152(c) of this subpart. The Periodic Reports shall include a certification of compliance with the emissions averaging provisions.

(f) Debits shall be calculated as follows:

(1) The overall equation for calculating source-wide debits is:

[16] The EPA will propose subpart A in the future.

$$\text{Debits} = \sum_{i=1}^{n} (EPV_{iACTUAL} - (0.02)EPV_{iu}) + \sum_{i=1}^{n} (ES_{iACTUAL} - (0.05)ES_{iu})$$

$$+ \sum_{i=1}^{n} (ETR_{iACTUAL} - (0.02)ETR_{iu}) + \sum_{i=1}^{n} (EWW_{iACTUAL} - EWW_{ic})$$

where:

Debits and all terms of the equation are in units of megagrams per month, and

$EPV_{iACTUAL}$=Emissions from each Group 1 process vent (i) that is not controlled to the level of the reference technology. This is calculated according to paragraph (f)(2) of this section.

(0.02) EPV_{iu}=Emissions from each Group 1 vent (i) if the reference control technology had been applied to the uncontrolled emissions, calculated according to paragraph (f)(2) of this section.

$ES_{iACTUAL}$=Emissions from each Group 1 storage vessel (i) that is not controlled to the level of the reference technology. This is calculated according to paragraph (f)(3) of this section.

(0.05) ES_{iu}=Emissions from each Group 1 storage vessel (i) if the reference control technology had been applied to the uncontrolled emissions, calculated according to paragraph (f)(3) of this section.

$ETR_{iACTUAL}$=Emissions from each Group 1 transfer rack (i) that is not controlled to the level of the reference technology. This is calculated according to paragraph (f)(4) of this section.

(0.02) ETR_{iu}=Emissions from each Group 1 transfer rack (i) if the reference control technology had been applied to the uncontrolled emissions, calculated according to paragraph (f)(4) of this section.

$EWW_{iACTUAL}$=Emissions from each Group 1 wastewater stream (i) that is not controlled to the level of the reference technology. This is calculated according to paragraph (f)(5) of this section.

EWW_{ic}=Emissions from each Group 1 wastewater stream (i) if the reference control technology had been applied to the uncontrolled emissions. This is calculated according to paragraph (f)(5) of this section.

n=The number of emission points being included in the emissions average. The value of n is not necessarily the same for process vents, storage vessels, transfer racks, and wastewater.

(2) Emissions from process vents shall be calculated as follows:

(i) For purposes of determining process vent stream flow rate, organic HAP concentrations, and temperature, the sampling site shall be after the final product recovery device, if any recovery devices are present, before any combustion device, and before discharge to the atmosphere. Method 1 or 1A shall be used for selection of the sampling site.

(ii) The following equation shall be used for each process vent (i) to calculate EPV_{iu}:

$$EPV_{iu} = \frac{(7.31 \times 10^{-7}) Qh \left(\sum_{j=1}^{n} C_j M_j \right)}{T + 273}$$

where:

EPV_{iu}=Uncontrolled process vent emission rate from process vent (i) in megagrams per month.

Q=Vent stream flow rate (dry standard cubic meters per minute) measured using Method 2, 2A, 2C, or 2D of part 60, appendix A, as appropriate.

h=Monthly hours of operation during which positive flow is present in the vent.

C_j=Concentration (parts per million by volume, dry basis) of organic HAP compound j as measured by Method 18.

M_j=Molecular weight of organic HAP compound j (gram/gram-mole).

T=Vent stream discharge temperature, in °C.

n=Number of organic HAP compounds.

(A) The values of Q, C_j, M_j, and T shall be determined during an initial performance test conducted under representative operating conditions. Monthly testing is not required.

(B) If there is a change in capacity utilization other than a change in monthly operating hours, or if any other change is made to the process or product recovery equipment or operation such that the previously measured values of Q, C_j, M_j, or T are no longer representative, a new performance test shall be conducted.

(iii) The following procedures and equations shall be used to calculate $EPV_{iACTUAL}$:

(A) If the vent is not controlled by a control device or pollution prevention measure $EPV_{iACTUAL}=EPV_{iu}$, where EPV_{iu} is calculated according to the procedures in paragraphs (f)(2)(i) and (f)(2)(ii) of this section.

(B) If the vent is controlled using a control device or a pollution prevention measure achieving less than the 98-percent reduction level associated with the reference control technology,

$$EPV_{iACTUAL} = EPV_{iu} \times \left(1 - \frac{\text{Percent reduction}}{100\%} \right)$$

(1) Percent reduction shall be initially measured according to the procedures in § 63.116 of this subpart if a combustion device is used. If a non-combustion control device is used, percent reduction shall be demonstrated by an initial performance test at the inlet and outlet of the control device or, if testing is not feasible, by a control design evaluation and documented engineering calculations.

(2) For process vents, product recovery devices shall not be considered control devices and cannot be assigned a percent reduction in calculating $EPV_{iACTUAL}$. The sampling site for measurement of uncontrolled emissions is after the final product recovery device. However, as provided in § 63.113(a)(3) of this subpart, a Group 1 process vent may add sufficient product recovery to raise the TRE index value above 1.0, thereby becoming a Group 2 process vent.

(3) Procedures for calculating the percent reduction of pollution prevention measures are specified in paragraph (i) of this section.

(3) Emissions from storage vessels shall be calculated as follows:

(i) The following equation shall be used for each storage vessel (i) to calculate ES_{iu}:

$$ES_{iu} = \frac{L_B + L_W}{12}$$

where:

ES_{iu}=Uncontrolled emissions from a fixed roof vessel having identical dimensions and vessel color as vessel I, in megagrams per month.

L_B=Breathing loss emissions in megagrams per year calculated according to paragraph (f)(3)(i)(A) of this section.

L_W=Working loss emissions in megagrams per year calculated according to paragraph (f)(3)(i)(B) of this section.

(A) Breathing loss emissions shall be calculated using the following equation:

$$L_B = 1.02 \times 10^{-5} M_V \left(\frac{P}{P_A - P} \right)^{0.68} D^{1.73} H^{0.51} \Delta T^{0.50} F_P C K_C$$

where:

L_B=Breathing loss emissions (megagrams per year).

M_v=Molecular weight of vapor in storage vessel (pound/pound mole).

P_A=Average atmospheric pressure (pounds per square inch absolute).

P=True vapor pressure of the HAP at liquid storage temperature (pounds per square inch absolute). See Table 20 of this subpart.

D=Tank diameter (feet).

H=Average vapor space height (feet). Use vessel-specific values or an assumed value of one-half the height.

ΔT=Average ambient diurnal temperature change (°F). A typical value of 20 °F may be used.

F_P=Paint factor (dimensionless) from Table 21.

C=Adjustment factor for small diameter tanks (dimensionless); use C=1 for diameter ≥30 feet; use $C=0.0771D-0.0013D^2-0.1334$ for diameter <30 feet.

K_C=Product factor (dimensionless). Use 1.0 for volatile organic HAP's.

(B) Working losses shall be calculated using the following equation:

$L_W=1.089\times10^{-8} M_v(P)(V)(N)(K_N)(K_C)$

where:

V=Tank capacity (gallon).

N=Number of turnovers per year.

K_N=Turnover factor (dimensionless).

$$K_N = \frac{180+N}{6N} \quad \text{for turnovers} > 36$$

K_N=1 for turnovers ≤36.

M_v, P, and K_C as defined in paragraph (A) above.

(ii) The following equations shall be used for each fixed roof storage vessel (i) to calculate in $ES_{iACTUAL}$, in megagrams per month:

(A) If the vessel is not controlled with an internal floating roof, an external floating roof, a closed vent system and control device, or another control technique, $ES_{iACTUAL}=ES_{iu}$, where ES_{iu} is calculated according to the procedures in paragraph (f)(3)(i) of this section.

(B) If the vessel is controlled using a control device or pollution prevention measure achieving less than the 95 percent reduction level associated with the reference control technology,

$$ES_{iACTUAL=ESiu} \cdot \left(\frac{1-\text{Percent reduction}}{100} \right)$$

(C) If the vessel is controlled with an internal or external floating roof that does not meet the specifications of § 63.119 (b), (c), or (d) of this subpart, $ES_{iACTUAL}$ shall be calculated as specified in paragraph (f)(3)(iii) or (f)(3)(iv) of this section.

(iii) The following equation shall be used for each internal floating roof vessel (i) that does not meet the

specifications of § 63.119(b) or (d) of this Subpart to calculate $ES_{IACTUAL}$ in megagrams per month:

$$ES_{IACTUAL} = \frac{L_W + L_R + L_F + L_D}{12}$$

where:

L_W=Withdrawal loss emissions in megagrams per year calculated according to paragraph (f)(3)(iii)(A) of this section.
L_R=Rim seal loss emissions in megagrams per year calculated according to paragraph (f)(3)(iii)(B) of this section.
L_F=Fitting loss emissions in megagrams per year calculated according to paragraph (f)(3)(iii)(C) of this section.
L_D=Deck seam loss emissions in megagrams per year calculated according to paragraph (f)(3)(iii)(D) of this section.

(A) Withdrawal loss emissions shall be calculated using the following equation:

$$L_W = \frac{1.018 \times 10^{-5} Q C W_L}{D}\left[1 + \left(\frac{N_c F_c}{D}\right)\right]$$

where:

Q=Throughput (gallon per year); (gallon/turnover) * (turnovers per year).
C=Shell clingage factor (barrel/1,000 feet^2), see Table 22 of this Subpart.
W_L=Average liquid density (pound/gallon).
D=Tank diameter (feet).
N_c=Number of columns (dimensionless), see Table 23 of this subpart.
F_c=Effective column diameter (feet) [column perimeter (feet) 3.1416], see Table 24 of this subpart.

(B) Rim seal loss emissions shall be calculated using the following equation:

$$L_R = \frac{K_s V^n P \times D M_v K_c}{2204.6}$$

where:

M_v=Molecular weight of vapor in storage vessel (pound/pound mole).
P_A=Average atmospheric pressure (pounds per square inch absolute).
P=True vapor pressure at liquid storage temperature (pounds per square inch absolute).
D=Tank diameter (feet).
K_c=Product factor (dimensionless); use 1.0 for organic HAP's.
K_s=Seal factor [pound-mole/(feet (miles per hour)^n year)], see Table 25 of this subpart.
V=Average wind speed at the source (miles per hour). A value of 10 miles per hour may be assumed if source-specific data are not available.
n=Seal related wind speed exponent (dimensionless), see Table 25 of this subpart.
P*=Vapor pressure function (dimensionless),

$$P = \frac{\frac{P}{P_A}}{\left[1 + \left(1 - \frac{P}{P_A}\right)0.5\right]^2}$$

(C) Fitting loss emissions shall be calculated using the following equation:

$$\text{Fitting Loss (Mg/yr)} = \frac{F_f P \times M_v K_c}{2205}$$

where:

F_f=The total deck fitting loss factor (pound mole per year), and

$$F_f = \sum_{i=1}^{n} (N_{F_i} K_{F_i}) = [(N_{F_1} K_{F_1}) + (N_{F_2} K_{F_2}) + \ldots + (N_{F_n} K_{F_n})]$$

where:

N_{Fi}=Number of fittings of a particular type (dimensionless). N_{Fi} is determined for the specific tank or estimated from Tables 23 and 26 of this subpart.
K_{Fi}=Deck fitting loss factor for a particular type fitting (pound mole per year). K_{Fi} is determined for each fitting type from Table 26 of this subpart.
n=Number of different types of fittings (dimensionless).
2205=Constant (pound/megagram).
P*, M_v, K_c=as defined above.

(D) Deck seam loss emissions shall be calculated using the following equation:

$$\text{Deck Seam Loss (Mg/yr)} = \frac{K_D S_D D^2 P \times M_v K_c}{2204.6}$$

where:

K_D=Deck seam loss factor (pound-mole/feet year).
=0.34 for non-welded decks.
=0 for welded decks.
S_D=Deck seam length factor (feet/feet^2), see Table 27 of this subpart.
D, P*, M_v, K_c=as defined above.

(iv) The following equation shall be used for each external floating roof vessel (i) does not meet the specifications of § 63.119(c) of this Subpart to calculate $ES_{IACTUAL}$ in megagrams per month:

$$ES_{IACTUAL} = \frac{L_W + L_R + L_F}{12}$$

where:

L_W=Withdrawal loss emissions in megagrams per year calculated according to paragraph (f)(3)(iv)(A) of this section.
L_R=Rim seal loss emissions in megagrams per year calculated according to paragraph (f)(3)(iv)(B) of this section.
L_F=Fitting loss emissions in megagrams per year calculated according to paragraph (f)(3)(iv)(C) of this section.

(A) Withdrawal loss emissions shall be calculated using the following equation:

$L_W = 4.28 * 10^{-4} QCW_L/D$

where:

Q=Throughput (gallons per year).
C=Shell clingage factor (barrel per 1,000 feet^2), see Table 22 of this subpart.
W_L=Average liquid density (pound/gallon).
D=Vessel diameter (feet).

(B) Seal loss emissions shall be calculated using the following equation:

$L_{SE} = K_s V^N P^* D M_v K_c/2205$

where:

K_s=Seal factor, see Table 28 of this subpart.
V=Average wind speed (miles per hour) at the source. A value of 10 miles per hour may be assumed if source-specific data are not available.
N=Seal wind speed exponent, see Table 28 of this subpart.
P*=Dimensionless vapor pressure function as defined in paragraph (f)(3)(iii)(B) of this section.
D=Vessel diameter in feet.
M_V=Molecular weight of the HAP in pound/pound-mole.
K_c=Dimensionless product factor (use 1.0 for volatile organic HAP's).
2205=Constant (pound/megagram).

(C) Fitting loss emissions shall be calculated using the following equation:

$L_{WF} = F_F P^* M_v K_c/2205$

where:

F_F=The total deck fitting loss factor (pound mole per year).

$$= \sum_{i=1}^{n} (N_{F_i} K_{F_i}) = [(N_{F_1} K_{F_1}) + (N_{F_2} K_{F_2}) + \ldots + (N_{F_n} K_{F_n})]$$

where:

N_{Fi}=Number of fittings of a particular type (dimensionless). N_{Fi} is determined for the specific tank or estimated from Tables 29 through 31 of this subpart.
K_{Fi}=Deck fitting loss factor for a particular type fitting (pound mole per year).
$=K_{Fai}+K_{Fbi}\ V^{mi}$, see Table 29 of this subpart for the appropriate values of K_{Fa}, K_{Fb}, and m for each fitting type.
P*, M_v, K_c = as defined above.

(4) Emissions from transfer racks shall be calculated as follows:

(i) The following equation shall be used for each transfer rack (i) to calculate ETR_{iu}:

$$ETR_{iu} = (1.20 \times 10^{-7}) \frac{SPMG}{T}$$

where:

ETR_{iu} = Uncontrolled transfer emission rate, megagrams per month.
S = Saturation factor (see Table 32 of this subpart).
P = Weighted average rack vapor pressure of organic HAP's transferred at the rack during the month, kilopascals.
M = Weighted average molecular weight of organic HAP's transferred at the rack during the month, gram/gram-mole.
G = Monthly volume of organic HAP transferred, liters per month.
T = Temperature of bulk liquid loaded, °Kelvin (°C+273).

(ii) The following equation shall be used for each transfer rack (i) to calculate the weighted average rack vapor pressure (P):

$$P = \frac{\sum_{1}^{j=n} (P_j)(G_j)}{G}$$

where:

P=Weighted average rack vapor pressure of organic HAP's transferred at the rack during the month, kilopascals.

P_j=Vapor pressure of individual organic HAP transferred at the rack, kilopascals.

G=Monthly volume of organic HAP transferred, liters per month.

G_j=Monthly volume of individual organic HAP transferred at the rack, liters.

n=Number of organic HAP's transferred at the rack.

(iii) The following equation shall be used for each transfer rack (i) to calculate the weighted average rack molecular weight (M):

$$M = \frac{\sum_{1}^{j=n} M_j G_j}{G}$$

where:

M=Weighted average molecular weight of organic HAP transferred at the rack during a month, gram/gram-mole.

M_j=Molecular weight of individual organic HAP transferred at the rack, gram/gram-mole.

G_j=Monthly volume of individual organic HAP transferred at the rack, liters per month.

n=Number of organic HAP's transferred at the rack.

(iv) The following procedures and equations shall be used to calculate $ETR_{iACTUAL}$:

(A) If the transfer rack is not controlled, $ETR_{iACTUAL}=ETR_{iu}$, where ETR_{iu} is calculated using the equations under paragraphs (f)(4)(i), (f)(4)(ii), and (f)(4)(iii) of this section.

(B) If the transfer rack is controlled using a control device or a pollution prevention measure achieving less than 98 percent reduction level associated with the reference control technology level,

$$ETR_{iACTUAL} = ETR_{iu}\left(\frac{1 - \text{Percent reduction}}{100\%}\right)$$

(1) The percent reduction for a combustion or recovery device shall be initially measured according to the equations and methods specified in §63.128(a) of this Subpart. As other control techniques are used, percent reduction shall be demonstrated by an initial performance test or by a control design analysis and documented engineering calculations.

(2) Procedures for calculating the percent reduction for pollution prevention measures are specified in paragraph (i) of this section.

(5) Emissions from wastewater shall be calculated as follows: In paragraph (f)(5) of this section, the terms wastewater and wastewater stream are used to mean wastewater.

(i) The following equation shall be used for each wastewater stream (i) to calculate EWW_{ic}:

$$EWW_{ic} = (6.0\times10^{-8})Q_iH_i\sum_{m=1}^{s}(1-Fr_m)Fe_mHAP_{im} + (0.05)(6.0\times10^{-8})Q_iH_i\sum_{m=1}^{s}(Fr_mHAP_{im})$$

where:

EWW_{ic}=Monthly wastewater stream emission rate if wastewater stream (i) is controlled by the reference control technology, in megagrams per month.

Q_i=Average flow rate for wastewater stream (i), as determined by the procedure in §63.144(e)(3) of this subpart, in liters per minute.

H_i=Number of hours during the month that wastewater stream (i) was discharged, in hours per month.

Fr_m=Strippability factor of HAP compound (m) in wastewater, from Table 33 of this subpart, dimensionless.

Fe_m=Fraction emitted of HAP compound (m) in wastewater from Table 33 of this subpart, dimensionless.

s=Total number of organic HAP compounds in wastewater stream (i).

HAP_{im}=Average organic HAP concentration of compound (m) in wastewater stream (i), in parts per million by weight, as determined for the point of generation using the sampling procedure in §63.144(b)(3)(i) and (b)(3)(ii) of this subpart. To analyze the samples collected, (1) a test method or results from a test method that measures organic HAP concentrations in the wastewater, and that has been validated pursuant to section 5.1 or 5.3 of Method 301 of appendix A of this Part may be used; or (2) the procedures in §63.144(b)(3)(iii)(A) of this Subpart may be used to determine the term C_{im} described below, and then HAP_{im} may be calculated from it using the following equation: $HAP_{im}=C_{im}/Fm_m$, where Fm_m for compound m is obtained from Table 13 of this Subpart.

C_{im}=Average VOHAP concentration of HAP compound (m) in wastewater stream (i), as determined for the point of generation according to the procedures in §63.144(b)(3) of this Subpart, in parts per million by weight.

(A) Values for Q_i, C_{im}, and HAP_{im} may be determined during an initial performance test conducted under representative conditions. The average value obtained from three test runs shall be used. Monthly testing is not required.

(B) If there is a change to the process or operation such that the previously measured values of Q_i, C_{im}, and HAP_{im} are no longer representative, a new performance test shall be conducted.

(C) As an alternative to the performance testing specified in paragraphs (f)(5)(i) (A) and (B) of this section, Q_i may be determined from records or process knowledge as specified in §63.144(a), and C_{im} and HAP_{im} may be determined through process knowledge as specified in §63.144(b) of this Subpart.

(ii) The following equation shall be used to calculate $EWW_{iACTUAL}$ for each wastewater stream (i) which is managed in any wastewater tank, surface impoundment, container, individual drain system, or oil-water separator not meeting the requirements of §§ 63.133 through 63.137 of this Subpart, respectively, or any other waste management unit or treatment process not meeting the requirements of § 63.138(h) of this subpart:

$$EWW_{iACTUAL} = (6.0 \times 10^{-8}) Q_i H_i \sum_{m=1}^{s} Fe_m HAP_{im}$$

where:

$\Sigma EWW_{iACTUAL}$=Monthly wastewater stream emission rate if wastewater stream (i) is not controlled to the level of the reference control technology, in megagrams per month.

Q_i, H_i, s, F_{em}, and HAP_{im} are as defined and determined according to paragraph (f)(5)(i) of this section.

(iii) The following equation shall be used to calculate $EWW_{iACTUAL}$ for each wastewater stream (i) for which all wastewater tanks, surface impoundments, containers, individual drain systems, and oil-water separators used to manage the wastewater stream meet the requirements of §§ 63.133 through 63.137 of this subpart and any other waste management unit or treatment process meets the requirements of § 63.138(h) of this subpart, and wastewater stream (i) is not controlled to the level of the reference control technology:

$$EWW_{iACTUAL} = (6.0 \times 10^{-8}) Q_i H_i \sum_{m=1}^{s} [Fe_m HAP_{im} (1 - PR_{im})]$$

where:

$EWW_{iACTUAL}$=Monthly wastewater stream emission rate if wastewater stream (i) is not controlled to the level of the reference control technology, in megagrams per month.

PR_{im}=The efficiency of the treatment process, or series of treatment processes, which treat wastewater stream (i), in reducing the emission potential of organic HAP compound (m) in wastewater, dimensionless, as calculated by:

$$PR_{im} = \frac{HAP_{im-in} - HAP_{im-out}}{HAP_{im-in}}$$

where:

HAP_{im-in}=Average concentration of HAP compound (m), defined and determined according to paragraph (f)(5)(i) of this section, in the wastewater entering the first treatment process in the series.

HAP_{im-out}=Average concentration of HAP compound (m), defined and determined according to paragraph (f)(5)(i) of this section, in the wastewater exiting the last treatment process in the series.

R_i=Organic reduction efficiency of the device used to control any vapor streams emitted and collected from wastewater stream (i) during treatment, as determined according to the procedures in § 63.145(f) of this subpart.

Q_i, H_i, s, F_{em}, and HAP_{im} are as defined and determined according to paragraph (f)(5)(i) of this section. Values of C_{m-in}, C_{m-out}, C_{im}, and HAP_{im} may be measured during an initial test or determined based on knowledge as provided in paragraph (f)(5)(i)(A), (B), and (C) of this section.

(g) Credits shall be calculated as follows:

(1) The overall equation for calculating source-wide credits is:

$$\text{Credits} = D \sum_{i=1}^{n} ((0.02)\,EPV1_{iu} - EPV1_{iACTUAL})$$

$$+ D \sum_{i=1}^{m} (EPV2_{iBASE} - EPV2_{iACTUAL})$$

$$+ D \sum_{i=1}^{n} ((0.05)\,ES1_{iu} - ES1_{iACTUAL})$$

$$+ D \sum_{i=1}^{m} (ES2_{iBASE} - ES2_{iACTUAL})$$

$$+ D \sum_{i=1}^{n} ((0.02)\,ETR1_{iu} - ETR1_{iACTUAL})$$

$$+ D \sum_{i=1}^{m} (ETR2_{iBASE} - ETR2_{iACTUAL})$$

$$+ D \sum_{i=1}^{n} (EWW1_{ic} - EWW1_{iACTUAL})$$

$$+ D \sum_{i=1}^{m} (EWW2_{iBASE} - EWW2_{iACTUAL})$$

where:

Credits and all terms of the equation are in units of megagrams per month, and the baseline date is November 15, 1990, except that for a pollution prevention measure initiated after 1987 or a control applied as part of the early reduction program or the 33/50 program, the baseline date is prior to initiation of the pollution prevention measure or the early reduction or 33/50 program control strategy, and

D=Discount factor=(A range of 0.8 to 1.0 is proposed. A single number will be selected at promulgation).

$EPV1_{iACTUAL}$=Emissions for each Group 1 process vent (i) that is controlled to a level more stringent than the reference control technology, calculated according to paragraph (g)(2) of this section.

(0.02) $EPV1_{iu}$=Emissions from each Group 1 process vent (i) if the reference control technology had been applied to the uncontrolled emissions. EPV1iu is calculated according to paragraph (g)(2) of this section.

$EPV2_{iACTUAL}$=Emissions from each Group 2 process vent (i) that is controlled, calculated according to paragraph (g)(2) of this section.

$EPV2_{iBASE}$=Emissions from each Group 2 process vent (i) at the baseline date, as calculated in paragraph (g)(2) of this section.

$ES1_{iACTUAL}$=Emissions from each Group 1 storage vessel (i) that is controlled to a level more stringent than the reference control technology, calculated according to paragraph (g)(3) of this section.

(0.05) $ES1_{iu}$=Emissions from each Group 1 storage vessel (i) if the reference control technology had been applied to the uncontrolled emissions. $ES1_{iu}$ is calculated according to paragraph (g)(3) of this section.

$ES2_{iACTUAL}$=Emissions from each Group 2 storage vessel (i) that is controlled, calculated according to paragraph (g)(3) of this section.

$ES2_{iBASE}$=Emissions from each Group 2 storage vessel (i) at the baseline date, as calculated in paragraph (g)(3) of this section.

$ETR1_{iACTUAL}$=Emissions from each Group 1 transfer rack (i) that is controlled to a level more stringent than the reference control technology, calculated according to paragraph (g)(4) of this section.

(0.02) $ETR1_{iu}$=Emissions from each Group 1 transfer rack (i) if the reference control technology had been applied to the uncontrolled emissions. $ETR1_{iu}$ is calculated according to paragraph (g)(4) of this section.

$ETR2_{iACTUAL}$=Emissions from each Group 2 transfer rack (i) that are controlled, calculated according to paragraph (g)(4) of this section.

$ETR2_{iBASE}$=Emissions from each Group 2 transfer rack (i) at the baseline date, as calculated in paragraph (g)(4) of this section.

$EWW1_{iACTUAL}$=Emissions from each Group 1 wastewater stream (i) that

is controlled to a level more stringent than the reference control technology, calculated according to paragraph (g)(5) of this section.

$EWW1_{ic}$=Emissions from each Group 1 wastewater stream (i) if the reference control technology had been applied to the uncontrolled emissions, calculated according to paragraph (g)(5) of this section.

$EWW2_{iACTUAL}$=Emissions from each Group 2 wastewater stream (i) that is controlled, calculated according to paragraph (g)(5) of this section.

$EWW2_{iBASE}$=Emissions from each Group 2 wastewater stream (i) at the baseline date, calculated according to paragraph (g)(5) of this section.

n=Number of Group 1 emission points included in the emissions average. The value of n is not necessarily the same for process vents, storage vessels, transfer racks, and wastewater.

m=Number of Group 2 emission points included in the emissions average. The value of m is not necessarily the same for process vents, storage vessels, transfer racks, and wastewater.

(2) Emissions from process vents shall be determined as follows:

(i) Uncontrolled emissions from Group 1 process vents, $EPV1_{iu}$, shall be calculated according to the procedures and equations in paragraphs (f)(2)(i) and (f)(2)(ii) of this section.

(ii) The following procedures and equations shall be used to calculate actual emissions from Group 1 process vents, $EPV1_{iACTUAL}$.

(A) If a Group 1 process vent is controlled using a technology with an approved nominal efficiency greater than 98 percent or a pollution prevention measure achieving greater than 98 percent emission reduction,

$$EPV1_{iACTUAL} = EPV1_{iu}\left(1 - \frac{\text{Nominal efficiency \%}}{100\%}\right)$$

(B) The nominal efficiency shall be determined as described in paragraph (h) of this section for a control device and paragraph (i) of this section for a pollution prevention measure.

(C) Combustion devices shall not be attributed a nominal efficiency greater than 98 percent, unless they have been assigned a higher nominal efficiency according to the procedures in paragraph (h) of this section.

(iii) The following procedures shall be used to calculate actual emissions from Group 2 process vents, $EPV2_{iACTUAL}$:

(A) If a Group 2 process vent is controlled by a control device, a recovery device applied after 1987 as a pollution prevention project, or a pollution prevention measure achieving a percent reduction less than or equal to 98 percent reduction level associated with the reference control technology,

$$EPV2_{iACTUAL} = EPV2_{iu} \times \left(1 - \frac{\text{Percent reduction}}{100\%}\right)$$

(*1*) $EPV2_{iu}$ shall be calculated according to the equations and procedures in paragraph (f)(2)(i) and (f)(2)(ii) of this section, except as provided in paragraph (g)(2)(iii)(A)(*3*) below.

(*2*) The percent reduction shall be calculated according to the procedures in paragraph (f)(2)(iii)(B)(*1*), (*2*), and (*3*) of this section, except as provided in paragraph (g)(2)(iii)(A)(*4*) below.

(*3*) If a recovery device was added as part of a pollution prevention project initiated after 1987, $EPV2_{iu}$ shall be calculated prior to the recovery device. The equation in paragraph (f)(2)(ii) of this section shall be used to calculate $EPV2_{iu}$; however, the sampling site for measurement of vent stream flow rate, organic HAP concentration, and temperature shall be at the inlet of the recovery device.

(*4*) If a recovery device was added as part of a pollution prevention project initiated after 1987, the percent reduction shall be demonstrated by conducting a performance test at the inlet and outlet of the recovery device.

(B) If a Group 2 process vent is controlled using a technology with an approved nominal efficiency greater than 98 percent or a pollution prevention measure achieving greater than 98 percent reduction,

$$EPV2_{iACTUAL} = EPV2_{iu}\left(1 - \frac{\text{Nominal efficiency \%}}{100\%}\right)$$

(*1*) The nominal efficiency shall be determined as described in paragraph (h) of this section for a control device or in paragraph (i) of this section for a pollution prevention measure.

(2) Combustion devices shall not be attributed a nominal efficiency greater than 98 percent, unless they have been assigned a higher nominal efficiency according to the procedures in paragraph (h) of this section.

(iv) Emissions from Group 2 process vents at baseline, $EPV2i_{iBASE}$, shall be calculated as follows:

(A) If the process vent was uncontrolled on November 15, 1990, $EPV_{2iBASE} = EPV2_{iu}$ and shall be calculated according to the procedures and equations in paragraphs (f)(2)(i) and (f)(2)(ii) of this section.

(B) If the process vent was controlled on November 15, 1990, and this control was not applied under either the 33/50 or the early reduction program and was not the result of a pollution prevention measure,

$$EPV2_{iBASE} = EPV2_{iu}\left(1 - \frac{\text{Percent reduction }\%}{100\%}\right)$$

Where $EPV2_{iu}$ is calculated according to the equations in paragraphs (f)(2)(i) and (f)(2)(ii) of this section. The percent reduction shall be calculated according to the procedures specified in paragraphs (f)(2)(iii)(B) (*1*), (*2*), and (*3*) of this section.

(C) If a recovery device was added to a process vent as part of a pollution prevention project initiated after 1987, $EPV2_{iBASE} = EPV2_{iu}$, where $EPV2_{iu}$ is calculated according to paragraph (g)(2)(iii)(A)(*3*) of this section.

(3) Emissions from storage vessels shall be determined as follows:

(i) Uncontrolled emissions from Group 1 storage vessels, $ES1_{iu}$, shall be calculated according to the equation in paragraph (f)(3)(i) of this section.

(ii) The following procedures and equations shall be used to calculate actual emissions from Group 1 storage vessels, $ES1_{iACTUAL}$.

(A) If a Group 1 storage vessel is controlled using a technology with an approved nominal efficiency greater than 95 percent or a pollution prevention measure achieving greater than 95 percent emission reduction,

$$ES1_{iACTUAL} = ES1_{iu}\left(1 - \frac{\text{Nominal efficiency }\%}{100\%}\right)$$

(B) Except as provided in paragraph (g)(3)(ii)(c) of this section, the nominal efficiency shall be determined as described in paragraph (h) of this section for a control device and paragraph (i) of this section for a pollution prevention measure.

(C) If a Group 1 Storage Vessel is controlled using a closed vent system and control device that is demonstrated to achieve at least 98 percent emission reduction, then the 98 percent can be used as the nominal efficiency in the equation in paragraph (g)(3)(ii)(A) of this section, and the owner or operator is not required to apply for a nominal efficiency according to paragraph (h) of this section.

(*1*) To demonstrate that 98 percent emission reduction is achieved, the owner or operator shall conduct a performance test according to the procedures in § 63.116 of this Subpart or use a design analysis. If a performance test is used, sampling sites shall be located at the inlet and outlet of the control device.

(*2*) The owner or operator shall report the results of the performance test and establish the range for the monitored parameter(s) in the Notification of Compliance Status required by § 63.152(b) of this subpart.

(iii) The following procedures shall be used to calculate actual emissions from Group 2 storage vessels, $ES2_{iACTUAL}$:

(A) If a Group 2 storage vessel is controlled using a closed vent system and control device or a pollution prevention measure achieving a percent reduction less than or equal to the 95 percent reduction level associated with the reference control technology,

$$ES2_{iACTUAL} = ES2_{iu} \times \left(1 - \frac{\text{Percent reduction}}{100\%}\right)$$

where ES_{iu} is calculated according to the equations and procedures in paragraph (f)(3)(i) of this section.

(B) If a Group 2 storage vessel is controlled with an internal or external floating roof, $ES2_{iACTUAL}$ shall be calculated as specified in paragraph (f)(3)(iii) or (f)(3)(iv) of this section.

(C) If a Group 2 storage vessel is controlled using a technology with an approved nominal efficiency greater than 95 percent or a pollution prevention measure achieving greater than 95 percent reduction,

$$ES2_{iACTUAL} = ES2_{iu}\left(1 - \frac{\text{Nominal efficiency \%}}{100\%}\right)$$

(1) The nominal efficiency for a control device shall be determined as described in paragraph (h) of this section, except as provided in paragraph (g)(3)(iii)(D) of this section.

(2) The nominal efficiency for a pollution prevention measure shall be determined as described in paragraph (i) of this section.

(D) If a Group 2 Storage Vessel is controlled using a closed vent system and control device that is demonstrated to achieve at least 98 percent emission reduction, then the 98 percent can be used as the nominal efficiency in the equation in paragraph (g)(3)(iii)(C) of this section, and the owner or operator is not required to apply for a nominal efficiency according to paragraph (h) of this section.

(1) To demonstrate that 98 percent emission reduction is achieved, the owner or operator shall conduct a performance test according to the procedures in § 63.116 of this Subpart or use a design analysis. If a performance test is used, sampling sites shall be located at the inlet and outlet of the control device.

(2) The owner or operator shall report the results of the performance test and establish the range for the monitored parameter(s) in the Notification of Compliance Status required by § 63.152(b) of this Subpart.

(iv) Emissions from Group 2 storage vessels at baseline, $ES2_{iBASE}$, shall be calculated as follows:

(A) If the vessel was not controlled with an internal floating roof, an external floating roof, a closed vent system and control device, or another control technique on November 15, 1990, $ES2_{iBASE} = ES2_{iu}$ and shall be calculated according to the procedures and equations in paragraph (f)(3)(i) of this section.

(B) If the storage vessel was controlled on November 15, 1990, and this control was not applied under either the 33/50 or the early reduction program and was not the result of a pollution prevention measure,

(1) The equations in paragraph (f)(3)(iii) of this section shall be used to calculate $ES2_{iBASE}$ for vessels controlled with an internal floating roof.

(2) The equations in paragraph (f)(3)(iv) of this section shall be used to calculate $ES2_{iBASE}$ for vessels controlled with an external floating roof.

(3) The following equations shall be used to calculate $ES2_{iBASE}$ for vessels controlled with a closed vent system and control device,

$$ES2_{iBASE} = ES2_{iu}\left(1 - \frac{\text{Percent reduction \%}}{100\%}\right)$$

where ES_{iu} is calculated according to the equations in paragraph (f)(3)(i) of this section.

(4) Emissions from transfer racks shall be determined as follows:

(i) Uncontrolled emissions from Group 1 transfer racks, $ETR1_{iu}$, shall be calculated as described in paragraphs (f)(4)(i), (f)(4)(ii), and (f)(4)(iii) of this section.

(ii) The following procedures and equations shall be used to calculate actual emissions from Group 1 transfer racks, $ETR1_{iACTUAL}$:

(A) If a Group 1 transfer rack is controlled using a technology, other than the reference control technology, with an approved nominal efficiency greater than 98 percent or a pollution prevention measure achieving greater than 98 percent emission reduction,

$$ETR1_{iACTUAL} = ETR1_{iu}\left(1 - \frac{\text{Nominal efficiency}}{100\%}\right)$$

(B) The nominal efficiency shall be determined as described in paragraph (h) of this section for a control device other than the reference technology and paragraph (i) of this section for a pollution prevention measure.

(C) Combustion devices, carbon adsorbers, absorbers, and condensers shall not be attributed a nominal efficiency greater than 98 percent.

(iii) The following procedures shall be used to calculate actual emissions from Group 2 transfer racks, $ETR2_{iACTUAL}$:

(A) If a Group 2 transfer rack is controlled by a control device or a pollution prevention measure achieving a percent reduction less than or equal to the 98 percent level associated with the reference control technology,

$$ETR2_{iACTUAL} = ETR2_{iu}\left(1 - \frac{\text{Percent reduction}}{100\%}\right)$$

(1) ETR_{iu} shall be calculated according to the equations and procedures in paragraphs (f)(4)(i), (f)(4)(ii), and (f)(4)(iii) of this section.

(2) The percent reduction shall be calculated according to the procedures in paragraph (f)(4)(iv)(B) (1) and (2) of this section.

(B) If a Group 2 transfer rack is controlled using a technology, other than the reference control technology, with an approved nominal efficiency greater than 98 percent or a pollution prevention measure achieving greater than 98 percent reduction,

$$ETR2_{iACTUAL} = ETR2_{iu}\left(1 - \frac{\text{Nominal efficiency}}{100\%}\right)$$

(1) The nominal efficiency shall be determined as described in paragraph (h) of this section for a control device or in paragraph (i) of this section for a pollution prevention measure.

(2) Combustion devices, carbon adsorbers, absorbers, and condensers shall not be attributed a nominal efficiency greater than 98 percent.

(iv) Emissions from Group 2 transfer racks at baseline, $ETR2_{iBASE}$, shall be calculated as follows:

(A) If the transfer rack was uncontrolled on November 15, 1990, $ETR2_{iBASE} = ETR2_{iu}$ and shall be calculated according to the procedures and equations in paragraphs (f)(4)(i), (f)(4)(ii), and (f)(4)(iii) of this section.

(B) If the transfer rack was controlled on November 15, 1990, and this control was not applied under either the 33/50 or the early reduction program and was not the result of a pollution prevention measure,

$$ETR2_{iBASE} = ETR2_{iu}\left(1 - \frac{\text{Percent reduction}}{100\%}\right)$$

where $ETR2_{iu}$ is calculated according to the equations in paragraphs (f)(4)(i), (f)(4)(ii), and (f)(4)(iii) of this section. Percent reduction shall be calculated according to the procedures in paragraphs (f)(4)(iv)(B)(1) and (2) of this section.

(5) Emissions from wastewater shall be determined as follows. In paragraph (g)(5) of this section, the terms wastewater and wastewater stream are used to mean process wastewater.

(i) $EWW1_{ic}$ shall be calculated according to the equation for EWW_{ic} in paragraph (f)(5)(i) of this section.

(ii) $EWW2_{iBASE}$ shall be calculated according to the equation for $EWW_{iACTUAL}$ in paragraph (f)(5)(ii) of this section for each wastewater stream (i), which, on the baseline date specified in paragraph (g)(1) of this section, was untreated, or which was managed either in a wastewater tank, surface impoundment, container, individual drain system or oil-water separator not meeting the requirements of § 63.133 through § 63.137 of this subpart, respectively, or in any other waste management unit or treatment process not meeting the requirements of § 63.138(h) of this subpart.

(iii) $EWW2_{iBASE}$ shall be calculated according to the equation for $EWW_{iACTUAL}$ in paragraph (f)(5)(iii) of this section for each wastewater stream (i), for which all tanks, surface impoundments, containers, individual drain systems and oil-water separators used to manage the wastewater stream met the requirements of § 63.133 through § 63.137 of this subpart, respectively, and for which all other waste management units or treatment processes used to manage the wastewater stream met the requirements of § 63.138(h) of this subpart on the baseline date specified in paragraph (g)(1) of this section.

(iv) $EWW2_{iACTUAL}$ shall be calculated as follows:

(A) $EWW2_{iACTUAL}$ shall be calculated according to the equation for $EWW_{iACTUAL}$ in paragraph (f)(5)(iii) of this section for each wastewater stream (i) which is controlled to a level less stringent than, or equivalent to, the reference control technology level. Group 2 streams are not considered to be controlled if they are not treated by a treatment process, or if they are managed in any wastewater tank, surface impoundment, container, individual drain system, or oil-water separator not meeting the requirements of § 63.133 through § 63.137 of this subpart, respectively, or in any other waste management unit or treatment process not meeting the requirements of § 63.138(h) of this subpart.

(B) If a Group 2 wastewater stream is controlled to a level more stringent than the level of the reference control technology, the procedures for calculating $EWW1_{iACTUAL}$ in paragraph (g)(5)(v) of this section shall be used to calculate $EWW2_{iACTUAL}$.

(v) The following equations for $EWW1_{iACTUAL}$ shall be used to calculate emissions from each Group 1 wastewater stream (i) that is controlled

to a level more stringent than the reference control technology. Group 1 streams are not considered to be controlled to or above the level of the reference control technology if they are managed in any wastewater tank, surface impoundment, container, individual drain system, or oil-water separator not meeting the requirements of § 63.133 through § 63.137 of this subpart, respectively, or in any other waste management unit or treatment process not meeting the requirements of § 63.138(h) of this subpart.

(A) If the Group 1 wastewater stream (i) is controlled using a treatment process or series of treatment processes which achieve an approved nominal reduction efficiency in the total VOHAP concentration of stream (i) greater than that which would be achieved using the design steam stripper specified in § 63.138(f) of this Subpart, but the control device used to reduce HAP emissions from the vapor stream(s) vented from the treatment process(es) achieves an efficiency equal to the 95 percent of the reference control technology, the following formula shall be used:

$$EWW1_{iACTUAL} = (6.0\times10^{-8})Q_iH_i\sum_{m=1}^{s}[Fe_mHAP_{im}(1-PR_{im})] + 0.05(6.0\times10^{-8})Q_iH_i\sum_{m=1}^{s}[HAP_{im}PR_{im}]$$

where all terms are as defined and determined in paragraph (f)(5) of this section.

(B) If the Group 1 wastewater stream (i) is not controlled using a treatment process or series of treatment processes which achieves a total VOHAP concentration reduction greater than that which would be achieved using the design steam stripper specified in § 63.138(f) of this Subpart, but the vapor stream(s) vented from the treatment process(es) are controlled using a device, other than the reference control technology, for which EPA has approved a nominal efficiency greater than 95 percent, the following formula shall be used:

$$EWW1_{iACTUAL} = (6.0\times10^{-8})Q_iH_i\sum_{m=1}^{s}[Fe_mHAP_{im}(1-Fr_m)]$$

$$+\left(1-\frac{\text{Nominal efficiency }\%}{100}\right)(6.0\times10^{-8})Q_iH_i\sum_{m=1}^{s}[HAP_{im}Fr_m]$$

where all terms other than nominal efficiency are as defined and determined in paragraph (f)(5) of this section.

(C) If the Group 1 wastewater stream (i) is controlled using a treatment process or series of treatment processes which achieves a total VOHAP concentration reduction greater than that which would be achieved using the design steam stripper specified in § 63.138(f) of this Subpart, and the vapor stream(s) vented from the treatment process are controlled using a device, other than the reference control technology, with an approved nominal efficiency greater than 95 percent, the following formula shall be used:

$$EWW1_{iACTUAL} = (6.0\times10^{-8})Q_iH_i\sum_{m=1}^{s}[Fe_mHAP_{im}(1-PR_m)]$$

$$+\left(1-\frac{\text{Nominal efficiency }\%}{100}\right)(6.0\times10^{-8})Q_iH_i\sum_{m=1}^{s}[HAP_{im}PR_m]$$

where all terms other than nominal efficiency are as defined and determined in paragraph (f)(5) of this section.

(D) The nominal efficiency for a treatment process or control device shall be determined as described in paragraph (h) of this section.

(h) The following procedures shall be followed to establish a nominal efficiency for any control technology achieving greater emission reduction than the percentage efficiency assigned to the reference control technology in § 63.111 of this subpart. The procedures in paragraphs (h)(1) through (h)(5) of this section shall be followed for control technologies that are different in use or design from the reference conurol technologies. The procedures in paragraph (h)(6) of this section shall be followed for process vents controlled by reference control technologies that can be demonstrated to consistently achieve

VOL 58 ISS 37 FE 26 1993 UMI

a higher control efficiency than that which has been assigned by the proposed rule to that particular type of device.

(1) The owner or operator seeking permission to take credit for use of a technology that is different in use or design from the reference control technology shall submit the information specified in paragraphs (h)(1)(i) through (h)(1)(iv) of this section in writing to the Director of the EPA Office of Air Quality Planning and Standards:

(i) Emission stream characteristics of each emission point to which the control technology is or will be applied including the kind of emission points, flow, organic HAP concentration, and all other stream characteristics necessary to design the control technology or determine its performance,

(ii) Description of the control technology including design specifications,

(iii) Documentation demonstrating to the Director's satisfaction the control efficiency of the control technology. This may include performance test data collected using an appropriate EPA method or any other method validated according to Method 301 of appendix A of this part. If it is infeasible to obtain test data, documentation may include a design analysis and engineering calculations. The basis of the calculational procedures and all inputs and assumptions made in the calculations shall be documented.

(iv) A description of the parameter or parameters to be monitored to ensure that the control technology will be operated in conformance with its design and an explanation of the criteria used for selection of that parameter (or parameters).

(2) The Director shall determine within 120 days whether an application presents sufficient information to determine nominal efficiency. The Director reserves the right to request specific data in addition to the items listed in paragraph (h)(1) of this section.

(3) The Director shall determine within 120 days of the submittal of sufficient data whether a device shall have a nominal control efficiency and the level of that nominal efficiency. If, in the Director's judgment, the control technology achieves a level of emission reduction greater than the reference control technology for a particular kind of emission point, the Director will publish a **Federal Register** notice establishing a nominal efficiency for the control technology.

(4) The Director may condition permission to take emission credits for use of the control technology on requirements that may be necessary to ensure operation and maintenance to achieve the specified nominal efficiency.

(5) In those cases where the owner or operator is seeking permission to take credit for use of a technology that is different in use or design from the reference control technology and the different technology will be used in no more than three applications, the information listed in paragraphs (h)(1)(i) through (h)(1)(iv) can be submitted to the operating permit authority for the source instead of the Director. In these instances, use and conditions for use of the different technology can be approved as part of an operating permit application or modification. In these instances, a **Federal Register** notice is not required to establish the nominal efficiency for the different technology.

(i) If, in reviewing the application, the operating permit authority believes the technology has broad applicability for use by other sources, the authority shall submit the information provided in the application to the Director of the EPA Office of Air Quality Planning and Standards. The Director shall review the technology for broad applicability and may publish a **Federal Register** notice; however, this EPA review shall not affect the operating permit authority's approval of the nominal efficiency of the technology for the specific application.

(ii) If, in reviewing an application for a process vent control, the operating permit authority determines that the technology is not different in use and design from the reference control technology, the authority shall submit the application to the Director of the EPA Office of Air Quality Planning and Standards. The procedures in paragraph (h)(6) of this section shall be followed for submission of information, review, and approval of the nominal efficiency. If, in reviewing an application for a control for an emission point other than a process vent, the operating permit authority determines the technology is not different in use or design from the reference control technology and is not a closed vent system for a storage vessel, the authority shall deny the application.

(6) An owner or operator seeking permission to take credit for a process vent using reference control technology that achieves a percent emission reduction efficiency higher than the percent assigned to the reference control technology in § 63.111 shall submit the information in paragraphs (h)(6)(i) through (h)(6)(iv) of this section to the Director of the EPA Office of Air Quality Planning and Standards. The procedures in paragraphs (h)(2) through (h)(4) of this section shall be followed for review and approval of the nominal efficiency of the control technology in the specified application.

(i) Emission stream characteristics of each process vent to which the control technology is or will be applied including the flow, organic HAP concentration, and all other vent stream characteristics necessary to design the control technology or determine its performance,

(ii) Description of the control technology including design specifications,

(iii) Documentation demonstrating to the Director's satisfaction that the technology in the intended application achieves 99.9 percent or greater emission reduction. This documentation shall include performance test data collected using an appropriate EPA method or any other method or data validated according to Method 301 of appendix A of this part.

(iv) A plan for instituting continuous emissions monitoring to demonstrate that 99.9 percent emission reduction is achieved on a continuous basis.

(i) The following procedures shall be used for calculating the efficiency (percent reduction) of pollution prevention measures:

(1) A pollution prevention measure is any practice which meets the criteria of paragraphs (i)(1)(i) and (ii) of this section.

(i) A pollution prevention measure is any practice which results in a lesser quantity of organic HAP emissions released to the atmosphere prior to out-of-process recycling, treatment, or control of emissions, while the same quantity of the same product is produced.

(ii) Pollution prevention measures may include substitution of non-toxic for toxic feedstocks in making a product; alterations to the production process to reduce the volume of materials released to the environment; equipment modifications; housekeeping measures; and in-process recycling that returns waste materials directly to production as raw materials.

(2) The emission reduction efficiency of pollution prevention measures implemented after 1987 can be used in calculating the actual emissions from an emission point in the debit and credit equations in § 63.150 (f) and (g) of this subpart.

(i) For pollution prevention measures, the percent reduction used in the equations in paragraphs (f)(2), (f)(3), (f)(4), and (f)(5) of this section, and paragraphs (g)(2), (g)(3), (g)(4), and (g)(5) of this section, is the percent difference between the monthly organic HAP

emissions for each emission point after the pollution prevention measure for the most recent month versus monthly emissions from the same emission point before the pollution prevention measure, adjusted by the volume of product produced during the two monthly periods.

(ii) The following equation shall be used to calculate the percent reduction of a pollution prevention measure for each emission point.

$$E_B = \sum_{i=1}^{n} \left[(6.0 \times 10^{-8}) Q_{Bi} H_{Bi} \sum_{m=1}^{s} Fe_m HAP_{Bim} \right]$$

where:

Percent reduction=Efficiency of pollution prevention measure (percent organic HAP reduction).

E_B=Monthly emissions before the pollution prevention measure, determined as specified in paragraph (i)(2)(ii) (A), (B), and (C) of this section.

E_{pp}=Monthly emissions after the pollution prevention measure, as determined for the most recent month, determined as specified in paragraph (i)(2)(ii)(C) or (D) of this section.

P_B=Monthly production before the pollution prevention measure, during the same period over which E_B is calculated.

P_{pp}=Monthly production after the pollution prevention measure, as determined for the most recent month.

(A) The monthly emissions before the pollution prevention measure, E_B, shall be determined in a manner consistent with the equations and procedures in paragraphs (f)(2), (f)(3), and (f)(4) of this section for process vents, storage vessels, and transfer operations.

(B) For wastewater, E_B shall be calculated as follows. In paragraph (i)(2)(ii)(B) of this section, the terms wastewater and wastewater stream are used to mean process wastewater.

$$\text{Percent reduction} = \frac{E_B - \left(\frac{E_{pp} \times P_B}{P_{pp}}\right)}{E} B \times 100\%$$

where:

n=Number of wastewater streams.

Q_{Bi}=Average flow rate for wastewater stream (i) before the pollution prevention measure, as determined by the procedure in §63.144(e)(3) of this Subpart, liters per minute, before implementation of the pollution prevention measure.

H_{Bi}=Number of hours per month that wastewater stream (i) was discharged before the pollution prevention measure, hours per month.

s=Total number of organic HAP compounds in wastewater stream (i).

Fe_m=Fraction emitted of HAP compound (m) in wastewater from Table 33 of this Subpart, dimensionless.

HAP_{Bim}=Average organic HAP concentration of compound (m) in wastewater stream (i), defined and determined according to paragraph (f)(5)(i) of this section, before the pollution prevention measure, in parts per million by weight, as measured before the implementation of the pollution measure.

(*1*) Values for Q_{Bi} and HAP_{Bim} may be determined during an initial performance test conducted under representative conditions, or

(*2*) Values for Q_{Bi} may be determined from records as specified in §63.144(a) of this subpart, and values for HAP_{Bim} may be determined through process knowledge as specified in §63.144(b) of this subpart.

(C) If the pollution prevention measure was implemented prior to the effective date of the regulation, records may be used to determine E_B.

(D) The monthly emissions after the pollution prevention measure, E_{pp}, may be determined by testing or by design analysis and documented engineering calculations. Once an emissions to production ratio has been established, this can be used to estimate monthly emissions from monthly production records.

(E) For wastewater, E_{pp} shall be calculated using the following equation. In paragraph (i)(2)(ii)(E) of this section, the terms wastewater and wastewater stream are used to mean process wastewater.

$$E_{pp} = \sum_{i=1}^{n} \left[(6.0 \times 10^{-8}) Q_{ppi} H_{ppi} \sum_{m=1}^{s} Fe_m HAP_{ppim} \right]$$

where:

n, Q_{ppi}, H_{ppi}, s, Fe_m, and HAP_{ppim} are defined and determined as described above under the definition of E_B, except that Q_{ppi}, H_{ppi}, and HAP_{ppim} shall be determined after the pollution prevention measure has been implemented.

(iii) All equations, calculations, test procedures, test results, and other information used to determine the percent reduction achieved by a pollution prevention measure for each emission point shall be fully documented.

(iv) The same pollution prevention measure may reduce emissions from multiple emission points. In such cases, the percent reduction in emissions for each emission point must be calculated.

(v) For the purposes of the equations in paragraphs (g)(2), (g)(3), (g)(4), and (g)(5) of this section, used to calculate credits for emission points controlled more stringently than the reference technology in paragraphs (g)(2), (g)(3), (g)(4), and (g)(5) of this section, the nominal efficiency of a pollution prevention measure is equivalent to the percent reduction of the pollution prevention measure. When a pollution prevention measure is used, the owner or operator of a source is not required to apply to the Director for a nominal efficiency and is not subject to paragraph (h) of this section.

TABLE 20.—AVERAGE STORAGE TEMPERATURE (T_S) AS A FUNCTION OF TANK PAINT COLOR

Tank color	Average Storage Temperature (T_S)
White	T_A*+0
Aluminum	T_A+2.5
Gray	T_A+3.5
Black	T_A+5.0

*T_A is the average annual ambient temperature in degrees Fahrenheit.

TABLE 21.—PAINT FACTORS FOR FIXED ROOF TANKS

Tank color		Paint Factors (F_p) paint condition	
Roof	Shell	Good	Poor
White	White	1.00	1.15
Aluminum (specular)	White	1.04	1.18
White	Aluminum (specular)	1.16	1.24
Aluminum (specular)	Aluminum (specular)	1.20	1.29
White	Aluminum (diffuse)	1.30	1.38
Aluminum (diffuse)	Aluminum (diffuse)	1.39	1.46
White	Gray	1.30	1.38
Light gray	Light gray	1.33	1.44
Medium gray	Medium gray	1.40	1.58

TABLE 22.—AVERAGE CLINGAGE FACTORS (C)[a]

Liquid	Shell condition		
	Light rust[b]	Dense rust	Gunite lined
Gasoline	0.0015	0.0075	0.15
Single component stocks	0.0015	0.0075	0.15
Crude oil	0.0060	0.030	0.60

[a]Units for average clingage factors are barrels per 1,000 square feet.
[b]If no specific information is available, these values can be assumed to represent the most common condition of tanks currently in use.

TABLE 23.—TYPICAL NUMBER OF COLUMNS AS A FUNCTION OF TANK DIAMETER FOR INTERNAL FLOATING ROOF TANKS WITH COLUMN SUPPORTED FIXED ROOFS[a]

Tank diameter range (D in feet)	Typical number of columns, (N_c)
0 < D ≤ 85	1
85 < D ≤ 100	6
100 < D ≤ 120	7
120 < D ≤ 135	8
135 < D ≤ 150	9
150 < D ≤ 170	16
170 < D ≤ 190	19
190 < D ≤ 220	22
220 < D ≤ 235	31
235 < D ≤ 270	37
270 < D ≤ 275	43
275 < D ≤ 290	49
290 < D ≤ 330	61
330 < D ≤ 360	71
360 < D ≤ 400	81

[a] Data in this table should not supersede information on actual tanks.

TABLE 24.—EFFECTIVE COLUMN DIAMETER (F_c)

Column type	F_c (feet)
9-inch by 7-inch built-up columns	1.1
8-inch-diameter pipe columns	0.7
No construction details known	1.0

TABLE 25.—SEAL RELATED FACTORS FOR INTERNAL FLOATING ROOF VESSELS

Seal type	K_s	n
Liquid mounted resilient seal:		
Primary seal only	3.0	0
With rim-mounted secondary seal[a]	1.6	0
Vapor mounted resilient seal:		
Primary seal only	6.7	0
With rim-mounted secondary seal[a]	2.5	0

[a] If vessel-specific information is not available about the secondary seal, assume only a primary seal is present.

TABLE 26.—SUMMARY OF INTERNAL FLOATING DECK FITTING LOSS FACTORS (K_F) and Typical Number of Fittings (N_F)

Deck fitting type	Deck fitting loss factor (K_F)[a]	Typical number of fittings (N_F)
Access hatch		1
Bolted cover, gasketed	1.6	
Unbolted cover, gasketed	11	
Unbolted cover, ungasketed	[b] 25	
Automatic gauge float well		1
Bolted cover, gasketed	5.1	
Unbolted cover, gasketed	15	
Unbolted cover, ungasketed	[b] 28	
Column well		[e]
Builtup column-sliding cover, gasketed	33	
Builtup column-sliding cover, ungasketed	[c] 47	
Pipe column-flexible fabric sleeve seal	10	
Pipe column-sliding cover, gasketed	19	
Pipe column-sliding cover, ungasketed	32	
Ladder well		1
Sliding cover, gasketed	56	
Sliding cover, ungasketed	[b] 76	
Roof leg or hanger well		[c] (5+D/10+D²/600)
Adjustable	[b] 7.9	
Fixed	0	
Sample pipe or well		1
Slotted pipe-sliding cover, gasketed	44	
Slotted pipe-sliding cover, ungasketed	57	
Sample well-slit fabric seal, 10 percent open area	[b] 12	
Stub drain, 1-in diameter[d]	1.2	[c] (D²/125)
Vacuum breaker		1
Weighted mechanical actuation, gasketed	[b] 0.7	
Weighted mechanical actuation, ungasketed	0.9	

[a] Units for K_F are pound-moles per year.
[b] If no specific information is available, this value can be assumed to represent the most common/typical deck fittings currently used.
[c] D=Tank diameter (feet).
[d] Not used on welded contact internal floating decks.
[e] See Table 23.

TABLE 27.—DECK SEAM LENGTH FACTORS[a] (S_D) FOR INTERNAL FLOATING ROOF TANKS

Deck construction	Typical deck seam length factor
Continuous sheet construction[b]	
5-feet wide sheets	[c] 0.2
6-feet wide sheets	0.17
7-feet wide sheets	0.14

TABLE 27.—DECK SEAM LENGTH FACTORS[a] (S_D) FOR INTERNAL FLOATING ROOF TANKS—Continued

Deck construction	Typical deck seam length factor
Panel construction[d]	
5x7.5 feet rectangular	0.33
5x12 feet rectangular	0.26

[a] Deck seam loss applies to bolted decks only. Units for S_D are feet per square feet.
[b] S_D=1/W, where W=sheet width (feet).
[c] If no specific information is available, these factors can be assumed to represent the most common bolted decks currently in use.
[d] S_D=(L+W)/LW, where W=panel width (feet), and L=panel length (feet).

TABLE 28.—SEAL RELATED FACTORS FOR EXTERNAL FLOATING ROOF VESSELS

Seal type	Welded vessels		Riveted vessels	
	K_S	N	K_S	N
Metallic shoe seal:				
Primary seal only	1.2	1.5	1.3	1.5
With shoe-mounted secondary seal	0.8	1.2	1.4	1.2
With rim-mounted secondary seal	0.2	1.0	0.2	1.6
Liquid mounted resilient seal:				
Primary seal only	1.1	1.0	[a]NA	NA
With weather shield	0.6	0.9	NA	NA
With rim-mounted secondary seal	0.7	0.4	NA	NA
Vapor mounted resilient seal:				
Primary seal only	1.2	2.3	NA	NA
With weather shield	0.9	2.2	NA	NA
With rim-mounted secondary seal	0.2	2.6	NA	NA

[a] NA=Not applicable.

TABLE 29.—ROOF FITTING LOSS FACTORS,[a] K_{Fa}, K_{Fb}, AND M, AND TYPICAL NUMBER OF ROOF FITTINGS, N_T

Fitting type and construction details	Loss factors[b]			Typical number of fittings, N_T
	K_{Fa} (lb-mole/yr)	K_{Fb}(lb-mole/[mi/hr]^m-yr)	m (dimensionless)	
Access hatch (24-in-diameter well)	0	0	([c])0	1.
Bolted cover, gasketed	2.7	7.1	1.0	
Unbolted cover, ungasketed	2.9	0.41	1.0	
Unbolted cover, gasketed	.....	.....	.....	
Unslotted guide-pole well (8-in-diameter unslotted pole, 21-in-diameter well).	0	6.7	0.98	1.
Ungasketed sliding cover	0	3.0	([c])	
Gasketed sliding cover	.....	.....	.....	
Slotted guide-pole/sample well (8-in-diameter unslotted pole, 21-in-diameter well).	.....	.....	.....	([d]).
Ungasketed sliding cover, without float	0	310	1.2	
Ungasketed sliding cover, with float	0	29	2.0	
Gasketed sliding cover, without float	0	260	1.2	
Gasketed sliding cover, with float	0	8.5	2.4	
Gauge-float well (20-inch diameter)	2.3	5.9	([c])1.0	1.
Unbolted cover, ungasketed	2.4	0.34	1.0	
Unbolted cover, gasketed	0	0	0	
Bolted cover, gasketed	.....	.....	.....	
Gauge-hatch/sample well (8-inch diameter)	0.95	0.14	([c])1.0	1.
Weighted mechanical actuation, gasketed	0.91	2.4	1.0	
Weighted mechanical actuation, ungasketed	.....	.....	.....	
Vacuum breaker (10-inch-diameter well)	1.2	0.17	([c])1.0	N_{F7} (Table–30).
Weighted mechanical actuation, gasketed	1.2	3.0	1.0	
Weighted mechanical actuation, ungasketed	.....	.....	.....	
Roof drain (3-inch diameter)	.....	.....	.....	N_{F7} (Table–30).
Open	0	7.0	.....	([c])1.4
90 percent closed	0.51	0.81	1.0	
Roof leg (3-inch diameter)	.....	.....	.....	N_{F8} (Table–31[f]).
Adjustable, pontoon area	1.5	0.20	.....	[c]1.0
Adjustable, center area	0.25	0.06	.....	[c]1.0

TABLE 29.—ROOF FITTING LOSS FACTORS,[a] K_{Fa}, K_{Fb}, AND M, AND TYPICAL NUMBER OF ROOF FITTINGS, N_T—Continued

Fitting type and construction details	Loss factors[b]			Typical number of fittings, N_T
	K_{Fa} (lb-mole/yr)	K_{Fb}(lb-mole/[mi/hr]^m-yr)	m (dimensionless)	
Adjustable, double-deck roofs	.0	0.06	0	
Fixed	.....	.7	.....	
Roof leg (2½ inch diameter)	1.7	0	0	N_{F8} (Table–31[f]).
Adjustable, pontoon area	0.41	0	0	
Adjustable, center area	0.41	0	0	
Adjustable, double-deck roofs	0	0	0	
Fixed	.....	.....	.....	
Rim vent (6-inch diameter)	.....	.....	.....	[g] 1.
Weighted mechanical actuation, gasketed	0.71	0.10	[c] 1.0	
Weighted mechanical actuation, ungasketed	0.68	1.8	1.0	

[a] The roof fitting loss factors, K_{Fa}, K_{Fb}, and m, may only be used for wind speeds from 2 to 15 miles per hour.
[b] Unit abbreviations are as follows: lb=pound; mi=miles; hr=hour; yr=year.
[c] If no specific information is available, this value can be assumed to represent the most common or typical roof fittings currently in use.
[d] A slotted guide-pole/sample well is an optional fitting and is not typically used.
[e] Roof drains that drain excess rainwater into the product are not used on pontoon floating roofs. They are, however, used on double-deck floating roofs and are typically left open.
[f] The most common roof leg diameter is 3 inches. The loss factors for 2½ inch diameter roof legs are provided for use if this smaller size roof is used on a particular floating roof.
[g] Rim vents are used only with mechanical-shoe primary seals.

TABLE 30.—TYPICAL NUMBER OF VACUUM BREAKERS, N_{F6} AND ROOF DRAINS,[a] N_{F7}

Tank diameter D (feet)[b]	No. of vacuum breakers, N_{F6}		No. of roof drains, N_{F7} (double-deck roof)[c]
	Pontoon roof	Double-deck roof	
50	1	1	1
100	1	1	1
150	2	2	2
200	3	2	3
250	4	3	5
300	5	3	7
350	6	4	d
400	7	4	d

[a] This table should not supersede information based on actual tank data.
[b] If the actual diameter is between the diameters listed, the closest diameter listed should be used. If the actual diameter is midway between the diameters listed, the next larger diameter should be used.
[c] Roof drains that drain excess rainwater into the product are not used on pontoon floating roofs. They are, however, used on double-deck floating roofs, and are typically left open.
[d] For tanks more than 300 feet in diameter, actual tank data or the manufacturer's recommendations may be needed for the number of roof drains.

TABLE 31.—TYPICAL NUMBER OF ROOF LEGS,[a] N_{F8}

Tank diameter D (feet)[b]	Pontoon roof		No. of legs on double-deck roof
	No. of pontoon legs	No. of center legs	
30	4	2	6
40	4	4	7
50	6	6	8
60	9	7	10
70	13	9	13
80	15	10	16
90	16	12	20
100	17	16	25
110	18	20	29
120	19	24	34
130	20	28	40
140	21	33	46
150	23	38	52
160	26	42	58
170	27	49	66
180	28	56	74
190	29	62	82
200	30	69	90
210	31	77	98
220	32	83	107
230	33	92	115

TABLE 31.—TYPICAL NUMBER OF ROOF LEGS,[a] N_{FS}—Continued

Tank diameter D (feet)[b]	Pontoon roof		No. of legs on double-deck roof
	No. of pontoon legs	No. of center legs	
240	34	101	127
250	34	109	138
260	36	118	149
270	36	128	162
280	37	138	173
290	38	148	186
300	38	156	200
310	39	168	213
320	39	179	226
330	40	190	240
340	41	202	255
350	42	213	270
360	44	226	285
370	45	238	300
380	46	252	315
390	47	266	330
400	48	281	345

[a] This table should not supersede information based on actual tank data.
[b] If the actual diameter is between the diameters listed, the closest diameter listed should be used. If the actual diameter is midway between the diameters listed, the next larger diameter should be used.

TABLE 32.—SATURATION FACTORS

Cargo carrier	Mode of operation	S factor
Tank trucks and rail tank cars.	Submerged loading of a clean cargo tank.	0.50
	Submerged loading: dedicated normal service.	0.60
	Submerged loading: dedicated vapor balance service.	1.00
	Splash loading of a clean cargo tank.	1.45
	Splash loading: dedicated normal service.	1.45
	Splash loading: dedicated vapor balance service.	1.00

TABLE 33.—FRACTION REMOVED (Fr) FOR HAP COMPOUNDS IN WASTEWATER STREAMS

Chemical name	Fr
Acetaldehyde	1.000
Acetonitrile	0.934
Acetophenone	0.920
Acrolein	0.957
Acrylonitrile	0.960
Allyl chloride	1.000
Aniline	0.468
Benzene	1.000
Benzyl chloride	1.000
Biphenyl	1.000
Bromoform	1.000
1,3-Butadiene	1.000
Carbon disulfide	1.000
Carbon tetrachloride	1.000
2-Chloroacetophenone	0.939
Chlorobenzene	1.000

TABLE 33.—FRACTION REMOVED (Fr) FOR HAP COMPOUNDS IN WASTEWATER STREAMS—Continued

Chemical name	Fr
Chloroform	1.000
Chloroprene (2-Chloro-1,3-Butadiene)	1.000
o-Cresol	0.448
Cumene (isopropyl benzene)	1.000
1,4-Dichlorobenzene(p)	1.000
Dichloroethyl ether	0.935
1,3-Dichloropropene	1.000
N,N-Dimethylaniline	0.927
Diethyl sulfate	0.814
3,3'-Dimethylbenzidine	0.635
1,1-Dimethylhydrazine	0.448
Dimethyl sulfate	0.697
2,4-Dinitrophenol	0.908
2,4-Dinitrotoluene	0.626
1,4-Dioxane (1,4-Diethyleneoxide)	0.787
Epichlorohydrin(1-Chloro-2,3-epoxypropane)	0.890
Ethyl acrylate	0.961
Ethylbenzene	1.000
Ethyl chloride (Chloroethane)	1.000
Ethylene dibromide	1.000
Ethylene dichloride (1,2-Dichloroethane)	1.000
Ethylene oxide	1.000
Ethylidene dichloride (1,1-Dichloroethane)	1.000
Diethylene glycol dimethyl ether	0.425
Ethylene glycol monomethyl ether acetate	0.529
Ethylene glycol dimethyl ether	0.943
Diethylene glycol diethyl ether	0.523
Ethylene glycol monobutyl ether acetate	0.927
Ethylene glycol monoethyl ether acetate	0.470
Hexachlorobenzene	1.000
Hexachlorobutadiene	1.000
Hexachloroethane	1.000
Hexane	1.000
Isophorone	0.945

TABLE 33.—FRACTION REMOVED (Fr) FOR HAP COMPOUNDS IN WASTEWATER STREAMS—Continued

Chemical name	Fr
Methanol	0.829
Methyl bromide (Bromomethane)	1.000
Methyl chloride (Chloromethane)	1.000
Methyl chloroform (1,1,1-Trichloroethane)	1.000
Methyl ethyl ketone (2-Butanone)	1.000
Methyl isobutyl ketone (Hexone)	1.000
Methyl methacrylate	0.958
Methyl tert-butyl ether	1.000
Methylene chloride (Dichloromethane)	1.000
Naphthalene	1.000
Nitrobenzene	0.936
2-Nitropropane	1.000
Phosgene	1.000
Propionaldehyde	0.952
Propylene dichloride (1,2-Dichloropropane)	1.000
Propylene oxide	1.000
Styrene	1.000
1,1,2,2-Tetrachloroethane	1.000
Tetrachloroethylene (Perchloroethylene)	1.000
Toluene	1.000
o-Toluidine	0.487
1,2,4-Trichlorobenzene	1.000
1,1,2-Trichloroethane	1.000
Trichloroethylene	1.000
2,4,5-Trichlorophenol	0.914
Triethylamine	1.000
2,2,4-Trimethylpentane	1.000
Vinyl acetate	1.000
Vinyl chloride	1.000
Vinylidene chloride (1,1-Dichloroethylene)	1.000
m-Xylene	1.000
o-Xylene	1.000
p-Xylene	1.000

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD–FRL–4534–4]

Standards of Performance for New Stationary Sources; Appendix A—Test Methods; Revisions to Methods 18 and 26 and Addition of Method 26A to Appendix A

Correction

In proposed rule document 92-28293 beginning on page 62798 in the issue of Thursday, December 31, 1992, various portions of the document were illegible and several illustrations were incorrectly published at the end of the document. For clarification, the proposed rule is reprinted below. Also, the FR Document number appearing at the end of the document is correctly noted above.

SUMMARY: The purpose of this action is to propose revisions to Method 18, "Measurement of Gaseous Organic Compound Emissions by Gas Chromatography" and to Method 26, "Determination of Hydrogen Halide and Halogen Emissions from Stationary Sources—Midget Impinger Method," and to propose the addition of Method 26A, "Determination of Hydrogen Halide and Halogen Emissions from Stationary Sources—Isokinetic Method," to appendix A of 40 CFR part 60. Proposed regulations published in a separate announcement under 40 CFR part 63 entitled "National Emission Standards for Organic Hazardous Air Pollutants from Synthetic Organic Chemical (SOCMI) Industry," include testing requirements for hydrogen halides and halogens after incineration control devices. Method 18 is being revised to clarify the phrase "engineering judgment" as it relates to choosing a sampling methodology. Method 26 for anisokinetic determination of hydrogen chloride emissions is being revised to add provisions for determining emissions of other hydrogen halides and halogens. Method 26A is being proposed as an isokinetic version of Method 26.

A public hearing will be held, if requested, to provide interested persons an opportunity for oral presentation of data, views, or arguments concerning the proposed test methods.

DATES: *Comments.* Comments must be received on or before March 31, 1993.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by January 21, 1993, a public hearing will be held on February 10, 1993 beginning at 10 a.m. Persons interested in attending the hearing should call the contact mentioned under **ADDRESSES** to verify that a hearing will be held.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by January 21, 1993.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Air Docket Section (LE–131), Attention: Docket Number A–90–19, U. S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Public Hearing. If anyone contacts EPA requesting a public hearing, it will be held at EPA's Emission Measurement Laboratory Building, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Robin R. Segall, Emission Measurement Branch (MD–19), Technical Support Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–0893.

Docket. Docket No. A–90–19, containing materials relevant to this rulemaking, is available for public inspection and copying between 8 a.m. and 3:30 p.m., Monday through Friday, at EPA's Air Docket, room M–1500, 1st Floor, Waterside Mall, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Terry Harrison or Robin R. Segall, Emission Measurement Branch (MD–19), Technical Support Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5233.

SUPPLEMENTARY INFORMATION:

I. The Rulemaking

Method 18 was developed for and is currently applicable to the speciation of total gaseous organics in a sample to determine emissions of individual organic compounds. In response to questions from industry representatives seeking to use the method for compliance demonstrations, the EPA is proposing to clarify the phrase "engineering judgment" as it relates to choosing a sampling and analytical methodology. In the proposed revision, an owner or operator will perform a laboratory evaluation of the methodology chosen to sample and analyze the compounds of interest. This evaluation would be used to characterize the effectiveness of the methodology and correct for any inefficiency in the chosen technique.

Under subpart G of part 63, EPA is proposing standards to limit emissions of halides and halogens from incineration or control of halogenated organic vent streams at SOCMI facilities. Method 26 currently prescribes only measurement of hydrogen chloride emissions with sampling at a constant rate. The revisions being proposed today will expand the method's applicability to other hydrogen halides and halogens. The addition of Method 26A will provide an alternative to the revised Method 26 and will allow for isokinetic sampling of gas streams that are saturated with moisture.

Method 26 was developed for and is currently applicable to determining hydrogen chloride emissions from municipal waste combustors. Methods similar to Method 26 and Method 26A were developed for the measurement of hydrogen chloride (HCl) and chlorine (Cl_2) in emissions from hazardous waste incinerators and boilers and industrial furnaces burning hazardous waste (56 FR 32728, July 17, 1991). Application of a method to a source with emission characteristics "similar" to those under which it was validated is addressed in section 12 of proposed Method 301, "Field Validation of Emission Concentrations from Stationary Sources" (56 FR 27370, June 13, 1991). The Agency has compared the characteristics of incinerated SOCMI process vent gases to emissions from municipal waste combustors and hazardous waste incinerators and plans to waive the Method 301 validation requirements for applying the methodology developed for waste incinerators to the incinerated SOCMI vent gases. The Agency believes that the sample gas matrices from incinerated SOCMI process vent gases are similar to those of waste incinerators and do not contain interferences that would warrant a validation of the methodology for measurement of HCl or (Cl_2) emissions from this source. This initial opinion is based, in part, on the relative insensitivity of the methodology to interferences expected in the SOCMI exhaust gas streams.

The revisions to Method 26 as well as Method 26A also extend the applicability of the methodology in Method 26 and the HCl/(Cl_2) methods developed for hazardous waste incinerators and boilers and industrial furnaces burning hazardous waste to measurement of hydrogen bromide (HBr), hydrogen fluoride (HF), and bromine (Br_2). The applicability extension is based on limited data and the expected similar behavior of these compounds to HCl and (Cl_2) in regard to sampling and analytical procedures.

Because of its extreme reactivity, fluorine (F_2) should not be present in the sample matrix and is not addressed by the methods. Iodine (I_2) and hydrogen iodide (HI) are also not covered by the methods because few, if any, of the organics controlled by the SOCMI process vent incinerators will contain the iodine ion and, additionally, there are no known data to support measurement of I_2 and HI with this technique.

The Agency intends to assess the methods further, prior to promulgation, through laboratory and field evaluations. A study is underway concerning the potential negative bias in Method 26A at HCl levels below 20 ppm; specifically, the study is determining the need for replacing certain glass components in the sampling train with Teflon® to reduce surface adsorption effects. Another study is planned to address sample stability, particularly in regard to the species created by hydrolysis of the halogens in the alkaline solution in the sampling train. Finally, a laboratory and field evaluation of Method 26A will be conducted to assess the bias and precision of the method for the target analytes. To assist in its assessment, the Agency solicits comments on available information on the proposed methodology. Specifically, the Agency solicits comments with supporting data to better define the compounds present in the gas matrices which may, for the hydrogen halides and halogens specified in the methods, (1) be analytical interferences, (2) interfere with their quantitative collection in the impinger solutions, or (3) affect sample stability. Comments should be addressed to the Air Docket listed in the **ADDRESSES** section.

II. Administrative Requirements

A. Public Hearing

A public hearing will be held, if requested, to discuss the proposed rule in accordance with section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the **ADDRESSES** section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement with EPA before, during, or within 30 days after the hearing. Written statements should be addressed to the Air Docket address given in the **ADDRESSES** section of this preamble.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Air Docket in Washington, DC (see **ADDRESSES** section of this preamble).

B. Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered by EPA in the development of this proposed rulemaking. The principal purposes of the docket are: (1) To allow interested parties to identify and locate documents so that they can effectively participate in the rulemaking process and (2) to serve as the record in case of judicial review (except for interagency review materials) (section 307(d)(7)(A)).

C. Office of Management and Budget Review

1. Paperwork Reduction Act.

This rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

2. Executive Order 12291 Review.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. The proposal of these test methods is not major because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices; and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. This rulemaking was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

D. Regulatory Flexibility Act Compliance

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this attached rule, if promulgated, will not have an economic impact on small entities because no additional costs will be incurred.

List of Subjects in 40 CFR Part 60

Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, and Synthetic organic chemical manufacturing.

Dated: October 29, 1992.

William K. Reilly,

Administrator.

For the reasons set out in the preamble, part 60, title 40 of the Code of Federal Regulations is proposed to be amended as follows:

1. The authority citation for part 60 continues to read as follows:

Authority: Secs. 101, 111, 114, 116, 301, Clean Air Act as amended (42 U.S.C. 7401, 7411, 7414, 7416, 7601).

Appendix A [Amended]

2. In appendix A, Method 18 is proposed to be amended by adding paragraph (c) to section 3 and by revising sections 7.4.4.1 and 7.4.4.5 and by adding section 7.6 to read as follows:

Method 18—Measurement of Gaseous Organic Compound Emissions by Gas Chromatography

* * * * *

3. Precision and Accuracy

* * * * *

(c) Recovery. After developing an appropriate sampling and analytical system for the pollutants of interest, conduct the procedure in section 7.6. Submit the data and results of the recovery procedure with the reporting of results under section 7.5.

* * * * *

7.4.4 * * *

7.4.4.1 Determine the recovery efficiency of the pollutants of interest according to section 7.6.

7.4.4.2 * * *

7.4.4.3 * * *

7.4.4.4 * * *

7.4.4.5 Calculations. All calculations can be performed according to the respective NIOSH method. Correct all sample volumes to standard conditions. If a sample dilution system has been used, multiply the results by the appropriate dilution ratio. Correct all results according to the procedure in section 7.6.3.

* * * * *

7. * * *

* * * * *

7.6 Recovery Study. After conducting the presurvey and identifying all of the pollutants of interest, assemble (in the laboratory or on-site) the sampling and analytical system to be used in conducting the source test.

7.6.1 Obtain a certified gaseous standard (or prepare a gaseous standard as described in section 6.2.1 or 6.2.2) containing all of the pollutants of interest present in the source gas stream at the level of the standard (±10 percent). If complying with an efficiency standard (determining the percent efficiency of a control device), the concentration of each target pollutant in the standard shall be at the level of the outlet to the control device (±10 percent).

7.6.2 If an integrated bag sampling system is to be used at the source (section 7.1), follow the procedure specified in section 7.6.2.1. If a direct interface (section 7.2) or a dilution interface (section 7.3) sampling and analysis procedure is to be used at the source, follow the procedure in section 7.6.2.2. If an adsorption tube procedure (section 7.4) is to be used at the source, follow the procedure in section 7.6.2.3.

7.6.2.1 Set up the sampling system including any conditioning system and one of three sampling bags exactly as it would be assembled at the source. Attach the gaseous standard at the inlet to the sampling system (i.e., the tip of the sampling probe). Sample the gaseous standard exactly as you would extract a sample from the source. Analyze the standard sample as the source sample would be analyzed. Repeat this procedure three times (sample and analyze three separate bag samples).

7.6.2.2 Set up the on-line GC, sample line, and any sample conditioning systems exactly as they would be at the source (if using a dilution interface sampling system, set up the heat trace and dilution system as they would be at the source). Attach the gaseous standard at the inlet to the sampling system (i.e., the tip of the sampling probe). Sample the gaseous standard exactly as you would extract a sample from the gas stream of the source. Analyze the standard as the source gas would be analyzed. Repeat this procedure three times (sample and analyze three standard samples).

7.6.2.3 Assemble the sampling system exactly as it would be set up at the source, using the same amounts and number of adsorption tubes as those to be used at the source. Attach the gaseous standard at the inlet to the sampling train (i.e., the tip of the sampling probe). Sample the standard at the flow rate and sampling times to be used at the source. Desorb and analyze the adsorbent tubes in the laboratory using the procedures to be applied to the source samples. Repeat this procedure three times.

7.6.3 Calculations. The relative standard deviation of the three results for each pollutant of interest shall be ≤10 percent. Calculate the theoretical concentration for each compound based on standard concentration, time sampled (if using adsorbent tubes or bags), and flow rate of the gas. Calculate the measured concentration of each compound based on the analytical results. Calculate fraction recovered by dividing measured concentration by theoretical concentration. The average fraction recovered (of the three runs) shall be ≥0.7 and ≤1.30 for each compound of interest. If average fraction recovered <0.7 or >1.30 for a particular compound, the sampling and analytical techniques are not acceptable for that compound. If the average fraction recovered is ≥0.7 and ≤1.30 for a compound, correct all of the results from the source test before submitting the data by dividing source concentration by the average fraction recovered for each compound.

* * * * *

3. It is proposed that Method 26 of 40 CFR part 60, appendix A be amended by revising the title; by revising sections 1.1, 1.2, 1.3, 1.5, 1.6, 2.1.3, the first sentence of 2.1.4, 2.1.5, 2.2.2, the heading of section 3.1.2, sections 3.1.3, 3.2.2, 3.2.3, 4.1.1, 4.2, 4.3, 4.4.2, 4.4.3, 5.2, 7.2, 7.3, 7.4; by revising Figure 26–1; and by adding references 4 and 5 to section 8 to read as follows:

Appendix A—Test Methods

* * * * *

Method 26—Determination of Hydrogen Halide and Halogen Emissions From Stationary Sources—Midget Impinger Method

1. * * *

1.1 Applicability. This method is applicable for determining emissions of hydrogen halides (HX) [hydrogen chloride (HCl), hydrogen bromide (HBr), and hydrogen fluoride (HF)] and halogens (X_2) [chlorine (Cl_2) and bromine (Br_2)] from stationary sources. Sources, such as those controlled by wet scrubbers, that emit acid particulate matter must be sampled using Method 26A. [Note: Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.]

1.2 Principle. An integrated sample is extracted from the source and passed through dilute sulfuric acid and dilute sodium hydroxide solutions which collect the gaseous hydrogen halides and halogens, respectively. The hydrogen halides are solubilized in the acidic solution and form chloride (Cl^-), bromide (Br^-), and fluoride (F^-) ions. The halogens have a very low solubility in the acidic solution and pass through to the alkaline solution where they are hydrolyzed to form a proton (H^+), the halide ion, and the hydrohalous acid (HClO or HBrO). The halide ions in the separate solutions are measured by ion chromatography (IC).

1.3 Interferences. Volatile materials, such as chlorine dioxide (ClO_2) and ammonium chloride (NH_4Cl), which produce halide ions upon dissolution during sampling are potential interferents. Interferents for the halide measurements are the halogen gases which disproportionate to a hydrogen halide and a hydrohalous acid upon dissolution in water. The use of acidic rather than neutral or basic solutions for collection of the hydrogen halides greatly reduces the dissolution of any halogens passing through this solution. High concentrations of nitrogen oxides (NO_x) may produce sufficient nitrate (NO_3^-) to interfere with measurements of very low Br^- levels.

* * * * *

1.5 Sample Stability. The collected Cl^- samples can be stored for up to 4 weeks.

1.6 Detection Limit. The analytical detection limit for Cl^- is 0.1 μg/ml. Detection limits for the other analytes should be similar.

* * * * *

2. * * *

2.1 * * *

BILLING CODE 1505-01-D

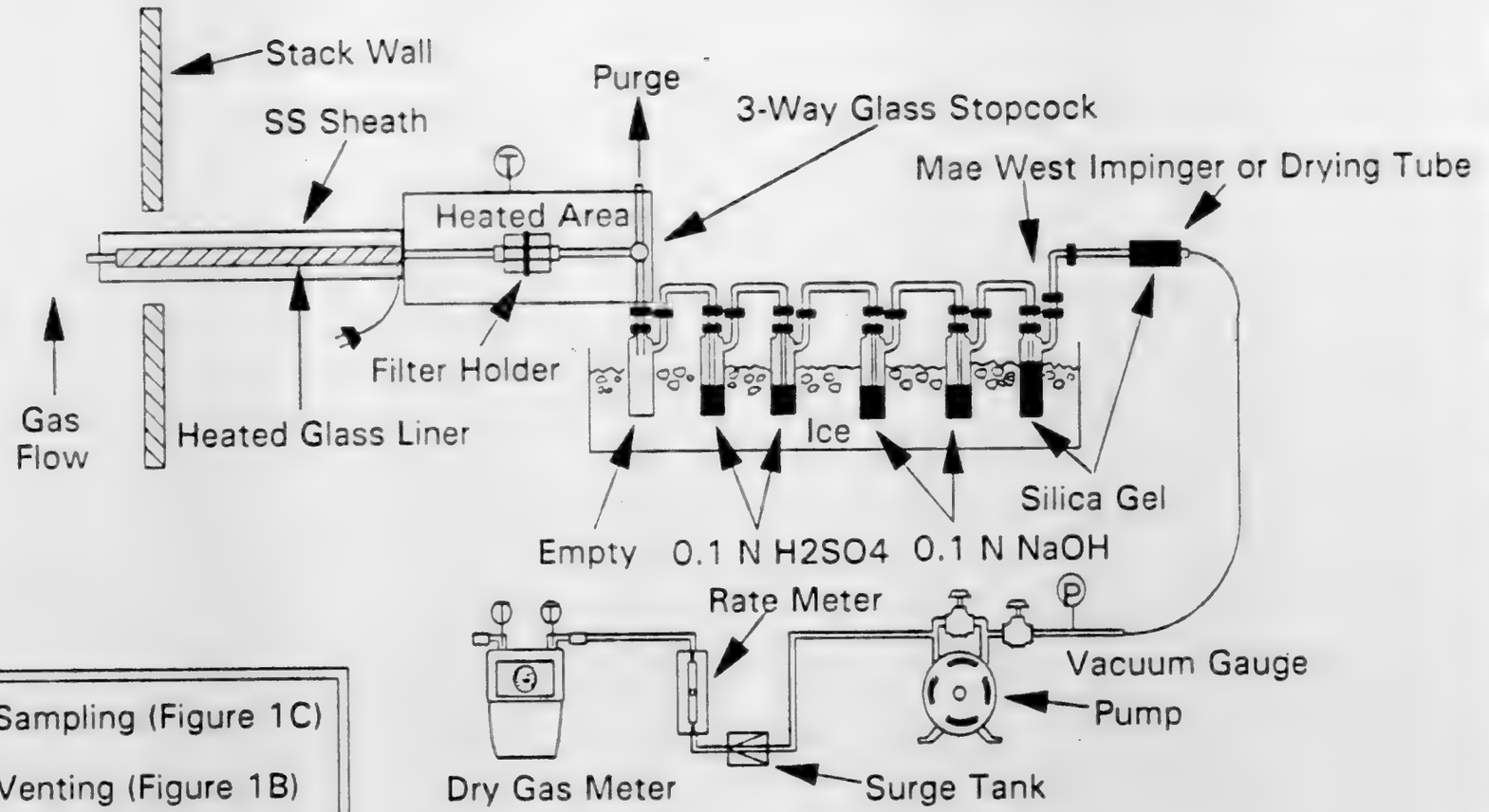

Figure 26-1. Sampling train.

BILLING CODE 1505-01-C

2.1.3 Sample Impingers. Four 30-ml midget impingers with leak-free glass connectors. Silicone grease may be used, if necessary, to prevent leakage. For sampling at high moisture sources or for sampling times greater than one hour, an additional midget impinger with a shortened stem (such that the gas sample does not bubble through the collected condensate) should be used in front of the first impinger.

2.1.4 Drying Tube or Impinger. Tube or impinger (Mae West or midget design) filled with 6- to 16-mesh indicating type silica gel, or equivalent, to dry the gas sample and to protect the dry gas meter and pump. * * *

2.1.5 Filter. A 25- or 47-mm Teflon® mat, Pallflex® TX40H175 or equivalent. Locate in a glass, quartz, or Teflon® filter holder with a Teflon® or other inert filter support inside a filter box heated to 121 °C (250 °F). When the stack gas temperature exceeds 210 °C (410 °F) and the HCl concentration is greater than 20 ppm, a quartz-fiber may be used.

* * * * *

2.2 * * *

2.2.2 Storage Bottles. 100- or 250-ml, high-density polyethylene bottles with Teflon® screw cap liners to store impinger samples.

* * * * *

3. * * *

3.1 * * *

3.1.2 Acidic Absorbing Solution, 0.1 N Sulfuric Acid ($H_{22}SO_4$). * * *

3.1.3 Alkaline Absorbing Solution, 0.1 N Sodium Hydroxide (NaOH). To prepare 100 ml of the alkaline absorbing solution for the second impinger pair, dissolve 0.40 g of solid NaOH in about 90 ml of water and adjust the final volume to 100 ml using additional water. Shake well to mix the solution.

3.2 * * *

3.2.2 Blank Solutions. Separate blank solutions of the absorbing reagents should be prepared for analysis with the field samples. Dilute 30 ml of each absorbing solution to 100 ml with water in separate volumetric flasks.

3.2.3 Halide Salt Stock Standard Solutions. Prepare concentrated stock solutions from reagent grade sodium chloride (NaCl), sodium bromide (NaBr), and sodium fluoride (NaF). Each must be dried at 110 °C for two or more hours and then cooled to room temperature in a desiccator immediately before weighing. Accurately weigh 1.6 to 1.7 g of the dried NaCl to within 0.1 mg, dissolve in water, and dilute to 1 liter. Calculate the exact Cl^- concentration using Equation 26–1.

$$\mu g\ Cl^-/ml = g\ of\ NaCl \times 10^3 \times 35.453/58.44 \quad \text{Eq. 26–1}$$

In a similar manner, accurately weigh and solubilize 1.2 to 1.3 g of dried NaBr and 2.2 to 2.3 g of NaF to make 1-liter solutions. Use Equations 26–2 and 26–3 to calculate the Br^- and F^- concentrations.

$$\mu g\ Br^-/ml = g\ of\ NaBr \times 10^3 \times 79.904/102.90 \quad \text{Eq. 26–2}$$

$$\mu g\ F^-/ml = g\ of\ NaF \times 10^3 \times 18.998/41.99 \quad \text{Eq. 26–3}$$

Alternately, solutions containing a nominal certified concentration of 1000 mg/L NaCl are commercially available as convenient stock solutions from which standards can be made by appropriate volumetric dilution. Refrigerate the stock standard solutions and store no longer than one month.

* * * * *

4. * * *

4.1 * * *

4.1.1 Preparation of Collection Train. Prepare the sampling train as follows: Pour 15 ml of the acidic absorbing solution into each one of the first pair of impingers, and 15 ml of the alkaline absorbing solution into each one of the second pair of impingers. Connect the impingers in series with the knockout impinger first, if used, followed by the two impingers containing the acidic absorbing solution and the two impingers containing the alkaline absorbing solution. Place a fresh charge of silica gel, or equivalent, in the drying tube or impinger at the end of the impinger train.

* * * * *

4.2 Sample Recovery. Disconnect the impingers after sampling. Quantitatively transfer the contents of the acid impingers and the knockout impinger, if used, to a leak-free storage bottle. Add the water rinses of each of these impingers and connecting glassware to the storage bottle. Repeat this procedure for the alkaline impingers and connecting glassware using a separate storage bottle. The sample bottles should be sealed, shaken to mix, and labeled. Mark the fluid level.

4.3 Sample Preparation for Analysis. Note the liquid levels in the sample containers and confirm on the analysis sheet whether or not leakage occurred during transport. If a noticeable leakage has occurred, either void the sample or use methods, subject to the approval of the Administrator, to correct the final results. Quantitatively transfer the sample solutions to 100-ml volumetric flasks, and dilute to 100 ml with water.

4.4 * * *

4.4.2 Before sample analysis, establish a stable baseline. Next, inject a sample of water, and determine if any Cl^-, Br^-, or F^- appears in the chromatogram. If any of these ions are present, repeat the load/injection procedure until they are no longer present Analysis of the acid and alkaline absorbing solution samples requires separate standard calibration curves; prepare each according to section 5.2. Ensure adequate baseline separation of the analytes.

4.4.3 Between injections of the appropriate series of calibration standards, inject in duplicate the reagent blanks, quality control sample, and the field samples. Measure the areas or heights of the Cl^-, Br^-, and F^- peaks. Use the average response to determine the concentrations of the field samples and reagent blanks using the linear calibration curve. The values from duplicate injections should agree within 5 percent of their mean for the analysis to be valid. Dilute any sample and the blank with equal volumes of water if the concentration exceeds that of the highest standard.

* * * * *

5. * * *

5.2 Ion Chromatograph. To prepare the calibration standards, dilute given amounts (1.0 ml or greater) of the stock standard solutions to convenient volumes, using 0.1 N H_2SO_4 or 0.1 N NaOH, as appropriate. Prepare at least four calibration standards for each absorbing reagent containing the appropriate stock solutions such that they are within the linear range of the field samples. Using one of the standards in each series, ensure adequate baseline separation for the peaks of interest. Inject the appropriate series of calibration standards, starting with the lowest concentration standard first both before and after injection of the quality control check sample, reagent blanks, and field samples. This allows compensation for any instrument drift occurring during sample analysis.

Determine the peak areas, or heights, for the standards and plot individual values versus halide ion concentrations in µg/ml. Draw a smooth curve through the points. Use linear regression to calculate a formula describing the resulting linear curve.

* * * * *

7. * * *

7.2 Total µg HCl, HBr, or HF Per Sample.

$m_{HX}=KV_s(S_{X^-}-B_{X^-})$ Eq. 26–4

where:

B_{X^-}=Analysis of reagent blank, μg halide ion (Cl^-, Br^-, F^-)/ml.

m_{HX}=Mass of HCl, HBr, or HF in sample, μg.

S_{X^-}=Analysis of sample, μg halide ion (Cl^-, Br^-, F^-)/ml.

V_s=Volume of filtered and diluted sample, ml.

K_{HCl}=1.028 (μg HCl/μg-mole)/(μg Cl^-/μg-mole).

K_{HBr}=1.013 (μg HBr/μg-mole)/(μg Br^-/μg-mole).

K_{HF}=1.053 (μg HF/μg-mole)/(μg F^-/μg-mole).

7.3 Total μg Cl_2 or Br_2 Per Sample.

$m_{X2}=2V_s(S_{X^-}-B_{X^-})$ Eq. 26–5

where:

m_{X2}=Mass of Cl_2 or Br_2 in sample, μg.

7.4 Concentration of Hydrogen Halide or Halogen in Flue Gas.

$C=K\,m_{HX,X2}/V_{m(std)}$ Eq. 26–6

where:

C=Concentration of hydrogen halide (HX) or halogen (X_2), dry basis, mg/dscm.

$V_{m(std)}$=Dry gas volume measured by the dry gas meter, corrected to standard conditions, dscm.

$K=10^{-3}$ mg/μg.

8. * * *

4. Stern, D.A., B.M. Myatt, J.F. Lachowski, and K.T. McGregor. Speciation of Halogen and Hydrogen Halide Compounds in Gaseous Emissions. In: Incineration and Treatment of Hazardous Waste: Proceedings of the 9th Annual Research Symposium, Cincinnati, Ohio, May 2–4, 1983. Publication No.600/9–84–015. July 1984. Available from National Technical Information Service, Springfield, VA 22161 as PB84–234525.

5. Holm, R.D. and S.A. Barksdale. Analysis of Anions in Combustion Products. In: Ion Chromatographic Analysis of Environmental Pollutants. E. Sawicki, J.D. Mulik, and E. Wittgenstein (eds.). Ann Arbor, Michigan, Ann Arbor Science Publishers. 1978. pp. 99–110.

* * * * *

4. It is proposed that 40 CFR part 60 be amended by adding Method 26A to Appendix A as follows:

Appendix A—Test Methods

* * * * *

Method 26A—Determination of Hydrogen Halide and Halogen Emissions From Stationary Sources—Isokinetic Method

1. Applicability, Principle, Interferences, Precision, Bias, and Stability

1.1 Applicability. This method is applicable for determining emissions of hydrogen halides (HX) [hydrogen chloride (HCl), hydrogen bromide (HBr), and hydrogen fluoride (HF)] and halogens (X_2) [chlorine (Cl_2) and bromine (Br_2)] from stationary sources. This method collects the emission sample isokinetically and is therefore particularly suited for sampling at sources, such as those controlled by wet scrubbers, emitting acid particulate matter (e.g., hydrogen halides dissolved in water droplets). [Note: Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.]

1.2 Principle. Gaseous and particulate pollutants are withdrawn isokinetically from the source and collected in an optional cyclone, on a filter, and in absorbing solutions. The cyclone collects any liquid droplets and is not necessary if the source emissions do not contain them; however, it is preferable to include the cyclone in the sampling train to protect the filter from any moisture present. The filter collects other particulate matter including halide salts. Acidic and alkaline absorbing solutions collect the gaseous hydrogen halides and halogens, respectively. Following sampling of emissions containing liquid droplets, any halides/halogens dissolved in the liquid in the cyclone and on the filter are vaporized to gas and collected in the impingers by pulling conditioned ambient air through the sampling train. The hydrogen halides are solubilized in the acidic solution and form chloride (Cl^-), bromide (Br^-), and fluoride (F^-) ions. The halogens have a very low solubility in the acidic solution and pass through to the alkaline solution where they are hydrolyzed to form a proton (H^+), the halide ion, and the hypohalous acid (HClO or HBrO). The halide ions in the separate solutions are measured by ion chromatography (IC). If desired, the particulate matter recovered from the filter and the probe is analyzed following the procedures in Method 5.

1.3 Interferences. Volatile materials, such as chlorine dioxide (ClO_2) and ammonium chloride (NH_4Cl), which produce halide ions upon dissolution during sampling are potential interferents. Interferents for the halide measurements are the halogen gases which disproportionate to a hydrogen halide and an hypohalous acid upon dissolution in water. The use of acidic rather than neutral or basic solutions for collection of the hydrogen halides greatly reduces the dissolution of any halogens passing through this solution. High concentrations of nitrogen oxides (NO_x) may produce sufficient nitrate (NO_3^-) to interfere with measurements of very low Br^- levels.

1.4 Precision and Bias. The method has a measurable negative bias below 20 ppm HCl. Similar bias for the other hydrogen halides is possible.

1.5 Sample Stability. The collected Cl^- samples can be stored for up to 4 weeks for analysis for HCl and Cl_2.

1.6 Detection Limit. The in-stack detection limit for HCl is approximately 0.02 μg per liter of stack gas; the analytical detection limit for HCl is 0.1 μg/ml. Detection limits for the other analytes should be similar.

2. Apparatus

2.1 Sampling. The sampling train is shown in Figure 26A–1; the apparatus is similar to the Method 5 train where noted as follows:

2.1.1 Probe Nozzle. Borosilicate or quartz glass; constructed and calibrated according to Method 5, sections 2.1.1 and 5.1, and coupled to the probe liner using a Teflon® union; a stainless steel nut is recommended for this union. When the stack temperature exceeds 210 °C (410 °F), a one-piece glass nozzle/liner assembly must be used.

2.1.2 Probe Liner. Same as Method 5, section 2.1.2, except metal liners shall not be used. Water-cooling of the stainless steel sheath is recommended at temperatures exceeding 500 °C.

2.1.3 Pitot Tube, Differential Pressure Gauge, Filter Heating System, Metering System, Barometer, Gas Density Determination Equipment. Same as Method 5, sections 2.1.3, 2.1.4, 2.1.6, 2.1.8, 2.1.9, and 2.1.10.

2.1.4 Cyclone (Optional). Glass. Use of the cyclone is required only when the sample gas stream is saturated with moisture; however, the cyclone is recommended to protect the filler from any moisture droplets present.

2.1.5 Filter Holder. Borosilicate glass, with a Teflon® filter support and a sealing gasket. The sealing gasket shall be constructed of Teflon® or equivalent materials. The holder design shall provide a positive seal against leakage at any point along the filter circumference. The holder shall

be attached immediately to the outlet of the cyclone.

2.1.6 Impinger Train. The following system shall be used to determine the stack gas moisture content and to collect the hydrogen halides and halogens: five or six impingers connected in series with leak-free ground glass fittings or any similar leak-free noncontaminating fittings. The first impinger shown in Figure 26A–1 (knockout or condensate impinger) is optional and is recommended as a water knockout trap for use under high moisture conditions. If used, this impinger should be constructed as described below for the alkaline impingers, but with a shortened stem, and should contain 50 ml of 0.1 N H_2SO_4. The following two impingers (acid impingers which each contain 100 ml of 0.1 N H_2SO_4) shall be of the Greenburg-Smith design with the standard tip (Method 5, section 2.1.7). The next two impingers (alkaline impingers which each contain 100 ml of 0.1 N NaOH) and the last impinger (containing silica gel) shall be of the modified Greenburg-Smith design (Method 5, section 2.1.7). The condensate, acid, and alkaline impingers shall contain known quantities of the appropriate absorbing reagents. The last impinger shall contain a known weight of silica gel or equivalent desiccant.

2.1.7 Ambient Air Conditioning Tube (Optional). Tube tightly packed with approximately 150 g of fresh 8 to 20 mesh sodium hydroxide-coated silica, or equivalent, (Ascarite II® has been found suitable) to dry and remove acid gases from the ambient air used to remove moisture from the filter and cyclone, when the cyclone is used. The inlet and outlet ends of the tube should be packed with at least 1-cm thickness of glass wool or filter material suitable to prevent escape of fines. Fit one end with flexible tubing, etc. to allow connection to probe nozzle following the test run.

2.2 Sample Recovery. The following items are needed:

2.2.1 Probe-Liner and Probe-Nozzle Brushes, Wash Bottles, Glass Sample Storage Containers, Petri Dishes, Graduated Cylinder or Balance, and Rubber Policeman. Same as Method 5, sections 2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.5, and 2.2.7.

2.2.2 Plastic Storage Containers. Screw-cap polypropylene or polyethylene containers to store silica gel. High-density polyethylene bottles with Teflon screw cap liners to store impinger reagents, 1-liter.

2.2.3 Funnels. Glass or high-density polyethylene, to aid in sample recovery.

2.3 Analysis. For analysis, the following equipment is needed:

2.3.1 Volumetric Flasks. Class A, various sizes.

2.3.2 Volumetric Pipettes. Class A, assortment, to dilute samples to calibration range of the ion chromatograph (IC).

2.3.3 Ion Chromatograph. Suppressed or nonsuppressed, with a conductivity detector and electronic integrator operating in the peak area mode. Other detectors, a strip chart recorder, and peak heights may be used.

3. Reagents

Unless otherwise indicated, all reagents must conform to the specifications of the Committee on Analytical Reagents of the American Chemical Society (ACS reagent grade). When such specifications are not available, the best available grade shall be used.

3.1 Sampling.

3.1.1 Water. Deionized, distilled water that conforms to American Society of Testing and Materials (ASTM) Specification D1193–77, Type 3.

3.1.2 Acidic Absorbing Solution, 0.1 N Sulfuric Acid (H_2SO_4). To prepare 1 L, slowly add 2.80 ml of concentrated H_2SO_4 to about 900 ml of water while stirring, and adjust the final volume to 1 L using additional water. Shake well to mix the solution.

3.1.3 Alkaline Absorbing Solution, 0.1 N Sodium Hydroxide (NaOH). To prepare 1 L, dissolve 4.00 g of solid NaOH in about 900 ml of water and adjust the final volume to 1 L using additional water. Shake well to mix the solution.

3.1.4 Filter. Quartz-fiber or Teflon® mat (e.g., Pallflex® TX40HI45) filter.

3.1.5 Silica Gel, Crushed Ice, and Stopcock Grease. Same as Method 5, sections 3.1.2, 3.1.4, and 3.1.5, respectively.

3.2 Sample Recovery.

3.2.1 Water. Same as Section 3.1.1.

3.2.2 Acetone. Same as Method 5, Section 3.2.

3.3 Sample Analysis.

3.3.1 Water. Same as section 3.1.1.

3.3.2 Reagent Blanks. A separate blank solution of each absorbing reagent should be prepared for analysis with the field samples. Dilute 200 ml of each absorbing solution (250 ml of the acidic absorbing solution, if a condensate impinger is used) to the same final volume as the field samples using the blank sample of rinse water. If a particulate determination is conducted, collect a blank sample of acetone.

3.3.3 Halide Salt Stock Standard Solutions. Prepare concentrated stock solutions from reagent grade sodium chloride (NaCl), sodium bromide (NaBr), and sodium fluoride (NaF). Each must be dried at 110 °C for 2 or more hours and then cooled to room temperature in a desiccator immediately before weighing. Accurately weigh 1.6 to 1.7 g of the dried NaCl to within 0.1 mg, dissolve in water, and dilute to 1 liter. Calculate the exact Cl^- concentration using Equation 26A–1.

$$\mu g\ Cl^-/ml = g\ of\ NaCl \times 10^3 \times 35.453/58.44 \quad \text{Eq. 26A–1}$$

In a similar manner, accurately weigh and solubilize 1.2 to 1.3 g of dried NaBr and 2.2 to 2.3 g of NaF to make 1-liter solutions. Use Equations 26A–2 and 26A–3 to calculate the Br^- and F^- concentrations.

$$\mu g\ Br^-/ml = g\ of\ NaBr \times 10^3 \times 79.904/102.90 \quad \text{Eq. 26A–2}$$

$$\mu g\ F^-/ml = g\ of\ NaF \times 10^3 \times 18.998/41.99 \quad \text{Eq. 26A–3}$$

Alternately, solutions containing a nominal certified concentration of 1000 mg/L NaCl are commercially available as convenient stock solutions from which standards can be made by appropriate volumetric dilution. Refrigerate the stock standard solutions and store no longer than 1 month.

3.3.4 Chromatographic Eluent. Effective eluents for nonsuppressed ion chromatography using a resin- or silica-based weak ion exchange column are a 4 mM potassium hydrogen phthalate solution, adjusted to a pH of 4.0 using a saturated sodium borate solution, and a mM 4-hydroxy benzoate solution, adjusted to a pH of 8.6 using 1 N sodium hydroxide. An effective eluent for suppressed ion chromatography is a solution containing 3 mM sodium bicarbonate and 2.4 mM sodium carbonate. Other dilute solutions buffered to a similar pH that contain no ions interfering with the chromatographic analysis may be used. If, when using suppressed ion chromatography, the "water dip" resulting from sample injection is interfering with the chlorine peak, use a 2 mM sodium hydroxide/2.4 mM sodium bicarbonate eluent.

4. Procedure

Because of the complexity of this method, testers and analysts should be trained and experienced with the procedures to ensure reliable results

4.1 Sampling.

4.1.1 Pretest Preparation. Follow the general procedure given in Method 5,

section 4.1.1, except the filter need only be desiccated and weighed if a particulate determination will be conducted.

4.1.2 Preliminary Determinations. Same as Method 5, section 4.1.2.

4.1.3 Preparation of Sampling Train. Follow the general procedure given in Method 5, section 4.1.3, except for the following variations:

Add 50 ml of 0.1 N H_2SO_4 to the condensate impinger, if used. Place 100 ml of 0.1 N H_2SO_4 in each of the next two impingers. Place 100 ml of 0.1 N NaOH in each of the following two impingers. Finally, transfer approximately 200–300 g of preweighed silica gel from its container to the last impinger. Set up the train as in Figure 26A–1. When used, the optional cyclone is inserted between the probe liner and filter holder and located in the heated filter box.

4.1.4 Leak-Check Procedures. Follow the leak-check procedures given in Method 5, sections 4.4.1 (Pretest Leak-Check), 4.1.4.2 (Leak-Checks During the Sample Run), and 4.1.4.3 (Post-Test Leak-Check).

4.1.5 Train Operation. Follow the general procedure given in Method 5, section 4.1.5. Maintain a temperature around the filter and (cyclone, if used) of 120±14 °C (248±25 °F). For each run, record the data required on a data sheet such as the one shown in Method 5, Figure 5–2. If the condensate impinger becomes too full, it may be emptied, recharged with 50 ml of 0.1 N H_2SO_4, and replaced during the sample run. The condensate emptied must be saved and included in the measurement of the volume of moisture collected and included in the sample for analysis. The additional 50 ml of absorbing reagent must also be considered in calculating the moisture. After the impinger is reinstalled in the train, conduct a leak-check as described in Method 5, section 4.1.4.2.

4.1.6 Post-Test Moisture Removal (Optional). When a cyclone is included in the sampling train, perform the following procedure. Upon completion of the test run, connect the ambient air conditioning tube at the probe inlet and operate the train with the filter heating system at 120±14 °C (248±25 °F) at a low flow rate (e.g., ΔH=1 in. H_2O) to vaporize any liquid and hydrogen halides in the cyclone or on the filter and pull them through the train into the impingers. After 30 minutes, turn off the flow, remove the conditioning tube, and examine the cyclone and filter for any visible moisture. If moisture is visible, repeat this step for 15 minutes.

4.2 Sample Recovery. Allow the probe to cool. When the probe can be handled safely, wipe off all the external surfaces of the tip of the probe nozzle and place a cap loosely over the tip. Do not cap the probe tip tightly while the sampling train is cooling down because this will create a vacuum in the filter holder, drawing water from the impingers into the holder. Before moving the sampling train to the cleanup site, remove the probe, wipe off any silicone grease, and cap the open outlet of the impinger train, being careful not to lose any condensate that might be present. Wipe off any silicone grease and cap the filter or cyclone inlet. Remove the umbilical cord from the last impinger and cap the impinger. If a flexible line is used between the first impinger and the filter holder, disconnect it at the filter holder and let any condensed water drain into the first impinger. Wipe off any silicone grease and cap the filter holder outlet and the impinger inlet. Ground glass stoppers, plastic caps, serum caps, Teflon® tape, Parafilm®, or aluminum foil may be used to close these openings. Transfer the probe and filter/impinger assembly to the cleanup area. This area should be clean and protected from the weather to minimize sample contamination or loss. Inspect the train prior to and during disassembly and note any abnormal conditions. Treat samples as follows:

4.2.1 Container No. 1 (Optional; Filter Catch for Particulate Determination). Same as Method 5, section 4.2, Container No. 1.

4.2.2 Container No. 2 (Optional; Front-Half Rinse for Particulate Determination). Same as Method 5, section 4.2, Container No. 2.

4.2.3 Container No. 3 (Knockout and Acid Impinger Catch for Moisture and Hydrogen Halide Determination). Disconnect the impingers. Measure the liquid in the acid and knockout impingers to ±1 ml by using a graduated cylinder or by weighing it to ±0.5 g by using a balance. Record the volume or weight of liquid present. This information is required to calculate the moisture content of the effluent gas. Quantitatively transfer this liquid to a leak-free sample storage container. Rinse these impingers and connecting glassware (and tubing, if used) with water and add these rinses to the storage container. Seal the container, shake to mix, and label. The fluid level should be marked so that if any sample is lost during transport, a correction proportional to the lost volume can be applied. Retain rinse water and acidic absorbing solution blanks and analyze with the samples.

4.2.4 Container No. 4 (Alkaline Impinger Catch for Halogen and Moisture Determination). Measure and record the liquid in the alkaline impingers as described in section 4.2.3. Quantitatively transfer this liquid to a leak-free sample storage container. Rinse these two impingers and connecting glassware with water and add these rinses to the container. Seal the container, shake to mix, and label; mark the fluid level. Retain alkaline absorbing solution blank and analyze with the samples.

4.2.5 Container No. 5 (Silica Gel for Moisture Determination). Same as Method 5, section 4.2, Container No. 3.

4.2.6 Container Nos. 6 through 9 (Reagent Blanks). Save portions of the absorbing reagents (0.1 N H_2SO_4 and 0.1 N NaOH) equivalent to the amount used in the sampling train; dilute to the approximate volume of the corresponding samples using rinse water directly from the wash bottle being used. Also, save a portion of the rinse water alone and a portion of the acetone equivalent to the amount used to rinse the front half of the sampling train. Place each in a separate, prelabeled sample container.

4.2.7 Prior to shipment, recheck all sample containers to ensure that the caps are well-secured. Seal the lids of all containers around the circumference with Teflon® tape. Ship all liquid samples upright and all particulate filters with the particulate catch facing upward.

4.3 Sample Preparation and Analysis. Note the liquid levels in the sample containers and confirm on the analysis sheet whether or not leakage occurred during transport. If a noticeable leakage has occurred, either void the sample or use methods, subject to the approval of the Administrator, to correct the final results.

4.3.1 Container Nos. 1 and 2 and Acetone Blank (Optional; Particulate Determination). Same as Method 5, section 4.3.

4.3.2 Container No. 5. Same as Method 5, section 4.3 for silica gel.

4.3.3 Container Nos. 3 and 4 and Absorbing Solution and Water Blanks. Quantitatively transfer each sample to a volumetric flask or graduated cylinder and dilute with water to a final volume within 50 ml of the largest sample.

4.3.3.1 The IC conditions will depend upon analytical column type and whether suppressed or nonsuppressed IC is used. Prior to calibration and sample analysis, establish a stable baseline. Next, inject a sample of water, and determine if any Cl^-, Br^-, or F^- appears in the chromatogram. If any of these ions are present, repeat the load/injection procedure until they are no longer present. Analysis of the acid and alkaline absorbing solution samples requires separate standard calibration curves; prepare each according to section 5.2. Ensure adequate baseline separation of the analytes.

4.3.3.2 Between injections of the appropriate series of calibration standards, inject in duplicate the reagent blanks and the field samples. Measure the areas or heights of the Cl^-, Br^- and F^- peaks. Use the average response to determine the concentrations of the field samples and reagent blanks using the linear calibration curve. If the values from duplicate injections are not within 5 percent of their mean, the duplicate injection shall be repeated and all four values used to determine the average response. Dilute any sample and the blank with equal volumes of water if the concentration exceeds that of the highest standard.

4.4 Audit Sample Analysis. Audit samples must be analyzed subject to availability.

5. Calibration

Maintain a laboratory log of all calibrations.

5.1 Probe Nozzle, Pitot Tube, Dry Gas Metering System, Probe Heater, Temperature Gauges, Leak-Check of Metering System, and Barometer. Same as Method 5, sections 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, and 5.7, respectively.

5.2 Ion Chromatograph. To prepare the calibration standards, dilute given amounts (1.0 ml or greater) of the stock standard solutions to convenient volumes, using 0.1 N H_2SO_4 or 0.1 N NaOH, as appropriate. Prepare at least four calibration standards for each absorbing reagent containing the three stock solutions such that they are within the linear range of the field samples. Using one of the standards in each series, ensure adequate baseline separation for the peaks of interest. Inject the appropriate series of calibration standards, starting with the lowest concentration standard first both before and after injection of the quality control check sample, reagent blanks, and field samples. This allows compensation for any instrument drift occurring during sample analysis. Determine the peak areas, or height, of the standards and plot individual values versus halide ion concentrations in µg/ml. Draw a smooth curve through the points. Use linear regression to calculate a formula describing the resulting linear curve.

6. Quality Control

Same as Method 5, Section 4.4.

7. Quality Assurance

7.1 Applicability. When the method is used to demonstrate compliance with a regulation, a set of two audit samples shall be analyzed.

7.2 Audit Procedure. The available audit samples are chloride solutions. Concurrently analyze the two audit samples and a set of compliance samples in the same manner to evaluate the technique of the analyst and the standards preparation. The same analyst, analytical reagents, and analytical system shall be used both for compliance samples and the Environmental Protection Agency (EPA) audit samples.

7.3 Audit Sample Availability. Audit samples will be supplied only to enforcement agencies for compliance tests. Audit samples may be obtained by writing the Source Test Audit Coordinator (MD–77B), Quality Assurance Division, Atmospheric Research and Exposure Assessment Laboratory, U.S. Environmental Protection Laboratory, Research Triangle Park, NC 27711 or by calling the Source Test Audit Coordinator (STAC) at (919) 541–7834. The request for the audit samples should be made at least 30 days prior to the scheduled compliance sample analysis.

7.4 Audit Results. Calculate the concentrations in mg/dscm using the specified sample volume in the audit instructions. Include the results of both audit samples, their identification numbers, and the analyst's name with the results of the compliance determination samples in appropriate reports to the EPA regional office or the appropriate enforcement agency. (**NOTE:** Acceptability of results may be obtained immediately by reporting the audit results in mg/dscm and compliance results in total µg HCl/sample to the responsible enforcement agency.) The concentrations of the audit samples obtained by the analyst shall agree within 10 percent of the actual concentrations. If the 10 percent specification is not met, reanalyze the compliance samples and audit samples, and include initial and reanalysis values in the test report. Failure to meet the 10 percent specification may require retests until the audit problems are resolved.

8. Calculations

Retain at least one extra decimal figure beyond those contained in the available data in intermediate calculations, and round off only the final answer appropriately.

8.1 Nomenclature. Same as Method 5, section 6.1. In addition:

B_{x-}=Analysis of reagent blank, µg halide ion 0(Cl^-, Br^-, F^-)/ml.

C=Concentration of hydrogen halide (HX) or halogen (X_2), dry basis, mg/dscm.

m_{HX}=Mass of HCl, HBr, or HF in sample, µg.

m_{X2}=Mass of C12 or Br2 in sample, µg.

S_{X-}=Analysis of sample, µg halide ion (Cl^-, Br^-, F^-)/ml.

V_s=Volume of filtered and diluted sample, ml.

8.2 Average Dry Gas Meter Temperature and Average Orifice Pressure Drop. See data sheet (Figure 5–2 of Method 5).

8.3 Dry Gas Volume. Calculate $V_{m(std)}$ and adjust for leakage, if necessary, using the equation in section 6.3 of Method 5.

8.4 Volume of Water Vapor and Moisture Content. Calculate the volume of water vapor $V_{w(std)}$ and moisture content B_{ws} from the data obtained in this method (Figure 5–2 of Method 5); use Equations 5–2 and 5–3 of Method 5.

8.5 Isokinetic Variation and Acceptable Results. Use Method 5, sections 6.11 and 6.12.

8.6 Acetone Blank Concentration, Acetone Wash Blank Residue Weight, Particulate Weight, and Particulate Concentration. For particulate determination.

8.7 Total µg HCl, HBr, or HF Per Sample.

$$m_{HX}=K\,V_s\,(S_{X^-}-B_{X-}) \qquad \text{Eq. 26A–4}$$

where:

K_{HCl}=1.028 (µg HCl/µg-mole)/(µg Cl^-/µg-mole).

K_{HBr}=1.013 (µg HBr/µg-mole)/(µg Br^-/µg-mole).

K_{HF}=1.053 (µg HF/µg-mole)/(µg F^-/µg-mole).

8.8 Total µg Cl_2 or Br_2 Per Sample.

$$m_{X2}=2\,V_s\,(S_{X^-}-B_{X-}) \qquad \text{Eq. 26A–5}$$

8.9 Concentration of Hydrogen Halide or Halogen in Flue Gas.

$$4C=K\,m_{HX}.X_2/V_m(std) \qquad \text{Eq. 26A–6}$$

where:

$K=10^{-3}$ mg/µg

8.10 Stack Gas Velocity and Volumetric Flow Rate. Calculate the average stack gas velocity and volumetric flow rate, if needed, using data obtained in this method and the equations in sections 5.2 and 5.3 of Method 2.

9. Bibliography

1. Steinsberger, S.C. and J.H. Margeson. Laboratory and Field Evaluation of a Methodology for Determination of Hydrogen Chloride Emissions from Municipal and Hazardous Waste Incinerators. U.S. Environmental Protection Agency, Office of Research and Development. Publication No. 600/3–89/064. April 1989. Available from National Technical Information Service, Springfield, VA 22161 as PB89220586/AS.

2. State of California Air Resources Board. Method 421—Determination of Hydrochloric Acid Emissions from Stationary Sources. March 18, 1987.

3. Cheney, J.L. and C.R. Fortune. Improvements in the Methodology for Measuring Hydrochloric Acid in Combustion Source Emissions. J. Environ. Sci. Health. *A19*(3): 337–350. 1984.

4. Stern, D.A., B.M. Myatt, J.F. Lachowski, and K.T. McGregor. Speciation of Halogen and Hydrogen Halide Compounds in Gaseous Emissions. In: Incineration and Treatment of Hazardous Waste: Proceedings of the 9th Annual Research Symposium, Cincinnati, Ohio, May 2–4, 1983. Publication No. 600/9–84–015. July 1984. Available from National Technical Information Service, Springfield, VA 22161 as PB84–234525.

5. Holm, R.D. and S.A. Barksdale. Analysis of Anions in Combustion Products. In: Ion Chromatographic Analysis of Environmental Pollutants, E. Sawicki, J.D. Mulik, and E. Wittgenstein (eds.). Ann Arbor, Michigan, Ann Arbor Science Publishers. 1978. pp. 99–110.

BILLING CODE 1505-01-D

VOL 58 ISS 37 FE 26 1993 UMI

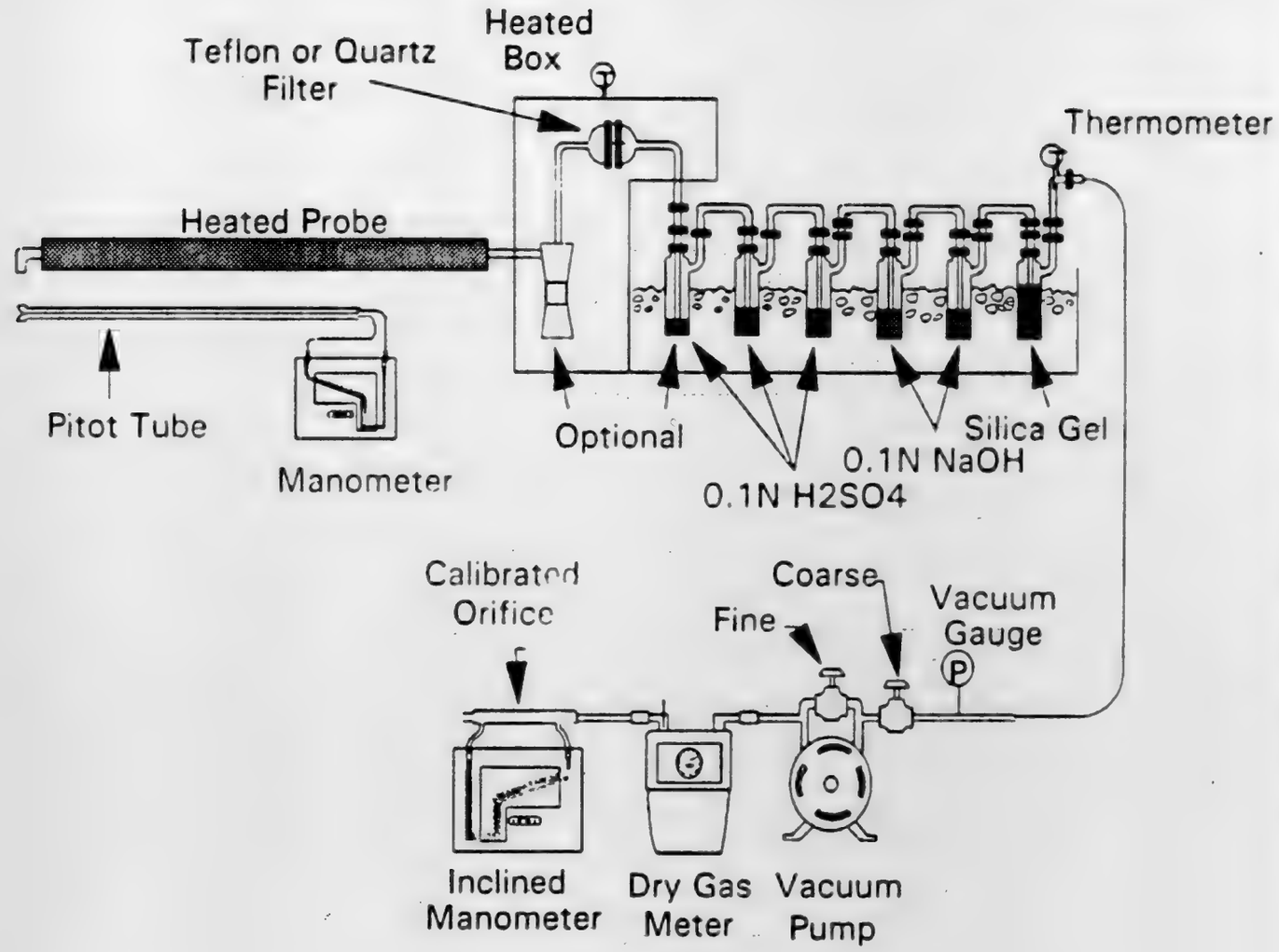

Figure 26A-1. Sampling train.

BILLING CODE 1505-01-C

BILLING CODE 1505-01-D

VOL
58

ISS
37

FE
26

1993

UMI

federal register

Friday
February 26, 1993

Part II

Environmental Protection Agency

40 CFR Part 80
Fuels and Fuel Additives: Standards for Reformulated Gasoline; Proposed Rule

VOL 58 ISS 37 FE 26 1993 UMI

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[AMS-FRL-4556-7]

RIN 2060-AD27

Regulation of Fuels and Fuel Additives: Standards for Reformulated Gasoline; Proposed Rule

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes revisions to the simple model and the contents of a complex model to be used in the certification of reformulated gasoline, and associated procedures to assure compliance with the reformulated gasoline and antidumping programs. This notice additionally proposes "Phase II" reformulated gasoline emission performance standards which will take effect in the year 2000, as prescribed by section 211(k)(3) and authorized by section 211(c) of the Clean Air Act (CAA). The detailed proposed regulations described herein may be obtained from Public Docket No. A-92-12 or from the contacts listed in the **ADDRESSES** section.

DATES: The comment period will close April 27, 1993. EPA will issue a subsequent notice indicating when and where the public hearing will be held.

ADDRESSES: Comments may be submitted to U.S. EPA (RDSD-12) 2565 Plymouth Road, Ann Arbor, MI 48105. Materials relevant to this NPRM are contained in Public Docket No. A-92-12, located at room M-1500, Waterside Mall (ground floor), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC, 20460. Additional materials relevant to earlier related proposals are contained in Public Docket No. A-91-02 at the same location. The docket may be inspected from 8 a.m. until 12 noon and from 1:30 p.m. until 3 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials. EPA will provide a copy of the proposed regulations for this NPRM upon request.

FOR FURTHER INFORMATION CONTACT:

Michael Sklar (complex model), U.S. EPA (RDSD-12), 2565 Plymouth Road, Ann Arbor, MI 48105, Fuel Studies and Standards Branch, Telephone: (313) 741-7817.

Christine Brunner (Phase II performance standards), U.S. EPA (RDSD-12), 2565 Plymouth Road, Ann Arbor, MI 48105, Fuel Studies and Standards Branch, Telephone: (313) 668-4287.

George Lawrence (enforcement and certification), U.S. EPA (6406J), 401 M Street, Washington, DC 20460, Eastern Field Office I, Telephone: (202) 233-9307.

To Request Copies of This Notice or the Proposed Regulations Contact: Marie Tolonen, U.S. EPA (RDSD-12), 2565 Plymouth Road, Ann Arbor, MI 48105, Fuel Studies and Standards Branch, Telephone: (313) 668-4295.

SUPPLEMENTARY INFORMATION:

I. Background

The purpose of these proposed regulations is to improve air quality by requiring that gasoline be reformulated to reduce motor vehicle emissions of toxic and tropospheric ozone-forming compounds, as prescribed by section 211(k) of the Clean Air Act (CAA or the Act). This section of the Act mandates that reformulated gasoline be sold in the nine largest metropolitan areas with the most severe summertime ozone levels and other ozone nonattainment areas that opt into the program. It also prohibits conventional gasoline sold in the rest of the country from becoming any more polluting than it was in 1990, to ensure that refiners do not "dump" into conventional gasoline what they can no longer use in reformulated gasoline.

Shortly after passage of the Clean Air Act Amendments of 1990, EPA entered into a regulatory negotiation with interested parties to develop specific proposals for implementing both the reformulated gasoline and related anti-dumping programs. These parties included representatives of the oil and automobile industries, vehicle owners, state air pollution control officials, oxygenate suppliers, gasoline retailers, environmental organizations, and citizens' groups. During the regulatory negotiation, EPA agreed to propose a two-step approach to reformulated gasoline. The first step would take effect in 1995 and utilize a "simple model" to certify that a gasoline meets applicable emission reduction standards.

Under the second step, EPA would propose a "complex model" to supplant the simple model for certifying compliance with these standards, which would take effect on March 1, 1997 or 4 years after it is promulgated, whichever is later. EPA also agreed to propose the more stringent emission performance standards that the Act provides to take effect in the year 2000.

Regulations to implement this first step were initially proposed on July 9, 1991 in a notice of proposed rulemaking (NPRM) (56 FR 13416). Today's notice includes approaches different from the previously proposed regulations related to the simple model as well as to the anti-dumping provisions. This proposal is supplemental to the previous proposals and is not intended to withdraw from consideration the various elements previously proposed, but provides additional proposals for public review and comment. (The reader may refer to the NPRM and SNPRM mentioned above, the Draft Regulatory Impact Analysis (DRIA), and Public Docket Numbers A-91-02 and A-92-12 for a thorough description of the goals and regulatory development of the reformulated and anti-dumping programs and discussions of a number of associated technical issues.) In this notice, the Agency is also proposing the complex model and associated revised enforcement provisions, as well as the year 2000 performance standards.

In addition, EPA is proposing a range of NO_x performance standards under section 211(c) of the Act as a complement to the VOC and toxics performance standards proposed under section 211(k). In a recent report on the chemistry of tropospheric ozone formation, the National Academy of Sciences emphasized the importance of NO_x reductions in addressing this problem.

The remainder of this preamble is organized into the following sections:

II. Proposed Revisions to the Simple Model Proposal
III. Complex Model
IV. Vehicle Testing
V. Phase I Performance Standards Using the Complex Model
VI. Phase II Reformulated Gasoline Performance Standards
VII. Enforcement Provisions
VIII. Anti-Dumping Compliance and Enforcement Requirements for Conventional Gasoline
IX. Anti-Dumping Requirements for Conventional Gasoline
X. Environmental and Economic Impacts
XI. Public Participation
XII. Compliance With the Regulatory Flexibility Act
XIII. Statutory Authority
XIV. Administrative Designation and Regulatory Analysis
XV. Reporting and Recordkeeping Requirements

II. Proposed Revisions to the Simple Model Proposal

A. Background

1. SNPRM

As noted above, The Agency's SNPRM reflected the agreement reached in the regulatory negotiation that had been conducted to develop reformulated gasoline regulations under section 211(k) (as well as oxygenated fuels guidelines under section 211(m)).

Added by the 1990 Clean Air Act Amendments, section 211(k)(1) directs EPA to issue regulations that, beginning in 1995, require the greatest reduction in emissions of ozone-forming [VOCs] and toxic pollutants achievable through the reformulation of conventional gasoline, taking into consideration the cost of achieving such emission reductions, any non air-quality and other air-quality related health and environmental impacts and energy requirements. Section 211(k)(3) specifies that the performance standards for 1995 to 2000 must require emission reductions, measured on a mass basis, equal to that achieved by a specified formula fuel or 15 percent of baseline emissions (the emissions of 1990 model year vehicles operated on a specified baseline gasoline), whichever is more stringent. For 2000 and beyond, the standard must be no less than the formula fuel or a 25 percent reduction from baseline emissions, whichever is more stringent. EPA can adjust this standard taking into account feasibility and cost, but in no case can it be less than 20 percent. Taken together, sections 211(k)(1) and 211(k)(3) call for the Agency to set standards that achieve the most stringent level of control, taking into account the specified factors, but no less stringent than those described by section 211(k)(3).

For purposes of today's notice, it is useful to review the background of the SNPRM's proposed VOC and toxic standards. Given the short amount of time provided by the statute for promulgation of the reformulated gasoline standards, the regulatory negotiation committee agreed on the twostep approach noted above. The first step would utilize then-available information to construct a model that would determine a fuel's VOC and toxic emissions. Because the available information for quantifying the effects of fuel parameters on VOC emissions was limited in large part to the effects of Reid Vapor Pressure (RVP) and oxygen content, the so-called "simple model" took those fuel parameters into account in predicting a fuel's VOC emissions for purposes of compliance under the VOC performance standard. At the same time, it was understood that certain other fuel parameters affected a fuel's emissions, and that directionally higher levels of these other parameters were likely to increase VOC emissions. Until the effects of these parameters could be accurately quantified, the committee agreed that the average level of these parameters in each refiner's fuel should remain capped at 1990 levels.

The second step was intended to take advantage of data then being developed to characterize the emissions effects of other fuel parameters. That data would be used to construct a "complex model" that would better predict a specific fuel's emissions based on these parameters. The complex model would thus also provide refiners with more options for reducing those emissions by changing the levels of these parameters in their gasoline formulations.

The simple model would be available for at least the first two years of the program and would be replaced by the complex model four years after the complex model's promulgation. The Agency agreed to propose the four-year period to allow refiners lead-time in order to recoup investments made to comply with the simple model and to make any refinery changes necessary to comply with the standards under the complex model. However, under the agreement, the complex model could be used on a voluntary basis as soon as it was promulgated, so long as any fuel certified using the complex model achieved emission reductions as great as those it would have to achieve to be certified using the simple model.

In developing the proposed VOC standards, it became clear that the formula fuel specified by section 211(k)(3) did not yield emissions reductions greater than the statutory minimum of 15 percent. To achieve the statutory minimum under the simple model, the regulatory negotiation committee members agreed that a fuel's RVP (measure of volatility) could not be greater than 8.1 pounds per square inch (psi) and its oxygen content had to comply with the 2.0 weight percent requirement prescribed by section 211(k)(2)(B). The more volatile a fuel, the more VOCs it emits, mostly through evaporation. The more oxygen in the fuel the lower the exhaust VOC emissions (up to a maximum of 2.7 weight percent oxygen per the simple model).

Committee members considered the need for further emission reductions and the cost of obtaining them in deciding whether and to what extent VOC performance standards more stringent than the statutory minimum were achievable. For the reasons laid out in the SNPRM, EPA and the other committee members concluded that reformulated gasoline with 2.0 weight percent oxygen, 8.1 psi RVP in northern cities, and 7.2 psi RVP in southern cities represented the greatest emission reductions that could be achieved by reformulating gasoline, taking into account the specified factors.

The committee sought the more stringent VOC reduction requirement for the South in order to assure that southern nonattainment areas obtained emission reductions beyond what those cities would obtain from the volatility reduction requirements separately required by section 211(h). (Due to higher temperatures in the South, emissions from a gasoline with a specified RVP are greater in the South than in the North. Under section 211(h), the volatility limits for southern areas were set lower than those applicable in northern areas in order to achieve comparable per vehicle emissions levels in the two regions). As explained in the SNPRM, however, the additional cost of achieving the more stringent standard in the South would be significant and made it difficult to impose a more stringent standard in the North, as well. In effect, the committee decided to allocate the greatest reductions from the 8.7 RVP baseline gasoline that reformulating gasoline could reasonably achieve in such a way as to roughly equalize the actual emission benefits of the program between northern and southern nonattainment areas.

2. Ethanol Issues

Following the release of the SNPRM, supporters of ethanol, an agriculturally derived oxygenate added to gasoline in some parts of the country, again raised the concern that the simple model's RVP requirement would effectively preclude ethanol from the RFG market during the summer months (VOC control season). Ethanol, when added to gasoline in the amount needed to satisfy the oxygen content requirement of the Act raises the volatility of the resulting blend by about 1 psi. Consequently, for the ethanol to be blended with the RFG under the simple model, a blendstock gasoline with an RVP low enough to offset the increase resulting from adding ethanol would have to be obtained.

Ethanol representatives commented that obtaining such blendstocks would be both difficult and expensive, because "sub-RVP" blendstocks would be more costly to refine and because blendstock production would be controlled by petroleum refiners. Methyl tertiary butyl ether (MTBE), an oxygenate which does not boost a fuel's RVP, which is derived from natural gas and the petroleum product isobutylene and can readily be put through petroleum pipelines, was thought to be the oxygenate of choice for most refiners. Ethanol's representatives theorized that the oil industry would have a desire to use MTBE over ethanol and thus little incentive to make the sub-RVP blendstock necessary for ethanol blending. The ethanol industry contended that a reformulated gasoline program which they argued would effectively preclude ethanol was

contrary to Congress' intent that ethanol have a role in the program. They argued that the oxygen content requirement of section 211(k)(2) was motivated in large part by a desire to expand markets for ethanol. They noted the strong support afforded the RFG legislative initiative by Members of Congress from agricultural states. They also cited statements in the legislative history indicating some members' expectation that the RFG program would provide an increasing market for ethanol.

Ethanol representatives contended that the benefits of ethanol use justify its inclusion in the RFG program. Specifically, they explained that ethanol is currently made in the United States from domestically-grown grains, primarily corn, and thus represents an important domestic and renewable source of energy. They further explained that to the extent ethanol is used in place of imported petroleum products, it promotes the nation's energy independence and improves its balance of trade, and that ethanol use also strengthens the market for corn, consequently reducing the need for price supports. Moreover, as a biomass-based product, ethanol is potentially a renewable fuel to the extent the energy derived exceeds any fossil fuel energy consumed in producing the ethanol.

In view of ethanol's importance to the nation's energy security and agricultural economy, ethanol representatives urged that the simple model proposal be revised to allow ethanol to effectively participate in the RFG market. They suggested several possible revisions. For example, they argued that the 1 psi waiver granted to certain ethanol blends by section 211(h) of the CAA be applied to ethanol-blended RFG under section 211(k). They reasoned that since Congress recognized in the provision requiring nationwide reductions in fuel RVP that ethanol required such a waiver, ethanol should receive a similar waiver if the VOC performance standard for RFG sold in the smoggiest cities were defined in terms of a required reduction in RVP.

If the section 211(h) waiver were not available to RFG ethanol blends, the ethanol industry suggested that the VOC reduction requirement take into account that the variety of VOCs from gasoline differ in their ozone formation potential. While ethanol raises a fuel's volatility and thus its VOC emissions, they argued that the resulting VOCs are less ozone-forming than those that would otherwise occur. They urged that the 15 percent reduction requirement should thus be interpreted to require a 15 percent reduction in ozone-forming potential, not simply ozone-forming VOCs. Ethanol supporters suggested additional ways of encouraging or even requiring ethanol use in RFG. The Governors Ethanol Coalition, for instance, suggested that EPA require the RFG market to satisfy its oxygenate requirements through a minimum percentage of domestically produced renewable fuel.

3. October 1st Announcement

EPA, the Department of Agriculture, the Department of Energy and other parts of federal government engaged in an extensive dialogue with all interested groups to address the ethanol industry's concerns with the RFG program. In response to the ethanol industry's suggestion, the applicability of the section 211(h) waiver to the RFG program under 211(k) was closely considered. For the reasons set forth in a memorandum available in the docket, the Acting General Counsel of EPA determined that it did not apply.

Also explored was the ability to take reactivity into account in determining compliance with the requirement that "ozone-forming VOCs" be reduced by 15 percent. Section 211(k)(3), however, explicitly requires that reductions in ozone-forming VOCs be measured on a "mass basis." Although any reactivity benefits of emissions from ethanol blends, should they exist, could be taken into account in defining which VOCs are "ozone-forming," the statute does not appear to permit ozone-forming VOCs to be weighted on the basis of their ozone formation potential for purposes of determining compliance with the 15 percent reduction requirement.

Based on ethanol's importance to the nation's energy and agricultural policy, President Bush on October 1, 1992 announced a plan to allow ethanol to effectively compete in the RFG program, with the expectation that, with barriers removed, ethanol use would grow. This plan is based upon provisions of section 211(k)(1) allowing the Administrator to take into consideration cost, energy requirements, and other specified factors in setting RFG performance standards. The most significant part of this plan called for EPA to "establish rules for reformulated gasoline in all northern cities that will have the effect of granting a one-pound waiver for the first 30 percent market share of ethanol blends, while achieving environmental benefits comparable to those provided for in EPA's proposed rule and regulatory negotiation." The environmental benefits of the proposed RFG program would be maintained by offsetting any increase in volatility of RFG containing ethanol with reductions in the volatility of the rest of the reformulated gasoline pool.

Also pursuant of the plan, EPA is proposing to propose to establish rules allowing governors of southern states to extend the provisions made for ethanol in northern RFG-covered cities to covered southern cities as well. Other aspects of the plan include the establishment of an RVP trading program, the unrestricted optional early use of the complex model and oxygenate neutral NO_X and toxics performance standards. Through today's notice the Administrator proposes these as well as a variety of other provisions relevant to his determination of section 211(k) factors.

B. Reid Vapor Pressure Allowance

1. Overview

EPA proposes that the RVP performance standard under the simple model provisions of the SNPRM and VOC performance requirements under the complex model be based upon the extent of use of renewable oxygenates such as ethanol. For northern areas under the simple model, EPA proposes that the RVP performance standard as proposed in the SNPRM of 8.1 psi (8.0 psi under the averaging provisions of the SNPRM) be reduced to 7.8 psi (7.7 psi under averaging) when no renewable oxygenates are used in reformulated gasoline, but be permitted to increase to 8.1 psi (8.0 psi under averaging) through the use of renewable oxygenates in 30% of the reformulated gasoline produced. For example, taking advantage of the proposal's averaging provisions, this would allow ethanol to be splash blended into 30% of reformulated gasoline and have a 1.0 psi greater RVP than other reformulated gasoline blends while still maintaining the in-use volatility and, thus, comparable environmental benefits proposed in the SNPRM. EPA is also proposing to permit a governor of a southern state to have applied in that state's ozone nonattainment areas provisions similar to those described above for northern areas. Specifically, under the simple model, EPA proposes that the 7.2 psi RVP standard proposed in the SNPRM for southern areas be reduced to 7.0 psi, but that refiners may meet an RVP standard of up to 7.2 psi if they use ethanol or other renewable oxygenates in up to 20 percent of the market covered in those areas. In addition, the Agency proposes a similar approach to standard setting under the complex model.

It should be noted that this program in no way limits the ability of a refiner to use ethanol or any other renewable

oxygenate in its gasoline to only 30 percent of its production (20 percent in the South). A refiner may blend as much ethanol into its gasoline as it desires, provided it meets its RVP (VOC) performance standards. It should also be noted that the ability of refiners to average RVP performance under the provisions of the SNPRM is not changed as a result of this program. RVP averaging can still be used to meet a refiner's RVP (VOC) performance requirements. In fact, as discussed below, EPA is proposing to expand the RVP averaging provisions of the SNPRM to include RVP trading as well.

In order to provide greater flexibility for the use of renewable oxygenates, EPA proposes that refiners be permitted to either blend the renewable oxygenate themselves to raise their performance standard, or obtain commitments from other refiners to do so. This flexibility in connection with the RVP trading provisions will allow greater renewable oxygenate use by the refiners who can benefit from their use, and allow its use in those areas where it is most economical to do so.

Today's action does not mandate the use of ethanol. Taking into account the statutorily specified factors, EPA is proposing these provisions for ethanol on the theory that allowing ethanol to effectively participate in the RFG market is important to the nation's energy security. While EPA is continuing to gather the relevant data and perform the requisite analyses, it appears that the use of renewable oxygenates such as ethanol as a motor vehicle fuel may reduce the nation's dependence on foreign oil, improve our balance of trade with other nations, and enhance our energy security.[1] At 2.7 wt% oxygen, use of ethanol (or ethanol in the form of ETBE) in 30 percent of RFG) would displace 2.3 percent of the volume of reformulated gasoline with ethanol. This is the equivalent of 360 million gallons of ethanol used (gasoline displaced) during the summer months alone in the areas currently covered by the reformulated gasoline program (including those areas that have already opted in), and could rise to as much as 510 million gallons if all eligible areas opted into the program. In addition to energy related benefits, the use of oxygenates made from renewable sources provides the potential for reducing emissions which contribute to global warming.

As explained above, the statute prescribes for the near term a minimum 15 percent reduction in VOCs, and in the SNPRM EPA proposed RVP and oxygen requirements that it believed achieved this requirement. Under today's proposal, the simple model RVP standards for refiners or importers that use 30% renewable oxygenate is 8.1 psi, if compliance is met on a per gallon basis. Both the renewable and nonrenewable blends produced by those refiners or importers would have to meet this per gallon standard. If compliance is met on average, however, the RVP standard would be 8.0 psi. This could be met, for example, by two-thirds of a refiner's or importer's gasoline meeting 7.7 psi (nonrenewable blends) and one-third meeting 8.7 psi (renewable blend such as ethanol splash blended into a 7.7 psi blendstock).

The effect of today's proposal on the cost of reformulated gasoline is expected to be small. The cost of reducing the RVP of gasoline by 0.3 psi in northern (VOC control region 2 as defined in the SNPRM) areas to offset the allowance for splash blended ethanol in 30% of the fuel is approximately 0.3 to 0.5 cents per gallon. However, the overall cost of the RVP performance allowance of 0.3 psi for the use of ethanol is expected to be less than 0.3 cents per gallon since ethanol is likely to be less costly than MTBE per gallon of reformulated gasoline produced.[2]

In addition, the cost of ethanol may decrease beginning in 1995 as a result of the proposed provisions. Under a program like that set forth in the SNPRM, ethanol would be expected to capture a sizeable portion of the RFG and oxygenated fuels markets during the winter months. (The oxygenated fuels program established by section 211(m) requires that gasoline sold in many carbon monoxide nonattainment areas include 2.7 percent oxygen during the winter months, beginning in 1992.) However, since the market during the summer was potentially small, ethanol production facilities could not operate year-round at a steady production level without storing vast quantities of ethanol during the summer for use during the winter. To the extent ethanol was also used during the summer months, more steady production could be achieved, with reduced capital expenditures for storage and peak production equipment. This would likely result in a reduction in the cost of producing ethanol.

Year-round and increased use of ethanol may also increase the incentives to develop an established infrastructure for ethanol distribution and use, making it even more feasible and cost effective. In addition, expanded use of renewable oxygenates may encourage further research and development associated with their production and use, which could further reduce their cost and expand their market both as blends with gasoline and separately as alternative fuels. Expanded use of renewable oxygenates would further result in economic growth not only in the ethanol industry, but also in agriculture and related industries. Finally, since the consumption of grain to produce ethanol may raise the prices farmers receive for their crops, additional ethanol use may reduce the amount the government must pay in agricultural price supports.

While the cost per gallon of reformulated gasoline of the RVP adjustment for the use of renewable oxygenates is small, the incentive per gallon of ethanol is substantial. An economic incentive for renewable oxygenate containing blends such as ethanol blends of 0.3 cents per gallon adds roughly 13.7 cents per gallon to the value of ethanol (assuming a base requirement of 2.7 wt% oxygen as described in section 4).[3]

In sum, section 211(k)(1) requires that gasoline be reformulated to achieve the greatest reductions in VOC emissions considering cost, energy, and the other specified factors, but not less than a 15% reduction during Phase I of the program and 25% (20%) during Phase II of the program. In determining how these statutory requirements can be met, EPA must balance the cost of RVP reductions in non-ethanol blended gasoline and the extent to which energy or other considerations warrant that the volatility associated with ethanol use be offset. Today, EPA is proposing that the volatility associated with a potential ethanol market share as high as 30 percent be offset through reductions for nonrenewable oxygenate blended gasoline such that the reformulated gasoline market achieve overall reductions meeting the minimum 15% reduction requirement. EPA requests comment on whether this proposal represents the proper balance. EPA

[1] The Final Report of the Interagency Commission on Alternative Fuels written for DOE and published in September, 1992 estimates that the displacement of crude oil with all oxygenate use under the reformulated gasoline and oxygenated fuels provisions of the CAA could reach roughly 200,000 barrels per day. In a private conversation on 1/8/92, Margaret Singh of Argonne National Laboratory, one of the authors of the Interagency Commission report, stated that roughly 10 percent of the crude oil displacement in that analysis was due to ethanol alone (this estimate does not take into account any changes which may result from today's proposal).

[2] "Evaluation of the Use of Ethanol and MTBE in Reformulated Gasoline," by Sobotka & Co., Inc., for USEPA, September 30, 1992.

[3] The derivation of the value of the incentive is shown in Section VIII of the DRIA.

VOL 58 ISS 37 FE 26 1993 UMI

RVP

believes that, in addition to the factors described previously concerning the energy and other benefits of renewable oxygenate use, the following are relevant to the issue: The cost to reduce the RVP of nonrenewable oxygenate blends below the previously proposed levels; the leadtime available for such reductions; and the market share ethanol and other renewable oxygenates could expect absent any such provisions. The expected market share absent these provisions is hard to predict, and at best 30% would allow ethanol and other renewable oxygenates to effectively participate in the reformulated gasoline program, including the opportunity to expand that participation beyond what would otherwise be possible.

2. Performance Standard Setting Process

The RVP performance standards proposed today are intended to provide the same level of RVP and comparable environmental control as would be achieved by the SNPRM, while allowing ethanol and other renewable oxygenates to effectively participate in the reformulated gasoline program. This can be accomplished by adjusting the RVP performance standard with the use of renewable oxygenates while preventing the standard from going any higher than that proposed in the SNPRM. As such, EPA proposes to establish a performance standard for RFG not containing renewable oxygenates that is more stringent than that which was proposed in the SNPRM. EPA further proposes that if refiners commit to the use of renewable oxygenates in their fuel or purchase commitments from other refiners for the use of renewable oxygenates (if that proves more cost effective) their RVP performance standard would be relaxed accordingly (up to 8.1 psi). Finally, a refiner's performance standard could be relaxed even further through a process by which EPA provides RVP performance standard adjustments based on the refiner's commitment to use renewable oxygenate that other refiners might have used to take advantage of a less stringent RVP (VOC) performance standard, but chose not to. This RVP (and VOC) performance standard setting process is described in the following sections and shown in figure II.1.

BILLING CODE 6560-50-M

Figure II.1
RVP PERFORMANCE STANDARD SETTING PROCESS

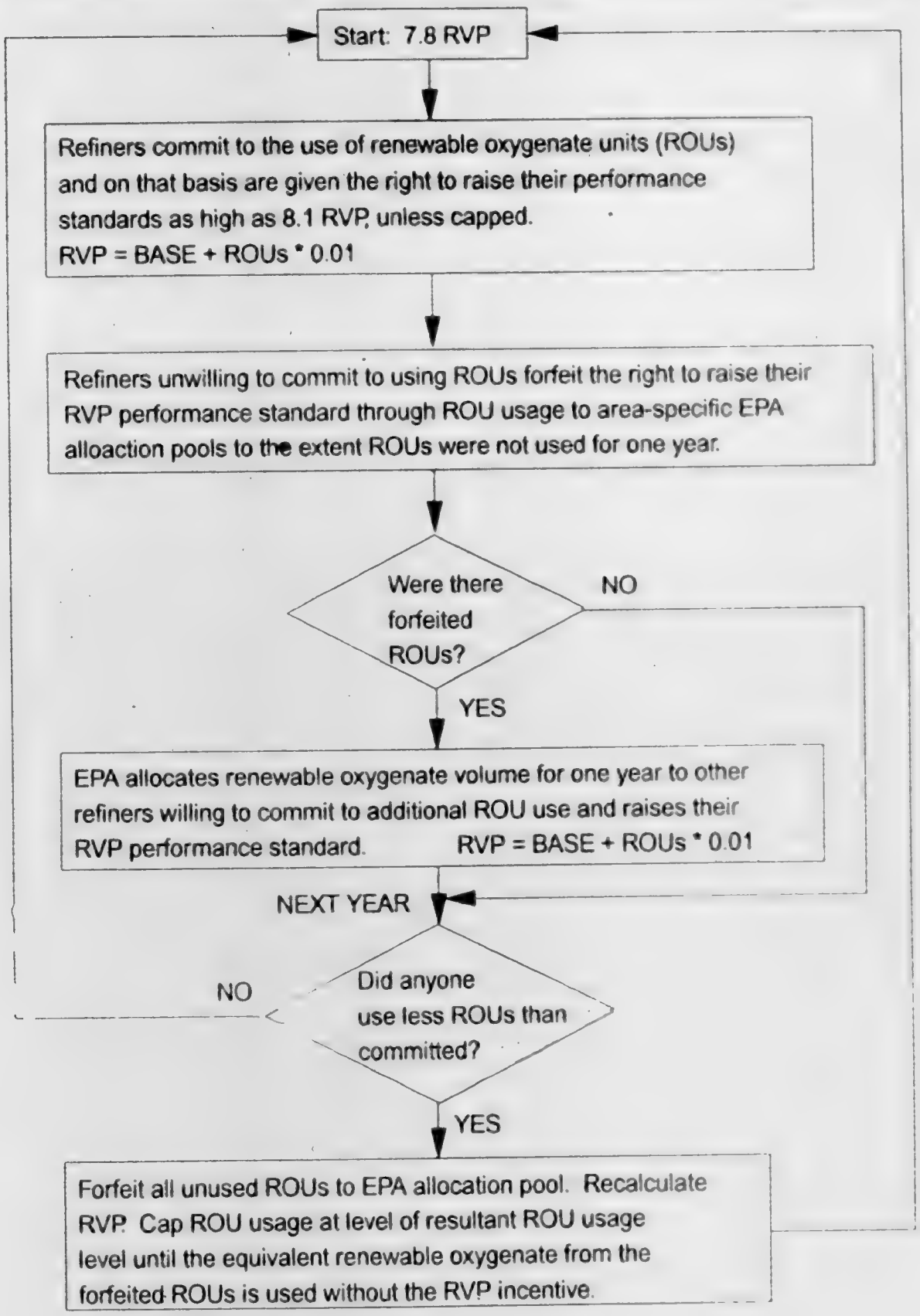

BILLING CODE 6560-50-C

a. Southern Performance Standards. The proposed approach taken in the North would not be required for southern areas covered by the RFG program. There are several reasons for this distinction. First, most of the RFG areas are in the North, so that removing barriers to ethanol use in the North will have a larger impact than removing these barriers in the South on the policies associated with ethanol use. Second, production of grain feedstocks and ethanol production are concentrated in the North. The higher tax benefits these northern areas offer ethanol together with lower transportation costs account for ethanol's greater use in the North. For these same reasons, EPA expects that the potential for growth in ethanol use is expected to be greater in the North. Third, the lower RVP standards applicable under the simple model in the South are likely to make additional RVP reductions to offset volatility increases associated with ethanol use more expensive for southern RFG areas. In sum, in striking the balance between achievable RVP reductions and the policy benefits associated with ethanol, EPA has reason to believe that for the South generally, the RVP costs may be higher and the resulting ethanol policy benefits may be lower.

Thus, striking the balance somewhat differently for southern areas, President Bush's announcement did provide, nonetheless, that a modified version of the northern approach be available to governors of southern states to have applied at their discretion. A governor who believes that ethanol has a potentially strong market in his or her state could request that this modified approach, explained in more detail below, be applied in the state's RFG-covered areas. As summarized above while EPA believes that ethanol participation in southern RFG areas would advance the same policy concerns as ethanol participation in northern areas, EPA is not certain that ethanol would participate sufficiently even if the barriers are removed to justify the higher costs of offsetting the volatility increase in southern areas. However, southern governors may be in a good position to judge on a case-by-case basis the likely participation of ethanol in the market and the cost of removing the barriers.

The modification of the northern approach for optional application in the South is as follows. EPA is proposing that the RVP standard for RFG not containing renewable oxygenates be reduced from 7.2 psi to 7.0 psi (6.9 psi under the averaging provisions of the SNPRM). The 0.2 psi reduction would permit 20 percent of the RFG market in an area to be splash-blended with ethanol without raising the average RVP of the RFG in the area.

EPA further proposes as one option that the effective date for inclusion of a southern covered area be the beginning of the first VOC control season three years following receipt of the governor's letter requesting application of this approach in his or her state. EPA believes three years is the appropriate amount of time to provide adequate lead-time for refiners to prepare to make the necessary additional RVP reductions, and requests comment on the validity of this belief.

While having the program automatically take effect three years after the request from the governor is a relatively straightforward approach, it does raise serious questions about whether section 211(k) authorizes a state to determine which federal standard applies in its area. At the same time, EPA is concerned whether receipt or non-receipt of a request from a governor is an adequate basis to support a different performance standard in that area.

In light of these concerns, EPA is proposing a second option whereby the ethanol provisions described above would be implemented in a southern area through a rulemaking conducted subsequent to receipt of a request from the Governor. Upon receipt of any such request from a governor, EPA would promptly prepare a notice proposing extension of the ethanol-related provisions to the area or areas covered by the request. This would allow for full exploration of all the relevant issues, and would avoid the legal concerns mentioned above. This option is similar to the approach taken in the federal RVP regulations under section 211 (c) and (h), where RVP standards were set on a national basis with allowance for subsequent rulemaking to fine tune the regulations for specific localities. EPA requests comment on the relative merits of these two options.

The energy related benefits of renewable oxygenates are not unique to the use of the simple model. Under the SNPRM, refiners will have the option of using the complex model in the first years of the program when the simple model is also available. After a specified period of time following the complex model's promulgation, only the complex model will be available for certification. In keeping with the proposal under the simple model, EPA proposes that the VOC performance standard stringency under the complex model be increased by the equivalent of 0.3 psi RVP. For Phase I of the reformulated gasoline program EPA proposes to determine the VOC equivalent of 0.3 psi RVP using as a baseline a fuel meeting the performance standards of the simple model (8.0 RVP, 2.1 wt% oxygen, 0.95 volume percent benzene, 26.3 percent aromatics, and CAA baseline values for all other fuel parameters), and under Phase II of the reformulated gasoline program one baseline fuel consistent with the VOC performance standard described in section VI of this notice (for purposes here, 2.0% oxygen, 105 ppm sulfur, 6.9 RVP, 202°F T50, 316°F T90, 23.0% aromatics, 6.5% olefins, and 1.0% benzene). As calculated from the complex model, EPA thus proposes that the Phase I and Phase II VOC performance standards be increased by 7.1 and 2.8 percentage points, respectively, in northern areas. If any southern areas are included in the program, the Phase I and Phase II VOC performance standards would be increased by 5.9, and 2.0 percentage points, respectively (for Phase I, the equivalent of 0.2 RVP determined using a baseline fuel of 7.1 RVP, 2.1 wt% oxygen, 0.95 volume percent benzene, 26.2 percent aromatics, and CAA baseline values for all other fuel parameters and, for Phase II, the equivalent of 0.2 RVP using as a baseline fuel a fuel with 2.0 wt% oxygen, 143 ppm sulfur, 6.5 RVP, 202°F T50, 316°F T90, 23.0% aromatics, 6.5% olefins, and 1.0% benzene). EPA requests comment on this methodology for setting the performance standards under the complex model, on the fuel assumptions used, on whether and to what extent the methodology unfairly disadvantages any refiner relative to another, and on whether there are any other methodologies or fuel assumptions which might be more appropriate.

b. Performance Standard Adjustment Through Commitments for Renewable Oxygenate Use. EPA's proposed RVP and VOC standards are based on its estimate of the greatest reductions the market as a whole can achieve, taking into account the statutory factors. However, the ability and desire of refiners to take full advantage of today's proposed standards varies from refiner to refiner. To ensure that the policy objectives related to this proposal are fully served, it is important that the market be permitted to work as efficiently as possible. EPA is therefore proposing that a system of commitments be created to allow the greatest flexibility for the use of ethanol and other renewable oxygenates consistent with the applicable performance standards.

In fulfilling their commitments, refiners could either blend renewable oxygenate themselves during the forthcoming VOC control season or, if meeting the VOC standards on average, also purchase commitments from other refiners. As long as refiners meet their RVP (VOC) performance standards in each area covered by the RFG program, the use of renewable oxygenate could easily be shifted from a refiner serving one area to a refiner serving another area where it is more economically advantageous to do so (based on state tax subsidies, distribution costs, etc.). Whether or not a refiner chose to fulfill its commitment through its own use of renewable oxygenate or through contracting for its use with another refiner, however, the refiner would nevertheless be liable for its commitment. Since various refiners produce vastly different amounts of gasoline, in order to maintain the same level of renewable oxygenate use under this program, trading of renewable oxygenates from one refiner to another must be performed on a volume basis.

Under the simple model, refiners could elect to meet an RVP performance standard as high as 8.1 psi (8.0 under averaging) in the North and 7.2 psi (7.0 under averaging) in the South in proportion to their commitment to use renewable oxygenate in 30 percent and 20 percent of their fuel, respectively. Under the complex model refiners could lower the otherwise applicable VOC performance standard by as much as 7.1 percentage points in the North and 5.9 in the South under Phase I of the reformulated gasoline program, and 2.8 percentage points in the North and 2.0 percentage points in the South under Phase II, through the use of renewable oxygenates in 30 and 20 percent of their fuel, respectively. It is entirely up to each refiner to decide what amount of renewable oxygenate to use and, thus, which performance standard would be applicable to it. Refiners could utilize as much renewable oxygenates in producing their reformulated gasoline as they desire, but the ability to adjust the applicable performance standard in proportion to the amount used would be limited to 30 percent of their production in the North and 20 percent in the South.

In order to provide refiners with the necessary flexibility to blend renewable oxygenates, EPA proposes to raise the maximum RVP allowed under the averaging provisions of the SNPRM to 8.7 psi for renewable oxygenate blends in the North and 7.9 in the South. Similarly, the minimum VOC performance standard under the complex model is proposed to be relaxed by 21.2 percentage points in the North and 24.6 percentage points in the South below the averaging standard under Phase I of the reformulated gasoline program. Under Phase II, EPA proposes that the minimum performance level be set at 8.5 and 8.3 percentage points in the North and South, respectively, below the performance standard described in section VI (taking into account a 1.5% increase in the standard under averaging). These levels are sufficient to provide a 1.0 psi margin for splash blending ethanol into 30 percent of reformulated gasoline downstream of the refiner. EPA proposes, however, that for reformulated gasoline not containing renewable oxygenates the maximum RVP remain at the already proposed level for the simple model of 8.3 RVP in the North and 7.4 in the South, and that the minimum VOC performance under the complex model remain at the levels proposed later in today's notice.

The performance standard adjustment for blending renewable oxygenates has value only if the RVP or other parameters of gasoline are adjusted. Since these are determined by the refiner, EPA proposes that the refiners continue to be the party responsible for meeting the RVP performance standard, which is now a function of the amount of renewable oxygenate used. Since this is fully consistent with the provisions of the SNPRM, changes to the enforcement provisions proposed in the SNPRM are minimized. EPA considered various other options which would also place requirements on terminal operators (ethanol blenders), but considered such options as being too restrictive and burdensome.

At the same time, unless refiners chose to comply with the per gallon performance standards, some blends (e.g., those splash blended with ethanol) would be likely to have an RVP that is higher than that of other blends by as much as 1.0 psi. (Under the per gallon standards, all of a refiner's fuel must meet its per gallon standard (e.g., 8.1 RVP if renewable oxygenate is used in 30 percent of its fuel) including any ethanol splash blends.) Therefore, in order to ensure that the RVP (and VOC) standard is met in each area covered by the reformulated gasoline program, it would be essential for the refiner to track and control the fraction of fuel with a higher RVP which is distributed to each area. Similarly, it would be essential for refiners to maintain a constant fraction of fuel with a higher RVP (lower VOC performance) over the course of the VOC control season. Otherwise, there could be temporal increases and decreases in the average emission performance of in-use fuels. As under the averaging provisions of the SNPRM, should temporal increases occur, the refiners run the risk of in-use compliance survey violations and thus, a more stringent performance standard the following year.

c. Performance Standard Adjustment Through EPA Allocation of Uncommitted Renewable Oxygenate Use. Some refiners may decide not to use renewable oxygenates and forego the opportunity to meet a less stringent RVP (VOC) performance standard. So that other refiners might take advantage of that opportunity and thereby further advance the policy goals of today's notice, EPA proposes that a refiner's opportunity to elect a less stringent RVP (VOC) performance standard be forfeited for the following ozone control season if it does not commit to the use of renewable oxygenates (by themselves or through the purchase of commitments from other refiners). EPA would then adjust the RVP performance standard of other refiners in exchange for their commitment to use the amount of renewable oxygenate which had been left uncommitted. For example, a refiner which commits to use renewable oxygenate in 60 percent of its fuel and receives the associated RVP performance standard adjustment could raise its average RVP performance standard in the North under the simple model from 8.0 to 8.3 psi.

This allocation system would also provide the means of effectively combining offsetting fuels in slates for the purpose of certifying them as RFG. Section 211(k)(4) permits gasoline to be certified as RFG as part of a "slate" of fuels that on average meet RFG requirements. While the proposed system of allocating RVP performance standard incentives would result in one refiner's fuel having an average RVP above the minimum 8.1 psi standard, by effectively combining in a slate that refiner's fuel with another refiner's fuel having an average RVP sufficiently below the standard, both refiner's fuels could still be certified as reformulated gasoline.

In order to permit EPA to adjust the RVP (VOC) performance standards, information on reformulated gasoline and renewable oxygenate use must be made available on an area-specific basis. If RVP performance standard adjustments for renewable oxygenate use were forfeited by a refiner in one covered area and subsequently allocated to refiners serving another covered area, greater environmental control would be achieved in one area and less in another. To avoid such an outcome, EPA proposes that by November 1 prior

to each ozone control season each refiner (and importer) report to EPA its commitment to use renewable oxygenates (and in what form), the amount of renewable oxygenate other refiners have committed to use for it, the amount of renewable oxygenate it has committed to use for other refiners, the amount of renewable oxygenate use eligible for making performance standard adjustments which is not committed to be used in each area covered by the reformulated gasoline program, its total reformulated gasoline production which was distributed for use in each covered area for the previous year, and the VOC performance characteristics (RVP under the simple model, all fuel parameters that affects VOC under the complex model) of the fuel which it distributes for use in each covered area. If and only if a refiner chooses to meet the VOC performance standards on a per gallon basis, commits to the use of a minimum of 30 percent of renewable oxygenate in the North and 20 percent in the South (if applicable), and is not committing to use renewable oxygenates for any other refiner, would its reporting requirements be simplified. In such a case the refiner would be required to report only its commitment to use at minimum 30 percent, and the volume of reformulated gasoline produced and renewable oxygenate used each year nationwide. By January 1 prior to each ozone control season, any uncommitted RVP (VOC) performance standard adjustments would be provided at no cost to other refiners for use in the same covered area for their commitment to use additional renewable oxygenate, and their performance standard would be adjusted accordingly. EPA proposes to allocate these adjustments among the refiners wishing to use them in the covered area where the adjustments are forfeited prorated based on the volume of reformulated gasoline produced by the various refiners requesting additional adjustments, and beginning with the category of refiners who fulfilled their commitment to use renewable oxygenates in previous years. The final RVP performance standard applicable for these refiners for the coming season would then be recalculated based upon the total amount of renewable oxygenate committed to be used.

EPA's adjustment of RVP (VOC) performance standards, as proposed, would be specific to each area covered by the reformulated gasoline program in order to maintain each area's environmental benefits from the reformulated gasoline program. As such it would require that refiners track their fuel from the point of production to the point of its ultimate use and report to EPA the amount of reformulated gasoline and renewable oxygenates distributed for consumption in each area (except as described above under certain conditions for per gallon compliance). EPA recognizes that such a requirement changes current industry operating practices and as such may impose additional costs. However, EPA is unaware of any alternatives which would provide comparable environmental neutrality. EPA requests comment on any alternative means by which the environmental neutrality of the program can be maintained while minimizing the cost and burden on refiners. EPA also requests comment on the ability of the in-use compliance surveys to be revised to provide adequate certainty that the full environmental control is achieved in each area without requiring refiners to track their fuel.

Despite the precautions described above, EPA is still seeking design improvements to fully assure that the program proposed today preserves the environmental control that would be achieved under the program proposed in the SNPRM. The program described above does not fully protect environmental neutrality if changes occur in the amount of fuel distributed to a given city by various refiners over time. Since the standards adjustment process is based on fuel volumes for the previous year, increases in the performance standard granted to some refiners following EPA adjustments would only be only offset if the refiners forfeiting RVP performance standard adjustments distribute the same or greater volume of reformulated gasoline to a given area as the year before. It is not until the following year that the adjustment would be made to offset this disparity. Despite this concern, EPA does not expect that there will be significant increases in RVP (decreases in VOC performance) in-use since decreases are just as likely as increases and not all refiners that opted to forfeit the performance standard adjustments would be expected to dramatically reduce the amount of fuel they distributed to a given area in the same year. Nevertheless, EPA requests comment on the this issue and on any means by which the environmental neutrality of the program can be more fully ensured.

If during the course of the ensuing VOC control season a refiner uses less renewable oxygenates than it had committed to EPA, no enforcement action would be taken as long as that refiner achieves an RVP or VOC performance standard commensurate with its actual renewable oxygenate use. However, if a refiner uses less renewable oxygenates than it has committed to use, EPA requests comment on what remedy would be appropriate. One possible remedy would be that the refiner forfeit the ability to raise its performance standard through renewable oxygenate use in the future (to the extent the commitment was not reached). EPA would make these RVP (VOC) performance standard adjustments available to other refiners willing to commit to use the corresponding amount of renewable oxygenate as described above. If such a forfeiting refiner wanted to raise its performance standard through renewable oxygenate use in the future, it could do so only if unallocated RVP (VOC) performance standard adjustments were still available for the covered area(s) in question. Such refiners would have their RVP (VOC) performance standard adjusted only after all refiners who fulfilled their commitments the previous year have received any desired adjustments.

EPA is concerned that the performance standard adjustment process described above does not grant refiners desiring to use additional renewable oxygenate adequate certainty of the availability of additional RVP (VOC) performance standard adjustments to fully take advantage of them. Furthermore, EPA is concerned that the refiners described in the previous paragraph who forfeited their opportunity to take advantage of RVP (VOC) performance standard adjustments for future years would be limited to receiving year to year adjustments from EPA if any are available and would never have any certainty of using any performance standard adjustments. As a result, EPA is also considering an approach whereby performance standard adjustments which are either given to EPA for subsequent distribution be permanent (instead of year to year) and whereby adjustments distributed by EPA would be permanent. Under such an approach, refiners would have the necessary certainty of being able to utilize the performance standard adjustments and be permitted to make refinery changes in accordance with such performance standard adjustments. Such an approach, however, prevents the year-to-year adjustments in reformulated gasoline volume necessary to ensure that any loss in environmental neutrality described above is limited to only one year. Another approach might

be to maintain the year to year allocation but allow refiners who fell short of their commitments in previous years to regain their original opportunity to use renewable oxygenates for RVP (VOC) performance standard adjustments by making up their earlier shortfall without any RVP (VOC) adjustment. EPA requests comments on the above approaches, on the need for an allocation program given its potential limitations, and on any other approaches that would provide refiners with the necessary certainty while still preserving the environmental neutrality of the program.

3. RVP Trading Program

Based on the performance standard adjustment process described above, if a refiner wishes to blend more than 30% of its production with renewable oxygenate, it would still be required to meet an 8.1 RVP standard. With regard to ethanol, this would require producing an ever lower RVP gasoline blendstock. In order to provide greater flexibility to refiners desiring to blend additional renewable oxygenates, EPA proposes to establish an RVP credit trading program (in addition to the averaging program proposed in the SNPRM) whereby refiners could obtain RVP credits from other refiners in lieu of reducing the RVP of their fuel. Under this program a refiner in Chicago could commit to use renewable oxygenate on behalf of a refiner in New York and then obtain RVP credits (from other refiners distributing fuel in Chicago) sufficient to compensate for any increase in RVP caused by increasing its use of renewable oxygenates. For the program to remain environmentally neutral the RVP credits could only be traded within a given area covered by the reformulated gasoline program. Otherwise, one area would have an average in-use RVP of less than 8.1 RVP, while the other area would have an average RVP of greater than 8.1 RVP. Such an RVP trading program could be conducted totally separate from any exchange in commitments for renewable oxygenate use or in conjunction with it. An example of the latter would be the sale of renewable oxygenate usage commitments and the purchase of RVP credits by a refiner wishing to use more than 30% renewable oxygenates and vice versa by a refiner wishing to use less than 30% renewable oxygenates. The former could potentially adjust its average RVP standard to as high as 8.7, while the average RVP standard of the latter refiner would be lower than 8.0. The fuels being marketed by both refiners would have to be in the same area, as mentioned above.

Furthermore, if the program is to be environmentally neutral, RVP credits must be traded based on the relative volume of reformulated gasoline produced at any given RVP. Since RVP trading is a means by which refiners can choose to meet their RVP performance standard and is not used to determine the performance standard, EPA proposes that RVP trading be permitted to take place throughout the course of the control period and as such be based on the actual gallons of reformulated gasoline produced. EPA proposes that to the extent refiners take advantage of RVP trading, they be required to report to EPA at the end of the ozone control season the average RVP of the reformulated gasoline they produced and the number of RVP credits traded to and received from other refiners for each of the reformulated gasoline areas. EPA does not believe that the added flexibility resulting from a trading program allows for a more stringent performance standard, but requests comment on the Agency's legal authority it implement RVP trading absent a tighter performance standard for those refiners who trade. A more stringent performance standard was proposed in the SNPRM in connection with averaging, and this is merely an extension of that program. Furthermore, this trading program is intended to provide greater flexibility to refiners for the purpose of making it easier to blend renewable oxygenates. If the performance standard were made more stringent, it could eliminate any incentive for blending renewable oxygenates provided by a trading program.

Since there is no RVP performance standard under the complex model, the RVP trading program described above cannot be used directly. However, the same motivation exists under the complex model as under the simple model to provide a trading program. Thus, under the complex model EPA proposes that refiners be permitted to trade VOC performance. EPA requests comment on this provision.

As discussed above in regard to EPA's allocation process for performance standard adjustments with renewable oxygenate use, EPA is concerned that the requirement that refiners track and report to EPA the volume of reformulated gasoline and its RVP (VOC performance) on a covered area specific basis may represent a significant additional burden. In the interest of minimizing the cost and burden on refiners of the reformulated gasoline program, EPA would prefer to avoid, if possible, requiring refiners to track their fuel from the refinery to its ultimate use. However, to ensure the environmental neutrality of the RVP (VOC) trading program knowledge of the actual distribution to each area is needed. EPA requests comment on any methods other than tracking of fuel by which the environmental neutrality of the program can be ensured in all covered areas and on whether the cost of tracking would be greater than any economic incentive created by the flexibility of the trading program.

4. Definition of Renewable Oxygenate Use

While the performance standards described above are adjustable based upon the amount of renewable oxygenates used in the reformulated gasoline produced, some constraints need to be placed on what constitutes the use of renewable oxygenates if both the environmental and other policy benefits of today's proposal are to be achieved. EPA proposes that renewable oxygenate be defined for the purposes of this program as those oxygenates that are derived from renewable resources such as agricultural products and waste products such as sewage sludge or waste cellulose and does not include oxygenates produced from non-renewable resources such as petroleum, natural gas, coal, or peat. Furthermore, since some oxygenates such as ethers are currently made from both renewable and non-renewable resources, EPA proposes that only the portion of oxygenates derived from renewable resources be considered as renewable oxygenate. At the present time, the only oxygenate EPA is aware of that is produced in significant quantities that meets the definition of renewable oxygenate is ethanol. However, the definition is not meant to be restricted to ethanol, and is intended to encompass numerous other oxygenates, particularly the ethanol portion of ethers such as ETBE and ETAE which in the future may be produced in significant quantities. EPA further proposes that the use of renewable oxygenates to meet the 30 percent market share described above for northern areas and 20 percent for southern areas be based upon an assumed base oxygen content in the reformulated gasoline of 2.7 wt%. A 30 percent market share would, thus, represent 0.81 wt% oxygen in the form of renewable oxygenates in a refiner's reformulated gasoline production in the North, and 0.54 wt% oxygen in the South. In order to allow the greatest degree of flexibility for refiners, EPA proposes that the use of any renewable oxygenate in any concentration be prorated on the basis of weight percent

VOL 58 ISS 37 FE 26 1993 UMI

oxygen for credit toward the 0.81 wt% oxygen base.

The reformulated gasoline provisions require only 2.0 wt% oxygen in reformulated gasoline, but a base oxygen content of 2.7 wt% would better advance the energy related policies of today's proposal, and is still consistent with the maximum oxygen content for which no NO_x emission increase is assumed under the simple model in section D below (as well as under both the negotiated agreement and SNPRM). Going beyond 2.7 wt% to as high as 3.5 wt% would provide a disincentive for the use of renewable oxygenates other than ethanol since they are currently limited to a maximum of 2.7 wt% and, thus, would be required to be used in more than 30 percent of the market to achieve the same level of renewable oxygenate use. Furthermore, setting a base oxygen content greater than 2.7 wt% oxygen would require the use of the complex model pursuant to the provisions of section D. This would represent a disincentive for certain refiners to use renewable oxygenates and, thus could potentially result in less renewable oxygenate use than setting the baseline at 2.7 wt%. EPA invites comment on setting the baseline oxygenate content at 2.7 wt% and on what level would best ensure that the energy related goals of today's proposal are achieved in a manner consistent with section 211(k) of the CAA.

If oxygenates are used that are derived from both renewable and nonrenewable resources, EPA proposes as one option that such oxygenates be prorated in direct proportion to the amount of their oxygen content derived from renewable resources (e.g., ETBE derived from ethanol which is produced from biomass would achieve the same credit as the amount of ethanol used to make it). Not all renewable oxygenates, however, are identical with respect to their environmental benefits. One significant difference between oxygenates is their potential to cause vapor pressure increases when mixed with other fuels in the distribution system and vehicle fuel tanks, a phenomenon referred to as commingling. ETBE does not exhibit a commingling effect, nor does it produce the dramatic rise in blend vapor pressure above 100°F that ethanol does. As a result, from an environmental standpoint, the use of ethanol in the form of ETBE is preferable to direct ethanol blending. The value added per gallon of ethanol from the RVP incentive proposed in this section would be roughly 13.7 cents, assuming an RVP control cost of one cent per RVP-gallon. This economic incentive would be constant regardless of the concentration of ethanol added or the form (splash blended ethanol or ETBE) since it is based on RVP. However, independent from today's proposal there is an inherent added incentive for blending ethanol at 3.5 wt% instead of 2.7 wt% oxygen since the former causes less of an RVP increase per gallon of ethanol used (ethanol blended to both 2.7 wt% and 3.5 wt% oxygen cause roughly a 1.0 psi RVP increase). Because of this inherent incentive EPA expects most ethanol blends would be at 3.5 wt% oxygen through the use of the complex model and oxygen credit trading. As a result, ETBE would always be forced to compete with ethanol at 3.5 wt% oxygen instead of ethanol at 2.7 wt% oxygen where ETBE would be at less of a disadvantage. In order to offset this disadvantage, EPA is also requesting comment on an option that renewable oxygenates such as ETBE that do not exhibit commingling effects be given the same credit at 2.0 wt% oxygen that is given to ethanol (or other renewable oxygenates which exhibit commingling effects) at 2.7 wt% oxygen. ETBE use in 30 percent of the market would, under this option, represent 0.60 wt% oxygen in the form of renewable oxygenates in a refiner's reformulated gasoline production. This approach would provide ETBE blends with an additional incentive of roughly the same magnitude as exists for blending ethanol at 3.5 wt% oxygen relative to 2.7 wt% oxygen.

Commingling itself is an issue which is not unique to this proposal. It was not addressed in the context of the SNPRM but, nevertheless, represents an environmental impact whenever oxygenates such as ethanol which exhibit commingling effects are blended into gasoline. Today's proposal is not expected to dramatically change the magnitude of any commingling effects inherent under the SNPRM. While today's proposal may increase the market share of ethanol, it also contains incentives for ETBE and other ethers which do not exhibit commingling effects. As such there could be no increase or even a decrease in the amount of ethanol used to meet the reformulated gasoline program requirements resulting from today's proposal. Furthermore, even if there were an increase in the use of ethanol blends, today's proposal allows for its use to be shifted to those areas where it is most economical. As a result, it is possible that some areas would have virtually 100 percent ethanol blended reformulated gasoline while others may have virtually no ethanol blended reformulated gasoline. Such a scenario would reduce concerns over commingling. Finally, even if both ethanol use and commingling do rise, the increase may be small. At present EPA has not been able to adequately quantify the commingling effects resulting from the use of ethanol blends, but requests comment on how significant such effects may be both under the provisions of the SNPRM and under the provisions of today's proposal.

C. NO_x Neutrality

A second element of President Bush's announcement was for EPA to establish a NO_x performance standard which was neutral with respect to the type of oxygenate being used. Under the simple model proposed in the SNPRM, and in keeping with the agreement reached through regulatory negotiation, EPA proposed that "MTBE in concentrations up to 2.7 weight percent oxygen and other oxygenates in concentrations up to 2.1 weight percent oxygen be assumed not to increase NO_x emissions." While "based on data available during the regulatory negotiations, it appeared that fuel oxygen content and the type of oxygenate used may have an impact on NO_x emissions," the data did "not allow for quantifying relationships between oxygenate type and concentration and NO_x emissions." Thus, based on the available information, caps were placed on oxygen content in order to permit the sale of reformulated gasoline and limit any potential NO_x emission increase until the complex model could be developed and implemented. Since the time the SNPRM was developed a great deal of additional data has become available which has gone into the development of the complex model (to be discussed later).

Under the complex model, all oxygenates are treated the same, i.e., based on oxygen content. There does not appear to be a significant difference between various oxygenates in their NO_x forming tendency. Also, under the complex model, other fuel changes that accompany the blending of oxygenates into the fuel (reductions in the concentrations of aromatics, olefins, sulfur, etc.) have been found to offset the NO_x increases caused by increasing the oxygen concentration. The results, which are described in the DRIA, show that on average 4–5 percent reductions in NO_x emissions are expected. Thus, the complex model is directionally consistent with the data used for the simple model. However, refiners would not be prohibited from adjusting their base gasoline in anticipation of dilution

so that a NO_X increase could occur. EPA does not anticipate that refiners will have an economic incentive to do this. At most, as described in section V.C. below, a one percent increase in NO_X emissions from certain fuels might occur. Given the much larger reductions projected on average, it is highly unlikely that a net NO_X increase could result under the simple model with oxygenate up to 2.7 wt% oxygen. As a result, EPA proposes that in keeping with the provisions of the SNPRM and the more recent data, all oxygenates be assumed to yield a no NO_X emission increase up to 2.7 wt% oxygen under the simple model. EPA requests comment on this view and the resulting proposal, and on the legal adequacy of relying on this expectation that no NO_X increase will occur. EPA also requests comment on whether any NO_X increase associated with oxygenates at or below 2.7 weight percent oxygen (should one be found to occur) may be considered *de minimis* and on whether EPA has legal authority to disregard such a NO_X increase as *de minimis*.

The one option available to prevent a NO_X increase from every batch of fuel would be to require refiners to use the complex model in 1995 (under the early use provisions described in section E. below) solely to certify that their fuels did not increase NO_X emissions. Given the effect of oxygenate on the other parameters of gasoline and the lack of economic incentive to worsen fuel quality via other means, this option should not pose a leadtime concern. EPA requests comment on this additional option as well.

D. Toxics Neutrality

In addition to NO_X neutrality, President Bush also requested that the toxics standards be set in such a manner as to be neutral with respect to the type of oxygenate used. EPA based the toxics performance standard in the SNPRM on the use of MTBE as the oxygenate in the fuel on the assumption that this would be the predominant oxygenate used to produce reformulated gasoline. Due to a characteristic of MTBE unique among oxygenates, evaporative benzene emissions are suppressed, and MTBE achieves a greater toxics performance on a weight percent oxygen basis than the other oxygenates. As a result, the toxics performance standard was proposed in the SNPRM in a manner which disadvantaged the other oxygenates by making it more costly for them to be utilized in reformulated gasoline. As is discussed in section VI, control of toxics emissions in reformulated gasoline is a very costly means of reducing cancer incidences. For this reason, basing the toxics standard on the sole oxygenate which achieves the greatest toxics control is not appropriate. Thus, EPA proposes that the toxics emission performance standard under the simple model be based upon the non-MTBE oxygenates. Applying this approach, the toxics performance standard required by the act is the greater of a 15 percent reduction or the performance of the formula fuel containing 2.0 wt% oxygen in the form of a non-MTBE oxygenate. Since a formula fuel containing non-MTBE oxygenates does not achieve the 15 percent minimum, EPA proposes that the air toxics performance standard under the simple model be 15 percent. In accordance with the provisions proposed in the SNPRM, EPA also proposes that the year-round averaging standard be 16.5 percent.

E. Unrestricted Early Use of the Complex Model

The CAA requires all refiners to reduce the VOC and air toxics emission forming tendency of their fuels by a minimum 15 percent below that of the 1990 average in-use fuel as defined in section 211(k)(10)(B) (referred to here as the CAA baseline). Due to the limited data available at the time of the regulatory negotiation (and SNPRM development), however, few of the effects of fuel parameters on emissions could be quantified and placed in the simple model even though they were known qualitatively to exist. As a result, EPA proposed in the SNPRM that all refiners hold such fuel parameters (sulfur, olefins, and T90) at or below their 1990 baseline levels. Because different refiners have significantly different 1990 baselines of sulfur, olefins, and T90, this proposal required some refiners to produce reformulated gasoline which was significantly less polluting than that produced by other refiners.

In order to maintain the same overall level of environmental control if refiners opted to use the complex model prior to its required use in 1997, EPA further proposed in the SNPRM that refiners who opted to use the complex model early would be required to maintain whatever emission performance they would otherwise have achieved using the simple model through the use of their own 1990 baselines. This was viewed by some refiners, however, as an impediment to early use of the complex model since they could be required to achieve greater environmental control in 1995–96 than in 1997. In response, EPA also proposed that since in the southern areas covered by a reformulated gasoline program, refiners would be required under the proposal to achieve greater than the minimum VOC control required by the Act, they be permitted the option to use the CAA baseline instead of their own individual baselines. In northern areas covered by the reformulated gasoline program refiners would still be required to use their own 1990 baselines.

In President Bush's announcement, he requested EPA to provide refiners with the broadest range of options possible in "meeting the pollution reduction requirements of the Act," and called for the "unrestricted" early use of the complex model. EPA today proposes that all refiners be permitted to utilize the complex model before its required use in 1997 to certify reformulated gasoline to be sold in all parts of the country with their performance measured against either their own 1990 baseline or the CAA baseline. Not only does this proposal grant refiners greater flexibility, but it also makes it easier for refiners to use renewable oxygenates such as ethanol in producing their fuel.

III. Complex Model

A. Baseline Emissions Under the Complex Model

In the SNPRM, EPA proposed that the emission baseline for the simple model would be based on light-duty vehicle emissions using a July 11, 1991 version of MOBILE4.1 with an assumption for enhanced I/M that is now more representative of EPA's requirements for basic I/M (57 FR 52950). This proposal was based on the best information available at the time. Since that time, a new version of the MOBILE model, MOBILE5.0, has been developed and both the basic and enhanced I/M requirements have been promulgated. These changes affect the baseline calculations and raise the issue as to whether and when to require the revised baseline.

The choice of MOBILE model and I/M program determines the level of baseline emissions established for baseline vehicles. The primary impact of this choice on baseline emissions is through changes in the ratio of baseline exhaust to non-exhaust VOC emissions. Since various reformulations will reduce exhaust and non-exhaust VOC emissions to varying degrees, changing the ratio of baseline exhaust and non-exhaust VOC emissions can affect the overall VOC emission reduction expected from a specific fuel reformulation. NO_X emission performance is unaffected since NO_X is only emitted via the exhaust. Toxics performance is only slightly affected (much less than VOC), since non-

exhaust toxics comprise only a small fraction of total toxics emissions.

As described in section V.C., the proposed complex model projects that typical simple model fuels will substantially reduce both exhaust and nonexhaust VOC emissions. The result is that the overall effectiveness of various Phase I reformulations is expected to be relatively insensitive to the baseline exhaust to non-exhaust VOC ratio. Also, given the no NO_x increase requirement and the effect of oxygenate on other fuel parameters, EPA expects fuels produced under the complex model to produce even greater reductions in exhaust VOC than those shown in section V.C., making their performance even less sensitive to the choice of MOBILE model. Thus, EPA is confident that fuels certified using a MOBILE4.1 baseline would meet at least the minimum 15 percent VOC reduction requirement even with a MOBILE5.0 baseline. Thus, there would appear to be little or no air quality or other impact of delaying implementation of a revised baseline based on MOBILE5.0.

The assumptions made in the SNPRM with respect to the appropriate enhanced I/M program to assume for Phase I may also be reasonable through the end Phase I. While enhanced I/M is required in many ozone nonattainment areas starting January 1, 1995, its full implementation may be later than this in several important ways including a phase-in of emission cut points and a phase-in of the percentage of the fleet being tested. It is therefore possible that areas will not realize the full in use benefits of those programs until near the end of the Phase I period. The complex model, however, will be available as an option as early as 1995, and as proposed would not be mandated for use in certifying VOC controlled fuel until the 1997 ozone season at the earliest.

At the same time, changing the baseline in 1997 could potentially change the overall stringency of the VOC performance standard for some refiners and require them to invest additional capital to further control RVP or other fuel parameters. The statutory structure established by Congress creates a two-phase program (beginning in 1995 and 2000, respectively), and maintaining a consistent level of emission performance through the first five years of the program is consistent with this structure.

Therefore, EPA proposes to retain the baseline proposed in the SNPRM for use with the complex model prior to 2000. This is based on the lack of adverse air quality impact, EPA's confidence that the required statutory minimum reductions are not at risk, and the potential disruption in the latter years of Phase I for at least some refiners. EPA requests comment on all of these points, including comment on utilizing an emissions baseline based on either the official version of MOBILE4.1 or MOBILE5.0 beginning in 1997. EPA also requests comment on the appropriateness of the I/M program assumptions discussed above and the appropriateness of other I/M program assumptions. The Agency specifically requests comment from the States on the type of enhanced I/M program they plan on implementing (e.g., annual, biennial, emission cut-points, etc.), their projected schedules for implementation, and the timetable for any expected phase-ins. EPA invites comment on the degree of change in fuel formulation which might occur and their environmental, energy, cost and leadtime consequences. Changes in the baseline modeling assumptions, if appropriate, would also lead to corresponding changes in the Phase I complex model standards.

With the onset of the Phase II performance standards in 2000, the overall stringency of the standards is already changing and a new baseline based on MOBILE5.0 will not, by itself, be the cause of new investment by refiners. Also, by this time, enhanced I/M programs should be fully operational in nearly all reformulated gasoline areas. Therefore, for Phase II EPA proposes that the baseline for the complex model be based on light-duty vehicle and light-duty truck emissions using MOBILE5.0 with enhanced I/M.

B. Complex Model for Exhaust Emissions

1. Data Sources

The relationship between fuel properties and exhaust emissions is complex and the theory behind such relationships continues to be developed. As a result, EPA has asked industry, state regulatory agencies, and other organizations with relevant test data to make their data available to the Agency to ensure that this rule is based on as much relevant information as possible. The complex model described in the following section is based on data generated from a number of exhaust emissions testing programs. These programs, their design intent, and their limitations are discussed in the Draft RIA. Data from these programs were excluded from EPA's analysis if the data were not based on a valid FTP measurement cycle, if the vehicle in question did not employ 1990-equivalent emission control technology, or if nonmethane hydrocarbon measurements were not taken. The Agency believes its analysis considered all available, valid, and relevant data on the exhaust emissions effect of fuel modifications when used in 1990 model year and equivalent vehicles. Since these test programs generally involved different vehicles, different fuels, and in some cases different test procedures, the analysis required to determine the relationship between fuel properties and emissions is complex. However, EPA believes that the model proposed below appropriately considers and addresses these complexities.

2. Analysis Method

Exhaust emissions are affected by both vehicle and fuel characteristics, which makes identification of fuel effects on emissions difficult. EPA has considered and in some cases tested a number of analysis methods, many of which were presented during a series of public workshops held by EPA over the past year. Information regarding these methods can be found in Docket A–92–12. The approach chosen by EPA to analyze the data described in section III.B.1 is summarized below and is discussed more fully in the Draft RIA. EPA utilized statistical analysis techniques to determine the effects of fuel modifications on exhaust emissions of VOC, NO_x, and toxics. At a series of five public workshops held over the past year, the Agency has presented its data sources, proposed analysis methods, and preliminary emissions models for public review and comment. The Agency has also requested other organizations to share their data, analysis expertise, and emissions models at these workshops. The Agency believes that today's proposal appropriately incorporates the comments and suggestions regarding the analysis process received at the workshops and during the course of the past year from industry, state and federal government authorities, and other interested parties. The resulting exhaust emission models have been validated through confirmatory testing and analysis.

EPA's analysis separated exhaust emissions into fuel components and vehicle components. In all test programs analyzed by EPA, the single most significant determinant of the level of emissions from a given vehicle on a given fuel was the vehicle itself. Fuel properties exert a much smaller influence on exhaust emissions than do vehicle characteristics such as emission control system technology, vehicle mileage, catalyst efficiency, oxygen sensor efficiency, engine size, engine

design, vehicle size, fuel efficiency, and vehicle maintenance. To identify the effects of fuel property modifications on emissions, EPA found it necessary to identify the effect of each vehicle on emissions and separate this effect from the fuel effects.

The fuel components of exhaust emissions were separated into two main categories. The first category consisted of the effects of individual fuel parameters. For example, the effect of sulfur on hydrocarbon emissions was best modeled by a relationship containing a linear sulfur term and a second-order sulfur term (a term of the form c_1S^2, where c_1 is a constant and S is the sulfur level). The second category of fuel terms consisted of interactive effects between two fuel parameters. EPA's analysis of NO_X emissions, for example, found that oxygen's effect on NO_X is related to the aromatics level of the fuel. This effect cannot be represented as an oxygen or aromatics effect alone but must be represented as an interactive term of the form c_2XA, where c_2 is a constant, X is the oxygen level, and A is the aromatics level.

The effect of each fuel term was determined separately for each technology group within each emitter class for NO_X and VOC emissions. Technology groups and emitter classes, their importance in determining the effects of fuel modifications on emissions, and their definitions are discussed more fully in the Draft RIA and simple model SNPRM. The linear terms for all fuel parameters were retained, while only those second-order and interactive terms that were statistically significant at the 85 percent level were retained. Retention of non-significant linear terms reflects the general consensus of public workshop participants regarding appropriate analysis and modeling methods and a desire to keep this potentially very complex model as simple, yet as accurate, as possible. EPA requests comment on the appropriateness of the significance level used to exclude terms from the model and the inclusion of non-significant linear terms. Because vehicles can have different emission control systems, the Agency anticipated that fuel modifications would have different emission effects on different types of cars. EPA has found it necessary to develop terms unique to technology groups to assure the predictive power of the complex model. EPA also has found that vehicles classified as "high emitters" respond very differently to fuel modifications than do normal emitting vehicles. Hence the terms described above were defined and determined separately for each technology group within each emitter class for VOC and NO_X emissions.

EPA chose a different approach when modeling emissions of exhaust toxics. Many of the studies available to EPA did not measure exhaust toxics, so the data on exhaust toxics emissions is less complete than the data on exhaust VOC and NO_X emissions. This problem is particularly acute for high emitters. In addition, baseline estimates of toxics emissions are not available from the MOBILE models, so a different source of baseline toxics estimates had to be found. To overcome the limited amount of data on high emitters, the Agency chose to combine normal and high emitters into a single emitter class while retaining the technology group distinction. To overcome the absence of baseline toxics data from the MOBILE models, the resulting toxics model was then adjusted to compensate for differences between the average VOC exhaust emission levels for those vehicles for which toxics data were available and the 1990 model year, in-use emission levels projected by the MOBILE models. This process is discussed in more detail in the DRIA.

Since the proposed models for normal and high emitter VOC emissions differ substantially, and since the compounds classified as toxic in section 211(k) are VOCs, the Agency is concerned that this approach based on absolute mass emissions may not accurately represent the effects of fuel changes on toxics emissions from high emitters. The Agency has considered modeling toxics emissions as mass fractions of total VOC emissions (as was proposed in the simple model NPRM and SNPRM) but has found models of toxics in terms of absolute mass to have very high predictive power. However, this conclusion could be the result of limited high emitter toxics data. In addition, the mass fraction approach can be more readily extrapolated to winter conditions than can the absolute mass emissions approach. EPA requests comment on the appropriateness of the mass fraction and absolute mass emissions approaches.

EPA focused its modeling efforts on those fuel parameters thought to affect vehicle emissions based on available test results. Oxygen, RVP, aromatics, olefins, T90, sulfur, and benzene were identified as relevant fuel parameters in the negotiated agreement. T50 was identified as a potentially significant parameter by a number of testing programs and at several public workshops.

EPA anticipates that further refinements to the model will be made prior to finalization of this rule. First, the Agency expects to convert its fuel distillation curve data to a percent evaporated basis, thereby replacing T50 and T90 with terms such as E200 and E300 (the volume percentage of the fuel evaporated at 200 °F and 300 °F, respectively). The percent evaporated terms are thought to be more directly relevant to the generation of exhaust emissions than the distillation parameters. In addition, the percent evaporated values for a mixture of fuels can be calculated directly from the percent evaporated values of each component of the mixture, while the distillation values for a mixture must be measured separately. This characteristic has important implications for certification and enforcement. Second, the Agency will attempt to determine the influence of the type of aromatic compounds in fuels, specifically heavy aromatics, on exhaust emissions, since preliminary test data suggests that both the level and type of aromatic compounds may affect emissions. Third, EPA expects to include additional emission testing data as they become available, and such data may affect the results of the modeling process discussed above. Specific test programs expected to provide additional data include the second half of Auto/Oil's T50/T90 study and EPA's Phase II reformulated gasoline test program. EPA's Phase II test program data is available and has been used to confirm the validity of the model presented in § 80.45. After using either the EPA Phase II or Auto/Oil T50/T90 studies to confirm the revised model, EPA expects to include the data used in this confirmation in its database to develop a final model. Fourth, EPA anticipates changing the confidence level required to allow additional terms into the model to 90 percent, in keeping with past EPA practice.

Finally, EPA expects to complete its analysis of the importance of technology group and emitter class distinctions prior to finalization of this rule. Preliminary analyses confirm that the original classification scheme does capture significant differences in the emissions performance of fuels, as can be seen by examining the differences in the exhaust emission equations for specific technology group/emitter class categories as presented in the Draft RIA. These distinctions may be changed if further analysis indicates that changes are necessary to adequately estimate the effects of fuel modifications on vehicle emissions. At the present time, EPA is considering reducing the number of technology group categories for normal emitters by eliminating technology

VOL 58 ISS 37 FE 26 1993 UMI

groups which contribute a very small proportion of total mobile source emissions or combining such groups with other, similar technology groups. EPA is also considering subdividing high emitters by their emission characteristics, particularly their exhaust hydrocarbon to NO_X ratio, rather than by vehicle technology. This modification reflects EPA's belief, supported by preliminary field information, that one or more emission control components on high emitters tend to be malfunctioning, which renders a classification scheme based on vehicle equipment potentially suspect. EPA requests comment on these potential changes in its technology group definitions and on the other potential changes in its analysis approach discussed above. EPA will place its revised version of the complex model for exhaust emissions (referred to as "Iteration 4" of the model), which incorporates the changes discussed above, and its supporting materials in the docket for review and comment as soon as it is completed. The American Petroleum Institute (API) has also developed its own version of a complex model, which has been placed in the docket for this rulemaking. EPA requests comment on the various aspects of API's statistical and engineering approach and on its overall suitability for use in EPA's complex exhaust emission model.

3. Complex Exhaust Emissions Model Equations

As was discussed in the SNPRM, EPA believes that the exhaust emission effects of fuel modifications are different when applied to vehicles with different emission control and fuel distribution technologies. In addition, EPA believes that the emissions effects of fuel modifications also depends on the level of emissions from the vehicle. During development of the complex model, preliminary investigation of these assumptions have supported the approach described above. The complex model incorporates these effects on an emissions-weighted basis, i.e., fuel effects on each technology group/emitter class category were weighted according to the contribution to in-use emissions of 1990 vehicles from that category. To determine the contribution of each technology group to in-use emissions, EPA calculated the fraction of 1990 model year sales of light duty vehicles and trucks from each technology group. EPA used non-California sales figures for this analysis since vehicles certified as "California-only" vehicles are required to meet a different set of emission standards than other cars sold in the U.S., and since California will have established its own reformulated gasoline program by 1996 that is expected to exceed the stringency of the federal program. EPA requests comment on the exclusion of California vehicles from its calculation of 1990 sales fractions. EPA then adjusted this fraction to reflect the differences in average emissions among technology groups where such information was available. This adjusted fraction is represented by the "W" constants in the model proposed in § 80.45.

Because the equations are in the form of exponential equations, it is necessary to normalize each equation to a known emission value on a known fuel for each technology group. The resulting proportionality constant is represented by the "k" constants in the model proposed in § 80.45. In effect, the "k" constant transforms a percentage increase or decrease into a gram per mile figure corresponding to that percentage change from baseline emissions. The rationale for and derivation of the "k" and "W" constants are discussed in more detail in the DRIA.

Since the effects of fuel modifications on emissions differ across technology groups and emitter classes, EPA has developed separate models for each technology group-emitter class combination for which sufficient data were available. The emissions performance of a given fuel reformulation for a specific pollutant can be determined by taking the following steps. First, each technology group-emitter class model for the pollutant in question would be evaluated for the specific fuel formulation being evaluated. Second, the resulting predicted emissions for each technology group-emitter class combination would be weighted by the estimated contribution of that combination to total miles traveled and these weighted emissions would be added together. Third, the total predicted emissions would be compared to the baseline emissions level for the pollutant in question. The emissions performance of the fuel reformulation would be defined as the percentage change in total emissions from baseline emission levels, which are discussed below in section B.

The specific equations that comprise the complex model can be found in § 80.45 of the regulations proposed for this rule. For the most part, their derivation is straightforward and can be found in the Draft RIA. In some cases, available data were insufficient to develop models for every technology group-emitter class category. In such cases, the weighting factors for the categories which could be modeled were renormalized to adjust for the absence of data. This process is discussed more fully in the Draft RIA. The Draft RIA and the proposed regulations also discusses the range of parameter values for which these equations are valid. As discussed in the SNPRM, refiners are required to submit data to augment the model if they wish to certify fuels with properties that fall outside this range. EPA requests comment on deviations between the model's predictions and the data used to develop the model, on the model equations themselves, on their derivation, and on the ranges over which these equations are considered valid.

The model presented in § 80.45 is based on emissions data generated under summer conditions. While the VOC performance standard for reformulated fuels applies only in the summer, the toxics and NO_X requirements apply year-round. Hence, the complex model must cover typical winter, as well as summer, fuels. However, the model presented in § 80.45 is based on data generated under summer conditions and cannot be used directly for fuels with typical winter RVP levels. EPA proposes to use a modified version of the complex model as presented in § 80.45 to evaluate winter fuels. This modified version would assign an RVP value equal to that of summer baseline gasoline, i.e., 8.7 psi, for all non-VOC controlled fuels when evaluating the toxics and NO_X emissions performance of such fuels (including winter baseline fuels). RVP's impact on canister loading and subsequent purging is thought to be the primary cause of its effects on exhaust emissions. Since data do not exist on the effects of winter fuels on canister loading under winter conditions, the Agency believes it is not appropriate to attempt to model the effects of winter RVP levels on emissions. Fixing the RVP value of winter fuels at baseline levels for modeling purposes effectively removes the influence of RVP on winter exhaust toxics and NO_X emissions. EPA requests comment on this approach, particularly on the ability of the non-RVP factors in the complex model to accurately predict winter toxic and NO_X emissions.

C. Complex Model for Nonexhaust Emissions

The model for nonexhaust emissions is based on data generated by EPA to develop its MOBILE emission inventory models. The Agency believes that the relationship between fuel properties and

nonexhaust emissions is less complex and better understood than for exhaust emissions. Data from EPA's ongoing evaporative emissions testing has been used to develop MOBILE4.1 and MOBILE5.0. EPA believes this data to be sufficient to model the relationship between fuel properties and nonexhaust emissions. Additional information about MOBILE4.1 and MOBILE5.0 can be found in Dockets A–91–02 and A–92–12.

Non-exhaust emissions are less affected by vehicle design and are influenced by fewer fuel characteristics than are exhaust emissions. In addition, the theoretical principles involved in evaporative emissions are better understood, and evaporative emission control technologies are more consistent across vehicles than are exhaust emission controls. EPA is in the process of developing an evaporative emissions model based on fundamental theoretical principles and actual test data that are expected to be more accurate and more widely applicable to oxygenated fuels than MOBILE4.1. A preliminary version of this model was discussed at a public workshop held on August 25, 1992, and materials related to this model have been placed in the docket for this rulemaking. At this time, however, the enhanced evaporative emissions model is not complete and is not expected to be completed prior to publication of the final rule.

As a result, the Agency is proposing correlations relating RVP to nonexhaust emissions derived from the MOBILE4.1 emissions model issued November 1991. To develop the correlations shown below, MOBILE4.1 was used with temperatures of 69 to 94 degrees Fahrenheit for Class B areas and 72 to 92 degrees Fahrenheit for Class C areas, assuming the existence of an enhanced inspection and maintenance program. In addition, the presence of Stage II evaporative emissions recovery systems with an overall vapor recovery efficiency of 86 percent was assumed (as discussed in the SNPRM and NPRM). Should the enhanced evaporative emissions model not be developed in time for inclusion in the final rulemaking, EPA proposes to utilize the July 11, 1991 version of MOBILE4.1 to determine the effect of RVP on nonexhaust VOC emissions under the Phase I performance standards (i.e., 1995–1999) and to utilize MOBILE5.0 to do the same under the Phase II performance standards (i.e., 2000 and beyond). This would be in keeping with the proposed baseline emissions described in section A above and, again, minimize the changes refiners have to undergo in the transition from the simple to the complex model. The Agency requests comment on this proposed basis for determining non-exhaust VOC emissions, including comment on the appropriate MOBILE model and I/M assumption.

As discussed in the SNPRM, the Agency's correlation between fuel benzene content and non-exhaust benzene emissions is based on General Motors' proprietary model of tank vapors, and its independent confirmation by data generated by EPA using a number of fuels. Both the derivation and verification of the non-exhaust benzene emissions model is discussed more fully in the Draft RIA. EPA requests comment on the use of the correlation between fuel benzene content and non-exhaust benzene emissions derived from the General Motors model and the sufficiency of EPA's independent confirmation of its results.

As was also discussed in the SNPRM, EPA believes that nonexhaust VOC and toxics emissions (including running loss, hot soak, diurnal, and refueling emissions) depend primarily on the RVP of the fuel. The Agency proposes that the nonexhaust VOC and toxics equations found in § 80.45 of the proposed regulations be used to determine nonexhaust VOC and toxics emissions, respectively. These equations relate VOC emissions to the RVP of the fuel. Nonexhaust benzene emissions are determined by the level of benzene in the fuel and the level of nonexhaust VOC emissions. EPA requests comment on this approach and on the equations proposed in § 80.45, the derivation of which is discussed more fully in the Draft RIA.

IV. Vehicle Testing

As was discussed in the simple model SNPRM, the complex model may be augmented based on the results of vehicle testing. EPA considers the testing program discussed in the SNPRM to be appropriate in terms of the fuels, number of vehicles, and test procedures specified. However, the Agency now believes the analysis process described in the SNPRM to be inconsistent with the process used to develop the complex model and may be overly complex.

As a result, EPA proposes that the data generated during vehicle testing be analyzed statistically as described in § 80.48. This analysis would fit a stepwise regression model to the data that includes the following terms: A vehicle term, a linear term for the parameter being tested, and squared and interactive terms involving the parameter being tested if significant at the 90 percent confidence level. The analysis would treat normal emitters and high emitters as separate populations but would not subdivide the emitter categories into technology groups for analysis purposes, since the test fleet compositions specified in § 80.60 assure that the normal and high emitter test fleets include technology groups that reflect their contribution to in-use emissions. In addition, the statistical power of the test program would be compromised by subdividing each emitter class test fleet into technology groups since the number of vehicles in each technology group would be small. EPA believes that this approach is more consistent with the process used to develop the complex model, is less susceptible to manipulation and gaming by testing organizations, and is capable of extracting the maximum amount of information from the test data.

In today's proposal, EPA has deleted § 80.57 and § 80.58 from its proposed regulations. These sections specified procedures for determining the presence and significance of nonlinear and interactive emission effects of fuel parameters being tested. EPA believes the regression-based analysis approach described in § 80.48 to be more accurate and less complex than the procedures described in § 80.57 and § 80.58 of the April 16, 1992 proposal. Since the regression-based approach explicitly determines nonlinear and interactive effects, the Agency considers the deleted sections to be unnecessary and burdensome. EPA requests comment on these proposed deletions and on the proposed modification to the testing proposal outlined in the SNPRM.

V. Phase I Performance Standards Using the Complex Model

A. Baseline Emission Estimates

The following table summarizes the Agency's proposed estimates of VOC and NO_x emissions from in-use, 1990 technology vehicles when fueled with Clean Air Act baseline gasoline. All VOC emission estimates are given in terms of non-methane, non-ethane hydrocarbon emissions. In today's notice, EPA further proposes to redefine "ozone forming VOCs" as used in section 211(k) to exclude ethane. This redefinition is consistent with the Agency's most recent definition of VOC as "any compound of carbon * * * which participates in atmospheric photochemical reactions * * * other than the following, which have been determined to have negligible photochemical reactivity: Methane, ethane, * * *." (See 40 CFR 51.100(s)

February 3, 1992), which excludes both ethane and methane from its definition of ozone forming VOCs (57 FR 3941). Ethane comprises approximately three percent of total hydrocarbon emissions but, like methane, is far less reactive in the atmosphere than other hydrocarbons.

TABLE V–1.—BASELINE VOC AND NO_x EMISSIONS (MOBILE4.1 WITH SNPRM I/M), g/mi

	Class B	Class C
Summer:		
Exhaust VOC emissions	0.446	0.446
Hot soak VOC emissions	.265	.230
Diurnal VOC emissions	.125	.109
Running loss VOC emissions	.431	.390
Refueling VOC emissions	.040	.040
Total summer VOC emissions	1.307	1.215
Winter exhaust VOC emissions	.660	.950
NO_x emissions	.66	.66

The following table summarizes the Agency's estimates of toxics emissions from in-use, 1990 technology vehicles when fueled with Clean Air Act baseline gasoline. These estimates were derived from the complex emission models described in section III and were based on the July 11, 1991 pre-release version of MOBILE4.1 emission inventory model with the I/M program assumptions described in the SNPRM. As discussed in the SNPRM, separate estimates were made for nonexhaust toxics emissions from Class B and C areas and for summer and winter emissions.

TABLE V–2.—BASELINE TOXICS EMISSIONS (MOBILE4.1 WITH SNPRM I/M), MG/MI

	Summer		Winter[1]
	Class B	Class C	Class B & C
Exhaust benzene emissions	25.37	25.37	22.04
Formaldehyde emissions	3.80	3.80	3.79
Acetaldehyde emissions	2.06	2.06	1.81
1,3-butadiene emissions	3.28	3.28	3.00
POM emissions	1.50	1.50	1.45
Diurnal benzene emissions	1.30	1.13	.....
Hot soak benzene emissions	3.02	2.83	.....
Running loss benzene emissions	4.92	4.46	.....
Refueling benzene emissions	0.42	0.42	.....
Total baseline toxics emissions	45.67	44.64	32.05

[1] Based on EPA's proposed complex model evaluated for winter baseline gasoline and assuming that wintertime evaporative emissions are negligible, as is discussed in the SNPRM (57 FR 13416).

B. Complex Model Performance of the "Formula Fuel"

The proposed complex model equations predict that the formula fuel would produce a reduction in exhaust VOC emissions of 12.3 percent and no reduction in nonexhaust VOC emissions when measured relative to the Clean Air Act baseline fuel. The resulting overall VOC emissions reduction of the formula fuel is 6.1 percent in Class B areas and 6.5 percent in Class C areas. The proposed complex model further indicates that the annual average toxics performance of an MTBE-based formula fuel would be an 11.7 percent reduction in Class B areas and an 11.2 percent reduction in Class C areas. The annual average toxics performance of the ethanol-based formula fuel would be an 11.5 percent reduction in Class B areas and an 11.0 percent reduction in Class C areas. These are lower reductions than those discussed in the SNPRM. The current estimate are believed to be more accurate given they are based on the proposed complex model rather than on the simple model. The Agency estimates that formula fuels using other oxygenates, such as ETBE or TAME, would result in VOC and toxics performance similar to that of ethanol-based formula fuels.

C. Complex Model Performance of Simple Model Fuels

The simple model specifies a number of fuel parameters to assure satisfactory emissions performance under the simple model. Many of the complex model relationships between these fuel parameters and emissions performance are different than the corresponding relationships in the simple model. As a result, the complex model predicts different emission performance levels than does the simple model for a given fuel formulation. The following tables summarize the predicted simple model and complex model performance levels for four different fuels relative to two specified baseline fuels. The first baseline fuel is the CAA baseline fuel as specified in the Act. The second baseline fuel is identical to CAA baseline fuel except for its RVP, which is set at the level required by Phase II volatility controls in Class B areas. This second baseline fuel is referred to as "Class B baseline fuel."

The four summer fuels described in Table V–3 would meet the proposed VOC requirements for Class C and Class B areas, respectively, under averaging standards, and assuming that winter fuels are reformulated to a similar extent, would meet the toxics requirements. Under the simple model, the toxic emission effects of different oxygenates vary, so two different fuels with aromatics levels sufficient to assure compliance with the simple model toxic emission performance standards are shown for each area.

Tables V–4 and V–5 summarize the summer performance of the fuels described in Table V–3 relative to the CAA baseline fuel according to both the simple and complex emission models. Table V–6 summarizes the emissions performance of Fuels 3 and 4 relative the Class B baseline fuel using both models. Tables V–4, V–5, and V–6 use baseline emissions derived using the July 11, 1991 pre-release version of MOBILE4.1 with essentially a basic I/M program.

TABLE V–3.—SAMPLE FUEL COMPOSITIONS

	Class C		Class B	
	Fuel 1	Fuel 2	Fuel 3	Fuel 4
Fuel characteristics:				
Oxygenate	MTBE	EtOH	MTBE	EtOH
Oxygen, weight percent	2.1	2.1	2.1	2.1
Aromatics, volume percent	26.3	24.3	26.2	23.9
Olefins, volume percent	9.2	9.2	9.2	9.2
Benzene, volume percent	0.95	0.95	0.95	0.95
Sulfur, parts per million weight	339	339	339	339

TABLE V–3.—SAMPLE FUEL COMPOSITIONS—Continued

	Class C		Class B	
	Fuel 1	Fuel 2	Fuel 3	Fuel 4
T50, degrees Fahrenheit	218	218	218	218
T90, degrees Fahrenheit	330	330	330	330
RVP, pounds per square inch	8.0	8.0	7.1	7.1

TABLE V–4.—SIMPLE AND PHASE I COMPLEX MODEL SUMMER EMISSIONS REDUCTIONS OF FUELS 1 AND 2 IN CLASS C AREAS RELATIVE TO CAA BASELINE GASOLINE

[In percent]

	Simple model reductions		Complex model reductions	
	Fuel 1	Fuel 2	Fuel 1	Fuel 2
Exhaust VOC	9.9	[illegible]	13.0	15.4
Nonexhaust VOC	23.9	23.9	23.9	23.9
Total VOC	18.8	18.8	19.9	20.8
NO_x	0.0	0.0	−0.8	0.1
Toxics	22.4	23.4	22.4	23.1

TABLE V–5.—SIMPLE AND PHASE I COMPLEX MODEL SUMMER EMISSIONS REDUCTIONS OF FUELS 3 AND 4 IN CLASS B AREAS RELATIVE TO CAA BASELINE GASOLINE

[In percent]

	Simple model reductions		Complex model reductions	
	Fuel 3	Fuel 4	Fuel 3	Fuel 4
Exhaust VOC	9.9	9.9	14.3	17.0
Nonexhaust VOC	51.4	51.4	51.4	51.4
Total VOC	37.2	37.2	38.7	[illegible]
NO_x	0.0	0.0	−2.5	−2.0
Toxics	25.7	27.1	26.7	27.9

TABLE V–6.—SIMPLE AND PHASE I COMPLEX MODEL SUMMER EMISSIONS REDUCTIONS OF FUELS 3 AND 4 IN CLASS B AREAS RELATIVE TO CLASS B BASELINE GASOLINE

[In percent]

	Simple model reductions		Complex model reductions	
	Fuel 3	Fuel 4	Fuel 3	Fuel 4
Exhaust VOC	9.9	9.9	13.2	15.9
Nonexhaust VOC	29.8	29.8	[illegible]	[illegible]
Total VOC	21.3	21.3	22.7	[illegible]
NO_x	0.0	0.0	−2.5	−2.0
Toxics	22.2	23.7	17.3	18.7

It should be noted that the above fuels show slight NO_x emission increases when using the complex model. This occurs because Fuels 1–4 assume no effect of oxygenate on fuel sulfur, T50, and T90, and a minimal effect on fuel aromatics. As discussed in the Draft RIA, when oxygenates typical effect on these fuel parameters are taken into account, which EPA expects will happen on average under the simple model, these NO_x emission increases disappear and NO_x emissions should actually decrease slightly at both 2.1 and 2.7 weight percent oxygen, regardless of the oxygenate used. The same holds true for the results shown in Tables V–7 through V–10 below.

For comparison, Tables V–7 through V–10 summarize the summer performance of the fuels described in Table V–3 relative to the CAA baseline fuel according to two alternative Phase I complex models. The complex model used to derive the results in Tables V–7 and V–8 utilized baseline emissions from MOBILE5.0, while the complex model used to derive the results in Tables V–9 and V–10 utilized baseline emissions from the official version of MOBILE4.1. Both alternative Phase I complex models assumed basic I/M. A discussion of both of these alternative models can be found in the Draft RIA.

TABLE V–7.—SUMMER EMISSIONS REDUCTIONS OF FUELS 1 AND 2 IN CLASS C AREAS RELATIVE TO CAA BASELINE GASOLINE USING A COMPLEX MODEL BASED ON THE OFFICIAL VERSION OF MOBILE5.0

[In percent]

	Complex model reductions	
	Fuel 1	Fuel 2
Exhaust VOC	13.1	15.4
Nonexhaust VOC	24.8	24.8
Total VOC	17.6	19.1
NO_x	−0.8	0.1
Toxics	23.2	[illegible]

VOL 58 ISS 37 FE 26 1993 UMI

TABLE V–8.—SUMMER EMISSIONS REDUCTIONS OF FUELS 3 AND 4 IN CLASS B AREAS RELATIVE TO CAA BASELINE GASOLINE USING A COMPLEX MODEL BASED ON THE OFFICIAL VERSION OF MOBILE5.0

[In percent]

	Complex model reductions	
	Fuel 3	Fuel 4
Exhaust VOC	14.3	17.0
Nonexhaust VOC	49.2	49.2
Total VOC	28.9	30.5
NO_x	−2.5	−2.0
Toxics	27.4	28.5

TABLE V–9.—SUMMER EMISSIONS REDUCTIONS OF FUELS 1 AND 2 IN CLASS C AREAS RELATIVE TO CAA BASELINE GASOLINE USING A COMPLEX MODEL BASED ON THE OFFICIAL VERSION OF MOBILE4.1

[In percent]

	Complex model reductions	
	Fuel 1	Fuel 2
Exhaust VOC	13.0	15.4
Nonexhaust VOC	25.8	25.8
Total VOC	21.3	22.1
NO_x	−0.8	0.1
Toxics	22.9	23.6

TABLE V–10.—SUMMER EMISSIONS REDUCTIONS OF FUELS 3 AND 4 IN CLASS B AREAS RELATIVE TO CAA BASELINE GASOLINE USING A COMPLEX MODEL BASED ON THE OFFICIAL VERSION OF MOBILE4.1

[In percent]

	Complex model reductions	
	Fuel 3	Fuel 4
Exhaust VOC	14.3	17.0
Nonexhaust VOC	51.3	51.3
Total VOC	39.1	40.0
NO_x	−2.5	−2.0
Toxics	27.0	28.3

D. Phase I Complex Model Performance Standards

1. Phase I Complex Model Toxics Standards

Under CAA section 211(k)(3), during 1995 through 1999, a reformulated gasoline's toxic emissions performance must meet or exceed that of a specified formula fuel or a 15 percent reduction from that of baseline gasoline, whichever is greater. As discussed in the SNPRM, the simple model predicts that the formula fuel achieves an average annual toxic emissions reduction of 16.5 percent, thus setting the toxic emissions standard for refiners certifying their reformulated gasolines under the simple model. The complex model for toxics emissions proposed above, however, predicts a different toxics emissions performance for the formula fuel. The complex model indicates that the annual average toxics performance of an MTBE-based formula fuel would be an 11.7 percent reduction in Class B areas and an 11.2 percent reduction in Class C areas. The annual average toxics performance of the ethanol-based formula fuel would be an 11.5 percent reduction in Class B areas and an 11.0 percent reduction in Class C areas. The Agency estimates that formula fuels using other oxygenates, such as ETBE or TAME, would result in VOC and toxics performance similar to that of ethanol-based formula fuels. Since these emission reductions are smaller than the 15 percent minimum reduction specified in the Act, EPA proposes that the toxics performance standard under the complex model be set 15 percent below the toxics emission level of baseline gasoline.

EPA has considered basing its toxics performance standard on the performance of simple model fuels rather than the statutory requirements. The Agency is not proposing such an approach in today's notice for the reasons outlined in the SNPRM. In particular, the Agency is concerned that such standards would have an adverse impact on refiners whose 1990 baseline levels of sulfur, aromatics, T50, and T90 are higher than CAA baseline levels of these parameters. Since the simple model does not include these parameters while the complex model does, such refiners may face additional expenditures in 1997 to comply with the statutory requirements. A more stringent set of standards in 1997 would raise the cost of the program substantially. As discussed in the Draft RIA, EPA does not believe that more stringent controls are cost effective in the case of toxics. EPA requests comment on the proposed toxics standards.

2. Phase I Complex Model VOC Standards

Both the simple model and the complex model predict that the VOC emission performance of the formula fuel would be less stringent than the 15 percent standard specified in the Act. As a result, Phase I VOC performance standards will not be determined by the performance of the formula fuel.

As discussed in the NPRM and SNPRM, the Agency believes that Fuels 3 and 4 are producible, with Fuel 3 considered more representative of typical Class B simple model fuels. Since such fuels (which will be required in Class B under the simple model) would achieve VOC emissions reductions of 38.7 to 39.6 percent relative to the CAA baseline fuel under the complex model, EPA proposes that the Phase I performance standard for VOC emissions in Class B areas be set by the performance of Fuel 3, as predicted by the complex model. This performance standard amounts to a 38.7 percent reduction in VOC emissions relative to CAA baseline levels and a 22.7 percent reduction from the VOC emission level of Class B baseline gasoline.

The above VOC reductions were based on fuels just complying with the 0.95 volume percent benzene standard (with averaging) and aromatic content adjusted accordingly. Simple model fuels with lower benzene levels could have higher levels of aromatics. Due to beneficial effect of reduced aromatics on VOC emissions, Fuels 3 and 4 described above produce slightly greater VOC reductions than simple model fuels with lower benzene and higher aromatic levels. For example, with benzene levels at 0.80 volume percent, the VOC reduction decreases to 37.5–38.4 percent relative to CAA baseline gasoline and 21.1–22.3 percent relative to Class B baseline gasoline (see DRIA). EPA requests comment on setting the Class B VOC performance standard based on the performance of simple model fuels. EPA also requests comment on utilizing Fuel 3 to set this performance and, if Fuel 3 was not used, which particular simple model fuel should be used to set the performance standard.

EPA is also considering setting the Class C VOC standard on the performance of simple model fuels. As shown above, Fuels 1 and 2 achieve greater than the 15 percent minimum statutory requirement. However, with a lower benzene level of 0.8 volume percent is considered, the VOC performance of Class C fuels decrease slightly to 18.3–19.1 percent (see DRIA). EPA requests comments on setting the VOC performance standard based on the performance of simple model fuels and on where in the range of this performance. In both cases, the Agency invites comment on the air quality and cost impacts which would result.

E. Dilution and Interactive Effects

In the SNPRM and at a number of public workshops, EPA has indicated its concern over the possibility that mixtures of reformulated fuels may not achieve the emissions reductions of either fuel in isolation. The Agency has investigated the possibility of unfavorable dilution or interactive

effects occurring between reformulated fuels. Since EPA has not been able to resolve these concerns, today's notice does not propose any measures to control such effects. EPA requests comment on whether and how it should account for and control such effects and refers the reader to Docket A–92–12 for additional information on this issue.

VI. Phase II Reformulated Gasoline Performance Standards

A. Legislative Requirements

Section 211(k)(3)(B) of the Clean Air Act requires, in the year 2000 and beyond, that aggregate emissions of ozone forming volatile organic compounds (VOCs) and toxic air pollutants from baseline vehicles using reformulated gasoline be 25 percent below emissions from baseline vehicles using baseline gasoline during the high ozone season. The Act also specifies that the 25 percent reduction level may be adjusted to provide for a greater or lesser reduction based on technological feasibility, including consideration of the cost of achieving the reductions. However, in no case can the required reductions be less than 20 percent. The required emission reductions are called, hereafter, the Phase II standards.

The Phase II requirements would apply to gasoline which is sold in those ozone nonattainment areas required to receive reformulated gasoline and in those areas which have already opted into the program or which opt in at a later date. However, EPA is considering and requesting comment on an option that would permit states to opt-in to only Phase I and maintain the Phase I requirements beyond the year 2000. Compliance with the Phase II standards (and all reformulated gasoline certification) would not change relative to that with the Phase I standards for 1997 and beyond.

Section 211(k)(1) of the Act specifies that the Administrator shall consider, in addition to cost, non-air quality and other air quality-related health and environmental impacts, and energy requirements associated with achieving the required emissions reductions. Summaries of the cost, health and environmental impacts of achieving the proposed emissions reductions are presented below and are more thoroughly discussed in the Draft RIA associated with this proposal.

In addition to the VOC and toxic emissions reductions, section 211(k)(2)(A) of the Act specifies that there be no net increase in NO_X emissions (over baseline NO_X levels) resulting from the use of reformulated gasoline. The Act further specifies that if increases in NO_X emissions are unavoidable due to the control of other fuel components, other requirements may be waived or adjusted. As will be shown below, NO_X emission increases due to the use of reformulated gasoline are unlikely, and are definitely avoidable. Furthermore, the Agency believes that NO_X emission control via reformulated gasoline may be a technologically feasible and cost-effective option. EPA [4] has reviewed a National Research Council study [5] and other ambient ozone analyses and found that additional NO_X reductions would significantly reduce ozone formation in some areas. Section 211(c) of the Act gives the Agency broad regulatory authority to regulate fuel quality if the emission products of such fuels contributes to air pollution.

Under section 211(c), the Agency must consider the effects of the emissions on public health, considering scientific data and other factors, including technological feasibility. Additionally, the fuels which may be used as substitutes may not endanger the public health or welfare more than the original fuel. Because any fuel producing a net reduction in NO_X emissions would also have to meet the above performance standards for VOC and toxics emissions (i.e., will qualify as a reformulated gasoline), EPA does not expect that a reformulated fuel subject to NO_X control could endanger the public health more than a fuel which is not subject to NO_X control. Therefore, EPA is proposing a NO_X emission reduction standard of 0 to 15.3 percent in connection with the Phase II standards to further reduce ozone formation during the high ozone season. EPA requests comments on the need for NO_X emissions control in reformulated gasoline areas and on the use of its authority under section 211(c) to add NO_X control to the reformulated gasoline program.

B. Determination of Proposed Standards

The proposed emission reduction standards and their development are discussed below. The proposed standards are based on EPA analyses of the costs and emission reductions, particularly the cost effectiveness, associated with changes in different fuel components.

1. Methodology

The methodology for determining the cost effectiveness of fuel component changes is described in the Draft Regulatory Impact Analysis (RIA). Individual fuel component control costs and the effects of changes in one fuel component on the other fuel components are integral parts in the determination of the cost effectiveness of an emission control strategy. In this analysis, these two integral parts were estimated from the results of refinery modeling performed by Turner, Mason and Company (for the Auto-Oil Economics group) and Bonner & Moore Management Science (for EPA) and on survey results presented by the California Air Resources Board (CARB). Comments on the use of these studies for estimating individual fuel component control costs and coincident fuel component effects are requested.

Individual fuel component control costs include operating costs and annualized capital costs. EPA believes it is reasonable to base the proposed Phase II standards on cost effectiveness, which EPA defines here as the ratio of the incremental cost of a control measure to the incremental benefit, e.g., tons of VOC or NO_X emissions reduced or number of cancer incidences avoided. The use of cost effectiveness allows for the relative ranking of various control strategies so that a specified environmental goal can be achieved at minimum cost. EPA also evaluated the overall cost of the proposed standards to ensure they would be reasonable.

All emission reductions for Class C area are calculated relative to the statutory baseline per the requirements of the Act and all emission reductions for Class B areas are calculated relative to a fuel with an RVP of 7.8 psi and statutory baseline levels for all other parameters. As for Phase I reformulated gasoline, all Phase II reformulated gasoline must have at least 2.0 weight percent oxygen and maximum 1.0 volume percent benzene. The cost of these requirements is not accounted for in the determination of the incremental cost effectiveness of the Phase II standards (though the Draft RIA does contain updated costs for each of these two mandated controls). The cost effectiveness of incremental changes in fuel components is, thus, determined relative to the statutory baseline and the mandated reformulated gasoline requirements. EPA requests comments on the methodology used in determining the cost effectiveness of fuel component changes and on the individual fuel component control costs. Additional fuel component control cost data is also welcome.

[4] Lindhjem, C. TBA, 1992.

[5] "Rethinking the Ozone Problem in Urban and Regional Air Pollution," National Research Council, December 18, 1991.

VOL 58 ISS 37 FE 26 1993 UMI

2. VOC and NO_x Control

a. Control Costs. The total cost (or manufacturing cost) of producing a reformulated gasoline is the sum of the capital recovery cost and the operating cost. In determining the cost of fuel changes for VOC and NO_x control, EPA assumed that, because VOC control is mandated only during the high ozone season, the length of which was described in the NPRM and SNPRM, operating costs of changes made to produce reformulated gasoline would only occur in the summer and not in the winter, in effect, idling any process units built especially for the purpose of meeting the reformulated gasoline program emission requirements. However, capital costs would have to be fully recovered regardless of whether the equipment was used seasonally or not. EPA adjusted the capital costs accordingly, and used the sum of the adjusted capital cost and the original operating cost as the individual fuel component control cost in the VOC and NO_x cost-effective analyses. An example of the individual fuel component costs and the associated incremental percent reduction in VOC emissions are shown for Class C areas in Table VI–1.

Complete information on the development of the individual component costs for both Class B and C areas is provided in the Draft RIA. As will be discussed under the section on toxics control, in its estimate of the cost effectiveness of toxics control, EPA did not adjust the capital cost portion of the individual fuel component control costs as described above because toxics reductions are required year-round. Comments on the costs presented in Table VI–1 and on their derivation are requested, as well as additional fuel component control cost data and supporting description.

TABLE VI–1.—CLASS C COMPONENT CONTROL COSTS AND VOC EMISSION REDUCTIONS

Component	Control level	Incremental cost (c/gal)	Cumulative VOC reduction (%)
Oxygen	2.0 wt%	[1] 1.67–3.36	9.0
Benzene	1.0 vol%	0.69	9.0
RVP	8.1 psi	0.57	17.6
RVP	7.4 psi	1.67	25.3
Sulfur	160 ppm	0.35–0.57	26.4
Oxygen	2.7 wt%	[1] 0.59–1.18	28.5
Olefins	5.0 vol%	1.81–2.44	30.2
Sulfur	50 ppm	1.45–1.86	31.2
Aromatics	20 vol%	0.61–0.98	31.4

[1] Based on MTBE. Ethanol use is expected to be less expensive under the provisions of section II.

b. Cost Effectiveness. In this analysis, the incremental cost effectiveness of an emission control obtained through fuel modifications is the ratio of the cost of a fuel component change to the additional reduction in emissions that occurs because of that fuel change. In determining the emission reductions and the associated cost effectiveness of VOC and NO_x standards, EPA employed a convention typically used in estimating the benefit of both mobile and stationary source VOC controls. This convention requires the determination of cost effectiveness on the basis of annual tons of VOC reduced. Thus even though VOC emission reductions reduce ozone formation only during the high ozone season, the convention is to calculate the cost of the fuel component control per ton of VOC removed as if the high ozone season emission reductions were obtained over the whole year.

EPA is proposing a range of VOC standards and NO_x standards based on particular combinations of fuel component controls which reduce VOC (and VOC plus NO_x) emissions at a cost of less than $5,000 and less than $10,000 per ton, respectively. EPA believes that these ranges represent the upper limit of costs which will be incurred by many ozone nonattainment areas in achieving attainment. EPA requests comments on the appropriateness of these limits. The combination of fuel components on which the proposed standards are based are, however, just one of many fuel formulations which could be used to achieve the standards. It must be stressed that the proposed standards are performance standards which may be met by the refiner's choice of fuel component controls.

Normally, use of these cost per ton limits would determine the depth of RVP controls projected for Class B and C fuels. However, limited RVP control cost data below 7.2 psi prevented the determination of RVP levels which exceeded the cost-effectiveness limits. Instead, EPA based the proposed Phase II standards for Class B areas on a range of RVP levels of 6.5–7.2 psi. For Class C areas, the proposed standards are based on RVPs of 6.5–7.4 psi which result in the same nonexhaust VOC emissions in Class C areas as the range of Class B RVPs do in Class B areas.

Comments are requested on the level of RVP control in each class which is reasonable for use in setting the Phase II standards.

c. VOC and NO_x Standards. Based on the complex model and the refinery modeling studies described above, EPA has found that the VOC performance standards listed in row A of table VI–2 could be met under the various RVP and cost per ton limits.

TABLE VI–2.—PROPOSED STANDARDS FOR PHASE II REFORMULATED GASOLINE

(Percent reduction in emissions)

	Cost effectiveness <$5,000 per ton		Cost effectiveness <$10,000 per ton	
	Class B[1]	Class C	Class B[1]	Class C
A. VOC standard	18.5–26.6	25.3–25.3	22.1–30.1	28.5–36.2
B. NO_x standard	6.3– 7.5	6.3– 7.8	14.0–15.0	14.0–15.3
C. VOC standard w/NO_x std	19.7–27.7	26.4–34.0	25.5–33.0	31.2–38.8
D. Toxics standard from VOC std	16.9–21.5	28.4–28.4	23.9–26.3	30.4–32.7

[1] Class B standards relative to a Clean Air Act base fuel with RVP at 7.8 psi.

EPA is also proposing a range of NO_x standards for comment. The lower end of this range is a year-round zero NO_x increase, as required by section 211(k)(2)(A) of the Act. In addition, under its authority provided by section 211(c) of the Act, the Agency is proposing a range of NO_x reduction standards to further reduce ozone formation. The range under consideration for the stringency of the NO_x standards (i.e., NO_x emission reduction requirements) is zero up to those shown in row B of table VI–2. As for VOC, the NO_x emission controls would apply only during the high ozone season.

These NO_X reductions are possible for a cost ranging from less than $1,000 per ton of NO_X, to as high as $5,500 per ton of VOC plus NO_X. EPA has found that the costs of other NO_X control programs range from $300 to $6,000 per ton of NO_X. Comments are requested on the cost-effectiveness limit to be used in determining the appropriate level of NO_X control here.

The additional fuel component changes which yielded the proposed NO_X standards also further decreased VOC emissions. While these fuel component changes were not cost effective when based solely on VOC control, they are cost effective using the $5,000 and $10,000 per ton of VOC plus NO_X targets. The VOC standards achievable within these cost-effectiveness limits when both VOC and NO_X control are considered are shown in row C of table VI–2. Comments are requested regarding whether EPA should promulgate the more stringent VOC standards of row C if it also implements the NO_X standards of row B or whether the slightly more relaxed standards contained in row A should be required.

Regardless of whether the VOC standards are based on those of Rows A or C, the addition of a NO_X performance standard would further restrict refiners' flexibility in producing qualifying fuels. EPA therefore requests comments on an option whereby the VOC performance standards shown in row A of table VI–2 would be relaxed even further if a NO_X reduction standard was promulgated. This decision would be based on the premise that NO_X emissions reductions were more important for ozone control than VOC reductions and that the acceptable cost of VOC reductions should be lower than those considered in table VI–2. Comments are also requested on granting refiners the option to trade off VOC and NO_X control within fixed limits on either standard and on whether the trade-off should be one for one (in percentage reduction terms) or on some other basis.

As an additional alternative to EPA setting a single NO_x reduction standard for all reformulated gasoline, EPA requests comments on an option whereby areas covered by the reformulated gasoline program would be permitted to choose between a VOC-reducing and a VOC and NO_x-reducing reformulated gasoline. This decision could be made by each state based on detailed air quality analyses of their individual ozone nonattainment problems. A potential problem with this option is that it would require the production of another type of gasoline in one or more grades. Distribution problems and complications already expected with implementation of the reformulated gasoline requirements could increase. Comments are requested regarding benefits or drawbacks to providing optional NO_x emission reduction standards.

3. Toxics Control

a. Control Costs. As discussed above, in determining the cost of fuel changes for VOC and NO_x control, EPA adjusted the capital cost portion of the individual fuel component control costs to account for the fact that VOC and NO_x control are necessary only during the high ozone season. Toxics emissions, however, must be controlled year-round and, thus, no adjustment is needed for capital costs already amortized on an annual basis. The individual fuel component costs shown in table VI–1 for VOC and NO_x control are, thus, higher than those used in the determination of the cost effectiveness of toxics emissions control.

b. Proposed Toxics Standard. Fuel controls for the sole purpose of reducing toxic emissions are not very cost-effective. Acceptable costs are typically between $1 and $10 million per cancer incidence reduced. However, based on the fuel component control costs used in this analysis, EPA estimates that fuel modifications for the control of toxics emissions would cost over $100 million per cancer incidence reduced.

At the same time, the control of fuel components to reduce VOC emissions also results in average reductions of toxics emissions of 17–33 percent, as shown in row D of table VI–2. However, EPA believes that Congress intended this program to provide fuel producers flexibility to produce a variety of complying fuel reformulations. While these toxics reductions would presumably be free since they would result from VOC and NO_x controls, in this case, they would also automatically occur with or without a regulatory standard. If it were more economical for a particular refiner to use fuel modifications to meet the VOC and NO_x standards which did not produce this degree of toxics reduction, then that refiner would be faced with controlling toxics explicitly, which appears to not be cost-effective. Thus, while a toxics performance standard greater than the 25 percent level specified in section 211(k)(3)(B)(ii) of the CAA is feasible, it would not be cost effective and EPA proposes setting the standard at 25 percent. Section 211(k)(3)(B)(ii) of the CAA also permits EPA to reduce the toxics performance standard below 25 percent to as low as 20 percent considering the cost of achieving such reductions in toxic emissions. The same arguments expressed above for not requiring greater than a 25 percent reduction are equally applicable below 25 percent. Thus, EPA also proposes as a second option that the toxics performance standard be set at the 20 percent minimum level specified by section 211(k)(3)(B)(ii) of the CAA. Comments are requested on this standard and the decision to not require a greater toxics performance standard of the magnitude shown in row D of table VI–2.

4. Technological Feasibility

Per the requirements of the Act, the technological feasibility of producing fuels which would meet the proposed standards must be considered in establishing the standards. EPA believes that the refinery modeling results, from which the fuel component control costs were estimated, provide the justification for the feasibility of the proposed fuel component changes. The refinery models utilized only well-developed, demonstrated, commercially available technologies, and hence will only produce fuels within the limits of these technologies. In all likelihood new technologies will be developed between now and the year 2000 which will reduce the costs for certain types of fuel component changes. Thus, EPA believes that the determination of fuel component control costs using the results of such models is reasonable and that the feasibility of producing such emission-reducing fuels is justifiable.

A key exception to this is the production of fuel with RVP below 7.2. EPA is in the process of conducting refinery modeling to assess this. Upon completion, the results will be placed in the docket to this rule.

Because the standards proposed today will not take effect until the year 2000, EPA does not believe that lead time issues should present problems to reformulated gasoline producers in achieving the proposed reductions, as all the processes needed to produce complying fuels are already commercially available.

EPA has evaluated both driveability and safety concerns associated with the use of low RVP fuels and found no significant negative impacts. These issues are addressed in the Draft RIA. Comments are requested on potential technological barriers to achieving the proposed VOC, NO_x and toxics emissions reductions.

VII. Enforcement Provisions

A. Introduction

This section of today's proposal addresses enforcement topics that result from inclusion of the complex model in the reformulated gasoline program. In addition, it addresses several enforcement topics that were the subject of the April 16, 1992 SNPRM (57 FR 13416), but that EPA now believes merit re-proposal as a result of comments received on the SNPRM. EPA's approach has changed as a result of these comments and EPA believes an additional opportunity for comments on its current approach is warranted. The regulatory text being placed in the docket to accompany today's proposal includes new regulatory language for these re-proposed topics.

These topics include: Changes to the gasoline quality survey necessitated by the possibility of gasolines that were certified under the simple model and under the complex model being present in a covered area at the same time; the inclusion of a ratchet of the minimum oxygen content standard based upon gasoline quality survey results; provisions for waiving certain enforcement mechanisms for gasoline produced under the State of California's reformulated gasoline program; and modification of the attest engagement requirements to allow use of internal auditors under certain circumstances.

EPA intends to respond in the final rule to other comments made on the SNPRM, and in many cases EPA intends to make the change suggested by the commentor. Where EPA intends to make such other changes, EPA does not believe the changes are so different from the SNPRM that reproposal is necessary. These changes therefore are excluded from today's proposal, including the accompanying regulatory text. As a result, commentors to the SNPRM should not view omission from today's proposal or accompanying regulatory text of an EPA reaction to a particular SNPRM comment to be indicative of EPA's intentions regarding that comment.

B. VOC Emissions Performance and Oxygen Standards Under the Simple Model

Section 211(k)(2)(B) of the Clean Air Act requires that, with certain exceptions, reformulated gasoline must contain at least 2.0 weight percent oxygen. Section 211(k)(7) allows for oxygen credits for reformulated gasoline containing greater than 2.0 weight percent oxygen, and for the transfer and use of oxygen credits within the same nonattainment area to the extent such credits would not result in a lower average oxygen content than would occur in the absence of any credit use. Section 211(k)(3) sets a performance standard for VOC emissions.

As a result of comments received in response to the simple model SNPRM, EPA is proposing certain changes to the approach proposed under the simple model for ensuring that the averaged standards for VOC emissions performance and oxygen content are met. These changes include a direct survey measure for VOC emissions performance, and an annual oxygen survey with adjustments for the oxygen minimum. These proposed changes are unrelated to the complex model.

In the simple model SNPRM, EPA proposed a gasoline quality survey mechanism for ensuring that the average VOC emissions performance of reformulated gasoline in each covered area would at least equal the per-gallon standard. The purpose of compliance surveys is to ensure that refinery/importer averaging achieves the same compliance on average with the reformulated gasoline standards as covered area averaging, and thus does not result in poorer air quality than would have otherwise occurred with covered area-based averaging or with straight per-gallon standards. See SNPRM at 57 FR 13462. The gasoline quality survey is described in the simple model SNPRM at 57 FR 13459–13464, and certain changes to the survey are discussed later in this section of the preamble. EPA seeks comment on the burden this area-by-area averaging scheme would impose on the regulated community.

At the time of the SNPRM, there was no appropriate equation for measuring VOC emissions performance directly. As a result, under the simple model survey proposal, surveys conducted during the high ozone season would monitor average levels of RVP and oxygen content, the parameters through which compliance with the VOC emissions is based.[6] Under this simple model proposal, if a survey result showed an average RVP level above (or worse than) the per-gallon standard for RVP, the averaged RVP standard and the maximum per-gallon RVP standard would each be adjusted to be more stringent. In the case of oxygen under the simple model proposal, however, there would be no adjustments to the averaged oxygen standard. Instead, in the event the survey results showed an average oxygen content of less than 2.0 weight percent, the average and maximum RVP standards would become more stringent. See discussion at 57 FR 13458–13459.

Several commenters to the simple rule SNPRM stated that it would be more appropriate to apply survey measures of RVP and oxygen to a VOC emissions performance equation, rather than to survey for RVP and oxygen separately. If the results of this equation indicate inadequate VOC emissions performance, according to these commenters, it would be appropriate to adjust the averaged and maximum simple model standards for RVP. Because a suitable equation for measuring VOC emissions performance is available now, EPA agrees that this suggestion would more directly ensure compliance with the VOC performance standard.

For these reasons, EPA is proposing that each survey conducted during the high ozone season would include measurement of RVP and oxygen, and that these two parameters would be applied to a VOC emissions reduction equation for each sample collected. The average VOC emissions reduction would then be calculated for all samples collected during the survey. The standard against which this result would be measured would be calculated by applying to the same VOC emissions reduction equation. In the event the survey result is less than the calculated standard, the averaged and maximum standards for RVP would be adjusted to be more stringent for the city.

This proposal for monitoring the average VOC emissions reduction standard creates the possibility that the VOC standard could be satisfied for a particular survey, with an oxygen content below 2.0 weight percent. One commenter suggested an approach to address this concern that compliance with the statutory minimum oxygen content be ensured. Under this suggestion, compliance with the statutory requirement for 2.0 weight percent oxygen would be evaluated by determining the average oxygen content of all samples collected during all surveys during a calendar year. If this average falls below 2.0 weight percent, the minimum oxygen content standard would be adjusted to be more stringent.

EPA agrees with this suggestion, and is proposing that the average oxygen content of all survey samples collected in each covered area during each calendar year would be calculated. If this average oxygen content falls below

[6] Although under the simple model sulfur, T90, and olefins also were known to affect VOC emissions performance, the average standards for these parameters are each refiner's or importer's 1990 average levels. As a result, compliance with these parameters would be based upon the total reformulated gasoline produced by each refiner or imported by each importer (or, in some cases, produced at each refinery), and could not be the subject of the gasoline quality surveys.

2.0 weight percent for any covered area, the minimum oxygen standard for that covered area would be adjusted to be more stringent.[7]

C. Compliance Survey Under the Complex Model

EPA is proposing certain changes to the compliance survey requirements that were proposed in the SNPRM.[8] These changes are necessary to enable the compliance surveys to function during the period prior to the date the complex model becomes mandatory, when regulated parties have the option of certifying reformulated gasoline under the simple model or the complex model.

During the period that begins on January 1, 1995, and lasting until the date the complex model becomes mandatory, refiners and importers would be able to certify reformulated gasoline using either the simple model or the complex model. This results in the potential for both "simple model reformulated gasoline" and "complex model reformulated gasoline" to be present in any covered area at any time, up until the date that only use of the complex model will be allowed. This potential mixture of simple and complex model reformulated gasolines creates difficulties for the gasoline quality surveys.

For example, under the simple model, reformulated gasoline meets the VOC emissions performance requirements based upon a VOC emissions performance equation that requires input of values for RVP and oxygen. Under the complex model, on the other hand, reformulated gasoline meets the VOC emissions performance requirements based upon the results of a more complex equation that requires inputs of several additional parameters, including sulfur, aromatics, olefins, T–50, and T–90. As a result, any particular reformulated gasoline certified under the complex model conceivably could meet the VOC emissions performance standard of the complex model, yet fail the requirements of the simple model. Conversely, any particular reformulated gasoline certified under the simple model could have RVP and oxygen levels that satisfy the simple VOC equation, yet as a result of the levels of other parameters included in the complex model VOC equation violate the VOC emissions performance standard when using the complex model.

Similarly, toxics emissions performance under the simple model would be a function of a gasoline's oxygenate type and content, and its benzene content, while under the complex model toxics emissions performance would be a function of benzene, oxygen, sulfur, aromatics, olefins, T–50, T–90, and RVP. Based upon the same logic described above for VOC emissions performance, a sample of reformulated gasoline that meets the toxics standard under the simple model may not meet the toxics standard under the complex model, and vice versa.

In order to avoid being confounded, therefore, for the gasoline quality surveys, EPA must use the simple model to evaluate reformulated gasoline certified under the simple model and must use the complex model to evaluate reformulated gasoline certified under the complex model. Moreover, mixtures of reformulated gasolines that are certified using the simple model and those that are certified using the complex model would not be susceptible to a survey analysis based upon either the simple or the complex models.

For the foregoing reasons, EPA is proposing a mechanism that would allow the collection of samples of gasoline that are comprised only of either simple model-certified gasoline or complex model-certified gasoline. This proposed mechanism would include the designation by refiners or importers of all reformulated gasoline as being certified using either the simple or the complex model; the mandatory segregation of these two categories of reformulated gasoline at all points in the gasoline distribution system from the refinery or import facility through the terminal from which gasoline is transported to retail outlets; and the retention at retail outlets of product transfer documents for the most recent deliveries of gasoline, to enable survey sample-takers to know if the gasoline being sampled is simple model, complex model, or a mixture of the two. EPA seeks comment on whether the above-described proposed tracking requirements would obviate the need for surveys because refiners or importers would be creating an adequate paper trail for gasoline.

Under EPA's proposal, the survey requirement would be satisfied if complete representative surveys are conducted of each category of reformulated gasoline being sold in each city subject to survey. That is, if both simple and complex model-certified gasoline is being sold in a city that is subject to the survey requirement, a set of representative samples must be collected of the simple model-certified gasoline, and a set of representative samples of the complex model-certified gasoline. If only simple or only complex model-certified gasoline is being sold in a city, however, a single set of representative samples would satisfy the survey requirement for that city.

EPA believes that in the case of a city in which both simple and complex model-certified gasoline is being used the portion of gasoline in one of these categories may be so small that, in spite of good faith efforts to collect gasoline in both categories, collection of a set of representative samples of gasoline in that category would be infeasible. In such a case, EPA is considering whether it would be adequate to permit a regulated party (or group of parties) that is conducting the survey would be able to petition the Administrator to accept the survey as complete, even though a set of representative samples was collected only of one category of gasoline. EPA seeks comment on this issue.

In the SNPRM (57 FR 13459) EPA proposed that the consequence of failure to submit a survey plan to the Administrator would be that only per-gallon standards would be allowed for all gasoline sold within the covered area for which the survey requirements were not met, and that the consequence of failure to properly carry out a survey plan would be that the surveys not properly carried out would be deemed to have been failed. These consequences also would apply for failure to submit or properly carry out the survey requirements regarding mixtures of simple and complex-model certified gasoline.

D. California Enforcement Exemption

On September 18, 1992, the California Air Resources Board ("CARB") adopted regulations for its Phase 2 reformulated gasoline program.[9] These regulations establish a comprehensive set of gasoline specifications designed to achieve maximum reductions in

[7] The general standards adjustment approach proposed in the simple model SNPRM, for making standards more and less stringent (57 FR 13462), would be followed for adjustments to the oxygen minimum standard. Failure of the oxygen survey in any year would result in an increase in the oxygen standard of 0.1 percent. After five years of survey failure, the adjusted oxygen standard would be equivalent to the per-gallon oxygen standard (2.0%). Note that an area may accomplish a one-time readjustment (decreasing the standard by 0.1%) under the oxygen standard by passing all oxygen content surveys during two consecutive years.

[8] The compliance surveys are discussed in the SNPRM at 57 FR 13458–13464. Except to the extent described in today's proposal, the compliance survey requirements that are proposed for the SNPRM would apply under today's proposal.

[9] New sections 2260 through 2272 and 2298, and amended sections 2250, 2251.5, 2252 and 2296, of Title 13, California Code of Regulations.

VOL 58 ISS 37 FE 26 1993 UMI

emissions of VOCs, NO_x, CO, sulfur dioxide, and toxic air pollutants from gasoline-fueled vehicles.

The California Phase 2 reformulated gasoline regulations establish standards for eight gasoline characteristics—sulfur, benzene, olefin, aromatic hydrocarbons, oxygen, RVP, T–90 and T–50—applicable starting March 1, 1996. The regulations also provide for the certification of alternative gasoline formulations based on vehicle emission testing.

The standards for the six characteristics other than RVP and oxygen content include two tiers—an absolute limit ("cap") that will apply to gasoline throughout the distribution system (including alternative formulations), and a more stringent standard that will apply to gasoline when it is initially supplied from the producer or importer (gasoline qualifying as an alternative formulation will be exempt from this more stringent standard). For these six characteristics, producers and importers will have two options for complying with the standards applicable to their gasoline when it is first supplied—they can choose either a "flat limit" or a more stringent limit that can be met on average through a "designated alternative limit" process.

The RVP standard of 7.0 psi applies during summertime control periods[10] to all gasoline throughout the distribution system, including gasoline certified as an alternative formulation. The oxygen content standards consist of a cap applicable to all gasoline (1.8% minimum and 2.7% maximum) and a flat limit for producers and importers (1.8% minimum and 2.2% maximum). The designated alternative limit option does not apply to the oxygen standards. Other standards apply on a year-round basis.

In enforcing the Phase 2 reformulated gasoline program, CARB has stated that it intends to maintain the strong enforcement presence we have developed over the more than 20-year period we have been enforcing ARB motor vehicle fuels regulations. The ARB's Compliance Division currently uses four full time persons to inspect fuel facilities, including service stations, terminals, and refineries. They presently take roughly 2300 samples a year, on a year-round inspection schedule.[11]

CARB tests most of its fuel samples in a mobile fuels/toxics laboratory, which can be set up anywhere in the State within 12 hours, resulting in "a substantial increase in the number of gasoline samples taken by ARB inspectors and the number of analyses that have been performed."

Section 43016 of the California Health and Safety Code provides a penalty of $500 per vehicle for violations of CARB reformulated gasoline and other fuels regulations by parties in the gasoline distribution network. To help assure the applicability of these "per vehicle" penalties to upstream parties, the Phase 2 reformulated gasoline regulations provide that each retail sale of gasoline for use in a motor vehicle, and each supply of gasoline into a motor vehicle fuel tank, is also deemed a sale by any person who previously sold the fuel in violation of the reformulated gasoline standards.

EPA is proposing that the producers of certain gasoline that is produced and sold in the State of California under the California Phase 2 reformulated gasoline program ("California gasoline") would be exempt from certain enforcement provisions proposed in today's notice and in the SNPRM. EPA is including this exemption proposal because EPA believes that the standards for California gasoline are as stringent as, or more stringent than, the proposed content and performance standards for federal reformulated gasoline. EPA also believes that the enforcement mechanisms that will be employed by the State of California are sufficient to ensure that producers of California gasoline will in fact meet the California reformulated gasoline standards. As a result, EPA believes it is appropriate to rely on the California reformulated gasoline program to ensure compliance with the federal reformulated gasoline standards by producers of California gasoline.

EPA is not proposing that producers of California gasoline would be exempt from the federal reformulated gasoline standards, only that these producers would be exempt from certain enforcement requirements designed to demonstrate compliance with the federal reformulated gasoline standards.

Although, for purposes of brevity, the discussion in this section is couched in terms of "refiners" that produce gasoline in the State of California for sale in that State, the discussion applies equally to importers that import gasoline produced outside the United States into the State of California, and to oxygenate blenders in the State of California. As discussed more fully below, refiners who produce gasoline in other states and ship it into California would not be covered by the proposed exemption. California refiners who produce gasoline for sale outside the State would also not be covered by the proposed exemption for such "non-California" gasoline.

1. Comparison of California and Federal Reformulated Gasoline Standards

EPA has compared the properties of California gasoline to the properties of federal reformulated gasoline, and the VOC, toxic, and NO_x emissions that result from both the California and federal reformulated gasoline. Table VI.1 contains estimates of the emissions that are expected to result from California and federal reformulated gasoline (on both a per gallon and averaged basis), and a comparison of estimated emissions changes from Clean Air Act base fuel. Because some of the California standards are at, or outside, the range of the EPA model, the estimates for California gasoline are not as reliable as those for gasoline meeting federal standards.

[10] In the federal reformulated gasoline areas, San Diego and Los Angeles (the San Diego and South Coast Air Basins), the RVP control period is April 1 through October 31.

[11] January 14, 1993, letter from James B. Boyd, Executive Officer of CARB, to Mary T. Smith, EPA Office of Mobile Sources.

TABLE VII–1.—COMPARISON OF CALIFORNIA GASOLINE WITH FEDERAL REFORMULATED GASOLINE (VOC-CONTROL REGION 1)

Fuel parameters	CAA base fuel	Cal. phase 2[1] (per-gallon)	Cal phase 2 (averaged)	Fed phase 1 (per-gallon)	Fed phase 1 (averaged)
Oxygen (wt %)	0	2	2	2	2.1
Sulfur (ppmw)	339	40	30	339	339
RVP (psi)	8.7	7	7	7.2	7.1
T50 (F)	218	210	200	218	218
T90 (F)	330	300	290	330	330

TABLE VII–1.—COMPARISON OF CALIFORNIA GASOLINE WITH FEDERAL REFORMULATED GASOLINE (VOC-CONTROL REGION 1)—Continued

Fuel parameters	CAA base fuel	Cal. phase 2 [1] (per-gallon)	Cal phase 2 (averaged)	Fed phase 1 (per-gallon)	Fed phase 1 (averaged)
Aromatics (vol%)	32	25	22	26.2	26.2
Olefins (vol%)	9.2	6	4	9.2	9.2
			Absolute Emissions in mg/mile		
Exhaust VOC	416.8	324.9	316.3	364.5	363.3
Evap VOC (Class B)	860.5	394.7	394.7	441.8	418.0
Total VOC	1277.3	719.6	711.0	826.3	801.3
Exhaust Benzene	25.4	14.1	11.1	16.7	16.6
Evap Benzene (Class B)	9.7	3.2	2.5	3.5	3.1
Total Benzene	35.0	17.3	13.7	22.2	21.7
Exhaust ACET	2.1	2.0	1.8	1.8	1.7
Exhaust FORM	3.8	4.6	4.5	4.3	4.4
Exhaust 1,3 BUT	3.3	3.1	2.6	4.2	4.3
Exhaust POM	1.4	1.1	1.1	1.2	1.3
Total Toxics	45.6	28.1	23.4	33.7	33.5
			Percent change (Δ) in Emissions from CAA Fuel (VOC-Control Region 1)		
Percent Δ in Exhaust VOC		−27.3	−29.3	−14.0	−14.3
Percent Δ in Evap VOC		−54.1	−54.1	−48.7	−51.4
Percent Δ in Total VOC		−45.0	−45.8	−36.8	−38.7
Percent Δ in Exhaust Benzene		−44.3	−56.1	−26.3	−26.9
Percent Δ in Evap Benzene		−67.2	−73.8	−64.0	−67.5
Percent Δ in Total Benzene		−50.6	−61.0	−36.2	−36.1
Percent Δ in Total Toxics		−36.5	−48.8	−26.1	−26.7
Percent Δ in NO_x		−13.9	−16.8	−2.2	−2.5

[1] The California Phase 2 program provides an oxygen "flat limit" of 1.8% to 2.2%, which (as explained in the text) is likely in practice to be equivalent to "per gallon" and "averaged" standards of 2.0%. There is no designated alternative limit for oxygen.

This analysis compares California gasoline to the federal reformulated gasoline that would be sold in VOC-Control Region 1, because California is located within this VOC-control region.

In the case of VOC, toxic, and NO_x emissions performance, the California gasoline has a greater emissions performance reduction, as compared to Clean Air Act base gasoline, than the federal reformulated gasoline. This analysis thus supports the enforcement exemption that is being proposed today.

In the case of the oxygen content standards, the Agency has received assurances from CARB that the oxygen "flat limit" of 1.8 to 2.2% will in practice be equivalent to the 2.0% minimum oxygen content required by section 211(k)(2)(B) of the Clean Air Act. In a January 14, 1993, letter to EPA, the Executive Officer of CARB sets forth several reasons why CARB expects refiners to target an oxygen level of 2.0% and to produce gasoline that on average will have an oxygen content at least equal to this percentage, including:

- The reproducibility of the test method used for CARB enforcement is larger than the oxygen content range, meaning that effectively the CARB standard represents "a 2.0% requirement with a testing tolerance of 0.2 weight percent;"
- New limits on other gasoline characteristics will require fundamental changes in gasoline formulations and reliance on oxygenates to maintain current octane levels, likely resulting in refiners "blending oxygenates near the maximum end of the range to maximize the octane benefits of oxygenates;" and
- Some refiners may use the vehicle testing (or predictive model, when adopted) compliance alternative in the CARB regulations "to develop gasoline formulations which may contain oxygen levels up to 2.7 weight percent oxygen."

The Agency agrees with CARB's assessment concerning the likely effects of the oxygen content range in its Phase 2 regulations. In any case, EPA will still have the authority to sample and test California gasoline to assure that it meets the federal reformulated gasoline minimum standard of 2.0%, as well as the right to review company records to ensure that the federal standard has been met. The enforcement exemptions proposed in today's notice would not impact these basic EPA enforcement capabilities.

The Agency also believes that California's Phase 2 program will assure that the federal reformulated gasoline standards are met in each of the two cities (Los Angeles and San Diego)[12] subject to those standards, as required by section 211(k) of the Act. Both the "flat limit" and "designated alternative limit" standards in the California program are substantially more stringent than the federal standards, as shown in Table VI.1. In addition, the RVP "cap" of 7.0 psi that applies throughout the distribution network is more stringent than the federal standard, and averaging is not allowed to meet the California oxygen standard. For all of these reasons, it is very unlikely that one of the two cities will not meet the federal standards.[13] The Agency requests comments on this issue.

2. Applicability of California Enforcement Exemption Provisions

EPA is proposing that the California enforcement exemption provisions

[12] In his January 14, 1993, letter, the CARB Executive Officer stated that the State does not plan to opt into the federal reformulated gasoline program for any other nonattainment areas in the State.

[13] In addition, if the overall California "caps" result in gasoline that is at least as clean as gasoline that meets the federal standards, there would not be concerns about either or the two cities meeting federal requirements. EPA has not modeled the emissions effects of the caps, however.

would apply only to gasoline that is sold or dispensed within the State of California, and that is either produced in the State of California or is produced outside the United States and imported at an import facility located in the State of California. Gasoline that is produced at a refinery located within the United States outside California would not receive the proposed exemption, even if such gasoline is sold in the State of California.

EPA believes gasoline sold in California but produced domestically outside the State of California should meet all of the proposed federal enforcement requirements because the producer of such gasoline would be required to implement all of the federal enforcement provisions for the refinery's non-California gasoline. The incremental cost of including the California-market gasoline in the refinery's compliance program would not justify excluding this gasoline from the federal enforcement mechanisms. Additional reasons for this distinction are: The ultimate market for gasoline may not be apparent when gasoline is produced, making an exclusion for only California-market gasoline difficult to apply in practice; and the California state enforcement mechanism includes refinery inspections, which may not be possible in the case of refineries located outside the California state boundary.

Gasoline produced in California but shipped outside the State (e.g., to Nevada) would not be subject to the proposed enforcement exemption because it is not covered by the California reformulated gasoline program.[14] The Agency understands that California producers have developed means to differentiate between fuel that is subject to existing California fuels regulations and fuel that is not, for purposes of assuring compliance with the State's regulations. EPA is concerned about whether these practices are adequate to allow an enforcement exemption in regard to California gasoline produced at the same facility, and requests comments on this issue.

EPA is also concerned that a refiner that operates a refinery located outside the State of California that produces gasoline both for California and non-California markets could average very clean California gasoline with non-California gasoline, and produce non-California gasoline that is at the low-end of the average range of the federal standards. The non-California gasoline thus could easily be below the average federal standards, yet the refinery would be in compliance on average. In order to protect against this possibility, EPA is proposing that a refiner that operates a refinery outside the State of California would be required to separately exclude the gasoline that it sells in California from the refinery's compliance demonstration for federal reformulated gasoline and anti-dumping requirements. This would be in addition to demonstrating the overall compliance of all its gasoline with federal requirements.

Under today's proposal, record keeping and reporting requirements of the proposed federal anti-dumping requirements would not apply in the case of California gasoline. EPA believes that an exemption from these provisions intended to demonstrate compliance with the proposed standards for conventional gasoline is appropriate because all gasoline sold in California is included in the California reformulated gasoline rule. In other words, there is no California corollary to the federal anti-dumping requirements. As a result, gasoline that will be sold in portions of California that are outside the federal covered areas—and that would be subject to the federal anti-dumping requirements—will be required to meet the full California reformulated gasoline requirements. This feature of the California program provides certainty that gasoline sold in California that is subject to the federal anti-dumping standards will exceed these federal standards. In addition, the proposed federal anti-dumping requirements would apply to California producers shipping conventional gasoline outside the State.

There are several conditions under which the proposed California exemption would not apply, either in toto or in regard to specific parties. First, EPA believes that the exemption being proposed today should apply only so long as the California reformulated gasoline standards are at least as stringent as the federal standards for reformulated gasoline. EPA notes that the California regulations contain provisions that would allow the certification of additional, undefined gasoline formulations using a predictive model (§ 2265 of the California Phase II reformulated gasoline regulations) or vehicle testing (§ 2266 of the California regulations). EPA is concerned because it is possible that a gasoline formulation certified by the State of California under one of these alternative methods could be less stringent than the federal reformulated gasoline standards, in which case the exemption being proposed today would not be appropriate.

In order to protect against this possibility, EPA is proposing that the California exemption provisions would apply only so long as each gasoline formulation that could possibly be certified under the California program is at least as stringent as the federal reformulated gasoline standards. In the event that any formulation that is less stringent than the federal reformulated gasoline standards becomes certifiable, the entire California exemption would become null and void. If at any time EPA believes a less stringent formulation has been approved by the State of California, EPA intends to publish a notice of this conclusion and the date that the California exemption would no longer be applicable. This notice would give regulated parties a reasonable opportunity to take steps to implement the federal enforcement mechanisms that had been waived. This procedure would also be followed if the State revises its regulations to otherwise provide for less stringent standards than the federal program.

Second, the Agency is concerned that the variance provision contained in the California regulations (§ 2271 of the California Phase 2 reformulated gasoline regulations) is not entirely consistent with the federal provision dealing with the inability to produce conforming gasoline in extraordinary circumstances (§ 80.73 of the proposed federal regulations). In particular, the proposed federal provision is limited primarily to Acts of God, while the California provision is not so limited. In addition, the federal provision would require a party to make payment to the U.S. Treasury of the amount of economic benefit derived from the nonconformity, while the California provision does not require such a payment. As a result, the California exemption being proposed today does not include relief from the proposed extraordinary circumstances provision in the federal regulations. A party that, due to extraordinary circumstances, intends to produce gasoline that does not meet the federal reformulated gasoline standards thus would be required to comply with the federal extraordinary circumstances provisions, regardless of any variance obtained from the State of California. If a party obtains a variance from the State, EPA proposes that the enforcement exemption would cease to apply to that party unless or until EPA grants relief for extraordinary circumstances under § 80.73.

Third, EPA believes that the proposed California exemption provisions should

[14] Section 2260(a)(4) of the California Phase II reformulated gasoline regulations defines "California gasoline" as "gasoline sold, intended for sale, or made available for sale as a motor vehicle fuel in California."

apply only for parties that are in fact in substantial compliance with both the California and the federal reformulated gasoline requirements. The presumption that a refiner subject to the California requirements is also in compliance with the federal standards would not be appropriate in the case of a party that has violated the California or federal requirements. As a result, the Agency is proposing that a regulated party that is assessed a penalty for a violation of either the California or federal reformulated gasoline requirements would automatically be subject to the loss of its California exemption. Under the proposal, the exemption would be lost no matter whether the penalty assessment was the result of a judicial or administrative adjudication, consent agreement, or settlement agreement. A party subject to the loss of its exemption could petition the Administrator for relief, in whole or in part, for good cause. The Agency could also grant such relief on its own initiative. Good cause could include a showing that the violation for which a penalty was assessed was not a substantial violation of the reformulated gasoline regulations.

The Agency requests comments on whether it should base the loss of the California enforcement exemption for an individual refiner or importer on the basis of a judicial or administrative determination of violation rather than on the basis of a penalty assessment. EPA also requests comments on an appropriate date (e.g., 30 days after a final penalty assessment) on which the loss of the exemption would become effective, and on whether such a loss should be stayed during the pendency of a petition for relief.

Fourth, the California Phase 2 regulations allow small refiners (as defined in the California regulations) to obtain a two-year extension until March 1, 1998, to meet the specifications for sulfur, olefins, T–50, and T–90, under certain conditions. Small refiners will be subject to the same RVP, oxygen, aromatic hydrocarbon, and benzene requirements as other refiners under the California program. Because small refiners that obtain such an extension will not be required to produce gasoline that meets all the federal reformulated gasoline standards, EPA does not believe that it is appropriate to exempt such refiners from any of the federal enforcement provisions. Thus, the California gasoline exemption proposed in today's notice would not apply to gasoline produced under any small refiner extension granted by CARB.

Finally, EPA believes that the proposed California exemption should apply only during the time the federal Phase I reformulated gasoline program is in effect, i.e., until the year 2000. EPA intends to reevaluate the California reformulated gasoline program before the year 2000, and to engage in a separate rulemaking if it believes that the California enforcement exemption should be extended beyond the year 2000. That rulemaking would allow the Agency the opportunity to structure any future enforcement exemption to be consistent with both the federal and the California rules that will be in effect at that time.

3. Enforcement Provisions to Which Exemption Would Apply

EPA is proposing that subsequent to the date the California Phase 2 reformulated gasoline standards become effective, regulated parties that produce or import California gasoline and that meet the other criteria described in the preceding section would be exempt from meeting the proposed enforcement requirements dealing with compliance surveys (§ 80.69), independent sampling and testing (§ 80.70(c)), designation of gasoline (§ 80.70(d)), marking of conventional gasoline (§ 80.70(g)), downstream oxygenate blending (§ 80.72), record keeping (§ 80.74), reporting (§ 80.75), product transfer documents (§ 80.77), and antidumping record keeping (§ 80.105) and reporting (§ 80.106).

The Agency specifically requests comments on whether California gasoline should be exempt from enforcement provisions related to the renewable oxygenate program in the proposed federal record keeping and reporting regulations (§§ 80.74 and 80.75), should this program become applicable to the Los Angeles and/or San Diego areas. Such an exemption may not allow the Agency to adequately enforce this program if regulated parties are allowed to freely transfer renewable oxygenate units among areas subject to this program, as proposed elsewhere in today's notice.

EPA believes that it is appropriate to exempt producers of California gasoline from the independent sampling and testing, record keeping, and reporting provisions in the proposed federal regulations because these provisions deal solely with demonstrating compliance with the federal reformulated gasoline standards. Because the proposed exemption is predicated upon reliance on the California reformulated gasoline program to ensure compliance with the federal standards, these provisions are duplicative and therefore unnecessary. It is appropriate to include the survey provisions in the exemption because the purpose of the surveys is to adjust the federal averaged standards if surveys reveal unequal distribution of averaged federal reformulated gasoline. As discussed above, the need for such federal standards adjustments is believed unnecessary in California because it is highly unlikely that either of the two California cities in the federal reformulated gasoline program will exceed federal standards. The gasoline designation, conventional gasoline marking and product transfer document provisions are appropriate for exemption because they deal only with informing other regulated parties of the time and place of use restrictions of federal reformulated gasoline, considerations that are inapplicable within California because only reformulated gasoline may be sold for use within that State under its program.

4. Enforcement Exemption During 1995

The State of California's regulations provide that the California gasoline requirements become effective starting on March 1, 1996, fourteen months after the proposed January 1, 1995, effective date for the federal reformulated gasoline requirements. As a result, the enforcement exemption proposal described above would apply only beginning on the effective date of the California regulations. For the period prior to this date, EPA is proposing an exemption only from a more limited set of federal enforcement requirements, i.e., the proposed compliance survey and independent sampling and testing requirements (§§ 80.69 and 80.70(c), respectively).

EPA believes that it would be appropriate to exempt producers of California gasoline from the survey requirements in 1995 because the consequence of any survey failure in California—an adjusted averaged standard—would apply only in 1996, after the California program would be in effect. The Agency is concerned, however, that there would be no regulatory mechanism to assure that federal standards are met in 1995 in each of the California areas subject to the federal program since, unlike 1996 and later years, the State's program will not be in place. EPA requests comments on whether area-by-area averaging by refiners and importers, or some other tracking mechanism, should be required in lieu of compliance surveys in 1995.

In the case of the proposed independent sampling and testing requirements, EPA believes the costs associated with establishing the mechanisms and laboratory capabilities that would be necessary to implement these provisions outweigh the benefits

of having these requirements in place for only one year. In addition, in 1995 California refiners and importers would still be subject to the record keeping and reporting requirements of §§ 80.74 and 80.75, the latter of which requires batch-by-batch reporting of gasoline properties and characteristics. These properties and characteristics will have to be determined by in-house sampling and testing, and false reporting of these test results will make the reporting entity liable for both civil and criminal penalties. The Agency requests comments on the adequacy of these regulatory and statutory requirements as a substitute for independent sampling and testing during 1995.

E. Attestation Engagements

EPA is reproposing regulations governing the conduct of attestation engagements.[15] At the time of publication of the SNPRM, EPA's discussion of this topic with the regulated community and with the American Institute of Certified Public Accountants (AICPA) was not complete. There, EPA proposed several alternative methods for conducting attestation engagements.[16] Today, EPA proposes to adopt one of those alternatives and to expand upon the SNPRM by allowing the regulated community to use internal auditors in appropriate circumstances.

The regulation proposed today would apply to refiners, importers and oxygenate blenders. For purposes of simplicity, these parties are referred to collectively as refiners in this portion of the preamble.

Concurrent with the gasoline production reporting requirements proposed in §§ 80.75 and 80.108 of the proposed regulations, EPA proposes today that each refiner would be required to annually engage a certified public accountant or a firm of certified public accountants, or to commission an internal auditor to perform an agreed-upon procedures attestation engagement of the information which forms the basis of the reports required by these sections. The purpose of the engagement is to corroborate the reports submitted by the regulated party to EPA. The scope of the engagement would cover the activities of the refiner relative to the reformulated gasoline and anti-dumping requirements for the previous calendar year and which are the subject of the required reports to EPA. Further, the scope of the engagement procedures would be designed not to overlap with proposed independent sampling and testing requirements. The engagements would not verify the tested properties of specific batches of gasoline. Rather, the engagements would account for the accuracy of the designation of gasoline (*i.e.*, reformulated or conventional, VOC-controlled or not VOC-controlled, etc.) and verify that the proposed reporting requirements for downstream oxygenate blenders are being met. The engagements would also verify that the proposed reporting requirements for the renewable oxygenate program are met.

EPA proposes that each refiner be required to commission such an engagement at the conclusion of each calendar year, and that reports of the engagement be filed with EPA by May 30 of the following year. Under EPA's proposal, submission of the attestor's report would be required and failure to do so would constitute a reporting violation by the refiner.

The proposed attestation engagements are an outgrowth of EPA's experience with the lead phasedown program, which included averaging, banking, credits, and periodic reports, and for which EPA-conducted audits were an essential part. Because the reformulated gasoline program is significantly more complex than the lead phasedown program, EPA believes that attest engagements are correspondingly more important than in lead phasedown.

These engagements are not intended as substitutes for enforcement audits conducted by EPA, but are intended to serve as a means of improving compliance with the reformulated gasoline program by identifying problem areas to the regulated parties.

Such engagements would: Assure parties that the records on which they base periodic reports would be reviewed and cross-checked for accuracy by a disinterested third party, including an appropriate internal attestor (as well as possibly by EPA); lead to correction of simple arithmetic errors; aid in correcting misconceptions about regulatory requirements; and generally deter making false reports.

In addition to the attestation provisions described above, EPA is today proposing additional regulations applicable to refiners and importers subject to the proposed renewable oxygenate program. Such refiners would be required to include compliance with the additional requirements as part of their annual attestation engagement. The purpose of these additional proposed requirements is to corroborate the reports submitted by the regulated party to EPA pertaining to the proposed renewable oxygenate requirements. The scope of these additional requirements would cover the activities of the refiner relative to all transactions involving the use of renewable oxygenates in reformulated gasoline and which are subject to the proposed required reports to EPA. The engagements would account for the accuracy of records reporting renewable oxygenate use and verify that the proposed requirements for such use are met.

The proposed attestation requirements regarding the renewable oxygenate program would require the attestor to identify all batches of renewable oxygenate program reformulated gasoline supplied to each covered area. The attestor would be required to review a representative sample of records pertaining to those batches and verify that those products were properly transported to their point of dispensation for use; identify any changes in ownership or destination; compare laboratory analyses of the product before and after transportation for consistency; agree to the types and classifications of oxygenates used; and trace volumes of the product from refinery gate to the point of dispensation for use. The proposed requirements would culminate with the attestor including the results of inquiry in the agreed-upon procedures report described above.

As with the reformulated gasoline program, the attestor would continue to be obligated to exercise independent judgment in collecting information not specified in the regulations that would otherwise form a basis for the agreed-upon procedures report.

Because the renewable oxygenate program would be significantly new to the regulated community, EPA invites comment on all aspects of the proposed attest engagement requirements for this program.

1. Standards for Attest Engagements

a. Third Party or Internal Attestation Engagements. In the SNPRM, 57 FR 13492, EPA proposed that "each refiner, importer and oxygenate blender commission an attestation engagement [17] of the information which

[15] Provisions pertaining to attestation engagements were originally proposed in the Supplemental Notice of Proposed Rulemaking, 57 FR 13415, at 13492 (April 16, 1992).

[16] An attestation engagement is to be distinguished from an audit. An audit refers to a review of financial records. An attestation engagement refers to a review of other than financial records to determine whether a representation by a company is supported by internal company records. An attestation engagement is "one in which a practitioner is engaged to issue or does issue a written communication that expresses a conclusion about the reliability of a written assertion that is the responsibility of another party." Statement on Standards for Attestation Engagements, § 100.01 (footnotes omitted).

[17] While the SNPRM discussed this proposed requirement in terms of an "audit" or "attestation

forms the basis of the reports" required by §§ 80.75 and 80.108. The SNPRM proposed that the engagements be conducted by a certified public accountant ("CPA") and proposed the standards for conducting the engagement. The SNPRM contemplated that the CPA would be independent of the refiner commissioning the engagement.

The proposed attestation standards pertained to the need for technical competence, independence of mental attitude from the regulated party's influence, due professional care, adequate planning and supervision, sufficient evidence, and appropriate reporting. The proposed standards contain a detailed description of the specific engagement requirements for each of the elements of the reformulated and anti-dumping programs which are subject to engagement review, and the records and procedures which must be included in the engagement. The records and engagement procedures which are specified are the minimum necessary for an engagement, however, and an attestor is expected to use professional judgment to devise engagement procedures to correspond with the facts of each individual engagement in light of the internal company's accounting, operating and administrative controls. The proposed regulations also provide that in the event that the specified engagement procedures are not followed for any reason, the deviation and the reason therefore must be included in the attestor's report.

EPA received significant comments objecting to the proposal that regulated parties be required to engage independent CPAs. Commentors expressed concern that to require a third party CPA would impose undue costs on regulated parties which already had in-house attestation capability. Further, commentors desired to avoid such a precedent-setting requirement. Commentors were concerned lest they be subjected to the expense of engaging third party CPAs to attest to the gamut of federal, state and local regulatory activity engaged in by the commentors.

Commentors asserted that EPA's interest in maintaining the integrity of reports would be adequately served by allowing appropriately qualified internal attestors to conduct the engagements. Commentors stated that because only larger regulated parties would be likely to employ internal attestors, such attestors would be sufficiently segregated from petroleum product manufacturing operations so as to avoid biasing influences from the subjects of the engagement. By contrast, smaller regulated parties in which there may be greater integration of company operations are less likely to employ in-house attestors and will need to commission independent CPAs to perform audits.

EPA accepts the rationale of allowing qualified internal attestors to conduct attestation engagements. EPA's concerns with the integrity of the reformulated gasoline and anti-dumping program are well-served by the proposed requirement that an in-house attestor be a member in good standing of the Institute of Internal Auditors, Inc., and completes each engagement in accordance with the Codification of Standards for the Professional Practice of Internal Auditing, which are proposed to be incorporated into the regulations by reference.

[**Note:** The Federal Register Document Drafting Handbook requires that each agency must submit a written request for incorporation by reference for approval from the Director of the Federal Register at least 20 days before the final rule document is submitted to the **Federal Register** for publication].

In recognition of the eventuality that the Codification of Standards may eventually be modified, the regulations propose that parties may petition the Agency to implement procedures through future rulemaking which are consistent with those modifications.

Internal engagements are subject to EPA compliance verification review. The sampling and testing requirements assure that the data underlying the engagement will be preserved sufficiently to allow EPA to verify any internal engagement. In addition, there are numerous checks and balances throughout the program (including the potential presumptive liability of downstream purchasers) to assure that internal engagements will be accurate. Finally, internal attestors are subject to civil and criminal liability under federal statutes proscribing the filing of false reports.

Accordingly, EPA proposes that the regulations permit the use of two types of attestors:

(1) Internal auditors may be used in certain situations. Many large companies have internal auditors on staff who may perform the attestation engagements required under these guidelines. Internal auditors may perform these duties provided they are Certified Internal Auditors (CIAs) or members in good standing of the Institute of Internal Auditors, Inc. (IIA). As such, the internal auditors will be required to act in accordance with the IIA's Standards for the Professional Practice of Internal Auditing. This requirement is intended to guarantee a number of things: That the internal auditor is independent of the activities being audited under these regulations; that the internal auditor is objective and proficient in his or her profession; and that the internal auditor is bound by a code of professional ethics.

(2) When internal attestors meeting the criteria discussed above are not available within the refiner's organization, an independent CPA or firm of independent CPAs must be used to perform the attestation engagement proposed with these regulations.

Whether an internal attestor or a CPA is engaged by a refiner, attestation engagements would have to be conducted in accordance with the applicable professional standards following agreed upon procedures contained in the proposed regulations. These regulations would cover a different range of services than an audit of historical financial statements. Rather, the proposed regulations involve review of non-financial records. EPA has worked closely with the AICPA and industry in establishing procedures which will accurately and efficiently provide the intended compliance information in the most cost-effective manner.

The proposed regulations would require that an attestation engagement conducted by a certified public accountant must be done in accordance with the Statement on Standards for Attestation Engagements (Am. Inst. of Certified Pub. Accountants 1991) [**note:** The **Federal Register** Document Drafting Handbook requires that each agency must submit a written request for incorporation by reference for approval from the Director of the Federal Register at least 20 days before the final rule document is submitted to the **Federal Register** for publication], or by an internal auditor in accordance with the Standards for the Professional Practice of Internal Auditing. The proposed regulations also include specific instructions relating to the subject areas which must be included in each attestation engagement, and the minimum records and engagement procedures which are appropriate for each subject area. Nothing in the proposed regulations would preclude a CPA from requesting assistance from a refiner's internal auditors in accordance with the Statement on Standards for Attestation Engagements. In recognition of the eventuality that the Statement on Standards may eventually be modified, the regulations propose that parties may

---

engagement" interchangeably, the correct term for this procedure is an "attestation engagement."

petition the Agency to implement procedures which are consistent with those modifications.

b. Definitions. EPA has amended the proposed rule by adding a new proposed section defining terms for the purpose of attest engagements. The definitions are intended to clarify the scope and content of engagement analysis. These definitions provide the minimum scope of documents to be analyzed. EPA recognizes that many engagements may need to be adjusted on a case-by-case basis depending on the specific nature of the regulated facility. EPA anticipates that attestors will exercise their professional judgment in expanding the scope of engagement inquiry to assure the integrity of the engagement.

c. Attestation Guidelines. The proposed rule includes a brief section describing the method of selection of sample size required of attestors relative to the population of inquiry. The sample size is prescribed so as to provide a statistical confidence level of 95% in the representative character of the sample.

d. Agreed Upon Procedures for Refiners, Importers and Oxygenate Blenders. The new rule includes a specification of the minimum data to be analyzed by an attestor to comply with the attest engagement requirements. EPA recognizes that many engagements may need to be adjusted on a case-by-case basis depending on the specific nature of the regulated facility. EPA anticipates that attestors will exercise their professional judgment in expanding the scope of engagement inquiry to assure the integrity of the engagement.

e. Agreed Upon Procedures Reports. The proposed rule provides that the attestor will issue to the regulated party a certified report summarizing the procedures performed and findings in accordance with the Statement on Standards for Attestation Engagements or the Standards for the Professional Practice of Internal Auditing. In turn, the proposed rule provides that the regulated party shall provide a copy of the attestor's certified report to EPA within a specified time. EPA intends to develop standardized refiner-reporting forms as a means of enhancing uniformity and consistency in the attestation engagement and agreed-upon procedures.

VIII. Anti-Dumping Compliance and Enforcement Requirements for Conventional Gasoline

A. Introduction

Today's proposal for the anti-dumping program represents significant changes from the Supplemental Notice of Proposed Rulemaking published on April 16, 1992 (57 FR 13415) (hereinafter "SNPRM 92"). This proposal contains a dramatically different solution to the problem of accounting for blendstocks, as well as other minor changes to the SNPRM 92. To aid EPA in its consideration of the various options proposed in today's notice, as well as in prior proposals for this rulemaking, EPA invites comments on today's proposal (hereinafter "SNPRM 93"). The following is a brief summary of those changes with respect to the major provisions of SNPRM 92 and how they have remained the same or been changed in SNPRM 93:

- Regulated Parties. Under SNPRM 92 regulated parties include refiners, blenders and importers. Under SNPRM 93, the regulated parties remain the same, except for the exclusion of oxygenate blenders.
- 1990 Baseline. Under the SNPRM 92 refiners and importers were required to account for all gasoline and gasoline blendstocks in determining their 1990 baseline. Under the SNPRM 93, these parties are no longer required to account for blendstocks in their 1990 baseline except as provided under Methods 2 and 3.
- Averaging Period. Under the SNPRM 92 refiners and importers would be required to demonstrate compliance by averaging certain properties of conventional gasoline over a year long period and demonstrating compliance with prescribed standards to be discussed more fully below. Under the SNPRM 93, the averaging period is the same, except for the year that the Complex Model becomes mandatory in which two separate averaging periods would apply.
- Compliance Standards. Under the Simple Model standards in the SNPRM 92, refiners and importers would be required to demonstrate on an annual basis that average exhaust benzene emissions of conventional gasoline do not exceed the refiner's or importer's 1990 baseline for exhaust benzene emissions, and that sulfur, olefins and T90 do not exceed 125% of their average 1990 baseline levels. Under the SNPRM 93, the Simple Model standards remain the same; under the optional use of the Complex Model (see further discussion below), annual average levels of exhaust benzene emissions would not be allowed to exceed the refiner's or importer's 1990 average exhaust benzene emissions; and under the Mandatory Complex Model standards, annual average levels of exhaust toxic emissions and NO_x emissions would not be allowed to exceed the refiner's or importer's 1990 average levels for exhaust toxic emissions and NO_x emissions. Under SNPRM 93, recipients of blendstocks under certain circumstances would have to adjust their compliance baseline based on the volume of such blendstocks. Under both the SNPRM 92 and SNPRM 93, refiners with more than one refinery have the option of demonstrating compliance for each individual refinery or for all their refineries in the aggregate.
- Blendstocks. Under the SNPRM 92, all gasoline blendstocks would be included in baseline determination and in subsequent compliance calculations. Under the SNPRM 93, blendstocks are accounted for in compliance calculations if the blendstock to gasoline ratio in a certain year exceeds the combined ratio for 1990 through 1994 by more than 10% and certain circumstances are met to be discussed more fully below. For the purposes of establishing the blendstock to gasoline ratio only, the SNPRM 93 provides that refiners and importers will account for nine (9) specified blendstocks.
- Other Provisions. The SNPRM 93 includes a new provision which requires that parties account for all blendstocks that are transferred for the purpose of evading a more stringent baseline.
- Registration of Regulated Parties. The SNPRM 93 remains the same as the SNPRM 92, except that refiners and importers are required to supply a statement of intent as to whether compliance will be achieved on the basis of individual or aggregate refineries; and whether they will be using the Simple Model or optional Complex Model standards prior to the date that the Complex Model becomes mandatory.
- Record Keeping. The SNPRM 93 remains the same as the SNPRM 92, except the provisions have been expanded to reflect the data necessary for determining compliance under the Simple model, Optional Complex Model, Mandatory Complex Model and blendstock accounting requirements as applicable.
- Reports. The SNPRM 93 remains the same as the SNPRM 92, except for the additional requirement for refiners and importers to report the blendstock to gasoline ratio for each averaging period, and for the years 1990 through 1994 on a one-time basis.
- Company Audits. The SNPRM 93 remains the same as the SNPRM 92, except for the additional requirement of attest engagements specific to this new proposal.

Generally, the SNPRM 93 would prohibit a refiner or importer from producing or importing conventional gasoline that on average exceeds the applicable compliance standards for any averaging period. Compliance standards would be based on the properties of the refiner's or importer's 1990 gasoline. In response to the numerous comments received on the issue of blendstocks as provided in SNPRM 92, EPA has eliminated the requirement for refiners and importers to account for blendstocks in their compliance calculations except in those cases where a refiner or importer has significantly increased its production or importation of blendstocks as evidenced by an increased blendstock to gasoline ratio. This is discussed more fully in a later

section of the preamble. Refiners with more than one refinery would retain the option of demonstrating compliance for each individual refinery or for all their refineries in the aggregate. Here, as in the regulations, EPA will refer to refiners and importers with respect to the anti-dumping requirements; however, the requirements will apply similarly to individual refineries in those cases where a refiner has opted to determine compliance based on each refinery separately or a refinery with limited gasoline distribution based on certain geographic considerations as provided for in the regulations.

The SNPRM 93 has three separate standards of compliance for refiners and importers based on the Simple Model standards, Optional Complex Model standards or the Mandatory Complex Model standards. All three model standards would require refiners and importers to average certain properties of conventional gasoline and demonstrate compliance with prescribed standards which in some cases are actual fuel properties and for others are emissions characteristics calculated from specific fuel properties.[18]

Under the Simple Model standards, refiners and importers would be required to demonstrate on an annual basis, that average exhaust benzene emissions of conventional gasoline do not exceed the refiner's or importer's 1990 compliance baseline for exhaust benzene emissions, and that average sulfur, olefins and T90 do not exceed 125% of their average 1990 baseline levels. Under the Optional Complex Model standards, annual average levels of exhaust benzene emissions, as calculated under the Complex Model, would not be allowed to exceed the refiner's or importer's 1990 average exhaust benzene emissions. Under the Mandatory Complex Model standards, annual average levels of exhaust toxic emissions and NO_x emissions would not be allowed to exceed the refiner's or importer's 1990 average levels for exhaust toxic emissions and NO_x emissions, respectively. These standards implement the applicable requirements regarding the use of the Simple and Complex Models as agreed to during the negotiated rulemaking for compliance under the anti-dumping provisions.

EPA is proposing that the year long averaging period be retained since it would provide maximum flexibility for refiners and importers in meeting the anti-dumping requirements. EPA is also proposing this time period because NO_x and toxics are not a short term spiking problem that would require a short control period. Although NO_x emissions contribute to ozone, which is a seasonal problem, the anti-dumping requirements do not apply in the major ozone nonattainment areas. In addition, Phase II RVP standards provide substantial ozone reductions where required, thus mitigating any potential seasonal problem associated with a year long averaging period. Therefore, there is no significant benefit that would offset the additional compliance and reporting requirements associated with a shorter compliance period.

The proposal provides that beginning in 1995 and continuing up through the date that the Complex Model becomes mandatory, refiners and importers could determine compliance based on either the Simple Model anti-dumping standards or the Optional Complex Model anti-dumping standards, at their option. However, a refiner that produces and certifies reformulated gasoline under the Simple Model would have to comply with the Simple Model anti-dumping standards, and a refiner that certifies reformulated gasoline under the complex model would have to comply with the Optional Complex Model standards. For the period beginning with the date the Complex Model standards becomes mandatory through December 31 of that year, and for each subsequent averaging period, compliance will be based on the Mandatory Complex Model Standards. This will, therefore, create two shorter averaging periods during the year that the Complex Model becomes mandatory with different compliance standards, which will consequently reduce the flexibility of refiners and importers for meeting the applicable requirements for those periods. Although the proposal presently provides for two separate compliance periods, there are two options that exist for determining compliance during the calendar year in which there is a transition to the Complex Model. The options are as follows:

1. Two separate averaging periods with different compliance standards, (i.e. determine compliance for the period before the complex model becomes mandatory under the simple model or optional complex model; and determine compliance for the period after that date under the final complex model).

2. Average that portion of the year before the complex model becomes mandatory with the prior full year, and average that portion of the year after the complex model becomes mandatory with the subsequent full year (i.e. include early 1997 with 1996 and include later 1997 with 1998).

EPA is concerned about the serious nature of air toxics and, therefore, proposes regulation of this problem over a period no longer than a year. EPA is aware that this option reduces the flexibility of regulated parties, but believes there is sufficient lead time to achieve compliance within these time periods. We request comments on other options as well.

The SNPRM 93 provides that the anti-dumping enforcement program would consist of a combination of the following enforcement mechanisms to monitor compliance with the regulations, including: (1) Registration of regulated parties, (2) record keeping, (3) reporting, (4) company commissioned audits, and (5) Agency audits. This program remains unchanged from the SNPRM 92 except for the changes mentioned above. The Agency believes that all the mechanisms proposed are necessary because they enable the Agency to collect and review data from regulated parties to ensure compliance with the anti-dumping requirements. This belief is based, in large part, on the Agency's experience in enforcing the lead phasedown program. In that program, compliance improved dramatically when the Agency shifted from an enforcement program based merely on the review of periodic reports to one that included compliance audits. The reports submitted under lead phasedown provided the agency the data necessary to monitor refiner and importer compliance and often provided clues to potential problems. The records retained by regulated parties provided the means for agency auditors to look behind the reports submitted and ultimately identify violations. EPA audits under lead phasedown also identified more honest mistakes or oversights by regulated parties, which would likely be uncovered through company commissioned audits. Therefore, the agency believes all the above mechanisms serve a useful purpose in assuring compliance with these requirements.

B. Regulated Parties

The basic anti-dumping requirement that gasoline and gasoline blendstocks must meet standards for exhaust benzene emissions, sulfur, T90, olefins, exhaust toxic emissions and/or NO_x emissions, as applicable, would apply to refiners and importers. The terms

[18] For a discussion of issues concerning which properties or pollutants are covered in the federal anti-dumping program, see the Notice of Proposed Rulemaking, published July 9, 1991, (56 FR 31219—31222).

VOL 58 ISS 37 FE 26 1993 UMI

"refiner" [19] and "importer" [20] have been defined and applied in earlier environmental regulatory programs involving gasoline [21]. EPA proposes that these definitions continue to apply for purposes of the anti-dumping requirements.

The new anti-dumping requirement regarding the volume ratio of blendstocks produced or imported and transferred to others, would also apply to any producers or importers of blendstocks. In addition, any party that adds gasoline blendstock to gasoline [22] or who combines gasoline blendstocks to produce gasoline (i.e., a "blender") is already encompassed in the definition of a refiner, because it is producing gasoline. EPA's proposal would not reach a person who is not a refiner (i.e. a person who does not own, lease, operate, control or supervise any facility that produces gasoline) or importers of products not produced at a gasoline refinery, such as a natural gas liquid plant. Similarly, chemical products produced at a refinery or imported but not sold for gasoline blending purposes, would not be subject to these requirements.

The SNPRM 93 proposes exclusion of parties that operate only as oxygenate blenders. The SNPRM 92 also proposed that oxygenate blenders not be required to comply with the antidumping requirements. In the case of downstream oxygenate blending, both proposals require that producers or importers of the base gasoline account for the applicable properties under the anti-dumping program. The addition of oxygenates will only improve the final blended properties of gasoline under the Simple Model. Although the addition of certain oxygenates will increase exhaust NO_x emissions under the Complex Model, these emissions will be offset by reductions in VOC, toxics and CO on a mass basis. EPA believes that the net emissions impact is not of sufficient magnitude to justify the significant disruption and complexity that would be required for oxygenate blenders to comply with these anti-dumping requirements.[23] Therefore, under today's proposal such parties would not be subject to the requirements of this subpart.

C. Accounting for Gasoline Blendstocks

The preamble to the SNPRM 92 discussed at great length the anticipated problem of blendstocks being "dumped" in conventional gasoline as a result of the stringent requirements placed on reformulated gasoline (57 FR 13484). The preamble set forth the economic incentives created by the differences in baselines between different refiners including those for whom the default baseline applies, and gave an example of how the goal of preventing "dumping" could be frustrated. These differences in baseline provide a mechanism for a refiner or importer to circumvent the requirements by shipping blendstocks to be used in the production of conventional gasoline to a party that was not in operation in 1990 and for whom the less stringent 1990 Clean Air Act default baseline would apply.

During the negotiated rulemaking process it was recognized that certain segments of industry, such as downstream blenders or new refiners, could gain significant competitive advantage from the less stringent default baseline, however, there was no clear proposal to address this problem. Refiners will likely remove such components as benzene, aromatics, etc. from typical 1990 gasoline in order to meet the reformulated gasoline requirements. This will result in the extensive availability of such components in the marketplace which will then have a high potential of being "dumped" into conventional gasoline. If the cost of these components is less than the cost of gasoline, as it is likely to be, they will almost assuredly be used to produce conventional gasoline if there is no mechanism to prevent it. EPA's prior experience with both the lead phasedown and fuel switching programs indicates that a few cents wholesale price differential provides sufficient incentive to violate and would certainly encourage dumping without appropriate controls. Several parties have brought this to EPA's attention. In light of the above, EPA believes that appropriate controls are necessary. Today's proposal is an attempt to develop a program that effectively addresses this problem without imposing unnecessary costs and burdens on the regulated community.

As contrasted to the SNPRM 92, the SNPRM 93 would not require that refiners or importers account for all gasoline blendstocks that are produced or imported, and would also remove the prohibition and defenses associated with transporting, storing or containing the chemical marker required for certain blendstocks under the earlier proposal. After further review of this issue, EPA believes that accounting for all blendstocks for antidumping compliance and requiring the addition of a chemical marker for monitoring blendstocks use may be more burdensome and disruptive than necessary, without a clear indication of the need for such regulatory requirements at this time. Therefore, EPA believes that it may be more appropriate to identify a mechanism to monitor the transfer, sale and production of blendstocks as an indicator of possible dumping of blendstocks and to trigger further controls as necessary. EPA also believes that it is appropriate to propose a regulatory program now, rather than waiting until after a problem with the dumping of blendstocks is discovered. EPA also believes that it is more appropriate to limit the controls to circumstances where it is likely to be an environmental problem.

The SNPRM 93 is intended to identify potential "dumping" by a refiner or importer, and to provide a mechanism to mitigate any adverse environmental effect in such a case. Under EPA's proposal, refiners and importers would be required to determine for each averaging period: (1) The total volume of certain specified blendstocks, as defined by the proposal, produced or imported and transferred to others; (2) the total volume of conventional gasoline produced or imported; and (3) the ratio of these blendstocks to gasoline (ratio). If this blendstock to gasoline ratio for any averaging period exceeds the blendstock to gasoline ratio for the overall average of calendar years 1990 to 1994 by more than 10%, the refiner or importer would be required to exercise one of two options. The refiner or importer would be required to either: (1) Inform any blendstock recipient that they are required to adjust their compliance baseline in the subsequent averaging period based on the refiner's or importer's compliance baseline for the volume of blendstock received, or (2) account for the properties of any blendstock in its own compliance calculations for the averaging period in which the blendstocks were transferred. The recipient of blendstocks under this provision may not have notice until late

[19] "Refiner" is defined as any person who owns, leases, operates, controls or supervises a refinery," 40 CFR 80.2(i), and "refinery" is defined as "a plant at which gasoline is produced," 40 CFR 80.2(h).

[20] "Importer" is defined as "a person who imports gasoline or gasoline blending stocks or components from a foreign country into the United States * * *," 40 CFR 80.2(r).

[21] Current regulatory programs that involve gasoline include the lead phasedown program, 40 CFR 80.20, and the gasoline volatility program, 40 CFR 80.27–28.

[22] "Gasoline" is defined as "any fuel sold in any state for use in motor vehicles and motor vehicle engines, and commonly or commercially known or sold as gasoline" (footnote omitted), 40 CFR 80.2(c).

[23] The preamble to the NPRM discussed how NO_x increases from oxygenates are more than offset by decreases in VOC, toxics, and CO. See 58 FR 31220–31222.

in the averaging period that the supplier has exceeded the 10% trigger, and, therefore, it would be unreasonable to require the recipient to make adjustments until the subsequent averaging period. On the other hand, the supplier should be monitoring its own blendstock transfers continuously and should be able to make the necessary adjustments to achieve compliance during the same averaging period. Additional reporting and transfer documentation requirements associated with each option are discussed more fully below. Blendstocks transferred between refineries with a common baseline would be exempt from accounting under this requirement.

In order to further limit the application of these additional controls to only those circumstances where it is likely to be an environmental problem, the regulations exempt those refiners and importers from further controls regarding applicable blendstocks where: (1) Their blendstock production or importation is less than 3% of conventional gasoline produced or imported during the averaging period, or (2) their 1990 baseline is less stringent than the default baseline for all regulated fuel properties. EPA believes that the burden should be eased on low volume producers of blendstock where their blendstock production is not likely to adversely impact air quality. EPA believes that 3% of production is insignificant for any refiner or importer and, therefore, it would be unnecessary to even monitor changes in the blendstock to gasoline ratio at this low level. EPA seeks comments on the appropriateness of 3% as the trigger for this exemption. In addition, where a refiner's 1990 baseline is less stringent than the default baseline, there is no economic incentive to "dump" blendstocks. Therefore, EPA believes it would not be necessary to monitor blendstocks in that situation either.

Under EPA's proposal, a comparison is made between the ratio for each averaging period and the aggregate four year ratio. EPA believes that the aggregate blendstock to gasoline ratio for calendar years 1990 through 1994 would more comprehensively characterize the general use of blendstocks by a particular refiner or importer prior to the implementation of the reformulated gasoline requirements. The alternative of looking at the blendstock to gasoline ratio for any individual calendar year or, in particular, a peak ratio year, may not take into account legitimate fluctuations in the market. EPA is concerned that the use of a single peak year baseline would provide refiners and importers the opportunity to increase blendstocks in 1993 or 1994 so as to inflate the "baseline" ratio. Nevertheless, EPA invites comments on whether it is more appropriate to use an aggregate 1990 through 1994 ratio or the ratio for a single year for this purpose.

Under EPA's proposal, a 10% increase in the blendstock to gasoline ratio would trigger the additional blendstock compliance requirements. EPA is currently analyzing a substantial amount of historical data regarding blendstock production, sales and transfers to determine whether this threshold is appropriate and will make this information available for review when complete. EPA may adjust the blendstock to gasoline ratio figure accordingly, based on the analysis results. EPA believes that until that process is completed, it is appropriate to take a relatively conservative approach, in order to identify refiners or importers that attempt to circumvent the anti-dumping requirements. At present, EPA believes that the 10% figure is a sufficient threshold to allow for expected or normal fluctuations in blendstock production from year to year due to implementation of the reformulated gasoline requirements. EPA also believes this amount is small enough to reasonably identify any refiner or importer that may be "dumping" dirty gasoline blendstocks. However, we are requesting the submittal of appropriate data in this area and comments on other figures that might be more appropriate for this requirement.

In addition, EPA is proposing inclusion under this provision of only those refinery products that may have an adverse effect on the regulated parameters under the anti-dumping program. This should minimize the burden on industry by limiting this provision to monitoring those products where there is an adequate environmental justification. This represents a significant reduction from the extensive list of blendstocks provided in the SNPRM 92. However, for purposes of determining 1990 baselines under Methods 2 and 3, it is more appropriate to include a complete list of all refinery products used as gasoline blendstocks in order to properly characterize 1990 gasoline in accordance with the intent of the anti-dumping program.

EPA recognizes that blendstocks may be transferred to different parties in the distribution system, including brokers, and that there needs to be affirmative obligation to ensure proper notification of the applicable requirements to parties downstream. We have, therefore, required refiners or importers whose ratio exceeds the 10% threshold, and who follow the first option, to notify recipient parties by written notice, either stated on the transfer documents or by separate communication, that the blendstock recipient must adjust its compliance baseline for this blendstock. In addition, the refiner or importer must provide the necessary baseline data for making the adjustment. Alternatively, if the refiner or importer follows the second option, it is required to provide written notice that such blendstocks have already been accounted for in its compliance baseline and are to be excluded from the compliance calculations of any subsequent recipient. Thus, the appropriate transfer documents must convey with each transfer of blendstocks subject to these requirements. In the case of fungibly mixed products, EPA will leave it up to the parties involved to ensure that the proper notification takes place rather than prescribing detailed product accounting and notification procedures.

As stated in the SNPRM 92, the inclusion of oxygenate volume for anti-dumping compliance calculations by refiners and importers would be optional, except as required in the calculation of other exhaust emission products under the applicable model. Any refiner or importer that elects to include oxygenate volume in its compliance calculations, however, would be required to include oxygenates in its 1990 baseline determination as well.

Under EPA's proposal, gasoline and other petroleum products would be included in the anti-dumping compliance calculations only once, in order to avoid double counting of products. Thus, a refiner or importer would not include in its compliance calculations gasoline it did not produce or import or gasoline blendstocks accounted for by others. A refiner that uses blendstock accounted-for by another, would have to "back out" the properties and volume of such blendstock from the volume and properties of the final product.

EPA believes the SNPRM 93 will address the environmental implications of increased blendstock production by requiring additional controls for specified refinery products only when it appears that a significant deviation from past practices has occurred, as evidenced by a 10% increase in blendstock to gasoline ratio. In addition, under the SNPRM 93 we are including only those blendstocks that have an adverse environmental effect on the regulated parameters. The Agency seeks comments on all aspects of the above

VOL 58 ISS 37 FE 26 1993 UMI

scheme to prevent dumping and mitigate its effect as it relates to the requirements and intent of the anti-dumping program.

EPA has included an additional requirement to address situations where it is clear that a refiner or importer is transferring dirty blendstocks to a party with a less stringent baseline in order to evade the anti-dumping requirements. Under proposed § 80.102(i), a refiner or importer would be required to include in their determination of compliance any applicable blendstocks that were transferred in whole or in part to evade a baseline requirement.

The 3% and 10% blendstock to gasoline ratio thresholds discussed earlier are intended to address the majority of potential anti-dumping problems. However, EPA believes that some refiners and importers may engage in blendstock transfers contrary to the intent of the anti-dumping regulations. As a deterrent to this practice, EPA will monitor such blendstock transfers to determine if they are occurring with this motivation. In making this determination regarding the transfer of blendstocks between parties, EPA will look at such factors as: The magnitude of differences in baselines; the nature of any prior business relationship; the extent of financial incentives for transferring blendstocks; the refiner's process for the production of reformulated gasoline, i.e. which blendstocks are removed to meet the reformulated gasoline requirements; the historical corporate relationship, if any, that existed between the parties; and whether this transfer represents a departure from any prior business practices. EPA will also look to see if other means were available to the blendstock producer to achieve compliance with the anti-dumping requirements without such transactions. EPA would consider enforcement under this provision when there is compelling evidence that a regulated party is dumping "dirty" blendstocks without accounting for the blendstocks in its own compliance determination.

D. Compliance Calculations

1. Compliance Baseline Calculation

The compliance baseline calculation as discussed in the SNPRM 92 is based on the 1990 "equivalent" conventional gasoline volume (57 FR 13488). The SNPRM 93 would change the compliance baseline to reflect the receipt of blendstock from a refiner or importer that has exceeded the specified 10% blendstock to gasoline ratio, as discussed previously. The refiner or importer would be required to provide the recipient with the appropriate baseline values for making the adjustment. The blendstock recipient that must adjust its compliance baseline is required to make the adjustment in the subsequent averaging period because the producing refiner would not have notice that it activated the 10% trigger until the present averaging period was over. The producing refiner, on the other hand, has control over its gasoline and blendstock production during the year and, with proper planning, should be able to achieve compliance with such blendstocks included during the current averaging period.

2. Compliance Determination

The SNPRM 93 would expand the SNPRM 92 to include exhaust benzene emissions under the Optional Complex Model and exhaust toxics emissions and NO_x emissions under the Mandatory Complex Model. In addition, refiners that produce reformulated gasoline during 1995, 1996 and early 1997 would have to use the same compliance model for their conventional gasoline during those averaging periods. Compliance levels would be determined on average for that averaging period and compared against the applicable 1990 baseline for those parameters as calculated in a similar manner. Individual refinery compliance, composite sampling and compliance based on combining the properties of individual blendstock batches would be unchanged from the SNPRM 92.

E. Registration

The SNPRM 93 expands the registration proposal in the SNPRM 92 (57 FR 13488) to require refiners and importers to submit a statement of intent as to whether compliance will be achieved on the basis of individual or aggregate refineries, and whether compliance will be based on the Simple or Optional Complex Model for 1995, 1996, and the period prior to the date the Complex Model becomes mandatory.

F. Record Keeping

The SNPRM 93 expands the record keeping proposal in the SNPRM 92 (57 FR 13488) to include the results of tests performed to determine compliance under the newly proposed Optional Complex Model and Mandatory Complex Model standards. EPA's proposal would require refiners and importers to retain documents pertaining to any adjustment of compliance baseline required and documents which demonstrate the transfer of blendstocks.

G. Reporting

All refiners or importers of conventional gasoline would be required to submit to EPA a report within thirty (30) days following the conclusion of each averaging period which contains the following information: Total gallons of conventional gasoline produced or imported during the averaging period; average exhaust benzene emissions, sulfur, olefins and T90 if using the Complex Model, exhaust benzene emissions if using the Optional Complex Model, or exhaust toxics and NO_x emissions if using the Mandatory Complex Model, and the calculations used to derive such averages for the total volume of conventional gasoline produced or imported during the averaging period; the total gallons of blendstocks produced or imported and transferred to others for use in gasoline blending. These requirements would apply for refiners that produce conventional gasoline through the combining of blendstocks as well. The above reporting requirements would not apply in the case of any conventional gasoline or gasoline blendstock that is excluded from a refiner's or importer's compliance calculation.

In addition, EPA is proposing a one-time reporting requirement in order to establish the "baseline" blendstock to gasoline ratio. Any refiner or importer of conventional gasoline would be required to submit to EPA, by January 31, 1995, a report containing the total volume of gasoline produced and imported for each calendar year 1990 through 1994 for which such data are available, the total volume of gasoline blendstocks produced and imported, and transferred to others for each calendar year 1990 to 1994 for which such data are available, and the ratio of total blendstock volumes to total gasoline volumes. Refiners and importers would be required to follow the same protocols for determining the availability of data that are being proposed for establishing 1990 baselines.

H. Additional Procedures for Refiners and Importers of Conventional Gasoline and Blendstock

The Notice of Proposed Rulemaking included attest engagement procedures for the production of reformulated and conventional gasoline. This supplemental notice includes additional procedures as a result of the changes made in the scheme for accounting for gasoline blendstocks. These procedures would require the review of a refiner's or importer's records for compliance

with the requirements of this subpart, to include review of: (1) The relevant documents to determine the blendstock to gasoline ratio; (2) any adjustment to compliance baseline calculations; (3) application of the adjusted baseline; and (4) the refiner's or importer's quality assurance program for determining the applicable values of regulated fuel properties. This review would follow the same general criteria for sample selection and testing as outlined under the reformulated gasoline requirements. EPA is proposing attest engagement procedures for the same reasons set forth in the preamble to the reformulated gasoline requirements.

IX. Anti-Dumping Requirements for Conventional Gasoline

A. Introduction

Section 211(k)(8) of the Act requires that average per gallon emissions of specified pollutants from non-reformulated, or conventional, gasoline use must not deteriorate relative to emissions from 1990 gasoline, on a refiner or importer basis. Compliance is measured by comparing emissions of a refiner's or importer's conventional gasoline against a baseline gasoline. An individual baseline is developed for each refiner or importer based on the quality of their 1990 gasoline, although under certain circumstances the individual baseline is set at the statutory baseline. To implement this requirement, EPA has proposed requirements known as the anti-dumping provisions for conventional gasoline producers and importers. Today's proposal describes additional anti-dumping provisions as well as modifications to previously proposed provisions applicable to conventional gasoline. These are detailed in the accompanying proposed regulations, and comments are requested on any or all of today's proposal. Further background information can be found in EPA's prior proposals.

B. Proposed Requirements for Individual Baselines

1. Baseline Determination

In the SNPRM, EPA proposed a requirement for "sufficient" sampling of finished gasoline or blendstock streams, as appropriate by the methods proposed in the SNPRM. At this time, EPA believes that a minimum data requirement must be specified to ensure that enough samples are taken from which to develop a representative baseline and to minimize the picking and choosing of data. For a Method 1 determination, EPA is proposing to require that at least half of the shipments in a calendar month shall have been tested for a particular parameter. For Methods 2 and 3, EPA is proposing to require at least weekly sampling of continuous blendstock streams and, if blendstocks are produced on a batch basis, sampling of at least half of the batches of each blendstock produced in a month. EPA realizes that this proposal differs significantly from the SNPRM, but believes that such a requirement may be necessary to insure a sufficiently accurate baseline. Comments are requested as to the necessity of such a requirement, and on the minimum sampling requirements discussed above for each Method.

In the SNPRM, EPA proposed that at least three months of summer and three months of winter data must be available for the determination of a parameter value by a particular method. Insufficient data would require use of the next method down (e.g., Method 2 instead of Method 1) or collection of additional data which would necessitate a Method 3 determination. If, following promulgation of the final rule, additional data needs to be collected because the minimum data requirements specified for using Method 1, 2 or 3 for determining a fuel component baseline value (per the proposed regulations) have not been met, EPA proposes that data shall be collected through the end of the third month of the first three full months during which summer gasoline is produced by the refiner following promulgation of the final rule. The requirement to collect at least three months of data on a refiner's winter gasoline and at least three months of data on a refiner's summer gasoline would still have to be met.

In the case of a Method 1 determination, where actual 1990 gasoline shipment data is used, inconsistent sampling may have occurred causing a lack of data on one grade and abundant data on another. For example, if a refinery produced a special grade of gasoline, it may have tested each shipment of that gasoline for several fuel properties. In comparison, it may have only tested every other shipment of its typical gasoline for these same properties. Combination of all of the available data for a parameter would result in a baseline value which was skewed to the specially-produced gasoline. To minimize such skewing, and to thus get a more representative baseline, EPA proposes that average fuel parameter values be determined first for each grade of gasoline produced, and the resulting values weighted by the fraction of each grade sold in the period over which the value is determined. EPA proposes that "grade" mean each individual octane number of gasoline produced in the refinery (rounded to the nearest whole number). Comments are requested on this proposal, specifically on the ability of the proposal to minimize skewing of data, and as to whether each octane number of gasoline produced should be considered a separate grade. Comments on other "definitions" of grade for use under this proposal are requested.

EPA also requests comments on allowing a refinery's own production volumes of summer and winter gasoline (based on RVP) to be used in the weighting of data on a summer and winter basis. EPA had proposed that a national average summer/winter percentage split of 46.8/53.2 be used, which was based on gasoline consumption during the summer and winter periods. Because fuel production can lead fuel consumption by up to 2 months, EPA believes that use of refinery-specific production volumes and time periods in the baseline determination will result in more representative baselines. Comments are requested on this proposal and as to how transitions in fuel production between seasons will affect this proposal and individual baseline determination.

Testing of a refinery stream for one or more of the fuel properties for which a baseline value must be determined would be an unnecessary expense if a refiner can show that the refinery stream contains negligible amounts of one or more of certain fuel properties for which a baseline value must be determined. The properties that EPA proposes would not have to be determined under these circumstances are benzene, aromatics, olefins, saturates and sulfur. EPA proposes that the first four listed parameters would be deemed to exist in negligible amounts if they exist at less than 1.0 volume percent in a refinery stream. Sulfur would be deemed to exist in a negligible amount if it exists at less than 10 ppm in a refinery stream. Any properties shown to exist in a refinery stream in negligible amounts shall be assigned a value of 0.0. For example, EPA believes it would be generally easy for a refiner to show that MTBE and alkylate streams have negligible aromatic, sulfur and benzene contents. Comments are requested on this proposal, particularly on the levels of each parameter which would be considered negligible. Comments are also requested as to whether EPA should require criteria, and what those criteria should be, to show that negligible quantities of a parameter

exist. For example, one way to prove that one or more fuel parameters exist in negligible quantities may be to show that a stream consists of a single chemical compound (i.e., the criteria would be that the stream is 99 percent by volume pure component). Or, it may be possible to demonstrate using chemical reaction theory or general refinering practice supported by industry survey results that an alkylate stream, for example, which is a very complex mixture, still has aromatic and benzene contents of less than 1 volume percent without measuring the benzene content of the stream.

EPA previously proposed that post-1990 finished gasoline could be used in a Method 3 determination if the volumetric fraction of each blendstock in post-1990 finished gasoline was within five (5) percent of the volumetric fraction of the same blendstock in 1990 finished gasoline. However, based on comments that typical year-to-year fluctuations would cause the blendstock volumetric fractions to exceed the proposed 5 percent requirement, EPA proposes to allow post-1990 finished gasoline data to be used if each of the post-1990 blendstock fractions is within 10 percent of the respective 1990 blendstock volumetric fraction. Comments are requested as to whether the 10 percent criteria is appropriate.

In a slight change from the SNPRM, EPA proposes that the Director of the Office of Mobile Sources approve baselines and grant petitions under circumstances where petitions are allowed.

Establishment of Baselines by Foreign Refineries

EPA has received comments pertaining to the establishment of 1990 baselines by foreign refiners. The 1990 baseline is relevant in the early years of the reformulated gasoline program for purposes of certifying reformulated gasoline under the Simple Model,[24] and it is relevant from 1995 onward for purposes of measuring compliance with the anti-dumping provisions of this program.

In the SNPRM (April 1992), EPA proposed that domestic refiners establish their individual baseline using one of three proposed methods to calculate their 1990 average fuel parameters. Method 1 would be used if sufficient data was available; if not, then Method 2; or Method 3, if insufficient data was available for Method 2. EPA proposed that importers of foreign gasoline establish their baselines using the first proposed method, and that importers "default" to the statutory baseline if sufficient data was not available for that method.

EPA did not propose any methodology for foreign refiners to establish individual baselines. Rather, the quality of gasoline imported from foreign refiners was to be controlled by regulation of domestic importers. However, EPA proposed an exception to this scheme for refiners that were also domestic importers and that imported 75% of the gasoline produced at the refinery. EPA proposed that these importers be permitted to use the three methodologies for establishing an individual baseline.

The proposed approach regarding the establishment of individual baselines by foreign refineries arose from three principle concerns by EPA:

1. EPA was concerned that foreign refiners that imported less than a significant portion of their total production into the United States would be unable to produce verifiable data adequate to justify use of the three proposed methodologies. EPA did not believe that foreign refiners had records of the relevant fuel parameters necessary to accurately establish a 1990 baseline for that fraction of their total 1990 gasoline production exported to the United States.

2. EPA was concerned with its ability to conduct verification and compliance audits on foreign soil to verify the calculation of individual baselines for foreign refiners. Domestic refiners and importers are subject to regulation by the Agency, whereas regulation of foreign refiners raises significant questions on legal authority and regulatory jurisdiction. EPA's concern also extended to the effect product fungibility and mixing during shipment would have on the Agency's ability to correlate imported product with individual foreign refinery baselines.

3. EPA was concerned that permitting foreign refiners to establish individual baselines would lead to "gaming" of the system. Specifically, EPA was concerned that foreign refiners that had exported gasoline to the U.S. in 1990 that was cleaner than the statutory baseline would have economic incentives to default to the less stringent statutory standard. As a result, foreign refiners could use EPA's limited ability to auditor-verify a foreign refiner's records and intentionally default to the less stringent baseline. Such "gaming" might have the effect of skewing the anticipated average quality of gasoline characteristics within the United States, especially in areas where imported gasoline is a significant percentage of the total gasoline consumption.

Petroleos de Venezuela S.A. (PDVSA) claims that EPA's first concern would be satisfied if a foreign refiner's data was sufficiently detailed such that the qualities of the 1990 gasoline exported to the United States could be determined, as compared to the qualities of the refiner's overall 1990 gasoline production. In such a situation, PDVSA claims that a foreign refiner should not be precluded from using the three methods to establish individual baselines for its refineries.

With respect to EPA's second concern, PDVSA claims that foreign refiners and their governments would be amenable to EPA conducting verification and compliance audits. This could be arranged through diplomatic instruments if necessary. With respect to EPA's concerns on reliably tracking the origin of gasoline to specific refiners and refineries, PDVSA believes that EPA could continue, if necessary, to regulate importers of foreign gasoline. A refiner's or refinery's individual baseline would follow its gasoline as long as its gasoline could be fairly tracked at the point of importation. For example, a foreign refiner could segregate its product from others, or the point of origin could be clearly traceable from the documentation accompanying the gasoline. If the point of origin could be clearly identified, then the importer would use the foreign refiner's baseline for that product's baseline. If the point of origin could not be clearly identified, then the importer would use the statutory baseline for that gasoline. In effect, the burden of clearly identifying the point of origin would be on the importer, and through them on the foreign refiner.

Finally, with respect to the gaming concern, PDVSA believes there is no significant economic incentive for such gaming as it would be economic incentive for such gaming as it would not be economic for a refiner to intentionally degrade the quality of the gasoline it exports to the United States to the statutory baseline. In addition, PDVSA claims there is no realistic chance of an adverse air quality impact from this gaming potential. PDVSA also claimed that failing to allow foreign refiners to establish individual baselines could distort the export market in a way that potentially could disrupt the supply of gasoline in certain areas of the country.

EPA invites comment on all of the above issues, including EPA's concerns and the suggestions of PDVSA. EPA also invites comments on alternatives to the approaches proposed today, including

[24] The proposed Simple Model would apply from January 1, 1995 until the Complex Model becomes mandatory during 1997.

allowing foreign refiners to establish individual baselines under reasonably limited circumstances based on the concerns noted above, for use in the reformulated gasoline program under the Simple Model and/or for use in the anti-dumping program.

2. Baseline Adjustment for Work-in-Progress

In the SNPRM, EPA proposed that a work-in-progress (WIP) adjustment to a refiner's baseline would be allowed if certain criteria were met. One of the criteria presented in the SNPRM addressed the situation where a refiner's exhaust benzene emission value differed significantly when calculated with and without the WIP adjustment. EPA believes that the WIP adjustment should also apply to the fuel components which are capped when the simple model is used, and, per the regulatory negotiation's Agreement-in-Principle, to exhaust toxics and NO_x emissions in the years when the complex model is required. EPA proposes that this adjustment apply when one or more of the following situations occur: (1) At least a 25.0 percent difference exists between sulfur, olefin and/or T90 values calculated with and without the WIP adjustment; (2) at least a 5.0 percent difference exists between the refiner's baseline exhaust benzene emissions calculated with and without the WIP adjustment; (3) at least a 5.0 percent difference exists between the refiner's baseline exhaust toxics emissions calculated with and without the WIP adjustment; (4) at least a 5.0 percent difference exists between the refiner's baseline NO_x emissions calculated with and without the WIP adjustment. Comments are requested on the extension of the WIP adjustment to sulfur, T90 and olefins. Comments are also requested as to whether the proposed 25.0 percent difference requirement is an appropriate value.

Another of the criteria proposed in the SNPRM required that a refiner show that failure to allow a WIP adjustment would result in a substantial portion of the capital associated with the WIP to be at risk. "Substantial" was proposed to be capital involved with the WIP which exceeded 10 percent of the refinery's depreciated plant and equipment value. Comments were received which stated that it is possible that this requirement could be biased against recently built or recently upgraded refineries because the depreciated value would be higher for these facilities than for older refineries of the same size. The commenter also claimed that newer facilities tend to be benefit the environment more than similar, older facilities, and thus could be unfairly penalized, compared to older facilities, by the proposal. Based on these comments, EPA proposes an alternative criteria which could be met in lieu of the "10 percent" criteria. EPA proposes and requests comments on the allowing either the "10 percent" criteria or minimum cost of the WIP to satisfy the capital-at-risk criteria. Comments are requested as to whether $10 million is an appropriate minimum cost.

Because WIP was not previously clearly defined, EPA proposes that WIP include both projects actually under construction in 1990 and projects for which contracts were signed in 1990 such that construction would be completed in time to comply with the regulatory requirement motivating the WIP (per the discussion of this requirement in the SNPRM). Comments are requested as to whether this proposal is appropriate. Detailed comments are also requested which address the type of contracts that would qualify.

3. Baseline Adjustment for Multiple Modes of Operation

EPA proposed that separate individual baselines be developed for each of the different modes of refinery operation (as discussed in the SNPRM) to minimize anticompetitive effects which could hurt smaller refiners, blenders and importers. However, some refineries may be sufficiently integrated with a blending operation such that the blending operation would not exist without the refinery, or such that negligible blendstocks or gasoline are brought into the blending operation other than those which come from the associated refinery. In such a situation, the concern about anticompetitive effects is greatly reduced. EPA proposes that a refiner which is involved in both of the regulated modes of operation may petition EPA to develop a single baseline for the combined operation, if it can show to the Administrator's satisfaction that a closely integrated relationship exists. EPA does not expect "closely integrated" to apply broadly to refiners who happen to also have blending operations. Comments are requested on this proposal, particularly on the proof required to show "close integration".

4. Ability to Petition for Extraordinary Individual Circumstance

EPA requests comments on the use of an adjusted baseline if, due to the occurrence of extenuating or extraordinary circumstances in 1990, or due to its unique individual situation, a refinery's baseline is unrepresentative of the gasoline it would have produced in 1990. EPA also requests comment on what criteria would have to be met, or proof given, to demonstrate that 1990 refinery operations were indeed different than if the special circumstance had not existed. EPA expects that a refiner would have to petition EPA, and would have to show the baseline values calculated without and without the adjustment.

To limit petitions, EPA proposes that petitions may be granted only if certain proof is presented in the petition, in addition to the baseline parameters calculated with and without the adjustment. Such proof may include a showing that significant financial burden will exist or that the viability of the refinery is at stake. EPA could also require a showing that 1990 operations were significantly different than 1988–89 and 1991–92 operations. Comments are requested as to the degree of financial hardship that might be required to be shown and on additional criteria which might have to be met in order to restrict any such petition to situations falling within the agency's authority under Alabama Power, as discussed in the SNPRM.

Examples of extenuating circumstances could include the following two examples, and EPA requests comments as to whether such circumstances should be deemed extenuating: (1) Downtime which occurs every 4–5 years and which happened to occur in 1990 (nonannual turnaround); and (2) disasters which took out a gasoline blendstock producing unit for 30 days or more (and whether 30 days is appropriate). EPA requests comments as to whether, and what type of, other extenuating circumstances may exist.

EPA also requests comment on whether it should consider allowing a baseline adjustment for the situation where (1) a fuel produced in 1990 under contract to the federal government (e.g., the military) will be phased out of production by 1995 due to changes in fuel requirements by the federal government, and (2) production of that fuel constituted at least 30 percent of a refiner's total production in 1990. For example, JP–4 jet fuel use is being eliminated by the Department of Defense. Because JP–4 is a naphtha/kerosene blend, feedstock previously used to produce it will in the future be used in gasoline. However, that feedstock cannot be used in gasoline without first going through a reformer to increase its octane to suitable gasoline levels. This will naturally increase the average aromatic content of a refiner's gasoline. Refiners for whom JP–4 production constituted a large portion of their total production will have low

baseline aromatics and benzene values relative to the values of the gasoline that will be produced in lieu of JP-4. Under certain individual circumstances, a refinery may have to close if it cannot comply with the anti-dumping provisions because its baseline parameter values were determined while it was under contract to the federal government to produce a non-gasoline fuel. EPA requests comments on this situation, and if adjustments to a baseline determination are granted, how much of a refinery's 1990 production must have constituted the soon-to-be-eliminated fuel for the circumstance to be extenuating.

For all of the above situations, EPA requests comments as to whether such a petitioner should get an individual adjusted baseline, the statutory baseline, or the statutory baseline on an individual parameter basis if only certain parameters were affected by the circumstance, and whether volume adjustments should be allowed.

C. Auditor[25] Requirements and Certification

1. Introduction

In the SNPRM, EPA proposed that an Agency-certified auditor be utilized to verify a refiner's or importer's 1990 individual baseline (i.e., the parameter determination) prior to submission of the baseline to EPA for approval. EPA also proposed that the auditor be independent of the refiner or importer and that EPA would certify the auditor based on criteria developed in consultation with persons knowledgeable in the technical aspects of gasoline refining. EPA recently held a public workshop on this topic and, considering the discussion at that workshop, EPA is proposing additional regulations concerning the certification of auditors and the submission of the individual baseline to EPA.

2. Requirements for Auditors

For the attached regulations, EPA proposes that the term auditor mean an individual or an organization although various persons involved with the auditor may also have to meet certain requirements.

EPA proposes that auditors (and where applicable, the auditor's organization and/or other persons) meet criteria in two areas in order to be certified by EPA to audit refiner and importer baselines. These proposed areas are (1) independence from the refiner or importer, and (2) technical capability to evaluate the process used to develop the baseline parameters. Although these general areas were proposed in the SNPRM, they are being reproposed today in more detail.

Concerning independence, EPA proposes that auditors and any other individuals or organizations, including contracting and subcontracting personnel, who are involved in substantive aspects of baseline verification be independent of the submitter. For example, EPA proposes that all persons involved in the substantive aspects of baseline verification could not have worked in the past five years as an employee of the refiner or importer whose baseline is being verified. EPA expects such criteria to mitigate potential conflict-of-interest concerns that could arise concerning the verification process if the auditor were to have an intimate relationship with the refiner or importer. Additionally, EPA is proposing that the auditor and its contractors and subcontractors be financially independent of the submitter. Specific criteria are listed in the accompanying proposed regulations.

However, EPA is proposing to allow a person to audit the baseline parameters for a particular refiner or importer even if that person also developed the baseline parameters for the same refiner or importer, as long as the person (and his/her contractors, etc.) meet all the requirements for an auditor. While larger refiners are likely to develop their baselines using in-house expertise, this proposal would most likely benefit smaller refiners and importers which are more likely to have their baselines determined for them by an outside company.

EPA requests comments on how to ensure that the independence requirements remain intact throughout the duration of the relationship between the auditor and the refiner, and as to whether the independence requirements should be continued for a time period after the baseline is approved, and what this time period should be.

EPA is also proposing that auditors be technically experienced and knowledgeable in refinery operations. This criterion is important because of the complexity of refinery operations and because refiners may have made substantial changes in feedstocks or refinery operating conditions between 1990 and year(s) when data was collected. Such changes would have to be accounted for in the individual 1990 baseline determinations. Auditing the accounting for such changes and confirming that the necessary adjustments were made is expected to be technically challenging and only those persons with sufficient knowledge and experience would be capable.

EPA is also proposing regulations which describe the technical role EPA expects auditors to fulfill in the verification process. Under these proposed regulations, the auditor would have to perform several tasks to verify certain aspects of the data collection and baseline calculations. Additionally, the auditor would have to describe a minimal amount of its verification process to EPA. As a part of this process, EPA would expect an auditor to know the relevant details and assumptions that went into the baseline determination it verified. Through the fulfillment of these requirements, EPA expects to gain sufficient confidence to approve many of the baseline parameter submissions. For baseline submissions where EPA has some uncertainty, EPA would follow up with the refiner or importer and its auditor to gain this certainty.

EPA requests comment on its proposed criteria requiring that auditors be independent and technically capable of evaluating the baseline parameters. EPA also requests comment on what technical role and reporting role the auditor should play in the verification process, and if EPA should approve persons as auditors who were also involved in developing the baseline parameters for the refiner or importer.

3. Auditor Certification

Because regulations under section 211(k) of the Act are aimed at refiners and importers, EPA believes that the refiner or importer should be responsible for choosing an auditor who meets the proposed requirements. EPA is considering two options for certifying auditors, and requests comments on each of these options.

Under the first option, the refiner or importer would be required to ensure that the auditor meets the criteria, and provide such proof with the baseline submission. The auditor would not be pre-certified by EPA. If an auditor who does not meet the criteria is used by the refiner or importer, the baseline submission would not be approved. This option allows the refiner or importer to begin working with an auditor immediately, if it believes it can prove that the auditor will meet the criteria promulgated in the final rule.

Under the second option, the qualifications of potential auditors would be submitted (by a potential auditor or by a refiner or importer) to

[25] EPA recognizes that the term "auditor" usually refers to a person who evaluates financial data. However, in the context of the baseline development discussed in this proposed rulemaking, "auditor" shall refer to a person who technically evaluates the baseline determination of a refiner or importer for correctness, as defined in this proposal.

EPA after promulgation of the final rule. (EPA is proposing that all qualification submittals indicate for which refiners and importers the auditor, its organization, contractors, and subcontractors do not meet the independence criterion mentioned above.) If no response is received from EPA within 30 days of application, that person would then be deemed an EPA-certified auditor. Refiners and importers would have to use such an EPA-certified auditor in order for their baseline submissions to be accepted. Comments are requested as to whether 30 days from application date is an appropriate response time, or whether a longer or shorter EPA response time should be considered.

Alternatively, while EPA cannot certify auditors prior to the promulgation of the final rule, it may be appropriate to invite submission of applications by persons desiring to be auditors prior to the final rulemaking. EPA could begin processing auditor certification submissions prior to promulgation of the final rule, and could certify auditors soon after the promulgation date.

Comments are requested on both of these options. EPA will consider other proposals certifying auditors.

D. Baseline Submission and Approval

In giving its approval of a baseline submission, EPA plans to rely heavily on the auditor's verification. That explains, in part, EPA's concern about auditor independence and technical abilities. Based on this reliance, if EPA discovers that an auditor has displayed gross incompetency or intentionally committed a significant error in the verification process, EPA may pursue debarment of the auditor under 18 USC 1001.

EPA had proposed in the SNPRM that auditors submit a plan to EPA prior to beginning their verification process. After considering this proposed requirement further and discussing it at the public workshop, EPA is considering not adopting this requirement. Instead, EPA may require the auditor to meet certain reporting requirements in their report to EPA concerning the baseline verification process. EPA believes this change will help expedite the verification process.

EPA is also proposing that each refiner or importer inform the Administrator of the name, associated organization, mailing address and telephone number of each auditor hired to verify the gasoline baseline parameter values. For example, if a refiner initially hired an auditor but then decided to use a different auditor for verifying its baseline parameters, then the refiner or importer would have informed EPA of both auditors as each was hired. EPA expects to gain insights into the quality and integrity of the baseline verification process. EPA requests comment on the proposed requirement that refiners and importers inform the Administrator of the auditor selected to verify the baseline parameter values.

EPA proposes that baseline submissions be submitted by the refiner or importer to EPA within 6 months of the date of the final rulemaking. This timeframe is reasonable if most baseline auditors will be able to be certified by EPA, as discussed above, soon after promulgation of the final rule, or if the refiner or importer assumes responsibility for choosing an auditor which meets the requirements of the final rule, without pre-certification of the auditor by EPA. In the latter case, a refiner or importer could begin working with an auditor immediately. Comments are requested on the appropriateness of requiring submissions within 6 months of promulgation of the final rule.

EPA proposes to accept only complete baseline submissions. As previously discussed, if data to be used in baseline development (per Method 3) is collected after promulgation of the final rule (because the minimum data requirements specified for using Method 1, 2 or 3 for determining a fuel component baseline value per the proposed regulations have not been met), EPA proposes that data may be collected through the end of the third month of the first three full months during which summer gasoline is produced by the refiner following promulgation of the final rule. Individual baselines which were determined using data collected after promulgation of the final rule shall be submitted to EPA by September 1, 1994. EPA requests comments on the above proposal.

X. Environmental and Economic Impacts

The environmental and economic impacts of the reformulated gasoline program are described in the Regulatory Impact Analysis supporting the rulemaking for reformulated and conventional gasoline, which is available in Public Docket No. A–91–02, located at Room M–1500, Waterside Mall (ground floor), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

XI. Public Participation

EPA desires full public participation in arriving at its final decisions and solicits comments on all aspects of this proposal. Wherever applicable, full supporting data and detailed analysis should also be submitted, to allow EPA to make maximum use of the comments. All comments should be directed to the EPA Air Docket, Docket No. A–92–12 (See **ADDRESSES**). The close of the comment period will be announced in connection with a later **Federal Register** notice announcing the public hearing (See **DATES**).

Any proprietary information being submitted for the Agency's consideration should be markedly distinguished from other submittals and clearly labelled "Confidential Business Information." Proprietary information should be sent directly to the contact person listed above, and not to the public docket, to ensure that it is not inadvertently placed in the docket. Information thus labeled and directed shall be covered by a claim of confidentiality and will be disclosed by EPA only to the extent allowed and by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies a submission when it is received by EPA, it may be made available to the public without further notice to the commenter.

XII. Compliance With the Regulatory Flexibility Act

A. Introduction

Per section 605 of the Regulatory Flexibility Act (RFA), EPA needs to determine the extent to which significant adverse economic impacts on a substantial number of small business entities are likely due to the regulations being proposed today. The potential impacts due to the regulations for the complex model, Phase II reformulated gasoline standards, and renewable oxygenate incentive program are discussed briefly below. The full RFA is presented in the DRIA. Comments on the RFA are requested.

Certain sectors of the gasoline industry are not likely to be more adversely affected by the complex model, the Phase II reformulated gasoline standards or the President's ethanol initiative than by previous proposals, such as the simple model. Comments are requested as to the validity of the conclusion that terminal operators, bulk plants and retail gasoline sellers will be relatively unaffected by these provisions.

B. Complex Model Impacts on Small Entities

The proposed complex model provides refiners (large or small) with the flexibility to choose the least cost method of fuel control in order to

produce reformulated gasoline. It is expected that this flexibility will reduce the cost of producing reformulated gasoline for most refiners. Thus, it is not likely that small refiners will be adversely impacted by this proposal.

The proposed complex model shows that oxygenate use affects other component values such that no net increase in NO_x emissions occurs. Additionally, oxygen is a required component of reformulated gasoline. Thus demand for oxygenate is not expected to decrease due to the complex model, and oxygenate producers should not be adversely affected.

EPA requests comments relative to its finding that small refiners and oxygenate producers are not likely to be adversely affected by use of the complex model.

C. Phase II Standards

Small refineries which choose to produce reformulated gasoline are likely to experience higher costs (per gallon) than large refineries in meeting the proposed Phase II standards. The Phase II standards are more severe than the Phase I standards, and thus more severe processing and/or capital equipment purchase may be necessary. Small refineries, which do not have the advantage of economies of scale, may have higher expenses and may have a more difficult time raising the necessary capital. However, a Sobotka analysis [26] of this situation concluded that small refineries are not disadvantaged by the federal reformulated gasoline requirements (at current opt-in levels) because they either do not produce gasoline, do not ship a significant portion of their gasoline to the affected markets, or could readily serve conventional gasoline markets.

Oxygenate producers should also not be adversely affected by the Phase II requirements, since increasing the oxygen content of reformulated gasoline over the minimum 2.0 weight percent may be a cost-effective method for meeting the proposed standards. Thus oxygenate producers should not be adversely affected by the Phase II requirements. It is possible that nonethanol oxygenates could be slightly negatively impacted relative to ethanol because the proposed Phase II standards are based on MOBILE5.0. MOBILE5.0 reduces the impact of evaporative emissions relative to exhaust emissions. If the contribution of ethanol's high blending RVP is thus reduced, ethanol use could become more attractive, to the benefit of ethanol producers. However, any potential "decrease" in the market share for nonethanol oxygenates would not represent a level lower than at present, but merely a level less than had previously been forecasted. EPA requests comments on the impact of the Phase II standards on oxygenate producers.

D. President's Ethanol Initiative

As background, it is worth pointing out that some refiners may be adversely affected and some actually benefitted by the ethanol initiative, depending on their pre-ethanol initiative plans for producing reformulated gasoline. If they were planning on using ethanol, they were intending having to make a nonoxygenated reformulated gasoline blendstock (RBOB) at 7.1 psi. Now, they can make that at 7.8 psi. However, if the refiner was not planning on using ethanol, it was planning to have its reformulated gasoline blendstocks meet the 8.1 psi requirement, and now must produce such blendstocks at 7.8 psi. Comments on the impact of the ethanol initiative on small refiners.

It is also possible that the incentive to use renewable oxygenates could reduce the use of nonrenewable oxygenates such as MTBE in reformulated gasoline and, thus, affect the future increase in production that producers of these oxygenates would otherwise have obtained by the reformulated gasoline program. However, this would represent gains in production foregone as a result of today's proposal, and not reductions in production. Because of their higher costs, noncaptive (i.e., stand alone) MTBE producers would be more negatively affected than captive (on-site, refinery plants) MTBE plants. Adverse effects on any ether producer could be reduced if they have the ability to produce ethanol-based ethers. If MTBE producers are negatively impacted, methanol producers who supply the methanol feedstock to the MTBE process could also be negatively affected. Ethanol producers, on the other hand, will of course benefit from the initiative. EPA requests comments on the impact of the renewable oxygenate initiative on oxygenate producers.

XIII. Statutory Authority

The statutory authority for the standards proposed today is granted to EPA by sections 114, 211(c) and (k) and 301 of the Clean Air Act, as amended; 42 U.S.C. 7414, 7545(c) and (k), and 7601.

XIV. Administrative Designation and Regulatory Analysis

Pursuant to Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement that a Regulatory Impact Analysis be prepared. Major regulations have an annual effect on the economy in excess of $100 million, have a significant adverse impact on competition, investment, employment or innovation, or result in a major price increase. The Administrator has determined that Phase II reformulated gasoline will cost well in excess of $100 million per year and therefore should be classified as a major rule.

A Draft Regulatory Impact Analysis (RIA) for the reformulated gasoline program has been prepared and placed in the docket for that rulemaking (A–92–12). The final RIA will be completed contemporaneously with the final reformulated gasoline rule. The Draft Regulatory Impact Analysis was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Written comments from OMB and EPA response to those comments have also been placed in the public docket for this rulemaking.

XV. Reporting and Recordkeeping Requirements

Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, EPA must obtain OMB clearance for any activity that will involve collecting substantially the same information from 10 or more non-Federal respondents. These information collection requirements have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An Information Collection Request document has been prepared by EPA (ICR No. [1591]) and a copy may be obtained from Sandy Farmer, Information Policy Branch; EPA; 401 M St., S.W. (PM–223Y); Washington, DC 20460 or by calling (202) 382–2740.)

Send comments regarding the collection of information, including suggestions for reducing the burden of this collection to Chief, Information Policy Branch; EPA; 401 M St., SW. (PM–223Y); Washington, DC 20503; and to the Office of Management and Budget, Washington, DC, 20503, marked "Attention: Desk Officer for EPA." The final Rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

[26] "Evaluation of the Use of Ethanol and MTBE in Reformulated Gasoline," Prepared by Sobotka & Co., Inc. for U.S. EPA under Contract No. 68–W9–007. September 30, 1992.

VOL 58 ISS 37 FE 26 1993 UMI

Dated: January 19, 1993.

William K. Reilly,

Administrator.

[FR Doc. 93–4015 Filed 2–25–93; 8:45 am]

BILLING CODE 6560–50–P

VOL
58

ISS
37

FE
26

1993

UMI

federal register

Friday
Februarv 26, 1993

Part III

Department of the Interior

Bureau of Indian Affairs

Approval for Reassumption of Jurisdiction by the Metlakatla Indian Community Over Indian Child Custody Proceedings; Notice

VOL
58
ISS
37
FE
26
1993
UMI

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Approval of Petition for Reassumption of Jurisdiction by the Metlakatla Indian Community Over Indian Child Custody Proceedings Involving Indian Children Who Are Enrolled or Eligible for Enrollment With the Metlakatla Indian Community or Who Reside or Are Domiciled on the Annette Islands Reserve in Alaska

February 18, 1993.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Metlakatla Indian Community of Alaska has filed a petition with the Department of the Interior to reassume exclusive jurisdiction over child custody proceedings involving Indian children who are enrolled or eligible for enrollment with the Metlakatla Indian Community or who reside or are domiciled on the Annette Islands Reserve in Alaska. The Assistant Secretary–Indian Affairs has reviewed the petition and determined that tribal exercise of jurisdiction is feasible and that the tribe has a suitable plan for exercising such jurisdiction. This notice constitutes the official approval of the Metlakatla Indian Community's petition by the Department of the Interior.

EFFECTIVE DATE: The Metlakatla Indian Community reassumes concurrent jurisdiction sixty (60) days after the publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bureau of Indian Affairs, Division of Social Services, 1849 C Street NW., Mail Stop 310–SIB, Washington, DC 20240, (202) 208–2721.

The principal author of this document is Betty B. Tippeconnie, Bureau of Indian Affairs, Division of Social Services, Department of the Interior, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The authority for the Assistant Secretary–Indian Affairs to publish this notice is contained in 25 U.S.C. 13.14 and 209 DM 8. Section 108 of the Indian Child Welfare Act of 1978, Public Law 95–608, 92 Stat. 3074, 25 U.S.C. 1918, authorizes Indian tribes that occupy a reservation as defined in 25 U.S.C. 1903(10) over which a state asserts jurisdiction over Indian child custody proceedings, pursuant to Federal statute, to reassume jurisdiction over such proceedings. To reassume such jurisdiction, a tribe must first file a petition in the manner prescribed in 25 CFR part 13. Notice of receipt of this petition was published in the **Federal Register**, Vol. 56, No. 31, page 6260, on February 14, 1991. The petition is then reviewed by the Department of the Interior using criteria set out in 25 CFR 13.12. If the Department finds that the tribe has submitted a suitable plan and that tribal exercise of jurisdiction is feasible, the petition is approved by publication in the **Federal Register**.

The geographic area subject to the reassumption of jurisdiction is the Annette Islands Reserve, Alaska.

Eddie F. Brown,

Assistant Secretary–Indian Affairs.

[FR Doc. 93–4466 Filed 2–25–93; 8:45 am]

BILLING CODE 4310–02–M

Friday
February 26, 1993

Part IV

Department of Health and Human Services

Food and Drug Administration

Draft Form for Reporting Suspect Adverse Events and Problems With Medications and Devices; Notice

VOL 58 ISS 37 FE 26 1993 UMI

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 93N-0072]

Draft Form for Reporting Suspect Adverse Events and Product Problems With Medications and Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing a draft form for reporting adverse events and product problems with medications, devices, and any other products (such as dietary supplements) that are regulated by the agency. The draft form, entitled "Medication and Device Problem Report," is intended to replace the following current and proposed forms used by the agency.

FDA Form 3318: Drug Quality Reporting System;

FDA Form 2519f: Medical Device and Laboratory Product Problem Reporting Program;

FDA test Form 3375: Medical Device Reporting Part I;

FDA test Form 3322: Medical Device Reporting;

FDA Form 1639 (all versions): Adverse Drug and Biologic Experience Reporting.

FDA will phase out the above forms within 180 days of the issuance of a final form based on this draft.

DATES: Written comments by April 12, 1993.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Sharon Natanblut or Dianne Kennedy, Office of the Commissioner (HF-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5691.

SUPPLEMENTARY INFORMATION:

Monitoring the safety of marketed medications and medical devices is an important public health protection activity. A primary component of FDA's postmarketing surveillance is its system for the reporting of adverse experiences and product problems with medications and medical devices. As used in this notice and on the draft form, "medications" includes prescription and nonprescription (over-the-counter or OTC) drugs and biologics.

FDA is announcing the availability of a single "user-friendly" form for reporting drug-, biologic-, and medical device-related adverse events and product problems. Adverse events and product problems with other products regulated by FDA, such as dietary supplements, can also be reported on this form. FDA is not at this time planning to use the form for reporting adverse events for animal drugs.

The agency hopes that a simplified and consolidated reporting form will improve reporting of suspected serious adverse events and product problems, and thereby enhance the detection and reduction of drug-, biologic-, and device-induced disease and injuries. FDA believes that a single form will also enhance agency-wide consistency in the collection of postmarketing data. The agency has designed this form to require no greater time for reporters to complete than the forms that it will replace.

FDA has prepared two versions of the one-page draft form. One version is for voluntary reports by health professionals (FDA draft Form XXXX), and the second version is for mandatory reports from manufacturers, user facilities, and distributors (FDA draft Form XXXXA). The front sides of both versions are virtually identical. The back side of the health professional version contains advice for reporting, public reporting burden information, and a self-mailer so that the form can be mailed to FDA at no expense to the reporter.

The back side of the manufacturer/user facility/distributor version contains additional required data elements and public reporting burden information. If a medication manufacturer is reporting an adverse event in which no suspect medical device is involved, the manufacturer section (section G) on the back side of the form can be completed and reproduced in place of the suspect medical device section (section D) on the front of the form. This makes it possible for medication manufacturers to submit all necessary information on one side of the form. Specific user facility, distributor, and manufacturer reporting guidelines will be developed to provide guidance in the use of the new form.

Once the new form is issued in final form, FDA will disseminate the form widely, and health professionals submitting voluntary reports will be able to submit this form by mail or by toll-free fax to a central receipt point at FDA. The agency is also examining ways to permit electronic submission of reports by manufacturers. FDA specifically encourages suggestions for facilitating electronic submission. Manufacturers, user facilities, and distributors will send their reports to the addresses specified in the appropriate regulations.

The data elements contained in the proposed form are largely the same as those required in the current forms. FDA has attempted to clarify and simplify the consolidated form by deleting some data elements that are not essential and others that may have caused confusion in the past.

Health professionals reporting directly to the agency will be asked to indicate on the form if they do not want their identity disclosed to the manufacturer. By allowing the agency to share the reporter's identity with the manufacturer, health professionals will facilitate efforts by FDA and the manufacturer to conduct necessary and rapid followup in selected cases. The agency will not release the reporter's identity to the general public, in response to a request from the public. Nor will the agency release the reporter's identity to the manufacturer if the reporter requests that this information not be provided.

FDA will hold all information identifying patients in the strictest confidence; that is, the identities of patients will not be disclosed to manufacturers or to the public.

FDA is committed to working in partnership with health professionals and industry to identify adverse events and product problems as rapidly as possible. In addition to proposing this consolidated reporting form, the agency is working in a number of ways to achieve this goal. In conjunction with professional organizations, FDA will develop an education program, targeted to health professionals of all types, to increase awareness of both the importance of reporting and the mechanics of reporting. For adverse event reporting, health professionals will be informed that they can report either directly to FDA or to the manufacturer, who in turn, is required by regulation to submit adverse event reports to FDA. FDA is considering other educational efforts to raise awareness of medication- and device-induced disease and injury, such as designing professional school curricula, participating in national and regional conferences, and publishing articles and columns in professional journals.

The date that the final form will be available has not yet been set. However, FDA plans to coordinate the issuance of the final form with publication of: (1) A final rule for Adverse Experience Reporting for Licensed Biological Products (proposed on March 29, 1990, 55 FR 11611), and (2) various final rules on Medical Device, User Facility, Distributor, and Manufacturer

Reporting, Certification, and Registration (21 CFR parts 803 and 807) (proposed on November 26, 1991, 56 FR 60024).

Interested persons may, on or before April 12, 1993, submit to the Dockets Management Branch (address above) written comments regarding this draft form. FDA will consider these comments in determining whether modifications to the draft form are warranted. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 22, 1993.

David A. Kessler,

Commissioner of Food and Drugs.

BILLING CODE 4160-01-M

VOL 58 ISS 37 FE 26 1993 UMI

DRAFT

To submit report directly to FDA, mail to:
Food & Drug Administration (HXX-XXX)
Rockville, MD 20857
or
FAX to: 1-800-FDA-

Page of

Medication and Device Problem Report

(for health professionals)

1 Just fill in sections that apply
2 Attach additional pages if needed
3 Use a separate form for each patient

Form Approved: OMB No. XXXXXXXXXX See OMB statement on reverse

Mfr report/control #

UF/Dist report #

FDA Use Only

A. Patient information

1 Patient initials (In confidence)

2 Age at time of event

3 Sex ☐ female ☐ male

4 Weight ____ lb or ____ kg

B. Adverse event or product problem

1 ☐ Adverse event and/or ☐ Product problem (defect or malfunction)

2 Reasons for reporting adverse event (check all that apply)
☐ death
☐ life-threatening
☐ hospitalization – initial or prolonged due to event
☐ disability
☐ congenital anomaly
☐ required intervention to prevent permanent damage
☐ other

3 Date of event

4 Date of this report

5 Describe event or problem, attach hospital discharge summary, if available

6 Relevant tests/laboratory data–attach autopsy, pathology & lab reports if available

7 List preexisting medical conditions and other relevant history

C. Suspect medication(s)

1 Name & strength (give mfr/labeler if known)
a
b

2 Dose, frequency & route
a
b

3 Therapy dates (or give duration)
a
b

4 Diagnosis for use (indication)
a
b

5 Event abated after use stopped or dose reduced
a ☐ yes ☐ no
b ☐ yes ☐ no

6 Lot # (if known)
a
b

7 Exp. date (if known)
a
b

8 Event reappeared after reintroduction
a ☐ yes ☐ no
b ☐ yes ☐ no

9 NDC # (if known)
a
b

10 Other medications/devices used prior to event - give therapy dates
a
b
c

D. Suspect medical device

1 Product name

2 Type of device

3 Manufacturer name & address

4 Operator of device
☐ health professional
☐ lay user/patient
☐ assistive personnel

5 Exp. date (if known)
mo day yr

6
model #
catalog #
serial #
lot #
other #

7 If implanted, give date
mo day yr

8 If removed, give date
mo day yr

9 Device available for evaluation?
☐ yes ☐ no ☐ returned to mfr mo day yr

10 Other medications/devices used prior to event – give therapy dates
a
b

E. Reporter (see confidentiality section on back)

1 Name, address & phone #

2 Health professional?
☐ yes ☐ no

3 Occupation

4 Also reported to
☐ manufacturer
☐ user facility
☐ distributor

5 If you do NOT want your identity disclosed to the manufacturer, place an " X " in this box. ☐

FDA Form XXXX

Submission of a report does not constitute an admission that medical personnel or the product caused the event.

DRAFT

ADVICE ABOUT REPORTING

Report a SERIOUS adverse event when the outcome is :

- death
- life-threatening
- disability
- hospitalization – initial or prolonged
- congenital anomaly
- intervention to prevent permanent damage

Be particularly alert during the first 3 years after a product is first marketed. Historically, that's when most new problems are discovered.

Report even if...

... you're not certain the product caused the event.
... some details are unknown.

Report product problems when you have a concern regarding the quality, performance or safety of any medication or device. Problems may range from suspected contamination or defective components to poor packaging and labeling.

Confidentiality: The identity of the patient is held in strictest confidence by the FDA. The identity of the reporter will be shared with the manufacturer unless you request otherwise. However, the FDA will not disclose the reporter's identity in response to a request from the public.

How to report: You may report either to FDA or the manufacturer. To report directly to FDA, mail to the address below or fax toll-free to **1-800-FDA-**

If your report involves a device and the event occurred outside a doctor's office, you should notify the person in your facility who is responsible for complying with medical device reporting requirements. This person must report deaths to FDA and the manufacturer; serious injuries to the manufacturer or FDA if the manufacturer is unknown; and malfunctions to the manufacturer.

If your report involves a vaccine, call VAERS at 1-800-822-7967 for a reporting form.

(This form may be used to report any medication, medical device or other product regulated by the FDA.)

Your report is invaluable in identifying serious problems that affect not only your patient but potentially other patients worldwide.

The public reporting burden for this collection of information has been estimated to average 15 - 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send your comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

Reports Clearance Officer, PHS
Hubert H. Humphrey Building,
Room 721-B
200 Independence Avenue, S.W.
Washington, DC 20201
ATTN: PRA

and to:
Office of Management and Budget
Paperwork Reduction Project
(0910-0230)
Washington, DC 20503

Please do NOT return this form to either of these addresses.

FDA Form XXXX

Please Use Address Provided Below – Just Fold In Thirds, Tape and Mail

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES OR APO/FPO

BUSINESS REPLY MAIL
FIRST CLASS MAIL PERMIT NO. ROCKVILLE, MD

POSTAGE WILL BE PAID BY ADDRESSEE

Department of Health & Human Services
Public Health Service
Food & Drug Administration - (HXX–XXX)
Rockville, MD 20857

VOL 58 ISS 37 FE 26 1993 UMI

DRAFT

Medication and Device Problem Report

1 Just fill in sections that apply
2 Attach additional pages if needed
3 Use a separate form for each patient

Form Approved: OMB No. XXXXXXXXXX See OMB statement on reverse

Mfr report/control #

User facility report #

FDA Use Only

Page ___ of ___

A. Patient information

1 **Patient initials** In confidence

2 **Age at time of event** In months if less than 3 years old / In days if less than 1 month old — Years / Months / Days

3 **Sex** ☐ female ☐ male

4 **Weight** _____ lb or _____ kg

B. Adverse event or product problem

1 ☐ **Adverse event** and/or ☐ **Product problem** (defect or malfunction)

2 **Reasons for reporting adverse event** (check all that apply)
☐ death ___/___/___ (mo/day/yr)
☐ life-threatening
☐ hospitalization – initial or prolonged due to event
☐ disability
☐ congenital anomaly
☐ required intervention to prevent permanent damage
☐ other: _____

3 **Date of event** ___/___/___ (mo/day/yr)

4 **Date of this report** ___/___/___ (mo/day/yr)

5 **Describe event or problem**, attach hospital discharge summary, if available

6 **Relevant tests/laboratory data**–attach autopsy, pathology & lab reports, if available

7 **List preexisting medical conditions and other relevant history**

C. Suspect medication(s)

1 **Name & strength** (give mfr/labeler, if known)
a
b

2 **Dose, frequency & route**
a
b

3 **Therapy dates** (or give duration) from/to
a.
b

4 **Diagnosis for use** (indication)
a
b

5 **Event abated after use stopped or dose reduced**
a ☐ yes ☐ no
b ☐ yes ☐ no

6 **Lot #** (if known)
a
b

7 **Exp. date** (if known)
a
b

8 **Event reappeared after reintroduction**
a. ☐ yes ☐ no
b ☐ yes ☐ no

9 **NDC #** (if known)
a ___ – ___ – ___
b ___ – ___ – ___

10 Other **medications/devices** used prior to event – give therapy dates
a
b
c

D. Suspect medical device

1 Product name

2. Type of device

3 **Manufacturer name & address**

4 **Operator of device**
☐ health professional
☐ lay user/patient
☐ assistive personnel

5 **Exp. date** (if known) ___/___/___ (mo/day/yr)

6
model # _____
catalog # _____
serial # _____
lot # _____
other # _____

7 **If implanted, give date** ___/___/___ (mo/day/yr)

8 **If removed, give date** ___/___/___ (mo/day/yr)

9 **Device available for evaluation?**
☐ yes ☐ no ☐ returned to mfr ___/___/___ (mo/day/yr)

10 Other **medications/devices** used prior to event – give therapy dates
a
b

E. Reporter

1 **Name, address & phone #**

2 **Health professional?** ☐ yes ☐ no

3. **Occupation**

4 **Also reported to**
☐ manufacturer
☐ user facility
☐ distributor

FDA Form XXXXA

Submission of a report does not constitute an admission that medical personnel or the product caused the event.

DRAFT

Medication and Device Problem Report

(continued)

Refer to guidelines for specific instructions

Submission of a report does not constitute an admission that the user facility, distributor, manufacturer or product caused the event

Page ___ of ___

FDA Use Only

F. For use by user facility/distributor–devices only

1. Check one ☐ user facility ☐ distributor
2. Report number
3. User facility or distributor name/address
4. Contact person
5. Phone Number
6. Date reported to user facility or distributor ___/___/___ (mo/day/yr)
7. Type of report ☐ initial ☐ follow-up # _____
8. Date of this report ___/___/___ (mo/day/yr)
9. Device purchase date ___/___/___ (mo/day/yr)
10. Event problem codes (refer to coding manual) patient code ____ ____ ____ ____ device code ____ ____ ____ ____
11. Report sent to FDA? ☐ yes ___/___/___ (mo/day/yr) ☐ no
12. Location ☐ hospital ☐ home ☐ nursing home ☐ outpatient treatment facility ☐ outpatient diagnostic facility ☐ ambulatory/surgical facility ☐ other _____
13. Report sent to manufacturer? ☐ yes ___/___/___ (mo/day/yr) ☐ no
14. Manufacturer name/address

G. All manufacturers

1. Manufacturer name/address & phone # (site of mfr for device)
2. Report source (check all that apply) ☐ foreign ☐ study ☐ literature ☐ consumer ☐ health professional ☐ user facility ☐ company representative ☐ distributor ☐ other _____
3. Date received by manufacturer ___/___/___ (mo/day/yr)
4. NDA # _____ IND # _____ PLA # _____ pre-1938 ☐ yes
5. If IND, protocol #
6. Type of report (check all that apply) ☐ 5-day ☐ 15-day ☐ 10-day ☐ periodic ☐ initial ☐ follow-up # ___
7. Adverse event term(s) (Biologics)
8. Report/control #

H. Device manufacturers only

1. Contact office – include address & phone # if different from G1.
2. Device manufacture date ___/___/___ (mo/day/yr)
3. Product code
4. Labeled for single use? ☐ yes ☐ no
5. Type of report ☐ death ☐ serious injury ☐ malfunction that might cause death or serious injury if it were to recur ☐ other _____
6. Usage of device ☐ initial use of device ☐ reuse ☐ unknown
7. Device evaluated by mfr? ☐ yes ☐ failure analysis [illegible] ☐ no (if no, attach page to explain why not) or provide code ____ ____ ____ ____
8. If follow-up, what type? ☐ correction ☐ additional information ☐ response to FDA request ☐ device evaluation
9. Evaluation codes (refer to coding manual) method ____ ____ ____ ____ results ____ ____ ____ ____ conclusions ____
10. If remedial action initiated, check type ☐ recall ☐ notification ☐ repair ☐ inspection ☐ replace ☐ patient monitoring ☐ relabeling ☐ modifications, adj ☐ other _____
11. If action reported to FDA under 21 CFR XXX XXXX, list correction/removal reporting number
12. ☐ Manufacturer narrative or 13. ☐ Corrected data

The public reporting burden for this collection of information has been estimated to average five hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send your comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

Reports Clearance Officer, PHS
Hubert H. Humphrey Building, Room 721-B
200 Independence Avenue, S.W.
Washington, DC 20201
ATTN: PRA

and to:
Office of Management and Budget
Paperwork Reduction Project (0910-0230)
Washington, DC 20503

Please do NOT return this form to either of these addresses.

FDA Form XXXXA - back

[FR Doc. 93–4476 Filed 2–25–93; 8:45 am]

BILLING CODE 4160–01–C

VOL
58

ISS
37

FE
26

1993

UMI

federal register

Friday
February 26, 1993

Part V

Department of Education

Office of Special Education and Rehabilitative Services

34 CFR Part 300

Invitation to Comment on the Regulatory Definition of "Serious Emotional Disturbance"; Proposed Rule

VOL
58
ISS
37
FE
26
1993
UMI

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

34 CFR Part 300

Invitation To Comment on the Regulatory Definition of "Serious Emotional Disturbance" and the Use of This Term in the Individuals With Disabilities Education Act

AGENCY: Department of Education.

ACTION: Correction to the notice of inquiry.

SUMMARY: On February 10, 1993, a notice of inquiry was published in the **Federal Register** at 58 FR 7938. This document is being published to correct paragraphs (c) and (c)(1) in the **SUPPLEMENTARY INFORMATION** for the purpose of editorial clarification. Paragraphs (c) and (c)(1), of the **SUPPLEMENTARY INFORMATION** is correctly printed as follows:

(c) Should the Secretary propose to replace the definition of the term "children with serious emotional disturbance" in the regulations implementing part B with the following definition:

(1) As used in section 602(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)):

(A) The term "serious emotional disturbance" means a disability that is—

(i) characterized by behavioral or emotional response in school programs so different from appropriate age, cultural, or ethnic norms that the responses adversely affect educational performance, including academic, social, vocational or personal skills;

(ii) more than a temporary, expected response to stressful events in the environment;

(iii) consistently exhibited in two different settings, at least one of which is school-related; and

(iv) unresponsive to direct intervention applied in general education, or the condition of a child is such that general education interventions would be insufficient.

(B) The term includes such a disability that co-exists with other disabilities.

(C) The term includes a schizophrenic disorder, affective disorder, anxiety disorder, or other sustained disorder of conduct or adjustment, affecting a child, if the disorder affects educational performance as described in paragraph (1).

FOR FURTHER INFORMATION CONTACT: Rhonda Weiss, Department of Education, 400 Maryland Avenue SW., Switzer Building, room 3626, Washington, DC 20202–2720. Telephone: (202) 205–9021. Deaf and hearing impaired individuals may call (202) 205–9090 for TDD services.

Dated: February 19, 1993.

Andrew Pepin,

Acting Assistant Secretary, Office of Special Education, and Rehabilitative Services.

[FR Doc. 93–4323 Filed 2–25–93; 8:45 am]

BILLING CODE 4000–01–M

Federal Register

Friday
February 26, 1993

Part VI

Department of Transportation

Federal Aviation Administration

14 CFR Part 25

Use of Nitrogen or Other Inert Gas for Tire Inflation in Lieu of Air; Final Rule

VOL
58
ISS
37
FE
26
1993
UMI

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. 26147, Amendment No. 25–78]

RIN 2120–AD37

Use of Nitrogen or Other Inert Gas for Tire Inflation in Lieu of Air

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Federal Aviation Regulations (FAR) requires that an inert gas, such as nitrogen, be used in lieu of air, for inflation of tires on certain transport category airplanes. This action is prompted by at least three cases in which the oxygen in air-filled tires combined with volatile gases given off by a severely overheated tire and exploded upon reaching autoignition temperature. The use of an inert gas for tire inflation will eliminate the possibility of a tire explosion.

EFFECTIVE DATE: March 29, 1993.

FOR FURTHER INFORMATION CONTACT: Robert C. McCracken, Flight Test and Systems Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue Southwest, Renton, Washington 98055–4056; telephone (206) 227–2118.

SUPPLEMENTARY INFORMATION:

Background

This amendment is based on Notice of Proposed Rulemaking (NPRM) No. 90–7, which was published in the **Federal Register** on March 5, 1990 (55 FR 7876), and a correction notice published March 21, 1990 (55 FR 10467). Notice 90–7 proposed to require that an inert gas, such as nitrogen, be used in lieu of air, for inflation of tires on certain transport category airplanes.

The airworthiness standards for airplane tires are contained in § 25.733 of the FAR. This section describes the loads and speed ratings required of each tire, and requires that the tires be shown to be suitable for their intended use. In addition, each tire may be manufactured under technical standard order (TSO), which means that the tire has passed a series of rigorous dynamometer tests and is produced in accordance with an approved manufacturing process and quality control system. Airplane tires are designed for strength and durability and, since the advent of turbojet transport airplanes, they have had a satisfactory service history. Despite this emphasis on strength and durability for airplane tires, there have been instances of tire failures in the wheel well during flight on transport category airplanes. The great majority of these have been classified as tire bursts, with only a few having been identified as tire explosions. This is an important distinction, which is relevant to this rulemaking action.

A tire burst, as referred to in § 25.729(f), is a sudden, sometimes violent, venting of the pressure from within a tire, usually associated with a flaw in the tire, foreign object damage, or tire overheat/overload. The FAA assumes that tire bursts will occasionally occur, given the severe operating environment of airplane tires, and the fact that certain tire damage may go undetected until tire failure. With this in mind, equipment installed in wheel wells is evaluated at the time of certification to determine its ability to withstand the effects of a bursting tire. Analyses and laboratory tests are performed to identify critical areas, and design changes are often made to ensure that a single tire burst will not cause loss of critical functions.

A tire explosion is a completely different phenomenon. It results from the autoignition and explosion of a mixture of explosive vapors released from the innerliner of a severely overheated or abused tire, and any oxygen that may be present inside the tire. A tire explosion in the wheel well is an unlikely event, since it is the result of a combination of several related events: A brake must be severely overheated due to some brake system failure; the wheel thermal fuse plugs, because of their orientation when the landing gear are retracted, must fail to respond quickly enough to the overheated condition; the overheated and possibly damaged tire must hold together long enough to allow the gas mixture in the tire to reach autoignition temperature; and there must be sufficient oxygen inside the tire to support an explosion

It is impossible to design a thermal fuse plug that would be effective in a tire explosion. Most thermal fuse plugs in use today are hollow bolts installed in the wheel rim. The cavity in the bolt is filled with a material that melts at a precisely defined temperature and is ejected from the hollow bolt by tire pressure, allowing the tire to deflate. Because the pressure and temperature rise inside the tire would be nearly instantaneous following ignition, the melting of the fuse plug, which is basically a mechanical process, would not have time to take place. Also, the cross sectional area of a series of fuse plugs sufficient to safely vent the energy of an explosion would be so large that it could seriously compromise the structural integrity of the wheel. It is more logical to prevent a tire explosion than to attempt to deal with it after it happens. A tire explosion can be prevented by the use of an inert gas such as nitrogen for tire inflation.

Laboratory tests conducted in 1973 show a definite relationship between the quantity of oxygen in a tire and the gas mixture's autoignition temperature. Test data indicate that at nitrogen concentrations between 80 percent and 90 percent (the atmosphere contains approximately 80 percent nitrogen and 20 percent oxygen), ignition of inner tire liner samples occurred in a test chamber with temperatures varying from 478 °F to 518 °F. Nitrogen concentrations between 90 percent and 95 percent raised the autoignition temperatures to a range of 520 °F to 531 °F. At nitrogen concentrations greater than 95 percent, there was no pressure increase in the test chamber, even at chamber temperatures of 670 °F, indicating that there was no ignition. Based on these tests, it was concluded that any concentration of oxygen in a tire in excess of 5 percent of the total gas will support a reaction. At a concentration above 10 percent, this reaction is an abrupt autoignition. At concentrations from 5 percent to 10 percent, this reaction is assumed to be a low level autoignition, based on measurement of test chamber pressure and temperature.

If a tire contains at least 95 percent nitrogen or other gases shown to be inert, and is involved in a severe overheat situation as described above, the atmosphere inside the tire would prevent autoignition, or at least delay it long enough either for the fuse plugs to react and release tire pressure, or for the tire itself to fail from overheat, resulting in the less severe tire burst.

Since the hazard associated with a tire explosion in the wheel well during flight exists on large transport airplanes using tires inflated with air, § 25.733 is amended to require that tires mounted on braked wheels be inflated with dry nitrogen, or other gases shown to be inert, such that the gas mixture does not contain oxygen in excess of 5 percent by volume. As other means may be available to prevent tire explosions, this amendment requires the use of an inert gas for tire inflation unless the tire liner material will not produce volatile gases when heated or means are provided to prevent tire temperatures from reaching unsafe levels.

The Federal Aviation Administration (FAA) recognizes that nitrogen may not always be available at some airports, and that the prohibition against the use

of air to refill a low tire may cause some inconvenience. As indicated by the testing described above, nitrogen in the tire may be diluted with oxygen to a 95 percent concentration without compromising safety. Any maintenance procedure developed by an operator that would assure that any tire refill using air would not allow the nitrogen concentration to drop below 95 percent would be an acceptable method of compliance with the rule. For example, a manufacturer has published in the maintenance manuals of its models, a chart which explains a repetitive air refill procedure for a residual tire nitrogen content of 90 percent. While this chart would not be usable for concentration of 95 percent, it shows that similar procedures for a minimum nitrogen concentration of 95 percent for a range of tire sizes and pressures could be easily developed.

This new rule applies to large transport category airplanes with a maximum certificated takeoff weight greater than 75,000 pounds. A review of service difficulty reports has revealed that tire explosions, as opposed to tire bursts, tend to occur on the larger, heavier airplanes. While the mechanism of a tire explosion is not fully understood, it is clear that sufficient energy to raise the air in a tire to autoignition temperature must be provided by an overheated brake. Larger airplanes generally have higher takeoff and landing speeds and, at the higher gross weights, this provides for more kinetic energy to be absorbed by the brakes as heat. In addition, the volume of gas present in the larger tires installed on larger, heavier airplanes contain more combustible gas than would be found on the smaller airplanes, which would result in a more damaging explosion. Finally, the FAA has no records of adverse service history on smaller transport category airplanes that would suggest that the use of air for tire inflation constitutes a hazard on these airplanes.

In addition, this amendment adds the requirement to use an inert gas for tire inflation for braked wheels only, since there is no source of excessive heat present on unbraked wheels.

In response to the unsafe condition associated with tire explosions, the FAA issued an airworthiness directive (AD) in April 1987 which requires the servicing of tires on certain large transport category airplanes with nitrogen in lieu of air. The AD requires the installation of a placard, either in the wheel well or on or near each landing gear strut incorporating braked wheels, and in a location so as to be easily seen and readable by a person performing routine tire servicing. The placard is to read "INFLATE TIRES WITH NITROGEN ONLY." Alternatively, the operator is to incorporate into the FAA-approved maintenance program procedures to ensure that the gas mixture will not exceed 5% oxygen by volume. The FAA believes that an appropriate placard installed on the airplane and the addition of a suitable limitation on the type certificate data sheet would be an acceptable means of compliance with this new rule. It would also be appropriate to include information regarding servicing tires with an inert gas in the manufacturer's maintenance manuals under Instructions for Continued Airworthiness.

Discussion of Comments

Comments were received from two foreign government agencies, four trade organizations, and one company manufacturing landing gear components. While all of the commenters support the proposal, two parties offer comments suggesting changes of a clarifying nature.

One commenter suggests that control of the inflation media should apply to any aircraft with a maximum certificated takeoff weight (MCTW) of more than 5,700 kilograms (12,560 pounds) that has retractable undercarriage containing braked wheels, and not be limited to aircraft of more than 75,000 pounds MCTW. No information was presented by the commenter to support this suggestion, and the FAA has no information to support the suggestion. As noted in the preamble of Notice 90–7, the FAA has no records showing adverse service history on smaller transport category airplanes that would suggest that the use of the air for tire inflation constitutes a hazard. This is due to the higher energy that must be absorbed by the brakes, wheels, and tires with the higher weights and landing speeds associated with larger airplanes. Limiting the applicability to airplanes with "retractable undercarriages" is not considered appropriate. There will, in all likelihood, be no transport category airplanes with takeoff weights above 75,000 pounds certificated with fixed landing gear. Nevertheless, the hazard associated with tire explosions would exist if such an airplane design were proposed. The rule is therefore adopted as proposed in that regard.

This commenter also notes that, while nitrogen is the most likely inert gas that would be used to inflate tires, it would be necessary to ensure that any other "gases shown to be inert" are approved by the manufacturer as not being detrimental to the tire. The commenter suggests changing the rule to refer to other *suitable* gases shown to be inert, and approved by the tire manufacturer. The FAA shares the concern expressed by the commenter; however the wording in the rule as proposed in Notice 90–7 contains the phrase "nitrogen or other gases shown to be inert." This requires that the applicant manufacturer demonstrate to the FAA that any "other gas" is suitable for use. The term "approved by the manufacturer" is inappropriate since only the FAA or persons authorized to act on behalf of the FAA have the authority to approve the use of another gas. The rule is therefore issued as proposed in this regard.

This commenter also expresses concern regarding servicing of tires at remote locations where dry nitrogen is not currently available, and expresses the assumption that there is an operational counterpart to the proposed change in part 25 of the FAR. The commenter notes that some European countries have a maintenance practice allowing servicing of tires at remote sites where dry nitrogen is not available by either ascertaining that the oxygen content stays below 5 percent or requiring that the tire be purged and inflated with dry nitrogen within 15 flight hours after servicing with air. This practice is also allowable under airworthiness directives issued by the FAA addressing existing airplanes. The FAA infers that the commenter is suggesting a change to the final rule to allow servicing with air at remote sites under the above maintenance practice. The FAA does not concur with this suggestion. The cost of supplying dry nitrogen servicing equipment to airports that are not now equipped to service large transport category airplane tires in accordance with this rule was investigated, as were the benefits that would accrue from promulgation of the rule and, as was noted in the preamble to Notice 90–7, it was determined that the ratio of cost versus benefits was favorable. A tire explosion could occur with catastrophic consequences within the 15 allowed hours following servicing a tire with air. Further, this rule does not affect airplanes now flying and the FAA is confident that suitable service facilities can be supplied where needed prior to new airplanes certificated in accordance with this rule becoming operational.

One commenter recommends revising the new § 25.733(e) to state "For an airplane with a maximum certificated takeoff weight of more than 75,000 pounds, means shall be provided for tires mounted on braked wheels to

VOL
58
ISS
37
FE
26
1993
UMI

preclude tire explosions." The commenter states that "The proposed regulation is a design dictate which precludes alternate designs, more economical solutions, or any advancement in the state of the art beyond the 1980's," and notes that the new rule should "not preclude the search for tire inner liners which do not release explosive vapor. It should not preclude solutions which prevent tire temperatures from reaching the temperatures at which outgassing occurs since this would also preclude tire structural damage from overheat." The FAA concurs with the intent of the commenter's suggestion. There is currently no known means to protect transport category airplanes from the hazards associated with tire explosions except through mandatory use of an inert gas for tire inflation. Nevertheless, if a means is found in the future to preclude this hazard, either through the use of different tire materials or via design changes that can be shown to be effective in limiting tire temperatures to safe levels, that means would be acceptable. Section 25.733(e) is changed to reflect such alternative methods of compliance.

This same commenter goes on to state that the proposal "imposes a constraint on design which does not achieve the intended purpose—to ensure that tires are always filled with inert gases during their entire service life." The commenter states that the regulation should address the servicing and maintenance of the aircraft. The FAA infers from this comment that the commenter desires specific wording in the new rule to control maintenance procedures. The FAA does not concur with this comment. The operating rules require that all civil aircraft be operated in accordance with operating limitations specified in the approved Airplane Flight Manual, markings, and placards, or as otherwise prescribed by the certificating authority of the country of registry. Therefore, placing wording to control maintenance procedures in part 25 as suggested by the commenter would be duplicative.

Regulatory Evaluation Summary

This section summarizes the full regulatory evaluation prepared by the FAA that provides more detailed estimates of the economic consequences of this regulatory action. This summary and the full evaluation quantify, to the extent practicable, estimated costs to the private sector, consumers, Federal, State and local governments, as well as anticipated benefits.

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if potential benefits to society for each regulatory change outweigh potential costs. The order also requires the preparation of a Regulatory Impact Analysis of all "major" rules except those responding to emergency situations or other narrowly defined exigencies. A "major" rule is one that is likely to have an annual impact on the economy of $100 million or more, a major increase in consumer costs, or a significant adverse effect on competition.

The FAA has determined that this rule is not "major" as defined in the executive order; therefore, a full Regulatory Impact Analysis, which includes the identification and evaluation of cost-reducing alternatives to this rule, has not been prepared. Instead, the agency has prepared a more concise document, termed a regulatory evaluation, that analyzes only this rule without identifying alternatives. In addition to a summary of the regulatory evaluation, this section also contains the Regulatory Flexibility Determination required by the Regulatory Flexibility Act and an International Trade Impact Analysis. If more detailed economic information is desired, the reader may refer to the full regulatory evaluation contained in the docket.

None of the comments on the NPRM for this amendment addressed the evaluation of costs and benefits, and, accordingly, no resulting changes have been made to the evaluation.

Economic Evaluation

It is likely, for reasons of efficiency and practicality, that since air carriers are currently using inert gas, and inert gas tire inflation equipment and procedures on their existing fleets, they will voluntarily employ the same equipment and procedures on airplanes with new type certificates. Since this rule mandates what is already an existing industry practice, as required by airworthiness directive, actual costs and benefits attributable to the rule are expected to be negligible.

Notwithstanding, the FAA has analyzed potential costs by assuming, as a worst-case scenario, that 5 percent of the affected, newly-certificated airplanes would use compressed air to service their tires in the absence of this rule. The evaluation further assumes that nitrogen inflation equipment could be required at as many as 20 destinations not previously served by U.S. operated, large transport category airplanes.

Technically, none of the four new airplane models that are currently scheduled for delivery between 1992 and 2001 will be subject to the rule since their certification bases were established at the time of application. Therefore, this evaluation considers the succeeding 10-year period, 2002 to 2011, and assumes that the same numbers of new-model airplanes will be delivered during that period as are currently forecast for the 1992 to 2001 period.

The following additional factors were used in determining the potential costs of this rule.

- Bottled nitrogen will cost an average of $0.98 per 100 cubic feet.
- Each tire will require approximately 155 cubic feet of nitrogen over its useful life.
- Nitrogen inflation equipment will cost $780 per unit for bottle carts, hoses and fittings.

Under these assumptions, the present-value equivalence of $1,300 in operating costs and $5,468 in equipment costs could be expended over the period from 2002 to 2011 as a result of this rule.

The primary benefit of the rule is the elimination of any remaining possibility of tire explosions caused by tire inflation with compressed air. The FAA is unable to predict the probability that a tire autoignition accident would occur in the absence of this rule. However, the discounted present value of averting an accident similar to the 1973 crash at Dulles would equal $190,000. If the probability of averting a single noncatastrophic accident is only 3.6 percent ($6,768/$190,000), this rule will prove to be cost beneficial. Accordingly, the FAA believes that the potential benefits of this rule will exceed the potential costs.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by Government regulations. The RFA requires a Regulatory Flexibility Analysis if a rule has a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, establishes threshold cost values and small entity size standards for complying with RFA review requirements in FAA rulemaking actions. Based on these factors, the FAA has determined that this rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Analysis

The provisions of this rule will have little or no impact on trade for both U.S. firms doing business in foreign countries and foreign firms doing business in the United States. In the United States, foreign manufacturers will have to meet the U.S. requirements, and thus would gain no competitive advantage. In foreign countries, U.S. manufacturers are not bound by Part 25 requirements and could, therefore, implement the provisions of this rule solely on the basis of competitive considerations.

Federalism Implication

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612 it is determined that this final rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

Because the requirement to use inert gas in lieu of air for tire inflation is not expected to result in a substantial cost, the FAA has determined that final rule is not major as defined in Executive Order 12291. Because this is an issue which has not prompted a great deal of public concern, this final rule is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). In addition, since there are no small entities affected by this rulemaking, it is certified, under the criteria of the Regulatory Flexibility Act, that this final rule, at promulgation, will not have a significant economic impact, positive or negative, on a substantial number of small entities. A copy of the final regulatory evaluation prepared for this project may be examined in the public docket or obtained from the person identified under the caption **FOR FURTHER INFORMATION CONTACT**.

List of Subjects in 14 CFR Part 25

Air transportation, Aircraft Aviation safety, Safety.

The Amendment

Accordingly, Part 25 of the Federal Aviation Regulations (FAR) (14 CFR Part 25) is amended as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. The authority citation for part 25 is revised to read as follows:

Authority: 49 U.S.C. app. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425, 1428, 1429, 1430; 49 U.S.C. 106(g).

2. By amending § 25.733 by adding a new paragraph (e) to read as follows:

§ 25.733 Tires.

* * * * *

(e) For an airplane with a maximum certificated takeoff weight of more than 75,000 pounds, tires mounted on braked wheels must be inflated with dry nitrogen or other gases shown to be inert so that the gas mixture in the tire does not contain oxygen in excess of 5 percent by volume, unless it can be shown that the tire liner material will not produce a volatile gas when heated or that means are provided to prevent tire temperatures from reaching unsafe levels.

Issued in Washington, DC, on February 22, 1993.

Joseph Del Balzo,

Acting Administrator.

[FR Doc. 93–4506 Filed 2–25–93; 8:45 am]

BILLING CODE 4910–13–M

VOL
58
ISS
37
FE
26
1993
UMI

Read

INFORMA

Federal R
Index, fin
Public ins
Correction
Document
Machine r

Code of F
Index, fin
Printing s

Laws
Public Law
Additiona

Presidenti
Executive
Public Pap
Weekly Co

The Unite
General in

Other Ser
Data base
Guide to R
Legal staff
Privacy Ac
Public Law
TDD for th

FEDERAL

6601–6678.
6679–6874.
6875–7046.
7047–7184.
7185–7476.
7477–7714.
7715–7860.
7861–7952.
7953–8200.
8201–8516.
8517–8690.
8691–8892.
8893–9106.
9107–9516.
9517–10936
10937–1118
11185–1136
11361–1149
11497–1178

Reader Aids

Federal Register

Vol. 58, No. 37

Friday, February 26, 1993

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection desk	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

6601–6678.....1
6679–6874.....2
6875–7046.....3
7047–7184.....4
7185–7476.....5
7477–7714.....8
7715–7860.....9
7861–7952.....10
7953–8200.....11
8201–8516.....12
8517–8690.....16
8691–8892.....17
8893–9106.....18
9107–9516.....19
9517–10936.....22
10937–11184.....23
11185–11360.....24
11361–11496.....25
11497–11782.....26

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive orders:
12800 (Revoked by EO 12836).....7045
12818 (Revoked by EO 12836).....7045
12836.....7045
12837.....8205
12838.....8207
12839.....8515

Administrative Orders:

Memorandums:
January 22, 1993.....7455
January 22, 1993.....7457
January 22, 1993.....7459
January 29, 1993.....8201
February 3, 1993.....8203

Proclamations:
6527.....7477
6528.....8691
6529.....10937
6530.....11361

5 CFR

Proposed Rules:
410.....8912
970.....7052

7 CFR

52.....7607, 11185
246.....11497
301.....8517, 8820, 11090
318.....7953
319.....8524, 11363
907.....7964
908.....7964
911.....8533
915.....7972, 8533
916.....8534
918.....8209
925.....8883
927.....8536
932.....8538
948.....8539
1097.....8679
1099.....6679
1106.....8894
1209.....8194
1477.....9107
1478.....9107
1703.....11507

Proposed Rules:
52.....7296
275.....7296
283.....7296
300.....11383
319.....11383
907.....8912
908.....8912
932.....8558
1001.....10993
1002.....10993
1106.....8559
1139.....7996

9 CFR

78.....11364
94.....11365
124.....11367
161.....8820

Proposed Rules:
317.....8560
381.....8560

10 CFR

19.....7715
20.....7715, 11290
30.....7715
36.....7715
40.....7715
51.....7715
70.....7715
170.....7715
455.....9424

Proposed Rules:
Ch. I.....11389
20.....8560, 11389
30.....6730
40.....6730
50.....6730, 7757
70.....6730
72.....6730
150.....9552

11 CFR

201.....6875

12 CFR

203.....6601
207.....6602
208.....7973
220.....6602
221.....6602
224.....6602
225.....7973
268.....9517
303.....8210
325.....8220
506.....11186
509.....11186
516.....11186
528.....11186
541.....11186
543.....11186
545.....11186
552.....11186
556.....11186
558.....11186
559.....11186
561.....11186
563.....11186
563b.....11186
563e.....11186
567.....11186

571.....11186
579.....11186
580.....11186
607.....10939
611.....6604, 10945
612.....6605
614.....11371
615.....10945
618.....10939
625.....10945
627.....10945
796.....6605
1605.....8220

Proposed Rules:
205.....8714
208.....8007
225.....8007
Ch. III.....6903
900.....8563

13 CFR

121....7479, 9112, 9113, 11372

Proposed Rules:
121.....9131

14 CFR

21.....8222
23.....8222
25.....11778
33.....6875
39.....6703–6707, 6877–6881, 7185, 7479–7482, 7737, 7861, 7862, 7982, 7983, 8224, 8693, 9113–9115, 9117, 11186, 11188, 11190, 11523, 11525,
71.....6709, 6884–6886, 7179, 7484, 7736, 8896, 11373
73.....6884
95.....6887
97.....6709, 6712, 7485, 7746, 10945, 10947

Proposed Rules:
Ch. I.....8244, 8719, 11391
23.....10994
39.....6740, 6742, 6743, 6745, 6746, 6906, 7196, 7494, 7495, 7759, 8719, 8721, 8723, 8914, 8916, 9131, 9133, 9552
61.....7197, 9514
63.....7197
65.....7197
71.....6911, 8244, 8724, 8725, 9134, 11553
93.....7950, 11554
121.....7197, 8917
129.....8917
135.....7197
142.....9514
300.....7040
399.....7053

15 CFR

Proposed Rules:
1200.....8564

16 CFR

4.....7047

Proposed Rules:
Ch. I.....11554
Ch. II....8013, 8016, 8020, 8023
305.....7852
307.....10997
1210.....8565

17 CFR

1.....10949
4.....8226
30.....10953
140.....6677
145.....7040
150.....6854
200.....8541
270.....7984

Proposed Rules:
1.....6748, 7056
3.....6748
10.....6748
145.....6748

18 CFR

3c.....7486
154.....7984
157.....6893
365.....8897
381.....7488, 8897
385.....7984

19 CFR

Proposed Rules:
10.....6677

20 CFR

416.....9597

21 CFR

73.....9539
177.....8820
520.....7864, 8541
522.....8542
1308.....7186

23 CFR

140.....6713

Proposed Rules:
625.....6914
657.....11450
658.....11450

24 CFR

207.....9541
770.....8186
882.....8186
888.....11526
889.....8186
890.....8186
941.....8186

Proposed Rules:
770.....8187
813.....11292
882.....8187, 11292
887.....11292
889.....8187
890.....8187
941.....8187
982.....11292

25 CFR

501.....8449
515.....8449
519.....8449
522.....8449
523.....8449
524.....8449
531.....8449
533.....8449
535.....8449
537.....8449
539.....8449
556.....8449
558.....8449
571.....8449
573.....8449
575.....8449
577.....8449

26 CFR

1.....6678, 7041, 7296, 7747, 7865, 7987, 7988, 8098, 9245, 11099, 11537
602.....6678, 7987, 7988, 9245

Proposed Rules:
1.....6854, 6922, 6923, 7179, 7497, 7845, 8027, 9553, 9597, 10997, 11290
26.....6854, 7497
31.....8726
52.....8099
301.....6854, 7497, 7761, 8098, 9597

27 CFR

Proposed Rules:
9.....8726, 11290

29 CFR

2616.....6605
2617.....6605
2619.....8230
2676.....8231

Proposed Rules:
103.....7199, 10997
402.....9418
403.....9418
2619.....7921
2676.....7921

30 CFR

77.....8543
218.....8907
254.....7489
701.....8655
785.....8655

Proposed Rules:
14.....8028
18.....8028
75.....8028, 9554
700.....11555
785.....11555
827.....11555
870.....7761, 8655

31 CFR

103.....7047

Proposed Rules:
357.....9134

32 CFR

201.....7865
592.....6715
606.....6715
608.....6715
612.....6715
616.....6715
706.....8694, 11191

33 CFR

1.....8884
3.....6716
100.....7492, 8543, 9118
110.....9543
117.....6717, 11192
148.....11192
150.....7330
154.....7330
155.....7376
165.....8543, 9543
334.....6718

Proposed Rules:
117.....6766, 6767, 7497, 7498
154.....8918
155.....8918
165.....7500
334.....6768

34 CFR

8.....7860
206.....11538
305.....9462
628.....11162
682.....9119
770.....11166

Proposed Rules:
300.....7938, 11776
361.....8688, 9458
608.....11158
609.....11158

35 CFR

Proposed Rules:
1191.....6924

37 CFR

301.....8655
304.....7051, 8820
311.....8655
201.....9544

38 CFR

1.....7296

Proposed Rules:
4.....11099

39 CFR

Proposed Rules:
111.....8921
3001.....6769

40 CFR

2.....7187
52....6606, 8545, 10957–10962, 11374
58.....8252
60.....7189
82.....8136, 8820
86.....9468
122.....9404
123.....9404
168.....9062
169.....9062
180....6893, 8695–8699, 11377
232.....8172
233.....8172
257.....9148
260.....8658
261.....6854
264.....8658
265.....8658
266.....6607
268.....8658
270.....8658
271.....6854, 7865, 8232, 8658, 9120, 11539
280.....9026
281.....6894
300.....7189, 7492
305.....7704
403.....9248
501.....9404
503.....9248
721.....7190

Proposed Rules:
Ch. I.....
51.....
52.....7762, 10
54.....
60.....
63.....
80.....
81.....
86.....
112.....
144.....
180.....
191.....
194.....
228.....
260.....
261.....
262.....
264.....
265.....
268.....
270.....
273.....
372.....
700.....
720.....
721.....
723.....
763.....

41 CFR

302–11.....

42 CFR

59.....
435.....
436.....
440.....

Proposed Rules:
59.....
417.....
434.....
1003.....

43 CFR

Public Land O
6956.....
6957.....

44 CFR

64.....

Proposed Rules:
Ch. I.....6609, 7501, 8565, 9554
51.....11110
52.....7762, 8245, 8247, 8565, 10998, 11200, 11556
54.....7870
60.....11709
63.....11201, 11667
80.....11772
81.....7762
86.....11202
112.....8824
144.....7924, 8028
180.....8728, 8729
191.....7924, 8028
194.....8029
228.....10999
260.....8102
261.....6925, 8102, 8504
262.....8102
264.....8102
265.....8102
268.....8102
270.....8102
273.....8102
372.....6609, 11002
700.....7646
720.....7661
721.....7676
723.....7646, 7679
763.....8926

41 CFR

302–11.....8547

42 CFR

59.....7462
435.....9120
436.....9120
440.....9120

Proposed Rules:
59.....7464
417.....8568
434.....8568
1003.....8568

43 CFR

Public Land Order:
6956.....6719
6957.....7867

44 CFR

64.....9121, 11193
65.....8551–8553, 11540, 11542
67.....8549, 11556

Proposed Rules:
67.....8568, 11556

45 CFR

303.....7040
1626.....6608

Proposed Rules:
1607.....6611
1609.....6612

46 CFR

525.....10983
530.....10983
571.....7190
586.....7988

Proposed Rules:
315.....9135
502.....7199
505.....7199
510.....7199
514.....7501
540.....7199

47 CFR

0.....9123, 11549
1.....6895, 8701, 9128
13.....9123
61.....7867, 8908
64.....11195
69.....7867, 8908, 9550
73.....7194, 7195, 7869, 8233–8235, 11196, 11197
76.....7990

Proposed Rules:
Ch. I.....6937, 7062, 8248, 8927, 8928
1.....8731
2.....6769, 8731
15.....6769, 7205
43.....7764
64.....9137, 11195
69.....11203
73.....6677, 7874, 7875, 8248, 11196, 11197
76.....7205, 7875
88.....8731
90.....8731
94.....8731

48 CFR

Ch. 20.....8449
552.....8235
701.....8701
706.....8701
716.....8701
719.....8701
726.....8701
733.....8701
752.....8701
925.....8909
952.....8909

Proposed Rules:
Ch. 53.....6771

49 CFR

1.....6896–6898
9.....6719
107.....10985
171.....6864, 10985
172.....6864, 8820
173.....6864
174.....6864
176.....6864
198.....10985
229.....6899
390.....6726
394.....6726
665.....10989, 11549
821.....11379
826.....11379
1002.....7748
1004.....11549
1017.....7748
1018.....7748
1312.....7748
1313.....7748
1314.....7748

Proposed Rules:
40.....7197, 7506
199.....7197
213.....8928
217.....7197
219.....7197
350.....7197
382.....7197
383.....7197
391.....7197
392.....6937, 7197
395.....6937, 7197
531.....6939
571.....7206, 7506, 11003, 11009, 11562
572.....7506
611.....6948
653.....7197
654.....7197
1039.....8030
1056.....8912
1180.....8612

50 CFR

17.....8235, 11550
217.....8554
227.....8554
611.....8703
625.....8557, 11381
642.....10990, 11198
650.....7040
652.....11198
675.....7040, 8703–8712, 9129, 11199, 11381

Proposed Rules:
17.....8032, 8249, 8250, 11579
226.....7206
301.....9138
663.....7525
672.....6677

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last List February 11, 1993

ELECTRONIC BULLETIN BOARD

Free **Electronic Bulletin Board** service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

VOL
58
ISS
37
FE
26
1993
UMI

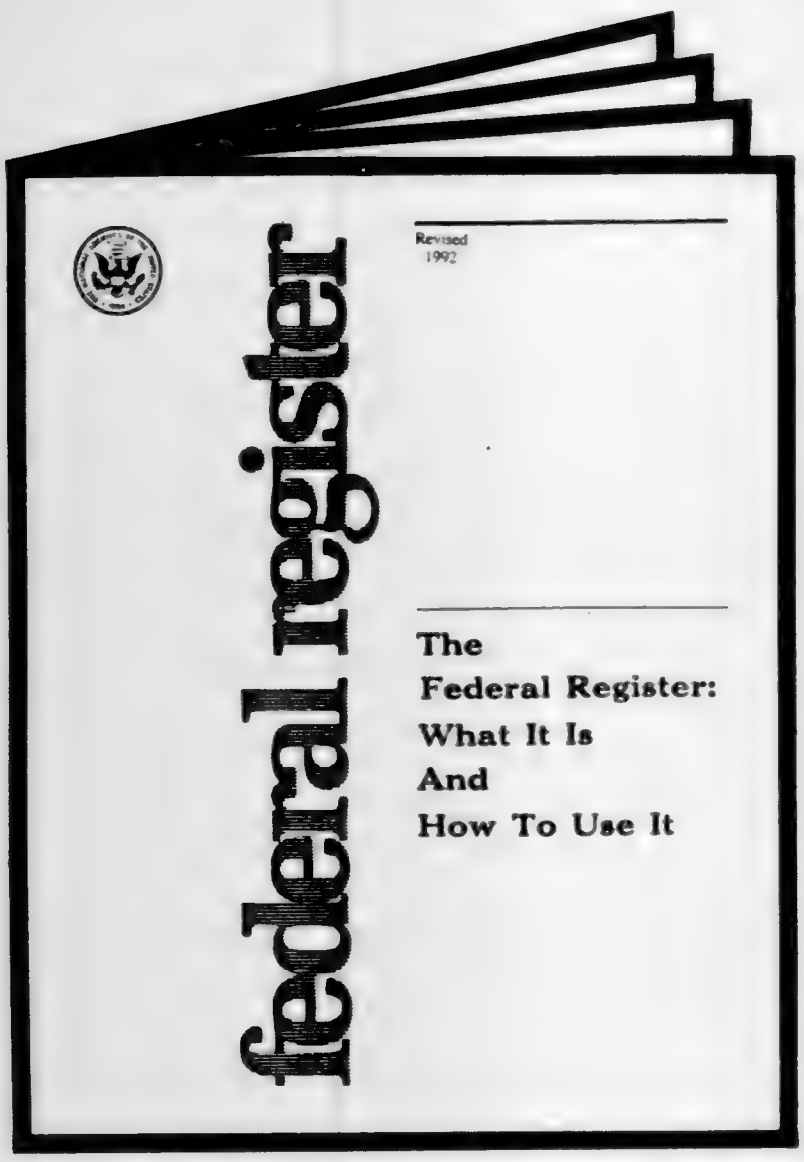

Announcing the Latest Edition

The Federal Register: What It Is and How to Use It

A Guide for the User of the Federal Register—Code of Federal Regulations System

This handbook is used for the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide guidelines for using the *Federal Register* and related publications, as well as an explanation of how to solve a sample research problem.

Price $7.00

Superintendent of Documents **Publications** Order Form

P3

Order processing code:
*6173

☐ **YES**, please send me the following:

Charge your order. It's Easy! MasterCard VISA

To fax your orders (202)-512-2250

_____ copies of **The Federal Register - What It Is and How To Use It**, at $7.00 per copy. Stock No. 069-000-00044-4

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

(Company or Personal Name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(Daytime phone including area code)

(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐☐–☐☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐ (Credit card expiration date)

Thank you for your order!

(Authorizing Signature) (Rev 1-93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

Wou to k

if any ch Code of documer Federal Federal may wis *(List of C Federal*

LSA • List

The LS is des Federa actions The LS Entries such a $21.00

Federal Re

The in daily F cumul primar agenci as cro $19.00

A finding Federal in the Fe

Order Processing Code *5351

☐ Y ☐ ☐

1. The tota Internat

Please Typ

2. _____ (Compan

_____ (Addition

_____ (Street ad

_____ (City, Sta

(_____ (Daytime

4. **Mail To**

Would you like to know...

if any changes have been made to the Code of Federal Regulations or what documents have been published in the Federal Register without reading the Federal Register every day? If so, you may wish to subscribe to the *LSA (List of CFR Sections Affected)*, the *Federal Register Index*, or both.

LSA • List of CFR Sections Affected

The LSA (List of CFR Sections Affected) is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. The LSA is issued monthly in cumulative form. Entries indicate the nature of the changes—such as revised, removed, or corrected.
$21.00 per year

Federal Register Index

The index, covering the contents of the daily Federal Register, is issued monthly in cumulative form. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.
$19.00 per year.

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register

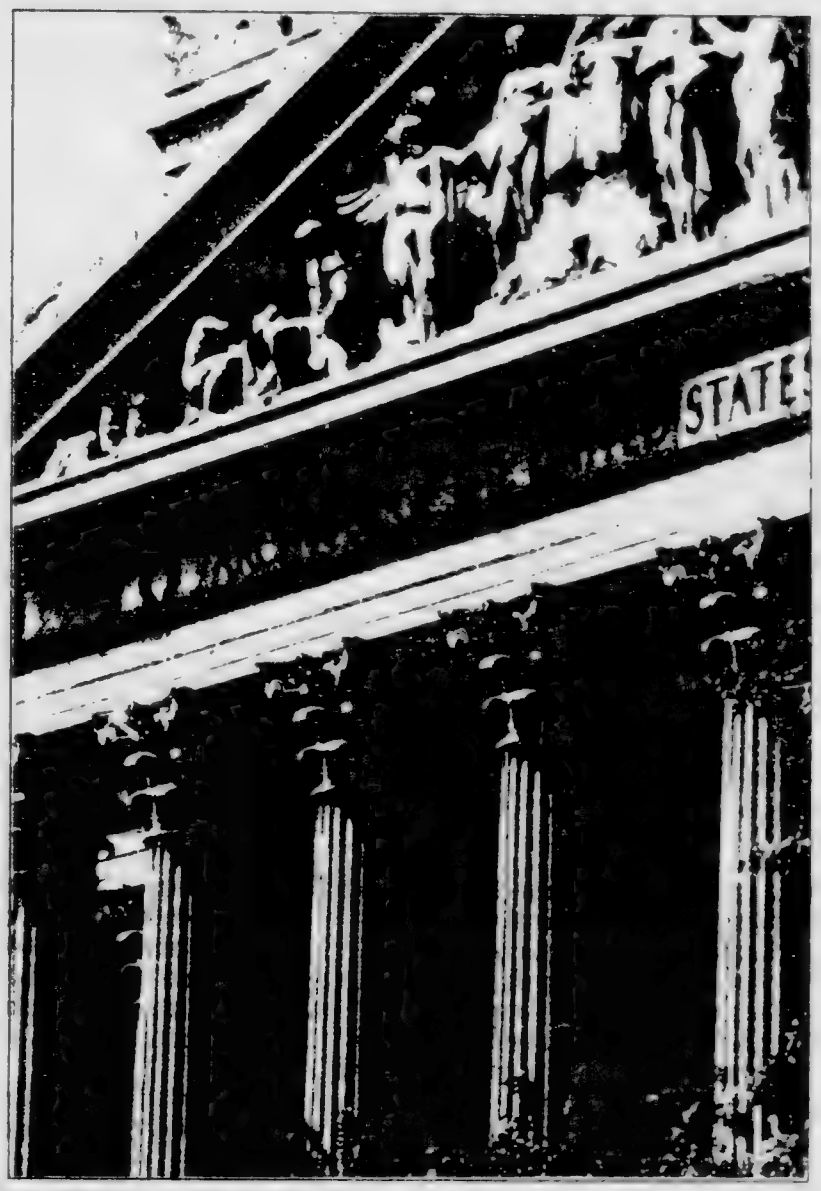

Superintendent of Documents Subscriptions Order Form

Order Processing Code
*5351

Charge your order. It's easy!

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please send me the following indicated subscriptions:

☐ LSA • List of CFR Sections Affected—one year as issued—$21.00 (LCS)

☐ Federal Register Index—one year as issued—$19.00 (FRSU)

1. The total cost of my order is $_____ . All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____)
_____
(Daytime phone including area code)

3. **Please choose method of payment:**

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

(Rev. 10/92)

4. **Mail To:** Superintendent of Documents, Government Printing Office, Washington, DC 20402-9371

May we make your name/address available to other mailers? ☐ ☐
P.O. Box 371954, Pittsburgh, PA 15250-7954

VOL
58
ISS
37
FE
26
1993
UMI

The authentic text behind the news . . .

The Weekly Compilation of **Presidential Documents**

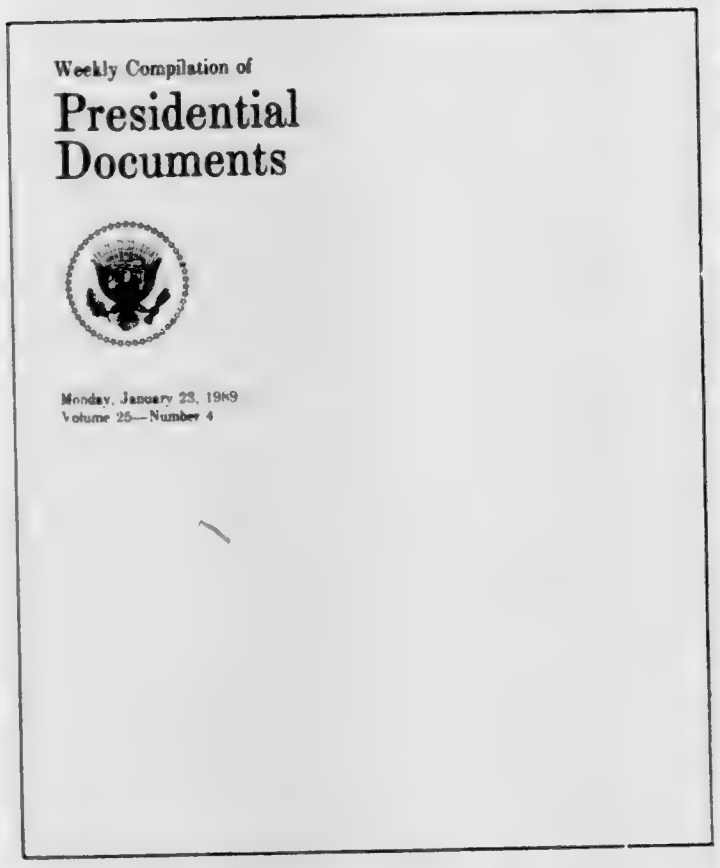

This unique service provides up-to-date information on Presidential policies and announcements. It contains the full text of the President's public speeches, statements, messages to Congress, news conferences, personnel appointments and nominations, and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. Each issue contains an Index of Contents and a Cumulative Index to Prior Issues.

Separate indexes are published periodically. Other features include lists of acts approved by the President, nominations submitted to the Senate, a checklist of White House press releases, and a digest of other Presidential activities and White House announcements.

Published by the Office of the Federal Register, National Archives and Records Administration.

Superintendent of Documents Subscriptions Order Form

Order Processing Code:
*6466

Charge your order. It's easy! MasterCard VISA

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please enter my subscription for one year to the **WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS (PD)** so I can keep up to date on Presidential activities.

☐ $96.00 First Class ☐ $58.00 Regular Mail

1. The total cost of my order is $_____ All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____)
(Daytime phone including area code)

3. **Please choose method of payment:**
☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

4. **Mail To: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954**

Order Processing Code:
*6962

Please Type or
Prices include
Information De

Qty.	St
1	021-602

(Company or per

(Additional addre

(Street address)

(City, State, ZIP

(Daytime phone i

Mail order to:
New Orders, Sup
P.O. Box 371954,

New Publication

List of CFR Sections Affected

1973-1985

A Research Guide

These four volumes contain a compilation of the "List of CFR Sections Affected (LSA)" for the years 1973 through 1985. Reference to these tables will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Volume I (Titles 1 thru 16) $27.00
Stock Number 069-000-00029-1

Volume II (Titles 17 thru 27) $25.00
Stock Number 069-000-00030-4

Volume III (Titles 28 thru 41) $28.00
Stock Number 069-000-00031-2

Volume IV (Titles 42 thru 50) $25.00
Stock Number 069-000-00032-1

Superintendent of Documents **Publications** Order Form

Order Processing Code:
*6962

Charge your order. It's easy!

To fax your orders and inquiries – (202) 512-2250

Please Type or Print (Form is aligned for typewriter use.)

Prices include regular domestic postage and handling and are good through 12/92. After this date, please call Order and Information Desk at 202-783-3238 to verify prices. International customers please add 25%.

Qty.	Stock Number	Title	Price Each	Total Price
1	021-602-00001-9	Catalog–Bestselling Government Books	**FREE**	**FREE**
			Total for Publications	

(Company or personal name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

( )
(Daytime phone including area code)

Mail order to:
New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

Please Choose Method of Payment:

☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

(Credit card expiration date) ***Thank you for your order!***

(Signature)

Microfiche Editions Available

(Signature)

4. Mail To: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954

VOL
58

ISS
37

FE
26

1993

UMI

Public Laws

103d Congress, 1st Session, 1993

Pamphlet prints of public laws, often referred to as slip laws, are the initial publication of Federal laws upon enactment and are printed as soon as possible after approval by the President. Legislative history references appear on each law. Subscription service includes all public laws, issued irregularly upon enactment, for the 103d Congress, 1st Session, 1993.

(Individual laws also may be purchased from the Superintendent of Documents, Washington, DC 20402-9328. Prices vary. See Reader Aids Section of the Federal Register for announcements of newly enacted laws and prices).

Superintendent of Documents Subscriptions Order Form

63

Order Processing Code:
* 6216

Charge your order.
It's Easy!
VISA
To fax your orders (202) 512-2233

☐ **YES**, enter my subscription(s) as follows:

_____ subscriptions to **PUBLIC LAWS** for the 103d Congress, 1st Session, 1993 for **$156 per subscription.**

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

_____
(Company or Personal Name) (Please type or print)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

_____
(Daytime phone including area code)

_____
(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
☐☐☐☐ (Credit card expiration date)

Thank you for your order!

_____
(Authorizing Signature) 4/93

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

M
Fede
The F
24x m
subscr
class
Federa
(List o
Cumul
mailed
Code
The Co
compris
and rev
quarter
microfic
year's v
subscri
Micro
Feder
One ye
Six mo
Code
Current
Order Processing
* 53
1. The t
Inter
Please
2. _____
(Com
(Addi
(Stree
(City,
(
(Dayt
4. Mail

Public Papers

P.O. Box 371954, Pittsburgh, PA 15250-7954

Microfiche Editions Available...

Federal Register

The Federal Register is published daily in 24x microfiche format and mailed to subscribers the following day via first class mail. As part of a microfiche Federal Register subscription, the LSA (List of CFR Sections Affected) and the Cumulative Federal Register Index are mailed monthly.

Code of Federal Regulations

The Code of Federal Regulations, comprising approximately 200 volumes and revised at least once a year on a quarterly basis, is published in 24x microfiche format and the current year's volumes are mailed to subscribers as issued.

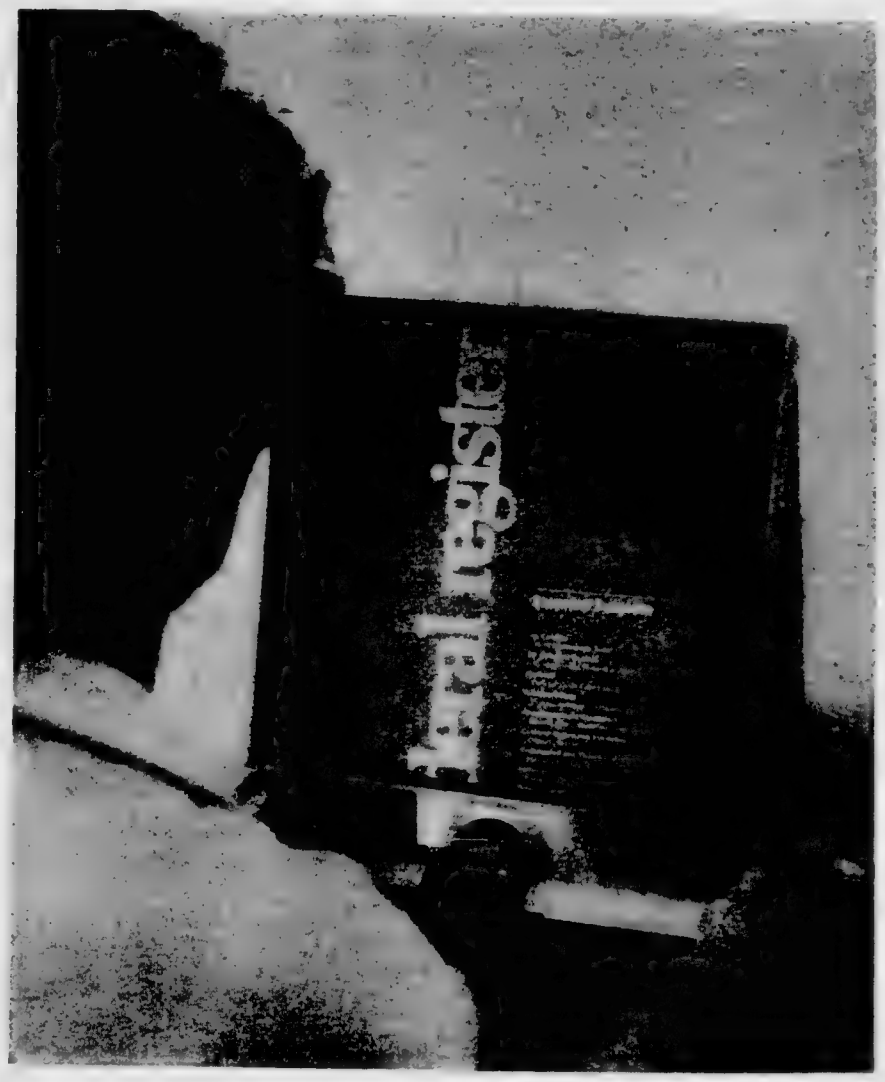

Microfiche Subscription Prices:

Federal Register:

One year: $353.00
Six months: $176.50

Code of Federal Regulations:

Current year (as issued): $223.00

Superintendent of Documents Subscriptions Order Form

Order Processing Code
*** 5348**

Charge your order. It's easy! MasterCard VISA

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please send me the following indicated subscriptions:

24x MICROFICHE FORMAT:

_____ **Federal Register:** _____ One year: $353.00 _____ Six months: $176.50

_____ **Code of Federal Regulations:** _____ One year: $223.00

1. The total cost of my order is $_____ . All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____) _____
(Daytime phone including area code)

3. Please choose method of payment:

☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

4. Mail To: Superintendent of Documents, Government Printing Office, Washington, D.C. 20402-9371 (Rev. 10/92)

VOL 58 ISS 37 FE 26 1993 UMI

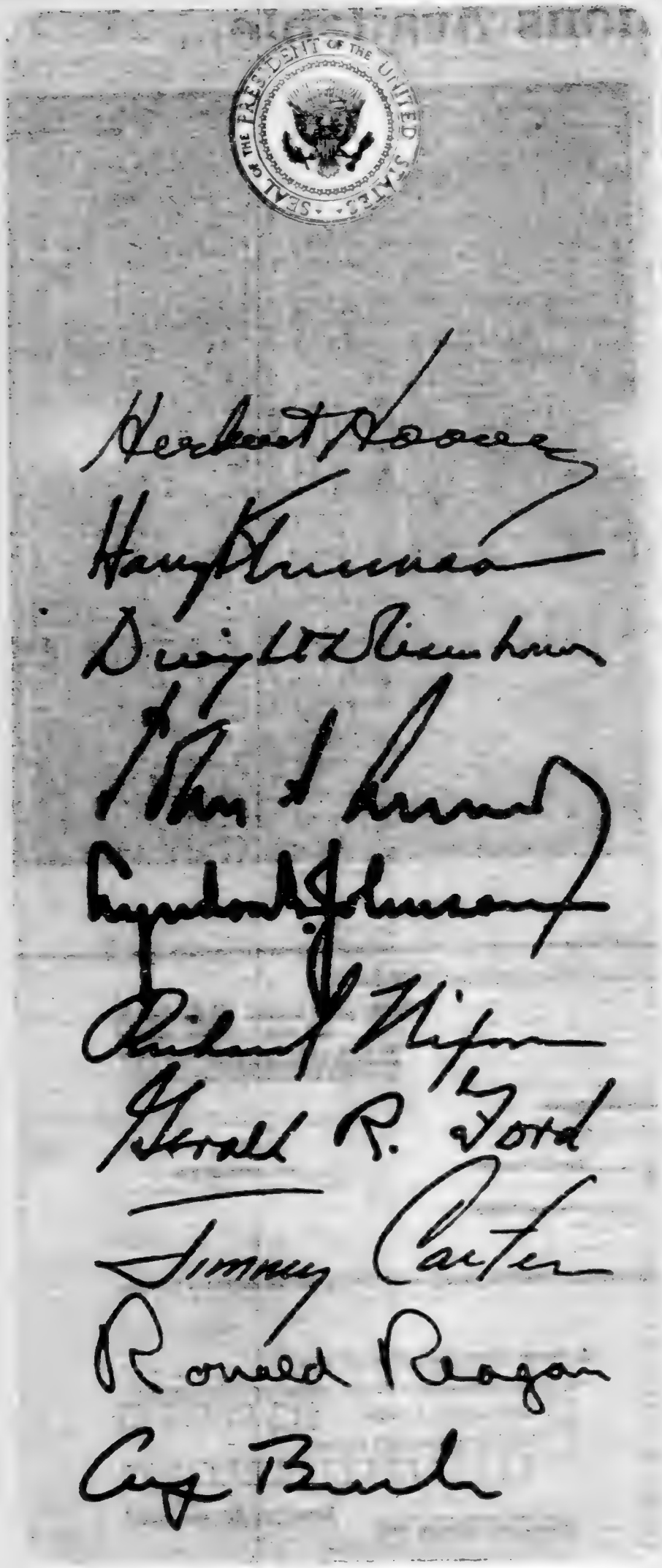

Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are available; other volumes not listed are out of print.

Ronald Reagan

1983 (Book I) $31.00

1983 (Book II) $32.00

1984 (Book I) $36.00

1984 (Book II) $36.00

1985 (Book I) $34.00

1985 (Book II) $30.00

1986 (Book I) $37.00

1986 (Book II) $35.00

1987 (Book I) $33.00

1987 (Book II) $35.00

1988 (Book I) $39.00

1988–89 (Book II) $38.00

George Bush

1989 (Book I) $38.00

1989 (Book II) $40.00

1990 (Book I) $41.00

1990 (Book II) $41.00

1991 (Book I) $41.00

1991 (Book II) $44.00

Published by the Office of the Federal Register, National Archives and Records Administration

Mail order to:
New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250–7954

(Rev. 2/93)

ers

tes

ages
er
se.

ilable; other

Bush

.....$38.00

.....$40.00

.....$41.00

.....$41.00

.....$41.00

.....$44.00

egister, National

Documents
15250–7954

VOL
58

ISS
37

FE
26

1993

UMI

Printed on recycled paper

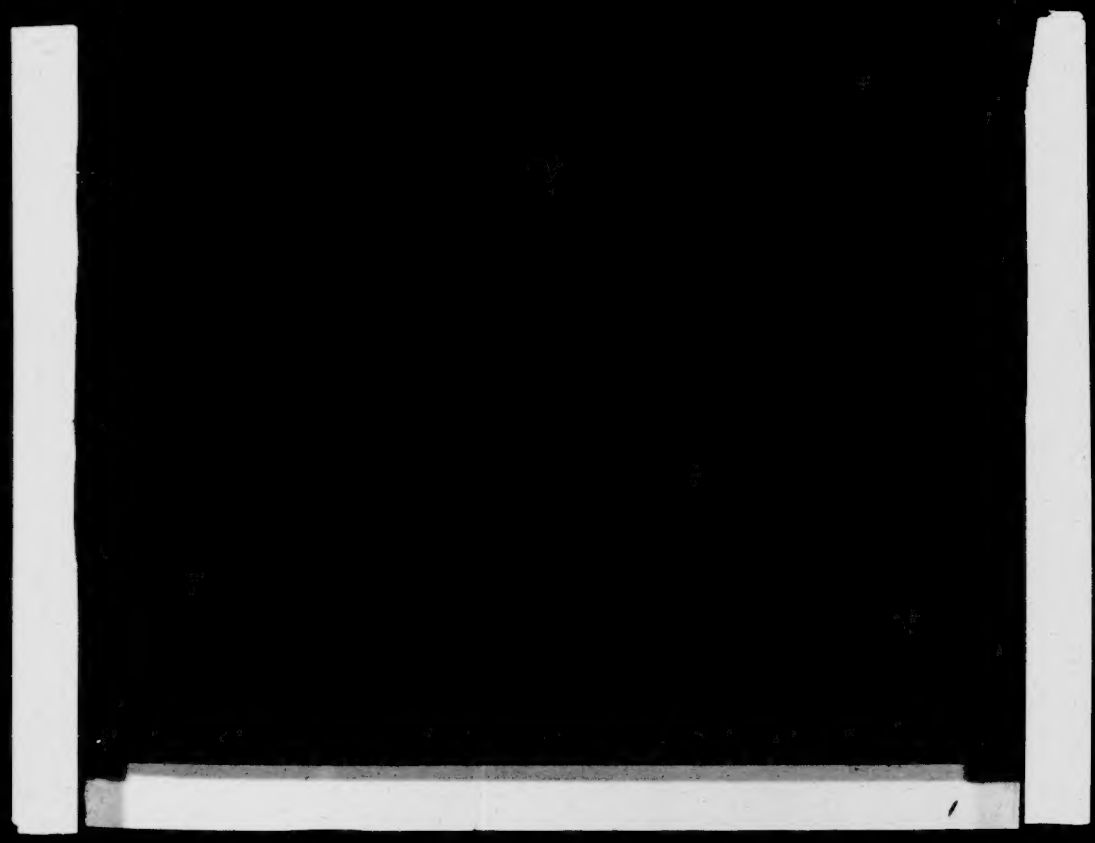

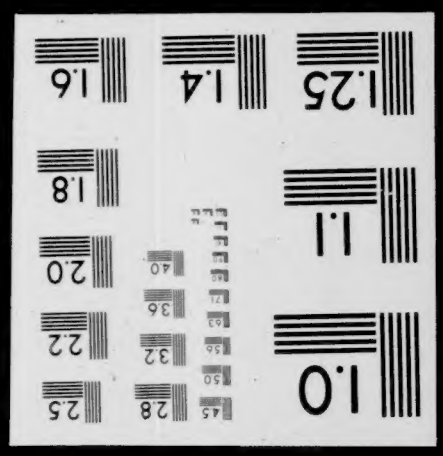
1.25
1.4
1.6
1.1
1.0
1.8
2.0
2.2
2.5
28
32
36
40
45
50
56
63
71
80

END